City Council Agenda
06/20/2017

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held on June 20, 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 Lake Operations Crew and their work in conjunction with Texas Parks & Wildlife in their community project at Twin Buttes Reservoir
   b. Recognition of COSADC receiving the Texas Economic Development Council's Excellence Award for the Nursing Program
   c. Proclamation declaring July 2017 as "Kids Eat! Summer Meals Initiative Month"
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 June 6, 2017 City Council regular meeting and June 15, 2017 special meeting minutes (B.Kendrick)
   b. Consider a resolution authorizing the Mayor, on condition stated, to execute a tax-resale (quitclaim) deed conveying all right, title and interest of the City of San Angelo, Trustee and all other taxing entities interested in the tax foreclosure judgment to Lisa Villarreal for $3,000 (C. Preas)
   c. Consider approving Task Order No. 107 with KSA Engineers, Inc. (awarded under AP-02-15) in the amount of $132,212 and authorizing City Manager to negotiate and execute all related documents (L.Elguezabal)
   d. Consider a resolution authorizing the City Manager to negotiate and execute a consent to assignment of the Lake Nasworthy Cruise Boat Concession and Lease Agreement by Wayne Nickell, d/b/a "Concho Cruises" as Concessionaire to buyers of the business. (C.White)

e. Consider authorizing the sale of the following Lake Nasworthy property to the current residential lot lease holder for the appraised value (C. Preas):
1. 2702 Red Bluff Ramp Rd; $84,400
2. 3141 Red Bluff Road East; $110,000

f. Consider a resolution authorizing the conveyance of two small irregularly shaped parcels of land that because of shape and small area cannot be used independently, located on the west side of South Concho Drive, southeast of its intersection with Knickerbocker Road, in exchange for the public dedication of two other irregularly shaped parcels of land as additional right-of-way for South Concho Drive; finding a public purpose and benefit therein; finding fair market value; and, authorizing the Mayor for the City of San Angelo to execute deeds without warranty and such other documents as may be necessary or convenient to the stated purposes (J. James)

g. Second reading and adoption of an ordinance amending Chapter 3 "Animal Control" Sections 3.01.003 "Appearance in Court Required" of the Code of Ordinances to outline and clarify authorization to issue citations for violation of Animal Control ordinances (R.Salas)

h. Second reading and adoption of an ordinance amending various sections of the Zoning Ordinance in the Code of Ordinances regarding the definition of and regulations applicable to schools, including establishing different standards for Kindergarten through 9th grade and High Schools, defining both public and private schools as a school, and establishing development standards for schools including requirements for parking, vehicle stacking, and site development (J. James)

i. Second reading of an ordinance amending the Zoning Ordinance in the Code of Ordinances regarding “Off-Street Parking Standards” by establishing a process for an Alternative Parking Plan and providing standards for off-site and reduced parking. (J. James)

j. Second reading and adoption of an ordinance amending Chapter 2, "Administration and Personnel," Article 2.07 "Boards, Committees and Commissions," Division 14 "Civic Events Board" of the Code of Ordinances (S.Walker)

k. Second reading and adoption of an ordinance amending the 2016-2017 budget for incomplete projects, equipment replacement, and grants (M.Chegwidden)

l. Consider awarding FS-10-17 Street Sweepers to TYMCO, Inc., utilizing HGAC contract #SW04-16 in an amount of $506,350, budgeted in FY17, for the purchase of two units, and authorizing the City Manager or designee to execute any related documents (R.Kramer)

6. Regular Agenda

a. First reading and public hearing for Case Z17-05, an ordinance approving a request for a rezoning from the Single-Family Residential (RS-1) Zoning District to the Office Commercial (CO) Zoning District, located at 1920 South Johnson Street, on 0.431 acres - (Presentation by Planning & Development Services Director Jon James)

b. First reading and public hearing for Case Z17-04, an ordinance approving a request for a rezoning from the Single-Family Residence (RS-1) Zoning District to Manufactured Housing Subdivision (MHS), located at 2101 Marx Street, on 0.344 acres - (Presentation by Planning & Development Services Director Jon James)

c. First reading and public hearing for Case Z17-03, an ordinance approving a request for a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Heavy Commercial (CH) Zoning District, located at 1604 South Bryant Boulevard, on 0.583 acres - (Presentation by Planning & Development Services Director Jon James)

d. First reading and public hearing of an ordinance approving a request for the vacation and abandonment of an approximate 0.416-acre (18,107 s.f.) segment of the North Harrison Street public street right-of-way, generally located between Woodlawn Drive and Forest Park Avenue - (Presentation by Planning & Development Services Director Jon James)

e. First reading and public hearing of an ordinance amending Chapter 11.02.043 raw water permit and Appendix A, Article A8.000 untreated water rates and raw water permit fee - (Presentation by Water Utilities Director Bill Riley)

f. Update on Sales Tax revenue performance - (Presentation by Finance Director Tina Dierschke)

g. Consider the following:
   1. Second reading and adoption of an ordinance removing the purchasing policy from the Code of Ordinances and requiring the policy to be adopted by City Council through resolution
   2. A resolution adopting the June 2017 Purchasing Policy (J. Antilley)

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. v. City of San Angelo, Texas Carollo Engineers, Inc.
   4. City of San Angelo v. Spillman Technologies, Inc.

b. Section 551.072 Deliberations about Real Property regarding:
   1. 703 S. Chadbourne
   2. Property located on river frontage
   3. Lake Nasworthy residential lot leases

8. Follow Up and Administrative Issues

a. Consider items discussed in Executive Session, if needed

b. Consider of approving the following Board nominations:
Fort Concho Museum Board: Lori Barton (SMD3) to a 2nd term ending January 2020; Sherley Spears (SMD4) to 1st term ending January 2020

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 16th day of June 2017, at 2:30 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.

Proclamation

The Texas Hunger Initiative is a collaborative effort - both statewide and locally. Our goal is to end hunger in Texas through policy, education, research, grassroots-organizing and community development

San Angelo is one of eight Texas cities selected to have a regional office with the dual purpose of promoting child nutrition programs through local outreach and coordination and of working toward the creation of Hunger Free Communities Coalitions in the communities within our 23-county region

In Tom Green County more than one in four families with children had times during the last year when there was not enough money to buy food - that is 5,400 households in San Angelo

The goal for the tom Green County Hunger Initiative for 2017 is to feed more children during the summer when school is not in session. In San Angelo, over 8,600 students receive free or reduced meals when school is in session - more than 60% of all students

After summer school ends in June, local churches, ministries, organizations, businesses and numerous individuals have committed to provide meals in July and August at nine San Angelo neighborhood sites and one site in Carlsbad

NOW, THEREFORE, I , Brenda Gunter, Mayor of the City of San Angelo, on behalf of the City Council, hereby proclaim July 2017 as

"KIDS EAT! SUMMER MEALS INITIATIVE MONTH"

in San Angelo and urge all citizens to support the initiative's goal for 2017: Feed the children, our city's future leaders.

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 20th day of June, 2017.*

_____

Brenda Gunter
Mayor of the City of San Angelo

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Bryan Kendrick, City Clerk, City Clerk,

Meeting Date: June 20, 2017

Item type: Consent Item

Caption:

Consider approving the June 6, 2017 City Council regular meeting and June 15, 2017 special meeting minutes (B.Kendrick)

Summary/History:

Financial Impact:

Other Information/Recommendation:

Attachments:

1.	Draft Minutes	CC Draft MInutes June 6, 2017.pdf
2.	Draft Minutes 6-15-17	CC Draft MInutes June 15, 2017.pdf

Presentation:

Approvals/Reviews:

Bryan Kendrick	Created/Initiated

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, June 6, 2017

Present:

Mayor Brenda Gunter
Mayor Pro tem Charlotte Farmer, SMD 6
Council Member Tommy Hiebert, SMD 1
Council Member Tom Thompson, 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 Gunter called the regular session of the San Angelo City Council to order at 8:30 a.m. on Tuesday, June 6, 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 Ron Guzman, a Minister with West Angelo Church of Christ and the pledges were led by Tristan Bue and Barrett Bradbury with the Cub Scouts.

3. Proclamations/Recognitions

The City of San Angelo Budget division was recognized for receiving the Government Finance Officers Association's (GFOA) Distinguished Budget Presentation Award to be accepted by Budget Manager Chegwidden, Senior Budget Analyst Walt Wilkinson, and Senior Budget Analyst Kimberly Rennspies

June 12, 2017 was proclaimed as "Orlando United Day-A Day of Love and Kindness"

4. Public Comment

Citizen Jamie Tabor noted a potential issue related to pedestrian crossing at the intersection of Pecos and Howard.

Several citizens made comments in support of the Railway History Museum.

Fleet Services Superintendant Ryan Kramer noted the upcoming city equipment auction beginning this week.

Citizen Sylvia Martinez made comments concerning parking around Freedom Fellowship.

5. Consent Agenda

a. Approval of the May 16, 2017 City Council regular meeting minutes
b. Approval of Engineering Services to put out for bid as a competitive sealed proposal RFCSP No. ES-08-17 2017 Sealcoating and finding that method is the best value for the City.
c. Approval of authorizing the sale of the following Lake Nasworthy property to the current residential lot lease holder for the appraised value:
   1. 2206 Joy Road; Lot 14, Block 1, Group 16, Lake Nasworthy Addition; $99,900

DRAFT

d. Adoption of 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 related to 831 West 16th; Lot 2, Block 12, Mineola Addition; Vega ($5,500) **(Pg.6, #2017-06-080)**

e. Postponement of approving a new 40-year lake lot residential lease with the following Tenants:
1. 6682 Knickerbocker Rd; Lot 103, Group Shady Point, Lake Nasworthy Addition
2. 2618 Sleepy Hollow Rd; Lot 39, Group Fisherman's Road, Lake Nasworthy Addition

f. Approval of authorizing a Consent to Assignment of a lease agreement from Above The Clouds, LLC to Badgett Bros., LLC for 475 square feet of concessionaire space located at San Angelo Regional Airport

g. Adoption of a resolution allowing for funding of management services provided by the San Angelo Performing Arts Coalition as they relate to the Auditorium project **(Pg. 7, #2017-06-081)**

h. Approval of extending the award of WU-02-15 Water Reclamation Facility Liquid Polymer to Polydyne Inc. in the amount of $150,000 annually for one year with two additional one year term extensions, budgeted for purchase in FY2017, FY2018, and FY2019, and authorizing the City Manager or designee to execute any related documents

Motion: Council Member Farmer made a motion, seconded by Council Member Thomas, to approve the consent agenda, with the exception of postponing item 5e, and pulling items 5b and 5f for a separate discussion, the motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Farmer made a motion, seconded by Council Member Carter, to approve item 5b, as presented. The motion carried unanimously (7) ayes to (0) nays.

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

6. Regular Agenda

a. Approval of first public hearing of an amendment to an ordinance of the City of San Angelo, amending Chapter 3 "Animal Control" Sections 3.01.003 "Appearance in Court Required" of the Code of Ordinances to outline and clarify authorization to issue citations for violation of Animal Control ordinances - (Presentation made by Neighborhood Services Director Robert Salas)

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

b. Approval of first public hearing of an ordinance amending various sections of the Zoning Ordinance in the Code of Ordinances regarding the definition of and regulations applicable to schools, including establishing different standards for Kindergarten through 9th grade and High Schools, defining both public and private schools as a school, and establishing development standards for schools including requirements for parking, vehicle stacking, and site development - (Presentation made by Planning & Development Services Director Jon James)

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

c. Approval of first public hearing of an ordinance amending the Zoning Ordinance in the Code of Ordinances regarding “Off-Street Parking Standards” by establishing a process for an Alternative Parking Plan and providing standards for off-site and reduced parking - (Presentation made by Planning & Development Services Director Jon James)

DRAFT

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

d. Approval of first public hearing of an ordinance amending Chapter 2, "Administration and Personnel," Article 2.07 "Boards, Committees and Commissions," Division 14 "Civic Events Board" of the Code of Ordinances - (Presentation made by Civic Events Manager Sidney Walker)

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

e. Update and discussion of Fleet data monitoring and GPS system - (Requested by City Councilman Harry Thomas, Presentation made by Fleet Services Superintendent Ryan Kramer)

No action was taken on item 6e.

f. Update on Industrial Park activity and performance - (Requested by Mayor Gunter, Presentation made by Finance Director Tina Dierschke and Economic Development Director Roland Peña)

No action was taken on item 6f.

g. Approval of first public hearing and introduction of an ordinance amending the 2016-2017 budget for incomplete projects, equipment replacement, and grants - (Presentation made by Budget Manager Morgan Chegwidden)

Item 6g was considered before item 6f

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

h. Approval of first public hearing of an ordinance to modify the Code of Ordinances to require the purchasing policy to be adopted by Council through resolution - (Presentation made by Purchasing Manager Julia Antilley)

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

i. Appointment of Council Member representation (three members) to the Concho River Water Master Advisory Committee - (Presentation made by City Clerk Bryan Kendrick)

Motion: Council Member Farmer made a motion, seconded by Council Member Carter, to appoint Mayor Gunter and Council Members Hiebert and Thompson to the Concho River Water Master Advisory Committee. The motion carried unanimously (7) ayes to (0) nays.

j. Appointment of representation (two members) to the Metropolitan Planning Organization Board - (Presentation made by MPO Director Major Hofheins and City Clerk Bryan Kendrick)

Motion: Council Member Farmer made a motion, seconded by Council Member Gonzales, to appoint Mayor Gunter and City Manager Daniel Valenzuela to the Metropolitan Planning Organization Board. The motion carried unanimously (7) ayes to (0) nays.

DRAFT

k. Appointment of Council Member representation on I-14 Gulf Coast Strategic Highway Coalition - (Presentation made by City Clerk Bryan Kendrick and Economic Development Director Roland Peña)

Motion: Council Member Hiebert made a motion, seconded by Council Member Gonzales, to appoint Mayor Gunter to the I-14 Gulf Coast Strategic Highway Coalition. The motion carried unanimously (7) ayes to (0) nays.

7. Closed Session

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

a. Section 551.071(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. v. City of San Angelo, Texas Carollo Engineers, Inc.
   4. City of San Angelo v. Spillman Technologies, Inc.
b. Section 551.072 Deliberations about Real Property regarding:
   1. 703 S. Chadbourne
   ~~2. Property located on river frontage~~
   3. Ford Ranch
c. 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 condemnation

8. Follow Up and Administrative Issues

a. Consider items discussed in Executive Session, if needed

Consensus of Council was to hold a Special Called Workshop related to 703 S. Chadbourne on June 15th at 3:30 p.m.

b. Approval of the following Board nomination:
COSADC: Edward Carrasco (SMD1) to a 1st full term ending February 2019

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

c. Consider a possible Special Called Water Workshop on June 13, 2017

Consensus of Council was to hold a Special Called Workshop on June 13th at 2:00pm

d. Announcements and consideration of Future Agenda Items

Council Members Carter and Hiebert noted they were planning an joint town hall for Districts 1 and 5.

Council Member Thomas asked for a street project update.

Council Member Hiebert asked for an update on the flooding problems on Foster Road.

9. Adjournment

DRAFT

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

There being no further business, the meeting was adjourned at 2:29 p.m.

THE CITY OF SAN ANGELO

_____
Brenda Gunter, 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.)

DRAFT

City of San Angelo, Texas
Special City Council Meeting
Tuesday, June 15, 2017

Present:

Mayor Brenda Gunter
Mayor Pro tem Charlotte Farmer, SMD 6
Council Member Tommy Hiebert, SMD 1
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 Gunter called the special session of the San Angelo City Council to order at 3:35 p.m. on Tuesday, June 6, 2017, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Consent Agenda

a. Discussion related to the operation and options for lease regarding a railroad museum located on city-owned property (703 S. Chadbourne)

Discussion was held concerning the lease and operations of the railroad museum.

Council Member Thompson arrived at 3:44 p.m.

Responding to questions from Council, Board Members of the Railway and Heritage Museum: David Wood, Brandy Petty and Lane Horwood spoke.

No action was taken on this item.

3. Adjournment

There being no further business, the meeting was adjourned at 4:43 p.m.

THE CITY OF SAN ANGELO

_____
Brenda Gunter, 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.)

DRAFT

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: June 20, 2017

Item type: Consent Item

Caption:

Consider a resolution authorizing the Mayor, on condition stated, to execute a tax-resale (quitclaim) deed conveying all right, title and interest of the City of San Angelo, Trustee and all other taxing entities interested in the tax foreclosure judgment to Lisa Villarreal for $3,000 (C. Preas)

Summary/History:

The subject property is a former gas station with underground tanks. It was offered at prior tax sales, but there were no bidders because of the storage tanks, so the property was withdrawn from sale so the city would not hold potentially contaminated property. It is scheduled for tax sale again in August 2017. We anticipate there will be no bidders, especially since the amount of taxes due has increased significantly since the property was last offered for sale. Fortunately, Lisa Villarreal has offered to purchase the property. This re-sale, prior to the actual sale, becomes effective only if the property is struck-off to the city, and avoids indefinite ownership of the property by the city.

Financial Impact:

Upon approval: (1) The City will retain a $500 administration fee; (2) The balance will be distributed according to the judgment on the Sheriff's Return; and (3) Property will be reinstated back onto tax roll.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

1. Map Tax Resale RE Map.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

1218 NGarfield

November 28, 2016

Ownership Parcels

1:2,257

0 0.0175 0.035 0.07 mi

0 0.03 0.06 0.12 km

Web AppBuilder for ArcGIS

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Luis Elguezabal, Airport Director, Airport, (325) 659-6409 X 101

Meeting Date: June 20, 2017

Item type: Consent Item

Caption:

Consider approving Task Order No. 107 with KSA Engineers, Inc. (awarded under AP-02-15) in the amount of $132,212 and authorizing City Manager to negotiate and execute all related documents (L.Elguezabal)

Summary/History:

The City is currently under contract with KSA Engineering, Inc., AP-02-15, for architectural and engineering services. Staff is recommending entering into Task Order No. 107 with KSA Engineering, Inc. for the documentation, consultation, and development of application No. 11 and amendments to application No. 9 and 10 of the Passenger Facility Charge Program (PFC) for the airport. The application and amendments will ensure use of matching funds for future capital improvements projects. Staff will ensure that KSA Engineering, Inc. adheres to the regulations and procedures established under FAA Order 5500.1 and all other applicable FAA guidance.

For Task Order No. 107 - PFC application and amendments the lump sum fee is $132,212 which will be fully funded through the airport's Passenger Facility Charges. No City general funds or airport operating funds will be utilized for this Task Order.

Financial Impact:

For Task Order No. 107 - Passenger Facility Charge Program application and amendments the lump sum fee is $132,212 which will be fully funded through the airport's Passenger Facility Charges. No City general funds or airport operating funds will be utilized for this Task Order.

Other Information/Recommendation:

Attachments:

Presentation:

Approvals/Reviews:

Luis Elguezabal	Created/Initiated
Luis Elguezabal	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: Carl White, Parks and Recreation Director, Parks and Recreation, 325-657-4450

Meeting Date: June 20, 2017

Item type: Consent Item

Caption:

Consider a resolution authorizing the City Manager to negotiate and execute a consent to assignment of the Lake Nasworthy Cruise Boat Concession and Lease Agreement by Wayne Nickell, d/b/a "Concho Cruises" as Concessionaire to buyers of the business. (C.White)

Summary/History:

Mr. Wayne Nickell has submitted a letter to the City on June 1, 2017, requesting reassignment of his "Lake Nasworthy Cruise Boat Concession and Lease Agreement" to new operation owners Joseph and Carli Bartlett and Grady and Abby Cunningham. As a contingency, should this first requested reassignment fail, Mr. Nickell desires as a backup, reassignment to Joshua M. Slayden and Gentry D. Slayden.

The current agreement, approved by Council on February 24, 2016, grants a privilege to operate a cruise boat concession and lease a portion of Mary E. Lee Park.

The agreement allows reassignment only with prior written approval of the City.

Staff recommends approval of this resolution.

Financial Impact:

This is no financial impact to reassigning this agreement. The terms of payment to the City remain the same as in the existing agreement.

The City receives and an annual payment of $6,000 for the first term of the agreement, 2016-2021. If the agreement is extended, the City will receive an annual payment of $6,500, 2022-2026.

Other Information/Recommendation:

Attachments:

1.	Letter of request for reassignment	Letter request for reassignment.pdf
2.	Resolution proposed for Concho Cruises agreement reassignment	17-594_PKS_NASW_NICKELL_BARTLETT_CUNNINGHAM_LSE_ASSIGN_RESO.docx

Presentation:

Approvals/Reviews:

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

To: City of San Angelo
From: Concessionaire: Wayne Nickell
Date: June 1, 2017
Re: Official Notice of Request For Written Approval from the City of San Angelo to Assign the present Concession and Lease Agreement regarding the LAKE NASWORTHY CRUISE BOAT CONCESSION AND LEASE AGREEMENT which was Effective the 1st day of January, 2016 between the CITY OF SAN ANGELO, TEXAS and WAYNE NICKELL D/B/A CONCHO CRUISES to the Potential new Concessionaire's/Buyers of the Concho Cruises business, inventory & improvements being JOSEPH & CARLI BARTLETT and GRADY & ABBY CUNNINGHAM.

Be it known that the new Concessionaire's/Buyers have been given a copy of the Present LAKE NASWORTHY CRUISE BOAT CONCESSION AND LEASE AGREEMENT including EXHIBIT A & B and are hereby agreeable to the terms, requirements and conditions as stated within the Agreement. The Agreement is attached to this Official Notice and the potential new Concessionaire's/Buyers have signed & dated Page 13 showing their agreement to and acknowledgement of the Lease Agreement as written and their sincere request for the approval from the CITY OF SAN ANGELO for the Lease Agreement to be ASSIGNED/TRANSFERRED into their name with the Contact Information as noted below their signatures. A Executed & Receipted Copy of the COMMERCIAL CONTRACT regarding the LEASE HOLD ESTATE as described on Exhibit A and all the improvements & inventory of Property belonging to WAYNE NICKELL – DBA CONCHO CRUISES & BOAT RENTAL is also attached. It is the wishes of both Seller & Buyer's to Close on this Transaction or before July 7, 2017 but preferably on June 22, 2017 if possible.

Present Concessionaire: Wayne Nickell
PO BOX 60014
San Angelo, TX 76906
(432)556-4264 cell

Signature

New Concessionaire's:
Joseph (Tate) Bartlett — Signature

Carli Bartlett — Signature

Grady Cunningham — Signature

Abby Cunningham — Signature

New Concessionaire's Contact Info: 6863 E. State RD 114
Lubbock, TX 79407
(806)777-5545 Tate's Cell

LAKE NASWORTHY
CRUISE BOAT CONCESSION
AND LEASE AGREEMENT

This Concession and Lease Agreement (hereinafter "Agreement") effective the 1st day of January, 2016 is entered into by and between the CITY OF SAN ANGELO, TEXAS, a Texas home-rule municipal corporation, acting by and through its duly authorized representative, hereinafter called "City," and WAYNE NICKELL D/B/A CONCHO CRUISES, hereinafter called "Concessionaire."

1. Grant of Privilege and Description of Premises. The City hereby grants to Concessionaire a privilege to operate a cruise boat concession (hereinafter "Concession") on Lake Nasworthy, San Angelo, Tom Green County, Texas, and lease the premises, which are more fully described and depicted on Exhibit "A", attached hereto and made a part of this Agreement as if fully set forth herein, or as may otherwise be agreed to from time to time by the City Manager or his designee and Concessionaire and evidenced in writing executed by the parties (hereinafter referred to as "concession area" or "premises"). The privilege to operate a cruise boat concession is limited by the specific exclusion of the sale of any alcoholic beverage. The parties hereto mutually agree that the sale of any alcoholic beverage by the Concessionaire will be deemed to be a breach of this Agreement. Concessionaire further agrees that use of the premises will be limited to operation of a cruise boat concession, boat rentals, and uses normally incidental thereto, and for no other purposes.

2. Hours of Operation. Concessionaire's cruise boat operation shall be open to the public on regular days and during regular hours that it deems prudent, and in compliance with the terms and conditions of this Agreement. Concessionaire's cruise boat operation includes all of Concho Cruise's boats.

3. Term. This Agreement is for a period of five (5) years commencing on the 1st day of January, 2016, and ending on the 31st day of December, 2021, unless sooner terminated by mutual agreement of the parties or as otherwise provided herein. This Agreement is subject to annual review by the City for Concessionaire's compliance with its terms and conditions, and may be terminated for cause as provided for herein.

A. Option to Extend Term. With written consent of the City, Concessionaire shall have the option to extend this Agreement for up to one (1) additional, successive five (5) year period, under the same terms, conditions and covenants contained herein, except that the annual fee shall be $6,500.00 for the extended term, provided that Concessionaire is not then in default of any term, condition or covenant in this Agreement.

B. Notice to Extend Term. Concessionaire shall exercise the option to extend the term of this Agreement by notifying the City in writing and delivering such written notice as herein required, at least ninety (90) days prior to expiration of the initial term.

4. Consideration. For the privilege contained herein, Concessionaire agrees to make the following payments to the City:

A. Flat Annual Fee. The sum of $6,000.00 payable in quarterly installments of $1,500.00 each, the first quarterly installment being due and payable on January 1, 2016, and the others quarterly on the 1st day of April, July, October, and January of each year until the term expires.

B. Place of Payment. All payments to City shall be made at: City of San Angelo Water Utilities Department, 702 S. Chadbourne St., San Angelo, Texas 76903, or at such other place as City may from time to time designate by written notice to Concessionaire.

C. Delinquent Payments. For any payments not made on or before the 10th day of the month that the payment becomes due, Concessionaire agrees to pay a late fee as allowed by Appendix A, Article 6 of the City of San Angelo Code of Ordinances.

D. Prorated Credit. City shall grant Concessionaire a prorated credit calculated as a percentage of the annual flat fee paid for any particular year. This prorated credit will be given on January 1st of each year for the previous year in which there are days the level of Lake Nasworthy at the inlet dropped below elevation 1868.5 feet, as determined by the City: Flat Annual Fee x [number of days inlet water elevation was below 1868.5÷ 365] = credit amount.

5. Special Conditions. Concessionaire agrees to the following conditions and agrees it will abide by the same during the term of this Agreement:

A. Maintenance. All boats, equipment, docks, parking areas, and other facilities associated with Concessionaire's operations, will be continuously maintained at Concessionaire's sole expense in good, safe operating order, free from discoverable defects and in clean, neat and attractive condition, inside and outside.

B. Sanitation. The premises will be kept in a safe, clean and orderly condition at all times in compliance with applicable federal, state and local laws and regulations. The premises will be cleaned after each day's operation, and all refuse will be removed daily.

C. Improvements/Equipment. The Concessionaire shall furnish and install, at its own expense, improvements and equipment at the concession site. The Concessionaire shall first secure written approval from the City before installation or construction is commenced on any improvement or equipment. Portable equipment, supplies and materials shall remain the property of the Concessionaire and subject to applicable taxation. Permanent improvements and equipment, such as, but not limited to, fencing, piers, docks and buildings, permanently attached to the premises so that they may not be removed without damage, shall become the property of the City upon installation, shall not be taxable to the Concessionaire, and shall not be removed by the Concessionaire upon termination of this Agreement. Concessionaire shall be responsible for the continuous maintenance of any such permanent improvement during the term of this Agreement.

D. Signs. Concessionaire may post in a conspicuous place on the premises signs relating to its ticket prices and other charges. No other advertising signs are permitted at the concession site without the prior written consent of the City. All signs must comply with City sign ordinances.

E. Service. Concessionaire shall furnish good, prompt and efficient service on a fair and reasonable basis. Concessionaire shall maintain competent and sufficient personnel, neatly clothed, on duty during all hours of operation as reasonably necessary to accommodate the public. The City reserves the right to require all personnel to be identified by conspicuous badge or other marking on clothing while on the premises or while on duty.

F. Restrictions/Laws. The City may prohibit concession activities and may require the removal of boats from the concession site at certain times or in certain areas due to events then occurring or about to occur in the vicinity of the concession area. The City shall not unreasonably impose such restrictions. The City's decision to impose any such restriction or the timing and duration of such, shall be in the sole discretion of the City. The Concessionaire shall comply with all such restrictions, applicable rules, regulations and laws of the United States, the State of Texas, and the City, and shall use the premises for no unlawful purposes whatsoever. Concessionaire and his patrons shall be subject to payment of applicable entrance fees. Concessionaire shall ensure that patron parking and boarding do not unreasonably interfere with public use of roads or parking areas, or public access to park grounds.

G. Delivery of Supplies. The Concessionaire shall arrange for the delivery of supplies used by it at the concession area at times and in a manner so that such deliveries do not create congestion or an undue interference with the regular operation and maintenance of the area.

H. Fencing of Tract 2. Concessionaire shall, at his sole cost and expense, construct a minimum six (6) foot opaque fence around that portion of Tract 2 depicted on Exhibit A. Concessionaire shall first secure written approval from the City before construction of the fence is commenced. Concessionaire shall construct and maintain the fence in accordance with all applicable City ordinances. Construction of the fence shall be completed no later than thirty (30) days after execution of this Agreement.

6. General Conditions. The parties agree to the following general conditions:

A. Indemnification and Insurance. Concessionaire agrees to the indemnification and insurance provisions specified on Exhibit "B" which is attached hereto and incorporated herein as part of this Agreement.

B. Reversion of Unused Area. In the event that Concessionaire shall fail to utilize any part of the concession area on a regular basis for a continuous period of six (6) months or more, said part, which could include all of the concession area, shall be deemed to have been abandoned by the Concessionaire, and the use thereof shall revert to

the City, whereupon Concessionaire shall be deemed to have relinquished all right to possession or use of that part or all of the concession area.

C. Default and Termination. If Concessionaire shall default in performance of any of the covenants and conditions required herein to be kept and performed by Concessionaire, and such default continues for a period of ten (10) days after written notice describing the default is delivered to Concessionaire, City shall have the right to terminate this Agreement upon thirty (30) days written notice of termination. Any termination of this Agreement arising from Concessionaire's default shall not relieve Concessionaire from the payment of any sum or sums that are due and payable to City under this Agreement, or any claim for damages then or thereafter accruing against Concessionaire under this Agreement. Any such termination shall not prevent City 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 Concessionaire for any default under this Agreement.

D. Waiver of Default. The acceptance of monies due the City for any period or periods after a default of any of the terms, covenants or conditions of this Agreement shall not be deemed a waiver of the default by the City. No waiver of default by the City of any of the terms, covenants, or conditions hereof to be performed, kept and observed by the Concessionaire shall be construed to be a waiver or act as a waiver of any subsequent default of any of the terms, covenants and conditions herein contained to be performed, kept and observed by the Concessionaire.

E. Cumulative Rights. All rights, options, and remedies of City contained in this Agreement or otherwise shall be construed and held to be cumulative, and no one of them shall be exclusive of the other; and City shall have the right to pursue any one or all of such remedies or any other remedy or relief which may be provided at law or in equity, whether or not stated in this Agreement. No waiver by City of a breach of any of the covenants, conditions, or restrictions of this Agreement 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 Agreement. In the event of the breach of any of the covenants, conditions or obligations contained herein by the Concessionaire, or if it becomes necessary for the City to employ attorneys to enforce its rights accruing as a result of such default, Concessionaire agrees to pay City reasonable attorneys' fees and all costs of court and expenses incurred as a result thereof.

F. Surrender of Premises. Upon termination of this Agreement, Concessionaire shall peacefully deliver the use and possession of the premises in good order, condition and repair, reasonable wear and tear excepted. Within thirty (30) days of the effective date of termination of this Agreement, Concessionaire shall surrender possession of the Concession Area and Premises, and all equipment and improvements made, furnished, or owned by the City. Concessionaire hereby authorizes City, in its sole discretion, to cause the removal of Concessionaire's personal property left on the Premises at Concessionaire's expense. All improvements and equipment installed by Concessionaire and all additional items of personal property remaining in or on the premises after the

expiration of thirty (30) days following the expiration or termination of this Agreement shall be deemed abandoned by Concessionaire and shall automatically become the property of City.

G. Delivery of Premises. Upon termination of this Agreement, Concessionaire shall peacefully deliver the use and possession of the premises in good order, condition and repair, reasonable wear and tear excepted.

H. Relationship of Parties. It is understood and agreed that nothing herein contained shall be construed as creating or establishing a relationship of agency, partnership or joint venture between the parties hereto, or as appointing or designating the Concessionaire as the agent, representative or employee of the City for any purpose or in any manner whatsoever. Concessionaire is to be and shall remain at all times with respect to this Agreement an independent contractor.

I. No Waiver. Failure of City to insist in any instance upon a strict performance by Concessionaire of any of the provisions, conditions or terms of this Agreement shall not be considered as a waiver or relinquishment thereof for the future. No waiver by Lessor of any of the provisions, conditions or terms of this Agreement shall be deemed to have been made in any instance unless expressed in the form of a resolution by the City Council.

J. Invalid or Illegal Provision. If any one or more provisions of this Agreement 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 Agreement, which will be construed as if it had not included the invalid, illegal or unenforceable provision.

K. Paragraph 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 Agreement.

L. Notices. Any notices given to the parties shall be sufficient upon personal delivery or if sent by certified mail to the following addresses:

City: City of San Angelo
Attn: Parks & Recreation Director 702 S. Chadbourne St.
San Angelo, TX 76903

Concessionaire: Wayne Nickell
P.O. Box 60014
San Angelo, Texas 76906

M. Amendment. No amendment, modification or alternation of the terms hereof shall be binding unless the same be in writing, dated subsequent to the date hereof and fully executed by the parties hereto or their respective successors or legal representatives.

N. No Assignment. This Agreement shall not be assigned or sublet without prior written approval of the City.

O. Venue. This Agreement shall be construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Tom Green County, Texas, where venue shall lie.

P. Entire Agreement. This Agreement constitutes and contains the entire agreement between the parties hereto. Any oral representations or modifications hereinbefore or hereinafter made concerning this Agreement shall be of no force and effect, provided however; the Agreement may be amended by the parties hereto as provided herein.

Q. Survival. The provisions of this Agreement, which by their nature extend beyond the expiration or termination of the Agreement, will survive expiration or termination of the Agreement.

R. Disclaimer of Warranties. ALL WARRANTIES THAT MAY ARISE IN COMMON LAW ARE EXCLUDED. CITY GIVES 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. THERE ARE NO IMPLIED WARRANTIES OF MERCHANTABILITY, OF FITNESS FOR A PARTICULAR PURPOSE, OR OF ANY OTHER KIND ARISING OUT OF THIS LEASE AGREEMENT, AND THERE ARE NO WARRANTIES THAT EXTEND BEYOND THOSE EXPRESSLY STATED IN THIS WRITTEN LEASE AGREEMENT.

S. No Encumbrances. Concessionaire shall not have the right to encumber the Premises leased under this Agreement.

Executed in duplicate originals on this 24th day of February, 2016.

CITY OF SAN ANGELO

By: _____
Daniel Valenzuela, City Manager

ATTEST:

By: _____
Bryan Kendrick, City Clerk

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the 24th day of February, 2016, by Daniel Valenzuela, City Manager of the CITY OF SAN ANGELO, a Texas home rule municipal corporation, on behalf of said corporation.

Notary Public, State of Texas

MARIA FRANCO
My Commission Expires
May 11, 2019

CONCESSIONAIRE

By: _____
Wayne Nickell

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the 22 day of February, 2016, by Wayne Nickell dba Concho Cruises.

GINA JOHNSON
Notary Public, State of Texas
Comm. Expires 12-21-2018
Notary ID 12847570-0

Notary Public, State of Texas

Approved as to form:

By: _____
Brandon Dyson, Assistant City Attorney

Approved as to content:

By: _____
Carl White, Director of Parks & Recreation

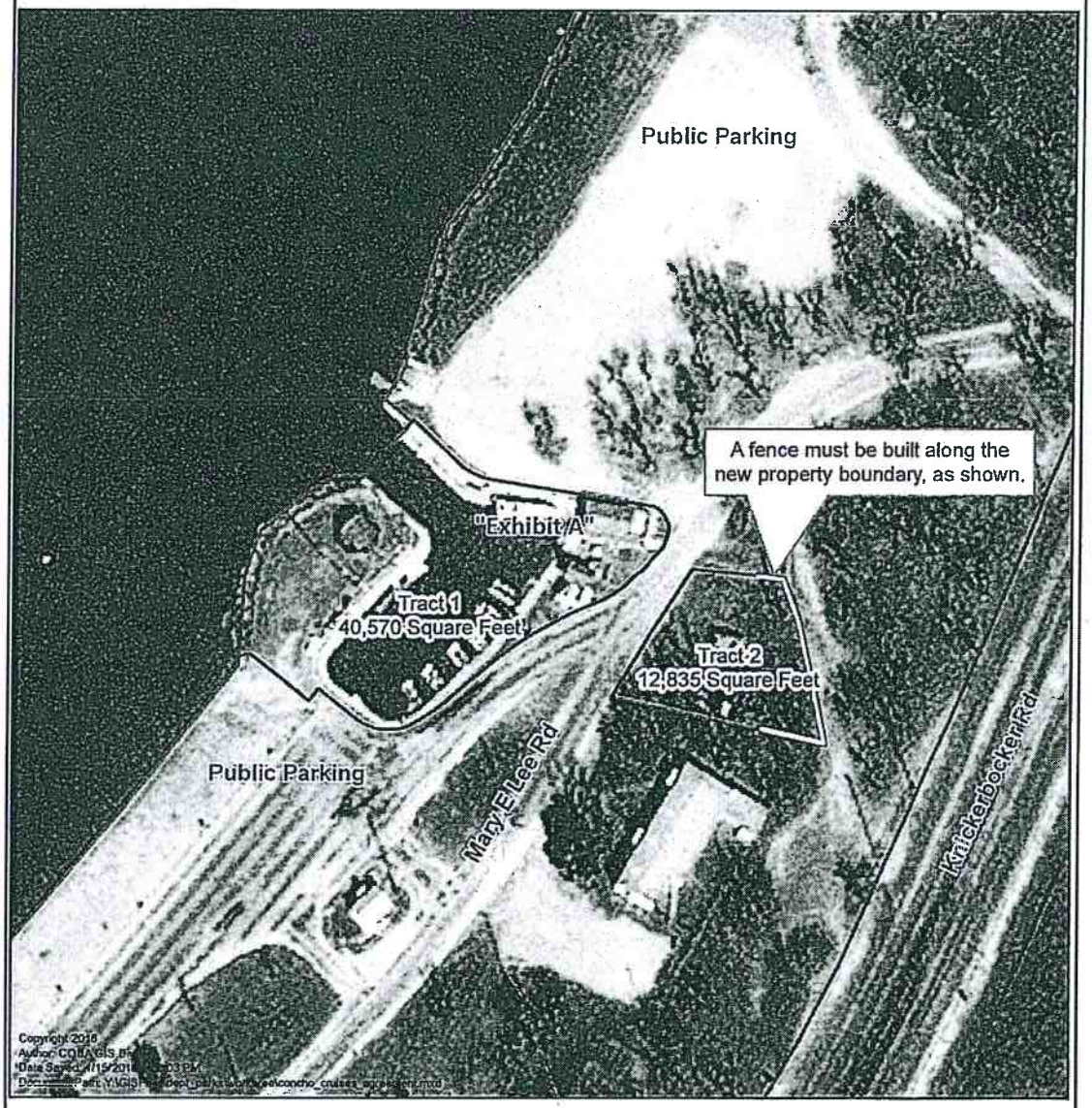
EXHIBIT "A"

TRACT 1: A 40,570 square foot tract, more or less, in Mary E. Lee Park with its Northeastern boundary line being adjacent to a designated public parking area, its Southeastern boundary line running parallel to Mary E. Lee Road, its Southwestern boundary line being adjacent to a public parking area that extends toward the shoreline of Lake Nasworthy, and its Northwestern boundary line being the shoreline of Lake Nasworthy (known commonly by municipal address as 2138 Mary E. Lee Rd., San Angelo, Texas 76904).

