City Council Agenda
08/01/2017

Supplemental Notice is hereby given in accordance with sections 551.0411(b) "Meeting Notice Requirements in Certain Circumstances" and 551.045 "Exception to General Rule" of the Government Code due to Weather Damage to the original posted location (McNease Convention Center – South Meeting Room, 501 Rio Concho Drive). Therefore, a regular meeting of the City Council of City of San Angelo is to be held on August 1, 2017 at 5:30 PM at the East Mezzanine, 72 West College Avenue, San Angelo, Texas, for the purpose of considering the following agenda items.

1. **Call to Order**
2. **Prayer and Pledge**
3. **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.

4. **Consent Agenda**

a. Consider approving the July 18, 2017 City Council regular and July 27, 2017 special meeting minutes (B.Kendrick)

b. Consider authorizing the City Manager to enter into new five (5) year Recreational Agricultural Lease agreement with David Jenkins for 29.7 acres of land (C. Preas)

c. Consider approving a resolution accepting a warranty deed from the United States Department of the Interior, Bureau of Reclamation, conveying to the City of San Angelo a 4.423 acre tract, commonly known as Tom Flowers Law Enforcement Training Center, for use by the San Angelo Police Department (C.Preas)

d. Consider authorizing the City Manager to execute a sanitary control easement as required by Texas Commission on Environmental Quality, said easement will encumber a 150 foot radius around each of the 22 water well sites on City-owned property commonly known as Ford Ranch (C.Preas)

e. Consider ratifying Grant Application prepared by H2O Partners, Inc., and approved by the City Manager, for participation in FEMA's Hazard Mitigation Grant Program, and consider approving Professional Services Agreement with H2O Partners, Inc. (HGAC contract number HP07-16), for

development of a FEMA approved All Hazard Mitigation Action Plan. The Grant application cost is $500.00 and the Hazard Mitigation Action Plan development cost is $64,500.00 with 75% of that being reimbursable by FEMA. (S. Mild)

f. Consider a adopting a resolution designating Morgan Chegwidden as the Local Rabies Control Authority in accordance with Sec. 826.017 of the State Health and Safety Code, Chapter 826 (B.Salas)

g. Consider approving a purchase with Ener-Tel Services, Inc. utilizing pricing in awarded bid CFM-07-15 under Buyboard contract #493-15 in an amount of $55,012, budgeted in FY17, for the purchase and installation of a security system for the Public Works Facility, and authorizing the City Manager or designee to execute any related documents (A. Strube)

h. Consider ratifying COSADC's Board approval of up to $190,000 in economic development incentives and authorization of the COSADC Board President to negotiate and execute an Economic Development Performance Agreement for Netco Energy Products, Inc (R. Pena)

i. Second reading of ordinances approving:

1. An amendment to the Comprehensive Plan, changing certain lands from the "Neighborhood Center" to the "Neighborhood" Future Land Use Category, located at 6101-6118 Katie Lane, 3401-3437 School House Drive, and 3440 Twin Mountain Drive, on approximately 7.68 acres, and an amendment to the Comprehensive Plan, changing certain lands from the "Neighborhood" to the "Neighborhood Center" Future Land Use Category, generally located at the intersection of Twin Mountain Drive and Alamito Drive, on approximately 2.96 acres

2. A rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District, on properties located at 3440 Twin Mountain Drive, on approximately 3.24 acres - (J. James)

j. Second reading of ordinances approving:

1. An amendment to the City's Comprehensive Plan, changing certain lands from the "Neighborhood Center" to the "Commercial" Future Land Use Category, generally located northwest of the intersection of Glenna Street and Mercedes Street, on approximately 5.87 acres

2. A rezoning from the Neighborhood Commercial (CN), the Office/Warehouse (OW), the General Commercial/Heavy Commercial (CG/CH), and the General Commercial (CG) Zoning Districts to the Heavy Commercial (CH) Zoning District, on properties generally located at northwest of the intersection of Glenna Street and Mercedes Street, on approximately 5.87 acres - (J. James)

k. Second reading of ordinances approving:

1. an amendment to the City's Comprehensive Plan, changing certain lands from the "Neighborhood" to the "Commercial" Future Land Use Category, generally located approximately 1,200 feet northeast of the intersection of South Bryant Boulevard and Cox Lane, on 3.311 acres

2. a rezoning from the General Commercial (CG) and Low Rise Multifamily Residential (RM-1) Zoning Districts to a Planned Development (PD) Zoning District to allow for a Plant Nursery with Retail Sales; Lawn and Landscaping Care and Maintenance; and accessory uses; generally located approximately 400 feet northeast of the intersection of South Bryant Boulevard and Cox Lane, on 6.774 acres - (J. James)

l. Cases Z17-08-A and Z17-08-B: Brewer / City of San Angelo

Second reading of an ordinance for a rezoning from the Light Manufacturing (ML) Zoning District to the Single-Family Residential (RS-1) Zoning District, generally located at the northwest corner of Baker Street and Rust Street, on approximately 5.08 acres - (J. James)

m. Second reading of an ordinance for a rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1), generally located at the northeast corner of South Irving Street and West Avenue R, on 0.172 acres - (J. James)

n. Second reading of an ordinance approving a Special Use to allow for an Auto and Boat Dealer as defined in Section 315.B. of the Zoning Ordinance, in the Neighborhood Commercial (CN) Zoning District, generally located east of South Bryant Boulevard, between West Avenue Y and West Avenue Z, on 0.757 acres - (J. James)

o. Second reading for an ordinance amending the Planned Development (PD12-03) Zoning District to modify Section 6A to allow for building façade consistency amongst similar building types and eliminate Section 7G thereby allowing metal buildings anywhere within the site, on property located at 3501 North US Highway 67, encompassing the area known as the Howard College, on approximately 34.707 acres - (J. James)

5. Regular Agenda

a. Consider public hearing of resolution approving the 2017 Annual Action Plan for use of CDBG and HOME grant funds and authorizing City Manager to execute the applications, required certifications, related documents and annual funding agreement for the allocation of $688,898 of CDBG and $249,197 HOME grant funds and $56,000 in program income - (Neighborhood Services Director Bob Salas)

b. An appeal of a denial by the Planning Commission of a Conditional Use to allow for an Animal Kennel and Dog Boarding Facility in the General Commercial/Heavy Commercial (CG/CH) Zoning District on a 0.70-acre property located at 3930 Sunset Drive - (Presentation by Planning & Development Services Director Jon James)

c. Consider first public hearing of an ordinance deleting Chapter 10, Article 10.03, Division 6 "Use of Wireless Communication Devices" from the City of San Angelo Code of Ordinances - (Presentation by City Attorney Theresa James)

d. First public hearing and consider an ordinance amending Appendix A, “Fee Schedule”, Article A2.000 “Building and Construction Related Fees”, Section A2.002 “Building Permit Fees”, amending subpart (c) review fee; amending Section A2.005 “Electrical Permit Fees”, restating

subpart (a), renaming fees as "building permit fees"; amending Section A2.006 "Plumbing and fuel/gas permit fees", restating subpart (a), renaming fees as "building permit fees"; amending Section A2.007 "Mechanical Permit Fees", restating subpart (a), renaming fees as "building permit fees"; and amending Section A2.014 "Registration", restating subpart (1) contractor annual fee - (Presentation by Building Official Al Torres)

e. Consider approving a contract for RFQ WU-03-17 Professional Services Water Supply Engineering Feasibility Study with Alan Plummer Associates, Inc. in an amount not to exceed $547,000 and authorizing the City Manager to negotiate and execute all related documents - (Presentation by Water Utilities Director Bill Riley)

6. Closed Session

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

a. Section 551.072 Deliberations about Real Property regarding Lot 9-A, Block 2, Section 9-A, Red Arroyo Hills Addition

b. 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.

7. Follow Up and Administrative Issues

a. Consider items discussed in Executive Session, if needed

b. Announcements and consideration of Future Agenda Items

8. Adjournment

CERTIFICATION

I hereby certify that the original notice of meeting was posted in good faith on the 27th day of July 2017, at 8:00 p.m. The above supplemental notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, on the 31st day of July 2017, at 2:00 p.m.

_____
Bryan Kendrick, City Clerk

All agenda items are subject to action. All contracts/agreements may be subject to further negotiation prior to execution. The City Council reserves the right to consider business out of posted order and/or meet in a closed

session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

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

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

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, July 18, 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 8:35 a.m. on Tuesday, July 18, 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 Christian Rabone with the Emmanuel Episcopal Church; and the pledges were led by Colton Chiacchia and Aidan Williams with the Boys Scouts of San Angelo.

3. Proclamations/Recognitions

Emergency Medical Services (EMS) Coordinator Lieutenant Santos Elizondo with the San Angelo Fire Department was recognized for receiving the 2017 EMS Recognition Award (Silver Level) from the American Heart Association

4. Public Comment

President of Lion's Charities Bob Salas thanked Council for the support of the recent Balloon Fest.

5. Consent Agenda

a. Approval of the June 20, 2017 City Council regular and June 22, 2017 special meeting minutes
b. Approval of authorizing the sale of the following Lake Nasworthy property to the current residential lot lease holder for the appraised value:
   1. 2177 Gun Club Rd, Lake Nasworthy Addition; $71,031
   2. 2650 Kings Rd; Lake Nasworthy Addition; $122,143
   3. 6429 Lincoln Park; Lake Nasworthy Addition; $28,700
c. Adoption of a resolution authorizing the mayor, as trustee for the taxing units, to grant the City of San Angelo an easement to construct, install and maintain a utility easement (sanitary sewer) and right-of-way across a portion of Lot 10, Block 9, Mrs. J. E. Douglas Addition
d. Approval to pay Midwest Employers Casualty Company for $89,958 renewal premium for Excess Workers Compensation insurance for policy year 2017-2018. This Premium is budgeted for in current fiscal year
e. Approval of extending the award of WU-01-16 Water Reclamation Facility Liquid Ferrous Chloride to OFS, Inc. in the amount of $69,552 annually for the two one-year term extensions, budgeted for purchase in FY2017 and FY2018 and authorizing the City Manager or designee to execute any related documents

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f. Adoption of a resolution approving an emergency purchase pursuant to Texas Local Government Code Section 252.022(a)(2) and awarding RFB#OP-03-17 to Austin Wood Recycling (Austin, Tx) in the amount of $113,800 for grinding and chipping of storm-related debris, and authorizing the City Manager or designee to execute any related documents
g. Approval of awarding SB-03-17 Emulsion Oil to Pavement Restoration, Inc. in the amount of $212,500, budgeted annually, for the purchase of emulsion oil, and authorizing the City Manager or designee to execute any related documents
h. Approval of authorizing the City Manger to negotiate and execute a Second Amendment to the lease agreement with El Camino Girl Scouts Council, now by merger Girl Scouts of Central Texas Inc., extending lease term and proving for approval of Lessee capital improvements
i. Approval of an agreement with ATMOS Energy in the amount of $19,708.23 for the execution of a low income weatherization program for San Angelo citizens who are ATMOS customers and authorizing the City Manager or his designee to execute related documents
j. Approval of a Lease Agreement with First United Methodist Church in the amount of $500 monthly for rent of space to host WIC satellite clinic services and authorizing City Manager to negotiate and execute all related documents
k. Adoption of a resolution authorizing City Manager to execute a Cancellation of Lease and Release Agreement with Lois Smith, d/b/a Town Room/Smith Real Estate, Ballinger, Texas, terminating lease of space for WIC Program
l. Adoption of a resolution accepting the appointment of and enter into contract with Dr. James Vretis as the Local Health Authority to be compensated in the amount of $24,000 per year
m. Adoption of a resolution approving an easement release of a 20-foot wide by 126.04-foot long water easement within the Third Replat in Tract 1, Section 29, Block 46, The Bluffs Addition, generally located approximately 740 feet northeast of FM 2288 and Houston Harte Expressway Frontage Road, on 0.057 acres
n. Second reading and adoption 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
o. Second reading and adoption of an ordinance for Case Z17-05, 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
p. Second reading and adoption of an ordinance for Case Z17-04, 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
q. *This item was pulled to the regular agenda*

Motion: Council Member Carter made a motion, seconded by Council Member Thomas, to approve the consent agenda with the exception of items 5i, and 5q. The motion carried unanimously (7) ayes to (0) nays.

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

6. Special Agenda

a. Adoption of a resolution canvassing returns and declaring the results of the Runoff Election held on the July 8, 2017 - (City Clerk Bryan Kendrick read the resolution into the record)

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

b. Administration of the Oath of Office and presentation of Certificate of Election - (Ceremonially Administered by Minister Gloria Pope and presentation by Mayor Gunter)

Immediate former SMD6 Council Member Farmer expressed her thanks to everyone that helped her during her time in office.

c. Introduction of Special Guests

Council Member DeWitt recognized special guests in the audience.

7. Note: A reception was held immediately follow the Special Agenda. The Regular Agenda with the newly seated Council Member was reconvened after the reception.

8. Regular Agenda

Item 5q *Second reading and adoption 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*

This item was pulled from the Consent Agenda to the Regular Agenda

Water Utilities Director Bill Riley spoke concerning the ordinance.

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve item 5q and adopt the ordinance, as presented. The motion carried (6) ayes to (1) nay, with Mayor Gunter casting the dissenting vote.

a. Appointment of Council Member Carter as Mayor Pro-Tempore

Motion: Council Member Gonzales made a motion, seconded by Council Member DeWitt, to appoint Lane Carter as Mayor Pro-Tempore. The motion carried (4) ayes to (3) nays with Council Members Thomas, Thompson and Hiebert casting the dissenting votes.

b. Public hearing, discussion and deliberation on requested projects to be considered for funding with grant year 2017 Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) grant funds from the U.S. Department of Housing and Urban Development (A presentation was made by Neighborhood & Family Services Director Bob Salas)

No action was taken on this item.

c. Adoption of a resolution approving an emergency contract in regards to installation and construction of the signalized intersection at Main Street and Pulliam Street (FM 380)/3rd Street pursuant to Texas Local Government Code §252.022(a)(2) and associated project costs; and authorizing the City Manager to execute related documents - (A presentation was made by Traffic Operations Superintendent Ryan Ward)

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

d. Discussion regarding late fee charges associated with the municipal statement - (This item was requested by City Council; a presentation was made by Water Utilities Director Bill Riley)

No action was taken on this item.

e. Approval of TIRZ incentive requests for seven South-TIRZ private projects totaling $112,920.62 and denial of one South-TIRZ public project that totals $37,000 that were approved by the TIRZ Board on 5/23/17 and also approval of TIRZ incentive requests for two North-TIRZ private projects totaling $124,150 and one South-TIRZ private project that totals $38,030 that were

approved by the TIRZ Board 6/27/17 - (A presentation was made by Planning & Development Services Director Jon James)

Motion: Mayor Gunter made a motion, seconded by Council Member Gonzales, to approve the private projects in both the North and South TIRZ, as presented. The motion carried unanimously (7) ayes to (0) nays.

Motion: Mayor Gunter made a motion, seconded by Council Member Carter, to deny the public project funding. The motion carried (6) ayes to (1) nays, with Council Member DeWitt casting the dissenting vote.

f. Approval of amendments to the TIRZ-North and TIRZ-South Incentives Policies - (Presentation by Planning & Development Services Director Jon James)

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to approve the policies, as presented with the exception of not allowing non-profit applications for incentives. The motion carried unanimously (7) ayes to (0) nays.

g. First reading and public hearing of ordinances approving:
   1. An amendment to the Comprehensive Plan, changing certain lands from the "Neighborhood Center" to the "Neighborhood" Future Land Use Category, located at 6101-6118 Katie Lane, 3401-3437 School House Drive, and 3440 Twin Mountain Drive, on approximately 7.68 acres, and an amendment to the Comprehensive Plan, changing certain lands from the "Neighborhood" to the "Neighborhood Center" Future Land Use Category, generally located at the intersection of Twin Mountain Drive and Alamito Drive, on approximately 2.96 acres
   2. A rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District, on properties located at 3440 Twin Mountain Drive, on approximately 3.24 acres - (A presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Hiebert made a motion, seconded by Council Member Gonzales, to approve item 8g(1), as presented. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Carter made a motion, seconded by Council Member Thompson, to approve item 8g(2), as presented. The motion carried unanimously (7) ayes to (0) nays.

h. First reading and public hearing of ordinances approving:
   1. An amendment to the City's Comprehensive Plan, changing certain lands from the "Neighborhood Center" to the "Commercial" Future Land Use Category, generally located northwest of the intersection of Glenna Street and Mercedes Street, on approximately 5.87 acres
   2. A rezoning from the Neighborhood Commercial (CN), the Office/Warehouse (OW), the General Commercial/Heavy Commercial (CG/CH), and the General Commercial (CG) Zoning Districts to the Heavy Commercial (CH) Zoning District, on properties generally located at northwest of the intersection of Glenna Street and Mercedes Street, on approximately 5.87 acres - (A presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Thompson made a motion, seconded by Council Member Gonzales, to approve item 8h(1), as presented. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to approve item 8h(2), as presented. The motion carried unanimously (7) ayes to (0) nays.

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i. First reading and public hearing of ordinances approving:
   1. an amendment to the City's Comprehensive Plan, changing certain lands from the "Neighborhood" to the "Commercial" Future Land Use Category, generally located approximately 1,200 feet northeast of the intersection of South Bryant Boulevard and Cox Lane, on 3.311 acres
   2. a rezoning from the General Commercial (CG) and Low Rise Multifamily Residential (RM-1) Zoning Districts to a Planned Development (PD) Zoning District to allow for a Plant Nursery with Retail Sales; Lawn and Landscaping Care and Maintenance; and accessory uses; generally located approximately 400 feet northeast of the intersection of South Bryant Boulevard and Cox Lane, on 6.774 acres - (A presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Hiebert made a motion, seconded by Council Member Carter, to approve item 8i(1), as presented. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Thompson made a motion, seconded by Council Member Gonzales, to approve item 8i(2). The motion carried unanimously (7) ayes to (0) nays.

j. Cases Z17-08-A and Z17-08-B: Brewer / City of San Angelo:
First reading and public hearing of an ordinance for a rezoning from the Light Manufacturing (ML) Zoning District to the Single-Family Residential (RS-1) Zoning District, generally located at the northwest corner of Baker Street and Rust Street, on approximately 5.08 acres - (A presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve item 8j, as presented. The motion carried unanimously (7) ayes to (0) nays.

k. First reading and public hearing for Case Z17-06, an ordinance approving a rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1), generally located at the northeast corner of South Irving Street and West Avenue R, on 0.172 acres - (A presentation was made by Planning & Development Services Director Jon James)

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

l. First reading and public hearing for Case SU17-03, an ordinance approving a Special Use to allow for an Auto and Boat Dealer as defined in Section 315.B. of the Zoning Ordinance, in the Neighborhood Commercial (CN) Zoning District, generally located east of South Bryant Boulevard, between West Avenue Y and West Avenue Z, on 0.757 acres - (A presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve item 8l, as presented. The motion carried unanimously (7) ayes to (0) nays.

m. First reading and public hearing for an ordinance amending the Planned Development (PD12-03) Zoning District to modify Section 6A to allow for building façade consistency amongst similar building types and eliminate Section 7G thereby allowing metal buildings anywhere within the site, on property located at 3501 North US Highway 67, encompassing the area known as the Howard College, on approximately 34.707 acres - (A presentation by Planning & Development Services Director Jon James)

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

n. Approval of awarding RFCSP ES-08-17, 2017 Annual Sealcoat Project, to Ronald R. Wagner & Co., LP and authorizing the City Manager to negotiate and execute an agreement therefore in a sum not to exceed $2,440,000 - (Presentation by City Engineer Russell Pehl)

Motion: Council Member Thomas made a motion, seconded by Council Member Hiebert, to approve item 8n, as presented. The motion carried unanimously (7) ayes to (0) nays.

o. Approval of authorizing City staff to negotiate a public right of way agreement with a telecommunications company, Mobilitie - (Presentation by City Engineer Russell Pehl)

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to approve item 8o and authorize execution, as presented. The motion carried unanimously (7) ayes to (0) nays.

p. Update on Sales Tax revenue performance - (A presentation was made by Finance Director Tina Dierschke)

No action was taken on this item.

q. Consider an appointment of a Council Member to Represent the City of San Angelo on the Ports-to-Plains Advisory Board

Motion: Council Member Thomas made a motion, seconded by Council Member Thompson, to appoint Mayor Gunter to the Ports-to-Plains Advisory Board. The motion carried unanimously (7) ayes to (0) nays.

r. Appointment Council Member representation on Boards and Committees - (A presentation was made by City Clerk Bryan Kendrick)

Motion: Council Member Hiebert made a motion, seconded by Council Member Thomas, to approve the following appointments:

1. Audit Committee (Council Member Thomas);
2. CVCOG Executive Committee (Council Member Carter);
3. CVCOG General Assembly (Mayor Gunter and Council Member Gonzales);
4. CVCOG Transit Board (Council Members DeWitt, Gonzales and Thomas); and
5. Investment Oversight Committee (Council Members Carter and Thomas)

The motion carried unanimously (7) ayes to (0) nays.

9. 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 551.071(2) consultation with attorney regarding the expansion of the Hickory Well field

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c. Section 551.072 Deliberations about Real Property regarding:
~~1. 703 S. Chadbourne~~
2. Lake Nasworthy residential lot leases

10. Follow Up and Administrative Issues

a. Consider items discussed in Executive Session, if needed

Motion: Council Member Thompson made a motion, seconded by Council Member Gonzales, to authorized the city manager to negotiate and execute a settlement agreement in the amount of $1,250,000 with Spillman Technologies, Inc. The motion carried unanimously (7) ayes to (0) nays.

b. Approval of the withdrawal of a resignation and reinstatement of the Jenie Wilson (SMD2) to the Animal Services Advisory Committee

Motion: Council Member Thompson made a motion, seconded by Council Member Gonzales, to approve the item 10b, as presented. The motion carried unanimously seven (7) ayes to zero (0) nays.

c. Consideration of approving various Board nominations:

Animal Services Advisory Committee: Timothy Davenport-Herbst(SMD1) to an unexpired term ending January 2018; Ryan Smith(SMD4) to a first full term ending January 2019
COSADC: Bill Dendle(SMD2) to a 1st full term ending February 2019
Fort Concho Museum Board: Kathy Keane(SMD6) to a 1st full term ending January 2020
Public Arts Commission: Suzanna Aguirre (SMD3) to a 1st full term ending April 2020
TIRZ: Jim Cummings (Mayor) to an unexpired term ending July 2019

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

d. Consider appointing a chair of the Tax Increment Reinvestment Zone Board (TIRZ)

Motion: Mayor Gunter made a motion, seconded by Council Member Carter, to appoint Jim Cummings as Chair of the TIRZ Board. The motion carried unanimously seven (7) ayes to zero (0) nays.

e. Discuss possible cancellation or rescheduling of the August 1, 2017 meeting due to the West Texas Legislative Summit (July 31-August 1, 2017)

Consensus of Council was to begin the August 1st meeting at 5:30 p.m.

f. Announcements and consideration of Future Agenda Items

Council Member Thomas noted an upcoming joint town hall meeting with SMD3 and SMD4.

Consensus of Council was to schedule a Strategic Planning Workshop for July 27th at 2:00 p.m. in the east mezzanine of City Hall.

11. Adjournment

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, 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 3:48 p.m.

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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.)

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City of San Angelo, Texas
Special City Council Meeting
Thursday, July 27, 2017

Present:

Mayor Brenda Gunter
Mayor Pro tem Lane Carter, SMD 5
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 Billie F. DeWitt, SMD 6

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 2:03 p.m. on Thursday, July 27, 2017, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Workshop Agenda Agenda

a. Introduction and Overview of the Strategic Planning Session

City Manager Daniel Valenzuela gave an overview of the itinerary for the workshop and led a discussion on Vision/Mission Statements & Values.

b. Discussion on the following items:
1. Strategic Planning/Current and Future City Priorities

Mayor Gunter spoke about utilizing current assets at a greater level, such as Economic Development, adding a Business/Industrial park at the Airport. Ms. Gunter also mentioned focusing on factors that draw people to San Angelo, such as Goodfellow Air Force Base, Medical/Healthcare industry, Education (ASU/Howard College), our culture, our parks/recreation, Lake Nasworthy, Agriculture, the Oil and Gas Industry, Manufacturing, and Tourism (Historic Downtown/Fort Concho/Concho River), and a retirement destination.

Council Member Hiebert noted that City Employees are a huge asset to the city. Council Member Thomas concurred with focusing on our partnership with Goodfellow Air Force Base.

Mayor Gunter also noted the need to think about progressive attitude toward technology, business friendly government (permits/planning), transportation (Ports-to-Plains, Highways, Railroad, Airport, etc.), workforce, crime, and property taxes (growing our tax base).

The key areas for promoting the city were narrowed to:

- Goodfellow Air Force Base
- Education Providers
- Medical/Healthcare/Retirement
- Culture/Recreation/Tourism
- Agricultural/Manufacturing/Oil & Gas
- Value of City Employees

Further discussion was held on the stakeholders that support those areas and how we measure success for objectives.

DRAFT

Finance Director Tina Dierschke presented information about the City's current Financial Condition. Discussion was also held on developing new strategic considerations.

Water Utilities Director Bill Riley presented information about the water supply and future needs.

Assistant Director of Operations Patrick Frerich presented information related to street reconstruction, maintenance, and repair.

Assistant City Manager Michael Dane presented information related to the former First Financial Bank building and the need for a future Police Station.

Director of Human Resources Lisa Marley presented information related to employee salaries and remaining competitive. Mayor Gunter spoke about the need to look at merit based raises, and focusing salary surveys on comparing to the private sector in San Angelo.

Planning & Development Services Director Jon James presented information related to improvements in the Planning and Development processes.

Finance Director Tina Dierschke and relevant staff presented information related to possible new strategic priorities such as: Health Insurance rates for Employees, purchase of a sixth frontline ambulance, and additional police officers.

2. Key Messages for Promoting City

Mr. Valenzuela spoke on developing five key Messages for promoting San Angelo.

3. Downtown Master Development Plan and Assets

Planning & Development Services Director Jon James provided information.

3. Adjournment

There being no further business, the special meeting was adjourned at 6:12 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: August 1, 2017

Item type: Consent Item

Caption:

Consider authorizing the City Manager to enter into new five (5) year Recreational Agricultural Lease agreement with David Jenkins for 29.7 acres of land (C. Preas)

Summary/History:

David Jenkins desires to enter into new Recreational Lease Agreement of 29.7 acres out of G. Maurer Survey 0182, Abstract 1649, for a five (5) year term. Said property is adjacent to Red Bluff Road and property owned by the requestor. The property is overgrown and in need of maintenance. Mr. Jenkins has agreed to accept the property "as is" and per the lease agreement will be responsible for future maintenance of the lease property.

Recreational leases do not allow permanent structures on the lease property.

Water Utilities Department is not interested in selling the property, but they are agreeable to the lease as the property is vacant and undeveloped.

Financial Impact:

This lease will provide new revenue to the City.
The annual lease fee is based upon the following fee schedule:
$14.00.....per acre
$0.50.....per river/lake frontage
$250.00.....recreation fee

In addition to the annual lease fee, the leaseholder is required to pay $276.00 Granting Fee at the time of lease execution.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

1. Exhibit A - Jenkins Lease — Exhibit A - Jenkins Rec Lease.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

EXHIBIT “A”
JENKINS LEASE
29.7 ACRES ±

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: August 1, 2017

Item type: Consent Item

Caption:

Consider approving a resolution accepting a warranty deed from the United States Department of the Interior, Bureau of Reclamation, conveying to the City of San Angelo a 4.423 acre tract, commonly known as Tom Flowers Law Enforcement Training Center, for use by the San Angelo Police Department (C.Preas)

Summary/History:

San Angelo Police Department requests that City Council accept conveyance of a 4.423 acre tract out of Washinton County School Land Survey No. 104, Abstract No. 3941 and D. Lloyd Survey No. 102, Abstract No. 1608, Tom Green County, Texas, by warranty deed from the United Stated Department of Interior, Bureau of Reclamation.

The tract, commonly referred to as the Tom Flowers Law Enforcement Training Center, has been used by SAPD and various federal agencies as a training facility for more than 40 years and the Bureau of Reclamation is now prepared to convey the property to the City.

Financial Impact:

None

Other Information/Recommendation:

Staff recommends acceptance of a warranty deed conveying 4.423 acres to the City of San Angelo for use by the San Angelo Police Department.

Attachments:

1. Resolution accepting deed for training center — Resolution accepting deed for training center.docx

Presentation:

None

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

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF SAN ANGELO, TEXAS ACCEPTING A WARRANTY DEED FROM THE DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION, CONVEYING TO THE CITY OF SAN ANGELO A 4.423 ACRE TRACT, COMMONLY KNOWN AS THE TOM FLOWERS LAW ENFORCEMENT TRAINING CENTER.

WHEREAS, the City of San Angelo Tom Flowers Law Enforcement Training Center ("Training Center") has been located for the past 40 years on property that has been owned by the United States Department of the Interior, Bureau of Reclamation; and

WHEREAS, the City of San Angelo has been offered ~~the~~ a warranty deed from the Bureau for the 4.423 acre tract where the Training Center is located; and

WHEREAS, owning the property allows the City of San Angelo Police Department greater control over the property and the Training Center.

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

SECTION ONE. That the City of San Angelo staff is hereby authorized to accept from the Department of the Interior, Bureau of Reclamation, the warranty deed for the 4.423 acre tract of property commonly known as the Tom Flowers Law Enforcement Training Center.

SECTION TWO. That the City manager is authorized to negotiate and execute all documents necessary to complete the conveyance of the property.

PASSED and APPROVED THIS 1st DAY OF AUGUST, 2017

CITY OF SAN ANGELO, TEXAS

ATTEST:

_____
Brenda Gunter, Mayor

_____
BRYAN KENDRICK, City Clerk

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: August 1, 2017

Item type: Consent Item

Caption:

Consider authorizing the City Manager to execute a sanitary control easement as required by Texas Commission on Environmental Quality, said easement will encumber a 150 foot radius around each of the 22 water well sites on City-owned property commonly known as Ford Ranch (C.Preas)

Summary/History:

Texas Commission on Environmental Quality (TCEQ) requires the City execute a Sanitary Control Easement necessary to limit the use of a 150 foot radius around each of the 22 water well sites within the property commonly known as the Ford Ranch, said wells are located in McCulloch and Menard Counties, Texas.
The easement will protect the water supply of the well by means of sanitary control.

Financial Impact:

None

Other Information/Recommendation:

Staff recommends approval.

Attachments:

1.	Metes & Bounds Sanitary Control Esmt	Metes_Bounds Sanitary Control Easement.pdf
2.	Survey Sanitary Control Esmt	32518.19_Ac_Survey Sanitary Control Easements.pdf

Presentation:

None

Approvals/Reviews:

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

Well 1 Easement

Being an area of 70,686 square feet of land out of the Meshack Cummings Survey No. 12, Abstract No. 173, McCulloch County, Texas, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 662, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement centered around Hickory Water Well No. 1 out of said Meshack Cummings Survey No. 12, from which a ½" iron rod found in a rock mound at the southwest corner of John H. Gibson Survey No. 1, Abstract No. 468, McCulloch County, bears S 83° 05' 37" E, 9147.91 feet, and a ½" iron rod found in a rock mound at the southeast corner of Concho County and the northeast corner of Menard County bears N 34° 19' 41" W, 14,332.65 feet, said center point being located at 31°03'15.81206" Latitude, 99°34'40.16492" Longitude and State Plane Coordinate North 10,348,014.74, East 2,533,145.73, and said circle containing an area of said 70,686 square feet.

Well 2 Easement

Being an area of 70,686 square feet of land out of the J. Mueller Survey No. 177, Abstract No. 1017, McCulloch County, Texas, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 675, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement around Hickory Water Well No. 2 out of said J. Mueller Survey No. 177, Abstract No. 1017, from which a ½" iron rod found in a rock mound at the southwest corner of John H. Gibson Survey No. 1, Abstract No. 468, McCulloch County, bears N 42° 19' 25" W, 11,805.27 feet, and a 120d nail found in a rock mound at the southeast corner of J. Mueller Survey No. 176, Abstract No. 1018, bears S 55° 52' 41" E, 3130.64 feet, said center point being located at 31°01'37.47263" Latitude, 99°31'26.33206" Longitude and State Plane Coordinate North 10,338,198.47 feet, East 2,550,076.67 feet, and said circle containing an area of said 70,686 square feet.

Well 3 Easement

Being an area of 70,686 square feet of land out of the James Ford Survey No. 2, Abstract No. 1853, McCulloch County, Texas, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 675, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement around Hickory Water Well No. 3 out of said James Ford Survey No. 2, Abstract No. 1853, from which a ½" iron rod found in a rock mound at the southwest corner of John H. Gibson Survey No. 1, Abstract No. 468, McCulloch County, bears N 67° 02' 38" W, 8930.26 feet, and a 120d nail found in a rock mound at the southeast corner of J. Mueller Survey No. 176, Abstract No. 1018, bears S 18° 18' 50" E, 7374.92 feet, said center point being located at 31°02'29.36972" Latitude, 99°31'22.73985" Longitude and State Plane Coordinate North 10,343,443.70 feet, East 2,550,351.00 feet, and said circle containing an area of said 70,686, square feet.

Well 4 Easement

Being an area of 70,686 square feet of land out of the Heinrich Richter Survey No. 179, Abstract No. 1134, McCulloch County, Texas, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 675, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement around Hickory Water Well No. 4 out of said Heinrich Richter Survey No. 179, Abstract No. 1134, from which a ½" iron rod found in a rock mound at the southwest corner of John H. Gibson Survey No. 1, Abstract No. 468, McCulloch County, bears N 44° 43' 11" W, 3980.66 feet, and a 120d nail found in a rock mound at the southeast corner of J. Mueller Survey No. 176, Abstract No. 1018, bears S 44° 18' 39" E, 10,886.32 feet, said center point being located at 31°02'36.23517" Latitude, 99°32'25.01507" Longitude and State Plane Coordinate North 10,344,098.25 feet, East 2,544,928.93 feet, and said circle containing an area of said 70,686 square feet.

Well 5 Easement

Being an area of 70,686 square feet of land out of the H. & T. C. Ry. Co. Survey No. 31, Abstract No. 617, McCulloch County, Texas, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 675, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement around Hickory Water Well No. 5 out of said H. & T. C. Ry. Co. Survey No. 31, Abstract No. 617, from which a ½" iron rod found in a rock mound at the southwest corner of John H. Gibson Survey No. 1, Abstract No. 468, McCulloch County, bears N 18° 42' 10" W, 8567.70 feet, and a 120d nail found in a rock mound at the southeast corner of J. Mueller Survey No. 176, Abstract No. 1018, bears S 73° 05' 26" E, 8145.22 feet, said center point being located at 31°01'43.91070" Latitude, 99°32'26.06475" Longitude and State Plane Coordinate North 10,338,811.46 feet, East 2,544,875.30 feet, and said circle containing an area of said 70,686 square feet.

Well 6 Easement

Being an area of 70,686 square feet of land out of the F. Rinkel Survey No. 181, Abstract No. 1157, McCulloch County, Texas, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 675, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement around Hickory Water Well No. 6 out of said F. Rinkel Survey No. 181, Abstract No. 1157, from which a ½" iron rod found in a rock mound at the southwest corner of John H. Gibson Survey No. 1, Abstract No. 468, McCulloch County, bears S 77° 39' 16" W, 8224.69 feet, and a 120d nail found in a rock mound at the southeast corner of J. Mueller Survey No. 176, Abstract No. 1018, bears S 11° 34' 03" E, 12,496.72 feet, said center point being located at 31°03'21.26338" Latitude, 99°31'24.46824" Longitude and State Plane Coordinate North 10,348,685.23 feet, East 2,550,162.49 feet, and said circle containing an area of said 70,686 square feet.

Well 7 Easement

Being an area of 70,686 square feet of land out of the John H. Gibson Survey No. 1, Abstract No. 468, McCulloch County, Texas, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 675, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement around Hickory Water Well No. 7 out of said John H. Gibson Survey No. 1, Abstract No. 468, from which a ½" iron rod found in a rock mound at the southwest corner of John H. Gibson Survey No. 1, Abstract No. 468, McCulloch County, bears S 48° 19' 12" W, 3757.42 feet, and a 120d nail found in a rock mound at the southeast corner of J. Mueller Survey No. 176, Abstract No. 1018, bears S 30° 46' 57" E, 15,112.03 feet, said center point being located at 31°03'28.96141" Latitude, 99°32'24.51678" Longitude and State Plane Coordinate North 10,349,425.30 feet, East 2,544,934.29 feet, and said circle containing an area of said 70,686 square feet.

Well 8 Easement

Being an area of 70,686 square feet of land out of the G. & B. N. Co. Survey No. 40, Abstract No. 437, McCulloch County, Texas, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 675, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement around Hickory Water Well No. 8 out of said G. & B. N. Co. Survey No. 40, Abstract No. 437, from which a ½" iron rod found in a rock mound at the southwest corner of John H. Gibson Survey No. 1, Abstract No. 468, McCulloch County, bears S 45° 22' 17" E, 3475.22 feet, and a 120d nail found in a rock mound at the southeast corner of J. Mueller Survey No. 176, Abstract No. 1018, bears S 45° 11' 38" E, 18,342.02 feet, said center point being located at 31°03'28.76390" Latitude, 99°33'25.22233" Longitude and State Plane Coordinate North 10,349,368.10 feet, East 2,539,654.75 feet, and said circle containing an area of said 70,686 square feet.

Well 9 Easement

Being an area of 70,686 square feet of land out of the I. & G. N. R. R. Co. Survey No. 72, Menard County Abstract No. 1254, McCulloch County Abstract No. 773, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 662, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement around Hickory Water Well No. 8 out of said I. & G. N. R. R. Co. Survey No. 72, Menard County Abstract No. 1254, McCulloch County Abstract No. 773, from which a ½" iron rod found in a rock mound at the southwest corner of John H. Gibson Survey No. 1, Abstract No. 468, McCulloch County, bears S 80° 40' 10" E, 18,830.22 feet, and a ½" iron rod found in a rock mound for the southeast corner of Concho County and the northeast corner of Menard County bears N 08° 43' 56" E, 9987.05 feet, said center point being located at 31°03'35.89298" Latitude, 99°36'30.37537" Longitude and State Plane Coordinate North 10,349,979.67 feet, East 2,523,546.90 feet, and said circle containing an area of said 70,686 square feet.

Well 12 Easement

Being an area of 70,686 square feet of land out of the John H. Gibson Survey No. 1, Abstract No. 467, McCulloch County, Texas, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 662, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement centered around Hickory Water Well No. 12 out of said John H. Gibson Survey No. 1, Abstract No. 467, from which a ½" iron rod found in a rock mound at the southwest corner of John H. Gibson Survey No. 1, Abstract No. 468, McCulloch County, bears N 79° 38' 37" E, 13,494.74 feet, and a ½" iron rod found in a rock mound at the southeast corner of Concho County and the northeast corner of Menard County bears N 13° 52' 09" W, 15,811.13 feet, said center point being located at 31°02'41.31706" Latitude, 99°35'29.78668" Longitude and State Plane Coordinate North 10,344,500.78, East 2,528,853.09, and said circle containing an area of said 70,686 square feet.

Well 13 Easement

Being an area of 70,686 square feet of land out of the James Ford Survey No. 2, Abstract No. 1946, McCulloch County, Texas, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 675, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement around Hickory Water Well No. 13 out of said James Ford Survey No. 2, Abstract No. 1946, from which a ½" iron rod found in a rock mound at the southwest corner of John H. Gibson Survey No. 1, Abstract No. 468, McCulloch County, bears N 44° 46' 39" E, 11,020.09 feet, and a 120d nail found in a rock mound at the southeast corner of J. Mueller Survey No. 176, Abstract No. 1018, bears S 78° 28' 35" E, 18,681.93 feet, said center point being located at 31°01'47.53340" Latitude, 99°34'26.83564" Longitude and State Plane Coordinate North 10,339,104.15 feet, East 2,534,365.92 feet, and said circle containing an area of said 70,686 square feet.

Well 14 Easement

Being an area of 70,686 square feet of land out of the T.C.R.R. Co. Survey No. 1, Abstract No. 1720, McCulloch County, Texas, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 675, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement around Hickory Water Well No. 14 out of said T.C.R.R. Co. Survey No. 1, Abstract No. 1720, from which a ½" iron rod found in a rock mound at the southwest corner of John H. Gibson Survey No. 1, Abstract No. 468, McCulloch County, bears N 59° 44' 05" E, 15,388.60 feet, and a ½" iron rod found in a rock mound at the southeast corner of Concho County and the northeast corner of Menard County bears N 10° 20' 30" W, 21,021.65 feet, said center point being located at 31°01'48.56228" Latitude, 99°35'30.38206" Longitude and State Plane Coordinate North 10,339,170.81 feet, East 2,528,836.83 feet, and said circle containing an area of said 70,686, square feet.

Well 17 Easement

Being an area of 70,686 square feet of land out of the J. Poitevent Survey No. 1, Menard County Abstract No. 1268 , McCulloch County Abstract No. 1125, Texas, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 675, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement around Hickory Water Well No. 17 out of said J. Poitevent Survey No. 1, Menard County Abstract No. 1268, McCulloch County Abstract No.

1125, , from which a ½" iron rod found at a fence corner post at the southwest corner of E. Wilhelm Survey No. 2, Abstract No. 1315, Menard County, bears S 71° 53' 52" W, 8608.29 feet, and a ½" iron rod found in a rock mound at the southeast corner of Concho County and the northeast corner of Menard County bears N 04° 20' 38" E, 20,589.30 feet, said center point being located at 31°01'50.39487" Latitude, 99°36'31.67171" Longitude and State Plane Coordinate North 10,339,320.81 feet, East 2,523,503.58 feet, and said circle containing an area of said 70,686 square feet.

Well 20 Easement

Being an area of 70,686 square feet of land out of the S.T. Ward Survey No. 108, Abstract No. 1308, Menard County, Texas, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 675, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement around Hickory Water Well No. 20 out of said S.T. Ward Survey No. 108, Abstract No. 1308, from which a ½" iron rod found at a fence corner post at the southwest corner of E. Wilhelm Survey No. 2, Abstract No. 1315, Menard County, bears S 19° 25' 43" W, 8645.92 feet, and a ½" iron rod found in a rock mound at the southeast corner of Concho County and the northeast corner of Menard County bears N 24° 31' 14" E, 16,543.31 feet, said center point being located at 31°02'44.96258" Latitude, 99°37'32.26246" Longitude and State Plane Coordinate North 10,344,799.67 feet, East 2,518,197.28 feet, and said circle containing an area of said 70,686 square feet.

Well 22 Easement

Being an area of 70,686 square feet of land out of the James Ford Survey No. 31, Abstract No. 1943, McCulloch County, Texas, and being out of that land listed in a Water Rights Conveyance from Fort Worth National Bank, Trustee of the G. R. White Estate, to the City of San Angelo, recorded in Volume No. 180, Page No. 675, Deed Records of McCulloch County, Texas, and said 70,686 square feet of land being more particularly described by metes and bounds as follows:

Being a circle with a radius of 150 feet for a sanitary control easement around Hickory Water Well No. 22 out of said James Ford Survey No. 31, Abstract No. 1943, from which a ½" iron rod found in a rock mound at the southwest corner of John H. Gibson Survey No. 1, Abstract No. 468, McCulloch County, bears N 62° 45' 12" E, 5956.32 feet, and a ½" iron rod found in a rock mound at the southeast corner of Concho County and the northeast corner of Menard County bears N 36° 56' 33" W, 19,582.62 feet, said center point being located at 31°02'37.80224" Latitude, 99°33'58.08012" Longitude and State Plane Coordinate North 10,344,199.79, East 2,536,832.55, and said circle containing an area of said 70,686 square feet.

Courses, distances, and coordinates recited herein are grid and are based on the Texas Coordinate System NAD 83 - Texas Central Zone by GPS observation. Control for this survey was provided by The City of San Angelo as established by Greystone Engineering, Inc. specific to "Groundwater Development Project - Phase 1A". Monumentation utilized for this survey was; National Geodetic Survey Monument "WHITE" CA0784 N=10,338,035.43' E=2,568,823.91' Elev.=2027.6'

To obtain surface distance multiply map grid distance by 1.0002465187.

See Attached Plat of Survey.

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

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

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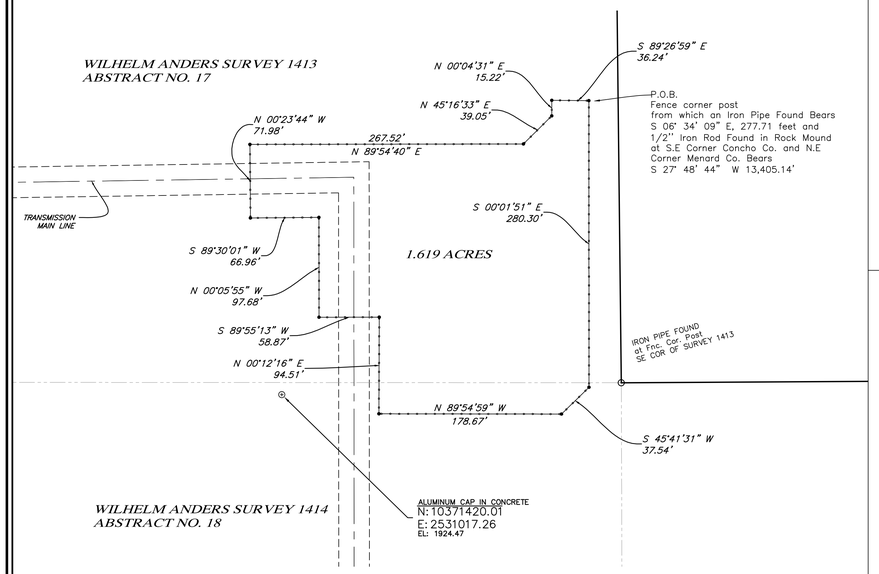
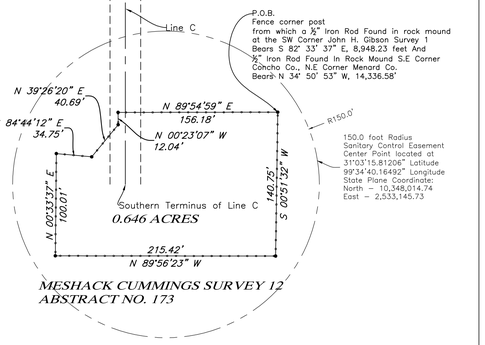
PUMP STATION



WELL 1



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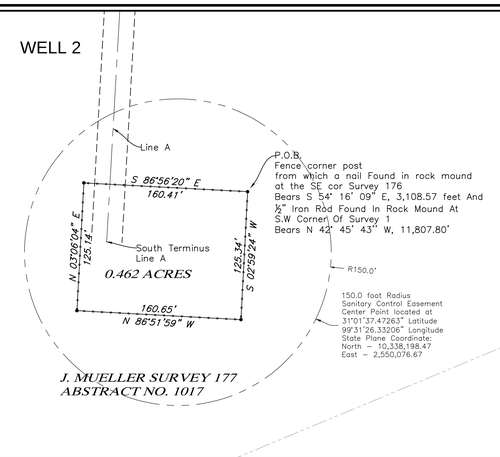

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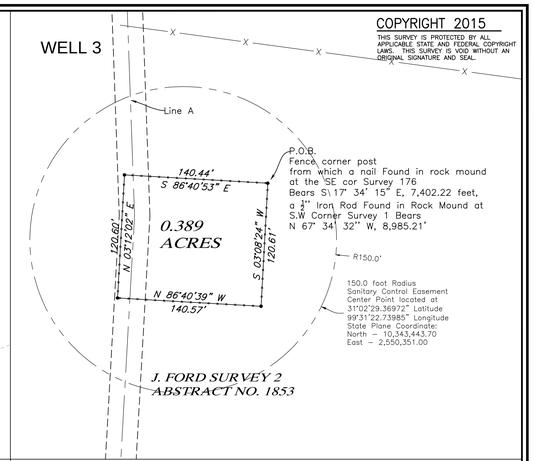

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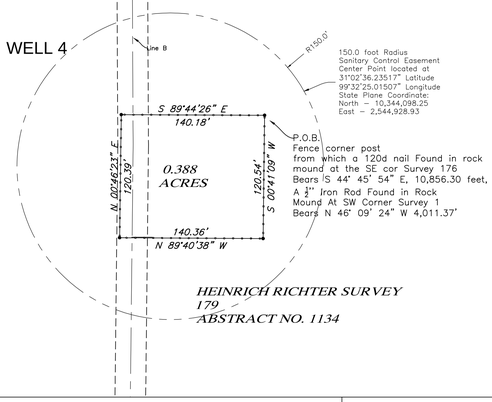

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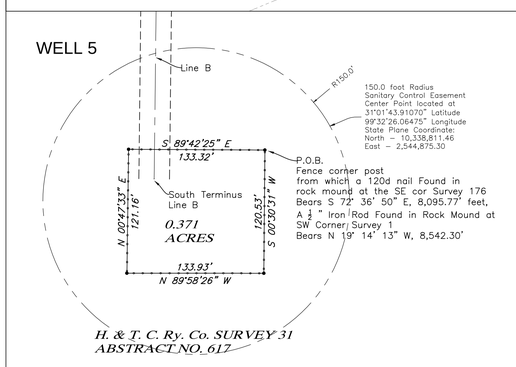

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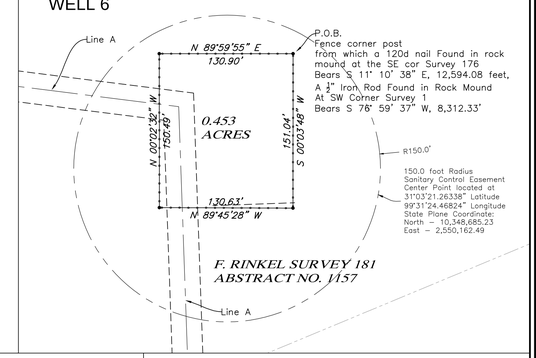

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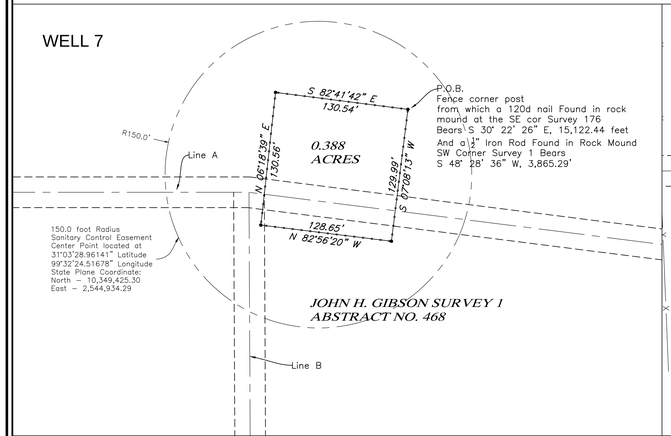

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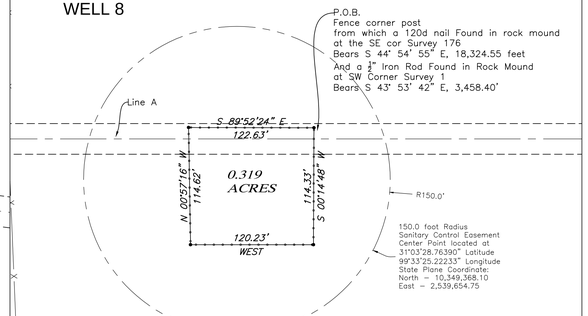

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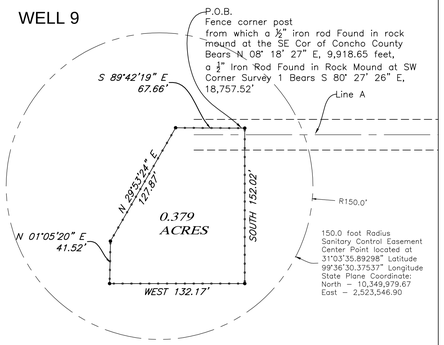

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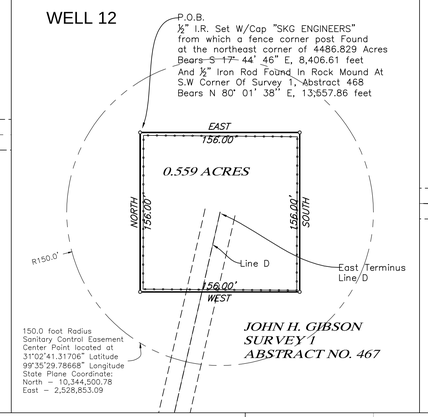

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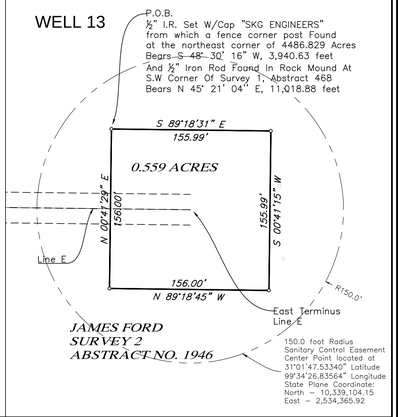


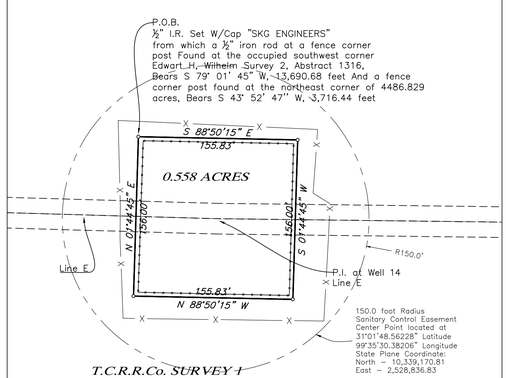
SCALE: 1"= 60'

0 30 60 120
GRAPHIC SCALE : FEET

Courses, distances, and coordinates shown hereon are grid and are based on the Texas Coordinate System NAD 83 – Texas Central Zone by GPS observation. Control for this survey was provided by The City of San Angelo as established by Greystone Engineering, Inc. specific to "Groundwater Development Project – Phase 1A"
Monumentation utilized for this survey was;
National Geodetic Survey Monument "WHITE" CA0784
N=10,338,035.43' E=2,568,823.91' Elev.=2027.6'.
To obtain surface distance multiply map grid distance by 1.0002465187.

Details on this sheet do not include road easements.

WELL 14



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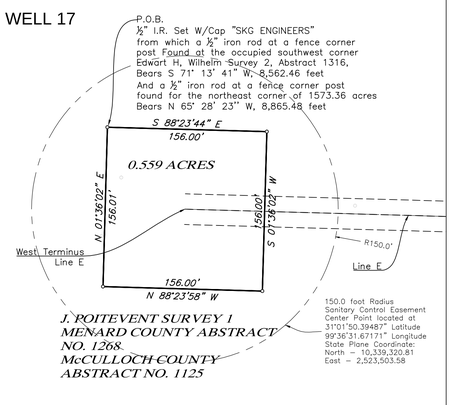

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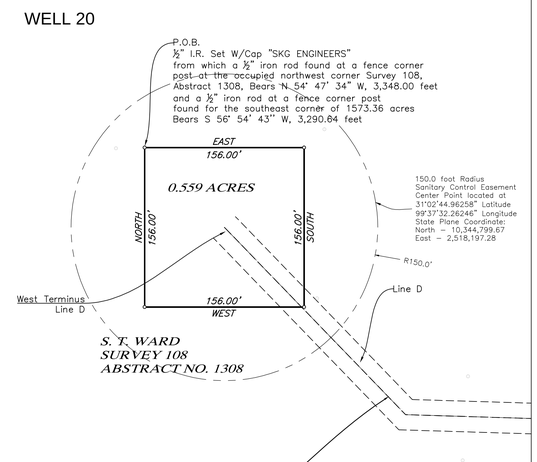

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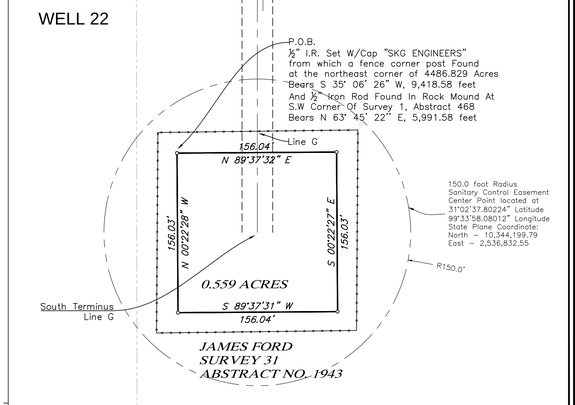


15-S-0535
SHEET 6 OF 6

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Steve Mild, Emergency Management Coordinator, Emergency Management, 325-657-4230

Meeting Date: August 1, 2017

Item type: Consent Item

Caption:

Consider ratifying Grant Application prepared by H2O Partners, Inc., and approved by the City Manager, for participation in FEMA's Hazard Mitigation Grant Program, and consider approving Professional Services Agreement with H2O Partners, Inc. (HGAC contract number HP07-16), for development of a FEMA approved All Hazard Mitigation Action Plan. The Grant application cost is $500.00 and the Hazard Mitigation Action Plan development cost is $64,500.00 with 75% of that being reimbursable by FEMA. (S. Mild)

Summary/History:

The current 5 year City of San Angelo FEMA approved Hazard Mitigation Plan is set to expire at the end of July 2017. Without a FEMA approved Hazard Mitigation Plan, the City of San Angelo will not be eligible for Hazard Mitigation Grants to address major hazards such as flooding, wildland fires, and tornado issues, as well as any other hazard, both natural or man made, that may threaten Tom Green County. This has the potential for costing the City millions of dollars in grant funding for which we would not be eligible.
H2O Partners has many years of experience in developing Hazard Mitigation Plans for jurisdictions throughout the United States, and they were the company that developed our current plan.
I have had discussions with the County and they have indicated a willingness to participate in the plan and the financing of it. We will bring back an interlocal agreement for council approval once all the details have been worked out with the County.

Financial Impact:

The upfront cost will be $500.00 which will be the cost for H2O Partners to apply for the Grant under which we will be eligible for reimbursement of 75% of the $64,500.00 cost of the preparation of the hazard Mitigation Action Plan.
The solid waste fund has adequate contingency monies to cover the $64,500.00 cost, with anticipation of reimbursement from FEMA.

Other Information/Recommendation:

Attachments:

Presentation:

Approvals/Reviews:

Steve Mild	Created/Initiated
Steve Mild	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: Bob Salas, Neighborhood Services Director, Animal Services, 325-655-0824

Meeting Date: August 1, 2017

Item type: Consent Item

Caption:

Consider a adopting a resolution designating Morgan Chegwidden as the Local Rabies Control Authority in accordance with Sec. 826.017 of the State Health and Safety Code, Chapter 826 (B.Salas)

Summary/History:

Request approval of a resolution designating Ms. Morgan Chegwidden, Assistant Director of Neighborhood & Family Services who manages Animal Services as the Local Rabies Control Authority (LRCA).

Per Sec. 826.017, a municipality is required to designate an officer to act as the LRCA. The individual named can be a county or municipal health officer, animal control officer, peace officer, or any entity that a governing body deems appropriate. Ms. Chegwidden manages Animal Control in the City and has daily oversight of animal bite cases that may present a rabies health issue. As such, she is an appropriate candidate for the designation.

Financial Impact:

Action will have no fiscal impact.

Other Information/Recommendation:

Attachments:

1. Resolution designating LRCA 2017- designation of rabies authority.docx

Presentation:

Approvals/Reviews:

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

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF SAN ANGELO, TEXAS DESIGNATING A LOCAL RABIES CONTROL AUTHORITY PURSUANT TO SECTION 826.017 OF THE TEXAS HEALTH AND SAFETY CODE.

WHEREAS, Chapter 826 of the Texas Health and Safety Code regulates the control of rabies in the State of Texas; and

WHEREAS, pursuant to Section 826.017 of that Code, the governing body of a municipality is required to designate an officer of the City to serve as the local rabies control authority for the purposes of the Code; and

WHEREAS, the former designee has left the City of San Angelo and has been replaced by Morgan Chegwidden.

