



City Council Agenda 04/18/2017

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held on April 18, 2017 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. Prayer and Pledge

3. Proclamations/Recognitions

- a. Recognition of the San Angelo River Walk being named a "Great Place in Texas" by the State Chapter of the American Planning Association
- b. Recognition of the Concho Valley Transit District's Outstanding Rural Transit System Award
- c. Proclamation declaring April 2017 as "Sexual Assault Awareness & Prevention Month"
- d. Proclamation declaring April 27, 2017, as "Beta Sigma Phi Day"
- e. Proclamation declaring May 19, 2017, "Put On Purple Day"

4. Public Comment

Issues or items that are not on the agenda may be raised by the public at this time. Citizens should speak from the podium, begin by stating their name and limit remarks to less than three minutes. Council members may request that a discussed item be placed on a future agenda. The Council takes public comment on all Regular Agenda items during the discussion of those items.

5. Consent Agenda

- a. Consider approving the April 4, 2017 City Council regular meeting minutes (B.Kendrick)
- b. Consider a resolution authorizing applicant, Simply Texas Blues Festival Committee, to hold a special event downtown, known as, "Simply Texas Blues Festival," permitting specified activities; imposing requirements on applicant; and granting variances relating to rules and regulations of ordinances (C. White)
- c. Consider authorizing the City Manager or his designee to execute a month to month airport lease and license agreement and related documents with Ranger Aviation Enterprises, Inc. in the amount of \$3,301 monthly/\$39,612 annually (L.Elguetzabal)
- d. Consider a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the city and all taxing units in the Tax Foreclosure Judgment or Tax Warrant to the following properties (C. Preas):
 - 1. 2105 Lillie St; N85.5' of S225' of Block 8, E S Kirby Addition; Chavez (\$2,150)
 - 2. 1710 McGlothlin; Lot 13, Block 2, Summit Heights Addition; Martinez (\$3,000)

- e. Consider declaring the remnant of Lot 1, Block 4, Ben Ficklin Addition No. 1, purchased for roadway use, surplus for the purpose of disposing of surplus property for the fair market value and authorizing the City Manager to execute all documents necessary to convey the surface estate only in the surplus property by Special Warranty Deed to the adjacent property owner, reserving unto the City of San Angelo all mineral interests, surface and ground water rights (C.Preas)
- f. Consider a resolution conditionally approving assignment of the lease agreement pertaining to 28 acres of City owned land and meat processing facility by San Angelo Packing Company, Inc. to Robinson Premium Beef, LLC dated July 18, 2014; authorizing the City Manager to execute an amendment to the lease agreement (R.Pena)
- g. Consider approval of annual recertification for Galilee Community Development Corporation as a Community Housing Development Organization(CHDO) - (B.Salas)
- h. Second reading and consider adopting an ordinance amending Appendix A "Fee Schedule", Article A6.000, "Parks Use Fees"; by renaming said Article "Parks and Recreation Fees"; adding Section A6.005 "Park Facility and Activity Fees" (Presentation by Budget Manager Morgan Chegwidden)
- i. Second reading and consider adopting an ordinance amending the 2016-2017 budget for capital projects (M.Chegwidden)

6. Regular Agenda

- a. Consider an appeal of the denial of a City Taxi Permit (Appeal by Lola Luthe)
- b. Annual presentation by San Angelo Community Medical Center on the state of the Employee Wellness Program - (Presentation by Sheryl Pfluger, Janet Charlesworth and Mary Solomon)
- c. First reading and consider adopting an ordinance amending Chapter 7 "Health and Sanitation" Sections 7.05.006 "Prohibition of Smoking in Outdoor Sports Areas" and 7.05.008 "Where Smoking not Regulated", providing for severability and an effective date - (Presentation by Parks & Recreation Director Carl White)
- d. Public hearing and second reading of an ordinance regarding the voluntary annexation of 17.192 acres generally located south of U.S. Highway 67 and west of Southland Boulevard at the end of Willeke Drive and Pinon Ridge Drive - (Presentation by Planning & Development Services Director Jon James)
- e. First Reading and public hearing for Case Z17-01, an Ordinance approving a request for a rezoning from the Ranch and Estate Zoning District (R&E) to the Single-family Residential (RS-1) Zoning District, generally located west of Willeke and Pinon Ridge Drives, west of the Prestonwood residential development, on 17.192 acres. (Presentation by Planning & Development Services Director Jon James)

- f. First Reading and public hearing for Case SU17-02, an Ordinance approving a request for a Special Use to allow for Retail Sales and Service; Industrial Service; and Wholesale Trade, in the Neighborhood Commercial (CN) Zoning District, generally located at the southeast corner of the Houston Harte Expressway Frontage Road (Ellis Street) and Montague Avenue, on 4.651 acres. (Presentation by Planning & Development Services Director Jon James)
- g. First Reading and public hearing for Case Z17-02, an Ordinance approving a request for a rezoning from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, generally located at the north/northwest corner of West 17th Street and North Bryant Boulevard (U.S. 87), on 0.345 acres. (Presentation by Planning & Development Services Director Jon James)
- h. First Reading and public hearing for Case SU17-01, an Ordinance approving a request for a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District, generally located at the north/northwest corner of West 17th Street and North Bryant Boulevard (U.S. 87), on 0.345 acres. (Presentation by Planning & Development Services Director Jon James)
- i. First Reading and public hearing of an Ordinance approving a request for the vacation and abandonment of all of the east-to-west public alley located in Block 1, Rio Vista Addition, consisting of approximately 0.064 acres (2,794 square feet), generally located 124 feet north of Paint Rock Road, emanating westward from the west right-of-way line of Jordan Street. (Presentation by Planning & Development Services Director Jon James)
- j. First public hearing and consideration of an Ordinance amending the Land Development and Subdivision Ordinance to allow for the submittal of plat applications in accordance with a published schedule and to allow for variances to two provisions that are currently not variable regarding street access to a Manufactured Home Park, Mobile Home Park, and Recreational Vehicle Park and regarding the restriction of dead-end streets not providing exclusive frontage to more than 40 lots or tracts of land. (Presentation by Planning & Development Services Director Jon James)
- k. First public hearing and consideration of an Ordinance amending the Zoning Ordinance, Article 5, Sections 501 and 804 establishing a definition and creating development standards for Industrialized Housing (i.e. Modular Homes). (Presentation by Planning & Development Services Director Jon James)
- l. Presentation and update on the development review process and software implementation. – (Presentation by Planning & Development Services Director Jon James)
- m. Discussion on water fund performance including: 1) Update of the five year rate plan and 2) Consideration of the possibility of issuing rebates of water fees – (Presentation by Budget Manager Morgan Chegwidden)
- n. Update on Sales Tax revenue performance - (Presentation by Finance Director Tina Dierschke)

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(1)(A) consult with attorney when the governmental body seeks the advice of its attorney about pending or contemplated litigation regarding:
 - 1. 2013 Sealcoating Program Contract
 - 2. Templeton Construction, Inc.
 - 3. Alsay, Inc.
 - 4. City of San Angelo v. Spillman Technologies, Inc.

8. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session, if needed
- b. Consider approving various Board nominations:
 - Animal Shelter Advisory Committee:** Mo Soupiset (SMD5) to a 1st full term ending in January 2019; Bradley Petty (SMD6) to a 2nd full term ending in January 2019; and Victor Schulze (Mayor) to a 1st full term ending in January 2019
 - Civic Events Board:** Tim Condon (SMD2) to a 2nd full term ending October 2019; and Donald Barnhardt (SMD6) to a 1st full term ending October 2019.
 - Construction Board:** Bill Ford (SMD2/Commercial Building Contractor) to a 1st full term ending February 2019; and Lyndon Butler (SMD6) to a 1st full term ending February 2019,
 - COSADC:** Tommy Hiebert (SMD2) to a 2nd full term ending February 2019
 - Design and Historic Review Commission:** Henry Schmidt (SMD6) to a first full term ending September 2019
 - Park & Recreation Advisory Board:** Michael Perry (SMD4) to a 1st full term ending December 2018
 - Zoning Board:** David Morales (SMD4) to a first full term ending January 2019
- c. Announcements and consideration of Future Agenda Items

9. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, on the 12th day of April 2017, at 2:00 p.m.

Bryan Kendrick, City Clerk

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

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

City Council meetings are broadcast on Channel 17-Government Access at 10:30 A.M. and 7:00 P.M. every day for two weeks beginning on the Thursday after each meeting.

Recognition

The whole state now knows what San Angelo has for years: The Concho River Walk is one of the Great Places in Texas.

The American Planning Association has officially designated the River Walk as one of its inaugural six Great Places in Texas. The program spotlights locales that exemplify exceptional character and highlight how great planning helps create communities of lasting value. Among the five other 2017 honorees are streets, neighborhoods and public spaces, including Fredericksburg's Main Street and Downtown McKinney.

The selection committee was impressed with the investment San Angelo made to develop space along the Concho River that promotes social interaction and a sense of community. Voters approved spending more than \$15 million dollars in half-cent sales tax revenue to beautify and enhance the River Walk. Today, this four-mile stretch boasts a wide range of popular amenities. They include paddle-boating, kayak launches, putt-putt golf, public art, workout equipment, and extensive parks and trails. The River Walk also hosts the annual River Fest each September.

Therefore, I, Dwain Morrison, Mayor of the City of San Angelo, on behalf of the City Council, do hereby recognize and applaud those who were instrumental in the enhancement of the

Concho River Walk

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

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 18th day of April, 2017.

Dwain Morrison
Mayor of the City of San Angelo

Recognition

The Concho Valley Transit District has earned the Outstanding Rural Transit System Award from the Texas Transit Association. The Concho Valley Transit District was recognized during the 2017 Rodeo for its innovative practices and improvements in making services more efficient for riders.

Under the supervision of Vince Huerta of McDonald Transit, the CVTD has begun making waves in the Concho Valley. The organization has set high priorities for safety, reliability and customer service. The CVTD has implemented a dynamic operator training, centralized dispatching, implemented a rural bus pass system and introduced regional clustering for maximum efficiency – all within a little more than a year.

The CVTD is a program operated by the Concho Valley Council of Governments that serves as a rural transit district for 12 counties surrounding San Angelo. In 2006, the Concho Valley Transit District assumed responsibility from the City of San Angelo to provide public transportation for San Angelo and the surrounding area. The goals of the CVTD are to continue engaging with the public, educating staff and setting high standards within the transit community. For those wanting to learn more about the Concho Valley Transit District and its services, I commend to them cvtd.org.

Therefore, I, Dwain Morrison, Mayor of the City of San Angelo, on behalf of the City Council, do hereby recognize and applaud the

Concho Valley Transit District

for its achievement and positive determination to make a difference in our community.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 18th day of April, 2017.

Dwain Morrison
Mayor of the City of San Angelo

Proclamation

Sexual Assault Awareness & Prevention Month calls attention to the fact that sexual violence is widespread and impacts every person in this community

Rape, sexual assault, and sexual harassment harm our community , and statistics show that nationally, one in five women and one in 71 men will be raped at some point in their lives (Black et al., 2011)

Child sexual abuse prevention must be a priority to confront the reality that one in six boys and one in four girls nationally will experience a sexual assault before age 18 (Dube et al., 2005)

Young people experience heightened rates of sexual violence, and youth ages 12-17 were 2.50 times as likely to be victims of rape or sexual assault (Snyder & Sickmund, 2006)

Nationally, on campus, one in five women and one in 16 men are sexually assaulted during their time in college (Krebs, Lindquist, Warner, Fisher, & Marin, 2007)

The theme of this year's Sexual Assault Awareness & Prevention Month's campaign is, "Engaging New Voices." The campaign calls on new partners and community members to help promote healthy relationships, equality, and respect.

***NOW, THEREFORE,** I Dwain Morrison, Mayor of the City of San Angelo, Texas on behalf of the City Council, do hereby proclaim the month of May, 2017 as*

"Sexual Assault Awareness & Prevention Month"

I join advocates and communities across the country in taking action to prevent sexual violence. April is Sexual Assault Awareness & Prevention Month, and each day of the year is an opportunity to create change for the future.

***In Witness Whereof,** I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 18th of April, 2017.*

Dwain Morrison
Mayor of the City of San Angelo

Proclamation

In honor of Beta Sigma Phi, the world's largest Greek-letter women's service, cultural and social organization with many chapters in the City/State of San Angelo, Texas, the day of April 27, 2017 has been designated Beta Sigma Phi Day

Beta Sigma Phi is an organization that has grown to include more than 15,000 members representing more than 10 countries across the world; a group of women who have worked for nearly every known charitable, health and cultural organization, raising money and donating time and effort to those in need everywhere

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

It is sincerely believed to be a worthwhile act that would benefit its many members around the world, with a lifetime of association with the finest people

Now, THEREFORE, I Dwain Morrison, Mayor of the City of San Angelo, and in behalf of the City Council, do hereby proclaim April 27, 2017 as

"BETA SIGMA PHI DAY"

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 18th day of April, 2017

Dwain Morrison
Mayor of the City of San Angelo

Proclamation

An estimated 1.5 million Americans suffer from Lupus, the chronic inflammatory, autoimmune disease that can effect various parts of the body, especially the skin, joints, blood and kidneys

Lupus can be difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the causes and consequences

The Lupus Foundation of America, Lone Star Chapter is part of a national force devoted to solving the cruel mystery of lupus while providing caring support to those who suffer from its brutal impact

The Chapter rallied the City of San Angelo community to wear the color purple and to further unify the support for those living with the disease

Awareness is vital in raising funds for research for those affected by lupus; and it is our responsibility as a community to advocate on their behalf and to further encourage educational programs so everyone affected by lupus can have an improved quality of life

NOW, THEREFORE, I Dwain Morrison, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim May 19, 2017 as

"PUT ON PURPLE DAY"

throughout the City of San Angelo and urge all citizens to support the cause of raising awareness of lupus, so that we can have a world with NO lupus.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 18th day of April, 2017.

Dwain Morrison
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, April 4, 2017

Present:

Mayor Dwain Morrison
Mayor Pro tem Charlotte Farmer, SMD 6
Council Member Marty Self, SMD 2
Council Member Harry Thomas, SMD 3
Council Member Lucy Gonzales, SMD 4
Council Member Lane Carter, SMD 5

1. Call to Order

With a quorum of the City Council Members present, Mayor Morrison called the regular session of the San Angelo City Council to order at 8:35 a.m. on Tuesday, April 4, 2017, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Prayer and Pledge

An invocation was provided by Tommy Richardson, Senior Pastor of Immanuel Baptist Church; and the pledges were led by kids from the Preschool Program for Children with Disabilities Class (PPCD) at Austin Elementary School.

As part of Mayor Morrison's program to showcase local musician talent Darren Morrison and Alicia Lown performed three songs.

3. Proclamations/Recognitions

The Central High School Speech & Debate team was recognized as state and national qualifiers

April 2-8, 2017 was proclaimed as "Crime Victims' Rights Week"

April 3-9, 2017 was proclaimed as "National Public Health Week"

April 2017 was proclaimed as "Alcohol Awareness Month"

April 2017 was proclaimed as "Autism Awareness Month"

April 2017 was proclaimed as "I Chose Angelo State Month"

April 2017 was proclaimed as "Police Officers and Firefighters Appreciation Month"

4. Public Comment

No public comments were made.

5. Consent Agenda

a. Approval of the:

1. March 7, 2017 City Council Regular Meeting minutes;
2. March 21, 2017 City Council Regular Meeting minutes; and
3. March 27, 2017 City Council Special Meeting minutes

b. Approval of authorizing the Fire Department to participate in the 2017 Muscular Dystrophy Association Fill the Boot Campaign

c. Approval of authorizing the City Manager to renew 57 recreational and agricultural leases with current leaseholders

- d. Approval of authorizing the City Manager to enter into new Recreational Lease agreement with the following tenant:
James; 2763 Red Bluff Road; being approximately 0.45 acres out of G Maurer A-1649 S-0182
- e. Approval of authorizing the sale of the following Lake Nasworthy properties to current residential lot lease holders for the appraised values:
 - 1. 1522 S Concho Dr; Lot 19, Block 1, Group South Concho, Lake Nasworthy Addition; \$83,633
 - 2. 1607 Turtle Dr; Lot 68, Block 5, Section 1, Group Shady Point, Lake Nasworthy Addition; \$27,700
 - 3. 2013 Willow Dr; Lot 5. Block 1, Group 13, Lake Nasworthy Addition; \$103,300
 - 4. 2354 Fishermans Rd; Lot 14, Group 15, Lake Nasworthy Addition; \$85,800
 - 5. 2890 Red Bluff Circle; Lot 38, Group Red Bluff, Lake Nasworthy Addition; \$123,000
 - 6. 3009 Red Bluff Circle; Lot 57, Group Red Bluff, Lake Nasworthy Addition; \$124,000
- f. Approval of adopting a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the city and all taxing units in the Tax Foreclosure Judgment or Tax Warrant to the following property:
Mineola Addition, Lot 16, Block 3; Riva (\$2,328)
- g. Approval of adopting resolutions authorizing the adoption of Investment Policies for the City of San Angelo and Lake Nasworthy
- h. Approval of adopting a resolution authorizing the sale of 604 W. 19th Street, being Lot 2, Block 2, Allendale Addition, City of San Angelo, for the purpose of Urban Redevelopment to Galilee Community Development Corporation, a nonprofit corporation
- i. Approval of ratifying COSADC's approval and authorization for the Board President to execute a Memorandum of Understanding (MOU) with Angelo State University to enable the assignment of an AmeriCorps VISTA member to perform services to help build the foundational program needed to complete Work Ready Community (WRC) certification
- j. Approval of ratifying COSADC's approval of the Board President to negotiate and execute a Memorandum of Understanding with the City of San Angelo in support of the city's application to the Texas Department of Transportation for Alternatives Set-aside (TA Set-aside) funding for City of San Angelo Chadbourne street pedestrian corridor project ("project"); authorizing the use of sales and use tax funds in an amount not to exceed \$100,000
- k. Approval of adopting a resolution authorizing the Mayor to sign a letter of support to prevent closure of the Eden Detention Facility
- l. Second reading and approval of adopting an ordinance amending the 2016-2017 budget for capital projects and incomplete projects

Motion: Council Member Thomas made a motion, seconded by Council Member Self, to approve the consent agenda with the exception of item 5k. The motion carried unanimously (6) ayes to (0) nays.

Motion: Council Member Carter made a motion, seconded by Council Member Farmer, to approve item 5k, adopting the resolution, as presented. The motion carried unanimously (6) ayes to (0) nays.

6. **Regular Agenda**

- a. Public hearing and first reading of an ordinance regarding the voluntary annexation of 17.192 acres generally located south of U.S. Highway 67 and west of Southland Boulevard at the end of Willeke Drive and Pinon Ridge Drive - (Presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Farmer made a motion, seconded by Council Member Carter, to approve item 6a, as presented. The motion carried unanimously (6) ayes to (0) nays.

- b. Approval of application and agreement to upgrade Nixle Alerting System to use in place of the warning sirens and authorizing the City Manager to execute any related documents - (Presentation was made by Fire Chief Brian Dunn)

Motion: Council Member Thomas made a motion, seconded by Council Member Self, to approve the application, agreement and to discontinue the use of the warning sirens. The motion carried unanimously (6) ayes to (0) nays.

- c. Discussion regarding late fee charges associated with the municipal statement - (Item requested by Council Member Gonzales and presentation was made by Water Utilities Director Bill Riley)

Multiple citizens made public comments in support of changing the late fee processes.

No action was taken on this item.

- d. Approval of second reading and adoption of an ordinance amending Appendix A, "Fee Schedule", Article A2.000 "Building and Construction Related Fees", Section A2.001 "General Provisions", restating subpart (c) building valuations and repealing subpart (d) inspections and permits in the ETJ; amending Section A2.002 "Building Permit Fees", restating subpart (f) expedited plan review fees, and adding subpart (g) intermodal container placement fees; amending Section A2.004 "Miscellaneous Permit Fees" by restating subpart (d) "thirty day partial or temporary occupancy permit; amending Section A2.009 "Sign Permit Fees" by adding subpart (e) "public event banner fee"; amending Section A2.010 "General Fees" by adding subpart (g) fee for appeals from building official to the board of adjustment and appeals; amending section a2.012 "permit extensions" by restating said section to provide for permit renewals; repealing Section A2.013 "Licensing" (electrical) – (Presentation was made by Budget Manager Morgan Chegwidden)

Motion: Council Member Thomas made a motion, seconded by Council Member Farmer, to adopt the ordinance, as presented. The motion carried (5) ayes to (1) nays, with Council Member Carter casting the dissenting vote.

- e. First public hearing and consideration of an ordinance amending Appendix A "Fee Schedule", Article A6.000, "Parks Use Fees"; by renaming said Article "Parks and Recreation Fees"; adding Section A6.005 "Park Facility and Activity Fees" - (Presentation was made by Budget Manager Morgan Chegwidden)

Motion: Council Member Thomas made a motion, seconded by Council Member Farmer, to approve the ordinance, as presented. The motion carried unanimously (6) ayes to (0) nays.

- f. First public hearing and introduction of an ordinance amending the 2016-2017 budget for capital projects – (Presentation was made by Budget Manager Morgan Chegwidden)

Motion: Council Member Thomas made a motion, seconded by Council Member Self, to approve the ordinance, as presented. The motion carried unanimously (6) 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 551.071(1)(A) consult with attorney when the governmental body seeks the advice of its attorney about pending or contemplated litigation regarding:
 1. ~~2013 Sealcoating Program Contract~~
 2. ~~Templeton Construction, Inc.~~
 3. Alsay, Inc.
 4. City of San Angelo v. Spillman Technologies, Inc.
- b. Section 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding the Ford Ranch and Hickory water.
- c. Section 551.072 Deliberations about Real Property regarding 1146 City Farm Road
- d. Section 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding a leasehold at 1146 City Farm Road

8. Follow Up and Administrative Issues

- a. Action on items discussed in Executive Session

Motion: Council Member Self made a motion, seconded by Council Member Thomas, to continue utilizing Lloyd Gosselink Attorneys at Law for Hickory related water issues. The motion carried unanimously (6) ayes to (0) nays.

- b. Consider approving various Board nominations:
Construction Board AA: Kevin Bond (SMD3) to a 1st full term ending February 2019; Rodney Mayberry (SMD4) to a 1st full term ending February 2019; Brooks Wehner (SMD5) to a first full term ending February 2019; and Rick Hanby (Mayor) to a 1st full term ending February 2019
COSADC: David Cummings (SMD5) to a 1st full term ending February 2019

Motion: Council Member Carter made a motion, seconded by Council Member Gonzales, to approve the nominations, as presented. The motion carried unanimously (6) ayes to (0) nays.

- c. Announcements and consideration of Future Agenda Items

Council Member Carter invited everyone to attend the town hall that evening.

9. Adjournment

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

There being no further business, the meeting was adjourned at 12:23 p.m.

Dwain Morrison, Mayor

ATTEST:

Bryan Kendrick, City Clerk

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 18, 2017

Item type: Regular Item

Caption:

Consider a resolution authorizing applicant, Simply Texas Blues Festival Committee, to hold a special event downtown, known as, "Simply Texas Blues Festival," permitting specified activities; imposing requirements on applicant; and granting variances relating to rules and regulations of ordinances (C. White)

Summary/History:

The variances sought are related to permits for tents and signs, the placements of signs and banners, and to the City's noise ordinance which prohibits loud or prolonged noises that disturb the public. The noise ordinance states that if such noise occurs after 10:30 p.m., that is clear proof the noise is disturbing the public. The 9th annual Simply Texas Blues Festival, hosted by the San Angelo Blues Society, will occur on Oakes Street between Concho and Twohig avenues on May 20, 2017. Live, amplified music is scheduled to be performed from 10:00 a.m. until 11:30 p.m. The event is expected to draw 7,000-9,000 people.

The City Council on April 17, 2012 unanimously approved by a 5-0 vote a proposed ordinance allowing for temporary variances from City ordinances for special events held on City property other than Lake Nasworthy and Twin Buttes Reservoir. (Councilmen Morrison and Alexander were not at the meeting.)

This will be the 9th year the Blues Festival has occurred, and the second year it has sought variances.

The noise ordinance reads as follows:

Sec. 8.114 Noises Prohibited

(a) It shall be unlawful for any person to make, create, continue or cause to be made, created or continued any unnecessary, loud, unusual or prolonged noise which disturbs, or is calculated to disturb the persons in the immediate vicinity thereof.

(b) In determining whether any such noise is sufficient to constitute a disturbance hereunder, the Court shall consider whether such noise is of such character, intensity and duration as to disturb a person of ordinary sensibilities, taking into consideration the nature of the neighborhood in which such noise occurs.

(c) Proof that any such noise occurred between the hours of ten thirty o'clock (10:30) P.M. and seven o'clock (7:00) A.M., or that such noise occurred three (3) or more times in any ten-day period shall be prima facie proof that persons in the immediate vicinity thereof were disturbed.

The area surrounding the Blues Fest is a mix of residential and commercial properties.

The remaining variances for tent and sign permits, and for the placement of signs and banners related to the event are

identical in nature to variances granted the annual drag boat races and wakeboard tournament at Lake Nasworthy.

Financial Impact:

There is negligible cost to the City to facilitate the event. In fact, with thousands of participants, many from out of town, there is a notable and beneficial economic impact by allowing this event.

Other Information/Recommendation:

Attachments:

- | | | |
|----|--|--|
| 1. | 9th Annual Simply Texas Blues Festival Packet with Resolution unexecuted | 9th Annual Simply Texas Blues Festival Packet with Resolution unexecuted.pdf |
|----|--|--|

Presentation:

Approvals/Reviews:

Carl White	Created/Initiated
Carl White	Approved
Theresa James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

**A RESOLUTION OF THE CITY OF SAN ANGELO
AUTHORIZING APPLICANT, SAN ANGELO BLUES SOCIETY,
TO HOLD A SPECIAL EVENT DOWNTOWN KNOWN AS
“SIMPLY TEXAS BLUES FESTIVAL” AND GRANTING
VARIANCES FROM CITY ORDINANCES, INCLUDING NOISE
ORDINANCE**

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

WHEREAS, Chapter 9, Article 9.02.009 of the Code of Ordinances for the City of San Angelo provides that the City Council may authorize temporary variances from the prohibitions and requirements of City ordinances for such events; and,

WHEREAS, the “SIMPLY TEXAS BLUES FESTIVAL” has for seven years been an annual entertainment event in downtown San Angelo; and,

WHEREAS, the City Council has taken into account those factors as applicable pursuant to the ordinance providing for the granting of variances.

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

Part 1: San Angelo Blues Society (hereinafter Applicant), is hereby authorized to hold a special event in downtown San Angelo, known as “Simply Texas Blues Festival”. The event, including set up and clean up will take place from 12:00 PM Friday, May 19, 2017 through 12:00 PM May 21, 2017.

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

Part 3: The variance referred to in the Application relating to Section 8.01.005 “Noises prohibited” of the City Code of Ordinances, is hereby granted from 10 AM through 11:30 PM on May 20, 2017.

Part 4: A variance related to permitting of tent structures and signage for the event is hereby granted from 12:00 PM Friday, May 19, 2017 through 12:00 PM May 21, 2017.

Part 5: Oakes Street between Beauregard Street and Concho Avenue and Twohig Avenue between Chadbourne and Magdalen Streets may be closed from 12:00 P.M. Friday, May 19, 2017 through 12:00 P.M. Sunday, May 21, 2017.

PASSED and APPROVED THIS _____ DAY OF _____, 2017.

ATTEST:

CITY OF SAN ANGELO, TEXAS

Bryan Kendrick, City Clerk

Dwain Morrison, Mayor

APPROVED AS TO CONTENT

APPROVED AS TO FORM

Carl White, Parks & Recreation Director

Theresa James, City Attorney

Bryan Kendrick, City Clerk

Dwain Morrison, Mayor

APPROVED AS TO CONTENT

APPROVED AS TO FORM

Carl White, Parks & Recreation Director

Theresa James, City Attorney

City of San Angelo – Special Event Application (ver. April 19, 2013)

Complete and return this application to the City of San Angelo Parks and Recreation Department Office at 702 South Chadbourne St. at least 30 days prior to the event for events not requesting City Support. Events Requesting City Services (paid by the applicant) must submit a finalized Special Event application based on the schedule: by Jan. 31st for events in May, Jun., or Jul.; by Apr. 30th for events in Aug., Sept., or Oct.; by Jul. 31st for events in Nov., Dec., or Jan.; and by Oct. 31st for events in Feb., Mar., or Apr..

Event Information	
Event Name: 9th Annual Simply Texas Blues Festival	
Event Date(s) and Hours: May 20, 2017	Event Purpose & Description: Promote Blues music and provide a free, family friendly Blues concert to the public.
Event Location(s): 200 Blk S. Oaks	
Attendance, Estimated Daily/Overall: /	
Type of Event (Check one – see Special Events Policy for additional information) ☒ Non-Profit Event ☐ For-Profit Event * for private events contact Parks & Rec. Admin. at 325-657-4279 for reservations ☐ City Operated/Sponsored Event ☐ City Co-Sponsored Event ☐ Political or Ballot Issue Event ☐ Parade, Block Party, Road Run/Walk/Etc – Specify: _____ ☐ other (describe): _____	
Event Sponsor Information	
Legal Business Name: San Angelo Blues Society	
Address: P. O Box 2779, San Angelo, Texas 76902	
Mailing Address:	
Telephone: 325-658-5375	Email Address: sanangeloblueessociety@gmail.com
Contact Name: Clay Hubbard	Title: President sudden link
Contact Number: 325-658-5375	Email Address: conchor@verizon.net
Event Information (continued)	
Estimated date/time for set up: Friday, 5-19-17 @ 5:00pm Estimated date/time for clean up: Sunday, 5-21-17 finished by noon	Describe set up and clean up procedures: Street closures on Friday to set up stage, vendors, car show and cook off. Volunteers and Goodfellow AFB personnel will police a three blk radius to clean up on Sunday morning.
Will street closure and/or use be necessary? ☒ YES ☐ NO If yes, complete the street closure/use form. <u>If yes, show proposed road uses, emergency vehicle access, and barricade locations on your event map.</u> Note that the City of San Angelo does not have authority to close County and State roads.	
Describe crowd and parking control and security plans for this event: Sponsors of an event must have certified police officers present, if required. This requirement, as well as the number of officers needed, will depend on the type of event (including activities), number of anticipated attendees at the event, whether or not alcohol will be consumed at the event, as well as other factors. Off duty SAPD will be used for security. The number of officers will be determined by SAPD.	

Event Information (continued)

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

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

Proposed time music will begin: 5-20-10:00am Proposed time music will end: 5-20 11:30pm

Describe noise control:

Asking for Variance from Noise Ordinance until 11:30pm
on 5-20-17

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

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

Describe the general nature of signage used for the event:

Banners on the Stage & on Poles on the Street

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

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

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

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

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

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

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

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

Various Food Vendors will be set up in a Food Court Area
All will be required to obtain health permits & Insurance &
All will be notified of such

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

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

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

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

Alcohol will not be provided or sold by the Event Sponsors
But it may be brought in by Attendees & Area Vendors who
sell it out of their establishments

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

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

Item	Quantity	Item	Quantity
☒ Booths:	unknown	☒ Tables:	unknown
☒ Tents*:	unknown	☐ Rides:	
☐ Awnings:		☒ Portable Toilets:	30
☒ Canopies:	unknown	(may be required depending on event)	
☐ Rides:		☐ other (describe):	

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

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

Event Information (continued)

Will the event require the use of any of the following municipal materials?

Sponsoring organization will be charged for use, delivery, placement, and pickup of these items. See the Special Events Policy for additional information and schedule of rates. City staff will deliver the materials at the date, time, and location as specified on the event application. Due to other obligations, materials may not be available. Private vendors are available in San Angelo to provide materials below for the event.

- | | | | |
|---|-----------------|--|--------------------|
| ☐ Trash Receptacles* | Quantity: _____ | ☐ Benches (8') | Quantity: _____ |
| ☐ Barricades | Quantity: _____ | ☐ Chairs | Quantity: _____ |
| ☐ Traffic Cones | Quantity: _____ | ☐ Tables (8') | Quantity: _____ |
| ☐ Stage Sections (4' x 8') | Quantity: _____ | ☐ Fencing, Temporary | Linear Feet: _____ |
| ☐ Water Connection | Quantity: _____ | ☐ Electrical Connection | Quantity: _____ |

Other (describe): 2 Electrical Poles from the Parks Dept.

*Sponsoring Organization may be required to supply a dumpster and portable restrooms.

Application Check List (failure to provide necessary documentation will delay application review and approval)

I have attached the following items:

- ☒ Completed Application
 ☐ Application Non-Refundable Permit Fee of \$^{35.00}~~25.00~~
☒ Deposit
- ☐ Certificate of Insurance (submit to the Risk Mgmt. Office at City Hall, 10 business days prior to first day of event)
- ☒ Detailed Event Map (showing road uses, signage, vending, tent, and activity locations, etc.)

If any document is missing, please explain:

The applicant and sponsoring organization understands and agrees to:

- provide a certificate of insurance with all coverage deemed necessary for the event, name the City of San Angelo as an additional insured on all applicable policies, and submit the certificate to the City Risk Management Office no later than 10 business days prior to the event (contact the Risk Management Office at 325-657-4359);
- comply with all City and County ordinances and applicable state laws, comply with City policies, and acknowledge that the special events permit does not relieve the applicant or sponsoring organization from meeting any application requirements of law or other public bodies or agencies; and
- promptly pay any billing for City services rendered or deemed necessary as part of the event and event approval.

Applicant and sponsoring organization further understands the approval of this special event may include additional requirements and/or limitations based on the City's review of this application, in accordance with the City's Special Events Policy. The applicant and sponsoring organization understand that it may be necessary to meet with City staff during the review of this application and that City Council approval may be necessary. The applicant agrees the sponsoring organization will operate the event in conformance with the written approval.

Sponsors of events, in which food and/or beverage vendors will be present, should contact the City of San Angelo Health Department 90 days prior to the event date. Contact the City of San Angelo Health Department at 325-657-4493.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of the Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.

Applicant Signature:

Clay Hubbard

Date:

3-8-2017

Complete and return this application to the City of San Angelo Parks and Recreation Department Office at 702 South Chadbourne St. at least 30 days prior to the event for events not requesting City Support. Events Requesting City Services (paid by the applicant) must submit a finalized Special Event application based on the schedule: by Jan. 31st for events in May, Jun., or Jul.; by Apr. 30th for events in Aug., Sept., or Oct.; by Jul. 31st for events in Nov., Dec., or Jan.; and by Oct. 31st for events in Feb., Mar., or Apr.. Contact the Parks & Recreation Department at 657-4279/4450 if you have any questions about this application, this policy, or your event.

Final
Approval:

Date:

Application
Receipt Date & Time:



City of San Angelo, Texas - Building Permits & Inspections
52 West College Avenue
Street Use/Street Closure Application



NOTE: Incomplete applications will not be accepted. All required fields must be filled in adequately. The Authorized Representative (as designated in Section 1) will be notified of any changes in status & contacted with any questions. Use "N/A" where an item is not applicable.

OFFICE USE ONLY:
PERMIT #:
DATE ACCEPTED:

PLEASE PRINT ALL INFORMATION

Section 1: Basic Information

100 & 200 blks of S. Oaks and 0 & 100 Blks of E. Twohig	San Angelo Blues Society	
Address	Organization/Applicant's name	
Shane Kelton for contact and questions	325-234-7285	shane.kelton@cosatx.us
Authorized Representative	Daytime Phone Number	Email Address

Section 2: Descriptions and Location(s)

Will event require setup time? ☒ Yes ☐ No If yes, 5-19-17 5:00 pm to 5-20-17 10:00am
Date/Time Date/Time

Duration time of actual event: 13.5 hrs Start 5-20-17 10:00am End 5-20-17 11:30pm
Date/Time Date/Time

Will event require cleanup time? ☒ Yes ☐ No If yes, 5-20-17 11:30 pm to 5-21-17 12:00 pm
Date/Time Date/Time

An Aerial map must be provided that will include but not be limited to: Route, parking, restrooms, staging areas for loading and unloading, sound booths, stages, seating areas, tables, inflatables.

Generally describe the event: Free outdoor Blues festival and concert. There will be a stage on Oaks street for music during the event as well as food vendors on the 100 blk of Twohig a cars show on the private parking lot across from the Cactus Hotel, a motorcycle show in the 0 blk of Twohig and a rib cook off in the 100 blk of Oaks.

Is this event sponsored or co-sponsored by the City of San Angelo? ☐ Yes ☒ No

If yes, please provide the Department/Division name that approved the sponsorship: _____

Is alcohol involved? ☒ Yes ☐ No Describe: attendees are allowed to bring their own coolers and there are Downtown retail establishments that sell beer and wine that attendees can walk into the event area with.

Section 3: Security

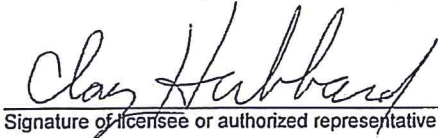
How many locations will be blocked? 4 What type of security will be requested? Off Duty SAPD that the Blues Society pays directly at the event. SAPD has determined the number of officers necessary to cover this event and has already scheduled the officers for this event.

Hours of Operation: 8 AM -12 PM & 1PM - 5 PM

No payments or permit issuance can be made after 4 PM due to accounting constraints. 325-657-4210, #1 www.cosatx.us/permits

Section 4: Applicant(s) Acknowledgement**Agreement to Comply with Rules and Regulations. (Please read separate form entitled Street Use/Closure Policy)**I, Clay Hubbard, serving as a representative for the San Angelo Blues Society

organization, have read and understand the rules and regulations and certify that all information provided on this application is correct and current.

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

Signature of licensee or authorized representative

3-8-17

Date

Clay Hubbard

Printed name of licensee or authorized representative

San Angelo Blues Society

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Number of officers needed: _____ Hours needed per officer: _____

Total number of barricade locations: _____

Verification of City Sponsorship? Yes _____ No _____

Public Works Approval By: _____ Date: _____

Officer Fees: \$40 per hour (per officer) \$ _____

Permit Fee: \$ 35.00

Barricade Fee: (Exempt if City Sponsored) \$ _____

Deposit: (Exempt if City Sponsored) \$ _____

Total Fees: \$ _____

Approved By: _____ Date: _____

Hours of Operation: 8 AM -12 PM & 1PM – 5 PM

No payments or permit issuance can be made after 4 PM due to accounting constraints. 325-657-4210, #1 www.cosatx.us/permits

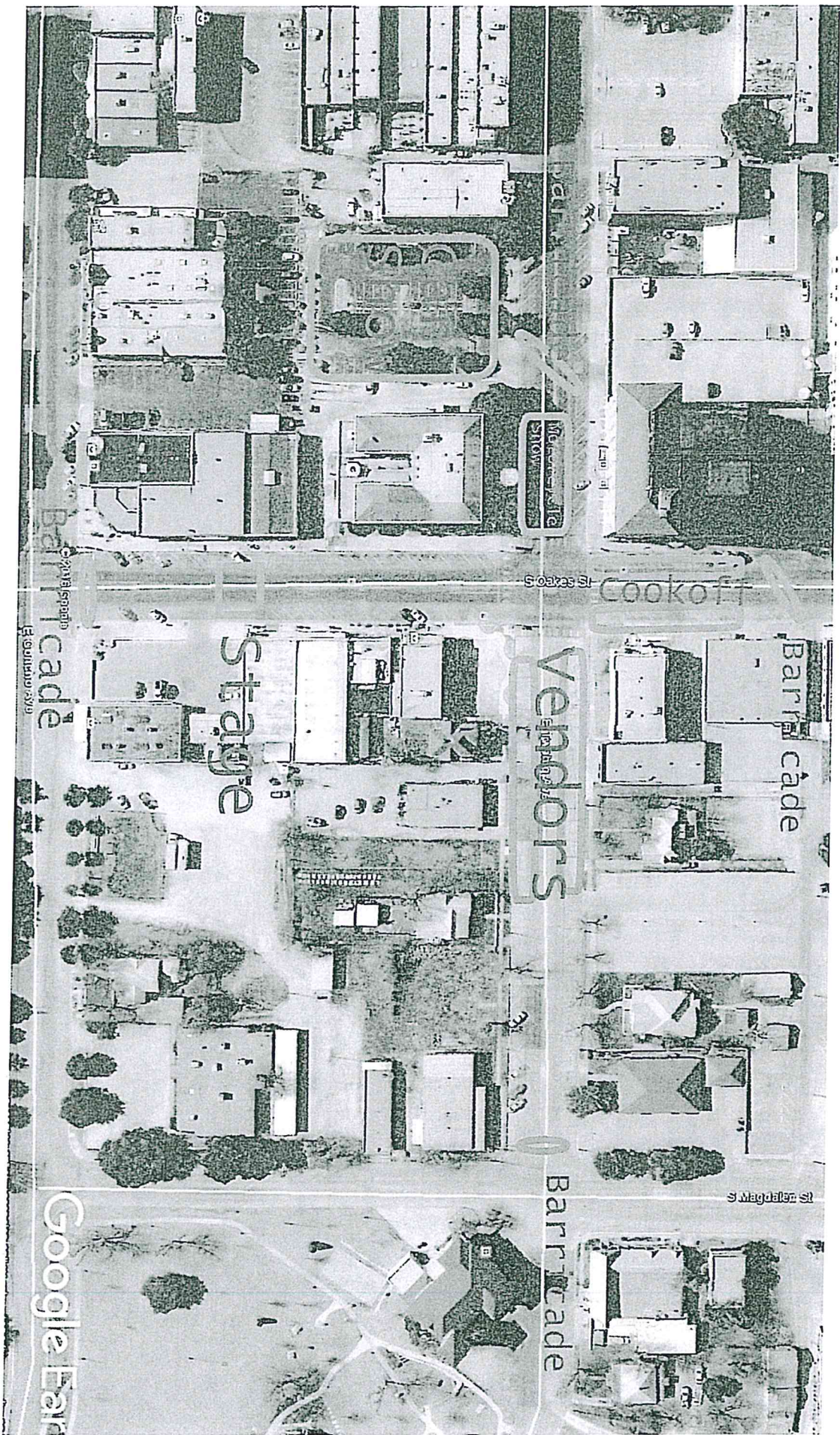


EXHIBIT A
SUPPLEMENT TO SPECIAL EVENTS PERMIT
Simply Texas Blues Festival
May 20, 2017

Permit Holder: San Angelo Blues Society (hereinafter "SABS"),
2437 S. College Hills Blvd., San Angelo, TX 76904

Contact Person: Name Phone
Shane Kelton (325) 234-7285

Location of Event: South Oakes Street between Concho and Twohig avenues;
downtown San Angelo

Name of Event: Simply Texas Blues Festival (hereinafter "Event")

Date of Event: May 20, 2017
Set up: May 19, 2017, 12:00 p.m. through midnight
Clean up: May 21, 2017, finished by 12:00 p.m.

Anticipated
Attendance: 7,000-9,000

Hours of
Operation: 10:00 a.m. through 11:30 p.m., May 20, 2017

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

Permitted Activities

1. SABS may conduct a blues music festival during the date set out above.
2. SABS may close Oakes Street between Beauregard Street and Concho Avenue, and Twohig Avenue between Chadbourne and Magdalen Streets during the Event, its set-up and its clean-up.
3. SABS may set up tents and signs and allow vendors in the Area subject to any regulations set out in this Permit.

Requirements for Permit Holder ("SABS")

1. Sanitation.
 - a. SABS shall provide a total of twenty (20) Port-A-Potties.
 - b. SABS will clean up Area at the conclusion of the Event.
2. Insurance and Indemnification.
 - a. SABS shall provide insurance as required by the City of San Angelo's Risk Manager and shall provide proof of such insurance.
3. Vendors.
 - a. Vendors shall obtain all necessary health permits and shall have appropriate liability insurance and an active Sales and Use Tax Permit.

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

Variances: See Attachment 1 to this Exhibit.

Authority of City to Regulate Event

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

EVENT SPONSOR

Carl White
Parks & Recreation Director

**Attachment 1 to Exhibit A
TO THE 2017 SIMPLY TEXAS BLUES FESTIVAL**

Exhibit 1 to Event Resolution

Variances

- 1) Conduct of this Event shall not constitute a violation of the City's noise ordinances.
- 2) Notwithstanding City ordinances to the contrary, event Sponsor shall not be required to obtain permits for tents and signs.
- 3) Notwithstanding City ordinances to the contrary, flags, banners, and information signs shall be allowed for the Event. Placement shall be coordinated with and approved by the City Manager or his designee.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Mitch Sprunger, Airport Operations Manager, Airport, 325-659-6409

Meeting Date: April 18, 2017

Item type: Consent Item

Caption:

Consider authorizing the City Manager or his designee to execute a month to month airport lease and license agreement and related documents with Ranger Aviation Enterprises, Inc. in the amount of \$3,301 monthly/\$39,612 annually (L.Elguetzabal)

Summary/History:

Per previous City Council direction regarding the property, Airport Staff put together Request For Bid (RFB) AP-01-17/Airport Hangar Lease that was opened on 3/22/2017. Ranger Aviation Enterprises, Inc. placed the highest bid on the proposed lease. This building has approximately 24,000 square feet of open hangar area, on a 4.274 acre tract which is located at the San Angelo Regional Airport/Mathis Field. This hangar bears the municipal address of 8534 Hangar Road, City of San Angelo, County of Tom Green, Texas 76904.

The proposed license agreement will be for a month to month lease agreement, beginning April 18, 2017. The request for bid was processed and awarded to the highest bidder per the city request for bid approval process. An RFB was posted and two bids were received before the submittal deadline, Ranger Aviation Enterprises, Inc. with a bid of \$3,301.00/per month and Skyline Aviation, Inc. with a bid of \$3,180.00/per month. The month to month lease agreement has a perspective winner of Ranger Aviation Enterprises, Inc. with a month to month lease agreement of \$3,301.00

Financial Impact:

Rental fee of \$3,301.00 monthly will result in \$39,612.00 annually.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

1. RFB Bid Tabulation AP-01-17/Airport Hangar LeaseRFB Bid tabulation AP0117.pdf
2. Ranger Month to Month Lease Agreement 17-412_AP_RANGER_8534_HANGAR_RD_LEASE_04-13-17.pdf

Presentation:

Approvals/Reviews:

Mitch Sprunger	Created/Initiated
Luis Elguetzabal	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved

Tina Dierschke
Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Approved
Final Approval



CITY OF SAN ANGELO
RFB Bid Tabulation * AP-01-17/ Airport Hangar Lease
3/22/2017 at 2:00 p.m.

Address	Minimum Bid	Ranger Aviation	Skyline Aviation
		Bid Amount	Bid Amount
8534 Hangar Rd	\$2500/month	\$ 3,301.00	\$ 3,180.00

\$500 Bid Security Yes Yes

Mailed to:

- | | |
|---|------------------|
| 1 | Skyline Aviation |
| 2 | Ranger Aviation |

NOTE: Include this form with your Agenda Memo

AIRPORT PROPERTY LEASE AND LICENSE AGREEMENT

This Airport Lease and License Agreement ("Lease") is entered into between the CITY OF SAN ANGELO, a Texas home-rule municipal corporation, acting by and through its duly authorized City Manager ("Landlord" or "City"), and RANGER AVIATION ENTERPRISES, INC., a Texas for profit corporation, acting by and through its designated Chief Executive Officer pursuant to its bylaws and a resolution of its Board of Directors ("Tenant") effective April 18, 2017 ("Effective Date").

RECITALS:

A. Landlord is the owner and operator of the San Angelo Regional Airport-Mathis Field located at 8618 Terminal Circle, San Angelo, Texas ("Airport"); and

B. The City has issued a Request for Bids, San Angelo Regional Airport, Lease of Hangar, RFB No. AP-01-17 for use of a hangar located at 8534 Hangar Road, San Angelo Regional Airport—Mathis Field, Tom Green County, San Angelo, Texas, by an aeronautical business for the parking and storage of aircraft located at ; and

C. Tenant's bid, in response thereto, has been selected as the bid providing the best price to City for lease of the hangar; and

D. Tenant's representative executing this Agreement on behalf of Tenant has full and complete authority of Tenant's governing body to bind Tenant. The parties intend that this Agreement constitute the legal, valid and binding obligation of Tenant and that this Agreement be enforceable in accordance with its terms.

D. Landlord deems it advantageous to grant to RANGER AVIATION ENTERPRISES, INC. the right to conduct the aeronautical activity hereinabove described;

NOW, THEREFORE, in consideration of the mutual covenants, promises and terms herein contained, Landlord and Tenant agree as follows:

1. PREMISES

1.1 Lease of Premises. In consideration of the mutual covenants, promises, terms and conditions herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each of the parties hereto, Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord the following Premises formerly known as the Quimby Hangar or AMCOM South Hangar:

The interior of a 120 foot by 200 foot (120' x 200') hangar having approximately 24,000 square feet of hangar space, hereinafter "Hangar", located at 8534 Hangar Road, San Angelo Regional Airport–Mathis Field, Tom Green County, Texas, and including access thereto, located on a tract of land being more particularly described on **Exhibit "A"**, which is attached hereto

- 1.2 No Express or Implied Warranties. Said tract and hangar are hereinafter referred to as the "Leased Premises" or the "Property". TENANT HAS EXAMINED, AND ACCEPTS, THE LEASED PREMISES AND ANY FIXTURES ON THE LEASED PREMISES, IN THEIR PRESENT "AS-IS" PHYSICAL CONDITION. NO REPRESENTATION, STATEMENT, OR WARRANTY, EXPRESS OR IMPLIED, HAS BEEN MADE OR IS MADE BY OR ON BEHALF OF LANDLORD AS TO THE CONDITION OF THE LEASED PREMISES, OR AS TO THE FITNESS FOR ANY PARTICULAR USE THAT MAY BE MADE OF THE LEASED PREMISES. IN NO EVENT SHALL LANDLORD BE LIABLE FOR ANY REASONABLY APPARENT DEFECT IN THE LEASED PREMISES OR FOR ANY LIMITATION ON THE UTILIZATION OF THE LEASED PREMISES FOR THE USE PERMITTED UNDER THIS AGREEMENT NOT WITHIN THE LANDLORD'S CONTROL.

2. TERM.

- 2.1 Month to Month Terminable at Will. This Lease Agreement shall continue as a month-to-month tenancy commencing on the Effective Date, terminable at will by either Landlord or Tenant by the giving of a written notice of termination to the other party at least thirty days prior to termination.

3. RENT.

- 3.1 Rent. Tenant shall pay rent to Landlord for the use of Leased Premises in advance, monthly, in the minimum amount of Three Thousand Three Hundred One Dollars (\$3,301.00) per month
- 3.2 Time for Rent Payment. The first monthly rental payment shall be prorated for the applicable portion of April, due and payable on the above stated Effective Date, and subsequent monthly rental payments shall be due and payable on the 1st day of each succeeding month thereafter, until this Lease Agreement is terminated as provided for herein.
- 3.3 Place of Payment. All payments due by Tenant to Landlord under this Lease shall be made at the Airport Director's office at San Angelo Regional Airport–Mathis Field, 8618 Terminal Circle, Suite 101, San Angelo, Texas 76904, or at such other place as Landlord may from time to time designate by written notice to Tenant.
- 3.4 Delinquent Payments. Tenant shall pay to Landlord a late charge or interest for any rent past due in accordance with established City ordinances, provided however, that this provision for late charges or interest shall not be construed as a waiver of the right of Landlord to terminate this Lease at its option as authorized herein.

4. GRANT OF LICENSE.

- 4.1 Landlord grants Tenant a non-exclusive license, concurrent with the herein-described Lease to engage, in common with others so licensed, in an aeronautical business which may consist only of parking and storing aircraft with the Hangar, subject to all of the terms and conditions provided under this Agreement. Servicing or washing of aircraft on the Leased Premises is prohibited. Tenant shall confine his operation under this Lease and License agreement to the Leased Premises described at Section 1.1 "Lease of Premises", hereinabove, provided, however, that under exceptional circumstances, Tenant may park or store aircraft on any other part of the Airport designated by the Airport Manager, except on Premises leased exclusively to another operator. It is agreed that Tenant will not park any aircraft on the ramp when such parking obstructs airline operations. Any parking of aircraft on the ramp may be changed or stopped at any time when deemed necessary by the Airport Director.
- 4.2 Tenant shall confine its operation at the Airport to its exclusive area and to those portions of the aircraft ramp area that are designated by the Airport Director. Tenant shall not solicit sales or services for aircraft that are parked or stored in any exclusive area of another fixed based operator located on the Airport.

5. UTILITIES, TAXES AND FEES.

- 5.1 Utilities. Landlord shall pay charges for electrical service to the Leased Premises, subject to reimbursement by Tenant within thirty days after Landlord provides a written statement to Tenant itemizing the charges to be reimbursed. Landlord's charges for reimbursement of electrical service shall be deemed additional rent and shall be payable under the same terms and conditions as provided for monthly rental hereunder. No other utilities are presently available for Tenant use on the Leased Premises. Tenant shall not initiate the use of any other utility without first securing the written consent of Landlord for such utility and providing for the terms of such utility installation, connection and use.
- 5.2 Taxes and Assessments. It is further understood and agreed that Tenant shall pay and discharge all taxes, general and special assessments and other charges of every description which during the term of this Lease Agreement may be levied on or assessed against the Leased Premises, inventory, personality and improvements thereon, whether belonging to Landlord or Tenant, or to which either of them may become liable. Tenant shall pay all such taxes, charges and assessments to the public officer charged with the collection thereof not less than fifteen (15) days before the same shall become delinquent, and TENANT AGREES TO INDEMNIFY AND SAVE HARMLESS LANDLORD FROM ALL SUCH TAXES, CHARGES AND ASSESSMENTS.
- 5.3 Incidental Fees. Tenant shall pay or cause to be paid all incidental charges, such as permit fees, incurred in connection with its operation and use of the Leased Premises.

6. LAWS, REGULATIONS AND LIMITATIONS.

- 6.1 Observance. Tenant shall observe and obey all applicable federal, state and local laws and regulations, including all Environmental Requirements, in the operation of Tenant's aeronautical business on Airport property and in the performance of its obligations under this Lease Agreement. Tenant also agrees to observe and obey all Airport rules and regulations promulgated and enforced by the City of San Angelo and by any other governmental authority having jurisdiction over the conduct of operations at the Airport. Additional, rules hereby agreed to by Tenant and Landlord that are applicable to Tenant's use and occupancy of the Leased Premises are:
- a. Tenant shall permit only owners or employees of Tenant or Airport personnel and persons authorized by Airport to enter or occupy the Hangar at any time, and shall exclude all other persons at all times from entering the hangar.
 - b. A minimum of two exits must be provided in the Hangar, leading directly to the outside and utilizing a Fire Marshal approved exit door not requiring the use of a key, other tool or special knowledge or effort for exiting from inside the Hangar at any time that the Hangar is occupied. Overhead doors shall not qualify as exit doors under this requirement.
 - c. Tenant shall conduct at least one fire drill during each month for the term of this Lease, and shall maintain for each such fire drill a log for inspection by Landlord and Fire Marshal, identifying employees in attendance, as well as describing the method and manner of the fire drill, the exit doors utilized for the fire drill, and the amount of time taken to safely exit the Hangar by all persons.
 - d. Maximum occupancy applicable for Tenant's permitted use of the Hangar has been determined by the Fire Marshal to be 24 persons; Tenant shall not permit occupancy of the Hangar to exceed this limitation at any time.
 - e. Tenant shall place and maintain in accordance with the National Fire Protection Association standard titled "Portable Fire Extinguishers", NFPA-10 and approved by the Fire Marshal, fire extinguishers at intervals such that not more than seventy-five feet (75') of travel from any place within the Hangar is required in any direction to reach a fire extinguisher.
- 6.2 Lease Limited. It is agreed that this Lease shall be limited, notwithstanding its terms, by the provision of any existing or future agreement between Landlord and the United States government, relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditures of federal funds for the maintenance or development of the Airport.
- 6.3 Waste Water. If Tenant's use of the Leased Premises results in the discharge or potential discharge of waste water, Tenant shall immediately apply to the Texas Commission on Environmental Quality (TCEQ) for a waste water discharge permit. Tenant shall also advise the Airport Director of the drains or other waste water facilities Tenant intends to use in disposing of waste waters. The Airport Director may designate sewers or other facilities for Tenant to use for disposal of waste water.

- 6.4 Hazardous Material/Contaminants. Tenant agrees that Tenant will not cause or permit release, discharge or spillage by Tenant, its licensees, officers, agents, employees, sublessees, business invitees or guests of any hazardous material or contaminants, either intentionally or accidentally, by act or omission, onto Leased Premises or Airport property. If any such release, discharge, or spillage does occur, Tenant shall immediately notify the Airport Director and the TCEQ, promptly followed by written documentation of the notice and shall, at Tenant's expense, comply with all removal and cleanup directives or requirements issued. As between Landlord and Tenant, Tenant shall be solely liable for remedial costs and damages relating to any release, discharge or spillage of hazardous substances or contaminants as a result of the operation of Tenant's aeronautical business.

TENANT WARRANTS THAT IT HAS INSPECTED THE LEASED PREMISES TO ITS SATISFACTION AND THAT TENANT IS SATISFIED THAT THERE ARE NO HAZARDOUS WASTES OR CONTAMINANTS LOCATED THEREON. TENANT UNDERSTANDS THAT TENANT SHALL REMOVE ANY HAZARDOUS WASTE OR CONTAMINANT FROM LEASED PREMISES BEFORE TERMINATION OR ABANDONMENT OF THIS LEASE.

- 6.5 Easements. It is understood and agreed that this Lease is made subject and subordinate to the terms of any oil, gas and other mineral lease and right-of-way easements of any nature which may have been executed prior to this Lease or which may be executed hereafter by Landlord, in Landlord's sole discretion. If, however, any exploration or production occurs that materially interferes with the conduct of Tenant's business at the Leased Premises, Tenant may terminate this Lease by delivering written notice to Landlord as herein provided.
- 6.6 Non-discrimination. The Tenant for itself, its personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree that: (1) no person on the grounds of race, creed, color, national origin or sex shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of Airport facilities; (2) that in the construction or use of any improvements on, over or under such land and the furnishing of services thereon, no person shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination on the grounds of race, creed, color, national origin or sex.

In the event of breach of any of the preceding nondiscrimination covenant, Landlord shall have the right to declare Tenant to be in breach of this Lease agreement, to terminate this Lease, and to reenter and repossess said Leased Premises.

- 6.7 Compliance with ADA. Tenant agrees to comply fully with the provisions of the Americans with Disabilities Act.
- 6.8 Compliance with the Department of Homeland Security. Tenant agrees to comply fully with the guidelines set forth in 49 CFR Part-1542 Airport Security in all pertinent parts as

directed either by representatives of the federal government or the Airport Director or his designee.

- 6.9 Relationships. Tenant, its agents, servants and employees agree to maintain a friendly and cooperative, though competitive, relationship with other companies engaged in similar or like business on Airport Premises. Except in connection with judicial proceedings, Tenant shall not engage in open public disputes, disagreements, or conflicts regarding activities at the Airport which would tend to deteriorate the quality of the service of Tenant or its competitors or which would be incompatible with the best interest of the public at the Airport.

7. CONDITION AND USE OF LEASED PREMISES.

- 7.1 NO WARRANTY. LESSOR MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE CONDITION OF THE LEASED PREMISES, OR ANY IMPROVEMENTS THEREON, INCLUDING WARRANTY OF HABITABILITY OR FITNESS FOR A PARTICULAR USE. EXCEPT AS TO THE LEASED PREMISES DESCRIBED ON **EXHIBIT "A"** ATTACHED, LESSOR WARRANTS THAT AT THE EFFECTIVE DATE OF THIS LEASE AGREEMENT SAID PREMISES ARE NOT IN VIOLATION OF APPLICABLE ENVIRONMENTAL REGULATIONS.

- 7.2 Acceptance and Use. Landlord and Tenant agree that the Leased Premises will be used exclusively for the limited purposes of aircraft parking and aircraft storage facility. Any other use must have the prior written consent of the City, evidenced by a written amendment to this Lease. Tenant accepts Leased Premises as suitable for such purpose.

- 7.3 Standards. Landlord reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstruction, together with the right to maintain standards relative to maximum heights for buildings or other structures and set-back building lines in relation to the runways, taxiways, navigational airspace, parking aprons, or other facility conditions, which would limit or impair the usefulness of the Airport Master Plan or constitute a hazard to aircraft.

7.4 Improvements and Modifications.

- 7.4.1 Tenant shall not alter or improve Leased Premises in any respect without Landlord's prior written consent. Any such alteration or improvement to which Landlord consents must fully comply with all laws, rules, regulations, codes, standards, and policies (including, without limitation, local Hangar codes and ordinances) of any governmental authority with jurisdiction over the Airport (including, without limitation, the City of San Angelo, Texas).

- 7.5 Ingress and Egress. Tenant and its employees, patrons, guests, invitees, contractors and subcontractors, shall have the right of ingress to and egress from the Leased Premises and the right, in common with others so authorized, to use common areas of the Airport, including runways, taxiways, aprons, navigational facilities, roadways, parking areas,

subject to federal, state, City and Airport rules and regulations.

7.6 Storage and Parking. Outside storage of any property including, but not limited to, equipment, parts, accessories, vehicles (whether operable, abandoned or inoperable), is expressly prohibited. Tenant shall not use or permit employees, patrons, invitees or guests to use Airport property in a manner contrary to the rules and regulations of the Airport.

7.7 Aircraft and Vehicle Identification. Tenant agrees to register all aircraft and vehicles to be used in its business on the Airport property, with the Airport Director.

7.8 Noise Abatement. Tenant shall actively participate in and comply with all noise abatement procedures, policies and programs as set forth by Landlord.

8. REPAIRS AND MAINTENANCE.

8.1 Tenant's Duties.

8.1.1 Tenant agrees to keep and maintain the Leased Premises in a neat, clean and respectable condition by prompt removal of all trash, litter, debris and junk, and shall keep said Premises cleared of all objectionable matter. In the event Tenant shall fail to keep and maintain the Leased Premises as herein required, as determined in the sole discretion of Landlord, then the Landlord, after notice to Tenant of the default and providing time to comply as herein provided, shall have the power and express authority to cause or require the labor and materials to be expended that are reasonably necessary to accomplish the required maintenance, and Tenant expressly agrees that the reasonable cost of any such labor and materials shall be deemed additional rent, becoming past due thirty (30) days from the date on which any such maintenance work is completed and notice of the amount due is given to Tenant,

8.2 Landlord's Duties.

8.2.1 Landlord shall maintain in good condition the Hangar building in its condition as exists on the commencement of the Lease term.

8.2.2 Landlord shall maintain the common areas of the Airport facilities.

8.2.3 Landlord shall maintain and operate the Airport in compliance with the safety and security regulations established by the Federal Aviation Administration and other appropriate regulatory authorities.

8.2.4 Landlord shall maintain and operate San Angelo Regional Airport–Mathis Field with adequate and efficient personnel, keep in good repair the airport appurtenances and facilities, and keep access ways and approaches reasonably free from obstruction, congestion and interference.