TRACT 2: A 12,835 square foot tract, more or less, in Mary E. Lee Park being East-southeast of Tract 1 above, with its Northern boundary line beginning at a point on Mary E. Lee Road and extending East toward Knickerbocker Road, its Eastern boundary line facing Knickerbocker Road, its Southern boundary line being adjacent to the Concho Bass Club, Inc., and its Western boundary line running parallel with Mary E. Lee Road.

Exhibit "A" Continued on next page.

Lake Nasworthy Cruise Boat Concession Agreement "Exhibit A"



GIS Division

concho_cruises_fenceline

concho_cruises

Ownership Parcels

1 inch = 100 feet

EXHIBIT "B"

1. Indemnification.

1.1 General Indemnification. Contractor agrees to indemnify, defend, 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 Contractor 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 Contractor, its agents or employees, or the joint negligence of Contractor and any other entity, as a consequence of its execution or performance of this Contract or sustained in or upon the premises, or as a result of anything claimed to be done or admitted to be done by Contractor hereunder. This indemnification shall survive the term of this Contract as long as any liability could be asserted. Nothing herein shall require Contractor to indemnify, defend or hold harmless any indemnified party for the indemnified party's own gross negligence or willful misconduct.

1.2 Environmental Indemnification. Contractor agrees to indemnify, defend 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 or resulting from or arising out of Contractor's handling, collection, transportation, storage, disposal, treatment, recovery, and/or reuse by any person under Contractor's direction or control of waste collected, transported or landfilled or any cleanup associated with environmental contamination, whether such cleanup is of air, soil, structure, ground water or surface water contamination. Contractor specifically agrees to indemnify, defend and hold harmless City against all claims, damages and liabilities of whatever nature asserted under CERCLA caused by acts or omissions of Contractor regardless of when such incident is discovered. Contractor shall be responsible and liable for any spill, underground pollution or any other environmental impairment incident caused by acts or omissions of Contractor 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.

1.3 Prospective Application. Any and all indemnity provided for in this Contract shall survive the expiration of this Contract 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 Contract 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 Contractor in performing under this Contract.

2. Insurance.

2.1 General Conditions. The following conditions shall apply to all insurance policies obtained by Contractor for the purpose of complying with this Contract.

2.1.1 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.

2.1.2 Named Insureds. All insurance policies required herein shall be drawn in the name of Contractor, 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.

2.1.3 Waiver of Subrogation. Contractor 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.

2.1.4 Certificates of Insurance. Before the time of execution of this Contract, Contractor 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 coverages 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, Contractor 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. Certificates of insurance and notices of cancellations, terminations or alternations shall be furnished to City's Risk Manager at City Hall, 72 West College, San Angelo, Texas 76903.

2.1.5 Contractor's Liability. The procurement of such policy of insurance shall not be construed to be a limitation upon Contractor's liability or as a full performance on its part of the indemnification provisions of this Contract. Contractor'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 Contractor to maintain adequate coverage shall not relieve Contractor of any contractual responsibility or obligation.

2.1.6 Sub Contractors' Insurance. Contractor shall cause each Sub Contractor and Sub-sub Contractor of Contractor to purchase and maintain insurance of the types and in the amounts specified below. Contractor shall require Sub Contractors and Sub-sub Contractors to furnish copies of certificates of insurance to Lessor's Risk Manager evidencing coverage for each Sub Contractor and Sub-sub Contractor.

2.2 Types and Amounts of Insurance Required. Contractor shall obtain and continuously maintain in effect at all times during the term hereof, at Contractor's sole expense, insurance coverages as follows with limits not less than those set forth below:

2.2.1 Commercial General Liability. This policy shall be a comprehensive occurrence-type policy and shall protect the Contractor and additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than the Contractor's employees) and damage to property of the City or others arising out of the act or omission of the Contractor or its agents and employees. This policy shall also include protection against claims for the contractual liability assumed by Contractor under the paragraph of this Contract entitled "Indemnification," including completed operations, products liability, contractual coverage, board form property coverage, explosion, collapse, underground, premises/operations, and independent contractors (to remain in force for two years after final payment). Coverage shall be as follows:

$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
$ 100,000.00	Fire Damage (any one fire)

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

$1,000,000.00	Combined Single Limit or Separate Limits in the amount of
$250,000.00	Per person
$500,000.00	Per Occurrence
$100,000.00	Property Damage

2.2.3 Workers' Compensation and Employer's Liability. If Contractor hires any employees, Contractor shall maintain Workers' Compensation and Employer's Liability insurance, which shall protect the Contractor against all claims under applicable state workers' compensation laws and employer's liability. 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, Contractor 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 Lessor in accordance with the notice provisions of this Contract.

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

We, being the potential NEW CONCESSIONAIRE'S of what is known as the CONCHO CRUISES do hereby agree to the terms, requirements and conditions as stated within this LAKE NASWORTHY CRUISE BOAT CONCESSION AND LEASE AGREEMENT on this the 1st Day of June 2017.

Joseph (Tate) Bartlett — Tate Bartlett
Signature

Carli Bartlett — Carli Bartlett
Signature

Grady Cunningham — Grady A. C
Signature

Abby Cunningham — Abby C
Signature

New Concessionaire's Contact Info:

6863 E. State RD 114
Lubbock, TX 79407
(806)777-5545 Tate's Cell

A RESOLUTION OF THE CITY OF SAN ANGELO AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONSENT TO ASSIGNMENT OF LAKE NASWORTHY CRUISE BOAT CONCESSION AND LEASE AGREEMENT FROM WAYNE NICKELL d/b/a/ "CONCHO CRUISES" TO BUYERS OF THE BUSINESS

WHEREAS, The CITY OF SAN ANGELO, Lessor, and WAYNE NICKELL, d/b/a "CONCHO CRUISES", Concessionaire, entered into a concession and commercial lease for the privilege to operate a cruise boat concession on the waters of Lake Nasworthy, owned by City, and occupy certain leased premises on the lake shore for concession purposes, the Leased Premises being described therein, effective January 1, 2016, and expiring on December 31, 2021; and,

WHEREAS, WAYNE NICKELL, Concessionaire, desires to sell his business known as "CONCHO CRUISES" , including assignment of the LAKE NASWORTHY CRUISE BOAT CONCESSION AND LEASE AGREEMENT with CITY, to JOSEPH (TATE) BARTLETT, CARLI BARTLETT, GRADY CUNNINGHAM AND ABBY CUNNIINGHAM, who will assume obligations of Concessionaire under the concession and lease agreement; and,

WHEREAS, WAYNE NICKELL, Concessionaire, in the alternative desires to sell his business known as "CONCHO CRUISES" , including assignment of the LAKE NASWORTHY CRUISE BOAT CONCESSION AND LEASE AGREEMENT with CITY, to JOSHUA M. SLAYDEN and GENTRY D. SLAYDEN, who will assume obligations of Concessionaire under the concession and lease agreement; and,

WHEREAS The City Council deems it advantageous to the operation of Lake Nasworthy and the citizens of the City of San Angelo to consent to the assignment of the Cruise Boat Concession and License Agreement;

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

The City Manager or his designee is hereby authorized to execute a Consent to Assignment in a form approved by the Office of City Attorney, of the LAKE NASWORTHY CRUISE BOAT CONCESSION AND LEASE AGREEMENT by Wayne Nickell d/b/a "Concho Cruises", Concessionaire under said agreement, as Assignor, to Joseph (Tate) Bartlett, Carli Bartlett, Grady Cunningham and Abby Cunningham collectively "Assignees", (or in the alternative to Joshua M. Slayden and Gentry D. Slayden) effective upon Assignees' purchase of the business known as CONCHO CRUISES from Wayne Nickell and full execution of said assignment pursuant to which Assignees assume all obligations of Assignor under the Concession and Lease Agreement.

PASSED and APPROVED THIS _____ DAY OF _____, 2017.

CITY OF SAN ANGELO, TEXAS

ATTEST:

_____

Brenda Gunter, Mayor

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT

Carl White, Parks & Recreation Director

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: June 20, 2017

Item type: Consent Item

Caption:

Consider authorizing the sale of the following Lake Nasworthy property to the current residential lot lease holder for the appraised value (C. Preas):
1. 2702 Red Bluff Ramp Rd; $84,400
2. 3141 Red Bluff Road East; $110,000

Summary/History:

If the sale is approved at the appraised value, a title examination will be performed and legal staff will prepare a Real Estate Contract of Sale, Special Warranty Deed and Surrender of Lease

Sale of the surface estate of city-owned Lake Nasworthy residential lots is governed by City of San Angelo Code of Ordinances, Article 9.03, Sec. 9.03.004

Financial Impact:

Upon approval, proceeds from the sale of residential lots will be placed in the Lake Nasworthy Trust Fund.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

1.	Summary Appraisal - 2702 Red Bluff Ramp Rd	2702 Red Bluff Ramp Rd. - Summary Appraisal.pdf
2.	Summary Appraisal - 3141 Rd Bluff Rd East	3141 Red Bluff Road East - Summary Appraisal.pdf

Presentation:

Approvals/Reviews:

Cynthia Preas	Created/Initiated
Tina Dierschke	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

APPRAISAL OF REAL PROPERTY

LOCATED AT

2702 Red Bluff Ramp Rd
San Angelo, TX 76904
Lot 1-A, Block 1, Section 1, Group Red Bluff, Lake Nasworthy Addition

FOR

City of San Angelo
72 W. College Ave
San Angelo, TX 76903

AS OF

06/02/2017

BY

Kevin J. Halfmann
Crystal N. Bancroft
Halfmann Appraisals
133 W Concho Ave Ste 110
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

Halfmann Appraisals
133 W Concho Ave Ste 110
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

06/07/2017

City of San Angelo
Real Estate Division
72 W. College Ave
San Angelo, TX 76903

Re: Property: 2702 Red Bluff Ramp Rd
San Angelo, TX 76904
Borrower: HZ Quality First
File No.: R17-0490

Opinion of Value: $ 84,400
Effective Date: 06/02/2017

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as though unimproved, in unencumbered fee simple title of ownership (surface only).

This report is based on a physical analysis of the site only, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Respectfully Submitted,

Crystal N. Bancroft
Appraiser Trainee
License or Certification #: 1340109
State: TX Expires: 05/31/2018
niki@halfmannrealty.com

Kevin J. Halfmann
License or Certification #: 1320469-G
State: TX Expires: 04/30/2019
(325)655-1278
kevin@halfmannrealty.com

APPRAISAL OF REAL PROPERTY

LOCATED AT

3141 Red Bluff Rd E
San Angelo, TX 76904
Lot 91, Block 4, Section 4, Group Red Bluff, Lake Nasworthy Addition

FOR

City of San Angelo
72 W. College Ave
San Angelo, TX 76903

AS OF

06/02/2017

BY

Kevin J. Halfmann
Crystal N. Bancroft
Halfmann Appraisals
133 W Concho Ave Ste 110
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

Halfmann Appraisals
133 W Concho Ave Ste 110
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

06/07/2017

City of San Angelo
Real Estate Division
72 W. College Ave
San Angelo, TX 76903

Re: Property: 3141 Red Bluff Rd E
San Angelo, TX 76904
Borrower: Tracy Hedges
File No.: R17-0560

Opinion of Value: $ 110,000
Effective Date: 06/02/2017

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as though unimproved, in unencumbered fee simple title of ownership (surface only).

This report is based on a physical analysis of the site only, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Respectfully Submitted,

Crystal N. Bancroft
Appraiser Trainee
License or Certification #: 1340109
State: TX Expires: 05/31/2018
niki@halfmannrealty.com

Kevin J. Halfmann
License or Certification #: 1320469-G
State: TX Expires: 04/30/2019
(325)655-1278
kevin@halfmannrealty.com

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: June 20, 2017

Item type: Consent Item

Caption:

Consider a resolution authorizing the conveyance of two small irregularly shaped parcels of land that because of shape and small area cannot be used independently, located on the west side of South Concho Drive, southeast of its intersection with Knickerbocker Road, in exchange for the public dedication of two other irregularly shaped parcels of land as additional right-of-way for South Concho Drive; finding a public purpose and benefit therein; finding fair market value; and, authorizing the Mayor for the City of San Angelo to execute deeds without warranty and such other documents as may be necessary or convenient to the stated purposes (J. James)

Summary/History:

On September 15, 1998, City Council approved a Resolution for a land exchange that would convey two parcels of land adjacent to South Concho Drive to the owner and developer, Boardwalk Builders, in exchange for conveyances of two other parcels of land for additional right-of-way to the City. The resolution authorized the Mayor at that time to execute a Special Warranty Deed for the said parcels but the City has no record of a warranty deed ever filed or executed for the said parcels.

Not realizing the above item was already approved, the developer submitted an application for a Right-Of-Way Abandonment to acquire their two parcels on July 21, 2014 (see attached plats). The applicant subsequently withdrew their request when they discovered Council action already took place. No further action was taken since 2014.

The developer is now in process of completing the remaining requirements of the subdivision plat for Lakeshore Estates, Section Two which includes their two parcels, and has requested the City take action on this item in order to move forward and record the plat before it expires on August 25 of this year.

The City Attorney's Office instructed Staff to bring forward a new Council item to reconfigure this 1998 decision and to authorize the new Mayor to execute warranty deeds in exchange for the developer's dedication of two parcels as additional right-of-way for South Concho Drive. This will allow the developer to move forward and record the above referenced plat which includes these two parcels.

It is noted in the 1998 decision and associated exhibits that the two parcels being conveyed to Boardwalk Builders, Ltd., were 0.032 acres and 0.070 acres respectively. The developer's engineer provided us with updated survey plats as part of their 2014 abandonment request that shows a slightly smaller configuration on the southerly parcel of only 0.041 acres. However, because this revised configuration is still located within the area of the original approved resolution, the new resolution has been modified to reflect the new information. In addition, after speaking to the City's Attorney's Office, Planning Staff request that a deed without warranty for the 0.041-acre tract not be prepared and executed until such time as a plat for Section Three is ready to be recorded, which would encompass this tract, avoiding the creation of a remnant, unplatted lot.

The City's Real Estate Division has indicated outstanding liens of $4,582.63 on property subject to the proposed plat

described above. Prior to filing the non-warranty deed, the owner shall pay the outstanding liens.

Financial Impact:

N/A

Other Information/Recommendation:

Staff recommends APPROVAL subject to two Conditions of Approval:

1. All outstanding liens shall be paid prior to execution of the non-warranty deed.

2. A non-warranty deed for the 0.041-acre tract shall not be executed until such time as a plat is submitted for final recordation.

Attachments:

1. Draft Resolution PL__Resolution (South Concho Drive Land Transfer) 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

A RESOLUTION OF THE CITY OF SAN ANGELO AUTHORIZING THE CONVEYANCE OF TWO SMALL IRREGULARLY SHAPED PARCELS OF LAND THAT BECAUSE OF SHAPE AND SMALL AREA CANNOT BE USED INDEPENDENTLY, LOCATED ON THE WEST SIDE OF SOUTH CONCHO DRIVE, SOUTHEAST OF ITS INTERSECTION WITH KINCKERBOCKER ROAD, IN EXCHANGE FOR THE PUBLIC DEDICATION OF TWO OTHER IRREGULARLY SHAPED PARCELS OF LAND AS ADDITIONAL R-O-W FOR SOUTH CONCHO DRIVE; FINDING A PUBLIC PURPOSE AND BENEFIT THEREIN; FINDING FAIR MARKET VALUE; AND, AUTHORIZING THE MAYOR FOR THE CITY OF SAN ANGELO TO EXECUTE DEEDS WITHOUT WARRANTY AND SUCH OTHER DOCUMENTS AS MAY BE NECESSARY OR CONVENIENT TO THE STATED PURPOSES

WHEREAS, on September 15, 1998, City Council adopted a resolution authorizing the Mayor to execute deeds conveying two small parcels of land referred to herein as Tracts 1 and 2, from City to Boardwalk Builders, Ltd., in exchange for two other small parcels of land described here as Tracts "A" and "B", to be used as additional right-of-way for South Concho Drive, and the conveyances not having been consummated; and

WHEREAS, Tract 1 is 0.032 acres and Tract 2 is 0.041 acres, out of the JJ Schaefer Survey 646 and Heirs of C. Zech Survey 645, adjacent to South Concho Drive, and Tract "A" is 0.914 acres and Tract "B" is 0.237 acres, out of the JJ Schaefer Survey 646; and,

WHEREAS, Tract 1 is described and depicted on Exhibit "1", Tract 2 is described and depicted on Exhibit "2", and Tracts "A" and "B" are depicted on Exhibit "A", and said exhibits are attached to and made a part of this resolution; and,

WHEREAS, Tracts 1 and 2 have similar value with Tracts "A" and "B", such that dedication of the larger area as public street right-of-way provides fair market value consideration to City for the conveyances; and,

WHEREAS, Boardwalk Builders, Inc. shall dedicated Tracts "A" and "B" as additional public street right-of-way for South Concho Drive by recordation of Final Plats for Section 2, Lakeshore Estates

WHEREAS, the City Council determines that there is a public necessity for, and the public welfare and convenience will be served by the conveyance of Tracts 1 and 2 in exchange for the dedication of Tracts "A" and "B" as additional right-of-way for South Concho Drive:

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

1. All of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this resolution; and,

2. The Mayor of the City of San Angelo is hereby authorized to execute a non-warranty deed and such other documents as may be necessary or convenient for such purposes in a form approved by the Office of City Attorney of Tract 1 to Boardwalk Builders, Ltd., on final execution of plat approvals necessary for release of said plat for recordation of Section 2, Lakeshore Estates, by which Boardwalk Builders dedicates Tracts "A" and "B" as additional right-of-way for South Concho Drive, a public street.

3. The Mayor of the City of San Angelo is hereby authorized to execute a non-warranty deed and such other documents as may be necessary or convenient for such purposes in a form approved by the Office of the City Attorney of Tract 2 to Boardwalk Builders, Ltd., on final execution of plat approvals necessary for release of said plat for recordation of Section 3, Lakeshore Estates, by which Boardwalk Builders dedicates additional right-of-way for South Concho Drive, a public street.

PASSED and APPROVED THIS _____ DAY OF _____, 2017.

THE CITY OF SAN ANGELO

_____
Brenda, Gunter, Mayor

ATTEST:

_____
Bryan Kendirck, City Clerk

Approved As to Form:

_____
Dan T. Saluri, Deputy City Attorney

Approved As to Content:

_____
Jon James, Director of Planning and Development Services

EXHIBIT '1 ' page one: Tract 1 (0.032 acre) from City of San Angelo to Boardwalk Builders Ltd.

Being 0.032 acres of land out Heirs of J.J. Schaeffer Survey 646, San Angelo, Tom Green County, Texas, said 0.032 acres also being out of lands conveyed from West Texas Utilities Company to the City of San Angelo which are described at Volume 295, Page 526 of the Deed Records of Tom Green County, Texas and said 0.032 acres also being more particularly described as follows:

Beginning at a point in the east line of a certain 3.00 acre tract described in Warranty Deed from Tom Green Land Trust to Boardwalk Builders, Ltd. which is recorded at Volume 574, Page 347 of the Official Public Records of Real Property of Tom Green County, Texas from which a 5/8" iron rod found in the east line of an alley and in the east line of Lakeshore Estates, San Angelo, Tom Green County, Texas which is recorded as Instrument Number 427566 at Plat Cabinet E, Slide 97 of the Records of Tom Green County, Texas, at the southwest corner of said 3.00 acre tract and at the northwest corner of Section IV, Lake Nasworthy Estates which is recorded at Volume 364, Page 38 of the Official Public Records of Real Property of Tom Green County, Texas bears S00°41'17"W a distance of 102.52 feet and N89°18'43"W a distance of 1275.65 feet;

Thence S06°02'00"E a distance of 0.94 feet to the point of curvature of a curve to the left;

Thence with said curve to the left whose central angle is 09°17'16" and radius is 1040.00 feet (long chord bears S10°40'38"E a distance of 168.40 feet) a distance of 168.59 feet to a point in the east line of a certain 40.00 acre tract described at Exhibit D in Special Warranty Deed from Central National Branch of First National Bank At Lubbock to Boardwalk Builders, Ltd. which is recorded at Volume 280, Page 251 of the Official Public Records of Real Property of Tom Green County, Texas from which a ½" iron pipe found at the most northerly southeast corner of a said 40.00 acre and at the northeast corner of a certain 6.65 acre tract described at Exhibit B in Special Warranty Deed with Vendor's Lien from Southwest Bank of San Angelo to Boardwalk Builders, LTD which is recorded at Volume 551, Page 832 of the Official Public Records of Real Property of Tom Green County, Texas bears S28°38'05"E a distance of 950.56 feet;

Thence N28°38'05"W with said east line of the 40.00 acre tract a distance of 67.99 feet to an angle corner in said east line of the 40.00 acre tract;

Thence N00°41'17"E with said east line of the 40.00 acre tract at 4.24 feet passing the northeast corner of said 40.00 acre tract and the southeast corner of said 3.00 acre tract a total distance of 106.76 feet to the place of beginning, the herein described tract containing 0.032 acres of land.

Notes:
The bearings recited herein refer to the Texas Coordinate System – Central Zone.
The distances recited herein are surface horizontal distances.
Field notes prepared from surveys made by me or under my supervision on the ground on and prior to the 8th day of January, 1996.

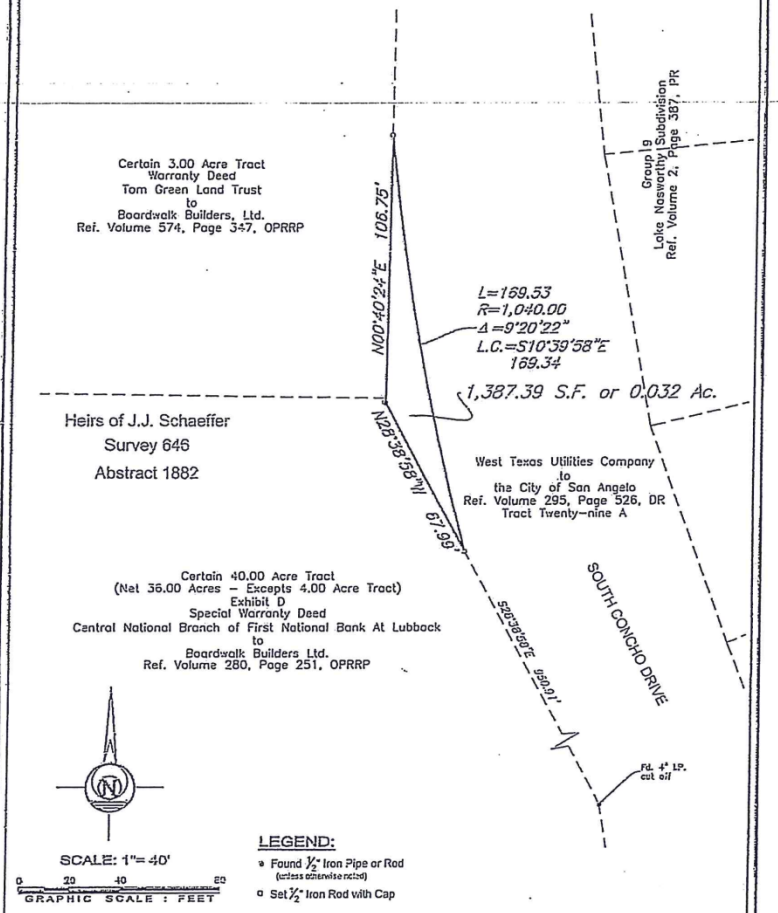
Ronald Weeks Jones

Ronald Weeks Jones
Registered Professional Land Surveyor #4392

Greystone Engineering, Inc.
3321 Foster Street
San Angelo, Texas 76904

STATE OF TEXAS
REGISTERED
RONALD WEEKS JONES
4392
PROFESSIONAL
LAND SURVEYOR

Exhibit 1
Page 2 of 2



PLAT SHOWING 0.032 AC. OR 1,387.39 SQ. FT. OF LAND OUT OF HEIRS OF J.J. SCHAEFER SURVEY 646, ABSTRACT 1882, AND BEING OUT OF THAT CERTAIN TRACT TWENTY–NINE A DESCRIBED IN VOLUME 295, PAGE 526 DEED RECORDS OF TOM GREEN COUNTY, TEXAS.

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

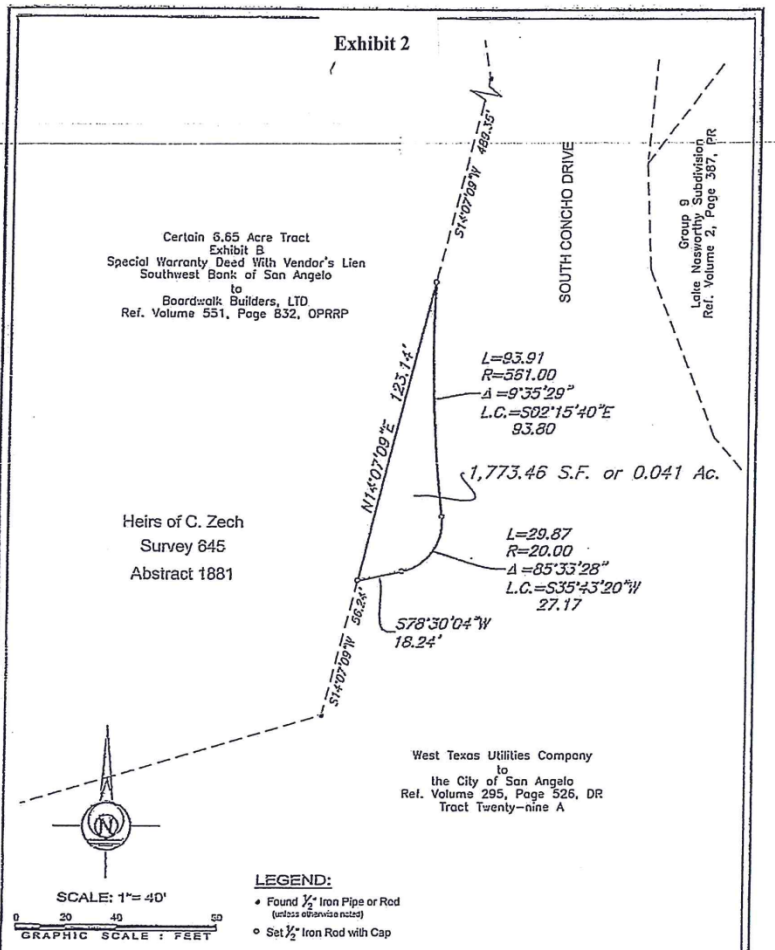
Certification is hereby made that a survey was made on the ground under my supervision according to the minimum standards of the Professional Land Surveying Practices Act and the General Rules of Procedures and Practices set forth by the Texas Board of Professional Land Surveying.

RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636

Surveyed on the ground July 22, 2014.

SKG ENGINEERING, LLC FIRM #10102400 765 SOUTH ABE STREET, SAN ANGELO, TEXAS 76903 325.655.1268 14–E–0810

Exhibit 2



PLAT SHOWING 0.041 AC. OR 1,773.46 SQ. FT. OF LAND OUT OF HEIRS OF J.J. SCHAEFER SURVEY 646, ABSTRACT 1882, AND BEING OUT OF THAT CERTAIN TRACT TWENTY-NINE A DESCRIBED IN VOLUME 295, PAGE 526 DEED RECORDS OF TOM GREEN COUNTY, TEXAS.

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

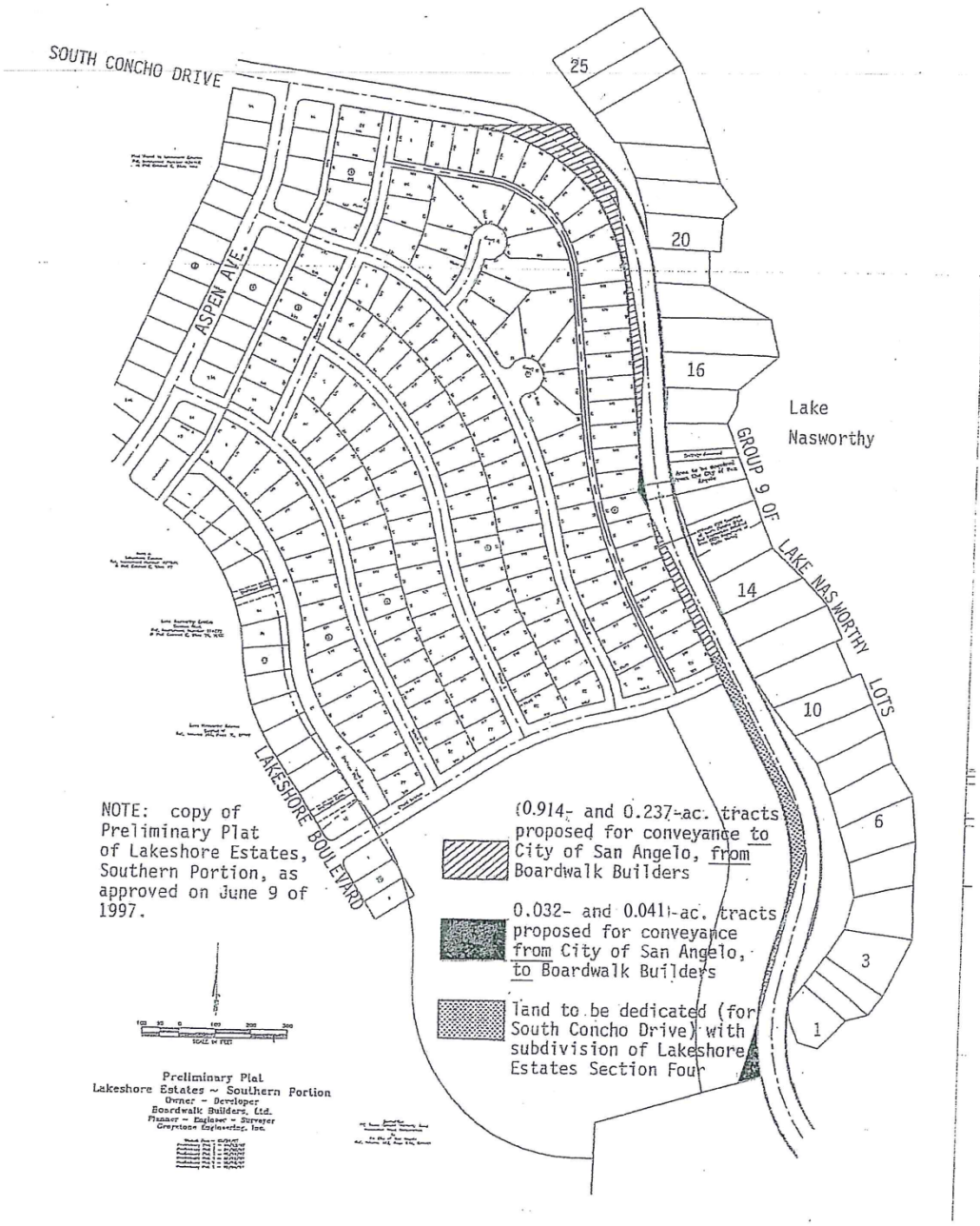
Certification is hereby made that a survey was made on the ground under my supervision according to the minimum standards of the Professional Land Surveying Practices Act and the General Rules of Procedures and Practices set forth by the Texas Board of Professional Land Surveying.

RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636

Surveyed on the ground July 22, 2014.

SKG ENGINEERING, LLC FIRM #10102400 706 SOUTH ABE STREET, SAN ANGELO, TEXAS 76903 325.655.1288 14-E-0810

Exhibit "A"


SOUTH CONCHO DRIVE
ASPEN AVE.
LAKESHORE BOULEVARD
GROUP 9 OF LAKE NASWORTHY LOTS
Lake Nasworthy
25
20
16
14
10
6
3
1
NOTE: copy of Preliminary Plat of Lakeshore Estates, Southern Portion, as approved on June 9 of 1997.
0.914- and 0.237-ac. tracts proposed for conveyance to City of San Angelo, from Boardwalk Builders
0.032- and 0.041-ac. tracts proposed for conveyance from City of San Angelo, to Boardwalk Builders
Land to be dedicated (for South Concho Drive) with subdivision of Lakeshore Estates Section Four
Preliminary Plat
Lakeshore Estates ~ Southern Portion
Owner ~ Developer
Boardwalk Builders, Ltd.
Planner ~ Engineer ~ Surveyor
Graystone Engineering, Inc.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: June 20, 2017

Item type: Consent Item

Caption:

Second reading and adoption of an ordinance amending Chapter 3 "Animal Control" Sections 3.01.003 "Appearance in Court Required" of the Code of Ordinances to outline and clarify authorization to issue citations for violation of Animal Control ordinances (R.Salas)

Summary/History:

Currently, the Animal Control ordinance of the City of San Angelo adopted in 2015 does not effectively designate those employees that should be authorized to issue citations for violation of this ordinance. The current language identifies specific positions that have changed names over the past few years which causes confusion during court hearings. Staff is recommending amending the ordinance to authorize those employees who meet all the state requirements, such as Animal Control Officer certification to issue citations and not identify specific positions.

Current language: (d) Any person employed as a city peace officer, animal services director, animal services officer, animal services technician, or animal services dispatcher shall have the authority to issue citations for violations of this chapter.

New language: (d) Any duly authorized agent of the City who meets all requirements imposed by state law shall have authority to issue citations for violations of this chapter.

Financial Impact:

No fiscal impact.

Other Information/Recommendation:

Attachments:

1.	Amendment to Animal Control Ordinance - Citations Authorization	Animal Control Citation Ordinance Amendment FINAL (4-21-17).pdf

Presentation:

None

Approvals/Reviews:

Bob Salas	Created/Initiated
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 3 "ANIMAL CONTROL" SECTIONS 3.01.003 "APPEARANCE IN COURT REQUIRED" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO TEXAS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the current Animal Control ordinance of the City of San Angelo was adopted in 2015; and

WHEREAS, there has been some confusion as to which City employees or officers are authorized to enforce the Animal Control ordinance through issuance of written citations; and

WHEREAS, the City Council desires to clarify its intent with regard to those City employees or officers who may write citations for violations of the Animal Control ordinance.

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 3 "ANIMAL CONTROL", SECTION 3.01.003 "Appearance in court required" is hereby amended to read in its entirety as follows:

Sec. 3.01.003 Appearance in court required

(a) Any person violating any of the provisions of this chapter may be arrested upon written complaint and shall be taken immediately before the judge of the municipal court when such person refuses to give him written promise to appear in court as hereinafter provided.

(b) Whenever any person violates any part of this chapter and such person is not immediately taken before the judge of the municipal court as hereinbefore required, the arresting officer shall prepare in duplicate written notice to appear in said court containing the name and address of such person, the offense charged with and the time and place, when and where such person shall appear in said court. Such person must give his written promise to appear in court by signing in duplicate the written notice prepared by the arresting officer, such appearance to be at least ten (10) days from such date unless an earlier hearing is demanded. The original of such notice shall be retained by the officer and a copy thereof delivered to such person, and thereupon the officer shall forthwith release such person.

(c) Any person willfully violating any part of his written promise to appear in court, given as provided in this section, is guilty of a misdemeanor regardless of the disposition of the original charge.

(d) Any duly authorized agent of the City who meets all requirements imposed by state law shall have authority to issue citations for violations of this chapter.

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

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

4) 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 ___ day of _____, 2017, and finally PASSED, APPROVED and ADOPTED on this the ___ day of _____, 2017.

CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

ATTEST:

_____
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: June 20, 2017

Item type: Consent Item

Caption:

Second reading and adoption of an ordinance amending various sections of the Zoning Ordinance in the Code of Ordinances regarding the definition of and regulations applicable to schools, including establishing different standards for Kindergarten through 9th grade and High Schools, defining both public and private schools as a school, and establishing development standards for schools including requirements for parking, vehicle stacking, and site development (J. James)

Summary/History:

The Planning Division has reviewed the current requirements within the Zoning Ordinance for the development and/or expansion of schools within the City. The current Zoning Ordinance, adopted January 4, 2000, removed schools, defined as "public and private schools providing a basic curriculum equivalent to an elementary or secondary school" as permitted uses in all residential districts thus creating the need to obtain a Conditional Use from the Planning Commission.

