



City Council Agenda 11/21/2017

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held on November 21, 2017 at 8:30 AM at the McNease Convention Center – South Meeting Room, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

1. Call to Order

2. Prayer and Pledge

3. Proclamations/Recognitions

- a. Recognition of the City's 20 Under 40 honorees: City Engineer Russell Pehl, Firefighter Mason Matthews and Parks & Recreation Advisory Board member Christina Woodard
- b. Proclamation declaring December 2, 2017 as "Concho Christmas Celebration Day"
- c. Proclamation declaring November 28, 2107 as "Hazel M. Dooley Day"
- d. Recognition of City Videographer Brian Groves and ASU Multimedia Specialist Brandon Whitford for winning a Lone Star EMMY Award for "Shattered Dreams."

4. Public Comment

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

5. Consent Agenda

- a. Consider approving the November 7, 2017 City Council regular meeting minutes
- b. Consider a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the city and all taxing units in the Tax Foreclosure Judgment or Tax Warrant to the following property: (C.Preas)
- 405 W. 34th Street; Sepulveda (\$9,340)
- c. Consider authorizing the City Manager to enter into a new five (5) year Recreational Agricultural Lease Agreement for the following lands: (C. Preas)
 1. 2.40 acres out of JJ Schaefer Survey 0646, Abstract 1882, and adjacent to 2386 Fisherman's Road (V Holcomb Family, LP)
 2. 5.50 acres out of G. Maurer Survey 0182, Abstract 1649, and located at the intersection of Red Bluff Road and Middle Concho Drive (Denny)

- d. Consider a resolution authorizing the City Attorney to begin termination of Lake Nasworthy Residential Lot Lease and eviction proceedings for non-payment of annual rent (more than 140 days delinquent) on the following properties(C.Preas):
 - 1. 1623 Canal Road; Lot 133, Block 9, Section 2, Group Shady Point, Lake Nasworthy Addition (\$692)
 - 2. 1816 Shady Point Circle; Lot 20, Block 2, Section 1, Group Shady Point, Lake Nasworthy Addition (\$1,006)
 - 3. 1850 Shady Point Circle; Lot 35A, Block 7, Section 2, Group Shady Point, Lake Nasworthy Addition (\$1,208)
 - 4. 6638 Knickerbocker Rd; Lot 114, Group Shady Point, Lake Nasworthy Addition (\$900)
- e. Consider a resolution authorizing the City Manager to execute a Declaration of Easement, declaring a 20' wide perpetual easement for public utilities on a portion of J. Fenner Survey, Abstract No. 4985, owned by the City of San Angelo, for the benefit of Tom Green County and future development (C. Preas)
- f. Second reading of an ordinance amending Chapter 12 "Planning and Development," Article 12.044 "Signs," to require Council approval of certain signs that extend into the public right-of-way (J. James)
- g. Second reading and public hearing of an ordinance amending Chapter 12 "Planning and Development," Exhibit "C" "Land Development and Subdivision Ordinance," Chapter 1 "General Provisions," Section IV "Variances" and Chapter 5 "Procedural Requirements for Processing Subdivisions," Section III "Stages of Development Review" to prevent inconsistencies in the Code (T.James)
- h. Second reading and adoption of an ordinance amending the 2017-2018 budget for:
 - 1. Grants and Capital Projects, and
 - 2. Staffing levels (T.Direschke)

6. Regular Agenda

- a. Consider ratifying COSADC's resolution authorizing the use of sales and use tax funds in an amount not to exceed \$40,260 to provide an Economic Development Incentive to Elite Solutions, Inc., for a project related to Business Enterprises that create or retain primary jobs, as authorized for a Type B Corporation under Local Government Code Chapter 501 Subchapter C (Presentation by Economic Development Director Roland Peña)
- b. Consider appeal of the Planning Commission's denial of two variances associated with the Third Replat in Block Two, Sunset Ranch Estates, Section Two: (1) a variance from Chapter 10.III.A.1 to allow Grand Canal Road, a Collector Street, to maintain 50 feet of right-of-width in lieu of 60 feet and (2) a variance from Chapter 10.III.A.2 to allow Grand Canal Road, a Collector Street, to maintain 28 feet of paving width in lieu of 50 feet, on 3.795 acres generally located approximately 1,230 feet southwest from the intersection of South U.S. Highway 277 and Grand Canal Road - (Presentation by Planning & Development Services Director Jon James)

- c. Consideration of a Resolution by the City of San Angelo, Texas, City Council authorizing the City Manager, or designee, to apply for and accept a Texas Historical Commission Certified Local Government Program Grant for Fiscal Year 2017-2018; approving provision for matching funds equal to fifty percent of the project costs in the form of a combination of matching funds and value of in kind services; and designating the City Manager as the Grantee's Authorized Official - (Presentation by Planning & Development Services Director Jon James)
- d. Consider routine Planning and Development Services Items - (Presentation by Planning & Development Services Director Jon James)
 - 1. First reading and public hearing of an ordinance for Z17-14, a rezoning from the Single-Family (RS-1) and Two-Family (RS-2) Zoning Districts to the Neighborhood Commercial (CN) Zoning District, on 0.74 acres located at 104, 108, and 112 North Milton Street and an unaddressed tract generally located north of Pecos Street between North Milton Street and North Van Buren Street
 - 2. First reading and public hearing of an ordinance for Z17-15, a rezoning from the Office Commercial (CO), General Commercial (CG), and Low Rise Multifamily Residential (RM-1) Zoning Districts to the Single-Family Residential (RS-1) Zoning District, on 5.03 acres located at 1901, 1902, & 1906 Colonial Street and an unaddressed tract of land generally located east of North Bentwood Drive and approximately 100 feet north of the intersection of Pine Valley Street
- e. Second reading of an ordinance for Z17-12, a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the General Commercial (CG) Zoning District, on 92.36 acres located between West Loop 306 Frontage Road and Southwest Boulevard, generally known as the Sunset Mall and certain adjacent properties (J. James)
- f. Presentation on the Stormwater Management Program - (Presentation by Stormwater Program Manager Shannon McMillan)
- g. Second reading and public hearing and adoption of an ordinance amending Appendix A, Article A8.000 Utility Related Fees, A8.008 "water, sewer and trash deposits", by amending the deposits - (Presentation by Water Utilities Assistant Director Allison Strube)
- h. First reading and public hearing of an ordinance amending Appendix A, Article A8.000 Utility Related Fees, A8.007 "water billing charges", by amending the late fee - (Presentation by Water Utilities Assistant Director Allison Strube)
- i. Second reading, public hearing and adoption of an ordinance amending Chapter 2, "Administration and Personnel", Article 2.08 "Classified Service", Section 2.08.017 "Bilingual (Spanish) Certification Pay" to provide bilingual pay to police officers that was lost through the expiration of the Meet and Confer Contract and expand the pay to all languages.- (Presentation by Police Chief Frank Carter)
- j. Consider a resolution setting out number of votes to be cast for nominees for Board of Directors of Tom Green County Appraisal District - (Presentation by City Clerk Bryan Kendrick)

- k. Update on Sales Tax revenue performance - (Presentation by Finance Director Tina Dierschke)
- l. Consideration of the possibility of issuing rebates of water fees – (Presentation by Finance Director Tina Dierschke)

7. Closed Session

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

- a. Section 551.071(1)(A) consult with attorney when the governmental body seeks the advice of its attorney about pending or contemplated litigation regarding Templeton Construction, Inc.
- b. Section 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding the West Texas Water Partnership
- c. Section 551.072 to deliberate the purchase, exchange, lease, or value of real property related to the Avenue P drainage project
- d. Section 551.074(1) to deliberate the annual evaluation of the City Manager

8. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session, if needed
- b. Announcements and consideration of Future Agenda Items

9. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, on the 17th day of November 2017, at 9:00 a.m.

Bryan Kendrick, City Clerk

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

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

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

Recognition

Christina Woodard has been honored by the San Angelo Standard-Times as one of its 20 Under 40 young leaders for 2017. That's a tribute to Christina's unbridled enthusiasm for San Angelo. Though she has been here only about four years, she is one of our community's top cheerleaders, always touting San Angelo's many charms.

A paralegal at Elkins Law Firm, she founded the San Angelo Professional Paralegal Association to provide her peers with educational opportunities. She also is president of the local chapter of the Texas Exes, the University of Texas' alumni group. That follows a long record of service and leadership as a student on the UT campus. And she is the vice president of the Young Professionals of San Angelo and a member of the City's Parks and Recreation Advisory Board.

Saying she can't not be involved, Christina raves about how San Angelo has embraced her passion for public service. Here's a direct quote: "In San Angelo, these people engage you. So you get on these boards, you should be prepared to work. They want to hear what you have to talk about. And they want to take you and help you have a dynamic presence in the town."

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

Christina Woodard

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

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 21st day of November, 2017.

Brenda Gunter
Mayor of the City of San Angelo

Recognition

San Angelo Fire Department firefighter Mason Matthews has been honored by the San Angelo Standard-Times as one of its 20 Under 40 young leaders for 2017. That's because Mason is a yes man. Whether Mason is asked to lead the Fire Department's Fill the Boot campaign, or to spearhead San Angelo hosting the Texas Firefighter Games, or to spend his days off leading Reagan County's fire department and emergency medical services, the answer is always "yes."

Mason has, pun intended, a fire for his profession. He has earned 12 certifications and is sought statewide to teach and train his peers. He is at the top of the command chain in Big Lake and near the bottom in San Angelo. That exemplifies his ethic of leading not from the front or the back, but from where one is. "Lead where you are and be willing to serve," he says.

Aside from his professional responsibilities, Mason has been an active volunteer with our area's youth, whether that's mentoring, teaching or coaching them in classrooms or on ballfields. In all capacities, Mason says he tries to treat people with empathy and respect. "If you do that," he says, "nothing really becomes routine."

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

Mason Matthews

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

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 21st day of November, 2017.

Brenda Gunter
Mayor of the City of San Angelo

Recognition

City Engineer Russell Pehl has been honored by the San Angelo Standard-Times as one of its 20 Under 40 young leaders for 2017. To those of us who work with Russell, this is no surprise.

His job involves tending to hundreds of millions of dollars of municipal infrastructure. He's also a point person for millions more in proposed upgrades to streets, water and sewer lines, and storm drainage. That's a daunting responsibility. But Russell approaches those duties as he does life: solidly, steadily and with much integrity.

Away from work, he continues to contribute to our community. Russell is a deacon and Sunday school teacher at Southland Baptist Church. He is also a volunteer and board member with Helping Hands – the organization formerly known as Christmas in April that helps the elderly with home volunteers they can't do themselves.

As Russell said during his 20 Under 40 interview, "Anybody can be a boss. But it takes a servant to become a leader."

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

Russell Pehl

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

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 21st day of November, 2017.

Brenda Gunter
Mayor of the City of San Angelo

Proclamation

2017 marks the twenty-fourth anniversary of the Annual City of San Angelo Concho Christmas Celebration.

The Celebration, with over 3 million lights, is one of the largest Christmas lighting events in the State of Texas.

The event offers a two and one-half mile walking or driving tour beginning behind the Main Post Office on the corner of Abe Street and First Street and ending at El Paseo de Santa Angela.

Those involved consist of hundreds of volunteers, including inmates from the Department of Corrections, who assist with installation of Christmas scenes, the San Angelo Restaurant Association who supply food to the inmates, and the R.S.V.P. volunteers who deliver the inmates' food.

The Community Christmas Tree Lighting Ceremony will be held Saturday, December 2nd of 2017, at 5:15 p.m. at the corner of South Chadbourne and West Concho Avenue. Activities will include the San Angelo Community Band conducted by Dr. Constance Kelley of Angelo State University and the Twin Mountain Tonesmen directed by Mark Clark.

The Community Tree lighting will be followed by the 16th annual Lights of Christmas Parade, at 6:00 p.m., which may be viewed on 2nd Street between Oakes & Chadbourne, on Chadbourne between 2nd Street & Concho, on Concho between Chadbourne & Oakes, on Oakes back to 2nd Street.

The Tour of Lights can be seen Sunday through Thursday from 6:00 to 10:00 p.m., and each Friday and Saturday from 6:00 p.m. to 12:00 Midnight, December 1st through December 31st, 2017.

THEREFORE, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, I do hereby proclaim, Saturday, December 2nd of 2017, as

" CONCHO CHRISTMAS CELEBRATION DAY "

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

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 21st day of November, 2017

Brenda Gunter
Mayor of the City of San Angelo

Proclamation

Hazel McCoy moved to San Angelo to become the Home Demonstration Agent for Tom Green County on September 1, 1942. Her office was on the first floor of the County Courthouse. Her main objective was to help women of the county to produce and save food, clothing and shelter. Many women at the time grew "Victory Gardens" to help with food needs during the war years.

She also served on the Board for Tom Green County but she would certainly never tell anyone because she was making the decision to select men for active duty to fight in the war. She is a true pioneer in every sense of the word.

She graduated from John Tarleton Agricultural College (now Tarleton State University) in 1938 The University of Texas in 1942, a time when women rarely attended college.

She married Roscoe B. Dooley in 1948 and stayed at home to rear her two children. After her youngest graduated from Central High School in 1971, she returned to work as an Extension Agent heading up the Expanded Nutrition Program, a federal government program whereby she took all donated foods distributed by the welfare program at the time and created nutritious foods families could prepare. At the time, the majority of the foods picked up at the food distribution centers was flour, lard and beans. Her recipes encouraged healthy eating for all.

She has been very active in volunteer work and in fact, along with her husband RB Dooley, they actually began the "Meals on Wheels" program which is now known as "Meals for the Elderly". She has funded several endowed scholarships at Angelo State University as well as Texas A&M University.

In 2012 she was named an Honorary Alumni of ASU. Although her 100th Birthday will be November 28, 2017, the family will be hosting a birthday celebration for her on Saturday afternoon, November 25, 2017, from 2:00pm - 4:00pm at First Christian Church, 29 N. Oaks in San Angelo,

THEREFORE, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim November 28, 2017 as,

"Hazel M. Dooley Day"

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 21st day November, 2017

***Brenda Gunter
Mayor of the City of San Angelo***

Recognition

San Angelo is now the home of an EMMY Award. On November 11th, City Videographer Brian Groves and Angelo State University Multimedia Specialist Brandon Whitford won the iconic statue for producing "Shattered Dreams," a dramatic video telling of the fatal consequences of teenage drinking and driving.

Groves and Whitford with a number of local partners to create a full-immersion visual experience. Their 12-minute video, coupled with a live element, promoted responsible decision-making among high school students regarding underage drinking and impaired driving. It did so by showing teens how irresponsible choices can end the dreams of young people and of others.

The video was one of six finalists in the Lone Star EMMY Awards in a category that honored television works related to special programming for teens. The statewide award recognizes excellence in the TV industry.

Shattered Dreams also won the Kurt Uglund Programming Impact Award from the Texas Association of Telecommunications Officers and Advisors as the video that most influenced perceptions by touching hearts and minds. It was the second straight year the City's Public Information Office won the state award.

Shattered Dreams can be viewed on the City's YouTube channel and on SATV.

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

Brian Groves and Brandon Whitford

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

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 21st day of November, 2017.

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, November 7, 2017

Present:

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 Pro Tem Carter called the regular session of the San Angelo City Council to order at 8:31 a.m. on Tuesday, November 7, 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 Matt Walton, Pastor of Southland Baptist Church: and the pledges were led by Owen, Tate and Mason Crawford.

3. Proclamations/Recognitions

November 17, 2017 was proclaimed as the "9th Annual Adoption Day"

November 2017 was proclaimed as, "National Hospice and Palliative Care Month"

4. Public Comment

Comments were made by Alex Vega with Vega Washer Pitching relate to the success of the tournament at the City of San Angelo River Fest.

5. Consent Agenda

- a. Approval of the October 17, 2017 City Council regular meeting minutes
- b. Approval of awarding quote 481D to Frazer, LTD (Houston, Tx) for Frazer Type I 14' Generator Powered Module on a customer provided new Ford F-450 6.7L diesel chassis using HGAC #AM 10-16, in the amount of \$158,975, budgeted this fiscal year
- c. Approval of awarding RFB "FD-05-17" for EMS inventory supplies to various vendors (Boundtree, Henry Schein, Quadmed, Life Assist, Kentron/Nashville, MMS, NAO Global Health, McKesson, and Zoll) based on lowest bid in compliance with bid requirements for each specific item in an amount of \$132,912 budgeted per fiscal year and authorizing City Manager or his designee to execute any necessary and related documents
- d. Approval of ratifying COSADC's approval of the COSADC and the City of San Angelo's Agreement for Provision of Administrative Services for FY 2018 in the amount of \$578,088 and subsequent years of FY2019 and FY2020 as annual budgets are approved by the Board and authorizing the Board President to execute the agreement in substantially the same form as the attached
- e. Approval of awarding WU-07-17 Water Treatment Coagulants bid to two (2) vendors (Clearwater Labs and Chameleon Industrice, Inc.) based on pre-selection criteria for best treatment quality for different source waters for one (1) year with two (2) additional one (1)

year term extensions, budgeted for purchase FY2018, FY2019, and FY2020, and authorizing the City Manager or designee to execute any related documents

- f. Approval of awarding WU-01-18 Liquid Chlorine to DPC Industries in the amount of \$221,700 annually for one (1) year with two (2) additional one (1) year term extensions, budgeted for purchase in FY2018, FY2019, and FY2020, and authorizing the City Manager or designee to execute any related documents
- g. Approval of awarding WU-02-18 Liquid Ammonium Sulfate to Chameleon Industries in the amount of \$90,000 annually for one (1) year with two (2) additional one (1) year term extensions, budgeted for purchase FY2018, FY2019, and FY2020, and authorizing the City Manager or designee to execute any related documents
- h. Approval of purchase of power from Concho Valley Electric Cooperative (CVEC) for the portions of the Water Reclamation Facility that fall within CVEC service area (A. Strube)
- i. Approval of second reading and adoption of an ordinance for PD17-04 a rezoning from the General Commercial (CG) Zoning District to the Planned Development (PD) Zoning District to allow for Group Living, Household Living, and Retail Sales and Services, located at 4268 Sherwood Way
- j. Approval of second reading and adoption of an ordinance for Z17-13 a rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District, located at 2802-2822 Houston Street
- k. Approval of second reading and adoption of an ordinance to change "Lighthouse Lane" to "Chesney Lane," over a 120 foot length of this street's right-of-way extending southeast from Aspen Avenue (J. James)
- l. Approval of second reading and adoption of an ordinance amending Chapter 10 "Traffic Control" for the restriction of oversized loads in the areas on US 67/US 277/US 87 North, South, East, and West bound roadways near Central High School
- m. Approval of second reading and adoption of a public right-of-way management ordinance; regulating the physical use, occupancy and maintenance of city rights-of-way by wireless network providers
- n. Adoption of a resolution supporting designation of potential routes for Interstate 14 (I-14)

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

Motion: Council Member Carter made a motion, seconded by Council Member Gonzales, to approve item 5d, as presented. The motion carried unanimously (6) ayes to (0) nays.

6. Regular Agenda

- a. Adoption of a resolution acknowledging the immediate need of an additional Skilled Nursing Facility (Nursing Home) to be constructed in Tom Green County, Texas - (A presentation was made by representatives of the Rhoman Group

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

- b. Approval of ratifying COSADC's approval of a resolution for a project and the expenditure of a promotional campaign to promote the 2018 San Angelo Business Plan Competition for the purpose of developing viable business plans that will create new ventures and expanded existing business enterprises and authorizing the Board President to negotiate and execute in the

amount of up to and not to exceed \$5,000 with McLaughlin Advertising - (A presentation was made by Business Retention Expansion Coordinator Bob Schneeman)

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

- c. Approval of ratifying COSADC's approval of a resolution authorizing the use of Sales and Use Tax Funds in a sum not to exceed \$168,000, in support of establishing a Construction Trades Program at Howard College to be partially funded under a Texas Workforce Commission High Demand Skills Development Grant - (A Presentation was made by Economic Development Specialist Shannon Scott)

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

- d. Approval of ratifying COSADC's approval of a resolution in the amount of \$1,500,000 authorizing the use of Sales and Use Tax Funds for the expansion of the training mission of Goodfellow Air Force Base and authorizing the Board President to negotiate and execute an MOU with Tom Green County and Goodfellow Air Force Base on behalf of the Corporation and such other legal documents necessary to the project - (A presentation was made by Business Retention Expansion Coordinator Bob Schneeman)

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

- e. Approval of first reading and public hearing of an ordinance amending Chapter 2, "Administration and Personnel", Article 2.08 "Classified Service", Section 2.08.017 "Bilingual (Spanish) Certification Pay"

Due to a recent tragedy at the police station, City Attorney Theresa James asked the Council to approve the first reading today and a full presentation will be given at the second reading for this ordinance.

Motion: Council Member Thompson made a motion, seconded by Council Member Gonzales, to approve the first reading of this ordinance. The motion carried unanimously (6) ayes to (0) nays.

- f. Update on recent activity in the Animal Services Division - (A presentation was made by Assistant Director of Neighborhood & Family Services Morgan Chegwiddden)

No Action was taken on this item.

- g. Approval of first reading and public hearing of an ordinance amending Chapter 12 "Planning and Development," Exhibit "C" "Land Development and Subdivision Ordinance," Chapter 1 "General Provisions," Section IV "Variances" and Chapter 5 "Procedural Requirements for Processing Subdivisions," Section III "Stages of Development Review" to prevent inconsistencies in the Code - (A presentation was made by City Attorney Theresa James)

Motion: Council Member Hiebert made a motion, seconded by Council Member Thompson, to approve the first reading, as presented. The motion carried unanimously (6) ayes to (0) nays.

- h. Approval of first reading and public hearing of an ordinance amending Chapter 12 "Planning and Development," Article 12.044 "Signs," to require Council approval of certain signs that extend into the public right-of-way - (A presentation was made by Planning & Development Services Director Jon James)

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

- i. Approval of first reading and public hearing of an ordinance amending Appendix A, Article A8.000 Utility Related Fees, A8.008 "water, sewer and trash deposits", by amending the deposits - (A presentation was made by Water Utilities Assistant Director Allison Strube)

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

- j. Adoption of a resolution adopting a Design Manual for the Installation and Construction of Network Nodes and Node Support Poles in the Public Right of Way - (A presentation was made by City Engineer Russell Pehl)

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

- k. Approval of first public hearing and introduction of an ordinance amending the 2017-2018 budget for:
 - 1. Grants and Capital Projects, and
 - 2. Staffing levels - (A presentation was made by Finance Director Tina Direschke)

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

7. Closed Session

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

- a. Section 551.071(1)(A) consult with attorney when the governmental body seeks the advice of its attorney about pending or contemplated litigation regarding:
 - 1. 2013 Sealcoating Program Contract
 - 2. Templeton Construction, Inc.
 - 3. Alsay, Inc. v. City of San Angelo, Texas Carollo Engineers, Inc.
- b. Section 551.074(1) to deliberate the annual evaluation of the City Manager.
- c. Section 551.072 to deliberate the purchase, exchange, lease, or value of real property related to the Avenue P drainage project

8. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session, if needed

Motion: Council Member Thomas made a motion, seconded by Council Member Thompson to authorize the City Manager to negotiate and execute a full release and settlement agreement with Brannan Paving for the settlement of all claims related to ES-03 -13

Sealcoating Contract in an amount paid to the City of no less than \$400,000. The motion carried unanimously (6) ayes to (0) nays.

Motion: Council Member DeWitt made a motion, seconded by Council Member Thomas to authorize City Manager to negotiate and execute a change order to WU-08-13 Well Field Expansion Package 1 to Alsay Incorporated for the total payments not to exceed \$100,000 over the awarded bid amount. The motion carried unanimously (6) ayes to (0) nays.

Motion: Council Member DeWitt made a motion, seconded by Council Member Thomas to authorize City Manager to negotiate and execute settlement agreements for the settlement of all claims related to Alsay, Incorporated in an amount not to exceed the amended contract price.. The motion carried unanimously (6) ayes to (0) nays.

Motion: Council Member Thomas made a motion, seconded by Council Member Thompson to authorize City Manager to negotiate and execute the purchase of 1805 & 1806 Harbor Court San Angelo in conjunction with the Avenue P Drainage Project for an amount not to exceed \$600,000. The motion carried unanimously (6) ayes to (0) nays.

b. Consider approving the following Board nominations:

Planning Commission: Joe Spano (SMD6) to a 1st Full Term ending January 2020

TIRZ: Toni Hunter(SMD5) to an unexpired term ending ending July 2019

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

c. Announcements and consideration of Future Agenda Items

9. **Adjournment**

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

There being no further business, the meeting was adjourned at 12:11 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: November 21, 2017

Item type: Consent Item

Caption:

Consider a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the city and all taxing units in the Tax Foreclosure Judgment or Tax Warrant to the following property: (C.Preas)
- 405 W. 34th Street; Sepulveda (\$9,340)

Summary/History:

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

Financial Impact:

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

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | |
|--|---------------------------------------|
| 1. Tax Resale Property Analysis | Property Analysis SB Ratliff.pdf |
| 2. Tax Resale Map SB Ratliff Addition | Tax Resale 405 W 34th St Map.pdf |
| 3. Tax Resale Resolution SB Ratliff Addition | Tax Resale Resolution SB Ratliff.docx |

Presentation:

Approvals/Reviews:

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

PROPERTY ANALYSIS

For Tax Resale Property

Legal Description: Lots 3 & 4, Block 5, SB Ratliff Subdivision, City of San Angelo, Tom Green County, Texas, as described in deed recorded in Volume 884, Page 188, Deed Records, Tom Green County, Texas.

Improved/Unimproved Improved

Tax Suit Number: D-13-0108-TAX

Location: 405 W 34th Street

City of San Angelo, et al. vs. Quentin R. Banister, Jr., Deceased, Individually and DBA Banister Plumbing & Heating Company

Tax ID Number: Acct #22-39800-0005-008-00

Judgment Date: June 23, 2014

Date of Sheriff's Sale: October 3, 2017

Sheriff's Deed Recorded: October 12, 2017

Years Held in Trust

1 month

Adjudge Value: \$ 8,088.00

Urban Redevelopment Program?

No

Amount of Offer: \$ 9,340.00

Purchaser: Rick J. Sepulveda, Jr.

	Amounts Due		Priority Allocations	% of Remainder	Pro Rata Allocations	Amounts Distributed
	Fees	Judgment				
Administration Fee	\$500.00		\$500.00	0.00%		\$500.00
Maintenance Fee	\$0.00		\$0.00			\$0.00
District Clerk	\$4.00		\$4.00	100.00%		\$4.00
Sheriff's Fee	\$200.00		\$200.00	100.00%		\$200.00
Attorney Fee	\$564.00		\$564.00	100.00%		\$564.00
Municipal Liens		\$0.00		0.00%		\$0.00
Taxes		\$7,320.00		100.00%		\$7,320.00
Total	\$1,268.00	\$7,320.00	\$1,268.00		\$0.00	\$8,588.00
Actual Total Amt Due		\$8,588.00				
Amount Remaining		\$ 752.00				

Offer will satisfy all court costs and Taxes, according to the Judgment.

[illegible]

 Tax Parcels

**A RESOLUTION OF THE CITY OF SAN ANGELO AUTHORIZING THE
MAYOR TO EXECUTE A TAX-RESALE (QUITCLAIM) DEED
CONVEYING ALL RIGHT, TITLE AND INTEREST OF THE CITY OF
SAN ANGELO, AND ALL OTHER TAXING UNITS INTERESTED IN THE
TAX FORECLOSURE JUDGMENT**

WHEREAS, by Sheriff's Sale, the property described below was struck-off to the City of San Angelo, Trustee, pursuant to a delinquent tax foreclosure decree of the 340th Judicial District, Tom Green County, Texas; and

WHEREAS, an offer has been made for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann.(Vernon, 1982); and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANGELO that its Mayor, Brenda Gunter, is hereby authorized to execute a Tax-Resale (quitclaim) Deed conveying all of the right, title, and interest of the City of San Angelo, and all other taxing units interested in the below described real property to the named individual or entity:

Conveying to:

Rick J. Sepulveda, Jr. (\$9,340)

Lots 3 and 4, Block 5, SB Ratliff Subdivision, City of San Angelo, Tom Green County, Texas, as described in deed recorded in Volume 884, Page 188, Deed Records of Real Property, Tom Green County, Texas, described in Judgment foreclosing tax lien entered June 23, 2014, 391st District Court, Tom Green County, Cause No. D-13-0108-TAX, and conveyed by Sheriff's Deed dated October 11, 2017, recorded as Instrument No. 201713906.

Acct. #R08084

APPROVED AND ADOPTED ON THE _____ DAY OF _____, 2017.

THE CITY OF SAN ANGELO

Attest:

Brenda Gunter, Mayor

Bryan Kendrick, City Clerk

Approved As to Content:

Approved As to Form:

Cynthia S. Preas, Real Estate Manager

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 21, 2017

Item type: Consent Item

Caption:

Consider authorizing the City Manager to enter into a new five (5) year Recreational Agricultural Lease Agreement for the following lands: (C. Preas)

1. 2.40 acres out of JJ Schaefer Survey 0646, Abstract 1882, and adjacent to 2386 Fisherman's Road (V Holcomb Family, LP)
2. 5.50 acres out of G. Maurer Survey 0182, Abstract 1649, and located at the intersection of Red Bluff Road and Middle Concho Drive (Denny)

Summary/History:

The following citizens request to enter into a Recreational Agricultural Lease Agreement for property located near Lake Nasworthy:

1. D. Clay Holcomb, the representative for V. Holcomb Family, LP, requests to lease 2.40 acres out of J J Schaefer Survey 0646, Abstract 1882. Leased property is adjacent to property owned by the partnership; and
2. Alisa Denny, requests to lease 5.50 acres out of G. Maurer Survey 0182, Abstract 1649 and located at the intersection of Red Bluff Road and Middle Concho Drive. Ms. Denny is under contract to purchase a Lake Nasworthy residential lot near the leased property.

The above areas have not been previously leased. The requestors accept the leased property "as is", and per the lease agreement will be responsible for future maintenance of the leased property.

Recreational leases do not allow permanent structures be placed on the leased property.

Water Utilities Department manages the properties and is agreeable to the leases.

Financial Impact:

The annual lease fee is based on 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. | Recreational Lease Map - Denny | Recreational Lease Denny map.pdf |
| 2. | Recreational Lease Map - V Holcomb Family, LP | V Holcomb Family LP Map Recreational Lease.pdf |

Presentation:

Approvals/Reviews:

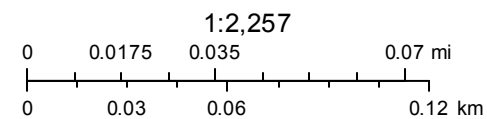
Cynthia Preas	Created/Initiated
Cynthia Preas	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

Denny Recreational Lease Area



November 9, 2017

 Tax Parcels



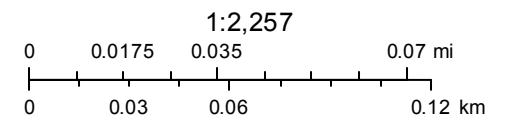
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

V Holcomb Family LP - Requested Lease Area



November 14, 2017

 Tax Parcels



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 21, 2017

Item type: Consent Item

Caption:

Consider a resolution authorizing the City Attorney to begin termination of Lake Nasworthy Residential Lot Lease and eviction proceedings for non-payment of annual rent (more than 140 days delinquent) on the following properties(C.Preas):

1. 1623 Canal Road; Lot 133, Block 9, Section 2, Group Shady Point, Lake Nasworthy Addition (\$692)
2. 1816 Shady Point Circle; Lot 20, Block 2, Section 1, Group Shady Point, Lake Nasworthy Addition (\$1,006)
3. 1850 Shady Point Circle; Lot 35A, Block 7, Section 2, Group Shady Point, Lake Nasworthy Addition (\$1,208)
4. 6638 Knickerbocker Rd; Lot 114, Group Shady Point, Lake Nasworthy Addition (\$900)

Summary/History:

Lessees are more than 140 days delinquent in paying annual Lake Nasworthy residential lot lease fees. All reasonable collection efforts made by the Real Estate Division have failed. It is the recommendation of the Real Estate Division that the City Attorney's Office terminate the Lake Nasworthy Residential Lot Leases and begin the eviction process. Total amount due includes annual rent and delinquent fees.

On February 6, 2007, City Council approved the procedure for Lake Lease Delinquent Billing and Termination Notices. Staff has followed the established procedures, to include a 30-day notice to Lessees and their lenders advising of the default; to date, all collection efforts have failed.

Financial Impact:

The following Lessees have failed to pay annual rent and delinquent fees:

1. James Richards, 1623 Canal Road; \$692
2. Koby Joe & Becky Harding, 1816 Shady Point Circle; \$1,006
3. Kippy & Israel Joiner, 1850 Shady Point Circle; \$1,208
4. Gayla S. Cook, 6638 Knickerbocker Rd; \$900

Other Information/Recommendation:

Staff recommends that the City Attorney's Office terminate the Lake Nasworthy Residential Lot Leases and begin the eviction process.

Attachments:

- | | |
|---------------------------------|-----------------------------|
| 1. Lease Termination Resolution | Termination+Resolution.docx |
|---------------------------------|-----------------------------|

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

A RESOLUTION OF THE CITY OF SAN ANGELO AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE IN CONSULTATION WITH THE CITY ATTORNEY TO PROVIDE LEGAL NOTICE OF TERMINATION OF LEASE FOR LESSEES DEFAULT IN LEASE TERMS RELATING TO NON-PAYMENT OF ANNUAL RENT PURSUANT TO NOTICE OF DEFAULT PREVIOUSLY GIVEN UNDER THE LEASE, ANNUAL RENT NOW BEING PAST DUE FOR MORE THAN 140 DAYS, ON THE FOLLOWING LAKE NASWORTHY ADDITION RESIDENTIAL LOTS: (1) LOT 133, GROUP SHADY POINT; (2) LOT 20, GROUP SHADY POINT, LAKE NASWORTHY ADDITION; (3) LOT 35A, GROUP SHADY POINT; AND (4) LOT 114, GROUP SHADY POINT.

WHEREAS, the City of San Angelo (City) is owner and Lessor of certain Lake Nasworthy residential lots, located in San Angelo, Tom Green County, Texas; and,

WHEREAS, under the terms of the Lake Nasworthy Residential Lot Leases annual rent is due each year; and,

WHEREAS, the following Lessees are more than 140 days delinquent in paying annual rent;

1. James Richards (\$692), 1623 Canal Road;
2. Koby Joe Harding and Becky Harding (\$1,006), 1816 Shady Point Circle;
3. Kippy Joiner and Israel Joiner (\$1,208), 1850 Shady Point Circle;
4. Gayla S. Cook (\$900), 6638 Knickerbocker Rd;

WHEREAS, 30-day notice (October 5, 2017) was given to Lessee advising failure to pay the full annual rent when due constitutes a material breach of the lease agreement; and,

WHEREAS, Lessee has not paid annual rent or made payment arrangements; and

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

The City Manager or his designee in consultation with the City Attorney, is hereby authorized to provide legal notice of termination of lease for Lessees default in lease terms relating to non-payment of annual rent pursuant to notice of default previously given under the lease, annual rent now being past due for more than 140 days, on the following Lake Nasworthy residential lots:

1. James Richards (\$692), 1623 Canal Road;
2. Koby Joe Harding and Becky Harding (\$1,006), 1816 Shady Point Circle;
3. Kippy Joiner and Israel Joiner (\$1,208), 1850 Shady Point Circle;
4. Gayla S. Cook (\$900), 6638 Knickerbocker Rd

PASSED and APPROVED THIS _____ DAY OF _____, 2017.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Brenda Gunter, Mayor

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT

APPROVED AS TO FORM

Cynthia S. Preas, Real Estate Manager

Theresa James City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 21, 2017

Item type: Consent Item

Caption:

Consider a resolution authorizing the City Manager to execute a Declaration of Easement, declaring a 20' wide perpetual easement for public utilities on a portion of J. Fenner Survey, Abstract No. 4985, owned by the City of San Angelo, for the benefit of Tom Green County and future development (C. Preas)

Summary/History:

The City has been requested to grant a public utility easement over a City-owned parcel as agreed in a Memorandum of Understanding, dated October 4, 2016, between City of San Angelo and Tom Green County.