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

That Morgan Chegwidden is hereby designated as the local rabies control authority for the City of San Angelo and is fully authorized to carry out all the requires of Chapter 826 of the Texas Health and Safety Code.

PASSED and APPROVED THIS 1st DAY OF AUGUST, 2017.

CITY OF SAN ANGELO, TEXAS

ATTEST:

_____
Brenda Gunter, Mayor

_____
Bryan Kendrick, City Clerk

APPROVED AS TO FORM

_____
Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: August 1, 2017

Item type: Consent Item

Caption:

Consider approving a purchase with Ener-Tel Services, Inc. utilizing pricing in awarded bid CFM-07-15 under Buyboard contract #493-15 in an amount of $55,012, budgeted in FY17, for the purchase and installation of a security system for the Public Works Facility, and authorizing the City Manager or designee to execute any related documents (A. Strube)

Summary/History:

With the anticipated purchase of the First Financial Bank building located at 301 W. Beauregard Avenue, there is a need for a security system. This building will be utilized as the Public Works Facility and will house the Customer Service operation and Billing and Receipt division. These two operations handle payment services for the City and require additional security installation above normal city facilities.

As an overview, Ener-Tel will provide 25 new cameras, 5 new access controlled doors, a video server and switches, and 2 new panic devices at locations that are mapped and have been predetermined and agreed upon in a meeting between the City of San Angelo and Ener-Tel. Due to the complexity of running new cabling, additional labor is required above and beyond other jobs completed by Ener-Tel in previous city owned buildings. 12 of the newly installed cameras will have microphones attached directly to the camera. These 12 cameras will require recording 24 hours a day, which in return will require the server to be larger than the current server.

Financial Impact:

Budgeted for purchase in FY17 utilizing Water Capital funds.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

1. Quote Ener-Tel Quote.pdf

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

Proposal: 4370-1-0

City of San Angelo Bank Building Cameras/Access

Prepared For:
Ron Lewis
City Of San Angelo
(325) 234-8609

PROJECT DESCRIPTION & INVESTMENT

Client Information

Site:
City of San Angelo Bank Building
301 West Beauregard
San Angelo, TX 76903

Billing:

Contact:
Ron Lewis
(325) 234-8609
Ron.Lewis@Cosatx.Us

Scope of Work

Ener-Tel will provide twenty five new IP cameras, five new access controlled doors, a video server and switches, and two new panic devices at locations that are mapped and have been predetermined and agreed upon in a meeting between the City of San Angelo and Ener-Tel. Due to the complexity of running new Cat5 cabling, additional labor is required above and beyond other jobs completed by Ener-Tel in previous city owned buildings. The cameras to be mounted on the exterior roof will require the cabling to be ran freely on the roof and will require a new penetration to be made into the building. Twelve of the newly installed cameras will have microphones attached directly to the camera. These twelve cameras will require recording 24 hours a day, which in return will require the server to be larger. The server has 24TB of storage, 18TB being usable with the other 6TB being used for RAID configuration.
The Access Controlled doors will have maglocks on the three exterior doors and the two interior doors will have door strikes. The exterior doors will also have an interior release button and a motion detector to release the doors.The gray exterior door that is keyed by the back employee entrance door will need to remain keyed for building entrance in case of access control system power failure. The system will be backed up on a UPS but once the batteries lose power, the building will not be accessible from the outside using the access control system.

Project Investment

Camera

QTY	Manufacturer	Part #	Description	Unit Price	Ext. Price
13	Video Insight	A-34W	IP Dome Camera w/IR, 2.8MM 12VDC IP66 3MP	$247.50	$3,217.50
12	Video Insight	A-54-V2	IP Dome Camera w/Audio & IR, 2.7-9MM 3MP 12VDC	$554.40	$6,652.80
12	Louroe	LE-770	Omni-Directional CCTV Microphone, Verifact A-ML	$173.02	$2,076.24
1	Video Insight	NVR-R-2-2-24TB	NVR Rack, 24TB	$7,916.70	$7,916.70
1	Unknown	Misc Material	Miscellaneous Installation Material	$142.86	$142.86
1	Cisco	SF300-24PP	24 Port PoE Switch	$531.43	$531.43
5	Video Insight	A-MD-WM	Wall Mount for A-14 & A-34 Cameras	$23.10	$115.50

Labor Schedule for: Camera

QTY	Description	Rate	Ext. Price
100.00	Installation	$75.00	$7,500.00

Total Camera Installation:	$20,653.03
Labor Subtotal:	$7,500.00
Camera SubTotal:	**$28,716.09**

Wiring

Supplies & Materials for: Wiring

QTY	Description
31.00	Cat5 Drop

Supplies & Materials SubTotal: $4,650.00
Wiring SubTotal: **$4,743.00**

Access Control

QTY	Manufacturer	Part #	Description	Unit Price	Ext. Price
1	Kantech	KT400	KT-400 four door controller, IP ready, accessory	$2,017.17	$2,017.17
1	Kantech	EK-IP300	2-Door Expansion Kit w/Controller, Comm, Pwr & Rly	$1,587.63	$1,587.63
3	Rutherford	8320 2DSS 28	Double Maglock w/Door Stat, Bronze,1500LB 12/24VDC	$769.99	$2,309.97
2	Rutherford	8310 DSS 28	Maglock w/Door Stat, 1500LB 12/24VDC Adj Time Dly	$385.70	$771.40
5	Unknown	Misc Material	Miscellaneous Installation Material	$400.00	$2,000.00
5	Kantech	P225XSF	IoProx Reader, XSF - Mullion size, ioProx reader	$122.73	$613.65
2	Honeywell	5869	Wireless Panic Switch w/Key Reset & Tamper Switch	$102.44	$204.88

Labor Schedule for: Access Control

QTY	Description	Rate	Ext. Price
130.00	Installation	$75.00	$9,750.00
10.00	Programming	$75.00	$750.00
15.00	Engineering	$75.00	$1,125.00

Total Access Control Installation: $9,504.70
Labor Subtotal: $11,625.00
Access Control SubTotal: **$21,552.29**

Financial Summary

Purchase Price, Excluding taxes: **$55,011.38**

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Shannon Scott, Economic Development Specialist, Economic Development, 325.653.7197

Meeting Date: August 1, 2017

Item type: Consent Item

Caption:

Consider ratifying COSADC's Board approval of up to $190,000 in economic development incentives and authorization of the COSADC Board President to negotiate and execute an Economic Development Performance Agreement for Netco Energy Products, Inc (R. Pena)

Summary/History:

Netco Energy Products, Inc. is a wholesale oilfield supply company with locations and personnel throughout West Texas, providing oilfield materials and equipment.. They intend to purchase the former Terrill Manufacturing property located at 2816 Martin Luther King Drive. Their plan is to demolish the existing main building and construct a new building costing between $800,000 and $1,200,000. In addition they intend to relocate or create between 9 and 20 new positions, consolidating all their personnel and operations in San Angelo. The company also intends to invest approximately $140,000 in business personal property and maintain inventory between $1.7 Million and $3.4 Million.

At its meeting on June 28, 2017 the COSADC Board approved a resolution authorizing the use of sales and use tax funds as an economic development incentive to Netco Energy Products, Inc., in an amount not to exceed $190,000; authorizing the Director of Economic Development to prepare an economic development performance agreement with Netco Energy Products, Inc., in compliance with the Development Corporation Act and as approved by the City Attorney; authorizing the COSADC Board President to execute said agreement; and recommending to City Council ratification of the incentive and approval of the economic development performance agreement. At its meeting on July 26, 2017 the COSADC Board held a Public Hearing on this project and authorized the the Board President to negotiate and sign an agreement in substantially the same for as the attached.

Proposed incentives under the attached agreement are as follows:

- Capital Investment Grant - $50,000
- Job Creation $5,000 per job X 20 jobs = $100,000
- Development Fee Rebate - $5,000
- Tax Rebate 4 Yr –(50%, 25%,10%, 10%) based on increase in appraised value over existing value of$100K - $34,250
- Total Incentives - $189,250

Financial Impact:

$189,250 from Future Projects Acct. #452900 to new project. Budget amendment in process.

Other Information/Recommendation:

Attachments:

1. Agreement 17-XXX_COSADC_NETCO_EDA (002)R.pdf

Presentation:

Roland Pena

Approvals/Reviews:

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

ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT BY AND BETWEEN CITY OF SAN ANGELO DEVELOPMENT CORPORATION AND NETCO ENERGY PRODUCTS, INC.

This Agreement is entered into by and between the City of San Angelo Development Corporation, a State of Texas non-profit Type B development corporation ("COSADC") and NETCO ENERGY PRODUCTS, INC., a Texas for profit limited liability company authorized to transact business in Texas ("Company"), and shall be effective from and after the 1ST day of April 2017 (the "Effective Date").

RECITALS:

A. COSADC is a non-profit Type B development corporation created by the City of San Angelo pursuant to the Texas Development Corporation Act, Chapters 501 and 505 of the Texas Local Government Code (the "Act"), and is authorized by law to expend economic development sales and use tax proceeds for authorized projects, subject to approval of the City of San Angelo City Council. Such authorized projects include expenditures for the creation or retention of Primary Jobs (as defined at Section 501.002 of the Texas Local Government Code) and found by the board of directors to be required or suitable for the development, retention, or expansion of manufacturing and industrial facilities.

B. COSADC is authorized to provide direct incentives or make expenditures on behalf of a business enterprise under an authorized project pursuant to a performance Agreement with the business enterprise which provides, at a minimum, for a schedule of additional payroll to be created or retained and capital investment to be made as consideration for any direct incentives provided and specifies the terms under which repayment must be made if the business enterprise does not meet the performance requirements specified in the Agreement.

C. Company is a business enterprise engaged in the business of quality wholesale oilfield supplies, based in San Angelo at 1225 S. Oakes Street, San Angelo, Texas 76903 ("Current Facility"), with locations and personnel throughout West Texas. Company has determined that it will consolidate its operations at San Angelo with a new, larger facility , capital improvements, business personal property and equipment, and additional employees to meet increased demands for its wholesale services. (hereinafter the "Project").

D. The board of directors of COSADC has determined that the Project and provision of direct incentives to Company as stated in this Agreement are in compliance with the requirements and purposes of the Act, COSADC Articles of Incorporation, and the COSADC Business Retention and Expansion Program (BREP) approved by City Council; and, that the Project and direct incentives serve the public purposes set forth in the Act.

F. Company is seeking direct incentives from COSADC for acquiring a new site located at 2816 Martin Luther King Drive, San Angelo, 76903 (the "Site"), demolishing an existing structure, constructing a new, expanded warehouse, office and related facilities at the Site, and Primary Job creation and retention. COSADC agrees, subject to approval of the City of San Angelo City Council, to provide Company with certain incentives for capital investment, acquisition of related business personal property and equipment, and Primary Job creation and retention under the terms and conditions of this Agreement, in accordance with the provisions of law.

G. On June 28, 2017, the COSADC Board adopted a resolution authorizing the use of sales and use tax funds as an economic development incentive to Netco Energy Products, Inc. for the Project. On July 26, 2017 the COSADC Board authorized the Board President to execute this development agreement on behalf of COSADC, subject to approval of the City Council. On August 1, 2017, the City Council of the City of San Angelo approved this agreement with Company under the terms and conditions set forth herein for incentives the sum total of which shall not exceed ONE HUNDRED NINETY THOUSAND AND NO/100 DOLLARS ($190,000.).

NOW, THEREFORE, in consideration of the mutual benefits and promises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, COSADC and Company agree as follows:

TERMS

1. RECITALS: The foregoing recitals are true and correct and are incorporated into and made a part of this Agreement for all purposes.

2. <u>TERM</u>: This Agreement shall become enforceable upon its Effective Date as first hereinabove provided. This Agreement shall automatically terminate three years after payment by COSADC of the last job creation incentive, unless earlier terminated in accordance with its terms, provided that all provisions of this Agreement which must survive in order to give effect to their meaning will survive termination or expiration of this Agreement.

3. <u>COMPANY PERFORMANCE REQUIREMENTS</u>:

A. Company shall close on its purchase of real property for the Site on or before December 31, 2017. Company shall timely meet, comply with and maintain each of the Company performance requirements specified in this Agreement at its Site, which performance requirements are conditions precedent to the obligation of COSADC to provide and Company to retain the direct incentives provided for under this Agreement, including the following:

B. Company shall complete the entire Minimum Threshold Project Investment agreed to in Section 4. "Minimum Project Threshold Investment", from and after the Effective Date, and on or before the 31st day of July, 2019. Said Minimum Threshold Investment shall be a condition precedent to Company's entitlement to receive or to retain any direct incentive payments, rebates, credits or other benefits from COSADC under this Agreement

C. Company shall provide COSADC with copies of rendition statements and personal property and inventory tax reports relating to the facility located at the Site, 2816 Martin Luther King drive, delivered to Tom Green County Chief Appraiser for each tax year commencing with 2017, and shall timely pay any ad valorem commercial real and inventory and personal property taxes payable for each tax year commencing 2018, relating to its Threshold Investment prior to claiming reimbursement under this Agreement.

D. On or before December 31, 2017, Company shall make the certification to COSADC required under this agreement (in substantially the form of **Exhibit "D" Request for Incentive Payment**) to establish timely compliance with the Minimum Project Threshold Investment, including but not limited to record of land acquisition for the Site, business personal property and

equipment purchase receipts, capital improvement receipts and any other receipts or business records verifying under generally accepted accounting and audit principals that the Minimum Project Threshold Investment required has been met to the satisfaction of COSADC.

E. Company shall secure all plan reviews, permits and inspections applicable under city ordinance for all capital improvements at its Site, which improvements shall be made in compliance with all applicable City codes and regulations.

F. Company shall provide a preference to the extent practicable for the purchase of construction materials and equipment for the Project from businesses that maintain establishments located in Tom Green County.

G. From the Effective Date of this Agreement to December 31, 2020, Company shall create the equivalent of a minimum of nine (9) new jobs, at its current facility and when acquired and occupied, at its new facility referred to herein as the Site; each job created having a gross annual pay including benefits averaging at least THIRTY-FIVE THOUSAND DOLLARS ($35,000.) determined as provided for at Section 5 "JOB CREATION AND RETENTION" of this agreement. (hereinafter "FTE's) Company shall retain each FTE under the terms and for the period required under said Section 5.

H. Company shall annually, on or before March 31st of each year commencing March 31 2018, comply with the annual certification and reporting requirement to COSADC under this Agreement establishing FTE job creation and retention.

I. Company shall continuously operate its consolidated business operations at the Site in San Angelo for a minimum period of five years from and after securing its certificate of occupancy for the to be constructed office and warehouse facility at the Site.

J. Within ten days of written notice and demand for payment, Company shall promptly reimburse COSADC for any incentive payments, rebates, credits or benefits received if at the time of such incentive payment, rebate credit or benefit Company was in default under this Agreement

or was not otherwise entitled to such incentive under terms of this Agreement, or is not entitled to retain such incentive under the terms of this Agreement.

4. <u>MINIMUM PROJECT THRESHOLD INVESTMENT</u>:

A. As a Company performance requirement and condition precedent to COSADC's obligation to provide incentives under this Agreement, Company shall complete a minimum Threshold Project Investment for construction of new office and warehouse facilities and purchase of additional business personal property at the new Site located at 2816 Martin Luther King Drive, from the Effective Date of this Agreement to December 31st, 2019, in a sum of at least TWO MILLION SIX HUNDRED FORTY THOUSAND AND NO/100 DOLLARS ($2,640,000.) made up as follows:

i. $800,000 for construction of new office/warehouse facilities at the Site; and,

ii. $140,000 in new business personal property for use at the Site; and,

iii. 1,700,000 in inventory;

to be reflected on Company's ad valorem rendition statement , personal property tax and inventory reports; but estimated in good faith by Company to be the Project investment set forth in **Exhibit "A",** attached hereto, and made a part hereof for all purposes.

B. Together with any request made by Company for Development Fee rebates, Company shall provide COSADC with records sufficient to verify under generally accepted accounting and audit principals the facts certified therein.

C. Company shall provide copies of its rendition statements annually on or before March 31st of each subsequent tax year during the term of this Agreement.

5. <u>JOB CREATION AND RETENTION</u>:

A. Attached hereto as **Exhibit "E"**, and made a part hereof for all purposes, is Company's census of six (6) existing full-time jobs employed at the current Company Site on the Effective

Date (hereinafter "Core Jobs"). Company shall continuously retain all of the Core Jobs through December 31, 2020, and for three consecutive years following the last job creation incentive payment made pursuant to this Agreement. Company shall annually report a summary of Core Job retention in a form substantially the same as **Exhibit "E-1"** attached hereto. In addition to continuous maintenance of the Core Jobs, Company shall create a minimum of nine (9) new FTE's as defined herein), but not to exceed twenty (20) new FTE's at the Site for purposes of incentive grants, during the time period from the Effective Date of this Agreement to December 31, 2020 .

B. New FTE's for any annual year shall be new full-time job positions created in addition to the Core Jobs, and having a minimum average annual Base Wage (gross pay including benefits) of $35,000 per FTE. The minimum average annual Base Wage for newly created jobs shall be utilized to calculate the number of new FTE positions created and establish the equivalent number of FTE's created for which incentives may be payable. The total annual gross payroll including benefits for new full-time jobs (excluding Core jobs) shall be divided by the $41,000 minimum annual Average Base Wage required to calculate the number of FTE's created or retained for which incentives may be payable. Notwithstanding anything to the contrary in this Agreement, the sum of any annual base wage paid to an individual employee that exceeds $175,000, excluding benefits, shall not be included in gross annual pay for purposes of calculating Average Base Wage level and the number of newly created FTE's.

C. For example: if Company creates nine new full-time jobs during the last quarter of 2017, seven of which have an annual Base Wage of $50,000 each and two of which have an annual Base Wage of $35,000 each, the FTE job creation would be calculated to be the sum of annual base wages for the nine newly created jobs divided by the required average annual Base Wage of $35,000, for a total of 12 FTE's created in 2017 for incentive purposes [(7 x $50,000) + (2 x $35,000) ÷ $35,000 = 12], rounded to the nearest lower whole number = 12 FTE's. Company

would then need to retain in addition to the 9 Core Jobs, 12 or more full time jobs having a total average annual Base Wage combined of at least $420,000, for three consecutive annual years after December 31st of the year in which incentives were paid for creation of the 12 FTE's.

D. A condition precedent to Company's right to receive or retain any job creation incentive under this Agreement is that Company retain jobs that are the equivalent of every new FTE for which it receives a job creation incentive payment for a minimum of three consecutive years from and after December 31st of the year for which the job creation incentive is paid and that the sum total of full time jobs created be at least the equivalent of 10 FTE's, in addition to continuous retention during the full term of this Agreement of the 9 Core Jobs listed on the Company census for the Effective Date.

E. The new jobs shall be filled by individuals who are not current employees of Company at its San Angelo location at the time of job creation. New employees shall first be deemed to replace any vacant Core Jobs, before any new employee Base Wage is included in calculating the number of FTE's created or retained by Company.

F. Company shall certify to COSADC compliance with its job creation and retention and base wage level commitments annually as hereinafter provided for jobs created for the period from the Effective Date through December 31, 2020. An Affidavit of Compliance shall be executed by a duly authorized representative of Company, accompanied with required documentation verifying the facts stated, in substantially the form of "Affidavit of Compliance", attached hereto as "**Exhibit "C".** The Affidavit of Compliance shall include tables identified as **Exhibit "E-1" "Core Job Retention Summary" and Exhibit "C-1" "Job Creation and Retention Summary"** by year, in substantially the attached forms. Such annual certifications shall continue for three (3) consecutive years after the end of the calendar year for which the last direct incentive for the FTE of which the job constitutes a part shall have been paid.

i. The first required reporting period for certification of job creation and retention compliance under this Agreement shall be for the period April 1, 2017 through December

31, 2017. No later than March 31, 2018, Company shall separately **"E-1" "Core Job Retention Summary" and Exhibit "C-1" "Job Creation and Retention Summary"** , under penalty of perjury, for the period reported the number of jobs retained, terminated and created, and annual Base Wages applicable for calculating equivalent FTE's for which Company applies for or has been paid incentives.

ii. No later than March 31st of each year after 2018, for which certification of compliance for job creation and retention is required under this Agreement, Company shall certify with Affidavits of Compliance substantially in the form of **Exhibit "C"** , **Exhibit "E-1" "Core Job Retention Summary" and Exhibit "C-1" "Job Creation and Retention Summary"** , under penalty of perjury, for the period reported the number of jobs retained, terminated and created, and annual Base Wages applicable for calculating equivalent FTE's for which Company applies for or has been paid incentives.

iii. The annual reporting required under this Section 5., shall consist of a fully executed Affidavit of Compliance in substantially the form of **Exhibit "C"**, **Exhibit "E-1" "Core Job Retention Summary" and Exhibit "C-1" "Job Creation and Retention Summary"** , accompanied with supporting documentation sufficient to verify under generally accepted accounting and audit principals the facts certified, which shall include Texas Workforce Commission "Employer's Quarterly Report" (FORM C-4 03/06) as submitted to Texas Workforce Commission, and other payroll documentation as may be reasonably required by COSADC.

6. <u>COSADC INCENTIVES AND INCENTIVE CAPS</u>: Subject to Company complying with the performance requirements specified under this Agreement, Company shall become eligible to receive up to the but not exceeding the following incentives described under this Section 6, pursuant to the schedule of incentives by type and incentive caps as set forth in **Exhibit "B"** attached hereto and made a part hereof for all purposes. In no event, not withstanding anything

to the contrary in this Agreement, shall the cumulative sum of all incentives payable or credited under this Agreement exceed the maximum sum of ONE HUNDRED EIGHTY-NINE THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS ($189,250).

Type of Incentive and Incentive Cap:

A. One Time Capital Investment Grant in a sum not of FIFTY THOUSAND AND NO/100 DOLLARS ($50,000), for timely completing the required "Minimum Project Threshold Investment" This incentive shall be payable within 30 days after Company closes on the purchase of the Site. Company's right to retain the Capital Investment Grant is conditioned upon Company's timely complying with and maintaining each of Company's performance requirements specified in this Agreement.

B. Waivers (credits) or rebates of City development fees for the Project Site, including fees relating to permits, plan reviews and inspections, not to exceed FIVE THOUSAND AND NO/100 DOLLARS ($5,000.);

C. **A**nnual Tax Grants for the tax years indicated below in the form of rebates of a percentage on a sliding scale of City ad valorem taxes paid by Company assessed for value of capital improvements and business tangible personal property made at the Site in the minimum sum of NINE HUNDRED FORTY THOUSAND DOLLARS ($940,000) and up to, but not exceeding, the SUM OF ONE MILLION THREE HUNDRED FORTY THOUSAND AND NO 100 DOLLARS ($1,340,000.), and inventory up to but not exceeding THREE MILLION FOUR HUNDRED THOUSAND AND NO/100 DOLLARS ($3,400,000.) for a sum total of Annual Tax Grants not to exceed THIRTY FOUR THOUSAND AND NO/100 DOLLARS ($34,250.)

Tax Year	Annual Grant Percentage	Maximum Tax Rebate
2018	50%	$ 18,027
2019	25%	$ 9,013
2020	10%	$ 3,605
2021	10%	$ 3,605
Total		

Note: The above Tax Rebates are calculated for the increase in ad valorem taxes over the value on the effective date of this Agreement of land and building located at 2816 Martin Luther King Drive, estimated to be $100,000.

D. Individual incentives in a sum of FIVE THOUSAND AND NO/100 DOLLARS ($5,000.00) per job created that are the equivalent of an FTE as defined herein, from the Effective Date through December 31, 2020, at the Project Site, subject to condition that Company create and retain jobs that are at least the equivalent of 9 FTE's as herein provided and subject to Company's reimbursement obligation for any FTE not retained for a period of three years from and after December 31st of the year for which the FTE individual incentive was paid. In no event shall the cumulative sum of the individual incentives for job creation and retention exceed ONE HUNDRED THOUSAND AND NO/100 DOLLARS ($100,000.).

7. <u>PAYMENT:</u> A determination of Company eligibility for payment of direct incentives shall be made by COSADC within sixty (60) days after receipt by COSADC of a written request for payment accompanied with Compliance Affidavits and documentation sufficient to verify under generally accepted accounting and audit principals the facts certified in accordance with provisions of this Agreement.

A. Company and COSADC acknowledge that COSADC may reasonably require in its discretion, additional information and documentation to facilitate COSADC in making an

expeditious determination of eligibility for payment of direct incentives. COSADC, in cooperation with Company, shall calculate the amount of any direct incentive payable under this Agreement as provided in the Agreement and attached Exhibits.

B. The amount of direct incentives which may be payable to Company shall be calculated on the rates and schedules set out in this Agreement and attached Exhibits subject to the limitations set forth therein and further provided that in no event shall the cumulative total sum of direct incentives payable by COSADC under this Agreement exceed the Incentive Caps provided for at Section 6 herein.

C. COSADC shall pay to Company the economic development incentive provided for under this Agreement within sixty (60) days following COSADC's determination of the eligibility of Company for the direct incentive payment and calculation of the sum due.

D. Tender of payment of any incentive due under this Agreement is conditioned upon COSADC's receipt of Company's written concurrence that: the sum tendered for the type of incentive is the full amount due Company for the performance requirements Company has met up to that time; that the incentive payment is made subject to repayment obligations of Company under the terms of this Agreement; that Company agrees COSADC is in full compliance with its obligations under this Agreement on date the payment is tendered and accepted; and, releasing COSADC from any future claim of Company, known or unknown, relating to COSADC's obligations under the Agreement for the type of incentive payment being tendered up to the date payment is accepted.

8. **RETENTION OF RECORDS:** Company shall maintain, in a manner that conforms to this Agreement, the fiscal records and supporting documentation for all direct incentives, if any, provided to Company under this Agreement for the greater of three (3) years from the end of the term of this Agreement, or such other period required by applicable law or regulation.

9. <u>COMPLIANCE AUDIT AND INSPECTION RIGHTS</u>: Upon reasonable prior written notice to Company, and without costs charged by Company to COSADC, Company shall allow COSADC access to and the right to examine and inspect any and all:

A. Payroll and employment accounting records of Company relating to the creation, retention and enhancement of FTE positions and certifications by Company of the information included in each affidavit submitted by Company under this Agreement, including any other records of Company that may be reasonably related to verification of compliance with all performance requirements under this Agreement; and

B. Books, accounts, records, and audit reports with supporting documentation belonging to, maintained or kept at the direction of Company pertaining to performance of this Agreement.

10. <u>FORFEITURE OF INCENTIVE PAYMENTS:</u> If established by documentation of the parties relating to performance of this Agreement or by an audit conducted by COSADC under Section 9, "Compliance Audit and Inspection Rights", COSADC may determine that Company has failed to meet or maintain a performance requirement entitling Company to receive or retain incentive payments or credits (fee waivers) specified in this Agreement, in which event Company shall forfeit such incentive payment or credit and shall repay to COSADC the incentive payments or credits received in accordance with the repayment terms set forth under Section 11. "Repayment Terms".

11. <u>REPAYMENT TERMS:</u> Company shall comply with the following terms for repayment of forfeited incentive payments or credits:

A. Company shall repay one hundred percent (100%) of all incentive payments received pursuant to this Agreement (under the BREP Program outlined in **Exhibit B, Table B-2** Summary of Incentives) when grounds for forfeiture occur on or before March 31, 2017.

B. Company shall repay sixty-six percent (66%) of incentive payment received under this Agreement (the BREP Program and incentives outlined in **Exhibit B, Table B-2** Summary of Incentives) when grounds forfeiture occur after March 31, 2017 and before March 31, 2018.

C. Company shall repay one thirty-three percent (33%) of a forfeited incentive payment received under this Agreement (the BREP Program and incentives outlined in **Exhibit "B"**, **Table B-2** Summary of Incentives) when grounds for forfeiture occur on or after March 31, 2018.

E. COSADC shall provide Company written notice by certified mail return receipt requested of the sum of any incentive payment or credit determined to be forfeited and the applicable percentage of the incentive payment which must be reimbursed, which sum shall be due and payable thirty (30) calendar days after date of the notice.

F. Any incentive payment or credit deemed forfeited not paid when due after notice as herein provided shall accrue interest at the lesser of ten percent (10%) per annum or the maximum interest rate allowed by law until the forfeited sum and accrued interest thereon are paid in full.

G. Failure of Company to timely pay the sum of any incentive payment or credit determined to be forfeited as herein provided, after notice, shall constitute a default by Company in addition to any other default, and shall entitle COSADC to terminate this Agreement and exercise all remedies available to it under this Agreement, at law, or in equity.

12. **OWNERSHIP OF DOCUMENTS:** Company understands and agrees that any information, document, report or any other material whatsoever provided to COSADC by Company, or otherwise obtained or prepared by Company as a result of this Agreement is and shall at all times remain the property of COSADC. Company agrees not to use any such information, document, report or material for any purpose whatsoever other than performance under this agreement without first securing the written consent of COSADC, which may be withheld or conditioned by COSADC in its sole discretion.

13. **AWARD OF AGREEMENT:** Company represents and warrants to COSADC that Company has not employed or retained any person or entity employed by COSADC to solicit or secure this Agreement and that Company has not offered to pay, paid, or agreed to pay any such person or entity any fee, commission, percentage, brokerage fee, or gift of any kind contingent upon or in connection with, the award of this Agreement.

14. PUBLIC RECORDS AND CONFIDENTIALITY: Company understands that COSADC is subject to the Texas Public Information Act, Texas Government Code, Chapter 552 (TPIA), and that the public shall have access, at all reasonable times, to information pertaining to COSADC contracts, subject to the provisions of law. Company hereby consents to access by COSADC and the public to all information and documents subject to disclosure under applicable law. The confidentiality of Company's records, including Company information related to COSADC's economic development considerations and direct incentives provided herein, will be maintained in accordance with and subject to all applicable laws, including the Texas Public Information Act. COSADC will, as required by the Texas Public Information Act, notify Company if a request relating to such proprietary information is received thereby permitting Company opportunity to protect such information from disclosure. Company acknowledges that the TPIA provides exceptions from the general requirement of disclosure of public information that may apply to Company trade secret, proprietary and confidential commercial financial information, and that Company will need to assert the interest of Company as provided under TPIA and at law for purposes of nondisclosure.

15. REPRESENTATIONS AND WARRANTIES OF COMPANY: Company represents and warrants to COSADC that as of the date hereof: (i) Company is a Texas corporation in good standing to transact business in the State of Texas, (ii) Company is not delinquent in the payment of any sums due the City of San Angelo, including but not limited to permit fees and occupational licenses, nor in the performance of any obligation to the City of San Angelo or COSADC, (iii) execution of this Agreement has been duly authorized by the governing body of Company and this Agreement is not in contravention of Company's regulations, or any Agreement or instrument to which Company is a party or by which it may be bound as of the date hereof, (iv) no litigation or governmental proceeding is pending, or, to the knowledge of any of Company's officers, threatened against or affecting Company, which may result in a material adverse change in Company's business, assets, liabilities, or operations sufficient to compromise Company as a viable, for profit going concern capable of performing pursuant to this Agreement, (v) no written certificate or written statement herewith or heretofore delivered by Company to COSADC in

connection herewith, or in connection with any transaction contemplated hereby, to the knowledge of any of Company's officers, contains any untrue statement of a material fact or fails to directly disclose any material fact necessary to keep the statements contained therein from being misleading, and (vi) during the term of this Agreement, Company will not knowingly employ any undocumented workers in violation of Texas Government Code, Chapter 2264.

16. COMPLIANCE WITH PROGRAM REQUIREMENTS AND FEDERAL, STATE AND LOCAL LAWS: Company shall comply with all requirements applicable under COSADC Incentive Programs, including the Business Retention and Expansion Program (BREP), the provisions of which are adopted as a part of this Agreement for all purposes as if fully set forth herein. Company acknowledges that its officials have reviewed and are familiar with the terms and regulations applicable under the BREP.

17. INDEMNIFICATION: COMPANY SHALL INDEMNIFY, DEFEND AND HOLD HARMLESS COSADC AND ITS BOARD MEMBERS, OFFICIALS, EMPLOYEES AND AGENTS, (COLLECTIVELY REFERRED TO AS "INDEMNITEES") AND EACH OF THEM FROM AND AGAINST ALL LOSS, COSTS, PENALTIES, FINES, DAMAGES, CLAIMS, EXPENSES (INCLUDING ATTORNEY'S FEES) OR LIABILITIES (COLLECTIVELY REFERRED TO AS "LIABILITIES") ASSERTED BY ANY PERSON OR PERSONS, INCLUDING AGENTS OR EMPLOYEES OF COMPANY OR COSADC BY REASON OF ANY INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR DESTRUCTION OR LOSS OF ANY PROPERTY ARISING OUT OF, RESULTING FROM, OR IN CONNECTION WITH (I) THE PERFORMANCE OR NON-PERFORMANCE OF THIS AGREEMENT WHICH IS OR IS ALLEGED TO BE DIRECTLY OR INDIRECTLY CAUSED, IN WHOLE OR IN PART, BY ANY ACT, OMISSION, DEFAULT OR NEGLIGENCE (WHETHER ACTIVE OR PASSIVE) OF COMPANY OR ITS EMPLOYEES, AGENTS OR SUB-CONTRACTORS (COLLECTIVELY REFERRED TO AS "COMPANY"), REGARDLESS OF WHETHER IT IS, OR IS ALLEGED TO BE, CAUSED IN WHOLE OR PART BY ANY ACT, OMISSION, DEFAULT OR NEGLIGENCE OF THE INDEMNITEES, OR ANY OF THEM OR (II) THE FAILURE OF COMPANY TO COMPLY WITH ANY OF THE PROVISIONS OF THIS

AGREEMENT OR THE FAILURE OF COMPANY TO CONFORM TO STATUTES, ORDINANCES, OR OTHER REGULATIONS OR REQUIREMENTS OF ANY GOVERNMENTAL AUTHORITY, FEDERAL OR STATE, IN CONNECTION WITH THE PERFORMANCE OF THIS AGREEMENT OR SUSTAINED IN OR UPON THE PREMISES, OR AS A RESULT OF ANYTHING CLAIMED TO BE DONE OR ADMITTED TO BE DONE BY COMPANY HEREUNDER. COMPANY EXPRESSLY AGREES TO INDEMNIFY AND HOLD HARMLESS THE INDEMNITEES, OR ANY OF THEM, FROM AND AGAINST ALL LIABILITIES WHICH MAY BE ASSERTED BY AN EMPLOYEE OR FORMER EMPLOYEE OF COMPANY, OR ANY OF ITS SUB-CONTRACTORS, AS PROVIDED ABOVE, FOR WHICH COMPANY'S LIABILITY TO SUCH EMPLOYEE OR FORMER EMPLOYEE WOULD OTHERWISE BE LIMITED TO PAYMENTS UNDER STATE WORKERS' COMPENSATION OR SIMILAR LAWS. THIS INDEMNIFICATION SHALL SURVIVE THE TERM OF THIS AGREEMENT AS LONG AS ANY LIABILITY COULD BE ASSERTED. NOTHING HEREIN SHALL REQUIRE COMPANY TO INDEMNIFY, DEFEND, OR HOLD HARMLESS ANY INDEMNIFIED PARTY FOR THE INDEMNIFIED PARTY'S OWN GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

18. NONDISCRIMINATION: Company represents and warrants to COSADC that Company does not and will not engage in discriminatory practices and that there shall be no discrimination in connection with Company's performance under this Agreement on account of race, color, sex, religion, age, handicap, marital status or national origin. Company further covenants that no otherwise entitled individual shall, solely by reason of race, color, sex, religion, age, handicap, marital status or national origin, be excluded from participation in, be denied employment or other services, or be subject to discrimination under any provision of this Agreement.

19. INDEPENDENT CONTRACTOR: COSADC and Company acknowledge that Company is an independent contractor, and that no term or provision hereof or act of Company in performance of this Agreement shall be construed as making Company an agent or employee of COSADC. All officers and

employees of Company shall be solely responsible to Company, and COSADC shall not have any authority, responsibility, or liability with respect thereto.

20. <u>NO JOINT VENTURE</u>: It is acknowledged and agreed by the parties hereto that the terms of this Agreement are not intended to and shall not be deemed to create any partnership or joint venture among the parties. COSADC, its past and future officers, employees and agents do not assume responsibilities or liabilities of any third party in connection with Company's operations or employees.

21. <u>NO THIRD PARTY BENEFICIARIES:</u> This Agreement is not intended to confer any rights, privileges or causes of action upon any third party.

22. <u>COSADC'S TERMINATION RIGHTS</u>:

A. COSADC shall have the right to terminate this Agreement, by giving Company at least five (5) business days prior written notice, upon discontinuance or termination of the incentive program, unavailability of funds for providing incentive under the Project, or if COSADC determines, in its sole discretion, that continuation of the Project is no longer in the public interest.

B. COSADC shall have the right to terminate this Agreement, without notice or liability to Company, upon the occurrence of an event of default in the performance of any Company performance requirement under this Agreement. In such event, COSADC shall not be obligated to pay any incentives or reimbursements to Company and Company shall repay COSADC all direct incentives and reimbursements, including all fee waivers, provided to Company while Company was in default under this Agreement in accordance with Section 11 "Repayment Terms" of this Agreement. It is expressly agreed that this Agreement constitutes a single transaction, although, incentive payments hereunder are divided into multiple installments as earned. A failure of Company to perform any obligation it has under this Agreement may constitute a breach of the entire Agreement and terminate any further commitment by COSADC.

C. The dissolution or termination of Company's existence as a going business or concern, Company's insolvency, appointment of receiver for Company's assets, any assignment of all or substantially all of the assets for the benefit of creditor's of Company, or the commencement of any

proceeding under any bankruptcy or insolvency laws by or against Company shall all be deemed events of default. However, in the case of involuntary proceedings, if such proceedings are discharged within sixty (60) days after filing, no event of default shall be deemed to have occurred.

23. ASSIGNMENT: This Agreement shall not be assigned by Company, in whole or in part, without the prior written consent of COSADC, which consent may be withheld or conditioned, in the sole discretion of the COSADC board of directors, subject to approval of the City Council for the City of San Angelo.

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

TO COMPANY:
NETCO ENERGY PRODUCTS, INC.
Attn.: James S. Kendall, Pres.
P.O. Box 6003 (or 1225 S. Oaks)
San Angelo, Texas 76906
San Angelo, Texas 76904

TO COSADC:
City of San Angelo Development Corporation
Attn.: Director of Economic Development
69 N. Chadbourne St.
San Angelo, TX 76903

25. CONTINGENCY CLAUSE: Funding for this Agreement is contingent on the availability of funds and continued authorization for program activities and this Agreement is subject to amendment due to lack of funds, reduction of funds and/or change in regulations, upon thirty (30) days written notice thereof to Company; or in the alternative at the election of COSADC, termination as herein provided.

26. MISCELLANEOUS PROVISIONS:

A. This Agreement shall be construed and enforced according to the laws of the State of Texas. The parties acknowledge that this Agreement can be performed in Tom Green County, Texas, and that venue for the resolution of any dispute between the parties relating to this Agreement shall be in Tom Green County, Texas.

B. Title and paragraph headings are for convenient reference and are not a part of this Agreement.

C. The meaning of capitalized terms shall be as defined under the Act (Chapters 501 and 505 of the Texas Local Government Code), except as specifically provided otherwise under this Agreement.

C. No waiver or breach of any provision of this Agreement shall constitute a waiver of any subsequent breach of the same or any other provision hereof, and no waiver shall be effective unless made in writing.

D. Should any provision, paragraph, sentence, word or phrase contained in this Agreement be determined by a court of competent jurisdiction to be invalid, illegal or otherwise unenforceable under the laws of the State of Texas or the City of San Angelo, such provision, paragraph, sentence, word or phrase shall be deemed modified to the extent necessary in order to conform with such laws, or if not modifiable, then same shall be deemed severable, and in either event, the remaining terms and provisions of this Agreement shall remain unmodified and in full force and effect or limitation of its use.

E. This Agreement constitutes the sole and entire Agreement between the parties hereto relating to the subject matter of the Agreement. No modification or amendment hereto shall be valid unless in writing and executed by properly authorized representatives of the parties hereto.

F. Any delay or failure in the performance by either Party hereunder shall be excused if and to the extent caused by the occurrence of a Force Majeure. For purposes of this Agreement, Force Majeure shall mean a cause or event that is not reasonably foreseeable or otherwise caused by or under the control of the Party claiming Force Majeure, including acts of God, fires, floods, explosions, riots, wars, hurricane, sabotage terrorism, vandalism. accident, restraint of government, governmental acts, injunctions, labor strikes, other than those of Company or its suppliers, that prevent a Party from performing, and other like events that are beyond the reasonable anticipation and control of the Party affected thereby, despite such Party's reasonable efforts to prevent, avoid,

delay, or mitigate the effect of such acts, events or occurrences, and which events or the effects thereof are not attributable to a Party's failure to perform its obligations under this Agreement.

G. This Agreement shall be binding upon the parties hereto, their heirs, executors, legal representatives, successors or permitted assigns.

H. In the event any legal action or proceeding is commenced between COSADC and Company to enforce provisions of this Agreement or to recover damages for breach, the prevailing party in such legal action shall be entitled to recover its costs and reasonable attorney's fees and expenses incurred by reason of such action, unless prohibited by law.

I. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which, taken together, shall constitute but one and the same instrument, which may be sufficiently evidenced by one counterpart.

J. Failure by either party on one or more occasions to exercise one or more of its rights under this Agreement shall not be construed as waiver of such right or rights, and rights granted hereunder are in addition to those available under law and equity.

K. 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.

27. **EXHIBITS:** The following Exhibits "A", "B","C" and "D" are attached and incorporated herein by reference for all purposes.

Exhibit "A": Capital Investment Schedule

Exhibit "B": Schedule of Incentives

Exhibit "C": Affidavit of Compliance for Job Creation Incentives

Exhibit "C-1": Job Creation and Retention Summaries

Exhibit "D": Request for Incentive Payment

Exhibit "E": Census Listing of Current Positions on beginning of 4th Quarter 2016, commencing October 1, 2016

Exhibit "E-1": Core Job Retention Summary

(Signature Page to Follow)

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their respective officials thereunto duly authorized, this the day and year above written.

CITY OF SAN ANGELO DEVELOPMENT CORPORATION

ATTEST:

_____	_____
Bryan Kendrick, Secretary	Ed Carrasco, President
DATE: _____, 2017	DATE _____, 2017

NETCO ENERGY PRODUCTS, INC.

_____
James S. Kendall, President

DATE: _____, 2017

EMAIL: _____

APPROVED AS TO CONTENT:	APPROVED AS TO FORM
_____	_____
Roland Peña, Development Services Director	Dan T. Saluri Deputy City Attorney

ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT BY AND BETWEEN CITY OF SAN ANGELO DEVELOPMENT CORPORATION AND NETCO ENERGY PRODUCTS, INC.

Exhibit "A"

Estimated Capital Investment and Business Personal Property Schedule

From and after the Effective Date of the Agreement, Company shall make capital investment in the construction of a new facility to be located at 2816 Martin Luther King Drive, San Angelo, Texas, (the "Site") construction of a new office and warehouse facility and purchase of business personal property and equipment of at least $940,000, the total required investment to be completed no later than December 31, 2019. Company agrees that the rendition of Company's capital improvements and business personal property and equipment investments shall be determined by out of pocket costs actually paid by Company upon completion of the investments, verified with copies of Company business records acceptable to COSADC under generally accepted accounting and audit principals. Such business records shall include annual capital improvement and business personal property tax rendition statements, paid receipts for costs incurred and other records reasonably necessary to verify claimed investments satisfactory to COSADC.

Following is a schedule of estimated building improvement and business personal property investment costs:

Year	**Building**	**Bus. Personal Property**	**Inventory**	**Total Cost**
2018	$400,000.	$70,000.	$850,000.	$1,320,000.
2019	$400,000	$70.000	$850,000	$1,320,000.
Totals	**$800,000**	**$140,000.**	**$1,700,000.**	**$2,640,000**

ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT BY AND BETWEEN CITY OF SAN ANGELO DEVELOPMENT CORPORATION AND NETCO ENERGY PRODUCTS, INC.

Exhibit "B"

Schedule of Incentives

One Time Capital Investment Grant

A one-time grant in a sum not to exceed $50,000, for timely completing the required "Minimum Project Threshold Investment" provided for at Section 4 of this Economic Development Agreement.

Development Fee Rebate Incentive:

Development Fees for capital improvements made to new Project Site, including fees relating to permits, plan reviews, inspections, and other related fees payable to the City shall be rebated upon submission by Company to COSADC of records establishing under generally accepted accounting and audit principals the relation of each expense to the Project Site and payment by Company. The sum total of rebates payable under this incentive shall in no event exceed **$5,000.**

Annual Tax Grants:

Annual tax grants for tax years 2018 through 2021, in the form of a rebate of a percentage on a sliding scale of City ad valorem taxes paid by Company assessed for estimated increase in value at new Site (2816 Martin Luther King Drive) of building and tangible personal property over assessed value of building and tangible personal property for 2017, up to the Minimum Project Threshold Investment, for a total sum of all annual tax grants not to exceed **$34,250**.

*Based on an estimated increase in appraised value of capital improvements and tangible personal property over the assessed valuation of capital improvements and tangible personal property at the Site for 2017, the estimated increase in value being $4,640,000. The actual rebate will be based on the Tom Green County Appraisal District appraised values of capital improvements and tangible personal property at the new Site effective for 2018, over the 2017 estimated value of $100,000.

FTE Primary Job Creation Financial Assistance Incentive:

Individual incentives in a sum of FIVE THOUSAND AND NO/100 DOLLARS ($5,000.00) per equivalent FTE created as defined in the Agreement from the day after the Effective Date through December 31, 2021, for the Project, each new FTE being made up of a job or jobs filled by a new full time employee, subject to Company's reimbursement obligation for any such job or jobs making up the FTE not retained for a period of three years from and after December 31st of the year for which the FTE individual incentive was paid. The cumulative sum of the individual incentives for FTE creation and retention shall not exceed ONE HUNDRED THOUSAND AND NO/100 DOLLARS **($100,000.00)**.

Notwithstanding anything to the contrary in this Agreement, the cumulative total of all incentive payments and reimbursements that may become payable to Company by COSADC under this Economic Development Performance Agreement shall not exceed $190,000.

ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT BY AND BETWEEN CITY OF SAN ANGELO DEVELOPMENT CORPORATION AND NETCO ENERGY PRODUCTS, INC.

Exhibit "C"

Affidavit of Compliance

for Job Creation Incentives

STATE OF TEXAS,	**§**
	§
COUNTY OF TOM GREEN	**§**

Before me, the undersigned notary public in and for the State of Texas, personally appeared the undersigned Affiant, who, being by me first duly sworn, deposes and as follows:

My name is_____, I am 18 years of age or older, of sound mind, capable of making this affidavit, and certify under penalty of perjury that I am personally acquainted with the facts herein stated:

1. I am, and at all times pertinent to the averments in this affidavit have been an officer of NETCO ENERGY PRODUCTS, INC. (hereinafter "Company"); and I am duly authorized by the governing body of Company to make this affidavit for purposes of certifying on behalf of Company the facts attested to in my capacity as _____ for Company.

2. I make this affidavit in compliance with the terms of the Economic Development Performance Agreement entered into by and between NETCO ENERGY PRODUCTS, INC. and the City of San Angelo Development Corporation, having an effective date of __XXXX_____, 2017 (hereinafter referred to as the "Agreement"), which Agreement I have read and am familiar with.

3. I understand that Company has an obligation under the Agreement to provide the certifications attested to by me in this affidavit, as provided at Section 5." JOB CREATION AND RETENTION" therein.

4. " I hereby certify and warrant that during the time period from_____ _____, 20___ through _____, 20___, (hereinafter the Report Period), the information provided on **Exhibit "E-1" Core Job Retention Summary** and on **Exhibit "C-1" Job Creation and Retention Summary** attached to this Affidavit and made a part hereof, are true and correct.

5. Attached hereto and made a part of this affidavit are true and correct copies of Company records created and maintained by Company under generally accepted accounting and audit principals required under the Agreement which verify the facts herein certified to by me. The records include IRS Form 941 and Employers Quarterly Federal Texas Workforce Commission "Employer's Quarterly Report" (FORM C-4 03/06) for all quarters of the reporting period, payroll reports approved by COSADC Economic Development staff, and other Company records reasonably required by COSADC to verify the information stated in this Affidavit and included in the attached Exhibits.

Signature _____

Subscribed and sworn to (or affirmed) before me on this _____ day of _____20__ by _____, proven to me on the basis of satisfactory evidence to be the person(s) who appeared before me, in his/her capacity as _____ of Netco Energy Products, Inc..

_____
Notary Public, State of Texas

ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT BY AND BETWEEN CITY OF SAN ANGELO DEVELOPMENT CORPORATION AND NETCO ENERGY PRODUCTS, INC.

EXHIBIT "C-1"

JOB CREATION AND RETENTION SUMMARY BY YEAR
2017
(Due March 31st, 2018)

New Jobs Created in 2nd ,3rd & 4th Qtr	Total Annual Base Pay	Equivalent Number of FTE's

EXHIBIT "C-1"

JOB CREATION AND RETENTION SUMMARY BY YEAR
2018
(Due March 31st , 2019)

New Jobs Created	Total Annual Base Pay 2018 New Jobs	Equivalent New FTE's 2018	Created FTE's Retained From Year Indicted	Total Annual Base Pay Retained plus new FTE's	2018 Total Equivalent FTE Jobs
2017					
2018					

EXHIBIT "C-1"

JOB CREATION AND RETENTION SUMMARY BY YEAR
2019
(Due March 31st , 2020)

New Jobs Created	Total Annual Base Pay 2019 New Jobs	Equivalent New FTE's 2018	Created FTE's Retained From Year Indicted	Total Annual Base Pay Retained plus new FTE's	2018 Total Equivalent FTE Jobs
2017					
2018					
2019					

EXHIBIT "C-1"

JOB CREATION AND RETENTION SUMMARY BY YEAR
2020
(Due March 31st , 2021)

New Jobs Created	Total Annual Base Pay 2018 New Jobs	Equivalent New FTE's 2018	Created FTE's Retained From Year Indicted	Total Annual Base Pay Retained plus new FTE's	2018 Total Equivalent FTE Jobs
2017					
2018					
2019					
2020					

EXHIBIT "C-1"

JOB CREATION AND RETENTION SUMMARY BY YEAR
2021
(Due March 31st , 2022)

New Jobs Created	Total Annual Base Pay 2018 New Jobs	Equivalent New FTE's 2018	Created FTE's Retained From Year Indicted	Total Annual Base Pay Retained plus new FTE's	2018 Total Equivalent FTE Jobs
2017					
2018					
2019					
2020					
2021					

EXHIBIT "C-1"

JOB CREATION AND RETENTION SUMMARY BY YEAR
2022
(Due March 31st , 2023)

New Jobs Created	Total Annual Base Pay 2018 New Jobs	Equivalent New FTE's 2018	Created FTE's Retained From Year Indicted	Total Annual Base Pay Retained plus new FTE's	2018 Total Equivalent FTE Jobs
2017					
2018					
2019					
2020					
2021					
2022					

EXHIBIT "C-1"

JOB CREATION AND RETENTION SUMMARY BY YEAR
2023
(Due March 31st , 2023)

New Jobs Created	Total Annual Base Pay 2018 New Jobs	Equivalent New FTE's 2018	Created FTE's Retained From Year Indicted	Total Annual Base Pay Retained plus new FTE's	2018 Total Equivalent FTE Jobs
2017					
2018					
2019					
2020					
2021					
2022					
2023					

ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT BY AND BETWEEN CITY OF SAN ANGELO DEVELOPMENT CORPORATION AND NETCO ENERGY PRODUCTS, INC.

Exhibit "D"

Request for Incentive Payment

STATE OF TEXAS,	**§**
	§
COUNTY OF TOM GREEN	**§**

Before me, the undersigned notary public in and for the State of Texas, personally appeared the undersigned Affiant, who, being by me first duly sworn, deposes and as follows:

My name is_____, I am 18 years of age or older, of sound mind, capable of making this affidavit, and certify under penalty of perjury that I am personally acquainted with the facts herein stated:

1. I make this affidavit in compliance with the terms of the Economic Development Performance Agreement entered into by and between NETCO ENERGY PRODUCTS INC. (hereinafter "Company) and the City of San Angelo Development Corporation, having an effective date of_____ _____, 2016 (hereinafter "Agreement"), which Agreement I have read and am familiar with

2. I am, and at all times pertinent to the averments in this affidavit have been, an official of Company. I am duly authorized by Company to make this affidavit in my capacity as _____ _____ for purposes of causing the following incentive payments to be made in the sums indicated. I do hereby certify on behalf of Company that all performance obligations of Company that entitle Company at this time to the incentive payments and sums indicated herein have been fully performed.

3. The following incentive payments in the sums indicated are due Netco Energy Products, Inc.. under the terms of the Agreement for the following items:

Incentive	**Amount**
One Time Capital Investment Grant	
Rebates for Development Fee Waiver*	$.00
Annual Tax Grant**	$.00
Job Creation/Retention Incentives***	$.00
Total Request	**$.00**

4. Attached hereto and made a part of this affidavit in support of this request for incentive payments in the sums indicated above are true and correct copies of Company records created and maintained by Company under generally accepted accounting and audit principals required under the Agreement which verify the facts herein certified to by me. The records include IRS Form 941 and Employers Quarterly Federal Texas Workforce Commission "Employer's Quarterly Report" (FORM C-4 03/06) for all quarters of the reporting period, payroll reports approved by COSADC Economic Development staff, and other Company records reasonably required by COSADC to verify the information stated in this Affidavit.

5. Subject to payment of the foregoing requested sums for incentive payments above set forth, the undersigned hereby certifies on behalf of Company that there is no existing default or unfulfilled obligations on the part of COSADC in any of the terms and conditions of the Agreement, and no event has occurred or condition exists which, with the passing of time or giving of notice or both, would constitute an event of default by COSADC under the Agreement.

6. The undersigned further certifies on behalf of Company that Company claims no defense against COSADC, and except as to the foregoing request, there is no payment due, incentive due, offset, rebate,

adjustment, concession, abatement, or other sum due or payable or other performance due by COSADC under the terms of the Agreement.

7. The undersigned acknowledges on behalf of Company that the Agreement includes grounds for forfeiture of incentive payments and that the foregoing request for incentive payments will be subject to possible forfeiture and repayment obligations as provided for in the Agreement.

Signature _____

STATE OF TEXAS §

TOM GREEN COUNTY §

Subscribed and sworn to (or affirmed) before me on this _____ day of _____20__ by _____, proven to me on the basis of satisfactory evidence to be the person(s) who appeared before me, in his/her capacity as _____ of NETCO ENERGY PRODUCTS, INC.

_____
Notary Public, State of Texas

* Attach receipts for and proof of payment in full for fees, sales tax or construction work as applicable.

** Attach Company's ad valorem rendition statements and personal property tax reports along with applicable year assessment notice and proof of payment.

*** Attach Texas Workforce Commission "Employer's Quarterly Report" (FORM C-4 03/06) for all quarters of the reporting period; IRS Form 941 Employers Quarterly Federal Tax Returns for the year or other payroll reports as approved by Economic Development staff.

**** Attach proof of enrollment and satisfactory completion for each employee participant.

ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT BY AND BETWEEN CITY OF SAN ANGELO DEVELOPMENT CORPORATION AND NETCO ENERGY PRODUCTS, INC.

EXHIBIT "E"

LISTING OF COMPANY'S CORE JOBS, FULL TIME POSITIONS (FTE's) AS OF BEGINNING OF 2nd QUARTER OF 2017

Employee ID	Job Title	Gross Annual Salary Or Hourly Rate

The above listed positions will be utilized as the basis for calculating job creation and losses. Only the position and number will be utilized not specific employee identification.

ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT BY AND BETWEEN CITY OF SAN ANGELO DEVELOPMENT CORPORATION AND NETCO ENERGY PRODUCTS, INC.

EXHIBIT "E-1"

CORE JOB RETENTION SUMMARY

Year	No. Core Jobs On January 1st Of Year Reported	No. Core Jobs On December 31st Of year reported	Net No. of Core Jobs Retained In Year Reported
2017(From 2nd Qtr.)			
2018			
2019			
2020			
2021			
2022			
2023			

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: August 1, 2017

Item type: Consent Item

Caption:

Second reading of ordinances approving:

1. An amendment to the Comprehensive Plan, changing certain lands from the "Neighborhood Center" to the "Neighborhood" Future Land Use Category, located at 6101-6118 Katie Lane, 3401-3437 School House Drive, and 3440 Twin Mountain Drive, on approximately 7.68 acres, and an amendment to the Comprehensive Plan, changing certain lands from the "Neighborhood" to the "Neighborhood Center" Future Land Use Category, generally located at the intersection of Twin Mountain Drive and Alamito Drive, on approximately 2.96 acres

2. A rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District, on properties located at 3440 Twin Mountain Drive, on approximately 3.24 acres - (J. James)

Summary/History:

This item is to rezone one 3.24-acre non-residential lot from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District and to change the Future Land Use (FLU) designation of the same tract of land to facilitate the future construction of single family houses on the subject property. The City is also facilitating the amendment of current Future Land Use designations of Neighborhood and Neighborhood Center in the vicinity of the subject property to align with development patterns in the area.

Financial Impact:

N/A

Other Information/Recommendation:

These requests were considered by the Planning Commission at their regular meeting on June 19, 2017, where they recommended APPROVAL unanimously. On July 18, 2017, City Council voted unanimously to APPROVE both requests as well.

Attachments:

1.	Staff Report	Staff Report Hameister Z17-07 and CP17-02 A&B_City Council.pdf
2.	Ordinance (CP)	PL_CP17-02_Ordinance.docx
3.	Ordinance (RZ)	PL_Z17-07_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

CITY COUNCIL – July 18 and August 1, 2017
STAFF REPORT

APPLICATION TYPE:	CASES:
Rezoning & Comprehensive Plan Amendments	Z17-07: Hameister & CP17-02-A Hameister / CP17-02-B: City of San Angelo

SYNOPSIS:

This is an application to rezone one 3.24-acre non-residential lot from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District and to change the Future Land Use (FLU) designation of the same tract of land to facilitate the future construction of single family houses on the subject property.

The City is also facilitating the amendment of current FLU designations of Neighborhood and Neighborhood Center in the vicinity of the subject property to align with development patterns in the area.

LOCATION:	LEGAL DESCRIPTION:
3440 Twin Mountain Drive and other properties generally located at the northeast corner of the intersection of Twin Mountain Drive and Southwest Boulevard	Being 3.24 acres out of Abstract A-3931, S-0181, Survey C A Voight as well as other platted properties (specific descriptions are available at the Planning Division offices)

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #1 – Tommy Hiebert Country Club Neighborhood	CN – Neighborhood Commercial	Neighborhood Center & Neighborhood	10.95 acres (Comp) 3.24 acres (RZ)

THOROUGHFARE PLAN:

Twin Mountain Drive – Minor Arterial, Required 80' min. ROW, 64' min. pavement. Actual 124' ROW, 65' paving

Southwest Boulevard – Minor Arterial, Required 80' min. ROW, 64' min. pavement. Actual 80' ROW, 64' paving

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single Family Residential (RS-1) Zoning District, **APPROVAL** of the Comprehensive Plan Amendment, changing lands from the "Neighborhood Center" Future Land Use Category to the "Neighborhood" Future Land Use Category, and **APPROVAL** of the Comprehensive Plan Amendment, changing lands from the "Neighborhood" Future Land Use Category to the "Neighborhood Center" Future Land Use Category.

