



City Council Agenda 12/12/2017

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held on December 12, 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 Mitch Sprunger for earning the distinction of Accredited Airport Executive, as awarded by the American Association of Airport Executives.
- b. Recognition of the Tom Green County coordinating team on their recent award as a "Certified Work Ready Community"

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 21, 2017 City Council regular meeting minutes (B.Kendrick)
- b. Consider authorizing the sale of the following Lake Nasworthy properties to the current residential lot leaseholders for the appraised values (C. Preas):
 - 1. 1605 Shady Point Circle Dr.; Lake Nasworthy Addition; \$26,000
 - 2. 1926 S. Concho Dr.; Lake Nasworthy Addition; \$128,230
 - 3. 3145 Red Bluff Road East; Lake Nasworthy Addition; \$85,000
- c. Consider approving a Water Purchase Contract with the Upper Colorado River Authority to provide for an additional 500 acre feet of water per year and authorizing the City Manager to negotiate and execute all related documents (A.Strube)
- d. Consider awarding RFB FS-01-18 Patrol Utility Vehicles to Jim Bass Ford (San Angelo, TX) in the amount of \$434,000 per fiscal year, for the purchase of twelve (12) units (with the option to purchase two (2) additional units), and authorizing the City Manager or designee to execute any related documents (R.Kramer)

- e. Consider awarding RFB FS-04-18 Medium Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$160,000 per fiscal year, for the purchase of four (4) units (with the option to purchase two (2) additional units), and authorizing the City Manager or designee to execute any related documents (R.Kramer)
- f. Consider awarding RFB FS-02-18 Half-Ton Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$365,000 per fiscal year, for the purchase of twelve (12) units (with the option to purchase two (2) additional units), and authorizing the City Manager or designee to execute any related documents (R.Kramer)
- g. Consider awarding RFB FS-03-18 Quarter-Ton Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$70,000 per fiscal year, for the purchase of two (2) units (with the option to purchase one (1) additional unit), and authorizing the City Manager or designee to execute any related documents (R.Kramer)
- h. Consider a resolution authorizing the City Manager, or his designee, to negotiate and execute easements and related legal documents authorizing building exterior walls, porches and awnings on an existing building to encroach upon rights-of-way along the south side of East 4th Street and the west side of North Magdalen Street, at the intersection of said streets, located at 301 North Magdalen Street - (J. James)
- i. Consider approving Tax Increment Reinvestment Zone (TIRZ) incentive funding for one private project in the North TIRZ area for the property at 800 North Chadbourne totaling \$29,996.25 (J. James)
- j. Second reading 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 - (J. James)
- k. Second reading 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 - (J. James)
- l. Second reading of an ordinance for PD17-01 a rezoning from the General Commercial (CG) Zoning District and General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for multifamily apartments, located approximately 700 feet southwest of the intersection of Martin Luther King Drive and West 29th Street (J. James)

6. Regular Agenda

- a. Consider approval and public hearing of the 2016 Consolidated Annual Performance and Evaluation Report (CAPER) - (Presentation by Neighborhood & Family Services Director Bob Salas)

- b. Appeal of the Planning Commission's denial of a Conditional Use to allow for a short term rental on property which backs onto Lake Nasworthy, on 0.81 acres, located at 2045 American Legion Road - (Presentation by Planning & Development Services Director Jon James)
- c. First reading and public hearing for an ordinance amending Chapter 12 "Planning and Development," Article 12.03 Manufactured Homes and Mobile Homes," Division 2 "Mobile Homes," Section 12.03.033 "Temporary Manufactured Home, Mobile Home, or Building Installation," which would add recreational vehicles, subject to a concept plan, notifications, and permitting, if applicable, and allowing for a one-year extension - (Presentation by Planning & Development Services Director Jon James)
- d. First reading and public hearing of an ordinance abandoning 125.55 linear feet (7,534-square feet) of the North Sellers Street right-of-way between Belaire Avenue and the alley north of and parallel to Belaire Avenue - (Presentation by Planning & Development Services Director Jon James)
- e. First reading and public hearing of an ordinance amending Chapter 12 "Planning and Development," Exhibit "A" "Zoning Ordinance," Article 4 "Specific Use Standards," to allow for reduced setbacks for accessory structures with certain conditions within the RS-3 Zoning District - (Presentation by Planning & Development Services Director Jon James)
- f. Consider a resolution approving a new schedule of Rates and Charges for new and renewal leases for airport property and premises at San Angelo Regional Airport - (Presentation by Airport Director Luis Elguezabal)
- g. Presentation and possible direction regarding pavement prioritization at San Angelo Regional Airport (Presentation by Airport Director Luis Elguezabal)
- h. Consider a resolution authorizing the City Manager to execute a memorandum of understanding with COSADC relating to infrastructure improvements necessary for platting the subdivision of a portion of Phase II of the Business & Industrial Park - (Presentation by Economic Development Director Roland Pena)
- i. Consider options for Sulphur Draw Wastewater Improvements Project and possible action related to the contract with Darnell Construction, LLC. - (Presentation by City Engineer Russell Pehl)
- j. Update on Sales Tax revenue performance - (Presentation by Finance Director Tina Dierschke)

7. Closed Session

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

- a. Section 551.072 Deliberations about Real Property at
 - 1. San Angelo Regional Airport; and
 - 2. 405 S. Chadbourne

- 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 Rita Dauth

8. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session, if needed
- b. Consider approving the following Board nominations:
Animal Services Advisory Commission: Timothy Davenport-Herbst (SMD1) to a 1st full term ending January 2020; Sandra Villarreal (SMD3) to a first full term ending January 2020
Parks and Recreation Advisory Board: Edward Dotson (SMD2) to a 2nd full term ending December 2019; Christina Woodard (SMD6) to a 2nd full term ending December 2019
- c. Announcements and consideration of Future Agenda Items

9. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, on the 8th day of December 2017, at 11:45 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

San Angelo Regional Airport Deputy Director Mitch Sprunger recently joined some select company professionally. Mitch has earned the distinction of Accredited Airport Executive, as awarded by the American Association of Airport Executives. Doing so required his completing a rigorous three-phase process.

First, Mitch had to pass a 180-question examination. Second, he had to fulfill a writing requirement. And third, he demonstrated knowledge of airport management, business administration and transportation economics during an oral interview with a panel of fellow accredited airline executives.

In earning the accreditation, Mitch is among fewer than 10 percent of the association's 5,700 members nationwide who have earned the distinction. Here in our community, he is known for being a tireless and committed public servant dedicated to the success of San Angelo Regional Airport and to its flying public.

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

Mitch Sprunger

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

A team of San Angelo City and County Government, Workforce Development, Economic Development, Education, Industry, and AmeriCorp Vista professionals were recently awarded the Certified Work Ready Community designation at the national ACT Workforce Summit 2017 held in Austin, Texas on November 16th.

Tom Green County joins some 190 Work Ready Communities in 25 States, and is only the Second County in the State of Texas to receive the ACT Work Ready Communities Certification. Over 18,000 employers of business and industry recognize the value of a skilled workforce and are demanding the National Career Readiness Certificate (NCRC).

Within ten months the San Angelo team met the 2016 strategic plan goals to achieve the certification, having over 100 employers recognize the value of the NCRC Certificate and having 1,329 members of the Tom Green County Workforce certified as Work Ready and holders of the official National Career Readiness Certificate.

The program continues to grow and expand into the nearby counties creating the opportunity for a regional certified workforce. The ultimate outcome is the reduction in costs of onboarding, training time, and turnover, making the businesses more viable for profitability, and quality of product.

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

Tom Green County Work Ready Community Team

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 21, 2017

Present:

Mayor Brenda Gunter
Mayor Pro tem Lane Carter, SMD 5
Council Member Tommy Hiebert, SMD 1
Council Member Tom Thompson, SMD 2
Council Member Harry Thomas, SMD 3
Council Member Lucy Gonzales, SMD 4
Council Member Billie F. DeWitt, SMD 6

1. Call to Order

With a quorum of the City Council Members present, Mayor Gunter called the regular session of the San Angelo City Council to order at 8:34 a.m. on Tuesday, November 21, 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 City Clerk Bryan Kendrick; and the pledges were led by Council Member Tommy Hiebert.

3. Proclamations/Recognitions

The City's 20 Under 40 honorees were recognized (City Engineer Russell Pehl, Firefighter Mason Matthews and Parks & Recreation Advisory Board member Christina Woodard)

December 2, 2017 was proclaimed as "Concho Christmas Celebration Day"

November 28, 2107 was proclaimed as "Hazel M. Dooley Day"

City Videographer Brian Groves and ASU Multimedia Specialist Brandon Whitford were recognized for winning a Lone Star EMMY Award for the project "Shattered Dreams."

4. Public Comment

Citizen Steve Hampton spoke in favor of limiting spending and lowering taxes. Neighborhood and Family Services director introduced students from a government class at Angelo State University Andrew Russell and Kyle Shopper who made comments encouraging the City Council create an Explorer's Post program and education effort related to the healthiness of Wastewater Reuse.

Mayor Gunter spoke about the rules of decorum for conducting the City Council Meetings.

5. Consent Agenda

- a. Approval of the November 7, 2017 City Council regular meeting minutes
- b. Adoption of a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the city and all taxing units in the Tax Foreclosure Judgment or Tax Warrant to the following property: 405 W. 34th Street; Sepulveda (\$9,340)
- c. Approval of authorizing the City Manager to enter into a new five (5) year Recreational Agricultural Lease Agreement for the following lands:

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. Adoption of 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:
 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. Adoption of 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
- f. Second reading and adoption 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
- g. Second reading and adoption 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
- h. Second reading and adoption of an ordinance amending the 2017-2018 budget for:
 1. Grants and Capital Projects, and
 2. Staffing levels

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

6. Regular Agenda

Note: Items were taken out of posted order (6g, 6h, 6e, 6d, 6b, 6i, 6a, 6c, 6j, 6f, 6l, and 6k) for various concerns.

- a. Approval of 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 (A presentation was made by Economic Development Director Roland Peña)

Elite Solutions Vice President Chris Kinsey spoke in support of this resolution.

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

- 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 (A presentation was made by Planning & Development Services Director Jon James)

Lorne Edwards expressed support to approve the appeal.

Motion: Council Member Hiebert made a motion, seconded by Council Member Carter, to approve the appeal, overrule the denial, and approve the variances. The motion carried unanimously (7) ayes to (0) nays.

- c. Adoption 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 (A presentation was made by Planning & Development Services Director Jon James)

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

- d. Approval of routine Planning and Development Services Items (A presentation was made 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

Dr. Henderson expressed support for this change.
 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

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

- e. Second reading and adoption 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 (A presentation was made by Planning & Development Services Director Jon James)

Several citizens express concerns about adopting this ordinance.

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

- f. Presentation on the Stormwater Management Program - (A presentation was made by Stormwater Program Manager Shannon McMillan)

No action was taken on this item

- g. Second reading, 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 (A presentation was made by Water Utilities Assistant Director Allison Strube)

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

- h. Approval of 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 (A presentation was made by Water Utilities Assistant Director Allison Strube)

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

- 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 (A presentation was made by Police Chief Frank Carter)

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

- j. Adoption of a resolution setting out number of votes to be cast for nominees for Board of Directors of Tom Green County Appraisal District (A presentation was made by City Clerk Bryan Kendrick)

Motion: Mayor Gunter made a motion, seconded by Council Member Hiebert, to adopt the resolution allocating 1001 votes to Kandi Pool, and 292 votes to David Nowlin. The motion carried unanimously (7) ayes to (0) nays.

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

No action was taken on this item.

- l. Consideration of the possibility of issuing rebates of water fees (A presentation was made by Finance Director Tina Dierschke)

No action was taken on this item.

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

Mayor Gunter announced that City Manager's evaluation was finalized at the "meets expectations" level.

Motion: Council Member Hiebert made a motion, seconded by Council Member Thomas, to authorize the City Manager to negotiate and execute a purchase and sales agreement for 0.432 acres of the property located at 700 Knickerbocker Road for a price not to exceed \$90,000. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to authorize the City Manager to negotiate and execute a purchase and sales agreement for the purchase of approximately 40,000 square feet of a portion of the real property located at 650 Old Knickerbocker Road for a value not to exceed \$300,000. The motion carried unanimously (7) ayes to (0) nays.

- b. Announcements and consideration of Future Agenda Items

City Manager Daniel Valenzuela noted that Allison Strube would be appointed as the interim Water Utilities Director during the candidate search for that position.

City Clerk Bryan Kendrick reminded everyone watching the meeting that there would only be one City Council Meeting in December to be held December 12th.

9. Adjournment

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

There being no further business, the meeting was adjourned at 1:32 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: December 12, 2017

Item type: Consent Item

Caption:

Consider authorizing the sale of the following Lake Nasworthy properties to the current residential lot leaseholders for the appraised values (C. Preas):

1. 1605 Shady Point Circle Dr.; Lake Nasworthy Addition; \$26,000
2. 1926 S. Concho Dr.; Lake Nasworthy Addition; \$128,230
3. 3145 Red Bluff Road East; Lake Nasworthy Addition; \$85,000

Summary/History:

If the sales are approved at the appraised values, title examinations will be performed and legal staff will prepare Real Estate Contracts of Sale, Special Warranty Deeds, and Surrender of Leases.

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

Financial Impact:

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

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | |
|--|---------------------------------|
| 1. Summary Appraisal 1605 Shady Point Circle | 1605 Shady Point Circle Dr..pdf |
| 2. Summary Appraisal 19216 S Concho Dr. | 1926 S. Concho Dr..pdf |
| 3. Summary Appraisal 3145 Red Bluff Rd East | 3145 Red Bluff Road East.pdf |

Presentation:

Approvals/Reviews:

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

APPRAISAL OF REAL PROPERTY

LOCATED AT

1605 Shady Point Circle Dr
San Angelo, TX 76904-7762
Lot 124, Block 6, Section 1, Group Shady Point, Lake Nasworthy Addition

FOR

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

AS OF

10/24/2017

BY

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

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San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

11/30/2017

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

Re: Property: 1605 Shady Point Circle Dr
San Angelo, TX 76904-7762
Borrower: Richard & Charlene Schmidt
File No.: R17-0680

Opinion of Value: \$ 26,000
Effective Date: 10/24/2017

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

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

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

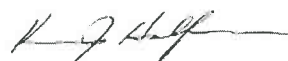
The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

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

Respectfully Submitted,



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



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

APPRAISAL OF REAL PROPERTY

LOCATED AT

1926 S Concho Dr
San Angelo, TX 76904-7912
Lot 22, Block 1, Group 9, Lake Nasworthy Addition

FOR

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

AS OF

10/24/2017

BY

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

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11/30/2017

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

Re: Property: 1926 S Concho Dr
San Angelo, TX 76904-7912
Borrower: James & Cheryl Dudley
File No.: R17-0670

Opinion of Value: \$ 128,230
Effective Date: 10/24/2017

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

The purpose of this appraisal is to estimate the market value of the property described in this appraisal report, as though unimproved, in Leased Fee ownership per the hypothetical condition given by the City of San Angelo stated in the Addenda.

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

The value conclusions reported, are as of the effective date stated in the body of the report. This is contingent upon the certification and limiting conditions, as well as the hypothetical condition given by the City of San Angelo.

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

Respectfully Submitted,



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



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

APPRAISAL OF REAL PROPERTY

LOCATED AT

3145 Red Bluff Rd E
San Angelo, TX 76904-7852
Lot 92, Block 4, Section 4, Group Red Bluff, Lake Nasworthy Addition

FOR

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

AS OF

10/24/2017

BY

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

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11/30/2017

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

Re: Property: 3145 Red Bluff Rd E
San Angelo, TX 76904-7852
Borrower: John Meadows
File No.: R17-0660

Opinion of Value: \$ 85,000
Effective Date: 10/24/2017

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

The purpose of this appraisal is to estimate the market value of the property described in this appraisal report, as though unimproved, in Leased Fee ownership per the hypothetical condition given by the City of San Angelo stated in the Addenda.

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

The value conclusions reported, are as of the effective date stated in the body of the report. This is contingent upon the certification and limiting conditions, as well as the hypothetical condition given by the City of San Angelo.

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

Respectfully Submitted,



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



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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Consent Item

Caption:

Consider approving a Water Purchase Contract with the Upper Colorado River Authority to provide for an additional 500 acre feet of water per year and authorizing the City Manager to negotiate and execute all related documents (A.Strube)

Summary/History:

Under a current contract dated October 17, 2000, the City will provide the Upper Colorado River Authority (UCRA) 500 ac-ft of raw water from the City's system, and an additional 500 ac-ft of raw water from O.C. Fisher. An additional contract was executed on April 19, 2011 providing for the treatment of the raw water by the City for UCRA. At this time, UCRA has contracted for the majority of the 500 ac-ft of water it has from the City's system. Since O.C. Fisher does not have the water necessary for UCRA to rely on its own 500 ac-ft at this time, this new contract will allow the City to provide an additional 500 ac-ft/yr of water to UCRA until such time water is available in O.C. Fisher.

Financial Impact:

Pricing is stipulated per the 2011 contract.

Other Information/Recommendation:

Staff recommends approval and authorize the City Manager to negotiate and execute all related documents.

Attachments:

1. Existing Contract Water Purchase Contract-COSA and UCRA.PDF

Presentation:

Approvals/Reviews:

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

WATER TREATMENT CONTRACT

This Water Purchase Contract ("Contract") is between the Upper Colorado River Authority ("UCRA") and the City of San Angelo, Texas ("COSA"), sometimes collectively referred to as "the Parties" or individually as "Party".

Recitals

WHEREAS, UCRA is a water conservation and reclamation district organized and operating under, *inter alia*, Chapter 49 of the Texas Water Code charged with the control, storage, preservation, and distribution of the waters of the upper Colorado River and its tributaries for irrigation, power, and other useful purposes, the reclamation and irrigation of arid, semi-arid, and other land needing irrigation, and the conservation and development of the forests, water, and hydro-electric power of the State of Texas and has authority to operate and to serve the goals of water distribution and conservation in Tom Green and Coke Counties, and areas adjacent thereto ("UCRA Area"); and

WHEREAS, COSA is a Texas home rule municipal corporation situated in Tom Green County, Texas which treats water for its municipal customers and has the ability to treat water for not only its own municipal customers, but also for the region; and

WHEREAS, UCRA is authorized to acquire up to 1,000 acre-feet per year of wholesale raw water from the O.C. Fisher Reservoir pursuant to that certain *Memorandum of Agreement Between the United States of America and The Upper Colorado River Authority for Transfer of Water Into and Out of O.C. Fisher Reservoir, Texas*, dated September 8, 2003 ("the O.C. Fisher Contract"); and

WHEREAS, COSA and UCRA consider it to be within their purposes and responsibilities to work toward the conservation of water resources in not only their own geographic areas and jurisdictions, but also in the region; and

WHEREAS, a separate agreement currently exists between UCRA and COSA concerning withdrawal of water from O.C. Fisher Reservoir and providing for the City to make available untreated water to UCRA and is included herein under Exhibit "A"; and

WHEREAS, it is in the best interests of both UCRA and COSA as well as their constituents to enter into this Contract to facilitate the access by the public to readily available treated water at reasonable prices outside the Extraterritorial Jurisdiction ("ETJ") of COSA; and

WHEREAS, UCRA proposes to enter into an agreement and/or a collaborative relationship with COSA, to treat raw water for UCRA such that UCRA can make treated water available to rural communities and other entities outside the corporate limits of the City of San Angelo, with a shared purpose of reducing reliance by the constituents of such area on groundwater and to facilitate the conservation of underground water resources, especially in Tom Green County, Texas.

NOW THEREFORE, UCRA and COSA do hereby agree and enter into this Contract to provide and receive treated water as more fully set forth below.

ARTICLE 1 TERM

1.1 This Contract shall begin on the Effective Date and shall continue for a period of twenty (20) years ("the Term").

ARTICLE 2 WATER SUPPLY/TREATMENT/DELIVERY

2.1 *Water Supply:* UCRA shall supply and deliver to COSA all untreated water it requires to be treated. UCRA shall be responsible for all costs associated with acquisition of the untreated water and for delivery of the untreated water into the COSA water treatment plant.

2.2 *Water Treatment:* When the untreated water is delivered into the COSA treatment plant, it may be mixed with raw water from other sources and will no longer be distinguishable from other water in the treatment plant. COSA will treat the comingled raw water supply in its surface water treatment plant..

2.3 *Quality:* All treated water provided by COSA under this Contract shall be potable water meeting required quality standards of the TCEQ for a public water system.

2.4 *Quantity:* UCRA shall deliver into the COSA treatment facility a quantity of untreated water equal to 1.15 times the amount of water it desires to receive from the COSA after treatment at the delivery points.

2.5 *Delivery:* COSA will make treated water available to UCRA from its municipal water distribution system at mutually agreed upon delivery points. Maximum rate of delivery of treated water at such delivery points shall be as determined by COSA.

2.6 *Pressure; and Disinfection.* COSA shall furnish water delivered incident to this Contract at a reasonable constant pressures of 35 psig or at such other pressure agreed upon by COSA and UCRA. Any emergency failures of pressure due to water line breaks; power failure; repairs to any supply, or distribution lines; flood; fire; use of water to fight fire; earthquake; other catastrophes or acts of God shall excuse the COSA from this provision for such reasonable period of time as may be necessary to restore service. Any and all costs incident to additional disinfection of the water at the UCRA's delivery points shall be borne by UCRA.

2.7 *Title to Water:* Title to and responsibility for all water supplied hereunder to the extent it originates from the O.C. Fisher Reservoir shall remain in UCRA until delivered into the COSA treatment plant. Title to and responsibility for all other water supplied hereunder to UCRA at the delivery points shall remain in COSA until delivery to UCRA, at which point any right of title to and responsibility for such water that may exist in COSA shall pass to UCRA.

ARTICLE 3

PAYMENT

3.1 *Treatment Water Rate:* For the first three years of the Term, UCRA shall pay to COSA \$2.25 per one thousand gallons for treated water obtained from COSA at the delivery points.

3.2 *Untreated Water Rate:* In the event UCRA purchases untreated water from COSA, UCRA shall pay the most current COSA standard rate for untreated water as set forth in City Ordinance in addition to the charges set forth in paragraph 3.1 above.

3.3 *Treatment Rate Adjustments:* COSA may adjust the treatment rate set forth in paragraph 3.1 every year after the third year of this agreement. The rate shall be adjusted in direct proportion to the COSA cost to treat and deliver water when comparing the current year cost to the base year cost. The base year cost for establishing the rate is shown in Exhibit "B". COSA shall give notice of its intent to alter its charges to UCRA in writing at least ninety (90) days prior to any increase.

3.4 The amount of treated water delivered to UCRA shall be determined by reference to a meter located at one or more delivery points at locations mutually agreed between the Parties (such points referred to hereinafter as "Meter"), each of which shall constitute a Point of Delivery. COSA will read the Meter and bill UCRA based upon the water delivered. The bill will include documentation supporting the quantity delivered by COSA to UCRA, will separately identify the nature and cost for the categories of treated and untreated water, and must specify each delivery point for such water.

3.5 *Reimbursement:* In addition to the charges set forth above, UCRA shall reimburse COSA for any additional charges assessed to it by any third party.

3.6 *Billing Cycle:* COSA will render bills to UCRA once each month for the payments required by this Article 3. Bills shall be due and payable at COSA's office address indicated on the bill by the 20th day after the billing date. COSA may change the monthly billing date by giving sixty (60) days prior written notice to UCRA, and all bills shall thereafter be due and payable twenty (20) days after the new billing date.

3.6.1 If for any reason any meter is out of repair so that the amount of water delivered to UCRA cannot be ascertained or computed from the reading thereof, the water delivered through the period such meter is out of service or out of repair shall be reasonably estimated by COSA upon the basis of the best data available. For such purpose, the best data available shall be deemed to be the registration of any check meter or meters, if the same have been installed and are accurately registering. Otherwise, the amount of water delivered during such period may be estimated by:

- (a) correcting the error if the percentage of the error is ascertainable by calibration tests or mathematical calculation, or
- (b) estimating the quantity of delivery based on deliveries during the preceding periods under similar conditions when the meter or meters were registering accurately.

ARTICLE 4 **TERMINATION**

- 4.1 This Contract shall terminate as set forth below:
- (a) Upon the mutual agreement of both parties:
 - (b) Upon the occurrence of a Force Majeure in which event either Party may terminate;
 - (c) Upon the expiration of the term.

ARTICLE 5 **CONSERVATION AND LAWS**

5.1 The Parties agree that no part of this Contract shall be construed to contradict or relieve either Party from any obligation established by any state, federal, or locally mandated laws or regulations, including but not limited to laws, rules, or regulations pertaining to water conservation or drought contingency plans and UCRA agrees to use any water provided under this Contract in a manner consistent with such laws, regulations, or other directives.

5.2 The Parties agree that this Contract shall not be construed to contradict, alter, or amend any water conservation or drought contingency plan adopted or promulgated by UCRA or COSA. Accordingly, the terms of this Contract are expressly subject to the directives, mandates, agreements, and best practices set out in any such applicable plan. When any such plan is placed in effect or when conditions require the conservation, modification, curtailment, or restriction of the use of water or the practices of any Party in relation to water, the Parties agree to comply with the water conservation and drought contingency plans of both COSA and UCRA, where applicable.

5.3 Neither Party shall be required to take any action that would violate any restriction, or agreement which governs the place of use, volume, or diversion rate of water which is the subject of this Contract.

ARTICLE 6 **MISCELLANEOUS**

6.1 *Entire Agreement:* This Contract embodies the entire agreement between the Parties and supersedes all previous agreements, covenants, and contracts between them. There are no oral representations, express or implied warranties, agreements, or promises pertaining to this Contract which are not otherwise incorporated in writing in this Contract.

6.2 *Amendment of Agreement:* This Agreement may not be modified or amended except by an instrument in writing signed by both Parties.

6.3 *No Assignment:* This Contract may not be assigned nor any obligation hereunder delegated unless expressly provided herein. Notwithstanding the foregoing, COSA grants to UCRA the right to resell, deliver, or otherwise utilize any or all water provided under this Contract to any

third party so long as UCRA does so in compliance with this Contract and all applicable laws, regulations, plans, or other applicable restrictions, including those set forth in this Contract.

6.4 *Effective Date:* The Effective Date of this Contract shall be April 1, 2011.

6.5 *Attorney's Fees:* If either Party retains an attorney to enforce this agreement, the Party prevailing in litigation is entitled to recover reasonable attorney's fees and court and other costs. The term "Prevailing Party" means that Party which the court finds and/or declares is the prevailing party, whether or not that Party obtains monetary, declaratory, injunctive, equitable or nominal relief. With respect to any monetary claim, no award of damages shall be necessary in order for a Party to be found by the court to have prevailed. With respect to any non-monetary claim, no equitable relief shall be necessary in order for a Party to be found by the court to have prevailed.

6.6 *Notices:* Any notice to be given under this Contract by either Party to the other shall be in writing with confirmation of delivery addressed as follows:

To UCRA:

The Upper Colorado River Authority
512 Orient
San Angelo, TX 76903
Fax: 325.655.1371
Attn: Stephen Brown

To COSA:

The City of San Angelo, Texas
72 W. College
San Angelo, TX 76903
Attn: Water Utilities Director

All notices will be deemed to have been given on the date of mailing or transmission of such notice. Any Party may change its address upon five days' written notice to the other.

6.7 *No Waiver:* If either Party fails to insist on strict performance of any provision of this Contract, such failure shall not be deemed a waiver by such Party of its right to insist on strict performance of such provision in the future or strict performance of any other provision of this Contract.

6.8 *Headings:* The section headings are not to be considered part of this Contract and are included solely for convenience and are not intended to be full or accurate descriptions of the contents thereof.

6.9 *Choice of Law and Venue:* All amounts due under this Contract and all obligations of either Party, including, but not limited to, payments due under this Contract or damages for the breach of this Contract, shall be paid and be due in Tom Green County, Texas. It is further specifically agreed that Tom Green County, Texas, is a principal place of performance of this Contract. In the event that any legal proceeding is brought to enforce this Contract or any

provision hereof, the same shall be brought in Tom Green County, Texas. This agreement is governed by the laws of the State of Texas.