The 20' wide utility easement, totaling 2.297 acres, will benefit the new Tom Green County jail facility and future development in the area.

Financial Impact:

N/A

Other Information/Recommendation:

Staff Recommends approval.

Attachments:

- | | |
|---------------------------------------|---|
| 1. Dedication Easement description | City of San Angelo easement description.pdf |
| 2. Dedication Easement plat | City of San Angelo easement plat.pdf |
| 3. Declaration of Easement Resolution | Declaration of Easement Resolution.docx |

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



METES AND BOUNDS DESCRIPTION

2.297 ACRE

20' WIDE UTILITY EASEMENT

J. FENNER SURVEY, A-4985

TOM GREEN COUNTY, TEXAS

Being 2.297 acres of land, situated in the J. Fenner Survey, A-4985, Tom Green County, Texas, and being a portion of a called 5278.9 acre tract conveyed to the City of San Angelo by an instrument recorded in Volume 327, Page 65, Deed Records Tom Green County Texas (DRTGCT), said 2.297 acres of land being more particularly described by metes and bounds as follows;

BEGINNING at a point in the southwest boundary line of a called 200.000 acre tract conveyed to Tom Green County by an instrument recorded in Volume 577, Page 71, DRTGCT, from which a 3/8" iron rod found in the southwest boundary line of said 200.000 acre tract, same being the east corner of a called 22.27 acre tract conveyed to Delek Marketing & Supply, LP by an instrument recorded in INS # 615910, DRTGCT, bears N57°12'44"W, a distance of 64.64 feet;

THENCE S 57° 12' 44" E, along the southwest boundary line of said 200.00 acres, a distance of 20.00 feet to a point;

THENCE S 32° 45' 49" W, a distance of 801.72 feet to an angle point;

THENCE S 03° 36' 25" W, a distance of 343.70 feet to an angle point;

THENCE S 32° 48' 47" W, a distance of 1527.87 feet to an angle point;

THENCE S 44° 44' 12" E, a distance of 629.86 feet to an angle point;

THENCE S 14° 52' 56" E, a distance of 470.56 feet to an angle point;

THENCE S 09° 19' 55" W, a distance of 462.32 feet to an angle point;

THENCE S 00° 34' 33" W, a distance of 766.90 feet to the northeast corner of called 406.674 acre tract which was conveyed to the City of San Angelo Development Corp. recorded in Volume 798, Page 801, DRTGCT;

THENCE N 47° 11' 13" W, along the northeast boundary line of said 406.674 acre tract, a distance of 27.01 feet to a point, from which a 1/2" iron pipe found at the north corner of said 406.674 acre tract bears N47°11'13"W, a distance of 3029.14 feet;

THENCE N 00° 34' 33" E, a distance of 750.27 feet to an angle point;

THENCE N 09° 19' 55" E, a distance of 459.56 feet to an angle point;

THENCE N 14° 52' 56" W, a distance of 460.94 feet to an angle point;

THENCE N 44° 44' 12" W, a distance of 640.60 feet to the point of intersection with the southeast boundary line of Lot 2 of the City Business Park North Subdivision according to a plat recorded in Cabinet G, Slide 306, Tom Green County Plat Records;

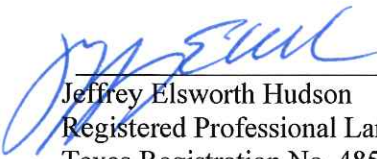
THENCE N 32° 48' 47" E, along said southeast boundary line, and the southeast boundary line of a called 20.00 acre tract which was conveyed to Tom Green county by an instrument recorded in Volume 913, Page 958, DRTGCT, at a distance of 682.05 feet pass the east corner of said 20.00 acre tract and continuing for a total distance of 1538.73 feet to an angle point;

THENCE N 03° 36' 25" E, a distance of 343.69 feet to an angle point;

THENCE N 32° 45' 49" E, a distance of 806.93 feet to the **PLACE OF BEGINNING** and containing 2.297 acres of land, more or less.

The bearings recited herein GRID, based on the Texas State Plane Coordinate System, (NAD83 2011) Central Zone, and referenced to NGS Monuments DM7141, DM7143, and DM7157;

This description and corresponding plat were prepared from a survey made on the ground under my supervision in November 2016.


Jeffrey Elsworth Hudson
Registered Professional Land Surveyor
Texas Registration No. 4850

13 June 2017
Date



J. FENNER SURVEY, A-4985

CALLLED 200.00 ACRES
TOM GREEN COUNTY
VOL. 577, PG. 71

CALLLED 22.27 ACRES
DELEK MARKETING & SUPPLY, LP
INS NO. 615910

CALLLED 15.57 ACRES
F&B Bryant Properties, LLC
INS NO. 201505860

CALLLED 20.00 ACRES
TOM GREEN COUNTY
VOL. 913, PG. 958

CITY BUSINESS PARK NORTH
CABINET G, SLIDE 306

CALLLED 5278.9 ACRES
CITY OF SAN ANGELO
VOL. 327, PG. 65

CCSD&RGNG RR CO SURVEY, A-4252

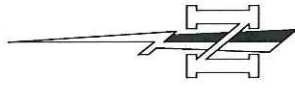
406.674 Ac.
CITY OF SAN ANGELO DEVELOPMENT CORP.
VOL. 798, PG. 801

TOTAL AREA
PERM. ESMT. 2.297 Ac.
TEMP. ESMT. 0.000 Ac.

Bearings recited herein are based on the Texas State Plane Coordinate System (NAD 83) Central Zone and referenced to NGS Monuments DM7141, DM7143, and DM7157.

This plat and corresponding description were prepared from a survey made on the ground under my supervision.

Jeffrey Elsworth
Jeffrey Elsworth Hudson
Registered Professional Land Surveyor
Texas Registration No. 4850



KSA
ENGINEERS
140 E. Tyler St., Suite 500, Austin, Texas 78601
1-800-236-7700 F 502-256-7773
www.ksaeng.com
TBPLS Firm Reg. No. 10115000

20' WIDE UTILITY EASEMENT
ACROSS THE PROPERTY OF
CITY OF SAN ANGELO

2.297 ACRES
J. FENNER SURVEY, A-4985
TOM GREEN COUNTY, TEXAS

**RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXECUTE A
DECLARATION OF EASEMENT ON BEHALF OF THE CITY,
DECLARING A 20 FOOT PERPETUAL UTILITY EASEMENT
OVER, UNDER AND ACROSS 2.297 ACRES OF LAND, AND
BEING A PORTION OF 5,278.9 ACRE TRACT SITUATED IN THE
J. FENNER SURVEY, A-4985, TOM GREEN COUNTY TEXAS**

WHEREAS, the City of San Angelo and Tom Green County entered into a Memorandum of Understanding effective October 4, 2016, providing for the installation of a sewer system to benefit a new jail facility and future development in the area; and,

WHEREAS, City and County mutually agree it is in the public interest and benefit to work together on extension of the municipal sewer system utility across City owned property and to the new Tom Green County jail facility ("Project"); and,

WHEREAS, a segment of the sewer system will be located on City-owned property, being 2.297 acres of land, more particularly described in Exhibit "A" attached hereto and being a part hereof, and being a portion of a 5,278.9 acre tract conveyed to the City of San Angelo by instrument recorded in Volume 327, Page 65, Deed Records of Tom Green County, Texas; and,

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

The City Manager or his designee is hereby authorized to execute a Dedication Easement declaring a 20 foot perpetual easement and right of way over, under and across 2.297 acres of land situated in the J. Fenner Survey, A-4985, Tom Green County, Texas, for the benefit of public utility facilities.

PASSED and APPROVED THIS _____ DAY OF _____, 2017.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Brenda Gunter, Mayor

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT

APPROVED AS TO FORM

Cynthia S. Preas, Real Estate Manager

Theresa James, City Attorney



A·DYNAMIC·PERSPECTIVE

140 East Tyler Street, Suite 600
Longview, TX 75601
903.236.7700

METES AND BOUNDS DESCRIPTION

2.297 ACRE

20' WIDE UTILITY EASEMENT

J. FENNER SURVEY, A-4985

TOM GREEN COUNTY, TEXAS

Being 2.297 acres of land, situated in the J. Fenner Survey, A-4985, Tom Green County, Texas, and being a portion of a called 5278.9 acre tract conveyed to the City of San Angelo by an instrument recorded in Volume 327, Page 65, Deed Records Tom Green County Texas (DRTGCT), said 2.297 acres of land being more particularly described by metes and bounds as follows;

BEGINNING at a point in the southwest boundary line of a called 200.000 acre tract conveyed to Tom Green County by an instrument recorded in Volume 577, Page 71, DRTGCT, from which a 3/8" iron rod found in the southwest boundary line of said 200.000 acre tract, same being the east corner of a called 22.27 acre tract conveyed to Delek Marketing & Supply, LP by an instrument recorded in INS # 615910, DRTGCT, bears N57°12'44"W, a distance of 64.64 feet;

THENCE S 57° 12' 44" E, along the southwest boundary line of said 200.00 acres, a distance of 20.00 feet to a point;

THENCE S 32° 45' 49" W, a distance of 801.72 feet to an angle point;

THENCE S 03° 36' 25" W, a distance of 343.70 feet to an angle point;

THENCE S 32° 48' 47" W, a distance of 1527.87 feet to an angle point;

THENCE S 44° 44' 12" E, a distance of 629.86 feet to an angle point;

THENCE S 14° 52' 56" E, a distance of 470.56 feet to an angle point;

THENCE S 09° 19' 55" W, a distance of 462.32 feet to an angle point;

THENCE S 00° 34' 33" W, a distance of 766.90 feet to the northeast corner of called 406.674 acre tract which was conveyed to the City of San Angelo Development Corp. recorded in Volume 798, Page 801, DRTGCT;

THENCE N 47° 11' 13" W, along the northeast boundary line of said 406.674 acre tract, a distance of 27.01 feet to a point, from which a 1/2" iron pipe found at the north corner of said 406.674 acre tract bears N47°11'13"W, a distance of 3029.14 feet;

THENCE N 00° 34' 33" E, a distance of 750.27 feet to an angle point;

THENCE N 09° 19' 55" E, a distance of 459.56 feet to an angle point;

THENCE N 14° 52' 56" W, a distance of 460.94 feet to an angle point;

Exhibit "A"
Page 2 of 3

THENCE N 44° 44' 12" W, a distance of 640.60 feet to the point of intersection with the southeast boundary line of Lot 2 of the City Business Park North Subdivision according to a plat recorded in Cabinet G, Slide 306, Tom Green County Plat Records;

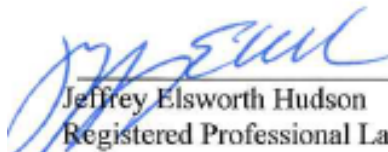
THENCE N 32° 48' 47" E, along said southeast boundary line, and the southeast boundary line of a called 20.00 acre tract which was conveyed to Tom Green county by an instrument recorded in Volume 913, Page 958, DRTGCT, at a distance of 682.05 feet pass the east corner of said 20.00 acre tract and continuing for a total distance of 1538.73 feet to an angle point;

THENCE N 03° 36' 25" E, a distance of 343.69 feet to an angle point;

THENCE N 32° 45' 49" E, a distance of 806.93 feet to the **PLACE OF BEGINNING** and containing 2.297 acres of land, more or less.

The bearings recited herein GRID, based on the Texas State Plane Coordinate System, (NAD83 2011) Central Zone, and referenced to NGS Monuments DM7141, DM7143, and DM7157;

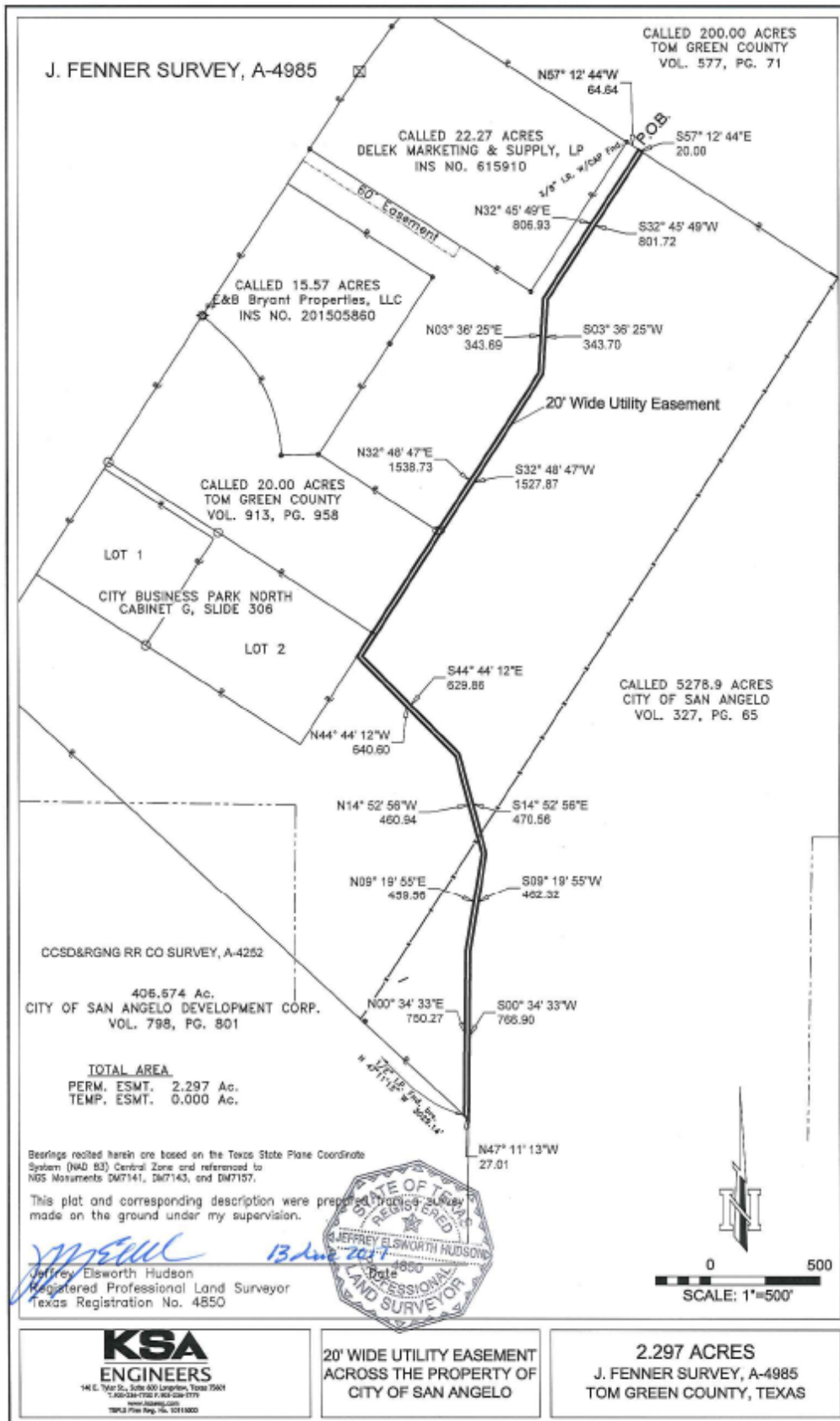
This description and corresponding plat were prepared from a survey made on the ground under my supervision in November 2016.


Jeffrey Elsworth Hudson
Registered Professional Land Surveyor
Texas Registration No. 4850

13 June 2017
Date



Exhibit "A"
Page 3 of 3



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 21, 2017

Item type: Consent Item

Caption:

Second reading of an ordinance amending Chapter 12 "Planning and Development," Article 12.044 "Signs," to require Council approval of certain signs that extend into the public right-of-way (J. James)

Summary/History:

This is an amendment to the Sign Ordinance that will allow projecting signs on private property without City Council approval, but will still require City Council approval for signs that extend into the public right-of-way and are larger than sixteen square feet, with some exceptions.

The Ordinance currently requires that any projecting sign that is larger than sixteen square feet must receive City Council approval prior to permitting and placement. The sign's projection can be either onto private property or the City right-of-way. This requirement appears to be excessive, and unnecessary, for signage that extends onto the same private property that the sign is being erected on.

The Ordinance's intent is to prevent infringement "upon neighboring business's rights to be seen" and to allow Council to "consider any other detrimental effect" a projecting sign might have. This becomes particularly relevant when a sign is being proposed that extends into the public right-of-way, and less so when it only extends into private property. Setbacks play an important role in the placement of both the building's and any associated signage's placement. The range of signage options, for example free-standing signs, wall signs, etc., also provide alternate means for a business to have their sign to be seen.

As a result, staff is proposing that only signs which are larger than sixteen square feet and that extend into the public right-of-way be required to receive City Council approval. This approval process would be treated as any other right-of-way encroachment request and would be subject to City indemnification and a use agreement which may be revocable, if needed. Signage within the Central Business District is regulated differently in this regard, per Section 12.04.009 of the Sign Ordinance.

Financial Impact:

N/A

Other Information/Recommendation:

On October 16, 2017, the Planning commission voted unanimously to APPROVE the proposed text amendment. On November 7, 2017, City Council voted unanimously to APPROVE, on first reading, the proposed text amendment.

Attachments:

1. Staff Report PL_Memo_Sign Ordinance_City Council (2017-11-7 & 21).pdf
2. Draft Ordinance PL_Ordinance_ProjectingSigns_City Council (2017-11-7)_FINAL.docx

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra

Jon James

Theresa James

Anthony Wilson

Jon James

Tina Dierschke

Theresa James

Becky Dunn

Bryan Kendrick

Created/Initiated

Approved

Approved

Approved

Approved

Approved

Approved

Approved

Final Approval

MEMO



Meeting

Date: November 7, 2017
November 21, 2017

To: City Council

From: Jon C. James, AICP
Planning & Development Services Director

Request: Text Amendment to Chapter 12, Article 12.04 Signs,
Section 12.04.016 Prohibited Sign Locations & Types

Background:

The following is an amendment to the Sign Ordinance that requires City Council approval for signs larger than sixteen square feet, with some exceptions, that extend into the public right-of-way.

The Ordinance currently requires that any projecting sign that is larger than sixteen square feet must receive City Council approval prior to permitting and placement. The sign's projection can be either onto private property or the City right-of-way. This requirement appears to excessive, and unnecessary, for signage that extends onto the same private property that the sign is being erected on.

The Ordinance's intent is to prevent infringement "upon neighboring business's rights to be seen" and to allow Council to "consider any other detrimental effect" a projecting sign might have. This becomes particularly relevant when a sign is being proposed that extends into the public right-of-way, and less so when it only extends into private property. Setbacks play an important role in the placement of both the building's and any associated signage's placement. The range of signage options, for example free-standing signs, wall signs, etc., also provide alternate means for a business to have their sign to be seen.

As a result, staff is proposing that only signs which are larger than sixteen square feet and that extend into the public right-of-way be required to receive City Council approval. This approval process would be treated as any other right-of-way encroachment request and would be subject to City indemnification and a use agreement which may be revocable, if needed. Signage within the Central Business District is regulated differently in this regard, per Section 12.04.009 of the Sign Ordinance.

Planning Commission Action:

This request was considered by the Planning Commission at their meeting on October 16, 2017. Below is an excerpt from the meeting's unofficial minutes:

Jeff Fisher, Senior Planner, presented the case. He explained that the purpose of the Sign Ordinance amendment was to allow projecting signs larger than 16 square feet on private property to be exempt from City Council approval. He indicated that the current Sign Ordinance requires all projecting signs, whether on private property or in public right-of-way and which are larger than 16 square feet, to obtain City Council approval. He explained Staff's rationale for changing this provision to only apply to signs in the right-of-way given they are generally closer to the street and may infringe upon other business's rights to be seen. In contrast, Mr. Fisher explained that most signs on private property tend to have greater setbacks and are unlikely to create impediments to adjacent businesses.

Chairperson Priess opened the meeting for public comment.

Commissioner Smith asked what created the need for this amendment.

Mr. Fisher responded that a developer recently submitted sign permit applications for a restaurant on private property, triggering a review of the relevant sign ordinance provision. He explained that the sign permits had complied in all respects, except for one sign which was larger than 16 square feet and which required City Council approval under the current Sign Ordinance. He further explained that this case provided a good justification for amending the Sign Ordinance given that this sign on private property, was over 30 feet back from the front property line, and would not infringe on any neighboring business's right to be seen. He contrasted this example to properties on Chadbourne Street and Concho Avenue with buildings built to the street line and where these signs would be in the public right-of-way. Mr. Fisher concluded his presentation by indicating that signs in the public right-of-way would still require City Council if they were over 16 square feet in size.

Chairperson Priess commended Staff for bringing forward this amendment to avoid situations like this from reoccurring in future.

Chairperson Priess opened the meeting for public comment.

There was no public comment.

Commissioner Smith made a Motion to recommend APPROVAL of the proposed Text Amendment to Chapter 12, Article 12.04 (Signs) and 12.04.016 (Prohibited Sign Types and Locations) to allow for projecting signs larger than 16 square feet on private property without City Council approval, as presented. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 5-0.

Attachment:

Proposed Sign Ordinance Amendment

CHAPTER 12
ARTICLE 12.04 SIGNS

Section 12.04.005(b)(2)(C) "On-Site Regulations"

(iv) Any projecting sign larger than sixteen (16) square feet that extends into the public right-of-way shall be subject to approval of city council on consideration of the purposes of this Article 12.04, after notice and public hearing ~~must be approved by the city council after notice and public hearing to consider whether the proposed placement shall infringe upon neighboring business's rights to be seen and to consider any other detrimental effect it might have.~~

Section 12.04.016(a)(1) "Prohibited Sign Locations & Types"

(E) Signs placed upon public rights-of-way, except as allowed elsewhere in this Chapter, without the express permission of the city council are prohibited.

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SAN ANGELO, CHAPTER 12, ARTICLE 12.04 "SIGNS," SECTION 12.04.005 "ON-SITE REGULATIONS," BY AMENDING PART (b) "COMMERCIAL DISTRICTS," SUBPART C "HEIGHT," OF (2) "ATTACHED SIGNS," PARAGRAPH (iv), AND AMENDING SECTION 12.04.016 "PROHIBITED SIGN LOCATIONS AND TYPES," BY AMENDING PART (a) "PROHIBITIONS," (1) "PROHIBITED LOCATIONS," SUBPART "E" TO LIMIT THE REGULATION TO SIGNS PROJECTING INTO THE PUBLIC RIGHT OF WAY; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.

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

Section 1. That Chapter 12, Article 12.04 "Signs," Section 12.04.005 "On Site Regulations," is hereby amended, by amending Part (b) "Commercial Districts," subpart C "Height" of (2) "Attached Signs," paragraph iv, to read as follows:

"Sec. 12.04.005 On-site regulations, (b) Commercial Districts, (2) Attached Signs, (C) Height, (iv):

(iv) Any projecting sign larger than sixteen (16) square feet that extends into the public right-of-way shall be subject to approval of city council on consideration of the purposes of this Article 12.04, after notice and public hearing ~~to consider whether the proposed placement shall infringe upon neighboring business's rights to be seen and to consider any other detrimental effect it might have.~~

Section 2. That Chapter 12, Article 12.04 "Signs," is hereby amended, by amending section 12.04.016(a)(1)(E) "Prohibited Sign Locations" to read as follows:

Sec. 12.04.016 Prohibited sign locations and types, (a) Prohibitions, (1) Prohibited Locations, (E):

(E) Signs placed upon public rights-of-way, except as allowed elsewhere in this Chapter, without the express permission of the city council are prohibited.

Section 3. This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of San Angelo, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

Section 4. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, or for any reason unenforceable, the validity of the remaining provisions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation of this Ordinance.

Section 5. That this Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the _____ day of _____, 2017, and finally

PASSED, APPROVED AND ADOPTED on this the _____ day of _____,
2017.

THE CITY OF SAN ANGELO

ATTEST:

by: _____
Brenda Gunter, Mayor

by: _____
Bryan Kendrick, City Clerk

APPROVED AS TO FORM

by: _____
Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Theresa James, City Attorney, Planning and Development Services, X1413

Meeting Date: November 21, 2017

Item type: Regular Item

Caption:

Second reading and public hearing of an ordinance amending Chapter 12 "Planning and Development," Exhibit "C" "Land Development and Subdivision Ordinance," Chapter 1 "General Provisions," Section IV "Variances" and Chapter 5 "Procedural Requirements for Processing Subdivisions," Section III "Stages of Development Review" to prevent inconsistencies in the Code (T.James)

Summary/History:

This ordinance change is part of the on-going review of ordinances that the legal department is conducting and only clarifies existing provisions. It does not change or modify any existing requirement.

The language in the Code of Ordinances regarding the number of votes required on appeal to Council from the Planning Commission is not standardized, leaving room for different interpretations of those requirements. This ordinance standardizes the language so appeals to Council need to be approved either by a majority, which is defined by the charter, or a super-majority which is further defined in the code. It removes the term "simple majority" which is undefined in the charter and the code.

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

1. Ordinance 18-xxxx Ordinance_Clarifying Simple Marjority in Appeals to Council.docx

Presentation:

Theresa James

Approvals/Reviews:

Theresa James

Jon James

Theresa James

Becky Dunn

Bryan Kendrick

Created/Initiated

Approved

Approved

Approved

Final Approval

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 12 “PLANNING AND DEVELOPMENT,” EXHIBIT “C” “LAND DEVELOPMENT AND SUBDIVISION ORDINANCE,” CHAPTER 1 “GENERAL PROVISIONS,” SECTION IV “VARIANCES,” AND CHAPTER 12 “PLANNING AND DEVELOPMENT,” EXHIBIT “C” “LAND DEVELOPMENT AND SUBDIVISION ORDINANCE,” CHAPTER 5 “PROCEDURAL REQUIREMENTS FOR PROCESSING SUBDIVISIONS,” SECTION III “STAGES OF DEVELOPMENT REVIEW,”; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE

WHEREAS, the Land Development and Subdivision ordinance provides for appeal by the developer to City Council from action of the Planning Commission on developer’s request for variance and approval of a major subdivision; and,

WHEREAS, the language of the Land Development and Subdivision Ordinance is not standardized which leaves the provisions unnecessarily open to interpretation; and,

WHEREAS, the interest of the public is served by standardizing the language delineating the overall votes of the City Council required for reversing or modifying such actions of the Planning Commission.

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

Section 1. That Chapter 12 “Planning and Development,” Exhibit “C” “Land Development and Subdivision Ordinance,” Chapter 1 “General Provisions,” Section IV “Variances” is hereby amended:

C. Appeal to City Council. Action taken by the Planning Commission on a requested variance from the terms of this Ordinance shall be considered the final decision on said request, unless that decision is appealed to City Council by the developer or city, in which case the City Council is authorized to reverse, modify or affirm any such decision of the Planning Commission. Notwithstanding procedural requirements of the City Charter, a **simple** majority vote of City Council members present shall be necessary to reverse or modify such decision of the Planning Commission.

Section 2. That Chapter 12 “Planning and Development,” Exhibit “C” “Land Development and Subdivision Ordinance,” Chapter 5 “Procedural Requirements for Processing Subdivisions,” Section III “Stages of Development Review” is hereby amended:

(5) The Planning Commission’s action shall be considered final, not requiring subsequent consideration by the City Council, unless that decision is appealed to City Council which is hereby authorized to reverse, modify or affirm any decision

made by the Planning Commission, on a preliminary plat. Notwithstanding procedural requirements of the City Charter, a **simple** majority vote of the City Council members present shall be necessary to reverse or modify such decision made by the Planning Commission.

Section 3. The remaining provisions of the Code of Ordinances, not amended hereby shall remain in full force and effect.

Section 4. 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 5. This Ordinance shall be effective on, from and after the date of adoption and publication as required by law.

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

THE CITY OF SAN ANGELO

ATTEST:

BY: _____
Brenda Gunter, Mayor

Bryan Kendrick, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bryan Kendrick, City Clerk, Budget,

Meeting Date: November 21, 2017

Item type: Regular Item

Caption:

Second reading and adoption of an ordinance amending the 2017-2018 budget for:

1. Grants and Capital Projects, and
2. Staffing levels (T.Dierschke)

Summary/History:

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

Fire station 4 capital project; and

Police grant; and

Carryover of prior year's allocations for incomplete projects.

Exhibit D - Staffing Levels

Financial Impact:

\$12,447,742 (see attached detail on Exhibit A of the ordinance).

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | | |
|----|--------------------|-----------------------------------|
| 1. | Ordinance | Ordinance.pdf |
| 2. | Police Grant Memo | Police Grant.pdf |
| 3. | Fire Medicare Memo | Medicare Supplement.pdf |
| 4. | Carryover Memo | Carryover Memo.pdf |
| 5. | Presentation | 11-7-17 FIN Budget Amendment.pptx |

Presentation:

Tina Dierschke

Approvals/Reviews:

Bryan Kendrick

Created/Initiated

**AN ORDINANCE OF THE CITY OF SAN ANGELO AMENDING
THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER
1, 2017, AND ENDING SEPTEMBER 30, 2018, FOR INCOMPLETE
PROJECTS, AND GRANTS.**

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

WHEREAS the resources necessary for these changes are available;

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

The City's budget for fiscal year 2017-2018 be amended by the amounts contained in Exhibit A and D.

INTRODUCED on the 7th day of November, 2017, and APPROVED and ADOPTED on this the 21st day of November

ATTEST:

CITY OF SAN ANGELO, TEXAS

Bryan Kendrick, City Clerk

Brenda Gunter, Mayor

Approved as to Content and Form:

Tina Dierschke, Finance Director

City of San Angelo
Proposed Budget Amendment
Exhibit A

Fund	Total Revenue Amendment	Total Expense Amendment	Net Benefit/(Cost)
101	415,639.00	504,838.00	(89,199.00)
103	26,500.00	26,500.00	-
203	-	20,000.00	(20,000.00)
260	-	1,217,170.00	(1,217,170.00)
270	-	507,690.00	(507,690.00)
501	-	47,234.00	(47,234.00)
502	-	1,164,185.00	(1,164,185.00)
512	-	4,526,288.00	(4,526,288.00)
520	-	4,433,837.00	(4,433,837.00)
	442,139	12,447,742	(12,005,603)

City of San Angelo
Proposed Budget Amendment
Additional Information

Project/Need	Source of Funding	Revenue	Expense	Net Benefit/ (Cost)
Peak Hour Ambulance/VPN/ Fire Station 4	Medicare Supplement	415,639	415,639	-
Police SWAT	State Grant	26,500	26,500	-
Carryover of prior year's allocations	Multiple Funds – fund balance	-	12,005,603	(12,005,603)
		442,139	12,447,742	(12,005,603)

Fire Department – Civil Service

Fire Chief	1
Assistant Chief	2
Battalion Chief	4
Fire Captain	12
Fire Lieutenant	20
Fire Engineer (or Driver)	50
Fire Fighter	82
Total Fire Department – Civil Service	171

Police Department – Civil Service

Police Chief	1
Assistant Chief	2
Police Lieutenant	7
Police Sergeant	28
Police Officer	132
Total Police Department – Civil Service	170

All Others

Civilians	610
Total All Others	610
Grand Total Staffing Levels	951

Memo

To: Jaime Guerrero, Assistant Finance Director

From: Ryan Jansa, Budget Analyst

Date: 10/19/17

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for grant funds that will be used to purchase shields and helmets for SWAT personnel and targets for the police gun range.

Source of Funding:

2017 State Office of Government: Edward Byrne Memorial Justice Assistance Grant

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

The grant was approved by council on 2/7/17.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Grant Revenue	0	26,500	26,500
Grant Expense	0	26,500	26,500
			0
			0
			0
			0

Additional Comments:

This is a competitive grant that we apply for annually and we are proud to have been selected for fiscal year 2018.

Memo

To: Jaime Guerrero, Assistant Finance Director

From: Brian Dunn, Fire Chief

Date: 10/23/17

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Cover cost of the peak hours ambulance, new fire station 4, contract services for medicare supplement, and VPN GPS lockup on apparatus.

Source of Funding:

Medicare Supplement Reimbursement

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

Peak hours ambulance (City Council 8/22/17), Fire Station 4 (City Council 10/3/17), VPN (City Manager 10/18/17)

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Revenue: Medicare Supplement	0	415,639	415,639
Expenses:			0
Peak Hours Ambulance	0	262,080	262,080
Contract Services	355,000	37,922	392,922
Fire Station 4	0	98,637	98,637
VPN	14,000	17,000	31,000

Additional Comments:

Memo

To: Jaime Guerrero, Assistant Finance Director
From: Kimberly Holle, Budget Coordinator
Date: 10/31/17
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Carryover remaining fiscal year 2016-17 funds for incomplete projects

Source of Funding:

Multiple funds - Fund Balances.

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

City Council approved the 2017-18 budget ordinance on September 19, 2017.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget

Additional Comments:

See Attached chart for details.

City of San Angelo
Carryovers
FY 2017-18

FUND	DIVISION	PURPOSE	CARRYOVER
101	Facilities Maint.	Texas Dept. of Criminal Justice Work Camp	9,814
101	Facilities Maint.	Facilities electrical upgrades	7,352
101	Development Svcs	Relocation for new Planning Administrator	1,979
101	Street and Bridge	2013 Seal coat remediation	29,672
101	Animal Services	Electrical improvements / HVAC	5,992
101	Animal Services	Building maintenance and assessment	34,390
203	Recreation	Sports tournaments investment funds	20,000
260	Water	Police upgrades for Lake Patrol pickup	10,000
260	Water	Utility work for street projects	1,207,170
270	Wastewater	Utility work for street projects	507,690
501	Equipment Maint.	Annual maintenance replacement	47,234
502	Fairmount Cemetery	Fairmount pavestone work	2,846
502	Parks	City Hall landscaping	161,348
502	Fire	Purchase fire truck	999,991
512	Water	Utility work for street projects	4,526,288
520	Wastewater	Utility work for street projects	4,433,837
GRAND TOTAL			12,005,603



City Council

November 7, 2017



Budget Amendment

	Revenue	Expense
Peak Hours Ambulance/VPN/ Fire Station 4	415,639	415,639
Police SWAT State Grant	26,500	26,500
Carryover of prior year's allocations for incomplete projects	-	12,005,603



Staffing Levels

- Reallocated FTE from third Assistant Police Chief to an additional Police Officer





City Council

November 7, 2017



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 21, 2017

Item type: Regular Item

Caption:

Consider ratifying COSADC's resolution authorizing the use of sales and use tax funds in an amount not to exceed \$40,260 to provide an Economic Development Incentive to Elite Solutions, Inc., for a project related to Business Enterprises that create or retain primary jobs, as authorized for a Type B Corporation under Local Government Code Chapter 501 Subchapter C (Presentation by Economic Development Director Roland Peña)

Summary/History:

Elite Solutions is a technology contractor headquartered out of San Angelo, Texas that installs cable networks, multimedia systems, cameras etc. with low voltage technology at hospitals, schools, universities and businesses. They currently employ 24 people at their San Angelo location. 70-90% of their business is conducted outside of the City of San Angelo and they maintain 60-70% of the market share within San Angelo. They would like to expand their businesses by converting an empty room at the back of their current facility into a BICSI Authorized Training Facility at a cost of approximately \$75,000. This would be the only type of its facility in West Texas and would attract around 60 students each year from around the State to train and learn at this facility. They would also like to build a shop, located at their current facility, to help store their products/inventory at a cost of approximately \$100,000. If these improvements are made, they anticipate the need to hire around 7 employees with an average salary of \$34,000 each year for the next 4 years. This Project will support \$8.7 million in annual economic output or sales for businesses in the community and increase the GAP by \$5.5 million.