- 8.2.5 If any such maintenance or repairs are necessitated solely by the acts of Tenant or its employees, agents, contractors, sub-contractors, licensees, invitees or guests, Tenant shall reimburse Lessor for the reasonable cost thereof, as additional rent, to be paid within thirty (30) days after notice of such cost is given to Tenant as herein provided.
- 8.3 Force Majeure/National Emergency. Neither party hereto shall be liable to the other for any failure, delay, or interruption in the performance of any of the terms, covenants or conditions of this Lease due to causes beyond the control of that party including, without limitation, strikes, boycotts, labor disputes, embargoes, shortage of material, acts of God, acts of the public enemy, acts of superior governmental authority, weather conditions, floods, riots, rebellion, sabotage, or any other circumstances for which such party is not responsible or which is not in its power to control. During a time of war or national emergency, City reserves the right to alter, amend or suspend this Lease upon demand of military, naval or other proper authorities of the United States government or the State of Texas.
- 8.4 Damage or Destruction of Leased Premises.
- 8.4.1 If the Leased Premises are partially damaged by fire, explosion, the elements, public enemy, or other casualty, but the Hangar is not rendered untenable, in whole or in part, the Landlord shall proceed to complete the repair of damage at its cost and expense with due diligence.
- 8.4.2 If the damage shall be so extensive as to render the Hangar on the Leased Premises untenable, in whole or in part, Tenant may elect to continue occupancy of any tenable part of the hangar and monthly rent payable herein shall be abated in proportion to the diminished utility of the Leased Premises as agreed to by the Parties from the time the damage occurs until Landlord completes repair of the Hangar; or, Tenant may provide Landlord with a notice of termination effective from date of Tenant's vacation of the Leased Premises.
- 8.3 Right of Entry. Landlord or its designee may enter Leased Premises and Hangar at any time upon reasonable notice to Tenant, for any purpose necessary, incidental to, or connected with the exercise of its duties and obligations as Landlord and the Airport Owner, including, but not limited to the following: fire protection, security purposes, repairs, additions, alterations, or inspections for compliance with applicable law, regulation, or lease compliance.
9. INSURANCE.
- 9.1 General Conditions. The following conditions shall apply to all insurance policies obtained by Tenant for the purpose of complying with this Lease.
- 9.1.1 Satisfactory Companies. Coverage shall be maintained with insurers and under

forms of policies satisfactory to City and with insurers licensed to do business in Texas.

- 9.1.2 Named Insureds. All insurance policies required herein shall be drawn in the name of Tenant, with City, its council members, board and commission members, officials, agents, guests, invitees, consultants and employees named as additional insureds, except on Workers' Compensation coverage.
- 9.1.3 Waiver of Subrogation. Tenant shall require its insurance carrier(s), with respect to all insurance policies, to waive all rights of subrogation against City, its council members, board and commission members, officials, agents, guests, invitees, consultants and employees. Landlord shall waive all claims against Tenant for damages covered normally by Fire and Casualty damage insurance with standard extended coverage.
- 9.1.4 Certificates of Insurance. At or before the time of execution of this Lease, Tenant shall furnish City's Risk Manager with certificates of insurance as evidence that all of the policies required herein are in full force and effect and provide the required coverage and limits of insurance. All certificates of insurance shall clearly state that all applicable requirements have been satisfied. The certificates shall provide that any company issuing an insurance policy shall provide to City not less than thirty (30) days advance notice in writing of cancellation, non-renewal or material change in the policy of insurance. In addition, Tenant and insurance company shall immediately provide written notice to City's Risk Manager upon receipt of notice of cancellation of any insurance policy, or of a decision to terminate or alter any insurance policy. Copies of required endorsements will be attached to the certificates to confirm the required endorsements are in effect. Certificates of insurance and notices of cancellations, terminations or alterations shall be furnished to City's Risk Manager at City Hall, 72 West College or P.O. Box 1751, San Angelo, Texas 76903.
- 9.1.5 Tenant's Liability. The procurement of such policy of insurance shall not be construed to be a limitation upon Tenant's liability or as a full performance on its part of the indemnification provisions of this Lease. Tenant's obligations are, notwithstanding any policy of insurance, for the full and total amount of any damage, injury or loss caused by or attributable to its activities conducted at or upon the Premises. Failure of Tenant to maintain adequate coverage shall not relieve Tenant of any contractual responsibility or obligation.
- 9.1.6 Sub lessees' Insurance. Tenant shall cause each Sub lessee of Tenant to purchase and maintain insurance of the types and in the amounts specified below. Tenant shall require Sub lessees to furnish copies of certificates of insurance to Landlord's Risk Management Department evidencing coverage for each Sub lessee.

9.2 Types and Amounts of Insurance Required. Tenant shall obtain and continuously maintain in effect at all times during the term hereof, at Tenant's sole expense, insurance coverages on a primary basis, non-contributory with any other insurance coverage, as follows with limits not less than those set forth below:

9.2.1 Commercial General Liability (CGL) or equivalent Aviation Liability. This policy shall be an occurrence-type policy and shall protect the Tenant and additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than the Tenant's employees) and damage to property of the City or others arising out of the act or omission of the Tenant or its agents and employees. There shall be no endorsement or modification of the CGL limiting the scope of coverage for liability assumed under the Lease or liability arising from pollution, explosion, collapse, underground property damage, or damage to the premises or improvements. This policy shall also include protection against claims for the contractual liability assumed by Tenant under the parts of this Lease entitled "Indemnification" and "Environmental Indemnification", including completed operations, products liability, contractual coverage, broad form property coverage, explosion, collapse, underground, Premises/operations, and independent contractors (to remain in force for two years after final payment). Coverage shall not be less than:

\$ 2,000,000.00	General Aggregate
\$ 1,000,000.00	Products- Completed Operations Aggregate
\$ 1,000,000.00	Personal & Advertising Injury
\$ 1,000,000.00	Each Occurrence
\$ 500,000.00	Fire Damage (any one fire)

9.2.2 Business Automobile Liability. This policy shall be written in comprehensive form and shall protect Tenant and the additional insureds against all claims for injuries to members of the public and damage to property of others arising from the use of motor vehicles and shall cover operation on and off the Premises of all motor vehicles licensed for highway use, whether they are owned, non-owned or hired. Coverage shall not be less than:

\$ 1,000,000.00	Combined Single Limit
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9.2.3 Comprehensive Aircraft Liability. This policy shall be an occurrence-type policy, written in comprehensive form and shall protect Tenant and additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than Tenant's employees) and damage to property of Landlord or others arising out of the act or omission of the Tenant or Tenant's agents and employees. This policy shall also include protection against claims normally insured by personal injury liability coverage and claims pertaining to: the contractual liability assumed by Tenant under the paragraph of this Lease entitled "Indemnification", completed operations, products liability, contractual liability,

leased premises/operations, and independent contractors and shall include broad form property coverage. Coverage shall remain in force for two years after termination of this Lease and shall be as follows:

\$ 500,000.00	Each Passenger
\$ 2,000,000.00	Each Occurrence

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

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

The foregoing requirement will not be applicable if, and so long as, Tenant qualifies as a self-insurer under the rules and regulations of the commission or agency administering the workers' compensation program in Texas and furnishes evidence of such qualification to Landlord in accordance with the notice provisions of this Lease.

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

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

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

10. INDEMNIFICATION.

10.1 GENERAL INDEMNIFICATION. TENANT AGREES TO INDEMNIFY, DEFEND, REIMBURSE AND HOLD CITY, ITS COUNCIL MEMBERS, BOARD AND COMMISSION MEMBERS, OFFICIALS, AGENTS, GUESTS, INVITEES, CONSULTANTS AND EMPLOYEES FREE AND HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, PROCEEDINGS, SUITS, JUDGMENTS, COSTS, PENALTIES, FINES, DAMAGES, LOSSES, ATTORNEYS' FEES AND EXPENSES ASSERTED BY ANY PERSON OR PERSONS, INCLUDING AGENTS OR EMPLOYEES OF TENANT OR CITY, BY REASON OF DEATH OR INJURY TO PERSONS, OR LOSS OR DAMAGE TO PROPERTY, RESULTING FROM OR ARISING OUT OF, THE VIOLATION OF ANY LAW OR REGULATION OR IN ANY MANNER ATTRIBUTABLE TO ANY ACT OF COMMISSION, OMISSION, NEGLIGENCE OR FAULT OF TENANT, ITS AGENTS OR EMPLOYEES, OR THE JOINT NEGLIGENCE OF TENANT AND ANY OTHER ENTITY, AS A CONSEQUENCE OF ITS EXECUTION OR PERFORMANCE OF THIS LEASE OR SUSTAINED IN OR UPON THE PREMISES, OR AS A RESULT OF ANYTHING CLAIMED TO BE DONE OR ADMITTED TO BE DONE BY TENANT HEREUNDER. THIS INDEMNIFICATION SHALL SURVIVE THE TERM OF THIS LEASE AS LONG AS ANY LIABILITY COULD BE ASSERTED. NOTHING HEREIN SHALL REQUIRE TENANT TO INDEMNIFY, DEFEND OR HOLD HARMLESS ANY INDEMNIFIED PARTY FOR THE INDEMNIFIED PARTY'S OWN GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

10.2 ENVIRONMENTAL.

10.2.1 Definitions.

(a) Hazardous Material. Hazardous Material means any substance:

- (i) the presence of which requires investigation, notice or remediation under any federal, state or local statute, regulation, ordinance, order, action, policy or common law; or
- (ii) which is or becomes defined as a "hazardous material," "hazardous waste," "hazardous substance," "regulated substance," "pollutant" or "contaminant" under any federal, state or local statute, regulation, rule or ordinance or amendments thereto including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. (S)9601 et seq.), Toxic Substances Control Act (15 U.S.C. (S)2601 et seq.), and/or the Resource Conservation and Recovery Act (42 U.S.C. (S)6901 et seq.); or

- (iii) which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous and is or becomes regulated by any governmental authority, agency, department, commission, board, agency or instrumentality of the United States, or of the State in which the Premises are located or any political subdivision thereof; or
 - (iv) the presence of which on the Premises causes or threatens to cause a nuisance upon the Premises or to adjacent properties or poses or threatens to pose a hazard to the health or safety of persons on or about the Premises; or
 - (v) which contains gasoline, diesel fuel or other petroleum hydrocarbons; or
 - (vi) which contains polychlorinated biphenyls (PCBs), asbestos or urea formaldehyde foam insulation; or
 - (viii) radon gas.
- (b) Environmental Requirements. Environmental Requirements means all applicable present and future statutes, regulations, rules, ordinances, codes, licenses, permits, orders, approvals, plans, authorizations, concessions, franchises, and similar items, of all governmental agencies, departments, commissions, boards, bureaus, or instrumentalities of the United States, states and political subdivisions thereof and all applicable judicial, administrative, and regulatory decrees, judgments, and orders relating to the protection of human health or the environment, including, without limitation:
- (i) All requirements, including but not limited to those pertaining to reporting, licensing, permitting, investigation, and remediation of emissions, discharges, releases, or threatened releases of Hazardous Materials, chemical substances, pollutants, contaminants, or hazardous or toxic substances, materials or wastes whether solid, liquid, or gaseous in nature, into the air, surface water, groundwater, or land, or relating to the manufacture, processing, distribution, use, treatment, storage, disposal, transport, or handling of chemical substances, pollutants, contaminants, or hazardous or toxic substances, materials, or wastes, whether solid, liquid, or gaseous in nature; and
 - (ii) All requirements pertaining to the protection of the health and safety of employees or the public.

- (c) Environmental Damages. Environmental Damages means all claims, judgments, damages, losses, penalties, fines, liabilities (including strict liability), encumbrances, liens, costs, and expenses of investigation and defense of any claim, whether or not such claim is ultimately defeated, and of any good faith settlement or judgment, of whatever kind or nature, contingent or otherwise, matured or not matured, foreseeable or unforeseeable, including without limitation reasonable attorneys' fees and disbursements and consultants' and witnesses' fees, any of which are incurred at any time as a result of the existence of Hazardous Material upon, about, beneath the Premises or migrating or threatening to migrate to or from the Premises, or the existence of a violation of Environmental Requirements pertaining to the Premises, including without limitation:
- (i) Damages for personal injury, or injury to property or natural resources occurring upon or off of the Premises, foreseeable or unforeseeable, including, without limitation, lost profits, consequential damages, the cost of demolition and rebuilding of any improvements on real property, interest and penalties including but not limited to claims brought by or on behalf of employees of Tenant;
 - (ii) Fees incurred for the services of attorneys, consultants, contractors, experts, laboratories and all other costs incurred in connection with the investigation or remediation of such Hazardous Materials or violation of Environmental Requirements including, but not limited to, the preparation of any feasibility studies or reports or the performance of any cleanup, remediation, removal, response, abatement, containment, closure, restoration or monitoring work required by any federal, state or local governmental agency or political subdivision or court, or reasonably necessary to make full economic use of the Premises and any other property in a manner consistent with its current use or otherwise expended in connection with such conditions, and including without limitation any attorneys' fees, costs and expenses incurred in enforcing this agreement or collecting any sums due hereunder;
 - (iii) Liability to any third person or governmental agency to indemnify such person or agency for costs expended in connection with the items referenced herein; and
 - (iii) Diminution in the value of the Premises and adjoining property, and damages for the loss of business and restriction on the use of or adverse impact on the marketing of rentable or usable space or of any amenity of the Premises and adjoining property.

10.2.2 Tenant's Obligation to Remediate. Notwithstanding the obligation of Tenant to indemnify Landlord pursuant to this agreement, Tenant shall, upon demand of Landlord, and at its sole cost and expense, promptly take all reasonable and necessary actions to remediate the Premises which are reasonably necessary to mitigate Environmental Damages or to allow full economic use of the Premises, or are required by Environmental Requirements, which remediation is necessitated by the (1) introduction of a Hazardous Material upon, about or beneath the Premises, except as otherwise permitted in the use provisions hereof, or (2) a violation of Environmental Requirements, either of which is caused by the actions of Tenant, its employees, agents, contractors, subcontractors, guests, invitees or licensees. Such actions shall include, but not be limited to, the investigation of the environmental condition of the Premises, the preparation of any feasibility studies, reports or remedial plans, and the performance of any cleanup, remediation, containment, operation, maintenance, monitoring or restoration work, whether on or off of the Premises. Tenant shall take all actions necessary to restore the Premises in accordance with applicable environmental regulations to the condition existing prior to the introduction of Hazardous Material upon, about or beneath the Premises, notwithstanding any lesser standard of remediation allowable under applicable law or governmental policies. All such work shall be performed by one or more contractors, selected by Tenant and approved in advance and in writing by Landlord. Tenant shall proceed continuously and diligently with such investigatory and remedial actions, provided that in all cases such actions shall be in accordance with all applicable requirements of governmental entities. Any such actions shall be performed in a good, safe and workmanlike manner and shall minimize any impact on the business conducted at the Premises. Tenant shall pay all costs in connection with such investigatory and remedial activities, including but not limited to all power and utility costs, and any and all taxes or fees that may be applicable to such activities. Tenant shall promptly provide to Landlord copies of testing results and reports that are generated in connection with the above activities, and copies of any correspondence with any governmental entity related to such activities. Promptly upon completion of such investigation and remediation, Tenant shall permanently seal or cap all monitoring wells and test holes to industrial standards in compliance with applicable federal, state and local laws and regulations, remove all associated equipment, and restore the Premises to the maximum extent possible, which shall include, without limitation, the repair of any surface damage, including paving, caused by such investigation or remediation hereunder. Provided, however, that Tenant shall not be obligated to remediate environmental damages which result from seepage of Hazardous Materials onto the Premises from adjacent property unless the presence on the adjacent property was caused by Tenant or its employees, agents, contractors, subcontractors, guests, invitees or licensees.

10.2.3 Notification. If Tenant shall become aware of or receive notice or other communication concerning any actual, alleged, suspected or threatened violation of Environmental Requirements, or liability of Tenant for Environmental

Damages in connection with the Premises or past or present activities of any person thereon, or that any representation set forth in this agreement is not or is no longer accurate, including but not limited to notice or other communication concerning any actual or threatened investigation, inquiry, lawsuit, claim, citation, directive, summons, proceeding, complaint, notice, order, writ, or injunction, relating thereto, then Tenant shall deliver to Landlord, within ten days of the receipt of such notice or communication by Landlord, a written description of such violation, liability, correcting information, or actual or threatened event or condition, together with copies of any such notice or communication. Receipt of such notice shall not be deemed to create any obligation on the part of Landlord to defend or otherwise respond to any such notification or communication.

10.2.4 Negative Covenants.

- (a) No Hazardous Material on Premises. Except in strict compliance with all Environmental Requirements, and except as otherwise permitted in the use provisions hereof, Tenant shall not cause, permit or suffer any Hazardous Material to be brought upon, treated, kept, stored, disposed of, discharged, released, produced, manufactured, generated, refined or used upon, about or beneath the Premises by Tenant, its agents, employees, contractors, subcontractors, guests, licensees or invitees, or any other person. Tenant shall deliver to Landlord copies of all documents which Tenant provides to any governmental body in connection with compliance with Environmental Requirements with respect to the Premises, such delivery to be contemporaneous with provision of the documents to the governmental agency.
- (b) No Violations of Environmental Requirements. Tenant shall not cause, permit or suffer the existence or the commission by Tenant, its agents, employees, contractors, subcontractors or guests, licensees or invitees, or by any other person a violation of any Environmental Requirements upon, about or beneath the Premises or any portion thereof.
- (c) No Environmental or Other Liens. Tenant shall not create or suffer or permit to exist with respect to the Premises, any lien, security interest or other charge or encumbrance of any kind, including without limitation, any lien imposed pursuant to section 107(f) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. section 9607(l) or any similar state statute to the extent that such lien arises out of the actions of Tenant, its agents, employees, contractors, subcontractors or guests, licensees or invitees.

10.2.5 Landlord's Right to Inspect and to Audit Tenant's Records. Landlord shall have the right in its sole and absolute discretion, but not the duty, to enter and conduct

an inspection of the Premises and to inspect and audit Tenant's records concerning Hazardous Materials at any reasonable time to determine whether Tenant is complying with the terms of the Lease, including but not limited to the compliance of the Premises and the activities thereon with Environmental Requirements and the existence of Environmental Damages as a result of the condition of the Premises or surrounding properties and activities thereon. If Landlord has reasonable cause to believe Tenant is in default with respect to any of the provisions of this Lease related to Hazardous Materials, Environmental Requirements or Environmental Damages, then Landlord shall have the right, but not the duty, to retain at the sole expense of Tenant an independent professional consultant to enter the Premises to conduct such an inspection and to inspect and audit any public records or reports prepared by or for Tenant concerning such compliance. Tenant hereby grants to Landlord the right to enter the Premises and to perform such tests on the Premises as are reasonably necessary in the opinion of Landlord to assist in such audits and investigations. Landlord shall use reasonable efforts to minimize interference with the business of Tenant by such tests inspections and audits, but Landlord shall not be liable for any interference caused thereby.

- 10.2.6 Landlord's Right to Remediate. Should Tenant fail to perform or observe any of its obligations or agreements pertaining to Hazardous Materials or Environmental Requirements, then Landlord shall have the right, but not the duty, without limitation upon any of the rights of Landlord pursuant to this agreement, to enter the Premises personally or through its agents, consultants or contractors and perform the same. TENANT AGREES TO INDEMNIFY LANDLORD FOR THE COSTS THEREOF AND LIABILITIES THERE FROM AS SET FORTH IN THIS LEASE.
- 10.2.7 Landlord's Obligation to Remediate. Landlord agrees to remediate all Environmental Damages (1) caused by Landlord, its agents, employees, contractors, subcontractors, guests, licensees or invitees, or (2) not so caused but arising prior to Commencement Date hereof and not caused by Tenant, its agents, employees, contractors, subcontractors, guests, licensees or invitees.
- 10.2.8 Landlord's Responsibility for Environmental Matters. Landlord, its successors, assigns and guarantors, for Environmental Damages arising from activities of Landlord or its employees, agents, contractors, subcontractors or guests, licensees, invitees; or which occurred prior to the Commencement Date (and were not caused by Tenant, its agents, employees, contractors, subcontractors, guests, licensees or invitees which (1) result in the presence of Hazardous Materials upon, about or beneath the Premises or migrating to or from the Premises, or (2) result in the violation of any Environmental Requirements pertaining to the Premises and the activities thereon.
- 10.2.9 Survival of Environmental Obligations. The obligations of Landlord and Tenant as set forth in this Part 10 and all of its subparagraphs shall survive termination of

this Lease.

- 10.2.10 ENVIRONMENTAL INDEMNIFICATION. TENANT AGREES TO INDEMNIFY, DEFEND, REIMBURSE AND HOLD CITY AND ITS COUNCIL MEMBERS, BOARD AND COMMISSION MEMBERS, OFFICIALS, AGENTS, GUESTS, INVITEES, CONSULTANTS AND EMPLOYEES FREE AND HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, PROCEEDINGS, SUITS, JUDGMENTS, COSTS, PENALTIES, FINES, DAMAGES, LOSSES, ATTORNEYS' FEES AND EXPENSES ASSERTED BY LOCAL, STATE OR FEDERAL ENVIRONMENTAL AGENCIES OR PRIVATE INDIVIDUALS OR ENTITIES IN CONNECTION WITH ENVIRONMENTAL DAMAGES OCCURRING ON OR OFF THE LEASED PREMISES OR AIRPORT PROPERTY, INCLUDING THE EXPENSE OF THE REMEDIATION THEREOF, RESULTING FROM OR ARISING OUT OF ACTS OR OMISSIONS OF TENANT OR TENANT'S AGENTS, EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, GUESTS, LICENSEES OR INVITEES. TENANT SPECIFICALLY AGREES TO INDEMNIFY, DEFEND, REIMBURSE AND HOLD HARMLESS CITY AGAINST ALL CLAIMS, DAMAGES AND LIABILITIES OF WHATEVER NATURE ASSERTED UNDER CERCLA. TENANT SHALL BE RESPONSIBLE AND LIABLE FOR ANY SPILL, UNDERGROUND POLLUTION OR ANY OTHER ENVIRONMENTAL IMPAIRMENT INCIDENT CAUSED BY ACTS OR OMISSIONS OF TENANT OR ANY PERSON ACTING ON BEHALF OF TENANT REGARDLESS OF WHEN SUCH INCIDENT IS DISCOVERED. LANDLORD SHALL BE RESPONSIBLE AND LIABLE FOR ANY SPILL, UNDERGROUND POLLUTION OR ANY OTHER ENVIRONMENTAL IMPAIRMENT INCIDENT CAUSED BY ACTS OR OMISSIONS OF LANDLORD REGARDLESS OF WHEN SUCH INCIDENT IS DISCOVERED. IT IS THE INTENT OF THE PARTIES THAT THIS SECTION SHALL IN NO WAY LIMIT OTHER COVERAGE HEREIN AS IT MAY RELATE TO ANY ENVIRONMENTAL CLAIM, DAMAGE, LOSS OR LIABILITY OF ANY KIND.
- 10.3 PROSPECTIVE APPLICATION. ANY AND ALL INDEMNITY PROVIDED FOR IN THIS LEASE SHALL SURVIVE THE EXPIRATION OF THIS LEASE AND THE DISCHARGE OF ALL OTHER OBLIGATIONS OWED BY THE PARTIES TO EACH OTHER HEREUNDER AND SHALL APPLY PROSPECTIVELY NOT ONLY DURING THE TERM OF THIS LEASE BUT THEREAFTER SO LONG AS ANY LIABILITY (INCLUDING BUT NOT LIMITED TO LIABILITY FOR CLOSURE AND POST CLOSURE COSTS) COULD BE ASSERTED IN REGARD TO ANY ACTS OR OMISSIONS OF TENANT IN PERFORMING UNDER THIS LEASE.
- 10.4 APPLICATION TO SURROUNDING PROPERTY. THE INDEMNIFICATION PROVISIONS OF THIS LEASE EXTEND TO CLAIMS AND ASSESSMENTS RELATING TO RUNOFF, LEACHATE, OR OTHER INFILTRATION THAT MAY

OCCUR OR HAS OCCURRED AT OR NEAR THE SITE OF LANDFILLS, TRANSFER STATIONS, OR OTHER SOLID WASTE FACILITIES AND SURROUNDING AREAS AND FOR WHICH LIABILITY IS ASSERTED TO HAVE EXISTED FROM OPERATION OF THE LEASED PREMISES BY TENANT.

11. TERMINATION OF LEASE.

- 11.1 Termination. A finding of violation of any applicable law or regulation by a trial court or state or federal regulatory agency having jurisdiction is a material breach of this Lease for which Landlord may terminate the Lease or elect such other remedy as Landlord may be entitled to hereunder, at law or in equity.
- 11.2 Bankruptcy or Insolvency. In the event Tenant: (1) files a voluntary petition in bankruptcy or is adjudicated a bankrupt or insolvent, or takes the benefit of any relevant legislation that may be in force for bankrupt or insolvent debtors or files any petition or answer seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief for itself under any present or future federal, state or other statute, law or regulation, or proceedings are taken by Tenant under any relevant Bankruptcy Act in force in any jurisdiction available to Tenant, or Tenant seeks or consents to or acquiesces in the appointment of any trustee, receiver or liquidator of Tenant or of all or any substantial part of its properties or of the Premises, or makes any general assignment for the benefit of creditors, or (2) a petition is filed against Tenant seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any present or future federal, state or other statute, law or regulation, and shall remain not dismissed for an aggregate of one hundred twenty (120) days, or if any trustee, receiver or liquidator of Tenant or of all or any substantial part of its properties or of the Premises is appointed without the consent or acquiescence of Tenant and such appointment remains un-vacated for an aggregate of twenty (20) days; then either such event shall constitute a default by Tenant and Landlord shall have the right to terminate this Lease.
- 11.4 Re-entry By Landlord. In the event Landlord elects to re-enter or take possession of the Leased Premises, Tenant shall quit and peaceably surrender the Leased Premises to Landlord, and Landlord may enter upon and re-enter the Leased Premises and possess and repossess itself thereof, by force, summary proceedings, ejectment or otherwise, and may dispossess and remove Tenant and may have, hold and enjoy the Leased Premises and the right to receive all rental income of and from the same. Upon termination of this Lease, Landlord may re-enter and take immediate possession of the Leased Premises and remove Tenant's effects, property and improvements, with or without process of law, without being deemed guilty of trespassing. Any property, effects or improvements left by Tenant and not removed or retrieved within thirty (30) days of termination of this Lease, shall be deemed abandoned by Tenant and subject to disposal at the discretion of Landlord. Tenant shall reimburse Landlord for any storage fees incurred by Landlord in temporarily holding property of Tenant. Landlord shall not be liable for damages by reason of re-entry.

- 11.5 Possession. Tenant agrees at the termination of this Lease to deliver possession peacefully to the Landlord or its agents or employees; and if it fails to give peaceful possession, Landlord may take forceful possession of the leased property and eject all parties there from without being guilty of trespass; and all resulting damages are hereby waived.
- 11.6 Attorneys' Fees and Expenses. In the event of the breach of any of the covenants, conditions or obligations contained herein by the Tenant, or if it becomes necessary for the Landlord to employ attorneys to enforce its rights accruing as a result of such default, Tenant agrees to pay Landlord reasonable attorneys' fees and all costs of court and expenses incurred as a result.
- 11.7 Other Remedies. Any termination of this Lease arising from Tenant's default shall not relieve Tenant from the payment of any sum or sums that are due and payable to Landlord under this Lease, or any claim for damages then or thereafter accruing against Tenant under this Lease. Any such termination shall not prevent Landlord from enforcing the payment of any such sum or sums or claim for damages by any remedy provided for by law or from recovering damages from Tenant for any default under this Lease. All rights, options, and remedies of Landlord contained in this Lease or otherwise shall be construed and held to be cumulative, and no one of them shall be exclusive of the other; and Landlord shall have the right to pursue any one or all of such remedies or any other remedy or relief which may be provided by law, whether or not stated in this Lease. No waiver by Landlord of a breach of any of the covenants, conditions, or restrictions of this Lease shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other covenant, condition or restriction contained in this Lease.
- 11.8 Removal of Improvements. All equipment, machinery, and trade fixtures installed on the Leased Premises by Tenant shall remain the property of Tenant and shall be removed within thirty (30) days after the termination of this Lease, provided Tenant is not then in default in the performance of any of its obligations or covenants herein contained, and provided further that any damage to the realty or structure upon which such items are situated or installed from their removal is fully repaired by Tenant at time of removal. No equipment, machinery, or trade fixtures installed on the Leased Premises by Tenant shall be removed by Tenant until all rentals due Landlord by Lessee shall have been paid in full. Notwithstanding the foregoing, all property remaining on the Leased Premises after the expiration of thirty (30) days following the termination of this Lease, however terminated, shall be deemed abandoned by Tenant and shall automatically become the property of Landlord.
12. WARRANTY OF TITLE AND QUIET ENJOYMENT.
- 12.1 Landlord covenants that Landlord has the right to lease the Premises in the manner described herein and that Tenant shall peaceably and quietly have, hold, occupy, and enjoy the Premises during the term of the lease subject to the terms and conditions hereof.

13. MISCELLANEOUS.

- 13.1 Relationship of Landlord and Tenant. The relationship between Landlord and Tenant at all times shall remain solely that of landlord and tenant and shall not be deemed a partnership or joint venture.
- 13.2 Parties Bound. This agreement shall be binding upon and inure to the benefit of the parties of this Lease and their respective successors and assigns.
- 13.3 Headings. The paragraph headings contained herein are for convenience and reference and are not intended to define, extend or limit the scope of any provision of this Lease.
- 13.4 Assignment. Except as otherwise provided herein, Tenant shall not transfer, assign, sublet, encumber or pledge the Leased Premises, License or this Lease, in whole or in part, without the prior written consent of Landlord.
- 13.5 Texas Law to Apply. The parties hereby agree that Texas law will control the interpretation or enforcement of this Lease. This Lease has been executed in Texas, and all obligations hereunder are performable in Tom Green County, Texas.
- 13.6 Invalid or Illegal Provisions. If any one or more provisions of this Lease are for any reason held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability will not affect any other provision of the Lease, which will be construed as if it had not included the invalid, illegal or unenforceable provision.
- 13.7 No Waiver of Breach. No assent, or waiver expressed or implied, or failure to enforce, as to any breach of any one or more of the covenants or agreements herein shall be deemed or taken to be a waiver of any succeeding or additional breach.
- 13.8 Notices. Any formal notice required or permitted under this Lease shall be deemed sufficiently given if it is in writing and personally delivered, or sent by overnight express delivery service or deposited in the United States mail, postage prepaid and sent by registered or certified mail (return receipt requested) to the party to whom said notice is to be given. Notices delivered in person, or by overnight express delivery service, shall be deemed to be served effective as of the date the notice is delivered. Notices sent by registered or certified mail (return receipt requested) shall be deemed to be served three (3) days after the date said notice is postmarked to the addressee, postage prepaid.

Until changed by written notice given by one party to the other, the addresses of the parties shall be as follows:

LANDLORD: CITY OF SAN ANGELO
San Angelo Regional Airport–Mathis Field
Attn: Airport Director
8618 Terminal Circle, Ste. 101
San Angelo, Texas 76904

TENANT RANGER AVIATION ENTERPRISES, INC.
Attention : John D. Fields
P.O. Box 61010.
San Angelo, Texas 76906

- 13.9 Venue. Parties agree that venue shall be in Tom Green County, Texas.
- 13.10 Inurements. The covenants and agreements herein contained shall bind and inure to the benefit of Landlord and Tenant and their respective successors and permitted assigns. This Lease shall be signed by the parties in duplicate, each of which shall be a complete and effective original lease.
- 13.11 Survival of Claims. The provisions of the Agreement relating to indemnification from one party hereto to the other party shall survive any termination or expiration of this Lease. Additionally, any provisions of this Lease which require performance subsequent to the termination or expiration of this Lease shall also survive such termination or expiration.
- 13.12 Remedies. Any termination of this Lease shall not relieve either party from the payment of any sum or sums that are due and payable under this Lease or any claim for damages then or thereafter accruing under this Lease. Any such termination shall not prevent either party from enforcing the payment of any such sum or sums or claim for damages by any remedy provided for under the terms hereof, or by law, or from recovering damages under this Lease. All rights, options, and remedies of either party contained in this Lease or otherwise shall be construed and held to be cumulative, and no one of them shall be exclusive of the other; and either party shall have the right to pursue any one or all of such remedies or any other remedy or relief which may be provided by law, whether or not stated in this Lease. No waiver of breach of any of the covenants, conditions, or restrictions of this Lease shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other covenant, condition or restriction contained in this Lease.
- 13.13 Entire Agreement/Amendments. This Lease constitutes the entire agreement between the parties; and Landlord is not bound by any agreement, condition or stipulation, understanding or representation made by any of Landlord's agents not contained herein. No amendment to this Lease shall be effective unless such is in writing and signed by both parties

[Signature Page to Follow]

EXECUTED in duplicate originals on the dates specified below.

LESSOR: CITY OF SAN ANGELO

By: _____
Daniel Valenzuela, City Manager

ATTEST:

Date: _____, 2017

Bryan Kendrick, City Clerk

LESSEE: RANGER AVIATION
ENTERPRISES, INC.

By: _____
John D. Fields, President

Date: _____, 2017

ATTEST:

By: _____

Name: _____ Ricki Fields-Galyean

Title: _____ Secretary

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2017, by Daniel Valenzuela, as City Manager of the City of San Angelo, a Texas home-rule municipal corporation on behalf of said corporation.

Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2017, by JOHN D. FIELDS as President of Ranger Aviation Enterprises Inc., a Texas for profit corporation, and RICKI FIELDS-GALYEAN, its Secretary, on behalf of said corporation.

Notary Public, State of Texas

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Luis E. Elguezabal, Airport Director

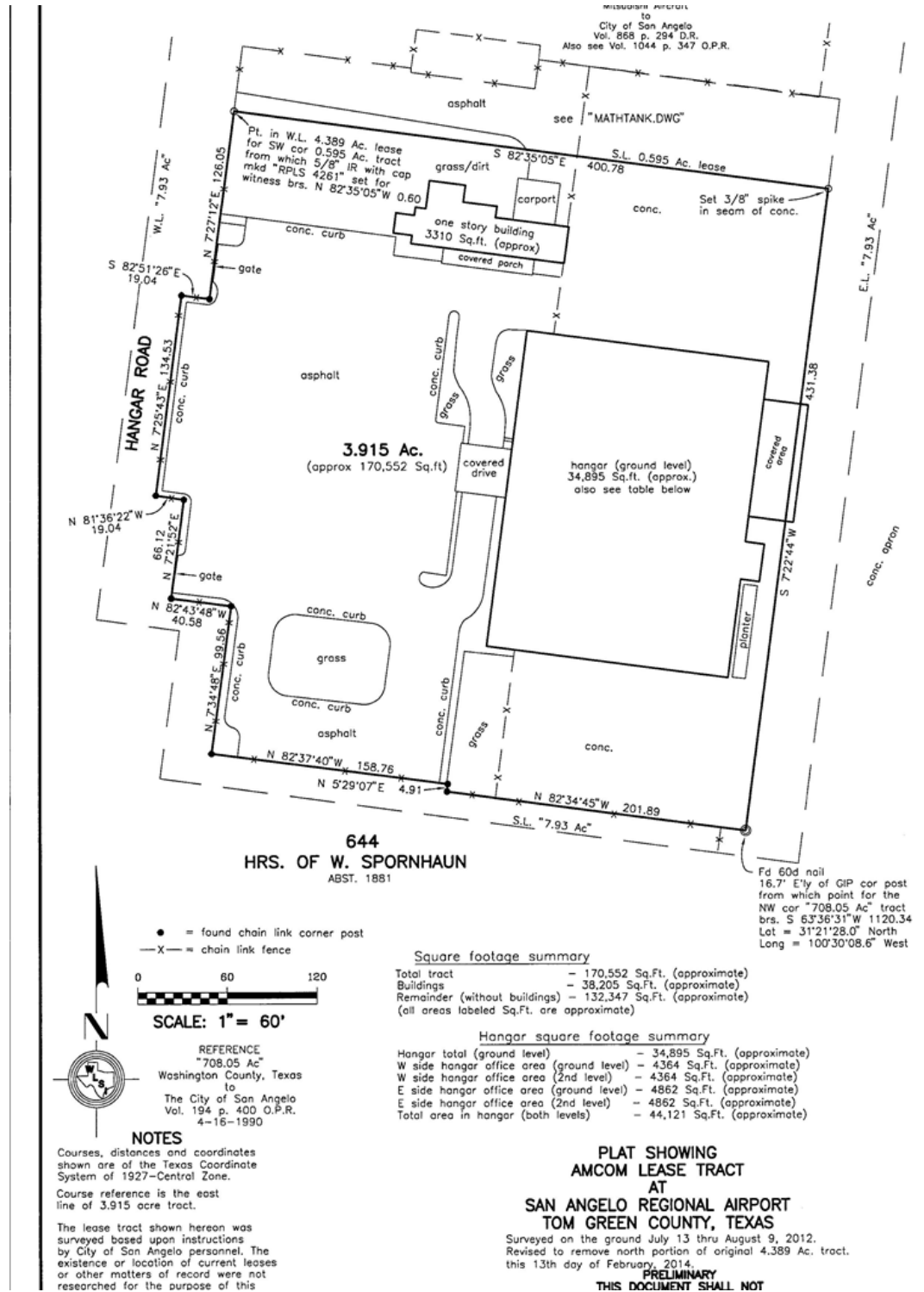
Dan T. Saluri, Deputy City Attorney

APPROVED FOR INSURANCE AND INDEMNIFICATION:

Charles Hagen, Risk Manager

EXHIBIT "A"

ATTACHMENT: SURVEY OF PROPERTY



ATTACHMENT: PHOTOS OF PROPERTY



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Cynthia Preas, Real Estate Manager, Real Estate, 325-657-4212

Meeting Date: April 18, 2017

Item type: Consent Item

Caption:

Consider a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the city and all taxing units in the Tax Foreclosure Judgment or Tax Warrant to the following properties (C. Preas):

1. 2105 Lillie St; N85.5' of S225' of Block 8, E S Kirby Addition; Chavez (\$2,150)
2. 1710 McGlothlin; Lot 13, Block 2, Summit Heights Addition; Martinez (\$3,000)

Summary/History:

The subject property was auctioned at Sheriff's Sale. No offers were received causing subject property to be struck-off to the City as Trustee for itself and other taxing entities.

Financial Impact:

Upon approval: (1) The City will retain a \$500 Administration fee; (2) The balance will be distributed according to the judgment or tax warrant on the Sheriff's Return; (3) Property will be reinstated back onto tax roll. Savings to the City include minimum \$90 per year in maintenance charges per property.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | |
|-------------------------------------|--------------------------------------|
| 1. Property Analysis E. S. Kirby | Property Analysis E S Kirby.pdf |
| 2. Map E S Kirby | Map E S Kirby.pdf |
| 3. Property Analysis Summit Heights | Property Analysis Summit Heights.pdf |
| 4. Map Summit Heights | Map Summit Heights.pdf |

Presentation:

Approvals/Reviews:

Cynthia Preas	Created/Initiated
Cynthia Preas	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

PROPERTY ANALYSIS

For Tax Resale Property

Legal Description: North 85.5 feet of the South 225 feet of Block 8, E.S. Kirby Subdivision, Tom Green County Texas, as described in deed recorded in Volume 1231, Page 235, Official Public Records of Real Property, Tom Green County, Texas.

Improved/Unimproved Unimproved

Tax Suit Number: C-14-0229-TAX

Location: 2105 Lillie St.

City of San Angelo, et al. Emma Belle Jones, et al.
vs.

Tax ID Number: Acct #15-30200-0008-002-00

Judgment Date: February 3, 2017

Date of Sheriff's Sale: March 7, 2017

Sheriff's Deed Recorded: March 14, 2017

Years Held in Trust

1 month

Adjudge Value: \$ 3,666.30

Urban Redevelopment Program?

No

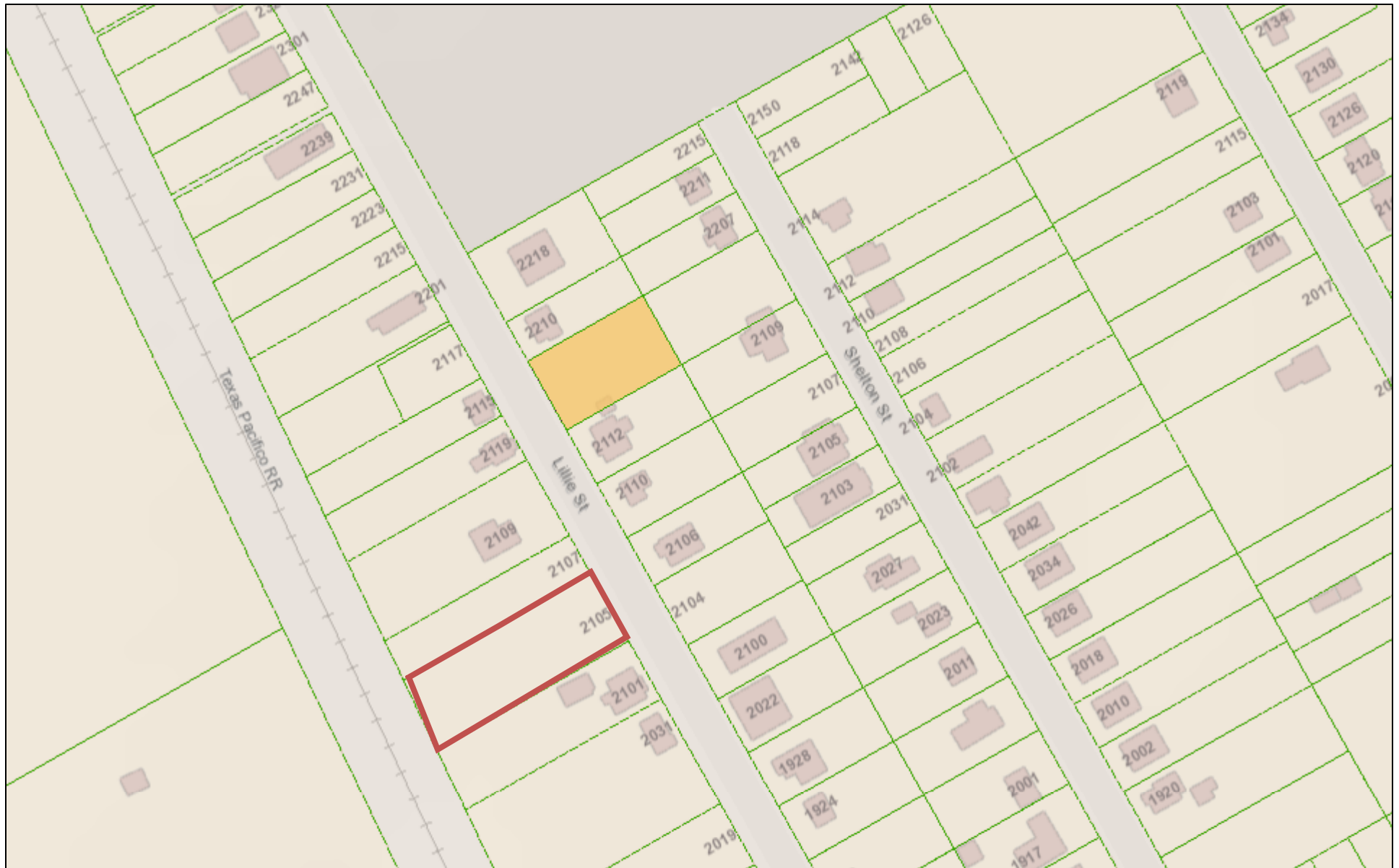
Amount of Offer: \$ 2,150.00

Purchaser: Neal B. Chavez

	Amounts Due		Priority Allocations	% of Remainder	Pro Rata Allocations	Amounts Distributed
	Fees	Judgment				
Administration Fee	\$500.00		\$500.00	0.00%		\$500.00
Maintenance Fee	\$45.00		\$45.00	100.00%		\$45.00
District Clerk	\$523.00		\$523.00	100.00%		\$523.00
Sheriff's Fee	\$100.00		\$100.00	100.00%		\$100.00
Attorney Fee	\$402.00		\$402.00	100.00%		\$402.00
Municipal Liens		\$1,586.42		21.96%		\$348.38
Taxes		\$1,054.88		21.96%		\$231.62
Total	\$1,570.00	\$2,641.30	\$1,570.00		\$0.00	\$2,150.00
Actual Total Amt Due		\$4,211.30				
Amount Remaining						

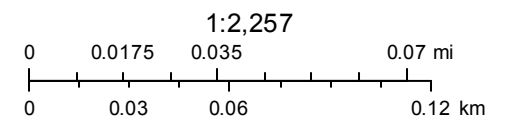
Offer will satisfy a portion of the court costs and Taxes, according to the Judgment.

E S Kirby



March 9, 2017

-  Tax Parcels
-  Property Master Index



PROPERTY ANALYSIS

For Tax Resale Property

Legal Description: Lot 13, Block 2, Summit Heights Addition, City of San Angelo, Tom Green County, Texas, as described in deed recorded in Instrument No. 633262, Official Public Records, Tom Green County, Texas

Improved/Unimproved Improved

Tax Suit Number: A-15-0087-TAX

Location: 1710 McGlothlin

City of San Angelo, et al. Robert T. Bassham
vs.

Tax ID Number: Acct #25-45500-0002-013-00

Judgment Date: August 11, 2016

Date of Sheriff's Sale: March 7, 2017

Sheriff's Deed Recorded: March 14, 2017

Years Held in Trust

1 month

Adjudge Value: \$ 5,455.30

Urban Redevelopment Program?

No

Amount of Offer: \$ 3,000.00

Purchaser: Linda Torres Martinez

	Amounts Due		Priority Allocations	% of Remainder	Pro Rata Allocations	Amounts Distributed
	Fees	Judgment				
Administration Fee	\$500.00		\$500.00	0.00%		\$500.00
Maintenance Fee	\$231.30		\$231.30	100.00%		\$231.30
District Clerk	\$298.00		\$298.00	100.00%		\$298.00
Sheriff's Fee	\$100.00		\$100.00	100.00%		\$100.00
Attorney Fee	\$402.00		\$402.00	100.00%		\$402.00
Municipal Liens		\$510.08		10.07%		\$51.36
Taxes		\$4,145.22		10.07%		\$417.34
Total	\$1,531.30	\$4,655.30	\$1,531.30		\$0.00	\$2,000.00
Actual Total Amt Due		\$6,186.60				
Amount Remaining						

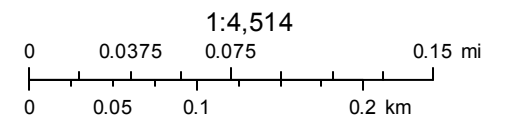
Offer will satisfy a portion of the court costs and Taxes, according to the Judgment.

Summit Heights



March 9, 2017

-  Tax Parcels
-  Property Master Index



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Cynthia Preas, Real Estate Manager, Real Estate, 325-657-4212

Meeting Date: April 18, 2017

Item type: Consent Item

Caption:

Consider declaring the remnant of Lot 1, Block 4, Ben Ficklin Addition No. 1, purchased for roadway use, surplus for the purpose of disposing of surplus property for the fair market value and authorizing the City Manager to execute all documents necessary to convey the surface estate only in the surplus property by Special Warranty Deed to the adjacent property owner, reserving unto the City of San Angelo all mineral interests, surface and ground water rights (C.Preas)

Summary/History:

The property owner adjacent to the remnant of Lot 1, Block 4, Ben Ficklin Addition No. 1, Stela Dominguez Rivera, desires to purchase the remnant lot which has been determined to be surplus property and City staff has no objections to conveying this property.

Financial Impact:

No cost to the City; profit of market value \$1,974; and the property will be reinstated back onto the tax roll. Savings to the City include minimum \$90 per year in maintenance charges.

Other Information/Recommendation:

Staff recommends the sale be approved.

Attachments:

- | | |
|---|---------------------------|
| 1. Survey Surplus Property Ben Ficklin #1 | Survey Ben Ficklin #1.pdf |
|---|---------------------------|

Presentation:

Approvals/Reviews:

Cynthia Preas	Created/Initiated
Cynthia Preas	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Roland Pena, Economic Development Director, Economic Development, 325.653.7197

Meeting Date: April 18, 2017

Item type: Consent Item

Caption:

Consider a resolution conditionally approving assignment of the lease agreement pertaining to 28 acres of City owned land and meat processing facility by San Angelo Packing Company, Inc. to Robinson Premium Beef, LLC dated July 18, 2014; authorizing the City Manager to execute an amendment to the lease agreement (R.Pena)

Summary/History:

The Resolution for Council consideration authorizes the City Manager to negotiate and execute a first amendment of Lease Agreement of a 28 acre tract of land located at 1146 City Farm Road to be utilized as a meat processing facility by Robinson Premium Beef, LLC (RPB) as part of its bankruptcy reorganization plan, subject to approval of the Plan by the bankruptcy court and subject to approval of the City and of lien holders if required.

The 1996, 49 year lease (at \$1/year rent) originated with Ranchers Lamb of Texas, Inc. Crockett National Bank (CNB) held a security interest in the Lease. As a result of foreclosure of that lien, assignment of the lease in 2006 by CNB to SAP, and transfer of the security interests in 2006 from CNB to Sundown State Bank (SSB), the tenant under the Lease of record at that time was San Angelo Packing, Inc. (SAP). SAP ceased operations in 2013, when Four-S Food Holding Company, LLC (Four-S) was in possession of the Leased Premises. The property has been vacant since sometime in 2013. The City has elected not to terminate the Lease in order to facilitate RPB in incorporating operation of the facility into its Reorganization Plan. The Lease may continue to be subject to security interests, if any, held by SSB or other prior lien holders.

In 2014, SAP and Four-S sold plant equipment and all of their interest in the meat packing and processing business to RPB. The sale documents acknowledge that City consent will be required for assignment of the Lease. RPB is presently in the process of a court determination of mortgage interests, if any, in the Lease. RPB is also in the process of adopting a Reorganization Plan to re-open the San Angelo Packing plant on Bell Street and for future operation of the City facility as an ancillary meat processing plant. City consent to the assignment of Lease and renegotiation of Lease terms are substantive provisions in RPB's Reorganization Plan.

Financial Impact:

No fiscal impact at this time. If the company is emerges successfully with a reorganizational plan, we will negotiate for a new rent rate with escalation. And bring back an amended Lease Agreement.

Other Information/Recommendation:

Resoultion

Attachments:

- | | | |
|----|-------------------------------------|--|
| 1. | Robinson Beef Bankruptcy Resolution | 16-648_ED_ROBINSON_BANKRUPTCY_28_ACR_LEASE_RESO_DRAFT_4-10-16.docx |
|----|-------------------------------------|--|

Presentation:

Approvals/Reviews:

Roland Pena	Created/Initiated
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL CONDITIONALLY APPROVING ASSIGNMENT OF THAT CERTAIN LEASE AGREEMENT PERTAINING TO 28.00 ACRES OF CITY OWNED LAND AND MEAT PROCESSING FACILITY BY SAN ANGELO PACKING COMPANY, INC. AND FOUR S FOODS HOLDING COMPANY, LLC, TO ROBINSON PREMIUM BEEF, LLC, DATED JULY 18, 2014; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FIRST AMENDMENT TO THE LEASE AGREEMENT PROVIDING FOR ASSIGNMENT, CURE, RENT ESCALATION AND OTHER APPLICABLE PROVISIONS IN A FORM APPROVED BY CITY ATTORNEY'S OFFICE; AND, FINDING A PUBLIC INTEREST AND BENEFIT IN THE ASSIGNMENTS AND FIRST AMENDMENT TO LEASE AGREEMENT

WHEREAS, San Angelo Packing Company, Inc. (SAP) owned and operated a meat packing facility at 1809 N. Bell Street, San Angelo, Texas; and;

WHEREAS, the City of San Angelo owns a 28 acre parcel of land located at 1146 City Farm Road, with improvements utilized for small meat processing plant. The premises were under lease to Rancher's Lamb of Texas, Inc., commencing March 1, 1996 and expiring February 28, 2046 ("Lease"); and,

WHEREAS the Lease prohibits assignment or subletting of the Leased Premises without the consent of City, which consent is not to be unreasonably withheld; and,

WHEREAS various security interests in the lease, foreclosure of those interests and assignment of the foreclosed lease and transfer of the security interests therein have taken place in the past, including that on September 19, 2006, an Assignment of said Lease from Crockett National Bank (CNB), Assignor, to SAP was approved by the City of San Angelo, stating on its face that CNB, Assignor is now the owner of the Lease (having foreclosed its security interest) and sought to assign the Lease to SAP, Assignee; and retain a lien on the leasehold and,

WHEREAS, on September 26, 2006, CNB recorded a transfer of its lien on the Lease to Sundown State Bank (SSB) although on October 2, 2006 CNB recorded a release of that same lien, whereas SSB is understood to assert that it is a Mortgagee that holds a lien against the Lease and SAP remained tenant as under the Lease from 2006 to 2014.

WHEREAS sometime prior, as well as during 2014, Four S Food Holding Company, LLC ("Four-S"), was in actual possession of the small animal meat processing plant located on the Leased Premises; and,

WHEREAS, SAP and LLC "Four-S jointly, by virtue of: a) an Assignment and Bill of Sale ("ABOS") dated July 18, 2014; and b) the Asset Purchase Agreement ("APA") dated May 30, 2014, sold their business to Robinson Premium Beef, LLC ("RPB" or "Lessee") specifically all personal property and equipment used in their business along with assignment of their rights to all licenses, permits, easements and other authorizations or grants, if any, owned by or in favor of SAP and Four-S which were in any way used or useful in the ownership and operation of their business assets; and

WHEREAS, the ABOS and the APA further include assignment to RPB of Sellers' rights under "any lease agreements, contracts and commitments described on exhibits attached thereto", which exhibits were apparently never attached to the ABOS and incompletely attached to the APA; and,

WHEREAS, the APA and ABOS, include acknowledgement of Sellers that consent of City will be required with respect to the Lease in contemplation of transfer of the business to RPB, but do not address the interest of SSB as Mortgagee, if any; and

WHEREAS, the Lease provides that the Landlord may, at its discretion, upon assignment of the Lease, charge a market rental rate based on fair market value of the property or offer the Leased Premises for sale at fair market value to the Assignee; and,

WHEREAS, City has not exercised any right that it may have under the Lease to consent to assignment of Lease, adjust rent, declare a default or to terminate the Lease; and,

WHEREAS, RPB, has proceeded to refurbish the meat packing facility on Bell street and to possess and maintain security over the Leased Premises in anticipation of commencing operations there; and,.

WHEREAS RPB asserts that its rights under the APA, the ABOS generated both a leasehold and possessory interest in the Leased Premises, as well as that SSB has been aware of RPB's presence since the APA and ABOS were executed and requests that City consent to the assignment of Lease from Four-S and SAP, pursuant to City's obligation under the Lease not to unreasonably withhold consent and,

WHEREAS the City, notwithstanding anything to the contrary in this Resolution, reserves the right to maintain certain defenses and contractual rights to adjust Lease terms, including but not limited to rent escalation or the eviction of RPB from the Leased Premises that the City is otherwise entitled to as the landlord; and,

WHEREAS the City of San Angelo and RPB desire that RPB's status as a putative assignee and Lessee under the Lease be clarified and resolved effective as of the date of ABOS, and that guidelines and requirements for assumption of the Lease be provided for in RPB's Plan of Reorganization specifically as detailed in Plan Section 5.01 and Plan Exhibit 5.01 under "Terms of Agreement, now pending in the US. Bankruptcy Court for the Northern District of Texas, San Angelo Division (the "Court"), and bearing Case No. 16-60092-rlj-11 (the "BK Case"); and,

WHEREAS, the City Council recognizes a public interest and benefit in encouraging that the Leased Premises be put back into operation thereby creating jobs and generating tax dollars and other public revenues; and,

WHEREAS, RPB's rehabilitation and operation of the small animal meat processing facility on the Leased Premises to function as an ancillary operation to its meat packing facility on Bell Street, is subject to the effective date of this resolution and the confirmation of RPB's reorganization plan;

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

1. The foregoing recitals are determined by the City Council to be true and correct and are hereby adopted as factual findings in support of this resolution.

2. The request of RPB pursuant to Section 6.1.1 of the Lease for consent of City to the assignment of the Lease from SAN ANGELO PACKING COMPANY, INC. and FOUR S FOODS HOLDING COMPANY, LLC, to ROBINSON PREMIUM BEEF, LLC, pursuant to provisions of the hereinabove

described ASSET PURCHASE AGREEMENT dated May 30, 2014 and the ASSIGNMENT AND BILL OF SALE dated July 18, 2014, is conditionally approved effective upon consent of leasehold mortgagee pursuant to Section 6.2.3 of the Lease (if such leasehold mortgage is in fact valid).

3. Subject to the provisions of paragraph 2. above, and , prior to the confirmation hearing on RPB's Plan of Reorganization as it may be amended or modified per applicable rules of that Court and with appropriate notice and preservation of the City's rights in such circumstances, the City Manager or his designee is authorized to negotiate and execute a First Amendment to the Lease Agreement providing for the assignment to RPB, cure, rent escalation and other applicable provisions in a form approved by the City Attorney's Office.

4. Prior to the foregoing consent to assignment becoming effective or a determination by a court of competent jurisdiction that the leasehold mortgage is not valid, prior to confirmation of RFB's Reorganization Plan, and to the extent that the City as Landlord may permit, the City Manager is further authorized, to permit RPB to continue in possession of the Leased Premises and to otherwise comply with the economic terms detailed in its Reorganization Plan.

APPROVED AND ADOPTED ON THE _____DAY OF, _____ 2017.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Roland Pena, Director of
Economic Development

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bob Salas, Neighborhood Services Director, Neighborhood and Family Services, 325-655-0824

Meeting Date: April 18, 2017

Item type: Consent Item

Caption:

Consider approval of annual recertification for Galilee Community Development Corporation as a Community Housing Development Organization(CHDO) - (B.Salas)

Summary/History:

HUD recommends recertification of CHDOs annually. As stated in the HOME regulations (§ 92.300 (a)(1)), a participating jurisdiction is required to reserve not less than 15% of their HOME allocation for investment in housing to be developed, sponsored or owned by CHDOs.

Galilee CDC meets all HUD CHDO requirements as described below:

- Has a governing board consisting of not less than one-third low-income persons and not more than one-third public officials.
- Has a 503(c)(3) or (c)(4) ruling from the IRS.
- Has demonstrated a capacity for carrying out activities assisted with HOME funds
- Has a history of serving the community in which the HOME assisted housing is to be located for a minimum of one year
- Has among its purposes the provision of decent housing that is affordable to low-income and moderate-income persons, as evidenced in its charter, articles of incorporation, resolutions or by-laws.

Staff recommends approval in order for Galilee to continue to be designated as the City's CHDO.

Financial Impact:

If not approved, Galilee will not be able to continue to be considered a CHDO and 15% of our HOME grant funds will be returned to HUD.

Other Information/Recommendation:

Attachments:

1. Resolution - Galilee CDC CHDO Certification 17-433_NS_GALILEE_CHDO_RE-CERT_RESO.docx

Presentation:

None

Approvals/Reviews:

Bob Salas

Created/Initiated

Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Dan Saluri	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS,
APPROVING THE RE-CERTIFICATION OF GALILEE COMMUNITY DEVELOPMENT
CORPORATION (GALILEE CDC) AS A COMMUNITY HOUSING DEVELOPMENT
ORGANIZATION (CHDO) ELIGIBLE TO RECEIVE AFFORDABLE HOUSING HOME
FUNDS.

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has designated the City of San Angelo, Texas, as a Participating Jurisdiction eligible to receive formula funding from the HOME Program as authorized by Title II of the National Affordable Housing Act of 1990 (PL 101-625), as amended; and

WHEREAS, the City of San Angelo is awarded an annual entitlement under the HOME Investment Partnerships Program; and

WHEREAS, not less than fifteen percent (15%) of HOME funds must be invested in housing to be developed, sponsored or owned by qualified Community Housing Development Organizations (CHDOs); and

WHEREAS, Galilee CDC. has previously been certified a CHDO and has satisfied the requirements to be recertified as a CHDO and as such will undertake activities to expand and develop safe, decent and affordable housing for moderate-income households in the City of San Angelo;

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

Having met the requirements for recertification, the City of San Angelo, Texas, approves recertification for Galilee Community Development Corporation as a Community Housing Development Organization (CHDO) and recognizes it as eligible to receive HOME funds for the acquisition, rehabilitation and new construction of single-family homes.

This resolution shall take effect immediately from and after its adoption.

PASSED, APPROVED, AND ADOPTED this 18th day of April, 2017.

CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

BY: _____
Bryan Kendricks, City Clerk

APPROVED AS TO CONTENT:

Robert Salas, Neighborhood & Family
Services Director

APPROVED AS TO FORM:

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Morgan Chegwidden, Budget Manager, Budget, 325-653-6291

Meeting Date: April 18, 2017

Item type: Consent Item

Caption:

Second reading and consider adopting an ordinance amending Appendix A "Fee Schedule", Article A6.000, "Parks Use Fees"; by renaming said Article "Parks and Recreation Fees"; adding Section A6.005 "Park Facility and Activity Fees" (Presentation by Budget Manager Morgan Chegwidden)

Summary/History:

Each year, fees and charges are reviewed to ensure current rates are appropriate for the services rendered. Through this process we explore new fees to charge for existing services, increases to fees for existing services, and ratification of existing fees which have not yet been adopted in an ordinance.

In the parks division there are no new fees proposed at this time, several fees have been approved/discussed in the past and simply need to be ratified in an ordinance at this time.

Staff proposes the following fees based on the estimated cost of service and survey of peers.

Ratify Existing Fee

- Facility Rentals x 14

For the Recreation division, there is one increased fee proposed at this time and the remaining 78 fees have been approved/discussed in the past and simply need to be ratified at this time.

Ratify Existing Fees

- Leagues x 31
- Nature Center x 15
- Rentals x 14
- Pool x 10
- Texas Bank Sports Complex x 7
- Other x 7
- Nutrition x 1

Increase Fee

- Nutrition x 1

Staff proposes the attached list of fees based on the estimated cost of service and survey of peers.

Financial Impact:

Maintaining \$22,000 in Parks revenue for the General Fund, and a potential annual impact of increased revenue yielding \$20,800 for the Intergovernmental Grant Fund; maintaining current revenue budget in General Fund, Texas Bank Sports Complex Fund, and Intergovernmental Grant Fund.

Other Information/Recommendation:

Staff recommends approval of the proposed ordinance.