PROPERTY OWNER/PETITIONER:

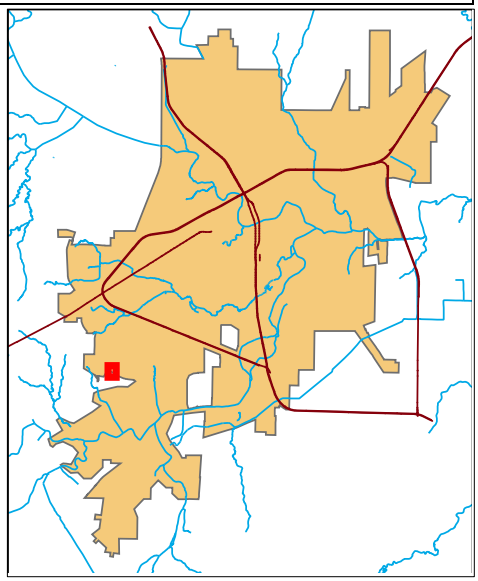
Property Owner(s):
Kenny Balhman

Petitioner:
COSA

Agent:
Jeff Hameister, Addresses Real Estate

STAFF CONTACT:

Kristina Heredia
Staff Planner
(325) 657-4210, Extension 1546
kristina.heredia@cosatx.us



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

1. **Compatible with Plans and Policies.** ***Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The Comprehensive Plan calls for areas of low intensity commercial corridors to be located adjacent to residential neighborhoods. While this Rezoning will remove one of the parcels dedicated for commercial development, the amendment to the Comprehensive Plan will add an additional parcel of commercial, thus effectively keeping the ratio of commercial to residential tracts the same.

2. **Consistent with Zoning Ordinance.** ***Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** Several areas in the surrounding neighborhood that have been designated for Neighborhood Commercial have developed as residential. This tract directly abuts ten residential homes and can easily be converted into ten additional residential lots. While the tract does have direct access to a minor arterial street it is a good location for additional homes. Twin Mountain Drive is not shown as increasing in density in the Master Thoroughfare Plan, though it is shown as being extended to the west as the area develops. The land to the west has a Future Land Use Designation of Neighborhood. The city limit is just past where the expansion of Twin Mountain is scheduled to take place, and as the areas grows there is no indication that the continued growth of residential homes will cease.

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 neighborhood that has clearly developed in a greater proportion of residential than Neighborhood Commercial. Current development patterns attest to the desire for additional single-family residential dwellings. There are several tracts of land that were slated to develop as commercial corridors under the Comprehensive Plan. However these tracts have developed as residential homes. Updating the Comprehensive Plan will allow the City to identify what areas have developed as homes rather than as businesses.

4. **Changed Conditions.** ***Whether and the extent to which there are changed conditions that require an amendment.*** The development conditions have changed from what was originally intended by City Council as areas of smaller commercial segments to large sections of solidly residential sections. Allowing the rezoning and the amendments to the Comprehensive Plan would allow the City to recognize the growth patterns that this particular neighborhood portray, while still providing for a stock of land still viable for commercial development.

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.*** Whether the tracts are constructed as either residential or commercial development, effects on the natural environment well occur. However since tracts that were dedicated for commercial use are now being proposed as residential, and Staff is dedicating an equal proportion of land to be made available as commercial, the effects felt end up being neither a net gain nor a net loss. Therefore Staff does not believe there would be any detriment to the environment.

6. **Community Need.** ***Whether and the extent to which the proposed amendment addresses a demonstrated community need.*** The community need in the area appears to be for additional residential homes, given the nature of the original rezoning and Comprehensive Plan Amendment applications. However, it is also important to allow for areas in the neighborhood to remain developable to meet neighborhood commercial needs. The zone change and Comprehensive Plan amendments will satisfy both community needs.

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 area has consistently developed as a strong residential corridor, the necessity of allowing tracts to remain open to commercial development is vital for the longevity of the neighborhood. While the rezoning will remove a commercial parcel, the Comprehensive Plan Amendment will add an additional commercial area, thus keeping the proper development patterns and proportions intact.

Planning Commission Recommendation:

On June 19, 2017, the Planning Commission recommended **APPROVAL** of the Comprehensive Plan Amendment, changing the FLU from Neighborhood Center to Neighborhood, **APPROVAL** of the Comprehensive Plan Amendment, changing the FLU from Neighborhood to Neighborhood Center, and **APPROVAL** of the Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District. The following is the complete excerpt of the minutes from the June 19, 2017, meeting for this case:

Kristina Heredia, Planner, outlined the proposed request for the Comprehensive Plan Amendments and the Zone Change from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District on the subject property. She explained that the purpose of the request was threefold. The two Comprehensive Plan Amendments were to bring those properties in the area that had developed as residential rather than commercial up to date with a Future Land Use (FLU) designation of Neighborhood, which is consistent with the land use and the zoning of the area. Furthermore, the FLU designation of Neighborhood was requesting a change to FLU of Neighborhood Center to keep the same balance of a future use of commercial and residential. The third request was to change one tract of land from commercial to residential zoning for the addition of more homes to the area, which was consistent the community need of more housing in the area. Ms. Heredia ended her presentation with a recommendation of approval for all three changes to the Comprehensive Plan and the Zoning Districts. With no questions for Ms. Heredia, Chairperson Priess opened the floor for public comment.

The applicant, Jeff Hameister, came forward to ask any questions. With no questions from the Commission, they moved forward with their Motions.

Commissioner Smith made a Motion to recommend APPROVAL of the Comprehensive Plan Amendment, changing the FLU from Neighborhood Center to Neighborhood, and Commissioner Farmer seconded the Motion with all Commissioners voting in favor. The Motion passed unanimously, 6-0.

Commissioner Smith made a Motion to recommend APPROVAL of the Comprehensive Plan Amendment, changing the FLU from Neighborhood to Neighborhood Center, and Commissioner Farmer seconded the Motion with all Commissioners voting in favor. The Motion passed unanimously, 6-0.

Commissioner Smith made a Motion to recommend APPROVAL of the Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District, and Commissioner Crisp seconded the Motion with all Commissioners voting in favor. The Motion passed unanimously, 6-0.

Recommendation:

Staff's recommendation is for City Council to:

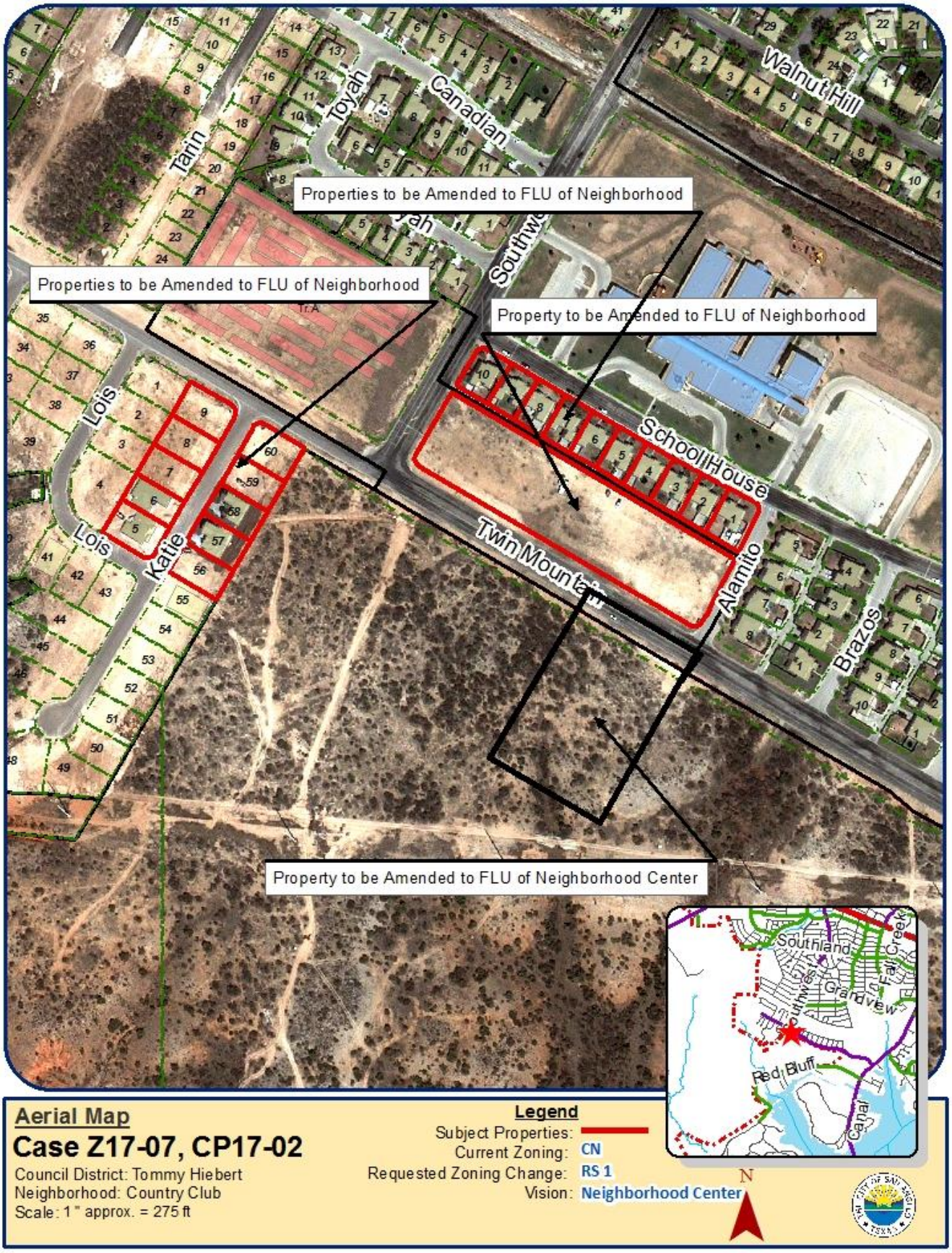
1. **APPROVE** the proposed Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single Family Residential (RS-1) Zoning District;

2. **APPROVE** the proposed Comprehensive Plan Amendment, changing lands from the Neighborhood Center Future Land Use Category to the Neighborhood Future Land Use Category; and

3. **APPROVE** the proposed Comprehensive Plan Amendment, changing lands from the Neighborhood Future Land Use Category to the Neighborhood Center Future Land Use Category.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Photographs



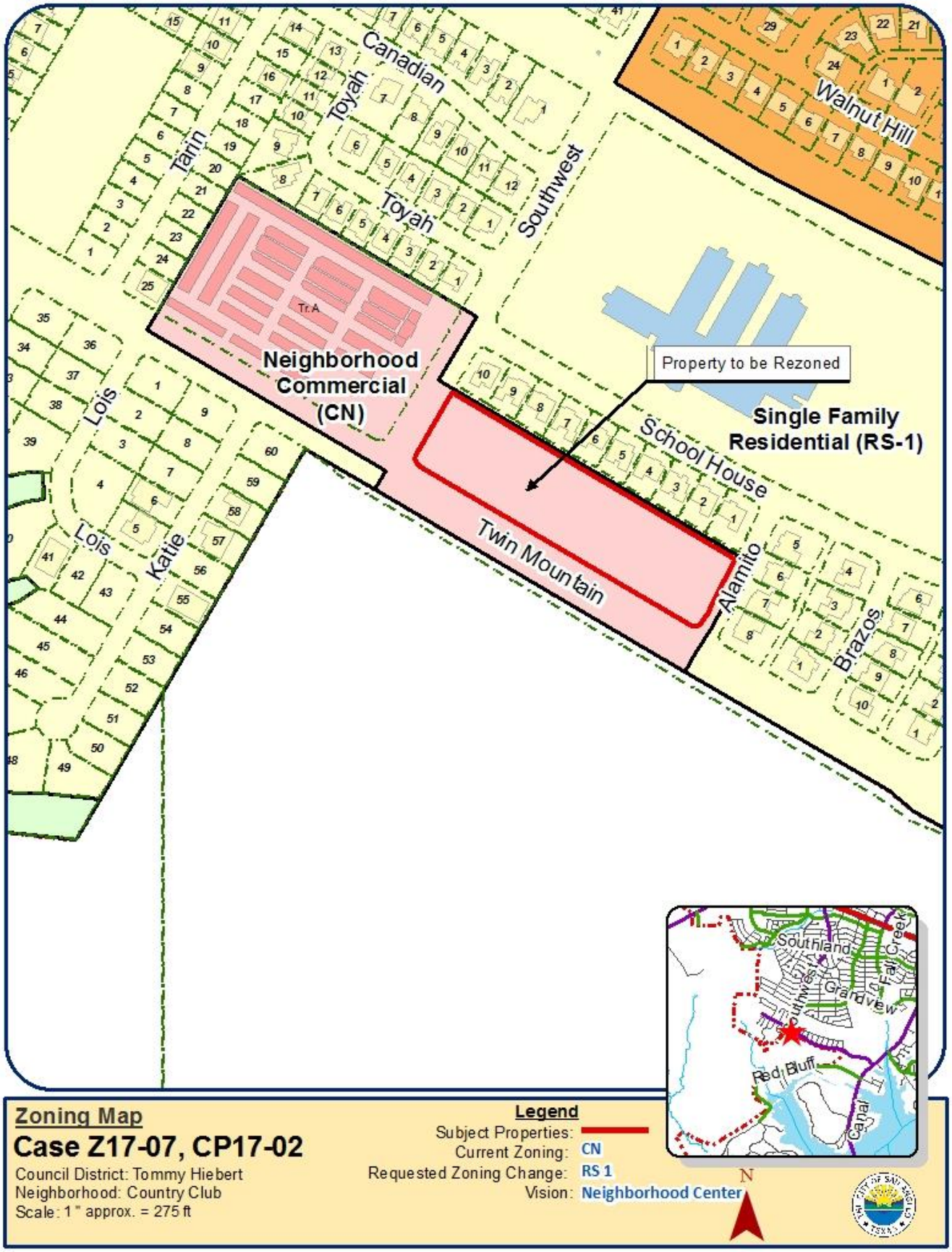
Aerial Map

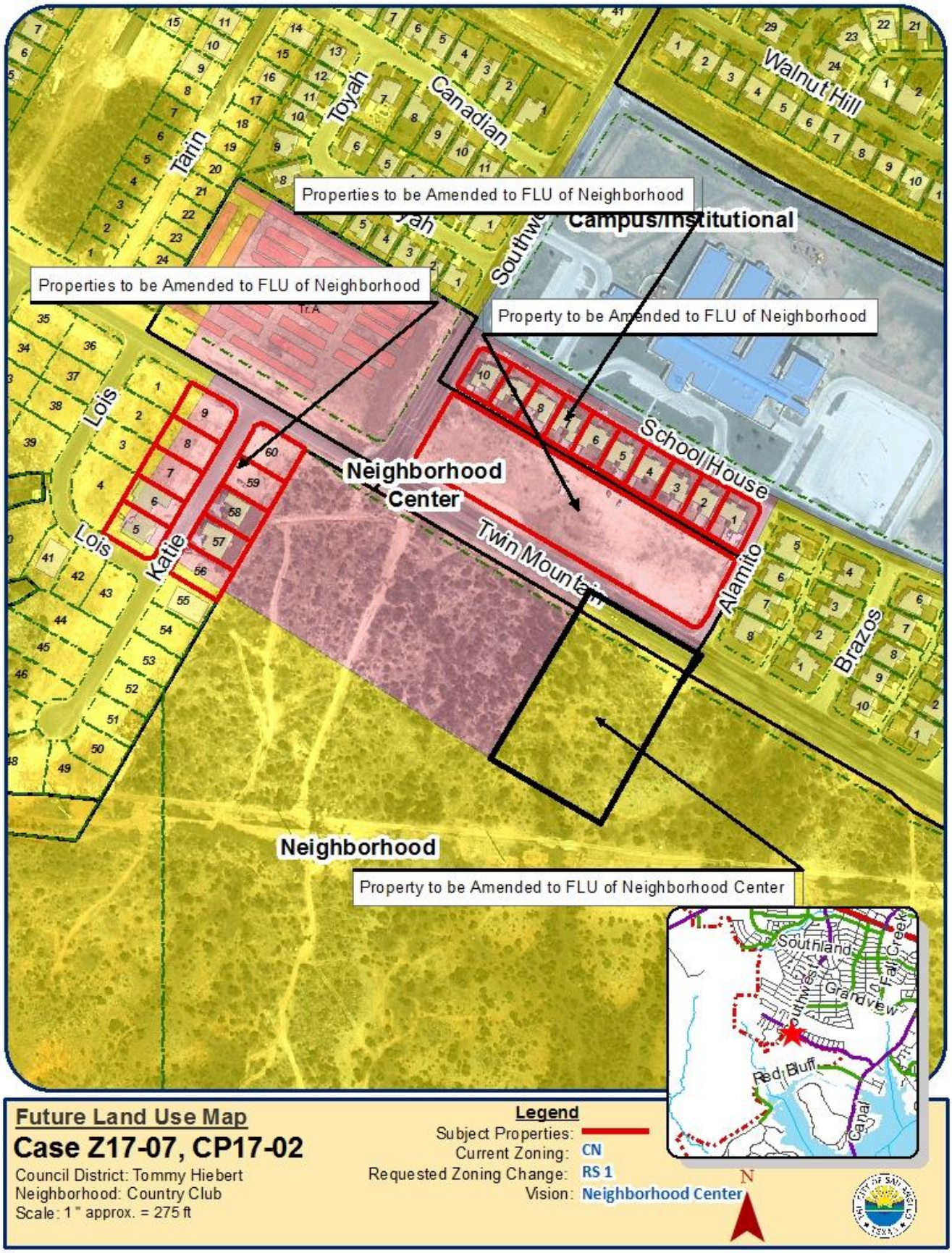
Case Z17-07, CP17-02

Council District: Tommy Hiebert
Neighborhood: Country Club
Scale: 1 " approx. = 275 ft

Legend

Subject Properties:
Current Zoning: CN
Requested Zoning Change: RS 1
Vision: Neighborhood Center


Canadian
Toyah
Toyah
Tarin
Southwest
Walnut Hill
Tr. A
Neighborhood Commercial (CN)
Property to be Rezoned
Single Family Residential (RS-1)
School House
Lois
Lois
Katie
Twin Mountain
Alamito
Brazos
Southland
Grandview
Fall Creek
Red Bluff
Canal
Zoning Map
Case Z17-07, CP17-02
Council District: Tommy Hiebert
Neighborhood: Country Club
Scale: 1" approx. = 275 ft
Legend
Subject Properties:
Current Zoning: CN
Requested Zoning Change: RS 1
Vision: Neighborhood Center
N



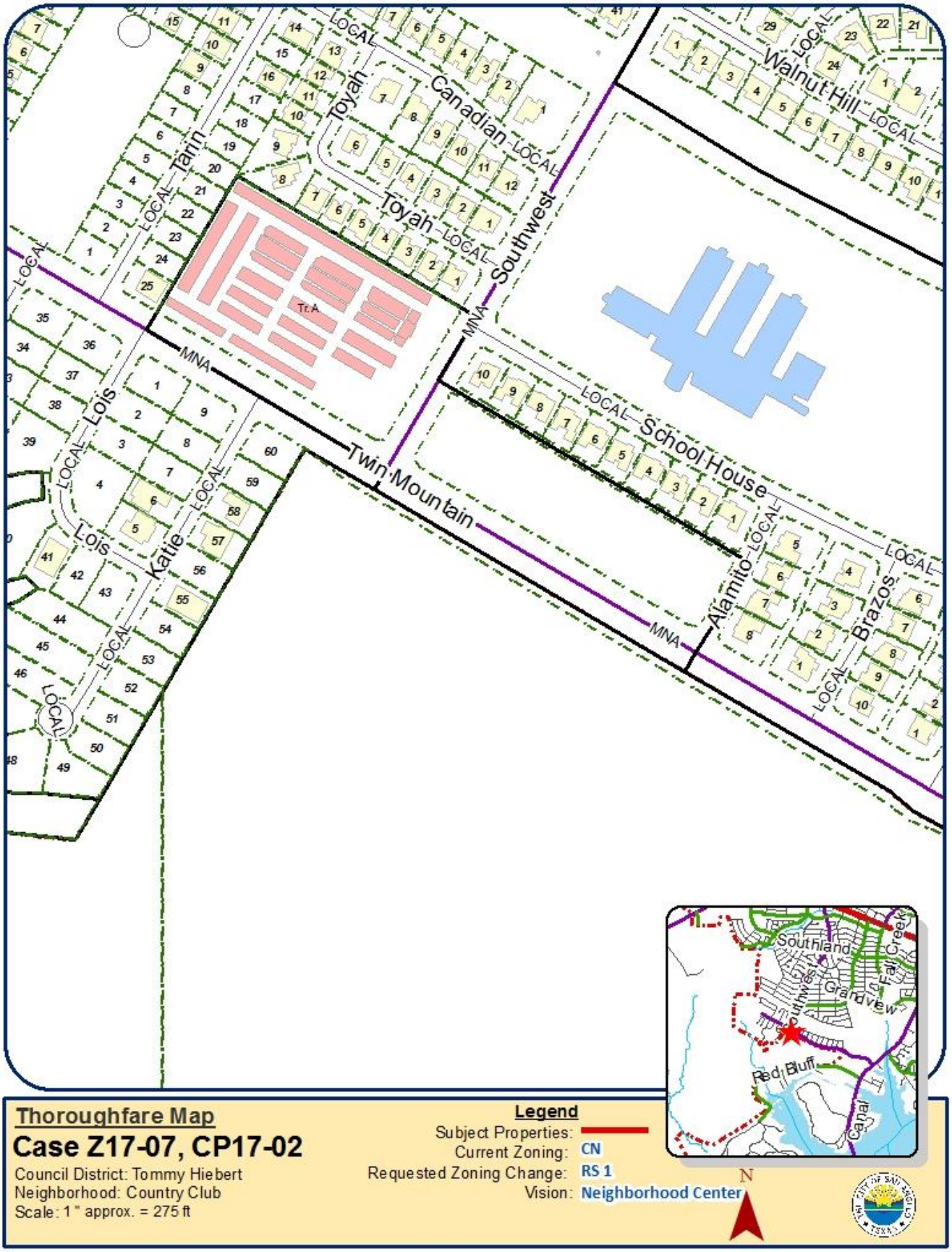
Future Land Use Map

Case Z17-07, CP17-02

Council District: Tommy Hiebert
Neighborhood: Country Club
Scale: 1 " approx. = 275 ft

Legend

Subject Properties:
Current Zoning: CN
Requested Zoning Change: RS 1
Vision: Neighborhood Center


Thoroughfare Map
Case Z17-07, CP17-02
Council District: Tommy Hiebert
Neighborhood: Country Club
Scale: 1 " approx. = 275 ft
Legend
Subject Properties:
Current Zoning: CN
Requested Zoning Change: RS 1
Vision: Neighborhood Center
N
Canadian
Toyah
Walnut Hill
Southwest
Tarin
Lois
Katie
Twin Mountain
School House
Alamito
Brazos
MNA
LOCAL
Tr. A
Southland
Grandview
Red Bluff
Canal

Site Photos

Area to be Rezoned to RS-1, Looking North

Area to be Rezoned to RS-1, Looking West

Homes near Lamar Elementary to be Amended to FLU of Neighborhood

Homes near Lamar Elementary to be Amended to FLU of Neighborhood

Homes on Katie Lane to be Amended to FLU of Neighborhood Looking South

Homes on Katie Lane to be Amended to FLU of Neighborhood

Area on Twin Mountain Designated FLU of Neighborhood Center

Area on Twin Mountain to be Amended to FLU of Neighborhood Center

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS, BEING 6101-6118 KATIE LANE FROM "NEIGHBORHOOD CENTER" TO "NEIGHBORHOOD;" 3401-3437 SCHOOL HOUSE DRIVE FROM "NEIGHBORHOOD CENTER" TO "NEIGHBORHOOD;" 3440 TWIN MOUNTAIN DRIVE FROM "NEIGHBORHOOD CENTER" TO "NEIGHBORHOOD;" AND THE NORTHEAST 2.96 ACRES OUT OF A 122.63 ACRE TRACT OF LAND ON TWIN MOUNTAIN DRIVE FROM "NEIGHBORHOOD" TO "NEIGHBORHOOD CENTER" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council for the City of San Angelo, Texas, in accordance with the City Charter and Chapter 213 of the Texas Local Government Code, has adopted a Comprehensive Plan to guide the long-range development of the City, manage the future growth of the City and promote the health, safety and welfare of its citizens; and

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

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

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

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

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

6101-6118 Katie Lane; generally located approximately 285 feet west from the intersection of Twin Mountain Drive and Southwest Boulevard; more specifically being 2.89 acres in Lots 5-9 of Block 3, Section 3, and Lots 56-60 of Block 1, Section 3, Saddle Club Addition, from "Neighborhood Center" to "Neighborhood;"

3401-3437 School House Drive; generally located approximately at the southeast corner of the intersection of Southwest Boulevard and School House Dr.; more specifically being 2.35 acres in Lots 1-10 of Block 1, Section 1, Trinity Ridge Subdivision, from "Neighborhood Center" to "Neighborhood;"

3440 Twin Mountain Drive; generally located approximately at the northeast corner of the intersection of Twin Mountain Dr. and Southwest Blvd.; more specifically being 3.25 acres in the C A Voight Survey, Abstract 3931, Survey 0181, Tom Green County, Texas, from "Neighborhood Center" to "Neighborhood;"

The northeast 2.96 acres out of a 122.63 acre tract of land; generally located approximately 520 feet east of the intersection of Twin Mountain Road and Southwest Blvd; more specifically being 2.96 acres in the C A Voight Survey, Abstract 3931, Survey 0181, Tom Green County, Texas, from "Neighborhood" to "Neighborhood Center;"

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to amend the Future Land Use Planning Map maintained in the Office of the Director to incorporate the foregoing amendments.

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

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

INTRODUCED on the **18th day of July, 2017,** and finally PASSED, APPROVED AND ADOPTED on this, the **1st day of August, 2017.**

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

ATTEST:

_____
Bryan Kendrick, City Clerk

APPROVED AS TO FORM:

_____
Theresa James, City Attorney

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 3440 Twin Mountain Drive, the northeast corner of the intersection of Twin Mountain Dr. and Southwest Blvd., compromising a total of 3.25 acres,** FROM NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT TO SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on consideration of the application for zoning change from Neighborhood Commercial District (CN) to Single Family Residential District (RS-1) Z17-07, Hameister; 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 3440 Twin Mountain Drive, at the northeast corner of the intersection of Twin Mountain Dr. and Southwest Blvd, within the corporate limits of the City of San Angel; more specifically being in the C A Voight Survey, Abstract 3931, Survey 0181, Tom Green County, Texas, compromising a total of 3.24 acres, Neighborhood Commercial (CN) Zoning District, shall henceforth be permanently zoned as follows: Single-Family Residential (RS-1) 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 **18th day of July, 2017,** and finally PASSED, APPROVED AND ADOPTED on this the **1st day of August, 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: August 1, 2017

Item type: Consent Item

Caption:

Second reading of ordinances approving:

1. An amendment to the City's Comprehensive Plan, changing certain lands from the "Neighborhood Center" to the "Commercial" Future Land Use Category, generally located northwest of the intersection of Glenna Street and Mercedes Street, on approximately 5.87 acres

2. A rezoning from the Neighborhood Commercial (CN), the Office/Warehouse (OW), the General Commercial/Heavy Commercial (CG/CH), and the General Commercial (CG) Zoning Districts to the Heavy Commercial (CH) Zoning District, on properties generally located at northwest of the intersection of Glenna Street and Mercedes Street, on approximately 5.87 acres - (J. James)

Summary/History:

This request involves both a Comprehensive Plan Amendment to change the Future Land Use (FLU) of several properties from Neighborhood Center (NC) to Commercial (C), as well as a Rezoning from Neighborhood Commercial (CN), the Office/Warehouse (OW), and the General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District. This is both a private and City-initiated item which serves to address zoning & FLU inconsistencies with existing development on the block. All existing uses would continue to be allowed under the proposed Commercial FLU and Heavy Commercial Zoning District. Moreover, expansions and re-builds would no longer be impeded or delayed because of the properties' inconsistent designations.

Financial Impact:

N/A

Other Information/Recommendation:

These requests were considered by the Planning Commission at their regular meeting on June 19, 2017, where they recommended APPROVAL unanimously. On July 18, 2017, City Council voted unanimously to APPROVE both requests as well.

Attachments:

1.	Staff Report	Staff Report Z17-09_Santellano_City Council.pdf
2.	Ordinance (CP)	PL_CP17-03_Ordinance.docx
3.	Ordinance (RZ)	PL_Z17-09A&B_Ordinance.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

CITY COUNCIL – July 18 and August 1, 2017
STAFF REPORT

APPLICATION TYPE:	CASES:
Comprehensive Plan Amendment & Rezoning	Z17-09-A: Santellano / Z17-09-B: COSA CP17-03: COSA

SYNOPSIS:

This request involves both a Comprehensive Plan Amendment to change the Future Land Use (FLU) of several properties from Neighborhood Center (NC) to Commercial (C), as well as a Rezoning from Neighborhood Commercial (CN), the Office/Warehouse (OW), and the General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the Heavy Commercial (CH) Zoning District. This is both a private and City-initiated item which serves to address zoning & FLU inconsistencies with existing development on the block. All existing uses would continue to be allowed under the proposed Commercial FLU and Heavy Commercial Zoning District. Moreover, expansions and re-builds would no longer be impeded or delayed because of the properties' inconsistent designations.

LOCATION:	LEGAL DESCRIPTION:
1101-1175 Glenna Street & 3812 Mercedes Street	See Planning Division staff for documentation

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
Bluffs Neighborhood SMD#2 – Tom Thompson	CN – Neighborhood Commercial OW – Office/Warehouse CG/CH – General Commercial / Heavy Commercial	Neighborhood Center (NC)	5.87 acres

THOROUGHFARE PLAN:

Glenna Street – Minor Arterial Street, Required 80' min. ROW, 64' min. pavement, Actual 68 min. ROW, 44' pavement

Mercedes Street – Local Street, Required 50' min. ROW, 36' min. pavement with sidewalk, or 40' without sidewalk. Actual 50' min. ROW, 30' pavement with no sidewalk

NOTIFICATIONS:

65 notifications were mailed within a 200-foot radius on June 7, 2017.
Zero responses have been received in support and zero in opposition.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed Comprehensive Plan Amendment to **Commercial (C)** and the Rezoning to the **Heavy Commercial (CH) Zoning District**.

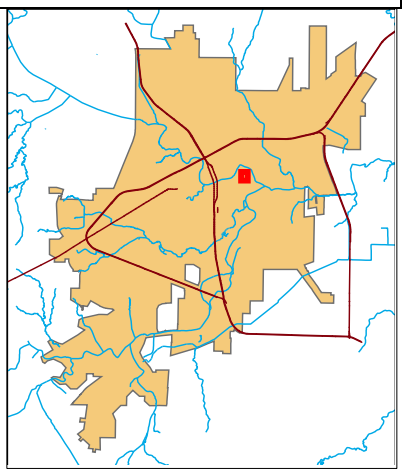
PETITIONERS:

Rudy Santellano

City of San Angelo

STAFF CONTACT:

Rebeca Guerra
Planning Manager
(325) 657-4210, Extension 1540
rebeca.guerra@cosatx.us



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

1. **Compatible with Plans and Policies.** ***Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The Comprehensive Plan's & Zoning Ordinance's original intent was to create a transitional buffer between the commercial activities along Glenna Street and the larger lots to the rear zoned Ranch & Estate. Thus, the Neighborhood Center FLU and less intense zonings of Neighborhood Commercial, Office/Warehouse, and General Commercial/Heavy Commercial were assigned to the properties. The Comprehensive Plan, however, mandates that Action Steps be taken in order to identify existing commercial areas and "have plans for their future development" so as to "maximize development and ensure…commercial success." Amending the existing FLU and zoning designations would appear to satisfy this directive.

2. **Consistent with Zoning Ordinance.** ***Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** The Heavy Commercial District is intended to provide opportunities for development of wholesale trade, retail sales, warehousing development, repair and service establishments, heavy and bulk equipment supply dealers or other such establishments that typically are characterized by outside storage of materials or merchandise. All properties, with two exceptions that remain vacant, have been developed in a manner consistent with the CH Zoning District. Rezoning these lands to a District which allows all existing uses by right would appear to be critical to the redevelopment, and for the vacant sites, new development, of this vital commercial corridor.

3. **Compatible with Surrounding Area.** ***Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*** The property is located within an area that has developed to a higher commercial intensity than originally planned for by the City. To keep the zoning as anything less than Heavy Commercial would appear to be disadvantageous to the existing and continued nature of the development along this block face. As indicated above, all existing uses would still be allowed under the proposed Heavy Commercial Zoning District. Moreover, expansions and re-builds would no longer be impeded or delayed because of the properties' zoning designations.

4. **Changed Conditions.** ***Whether and the extent to which there are changed conditions that require an amendment.*** When the Neighborhood Center FLU and CG/CH, OW, and CN zonings were placed on the properties, this reflected a belief that the lands would develop as a transitional area between the more intense uses along Glenna Street and the R&E properties to the west. However, this has not occurred and heavier commercial uses became the norm. Leaving the area with its current FLU and zoning designations could result in stalling new development, as well as expansions/redevelopment, of these established commercial uses.

5. **Effect on Natural Environment.** ***Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*** There are no anticipated negative effects on the natural environment from these actions. Development would continue in the same manner, and intensity, as already exist on the subject sites.

6. **Community Need.** ***Whether and the extent to which the proposed amendment addresses a demonstrated community need.*** The community need in the area is for the subject properties, and their associated uses, to be recognized as Commercial in nature, and more specifically, consistent with the zoning designation of Heavy Commercial. This is made more apparent by a subsequent application made after the time of this project's review for a similar nearby rezoning to reflect the more intense commercial use that the Zoning District it has been assigned.

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 existing development pattern in the immediate area reflects more intense activities than what was planned for. This block face, in particular, has seen at least two properties that are seeking to expand their facilities, but unable to do so given their underlying zoning designations. Sound planning practice recommends creating logical, orderly nodes of concentrated intense activities near arterial-type roadways (like Glenna Street) that can handle the volume and nature of traffic generated by such uses.

Planning Commission Recommendation:

On June 19, 2017, the Planning Commission recommended **APPROVAL** of the Comprehensive Plan Amendment to change the Future Land Use from Neighborhood Center (NC) to Commercial (C) and **APPROVAL** of a Rezoning from the Neighborhood Commercial (CN), the Office/Warehouse (OW), and the General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the **Heavy Commercial (CH) Zoning District**. The following is the complete excerpt of the minutes from the June 19, 2017, meeting for this case:

Planning Manager, Rebeca Guerra, outlined the proposed requests, which was a combination of a Comprehensive Plan Amendment and a Rezoning. Similar to the previous case, she explained that this was a cleanup of an area that had not developed in a manner consistent with their Future Land Use designations. Ms. Guerra recommended approval and answered a few questions in regards to the maps shown in the presentation. With no further questions from the Commission, the floor was opened for public comment.

Applicant Robert Santellano came forward and explained his business and his hope for expansion. He explained how they service a multitude of vehicles, some of which belong to the City.

Commissioner Smith made a Motion to recommend APPROVAL of the Comprehensive Plan Amendment, changing the FLU from Neighborhood Center to Commercial, and Commissioner Stribling seconded the Motion with all Commissioners voting in favor. The Motion passed unanimously 6-0.

Commissioner Smith made a Motion to recommend APPROVAL of the rezonings as requested, and Commissioner Stribling seconded the Motion with all Commissioners voting in favor. The Motion passed unanimously 6-0.

Recommendation:

Staff's recommendation is for City Council to:

APPROVE a Comprehensive Plan Amendment to change the Future Land Use from Neighborhood Center (NC) to **Commercial (C)**

&

APPROVE a Rezoning from the Neighborhood Commercial (CN), the Office/Warehouse (OW), and the General Commercial/Heavy Commercial (CG/CH) Zoning Districts to the **Heavy Commercial (CH) Zoning District**.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs

Aerial Map

Case Z17-09/CP17-03

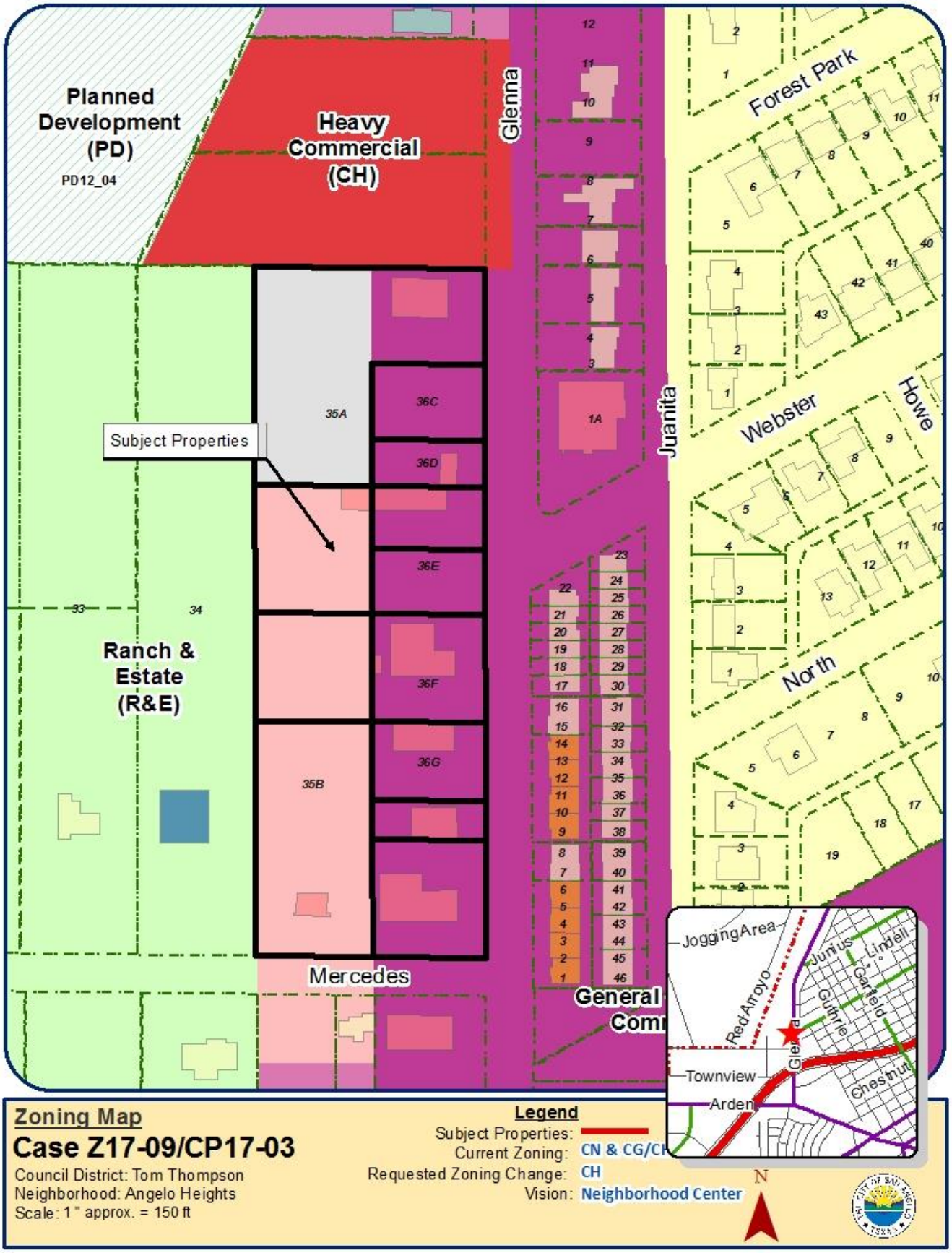
Council District: Tom Thompson
Neighborhood: Angelo Heights
Scale: 1 " approx. = 150 ft

Legend

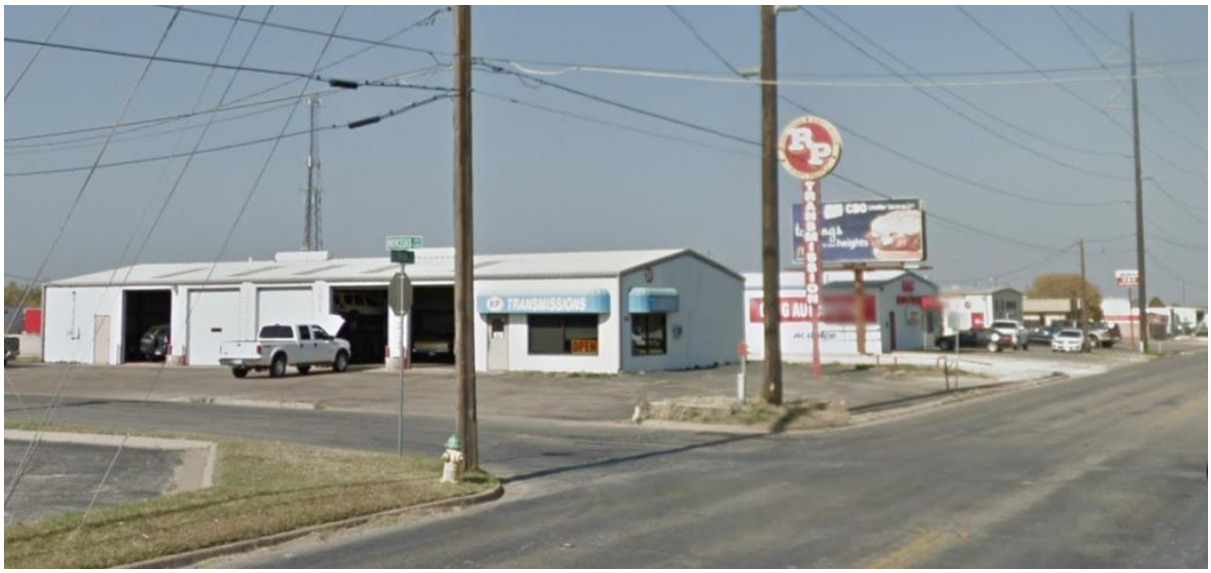
Subject Properties:
Current Zoning: CN & CG/CH
Requested Zoning Change: CH
Vision: Neighborhood Center

N

Open Space
Subject Properties
Neighborhood Center
Neighborhood
Mercedes
Glenna
Juanita
Forest Park
Webster
Howe
Neighborhood North
35A
36C
36D
36E
36F
36G
35B
34
33
1A
JoggingArea
Junius
Lindell
Garfield
Guthrie
Red Arroyo
Townview
Arden
Chestnut
Future Land Use Map
Case Z17-09/CP17-03
Council District: Tom Thompson
Neighborhood: Angelo Heights
Scale: 1 " approx. = 150 ft
Legend
Subject Properties:
Current Zoning: CN & CG/CH
Requested Zoning Change: CH
Vision: Neighborhood Center
N


Planned Development (PD)
PD12_04
Heavy Commercial (CH)
Glenna
Forest Park
Subject Properties
Ranch & Estate (R&E)
Mercedes
Juanita
Webster
Howe
North
General Com
Jogging Area
Red Arroyo
Junius
Lindell
Gaited
Guthrie
Townview
Arden
Chestnut
Zoning Map
Case Z17-09/CP17-03
Council District: Tom Thompson
Neighborhood: Angelo Heights
Scale: 1 " approx. = 150 ft
Legend
Subject Properties:
Current Zoning: CN & CG/CH
Requested Zoning Change: CH
Vision: Neighborhood Center
N

Site Photos


TRANSMISSIONS

Duncan Mech
Santellano's Collision Repair
Commercial Appliance Services
C & G Automotive
RP Transmissions
Mercedes St
Glenna St
Glenna St
Webster
Map
Google
2D

COMMERCIAL

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF GLENNA STREET AND MERCEDES STREET, ON APPROXIMATELY 5.87 ACRES, FROM "NEIGHBORHOOD CENTER" TO "COMMERCIAL;" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council for the City of San Angelo, Texas, in accordance with the City Charter and Chapter 213 of the Texas Local Government Code, has adopted a Comprehensive Plan to guide the long-range development of the City, manage the future growth of the City and promote the health, safety and welfare of its citizens; and

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

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

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

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

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

Generally located northwest of the intersection of Glenna Street and Mercedes Street, on approximately 5.87 acres, from "Neighborhood Center" to "Commercial;" more specifically described as:

- **Being 1.3456 acres out of Poulter Highland Acres, Lot 35-A Less The S161.71'**
- **Block 1, Lot 36-C, Poulter Highland Acres Replat**
- **Block 1, Lot 36-D, Poulter Highland Acres Replat**
- **Block 1, North 80' Of Lot 36-E R/P, Poulter Highland Acres**
- **Block 1 & Lot 36-E, Less S38.29', and Less the North 80' Of Poulter Highland Acres Replat**
- **Being 0.5540 Acres Out Of Poulter Highland Acres Replat, Block 1, South 161.71' Of Lot 35-A**
- **Block 1, Lot 36-F & S38.29' Of Lot 36-E, Poulter Highland Acres**

- **North 138.25 Feet Of Lot 35-B R/P Of Lot 35, Block 1, Poulter Highland Acres**

- **Block 1, Lot 36-G, Poulter Highland Acres Replat**

- **Poulter Highland Acres, Block 1, North 50 Feet Of S199.31 FT, Less 5 Feet Of Lot 36 To The City**

- **Poulter Highland Acres, Block 1, S149.31' Of Lot 36, Less 5 Feet To The City**

- **Poulter Highland Acres, Block 1, Lot 35-B R/P Of Lot35, S&E The North 138.25 Feet**

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to amend the Future Land Use Planning Map maintained in the Office of the Director to incorporate the foregoing amendment.

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

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

INTRODUCED on the **18th day of July, 2017,** and finally PASSED, APPROVED AND ADOPTED on this, the **1st day of August, 2017.**

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

ATTEST:

_____
Bryan Kendrick, City Clerk

APPROVED AS TO FORM:

_____
Theresa James, City Attorney

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 ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF GLENNA STREET AND MERCEDES STREET, ON APPROXIMATELY 5.87 ACRES, FROM THE NEIGHBORHOOD COMMERCIAL, THE OFFICE/WAREHOUSE, THE GENERAL COMMERCIAL/HEAVY COMMERCIAL, AND THE GENERAL COMMERCIAL ZONING DISTRICTS TO THE HEAVY COMMERCIAL ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on consideration of the application for zoning change from the Neighborhood Commercial, the Office/Warehouse, the General Commercial/Heavy Commercial, and the General Commercial Zoning Districts to the Heavy Commercial Zoning District, 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 northwest of the intersection of Glenna Street and Mercedes Street, on approximately 5.87 acres, and more specifically described as:**

- **Being 1.3456 acres out of Poulter Highland Acres, Lot 35-A Less The S161.71'**

- **Block 1, Lot 36-C, Poulter Highland Acres Replat**

- **Block 1, Lot 36-D, Poulter Highland Acres Replat**

- **Block 1, North 80' Of Lot 36-E R/P, Poulter Highland Acres**

- **Block 1 & Lot 36-E, Less S38.29', and Less the North 80' Of Poulter Highland Acres Replat**

- **Being 0.5540 Acres Out Of Poulter Highland Acres Replat, Block 1, South 161.71' Of Lot 35-A**

- **Block 1, Lot 36-F & S38.29' Of Lot 36-E, Poulter Highland Acres**

- **North 138.25 Feet Of Lot 35-B R/P Of Lot 35, Block 1, Poulter Highland Acres**

- **Block 1, Lot 36-G, Poulter Highland Acres Replat**

- **Poulter Highland Acres, Block 1, North 50 Feet Of S199.31 FT, Less 5 Feet Of Lot 36 To The City**

- **Poulter Highland Acres, Block 1, S149.31' Of Lot 36, Less 5 Feet To The City**

- **Poulter Highland Acres, Block 1, Lot 35-B R/P Of Lot35, S&E The North 138.25 Feet,**

shall henceforth be permanently zoned 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 **18th day of July, 2017,** and finally PASSED, APPROVED AND ADOPTED on this the **1st day of August, 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: August 1, 2017

Item type: Consent Item

Caption:

Second reading of ordinances approving:

1. an amendment to the City's Comprehensive Plan, changing certain lands from the "Neighborhood" to the "Commercial" Future Land Use Category, generally located approximately 1,200 feet northeast of the intersection of South Bryant Boulevard and Cox Lane, on 3.311 acres

2. a rezoning from the General Commercial (CG) and Low Rise Multifamily Residential (RM-1) Zoning Districts to a Planned Development (PD) Zoning District to allow for a Plant Nursery with Retail Sales; Lawn and Landscaping Care and Maintenance; and accessory uses; generally located approximately 400 feet northeast of the intersection of South Bryant Boulevard and Cox Lane, on 6.774 acres - (J. James)

Summary/History:

The applicant has submitted requests for an amendment to the City of San Angelo's Comprehensive Plan and a rezoning to allow for a Plant Nursery with Retail Sales, Lawn and Landscaping Care and Maintenance, and accessory uses including a horticultural educational center and the boarding of small animals for educational purposes on the subject property. The applicant has been operating an existing plant nursery and landscaping business from 5433 Ben Ficklin Road and intends to move to this larger location. The 6.774-acre tract will be retained by the applicant and the remaining 0.236-acre tract (not part of the request) is intended to be sold.

Financial Impact:

N/A

Other Information/Recommendation:

These requests were considered by the Planning Commission at their regular meeting on June 19, 2017, where they recommended APPROVAL unanimously on both cases. On July 18, 2017, City Council voted unanimously to APPROVE both requests as well.

Attachments:

1.	Staff Report	PL_CP17-01 & PD17-03 report.pdf
2.	Ordinance (CP)	PL_CP17-01_Ordinance.docx
3.	Ordinance (PD)	PL_PD17-03_Ordinance.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

CITY COUNCIL – July 18 and August 1, 2017
STAFF REPORT

APPLICATION TYPE:	CASES:
Comprehensive Plan and Planned Development (PD) Rezoning	CP17-01 & PD17-03, Entrenos, Inc. (Farmer's Daughter)

SYNOPSIS:

The applicant has submitted requests for an Amendment to the City of San Angelo's Comprehensive Plan and a Rezoning to allow for a Plant Nursery with Retail Sales, Lawn and Landscaping Care and Maintenance, and accessory uses including a horticultural educational center and the boarding of small animals for educational purposes on the subject property. The applicant has been operating an existing plant nursery and landscaping business from 5433 Ben Ficklin Road and intends to move to this larger location. The 6.774-acre tract will be retained by the applicant and the remaining 0.236-acre tract (not part of the request) is intended to be sold.

LOCATION:	LEGAL DESCRIPTION:
4044 South Bryant Boulevard; generally located approximately 1,200 feet northeast of the intersection of South Bryant Boulevard and Cox Lane	Being 2.464 acres out of Tracts 1 and 2, La Abra Subdivision, Section One, and being 4.31 acres out of Tracts 3-7, La Abra Subdivision, Section Two

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #1 – Tommy Hiebert Rio Vista Neighborhood	CG – General Commercial and RM-1 - Low Rise Multifamily Residential	C – Commercial N - Neighborhood	**CP17-01:** 3.311 acres **PD17-03:** 6.774 acres

THOROUGHFARE PLAN:

South Bryant Boulevard (TXDOT) – Urban Arterial Street (TXDOT road, no City specifications)

NOTIFICATIONS:

Seven notifications mailed within 200-foot radius on June 8, 2017. Zero were received in support or opposition.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed Amendment to the Comprehensive Plan, changing the Future Land Use category from "Neighborhood" to "Commercial" and

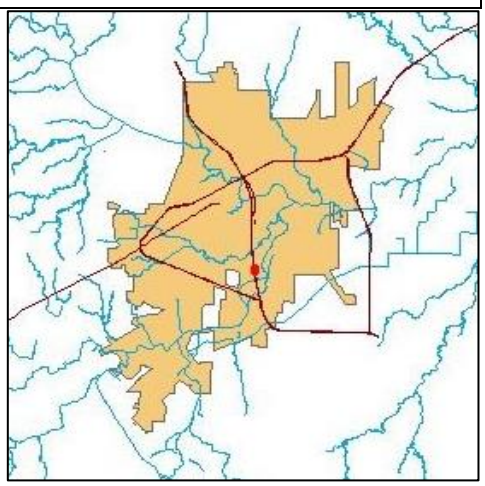
Staff recommends **APPROVAL** of the proposed Rezoning from the General Commercial (CG) Zoning District and Low Rise Multifamily Residential (RM-1) Zoning District to a Planned Development (PD17-03) Zoning District to allow for a Plant Nursery with Retail Sales; Lawn and Landscaping Care and Maintenance; and accessory uses including a horticultural educational center and the boarding of small animals for educational purposes.

PROPERTY OWNER/PETITIONER:

Property Owner and Applicant: Entrenos, Inc. (Farmer's Daughter)

STAFF CONTACT:

Jeff Fisher,
Senior Planner
(325) 657-4210, Extension 1550
jeff.fisher@cosatx.us



Additional Information: The current General Commercial (CG) zoning district on the westerly 500 feet of the property, along with a previously approved Special Permit (SP98-07) allows a plant nursery with unlimited outdoor storage but limits any unscreened outdoor storage to 10% within a designated area. The remaining easterly portion of the site is zoned Low Rise Multifamily Residential (RM-1) which does not allow any form of non-residential development. The proposed rezoning to a Planned Development (PD17-03) would allow the intended uses on the entire 6.774-acre site, and incorporate site-specific development standards including parking, screening, LED lighting, landscaping, and unlimited outdoor storage related to the business, to ensure orderly growth in future. The associated Comprehensive Plan Amendment from "Neighborhood" to "Commercial" on the easterly 3.311 acres would ensure a consistent Commercial designation for the entire property consistent with the new zoning. This Amendment is also required before the rezoning can be approved as any rezoning must conform to the City's Comprehensive Plan. Both items require both Planning Commission and City Council approval. The applicant has submitted a Site Plan, a Landscape Plan, Color Renderings, signage, and lighting details of existing and proposed development on the property. Staff has reviewed the subject proposal in the context of the City's Comprehensive Plan, Zoning Ordinance and the surrounding area, and provides our analysis and recommendations further below.

Comprehensive Plan Amendment: When determining whether a Comprehensive Plan Amendment shall be approved, Planning Staff review current plans and policies, and any other land use policies adopted by the Planning Commission to determine whether the proposed amendment is compatible.

The City's Comprehensive Plan defines "Commercial" areas as often "single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage on the major street network." The Plan also calls to "create or mandate phasing plans for future infill of new and existing Commercial areas, to maximize development and ensure quality of experience and commercial success." The site is conveniently located and is visible from South Bryant Boulevard, a major commercial corridor. As indicated above, the front portion of the property has already been used for a plant nursery business in the past, and existing buildings and greenhouses remain on the property. The Planned Development (PD17-03) will ensure appropriate phasing, recognizing the existing buildings at the front of the property, and allowing future development at the rear of the property. Moreover, conditions of approval that include adequate screening, landscaping, parking, and lighting, will ensure quality development and a minimization of any potential adverse impacts on adjacent properties, consistent with the above policies.

Rezonings (Planned Developments): 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.*** Planning Staff believe that the proposed Amendment from "Neighborhood" to "Commercial" on the easterly portion of this property is appropriate given the front portion of the property is already zoned General Commercial (CG), designated "Commercial" in the Comprehensive Plan, and was the former site of a plant nursery, Brannan Landscape and Nursery which the applicant intends to expand to the rear of the site. As discussed above, the Commercial designation supports "single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage on the major street network." The development has direct and abutting access to South Bryant Boulevard, a major commercial corridor, consistent with this policy.

In addition, Planning Staff believes that residential development in this location is no longer the best use given that there is no other access except through an existing private access (proposed to be removed) which would be shared by commercial vehicles accessing the nursery and landscape business. This could create potential accidents as well as creating two incompatible adjacent land uses. There is ample residential land elsewhere in the City and commercial expansion to the east portion of the site could be compatible through conditions imposed by the Planned Development including screening and buffering. To the east is South Concho River and the homes to the north in the Ranch and Estate (R&E) Zoning District are buffered by existing privacy screening fencing and a "green fence" of large shade trees along this property line. A plant nursery with vehicle storage for lawn and landscape care and maintenance would not generate intense noise, odors and hazardous waste. Any commercial traffic would utilize South Bryant Boulevard, a major arterial road designed to accommodate large traffic volumes from similar retail commercial uses along this corridor.

2. **Consistent with Zoning Ordinance.** ***Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** The proposed rezoning to a Planned Development will allow the applicant to expand her business while ensuring appropriate development standards are in place. The Planning Division recommends retaining General Commercial (CG) as the underlying zoning district, consistent with the current retail character of the site and surrounding area. The subject property well exceeds the minimum lot area of 6,000 square feet, minimum lot frontage of 50 feet, and minimum lot depth of 80 feet in the CG Zoning District. The existing main retail/office building and greenhouse building at the front of the property complies with the required setbacks in the CG Zoning District. The main retail/office is 5,760 square feet and requires one parking space for every 200 square feet of retail area accessible to the public, or 29 parking spaces. The applicant has indicated an estimated six employees that will utilize the future landscape maintenance barn at the rear of the property which would require an additional two parking spaces, for a total of 31 spaces. The existing paved area facing South Bryant Boulevard contains only 27 spaces. As a condition of approval, an additional four parking spaces will be required consistent with the Zoning Ordinance. This will also ensure the applicant has adequate parking for her landscape fleet vehicles. Staff recommends locating these spaces in the "employee and fleet parking area" next to the maintenance building, as provided on the applicant's site plan. The Fire Department has confirmed a caliche surface extending from the existing caliche access driveway is a suitable surface. Additional conditions of approval will include adding drought-resistant trees or landscaping to fill gaps in the existing fencing along the south property line. Finally, Staff will require the applicant to provide a suitable pedestrian walking path through the proposed children's educational gardens in the center of the property, in between the existing concrete curbs. Suitable cover may include a concrete sidewalk, or a pathway made of fine, crushed stone suitable for walking.

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 surrounded by retail commercial development and zoning along South Bryant Boulevard, including a Stripes gas station and convenience store the east, American Truck and RV to the south, and vacant zoned commercial land to the north. Expanding an existing plant nursery on the property and allowing the additional uses of a lawn and landscape business and a horticultural education center would be appropriate given the surrounding commercial character of this area.

4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The property was originally zoned Ranch and Estate (R&E) and was intended for multiple residential lots utilizing a common private access drive. However, residential development never occurred and the front half of the property was rezoned to allow the existing plant nursery with the rear remaining vacant. A rezoning to allow an expansion of commercial development would be consistent with the commercial nature of this property and surrounding 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.*** Planning Staff does not anticipate any adverse impacts on the natural environment. The majority of outdoor space will be reserved for landscaping and vegetation, maintaining the natural ecosystem and open space that already exists. As part of the associated replat, a review of grading, drainage, and stormwater will be reviewed by Engineering Services to ensure there will not be any adverse impacts on the natural environment.

6. **Community Need.** ***Whether and the extent to which the proposed amendment addresses a demonstrated community need.*** As indicated above, Planning Staff believes there is a need for a zone change given the surrounding commercial nature of this corridor along South Bryant Boulevard and the commercial development that already exists on the 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 subject development will have direct and abutting access to South Bryant Boulevard, a Major Arterial Road which can accommodate commercial traffic. The subject lots are intended to be replatted into one contiguous lot to ease future development and ensure safe and direct access to the property.

Planning Commission Recommendation:

On June 19, 2017, the Planning Commission recommended **APPROVAL** of the Comprehensive Plan Amendment, changing the Future Land Use Category from "Neighborhood" to "Commercial" on the 3.311-acre easterly portion of the property, and recommended **APPROVAL** of the Rezoning request from the General Commercial (CG) Zoning District and Low Rise Multifamily Residential (RM-1) Zoning District to a Planned Development (PD) Zoning District to allow for a Plant Nursery with Retail Sales; Lawn and Landscape Care and Maintenance; and accessory uses including a horticultural educational center and the boarding of small animals for educational purposes on the entire 6.774 acres. The following is the complete excerpt of the minutes from the June 19, 2017, meeting for this case:

These items were presented concurrently with two separate motions.

Jeff Fisher, Senior Planner, outlined the proposed requests for a Comprehensive Plan Amendment and Planned Development Rezoning. He explained that the purpose of the requests was to facilitate development of a plant nursery with retail sales, and a lawn and landscape care and maintenance business on the property. The rear portion of the property would be re-designated to "Commercial" in the City's Comprehensive Plan and the entire site would be rezoned to a Planned Development (PD) to allow the said uses with conditions of approval. Mr. Fisher outlined Staff's rationale for approval for both requests which included close proximity to existing commercial development, the existing plant nursery on the west portion of the site, and frontage onto an arterial road.

Chairperson Priess opened the meeting for public comment and there was none.