Financial Impact:

Up to \$40,260 in Economic Development Incentives

From: Future Projects Budget

For: New Project

Budget Amendment in process

Other Information/Recommendation:

Attachments:

- | | |
|-------------------------------|---------------------------------------|
| 1. Elite Solutions Resolution | 17-XXX_COSADC_ELITE_PROJECT_RESO.docx |
|-------------------------------|---------------------------------------|

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

A RESOLUTION OF THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION BOARD OF DIRECTORS AUTHORIZING THE USE OF SALES AND USE TAX FUNDS IN AN AMOUNT NOT TO EXCEED \$40,260, TO PROVIDE AN ECONOMIC DEVELOPMENT INCENTIVE TO ELITE SOLUTIONS, INC. FOR A PROJECT RELATED TO BUSINESS ENTERPRISES THAT CREATE OR RETAIN PRIMARY JOBS, AS AUTHORIZED FOR A TYPE B CORPORATION UNDER LOCAL GOVERNMENT CODE CHAPTER 505, SUBCHAPTER D.

WHEREAS, The voters of the City of San Angelo on November 2, 2010 approved the use of sales and use tax proceeds for the continued economic development projects authorized under Section 4B of the Act, including but not limited to, the development, promotion, creation, retention, or expansion of business enterprises that create or retain primary jobs, including suitable infrastructure, and

WHEREAS, Elite Solutions, Inc. would like to invest approximately ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000) for capital improvements and commercial personal property and,

WHEREAS such investment by Elite Solutions, Inc. could create up to twenty eight (28) new Full Time Equivalent (FTE) positions, and,

WHEREAS, Elite Solutions, Inc. has requested incentives from COSADC to facilitate such investment and job creation, and

WHEREAS, at least sixty (60) days prior to undertaking a project, a public notice of the specific project shall be published and at least one public hearing shall be held by the Development Corporation prior to expending funds on the Project in compliance with the requirements of the Development Corporation Act, Sections 505.159 and 505.160 of the Local Government Code and

WHEREAS, the City of San Angelo Development Corporation will hold a Public Hearing on the Project at its November 15th, 2017 meeting;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION THAT:

The City of San Angelo Development Corporation offers this Resolution authorizing the use of sales and use tax funds as an economic development incentive to Elite Solutions, in an amount not to exceed \$40,260; authorizing the Director of Economic Development to prepare an economic development performance agreement with Elite Solutions 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.

CITY OF SAN ANGELO DEVELOPMENT CORPORATION

ATTEST:

By: _____
Edward Carrasco, President

Bryan Kendrick, Corporate Secretary

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 21, 2017

Item type: Regular Item

Caption:

Consider appeal of the Planning Commission's denial of two variances associated with the Third Replat in Block Two, Sunset Ranch Estates, Section Two: (1) a variance from Chapter 10.III.A.1 to allow Grand Canal Road, a Collector Street, to maintain 50 feet of right-of-width in lieu of 60 feet and (2) a variance from Chapter 10.III.A.2 to allow Grand Canal Road, a Collector Street, to maintain 28 feet of paving width in lieu of 50 feet, on 3.795 acres generally located approximately 1,230 feet southwest from the intersection of South U.S. Highway 277 and Grand Canal Road - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

The approved replat by the Planning Commission on August 21, 2017, divided 2.595 acres of Lot 17A of the Second Replat into two separate tracts fronting Grand Canal Road, and combined the remaining 0.5 acres of Lot 17A into Lot 16K of the First Replat fronting Clarice Court. As part of the approval, the Planning Commission denied the requested variances from minimum required right-of-way and paving width on Grand Canal Road. Chapter 1.IV.C.1 of the Land Development and Subdivision Ordinance allows a developer to appeal to City Council of action taken by the Planning Commission on a requested variance. On September 7, 2017, the developer of Lots 17C and 17D appealed the Planning Commission decisions on the requested variances from right-of-way and paving width requirements.

Financial Impact:

Granting these variances to allow substandard streets could result in additional costs to the City if these roads are expanded in the future to meet City standards, which would then be the responsibility of the City (and taxpayers) rather than the developer.

Other Information/Recommendation:

City Council on October 3, 2017, tabled this item to allow for Council members to conduct a site visit.

On August 21, 2017, the Planning Commission voted to APPROVE the Third Replat in Block Two, Sunset Ranch Estates, Section Two, denial of two variances, and setting aside two variances.

Commissioner Stribling made a Motion to APPROVE the Replat as presented, DENY the variance from Chapter 10.III.A.1 of the Subdivision Ordinance to maintain a 50-foot right-of-way on Grand Canal Road; DENY the variance from Chapter 10.III.A.2 of the Subdivision Ordinance to maintain a 28-foot paving width on Grand Canal Road; SET ASIDE a variance from Chapter 9.III.A.5 of the Subdivision Ordinance from dedication of street right-of-way and paving width improvements for Grand Canal Road, a Collector Street (redundant request); and SET ASIDE a variance from Chapter 9.V for a sidewalk on Grand Canal Road (not required). Commissioner Spano seconded the Motion. The Motion passed, 6-0.

At 10:12 a.m., Commissioner Farmer asked for permission to reconsider a motion for this item to request that Condition #5 requiring a drainage study be moved to the permitting stage, as he believed that was the intent of the original

motion. Chairperson Priess concurred and a new motion was presented.

Commissioner Farmer made a new Motion to APPROVE the Replat, MODIFYING Condition #5 to allow the drainage study to be deferred to the permitting stage, DENY the variance from Chapter 10.III.A.1 of the Subdivision Ordinance to maintain a 50-foot right-of-way on Grand Canal Road; DENY the variance from Chapter 10.III.A.2 of the Subdivision Ordinance to maintain a 28-foot paving width on Grand Canal Road; SET ASIDE a variance from Chapter 9.III.A.5 of the Subdivision Ordinance from dedication of street right-of-way and paving width improvements for Grand Canal Road, a Collector Street (redundant request); and SET ASIDE a variance from Chapter 9.V for a sidewalk on Grand Canal Road (not required). Commissioner Spano seconded the Motion. The Motion passed, 6-0.

Attachments:

- 1. Staff Report PL_Sunset_Ranch_3rdReplat report FINAL.pdf

Presentation:

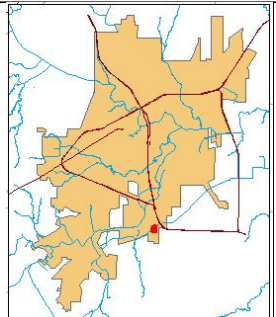
Jon James

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 – October 3, 2017
STAFF REPORT

APPLICATION TYPE:	CASE:		
Planning Commission Appeal	Appeal of the Planning Commission's denial of two variances associated with the Third Replat in Block Two, Sunset Ranch Estates, Section Two: (1) a variance from Chapter 10.III.A.1 to allow Grand Canal Road, a Collector Street, to maintain 50 feet of right-of-width in lieu of 60 feet; and (2) a variance from Chapter 10.III.A.2 to allow Grand Canal Road, a Collector Street, to maintain 28 feet of paving width in lieu of the required 50 feet		
SYNOPSIS:			
The approved replat by the Planning Commission on August 21, 2017, divided 2.595 acres of Lot 17A of the Second Replat into two separate tracts fronting Grand Canal Road, and combined the remaining 0.5 acres of Lot 17A into Lot 16K of the First Replat fronting Clarice Court. As part of the approval, the Planning Commission denied the requested variances from minimum required right-of-way and paving width on Grand Canal Road. Chapter 1.IV.C.1 of the Land Development and Subdivision Ordinance allows a developer to appeal to City Council of action taken by the Planning Commission on a requested variance. On September 7, 2017, the developer of Lots 17C and 17D appealed the Planning Commission decisions on the requested variances from right-of-way and paving width requirements.			
LOCATION:		LEGAL DESCRIPTION:	
1245 Grand Canal Road and 6622 Clarice Road; generally located approximately 1,230 feet southwest from the intersection of South U.S. Highway 277 and Grand Canal Road		Being 3.795 acres of land comprised of Lot 17A, Second Replat in Block 2, Sunset Ranch Estates, Section Two, and Lot 16K, First Replat in Block 2, Sunset Ranch Estates.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FLU:
SMD District: Tommy Hiebert (SMD#1) Neighborhood: Country Club		Lot 17C & 17D: OW North 0.5 ac Lot 16K1: OW South 0.7 ac Lot 16K1: RS-	SIZE: 3.795 acres
THOROUGHFARE PLAN:			
Grand Canal Road – Urban Collector Street Required: 60' right-of-way, 50' pavement Provided: 50' right-of-way, 28' pavement (variances of right-of-way and paving width denied and appealed) Clarice Court – Urban Local Street Required: 100' cul-de-sac diameter, 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk Provided: 100' cul-de-sac diameter, 50' right-of-way, 40' pavement and no sidewalk			
NOTIFICATIONS:			
On August 4, 2017, notification was published in the <i>San Angelo Standard-Times</i> , and 18 notifications were mailed to owners within a 200-foot radius as required for this replat. Staff received one response in support and zero in opposition. Notifications are not required for appeals to City Council.			
STAFF RECOMMENDATION:			
Staff recommends that City Council upholds the Planning Commission's DENIAL of (1) a variance from Chapter 10.III.A.1 to allow Grand Canal Road, a Collector Street, to maintain 50 feet of right-of-width in lieu of the required 60 feet and (2) a variance from Chapter 10.III.A.2 to allow Grand Canal Road, a Collector Street, to maintain 28 feet of paving width in lieu of the required 50 feet.			
PROPERTY OWNER/PETITIONER:			
Property Owner(s): Luke Burnett, William and Debra Taylor Agent: Herb Hooker, SKG Engineering, LLC			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information:

As per Chapter 1.IV.C.1 of the Land Development and Subdivision Ordinance, the developer of Lots 17C and 17D has appealed to City Council the Planning Commission's denial of the requested variances from right-of-way (10.III.A.1) and paving width (10.III.A.2) requirements. In their appeal letter, the developer has outlined their reasons for appeal for each of the variances. For the right-of-way variance appeal, the developer has indicated that the additional 5-foot right-of-way dedication would require the relocation of their existing privacy fence and detention pond. For the paving width appeal, the applicant believes that the additional 11 feet of paving width would be counter-productive as this is the last unimproved lot on the 3,500-foot stretch of the south side of Grand Canal Road. The developer further indicates that the Federal Government owns the land to the north for an irrigation canal, and therefore, the north side of Grand Canal will not be developed.

Variances: As indicated above, the applicant has appealed the Planning Commission's denial of two variances from the Land Development and Subdivision Ordinance: a variance from Chapter 10.III.A.1 to allow Grand Canal Road, a Collector Street, to maintain 50 feet of right-of-width in lieu of the required 60 feet, and a variance from Chapter 10.III.A.2 to allow Grand Canal Road, a Collector Street, to maintain 28 feet of paving width in lieu of the required 50 feet. In accordance with Chapter 1, Section IV.A, the Planning Commission **shall not approve** a Variance unless the request meets the four criteria below based upon the evidence that is presented:

1. The granting of the Variance will not be detrimental to the public safety, health or welfare, or be injurious to other property.

As stated in their appeal letter, the developer has indicated that the additional 5-foot right-of-way dedication would require the relocation of their existing privacy fence and detention pond. In addition, they claim that because the Federal Government owns the land to the north for an irrigation canal, the north side of Grand Canal will likely not be developed. The developer also believes that the additional 11 feet of paving width would be counter-productive as this is the last unimproved lot on the 3,500-foot stretch of the south side of Grand Canal Road. Engineering Services and the Planning Division disagree for several reasons. First, Staff believes that previous Planning Commissions and City Councils had granted variances from right-of-way and paving improvements along this stretch of Grand Canal Road based on less intense development patterns at that time. The original Section 2 of Sunset Ranch Estates, approved by City Council on November 4, 1997, stretched 1,861 feet from Templin Road north to 1221 Grand Canal Road and had Lot 16 as a single 10.999-acre future development block and Lot 17 as a single 4.59-acre future development block. Council approved full variances from any right-of-way dedication or paving improvements at the time. By May 3, 2005, when City Council approved the First Replat, now Clarice Court, the 10.999-acre lot was divided into 14 additional lots, increasing the need for street improvements to service the new residential lots. In their 2005 decision, City Council concurred with Planning Staff's recommendations that the applicant had to pave one-half of the required paving width on the south side of Grand Canal Road adjacent to the plat. A variance was granted, however, from the additional right-of-way on the grounds that this could be obtained at a later date from the U.S. Government, which owns the irrigation canal property to the north. This, however, has not occurred, and the current right-of-way is deficient by 10 feet. Staff believes that without obtaining additional right-of-way along Grand Canal Road, it will be difficult to make necessary improvements to Grand Canal Road in future.

Engineering Services has indicated that the City has made paving improvements along Country Club Road, the southerly extension of Grand Canal Road, as well as Grand Canal Road in order to adequately serve the growing area. According to Engineering Services, these improvements were made in 2008-09. In addition, new development is occurring farther down on Country Club Road. As this development continues to grow, this will put additional strain on the existing road network resulting in the need to widen Grand Canal Road. Any current commitments for additional right-of-way or paving will reduce the burden on taxpayers to pay for additional right-of-way and paving improvements that will likely be required in future. The ordinance only requires an additional five feet of right-of-way along the south side of Grand Canal Road.

2. The conditions upon which the request for a Variance is based are unique to the property for which the Variance is sought and are not applicable generally to other property.

The applicant believes that the property is unique because it is in a developed area that has already been platted. Staff does not consider that being in an area surrounded by development creates uniqueness on its own. As stated above, previous Councils and Commissions had granted variances for street improvements where development patterns were less intense with lower lot yields. Granting more variances for this property would leave additional portions of Grand Canal deficient, requiring taxpayers to cover more improvements, in addition to already having to pay for patches of additional portions that were never fully built due to previous variances. Requiring the developer to pay their fair share of the required improvements is not only financially equitable, but is required by the Subdivision Ordinance. Providing the City with the additional 5 feet, or one-half of the 10 feet necessary for a required 60 feet of right-of-way, and the additional 11 feet or one-half of the required 22 feet needed to meet the standard of 50 feet of paving width on Grand Canal Road, will ensure that the road is built to adopted City Standards.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

The applicant believes that existing topographical conditions, including drainage, would create an additional hardship to the owner. Engineering Services did not identify any constraints or drainage patterns that would create any additional hardship. Planning Staff does not see any other hardship in this case. The City typically requires developers to provide additional right-of-way and paving width where there are deficiencies to ensure that improvements are made and additional costs are not borne by the city or its residents.

4. The Variance will not, in any significant way, vary the provisions of applicable ordinances.

The applicant believes that the existing right-of-way and paving width already functions as a unified component of the surrounding neighborhood and commercial developments. Staff disagrees for the reasons stated above. As the area continues to expand and additional lots are platted or replatted, existing deficiencies would only be increased with another exception and another lost opportunity to make the necessary improvements on city streets.

Planning Commission Recommendation:

On August 21, 2017, the Planning Commission recommended **APPROVAL** of the Replat, **MODIFYING Condition #5** to allow the drainage study to be deferred to the permitting stage, **DENIED** the variance from Chapter 10.III.A.1 of the Subdivision Ordinance to maintain a 50-foot right-of-way on Grand Canal Road; **DENIED** the variance from Chapter 10.III.A.2 of the Subdivision Ordinance to maintain a 28-foot paving width on Grand Canal Road; **SET ASIDE** a variance from Chapter 9.III.A.5 of the Subdivision Ordinance from dedication of street right-of-way and paving width improvements for Grand Canal Road, a Collector Street (redundant request); and **SET ASIDE** a variance from Chapter 9.V for a sidewalk on Grand Canal Road (not required). The following is the complete excerpt of the minutes from the August 21, 2017, meeting for this case:

Jeff Fisher, Senior Planner, presented the proposed replat case. He explained that the applicant planned to divide the majority of the original Lot 17A fronting Grand Canal Road into two new lots zoned Office Warehouse (OW) and replat the remnant 0.5-acre property into a larger Lot 16K zoned Single-Family Residential (RS-1). Mr. Fisher outlined Staff's rationale for denial of the variance requests from providing additional right-of-way and paving width on Grand Canal Road. He explained that there was an increased lot yield in the area and this acted as a justification for the additional paving width on Grand Canal Road, a Collector Road. He also indicated that past right-of-way variances along Grand Canal Road were based on the assumption that the Federal Government, which owned land to the north, would dedicate some of this land to the City for right-of-way but that this never occurred.

Chairperson Priess opened the public comment portion of the hearing.

Russell Gully, with SKG Engineering, representing the applicant, indicated that his client would dedicate the additional five feet of required right-of-way but maintained his request for a variance from the additional 11 feet of paving width along Grand Canal Road. He stated that the City had made improvements to Grand Canal Road and Country Club Road from Highway 277 west to the City Limits sometime between 2008 and 2010, and that they had determined that the current width was appropriate. He reaffirmed his position that it would not be equitable to require the developer to make street improvements for only two additional lots. He also believed traffic would not significantly increase from the proposed replat.

Mr. Gully also asked that condition #5, requiring a drainage study, be deferred to the permitting stage, and that he was in agreement with Staff on condition #6 to clarify which lots will benefit from the access easement which he believed was Lot 17C.

Commissioner Stribling made a Motion to APPROVE the Replat as presented, DENY the variance from Chapter 10.III.A.1 of the Subdivision Ordinance to maintain a 50-foot right-of-way on Grand Canal Road; DENY the variance from Chapter 10.III.A.2 of the Subdivision Ordinance to maintain a 28-foot paving width on Grand Canal Road; SET ASIDE a variance from Chapter 9.III.A.5 of the Subdivision Ordinance from dedication of street right-of-way and paving width improvements for Grand Canal Road, a Collector Street (redundant request); and SET ASIDE a variance from Chapter 9.V for a sidewalk on Grand Canal Road (not required). Commissioner Spano seconded the Motion. The Motion passed, 6-0.

At 10:12 a.m., Commissioner Farmer asked for permission to reconsider a motion for this item to request that Condition #5 requiring a drainage study be moved to the permitting stage, as he believed that was the intent of the original motion. Chairperson Priess concurred and a new motion was presented.

Commissioner Farmer made a new Motion to APPROVE the Replat, MODIFYING Condition #5 to allow the drainage study to be deferred to the permitting stage, DENY the variance from Chapter 10.III.A.1 of the Subdivision Ordinance to maintain a 50-foot right-of-way on Grand Canal Road; DENY the variance from Chapter 10.III.A.2 of the Subdivision Ordinance to maintain a 28-foot paving width on Grand Canal Road; SET ASIDE a variance from Chapter 9.III.A.5 of the Subdivision Ordinance from dedication of street right-of-way and paving width improvements for Grand Canal Road, a Collector Street (redundant request); and SET ASIDE a variance from Chapter 9.V for a sidewalk on Grand Canal Road (not required). Commissioner Spano seconded the Motion. The Motion passed, 6-0.

Recommendations: Staff recommends that City Council do the following:

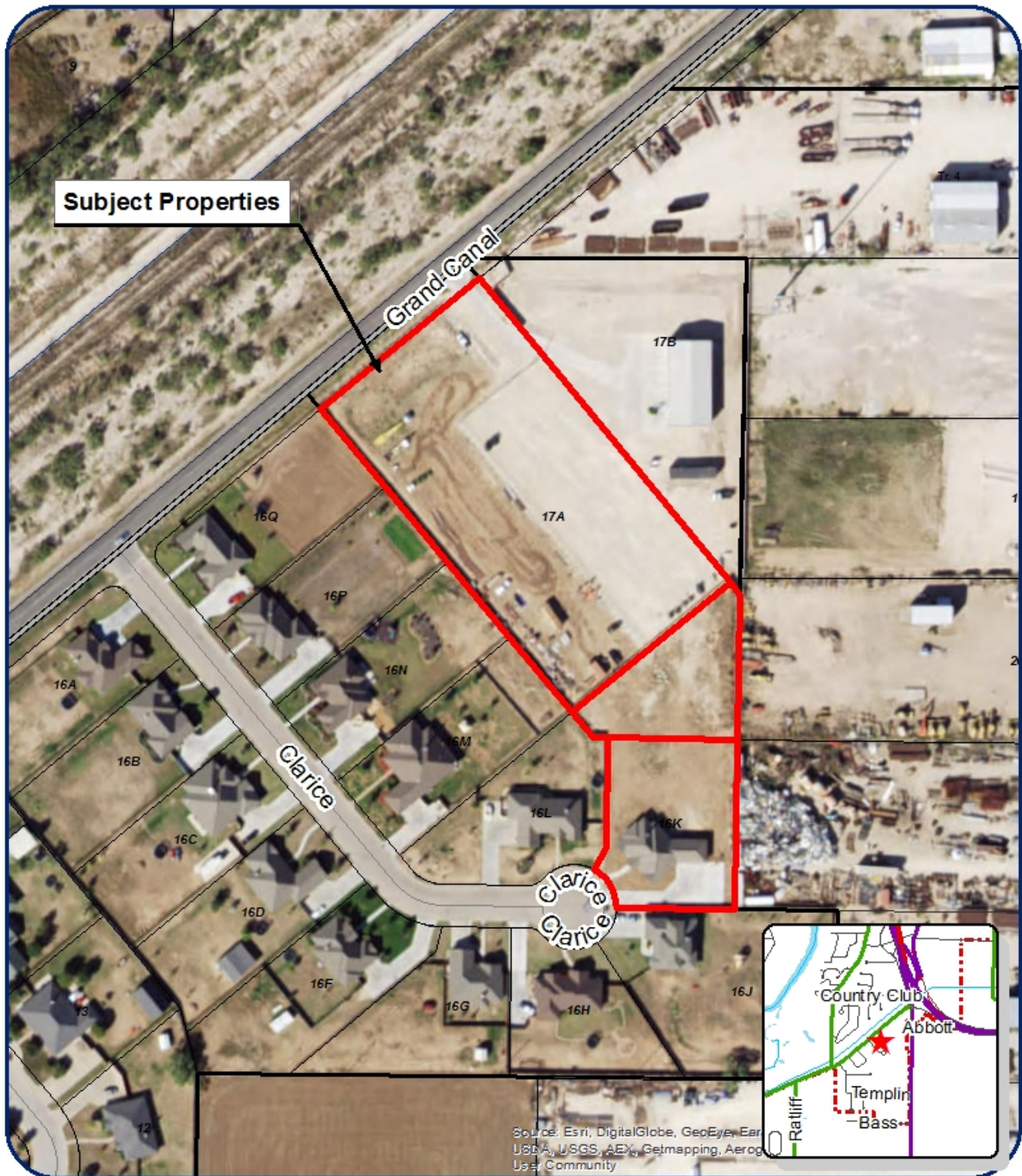
DENY the appeal of the Planning Commission's denial of the variance from Chapter 10.III.A.1 to allow Grand Canal Road, a Collector Street, to maintain 50 feet of right-of-width in lieu of the required 60 feet; and,

DENY the appeal of the Planning Commission's denial of the variance from Chapter 10.III.A.2 to allow Grand Canal Road, a Collector Street, to maintain 28 feet of paving width in lieu of the required 50 feet;

Attachments:

- Aerial Map
- Future Land Use Map
- Zoning Map
- Existing Road Network Map
- Appeal Letter from Developer
- Approved Replat
- Application for Replat

Staff Report – Appeal of Variances, Third Replat in Block Two, Sunset Ranch Estates, Section Two
October 3, 2017



Sunset Ranch Estates, Section Two

3rd Replat in Blk 2

Council District: Tommy Hiebert (SMD #1)

Neighborhood: Country Club

Scale: 1" approx. = 150 ft

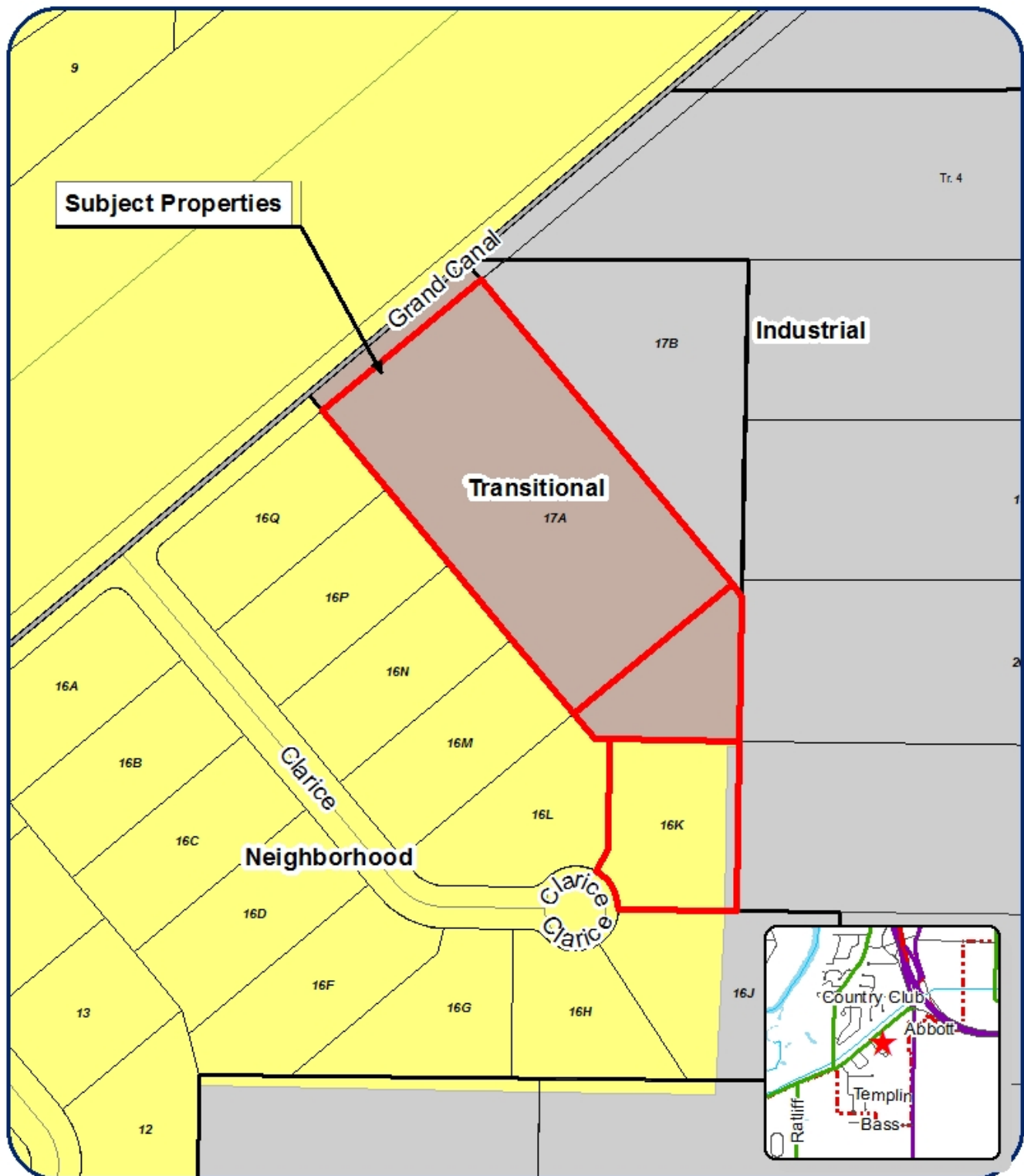
Subject Property: Lot 17A, 2nd Replat & Lot 16K, 1st Replat

Legend

Subject Properties: —
Current Zoning: Lot 17A: OW / Lot 16K: RS-1
Requested Zoning Change: N/A
Vision: Transitional



Staff Report – Appeal of Variances, Third Replat in Block Two, Sunset Ranch Estates, Section Two
October 3, 2017



Sunset Ranch Estates, Section Two

3rd Replat in Blk 2

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Legend

Subject Properties: —

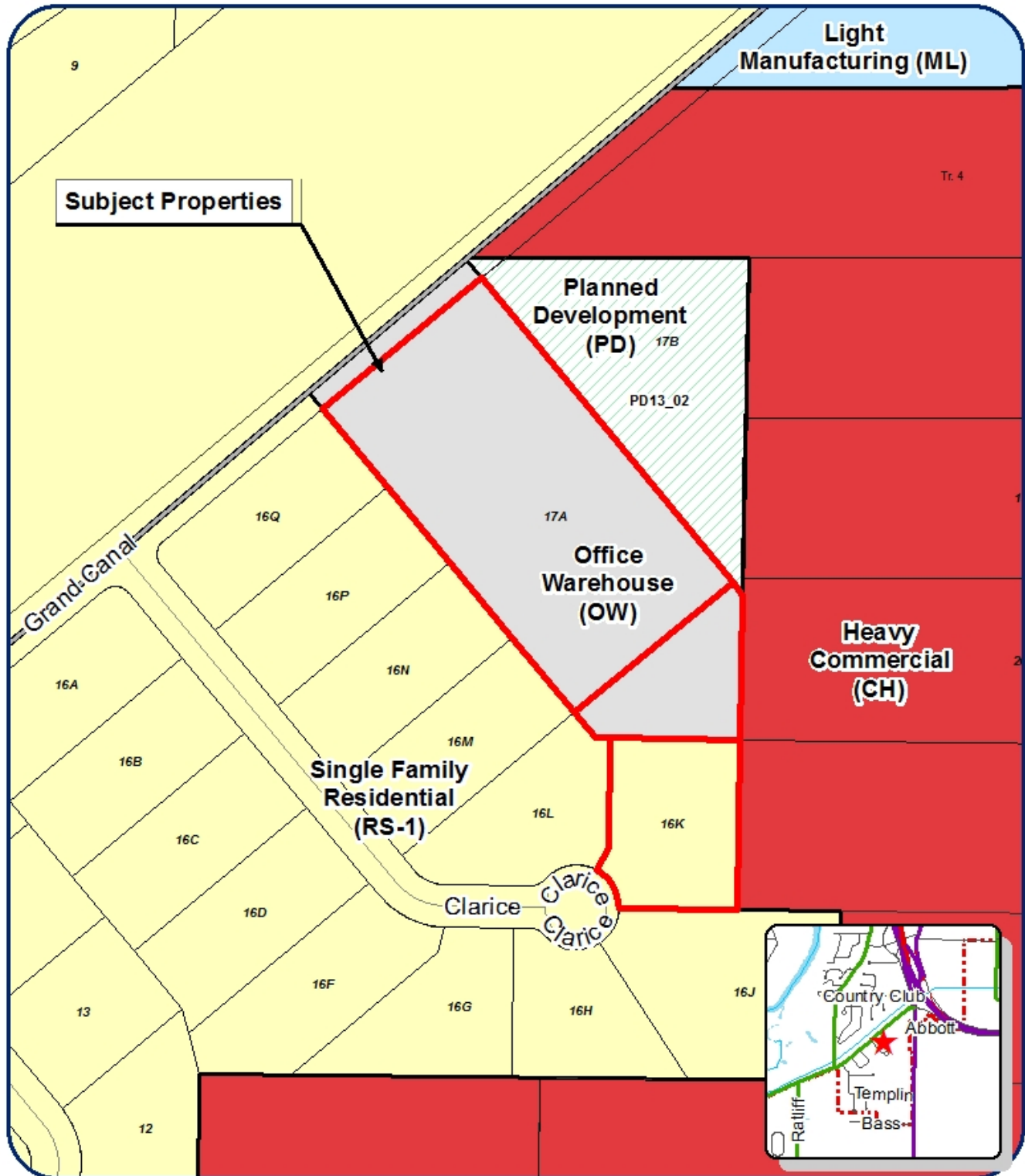
Current Zoning: Lot 17A: OW / Lot 16K: RS-1

Requested Zoning Change: N/A

Vision: Transitional



Staff Report – Appeal of Variances, Third Replat in Block Two, Sunset Ranch Estates, Section Two
October 3, 2017



Sunset Ranch Estates, Section Two

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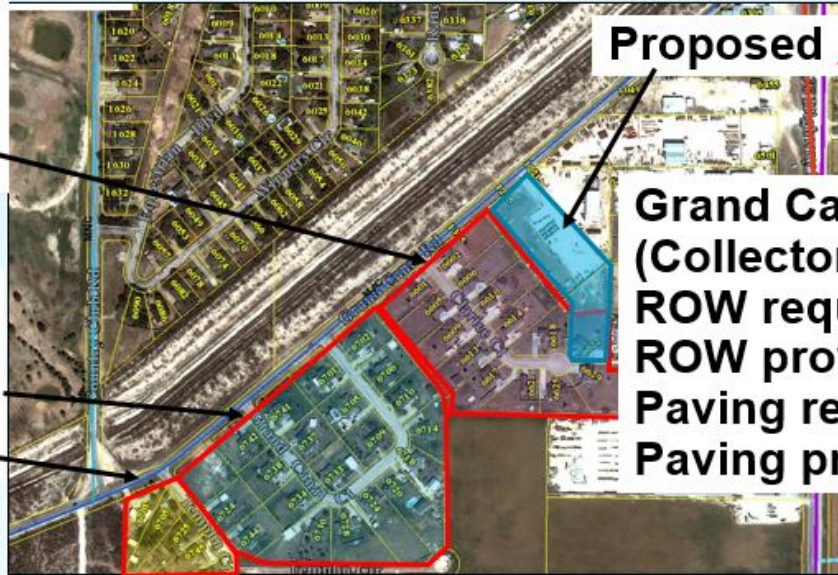
Vision: Transitional



Existing Road Network

**R.O.W. full
variance
($\frac{1}{2}$ paving
required)**

**R.O.W.
and
paving full
variances**



Proposed replat

**Grand Canal Rd
(Collector Street)
ROW required: 60'
ROW provided: 50'
Paving required: 50'
Paving provided: 28'**



Fisher, Jeff

From: Luke Burnett <lukelburnett@gmail.com>
Sent: Thursday, September 7, 2017 12:01 PM
To: Fisher, Jeff
Cc: Loren Edwards
Subject: Fwd: Appeal third replace block 2 sunset ranch estates sec 2

Luke L. Burnett

Appeal Third replat block 2 Sunset Ranch Estates Sec2

>>

>> I would like to appeal the planning commissions 8-21-2017 denial for variances changes to the City Council.

>>

>> Item 10.III.A.1. The right away to be widened by 10' 5' on proposed lot will required the relocation of the fences and detention pond on the proposed lot which but will not be necessary if the 10.III.A.2 isn't required

>>

>> Item 10.III.A.2 The requirement to widen the road by 22 feet 11 feet being my responsibility. Under normal conditions the owner of the property on the other side of the road would be required to widen their side upon future improvements to said adjacent land. In this particular case that will never happen since the land is owned by the federal government for the irrigation canal system for the area. According to the water district in charge of managing the canal there are no plans do away with the canal or its use to local farmers.