Attachments:

- | | | |
|----|-----------------------|---------------------------------------|
| 1. | Fee List - Recreation | Recreation- Fee List.pdf |
| 2. | Fee List - Parks | Park- Fee List.pdf |
| 3. | Ordinance | 17-279_PARKS_&_REC_FEE_ORD FINAL.docx |
| 4. | Presentation | FIN 170307 Parks & Rec.pptx |

Presentation:

PowerPoint

Approvals/Reviews:

Morgan Chegwiddden	Created/Initiated
Theresa James	Approved
Anthony Wilson	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

City of San Angelo

FY2016-17 Budget

Review of Fee Charges

Department/ Division	Type of Fee/Charge & Qualifiers	Status of Fee	Estimated Cost		Proposed Fee	Financial Impact	Notes
			of Service	Current Fee			
Recreation 101-6100	Baseball - Youth League Ages 13-14	Needs Ratified		\$850 / team			
Recreation 101-6100	Baseball - Youth League Ages 8-12	Needs Ratified		\$650 / team			
Recreation 101-6100	Baseball - Adaptive Tball	Needs Ratified		\$30 / player			
Recreation 101-6100	Baseball Fields - Improved	Needs Ratified		\$20 / hr.			
Recreation 101-6100	Baseball Fields - Lighted (Bell St., Glenmore, Padrone, Mountain View)	Needs Ratified		\$1 / hr.			5:30-6:45 & 7:00-8:15 are the only two times offered per BC
Recreation 101-6100	Baseball Fields - Marking (TLCA - any outside tournament)	Needs Ratified		\$25			
Recreation 101-6100	Baseball Fields- Unimproved	Needs Ratified		\$1 / hr.			5:30-6:45 & 7:00-8:15 are the only two times offered per BC
Recreation 101-6100	Basketball - Adaptive	Needs Ratified		\$30 / player			
Recreation 101-6100	Basketball - Adult League	Needs Ratified		\$250 / team			
Recreation 101-6100	Basketball - Youth League/Individual	Needs Ratified		\$60 / player			During regular registration period
Recreation 101-6100	Basketball - Youth League/Team	Needs Ratified		\$450 / team			During regular registration period
Recreation 101-6100	Basketball - Youth League/Team with uniforms	Needs Ratified		\$550 / team			During regular registration period
Recreation 101-6100	Basketball - Youth Preseason Tournament	Needs Ratified		\$175 / team			
Recreation 101-6100	Basketball - Youth Regional Tournament	Needs Ratified		\$150 / team			
Recreation 101-6100	Basketball- Gate Fees	Needs Ratified		\$3 / day; \$5 / weekend			
Recreation 101-6100	Carl Ray Johnson Gym Rentals	Needs Ratified		\$25			
Recreation 101-6100	Date Night Admission - Daddy/Daughter or Mother/Son	Needs Ratified		\$12			
Recreation 101-6100	Date Night Admission - Family Night	Needs Ratified		\$20			
Recreation 101-6100	Flag Football - Adult League	Needs Ratified		\$275 / team			
Recreation 101-6100	Flag Football - Adult Tournament	Needs Ratified		\$175 / team			
Recreation 101-6100	Flag Football - Youth League	Needs Ratified		\$60 / player; \$500 / team			During regular registration period
Recreation 101-6100	Flag Football - Youth League Early Registration	Needs Ratified		\$55 / player			
Recreation 101-6100	Flag Football - Youth League Late Registration	Needs Ratified		\$80 / player			
Recreation 101-6100	Flag Football - Youth League with uniforms	Needs Ratified		\$600 / team			During regular registration period
Recreation 101-6100	Flag Football - Youth Preseason Tournament	Needs Ratified		\$100 / team			
Recreation 101-6100	Kickball	Needs Ratified		\$200 / team			
Recreation 101-6100	Movie/Camp out in the park	Needs Ratified		\$5 / person			
Recreation 101-6100	Nature Center - Birthday Parties	Needs Ratified		\$65			
Recreation 101-6100	Nature Center - General Admission - 13 +	Needs Ratified		\$3			
Recreation 101-6100	Nature Center - General Admission - 4-12	Needs Ratified		\$2			
Recreation 101-6100	Nature Center - Offsite Tour	Needs Ratified		\$75			Flat fee
Recreation 101-6100	Nature Center - Onsite Tour - Additional people	Needs Ratified		\$1.25 / person			
Recreation 101-6100	Nature Center - Onsite Tour (25 people)	Needs Ratified		\$60			
Recreation 101-6100	Nature Center - Sleep Overs	Needs Ratified		\$25 - 35			
Recreation 101-6100	Nature Center - Summer Camp/Critter Crawl, etc.	Needs Ratified		\$80 / week			
Recreation 101-6100	Nature Center Adoption - Basic	Needs Ratified		\$10			
Recreation 101-6100	Nature Center Adoption - Memorable	Needs Ratified		\$25			
Recreation 101-6100	Nature Center Adoption - Plus	Needs Ratified		\$50			
Recreation 101-6100	Nature Center Membership - Benefactor	Needs Ratified		\$75			
Recreation 101-6100	Nature Center Membership - Corporate	Needs Ratified		\$150			
Recreation 101-6100	Nature Center Membership - Family	Needs Ratified		\$25			
Recreation 101-6100	Nature Center Membership - Individual	Needs Ratified		\$15			

City of San Angelo

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Review of Fee Charges

Department/ Division	Type of Fee/Charge & Qualifiers	Status of Fee	Estimated Cost		Proposed Fee	Financial Impact	Notes
			of Service	Current Fee			
Recreation 101-6100	Nutrition Lunches - registered members over 55 yrs	Needs Ratified		\$3 suggested donation			
Recreation 101-6100	Nutrition Lunches - non-registered members	Increase	5.9	5	6	\$20,800	
Recreation 101-6100	Rec Center Room Rental CRS	Needs Ratified		\$25 / hr			
Recreation 101-6100	Rec Center Room Rental SS	Needs Ratified		\$50 / hr + \$50 Deposit			2-hour min
Recreation 101-6100	Santa Fe Crossing - Activity Room Rental	Needs Ratified		\$35 / hr + \$100 Deposit			3 hr min; approved by Council 9/1/9
Recreation 101-6100	Santa Fe Crossing - Activity Room Rental - All Day	Needs Ratified		\$275			
Recreation 101-6100	Santa Fe Crossing - Conference Room Rental	Needs Ratified		\$25 / hr + \$50 Deposit			3 hr. min; approved by Council 9/1/9
Recreation 101-6100	Santa Fe Crossing - Dining Room Rentals	Needs Ratified		\$45 / hr + \$100 Deposit			3 hr. min; approved by Council 9/1/9
Recreation 101-6100	Santa Fe Crossing - Dining Room Rentals - All Day	Needs Ratified		\$350			
Recreation 101-6100	Senior Programs (per month)	Needs Ratified		\$4-\$10			depends on the class
Recreation 101-6100	Soccer - Adaptive	Needs Ratified		\$20 / player			
Recreation 101-6100	Softball - Adult League	Needs Ratified		\$325 / team			
Recreation 101-6100	Softball - Youth Girls League	Needs Ratified		\$450 / team			(no individual)
Recreation 101-6100	Softball Resale	Needs Ratified		\$6 for 1 ball; \$30 for 6; \$55 for 12; + tax			
Recreation 101-6100	Station 618 - Activity Room Rental	Needs Ratified		\$100 / hr + \$300 Deposit			3 hr. min; approved by Council 9/1/9
Recreation 101-6100	Station 618 - Ceramic Room Rental	Needs Ratified		\$25 / hr + \$50 Deposit			3 hr. min; approved by Council 9/1/9
Recreation 101-6100	Station 618 - Computer Room Rental	Needs Ratified		\$50 / hr + \$100 Deposit			3 hr. min; approved by Council 9/1/9
Recreation 101-6100	Station 618 - Non-Profit Discount	Needs Ratified		Free			
Recreation 101-6100	Station 618 - Senior Related Activities Discount	Needs Ratified		50% of deposit			
Recreation 101-6100	Summer Camp - Registration Fee	Needs Ratified		\$45 / person			
Recreation 101-6100	Summer Camp - Weekly Fee	Needs Ratified		\$55 / person			
Recreation 101-6100	Summer Camp Track	Needs Ratified		\$80 / person			
Recreation 101-6100	Swimming Pool - Admissions/Daily Entry	Needs Ratified		\$5 - ages 3 - 64 \$3 - over 65			
Recreation 101-6100	Swimming Pool - Admissions/Daily Entry Group Rate (20+ ppl)	Needs Ratified		\$3			
Recreation 101-6100	Swimming Pool - Family Pool Pass - Additional people	Needs Ratified		\$25 / person			
Recreation 101-6100	Swimming Pool - Family Pool Pass (4 ppl)	Needs Ratified		\$200			
Recreation 101-6100	Swimming Pool - Individual Pool Pass	Needs Ratified		\$75			
Recreation 101-6100	Swimming Pool - Private Rental	Needs Ratified		\$250-\$600; \$100 deposit			
Recreation 101-6100	Swimming Pool - Private Rental - Additional people	Needs Ratified		\$100 / additional 100 people			
Recreation 101-6100	Swimming Pool - Rotunda only rental off season	Needs Ratified		\$75 / hour; \$100 Deposit			2-hour minimum
Recreation 101-6100	Swimming Pool - Semi-Private Rental	Needs Ratified		\$20 / hour + \$3 / guest			2-hour minimum
Recreation 101-6100	Swimming Pool - Swim Lesson Registration	Needs Ratified		\$60 / person			
Recreation 101-6100	Texas Bank Sports Complex - Field Rental / day no lights	Needs Ratified		\$75 / day \$10 / hr			
Recreation 101-6100	Texas Bank Sports Complex - Field Rental / day with Lights	Needs Ratified		\$81.25 / day \$25 / hr			

City of San Angelo

FY2016-17 Budget

Review of Fee Charges

Department/ Division	Type of Fee/Charge & Qualifiers	Status of Fee	Estimated Cost		Proposed Fee	Financial Impact	Notes
			of Service	Current Fee			
Recreation 101-6100	Texas Bank Sports Complex - San Angelo Girls Fast pitch Association field rental	Needs Ratified		\$500 / field for 30 days			taken to Council 2009/10
Recreation 101-6100	Texas Bank Sports Complex - Southern Little League rental	Needs Ratified		\$500 / field for three days			taken to Council 2009/10
Recreation 101-6100	Texas Bank Sports Complex - Southern Little League T-Ball Field rental	Needs Ratified		\$250 / field for three days			
Recreation 101-6100	Texas Bank Sports Complex - Tournament Fees	Needs Ratified		\$175-\$250 tournament fee; \$50-75 bracket fee			
Recreation 101-6100	Texas Bank Sports Complex - Tournament Gate Fees	Needs Ratified		\$150 flat rate per gate/per quad/per day			
Recreation 101-6100	Volleyball - Adaptive	Needs Ratified		\$20 / player			
Recreation 101-6100	Volleyball - Adult League	Needs Ratified		\$190 / team			
Recreation 101-6100	Volleyball - Adult Tournament	Needs Ratified		\$10 / player			

City of San Angelo

FY2016-17 Budget

Review of Fee Charges

Department/ Division	Type of Fee/Charge & Qualifiers	Status of Fee	Estimated Cost		Proposed Fee	Financial Impact	Notes
			of Service	Current Fee			
Parks 101-6000	Kirby Park Hockey Rink Rental	Needs Ratified		\$15 / hour			2-hour minimum
Parks 101-6000	Park Rentals (Civic League Bridal Path and Garden Area, Civic League Park Pavilion, James M Rogers Garden Gazebo at Rio Concho Park, Lone Wolf Bridge, Tiered Plaza/Celebration Bridge)	Needs Ratified		\$50			2-hour maximum flat fee rental
Parks 101-6000	Pavilion Rental (City Park, College Hills/Unidad Park, Glenmore Park, Jaime Pardon Memorial Park, Kids' Kingdom, MLK Memorial Park, Producers Parks)	Needs Ratified		\$15/hour			2-hour minimum, 4-hour maximum can rent in 1/2 hour blocks
Parks 101-6000	Visitor's Center Grounds	Needs Ratified		\$50			1-hour maximum flat fee rental
Parks 101-6000	Special Events (River Fest, Etc.)	Needs Ratified		Varies			

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING APPENDIX A, “FEE SCHEDULE”, ARTICLE A6.000, “PARK USE FEES”, BY RENAMING SAID ARTICLE “PARKS AND RECREATION FEES”; ADDING SECTION A6.005 “PARK FACILITY AND ACTIVITY FEES”; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of San Angelo Parks & Recreation Department maintains municipal parks and facilities; and,

WHEREAS, the Recreation Division of the Department develops and coordinates programs that provide for public recreational activities that utilize parks; and,

WHEREAS, the Parks & Recreation Department maintains and operates Love Municipal Pool, the San Angelo Nature Center, the Texas Bank Sports Complex, and two recreation centers, in addition to providing for rental of various park facilities and offering a host of program activities, including senior services, athletics, aquatics program, summer day camps and various annual special events; and,

WHEREAS, the City of San Angelo Code of Ordinances includes Appendix A, Fee Schedule enacted to adopt Council approved fees necessary for the provision of facility maintenance and operational expenses; and,

WHEREAS, the City Council has reviewed staff’s accounting of Parks & Recreation Department facility maintenance and program operational costs and revenues, and desires to establish user fees that reasonably reflect the cost to the City of providing those facilities, programs and activities;

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

Section 1) Article A6.000 “Park Use Fees” of Appendix “A”, “Fee Schedule”, of the City of San Angelo Code of Ordinances, is hereby amended by redesignating said Article as “Article A6.000 Parks & Recreation Fees”, and adding Section A6.005, “Park Facility and Activity Fees”, to read as follows:

“Article A6.000 Parks and Recreation Fees

Section A6.005 Park Facility and Activity Fees

(a) Fees for Sports Tournaments and Leagues:

Baseball - Youth League Ages 13-14	\$850 / team
Baseball - Adaptive T-Ball	\$30 / player
Baseball - Youth League Ages 8-12	\$650 / team
Baseball Fields - Improved	\$20 / hour
Baseball Fields - Lighted (Bell St., Glenmore, Padrone, Mountain View)	\$1 / hour
Baseball Fields - Marking (TLCA - any outside tournament)	\$25
Baseball Fields- Unimproved	\$1 / hour
Basketball - Adaptive	\$30 / player
Basketball - Adult League	\$250 / team
Basketball - Youth League/Individual	\$60 / player
Basketball - Youth League/Team	\$450 / team
Basketball - Youth League/Team with uniforms	\$550 / team
Basketball - Youth Preseason Tournament	\$175 / team
Basketball - Youth Regional Tournament	\$150 / team
Basketball - Gate Fees	\$3 / day; \$5 / weekend
Flag Football - Adult League	\$275 / team
Flag Football - Adult Tournament	\$175 / team
Flag Football - Youth League	\$60 / player; \$500 / team
Flag Football - Youth League Early Registration	\$55 / player
Flag Football - Youth League Late Registration	\$80 / player
Flag Football - Youth League with uniforms	\$600 / team
Flag Football - Youth Preseason Tournament	\$100 / team
Kickball	\$200 / team
Soccer - Adaptive	\$20 / player
Softball - Adult League	\$325 / team
Softball - Youth Girls League	\$450 / team
Softball Resale	\$6 for 1 ball; \$30 for 6; \$55 for 12; + tax
Volleyball - Adaptive	\$20 / player
Volleyball - Adult League	\$190 / team
Volleyball - Adult Tournament	\$10 / player

(b) Swimming Pool Fees:

Admissions/Daily Entry	\$5 - ages 3 - 64 \$3 - over 65
Admissions/Daily Entry - Group Rate (20+ ppl)	\$3
Family Pool Pass (4 ppl)	\$200
Family Pool Pass - Additional people	\$25 / person
Individual Pool Pass	\$75
Private Rental	\$250-\$600; \$100 deposit
Private Rental - Additional people	\$100 / additional 100 people
Rotunda only rental off season	\$75 / hour*; \$100 Deposit
Semi-Private Rental	\$20 / hour* + \$3 / guest
Swim Lesson Registration	\$60 / person

* 2 hour minimum

(c) Nature Center Fees:

Birthday Parties	\$65
General Admission - 13 +	\$3
General Admission - 4-12	\$2
Offsite Tour	\$75
Onsite Tour (25 people)	\$60
Onsite Tour - Additional people	\$1.25 / person
Sleep Overs	\$25 - 35
Summer Camp/Critter Crawl, etc.	\$80 / week
Adoption - Basic	\$10
Adoption - Memorable	\$25
Adoption - Plus	\$50
Membership - Benefactor	\$75
Membership - Corporate	\$150
Membership - Family	\$25
Membership - Individual	\$15

(d) Texas Sports Bank Complex Rental Fees:

Field Rental / day no lights	\$75 / day; \$10 / hour
Field Rental / day with lights	\$81.25 / day; \$25 / hour
San Angelo Girls Fast pitch Association field rental	\$500 / field for 30 days
Southern Little League rental	\$500 / field for 3 days
Southern Little League T-Ball Field rental	\$250 / field for 3 days
Tournament Fees	\$175-\$250 tournament fee; \$50-75 bracket fee
Tournament Gate Fees	\$150 flat rate per gate/per quad/per day

(e) Facility Rental Fees (rentals subject to Department rules and regulations for use.):

Venue	Rate	Deposit
Carl Ray Johnson Gym Rentals	\$25	N/A
Private Party Use - City Park Pavilion *	\$15 / hour	N/A
Private Party Use - Civic League Park Bridal Path and Garden Area (2 hour rental)	\$50	N/A
Private Party Use - Civic League Park Pavilion (2 hour rental)	\$50	N/A
Private Party Use - College Hills/Unidad Park Pavilion *	\$15 / hour	N/A
Private Party Use - Glenmore Park Pavilion *	\$15 / hour	N/A
Private Party Use - Jaime Padron Memorial Park Pavilion *	\$15 / hour	N/A
Private Party Use - James M. Rogers Garden Gazebo at Rio Concho Park (2 hour rental)	\$50	N/A
Private Party Use - Kids' Kingdom Pavilion *	\$15 / hour	N/A
Private Party Use - Kirby Park In-Line Hockey Rink (2 hour minimum)	\$15 / hour	N/A
Private Party Use - Lone Wolf Bridge (2 hour rental)	\$50	N/A
Private Party Use - Martin Luther King Jr. Memorial Park Pavilion *	\$15 / hour	N/A
Private Party Use - Producers Pavilion *	\$15 / hour	N/A
Private Party Use - Tiered Plaza/Celebration Bridge (2 hour rental)	\$50	N/A
Private Party Use - Visitor's Center Grounds (1 hour rental)	\$50	N/A
Rec Center Room Rental - Carl Ray Johnson (2 hour minimum)	\$25 / hour	N/A
Rec Center Room Rental – South Side (2 hour minimum)	\$50 / hour	\$50
Rec Center Room Rental SS with Dance/DJ (2 hour minimum)	\$50 / hour	\$100
Santa Fe Crossing - Activity Room Rental (3 hour minimum)	\$35 / hour	\$100
Santa Fe Crossing - Activity Room Rental - All Day	\$275	N/A
Santa Fe Crossing - Conference Room Rental (3 hour minimum)	\$25 / hour	\$50
Santa Fe Crossing - Dining Room Rentals (3 hour minimum)	\$45 / hour	\$100
Santa Fe Crossing - Dining Room Rentals - All Day	\$350	N/A
Station 618 - Activity Room Rental (3 hour minimum)	\$100 / hour	\$300
Station 618 - Ceramic Room Rental (3 hour minimum)	\$25 / hour	\$50
Station 618 - Computer Room Rental (3 hour minimum)	\$50 / hour	\$100
Station 618 - Non-Profit Discount	No Charge	N/A
Station 618 - Senior Related Activities Discount	N/A	50% of deposit

* Limited to a two (2) hour minimum and four (4) hour maximum rental.

(f) Miscellaneous Event Fees (Fees for events not listed shall be as established by the Director of Parks & Recreation with concurrence of the City Manager):

Date Night Admission - Daddy/Daughter or Mother/Son	\$12
Date Night Admission - Family Night	\$20
Movie/Camp out in the park	\$5 / person
Senior Programs (per month)	\$4-\$10
Summer Camp - Registration Fee	\$45 / person
Summer Camp - Weekly Fee	\$55 / person
Summer Camp Track	\$80 / person

(g) Nutrition Lunches Fees:

Nutrition Lunches - registered members over 55 years	\$3 suggested donation
Nutrition Lunches - non-registered members	\$6

Section 2: All provisions of Article 6.000 of Appendix A not amended hereby shall remain in full force and effect.

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

INTRODUCED on the 7th day of March, 2017, and finally PASSED, APPROVED and ADOPTED on this the 21st day of March, 2017.

CITY OF SAN ANGELO

BY: _____
Dwain Morrison, Mayor

ATTEST:

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO CONTENT:

Carl White, Director of Parks and
Recreation

Tina Dierschke, Director of Finance

APPROVED AS TO FORM

Theresa James, City Attorney

DRAFT



City Council

April 4, 2017



2017 Fee Review

Parks – Ratify Existing	Current Fee
Kirby Park - Hockey Rink	\$15 / hour
Pavilion Rental (City Park, College Hills/Unidad Park, Glenmore Park, Jaime Pardon Memorial Park, Kids' Kingdom, MLK Memorial Park, Producers Parks)	\$15 / hour
Park Rental (Civic League Bridal Path and Garden Area, Civic League Park Pavilion, James M Rogers Garden Gazebo at Rio Concho Park, Lone Wolf Bridge, Tiered Plaza/Celebration Bridge) (2 hours)	\$50
Visitor's Center Grounds (1 hour)	\$50
Special Events (River Fest, Etc.)	Varies



2017 Fee Review

Recreation - Ratify Existing	Current Fee
Baseball - Youth League Ages 13-14	\$850 / team
Baseball - Youth League Ages 8-12	\$650 / team
Baseball Fields - Improved	\$20 / hr.
Baseball Fields - Lighted (Bell St., Glenmore, Padrone, Mountain View)	\$1 / hr.
Baseball Fields - Marking (TLCA - any outside tournament)	\$25
Baseball Fields- Unimproved	\$1 / hr.



2017 Fee Review

Recreation - Ratify Existing	Current Fee
Basketball - Adaptive	\$30 / player
Basketball - Adult League	\$250 / team
Basketball - Youth League/Individual	\$60 / player
Basketball - Youth League/Team	\$45 / team
Basketball - Youth League/Team with uniforms	\$550 / team
Basketball - Youth Preseason Tournament	\$175 / team
Basketball - Youth Regional Tournament	\$150 / team
Basketball- State Tournament Gate Fees	\$3 / day; \$5 / weekend



2017 Fee Review

Recreation - Ratify Existing	Current Fee
Flag Football - Adult League	\$275 / team
Flag Football - Adult Tournament	\$175 / team
Flag Football - Youth League	\$60 / player
	\$500 / team
Flag Football - Youth League Early Registration	\$55 / player
Flag Football - Youth League Late Registration	\$80 / player
Flag Football - Youth League with uniforms	\$600 / team
Flag Football - Youth Preseason Tournament	\$100



2017 Fee Review

Recreation - Ratify Existing	Current Fee
Kickball	\$200 / team
Soccer - Adaptive	\$20 / person
Softball - Adult League	\$325 / team
Softball - Youth Girls League	\$450 / team
Softball Resale	\$6 for 1 ball \$30 for 6 \$55 for 12
Volleyball - Adaptive	\$20 / person
Volleyball - Adult League	\$190 / team
Volleyball - Adult Tournament	\$10 / person



2017 Fee Review

Recreation - Ratify Existing	Current Fee
Nature Center - Birthday Parties	\$65
Nature Center - General Admission - 13 +	\$3
Nature Center - General Admission - 4-12	\$2
Nature Center - Offsite Tour	\$75
Nature Center - Onsite Tour	\$60
Nature Center - Sleep Overs	\$25 - 35
Nature Center - Summer Camp/Critter Crawl, etc.	\$80 / week



2017 Fee Review

Recreation - Ratify Existing	Current Fee
Nature Center - Adoption - Basic	\$10
Nature Center - Adoption - Memorable	\$25
Nature Center - Adoption - Plus	\$50
Nature Center - Membership - Benefactor	\$75
Nature Center - Membership - Corporate	\$150
Nature Center - Membership - Family	\$25
Nature Center - Membership - Individual	\$15



2017 Fee Review

Recreation - Ratify Existing	Current Fee
Carl Ray Johnson Gym Rentals	\$25
Rec Center Room Rental CRS	\$25 / hr
Rec Center Room Rental SS	\$50 / hr
Santa Fe Crossing - Activity Room Rental	\$35 / hr
Santa Fe Crossing - Activity Room Rental - All Day	\$275
Santa Fe Crossing - Conference Room Rental	\$25 / hr
Santa Fe Crossing - Dining Room Rentals	\$45 / hr
Santa Fe Crossing - Dining Room Rentals - All Day	\$350



2017 Fee Review

Recreation - Ratify Existing	Current Fee
Station 618 - Activity Room Rental	\$100 / hr
Station 618 - Ceramic Room Rental	\$25 / hr
Station 618 - Computer Room Rental	\$50 / hr
Station 618 - Non-Profit Discount	Free
Station 618 - Senior Related Activities Discount	50% of deposit



2017 Fee Review

Recreation - Ratify Existing	Current Fee
Swimming Pool - Admissions/Daily Entry	\$5 - ages 3 - 64 \$3 - over 65
Swimming Pool - Family Pass (4 ppl)	\$200
Swimming Pool - Individual Pass	\$75
Swimming Pool - Private Rental	\$250 - 600
Swimming Pool - Rotunda only rental off season	\$75 / hour
Swimming Pool - Semi-Private Rental	\$20 / hour
Swimming Pool - Swim Lesson Registration	\$60



2017 Fee Review

Recreation - Ratify Existing	Current Fee
Field Rental / day no lights	\$75 / day; \$10 / hr
Field Rental / day with Lights	\$81.25 / day; \$25 / hr
San Angelo Girls Fast pitch Association field rental	\$500 / field for 30 days
Southern Little League rental	\$500 / field for three days
Southern Little League T-Ball Field rental	\$250 / field for three days
Tournament Fees	\$175 - 250 tournament fee; \$75 deposit; \$75 cleanup fee; \$50-75 bracket fee
Tournament Gate Fees	\$150 flat rate per gate/per quad/per day



2017 Fee Review

Recreation - Ratify Existing		Current Fee
Summer Camp - Registration Fee		\$45
Summer Camp - Weekly Fee		\$55
Summer Camp Track		\$80 / person

Recreation - Ratify Existing		Current Fee
Date Night - Father/ Daughter or Mother/Son		\$12
Date Night - Family Night		\$20
Movie/Camp out in the park		\$5 / person
Senior Programs (per month)		\$4 - 10



2017 Fee Review

Nutrition - Ratify Existing		Current Fee
Nutrition Lunches - registered members over 55 yrs		\$3 suggested donation

Nutrition - Increase	Current Fee	Proposed Fee	Cost of Service
Nutrition Lunches - non-registered members	\$5	\$6	\$5.90



2017 Fee Review

Nutrition - Increase	Odessa	Wichita Falls
Nutrition Lunches - non-registered members	\$6	\$6

Nutrition - Increase	Current Fee	Proposed Fee	Financial Impact
Nutrition Lunches - non-registered members	\$5	\$6	\$20,800





City Council

April 4, 2017



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Morgan Chegwidden, Budget Manager, Budget, 325-653-6291

Meeting Date: April 18, 2017

Item type: Regular Item

Caption:

Second reading and consider adopting an ordinance amending the 2016-2017 budget for capital projects (M.Chegwidden)

Summary/History:

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

- Traffic Operations Accident Claims;
- Coliseum Climate Control System;
- San Angelo Performing Arts Center Marketing; and
- Ford Ranch.

Financial Impact:

\$50,093,333 (see attached detail on Exhibit A of the ordinance).

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | | |
|----|---------------------|----------------------------------|
| 1. | BA Memo Traffic Ops | BA MemoTraffic Ops.pdf |
| 2. | BA Memo SASSRA | BA Memo Civic Events SASSRA.pdf |
| 3. | BA Memo SAPAC | BA Memo SAPAC Marketing.pdf |
| 4. | BA Memo Ford Ranch | BA Memo Ford Ranch.pdf |
| 5. | Ordinance | Ordinance.pdf |
| 6. | Exhibit A | Exhibit A.pdf |
| 7. | Presentation | 4-4-17 FIN Budget Amendment.pptx |

Presentation:

Approvals/Reviews:

Morgan Chegwidden	Created/Initiated
Theresa James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

Memo

To: Morgan Chegwiddden, Budget Manager
From: Ryan Ward, Traffic Operations Superintendent
Date: 03/20/17
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Accident claims have increased beyond the proposed budget amount established for FY 2017.

Source of Funding:

General Fund - Reimbursed Expense

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

No

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Reimbursed Expense (Revenue)			0
101-3102-380-40.00	100,000	60,000	160,000
			0
Property(Expense)			0
101-3102-800-07.30	116,871	60,000	176,871
			0

Additional Comments:

To date, incurred claims have amounted to \$93,733.58 this fiscal year, with approximately six month remaining.

Memo

To: Morgan Chegwiddden, Budget Manager
From: Don Maynard, Civic Events
Date: 03/16/17
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

To move revenue received from SASSRA (\$25,000) for one-half of the cost of a new climate control system at the Coliseum back to Civic Events capital accounts.

Source of Funding:

Check received from SASSRA and deposited in revenue account:
 410-6601-380.40-00.

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

Yes. September 6, 2016

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
410-6601-380.40-00	17,000	25,000	42,000
410-6699-800.07-30	493,633	25,000	518,633
			0
			0
			0
			0

Additional Comments:

Memo

To: Morgan Chegwidden, Budget Manager

From: Tina Dierschke, Finance Director

Date: 03/28/17

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Marketing of auditorium for San Angelo Performing Arts Center - prorated for three months of the fiscal year (July - September)

Source of Funding:

Civic Events Fund - Fund Balance

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

City Council approved the agreement on April 15, 2014.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
410 Expense	0	8,333	8,333
			0
			0
			0
			0
			0

Additional Comments:

Memo

To: Morgan Chegwidden, Budget Manager
From: Bill Riley, Director Water Utilities
Date: 03/23/17
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Purchase of Ford Ranch to secure water rights

Source of Funding:

Debt Issuance

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

Debt issue approved by City Council on December 6, 2016

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Fund 524 Ford Ranch Purchase	0	50,000,000	50,000,000
Fund 524 Ford Ranch Expense	0	50,000,000	50,000,000
			0
			0
			0
			0

Additional Comments:

**AN ORDINANCE OF THE CITY OF SAN ANGELO AMENDING
THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER
1, 2016, AND ENDING SEPTEMBER 30, 2017, FOR CAPITAL
PROJECTS.**

WHEREAS the City of San Angelo has determined that new projects not included in the current budget should begin, and

WHEREAS the City of San Angelo has determined that certain budgeted amounts should be amended due to project changes and unforeseen circumstances, and

WHEREAS the resources necessary for these changes are available;

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

The City's budget for fiscal year 2016-2017 be amended by the amounts contained in Exhibit A.

INTRODUCED on the 4th day of April, 2017, and APPROVED and ADOPTED on this the 18th day of April, 2017.

CITY OF SAN ANGELO, TEXAS

Dwain Morrison, Mayor

ATTEST:

Bryan Kendrick, City Clerk

Approved as to Content and Form:

Tina Dierschke, Finance Director

City of San Angelo
Proposed Budget Amendment
Exhibit A

Fund	Description	Total Revenue Amendment	Total Expense Amendment	Net Benefit/ (Cost)
101	General Fund	\$60,000	\$60,000	\$ -
410	Civic Events	\$25,000	\$33,333	\$(8,333)
524	Ford Ranch	\$50,000,000	\$50,000,000	\$ -
Total		\$50,085,000	\$50,093,333	\$(8,333)

City of San Angelo
Proposed Budget Amendment
Additional
Information

Project/Need	Source of Funding	Revenue	Expense	Net Benefit / (Cost)
Traffic Operations Accident Claims	General Fund- Reimbursed Expense	\$60,000	\$60,000	\$ -
Coliseum Climate Control System	San Angelo Stock Show and Rodeo Association Contribution	\$25,000	\$25,000	\$ -
Marketing of auditorium for San Angelo Performing Arts Center	Civic Events Fund - Fund Balance	\$ -	\$8,333	\$(8,333)
Purchase of Ford Ranch	Debt Issuance	\$50,000,000	\$50,000,000	\$ -
Total		\$50,085,000	\$50,093,333	\$(8,333)



City Council

April 4, 2017



Budget Amendment

	Revenue	Expense
Traffic Operations Accident Claims	60,000	60,000
Coliseum Climate Control System	25,000	25,000



Budget Amendment

	Revenue	Expense
Marketing of auditorium for San Angelo Performing Arts Center	-0-	8,333
Ford Ranch Purchase	50,000,000	50,000,000





City Council

April 4, 2017



Applicant: Lola Luthe

Date of
Denial
3/21/17

NOTICE OF DENIAL OF CITY TAXI PERMIT

Based on standards prescribed in San Angelo City Ordinance Chapter 5.515 (d), your application for a chauffeur's license to operate a taxicab within the city of San Angelo has been denied. A city chauffeur's license may be denied or revoked for the following reasons:

- (1) Applicant does not have a valid Texas operator's license.
- (2) Applicant is affected with a physical or mental disease or disability that is likely to prevent him from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety.
- (3) Applicant has ever been convicted of or is presently under indictment for felony or misdemeanor which directly relates to the duties and responsibilities of a taxicab driver, including but not limited to a crime involving moral turpitude, murder, assault, theft, burglary, robbery, prostitution, promotion of prostitution, public lewdness, a sexual offense, or a drug or alcohol related offense, unless five years has elapsed since the date of conviction or release from prison, probation or deferred adjudication, whichever is the later date.
- (4) Applicant has been convicted of more than four moving traffic violations arising out of separate transactions or involved in more than two automobile accidents in which it could be reasonably determined that he was at fault; within any 12-month period during the preceding 36 months.
- (5) Applicant is found to have falsified any information in his application.
- (6) Applicant is found to be addicted to drugs or alcohol.

Your application was denied for the reason (s) set forth in 2 above.

You have the right to appeal this decision to the City Council by giving written notice of the appeal to the City Clerk within ten (10) days from the date of rejection of the application. You also have the right to file an action in district court in Tom Green County within thirty (30) days of the City Council's action to review the evidence presented to the City Council and its decision.

March 27, 2017

This is to inform you that I wish to
appeal your decision to deny the
taxi permit for the Granny
Shuttle

Lola Luthe

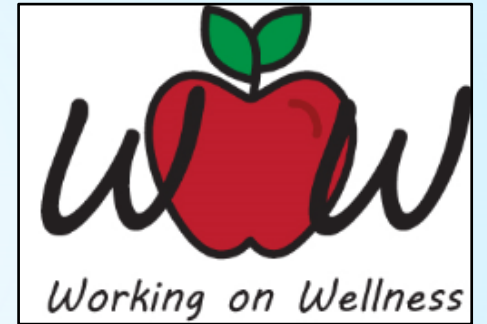


City Council

April 18, 2017



City of San Angelo Wellness Report



2016 COSA Wellness Highlights

- Offered 20 wellness challenges and programs
- 585.9 pounds lost in weight loss challenges
- Conducted wellness screenings at 18 different department locations during October, November, and December
- Gave over 500 flu shots to employees & retirees
- Raised \$4,020.49 at CityFit 5k for Art in Uncommon Places
- Winner of American Heart Association's "Workplace Wellness Gold Award"
- 100% of employees on medical plan completed the HRA, compared to 74% in 2011
- 39% increase in wellness challenge participation over past two years



WOW Wellness Challenges

Employee Participation



Year	(n)
2014	132
2015	163
2016	216



2016 Wellness Challenges and Programs Offered

January

Jumpstart Weight Loss Challenge

It's Time Texas Statewide Challenge

Maintain Don't Gain Challenge

February

Heart & Sole Fitness Challenge

Weight Loss Program – Dr. Ihde

March

Get Your Plate in Shape Challenge

14 Day Sleep Challenge



2016 Wellness Challenges and Programs Offered

April	Nat'l Walking Day – 6 employee led walks 21 Day Stress Challenge
May	Squat Away May Challenge
June	Summer Slimdown Challenge Relay for Life COSA Teams
July	Stop, Drop & Chug Water Challenge
August	Fit 4 Fall Weight Loss Challenge



2016 Wellness Challenges and Programs Offered

September	Fruit & Veggie Challenge
October	COSA CityFit 5k Event
November	Diabetes Lunch & Learn Planksgiving Challenge
December	12 Days of Christmas Challenge Maintain Don't Gain Challenge



2016 COSA WOW Program Highlights

- Created updated WOW wellness log books
- Offered WOW points for donating blood and community service/volunteer work
- Offered “WOW on Demand”
- 28% increase in the number of employees earning WOW days since program implementation



WOW days granted to employees



	1 DAY	2 DAYS	TOTAL
2014	32	26	58
2015	31	30	61
2016	36	44	80



2016 COSA HRA Highlights

Employees who improved:

- 33% increased physical activity levels
- 29% reported eating more fruits and vegetables
- 25% started coping better with stress
- 9 employees quit smoking
- 260 (41%) employees improved their wellness score
- 30 employees lost 20+ pounds



COSA Employees 2016 HRA Overall Wellness Score

HRA Wellness Score	(%)
Excellent (score 80-100)	14
Doing Well (score 60-79)	61
Needs Improving (score 20-59)	25
Caution, high risk (score of 0-19)	0

Overall wellness score is 68/100. This puts COSA in the “Doing Well” category.



2016 COSA Employees Improvement in Biometrics

(People who improved by at least 10%)

Biometric component	(n)	%
Lowered triglyceride level	210	33
Increased HDL (good) cholesterol level	125	20
Lowered LDL (bad) cholesterol level	121	19.3
Lowered systolic or diastolic BP	118	19
Lowered total cholesterol level	82	13



Health Risks & Financial impact

	2011	2016	Cost/Emp.
no risks	77	85	\$0
1 risk	137	154	\$1,094.71
2 risks	214	210	\$2,244.16
3 risks	159	153	\$3,420.97
4 risks	105	95	\$4,816.73
5 risks	61	44	\$6,130.40
6 risks	34	20	\$7,526.17
7+ risks	28	12	\$8,894.57
>5 risks	15.1%	9.8%	\$2,033,183.00



2016 COSA Employees

Top clinical health risks/conditions

	COSA 2014 (%)	COSA 2015 (%)	COSA 2016 (%)	Nat'l Norm (%)
Overweight (BMI 25-29.9)	39.7	37.7	38%	33%
Obese, high risk (BMI 30+)	42.5	43.6	43.7%	36%
High waist circumference	47	48	45.3%	29%
Diabetes: Elevated A1c (5.7%+)	13	15.4	13.3%	9.3%
High blood pressure (140/90+)	35	33.4	41%	31%
Metabolic syndrome (3+ indicators)	33.7	30.8	28.1%	34%



2016 COSA Employees Top 5 Health Interests

	Category	(n)	(%)
1.	Weight Management	196	25.4
2.	Nutrition/Healthy Eating	181	23.4
3.	Stress Reduction	157	20.3
4.	Reducing Diabetes Risk	135	17.5
5.	Blood Pressure Reduction	120	15.5



2016 COSA Employees

Top 5 Lifestyle Changes Desired

	Category	(n)	(%)
1.	Lose weight or maintain a healthy weight	381	49.3
2.	Practice good eating habits	323	41.8
3.	Be physically active	294	38
4.	Live an overall healthy lifestyle	222	28.7
5.	Lower or maintain healthy BP	165	21.3



Health Culture:

Employee's perception of your organization's interest in creating a healthy workplace

Rank	2011	2016
Excellent/high	15.3%	50.6%
Good	45.6%	39.5%
Fair	26.3%	6.7%
Poor	12.9%	0%



2017 Successes & Enhancements

- Lose to Win Weight Loss Challenge
 - 100 participants lost 713.5 lbs.
- Over 200 employees have participated in wellness challenges during the 1st quarter
- Delivered blood pressure monitors to city departments for self monitoring
- Free diabetic meters to employees
- Implementation of Naturally Slim program – 5/1/17
- 7 COSA teams currently participating in Mayor's Wellness Partnership "Walk Across Texas" challenge
- Internship student – Northern Arizona University



Thank you

We appreciate the opportunity to lead your wellness efforts and applaud you for making San Angelo a healthier place to live.

You are changing lives.





City Council

April 18, 2017



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 18, 2017

Item type: Regular Item

Caption:

First reading and consider adopting an ordinance amending Chapter 7 "Health and Sanitation" Sections 7.05.006 "Prohibition of Smoking in Outdoor Sports Areas" and 7.05.008 "Where Smoking not Regulated", providing for severability and an effective date - (Presentation by Parks & Recreation Director Carl White)

Summary/History:

Smoking Ordinance Amendment – At the City Council meeting on February 21, 2017, the Council pointed out the difficulty in trying to determine exactly where someone could smoke at a park if smoking is prohibited within 50 feet of park amenities. In the end, Council approved the amendment with a 4-2 vote. Council indicated to staff that the language needed to be fine tuned to better define amenities and their boundaries.

The difficulty comes in not being able to clearly define where some amenities are, in terms of their boundaries, practice fields, for instance. After the meeting, staff sat down to look at different parks using the 50 feet rule and tried to see how this would map out. If all amenities are used, it is true; very little park area would be available for smoking.

Following this, on March 9, 2017, we presented this proposed ordinance amendment to the Leadership San Angelo class in a mock Council meeting. They really got into the discussion and, in the end, voted against the amendment, but gave staff direction to look at designating areas within parks where smoking could be allowed.

Staff returned to the Parks and Recreation Advisory Board on March 23 for some advice. At the meeting we considered several options:

- 1) drop the proposed amendment,
- 2) look at whether we'd like to opt for designating areas for smoking,
- 3) look at better defining what amenities are included in the prohibition,
- 4) look at a complete prohibition of smoking on park property,
- 5) look at limiting the prohibition to only playgrounds and pavilions and maybe a few key locations like "El Bosque."

After a long discussion, the Board recommended modifying the language of the proposed ordinance amendment slightly to read generally as, "to prohibit smoking within 50 feet of park playgrounds, pavilions and facilities designated as 'no smoking' areas with signage." (This is a modification from the proposed ordinance amendment of prohibiting smoking "within 50 feet of park amenities including but not limited to tennis courts, playgrounds, restrooms, volleyball courts and miniature golf courses")

The reason why the new proposed language is better is because it limits the prohibition of smoking to playground and pavilions that are clearly identifiable and have distinct boundaries and to other park facilities where “no smoking” signs are posted. If adopted by City Council, our intention is to place the “no smoking” signs at key locations like “The Bosque.”

Financial Impact:

There is nominal financial impact for adopting this ordinance. Adoption will require us to post some additional signage at an estimated total cost of about \$800.

Other Information/Recommendation:

Attachments:

- | | | |
|----|--|--|
| 1. | Presentation on Smoking Ordinance proposed amendment | Smoking Ordinance re Parks Council Presentation.pptx |
| 2. | Smoking ordinance amendment proposed | 17-069_PARKS_OUTDOOR_SMOKE_ORD(4-10-17).docx |

Presentation:

PowerPoint

Approvals/Reviews:

Carl White	Created/Initiated
Rick Weise	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval



City Council

April 18, 2017



Smoking ordinance amendment

- Previous Council discussion
- Leadership San Angelo
- Parks and Recreation Advisory Board revisited
- Why the revised version is better
- What areas intended to be signed as “no smoking”



Smoking ordinance amendment

- Recommended amendments:
 - Smoking to be prohibited within 50 ft. of park playgrounds and pavilions and other locations where “no smoking” signs are posted.
 - Smoking to be prohibited within the fenced/enclosed areas around swimming pools,
 - Smoking not prohibited at city parks and outdoor amenities located at Lake Nasworthy.
- Enforcement.



Producers Park





City Council

April 18, 2017



AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 7 “HEALTH AND SANITATION” SECTIONS 7.05.006 “PROHIBITION OF SMOKING IN OUTDOOR SPORTS AREAS” AND 7.05.008 “WHERE SMOKING NOT REGULATED” OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO TEXAS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 2011 the City of San Angelo enacted an ordinance banning smoking in many public places; and

WHEREAS, under the 2011 ordinance, it is still possible to smoke in many areas of City parks where children congregate; and

WHEREAS, the City Council wishes to expand the prohibition on smoking in outdoor areas where children congregate to protect the health, safety and welfare of the citizens of the City of San Angelo.

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

1) **THAT** the Code of Ordinances of the City of San Angelo, Texas Chapter 7 “HEALTH AND SANITATION”, SECTION 7.05.006 “Prohibition of smoking in outdoor sports areas” is hereby amended to read in its entirety as follows:

“Sec. 7.05.006 Prohibition of smoking in City owned or operated outdoor areas

Smoking is prohibited in the following outdoor areas owned or operated by the City of San Angelo:

- (1) seating areas of all outdoor sports arenas, stadiums, and amphitheaters
- (2) seating areas of golf courses and public parks where people are assembled to witness sports or other events
- (3) Within 50 feet of park playgrounds and pavilions and other locations designated by the Parks and Recreation Director where “no smoking” signs are posted.
- (4) Within the fenced or enclosed areas around swimming pools.”

2) **THAT** the Code of Ordinances of the City of San Angelo, Texas Chapter 7 “HEALTH AND SANITATION” 7.05.008 “Where Smoking Not Regulated” is amended to read in its entirety as follows:

“Sec. 7.05.008 Where smoking not regulated

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the provisions of this article:

- (1) Private clubs that have no employees, except when members of the public are present.
- (2) This exemption shall not apply if the smoke from such clubs infiltrates into an area where smoking is prohibited under the provisions of this article. This exemption also shall not apply to any organization that is established for the purpose of avoiding compliance with this article.
- (3) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty-five percent (25%) of rooms rented to guests in a hotel or motel may be so designated.
- (4) A retail tobacco store that as of the date of enactment of this article was operating as a retail tobacco store, if all of the following requirements are met:
 - (A) Smoke from the retail tobacco store does not migrate into an enclosed area where smoking is prohibited pursuant to this article;
 - (B) The retail tobacco store satisfactorily reports on an annual basis to the environmental health department, on a form prescribed by the environmental health department, the revenue generated from the sale of tobacco products as a percentage of quarterly gross revenue. The environmental health department shall determine whether any additional documentation is required of the retail tobacco store to authenticate or verify the revenue data submitted; and
 - (C) The retail tobacco store does not expand in size or change its location after the date of enactment of this article.
- (5) Patios and outdoor seating and serving areas attached to a restaurant or bar in compliance with [section 7.05.007](#). This exemption shall not apply to any business that is established for the purpose of avoiding compliance with this article.
- (6) A designated smoking area in a bingo hall or bingo parlor that:
 - (A) Is a separate room closed off from the remainder of the facility;
 - (B) Has ingress and egress to the outside of the facility, separate from ingress and egress to non-smoking parts of the facility; and
 - (C) Has an air handling HVAC system separate from the system for non-smoking parts of the facility
- (7) City parks and outdoor park amenities located at Lake Nasworthy.”

3) THAT all remaining provisions not amended by this ordinance remain in full force and effect.

4) 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.

5) THAT this Ordinance shall be effective on, from and after the date of its passage and publication as required by law.

INTRODUCED with public hearing on the 18th day of April, 2017, and finally PASSED, APPROVED and ADOPTED on this the 2nd day of May, 2017.

CITY OF SAN ANGELO

ATTEST:

Dwain Morrison, Mayor

Bryan Kendrick, City Clerk

Approved as to Form:

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: April 18, 2017

Item type: Regular Item

Caption:

Public hearing and second reading of an ordinance regarding the voluntary annexation of 17.192 acres generally located south of U.S. Highway 67 and west of Southland Boulevard at the end of Willeke Drive and Pinon Ridge Drive - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

On January 10, 2017, the Planning Division received a petition to annex from the property owner, Rocky Templin. City Council unanimously voted on February 7, 2017, to accept the Petition To Annex. By adopting a calendar of annexation proceedings as prescribed under Chapter 43 of the Texas Local Government Code, City Council will initiate a process that may be completed as early as April 18, 2017.

Financial Impact:

N/A

Other Information/Recommendation:

This item does not require a recommendation by the Planning Commission. The first and second public comment hearing dates were held on March 7th and 21st of 2017, respectively. The first reading of the annexation ordinance was on April 4, 2017. This is the fifth, and last, public hearing for the annexation request.

Attachments:

1. Staff Report PL_2nd Reading Ordinance for D&D Asylums_Memo.docx

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

Memo



Meeting Date: April 18, 2017

To: Mayor and City Council members

From: Jon James, AICP
Planning & Development Services Director

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Subject: Public hearing and Second Reading of an Ordinance for possible annexation (to San Angelo's City limits) of certain properties situated west of San Angelo

Location: An area encompassing an unaddressed 17.192-acre tract generally located west of Wilke and Pinon Ridge Drives, west of the Prestonwood residential development

Summary:

On January 10, 2017, the Planning Division received a petition to annex from the property owner, Rocky Templin. City Council unanimously voted on February 7, 2017, to accept the Petition To Annex.

By adopting a calendar of annexation proceedings as prescribed under Chapter 43 of the Texas Local Government Code, City Council will initiate a process that may be completed as early as April 18, 2017.

The Local Government Code authorizes cities to annex sparsely occupied areas on petition of the area's landowner(s). This section (43.028) only applies to the annexation of areas that meet the following criteria:

- (1) is one-half mile or less in width;
- (2) is within the ETJ (Extra-Territorial Jurisdiction) of the city;
- (3) is vacant and without residents, or on which fewer than three qualified voters reside;
- (4) is contiguous to the annexing city.

Annexation Calendar: *(no special meetings needed)*

Petition to annex	February 7, 2017
First public hearing	March 7, 2017
Second public hearing	March 21, 2017
Introduce annexation Ordinance, on First Reading	April 4, 2017

Second and final reading of annexation Ordinance **April 18, 2017**

Analysis of Proposed Annexation:

The City of San Angelo's Annexation Plan (updated in 2009) is categorized into three timeframes in which annexations should occur. The first of these three is the "Immediate" time frame ranging from 0-5 years. Second, is the "Intermediate" which suggests annexations that could occur 5-10 years from the date the annexation plan was updated. Finally, we have the "Long-Term" timeframe which recommends annexations that could occur 20 or more years from the date the annexation plan was updated. The proposed site for annexation fits within the "Immediate" time frame of the City's approved Annexation Plan. The Comprehensive Plan recommends focusing immediate annexation efforts on areas that can be served by extending the existing water distribution system, and avoiding annexation of areas where development would necessitate extensive improvements to water tanks and transmission lines. The area included in this annexation petition is located within 200 feet of an existing water main and will not require extensive improvements to existing water tanks and transmission lines.

San Angelo's Comprehensive Plan suggests that municipal annexation should be used to direct urban growth into areas adjacent to existing City limits, where infrastructure for transportation and utilities are already in place.

This site sits west of Southland Boulevard and east of Sherwood Way and is designated on the Comprehensive Plan's Future Land Use Map as "Neighborhood." The Comprehensive Plan states that the intent of an annexation is to ensure that new housing and business activity

is incorporated within the City limits of San Angelo in way which minimizes up-front municipal expenditures (for capital improvements in newly annexed areas) but maximizes suitability of such development within the urban context of San Angelo. In addition, the Comprehensive Plan recommends balancing short-term costs of making measured capital improvements in possible annexation areas, with long-term costs of continuously not annexing these same areas. The Comprehensive Plan also states that the intent for the future growth of Neighborhoods is to promote vibrant and viable neighborhoods, improve neighborhood connectivity with and between neighborhoods, improve relationships between adjacent commercial and residential land use adjacencies, grow new neighborhoods in San Angelo in a reliably sustainable manner, promote neighborhood organization and outreach, and improve access to open space for all residents.

The Subdivision Ordinance recommends providing developers and land sub-dividers with a guide to the development and subdivision of land so there are protections and to provide for the public health, safety, and general welfare of the City of San Angelo. The Subdivision Ordinance also states that it was adopted in order to provide orderly, safe and efficient development of the City and surrounding area, to provide streets that insure safe, convenient and functional systems for vehicular and pedestrian circulation, and to provide for efficient use and extension of municipal utilities.

The proposed 17.192 acres of land being considered for annexation is located adjacent to the Prestonwood residential development and all of the requested area for annexation is still vacant. To the west of this area is vacant land and a multi-family residential development (The BLVD Apartments) and it is expected that future residential development will extend within the requested area for annexation.

Utilities Analysis of Proposed Annexation:

The City would not be responsible for extending service mains or infrastructure. This would be the responsibility of the developer and/or owners of the proposed annexed property.

- Water
 - Land Development and Subdivision Ordinance, Chapter 11.II.F: Developers of new subdivisions, owners of property within existing subdivisions, and owners of unplatted property, whose land is located outside of the city limits but within the city's extraterritorial jurisdiction and who request extension of city water service to said property or properties, shall voluntarily request in writing that the City of San Angelo annex the area proposed to be serviced. If the City Council agrees to initiate proceedings on the requested annexation, such annexation shall be completed prior to, or concurrent with, approval of the new subdivision and/or extension of City utilities to the existing subdivisions and/or unplatted properties.
 - Land Development and Subdivision Ordinance, Chapter 11.I.A: As a prerequisite for approval of a plat of a new subdivision or Replat of an

existing subdivision by the City, the developer shall be required to install water transmission and distribution mains and service laterals within and/or adjacent to such new subdivisions as specified and required by the City Water Utility System.

- Sewer

- Land Development and Subdivision Ordinance, Chapter 12.I.A: As a prerequisite for approval of a plat of a new subdivision or Replat of an existing subdivision by the City, the developer shall be required to install wastewater mains (either one-site, off-site, standard size, oversize, gravity, or pressure), manholes, and/or lift stations (either one-site, off-site, standard size or oversize), within and/or adjacent to such subdivisions as required by this Chapter and the current Construction Standards of the City of San Angelo, whichever is more stringent. The development may utilize on-site waste disposal only when the development conforms to the On-Site Waste Disposal Ordinance as it exists, or may be amended.
- The developer and/or owner would be responsible for the extension of water and sewer utilities; therefore, the improvements would be installed at their expense and by the approval of the City. However, the size of the utilities may require some financial participation by the City for oversized mains and/or infrastructure per the citations below.

- Water

- Land Development and Subdivision Ordinance, Chapter 11.I.C.2: Oversized Water Facilities. In the case of oversized water facilities installation, the following shall apply:
 - The Department of Public Works shall pay the difference of cost in pipe size required to oversize.
 - The Department of Public Works shall purchase the oversized pipe under the competitive bids in accordance with the statutes of the State of Texas and the City Code of the City of San Angelo.
 - The oversized pipes shall be furnished to the job site by the Department of Public Works, upon request by the developer.
 - The developer shall be billed for the required size pipe cost and prompt payment of the developer's share shall be made.
 - The City of San Angelo shall have no liability for the original payment for construction of facilities by the construction contractors. Upon the completion of such construction, pursuant to contract or contracts for construction, the City shall not be a signatory party to such contract or contracts; provided, however, that such construction shall nevertheless be subject to progress inspection by the Department of Public Works and shall be in compliance with all plans and specifications as stated in the Water System Standards.

- Sewer

- Land Development and Subdivision Ordinance, Chapter 12.III.A Oversized Facilities Reimbursement. Should the payment by the developer include payment for oversized main(s) and/or oversized lift station(s) required by the Department of Public Works, the developer shall be reimbursed by the City for a portion of the cost of oversized main(s), and the developer shall be reimbursed by the City for that portion of the cost of the oversized lift station(s) of sufficient size only to service the maximum estimated wastewater and other liquid sewerage disposal of such new subdivision. Reimbursable amounts shall be payable by the City to the developer regardless of the subsequent tie-on to use of such oversized facilities by other and additional users. Any facility that is oversized and requires payment from the City for oversizing, then sealed competitive bids will be required if, the total cost of the project equals or exceeds the limits as allowed by State statute or City requirements. The other method of City participation will be for the City to supply the size main required, and the City to bill the developer or contractor for the size main that will be used by the development.

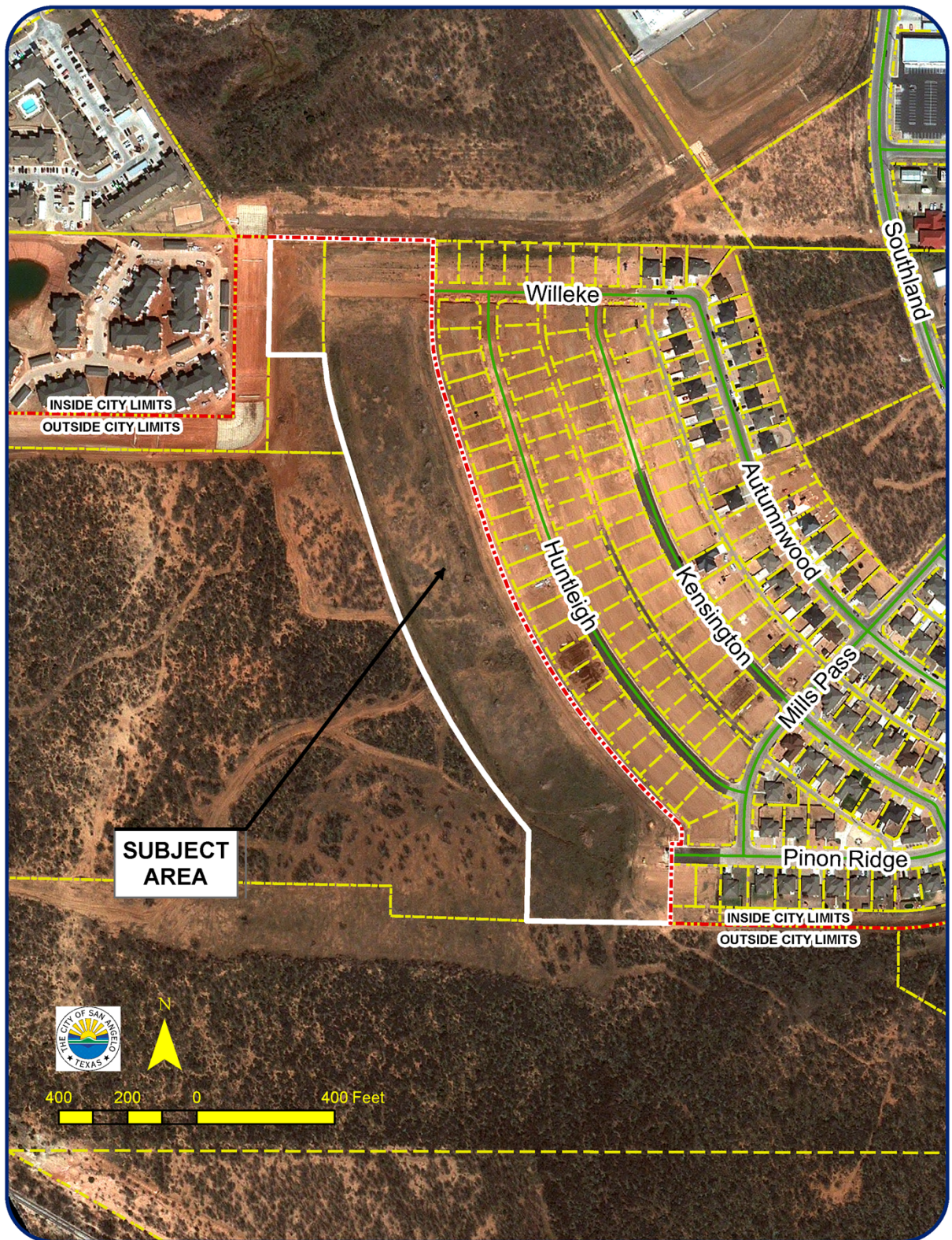
Attachments:

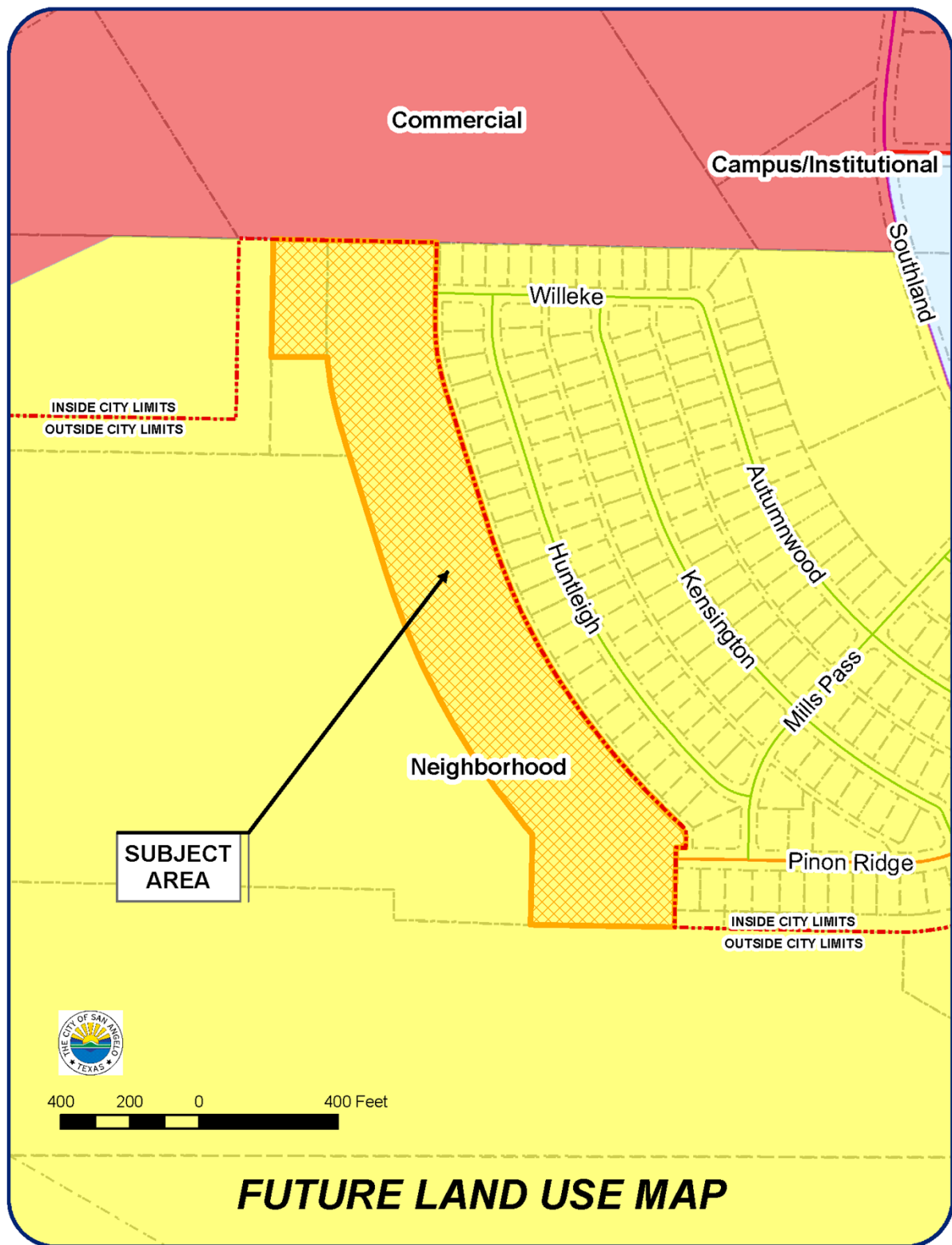
Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Notification Map
Survey Map
Service Plan
Capital Improvement Plan (CIP) Analysis

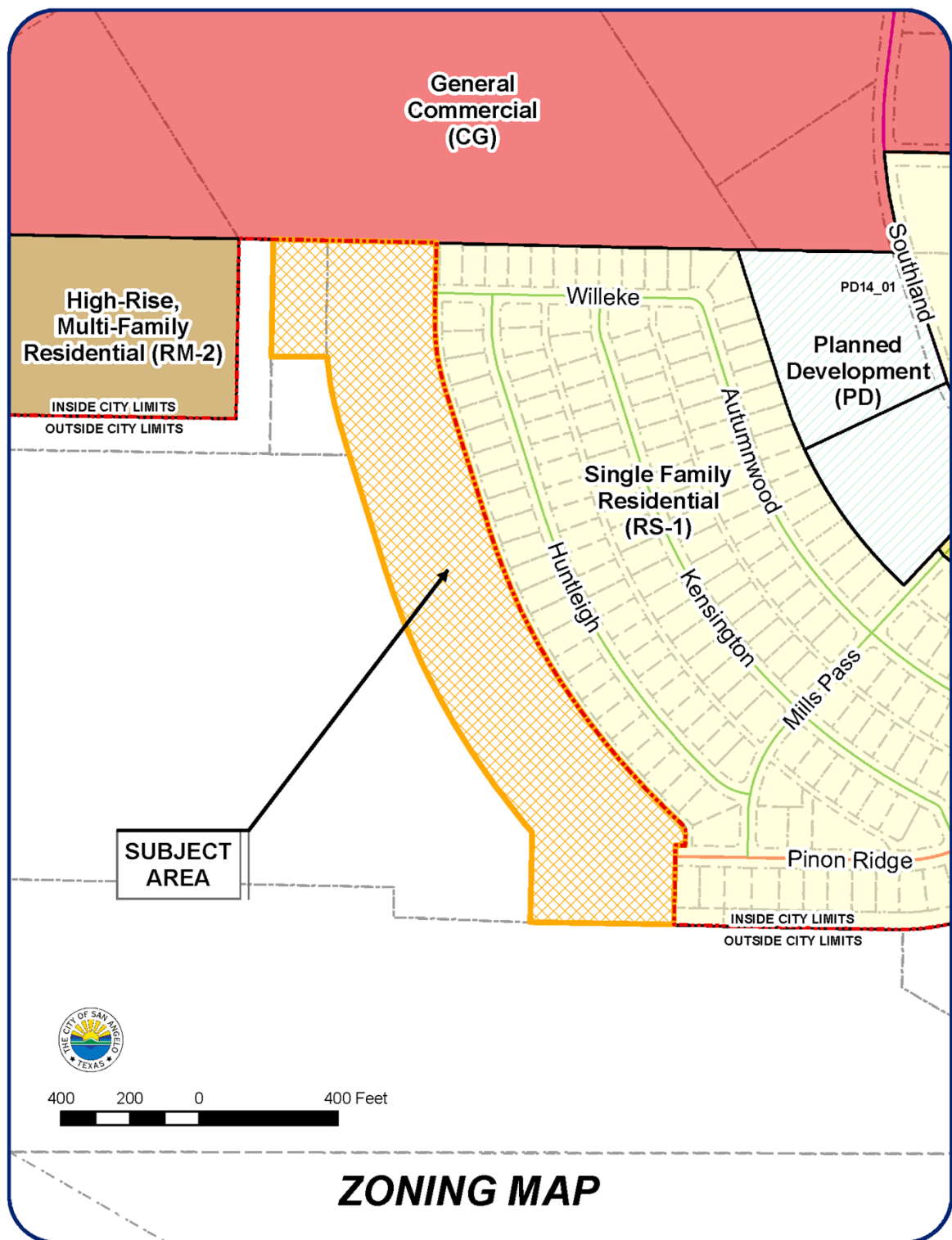
Notification:

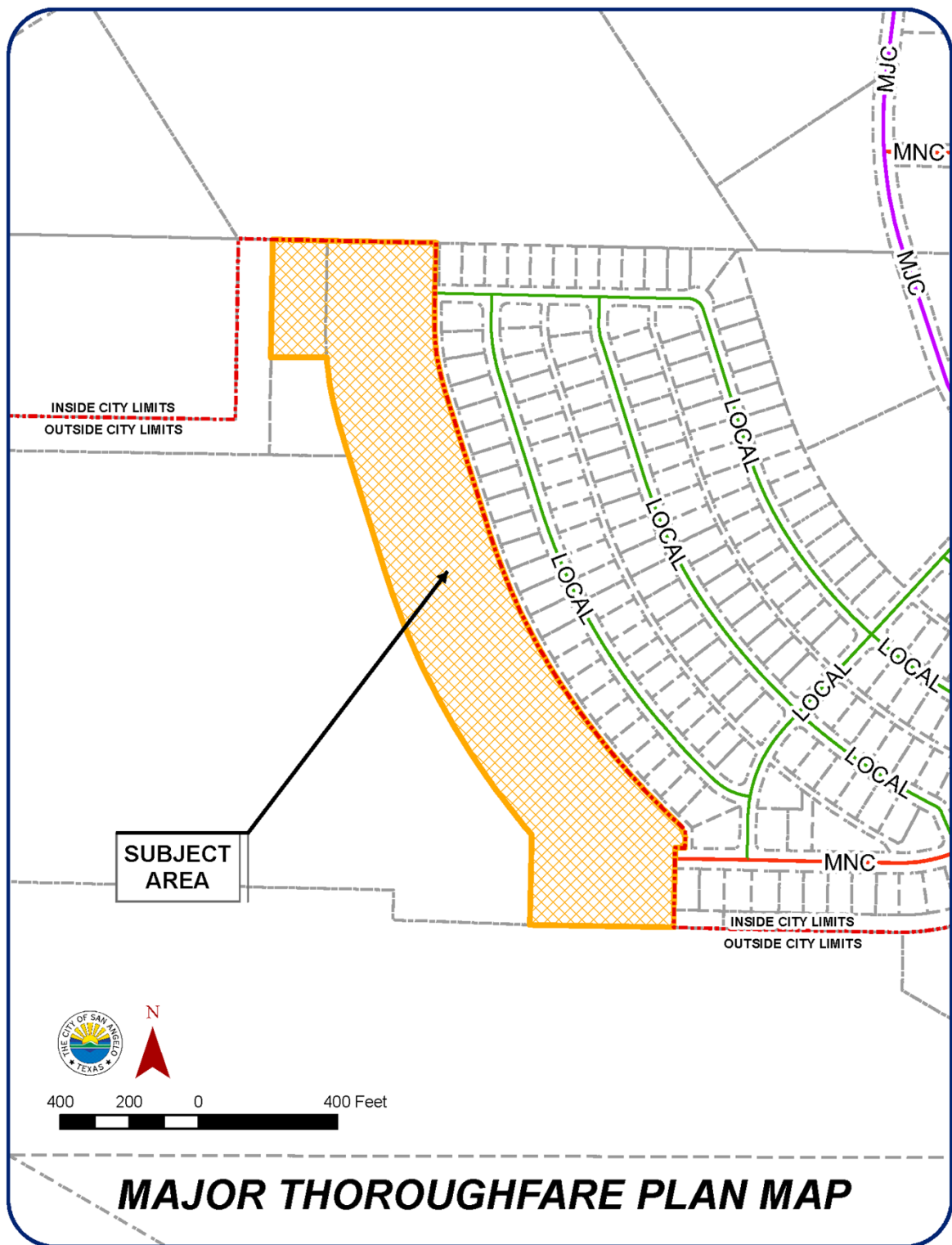
Notifications for this request were sent out within a 200-foot radius of the proposed site. As of April 5, 2017, there have been two responses in favor regarding the request, both from the property owner.