Commissioner Smith made a Motion to recommend APPROVAL of the proposed Comprehensive Plan Amendment, changing the Future Land Use Category from "Neighborhood" to "Commercial" on the 3.311-acre easterly portion of the property as presented, and Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.

Commissioner Smith made a Motion to recommend APPROVAL of the proposed Rezoning request from the General Commercial (CG) Zoning District and Low Rise Multifamily Residential (RM-1) Zoning District to a Planned Development (PD) Zoning District to allow for a Plant Nursery with Retail Sales; Lawn and Landscape Care and Maintenance; and accessory uses including a horticultural educational center and the boarding of small animals for educational purposes on the entire 6.774 acres 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 proposed Amendment on the 3.311-acre easterly portion of the property to the Comprehensive Plan, changing the Future Land Use category from "Neighborhood" to "Commercial" and

Staff's recommendation is for City Council to **APPROVE** the proposed Rezoning from the General Commercial (CG) Zoning District and Low Rise Multifamily Residential (RM-1) Zoning District to a Planned Development (PD17-03) Zoning District to allow for a Plant Nursery with Retail Sales, Lawn and Landscaping Care and Maintenance, and accessory uses including a horticultural educational center and the boarding of small animals for educational purposes on the entire 6.774 acres, **subject to following 10 Conditions of Approval:**

1. Except as otherwise specified or limited below, the use and development of the subject property shall generally conform to the General Commercial (CG) Zoning District, unless specified as otherwise.

2. Overall site use shall be in accordance with the Site Plan. Major changes to the usage of this property shall be approved through an amendment to this Planned Development District with approval from the Planning Commission and City Council. Minor deviations may be approved by the Planning Director, provided no changes to the Zoning Ordinance are required.

3. The applicant shall complete gaps in existing landscape screening from adjacent residential uses along the south side yard property line, with drought-resistant shade trees, landscape berm, or other natural vegetation, a minimum of 6-feet in height at time of planting. The landscape screening shall be maintained in perpetuity. No screening is required beyond the existing green fence along the north property line, nor the east property line abutting the river.

4. Notwithstanding the CG Zoning District standards, unlimited outdoor storage and display of merchandise related to the permitted uses on the property shall be allowed.

5. Parking shall be provided per Section 511.B of the Zoning Ordinance for each use proposed. All vehicles stored or displayed on the subject property of this Special Use shall be fully operable. The use of this property as a storage yard for scrap material, including scrap vehicles, shall be prohibited.

6. The applicant shall provide concrete sidewalks and/or decomposed granite within the internal pedestrian walking areas on the property.

7. Hours of operation shall be limited between 7:00 a.m. and 10:00 p.m.

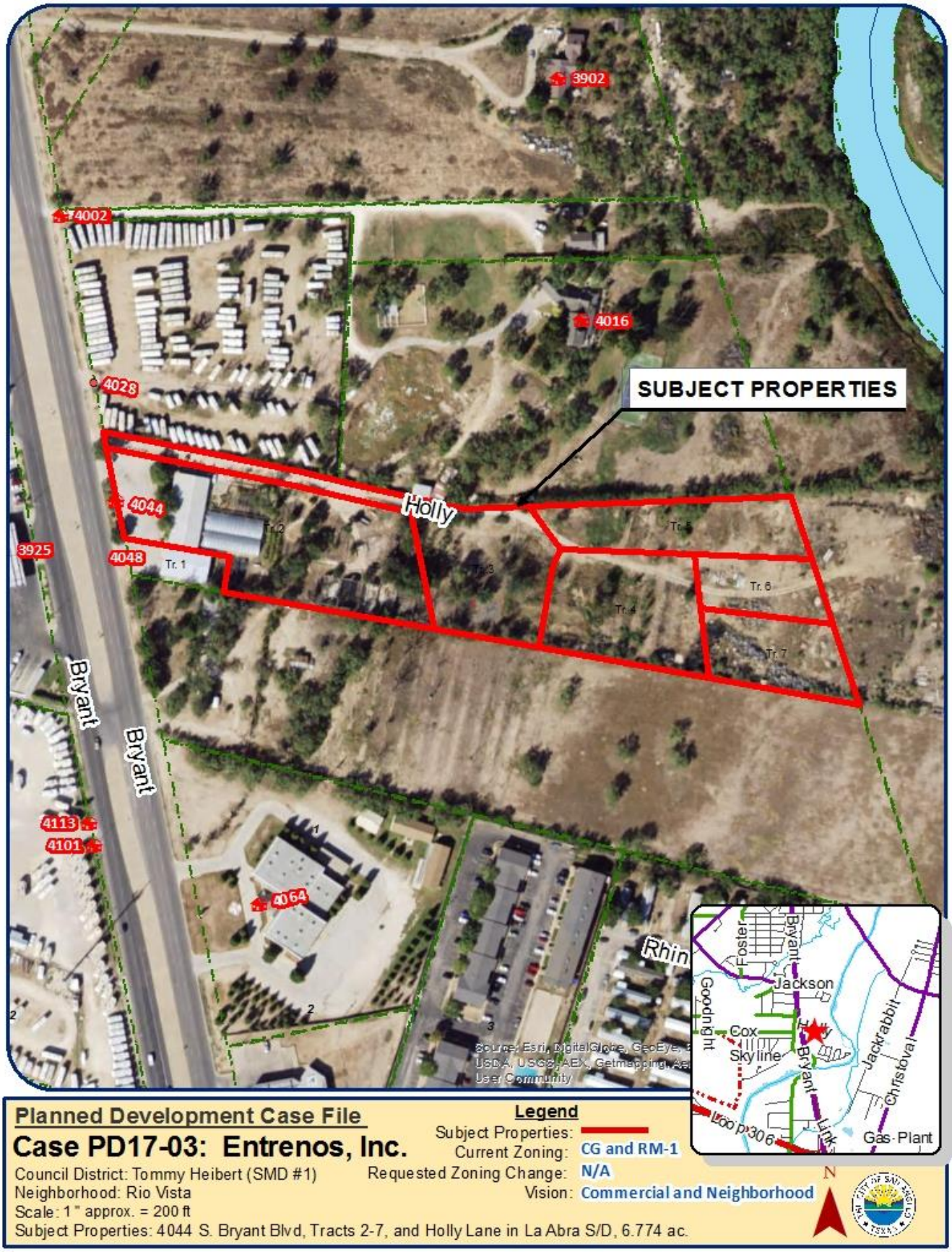
8. No loud speakers, paging systems, or other auditory devices, with the exception of security alarms, shall be permitted on the premises.

9. All new site lighting on the premises shall be shielded, downward emitting and configured in such a manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands. All illuminated signage on the premises shall be turned off between the hours of 10:00pm and 7:00am the following day.

10. Prior to any future development and/or building permits being issued on the property, the applicant shall submit a final site plan to the Planning Director and City Fire Marshall for their review and approval.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Resident Letters
Site Plan
Landscape Plan
Color Renderings of Existing and Proposed Buildings
Proposed Signage
Applications



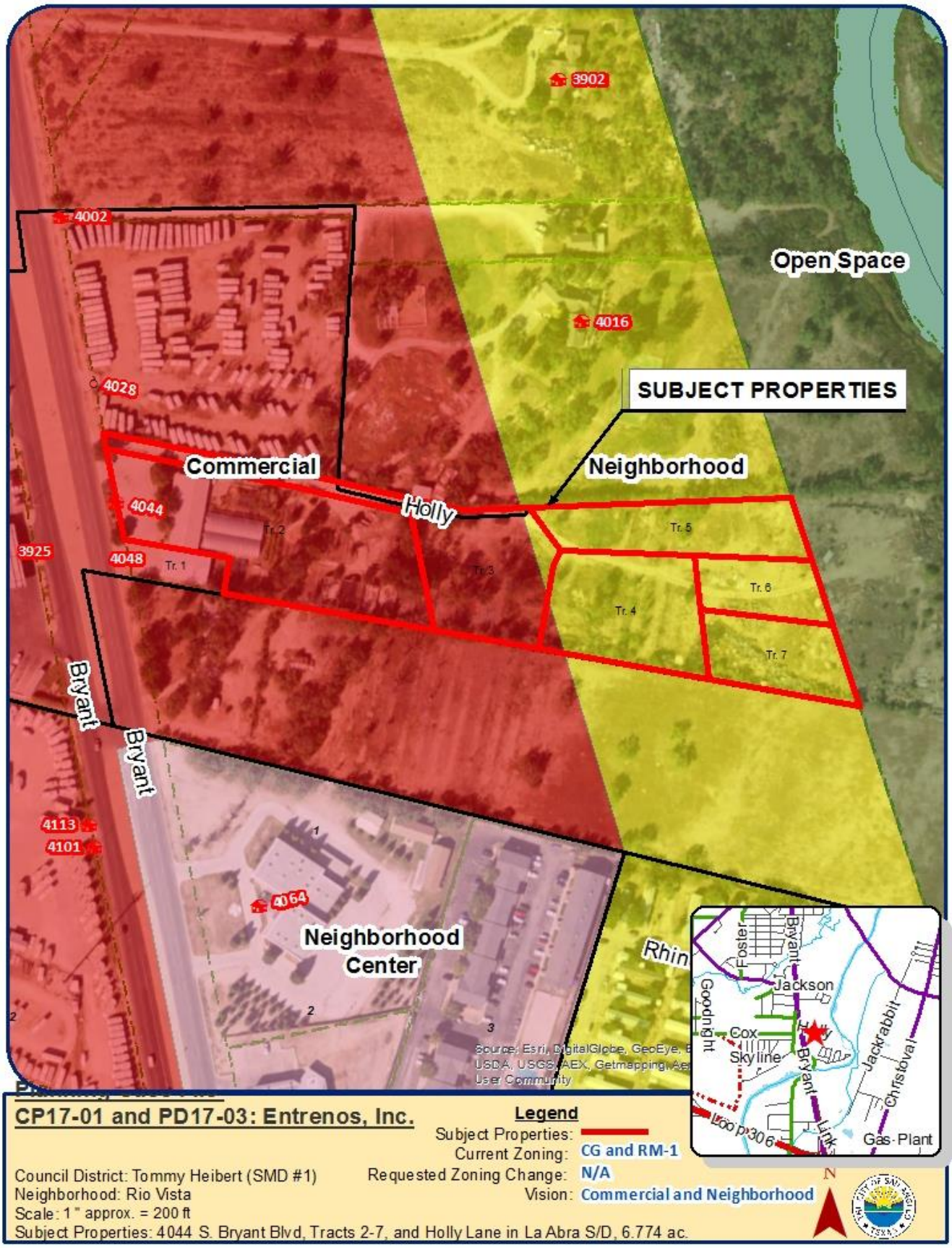
Planned Development Case File

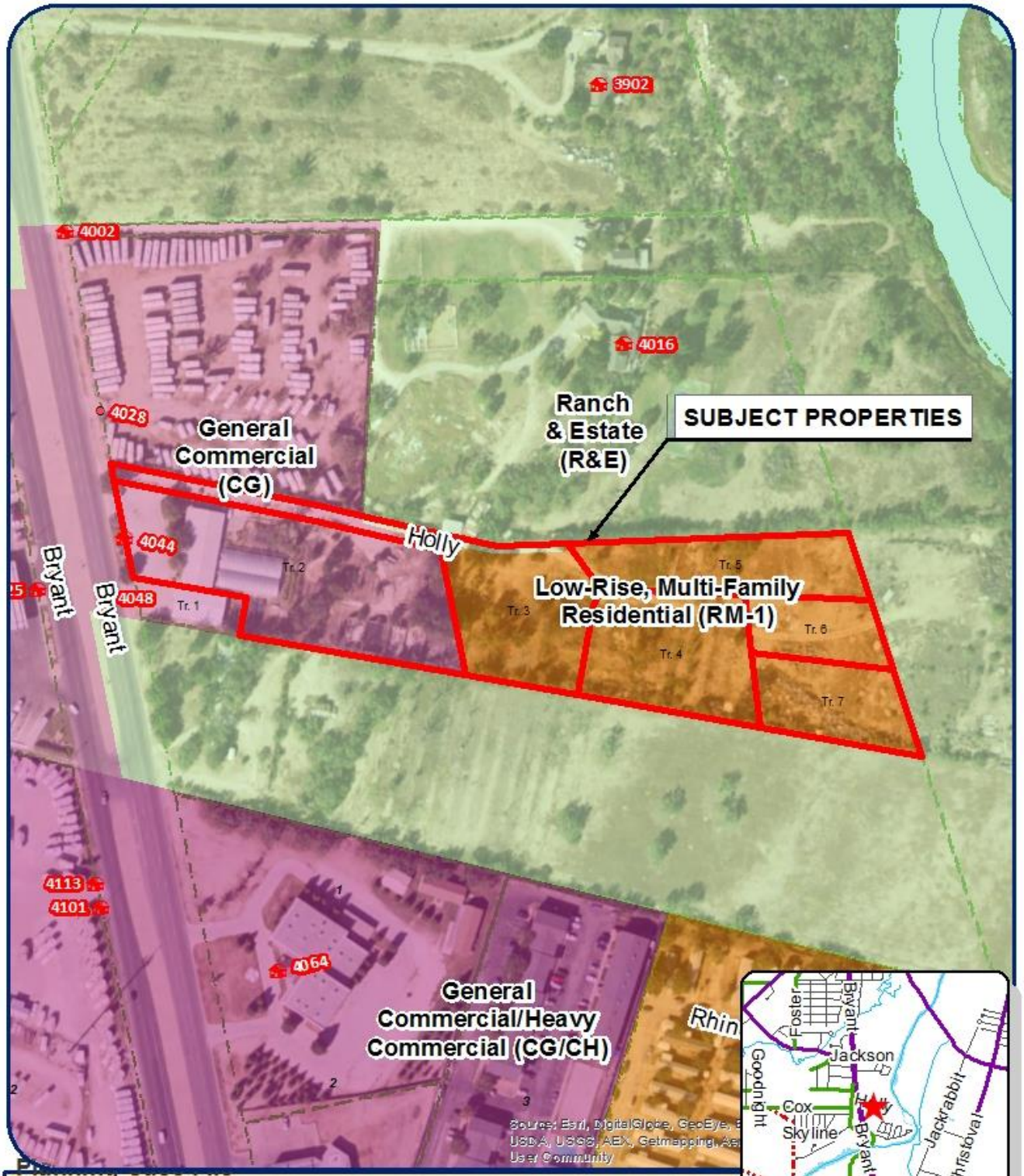
Case PD17-03: Entrenos, Inc.

Council District: Tommy Heibert (SMD #1)
Neighborhood: Rio Vista
Scale: 1 " approx. = 200 ft
Subject Properties: 4044 S. Bryant Blvd, Tracts 2-7, and Holly Lane in La Abra S/D, 6.774 ac.

Legend

Subject Properties:
Current Zoning: CG and RM-1
Requested Zoning Change: N/A
Vision: Commercial and Neighborhood


3902
4002
Open Space
4016
4028
SUBJECT PROPERTIES
Commercial
Neighborhood
Holly
4044
Tr. 2
Tr. 5
3925
4048
Tr. 1
Tr. 3
Tr. 6
Tr. 4
Tr. 7
Bryant
Bryant
4113
4101
4064
Neighborhood Center
Rhin
Foster
Bryant
Jackson
Goodnight
Cox
Skyline
Bryant
Jackrabbit
Christoval
Loop 306
Link
Gas Plant
Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, AEX, Getmapping, User Community
CP17-01 and PD17-03: Entrenos, Inc.
Legend
Subject Properties:
Current Zoning: CG and RM-1
Requested Zoning Change: N/A
Vision: Commercial and Neighborhood
Council District: Tommy Heibert (SMD #1)
Neighborhood: Rio Vista
Scale: 1 " approx. = 200 ft
Subject Properties: 4044 S. Bryant Blvd, Tracts 2-7, and Holly Lane in La Abra S/D, 6.774 ac.
N



CP17-01 and PD17-03: Entrenos, Inc.

Legend
Subject Properties:
Current Zoning: CG and RM-1
Requested Zoning Change: N/A
Vision: Commercial and Neighborhood

Council District: Tommy Heibert (SMD #1)
Neighborhood: Rio Vista
Scale: 1" approx. = 200 ft
Subject Properties: 4044 S. Bryant Blvd, Tracts 2-7, and Holly Lane in La Abra S/D, 6.774 ac.

Photos of Site and Surrounding Area

NORTH

SOUTH

WEST

EAST AT SUBJECT PROPERTY

EXISTING LANDSCAPING AT FRONT

EXISTING DRIVEWAY (FORMERLY HOLLY LANE)

Photos of Site and Surrounding Area

EXISTING GREENHOUSE

EXISTING PEDESTRIAN TRIAL (UNFINISHED)

EXISTING PRIVACY FENCE (NORTH SIDE)

EXISTING GREEN FENCE (NORTH SIDE)

UNSCREENED CHAIN LINK FENCE (SOUTH)

REAR OF PROPERTY

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

(✓) IN FAVOR ( ) IN OPPOSITION

REASON(S) _____

NAME: Basil El Masri EB Bryant Property

ADDRESS: 1902 South Bryant Blvd
San Angelo TX 76903

SIGNATURE: _____ 325-895-242

CP17-01 and PD17-03: Entrenos, Inc.
property owner number: 5
If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at jeff.fisher@cosatx.us.

RECEIVED
JUN 15 2017
J. Fisher, Planning

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

(✓) YES IN FAVOR ( ) IN OPPOSITION

REASON(S) great For Economy

RECEIVED
JUL 05 2017
J. Fisher, Planning

NAME:

ADDRESS:

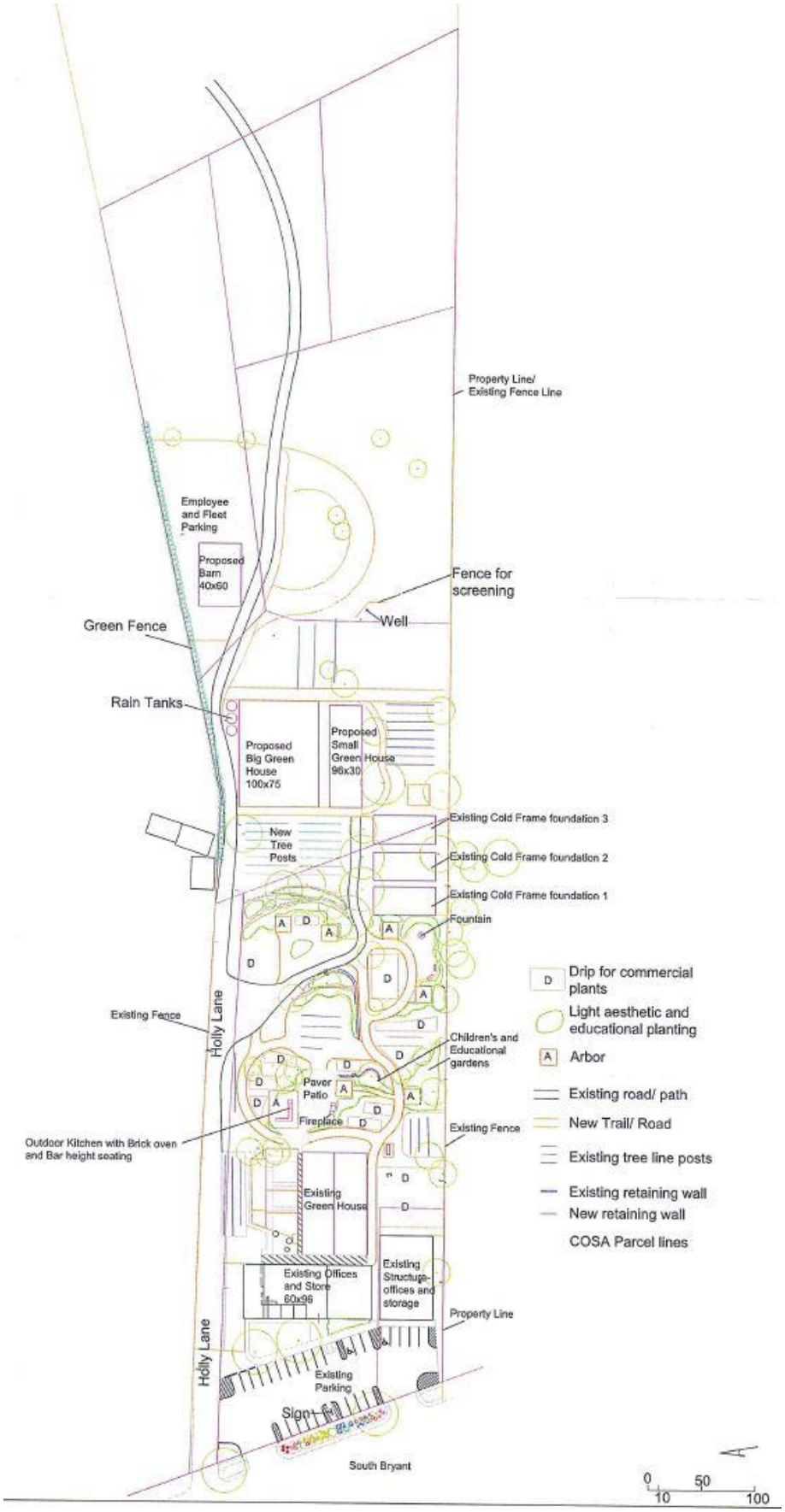
SIGNATURE:

1902 Pine Valley St.
San Angelo, TX 76904
Please change my address to

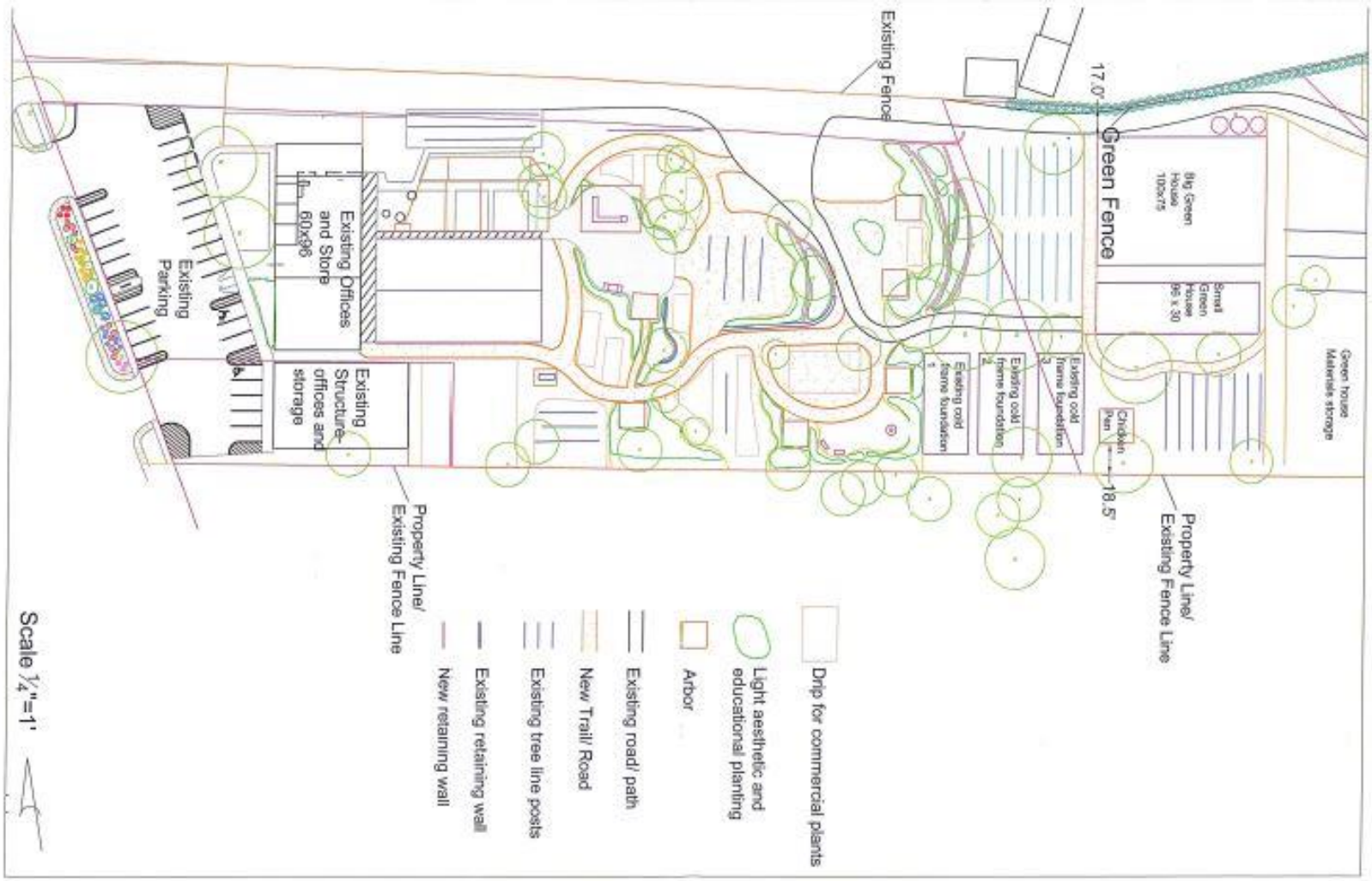
CP17-01 and PD17-03: Entrenos, Inc.
property owner number:

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

SITE PLAN - FULL

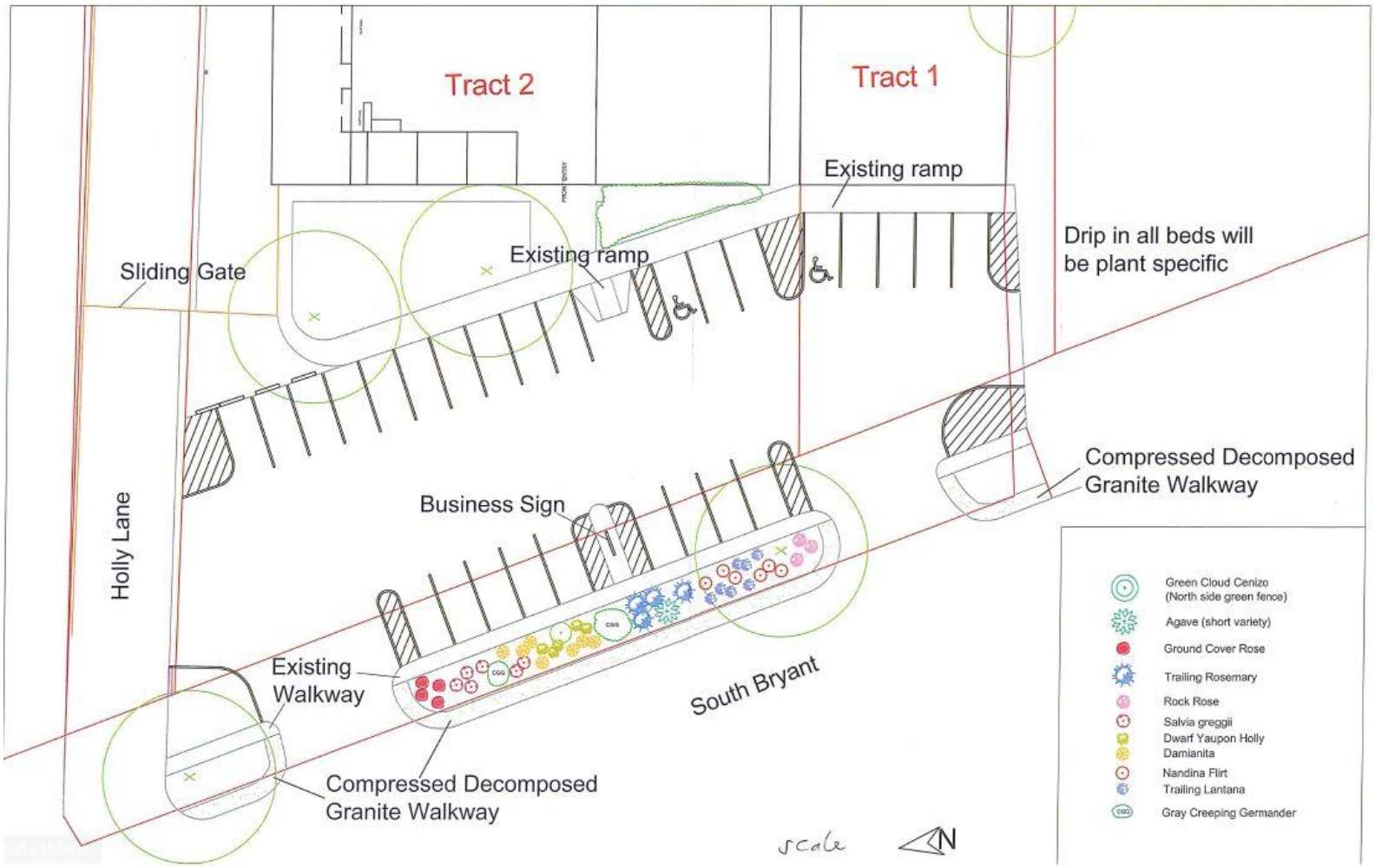


SITE PLAN – FRONT



SITE PLAN – REAR

LANDSCAPE PLAN

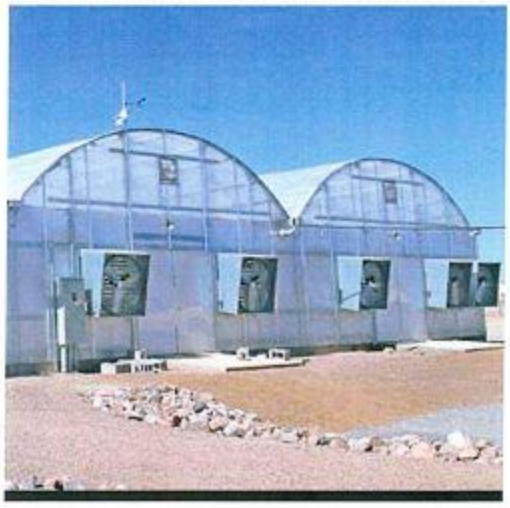


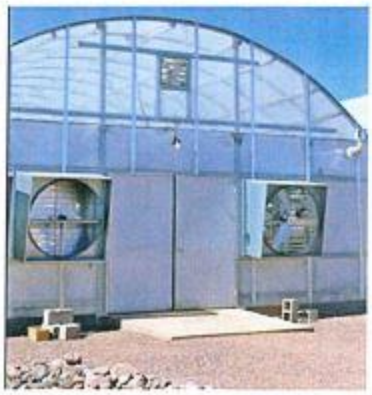
EXISTING RETAIL/OFFICE BUILDING

FUTURE EDUCATIONAL/PUBLIC AREA

FUTURE PEDESTRIAN WALKING TRAIL

FUTURE LAWN MAINTENANCE BARN AND GREENHOUSE BUILDINGS





Effective January 3, 2017

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

Application for Request to Amend Comprehensive Plan

Section 1: Basic Information

Name of Applicant(s): Entrenos, Inc (Tam Honaker

☒ Owner ☐ Representative (Notarized Affidavit Required)

Mailing Address	City	State	Zip Code
5433 Ben Ficklin Road	San Angelo	Texas	

Contact Phone Number	Contact E-mail Address
325-234-5174	tam@fdtx.biz

Subject Property Address	City	State	Zip Code
4044 South Bryant	San Angelo	Texas	76904

Lot Size: 3.311 acres Zoning: RM1

Section 2: Site Specific Details

Existing Use of Property: vacant

Proposed Use of Property: Plant Nursery with retail sales, landscape and lawn maintenance & housing of small animals and horticultural education center

Existing Comprehensive Plan Land Use Designation:

Requested Comprehensive Plan Land Use Designation: Existing neighborhood / proposed commercial

Reason(s) and justification(s) for requesting Comprehensive Plan Amendment:

Purpose is to move in and expand a plant nursery and landscape business on the property
Admendment is required to commercial to facilitate zone change for future development

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

Effective January 3, 2017

Section 3: Applicant(s) Acknowledgement

Please initial the following:

TH This process does NOT change the zoning on the property. Future applications filed for zone change will be evaluated by comparing the request against the Comprehensive Plan category, to insure consistency as required by the Local Government Code. This Code directs cities to make zoning decisions in accordance with this planning document.

TH Filing of this application is simply a request that the Planning Commission consider an amendment to the Comprehensive Plan map. Both the Planning Commission and City Council have the option to determine no amendment is necessary. If amendment is deemed necessary, staff will recommend updates based on the facts and evidence collected, and in accordance with the principles of the Comprehensive Plan adopted in 2009.

TH If approved, the Comprehensive Plan Amendment is applied to the property and runs with the land; it does not apply to the property owner(s).

TH The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a Comprehensive Plan Amendment request, the request must still go before City Council for final action.

TH If a Comprehensive Plan Amendment request is granted by City Council, a Zone Change application must still be filed to begin the rezoning process. While such applications may be filed concurrently, refund of a rezoning application fee is not possible; as such, it may be advisable to wait for a final decision on said Comprehensive Plan Amendment before proceeding with a rezoning request.

TH Comprehensive Plan Amendments are not done on a property by property basis, since zoning is largely based upon anticipating & mitigating the effects and unintended consequences land uses have on their surroundings. The neighborhood or area where your property lies will be evaluated and studied by staff, the Planning Commission, and City Council.

TH Areas will be examined no more than once per calendar year. The analysis, study, and evaluation by staff, the Planning Commission is a three month process; City Council must also adopt any changes.

TH The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

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

Tam Honaker Digitally signed by Tam Honaker DN: cn=Tam Honaker, o=Farmer's Daughter Landscape, ou, email=tam@fdla.biz, c=US Date: 2017.05.16 12:50:18 -05'00'

Signature of licensee or authorized representative

May 17,2017
Date

Tam Honaker
Printed name of licensee or authorized representative

Entrenos, Inc
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CPA.: 17 – 01 **Planning Commission Date:** 6 / 19 / 2017

City Council Date(s): 7 / 18 / 17 & 8/1/17

Non-Refundable Fee: $ 500.00 **Receipt #:** _____ **Date paid:** 5 / 17 / 17

Reviewed/Accepted by: Jeff Fisher **Date:** 5 / 17 / 17

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): Entrenos, Inc. (Tam Honaker)

☒ Owner ☐ Representative (Notarized Affidavit Required)

5433 Ben Ficklin Road (Mailing Address) San Angelo (City) Texas (State) 76904 (Zip Code)

325-234-5174 (Contact Phone Number) tam@fdtx.biz (Contact E-mail Address)

4044 South Bryant Blvd (Subject Property Address) San Angelo (City) Texas (State) 76904 (Zip Code)

7.01 Acres, all of tract 2-7, LABRA subdivision Section 1&2
Legal Description (*can be found on property tax statement or at www.tomgreencad.com*)

Existing Zoning: tract 2: plant nursery Proposed Zoning: PD Lot size: 7.01 acres
tract 3-7 vacant RM1
(Zoning Map available on City Maps)

Section 2: Site Specific Details

Existing Use of Property: tract 2: plant nursery
tract 3-7: vacant

*Proposed Use of Property: plant nursery with retail sales, landscape & lawn maintenance with accessory usages including a horticultural educational center and the housing of small animals
*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.

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

☒ The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

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

Owner Name (Print)	Signature	Company/Organization (If Applicable)	Date
Tam Honaker	Tam Honaker	Entrenos, Inc.	5-16-14

Representative Name (Print)	Signature	Company/Organization	Date

FOR OFFICE USE ONLY:

☑ Verified Complete ☐ Verified Incomplete Date of Application: 5/17/17

Case No.: PD 17-03 Fully-dimensioned site plan: ☑

Nonrefundable fee: $ 637.50 Receipt #: _____ Date paid: 5/17/17

Sign Deposit $37.50 Receipt #: _____ Date paid: 5/17/17

Affidavit attached? ☐ Yes ☐ No ☑ N/A Applicant's signature on information sheet? ☑ Yes ☐ No

Previous Zone Change Inquiry? ☐ Yes ☑ No If yes, ZCI case no.: _____-_____

River Corridor Commission? ☐ Yes ☑ No If yes, RCC meeting date: ___/___/___

Planning Commission hearing date: 6/19/17 Date notifications due: 6/8/17

City Council hearing date: 7/18/17 & 8/1/17 Packets due date: ___/___/___

Publication date: ___/___/___

Reviewed/Accepted by: Jeff Fisher Date: 5/17/17

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS, BEING UNADDRESSED TRACTS; GENERALLY LOCATED APPROXIMATELY 1,200 FEET NORTHEAST OF THE INTERSECTION OF SOUTH BRYANT BOULEVARD AND COX LANE; MORE SPECIFICALLY BEING 0.1 ACRE IN TRACT 3, ALL OF TRACTS 4-7, AND A PORTION OF A PRIVATE ROAD IN LA ABRA SUBDIVISION, SECTION TWO COMPRISING A TOTAL OF 3.311 ACRES, FROM THE "NEIGHBORHOOD" FUTURE LAND USE CATEGORY TO THE "COMMERCIAL" FUTURE LAND USE CATEGORY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council for the City of San Angelo, Texas, in accordance with the City Charter and Chapter 213 of the Texas Local Government Code, has adopted a Comprehensive Plan to guide the long-range development of the City, manage the future growth of the City and promote the health, safety and welfare of its citizens; and

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

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

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

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

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

Unaddressed tracts; generally located approximately 1,200 feet northeast of the intersection of South Bryant Boulevard and Cox Lane; more specifically being 0.1 acre in Tract 3, all of Tracts 4-7, and a portion of a private road in La Abra Subdivision, Section Two comprising a total of 3.311 acres.

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to amend the Future Land Use Planning Map maintained in the Office of the Director to incorporate the foregoing amendment.

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

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

INTRODUCED on the **18th day of July, 2017,** and finally PASSED, APPROVED AND ADOPTED on this, the **1st day of August, 2017.**

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

ATTEST:

_____
Bryan Kendrick, City Clerk

APPROVED AS TO FORM:

_____
Theresa James, City Attorney

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: **4044 South Bryant Boulevard; generally located approximately 400 feet northeast of the intersection of South Bryant Boulevard and Cox Lane; more specifically being Tract 2 and a portion of a private road in La Abra Subdivision, Section One, and being Tracts 3-7 and a portion of a private road in La Abra Subdivision, Section Two, comprising a total of 6.774 acres,** FROM THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AND LOW RISE MULTIFAMILY RESIDENTIAL (RM-1) ZONING DISTRICT TO A PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW FOR A PLANT NURSERY WITH RETAIL SALES; LAWN AND LANDSCAPING CARE AND MAINTENANCE; AND ACCESSORY USES INCLUDING A HORTICULTURAL EDUCATIONAL CENTER AND THE BOARDING OF SMALL ANIMALS FOR EDUCATIONAL PURPOSES; AND PROVIDING FOR SEVERABILITY

RE: PD17-03: Entrenos, Inc.

WHEREAS, the Planning Commission and the City Council for the City of San Angelo, in compliance with the City Charter and state law regarding zoning regulations and zoning map, having given requisite notice of public hearing by publication and otherwise, and having afforded a full and fair hearing to all property owners and persons interested, including persons situated in the vicinity of the affected area, being of the opinion that zoning changes should be made as set out herein;

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

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

4044 South Bryant Boulevard; generally located approximately 400 feet northeast of the intersection of South Bryant Boulevard and Cox Lane; more specifically being Tract 2 and a portion of a private road in La Abra Subdivision, Section One, and being

Tracts 3-7 and a portion of a private road in La Abra Subdivision, Section Two, comprising a total of 6.774 acres, zoned General Commercial (CG) Zoning District and Low Rise Multifamily Residential (RM-1) Zoning District, shall henceforth be permanently zoned as follows: Planned Development (PD17-03) Zoning District to allow for a Plant Nursery with Retail Sales; Lawn and Landscaping Care and Maintenance; and accessory uses including a horticultural educational center and the boarding of small animals for educational purposes.

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.

SECTION 7: Except as otherwise specified or limited in this Ordinance, the use and development of the subject property shall generally conform to the **General Commercial (CG) Zoning District**.

SECTION 8: Overall site use shall be in accordance with the **Concept Plan** shown in **Exhibit A** of this Ordinance. Major changes to the usage of this property shall be approved through an amendment to this Planned Development District with approval from the Planning Commission and City Council. Minor deviations may be approved by the Planning Director, provided no changes to the Zoning Ordinance are required.

SECTION 9: The applicant shall complete gaps in existing landscape screening from adjacent residential uses along the south side yard property line, with drought-resistant shade trees, landscape berm, or other natural vegetation, a minimum of 6-feet in height at time of planting. The landscape screening shall be maintained in perpetuity. No screening is required beyond the existing green fence along the north property line, nor the east property line abutting the river.

SECTION 10: Notwithstanding the CG Zoning District standards, unlimited outdoor storage and display of merchandise related to the permitted uses on the property shall be allowed.

SECTION 11: Parking shall be provided per Section 511.B of the Zoning Ordinance for each use proposed. All vehicles stored or displayed on the subject property of this Special Use shall be fully operable. The use of this property as a storage yard for scrap material, including scrap vehicles, shall be prohibited.

SECTION 12: The applicant shall provide concrete sidewalks and/or decomposed granite within the internal pedestrian walking areas on the property.

SECTION 13: Hours of operation shall be limited between 7:00 a.m. and 10:00 p.m.

SECTION 14: No loud speakers, paging systems, or other auditory devices, with the exception of security alarms, shall be permitted on the premises.

SECTION 15: All new site lighting on the premises shall be shielded, downward emitting and configured in such a manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands. All illuminated signage on the premises shall be turned off between the hours of 10:00pm and 7:00am the following day.

SECTION 16: Prior to any future development and/or building permits being issued on the property, the applicant shall submit a final site plan to the Planning Director and City Fire Marshall for their review and approval.

INTRODUCED on the **18th day of July, 2017,** and finally PASSED, APPROVED AND ADOPTED on this the **1st day of August, 2017.**

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

ATTEST:

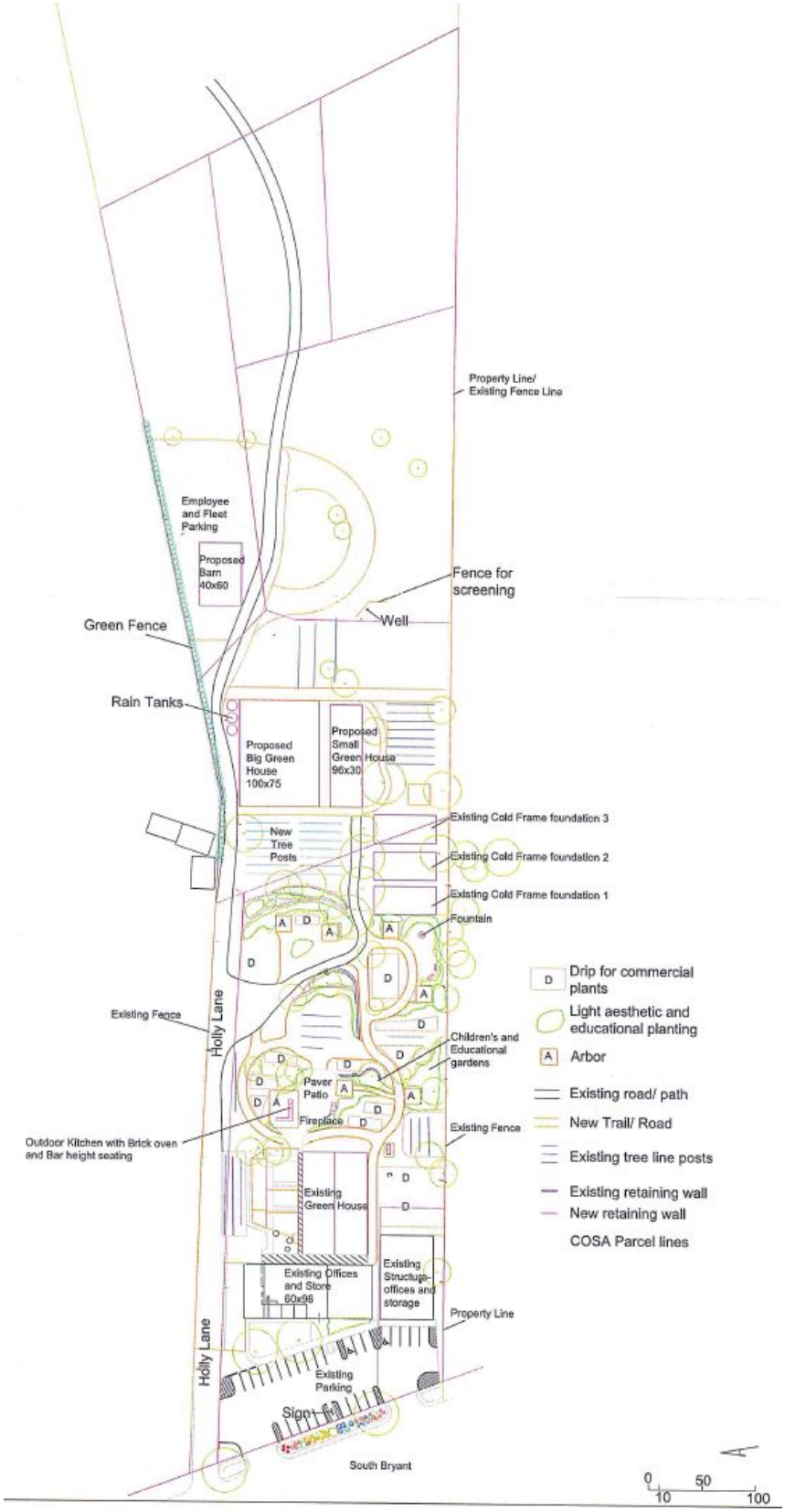
_____
Bryan Kendrick, City Clerk

APPROVED AS TO FORM:

_____
Theresa James, City Attorney

EXHIBIT "A"

Concept Plan



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: August 1, 2017

Item type: Consent Item

Caption:

Cases Z17-08-A and Z17-08-B: Brewer / City of San Angelo

Second reading of an ordinance for a rezoning from the Light Manufacturing (ML) Zoning District to the Single-Family Residential (RS-1) Zoning District, generally located at the northwest corner of Baker Street and Rust Street, on approximately 5.08 acres - (J. James)

Summary/History:

This is an application to rezone a 5.08-acre residential area from the Light Manufacturing (ML) Zoning District to the Single-Family Residential (RS-1) Zoning District. The rezoning of one lot was originally initiated by the applicant, the City is requesting a rezoning for the rest of the area to match and conform to the Comprehensive Plan and existing uses in the area.

Financial Impact:

N/A

Other Information/Recommendation:

These requests were considered by the Planning Commission at their regular meeting on June 19, 2017, where they recommended APPROVAL unanimously. On July 18, 2017, City Council voted unanimously to APPROVE the requests as well.

Attachments:

1. Staff Report — Staff Report Z17-08 Brewer & COSA_City Council.pdf
2. Ordinance — PL_Z17-08_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

CITY COUNCIL – July 18 and August 1, 2017
STAFF REPORT

APPLICATION TYPE:	CASE:
Rezoning	Z17-08-A: Brewer / Z17-08-B: COSA

SYNOPSIS:

This is an application to rezone a 5.08-acre residential area from the Light Manufacturing (ML) Zoning District to the Single-Family Residential (RS-1) Zoning District. The rezoning of one lot was originally initiated by the applicant, the City is requesting a rezoning for the rest of the area to match and conform to the Comprehensive Plan.

LOCATION:	LEGAL DESCRIPTION:
321-427 Rust Street, 428-410 Baker Street, and Lots 1-4 & Lots 19-20, Block 63, out of the Fort Concho Addition	Lots 1-20, Block 63, of the Fort Concho Addition

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD #3 – Harry Thomas Fort Concho Neighborhood	ML - Light Manufacturing	Neighborhood	5.08 acres

THOROUGHFARE PLAN:

Baker Street – Local Street, Required 50' min. ROW, 36' min. pavement with sidewalk, or 40' without sidewalk. Actual 100' min. ROW, 56' pavement with no sidewalk.

Rust Street – Local Street, Required 50' min. ROW, 36' min. pavement with sidewalk, or 40' without sidewalk. Actual 80' min. ROW, 46' pavement with no sidewalk.

NOTIFICATIONS:

37 notifications were mailed within a 200-foot radius on June 7, 2017.
Zero responses have been received in support and one in opposition.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed Rezoning from the Light Manufacturing (ML) Zoning District to the Single Family Residential (RS-1) Zoning District.

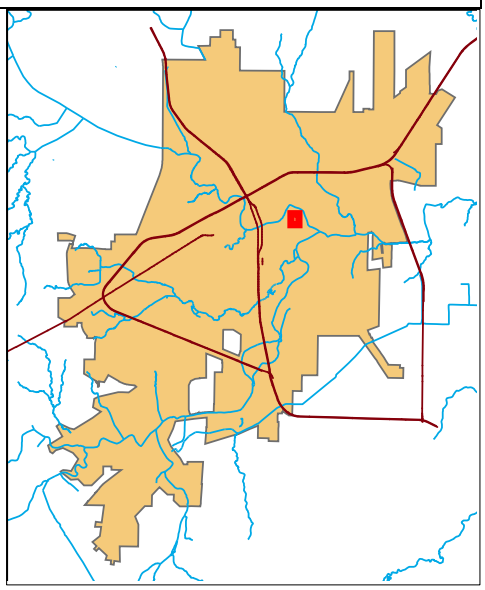
PROPERTY OWNER/PETITIONER:

Property Owner(s):
Terry Shaner

Agent:
Robby Brewer, Builder

STAFF CONTACT:

Kristina Heredia
Staff Planner
(325) 657-4210, Extension 1546
kristina.heredia@cosatx.us



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

1. **Compatible with Plans and Policies.** ***Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The Comprehensive Plan shows this area as being designated to grow as a neighborhood, and current development patterns reflect this. Changing the zoning from ML to RS-1 strengthens the Future Land Use (FLU) designation of Neighborhood.

2. **Consistent with Zoning Ordinance.** ***Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** This neighborhood appears to have been zoned as Light Manufacturing given its proximity to the rail line and other heavier commercial uses. When the FLU of Neighborhood was placed on the properties, it reflected the actual residential trend of development on the majority of the properties. The rezoning to RS-1 is not only consistent with all plans and policies but it is also beneficial to the property owners. Changing the zoning to reflect current land use trends will prevent manufacturing businesses from developing in the lots adjacent to residential homes.

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 neighborhood that has clearly developed as residential. To keep the zoning as ML would appear to be detrimental to the continued residential enjoyment of the area. Furthermore, all the roads in the area are classified as Local Streets in the Master Thoroughfare Plan and there is no intention of widening the roads or changing their classification to address heavier commercial traffic in the near future.

4. **Changed Conditions.** ***Whether and the extent to which there are changed conditions that require an amendment.*** The development conditions are consistent with traditional single-family residential zoning districts. When the ML zoning was placed on the properties, this reflected a belief that the area would develop as industrial. However, this has not occurred and single-family homes became the norm. Leaving the area zoned as Light Manufacturing could result in changes to the makeup of the community that would lead to incompatible land uses.

5. **Effect on Natural Environment.** ***Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*** There are no anticipated negative effects on the natural environment from this action. In fact, an argument can be made that residential development would have less of a negative impact on the environment than industrial development.

6. **Community Need.** ***Whether and the extent to which the proposed amendment addresses a demonstrated community need.*** The community need in the area is for the neighborhood to be rezoned to RS-1. When property owners try to refinance their mortgage or sell their homes, they are faced with additional difficulties due to their legal non-conforming status. A rezoning allows the current property owners to conduct their personal business unimpeded.

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 existing development pattern in the area, along with the Future Land Use designation, does not justify keeping the zoning district as ML. Quite the opposite, this entire block has developed as single-family residential, and it was the applicant's desire to build an additional house in the area that started this process to recognize the inconsistency of the current zoning and amend it to allow current residential development patterns to continue.

Planning Commission Recommendation:

On June 19, 2017, the Planning Commission recommended **APPROVAL** of a Rezoning from the Light Manufacturing (ML) Zoning District to the **Single Family Residential (RS-1) Zoning District**.

The following is the complete excerpt of the minutes from the June 19, 2017, meeting for this case:

Kristina Heredia, Planner, outlined the proposed request for a Rezoning from the Light Manufacturing (ML) Zoning District to the Single-Family Residential (RS-1) Zoning District on the subject properties. She explained that the purpose of the request was to change the zoning to match what the existing use of the properties was. The subject area was decidedly residential, yet was zoned Light Manufacturing due to the proximity to the railroad. She recommended approval of the Rezoning. With no questions for Ms. Heredia, Chairperson Priess opened the floor for public comment.

Homeowner Kenneth Hamblin spoke in favor of the Rezoning.

Homeowner Charles Millspaugh spoke in opposition of the request. He indicated that he was against the Rezoning because he and his wife had a home occupation in their residence and that they also had an illuminated sign. He did not want to lose his right to the home occupation or the illuminated sign due to the Rezoning. He requested that the Rezoning be applicable to all of the properties except his own. He was reassured by Planning Director Jon James that his home occupation would be grandfathered in.

Homeowner Steve Schlittler spoke in favor of the Rezoning.

Homeowner Robert Dillard spoke in opposition of the Rezoning because of the proximity of the railroad and the potential for commercial development.

Commissioner Smith made a Motion to recommend APPROVAL of the Rezoning request as presented for all properties, and Commissioner Stribling seconded the Motion with Commissioner Spano also voting in favor, and Commissioners Priess, Jackson, Farmer and Crisp voting against. The Motion failed, 3-4.

Commissioner Farmer made a Motion to recommend APPROVAL of the Rezoning request for all properties except the one lot belonging to Mr. Millspaugh, and Commissioner Jackson seconded the Motion with Commissioners Priess and Crisp also voting in favor, and Commissioners Stribling, Smith and Spano voting against. The Motion passed, 4-3.

Commissioner Priess asked the Commission if they wished to re-open the case in order to reconsider their previous actions.

Commissioner Farmer made a Motion to reconsider the previous motion, and Commissioner Crisp seconded the Motion with all Commissioners voting in favor. The Motion passed 7-0.

Chairperson Priess re-opened the public hearing and after additional discussion and explanation that if Mr. Millspaugh were to replace his sign, he would only need a variance, but if his home were to be destroyed it could not be rebuilt under ML zoning, as it was a Legal Nonconforming Use.

Commissioner Farmer made a Motion to recommend APPROVAL of the Rezoning request for all the recommended properties, and Commissioner Crisp seconded the Motion. The Motion passed unanimously, 7-0.

Recommendation:

Staff's recommendation is for City Council to **APPROVE** a Rezoning from the Light Manufacturing (ML) Zoning District to the Single Family Residential (RS-1) Zoning District.