6.10 *Severability:* The provisions of this Contract are severable and in the event that any one or more provisions are deemed illegal or unenforceable, the remaining provisions shall remain in full force and effect.

6.11 *Due Authorization and Binding Obligation:* Each Party represents to the other that this Contract has been duly authorized, executed and delivered by all necessary action of the Party, including approval of the Party's governing board or council, and is enforceable against the Party in accordance with its terms.

6.12 *Additional Documents:* UCRA and COSA each agree to execute any additional documents which are reasonably necessary to accomplish the intent of this Contract.

6.13 *Force Majeure:* In the event either Party is rendered unable, in whole or in part, by force majeure to carry out any of its obligations under this Contract, other than the obligation of UCRA to make the payments required under the terms of this Contract, then the obligations of that Party, to the extent affected by the force majeure, shall be suspended during the continuance of the inability. The term "force majeure" includes acts of God, strikes, lockouts or other industrial disturbances, acts of terrorism, acts of the public enemy, orders of the government of the United States or the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraints of government and people, civil disturbances, explosions, breakage, or accidents to dams, equipment, pipelines, canals, or other structures, partial or complete failure of water supply including pollution (accidental or intentional), and any other inability of either Party, whether similar to those enumerated or otherwise, that are not within the control of the Party claiming the inability and that could not have been avoided by the exercise of due diligence and care.

6.14 *Counterparts:* This Agreement may be executed simultaneously in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

6.15 *Prior Contract Preserved:* Notwithstanding any provisions to the contrary in this Contract, the following provisions of that certain agreement dated October 17, 2000 between UCRA and COSA shall remain in effect.

IN WITNESS WHEREOF, the Parties hereto, acting under authority of their respective directors, officers, or governing entities, have caused this Contract to be duly executed to be effective as of the day and year agreed, and in multiple counterparts, each of which shall constitute an original.

THE UPPER COLORADO RIVER AUTHORITY

By: Jeffie H. Roberts
JEFFIE H. ROBERTS
(name printed)

Its: CHAIRPERSON
(title)
(Dated: April 5, 2011)

Attest:

By: William F. Hood
William F. Hood, Secretary
(Dated: April 5 2011)

THE CITY OF SAN ANGELO, TEXAS

By: Harold Dominguez
Harold Dominguez, City Manager

Dated: April 19, 2011

Attest: Alicia Ramirez

By:

Alicia Ramirez, City Clerk

Dated: April 19, 2011

APPROVED AS TO CONTENT:

Will Wilde
Will Wilde, Water Utilities Director

APPROVED AS TO FORM:

Lysia H. Bowling
Lysia H. Bowling, City Attorney

AGREEMENT

In accordance with this agreement, the following facts exist:

- a. The Upper Colorado River Authority's ("UCRA" herein) surplus water contract with the United States of America ("Government" herein) relative to O. C. Fisher Reservoir and Dam was renewed as of October 1, 1999.
- b. UCRA and the City of San Angelo ("City" herein) entered into a contract dated May 22, 1953, providing City the exclusive withdrawal privilege from the conservation storage owned by UCRA. The contract also provided that UCRA had an option to renew its contract with Government and would sell the water to City at its cost.
- c. City and UCRA are interested in renewing and expanding the contractual agreement between these two entities for the benefit of both entities.

Specifically:

- 1) UCRA is interested in being able to withdraw and use water from O. C. Fisher Reservoir for the purpose of furnishing water to users in rural areas; and,
 - 2) City is interested in securing its withdrawal rights in perpetuity.
- d. UCRA is currently involved in brush control and eradication on the North Concho River watershed and expects to be involved in the brush control and eradication on the watershed of the Middle Concho and the South Concho. City is interested in becoming involved in these projects.

THEREFORE, to insure the future water needs of UCRA, City's perpetual rights to water in Lake O. C. Fisher, participation and cooperation between UCRA and City in brush control and legislation furthering the goals of this agreement, it is agreed between UCRA and City as follows:

1. The 1953 contract between UCRA and City is renewed. It is agreed that, so long as UCRA holds contractual rights with Government relative to the dam and reservoir of O. C. Fisher, City will continue to have the exclusive right to withdraw water from the reservoir beyond the existing 50-year term and so long thereafter as any such rights of UCRA exist, subject to the express provisions of this agreement set out below. In the event that UCRA should acquire title to O. C. Fisher, this provision will be binding upon UCRA, its successors and assigns. In any instance requiring the approval of UCRA for City's withdrawal of water, it is agreed that by the terms of this agreement, UCRA's approval will have been conclusively secured.
2. In connection with the renewal of UCRA's contract rights to O. C. Fisher, UCRA is obligated to pay certain costs relative to the maintenance and operation of the reservoir. So long as UCRA continues its contractual agreements with Government, and City holds the withdrawal rights, all state, federal assessments, fees and charges required by state or federal agencies as well as the capital costs which could be assessed for structural modifications or repairs to the dam and reservoirs will be borne by City and UCRA in pro rata fashion, according to the amount of water used by UCRA from the reservoir (as an example, if UCRA withdraws 1,000 acre feet, all costs will be prorated with UCRA bearing 1/80.4 of such costs). UCRA will deduct this percentage from any bill received by state or federal government and remit the remainder to City for payment.
3. City will make available to UCRA water according to the following schedule:
 - (a) During the calendar years 2002, 2003 and 2004, 500 acre feet of untreated water from City's system, subject to limitations set out below;

- (b) For the calendar years 2005, 2006 and 2007, 500 acre feet of untreated water from City's system, and an additional 500 acre feet of untreated water from O. C. Fisher if that quantity of water is available from O. C. Fisher;
 - (c) From and after the calendar year 2008, 1,500 acre feet of untreated water from City's system if the legislation described below herein is passed and in effect by that time. If not, the provisions of paragraph 3(b) above will be applicable;
 - (d) The point of withdrawal of the water from City's system will be at a location mutually agreed upon by City and UCRA;
 - (e) In the event that it becomes necessary for City to restrict/reduce the water usage of its system's users, the amount of water available to UCRA under this agreement will also be restricted/reduced proportionately; and,
4. City will provide up to \$180,000 to cover the cost of follow-up brush control and eradication on the North Concho River watershed, such payments to be made as determined by provisions of Section 6 below. The funding herein provided will be used for the purpose herein indicated within a ten (10) year period from the date of this agreement.
5. City will provide \$300,000 for follow-up brush control and eradication on the watersheds upstream from Twin Buttes Reservoir, such payments to be made as determined by provisions of Section 6 below. The funding herein provided will be used for the purpose herein indicated during the period of time ending at December 31, 2011.
6. All payments by City under the provisions of Section 4 and 5 above will be made according to the allocation determined by the State of Texas based on the State approved formula as verified by UCRA. The amounts herein agreed to be paid by City will be dedicated and placed in project accounts by City for use solely as herein provided.

Provided, however, if legislative funding is not secured for the brush eradication program upstream from Twin Buttes Reservoir, City may and agrees to utilize \$200,000 of the dedicated \$300,000 for brush control in close proximity to Twin Buttes Reservoir and the waterways feeding Twin Buttes Reservoir. In the absence of legislative funding for the Twin Buttes watersheds, the remaining \$100,000 of the dedicated \$300,000 will be used for additional follow-up brush control and eradication under the provisions of Section 4 above.

7. UCRA and City acknowledge that the UCRA/Government agreement authorizes the storage space available to UCRA as between elevations 1,886.0 feet msl and 1,908.0 feet msl. The elevation below 1,886.0 feet msl was intended as a siltation pool. The lack of inflow to O. C. Fisher has negated the need for a siltation pool. Accordingly, it is desirable and beneficial to both UCRA and City that any limitation for withdrawal of water below 1,886.0 feet msl be eliminated. The preferable method of accomplishing this goal is legislation. UCRA and City covenant to cooperate completely and diligently work together in securing the appropriate federal legislation, specifically approving the withdrawal of water from the siltation pool.

8. City may not sell, assign, lease or cause to be transferred any permitted rights of O. C. Fisher water to any other party, corporation, entity, political subdivision, governmental agency, municipality or water district or water supply corporation without official authorization of the UCRA Board of Directors. This provision does not prohibit in any way City from selling and/or distributing water so long as the rights (permit, certificate of adjudication, etc.) are not sold or assigned.

9. It is contemplated that future conditions may warrant the utilization of O. C. Fisher Reservoir as an impound facility for water secured from other sources, including treated wastewater effluent. Both City and UCRA will cooperate fully in such endeavors.

10. UCRA and City recognize that all rights dealt with in this Agreement emanate from and depend on the continued existence of the Surplus Water Agreement between the United States of America (Government) and the Upper Colorado River Authority (UCRA) referenced in fact "a" on

Page One above. UCRA and City agree to cooperate and use due diligence to keep the Government/UCRA agreement viable.

11. The provisions of the Agreed Final Judgment entered December 8, 1997, in Cause No. 3293-B in the 119th Judicial District Court of Concho County, Texas, styled City of San Angelo, Texas, Plaintiff v. Hickory Underground Water Conservation District No. 1, et al., Defendants, contains certain limitations on the use of Hickory water by City. It is agreed that nothing in this agreement is intended to or will violate that Judgment.

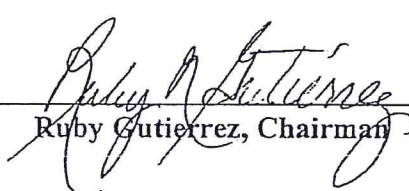
12. City and UCRA agree to cooperate as may be reasonably feasible in exploring alternate sources of water for use in the area.

13. This Agreement is subject to the approval of both the City Council and the UCRA Board.

DATED the 17th day of October, 2000.

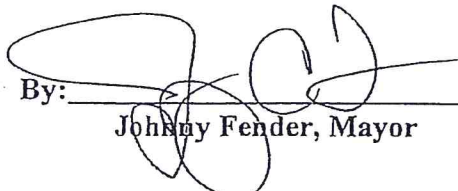
UPPER COLORADO RIVER AUTHORITY

By: _____

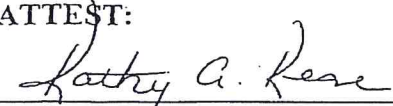

Ruby Gutierrez, Chairman

CITY OF SAN ANGELO

By: _____


Johnny Fender, Mayor

ATTEST:


Kathy A. Keane, City Secretary

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Consent Item

Caption:

Consider awarding RFB FS-01-18 Patrol Utility Vehicles to Jim Bass Ford (San Angelo, TX) in the amount of \$434,000 per fiscal year, for the purchase of twelve (12) units (with the option to purchase two (2) additional units), and authorizing the City Manager or designee to execute any related documents (R.Kramer)

Summary/History:

Bids were requested for Police Pursuit Vehicles for the purpose of replacing units that are past their useful operational life and/or for new requirements. Twelve vehicles have been budgeted for FY18, and the award amount will cover two additional vehicle purchases if needed due to unforeseen events. Expenditures are budgeted within the General Fund, for the Police and Municipal Court divisions. Bids were received from Jim Bass Ford alone.

Financial Impact:

Staff recommends award of RFB FS-01-18 Patrol Utility Vehicles to Jim Bass Ford (San Angelo, TX) in the amount of \$434,000 per fiscal year.

Other Information/Recommendation:

Staff recommends award of RFB FS-01-18 Patrol Utility Vehicles to Jim Bass Ford (San Angelo, TX) in the amount of \$434,000 per fiscal year.

Attachments:

1. Patrol FS-01-18+Bid+Tab+--+Price+Escalation.pdf

Presentation:

Approvals/Reviews:

Ryan Kramer	Created/Initiated
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval



CITY OF SAN ANGELO

RFB Bid Tabulation * FS-01-18/ Patrol Vehicles

12/1/2017 at 2:00 p.m.

A - Patrol Utility Vehicle

Jim Bass Ford

Description	Unit Price	Estimated Quantity	Extended Price
Current Year Model Price	29210	12	\$ 350,520.00
Make and Model Quoted	2018 Ford AWD Police Interceptor Utility		
Delivery Lead Time	75-90 Days from order date		
OPTIONS			
Ultimate Wiring Package (67U)	747	1	\$ 747.00
Rear Lighting Solution (66C)	433	1	\$ 433.00
Rear Console Plate (85R)	33	1	\$ 33.00
5 Year Extended Warranty	1945	1	\$ 1,945.00
Bluetooth	280	1	\$ 280.00
Service Information	225	1	\$ 225.00
Delivery	N/C	1	N/C
Total Bid:			\$ 354,183.00

Piggy Back	Yes
Cooperative	No
Payment Terms	Net 30
Payment Discount	N/A

*As per section 2.35 Price Escalation - Price must be firm for each one (1) term and can increase up to 4% for each new term with written justification with 60-90 day notice to the City.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Consent Item

Caption:

Consider awarding RFB FS-04-18 Medium Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$160,000 per fiscal year, for the purchase of four (4) units (with the option to purchase two (2) additional units), and authorizing the City Manager or designee to execute any related documents (R.Kramer)

Summary/History:

Annual bids were requested for Medium Duty Pickups for the purpose of replacing units that are past their useful operational life and/or for new requirements. Four vehicles have been budgeted for FY18. The award amount will cover two additional vehicle purchases if needed due to unforeseen events. Expenditures are budgeted within the General and Water Fund, for various divisions.

Bids were received from Jim Bass Ford (San Angelo, TX) and Grapevine DCJ, Inc. (Grapevine, TX).

Financial Impact:

Staff recommends award of RFB FS-04-18 Medium Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$160,000 per fiscal year.

Other Information/Recommendation:

Staff recommends award of RFB FS-04-18 Medium Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$160,000 per fiscal year.

Attachments:

1. Medium Duty FS-04-18 Bid Tab - Price Escalation.pdf

Presentation:

Approvals/Reviews:

Ryan Kramer	Created/Initiated
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved

Bryan Kendrick

Final Approval



CITY OF SAN ANGELO

RFB Bid Tabulation * FS-04-18/ Medium Pickups

11/21/2017 at 3:00 p.m.

A - 3/4 Ton Regular Cab Pickup

Jim Bass Ford

Description	Unit Price	Estimated Quantity	Extended Price
Current Year Model Price	22798	3	\$ 68,394.00
Make and Model Quoted	2018 Ford F250		
Delivery Lead Time	85-100 Days		
OPTIONS			
Parts, Service, and Operators Manuals	225	1	\$ 225.00
Delivery to 1727 Saint Ann, San Angelo, TX 76905	N/C	1	N/C
Extended Warranty	2520	1	\$ 2,520.00
Power Door Locks	841	1	\$ 841.00
Power Windows		1	
Power Mirrors		1	
Steering Wheel Tilt	N/C	1	N/C
Cruise Control	216	1	\$ 216.00
Four Wheel Drive	2460	1	\$ 2,460.00
Hands Free Bluetooth Package	336	1	\$ 336.00
Total Bid:			\$ 74,992.00

Grapevine Dodge

Unit Price	Estimated Quantity	Extended Price
23315	3	\$ 69,945.00
Ram 2500 Regular Cab		
90-120 Days		
online	1	online
0	1	\$ -
2210	1	\$ 2,210.00
500	1	\$ 500.00
	1	
	1	
0	1	\$ -
0	1	\$ -
2788	1	\$ 2,788.00
180	1	\$ 180.00
Total Bid:		\$ 75,623.00

Piggy Back
Cooperative
Payment Terms
Payment Discount

Yes
No
Net 30
0

Yes
No
Net 30
0

B - 3/4 Ton Crew Cab Pickup

Jim Bass Ford

Description	Unit Price	Estimated Quantity	Extended Price
Current Year Model Price	25953	6	\$ 155,718.00
Make and Model Quoted	2018 Ford F250		
Delivery Lead Time	85-100 Days		
OPTIONS			
Parts, Service, and Operators Manuals	225	1	\$ 225.00
Delivery to 1727 Saint Ann, San Angelo, TX 76905	N/C	1	N/C
Extended Warranty	2520	1	\$ 2,520.00
Power Door Locks	1035	1	\$ 1,035.00
Power Windows		1	
Power Mirrors		1	
Steering Wheel Tilt	N/C	1	N/C
Cruise Control	216	1	\$ 216.00
Four Wheel Drive	2460	1	\$ 2,460.00
Hands Free Bluetooth Package	336	1	\$ 336.00
8' Bed	189	1	\$ 189.00
Total Bid:			\$ 162,699.00

Grapevine Dodge

Unit Price	Estimated Quantity	Extended Price
26328	6	\$ 157,968.00
Ram 2500 Crew Cab		
90-120 Days		
online	1	online
0	1	\$ -
2710	1	\$ 2,710.00
0	1	\$ -
0	1	\$ -
0	1	\$ -
0	1	\$ -
0	1	\$ -
2900	1	\$ 2,900.00
180	1	\$ 180.00
200	1	\$ 200.00
Total Bid:		\$ 163,958.00

Piggy Back
Cooperative
Payment Terms
Payment Discount

Yes
No
Net 30
0

Yes
No
Net 30
0

C - 1 Ton DRW Regular Chassis
Cab Pickup

Jim Bass Ford

Description	Unit Price	Estimated Quantity	Extended Price
Current Year Model Price	25317	1	\$ 25,317.00
Make and Model Quoted	2018 Ford F350		
Delivery Lead Time	85-100 Days		
OPTIONS			
Parts, Service, and Operators Manuals	225	1	\$ 225.00
Delivery to 1727 Saint Ann, San Angelo, TX 76905	N/C	1	N/C
Extended Warranty	3335	1	\$ 3,335.00
Power Door Locks	841	1	\$ 841.00
Power Windows		1	
Power Mirrors		1	
Steering Wheel Tilt	N/C	1	N/C
Cruise Control	216	1	\$ 216.00
Four Wheel Drive	3850	1	\$ 3,850.00
Cab to Axle: 84'	166	1	\$ 166.00
Limited Slip Differential	323	1	\$ 323.00
Total Bid:			\$ 34,273.00

Grapevine Dodge

Unit Price	Estimated Quantity	Extended Price
25299	1	\$ 25,299.00
Ram 3500 Regular Cab Chassis		
90-120 Days		
online	1	online
0	1	\$ -
3595	1	\$ 3,595.00
575	1	\$ 575.00
	1	
	1	
0	1	\$ -
0	1	\$ -
3100	1	\$ 3,100.00
200	1	\$ 200.00
0	1	\$ -
Total Bid:		\$ 32,769.00

Piggy Back
 Cooperative
 Payment Terms
 Payment Discount

Yes
 No
 Net 30
 0

Yes
 No
 Net 30
 0

*As per section 2.35 Price Escalation - Price must be firm for each one (1) term and can increase up to 4% for each new term with written justification with 60-90 day notice to the City by vendor

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Consent Item

Caption:

Consider awarding RFB FS-02-18 Half-Ton Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$365,000 per fiscal year, for the purchase of twelve (12) units (with the option to purchase two (2) additional units), and authorizing the City Manager or designee to execute any related documents (R.Kramer)

Summary/History:

Bids were requested for Half Ton Pickups for the purpose of replacing units that are past their useful operational life and/or for new requirements. Twelve vehicles have been budgeted for FY18, the award amount will cover two additional vehicle purchases if needed due to unforeseen events. Expenditures are budgeted within the General, Stormwater, Sewer and Water Funds, for various divisions. Bids were received from Grapevine DCJ, LLC. (Grapevine, TX), Sam Pack's Five Star Ford (Carrollton, TX) and Jim Bass Ford (San Angelo, TX). While bids from Grapevine DCJ came in cheaper, items bid did not meet specification.

Financial Impact:

Staff recommends award of RFB FS-02-18 Half-Ton Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$365,000 per fiscal year.

Other Information/Recommendation:

Staff recommends award of RFB FS-02-18 Half-Ton Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$365,000 per fiscal year.

Attachments:

1. Half Ton FS-02-18 Bid Tab - Price Escalation.pdf

Presentation:

Approvals/Reviews:

Ryan Kramer	Created/Initiated
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved

Bryan Kendrick

Final Approval



CITY OF SAN ANGELO

RFB Bid Tabulation * FS-02-18/ Half-Ton Pickups

11/21/2017 at 2:00 p.m.

A - 1/2 Ton Regular Cab Pickup

Jim Bass Ford

Description	Unit Price	Estimated Quantity	Extended Price
Current Year Model Price	23028	2	\$ 46,056.00
Make and Model Quoted	2018 Ford F150		
Delivery Lead Time	85-100 days		
OPTIONS			
Parts, Service, and Operators Manuals	225	1	\$ 225.00
Delivery to 1727 Saint Ann, San Angelo, TX 76905	N/C	1	N/C
Extended Warranty	2170	1	\$ 2,170.00
Power Door Locks	893	1	\$ 893.00
Power Windows		1	
Power Mirrors		1	
Steering Wheel Tilt	N/C	1	N/C
Cruise Control	207	1	\$ 207.00
Cloth Seats; 40/Console/40 Type Seating	N/A	1	N/A
Four Wheel Drive	3906	1	\$ 3,906.00
Hands Free Bluetooth Package	387	1	\$ 387.00
Total Bid:			\$ 53,844.00

Grapevine Dodge

Unit Price	Estimated Quantity	Extended Price
20310	2	\$ 40,620.00
Ram 1500 Regular Cab		
70-90 Days		
online	1	online
0	1	\$ -
2210	1	\$ 2,210.00
680	1	\$ 680.00
	1	
	1	
0	1	\$ -
0	1	\$ -
N/A	1	N/A
2850	1	\$ 2,850.00
180	1	\$ 180.00
Total Bid:		\$ 46,540.00

Sam Packs Five Star Ford

Unit Price	Estimated Quantity	Extended Price
28708	2	\$ 57,416.00
2018 Ford F150		
120 Days		
280	1	\$ 280.00
200	1	\$ 200.00
1675	1	\$ 1,675.00
N/C	1	N/C
N/C	1	N/C
N/C	1	N/C
N/C	1	N/C
N/C	1	N/C
N/A	1	N/C
2895	1	\$ 2,895.00
N/C	1	N/C
Total Bid:		\$ 62,466.00

Piggy Back	Yes
Cooperative	No
Payment Terms	Net 30
Payment Discount	0

Yes
No
Net 30
0

Yes
Yes - Smartbuy
Net 30
0

B - 1/2 Ton Extended Cab Pickup

Jim Bass Ford

Description	Unit Price	Estimated Quantity	Extended Price
Current Year Model Price	23968	6	\$ 143,808.00
Make and Model Quoted	2018 Ford F150		
Delivery Lead Time	85-100 days		
OPTIONS			
Parts, Service, and Operators Manuals	225	1	\$ 225.00
Delivery to 1727 Saint Ann, San Angelo, TX 76905	N/C	1	N/C
Extended Warranty	2170	1	\$ 2,170.00
Power Door Locks	1077	1	\$ 1,077.00
Power Windows		1	
Power Mirrors		1	
Steering Wheel Tilt	N/C	1	N/C
Cruise Control	207	1	\$ 207.00
Four Wheel Drive	2050	1	\$ 2,050.00
8' Bed	1240	1	\$ 1,240.00
Cloth Seats; 40/Console/40 Type Seating	272	1	\$ 272.00
Hands Free Bluetooth Package	387	1	\$ 387.00
Total Bid:			\$ 151,436.00

Grapevine Dodge

Unit Price	Estimated Quantity	Extended Price
22133	6	\$ 132,798.00
Ram 1500 Quad Cab		
75-90 Days		
online	1	online
0	1	\$ -
2210	1	\$ 2,210.00
0	1	\$ -
0	1	\$ -
0	1	\$ -
0	1	\$ -
0	1	\$ -
3650	1	\$ 3,650.00
N/A	1	N/A
N/A	1	N/A
180	1	\$ 180.00
Total Bid:		\$ 138,838.00

Sam Packs Five Star Ford

Unit Price	Estimated Quantity	Extended Price
30424	6	\$ 182,544.00
2018 Ford F150		
120 Days		
280	1	\$ 280.00
200	1	\$ 200.00
1675	1	\$ 1,675.00
N/C	1	N/C
N/C	1	N/C
N/C	1	N/C
N/C	1	N/C
N/C	1	N/C
2895	1	\$ 2,895.00
N/C	1	N/C
N/C	1	N/C
N/C	1	N/C
Total Bid:		\$ 187,594.00

Piggy Back
Cooperative
Payment Terms
Payment Discount

Yes
No
Net 30
0

Yes
No
Net 30
0

Yes
Yes - Smartbuy
Net 30
0

C - 1/2 Ton Crew Cab Pickup

Jim Bass Ford

Description	Unit Price	Estimated Quantity	Extended Price
Current Year Model Price	25134	1	\$ 25,134.00
Make and Model Quoted	2018 Ford F150		
Delivery Lead Time	85-100 Days		
OPTIONS			
Parts, Service, and Operators Manuals	225	1	\$ 225.00
Delivery to 1727 Saint Ann, San Angelo, TX 76905	N/C	1	N/C
Extended Warranty	2170	1	\$ 2,170.00
Power Door Locks	1077	1	\$ 1,077.00
Power Windows		1	
Power Mirrors		1	
Steering Wheel Tilt	N/C	1	N/C
Cruise Control	207	1	\$ 207.00
Four Wheel Drive	2650	1	\$ 2,650.00
6.5' Bed	1240	1	\$ 1,240.00
Cloth Seats; 40/Console/40 Type Seating	272	1	\$ 272.00
Special Police/Response Package	47	1	\$ 47.00
Hands Free Bluetooth Package	387	1	\$ 387.00
Total Bid:			\$ 33,409.00

Piggy Back	Yes
Cooperative	No
Payment Terms	Net 30
Payment Discount	0

Grapevine Dodge

Unit Price	Estimated Quantity	Extended Price
25021	1	\$ 25,021.00
Ram 1500 Crew Cab		
75-90 Days		
Online	1	online
0	1	\$ -
2210	1	\$ 2,210.00
0	1	\$ -
0	1	\$ -
0	1	\$ -
0	1	\$ -
0	1	\$ -
3800	1	\$ 3,800.00
-600	1	\$ (600.00)
N/A	1	N/A
-2900	1	\$ (2,900.00)
180	1	\$ 180.00
Total Bid:		\$ 27,711.00

*additional \$640 for bluetooth with Police package

Yes
No
Net 30
0

Sam Packs Five Star Ford

Unit Price	Estimated Quantity	Extended Price
31300	1	\$ 31,300.00
280	1	\$ 280.00
200	1	\$ 200.00
1675	1	\$ 1,675.00
N/C	1	N/C
N/C	1	N/C
N/C	1	N/C
N/C	1	N/C
N/C	1	N/C
2895	1	\$ 2,895.00
N/C	1	N/C
295	1	\$ 295.00
N/C	1	N/C
N/C	1	N/C
Total Bid:		\$ 36,645.00

Yes
Yes - Smartbuy
Net 30
0

D - 1/2 Ton Crew Cab SSV Pickup

Jim Bass Ford

Description	Unit Price	Estimated Quantity	Extended Price
Current Year Model Price	30133	2	\$ 60,266.00
Make and Model Quoted	2018 Ford F150		
Delivery Lead Time	85-100 Days		
OPTIONS			
Parts, Service, and Operators Manuals	225	1	\$ 225.00
Delivery to 1727 Saint Ann, San Angelo, TX 76905	N/C	1	N/C
Extended Warranty	2930	1	\$ 2,930.00
Total Bid:			\$ 63,421.00

Grapevine Dodge

Unit Price	Estimated Quantity	Extended Price
26499	2	\$ 52,998.00
Ram 1500 SSV		
80-100 Days		
online	1	online
0	1	\$ -
3975	1	\$ 3,975.00
Total Bid:		\$ 56,973.00

Sam Packs Five Star Ford

Unit Price	Estimated Quantity	Extended Price
31330	2	\$ 62,660.00
280	1	\$ 280.00
200	1	\$ 200.00
1675	1	\$ 1,675.00
Total Bid:		\$ 64,815.00

Piggy Back
Cooperative
Payment Terms
Payment Discount

Yes
No
Net 30
0

Yes
No
Net 30
0

Yes
Yes - Smartbuy
Net 30
0

*As per section 2.35 Price Escalation - Price must be firm for each one (1) term and can increase up to 4% for each new term with written justification with 60-90 day notice to the City by vendor

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Consent Item

Caption:

Consider awarding RFB FS-03-18 Quarter-Ton Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$70,000 per fiscal year, for the purchase of two (2) units (with the option to purchase one (1) additional unit), and authorizing the City Manager or designee to execute any related documents (R.Kramer)

Summary/History:

Bids were requested for Quarter Ton Pickups for the purpose of replacing units that are past their useful operational life and/or for new requirements. Two vehicles have been budgeted for FY18. The award amount will cover one additional vehicle purchase if needed due to unforeseen events. Expenditures are budgeted within the Water Fund for the Water Billing Division. Bids were received from Jim Bass Ford alone.