As part of this text amendment, staff is proposing that all schools would be allowed in nonresidential zoning districts by right; elementary and middle schools would be allowed in residential areas by right; and ninth grade and high schools would be allowed in residential areas, with either Special Use or Conditional Use approval. As part of the specific design standards, issues like pedestrian access, lighting, traffic, parking, and landscaping have been addressed.

Financial Impact:

N/A

Other Information/Recommendation:

This request was considered by the Planning Commission at their regular meeting on May 15, 2017, and recommended APPROVAL unanimously. On June 6, 2017, City Council unanimously voted to APPROVE the request.

Attachments:

1.	Staff Report	Memo_Schools_City Council.docx
2.	Draft Ordinance	Ordinance_Schools_City Council.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: June 6, 2017
June 20, 2017

To: Mayor and City Council

From: Jon C. James, AICP
Director

Request: Text Amendment to Chapter 12, Exhibit "A" Zoning Ordinance, Article 3, Section 310 (Use Table), Section 314.G.4 (Exceptions), Section 314.I (Schools), Section 424 (New Specific Use Standards for Schools) and Article 5, Section 511.H. (Vehicle Stacking Areas)

Background:

The Planning Division has reviewed the current requirements within the Zoning Ordinance for the development and/or expansion of schools within the City.

Prior to 2000, the Zoning Ordinance allowed "public, private or parochial schools having a curriculum equivalent to a public elementary or high school" in all residential zoning districts, but not in any of the commercial or industrial Zoning Districts, except for the Central Business District (CBD).

The current Zoning Ordinance, adopted January 4, 2000, removed schools, defined as "public and private schools providing a basic curriculum equivalent to an elementary or secondary school" as permitted uses in all residential

Existing Use Table

Section 310 Use Table																		
Use Category	Definition	R&E	RS1	RS2	RS3	RM1	RM2	MHP	MHS	CN	CO	CG	CH	CBD	OW	ML	MH	CG/CH
Schools	Elementary, middle, or high school level schools	C	C	C	C	C	C	-	C	C	A	A	-	A	-	-	-	A

districts thus creating the need to obtain a Conditional Use from the Planning Commission. However, the ordinance does allow schools as of right in some commercial districts, including in the CO, CG, CBD, and the CG/CH zoning categories. The following use table from Section 310 of the Ordinance outlines which zoning districts allow schools as of right, and which require a Conditional Use approval:

Schools are required to meet the development standards of the zoning district in which they are located. In addition, unless they are part of Planned Development with its own zoning standards, schools are required to meet the parking standards outlined in Section 511 of the Zoning Ordinance. Elementary schools require 1.5 spaces per classroom; middle schools 3 spaces per classroom; and high schools 9 spaces per classroom.

The current Zoning Ordinance added a provision dealing with existing schools that lawfully occupied land or buildings prior to January 4, 2000: Schools located in a zoning district where there is a Conditional Use option are considered a lawful Conditional Use as if the Planning Commission approved it as such. However, these schools are required to obtain a Conditional Use approval when they expand their current floor area.

In addition, existing schools not located in a zoning district where there is a Conditional Use option, would be legally non-conforming if they were lawful at the time they were erected. They would have an option to apply for an Expansion of a Non-Conforming Use.

Planning Commission Discussion – February 20th and April 17th 2017:

On February 20, and April 17, 2017, the Planning Director brought forward discussion items seeking input from the Planning Commission on whether or not changes should be made. The Director outlined several options,

including leaving the Zoning Ordinance as is; rezoning new and existing schools to a Planned Development (PD) with specific conditions and restrictions tailored to that particular facility; or creating development standards and zoning requirements applicable to the type of school (recommended). Under the third option, all schools would be allowed in non-residential zoning districts by right; elementary and middle schools would be allowed in residential areas by right; and ninth grade and high schools would be allowed in residential areas, with either Special Use or Conditional Use approval. As part of the specific design standards, the Planning Director indicated that this item would be brought back with a draft ordinance in the future, and that staff would be focusing on issues like pedestrian access, lighting, traffic, parking, and landscaping as part of the new ordinance.

Preliminary Recommendations:

Based on research of other cities and input from the Planning Commission, staff provided the following general recommendations along with an attached draft ordinance for review:

- Amending Section 310 (Use Table) to allow all K-9th grade schools to be allowed by right in all residential and commercial zones, excluding MHP, CG/CH, CH, OW, ML, and MH zones. High school are allowed by right in the same commercial zones, but require a Conditional Use in all residential districts;

- Amending Section 314.G. to classify religious schools that provide curriculum equivalent to primary or secondary schools as “Schools” as defined in Section 314.I (Schools);

- Amending Section 314.I (Schools) to remove the word “basic” and replacing the words “elementary” with “primary” under the Characteristics definition;

- Create new Specific Use Standards section for Schools, Section 424. New standards will include requirements for vehicle stacking, lighting, sidewalks, building design, signage, and landscaping;

- Maintain the current off-street parking standards for Schools as outlined in Section 511.B: 1.5 spaces per classroom for elementary schools; 3 spaces per classroom for middle schools; and 9 spaces per classroom for high schools.

- Amending Article 8, Section 511.H. (Vehicle Stacking Areas) requiring stacking areas for eight (8) vehicles to be installed next to schools.

Planning Commission Action:

This request was considered by the Planning Commission at their meeting on May 15, 2017. Below is an excerpt from the meeting's unofficial minutes:

Jon James, Planning and Development Services Director, outlined the proposed text amendment to the Zoning Ordinance for schools which was presented last month to the Commission as a discussion item. Mr. James explained that the current Zoning Ordinance requires schools to obtain a Conditional Use and the proposed amendment would allow elementary and middle schools by right subject to various development standards.

Commissioner Spano asked if Planning Staff had considered parental traffic as part of the text amendment.

Mr. James responded that parental traffic had been considered, and that staff had put in development standards related to vehicle stacking to address this issue. He reiterated the purpose of the amendment was to avoid schools having to obtain a Conditional Use or Expansion of a Non-Conforming Use every time they wanted to expand, and to implement new development standards for all schools.

Chairperson Priess opened the meeting for public comment. There was no public comment.

A Motion to approve the proposed text amendment, as presented, was made by Commissioner Crisp and seconded by Commissioner Farmer. The motion carried unanimously, 6-0.

Attachment: Proposed Zoning Ordinance Amendment

Proposed Zoning Ordinance Amendment

Article 3
Use Regulations

Section 310.E. Use Table

Proposed Use Table

Section 310 Use Table																		
Institution	Definition	R&E	RS1	RS2	RS3	RM1	RM2	MHP	MHS	CN	CO	CG	CH	CBD	OW	ML	MH	CG/CH
School	Kindergarten-Grade 9 Public or Private	A	A	A	A	A	A	-	A	A	A	A	-	A	-	-	-	-
School	High School Public or Private	C	C	C	C	C	C	-	C	A	A	A	-	A	-	-	-	-

Section 314. Institutional and Civic Use Categories

G. Religious Institutions

1. Characteristics. Religious Institutions primarily provide meeting areas for religious worship and education.

2. Accessory Uses. Accessory uses include classroom and meeting facilities used primarily for religious education, parking, caretaker's housing and on-site group living facilities such as convents, parsonages and rectories.

3. Examples. Examples include churches, temples, synagogues and mosques.

4. Exceptions.

a. Ministries offering service to the general public, such as marriage counseling, are classified as Office.

b. Public and private schools providing curriculum equivalent to a primary or secondary school are classified as Schools.

I. Schools

1. Characteristics. This category includes public and private schools providing curriculum equivalent to a primary or secondary school.

2. Accessory Uses. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school day care.

3. Examples. Examples include public and private daytime schools, boarding schools and military academies.

4. Exceptions

a. Preschools are classified as Day Care uses.

b. Business and trade schools are classified as Retail Sales and Service.

Article 4
Specific Use Standards

Section 424 Schools

A. In all zoning districts where schools are permitted as-of-right, or by Conditional Use, the following standards shall apply:

1. All ingress and egress from the property shall be from streets that meet minimum paving standards as outlined in the Land Development and Subdivision Ordinance.

2. Colors and materials for all new construction shall be of high quality and generally consistent with any existing buildings on the property. The applicant shall submit to the Planning Director samples of these colors and materials for approval prior to construction.

3. Sidewalks shall be constructed per the Land Development and Subdivision Ordinance.

4. **Crosswalks shall be installed across all driveways connecting to sidewalks, building entrances, and disabled parking areas, as determined by the Planning Director.**

5. **All lighting shall be fully shielded and shall not have any spillover glare onto adjacent properties. All parking areas and pathways shall be adequately lit to ensure safety of students, staff, and visitors.**

6. **School buildings can have a height up to 45 feet, or the maximum height in the Zoning District, whichever is greater.**

7. **All signs within a residential district shall comply with the following:**

   a. **Signs may be permitted to have a sign area up to 75 square feet.**

   b. **All electronic message signs in residential districts shall have installed light sensing devices or a scheduled dimming timer to automatically dim the light intensity during ambient low light conditions and at night. Maximum brightness shall not exceed 7,000 nits measured from the sign's face at its maximum brightness during daylight hours and shall not exceed 250 nits when measured from the sign's face at its maximum brightness at night. Prior to issuance of a permit for such sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above. The City may order the sign brightness further reduced or other operational characteristics if it finds that it interferes with or poses a traffic safety hazard.**

8. **All new schools and expansions of existing schools greater than 50% of the current gross floor area shall require a Traffic Impact Analysis to be submitted to the Planning Director for approval, and shall include any improvements both on-site and off-site as deemed necessary to mitigate traffic impacts.**

9. **A Landscape Plan shall be submitted to the Planning Director for approval that includes a combination of drought resistant and low allergen trees, shrubs, and ground cover, as determined by the Planning Director.**

10. **New schools and expansions of existing schools greater than 50% of the current gross floor area shall require vehicle stacking areas as outlined in Section 511.H.**

Article 5
General Development Standards

Sec. 511. Off-Street Parking Standards

B. Required Off-Street Parking Table

Schools		
	Elementary school	1.5 spaces/classroom
	Middle school	3 spaces/classroom
	High school, college, university, business or trade school	9 spaces/classroom

H. Vehicle Stacking Areas. A minimum number of off-street stacking spaces shall be provided as follows:

Activity Type	**Minimum Spaces**	**Measured From**
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	4 4	Order Box Order Box

		to Order Window
Carwash stall, automatic	4	Entrance
Carwash stall, self-service	3	Entrance
Gasoline pump island	2	Pump Island
Schools	**8**	**Between ingress and egress points of the stacking queue**
Other	Determined by Planning Director based on study by applicant	

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 12, EXHIBIT "A" "ZONING ORDINANCE" BY AMENDING ARTICLE 3 "USE REGULATIONS," SECTION 310 "USE TABLE," RE-DEFINING THE "SCHOOL" USE CATEGORY AS TWO SEPARATE USE CATEGORIES; AMENDING SUBSECTION "G" "RELIGIOUS INSTITUTIONS" OF SECTION 314 "INSTITUTIONAL AND CIVIC USE CATEGORIES" BY ADDING A PROVISION CLASSIFYING PUBLIC AND PRIVATE SCHOOLS; AMENDING ARTICLE 4 "SPECIFIC USE STANDARDS" BY RENUMBERING CERTAIN SECTIONS AND ADDING A NEW SECTION 422 PROVIDING USE STANDARDS FOR SCHOOLS; AND, AMENDING ARTICLE 5 "GENERAL DEVELOPMENT STANDARDS;" SECTION 511 "OFF-STREET PARKING STANDARDS," SUBSECTION "B" "REQUIRED OFF-STREET PARKING TABLE" AND SUBSECTION "H" "VEHICLE STACKING AREAS" BY ADDING DIVISIONS FOR SCHOOLS; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the current zoning ordinance, adopted January 4, 2000, provided for schools in residential zones only as a conditional use, resulting in schools then in residential neighborhoods becoming conditional uses; and,

WHEREAS, such conditional use status requires schools to obtain conditional use approval for any expansion of floor area beyond what was legal prior to adoption of the current ordinance; and,

WHEREAS, the majority of schools within the City were constructed, and still remain, within residential zoning districts which do not allow schools by right; and,

WHEREAS, school use and vehicle stacking standards are not provided for in the current ordinance;

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

Section 1. That Chapter 12, Exhibit A "Zoning Ordinance," Article 3 "Use Regulations," Section 310 "Use Table," is hereby amended by deleting the use category "Schools" and adding two new use categories designated as "Kindergarten-Grade 9 Public or Private" and "High School Public or Private," and designating the character of the use categories in each zoning district, to read as follows:

DRAFT

Section 310 Use Table																		
Institution	Definition	R&E	RS1	RS2	RS3	RM1	RM2	MHP	MHS	CN	CO	CG	CH	CBD	OW	ML	MH	CG/CH
School	Kindergarten-Grade 9 Public or Private	A	A	A	A	A	A	-	A	A	A	A	-	A	-	-	-	-
School	High School Public or Private	C	C	C	C	C	C	-	C	A	A	A	-	A	-	-	-	-

Section 2. That Chapter 12, Exhibit A "Zoning Ordinance," Article 3 "Use Regulations," Section 314 "Institutional and Civic Use Categories," subsection "G" "Religious Institutions, Part 4. "Exceptions," by designating the existing paragraph as subparagraph "a." and adding subparagraph "b.," to read as follows:

Section 314. Institutional and Civic Use Categories, G. Religious Institutions.

" **4. Exceptions.**

a. Ministries offering service to the general public, such as marriage counseling, are classified as Office.

b. Public and private schools providing curriculum equivalent to a primary or secondary school are classified as Schools."

Section 3. That Chapter 12, Exhibit A "Zoning Ordinance," Article 4 "Specific Use Standards," is amended by renumbering sections 422 through 428, as 423 through 429, and adding a new Section 422 entitled "Schools" to read as follows:

"Section 422 Schools

A. In all zoning districts where schools are permitted as-of-right, or by Conditional Use, the following standards shall apply:

1. All ingress and egress from the property shall be from streets that meet minimum paving standards as outlined in the Land Development and Subdivision Ordinance.

2. Materials and colors for all new construction shall be of high quality and generally consistent with any existing buildings on the property. The applicant shall submit to the Planning Director samples of materials and colors for approval prior to construction.

3. Sidewalks shall be constructed in conformance with the Land Development and Subdivision Ordinance.

DRAFT

4. Crosswalks shall be installed across all driveways connecting to sidewalks, building entrances, and disabled parking areas, as determined by the Planning Director.

5. All lighting shall be fully shielded and shall not have any spillover glare onto adjacent properties. All parking areas and pathways shall be adequately lit to ensure safety of students, staff, and visitors.

6. School buildings may have a height up to 45 feet, or the maximum height in the Zoning District, whichever is greater.

7. All signs within a residential district shall comply with the following:

    a. Signs may be permitted to have a sign area up to 75 square feet.

    b. All electronic message signs in residential districts shall have installed light sensing devices or a scheduled dimming timer to automatically dim the light intensity during ambient low light conditions and at night. Maximum brightness shall not exceed 7,000 nits measured from the sign's face at its maximum brightness during daylight hours and shall not exceed 250 nits when measured from the sign's face at its maximum brightness at night. Prior to issuance of a permit for such sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above. The City may order the sign brightness further reduced or other operational characteristics if it finds that it interferes with or poses a traffic safety hazard.

8. All new schools and expansions of existing schools greater than 50% of the current gross floor area shall require a Traffic Impact Analysis to be submitted to the Planning Director for approval, and shall include any improvements both on-site and off-site as deemed necessary to mitigate traffic impacts.

9. A Landscape Plan shall be submitted to the Planning Director for approval that includes a combination of drought resistant and low allergen trees, shrubs, and ground cover, as determined by the Planning Director.

10. New schools and expansions of existing schools greater than 50% of the current gross floor area shall require vehicle stacking areas as outlined in Section 511.H."

Section 4. That Chapter 12, Exhibit A "Zoning Ordinance," Article 5 "General Development Standards," Section 511 "Off-Street Parking Standards," subsection B "Required Off Street Parking Table" and subsection H "Vehicle Stacking Areas" are amended by adding divisions for schools to the current tables respectively read as follows:

DRAFT

"B. Required Off-Street Parking Table.

Schools		
	Elementary school	1.5 spaces/classroom
	Middle school	3 spaces/classroom
	High school, college, university, business or trade school	9 spaces/classroom

H. Vehicle Stacking Areas.

Activity Type	**Minimum Spaces**	**Measured From**
Schools	**8**	**Between ingress and egress points of the stacking queue**

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

INTRODUCED on the 6th day of June, 2017, and finally PASSED, APPROVED AND ADOPTED on this the 20th day of June, 2017.

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

ATTEST:

_____
Bryan Kendrick, City Clerk

APPROVED AS TO FORM

_____
Theresa James, City Attorney

DRAFT

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: June 20, 2017

Item type: Consent Item

Caption:

Second reading of an ordinance amending the Zoning Ordinance in the Code of Ordinances regarding "Off-Street Parking Standards" by establishing a process for an Alternative Parking Plan and providing standards for off-site and reduced parking. (J. James)

Summary/History:

This proposed amendment would expand the flexibility provided by the Zoning Ordinance for alternative parking circumstances and does not require application to another board or commission, but instead grants authority to the Planning Director to approve a parking alternative. However, a property owner would still have the ability to request a variance from the Zoning Board of Adjustment if the parking alternative is not approved.

Financial Impact:

N/A

Other Information/Recommendation:

This request was considered by the Planning Commission at their regular meeting on May 15, 2017, and recommended APPROVAL unanimously. On June 6, 2017, City Council unanimously voted to APPROVE the request.

Attachments:

1. Staff Report Memo_Alternative Parking Amendment (City Council).docx
2. Draft Ordinance Ordinance_Alternative Parking Amendment (City Council).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: June 6, 2017
June 20, 2017

To: Mayor and City Council

From: Jon C. James, AICP
Director

Request: Text Amendment to the City of San Angelo Zoning Ordinance, Article 5 – General Development Standards, Section 511 – Off-Street Parking Standards, Subsection E.

Background:

The off-street parking standards in the zoning ordinance establish minimum parking standards for various land uses. Sub-section E. currently establishes alternatives for shared parking situations where adjacent uses can share parking as long as certain requirements are met. However, this section does not give any additional flexibility for other circumstances and a property owner's only recourse is to seek a variance. However, most circumstances that might legitimately warrant an alternative parking arrangement don't meet the strict requirements necessary for a variance. In addition to shared parking, this amendment adds flexibility for providing additional parking off-site, as well allowing for the reduction of parking requirements if based on an alternative parking plan submitted by an applicant.

This proposed amendment would expand the flexibility provided by the ordinance for alternative circumstances and does not require application to another board or commission, but instead grants authority to the Planning

Director to approve a parking alternative. However, a property owner would still have the ability to request a variance from the Zoning Board of Adjustment if the parking alternative is not approved.

Planning Commission Action:

This request was considered by the Planning Commission at their regular meeting on May 15, 2017. Below is an excerpt from the meeting's unofficial minutes:

Jon James, Planning and Development Services Director, outlined the proposed text amendment for new alternate off-street parking standards, including an option for reduced parking in cases where an approved alternate parking plan has been approved. He explained that in cases were staff does not approve the proposed alternative parking plan, the applicant may appeal to the Zoning Board of Adjustment.

Commissioner Crisp asked if parking standards had become an issue.

Mr. James responded that it had become an issue and referenced a recent rezoning case that required a variance from off-street parking. He stated that this has been an issue for some time, even before the recent case.

Chairperson Priess opened the meeting for public comment. There was no public comment.

A Motion to approve the proposed text amendment, as presented, was made by Commissioner Jackson and seconded by Commissioner Crisp. The motion carried unanimously, 6-0.

Attachment: Existing Ordinance
Proposed Ordinance Amendment

Current Ordinance:

Sec. 511. Off-Street Parking Standards

E. Shared Parking. Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved as part of an Alternative Access and Parking Plan and if the shared parking complies with the all of following standards.

1. Shared parking spaces must be located within 400 feet of the primary entrance of all uses served, measured along the shortest legal, practical walking route.

2. A shared parking analysis shall be submitted to the Planning Director, clearly demonstrating the feasibility of shared parking. The study must address, at a minimum, the size and type of the proposed development, the composition of users of the development sharing off-street parking, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. A shared parking analysis found not acceptable by the Planning Director may be appealed to the Zoning Board of Adjustment.

3. A shared parking plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for recording. Recording of the agreement must take place before issuance of a building permit for any use to be served by an off-site parking area. A shared parking agreement may be rescinded only if all required off-street parking spaces are otherwise provided in accordance with this Section.

Proposed Ordinance:

Sec. 511. Off-Street Parking Standards

E. Alternative Parking. The Planning Director, or designee, may approve an Alternative Parking Plan to allow for shared parking, parking provided off-site, or provision of fewer parking spaces than otherwise required, subject to the following standards. An Alternative Parking Plan found not acceptable by the Planning Director may be appealed to the Zoning Board of Adjustment through the normal variance request process.

1. Shared Parking. Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved as part of an Alternative Parking Plan and if the shared parking complies with the all of following standards.

   a. Shared parking spaces must be located within 400 feet of the primary entrance of all uses served, measured along the shortest legal, practical walking route.

   b. A shared parking study providing an analysis of off-street parking needs and availability shall be submitted to the Planning Director, clearly demonstrating the feasibility of the proposed shared parking plan. The study must address, at a minimum, the size and type of the proposed development, the composition of users of the development sharing off-street parking, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

   c. A shared parking plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement among all owners of record must be submitted to the Planning Director for filing in the Planning & Development Services Department. The agreement must be accepted by the Director and filed prior to the issuance of a building permit or certificate of occupancy for any use to be served by an off-site parking area. A shared parking agreement may be rescinded only if all required off-street parking spaces are otherwise provided in accordance with this Section.

   d. Adequate accessible pedestrian connections are provided connecting the shared parking area and the served uses, including on-street improvements where necessary.

2. Off-site Parking. Developments that wish to utilize parking not provided on the development site may provide required parking off-site if such parking complies with all of the following standards.

    a. Off-site parking spaces must be located within 400 feet of the primary entrance of all uses served, measured along the shortest legal, practical walking route.

    b. Off-site parking shall be allowed through written agreement among all owners of record in a form approved by the Planning Director. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for filing in the Planning & Development Services Department. The agreement must be accepted by the Director and filed prior to issuance of a building permit or certificate of occupancy for any use to be served by an off-site parking area. A shared parking agreement may be rescinded only if all required off-street parking spaces are otherwise provided in accordance with this Section.

    c. Adequate accessible pedestrian connections are provided connecting the off-site parking area and the subject development, including on-street improvements where necessary.

3. Reduced Parking. Developments which shows a reduced need for parking based on the unique characteristics of a particular use or location, including shared parking, projected transit use, high percentage of non-motorized customer traffic, or as part of pedestrian-oriented mixed-use development, may be allowed to provide fewer parking spaces than otherwise required herein based upon sufficient evidence provided to the Planning Director in an Alternative Parking Plan.

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 12, EXHIBIT "A" "ZONING ORDINANCE," ARTICLE 5 "GENERAL DEVELOPMENT STANDARDS;" SECTION 511 "OFF-STREET PARKING STANDARDS," SUBSECTION "E," TO PROVIDE FOR ALTERNATIVE SHARED AND OFF-STREET PARKING PLANS; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE

WHEREAS, the current zoning ordinance provides for off-street parking standards that include minimum standards for shared parking, but does not provide for alternative parking plans to address circumstances in which neither shared parking minimum standards nor the strict requirements for a variance can be met;

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

Section 1. That Chapter 12, Exhibit A "Zoning Ordinance," Article 5 "General Development Standards," Section 511 "Off-Street Parking Standards," subsection "E," is hereby restated in its entirety to read as follows:

"E. Alternative Parking. The Planning Director, or designee, may approve an Alternative Parking Plan to allow for shared parking, parking provided off-site, or provision of fewer parking spaces than otherwise required, subject to the following standards. An Alternative Parking Plan found not acceptable by the Planning Director may be appealed to the Zoning Board of Adjustment through the normal variance request process.

1. Shared Parking. Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved as part of an Alternative Parking Plan and if the shared parking complies with the all of following standards.

    a. Shared parking spaces must be located within 400 feet of the primary entrance of all uses served, measured along the shortest legal, practical walking route.

    b. A shared parking study providing an analysis of off-street parking needs and availability shall be submitted to the Planning Director, clearly demonstrating the feasibility of the proposed shared parking plan. The study must address, at a minimum, the size and type of the proposed development, the composition of users of the development sharing off-street parking, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

    c. A shared parking plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement among all owners of record must be submitted to the Planning Director for filing in the Planning & Development Services Department. The agreement must be accepted by the Director and filed prior to issuance of a building permit or certificate of occupancy for any use to be served by an off-site parking area. A shared parking agreement may be rescinded only if all required off-street parking spaces are otherwise provided in accordance with this Section.

    d. Adequate accessible pedestrian connections are provided connecting the shared parking area and the served uses, including on-street improvements where necessary.

2. Off-site Parking. Developments that wish to utilize parking not provided on the development site may provide required parking off-site if such parking complies with all of the following standards.

    a. Off-site parking spaces must be located within 400 feet of the primary entrance of all uses served, measured along the shortest legal, practical walking route.

    b. Off-site parking shall be allowed through written agreement among all owners of record in a form approved by the Planning Director. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for filing in the Planning & Development Services Department. The agreement must be accepted by the Director and filed prior to issuance of a building permit or certificate of occupancy for any use to be served by an off-site parking area. A shared parking agreement may be rescinded only if all required off-street parking spaces are otherwise provided in accordance with this Section.

    c. Adequate accessible pedestrian connections are provided connecting the off-site parking area and the subject development, including on-street improvements where necessary.

3. Reduced Parking. Developments which show a reduced need for parking based on the unique characteristics of a particular use or location, including shared parking, projected transit use, high percentage of non-motorized customer traffic, or as part of pedestrian-oriented mixed-use development, may be allowed to provide fewer parking spaces than otherwise required herein based upon sufficient evidence provided to the Planning Director in an Alternative Parking Plan."

Section 2. 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.

DRAFT

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

INTRODUCED on the 6th day of June, 2017, and finally PASSED, APPROVED AND ADOPTED on this the 20th day of June, 2017.

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

ATTEST:

_____
Bryan Kendrick, City Clerk

APPROVED AS TO FORM

_____
Theresa James, City Attorney

DRAFT

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: June 20, 2017

Item type: Regular Item

Caption:

Second reading and adoption of an ordinance amending Chapter 2, "Administration and Personnel," Article 2.07 "Boards, Committees and Commissions," Division 14 "Civic Events Board" of the Code of Ordinances (S.Walker)

Summary/History:

On April 27, the Civic Events Advisory Board requested a change to the Code of Ordinance before being able to change the Civic Event bylaws. Some of the changes, and prior revisions of the bylaws conflicted with the Code of Ordinance.

Financial Impact:

Adopting this revised ordinance has no cost impact.

Other Information/Recommendation:

Attachments:

1. Civic Events Bylaws Ordinance First Reading 17-396 Civic Events Bylaws Ord first reading1.pdf

Presentation:

Sidney Walker

Approvals/Reviews:

Sidney Walker	Created/Initiated
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

AN ORDINANCE AMENDING CHAPTER 2 "ADMINISTRATION AND PERSONNEL, ARTICLE 2.07 "BOARDS, COMMITTEES AND COMMISSIONS", DIVISION 14 "CIVIC EVENTS BOARD" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO TEXAS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

1) THAT, Chapter 2 "Administration and personnel", Article 2.07 "Boards, Committees and Commissions, Division 14 "Civic Events Board" of the Code of Ordinances is hereby amended as set out below:

Chapter 2, Article 2.07, Division 14 shall read as follows:

"Division 14. Civic Events Board

Sec. 2.07.411 Creation

There is hereby created a civic events board consisting of seven (7) members who shall be appointed by the city council.

Sec. 2.07.412 Qualifications

All members shall be ~~twenty-one (21) years~~ of voting age or over and shall be residents of the city.

Sec. 2.07.413 Terms

The term of office for each member of the board shall be three (3) years or until a successor has been appointed and qualified, whether by expiration of term or for other reasons. The term shall begin on ~~October~~ January 1 of the year of the appointment. No member shall be eligible to serve more than two (2) full consecutive terms; providing, however, that after one year ~~any period of time~~ off the board, a person shall then become eligible to serve two (2) more consecutive terms without regard to the number of terms or amount of time served on the board prior thereto. A board member may be terminated by the city council at any time. Board members shall receive no compensation for services.

Sec. 2.07.414 Duties

The board shall act as an advisory board to the city council as to matters of policy and to the city manager or his/her representatives as to administrative matters in regard to operation of the convention center, Foster Communications C~~c~~oliseum, Bill Aylor Sr. Memorial ~~auditorium,~~ RiverStage, Farmer's Market, City of San Angelo Indoor Arena, Pecan Creek Park Pavilion, and El Paseo de Santa Angela. The board may enact rules and regulations regarding the operation of the above-named facilities which shall take effect after review by the city council; however, the city council may take action to enact different rules and regulations at any time.

Sec. 2.07.415 Officers

The board shall elect a chairman and such other officers as it may establish by its bylaws.

Sec. 2.07.416 Quorum

Four~~ive~~ (4~~5~~) members of the board shall constitute a quorum.

Sec. 2.07.417 Bylaws

The board shall write its own bylaws establishing its own rules for its regulation. Said bylaws and amendments thereto shall be approved by the city council and filed with the city clerk.

Sec. 2.07.418 Meetings

The board shall hold regular monthly meetings at a time and place to be established in its bylaws and such other meetings as [may] be necessary to accomplish the purpose of its creation and as established in its bylaws. All meetings shall be public and shall conform to law.

Sec. 2.07.419 Minutes

The board shall keep a record of its proceedings in a permanent book, and a signed copy of said minutes shall be given to the city clerk.

Sec. 2.07.420 Absent members

Any member who shall be absent from three~~four~~ (3~~4~~) meetings, regular or special, in a calendar year, unless excused by the board by procedures established in its bylaws, shall be deemed to have resigned, and the board shall immediately notify the city council that a vacancy exists.

Secs. 2.07.421–2.07.440 Reserved"

2) THAT, the following severability clause is hereby adopted with this amendment:

SEVERABILITY:

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.

3) THAT, this Ordinance shall be effective on, from and after the 20th day of June, 2017.

INTRODUCED with public hearing on the 6th day of June, 2017 and finally PASSED, APPROVED and ADOPTED on this the 20th day of June, 2017.

CITY OF SAN ANGELO

ATTEST:

_____

~~Dwain Morrison~~Brenda Gunter, Mayor

_____

Bryan Kendrick, City Clerk

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: June 20, 2017

Item type: Consent Item

Caption:

Second reading and adoption of an ordinance amending the 2016-2017 budget for incomplete projects, equipment replacement, and grants (M.Chegwidden)

Summary/History:

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

- Peak Hours Ambulance Overtime
- Martin Luther King / Transportation Enhancement Project
- Airport Concession
- Stormwater Sweepers
- Debt Service for Ford Ranch
- Health Insurance Increased Contribution
- Health Insurance Wellness Program
- Martifer-Hirschfeld Project
- Affordable Housing Project
- Air Service Marketing and Future Projects

Financial Impact:

$4,874,899 (see attached detail on Exhibit A of the ordinance).

Other Information/Recommendation:

Staff recommends approval.

Attachments:

1.	Ordinance	Ordinance.pdf
2.	Exhibit A	Exhibit A.pdf
3.	Additional Information	Additional Information.pdf
4.	Presentation	6-6-17 FIN Budget Amendment.pptx
5.	Memos	ALL BA Memos.pdf

Presentation:

Morgan Chegwidden

Approvals/Reviews:

Morgan Chegwidden	Created/Initiated
Theresa James	Approved
Anthony Wilson	Approved

Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

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 INCOMPLETE PROJECTS, EQUIPMENT REPLACEMENT, AND GRANTS.

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 6th day of June, 2017, and APPROVED and ADOPTED on this the 20th day of June, 2017.

ATTEST:

CITY OF SAN ANGELO, TEXAS

_____
Bryan Kendrick, City Clerk

_____
Brenda Gunter, Mayor

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	$90,000	$90,000	$-
103	Martin Luther King / Transportation Enhancement Project	$1,040,283	$1,040,283	$-
220	Airport	$2,400	$2,400	$-
240	Stormwater	$-	$500,000	$(500,000)
261	Debt Service for Ford Ranch	$4,515	$310,597	$(306,082)
310	Health Insurance	$612,885	$612,885	$-
COSA DC	Projects	$2,318,834	$2,318,834	$-
	Total	$4,068,917	$4,874,999	$(805,982)

City of San Angelo
Proposed Budget Amendment
Additional
Information

Project/Need	Source of Funding	Revenue	Expense	Net Benefit / (Cost)
Peak Hours Ambulance Overtime	General Fund- Increased revenue	$90,000	$90,000	$-
Martin Luther King / Transportation Enhancement Project	Texas Department of Transportation	$1,040,283	$1,040,283	$-
Airport Concession	Airport Concession - Increased Revenue	$2,400	$2,400	$-
Stormwater Sweepers	Stormwater Fund - Fund balance	$-	$500,000	$(500,000)
Debt Service for Ford Ranch	Water Debt Service Fund- Fund balance, interest income in excess of budget	$4,515	$310,597	$(306,082)
Increased Health Insurance Contribution	Employer and Employee Contributions	$592,885	$592,885	$-
Health Insurance Wellness Program	Aetna Wellness	$20,000	$20,000	$-
Martifer-Hirschfeld Project	Reimbursement	$1,100,435	$1,100,435	$-
Affordable Housing Project	Sale of homes	$68,326	$68,326	$-
Air Service Marketing and Future Projects	Gain on sale of assets	$1,150,073	$1,150,073	$-
	Total	$4,068,917	$4,874,999	$(805,982)

City Council

June 6, 2017

Budget Amendment

	Revenue	Expense
Peak Hours Ambulance Overtime	$90,000	$90,000
MLK Transportation Enhancement	$1,040,283	$1,040,283
Airport Concession	$2,400	$2,400

Budget Amendment

	Revenue	Expense
Stormwater Sweepers	$ -	$ 500,000
Debt Service for Ford Ranch	$4,515	$310,597

Budget Amendment

	Revenue	Expense
Increased Health Insurance Contribution	$592,885	$592,885
Health Insurance Wellness Program	$20,000	$20,000

Budget Amendment

	Revenue	Expense
Martifer-Hirschfeld Project	$1,100,435	$1,100,435
Affordable Housing Project	$68,326	$68,326
Air Service Marketing and Future Projects	$1,150,073	$1,150,073

City Council

June 6, 2017

City of San Angelo

Memo

To: Morgan Chegwidden, Budget Manager

From: Brian Dunn, Fire Department

Date: 05/12/17

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

To implement a two-man ambulance crew to run during peak hours to help mitigate the increased ambulance runs occurring this fiscal year.

Source of Funding:

Ambulance revenue in excess of budget

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

City manager approved May 12, 2017

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Ambulance Revenue	3,026,707	90,000	3,116,707
101-9000-342.50-01			0
			0
Fire Overtime & Benefits	511,682	90,000	601,682
			0
			0

Additional Comments:

City of San Angelo

Memo

To: Morgan Chegwidden, Budget Manager

From: Russell Pehl, Engineering

Date: 05/30/17

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Receipt of funds from TxDot for the Martin Luther King/Transportation Enhancement project

Source of Funding:

TXDOT

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

Application for grant funding approved on December 12, 2012

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Grant Revenue			0
103-3200-331.00-00	0	1,040,283	1,040,283
Grant Expense			0
103-3200-800.07-30	0	1,040,283	1,040,283
			0
			0

Additional Comments:

City of San Angelo

Memo

To: Morgan Chegwidden, Budget Manager

From: Liz Atwater, Business & Finance Analyst

Date: May 19, 2017

Re: Budget Amendment Request

Purpose of Budget Amendment Request: New Vending Concession Machines- planning on revenue from sales and expenses for supplies

Source of Funding: 220-0000-348-39.09 Airport/ Concessions Vending

Funding previously approved? If so, by City Manager or City Council and when? No

Project/Budget to be amended	Original Budget	Proposed Change	Proposed Revised Budget
220-0000-348.39.09	0	2,400.00	2,400.00
220-3901-514.06.31	0	2,400.00	2,400.00

Additional Comments: Concession revenue and expenditures starting in April – September 2017. ($2,400.00 - 6 months @ 400.00 a month).

City of San Angelo

Memo

To: Morgan Chegwidden, Budget Manager

From: Stephen Conley, Storm, Water Superintendent

Date: 05/18/17

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Replacement of two sweepers

Source of Funding:

240 Fund Balance

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
240-5800-800-07-41	31,771	500,000	531,771
			0
			0
			0
			0
			0

Additional Comments:

240 fund balance is accumulated annually for equipment replacement

City of San Angelo

Memo

To: Morgan Chegwidden, Budget Manager

From: Allison Strube, Water Utilities Assistant Director

Date: 06/02/17

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for interest expense related to the purchase of the Ford Ranch.

Source of Funding:

Water Debt Service Fund- fund balance, interest income in excess of original budget

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

Debt issues was approved by council on December 6, 2016.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Revenue			0
Interest 261-0000-361.10-00	21,111	4,515	25,626
			0
Expense			0
Interest 261-5301-472.30-00	1,430,003	310,597	1,740,600
			0

Additional Comments:

City of San Angelo

Memo

To: Morgan Chegwidden, Budget Manager

From: Veronica Sanchez, Asst. HR Director

Date: April 4, 2017

Re: Budget Amendment Request

Purpose of Budget Amendment Request: Need to adjust the revenue budget and expense budget to align with the City's 2017 increased contribution towards health insurance from $453.29 pepm to $486.99 pepm and account for the appropriate amount of enrolled employees.

Source of Funding: Council approved the increase in funding prior to the start of the 2017 plan year.