Zone Change Request

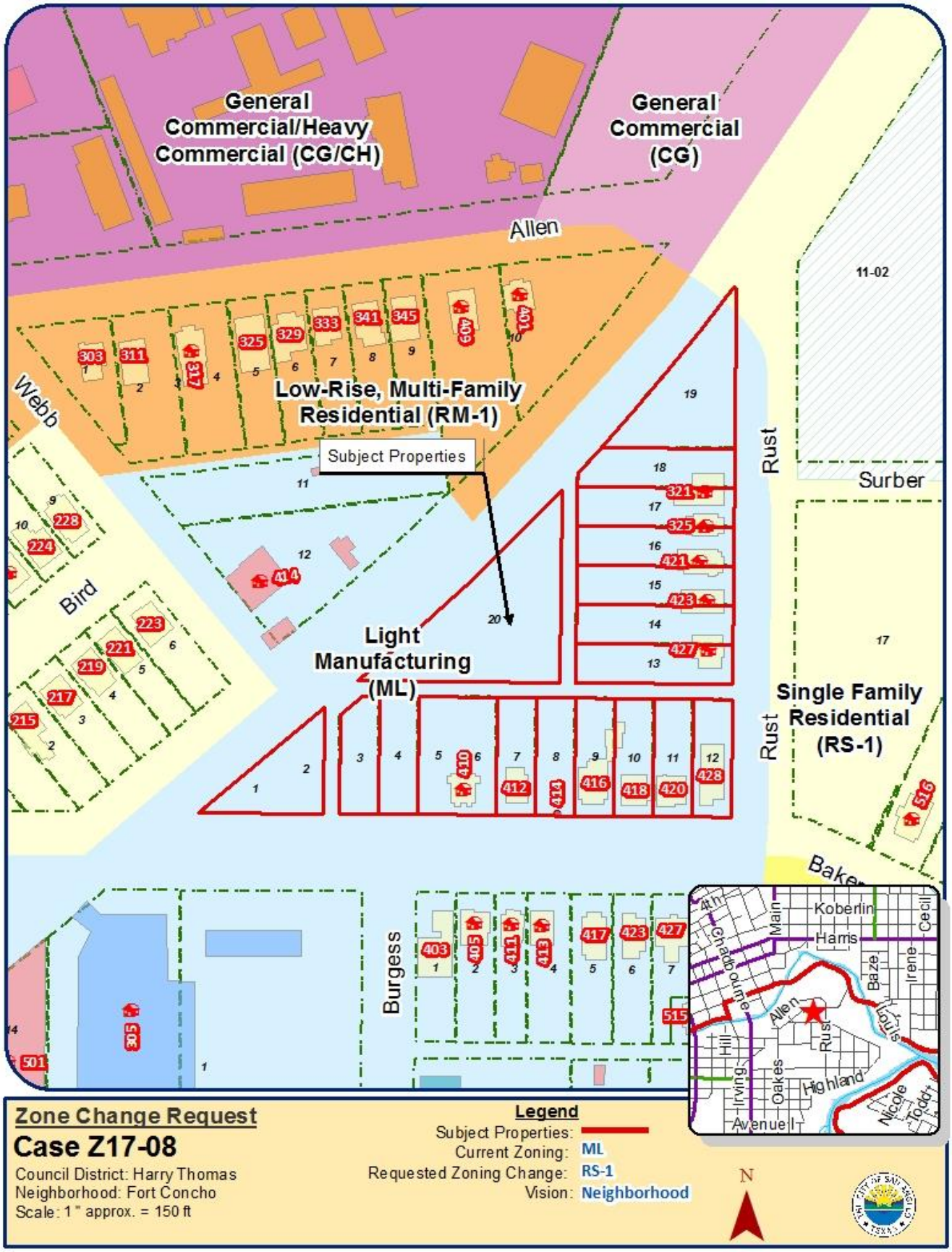
Case Z17-08

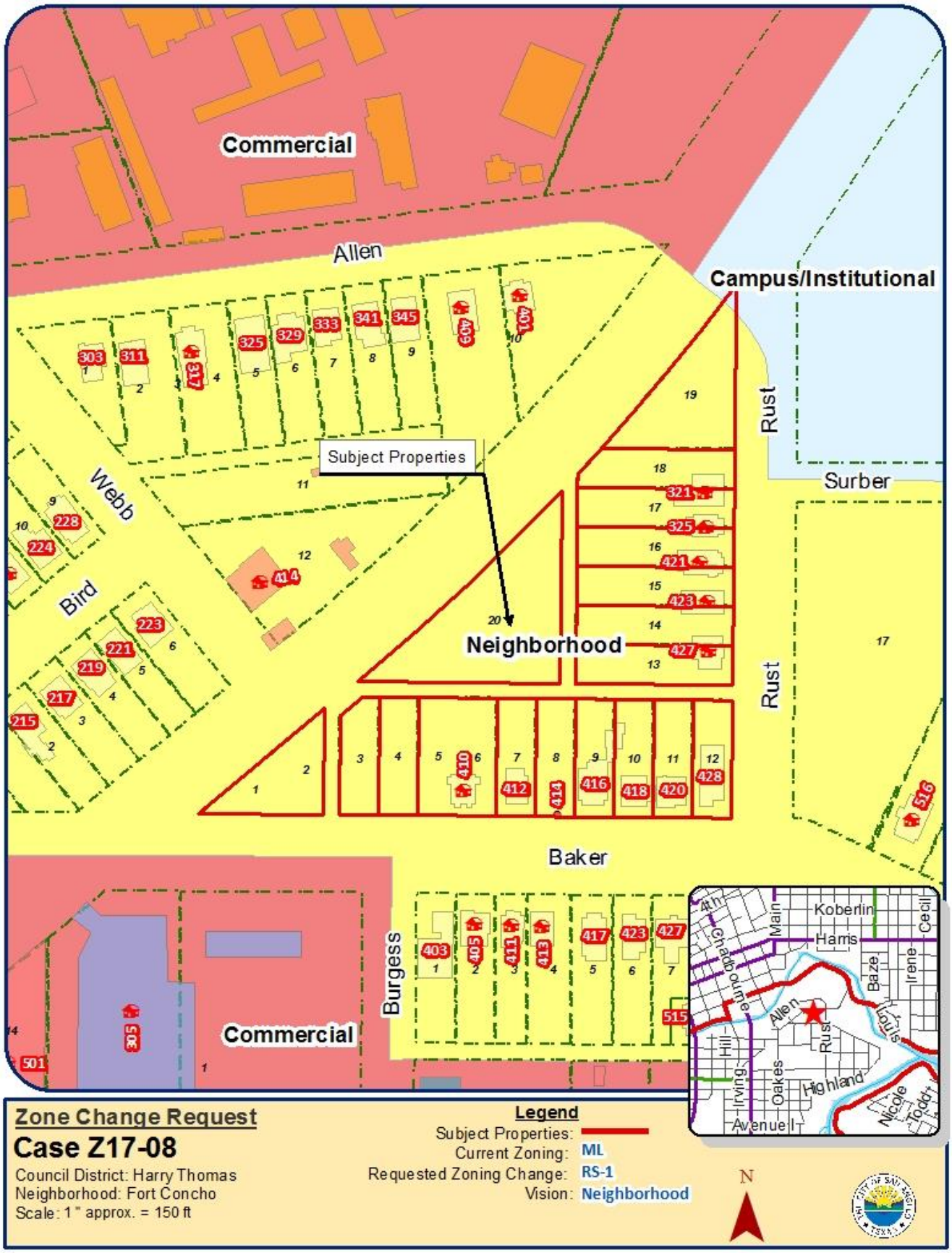
Council District: Harry Thomas
Neighborhood: Fort Concho
Scale: 1 " approx. = 150 ft

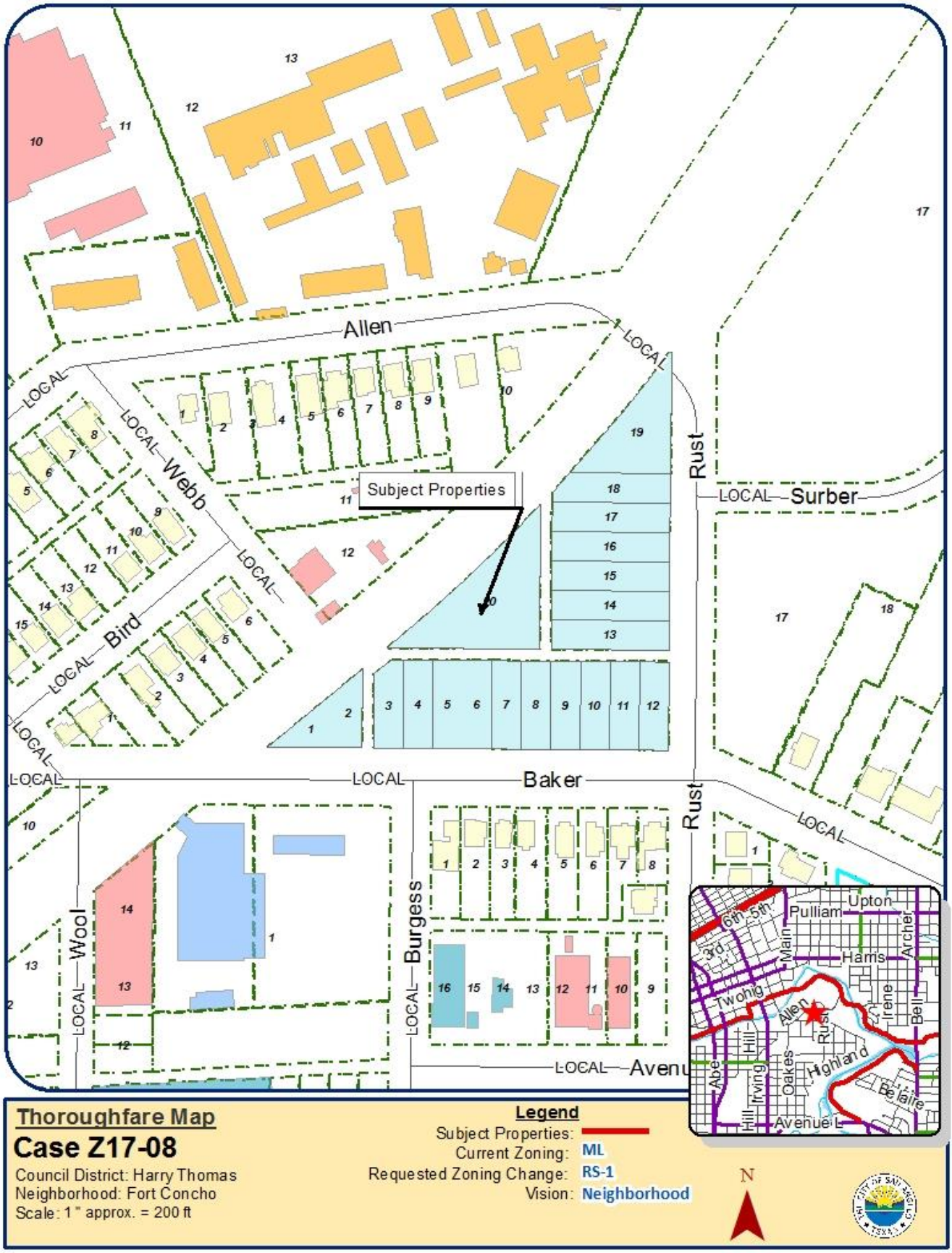
Legend

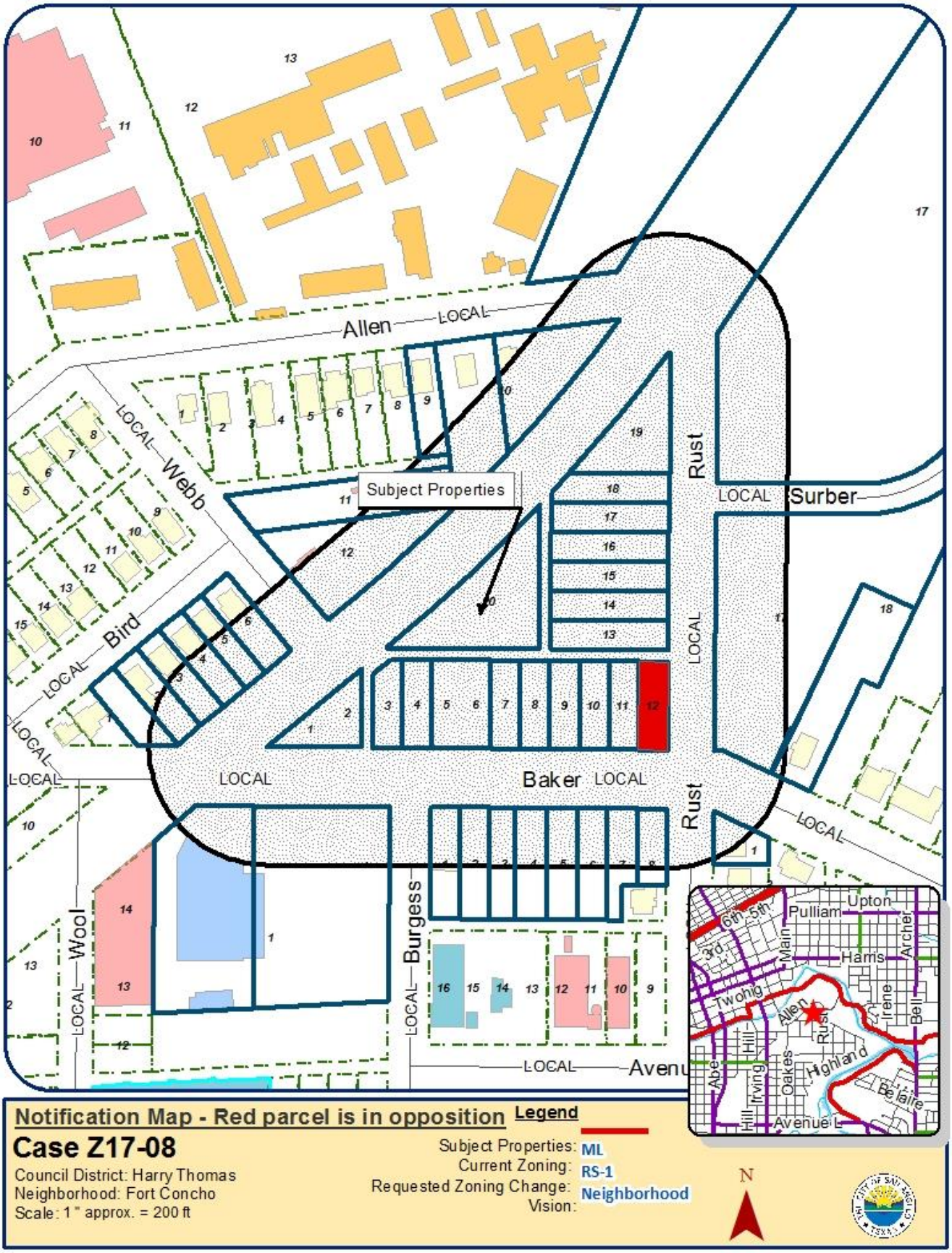
Subject Properties:
Current Zoning: ML
Requested Zoning Change: RS-1
Vision: Neighborhood

N


General Commercial/Heavy Commercial (CG/CH)
General Commercial (CG)
Allen
11-02
Low-Rise, Multi-Family Residential (RM-1)
Subject Properties
Webb
Bird
Rust
Surber
Light Manufacturing (ML)
Single Family Residential (RS-1)
Rust
Baker
Burgess
Koberlin
Harris
Main
Cecil
Baze
Irene
Allen
Highland
Avenue I
Zone Change Request
Case Z17-08
Council District: Harry Thomas
Neighborhood: Fort Concho
Scale: 1 " approx. = 150 ft
Legend
Subject Properties:
Current Zoning: ML
Requested Zoning Change: RS-1
Vision: Neighborhood
N


Commercial
Allen
Campus/Institutional
Rust
Surber
Subject Properties
Webb
Bird
Neighborhood
Rust
Baker
Burgess
Commercial
Zone Change Request
Case Z17-08
Council District: Harry Thomas
Neighborhood: Fort Concho
Scale: 1 " approx. = 150 ft
Legend
Subject Properties:
Current Zoning: ML
Requested Zoning Change: RS-1
Vision: Neighborhood
N


Allen
Webb
Bird
Rust
Surber
Baker
Wool
Burgess
Avenue
LOCAL
Subject Properties
Pulliam
Upton
Harris
Archer
Twohig
Irene
Bell
Highland
Oakes
Irving
Hill
Abe
Belaire
Avenue L
Main
6th
5th
3rd
N
Thoroughfare Map
Case Z17-08
Council District: Harry Thomas
Neighborhood: Fort Concho
Scale: 1 " approx. = 200 ft
Legend
Subject Properties:
Current Zoning: ML
Requested Zoning Change: RS-1
Vision: Neighborhood


Subject Properties
Allen
LOCAL
Webb
Bird
Rust
Surber
Baker
Wool
Burgess
Avenue
Pulliam
Upton
Harris
Archer
Main
Twohig
Irene
Bell
Highland
Oakes
Irving
Hill
Abe
Belaire
Avenue L
Legend
Notification Map - Red parcel is in opposition
Case Z17-08
Council District: Harry Thomas
Neighborhood: Fort Concho
Scale: 1 " approx. = 200 ft
Subject Properties:
Current Zoning: RS-1
Requested Zoning Change: ML
Vision: Neighborhood
N

Site Photos

Mon 6/12/2017 7:41 PM

Ruth Millspaugh <ruthmillspaugh@gmail.com>

Zoning verification letter.

To Heredia, Kristina

Kristina,

The equipment I have for my business is sewing machines, heat press, and irons. I make purses, aprons, children's clothing, special sewing projects and do alterations. I also do custom sewing for my clients.

I definitely oppose the rezoning of our property at 428 Baker Street.

Ruth's Creations.
--
Ruth Millspaugh

414 Baker Street

Homes on Baker Street-East

Homes on Baker Street-West

Homes across Baker Street

Homes on Rust Street

Homes on Rust Street

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 northwest corner of Baker Street and Rust Street, compromising a total of 5.08 acres,** FROM LIGHT MANUFACTURING (ML) ZONING DISTRICT TO SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on consideration of the application for zoning change from Light Manufacturing (ML) to Single Family Residential District (RS-1) Z17-08, Brewer/COSA; 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 the northwest corner of Baker Street and Rust Street, within the corporate limits of the City of San Angel; more specifically being Lots 1-20, Block 63, of the Fort Concho Addition, San Angelo, Texas, compromising a total of 5.08 acres, Light Manufacturing (ML) Zoning District, shall henceforth be permanently zoned as follows: Single-Family Residential (RS-1) 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 **18th day of July, 2017,** and finally PASSED, APPROVED AND ADOPTED on this the **1st day of August, 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: August 1, 2017

Item type: Consent Item

Caption:

Second reading of an ordinance for a rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1), generally located at the northeast corner of South Irving Street and West Avenue R, on 0.172 acres - (J. James)

Summary/History:

This rezoning request would allow for the construction of a new single-family dwelling on the southerly portion of Lots 15 and 16, currently vacant, and to legalize an existing single-family dwelling on the northerly portion of Lots 15 and 16 built in 1940. This will allow both lots to face South Irving Street, increasing the individual lot frontages from 50 feet to 75 feet and be able to comply with the required RS-1 setbacks. Approval of this request will allow future residential construction on both properties once an associated replat is approved and recorded.

Financial Impact:

N/A

Other Information/Recommendation:

This request was considered by the Planning Commission at their regular meeting on June 19, 2017, where they recommended APPROVAL unanimously. On July 18, 2017, City Council voted unanimously to APPROVE the request as well.

Attachments:

1.	Staff Report	PL_Z17-06 report.pdf
2.	Ordinance	PL_Z17-06 Ordinance.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

CITY COUNCIL – July 18 and August 1, 2017
STAFF REPORT

APPLICATION TYPE:	CASE:
Rezoning	Z17-06: Arteaga

SYNOPSIS:

The applicants have requested approval of a Rezoning from the Neighborhood Commercial (CN) Zoning District to Single-Family Residential (RS-1) on Lot 16 in Block 138 of the Fort Concho Addition. The applicants own Lot 15 which is already zoned Single-Family Residential (RS-1) and Lot 16 which has been zoned Neighborhood Commercial (CN) since at least 1987. This change would allow the applicants to construct a new single-family dwelling on the southerly portion of Lots 15 and 16, currently vacant, and to legalize an existing single-family dwelling on the northerly portion of Lots 15 and 16 built in 1940. As per Chapter 1.VI.B of the *Land Development and Subdivision Ordinance*, a replat is also required to reorient the lot lines which do not match the existing plat of record. This will allow both lots to face South Irving Street, increasing the individual lot frontages from 50 feet to 75 feet and be able to comply with the required RS-1 setbacks. The applicants submitted a request to SKG Engineering, LLC for preparation of the associated replat. No formal application has been filed with the Planning Division to date, however, approval of this request will allow future residential construction on both properties once an associated replat is approved and recorded.

LOCATION:	LEGAL DESCRIPTION:
2124 and 2128 South Irving Street, generally located at the northeast corner of South Irving Street and W. Avenue R.	Being 0.172 acres in the Fort Concho Addition, Block 138, Lot 16

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #3 – Harry Thomas Rio Vista Neighborhood	CN – Neighborhood Commercial	Neighborhood	0.172 ac.

THOROUGHFARE PLAN:

South Irving Street – Urban Local Street
Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk
Provided: 80' right-of-way, 36' pavement and no sidewalk (pre-existing street exempt from these standards as already platted in accordance with standards at that time).

Montague Street – Urban Local Street
Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk
Provided: 66' right-of-way, 36' pavement and no sidewalk (pre-existing street exempt from these standards as already platted in accordance with standards at that time).

NOTIFICATIONS:

17 notifications mailed within 200-foot radius on June 8, 2017. Zero received in support or opposition.

STAFF RECOMMENDATION:

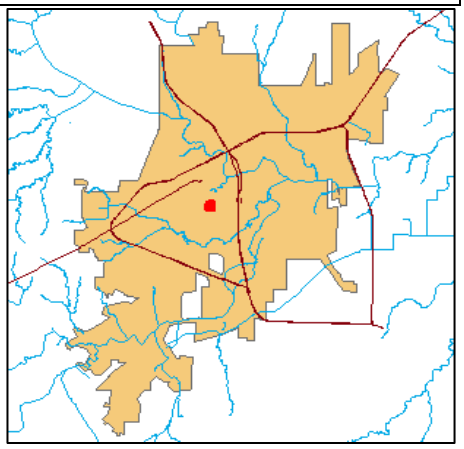
Staff recommends **APPROVAL** of the Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District.

PROPERTY OWNER/PETITIONER:

Property Owner(s):
Nicolas and Jovita Arteaga

STAFF CONTACT:

Jeff Fisher,
Senior Planner
(325) 657-4210, Extension 1550
jeff.fisher@cosatx.us



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

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 proposed rezoning to Single-Family Residential (RS-1) would be compatible with the City's Comprehensive Plan which designates the properties "Neighborhood." The applicable Neighborhood policies intend to "promote neighborhood diversity and security by encouraging a mix of age, income, and housing choices" and call to "eliminate uncomplimentary and incompatible zoning classifications from neighborhood plans." If approved, the proposed rezoning would eliminate the CN zoning on the westerly portion of the properties owned by the applicant, which currently restricts them from erecting a second home in this location. The properties are surrounded by low density residential housing on all four sides, and maintaining a CN zoning on a portion of the properties would be incompatible with the above policies which encourage a diversity of residential housing choices in this area.

2. **Consistent with Zoning Ordinance.** ***Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** The proposed rezoning to RS-1 would allow the applicants to reorient their property lines to face South Irving Street in order to construct a second dwelling. The proposed replat would create two, 75-foot by 100-foot lots facing South Iriving Street, allowing sufficient space for a new dwelling to comply with the two 25-foot front yard setbacks (double frontage lot) on South Irving Street and West Avenue R. In addition, the lots would be exclusively zoned RS-1 which would allow future expansions onto the existing home at 2124 South Irving Street, the north lot, and 2128 South Irving Street, the south lot. The proposed configurations of 75 feet by 100 feet, and the existing configurations of 50 feet by 150 feet both comply with the minimum lot area of 5,000 square feet, minimum lot frontage of 50 feet, and minimum lot depth of 100 feet in the Zoning Ordinance for RS-1 lots.

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 surrounded by low density residential development. The residential lots to the west, south, and east, contain single-family residential homes and are appropriately zoned RS-1. The lot immediately north contains a duplex and is zoned RS-2, also appropriate for duplexes. Removing the CN designation from the westerly portion of the subject properties would be appropriate given the dominant low density residential character in this area.

4. **Changed Conditions.** ***Whether and the extent to which there are changed conditions that require an amendment.*** The CN zoning on the west portion of the applicant's properties is no long appropriate given this area has developed residentially for mainly single-family dwellings. When the City adopted its original Comprehensive Plan in 2003, it designated these properties "Low Density Residential" to reflect the existing character of this neighborhood. It maintained a residential designation "Neighborhood" in its 2009 Plan Update, on these properties, as well as the entire surrounding residential neighborhood which extends from the two lots immediately to the east of the properties over 1/3 mile west to Gunter Street near South Bryant Boulevard. Planning Staff believes based on the predominant residential character of this area, that a rezoning to RS-1 would be appropriate.

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.*** Planning Staff does not anticipate any adverse impacts on the natural environment. Any future single-family dwelling on the southerly lot will require a building permit that 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 believes there is a need for a rezoning given the low density residential character of the surrounding area, the City Comprehensive Plan policies which support more residential development in this location, and the current dual zoning which limits development potential of either use. A rezoning to exclusively RS-1 would essentially provide a logical "clean up" of the properties, ensuring safe and orderly residential development on the southerly lot, and legalizing the existing dwelling on the north lot by removing the CN zoning from the properties.

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.*** A rezoning to RS-1 would facilitate a replat of the properties to face South Irving Street ensuring a logical and orderly pattern of development, and providing sufficient space for a second dwelling in this location. The residential lots immediately to the west and south also face South Irving Street, and a rezoning on these properties would allow consistency and existing view corridors to be maintained.

Planning Commission Recommendation:

On June 19, 2017, the Planning Commission recommended **APPROVAL** of the Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District on the subject property at Lot 16 in Block 138 of the Fort Concho Addition. The following is the complete excerpt of the minutes from the June 19, 2017, meeting for this case:

Jeff Fisher, Senior Planner, outlined the proposed request for a Rezoning on Lot 16 of the applicant's properties from Neighborhood Commercial (CN) to Single-Family Residential (RS-1) to facilitate construction of a future home on the south portion of the properties, and to legalize the existing home on the north portion. The properties are currently dual zoned with the west portion CN and the east portion RS-1. Mr. Fisher explained that Rezoning to RS-1 would allow the lots to be replatted and reoriented to face South Irving Street, allowing a second home to be built.

Chairperson Priess opened the meeting for public comment.

The property owner and applicant, Mr. Arteaga, spoke on his own behalf in support of the request. He explained that he owns several lots nearby and plans to build a home on the south portion of the property.

Commissioner Stribling made a Motion to recommend APPROVAL of the proposed Rezoning request on all of Lot 16 in Block 138 of the Fort Concho Addition, from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District as presented, and Commissioner Smith seconded the Motion. The Motion passed unanimously, 6-0.

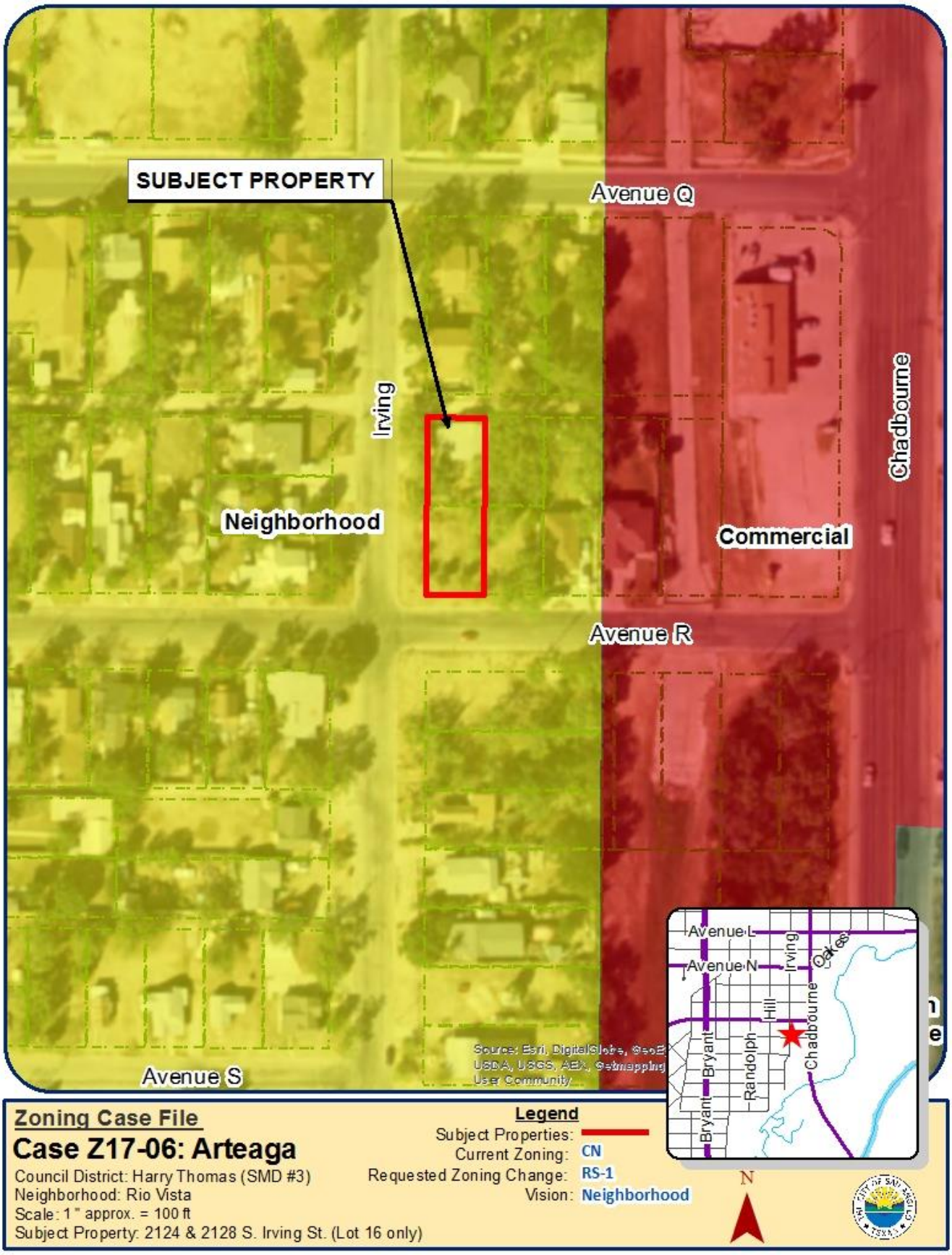
Recommendation:

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

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Application

SUBJECT PROPERTY
Avenue Q
Irving
Chadbourne
Avenue R
Avenue S
Avenue L
Avenue N
Irving
Oakes
Hill
Bryant
Randolph
Bryant
Chadbourne
Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community
Zoning Case File
Case Z17-06: Arteaga
Council District: Harry Thomas (SMD #3)
Neighborhood: Rio Vista
Scale: 1 " approx. = 100 ft
Subject Property: 2124 & 2128 S. Irving St. (Lot 16 only)
Legend
Subject Properties:
Current Zoning: CN
Requested Zoning Change: RS-1
Vision: Neighborhood
N


SUBJECT PROPERTY
Avenue Q
Irving
Chadbourne
Neighborhood
Commercial
Avenue R
Avenue S
Avenue L
Avenue N
Irving
Oates
Hill
Chadbourne
Bryant
Randolph
Bryant
Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, AEX, Getmapping, User Community
Zoning Case File
Case Z17-06: Arteaga
Council District: Harry Thomas (SMD #3)
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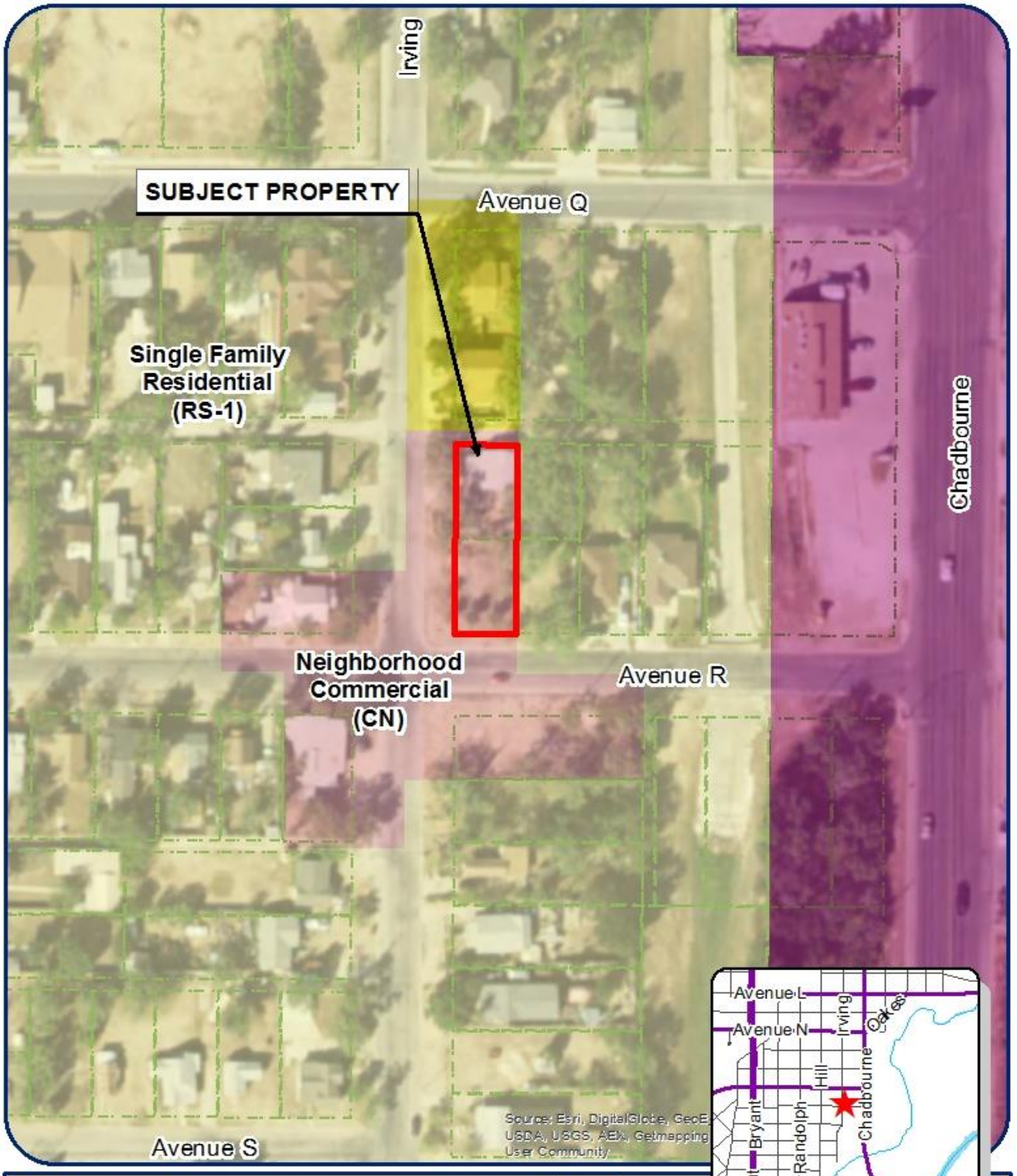
Scale: 1 " approx. = 100 ft
Subject Property: 2124 & 2128 S. Irving St. (Lot 16 only)
Legend
Subject Properties:
Current Zoning: CN
Requested Zoning Change: RS-1
Vision: Neighborhood
N



Zoning Case File

Case Z17-06: Arteaga

Council District: Harry Thomas (SMD #3)
Neighborhood: Rio Vista
Scale: 1 " approx. = 100 ft
Subject Property: 2124 & 2128 S. Irving St. (Lot 16 only)

Legend

Subject Properties:
Current Zoning: CN
Requested Zoning Change: RS-1
Vision: Neighborhood

N

Photos of Site and Surrounding Area

WEST

EAST

NORTH

SOUTH

EAST AT 2124 S. IRVING (EXISTING HOME)

EAST AT 2128 S. IRVING (VACANT)

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): Nicolas Arteaga Nicolas Arteaga Javita Arteaga

☒ Owner ☐ Representative (Notarized Affidavit Required)

2101 So. Irving st San Angelo TX Texas 76903
Mailing Address City State Zip Code

655 2948
Contact Phone Number Contact E-mail Address

2124/2128 South Irving San Angelo Texas 76905
Subject Property Address City State Zip Code

Fort Concho Addition Block 135 Lot 15, 16
Legal Description (*can be found on property tax statement or at www.tomgreencad.com*)

Existing Zoning: C N.R.S.1 Proposed Zoning: RS1 Lot size: 0.1344 AC

(Zoning Map available on City Maps)

Section 2: Site Specific Details

Existing Use of Property: Residential

*Proposed Use of Property: Residenial

*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.

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

☑ The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

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

Nicolas Arteaga [signature] 5-4-17
Owner Name (Print) Signature Company/Organization (If Applicable) Date

Janita T. Arteaga [signature] 5-4-17
Representative Name (Print) Signature Company/Organization Date
OWNER

FOR OFFICE USE ONLY:

☑ Verified Complete ☐ Verified Incomplete Date of Application: 5 / 4 / 17

Case No.: Z 17 - 06 Fully-dimensioned site plan: ☐ N/A

Nonrefundable fee: $ 537.50 Receipt #: _____ Date paid: 5 / 4 / 17

Sign Deposit $37.50 Receipt #: _____ Date paid: 5 / 4 / 17

Affidavit attached? ☐ Yes ☐ No ☑ N/A Applicant's signature on information sheet? ☐ Yes ☐ No

Previous Zone Change Inquiry? ☐ Yes ☑ No If yes, ZCI case no.: _____-_____

River Corridor Commission? ☐ Yes ☑ No If yes, RCC meeting date: ____/____/____

Planning Commission hearing date: 6 / 19 / 17 Date notifications due: ____/____/____

City Council hearing date: 7 / 18 / 17 Packets due date: ____/____/____

Publication date: ____/____/____

Reviewed/Accepted by: J. Fisher Date: 5 / 4 / 17

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 the northeast corner of South Irving Street and West Avenue R, being 0.172 acres in the Fort Concho Addition, Block 138, Lot 16,** FROM NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT TO THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

RE: Z17-06: Arteaga

WHEREAS, on consideration of the application for zoning change from Neighborhood Commercial (CN) to Single-Family Residential (RS-1), Z17-06, (Arteaga); 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 northeast corner of South Irving Street and West Avenue R, within the corporate limits of the City of San Angelo, more specifically 0.172 acres in the Fort Concho Addition, Block 138, Lot 16, Tom Green County, Texas, shall henceforth be permanently zoned as follows: Single-Family Residential (RS-1) 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 **18th day of July, 2017,** and finally PASSED, APPROVED AND ADOPTED on this the **1st day of August, 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: August 1, 2017

Item type: Consent Item

Caption:

Second reading of an ordinance approving a Special Use to allow for an Auto and Boat Dealer as defined in Section 315.B. of the Zoning Ordinance, in the Neighborhood Commercial (CN) Zoning District, generally located east of South Bryant Boulevard, between West Avenue Y and West Avenue Z, on 0.757 acres - (J. James)

Summary/History:

The applicant has requested a Special Use to allow a new automotive dealership on the subject properties zoned Neighborhood Commercial (CN). If approved, the Special Use would allow the applicant to sell automobiles, as well as recreational vehicles (RVs) and small trailers. The applicant has submitted a site plan that shows a future retail office building, as well as parking spaces for the office and vehicles for sale. The site plan also delineates future landscaping, a sidewalk along West Avenue Y, and privacy fencing. The applicant does not have plans for development on the southerly three lots, which have been reserved for future development.

Financial Impact:

N/A

Other Information/Recommendation:

This request was considered by the Planning Commission at their regular meeting on June 19, 2017, where they recommended APPROVAL unanimously. On July 18, 2017, City Council voted unanimously to APPROVE the request as well.

Attachments:

1.	Staff Report	PL_SU17-03 report.pdf
2.	Ordinance	PL_SU17-03 Ordinance.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

CITY COUNCIL – July 18 and August 1, 2017
STAFF REPORT

APPLICATION TYPE:	CASE:
Special Use	SU17-03: Jacobs

SYNOPSIS:

The applicant has requested a Special Use to allow a new automotive dealership on the subject properties zoned Neighborhood Commercial (CN). If approved, the Special Use would allow the applicant to sell automobiles, as well as recreational vehicles (RVs) and small trailers. The applicant has submitted a site plan that shows a future retail office building, as well as parking spaces for the office and vehicles for sale. The site plan also delineates future landscaping, a sidewalk along West Avenue Y, and privacy fencing. The applicant does not have plans for development on the southerly three lots, which have been reserved for future development. Although the properties are adjacent to South Bryant Boulevard to the west, a major arterial road, there are residentially-zoned lots to the north, a residential dwelling immediately north, and several residential dwellings to the southeast. Careful consideration of the surrounding area has been examined in Staff's analysis below.

LOCATION:	LEGAL DESCRIPTION:
413, 417, and 421 West Avenue Y; generally located east of South Bryant Boulevard, between West Avenue Y and West Avenue Z	Being part of Lots 5, 6, 7 and 22, and all of Lots 23, 24, and 25 in Block 3 of the Monterrey Addition, comprising a total of 0.757 acres

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #3 – Harry Thomas Rio Vista Neighborhood	CN – Neighborhood Commercial	C – Neighborhood Center	0.757 acres

THOROUGHFARE PLAN:

South Bryant Boulevard (TXDOT) – Urban Arterial Street
Required: 80' right-of-way, 64' pavement
Provided: 150' right-of-way, 115' pavement

West Avenue Y – Urban Local Street
Required: 50' right-of-way, 40' pavement or 36' pavement
Provided: 30' right-of-way, 26' pavement (lots already platted, complied with standards at that time)

NOTIFICATIONS:

22 notifications mailed within 200-foot radius on June 8, 2017. One received in support, zero in opposition.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the Special Use to allow an Auto and Boat Dealer as defined in Section 315.B. of the Zoning Ordinance, in the Neighborhood Commercial (CN) Zoning District, on the subject properties, **subject to 12 Conditions of Approval**.

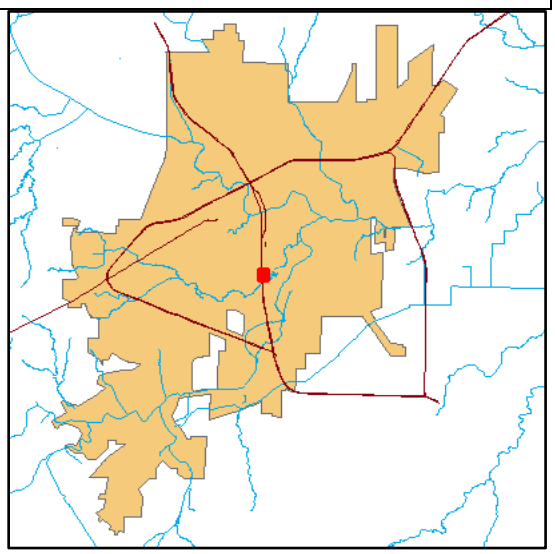
PROPERTY OWNER/PETITIONER:

Property Owner and Agent:
Frontier Real Estate Investments
(Mr. Max Jacobs)

Applicant:
Mr. Cole Ingram

STAFF CONTACT:

Jeff Fisher,
Senior Planner
(325) 657-4210, Extension 1550
jeff.fisher@cosatx.us



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

1. **Impacts Minimized.** ***Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.*** The applicant's site plan will minimize adverse effects on adjacent properties through the provision of additional shade trees, landscaping, and xeriscaping along the north portion of the property. Staff will seek additional conditions, however, to mitigate potential impacts on the residential lots to the north and southeast, including prohibiting outdoor speakers, requiring any repair or maintenance to be conducted inside an enclosed building, restricting any light spillover onto adjacent properties, and limiting outdoor storage to the sale and display of vehicles and trailers. These conditions are generally consistent with previous Special Use approvals for auto and boat dealers, including the Auto Wrangler property at 1801 North Bryant Boulevard (SU15-01).

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 function as one contiguous lot and therefore will comply with the minimum required lot area of 6,000 square feet, the minimum lot width of 50 feet, and the minimum lot depth of 80 feet for a CN zone. The site plan delineates the proposed building maintaining a 25-foot front yard setback from West Avenue Y as required. The proposed 600-square foot sales office has parking for three vehicles as required, and there is ample parking on the properties for vehicle for sale as well. A privacy fence will be required along the south side of Lot 25, adjacent to a residential zoning district and use, as required.

3. **Compatible with Surrounding Area.** ***Whether and the extent to which the proposed amendment is compatible with existing and anticipated uses surrounding the subject land.*** Although located adjacent to South Bryant Boulevard, the City's Comprehensive Plan designates this property "Neighborhood Center" and the associated CN zoning does not allow an auto and boat dealer by right. These uses can typically generate high volumes of commercial and truck traffic, as well as noise and odors from any ancillary repair and maintenance. Staff believes, however, that the proposed development will be compatible with the surrounding land uses if certain conditions of approval are imposed. As indicated above, these conditions will include screening, buffering, limited outdoor storage except for display vehicles, and requiring repair and maintenance to be conducted inside a building.

4. **Traffic Circulation.** ***Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.*** Planning staff does not anticipate heavy traffic volumes onto local streets, given that the property is adjacent to South Bryant Boulevard, a major commercial thoroughfare. It is anticipated that most vehicles would access the site by first travelling northbound onto South Bryant Boulevard and turn and enter from West Avenue Y. This will provide vehicles with a direct path onto the property without encroaching into the adjacent streets. As an additional condition of approval, Staff recommends that no direct access be provided from South Bryant Boulevard to the property, mitigating the danger of vehicles having to slow down on Bryant Boulevard when turning onto West Avenue Y. Finally, pedestrian safety will be enhanced with the proposed construction of a sidewalk along the West Avenue Y frontage. This sidewalk will connect to the existing sidewalk along South Bryant Boulevard, providing a continuous pedestrian path between the property and the overhead pedestrian bridge that extends to the west side of Bryant Boulevard.

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.*** Planning Staff believes that any potential environmental impacts from future development can be addressed through the building permit process, which would include a review of grading, drainage, and stormwater runoff. As a condition of approval, the applicant will be required to install landscaping and additional shade trees on the property which will enhance the natural environment and beautify the site.

6. **Community Need.** ***Whether and the extent to which the proposed amendment addresses a demonstrated community need.*** The applicant believes there is a community need because there are no auto dealerships in the immediate area. While Staff believes this is insufficient on its own to justify a community need, in this case, Staff believes that the proposed use is compatible with the surrounding area provided the subject conditions of approval are imposed. Mitigation measures including buffering, screening, and limiting outdoor repair and storage will ensure that the development provides an effective transition from the General Commercial/Heavy Commercial (CG/CH) lands to the east and residentially zoned lands to the north and southeast.

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 approval of the Special Use would result in a logical and orderly pattern of development. The lots were already platted in their current configuration, and as indicated, the majority of traffic will likely turn from South Bryant Boulevard, to access the main entrance on West Avenue Y.

Planning Commission Recommendation:

On June 19, 2017, the Planning Commission recommended **APPROVAL** of the proposed Special Use to allow an Auto and Boat Dealer as defined in Section 315.B. of the Zoning Ordinance, in the Neighborhood Commercial (CN) Zoning District on the subject properties, **subject to the following 12 Conditions of Approval** outlined in the Staff Report. The following is the complete excerpt of the minutes from the June 19, 2017, meeting for this case:

Jeff Fisher, Senior Planner, outlined the proposed request for a Special Use to allow for an Auto and Boat Dealer on the properties. The existing Neighborhood Commercial (CN) Zone District on the property does not allow an Auto and Boat Dealer by right. Mr. Fisher outlined Staff's rationale recommending approval which included various conditions to minimize impacts on nearby residential lots, including landscaping, limitations on hours of operation, that any vehicle repair be conducted indoors, and that a privacy fence be installed where adjacent to a residential use or district. He indicated that these conditions, along with adjacency to South Bryant Boulevard, a major commercial corridor, would mitigate any adverse impacts on nearby residential properties.

Chairperson Priess opened the meeting for public comment.

Commissioner Stribling asked about outdoor storage requirements and if there were any limit to the number of vehicles that could be stored on the site for sale.

Mr. Fisher responded that there would not be any limits on the outdoor display of vehicles for sale, but that other outdoor storage in the CN zone would be limited an area within five feet of a building wall.

Max Jacobs, the property owner representing the applicant, indicated that vehicle storage areas would be fully paved, and at this point, there would be an average of 10-12 vehicles for sale on the property.

Commissioner Farmer made a Motion to recommend APPROVAL of the proposed Special Use to allow for an Auto and Boat Dealer in the Neighborhood Commercial (CN) Zoning District on the property, as presented, and Commissioner Crisp seconded the Motion. The Motion passed unanimously 6-0.

Recommendation:

Staff's recommendation is for the City Council to **APPROVE** the proposed Special Use to allow an Auto and Boat Dealer as defined in Section 315.B. of the Zoning Ordinance, in the Neighborhood Commercial (CN) Zoning District on the subject properties, **subject to the following 12 Conditions of Approval:**

1. Any sales, leasing, or storage of vehicles on this property shall be consistent with the definition of "Auto and Boat Dealer" as defined in Section 315.B of the Zoning Ordinance and may include passenger vehicles, motorcycles, light and medium trucks and trailers, recreational vehicles, and boats. In addition, sales of heavy trucks and equipment, the gross weight of which exceeds 3½ tons, shall not be allowed.

2. Vehicle repair and maintenance shall be allowed on the same lot as an Auto or Boat Dealer, so long as such repair and maintenance is clearly subordinate, accessory, and incidental to the Auto and Boat Dealer, as per Section 315.B of the Zoning Ordinance. Any vehicle repair and maintenance, shall be conducted completely inside a fully enclosed building.

3. Hours of operation shall be limited between 7:00 a.m. and 10:00 p.m. and any proposed illuminated signage be turned off between 10:00 p.m. and 7:00 a.m.

4. No loud speakers, paging systems, or other auditory devices, with the exception of security alarms, shall be permitted on the premises.

5. Vehicular access onto the property directly from South Bryant Boulevard shall be prohibited.

6. All vehicles stored or displayed on the subject property of this Special Use shall be fully operable. The use of this property as a storage yard for scrap material, including scrap vehicles, shall be prohibited.

7. The surface of the vehicle storage/display area shall be paved according to minimum standards required for off street parking areas, as per Section 511.F. of the Zoning Ordinance.

8. All new site lighting on the premises shall be shielded, downward emitting and configured in such a manner as to satisfactorily minimize or eliminate light trespass onto adjacent properties. All illuminated signage on the premises shall be turned off between the hours of 10:00pm and 7:00am the following day.

9. The applicant shall install a 6-foot high, fully opaque wood, masonry, or metal privacy fence along the south property line of Lot 25 adjacent to a residential district and use. The use of barbed or razor wire along any portion of the fence is prohibited.

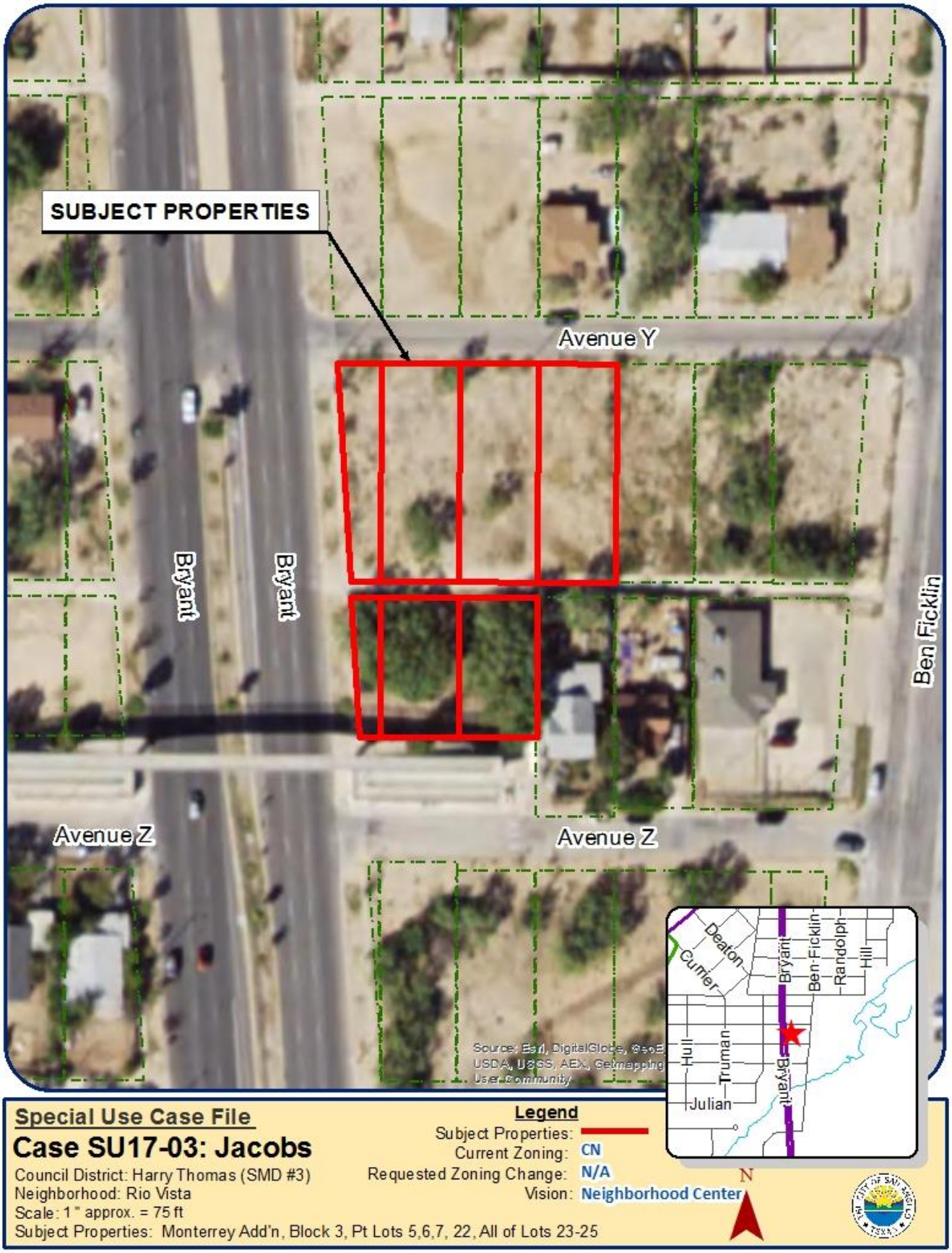
10. The applicant shall install a sidewalk along West Avenue Y in front of the property, connecting to the existing sidewalk on South Bryant Boulevard. The sidewalk shall be a minimum of 5 feet wide, and be setback a minimum of 3 feet from back of curb, and built to City Specifications. Should any portion of this sidewalk be on private property, an access easement shall be required.

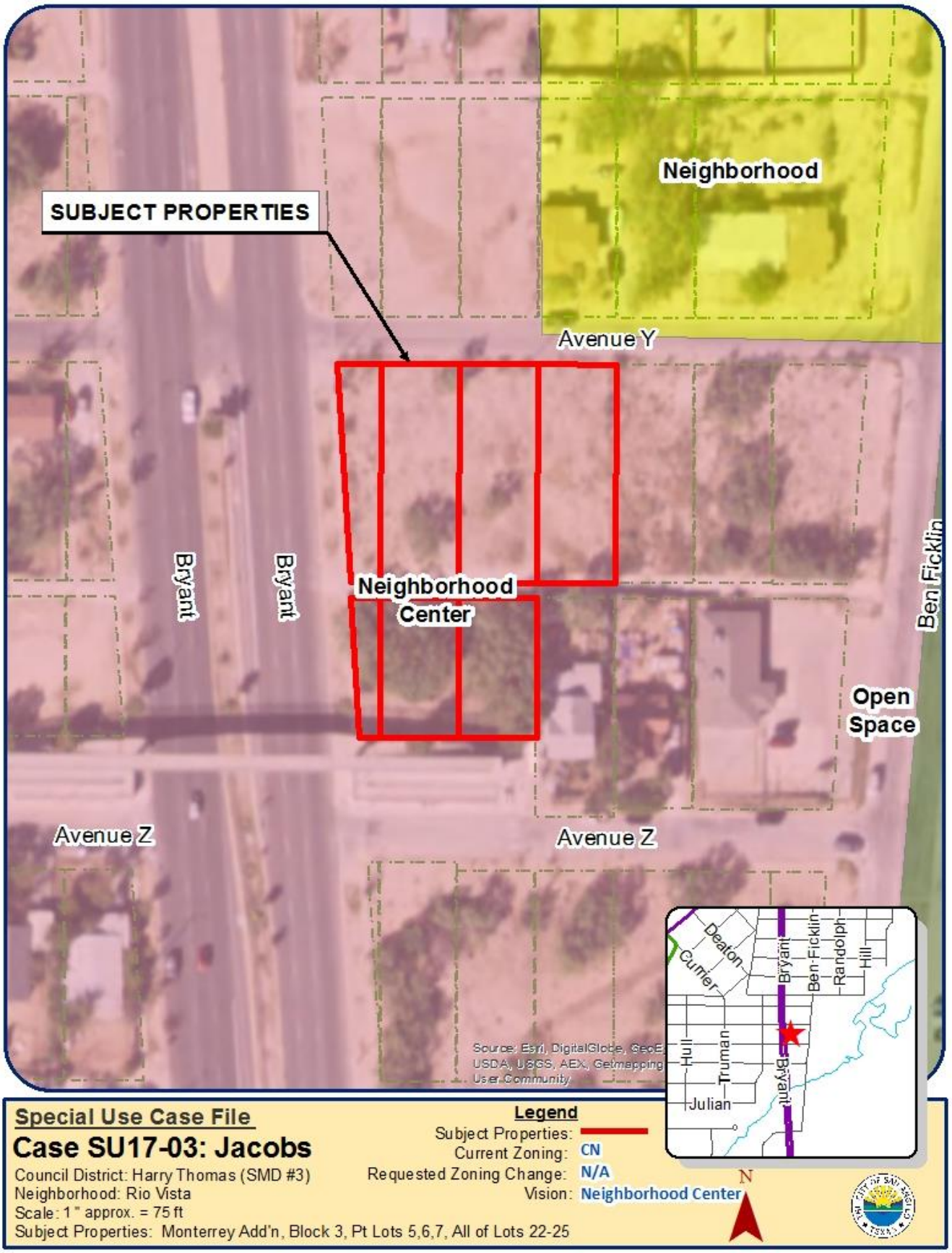
11. The applicant shall install a minimum of two (2) drought resistant shade trees, a minimum of 3" in caliper and 5-6 feet in height at time of planting behind the future sidewalk on West Avenue Y outside of the sight visibility triangle. The applicant shall also provide a Landscape Plan to the Planning and Development Services Director for approval that includes these trees, and a combination of landscaping, new grass cover, and xeriscaping, adjacent to South Bryant Boulevard and West Avenue Y. No tree, shrub, or other landscape feature shall exceed a height of 3 feet within the sight visibility triangle.

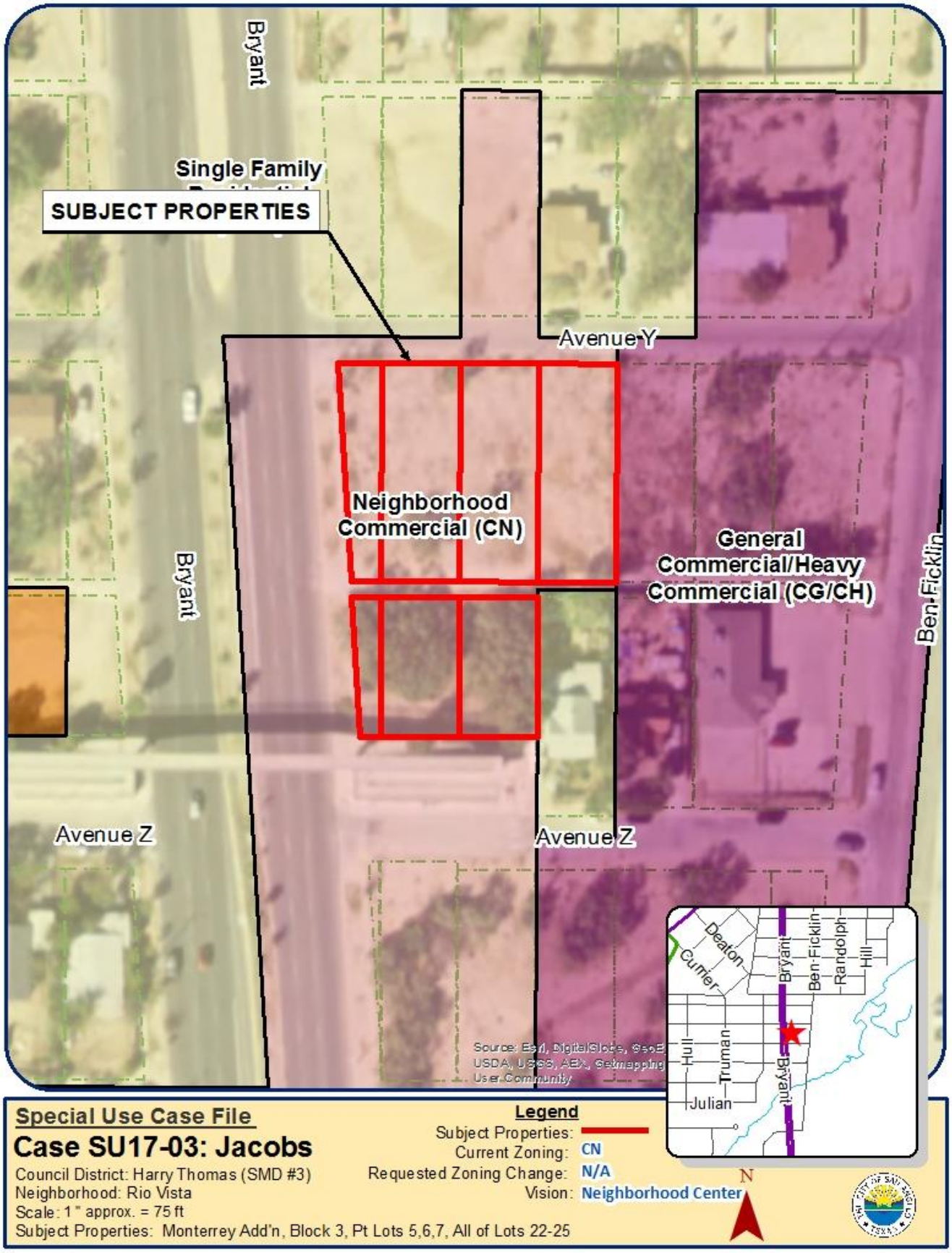
12. This approval shall be limited to the properties north of the alley, Part Lot 22, and all of Lots 23, 24, and 25 (Phase I). The applicant shall require an Amendment to this Special Use Application including a new site plan to allow any development on the southerly properties (Phase II).

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Resident Letter
Site Plan
Application


SUBJECT PROPERTIES
Avenue Y
Bryant
Bryant
Ben Ficklin
Avenue Z
Avenue Z
Deaton
Cumer
Bryant
Ben-Ficklin
Randolph
Hill
Hull
Truman
Julian
Bryant
Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community
Special Use Case File
Case SU17-03: Jacobs
Council District: Harry Thomas (SMD #3)
Neighborhood: Rio Vista
Scale: 1 " approx. = 75 ft
Subject Properties: Monterrey Add'n, Block 3, Pt Lots 5,6,7, 22, All of Lots 23-25
Legend
Subject Properties:
Current Zoning: CN
Requested Zoning Change: N/A
Vision: Neighborhood Center
N


SUBJECT PROPERTIES
Neighborhood
Avenue Y
Bryant
Bryant
Neighborhood Center
Ben Ficklin
Open Space
Avenue Z
Avenue Z
Deaton
Cumer
Bryant
Ben Ficklin
Randolph
Hill
Hill
Truman
Julian
Bryant
Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, AEX, Getmapping, User Community
Special Use Case File
Case SU17-03: Jacobs
Council District: Harry Thomas (SMD #3)
Neighborhood: Rio Vista
Scale: 1 " approx. = 75 ft
Subject Properties: Monterrey Add'n, Block 3, Pt Lots 5,6,7, All of Lots 22-25
Legend
Subject Properties:
Current Zoning: CN
Requested Zoning Change: N/A
Vision: Neighborhood Center
N


Bryant
Single Family
SUBJECT PROPERTIES
Avenue Y
Neighborhood Commercial (CN)
General Commercial/Heavy Commercial (CG/CH)
Bryant
Ben Ficklin
Avenue Z
Avenue Z
Deaton
Currier
Bryant
Ben Ficklin
Randolph
Hill
Hull
Truman
Julian
Bryant
Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, AEX, Getmapping User Community
Special Use Case File
Case SU17-03: Jacobs
Council District: Harry Thomas (SMD #3)
Neighborhood: Rio Vista
Scale: 1 " approx. = 75 ft
Subject Properties: Monterrey Add'n, Block 3, Pt Lots 5,6,7, All of Lots 22-25
Legend
Subject Properties:
Current Zoning: CN
Requested Zoning Change: N/A
Vision: Neighborhood Center
N

Photos of Site and Surrounding Area

WEST

EAST

NORTH

SOUTHEAST AT PROPERTY

SOUTHWEST AT PROPERTY

EXISTING SIDEWALK ALONG S. BRYANT BLVD.