Financial Impact:

Staff recommends award of RFB FS-03-18 Quarter-Ton Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$70,000 per fiscal year.

Other Information/Recommendation:

Staff recommends award of RFB FS-03-18 Quarter-Ton Pickups to Jim Bass Ford (San Angelo, TX) in the amount of \$70,000 per fiscal year.

Attachments:

1. Quarter Ton FS-03-18 Bid Tab - Price Escalation.pdf

Presentation:

Approvals/Reviews:

Ryan Kramer	Created/Initiated
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval



CITY OF SAN ANGELO

RFB Bid Tabulation * FS-03-18/ Quarter-Ton Pickups

11/21/2017 at 2:30 p.m.

A - 1/4 Ton Extended Cab Pickup

Jim Bass Ford

Description	Unit Price	Estimated Quantity	Extended Price
Current Year Model Price	18677	2	\$ 37,354.00
Make and Model Quoted	2018 Nissan Frontier		
Delivery Lead Time	120-150 Days		
OPTIONS			
Parts, Service, and Operators Manuals	300	1	\$ 300.00
Delivery to 1727 Saint Ann, San Angelo, TX 76905	N/C	1	N/C
Extended Warranty	2700	1	\$ 2,700.00
Power Locks, Windows, Mirrors, Steering, Wheel Tilt, Cruise Control	2456	1	\$ 2,456.00
Total Bid:			\$ 42,810.00

Piggy Back	Yes
Cooperative	No
Payment Terms	Net 30
Payment Discount	0

B - 1/4 Ton Crew Cab Pickup

Jim Bass Ford

Description	Unit Price	Estimated Quantity	Extended Price
Current Year Model Price	21500	1	\$ 21,500.00
Make and Model Quoted	2018 Nissan Frontier		
Delivery Lead Time	120-150 Days		
OPTIONS			
Parts, Service, and Operators Manuals	300	1	\$ 300.00
Delivery to 1727 Saint Ann, San Angelo, TX 76905	N/C	1	N/C
Extended Warranty	2700	1	\$ 2,700.00
Power Locks, Windows, Mirrors, Steering, Wheel Tilt, Cruise Control	3061	1	\$ 3,061.00
Four Wheel Drive	2339	1	\$ 2,339.00
Total Bid:			\$ 29,900.00

Piggy Back	Yes
Cooperative	No
Payment Terms	Net 30
Payment Discount	0

*As per section 2.35 Price Escalation - Price must be firm for each one (1) term and can increase up to 4% for each new term with written justification with 60-90 day notice to the City by vendor

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Consent Item

Caption:

Consider a resolution authorizing the City Manager, or his designee, to negotiate and execute easements and related legal documents authorizing building exterior walls, porches and awnings on an existing building to encroach upon rights-of-way along the south side of East 4th Street and the west side of North Magdalen Street, at the intersection of said streets, located at 301 North Magdalen Street - (J. James)

Summary/History:

The applicants, De La Torre and Abell Transfer & Storage, Inc., are proposing to reconstruct and legalize various improvements on the building at 301 North Magdalen Street. These improvements encroach into the public right-of-way on the north and east sides of the buildings as follows:

- A new 990-square foot metal awning structure, above the east entrance of the Building, projecting 11' into the right-of-way along North Magdalen Street
- Existing Porch structures located on the northern and eastern sides of the building projecting into the North Magdalen Street and East 4th Street right-of-ways
- An existing eastern portion of a building constructed in the 1920s that projects 4' - 5.59' into the North Magdalen Street right-of-way and extending a length of 138.28' - 139.21 feet
- Any public health and safety required construction to complete future building improvements.

The applicant has provided a legal survey and a metes-and-bounds description for the encroachments. The encroachment areas for the building walls will be a total of 657 square feet and the porch encroachment will be 2,843 square feet. The proposed awning will be constructed of metal materials and will have a light stone-colored surface, and be located atop the existing porch of the building. The Permits & Inspections Division, along with the Fire Marshal's Office, have reviewed the proposed structure and have no objections to the planned construction. The International Building Code (IBC), under Section 3202.2, requires that the "vertical clearance from the public right-of-way to the lowest part of any awning, including valances, shall be 7 feet minimum." The awning structure will have a minimum of 12 feet of vertical clearance.

Financial Impact:

N/A

Other Information/Recommendation:

This item does not require a recommendation from the Planning Commission.

Attachments:

- | | | |
|----|-----------------------|------------------------------------|
| 1. | Porch Awning Easement | PORCH_AWNING_EASEMENT (final).docx |
| 2. | Wall Easement | WALL_EASEMENT (final).docx |

3. Draft Resolution

PORCH_EASEMENTS_RESOLUTION (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

EASEMENT APPURTENANT FOR ENCROACHMENT OF PORCHES AND AWNINGS

Date: _____, 2017

Grantor: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantor's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County, Texas 76903

Grantee: Abell Transfer & Storage, Inc. a Texas for profit corporation

Grantee's Mailing Address: 301 North Magdalen Street, San Angelo, Tom Green County, Texas 76903

Dominant Estate Property: Lots 1, 2, and 3, Block 44, Miles Addition, City Of San Angelo, Tom Green County, Texas, as per plat of record in Volume X, Pages 334-336, Deed Records of Tom Green County, Texas.

Easement Property: Being 2,843 square feet out of East 4th Street and North Magdalen Street right-of way, City of San Angelo, Tom Green County, Texas, being adjacent to Lots 1, 2 and 3, Block 44, Miles Addition to the City of San Angelo, Tom Green County, Texas, as per plat recorded in Volume X, Pages 334-336, Deed Records of Tom Green County Texas, more particularly described by metes and bounds and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter "Easement Property").

Easement Purpose: For purpose of permitting the maintenance, repair, upgrade, removal and/or replacement of existing porches and installation maintenance, repair, upgrade, removal and/or replacement of new awnings over the porches, the existing porches and new awnings being adjacent to or attached to the perimeter walls of a building located on the Dominant Estate Property, generally known as the Abell Transfer & Storage building, 301 North Magdalen Street, said walls running north/south with the west side of North Magdalen Street and east/west with the south side of East 4th Street.

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "Appurtenant Easement") to have and to hold the Easement to Grantee and Grantee's successors

and assigns forever. Grantor binds Grantor and Grantor's successors and assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the extent that such claim arises by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2017.

GRANTOR:
CITY OF SAN ANGELO

ATTEST:

Bryan Kendrick, City Clerk

By: _____
Daniel Valenzuela, City Manager

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2017, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

GRANTEE:

ABELL TRANSFER & STORAGE, INC.

ATTEST:

BY: _____

By: _____

Robert D. Housley

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me this _____ day of _____ 2017, by ROBERT D. HOUSLEY, President of ABELL TRANSFER & STORAGE, INC., a Texas for profit corporation, on behalf of said corporation by authority of its governing body.

_____, personally known to me (or proved to me on the basis of

Notary Public, State of Texas

EXHIBIT "A"
LEGAL DESCRIPTION
Page 1 of 2
FIELD NOTES

2843 Square Feet (Porch Easement)

November 17, 2017
17-S-1328rev

Being an area of 2843 Square Feet of land out of East 4th Street and Magdalen Street Right-of-Way, City of San Angelo, Tom Green County, Texas and said Easement also being adjacent to Lot 1, 2 and 3, Block 44, Miles Addition, City of San Angelo, Tom Green County, Texas as per plat recorded in Volume X, Page 334-336, Deed Records of Tom Green County, Texas:

Beginning at the south southwest corner of this Easement in the right-of-way of said Magdalen Street and being 12.86 feet N. 20° 17' 29" W. and 3.95 feet N. 70° 24' 45" E. from a mag nail set for the southeast corner of said Lot 1;

Thence with the southerly west line of this Easement, N. 19° 38' 38" W. 139.21 feet to an angle corner of this Easement;

Thence with the northerly south line of this Easement and southerly projection of said East 4th Street, S. 60° 49' 32" W. at 5.59 feet pass an "x" set on concrete for the northeast corner of said Lot 1 and the intersection of the west line of said North Magdalen Street and the south line of said East 4th Street, in all a total distance of 157.41 feet to the west southwest corner of this tract and the northwest corner of said Lot 3;

Thence with the most westerly line of this Easement and across said East 4th Street right-of-way, N. 20° 17' 29" W. 8.73 feet to the northwest corner of this Easement;

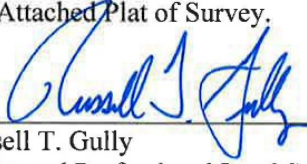
Thence with the north line of this Easement, N. 61° 11' 40" E. 167.92 feet to the northeast corner of this Easement;

Thence with the east line of this Easement along and with existing curb, S. 19° 45' 46" E. 148.61 feet to the southeast corner of this Easement;

Thence with the south line of this Easement, S. 70° 24' 34" W. 10.75 feet to the place of beginning and containing an area of 2843 Square Feet of land.

Bearings recited hereon are based on Texas Coordinate System NAD83 – Texas Central Zone by GPS observation.

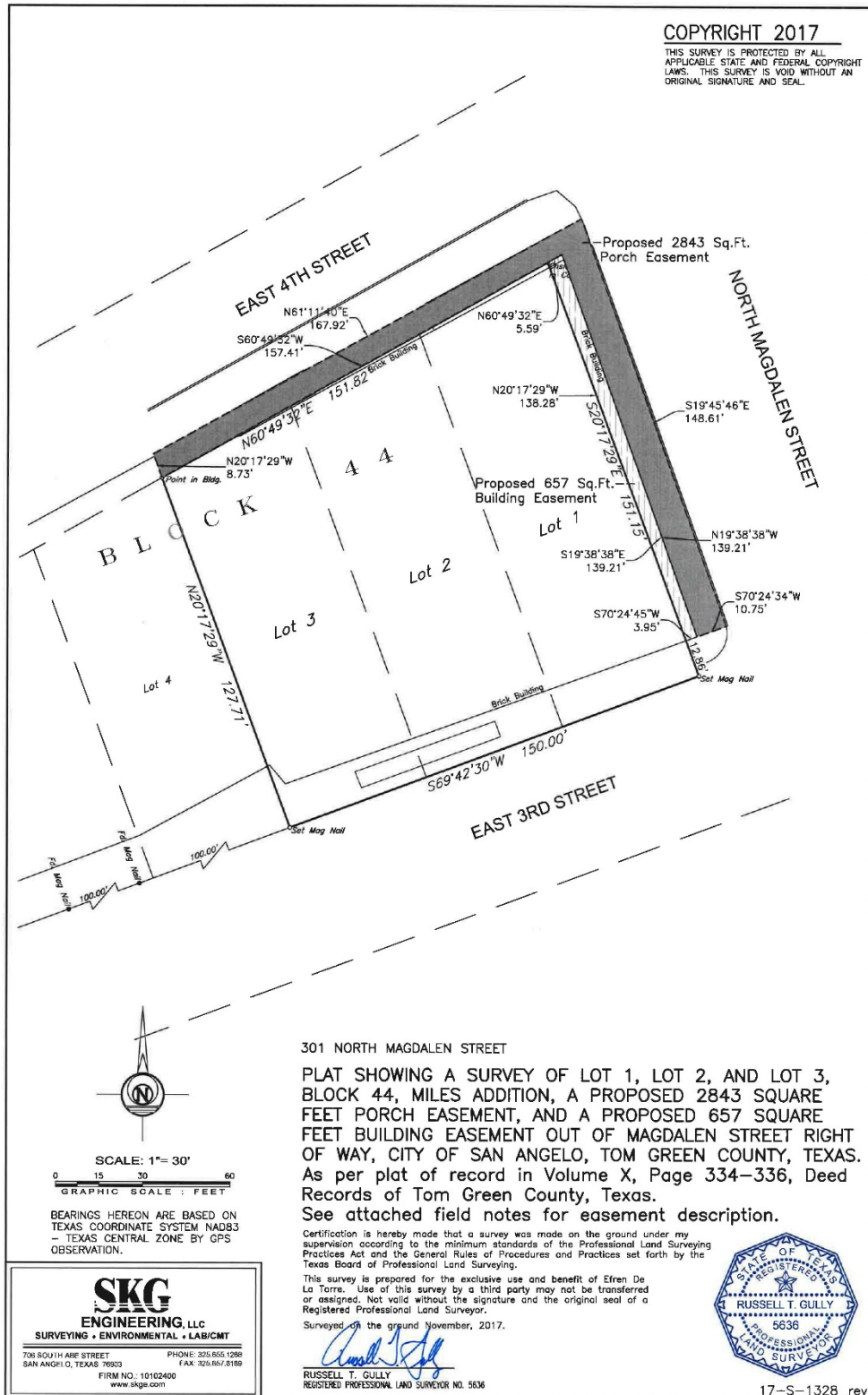
See Attached Plat of Survey.



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



EXHIBIT "A"
LEGAL DESCRIPTION
Page 2 of 2



EASEMENT APPURTENANT FOR ENCROACHMENT OF BUILDING WALL

Date: _____, 2017

Grantor: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantor's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County, Texas 76903

Grantee: Abell Transfer & Storage, Inc., a Texas for profit corporation

Grantee's Mailing Address: 301 North Magdalen Street, San Angelo, Tom Green County, Texas 76903

Dominant Estate Property: Lots 1, 2 and Lot 3, Block 44, Miles Addition, City Of San Angelo, Tom Green County, Texas, as per plat of record in Volume X, Pages 334-336, Deed Records of Tom Green County, Texas.

Easement Property: Being 657 square feet out of North Magdalen Street right-of-way, City of San Angelo, Tom Green County, Texas, being adjacent to Lots 1, 2 and 3, Block 44, Miles Addition, City of San Angelo, Tom Green County, Texas as per plat recorded in Volume X, Pages 334-336, Deed Records of Tom Green County, Texas, more particularly described by metes and bounds and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter "Easement Property").

Easement Purpose: For purpose of permitting the continued maintenance, repair, upgrade, removal and/or replacement of existing building perimeter walls for a building located on the Dominant Estate Property, generally known as the Abell Transfer & Storage building, 301 North Magdalen Street, San Angelo, Tom Green County, Texas, said walls running north/south with the west side of North Magdalen Street and east/west with the south side of East 4th Street..

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "Appurtenant Easement") to have and to hold the Easement to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns

against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the extent that such claim arises by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2017.

GRANTOR:
CITY OF SAN ANGELO

ATTEST:

By: _____
Daniel Valenzuela, City Manager

Bryan Kendrick, City Clerk

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2017, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

GRANTEE:

ABELL TRANSFER & STORAGE, INC.

ATTEST:

BY: _____

By: _____
Robert D. Housley

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me this _____ day of _____ 2017, by ROBERT D. HOUSLEY, President of ABELL TRANSFER & STORAGE, INC. , a Texas for profit corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

EXHIBIT "A"
LEGAL DESCRIPTION
Page 1 of 2
FIELD NOTES

657 Square Feet (Building Easement)

November 17, 2017
17-S-1328bldg

Being an area of 657 Square Feet of building out of Magdalen Street Right-of-Way, City of San Angelo, Tom Green County, Texas and said Easement also being adjacent to Lot 1, Block 44, Miles Addition, City of San Angelo, Tom Green County, Texas as per plat recorded in Volume X, Page 334-336, Deed Records of Tom Green County, Texas:

Beginning at the southwest corner of this Easement in the right-of-way of said Magdalen Street and in the east line of said Lot 1 and being 12.86 feet N. 20° 17' 29" W. from a mag nail set for the southeast corner of said Lot 1;

Thence with the west line of this Easement and the east line of said Lot 1 and the west line of said North Magdalen Street, N. 20° 17' 29" W. 138.28 feet to the northwest corner of this Easement and northeast corner of said Lot 1 and being the intersection of the west line of said North Magdalen Street and the south line of said East 4th Street;;

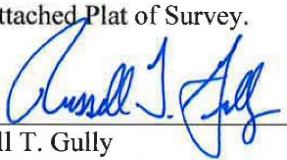
Thence with the north line of this Easement, N. 60° 49' 32" E. 5.59 feet to the northeast corner of this Easement;

Thence with the east line of this Easement along and with existing building, S. 19° 38' 38" E. 139.21 feet to the southeast corner of this Easement and said existing building;

Thence with the south line of this Easement and said existing building, S. 70° 24' 34" W. 3.95 feet to the place of beginning and containing an area of 657 Square Feet of building.

Bearings recited hereon are based on Texas Coordinate System NAD83 – Texas Central Zone by GPS observation.

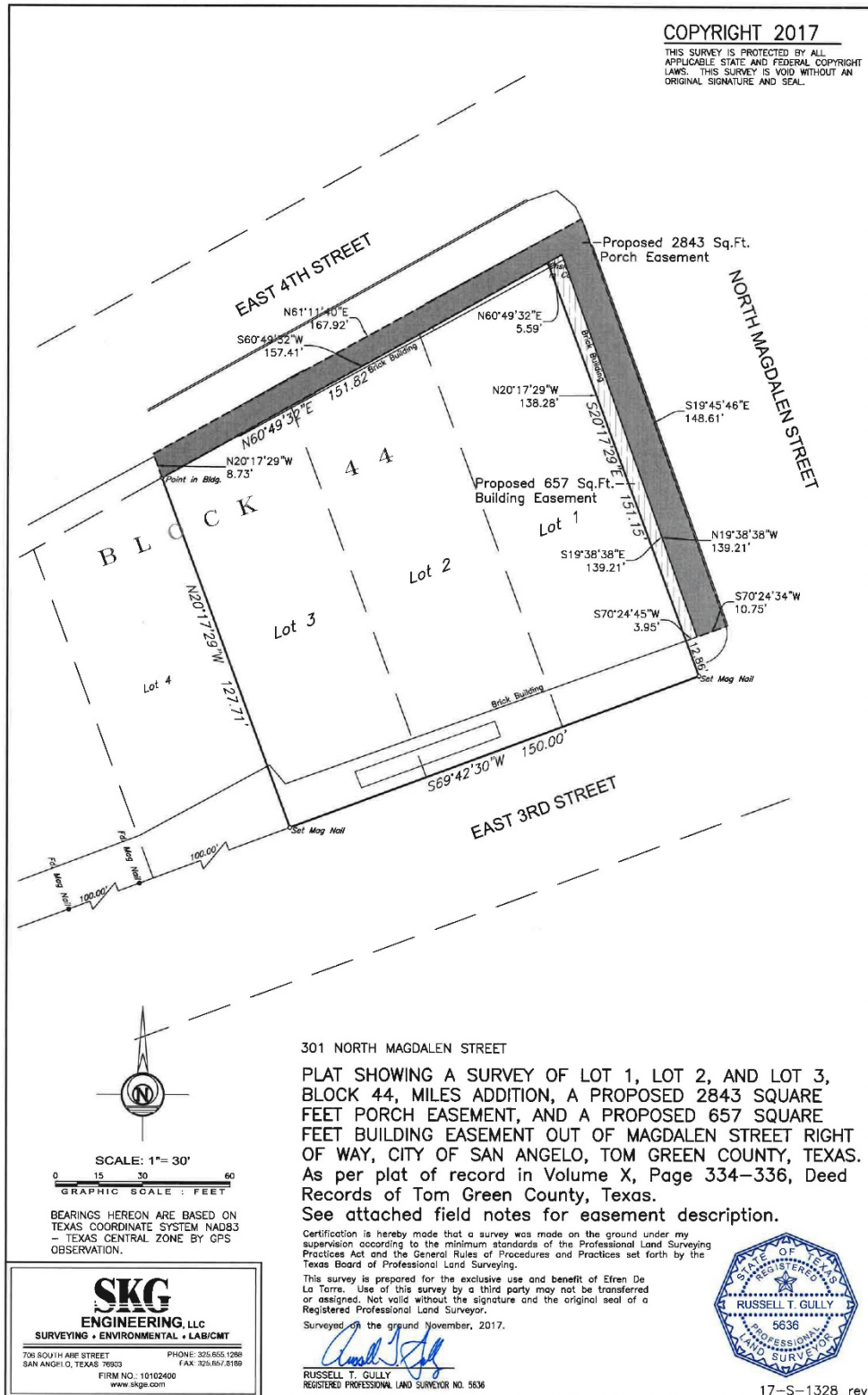
See Attached Plat of Survey.



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



EXHIBIT "A"
LEGAL DESCRIPTION
Page 2 of 2



A RESOLUTION OF THE CITY OF SAN ANGELO AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE TWO APPURTENANT EASEMENTS PERMITTING ENCROACHMENT OF EXTERIOR WALLS, PORCHES AND AWNINGS OF A BUILDING LOCATED AT 301 NORTH MAGDALEN STREET UPON RIGHTS-OF-WAY ALONG THE SOUTH SIDE OF EAST 4TH STREET AND THE WEST SIDE OF NORTH MAGDALEN STREET

WHEREAS, Abell Transfer & Storage, Inc., is the owner of certain real property and commercial building at 301 North Magdalen Street, San Angelo, Tom Green County, Texas; and,

WHEREAS, building porches and awnings encroach upon the west side of N. Magdalen Street and south side East 4th; and,

WHEREAS, the pavement widths of East 4th Street and North Magdalen Street, urban local streets, measure 34 feet and 50 feet respectively and such encroachments will not obstruct views or otherwise present a health or safety concern, but will enhance the aesthetics and commercial utilization of the building and streetscape; and,

WHEREAS, the City Council has determined that the granting of easements permitting maintenance of existing building porches and replacement or installation of awnings is in the public interest and benefit:

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

(1) The hereinabove recitals are found to be true and correct and are incorporated herein and made a part of this resolution.

(2) The City Manager or his designee is hereby authorized to negotiate and execute on behalf of the City of San Angelo easements appurtenant and related legal documents with Abell Transfer & Storage, Inc. permitting existing porches and installation of awnings encroaching upon rights-of-way of the west side of N. Magdalen Street and south side of East 4th Street, as more particularly depicted and described in **Exhibit "A,"** attached hereto and made a part hereof for all purposes.

PASSED and APPROVED THIS _____ DAY OF _____, 2017.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

Attest:

Bryan Kendrick, City Clerk

Approved As to Form:

Theresa James, City Attorney

Approved As to Content:

Jon James, AICP, Director of Planning and
Development Services

Exhibit A, Page 1 of 3
FIELD NOTES

2843 Square Feet (Porch Easement)

November 17, 2017
17-S-1328rev

Being an area of 2843 Square Feet of land out of East 4th Street and Magdalen Street Right-of-Way, City of San Angelo, Tom Green County, Texas and said Easement also being adjacent to Lot 1, 2 and 3, Block 44, Miles Addition, City of San Angelo, Tom Green County, Texas as per plat recorded in Volume X, Page 334-336, Deed Records of Tom Green County, Texas:

Beginning at the south southwest corner of this Easement in the right-of-way of said Magdalen Street and being 12.86 feet N. 20° 17' 29" W. and 3.95 feet N. 70° 24' 45" E. from a mag nail set for the southeast corner of said Lot 1;

Thence with the southerly west line of this Easement, N. 19° 38' 38" W. 139.21 feet to an angle corner of this Easement;

Thence with the northerly south line of this Easement and southerly projection of said East 4th Street, S. 60° 49' 32" W. at 5.59 feet pass an "x" set on concrete for the northeast corner of said Lot 1 and the intersection of the west line of said North Magdalen Street and the south line of said East 4th Street, in all a total distance of 157.41 feet to the west southwest corner of this tract and the northwest corner of said Lot 3;

Thence with the most westerly line of this Easement and across said East 4th Street right-of-way, N. 20° 17' 29" W. 8.73 feet to the northwest corner of this Easement;

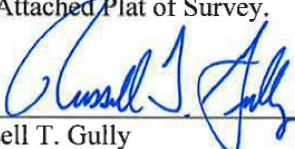
Thence with the north line of this Easement, N. 61° 11' 40" E. 167.92 feet to the northeast corner of this Easement;

Thence with the east line of this Easement along and with existing curb, S. 19° 45' 46" E. 148.61 feet to the southeast corner of this Easement;

Thence with the south line of this Easement, S. 70° 24' 34" W. 10.75 feet to the place of beginning and containing an area of 2843 Square Feet of land.

Bearings recited hereon are based on Texas Coordinate System NAD83 – Texas Central Zone by GPS observation.

See Attached Plat of Survey.



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



Exhibit A, 2 of 3 Pages
FIELD NOTES

2843 Square Feet (Porch Easement)

November 17, 2017
17-S-1328rev

Being an area of 2843 Square Feet of land out of East 4th Street and Magdalen Street Right-of-Way, City of San Angelo, Tom Green County, Texas and said Easement also being adjacent to Lot 1, 2 and 3, Block 44, Miles Addition, City of San Angelo, Tom Green County, Texas as per plat recorded in Volume X, Page 334-336, Deed Records of Tom Green County, Texas:

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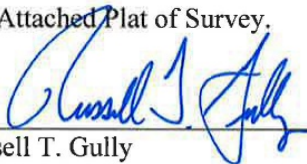
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Thence with the south line of this Easement, S. 70° 24' 34" W. 10.75 feet to the place of beginning and containing an area of 2843 Square Feet of land.