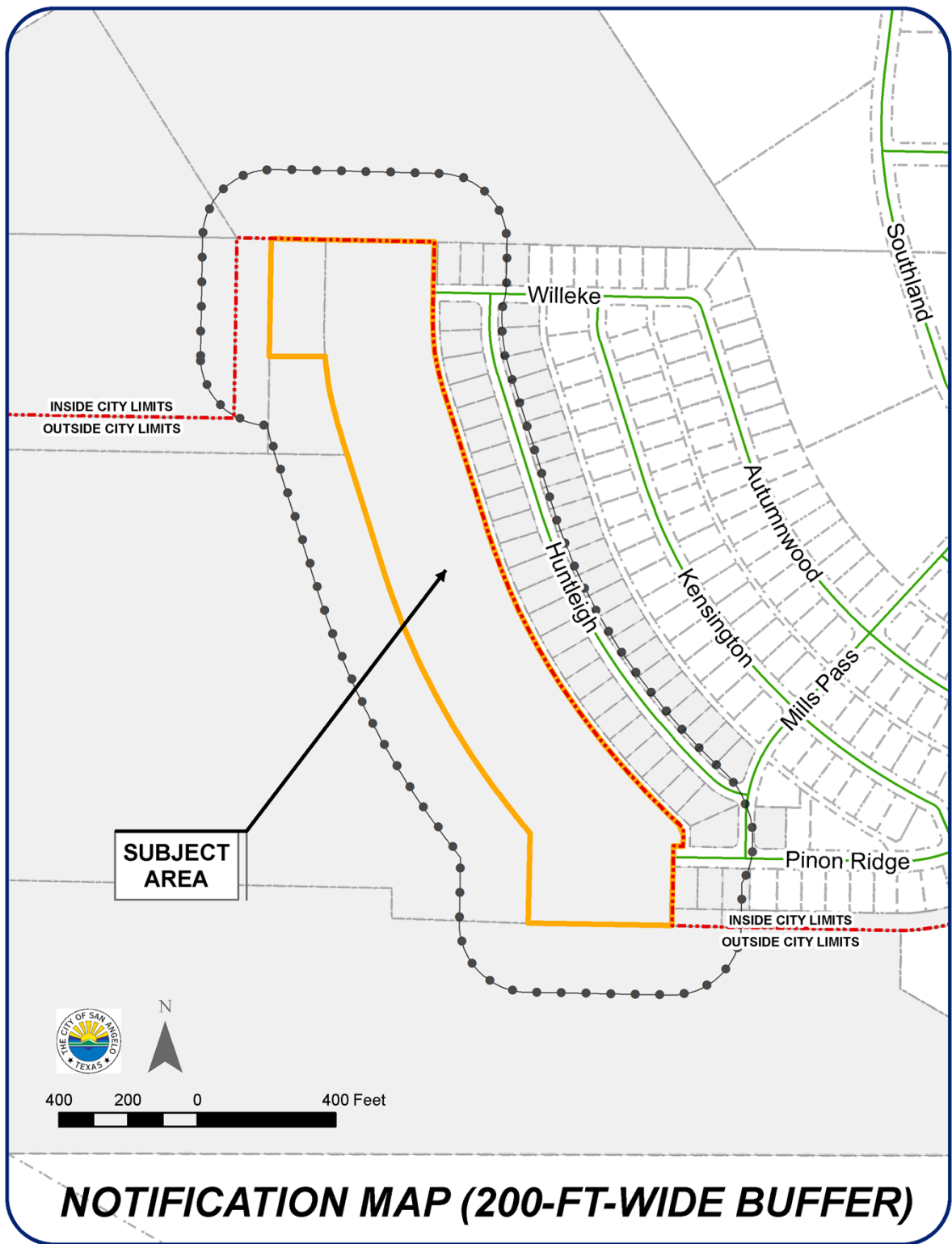
In addition, notifications to Verizon, the Independent School District, Suddenlink, Tom Green County, Republic, Atmos Energy, AEP, and the San Angelo Fire Department were also mailed. As of April 5, 2017, there are zero responses in favor and zero responses in opposition of the request.

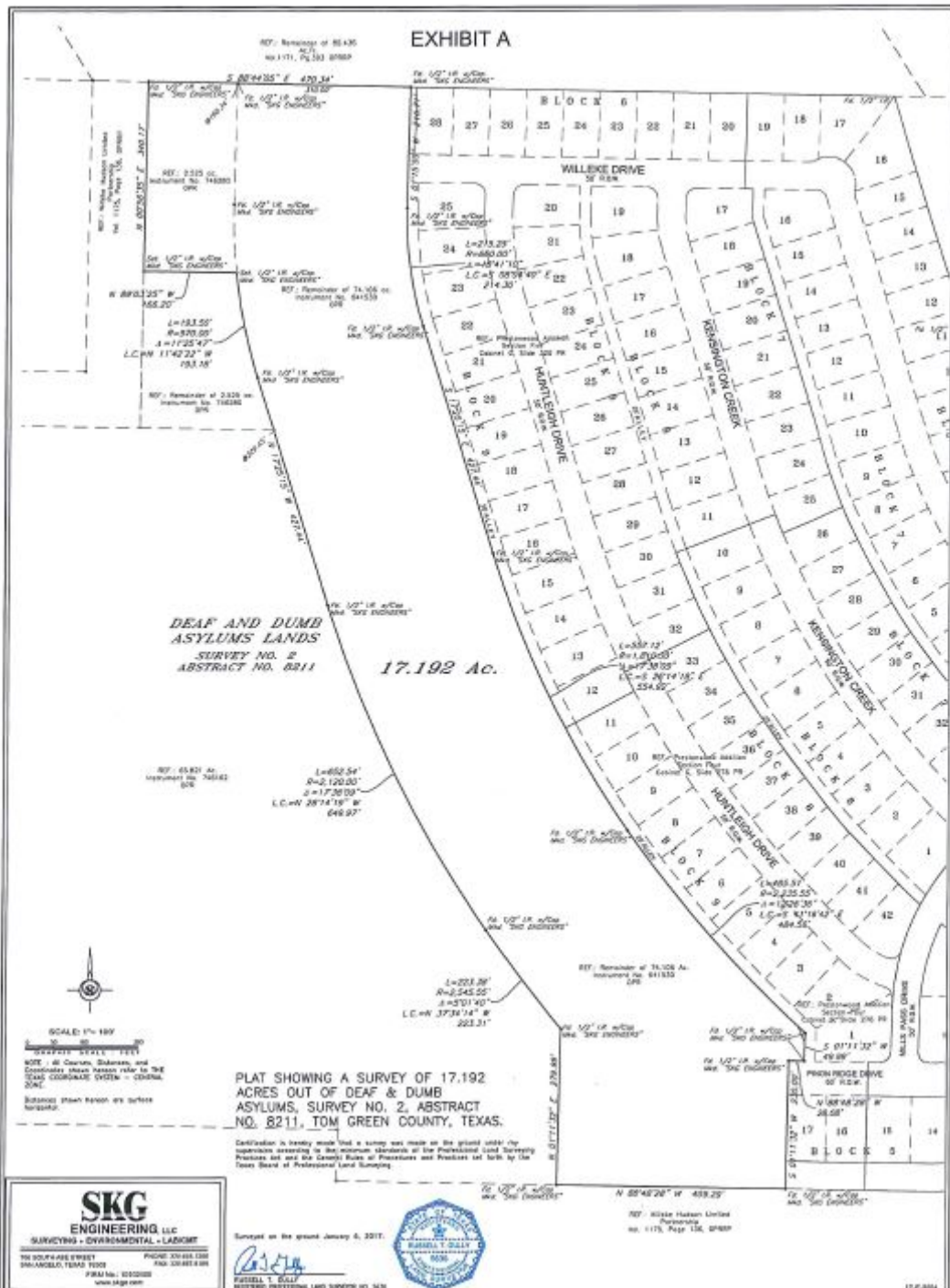












SERVICE PLAN

Plan for extension of municipal services to an area described as follows: generally located west of Willke and Pinon Ridge Drives, west of the Prestonwood residential development, and more specifically described as being 17.192 acres out of Deaf and Dumb Asylums, Survey No. 2, Abstract No. 8211, Tom Green County, Texas annexed to the City of San Angelo on April 18, 2017.

PROPOSAL: The applicant seeks to annex an approximately 17.192-acre, undeveloped tract of land into the City of San Angelo. Once the annexation process has been successfully completed, the applicant will seek a “Single Family Residential” (RS-1) Zoning District and use. Some examples of approved uses in the RS-1 Zoning District would include: Household Living including single family housing with accessory uses such as raising of pets, home occupations, storage of household goods, and the storage of supplies and equipment for maintaining the dwelling and associated yard.

1. POLICE PROTECTION

- 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.
- The typical response time within City limits is 2-30 minutes, depending on type call for service.

2. FIRE PROTECTION AND EMERGENCY SERVICES

- 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.
- These newly annexed areas can be served with existing resources.

3. SOLID WASTE COLLECTION

- 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.

- Solid waste collection will be provided to all residents of property in the newly annexed area.
- solid waste collection will be provided to all businesses of property in the newly annexed area
- In order to secure solid waste collection services in the newly annexed areas, each property owner must establish a utility account with the City of San Angelo, Texas, for single-family residential uses only.

4. MAINTAINING WATER AND WASTEWATER FACILITIES

- Any and all water or wastewater facilities owned or maintained by the City of San Angelo, Texas at the time of annexation shall continue to be maintained by the City of San Angelo.
- Existing water and sewer mains at their present locations shall be available for point-of-use connections, based on applicable utility extension policies and/or ordinances of the City of San Angelo, now existing or as such policies and/or ordinances may be amended.
- The level of water and wastewater services provided in the newly annexed areas after the effective date of annexation will be comparable to the level of services available in other parts of the City of San Angelo, Texas.

5. MAINTAINING ROADS, STREETS, AND ALLEYWAYS

- Any and all roads, streets or alleyways which have been 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.
- Municipal maintenance of properly dedicated roads, streets and alleyways (which may be installed by developers of land within this newly annexed territory) will be consistent with such maintenance provided by the City of San Angelo to other roads, streets and alleyways in areas exhibiting land use, population densities and topography similar to that of the newly annexed area.
- Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable electric utility company (or companies) servicing the City of San Angelo, Texas, pursuant to applicable rules, regulations and fees of such applicable utility (or utilities).
- As new development occurs within the newly annexed area, the developers of property will be required to construct streets in accordance with the City's subdivision policies in place at the time of development.
- The Public Works Department will maintain public roads and streets at a level of comparable services available in other parts of the City of San Angelo, Texas (including emergency pavement repair, preventative street maintenance, right-of-way mowing).

6. MAINTAINING PARKS, PLAYGROUNDS, AND SWIMMING POOLS

- In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City of San Angelo shall maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar municipal facilities now incorporated in the City of San Angelo, Texas.
- 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.
- No parks, playgrounds, and/or swimming pools exist within the proposed annexation area at the effective date of annexation.
- 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. MAINTAINING OTHER PUBLICLY-OWNED FACILITIES OR BUILDINGS (OPERATIONS)

- 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.
- The Real Estate Division 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.
- Operation and maintenance of public drainage-ways will be provided beginning on the effective date of 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 facilities and services by other citizens of the City.

SPECIFIC FINDINGS:

The City Council of the City of San Angelo, Texas finds and determines that this Service Plan will not provide any fewer services nor will it provide a lower level of service, in the newly annexed territory, than were in existence at the time immediately preceding this territory's annexation to the City of San Angelo, Texas.

CAPITAL IMPROVEMENT PLAN (CIP) ANALYSIS

CONSTRUCTION OF CAPITAL IMPROVEMENTS TO BEGIN WITHIN 3 YEARS FOLLOWING THE EFFECTIVE DATE OF ANNEXATION:

1. POLICE PROTECTION, FIRE PROTECTION, EMERGENCY MEDICAL SERVICES AND/OR SOLID WASTE COLLECTION

The City Council of the City of San Angelo, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement within 3 years following the effective date of annexing the subject territory, for the purpose of providing police and fire protection, emergency medical services and/or solid waste collection. The City Council finds and determines that it has at the present time adequate facilities to provide comparable levels of protection and service to what is presently being provided to other areas already incorporated in the City of San Angelo, Texas, having the same or similar land use, population density, and topography as that of the newly annexed territory.

2. WATER AND WASTEWATER FACILITIES

During the next 3 years, the City Council of the City of San Angelo, Texas believes that adequate municipal water and sewer mains exist for point-of-use connections and serviceable extensions, to provide both water and sewer service within the newly annexed territory, pursuant to applicable utility extension policies and/or ordinances of the City of San Angelo, now existing or as such policies and/or ordinances may be amended.

3. ROADS AND STREETS

Developers of land within the newly annexed territory will be required to provide internal streets (and to improve peripheral or boundary streets) in accordance with applicable ordinances of the City of San Angelo, and such street improvements shall comply with specifications required by the City of San Angelo, for properly dedicated streets.

Within 3 years following the effective date of annexation, the City of San Angelo, Texas, with a cooperative effort by the City's designated electric utility company (or companies), will undertake to provide the same degree of road and street lighting as is provided in areas of similar land use, population, and topography already existing within the present corporate limits of the City of San Angelo, Texas.

4. PARKS, PLAYGROUNDS AND SWIMMING POOLS, AS WELL AS OTHER PUBLIC FACILITIES OR BUILDINGS

To the extent that it becomes necessary because of development demands, population growth and bona fide needs, the City Council of the City of San Angelo, Texas will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of citizens in the newly annexed territory, based upon standard considerations of land use, population density, and topography.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: April 18, 2017

Item type: Regular Item

Caption:

First Reading and public hearing for Case Z17-01, an Ordinance approving a request for a rezoning from the Ranch and Estate Zoning District (R&E) to the Single-family Residential (RS-1) Zoning District, generally located west of Willeke and Pinon Ridge Drives, west of the Prestonwood residential development, on 17.192 acres. (Presentation by Planning & Development Services Director Jon James)

Summary/History:

The vacant 17.192-acre subject property is part of the Deaf and Dumb Asylum Lands annexation which will have its fifth and final public hearing on April 18, 2017. As part of the annexation, the subject area will be initially zoned Ranch and Estate (R&E), in accordance with Section 302 of the Zoning Ordinance, to function as a holding or reserve zone. The owner now seeks approval of an application to rezone the subject property from the Ranch and Estate (R&E) Zoning District to the Single-family Residential (RS-1) Zoning District to facilitate the westward expansion of the adjacent Prestonwood residential development.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission heard this item on March 20, 2017. Commissioner Smith made a Motion to APPROVE the request, and Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0.

Attachments:

- | | | |
|----|-----------------|--------------------------------------|
| 1. | Staff Report | Z17-01_Staff_Report_CityCouncil.docx |
| 2. | Draft Ordinance | Z17-01_Ordinance_FINAL.docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved

Bryan Kendrick

Final Approval

STAFF REPORT



Meetings: April 18, 2017
May 2, 2017

To: San Angelo City Council

From: Jon James, AICP
Director of Planning and Development Services

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Case: Z17-01: Mills Development

Request: A request for approval of a Zone Change from the Ranch and Estate Zoning District (R&E) to the Single-family Residential (RS-1) Zoning District

Location: An unaddressed site, generally located west of Willeke and Pinon Ridge Drives, west of the Prestonwood residential development

Legal Description: Part of the Deaf and Dumb Asylums Survey No. 2, Abstract 8211, Tom Green County, Texas.

Size: 17.192 acres

General Information

Future Land Use:	Neighborhood
Current Zoning:	Pending – Ranch and Estate (R&E) Zoning District

Existing Land Use: Vacant

Surrounding Zoning / Land Use:

North:	General Commercial (CG)	Vacant
West:	ETJ (no zoning)	Vacant
South:	ETJ (no zoning)	Vacant
East:	Single-family Residential (RS-1)	Residential

District: SMD #6 – Farmer

Neighborhood: Bonham

Thoroughfares/Streets:

Pinion Ridge Drive is defined as an “Urban Minor Collector” roadway in the City’s Master Thoroughfare Plan (MTP). Minor Collectors are designed to collect traffic from residential or local streets and discharge it into a Major Collector Street. They typically require a minimum ROW width of 60’ and a minimum paving width of 50’.

Willeke Drive is defined as an “Urban Local Road” in the City’s Master Thoroughfare Plan (MTP). Local or Minor Roads are designed to collect traffic from a localized area and discharge it into a larger distribution system. This type of roadway is used primarily for access to abutting properties, and they generally consist of a minimum ROW width of 50’ and a minimum pavement width of 36’ to 40’.

Background:

The vacant 17.192-acre subject property is part of the Deaf and Dumb Asylum Lands annexation. On January 10, 2017, the Planning Division received a “Petition to Annex” the subject property from the property owner, Rocky Templin. City Council unanimously voted on February 7, 2017, to accept the Petition. The first public hearing on this annexation was conducted by the San Angelo City Council on March 7. As part of the annexation, the subject area will be initially zoned Ranch and Estate (R&E), in accordance with Section 302 of the Zoning Ordinance, to function as a holding or reserve zone until such time when the Planning Commission recommends a zoning plan of the property to the City Council. The owner now seeks approval of an application to rezone the subject property from the Ranch and Estate

(R&E) Zoning District to the Single-family Residential (RS-1) Zoning District to facilitate the westward expansion of the adjacent Prestonwood residential development.

Analysis:

Zoning: The subject property will be initially zoned Ranch and Estate (R&E) under a pending annexation, in accordance with Section 302 of the Zoning Ordinance. This zoning district is intended to provide opportunities for development of low density, detached single-family residences on lots of at least one acre in a suburban or rural setting. This zoning district is also intended to serve as a holding zone for vacant land areas annexed to the City.

The Petitioner is seeking a rezoning to Single-family Residential (RS-1). This zoning district is intended to provide opportunities for the development of detached single-family residences at medium densities. At 17.192 acres, the rezoning could accommodate a net density of 8.71 units per acre, or a potential yield of roughly 119 dwelling units.

Comprehensive Plan: This update to the original 2003 Comprehensive Plan was adopted by City Council in 2009. The subject area currently has a Future Land Use designation of "Neighborhood." This designation is intended to reserve and reinforce the stability and diversity of local neighborhoods while allowing for increased density in order to attract and retain long-term residents...and ensure the City's residential quality and economic vitality. The proposed rezoning is consistent the present Future Land Use, therefore no amendments to the Future Land Use map will be necessary.

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

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

As previously stated, the subject area currently has a Future Land Use designation of "Neighborhood." The petition for rezoning is being sought to facilitate the westward expansion of the adjacent Prestonwood residential development to the east. The proposed rezoning is consistent the present Future Land Use, therefore no amendments to the Future Land Use map will be necessary.

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

Under the pending annexation, the subject property will be initially zoned Ranch and Estate (R&E), in accordance with Section 302 of the Zoning Ordinance, to function as a

holding or reserve zone until such time when the Planning Commission recommends a zoning plan of the property to the City Council. Should that classification maintain, ultimate net residential density would be roughly 13 - 14 dwelling units per acre, which is inconsistent with nearby residential development patterns. The proposed rezoning would facilitate a net density of 8.71 dwelling units per acre, which reflects nearby residential development patterns.

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.*

Given that both the pending R&E zoning and the proposed RS-1 zoning facilitate single-family detached residential development, either appear to be compatible with the underlying Future Land Use designation of "Neighborhood." The pending R&E zoning, however, allows for a development pattern that is inconsistent with area residential patterns. The proposed zoning should facilitate a reasonable expansion of existing residential development, the Prestonwood subdivision, to the immediate east.

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

The voluntary and uncontested annexation of the subject property constitutes a change in conditions that would warrant the zone change. The annexation was sought to facilitate the expansion of the Prestonwood residential development to the immediate east. The pending R&E zoning functions more of a holding zone until such a time as when the annexed area becomes ripe for development and a suitable zoning category is adopted.

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.*

No appreciable adverse impact on the natural environment appears likely as a result of the rezoning. There are no known environmentally sensitive areas or archaeological sites contained within the subject property. Issues of storm water management as a result of any development of the property will be addressed during the platting process.

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

There does not appear to be a shortfall in current local residential housing inventory. There are also no indications that the proposed zone change will lead to an increase in local affordable housing stock. Conversely, the local market appears stable enough to absorb additional single-family housing stock and will most likely not result in either a

housing glut or a development stall, barring unforeseen circumstances. Additionally, the proposed zoning will address future residential need as the local economy begins to grow and new users migrate into the area as a result of that growth.

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.*

Single-family residential uses are generally viewed as low traffic generators and are suitable within a neighborhood context. The land uses allowed under the proposed zoning category is consistent with similar neighborhood-type land use patterns that exist in the immediate area.

Notification:

On February 27, 2017, sixty-one notifications were mailed out to property owners of record within a 200-foot radius of the subject area, including a separate written notice that was mailed out to the local school district, in accordance with Section 211.007, Texas Local Government Code. As of the date of this publication, Staff has received one response in favor of, and zero responses in opposition to, the request.

Planning Commission Action:

This request was scheduled for review and consideration on the March 20, 2017, Planning Commission docket as Regular Agenda Item *III.2.A*. Below is an excerpt from the meeting's unofficial minutes:

David Stallworth, Principal Planner, provided a brief synopsis of the case. Mr. Stallworth indicated the location for the subject area and showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth concluded his presentation with a recommendation of APPROVAL of the zone change, along with his basis for the recommendation.

Barring further Staff further input, Chairperson Priess opened the public hearing. Rocky Templin of Mills Development, Owner/Petitioner, approached the podium, identified himself, and made himself available for questions. He briefly explained the nature of the request, explained that he owned several of the lots that were notified, and that he believed the ultimate density to be closer to 3.6 dwelling units per acre, which differed from the staff report, which indicated that the new zoning could facilitate up to 8.71 dwelling units per acre.

Barring further public input, Chairperson Priess closed the public hearing and entertained further deliberations and possible motions.

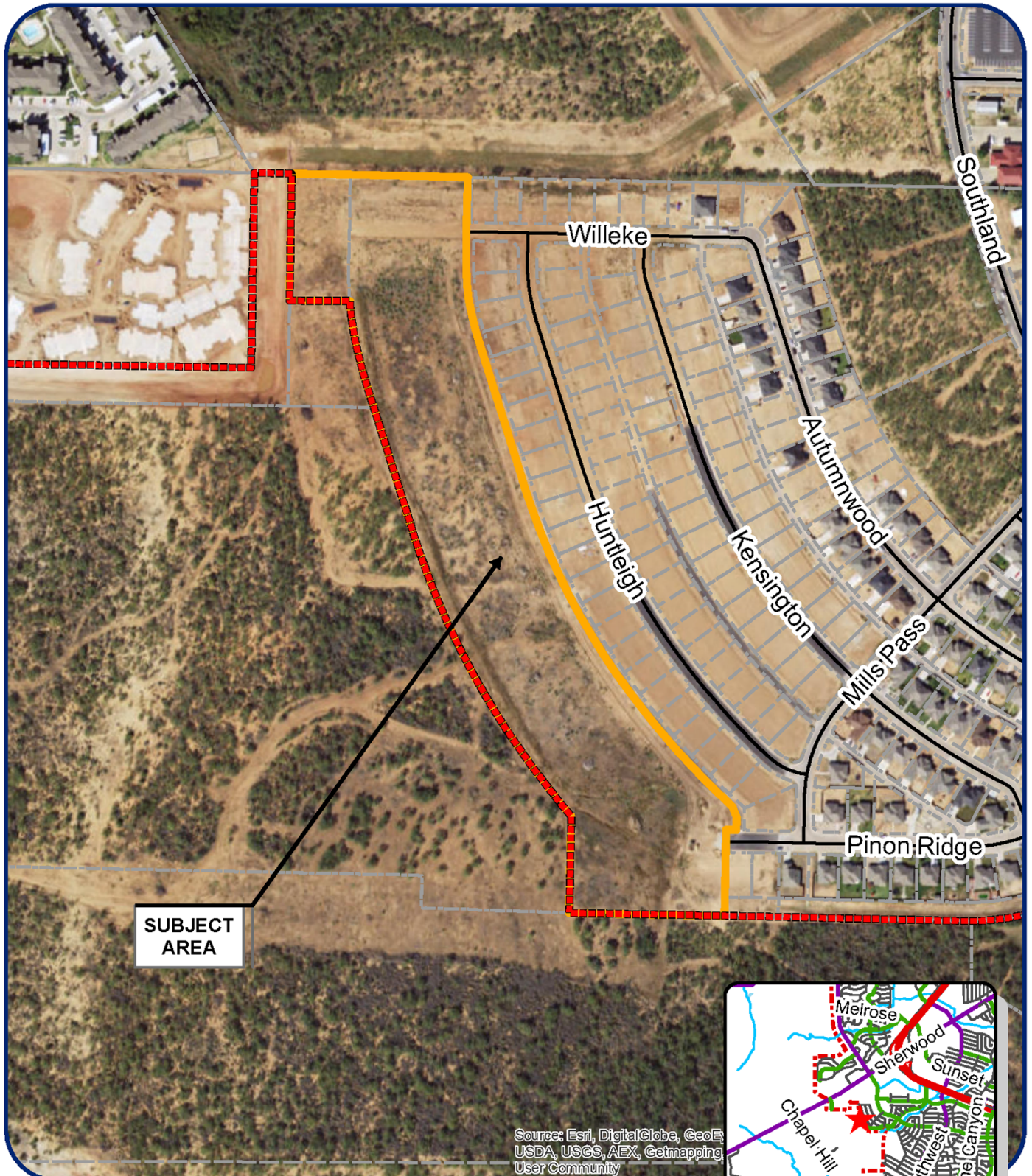
Commissioner Smith made a Motion to **APPROVE** the request. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0.

Staff Recommendation:

Staff recommends that City Council **APPROVE** a Zone Change from the Ranch and Estate (R&E) Zoning District to the Single-family Residential (RS-1) Zoning District.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Notification Information
Application
Petitioner Justification
Site Photographs



Zone Change Case File

Case Z17_01; Mills Development

Council District: District 6 (Farmer)

Neighborhood: Bonham

Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

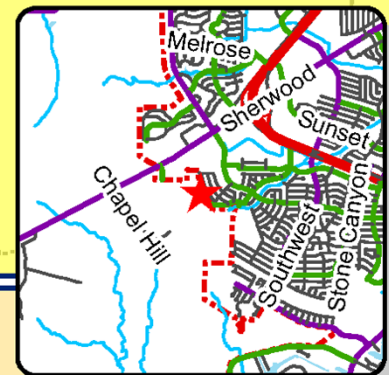
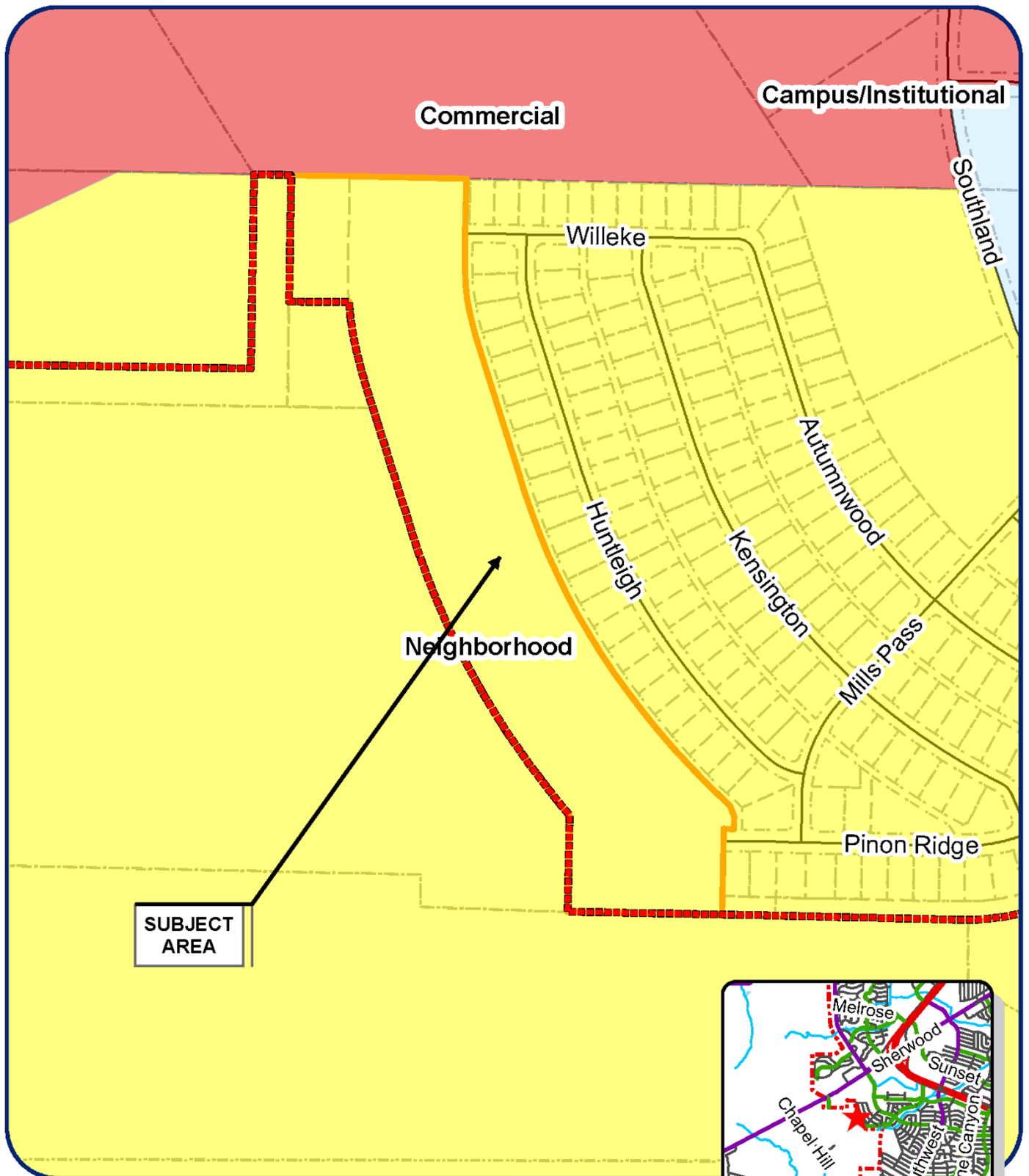
Subject Properties:

Current Zoning: **R&E**

Requested Zoning Change: **RS-1**

Vision: **Neighborhood**





Zone Change Case File

Case Z17_01; Mills Development

Council District: District 6 (Farmer)

Neighborhood: Bonham

Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

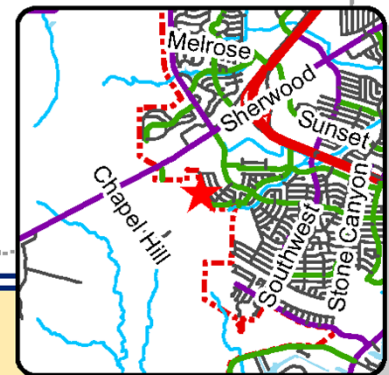
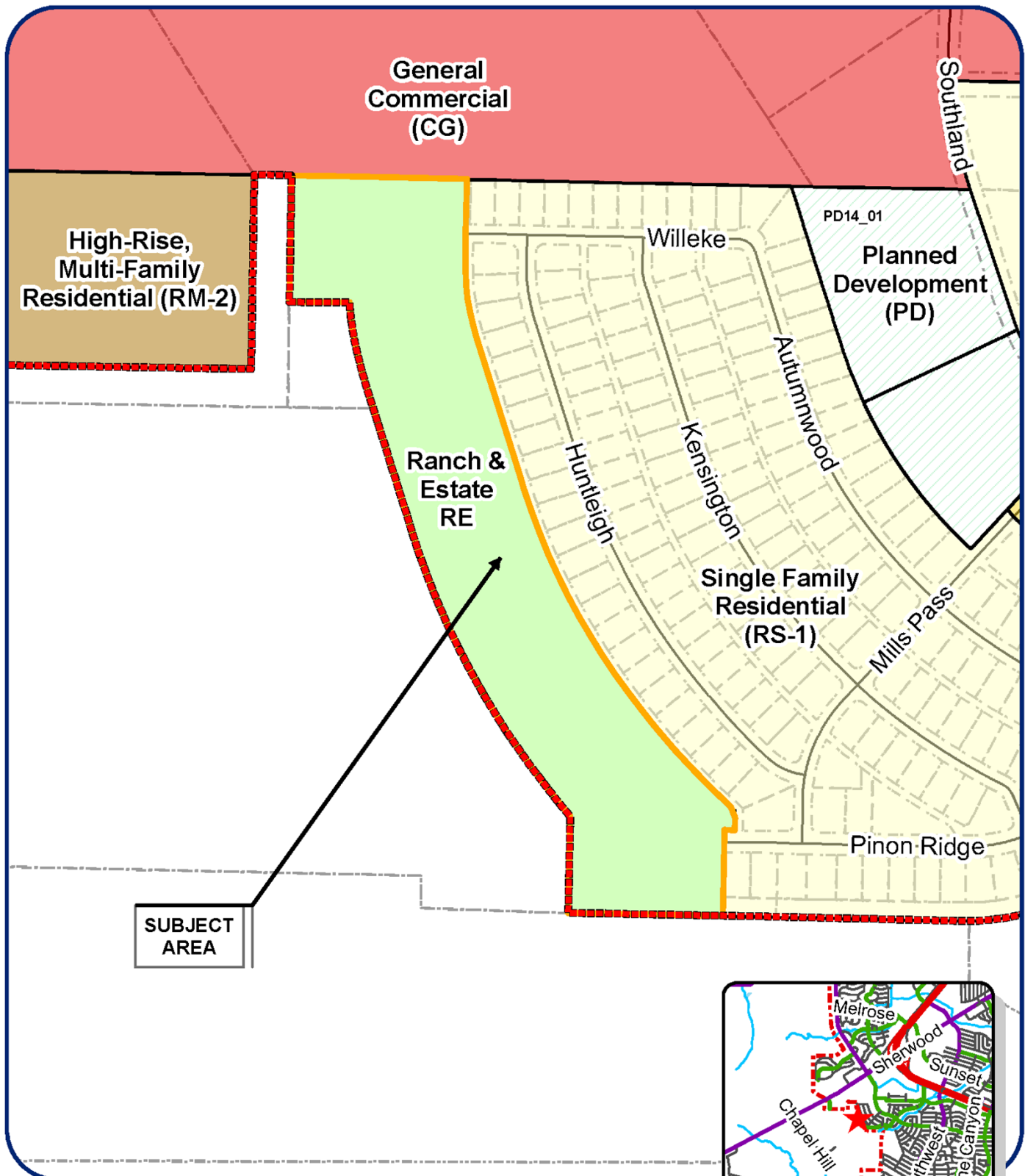
Subject Properties:

Current Zoning: **R&E**

Requested Zoning Change: **RS-1**

Vision: **Neighborhood**





Zone Change Case File

Case Z17_01; Mills Development

Council District: District 6 (Farmer)

Neighborhood: Bonham

Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

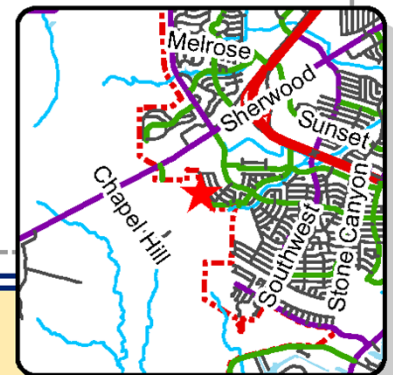
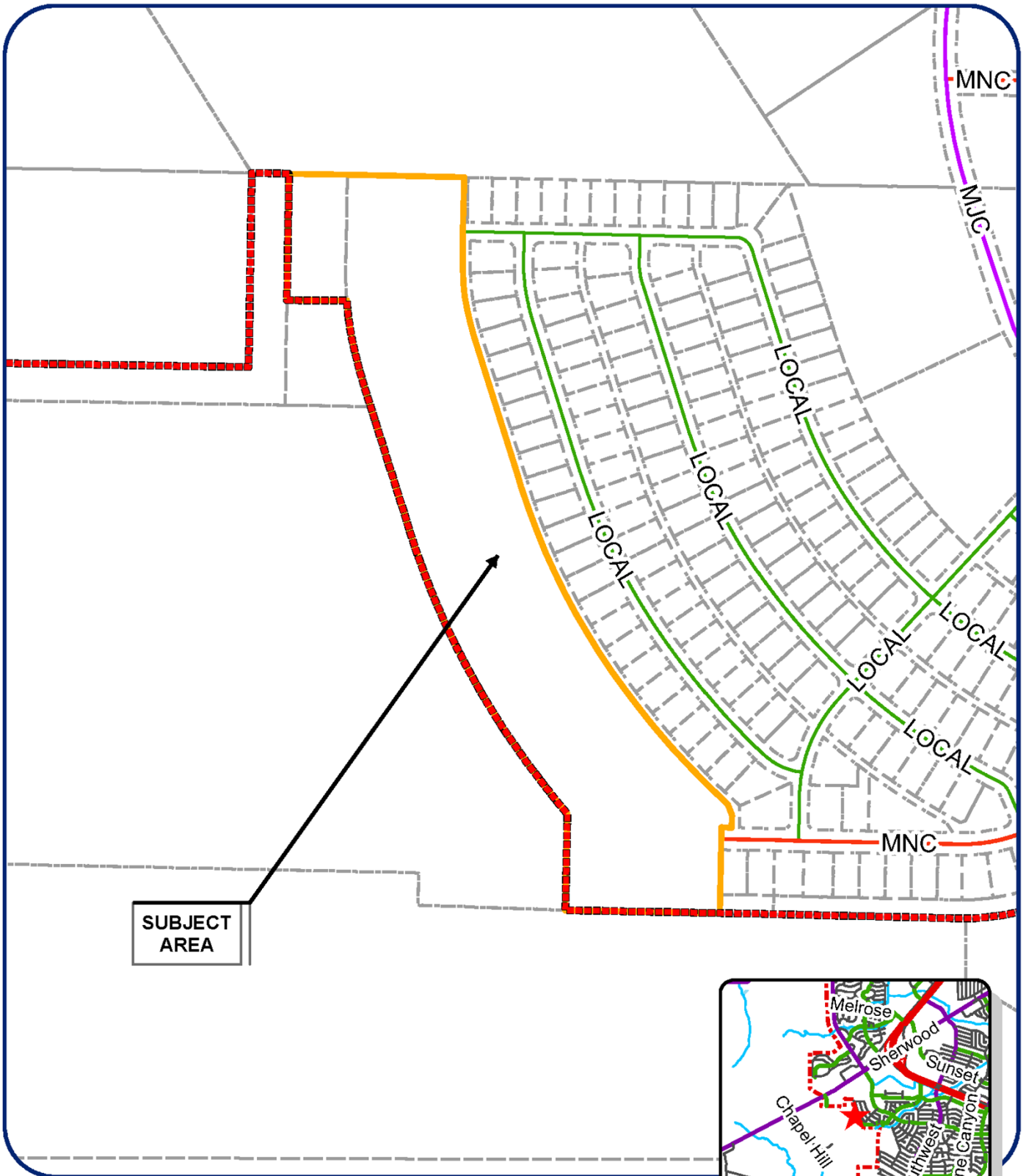
Legend

Subject Properties:

Current Zoning: **R&E**

Requested Zoning Change: **RS-1**

Vision: **Neighborhood**



Zone Change Case File

Case Z17_01; Mills Development

Council District: District 6 (Farmer)

Neighborhood: Bonham

Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

Subject Properties:

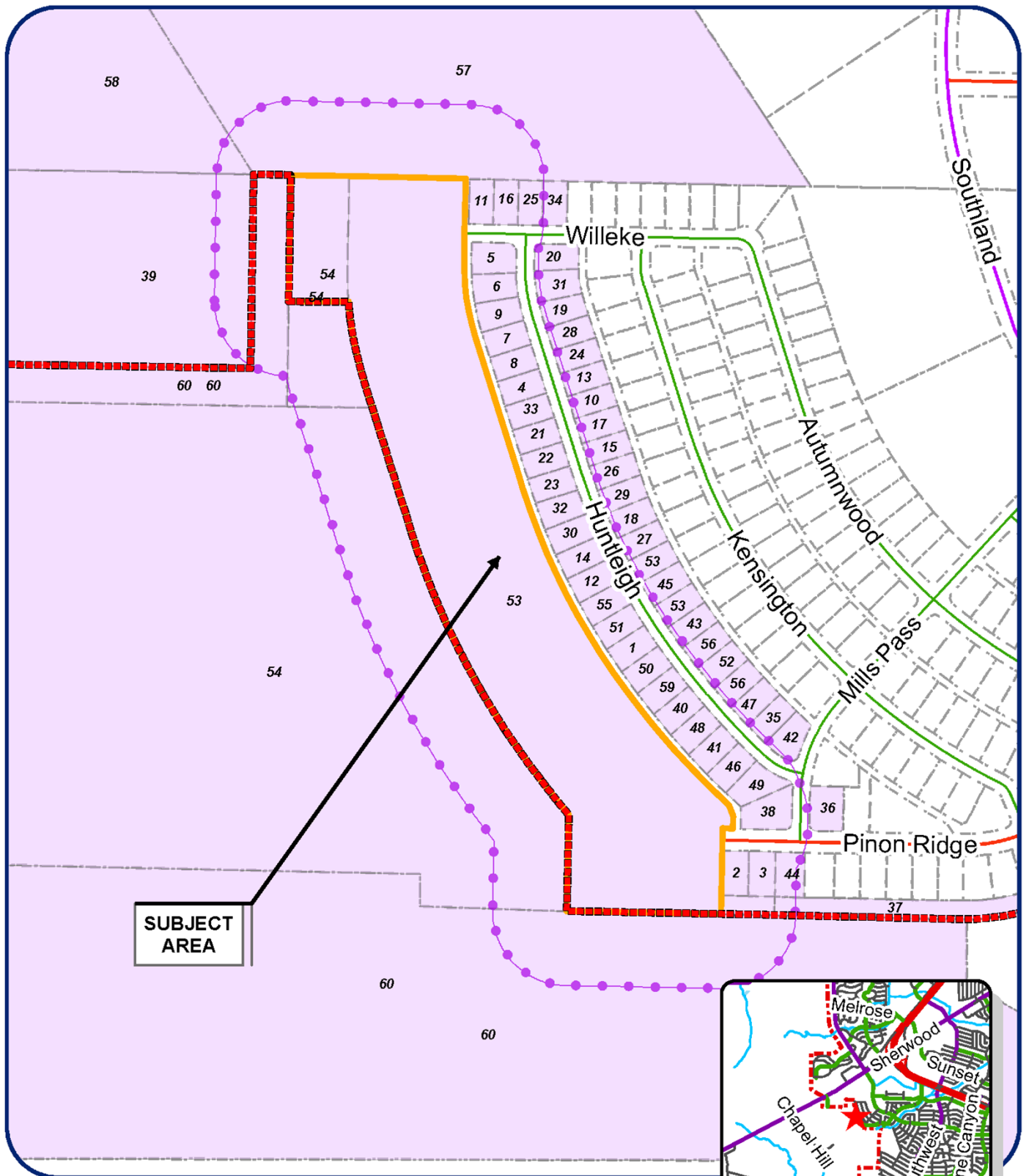
Current Zoning: **R&E**

Requested Zoning Change: **RS-1**

Vision: **Neighborhood**

N





Zone Change Case File

Case Z17_01; Mills Development

Council District: District 6 (Farmer)

Neighborhood: Bonham

Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

Subject Properties: —

Current Zoning: **R&E**

Requested Zoning Change: **RS-1**

Vision: **Neighborhood**



Z17-01: MILLS DEVELOPMENT

Total Notices: 60

vm_id	vm_name	vm_incare	vm_line1	vm_city	vm_vm_zip
1	PROPERTY OWNER		4165 HUNTLEIGH DR	SAN ANGELO	TX 76904
2	PROPERTY OWNER		4809 PINON RIDGE DR	SAN ANGELO	TX 76904
3	PROPERTY OWNER		4805 PINON RIDGE DR	SAN ANGELO	TX 76904
4	PROPERTY OWNER		4121 HUNTLEIGH DR	SAN ANGELO	TX 76904
5	PROPERTY OWNER		4101 HUNTLEIGH DR	SAN ANGELO	TX 76904
6	PROPERTY OWNER		4105 HUNTLEIGH DR	SAN ANGELO	TX 76904
7	PROPERTY OWNER		4113 HUNTLEIGH DR	SAN ANGELO	TX 76904
8	PROPERTY OWNER		4117 HUNTLEIGH DR	SAN ANGELO	TX 76904
9	PROPERTY OWNER		4109 HUNTLEIGH DR	SAN ANGELO	TX 76904
10	PROPERTY OWNER		4165 HUNTLEIGH DR	SAN ANGELO	TX 76904
11	PROPERTY OWNER		5906 WILLEKE DR	SAN ANGELO	TX 76904
12	PROPERTY OWNER		4153 HUNTLEIGH DR	SAN ANGELO	TX 76904
13	PROPERTY OWNER		4122 HUNTLEIGH DR	SAN ANGELO	TX 76904
14	PROPERTY OWNER		4149 HUNTLEIGH DR	SAN ANGELO	TX 76904
15	PROPERTY OWNER		4134 HUNTLEIGH DR	SAN ANGELO	TX 76904
16	PROPERTY OWNER		5902 WILLEKE DR	SAN ANGELO	TX 76904
17	PROPERTY OWNER		4130 HUNTLEIGH DR	SAN ANGELO	TX 76904
18	PROPERTY OWNER		4146 HUNTLEIGH DR	SAN ANGELO	TX 76904
19	PROPERTY OWNER		4110 HUNTLEIGH DR	SAN ANGELO	TX 76904
20	PROPERTY OWNER		4102 HUNTLEIGH DR	SAN ANGELO	TX 76904
21	PROPERTY OWNER		4129 HUNTLEIGH DR	SAN ANGELO	TX 76904
22	PROPERTY OWNER		4133 HUNTLEIGH DR	SAN ANGELO	TX 76904
23	PROPERTY OWNER		4137 HUNTLEIGH DR	SAN ANGELO	TX 76904
24	PROPERTY OWNER		4118 HUNTLEIGH DR	SAN ANGELO	TX 76904
25	PROPERTY OWNER		5818 WILLEKE DR	SAN ANGELO	TX 76904
26	PROPERTY OWNER		4138 HUNTLEIGH DR	SAN ANGELO	TX 76904
27	PROPERTY OWNER		4150 HUNTLEIGH DR	SAN ANGELO	TX 76904
28	PROPERTY OWNER		4114 HUNTLEIGH DR	SAN ANGELO	TX 76904
29	PROPERTY OWNER		4142 HUNTLEIGH DR	SAN ANGELO	TX 76904
30	PROPERTY OWNER		4145 HUNTLEIGH DR	SAN ANGELO	TX 76904
31	PROPERTY OWNER		4106 HUNTLEIGH DR	SAN ANGELO	TX 76904
32	PROPERTY OWNER		4141 HUNTLEIGH DR	SAN ANGELO	TX 76904
33	PROPERTY OWNER		4125 HUNTLEIGH DR	SAN ANGELO	TX 76904

Z17-01: MILLS DEVELOPMENT

Total Notices: 60

34	PROPERTY OWNER		5814 WILLEKE DR	SAN ANGELO	TX	76904
35	ARROYO LOPEZ FERNANDO J & COLON CARDONA LILLIVETTE		4186 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
36	BUITRON DAVID S & DORA		2953 RANCH ROAD 864	SONORA	TX	788405110
37	CITY OF SAN ANGELO	PLANNING DIVISION	72 W COLLEGE AVE	SAN ANGELO	TX	76903-5814
38	CLIFTON CHRISTOPHER & KELLY		5902 MILL PASS DRIVE	SAN ANGELO	TX	76904-9999
39	CN BOULEVARD SAN ANGELO II LP		420 SOUTHFORK DR	LEWISVILLE	TX	75201-3081
40	EDWARDS RHEBA DENEE		4177 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
41	FLOYD GARY		2199 COYOTE BEND	SAN ANGELO	TX	76903-0135
42	FOSTER JOHN & JANA		4190 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
43	GAMMONS ROGER D & JOYCE A		4166 HUNTLEIGH DR	SAN ANGELO	TX	76904-1405
44	HEIL STEVEN G & BRANDI S		4801 PINON RIDGE DR	SAN ANGELO	TX	76904-9999
45	HENRY CHRISTOPHER & WELA		4158 HUNTLEIGH DR	SAN ANGELO	TX	76904-1405
46	HERON JOSEPH W & AUDREY B		4189 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
47	KAMALAPUR RAJ & SEEMA		4182 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-1405
48	KEMP CHARLOTTE		4181 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
49	KENNEDY JOSEPHINE M & JOHN D		4193 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
50	LEWIS EDWARD EUGENE & KIMBERLY ANN		4169 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
51	LYNCH JEAN		4161 HUNTLEIGH DR	SAN ANGELO	TX	76904-0000
52	MERRY WILLIAM CARLETON & PAMELA		4174 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
53	MILLS DEVELOPMENT INC	ROCKY TEMPLIN	3845 LAKE RIDGE DR	SAN ANGELO	TX	76904-5918
54	MILLS DEVELOPMENT INC		PO BOX 60831	SAN ANGELO	TX	76906-0831
55	RICH TIMOTHY S & ANGELA D		4157 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
56	RIDGECREST INC		3845 LAKE RIDGE DR	SAN ANGELO	TX	76904-0000
57	SAMS EAST INC	0555	PO BOX 8050	BENTONVILLE	AR	72712-8050
58	TWIN BUTTES APARTMENTS LLC		420 SOUTHFORK DR	LEWISVILLE	TX	75201-3081
59	WAGNER DAVID L & STEFANIE D		4173 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
60	WILLEKE HUDSON LP	INDUSTRY CONSULTING GROUP	PO BOX 810490	DALLAS	TX	75381-0490

City of San Angelo, Texas
Planning Division

Application for Approval of a ZONE CHANGE

Name of Applicant(s): Mills Development, Inc

☒ Owner – Authorized Representative (Affidavit required)

Mailing Address: 3845 Lake Ridge Dr.

Telephone: 656.7814

City/State/Zip: San Angelo, Texas

Fax/other: _____

Subject Property Address and/or Location*:

West of the extension of Willeke Drive and Pinon Ridge Drive

Legal Description*:

17.192 acres out of Deaf & Dumb Asylums, Survey No. 2, Abstract No. 8211, COSA, Tom Green County, Texas

Zoning: R&E

Vision Plan Map Designation: Neighborhood

Existing Use of Property: Vacant

Proposed Use of Property: Residential

Requested Zone Change: RS-1

* use attachment, if necessary

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

Rocky Geylin
Signature

2-17-17
Date

NOTE: Please also read information and sign on back of page.

OFFICE USE ONLY

Case no.: Z 17 - 01

L

R

M

Date of application: 2/17/2017

Received by: [Signature]

– walk-in

– by mail

Nonrefundable application fee: \$ 500

Date paid: _____

Sign deposit: \$ 37.50

Date paid: _____

Affidavit attached? – yes – no – N/A Applicant's signature on information sheet? –

Previous Zone Change Inquiry? – yes – no

If yes, ZCI case no.: _____

River Corridor Commission? – yes – no

If yes, RCC meeting date: _____

Planning Commission hearing date: 3/20/17 (?)

Date notifications due: _____

City Council hearing date: _____

Packets due date: _____

Publication date: _____

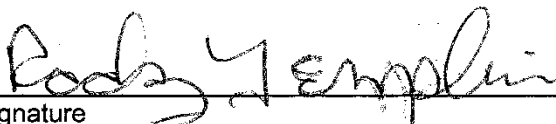
City of San Angelo, Texas
Department of Planning

Important Information Regarding Zone Change Requests

Please read the following and sign below.

1. An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner.
2. No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.
3. If approved, **a zone change is applied to the property, not the property owner.**
4. The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.
5. If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.
6. Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.
7. One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.
8. If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If the Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.
9. The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

I/We have read and understand the preceding information.

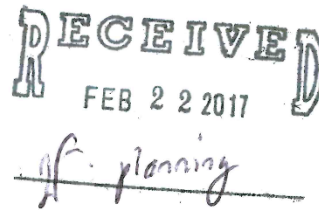

Signature

2-17-17
Date

OFFICE USE ONLY

Case no.: Z _____ - _____ Date of application: _____ Received by: _____

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



Dear Sir or Madame:

I am requesting a zone change for an approximate 18-acre site that is under annexation and is located west of Willeke and Pinion Ridge Drives, west of the Prestonwood residential development. The subject property was incorporated into the City under a Rural and Estate (R&E) zoning category, as required by Code. I respectfully request that the property be rezoned in its entirety to Single-family Residential (RS-1) for the following reasons, per Section 212.G of the San Angelo Zoning Ordinance:

1. I believe the proposed is consistent with the Comprehensive Plan as to guide community growth in a sustainable way providing opportunities for growth both now and in the future.
2. This area is occurring next to similar development and away from incompatibly zoned areas. This zone change will ensure consistent predictable growth both now and in the future.
3. The envisioned growth for this area is Neighborhood. The proposed subdivisions that tie into the existing subdivisions there by establishing single family home sites are consistent with growth patterns.
4. Annexation with R&E zoning is triggering this zone change. If I could annex with RS-1 I would have.
5. I do not anticipate any adverse environmental impact from this zone change. RS-1 is a very low impact type of zoning when compared to other more dense residential zoning categories and commercial designations.
6. The community has been growing in a steady fashion for 6 years. Demand for more housing opportunities for families is needed. Single family residences are one way this demand can be meet. This isolated location from highway will provide a relatively quiet area for the future development of home sites.
7. This subdivision will help to fill a community need while ensuring that development patterns remain consistent. This area has access to thoroughfares capable carrying future residents to and from home; the area is also located within a mile of retail opportunities that will help future residents meet their needs. Families and children who locate in the area may enjoy walking to and from a nearby school which not only saves natural resources and minimizes area traffic but also provides exercise.

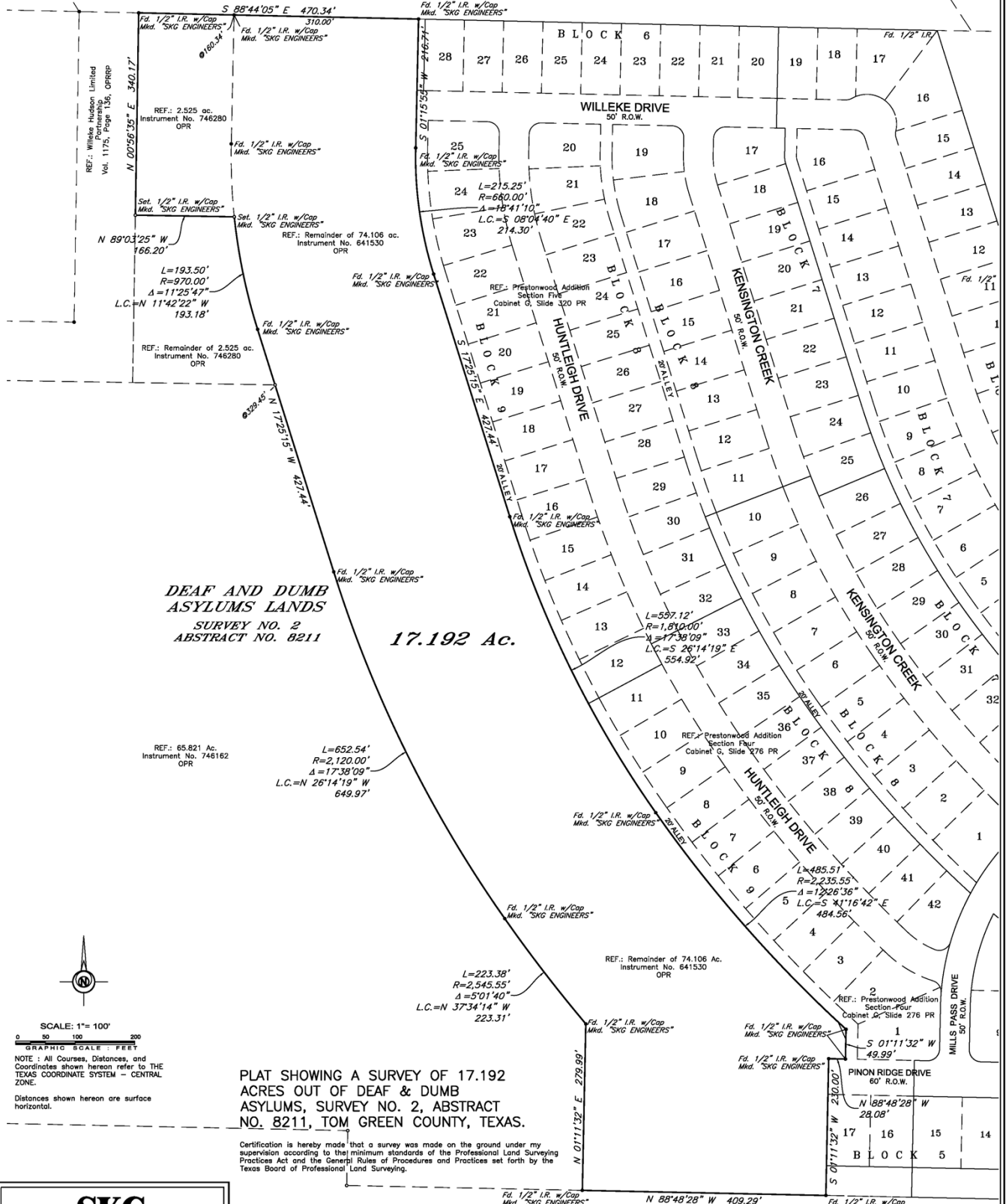
No future land use category amendment should be necessary for this request. Come out and take a look if you are not familiar with Prestonwood. Your favorable consideration of this request shall be greatly appreciated. Thank you.

Respectfully,

A handwritten signature in blue ink that reads "Bob Taylor". The signature is written in a cursive, flowing style.

EXHIBIT A

REF.: Remainder of 80.436
Ac.Tr.
Vol.1171, Pg.393 OPRRP



DEAF AND DUMB
ASYLUMS LANDS
SURVEY NO. 2
ABSTRACT NO. 8211

17.192 Ac.



SCALE: 1"= 100'

GRAPHIC SCALE: FEET

NOTE: All Courses, Distances, and Coordinates shown herein refer to the TEXAS COORDINATE SYSTEM - CENTRAL ZONE.

Distances shown herein are surface horizontal.

PLAT SHOWING A SURVEY OF 17.192 ACRES OUT OF DEAF & DUMB ASYLUMS, SURVEY NO. 2, ABSTRACT NO. 8211, TOM GREEN COUNTY, TEXAS.

Certification is hereby made that a survey was made on the ground under my supervision according to the minimum standards of the Professional Land Surveying Practices Act and the General Rules of Procedures and Practices set forth by the Texas Board of Professional Land Surveying.

Surveyed on the ground January 6, 2017.

RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636



SKG ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
708 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.655.1288
FAX: 325.657.8189
FIRM No.: 10102400
www.skg.com

REF.: Willeke Hudson Limited Partnership
Vol. 1175, Page 136, OPRRP

FIELD NOTES

17.192 Acres

January 6, 2017
17-E-0004_17ac

Being an area of 17.192 acres of land out of Deaf and Dumb Asylums, Survey No. 2, Abstract No. 8211, Tom Green County, Texas and said 17.192 acre tract also being out of that certain 2.525 acre tract described and recorded in Instrument No. 746280, Official Public Records of Tom Green County, Texas and out of that certain 74.106 acre tract described and recorded in Instrument No. 641530, Official Public Records of Tom Green County, Texas and said 17.192 acre tract being more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod with cap marked "SKG ENGINEERS" found for the northeast corner of this tract in the north line of said 74.106 acre tract and in the south line of certain remainder of an 80.436 acre tract described and recorded in Volume 1171, Page 393, Official Public Records of Real Property of Tom Green County, Texas and said beginning corner also being the northwest corner of Lot 28, Block 6, Prestonwood Addition, Section Five as per plat recorded in Cabinet G, Slide 320, Plat Records of Tom Green County, Texas;

Thence with the east line of this tract and the west line of said Section Five, S. 01° 15' 55" W. 216.71 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of a curve to the left;

Thence with said curve to the left, having a radius of 660.00 feet, central angle of 18° 41' 10", arc length of 215.25 feet and whose long chord bears S. 08° 04' 40" E. 214.30 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve;

Thence continuing with the east or northeast line of this tract and the west or southwest line of said Section Five, S. 17° 25' 15" E. 427.44 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of a curve to the left;

Thence with said curve to the left, having a radius of 1810.00 feet, central angle of 17° 38' 09", arc length of 557.12 feet and whose long chord bears S. 26° 14' 19" E. 554.92 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve and the beginning of another curve to the left;

Thence with said curve to the left, having a radius of 2235.55 feet, central angle of 12° 26' 36", arc length of 485.51 feet and whose long chord bears S. 41° 16' 42" E. 484.56 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an angle corner of this tract and certain Prestonwood Addition, Section Four, as per plat recorded in Cabinet G, Slide 276, Plat Records of Tom Green County, Texas;

Thence with the east line of this tract and the west line of said Section Four, S. 01° 11' 32" W. 49.99 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an ell corner of this tract and said Section Four, N. 88° 48' 28" W. 28.08 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an ell corner of this tract and said Section Four, S. 01° 11' 32" W. 230.00 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the southeast corner of this tract in the south line of said 74.106 acre tract;

Thence with the south line of this tract and said 74.106 acre tract, N. 88° 48' 28" W. 409.29 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the southwest corner of this tract and said 74.106 acre tract and the southeast corner of a certain 65.821 acre tract described and recorded in Instrument No. 746162, Official Public Records of Tom Green County, Texas;

Thence with the west line of this tract and said 74.106 acre tract and the east line of said 65.821 acre tract, N. 01° 11' 32" E. 279.99 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for angle corner of this tract and said 74.106 acre tract and said 65.821 acre tract;

Thence continuing with the west line of this tract and said 74.106 acre tract and east line of said 65.821 acre tract with a curve to the right, having a radius of 2545.55 feet, central angle of 05° 01' 40", arc length of 223.38 feet and whose long chord bears N. 37° 34' 14" W. 223.31 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve and the beginning of another curve to the right;

Thence with said curve to the right, having a radius of 2120.00 feet, central angle of 17° 38' 09", arc length of 652.54 feet and whose long chord bears N. 26° 14' 19" W. 649.97 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve;

Thence continuing with the west line of this tract and said 74.106 acre tract and east line of said 65.821 acre tract, N. 17° 25' 15" W. at 329.45 feet pass the northeast corner of said 65.821 acre tract and southeast corner of a certain 2.525 acre tract described and recorded in Instrument No. 746280, Official Public Records of Tom Green County, Texas, in all a total distance of 427.44 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of curve to the right;

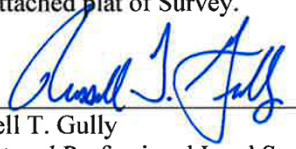
Thence with said curve to the right, having a radius of 970.00 feet, central angle for this part traversed of 11° 25' 47", arc length of 193.50 feet and whose long chord bears N. 11° 42' 22" W. 193.18 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for angle corner;

Thence across said 2.525 acre tract, N. 89° 03' 25" W. 166.20 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for the west southwest corner of this tract in the west line of said 2.525 acre tract;

Thence with the most westerly line of this tract and west line of said 2.525 acre tract, N. 00° 56' 35" E. 340.17 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the northwest corner of this tract and said 2.525 acre tract and being in the south line of said 80.436 acre tract;

Thence with the north line of this tract and said 2.525 acre tract and south line of said 80.436 acre tract, S. 88° 44' 05" E. at 160.34 feet pass the northeast corner of said 2.525 acre tract and the northwest corner of said 74.106 acre tract, in all a total distance of 470.34 feet to the place of beginning and containing an area of 17.192 acres of land.

See attached plat of Survey.

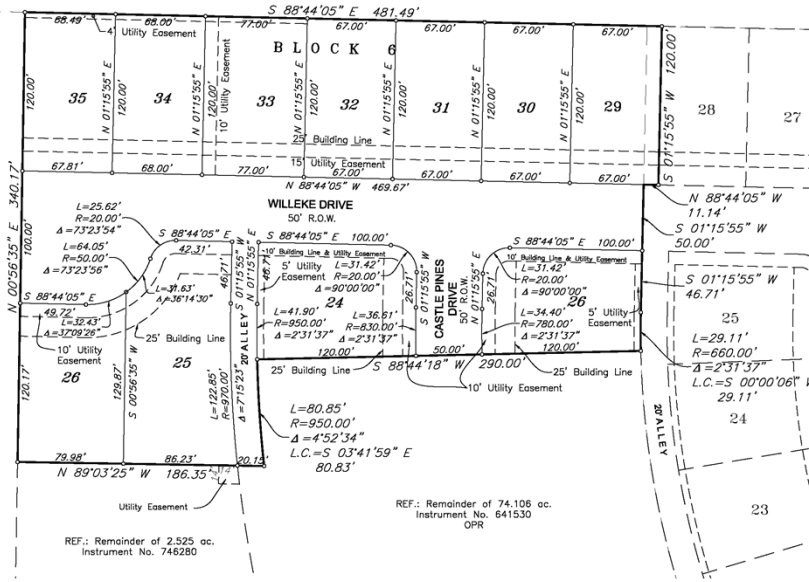


Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



REF.: Remainder of 80.436 Ac.Tr.
Vol.1171, Pg.393 OPRRP

REF.: Wilkie Hudson Limited Partnership
Vol. 1175, Page 136, OPRRP



REF.: Remainder of 74.106 ac.
Instrument No. 641530
OPR

REF.: Remainder of 2.525 ac.
Instrument No. 746280



SCALE: 1"= 60'
GRAPHIC SCALE: FEET
NOTE: Bearings shown hereon are based on the Texas Coordinate System - Central Zone. Distances shown are surface horizontal.

LEGEND:

- Found $\frac{1}{2}$ " Iron Pipe or Rod (unless otherwise noted)
- Set $\frac{1}{2}$ " Iron Rod with Cap Marked "SKG ENGINEERS"

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.

This Plat is Filed in Cabinet _____, Slide _____
Plat Records of Tom Green County, Texas.

Field Notes are filed as Instrument No. _____
Official Public Records of Real Property, Tom Green
County, Texas.

SKG
ENGINEERING, LLC

SURVEYING • ENVIRONMENTAL • LAB/CMT
706 SOUTH ABE STREET PHONE: 325.655.1288
SAN ANGELO, TEXAS 76903 FAX: 325.657.8189
Firm No. 10102400
www.skg.com

STATE OF TEXAS
COUNTY OF TOM GREEN
This instrument was acknowledged before
me on _____
by Rocky Templin in the capacity shown.

Notary Public, State of Texas

OWNER/DEVELOPER: MILLS DEVELOPMENT, INC.

DESCRIPTION: Being 5.773 acres out of the South 1/2,
Deaf & Dumb Asylum, Survey No. 2, Abstract No. 8211, City
of San Angelo, Tom Green County, Texas and being out of
that certain 74.106 ac tract described in Instrument No.
641530, Official Public Records, Tom Green County, Texas.

ACKNOWLEDGEMENT/DEDICATION

We, Mills Development, Inc., do hereby adopt this plat as
the subdivision of our property and dedicate for the use of
the public the streets and easements shown hereon.

Rocky Templin
President

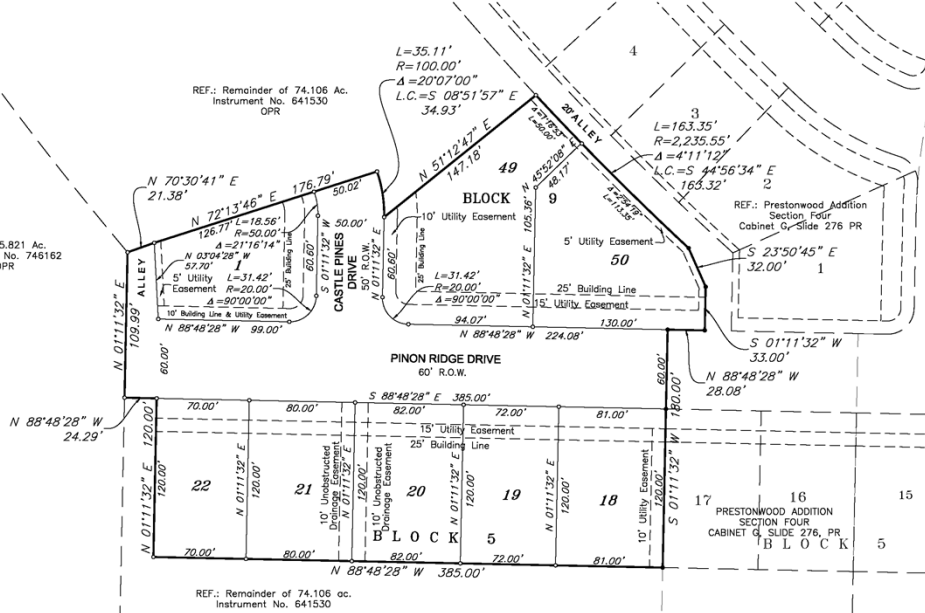
Preliminary, this document
shall not be recorded for any
purpose and shall not be used
or viewed or relied upon as a
final survey document.

SURVEYOR'S CERTIFICATE

Know all men by these presents that I,
Russell T. Galy 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.

17-E-0004

PRESTONWOOD ADDITION SECTION SIX City of San Angelo, Tom Green County, Texas.

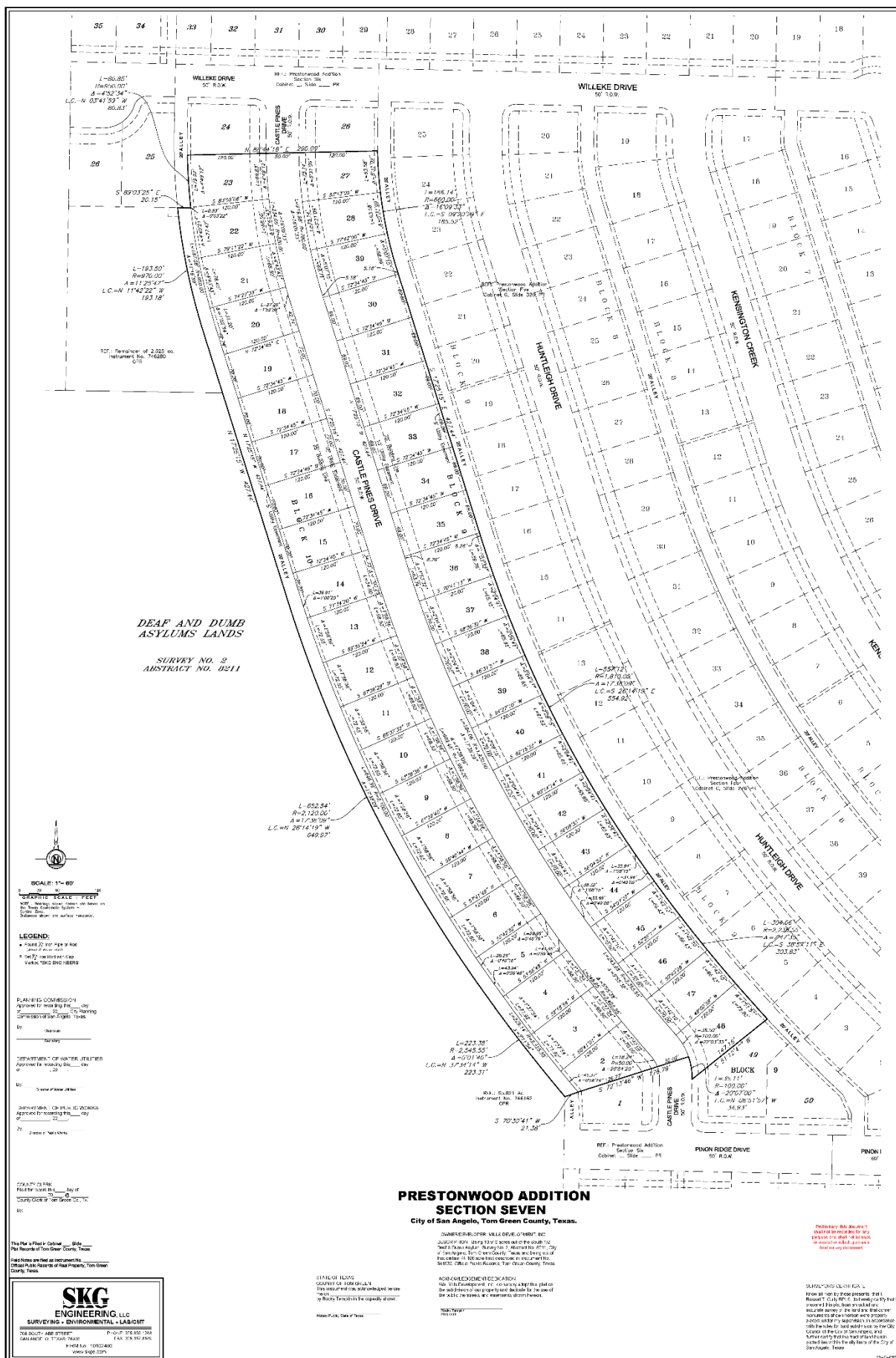


REF.: Remainder of 74.106 ac.
Instrument No. 641530

REF.: 65.821 Ac.
Instrument No. 746162
OPR

REF.: Remainder of 74.106 Ac.
Instrument No. 641530
OPR

REF.: Prestonwood Addition
Section Four
Cabinet G, Slide 276 PR



LOOKING WEST FROM PINON RIDGE DR
(Panoramic View)



LOOKING WEST FROM WILLEKE DR



LOOKING SOUTH FROM WILLKE DRIVE



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: **An unaddressed site, generally located west of Willeke and Pinon Ridge Drives, west of the Prestonwood residential development, and being 17.192 acres out of the Deaf and Dumb Asylums Survey No. 2, Abstract 8211, Tom Green County, Texas,** FROM THE RANCH AND ESTATE (R&E) ZONING DISTRICT TO THE SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning Commission and the City Council for the City of San Angelo, in compliance with the City Charter and state law regarding zoning regulations and zoning map, 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 zoning changes should be made as set out herein;

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

SECTION 1: Chapter 12 of the Code of Ordinances of the City of San Angelo, the basic Zoning Ordinance for the City adopted on January 4, 2000, and the Zoning Map be and the same are hereby amended as follows:

An unaddressed site, generally located west of Willeke and Pinon Ridge Drives, west of the Prestonwood residential development, and being 17.192 acres out of the Deaf and Dumb Asylums Survey No. 2, Abstract 8211, Tom Green County, Texas, more particularly described and depicted on Exhibit "A" to this ordinance, zoned Ranch and Estate (R&E) Zoning District shall henceforth be permanently zoned Single-Family Residential (RS-1) Zoning District.

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to correct Zoning District Maps in the Office of the Director of the Planning and Development Services Department, to reflect the herein described changes in zoning.

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

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

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

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

INTRODUCED on the **18th day of April, 2017**, and finally PASSED, APPROVED AND ADOPTED on this, the **2nd day of May, 2017**.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

REF.: Remainder of 80.436
Ac.Tr.
Vol.1171, Pg.393 OPRRP



FIELD NOTES

17.192 Acres

January 6, 2017
17-E-0004_17ac

Being an area of 17.192 acres of land out of Deaf and Dumb Asylums, Survey No. 2, Abstract No. 8211, Tom Green County, Texas and said 17.192 acre tract also being out of that certain 2.525 acre tract described and recorded in Instrument No. 746280, Official Public Records of Tom Green County, Texas and out of that certain 74.106 acre tract described and recorded in Instrument No. 641530, Official Public Records of Tom Green County, Texas and said 17.192 acre tract being more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod with cap marked "SKG ENGINEERS" found for the northeast corner of this tract in the north line of said 74.106 acre tract and in the south line of certain remainder of an 80.436 acre tract described and recorded in Volume 1171, Page 393, Official Public Records of Real Property of Tom Green County, Texas and said beginning corner also being the northwest corner of Lot 28, Block 6, Prestonwood Addition, Section Five as per plat recorded in Cabinet G, Slide 320, Plat Records of Tom Green County, Texas;

Thence with the east line of this tract and the west line of said Section Five, S. 01° 15' 55" W. 216.71 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of a curve to the left;

Thence with said curve to the left, having a radius of 660.00 feet, central angle of 18° 41' 10", arc length of 215.25 feet and whose long chord bears S. 08° 04' 40" E. 214.30 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve;

Thence continuing with the east or northeast line of this tract and the west or southwest line of said Section Five, S. 17° 25' 15" E. 427.44 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of a curve to the left;

Thence with said curve to the left, having a radius of 1810.00 feet, central angle of 17° 38' 09", arc length of 557.12 feet and whose long chord bears S. 26° 14' 19" E. 554.92 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve and the beginning of another curve to the left;

Thence with said curve to the left, having a radius of 2235.55 feet, central angle of 12° 26' 36", arc length of 485.51 feet and whose long chord bears S. 41° 16' 42" E. 484.56 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an angle corner of this tract and certain Prestonwood Addition, Section Four, as per plat recorded in Cabinet G, Slide 276, Plat Records of Tom Green County, Texas;

Thence with the east line of this tract and the west line of said Section Four, S. 01° 11' 32" W. 49.99 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an ell corner of this tract and said Section Four, N. 88° 48' 28" W. 28.08 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an ell corner of this tract and said Section Four, S. 01° 11' 32" W. 230.00 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the southeast corner of this tract in the south line of said 74.106 acre tract;

Thence with the south line of this tract and said 74.106 acre tract, N. 88° 48' 28" W. 409.29 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the southwest corner of this tract and said 74.106 acre tract and the southeast corner of a certain 65.821 acre tract described and recorded in Instrument No. 746162, Official Public Records of Tom Green County, Texas;

Thence with the west line of this tract and said 74.106 acre tract and the east line of said 65.821 acre tract, N. 01° 11' 32" E. 279.99 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for angle corner of this tract and said 74.106 acre tract and said 65.821 acre tract;

Thence continuing with the west line of this tract and said 74.106 acre tract and east line of said 65.821 acre tract with a curve to the right, having a radius of 2545.55 feet, central angle of 05° 01' 40", arc length of 223.38 feet and whose long chord bears N. 37° 34' 14" W. 223.31 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve and the beginning of another curve to the right;

Thence with said curve to the right, having a radius of 2120.00 feet, central angle of 17° 38' 09", arc length of 652.54 feet and whose long chord bears N. 26° 14' 19" W. 649.97 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve;

Thence continuing with the west line of this tract and said 74.106 acre tract and east line of said 65.821 acre tract, N. 17° 25' 15" W. at 329.45 feet pass the northeast corner of said 65.821 acre tract and southeast corner of a certain 2.525 acre tract described and recorded in Instrument No. 746280, Official Public Records of Tom Green County, Texas, in all a total distance of 427.44 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of curve to the right;

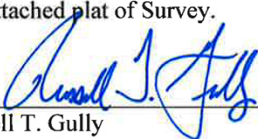
Thence with said curve to the right, having a radius of 970.00 feet, central angle for this part traversed of 11° 25' 47", arc length of 193.50 feet and whose long chord bears N. 11° 42' 22" W. 193.18 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for angle corner;

Thence across said 2.525 acre tract, N. 89° 03' 25" W. 166.20 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for the west southwest corner of this tract in the west line of said 2.525 acre tract;

Thence with the most westerly line of this tract and west line of said 2.525 acre tract, N. 00° 56' 35" E. 340.17 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the northwest corner of this tract and said 2.525 acre tract and being in the south line of said 80.436 acre tract;

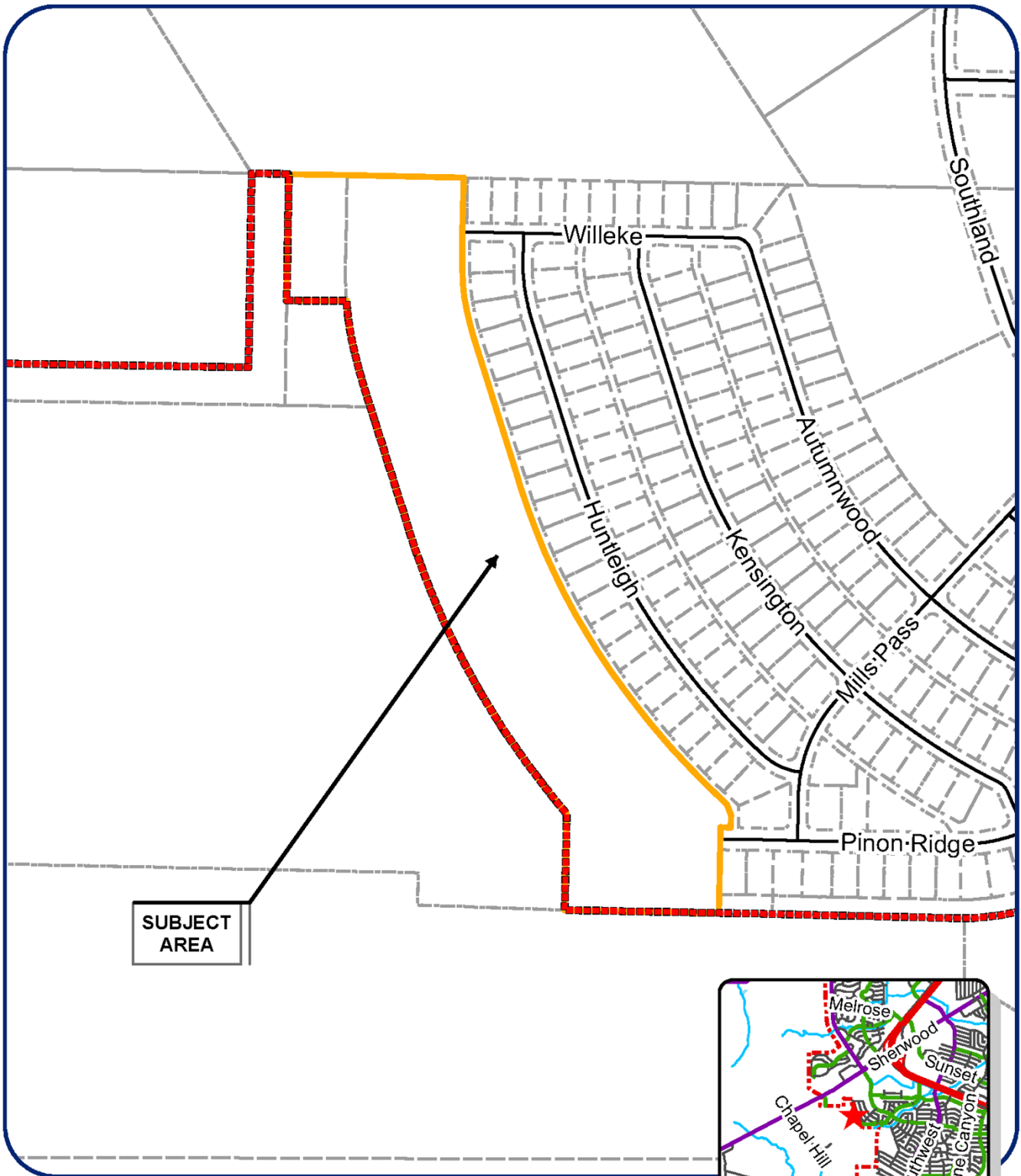
Thence with the north line of this tract and said 2.525 acre tract and south line of said 80.436 acre tract, S. 88° 44' 05" E. at 160.34 feet pass the northeast corner of said 2.525 acre tract and the northwest corner of said 74.106 acre tract, in all a total distance of 470.34 feet to the place of beginning and containing an area of 17.192 acres of land.

See attached plat of Survey.

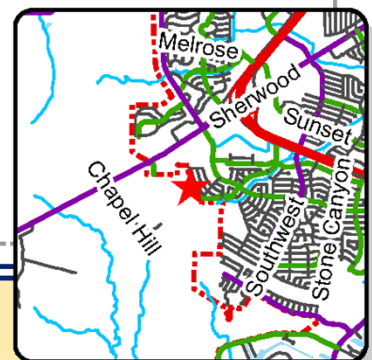


Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400





SUBJECT
AREA



Zone Change Case File

Case Z17_01; Mills Development

Council District: District 6 (Farmer)

Neighborhood: Bonham

Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

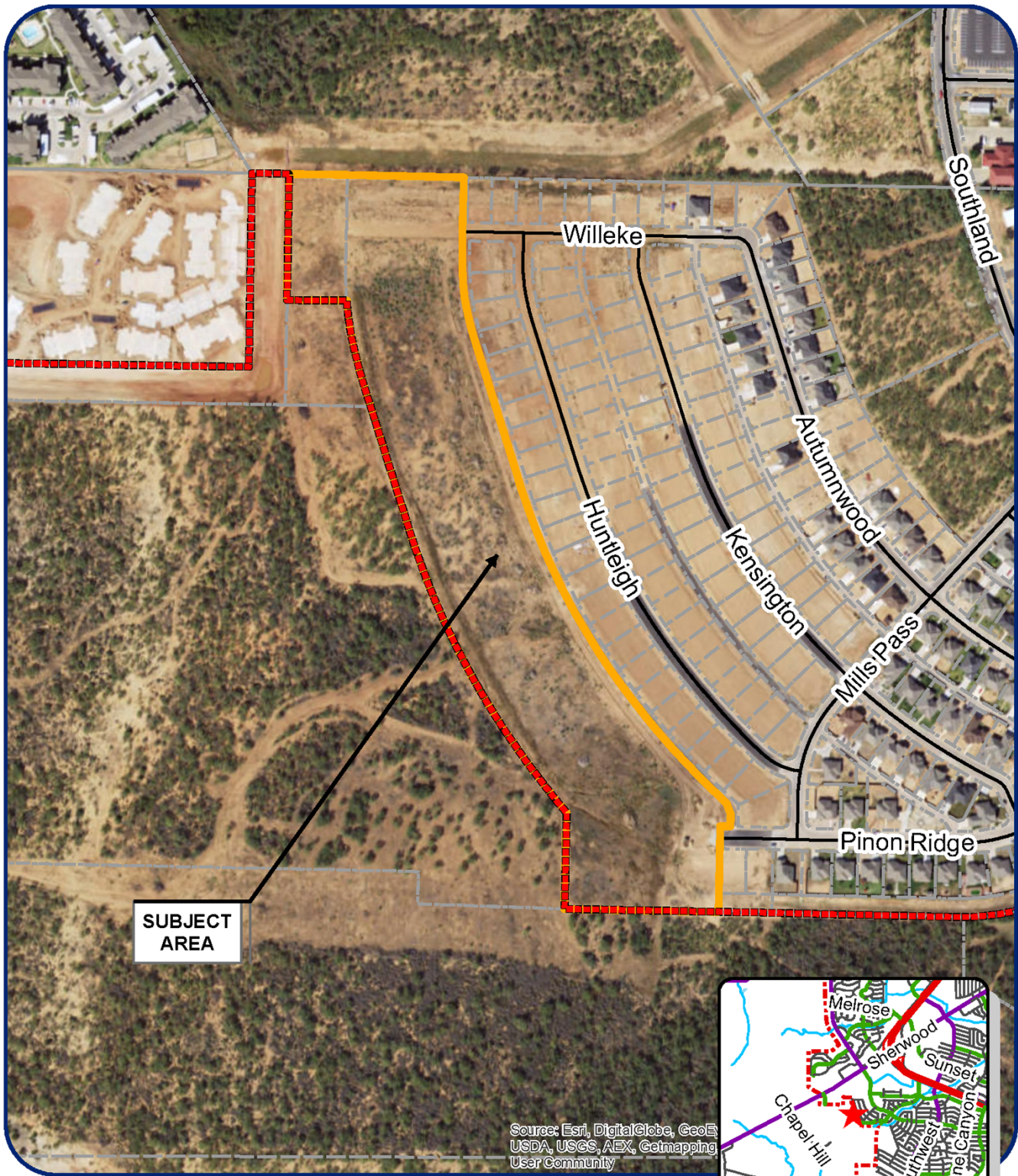
Subject Properties: —

Current Zoning: **R&E**

Requested Zoning Change: **RS-1**

Vision: **Neighborhood**





Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, AEX, Getmapping, User Community



Zone Change Case File

Case Z17_01; Mills Development

Council District: District 6 (Farmer)

Neighborhood: Bonham

Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

Subject Properties:

Current Zoning:

Requested Zoning Change:

Vision:

R&E

RS-1

Neighborhood



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: April 18, 2017

Item type: Regular Item

Caption:

First Reading and public hearing for Case SU17-02, an Ordinance approving a request for a Special Use to allow for Retail Sales and Service; Industrial Service; and Wholesale Trade, in the Neighborhood Commercial (CN) Zoning District, generally located at the southeast corner of the Houston Harte Expressway Frontage Road (Ellis Street) and Montague Avenue, on 4.651 acres. (Presentation by Planning & Development Services Director Jon James)

Summary/History:

The purpose of this Special Use request is to allow the sale of farm and ranch supplies and equipment from the properties, including a sales office and the welding and light construction of trailers. The site plan for Phase I of the development is located on the northerly 1.861 acres at the southeast corner of Montague Avenue and the East Houston Harte Expressway Frontage Road (Ellis Street). The proposed industrial service uses (i.e. welding), and wholesale trade uses (i.e. light construction of trailers, sale of farm and ranch supplies and/or equipment) are generally allowed in the Heavy Commercial (CH) Zoning District, but not the Neighborhood Commercial (CN) District.

In March of 2015, Council approved a rezoning on this property from the Office Warehouse (OW) zoning to the CN zoning, but not to General Commercial (CG) as was originally requested, based on the reasoning that GC and the uses associated with it, would be too intense and not provide sufficient transition for the neighboring single family residences.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission heard this item on March 20, 2017. Commissioner Farmer made a Motion to APPROVE the request for only the northerly 1.861-acre property, adding a new Condition #10 that required all welding and construction to be done inside an enclosed building. Commissioner Smith seconded the motion. The Motion passed 4-1, with Commissioners Priess, Farmer, Smith, and Spano voting in favor, and Commissioner Stribling dissenting.

Attachments:

- | | |
|--------------------|---|
| 1. Staff Report | PL_SU17-02 report.docx |
| 2. Draft Ordinance | PL_SU17-02_Ordinance (REVISED & FINAL).docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra

Created/Initiated

Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

STAFF REPORT

**City Council****Meetings:**

April 18, 2017
May 2, 2017

To:

City Council

From:

Jon James, AICP
Director

Through:

Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Case:

SU17-02

Request:

A request for a Special Use to allow for Retail Sales and Service; Industrial Service; and Wholesale Trade, in the Neighborhood Commercial (CN) Zoning District

Location:

2025 Ellis Avenue and 428 Montague Avenue; generally located at the southeast corner of the Houston Harte Expressway Frontage Road (Ellis Street) and Montague Avenue

Legal**Description:**

Being 1.861 acres and 2.79 acres respectively in the G. Schubitz Survey #326, Abstract A-1854

Acreage:

4.651 acres

General Information

Future Land Use: Transitional

Current Zoning: Neighborhood Commercial (CN)

Existing Land Use: Vacant Land

Surrounding Zoning / Land Use:

North:	Single-Family Residence (RS-1) Office Warehouse (OW)	Houston Harte Expressway, Vacant Office Warehouse (OW) zoned land
West:	Single-Family Residence (RS-1)	Single-family residences
South:	Single-Family Residence (RS-1)	Vacant residential land, single-family residences
East:	General Commercial (CG)	Vacant commercial zoned land

District: SMD #4 – Lucy Gonzales

Neighborhood: Paulann

Thoroughfares/Streets:

The East Houston Harte Expressway Frontage Road (Ellis Street) is classified as a Freeway in the Master Thoroughfare Plan (MTP) as a TXDOT right-of-way. Because it is not a city-owned and maintained road, no specifications are listed in the MTP.

Montague Avenue is classified as a “Local Street” in the Master Thoroughfare Plan (MTP). A Local Street carries light neighborhood traffic at low speeds, and requires a minimum right-of-way width of 50 feet and a minimum paving width of 40 feet with no sidewalk, or 36 feet with a sidewalk. Montague Avenue has an existing right-of-way of 50 feet in compliance with the MTP, and a paving width of approximately 30 feet, which is substandard. The properties are presently unplatted, and will require a subdivision plat approval, which may require future street improvements and sidewalk construction.

Background:

On March 2, 2017, the applicant submitted this application for a Special Use to allow for the use categories “Retail Sales and Service,” “Industrial Services,” and “Wholesale Trade” on the property which is zoned “Neighborhood Commercial” (CN). The purpose of the Special Use is to allow the sale of farm and ranch supplies and equipment from the properties, including a sales office and the welding and light construction of trailers. The applicant has submitted a site plan for Phase I of the development on the northerly 1.861 acres at the southeast corner of Montague Avenue and the East Houston Harte Expressway Frontage Road (Ellis Street). The site plan delineates an 800-square foot sales/office area, a 2,400-square foot workshop, and a 1,200-square foot storage building. The site plan also delineates eight parking spaces, and an additional 23 spaces for the parking of trailers for sale. The applicant is proposing to erect a 6-foot high metal privacy fence along the west and north property lines to provide additional screening and security for the proposed use. It is noted that the applicant currently operates this business on a smaller scale at 1024 North Bell Street.

The applicant originally applied for a Planned Development (PD) Zone Change on February 15, 2017, to allow the above uses. However, Planning Staff recommended to the applicant at that time that a Special Use would be the correct application to make in order to allow the proposed uses. A PD is not the correct means to allow the proposed uses given that the area was designated “Transitional” in the City’s Comprehensive Plan and that there is not a transitional zoning category that would designate a transition between Single-Family Residential (RS-1) neighborhood to the west and south, and lower intensity General Commercial (CG) to the east. Moreover, a PD is not a tool meant to be used to allow for a Use Category that is not currently allowed in the existing zoning district.

Planning Staff recommended that a Special Use was the correct type of planning application given that unlike a traditional zone change, the existing underlying zone category, in this case, Neighborhood Commercial (CN), could remain on the property, and a Special Use would essentially allow the uses that the CN does not allow, in this case, the proposed industrial service uses (i.e. welding), and wholesale trade uses (i.e. light construction of trailers, sale of farm and ranch supplies and/or equipment). However, Staff also communicated to the applicant that there was no guarantee that a Special Use application would be approved, as the applicant would have to demonstrate “an effective transition between restrictive and more restrictive zoning districts,” as per the Use Table in Section 310 of the Zoning Ordinance. Planning Staff does not believe that the applicant has demonstrated an effective transition, and provides the following analysis of the proposed Special Use as follows:

Analysis:

Criteria: Section 209(H) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Special Use request:

1. **Impacts Minimized.** *Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.*

The proposed development, except for the proposed privacy fencing, does not appear to minimize any potential adverse impacts on the surrounding residential properties to the west and south. The City's Comprehensive Plan designates this area as "Transitional" which calls for "a scaling back of activity from more intense areas to neighborhoods which should be more passive in character," as well as allowing for "more appropriate uses such as office, live-work, mixed-use, and residential activity along these corridors." The proposed industrial service uses (i.e. welding), and wholesale trade uses (i.e. light construction of trailers, sale of farm and ranch supplies and/or equipment) are generally allowed in the Heavy Commercial (CH) Zoning District which would not provide a transition or scaling back of activities between the Single-Family Residential (RS-1) neighborhood to the west and south, and the General Commercial (CG) zoned properties to the east. Welding and wholesale trade uses do not conform to the Transitional Policies of office, live-work, or mixed-uses which are focused on retail commercial uses and residential type development. This was the same reason that City Council supported Planning Staff and the Planning Commission's recommendation and approved a Zone Change on this property on March 2015 from the original Office Warehouse (OW) zoning to Neighborhood Commercial (CN) but not to General Commercial (CG) as an effective transition could not be established. The proposed uses would be even more intense and as Heavy Commercial uses would simply not be appropriate in this area.

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 development would not be consistent with the Zoning Ordinance as the proposed industrial service uses (i.e. welding), and wholesale trade uses (i.e. light construction of trailers, sale of farm and ranch supplies and/or equipment) are not permitted in the CN zoning on the property and do not provide an effective transition between the residential areas to the west and south, and retail commercial uses to the east, for the reasons mentioned above. The Transitional policies in the Comprehensive Plan also call to "replace all CG/CH" zoning on commercial corridors with better-specified zoning classifications that prohibit incompatible land uses and focus on built form." The proposed development is essentially attempting to fit CH land uses in a CN zoning district between CG and RS-1 zoning which Staff believes is inappropriate and inconsistent with the Zoning Ordinance. While the above policy discusses existing dual-zoned CG/CH properties, CH-type land uses in this location are also "incompatible land uses," consistent with the above policy. In addition, should the Special Use be approved, the proposed 6-foot high privacy fence along the front property lines of Montague Avenue and Ellis Street will require a variance from the Zoning Board of Adjustment (ZBA), as per Section 509 of the Zoning Ordinance, which does not allow a fence higher than 4 feet in a front yard and both of these streets are

deemed front yards. Any proposed outdoor storage, with the exception of the sale of equipment which would be allowed as Wholesale Trade, would also require a variance from the ZBA as the underlying CN zone only allows Type 1 outdoor storage which is limited to within 5 feet from the building wall. These requests serve to further the notion that Heavy Commercial uses, and their underlying development standards, are being made to fit an area clearly designated for transitional zoning and uses more in line with those that are light commercial and neighborhood in scale.

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 wholesale trade and industrial service uses are not compatible with the surrounding area for the above stated reasons. Moreover, the established residential area to the west and south would be immediately next to intense heavy commercial development if this Special Use is approved. Even with a 6-foot high privacy fence installed along Montague Avenue, noise, dust, odor, and vibrations could all emanate from the facility, and could be potentially heard across the street which is only 50 feet away. City Council envisioned a zoning district that was Transitional in nature, in essence, providing for a scaling down in intensity between the long-established residential area and the General Commercial zoning along the Houston Harte frontage road. It was, in fact, that very reason why Council voted against General Commercial on the site in 2015 and instead voted to approve Neighborhood Commercial.

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 subject property is located next to a predominantly residential area. While much of the future traffic is anticipated to enter from the East Houston Harte Expressway (Ellis Street), additional commercial traffic may access the site northbound from Montague Avenue which extends south to Pulliam Street, an Arterial Street. This would be considerable strain on Montague Avenue, which is designed as a local street and which already appears to have a substandard paving width of only 30 feet.

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.*

The proposed development covers a 4.651-acre area of land. It is difficult to determine the effects on the natural environment at this time given that the applicant's site plan does not show any development plan for Phase 2 to the south. Any potential grading, drainage, and stormwater issues will be reviewed as part of the subdivision platting process which is required before a building permit for new construction can be issued.

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

The applicant indicates that because their current operation at 1024 North Bell Street is thriving, there is a community need for a new location at the subject site. Staff does not believe that a demand for a new location means that this particular location is appropriate. The Bell Street location is surrounded by intense industrial uses and Light Manufacturing (ML) and Heavy Manufacturing (MH) zoning. The proposed location is much different and includes much less intense residential and retail commercial uses and zoning. Community need must be demonstrated not merely by a desire to expand a successful business, by also providing evidence that this specific area has a clear need for these particular uses.

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.*

Planning Staff does not believe the proposed development will result in logical or orderly development. As indicated above, the proposed development is located next to a well-established residential neighborhood on one side and will increase the traffic in the area, particularly on Montague Avenue, a substandard local street. Moreover, the applicant has not provided plans for Phase 2 which comprises 2.79 acres to the south, over half of the proposed developable area. Approval of this Special Use could allow a potential doubling or even tripling of the developable area across from a residential neighborhood.

Notification:

On March 9, 2017, nine notifications were mailed out within a 200-foot radius of the properties, as required. As of March 31, 2017, there was one response in favor and zero in opposition of the request.

Planning Commission Recommendation:

On March 20, 2017, the Planning Commission recommended **APPROVAL** of the applicant's request for a Special Use **on only the northerly 1.861-acre property** to allow for Retail Sales and Service as defined in Section 315.H. of the Zoning Ordinance; Industrial Service as defined in Section 316.A of the Zoning Ordinance; and Wholesale Trade as defined in Section 316.E of the Zoning Ordinance, in the Neighborhood Commercial (CN) Zoning District for the reasons mentioned above.

The following is the complete excerpt of the Minutes from the March 20, 2017, meeting for this case:

Planner Jeff Fisher presented the case, stating that the proposed Special Use was for a farm and ranch supplies and equipment business which is not permitted in the current Neighborhood Commercial (CN) Zoning District. He indicated that the proposed Special Use, which includes various use categories outlined in the Zoning Ordinance, would allow each of the components of the applicant's business. The sale of farm supplies and equipment would be classified as retail sales and service; the welding component would be classified as industrial service; and the light construction of trailers and equipment storage would be classified as wholesale trade. Mr. Fisher then outlined Staff's rationale for recommending denial on the grounds that the proposed use did not provide an effective transition nor mitigate impacts on the nearby residential neighborhood; that the use was a heavy commercial use and was not compatible with the underlying CN zoning; and that traffic would increase on Montague Avenue, a local street, particularly if Phase II was approved, which would add more potential development.

Planning Manager Rebeca Guerra reminded the Commission that in 2015 an applicant had applied for the property to be rezoned General Commercial (CG), but that the Commission believed that this was too intense and instead recommended Neighborhood Commercial (CN) which was later approved by City Council.

Chairperson Priess opened the hearing for public comments.

Russell Gully with SKG Engineering, representing the applicant, indicated that he believed that the previous and current request were similar, and that there was a letter received in support from a resident on the west side of Montague Avenue. Mr. Gully indicated that he would be willing to move the privacy fence back outside of the front yard to provide a further buffer from the surrounding area.

Commissioner Farmer indicated that the likelihood for residential development to expand in this area was minimal and that he believed this development will improve the neighborhood.

Commissioner Stribling expressed concerns of a welding shop being this close to a residential neighborhood. Mr. Gully indicated this was not a large-scale facility like Hirschfield Steel, or an intense operation.

Jon James, Director of Planning and Development Services, asked the applicant if the manufacturing and welding will be done completely inside the building. The applicant, Nick Kolster, confirmed that these components will be done exclusively indoors. He also indicated that the

business hours will be from 8-5 pm, and that he has no intent to build on the southerly lot at this time.

Mr. James suggested to the Commission that a Condition of Approval could be added which would require that all welding and construction be done inside a building.

Commissioner Farmer made a Motion to APPROVE the request for only the northerly 1.861-acre property, adding a Condition #10 that all welding and construction shall be done inside an enclosed building. Commissioner Smith seconded the motion. The Motion passed 4-1, with Commissioners Priess, Farmer, Smith, and Spano voting in favor, and Commissioner Stribling dissenting.

Staff Recommendation:

Staff's recommendation is for City Council to **DENY** Case SU17-02, a request for a Special Use to allow for Retail Sales and Service; Industrial; and Wholesale Trade, in the Neighborhood Commercial (CN) Zoning District on the subject properties.

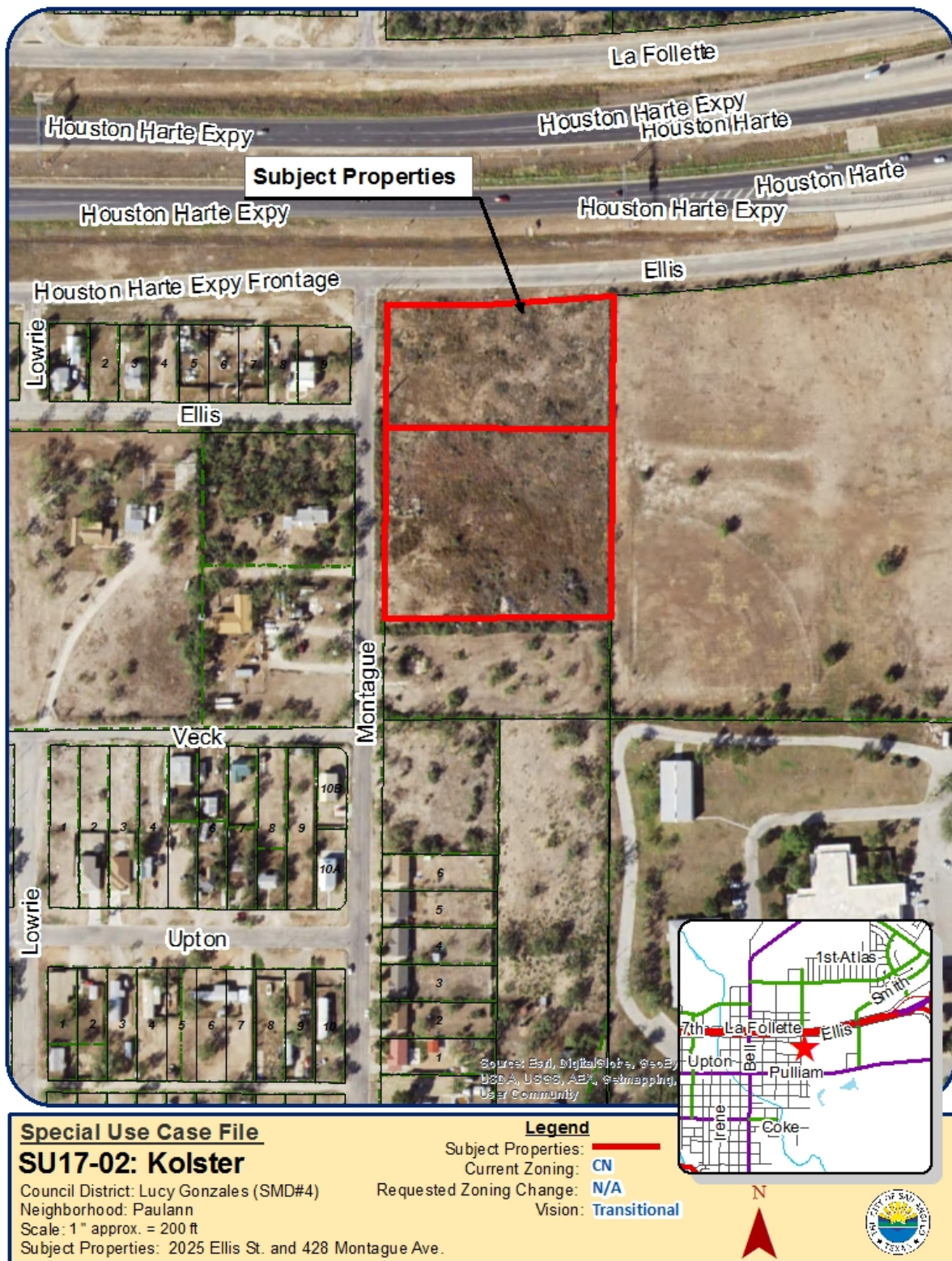
If however, City Council decides to approve the Special Use, then Staff recommends the following **ten Conditions of Approval**:

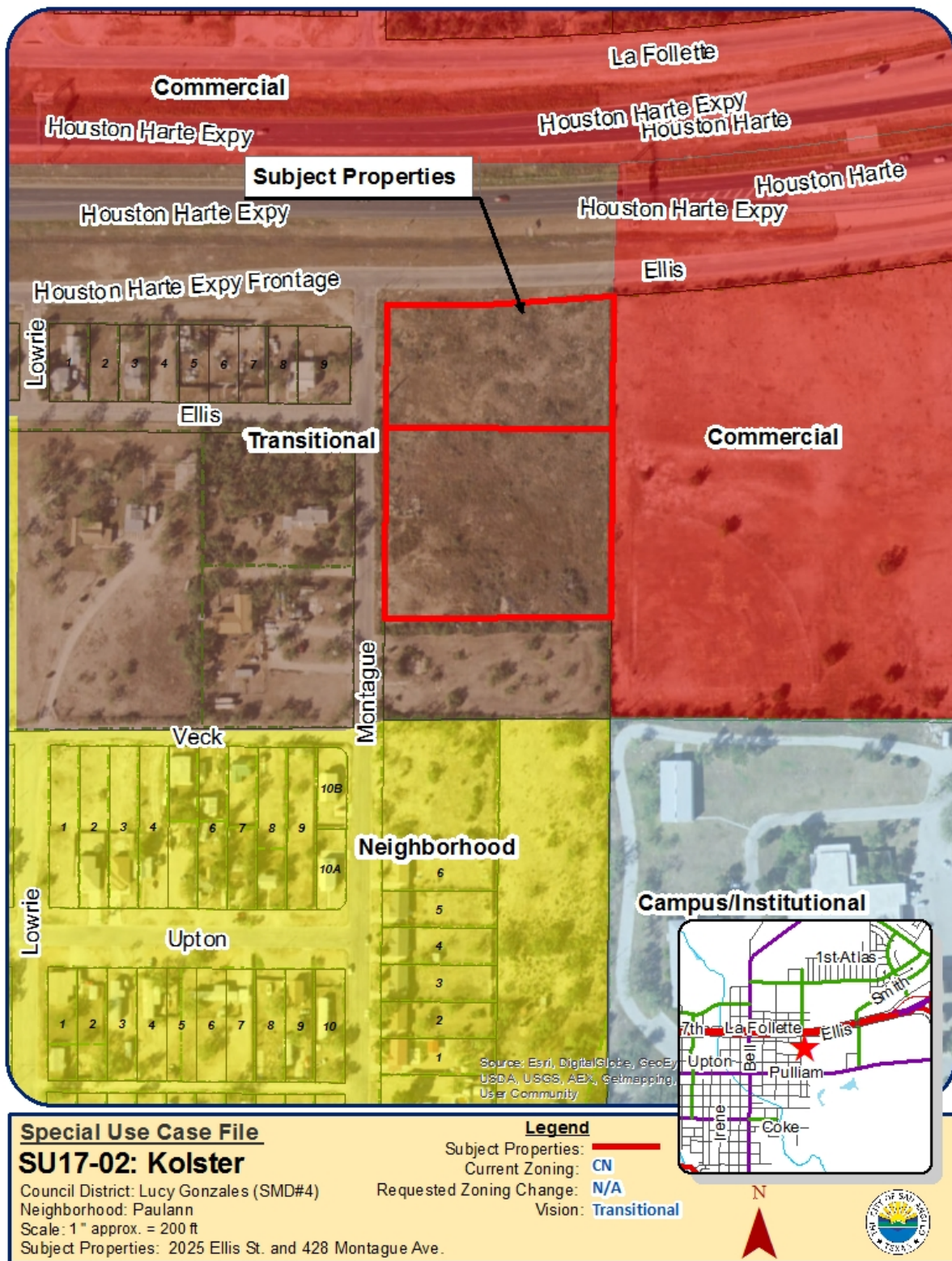
1. All new site lighting on the premises shall be shielded, downward emitting and configured in such as manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands.
2. The owner shall require approval of a Variance from the Zoning Board of Adjustment (ZBA) to allow 6-foot high privacy fencing within the front yards adjacent to Montague Avenue and Ellis Street, as well as a Variance to allow any outdoor storage greater than 5 feet from a building wall. The proposed fence shall not contain any barbed wire, razor wire, or similar.
3. The applicant shall be required to plant six drought-resistant trees along the City right-of-way adjacent to Montague Avenue, to provide additional screening from the residential neighborhood to the west. The trees shall have a minimum of 3 inches in caliper and 6 feet in height, at the time of planting. Should there be insufficient room for the trees within the City right-of-way, they shall be planted on private property.
4. There shall be no commercial traffic, off-loading, or on-loading of vehicles from Montague Avenue.

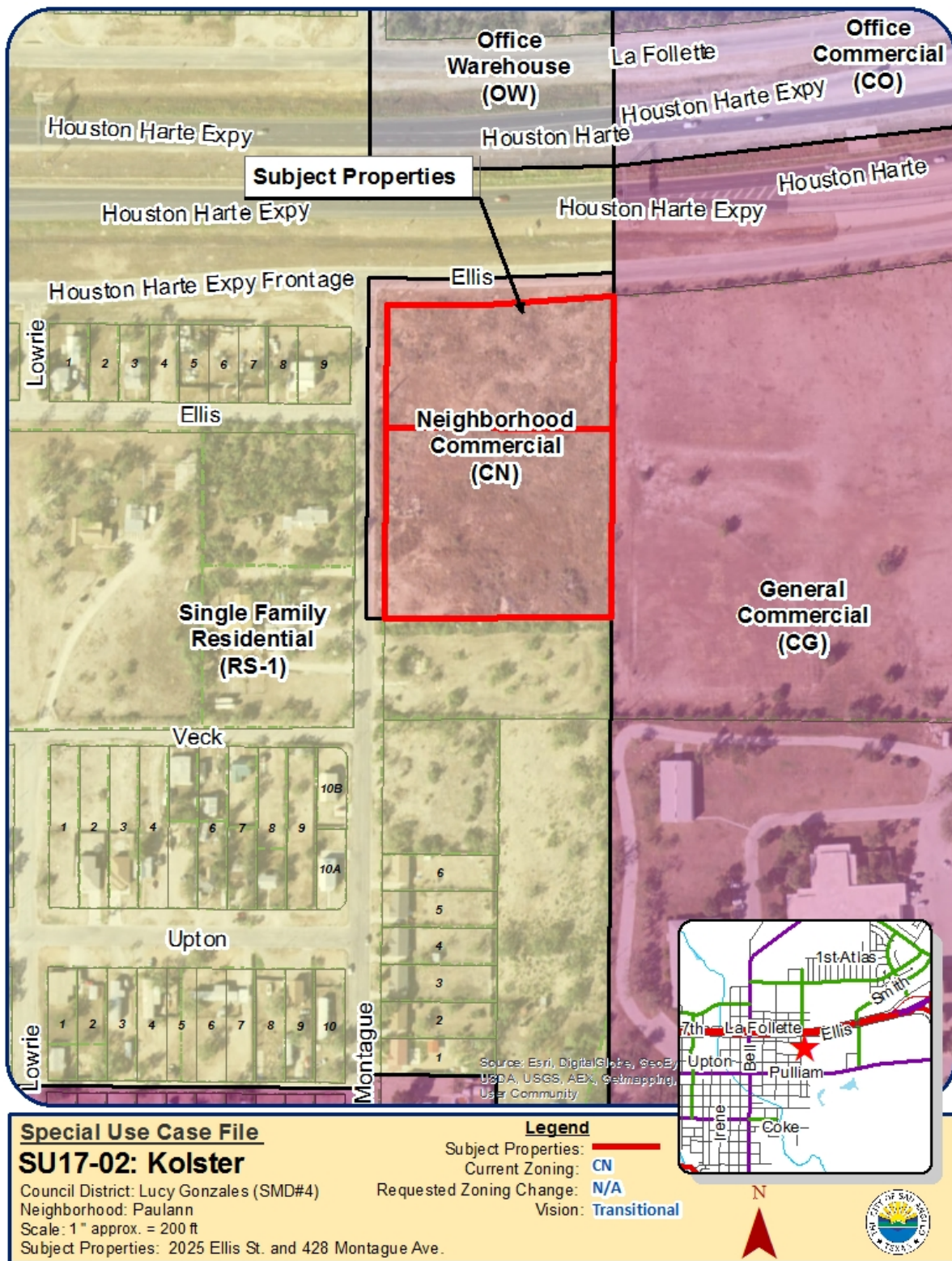
5. Hours of operation shall be limited between 7:00 a.m. and 10:00 p.m. and any proposed illuminated signage be turned off between 10:00 p.m. and 7:00 a.m.
6. No loud speakers, paging systems, or other auditory devices, with the exception of security alarms, shall be permitted on the premises.
7. No recreational vehicles or mobile homes shall be placed on the premises, nor shall there be any salvage or junk vehicles maintained on the premises.
8. The City reserves the right to periodically inspect the property to verify compliance to terms and conditions of the Special Use or to investigate alleged public nuisances resulting from business-related activities. Any adverse findings by City Staff shall constitute sufficient grounds to seek a revocation of the Special Use approval.
9. This approval shall be limited to the 1.861-acre property to the north (Phase I). The applicant shall require an Amendment to this Special Use Application including a new site plan to allow any development on the southerly 2.79-acre property (Phase II).
10. All welding and construction shall be done inside an enclosed building.

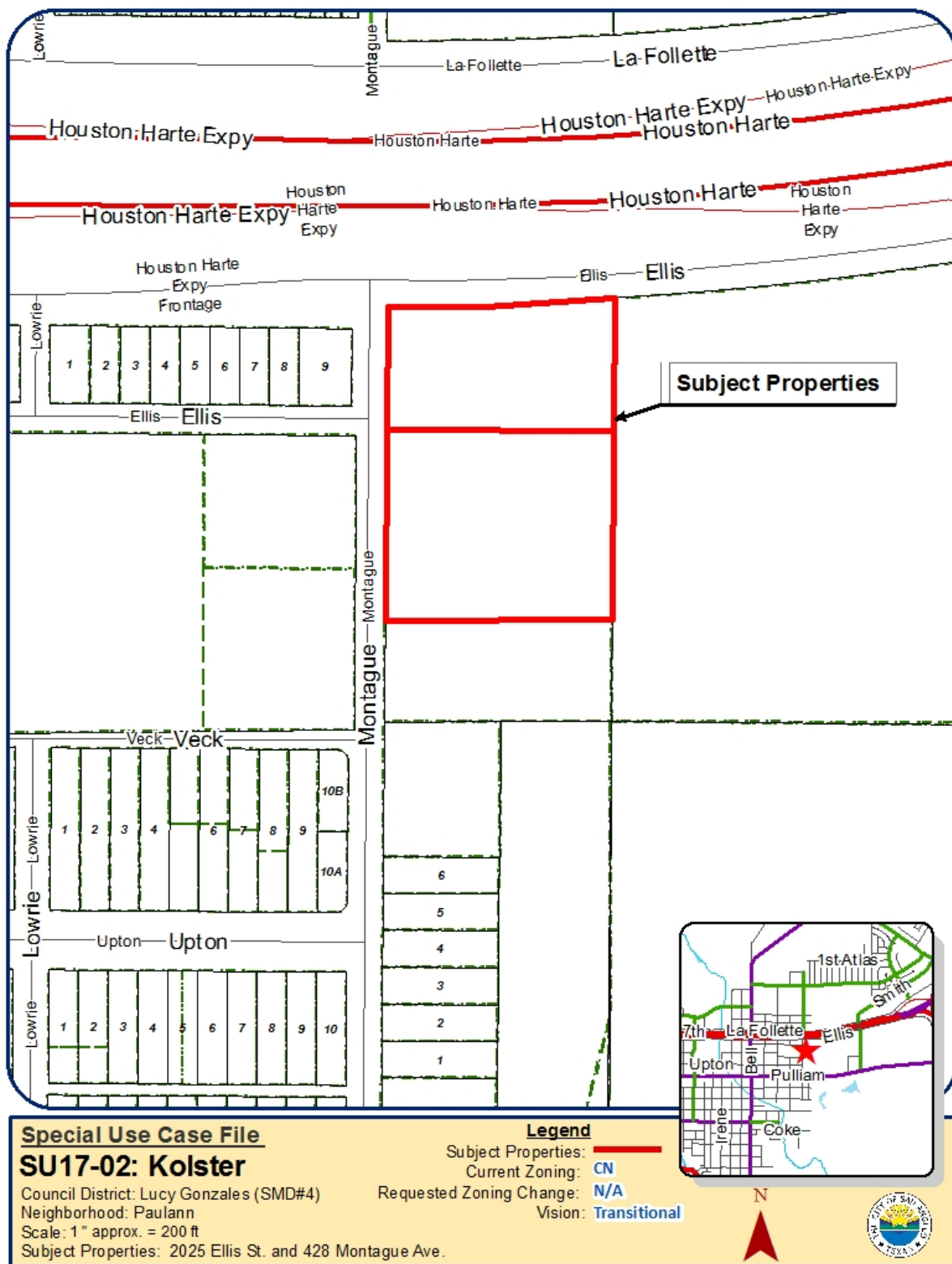
Attachments:

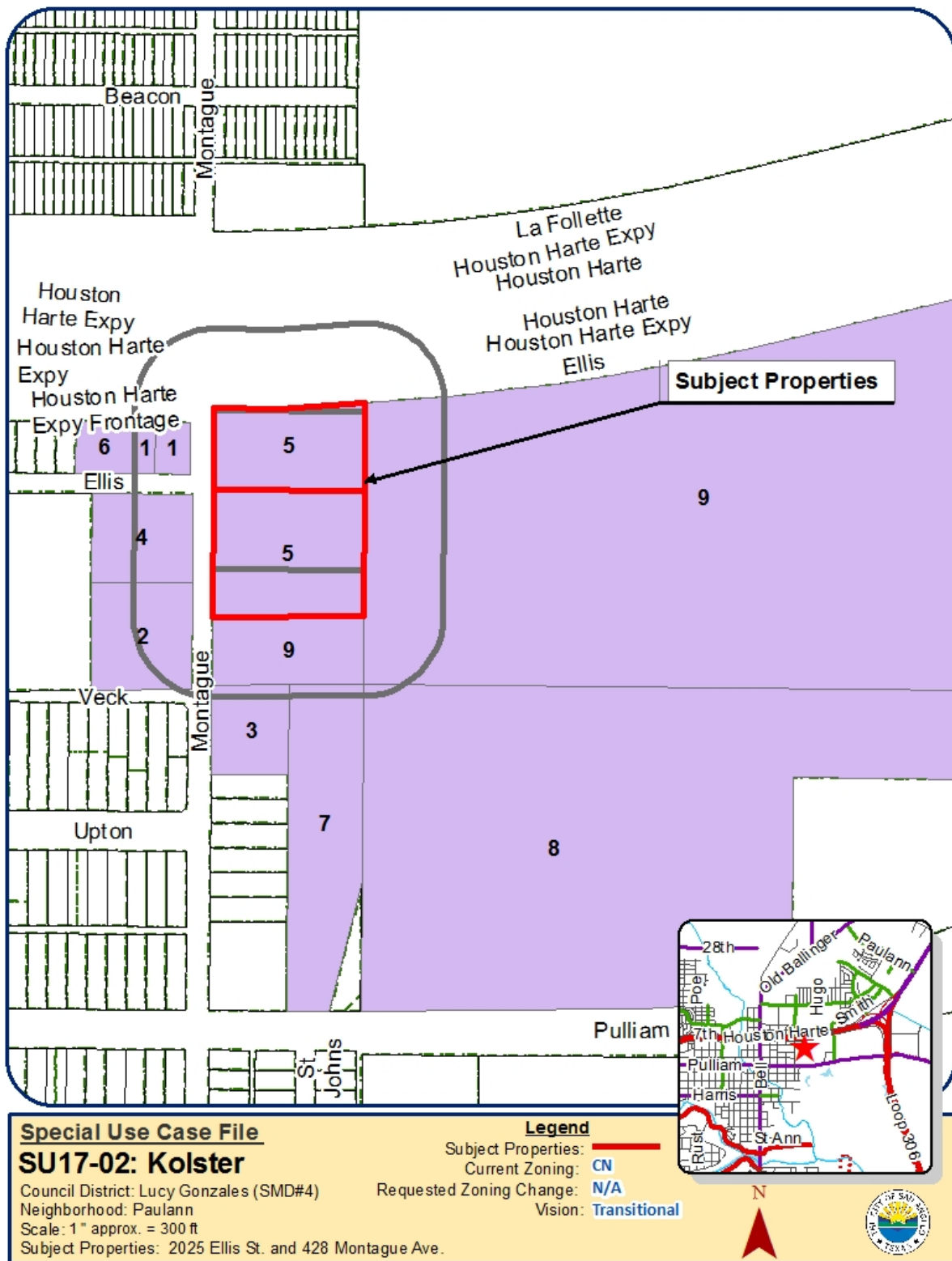
Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Notification Map
Photographs
Site Plan
Company Description
Response Letter
Application











Photos of Site and Surrounding Area

South at property



East at property



North



East



South



West



Site Plan

2098

Houston Harte Expy

Kolster Welding

Farm & Ranch Supply Specialists

Overhead Feed Bins • Custom Trailers • Gate Operators • Trailer Repair & More

1024 N. Bell St. • San Angelo, TX 76903

325-895-1949

HOME PAGE

OUR SERVICES

OVERHEAD FEED BINS

PROJECT PHOTO GALLERY

LOCATION MAP

CONTACT US

OUR SERVICES INCLUDE:

- Welding Services
- Fabrication Services
- Gates & Entry Ways
- Gate Operators
- Handrails
- Rail & Pipe Fence
- Farm & Ranch Fence Construction

In-Shop Or At
Your Location!