Funding previously approved? If so, by City Manager or City Council and when? Funds had been approved prior to the 2017 plan year (Nov 15, 2016 Council Meeting)

Project/Budget to be amended	Original Budget	Proposed Change	Proposed Revised Budget
310-1620-390.40-10	$4,215,597	$499,225	$4,714,822
310-1620-390.40-11	$1,370,749	$93,660	$1,464,409
310-1620-530.05-25	$5,240,686	$592,885	$5,833,574

Additional Comments:

City of San Angelo

Memo

To: Morgan Chegwidden, Budget Manager

From: Veronica Sanchez, Asst. HR Director

Date: April 4, 2017

Re: Budget Amendment Request

Purpose of Budget Amendment Request: Need to budget the wellness dedicated money that Aetna provides per the contract to both 310 Revenue and Expense.

Source of Funding: Aetna per contract.

Funding previously approved? If so, by City Manager or City Council and when? Funds had not been added to the budget prior to FY2016.

Project/Budget to be amended	Original Budget	Proposed Change	Proposed Revised Budget
310-1620-380.40-00	$300,000	$20,000	$320,000
310-1620-530.03-50	$684,370	$20,000	$704,370

Additional Comments:

City of San Angelo

Memo

To: Morgan Chegwidden, Budget Manager

From: Roland Pena, Economic Development

Date: 03/28/17

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Transfer funding: 1) from account 380500 to Hirschfeld Project 452112 and 2) from account 380000 to Affordable Housing 451200

Source of Funding:

Martifer-Hirschfeld Settlement Funds and Sale of Reposed Home

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

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Economic Development Fund			0
Misc Income 380500	0	1,100,435	1,100,435
Project-Martifer-Hirschfeld 452112	290,000	1,100,435	1,390,435
			0
			0
			0

Additional Comments:

City of San Angelo

Memo

To: Morgan Chegwidden, Budget Manager

From: Roland Pena, Economic Development

Date: 03/28/17

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Transfer funding from account 380000 to Affordable Housing 451200

Source of Funding:

Sale of Reposed Home

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

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Ballot Fund			0
Misc Income 380000	0	68,326	68,326
Project-Affordable Housing 451200	0	68,326	68,326
			0
			0
			0

Additional Comments:

City of San Angelo

Memo

To: Morgan Chegwidden, Budget Manager

From: Roland Pena, Economic Development

Date: 05/31/17

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Create Budget Fund for "Air Service Marketing" Project and future projects

Source of Funding:

Gain on sale of assets revenue (industrial park sales) is over budget

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

Previously approved by COSADC 9-28-1016 - Ratified by City Council 10-4-2016

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Economic Development Fund			0
Revenue			0
Gain on Sale of Assets 392200	250,000	1,150,073	1,400,073
Expense			0
Air Service Marketing 452119	0	62,075	62,075
Future Projects 452900	65,575	1,087,998	1,153,573

Additional Comments:

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Ryan Kramer, Fleet Services Superintendent, Fleet Services, (325) 657-4329

Meeting Date: June 20, 2017

Item type: Consent Item

Caption:

Consider awarding FS-10-17 Street Sweepers to TYMCO, Inc., utilizing HGAC contract #SW04-16 in an amount of $506,350, budgeted in FY17, for the purchase of two units, and authorizing the City Manager or designee to execute any related documents (R.Kramer)

Summary/History:

Council approval is requested for the purchase of two street sweepers using HGAC contract #SW04-16. This equipment is to be utilized by the Stormwater division for the purpose of street sweeping.

Currently, equipment being used for this purpose includes 6 street sweepers of similar style. The requested new units will replace two existing units that are aged and have experienced elevated expenses. Demonstrations of competing street sweepers were performed, with findings pointing to the TYMCO sweeper controlling dust better and excelling in debris pickup.

The requested purchase will be made from TYMCO, Inc (Waco, TX). There are no known local vendors for this type of equipment.

Financial Impact:

Staff recommends the purchase of two street sweepers, utilizing HGAC contract #SW04-16 in an amount of $506,350, budgeted through Stormwater Capital funding in FY17, for the purchase of two units.

Other Information/Recommendation:

Staff recommends awarding FS-10-17 Street Sweepers to TYMCO, Inc., utilizing HGAC contract #SW04-16 in an amount of $506,350, budgeted in FY17, for the purchase of two units.

Attachments:

Presentation:

Approvals/Reviews:

Ryan Kramer	Created/Initiated
Patrick Frerich	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: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: June 20, 2017

Item type: Regular Item

Caption:

First reading and public hearing for Case Z17-05, an ordinance approving a request for a rezoning from the Single-Family Residential (RS-1) Zoning District to the Office Commercial (CO) Zoning District, located at 1920 South Johnson Street, on 0.431 acres - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

This request was made in order to facilitate the proposed expansion of an existing religious institution on the subject property. If approved, the zone change to Office Commercial (CO) would facilitate future expansions on the property. The proposed expansion would allow the current occupant, "Rams for Christ," a student ministry affiliated with the nearby Johnson Street Church of Christ, to add a new assembly hall, coffee bar and study area, and additional lounge seating inside the building.

Financial Impact:

N/A

Other Information/Recommendation:

This request was considered by the Planning Commission at their regular meeting on May 15, 2017, and recommended APPROVAL unanimously.

Attachments:

1. Staff Report PL_Z17-05 report.docx
2. Draft Ordinance PL_Z17-05 Ordinance (FINAL VERSION).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: June 20, 2017
July 18, 2017

To: City Council

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

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

Case: Z17-05

Request: A request for approval of a Zone Change from the Single-Family Residential (RS-1) Zoning District to the Office Commercial (CO) Zoning District

Location: 1920 South Johnson Street; generally located approximately 190 feet south of the intersection of South Johnson Street and Vanderventer Avenue

Legal Description: Delmar Place Annex Subdivision, Lots 7, 8, and 9, City of San Angelo, Texas.

Size: 0.431 acres

General Information

Future Land Use: Campus/Institutional

Current Zoning: Single-Family Residential (RS-1)

Existing Land Use: "Rams for Christ" Christian Student Campus Center (owned by Johnson Street Church of Christ)

Surrounding Zoning / Land Use:

North:	Single Family Residential (RS-1)	Baptist Student Center
West:	Single Family Residential (RS-1)	Angelo State University
South:	Single Family Residential (RS-1)	Angelo State University
East:	Single Family Residential (RS-1)	Angelo State University

District: SMD #5 – Lane Carter

Neighborhood: ASU – College Hills

Thoroughfares/Streets:

Per the Master Thoroughfare Plan (MTP), South Johnson Street is defined as a "Minor Arterial Street" in the City's Master Thoroughfare Plan (MTP). Arterial Streets are designed to connect Collector Streets to freeways and other arterials carrying large volumes of traffic at high speeds. Arterial Streets require a minimum right-of-way width of 80 feet and a minimum paving width of 64 feet. South Johnson Street has an existing right-of-way of 64 feet, and an existing paving width of 50 feet, both of which are substandard. However, the lots were previously platted as part of the Delmar Place Annex, and no new improvements are required at this time.

History and Background:

On April 25, 2017, the applicant submitted this request for a zone change to facilitate the proposed expansion of an existing religious institution on the subject property. Since 2000, religious institutions and related uses are not allowed in the Single-Family Residential (RS-1) Zoning District on the property. If approved, the zone change to Office Commercial (CO) would facilitate future expansions on the property. The proposed expansion would allow the current occupant, "Rams for Christ," a student ministry affiliated with the nearby Johnson Street Church of Christ, to add a new assembly hall, coffee bar and study area, and additional lounge seating inside the building. The building was constructed in 1957 has been used by Angelo Student University students ever since.

Analysis:

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

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

   The City's Comprehensive Plan designates the subject property as "Campus Institutional," surrounded by the Angelo State University (ASU) Campus. As indicated previously, the existing building primarily serves the ASU student body. The Comprehensive Plan calls to "improve the physical relationship between the public institution and the adjacent context." Planning staff believe that the proposed zone change to Office Commercial (CO) would be consistent with this policy, as the CO zoning would legalize an existing religious institution that is already part of the ASU campus. The property is surrounded by the ASU campus on three sides, and offers a comfortable space for students to connect with one another and practice their faith.

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

   The subject properties comply with the maximum floor area ratio of 2.0, the minimum lot area of 6,000 square feet, the minimum lot width of 50 feet, and the minimum lot depth of 80 feet in the CO zone. Planning staff did find a few deficiencies and have conveyed these to the applicant. The applicant has submitted a variance application to the Zoning Board of Adjustment (Case ZBA17-07). Although the zone change is not contingent on the variances being approved, staff notes that the two variances are from relief from the parking requirement of

Section 511.B for places of public assembly, and from the privacy fence requirement of Section 509 of the Zoning Ordinance. There are only five existing parking spaces on the property which access a rear alley connecting to Vanderventer Avenue, and the existing religious campus building (place of public assembly) requires 11 spaces, one parking space for every 400 square feet of building gross floor area. Expansion of the existing building would further increase the parking shortage without a variance. The second variance request is to seek relief from the required 6-foot high privacy screening fence adjacent (within 80 feet) to a residential use or district. This provision requires a privacy fence to be installed along the north, east, and south lot lines which are adjacent to the existing RS-1 Zoning District. In addition, the proposed outdoor patio must maintain a two-foot side yard setback from the south lot line which appears to be feasible, in accordance with Section 803.J of the Zoning Ordinance. The applicant will require approval from the ZBA for the necessary variances, or otherwise meeting the requirements of the zoning ordinance, prior to a building permit being issued for the proposed expansion.

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

   As indicated above, the Rams for Christ building is already an existing use, providing faith-based services to the adjacent ASU community. The applicant further indicates that students can either park on-site, within the adjacent parking lots, or walk from nearby buildings to access the facility. Given the close relationship between ASU and Rams for Christ, and the close proximity of the building to the university, Planning staff believe a zone change to allow the expansion is appropriate.

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

   Religious uses have existed on the premise prior to 2000 when the Zoning Ordinance removed them from the list of permitted uses in the RS-1 Zoning District. A CO zone would allow a religious institution, including religious worship and educational services by right, and allow future expansions on the property.

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.*

Effects on the natural environment would appear to be minimal as the property is already paved. Any future development will require building permits which would include a review of grading, drainage, and stormwater runoff to further ensure there are no negative environmental impacts.

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

   As previously discussed, Rams for Christ requires additional space for their student body. Planning staff believe a community need has been demonstrated given that the association serves ASU students on the adjacent campus and that students walk a short distance from the campus to the subject property.

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 Planning Division does not foresee any negative impacts on existing development patterns if a Rezoning to Office Commercial took place in this location. A recent site visit conducted by Planning staff confirm that many ASU students use the existing network of sidewalks, trails and paths on the campus to access this property and surrounding properties.

Notification:

On May 1, 2017, four notifications were mailed out within a 200-foot radius of the properties. As of June 9, 2017, there were zero responses in favor and zero in opposition of the request.

Planning Commission:

On May 15, 2017, the Planning Commission recommended **APPROVAL** of the Zone Change from the Single-Family Residential (RS-1) Zoning District to the Office Commercial (CO) Zoning District, on the subject property at 1920 South Johnson Street. The following is the complete excerpt of the minutes from the May 15, 2017, meeting for this case:

Jeff Fisher, Senior Planner, outlined the proposed request for a Zone Change from the Single-Family Residential (RS-1) Zoning District to the Office Commercial (CO) Zoning District on the property. He explained that the purpose of the request was to allow the expansion of the “Rams for Christ” building, as the current RS-1 zoning does not allow

this legal non-conforming use to expand without a Zone Change. Mr. Fisher outlined a summary of the organization as provided by the applicant, which provides faith-based services for Angelo State University (ASU) students. He outlined Staff's recommendation and rationale for approval, which included consistency with the Campus/Institutional designation in the Comprehensive Plan and compatibility with the surrounding ASU campus. Mr. Fisher noted that there were two deficiencies – less parking than required and no privacy fence separating the rear and side yard from the adjacent residential zoning – but that the applicant was applying for a variance from these standards.

Chairperson Priess opened the meeting for public comment.

Russell Gully with SKG Engineering, the applicant's representative, indicated that he was available to answer any questions.

There were no questions from the Planning Commission or those in attendance.

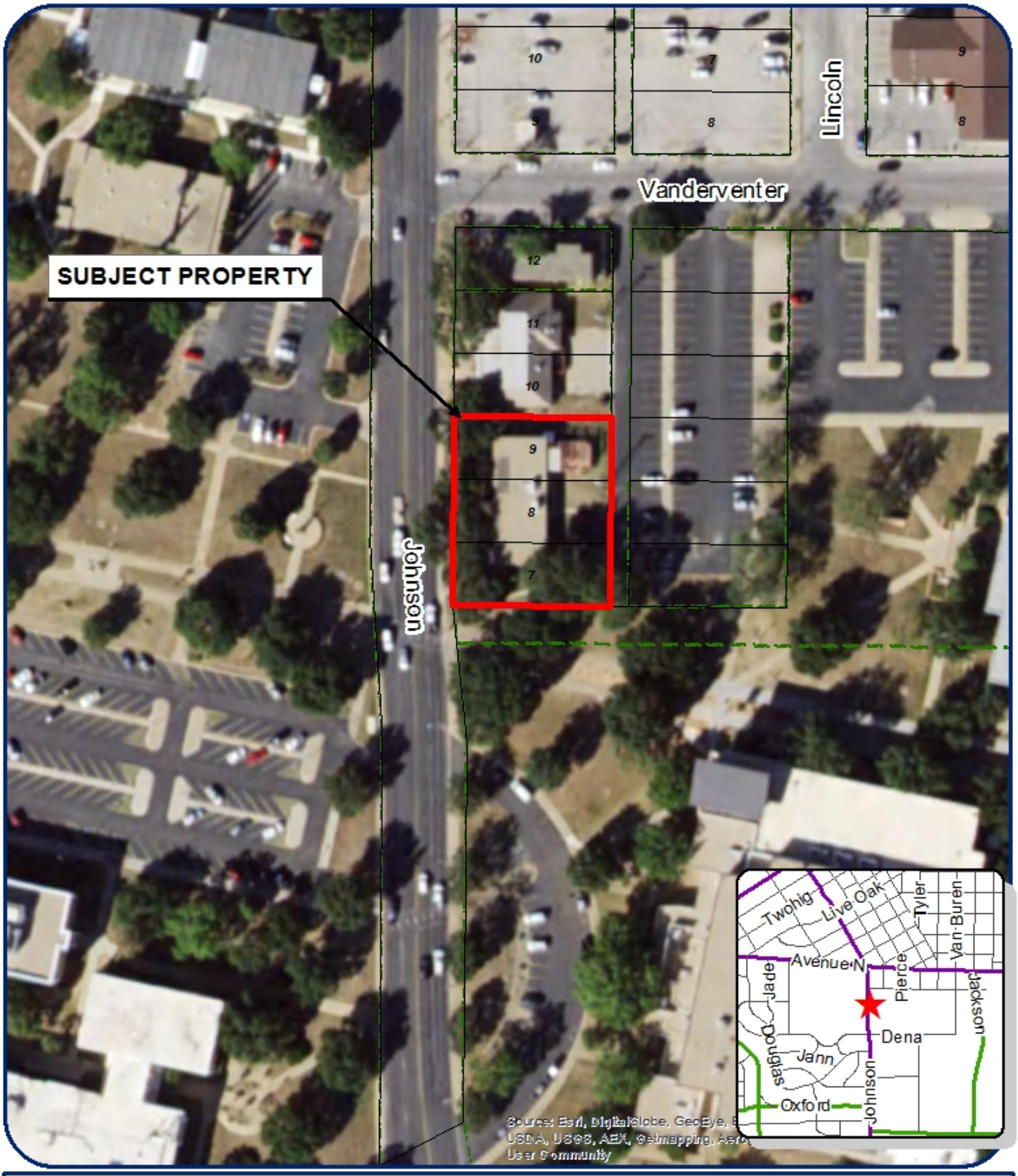
Commissioner Crisp made a Motion to recommend APPROVAL of the Zone Change request as presented, and Commissioner Spano seconded the Motion. The Motion passed unanimously 6-0.

Staff's Recommendation:

Staff's recommendation is for City Council to **APPROVE** the proposed Rezoning from the Single-Family Residential (RS-1) Zoning District to the **Office Commercial (CO) Zoning District**.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Map
Notification Map
Photos of Site and Surrounding Area
Current and Proposed Site Plan (Concept Only)
Applicant's Rationale
Letter of Intent
Excerpt of CO Permitted Uses and Provisions



Zoning Case File

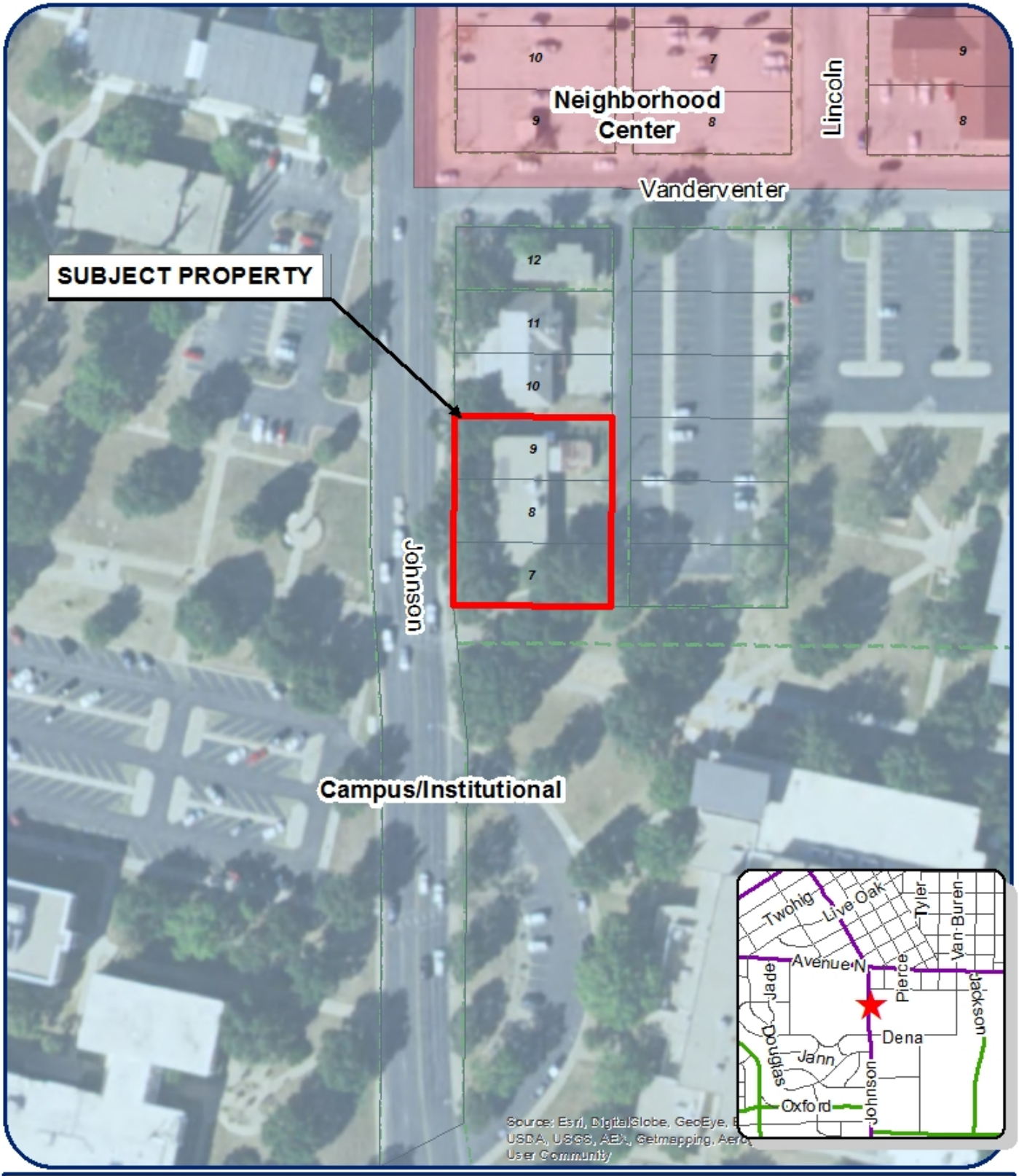
Z17-05: Johnson Church of Christ

Council District: Lane Carter (SMD #5)
Neighborhood: ASU - College Hills
Scale: 1 " approx. = 100 ft
Subject Property: 1920 Johnson Street

Legend

Subject Properties:
Current Zoning: RS 1
Requested Zoning Change: N/A
Vision: Campus/Institutional

N



Zoning Case File

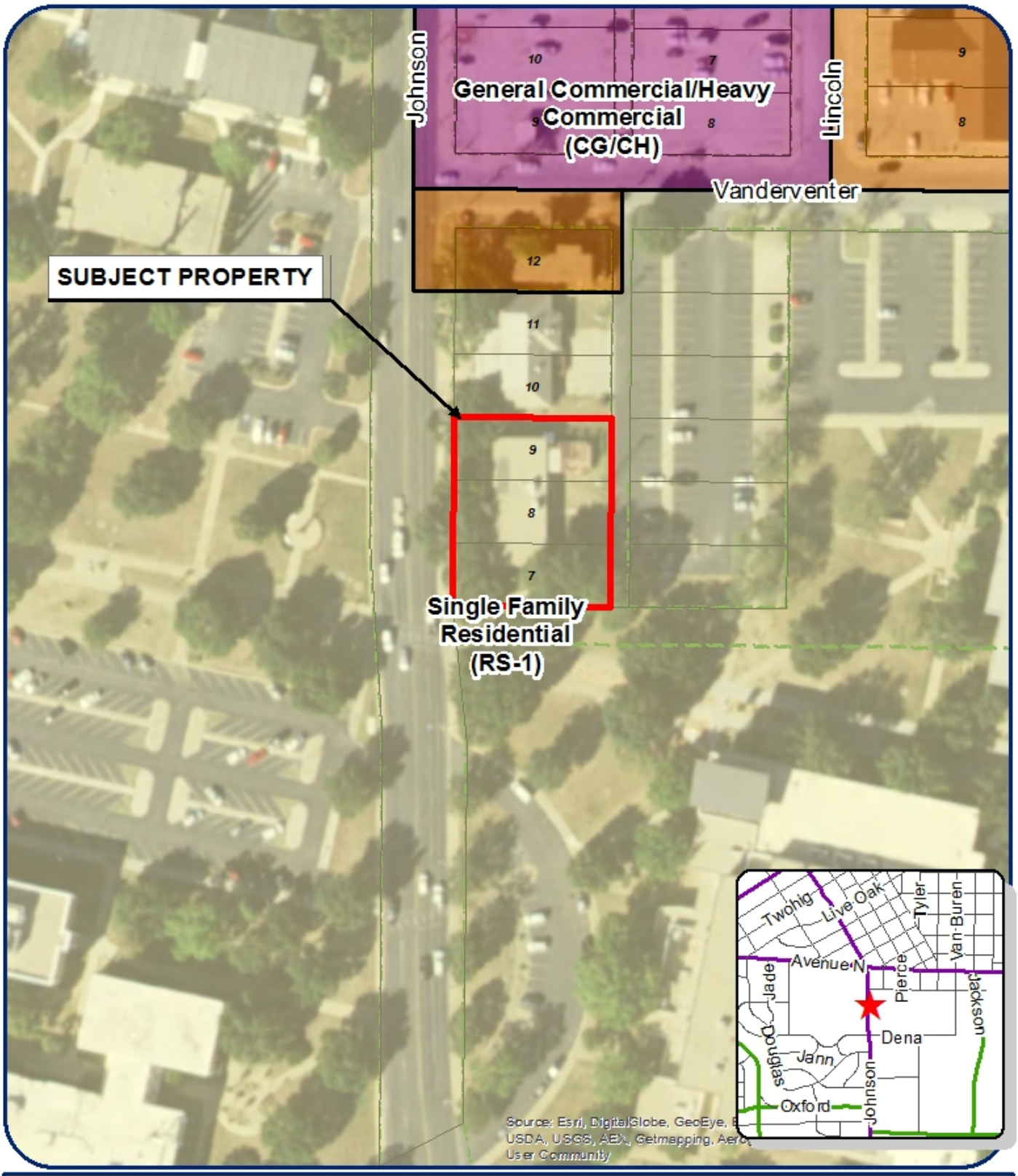
Z17-05: Johnson Church of Christ

Council District: Lane Carter (SMD #5)
Neighborhood: ASU - College Hills
Scale: 1" approx. = 100 ft
Subject Property: 1920 Johnson Street

Legend

Subject Properties:
Current Zoning: RS 1
Requested Zoning Change: N/A
Vision: Campus/Institutional

N



Zoning Case File

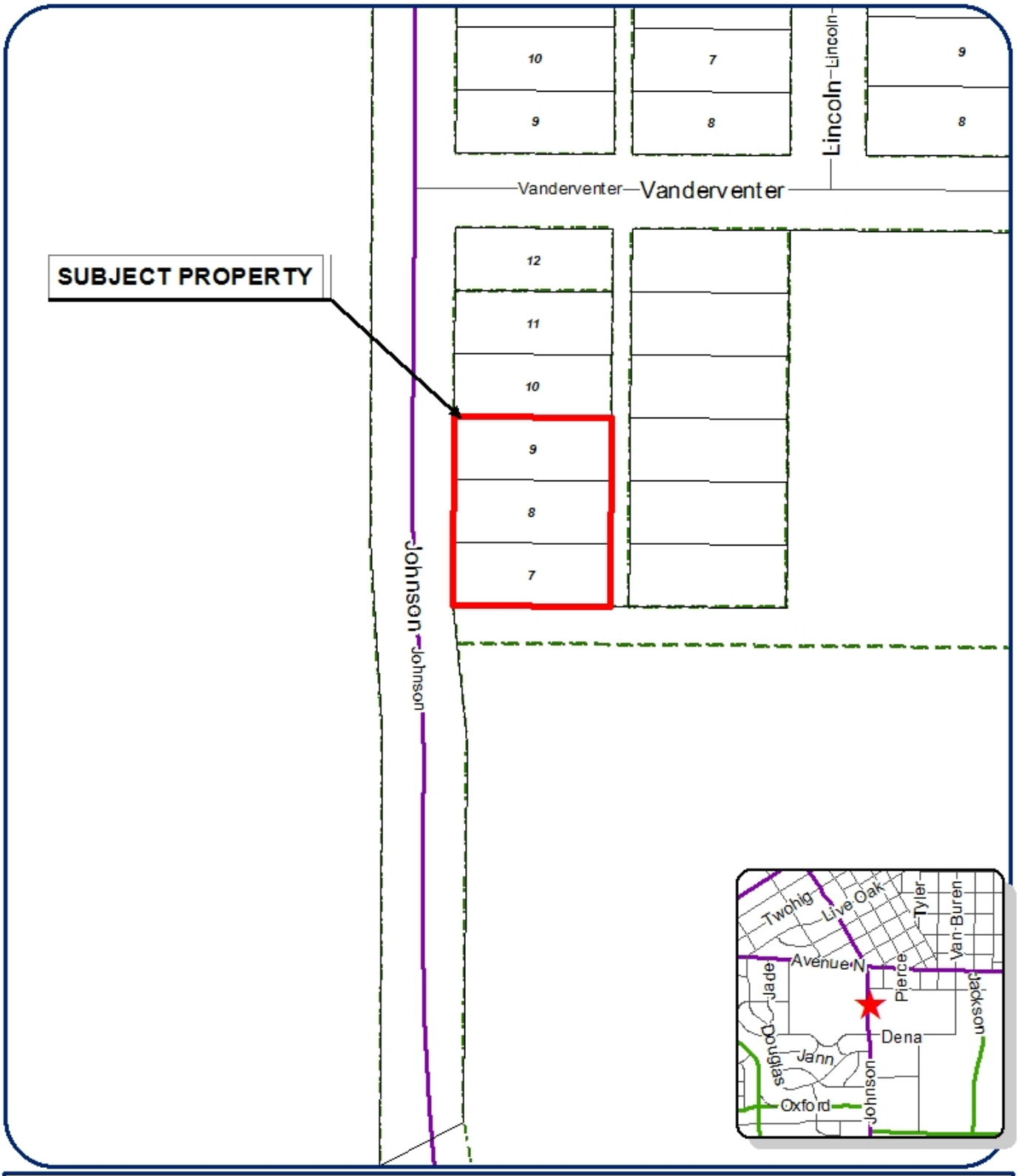
Z17-05: Johnson Church of Christ

Council District: Lane Carter (SMD #5)
Neighborhood: ASU - College Hills
Scale: 1" approx. = 100 ft
Subject Property: 1920 Johnson Street

Legend

Subject Properties:
Current Zoning: RS 1
Requested Zoning Change: N/A
Vision: Campus/Institutional

N



Zoning Case File

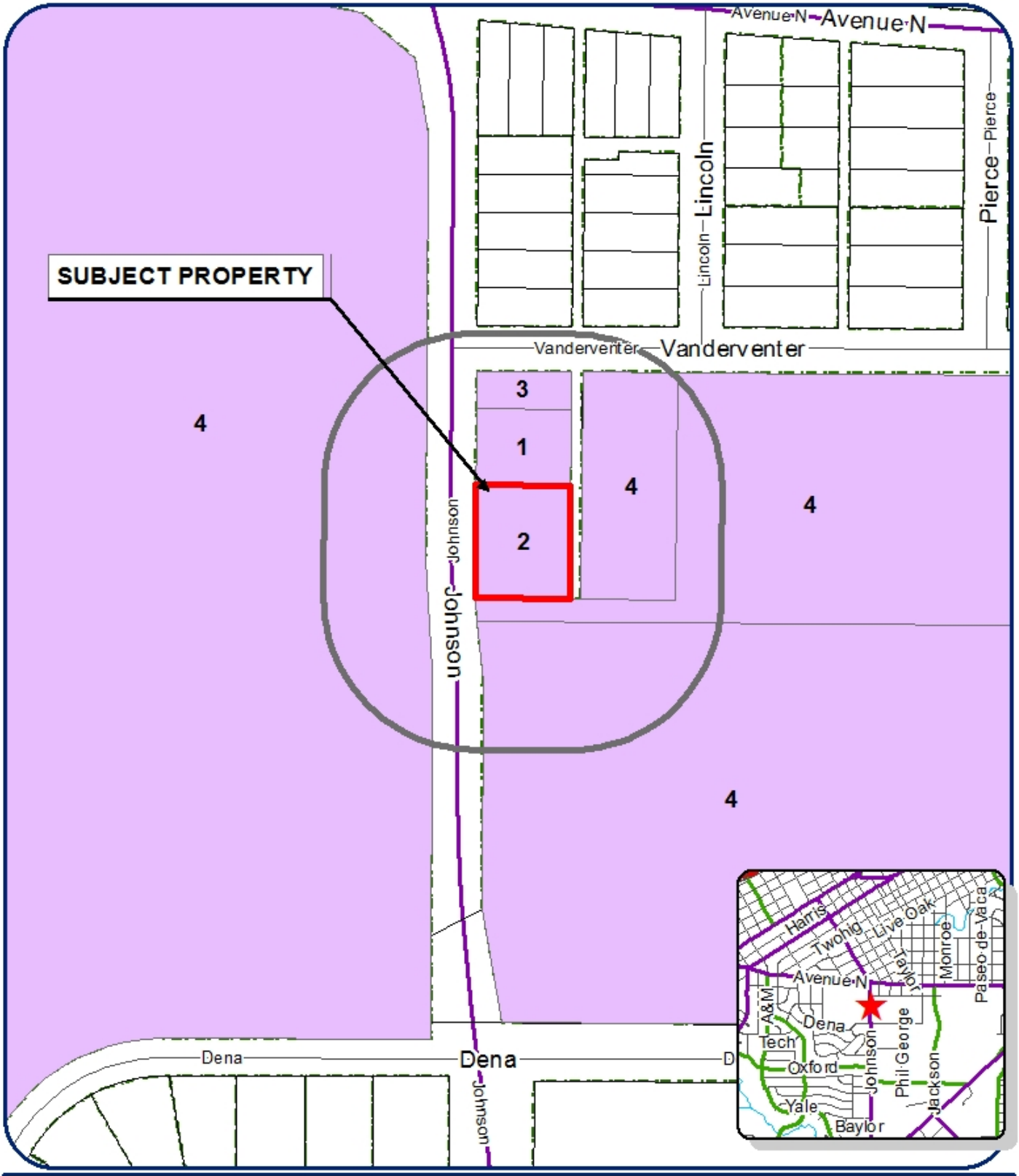
Z17-05: Johnson Church of Christ

Council District: Lane Carter (SMD #5)
Neighborhood: ASU - College Hills
Scale: 1 " approx. = 100 ft
Subject Property: 1920 Johnson Street

Legend

Subject Properties:
Current Zoning: RS 1
Requested Zoning Change: N/A
Vision: Campus/Institutional

N



Zoning Case File

Z17-05: Johnson Church of Christ

Council District: Lane Carter (SMD #5)
Neighborhood: ASU - College Hills
Scale: 1 " approx. = 167 ft
Subject Property: 1920 Johnson Street

Legend

Subject Properties:
Current Zoning: RS 1
Requested Zoning Change: N/A
Vision: Campus/Institutional

N

Photos of Site and Surrounding Area

West

North

South

East at Subject Building (front)

Photos of Site and Surrounding Area

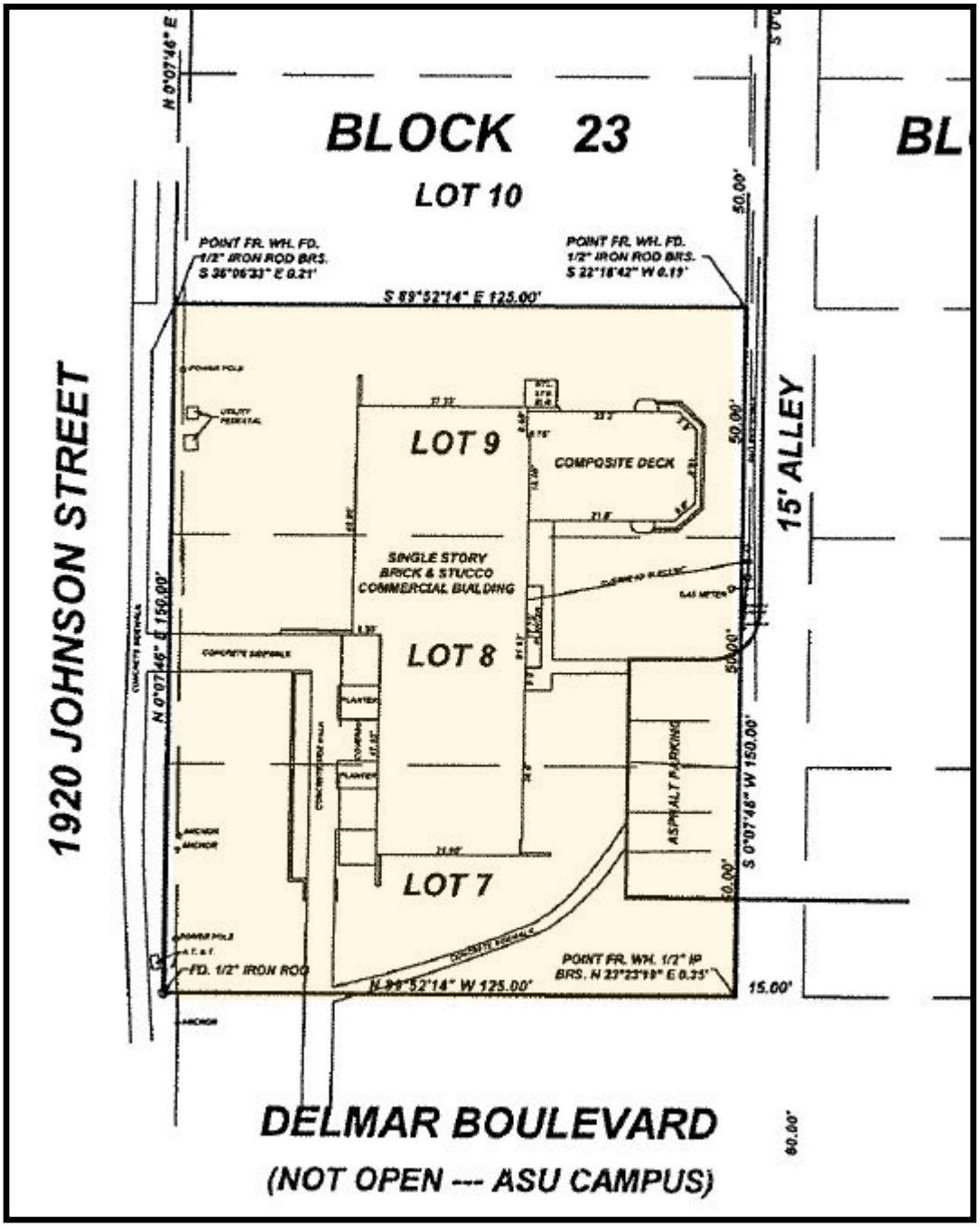
Rear of Building (5 existing parking spaces)

Rear of Building (future expansion area)

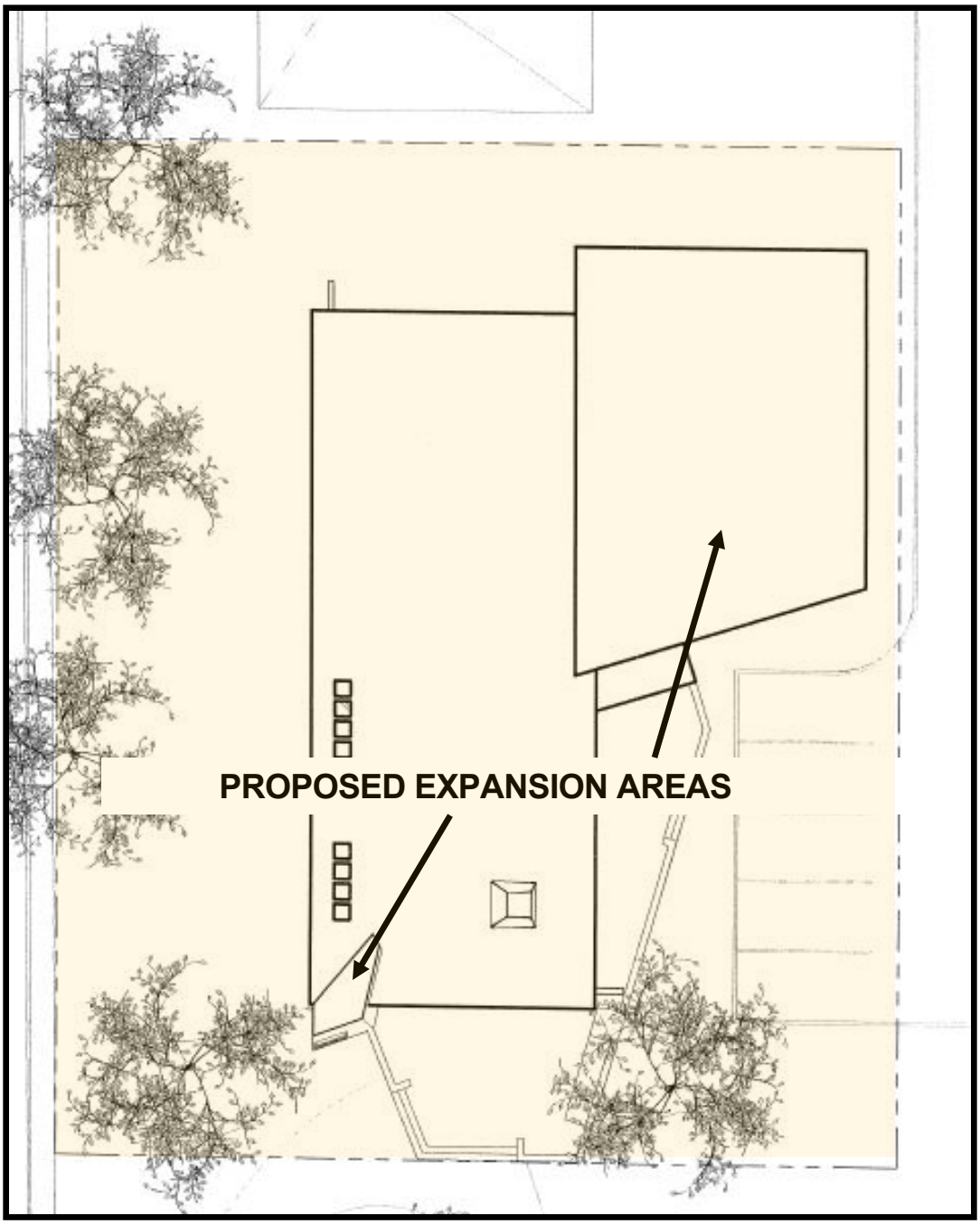
Rear of Building (adjacent ASU parking)

Rear of Building (adjacent ASU campus)

CURRENT SITE PLAN (not part of Zone Change)



PROPOSED EXPANSION (not part of Zone Change)



Response to criteria:

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

2. Consistent with Zoning Ordinance. The proposed amendment does not conflict with any portion of this Zoning Ordinance.

3. Compatible with Surrounding Area. The proposed amendment is fully compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

4. Changed Conditions. The changed conditions of needing to expand the building to fill a community need require an amendment.