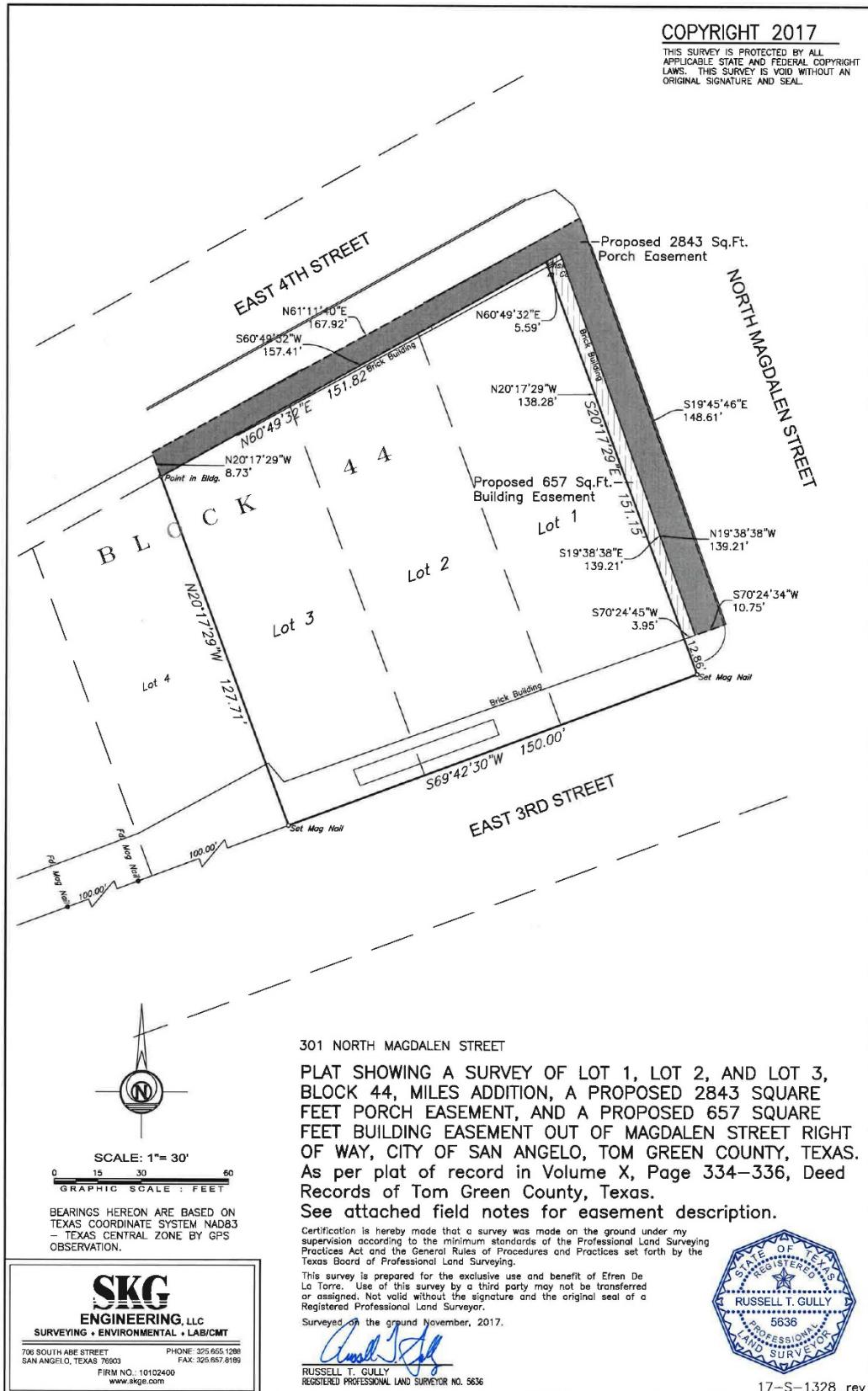
Bearings recited hereon are based on Texas Coordinate System NAD83 – Texas Central Zone by GPS observation.

See Attached Plat of Survey.



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





REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Shannon Scott, Economic Development Specialist, Planning and Development Services, 325.653.7197

Meeting Date: December 12, 2017

Item type: Consent Item

Caption:

Consider approving Tax Increment Reinvestment Zone (TIRZ) incentive funding for one private project in the North TIRZ area for the property at 800 North Chadbourne totaling \$29,996.25 (J. James)

Summary/History:

The TIRZ Board recommended approval of the following incentive project funding:

800 N. Chadbourne (BeeGzz's). The funding amount requested from the applicant was \$46,089.50 and the TIRZ Board approved unanimously 7-0 to fund a portion of the project in the amount of \$29,996.25. The summary of work to be performed by the applicant includes upgrades to the façade by painting and plastering the outside of the building, paving the parking lot with asphalt, installation of environmentally friendly landscaping, and partial work for the signage that includes removing an existing sign pole, installing a new sign pole, city sign permit fees, and labor costs. The funding that was excluded from the recommendation was the cost of the sign itself.

Financial Impact:

\$29,996.25 in incentives from the North TIRZ private incentive funds.

Other Information/Recommendation:

At the monthly TIRZ Board meeting conducted Nov. 14, 2017, the TIRZ Board approved funding one TIRZ North project out of the North TIRZ funds for a total of \$29,996.25.

Attachments:

- | | | |
|----|------------------------------------|--|
| 1. | BeeGzz's Draft Agreement | Agreement (BeeGzz Smoke & Brew).docx |
| 2. | BeeGzz's Before and After Pictures | BeeGzz's Before and After Pictures.pdf |

Presentation:

Jon James

Approvals/Reviews:

Shannon Scott	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 OF SAN ANGELO
ECONOMIC INCENTIVE PROGRAM
PROJECT AGREEMENT**

This Agreement is entered into by and between the City of San Angelo, Texas, a home rule city duly acting by and through its City Manager, hereinafter referred to as CITY, and BeeGzz Smoke & Brew, a Texas for profit corporation, hereinafter referred to as OWNER, effective on the last of the signatures of the parties 12/12/17.

WITNESSETH:

WHEREAS, CITY, in conjunction with Tom Green County, created the Tax Increment Reinvestment Zone Number One (TIRZ), designated as TIRZ North and TIRZ South, for the purposes of encouraging improvement of physical and aesthetic conditions in the TIRZ and thereby stimulating commercial activity in the TIRZ and Downtown Commercial District, and;

WHEREAS, the TIRZ board has adopted policies that establish programs for grants to assist in funding property rehabilitation and development projects consistent with the public purposes for establishing the TIRZ (hereinafter "Programs"); and

WHEREAS, the CITY has determined that the Programs established under TIRZ policies include controls reasonably sufficient to ensure that the public purposes for establishing the TIRZ are carried out; and

WHEREAS, Section 380.001 of the Texas Local Government Code and Section 351.101(a)(5) of the Texas Tax Code provide statutory authority for the Programs, including grants for reimbursement of expenses incurred in making capital improvements, and rebates for advalorem taxes paid and sales taxes paid related to those improvements.; and

WHEREAS, OWNER has submitted a complete application for grant award; the application has been reviewed and deemed to be complete; City desires to make a grant award and OWNER desires to participate in a Program pursuant to the terms set forth herein;

NOW, THEREFORE, the parties do mutually agree as follows:

1. Premises: The property that is the subject of this Agreement is within the boundaries of the TIRZ [North/or/South] (or without the boundaries of the TIRZ but within the corporate limits of the City of San Angelo, the development of which is deemed to have a beneficial effect on property within the TIRZ) located at 800 N. Chadbourne, San Angelo, Tom Green County, Texas and further described as paving, landscaping and façade improvement at BeeGzz Smoke & Brew (hereinafter "Premises").

2. Contract Documents: Contract documents included with this Agreement include the TIRZ Incentive Policy in effect on the Effective Date of this Agreement, Project plans, specifications and drawings, and Exhibits attached to and made a part of this Agreement. The undersigned OWNER or individual executing this agreement as an officer or managing member of OWNER hereby acknowledges that he or she has been provided with a copy of said TIRZ Incentive Policy, has reviewed the same and is familiar with the terms of the Policy, and accepts the same on behalf of OWNER as additional terms incorporated into this Agreement by reference thereto, binding on OWNER.

3. **Owner Performance Requirements:** As an OWNER performance requirement and condition precedent to CITY's obligation to provide grant payments under this Agreement OWNER shall perform each of the following:

- A. OWNER shall not be in default of any term or condition of this Agreement.
- B. OWNER shall occupy and be in physical possession of the Premises during the full term of this Agreement.
- C. OWNER shall not commence construction work on any improvements relating to the Project until receipt of a written Notice to Proceed from City.
- D. OWNER shall diligently proceed to complete the Project improvements to the Premises described and depicted on plans in **Exhibit A**, attached hereto and made a part hereof for all purposes. (hereinafter "Project"). Construction of Project improvements shall be completed by OWNER with any required municipal permits and in compliance with all applicable state and local regulations and adopted codes, within two (2) years of the Effective Date of this Agreement. If additional time is desired for completion of IMPROVEMENTS, OWNER shall present a written request to the TIRZ board for consideration. Approval of such request shall be at the sole discretion of the TIRZ board and documented by minute record, which record shall constitute an amendment of the term of this AGREEMENT.
- E. OWNER shall make the expenditures indicated on OWNER'S Project Budget submitted to City in accordance with the time line indicated on the budget, a copy of which is attached hereto as **Exhibit "B"**, and made a part of this Agreement for all purposes. OWNER shall notify CITY in writing of any anticipated or incurred substantial deviation from the budget or timeline for completion of the Project as soon as such deviation is anticipated or incurred.
- F. OWNER shall provide upon request to the Economic Development Specialist for CITY copies of records sufficient to verify OWNER's expenditures related to costs incurred for Project improvements described in **Exhibit "A"** and **Exhibit "B"**, to include but not limited to contracts and receipts, sufficient to verify under generally accepted accounting and audit principals the expenditures made.
- G. OWNER shall provide a minimum match of 25% of Project budgeted funds, in the sum of DOLLARS \$7,499.06), which shall be expended on Project Improvements described in **Exhibit "A"** and budgeted in **Exhibit "B"**. OWNER shall provide upon request to the Economic Development Specialist for CITY copies of records sufficient to verify OWNER's expenditures relating to OWNER'S match of Project budgeted funds.
- H. OWNER shall not construct any Project Improvement that is not historically appropriate if made to a structure considered historic as determined by the CITY's Historic Preservation Officer and approved by the Director of Planning & Development Services. All Project Improvements made by OWNER to any structure determined to be historic as herein provided shall be submitted to CITY's Historic Preservation Office for a determination of the historical accuracy of the proposed improvement and approval of the design and specifications for the improvement by the Historic Preservation Officer and the Director of Planning & Development Services. Upon determination that the structure is considered historic and prior to completion of Project Improvements within the time period set forth at subparagraph "D" of this Section 2, OWNER of

a Project structure determined to be historic as herein provided shall apply with the CITY Planning Department for Historic Overlay Zoning (HOZ). .

I. OWNER shall make certification to CITY required under this Incentive Agreement and Addendum, if any, in substantially the form of **Attachment “1”** Request for Incentive Payments, to establish timely compliance with OWNER’s performance requirements, including production of business records verifying under generally accepted accounting and audit principals and to the satisfaction of CITY that expenditures for Project improvements, and if applicable payment of ad valorem and/or sales taxes, have been made relating to improvements to the Project Premises.

4. Grant Incentives for Partial Reimbursement of Project Expenses. Notwithstanding anything to the contrary in this Agreement, the cumulative sum of all incentive grant payments and tax rebates payable or credited by CITY under this Incentive Agreement and Addendum, if any, shall not exceed the maximum sum of DOLLARS (\$29,996.25).

A. Subject to OWNER complying with Owner Performance Requirements specified under this Agreement, OWNER shall become eligible to receive up to 100% of Project budgeted expenses specified in **Exhibit “B”**, in a total sum not to exceed DOLLARS (\$29,996.25) (hereinafter “Grant”), payable as follows the following incentive grant payments.

(a.) Ten Percent (10%) of CITY’S total partial reimbursement for expenses related to Project improvements, payable within thirty (30) days following issuance of CITY’s notice to proceed.

(b.) The balance of CITY’S partial reimbursement for expenses related to Project improvements, shall be payable within thirty (30) days following the date that OWNER provides written certification to CITY, in substantially the form of **Attachment 1**, which provides verification that: (i) the Project has been completed pursuant to the specifications detailed in **Exhibit “A”** and budgeted in **Exhibit “B”**, (ii) OWNER has made expenditures toward construction of Project Improvements within the budgetary limits detailed in **Exhibit “B”** that meet or exceed OWNER’s minimum required match, and (iii) CITY has issued OWNER a certificate of occupancy for PREMISES, if applicable. Final payment of the balance of CITY’S grant shall be based on OWNER’s actual expenditures toward construction of Project Improvements. Any claim for grant funds not supported by written documentation of OWNER’s expenditures as required under this Agreement may be denied and those grant funds shall be retained by CITY. Such retention shall not be deemed a waiver of any remedy for default to which CITY may be entitled under this Agreement.

5. Default. In the event that OWNER breaches any of the terms and conditions of this AGREEMENT or Addendum if any, or breaches any of the terms or conditions in any other written agreement by and between OWNER and CITY or by and between OWNER AND the CITY OF SAN ANGELO DEVELOPMENT CORPORATION (COSADC) in effect on the Effective Date hereof or subsequently entered into by OWNER and effective during the term of this Agreement, then such breach shall be a default by OWNER under this Agreement.

A. CITY shall give OWNER written notice of default. OWNER will have thirty (30) days from the date of said notice of default to: (a) cure the default; or (b) obtain a valid waiver thereof from City. In the event of default that is not cured or waived, CITY may terminate the AGREEMENT without notice or liability to OWNER, and all Project grant monies previously paid by CITY will become a debt of OWNER to the

CITY, due and payable to CITY within thirty (30) days of expiration of the above-described cure period. In the event such amounts are not paid by OWNER within the time period provided, the obligation shall accrue interest at the lesser of ten percent (10%) per annum or the maximum rate allowed by law until paid in full.

- B. In the event of default by OWNER, CITY shall not be obligated to pay any incentives or reimbursements to OWNER and OWNER shall repay CITY all Project grant incentives and reimbursements, plus all fee waivers, provided to OWNER under this Agreement.
- C. It is expressly agreed that this Agreement constitutes a single transaction, although, incentive payments hereunder may be divided into multiple installments. A failure of OWNER to perform any obligation it has under this Agreement may constitute a breach of the entire Agreement and terminate any further commitment or obligation of CITY to OWNER hereunder.
- D. The dissolution or termination of OWNER's existence as a going business or concern, OWNER's insolvency, appointment of receiver for OWNER's assets, any assignment of all or substantially all of the assets for the benefit of creditor's of OWNER, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against OWNER shall all be deemed events of default. However, in the case of involuntary proceedings, if such proceedings are discharged within sixty (60) days after filing, no event of default shall be deemed to have occurred.

6. **Assignment** . OWNER shall not assign this Agreement without first securing the written consent to the assignment from CITY, which consent shall not be unreasonably withheld so long as OWNER'S assignee has the apparent capacity to perform OWNER's obligations under this Agreement and agrees to be bound by all terms and conditions of this AGREEMENT. The terms and conditions of this AGREEMENT are binding upon the successors and permitted assigns of all parties hereto.

7. **Alteration of Project Improvements** . OWNER shall not substantially alter the Project Improvements for five years from and after the date that CITY distributes to OWNER the final Project grant payment or reimbursement due under this Agreement and Addendum, if any, without prior written approval from the Planning & Development Services Director. The provisions of this Section 7 shall survive expiration or termination of this agreement for a period of four (4) years.

8. **Owner Status as Independent Contractor** . Nothing contained in this AGREEMENT is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. OWNER shall at all times remain an independent contractor with respect to the obligations to be performed under this AGREEMENT. City shall be exempt from payment of all unemployment compensation, FICA, retirement, life and/or medical insurance and workers' compensation insurance on OWNER'S employees.

9. **City Inspection** . CITY, its agents and employees, shall have, upon reasonable advance notice to OWNER and subject to OWNER's reasonable security requirements, access to the Premises to inspect Project Improvemets for purposes of ensuring that the Improvements are made and maintained in accordance with plans and specifications as described in **Exhibit "A"**, and the Contract Documents. The provisions of this Section 9 shall survive expiration or termination of this agreement for a period of four (4) years.

10. Audit Rights of City. CITY, its agents and employees may, at reasonable times, and for a period of up to three (3) years following the expiration or termination date of this Agreement, audit, or cause to be audited, those books and records of OWNER which are related to OWNER's performance under this Agreement and Addendum, if any. OWNER agrees to maintain all such books and records at its principal place of business for a period of three (3) years after expiration or termination date of this Agreement. In the event OWNER fails to maintain sufficient records to conduct an audit of the books and records of OWNER which are related to OWNER's performance under this agreement or said books and records reflect a breach of any term or condition of this Agreement, OWNER shall be in default of this AGREEMENT, and CITY shall have the rights and remedies provided for herein on default of OWNER.

11. Representations and Warranties of Owner. OWNER represents and warrants to CITY that as of the Effective Date hereof: (i) OWNER, if a corporate, limited liability company or other entity required to be registered with the Texas Secretary of State, is in good standing in the State of Texas, and authorized to transact business in the State, (ii) OWNER is not delinquent in the payment of any sums due the City of San Angelo, including but not limited to permit fees and occupational licenses, nor in the performance of any obligation to the City of San Angelo, (iii) execution of this Agreement has been duly authorized by the governing body of OWNER as applicable, and this Agreement is not in contravention of OWNER's regulations, or any Agreement or instrument to which OWNER is a party or by which it may be bound as of the date hereof, (iv) no litigation or governmental proceeding is pending, or, to the knowledge of any of OWNER or any of OWNER's officers, threatened against or affecting OWNER, which may result in a material adverse change in OWNER's business, assets, liabilities, or operations sufficient to compromise OWNER as a viable, for profit going concern capable of performing pursuant to this Agreement, (v) no written certificate or written statement herewith or heretofore delivered by OWNER to CITY in connection herewith, or in connection with any transaction contemplated hereby, to the knowledge of any OWNER or OWNER's officers, contains any untrue statement of a material fact or fails to directly disclose any material fact necessary to keep the statements contained therein from being misleading, and (vi) during the term of this Agreement, OWNER will not knowingly employ any undocumented workers in violation of Texas Government Code, Chapter 2264..

12. Notices. Notices required to be given to any party to this AGREEMENT shall be given personally or by certified mail, return receipt requested, postage prepaid, addressed to the party at its address as set forth below, and, if given by mail, shall be deemed delivered as of the date deposited in the United States mail:

For CITY by notice to:

City of San Angelo
Attention: Director of Planning & Development Services
52 W. College Ave.
San Angelo, Texas 76903

With mandatory copy to:

City of San Angelo
Attention: City Manager
72 W College Ave
San Angelo, Texas 76903

For OWNER by notice to:

BeeGzz Smoke & Brew
Attn: Arnoldo & Ruby Guterrez
800 N. Chadbourne
San Angelo, TX 76903

Any party may change the address to which notices are to be sent by giving the other parties written notice in the manner provided in this paragraph.

13. Multiple Originals. This Agreement may be executed in multiple counterparts, each of which shall constitute an original, but all of which in the aggregate shall constitute one agreement.

14. Severability of Provisions. If any provision(s) of this Agreement is held in whole or part, to be invalid, void or unlawful by any administrative agency or court of competent jurisdiction, then such provision(s) will be deemed severable from the remainder of this Agreement, will in no way affect, impair or invalidate any other provision contained in the Agreement and the Parties will use their commercially reasonable efforts to amend this Agreement to make the unlawful provision compliant with applicable law so as to preserve the rights and obligations of the Parties.

15. No Waiver of Compliance. No action taken pursuant to this Agreement should be deemed to constitute a waiver of compliance with any representation, warranty, covenant or agreement contained in this Agreement and will not operate or be construed as a waiver of any subsequent breach, whether of a similar or dissimilar nature.

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

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

17. Contingent on Funding. CITY's funding for this Agreement is contingent on the availability of funds and continued authorization for program activities; and, this Agreement is subject to amendment or termination due to lack of funds, reduction of funds or change in regulations, upon thirty (30) days notice.

18. Entire Agreement. This Agreement, together with the Attachments and Contract Documents, constitutes the entire understanding and agreement between the Parties concerning the subject matter of this Agreement, and supersedes all prior oral or written agreements or understandings.

19. Governing Law. This Agreement is governed by the laws of the State of Texas without regard to conflicts of law principles thereof, and performance and venue shall lie in Tom Green County, Texas.

20. Survival of Remedies. Termination of this AGREEMENT shall not affect the rights and obligations of the Parties accrued prior to termination. Upon termination or expiration of this AGREEMENT, any provisions herein which are intended to continue and survive such termination or expiration (including without limitation, Sections 5, 7, 9, and 10) shall survive expiration or termination of this AGREEMENT.

21. A. GENERAL INDEMNIFICATION. Owner shall indemnify, defend and hold harmless City and its officials, employees and agents (collectively referred to as "Indemnitees") and each of them from and against all loss, costs, penalties, fines, damages, claims, expenses (including attorney's fees) or liabilities (collectively referred to as "Liabilities") by reason of any injury to or death of any person or damage to or destruction or loss of any property arising out of, resulting from, or in connection with (i) the performance or non-performance of Services contemplated by this Agreement which is or is alleged to be directly or indirectly caused, in whole or in part, by any act, omission, default or negligence (whether active or passive) of Owner or its employees, agents or sub-Owners (collectively referred to as "Owner"), regardless of whether it is, or is alleged to be, caused in whole or part (whether joint, concurrent or contributing) by any act, omission, default or negligence (whether active or passive) or strict liability of the Indemnities, or any of them or (ii) the failure of Owner to comply with any of the paragraphs herein or the failure of Owner to conform to statutes, ordinances, or other regulations or requirements of any governmental authority, federal, state or local, in connection with the performance of this Agreement. Owner expressly agrees to indemnify and hold harmless the Indemnites, or any of them, from and against all liabilities which may be asserted by an employee or former employee of Owner, or any of its sub-Owners, as provided above, for which Owner's liability to such employee or former employee would otherwise be limited to payments under state Workers' Compensation or similar laws. Nothing herein shall require Owner to indemnify, defend, or hold harmless any Indemnitee for the Indemnitee's own gross negligence or willful misconduct.

B. PROSPECTIVE APPLICATION. Any and all indemnity provided for in this Agreement shall survive the expiration of this Agreement and the discharge of all other obligations owed by the parties to each other hereunder and shall apply prospectively not only during the term of this Agreement but thereafter so long as any liability could be asserted in regard to any acts or omissions of Owner in performing under this Agreement.

C. RETROACTIVE APPLICATION. The indemnity provided for in this Agreement shall extend not only to claims and assessments occurring during the term of this Agreement but retroactively to claims

and assessments which may have occurred during the term of previous Agreements between City and Owner.

22. Authority to Execute. This Agreement has been officially authorized by the governing body of each Party hereto and each signatory to this Agreement guarantees and warrants that the signatory has full authority to execute this Agreement and to legally bind the respective Party to it.

DATED this the _____ day of _____, 20____.

CITY OF SAN ANGELO, TEXAS

Daniel Valenzuela, City Manager

ATTEST:

Bryan Kendrick, City Clerk

OWNER(S):

BEEGZZ SMOKE & BREW

BY _____
Arnoldo or Ruby Guitierrez, Owner(s)

EMAIL: _____

APPROVED AS TO FORM:

Dan T. Saluri, Deputy City Attorney

APPROVED AS TO CONTENT:

Jon James, Director of Planning & Development Services

EXHIBIT A
Description of Improvements

Paving	\$17,250
Landscaping	\$3,750
Facade	\$8,996.25
Approved Incentives TOTAL	\$29,996.25
10% payable to owner within 30 days of executed agreement	\$2,999.63
Estimated remaining balance to be paid upon completion	\$26,996.62
Proof of 25% match to be shown upon completion	\$7,499.06

EXHIBIT B
Budget for Project Improvements



WORKSHEET A
Proposed Project Budget



Below is a chart for summarizing the proposed project's scope & associated costs. All guidelines outlined in the TIRZ Incentive Policy, adopted 07/21/15. This worksheet alone does not provide all of the required items.

Intended Match (money to be provided by applicant): **\$15,362.50**

Total Estimated Project Cost: **\$61,450**

Please complete all fields within the chart below. Additional copies may be made of this form if necessary.

Item #	Work to be Performed	Incentive Type / Match	Unit Cost	Total
1	Paving (75 % TIRZ Grant)	Paving	\$17,250.00	
	Paving (25% Match)	Paving / match	\$5,750	\$23,000.00
2	Exterior Double Sided Sign (75% TIRZ Grant)	Facade	\$19,837.50	
	Exterior Double Sided Sign (25% Match)	Facade / match	\$6,612.50	\$26,450
	TOTAL COST OF PROPOSED PROJECT			\$49,450
	Additional Incentives Requested			
	Landscaping / Planting of trees, shrubs, bushes, rock etc.	Landscaping	\$3,750	
	" "	Landscaping (match)	\$1,250	
		Total		\$5,000
	Painting, plastering, Stucco	Facade	\$4,350	
		Facade (match)	\$1,450	
		Total		\$5,800
	Electrical for sign	Facade / Signage	\$900	
		Facade / Signage (match)	\$300	

Total \$1,200

**Attachment 1
Request for Incentive Payment**

STATE OF TEXAS,

§

§

COUNTY OF TOM GREEN

§

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

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

1. I make this affidavit in compliance with the terms of the Addendum to Incentive Agreement entered into by and between _____ (hereinafter "OWNER") and the City of San Angelo (CITY), having an Effective Date of _____, 20 ____, which Incentive Agreement and Addendum I have read and am familiar with
2. I am, and at all times pertinent to the averments in this affidavit have been, an official of OWNER. I am duly authorized by OWNER to make this affidavit in my capacity as _____ for purposes of causing the following incentive payments to be made in the sums indicated. I do hereby certify on behalf of OWNER that all performance obligations of OWNER that entitle OWNER at this time to the incentive payments and sums indicated herein have been fully performed.
3. The following incentive payments in the sums indicated are due OWNER under the terms of the Incentive Agreement and Addendum (if any) for the following items:

Incentive	Amount
Ad Valorem Tax Rebate for 20 ____	\$
Sales Tax Rebate for _____	\$
Façade	\$ 8,996.25
Fire Sprinkler System	\$
Outside Storage Screening	\$
Secondary Egress	\$
Landscape	\$ 3,750
Paving	\$ 17,250
Development Fee	\$

4. Attached hereto and made a part of this affidavit in support of this request for incentive payment in the sums indicated above are true and correct copies of OWNER records created and maintained by OWNER under generally accepted accounting and audit principals required under the Agreement which verify the facts herein certified to by me.*

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

6. The undersigned further certifies on behalf of OWNER that OWNER claims no defense against CITY, and except as to the foregoing request, there is no payment due, incentive due, offset, rebate, adjustment, concession, abatement, or other sum due or payable or other performance due by CITY under the terms of the Incentive Agreement or Addendum.

Signature _____

SUBSCRIBED AND SWORN to (or affirmed) before me on this _____ day of _____ 20__ by _____, proven to me on the basis of satisfactory evidence to be the person(s) who appeared before me, in his/her capacity as _____ of BeeGzz Smoke & Brew

Notary Public, State of Texas

* Attach copies of contracts, receipts and proof of payment in full for Project Improvement related expenses, and proof of payment of ad valorem or sales taxes paid as applicable.

800 N. Chadbourne- BeeGzz



800 N. Chadbourne- BeeGzz



800 N. Chadbourne- BeeGzz



800 N. Chadbourne- BeeGzz



800 N. Chadbourne- BeeGzz



800 N. Chadbourne- BeeGzz



800 N. Chadbourne- BeeGzz



800 N. Chadbourne- BeeGzz



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Regular Item

Caption:

Second reading 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 - (J. James)

Summary/History:

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.

Financial Impact:

N/A

Other Information/Recommendation:

On October 16, 2017, the Planning Commission voted unanimously to APPROVE the proposed rezoning. On November 21, 2017, City Council voted unanimously to APPROVE the request.

Attachments:

- | | | |
|----|------------------------|----------------------------------|
| 1. | Z17-14 Staff Report | PL_Z17-14 report.pdf |
| 2. | Z17-14 Draft Ordinance | PL_Z17-14 Ordinance (FINAL).docx |

Presentation:

Jon James

Approvals/Reviews:

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

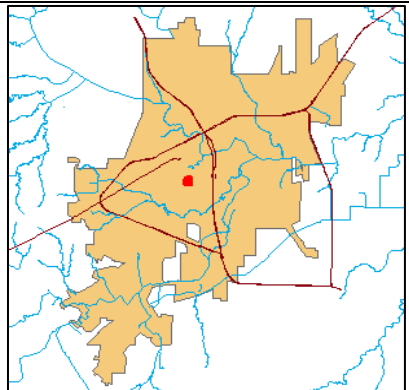
Jon James
Tina Dierschke
Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Approved
Approved
Final Approval



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.