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

(☒) IN FAVOR () IN OPPOSITION

REASON(S) _____

Please rezone 429 Montague also.

If possible Thank you

Roy D. Henry

RECEIVED
MAR 14 2017

Jeff Fisher Planning

NAME: _____

Roy D. Henry

ADDRESS: _____

8000 CR 572

Brownwood, TX 76801

SIGNATURE: _____

Roy D. Henry

SU17-02: Kolster

property owner number: _____

4

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



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application for Approval of a Special Use



Section 1: Basic Information

Name of Applicant(s): Nick and Tina Kolster

☐ Owner

☐ Representative (Affidavit Required)

1024 North Bell

San Angelo

Texas

76903

Mailing Address

City

State

Zip Code

325-895-1949

erica@skge.com

Contact Phone Number

Contact E-mail Address

428 Montague Street and the property to the north without an address San Angelo, Texas 7601

Subject Property Address

City

State

Zip Code

Lot Size: 1.8610 & 2.7900 acres

Zoning: CN

Future Land Use designation (Comprehensive Plan): Transitional

Section 2: Site Specific Details (Use attachment if necessary)

Existing Use of Property: Vacant

Proposed Use of Property: _____

Proposed Special Use: Trailer Sales, Sales of farm and ranch supplies and/or equipment (Wholesale Trade)

Sales office (retail sales and service)

Welding and light construction of trailers (Industrial service)

I understand that this Commission is required by law to make decisions based on the following criteria, and I assert that my request meets all of the required criteria based on my explanation(s) below:

Impacts Minimized. Whether and the extent to which the proposed special use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: At present, the property is used as a dumping area. The north part of the site will be covered in base and the property line across from the residential area will have a nice metal fence along it.

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.

Explanation: The area is transitional on the vision plan and sits between a commercial area and across the street from a residential area.

Compatible with Surrounding Area. Whether and the extent to which the proposed special use is compatible with the existing and anticipated uses surrounding the subject land.

Explanation: The use is compatible to the commercial zoning directly adjacent to it.

Section 2 continued: Site Specific Details

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 , adverse impacts on water and air quality, noise, storm-water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

Explanation: The owners will do whatever needs to be done to ensure the surrounding environment is not impacted adversely. They moved the building closer to the residential area so the trailers displayed will abutt the commercial zoned area.

Community Need. Whether and the extent to which the proposed special use addresses a demonstrated community need.

Explanation: This business is thriving at it's current location which represents a community need for it.

Development Patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.

Explanation: This business will provide an orderly pattern of urban development along Loop 306.

Section 3: Applicant(s) Acknowledgement

Please initial the following:

tak If approved, a Special Use is applied to the property, not the property owner.

tak The Planning Commission makes recommendations on Special Use requests. City Council has final approval.

tak Approval of this Special Use request does not constitute approval of permits, site plans, or other processes that require separate approval.

tak If a permit is not sought within one year of the approval date of this Special Use, it will expire and requires another application.

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

Tina Kolster
Signature of licensee or authorized representative

3-1-17
Date

Tina Kolster
Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: SU 17 - 02 Date of application: 3 / 2 / 2017
Planning Commission Date: 3 / 20 / 17 City Council Date: 4 / 18 / 17
Nonrefundable application fee: \$ 437.50 Receipt #: _____ Date paid: 3 / 2 / 17
Reviewed/Accepted by: Jeff Fisher Date: 3 / 2 / 17



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



AFFIDAVIT
Owner Permission-To-Named-Representative

STATE OF TEXAS
COUNTY OF TOM GREEN

Section 1: Owner, Property, and Representative Information

I, Nick & Tina Kolster, make this affidavit and hereby on oath state the following:
Print Property Owner Name

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

<u>428 Montague</u>	<u>San Angelo</u>	<u>Texas</u>	<u>76901</u>	<u>325-655-1288</u>	<u>erica@skge.com</u>
Property Address	City	State	Zip Code	Contact Number	E-mail Address

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

Abst: A-1854 S-0326, Survey: G SCHUBITZ, 1.8610 ACRES &

Abst: A-1854 S-0326, Survey: G SCHUBITZ, 2.7900 ACRES

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

SKG Engineering, LLC.

(Please print) Representative's Organization or Entity

Signed this the 1 day of March, 2017.

Tina Kolster

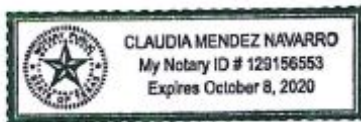
Signature of the Property Owner

Section 2: Notary Public Information

BEFORE ME, the undersigned authority, this day personally appeared Tina Kolster and
Name

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

SWORN TO AND SUBSCRIBED before me on this the 1st day of March, 2017.



Claudia Mendez Navarro
Notary Public, State of Texas

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY IN THE NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT: **2025 Ellis Avenue; generally located at the southeast corner of the Houston Harte Expressway Frontage Road (Ellis Street) and Montague Avenue; being 1.861 acres in the G. Schubitz Survey #326, Abstract A-1854, City of San Angelo, Tom Green County, Texas,** AUTHORIZING A SPECIAL USE TO ALLOW IN ADDITION TO RETAIL SALES AND SERVICE AS DEFINED IN SECTION 315.H. OF THE ZONING ORDINANCE, INDUSTRIAL SERVICE AS DEFINED IN SECTION 316.A OF THE ZONING ORDINANCE AND WHOLESALE TRADE AS DEFINED IN SECTION 316.E OF THE ZONING ORDINANCE, SUBJECT TO CONDITIONS STATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, 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 subject zoning change and made its recommendation to City Council for Approval of the Special Use subject to conditions stated; and,

WHEREAS, notice has been duly published of the time and place of a public hearing before the City Council regarding the subject zoning changes, which public hearing was held on the 18th day of April, 2017; and,

WHEREAS, the City Council has determined that the amendment to the Comprehensive Plan and Zoning Ordinance herein made 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 ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: Chapter 12 of the Code of Ordinances of the City of San Angelo, the basic Zoning Ordinance for the City adopted on January 4, 2000, and the Zoning Map be and the same are hereby amended as follows:

2025 Ellis Avenue; generally located in the Neighborhood Commercial (CN) Zoning District at the southeast corner of the Houston Harte Expressway Frontage Road (Ellis Street) and Montague Avenue; being 1.861 acres in the G. Schubitz Survey #326, Abstract A-1854, City of San Angelo, Tom Green County, Texas, as depicted in Exhibit "A," zoned Neighborhood Commercial (CN) Zoning District, shall henceforth permanently have a Special Use to allow, in addition to Retail Sales and Service as defined in Section 315.H. of the Zoning Ordinance, Industrial Service as defined in Section 316.A of the Zoning Ordinance and Wholesale Trade as defined in Section 316.E of the Zoning Ordinance,.

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to correct Zoning District Maps in the Office of the Director of the Planning and Development Services Department, to reflect the herein described changes in zoning.

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. The Special Use, as hereby authorized, shall have no fundamental effect upon the subject property's underlying or base zoning classification.

SECTION 4: The Special Use, as hereby authorized, shall be subject to the following Conditions:

1. 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.
2. The owner shall require approval of a Variance from the Zoning Board of Adjustment (ZBA) to allow 6-foot high privacy fencing within the front yards adjacent to Montague Avenue and Ellis Street, as well as a Variance to allow any outdoor storage greater than 5 feet from a building wall. The proposed fence shall not contain any barbed wire, razor wire, or similar.
3. The applicant shall be required to plant six drought-resistant trees along the City right-of-way adjacent to Montague Avenue, to provide additional screening from the residential neighborhood to the west. The trees shall have a minimum of 3 inches in caliper and 6 feet in height, at the time of planting. Should there be insufficient room for the trees within the City right-of-way, they shall be planted on private property.
4. There shall be no commercial traffic, off-loading, or on-loading of vehicles from Montague Avenue.
5. Hours of operation shall be limited between 7:00 a.m. and 10:00 p.m. and any proposed illuminated signage be turned off between 10:00 p.m. and 7:00 a.m.
6. No loud speakers, paging systems, or other auditory devices, with the exception of security alarms, shall be permitted on the premises.
7. 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.
8. The City reserves the right to periodically inspect the property to verify compliance to terms and conditions of the Special Use or to investigate alleged public nuisances.

resulting from business-related activities. Any adverse findings by City Staff shall constitute sufficient grounds to seek a revocation of the Special Use approval.

9. This approval shall be limited to the 1.861-acre property to the north (Phase I). The applicant shall require an Amendment to this Special Use Application including a new site plan to allow any development on the southerly 2.79-acre property (Phase II).
10. All welding and construction shall be done inside an enclosed building.

SECTION 5 This special use approval is subject to the requirement that the property for which the approval is issued must actually acquire a building permit for the approved use within 12 months from the granting of the special use approval, provided that the Planning Director, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.

SECTION 6. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 7 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 8: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **18th day of April, 2017**, and finally PASSED, APPROVED AND ADOPTED on this, the **2nd day of May, 2017**.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: April 18, 2017

Item type: Regular Item

Caption:

First Reading and public hearing for Case Z17-02, an Ordinance approving a request for a rezoning from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, generally located at the north/northwest corner of West 17th Street and North Bryant Boulevard (U.S. 87), on 0.345 acres. (Presentation by Planning & Development Services Director Jon James)

Summary/History:

The subject property consists of two contiguous platted lots, one of which contains an abandoned dilapidated residence while the other property is currently vacant, having had a residence prior to 2008. The property is presently classified as Single-family Residential (RS-1). The Petitioner is seeking a rezoning to Neighborhood Commercial (CN). This particular zoning district is intended to provide opportunities for development of commercial development that serves and is supported by a relatively small surrounding area - a neighborhood. Case number SU17-01, a request to approve a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District corresponds to this request.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission heard this item on March 20, 2017. Commissioner Farmer made a Motion to APPROVE the request, and Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0.

Attachments:

- | | | |
|----|-----------------|---------------------------------------|
| 1. | Staff Report | Z17-02_Staff_Report_City Council.docx |
| 2. | Draft Ordinance | Z17-02_Ordinance_FINAL.docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved

Becky Dunn
Bryan Kendrick

Approved
Final Approval

STAFF REPORT



Meetings: April 18, 2017
May 2, 2017

To: San Angelo City Council

From: Jon James, AICP
Director of Planning and Development Services

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Case: Z17-02: Hargraves

Request: A request for approval of a Zone Change from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District

Location: 508-510 W. 17th Street; generally located at the N/NW corner of West 17th Street and North Bryant Boulevard (U.S. 87)

Legal

Description: Lots 16 and 17, Block 1, Mineola Addition.

Size: 0.345 acres

General Information

Future Land Use: Transitional

Current Zoning: RS-1 Single-Family Residence

Existing Land Use: Residential and Vacant Lot

Surrounding Zoning / Land Use:

North:	Low Rise Multi-Family Residence (RM-1)	Vacant
West:	Single-Family Residence (RS-1)	Residential
South:	Single-Family Residence (RS-1)	Residential
East:	General Commercial/Heavy Commercial (CG/CH)	Auto Sales

District: SMD #4 – Lucy Gonzales

Neighborhood: Blackshear

Thoroughfares/Streets:

North Bryant Blvd is defined as a “Major Arterial” roadway in the City’s Master Thoroughfare Plan (MTP) and is under TX-DOT jurisdiction. Major Arterial Roads are designed to connect Collector Streets to freeways and other arterials that carry large volumes of traffic at high speeds and typically require a minimum right-of-way width of 80 feet and a minimum paving width of 64 feet.

West 17th Street is defined as an “Urban Local Road” in the City’s Master Thoroughfare Plan (MTP). Local or Minor Roads are designed to collect traffic from a localized area and discharge it into a larger distribution system. This type of roadway is used primarily for access to abutting properties, and they generally consist of a minimum ROW width of 50 feet and a minimum pavement width of 36 feet to 40 feet.

Background:

The partially vacant subject property was platted in 1928 as part of the Mineola Addition (Volume 1, Pages 90 and 91, Official Plat Records). The subject property consists of two contiguous platted lots, one of which contains an abandoned dilapidated residence while the other property is currently vacant, having had a residence prior to 2008. cursory research appears to indicate that it has historically been zoned for single-family use. The subject property is rectilinear, oriented north-to-south, and has approximately 150 feet of frontage along North Bryant Boulevard and 100 feet of frontage along West 17th Street. A 20-foot public alley runs along the subject property’s north lot line. Case number SU17-01, a request to approve a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light

Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District corresponds to this request.

Analysis:

Zoning: The undeveloped subject property is presently classified as Single-family Residential (RS-1). This zoning district is intended to provide opportunities for the development of detached single-family residences at medium densities. The Petitioner is seeking a rezoning to Neighborhood Commercial (CN). This particular zoning district is intended to provide opportunities for development of commercial development that serves and is supported by a relatively small surrounding area - a neighborhood.

Allowable commercial uses include a wide variety of office activities, as well as a more limited range of retail trade and services aimed toward meeting the routine needs of residents in that neighborhood. Commercial development should be low intensity with small floor areas and limited traffic generation and trade area. The character of commercial development is compatible with the surrounding residential neighborhood. This District is also intended for commercial establishments whose activity, materials and merchandise are housed entirely inside the building, except as may be allowed by the General Development Standards of this Zoning Ordinance. Auto and boat dealerships are not permitted outright in this zoning district, which is the reason that this application is accompanied by a separate Special Use application (cross-referencing SU17-01 [Hargraves]).

Comprehensive Plan: This update to the original 2003 Comprehensive Plan was adopted by City Council in 2009. The subject area currently has a Future Land Use designation of "Transitional." According to the Comprehensive Plan, there are two types of Transitional areas, the first involving conversions of commercial corridor frontage from CG/CH zoning and related strip-style development, and the second involving the logical and proportional bridging between Neighborhood Centers or other Commercial areas and nearby neighborhoods. In either case, Transitional areas should provide for a progressive scaling of activity from more intense areas to neighborhoods which should be more passive in character. In general, Transition Areas imply increased density and greater mix of uses than neighborhoods, but not as much as in Neighborhood Centers, Downtown, or other Commercial areas. This is further expressed in Goal number two, which seeks to "...blend intensive commercial areas into neighborhoods seamlessly." The Comprehensive Plan recognizes that "commercial areas often do not make for compatible neighbors for residential uses, but rather than completely turning their back on neighborhoods, Transition Areas should be used to graduate density and intensity of activity to maintain connectivity, improve pedestrian experience, and provide areas for increased housing and nonresidential options not currently being met." In short, the current Future Land Use designation of "Transitional" appears, at least in this instance, to be furthered by a Neighborhood Commercial zoning classification rather than a conventional General Commercial classification, particularly if the accompanying Special Use were to be replaced with a different non-residential use adjacent to existing single-family residential uses.

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

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

As previously stated, the subject area currently has a Future Land Use designation of “Transitional.” The proposed rezoning is consistent the present Future Land Use, therefore no amendments to the Future Land Use map will be necessary. The application for rezoning is being sought to facilitate the development of an automobile and light truck dealership, which is not permitted under the CN zoning category. The Petitioner is also seeking Special Use approval in conjunction with this application to facilitate the proposed use. Additional conditions may need to be imposed through the Special Use, should the Special Use be deemed appropriate for the site, in order to remain in keeping with both the spirit of the Zoning Ordinance and the intent of the Comprehensive Plan.

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

Both the current and proposed zoning categories appear to be appropriate for the subject property, and the site appears suitable for either residential or non-residential purposes. Other than close proximity to both a major arterial and primary corridor into the city (North Bryant Boulevard [US-87]), there is nothing to suggest that single-family residential is not appropriate for the subject property; low marketability is not a credible metric. Conversely, close proximity to both a major arterial and primary corridor into the city may not properly indicate that the site is ripe for non-residential development, taking into account current development patterns in the surrounding area.

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.*

Transitional areas can accommodate both RS-1 and CN zoning categories, therefore both the current and proposed zoning categories appear to be appropriate for the subject property. The site appears suitable for either residential or non-residential purposes. The 2009 Comprehensive Plan update designated this property as “Transitional,” presumably to accommodate the logical and proportional bridging between Neighborhood Centers or other Commercial areas and nearby neighborhoods. In light of this, the proposed zoning should provide for a progressive scaling of activity from more intense areas to nearby residential neighborhoods.

Because the proposed use requires Special Use approval, additional conditions may be necessary to ensure compatibility with surrounding environs and keep within the spirit of the Zoning Ordinance.

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

The surrounding area appears to have historically contained single-family residential neighborhoods both before and after the realignment and expansion of US 87 (North Bryant Boulevard). Additionally, a portion of the subject property contains an abandoned residence, while the remaining portion may have contained a residence prior to 2008. Based on these observations, there is nothing to indicate that single-family residential is no longer appropriate for this location. On the other hand, there may be evidence to suggest that corridor redevelopment along this segment of North Bryant may be imminent; to what extent and direction, however, is yet to be determined.

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.*

No appreciable adverse impact on the natural environment appears likely as a result of the rezoning. There are no known environmentally sensitive areas or archaeological sites contained within the subject property. Issues of storm water management and site access as a result of any development of the property will be addressed during the permitting process.

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

There may appear to be a deficit in current local residential housing opportunities, as well as affordable housing opportunities, as a result of the proposed rezoning. Conversely, local market conditions do not appear to indicate that a housing shortage currently exists. The Petitioner does not offer any compelling arguments to suggest either a shortfall in existing local office/commercial inventories, let alone the need for more automobile dealerships in the community. Equally, however, new commercial opportunities could expand the local tax base and generate much needed revenue, as well as provide for additional employment opportunities within the immediate area. Ironically, the proposed zoning may not satisfy future residential need as the local economy begins to grow and new users migrate into the area as a result of economic growth.

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 surrounding area has a wide array of uses and zoning patterns, including single-family residential to the south and west, vacant multi-family to the north, various commercial further north and to the east (restaurants, convenience retail, used car dealerships, etc.), and institutional to the southeast (church). As previously stated, the areas to the south, west and northwest appear to have historically contained single-family residential neighborhoods both before and after the realignment and expansion of US 87 (North Bryant Boulevard). Additionally, a portion of the subject property contains an abandoned residence, while the remaining portion may have contained a residence prior to 2008. Based on these observations, there is nothing to indicate that single-family residential is no longer appropriate for this location. On the other hand, there may be evidence to suggest that corridor redevelopment along this segment of North Bryant may be imminent; to what extent and direction, however, is yet to be determined. By and large, there is no compelling evidence to suggest that either zoning category is antiquated or would be in conflict with current patterns.

Notification:

On February 24, 2017, fourteen notifications were mailed out to property owners of record within a 200-foot radius of the subject area, including a separate written notice that was mailed out to the local school district, in accordance with Section 211.007, Texas Local Government Code. As of the date of this publication, Staff has received one response in favor of, and zero responses in opposition to the request.

Planning Commission Action:

This request was scheduled for review and consideration on the March 20, 2017, Planning Commission docket as Regular Agenda Item *III.2.C*. Below is an excerpt from the meeting's unofficial minutes:

Staff requested that Regular Agenda Items *III.2.B* (Zone Change [Z]17-02, Hargraves) and *III.2.C* (Special Use [SU]17-01, Hargraves) be heard concurrently as they are interrelated.

Chairperson Priess introduced Regular Agenda Items *III.2.B* and *III.2.C* and read each project description into the record. David Stallworth, Principal Planner, provided a brief synopsis of each case. Mr. Stallworth indicated the location for the subject area, showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth proceeded to recommend APPROVAL of the zone change, along with his basis for the recommendation. Mr. Stallworth concluded his presentation with a recommendation of APPROVAL of the Special Use, subject to Conditions, along with his basis for the recommendation.

Barring further Staff further input, Chairperson Priess opened the public hearing. Mr. Robby Hargraves, owner/petitioner, approached the podium, identified himself, and made himself available for questions. Barring further public input, Chairperson Priess closed the public hearing and entertained further deliberations and possible motions.

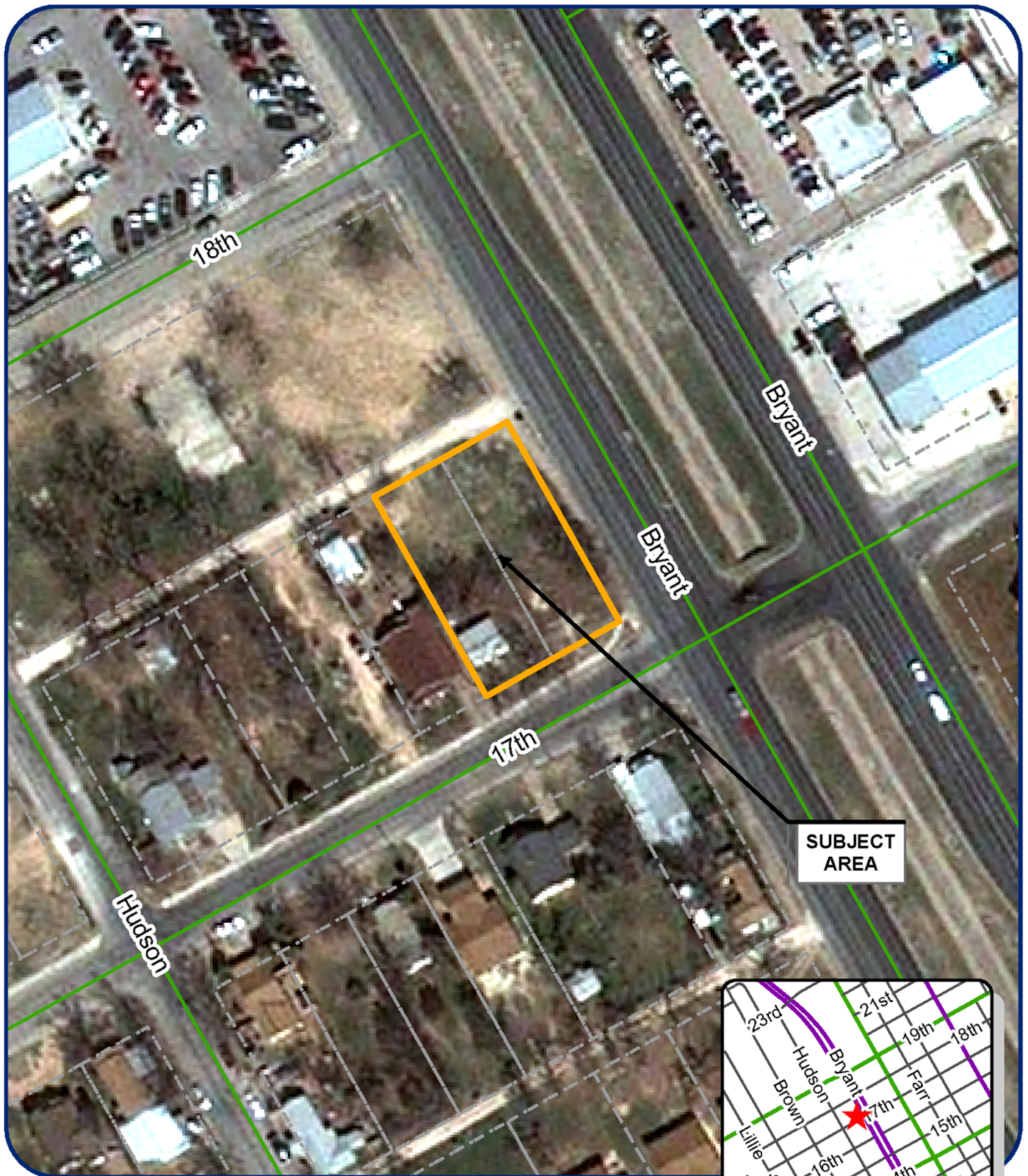
Commissioner Farmer made a Motion to APPROVE the Zone Change request. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0.

Staff Recommendation:

Staff recommends that City Council **APPROVE** Case Z17-02, a request for a Zone Change from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Application
Petitioner Justification
Site Photographs



Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

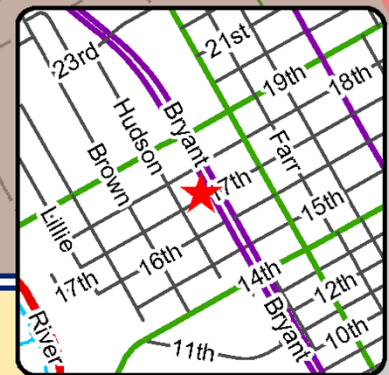
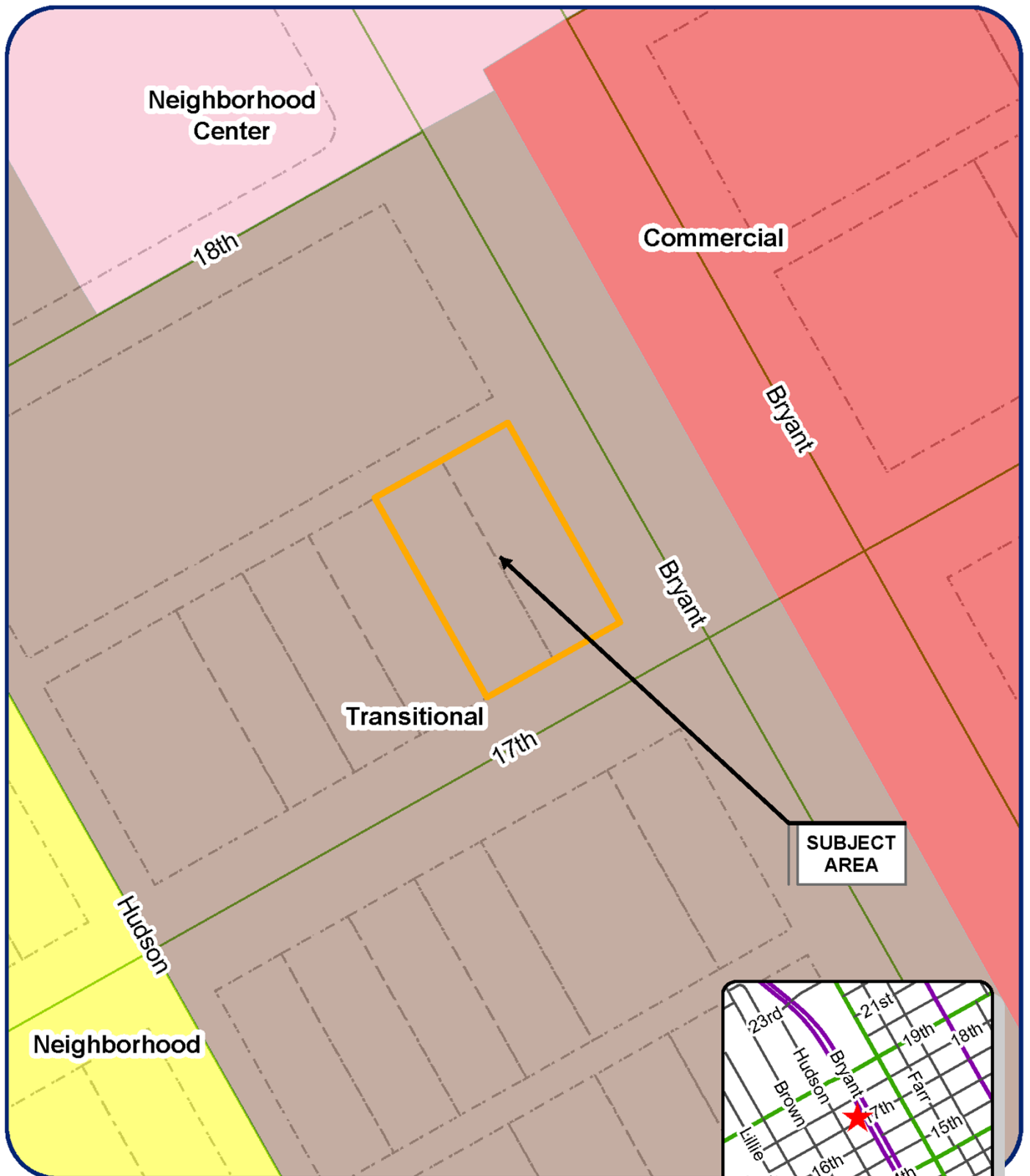
Current Zoning: **RS 1**

Requested Zoning Change: **CN/SU**

Vision: **Transitional**

N





Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

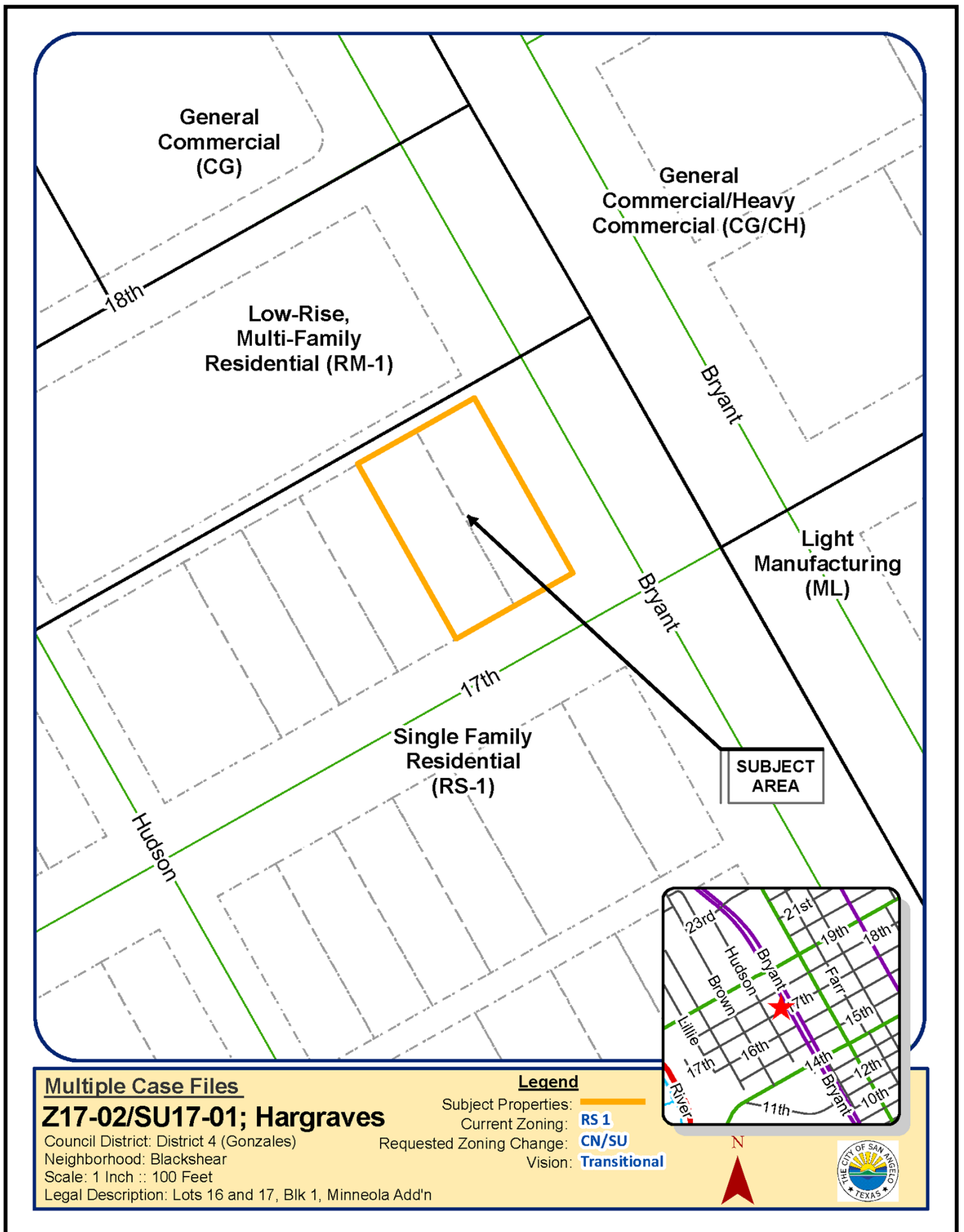
Subject Properties:

Current Zoning: RS 1

Requested Zoning Change: CN/SU

Vision: Transitional





Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

Current Zoning:

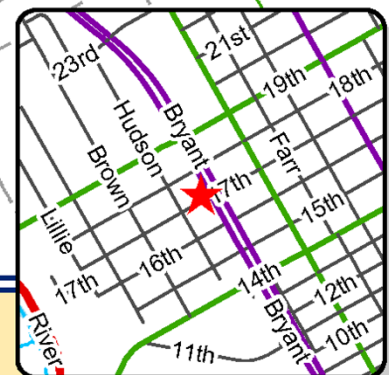
Requested Zoning Change:

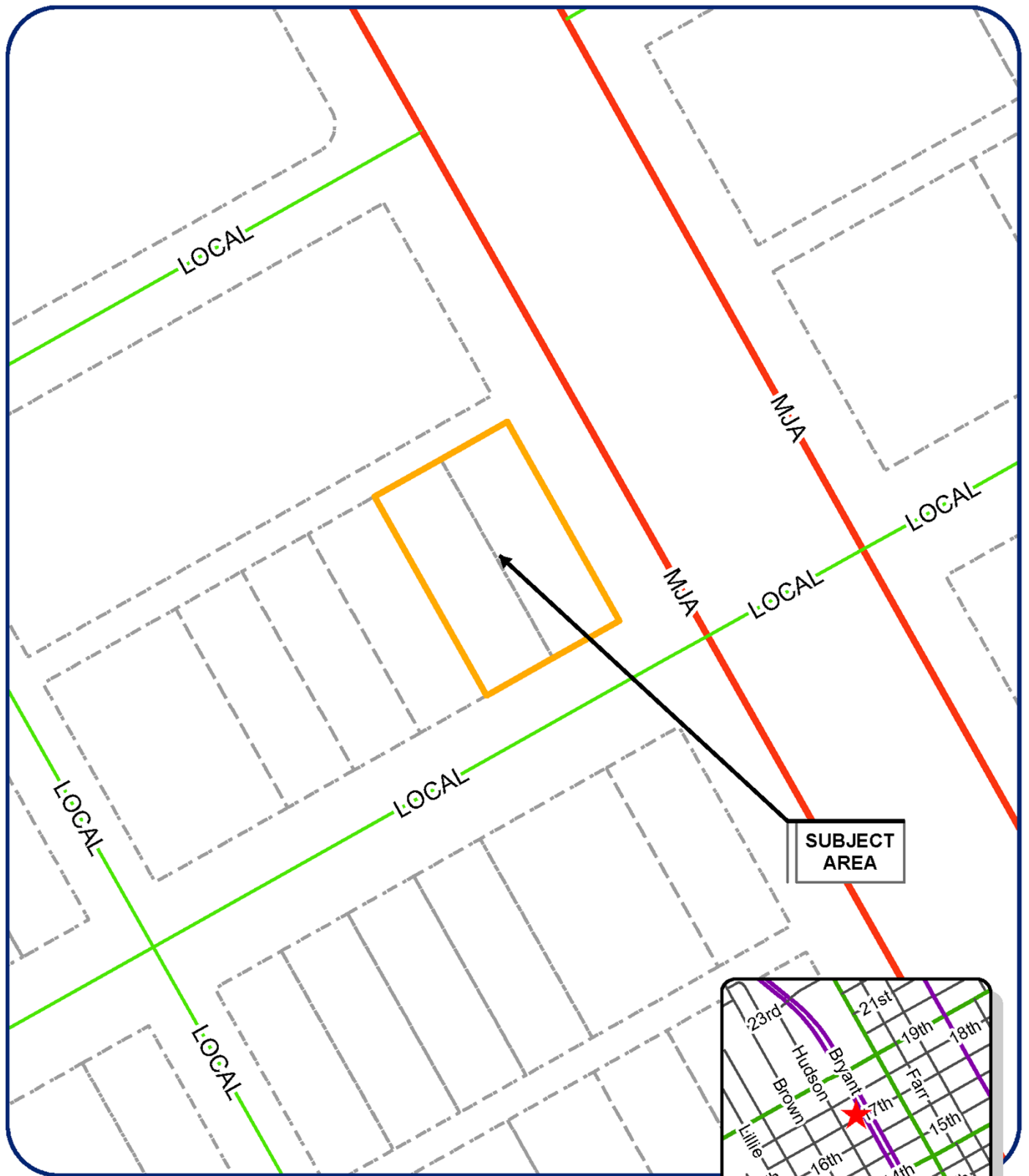
Vision:

RS 1

CN/SU

Transitional





Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

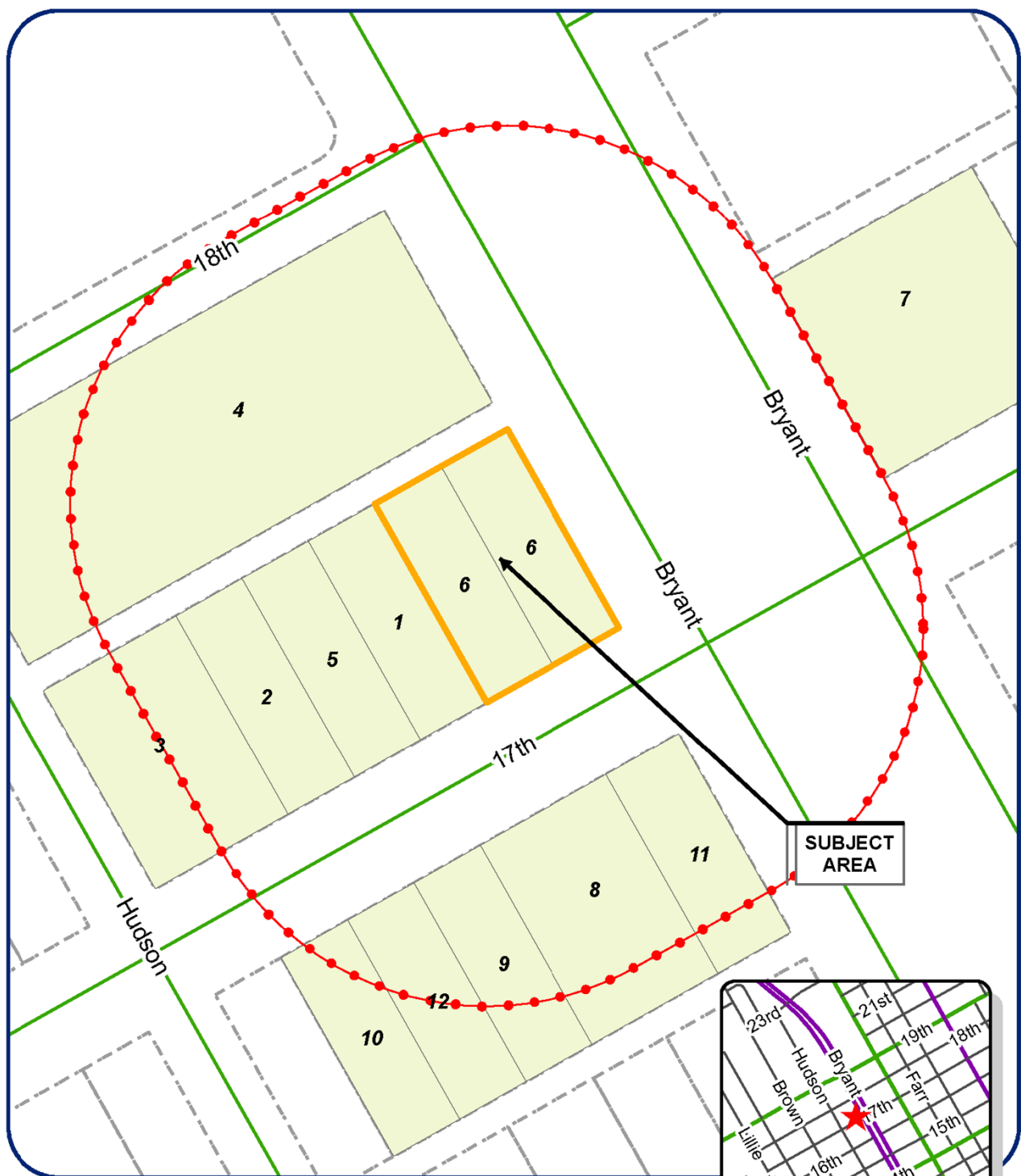
Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

Current Zoning: **RS 1**
Requested Zoning Change: **CN/SU**
Vision: **Transitional**





Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

Current Zoning:

Requested Zoning Change:

Vision:

RS 1

CN/SU

Transitional



IND	vm_name	vm_incare	vm_line1	vm_city	vm_state	vm_zip
0	CITY OF SAN ANGELO	PLANNING DIVISION	52 W COLLEGE AVE	SAN ANGELO	TX	76903
1	ACEVEDO PEDRO R & LETICIA GARCIA		512 W 17TH ST	SAN ANGELO	TX	76903-4502
2	ACEVEDO SAUL		512 W 17TH ST	SAN ANGELO	TX	76903-4502
3	CARDENAS ISMAEL - DECEASED		520 W 17TH ST	SAN ANGELO	TX	76903-4502
4	DE WITT DE LARNCE		1117 ASHFORD DRIVE	SAN ANGELO	TX	76901-5305
5	DE WITT LANGSTON - DECEASED	DORETHEA DEWITT	3810 SOUTHLAND BLVD	SAN ANGELO	TX	76904-7241
6	HARGRAVES R W		1716 ELLIS	SAN ANGELO	TX	76905-4314
6	HARGRAVES R W		1716 ELLIS	SAN ANGELO	TX	76905-4314
7	HARRIS WALT		8750 WREN RD	SAN ANGELO	TX	76901-7436
8	MARTINEZ BEATRIZ		814 N VAN BUREN	SAN ANGELO	TX	76901-2518
9	NOAH ESTATES PROPERTIES I LP		1404 S OAKES ST	SAN ANGELO	TX	76903-7506
10	OWENS LEARY		521 W 17TH ST	SAN ANGELO	TX	76903-4501
11	REED CHARLES		401 KENNEDY DR	SAN ANGELO	TX	76905-7715
12	VIGIL SAMUEL & JULIE Z		817 E 18TH ST	SAN ANGELO	TX	76903-3568

Z17-01: MILLS DEVELOPMENT

Total Notices: 60

34	PROPERTY OWNER		5814 WILLEKE DR	SAN ANGELO	TX	76904
35	ARROYO LOPEZ FERNANDO J & COLON CARDONA LILLIVETTE		4186 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
36	BUITRON DAVID S & DORA		2953 RANCH ROAD 864	SONORA	TX	788405110
37	CITY OF SAN ANGELO	PLANNING DIVISION	72 W COLLEGE AVE	SAN ANGELO	TX	76903-5814
38	CLIFTON CHRISTOPHER & KELLY		5902 MILL PASS DRIVE	SAN ANGELO	TX	76904-9999
39	CN BOULEVARD SAN ANGELO II LP		420 SOUTHFORK DR	LEWISVILLE	TX	75201-3081
40	EDWARDS RHEBA DENEE		4177 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
41	FLOYD GARY		2199 COYOTE BEND	SAN ANGELO	TX	76903-0135
42	FOSTER JOHN & JANA		4190 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
43	GAMMONS ROGER D & JOYCE A		4166 HUNTLEIGH DR	SAN ANGELO	TX	76904-1405
44	HEIL STEVEN G & BRANDI S		4801 PINON RIDGE DR	SAN ANGELO	TX	76904-9999
45	HENRY CHRISTOPHER & WELA		4158 HUNTLEIGH DR	SAN ANGELO	TX	76904-1405
46	HERON JOSEPH W & AUDREY B		4189 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
47	KAMALAPUR RAJ & SEEMA		4182 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-1405
48	KEMP CHARLOTTE		4181 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
49	KENNEDY JOSEPHINE M & JOHN D		4193 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
50	LEWIS EDWARD EUGENE & KIMBERLY ANN		4169 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
51	LYNCH JEAN		4161 HUNTLEIGH DR	SAN ANGELO	TX	76904-0000
52	MERRY WILLIAM CARLETON & PAMELA		4174 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
53	MILLS DEVELOPMENT INC	ROCKY TEMPLIN	3845 LAKE RIDGE DR	SAN ANGELO	TX	76904-5918
54	MILLS DEVELOPMENT INC		PO BOX 60831	SAN ANGELO	TX	76906-0831
55	RICH TIMOTHY S & ANGELA D		4157 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
56	RIDGECREST INC		3845 LAKE RIDGE DR	SAN ANGELO	TX	76904-0000
57	SAMS EAST INC	0555	PO BOX 8050	BENTONVILLE	AR	72712-8050
58	TWIN BUTTES APARTMENTS LLC		420 SOUTHFORK DR	LEWISVILLE	TX	75201-3081
59	WAGNER DAVID L & STEFANIE D		4173 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
60	WILLEKE HUDSON LP	INDUSTRY CONSULTING GROUP	PO BOX 810490	DALLAS	TX	75381-0490



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application for Approval of a Zone Change

**Section 1: Basic Information**

Name of Applicant(s): Robby W. HARGRAVES
☒ Owner ☐ Representative (Notarized Affidavit Required)
 Mailing Address: 1218 KENWOOD DR. SAN ANGELO, TX 76904
 City State Zip Code
 Contact Phone Number: 325 277 9636 Contact E-mail Address: rwhargraves@msn.com
 Subject Property Address: 508 & 510 W. 17th SAN ANGELO, TX 76903
 City State Zip Code
 Legal Description (can be found on property tax statement or at www.tomgreencad.com): LOTS SIXTEEN AND SEVENTEEN BLOCK ONE MINERLA ADDITION
508 & 510 West 17th St
 Existing Zoning: RS-1 Proposed Zoning: CG Lot size: ± 15066 ft²
FLU - Transitional CN 0.345 ac
 (Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: Vacant
 *Proposed Use of Property: FOR Auto & Light Truck dealerships (Sales) only
 *Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

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

- ☒ An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner;
- ☒ No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.
- ☒ If approved, a zone change is applied to the property, not the property owner.
- ☒ The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.
- ☒ If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.
- ☒ Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.
- ☒ One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.
- ☒ If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.

Section 3 continued : Applicant(s) Acknowledgement

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

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

ROBBY W. HARGRAVES R.W. Hargraves 2.22.17
 Owner Name (Print) Signature Company/Organization (If Applicable) Date

 Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: ____/____/____

Case No.: Z 17 -- 02

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ 500

Receipt #: _____ Date paid: ____/____/____

Sign Deposit \$37.50

Receipt #: _____ Date paid: ____/____/____

Affidavit attached? ☐ Yes ☐ No ☐ N/A Applicant's signature on information sheet? ☐ Yes ☐ No

Previous Zone Change Inquiry? ☐ Yes ☐ No If yes, ZCI case no.: ____ -- ____

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

Planning Commission hearing date: ____/____/____ Date notifications due: ____/____/____

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

Publication date: ____/____/____

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

February 21, 2017

Planning Manager
City of San Angelo Planning Division
512 West College Ave.
San Angelo, TX 76903

I am requesting a zone change for
properties 508 & 510 West 17th St (Legal
Description, Lots 16 & 17, Block 1, Mineola
addition, City of San Angelo, Tom Green County.

Both properties currently zoned R1. and
Join Bryant thruway South & 17th St.
Both properties have not been in use for a
number of years. Previous owner seems to
have had a real struggle complying with
City weed & brush control. We have cleaned
the brush & mesquite off. I respectfully request
a change to accommodate the use for a used
motor vehicle sales lot, with a small 16x30
office, with the balance to be paved.

There are four other like business on either
side of Bryant, with the rest being predominantly
commercial. I believe this to be the best use
for this property, & would create more taxes
and 2 to 4 more jobs

My Plan will conform with the
other business that are in this area,
and also enhance the value of
the surrounding property.

I pray that you will favor my
request.

I thank you very respectfully

R.W. Hargraves

IMAGES OF THE SUBJECT PROPERTY (Looking north along West 17th)



IMAGES OF THE SUBJECT PROPERTY (Looking south from rear alley)



AREA CONDITIONS SOUTH OF THE SITE



AREA CONDITIONS WEST OF THE SITE



AREA CONDITIONS NORTH OF THE SITE



AREA CONDITIONS EAST OF THE SITE



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: **508 – 510 West 17th Street; generally located at the north-northwest corner of West 17th Street and North Bryant Boulevard (US Highway 87), and being Lots 16 and 17, Block One, Mineola Addition, an addition to the City of San Angelo, Tom Green County, Texas**, FROM THE SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO THE NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning Commission and the City Council for the City of San Angelo, in compliance with the City Charter and state law regarding zoning regulations and zoning map, 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 zoning changes should be made as set out herein;

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

SECTION 1: Chapter 12 of the Code of Ordinances of the City of San Angelo, the basic Zoning Ordinance for the City adopted on January 4, 2000, and the Zoning Map be and the same are hereby amended as follows:

508 – 510 West 17th Street; generally located at the north-northwest corner of West 17th Street and North Bryant Boulevard (US Highway 87), and being Lots 16 and 17, Block One, Mineola Addition, an addition to the City of San Angelo, Tom Green County, Texas, as recorded in Volume 1, Pages 90-91, Official Plat Records, Tom Green County, Texas, zoned Single-Family Residential (RS-2) Zoning District shall henceforth be permanently zoned Neighborhood Commercial (CN) Zoning District.

Comment [d1]: The record information should be for the subject plat filed in TGC Official Records

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to correct Zoning District Maps in the Office of the Director of the Planning and Development Services Department, to reflect the herein described changes in zoning.

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

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

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

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

INTRODUCED on the **18th day of April, 2017**, and finally PASSED, APPROVED AND ADOPTED on this, the **2nd day of May, 2017**.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

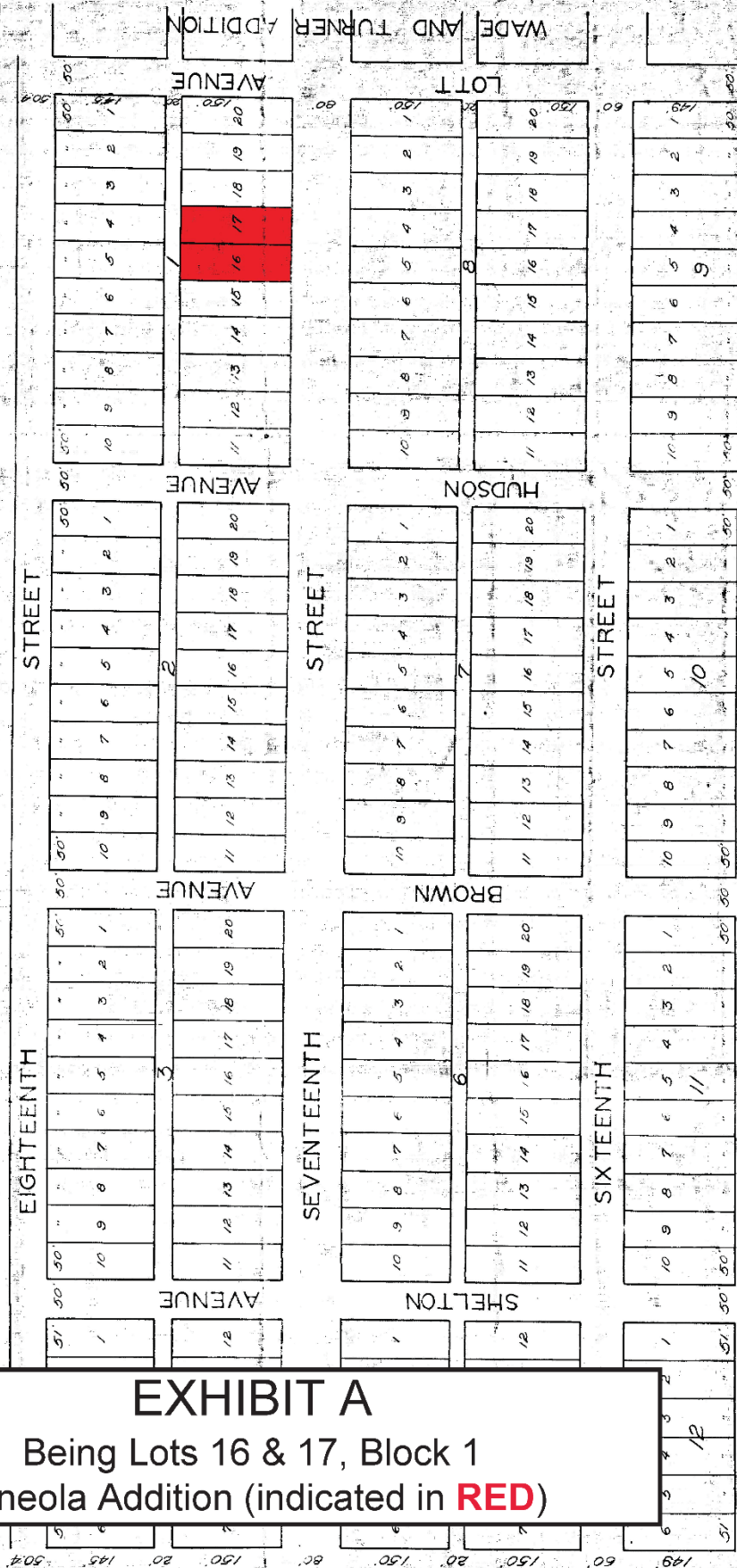
APPROVED AS TO FORM:

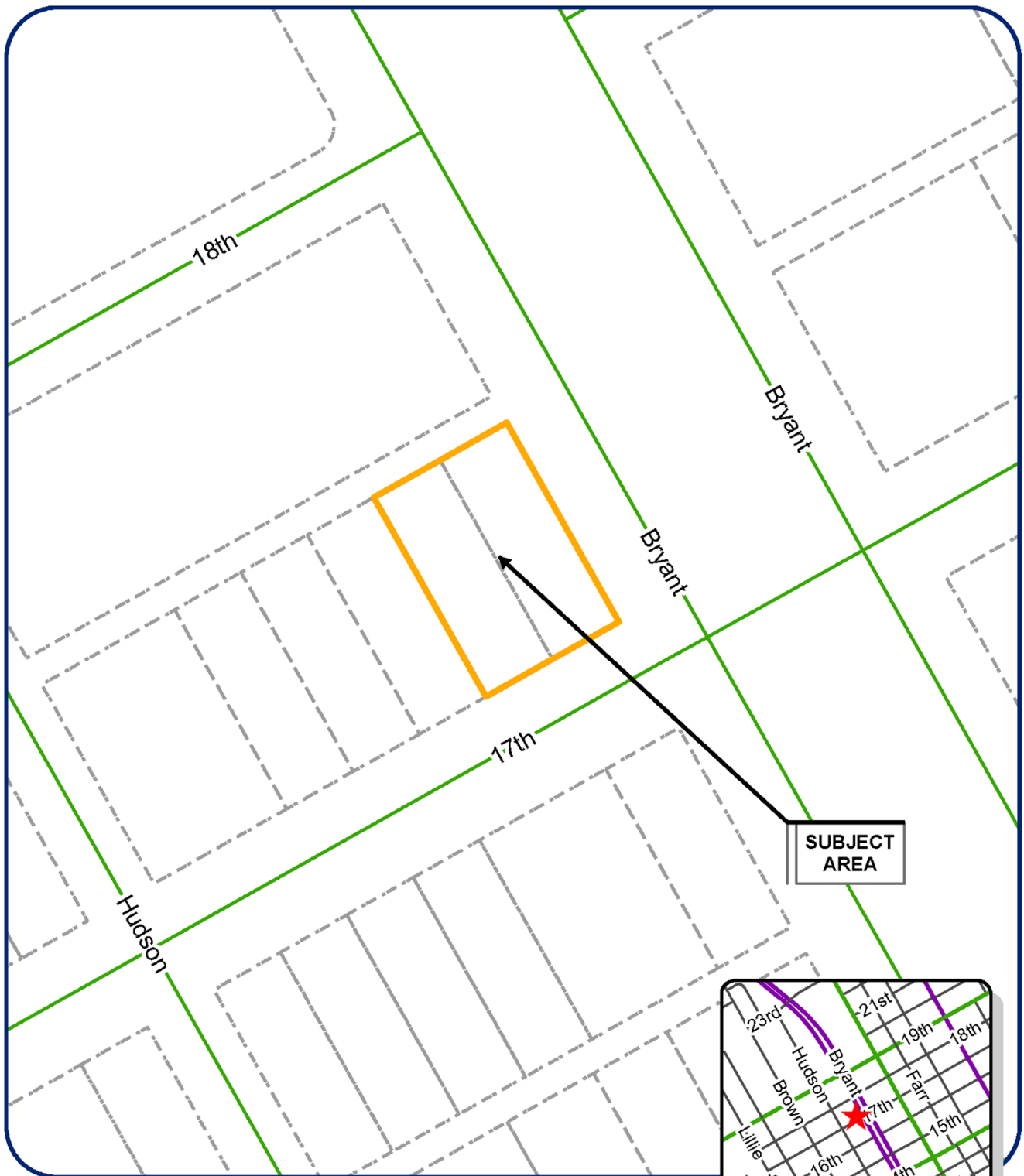
Bryan Kendrick, City Clerk

Theresa James, City Attorney

MINEOLA

AN ADDITION TO SAN ANGELO, TEXAS
 SURVEYED AND PLATTED MARCH 1928 BY
 H. L. GEORGE - CIVIL ENGINEER
 SCALE 1"=100'





Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

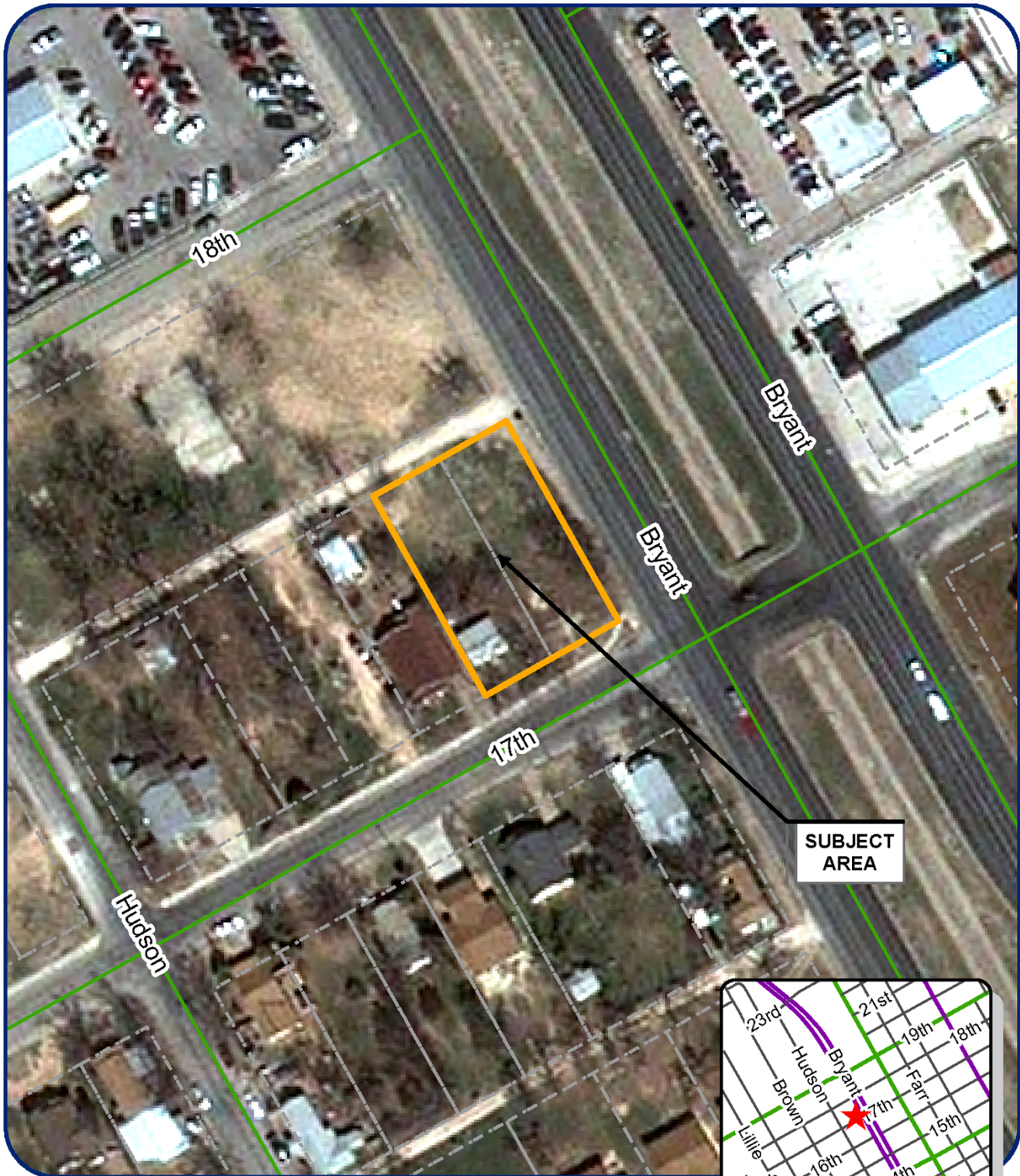
Subject Properties: 

Current Zoning: **RS 1**

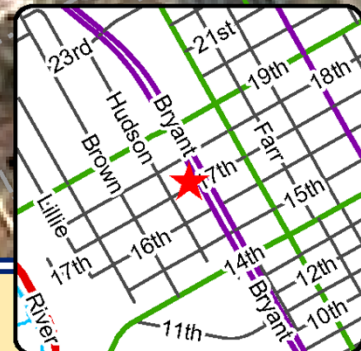
Requested Zoning Change: **CN/SU**

Vision: **Transitional**





**SUBJECT
AREA**



Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

Current Zoning: **RS 1**

Requested Zoning Change: **CN/SU**

Vision: **Transitional**



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: April 18, 2017

Item type: Regular Item

Caption:

First Reading and public hearing for Case SU17-01, an Ordinance approving a request for a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District, generally located at the north/northwest corner of West 17th Street and North Bryant Boulevard (U.S. 87), on 0.345 acres. (Presentation by Planning & Development Services Director Jon James)

Summary/History:

The subject property consists of two contiguous platted lots, one of which contains an abandoned dilapidated residence while the other property is currently vacant, having had a residence prior to 2008. The property is presently classified as Single-family Residential (RS-1), but the Petitioner is seeking a rezoning to Neighborhood Commercial (CN) as part of an earlier case, Z17-02. Commercial development in the CN District should be low intensity, with small floor areas and limited traffic generation and trade area. Auto and boat dealerships are not permitted outright in this zoning district, which is the impetus behind this Special Use application.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission heard this item on March 20, 2017. Commissioner Smith made a Motion to APPROVE the request, and Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0.