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

(X) **IN FAVOR** ( ) **IN OPPOSITION**

REASON(S)

It be GREAT for ECONOMY
Boots Bring in Out-of TOWN
MONEY PLUS, CREATES JOBS.

ID Be willing TO SALE MY
LAND TO PERSON FOR FREEWAY EXCESS,
IF IT HelPS The Situation.

NAME: STARWAY Angel

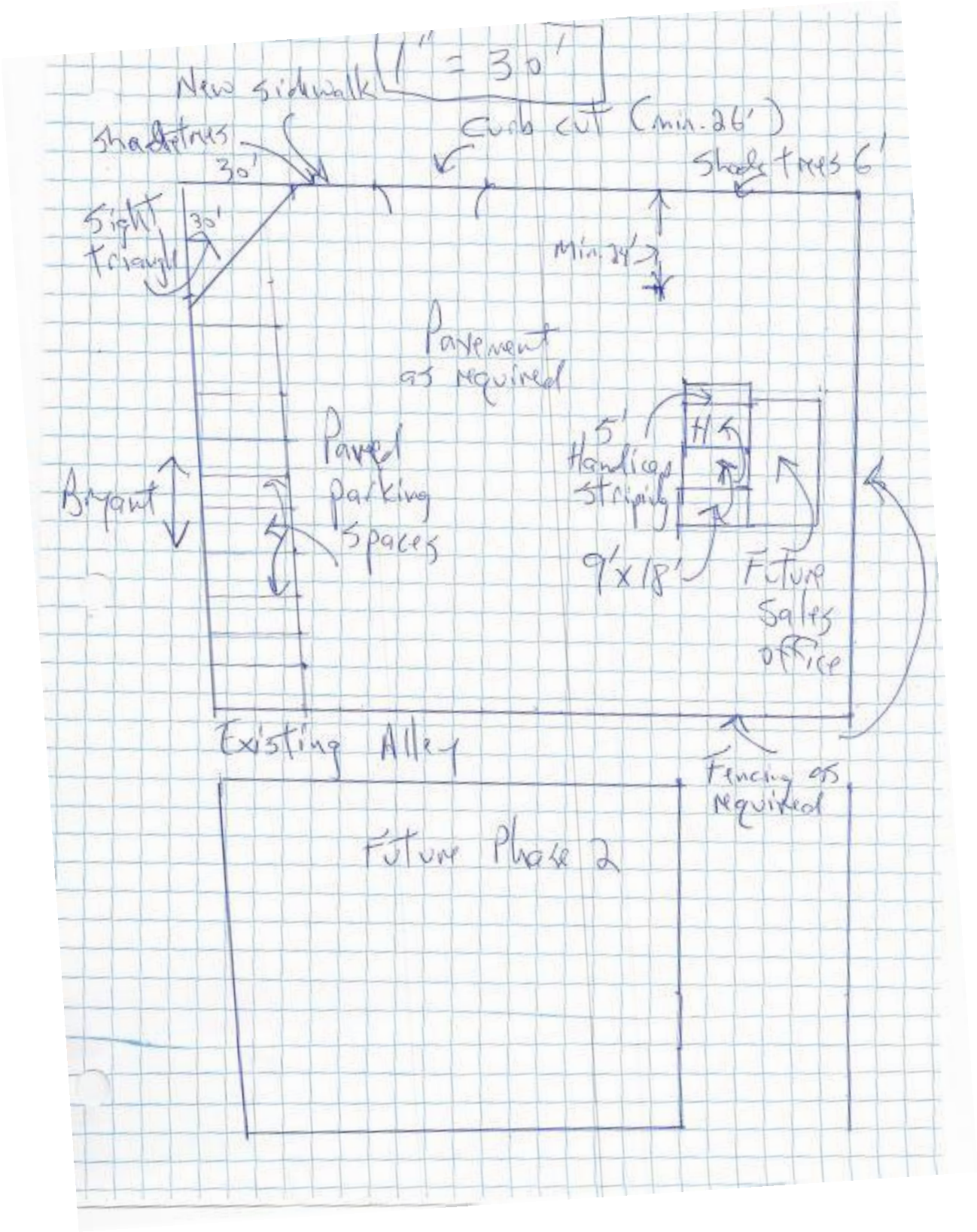
ADDRESS: 5238 N Chadbourne
SAN Angelo TX 76903

SIGNATURE:

SU17-03: Jacobs
property owner number: 20

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

Site Plan


1" = 30'
New sidewalk
Shade trees
Curb cut (min. 26')
30'
Shade trees 6'
Sight triangle
30'
Min. 24'
Pavement as required
Paved parking spaces
5' Handicap striping
H
Bryant
9'x18'
Future Sales office
Existing Alley
Fencing as required
Future Phase 2

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

Application for Approval of a Special Use

Section 1: Basic Information

Name of Applicant(s): Max Jacobs

■ Owner ☐ Representative (Affidavit Required)

901 S. Abt | San Angelo | TX | 76903
Mailing Address | City | State | Zip Code

325-650-1115 frontier@wcc.net
Contact Phone Number | Contact E-mail Address

Parts of Lots 5,6,7 & 22, and all of Lots 23, 24 & 25, Block 3, Monterrey Addition, San Angelo, TX 76903
Subject Property Address | City | State | Zip Code

Lot Size: About 34k sq. ft. Zoning: CN Future Land Use designation (Comprehensive Plan):

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

Existing Use of Property: Vacant land

Proposed Use of Property: Car lot

Proposed Special Use: Car lot

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

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

Explanation: I foresee no adverse effects on adjacent properties. Adjoining homes have privacy fences.

Consistent with Zoning Ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.

Explanation: Outside of the special use itself, the car lot will meet all provisions of the zoning requirements.

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

Explanation: Proposed special use should make a smooth transition between the CG and R1 zones around it.

Effective January 3, 2017

Section 2 continued: Site Specific Details

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

Explanation: There will be no adverse impacts.

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

Explanation: There are no vehicle sales lots currently in the area.

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

Explanation: The car lot will be consistent with the City's long-term vision along S. Bryant.

Section 3: Applicant(s) Acknowledgement

Please initial the following:

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

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

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

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

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

Signature of licensee or authorized representative _____ Date 5/19/17

Max Jacobs
Printed name of licensee or authorized representative

FRONTIER REAL ESTATE INVESTMENTS, INC.
901 S. ABE
SAN ANGELO, TX 76903
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: SU 17 - 03 **Date of application:** 5 / 19 / 17

Planning Commission Date: 6 / 19 / 17 **City Council Date:** 7 / 18 / 17

Nonrefundable application fee: $ 437.50 **Receipt #:** _____ **Date paid:** 5 / 19 / 17

Reviewed/Accepted by: J. Fisher **Date:** 5 / 19 / 17

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 east of South Bryant Boulevard between West Avenue Y and West Avenue Z, being the east 0.075 acres of Lot 22, and all of Lots 23, 24 and 25 in Block 3 of the Monterrey Addition, comprising a total of 0.553 acres,** AUTHORIZING A SPECIAL USE TO ALLOW AN AUTO AND BOAT DEALER AS DEFINED IN SECTION 315.B OF THE ZONING ORDINANCE, SUBJECT TO CONDITIONS STATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

RE: SU17-03: Jacobs

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

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

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

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

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

The real property generally located east of South Bryant Boulevard between West Avenue Y and West Avenue Z, being the east 0.075 acres of Lot 22, and all of Lots 23, 24 and 25 in Block 3 of the Monterrey Addition, comprising a total of 0.553 acres as depicted in Exhibit "A," zoned Neighborhood Commercial (CN) Zoning District, shall henceforth permanently have a **Special Use to allow an Auto and Boat Dealer as defined in Section 315.B of the Zoning Ordinance.**

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

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

1. Any sales, leasing, or storage of vehicles on this property shall be consistent with the definition of "Auto and Boat Dealer" as defined in Section 315.B of the Zoning Ordinance and may include passenger vehicles, motorcycles, light and medium trucks and trailers, recreational vehicles, and boats. In addition, sales of heavy trucks and equipment, the gross weight of which exceeds 3½ tons, shall not be allowed.

2. Vehicle repair and maintenance shall be allowed on the same lot as an Auto or Boat Dealer, so long as such repair and maintenance is clearly subordinate, accessory, and incidental to the Auto and Boat Dealer, as per Section 315.B of the Zoning Ordinance. Any vehicle repair and maintenance, shall be conducted completely inside a fully enclosed building.

3. Hours of operation shall be limited between 7:00 a.m. and 10:00 p.m. and any proposed illuminated signage be turned off between 10:00 p.m. and 7:00 a.m.

4. No loud speakers, paging systems, or other auditory devices, with the exception of security alarms, shall be permitted on the premises.

5. Vehicular access onto the property directly from South Bryant Boulevard shall be prohibited.

6. All vehicles stored or displayed on the subject property of this Special Use shall be fully operable. The use of this property as a storage yard for scrap material, including scrap vehicles, shall be prohibited.

7. The surface of the vehicle storage/display area shall be paved according to minimum standards required for off street parking areas, as per Section 511.F. of the Zoning Ordinance.

8. All new site lighting on the premises shall be shielded, downward emitting and configured in such a manner as to satisfactorily minimize or eliminate light trespass onto adjacent properties. All illuminated signage on the premises shall be turned off between the hours of 10:00pm and 7:00am the following day.

9. The applicant shall install a 6-foot high, fully opaque wood, masonry, or metal privacy fence along the south property line of Lot 25 adjacent to a residential district and use. The use of barbed or razor wire along any portion of the fence is prohibited.

10. The applicant shall install a sidewalk along West Avenue Y in front of the property, connecting to the existing sidewalk on South Bryant Boulevard. The sidewalk shall be a minimum of 5 feet wide, and be setback a minimum of 3 feet from back of curb, and built to City Specifications. Should any portion of this sidewalk be on private property, an access easement shall be required.

11. The applicant shall install a minimum of two (2) drought resistant shade trees, a minimum of 3" in caliper and 5-6 feet in height at time of planting behind the future sidewalk on West Avenue Y outside of the sight visibility triangle. The applicant shall also provide a Landscape Plan to the Planning and Development Services Director for approval that includes these trees, and a combination of landscaping, new grass cover, and xeriscaping, adjacent to South Bryant Boulevard and West Avenue Y. No tree, shrub, or other landscape feature shall exceed a height of 3 feet within the sight visibility triangle.

12. This approval shall be limited to the properties north of the alley, Part Lot 22, and all of Lots 23, 24, and 25 (Phase I). The applicant shall require an Amendment to this Special Use Application including a new site plan to allow any development on the southerly properties (Phase II).

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

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

SECTION 7 The terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

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

INTRODUCED on the **18th day of July, 2017,** and finally PASSED, APPROVED AND ADOPTED on this the **1st day of August, 2017.**

THE CITY OF SAN ANGELO

_____

Brenda Gunter, Mayor

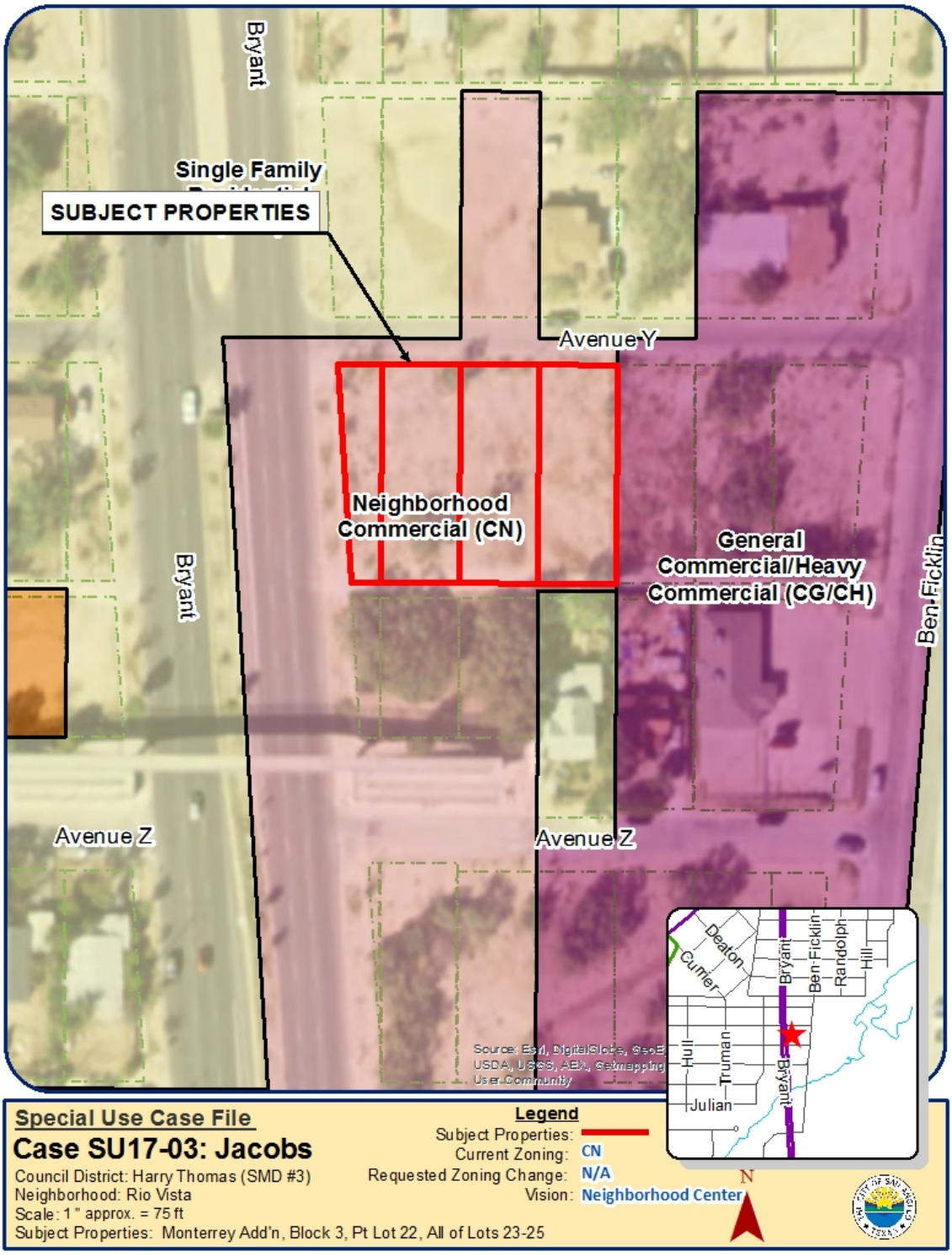
ATTEST:

APPROVED AS TO FORM:

_____
Bryan Kendrick, City Clerk

_____
Theresa James, City Attorney

Exhibit A
Location Map



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: August 1, 2017

Item type: Consent Item

Caption:

Second reading for an ordinance amending the Planned Development (PD12-03) Zoning District to modify Section 6A to allow for building façade consistency amongst similar building types and eliminate Section 7G thereby allowing metal buildings anywhere within the site, on property located at 3501 North US Highway 67, encompassing the area known as the Howard College, on approximately 34.707 acres - (J. James)

Summary/History:

The applicant has submitted this request for an Amendment to an existing Planned Development PD12-03, amending Section 6A to allow for building façade consistency amongst similar building types and eliminating Section 7G to allow metal buildings anywhere within the site.

Financial Impact:

N/A

Other Information/Recommendation:

This request was considered by the Planning Commission at their regular meeting on July 17, 2017, where they recommended APPROVAL unanimously. On July 18, 2017, City Council voted unanimously to APPROVE the request as well.

Attachments:

1.	Staff Report	PL_Amendment_PD12-03 report.pdf
2.	Ordinance	PL_Amendment_PD12-03 Ordinance.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

CITY COUNCIL – July 18 and August 1, 2017
STAFF REPORT

APPLICATION TYPE:	CASES:
Amendment to Planned Development (PD)	Amendment to PD12-03, Howard College at San Angelo Foundation / COSA

SYNOPSIS:

The applicant has submitted this request for an Amendment to an existing Planned Development PD12-03, amending Section 6A to allow for building façade consistency amongst similar building types and eliminating Section 7G to allow metal buildings anywhere within the site.

LOCATION:	LEGAL DESCRIPTION:
3501 US Highway 67 Frontage Road; generally located approximately 400 feet north of the intersection of McGill Boulevard and US Highway 67 Frontage Road	Being 48.59 acres out of the J. Pointevent Survey 1113; Paulann Park Addition, Section 3, Tract H, being 0.76 acres; and Paulann Park Addition, Section 3, Tract G, being the northwest 0.145 acres

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #4 – Lucy Gonzales Paulann Neighborhood	Planned Development	C/I – Campus/ Institutional	49.5 acres

THOROUGHFARE PLAN:

Highway 67 Frontage Road (TXDOT) – Urban Arterial Street (TXDOT road, no City specifications)
McGill Boulevard – Urban Collector Street
Required: 60' right-of-way, 50' pavement
Provided: 80' right-of-way, 60' pavement
Smith Boulevard – Urban Collector Street
Required: 60' right-of-way, 50' pavement
Provided: 80' right-of-way, 50' pavement
Voight Boulevard – Urban Collector Street
Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk
Provided: 60' right-of-way, 40' pavement

NOTIFICATIONS:

17 notifications mailed within 200-foot radius on June 29, 2017. Zero were received in support or opposition.

STAFF RECOMMENDATION:

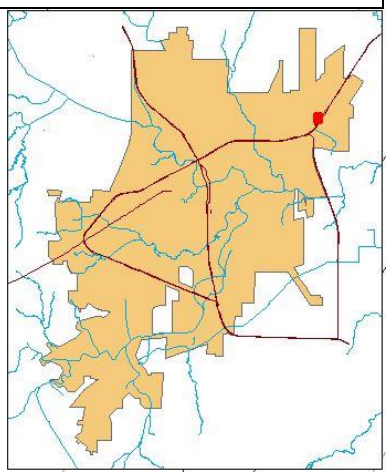
Staff recommends **APPROVAL** of the proposed Amendment to a Planned Development (PD12-03) to modify Section 6A to allow for building façade consistency amongst similar building types and to eliminate Section 7G to allow metal buildings anywhere within the site, **subject to three Conditions of Approval.**

PROPERTY OWNER/PETITIONER:

Property Owner and Applicant: Howard College at San Angelo Foundation /City of San Angelo

STAFF CONTACT:

Jeff Fisher,
Senior Planner
(325) 657-4210, Extension 1550
jeff.fisher@cosatx.us



Additional Information: The existing PD site is home to Howard College's San Angelo Campus, providing educational classrooms and training facilities. The college is undergoing an expansion for their trades program that requires additional metal buildings for construction, welding, electronics and other trades students and faculty. The current PD Ordinance requires all building facades to be unified in style and limits metal buildings to only a 3.15-acre area behind the main building fronting onto US Highway 67 Frontage Road. In order to be able to expand on their property, the applicant requires additional flexibility in design and location of buildings on the site to allow future construction.

The City of San Angelo owns the southerly 20.07 acres of the subject property. As per required by the Zoning Ordinance, notification was sent to all property owners within 200 feet of the subject property, which included the City of San Angelo, thereby meeting the technical requirements for notification.

Rezonings (Planned Developments): 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 proposed amendment to allow additional metal buildings on the Howard College Campus is consistent with the Comprehensive Plan designation of "Campus/Institutional." These properties comprise of public and institutional properties as well as college/university campuses including Howard College and Angelo State University, which "focus redevelopment efforts on multi-purpose, mixed-use facilities that provide a wide variety of business, housing, and office space." The proposed changes, as indicated above, will be consistent with these policies, allowing multi-purpose classroom buildings for trade programs. Flexibility in design will permit Howard College to meet its expansion objectives and provide additional needed classroom space in the future.

2. **Consistent with Zoning Ordinance.** ***Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** The proposed changes will be generally consistent with the Zoning Ordinance. Howard College provides a large offering of trade programs including construction, welding, and electronics that require on-site training facilities. The school has indicated that a metal fabricated building best suits the needs of these trades and apprenticeship programs. The proposed amendment will still maintain consistency of buildings by occupancy type, so that metal buildings, in and of themselves, will look similar to one another, but will not have to look similar to other types of buildings (i.e masonry or stucco buildings). This will allow students and faculty to easily identify buildings related to their specific area of learning and teaching. No further changes are being proposed at this time. Future development will still be required to maintain compliance with the underlying General Commercial (CG) Zoning Standards. As a condition of approval, the applicant will require submission of an updated Master Concept Plan at the time of permitting.

3. **Compatible with Surrounding Area.** ***Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*** The proposed amendment will be compatible with the surrounding area. The new metal buildings would be used for classrooms and training for the existing Howard College Campus which comprises 49.5 acres. There is another institutional building, a correctional facility immediately west, as well as a City Business Park to the north and a large church further west. The new buildings would allow the college to meet its expansion objectives and would blend into the surrounding area.

4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** Howard College has indicated it intends to expand its trades program and provide additional classroom buildings for this purpose. This will require additional space on the property for metal fabricated buildings that relates to these programs. By ensuring that the architectural style within this building class is consistent and unified in style, the college can meet its objectives.

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.*** Planning Staff does not anticipate any adverse impacts on the natural environment. Any grading, drainage, and stormwater issues can be reviewed as permit of the building permit site plan review process.

6. **Community Need.** ***Whether and the extent to which the proposed amendment addresses a demonstrated community need.*** Planning Staff believe there is a demonstrated community need for the proposed amendment. Howard College serves 13 counties and hosts 29 independent school districts for a total full time enrolment of 2,522 and dual credit enrollment of 968 at the San Angelo Campus for Fall 2013 (http://www.howardcollege.edu/pdf/abouthc/ie/Quickfacts_Fall_2013.pdf). The original Campus Master Concept Plan shows a large area to the north which has not been developed, but the college has indicated plans to expand in future. Given the college already serves thousands of students and requires this amendment to expand further, Staff believe there is justification for the proposed amendment.

7. **Development Patterns.** ***Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*** The property has convenient abutting access onto the US Highway 67 Frontage Road, a Major Arterial Road which connects to the freeway portion of the highway. It is anticipated that most traffic will use Highway 67 to access the property given that the college services a wide geographic area.

Planning Commission Recommendation:

On July 17, 2017, the Planning Commission recommended **APPROVAL** of the Amendment to an existing Planned Development PD12-03, amending Section 6A to allow for building facade consistency amongst similar building types and eliminating Section 7G to allow metal buildings anywhere within the site. The following is the complete excerpt of the minutes from the July 17, 2017, meeting for this case:

Jeff Fisher, Senior Planner, outlined the proposed request, which if approved, would amend the original PD12-03 to allow metal buildings anywhere on the property, and to allow consistency within similar building types. He explained that the original PD for Howard College limited metal buildings to only a 3.15-acre area behind the main building fronting U.S. Highway 67 Frontage Road. Mr. Fisher further explained that Howard College is planning an expansion of their trades' school, and requires additional metal buildings for these facilities. He then showed the approved Master Concept Plan for the college and the proposed text amendments. Mr. Fisher concluded his presentation by outlining Staff's rationale for recommending approval, which included that the new metal buildings are consistent with the Campus/Institutional designation in the City's Comprehensive Plan; that the amendments will ensure design consistency among similar buildings; and that the college campus expansion would be compatible with other institutional uses in the area including the corrections facility immediately to the west.

Chairperson Priess opened the meeting for public comment.

Commissioner Stribling asked why the metal buildings were originally limited to only one area. Mr. Fisher responded that there was no mention in the 2012 staff report as to why metal buildings were limited.

Ms. Jamie Rainey, Workforce and Community Development Officer for Howard College, indicated that the trades program was expanding and required additional lab space. She explained that the location of existing utility lines limited expansion of the existing building and required additional space for new buildings. Ms. Rainey that allowing additional metal buildings outside of the original restricted area, would allow Howard College to achieve its long term vision of an expanded welding and trades program. The proposed metal building, she explained, would allow roll-up doors to allow adult trades classes at night. Ms. Rainey concluded by explaining that the new building would match the material and color of the existing metal buildings on the property.

Chairperson Priess praised Ms. Rainey and Howard College for their hard work.

Dr. Cheryl Sparks, President of Howard College, indicated that the college requires this amendment to accommodate their growing needs and to adjust their Master Plan accordingly.

Stephen McLaughlin, member of the San Angelo Chamber of Commerce, spoke in support of the request. He indicated that there was a growing need for trades programs in the U.S. and allowing the college to expand their trade program would fulfill a need in the job market. He explained that the Bureau of Labor Statistics estimates a 25% increase in need for skilled worked in Texas by 2022.

Ms. Brenda Gunter came to the podium and stated her support for the request. She indicated a need for support of trades in San Angelo.

Commissioner Jackson made a Motion to recommend APPROVAL of the proposed Amendment to the existing Planned Development PD12-03, amending Section 6A to allow for building facade consistency amongst similar building types and eliminating Section 7G to allow metal buildings anywhere within the site, as presented. Commissioner Smith seconded the Motion. The Motion passed unanimously, 7-0.

Recommendation:

Staff's recommendation is for City Council to **APPROVE** the proposed Amendment to an existing Planned Development PD12-03, amending Section 6A to allow for building façade consistency amongst similar building types and eliminating Section 7G to allow metal buildings anywhere within the site, **subject to following three Conditions of Approval:**

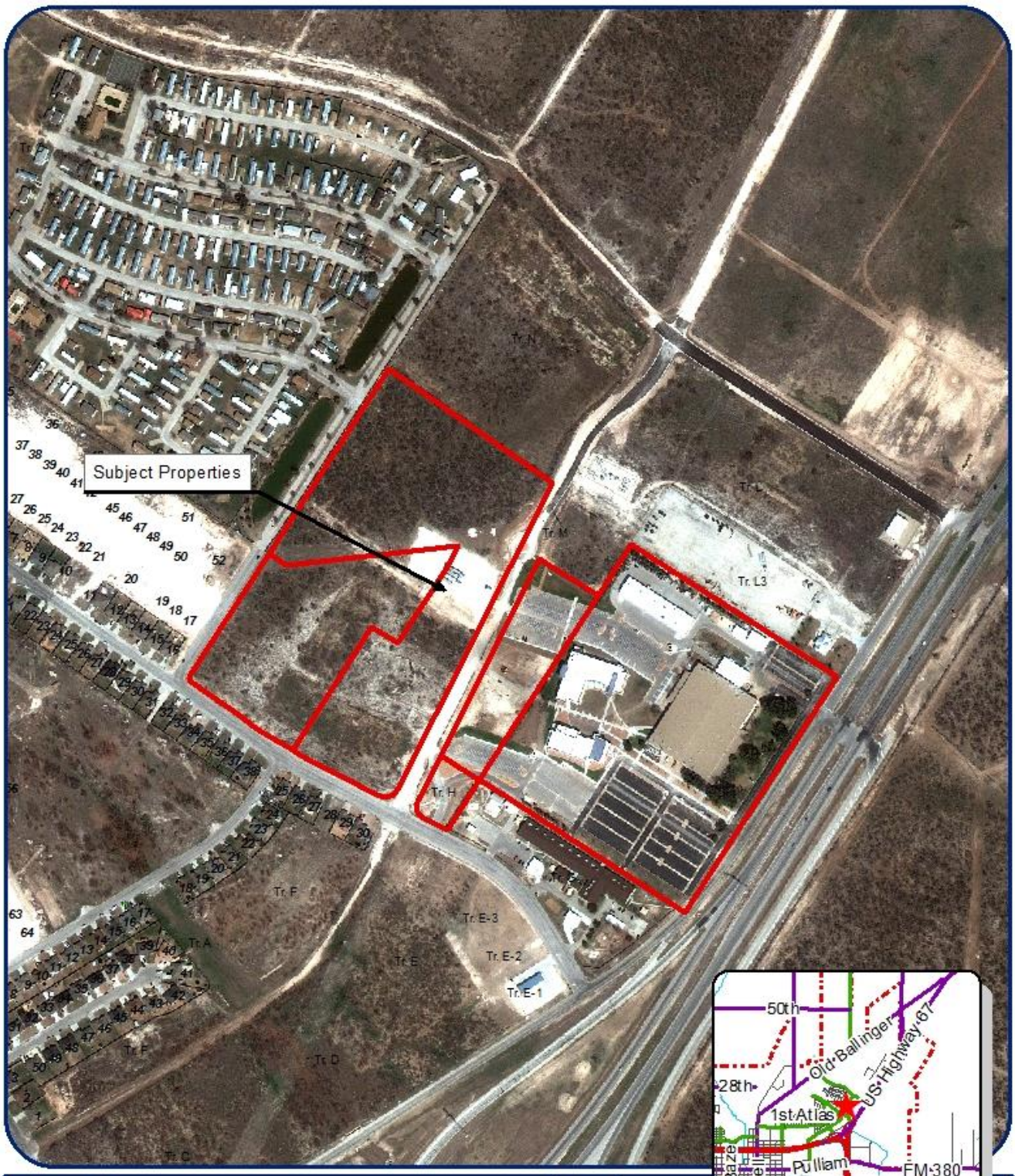
1. Notwithstanding the proposed amendment changes, any future development shall be subject to the amended provisions of the PD12-03 Ordinance.

2. The applicant shall submit a new Master Concept Plan for each new phase of development on the property to the Planning and Development Services Director for approval, prior to any construction.

3. The applicant shall obtain permit(s) from the Permits and Inspections Division prior to any construction on the property.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Original PD12-03 - Location where metal buildings allowed
Master Concept Plan
Application



Aerial Map

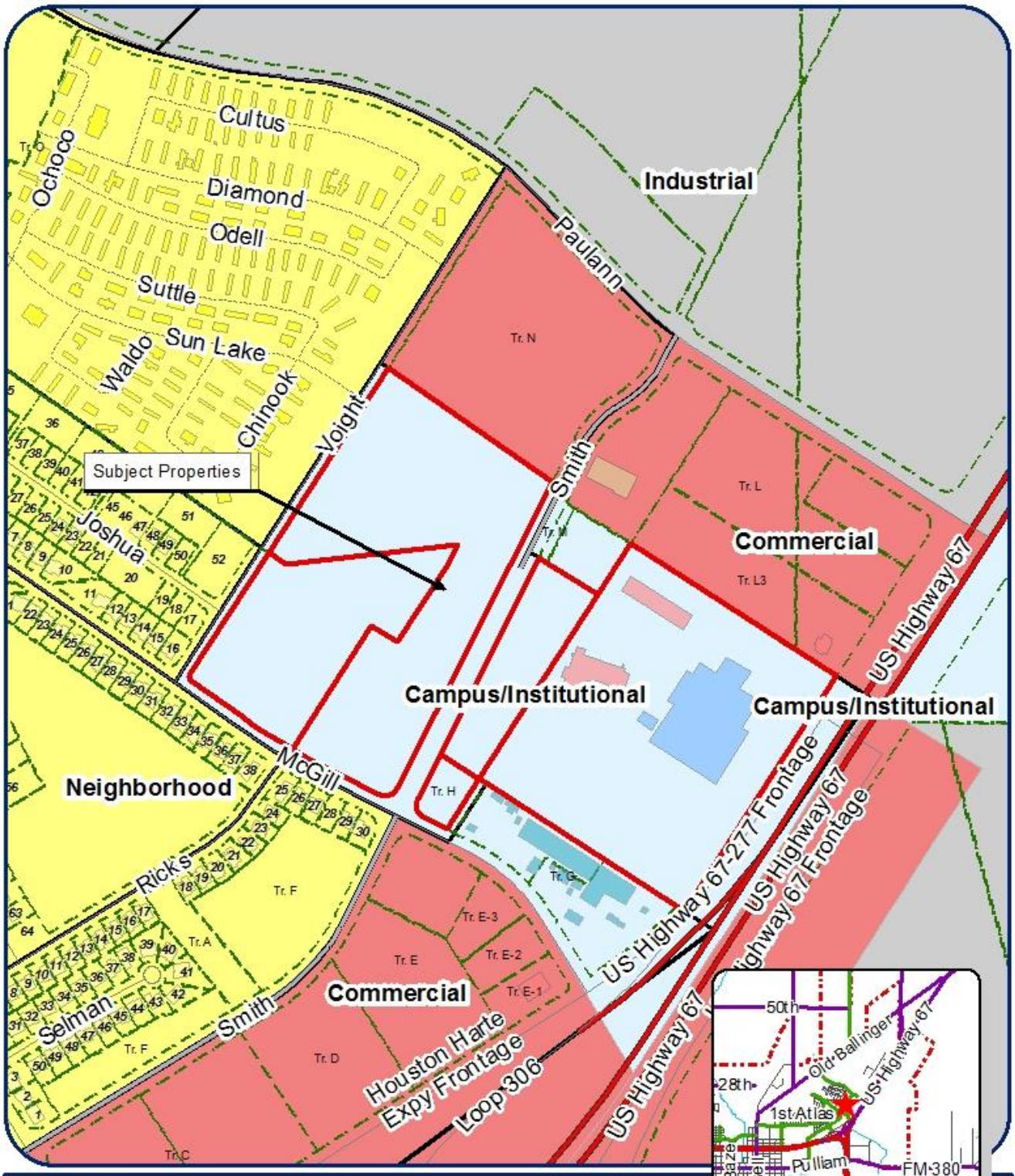
Howard College PD Amend.

Council District: Lucy Gonzales
Neighborhood: Paulann
Scale: 1 " approx. = 450 ft

Legend

Subject Properties:
Current Zoning: PD
Requested Zoning Change: N/A
Vision: Campus/Inst.

N



FLU Map

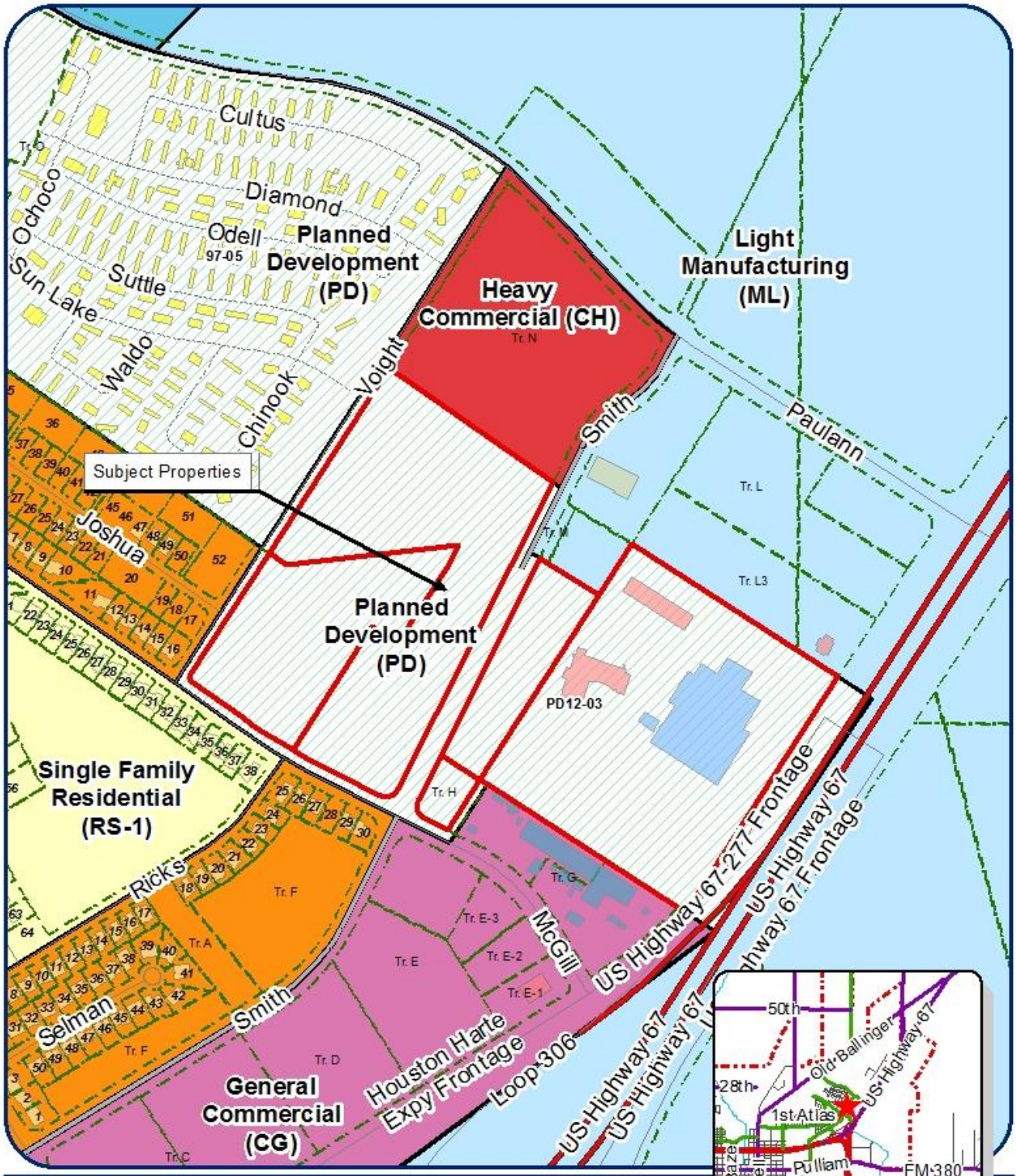
Howard College PD Amend.

Council District: Lucy Gonzales
Neighborhood: Paulann
Scale: 1 " approx. = 450 ft

Legend

Subject Properties:
Current Zoning: PD
Requested Zoning Change: N/A
Vision: Campus/Inst.

N



Zoning Map

Howard College PD Amend.

Council District: Lucy Gonzales
Neighborhood: Paulann
Scale: 1 " approx. = 450 ft

Legend

Subject Properties:
Current Zoning: PD
Requested Zoning Change: N/A
Vision: Campus/Inst.

N

Photos of Site and Surrounding Area

NORTH AT MAIN CAMPUS BUILDING

NORTH AT EXISTING METAL BUILDINGS

SOUTH

WEST

Photos of Site and Surrounding Area

EXISTING REAR PARKING AREA

UNDEVELOPED REAR AREA (POTENTIAL LOCATION FOR FUTURE METAL BUILDINGS)

EAST

CLOSE UP – EXISTING METAL BUILDINGS

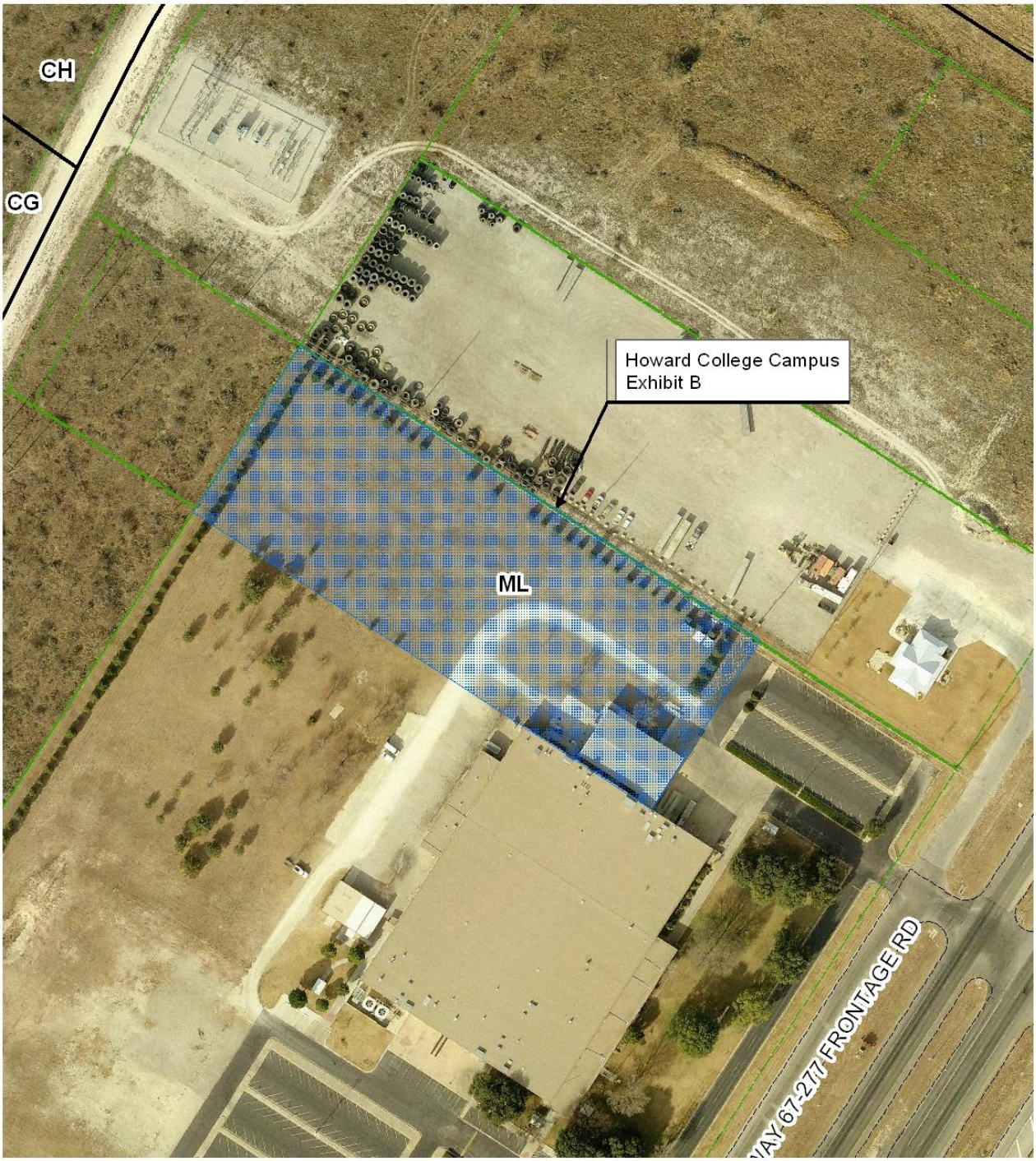
ORIGINAL PD12-03 – LOCATION WHERE METAL BUILDINGS ALLOWED

City of San Angelo
Planning Division
72 W. College Avenue
San Angelo, TX 76903

N

PD 12-03: Howard College Campus
Exhibit B

1 inch = 150 feet



PD12-03 – MASTER CONCEPT PLAN

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): Howard College at San Angelo Foundation/Howard College

■ Owner ☐ Representative (Notarized Affidavit Required)

Mailing Address	City	State	Zip Code
3501 N US Highway 67	San Angelo	TX	76905

Contact Phone Number	Contact E-mail Address
325-481-8300 ext. 3222	jrainey@howardcollege.edu

Subject Property Address	City	State	Zip Code
3501 N US Highway 67	San Angelo	Texas	76905

Legal Description (*can be found on property tax statement or at www.tomgreencad.com*)
Acres: 15.406, Abst: A-4873 S-1113, Survey: J POINTEVENT, 15.406 AC BEING 3.1140 AC IN AB 4252 & .2030 AC IN AB 7966 &

Existing Zoning: PD **Proposed Zoning:** PD 12_03 Amendment gR **Lot size:** 34.707 gR

(Zoning Map available on City Maps)

Section 2: Site Specific Details

Existing Use of Property: College campus

*Proposed Use of Property: College campus

To amend where metal buildings are allowed on property, see attached. Section G. (eliminate) Section (e A. (modify) "Building facades for each type of structure (ie. metal buildings, stucco buildings, masonry buildings, etc.) shall be consistent... ornamental features." gR

*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.

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH SAID EXHIBIT "A" OF CHAPTER 12 ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY AMENDING PD-12-03 HOWARD COLLEGE FOUNDATION, AT **3501 North US Highway 67, encompassing the area known as Howard College, more specifically, being 48.59 acres out of the J. Pointevent Survey 1113; Paulann Park Addition, Section 3, Tract H, being 0.76 acres; and Paulann Park Addition, Section 3, Tract G, being the northwest 0.145 acres, in northeast San Angelo,** BY AMENDING CONDITIONS RELATING TO BUILDING CONSTRUCTION**;** PROVIDING FOR SEVERABILITY AND PROVIDING A PENALTY

RE: **Amendment to PD 12-03**: Howard College & City of San Angelo

WHEREAS, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing on June 19, 2017, caused to be prepared and delivered a report and recommendation to City Council to approve amendment of condition 6A to allow for building façade consistency for buildings of the same type, and deletion of condition 7G to PD-12-03 for purposes of eliminating the restriction on buildings of metal construction; and,

WHEREAS, on the **18th day of July**, **2017**, City Council held a public hearing on **Amendment to PD12-03**, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

SECTION 1: PD12-03 inclusive of the following described tracts of land:

3501 North US Highway 67, encompassing the area known as Howard College, more specifically, being 48.59 acres out of the J. Pointevent Survey 1113; Paulann Park Addition, Section 3, Tract H, being 0.76 acres; and Paulann Park Addition, Section 3, Tract G, being the northwest 0.145 acres, in northeast San Angelo,

be and the same is hereby amended by:

(1) restating Section 6A thereof in its entirety to read as follows:

A. Building facades for each type of structure (i.e. metal buildings, stucco buildings, masonry buildings, etc.) shall be consistent and unified in architectural style, color palette, materials, and detailed ornamental features; and,

(2) striking Section 7 in its entirety.

The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the foregoing amendments to PD12-03 adopted herein.

SECTION 2: In all other respects, the use of the hereinabove described property shall be subject to all applicable regulations contained in PD12-03 and Chapter 12 of the Code of Ordinances for the City of San Angelo, as amended.

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

INTRODUCED on the **18th day of July 18, 2017** and finally PASSED, APPROVED AND ADOPTED on this the **1st day of August, 2017.**

THE CITY OF SAN ANGELO

BY:_____
Brenda Gunter, Mayor

ATTEST:

BY:_____
Bryan Kendrick, City Clerk

APPROVED AS TO FORM:

BY:_____
Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Bob Salas, Neighborhood Services Director, Community and Housing Support, 325-655-0824

Meeting Date: August 1, 2017

Item type: Regular Item

Caption:

Consider public hearing of resolution approving the 2017 Annual Action Plan for use of CDBG and HOME grant funds and authorizing City Manager to execute the applications, required certifications, related documents and annual funding agreement for the allocation of $688,898 of CDBG and $249,197 HOME grant funds and $56,000 in program income - (Neighborhood Services Director Bob Salas)

Summary/History:

The 2017 Annual Action Plan (AAP) is a document required of all entitlement cities receiving annual Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds from the U.S. Department of Housing and Urban Development (HUD). The AAP is the City's application for its 2017 CDBG and HOME funding. The Plan includes a summary of resources available, objectives and goals as they relate to affordable housing, outcome measures, geographic distribution, and barriers to affordable housing.

Approval the 2017 AAP will authorize the City Manager to execute the application for Program Year 2017 funding, required certifications and any other related documents, to include the annual funding agreement with HUD and file all documents with HUD. Funding allocations for 2017 were made by the City Council on July 18, 2017. The City expects to receive $688,898.00 of CDBG funds and $249,197.00 of HOME grant funds from the U.S. Department of Housing and Urban Development (HUD) for Grant Year 2017. In addition to the allocation, the City expects to receive approximately $32,000.00 in CDBG Program Income and $24,000.00 in HOME Program Income. The City will also reallocate $62,455 in Prior Year HOME funds.

Financial Impact:

Approval of the 2017 Annual Action Plan for use of CDBG and HOME funds will authorize City Manager to execute the applications, required certifications, related documents and annual funding agreement for $688,898.00 of CDBG and $249,197.00 HOME grant funds and $56,000.00 in program income.

Other Information/Recommendation:

Attachments:

1.	2017 Annual Action Plan	2017 AAP DRAFT.pdf
2.	Homeless Prevention Program Guidelines	Homeless Prevention Program Draft.pdf
3.	Homeless Prevention Program Risk Assessment Form	HPP Risk Assessment form.pdf
4.	Resolution	17-xxx Resolution approving CDBG and HOME funds.docx

Presentation:

Bob Salas

Approvals/Reviews:

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

Please display until July 19, 2017, COB.

OMB Control No: 2506-0117 (exp. 07/31/2015)

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

This Annual Action Plan outlines the activities which will be undertaken during the program year beginning October 1, 2017 and ending September 30, 2018 using federal funds granted to the City of San Angelo by the U.S. Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) and HOME Investment Partnerships grant (HOME) programs. Programs and activities described in this plan are intended to primarily benefit low-income and moderate-income residents of the City of San Angelo, neighborhoods with high concentrations of low-income and moderate-income residents, and the city as a whole.

Specifically, the plan identifies resources, addresses objectives and outcomes for funded activities, provides a description of geographic areas being affected, outlines plans to address the needs of the homeless and special needs citizens, and addresses the city's goals as they relate to affordable housing.

Based on citizen recommendations, the city plans to focus on four major activities: neighborhood revitalization, housing rehabilitation/preservation, homeless prevention, clearance, and tenant-based rental assistance.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

Objectives and outcomes: These activities address goals set in the 2015-2019 Consolidated Plan and meet one of the three **objectives** of the CDBG program:

1. Creating a Suitable Living Environment
2. Providing Decent Housing
3. Creating Economic Opportunities

Moreover, funded activities will address, and are consistent with, the following three **outcome** categories as outlined by the Outcome Performance Measurement System published in the Federal Register on June 10, 2005 (70FR 34044):

1. Improving availability or accessibility of units or services
2. Improving affordability not just of housing but of other services
3. Improving sustainability by promoting viable communities

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Evaluation of Past Performance: The City of San Angelo has been successful over the past year in furthering key housing objectives and goals cited in the 2015-2019 Consolidated Plan. We met or will have met all of the annual goals for emergency and housing repairs, tenant-based rental assistance, and the Homebuyers Assistance Program (HAP), and new home construction. Completion data for all projects will be reported in the Consolidated Annual Performance & Evaluation Report (CAPER).

DRAFT

OMB Control No: 2506-0117 (exp. 07/31/2015)

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

Citizen Participation: This plan is the product of public outreach consistent with the City of San Angelo's 2015-2019 Five-Year Consolidated Plan. Public participation efforts included several public meetings and hearings, discussions with agencies and groups that provide services, assist and/or advocate for low-to-moderate-income citizens.

The Community & Housing Support (CHS) staff provided program information to include eligible activities and funds available for 2017. During these public meetings held throughout the city at various times and locations, public comment was received regarding the allocation of CDBG and HOME funds. All comments were accepted. In addition, a 20-day public comment period was provided from June 30, 2017 thru July 19, 2017.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

All public comments at the Neighborhood meetings and at the city council meeting were accepted. The citizens who participated in the meeting were in favor of the city continuing to improve the neighborhoods with the current New Construction program (through the CHDO), the Emergency Repair program, and the Homebuyer's Assistance Program for first time home buyers. Citizens also agreed with beginning a Homeless Prevention program to assist with the City's growing homeless population.

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments were accepted.

DRAFT

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	SAN ANGELO	Neighborhood & Family Services
HOME Administrator	SAN ANGELO	Neighborhood & Family Services

Table 1 – Responsible Agencies

OMB Control No: 2506-0117 (exp. 07/31/2015)

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

Public participation plays a central role in the development of the Consolidated Plan. The City launched an in-depth, collaborative effort to consult with community stakeholders, elected offices, City departments, and beneficiaries of entitlement programs to inform and develop the priorities and strategies contained within this five-year plan.Â Public hearings, annual neighborhood public meetings, and annual assessments are regularly conducted by the Community & Housing Support Division to identify community needs.Â The City of San Angelo Community & Housing Support Division will continue to monitor the needs of the community through these activities and through cooperative efforts undertaken from time to time by other local entities.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The City facilitated a comprehensive outreach process to enhance coordination and discuss new approaches to working with public and housing providers, private and governmental health agencies, mental health service providers, and other stakeholders that utilize funding for eligible activities, projects, and programs.

A community needs survey was conducted to solicit input from residents and workers in the City. Respondents were informed that the City was updating its Consolidated Plans for federal funds that primarily serve low-to-moderate-income (LMI) residents and areas. The survey polled respondents about the level of need in their respective neighborhoods for various types of improvements.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Concho Valley Homeless Planning Coalition (CVHPC) is a multi-sector group of stakeholders dedicated to ending and preventing homelessness in San Angelo. The group's primary responsibilities are to coordinate large-scale implementation of efforts to prevent and end homelessness. The CVHPC is governed by a board which stands as the driving force committed to supporting and promoting a systems change approach to preventing and ending homelessness in the City. The board is comprised of the members of local agencies and City government that provide services to meet affordable housing and community needs.

Members of the CVHPC meet on a monthly basis to discuss services available to homeless or about to be homeless and opportunities to coordinate these services. One of the issues the group has investigated is introducing the *Operating and Administrating Homeless Management Information System (HMIS)* in San Angelo. The CVHPC has taken steps to integrate the HMIS across service providers in order to share information on recipients of these services. Besides meeting and exceeding HUD's requirements for the implementation and compliance of HMIS Standards, the effort will incorporate a rich array of service provider participation to capture and share information on service recipients.

DRAFT

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The city does not have ESG grant funds to allocate nor have HMIS online at this time.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	Salvation Army
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	City staff met with the Salvation Army director to discuss homeless needs.
2	**Agency/Group/Organization**	Galilee CDC
	Agency/Group/Organization Type	Housing Services - Housing Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Staff met with Executive Director to obtain housing needs data which will assist in the fulfillment of the Consolidate Plan and this year's Action Plan.
3	**Agency/Group/Organization**	SAN ANGELO HOUSING AUTHORITY
	Agency/Group/Organization Type	Housing PHA Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Staff met with Executive Director to obtain public housing data to help formulate this year's Action Plan.

DRAFT

OMB Control No: 2506-0117 (exp. 07/31/2015)

4	**Agency/Group/Organization**	Concho Valley Community Action Agency
	Agency/Group/Organization Type	Housing Utility Payment Assistance
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Staff met with Executive Director to obtain housing needs to help formulate the annual plan.
5	**Agency/Group/Organization**	Habitat for Humanity of San Angelo, Inc.
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Staff met with board members to obtain housing data to help formulate the plan.
6	**Agency/Group/Organization**	MHMR of the Concho Valley
	Agency/Group/Organization Type	Services - Housing Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Staff met with Program Coordinator to obtain housing needs for persons with disabiliteis to help formulate the plan.
7	**Agency/Group/Organization**	INSTITUTE OF COGNITIVE DEVELOPMENT
	Agency/Group/Organization Type	Services-Persons with Disabilities Services-Victims of Domestic Violence
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Staff contacted Executive Director to obtain information on the need for housing for victims of domestic violence.
8	**Agency/Group/Organization**	City of San Angelo
	Agency/Group/Organization Type	Other government - Local Planning organization
	What section of the Plan was addressed by Consultation?	Market Analysis Economic Development

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Staff met with Planning and other departments within the city to obtain data to help develop the plan.
9	**Agency/Group/Organization**	CONCHO VALLEY WORKFORCE DEVELOPMENT BOARD (CVWDB)
	Agency/Group/Organization Type	Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Staff contacted organization to obtain workforce data to help develop the action plan.
10	**Agency/Group/Organization**	San Angelo Development Corporation
	Agency/Group/Organization Type	Economic Development
	What section of the Plan was addressed by Consultation?	Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Staff met with Executive Director to obtain information on the economic environment in San Angelo.
11	**Agency/Group/Organization**	Dream Center
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Staff contacted Executive Director to obtain information on the need for transitional housing for homeless.
12	**Agency/Group/Organization**	Adult Mental Health Respite
	Agency/Group/Organization Type	Services - Housing Services-Persons with Disabilities Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Staff contacted Executive Director to obtain information on the need for emergency housing for adults with mental health issues and homeless.
13	**Agency/Group/Organization**	Hernandez & Associates Law Firm
	Agency/Group/Organization Type	Business and Civic Leaders

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	What section of the Plan was addressed by Consultation?	Market Analysis
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Discussed issues associated with the business environment for low/moderate income families which gives a better understanding of opportunities for low/moderate income families.
14	**Agency/Group/Organization**	Rev. Floyd Crider
	Agency/Group/Organization Type	Civic Leaders
	What section of the Plan was addressed by Consultation?	Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Discussed homeless issues with Rev. Crider to obtain an understanding of the condition of homelessness.
15	**Agency/Group/Organization**	Tom Green County Health Department
	Agency/Group/Organization Type	Services-Health Other government - County
	What section of the Plan was addressed by Consultation?	Lead-based Paint Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Discussed lead-based paint issues to get an understanding of the lead poisoning threat in the county.
16	**Agency/Group/Organization**	West Texas Organizing Strategy
	Agency/Group/Organization Type	Civic Leaders
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Discussed affordable housing issues with WTOS leaders which assisted in the housing needs assessment.
17	**Agency/Group/Organization**	Small Business Development Center
	Agency/Group/Organization Type	Business and Civic Leaders
	What section of the Plan was addressed by Consultation?	Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Discussed the current state of small businesses in the city with the Director, identifying barriers to success.

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18	**Agency/Group/Organization**	Adult Protective Services
	Agency/Group/Organization Type	Services-Elderly Persons Other government - State
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Discussed issues associated with senior care and housing needs.
19	**Agency/Group/Organization**	Women, Infants, and Children (WIC)
	Agency/Group/Organization Type	Child Welfare Agency Other government - State Other government - Local
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Discussed nutritional needs for children and pregnant mothers to coordinate state funding for WIC services.

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Identify any Agency Types not consulted and provide rationale for not consulting

The city did not consult with agencies that represent public services since the city's focus on expenditure of funds is on housing programs due to continued cuts in federal funding and public sentiment to for the city to focus on housing. In addition, the city did not consult with adjacent units of general local government since there are no adjacent local governments that affect San Angelo's use of federal resources.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Concho Valley Homeless Planning Coalition	Homeless needs are addressed in both plans.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

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AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

Citizen Participation: This plan is the product of public outreach consistent with the City of San Angelo's 2015-2019 Five-Year Consolidated Plan. Public participation efforts included several public meetings and hearings, discussions with agencies and groups that provide services, assist and/or advocate for low-to-moderate-income citizens.

The Community & Housing Support (CHS) staff provided program information to include eligible activities and funds available for 2017. During these public meetings held throughout the city at various times and locations, public comment was received regarding the allocation of CDBG and HOME funds. All comments were accepted. In addition, a 20-day public comment period was provided from June 30, 2017 thru July 19, 2017.

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Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons
1	Public Meeting	Non-targeted/ broad community	The general response at the public meetings was support and approval for the programs we currently fund through CDBG and HOME such as Emergency Repairs, New Construction through the CHDO, Down Payment & Closing Cost Assistance for first time home buyers, and a new service to aid in Homeless Prevention.	While most comments received were regarding general city business concerning other departments, the comments received pertaining to our programs were in favor of the current proposed allocation. Citizens who attended were concerned about home owner emergency repair assistance, home buyer assistance, and homeless prevention.	All comments were accepted.

Table 4 – Citizen Participation Outreach

OMB Control No: 2506-0117 (exp. 07/31/2015)

Expected Resources

AP-15 Expected Resources – 91.220(c) (1, 2)

Introduction

The City of San Angelo's 2017 Annual Action Plan covers the time period from October 1, 2017 to September 30, 2018. The City's total entitlement is $938,095. Over the past several years, the City of San Angelo has seen an annual reduction in funding for both CDBG and HOME funds with only a few exceptional years where the city saw slight increases in CDBG funds. Although these reductions adversely affect the city's ability to meet the needs of low-to-moderate income citizens, we will continue to strive to meet or exceed our goals by finding and taking advantage of synergies with local organizations and government entities wherever possible.

Priority Table

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	688,898	32,000	0	720,898	1,147,294	CDBG funds will be used for the preservation of affordable housing units for LMI households.
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	249,197	24,000	62,455	335,652	415,560	HOME funds are used to create and acquire affordable housing for low to moderate income households.

Table 5 - Expected Resources – Priority Table

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Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

When leveraging entitlement funding, the City combines other local, state, and federal financial resources to maximize the reach and impact of the City's HUD programs. HUD encourages the recipients of federal monies to demonstrate that efforts are being made to strategically leverage additional funds in order to achieve greater results. Leveraging funds is also a way to increase project efficiencies and benefit economies of scale that often come with combining sources of funding for similar or expanded scopes. Funds will be leveraged if financial commitments toward the cost of a project from a source other than the originating HUD program are documented.