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

6. Community Need. The proposed amendment addresses a demonstrated community need as ASU continues to grow and the need for people to come to know Jesus grows.

7. Development Patterns. The proposed amendment would result in a logical and orderly pattern of urban development in the community as this fits within the vision plan for the area.

RAMS FOR CHRIST
CHRISTIAN CAMPUS CENTER

April 13, 2017

To Whom It May Concern:

The Rams for Christ, a campus ministry of the Johnson St. Church of Christ, is applying for a zone change. Our ministry began as a small classroom building to teach a Bible course each semester on the Angelo State University campus for credit, so students utilized it and accessed it in the midst of their daily class schedules. In the late 1980s, early 1990s we lost the opportunity to teach classes for credit, so we function as a student ministry center to serve students on campus, offering pastoral guidance, Bible study, and serving as sort of a pit stop in the midst of their day. It is a great place to meet others, relax, and recharge, which offers something very unique to campus life.

One topic of consideration for this change is the amount of parking as it relates to our needs and usage. The building has 2 offices currently which will hopefully be updated, and expanded minimally. We have functioned with one or two employees (usually two) since 1965, and do not plan to add employees or other offices, since we utilize student leaders for many of our efforts. The 5 parking spaces we possess have been sufficient for our staff to park, and sometimes our Rams for Christ students park in the remaining three spots. When those are taken, students park close by in their ASU student permit parking areas.

One of the greatest aspects of our ministry is its location! Our building at 1920 Johnson St. is surrounded by Angelo State University property to the West, South, and East. We are immediately in the flow of pedestrians on those three sides, and even have students walk on the north side between our building and that of our neighboring ministry. Our parking arrangement has been effective the past 50+ years because of its accessibility to students on foot. So whether most students continue to walk in right off of the mall walk, or they drive and park adjacent to us where students constantly park to access the ASU CHP (Center for Human Performance), we are sure the current parking spaces will sufficiently, conveniently, and safely serve our needs.

Thank you for your time and attention to help us in this process!

Sincerely,

Doug Johnson

Doug Johnson
Director, Rams for Christ
College Minister, Johnson Street Church of Christ
325.944.2559

Planning Division
72 W. College Ave.
San Angelo, TX 76903
(325) 657-4210 ph.
(325) 657-4227 fx.
www.sanangelotexas.us

PLANNING DIVISION

OFFICE COMMERCIAL (CO) ZONING DISTRICTS

Allowed Uses:

- Group living
- Drug and alcohol recovery facility
- College
- Public, nonprofit or charitable community services
- Day care for children or adults
- Meeting areas for religious institutions
- Schools
- Business, government, professional, medical or financial offices
- Commercial parking
- Public safety and emergency services

Conditional Uses:

- Household living
- Bed & breakfast
- Self-service storage
- Hospital
- Retail sales
- Vehicle service (performed while the customer waits)
- Personal service-oriented business
- Entertainment-oriented business
- Repair-oriented business
- Restaurants
- Veterinary clinic for small animals
- Waste-related uses

These uses are allowed with the approval of a "conditional use" by the Planning Commission. Applications for a conditional use may be completed through the Planning Division. The Development handout titled "Conditional Uses" gives a thorough explanation of the process.

Special Uses:

Facilities for golf, including practice areas
Any use which the Planning Commission and the City Council deem appropriate as a transition between zoning districts

These uses are allowed with the approval of a "special use" by the Planning Commission and the City Council. Applications for a special use may be completed through the Planning Division. The Development handout titled "Special Uses" gives a thorough explanation of the process.

Required Setbacks:

Front Setback: 25 feet
Side Setback: None required
10 feet if abutting a residential district or use
Rear Setback: None required
10 feet if abutting a residential district or use

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PLANNING DIVISION

Setbacks refer to the distance that a structure must be 'set back' off of the appropriate property line. For example, the front setback of 25 feet means that the front wall of the structure must be separated by at least 25 feet from the front property line of the lot. This 25 feet must be open and unobstructed, except for the following exceptions: (1) projection of window sills, belt courses and other ornamental features for a distance of 12 inches or less; (2) projection of chimneys and flues for a distance of 3 ½ feet or less; (3) projection of eaves and awnings for a distance of 2 feet or less; and (4) open or lattice-enclosed fire escapes and fireproof outside stairs, for a distance of 3 ½ feet or less.

Maximum Floor Area Ratio: 2.0

The maximum floor area ratio refers to the gross floor area of all buildings on the lot divided by the total area of the lot.

Minimum Lot Size: 6,000 square feet

Off-Street Parking: Off-street parking requirements are determined by the use of the property and other related factors. For specific calculations, angles, shared parking requirements and other questions, consult with the Planning Division at 657-4210.

Off-Street Loading: A minimum of one space is required
For industrial and commercial uses, one additional space for each additional 40,000 square feet or major fraction thereof
For institutional uses, one additional space for each additional 60,000 square feet or major fraction thereof

Outdoor Storage: Type 1, Outdoor Display, is allowed; Type 1 allows for display adjacent to a principal building wall and extending to a distance no greater than 5 feet from the wall. This storage may not block windows, entrances or exits, or impair the ability of pedestrians to use the building.

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **generally located at 1920 South Johnson Street, approximately 190 feet south of the intersection of South Johnson Street and Vanderventer Avenue, being 0.431 acres in the Delmar Place Annex Subdivision,** FROM THE SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO THE OFFICE COMMERCIAL (CO) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on consideration of Z17-05 (Johnson Street Church of Christ) application for zoning change from Single Family Residential District (RS-1) to Office Commercial Zoning District (CO); the Planning Commission and City Council having given notice of public hearing on the application as required under the Zoning Ordinance; City having published notice of public hearing in compliance with the Zoning Ordinance; City Council having afforded a full and fair public hearing on the application and having considered the amendment criteria applicable under the Zoning Ordinance; and, City Council 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:

The real property generally located at 1920 South Johnson Street approximately 190 feet south of the intersection of South Johnson Street and Vanderventer Avenue within the corporate limits of the City of San Angelo; more specifically being 0.431 acres in the Delmar Place Annex Subdivision, Lots 7, 8, and 9, Tom Green County, Texas, shall henceforth be permanently zoned as follows: Office Commercial (CO) Zoning District.

SECTION 2: The Director of the Planning & Development Services Department is hereby directed to correct zoning district maps in the office of the Director of the Planning & 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 **20th day of June, 2017,** and finally PASSED, APPROVED AND ADOPTED on this the **18th day of July, 2017.**

THE CITY OF SAN ANGELO

_____

Brenda Gunter, 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: June 20, 2017

Item type: Regular Item

Caption:

First reading and public hearing for Case Z17-04, an ordinance approving a request for a rezoning from the Single-Family Residence (RS-1) Zoning District to Manufactured Housing Subdivision (MHS), located at 2101 Marx Street, on 0.344 acres - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

The purpose of the proposed rezoning request is to allow the applicant to replace an existing mobile, placed on the property in 1980, with a new manufactured home. The existing mobile home is considered to be a legal non-conforming use as the Zoning Ordinance, in 2000, relegated the placement of these units on land zoned MHS or MHP. Legal non-conforming uses may not be removed or replaced or they lose their legal non-conforming status, by Code.

Financial Impact:

N/A

Other Information/Recommendation:

On May 15, 2017, the Planning Commission recommended DENIAL of the request. Commissioner Crisp made a Motion to DENY the proposed Rezoning. Commissioner Spano seconded the Motion, with Commissioners Crisp, Spano, Stribling and Priess voting in favor of the Motion, and Commissioners Farmer and Jackson voting against the Motion. The Motion to DENY passed by a vote of 4-2.

As a result of this recommendation, per Section 212E.4. of the Zoning Ordinance, the proposed Rezoning "shall require a favorable vote of at least three-fourths of all the members of the City Council to become effective."

Attachments:

1. Staff Report — PL_Z17-04 Staff Report-Woodfin.docx
2. Draft Ordinance — 17-572_PL_Z17-04_ORD.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: June 20, 2017
July 18, 2017

To: City Council

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

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

Case: Z17-04: Woodfin

Request: A request for approval of a Zone Change from the Single-Family Residence (RS-1) Zoning District to Manufactured Housing Subdivision (MHS)

Location: 2101 Marx Street; generally located at the northwest corner of Marx Street and East 21st Street

Legal Description: Lots 1 and 2, Block 23, Marx and Blum Addition

Size: 0.344 acres

General Information

Future Land Use:	Neighborhood
Current Zoning:	RS-1 Single-Family Residence
Existing Land Use:	Residential

Surrounding Zoning / Land Use:

North:	Single-Family Residence (RS-1)	Residential
West:	Single-Family Residence (RS-1)	Residential
South:	Single-Family Residence (RS-1)	Residential
East:	Low-rise Multi-family Residential (RM-1)	Residential

District: SMD #4 – Lucy Gonzales

Neighborhood: Reagan

Thoroughfares/Streets:

Marx Street is defined as a "Minor Collector Street" in the City's Master Thoroughfare Plan (MTP). Minor Collector Streets in rural subdivisions are required to have a minimum paving width of 30 feet, and Marx's paving width is 36 feet.

Minor Collector Streets are designed to primarily connect traffic from residential or local streets and discharge traffic into major collector streets.

Background:

The subject property was platted in 1905 as part of the Marx and Blum Addition. The subject property consists of two contiguous lots and has a legal non-conforming mobile home currently located on it. The mobile home was manufactured in 1959 and placed on the property in 1980 according to TGCAD.

The subject property is located on a corner lot and fronts on Marx Street. There is a driveway entrance on East 21st Street. To the North of the property, on East 22nd Street, are newer homes that were built in 2011 and 2012.

Analysis:

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.*

   Section 303(G) of the Zoning Ordinance states the intent of the MHS district, which is to subdivide two or more lots for the purpose of sale and occupancy of manufactured housing units. The Zoning Ordinance was never intended to allow for a single manufactured unit in a MHS zone. Therefore, staff does not believe the proposed zone change is compatible with current policy.

   In the past, Council had approved MHS or MHP zoning as part of a larger contiguous block of manufactured housing. The only time manufactured housing was allowed to develop in traditional Residential zoning districts was on a case-by-case basis through the use of a Special Permit. The result of this permitting process was that over time vacant lots were left in neighborhoods as the manufactured homes were removed from the lots. Because of this, Special Permits are no longer an allowed method for the development of manufactured housing. When the manufactured housing did remain, it created an inconsistent housing pattern in these neighborhoods of predominantly single-family residential homes, with only one or two manufactured units in a block.

   In addition, Council made a subjective decision that two would be the minimum number of lots in a MHS zoning district, thus creating a "subdivision." As part of that decision, Council gave Planning staff a directive that any future proposed development or placement of manufactured homes would have to be part of a larger request for multiple lots consistent with the Intent Statements of the Zoning Ordinance. While this request is for two adjacent lots, technically meeting the ordinance requirement, the lots are being used jointly as a single homestead and would be inconsistent with the Zoning Ordinance and would appear to circumvent the intent of Council's directive in this regard.

   Finally, during the May 2, 2017, City Council meeting, a text amendment to the Zoning Ordinance was adopted to allow for stricter regulations for the development of Industrialized Housing. This was done in an effort to protect homeowners in Single-Family Residential districts from depreciating property values in the neighborhoods where Industrialized Housing could be placed. There are no similar standards for Manufactured Housing designed to insure the property values of the surrounding area. If this rezoning is approved, similar concerns could be raised. The City's Comprehensive Plan calls for a mix of housing choices in the City of which manufactured housing can be an appropriate option. However, based on past precedent and the policies established through the zoning ordinance, staff believes this is not the appropriate location for one, given the predominant single-family residential character of this neighborhood. If the Planning Commission and Council wishes to allow for more manufactured housing throughout the City, especially mixed within established single-family neighborhoods, amendments to the zoning ordinance and/or Comprehensive Plan would be an appropriate means to move in that direction.

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

   Allowing a single property to rezone to the MHS district would contradict the intent of the Zoning Ordinance which seems to discourage an individual manufactured home being allowed independent of a larger subdivision dedicated to manufactured housing. If an area appears to be transitional in nature, or rather, if the condition of existing housing stock warrants that manufactured housing is acceptable, then an appropriate response would be to direct staff to rezone larger regions within the neighborhood to allow both manufactured housing and site-built single-family housing. In this manner, larger areas can be created, consistent with the legislative intent of the MHS district, instead of piecemeal manufactured housing scattered throughout predominantly single-family detached houses.

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.*

   For the most part, the entire area surrounding the subject property is zoned RS-1 with the exception of the lots directly across Marx Street. Those lots are zoned Low Rise Multi-family Residence (RM-1). What is important to note is that the majority of residences located within the adjacent RS-1 and RM-1 zoning districts are traditional single-family detached homes. The only two other exceptions are manufactured homes erected prior to 1990, which are thus, considered Legal Non-Conforming Structures where a new manufactured home would not be allowed if those existing went away.

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

   In 2000 the Zoning Ordinance was updated and manufactured housing ceased to be allowed to be built in Single-Family Residential Zoning Districts. This means that the existing manufactured unit on the subject site became legal non-conforming with the intent of being replaced with a traditionally built Single-Family Dwelling when the nonconforming manufactured home reached the end of its useful life. New single-family homes were built in the vicinity of the subject property in 2012, and there is no indication that anything other than traditional single-family homes will continue to be constructed in this immediate area.

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

Any impact felt on the environment would be comparable to the construction impacts of traditional single-family dwellings.

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

   While many of the homes in the vicinity of the subject property are small and in disrepair there does not appear to be any demonstrated need for manufactured homes in the community. Several newer homes have been built near the subject property that demonstrate that traditional single-family detached housing continues to develop under the guidelines of the existing RS-1 zoning district.

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.*

   While the surrounding area has a wide array of housing types and sizes, they all fall under the permitted development standards set forth for the RS-1 zoning district. Newer homes and rebuilt homes in the area suggest that development patterns are in line with recommended guidelines for the singe family district. Any homes in the area that are legal-non conforming are allowed to continue with the expectation that they would be eventually phased out. Changing the zoning district to MHS would be contrary to long-established development patterns in the neighborhood.

Notification:

On April 24, 2017, 21 notifications were mailed out to property owners of record within a 200-foot radius of the subject area. As of the date of this publication, staff has received zero response in favor of, and zero responses in opposition to the request.

Planning Commission Recommendation:

On May 15, 2017, the Planning Commission recommended **DENIAL** of the applicant's request for a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Manufactured Housing Subdivision (MHS) Zoning District on the subject property at 2101 Marx Street. The following is the complete excerpt of the minutes from the May 15, 2017, meeting for this case:

Jon James, Director of Planning and Development Services, outlined the proposed zone change to MHS in a residential neighborhood predominantly zoned Single-Family Residential (RS-1). Mr. James explained that the current Zoning Ordinance does not allow manufactured housing in the RS-1 zone, only in the MHS or MHP zoning districts. Mr. James outlined Staff's rationale recommending denial of the request based on the proposed zoning being inconsistent with Council policies regarding industrialized and manufactured housing; the zoning being inconsistent with the policies regarding the MHS zone district; and the proposed

use being incompatible with the surrounding area of single family homes. Mr. James indicated that State law allows cities to treat manufactured homes differently than single family homes.

Chairperson Priess opened the meeting for public comment.

Jim Bean, the applicant's representative displayed renderings of the proposed manufacturing and explained to the Commission this is a high-end home.

Chairperson Priess indicated that no matter how it is looked at, the proposal was still a manufactured home. Mr. Bean responded that the proposed manufactured home complied with all applicable zoning provisions except that it did not meet the definition of a single family home.

Mr. Simon Soto, a resident who lived across the street from the requested zone change, stated he had no objections to the proposed manufacturing home.

Ms. Marilyn Sneed, a resident, indicated that the applicant had lived in an existing mobile home on the property since the 1960s and understood that the home was legal non-conforming. She did not believe that replacing this home with a new manufacturing home was an issue.

Al Torres, Building Official, explained that manufactured homes were not built to the same standard as regular homes. These types of homes do not have to be on a permanent foundation and they are approved by HUD, as opposed to having to meet the International Residential Code like a traditional house would.

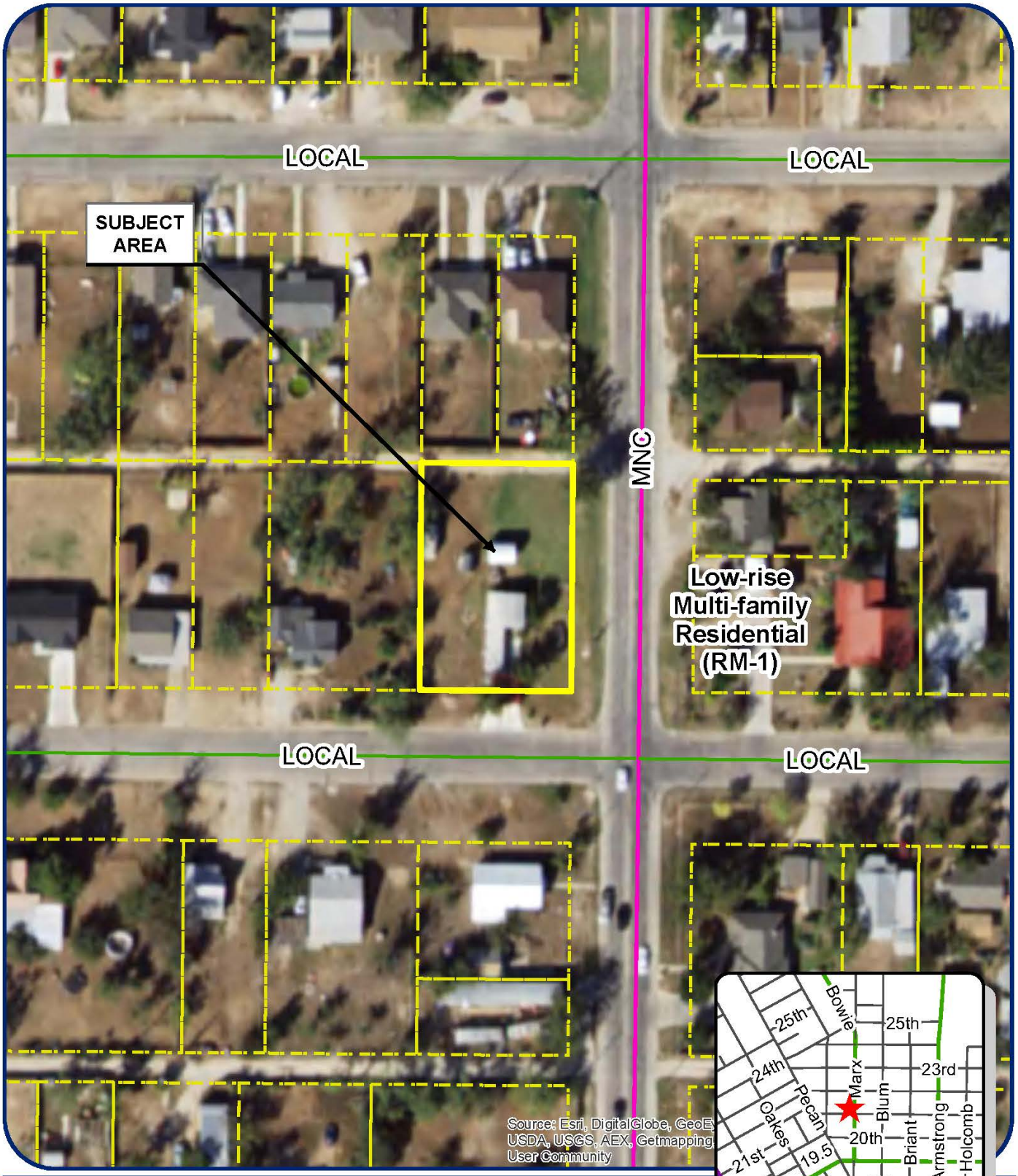
Commissioner Crisp made a Motion to DENY the proposed Zone Change. Commissioner Spano seconded the Motion, with Commissioners Crisp, Spano, Stribling and Priess voting in favor, and Commissioners Farmer and Jackson voting against. The Motion to DENY passed by a vote of 4-2.

Staff Recommendation:

Staff recommends that City Council **DENY** Case Z17-04, a request for a Zone Change from the Single-Family Residence (RS-1) Zoning District to the Manufactured Housing Subdivision (MHS) Zoning District.

Attachments:

Aerial Map
Zoning Map
Application
Plat
Applicant Photographs
Site Photographs



Rezoning Case File

Case Z17-04; Woodfin

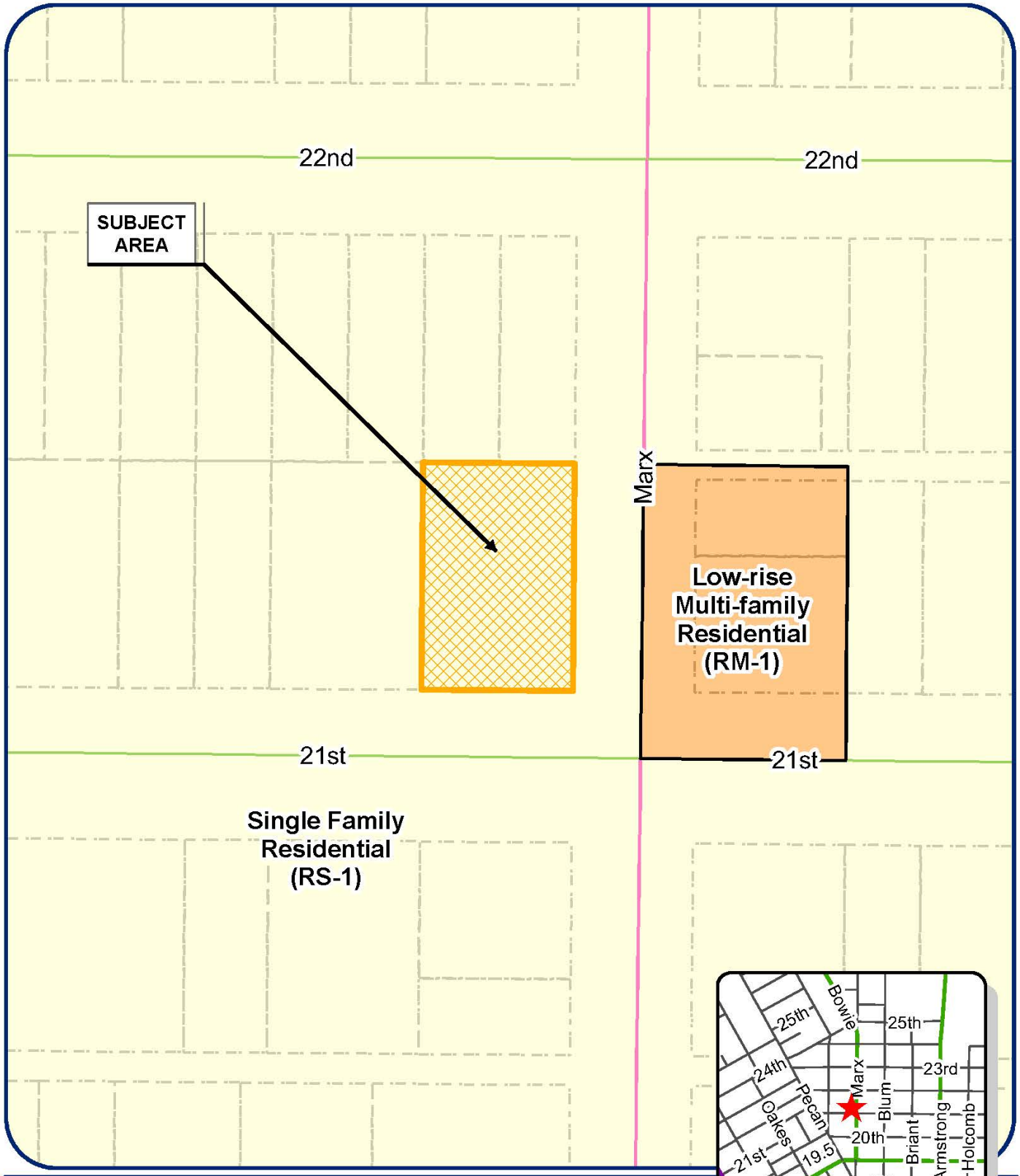
Council District: District 4 (Gonzales)
Neighborhood: Reagan
Scale: 1 Inch :: 100 Feet
Legal Description: Lots 1 & 2, Block 23, MARX & BLUM ADDITION

Legend

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

N

Site-related and Area Imagery



Rezoning Case File

Case Z17-TBD; Woodfin

Council District: District 4 (Gonzales)
Neighborhood: Reagan
Scale: 1 Inch :: 100 Feet
Legal Description: Lots 1 & 2, Block 23, MARX & BLUM ADDITION

Legend

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

N

Effective January 3, 2017

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

Application for Approval of a Zone Change

Section 1: Basic Information

Name of Applicant(s): OTIS RAY WOODFIN, SR (OWNER) REPRESENTATIVE JIM BEAN

☐ Owner ☑ Representative (Notarized Affidavit Required)

Mailing Address: (REP) 902 PECOS — City: SAN ANGELO — State: TX — Zip Code: 76901-3464

Contact Phone Number: 653.4187 — Contact E-mail Address: JIMBEAN@JIMBEAN.COM

Subject Property Address: 2101 MARX ST — City: SAN ANGELO — State: TX — Zip Code: 76903-3006

Legal Description (*can be found on property tax statement or at www.tomgreencad.com*): SUBD: MARX & BLUM ADDITION BLK 23 LOT: 1+2

Existing Zoning: RS-1 **Proposed Zoning:** MHS **Lot size:** 0.344 ACRES 100FF/100RF/140.0DF

(Zoning Map available on City Maps)

Section 2: Site Specific Details

Existing Use of Property: RESIDENCE

*Proposed Use of Property: RESIDENCE

*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.

Hours of Operation: 8 AM -12 PM & 1PM – 5 PM 325-657-4210, #2 www.cosatx.us/planning

To the City of San Angelo Planning Commission
52 W. College Avenue
San Angelo TX 76903

I am requesting a zone change for the property located at 2101 Marx Street. The legal description is: SUBD: Marx & Blum Addition, Blk 23, Lot: 1& 2. I respectfully request that the property be rezoned to MH to allow the property owner to upgrade his residence utilizing a new manufactured home. As required under section 212.G of the San Angelo Zoning Ordinance, I am offering the following reasoning to justify my request for this zone change.

1. The purpose and the final result of this request is consistent with the plans and policies put forth by the Planning Commission and our City Council. We are addressing basic upgrading of an existing single family residence to a more safe and accommodating structure. The upgrade will enhance the aesthetics of the existing neighborhood, is not associated with any disadvantage to the existing environment and would be considered the 'best use' of the property.

2. This proposal may be the only avenue to accommodate the needs of the city and the property owner. This request is necessary as all other common solutions are no longer available within the current San Angelo ordinances. (Note: other Texas cities upgraded their zoning ordinances to recognize manufactured housing and its many benefits as a viable and acceptable approach to safe, affordable housing. Those cities offer special permitting and enable 'remove and replace' policies that do not require planning commission presentations other than basic code enforcement to insure safe utilities similar to a conventional 'stick-built' site home.) The two lots easily allow for all setbacks, easements, and property line requirements that are customary within this neighborhood.

3. The proposed zone change is 100% compatible with the existing and proposed uses of the surrounding area and is factually appropriate as a quality built, single-family residence with regard to the zoning of this neighborhood.
   The Marx & Blum addition is zoned predominantly Single-Family Residential but includes a mixture of building types and styles, including multiple mobile homes (not manufactured homes). The current mobile home located on this property was built in 1959. As this mobile home is grandfathered but the land is not, a zoning change is required to put a new manufactured home on these two lots. The proposed new manufactured home was built in 2016 to HUD standards and will provide a safe modern home which enhances this neighborhood.

4. There are no changes in the area condition that are triggered by this request. This request is a method based solely on the current city ordinances' approach to accommodate the homeowner's request to upgrade his existing residence, located within a single-family neighborhood. Although this residence will remain single-family, there is a Low Rise Multi family zoned property immediately across the street to the east, and a short distance to the north is a CN property, (Neighborhood Commercial).

5. N/A No significant adverse impact on the natural environment is associated with this request. There are no changes from the current conditions.

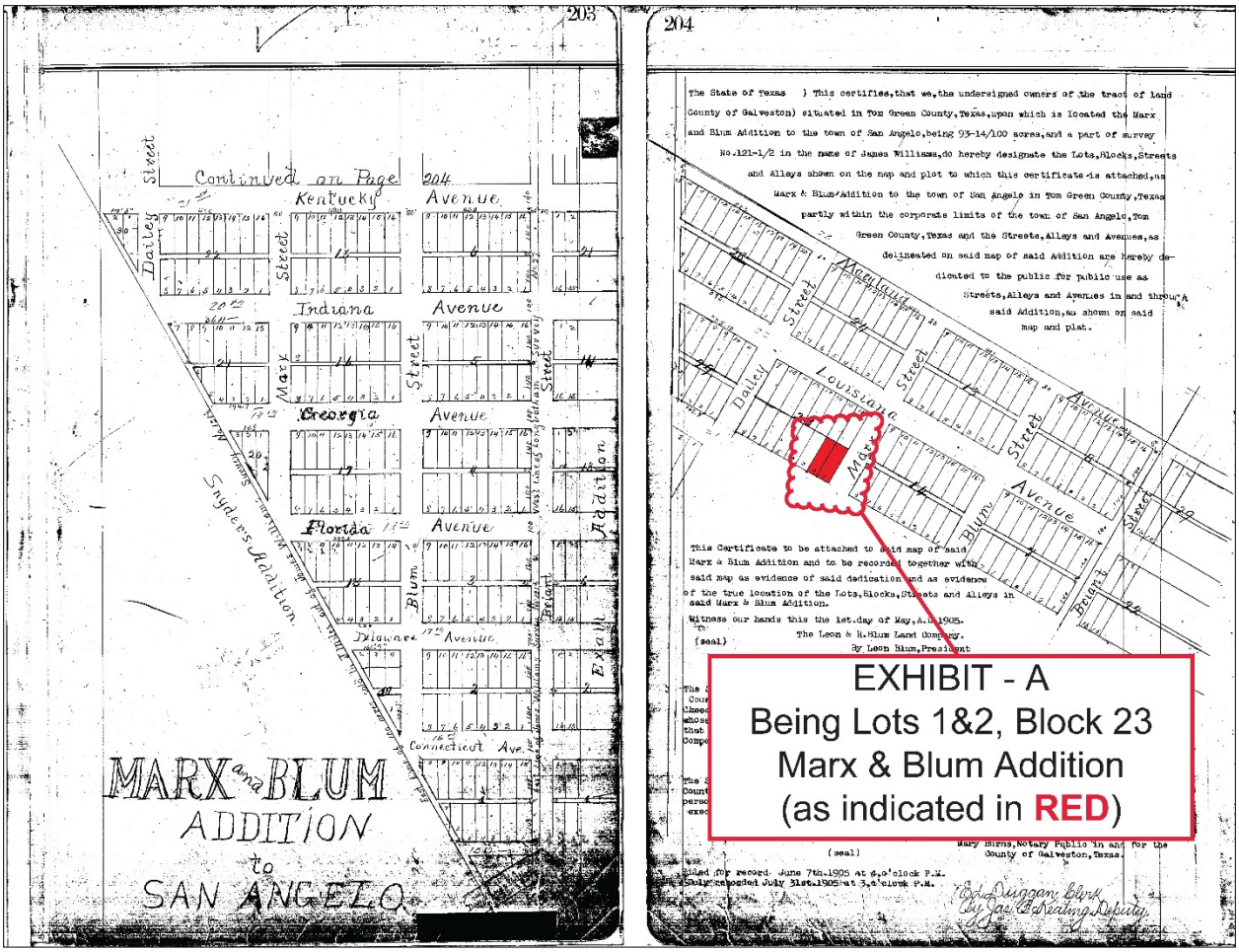
6. The need for quality, affordable housing has never been greater. Today's manufactured homes deliver outstanding quality and performance at prices ranging from 10-20 per cent less per square foot than conventional site-built homes. This request will enhance the visual impact of this neighborhood without introducing any negative effects. This proposed zone change will improve the quality of the surrounding neighborhood by allowing a manufactured home built in 2016 that meets the Housing and Urban Development codes, to replace a mobile home built in 1959.
You could characterize this request as a beautification project. As stated within the San Angelo Strategic Plan-Vision Plan, revision 2009: Neighborhoods, in order to be sustainable, should have a diversity of residential products and affordability levels. San Angelo neighborhoods welcome cost effective, 'GREEN', and safe structures that satisfy 100% of our city's current building codes. This zone change supports the city's planning department's strategic plan, "Vision Plan for Neighborhoods: Goal 1: Promote Vibrant and viable neighborhood. . .

7. The granting of the zone change on this specific property will not adversely affect the land use pattern of the area as outlined by the land use section of the Comprehensive Plan.
This proposal is an excellent example of the city establishing common sense approach to enabling home owners to upgrade their residences in a safe, logical manner. This home is LEED certified and helps to establish a standard within this neighborhood of energy efficient construction including components such as low E windows, energy efficient appliances.

Respectfully,

Jim Bean

for Otis Woodfin, Sr - property owner


203
204
Continued on Page 204
Kentucky Avenue
Indiana Avenue
Georgia Avenue
Florida Avenue
Delaware Avenue
Connecticut Ave.
Dailey Street
Marx Street
Blum Street
Bright Street
Snyders Addition
MARX and BLUM ADDITION to SAN ANGELO
Louisiana Avenue
The State of Texas } This certifies, that we, the undersigned owners of the tract of land
County of Galveston) situated in Tom Green County, Texas, upon which is located the Marx
and Blum Addition to the town of San Angelo, being 93-14/100 acres, and a part of survey
No.121-1/2 in the name of James Williams, do hereby designate the Lots, Blocks, Streets
and Alleys shown on the map and plot to which this certificate is attached, as
Marx & Blum Addition to the town of San Angelo in Tom Green County, Texas
partly within the corporate limits of the town of San Angelo, Tom
Green County, Texas and the Streets, Alleys and Avenues, as
delineated on said map of said Addition are hereby de-
dicated to the public for public use as
Streets, Alleys and Avenues in and through
said Addition, as shown on said
map and plat.
This Certificate to be attached to said map of said
Marx & Blum Addition and to be recorded together with
said map as evidence of said dedication and as evidence
of the true location of the Lots, Blocks, Streets and Alleys in
said Marx & Blum Addition.
Witness our hands this the 1st. day of May, A.D. 1905.
The Leon & M. Blum Land Company.
By Leon Blum, President
(seal)
Mary Burns, Notary Public in and for the
County of Galveston, Texas.
Filed for record June 7th-1905 at 4.o'clock P.M.
Duly recorded July 31st.1905 at 3.o'clock P.M.
Ed. Duggan, Clerk
By Jas. E. Keating Deputy.
EXHIBIT - A
Being Lots 1&2, Block 23
Marx & Blum Addition
(as indicated in RED)

Photos submitted by applicant showing proposed manufactured home to be placed on lot if zone change approved.