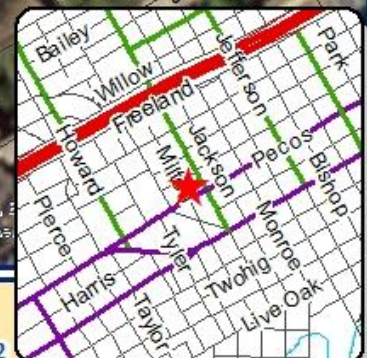
Commissioner Smith made a Motion to APPROVE the Rezoning from the Single-Family Residential (RS-1) Zoning District and the Two-Family Residential (RS-2) Zoning District to the Neighborhood Commercial (CN) Zoning District on the properties, as presented. Commissioner Spano seconded the Motion. The Motion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

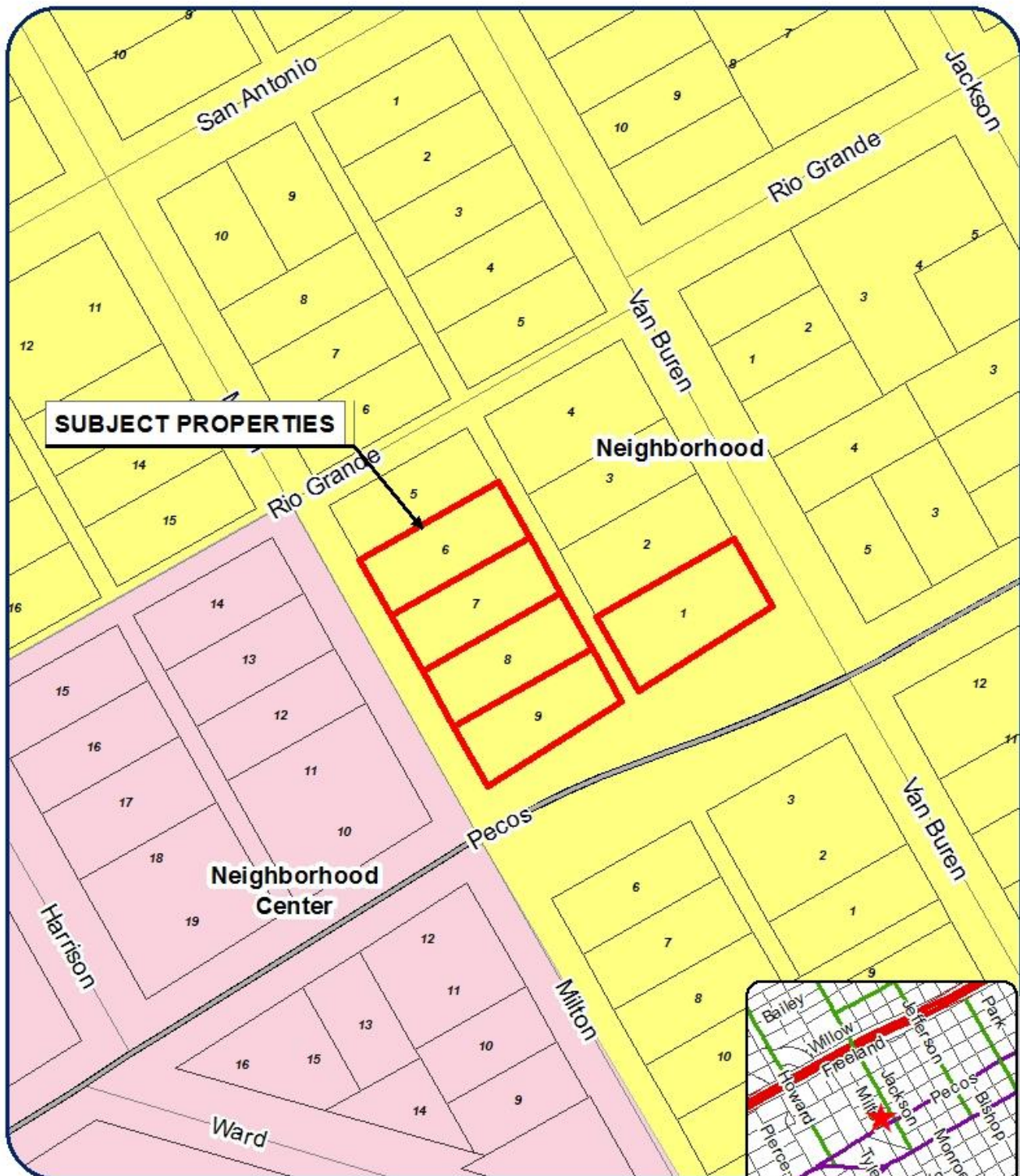
Subject Properties: [REDACTED]
Current Zoning: RS-1 and RS-2

Requested Zoning Change: **N/A**

Vision: **Neighborhood**

Vision: **Neighborhood**





Zoning Case File

Case Z17-14: Henderson

Council District: Lane Carter (SMD#5)

Neighborhood: Central

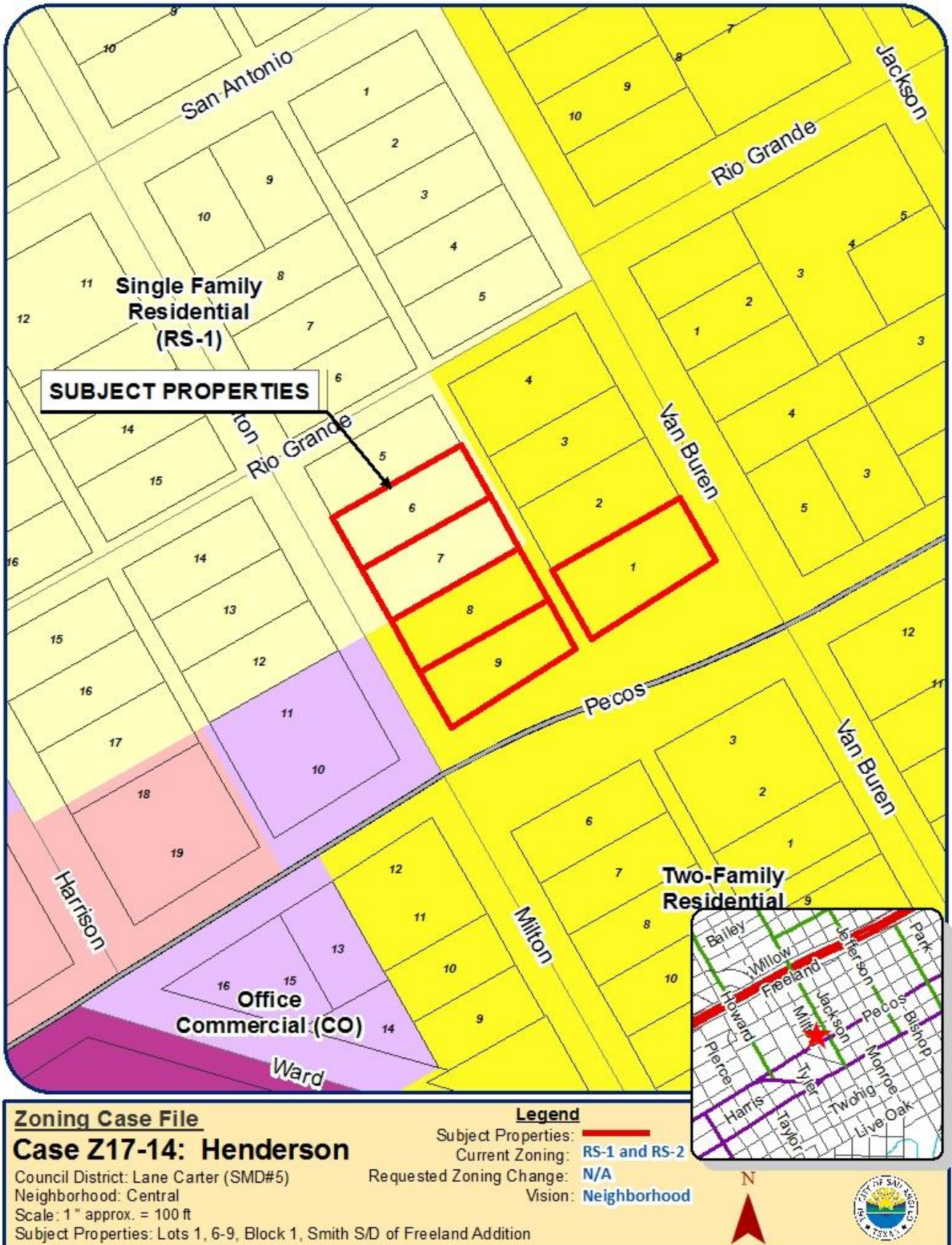
Scale: 1" approx. = 100 ft

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.

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IN FAVOR

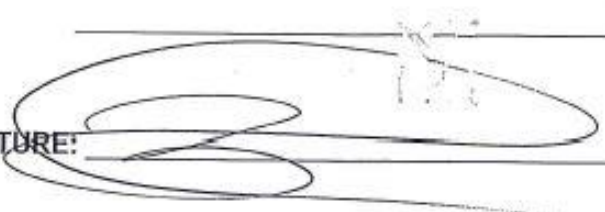
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IN OPPOSITION

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.

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(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.

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(✓)

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:

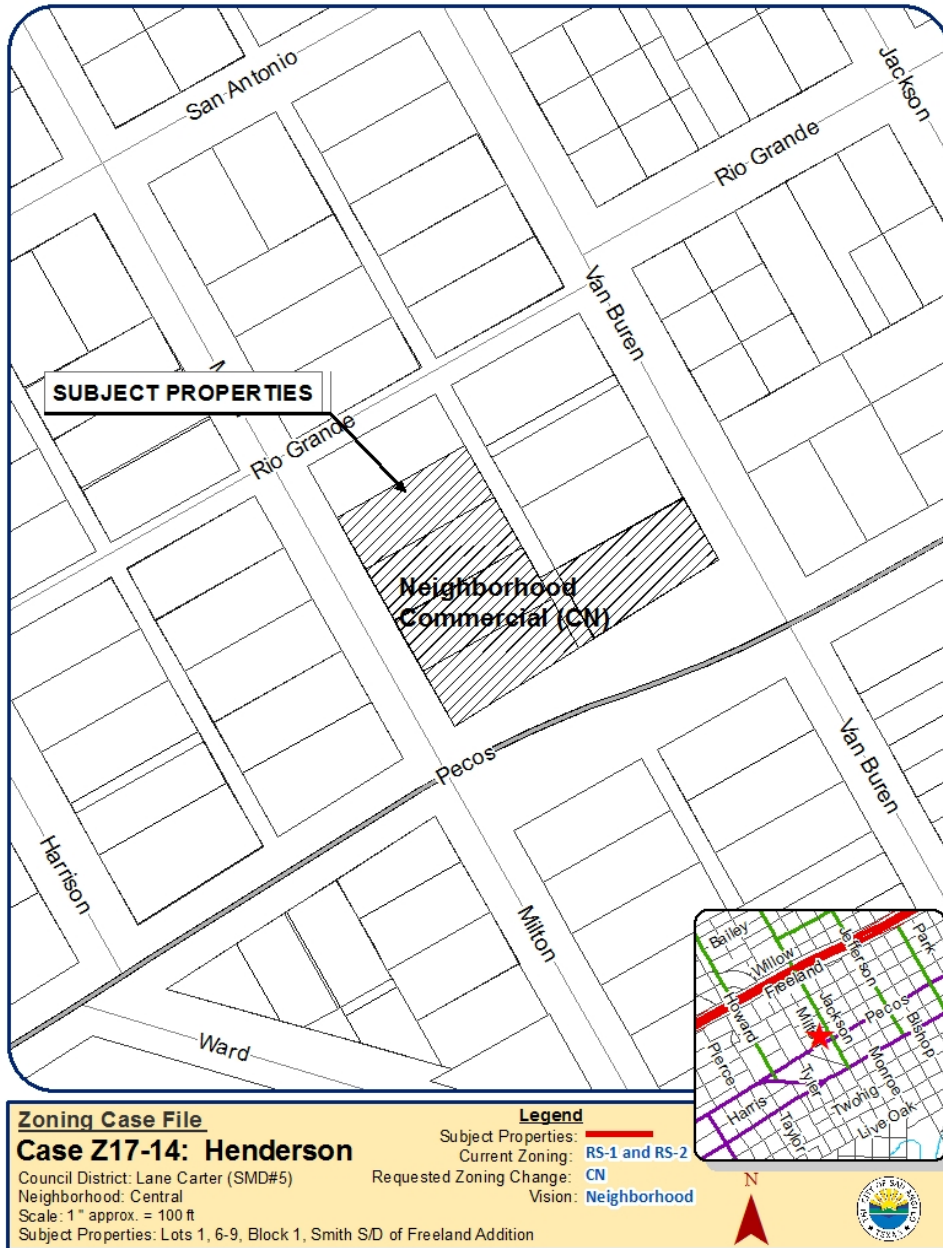
APPROVED AS TO FORM:

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..



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Consent Item

Caption:

Second reading 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 - (J. James)

Summary/History:

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 proposed rezoning. On November 21, 2017, City Council voted unanimously to APPROVE the request.

Attachments:

- | | |
|--------------------|--------------------------------------|
| 1. Staff Report | CC Staff Report Z17-15 Stonewall.pdf |
| 2. 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:		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



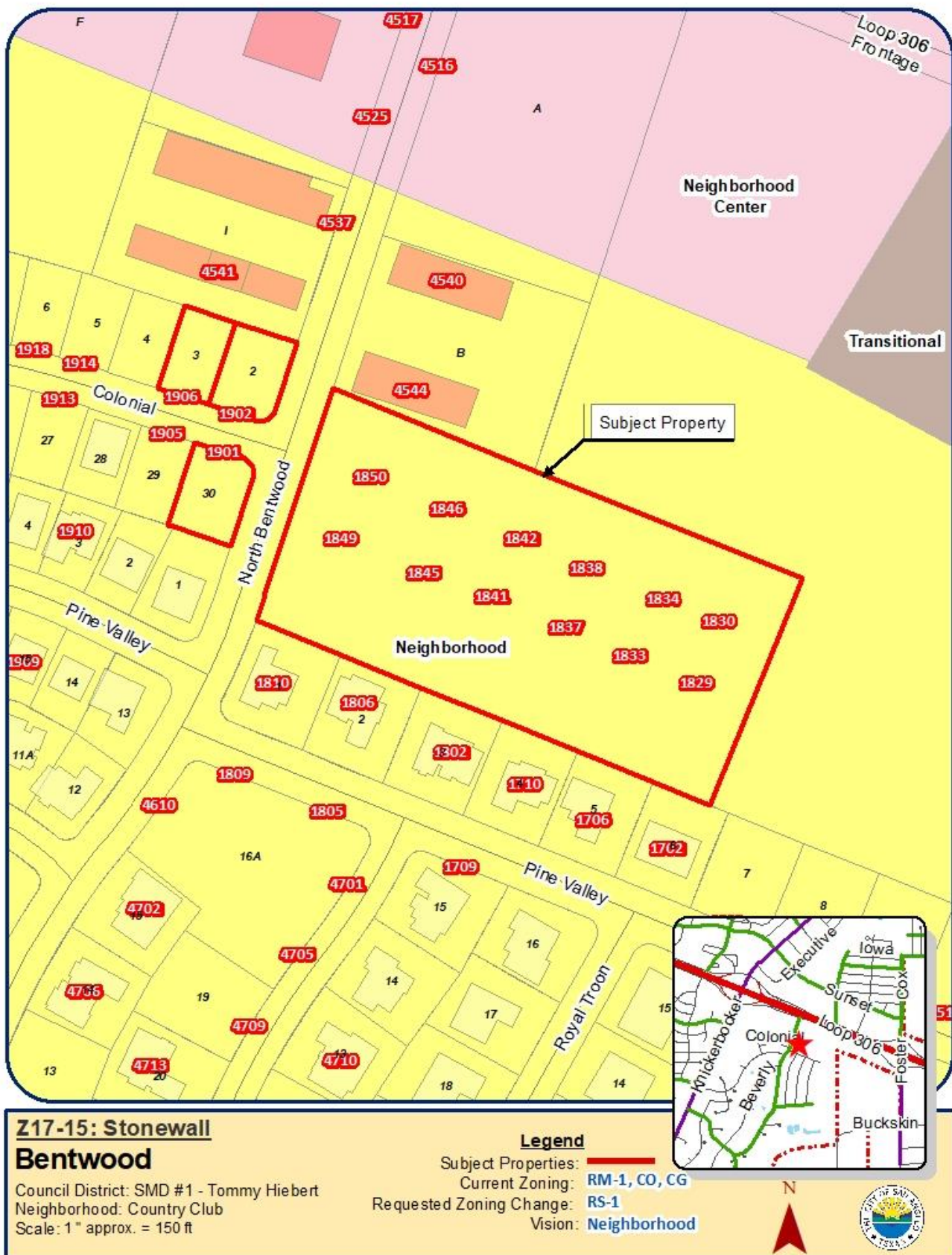
**Z17-15: Stonewall
Bentwood**

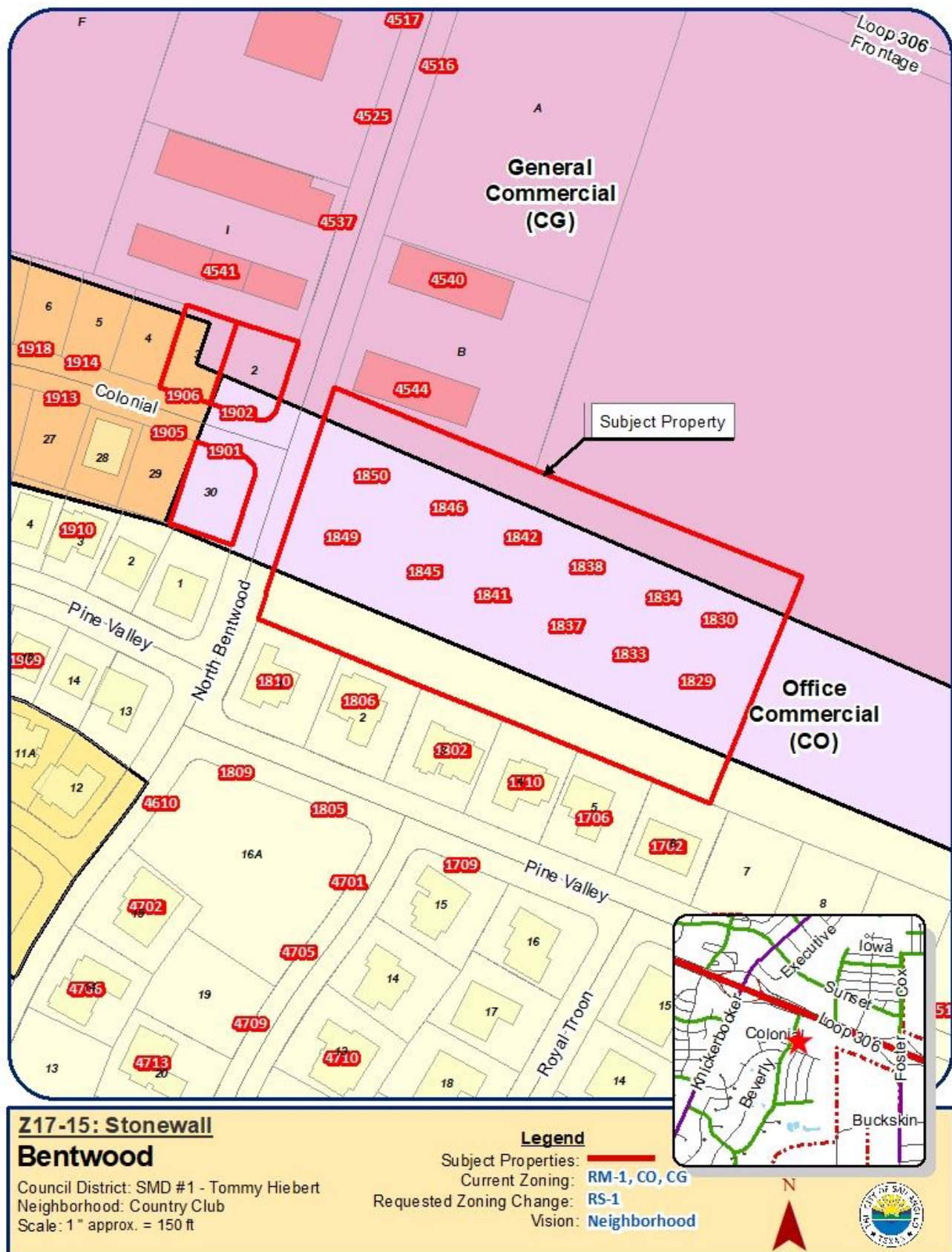
Council District: SMD #1 - Tommy Hiebert
Neighborhood: Country Club
Scale: 1" approx. = 150 ft

Legend

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







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





Legend

Subject Properties: [REDACTED]
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

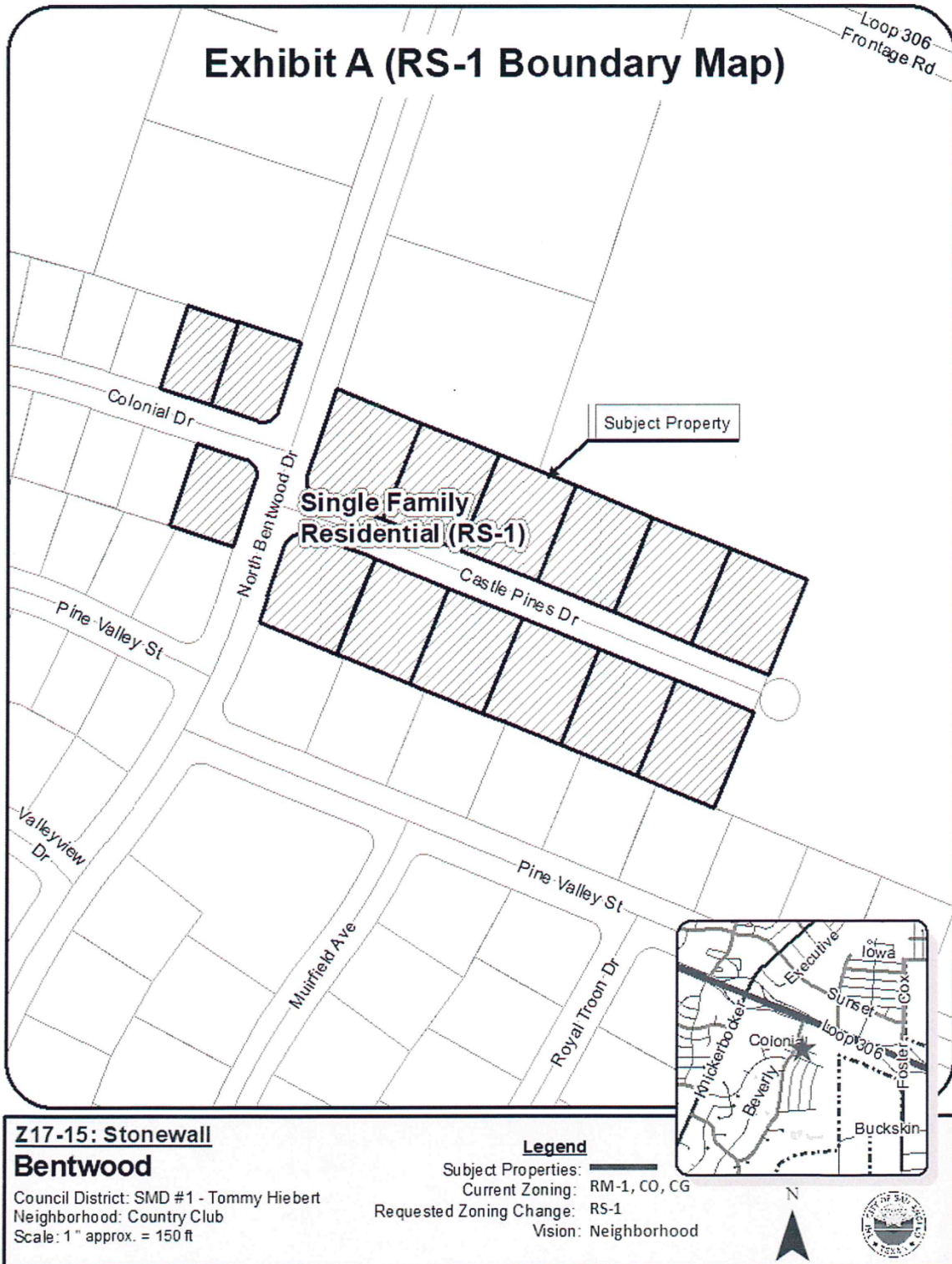
ATTEST:

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: December 12, 2017

Item type: Consent Item

Caption:

Second reading of an ordinance for PD17-01 a rezoning from the General Commercial (CG) Zoning District and General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for multifamily apartments, located approximately 700 feet southwest of the intersection of Martin Luther King Drive and West 29th Street (J. James)

Summary/History:

The applicant has submitted this Planned Development (PD17-01) rezoning request for a new three-story, 72-unit multifamily apartment complex (Kirby Commons) immediately west of PD16-01 (Kirby Park Villas) which was approved by City Council on June 12, 2016 for seniors independent living. A site concept plan, elevations of the three apartment buildings and future clubhouse, and a landscape plan have been included as part of this request.

Financial Impact:

N/A

Other Information/Recommendation:

On September 18, 2017, the Planning Commission recommended APPROVAL of this request by a vote of 7-0. On October 17, 2017, City Council voted unanimously to APPROVE the rezoning and associated ordinance on first reading.

The viability of this project was based on receiving Low Income Housing Tax Credits, which were not awarded to this project in this year's cycle. Therefore, the applicant has requested that this case be withdrawn. Staff is supportive of this request.

Attachments:

- | | | |
|----|-----------------|---------------------------------|
| 1. | Staff Report | PL_PD17-01 report.pdf |
| 2. | Draft Ordinance | PL_PD17-01_ORDINANCE FINAL.docx |

Presentation:

Jon James

Approvals/Reviews:

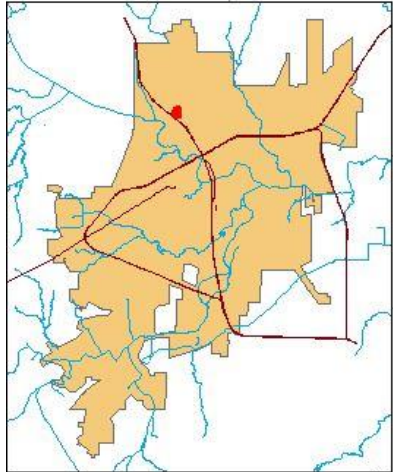
Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved

Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Final Approval

CITY COUNCIL – October 17 and November 7, 2017
STAFF REPORT



APPLICATION TYPE:		CASES:	
Planned Development (PD) Rezoning		PD17-01: 87 & 29, LLC	
SYNOPSIS:			
The applicant has submitted this Planned Development (PD17-01) rezoning request for a new three-story, 72-unit multifamily apartment complex (Kirby Commons) immediately west of PD16-01 (Kirby Park Villas) which was approved by City Council on June 12, 2016 for seniors independent living. The applicant has submitted a site concept plan, elevations of the three apartment buildings and future clubhouse, and a landscape plan. The proposed red brick veneer on the ground floor and tan color cement board siding on the upper floors will be consistent with these colors and materials approved as part of PD16-01. The applicant's site plan delineates sidewalk connections through the property, including sidewalks extending east to PD16-01 and north along a future road access to West 29th Street.			
LOCATION:		LEGAL DESCRIPTION:	
Unaddressed tract; generally located approximately 700 feet southwest of the intersection of Martin Luther King Drive and West 29 th Street.		Being 5.244 acres out of 15.704 acres in the Lakeview Towne Center Subdivision, Section One, Part of Lot 27, City of San Angelo, Texas.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #4 – Lucy Gonzales Blackshear Neighborhood		CG – General Commercial and CG/CH - General Commercial/Heavy Commercial	NC - Neighborhood Center
			SIZE:
			5.244 acres
THOROUGHFARE PLAN:			
<i>There is currently no thoroughfare connection but the applicant's site plan delineates a future street connection to West 29th Street, an Urban Arterial Street</i> Required: 80' right-of-way, 64' pavement Provided: 90' right-of-way, 60' pavement (any additional widenings would be a required at the platting stage)			
NOTIFICATIONS:			
Nine notifications mailed within 200-foot radius on September 7, 2017. Zero were received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed Rezoning from the General Commercial (CG) Zoning District and General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for multifamily apartments on the subject property, subject to 8 conditions of approval.			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner: 87 & 29, LLC</i> <i>Applicant: Paul Holden, Zimmerman Properties, LLC</i>			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

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

1. **Compatible with Plans and Policies. *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The proposed Planned Development (PD) Zoning with RM-2 development standards would appear to be consistent with the Comprehensive Plan's Future Land Use designation of "Neighborhood Center." Neighborhood Centers "promote a mix of various uses at key intersections to encourage the necessary infill, densification, and walkability necessary for Neighborhood Centers." This Neighborhood Center corridor includes large blocks of retail commercial development at the Martin Luther King Drive and West 29th Street intersection including Wal-Mart and the Lake View Towne Center retail plaza. The policies also state that "residents of neighborhoods should be able to meet their daily shopping needs within approximately ½ mile of their home." A Planned Development in this location to allow for a multifamily apartment complex would be consistent with the Neighborhood Center policies encouraging a mix of uses within this radius. In addition, the policies also recommend creating "new pedestrian linkages between neighborhoods and their associated Neighborhood Centers." The installation of new sidewalk connections extending east to the adjacent apartment complex and north to a future sidewalk on West 29th Street across from the Wal-Mart store provides additional convenience for residents. The residents of the new complex can satisfy their shopping needs within walking distance in a safe manner utilizing this sidewalk connection.
2. **Consistent with Zoning Ordinance. *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** The proposed apartment complex will comply with the recommended High Rise Multifamily Residential (RM-2) development standards including minimum lot area, minimum lot width and depth, and all required setbacks. The RM-2 development standards allow a maximum density of 35 units/acre and the proposed 72 units over 5.244 acres would be only 40% of build-out capacity or 14 units/acre. The applicant's site plan delineates adequate parking at 134 parking spaces. The 42, 2-bedroom units require 1.75 spaces/unit and the 30, 3-bedroom units would require 2.0 spaces/unit for a total of 134. The proposed amendment would not appear to conflict with any portion of the Zoning Ordinance. A 26-foot wide fire access line as required by the Fire Marshall's Office has been provided through the site and in between parking aisles, exceeding the minimum 24-foot maneuvering area in the Zoning Ordinance for two-way traffic circulation. As a condition of approval, the applicant will be required to plat the property with a direct and abutting connection to a public street, as required by Chapter 9.III of the Land Development and Subdivision Ordinance. The site plan submitted delineates a future 26-foot wide abutting connection to West 29th Street, and this configuration would be consistent with the Ordinance requirement.
3. **Compatible with Surrounding Area. *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*** The proposed use will be compatible with surrounding land uses. The new apartment complex is immediately west of the recently approved seniors apartment complex to the east (PD16-01) and sidewalk connections to this development will provide a continuous flow of residential connectivity throughout the area extending east to Martin Luther King Drive. The development is also within walking distance of the Wal-Mart store, Walgreens pharmacy, and retail plaza to the north. A proposed stormwater detention pond at the southwest of the site, as well as future landscaping along the west side of the property, will provide adequate separation and screening from commercial uses along North Bryant Boulevard.