The Community and Housing Support division leverages other city departments in order to obtain operating support to include financial, legal, planning, human resources, and purchasing. The City also leverges over $370,000 of local sales tax revenue for gap financing provided to low/moderate income first-time home buyers. The City also receives a grant from Atmos Energy to continue a housing weatherization program, expending approximately $25,000 to assist sixteen home owners.

A 25% match is required for HOME funds for the City of San Angelo. The match can be cash, the value of foregone interest, fees, or charges, appraised value of land or real property, or general funds, and must be available at the time the nonprofit requests reimbursement under its contract.

The majority of Consolidated Plan activities carried out by the Participating Jurisdiction involve the leveraging of a variety of sources. For example, during the FY2015-2016 reporting period, the HOME program utilized a variety of resources to meet the matching requirements. Over $64,000 in match funds was accumulated 2015 program year. At the end of the program year, the city maintained $2,099,566.00 in excess matching funds. This reserve was more than adequate to meet the required match liability for the 2016 program year.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Not applicable.

Discussion

Please see discussion above.

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Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Decent Housing	2015	2019	Affordable Housing	City Wide	Affordable Housing	CDBG: $177,850	Homeowner Housing Rehabilitated: 35 Household Housing Unit
2	Home Ownership	2015	2019	Affordable Housing	City Wide	Affordable Housing Neighborhood Revitalization	HOME: $144,882	Direct Financial Assistance to Homebuyers: 15 Households Assisted
3	Neighborhood Revitalization	2015	2019	Affordable Housing	BLACKSHEAR FORT CONCHO REAGAN RIO VISTA City Wide	Affordable Housing	CDBG: $38,000	Housing Code Enforcement/Foreclosed Property Care: 5000 Household Housing Unit
4	Affordable Housing	2015	2019	Affordable Housing	BLACKSHEAR FORT CONCHO REAGAN RIO VISTA City Wide	Affordable Housing Neighborhood Revitalization	HOME: $99,450	Homeowner Housing Added: 3 Household Housing Unit
5	Special Needs & Homeless	2015	2019	Homeless Non-Homeless Special Needs	City Wide	Affordable Housing Homelessness	CDBG: $90,000 HOME: $62,455	Tenant-based rental assistance / Rapid Rehousing: 23 Households Assisted Homelessness Prevention: 15 Persons Assisted

Table 6 – Goals Summary

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Goal Descriptions

1	**Goal Name**	Decent Housing
	Goal Description	The Emergency Repair program will assist with meeting this goal.
2	**Goal Name**	Home Ownership
	Goal Description	The First-Time Homebuyer's Assistance program will assist with meeting this goal.
3	**Goal Name**	Neighborhood Revitalization
	Goal Description	The Code Compliance Officer will assist with meeting this goal.
4	**Goal Name**	Affordable Housing
	Goal Description	The new construction program carried out by the CHDO for first-time homebuyers will assist with meeting this goal.
5	**Goal Name**	Special Needs & Homelessness
	Goal Description	The Tenant Based Rental Assistance program and the Homeless Prevention Program will assist with meeting this goal.

Table 7 – Goal Descriptions

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Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

The City of San Angelo will provide affordable housing to approximately 26 low-to-moderate income families. Of these, we estimate approximately 18 will be extremely low income, 4 low income, and 3 moderate income.

AP-35 Projects – 91.220(d)

Introduction

The mission of the City's Community & Housing Support Division is to help increase homeownership, support community development, eliminate blight, and increase access to affordable housing for low to moderate income citizens. We execute the mission through a variety of programs that includes rehabilitation, new home construction (through the CHDO), homebuyer's assistance, code compliance, demolition, and emergency repairs.

Whenever possible, the City creates partnerships and synergies with local non-profit organizations that provide services and housing opportunities to low to moderate income citizens. These organizations include Community Housing Development Organizations (CHDO) and Habitat for Humanity.

The City of San Angelo has established three main objectives which are consistent with the 2015-2019 Consolidated Plan and meet one og the three national objectives of the CDBG program:
-Creating a Suitabel Living Environment
-Providing Decent Housing
-Creating Economic Opportunities

Our plan to meet these objectives covers a myriad of activities. Some of these activities include increasing code enforcement efforts in low to moderate income target neighborhoods; coalescing with non-profit organizations that provide home repair to target citizenship; increasing the number of recreational facilities in target neighborhoods to include parks; expanding access to affordable rental housing, increasing the number of housing rehab projects across the city; and exploring new housing opportunities with housing partners.

As we work to meet these objectives, we anticipate that all funded activities will address and are consistent with at least one of three outcomes:
-Improving availibility or accessibility of units or services
-Improving affordability, not just of housing, but of other sevices
-Improving sustainability by promoting viable communities

#	Project Name
1	CD Admin 2017
2	Rehab Admin 2017
3	Emergency Repairs 2017
4	Homeless Prevention
5	Code Compliance 2017
6	Debt Service 2017
7	HOME Admin 2017
8	HAP - Homebuyer's Assistance Program 2017
9	Galilee Community Development Corporation CHDO 2017
10	MHMR TBRA Assistance 2017

Table 8 – Project Information

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Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City's ConPlan update coincides with the development of the first year Action Plan. The City awards Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funding to public entities and non-profit agencies that provide services and housing for LMI and special needs households. The City operates on a one-year grant funding cycle for CDBG and HOME projects. The only obstacle the City has to addressing underserved needs is limited available funding.

Projects

AP-38 Projects Summary

Project Summary Information

Table 9 – Project Summary

1	**Project Name**	CD Admin 2017
	Target Area	City Wide
	Goals Supported	Decent Housing Neighborhood Revitalization Special Needs & Homelessness
	Needs Addressed	Homelessness Neighborhood Revitalization
	Funding	CDBG: $144,000
	Description	Administration of the CDBG programs including salaries, benefits, training, supplies, and services necessary to execute program activities. These activities include, but are not limited to, client intake, eligibility screening, inspections, financial management, monitoring of activities, and monitoring of subrecipients as applicable.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Not applicable.
	Location Description	Not applicable
	Planned Activities	Administration of the CDBG Programs includes salaries, benefits, training, supplies, and services necessary to execute program activities. The management
2	**Project Name**	Rehab Admin 2017
	Target Area	City Wide

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OMB Control No: 2506-0117 (exp. 07/31/2015)

	Goals Supported	Decent Housing Neighborhood Revitalization Affordable Housing Special Needs & Homelessness
	Needs Addressed	Affordable Housing Homelessness Neighborhood Revitalization
	Funding	CDBG: $125,000
	Description	Administration of the CDBG Rehab program to include salaries, benefits, certifications, training, and supplies necessary to successfully execute the program.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Not applicable.
	Location Description	City wide.
	Planned Activities	Administration of the Rehab programs including salaries, benefits, training, supplies, and services necessary to execute program activities. These activities include, but are not limited to, client intake, eligibility screening, inspections, financial management, monotoring of activities, and monitoring of subrecipents as applicable.
3	**Project Name**	Emergency Repairs 2017
	Target Area	City Wide
	Goals Supported	Decent Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: $177,850
	Description	100% grant for low/moderate income homeowners for Emergency Repairs. An emergency is a situation that occurred without warning (within two weeks), is detrimental to life, health, or safety and requires immediate action. Action must be taken within 24-72 hours to remedy the emergency situation. Modifications to provide barrier-free living space, when feasible, for homes occupied by either disabled or elderly individuals requiring such modifications will also be included.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 30 low-to-moderate income families will benefit from the Emergency Repair Program.

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	Location Description	City wide.
	Planned Activities	Repairs that are detrimental to life, health, or safety and requires immediate action are completed with this program. These repairs include, but are not limited to gas leaks, sewer leaks, collapsed sewer lines, water leaks, and electrical hazards. Modifications to provide a barrier-free living space, when feasible, for homes occupied by either disabled or elderly individuals requiring such modifications will also be included.
4	**Project Name**	Homeless Prevention
	Target Area	City Wide
	Goals Supported	Special Needs & Homelessness
	Needs Addressed	Homelessness
	Funding	CDBG: $90,000
	Description	The goal of this program is to help prevent homelessness with limited financial assistance. The target households are those who can usually maintain their housing, but who have had to deal with a sudden, short-term financial crisis which left them temporarily unable to meet their housing costs.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 20 low income families who are on the verge of homelessness will benefit from the Homeless Prevention Program.
	Location Description	City wide.
	Planned Activities	The goal of this program is to help prevent homelessness with limited financial assistance. The target households are those who can usually maintain their housing, but who have had to deal with a sudden, short-term financial crisis which left them temporarily unable to meet their housing costs. The program is not intended for persons who have are likely to be at-risk of homelessness on a recurrent basis. Housing assistance in the form of rent and/or mortgage payments is available for up to 175% of the client's unit lease rate or monthly mortgage amount for up to three (3) consecutive months within a three year period to any one household**.**
5	**Project Name**	Code Compliance 2017
	Target Area	BLACKSHEAR FORT CONCHO REAGAN RIO VISTA
	Goals Supported	Neighborhood Revitalization
	Needs Addressed	Neighborhood Revitalization

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	Funding	CDBG: $38,000
	Description	Funds the salary and benefits for a City Code Compliance Officer. This officer will be assigned to enforce codes such as tall grass and weeds, unsightly junk material, and other items that put the health and safety of citizens at risk.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 3,000 families will benefit from Code Compliance activities in the targeted areas.
	Location Description	Local target areas.
	Planned Activities	The code officer in the targeted areas emphasizes compliance to health and safety issues in the residential and commercial buildings in the eligible areas. The Code Compliance Officer will also enforce codes such as junk, tall grass and weeds, junk appliances, refuse, unsightly material, temporary signs, and related state laws in low/moderate income area defined by the 2010 Census.
6	**Project Name**	Debt Service 2017
	Target Area	REAGAN RIO VISTA
	Goals Supported	Neighborhood Revitalization
	Needs Addressed	Neighborhood Revitalization
	Funding	CDBG: $146,048
	Description	Repayment of the Section 108 Loan for Rio Vista Park Renovation and Producer's Park Development. This loan, totaling $2,035,000 plus interest will be paid back over a period not to exceed 20 years.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Not applicable.
	Location Description	Not applicable.
	Planned Activities	The Debt Service is used to repay the principal and interest on the Section 108 Loan taken to construct Producer's Park and rehabilitate Rio Vista Park. Both activities were completed by May 2013.
	Project Name	HOME Admin 2017

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7	**Target Area**	BLACKSHEAR FORT CONCHO REAGAN RIO VISTA City Wide
	Goals Supported	Decent Housing Home Ownership Affordable Housing Special Needs & Homelessness
	Needs Addressed	Affordable Housing
	Funding	HOME: $27,320
	Description	Staff and related costs required for overall program management, coordination, monitoring, reporting, and evaluation of HOME programs.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Not applicable.
	Location Description	Not applicable.
	Planned Activities	Administration of the HOME programs including salaries, benefits, training, supplies, and services necessary to execute program activities. These activities include, but are not limited to client intake, eligibility screening, home inspections, financial management, monitoring of activities, and monitoring of subrecipients as applicable.
8	**Project Name**	HAP - Homebuyer's Assistance Program 2017
	Target Area	City Wide
	Goals Supported	Home Ownership
	Needs Addressed	Affordable Housing
	Funding	HOME: $144,882
	Description	Provide down payment and closing cost assistance for low to moderate first time home buyers.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 15 low-to-moderate income families will benefit from the First-time Home Buyer's Assistance Program.
	Location Description	City Wide.

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	Planned Activities	The Homebuyer's Assistance Program will provide down payment and closing cost assistance to low-to-moderate income first time home buyers who are purchasing a home within the San Angelo city limits.
9	**Project Name**	Galilee Community Development Corporation CHDO 2017
	Target Area	BLACKSHEAR FORT CONCHO REAGAN RIO VISTA
	Goals Supported	Decent Housing Home Ownership Neighborhood Revitalization Affordable Housing
	Needs Addressed	Affordable Housing Neighborhood Revitalization
	Funding	HOME: $99,450
	Description	Funds provide for new home construction for low/moderate income residents. GCDC's current goal is to build at least 3 homes with the 2017 allocation and other sources.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 3 low-to-moderate income families will benefit from the CHDO's affordable housing program.
	Location Description	Homes will be constructed on lots chosen by the home buyer located in a target area.
	Planned Activities	GCDC will construct 3 single family homes for first time home buyers who are low to moderate income.
10	**Project Name**	MHMR TBRA Assistance 2017
	Target Area	City Wide
	Goals Supported	Special Needs & Homelessness
	Needs Addressed	Affordable Housing Homelessness
	Funding	HOME: $64,000

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	Description	Funds provide tenant-based rental assistance (TBRA) to 23 clients with a chronic mental illness residing within the San Angelo city limits over a period of a year. The HOME funds requested will provide rental assistance, one-time security deposit assistance, and one-time utility deposit assistance. TBRA may be used on any rental property within the City of San Angelo that meets HUD's minimum Housing Quality Standards. Yearlong services will be provided.
	Target Date	9/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 23 special needs families will benefit from TBRA assistance.
	Location Description	City wide.
	Planned Activities	Tenant Based Rental Assistance (TBRA) will be provided to clients with a chronic mental illness residing within the San Angelo city limits over a period of approximately a year while on the waiting list for Section 8 housing. The program will provide rental assistance, one-time security deposit assistance, and one-time utility deposit assistance as needed. TBRA may be used on any rental property within the City of San Angelo that meets HUD's minimum Housing Quality Standards.

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AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

People of Hispanic origin compromise the largest minority in San Angelo. Areas with high concentrations of minority population are defined as block groups consisting of 51% or more minority population. Areas of the City with higher concentrations of low-to-moderate income households typically tend to be the areas with the greatest concentrations of minority populations. The largest concentrations of minority population are found in Cencus Tracts 3, 4, 7, 8, 9, and 14. Some of the Block Groups within these Census Tracts contain high concentrations of Hispanic population. Further, these are also the Census Tracts with the largest numbers and greatest percentages of low-to-moderate income residents.

Minority Concentrations - Indeed, the four neighborhoods targeted for revitalization are located in areas with lower income households and older housing units.

Please refer to the city's NRP online at www.cosatx.us/chs.

Community-wide projects are directed toward low-to-moderate income persons and are usually carried out throughout targeted low-to-moderate income Census Tract Block Groups. These projects are offered on a community-wide basis because, while there are distinct areas with high concentrations of low-to-moderate income populations within the City, over the years the low-to-moderate income population has spread throughout the community. This is especially true for elderly and special needs residents. Out of fairness to all eligible low-to-moderate income residents, these programs are offered on a city-wide basis.

Community-wide projects:

Emergency Repair Program

Homeless Prevention Program

Homebuyers Assistance Program

MHMR TBRA Program

Target Area projects consist of those projects conducted in four City Council designated target areas - Rio Vista, Blackshear, Reagan, and Fort Concho. Code Compliance will be conducted strictly in target area neighborhoods as well as new home construction earmarked for the Neighborhood Revitalization Program.

Galilee Community Development Corporation is currently the only CHDO that has applied for 2017 CHDO set-aside funds. Although CHDO funds are not limited to target areas, Galilee has decided to focus on the target areas for their operations.

This year, $137,450 ($38K Code Compliance and $99,450 CHDO new home construction) will be expended specifically in the neighborhoods targeted for revitalization which equates to 13% of total CDBG & HOME funds available for the

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program year.

Geographic Distribution

Target Area	Percentage of Funds
BLACKSHEAR	
FORT CONCHO	
REAGAN	
RIO VISTA	

Table 10 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City is allocating resources to the four neighborhoods targeted for revitalization. However, the allocations are based on a first-come first-served project basis, so one neighborhood will receive more than the others. The City cannot determine the percentage of funds to be allocated in a particular neighborhood.

Discussion

See above.

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Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

AFFORDABLE HOUSING FOR HOMELESS/SPECIAL NEEDS

The City of San Angelo's actions as they relate to homeless and special-needs households are identified below.

Homeless Needs

There should be sufficient emergency shelters available for the needs of the homeless; however, the main emphasis should be on providing transitional and permanent housing. The local Salvation Army began a new program which they hope will alleviate some of the problems. This transitional housing program offers selected participants a place of residence with low nightly rates in order to provide the opportunity to save money for a home our apartment. Tenants are housed for three to four months, and each participant is required to take part in a financial course and to find a job. Staff then evaluates the tenants after 90 days and if qualified, the program pays the first month's rent and helps with utilities.

In addition to the Salvation Army, there are two transitional housing programs for men and women managed by the Alcohol & Drug Abuse Council that provide transitional housing for individuals suffering from drug and alcohol addiction. Also, the Institute of Cognitive Development provides transitional housing for families made homeless through domestic violence. These transitional housing programs are in place in 2015 and will continue in 2016.

Moreover, the majority of homeless individuals are associated with mental health issues. The city will assist in addressing this problem through its efforts described below regarding the Special Needs Population.

Housing for Special Needs Population

Elderly, frail elderly, handicapped, disabled and other special needs persons should likewise have the opportunity to live in decent, safe, sanitary affordable housing. Furthermore, this housing should be accessible and barrier free when required. Housing rehabilitation assistance through the Amy Young barrier removal program will be provided to homeowners with disabilities to fund renovations necessary to make their homes accessible. Additionally, the PHA offers several barrier free units to those qualified individuals needing accessible housing.

MHMR Services of the Concho Valley will receive HOME funds to provide tenant-based rental assistance (TBRA) to 23 clients with a chronic mental illness residing within the San Angelo city limits over a period of a year. The HOME funds requested will provide rental assistance, one time security deposit assistance, and one-time utility deposit assistance. TBRA may be used on any rental property within the City of San Angelo that meets HUD's minimum Housing Quality Standards. Initial and annual inspections of the units are required in order to assure that the funds are being used for decent, safe and sanitary properties.

Galilee Community Development Corporation will provide handicap accessibility features in houses constructed under

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its HOME funded New Construction Program when such features are requested by participant families.

One Year Goals for the Number of Households to be Supported	
Homeless	20
Non-Homeless	18
Special-Needs	23
Total	61

Table 11 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	43
The Production of New Units	3
Rehab of Existing Units	0
Acquisition of Existing Units	15
Total	61

Table 12 - One Year Goals for Affordable Housing by Support Type

Discussion

Please see discussion above.

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AP-60 Public Housing – 91.220(h)

Introduction

The PHA will continue to offer 174 public housing units consisting of 90 Low Rent Public Housing Family units, 60 elderly units, and 24 Acquisition Project units. The Desert Shadows complex will continue to offer 224 units for rent, but under the Land Use Restriction Agreement in effect only 112 of those units are available at less than market rent for low-to-moderate income tenants. The PHA will continue to provide the Housing Choice Voucher Rental Assistance Program, formally known as Section 8 to serve qualified low-to-moderate income families in San Angelo.

During FY 2002, the Housing Authority sold two of its Affordable Housing Program apartment complexes which resulted in a decrease of affordable housing units operated by the PHA from 221 to 168. Because of a Land Use Restriction Agreement (LURA), the two complexes will continue to benefit 53 lower income families in the City of San Angelo through private operation until expiration of the LURA in 12/21/2033. During FY 2004, the Housing Authority sold a third Affordable Housing Program apartment complex to a local hospital. In 2015 PHA purchased 12 units from the City of San Angelo. PHA now has 122 affordable housing units under its operation.

Actions planned during the next year to address the needs to public housing

The PHA intends to make modifications to public housing based on the Section 504 needs assessment. They intend to install lighting to enhance security; complete modernization of 1-2 units per year for the next five years; replace existing windows in two developments with new windows that comply with the *International Energy Conservation code* over the next five years. The PHA indicated that it will employ effective maintenance and management policies to minimize the number of public housing units off-line and reduce the turnover time for vacated public housing units. The PHA is also planning to continue a winterization program to properly seal and insulate windows and doors and improve the efficiency of all units through the purchase of "Energy Star" rated systems. The PHA continues to partner with the local SAPD to implement a Crime Free program to reduce crime and vandalism. This addition to the residents lease will include all Public Housing residents as well as residents living in the Affordable Housing program.

In 2011 The Housing Choice Voucher program was awarded twenty-five additional vouchers to assist HUD's mission of eliminating homelessness among veterans. The Veteran's Affairs Supportive Housing (VASH) program strives to work with the Big Springs VA office to obtain 100 % utilization of these vouchers. In 2015, the HCV program was awarded an additional 8 VASH vouchers. With the addition of these eight vouchers the PHA now has 816 Housing Choice Vouchers to offer low and very low income families.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

For 2017, the PHA will continue to encourage residents to submit responses both telephonically and in writing concerning any PHA matters. The resident Advisory Group provides input to the PHA. In 2015, the PHA opened the availability of the voluntary Family Self-Sufficiency program to not only HCV but Public Housing residents as well. This program encourages homeownership and is designed to remove barriers of residents looking to become self sufficient. This year had the FSS program more than doubled in size and the PHA now has 2 vouchers of the 10 homeownership vouchers leased. The PHA will continue to promote and develop this program to encourage FSS

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participants to participate in the homeownership program.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable.

Discussion

Please see discussion above.

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AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

As part of a 2017 Homeless Count by the City's Homeless Coalition, there were XXX homeless identified and counted. This snapshot in time provides a general idea on the homeless problem in San Angelo. The Concho Valley Homeless Planning Coalition is working with local agencies to introduce HMIS in order to better support agencies that provide services to homeless citizens. The HMIS will monitor outcomes and performance measures for all the homeless services agencies in the county.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Concho Valley Homeless Planning Coalition will continue working with local agencies to ensure homeless persons are contacted and provided information on what types of assistance is available. In addition, an annual homeless count will be conducted to assess the needs of homeless persons.

Addressing the emergency shelter and transitional housing needs of homeless persons

The Salvation Army will continue to provide shelter and nutritional assistance to homeless persons. In addition, the City will work with a local women's shelter to provide transitional housing for families made homeless due to domestic violence.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City is working with the Concho Valley Homeless Planning Coalition to develop plans to build a transitional housing complex to provide homeless persons a place to live up to 18 months. The City will also provide funding for MHMR to help clients transition into permanent housing.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City will continue providing affordable housing programs to include emergency housing repair and homeless prevention programs that will help keep low income families from becoming homeless especially renters who have a higher cost burden than homeowners by percentage. The City will also provide funds in the form of tenant-based rental

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assistance to help low income persons transition into permanent housing.

Discussion

Please see discussion above.

One year goals for the number of households to be provided housing through the use of HOPWA for:
Short-term rent, mortgage, and utility assistance to prevent homelessness of the individual or family
Tenant-based rental assistance
Units provided in housing facilities (transitional or permanent) that are being developed, leased, or operated
Units provided in transitional short-term housing facilities developed, leased, or operated with HOPWA funds
Total

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AP-75 Barriers to affordable housing – 91.220(j)

Introduction

The City of San Angelo Council and staff believe that it does not have regulatory provisions which bar or create barriers to affordable housing. The City Council is keenly aware of the need to keep permit fees and property taxes low and is committed to raising fees and taxes only when absolutely necessary for essential services. Council also supports affordable housing programs to include Low Income Housing Tax Credits in high opportunity areas of the city and other CDBG/HOME funded or supported programs.

Slow economic development in San Angelo is another barrier to affordable housing for some citizens. The City of San Angelo has undertaken aggressive measures to remedy the problem. One of those measures was to extend the ½ cent sales tax to fund performance-based job creation and business retention. The City of San Angelo Development Corporation provides grants to businesses interested in setting up or expanding operations in San Angelo. Types of businesses include manufacturing, warehousing/distribution, data processing, telecommunications services, research and development, information services, correctional institutions, mining, and agricultural services.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The major barrier to affordable housing is still a lack of funds. While education and/or job training may provide a means to increasing income and improving living conditions for some low income families, low income elderly and disabled will not likely be able to achieve these goals through education or job training.

Slow economic development in San Angelo is another barrier to affordable housing for some citizens. The City of San Angelo has undertaken aggressive measures to remedy the problem. One of those measures was to extend the ½ cent sales tax to fund performance-based job creation and business retention. The City of San Angelo Development Corporation provides grants to businesses interested in setting up or expanding operations in San Angelo. Types of businesses include manufacturing, warehousing/distribution, data processing, telecommunications services, research and development, information services, correctional institutions, mining, and agricultural services.

Discussion

In addressing the barriers to affordable housing, the City will continue to offer its owner-occupied Housing Rehabilitation Program and the Neighborhood Revitalization/Enhancement Program and will continue its 100% Emergency Repairs Grant Program through the Community & Housing Support Division. The Community & Housing Support Division will also administer the Homebuyers Assistance Program which offers down payment and closing cost assistance to low to moderate income homebuyers.

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AP-85 Other Actions – 91.220(k)

Introduction

This section discusses the City's efforts in addressing the inderserved needs, expanding and preserving affordable housing, reducing lead-based paint hazards, and developing institutional structure for delivering housing and community development activities.

Actions planned to address obstacles to meeting underserved needs

During grant year 2017, the City of San Angelo will take action to address obstacles to meeting underserved needs in several areas as discussed below.

Actions planned to foster and maintain affordable housing

Low and moderate income persons should have decent, safe, sanitary, and affordable housing. To address this continuing problem, the City will offer its owner-occupied and rental single family housing rehabilitation and emergency repairs 100% grant programs. Owner-occupied and rental single family housing rehabilitation is critical to aging neighborhoods, especially lower income neighborhoods, in preventing slum/blight conditions from developing. Such neighborhoods have large concentrations of single parent families and elderly residents who lack the financial and/or physical ability to provide even routine maintenance and repairs. Unless these neighborhoods are addressed, neglect will occur and will ultimately result in deterioration of the housing stock and contribute to the further decline of these neighborhoods.

An allocation of $177,850 of 2017 CDBG funds will enable the department to continue an Emergency Repairs 100% Grant component to the Housing Rehabilitation Program, which will provide assistance with a 100% grant up to $5,000 for homeowners in need of emergency repairs.

Down payment and closing cost assistance will be provided for income qualified homebuyers under the City's Homebuyers Assistance Program (HAP) which has been allocated HOME funds in the amount of $144,882. The assistance will be provided as a forgivable, no-interest deferred payment loan which will not have to be repaid as long as the homeowner occupies the home as his or her principal residence for the full five year affordability period.

To further aid in addressing the priority of Housing, the City will assist Galilee Community Development Corporation in construction of three houses for low-to-moderate income families.

HOME funds will be provided for tenant-based rental assistance to 23 persons/households. Additional information regarding the City's Housing objective is contained in this Annual Action Plan under Activities to be undertaken.

Actions planned to reduce lead-based paint hazards

<u>Lead-Based Paint Hazards</u>

The HOME Neighborhood Enhancement/Revitalization rehabilitation component and Housing Rehabilitation Program will adhere to the HUD Regulation on Lead-Based Paint Hazards in Federally Owned Housing and Housing Receiving

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Federal Assistance, 24 CFR Part 35, Subpart J, that went into effect on September 15, 2000. In response to this regulation and as one of the 2000 Annual Action Plan goals, CHS staff prepared and incorporated a chapter on Lead-Based Paint Hazards in its rehabilitation program guidelines, which is applicable to both CDBG and HOME funded activities.

The CHS Housing Program Coordinator received training and is currently certified by the State in order to carry out the required lead-based paint inspections, risk assessments, interim control/abatement work, lead abatement supervisor, and clearance testing.

Actions planned to reduce the number of poverty-level families

Anti-Poverty Strategy

The City recognizes that its future economic viability rests with elimination of poverty. San Angelo has and will continue to undertake efforts in housing and supportive services to improve the quality of life of its low-to-moderate income residents so long as funding for such activities is available. The major factor in predicting poverty and locking people into a life of poverty is the lack of education and job skills. Being without requisite education and skills necessary to obtain a job paying more than minimum wage prevents many residents from departing the ranks of the impoverished. Therefore, workforce development and area-wide economic development have been identified as priorities which will aid the City in reducing the number of persons living below the poverty level.

The West Texas Training Center, which opened January 3, 2001, is located on property owned by the City and is the focal point of a cooperative effort amongst the City, San Angelo Independent School District, Angelo State University, Howard College, the Chamber of Commerce, and regional business, industry and health care organizations to meet the occupational training needs of the Concho Valley region and West Texas. The Center was renovated/constructed through funding provided by $1.2 million in an EDA grant, $925,000 from a State Special Item Appropriations grant, $40,000 from Howard College and additional funding from the San Angelo Health Foundation.

Actions planned to develop institutional structure

Institutional Structure and Coordination of Activities

The City of San Angelo Community & Housing Support Division, which administers CDBG and HOME funds is a division of the municipal government. The PHA is a separate entity with a Board of Directors appointed by the Mayor of the City of San Angelo. However, the CHS staff will continue to work with the PHA staff to leverage other federal funds earmarked for affordable housing.

As established by the many cooperative efforts undertaken by the City of San Angelo described previously in this Plan, coordination of activities is an ongoing process. In 2017, the CHS staff will continue to provide technical assistance to all non-profit organizations within the City, particularly those which are the Subrecipients of CDBG and HOME funds and those which are HOME Community Housing Development Organizations. The staff typically provides technical assistance on the availability of federal grants and the availability of private grants and funds to include faith-based

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organizations. Technical assistance is also provided on program compliance, documentation, and monitoring matters.

Actions planned to enhance coordination between public and private housing and social service agencies

The City of San Angelo benefits from a strong network of housing and community development partners, such as the Annual Community Development Directors Meeting, Galilee Community Development Corporation, and the Homeless Coalition of San Angelo. To improve intergovernmental and private sector cooperation, the City will continue to participate with other local organizations and developers in sharing information and resources.

Discussion

Please see discussion above.

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Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction

The activities planned provide for the expenditure of all CDBG funds expected to be available during the program year, including program income. No amount has been excluded for eligible activities that have been identified for the contingency of cost overruns. There is no surplus from urban renewal settlements. No grant funds have been returned to the line of credit for which the planned use has not been included in a prior statement, plan or amended plan. No income will be received from float funded activities in 2017. No "urgent need" activities are allocated 2017 CDBG funding. Approximately 80% of CDBG funds will be used to benefit low-to-moderate income persons.

HOME investments by the City of San Angelo in fiscal year 2017 will consist of grant funds and program income funds. No HOME funds will be used to refinance existing debt secured by multi-family housing being rehabilitated with HOME funds; therefore, no such guidelines are required. The City intends to use 2017 HOME funds for First-time Homebuyers. Our guidelines for recapture of funds are included in the City's HOME program documents for the Home Buyer's Assistance Program, the Neighborhood Enhancement/Revitalization Program which includes a down payment and closing cost component, and Galilee Community Development Corporation's housing construction program, all of which assist homebuyers. All housing under these programs must be acquired by homebuyers whose family qualifies as low-income and the housing must be the principal residence of the family throughout the applicable affordability period. In the case of default, the case will be handed to the City's Legal Department in order to initiate foreclosure proceedings.

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Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	**0**

Other CDBG Requirements

1. The amount of urgent need activities	0

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2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income.Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. 80.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

   The City of San Angelo does not use HOME funds in any other manner than those described in Section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

   Only the HOME funds used for direct subsidy to the homebuyer are subject to **recapture provisions.** This is based on the amount of assistance provided and the affordability period on which it is based. Repayment of proceeds at transfer of the property must be reinvested in another HOME-eligible activity. The beneficiaries of that investment must also be low-to-moderate income households. In the event of a sale, short sale, and/or foreclosure, the amount recaptured will be limited to the amount of shared net proceeds (sales price LESS superior, non-HOME loans and closing costs) available at the time of such occurrence. After the superior lien has been paid, HOME funds are reimbursed, followed by the homeowner's investment. The city also passes on its recapture requirements to its CHDO housing construction program, all of which assist homebuyers. All housing under these programs must be acquired by homebuyers whose family qualifies as low-to-moderate income and the housing must be the principal residence of the family throughout the applicable affordability period. In the case of default, the case will be handed to the City's Legal Department in order to initiate foreclosure proceedings.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

   Annually, the HOME Program Administrator and Housing Rehab Program Administrator conduct inspections on HOME and CDBG funded units to include CHDO built units to ensure compliance to the affordability period as stated in the legal documents. This will be accomplished by the following:

   1. Check the current water bill with the Water Billing Department to ensure the client is still the main recipient at the appropriate address.

   2. Check with the Tom Green County Appraisal District to ensure name on tax rolls has not changed.

   3. If the name listed in either the water bill or tax roll does not match original client's name, a title search will be

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conducted followed by a site visit.

4. If non-compliance to the affordability period is discovered, action to recapture funds will be taken.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

   The City of San Angelo will not use HOME funds to refinance existing debt.

Discussion

HOME investments by the City of San Angelo in fiscal year 2017 will consist of grant funds and program income funds. The City's HOME program includes the Home Buyer's Assistance Program, TBRA assistance through MHMR (subrecipient), and Galilee Community Development Corporation's housing construction program. All eligible applicants for the homebuyer's assistance program and Galilee's new construction program must be low-to-moderate income (below 80% LMI) first-time home buyers, and cannot have owned a home in the last three years. Clients for these two programs are solicited by the participating lenders in our programs, brochures, and the City's website. All applicants are selected on a first-come, first-approved, first-served basis. MHMR selects TBRA clients that are already enrolled in their Supported Housing Services Program as their caseworker deems them ready to live on their own, and limits it to those who have a chronic mental illness. All applicants are on the waiting list for Section 8 housing and HUD Low Rent program while temorarily receiving TBRA assistance. Detailed information on all programs may be obtained online at the city's website, www.cosatx.us/chs, in our offices at 52 W. College, San Angelo, Texas, or at the offices of any of the participating lenders, subrecipients, or CHDO.

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Homeless Prevention Program
for
The City of San Angelo, Texas

October 1, 2017

Prepared by

Community & Housing Support Division

Neighborhood & Family Services Department

52 W. College

San Angelo, Texas 76903

HOMELESS PREVENTION PROGRAM (HPP) Policy

Program Objective

The goal of this program is to help prevent homelessness with limited cash assistance. The target households are those who can usually maintain their housing, but who have had to deal with a sudden, short-term financial crisis which left them temporarily unable to meet their housing costs. The program is not intended for persons who are likely to be at-risk of homelessness on a recurrent basis.

Qualifications

1. Applicant must be a San Angelo resident;

2. Applicants must be at or below 50% of the San Angelo, TX HUD Metro Area Median Income (AMI) Limits. AMI Limits are published by HUD annually. Client eligibility is determined by the income limits effective at the time of client's application for HPP assistance. Current limits are available at ttps://www.huduser.gov/portal/datasets/il.html and listed below:

Family Size	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**
50% AMI	**$21,500**	**$24,600**	**$27,650**	**$30,700**	**$33,200**	**$35,650**	**$38,100**	**$40,550**

3. Applicant must be able to document imminent risk of homelessness by presenting an eviction notice/notice-to-vacate from the landlord, a foreclosure notice from the mortgage company and/or a utility cut-off notice;

4. Applicant should reasonably demonstrate the ability to afford their present or subsequent housing after HPP assistance has brought them current. In the case of seasonal workers, credit history and payment history should be utilized in making this determination; and

5. Applicant should verify the crisis situation leading to the risk of homelessness and lack adequate support networks to avoid becoming homeless.

Forms of Assistance Available

1. Housing assistance in the form of rent and/or mortgage payments is available for up to 175% of the client's unit lease rate or monthly mortgage amount for up to **three (3)** consecutive months within a **three year period** to any one household**.** Arrears are prohibited by CDBG regulations. Therefore, only the current month's rent can be paid. For example, rent due on September 3rd must be paid during the month of September, and not in the

month of October. Maximum allowable monthly rent/mortgage and total utility assistance amounts are listed on page 4 of this document.

2. Housing assistance may exceed the 175% limit only if the client experiences an intervening crisis after initial intake. The intervening crisis must be verifiable and documented by the client and approved by program staff.

3. Housing assistance may not exceed the total of three (3) times the client's unit monthly lease rate or monthly mortgage amount including any amount provided for utilities.

4. Utility payments including water and sewer, basic telephone service, gas and electric may be made in conjunction with housing assistance payments. Maximum allowable monthly rent/mortgage and total allowable utility amounts listed on page 4 of this document.

5. Late fees or other fees relating to housing and/or restoring utilities.

General Program Policies

1. A household may be accepted into the program no more than once in a three (3) year period, and the household may be assisted for a period of up to three (3) consecutive months.

2. HPP clients must participate in counseling or case management to help increase their income and non-cash benefits to reduce subsequent risk of becoming homelessness.

3. Where language barriers exist, efforts shall be made to obtain translation services. If such services are not available, and language barriers prohibit participation in any portion of this program, applicants may receive services despite not participating in that portion of the program.

4. If unemployed, the continuation of benefits shall be based on whether or not the applicant is actively seeking employment. Compliance with this requirement shall be determined by the case manager and program director.

Staff Policies

1. All payments must be made directly to the landlord, mortgage company, or utility service provider. No payment shall be made directly to the applicant.

2. If a tenant lives in an apartment complex, residency must be confirmed with the property management company. Property management must agree in writing not to evict.

3. A copy of the applicant's lease must be placed in the applicant's file.

4. Rent and/or mortgage statements detailing for which month(s) assistance is owed must be received and placed in the client file prior to submitting payment.

5. Documentation of the previous thirty (30) days of household income for clients must be placed in the client file.

6. **Financial assistance using City of San Angelo funds may be provided for no more than one incident within a three year period to any one household.** Additionally, CDBG funds are limited to three (3) consecutive months of financial assistance within any single grant year. Agencies will be required to track clients through HMIS, if available, and will share data with other regional agencies.

7. Monthly rent or mortgage assistance is capped at the San Angelo, TX HUD Metro Fair Market (FMR) Small Area Rents effective at the time of client intake. Total utility assistance is capped at 25% of the applicable FMR limit at the time of client intake. Rent/mortgage and utility limits are determined and published by HUD here https://www.huduser.gov/portal/datasets/fmr.html and listed below:

FY 2017 FMRs By Unit Bedrooms					
Year	**Efficiency**	**One-Bedroom**	**Two-Bedroom**	**Three-Bedroom**	**Four-Bedroom**
FY 2017 FMR	$618	$758	$974	$1,378	$1,539

Risk Factor Assessment and Housing Stabilization Plan

Name:	
Date Completed:	**Completed By: (print)**

This form is intended to assist the case manager to holistically assess a household's needs, determine suitability for the HPRP program, and to plan case management services accordingly. For each issue, check one and only one level that most closely reflects the household's current situation. Use your judgment to make decisions based on the definitions for each category. These divisions are fluid, not rigid, because service needs can and do change over time.

Part 1: Basic Program Eligibility

Housing

- ☐ 1 Individual meets definition for chronic homeless or household has history of multiple evictions
- ☐ 2 One-time homeless more than six months or one eviction
- ☐ 3 In transitional, temporary or substandard housing or current housing is unaffordable
- ☐ 4 Currently homeless, or at imminent risk of becoming homeless, for the first time
- ☐ 5 Adequate, unsubsidized or subsidized housing or never been homeless

Income

- ☐ 1 History of no income
- ☐ 2 Inadequate or sporadic income
- ☐ 3 Able to meet basic needs and manage debt with subsidy
- ☐ 4 History of meeting basic needs and managing debt without subsidy but recently experienced sudden loss of income or increase in expenses, i.e. utilities
- ☐ 5 Income is sufficient, little or no debt outside housing costs

Employment

- ☐ 1 Unable to work, not eligible for subsidy, or inadequate job skills
- ☐ 2 History of temporary or seasonal work only or minimal job skills
- ☐ 3 Receiving or waiting disability or unemployment benefits due to recent lay off or not working due to enrollment in education or training program
- ☐ 4 Employed but pay is inadequate and few or no benefits or adequate job skills
- ☐ 5 Employed with adequate pay and benefits or good job skills

Education

- ☐ 1 No high school diploma/GED
- ☐ 2 Enrolled in GED program or has high school diploma/GED
- ☐ 3 Needs or is enrolled in additional education/training program, expected to finish within 18 months, to improve employment prospects
- ☐ 4 Some college or certification
- ☐ 5 College graduate or advanced certification

Instructions: Add up the total number of check marks for each category in Part 1. **If** score is **11 or below, STOP**. Applicant is not a good candidate for the HPRP program and should be referred to other community resources for needed services. **If** score is **12 or above, proceed with the assessment.**

Part 1 Score: ____

Risk Factor Assessment and Housing Stabilization Plan

Part 2: Expanded Eligibility Determination

Literacy

- ☐ 1 No command of the English language, literacy problems are serious barriers to employment
- ☐ 2 Enrolled in literacy program or English as a Second Language (ESL)
- ☐ 3 Completed literacy (ESL) program, developing command of the English language
- ☐ 4 Minimally English proficient, language is a minimal barrier to employment
- ☐ 5 Full command of the English language, can read, write and speak well, no barriers to employment

Substance Abuse

- ☐ 1 Actively using/abusing drugs/alcohol or avoids or neglects essential life activities due to use/abuse
- ☐ 2 Evidence of persistent or recurrent social, occupational, emotional or physical problems related to use
- ☐ 3 Actively involved in substance abuse treatment/self-help program
- ☐ 4 Completed treatment and no drug/alcohol use in last six months
- ☐ 5 No history of substance abuse

Mental Health

- ☐ 1 Experiencing severe difficulty in essential life activities or very unstable
- ☐ 2 Suspected but undiagnosed mental illness and persistent problems with functioning due to mental health symptoms
- ☐ 3 Current mental health diagnosis and only mild to moderate difficulty in functioning due to symptoms
- ☐ 4 Mental health symptoms being managed through treatment and good functioning in wide range of activities
- ☐ 5 No history of mental illness

Legal

- ☐ 1 Ex-offender and non-compliant with probation/parole
- ☐ 2 Ex-offender and compliant with probation/parole
- ☐ 3 Outstanding warrants or current charges/trial pending
- ☐ 4 Prior arrests but no felony record or has successfully completed probation/parole
- ☐ 5 No criminal history

Health

- ☐ 1 Multiple disabilities and/or chronic health concerns
- ☐ 2 Some household members suffer from chronic health conditions/disabilities
- ☐ 3 Some health issues untreated or currently being addressed
- ☐ 4 Health issues are treated or have been addressed
- ☐ 5 No disabilities or health conditions

Transportation

- ☐ 1 No access to transportation, public or private for example, may have car but it is inoperable
- ☐ 2 Transportation is available but is unreliable, unpredictable, and/or unaffordable for example, may have car but no insurance, license, etc.
- ☐ 3 Transportation is available and reliable but limited and/or inconvenient or driver's license is restricted
- ☐ 4 Transportation is generally accessible to meet basic travel needs
- ☐ 5 Transportation is readily available and affordable and car is adequately insured

Risk Factor Assessment and Housing Stabilization Plan

Child Care (Score only if applicable)

☐ 1 Needs child care but none is available/accessible and/or child is not eligible
☐ 2 Child care is unreliable or unaffordable or inadequate supervision is a problem for child care that is available
☐ 3 Affordable, subsidized child care is not available when needed
☐ 4 Affordable, subsidized child care is available but limited
☐ 5 Reliable, affordable child care is available, with or without subsidies

Instructions: Add up the total number of check marks for each category in Part 2. Add to the score from Part 1. **If combined score is 29 or below**, (**32** or below if child care was scored) **STOP**. Applicant is not a good candidate for the HPRP program and should be referred to other community resources for needed services. If score is **30 or above** (**33** or above if child care was scored), **proceed with the assessment and consider enrollment** provided all other criteria such as income eligibility are met.

Part 2 Score: ____

Overall Risk Assessment Score (Add Sections 1 & 2): ____

Determination:
Eligible for Enrollment Yes ☐ No ☐

Part 3: Service Needs Assessment – This section is not scored and as such does not affect eligibility for the City of Plano Homelessness Prevention Program. Assessment in these areas is intended to guide the case management process and help identify outcomes from participation in the program.

Domestic Violence

☐ History of abuse with partner(s)
☐ Recent or current victimization
☐ Currently undergoing or completed DV counseling
☐ Free from batterer/abuser
☐ No history of abuse

Basic Needs

☐ History of no food or means to prepare it, unable to meet other basic needs
☐ Relies to a significant degree on sources of free or low-cost food and other basic needs
☐ Able to meet basic needs with the use of food stamps/WIC
☐ Can meet basic needs but requires occasional assistance
☐ Can meet basic needs without assistance

Life Skills

☐ Unable to meet the demands and challenges of daily living
☐ Can meet a few but not all the demands and challenges of daily living without assistance
☐ Can meet most but not all the demands and challenges of daily living without assistance
☐ Able to meet most of the demands and challenges of daily living with or without assistance
☐ Has adaptive and positive behaviors needed to deal effectively with the demands and challenges of daily living

Risk Factor Assessment and Housing Stabilization Plan

Health Care

- ☐ No medical coverage
- ☐ Great difficulty assessing medical care when needed
- ☐ Some members of household have access to medical coverage
- ☐ All household members have medical coverage but struggle to cover unreimbursed treatment costs
- ☐ All members are covered by adequate, affordable medical coverage

Child Welfare

- ☐ Home is not safe; reports to the child welfare system result in the child's removal from the home
- ☐ Open children's services case; history of child welfare system involvement; parenting skills are minimal
- ☐ Intervention continues; parenting skills are apparent but not adequate
- ☐ Family has been reunified, no recent child welfare system involvement, parenting skills are adequate
- ☐ Family is intact, parenting skills are well developed, no history of child welfare system involvement

Children's Education

- ☐ Age appropriate children are not enrolled in school
- ☐ Age appropriate children are enrolled in school but not attending class; no parental involvement
- ☐ Enrolled children only occasionally attend class; minimal parental involvement
- ☐ Age appropriate children are enrolled and attending class most of the time; parents are marginally involved
- ☐ All age appropriate children are enrolled and attending classes on a regular basis; parents are actively involved

Family Relations

- ☐ Lack of necessary support from family or friends; abuse present
- ☐ Family/friends may be supportive but lack ability or resources to help; family members do not relate well with one another; potential for abuse
- ☐ Some support from family/friends; family members acknowledge and seek to change negative behaviors; are learning to community and support each other
- ☐ Strong support from family/friends; household members support each other's efforts
- ☐ Health/expanding support network is present; household is stable and communication is consistently open

Community Involvement

- ☐ No community involvement; in survival mode
- ☐ Socially isolated and/or no social skills; lacks motivation to become involved
- ☐ Lacks knowledge of ways to become involved
- ☐ Some community involvement but has barriers, transportation, child care issues, etc.
- ☐ Actively involved in the community

Program Assessment Level

- ☐ **Level 1:** Housed & at imminent risk of homelessness (losing housing): Potential loss of housing due to non-payment of rent and/or other lease violation
- ☐ **Level 2:** Housed & at imminent risk of homelessness (losing housing): Potential loss of housing due to utility non-payment
- ☐ **Level 3:** Stably housed

Housing Stabilization Plan

Risk Factor Assessment and Housing Stabilization Plan

Program Participant Requirements:

Month One:
Initial Assessment and Housing Stabilization Plan is complete. If unemployed or under employed, the Participant must complete 100 employment contacts, apply for Food Stamps, register with and speak to the Texas Workforce Commission, and other referrals deemed necessary by caseworker before seeking further assistance.

Month Two:
Participant must present 100 employment contacts, show registration for Texas Workforce Commission, Food Stamp assistance, other referrals deemed necessary by Caseworker. Client must complete 100 new employment contacts before seeking further assistance.

Month Three:
Client must present 100 employment contacts. Participant must have at least 20+ hours of employment weekly before seeking assistance.

*****Unemployment benefits are not considered employment. Disability benefits under $900 monthly are not considered employment. The Homeless Prevention Program is not guaranteed and is based on availability of funding as well as Case Management monthly assessment(s) .***

Part 1: Personal Program Goals

Now that I have obtained housing assistance, I want to focus on the following goals:

1. The three top goals I want to work towards are:
   - _____
   - _____
   - _____

2. The most important reasons I want to achieve these goals are:
   - _____
   - _____
   - _____

3. I plan to do these things in order to accomplish my goals:

   Specific Action When?

   - _____
   - _____
   - _____

4. Some people who could help me accomplish my goals:

Person	Ways they can help
▪	
▪	
▪	

5. Some possible obstacles to success and how I can handle them:

Obstacles	How to respond
▪	
▪	
▪	

6. I will know that my plan is working/successful when I see these results:

- _____
- _____
- _____

Risk Factor Assessment and Housing Stabilization Plan

Part 2: Case Management Action Plan

Client Name:
CLIENT AGRESS TO:
HPP Agency: The Samaritan Inn
HPP PROVIDER AGENCY AGREES TO:

Client Signature: _____ Date: _____

Case Manager Signature: _____ Date: _____

Risk Factor Assessment and Housing Stabilization Plan
Homelessness Prevention Program (HPP)
Allocation Plan

Assistance Type	Initial $ Amount	Initial Time Period Paid	Extension $ Amount	Extension Time Period Paid	Extension $ Amount	Extension Time Period Paid
Rental						
Mortgage						
Utility						

A RESOLUTION OF THE SAN ANGELO CITY COUNCIL APPROVING AND ADOPTING THE 2017 ANNUAL ACTION PLAN (AAP) FOR USE OF U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) FUNDS; AUTHORIZING THE CONSOLIDATED APPLICATIONS FOR AND ACCEPTING CDBG GRANT FUNDS IN THE SUM OF $688,898+/-, AND HOME FUNDS IN THE SUM OF $249,197+/-, TO BE USED FOR AFFORDABLE HOUSING PROJECTS; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE SUCH GRANT APPLICATIONS, AGREEMENTS AND RELATED DOCUMENTS FOR SAID GRANTS; AND AUTHORIZING THE CITY MANAGER TO PROVIDE FOR THE APPLICATION OF THE GRANT FUNDS FOR THE PURPOSES STATED.

WHEREAS, the City of San Angelo applied for and is eligible for a federal Housing and Urban Development (HUD) Community Development Block Grant (CDBG) in the sum of $688,898, and a Home Investment Partnerships Grant (HOME), in the sum of $249,197, to be used for municipal affordable housing projects; and,

WHEREAS, the grants will provide part of the funding for the City's affordable housing projects and do not require matching funds; and,

WHEREAS, on August 1, 2017, the City Council held a public hearing for approving and adopting the 2017 Annual Action Plan (AAP) at a duly called regular meeting of the City Council pursuant to notice posted as required under Chapter 551 of the Texas Government Code, during which all interested persons had the opportunity to testify before the City Council:

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

SECTION 1. The Annual Action Plan for 2017 for use of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) funds, as presented, is hereby approved and adopted.

SECTION 2. The consolidated applications for CDBG and HOME funds for fiscal year 2017 are hereby authorized and ratified; and, CDBG grant funds in the sum of $688,898+/- and HOME grant funds in the sum of $249,197+/- are accepted.

SECTION 3. The City Manager or his designee is hereby authorized and directed to execute such grant applications, agreements and related documents for the consolidated CDBG and HOME grants for fiscal year 2017, and to accept such grant funds and provide

for their application for the purposes stated.

PASSED and APPROVED 1st Day of August, 2017.

CITY OF SAN ANGELO, TEXAS

ATTEST:

_____
Brenda Gunter, Mayor

_____
Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT

_____
Robert Salas, Neighborhood & Family Services

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: August 1, 2017

Item type: Regular Item

Caption:

An appeal of a denial by the Planning Commission of a Conditional Use to allow for an Animal Kennel and Dog Boarding Facility in the General Commercial/Heavy Commercial (CG/CH) Zoning District on a 0.70-acre property located at 3930 Sunset Drive - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

The applicant owns a business called the Bark Boutique, which is a dog daycare and grooming business, located at 1908 Sherwood Way. The applicant would like to move her business to 3930 Sunset Drive, which is a larger facility, so that she can provide boarding facilities to the community as well as having an outdoor run for the dogs to enjoy in short, incremental time slots during the day.

Financial Impact:

N/A

Other Information/Recommendation:

On June 19, 2017, the Planning Commission voted to DENY the request by a vote of 4-2.

Attachments:

1. Staff Report PL_Staff Report_CC_Appeal_CU17-05 KIDD (3).pdf

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

CITY COUNCIL – August 1, 2017
STAFF REPORT

APPLICATION TYPE:	CASE:
Appeal of Planning Commission Decision	Conditional Use - CU17-05: Kidd

SYNOPSIS:

A request to appeal the June 19, 2017, decision of the San Angelo Planning Commission to deny a Conditional Use to allow for an Animal Kennel and Dog Boarding Facility in the General Commercial/Heavy Commercial (CG/CH) Zoning District. The applicant owns a business called the Bark Boutique, which is a Doggie Daycare located at 1908 Sherwood Way. The applicant would like to move the existing business to 3930 Sunset Drive, which is a larger facility, so that boarding facilities may be provided to the community, as well as having an outdoor run for the dogs to enjoy in short, incremental time slots during the day.

LOCATION:	LEGAL DESCRIPTION:
3930 Sunset Drive, generally located 262 feet east of the intersection of Sunset Drive and Southwest Boulevard	0.70 acres out of the College Hills South Addition, Section 40, Block 110, Lot 14 no. 165, City of San Angelo, Texas

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SM District #6 – Billie DeWitt Sunset Neighborhood	General Commercial / Heavy Commercial (CG/CH)	Neighborhood	0.70 acres

THOROUGHFARE PLAN:

Sunset Drive – Major Collector, Required 60' min. ROW, 50' min. pavement.
Actual 80' min. ROW, 64' min. pavement.
Southwest Blvd – Minor Arterial, Required 100' min. ROW, 64' min. pavement.
Actual 60' min. ROW, 64' min. pavement.

NOTIFICATIONS:

Twenty notifications were sent out to property owners with 200 feet. Staff has received 2 responses in favor and 4 responses in opposition.

STAFF RECOMMENDATION:

Staff recommends that City Council **REJECT** the Planning Commission's decision of denial for the request and **APPROVE** a Conditional Use for an Animal Kennel and Dog Boarding Facility in the General Commercial / Heavy Commercial (CG/CH) Zoning District, subject to four Conditions of Approval.

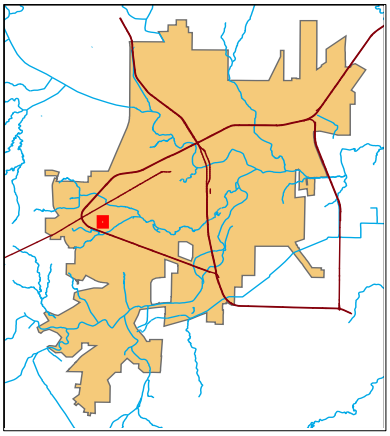
PROPERTY OWNER/PETITIONER:

Property Owner(s):
Ronald Huntley

Agent:
Liz Kidd, applicant

STAFF CONTACT:

Kristina Heredia
Staff Planner
(325) 657-4210, Extension 1546
kristina.heredia@cosatx.us



Conditional Uses: Section 208(F) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, six (6) factors in determining the appropriateness of any Conditional Use request.

1. **Impacts Minimized.** ***Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.*** While the property is currently unoccupied, the building and parking lot already exist, so construction impacts are minimized. The applicant has proposed several options that would continue to limit the impacts to the surrounding area. The applicant has proposed business hours and time frames that would limit the periods during the day that noise could be a problem for the surrounding homeowners. The dogs would typically only be outside during hours when people are normally not home, which should mitigate concerns regarding noise. Also, the outdoor dog areas will be completely screened and fenced, blocking the view to the surrounding properties. The dogs would never be alone outside, so any barking would be minimized and any waste would be immediately cleaned up. Lastly, Staff does not anticipate any additional traffic to either Sunset Drive or the surrounding area as the proposed site and building have existed for quite some time.

2. **Consistent with Zoning Ordinance.** ***Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.*** The CG/CH Zoning District allows an Animal Kennel the right to operate with a Conditional Use. The proposed land use conforms to all other aspects of the Zoning Ordinance. The dog day care and boarding facility that the applicant is requesting for the subject property is consistent with Section 317.B in regards to design standards and other site specifications. There will be accessory uses such as an office, an outdoor run, and indoor enclosure to ensure the safety and wellbeing of all dogs in the facility and provide oversite on all activities.

3. **Compatible with Surrounding Area.** ***Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject property.*** Though the lot is adjacent to RS-1 zoning to the east, it has consistently been zoned and utilized for general to heavy commercial. The land use of an animal kennel is an allowed Conditional Use in the General Commercial (CG) Zoning District; allowing the applicant to operate the animal kennel in this location eliminates the potential for a more intensive land use at this location.

4. **Effect on Natural Environment.** ***Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*** The applicant has proposed additional fencing to provide a greater distance and barriers between the surrounding properties and the Bark Boutique. The use of additional fencing, as well as limited time slots for outdoor use, should suffice to provide limitations on any adverse impacts in regards to the surrounding property owners. A strict regimen of waste disposal should also ensure that smell in not an issue.

5. **Community Need.** ***Whether and the extent to which the proposed conditional use addresses a demonstrated community need.*** An animal kennel/ dog boarding and grooming business is a type of business that relies mainly on residential customers. According to the ASPCA, forty-four percent (44%) of American households own a dog. Through the conditional use process this business could be a good neighbor to the surrounding residents and would provide a demonstrated community need. Including the Bark Boutique, San Angelo has six dog boarding businesses. The closest one to the proposed relocation of the Bark Boutique is over three miles away. There is currently no dog boarding or day care facility in the surrounding neighborhood.

6. **Development Patterns.** ***Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.*** The subject property is located at the end of a commercial area. Sunset Drive has traditionally developed as both a commercial and residential corridor. Allowing the Conditional Use of an animal kennel would provide a community transition between the commercial and the residential. The proposed business would also provide residents with a business that would cater to their needs while maintaining the commercial aspect of that location. While the lot and area have traditionally developed with retail characteristics, the lot is zoned to allow for Heavy Commercial. Business that are classified as Industrial Service, Warehouse/Freight Movement and Wholesale Trade are examples of uses that would be allowed to develop in this location without a conditional use or 200 foot notification.

Planning Commission Draft Minutes from June 19, 2017:

CU17-05: Kidd

Public hearing and consideration of a request for approval of a Conditional Use to allow for an Animal Kennel and Dog Boarding Facility in the General Commercial / Heavy Commercial (CG/CH) Zoning District, generally located 262 feet east of the intersection of Sunset Drive and Southwest Boulevard, on 0.70 acres.

Kristina Heredia, Planner, outlined the proposed request for a Conditional Use to allow an animal kennel and dog boarding facility on the property. She outlined Staff's rationale to approve the request based on the proposed use being allowed in the CG/CH with a conditional use, that dogs would be primarily inside and not outside without supervision, and that various conditions would be imposed included limitation on noise and installation of privacy fencing.

Commissioner Crisp asked how enforcement would be carried out of the noise ordinance is violated.

Ms. Heredia responded that this would be addressed by the Code Compliance Division. Jon James, Director of Planning and Development Services, further clarified by stating that this would be initiated on a per-complaint basis.

Chairperson Priess opened the hearing for public comment.

Ms. Liz Kidd, the applicant representing the facility "Bark Boutique," indicated she was relocating her business to this property on Sunset Drive in order to expand. She stated that in her opinion, additional boarding and dog day care was needed in the area and believed that the proposal would be a positive one. She concluded that all dogs would be outside a maximum of two hours at a time, twice a day, and that the site would be cleaned regularly.

Ms. Linda Cavitt, a resident in the area, spoke in opposition to the request. She expressed concerns of Code Compliance being able to adequately address this issue. She warned the Commissioners about dogs barking and referenced another kennel near the McDonalds on Southwest Boulevard and dogs barking frequently at this location.

Ms. Martha Mota, another resident in the area, also spoke in opposition. She stated that her house nearby was purchased for her retirement, and that she adamantly opposes the request, citing trash and traffic concerns.

Commissioner Smith clarified to Ms. Mota that the subject property was already zoned for commercial uses and that some amount of traffic was expected, regardless of the specific use.

Ms. Mota responded that she understood this, but was in complete opposition to the proposed dog boarding facility at this location.

Ms. Kidd returned to the podium and explained that clean up would be conducted immediately after any excretion from the dogs.

Commissioner Crisp expressed a concern about noise.

Commissioner Smith responded to the Commissioner's concern that a potential situation could be resolved by calling Code Compliance.

Commissioner Smith made a Motion to APPROVE the Conditional Use request as presented, and Commissioner Stribling seconded the Motion. Commissioners Jackson, Spano, Farmer, and Crisp voted against the Motion and Commissioners Smith and Stribling voted for the Motion. As a result, the motion failed 4-2, thereby DENYING the request.