SOLD

Site Photos

Front of Property

Looking East

Looking North

Looking South

Side of Property on 21st St.

Newer Home on 21st St.

Newer Homes on 22nd St.

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: **generally located at 2101 Marx Street, the northwest corner of the intersection of Marx Street and East 21st Street,, compromising a total of 0.344 acres,** FROM SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO MANUFACTURED HOUSING SUBDIVISION (MHS) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on consideration of the application for zoning change from Single Family Residential District (RS-1) to Manufactured Housing Subdivision District (MHS), Z17-04, Woodfin; the Planning Commission and City Council having given notice of public hearing on the application as required under the Zoning Ordinance; City having published notice of public hearing in compliance with the Zoning Ordinance; City Council having afforded a full and fair public hearing on the application and having considered the amendment criteria applicable under the Zoning Ordinance; and, City Council 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:

The real property generally located at 2101 Marx Street, at the northwest corner of the intersection of Marx Street and East 21st Street, within the corporate limits of the City of San Angel, more specifically being Lots 1 and 2 in the Marx and Blum Addition, Tom Green County, Texas, compromising a total of 0.344 acres, Single-Family Residential (RS-1) Zoning District, shall henceforth be permanently zoned as follows: Manufactured Housing Subdivision (MHS) Zoning District.

SECTION 2: The Director of the Planning & Development Services Department is hereby directed to correct zoning district maps in the office of the Director of the Planning & 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 **20th day of June, 2017,** and finally PASSED, APPROVED AND ADOPTED on this the **18th day of July, 2017.**

THE CITY OF SAN ANGELO

_____

Brenda Gunter, Mayor

ATTEST:

_____
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: June 20, 2017

Item type: Regular Item

Caption:

First reading and public hearing for Case Z17-03, an ordinance approving a request for a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Heavy Commercial (CH) Zoning District, located at 1604 South Bryant Boulevard, on 0.583 acres - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

The purpose of this rezoning request is to facilitate the future construction of an off-premise (billboard) sign on the subject property. The Sign Ordinance prohibits off-premise signs on CG/CH zoned land within this corridor of Bryant Boulevard between San Jacinto Street to the south and West 14th Street to the north (see attached map). The same restrictions however, do not apply to lands zoned Heavy Commercial (CH).

Financial Impact:

N/A

Other Information/Recommendation:

On May 15, 2017, the Planning Commission recommended APPROVAL of the Zone Change. Commissioner Farmer made a Motion to recommend APPROVAL of the Zone Change request as presented, and Commissioner Crisp seconded the Motion with Commissioners Priess and Jackson also voting in favor, and Commissioners Stribling and Spano voting against. The Motion passed 4-2.

Attachments:

1. Staff Report PL_Z17-03 report.docx
2. Draft Ordinance PL_Z17-03 Ordinance (FINAL VERSION).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: June 20, 2017
July 18, 2017

To: City Council

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

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

Case: Z17-03: Ostrander

Request: A request for approval of a Zone Change from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Heavy Commercial (CH) Zoning District

Location: 1604 South Bryant Boulevard; generally located at the southeast corner of South Bryant Boulevard and West Avenue L; more specifically being 0.583 acres in the Park Heights Addition, Block 59, being the east 19.25 feet of Lot 1, and all of Lots 2, 3, and 4, City of San Angelo, Texas

Legal Description: Park Heights Addition, Block 59, being the east 19.25 feet of Lot 1, and all of Lots 2, 3, and 4, City of San Angelo, Texas

Size: 0.583 acres

General Information

Future Land Use: Commercial

Current Zoning: General Commercial/Heavy Commercial (CG/CH)

Existing Land Use: Tuff Shine Auto Appearance Center, Budget Truck Rental

Surrounding Zoning / Land Use:

North:	Light Manufacturing (ML)	Santa Fe Furniture, Super 8 Motel
West:	Light Manufacturing (ML)	America's Best Value Inn, Joe's Italian Restaurant
South:	General Commercial/Heavy Commercial (CG/CH), General Commercial (CG)	Payment1 Financial Group Loans
East:	General Commercial/Heavy Commercial (CG/CH), Single Family Residential (RS-1)	Budget Truck Rental Single-Family Residences

District: SMD #3 – Harry Thomas

Neighborhood: Fort Concho

Thoroughfares/Streets:

South Bryant Boulevard and West Avenue L are identified in the Major Thoroughfare Plan (MTP) as TXDOT right-of-ways. Because they are not City-owned and maintained roads, no specifications are listed in the MTP.

History and Background:

On April 13, 2017, the applicant submitted a request for a Zone Change from General Commercial/Heavy Commercial (CG/CH) to Heavy Commercial (CH) to facilitate the future construction of an off-premise (billboard) sign on the subject property. The Sign Ordinance prohibits off-premise signs on CG/CH zoned land within this corridor of Bryant Boulevard between San Jacinto Street to the south and West 14th Street to the north (see attached map). The same restrictions however, do not apply to lands zoned Heavy Commercial (CH). The existing property is shared between Tuff Shine, a vehicle detailing facility, and Budget Truck Rental, both of which are permitted uses in the CG/CH Zone, and would continue to be permitted in the CH Zoning District.

Analysis:

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

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

   The City's Comprehensive Plan designates the subject property as "Commercial" which is part of a larger commercial corridor that extends on both sides of South Bryant Boulevard for over 2,300 feet between Avenue L and Avenue R. The Commercial designation intends for "single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage onto the major street network." The policies also call to "establish transition areas between commercial areas and nearby neighborhoods." The proposed zone change to Heavy Commercial (CH) would not be consistent with these policies. The subject property and surrounding area contain existing retail commercial uses, regardless of its current zoning, and are not intended for heavy commercial uses based on the policies in the Comprehensive Plan. These retail cluster uses include the limited vehicle service and light truck rental businesses already allowed on the property, and surrounding uses that include hotels, restaurants, financial loan businesses, retail, and furniture stores. Bringing in a heavy commercial zone to this neighborhood would be incompatible given its established retail character. Further, the proposed CH zone would not provide an effective transition from the existing residences to the east and southeast. Although several properties to the north and west are zoned Light Manufacturing (ML), over time, these properties transitioned to retail uses, including some light storage. The Comprehensive Plan Update in 2009 designated these lands "Commercial," to better reflect this transition to retail commercial uses. Rezoning this property to Heavy Commercial would be incompatible with the surrounding retail character of the area, and the

nearby residential uses. Alternatively, staff is recommending rezoning the property to "General Commercial" which better reflects the current uses in the area 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.*

   The subject property complies with the maximum floor area ratio of 2.0, the minimum lot area of 6,000 square feet, the minimum lot width of 50 feet, and the minimum lot depth of 80 feet for a CH zone. The existing building is less than 25 feet from South Bryant Boulevard but has existed since 1959 before current zoning standards. The Heavy Commercial (CH) Intent Statement in Section 304 of the Zoning Ordinance states that this zoning "is intended to provide opportunities for development of wholesale trade, retail sales, warehousing development, repair and service establishments, heavy and bulk equipment supply dealers, and other such establishments that typically area characterized by outdoor storage of materials and merchandise." As indicated previously, the surrounding area contains retail uses, not the heavier type of uses outlined in the CH intent statement which would be incompatible with hotels, restaurants, retail stores, and nearby residences, and require larger amounts of outdoor storage. Therefore, Planning staff does not believe the proposed CH zone on this property is consistent with the intent of the Zoning Ordinance, or CH intent statement. Alternatively, staff is recommending rezoning the property to "General Commercial" which better reflects the current uses in the area and the intent of the Zoning Ordinance.

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

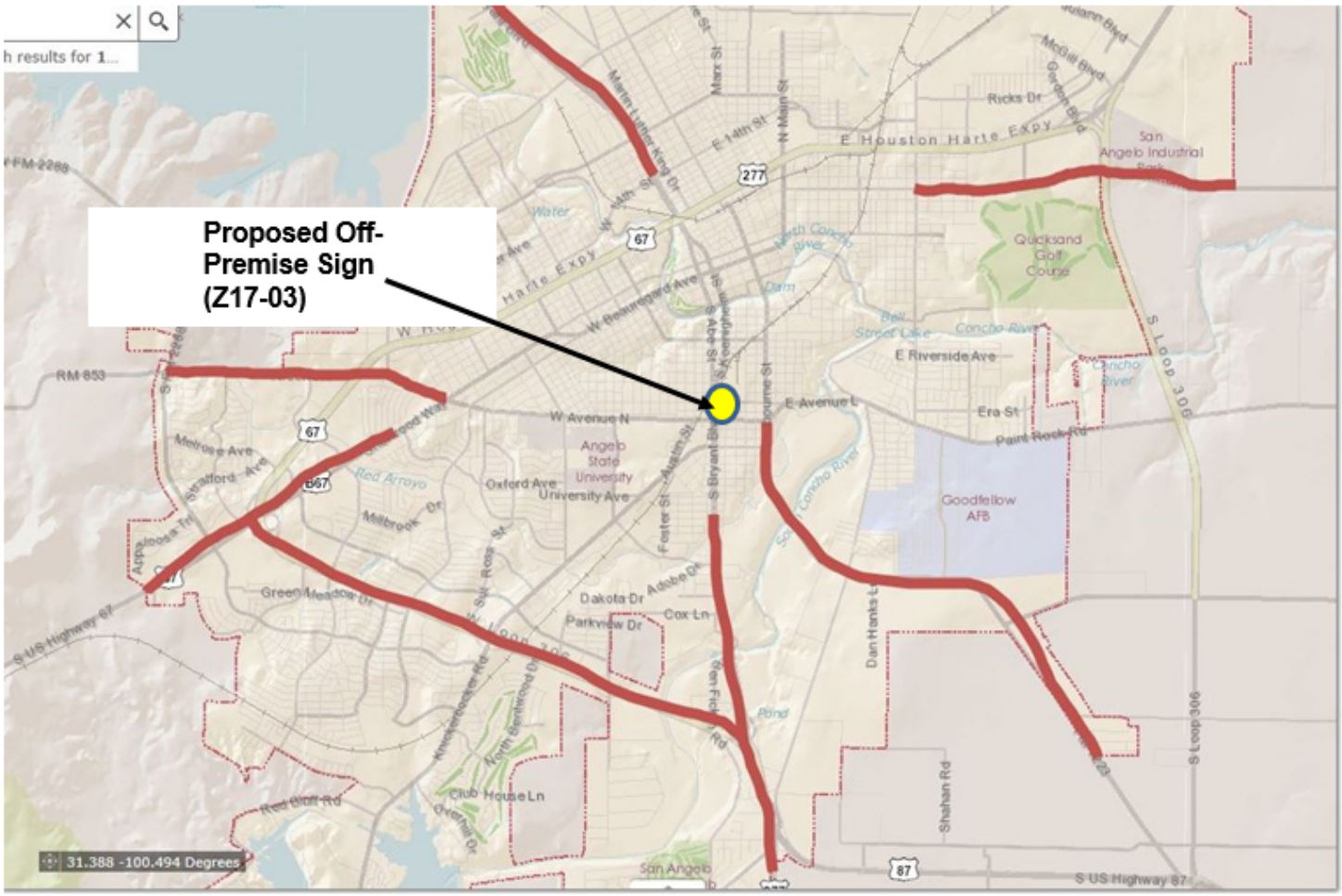
   As indicated above, the property is located within a lengthy commercial corridor of hotels, retail stores, financial offices, and restaurants. Heavy commercial uses are incompatible with the surrounding low intensity character of this area. The existing ML-zoned properties all contain retail commercial uses, and the Comprehensive Plan reflects the existing land uses as well.

Off-premise signage and compatibility with the Sign Ordinance

The applicant's intent for the zone change to CH is to allow an off-premise (billboard) sign to be erected on the property. The current CG/CH zoning already

Off-Premise Sign Corridor Map

(CH, OW, ML and MH allowed by-right)
(CG and CG/CH allowed only along corridors marked in "red")



allows the current land uses. Section 12.04.006 of the City's Sign Ordinance prohibits these large, off-premise signs within certain corridors of the city in certain zone categories, which includes all CG/CH zones in this corridor along Bryant Boulevard between San Jacinto Street and West 14th Street (see attached map).

City Council's intent in 2003 for enacting the Sign Ordinance to regulate signs can be found in their purpose statements of Section 12.04.001 of the Ordinance. They expressed serious concern about "the proliferation of signs without rhyme or reason, creating a situation in which the traveling motorist may be so distracted that

dangerous driving conditions are created." They also believed that "limits on the placement of off-site signs meets the aesthetic goal of reducing visual clutter and the general welfare goal of reducing traffic distractions, which are particularly acute in the case of off-site signs with their periodically changing content."
While existing billboard signs exist nearby, these are in areas of ML zoning, where these signs are allowed. However, as noted these areas have developed with commercial, rather than manufacturing uses and the existing zoning is inconsistent with both existing uses and the long term plans for the area through the Comprehensive Plan. Planning staff cannot support a zone change to Heavy Commercial (CH) simply to allow an otherwise unallowable billboard sign as it would contradict and subvert Council's intent in the Sign Ordinance – to reduce visual clutter and potential traffic distractions, particularly in this existing commercial corridor.

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

   Planning staff does not believe there are changed conditions that would justify a rezoning to a CH zone on this property. As indicated above, this area contains exclusively retail commercial uses and the long term Comprehensive Plan designates this area commercial as well. The existing uses on the property are already allowed in the CG/CH zone, including in the exclusive CG portion of this dual zoning designation. Given the current policy context and the prohibition of off-premise signs in this area on the Sign Ordinance, staff believe that a CH zone would be inappropriate and a subversion of the intent of the Sign Ordinance and Zoning Ordinance.

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.*

   Effects on the natural environment would appear to be minimal as the property is already paved. Any future development will require building permits which would include a review of grading, drainage, and stormwater runoff to further ensure there are no negative environmental impacts.

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

   Planning staff does not believe that a community need has been justified. Rezoning a single property to allow a billboard for the benefit of that property does not demonstrate a "community" need.

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 believe that another billboard sign in this location would lead to more visual clutter inconsistent with the spirit of the Comprehensive Plan designation, surrounding zoning and use, as well as the Sign Ordinance. The CH zoning would also allow heavy commercial uses including industrial services and heavy equipment storage which is also inconsistent with the surrounding development patterns.

Notification:

On May 4, 2017, 11 notifications were mailed out within a 200-foot radius of the properties. As of June 9, 2017, there were zero responses in favor and zero in opposition to the request.

Planning Commission:

On May 15, 2017, the Planning Commission recommended **APPROVAL** of the Zone Change from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Heavy Commercial (CH) Zoning District on the subject property at 1604 South Bryant Boulevard. The following is the complete excerpt of the minutes from the May 15, 2017, meeting for this case:

Jeff Fisher, Senior Planner, outlined the proposed request for a Zone Change from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Heavy Commercial (CH) Zoning District on the property. He explained that the purpose of the request was to allow an off-premise (billboard) sign on the property which is not allowed by right in this corridor of Bryant Boulevard zoned CG/CH. Mr. Fisher outlined Staff's recommendation to deny the request, and provided an alternate recommendation of CG which would not allow an off-premise sign but would be compatible with the surrounding area. Mr. Fisher explained Staff's rationale for a recommendation of denial for a CH Zone, given that the surrounding area is predominantly retail commercial uses, not heavy, industrial uses. He also displayed a map of the where existing CG and CG/CH zoned off-premise signs would be allowed and where the current sign would be located which is outside this area. He concluded his presentation by outlining City Council's policies in the Sign Ordinance explaining their intent in reducing sign clutter and enhancing public safety, and how this sign, if allowed on this property, would contravene these policies.

Commissioner Crisp asked what the most intensive use would be if the property was zoned Heavy Commercial (CH).

Mr. Fisher responded that this zone category would allow industrial service uses which included some minor fabrication and repair, as well as storage of heavy industrial equipment.
Chairperson Priess opened the meeting for public comment.

Russell Gully with SKG Engineering, the applicant's representative, explained to the Planning Commission that he believed there was not much difference between the current CG/CH zone and the proposed CH zone.

Commissioner Stribling asked if a billboard sign was allowed in the CG/CH zone.

Mr. Gully responded that it was not allowed in this zone. He explained that the purpose of the proposed billboard sign is for Chick-Fil-A restaurant advertising, and that there were other similar types of signs already along this corridor.

Mr. Doug Cooper, owner of the billboard sign, indicated that sign advertising is important to allow businesses to stay competitive and in business. He indicated that the proposed billboard sign would comply with all of the standards of the Sign Ordinance except for the provision that prohibited these signs zoned CG or CG/CH in this corridor of Bryant Boulevard. He referenced a different case, PD16-08, where City Council approved a zone change that included the allowance of a billboard sign in a zoning district that previously did not allow this type of sign. He further noted that this sign was a digital billboard whereas the proposed sign would be a static (non-changing) billboard.

Jon James, Planning and Development Services Director, redisplayed the sign corridor map shown earlier. He explained that the previous PD16-08 case approved a billboard sign within a sign corridor that did allow billboards in the CG and CG/CH zones, unlike this request. He reiterated City Council's previous recommendations and the Sign Ordinance which prohibits these types of signs outside the allowable corridors.

Commissioner Stribling asked if there was a distance requirement for billboard signs and if the proposed sign could be located on the property.

Mr. James responded that the distance requirement between billboards was 500 feet and that there would be room on the property for this sign.

Mr. Gully reiterated Mr. Cooper's statement that the sign would meet all requirements of the Sign Ordinance except for its location outside the permitted sign corridor.

Commissioner Farmer made a Motion to recommend APPROVAL of the Zone Change request as presented, and Commissioner Crisp seconded the Motion

with Commissioners Priess and Jackson also voting in favor, and Commissioners Stribling and Spano voting against. The Motion passed 4-2.

Staff's Recommendation:

Staff's recommendation is for the City Council to **DENY** the proposed Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the **Heavy Commercial (CH) Zoning District**, and alternatively, rezone the property to the **General Commercial (CG) Zoning District.**

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Map
Notification Map
Photos of Site and Surrounding Area
Applicant's Rationale
Letter of Intent
Excerpt of CH Permitted Uses and Provisions

Zoning Case File

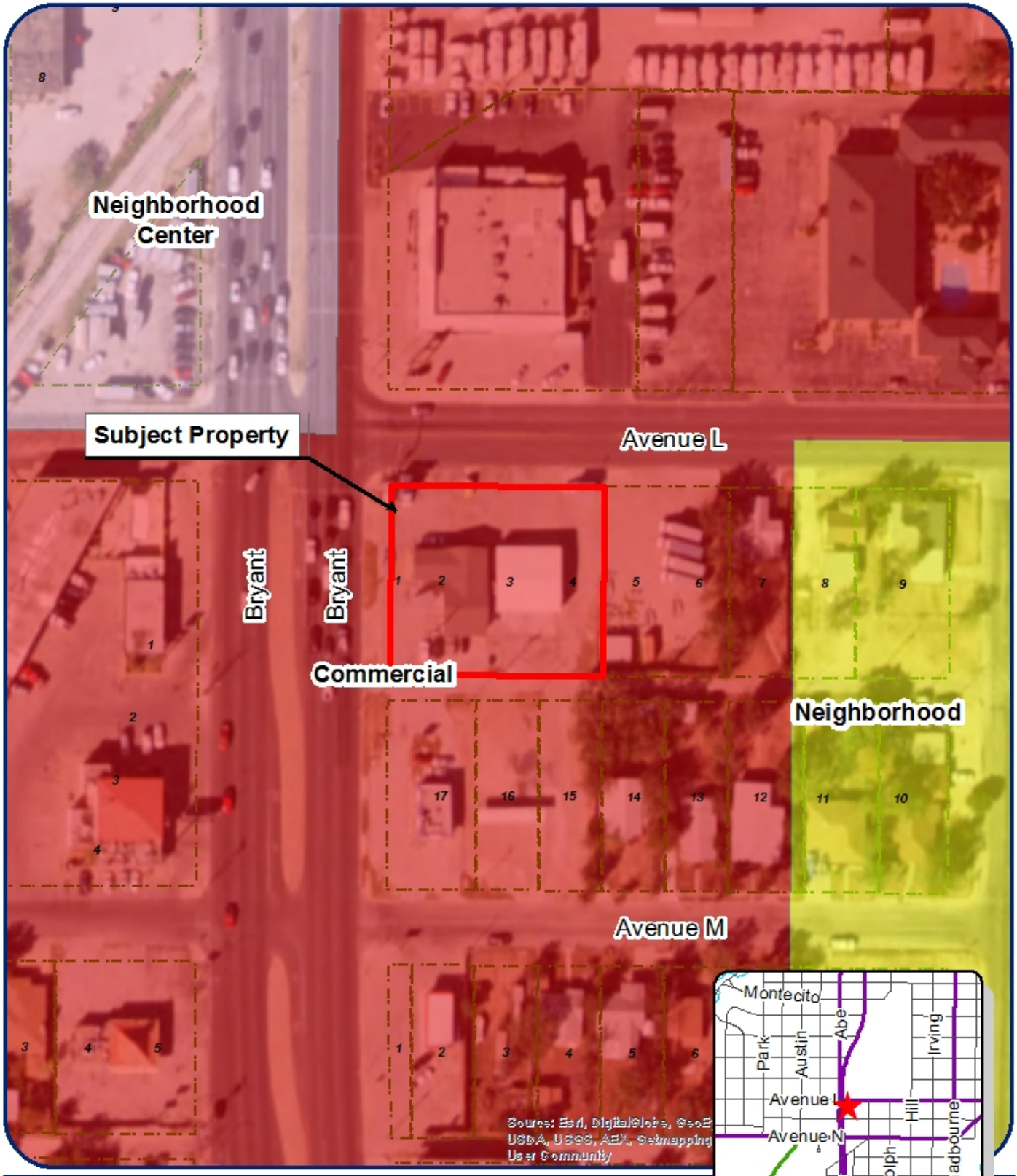
Case Z17-03: Ostrander

Council District: Harry Thomas (SMD #3)
Neighborhood: Fort Concho
Scale: 1" approx. = 100 ft
Subject Property: 1604 S. Bryant Blvd.

Legend

Subject Properties:
Current Zoning: CG/CH
Requested Zoning Change: CH
Vision: Commercial

N



Zoning Case File

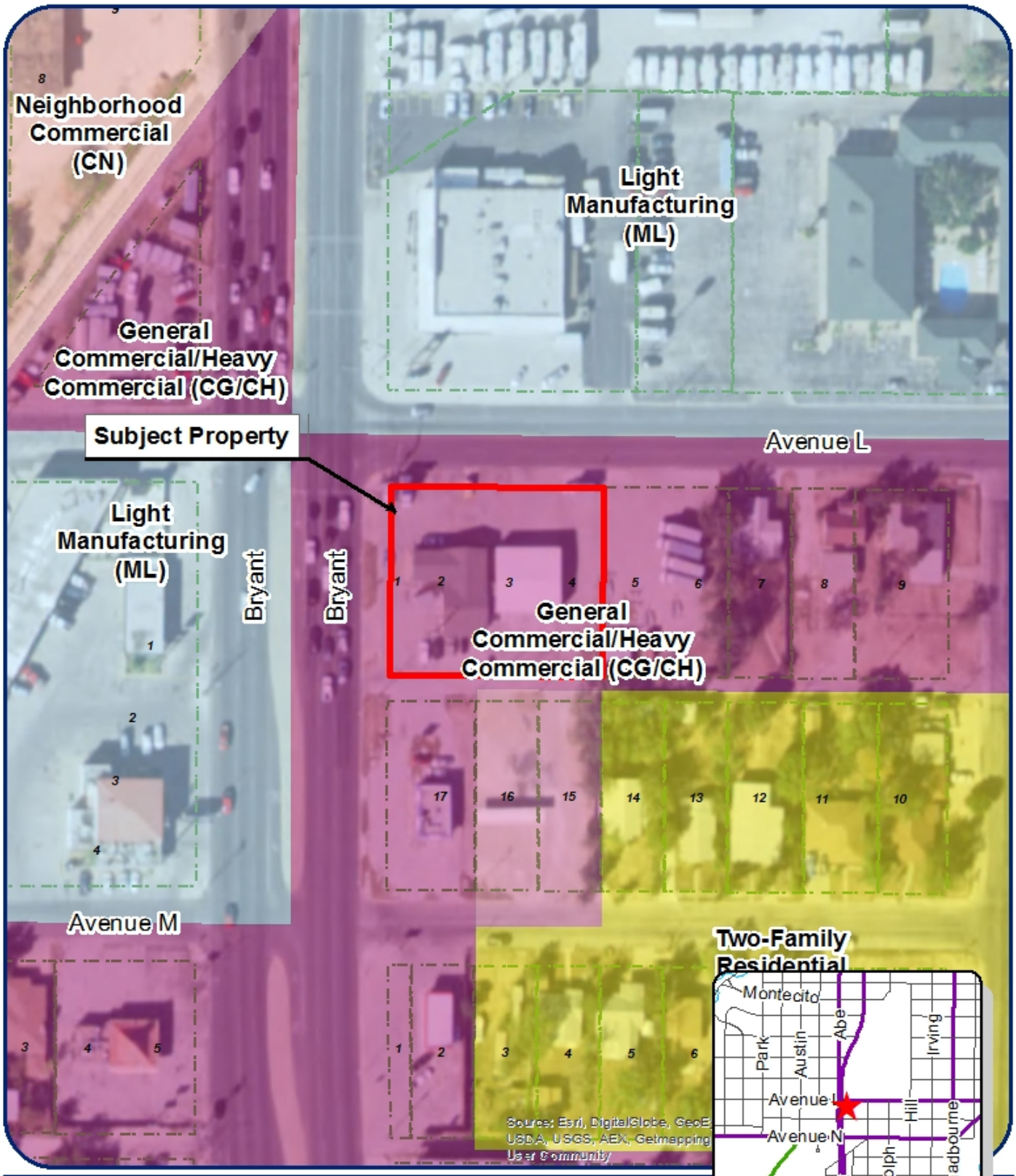
Case Z17-03: Ostrander

Council District: Harry Thomas (SMD #3)
Neighborhood: Fort Concho
Scale: 1 " approx. = 100 ft
Subject Property: 1604 S. Bryant Blvd.

Legend

Subject Properties:
Current Zoning: CG/CH
Requested Zoning Change: CH
Vision: Commercial

N



Zoning Case File

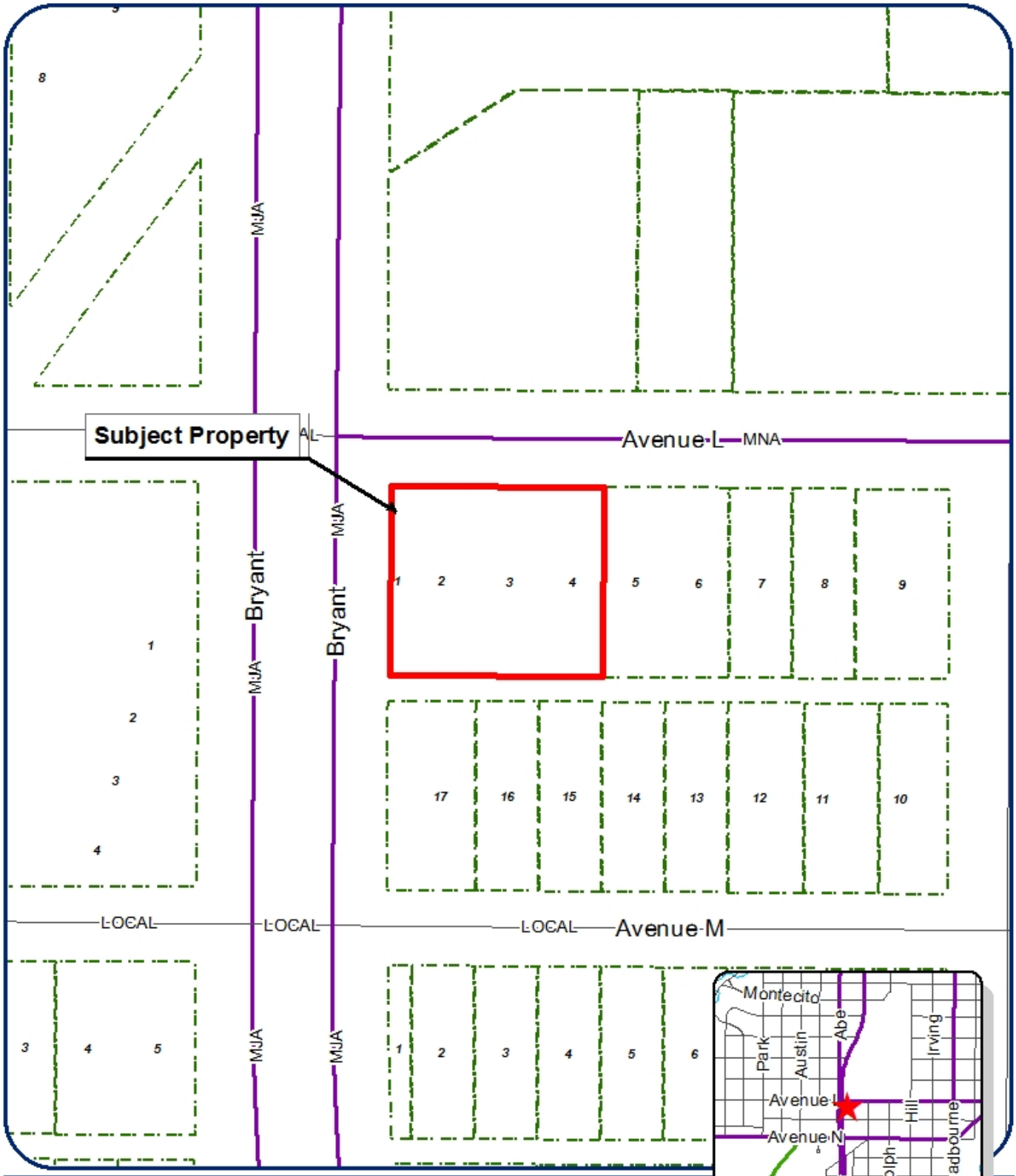
Case Z17-03: Ostrander

Council District: Harry Thomas (SMD #3)
Neighborhood: Fort Concho
Scale: 1" approx. = 100 ft
Subject Property: 1604 S. Bryant Blvd.

Legend

Subject Properties:
Current Zoning: CG/CH
Requested Zoning Change: CH
Vision: Commercial

N



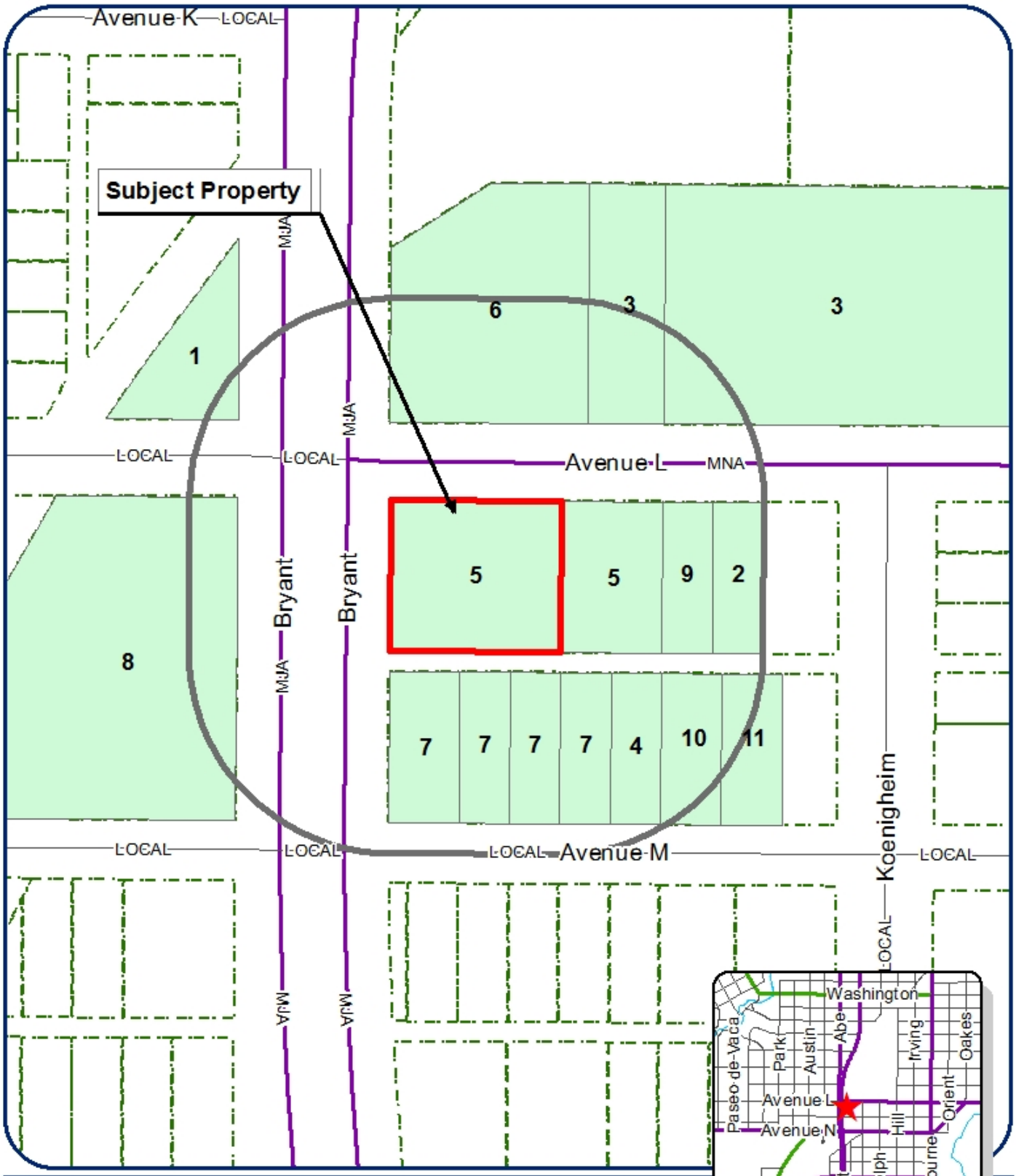
Zoning Case File

Case Z17-03: Ostrander

Council District: Harry Thomas (SMD #3)
Neighborhood: Fort Concho
Scale: 1 " approx. = 100 ft
Subject Property: 1604 S. Bryant Blvd.

Legend

Subject Properties:
Current Zoning: CG/CH
Requested Zoning Change: CH
Vision: Commercial



Zoning Case File

Case Z17-03: Ostrander

Council District: Harry Thomas (SMD #3)
Neighborhood: Fort Concho
Scale: 1 " approx. = 125 ft
Subject Property: 1604 S. Bryant Blvd.

Legend

Subject Properties:
Current Zoning: CG/CH
Requested Zoning Change: N/A
Vision: Commercial

Photos of Site and Surrounding Area

West

North

South

East

Photos of Site and Surrounding Area

Subject Property (looking north)

Existing billboard sign (1512 S Bryant Blvd)

Existing billboard sign (1601 S. Bryant Blvd)

From: Russell Gully [mailto:rg@skge.com]
Sent: Tuesday, April 25, 2017 2:45 PM
To: Fisher, Jeff <jeff.fisher@cosatx.us>
Subject: RE: Ostrander Rezoning Z17-03

Confirmed.

RUSSELL T. GULLY, P.E., R.P.L.S.
SKG ENGINEERING, LLC
Firm No. F-7608 & 10102400
706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
325.655.1288
www.skge.com

From: Fisher, Jeff [mailto:jeff.fisher@cosatx.us]
Sent: Tuesday, April 25, 2017 2:44 PM
To: Russell Gully <rg@skge.com>
Subject: Ostrander Rezoning Z17-03

Russell,

Can you please confirm that the applicant's intent is to place a billboard on the property at 1604 S Bryant Blvd?

Thanks,
Jeff

Planning Division
72 W. College Ave.
San Angelo, TX 76903
(325) 657-4210 ph.
(325) 657-4227 fx.
www.sanangelotexas.us

HEAVY COMMERCIAL (CH) ZONING DISTRICTS

Allowed Uses:

- Group living
- Alcohol and drug recovery facility
- Meeting areas for religious institutions
- Public safety and emergency services
- Vehicle service (performed while the customer waits)
- Vehicle wash
- Small animal veterinary clinic

Planning Division
72 W. College Ave.
San Angelo, TX 76903
(325) 657-4210 ph.
(325) 657-4227 fx.
www.sanangelotexas.us

Setbacks refer to the distance that a structure must be 'set back' off of the appropriate property line. For example, the front setback of 25 feet means that the front wall of the structure must be separated by at least 25 feet from the front property line of the lot. This 25 feet must be open and unobstructed, except for the following exceptions: (1) projection of window sills, belt courses and other ornamental features for a distance of 12 inches or less; (2) projection of chimneys and flues for a distance of 3 ½ feet or less; (3) projection of eaves and awnings for a distance of 2 feet or less; and (4) open or lattice-enclosed fire escapes and fireproof outside stairs, for a distance of 3 ½ feet or less.

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: **generally located at 1604 South Bryant Boulevard, the southeast corner of South Bryant Boulevard and West Avenue L, being 0.583 acres in the Park Heights Addition,** FROM GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH) ZONING DISTRICT TO THE HEAVY COMMERCIAL (CH) ZONING DISTRICT; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

RE: Z17-03: Ostrander

WHEREAS, on consideration of the application for zoning change from General Commercial/Heavy Commercial (CG/CH) to Heavy Commercial District (CH), Z17-03, (Ostrander); the Planning Commission and City Council having given notice of public hearing on the application as required under the Zoning Ordinance; City having published notice of public hearing in compliance with the Zoning Ordinance; City Council having afforded a full and fair public hearing on the application and having considered the amendment criteria applicable under the Zoning Ordinance; and, City Council 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:

The real property generally located at 1604 South Bryant Boulevard at the southeast corner of South Bryant Boulevard and West Avenue L, within the corporate limits of the City of San Angelo, more specifically 0.583 acres in the Park Heights Addition, Block 59, being the east 19.25 feet of Lot 1, and all of Lots 2, 3, and 4, Tom Green

County, Texas, shall henceforth be permanently zoned as follows: Heavy Commercial (CH) Zoning District.