>>

>> Recent (within the last few years). This recently finished division share the same properties lines as the proposed lot and those lots will not be redeveloped anytime in the foreseeable future. So an addition 11 foot of paving on 196' of roadway will be of no use to anyone.

>> This is the last unimproved lot on Grand Canal in this section of the road. The widening of 196' of the 3500' of the roadway seems counter productive and a waste of resources.

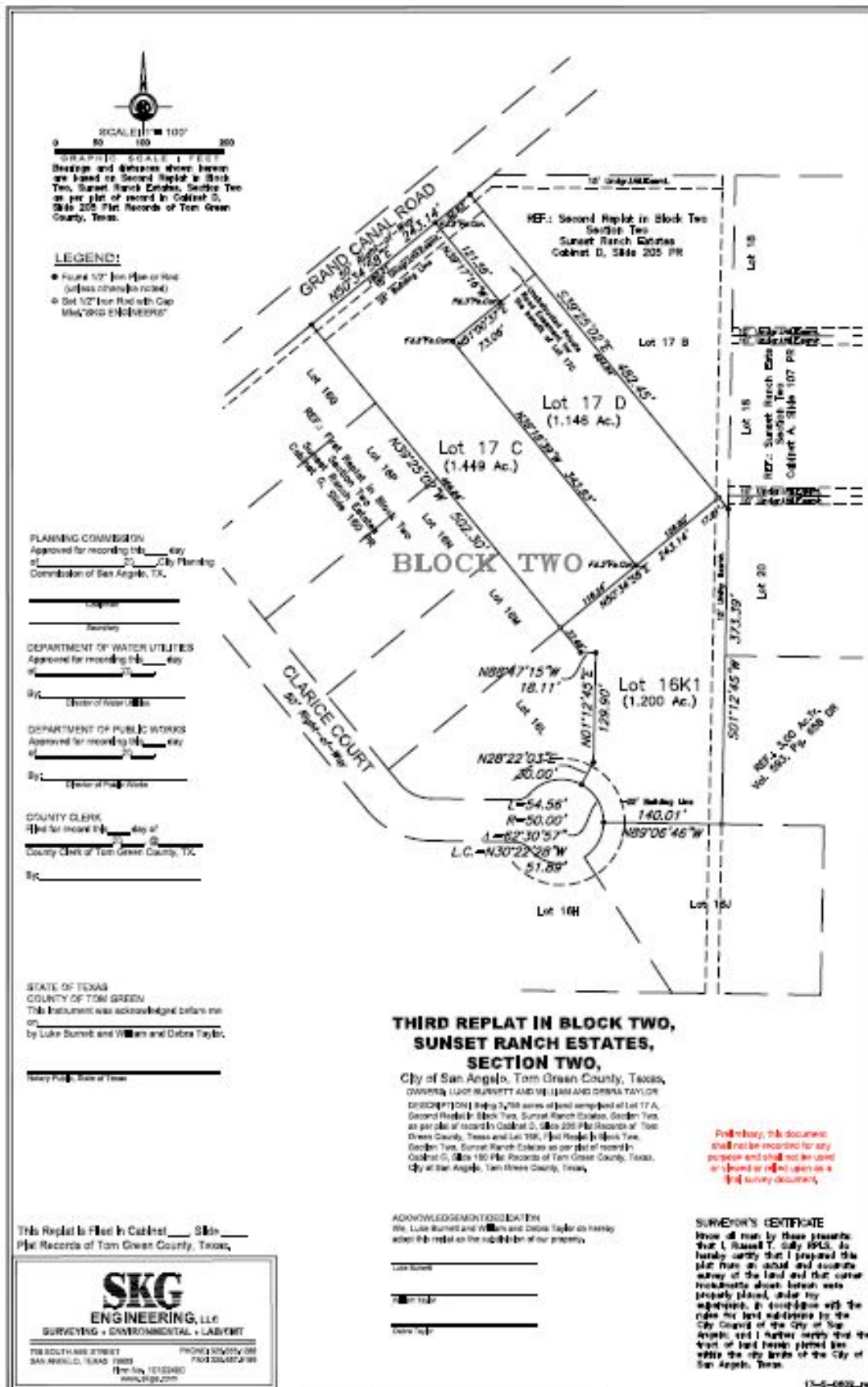
>>

>> I also understand planning commission doesn't take expenditure into consideration when making descisions. As a business owner and tax payer I do. The expense to meet these requirements makes the property basically unsellable because the price per sqft is more than triples what the market will handle. In turn a vacant lot sits and stays undeveloped generating much less property tax for the city and county.

Thank You!!!

Luke L. Burnett

Staff Report – Appeal of Variances, Third Replat in Block Two, Sunset Ranch Estates, Section Two
October 3, 2017



Staff Report – Appeal of Variances, Third Replat in Block Two, Sunset Ranch Estates, Section Two
October 3, 2017



City of San Angelo, Texas - Planning
Land Subdivision Application



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

Section 1: Basic Information

Third Replat in Block Two, Sunset Ranch Estates, Section Two

Proposed Subdivision Name

Lot 17 A, Second Replat in Blk. Two, Sec. Two and Lot 16K, First Replat in Blk. Two, Sec. Two, Sunset Ranch Estates

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

65-73600-0002-017-00, 65-73600-0002-017-50, 65-73600-0002-016-40

Tax ID Number(s) (can be found on property tax statement or at www.tomgreencad.com under Geographic ID)

One Authorized Representative must be selected below. All communications regarding this application will be conducted with this individual.

Authorized Representative: ☐ Tenant ☐ Property Owner ☐ Contractor ☒ Engineer

Tenant:

Name	Phone Number	Email Address
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Property Owner:	Luke Burnett & William & Debra Taylor	234-2698(Luke) 212-8061(William)	lukeburnett@wcc.net
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Name	Phone Number	Email Address
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Architect/Engineer/Design Professional:	SKG Engineering	325-655-1288	herbh@skge.com
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Name	Phone Number	Email Address
------	--------------	---------------

Subdivision Type: ☐ Final Plat ☒ Replat - requiring Planning Commission approval ☐ Plat Vacation
☐ Preliminary Plat ☐ Replat - administratively eligible* ☐ Amended Plat

*If claiming eligibility for administrative approval, please note that **all of the following criteria** must be met; otherwise, the application will be scheduled for hearing by Planning Commission according to the adopted COSA submittal schedule.

- includes no more than four new lots or tracts;
- no dedication of land (including right-of-way, right-of-way expansion, corner clip dedication, etc) is required;
- all new lots or tracts front onto an existing public street right-of-way which is fully improved to City specifications;
- no extension of water or sewer mains are required to furnish service to the new lots or tracts;
- there is an absence of need for a detailed drainage plan;
- existing easement(s) for utilities are not removed or realigned without the express written permission from each utility service, or without the formalized release of said easement(s); and,
- in the case of replats requiring notification, no written opposition is received before the close of the public hearing.

Section 2: Utility & Easement Information

Water: ☐ City - requesting new services Proposed size? _____
☒ City - utilizing existing services Existing size? 5/8" _____
☐ Other Please specify: _____

Sewer: ☐ City - requesting new services Proposed size? _____
☐ City - utilizing existing services Existing size? _____
☐ Other Please specify: _____
☒ Septic System Lot size? < 0.5 Ac. _____

(NOTE: Please see Tom Green County Health Department for Septic System Permit 325-658-1024)

Are any off-site drainage, access or other types of easements necessary for this subdivision? ☐ Yes ☒ No

If yes, briefly describe each, including the use and size: _____

Staff Report – Appeal of Variances, Third Replat in Block Two, Sunset Ranch Estates, Section Two
October 3, 2017

Section 3: Property Characteristics	
3.795	3
Total Acreage of Proposed Subdivision/Resubdivision	Total Number of Lots Proposed
Existing Zoning:	
☒ RS-1 ☐ RS-2 ☐ RS-3 ☐ RM-1 ☐ RM-2 ☐ PD (include case number: _____) ☐ R&E ☐ CN ☐ CO ☐ CG ☐ CG/CH ☐ CBD ☒ OW ☐ ML ☐ MH	
Has the zoning or deed restrictions for this property limited each lot to no more than two dwelling units? ☐ Yes ☒ No	
*NOTE: If so, notification is required, and an additional notification fee is required.	
Existing Land Use (Include the number of acres devoted to this use):	
☒ Vacant 2.595 ☒ Single-Family Residential 1.200 ☐ Office _____ ☐ Multi-Family Residential _____ ☐ Industrial/Manufacturing _____ ☐ Commercial/Retail _____	
Proposed Land Use (Include the number of acres devoted to this use):	
☐ Vacant _____ ☒ Single-Family Residential 1.200 ☒ Office 2.595 ☐ Multi-Family Residential _____ ☐ Industrial/Manufacturing _____ ☐ Commercial/Retail _____	
Are there existing structures on the property? ☒ Yes ☐ No	
If yes, how many structures exist? 1 What type of structures exist currently? Residence	
If yes, are any of the structures planned to remain? ☒ Yes (NOTE: requires one copy of proposed plat showing structures to remain) ☐ No	
Are there existing deed restrictions? ☐ Yes ☒ No	
If yes, provide deed reference information: _____	
Is this proposed plat within the ETJ? ☐ Yes ☒ No	
*NOTE: The ETJ (Extra-Territorial Jurisdiction) is an area outside the City limits but encompassing all land within 3 1/4 miles of it.	

Section 4: Variance Requests	
Are any variances for this application being requested? ☒ Yes ☐ No	
If yes, provide all of the following information:	
Request 1: Section & subsection from Subdivision Ordinance from which variance is requested: Ch.9, Sec.III.A.5 & Sec.V & Ch.10, Sec.III.A.1&2	
☒ Full variance requested ☐ Partial variance requested (proposed variation from standard): _____	
Check which of the following criteria apply, & include a detailed explanation of how each item applies to this request. Attach additional sheets if necessary to provide more explanation, or if additional variances are requested.	
☐ The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property. The granting of this variance would not be detrimental to the public safety, health or welfare, or be injurious to other property as this is an existing, functional, roadway and ROW (in use). A sidewalk in this area would not be used and the short lot frontage would effect no benefit of the sidewalk.	
☐ The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property. The conditions on which this request for variance are based are unique to this property in that it exists in a developed area with commercial/industrial uses to the north and residential uses to the south. All the land in this area has been platted and further replats would not be anticipated.	

Staff Report – Appeal of Variances, Third Replat in Block Two, Sunset Ranch Estates, Section Two
October 3, 2017

Section 4, continued

☐ Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

Due to the physical surroundings and topographical conditions including existing drainage, a particular hardship to the owner would result, along with incompatible development conditions.

☐ The variance will not, in any significant way, vary the provisions of applicable ordinances.

Approval of these variances will not, in any significant way, vary the provisions of the applicable ordinances because the existing, developed, conditions embrace the ROW, pavement, and no sidewalks that presently function as a unified component of the existing neighborhood/commercial uses as viable examples of their function with respect to the ordinances.

The owner understands that upon approval of this submitted plat, certain site improvements may be required and that no plats will be released for recording or building permits issued until such improvements are installed and accepted by the City or a suitable performance guarantee is/has been accepted by the City. Furthermore, the owner is aware of all fees and costs involved in applying for subdivision approval and that the subdivision processing fee is payable to the City regardless of the outcome of this request. Lastly, the owner/representative agree to provide recording information of the plat in writing within seven calendar days, as required by Chapter 7.11 of the Subdivision Ordinance.

The undersigned hereby applies for subdivision plat approval in accordance with the subdivision policies and regulations of the City of San Angelo and certifies that the information contained on this application is true and accurate to the best of my knowledge.

Bill Taylor for Debbie J. Taylor
Owner's Signature

7-25-17
Date

Paul Hook
Representative's Signature

7/26/2017
Date

FOR OFFICE USE ONLY:			
Submitted to front desk:	<u>7/25/17</u> Date	Deemed preliminary complete:	<u>3:28pm 7/25/17</u> Date Time Initials <u>gf</u>
Received by Development Services Technician for completeness review:	<u>3:28pm 7/25/17</u> Date Time Initials <u>gf</u>		
Completeness review passed?	☒ Yes <u>7/25/17</u> Date	☐ No _____ Date	
If yes, when was application scheduled for staff review, if applicable?	<u>8/2/17</u> Date	<u>gf</u> Initials	
If no, when was rejection & list of deficiencies (attach copy) sent to Authorized Representative?	_____	_____	Date Initials
Resubmittal received by Development Services Technician for completeness review:	_____	_____	Date Initials
Completeness review passed? (Note: If resubmittal still incomplete after a second review, schedule appointment with Authorized Representative.)			
☐ Yes _____	☐ No _____		
Date Date			
Approvals required for this application:			
Administrative Approval	Approval Date	Case Number	Notes
Planning Commission	_____	_____	_____
City Council (cases with appeal)	_____	_____	_____

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 21, 2017

Item type: Regular Item

Caption:

Consideration of a Resolution by the City of San Angelo, Texas, City Council authorizing the City Manager, or designee, to apply for and accept a Texas Historical Commission Certified Local Government Program Grant for Fiscal Year 2017-2018; approving provision for matching funds equal to fifty percent of the project costs in the form of a combination of matching funds and value of in kind services; and designating the City Manager as the Grantee's Authorized Official - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

The Planning Division, with input from the Design and Historic Review Commission (DHRC), recently undertook a review of the City's River Corridor Development Ordinance, as well as the boundaries of the River Corridor, downtown area, and historic overlay districts and determined that changes were in order, in particular to the current development review process for River Corridor applications; and to the current boundaries of the River Corridor, downtown area, and historical areas. The current ordinance and maps have been in place for over twenty years and staff believes that a revised set of development procedures and design standards will ensure appropriate design and long term growth potential in our City that matches the current desires of the community and the Council. The grant, along with the local match, would provide funding for a Texas Historic Commission-approved consultant to assist with updating these plans/documents.

Financial Impact:

The grant request would be for \$20,000, which is 50% of the total estimated project cost of \$40,000. The City would be responsible for a 50% match (\$10,000 in cash source; plus \$10,000 local in-kind).

Other Information/Recommendation:

Attachments:

- | | | |
|----|------------------|--|
| 1. | Staff Report | PL_Memo_District Overlays_City Council (11-21-17).docx |
| 2. | Draft Resolution | PL_Resolution_District Overlays_City Council (11-21-17).docx |

Presentation:

Jon James

Approvals/Reviews:

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

Jon James
Tina Dierschke
Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jon James, Planning & Development Services Director

Meeting Date: November 21, 2017

Item type: Regular

Caption:

Consideration of a Resolution by the City of San Angelo, Texas, City Council authorizing the City Manager or his designee to apply for and accept a Texas Historical Commission Certified Local Government Program Grant for Fiscal Year 2017-2018; approving provision for matching funds equal to fifty percent of the project costs in the form of a combination of matching funds and value of in kind services; and designating the City Manager as the Grantee's Authorized Official.

Summary/History:

The Planning Division recently undertook a review of the City's River Corridor Development Ordinance, as well as the boundaries of the River Corridor, downtown area, and historic overlay districts and determined that changes were in order, in particular to the current development review process for River Corridor applications; and to the current boundaries of the River Corridor, downtown area, and historical areas. The current ordinance and maps have been in place for over twenty years and since that time, the City has grown. The Planning Division believes that a revised set of development procedures and design standards will ensure appropriate design and long term growth potential in our City.

The Planning Division has recently applied for a Certified Local Government Program Subgrant for historic preservation to cover the project costs of the proposed changes, which include retaining a professional consultant. The Subgrant requested is for \$20,000 and the requested resolution is for matching funds in the amount of \$20,000, fifty percent of the project costs. Of these matching funds, \$10,000 would be for in-kind services and \$10,000 from a local cash source.

The Planning Division's findings and proposed changes were presented to the Design and Historic Review Commission (DHRC) at their meeting on November 2, 2017. The following was proposed (see attached):

1. Repeal of the existing River Corridor Development Ordinance and Map, and the Old Town District (Z10-14) and Map;
2. Creation of a new River Corridor Overlay District, Downtown Overlay District and Cultural Overlay District with associated maps to reflect current and anticipated development trends; and,
3. Creation of a new Section 309 of the Zoning Ordinance outlining a revised approvals process for development in the three new Districts

In summary, the Planning Division believes that the revised maps will better reflect the current boundaries of the three distinct districts – the River Corridor Overlay for properties adjacent to the River; the Cultural Overlay for properties in the current Old Town District as well as art galleries and studios; and the Downtown District which encompasses mainly the properties in the Central Business District (CBD).

The new development process creates a broader definition of "construction" which includes exterior alteration, restoration, rehabilitation, and reroofing; as well as allowing certain requests such as smaller lit signs to be approved administratively without having to be reviewed by the DHRC, a more costly and lengthier process. Finally, the new development process ensures that

improvements that do not require a building permit, such as exterior painting, is now reviewed to ensure consistency in design in these overlay districts.

Estimated timelines for the project are as follows:

1. Conduct meetings with City Staff to review current design guidelines and approvals process for new development applications in the City's River Corridor, Cultural, and Downtown Overlay Districts, and for historically designated properties or landmarks in the City. (April 2018)
2. Research current zoning and design standards in other municipalities in Texas and other States to determine potential new standards. (May 2018)
3. Conduct historical, cultural, and design inventory of occupied and unoccupied buildings, parks, and public spaces to determine potential new standards. (May 2018)
4. Hold public meeting(s) and planning charrette(s) with neighborhood and community groups, Downtown San Angelo, San Angelo Development Corporation (COSADC), environmental preservation groups, and others for comments, feedback, and suggestions. (public meetings and charrettes in June 2018)
5. Begin working on design standards. (July-October 2018)
6. Present draft of design standards discussion at City's Design and Historic Review Commission (DHRC) for comments, feedback, and suggestions. (public meetings in November/December 2018)
7. Revise design standards, as needed. (January-February 2019)
8. Present final draft of design standards discussion at City's Design and Historic Review Commission (DHRC) for comments, feedback, and suggestions. (public meeting in March 2019)
9. Present final draft of design standards for public hearing and consideration at City's Planning Commission. (public meeting in April 2019)
10. Present final draft of design standards for final public hearings and consideration at City Council Meetings. (two Council meetings in May/July 2019)

Attachments:

Proposed Overall Map

Proposed River Corridor Overlay District Map

Proposed Downtown Overlay District Map

Proposed Cultural Overlay District Map

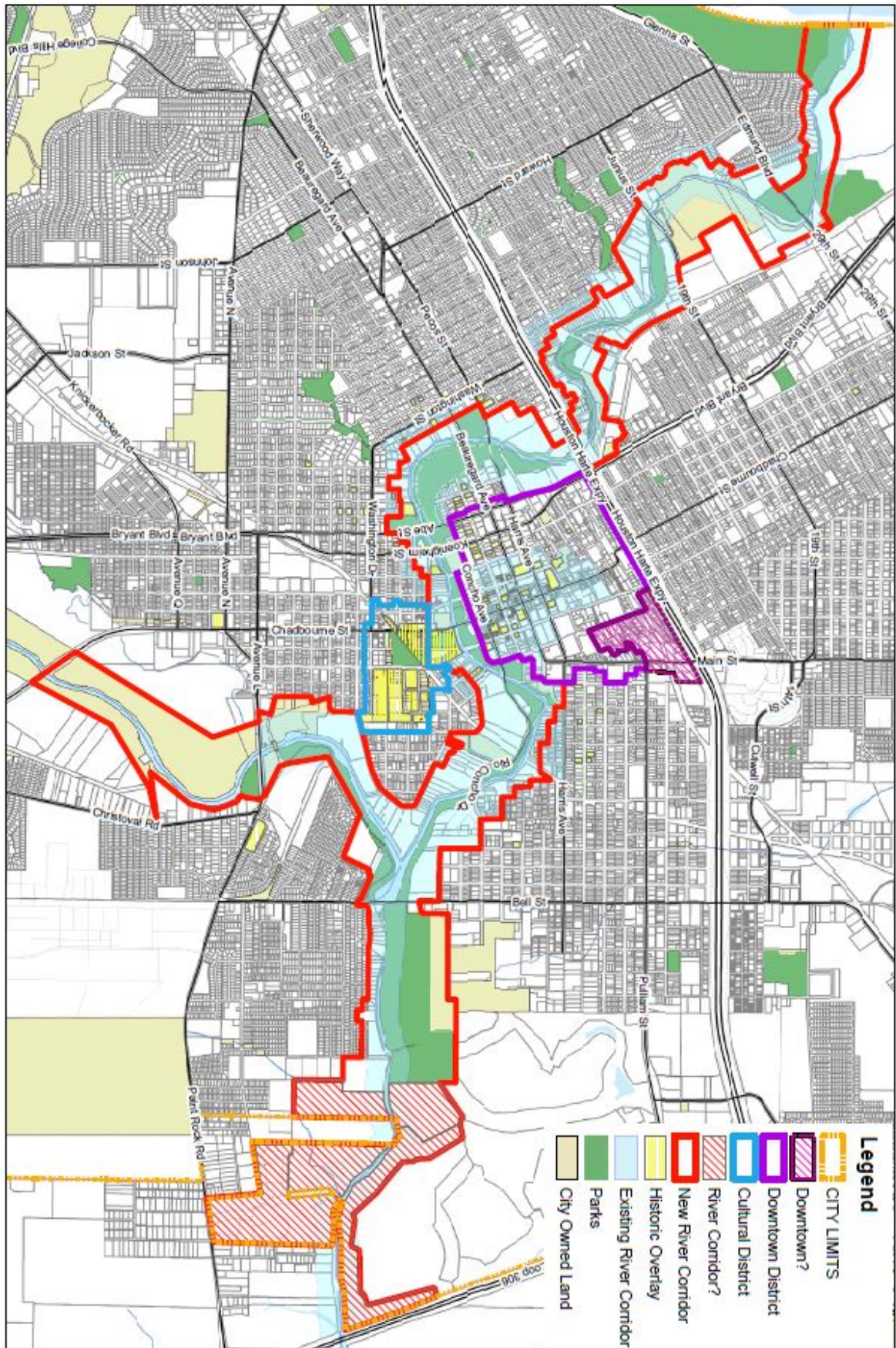
Proposed Development Process Changes – River Corridor, Downtown, and Cultural Overlay Districts

Approvals/Reviews:

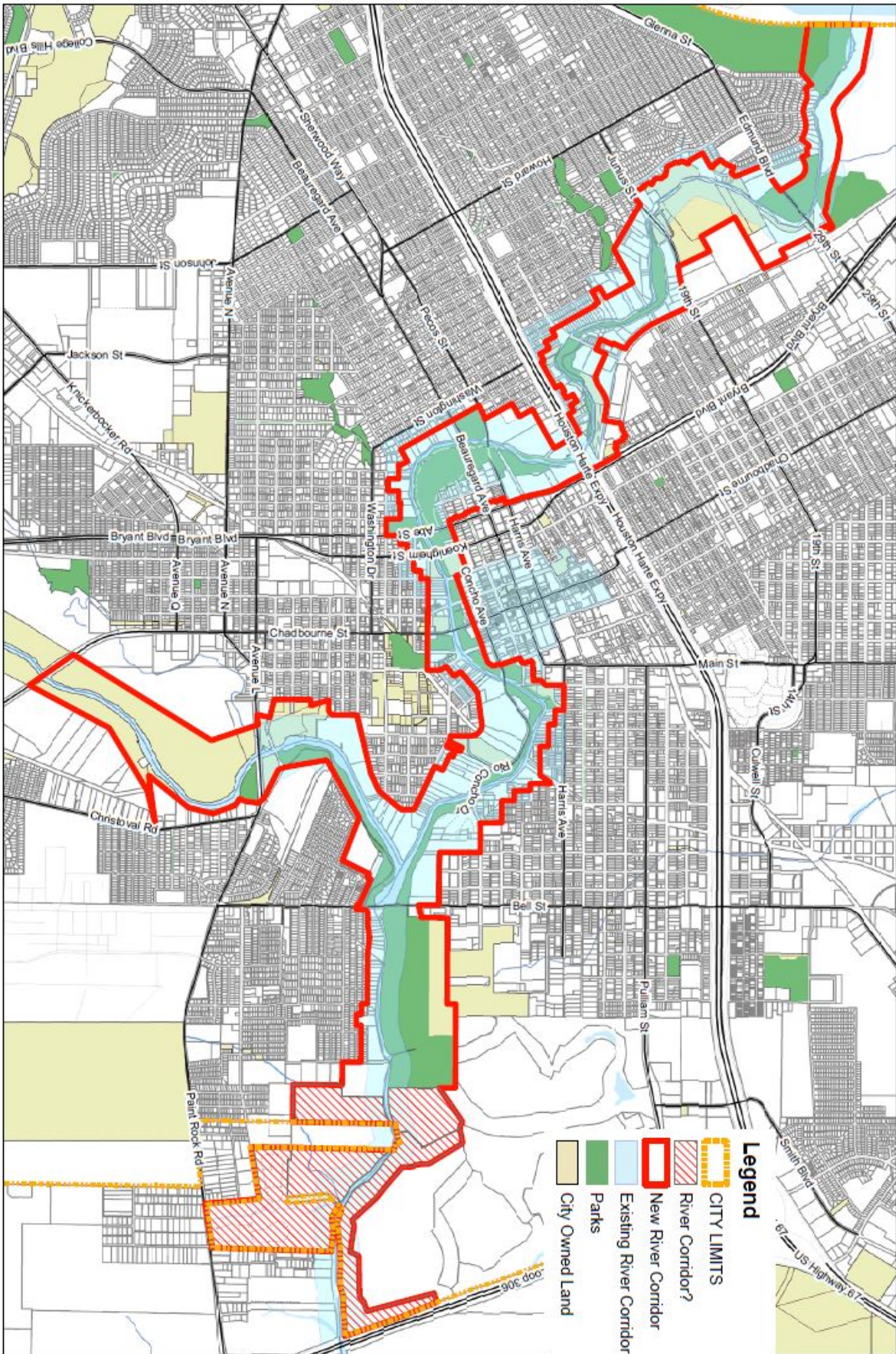
Reviewed by Jon James, Planning & Development Services Director

Reviewed by Dan Saluri, Deputy City Attorney

Overall Map



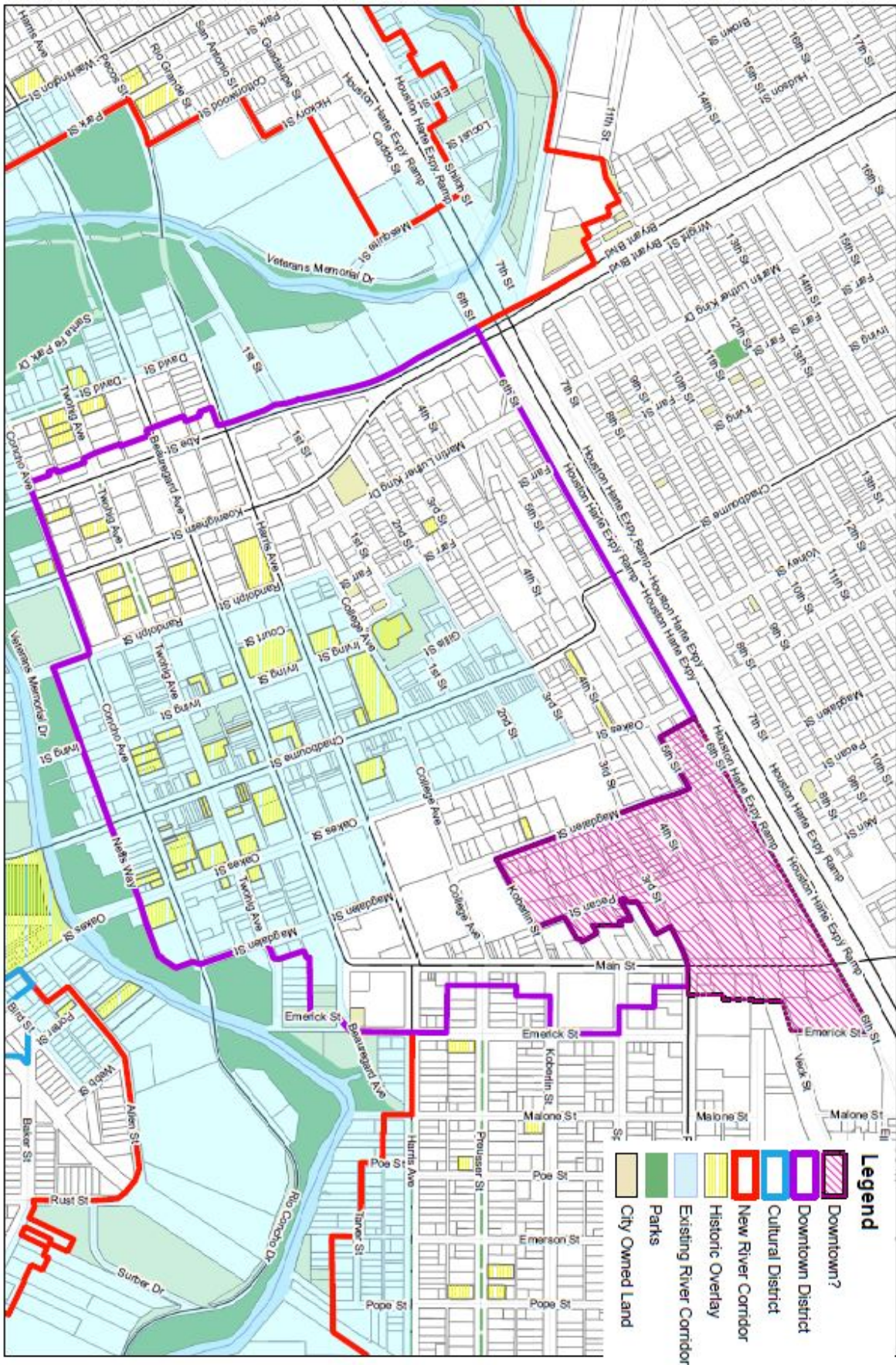
Revised River Corridor Map



Cultural District Map



Downtown District Map



**Summary Table of Proposed Changes:
River Corridor, Downtown and Cultural Overlay Districts**

	Current Ordinances	Proposed Changes
District and Overlays Boundary Maps	Repeal of the River Corridor Development Ordinance and current River Corridor Overlay Map Repeal of the Old Town Historic District (Z10-14) and Old Town District Overlay Map	Creation of new River Corridor Overlay District and Boundary Map Creation of a new Cultural Overlay District and Boundary Map Creation of a new Downtown Overlay District and Boundary Map
When design approval required	Design approval only when a building permit is required Construction definition limited to new construction, remodeling of the exterior of an existing structure, or moving an existing structure onto a lot; includes signs and fences.	Painting, landscaping, and walls and fences under 7 feet exempt from permitting will now require a design review Revised definition of construction to now includes exterior restoration, rehabilitation and reroofing, exterior painting and landscaping.
Administrative approval option	Administrative approvals by Planning Director limited to: - Construction under 1,200 sq. ft. - unlit signs under 50 sq. ft. - fences - construction for safety and access - temporary structures and signs for no more than 10 days - reroofing or remodeling which does not materially change the appearance of a structure	Administrative approvals by Planning Director now include: - Construction of any structure, canopy or awning under 1,000 sq. ft. - unlit signs under 50 sq. ft. and lit signs under 16 sq. ft. - fences or walls without advertising - landscaping associated with a public or private park, or within street right-of-way - exterior painting - telecommunication facilities less than 35 feet in height - construction not visible from a public street right-of-way - Planning Director may refer any application to DHRC

Approval by DHRC required	Administrative approvals by Planning Director limited to: - Construction 1,200 sq. ft. or greater - reroofing or remodeling that materially changes the appearance of a structure	Administrative approvals by Planning Director now include: - Construction of any structure, canopy or awning 1,000 sq. ft. or greater - signs 50 sq. ft. or greater and lit signs 16 sq. ft. or greater - fences or walls with advertising - telecommunication facilities 35 feet in height or greater
Exceptions and Prohibitions	- No stipulation on Intermodal Containers to reflect prohibition in Section 416 of the Zoning Ordinance - No stipulation on maximum height or area of signs to reflect maximums in Sign Ordinance - No stipulation for encroachments into public right-of-way that require City Council approval	- New stipulation consistent with Section 416 of the Zoning Ordinance prohibiting intermodal containers on properties in the River Corridor, Cultural and Downtown Overlay Districts - New stipulation consistent with Sign Ordinance – maximum 30 feet in height and 75 square feet in area in all Overlay Districts - New stipulation consistent with encroachment approval process – signs greater than 16 square feet, and all structures, canopies and awnings projecting more than 6 inches into public right-of-way require City Council approval
Appeal Process	- Only an applicant may file an appeal to the DHRC or City Council	- Expanded definition of parties that can appeal a decision by the Planning Director or DHRC now include “any aggrieved individual,” and the “Planning Director”

A RESOLUTION OF THE CITY OF SAN ANGELO, TEXAS, CITY COUNCIL AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR AND ACCEPT A TEXAS HISTORICAL COMMISSION CERTIFIED LOCAL GOVERNMENT PROGRAM HISTORICAL PRESERVATION GRANT FOR FISCAL YEAR 2017-2018; APPROVING PROVISION FOR MATCHING FUNDS EQUAL TO FIFTY PERCENT OF PROJECT COSTS; AND DESIGNATING THE CITY MANAGER AS THE CITY'S AUTHORIZED GRANT OFFICIAL

WHEREAS, the City Council of the City of San Angelo, Texas, finds that development of a more comprehensive historic and cultural preservation program that will enhance and perpetuate places and areas that represent distinctive, historical, cultural, and architectural elements of the City is in the best interest of the citizens of San Angelo; and,

WHEREAS, the re-designation and redefinition of the City's Planning and Development overlay zones to provide for Downtown, Cultural, and River Corridor overlays and the development of applicable design standards will advance the historical and cultural preservation objectives of the City; and,

WHEREAS, the State of Texas Historical Commission, in partnership with federal and local government, administers a Certified Local Government Program that provides for a Grant in the sum of Twenty Thousand Dollars (\$20,000) for assistance in the development and maintenance of the City's historical and cultural preservation program, conditioned upon a match of fifty percent (50%) of project costs in the form of a combination of matching funds and value of in kind services, for the 2017-2018 fiscal year; and,

WHEREAS, the City Council of the City of San Angelo designates the City Manager as the City's authorized official with authority to apply for and accept the Texas Certified Local Government Program Grant for historic preservation;

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

Section 1. The recitals hereinabove stated are found to be true and correct and are incorporated herein and made a part of this Resolution by reference thereto; and,

Section 2. The City Manager is hereby designated as the City's authorized official under the Texas Certified Local Government Program Grant for historic preservation, and is directed to apply for and accept on behalf of the City the Grant for historic preservation in the sum of Twenty Thousand Dollars (\$20,000), being one half of project costs, to include matching funds equal to the remaining fifty percent (50%) of project costs, in the form of Ten Thousand Dollars (\$10,000) and in-kind services totaling a monetary value of Ten Thousand Dollars (\$10,000) for a total combined match of \$20,000.

PASSED, APPROVED, AND ADOPTED this 21st day of November, 2017.