4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The current CG and CG/CH zoning make sense for properties immediately abutting North Bryant Boulevard as commercial uses continue to develop here. However, the area to the east continues to be developed residentially, consistent with Kirby Park Villas (PD16-01) approved last year by City Council located immediately east, and the established residential neighborhood along Martin Luther King Drive further east. The previous PD16-01 also changed the CG zoning at the time to allow the Planned Development for seniors living. The subject multifamily apartment complex would be a logical extension of this development, providing a health balance of residential and commercial development, consistent with the Neighborhood Center designation in the City's Comprehensive Plan.
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.** Staff does not believe there would be any adverse impacts on the natural environment from the proposed apartment complex. Future development will require building permits which would include a review of grading, drainage, and stormwater runoff to further ensure there are no negative environmental impacts. The applicant's site plan and landscape plan shows a stormwater detention pond at the southwest corner of the property which should mitigate any drainage issues and which will be reviewed by Engineering Services prior to development.
6. **Community Need.** **Whether and the extent to which the proposed amendment addresses a demonstrated community need.** Planning Staff believe there is a community need for an apartment complex in this location, particularly one that is affordable. The City of San Angelo's Neighborhood Revitalization Plan updated in January 2014 designates the subject property within a "Community Development Target Area" for revitalization within the Blackshear Neighborhood. The report indicates that 71% of households in this neighborhood are considered low income. The applicant has indicated that 85% of the units will be income restricted, and only 15% will be rented at market rate, which will assist in meeting the Revitalization Plan objectives. In addition, the City of San Angelo Development Corporation provided a \$10,000 loan for construction of the project. The loan is pending awarding of the project by the Texas Department of Housing and Community Affairs as part of its Low Income Housing Tax Credit (LIHTC) program.
7. **Development Patterns.** **Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.** The subject development will have access through a private driveway to Kirby Park Villas (PD16-01) located immediately to the east which will allow access to Martin Luther King Drive. As mentioned, while the subject zone change will only constitute an internal 5.244-acre tract adjacent to Kirby Park Villas, the site plan delineates a future connection to West 29th Street, a major arterial road designed to accommodate large traffic volumes. Planning Staff believe that the additional housing units will not adversely affect any current traffic patterns, given required access onto an existing arterial road in future, which can accommodate this additional traffic.

Planning Commission Recommendation:

On September 18, 2017, the Planning Commission recommended **APPROVAL** of a Rezoning from the General Commercial (CG) Zoning District and General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for multifamily apartments on the subject property. The following is the complete excerpt of the draft minutes from the September 18, 2017, meeting for this case:

Jeff Fisher, Senior Planner, presented the case. He displayed a location map and indicated that the proposed apartment complex would be located immediately west of a seniors housing complex which came before Planning Commission in 2016 as PD16-01, and which was later approved by City Council. He indicated that the proposed development, "Kirby Commons," would be under a separate ownership structure, and therefore, required a new Planned Development (PD). Mr. Fisher explained that the new development intended to have a future connection to West 29th Street as well as a sidewalk connecting to West 29th Street and another sidewalk connecting to the PD16-01 development. Mr. Fisher concluded his presentation by outlining Staff's rationale for recommending approval, which included that the new development is consistent with the adjacent seniors apartments; that the development would comply with all RM-2 zoning standards; that the development was close to commercial amenities including Wal-Mart, Walgreens and retail shopping centers; and that the City had identified this area as a Community Development Target Area and was providing a construction loan for the project.

Chairperson Priess opened the meeting for public comment.

Paul Holden of Zimmerman Properties, and the applicant for the project, spoke in support of the development. He indicated that he expects to receive funding for the project this October and intends to have the zoning approved by then in order to move forward. He believed that the development would be a good transition between land use types and that the stop light and crosswalk on West 29th Street would allow safe crossing for residents of the development to the Wal-Mart north of West 29th Street.

Chairperson Priess asked if this development would be for seniors only. Mr. Holden responded this development would be a mix of affordable and market housing without age restrictions.

Commissioner Farmer made a Motion to recommend APPROVAL of a Rezoning from the General Commercial (CG) Zoning District and General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for multifamily apartments, with the eight conditions of approval as presented by staff. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 7-0.

Recommendation:

Staff's recommendation is for City Council to **APPROVE** the proposed Rezoning from the General Commercial (CG) Zoning District and General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for multifamily apartments on the subject property, **subject to following 8 Conditions of Approval:**

1. Except as otherwise specified or limited below, the use and development of the subject property shall generally conform to the High Rise Multi-Family Residence (RM-2) Zoning District, unless specified as otherwise. All activities shall be limited to those associated with a multi-family development.

2. Overall site use shall be in accordance with the Concept Plan. Major changes to the usage of this property shall be approved through an amendment to this Planned Development District with approval from the Planning Commission and City Council. Minor deviations may be approved by the Planning Director, provided no changes to the Zoning Ordinance are required.
3. Building facades shall be consistent and unified in architectural style, colors and materials, as detailed in the Building Elevations. The applicant shall submit a final color palette showing all proposed building colors to the Director of Planning & Development Services for approval. Additional building façade material types may be approved at the discretion of the Planning Director.
4. The applicant shall submit a Final Landscape Plan for review and approval by the Planning and Development Services Director prior to development showing additional screening along sides of the property adjacent to commercial zoning and uses. The final version may include such other revisions as deemed necessary by the Director.
 - A. Xeriscaping and water use reduction strategies shall be incorporated into overall landscape design through the use of drought tolerant plant species native and well suited to West Texas.
 - B. Landscaped areas may include planters, brick, stone, natural forms, or other landscape features that provide a park-like setting.
 - C. Landscaped areas, or plants, adjacent to pavement must be protected with a concrete curb or equivalent barrier such as:
 1. Asphalt curbs;
 2. Railroad ties (anchored);
 3. Rock or stone curbs (anchored); or
 4. Wheelstops (anchored).
 - D. Landscaping plant material shall be of healthy stock, be native and naturalized, and have low water requirements.
 - E. Dying or diseased landscaping plant material shall be replaced with an equivalent plant material.
 - F. Adequate soil depth and width to encourage healthy growth shall be provided.
 - G. The property owner shall be responsible for the irrigation of all required landscape areas and plant materials, utilizing one or a combination of the following methods:
 1. An automatic or manual underground irrigation system;
 2. A drip irrigation system;
 3. A rainwater capture system or equivalent; or
 4. Any other comparable method.
 - H. Landscaped areas planted with native grasses and wildflowers may use a temporary and above ground irrigation system and shall be required to provide irrigation only for the first 2 growing seasons.
 - I. Irrigation methods used shall:
 1. Provide a moisture level in an amount and frequency adequate to sustain growth of the plant material on a permanent basis; and
 2. Be maintained and kept operational at all times to provide for efficient water distribution.

-
- J. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
 - K. All landscaping plants on the approved Landscape Plan, shall be a minimum 4 inch caliper and a height of 3 feet at time of planting. Shrubs and other plant material shall be a maximum of 36 inches in height. Trees shall have a minimum 72 inch clearance from grade to the lowest branches.
- 5. An Urban Design Review for the buildings, coloring, materials, landscaping, fencing, and other site features shall be submitted and approved by the Planning Director, and be maintained on file in the offices of the Planning Division.
 - 6. The sidewalks as shown on the Concept Plan shall be no less than five feet in width, shall be installed prior to the issuance of a certificate of occupancy, and shall meet all TAS accessibility standards.
 - 7. No outdoor storage shall be allowed within the boundaries of this Planned Development District.
 - 8. No development shall occur until a Replat for the subject 5.244-acre property, as well as additional land that includes a minimum 26-foot wide direct and abutting access to a public street right-of-way is recorded with the Tom Green County Clerk.

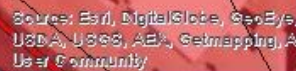
Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Site Concept Plan
Landscape Plan
Color Renderings of Proposed Buildings
Application



Subject Property: Unaddressed tract, 5.52 acres





Legend

Current Zoning: CG and CG/CH

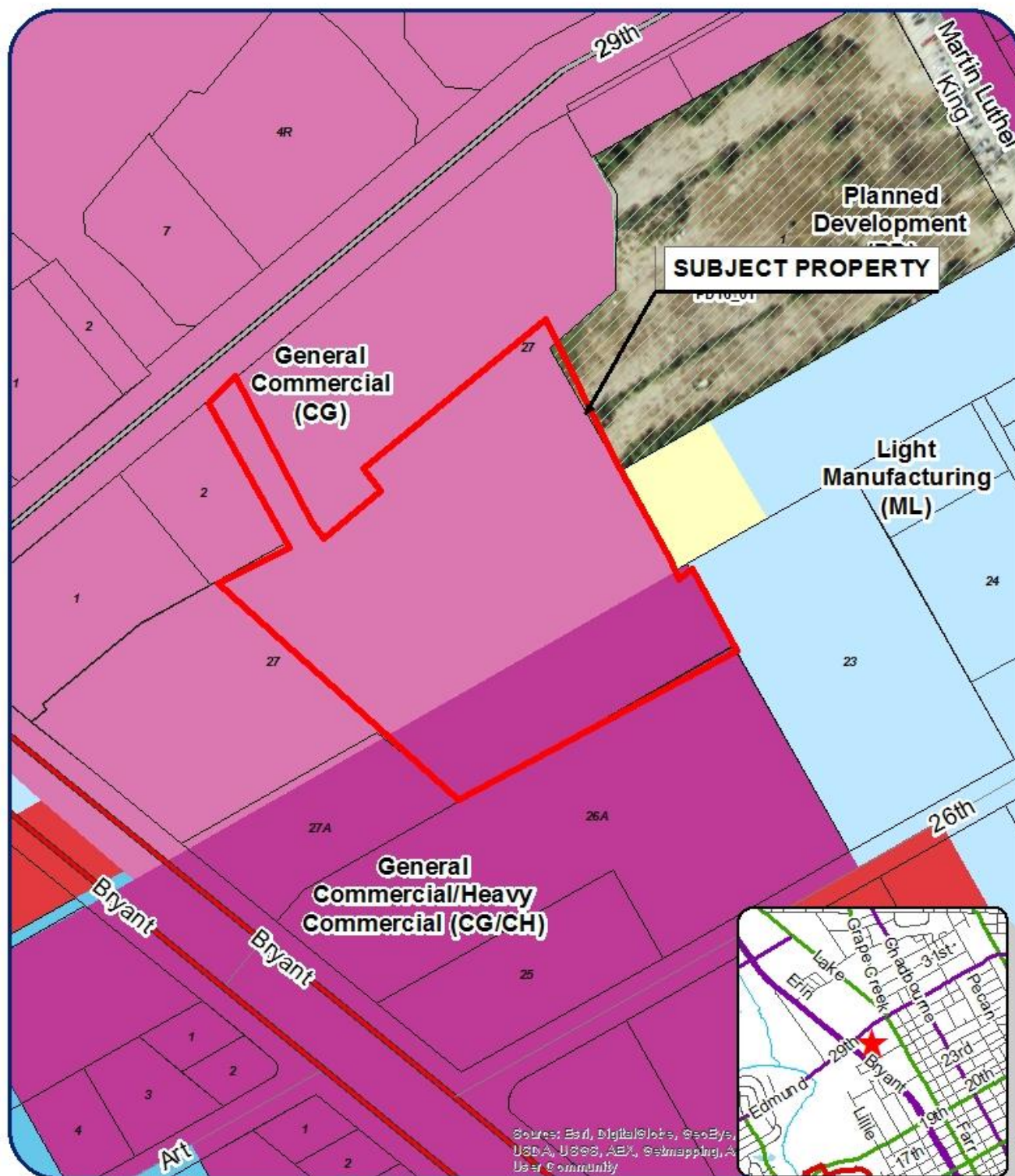
Requested Zoning Change: **N/A**

Vision: **Neighborhood**

Center

N





Planned Development Case File

PD17-01: 87 & 29 LLC

Council District: Lucy Gonzales (SMD#4)

Neighborhood: Blackshear

Scale: 1" approx. = 175 ft

Subject Property: Unaddressed tract, 5.52 acres

Legend

Subject Properties: —

Current Zoning: **CG and CG/CH**

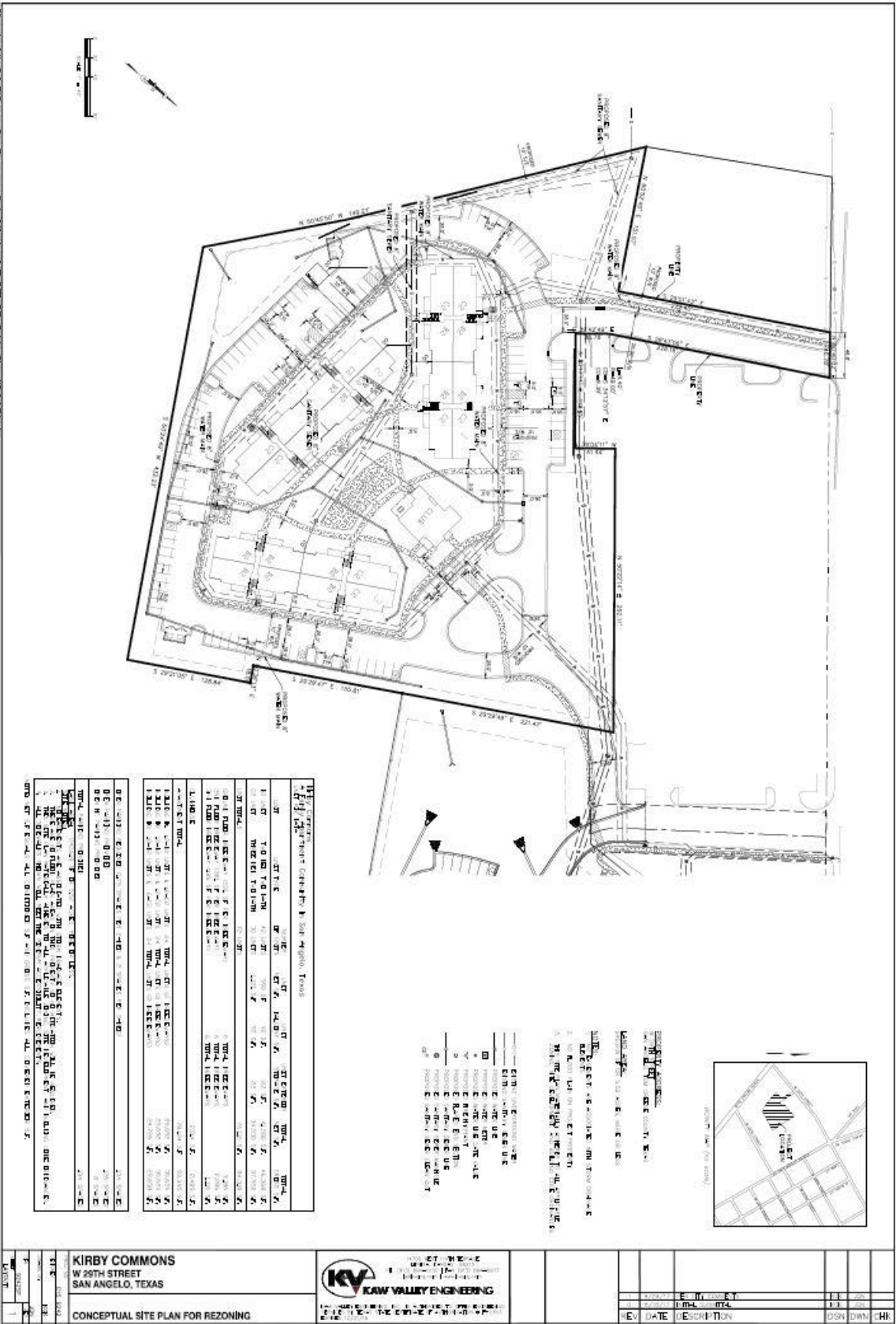
Requested Zoning Change: **N/A**

Vision: **Neighborhood**

Center



SITE CONCEPT PLAN



LANDSCAPE PLAN



**BUILDING 1 AND 2 ELEVATIONS
(COLORS AND MATERIALS TO MATCH PD16-01 BELOW)**



Kirby Commons
72 Unit Family Community in San Angelo, Texas



Parker Associates
Tulsa, LLC
2202 East 48th Street, #203
Tulsa, Oklahoma 74105
(918)-742-2485

VCZ-O'Brien
Development
LLC
1730 E. Republic, Rd.
P.O. Box 2737
Springfield, MO. 65808



BUILDING 3 ELEVATIONS (COLORS AND MATERIALS TO MATCH PD16-01 BELOW)



Kirby Commons

72 Unit Family Community in San Angelo, Texas



1 EAST - BACK ELEVATION

Zimmerman Properties, LLC

February 23, 2017

Rebeca Guerra
City of San Angelo
52 W. College Avenue
San Angelo, Texas 76903

Re: Kirby Commons Apartments
Hold Harmless Agreement
5.244-acres of land
W. 29th Street and Bryant Blvd.
San Angelo, Texas

Dear Rebeca:

Please be advised that Zimmerman Properties, LLC and the ZP Kirby Park Commons, LP has submitted a request for zoning change, and hereby agrees to hold the City of San Angelo, Texas and the members of the Zoning Commission, City Council, Mayor, and any other person or department of the city harmless in the event that the zoning request that has been submitted is denied or is not approved by the Zoning Commission or City Council for any reason.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Holden", with a stylized flourish at the end.

Paul Holden

Fisher, Jeff

From: info@cosatx.us
Sent: Friday, February 24, 2017 2:22 PM
To: Fawver, AJ; Guerra, Rebeca; Fisher, Jeff; Fee, David; Stallworth, David
Subject: City of San Angelo, TX: Zone Change application

A new entry to a form/survey has been submitted.

Form Name: Zone Change application
Date & Time: 02/24/2017 12:21 PM
Response #: 5
Submitter ID: 15290
IP address: 24.155.69.168
Time to complete: 24 min. , 17 sec.

Survey Details

Page 1

This application must be signed and dated before it will be processed. To sign the application, visit the Planning division in the Community Development Building, 52 W. College Ave., adjacent to City Hall. Offices are open from 8 a.m.-noon and from 1 p.m.-5 p.m. Mondays-Fridays. For more information, call [325-657-4210](tel:325-657-4210).

1. Applicant info:

Name of applicant(s): Paul Holden, Zimmerman Properties, LLC
Owner or representative (affidavit required for the latter): 89 & 29, LLC
Mailing address (street, city, state, ZIP): 300 S. CM Allen Parkway, San Marcos, TX 78666
Telephone: 512-970-8250
Email: pholden52@gmail.com

2. Location info:

Subject property address and/or location: 617 W. 29th Street, San Angelo, TX 76903
Legal description: A portion of Lot 27, section One, Lake View Town Center, City of San Angel, Tom Green County, TX.
Lot size: 5.244-Acres
Zoning: CG - General Commercial
Existing use of property: Vacant Land
Proposed use of property: Multifamily
Requested zone change: PD

3. I acknowledge the information provided above is true and correct.

(o) Yes

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **An unaddressed tract; generally located approximately 700 feet southwest of the intersection of Martin Luther King Drive and West 29th Street; more specifically being 5.52 acres out of 10.586 acres in the Lakeview Towne Center Subdivision, Section One, Part of Lot 27, City of San Angelo, Texas,** FROM THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AND GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH) ZONING DISTRICT TO A PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW FOR MULTIFAMILY APARTMENTS; AND PROVIDING FOR SEVERABILITY

RE: PD17-01: 87 & 29, LLC

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 with conditions the proposed PD District; and,

WHEREAS, on the 17th day of October, 2017, City Council held a public hearing on PD17-01, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

SECTION 1: The basic Zoning Ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described property permanently zoned Planned Development (PD) District for a multifamily apartment complex;

An unaddressed tract; generally located approximately 700 feet southwest of the intersection of Martin Luther King Drive and West 29th Street; more specifically being 5.52 acres out of 10.586 acres in the Lakeview Towne Center Subdivision, Section One, Part of Lot 27, City of San Angelo, Texas, zoned General Commercial (CG) Zoning District and General Commercial/Heavy Commercial (CG/CH) Zoning District, shall henceforth be permanently zoned as follows: Planned Development (PD17-01) Zoning District to allow for multifamily apartments.

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

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

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

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

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

SECTION 7: Except as otherwise specified or limited below, the use and development of the subject property shall generally conform to the **High Rise Multi-Family Residential (RM-2)** Zoning District, unless specified as otherwise. All activities shall be limited to those associated with a multi-family development.

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

SECTION 9: Building facades shall be consistent and unified in architectural style, colors and materials, as detailed in the Building Elevations shown in **Exhibit A** of this Ordinance. The applicant shall submit a final color palette showing all proposed building colors to the Director of Planning & Development Services for approval. Additional building façade material types may be approved at the discretion of the Planning Director.

SECTION 10: The applicant shall submit a Final Landscape Plan for review and approval by the Planning and Development Services Director prior to development showing additional screening along sides of the property adjacent to commercial zoning and uses. The final version may include such other revisions as deemed necessary by the Director.

- A. Xeriscaping and water use reduction strategies shall be incorporated into overall landscape design through the use of drought tolerant plant species native and well suited to West Texas.
- B. Landscaped areas may include planters, brick, stone, natural forms, or other landscape features that provide a park-like setting.

- C. Landscaped areas, or plants, adjacent to pavement must be protected with a concrete curb or equivalent barrier such as:
 - 1. Asphalt curbs;
 - 2. Railroad ties (anchored);
 - 3. Rock or stone curbs (anchored); or
 - 4. Wheelstops (anchored).
- D. Landscaping plant material shall be of healthy stock, be native and naturalized, and have low water requirements.
- E. Dying or diseased landscaping plant material shall be replaced with an equivalent plant material.
- F. Adequate soil depth and width to encourage healthy growth shall be provided.
- G. The property owner shall be responsible for the irrigation of all required landscape areas and plant materials, utilizing one or a combination of the following methods:
 - 1. An automatic or manual underground irrigation system;
 - 2. A drip irrigation system;
 - 3. A rainwater capture system or equivalent; or
 - 4. Any other comparable method.
- H. Landscaped areas planted with native grasses and wildflowers may use a temporary and above ground irrigation system and shall be required to provide irrigation only for the first 2 growing seasons.
- I. Irrigation methods used shall:
 - 1. Provide a moisture level in an amount and frequency adequate to sustain growth of the plant material on a permanent basis; and
 - 2. Be maintained and kept operational at all times to provide for efficient water distribution.
- J. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
- K. All landscaping plants on the approved Landscape Plan, shall be a minimum 4 inch caliper and a height of 3 feet at time of planting. Shrubs and other plant material shall be a maximum of 36 inches in height. Trees shall have a minimum 72 inch clearance from grade to the lowest branches.

SECTION 11: An Urban Design Review for the buildings, coloring, materials, landscaping, fencing, and other site features shall be submitted and approved by the Planning Director, and be maintained on file in the offices of the Planning Division.

SECTION 12: The sidewalks as shown on the Concept Plan in **Exhibit A** of this Ordinance shall be no less than five feet in width, shall be installed prior to the issuance of a certificate of occupancy, and shall meet all TAS accessibility standards.

SECTION 13: No outdoor storage shall be allowed within the boundaries of this Planned Development District.

SECTION 14: No development shall occur until a Replat for the subject 5.244-acre property, as well as additional land that includes a minimum 26-foot wide direct and abutting access to a public street right-of-way is recorded with the Tom Green County Clerk.