SECTION 2: The Director of the Planning & Development Services Department is hereby directed to correct zoning district maps in the office of the Director of the Planning & 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 **20th day of June, 2017,** and finally PASSED, APPROVED AND ADOPTED on this the **18th day of July, 2017.**

THE CITY OF SAN ANGELO

_____

Brenda Gunter, 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: June 20, 2017

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving a request for the vacation and abandonment of an approximate 0.416-acre (18,107 s.f.) segment of the North Harrison Street public street right-of-way, generally located between Woodlawn Drive and Forest Park Avenue - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

The Parks Department has received a grant to renovate City parks and the abandonment at Brentwood Park was chosen as this would have the potential to provide parking for a park that currently has no off-street parking. Furthermore, closure of the street segment would allow for a continuous trail loop that would be free from vehicular traffic and would thus provide safety to pedestrians utilizing the trail system.

Financial Impact:

N/A

Other Information/Recommendation:

This request was considered by the Planning Commission at their regular meeting on May 15, 2017, and recommended APPROVAL unanimously.

Attachments:

1. Staff Report PZ_COSA_ROW Vacation_N Harrison_Brentwood Park_Staff Report.docx
2. Draft Ordinance 17-573_PLANN_N_HARRISON_ABANDON_ORD 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: June 20, 2017
July 18, 2017

To: City Council

From: Jon James, AICP
Director

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

Case: Street Abandonment – North Harrison Street, Brentwood Park

Request: A request to approve the vacation and abandonment of an approximate 0.416-acre (18,107 s.f.) segment of the North Harrison Street public street right-of-way

Location: An unaddressed tract of land, generally located between Woodlawn Drive and Forest Park Avenue

Legal Description: Volume 1, Pages 126 through 134, Official Plat Records of Tom Green County, TX

Size: Approximately 382 feet in length

General Information

Future Land Use: Open Space

Zoning: Single Family Residential (RS-1)

Existing Land Use: Local Street

Surrounding Zoning / Land Use:

North:	Single Family Residential (RS-1)	Single-family residences
West:	Single Family Residential (RS-1)	Single-family residences and open space
South:	Single Family Residential (RS-1)	Single-family residences
East:	Single Family Residential (RS-1)	Single-family residences and open space

District: SMD #2 – Tom Thompson

Neighborhood: Angelo Heights

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), North Harrison Street is identified as a local street. A local street carries light neighborhood traffic at low speeds.

History and Background:

On December 13, 2016, City Staff met to discuss the possible right-of-way abandonment of North Harrison Street at a segment that runs through Brentwood Park. The Parks Department has received a grant to renovate City parks and the abandonment at Brentwood Park was chosen as the abandonment would have the potential to provide parking for a park that currently has no off-street parking. Furthermore, closure of the street segment would allow for a continuous trail loop that would be free from vehicular traffic and would thus provide safety to pedestrians utilizing the trail system.

A Community Meeting was held at Austin Elementary School on March 9, 2017, to meet with residents and discuss any proposed improvements. Approximately six individuals attended to discuss the proposed abandonment. One resident in particular

was concerned about the quality of our City streets and wanted the grant money used to fix the road conditions.

Analysis:

A site visit recorded that few cars utilized North Harrison Street as a passage between Woodlawn Drive and Forest Park Avenue. Rather, North Van Buren was frequently traveled by vehicles. Thus, Staff believes that closing this section of North Harrison Street would not adversely affect traffic conditions. Moreover, North Harrison Street is also not shown as developing beyond its capacity as a local street in the Master Thoroughfare Plan.

Notification:

On April 24, 2017, 157 notifications were mailed out to surrounding properties of the subject site. As of May 3, 2017, there were zero responses in favor and zero responses in opposition of the request.

Planning Commission:

On May 15, 2017, the Planning Commission recommended **APPROVAL** of the applicant's request for a ROW Abandonment for the section of North Harrison that runs through Brentwood Park. The following is the complete excerpt of the minutes from the May 15, 2017, meeting for this case:

Public hearing and consideration of a request for approval of the vacation and abandonment of an approximate 0.416-acre (18,107 s.f.) segment of the North Harrison Street public street right-of-way; generally located between Woodlawn Drive and Forest Park Avenue; approximately 282 feet in length.

Kristina Heredia, Planner, outlined the proposed request for a street right-of-way abandonment to allow for an expanded City park. She indicated the zoning was RS-1 and displayed photos of the area for the Commissioners and the public. Ms. Heredia outlined Staff's rationale for approval which included that the area was underutilized as a passage between Woodlawn Drive and Forest Park Drive; that the abandonment will not adversely affect traffic conditions; and that North Harrison Street is not shown as requiring any improvements as per the City's Master Thoroughfare Plan (MTP). Ms. Heredia further indicated that 157 notifications were mailed out to surrounding property owners and Staff had not received any responses in favor or against the request.

Commissioner Jackson asked if the abandonment area would be added to the existing park in the area. Ms. Heredia responded this was correct.

There was no public comment.

Commissioner Jackson made a Motion to recommend APPROVAL of the Street Right-Of-Way Abandonment request as presented, and Commissioner Stribling seconded the Motion. The Motion passed unanimously 6-0.

Recommendation:

Staff's recommendation is for City Council to **APPROVE** the North Harrison Street Abandonment, **subject to the following Condition of Approval:**

1. Submit, obtain approval, and official recording of a subdivision replat absorbing the subject street right-of-way to be vacated and abandoned into the adjacent lot(s), Park Blocks B and C, meeting all requirements of the Land Development and Subdivision Ordinance.

Attachments:

Aerial Map
Zoning Map
Site Photos

Street ROW Abandonment

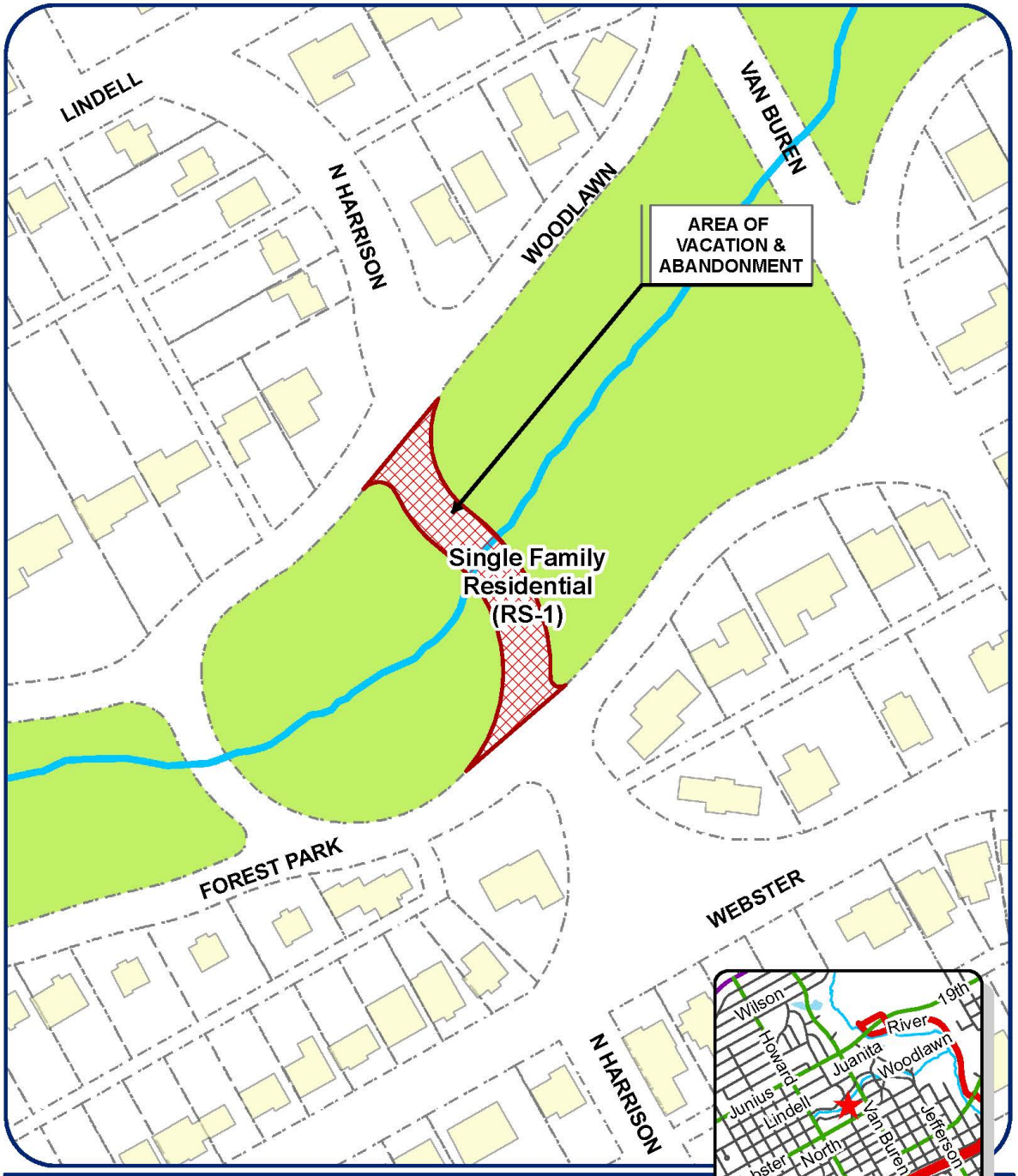
Portion of N. Harrison Street

Council District: Marty Self (SMD #2)
Neighborhood: Angelo Heights
Scale: 1 inch :: 150 feet
Harrison Street between Woodlawn Drive and Forest Park Avenue

Legend

Subject Properties:
Current Zoning: **RS-1**
Requested Zoning Change: **N/A**
Vision: **Open Space**

N



Street ROW Abandonment

Portion of N. Harrison Street

Council District: Marty Self (SMD #2)
Neighborhood: Angelo Heights
Scale: 1 inch :: 150 feet
Harrison Street between Woodlawn Drive and Forest Park Avenue

Legend

Subject Properties:
Current Zoning: **RS-1**
Requested Zoning Change: **N/A**
Vision: **Open Space**

N

Site Photos

Looking south towards Forest Park Ave

Forrest Park and N. Harrison intersection

View looking west on north side of N. Harrison

View looking north from north side of N. Harrison

AN ORDINANCE PROVIDING FOR ABANDONMENT AND CLOSING OF A PORTION OF NORTH HARRISON STREET, BETWEEN FOREST PARK STREET TO THE SOUTH AND WOODLAWN STREET TO THE NORTH IN THE BRENTWOOD ADDITION, CONSISTING OF APPROXIMATELY 18,107 SQUARE FEET; 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, is of the opinion that the portion of North Harrison described herein is no longer needed for public use and therefore deems it advisable to abandon and convey the herein described tract of land to the abutting property owners, ; 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: The public rights-of-way and street located in the City of San Angelo, Tom Green County, Texas, generally described as a portion of North Harrison Street running between Forest Park Street to the south and Woodlawn Street to the North, more particularly described and depicted in **Exhibit "A,"** attached hereto and made a part hereof for all purposes, be and the same are hereby abandoned, vacated and closed 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: The abandonments and conveyances provided for herein are made and accepted subject to all present zoning and deed restrictions, if the latter exist, and all existing easements, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 3: 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: As a condition of the abandonment and as part of the consideration for the abandonment by quitclaim deed authorized under this Ordinance, the Grantees shall:

a) Before the passing of one year from the effective date of this Ordinance, owners of platted lots adjoining the abandoned right-of-way shall secure and record a replat that reflects abandonment of the subject portion of North Harrison Street right-of-way

SECTION 5: That the terms and conditions contained in this Ordinance shall be binding upon Grantees 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 quit claim deeds conveying the subject tracts of land as described in **Exhibit "A,"** to the abutting property owners.

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 tracts of land are located.

INTRODUCED on the **20th day of June, 2017,** and finally PASSED, APPROVED AND ADOPTED on this the 1**8th day of July, 2017**.

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

ATTEST:

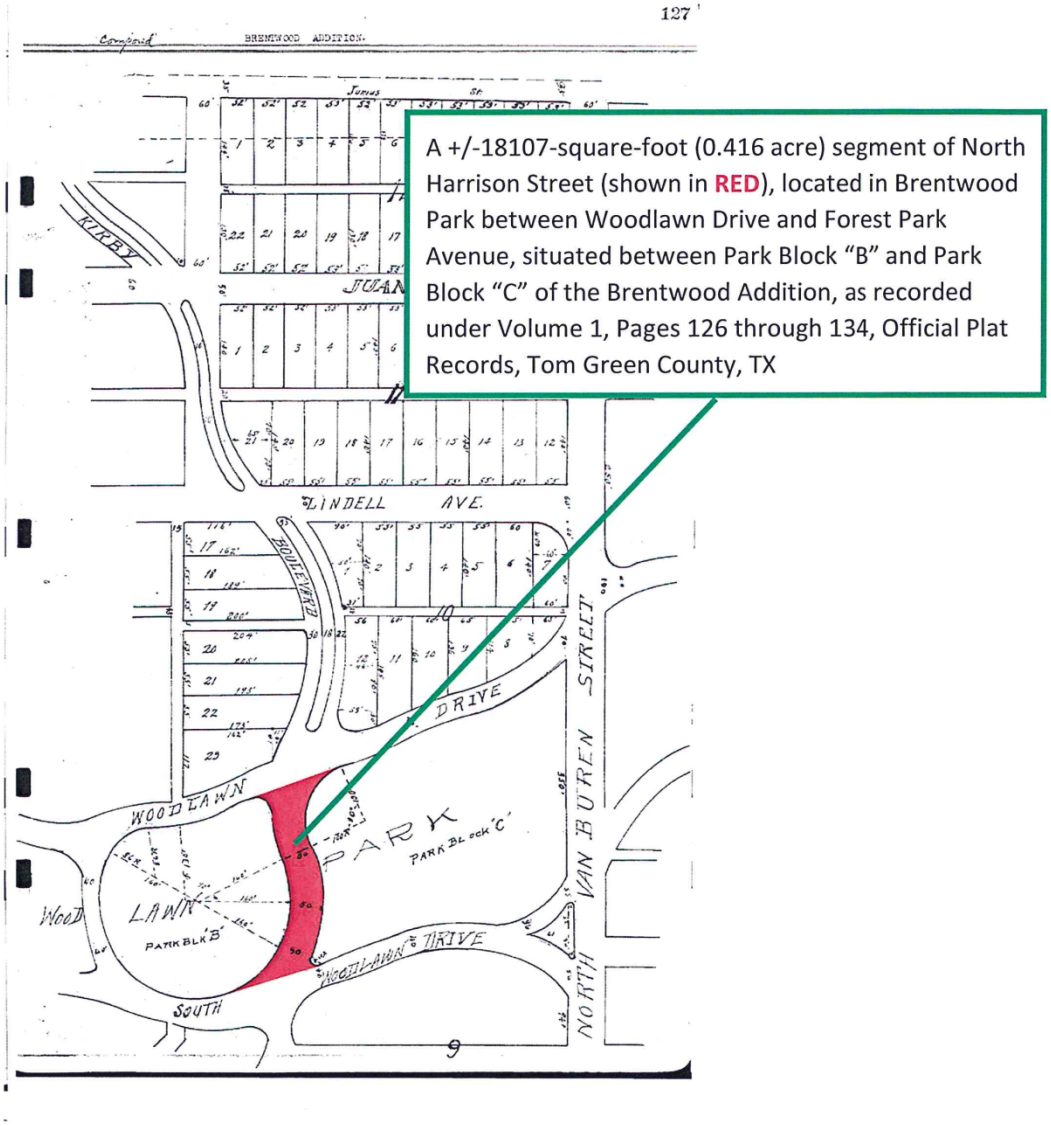
_____
Bryan Kendrick, City Clerk

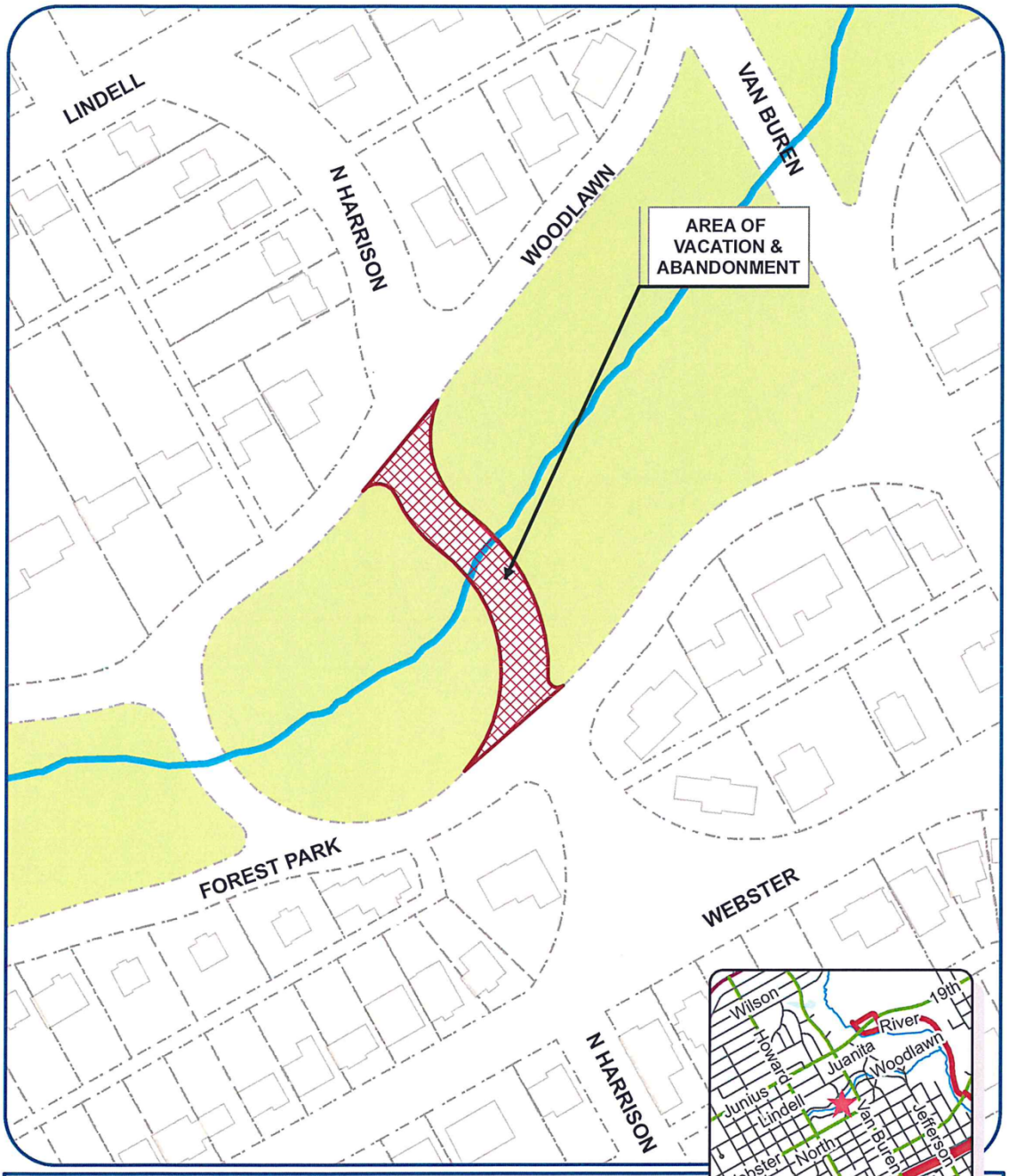
APPROVED AS TO FORM:

_____
Theresa James, City Attorney

EXHIBIT – A

LOCATION MAP; PROJECT AREA DESCRIPTION





Street ROW Abandonment

Portion of N. Harrison Street

Council District: Marty Self (SMD #2)
Neighborhood: Angelo Heights
Scale: 1 inch :: 150 feet
Harrison Street between Woodlawn Drive and Forest Park Avenue

Legend

Subject Properties:
Current Zoning: RS-1
Requested Zoning Change: N/A
Vision: Open Space

N

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: June 20, 2017

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance amending Chapter 11.02.043 raw water permit and Appendix A, Article A8.000 untreated water rates and raw water permit fee - (Presentation by Water Utilities Director Bill Riley)

Summary/History:

The City provides untreated (raw) water to customers around Lake Nasworthy and also to property owners along the Hickory transmission line. In the rates adopted by City Council in December 2015, the untreated water rates went from a tiered rate structure to a flat rate per 1,000 gallons. With the intent to keep this water customer class revenue neutral, this resulted in a higher rate than the treated water rates.

In addition to keeping this class revenue neutral, the higher rate for the untreated water reflects the value of the water to the city. These are the City's important water supply sources and any use of them counts against the City's water right allocation and diminishes the amount we have available to serve the entire city. Therefore, we wanted everyone to be diligent in the use of this water and even though it is untreated, use it in the most conservative manner.

The ordinance change brought with this item will amend the current untreated water rates to the current volumetric landscape rates. This will take the rates from a flat rate per 1,000 gallons, to a two-tiered seasonal rate that all landscape customers pay citywide.

In addition to the volumetric rate change, the sections of the ordinance pertaining to the requirement of a raw water permit and associated fee are being removed from the ordinance. The permit was used prior to requirement for all users of raw water to meter their use. Now that it is required for customers to meter their raw water consumption, the need for the raw water permit is no longer necessary.

Financial Impact:

Approximately $10,000* annual reduction in water revenue.

*This amount is calculated based on 2016 untreated water usage with the existing untreated water rates and the summer and winter rates in the 0-89,000 gallon tier.

Other Information/Recommendation:

Staff recommends approval to change the untreated water rates to be the same as landscape volumetric rates, and also recommends to remove the sections of the ordinance pertaining to a raw water permit.

Attachments:

1. Ordinance 17-615_WU_RAW_WATER.docx

Presentation:

Approvals/Reviews:

Allison Strube	Created/Initiated
Bill Riley	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 11, "UTILITIES", ARTICLE 11.02 "WATER AND SEWER SYSTEMS", BY REPEALING AND DELETING IN ITS ENTIRETY SECTION 11.02.043 PROVIDING FOR RAW WATER PERMITS; AMENDING APPENDIX "A" "FEE SCHEDULE", ARTICLE A8.000 "UTILITY RELATED FEES" PROVIDING FOR UNTREATED WATER RATES; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE

WHEREAS, all water, treated or raw, furnished to customers under Chapter 11, Division 2 "Water Service" must be measured by meters, except when impractical to do so for special occasions; and,

WHEREAS, the ordinance provision for raw water permit serves no purpose for customers on metered raw water service; and,

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

Section 1. Chapter 11, Division 2 "Water Service" is hereby amended by repealing and deleting in its entirety, Section 11.02.043 "Raw Water Permit".

Section 2. Appendix A "Fee Schedule", Article A8.000 "Utility Related Fees", Section A8.002 "Monthly Water Rates; Sanitary Sewer Discharge Charges; Industrial Waste Charges; Sewer Tap Charges", subsection (a)(1) shall be amended by deleting subsection "E" in its entirety and amending subsection "D" to read as follows:

(D) Landscape and untreated water (all customers) volumetric, rate per 1,000 gallons:

	2016	**2017**	**2018**	**2019**	**2020**
Winter					
0–89	$4.46	$5.09	$5.81	$6.23	$6.68
>89	$9.98	$11.39	$12.99	$13.93	$14.94
Summer					
0–89	$4.66	$5.32	$6.07	$6.51	$6.98
>89	$10.43	$11.90	$13.58	$14.56	$15.62

* For all landscape meters at schools, colleges, parks, or other city-owned facilities all usage will be billed at the "0–89" rate.

Section 3. Appendix A "Fee Schedule", Article A8.000 "Utility Related Fees", Section A8.012 "Raw Water Permit Fee" is deleted in its entirety.

Section 4. All provisions of Chapter 11, Division 2 "Water Service", Article A8.000 "Utility Related Fees not amended hereby shall remain in full force and effect.

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

Section 6. This Ordinance shall become effective August 1, 2017..

INTRODUCED on the 20th day of June, 2017, and finally PASSED, APPROVED AND ADOPTED on this the 18th day of July, 2017.

THE CITY OF SAN ANGELO

BY:_____
Brenda Gunter, Mayor

ATTEST:

_____
Bryan Kendrick, City Clerk

APPROVED AS TO FORM

_____
Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Tina Dierschke, Finance Director, Finance, 325-657-4268

Meeting Date: June 20, 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.

Sales Tax Revenue has performed as follows this fiscal year:

October - increase of 0.39%
November - decrease of 10.04%
December - decrease of 18.72%
January - increase of 4.3%
February - decrease of 2.3%
March - decrease of 4.4%
April - increase of 2.37%
May - decrease of 3.45%
June - increase of 10.91%

Year to date, revenue is approximately $574,000 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 have also implemented a food policy and a hold on non-essential travel. 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 4.45% and $573,827 after June 2017 receipts.

Other Information/Recommendation:

Attachments:

1. Chart Monthly Revenue Trends 2017 - June.pdf
2. Slides FIN 170620 Strategic Planning - Sales Tax - Council.pptx

Presentation:

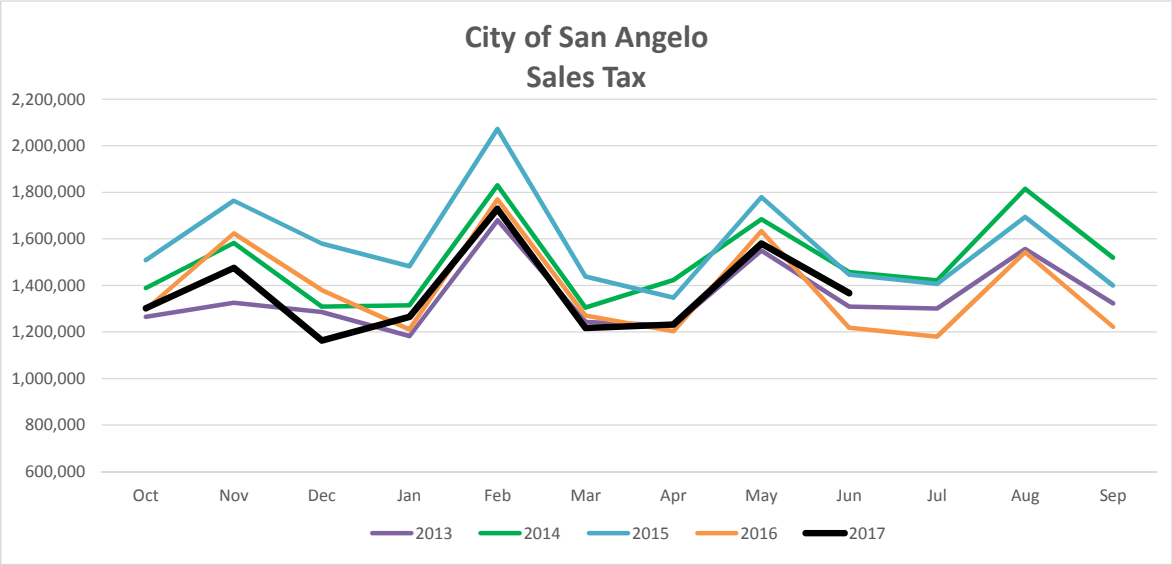
Tina Dierschke

Approvals/Reviews:

Tina Dierschke	Created/Initiated
Becky Dunn	Approved
Bryan Kendrick	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	1,579,360	-3.34%	1,639,001	(59,641)	(54,490)	-3.45%
Jun	1,309,232	1,457,046	1,446,101	1,217,893	1,367,061	12.25%	1,334,941	32,120	149,168	10.91%
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	12,327,644	-2.20%	12,901,470	(573,827)	(276,834)	-2.25%
Orig Budget	14,888,588	16,075,699	18,427,862	19,200,000	17,200,000					



Projection - Flat	16,272,607
Over/(Under) Budget - Flat	(927,393)

YTD Collections	12,327,644
PYTD Collections	12,604,478
% increase	-2.20%

YTD Budget	12,901,470
YTD Collections	12,327,644
YTD Over/ (Under)	(573,827)
YTD Over/ (Under)	-4.45%

City Council

June 20, 2017

Sales Tax Revenue

- Up 10.91% in June compared with the same month in prior year
- Under budget for revenue by $573,827 year to date

City Council

June 20, 2017

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Julia Antilley, Purchasing Manager, Purchasing, 325-657-4220

Meeting Date: June 20, 2017

Item type: Regular Item

Caption:

Consider the following:
1. Second reading and adoption of an ordinance removing the purchasing policy from the Code of Ordinances and requiring the policy to be adopted by City Council through resolution
2. A resolution adopting the June 2017 Purchasing Policy (J. Antilley)

Summary/History:

Key changes to the policy impacting Council:
- None, all formal purchases (over $50,000) will come to Council for approval/authorization

Key changes impacting Vendors:
- Form 1295 (required by State Ethics Commission)
- Simpler response to formal construction bids

Key changes impacting Staff:
- Requires three quotes for purchases ranging from $3,000.01 to 25,000.00
- Quotes required for items over $3,000.00
- Managers can approve up to $15,000.00
- Clarifies purchasing process for computers, furniture, and uniforms
- Faster review of construction bid submissions

New purchasing policy effective date is the date of resolution approval.

Financial Impact:

No direct fiscal impact.

Other Information/Recommendation:

Attachments:

1.	Ordinance	17-553 ord amending purchasing policy second reading.docx
2.	Exhibit A	Purchasing Policy 06.20.17.pdf
3.	Purchasing Resolution	Resolution.docx

Presentation:

Julia Antilley

Approvals/Reviews:

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

AN ORDINANCE AMENDING CHAPTER 2 "ADMINISTRATION AND PERSONNEL", ARTICLE 2.03 "FINANCE", DIVISION 2 "PURCHASING POLICY" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO TEXAS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

1) THAT, Chapter 2, Article 2.03, Division 2 of the Code of Ordinances, City of San Angelo, Texas, is hereby amended by deleting Division 2 in its entirety and replacing as follows:

" Division 2. Purchasing Policy

Sec. 2.03.031 Purpose

(a) Section 35 of the city charter states that all expenditures in amounts required by state law or city ordinance to be competitively bid must be accomplished in accordance with the requirements of state law or city ordinance, as applicable. Furthermore, expenditures of amounts less than an amount required by state law or city ordinance to be competitively bid shall be made according to procedures set out by ordinance and adopted by the city council.

(b) Pursuant to Section 35 of the city charter the following procedure shall be followed for purchases in amounts less than the amount required by state law to be competitively bid.

1. City purchasing manager shall develop a written policy defining purchases based on the monetary value of the purchase and shall spell out the process by which each such purchase shall be conducted.

2. The written policy outlined in Sec. 2.03.031(b)(1) above shall be approved by written resolution by city council.

3. The written policy shall be updated from time to time to adjust to changes in state law and purchasing markets.

4. Each update to the written policy shall be approved by city council through written resolution.

5. All purchases not required to be competitively bid by state law shall comply with the purchasing policy adopted by city council."

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

3) THAT, the following severability clause is hereby adopted with this amendment:

SEVERABILITY:

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.

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

INTRODUCED on the 6th day of June, 2017, and finally PASSED, APPROVED and ADOPTED on this the 20th day of June, 2017.

CITY OF SAN ANGELO

ATTEST:

_____
Brenda Gunter, Mayor

_____
Bryan Kendrick, City Clerk

Approved as to Form:

_____
Theresa James
City Attorney

CITY OF SAN ANGELO

Purchasing Policy and Procedures Manual

Revised June 2017

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1. ABOUT PURCHASING

1.1. Mission Statement

To issue Purchase Orders, provide best value to citizens, ensure financially responsible purchasing decisions are made by City staff, and adhere to all federal, state, and local purchasing guidelines.

1.2. Code of Ethics

The public must have confidence in the integrity of its government. The purpose of this Code of Ethics is to guide all employees engaged in the purchasing function so they may conduct themselves in an ethical manner that will represent the best interest of the City of San Angelo and its citizens.

Proper operation of the City Purchasing Division and City employees engaged in purchasing activities requires that:

- Actions of employees be impartial and fair.
- Decisions and policies are made in the proper channels of government structure.
- Public employment is not used for personal gain.
- Employees engaged in purchasing functions shall not solicit, accept, or agree to accept any gratuity for themselves, their families or others that results in personal gain that may affect their impartiality in making decisions on the job. Discounts or concessions realistically available to the general population, items received that do not result in personal gain, and samples for general City use are examples of items that are not considered gratuities.
- Personal judgment should be used. Any questions regarding particular scenarios should be referred to each employee's manager.

1.3. Goals

To ensure compliance with federal, state and local purchasing laws.

To protect and enhance the reputation of the City of San Angelo and its employees.

To treat all citizens equally with courtesy and impartiality, and refrain from granting any special advantage to any citizen beyond what is available to all citizens.

To provide efficient, productive, and economic service to the public.

To avoid real or potential conflicts between private and public duties, remembering that the public interest must be the principal concern.

To keep confidential all information acquired by reason of one's position which may be used for personal or financial gain for the employee or other persons.

To refrain from securing special privileges or exceptions for themselves or other persons that are not available to all citizens.

To avoid receiving, soliciting or otherwise obtaining anything of value that is greater than "nominal intrinsic value" from any public official, employee, vendor, or citizen that is intended to influence the performance of official duties.

To disclose to the appropriate authority the nature and extent of any financial or personal interest in a City contract, legislation, or in any type of transaction involving the City, when participating in the development of, or giving an official opinion on, the item.

2. METHODS TO PURCHASE

2.1. Purchase Orders (PO)

A Purchase Order is a document that authorizes a purchase transaction. When accepted by the seller, it becomes a contract binding both parties. A Purchase Order sets forth the descriptions, quantities, prices, discounts, payment terms, date of performance or shipment, other associated terms and conditions, and identifies a specific seller.

2.1.1. Blanket Purchase Orders (BPO)

Blanket Purchase Orders are generally issued for small routine purchases, such as supplies. A Blanket Purchase Order can be issued for purchases of $3,000.00 or less, to cover items necessary for repair of unforeseen damage to equipment, machinery or property.

If you need a Blanket Purchase Order, enter a requisition into HTE. In the requisition comments field, notate BPO, provide an explanation, and list the co-op details or bid/contract number, if available.

Note: If funding is to be encumbered, you should not use a Blanket Purchase Order. A BPO will not encumber funds.

2.1.2. Inverted Purchase Orders

Inverted Purchase Orders are used for contracts where more than one payment will be made. For example, construction contracts, equipment leasing, etc. To create an Inverted Purchase Order, simply enter the contract value in the “QTY” field and $1.00 in the “Unit Cost” field.

2.2. Purchasing Cards (P-cards)

Using a City issued P-card is approved as a payment method for all non-contracted purchases $500.00 or less due to the low processing cost, faster payment to vendors, and rebate program. All City purchasing policies regarding quote/bid requirements apply. Proof of quote compliance must be attached to the monthly reconciliation packet. See P-card policy for complete details.

3. PURCHASE AMOUNTS AND APPROVALS

The lowest responsive quote that the department intends to use for purchase dictates which price threshold regulations apply. If the department begins the process and the lowest quote exceeds $25,000.00, the quotes must be disregarded, and the Purchasing Manager must be contacted to begin the appropriate process.

3.1. Quote/Bid Requirements

	$0-$3,000.00	$3,000.01-$15,000.00	$15,000.01-$25,000.00	$25,000.01-$50,000.00	$50,000.01 +	$100,000.01+
Quotes	1 Quote	3 HUB Quotes (Verbal)	3 HUB Quotes Vendor Signed (Written)	Contact Purchasing	Contact Purchasing	Contact Purchasing
Supporting Documentation				City Manager RQ Form	City Manager RQ Form Council Minutes	City Manager RQ Form Council Minutes
HTE Approvals	Division Manager	Division Manager	Department Director	City Manager	City Council	City Council
Construction Bonds					Payment Bond	Performance & Payment Bonds

* All work on City property requires a contract signed by the City Manager (which require certificates of insurance)

3.2. Purchases $3,000.00 or Less

A Supervisor, Division Manager, Director, Assistant City Manager, or the City Manager may authorize expenditures up to $3,000.00 under the following procedures:

A. The Department Director or their designee should select the vendor who will afford the City the best price/value. If the approximate price of a purchase is unknown, multiple quotes should be solicited.

B. A Purchase Order must be issued prior to purchase.

C. P-cards are only approved for single transactions $500.00 or less.

3.3. Purchases $3,000.01 to $15,000.00

A Division Manager, Director, Assistant City Manager, or the City Manager may authorize expenditures up to $15,000.00 under the following procedures:

A. Prices shall be solicited from three or more vendors, recorded on the Quote Form from the extranet, and included in the quote section of the HTE purchase requisition. Quotations must include the cost of freight.

B. The business name, date, and name of the person giving the price quote must be recorded on the purchase requisition for in person, phone, or email quotes. Internet quotes should be entered into the comments section of the purchase requisition with the business name, date, and company's web address. Quotation documentation must be kept on file by the department soliciting quotes.

C. Quotes must be solicited from three or more historically underutilized businesses (HUBs) within Tom Green County for purchases from $3,000.01 to $50,000.00. If there are no HUB vendors, note that in the requisition comments.

D. A Purchase Order must be issued prior to purchase.

E. All other federal, state, and city purchasing laws, as well as, procedures and requirements adopted by the City Council, must be complied with by City staff.

3.4. Purchases $15,000.01 to $25,000.00

A Department Director, Assistant City Manager, or the City Manager may authorize expenditures up to $25,000.00 under the following procedures:

A. Three or more written quotes signed by the vendor must be received and recorded in the "Quote" section of the HTE purchase requisition. Quotations must include the cost of freight.

B. The business name, date, and name of the person giving the price quote must be recorded on the purchase requisition for in person, phone, or email quotes. Internet quotes should be entered into the comments section of the purchase requisition with the business name, date, and company's web address. Quotation documentation must be kept on file by the department soliciting quotes.