CITY OF SAN ANGELO

BY: _____
Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

BY: _____
Bryan Kendrick, City Clerk

Theresa James, City Attorney

APPROVED AS TO CONTENT:

Jon James, Planning & Development Services Director

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 21, 2017

Item type: Regular Item

Caption:

Consider routine Planning and Development Services Items - (Presentation by Planning & Development Services Director Jon James)

1. First reading and public hearing of an ordinance for Z17-14, a rezoning from the Single-Family (RS-1) and Two-Family (RS-2) Zoning Districts to the Neighborhood Commercial (CN) Zoning District, on 0.74 acres located at 104, 108, and 112 North Milton Street and an unaddressed tract generally located north of Pecos Street between North Milton Street and North Van Buren Street
2. First reading and public hearing of an ordinance for Z17-15, a rezoning from the Office Commercial (CO), General Commercial (CG), and Low Rise Multifamily Residential (RM-1) Zoning Districts to the Single-Family Residential (RS-1) Zoning District, on 5.03 acres located at 1901, 1902, & 1906 Colonial Street and an unaddressed tract of land generally located east of North Bentwood Drive and approximately 100 feet north of the intersection of Pine Valley Street

Summary/History:

This item consists of all items heard by the Planning Commission for which (1) staff is recommending approval, (2) the Planning Commission recommended approval by a unanimous vote, and (3) there has been no registered opposition to the case to date. The public hearing requirement shall be consolidated into one public hearing for all items.

1. A request for approval of a rezoning from the Single-Family (RS-1) and Two-Family (RS-2) Zoning Districts to Neighborhood Commercial (CN) on the subject properties. The CN zoning would allow the applicant's existing veterinary clinic for small animals to continue from the properties. The applicant had received previous approvals for Expansions of a Non-Conforming Use (NCU) on the residentially zoned properties in 1998 (NCU98-01) and recently in 2015 (NCU15-03) but additional construction was never completed. The latest NCU15-03 is set to expire later this month and the applicant has insufficient time to obtain a permit, one of the required conditions of approval. The rezoning will allow the applicant to move forward at a later date with his construction plans for a 3,075-square foot new veterinary office on Lots 8 and 9.
2. A request for approval of a rezoning from the Office Commercial (CO), General Commercial (CG), and Low Rise Multifamily Residential (RM-1) Zoning Districts to the Single-Family Residential (RS-1) Zoning District. A Conditional Use to allow for household living in the existing Office Commercial (CO) and General Commercial (CG) Zoning Districts was approved by the Planning Commission on October 16, 2017. The Conditional Use was requested as a means of expediting construction of the homes while the rezoning is reviewed by City Council.

Financial Impact:

N/A

Other Information/Recommendation:

On October 16, 2017, the Planning Commission voted unanimously to APPROVE the two proposed rezonings.

Attachments:

- | | | |
|----|------------------------|--------------------------------------|
| 1. | Z17-14 Staff Report | PL_Z17-14 report.pdf |
| 2. | Z17-14 Draft Ordinance | PL_Z17-14 Ordinance (FINAL).docx |
| 3. | Z17-15 Staff Report | CC Staff Report Z17-15 Stonewall.pdf |
| 4. | Z17-15 Draft Ordinance | PL_Z17-15 Ordinance (FINAL).docx |

Presentation:

Jon James

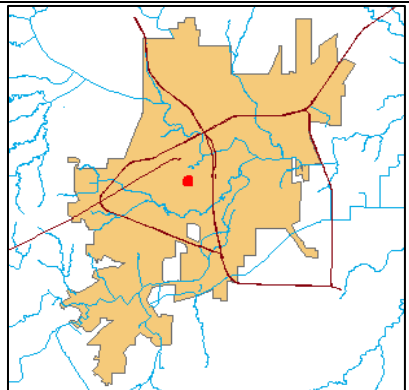
Approvals/Reviews:

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



CITY COUNCIL – November 21 & December 12, 2017

STAFF REPORT

APPLICATION TYPE:	CASE:		
Rezoning	Z17-14: Henderson		
SYNOPSIS:			
The applicant has requested a Rezoning from the Single-Family (RS-1) and Two-Family (RS-2) Zoning Districts to Neighborhood Commercial (CN) on the subject properties. The CN zoning would allow the applicant's existing veterinary clinic for small animals to continue from the properties. The applicant had received previous approvals for Expansions of a Non-Conforming Use (NCU) on the residentially zoned properties in 1998 (NCU98-01) and recently in 2015 (NCU15-03) but additional construction was never completed. The latest NCU15-03 is set to expire later this month and the applicant has insufficient time to obtain a permit, one of the required conditions of approval. The rezoning will allow the applicant to move forward at a later date with his construction plans for a 3,075-square foot new veterinary office on Lots 8 and 9.			
LOCATION:		LEGAL DESCRIPTION:	
104, 108 and 112 North Milton Street and an unaddressed tract; generally located north of Pecos Street between North Milton Street and North Van Burren Street		Being Lots 1, 6-9 in Block 1B of the Smith Subdivision of Freeland Addition, comprising a total of 0.74 acres.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #5 – Lane Carter Central Neighborhood	Lots 8, 9: RS-1 – Single-Family Residential Lots 1, 6, 7: RS-2 – Two-Family Residential	Neighborhood	0.74 ac.
THOROUGHFARE PLAN:			
North Milton Street – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk Provided: 50' right-of-way, 30' pavement with a 4-foot sidewalk (pre-existing street platted in accordance with standards at that time). Van Burren Street – Urban Collector Street Required: 60' right-of-way, 50' pavement Provided: 60' right-of-way, 28' pavement (pre-existing street platted in accordance with standards at that time). Pecos Street – Urban Arterial Street Required: 80' right-of-way, 64' pavement Provided: 100' right-of-way, 50' pavement (pre-existing street platted in accordance with standards at that time).			
NOTIFICATIONS:			
36 notifications mailed within 200-foot radius on October 5, 2017. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Rezoning from the Single-Family Residential (RS-1) Zoning District and the Two-Family Residential (RS-2) Zoning District to the Neighborhood Commercial (CN) Zoning District on the subject properties.			
PROPERTY OWNER/PETITIONER:			
Property Owner(s): J. Todd Henderson			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: The Tom Green County Appraisal District indicates the presence of a veterinary clinic on the lots fronting Milton Street since 1959 and previous Staff Reports indicate this use as early as 1954. A rezoning would allow the existing vet clinic and subsequent expansions without having to repeatedly return to the Planning Commission for approval. It would also allow the applicant to remove a portion his privacy fence which would no longer be required in order to install new parking. The CN zoning also allows a wide range of other permitted uses should the vet clinic ever vacate the site, including retail sales and service, a bed and breakfast, and professional offices (see attached list).

Rezoning: 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 rezoning to Neighborhood Commercial (CN) would be compatible with the City's Comprehensive Plan, as updated in 2009, which designates these properties "Neighborhood." The Neighborhood policies call to "promote an appropriate balance of use within each neighborhood" and to "improve neighborhood connectivity with and between neighborhoods. All residents within each neighborhood boundary should be able to meet their daily needs within a reasonable and accessible distance from their home." Staff believes that a CN zoning would be appropriate in this location given that the property is surrounded by the Neighborhood Center designation and associated retail and office zoned properties to the immediate west and southwest. The CN zoning would also validate the existing veterinary clinic which has served the local neighborhood since at least the 1940s in this location, consistent with the above policy.
2. **Consistent with Zoning Ordinance. *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** The existing properties would comply with the CN zoning provisions for minimum lot area, lot frontage and lot depth requirements. The existing building comply with the minimum 25-foot front yard setback from North Milton Street. The front porches project an additional five feet into the front yard but are allowed to do so as the properties are within the Open Structure Overlay District. The northerly building appears to have been built as a residence according to permit records, which for new commercial buildings would have required a 10-foot side yard setback from the residential use to the north. However, this building is already constructed approximately five feet from the north property line, and would thus be legal non-complying in this respect. The existing buildings, if used exclusively for a veterinary clinic, would require eight parking spaces, one space for every 300 square feet for office uses. The applicant currently has at least five spaces in the southerly parking area and an additional four spaces in front of the buildings, for a total of nine in compliance with the Zoning Ordinance. The applicant has recently submitted a permit application for a new 3,075-square foot building for an expansion to the veterinary clinic. The applicant will be required to provide any additional parking as may be necessary to comply with the Zoning Ordinance prior to issuance of this permit. A 6-foot high opaque privacy fencing adjacent to the northerly lot lines adjacent to residential uses has also been provided.

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 commercial and office related uses to the west and southwest, including a hair salon and office building directly west, and a massage therapy and dentist office southwest. The existing vet clinic buildings appear visually as residential dwellings from the outside, blending with the residential neighborhood to the north and east. The properties also abut Pecos Street, an Arterial Road, which would reduce any additional traffic impacts from local streets.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The existing RS-1 and RS-2 zoning is incompatible with the existing vet clinic which, as indicated previously, has maintained a presence for over 60 years in this location. The Neighborhood designation in the Comprehensive Plan allows limited commercial zoning where an appropriate balance of land uses and compatibility with surrounding land uses has been achieved. Staff believes that in this case, these objectives have been met given there is already office and commercial uses along this portion of Pecos Street.
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 does not appear to be any anticipated adverse impacts on the natural environment. The proposed new building will require a building permit and a review of grading, drainage, and stormwater runoff from this building and new parking area will be required 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.* There appears to be a need for a rezoning to nonresidential given that this area has already maintained a non-residential presence for over half a century. The existing vet clinic provides a needed service to residents of the surrounding community. While the CN zoning also allows other uses including retail sales and service, if the vet clinic was to ever vacate, the large property area and proximity to other commercial properties off of an arterial street makes the rezoning appropriate. The applicant would also be able to utilize Lot 1 fronting North Van Burren Street for any future parking 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.* As indicated, the existing traffic network is already accommodating the vet clinic as vehicles can access the property utilizing Pecos Street, an arterial street located close to Sherwood Way, a major commercial corridor. The existing site is already developed and the additional parking lot should satisfy any additional parking needs at this time. Any new uses in future would have the same advantages in close proximity to an arterial street.

Planning Commission Recommendation:

Public hearing and consideration of a request for approval of a Rezoning from the Single-Family Residential (RS-1) Zoning District and the Two-Family Residential (RS-2) Zoning District to the Neighborhood Commercial (CN) Zoning District on properties located at 104, 108, and 112 North Milton Street and an unaddressed 0.18-acre tract located at the northwest corner of Pecos Street and North Van Burren Street.

Jeff Fisher, Senior Planner, presented the proposed rezoning request. He displayed photos of the properties and surrounding area. Mr. Fisher explained that the applicant's Expansion of a Non-Conforming Use (NCU15-03) was set to expire later this month, and that he was seeking a Rezoning to allow his existing veterinary clinic to continue and expand on the properties. He explained to the Commissioners that the Rezoning to CN would allow the vet clinic, as well as other commercial uses including retail sales and services. He further indicated that at the present time, the applicant planned to continue the vet clinic and had no plans to sell the properties. Mr. Fisher concluded his presentation with Staff's rationale for recommending approval which included that the properties are surrounded by commercial and office uses to the south and southwest, that the vet clinic has existed since the 1950s on the property, and that the properties were adjacent to Pecos Street to the south, an arterial street which can accommodate large traffic volumes.

Chairperson Priess opened the meeting for public comment.

There was no public comment.

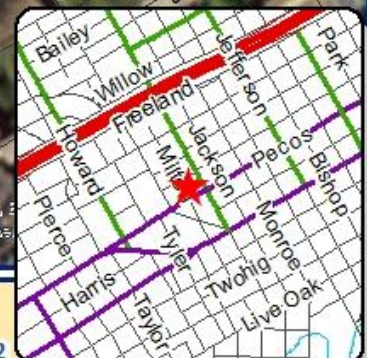
Commissioner Smith made a Motion to APPROVE the Rezoning from the Single-Family Residential (RS-1) Zoning District and the Two-Family Residential (RS-2) Zoning District to the Neighborhood Commercial (CN) Zoning District on the properties, as presented. Commissioner Spano seconded the Motion. The Motion passed unanimously, 5-0.

Recommendation:

Staff's recommendation is for City Council to **APPROVE** a Rezoning from the Single-Family Residential (RS-1) Zoning District and the Two-Family Residential (RS-2) Zoning District to the **Neighborhood Commercial (CN) Zoning District**.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Resident Letters
Application



Legend

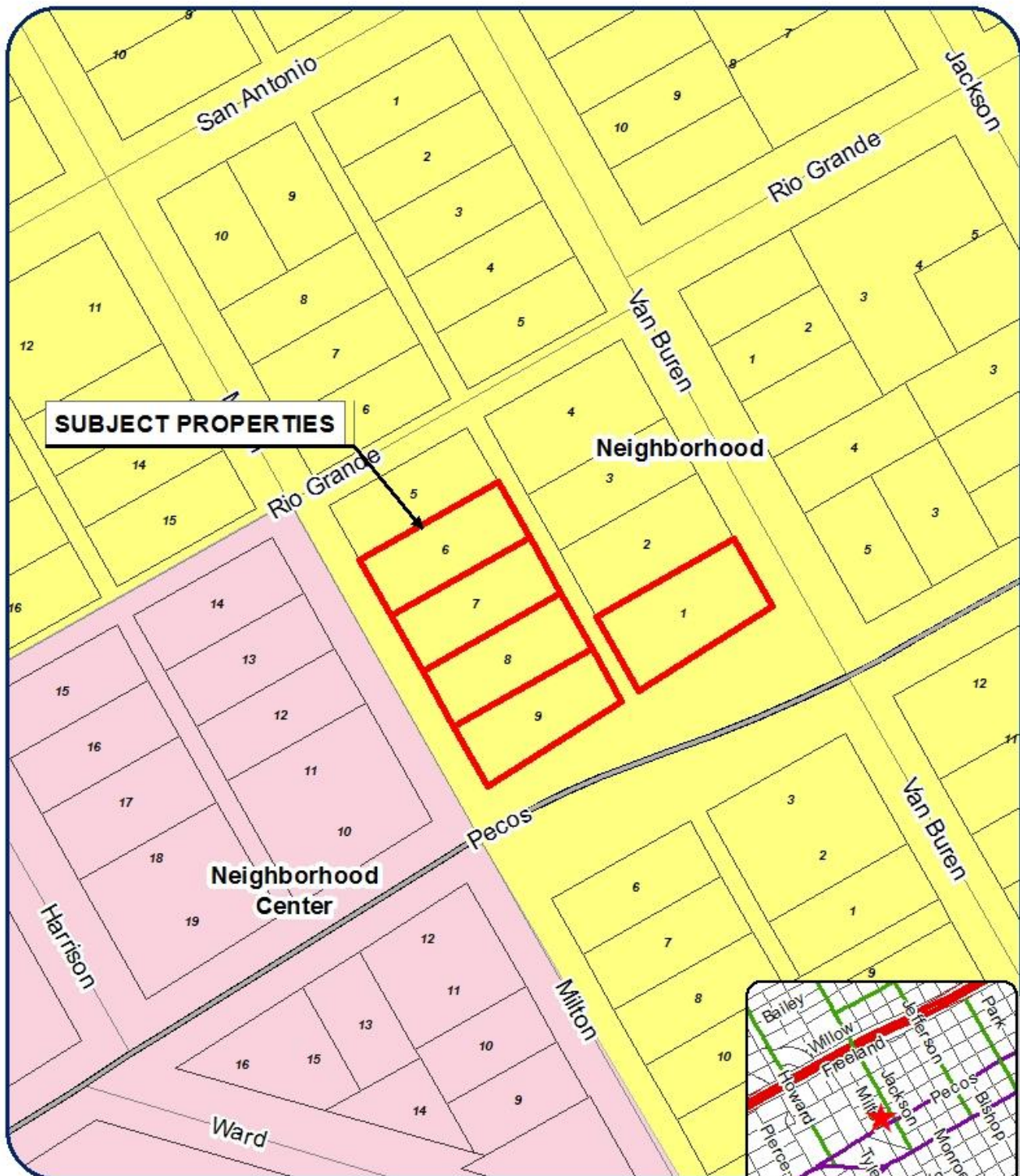
Subject Properties: [REDACTED]
Current Zoning: **RS-1 and RS-2**

Requested Zoning Change: **N/A**

Vision: **Neighborhood**

Vision: **Neighborhood**





Zoning Case File

Case Z17-14: Henderson

Council District: Lane Carter (SMD#5)

Neighborhood: Central

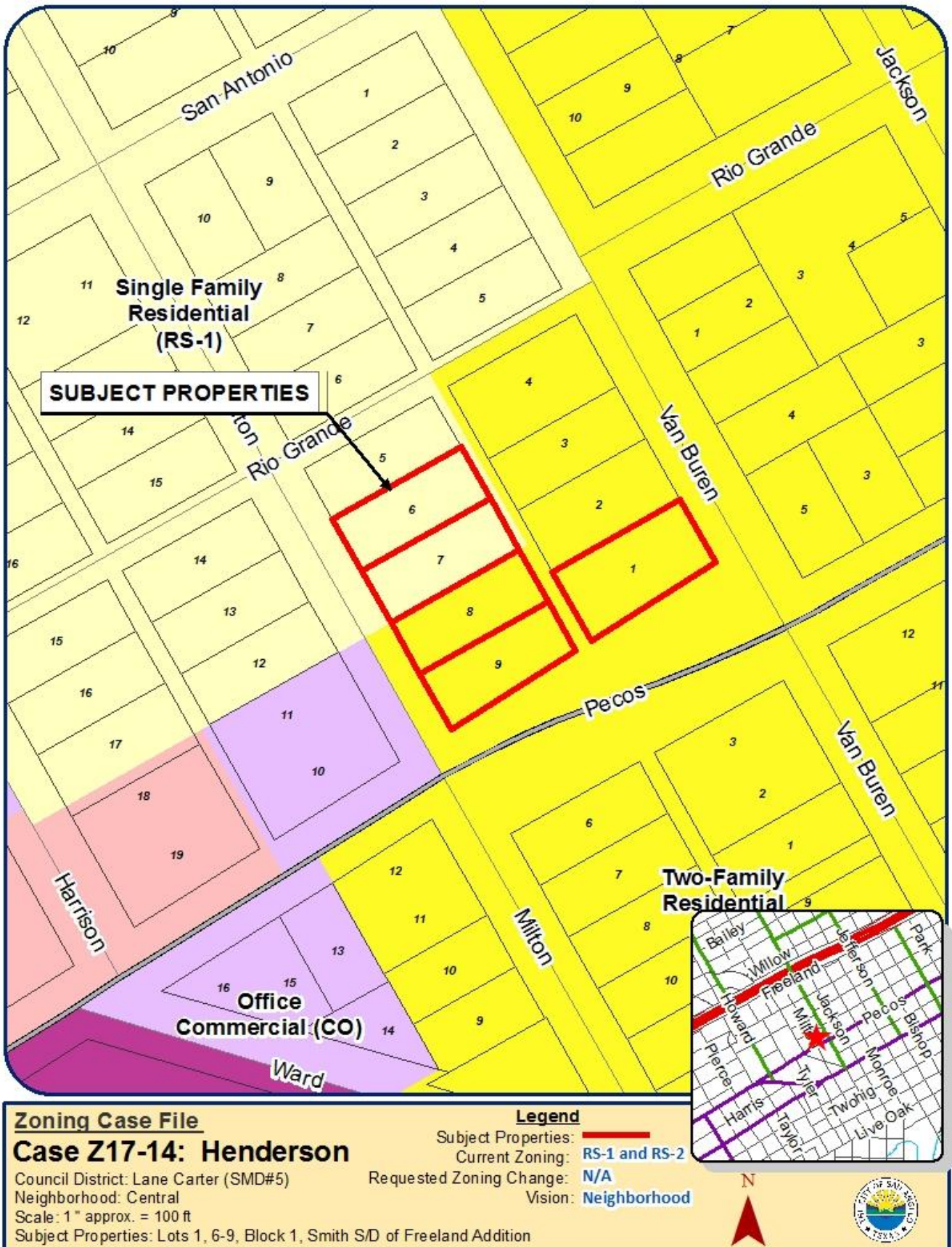
Scale: 1" approx. = 100 ft

Subject Properties: Lots 1, 6-9, Block 1, Smith S/D of Freeland Addition

Legend

Subject Properties: —
Current Zoning: RS-1 and RS-2
Requested Zoning Change: N/A
Vision: Neighborhood





Photos of Site and Surrounding Area

NORTH



SOUTH



WEST



**LOOKING EAST AT 112 N MILTON AVE
(EXISTING VET CLINIC)**



**LOOKING EAST AT LOT 1
RECENTLY PURCHASED BY APPLICANT**



Photos of Site and Surrounding Area

REAR YARD



REAR YARD



**REQUIRED NORTH PRIVACY FENCE
LOT 6**



**REQUIRED NORTH PRIVATE FENCE
LOT 1**



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: Roy Easterly

ADDRESS: Po Box 682

Carlsbad TX 76974

SIGNATURE: Roy Easterly

Z17-14: Henderson
property owner number: 7

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.

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

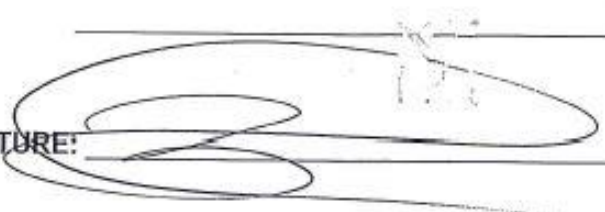
()

IN OPPOSITION

REASON(S) _____

NAME: Richard Hantgrove

ADDRESS: 2126 Sherwood Way

SIGNATURE: 

Z17-14: Henderson
property owner number: 13

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.

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)

NAME:

Linstabro Investments

ADDRESS:

1886 Peas St

San Angelo TX 76901

SIGNATURE:

Thom P. Linstabro

Z17-14: Henderson

property owner number:

21

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.

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: George Norwood Jr

ADDRESS: 124 N. Van Buren

San Angelo, TX 76901

SIGNATURE: George Norwood Jr

Z17-14: Henderson

property owner number: 25

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.

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) Dr. Henderson has always maintained
and kept the property very clean and nice
The Veterinary hospital is an asset to
our neighborhood.

We are very much in favor of this
zone change.

NAME: Tim and Carla Worley

ADDRESS: 211 N. Milton

SIGNATURE: Carla Worley / [Signature]

Z17-14: Henderson

property owner number: 36

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.

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): <u>J. Todd Henderson – Henderson Holdings, LLC.</u>	
☒ Owner ☐ Representative (Notarized Affidavit Required)	
Mailing Address <u>108 N. Milton St</u>	<u>San Angelo</u> TX <u>76901</u> City State Zip Code
Contact Phone Number <u>325-653-3301</u>	Contact E-mail Address <u>thenderson@zipnet.us</u>
Subject Property Address <u>104 N Milton St</u>	<u>San Angelo</u> TX <u>76901</u> City State Zip Code
Legal Description (can be found on property tax statement or at www.tcomgreencad.com) <u>Lots 1, 6, 7, 8, 9 Block 1B Smith Subdivision Freeland Addition</u>	
Existing Zoning: <u>R-1 NonConform</u> Proposed Zoning: <u>Neighborhood Commercial</u> Lot size: _____	
(Zoning Map available on City Maps)	
Section 2: Site Specific Details	
Existing Use of Property: <u>Veterinary Hospital</u>	
*Proposed Use of Property: <u>Veterinary Hospital</u>	
*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.

J. Todd Henderson [Signature] Henderson Holdings, LLC 9-8-17
Owner Name (Print) Signature Company/Organization (if Applicable) Date

Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

☒ Verified Complete ☐ Verified Incomplete

Date of Application: 9, 12, 17

Case No.: Z 17 - 14

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ 500.00

Receipt #: 269526

Date paid: 9, 12, 17

Sign Deposit \$37.50

Receipt #: _____

Date paid: 9, 12, 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: 10, 16, 17 Date notifications due: 9, 29, 17

City Council hearing date: 11, 21, 17 Packets due date: _____

Publication date: _____

Reviewed/Accepted by: KMH Date: 9, 12, 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 north of Pecos Street between North Milton Street and North Van Burren Street, being 0.74 acres in the Smith Subdivision of Freeland Addition,** FROM THE SINGLE-FAMILY RESIDENTIAL (RS-1) AND TWO-FAMILY RESIDENTIAL (RS-2) ZONING DISTRICT TO THE NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

RE: Z17-14: Henderson

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 October 16, 2017, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Neighborhood Commercial Zoning District (CN) **and,**

WHEREAS, on the 21st day of November, 2017, City Council held a public hearing on Z17-14, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support **materials;**

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

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

The real property generally located north of Pecos Street between North Milton Street and North Van Burren Street, within the corporate limits of the City of San Angelo, more specifically being Lots 1, 6, 7, 8, and 9 in Block 1B of the Smith Subdivision of Freeland Addition, comprising a total of 0.74 acres, Tom Green County, Texas, shall henceforth be permanently zoned as follows: Neighborhood Commercial (CN) Zoning District.

Comment [d1]: Section 210 Planned Development Review, Part E "PC Review", tracking PC functions set forth in the ordinance.

Comment [d2]: Section 210 Planned Development Review, Part F "CC Hearing and Action", tracking PC functions set forth in the ordinance.

Comment [d3]: The prior citation to zoning ordinance is incomplete.

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit "A"** of this Ordinance (CN Boundary Map).

Comment [d4]: Please attach copy of the plat depicting the block/lots for rezone to CN with Exhibit "A" designation at top of the exhibit..

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 **21st day of November, 2017**, and finally PASSED, APPROVED AND ADOPTED on this the **12th day of December, 2017**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

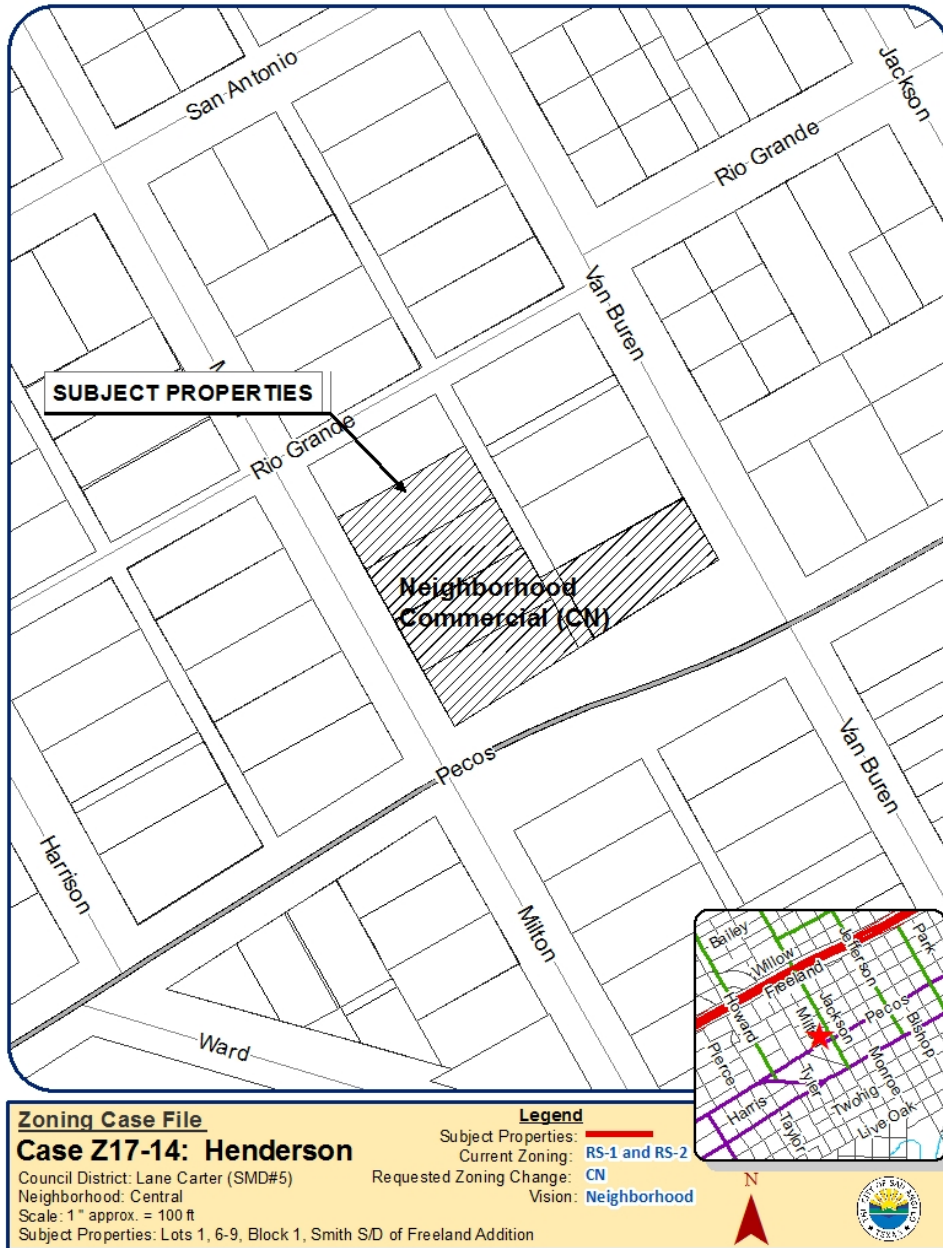
APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Exhibit A (CN Boundary Map)

Comment [d5]: Please attach copy of the plat depicting the block/lots for rezone to CN with Exhibit "A" designation at top of the exhibit..



CITY COUNCIL – November 21 & December 12, 2017
STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning		Z17-15: Stonewall	
SYNOPSIS:			
This is a request for approval of a rezoning from the Office Commercial (CO), General Commercial (CG), and Low Rise Multifamily Residential (RM-1) Zoning Districts to the Single-Family Residential (RS-1) Zoning District. A Conditional Use to allow for household living in the existing Office Commercial (CO) and General Commercial (CG) Zoning Districts was approved by the Planning Commission on October 16, 2017. The Conditional Use was requested as a means of expediting construction of the homes while the rezoning is reviewed by City Council.			
LOCATION:		LEGAL DESCRIPTION:	
1901, 1902, & 1906 Colonial Street and an unaddressed 4.482 acre tract of land generally located east of North Bentwood Drive and approximately 100 feet north of the intersection of Pine Valley Street		Being Lots 2-3, Block 31, and Lot 30, Block 54, Section 35, Bentwood Country Club Estates; and being an area of 4.482 acres of land comprised of 2.512 acres out of H. Zerbach Survey 178, Abstract No. 4210, and 1.970 acres out of C. Berberich Survey 177, Abstract No. 52, City of San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD #1 – Tommy Hiebert County Club Neighborhood		CO - Office Commercial CG - General Commercial RM-1 - Low Rise Multifamily Residential	Neighborhood 5.03 acres
THOROUGHFARE PLAN:			
<u>North Bentwood Drive</u> – Minor Collector – ROW 60' Required (60' Existing) – Pavement Width 50' Required (50' Existing) <u>Colonial Drive</u> – Local Road – ROW 50' Required (50' Existing) – Pavement Width 40' Required (40' Provided)			
NOTIFICATIONS:			
25 notifications were mailed within a 200-foot radius on September 27, 2017. Two responses have been received in support and zero in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed rezoning to the Single-Family Residential (RS-1) Zoning District .			
PETITIONERS:			
Stonewall Ranches David Currie			
STAFF CONTACT:			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Extension 1547 hillary.bueker@cosatx.us			

Rezoning: Section 208(F) and Section 212(G) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, eight (8) factors in determining the appropriateness of any Conditional Use or 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 designates this currently CO, CG, and RM-1 zoned property as “Neighborhood.” This is consistent with the existing lot layout and surrounding single-family home lots. Rezoning this property would allow for consistency in the area. A Conditional Use for Household Living would also be consistent with the Future Land Used 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.* The Single-Family Residential Zoning District is intended to provide opportunities for the development of detached single-family residences at medium densities. The proposed single family homes will follow all RS-1 standards similar to the surrounding area and this rezoning and Conditional Use will allow for continuous residential uses through the neighborhood.
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 mixed uses, but is comprised of mostly neighborhoods to the south. The parcels will be adjacent to single-family residential lots that have homes already built, and the 2009 Comprehensive Plan update designated this property as Neighborhood presumably to accommodate the existing lot layout and provide additional homes.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The property, currently zoned CO, CG, and RM-1, was never developed, while the residential neighborhoods with RS-1 zoning around the area continue to expand. Where the Zoning Ordinance may have initially anticipated nonresidential or more intense residential development, the opposite has been the case.
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. Land use would continue in the same residential manner, and intensity, as already exist on the adjacent properties.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* There has not been any demonstrated community need for a use on the site other than residential. The site has remained undeveloped for many years. Allowing the site to rezone to RS-1 would be reflective of the continuing need for residential in the area, rather than allowing a continuance of a zoning designation that has been little used in the past.

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 to the south is primarily detached, single-family residential. This parcel will keep in continuity with the adjoining residential lots immediately adjacent to the south.

Planning Commissions Recommendation:

Z17-15: Stonewall

Public hearing and consideration of a request for approval of a Conditional Use to allow for household living in the Office Commercial (CO) and General Commercial (CG) Zoning Districts, on properties located at 1901, 1902, 1906 Colonial Street, and an unaddressed 4.482-acre tract located approximately 100 feet northeast of North Bentwood Drive and Pine Valley Street.

Hillary Bueker, Senior Planner, presented the two cases together. She indicated that the purpose of the rezoning was to consolidate the three different zone categories into the Single-Family Residential (RS-1) zone to allow single-detached dwellings. Ms. Bueker outlined Staff's recommendation rationale for recommending approval of both requests, which included that the proposed dwellings are consistent with the Future Land Use designation of "Neighborhood," that the surrounding area to the south was zoned RS-1, and that the land had remained vacant for greater than 10 years.

Chairperson Priess opened the meeting for public comment.

There was no public comment.

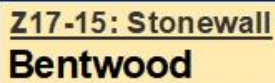
Commissioner Farmer made a Motion to recommend APPROVAL of a Rezoning from the Office Commercial (CO), General Commercial (CG), and Low Rise Multifamily Residential (RM-1) Zoning Districts to the Single-Family Residential (RS-1) Zoning District on the subject properties. Commissioner Smith seconded the Motion. The Motion passed unanimously, 5-0.

Recommendation:

Staff's recommendation is for City Council to **APPROVE** a rezoning from the Office Commercial (CO), General Commercial (CG), and Low Rise Multifamily Residential (RM-1) Zoning Districts to the **Single-Family Residential (RS-1) Zoning District**.