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

Concept Plan

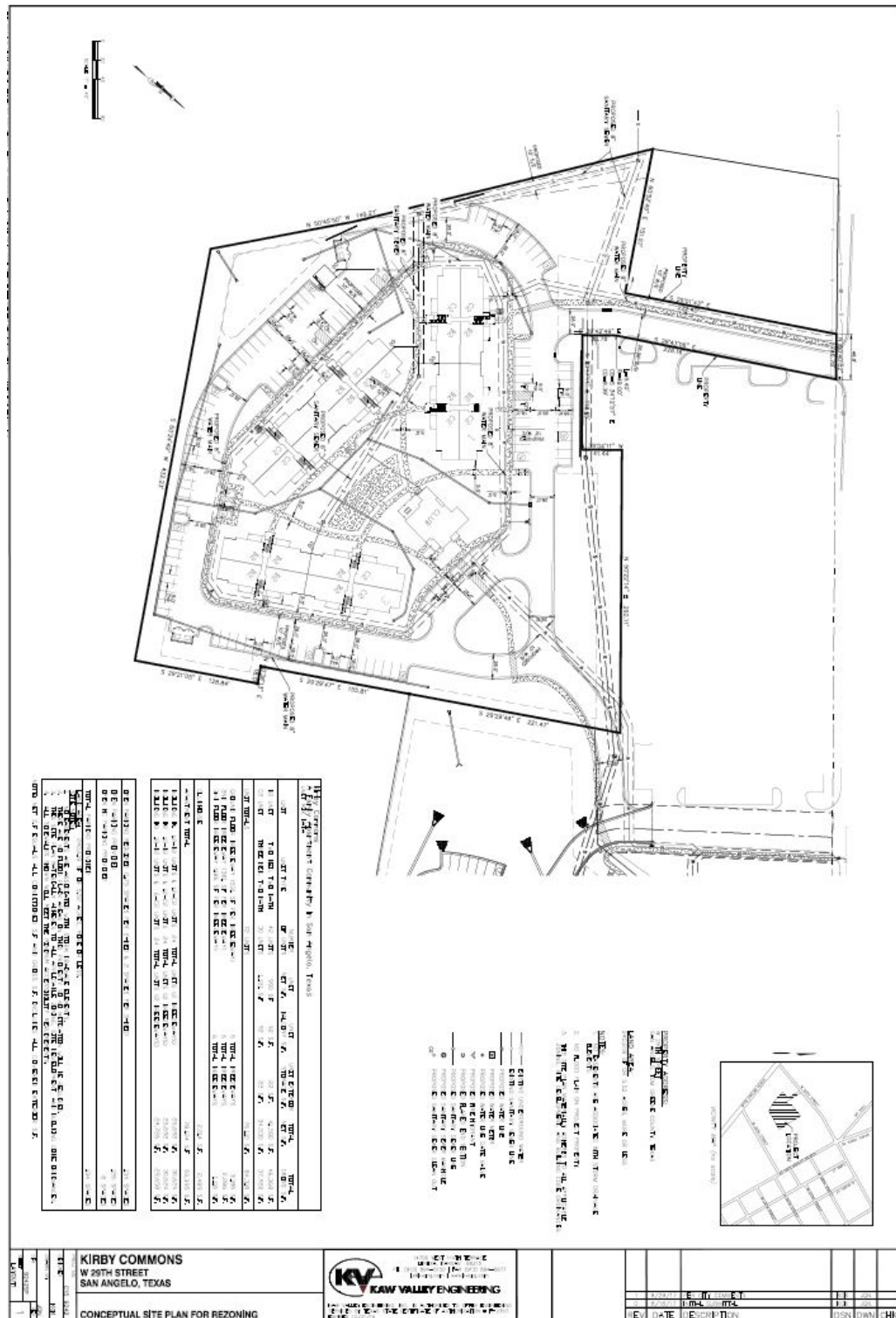


EXHIBIT "A"

Building Elevations – Buildings 1 and 2



Kirby Commons

72 Unit Family Community in San Angelo, Texas



Parker Associates
Tulsa, LLC
2002 East 45th Street, #200
Tulsa, Oklahoma 74105
(918)-745-2485



VCZ-O'Brien
Development
LLC
1730 E. Highway 84,
P.O. Box 2737,
Springfield, MO 65808

EXHIBIT "A"

Building Elevations – Building 3



Kirby Commons

72 Unit Family Community in San Angelo, Texas

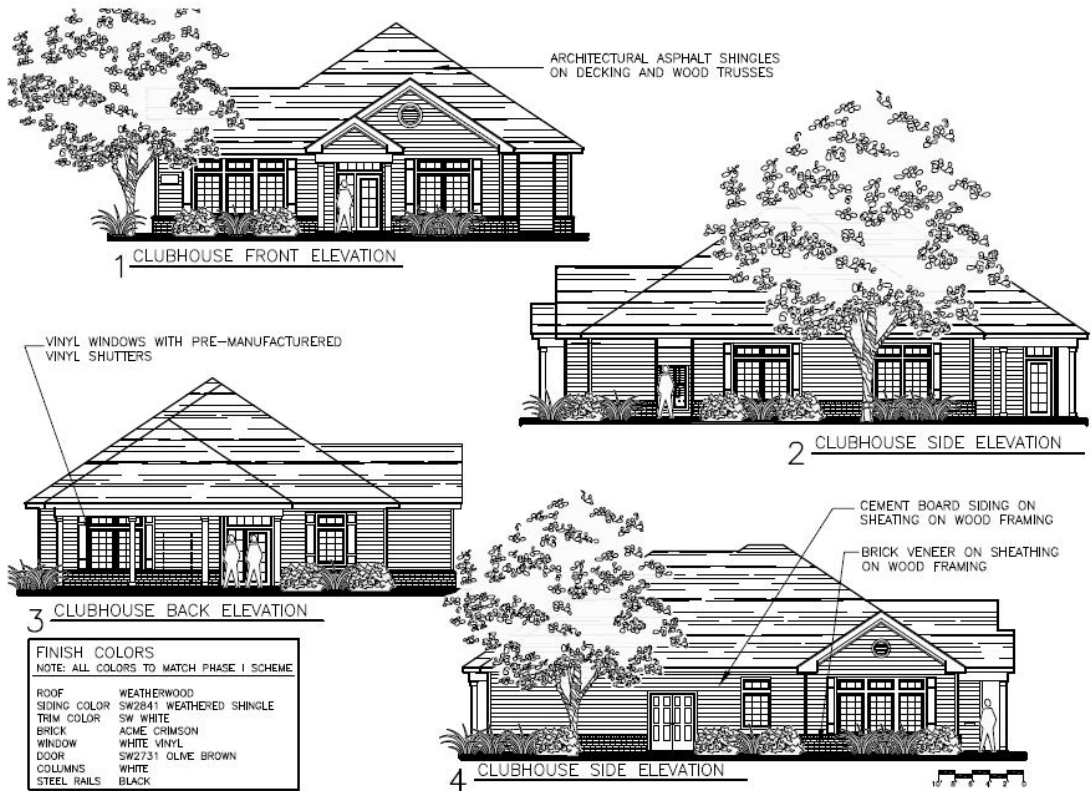


Parker Associates
Tulsa, LLC
2202 East 49th Street, #200
Tulsa, Oklahoma 74105
(918) 462-4400

VCZ-O'Brien
Development
LLC
1730 E. Highway 84
P.O. Box 373
Springfield, MO 65808

EXHIBIT "A"

Building Elevations – Clubhouse



FINISH COLORS	
NOTE: ALL COLORS TO MATCH PHASE I SCHEME	
ROOF	WEATHERWOOD
SIDING COLOR	SW2841 WEATHERED SHINGLE
TRIM COLOR	SW WHITE
BRICK	ACME CRIMSON
WINDOW	WHITE VINYL
DOOR	SW2731 OLIVE BROWN
COLUMNS	WHITE
STEEL RAILS	BLACK

Kirby Commons
72 Unit Family Community in San Angelo, Texas



0 x 11.00 in

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bob Salas, Neighborhood Services Director, Community and Housing Support, 325-655-0824

Meeting Date: December 12, 2017

Item type: Regular Item

Caption:

Consider approval and public hearing of the 2016 Consolidated Annual Performance and Evaluation Report (CAPER) - (Presentation by Neighborhood & Family Services Director Bob Salas)

Summary/History:

The 2016 CAPER is a document required of all entitlement cities receiving annual Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds from the U.S. Department of Housing and Urban Development (HUD). The CAPER is the City's performance evaluation for the 2016 Program Year covering Oct 1, 2016 thru Sep 30, 2017. The CAPER includes a summary of expended resources, objectives and goals as they relate to affordable housing, outcome measures, geographic distribution, and barriers to affordable housing.

This report is the product of public outreach consistent with the City of San Angelo's 2015-2019 Five-Year Consolidated Plan. Public notices were posted in a newspaper article in the Standard Times and draft copies of the CAPER were posted at various locations throughout the city.

Approval the 2016 CAPER will authorize the City to forward the final CAPER to the HUD Regional Office in Ft Worth.

Financial Impact:

No fiscal impact associated with this item.

Other Information/Recommendation:

Staff recommends approval of the 2016 CAPER.

Attachments:

1. CAPER 2016 CAPER Draft.pdf

Presentation:

By Robet Salas, Director Neighborhood & Family Services Dept

Approvals/Reviews:

Bob Salas	Created/Initiated
Theresa James	Approved
Anthony Wilson	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved

Bryan Kendrick

Final Approval

CITY OF SAN ANGELO

2016 Program Year

Consolidated Annual Performance

&

Evaluation Report (CAPER)



NEIGHBORHOOD & FAMILY SERVICES DEPT

COMMUNITY & HOUSING SUPPORT DIVISION

Introduction

The City of San Angelo (COSA) annually receives two grants from the U. S. Department of Housing and Urban Development (HUD): The Community Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME) grant. CDBG grants are awarded to entitlement communities (principal cities of a Metropolitan Statistical Area (MSA) or with a population greater than 50,000) to carry out a wide range of community development activities directed toward revitalization of neighborhoods and improved facilities and services within the community. Maximum feasible priority must be given to activities that benefit low- moderate-income persons (including neighborhoods). HOME grants must be used to provide affordable housing for low- moderate-income persons. Income levels are set annually by HUD and are a percentage of the area median income (AMI), which in 2016 was \$49,100 in San Angelo for a family of four.

The majority of the CDBG funds and all of the HOME funds must have beneficiaries earning 80% or less of the AMI, either as a neighborhood or as individual households. To continue to receive the grants, the City must develop a Consolidated Plan every five years to identify the community's needs and goals to meet the needs and then an Annual Action Plan for each of the five years. The current Consolidated Plan is for the years 2015-2019. At the conclusion of each action year, the City must also prepare a Consolidated Annual Performance and Evaluation Report (CAPER) that describes for the public and HUD how federal assistance was used during that action year. The CAPER that follows is for the first year of the current Consolidated Plan. The City's 2016 grants were as follows:

- CDBG - \$ 678,718
- HOME- \$ 254,111

Additionally, the City received program income in the amount of \$32,411.19 for CDBG, \$32,879.27 for HOME, and \$335,000 in local economic development sales tax funds earmarked for affordable housing. The City's CHDO leverages these funds to build new homes for low-moderate income families in the neighborhoods targeted for revitalization. COSA receives payments on loans provided with grant funds for housing rehabilitation or mortgage payments from new home construction, a program that is no longer active.

Reporting to HUD is done online through the Integrated Disbursal and Information System (IDIS). Specific questions are completed for each step of the process: Consolidated Plan, Action Plan and the CAPER. Each has specific questions to which the City must respond. Terminology may not be familiar to the general public; definitions or further explanation of any information in the CAPER is available from the COSA Community & Housing Support Division (325-655-0824). Information in forms other than written English may be provided upon request by contacting COSA.

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of San Angelo focuses the use of its Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funding on a combination of housing and community development activities. The Consolidated Plan includes the following priority goals as the basis for the activities approved in the Program Year (PY) 2016 Action Plan:

1. Expand housing options to create a safe, healthy, accessible, affordable home for every resident.
2. Focus on strategies to achieve a sustainable increase in the homeownership rate.
3. Continue efforts to redevelop the four neighborhoods targeted for revitalization including homebuyer's assistance, code compliance, and rehabilitation of homes in targeted neighborhoods.
4. Continue to make housing affordable by assisting homeowners with repairs and first time homebuyers with closing costs.
5. Assist special needs populations with supportive services, facilities, and housing needs, and expand efforts that eliminate or prevent homelessness.

PY2016 Consolidated Annual Performance Evaluation Report (CAPER) captures the expenditures, accomplishments, and progress made on the strategies and goals outlined in the approved 2015-2019 Consolidated Plan, for HUD programs approved by the City of San Angelo City Council on July 7, 2015. The CAPER outlines achievements in affordable housing, homeless services, and community development programs. The PY2016 CAPER covers the time period starting October 1, 2016 to September 30, 2017, and is the first annual report of the Consolidated Plan. It also includes activities funded in previous fiscal years with accomplishments reported during PY2016. As with most new construction projects, the outcomes are not reported until the completion of the project. The following are several accomplishments achieved during the reporting period:

- Twenty-three (23) households identified as Special Needs were assisted with Tenant Based Rental assistance.
- Thirty-five (35) low-to-moderate income homeowners were assisted with emergency repairs.
- Thirty (30) low-to-moderate income homeowners were assisted with minor rehabilitation in the City's Neighborhood Blitz and Helping Hands programs.
- Fifteen (15) low-to-moderate income first-time home buyers were provided with down payment and closing cost assistance.
- Four (4) housing units were built for first-time home owners.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Affordable Housing	Affordable Housing	HOME: \$	Homeowner Housing Added	Household Housing Unit	15	8	53.33%	3	4	133.33%
Decent Housing	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	125	111	88.80%	35	49	140.00%
Home Ownership	Affordable Housing	HOME: \$	Homeowner Housing Added	Household Housing Unit	0	0		0	0	
Home Ownership	Affordable Housing	HOME: \$	Direct Financial Assistance to Homebuyers	Households Assisted	65	34	52.31%	15	13	86.67%
Neighborhood Revitalization	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	160	86	53.75%	30	31	103.33%
Neighborhood Revitalization	Affordable Housing	CDBG: \$	Buildings Demolished	Buildings	5	0	0.00%			
Neighborhood Revitalization	Affordable Housing	CDBG: \$	Housing Code Enforcement/Foreclosed Property Care	Household Housing Unit	12000	6143	51.19%	5000	3420	68.40%
Special Needs & Homelessness	Homeless Non-Homeless Special Needs	HOME: \$	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	105	44	41.90%	23	18	78.26%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City has continued to address housing and community development needs in carrying out the PY2016 Action Plan. Actions undertaken during PY2016 were consistent with the primary goals and objectives of the Consolidated Plan. The Consolidated Plan identified three key funding priorities:

1. Assist in the creation and preservation of affordable housing opportunities for low income and special needs households.
2. Support activities to end homelessness.
3. Support activities that strengthen targeted low income neighborhoods.

Based on these three priorities, COSA developed six major goals that address these three priorities:

1. Expand housing options to create a safe, healthy, accessible home for residents
2. Continue to focus on strategies to achieve a sustainable increase in the home ownership rate
3. Continue efforts to redevelop the four neighborhoods targeted for revitalization
4. Improve livability in targeted neighborhoods by purchasing vacant lots and building new homes
5. Assist special needs/homeless populations with supportive services, facilities, and housing
6. Continue efforts to eliminate slum/blight and conditions detrimental to the health, safety and public welfare of residents in the targeted neighborhoods

All of the funded projects for PY2016 directly addressed the City's priorities and goals.

- Housing rehabilitation – assisted in preserving affordable housing and helped eliminate substandard housing in targeted neighborhoods by rehabilitating 31 homes in those neighborhoods
- 26 Blitz rehabilitation projects and 5 Helping Hands rehabilitation projects; Emergency Repairs – assisted in preserving affordable housing by addressing needed repairs detrimental to the health and safety of 49 low/moderate income homeowners; Code Compliance - funded one Code Compliance Officer to help eliminate slum/blight and maintain community standards in targeted neighborhoods. The Code Officer was able to cite and ensure compliance of 3420 code violations including removal of junk vehicles, mowing tall grass and weeds, and removal of junk and debris from properties; Homebuyers Assistance Program (HAP) – helped create affordable housing opportunities for 13 low/moderate income individuals and families by assisting them in the purchase of new homes; CHDO activities – Galilee CDC, the City's CHDO helped create affordable housing opportunities for low/moderate income individuals and families by constructing and selling 6 affordable housing units in targeted neighborhoods which also helped maintain and strengthen those targeted neighborhoods. While Galilee CDC used HOME grant funds on four of the six homes, they were able to leverage local funds to complete the other two units.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG	HOME
White	75	33
Black or African American	5	2
Asian	0	0
American Indian or American Native	0	0
Native Hawaiian or Other Pacific Islander	0	0
Total	80	35
Hispanic	60	12
Not Hispanic	17	23

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The City tracked demographics of the households directly benefiting from the CDBG and HOME grant programs, including race, ethnicity, family size, which had female heads of households, and how many persons had a disability. The direct benefit activities included housing rehab and emergency repairs grants, HAP financing, and CHDO activities. This information is used for reporting in IDIS and also (in the case of housing activities) for fair housing statistics.

The City identified the Hispanic ethnicity as the only minority group with a large percentage of persons in San Angelo. Of the number of persons directly receiving benefits, 64% were Hispanic and 50% were African American while the rest were White-not Hispanic. That aligns with the City's minority makeup of 38% Hispanic and 5% African American.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	CDBG	725,737	683,991
HOME	HOME	359,006	307,904
HOPWA	HOPWA		
ESG	ESG		
Other	Other		

Table 3 - Resources Made Available

Narrative

The City of San Angelo began the Fiscal Year with a reported balance of \$14,607.49 CDBG funds at the end of the previous program year. According to the PR26 report (Attached), \$683,991.39 in CDBG funds were expended in the program year.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
BLACKSHEAR			
FORT CONCHO			
REAGAN			
RIO VISTA			

Table 4 – Identify the geographic distribution and location of investments

Narrative

The City tracked demographics of the households directly benefiting from the CDBG and HOME grant programs, including race, ethnicity, family size, which had female heads of households, and how many persons had a disability. The direct benefit activities included housing rehab and emergency repairs grants, HAP financing, and CHDO activities. This information is used for reporting in IDIS and also (in the case of housing activities) for fair housing statistics.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Community & Housing Support leveraged other City departments in order to obtain operating support to include financial, legal, planning, human resources, and purchasing. Community & Housing Support also leveraged over \$256K of local sales tax revenue for gap financing provided to low to moderate income first time homebuyers. The city also undertook a Neighborhood Blitz using community resources leveraging over 600 volunteers to paint and clean up neighborhoods targeted for revitalization. Moreover, the city received a grant from Atmos to continue a housing weatherization program, expending \$19,708.23 to assist 16 homeowners.

The City of San Angelo complies with federal matching requirements for HOME. Over \$48K of match funds was accumulated for the 2016 program year. As of Sept 30, 2017, San Angelo maintained \$2,084,986 in excess matching funds. This reserve was more than adequate to meet the required match liability for the 2016 program year.

HOME Match Report, Form 40107-A is attached to this report.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	2,099,566
2. Match contributed during current Federal fiscal year	48,948
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	2,148,514
4. Match liability for current Federal fiscal year	63,528
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	2,084,986

Table 5 – Fiscal Year Summary - HOME Match Report

Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Foregone Taxes, Fees, Charges	Appraised Land/Real Property	Required Infrastructure	Site Preparation, Construction Materials, Donated labor	Bond Financing	Total Match
TBRA ADDRESS ES	09/30/2017	48,948	0	0	0	0	0	48,948

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at begin-ning of reporting period \$	Amount received during reporting period \$	Total amount expended during reporting period \$	Amount expended for TBRA \$	Balance on hand at end of reporting period \$
0	0	0	0	0

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Contracts						
Dollar Amount	0	0	0	0	0	0
Number	0	0	0	0	0	0
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
	Total	Women Business Enterprises	Male			
Contracts						
Dollar Amount	0	0	0			
Number	0	0	0			
Sub-Contracts						
Number	0	0	0			
Dollar Amount	0	0	0			

Table 8 - Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted						
	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 9 – Minority Owners of Rental Property

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition						
Parcels Acquired		0		0		
Businesses Displaced		0		0		
Nonprofit Organizations Displaced		0		0		
Households Temporarily Relocated, not Displaced		0		0		
Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 10 – Relocation and Real Property Acquisition

DRAFT

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	18	17
Number of Special-Needs households to be provided affordable housing units	23	18
Total	41	35

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	23	18
Number of households supported through The Production of New Units	3	4
Number of households supported through Rehab of Existing Units	30	31
Number of households supported through Acquisition of Existing Units	15	13
Total	71	66

Table 12 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City made progress during the program year on its new ConPlan with regard to providing new affordable housing including the following:

- Non-homeless households provided with affordable units
- 6 new homes constructed by City's CHDO sold to low/moderate income homebuyers at 40% below appraised value thru the City's gap financing program²³ first time homebuyers assisted with down payment and closing cost to purchase homes

- 18 low/moderate income special needs individuals provided rent assistance to move into new rental units
- 80 households were supported with rehab and emergency housing repairs - 49 families were assisted with emergency repairs, 31 families assisted with housing rehab

Rental assistance was shy of meeting their goal with HOME funds; however, the new Rapid Rehousing program funded through local funds, expended \$28, 383.66 to assist 16 individuals and families with temporary rental assistance while on a special waiting list at the Public Housing Authority to obtain rental vouchers as part of PHA.

Discuss how these outcomes will impact future annual action plans.

The City will continue to review program performance and adjust as appropriate to ensure that the goals and objectives cited in the 5-year Strategic Plan are met. High performing programs such as the Housing Rehabilitation programs will be renewed in future annual plans while under-performing programs will be adjusted to meet the need or terminated if necessary.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	58	17
Low-income	7	8
Moderate-income	15	10
Total	80	35

Table 13 – Number of Households Served

Narrative Information

The City's activities that were required to serve extremely low-income, low-income, and/or moderate-income persons to meet the eligibility requirements of CDBG and HOME served the intended populations. There were no extremely low-income in homebuyers.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of San Angelo deems homelessness a major concern that must be dealt with on a strategic level. CHS staff are members of the Board of Directors for the Concho Valley Homeless Planning Coalition (CVHPC) and routinely attends local homeless coalition meetings to discuss homeless issues. In addition, the City of San Angelo is working with the Texas Homeless Network, Balance of State Continuum of Care to create a West Texas Region Homeless Consortium.

Annually, the CVHPC executes a Point-in Time Homeless Count to obtain data on city homeless individuals and families. The data obtained is used to determine the extent of the problem, reasons for homelessness, and potential solutions. In addition, the CVHPC holds annual "Homeless Awareness Day" which provides homeless individuals with medical screening, food, and clothing and provides awareness of the homeless to the rest of the City.

There are several "soup kitchens" that provide food to the homeless on a daily basis except Sundays and second hand stores that will provide free clothing. Some of these agencies include Catholic Outreach, Project Dignidad, Rust Street Ministries, Salvation Army, Wesley Trinity Daily Bread Program.

La Esperanza Health & Dental Centers provide medical services for those who cannot pay, including those that are homeless.

Addressing the emergency shelter and transitional housing needs of homeless persons

There are several programs and services, including shelters, to assist the homeless in San Angelo. Included are agencies that provide outreach, intake, assessment, and also emergency shelters and transitional housing. The major gap that exists is permanent supportive housing for homeless. Some of the main facilities are:

- The Salvation Army - provides emergency housing, meals, and outreach for homeless, low income
- Alcohol & Drug Abuse Council - provides shelter, intake, and assessment for homeless alcohol & drug abuse
- ICD - provides shelter, intake, assessment for victims made homeless due to domestic violence

The City developed a Rapid Re-housing program to address the housing needs of homeless families. The City partnered with the Housing Authority San Angelo (HASA) who is the City's Public Housing Authority

and will use Homeless Preference Vouchers to house homeless families.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City in partnership with HASA began administering a Rapid Re-housing program to provide some assistance to households experiencing housing instability or homelessness such as those temporarily residing in shelters. Unfortunately, the HASA receives very limited funding, and therefore only about 16 households were assisted this program year.

It continues to be a challenge for the community to provide adequate housing for persons discharged from publicly funded institutions and systems of care. Currently, the network of emergency shelter providers, human services programs, the parole and probation departments, the judicial system, MHMR, Homeless Coalition, work together as much as possible to identify persons exiting these programs without adequate housing and to work to assimilate them into either the emergency shelters or other housing programs. The community has much work to do in this area and is acutely aware of the great challenges this population faces in finding employment and housing.

The City introduced a new Homeless Prevention Program on October 1, 2017 which will assist individuals and families who have undergone a life crisis that threatens homelessness with up to three months of rent/mortgage payments. The program will prevent individuals and families from becoming homeless.

In PY2015, HASA, through the Housing Choice Voucher Program (Section 8) provided 8467 months of rental assistance for low-income families at a total annual cost of \$3,919,526. Rent assistance was provided to an average of 703 families a month at an average cost of \$462 per month per household.

In addition, MHMR of the Concho Valley expended \$51,469 to assist 18 individuals with special needs with rental assistance who would be homeless if not for the program assistance.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of San Angelo is working to prevent homelessness through the allocation of HOME funds to MHMR Services of the Concho Valley which provides rental stipends to individuals with mental health problems. Without the stipends, these individuals are at risk of being homeless.

In addition, HASA manages the Veteran Affairs Supportive Housing (VASH) voucher program that provides rental stipends for eligible homeless veterans in need of housing. HASA provides supportive case management to help homeless veterans transition into more permanent housing and into homeownership through its Family Self Sufficiency (FSS) program that provides opportunities for homeownership education and other various forms of assistance. The FSS Coordinator works with the families and individuals to establish goals to be accomplished and to help open doors to a new future. Family Self-Sufficiency is a program designed to help anyone who is on the Section 8 program who is interested in eliminating their family's dependence on the welfare system and into homeownership.

Concho Valley Home for Girls provides shelter, intake, assessment for girls made homeless due to domestic violence and other problems at home. The teenagers living at the Girls Home are provided shelter, life skills, job skills, and education in a safe environment that allows them to transition into adulthood lowering the risk of these girls becoming homeless.

Again, the City's partnership with HASA to administer the Rapid Re-housing program provided assistance to homeless individuals and families with permanent housing on an accelerated basis. Sixteen households went from living in the City's homeless shelter - to a staying in a hotel - to permanent housing within 60 days. HASA is seeking additional funds to increase the number of available vouchers for the Rapid Re-housing Program.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

In PY2015, HASA, through the Housing Choice Voucher Program (Section 8) provided 8467 months of rental assistance for low-income families at a total annual cost of \$3,919,526. Rent assistance was provided to an average of 703 families a month at an average cost of \$462 per month per household.

Public Housing is at 174 units with no vacancies. No new units were added in PY2015.

The Housing Authority of San Angelo (HASA) has determined a need to replace the current single pane windows with clear low- E insulated DSB glass. After installation the window will be weathertight. This contract began in April of 2016 and is a 120 day contract. All sixty units in the Alta Loma development will receive new windows as well as the community building on site.

In the acquisition development or scattered sites, the Housing Authority has rehabbed one single family home. The rehabilitation of these single family homes is part of the Housing Authorities five year plan to maintain the twenty-four scattered homes. The home rehab this year was 1721 Parkview. This home received an exterior face lift, with the replacement of the trim and fascia as needed and fresh paint. All of the windows and exterior doors were replaced in an effort to conserve energy. Upgrades were also made to the interior as needed, to include fresh paint and replacement of cabinets and countertops in the restrooms and kitchen.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The Housing Authority of San Angelo encourages resident involvement in management by filling a spot on the HASA Board of Directors with a Resident commissioner and promoting a separate Resident Advisory Board. The Housing Authority swore in a Ms. Becky Fraser this year to serve as the Public Housing resident commissioner on our HASA Board of directors.

The Housing Authority promotes homeownership by encouraging participants to apply for the Homeownership voucher program. The Housing Authority also encourages participants to join the voluntary Family Self Sufficiency program. The program's goal is to help residents achieve self-sufficiency and homeownership. A third of the monthly meetings are dedicated to homeownership education. Guest speakers and program staff work with residents on sound budgeting practices as well as ways to improve credit scores. The FSS program also offers education on other resources available to assist first time homebuyers.

Actions taken to provide assistance to troubled PHAs

Not applicable.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

Per the Analysis of Impediments to Fair Housing Choice, the City was unable to identify public policies that are detrimental to the return on residential investment. City policies have acted to support affordable housing programs and projects that have allowed homes across neighborhoods targeted for revitalization to increase in value.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

There were no specific activities to address obstacles to meeting the underserved needs in the PY2016 Annual Action Plan; however, actions and activities throughout the year and as described in this CAPER benefited the underserved as a whole. These activities that helped meet underserved needs included the City's affordable housing programs and rental assistance programs.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City addresses LBP on all owner-occupied residential homes that have been approved for rehabilitation work and were built prior to 1978 (includes Emergency Repair Program projects) or on any post-1978 constructed home where a child or person resides who has been identified with an Elevated Blood Lead Level (EBLL). A Lead Inspection and or Risk Assessment will be done on these homes to determine if there is any lead-based paint in the home or in the soil around the home. If lead is found, a determination of the lead-based paint hazards associated with the presence of the detected lead will be conducted. The requirements for rehabilitation will correspond to the three approaches of lead hazard evaluation and reduction. Complete rehabilitation work must meet more stringent requirements than emergency repairs. The three approaches and the levels of rehabilitation assistance (costs) are: 1) Do No Harm (<\$5,000) - Perform the rehabilitation in a way that does not create additional lead hazards. Clearance of work site. 2) Identify and Control Lead Hazards (\$5,000 to \$25,000) - Identify lead-based paint and hazards and use a range of interim control and abatement methods to address the hazards. Clearance of unit. 3) Identify and Abate Lead Hazards (>\$25,000) - Identify lead-based paint hazards and remove them permanently by abatement. Clearance of unit.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

While the City does not have a mechanism or process to track and report on the number of families removed from poverty, the City recognizes that its future economic viability rests with elimination of poverty. San Angelo has and will continue to undertake efforts in housing and supportive services to improve the quality of life of its low/moderate income residents so long as funding for such activities is

available.