Attachments:

- | | | |
|----|-----------------|--|
| 1. | Staff Report | SU17-01_Staff_Report_CityCouncil.docx |
| 2. | Draft Ordinance | SU17-01_Ordinance_REVISED & FINAL.docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved

Bryan Kendrick

Final Approval

STAFF REPORT



Meetings: April 18, 2017
May 2, 2017

To: San Angelo City Council

From: Jon James, AICP
Director of Planning and Development Services

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Case: SU17-01: Hargraves

Request: A request for approval of a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District

Location: 508-510 W. 17th Street; generally located at the N/NW corner of West 17th Street and North Bryant Boulevard (U.S. 87)

Legal

Description: Lots 16 and 17, Block 1, Mineola Addition.

Size: 0.345 acres

General Information

Future Land Use: Transitional

Current Zoning: RS-1 Single-Family Residence

Existing Land Use: Residential and Vacant Lot

Surrounding Zoning / Land Use:

North:	Low Rise Multi-Family Residence (RM-1)	Vacant
West:	Single-Family Residence (RS-1)	Residential
South:	Single-Family Residence (RS-1)	Residential
East:	General Commercial/Heavy Commercial (CG/CH)	Auto Sales

District: SMD #4 – Lucy Gonzales

Neighborhood: Blackshear

Thoroughfares/Streets:

North Bryant Blvd is defined as a “Major Arterial” roadway in the City’s Master Thoroughfare Plan (MTP) and is under TX-DOT jurisdiction. Major Arterial Roads are designed to connect Collector Streets to freeways and other arterials that carry large volumes of traffic at high speeds and typically require a minimum right-of-way width of 80 feet and a minimum paving width of 64 feet.

West 17th Street is defined as an “Urban Local Road” in the City’s Master Thoroughfare Plan (MTP). Local or Minor Roads are designed to collect traffic from a localized area and discharge it into a larger distribution system. This type of roadway is used primarily for access to abutting properties, and they generally consist of a minimum ROW width of 50 feet and a minimum pavement width of 36 feet to 40 feet.

Background:

The partially vacant subject property was platted in 1928 as part of the Mineola Addition (Volume 1, Pages 90 and 91, Official Plat Records). The subject property consists of two contiguous platted lots, one of which contains an abandoned dilapidated residence while the other property is currently vacant, having had a residence prior to 2008. cursory research appears to indicate that it has historically been zoned for single-family use. The subject property is rectilinear, oriented north-to-south, and has approximately 150 feet of frontage along North Bryant Boulevard and 100 feet of frontage along West 17th Street. A 20-foot public alley runs along the subject property’s north lot line. Approval of this application is predicated on the approval of corresponding case number Z17-02, a request for approval of

a Zone Change from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District.

Analysis:

Zoning: The undeveloped subject property is presently classified as Single-family Residential (RS-1). This zoning district is intended to provide opportunities for the development of detached single-family residences at medium densities. The Petitioner is seeking a rezoning to Neighborhood Commercial (CN). This particular zoning district is intended to provide opportunities for development of commercial development that serves and is supported by a relatively small surrounding area - a neighborhood.

Allowable commercial uses include a wide variety of office activities, as well as a more limited range of retail trade and services aimed toward meeting the routine needs of residents in that neighborhood. Commercial development should be low intensity with small floor areas and limited traffic generation and trade area. Auto and boat dealerships are not permitted outright in this zoning district, which is the impetus behind this Special Use application. Approval of this application, however, is predicated on the approval of a corresponding rezoning application from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District (RE: Z17-02; Hargraves).

Comprehensive (Vision) Plan: This update to the original 2003 Comprehensive Plan was adopted by City Council in 2009. The subject area currently has a Future Land Use designation of "Transitional." According to the Comprehensive Plan, there are two types of Transitional areas, the first involving conversions of commercial corridor frontage from CG/CH zoning and related strip-style development, and the second involving the logical and proportional bridging between Neighborhood Centers or other Commercial areas and nearby neighborhoods. In either case, Transitional areas should provide for a progressive scaling of activity from more intense areas to neighborhoods which should be more passive in character. In general, Transition Areas imply increased density and greater mix of uses than neighborhoods, but not as much as in Neighborhood Centers, Downtown, or other Commercial areas. This is further expressed in Goal number two, which seeks to "...blend intensive commercial areas into neighborhoods seamlessly." The Comprehensive Plan recognizes that "commercial areas often do not make for compatible neighbors for residential uses, but rather than completely turning their back on neighborhoods, Transition Areas should be used to graduate density and intensity of activity to maintain connectivity, improve pedestrian experience, and provide areas for increased housing and nonresidential options not currently being met." The Special Use, if deemed appropriate, may include conditions deemed necessary and appropriate to achieving this end. Special Uses are generally considered suitable in transitional areas.

Criteria: Section 209(H) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Special Use request.

1. **Impacts Minimized.** *Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.*

Both the zone change from RS-1 to CN and the corresponding Special Use application are made to facilitate the development of an automobile and light truck dealership. The proposed use may be considered to be non-intense enough to be located next to single-family residential because of the nature of the business and the infrequency and level of activity that may be associated with such a business, activities that are comparatively different to those stemming from such permitted uses as offices and general retail. Furthermore, even though there are other similar uses within close proximity to the subject property, the present size of the property is considerably smaller than that enjoyed by nearby contemporaries, therefore the extent of inventory coverage and visual impact would be comparatively less. It would therefore be reasonable to mitigate the Special Use with respect to residential adjacency, site operations and aesthetics to ensure that the use neither intrudes upon, nor inconveniences nearby residences.

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

Per Section 209.A of the Zoning Ordinance, the Special Use process allows for the review of larger-scale uses that may be appropriate in designated areas, as subject to determinations as allowed under Section 310. The Special Use mechanism helps to ensure that substantive consideration is given to conditions that will minimize any negative impacts of the use. This mechanism acknowledges the potential suitability of a site for a particular use which may be considered special due to infrequent occurrence, its effect on surrounding property, or its possible impacts on safety and quality of life. Lastly, this mechanism looks at the appropriateness of the use in relation to a specific location and its dependency on the character of site design.

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.*

Again, the Special Use mechanism helps to ensure that substantive consideration is given to conditions that will minimize any negative impacts of the use. This mechanism acknowledges the potential suitability of a site for a particular use which may be considered special due to infrequent occurrence, its effect on surrounding property, or its possible impacts on safety and quality of life. Lastly, this mechanism looks at the appropriateness of the use in relation to a specific location and its dependency on the character of site design. Any matters of potential incompatibility between the Special Use and the surrounding neighborhood could be adequately mitigated through the imposition of conditions deemed necessary and appropriate. Careful consideration should therefore be given to such matters as site landscaping, perimeter screening,

site access and layout and site lighting to ensure that new non-residential development is harmonious with surrounding residential development and that divergent land uses in close proximity to each other otherwise appear as seamless and environmentally cohesive as possible.

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.*

There may be some appreciable level of business-related traffic generated by the proposed Special Use. The extent of this impact may depend upon the location of site access, however. It is not anticipated that traffic generated by the Special Use will require increases in road capacity along either West 17th or North Bryant. Conditions may be imposed, however, to address possible customer parking along West 17th to ensure that potential nuisances may be averted.

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.*

No appreciable adverse impact on the natural environment appears likely as a result of Special Use approval. There are no known environmentally sensitive areas or archaeological sites contained within the subject property. Issues of storm water management and site access as a result of any development of the property will be addressed during the permitting process. Any anticipated adverse impacts resulting from the Special Use could be adequately mitigated through the imposition of conditions deemed necessary and appropriate. With respect to recommended conditions involving landscaping, plantings ideally should be drought-tolerant, hardy and non-allergen-producing. Streetscape should be provided to add both aesthetic and shade value to the project site. To this end, examples of suitable tree species may include, but are not limited to, Mexican or Texas Redbud, Desert Willow, Shumard Oak, Chinese Pistache or Pinyon Pine.

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

The Petitioner does not offer any arguments to suggest a compelling need for more automobile dealerships in the community. On the other hand, new commercial opportunities could expand the local tax base and generate much needed revenue, as well as provide for additional employment opportunities within the immediate area.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*

The surrounding area has a wide array of uses and zoning patterns, including single-family residential to the south and west, vacant multi-family to the north, various commercial further north and to the east (restaurants, convenience retail, used car dealerships, etc.), and institutional to the southeast (church). Although there is preponderance of historic single-family residential development within the surrounding area, there may also be evidence to suggest that corridor redevelopment along this segment of North Bryant may be imminent; to what extent and direction, however, is yet to be determined.

Notification:

On February 24, 2017, fourteen notifications were mailed out to property owners of record within a 200-foot radius of the subject area, including a separate written notice that was mailed out to the local school district, in accordance with Section 211.007, Texas Local Government Code. As of the date of this publication, Staff has received one response in favor of, and zero responses in opposition to the request.

Planning Commission Action:

This request was scheduled for review and consideration on the March 20, 2017, Planning Commission docket as Regular Agenda Item *III.2.C*. Below is an excerpt from the meeting's unofficial minutes:

Staff requested that Regular Agenda Items *III.2.B* (Zone Change [Z]17-02, Hargraves) and *III.2.C* (Special Use [SU]17-01, Hargraves) be heard concurrently as they are interrelated.

Chairperson Priess introduced Regular Agenda Items *III.2.B* and *III.2.C* and read each project description into the record. David Stallworth, Principal Planner, provided a brief synopsis of each case. Mr. Stallworth indicated the location for the subject area, showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth proceeded to recommend APPROVAL of the zone change, along with his basis for the recommendation. Mr. Stallworth concluded his presentation with a recommendation of APPROVAL of the Special Use, subject to Conditions, along with his basis for the recommendation.

Barring further Staff further input, Chairperson Priess opened the public hearing. Mr. Robby Hargraves, owner/petitioner, approached the podium, identified himself, and made himself available for questions. Barring further public input, Chairperson Priess closed the public hearing and entertained further deliberations and possible motions.

Commissioner Smith made a Motion to APPROVE the Special Use request. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0.

Staff Recommendation:

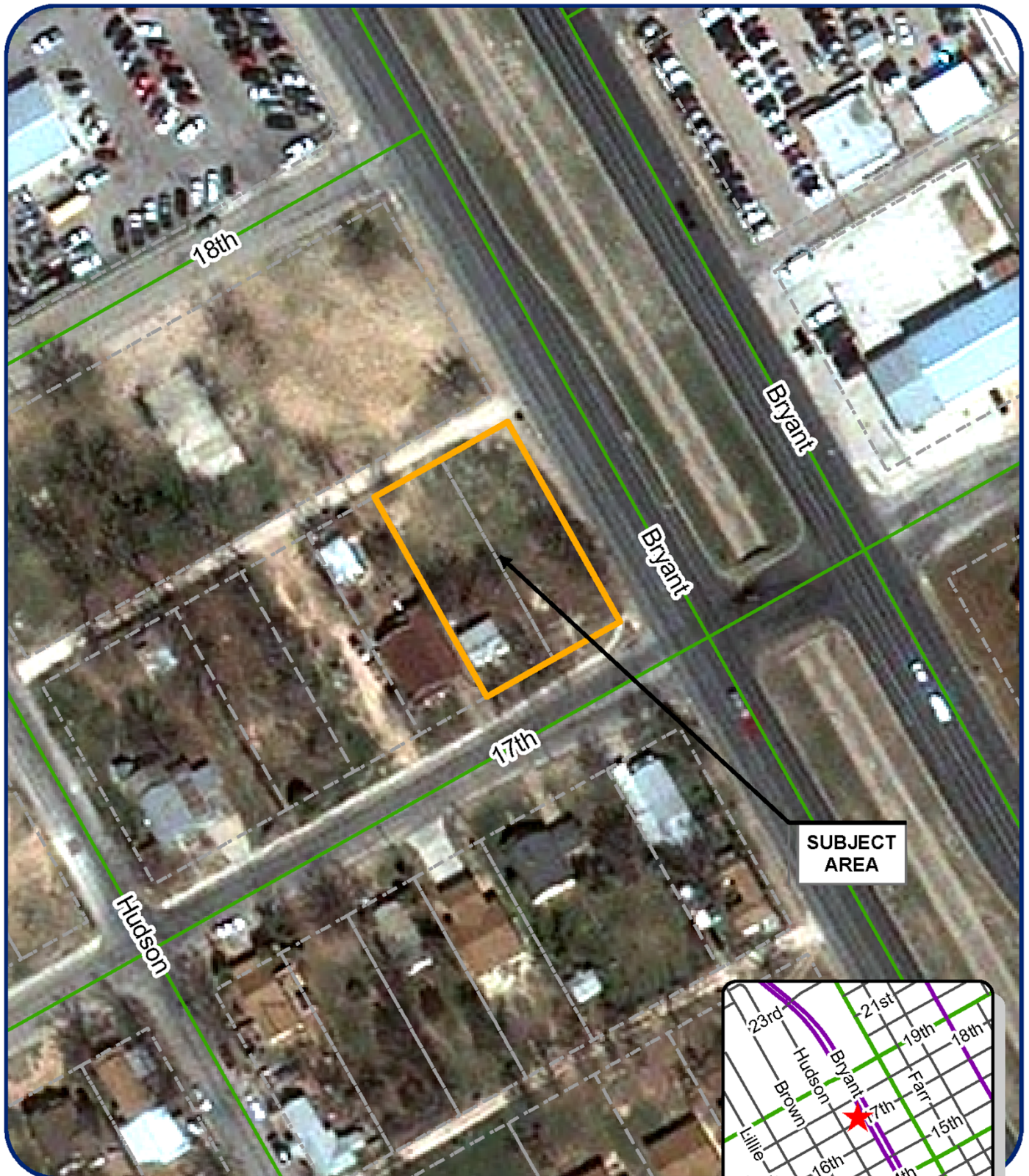
Staff recommends that the City Council **APPROVE** Case SU17-01, a request for a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District, subject to the following fourteen Conditions of Approval:

1. All business activities shall be limited to the sale of passenger automobiles, light and medium trucks and motorcycles only. Both lots that comprise the subject property shall be replatted into a single lot, and an approved and recorded plat shall be provided prior to the application for a building permit.
2. All site lighting on the premises, both existing and new, 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 and is suitably engineered for night-sky purposes. No new site lighting or building lighting shall be upward emitting. New site lighting shall utilize light emitting diode (LED) illumination.
3. The property owner shall be responsible for the construction of new sidewalk and replacement of any existing, substandard sidewalk abutting the subject property.
4. A minimum of 2 non-allergenic trees, with a minimum of 3 inches in caliper and 6 feet in height at time of planting, shall be placed along each street frontage. Examples of suitable tree species may include, but are not limited to, Mexican or Texas Redbud, Desert Willow, Shumard Oak, Chinese Pistache or Pinyon Pine. A landscape strip with a minimum width of 10 feet, in conjunction with required street trees, shall also be provided along both street frontages. This landscape strip may include landscaped portions of the street right-of-way. All site landscaping shall be subject to the approval of the Planning and Development Services Director, or designee.
5. Off- and on-loading activities are prohibited within the public right-of-way of West 17th Street, North Bryant Boulevard and the abutting service alley to the north of the subject property. Site access from West 17th Street shall be prohibited.
6. No vehicular inventory shall utilize a required parking space. All parking, circulation and vehicle display areas on the premises shall be paved in accordance with minimum City standards. The property owner shall ensure that any business-related parking does not intrude upon, or inconvenience nearby residents.

7. No vehicle repair, maintenance or vehicle body repair shall be permitted on the premises. No salvage or junk vehicles shall be maintained on the premises, nor shall any debris, vehicle parts, tires, lubricants or other toxic and caustic materials be stored on the premises.
8. All incidental outdoor storage shall be allowed adjacent to a principal building wall and extending to a distance no greater than 5 feet from the wall. Incidental outdoor storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.
9. No portable signage shall be allowed on the premises. All illuminated signage on the premises shall be turned off between the hours of 10:00 PM and 7:00 AM the following day.
10. No loud speakers, paging systems or other auditory devices, with the exception of security alarms, shall be permitted on the premises.
11. No intermodal storage containers, boxcars, recreational vehicles or mobile homes shall be placed on the premises.
12. Solid screening or a suitable vegetative alternative shall be utilized along the west and north property lines for matters of residential adjacency. Chain-link fencing with vinyl slats may not be used for screening purposes.
13. All fencing along West 17th Street and North Bryant Boulevard shall consist of any of the following: (a) low-post, split-rail metal fencing, painted in either earth-tone or black; (b) green or black vinyl-clad, chain-link fencing (4-ft maximum height); (c) decorative wrought-iron fencing (4-ft maximum height); or (d) reinforced bollards, painted in either earth-tone or black, concrete or decorative metal. No barbed or concertina (razor) wire fencing shall be permitted.
14. If the approved Special Use is inactive or discontinued for a period exceeding 360 consecutive days, or if the approved Special Use does not become active within a period of six months following the date of City Council approval, then the Special Use shall be declared null and void.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Application
Petitioner Justification
Site Photographs



Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

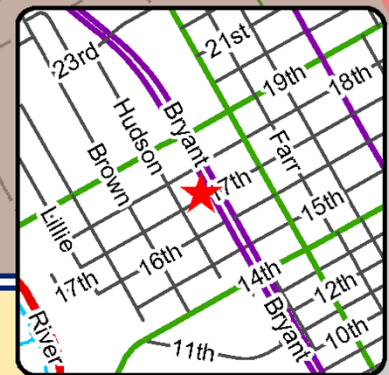
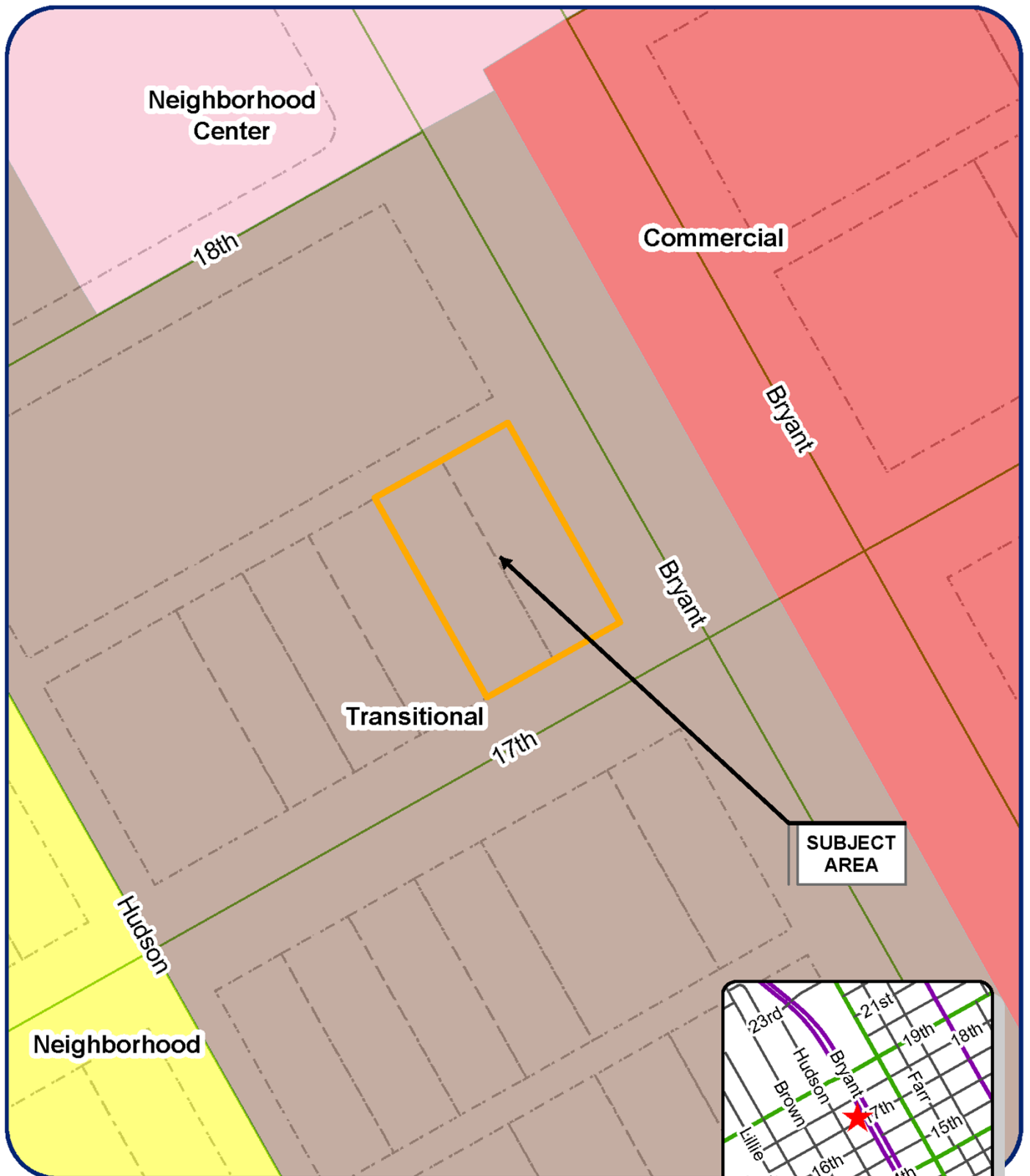
Subject Properties:

Current Zoning: **RS 1**

Requested Zoning Change: **CN/SU**

Vision: **Transitional**





Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

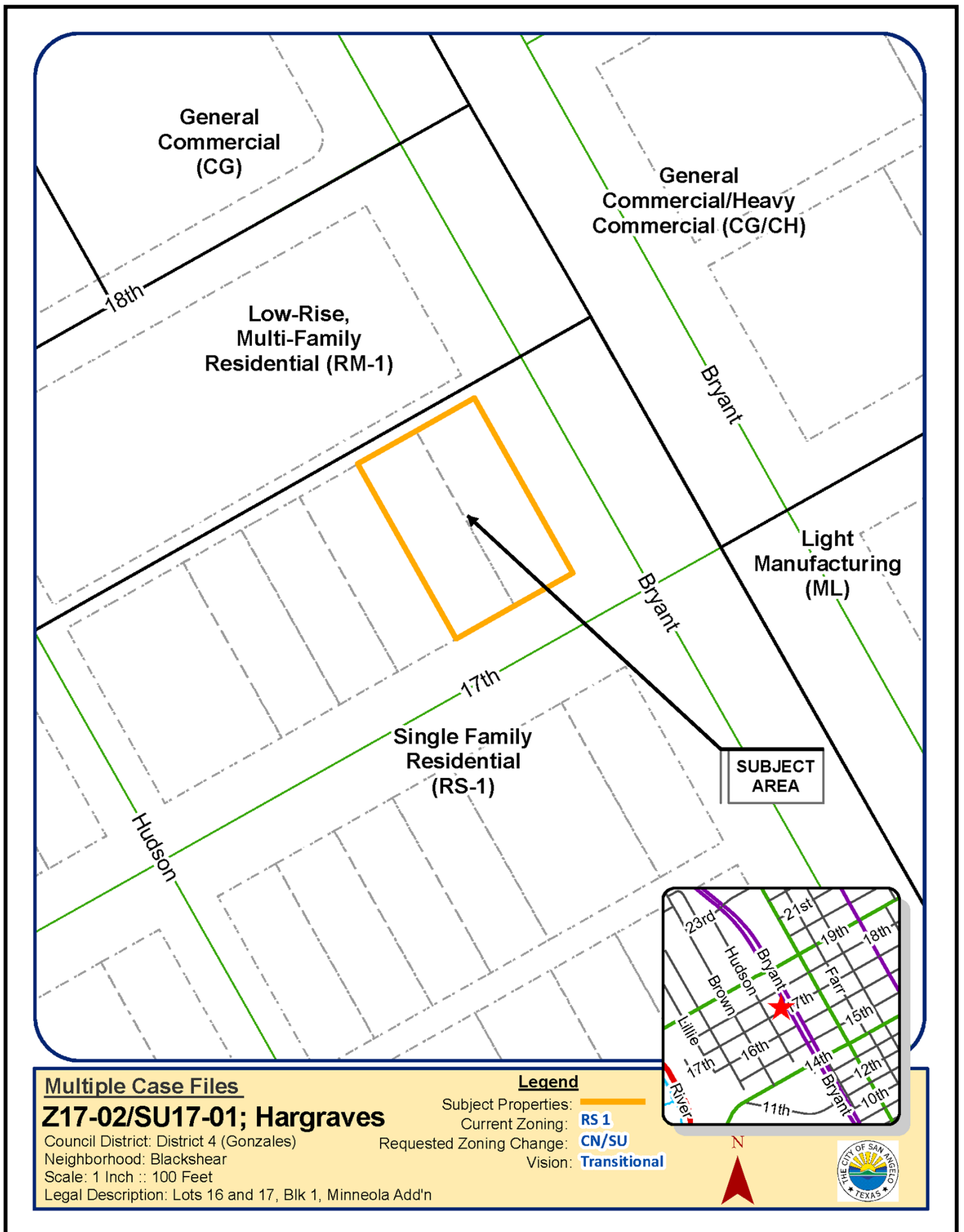
Subject Properties:

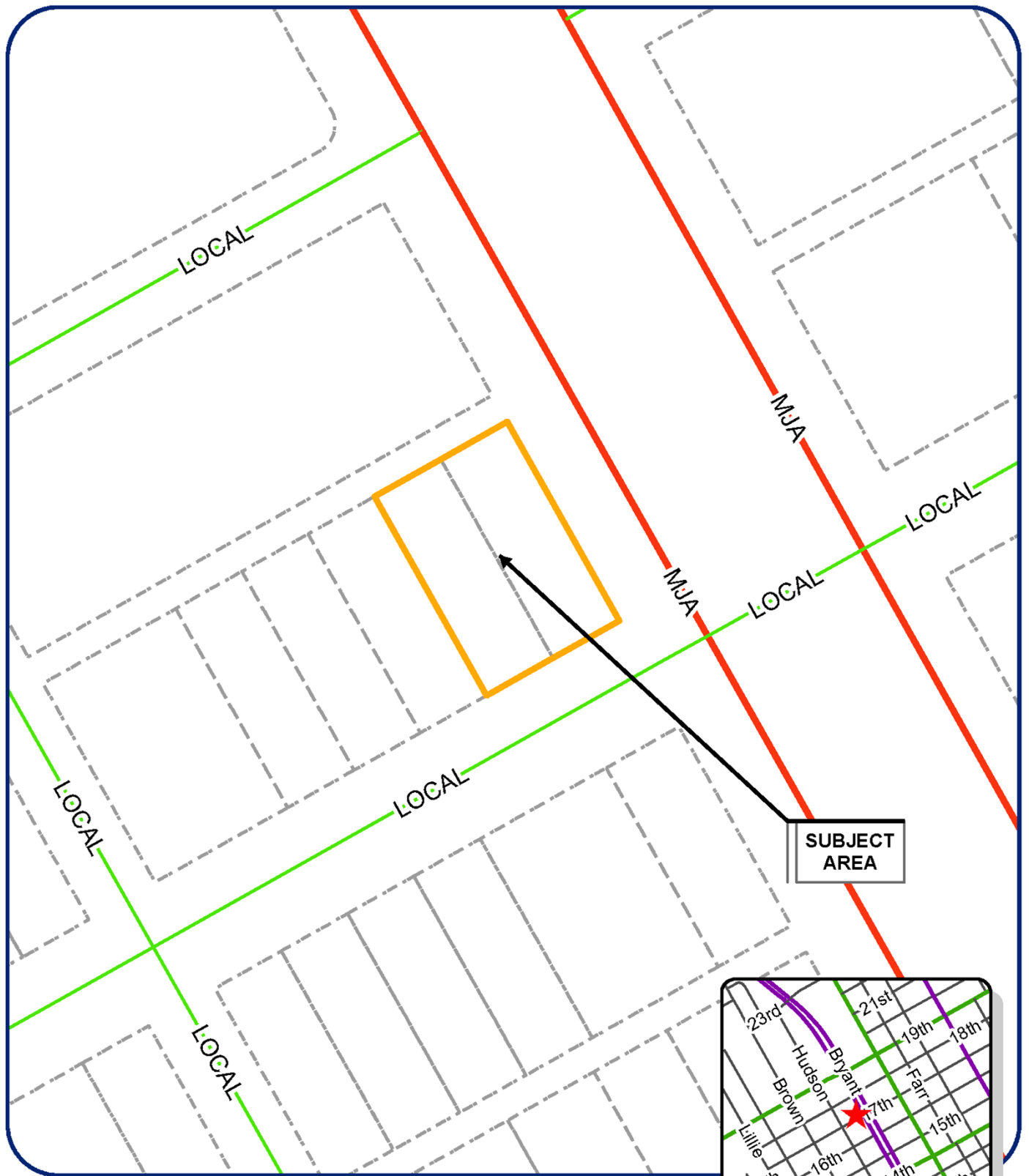
Current Zoning: **RS 1**

Requested Zoning Change: **CN/SU**

Vision: **Transitional**







Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

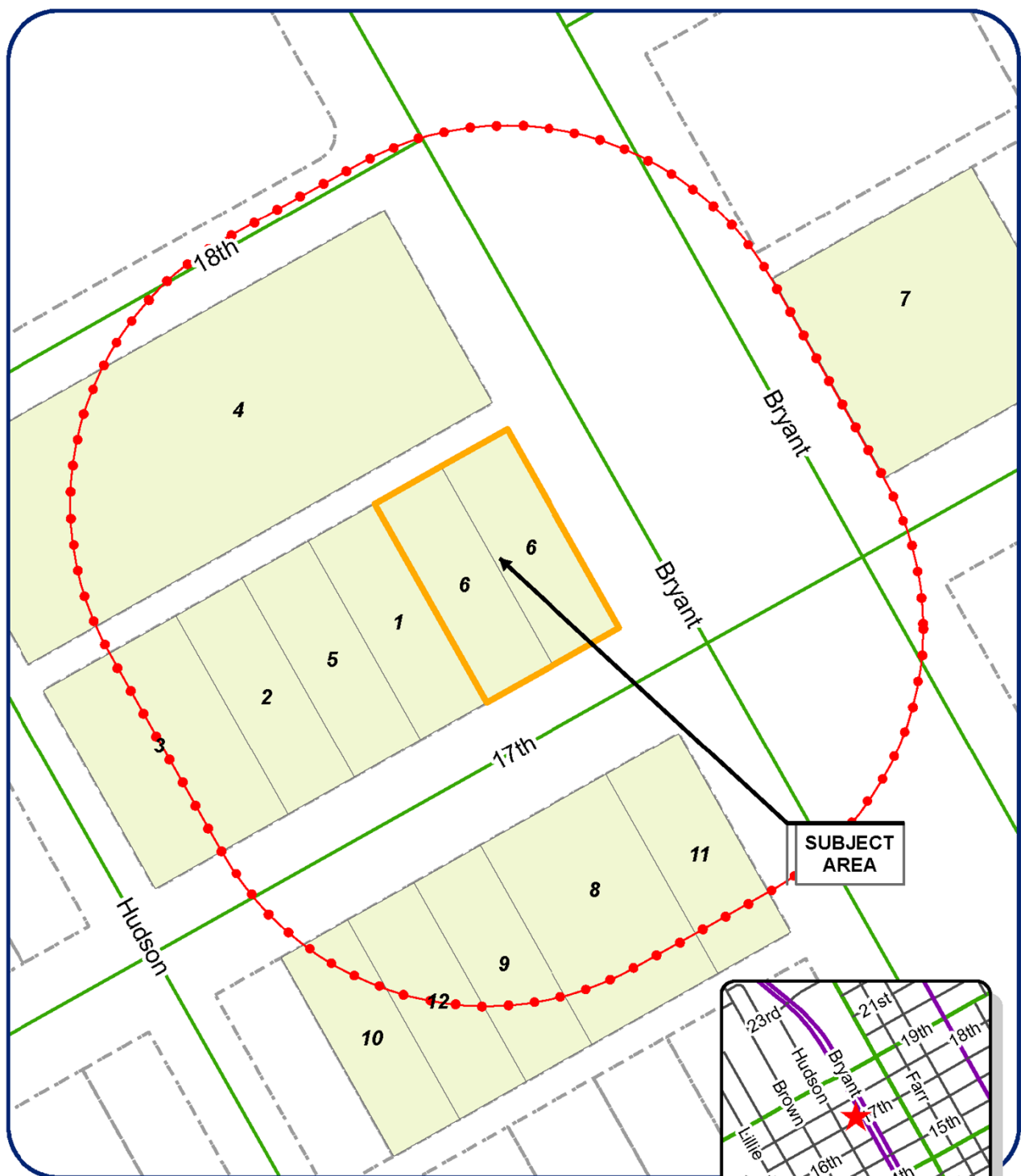
Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

Current Zoning: **RS 1**
Requested Zoning Change: **CN/SU**
Vision: **Transitional**





Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

Current Zoning: RS 1

Requested Zoning Change: CN/SU

Vision: Transitional



IND	vm_name	vm_incare	vm_line1	vm_city	vm_state	vm_zip
0	CITY OF SAN ANGELO	PLANNING DIVISION	52 W COLLEGE AVE	SAN ANGELO	TX	76903
1	ACEVEDO PEDRO R & LETICIA GARCIA		512 W 17TH ST	SAN ANGELO	TX	76903-4502
2	ACEVEDO SAUL		512 W 17TH ST	SAN ANGELO	TX	76903-4502
3	CARDENAS ISMAEL - DECEASED		520 W 17TH ST	SAN ANGELO	TX	76903-4502
4	DE WITT DE LARNCE		1117 ASHFORD DRIVE	SAN ANGELO	TX	76901-5305
5	DE WITT LANGSTON - DECEASED	DORETHEA DEWITT	3810 SOUTHLAND BLVD	SAN ANGELO	TX	76904-7241
6	HARGRAVES R W		1716 ELLIS	SAN ANGELO	TX	76905-4314
6	HARGRAVES R W		1716 ELLIS	SAN ANGELO	TX	76905-4314
7	HARRIS WALT		8750 WREN RD	SAN ANGELO	TX	76901-7436
8	MARTINEZ BEATRIZ		814 N VAN BUREN	SAN ANGELO	TX	76901-2518
9	NOAH ESTATES PROPERTIES I LP		1404 S OAKES ST	SAN ANGELO	TX	76903-7506
10	OWENS LEARY		521 W 17TH ST	SAN ANGELO	TX	76903-4501
11	REED CHARLES		401 KENNEDY DR	SAN ANGELO	TX	76905-7715
12	VIGIL SAMUEL & JULIE Z		817 E 18TH ST	SAN ANGELO	TX	76903-3568



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application for Approval of a Special Use

**Section 1: Basic Information**

Name of Applicant(s): Robby W. Hargraves
☒ Owner ☐ Representative (Affidavit Required)
 Mailing Address: 1218 Kenwood City: SA Tx State: TX Zip Code: 76904
325.277.9636 Contact Phone Number rwargraves@msn.com Contact E-mail Address
508-510 W. 17th St. Subject Property Address City: SA State: TX Zip Code: 76903
 Lot Size: 0.345 ac Zoning: RS-1 Future Land Use designation (Comprehensive Plan): Transition
Pending Δ to CN

Section 2: Site Specific Details (Use attachment if necessary)

Existing Use of Property: Vacant
 Proposed Use of Property: Auto Sales
 Proposed Special Use: Special Use for Auto + Light Truck Sales

I understand that this Commission is required by law to make decisions based on the following criteria, and I assert that my request meets all of the required criteria based on my explanation(s) below:

Impacts Minimized. Whether and the extent to which the proposed special use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: See attached letter

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.

Explanation: See attached letter

Compatible with Surrounding Area. Whether and the extent to which the proposed special use is compatible with the existing and anticipated uses surrounding the subject land.

Explanation: See attached letter

Section 2 continued: Site Specific Details

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, adverse impacts on water and air quality, noise, storm-water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

Explanation: See attached letter

Community Need. Whether and the extent to which the proposed special use addresses a demonstrated community need.

Explanation: See attached letter

Development Patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.

Explanation: See attached letter

Section 3: Applicant(s) Acknowledgement

Please initial the following:

☐ If approved, a Special Use is applied to the property, not the property owner.

☐ The Planning Commission makes recommendations on Special Use requests, City Council has final approval.

☐ Approval of this Special Use request does not constitute approval of permits, site plans, or other processes that require separate approval.

☐ If a permit is not sought within one year of the approval date of this Special Use, it will expire and requires another application.

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

Signature of licensee or authorized representative

Date

2-22-17

Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: SU 17 -- 01

Date of application: 2 / 22 / 17

Planning Commission Date: 3 / 20 / 17 City Council Date: / /

Nonrefundable application fee: \$ 400 Receipt #: Date paid: / /

Reviewed/Accepted by: Date: / /

February 21, 2017

Planning Manager
City of San Angelo Planning Division
512 West College Ave.
San Angelo, TX 76903

I am requesting a zone change for
properties 508 & 510 West 17th St (Legal
Description, Lots 16 & 17, Block 1, Mineola
addition, City of San Angelo, Tom Green County.

Both properties currently zoned R1. and
Join Bryant thruway South & 17th St.
Both properties have not been in use for a
number of years. Previous owner seems to
have had a real struggle complying with
City weed & brush control. We have cleaned
the brush & mesquite off. I respectfully request
a change to accommodate the use for a used
motor vehicle sales lot, with a small 16x30
office, with the balance to be paved.

There are four other like business on either
side of Bryant, with the rest being predominantly
commercial. I believe this to be the best use
for this property, I would create more taxes
and 2 to 4 more jobs

My Plan will conform with the
other business that are in this area,
and also enhance the value of
the surrounding property.

I pray that you will favor my
request.

I thank you very respectfully

R. W. Hargraves

IMAGES OF THE SUBJECT PROPERTY (Looking north along West 17th)



IMAGES OF THE SUBJECT PROPERTY (Looking south from rear alley)



AREA CONDITIONS SOUTH OF THE SITE



AREA CONDITIONS WEST OF THE SITE



AREA CONDITIONS NORTH OF THE SITE



AREA CONDITIONS EAST OF THE SITE



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 WITHIN THE NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT: **508 – 510 West 17th Street; generally located at the north-northwest corner of West 17th Street and North Bryant Boulevard (US Highway 87), and being Lots 16 and 17, Block One, Mineola Addition, an addition to the City of San Angelo, Tom Green County, Texas,** AUTHORIZING A SPECIAL USE TO ALLOW AN AUTOMOBILE AND BOAT DEALER (AUTOMOBILE AND LIGHT TRUCK SALES ONLY) SUBJECT TO CONDITIONS STATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, 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 subject zoning change and made its recommendation to City Council for Approval of the Special Use subject to conditions stated; and,

WHEREAS, notice has been duly published of the time and place of a public hearing before the City Council regarding the subject zoning changes, which public hearing was held on the 18th day of April, 2017; and,

WHEREAS, the City Council has determined that the amendment to the Comprehensive Plan and Zoning Ordinance herein made 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 ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: Chapter 12 of the Code of Ordinances of the City of San Angelo, the basic Zoning Ordinance for the City adopted on January 4, 2000, and the Zoning Map be and the same are hereby amended as follows:

508 – 510 West 17th Street; generally located within the Neighborhood Commercial (CN) Zoning District at the north-northwest corner of West 17th Street and North Bryant Boulevard (US Highway 87), and being Lots 16 and 17, Block One, Mineola Addition, an addition to the City of San Angelo, Tom Green County, Texas, as depicted in Exhibit “A,” zoned Neighborhood Commercial (CN) Zoning District, shall henceforth permanently have a **Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only).**

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to correct Zoning District Maps in the Office of the Director of the Planning and Development Services Department, to reflect the herein described changes in zoning.

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. The Special Use, as hereby authorized, shall have no fundamental effect upon the subject property’s underlying or base zoning classification.

SECTION 4: The Special Use, as hereby authorized, shall be subject to the following Conditions:

1. All business activities shall be limited to the sale of passenger automobiles, light and medium trucks and motorcycles only. Both lots that comprise the subject property shall be replatted into a single lot, and an approved and recorded plat shall be provided prior to the application for a building permit.

2. All site lighting on the premises, both existing and new, 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 and is suitably engineered for night-sky purposes. No new site lighting or building lighting shall be upward emitting. New site lighting shall utilize light emitting diode (LED) illumination.
3. The property owner shall be responsible for the construction of new sidewalk and replacement of any existing, substandard sidewalk abutting the subject property.
4. A minimum of two non-allergenic trees, with a minimum of three inches in caliper and 6 feet in height at time of planting, shall be placed along each street frontage. Examples of suitable tree species may include, but are not limited to, Mexican or Texas Redbud, Desert Willow, Shumard Oak, Chinese Pistache or Pinyon Pine. A landscape strip with a minimum width of 10 feet, in conjunction with required street trees, shall also be provided along both street frontages. This landscape strip may include landscaped portions of the street right-of-way. All site landscaping shall be subject to the approval of the Planning and Development Services Director, or designee.
5. Off- and on-loading activities are prohibited within the public right-of-way of West 17th Street, North Bryant Boulevard and the abutting service alley to the north of the subject property. Site access from West 17th Street shall be prohibited.
6. No vehicular inventory shall utilize a required parking space. All parking, circulation and vehicle display areas on the premises shall be paved in accordance with minimum City standards. The property owner shall ensure that any business-related parking does not intrude upon, or inconvenience nearby residents.
7. No vehicle repair, maintenance or vehicle body repair shall be permitted on the premises. No salvage or junk vehicles shall be maintained on the premises, nor shall

any debris, vehicle parts, tires, lubricants or other toxic and caustic materials be stored on the premises.

8. All incidental outdoor storage shall be allowed adjacent to a principal building wall and extending to a distance no greater than 5 feet from the wall. Incidental outdoor storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.
9. No portable signage shall be allowed on the premises. All illuminated signage on the premises shall be turned off between the hours of 10:00 PM and 7:00 AM the following day.
10. No loud speakers, paging systems or other auditory devices, with the exception of security alarms, shall be permitted on the premises.
11. No intermodal storage containers, boxcars, recreational vehicles or mobile homes shall be placed on the premises.
12. Solid screening or a suitable vegetative alternative shall be utilized along the west and north property lines for matters of residential adjacency. Chain-link fencing with vinyl slats may not be used for screening purposes.
13. All fencing along West 17th Street and North Bryant Boulevard shall consist of any of the following: (a) low-post, split-rail metal fencing, painted in either earth-tone or black; (b) green or black vinyl-clad, chain-link fencing (4-ft maximum height); (c) decorative wrought-iron fencing (4-ft maximum height); or (d) reinforced bollards, painted in either earth-tone or black, concrete or decorative metal. No barbed or concertina (razor) wire fencing shall be permitted.

14. If the approved Special Use is inactive or discontinued for a period exceeding 360 consecutive days, or if the approved Special Use does not become active within a period of six months following the date of City Council approval, then the Special Use shall be declared null and void.

SECTION 5. This special use approval is subject to the requirement that the property for which the approval is issued must actually acquire a building permit for the approved use within 12 months from the granting of the special use approval, provided that the Planning Director, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.

SECTION 6. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 7 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 8: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **18th day of April, 2017**, and finally PASSED, APPROVED AND ADOPTED on this, the **2nd day of May, 2017**.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: April 18, 2017

Item type: Regular Item

Caption:

First Reading and public hearing of an Ordinance approving a request for the vacation and abandonment of all of the east-to-west public alley located in Block 1, Rio Vista Addition, consisting of approximately 0.064 acres (2,794 square feet), generally located 124 feet north of Paint Rock Road, emanating westward from the west right-of-way line of Jordan Street. (Presentation by Planning & Development Services Director Jon James)

Summary/History:

The purpose of this request is to revert otherwise unutilized and platted alley right-of-way into useable area. There is an existing 30-foot sewer easement that runs diagonally across the property that turns and encompasses a portion of the alley way that is not being shown on any of the provided diagrams. It is an active sewer easement with multiple large 42-inch and 30-inch sewer lines. Although City Engineering can support the abandonment of alley, it will not support any release of easements, and those areas must remain accessible.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission heard this item on March 20, 2017. Commissioner Smith made a Motion to APPROVE the request, and Commissioner Stribling seconded the Motion. The Motion passed unanimously, 5-0.

Attachments:

- | | | |
|----|-----------------|--|
| 1. | Staff Report | Alley Abandonment (Rio_Vista) Report_City Council.docx |
| 2. | Draft Ordinance | Alley Abandonment (Rio_Vista)_Ordinance_FINAL.docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

STAFF REPORT



Meetings: April 18, 2017
May 2, 2017

To: San Angelo City Council

From: Jon James, AICP
Director of Planning and Development Services

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Request: A request to approve the vacation and abandonment of all of the east-to-west public alley located in Block 1, Rio Vista Addition

Location: Generally located approximately 124 feet north of Paint Rock Road, emanating westward from the west right-of-way line of Jordan Street

Size: Approximately 0.064 acres (2,794 square feet)

General Information

Future Land Use:	Neighborhood Center
Zoning:	General-to-Heavy Commercial (CG/CH)
Existing Land Use:	Public Alley Right-of-Way

Surrounding Zoning/Land Use:

North:	General-to-Heavy Commercial (CG/CH)	Vacant
West:	General Commercial (CG)	Residential
South:	General-to-Heavy Commercial (CG/CH)	Retail Sales/Service
East:	Single-family Residential (RS-1)	School District Maintenance Offices

District: SMD#3 – Harry Thomas

Neighborhood: Glenmore

Background:

The subject alley was platted in 1928 (Rio Vista Addition, Volume 1, pages 106 and 107) with an approximate 233-ft length and 12-foot width through Block One, which yields seven platted lots. Upon subsequent assembly, the overall site will be comprised of approximately 57,190 square feet, or 1.31 acres. The purpose of this request is to revert otherwise unutilized and platted alley right-of-way into useable area. Planning Staff circulated the application to other City departments and private utility companies in the area. The City's Engineering Services and Water Utilities Departments offer no objection. It is noted, however, that there is an existing 30' sewer easement that runs diagonally across the property that turns and encompasses a portion of the alley way that is not being shown on any of the provided diagrams. It is an active sewer easement with multiple large 42" and 30" sewer lines. Although City Engineering can support the abandonment of alley, City Engineering will not support any release of easements, and those areas must remain accessible. This matter should be satisfactorily addressed through the subsequent and mandatory land assembly by replat. No opposition or special requests from the utility companies were received.

Notification:

On March 3, 2017, two public notices were mailed to abutting property owners. The petition is also subject to notice through publication in a newspaper of record.

Planning Commission Action:

This request was scheduled for review and consideration on the March 20, 2017, Planning Commission docket as Regular Agenda Item *III.4.A*. Below is an excerpt from the meeting's unofficial minutes:

David Stallworth, Principal Planner, outlined the request. Mr. Stallworth indicated the location of the subject area, and he also showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth concluded his presentation with a recommendation of approval, subject to Conditions, along with the basis for his recommendation.

Barring further Staff input, Chairperson Preiss opened the public hearing. As there was no public comment on this matter, Chairperson Preiss closed the public hearing and entertained further deliberation and possible motions.

Commissioner Smith Motioned to approve the proposed vacation and abandonment, subject to conditions. Commissioner Stribling seconded the Motion. The Motion passed unanimously, 5-0.

Staff Recommendation:

Staff's recommendation is for City Council to **APPROVE** the request for a vacation and abandonment of all of the east-to-west public alley located in Block 1, Rio Vista Addition, **subject to the following three Conditions of Approval:**

Proposed Conditions:

1. Per the Code of Ordinances, Section A9.008, payment per the assessment formula outlined in the fee schedule shall be remitted for all of the abandoned right-of-way, should the vacation and abandonment be approved.
2. Verification of the recordation of quit claim deed(s) officially abandoning the City's claim to the entirety of the abandoned alley shall be provided.
3. The Petitioner shall record an approved replat that assembles all platted lands and reversions to acreage associated with the overall property into a single lot within a period not to exceed twelve months from the effective date of this approval.

Attachments:

Aerial Map
Location Map
Descriptions of Vacation / Abandonment
Public Notice Information
Existing Sewer Main Locations



Alley Abandonment Case File

Alley - Block 1, Rio Vista Add'n

Council District: District 3 (Thomas)

Neighborhood: Glenmore

Scale: 1 Inch :: 100 Feet

Legal Description: Alley, Block 1, Rio Vista Add'n

Legend

Subject Area:

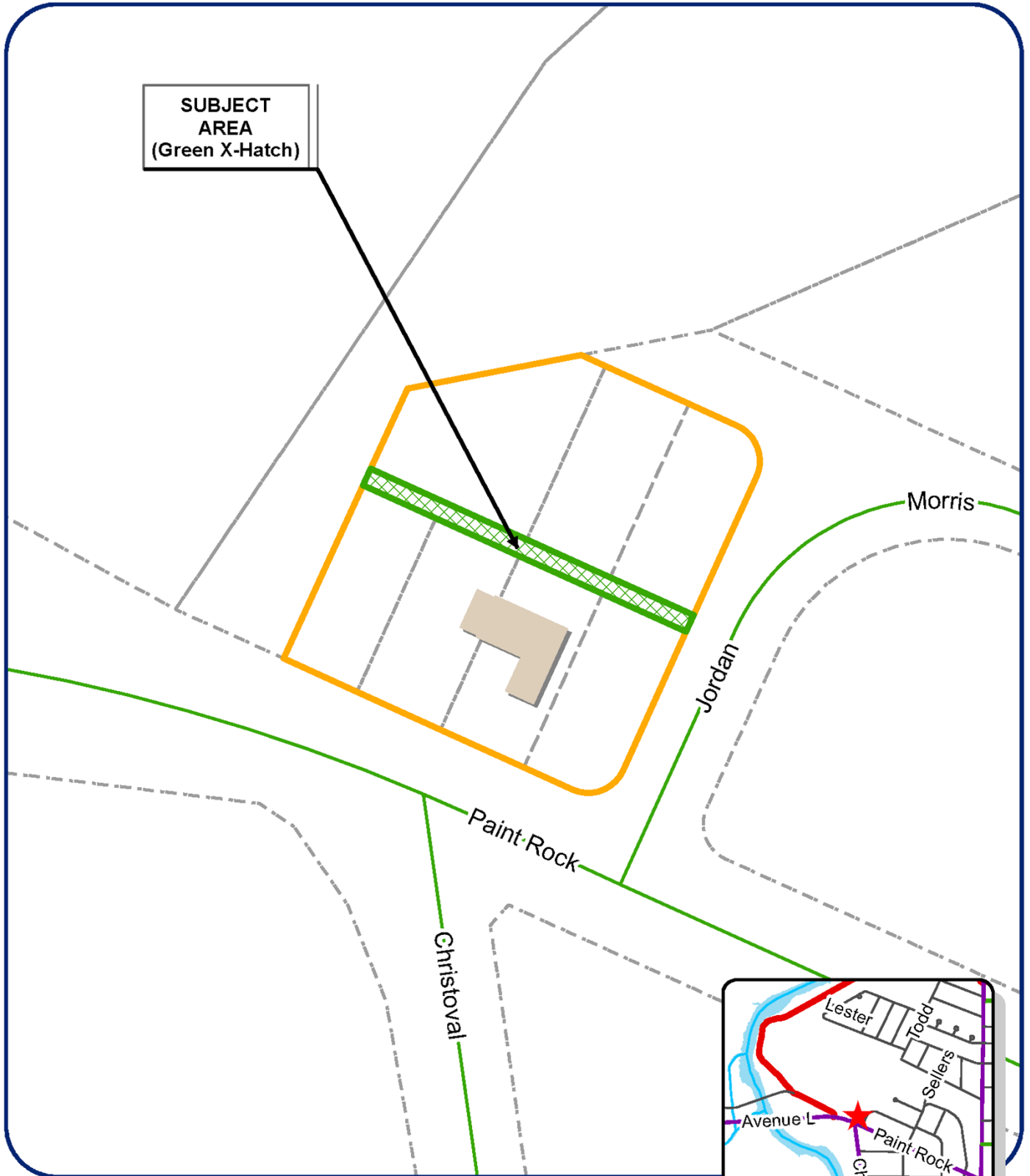
Current Zoning: **CG/CH**

Requested Zoning Change: **N/A**

Vision: **Neighborhood Ctr**



SUBJECT
AREA
(Green X-Hatch)



Alley Abandonment Case File

Alley - Block 1, Rio Vista Add'n

Council District: District 3 (Thomas)

Neighborhood: Glenmore

Scale: 1 Inch :: 100 Feet

Legal Description: Alley, Block 1, Rio Vista Add'n

Legend

Subject Area: 

Current Zoning: **CG/CH**

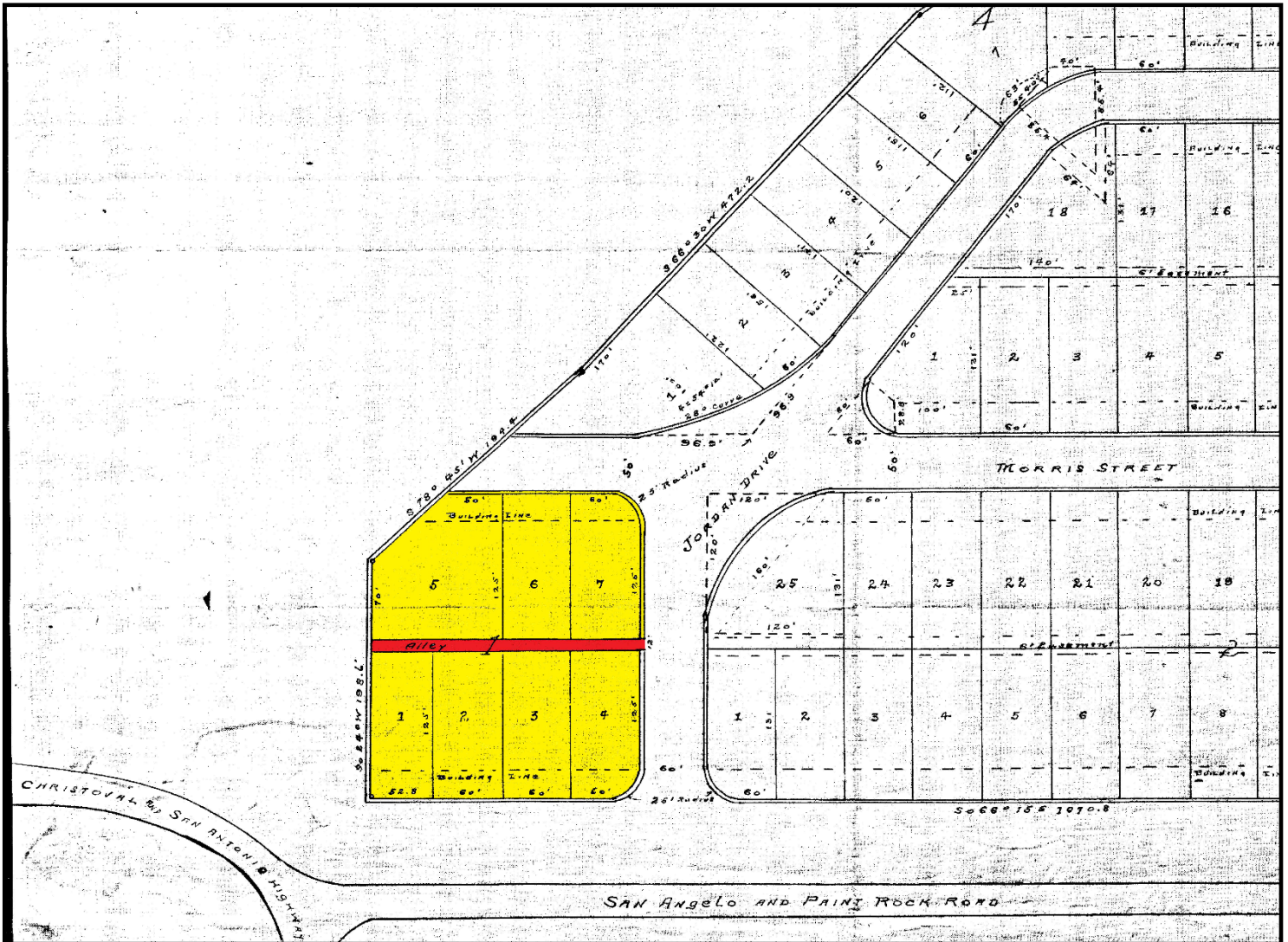
Requested Zoning Change: **N/A**

Vision: **Neighborhood Ctr**

N

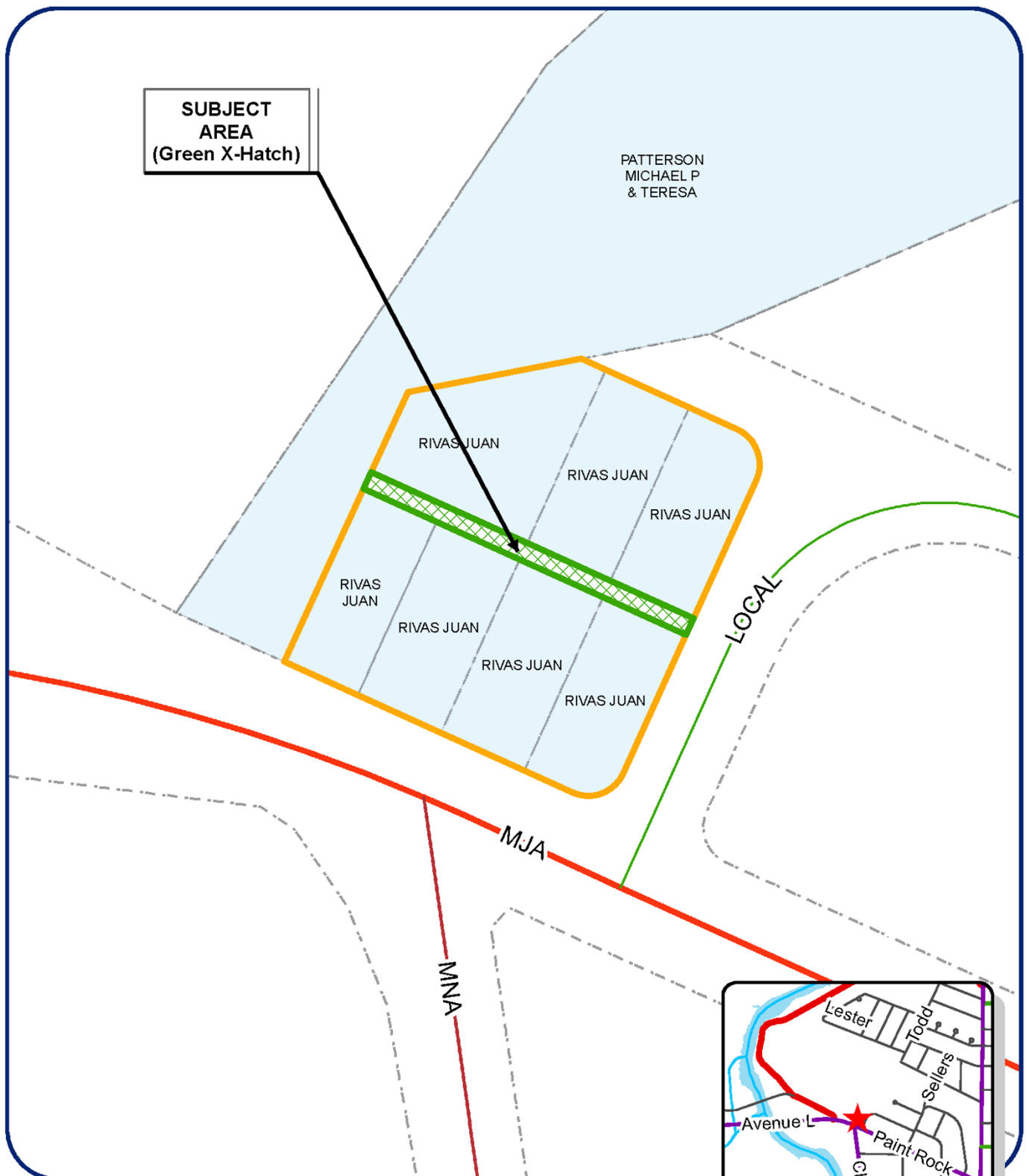


EXHIBIT – A



LOCATION MAP; PROJECT AREA DESCRIPTION

An east-to-west alley right-of-way, being approximately 232.8 feet in length by 12 feet in width, situated in Block One, Rio Vista Additon, as recorded under Volume 1, Pages 106 and 107, Official Plat Records, Tom Green County, TX, and consisting of approximately 2,794 square feet, or 0.064 acres



Alley Abandonment Case File

Alley - Block 1, Rio Vista Add'n

Council District: District 3 (Thomas)

Neighborhood: Glenmore

Scale: 1 Inch :: 100 Feet

Legal Description: Alley, Block 1, Rio Vista Add'n

Legend

Subject Area: —

Current Zoning: CG/CH

Requested Zoning Change: N/A

Vision: Neighborhood Ctr

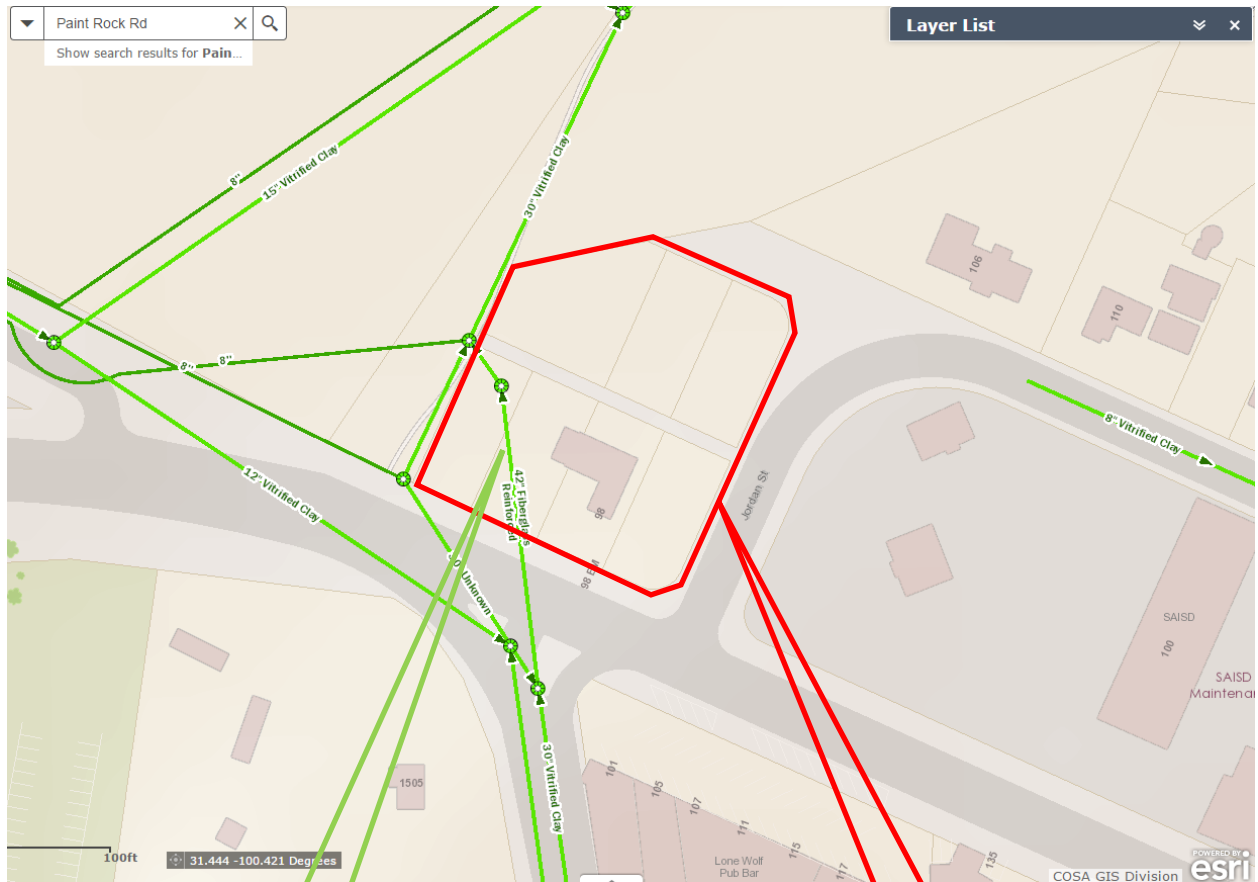


ALLEY ABANDONMENT - BLK 1, RIO VISTA ADD'N

Total Recipients: 2

vm_name	vm_line1	vm_city	vm_state	vm_zip
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
PATTERSON MICHAEL P & TERESA	92 PAINT ROCK RD	SAN ANGELO	TX	76903-7924

LOCATION OF EXISTING SEWER MAINS TO BE PRESERVED THROUGH REPLAT OF THE PROPERTY



EXISTING
SEWER MAINS
(in GREEN)

PROPERTY
BOUNDARY
(in RED)

ALLEY TO BE VACATED AND ABANDONED





GENERAL LOCATION OF WESTWARD EXTENSION, MORRIS ST.
(Platted and Unimproved)



RIVAS PROPERTY (Looking south)



RIVAS PROPERTY (Looking west)



PATTERSON PROPERTY ENTRANCE FROM PAINT ROCK RD



AN ORDINANCE PROVIDING FOR THE CLOSURE, VACATION AND ABANDONMENT OF THE FOLLOWING UNIMPROVED ALLEY, TO WIT: (A) ALL OF THE EAST-TO-WEST, 12-FOOT-WIDE BY 233-FOOT-LONG PUBLIC ALLEY THROUGH BLOCK ONE OF THE RIO VISTA ADDITION (VOLUME 1, PAGE 106, OPRTGCTX), CONSISTING OF APPROXIMATELY 2,794 SQUARE FEET (0.064 ACRES) IN SAN ANGELO, TOM GREEN COUNTY, TEXAS; AUTHORIZING CONVEYANCE THEREOF BY QUITCLAIM DEED TO ABUTTING PROPERTY OWNERS; AND PROVIDING TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE.