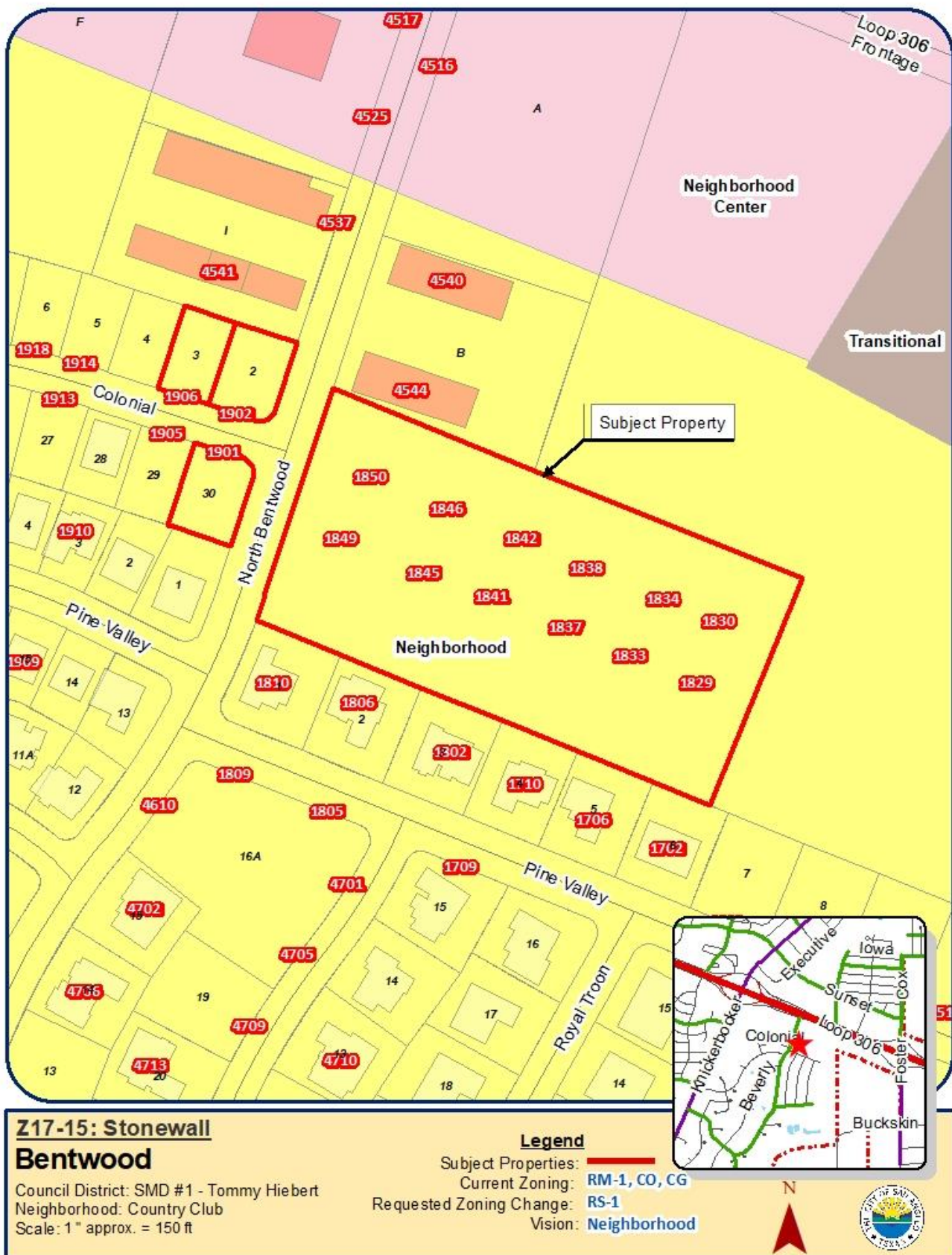
Attachments:

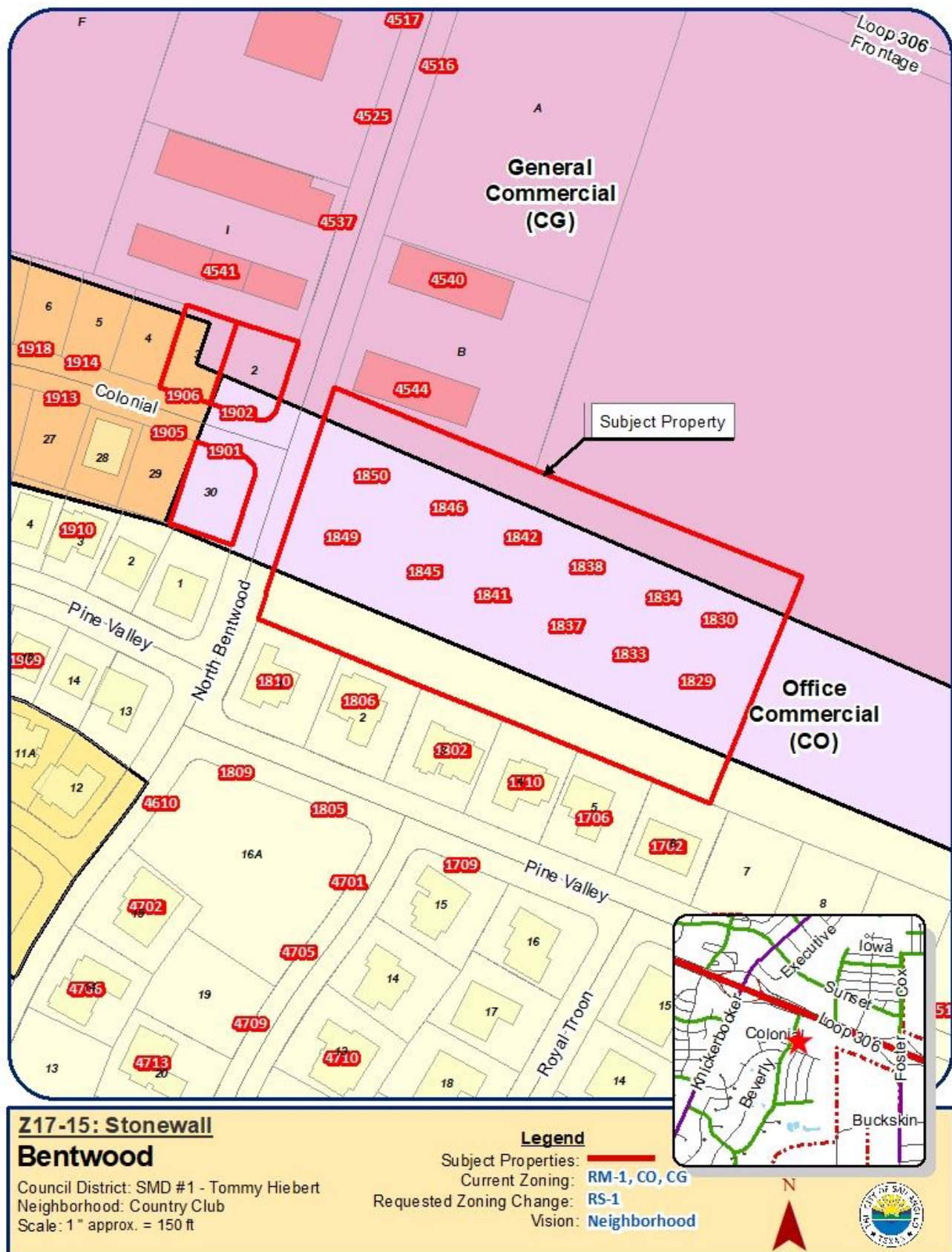
Aerial Map
Future Land Use Map
Zoning Map
Application
Photos of Site
Notification Map
Resident Letters



Legend







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): Stonewall Ranches

☒ Owner

☐ Representative (Notarized Affidavit Required)

P.O. Box 3300

San Angelo

Texas

76902

Mailing Address

City

State

Zip Code

374-2099

dc.stone@hotmail.com

Contact Phone Number

Contact E-mail Address

Castle Pines Drive & Colonial Drive

Subject Property Address

City

State

Zip Code

Lots 1-6, Blk 71; Lots 21-26, Blk 66, Section 37, Bentwood CCE & Lot 2-3, Blk 31; Lot 30, Blk 54, Section 35, Bentwood CCE

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

See attached legal description for Section 37.

Existing Zoning: CO, CG, RM1

Proposed Zoning: RS-1

Lot size: varies - big enough for RS-1

(Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: Vacant

*Proposed Use of Property: Residential

*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.

David Currie

Owner Name (Print)

Signature

Stonewall Ranches

Company/Organization (If Applicable)

9-15-17

Date

Russell Gully

Representative Name (Print)

Signature

SKG

Company/Organization

9-15-17

Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: 9, 15, 17

Case No.: Z 17 - 15

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ 500

Receipt #: 269532

Date paid: 9, 14, 17

Sign Deposit \$37.50

Receipt #: 269532

Date paid: 9, 14, 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: 10, 16, 17

Date notifications due: 10, 5, 17

City Council hearing date: 11, 21, 17

Packets due date: / /

Publication date: / /

Reviewed/Accepted by: Hillary Buckner

Date: 9, 15, 17

Photo of Site



Looking southwest toward the Property from North Bentwood Drive

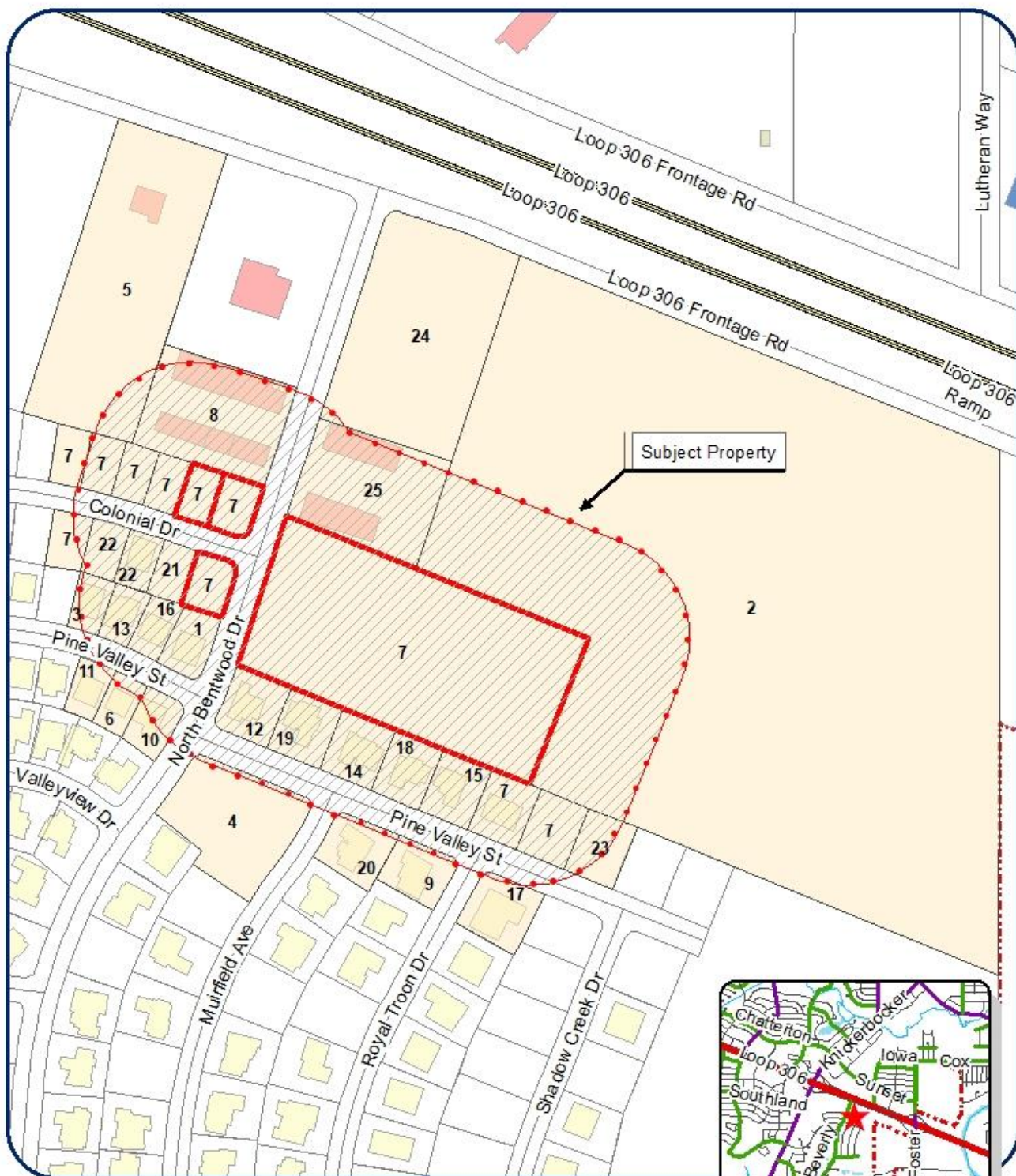


Looking East from North Bentwood Drive



Looking North toward the Properties on Colonial Drive from North Bentwood Drive





Z17-15: Stonewall Bentwood

Council District: SMD #1 - Tommy Hiebert
Neighborhood: Country Club
Scale: 1" approx. = 250 ft

Legend

Subject Properties: —
Current Zoning: RM-1, CO, CG
Requested Zoning Change: RS-1
Vision: Neighborhood



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) This fits with the overall
plan for Bentwood Residential
going forward

NAME: Bentwood CC LLC

ADDRESS: 2111 Clubhouse Lane
San Angelo, Texas 76904

SIGNATURE: [Signature]

Z17-15: Stonewall

Property owner number: 2

If you have any questions about these proceedings, please call Hillary Bueker, Senior 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 hillary.bueker@cosatx.us.

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: DON AYHOR

ADDRESS: 1902 Pine Valley
SAN Angelo, TX 76904

SIGNATURE: 

Z17-15: Stonewall

Property owner number: 1

If you have any questions about these proceedings, please call Hillary Bueker, Senior 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 hillary.bueker@cosatx.us.

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: **1901, 1902, & 1906 Colonial Street and an unaddressed 4.482 acre tract of land generally located east of North Bentwood Drive and approximately 100 feet north of the intersection of Pine Valley Street, City of San Angelo, Tom Green County, Texas.**, FROM OFFICE COMMERCIAL (CO), GENERAL COMMERCIAL (CG), AND LOW RISE MULTIFAMILY RESIDENTIAL (RM-1) ZONING DISTRICTS TO THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

RE: Z17-15: Stonewall

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 thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Single-Family Residential Zoning District (RS-1) and,

WHEREAS, on the 21st day of November, 2017, City Council held a public hearing on Z17-15, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

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

The real property, 1901, 1902, & 1906 Colonial Street and an unaddressed 4.482 acre tract of land generally located east of North Bentwood Drive and approximately 100 feet north of the intersection of Pine Valley Street; more specifically being Lots 2-3, Block 31, and Lot 30, Block 54, Section 35, Bentwood Country Club Estates; and being an area of 4.482 acres of land comprised of 2.512 acres out of H. Zerbach Survey 178, Abstract No. 4210, and 1. 970 acres out of C. Berberich Survey 177, Abstract No. 52, City of San Angelo, 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 Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the zoning provision adopted herein, as further depicted on Exhibit "A" of this Ordinance (RS-1 Boundary Map).

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 **21st day of November, 2017**, and finally PASSED,
APPROVED AND ADOPTED on this the **12th day of December, 2017**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

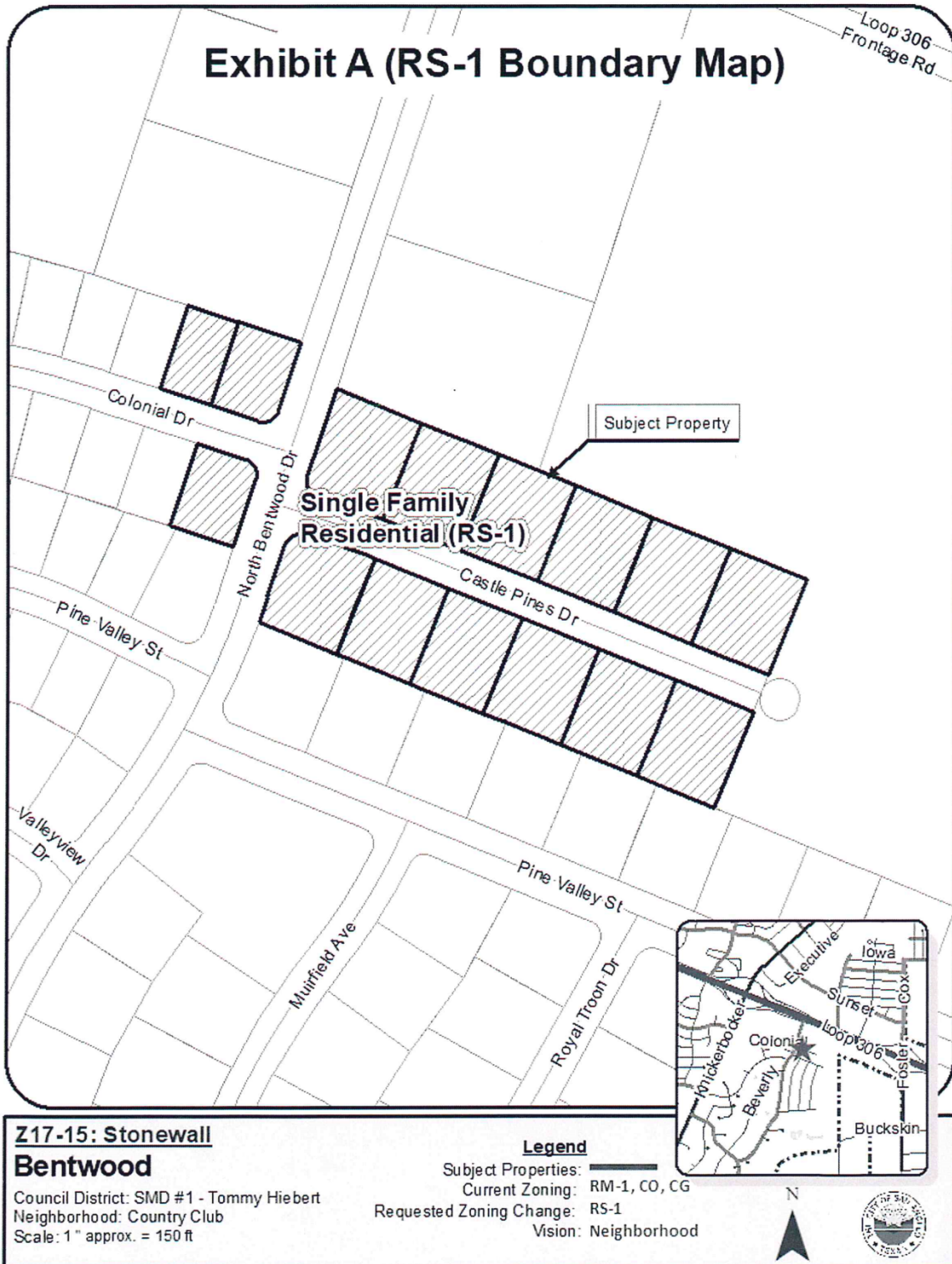
ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Exhibit A (RS-1 Boundary Map)



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 21, 2017

Item type: Consent Item

Caption:

Second reading of an ordinance for Z17-12, a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the General Commercial (CG) Zoning District, on 92.36 acres located between West Loop 306 Frontage Road and Southwest Boulevard, generally known as the Sunset Mall and certain adjacent properties (J. James)

Summary/History:

This is an application to rezone 92.36-acres of land consisting of Sunset Mall and surrounding properties from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the General Commercial (CG) Zoning District. There are also three properties that are zoned both CG/CH and CG (General Commercial), that will be rezoned completely to CG. This rezoning application arises from a Planning Commission directive to rezone properties from the defunct CG/CH to the General Commercial Zoning District.

Financial Impact:

N/A

Other Information/Recommendation:

On September 18, 2017, the Planning Commission recommended APPROVAL of the Rezoning request. On October 17, 2017, City Council voted to APPROVE the rezoning and associated ordinance on first reading by a vote of 4-3.

Attachments:

- | | | |
|----|-----------------|--|
| 1. | Staff Report | PL_Staff Report Z17-12 COSA-Sunset Mall.pdf |
| 2. | Draft Ordinance | PL_Z17-12_SUNSET_MALL_CG_ORD_MERGED Final Ordinance.docx |

Presentation:

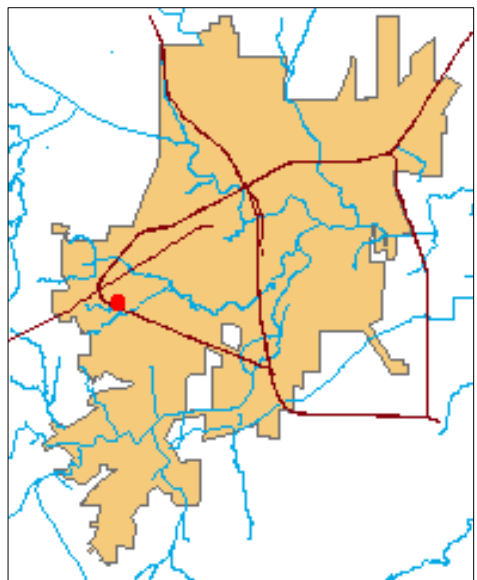
Jon James

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 – October 17, & November 7, 2017
STAFF REPORT



APPLICATION TYPE:	CASE:		
Rezoning	Z17-12: COSA / Sunset Mall		
SYNOPSIS:			
This is an application to rezone 92.36-acres of land consisting of Sunset Mall and surrounding properties from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the General Commercial (CG) Zoning District. There are also three properties that are zoned both CG/CH and CG (General Commercial), that will be rezoned completely to CG. This rezoning application arises from a Planning Commission directive to rezone properties from the defunct CG/CH to the General Commercial Zoning District.			
LOCATION:		LEGAL DESCRIPTION:	
At and around Sunset mall, generally located on Sunset Drive and Southwest Boulevard, between Sherwood Way and Southwest Boulevard.		Sections of College Hills South Addition, Sunset Mall Addition and Abstract 3944	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD #6 – Billie DeWitt Sunset Neighborhood	General Commercial/Heavy Commercial (CG/CH)	Commercial	92.36 acres
THOROUGHFARE PLAN:			
Sunset Drive – Major Collector, Required 60' min. ROW, 50' min. pavement Actual 80' ROW, 64' paving width Southwest Boulevard – Minor Arterial, Required 80' min. ROW, 64' min. pavement Actual 100' ROW, 64' paving width W Loop 306 Frontage Road – Freeway (No established standards for ROW or pavement width) Actual 80' ROW, 34' paving width Wellington Street – Local Street, Required 50' min. ROW, 36' min. pavement with sidewalk, or 40' without sidewalk Actual 50' ROW, 40' pavement with no sidewalk			
NOTIFICATIONS:			
72 notifications were mailed within a 200-foot radius on August 28, 2017. Eight responses have been received in support and one in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the General Commercial (CG) Zoning District, and APPROVAL from the General Commercial and General Commercial/Heavy Commercial (CG/CH) Zoning District to the General Commercial (CG) Zoning District			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner(s):</i> Multiple Owners <i>Petitioner:</i> City of San Angelo			
STAFF CONTACT:			
Kristina Heredia Staff Planner (325) 657-4210, Extension 1546 kristina.heredia@cosatx.us			

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

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.* The City no longer utilizes the zoning district of General Commercial/Heavy Commercial and pursues the removal and replacement of this district with an appropriate zone as the situation arises.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.* The mall and surrounding properties all function under the land use of Retail Sales and Services. This type of use is more compatible with the General Commercial Zoning District than the General Commercial/Heavy Commercial Zoning District.
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 this area is entirely devoted to a retail commercial environment, a zone that allows heavy commercial is not compatible with the surrounding area. By changing the zoning district to a lighter, though more compatible, zone the City enables that new development in the area stays consistent with City priorities and neighborhood trends.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* City Council made the decision to eliminate the CG/CH zoning district and phase out existing such zoning over time. As the Planning Department receives cases where the continued use of the CG/CH district is discovered, a change to the City's Zoning Map is requested.
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.* Both Sunset Drive and Southwest Boulevard are flanked with vacant storefronts. As these building inevitably become occupied, temporary effects to the environment may occur as construction happens. However, these effects can potentially be lessened if CG zoning is in place in lieu of the current CG/CH.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The community need is for the area to continue to develop in a retail and restaurant manner. Both uses are allowed and represented under the CG zoning district. No community need is met if a heavy commercial use were to utilize the immediate area. A zone change to CG is the easiest way to ensure that this community's needs are fulfilled.

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 less intense zoning of CG allows for development that is consistent with current trends and current development patterns. This area has historically been devoid of heavy commercial land uses and any that would arise of the current zoning would be inconsistent with the surrounding uses. Thus a zone change to General Commercial allows orderly and consistent growth to be maintained.

Planning Commission Recommendation:

On September 18, 2017, the Planning Commission recommended **APPROVAL** of a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to **the General Commercial (CG) Zoning District**.

The following is the complete excerpt of the minutes from the September 18, 2017, meeting for this case:

Z17-12: COSA/Sunset Mall

Kristina Heredia, Planner, presented the case. She outlined the request that intended to rezone approximately 92 acres in the Sunset Mall area from General Commercial/Heavy Commercial (CG/CH) to General Commercial (CG). She explained that the purpose of the City-initiated rezoning was to remove the CG/CH zoning which the City no longer utilizes. Ms. Heredia outlined Staff's rationale for recommending approval which included that all existing uses were already allowed by right in the CG zoning district; that heavy commercial CH uses were not compatible with the surrounding retail and residential uses; that Council, through the 2000 amendment of the Zoning Ordinance and the 2003 amendment of the Comprehensive Plan, had directed that CG/CH zoning should be replaced with more appropriate zoning; and that the area had developed with a strong retail presence, devoid of heavy commercial land uses. Ms. Heredia concluded her presentation by indicating that Sunset Mall expressed opposition to the rezoning for several reasons. These included that certain uses such as major car repair, retail distribution centers, game halls, and plant sales, would no longer be allowed, thereby limiting potential to attract retailers.

Commissioner Spano asked why the mall would be affected. Ms. Heredia responded it would only affect the mall if they leased or sold property for uses that would no longer be allowed when the CG/CH zoning was removed.

Commissioner Stribling asked if all current uses would be compliant under CG. Ms. Heredia responded that this was correct.

Commissioner Smith asked if it was the intent to change the ordinance to allow some uses in CG which currently are not allowed by right. Ms. Heredia indicated that Staff was looking at changing the ordinance to allow a game hall in the CG Zoning District by right, and stated that a "Dave and Busters" would be considered an indoor entertainment facility which was already allowed by right in the CG zone under retail sales and service.

Chairperson Priess opened the meeting for public comment.

Mr. Steven Niles, General Manager of Sunset Mall, expressed his opposition for the request for the reasons outlined in a letter previously submitted to staff, and as explained by Ms. Heredia. He indicated that the future of the mall was uncertain and that he wanted the “highest and best use” of the land. He also stated that some uses which could still be allowed by Conditional Use would turn away potential retailers knowing that this would be conditional and no longer uses allowed by right.

Mr. Russell Gully, SKG Engineering, also spoke in opposition to the request. He expressed concerns that the rezoning would be taking away property rights and would thus force someone to change the zoning on their property.

Commissioner Stribling responded that Council had already recognized that CG/CH zoning was no longer appropriate and that everything currently in operation on the mall property was allowed by right in the proposed CG Zoning District.

Commissioner Smith further clarified that the CH uses could still be allowed with a Special Use.

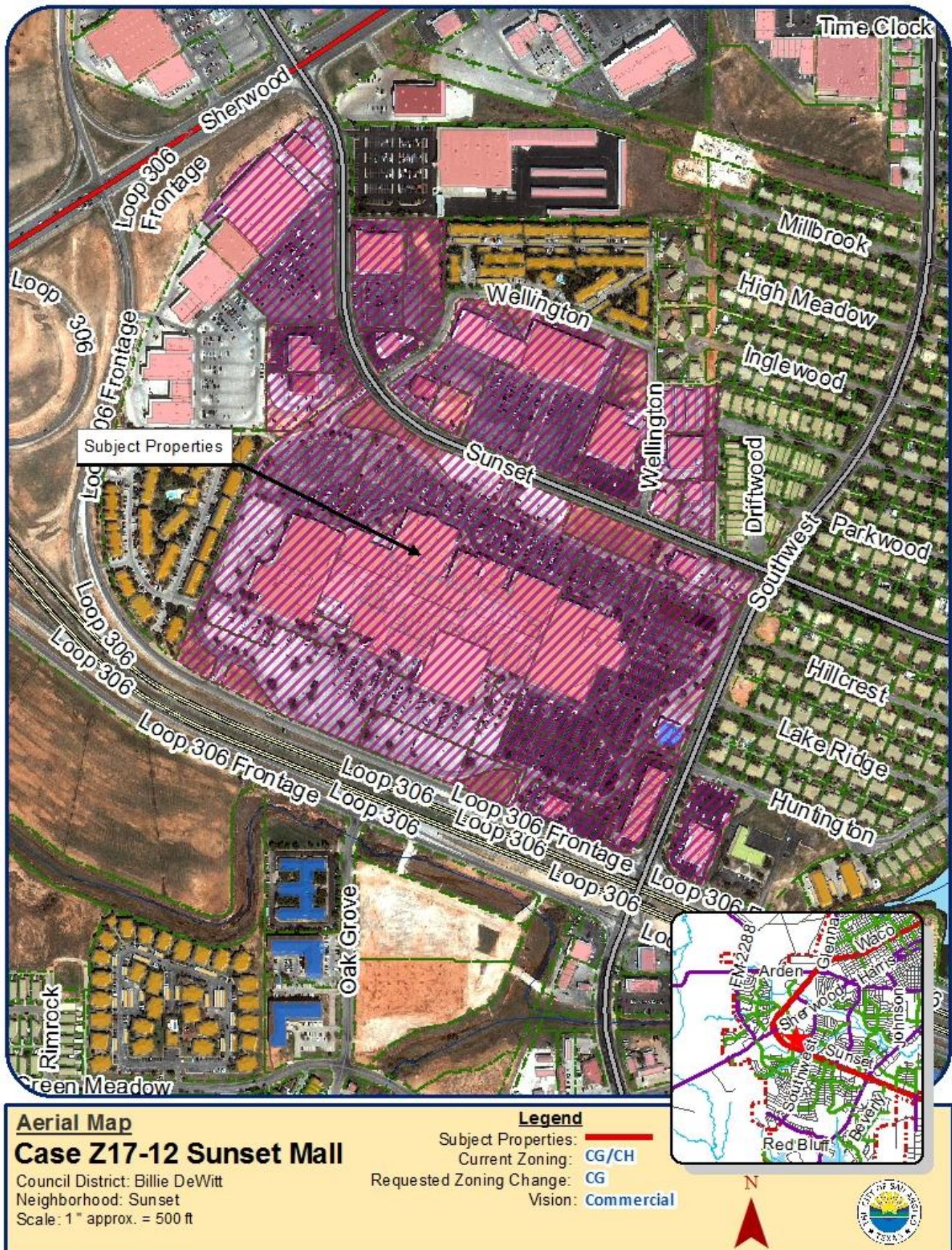
Rebeca Guerra, Planning Manager, clarified that CH uses would require a Conditional Use, not a Special Use, and this would only require Planning Commission approval, as opposed to City Council approval which was lengthier.

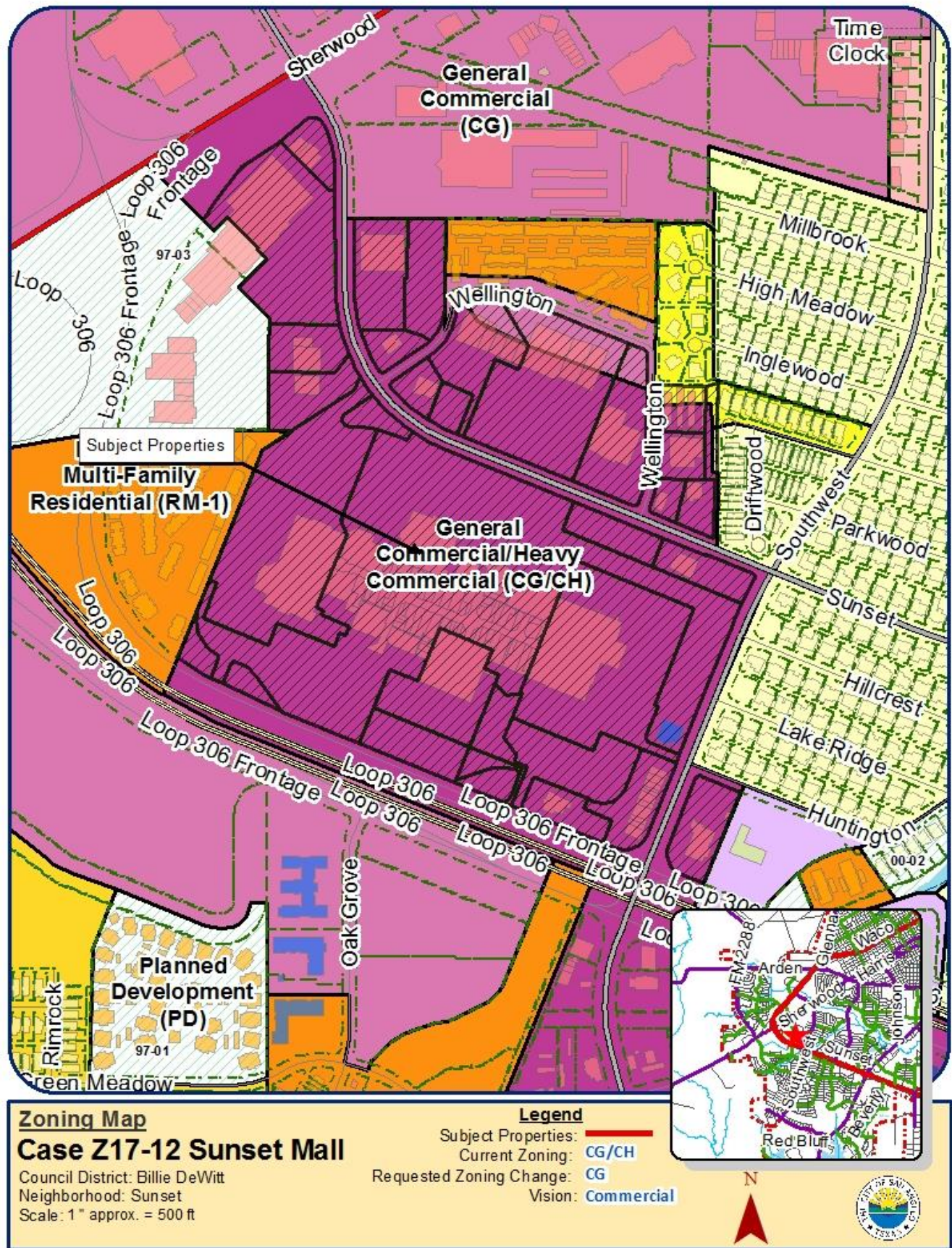
Commissioner Farmer indicated that malls were presently struggling and that he believed the proposed rezoning would take away development potential.