Notifications:

For the initial Conditional Use request, 20 notifications were sent out to property owners with 200 feet of the subject site on June 6, 2017. Staff received two response in favor and four responses in opposition. On the Notification Map on Page 8, the three lots that are colored red have sent in letters of opposition. The owners of these three lots live in those homes. The six lots that are colored orange are owned by one property owner who does not live in San Angelo and that property owner sent in one letter of opposition. All of the letters in favor of the request were received from customers of the Bark Boutique.

On July 21, 2017, 20 notifications were sent out again to property owners with 200 feet to provide notification regarding the appeal. As of July 25, 2017, staff has received zero responses in favor and zero responses in opposition. Although Section 214 of the Zoning Ordinance does not require mailed notification of the appellate hearing, a mailing was done as a courtesy.

Recommendation:

Staff's recommendation is for City Council to **REJECT** the Planning Commission's decision of denial for the request and **APPROVE** a Conditional Use for an Animal Kennel and Dog Boarding Facility in the General Commercial / Heavy Commercial (CG/CH) Zoning District, **subject to the following four Conditions of Approval**:

1. The business shall adhere to the Section 8.01.005 of the Code of Ordinances concerning noise, which does not allow any noises sufficient to constitute a nuisance between the hours of 10:30PM and 7:00AM. To this end, no dogs shall be allowed outside during the hours of 10:30PM and 7:00AM.

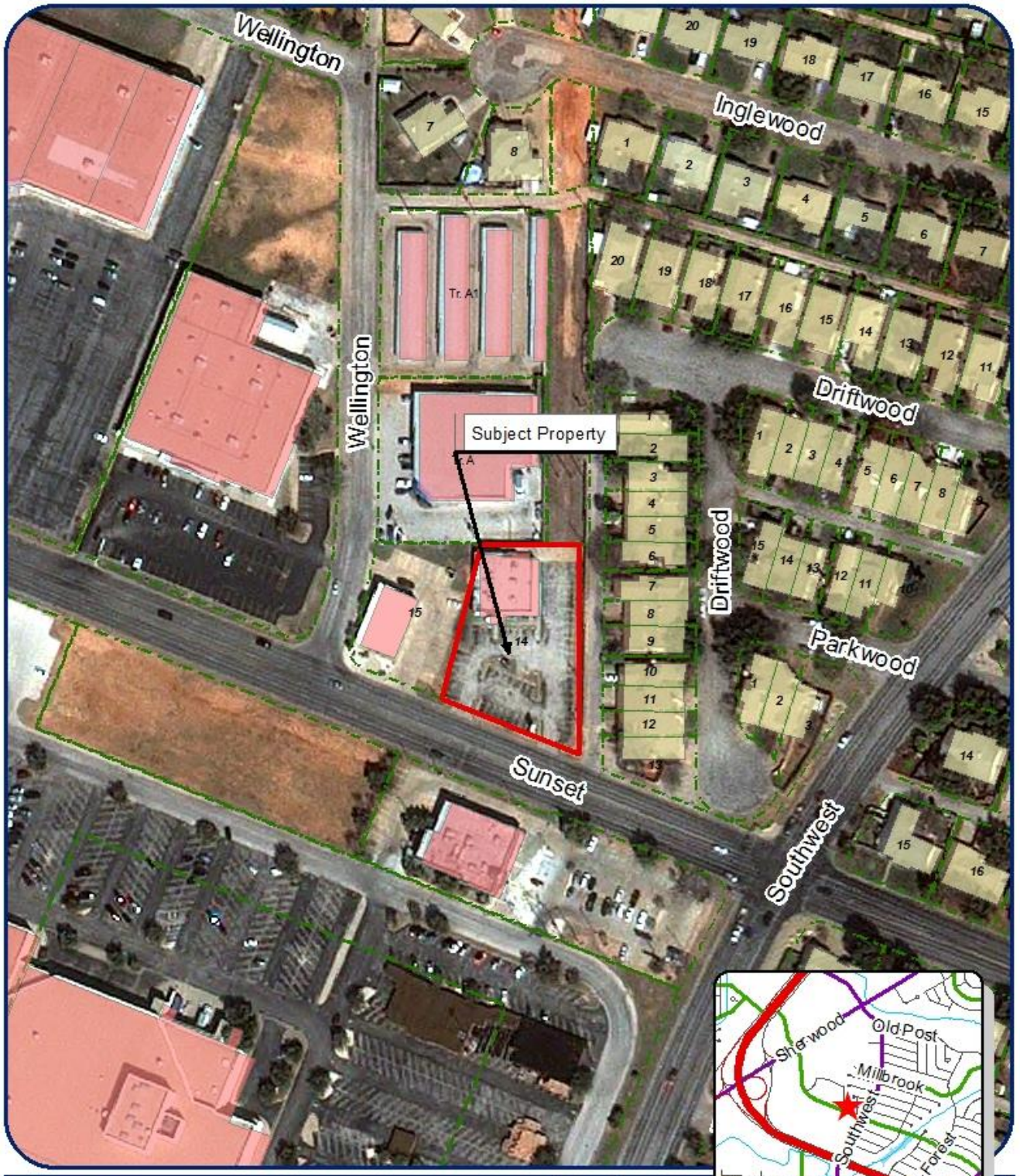
2. The applicant shall install a minimum 6-foot privacy fence where the dog run will be located. The fence shall be board-on-board, but under no circumstance may the fence be constructed of chain link.

3. The owner shall be responsible for maintaining proper disposal of animal feces on a daily basis.

4. All lighting shall be shielded in such a manner so as to prevent spillover light and glare on the surrounding properties.

Attachments:

1. Aerial Map
2. Zoning Map
3. Future Land Use (FLU) Map
4. Thoroughfare Map
5. Notification Map from Planning Commission
6. Letters in Favor
7. Letters of Opposition
8. Site Photos
9. Applicant's Request for Appeal
10. Appeal Letter/Notice of Public Hearing



Aerial Map

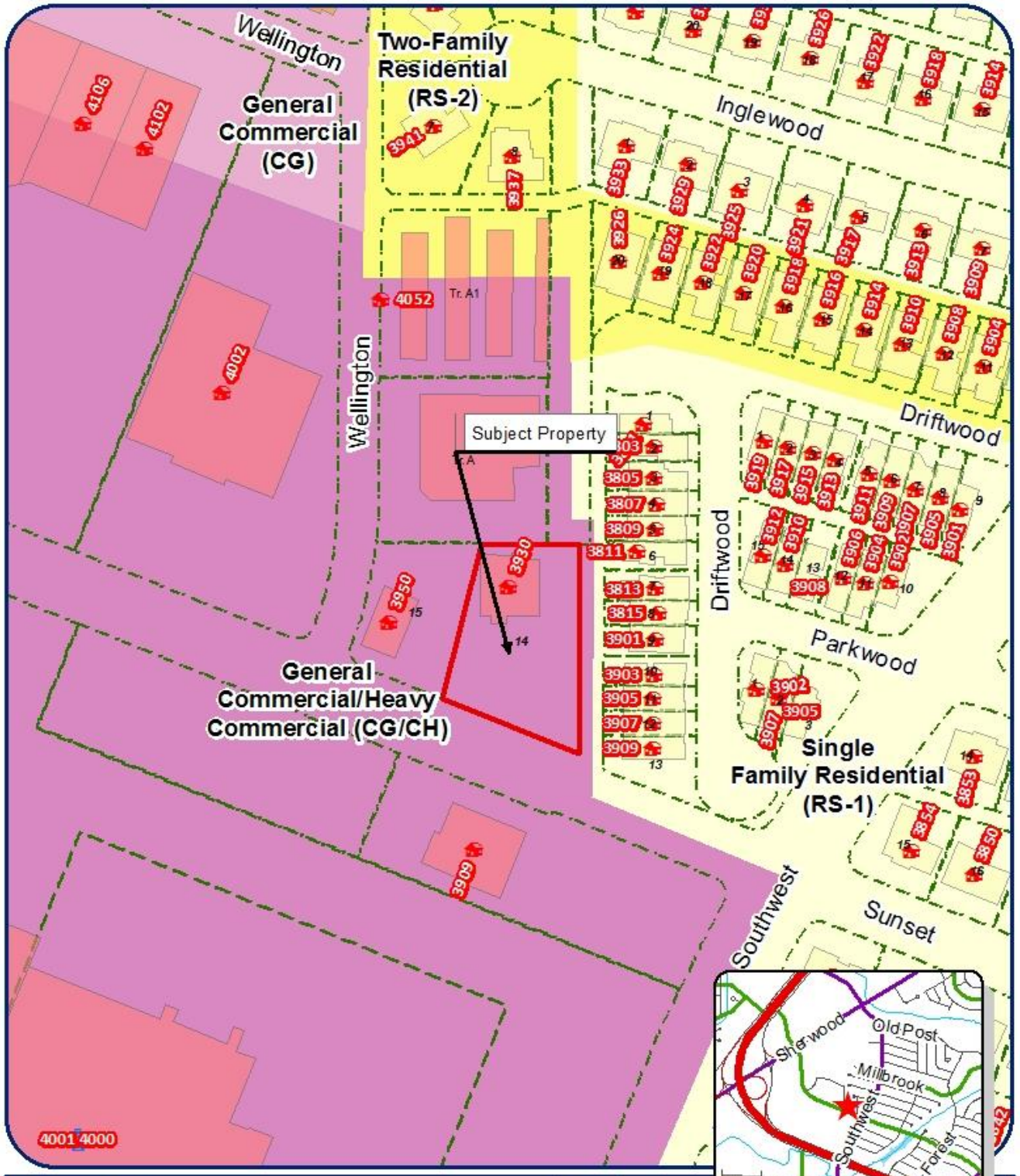
Case CU17-05

Council District: Farmer
Neighborhood: Sunset
Scale: 1 " approx. = 150 ft
Subject Property Legal Description(s): Lot 14, Sec 40, Block 110, College Hills Addition South

Legend

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

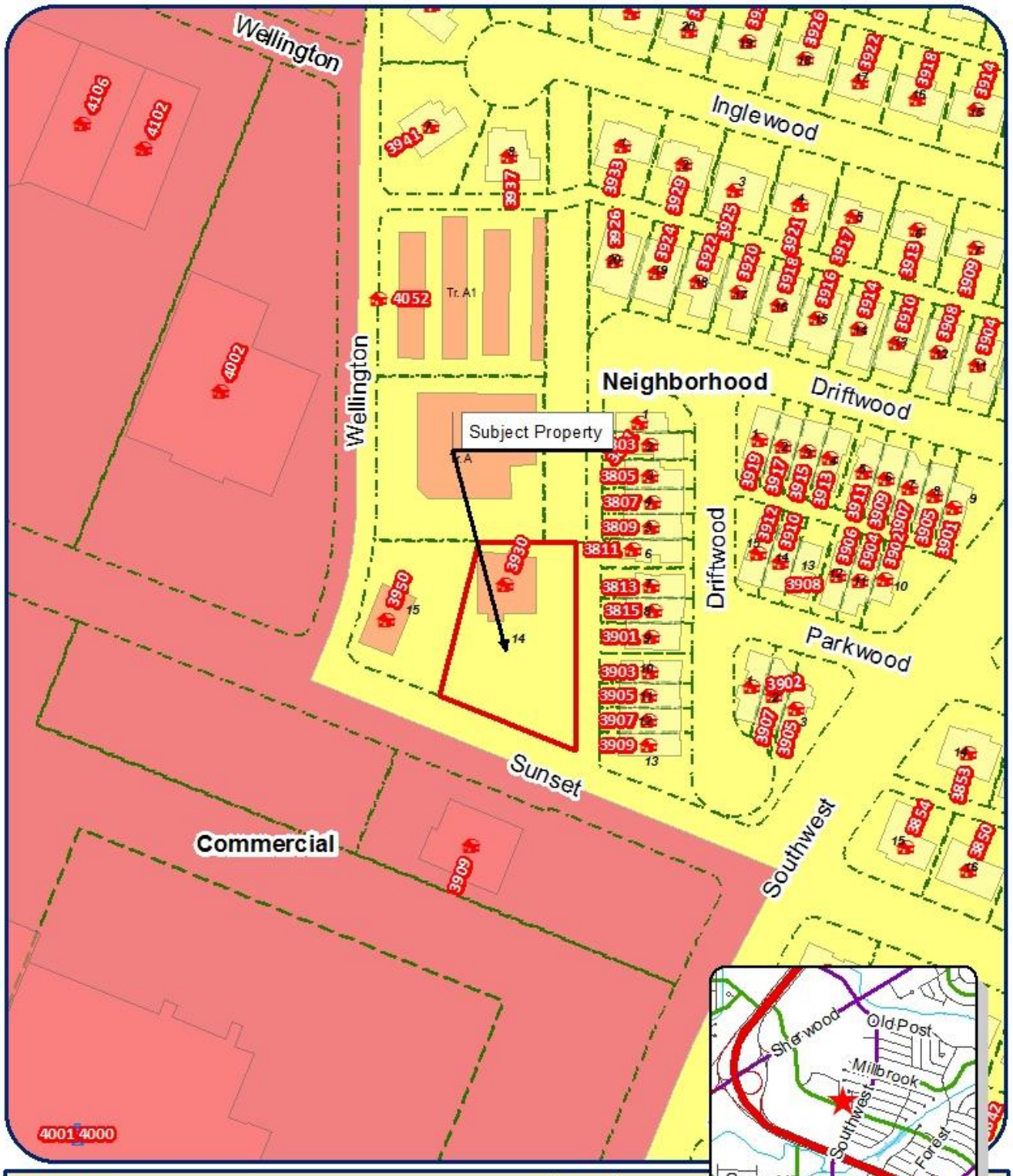
N



Zoning Map
Case CU17-05
Council District: Farmer
Neighborhood: Sunset
Scale: 1" approx. = 150 ft
Subject Property Legal Description(s): Lot 14, Sec 40, Block 110, College Hills Addition South

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

N



FLU Map

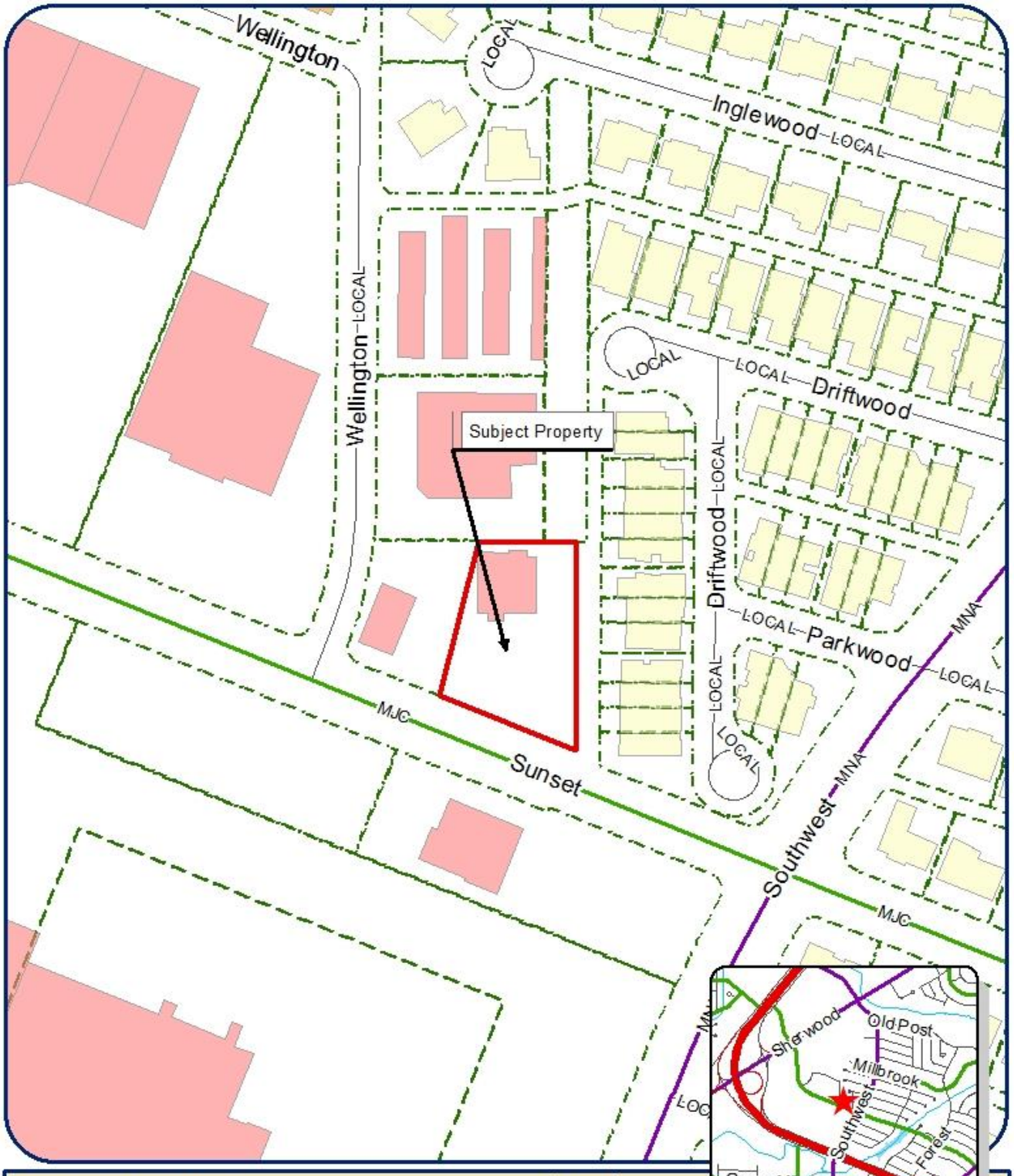
Case CU17-05

Council District: Farmer
Neighborhood: Sunset
Scale: 1" approx. = 150 ft
Subject Property Legal Description(s): Lot 14, Sec 40, Block 110, College Hills Addition South

Legend

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

N



Thoroughfare Map

Case CU17-05

Council District: Farmer
Neighborhood: Sunset
Scale: 1 " approx. = 150 ft
Subject Property Legal Description(s): Lot 14, Sec 40, Block 110, College Hills Addition South

Legend

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

N

Notification Map

Case CU17-05

Council District: Farmer
Neighborhood: Sunset
Scale: 1 " approx. = 150 ft
Subject Property Legal Description(s): Lot 14, Sec 40, Block 110, College Hills Addition South

Legend

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

Mary and Doug Eakman

June 13, 2017

To Whom It May Concern:

We are the owners of a two and a half year old English Bulldog. Our relationship with Bark Boutique started two years ago when we needed day care services for him while we were at work. We knew Liz Kidd personally prior to starting to use her business. She is passionate about animals and their care but also passionate about the service level her business provides.

Liz is attempting to relocate her business to 3930 Sunset Drive. This building has housed numerous businesses since it was built including restaurants. The last occupant was Magic Hair Salon and Day Spa. Liz plans to expand her business to include not only day care, bathing and grooming, but also boarding. She would also like to have an area outside for her furry clients to use for playtime and potty time during her business hours which are 7:30am to 5:30pm Monday through Friday and by appointment on Saturday. Boarding will be done inside the building only. No outdoor kennels will be used.

The facility she is currently in does not have a usable outdoor area or indoor space for boarding. The new space is situated where the presence of dogs outside for limited periods of time should not be an issue for the surrounding businesses or residential properties. If Liz was notified of an unlikely issue, she would do her best to resolve it. She values the reputation and the integrity of her business. Our hope is that you approve her request to move to this new location.

Respectfully,

Mary and Doug Eakman (325-656-6405)

Bryce & Jenn Parsons
1208 S Abe St.
San Angelo, TX 76903
(325) 234-6055
(501) 514-0543

16 June 2017

To whom it may concern:

We feel that the requested relocation of Bark Boutique and Grooming Salon would be of great benefit to not only the business itself, but the community of San Angelo as a whole. We feel that this move would ultimately allow more local consumers to support an upstanding local business.

Many people in our community are not simply "dog owners;" they've made their dog(s) a vital part of the family. Many of these people have dogs that require attention during the day when the owners may be at work, or may be asleep in preparation for a night shift, which are each hurdles that the two of us face on a regular basis. For this reason, Bark Boutique provides "doggie daycare" services that we have found exceptionally useful.

We once cared for a rescue dog named Shylee, who had neurological issues and could not be left alone. Bark Boutique was available to take care of Shylee during the day when neither of us were available to watch her. Today, they take care of our newest addition, Millie, a joyful German shepard mix who has boundless energy and requires daily interaction. The staff at Bark Boutique are outstanding and invaluable in this capacity.

It's worth mentioning that we are quite fond of the staff at Bark Boutique. Whether we are dropping off or picking up Millie from "doggie daycare," the staff greets us warmly, talks to Millie with huge smiles and friendly voices, and readily inform us if Millie has any medical or behavioral issues, which thankfully are rare.

This move is advantageous to their business, as Bark Boutique requires extra space for caring for dogs, as well as their dog grooming operations and their proposed boarding program. More space means more room for dogs to play without causing disruption, and more room to play means happier dogs, which means happier families. The proposed location is

much easier to get to than their current lodgings in the Sherwood Plaza center, which is easily overlooked. For our commutes in particular, the newer location is less "out-of-the-way" than the current location.

We hope any issues with this local business' move can be resolved with a degree of reason, and to the advantage of all parties involved.

Sincerely,

Bryce & Jenn Parsons

Mon 6/12/2017 10:09 AM

Guerra, Rebeca

FW: Public Hearing re: 3930 Sunset Dr. re: Kennel

To Heredia, Kristina

Comment letter from neighbor for CU case.

From: City of San Angelo [mailto:info@cosatx.us]
Sent: Sunday, June 11, 2017 2:56 PM
To: Guerra, Rebeca <rebeca.guerra@cosatx.us>
Subject: Public Hearing re: 3930 Sunset Dr. re: Kennel

Message submitted from the <City of San Angelo, TX> website.

Site Visitor Name: Linda Cavitt
Site Visitor Email: lcavitt@suddenlink.net

Attn: Kristina Heredia
Please DO NOT allow a kennel to be placed at 3930 Sunset Drive. The noise would be 24 hours a day. It not an accteptable place for such a noise producing establishment and the odor could also be off the maps. If you let it and in and it did produce the bad effects listed; it could take YEARS to get them out. I think that certainly my property value would be immediately affected for the worse !!!
Linda Cavitt
3902 Driftwood Court
15 year home owner

From: **Brenda Jacob** brendajjacob@gmail.com
Subject: CU17-05: Kidd - Notice of Public Hearing
Date: June 11, 2017 at 3:37 PM
To: kristina.heredia@cosatx.us

BJ

June 11, 2017

Ms. Kristina Heredia
Staff Planner
The City of San Angelo Planning Commission
Planning Division
52 West College Avenue
San Angelo, TX 76903

Kristina:

Thank you for giving me the opportunity to express my support or opposition to the request of an Animal Kennel and Dog Boarding Facility at 3930 Sunset Drive, San Angelo, Texas.

Our townhouses are in a "residential area", and we would like to keep it that way. I totally oppose having such a kennel in our back yard as **I don't want dogs barking around the clock and I don't want the continuous stench of a kennel in this area. These townhouses are fairly quiet, and we don't need additional traffic.** & more fleas + ticks.

If the persons proposing this Animal Kennel and Dog Boarding Facility like the downside of what goes with a kennel, maybe they should consider having one in their own backyard or find a place further out of town.

I will be out of town on Monday, June 19, 2017 for the 9:00 a.m. for the public meeting, but I will hand deliver a copy of this letter to you on Monday, June 12, 2017.

Thank you.

Brenda Jacob
3807 Driftwood Ct.
San Angelo, TX 76904

Heredia, Kristina

From: rnpump <rnpump@sptc.net>
Sent: Thursday, June 15, 2017 5:24 PM
To: Heredia, Kristina
Subject: CU17-05: Kidd

Kristina,

Please let me know if you receive this since it is VERY important.

To quote directly from your website

"While many cities are defined by large, iconic buildings, San Angelo distinguishes itself with vibrant neighborhoods. San Angelo's strength, diversity and vitality are all rooted in its neighborhoods, where pride and cultures are cherished and celebrated. Although each neighborhood has its own personality and distinct appeal, all of the neighborhoods demonstrate San Angelo's rich West Texas history, heritage and diversity.

The Planning & Development Services Department is responsible for preserving and maintaining San Angelo's historic, diverse neighborhoods by facilitating orderly growth and development"

I am writing at the request of Louise Appel ,my Mother. I have the legal authority to do so.

She has owned 3803,3809, 3811, 3813, and 3815 Driftwood Court for a long time.

Of all people that will be effectived if this conditional use to allow an animal kennel and dog boarding facility right behind

her town houses, it is she. Are you trying to put someone else out of business to allow this to go through?

Historically dog kennels are not allowed inside city limits. I can not imagine anything worse to allow one bordering a residential neighborhood.

I am sure you are well aware of the numerals negatives to boarding kennels.

I would think it would not complement your goal of preserving vibrant, diversified neighborhoods with the decision to allow animal kennels at the proposed location.

I IMPLORE you to use your common sense to wait for a better use for this commercial lot.

Louise Appel strongly OPPOSES this request!!!

Sincerely,

Nancy Pumphrey

rnpump@sptc.net

806-787-5675

attn Ms. Kristine Heredia Date 6-14-17

This letter is in regard to Notice of Public Hearing

CU 17-05 Kidd
Dog Kennel at 3930 Sunset

May Your home is my Quiet retirement home, would like for my area to stay the same, Quiet not much traffic I totally Do not Want a Kennel in this area, due to more traffic barking dogs smell, fleas + ticks to our area

I Will be at meeting on June 19, 9AM. Thank you for your consideration on this matter

Martha Mota
392 Parkwood Dr
76904

Sincerely
Martha Mota

Site Photos

Front of Property

South, Across Sunset

West, Towards the Mall

East, Towards Southwest Blvd

Outside area of Dog Run, Behind Building

Area between Dog Run and Fence that Separates Residential

Fence Dividing Property from Residential

Alley between Fence and Residences

Applicant's Request for Appeal

Bark Boutique and Grooming Salon
1908 Sherwood Way
San Angelo, Texas 76901

July 14, 2017

Planning Director

To whom it may concern:

Appealing Decision

We at Bark Boutique and Grooming Salon would like to appeal the decision that denied us to relocate and add boarding to our business on June 19, 2017 by the planning commission. I strongly feel that my business would be a great addition to our city. It would involve the community by being able to have more employees.

I know that some citizens are concerned with the noise aspect from the dogs but since this is a stand-alone building, I feel the noise would be minimized by being by itself. The dogs would have two times per day to play outside and it would be during business hours only. At night, the dogs would be kenneled inside and it should not be an issue with barking.

I understand there is some concerns with the excrement from the dogs and we will have an area for them to utilize and it will be immediately cleaned up and disposed of properly. Since I have people's pets in my care, I must take full responsibility for their safety and health.

I would like to express that this is based on my reputation and as a small business owner. I take pride in my work and this is a longtime dream of mine that I hope you would consider helping me make it come true. Thank you very much.

Sincerely yours,

Liz Kidd

Liz Kidd
Owner

Notice of Public Hearing for Appealr Appeal

The City Of

San Angelo, Texas

Planning Division
52 West College Avenue, 76903

July 21, 2017

NOTICE OF PUBLIC HEARING

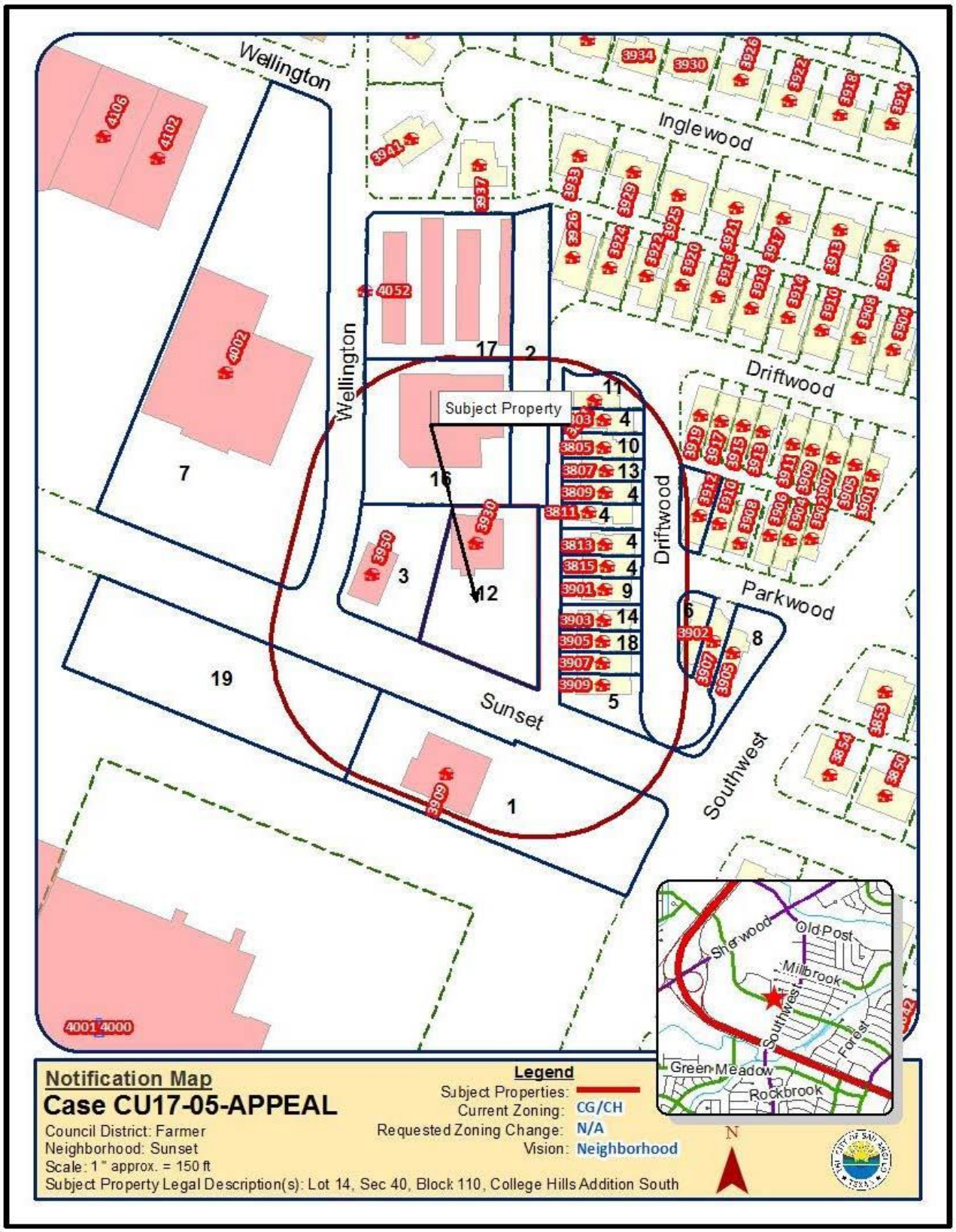
On **Tuesday, August 1, 2017,** the Planning Commission for the City of San Angelo will hold a public hearing on the request described below. This public hearing is scheduled to begin at **5:30 PM** in the South Meeting Room (Council Chambers) of the McNease Convention Center, located at 501 Rio Concho Drive.

> **A request to appeal the June 19, 2017 decision of the San Angelo Planning Commission which denied Conditional Use (CU) 17-05 (Petitioner – Liz Kidd) to allow for an Animal Kennel and Dog Boarding Facility in the General Commercial/Heavy Commercial (CG/CH) Zoning District, as outlined in Section 310 of the Zoning Ordinance, on the property located at 3930 Sunset Drive, generally located 262 feet east of the intersection of Sunset Dr. and Southwest Blvd.; specifically being 0.70 acres out of the College Hills South Addition, Section 40, Block 110, Lot 14 no. 165, City of San Angelo, Texas.**

All owners of property within two hundred feet of the subject property must be formally notified of these proceedings. As a nearby property owner, you are encouraged to attend this hearing and express your support or opposition to the request. You may also submit written responses to the City's Planning Division, located at the Community Development Building, 52 West College Avenue, San Angelo, Texas 76903, or by email at the address provided below. Any written comments received in advance of the City Council meeting will be forwarded to the City Council during their hearing on this matter. **Your support or opposition will not be a part of the staff's presentation or the official record unless you appear to speak at the meeting or forward a written response to City Staff in advance of the meeting.**

This appeal of the Planning Commission's decision to the City Council was submitted within 30 days of the final action by the Planning Commission. This appeal was submitted in writing to the Planning Director and processed in accordance with Section 214 (Appeals) of the Zoning Ordinance.

If you have questions or concerns, please contact Kristina Heredia, Staff Planner, at either (325)-657-4210, ext. 1546 or via email at kristina.heredia@cosatx.us. Thank you.


Wellington
Inglewood
Driftwood
Parkwood
Sunset
Southwest
Subject Property
Notification Map
Case CU17-05-APPEAL
Council District: Farmer
Neighborhood: Sunset
Scale: 1 " approx. = 150 ft
Subject Property Legal Description(s): Lot 14, Sec 40, Block 110, College Hills Addition South
Legend
Subject Properties:
Current Zoning: CG/CH
Requested Zoning Change: N/A
Vision: Neighborhood
N

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Theresa James, City Attorney, Legal, X1413

Meeting Date: August 1, 2017

Item type: Regular Item

Caption:

Consider first public hearing of an ordinance deleting Chapter 10, Article 10.03, Division 6 "Use of Wireless Communication Devices" from the City of San Angelo Code of Ordinances - (Presentation by City Attorney Theresa James)

Summary/History:

On January 5, 2016 the City Council passed an ordinance prohibiting texting and driving in the City of San Angelo. At that time Council instructed that the ordinance should remain in effect until such time as the State Legislature passes a texting and driving ban. Through HB 62 which will become effective on September 1, 2017, the Texas Legislature has banned texting and driving in the State of Texas. Therefore, the City of San Angelo's ordinance, while slightly more restrictive than HB 62, is no longer necessary to ban texting and driving after September 1, 2017.

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

1. Ordinance 17-xxx Ordinance deleting texting ordinance - First Reading.docx

Presentation:

Theresa James

Approvals/Reviews:

Theresa James	Created/Initiated
Theresa James	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 AMENDING CHAPTER 10, "TRAFFIC CONTROL", ARTICLE 10.03 "OPERATION OF MOTOR VEHICLES" BY DELETING DIVISION 6 "USE OF WIRELESS COMMUNICATION DEVICES" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO TEXAS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on January 5, 2016 the City of San Angelo City Council adopted Division 6 of Chapter 10, Article 10.03 of the Code of Ordinances to prohibit texting while driving; and

WHEREAS, at that time the Council instructed that the ordinance remain in effect until such time that the Texas Legislature took action banning texting while driving statewide; and

WHEREAS, the Texas Legislature has taken action banning texting and driving in the State of Texas through HB 62 and such action has been signed by the Governor; and

WHEREAS, under HB 62 texting and driving will be prohibited in the State of Texas beginning September 1, 2017.

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

1) THAT, Chapter 10, Article 10.03 of the Code of Ordinances, City of San Angelo, Texas, is hereby amended by deleting Division 6 "Use of Wireless Communication Devices" in its entirety.

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 September 1, 2017.

INTRODUCED on the 1st day of August, 2017, and finally PASSED, APPROVED and ADOPTED on this the 15th day of August, 2017.

CITY OF SAN ANGELO

ATTEST:

_____
Brenda Gunter, Mayor

_____
Bryan Kendrick, City Clerk

Approved as to Form:

_____
Theresa James
City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Alfonso Torres, Building Official, Building Permits & Inspections, 325-657-4210 ext 138

Meeting Date: August 1, 2017

Item type: Regular Item

Caption:

First public hearing and consider an ordinance amending Appendix A, "Fee Schedule", Article A2.000 "Building and Construction Related Fees", Section A2.002 "Building Permit Fees", amending subpart (c) review fee; amending Section A2.005 "Electrical Permit Fees", restating subpart (a), renaming fees as "building permit fees"; amending Section A2.006 "Plumbing and fuel/gas permit fees", restating subpart (a), renaming fees as "building permit fees"; amending Section A2.007 "Mechanical Permit Fees", restating subpart (a), renaming fees as "building permit fees"; and amending Section A2.014 "Registration", restating subpart (1) contractor annual fee - (Presentation by Building Official Al Torres)

Summary/History:

Plan Review fees - Currently, no fees are collected for a permit until the plan review is complete and all items have been addressed. Occasionally, an applicant will change their minds about the project and abandon it, often without letting us know. At this point, we've used staff resources to provide a plan review and don't collect a fee for the work done. We would like to collect a portion of the permit fee at the time of application to cover at least a portion of the plan review costs. Fees would not be raised. The portion of the fee due at the time of application would then be deducted from the permit fee when the permit is ready.

Permit Fees – Recently passed HB3329 is intended to keep municipalities from charging Electricians a fee to register as contractors if they are already licensed at the State level. The language, however, could be interpreted to include any fees charged for any permit to an Electrician. Based on interpretations of our city Attorney, Texas Municipal League counsel, and language added to the bill, a "building permit fee" can be charged to an Electrician for any work done. We propose to change the language in our fee schedule to remove the term "Electrical Fee" and replace it with "Building Permit fee". There will be no increase or decrease to Electrical fees. Registration fees, however, will be eliminated to comply with the new state law.

In addition, we are proposing to change the terminology of Plumbing and Mechanical fees for consistency in the ordinance.

Financial Impact:

The amendment to remove registration fees for electricians will result in a loss of approximately $4,000 per year in fee revenue. In addition, the changes to other fees to comply with changes in state law will ensure that we do not lose an additional approximately $60,000 in annual fee revenue.

Other Information/Recommendation:

Attachments:

1. Plan Codes Permit Fee Schedule Ordinance 08-01-17 — 17-756_PLAN_CODES_PERMIT_FEE_SCHED_ORD_08-01-17.docx

Presentation:

Alfonso Torres

Approvals/Reviews:

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

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE", ARTICLE A2.000 "BUILDING AND CONSTRUCITON RELATED FEES", SECTION A2.002 "BUILDING PERMIT FEES", BY RESTATING SUBPART (c) "REVIEW FEE"; AMENDING SECTION A2.005 "ELECTRICAL PERMIT FEES", BY RE-TITLING AS "BUILDING PERMIT FEE – ELECTRICAL", AND SUBPART (a) THEREOF, AS "PERMIT"; AMENDING SECTION A2.006 "PLUMBING AND FUEL/GAS PERMIT FEES", RE-TITLING AS "BUILDING PERMIT FEE – PLUMBING AND FUEL / GAS", AND SUBPART (a) THEREOF AS "PERMIT"; AMENDING SECTION A2.007 "MECHANICAL PERMIT FEES", RE-TITLING AS "BUILDING PERMIT FEE – MECHANICAL", AND SUBPART (a) THEREOF AS "PERMIT"; AND AMENDING SECTION A2.014 "REGISTRATION", RESTATING SUBPART (1) "CONTRACTOR ANNUAL FEE", BY DELETING "ELECTRICAL" AND "PLUMBING.

WHEREAS, Article A2.000 "Building and Construction Related Fees" of Appendix "A" "Fee Schedule", of the Code of Ordinances of the City of San Angelo provides for building permit and inspection fees; and

WHEREAS, the City Council has reviewed staff's account of Building Inspections Division of the Planning and Development Services Department permit and inspection fee revenues and related expenses incurred for those services; and,

WHEREAS, City Council desires to designate permit fees as such;

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

Section 1) Section A2.002 "Building Permit Fees" of Article A2.000 "Building and Construction Related Fees" of Appendix A "Fee Schedule" of the Code of Ordinances of the City of San Angelo is hereby amended by restating subpart (c) to read as follows:

(c) Plan Review Fee – 10% of the assessed permit fee payable upon submittal, said Plan Review Fee to be credited against ing permit fee.

Section 2) Section A2.005 "Electrical Permit Fees" of Article A2.000 "Building and Construction Related Fees" of Appendix A "Fee Schedule" of the Code of Ordinances of the City of San Angelo is hereby amended by re-titling Sec. A2.005 and subpart (a) to read as follows:

Sec. A2.005 Building Permit Fee – Electrical

(a) Permit: $35.00

Section 3) Section A2.006 "Plumbing and Fuel/Gas Permit Fees" of Article A2.000 "Building and Construction Related Fees" of Appendix A "Fee Schedule" of the Code of Ordinances of the City of San Angelo is hereby amended by re-titling Sec. A2.006 and Subpart (a) to read as follows:

Sec. A2.006 Building Permit Fee – Plumbing and Fuel/Gas

(a) Permit: $35.00

Section 4) Section A2.007 "Mechanical Permit Fees" of Article A2.000 "Building and Construction Related Fees" of Appendix A "Fee Schedule" of the Code of Ordinances of the City of San Angelo is hereby amended by re-titling Sec. A2.007 and Subpart (a) to read as follows:

Sec. A2.007 Building Permit Fee – Mechanical

(a) Permit: $35.00

Section 5) Section A2.014 "Registration" of Article A2.000 "Building and Construction Related Fees" of Appendix A "Fee Schedule" of the Code of Ordinances of the City of San Angelo is hereby amended by restating Subpart (1) to read as follows:

(1) Contractor annual fee: $30.00 (includes all general contractors, builders, fence, sign, swimming pool, movers, mechanical, roofers, irrigators and water treatment installers).

Section 6) 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 7) This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the 1st day of August, 2017 and finally PASSED, APPROVED AND ADOPTED on this the 15th day of August, 2017.

THE CITY OF SAN ANGELO

_____
Brenda Gunter, Mayor

ATTEST:

_____
Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT

_____
Tina Dierschke, Director of Finance

APPROVED AS TO CONTENT

_____
Jon James, Director of Planning and Development Services

APPROVED AS TO FORM

_____
Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: August 1, 2017

Item type: Regular Item

Caption:

Consider approving a contract for RFQ WU-03-17 Professional Services Water Supply Engineering Feasibility Study with Alan Plummer Associates, Inc. in an amount not to exceed $547,000 and authorizing the City Manager to negotiate and execute all related documents - (Presentation by Water Utilities Director Bill Riley)

Summary/History:

Three submissions were received for RFQ WU-03-17 Professional Services Water Supply Engineering Feasibility Study. As shown in the attached Justification and Rankings detail, Alan Plummer Associates, Inc. (APAI) put forth the most qualified application.

The purpose of this project is to assist the City of San Angelo in developing a plan of action to address its current and future water supply and treatment infrastructure needs. The primary goals of the project are to:

- Evaluate San Angelo's current water supplies and develop a plan for future use of these current supplies;
- Identify potential new water sources and water management strategies;
- Evaluate risk factors associated with new water sources and water management strategies;
- Develop planning-level project concepts of new water sources and water management strategies, including preliminary opinions of project development costs and operations / maintenance costs; and
- Prepare a Water Supply Engineering Feasibility Study that presents a comparison of options for meeting existing and future water supply needs for the City.

Financial Impact:

Budgeted in FY17 utilizing Water & Wastewater Capital funds

Other Information/Recommendation:

The Water Advisory Board recommended a need to move forward with this study at their August 17, 2016 meeting. The need to move forward was also discussed at the City Council Water Workshop on June 22, 2017.

Attachments:

1.	Acknowledgement	Acknowledgment.pdf
2.	Justification	Justification.pdf
3.	Rankings	Rankings.pdf
4.	Scope of Services	Scope of Services.pdf

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

CITY OF SAN ANGELO

Acknowledgements

RFQ: WU-03-17/Professional Services Water Supply Engineering Feasibility Study

	Proposals Received	City	State
1	Alan Plummer Associates, Inc.	Fort Worth	TX
2	Carollo Engineers, Inc.	Austin	TX
3	Freese and Nichols, Inc.	Fort Worth	TX

	RFQ Invitations Sent To:	City	State
1	LNV, Inc.	San Antonio	TX
2	Bleyl & Associates	San Angelo	TX
3	Carolla Engineers, Inc.	Dallas	TX
4	JEA/Hydrotech Engineering	Fort Worth	TX
5	SKG Engineering	San Angelo	TX
6	Enprotec / Hibbs & Todd, Inc.	Abilene	TX
7	CDM Smith	Fort Worth	TX
8	Freese and Nichols, Inc.	Fort Worth	TX
9	LBG-Guyton	Austin	TX
10	PSC	Lubbock	TX
11	Alan Plummer Associates, Inc.	Fort Worth	TX
12	KSA	San Angelo	TX
13	Halff Associates, Inc.	Fort Worth	TX

NOTE: Include this form with your Agenda Memo

CITY OF SAN ANGELO
WATER UTILITIES

Memo

To: Julia Antilley, Purchasing Manager

From: Bill Riley, Water Utilities Director

Date: March 21, 2017

Re: Professional Services Water Supply Engineering Feasibility Study – RFQ No. WU-03-17

After reviewing the three proposals submitted for the Professional Services Water Supply Engineering Feasibility Study, the three-member committee (consisting of myself, Allison Strube – Water Utilities Assistant Director, and Russell Pehl – City Engineer) scored the proposals as reflected below.

1. **Alan Plummer Associates, Inc., Fort Worth, Texas** – 290 points. Alan Plummer Associates, Inc. (APAI) presented a project approach that was "forward-thinking" and in line with the objectives put out in the Scope of Services in the RFQ. APAI has also established a good working relationship with the City through previous projects including the Reclaimed Water Alternatives Evaluation and the Reuse Pilot Study. In addition to their team, they will be partnering with Enprotec/Hibbs and Todd, Inc. (eHT) and LBG-Guyton Associates (LBG-G) who also have established solid working relationships with the City through the West Texas Water Partnership and the Hickory Groundwater Project. APAI, eHT, and LBG-G have put together a robust and highly qualified team to lead this study.

2. **Carollo Engineers, Inc., Austin, Texas** – 278 points. Carollo Engineers, Inc. (Carollo) presented a thorough project approach but seemed short sided in looking for innovated or new water supply options and were primarily focused on previously proposed Region F projects. Carollo's most recent project with the City includes being the lead engineering firm for the Hickory Groundwater Project. Similar to APAI, Carollo chose to partner with LBG-G and put together a highly qualified and diverse team.

3. **Freese and Nichols, Inc., Fort Worth, Texas** – 277 points. Freese and Nichols, Inc. (FNI) project approach was vaguer and lacked the substance the other two firms presented. While FNI is a very qualified firm and they also chose to partner with LBG-G, the team they put together in the RFQ was a smaller and not as stout of a team as the other two firms.

As a result of the rankings, the committee is recommending that Alan Plummer Associates, Inc., of Fort Worth, Texas, be approved for a contract for the Professional Services Water Supply Engineering Feasibility Study for the City of San Angelo.

Ranking Summary Worksheet
RFQ: WU-03-17/Professional Services Water Supply Engineering Feasibility Study

Committee Member 1

Category	Points	Alan Plummer Associates, Inc.	Carollo Engineers, Inc.	Freese and Nichols, Inc.
Project Approach / Project Management Plan	30	29.00	27.00	26.00
Key Project Personnel - Qualifications and Experience	40	39.00	38.00	37.00
Firm Qualifications and Experience	25	25.00	24.00	23.00
Firm Location	5	5.00	5.00	5.00
Total Score	**100**	**98**	**94**	**91**
	Rank	**1**	**2**	**3**

Committee Member 2

Category	Points	Alan Plummer Associates, Inc.	Carollo Engineers, Inc.	Freese and Nichols, Inc.
Project Approach / Project Management Plan	30	29.00	28.00	27.00
Key Project Personnel - Qualifications and Experience	40	39.00	38.00	38.00
Firm Qualifications and Experience	25	24.00	23.00	23.00
Firm Location	5	5.00	5.00	5.00
Total Score	**100**	**97**	**94**	**93**
	Rank	**1**	**2**	**3**

Committee Member 3

Category	Points	Alan Plummer Associates, Inc.	Carollo Engineers, Inc.	Freese and Nichols, Inc.
Project Approach / Project Management Plan	30	28.00	27.00	28.00
Key Project Personnel - Qualifications and Experience	40	39.00	38.00	38.00
Firm Qualifications and Experience	25	24.00	22.00	24.00
Firm Location	5	4.00	3.00	3.00
Total Score	**100**	**95**	**90**	**93**
	Rank	**1**	**3**	**2**

Committee Member Summary

Category	Total Points	Alan Plummer Associates, Inc.	Carollo Engineers, Inc.	Freese and Nichols, Inc.
Project Approach / Project Management Plan	90	86.00	82.00	81.00
Key Project Personnel - Qualifications and Experience	120	117.00	114.00	113.00
Firm Qualifications and Experience	75.00	73.00	69.00	70.00
Firm Location	15	14.00	13.00	13.00
Total Score	**300**	**290.00**	**278.00**	**277.00**
	Rank	**1**	**2**	**3**

Attach a Written Justification for each company's ranking and forward to Purchasing

NOTE: Attached this form and the Written Justification to your Agenda Background Memo

EXHIBIT A

City of San Angelo
Water Supply Engineering Feasibility Study

Scope of Services

The purpose of this project is to assist the City of San Angelo in developing a plan of action to address its current and future water supply needs. The primary goals of the project are to:

- Evaluate San Angelo's current water supplies and develop a plan for future use of these current supplies;
- Identify potential new water sources and water management strategies;
- Evaluate risk factors associated with new water sources and water management strategies;
- Develop planning-level project concepts of new water sources and water management strategies, including preliminary opinions of project development costs and operations / maintenance costs; and
- Prepare a Water Supply Engineering Feasibility Study that presents a comparison of options for meeting existing and future water supply needs for the City.

BASIC SERVICES

Task 1 – Project Plan, Objectives and Meetings

Under Task 1, Engineer will work with the City's project team to identify project objectives, develop performance measures for each objective, and develop primary data and screening criteria to be used for alternative evaluations.

Subtasks:

101 **Project Plan.** Engineer will prepare a detailed schedule showing the main activities, milestones, and review periods, as well as their interaction. The schedule will be updated on a monthly basis. Throughout the duration of the project, the Engineer will prepare monthly reports explaining progress made in that period, items requiring resolution, items needed from the City, and activities to be performed the following month.

102 **Workshop No. 1 – Project Objectives.** Engineer will prepare for and facilitate Workshop No. 1. The purpose of this workshop is to define the project goals and objectives and discuss the potential constraints that may be encountered, such as water quality concerns, regulatory, water rights, and permitting issues. A practical capital planning horizon for raw water infrastructure, treatment plant (water and wastewater) and water supply facilities will also be discussed. This workshop will also be used to discuss how the project will be conducted to ensure clear communication throughout the project and maintain timely completion of the work.

103 **Criteria for Screening of Alternatives.** Based on the outcome of Workshop No. 1, the Engineer will develop and compile criteria for the screening of alternatives. The criteria will include identification of "fatal flaws" that would result in elimination of an option from further consideration. This information will be documented in a memorandum for distribution and review.

104 **Project Meetings.** Project progress meetings will be held during the course of the project with the City's project team to discuss aspects of the project presently underway, project schedule, and upcoming issues. These meetings are not intended to be formal presentations. All progress meetings will be held remotely via gotomeeting. Up to three (3) progress meetings, in addition to Workshops 1-4, have been included in the Basic Services budget. Engineer will also prepare for and make one (1) formal presentation to the Water Advisory Board. In addition, the Engineer will hold one additional (1) public meeting with stakeholder groups, the City's Water Advisory Board, and/or the City Council.

Task 2 – Gather Existing Data on Current Water Supplies, Identified Future Water Supplies and Treatment Systems

With assistance from the City's project team, the Engineer will compile and review available information and data.

Subtasks:

201 **Municipal Population and System Water Demands.** Information from the 2016 Region F Water Plan (2016 RFWP) related to municipal population and water demands and non-municipal water demands will be compiled. Estimates on population and water demands will be reviewed and updated based on changing conditions, if any, identified by the City's project team.

202 **Current Water Supplies.** The Engineer, utilizing information from the 2016 RFWP, will compile current water supplies available to the City. Each current water supply will be reviewed and summarized, including information on water quality and cost of supply. Changing conditions to current water supplies (e.g., updated estimates of groundwater availability or updated operational practices and yields for surface water supplies), will be reviewed and documented.

203 **Identified Future Water Supplies.** Water management strategies identified in the 2016 RFWP will provide the baseline data to be used by the Engineer. The Engineer's review and summary of future water supplies will include information on water quality and cost of developing each identified future water supply strategy. Additionally, changes to conditions to identified future water supplies will be reviewed and documented.

204 **Existing Treatment Systems.** Supported by the City's Water Utilities Staff, the Engineer will develop a description of existing water and wastewater treatment facilities with information on the type of treatment, process unit capacity, and adequacy to meet objectives established by Workshop No. 1.

Task 3 – Impact of Existing and Upcoming Federal / State Regulations and Permitting Requirements

Regulatory impacts and permitting requirements for each selected water supply and water management strategy will be identified by the Engineer.

Subtasks:

301 **Identify Impact of Federal and State Regulations**. Engineer will evaluate current and upcoming Federal/State regulations with current or potential impact on the water supply, delivery, and treatment systems being evaluated.

302 **Permitting and Regulatory Review.** Engineer will perform a review of current and potential permitting requirements to avoid any fatal flaws in the feasibility evaluation. The review will consider such things as the Texas Commission on Environmental Quality (TCEQ) permits for interbasin transfers, environmental flow considerations, water quality considerations, Section 401/404 permitting, groundwater conservation district permitting and Texas Pollutant Discharge Elimination System (TPDES) permitting.

Task 4 – Identify New Water Supply and Water Management Strategies

Working with the City's project team, candidate water supply and water management strategies will be developed by the Engineer.

Subtasks:

401 **Workshop No. 2 – Identification of Candidate Strategies.** The Engineer, working with the City's project team, will identify candidate strategies to cooperatively meet water supply needs established under Task 2. Strategies are anticipated to include: conjunctive use of existing water supplies; development of identified future water supplies from Subtask 203; water reuse, riverbank filtration; cooperative use of surface water supplies available to the City of Abilene; aquifer storage and recovery or other future water supplies not included in current regional planning efforts.

402 **Fatal Flaw Screening of Candidate Strategies.** Options with "fatal flaws", as identified by the criteria developed in Task 1 will be identified and eliminated from further consideration.

403 **Develop Planning Level Concepts and Costs for Remaining Candidate Strategies.** For each

identified candidate strategy passing the "fatal flaw" screening, the Engineer will:

- provide estimates of water volumes that can be developed under the strategy;
- develop general engineering concepts required to implement the strategy;
- provide a reconnaissance-level cost estimate;
- provide an estimated range of the cost to users in dollars per thousand gallons; and
- provide guidance on the feasibility of candidate strategies related to operation and maintenance requirements, ease of permitting, and other non-cost considerations related to implementation.

The "reconnaissance-level" cost estimates will generally be based on the latest available version of the Texas Water Development Board's Unified Costing Model and are intended to provide "order-of-magnitude" cost estimates for comparison purposes only. The Engineer will also provide guidance on the feasibility of candidate strategies including operation and maintenance requirements, ease of permitting, and other considerations related to implementation.

404 **Workshop No. 3 – Strategies for Further Analysis.** Using the screening criteria developed in Task 1, Engineer will prepare an initial screening matrix with criteria and weighting factors. In a workshop with the City's project team, the screening matrix will be used to rank the remaining strategies and select up to six (6) of the potentially feasible strategies for further analysis under Task 5.

Task 5 – Evaluate Selected Water Supply and Water Management Strategies

The Engineer will develop technical evaluations of the strategies selected from Task 4 for further analysis. Note that if riverbank filtration, ASR or another groundwater strategy requiring field data collection for further analysis is selected in Workshop #3, Task SS3 in Special Services will need to be performed to complete the detailed evaluation for these strategies.

Subtasks:

501 **Technical Evaluation of Strategies.** The Engineer will conduct, for up to six (6) strategies, a planning level analysis to provide a description of required facilities to implement the strategy. The technical evaluation will include interregional coordination and potential infrastructure needs including preliminary pipeline routes and treatment plant expansions. General engineering details and design data will be provided for each evaluated strategy as a basis for future detailed engineering studies.

502 **Water Treatment and Distribution Considerations.** Engineer will review the impacts to raw water quality and treatability as it relates to the integration of new raw water supplies. This review will present the potential additional or modified treatment processes that may be required to meet current and anticipated future water quality goals at the water and/or wastewater treatment plant using the integrated water supplies. The various water supply alternatives may have multiple locations where water could be treated and introduced into the distribution system.

503 **Preliminary Review of Potential Limiting Factors.** Each strategy evaluated under this task will be reviewed for potential limiting factors (e.g., interbasin water transfers, subordination, groundwater conservation district requirements, water quality, non-renewable sources, reliability, TPDES, environmental and water rights permitting, etc.). Potential limiting factors, along with possible mitigation measures, will be summarized for each strategy.

504 **Cost Development and Evaluation Matrix.** Engineer will develop planning-level estimates of capital and O&M costs for the various components of each strategy. Engineer will develop a water supply evaluation matrix that identifies engineering, economic, environmental, social, and development risks related to proposed water supply strategies. Criteria and weights used in the screening evaluation will be used as a starting point for the evaluation matrix.

505 **Workshop No 4 – Select Water Supply and Water Management Strategy(ies) to be Pursued.** Engineer, in conjunction with the City's project team, will select the water supply and water management strategy(ies) to meet the City's goals and objectives.

506 **Conceptual Implementation Plan.** For each strategy selected under Subtask 505, the Engineer will develop a conceptual implementation plan including implementation steps and a preliminary schedule.

Task 6 – Water Supply Engineering Feasibility Report

Engineer will document the City's water supply and water management strategy(ies) resulting from Tasks 1-5 in a final, sealed Water Supply Engineering Feasibility Report.

Subtasks:

601 **Draft Water Supply Engineering Feasibility Report.** Engineer will prepare, for review by the City's project team, a draft Water Supply Engineering Feasibility Report. The Report will meet the requirements outlined by the Texas Water Development Board's (TWDB) Guidance Document 0555. The Water Supply Engineering Feasibility Report is expected to meet funding application requirements for various programs administered by the TWDB, including the State Revolving Fund (SRF) and the State Water Implementation Fund for Texas (SWIFT).

602 **Final Water Supply Engineering Feasibility Report.** Considering review comments provided by the City's project team, the Engineer will prepare a final Water Supply Engineering Feasibility Report. The final report will be sealed by professionals licensed to practice in the State of Texas.

SPECIAL SERVICES

Special services are those services that are not authorized under the basic services portion of the contract but may be needed during the course of the project. Special services will not be performed unless specifically authorized in writing by the City.

Task SS1 – Preparation of TWDB SRF and/or SWIFT Funding Application(s)

If desired by the City the Engineer will assist the City in the preparation of an application for funding from the TWDB SRF or SWIFT programs.

Task SS2 – Preparation of U.S. Bureau of Reclamation Title XVI Feasibility Study Grant Application

If desired by the City and if grant funding is available, the Engineer will assist the City in the preparation of an application for Title XVI feasibility study grant funding through the U.S. Bureau of Reclamation (Reclamation). Preparation of a Title XVI-approved feasibility study could position the City to be eligible for construction grant funding from Reclamation on future reclamation projects. It is anticipated that feasibility study grant would be used to augment the City's feasibility study to meet Reclamation feasibility study requirements not included in the Basic Services tasks. These requirements would include a detailed NEPA evaluation of recommended reclamation alternatives and evaluation of energy-saving measures that could be incorporated into recommended reclamation alternatives.

Task SS3 – Detailed Evaluation of Selected Groundwater Alternative

If selected for detailed evaluation following Task 404 (Workshop #3), further assessment of riverbank filtration, soil aquifer treatment, ASR or other groundwater alternatives will likely require field data collection and analysis to confirm production capacities and develop planning level concepts and costs.. If authorized by the City this task would include field data collection, detailed evaluation, and development of planning level costs and an implementation plan for one selected groundwater alternative.

ADDITIONAL SERVICES

If authorized in writing by the City, Engineer will provide Additional Services that are not included as part of the Basic Services or Special Services of Engineer. Additional Services may include:

1. Preparation for and attendance at additional meetings or presentations.
2. Field testing or other data collection not specifically identified under Basic or Special Services.
3. Preparation of permit applications related to any of the recommended strategies.
4. Development of preliminary and detailed design documents for any of the recommended strategies.
5. Other tasks not specifically authorized under Basic or Special Services.