WHEREAS, the City Council of the City of San Angelo, acting pursuant to law, deems it advisable to abandon and convey the herein described tract of land to the abutting property owner and is of the opinion that said land is not needed for public use, and that same should be abandoned and quit claimed to the abutting property owner as hereinafter provided; and

WHEREAS, the City Council of the City of San Angelo is of the opinion that the best interest and welfare of the public will be served by abandoning and conveying said tract of land to the abutting property owner(s), subject to the conditions and restrictions contained herein;

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

SECTION 1: That the public alley right-of-way (hereafter referred to as “subject tract of land”) located in the City of San Angelo, Tom Green County, Texas, described and depicted in **Exhibit “A,”** attached hereto and made a part hereof for all purposes, be and the same are hereby closed, vacated and abandoned insofar as the right, title and easement of the public are concerned; subject however, to the conditions and restrictions hereinafter more fully set out.

SECTION 2: That the abandonment and conveyance provided for herein is made and accepted subject to all present zoning and deed restrictions, if the latter exist, and all existing easements, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 3: That the abandonment and conveyance provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to the interest which the governing body for the City of San Angelo may legally and lawfully abandon and vacate.

SECTION 4: That as a condition of the abandonment and as part of the consideration for the quitclaim deed authorized under this Ordinance, the Grantee shall:

- a) Pay all recording fees related to the abandonment and authorized conveyances;
- b) Pay the applicable fee per square foot for the sum of square feet of abandoned right-of-way pursuant to Ordinance; and
- c) Before the passing of one year from the effective date of this Ordinance, the Grantee shall secure and record an approved replat with the Official Public Records of Real Property, Tom Green County Clerk, that assembles the subject tract of land with any immediately abutting lands as owned by the Grantee, as depicted on **Exhibit "A."**

SECTION 5: That the terms and conditions contained in this Ordinance shall be binding upon Grantee and Grantees' heirs, successors and assigns.

SECTION 6: That the Mayor of the City of San Angelo is hereby authorized to execute and, upon receipt of the consideration provided for at Section 4, herein, deliver a quit claim deed conveying the subject tract of land as described in **Exhibit "A,"** to the abutting property owner.

SECTION 7: That the City Clerk is hereby authorized and directed to certify a copy of this adopted Ordinance for recordation in the Official Real Property Records of Tom Green County, Texas, wherein the subject tract of land is located.

INTRODUCED on the **18th day of April, 2017**, and finally PASSED, APPROVED AND ADOPTED on this the **2nd day of May, 2017**.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

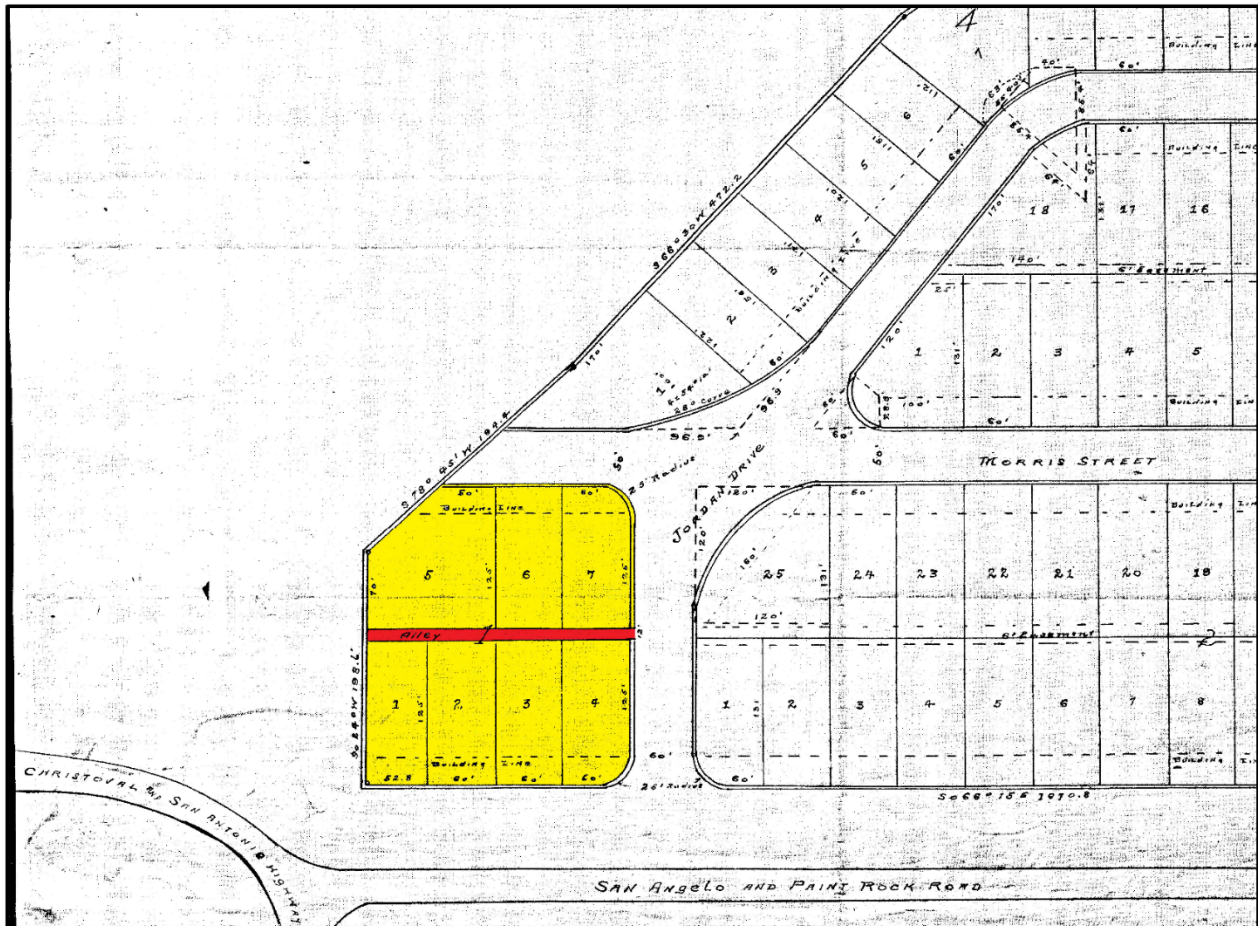
APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

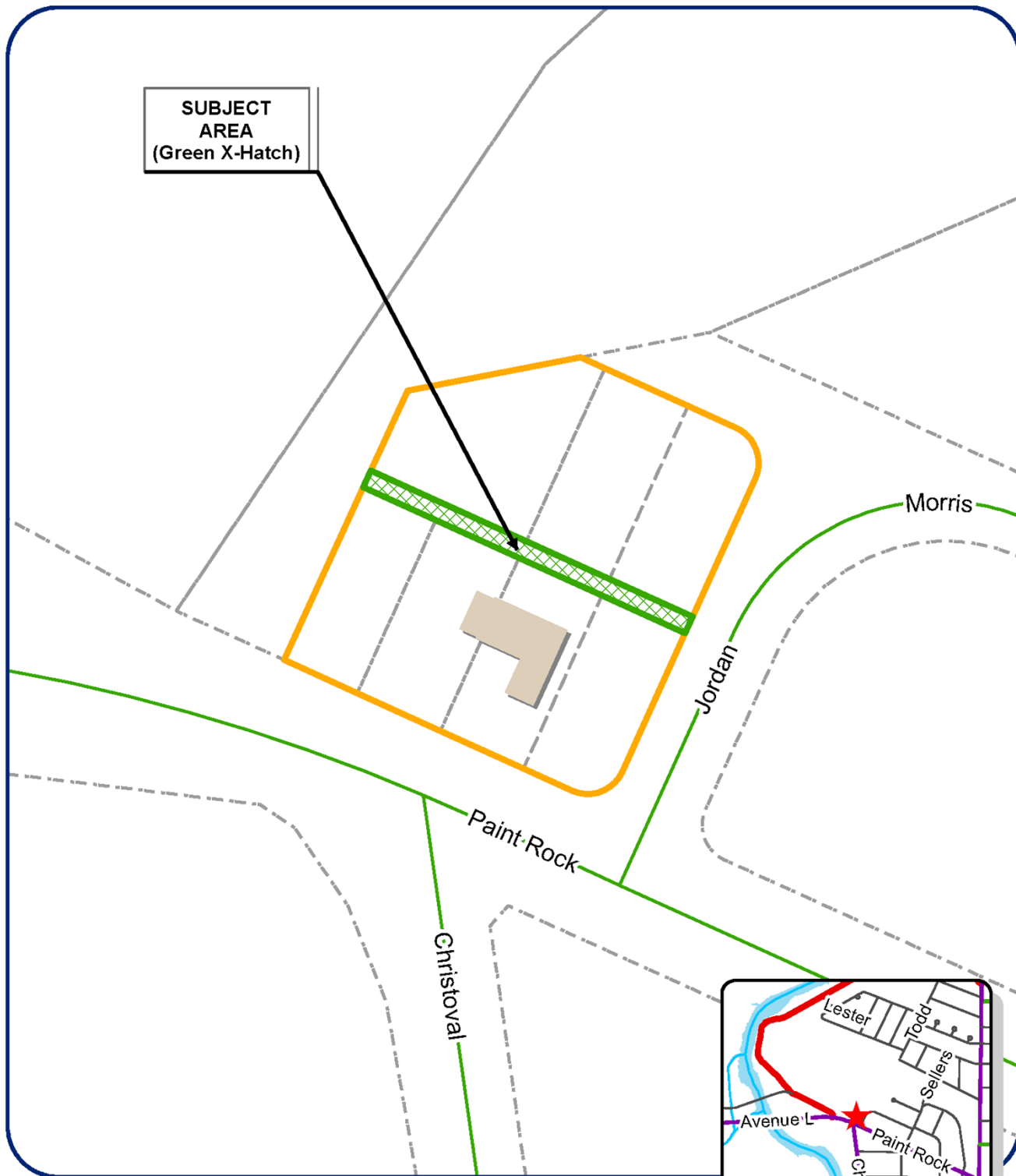
EXHIBIT – A

LOCATION MAP; PROJECT AREA DESCRIPTION



An east-to-west alley right-of-way, being approximately 232.8 feet in length by 12 feet in width, situated in Block One, Rio Vista Addition, as recorded under Volume 1, Pages 106 and 107, Official Plat Records, Tom Green County, TX, and consisting of approximately 2,794 square feet, or 0.064 acres

**SUBJECT
AREA
(Green X-Hatch)**



Alley Abandonment Case File

Alley - Block 1, Rio Vista Add'n

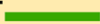
Council District: District 3 (Thomas)

Neighborhood: Glenmore

Scale: 1 Inch :: 100 Feet

Legal Description: Alley, Block 1, Rio Vista Add'n

Legend

Subject Area: 
 Current Zoning: **CG/CH**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood Ctr**





Alley Abandonment Case File

Alley - Block 1, Rio Vista Add'n

Council District: District 3 (Thomas)

Neighborhood: Glenmore

Scale: 1 Inch :: 100 Feet

Legal Description: Alley, Block 1, Rio Vista Add'n

Legend

Subject Area:
 Current Zoning: **CG/CH**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood Ctr**



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: April 18, 2017

Item type: Regular Item

Caption:

First public hearing and consideration of an Ordinance amending the Land Development and Subdivision Ordinance to allow for the submittal of plat applications in accordance with a published schedule and to allow for variances to two provisions that are currently not variable regarding street access to a Manufactured Home Park, Mobile Home Park, and Recreational Vehicle Park and regarding the restriction of dead-end streets not providing exclusive frontage to more than 40 lots or tracts of land. (Presentation by Planning & Development Services Director Jon James)

Summary/History:

This item makes two general changes to the City's subdivision ordinance. The first amendment allows staff to establish a published schedule for plat submittals consistent with the timeline and requirements established in State statute. The second set of amendments allow for an applicant to seek a variances from two provisions, which currently cannot be varied, as requested by the Council at its March 7, 2017, meeting.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission heard this item on March 20, 2017. Commissioner Farmer made a Motion to APPROVE the text amendment, and Commissioner Spano seconded the Motion. The Motion passed unanimously, 5-0.

Attachments:

- | | | |
|----|--------------|---|
| 1. | Staff Report | Memo_Chapter 9 Chapter 4_City Council (2017-04-18).docx |
| 2. | Ordinance | Ord_Chapter 5 Chapter 9_City Council (04-18-17).docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

MEMO

**Meeting**

Dates: April 18, 2017
May 2, 2017

To: City Council

From: Jon C. James, AICP
Director

Request: Text Amendment to the Land Development and Subdivision Ordinance, Chapter 5, Procedural Requirements for Processing Subdivisions, Section III Stages of Development Review, A.2.a. and A.3.a. and Chapter 9 Subdivision Design Policies, Section III Streets and Roads, A.7.b. and C.2.

Background:

The attached are amendments to the Land Development and Subdivision Ordinance. The first amendment is in Chapter 5, Procedural Requirements for Processing Subdivisions, Section III Stages of Development Review, A.2.a. and A.3.a. in order to allow for the submittal of plat applications consistent with State statute and in accordance with the published schedule for plat submittals.

Additionally, there are also amendments to Chapter 9 Subdivision Design Policies, Section III Streets and Roads to allow for an applicant to seek a variances from two provisions, which currently cannot be varied. First, in subsection A.7.b. in order to allow for an applicant to seek a variance from the prohibition of Manufactured Home Park, Mobile Home Park and Recreational Vehicle Park developments to have primary access to the site from a local street and from and also in subsection C.2 to allow a variance from the restriction of dead-end streets not providing exclusive frontage to more than 40 lots or tracts of land.

The Ordinance currently allows applicants to submit their plat applications no later than 5:00 p.m. on the third Monday before the City Planning Commission meeting. State statute requires municipalities to process plat requests within 30 days of their acceptance. The Ordinance effectively removes one week of staff review from the process and has led to several instances where applicants have had to provide corrections or explanations with one or two days of lead time. Additionally, the Ordinance currently requires 13 copies of the proposed plat to be submitted. Staff believes that such a high number of copies is no longer necessary, especially given that the majority of plats today can, and have been, submitted electronically. This amendment seeks to minimize the waste of superfluous paper copies and reduce the burden on both staff and the applicant.

The Ordinance currently also prohibits applicants from seeking variances from two subsections of Chapter 9 Subdivision Design Policies, Section III Streets and Roads (A.7.b. and C.2.). These sections include the verbiage “shall not be allowed under any circumstance” and “in no circumstance, though, shall any.” The City’s Legal Department has determined that these sections have the effect of denying an applicant the ability to obtain variance relief from the Planning Commission and City Council. Therefore, at the request of City Council at its March 7, 2017, meeting, the second part of the proposed amendment eliminates the above-referenced language and replaces it with simple verbiage that maintains the individual sections’ requirements while still providing for the opportunity for an applicant to seek a variance.

Planning Commission Action:

This request was scheduled for review and consideration on the March 20, 2017, Planning Commission docket as Regular Agenda Item V.B. Below is an excerpt from the meeting’s unofficial minutes:

Planning Director Jon James presented a text amendment to change the deadline of a plat from no later than the third Monday before a Planning Commission Meeting to the State deadline of no more than 30 days. The text would change to read “in accordance with the published schedule for plat submittals.” Staff will also be implementing a pre-application process. This will be an optional application that will be put in place to help avoid some of the issues that have arisen and have caused applications to take longer than usual.

The second piece of this text amendment was to remove the wording of “under no circumstance” from the ordinance, so that

Planning Commission has the ability to review variances from these instances.

There were no public comments or discussion.

A Motion to approve the proposed text amendment was made by Commissioner Farmer and seconded by Commissioner Spano. The motion carried unanimously, 5-0.

Attachment:

Proposed Land Development and Subdivision Ordinance Amendments

CHAPTER 5 PROCEDURAL REQUIREMENTS FOR PROCESSING SUBDIVISIONS

SECTION III: STAGES OF DEVELOPMENT REVIEW

A. Major Subdivisions

2. Preliminary Plat. The preliminary plat shall be submitted to the City Planning Commission for approval before consideration of a final plat intended for future recording with the Tom Green County Clerk. Preliminary plats will not be reviewed by the City Planning Commission, until such plats are officially accepted by the Planning Department. Plats not accompanied by an official application and not containing all proper information will not be accepted for review. Either the preliminary plat itself or an accompanying map shall illustrate the total contiguous tract(s) of land owned by or under the control of the subdivider, even if only a portion of the tract is intended for subdivision by a final plat. A boundary survey will not be required, but the boundaries of land intended to be submitted as a final plat shall be dimensioned and accurately drawn to scale, and so shall the boundaries of all land owned by, or under the control of, the subdivider (if more extensive than the area intended for final subdivision). Boundary data from recorded deeds shall be used, whenever appropriate. The preliminary plat shall be prepared by a qualified professional, trained and experienced in subdivision design.

- a. Deadline for submission. ~~Thirteen paper copies of~~ An application and copy of the preliminary plat must be submitted to the Planning Department ~~no later than 5:00 p.m. on the third Monday before the City Planning Commission meeting at which the applicant desires to have the Plat reviewed~~ in accordance with the published schedule for plat submittals.

3. Final Plat. A subdivider shall be responsible for filing an application for final plat review of a major subdivision, after a preliminary plat thereof has been approved. A final plat may be submitted for all or any portion of the preliminary plat, unless the City Planning Commission determines that final platting is necessary for additional land covered by the preliminary plat. A final plat will not be considered by the City Planning Commission, until an approved preliminary plat incorporating all changes or corrections required by the City Planning Commission is on file with the Planning Department. A revised preliminary plat may be submitted to the Planning Department at the same time an application is made for a final plat. The final plat shall generally conform to the preliminary subdivision plat as approved by the City Planning Commission. A final plat that does not conform with the preliminary may require submission of a revised preliminary plat, for review by the City Planning Commission. This requirement will be determined by the Planning Director; however, this determination may be appealed to the City Planning Commission.
 - a. ~~Deadline for submission. Thirteen copies of the~~ An application and copy of the final plat must be submitted to the Planning Department no later than 5:00 p.m. on the third Monday before the City Planning Commission meeting at which the applicant desires to have the plat reviewed in accordance with the published schedule for plat submittals.

CHAPTER 9

SUBDIVISION DESIGN POLICIES

Section III: STREETS AND ROADS

- A. General Design Guidelines. All streets shall be improved to the minimum standards as defined in Chapter 10, for the type of subdivision proposed, and shall be properly integrated with the existing and proposed system of streets, roads and other dedicated rights-of-way.
- 7. Manufactured Home Park, Mobile Home Park and Recreational Vehicle Park developments:
 - b. Primary access to the site shall not be allowed ~~under any circumstance~~ from a local street as indicated in the City of San Angelo Thoroughfare Plan.
- C. Dead End Streets
 - 2. Maximum Length Allowed. The length of any dead-end street shall be a maximum of 750 feet, measured along the centerline of such street right-of-way, from the point at which that centerline intersects the alignment of an intersecting street's right-of-way, to a point at the center of the turnaround terminating said dead-end street. ~~In no circumstance, though, shall any~~ A dead-end street shall not provide exclusive frontage to more than 40 lots or tracts of land.

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SAN ANGELO, CHAPTER 12 “PLANNING AND DEVELOPMENT,” EXHIBIT “C,” “LAND DEVELOPMENT AND SUBDIVISION ORDINANCE” BY: AMENDING CHAPTER 5 “PROCEDURAL REQUIREMENTS FOR PROCESSING SUBDIVISIONS,” SECTION III “STAGES OF DEVELOPMENT REVIEW,” SUBPART “A” “MAJOR SUBDIVISIONS,” PARAGRAPHS 2. a. AND 3. a. “DEADLINE FOR SUBMISSION,” PROVIDING FOR SUBMISSION OF APPLICATION, PRELIMINARY PLAT AND FINAL PLAT IN ACCORDANCE WITH THE PUBLISHED SCHEDULE THEREFORE; REDUCING THE NUMBER OF COPIES THAT MUST BE SUBMITTED; AND BY AMENDING CHAPTER 9 “SUBDIVISION DESIGN POLICIES,” SECTION III “STREETS AND ROADS,” AMENDING: SUBPART “A” “GENERAL DESIGN GUIDELINES,” PARAGRAPH 7. “MANUFACTURED HOME PARK, MOBILE HOME PARK AND RECREATIONAL VEHICLE PARK DEVELOPMENTS,” SUBPARAGRAPH b., RELATING TO PRIMARY ACCESS; AND, SUBPART “C” “DEAD-END STREETS,” PARAGRAPH 2. “MAXIMUM LENGTH ALLOWED” RELATING TO NUMBER OF LOTS OR TRACTS ON A DEAD-END STREET; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 12, “Planning and Development,” Exhibit “C” “Land Development and Subdivision Ordinance,” Chapter 5 “Procedural Requirements for Processing Subdivisions,” Section III “Stages of Development Review,” Subpart “A: “Major Subdivisions,” part 2. “Preliminary Plat,” a. “Deadline for Submission” is amended to read as follows:

“a. Deadline for submission. An application and copy of the preliminary plat must be submitted to the Planning Department in accordance with the published schedule for plat submittals.”

Section 2. Chapter 12, “Planning and Development,” Exhibit “C” “Land Development and Subdivision Ordinance,” Chapter 5 “Procedural Requirements for Processing Subdivisions,” Section III “Stages of Development Review,” Subpart “A: “Major Subdivisions,” part 3. “Final Plat,” a. “Deadline for Submission” is amended to read as follows:

“a. Deadline for submission. An application and copy of the final plat must be submitted to the Planning Department in accordance with the published schedule for plat submittals.”

Section 3. Chapter 12, Exhibit “C” “Land Development and Subdivision Ordinance,” Chapter 9 “Subdivision Design Policies,” Section III “Streets and Roads,” Subpart “A: “General Design Standards,” part 7. “Manufactured Home Park, Mobile Home Park and Recreational Vehicle Park Developments,” subparagraph b. is amended to read as follows:

“b. Primary access to the site shall not be allowed from a local street as indicated in the City of San Angelo Thoroughfare Plan.”

Section 4. Chapter 12, Exhibit “C” “Land Development and Subdivision Ordinance,” Chapter 9 “Subdivision Design Policies,” Section III “Streets and Roads,” Subpart “C: “Dead End Streets,” part 2. “Maximum Length Allowed” is amended to read as follows:

“2. Maximum Length Allowed. The length of any dead-end street shall be a maximum of 750 feet, measured along the centerline of such street right-of-way, from the point at which that centerline intersects the alignment of an intersecting street’s right-of-way, to a point at the center of the turnaround terminating said dead-end street. A dead-end street shall not provide exclusive frontage to more than 40 lots or tracts of land.”

Section 5. If any 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, or for any reason unenforceable, the validity of the remaining provisions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation of this Ordinance. This ordinance will be reviewed and revised periodically to accommodate any changes in State or Federal requirements that may be necessary.

Section 6. That this Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the 18th day of April, 2017, and finally PASSED, APPROVED AND ADOPTED on this the 2nd day of May, 2017.

ATTEST

THE CITY OF SAN ANGELO

Bryan Kendrick, City Clerk

Dwain Morrison, Mayor

APPROVED AS TO FORM

APPROVED AS TO CONTENT

Dan T. Saluri, Deputy City Attorney

Jon James, Director of Planning &
Development Services

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: April 18, 2017

Item type: Regular Item

Caption:

First public hearing and consideration of an Ordinance amending the Zoning Ordinance, Article 5, Sections 501 and 804 establishing a definition and creating development standards for Industrialized Housing (i.e. Modular Homes).
(Presentation by Planning & Development Services Director Jon James)

Summary/History:

Staff has drafted a text amendment that seeks to provide architectural conformity with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located, require all industrialized housing to be securely fixed to a permanent foundation and comply with City building setbacks, subdivision control, square footage, and other site requirements applicable, mandate that before an industrial housing unit is constructed, erected, installed, or moved onto a site, an application to the Building Official shall be submitted, provide for a means of requiring that any industrial housing have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the outer boundaries of the lot on which the industrialized housing is proposed to be located; and create a definition for "Industrial Housing" that is consistent with the Texas Department of Licensing and Regulation's standards.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission heard this item on March 20, 2017. A Motion to approve the proposed text amendment with a change to the first subsection from "conformity with the single-family dwellings located within 100 feet of the lot on which the industrialized housing will be located" to "conformity with the single-family dwellings located within 500 feet from the outer boundaries of the lot on which the industrialized housing is proposed to be located," was made by Commissioner Smith and seconded by Commissioner Stribling. The motion carried unanimously, 5-0.

Attachments:

1. Staff Report Memo_Modular Homes_City Council (2017-04-18).docx
2. Ordinance Ord_Modular Homes_City Council (2017-18-04).docx

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra
Jon James
Theresa James

Created/Initiated
Approved
Approved

Anthony Wilson
Jon James
Tina Dierschke
Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Approved
Approved
Approved
Final Approval

MEMO

**Meeting**

Dates: April 18, 2017
May 2, 2017

To: City Council

From: Jon C. James, AICP
Director

Request: Text Amendment to Chapter 12, Exhibit "A" Zoning Ordinance, Article 5, Section 501 (Residential District Standards) and Article 8, Section 804 (Defined Terms)

Background:

The attached is an amendment to Chapter 12, Exhibit "A" Zoning Ordinance, Article 5, Section 501, to create standards for Industrialized Housing (i.e. Modular Homes) and an amendment to Article 8, Section 804 to create a definition for "Industrialized Housing."

Industrialized housing is not a mobile home; it is simply a residence that is built off-site, as opposed to on-site. These residences are often called factory-built, system-built, or prefab (short for prefabricated). The Texas Department of Licensing and Regulation defines "Industrial Housing" in Title 7, Subtitle C., Chapter 1202, Subchapter A, Section 1202.002:

Sec. 1202.002. DEFINITION OF INDUSTRIALIZED HOUSING.

- (a) Industrialized housing is a residential structure that is:
- (1) designed for the occupancy of one or more families;
 - (2) constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and

- (3) designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
- (b) Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.
- (c) Industrialized housing does not include:
- (1) a residential structure that exceeds four stories or 60 feet in height;
 - (2) housing constructed of a sectional or panelized system that does not use a modular component; or
 - (3) a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

Because the State mandates that “single-family...industrialized housing must have all local permits and licenses that are applicable to other single-family...dwellings,” the Planning & Development Services Department treats single-family industrialized housing (i.e. single-family modular homes) as Single-Family Detached Dwellings. The Zoning Ordinance defines these as:

DWELLING, SINGLE-FAMILY: A detached building having accommodations for and occupied by not more than one family or housekeeping unit, and which occupies a lot or tract of land on which no other dwelling unit (except an accessory apartment where explicitly allowed by this Zoning Ordinance) is situated. Separate guest quarters which do not include facilities for both cooking and sanitation are allowed to occupy a detached accessory structure on the same lot as a single-family dwelling.

Moreover, in the Zoning Districts where the Zoning Ordinance allows Single-Family Detached Dwellings, the Planning & Development Services Department has interpreted this allowance to also convey applicability to industrialized housing. This means that industrialized housing is permitted, by right, in the R&E, RS-1, RS-2, RM-1, and MHS Zoning District.

Based on its research, Staff has drafted a text amendment that seeks to:

- Provide architectural conformity with the single-family dwellings located within 100 feet of the lot on which the industrialized housing will be located;
- Require all industrialized housing to be securely fixed to a permanent foundation and comply with City building setbacks, subdivision control, square footage, and other site requirements applicable;
- Mandates that before an industrial housing unit is constructed, erected, installed, or moved onto a site, an application to the Building Official shall be submitted;

- Provides for a means of requiring that any industrial housing have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the outer boundaries of the lot on which the industrialized housing is proposed to be located; and
- Creates a definition for “Industrial Housing” that is consistent with the Texas Department of Licensing and Regulation’s standards.

Planning Commission Action:

This request was scheduled for review and consideration on the March 20, 2017, Planning Commission docket as Regular Agenda Item V.A. Below is an excerpt from the meeting’s unofficial minutes:

Planning Manager Rebeca Guerra discussed the proposed text amendment for modular homes. She indicated that the State defines these types of homes as “industrialized housing,” not mobile or manufactured homes. She also indicated that these homes were built off-site, and were allowed today in the R&E, RS-1, RS-2, RM-1, and MHS Zoning Districts.

Ms. Guerra indicated that the State allowed municipalities to regulate modular housing by the appraisal values of single-family dwellings within 500 feet, and that they could also be regulated in terms of roof, permanent foundation, size, and in terms of other properties that were within 500 feet of the proposed modular home.

Ms. Guerra outlined the main sections of the proposed text amendment for industrialized (modular) housing. One of the proposed stipulations was that all industrialized housing have exterior siding, roof pitch, foundation, and fenestration compatible with the Single Family Dwellings located within 100 feet of the lot on which the industrialized housing will be located. Ms. Guerra believed that this clause would ensure that the industrialized housing looked similar to existing principal dwellings within 100 feet. Another stipulation, she indicated, was that if the industrialized home was intended to be the principal dwelling on the site, then it should have an equal or greater value to the median taxable value for single family dwellings located within 500 feet of the lot, and that this would not apply if there were no single-family dwellings within 500 feet of the lot.

Chairperson Priess asked if the above provision could be extended beyond 100 feet, per State guidelines. Ms. Guerra indicated that this could be possible.

The Commission then had a discussion where they proposed to change the text of the first subsection from 100 feet to 500 feet on the basis of compatibility with State guidelines. Russell Gully from SKG was asked to come forth and give his opinion. He expressed concern about how median values and appearances would be regulated. Ms. Guerra explained the process, which also followed State guidelines.

A Motion to approve the proposed text amendment with a change to the first subsection from “conformity with the single-family dwellings located within 100 feet of the lot on which the industrialized housing will be located” to “conformity with the single-family dwellings located within 500 feet from the outer boundaries of the lot on which the industrialized housing is proposed to be located,” was made by Commissioner Smith and seconded by Commissioner Stribling. The motion carried unanimously, 5-0.

Attachment: Proposed Zoning Ordinance Amendment

Article 5
General Development Standards

Section 501. Residential District Standards

E. Additional Standards for Industrialized Housing

1. All industrialized housing shall have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the outer boundaries of the lot on which the industrialized housing is proposed to be located.
2. All industrialized housing shall comply with City building setbacks, subdivision control, square footage, and other site requirements applicable.
3. All industrialized housing shall be securely fixed to a permanent foundation.
4. Any property owner or authorized agent who intends to construct, erect, install, or move any industrialized housing into the City shall first make application to the Building Official and obtain the required permits.
5. If the industrialized housing is the principal single-family dwelling on a lot:
 - a. It shall have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the outer boundaries of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the County. For purposes of this subsection, "value" shall mean the taxable value of the industrialized housing and lot after installation of the housing.
 - b. If no single-family dwellings exist within 500 feet of the outer boundaries of the lot, the property owner shall not be required to demonstrate comparable value.

- c. If there are existing single-family dwellings, the Planning Director shall determine compliance with comparable value after the property owner has provided a list of the addresses and current tax valuations of all existing single-family dwellings within 500 feet of the lot on which the industrialized housing will be located and a statement from the tax assessor or a competent appraiser of the taxable value that the lot and industrialized housing will have after installation.

Article 8 Definitions

Section 804. Defined Terms

INDUSTRIAL HOUSING: A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system as specified in this Ordinance. The term includes the plumbing, heating, air conditioning, and electrical systems. The term does not include any residential structure that is in excess of four stories or 60 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (i) housing constructed of sectional or panelized systems not utilizing modular components; or (ii) any ready built home which is constructed so that the entire living area is purposed of selling it moving it to another location. Also known as a Modular Home.

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SAN ANGELO, CHAPTER 12 EXHIBIT "A," "ZONING ORDINANCE" BY AMENDING ARTICLE 5 "GENERAL DEVELOPMENT STANDARDS," SECTION 501 "RESIDENTIAL DISTRICT STANDARDS" REDESIGNATING SUBPART "E" AS SUBPART "F," AND ADDING A NEW SUBPART "E" "ADDITIONAL STANDARDS FOR INDUSTRIALIZED HOUSING;" AMENDING ARTICLE 8 "DEFINITIONS, SECTION 804 "DEFINED TERMS" BY ADDING A DEFINITION FOR "INDUSTRIALIZED HOUSING;" PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 12, Exhibit "A" "Zoning Ordinance," Article 5 "General Development Standards," Section 501 "Residential District Standards," redesignating subpart "E" as subpart "F" and adding a new subpart "E" "Additional Standards for Industrialized Housing" to read as follows:

"E. Additional Standards for Industrialized Housing

1. All industrialized housing shall have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the outer boundaries of the lot on which the industrialized housing is proposed to be located.
2. All industrialized housing shall comply with City building setbacks, subdivision control, square footage, and other site requirements applicable.
3. All industrialized housing shall be securely fixed to a permanent foundation.
4. Any property owner or authorized agent who intends to construct, erect, install, or move any industrialized housing into the City shall first make application to the Building Official and obtain the required permits.
5. If the industrialized housing is the principal single-family dwelling on a lot:
 - a. It shall have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the outer boundaries of the lot on which the industrialized housing is proposed to

be located, as determined by the most recent certified tax appraisal roll for the County. For purposes of this subsection, "value" shall mean the taxable value of the industrialized housing and lot after installation of the housing.

- b. If no single-family dwellings exist within 500 feet of the outer boundaries of the lot, the property owner shall not be required to demonstrate comparable value.
- c. If there are existing single-family dwellings, the Planning Director shall determine compliance with comparable value after the property owner has provided a list of the addresses and current tax valuations of all existing single-family dwellings within 500 feet of the lot on which the industrialized housing will be located and a statement from the tax assessor or a competent appraiser of the taxable value that the lot and industrialized housing will have after installation.”

Section 2. Chapter 12, Exhibit “A” “Zoning Ordinance,” Article 8 “Definitions,” Section 804 “Defined Terms” is amended by adding a definition for “Industrialized Housing” to read as follows:

“INDUSTRIAL HOUSING: A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system as specified in this Ordinance. The term includes the plumbing, heating, air conditioning, and electrical systems. The term does not include any residential structure that is in excess of four stories or 60 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (i) housing constructed of sectional or panelized systems not utilizing modular components; or (ii) any ready built

home which is constructed so that the entire living area is purposed of selling it and moving it to another location. Industrialized Housing is also known as a Modular Home.”

Section 3. If any 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, or for any reason unenforceable, the validity of the remaining provisions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation of this Ordinance. This ordinance will be reviewed and revised periodically to accommodate any changes in State or Federal requirements that may be necessary.

Section 4. That this Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the 18th day of April, 2017, and finally PASSED, APPROVED AND ADOPTED on this the 2nd day of May, 2017.

ATTEST

THE CITY OF SAN ANGELO

Bryan Kendrick, City Clerk

Dwain Morrison, Mayor

APPROVED AS TO FORM

APPROVED AS TO CONTENT

Dan T. Saluri, Deputy City Attorney

Jon James, Director of Planning &
Development Services

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Morgan Chegwidden, Budget Manager, Water Utilities, 325-653-6291

Meeting Date: April 18, 2017

Item type: Regular Item

Caption:

Discussion on water fund performance including: 1) Update of the five year rate plan and 2) Consideration of the possibility of issuing rebates of water fees – (Presentation by Budget Manager Morgan Chegwidden)

Summary/History:

As stated in the water fee ordinance, during the months of April and November of each year the City Council shall review the financial condition of the Water Operations Fund and determine whether a rebate to water customers is appropriate.

If a rebate is determined to be appropriate, such rebate shall be accomplished in May and December or as soon thereafter as practical. The amounts and methodology for providing a rebate shall be determined by the city Council.

Staff will present the estimated Water Operations Fund balance as of March 31, 2017 in an effort to provide Council with the information necessary to form an opinion.

The Water Operations Fund estimated fund balance as of March 31, 2017 is \$x. The goal for the water operations fund is 75 days of expense budget, or \$x. Since estimated fund balances is less than the goal, it would not be fiscally prudent to issue a rebate at this time. The fund balance and this fund is not at a level where staff would recommend a rebate.

There have been two occasions when this fund balance exceeded 75 days expenditures in the Council decided to use that access. On one occasion the base fees were changed to zero for two months, and for the other occasion the excess was transferred to a capital projects fund to assist with capital improvements.

Financial Impact:

Continued implementation of the rate plan as previously adopted will yield revenues and expenditures in line with budget and an appropriate contribution to the fund balance goal.

Other Information/Recommendation:

Staff recommends not issuing water rebates at this time.

Attachments:

- | | | |
|----|--------------|--|
| 1. | Presentation | 170418 Water Fund Update and Rebate.pptx |
| 2. | Background | 170418 Water Fund Update and Rebate.docx |
| 3. | Chart | 170418 Water Fund 5 Year Summary.jpg |

Presentation:

Approvals/Reviews:

Morgan Chegwidden
Bill Riley
Theresa James
Anthony Wilson
Tina Dierschke
Theresa James
Becky Dunn
Bryan Kendrick

Created/Initiated
Approved
Approved
Approved
Approved
Approved
Approved
Final Approval



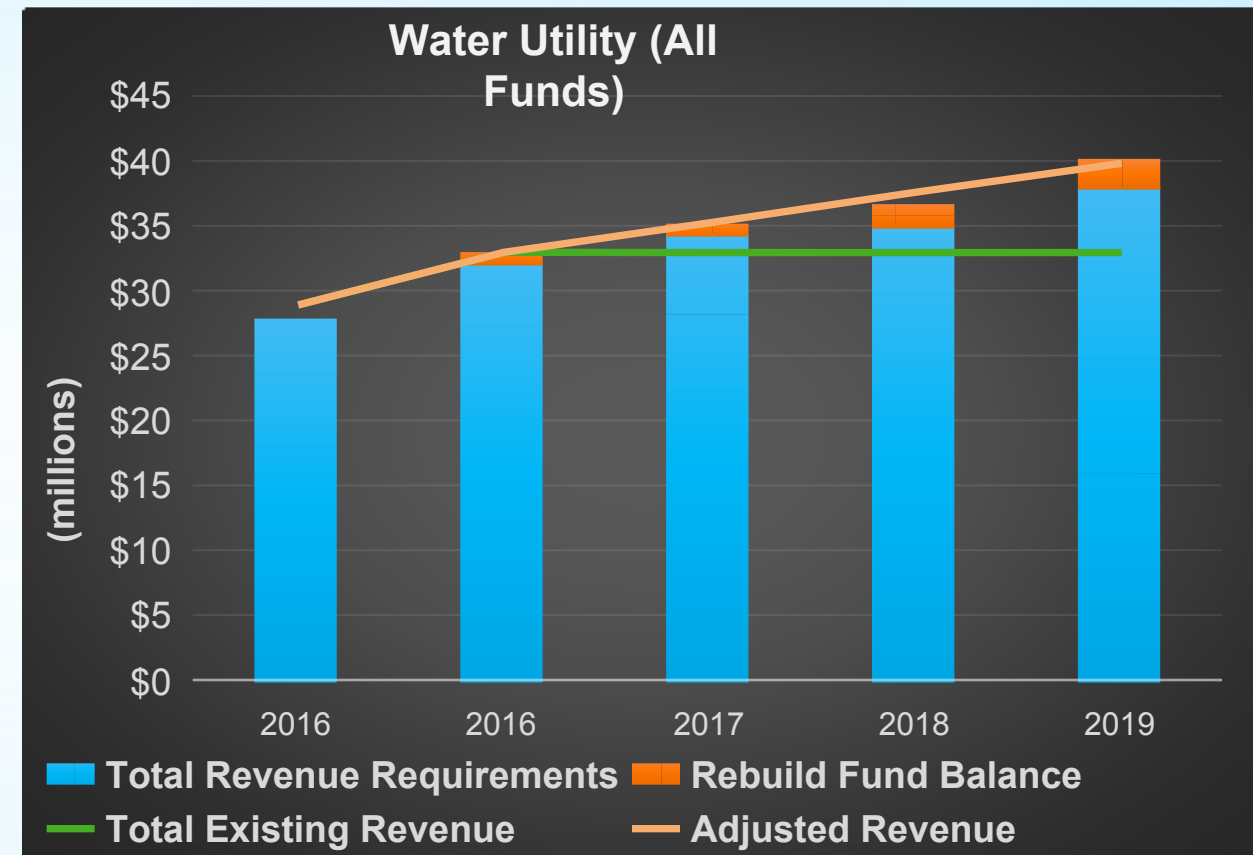
City Council

April 18, 2017



UPDATED 5-YEAR FINANCIAL PLAN

- Financial Plan updated with most recent revenue and expenses
- O&M is tracking with original plan
- Most significant changes are associated with capital assumptions



UPDATED 5-YEAR FINANCIAL PLAN

FY16

Total Revenue	\$28,898,425
Total Expense	\$27,846,707
Surplus/(Deficit)	\$1,051,718



UPDATED 5-YEAR FINANCIAL PLAN

FY17

Total Revenue	\$32,956,524
---------------	--------------

Total Expense	\$32,143,707
---------------	--------------

Surplus/(Deficit)	\$813,159
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UPDATED 5-YEAR FINANCIAL PLAN

FY18

Total Revenue	\$35,234,468
---------------	--------------

Total Expense	\$34,373,288
---------------	--------------

Surplus/(Deficit)	\$861,181
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UPDATED 5-YEAR FINANCIAL PLAN

FY19

Total Revenue	\$37,586,772
---------------	--------------

Total Expense	\$34,983,575
---------------	--------------

Surplus/(Deficit)	\$2,603,197
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UPDATED 5-YEAR FINANCIAL PLAN

FY20

Total Revenue	\$39,816,034
---------------	--------------

Total Expense	\$37,316,812
---------------	--------------

Surplus/(Deficit)	\$2,499,222
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REVISED LARGE CAPITAL EXPENSE

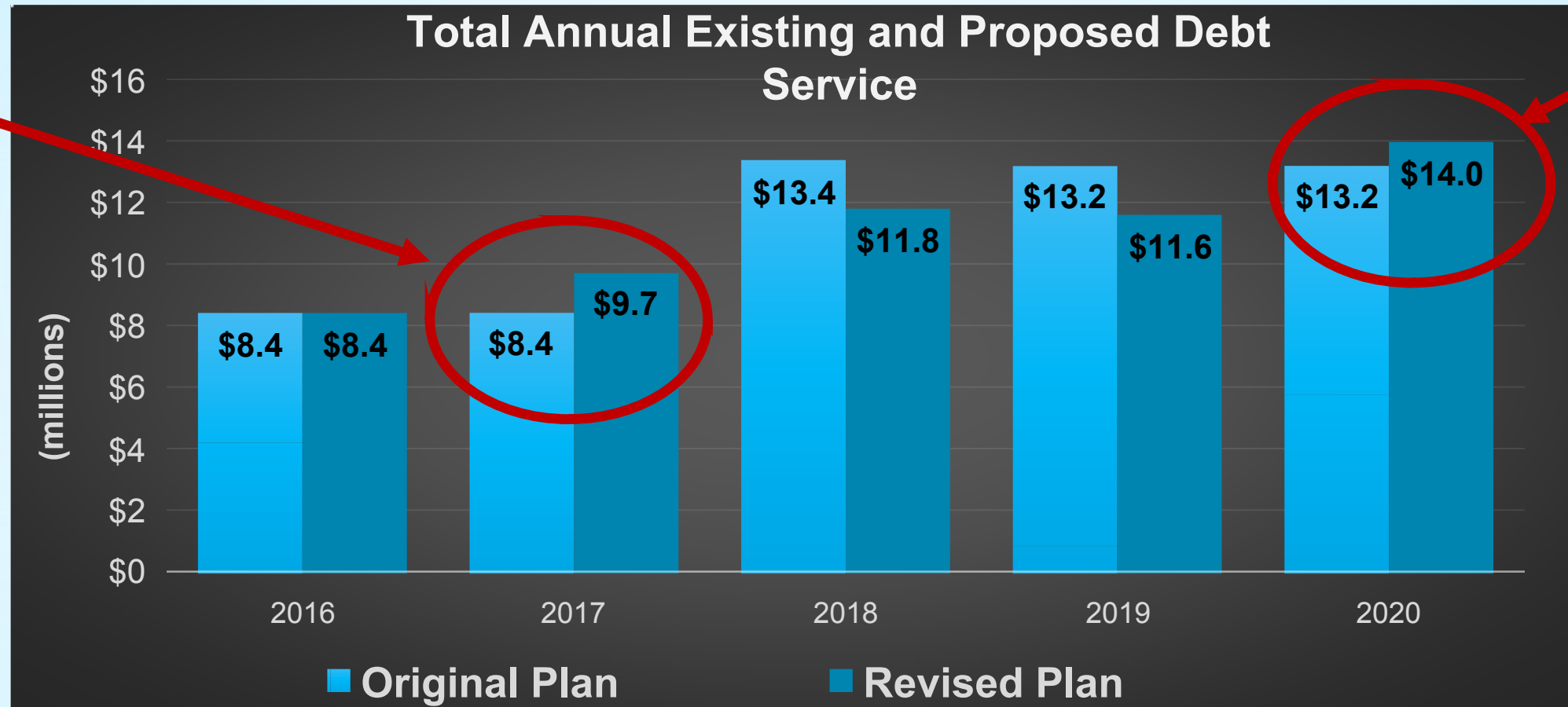
- Revised Plan
 - Ranch project: \$45 million in FY 2017
 - Alternative Water Supply project: \$35 million in FY 2020 (within this forecast window)
- Original Plan
 - Alternative Water Supply project: \$80 million in FY 2018 (Water Fund's share)



REVISED CAPITAL: IMPACT ON DEBT SERVICE PAYMENTS

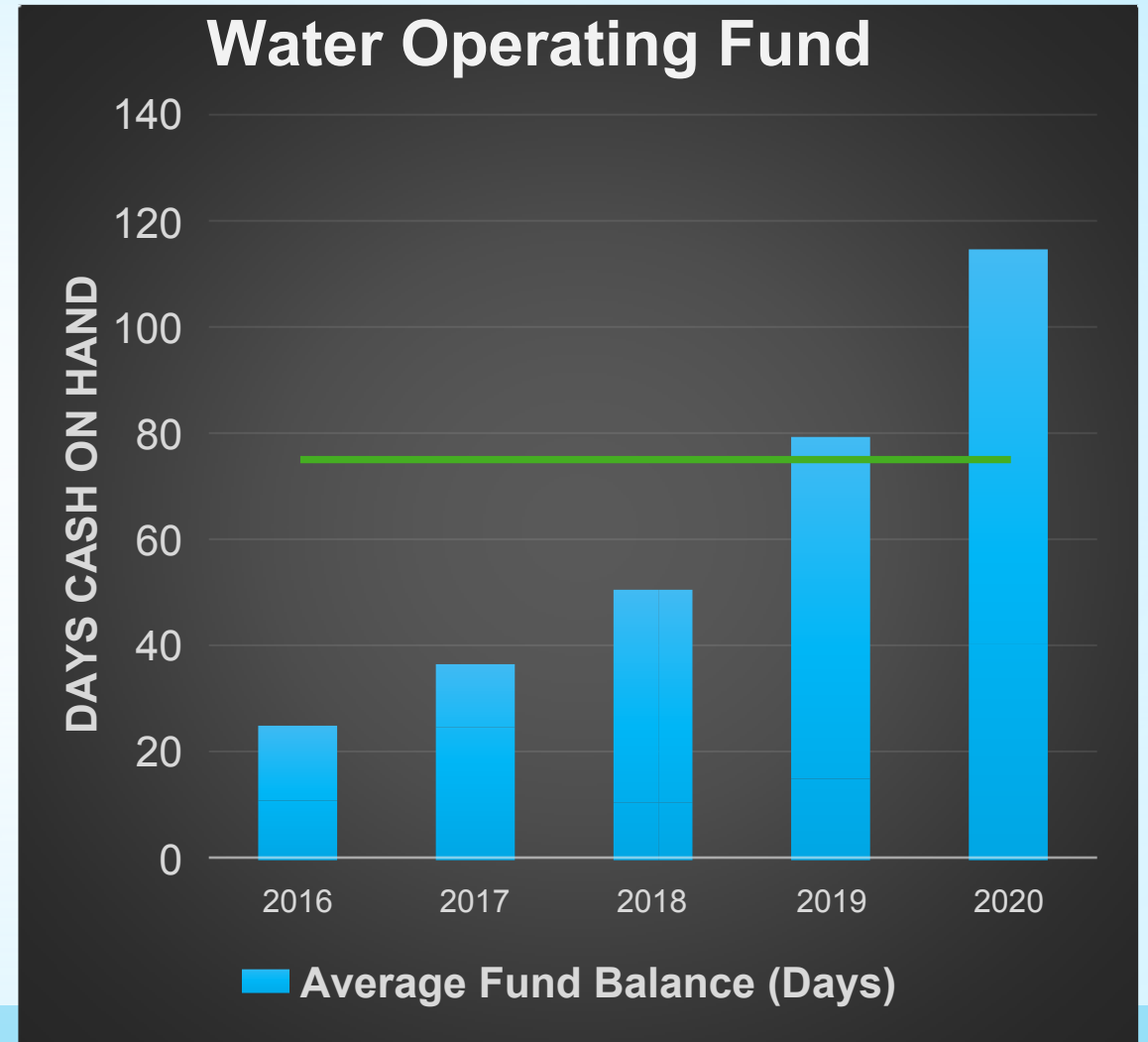
Higher payments
in FY 2017
in new plan

Higher estimated
annual payments
in FY 2020



CONTINUE WITH PLAN

- Water Fund has a continued need for approved rate adjustments to meet operating, capital, and financial targets
- Still in process of ramping up operating reserve to meet target of 75 days
 - Over 3 years: Achieve in FY 2019
- Re-evaluate financial position of utility annually



Water Rebate

The water rate ordinance states:

- Biannually (in April and November), the city council reviews the Water Fund's financial condition.
- The Council determines whether a rebate to water customers is appropriate.
- If action is taken, rebates shall occur in May and December or as soon thereafter as practical.
- The amounts and methodology for providing the rebate shall be determined by the city council.



Water Rebate

Since inception, Council has taken action twice:

1. Rebates granted – base fees were waived (changed to zero) for two months; and
2. Capital projects funding – excess fund balance was transferred to a capital projects fund to assist in paying for needed improvements.



Water Rebate

Water Fund

Estimated fund balance 3/31/17*	\$3,996,819
75 day goal fund balance	\$4,751,165

Staff recommends no action at this time

*Unaudited





City Council

April 18, 2017



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Morgan Chegwiddden, Budget, 653-6291

Meeting Date: April 18, 2017

Item type: Regular

Caption:

Discussion on water fund performance including: 1. Update of the five year rate plan and 2. Consideration of the possibility of issuing water rebates – (Presentation by Budget Manager Morgan Chegwiddden)

Summary/History:

1. In December 2015, City Council adopted a 5-year water and wastewater rate plan to provide the utility with three critical needs.

- Return the utility to financial sustainability
- Allow the utility to more aggressively reinvest in infrastructure
- Allow the financial wherewithal to develop other water sources

As a part of the plan, goals were established for the water and wastewater fund balances to help meet the targets stated above, as well as a 75-day operating expense fund balance. Staff will present an update on the rate study to provide progress-to-date as well as goals not yet addressed.

2. As stated in the water fee ordinance, during the months of April and November of each year the City Council shall review the financial condition of the Water Operations Fund and determine whether a rebate to water customers is appropriate.

If a rebate is determined to be appropriate, such rebate shall be accomplished in May and December or as soon thereafter as practical. The amounts and methodology for providing a rebate shall be determined by the city Council.

Staff will present the estimated Water Operations Fund balance as of March 31, 2017 in an effort to provide Council with the information necessary to form an opinion.

The Water Operations Fund estimated fund balance as of March 31, 2017 is \$3,996,819 (unaudited). The goal for the water operations fund is 75 days of expense budget, or \$4,751,165. Since estimated fund balances is less than the goal, it would not be fiscally prudent to issue a rebate at this time. The fund balance and this fund is not at a level where staff would recommend a rebate.

There have been two occasions when this fund balance exceeded 75 days expenditures in the Council decided to use that access. On one occasion the base fees were changed to zero for two months, and for the other occasion the excess was transferred to a capital projects fund to assist with capital improvements.

Financial Impact:

Could result in a reduction in fund balance - depending on the amount directed by City Council.

Other Information/Recommendation:

Staff recommends no action at this time.

Attachments:

None

Presentation:

PowerPoint

Approvals/Reviews:

ND SUMMARY	FY 2016	FY 2017	FY 2018
State Revenue	\$23,351,182	\$26,096,388	\$28,351,182
Other Revenue	5,547,243	6,860,136	6,860,136
Revenue	\$28,898,425	\$32,956,524	\$35,211,318
<u>Adjustments</u>			
Revenue	10.74%	11.75%	11.75%
<u>Requirements</u>			
Operating and Maintenance	\$13,086,520	\$16,021,242	\$16,351,182
Service	8,406,914	9,703,673	11,703,673
Funded Capital	3,016,789	2,884,953	2,603,673
Transfers to the General Fund	3,336,484	3,533,497	3,533,497
Revenue Requirements	\$27,846,707	\$32,143,365	\$34,191,925
<u>Adjustments</u>			
Capital Issues (Water Supply)	\$0	\$45,000,000	\$45,000,000
<i>Utility and Average Annual Fund Balances</i>			
Average Annual Surplus/(Deficit)	\$1,051,718	\$813,159	\$813,159

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: April 18, 2017

Item type: Regular Item

Caption:

Update on Sales Tax revenue performance - (Presentation by Finance Director Tina Dierschke)

Summary/History:

The Finance Department has been closely monitoring the performance of Sales Tax revenue this year given the challenging year the City had in fiscal year 2016. While Sales Tax revenue was up slightly with an increase of 0.39% in October over the same month last year, November and December failed to continue with the same trend as was hoped. Sales Tax revenue was down 10.04% in November and 18.72% in December. Sales Tax revenue for the month of January was up 4.3% month over month; however, February and March saw decreases of 2.3% and 4.4%, respectively. For April, revenue was up just slightly at 2.37% over the same month last year. However, year to date, revenue is still approximately \$546,000 short of the target. Because of this trend, the Finance Department has been in regular discussions with all departments to develop a plan that protects the General Fund's fund balance and solvency moving forward.

The City Manager and the Finance Department have met with the General Fund and other department directors weekly to suggest and discuss ways to mitigate risk while still providing the core services that our citizens deserve and expect as well as meeting the goals of our City Council. To date, the City has implemented a hiring freeze for non-essential personnel and a decrease to per diem travel and mileage rates effective until September 30, 2017. We continue to work toward implementing other cost saving measures on an ongoing basis.

Financial Impact:

Sales Tax revenue for fiscal year 2017 was under budget by 5.5% and \$546,305 after April 2017 receipts.

Other Information/Recommendation:

Attachments:

- | | | |
|----|-----------------|--|
| 1. | Sales Tax Trend | Monthly Revenue Trends April 2017.pdf |
| 2. | Sales Tax Chart | FIN 170418 Strategic Planning - Sales Tax.pptx |

Presentation:

Approvals/Reviews:

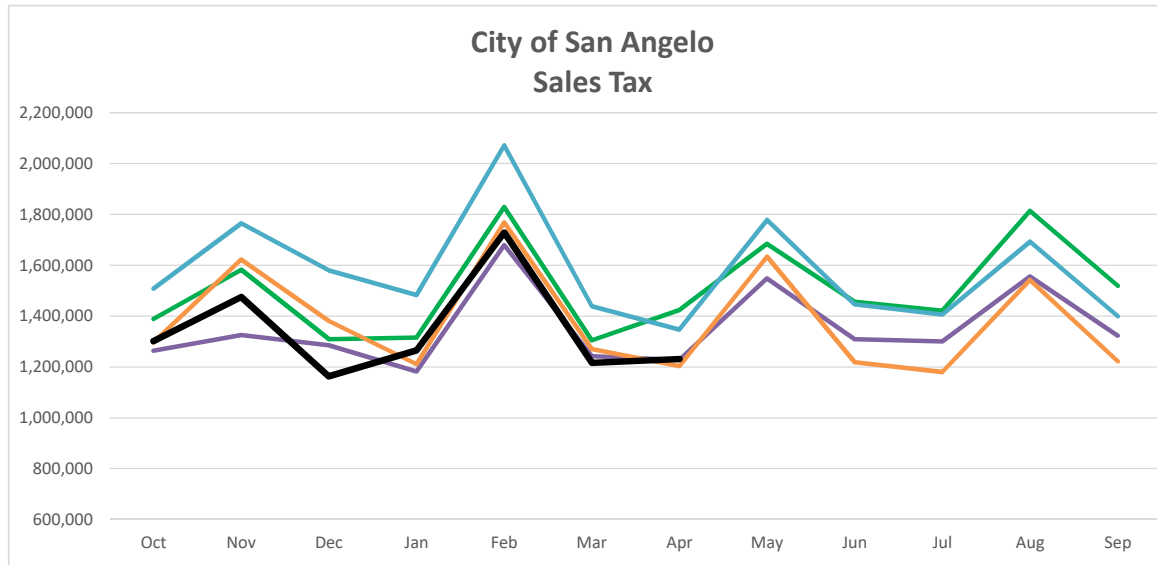
Tina Dierschke
Becky Dunn
Bryan Kendrick

Created/Initiated
Approved
Final Approval

City of San Angelo

Sales Tax - General Fund

Month	2013	2014	2015	2016	2017	% Change	Budget Allocation by Month	Difference from Budget Allocation	Over / (Under) FY2016	% Over / (Under)
Oct	1,264,349	1,388,436	1,508,233	1,296,733	1,301,852	0.39%	1,337,503	(35,651)	5,119	0.39%
Nov	1,325,810	1,582,107	1,764,518	1,622,933	1,474,872	-9.12%	1,531,075	(56,203)	(148,061)	-10.04%
Dec	1,285,109	1,308,812	1,579,718	1,380,463	1,162,763	-15.77%	1,358,305	(195,542)	(217,700)	-18.72%
Jan	1,182,268	1,314,856	1,482,453	1,210,786	1,265,207	4.49%	1,288,557	(23,350)	54,421	4.30%
Feb	1,679,307	1,829,723	2,071,878	1,768,937	1,728,678	-2.28%	1,834,154	(105,476)	(40,259)	-2.33%
Mar	1,242,578	1,304,418	1,438,299	1,270,043	1,216,505	-4.22%	1,288,078	(71,572)	(53,537)	-4.40%
Apr	1,227,766	1,423,130	1,347,047	1,202,841	1,231,345	2.37%	1,289,856	(58,511)	28,505	2.31%
May	1,548,822	1,684,129	1,779,019	1,633,849						
Jun	1,309,232	1,457,046	1,446,101	1,217,893						
Jul	1,300,467	1,421,110	1,405,787	1,180,024						
Aug	1,556,125	1,814,100	1,693,299	1,542,217						
Sep	1,322,921	1,519,457	1,400,015	1,222,722						
Total	16,244,755	18,047,324	18,916,368	16,549,442	9,381,223	-3.81%	9,927,528	(546,305)	(371,512)	-3.96%
Orig Budget	14,888,588	16,075,699	18,427,862	19,200,000	17,200,000					



Projection - Flat	16,177,930
Over/(Under) Budget - Flat	(1,022,070)

YTD Collections	9,381,223
PYTD Collections	9,752,735
% increase	-3.81%

YTD Budget	9,927,528
YTD Collections	9,381,223
YTD Over/ (Under)	(546,305)
YTD Over/ (Under)	-5.50%



City Council

April 18, 2017



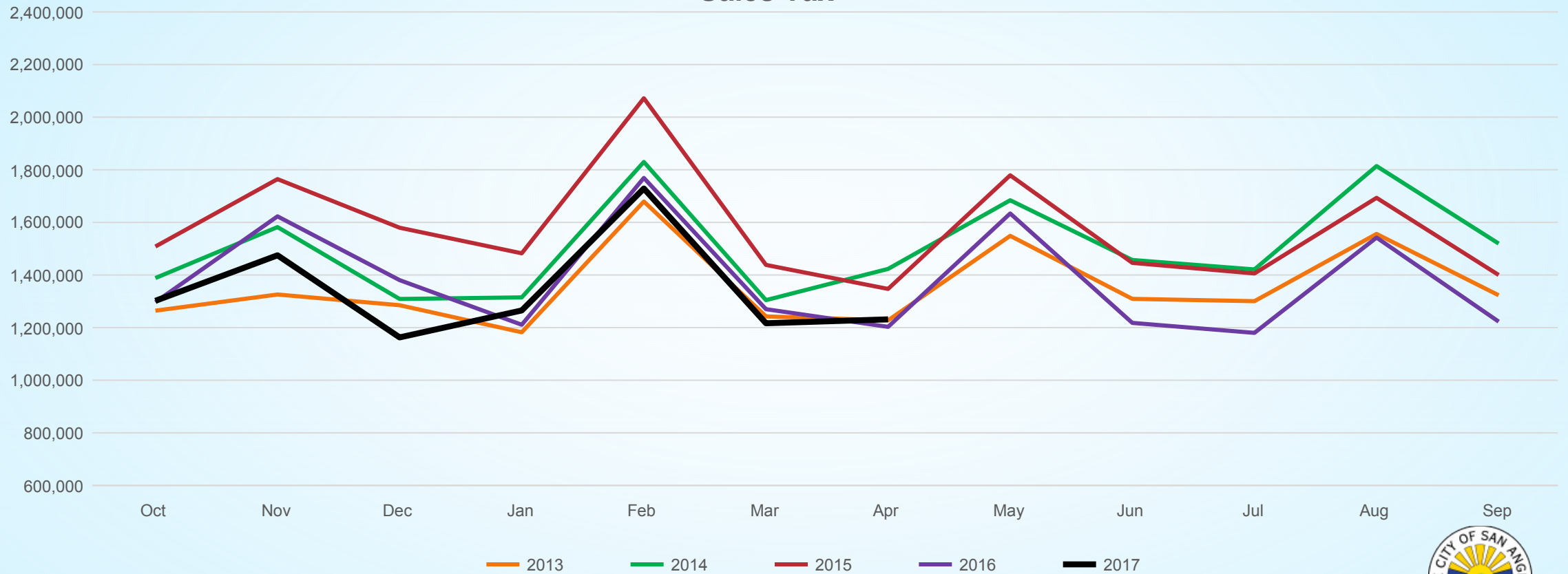
Sales Tax Revenue

- Up 2.37% in April compared with the same month in prior year
- Under budget for revenue by \$546,305 year to date



Sales Tax Revenue

City of San
Angelo
Sales Tax





City Council

April 18, 2017