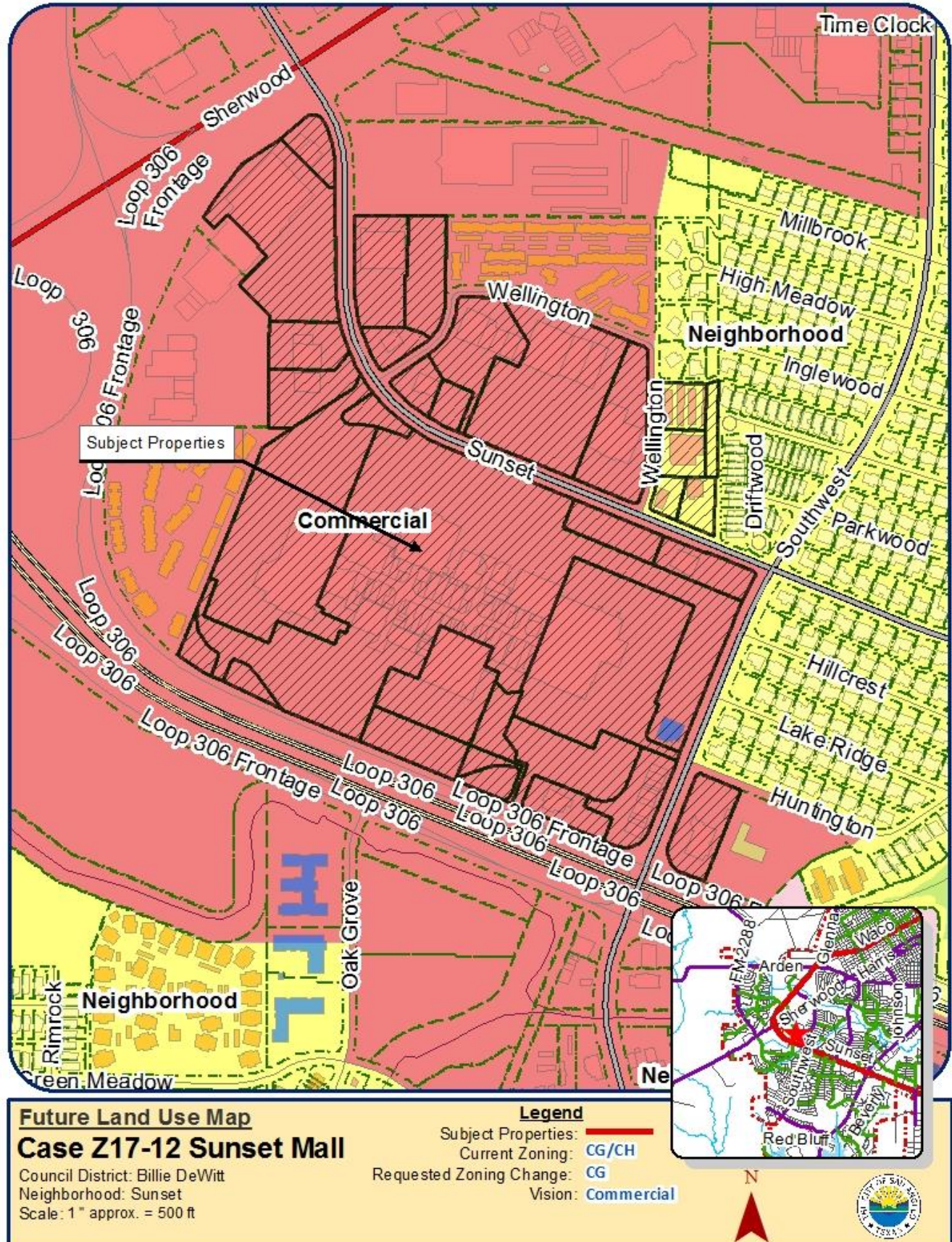
Commissioner Smith made a Motion to recommend APPROVAL of the proposed Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the General Commercial (CG) Zoning. Commissioner Stribling seconded the Motion. The Motion passed unanimously, 7-0.

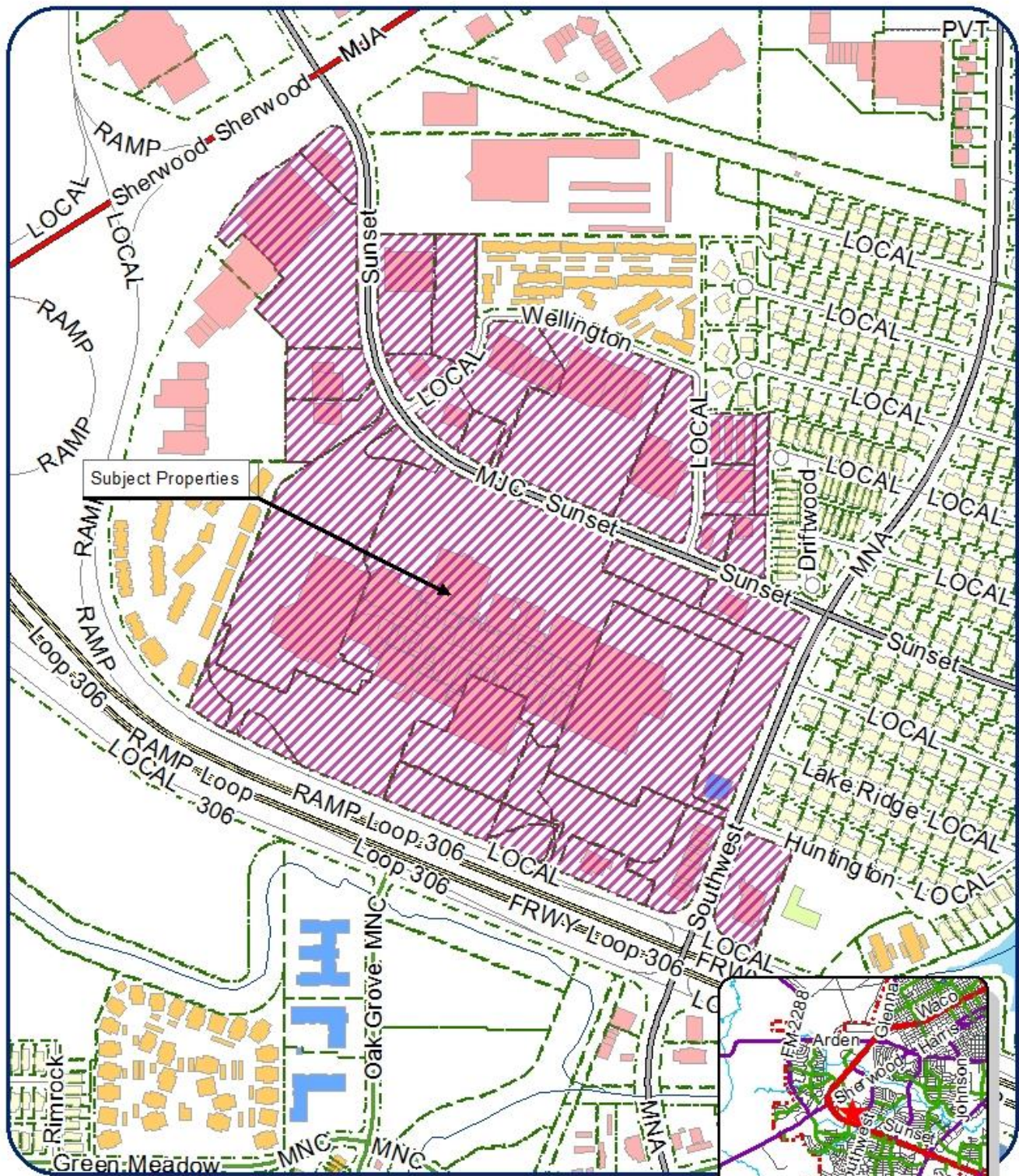
Attachments:

1. Aerial Map
2. Zoning Map
3. Future Land Use (FLU) Map
4. Thoroughfare Map
5. Notification Map
6. Letters of Favor and Opposition
7. Photos of Businesses Effected









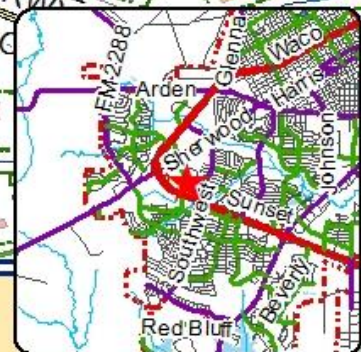
Thoroughfare Map

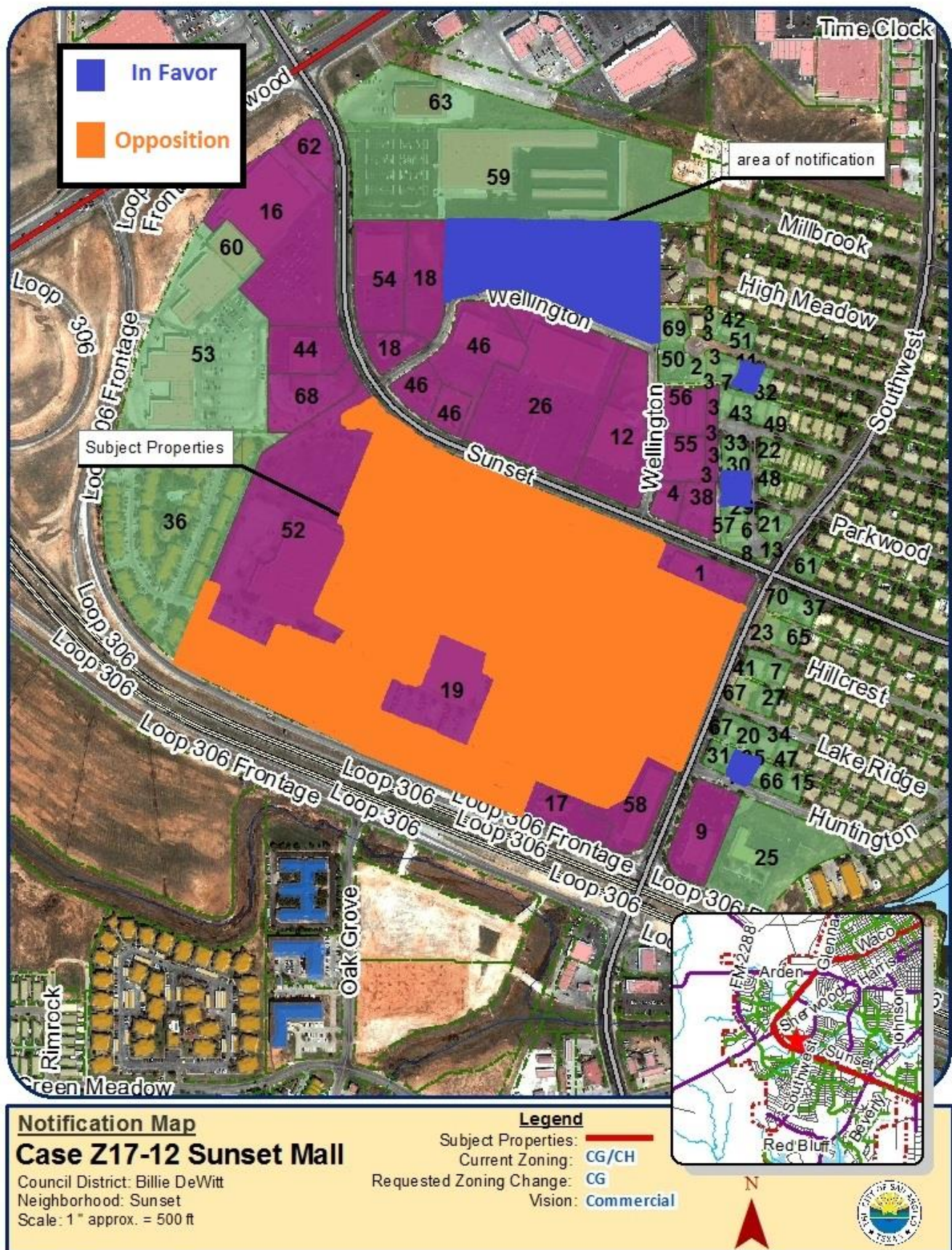
Case Z17-12 Sunset Mall

Council District: Billie DeWitt
Neighborhood: Sunset
Scale: 1" approx. = 500 ft

Legend

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





Sunset Mall's Opposition Letter



September 13, 2017

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

Re: Public Hearing for a Zone Change Z17-12 – Sunset Mall

Dear Planning Commission Members,

A Public Hearing is scheduled to be held on September 18th, 2017 for approval of a Zone Change from the current CG/CH Zoning District that is currently in place to a General Commercial (CG) Zoning District. We have reviewed the change and offer the following in opposition to this Zoning Change:

1. Eliminating Heavy Commercial uses would limit our ability to attract retailers that perform car maintenance services. If Sears decided to perform full service vehicle maintenance this would not be allowed in the rezoned area.
2. We would not be allowed to have a distribution center under the proposed zoning. So, if the future holds that retailers like JC Penney or Victoria Secret decide to convert their current operations strategy to provide for their "bricks and mortar" locations to also be local distribution centers focused on home delivery of merchandise purchased over the internet, this would not be allowed under the proposed zoning change.
3. Game Halls are not allowed under the proposed zoning which would eliminate leasing to a retailer like Dave & Busters, a Trampoline Park, or any larger amusement type use. In our negotiations, we are in tremendous competition for delivery of space with many markets. Even minor complications can hinder us from being selected as a location for a retailer's business especially if a market with a similar makeup has no issues to overcome.
4. A Plant Nursery would not be allowed, and so a retailer like Walmart would not be able to sell landscape materials, gardening materials, fertilizers, live plants, trees, shrubs, etc. that makeup a Plant Nursery.

We are at a time in retailing history where we are in need of additional uses to fill our real estate and with adaptations that are blending traditional retail with other non-traditional uses. The consumer is demanding an unprecedented amount of merchandise choices. Manufacturing is now blending with retailing and shipping is now the front line for retailers like Amazon and these uses would not be allowed under the proposed zoning change. If we now have our uses condensed in any fashion it will run contrary to the prevailing changes in the real world. The mall provides many benefits to the San Angelo community, including jobs for residents, a significant amount of tax revenue and a place for residents and visitors to enjoy shops, restaurants and entertainment. For the mall to continue to be a viable business we need to have all of the above options open to us so that we can continue to have a positive impact on the San Angelo economy and community in the years to come.

We thank you for hearing us as we look forward to voicing our opposition of this change to the zoning at Sunset Mall.

A handwritten signature in black ink, appearing to read "Steven Niles".

Steven Niles
General Manager
Sunset Mall

4001 Sunset Drive – Suite # 1182 – San Angelo, TX 76904

325-949-1947 ph – 325-224-0847 fax – www.sunsetmall.com

Businesses Subject to the Rezoning

Shannon and Aspen Dental



Target



Blue Cross Blue Shield



Old Town Buffet Strip Mall and Hero's Gym



Big Lots



Sunset Mall



Red Lobster



The Magic Spot



The Corners Plaza



4240 Meats and Sweets



Shannon Clinic



Chili's



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 PROPERTIES: **4240 Southwest Boulevard, 4241 Southwest Boulevard, 3903 Sunset Drive, 3930 Sunset Drive, 3950 Sunset Drive, 4001 Sunset Drive, 4002 Sunset Drive, 4102 Sunset Drive, 4112 Sunset Drive, 4132 Sunset Drive, 4141 Sunset Drive, 4151 Sunset Drive, 4160 Sunset Drive, 4235 Sunset Drive, 4238 Sunset Drive, 4251 Sunset Drive, 5000 Sunset Drive, 6000 Sunset Drive, 4002 Wellington Street, 4052 Wellington Street, 3950 West Loop 306, Abstract: a-3944, Survey 0001, Survey: A E White, Tract 4 Section 1, Sunset Mall Addition, Section 1, Sunset Mall Addition, Replat, and Tract 11 Section 1, Sunset Mall Addition; generally located at or near Sunset Mall, City of San Angelo, Texas, compromising a total of 92.36 acres, FROM GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH) ZONING DISTRICT TO GENERAL COMMERCIAL (CG) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

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 thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed General Commercial District (CG); and,

WHEREAS, on the 17th day of October, 2017, City Council held a public hearing on Z17-12, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described property permanently zoned GENERAL COMMERCIAL (CG) District:

The real property located at 4240 Southwest Boulevard, 4241 Southwest Boulevard, 3903 Sunset Drive, 3930 Sunset Drive, 3950 Sunset Drive, 4001 Sunset Drive, 4002 Sunset Drive, 4102 Sunset Drive, 4112 Sunset Drive, 4132 Sunset Drive, 4141 Sunset Drive, 4151 Sunset Drive, 4160 Sunset Drive, 4235 Sunset Drive, 4238 Sunset Drive, 4251 Sunset Drive, 5000 Sunset Drive, 6000 Sunset Drive, 4002 Wellington Street, 4052 Wellington Street, 3950 West Loop 306, Abstract: a-3944, Survey 0001, Survey: A E White, Tract 4 Section 1, Sunset Mall Addition, Section 1, Sunset Mall Addition, Replat, and Tract 11 Section 1, Sunset Mall Addition, compromising a total of 92.36 acres,

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit A** of this Ordinance.

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

SECTION 4. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended 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 **17th day of October, 2017**, and finally PASSED, APPROVED AND ADOPTED on this the **7th day of November, 2017**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

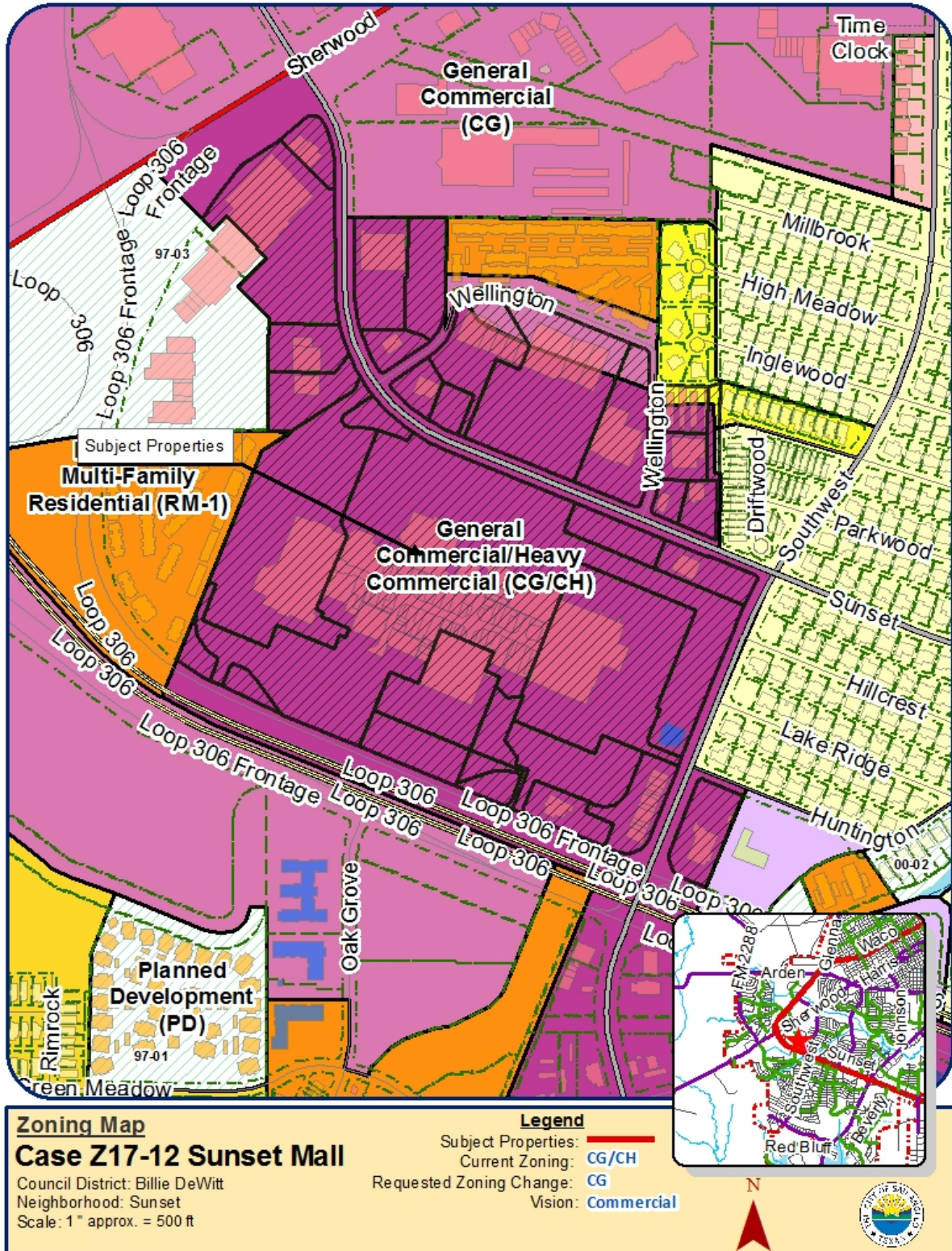
ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Exhibit A



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Patrick Frerich, Asst. Director of Operations, Stormwater, (325) 657-4206

Meeting Date: November 21, 2017

Item type: Regular Item

Caption:

Presentation on the Stormwater Management Program - (Presentation by Stormwater Program Manager Shannon McMillan)

Summary/History:

An overview of the stormwater management program will be provided to discuss the benefits, accomplishments and future of the City's stormwater program. The presentation also fulfills the requirement of one council presentation per permit year as listed in the City's Stormwater Management Plan per the TCEQ Phase II MS4 General Permit MCM 1 - Public Education and Outreach.

Financial Impact:

Not applicable

Other Information/Recommendation:

Attachments:

Presentation:

Approvals/Reviews:

Patrick Frerich	Created/Initiated
Lance Overstreet	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: Allison Strube, Water Utilities Assistant Director, Water Utilities, 325-657-4209

Meeting Date: November 21, 2017

Item type: Regular Item

Caption:

Second reading and public hearing and adoption of an ordinance amending Appendix A, Article A8.000 Utility Related Fees, A8.008 "Utilities" amending the deposits - (Presentation by Water Utilities Assistant Director Allison Strube)

Summary/History:

The City of San Angelo provides water and wastewater service to approximately 100,000 City residents and numerous commercial entities. Revenue is generated through water service charges to our 35,000 accounts. However, when customers finalize, or close, their accounts, they leave a balance. Unfortunately, the current deposit does not cover the final bills, creating an average reduction in revenue collected of \$470,000 annually.

Approximately 6,000 new accounts are opened annually. The proposed changes would only apply to new accounts. At the end of residential accounts, they may either:

(a) pay their remaining balance and receive their deposit back in full; or (b) have the balance subtracted from their deposit and receive the remaining balance.

This proposal would not generate any new revenue for the City despite being an increase of charges. It would, however, reduce collection costs. If a customer closes their account without paying the remaining balance, the city is left with uncollected revenue. In order to gather these funds, the city has to incur a cost of 20% of the collected amount. Ultimately, the proposed deposit would make the Utility's budgeted expenses more reliable and predictable.

With this proposal we will also be removing the language pertaining to the waiver of deposit by paying \$10 for a credit check. This is necessary because we do not have the ability at this time to run a customer's credit. Since we do not have these capabilities, we will be removing this section. The Service division has the capabilities to check a customer's credit, the ordinance will be amended to reflect that. With that being said, we will continue to require a deposit when we see that the customer has no delinquencies on a prior or active account with the Water Utilities Department.

Financial Impact:

Every time a customer closes their account without paying the remaining balance, the city is left with uncollected revenue, currently amounting to \$470,000 annually. With 11,582 inactive accounts unpaid. As shown below, every year we send an average of 1,500 accounts and \$470,000 to collections. These numbers will only continue to grow.

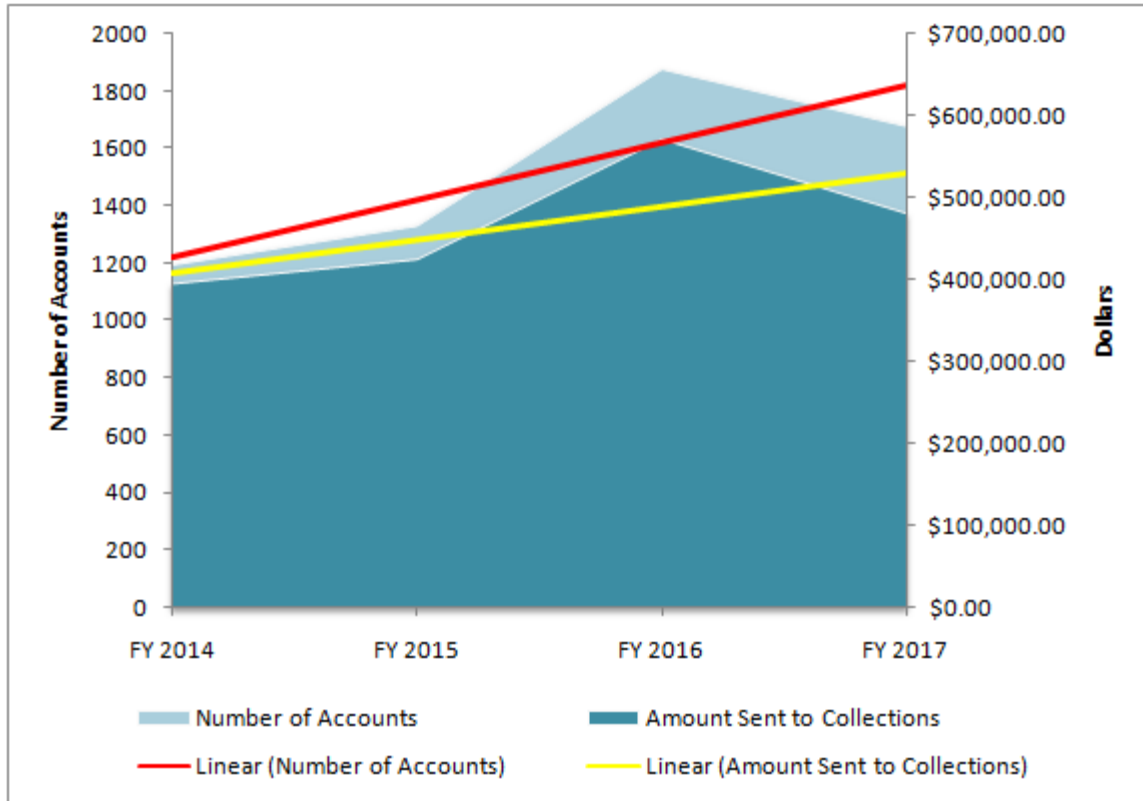


Table 1: Proposed Deposit Schedule for Residential customers. *The amounts shown for commercial deposits shall be the minimum allowed. The actual deposit will be based on similar types of uses.

Meter Size	Current Residential	Proposed Residential	Current Commercial*	Proposed Commercial*
5/8"	\$35.00	\$100.00	\$75.00	\$160.00
1"	\$55.00	\$110.00	\$175.00	\$330.00
1-1/2"	\$70.00	\$120.00	\$225.00	\$340.00
2"	\$75.00	\$150.00	\$400.00	\$640.00
3"	\$525.00	\$525.00	\$525.00	\$830.00
4"	\$650.00	\$650.00	\$650.00	\$900.00
6"	\$1,000.00	\$1,000.00	\$1,000.00	\$1,070.00

Table 2: Calculations for Proposed Residential Deposits.

Residential Meter Size	(based on avg. 4k Consumption)			
	5/8"	1"	1.5"	2"
Water Base Fee	\$30.69	\$37.15	\$43.65	\$57.56

Sewer Base Fee	\$29.72	\$34.41	\$39.13	\$49.20
Trash Fee	\$18.60	\$18.60	\$18.60	\$18.60
Stormwater (avg.)	\$4.00	\$4.00	\$4.00	\$4.00
Consumption of 4,000 Gallon (avg.)	\$13.46	\$13.46	\$13.46	\$13.46
TOTAL	\$96.47	\$107.62	\$118.84	\$142.82
<i>Proposed</i>	<i>\$100.00</i>	<i>\$110.00</i>	<i>\$120.00</i>	<i>\$150.00</i>

Table 3: Calculations for Commercial Proposed Deposit Charges.

Commercial Meter Size	(based on 10K Consumption)	(based on 25K Consumption)	(based on 25K Consumption)
	5/8"	1"	1.5"
Water Base Fee	\$30.69	\$37.15	\$43.65
Sewer Base Fee	\$29.72	\$34.41	\$39.13
Water Consumption Fee	\$69.20	\$173.00	\$173.00
Sewer Consumption Fee	\$24.00	\$84.00	\$84.00
TOTAL	\$153.61	\$328.56	\$339.78
<i>Proposed</i>	<i>\$160.00</i>	<i>\$330.00</i>	<i>\$340.00</i>

Table 4: Calculations for Commercial Proposed Deposit Charges Continued.

Commercial Meter Size	(based on 50K Consumption)	(based on 50K Consumption)	(based on 50K Consumption)	(based on 50K Consumption)
	3"	4"	6"	8"
Water Base Fee	\$168.08	\$209.85	\$305.49	\$414.1
Sewer Base Fee	\$129.28	\$159.55	\$228.85	\$307.5
Water Consumption Fee	\$346.00	\$346.00	\$346.00	\$231.0
Sewer Consumption Fee	\$184.00	\$184.00	\$184.00	\$184.0
TOTAL	\$827.36	\$899.40	\$1,064.34	\$1,136.
<i>Proposed</i>	<i>\$830.00</i>	<i>\$900.00</i>	<i>\$1,070.00</i>	<i>\$1,140.</i>

Other Information/Recommendation:

Staff recommends increasing deposits in order to lower our collections, reduce loss of collected revenue, and help ensure that total a received, including any applicable penalty charges and reconnection fees, are paid to the city.

This was presented to the Water Advisory Board on October 16, 2017 and was unanimously recommended by the board to City Court. This was taken to the November 7th meeting and was unanimously approved.

Attachments:

1. Ordinance Amendment
- 18-xxx Ordinance A8.007 Water, sewer and trash services deposits.docx

Presentation:

Approvals/Reviews:

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

AN ORDINANCE AMENDING APPENDIX A, ARTICLE A8.000 OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO TEXAS, BY AMENDING SECTION A8.008 “WATER, SEWER AND TRASH DEPOSITS”, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

1) THAT, Appendix A, Article A8.000 of the Code of Ordinances, City of San Angelo, Texas, Section A8.008, “Water, sewer, and trash service deposits”, is hereby amended as follows:

“Sec. A8.008 Water, sewer and trash service deposits

(a) Water service. Each and every water meter shall require the following minimum cash

Meter Size	Residential	Commercial*
3/4" or 5/8"	\$100 35.00	\$160 75.00
1"	\$110 55.00	\$330 475.00
1-1/2"	\$120 70.00	\$340 225.00
2"	\$150 75.00	\$640 400.00
3"	\$525.00	\$830 525.00
4"	\$650.00	\$900 650.00
6"	\$1,000.00	\$1,070 00.00

deposit:

Meter Size	Residential	Commercial*
3/4" or 5/8"	\$35.00	\$75.00
1"	\$55.00	\$175.00
1-1/2"	\$70.00	\$225.00
2"	\$75.00	\$400.00
3"	\$525.00	\$525.00
4"	\$650.00	\$650.00
6"	\$1,000.00	\$1,000.00

*The amounts shown for commercial deposits shall be the minimum allowed. The actual deposit will be determined by the water utility department based on similar types of uses.

(b) Sewer service. Each and every customer establishing sewer service without water service, whether with or without trash service, shall make a minimum cash deposit with the water department of the following amount:

(1) Residential: \$50.00.

(2) Commercial: \$100.00.

(c) Trash service. Each and every customer establishing trash service without water or sewer service shall make a minimum cash deposit with the water department of the following amount:

(1) Residential: \$50.00.

(2) Commercial: \$100.00.

(d) Waiver.

(1) Residential customers may request a waiver of the deposit requirement.

(2) A waiver will be granted upon:

~~(A) — Payment of a ten dollar (\$10.00) credit check processing fee;~~

~~(B) — Receipt by the city of a credit report indicating no record of delinquencies or late payments; and~~

~~(C) — Confirmation of a history of no delinquencies on the requestor's prior or active accounts with the water utilities department.~~

(e) Interest. All cash utility deposits made prior to October 1, 2004, shall accrue simple interest at the annual rate of four percent (4%) until September 30, 2004. No deposit shall accrue any interest nor shall any interest amount be paid on amounts on deposit after September 30, 2004."

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

SEVERABILITY:

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

3) THAT, this Ordinance shall be effective on, from and after the 1st day of January 2018.

INTRODUCED on the 7th day of November, 2017, and finally PASSED, APPROVED and ADOPTED on this the 21st day of November, 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: Allison Strube, Water Utilities Assistant Director, Water Utilities, 325-657-4209

Meeting Date: November 21, 2017

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance amending Appendix A, Article A8.000 Utility Related Fees, A8.007 "water billing charges", by amending the late fee - (Presentation by Water Utilities Assistant Director Allison Strube)

Summary/History:

The City of San Angelo provides water and wastewater service to approximately 100,000 City residents and numerous commercial enterprises. The majority of water utility revenue is generated through user charges of water service to our 35,000 accounts. However, when customers are late paying their bills, the City subsequently experiences a delay of incoming revenue. This does not only occur with residential accounts. In total, commercial accounts represent 10% of our late customers and are responsible for 10% of our delayed revenue. Without proper and timely revenue, Water Utilities may suffer consequences such as inadequate service, failure to fulfill contracts, unpaid debts, interrupted operations, and more.

In 2005, the City of San Angelo implemented a fixed late charge fee of \$25 per late Water Utility Bill in order to achieve sustainable operation of the utility.

CHAPTER 11 – UTILITIES, APPENDIX A – FEE SCHEDULE, Sec. A8.007 – Water billing charges

(a) Delinquent accounts; other charges.

(1) Any water utilities bill not paid within twenty-eight (28) days after the billing date shall be deemed delinquent and a late charge of twenty-five dollars (\$25.00) shall be added to the account for the expense of handling the delinquent account.

Since 2005, the utility has collected over \$1,500,000 annually in late charges. For example, for the past four years we have collected the following: \$1,537,450 in 2017, \$1,526,375 in 2016, \$1,595,025 in 2015, and \$1,548,300 in 2014. Since this has been such a steady sum of collected late charges, the utility accounted for this \$1,500,000 as revenue in the design of the 5-year rate plan.

Financial Impact:

Over the last four years, an average of 14,542 customers, or 40% of our total serviced accounts, were late between 1 and 12 months throughout the year. Of the late customers, over half were late more than twice.

Most notably, an average of 492 customers are late 12 times in a year, leading to an average delay of incoming revenue of \$1,100,000 from these reoccurring late customers.

In total, late payments result in an average of \$6,900,000, or nearly 30% of our total water budget, revenue being delayed. The average residential bill for those customers paying late over the previous 4 years was \$109.92 and the

average commercial bill for that same time period was \$184.64.

Changing the late fee to 18% instead of \$25 would affect both the utility's revenue and the customers. Shown below is what the utility would anticipate to collect if the late fee were a percent:

- 15% = \$1,035,000
- 18% = \$1,242,000
- 20% = \$1,380,000
- 23% = \$1,587,000

Shown below is what an average residential customer (with an average \$109.92 late bill) would pay if the late fee were a percent:

- 15% = \$16.48
- 18% = \$19.78
- 20% = \$21.98
- 23% = \$25.28

Shown below is what an average commercial customer (with an average \$184.64 late bill) would pay if the late fee were a percent:

- 15% = \$27.70
- 18% = \$33.23
- 20% = \$36.92
- 23% = \$42.46

Other Information/Recommendation:

This was presented to the Water Advisory Board on October 16, 2017. On a 3 to 1 vote, the board recommends staff's proposals be taken to City Council.

Attachments:

1. Ordinance Change 18-xxx Ordinance A8.007 Water Billing Charges.docx

Presentation:

Approvals/Reviews:

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

**AN ORDINANCE AMENDING APPENDIX A, ARTICLE A8.000
OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO
TEXAS, BY AMENDING SECTION A8.007 "WATER BILLING
CHARGES", PROVIDING FOR SEVERABILITY, AND
PROVIDING FOR AN EFFECTIVE DATE**

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

1) THAT, Appendix A, Article A8.000 of the Code of Ordinances, City of San Angelo, Texas, Section A8.007, "Water Billing Charges", is hereby as follows:

" Sec. A8.007 Water billing charges

(a) Delinquent accounts; other charges.

(1) Any water utilities bill not paid within twenty-eight (28) days after the billing date shall be deemed delinquent and a late charge of ~~twenty-five dollars (\$25.00)~~ 18% of the unpaid amount shall be added to the account for the expense of handling the delinquent account.

(2) Any customer whose water service has been discontinued due to a delinquency shall be required to pay the accrued bill, including the ~~the twenty-five dollars (\$25.00)~~ late charge, plus a reconnect charge of thirty dollars (\$30.00), before water service will be reactivated for the account.

(3) A charge will be added to a customer's account for each returned check as provided in sec. 2.03.061 of the Code of Ordinances and section A10.001 hereof."

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

SEVERABILITY:

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

3) THAT, this Ordinance shall be effective on, from and after the 1st day of January 2018.