C. Quotes must be solicited from three or more HUBs within Tom Green County for purchases from $3,000.01 to $50,000.00. If there are no HUB vendors, note that in the requisition comments.

D. A Purchase Order must be issued prior to purchase.

E. All other federal, state, and city purchasing laws, as well as, procedures and requirements adopted by the City Council, must be complied with by City staff.

3.5. Purchases $25,000.01 to $50,000.00

An Assistant City Manager or the City Manager may authorize expenditures up to $50,000.00 under the following procedures:

A. Signed price quotations must be solicited by Purchasing in writing from three or more vendors for purchases in this price range. All quote documentation must be retained by the Purchasing Division pursuant to the City of San Angelo record retention program.

B. Quotes must be solicited from three or more HUBs within Tom Green County for purchases from $3,000.01 to $50,000.00. If there are no HUB vendors, note that in the requisition comments.

C. No purchase subject to this subsection shall be authorized until the CMO Requisition Approval Form (on the extranet) is signed by the Purchasing Manager, Finance Director, and City Manager's Office.

D. A Purchase Order must be issued prior to purchase.

E. All other federal, state, and city purchasing laws, as well as, procedures and requirements adopted by the City Council, must be complied with by City staff.

F. The City Manager receives a written report monthly prepared by the Purchasing Division of all expenditures authorized pursuant to this subsection.

3.6. Formal Purchases ($50,000.01 or more)

The City Council must vote to authorize purchases $50,000.01 or more under the following procedures:

A. All formal competitive bids, proposals, and qualifications must be processed through the Purchasing Division.

B. Solicitations must be advertised in the local newspaper.

C. All formal bid and proposal documentation must be retained by the Purchasing Division pursuant to the City of San Angelo record retention program.

D. No purchase subject to this subsection shall be authorized until the CMO Requisition Approval Form (on the extranet) is signed by the Purchasing Manager, Finance Director, and City Manager's Office.

E. A Purchase Order must be issued prior to purchase.

F. All other federal, state, and city purchasing laws, as well as, procedures and requirements adopted by the City Council, must be complied with by City staff.

Note: Separate, component, or sequential purchases made in order to avoid the competitive bidding requirement are prohibited by Texas law.

The responsibilities for the bidding process are shared by Purchasing and the department requesting goods or services.

3.6.1. Division Responsibilities

1. Determine the need.

2. Verify budget funding. If necessary, obtain and complete a budget amendment. Contact the Budget Division for assistance.

3. Complete and email a Project Request Form (from the extranet) to Purchasing with the following attachments:

   a. Scope of work
   b. Special terms and conditions
   c. Selection criteria and weighting (RFP and RFQs only)
   d. Specifications
   e. Drawings (if applicable)
   f. Liquidated damages worksheet
   g. Proposed bid form
   h. Potential vendors

4. Perform final review of RFx documents and be prepared to answer questions from vendors via email while RFx is published.

5. Attend pre-bid conferences, if applicable, to answer vendors' questions.

6. Once submissions are opened, begin following the steps in Finalizing the RFx Process (on the extranet). Sample bid award and other letters are included in this document.

   a. Review responses; make a selection with review committee
   b. Ensure all committee members complete a Conflict of Interest Form (on the extranet)
   c. Ensure the vendor is not debarred
   d. Prepare your item for City Council
   e. Send the vendor a Notice of Intent to Award
   f. Work with City Attorney's Office to finalize a contract
   g. For new vendors, contact Accounting to create a vendor number

7. Following approval by City Council, begin following the steps in Finalizing the RFx Process.

   a. Submit a purchase requisition (with CMO Requisition Approval Form)
   b. Send the vendor a Notice of Award and request for Form 1295
   c. Obtain vendor's Certificate of Insurance
   d. Collect bonds
   e. Send the vendor a Formal Notice to Proceed

8. Administer bid for the life of the contract

    a. Set up a preconstruction meeting
    b. Monitor price increase requests, lapses in insurance coverage, bonding, etc.
    c. Work with vendor for any Task Order or Change Order requests; forms available on the extranet
    d. Monitor vendor performance through progress meetings/status reports
        i. If performance issues arise, contact Purchasing and the City Attorney. All actions taken (requests for remediation, etc.) must be documented. The vendor shall be given the opportunity to correct any issues, and if necessary, the Vendor Performance Form located on the extranet should be completed and sent to the vendor (copies to Purchasing and City Attorney).

3.6.2. Purchasing Responsibilities

1. Receive Project Request Form and other required documents from division

2. Obtain the required insurance coverage amounts from the Risk Management Division

3. Obtain City Attorney's approval of draft contract

4. Assemble bid/proposal package

5. Establish pre-bid date and location and opening date

6. Place ads in newspaper and upload all documents to website

7. Distribute RFx invitations to potential vendors

8. Coordinate any questions/responses from vendors and division and publish any required addenda

9. Conduct RFx opening

10. Tabulate bid results and verify responsiveness

11. Review City Council agenda item and related attachments

12. Provide support to divisions at City Council during contract award proceedings

13. Prompt division to request Form 1295 from the selected vendor

14. Assist divisions with issuance of Purchase Order, Inverted Purchase Order, or Blanket Purchase Order. Regular Purchase Orders must be used for one-time payment contracts and Inverted Purchase Orders must be used when a contract requires payments over time. Blanket Purchase Orders should not be used for most contracts as they do not encumber budgeted funds. Multiyear contracts may require multiple annual Purchase Orders.

3.6.3. General

3.6.3.1. Notice Requirements

Tex. Gov't Code § 2269.052

A governmental entity shall advertise or publish notice of requests for bids, proposals, or qualifications in a manner prescribed by law. Notices are, at a minimum, required to be advertised in the local newspaper once a week for two consecutive weeks with the submission date no earlier than 14 days from the first publication date.

3.6.3.2. Restrictions on Communications

Requests for bids/proposals will contain a "Restrictions On Communications" section requesting vendors not to communicate with: 1) elected City officials and their staff regarding the solicitation from the time it has been released until the contract is posted as a City Council agenda item; and 2) City employees from the time the solicitation has been released until the contract is awarded. These restrictions extend to "thank

you" letters, phone calls, emails, and any contact that results in the direct or indirect discussion of the solicitation or response submitted by the vendor. All communications should be directed to the Purchasing Division to ensure all vendors are treated equally. Changes or clarifications to the original publicized documents are only binding when communicated through a written addendum.

3.6.3.3. Disqualifications

**Loc. Gov't Code § 252.0436*

Vendors may be disqualified from the bidding process for any of the following reasons:

- Vendor does not turn the submission in on time, or
- Vendor does not furnish a Bid Security when required, or
- Vendor is Debarred or Suspended from working on government contracts, or
- Vendor is indebted to the City*.

3.6.3.4. Evaluation/Selection Committees and Duties

Serving on an evaluation committee is a commitment to the City to evaluate a proposal in a fair and unbiased manner. Committee members have the following duties:

- Complete a Conflicts Disclosure Statement
- Attend all committee meetings
- Read the RFx and all addenda to acquaint yourself with the nature of the requested goods or services
- Read all vendor responses fully
- Render a fair and impartial evaluation <u>based exclusively upon the evaluation criteria</u> as published in the RFP/RFQ utilizing:
    - The contents of the vendors' proposals;
    - Information gained from clarification of proposals;
    - Oral presentations; and
    - Other legitimate sources of reference.
- Keep all information contained in the submission or obtained during the evaluation process confidential (all information must be available publically upon award of the contract)

3.6.3.5. Special Considerations

3.6.3.5.1. Local Business Preference Consideration (Bids)

Loc. Gov't Code § 271.9051

3.6.3.5.1.1. Goods and Services less than $500,000.00

In purchasing any real property, personal property that is not affixed to real property, or services, if a municipality receives one or more bids from a bidder whose principal place of business is in the City and whose bid is within **five percent (5%)** of the lowest price received from a bidder who is not a resident of the City, the City may enter into a contract with:

(1) the lowest bidder; or

(2) the bidder whose principal place of business is within the City Limits if the governing body determines, <u>in writing</u>, that the local bidder offers the <u>best combination of contract price and additional economic development opportunities</u> created by the contract award, including the employment of residents of the City and increased tax revenues to the local government.

3.6.3.5.1.2. Goods and Services $500,000.00 or more

In purchasing any real property or personal property that is not affixed to real property or services, if a municipality receives one or more bids from a bidder whose principal place of business is in the City and whose bid is within **three percent (3%)** of the lowest price received from a bidder who is not a resident of the City, the City may enter into a contract with:

(1) the lowest bidder; or

(2) the bidder whose principal place of business is within the City Limits if the governing body determines, <u>in writing</u>, that the local bidder offers the <u>best combination of contract price and</u>

additional economic development opportunities created by the contract award, including the employment of residents of the City and increased tax revenues to the local government.

3.6.3.5.1.3. Awards for Construction Contracts less than $100,000.00

In purchasing any real property, personal property that is not affixed to real property, or services, if a city receives one or more bids from a bidder whose principal place of business is in the city and whose bid is within **five percent (5%)** of the lowest price received from a bidder who is not a resident, the City may enter into a contract for construction services in an amount of less than $100,000 with:

(1) the lowest bidder; or

(2) the bidder whose principal place of business is within the City Limits if the governing body determines, in writing, that the local bidder offers the best combination of contract price and additional economic development opportunities created by the contract award, including the employment of residents of the City and increased tax revenues to the local government.

Local Preference Summary

Contract Amount	Goods	General Services	Construction Contracts
< $ 100,000.00	5%	5%	5%
$ 100,000.00 - $ 499,999.99	5%	5%	see below
$ 500,000.00+	3%	3%	see below

3.6.3.5.2. Texas vs. Out-of-State Vendors

Tex. Gov't Code § 2252.002

Texas law requires that out-of-state vendors, who reside in states that grant their residents a preference for in-state purchases, be evaluated in the same manner that a Texas vendor would be evaluated in the other vendor's home state.

A vendor's home state is determined by the location of its principal place of business. A vendor whose ultimate parent company or majority owner has its principal place of business in Texas would be considered a Texas vendor. Chapter 2252 does not apply to contracts involving federal funds.

In order to be awarded a contract as low bidder, an out-of-state vendor must bid at an amount lower than the lowest Texas resident vendor by the same amount that a Texas resident vendor would be required to underbid a comparable contract in the state in which the out-of-state vendor's principal place of business is located.

In summary, the City must give a preference to in-state vendors if there is an out-of-state vendor that has bid on the contract, if that vendor is located in a state that discriminates against out-of-state vendors in its bid awards. In a bidding situation, if an out-of-state vendor's home state grants a **preference** to its resident bidders, an equal **penalty** is added to the nonresident vendor's proposal when bidding in Texas. The action is opposite, a preference becomes a penalty, but the amount is equal.

3.6.3.6. Award of Contract (Formal Purchases)

For Request for Proposals/Qualifications, the details of submissions received are not released to the public until after the contract is awarded by the City Council. This is to protect the interests of the City in situations where staff may wish to withhold information in order to obtain more favorable offers during negotiations. It is not designed to protect the interests of private parties that submit information.

The following are exceptions:

1. For Request for Proposals relating to construction projects, if pricing is requested in the published material, the prices must be publicly read aloud.

2. It does not apply when a single individual or entity is seeking a contract as there are no "competitors" for the contract.

3. Any portions of submissions that contain trade secrets or other commercial or financial information must be withheld and kept confidential by law.

4. For Request for Bids, the bid tabulation is posted prior to the award by Council.

When a selection committee is used, all scoring sheets, summary sheets, committee worksheets, etc. must be kept by the divisions and available to the public following the bid award.

All requests for information, before and after the award of contract, should be referred to the City Clerk's office as a formal Public Information Request.

3.6.3.7. Protest, Review, and Appeal

When awards are not made to the lowest bidder, the facts and the basis for the award decision must be well documented and such documentation must remain available for public review.

Unsuccessful bidders wishing to protest an award are required to furnish sufficient evidence to challenge the decision within five business days of the award of the bid by the City Council. Review of the bid challenge will be made by the City Manager and their decision will be final.

4. EXCEPTIONS TO QUOTE REQUIREMENTS

4.1. Waiver of Bid or Quote Requirements

Loc. Gov't Code § 252.022

The following items do not require bids/quotes to be obtained:

A. Advertising, other than legal notices.

B. Items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies.

C. Films, manuscripts, or books.

D. Gas, water, and other utility services.

E. Captive replacement parts or components for equipment.

F. Books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials.

G. Management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits.

H. Products that are purchased to be resold to the public.

I. Services and goods produced by blind or disabled persons.

4.2. Sole Source Purchases

Loc. Gov't Code § 252.022

On a case-by-case basis, bid or quote requirements may be waived due to a purchase being sole source. A sole source is a good or service that is only available from one vendor.

A sole source purchase may be approved if the vendor completes and returns the Sole Source Affidavit stating that they satisfy one of the following requirements:

A. An item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly;

B. A film, manuscript, or book;

C. A captive replacement part or component for equipment.

Sole Source Affidavits (on the extranet) must be renewed annually and follow the regular approval flow established by the City.

4.3. Cooperative Purchases

Bid or quote requirements may be waived if the purchase is made through a purchasing cooperative. City Council has the authority to approve admission into a new cooperative by resolution. Below is a current list of cooperatives the City is a member of, please contact Purchasing for further information:

- BuyBoard
- General Services Administration (GSA) (some federal restrictions apply)
- Houston-Galveston Area Council of Governments (HGAC)
- National Joint Powers Association (NJPA)
- National Purchasing Partners (NPP)
- Texas Cooperative Purchasing Network (TCPN)
- Texas Department of Information Resources (DIR)
- The Interlocal Purchasing System (TIPS)

- Texas Multiple Award Schedule (TXMAS)
- U.S. Communities

4.4. Intergovernmental Purchases

The Texas Local Government Code permits the City to utilize other entities' contracts without going to bid, when the following criteria are met:

- An Interlocal Agreement, approved by the City Council and signed by both parties, must be on file in City Clerk's Office.
- The contract must have an active period of performance.
- The purchase was advertised and competitively bid.
- The governmental entity, and the vendor, must be willing to share their contract pricing.
- A copy of the contract relating to the purchase, if applicable, must be reviewed by the City Attorney's office.

83rd Legislature House Bill 1050

- The purchase must not be construction-related goods or services in an amount greater than $50,000.00 unless a person designated by the City certifies in writing that: (a) the project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications by an architect or engineer under current law; or (b) the plans and specifications required by an architect or engineer under current law have already been prepared.
- If $50,000.01 or more, the purchase must be approved by City Council.
- The current contract number, entity, and expiration date must appear on the purchase requisition and Purchase Order.

5. TYPES OF FORMAL SOLICITATIONS

5.1. Request for Bids (RFB)

State Law allows municipalities to utilize various methods of procurements to obtain the services or products that we may require. Those methods are:

5.1.1. Lowest Bid

This is the traditional method of obtaining goods and services where price is the only factor used to determine the contract award. This method should only be used for non-complex specifications (simple products).

5.1.2. Lowest Responsible Bidder

This method is commonly used for the purchase of goods and services in order to make a selection based on factors other than pricing. The "Lowest Responsible Bidder" is one who submits the lowest bid *and* who has proven themselves capable of performing a contract and/or appears financially and technically capable of adequately performing the contract. The selection criteria must be published in the RFB.

In determining if a bidder is "responsible" the following may be considered:

A. Was pricing provided as requested?

B. Does the bid meet minimum specifications? Specifications should be written so that the only difference between bids is price.

C. Can the contractor start and complete the project with the time specified?

D. Does the bidder indicate an ability to complete projects within budget?

E. Does the bidder have the financial resources to provide necessary equipment, materials, supplies, etc. to successfully complete the project?

F. Can the bidder provide a performance and payment bond in an amount equal to the total amount of the project?

G. Can the bidder provide the required insurance coverage as specified?

H. Is the bidder on the federal, state or other debarment lists?

I. Does the contractor have a satisfactory work history with the City?

J. Do the bidder and bidder's subcontractors have adequate experience or technical experience to successfully fulfill the contract requirements?

K. Did the bidder provide adequate references?

L. Have the bidder or bidder's subcontractors been convicted of any criminal acts?

M. Has the bidder ever been contentious, litigious, or generally difficult on providing services and compliance?

N. Did the bidder provide a list of similar projects of similar size and value?

O. What is the bidder's quality and performance of previous contracts?

P. Has the bidder been terminated from a project for noncompliance or substandard work?

Q. Does the contractor have a permanent place of business?

R. Does the bidder have a satisfactory safety record (where safety standards must be published in the bid)?

5.1.3. Best Value

In determining best value, the following criteria may be considered:

A. Purchase price.

B. Reputation of the bidder and bidder's goods and services.

C. Quality of the bidder's goods and services.

D. Extent to which goods and services meet the City's needs.

E. Bidder's past relationship with the City.

F. Impact on the City's ability to comply with laws and rules relating to contracting with HUBs and nonprofit organizations employing persons with disabilities.

G. Total long-term cost to the City to acquire the bidder's goods and services.

5.2. Request for Proposals (RFP)

A procurement method where the City requests proposals based on the scope of work provided, ranks the offerors, negotiates a contract, and then awards the project to the contractor that offers the best overall proposal. The selection criteria must be published and should include specific factors for selecting contractors, e.g., pricing, references, financial stability, local experience, etc.

5.3. Request for Qualifications (RFQ)

A procurement method where the City requests vendor qualifications based on the scope of work provided (no pricing/cost information can be requested), ranks the offerors, negotiates a contract, and then awards the contract to most qualified vendor. The selection criteria must be published and should include specific factors for selecting contractors, e.g., qualification, references, financial stability, local experience, etc. Any vendor that provides pricing/cost information will be disqualified.

6. SPECIFIC PURCHASE TYPES

6.1. Construction

Tex. Gov't Code § 2269

All work on City property requires a contract signed by the City Manager and certificates of insurance. Unless prior authorization is given by City Council to use an alternative method, the City must use the Lowest Responsible Bid method for construction purchases. If a variance is approved by City Council, the City may use the construction manager-agent, construction manager-at-risk, design-build, job order contract, or request for competitive sealed proposal methods in lieu of standard competitive bidding.

These alternative delivery methods have some advantages over traditional competitive bidding since subjective considerations can be taken into account. When subjective criteria is used in the selection process, the City has greater flexibility to choose contractors that can provide maximum quality on every project. Further, alternative delivery systems are advantageous on projects where time, flexibility, and/or innovation is critical. The downside is that the selection process usually takes longer.

Purchasing can assist in selecting the best method for each project.

6.1.1. Construction Manager-Agent (CMA)

The construction manager-agent method allows the City to employ an agent to oversee a project on its behalf. The "agent" which is hired by the City is known as the CMA. Typically, the CMA will be a general contractor, architect, or engineer with experience constructing the type of project the City is building. The CMA manages the project for the City during the design and construction phase.

6.1.2. Construction Manager-at-Risk (CMAR)

Construction manager-at-risk is a delivery method by which the City contracts with an architect or engineer for design and construction phase services and also contracts with a construction manager-at-risk to serve as the general contractor.

The CMAR provides consultation during the design, construction, rehabilitation, alteration, or repair of a facility. Under this method of procurement, the contractor assumes the risk for any expenditures/work above the contracted price. The contracted price may be a guaranteed maximum price.

Once awarded the contract, the CMAR must publicly advertise for bids from trade contractors or subcontractors for the performance of all major elements of the work, as outlined by state law. The CMAR may only perform minor work itself unless it submits a bid/proposal in the same manner as others and is chosen by the governmental entity as the best value.

6.1.3. Design-Build

Design-build is a project delivery method by which the City contracts with a single entity to provide design <u>and</u> construction services. The City must also assign either a city architect, engineer, or contract separately from the design-build firm to provide oversight. This type of procurement method is normally used for building construction, but can also be used for some limited public works contracts. After the passage of H.B. 1050 in 2013, the use of design-build for civil projects is limited to cities whose population is between 100,000 and 500,000 (limited to four projects per fiscal year) and greater than 500,000 (limited to six projects per fiscal year).

6.1.4. Job Order Contracting

Job order contracting is a procurement method used for maintenance, repair, alteration, renovation, remediation, or minor construction of a facility when the work is of a recurring nature, but the delivery times, type, and quantities of work required are indefinite. This method applies only to a facility that is a building governed by accepted building codes, or a structure or land, whether improved or unimproved, that is associated with a building. Indefinite quantities and orders are awarded substantially on the basis of pre-described and pre-priced tasks. The solicitation must establish the maximum aggregate contract price when advertised. The job order method cannot be used for civil engineering construction projects or a building or structure that is incidental to a project that is primarily a civil engineering construction project. City Council must approve each job, task, or Purchase Order that exceeds $50,000.00.

6.1.5. Request for Competitive Sealed Proposal

Request for Competitive Sealed Proposal is a procurement method that allows the City to award construction contracts based on project relevant weighted factors other than selecting a company on price alone. The selection criteria should be consistent with weighting for traditional bids and be a balanced approach between pricing options, contractor qualifications, contractor experience, and local economic support. The City Council proposed the following Local Preference weighting criteria for use in construction related projects over $100,000.00 pursuant to Tex. Gov't Code § 2269.051 at meetings held August 6 and November 5, 2013:

Local Preference Weighting (Construction Projects)

Projected Contract Amount	%
$ 100,000.01 to $ 500,000.00	5%
$ 500,000.01 to $ 1,500,000.00	4%
$ 1,500,000.01 or more	3%

6.1.6. Construction Project Bonding Requirements

Tex. Gov't Code § 2253.021

Payment and Performance Bonds are required for construction projects to protect the City's interests. The project's dollar value determines which bond(s) are needed.

6.1.6.1. Payment Bonds

A Payment Bond is a surety bond issued by an insurance company or bank to guarantee that a contractor will pay fees owed for labor and materials necessary for construction of a project. Construction contracts over $50,000.00 require a Payment Bond. The Risk Manager approves its form prior to contract award.

6.1.6.2. Performance Bonds

A Performance Bond is a surety bond issued by an insurance company or bank to guarantee satisfactory completion of a project by a contractor. A Performance Bond is required for construction contracts over $100,000.00. The bond must be in the full amount of the contract price, conditioned that the contractor will faithfully perform the contract, executed by a surety company authorized to do business in the state, payable to the City, and its form must be approved by the Risk Manager.

A bond required by this section must be executed by a corporate surety in accordance with Section 1, Chapter 87, Acts of the 56th Legislature, Regular Session, 1959 (Article 7.19-1, Vernon's Texas Insurance Code).

Under this section, the following must be clearly and prominently displayed on the bond or on an attachment to the bond:

A. the name, mailing address, physical address, and 10-digit telephone number of the surety company to which any notice of claim should be sent; or

B. the toll-free telephone number maintained by the Texas Department of Insurance under Insurance Code 521.051, and a statement that the address of the surety company to which any notice of claim should be sent may be obtained from the Texas Department of Insurance by calling the toll-free telephone number.

The City does not require a contractor for any public building, or other construction contract, to obtain a surety bond from any specific insurance or surety company, agent, or broker.

6.2. Professional and Personal Service Contracts

All services require a contract signed by the City Manager.

Tex. Gov't Code § 2254

Texas law states that **all** contracts, regardless of the dollar amount, must be reviewed by the City Attorney's Office and approved in accordance to standard approval thresholds. The professional fees under the contract

must be consistent with, and not higher than, the recommended practices and fees published by the applicable professional associations and may not exceed any maximum provided by law.

6.2.1. Professional Services

The City is prohibited from using competitive bidding procedures to obtain professional services. Instead, the City must first select the most highly qualified provider and then attempt to negotiate a fair and reasonable price. If the City is unable to negotiate a contract with the most highly qualified provider, the City must then formally end negotiations with that provider. After negotiations have formally ended, the City must select the next most highly qualified provider and attempt to negotiate a contract with that provider. If necessary, the City must continue the process of formally ending negotiations with one provider and selecting another provider for negotiations until a contract is obtained or all qualified providers have been eliminated.

Professional Services are considered as:

(A) within the scope of the practice, as defined by state law, of:

(i) accounting;

(ii) architecture;

(iii) landscape architecture;

(iv) land surveying;

(v) medicine;

(vi) optometry;

(vii) professional engineering;

(viii) real estate appraising;

(ix) professional nursing; or

(B) provided in connection with the professional employment or practice of a person who is licensed or registered as:

(i) a certified public accountant;

(ii) an architect;

(iii) a landscape architect;

(iv) a land surveyor;

(v) a physician, including a surgeon;

(vi) an optometrist;

(vii) a professional engineer;

(viii) a state certified or state licensed real estate appraiser; or

(ix) a registered nurse.

Note: If the professional services desired by the City do not fall explicitly under the Professional Services Procurement Act, they may generally be obtained with or without the use of competitive bidding, as the City desires.

6.2.1.1. Engineer

If public health, safety, or welfare and professional engineering issues are involved, the engineering plans, specifications, and estimates for the construction of a public work generally must be prepared by a licensed professional engineer. Further, the engineering for construction usually must be executed under the direct supervision of a licensed professional engineer.

There are two circumstances in which the above requirements <u>do not apply</u> to the construction of a public work by the City.

1. A public work that involves a total expenditure of $8,000.00 or less, even if the work involves structural, electrical or mechanical engineering.

2. A public work that does not involve structural, electrical or mechanical engineering, as long as the total contemplated expenditure on the project will not exceed $20,000.00.

6.2.1.2. Architect

A registered architect must prepare the architectural plans and specifications for constructing a new city building if the building will be used for education, assembly, or office occupancy and the construction costs will exceed $100,000.00.

Also, for any alteration or addition to an existing city building, a registered architect must prepare the architectural plans and specifications if the building is used or will be used for education, assembly, or office occupancy, the construction costs for the alteration or addition will exceed $50,000.00, and the alteration or addition requires the removal, relocation, or addition of any walls or partitions, or requires the alteration or addition of an exit.

6.2.2. Personal Services

Loc. Gov't Code, § 252.022 (a) 4

Texas law exempts contracts for personal services from the competitive bidding requirements. The Texas Supreme Court has defined personal services to include only those services that are performed personally by the individual who was contracted to perform them. For a contract to qualify as a contract for personal services, the compensation in the contract should mainly pay for the labor of the individual providing the service, not for such things as insurance or materials.

Some examples are:

- Artistic Designers
- Referees
- Class Instructors

6.3. Asset Capitalization

6.3.1. Capital Assets

Capital assets are classified as specific pieces of real or personal property that meet the characteristics outlined by the City's Capital/Fixed Asset Policy; contact Accounting for the latest version.

6.3.1.1. Computer Purchases

Most computer purchases are considered a capital purchase.

To initiate a computer purchase, obtain a quote from IT. Enter all quote information into a purchase requisition and submit to Purchasing. The Purchasing Division will order most computer and computer-related products via P-card. Once these orders have been initiated, Purchasing will update the requisition to show an order number and charge the provided technology capital account.

Please note, if you receive a copy of a PO for computer-related products, it is your responsibility to process the order unless stated otherwise.

6.3.2. Non-Capital Assets

The following items are not considered Capital Assets:

1. Inventory – must be held for resale
2. Replacement/Spare Parts – cannot materially alter the asset

6.4. Equipment Leases

The procedure for leasing equipment is to determine the type of equipment needed, analyze all types of equipment/machinery available, develop specifications, and follow all quote/bid requirements established for purchases at the anticipated whole life dollar value of the lease. To calculate the whole life dollar value of the lease, include down payments, buyout costs (lease to own, option to purchase, balloon payment, etc.), and

sum of routine payments for the life of the lease. Prior to a Purchase Order award, all leases must be processed through the City Attorney's Office and signed by the City Manager.

6.5. Furniture

All furniture purchases, regardless of cost or purchase method (Purchase Order or P-card), require a CMO Furniture Approval Form. Forms are located on the extranet and must be signed by the City Manager's Office.

6.6. Uniforms

The City has contracted with a uniform vendor to provide leased or purchased clothing items for eligible departments. Clothing items purchased outside of the contracted vendor must be reimbursed to the City. P-cards cannot be used for clothing purchases. For more details, see the complete Uniform Policy available on the extranet.

7. DISPOSAL OF SURPLUS PROPERTY

Surplus property can be any tangible, movable (not permanently affixed) item owned by the City for which there is no foreseeable use or need for continued ownership.

7.1. Overview

A. When a Department Director determines that City property is no longer useful to the City but may be useful to another entity, they may offer the items for sale or donation.

B. The Director must determine the salvage and surplus value of the property. Property with no value can be donated, but for all other property, the City should receive something of value in return.

C. Each conveyance document must be signed by a person with adequate authority and be reviewed by the City Attorney's Office before being placed on the agenda for approval by City Council.

7.2. Disposing of Surplus Property by Auction

A. Each director should compile a list of property to be auctioned, a complete description of the property, estimated value, asset number, and photographs (if possible) should be provided. All fleet items should be forwarded to the Fleet Services Division while non-fleet items should be forwarded to the Accounting Division.

B. Prior to the auction, Fleet Services will distribute a listing of all available items to the City. If a department is interested in a surplus item, they must notify Fleet Services in writing. Items will be given to the first interested party.

7.3. Disposing of Surplus Property Outside of Auction

City Attorney Memo March 22, 2001

There is no legal requirement to put personal property out for bid before sale. However, the City is required to sell used property at fair market value, even to other governmental or volunteer groups. Situations may arise where a director wishes to sell or donate items outside of the auction process.

8. GENERAL GUIDELINES

8.1. Change Orders

Loc. Gov't Code § 271.060

A Change Order cannot be made until after a contract has been awarded and performance of the contract has begun.

If changes to plans or specifications, the quantity of work to be performed, or changes to the materials, equipment, or supplies to be furnished are necessary, the City may approve Change Orders.

The original contract price may not be increased by more than 25% of the amount awarded by the City Council. The original contract price may not be decreased under this section by more than 25% without the consent of the contractor. Should a Change Order be needed that increases the original contract value by more than 25%, the requested changes must be re-bid using City procedures.

Directors may approve Change Orders up to $25,000.00, the City Manager may approve Change Orders $25,000.01 to $50,000.00, City Council must approve Change Orders $50,000.01 or more. Change Orders $25,000.01 or more require a CMO Change Order Approval Form available on the extranet.

8.2. Historically Underutilized Businesses (HUB)

When making an expenditure of $3,000.01 or more but less than $50,000.00, the City must contact at least three (3) HUB vendors for quotes. If there is not a certified HUB in Tom Green County, the City is exempt from this section, which must be noted in the purchase requisition.

The list of HUB vendors for Tom Green County can be found on the Texas Comptroller of Public Accounts website: https://mycpa.cpa.state.tx.us/tpasscmblsearch/index.jsp

8.3. Conflict Of Interest

Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local government entity make certain disclosures concerning any affiliation or business relationship that might cause a conflict of interest with the local governmental entity. The provisions of Chapter 176 and the Form CIQ questionnaire that a vendor must complete to comply with this law, are available on the Texas Ethics Commission website at:
https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm

Departments are required to provide any vendor that is currently doing business with, or is seeking to do business with, the City a copy of the "Notice to Vendors". It is the vendor's responsibility to complete the Form CIQ and file it with the City Clerk of the City of San Angelo no later than the seventh business day after the vendor becomes aware of the facts that require the form to be filed.

8.4. Certificate of Interested Parties (Form 1295)

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least $1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

Filing Process:
On January 1, 2016, the ethics commission made available on its website a new filing application that must be used to file Form 1295. A business entity must use the application to enter the required information on Form 1295 and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. **An authorized agent of the business entity must sign the printed copy of the form and have the form notarized.** The completed Form 1295 with the certification of filing must be filed with the governmental body or state agency with which the business entity is entering into the contract.

Information regarding how to use the filing application and the application are both available at https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm. Instructional videos are available under the heading Instructional Videos for Business Entities.

8.5. Certificates of Insurance

Before any contractor is allowed to work on City property, department personnel must contact Risk Management to determine the insurance coverage required. Coverage and limits are determined by how much risk is involved. If required, the contractor must furnish the City with a current Certificate of Insurance, naming the City as an additional insured and waiver of subrogation prior to commencement of work.

8.6. Federal Funding

Purchases requiring an expenditure of federal funds shall be reviewed by the Purchasing Division and Grant Administrator to ensure compliance with Federal Regulations (Grant Assurances). Grants awarded to the City generally have specific requirements that must be included in the bid/proposal documents. If these requirements are not met, it is possible that funding can be revoked or a substantial penalty applied. The responsibility of ensuring that all required provisions are met lies with the department receiving the grant funds.

8.6.1. Prevailing Wages

Tex. Gov't Code § 2258

The Prevailing Wage Law requires that workers be paid certain hourly wages and benefits for all public works contracts regardless of the dollar amount. This chapter applies only to the construction of public works including a building, highway, road, excavation, and repair work or other project development or improvement, paid for in whole or in part from public funds, without regard to whether the work is done under public supervision or direction. Wage and Hour decisions can be viewed at the following web address: http://www.access.gpo.gov/davisbacon/tx.html

Projects for construction of public works or demolition of property tied to construction shall include a Prevailing Wage Decision as part of the bid specifications and it is the division's responsibility to ensure that wages for each labor class are paid according to the applicable Prevailing Wage Law.

An officer, agent, or representative of the City and contractor commits an offense if the person willfully violates or does not comply with the prevailing wage and benefit requirements. An offense under this section is punishable by:

(1) a fine not to exceed $500.00;
(2) confinement in jail for a term not to exceed six months; or
(3) both a fine and confinement.

As a part of the terms and conditions of a City contract, prime and subcontractors will be required to submit certified payrolls on a weekly basis to the City's representative. Certified payrolls list the workers on the job site, along with title/function in the particular week on the job site, and the wages paid to the worker. The City representative is responsible for monitoring the payrolls and conducting field audits and on-site interviews to verify information. If contractors are found to be in violation, a penalty may be assessed pursuant to state law.

8.7. Urgent and Emergency Purchases

8.7.1. Urgent Purchases

Urgent purchases occur when a situation arises that should have been anticipated and pre-planned, but does not have a potential public safety impact.

These purchases <u>are not exempt</u> from the standard quote and bid processes.

8.7.2. Emergency Purchases

Loc. Gov't Code § 252.022

Emergency purchases occur when a situation arises that was unforeseen, must be remedied immediately, and has a potential public safety impact. Examples of this are:

- Acts of God.
- Unforeseen repairs to machinery critical to City operations.
- Items/services needed to preserve and protect the health and safety of the City's residents.
- Unforeseen damage to public machinery, equipment or other property.

Emergency purchases are exempt from competitive bidding, though quotes should be obtained if practical.

8.7.2.1. Emergency Purchases Under $50,000.00

If a department recognizes that an emergency has developed, they must do the following:

1. Estimate the cost of correcting the emergency.
2. Identify potential vendors to perform service and/or supply materials. Prevailing wages, insurance, and contract requirements are still required. Contact the City Attorney's Office and Purchasing with questions.
3. Enter a requisition into HTE, clearly marked as "Emergency." Fully document the reason for the emergency purchase in the comment section of the purchase requisition. Email SAPurch@cosatx.us to notify the Purchasing Division of the request.
4. The Purchasing Division will review the validity of the emergency request and issue a Purchase Order.

8.7.2.2. Emergency Purchases over $50,000.00

If an emergency occurs that requires a purchase over $50,000.00, contact Purchasing for assistance.

While emergency purchases are exempt from procurement law requirements, the City Charter requires all purchases in excess of $50,000.00 be approved by the City Council. If Council approval cannot be obtained prior to purchase, the department must prepare an agenda item and request the purchase be ratified at the next Council meeting. It should be noted that until Council approves the item, the vendor is working at risk.

8.8. Freight

8.8.1. Shipping

Purchases must be shipped FOB destination, freight pre-paid. This means the carrier owns the merchandise until it reaches its destination and there will not be a separate invoice for freight. If anything should happen to the merchandise during shipping, the carrier is responsible for the filing of claims, instead of the City.

8.8.2. Receiving Freight and Shipments

It is the responsibility of the individual who signs the carrier's delivery receipt to properly receive all cartons they are signing for. Anyone who signs for receipt of goods acknowledges the item was received and accepted as delivered.

When receiving a shipment:

A. Confirm the package or carton is being delivered to the proper location.

B. Verify the number of cartons, crates, or pieces is correct according to quantities on the packing slip.

C. Open packages and verify the order is correct.

D. Sign the delivery slip legibly to ensure readability should a tracking issue arise.

8.8.2.1. Damaged Cartons

Visible Damage - Any person receiving freight must make a notation on the carrier's delivery receipt of apparent damage to packages. The specific type of damage should be stated on the delivery receipt. The driver should sign (not just initial) your copy of the receipt legibly to verify they acknowledge the damage.

Concealed Damage - If the shipment of goods received shows no sign of damage upon receipt, but damage to the contents is found upon opening, concealed damage exists.

To address damaged cartons:

A. Call the carrier immediately upon discovery of the damage and request an inspection. Notate the date and the person contacted. When making a request for an inspection, advise the carrier of the value of the damaged goods. If the value is less than $50.00, most carriers will likely waive inspection. Notate the date and the person contacted.

B. All shipping cartons should be retained for inspection.

C. When inspection is made, specific damages should be notated by both parties and signed by both on the inspection report.

RESOLUTION # _____

A RESOLUTION ADOPTING
PURCHASING POLICY

WHEREAS, the City Charter codified in the San Angelo Code of Ordinances Adopted April 4, 2017 includes a section on Contracts: Competitive Bidding; and

WHEREAS, the Code of Ordinances as amended June 20, 2017, requires the City to adopt a purchasing policy, attached hereto as **Exhibit A**, to govern purchases in amounts less than the amount required by state law to be competitively bid;

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

That the City Council adopts the attached Purchasing Policy into the City's Code of Ordinances, as the Purchasing Policy of the City effective on the date of this resolution.

PASSED, ADOPTED AND APPROVED by the City Council of the City of San Angelo, Texas this the _____ day of _____, 2017.

CITY OF SAN ANGELO, TEXAS

ATTEST:

_____
Brenda Gunter, Mayor

_____
Bryan Kendrick, City Clerk

APPROVED AS TO FORM:

_____
Theresa James, City Attorney