INTRODUCED on the 7th day of November, 2017, and finally PASSED, APPROVED
and ADOPTED on this the 21st day of November, 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: Ryan Jansa, Budget Analyst, Police, (325)657-4262

Meeting Date: November 21, 2017

Item type: Regular Item

Caption:

Second reading, public hearing and adoption of an ordinance amending Chapter 2, "Administration and Personnel", Article 2.08 "Classified Service", Section 2.08.017 "Bilingual (Spanish) Certification Pay" to provide bilingual pay to police officers that was lost through the expiration of the Meet and Confer Contract and expand the pay to all languages.- (Presentation by Police Chief Frank Carter)

Summary/History:

Bilingual pay is additional pay to officers that speak a language secondary to English or are certified in American Sign Language (ASL). Bilingual pay was implemented as part of the 2009 Meet and Confer contract. It paid any officer that is certified in Spanish \$100 per month. These officers had to recertify every 3 years. When the Meet and Confer contract expired, this certification was lost. We are requesting to add the bilingual certification pay via ordinance for any officer that is bilingual as defined by this ordinance. The San Angelo Police Department had 19 certified Officers when the contract expired. We have an estimated 3 additional Officers that speak various languages that will qualify under the new ordinance.

Financial Impact:

Each certified officer will receive \$100 per month. We project 22 Officers at a total annual cost of \$26,400. Certification cost will come from the Police budget.

Other Information/Recommendation:

Attachments:

1. Ordinance 18-010 Bilingual pay police.docx

Presentation:

Frank Carter

Approvals/Reviews:

Ryan Jansa	Created/Initiated
Frank Carter	Approved
Theresa James	Approved
Lisa Marley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

**AN ORDINANCE AMENDING CHAPTER 2, "ADMINISTRATION
AND PERSONNEL", ARTICLE 2.08 "CLASSIFIED SERVICE",
SECTION 2.08.017 "BILINGUAL (SPANISH) CERTIFICATION
PAY" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO
TEXAS, PROVIDING FOR SEVERABILITY, AND PROVIDING
FOR AN EFFECTIVE DATE**

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

1) THAT, Chapter 2, Article 2.08, Section 2.08.017 "Bilingual (Spanish) certification pay" of the Code of Ordinances, City of San Angelo, Texas, is hereby amended as follows:

" Sec. 2.08.017 Bilingual ~~(Spanish)~~ certification pay

~~During the term of a Meet and Confer Agreement which provides for bilingual (Spanish) certification pay to Any city police department officerranks of police officer, sergeant, and lieutenant upon demonstrating through official testing they are certified as bilingual in any language secondary to English, including American Sign LanguageSpanish, the police chief and police majors, upon becoming certified as bilingual in Spanish in accordance with the same certification process,~~ will be paid additional compensation as certification pay in the amount of \$100.00 per month.

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

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

SEVERABILITY:

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

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

INTRODUCED on the 17th day of October, 2017, and finally PASSED, APPROVED and ADOPTED on this the 7th day of November, 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: Bryan Kendrick, City Clerk, City Clerk,

Meeting Date: November 21, 2017

Item type: Regular Item

Caption:

Consider a resolution setting out number of votes to be cast for nominees for Board of Directors of Tom Green County Appraisal District - (Presentation by City Clerk Bryan Kendrick)

Summary/History:

The nomination and appointment process is set out in Section 6.03 of the State Property Tax Code. Appraisal district board members serve 2-year terms. The current terms of the five board members expire on December 31, 2017.

Nominations have been received from the participating governing bodies. The Council may distribute its 1,293 votes in any manner it desires among the seven (7) nominees. Historically, each Council Member has been allocated 184 votes (1/7 of the total 1,293 votes allocated to the City of San Angelo), and the remaining 5 votes have been decided by majority.

The Council may also choose to cast all its votes for one candidate or may distribute votes equally among any number of the candidates. There is no provision for write-in candidates. The Council must take action by December 15, 2017 by Resolution on the official ballot. The nominees are:

- Begnaud, John (Current Member, has served 3 terms/6 years)
- Conn, John (Current Member, has served 2 terms/4 years)
- DeVore, Russell (Current Member, has served 2 terms/4 years)
- Gomez, Louis (Current Member, has served 2 terms/4 years)
- Nowlin, David (New Nominee)
- Pool, Kandi (New Nominee)
- Reeves, Bob (Current Member, has served 2 terms/4 years)

The five newly elected board members will begin serving their two year term of office on January 1, 2018.

Financial Impact:

No financial impact directly associated with this vote.

Other Information/Recommendation:

Letter dated October 23, 2017 and received on October 30, 2017 from the Chief Appraiser provides additional information. A copy of the ballot, draft resolution, vote allocation sheet, and historical summary of the City Council nomination process is also included with this cover memo.

Attachments:

- | | | |
|----|-------------------------|---|
| 1. | Resolution | 18-053_CITY_CLERK_APPRAISAL_DISTRICT_BOARD_VOTE_RESO - Final.docx |
| 2. | Board History | CC TGCAD History.docx |
| 3. | Letter from Bill Benson | Letter from Bill Benson.pdf |
| 4. | Vote Allocation | Eligible Vote Allocation Sheet.pdf |
| 5. | Ballot | Ballot.pdf |
| 6. | Presentation | Presentation TGCAD.pptx |

Presentation:

PowerPoint

Approvals/Reviews:

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS, CASTING VOTES FOR ONE NOMINEE OR DISTRIBUTING THEM AMONG NOMINEES FOR POSITIONS ON THE BOARD OF DIRECTORS OF THE TOM GREEN COUNTY APPRAISAL DISTRICT FOR THE JANUARY 1, 2018 THROUGH DECEMBER 31, 2019 TERM OF OFFICE

WHEREAS, Section 6.03, Property Tax Code, State of Texas, allows a municipality that is a taxing unit in an appraisal district a voting entitlement to cast the number of votes for directors as determined by the chief appraiser pursuant to statutory formula for each of the five positions to be filled on the board of directors of the Tom Green County Appraisal District; and

WHEREAS, the City of San Angelo is a taxing unit of the Tom Green County Appraisal District and the chief appraiser has determined that the City is entitled to 1,239 votes for nominees for each of the five positions to be filled; and

WHEREAS, the City Council as governing body of the City of San Angelo desires to exercise its right of casting votes for one nominee or distribute them among nominees as provided by law for each of the five positions to be filled on the board of directors of the Tom Green County Appraisal District for the two year term of office commencing January 1, 2018, through December 31, 2019;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Angelo, Texas:

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That the City Council of the City of San Angelo, Texas, hereby allocates its total entitlement of 1,293 votes for the Tom Green County Appraisal District Board of Directors for two year terms beginning January 1, 2018 and expiring December 31, 2019, as follows:

Nominee Name:	Number of Votes Cast
1. John Begnaud	_____
2. John Conn	_____
3. Russell DeVore	_____
4. Louis P. Gomez	_____
5. David Nowlin	_____
6. Kandi Pool	_____
7. Bob Reeves	_____

Section 3. That the Mayor for the City of San Angelo, as presiding officer, be, and that she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Tom Green County Appraisal District on or before December 15, 2017.

Section 4. That this resolution shall take effect immediately from and after its passage, in accordance with the provisions of the State Statutes of the State of Texas.

Section 5. Open Meetings Act. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Motion made by _____, seconded by _____.
Motion carried unanimously.

PASSED, APPROVED AND ADOPTED ON THE ____ DAY OF _____,
2017.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Received in the office of the Chief Appraiser, Tom Green County Appraisal District,
on the ____ day of _____, 2017.

Bill H. Benson, Chief Appraiser

NOMINATION OF CANDIDATES FOR BOARD OF DIRECTORS OF TOM GREEN COUNTY APPRAISAL DISTRICT

The City Manager reviewed the background information. Councilwoman Tucker stated that the current directors have performed well.

Motion, to nominate Mr. Dick Burnett, Mr. A. H. "Chico" Denis, Mr. John Fuentes, Mr. Walter Pfluger, and Mr. John Phillips as candidates for the Board of Directors of Tom Green County Appraisal District for 1993-95, was made by Councilman Izzard and seconded by Councilman Hiebert. Motion carried unanimously.

ADOPTION OF RESOLUTION NOMINATING CANDIDATES FOR BOARD OF DIRECTORS OF TOM GREEN COUNTY APPRAISAL DISTRICT

The Council discussed the function of the board. The City Manager explained the process for selection of the board.

Motion, to adopt the resolution nominating Mr. Dick Burnett, Mr. A. H. "Chico" Denis, Mr. John Fuentes, Mr. Walter Pfluger, and Mr. John Phillips for the Board of Directors of the Tom Green County Appraisal District, was made by Councilmember Izzard and seconded by Councilmember Burrows. Motion carried unanimously.

Annex F, Page 168, "Resolution"

ADOPTION OF RESOLUTION SETTING NUMBER OF VOTES TO BE CAST FOR NOMINEES FOR BOARD OF DIRECTORS OF TOM GREEN COUNTY APPRAISAL DISTRICT FOR 1998-2000 TERM

City Clerk Carol Rigby presented the results of each Councilmembers vote. Each Councilmember cast 232.5 votes (1/6 of the 1,395 total votes allocated to the City of San Angelo) among the 6 nominees. Councilmember Shrum cast his votes as follows: Mr. Pfluger - 132.5; Mr. Phillips - 100. Councilmember Burrows cast his votes as follows: Mr. Phillips - 232.5. Councilmember Holguin cast his votes as follows: Mr. Bastardo - 232.5. Councilmember Tucker cast her votes as follows: Mr. Burnett - 232.5. Councilmember Ryon cast her votes as follows: Mr. Bastardo - 46; Mr. Burnett - 46; Mr. Denis - 46; Mr. Pfluger - 46; Mr. Phillips - 48.5. Councilmember Mahon cast his votes as follows: Mr. Fuentes - 77.5; Mr. Pfluger - 77.5; Mr. Phillips - 77.5.

Motion, to adopt a resolution setting the number of votes to be cast for nominees for the Board of Directors of the Tom Green County Appraisal District for the 1998-2000 term as follows: Mr. Richard Bastardo - 278.5; Mr. Dick Burnett - 278.5; Mr. A.H. AChico@, III - 46; Mr. John Fuentes - 77.5; Mr. Walter Pfluger - 256; Mr. John Phillips - 458.5, was made by Councilmember

Holguin and seconded by Councilmember Burrows. Motion carried unanimously.

Annex F, Page 83, AResolution@

Page 610
Vol. 89

Minutes
October 5, 1999

ADOPTION OF RESOLUTION NOMINATING CANDIDATES FOR BOARD OF DIRECTORS OF TOM GREEN COUNTY APPRAISAL DISTRICT

City Clerk Kathy Keane presented background information, noting that the Appraisal Board has five members up for reappointment, and Council will need to nominate for these five positions. Ms. Keane further noted that everyone currently serving on the board is eligible for reappointment and willing to serve except Mr. John Fuentes.

City Manager Tom Adams noted that this is a two step process.

A discussion followed regarding the qualifications needed.

Responding to a question from Councilmember Holguin, Ms. Keane noted that Mr. Dean had indicated that Mr. Walter Pfluger and Mr. Louis Gomez had expressed interest in holding these positions.

Noting that Mr. Pfluger would be an asset, Councilmember Ryon explained that she had spoken with Mr. Pfluger and she would like to consider him for one of the positions.

Councilmembers Shrum and Holguin agreed.

Responding to a question from Councilmember Bastardo, Ms. Keane stated that she had not made contact with the Chief Appraiser, but had spoken with Mr. Rusty Dean, the attorney for the Appraisal District, who prepared the Resolution.

Noting a possible problem with a Councilmember serving on the Tax Appraisal Board, Councilmember Shrum stated that Louis Gomez was interested as well. Councilmember Shrum further suggested that Mr. Gomez and Mr. Pfluger be substituted for present members John Fuentes and Richard Bastardo.

Councilmember Mahon explained that there is a perceived problem with Mr. Bastardo being able to set the tax rate as a member on this board. While this is legally permissible, it is the perception which could be harmful.

Councilmember Ryon agreed that this is a problem and questioned if Council should make a rule that Councilmembers can not serve on other boards.

Councilmember Shrum noted that some boards have requested City Council representation, however, perception of is the matter of concern.

Mr. Adams noted that involvement in certain areas needs to be watched.

Councilmember Bastardo noted that it was this Council who voted him in as a member of the Tax Appraisal Board. Mr. Bastardo stated that all the present board members are good people, but

explained that he has not been on the board for long and has the time to serve. Serving on the Tax Appraisal Board does not hamper his agenda to stay open-minded and attend all the meetings.

Mayor Fender explained that when Council voted to have Mr. Bastardo serve, he was not on the Council at the time. Mayor Fender further explained that this is not a personal decision.

Councilmember Holguin nominated Councilmember Bastardo.

Council discussed how the vote would take place. Each Councilmember will get five votes.

An initial vote was taken. The nominees received the following number of votes:

Richard Bastardo: 4 votes; Councilmembers Burrows, Holguin, Bastardo and Ryon
Dick Burnett: 4 votes; Councilmembers Shrum, Burrows, Holguin and Mahon
Chico Dennis: 4 votes; Councilmembers Shrum, Burrows, Ryon and Mahon
John Phillips: 4 votes; Councilmembers Shrum, Burrows, Mahon and Mayor Fender
Walter Pfluger: 5 votes; Councilmembers Shrum, Burrows, Ryon, Mahon and Mayor Fender
Louis Gomez: 4 votes; Councilmembers Shrum, Burrows, Mahon and Mayor Fender

Mr. Walter Pfluger was nominated and the Council voted again on the remaining nominees with each Councilmember receiving four votes. The nominees received the following number of votes:

Richard Bastardo: 4 votes; Councilmembers Burrows, Holguin, Bastardo and Ryon
Dick Burnett: 5 votes; Councilmembers Shrum, Burrows, Holguin, Mahon and Mayor Fender
Chico Dennis: 4 votes; Councilmembers Shrum, Ryon, Mahon and Mayor Fender
John Phillips: 7 votes; Full Council
Louis Gomez: 7 votes; Full Council

At this point the following additional persons were nominated: Dick Burnett, John Phillips, and Louis Gomez. Because the number of votes received for Mr. Bastardo and Mr. Dennis were tied, another vote was taken.

Richard Bastardo: 3 votes; Councilmembers Burrows, Holguin, and Bastardo
Chico Dennis: 4 votes; Councilmembers Shrum, Ryon, Mahon, and Mayor Fender

Motion, to adopt a resolution nominating Walter Pfluger, Dick Burnett, John Phillips, Louis Gomez, and Chico Dennis for Board of Directors of the Tom Green County Appraisal District, was made by Councilmember Shrum and seconded by Councilmember Mahon. Aye: Shrum, Mahon, Fender, Burrows, Bastardo, and Ryon. Nay: Holguin. Motion carried 6-1.

Annex B, Page 619, AResolution@

Page 400
Vol. 92

Minutes
October 2, 2001

ADOPTION OF A RESOLUTION NOMINATING CANDIDATES FOR BOARD OF DIRECTORS OF TOM GREEN COUNTY APPRAISAL DISTRICT

Responding to questions of Councilmembers Holguin and Wardlaw, City Manager Tom Adams

informed that Directors did not have term limits but that the Council was free to nominate their own slate of nominees. He further agreed that future nominations could include information regarding the length of service for each nominee.

Motion, to adopt a Resolution nominating candidates for the Board of Directors of the Tom Green County Appraisal District, as presented, was made by Councilmember Mahon and seconded by Councilmember Darby. Motion carried unanimously.

Annex C, Page 425, AResolution@

Minutes
October 7, 2003

Page 439
Vol. 95

ADOPTION OF A RESOLUTION NOMINATING CANDIDATES FOR THE TOM GREEN COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS

City Manager Tom Adams presented background information.

Responding to the request of Councilmember Holguin to delay the nomination process, Councilmember Bates noted the Resolution nominating candidates was required to be submitted prior to October 15, 2003.

By consensus, the Council requested a letter be drafted for the Mayor's signature to the Tom Green County Appraisal District requesting the City receive this notice of nomination earlier, perhaps mid August, to ensure sufficient time to more fully consider the nominations to be forwarded to the Chief Appraiser.

Councilmember Holguin advised he had other individuals he would have preferred to bring forward.

Motion, to adopt a Resolution nominating the following individuals for the Tom Green County Appraisal District Board of Directors: Dick Burnett, A.H. "Chico" Denis III, Louis Gomez, Walter Pfluger and John Phillips, as presented, was made by Councilmember Mahon and seconded by Councilmember Rainey. Aye: Mahon, Rainey, Lown, Morrison, Reeves and Bates. Nay: Holguin. Motion carried 6-1.

Annex C, Page 453, "Resolution"

Page 271
Vol. 98

Minutes
December 13, 2005

APPROVAL OF A RESOLUTION SETTING OUT NUMBER OF VOTES TO BE CAST FOR NOMINEES FOR BOARD OF DIRECTORS OF TOM GREEN COUNTY APPRAISAL DISTRICT FOR 2006-2007

NOTE: Nominations were not made in 2005

City Manager Harold Dominguez presented background information.

Councilmember Holguin commented on the nominations and repeated requests to facilitate the process. General discussion was held on the time provided to submit votes and required turnaround of the nomination process. Mayor Lown requested staff work with Tom Green County Appraisal District on future nominations.

Motion, to divide votes equally among nominees, was made by Mayor Lown and seconded by Councilmember Rainey. AYE: Lown, Bates, Farmer, Morrison, and Rainey NAY: Holguin. Motion carried 5-1.

Annex J, Page 295, "Resolution"

Page 5
Vol. 99

Minutes
September 18, 2007

APPROVAL OF CANDIDATE NOMINATIONS TO SERVE ON THE BOARD OF DIRECTORS OF THE TOM GREEN COUNTY (TGC) APPRAISAL DISTRICT FOR THE 2008-2009 TERM

Mayor Lown suggested the Council consider reviewing the criteria and nominating individuals to serve on the TGC Appraisal District board. He commented the existing board consisted of the same members serving numerous terms. Finance Director Michael Dane stated the nomination process was time sensitive and noted the nomination should be finalized no later than October 15, 2007. Mayor Lown recommended Mr. Louis Hall.

Councilmember Perez-Jimenez requested the item be considered at the Visions meeting on September 27 and 28, 2007. Council concurred. Mayor Lown informed the TGC board meets approximately 7 times a year for 1 to 3 hours.

Mayor Lown recommended the nominees complete an application and forward such to City Clerk Alicia Ramirez.

Page 5
Vol. 100

Minutes
October 2, 2007

ADOPTION OF A RESOLUTION NOMINATING LOUIS HALL AS A CANDIDATE FOR BOARD OF DIRECTORS OF TOM GREEN COUNTY APPRAISAL DISTRICT

Motion, to adopt a Resolution nominating Louis Hall as a candidate for Board of Directors of Tom Green County Appraisal District, was made by Mayor Lown and seconded by Councilmember Perez-Jimenez. Motion carried unanimously.

Annex F, Page 25, "Resolution"

Minutes
November 6, 2007

Page 5
Vol. 100

ADOPTION OF A RESOLUTION SETTING OUT THE NUMBER OF VOTES TO BE CAST FOR NOMINEES FOR BOARD OF DIRECTORS OF TOM GREEN COUNTY APPRAISAL DISTRICT

Councilmembers submitted their votes as follows: Councilmember Farmer, 199 for Louis Hall; Councilmember Hogg, 49.75 each for Dick Burnett, Louis Hall, Chico Denis, and Walter Pfluger; Councilmember Perez-Jimenez, 199 for Louis Hall; Mayor Lown, 199 for Louis Hall; Councilmember Cárdenas, 199 for Louis Hall; Councilmember Morrison, 199 for John Phillips; and Councilmember Fields, 199 for Louis Hall.

Motion, to adopt a Resolution setting out 49.75 votes for Dick Burnett, 49.75 votes for A.H. “Chico” Denis, 0 votes for Louis P. Gomez, 1044.75 votes for Louis Hall, 49.75 votes for Walter W. Pfluger, and 199 votes for John D. Phillips to be cast for nominees for Board of Directors of Tom Green County Appraisal District, was made by Mayor Lown and seconded by Councilmember Farmer. Motion carried unanimously.

Annex G, Page 89, “Resolution”

Minutes
October 6, 2009

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Vol. 101

ADOPTION OF A RESOLUTION NOMINATING CANDIDATES EMILIO PEREZ-JIMENEZ, TIM EDWARDS, VICKIE BOULDEN, BOB REEVES, AND JOHN BEGNAUD AS CANDIDATES FOR THE BOARD OF DIRECTORS OF THE TOM GREEN COUNTY APPRAISAL DISTRICT FOR THE 2010-2012 TERM

City Clerk Alicia Ramirez presented background information. General discussion and nominations were made by the Councilmembers.

Motion, to close nominations, was made by Councilmember Farmer and seconded by Councilmember Silvas. Motion carried unanimously.

In conclusion, the following nominations were made.

Motion, to adopt a resolution nominating candidates Emilio Perez-Jimenez, Tim Edwards, Vickie Boulden, Bob Reeves, and John Begnaud as candidates for the Board of Directors of the Tom Green County Appraisal District for the 2010-2012 Term, was made by Mayor Pro Tempore Hogg and seconded by Councilmember Adams. Motion carried unanimously.

Annex A, Page, “Resolution”

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Minutes
October 4, 2011

ADOPTION OF A RESOLUTION NOMINATING CANDIDATES FOR BOARD OF DIRECTORS OF TOM GREEN COUNTY APPRAISAL DISTRICT (ANNEX E, PAGE 71, RESOLUTION #2011-09-109R)

City Clerk Alicia Ramirez presented background information.

Motion, to adopt the Resolution, as presented, was made by Councilmember Morrison and seconded by Councilmember Adams. Motion carried unanimously.

Nominees: John Begnaud, John Conn, Russell DeVore, Louis Gomez, and Bob Reeves

ADOPTION OF A RESOLUTION NOMINATING CANDIDATE(S) FOR BOARD OF DIRECTORS OF TOM GREEN COUNTY APPRAISAL DISTRICT (ANNEX E, PAGE 71, RESOLUTION #2011-09-109R)

City Clerk Alicia Ramirez presented background information.

Mayor Morrison suggested nominating the existing members: John Begnaud, John Conn, Russell DeVore, Louis Gomez, and Bob Reeves. Council concurred.

Motion, to adopt the Resolution, as presented, was made by Councilmember Vardeman and seconded by Councilmember Farmer. Motion carried unanimously.

Minutes
October 6, 2015

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- d. Consider adopting a resolution nominating candidates to serve on the Board of Directors of the Tom Green County Appraisal District for the 2016-2017 Term (Pg. 833, #2015-10-285)
A presentation was made by City Clerk Bryan Kendrick. A copy of the report is part of the permanent supplemental record.

Motion: Council Member Silvas made a motion, seconded by Council Member Self, to nominate John Begnaud, John Conn, Russell DeVore, Louis Gomez, and Bob Reeves. The motion carried unanimously six (6) ayes to zero (0) nays.

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Minutes
November 12, 2015

- f. Consider adopting a resolution setting out number of votes to be cast for nominees for Board of Directors of Tom Green County Appraisal District (pg. 43, #2015-11-295)
A presentation was made by City Clerk Bryan Kendrick. A copy of the report is part of the permanent supplemental record.

Motion: Council Member Farmer made a motion, seconded by Council Member Silvas, to approve the resolution, splitting the Council's votes evenly among their nominees with the remaining votes going to John Begnaud. The motion carried unanimously six (6) ayes to zero (0) nays.

Nominee Name:	Number of Votes Cast
1. John Begnaud	<u>261</u>
2. John Conn	<u>258</u>
3. Mike Diaz	<u>0</u>
4. Louis P. Gomez	<u>258</u>
5. Louis Hall	<u>258</u>
6. Bob Reeves	<u>258</u>



TOM GREEN COUNTY APPRAISAL DISTRICT

2302 Pulliam • P.O. Box 3307 • San Angelo, TX 76902

Office 325-658-5575 • Fax 325-657-8197



October 23, 2017

COPY

Mayor Brenda Gunter
City of San Angelo
72 West College Ave.
San Angelo, Texas 76903

Re: Election of Five Members To The Appraisal District Board of Directors For
The Two Year Term Beginning January 1, 2018.

Dear Mayor Gunter:

The governing bodies have concluded the nomination process and have provided me with a listing of their nominees to be placed on the election ballot. The following seven individuals were nominated:

- (1) Begnaud, John
- (2) Conn, John
- (3) Devore, Russell
- (4) Gomez, Louis
- (5) Nowlin, David
- (6) Pool, Kandi
- (7) Reeves, Bob

Chapter 6 of the Property Tax Code provides for the following procedures during the election process.

- (1) Prior to October 30, 2017, the chief appraiser will prepare and deliver a ballot to the presiding officer of each taxing unit that is entitled to vote.

The ballot for each taxing unit is attached hereto.

- (2) Prior to December 15, 2017, the governing body of each taxing unit shall determine its votes by resolution. The taxing unit may cast all its votes for

one candidate or may distribute the votes among any number of the five candidates. There is no provision for write-in candidates. The board of directors is a five (5) member board.

- (3) Prior to December 15, 2017, the taxing unit shall deliver its completed resolution and ballot to the chief appraiser.
- (4) Prior to December 31, 2017, the chief appraiser shall count the votes, declare the five (5) candidates who receive the largest vote totals elected and submit the results to the taxing units and the candidates.

The chief appraiser may not count votes cast for someone not listed on the official ballot.

- (5) The five newly elected board members will begin serving their two year term of office on January 1, 2018.

For your information and use, I have attached a schedule of the taxing units eligible to vote their voting entitlement and the ballot for your taxing entity.

Please notify us of any question you may have or of any way we may be of assistance to you.

Respectfully,



Bill H. Benson, Chief Appraiser
Tom Green County Appraisal District

BHB:tc
Encl.

**TOM GREEN COUNTY APPRAISAL DISTRICT
ORIGINAL TAX LEVIES AND ELIGIBLE VOTES FOR BOARD ELECTION OF 2017**

	<u>ELIGIBLE TAXING UNIT NAME</u>	<u>2016 TOTAL TAX LEVY</u>	<u>2016 PERCENT OF LEVY</u>	<u>2016 ELIGIBLE VOTES</u>
1	Christoval I. S. D.	\$ 2,824,363.45	2.00%	105
2	City of San Angelo	\$ 36,989,899.77	26.17%	1,293
3	Grape Creek I. S. D.	\$ 3,612,618.78	2.56%	118
4	Miles I. S. D. (Tom Green Part)	\$ 527,979.90	0.37%	16
5	San Angelo I. S. D.	\$ 57,364,820.43	40.59%	2,097
6	Tom Green County	\$ 31,588,509.20	22.35%	1,101
7	Veribest I. S. D.	\$ 1,477,402.83	1.05%	55
8	Wall I. S. D.	\$ 5,505,041.25	3.90%	156
9	Water Valley I. S. D.(TGC Part)	\$ 1,428,482.59	1.01%	59
TOTAL TAX LEVY, LEVY PERCENT & ELIGIBLE VOTES		\$ 141,319,118.20	100.00%	5,000

MEMO:

The above is the calculation & schedule of the eligible votes for each taxing unit that is eligible to vote in the election of TGCAD Board of Directors for the two year term beginning on January 01, 2018 and ending on December 31, 2019.

CURRENT BOARD OF DIRECTOR MEMBERS:

Begnaud, John - Vice Chairman
Conn, John - Secretary
DeVore, Russell - Member
Gomez, Louis - Chairman
Reeves, Bob - Member

(bhb/ELIGIBLEvotesBOARD2017.xls/9-05-2017)

BALLOT
FOR THE SELECTION OF MEMBERS
TO THE BOARD OF DIRECTORS
OF THE TOM GREEN COUNTY APPRAISAL DISTRICT
FOR THE 2018-2019 TERM

NAME OF THE TAXING UNIT: City of San Angelo

NUMBER OF VOTES TO WHICH THIS UNIT IS ENTITLED: 1,293

NOMINEE NAME:

NUMBER OF VOTES CAST

Begnaud, John (Incumbent).....	_____
Conn, John (Incumbent).....	_____
DeVore, Russell (Incumbent)	_____
Gomez, Louis (Incumbent).....	_____
Nowlin, David	_____
Pool, Candi	_____
Reeves, Bob (Incumbent)	_____

TOTAL _____

DATE OF VOTING ACTION: _____

PRESIDING OFFICER SIGNATURE: _____



City Council

November 21, 2017



COSA = 1293 Allocated Votes*

The nominees are:

- Begnaud, John (Current)
- Conn, John (Current)
- Devore, Russell (Current)
- Gomez, Louis (Current)
- Nowlin, David (New)
- Pool, Kandi (New)
- Reeves, Bob (Current)

* Votes can be distributed evenly or proportionally as determined by a majority vote of this Council



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 21, 2017

Item type: Regular Item

Caption:

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

Summary/History:

Sales Tax Revenue has performed as follows this fiscal year:

October - increase of 14.77%

November - increase of 7.03%

Year to date, revenue is approximately \$236,046 more than budgeted.

Financial Impact:

Sales Tax revenue for fiscal year 2018 is over budget by 8.32% and \$236,046 after November 2018 receipts.

Other Information/Recommendation:

Attachments:

1. Chart Monthly Revenue Trends 2018 - November.pdf

Presentation:

Tina Dierschke

Approvals/Reviews:

Tina Dierschke

Becky Dunn

Bryan Kendrick

Created/Initiated

Approved

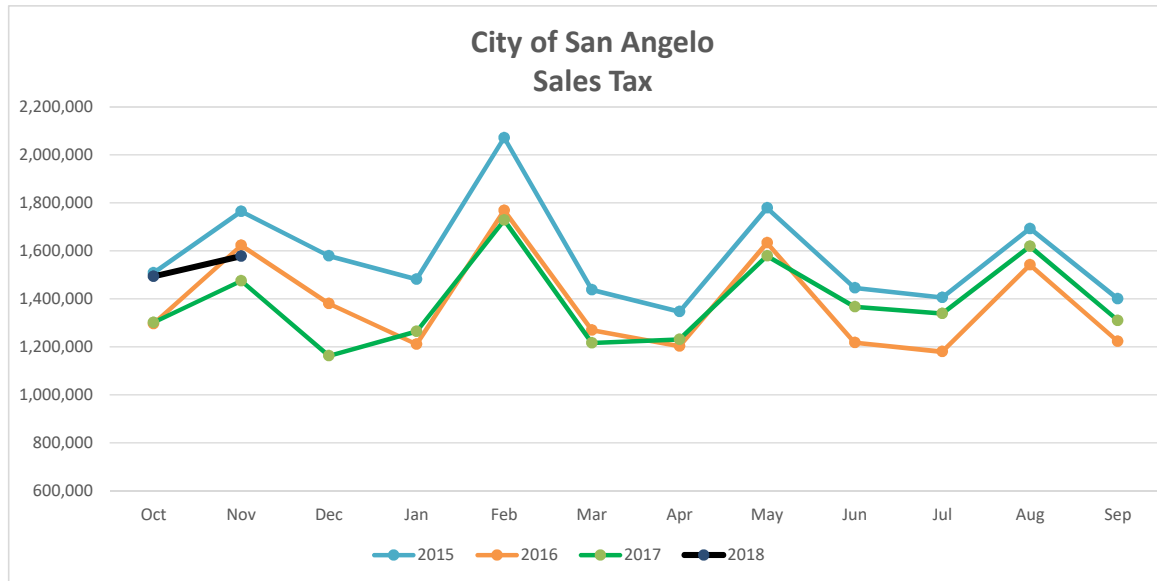
Final Approval

City of San Angelo Sales Tax - General Fund

Actuals

Projections

Month	2013	2014	2015	2016	2017	2018	Original Budget Allocation by Month	Difference from Budget Allocation	% Change Year over Year	Over / (Under) FY2017
Oct	1,264,349	1,388,436	1,508,233	1,296,733	1,301,852	1,494,126	1,323,838	170,288	14.77%	192,274
Nov	1,325,810	1,582,107	1,764,518	1,622,933	1,474,872	1,578,605	1,512,847	65,758	7.03%	103,733
Dec	1,285,109	1,308,812	1,579,718	1,380,463	1,162,763		1,317,665			
Jan	1,182,268	1,314,856	1,482,453	1,210,786	1,265,207		1,277,239			
Feb	1,679,307	1,829,723	2,071,878	1,768,937	1,728,678		1,805,910			
Mar	1,242,578	1,304,418	1,438,299	1,270,043	1,216,505		1,268,663			
Apr	1,227,766	1,423,130	1,347,047	1,202,841	1,231,345		1,272,625			
May	1,548,822	1,684,129	1,779,019	1,633,849	1,579,360		1,619,576			
Jun	1,309,232	1,457,046	1,446,101	1,217,893	1,367,061		1,332,674			
Jul	1,300,467	1,421,110	1,405,787	1,180,024	1,339,373		1,313,593			
Aug	1,556,125	1,814,100	1,693,299	1,542,217	1,619,370		1,611,891			
Sep	1,322,921	1,519,457	1,400,015	1,222,722	1,310,654		1,343,480			
Total	16,244,755	18,047,324	18,916,368	16,549,442	16,597,040	3,072,731	17,000,000	236,046	10.66%	296,007
Orig Budget	14,888,588	16,075,699	18,427,862	19,200,000	17,200,000	17,000,000				



Projection - Flat	16,893,047
Over/(Under) Budget - Flat	(106,953)

YTD Collections	3,072,731
PYTD Collections	2,776,724
% increase	10.66%

YTD Original Budget	2,836,685
YTD Collections	3,072,731
YTD Over/ (Under) Budget	236,046
YTD % Over/ (Under) Budget	8.32%

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 21, 2017

Item type: Regular Item

Caption:

Consideration of the possibility of issuing rebates of water fees – (Presentation by Finance Director Tina Dierschke)

Summary/History:

In December 2015, City Council adopted a 5-year water and wastewater rate plan to provide the utility with three critical needs.

- Return the utility to financial sustainability
- Allow the utility to more aggressively reinvest in infrastructure
- Allow the financial wherewithal to develop other water sources

As a part of the plan, goals were established for the water and wastewater fund balances to help meet the targets stated above as well as a 75-day operating expense fund balance.

As stated in the water fee ordinance, during the months of April and November of each year, the City Council shall review the financial condition of the Water Operations Fund and determine whether a rebate to water customers is appropriate.

If a rebate is determined to be appropriate, such rebate shall be accomplished in May and December or as soon thereafter as practical. The amounts and methodology for providing a rebate shall be determined by the City Council.

Staff will present the estimated Water Operations Fund balance as of September 30, 2017, after estimated year-end adjustments and carryover amendments in an effort to provide Council with the information necessary to form an opinion.

The Water Operations Fund estimated fund balance (after estimated year-end adjustments and carryovers) as of September 30, 2017, is \$3,585,477 (unaudited). The goal for the water operations fund is 75 days of expense budget, or \$4,781,532. Since estimated fund balance is less than the goal, it would not be fiscally prudent to issue a rebate at this time. The fund balance in this fund is not at a level that staff would recommend a rebate.

There have been two occasions when this fund balance exceeded 75 days expenditures and the Council decided to use that excess. On one occasion, the base fees were changed to zero for two months, and on the other occasion, the excess was transferred to a capital projects fund to assist with capital improvements.

Financial Impact:

Continued implementation of the rate plan as previously adopted will yield revenues and expenditures in line with budget and an appropriate contribution to the fund balance goal.

Other Information/Recommendation:

Staff recommends not issuing water rebates at this time.

Attachments:

Presentation:

Approvals/Reviews:

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