Education and Job Training

Workforce development and area-wide economic development have been identified as priorities which will aid the City in reducing the number of persons living below the poverty level. The West Texas Training Center, San Angelo Independent School District, Angelo State University, Howard College, the Chamber of Commerce, and regional business, industry and health care organizations continued to meet the occupational training needs of the Concho Valley region and West Texas.

Housing

Affordable housing is one of the City's anti-poverty activities. The City oversaw several housing programs aimed at either improving the quality of the housing stock or reducing the housing costs of low/moderate income families in order to help keep families housing costs down and thus helping families from falling into poverty.

- Affordable housing emergency repair and rehabilitation
- First-time homebuyers
- Tenant-based Rental Assistance
- CHDO new home construction

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City's institutional structure is solid and City staff that oversees and manages federal grants has been in place for over ten years. The team is tenured and experienced and are provided training that is required and appropriate. To ensure widespread information and access to the programs, especially by LMI households, the funding process involved the participation of representatives from several governmental entities, non-profit organizations, and grass roots citizen support group. In this way, local policy makers and administrators were able to identify the needs of LMI neighborhoods and evaluate applications accordingly.

Running concurrently with the City's review process was a series of hearings and meetings at the local City and neighborhood level. These meetings provided information to local residents, specifically of targeted neighborhoods, regarding the process for preparation, submission, and selection of project proposals. During this project development phase, City staff members worked with the local citizens to assess local needs and develop project proposals. The City held two neighborhood public meetings to discuss potential projects and two City Council public hearings to once again review and approve projects that were selected for funding in PY2016.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The CHS staff participates in an adhoc Affordable Housing Committee that includes public and private entities that deal with housing. This ad hoc committee discusses issues related to housing to include coordinating areas for housing investment and project development.

While the City does not have a social services department, City staff are members of the Concho Valley Homeless Planning Coalition board of directors and are very active in the planning process and coordination of social services for homeless families and individuals with a goal to help develop and maintain an unofficial continuum of care for those in need.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City's Analysis of Impediments to Fair Housing Choice discovered that the major barriers to affordable housing in San Angelo are lack of financial resources and all the implications that are associated with that condition. Low income persons will have a difficult time finding affordable housing, defined as housing that costs less than 30% of gross income. Education and job training may provide a way to higher income and better living conditions for some low income families. However, elderly and disabled individuals are often unable to increase their income or improve their living conditions through these means. In addition to inadequate income and credit worthiness, a growing elderly population, racial and ethnic divergences, and slow economic growth are other contributing factors that help create impediments.

To help ameliorate these impediments, the City worked to develop and further increase the affordable housing stock through several programs and projects that included:

- Affordable housing emergency repair and rehabilitation
- First-time homebuyers
- Tenant-based Rental Assistance
- CHDO new home construction

Additionally, the City supported a senior citizen Low Income Housing Tax Credit (LIHTC) project that was funded by state funds and will be constructed in one of the target revitalization neighborhoods. This LIHTC 72-unit project will provide affordable housing for elderly citizens that are faced with an extremely high housing cost burden.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

Monitoring was conducted on a monthly basis for each subrecipient not only to verify that the reimbursements submitted were for eligible expenses, but also to verify that each subrecipient was complying with all the requirements in their agreement. Each reimbursement request was verified for eligibility. Also, each of the participants in each program was examined to verify their eligibility for assistance.

The City does not discriminate against minority or women-owned businesses during the bidding process and awarded several projects to minority and women-owned businesses to include a business owned by a Hispanic male (Joachim Construction), an African American male (Mayberry Electric), and by a female owned business (Electric by Deb). In addition, the bids include an invitation for minorities and women to bid on all projects. All projects approved for funding listed in the Annual Action Plan comply and follow the 2015-2019 ConPlan. The City met all comprehensive planning requirements.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

A complete draft of this report has been made available for public review and comment for a fifteen (15) day period beginning November 16, 2017. The availability of this report has been publicly advertised consistent with the provisions of the City of San Angelo's Consolidated Plan with printed copies available at strategic locations throughout the city as specified in the Citizen Participation Plan.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

This was the second year for the 2015-2019 Consolidated Plan and the objectives did not change from those identified in the plan. The City met the requirements to have not more than 1.5 times the annual grant and activities are reaching completion in a timely manner once underway.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

DRAFT

CR-50 - HOME 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

The City provided funding in support of a LIHTC 36 single family unit project called Noah Estates. HOME funds covered the construction of two units. The units were inspected on August 10, 2017.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)

All units in the Noah Estates were occupied throughout the entire program year so there were no vacancies. In addition, there is a waiting list of over 50 potential renters for any vacancy that may open up, making it unnecessary to market the program outside the normal advertisements in local magazines, websites, and periodicals to include Conexion San Angelo, a Spanish/English bi-weekly newspaper.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

Program income in the amount of \$31,247.75 was drawn for homebuyer assistance (IDIS activity #s 1594, 1595, 1669). All homebuyers are LMI households. Program income in the amount of \$5,726.61 was drawn for tenant based rental assistance (IDIS activity #1582). All households are LMI households.

Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)

The City Council approved support for a LIHTC 48-unit senior living duplexes development in the Ft Concho area which is one of the four neighborhoods targeted for revitalization earmarking \$10K from local Economic Development Sales Tax program funds. The complex received the tax credits in July 2017 (PY2016) with a projected start date in February, 2018.

DRAFT

Attachment

HOME Match Log

DRAFT

HOME Match Report

Part I Participant Identification		Match Contributions for Federal Fiscal Year 2016	
1. Participant No. (assigned by HUD)	2. Name of Participating Jurisdiction	3. Contact Name	4. Contact Phone No.
M-15-MC-48-0224	City of San Angelo	Bob Salas	325-655-0824
5. Street Address of the PJ	City, State, Zip Code		
52 W. College	San Angelo, TX 76903		

Part II Fiscal Year Summary			
1. Excess match from prior Federal fiscal year	\$2,099,566.13		
2. Match contributed during current Federal Fiscal Year	\$ 48,947.64		
3. Total match available for current Federal fiscal year (line 1 + line 2)			\$ 2,148,513.77
4. Match liability for current Federal fiscal year			\$ 63,527.75
5. Excess match carried over to next Federal fiscal year (Line 3 minus line 4)			\$ 2,084,986.02

Part III Match Contribution for the Federal Fiscal Year				
1. Project ID	2. Date of Contribution	3. Type of Contribution* (if cash, include source)	Match Amount	YTD Match
Address	Oct-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 1.00	\$ 1.00
216 S. Filmore, Apt A	Oct-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 597.50	\$ 598.50
102 Maryland, Apt 12	Oct-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 440.67	\$ 1,039.17
2105 W. Beauregard, Apt C	Oct-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 621.71	\$ 1,660.88
1707 Greenwood, Apt 502	Oct-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 346.66	\$ 2,007.54
3506 Wildewood, Apt 91	Oct-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 450.32	\$ 2,457.86
2205 Colorado, Apt D	Oct-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 527.00	\$ 2,984.86
316 E. Harris, Apt 10	Oct-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 603.60	\$ 3,588.46
3130 W. Beauregard, Apt 26	Oct-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 456.16	\$ 4,044.62
4125 Ben Ficklin Rd, Apt 43	Oct-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 159.00	\$ 4,203.62
3406 Wildewood, Apt 189	Oct-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 570.00	\$ 4,773.62
216 S. Filmore, Apt A	Nov-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 574.75	\$ 5,348.37
17 W. 31st, Apt 24	Nov-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 591.71	\$ 5,940.08
102 Maryland, Apt 12	Nov-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 405.00	\$ 6,345.08
2105 W. Beauregard, Apt C	Nov-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 650.00	\$ 6,995.08
1707 Greenwood, Apt 502	Nov-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 410.21	\$ 7,405.29
3506 Wildewood, Apt 91	Nov-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 434.11	\$ 7,839.40
2205 Colorado, Apt D	Nov-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 153.42	\$ 7,992.82
3130 W. Beauregard, Apt 26	Nov-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 456.16	\$ 8,448.98
4125 Ben Ficklin Rd, Apt 43	Nov-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 227.71	\$ 8,676.69
3406 Wildewood, Apt 189	Nov-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 476.58	\$ 9,153.27
216 S. Filmore, Apt A	Dec-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 545.00	\$ 9,698.27
17 W. 31st, Apt 24	Dec-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 543.11	\$ 10,241.38
102 Maryland, Apt 12	Dec-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 414.58	\$ 10,655.96
2105 W. Beauregard, Apt C	Dec-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 545.00	\$ 11,200.96
1707 Greenwood, Apt 502	Dec-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 27.79	\$ 11,228.75
3506 Wildewood, Apt 91	Dec-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 486.61	\$ 11,715.36
2205 Colorado, Apt D	Dec-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 640.11	\$ 12,355.47
316 E. Harris, Apt 10	Dec-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 533.36	\$ 12,888.83
3130 W. Beauregard, Apt 26	Dec-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 549.58	\$ 13,438.41
4125 Ben Ficklin Rd, Apt 43	Dec-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 223.08	\$ 13,661.49
3406 Wildewood, Apt 189	Dec-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 166.00	\$ 13,827.49
3130 W. Beauregard, #15	Dec-16	Cash-State share of medicaid and General Revenue for uninsured	\$ 558.58	\$ 14,386.07
216 S. Filmore, Apt A	Jan-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 637.92	\$ 15,023.99
17 W. 31st, Apt 24	Jan-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 611.82	\$ 15,635.81
102 Maryland, Apt 12	Jan-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 105.00	\$ 15,740.81
2105 W. Beauregard, Apt C	Jan-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 545.00	\$ 16,285.81
1707 Greenwood, Apt 502	Jan-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 530.09	\$ 16,815.90
3506 Wildewood, Apt 91	Jan-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 442.21	\$ 17,258.11
316 E. Harris, Apt 10	Jan-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 527.51	\$ 17,785.62
3130 W. Beauregard, Apt 26	Jan-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 34.74	\$ 17,820.36
4125 Ben Ficklin Rd, Apt 43	Jan-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 159.00	\$ 17,979.36
3406 Wildewood, Apt 189	Jan-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 390.16	\$ 18,369.52
216 S. Filmore, Apt A	Feb-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 621.71	\$ 18,991.23
17 W. 31st, Apt 24	Feb-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 535.00	\$ 19,526.23
102 Maryland, Apt 12	Feb-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 448.58	\$ 19,974.81
2105 W. Beauregard, Apt C	Feb-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 555.21	\$ 20,530.02
1707 Greenwood, Apt 502	Feb-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 480.32	\$ 21,010.34

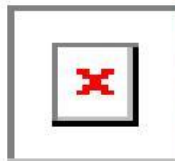
* 1. Cash 2. Foregone Taxes, Fees, Charges 3. Appraised Land/Real Property 4. Required Infrastructure 5. Site Preparation, Construction Materials, Donated Labor 6. Bond Financing

HOME Match Report

Part III Match Contribution for the Federal Fiscal Year				
1. Project ID	2. Date of Contribution	3. Type of Contribution* (If cash, include source)	Match Amount	YTD Match
3506 Wildewood, Apt 91	Feb-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 486.61	\$ 21,496.95
316 E. Harris, Apt 10	Feb-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 23.16	\$ 21,520.11
3130 W. Beauregard, Apt 26	Feb-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 600.63	\$ 22,120.74
3406 Wildewood, Apt 189	Feb-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 367.00	\$ 22,487.74
3130 W. Beauregard, #15	Feb-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 284.58	\$ 22,772.32
216 S. Fillmore, Apt A	Mar-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 545.00	\$ 23,317.32
17 W. 31st, Apt 24	Mar-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 543.11	\$ 23,860.43
102 Maryland, Apt 12	Mar-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 78.27	\$ 23,938.70
2105 W. Beauregard, Apt C	Mar-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 535.00	\$ 24,473.70
1707 Greenwood, Apt 502	Mar-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 623.30	\$ 25,097.00
3506 Wildewood, Apt 91	Mar-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 426.00	\$ 25,523.00
316 E. Harris, Apt 10	Mar-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 484.51	\$ 26,007.51
4125 Ben Ficklin Rd, Apt 43	Mar-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 418.00	\$ 26,425.51
3406 Wildewood, Apt 189	Mar-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 472.00	\$ 26,897.51
216 S. Fillmore, Apt A	Apr-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 545.00	\$ 27,442.51
102 Maryland, Apt 12	Apr-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 405.00	\$ 27,847.51
2105 W. Beauregard, Apt C	Apr-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 556.58	\$ 28,404.09
1707 Greenwood, Apt 502	Apr-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 406.58	\$ 28,810.67
3506 Wildewood, Apt 91	Apr-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 434.11	\$ 29,244.78
316 E. Harris, Apt 10	Apr-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 517.50	\$ 29,762.28
4125 Ben Ficklin Rd, Apt 43	Apr-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 418.00	\$ 30,180.28
3406 Wildewood, Apt 189	Apr-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 378.58	\$ 30,558.86
102 Maryland, Apt 12	May-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 552.27	\$ 31,111.13
2105 W. Beauregard, Apt C	May-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 597.50	\$ 31,708.63
1707 Greenwood, Apt 502	May-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 395.00	\$ 32,103.63
3506 Wildewood, Apt 91	May-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 432.71	\$ 32,536.34
316 E. Harris, Apt 10	May-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 484.51	\$ 33,020.85
4125 Ben Ficklin Rd, Apt 43	May-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 523.00	\$ 33,543.85
3406 Wildewood, Apt 189	May-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 367.00	\$ 33,910.85
1929 Lindell	May-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 1,859.93	\$ 35,770.78
102 Maryland, Apt 12	Jun-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 438.37	\$ 36,209.15
2105 W. Beauregard, Apt C	Jun-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 545.00	\$ 36,754.15
1707 Greenwood, Apt 502	Jun-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 395.00	\$ 37,149.15
3506 Wildewood, Apt 91	Jun-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 364.00	\$ 37,513.15
316 E. Harris, Apt 10	Jun-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 45.83	\$ 37,558.98
4125 Ben Ficklin Rd, Apt 43	Jun-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 418.00	\$ 37,976.98
3406 Wildewood, Apt 63	Jun-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 394.79	\$ 38,371.77
1929 Lindell	Jun-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 900.00	\$ 39,271.77
3130 W. Beauregard, #15	Jun-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 364.50	\$ 39,636.27
2105 W. Beauregard, Apt C	Jul-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 610.39	\$ 40,246.66
3506 Wildewood, Apt 91	Jul-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 364.00	\$ 40,610.66
4125 Ben Ficklin Rd, Apt 43	Jul-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 494.71	\$ 41,105.37
3406 Wildewood, Apt 63	Jul-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 378.58	\$ 41,483.95
1929 Lindell	Jul-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 1,000.09	\$ 42,484.04
3441 Green Meadow #467	Jul-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 761.50	\$ 43,245.54
2105 W. Beauregard, Apt C	Aug-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 556.58	\$ 43,802.12
3506 Wildewood, Apt 91	Aug-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 424.61	\$ 44,226.73
4125 Ben Ficklin Rd, Apt 43	Aug-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 341.29	\$ 44,568.02
3406 Wildewood, Apt 63	Aug-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 105.00	\$ 44,673.02
1929 Lindell	Aug-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 635.65	\$ 45,308.67
116 S. Fillmore, Apt C	Aug-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 1,002.50	\$ 46,311.17
2109 W. Twohig, Apt B	Aug-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 807.00	\$ 47,118.17
2105 W. Beauregard, Apt C	Sep-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 621.50	\$ 47,739.67
3130 W. Beauregard Apt 49	Sep-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 265.11	\$ 48,004.78
1929 Lindell	Sep-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 15.86	\$ 48,020.64
116 S. Fillmore, Apt C	Sep-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 470.00	\$ 48,490.64
2109 W. Twohig, Apt B	Sep-17	Cash-State share of medicaid and General Revenue for uninsured	\$ 457.00	\$ 48,947.64

* 1. Cash 2. Foregone Taxes, Fees, Charges 3. Appraised Land/Real Property 4. Required Infrastructure 5. Site Preparation, Construction Materials, Donated Labor 6. Bond Financing

CDBG Financial Summary (PR26)



Office of Community Planning and Development
U.S. Department of Housing and Urban Development
Integrated Disbursement and Information System
PR26 - CDBG Financial Summary Report
Program Year 2016
SAN ANGELO, TX

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PART I: SUMMARY OF CDBG RESOURCES

01 UNEXPENDED CDBG FUNDS AT END OF PREVIOUS PROGRAM YEAR	14,607.49
02 ENTITLEMENT GRANT	678,718.00
03 SURPLUS URBAN RENEWAL	0.00
04 SECTION 108 GUARANTEED LOAN FUNDS	0.00
05 CURRENT YEAR PROGRAM INCOME	32,411.19
05a CURRENT YEAR SECTION 108 PROGRAM INCOME (FOR SI TYPE)	0.00
06 FUNDS RETURNED TO THE LINE-OF-CREDIT	9,788.84
06a FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	0.00
07 ADJUSTMENT TO COMPUTE TOTAL AVAILABLE	0.00
08 TOTAL AVAILABLE (SUM, LINES 01-07)	735,525.52

PART II: SUMMARY OF CDBG EXPENDITURES

09 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	417,273.29
10 ADJUSTMENT TO COMPUTE TOTAL AMOUNT SUBJECT TO LOW/MOD BENEFIT	0.00
11 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 09 + LINE 10)	417,273.29
12 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	119,023.00
13 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	147,695.10
14 ADJUSTMENT TO COMPUTE TOTAL EXPENDITURES	0.00
15 TOTAL EXPENDITURES (SUM, LINES 11-14)	683,991.39
16 UNEXPENDED BALANCE (LINE 08 - LINE 15)	51,534.13

PART III: LOW/MOD BENEFIT THIS REPORTING PERIOD

17 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00
18 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	0.00
19 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	427,062.13
20 ADJUSTMENT TO COMPUTE TOTAL LOW/MOD CREDIT	0.00
21 TOTAL LOW/MOD CREDIT (SUM, LINES 17-20)	427,062.13
22 PERCENT LOW/MOD CREDIT (LINE 21/LINE 11)	102.35%

LOW/MOD BENEFIT FOR MULTI-YEAR CERTIFICATIONS

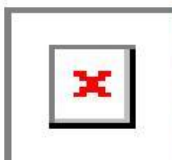
23 PROGRAM YEARS(PY) COVERED IN CERTIFICATION	PY: PY: PY:
24 CUMULATIVE NET EXPENDITURES SUBJECT TO LOW/MOD BENEFIT CALCULATION	0.00
25 CUMULATIVE EXPENDITURES BENEFITING LOW/MOD PERSONS	0.00
26 PERCENT BENEFIT TO LOW/MOD PERSONS (LINE 25/LINE 24)	0.00%

PART IV: PUBLIC SERVICE (PS) CAP CALCULATIONS

27 DISBURSED IN IDIS FOR PUBLIC SERVICES	0.00
28 PS UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
29 PS UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
30 ADJUSTMENT TO COMPUTE TOTAL PS OBLIGATIONS	0.00
31 TOTAL PS OBLIGATIONS (LINE 27 + LINE 28 - LINE 29 + LINE 30)	0.00
32 ENTITLEMENT GRANT	678,718.00
33 PRIOR YEAR PROGRAM INCOME	31,769.29
34 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PS CAP	0.00
35 TOTAL SUBJECT TO PS CAP (SUM, LINES 32-34)	710,487.29
36 PERCENT FUNDS OBLIGATED FOR PS ACTIVITIES (LINE 31/LINE 35)	0.00%

PART V: PLANNING AND ADMINISTRATION (PA) CAP

37 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	119,023.00
38 PA UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
39 PA UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
40 ADJUSTMENT TO COMPUTE TOTAL PA OBLIGATIONS	0.00
41 TOTAL PA OBLIGATIONS (LINE 37 + LINE 38 - LINE 39 + LINE 40)	119,023.00
42 ENTITLEMENT GRANT	678,718.00
43 CURRENT YEAR PROGRAM INCOME	32,411.19
44 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PA CAP	0.00
45 TOTAL SUBJECT TO PA CAP (SUM, LINES 42-44)	711,129.19
46 PERCENT FUNDS OBLIGATED FOR PA ACTIVITIES (LINE 41/LINE 45)	16.74%



Office of Community Planning and Development
U.S. Department of Housing and Urban Development
Integrated Disbursement and Information System
PR26 - CDBG Financial Summary Report
Program Year 2016
SAN ANGELO, TX

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LINE 17 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 17
Report returned no data.

LINE 18 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 18
Report returned no data.

LINE 19 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 19

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2015	8	1537	6021142	Helping Hands	14A	LMH	\$11,148.70
2016	3	1602	6024365	Rehab Blitz - 303 W Avenue U	14A	LMH	\$4,500.00
2016	3	1603	6024365	Rehab Blitz - 933 Texas	14A	LMH	\$6,900.00
2016	3	1604	6024365	Rehab Blitz - 802 W Avenue Z	14A	LMH	\$6,650.00
2016	3	1605	6024365	Rehab Blitz - 733 W Avenue X	14A	LMH	\$6,300.00
2016	3	1606	6024365	Rehab Blitz - 741 W Avenue Z	14A	LMH	\$8,800.00
2016	3	1607	6024365	Rehab Blitz - 300 W Avenue U	14A	LMH	\$6,300.00
2016	3	1612	6024464	Rehab Blitz - 513 W Avenue X	14A	LMH	\$4,851.00
2016	3	1612	6024495	Rehab Blitz - 513 W Avenue X	14A	LMH	\$1,029.50
2016	3	1613	6024464	Rehab Blitz - 714 W Avenue X	14A	LMH	\$6,440.00
2016	3	1613	6024495	Rehab Blitz - 714 W Avenue X	14A	LMH	\$285.00
2016	3	1614	6024464	Rehab Blitz - 645 San Jacinto	14A	LMH	\$5,244.00
2016	3	1615	6024464	Rehab Blitz - 120 W Avenue Q	14A	LMH	\$6,600.00
2016	3	1616	6024464	Rehab Blitz - 607 W Avenue X	14A	LMH	\$4,437.00
2016	3	1616	6024495	Rehab Blitz - 607 W Avenue X	14A	LMH	\$1,109.25
2016	3	1617	6024464	Rehab Blitz - 2121 S Irving	14A	LMH	\$5,720.00
2016	3	1617	6040465	Rehab Blitz - 2121 S Irving	14A	LMH	\$1,430.00
2016	3	1618	6024464	Rehab Blitz - 221 W Avenue U	14A	LMH	\$3,700.00
2016	3	1619	6024464	Rehab Blitz - 321 W Avenue U	14A	LMH	\$3,400.00
2016	3	1620	6024464	Rehab Blitz - 822 Texas	14A	LMH	\$4,300.00
2016	3	1628	6024495	Rehab Blitz - 220 W Avenue V	14A	LMH	\$6,435.00
2016	3	1629	6040465	Rehab Blitz - 2214 S Irving	14A	LMH	\$5,400.00
2016	3	1636	6040465	Rehab Blitz - 604 W Avenue X	14A	LMH	\$6,500.00
2016	3	1637	6040465	Rehab Blitz - 316 W Avenue R	14A	LMH	\$5,000.00
2016	3	1638	6040465	Rehab Blitz - 220 W Avenue W	14A	LMH	\$5,400.00
2016	3	1639	6040465	Rehab Blitz - 1909 S Irving	14A	LMH	\$5,400.00
2016	3	1640	6040465	Rehab Blitz - 304 W Avenue V	14A	LMH	\$5,310.50
2016	3	1641	6040465	Rehab Blitz - 209 W Avenue R	14A	LMH	\$4,325.40
2016	3	1641	6040552	Rehab Blitz - 209 W Avenue R	14A	LMH	\$376.81
2016	3	1642	6040465	Rehab Blitz - 622 San Jacinto	14A	LMH	\$4,320.00
2016	3	1650	6040552	Rehab Blitz - 410 W Avenue Z	14A	LMH	\$5,700.00
2016	3	1651	6040552	Rehab Blitz - 322 W Avenue W	14A	LMH	\$6,700.00
2016	4	1583	6021142	E.R. - 2656 Field Street	14A	LMH	\$1,392.00
2016	4	1584	6021142	E.R. - 29 E 12th	14A	LMH	\$3,321.50
2016	4	1585	6021142	E.R. - 431 E 37th	14A	LMH	\$1,613.48
2016	4	1586	6021180	E.R. - 98 E 42nd	14A	LMH	\$1,325.00
2016	4	1587	6021180	E.R. - 1117 Koberlin	14A	LMH	\$650.00
2016	4	1588	6021180	E.R. - 30 E 11th	14A	LMH	\$152.50
2016	4	1589	6021180	E.R. - 1309 Roosevelt	14A	LMH	\$4,999.00
2016	4	1597	6024365	E.R. - 1617 Hassell	14A	LMH	\$4,105.00
2016	4	1598	6024365	E.R. - 2021 San Antonio	14A	LMH	\$1,480.00
2016	4	1599	6024365	E.R. - 2013 San Antonio	14A	LMH	\$205.00
2016	4	1600	6024365	E.R. - 2612 Field Street	14A	LMH	\$435.00
2016	4	1601	6024365	E.R. - 1213 Howard	14A	LMH	\$159.91
2016	4	1601	6024464	E.R. - 1213 Howard	14A	LMH	\$637.50
2016	4	1608	6024464	E.R. - 645 San Jacinto	14A	LMH	\$89.00
2016	4	1608	6024495	E.R. - 645 San Jacinto	14A	LMH	\$800.00



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2016	4	1609	6024464	ER - 2106 N Oakes	14A	LMH	\$3,667.50
2016	4	1610	6024464	ER - 305 E 12th	14A	LMH	\$3,973.53
2016	4	1611	6024464	ER - 27 E 19th	14A	LMH	\$1,500.00
2016	4	1611	6066210	ER - 27 E 19th	14A	LMH	\$3,490.00
2016	4	1621	6024495	ER - 215 W 20th	14A	LMH	\$4,234.00
2016	4	1622	6024495	ER - 513 W Avenue X	14A	LMH	\$4,070.00
2016	4	1623	6024495	ER - 3651 Lake Drive	14A	LMH	\$3,687.64
2016	4	1624	6024495	ER - 309 N Van Buren	14A	LMH	\$550.00
2016	4	1625	6024495	ER - 1505 Wynne	14A	LMH	\$725.00
2016	4	1626	6024495	ER - 210 Lipan	14A	LMH	\$710.29
2016	4	1627	6024495	ER - 2501 W Harris	14A	LMH	\$1,224.14
2016	4	1643	6040465	ER - 2424 Abilene	14A	LMH	\$4,995.00
2016	4	1644	6040465	ER - 618 E 20th	14A	LMH	\$4,176.00
2016	4	1645	6040465	ER - 605 Antonio	14A	LMH	\$485.00
2016	4	1646	6040465	ER - 710 Powell	14A	LMH	\$550.93
2016	4	1647	6040552	ER - 2309 Chestnut	14A	LMH	\$5,300.00
2016	4	1648	6040552	ER - 613 Antonio	14A	LMH	\$505.00
2016	4	1649	6040552	ER - 209 W Avenue R	14A	LMH	\$1,850.00
2016	4	1652	6056373	ER - 730 E 37th	14A	LMH	\$3,943.63
2016	4	1653	6056373	ER - 822 Upton	14A	LMH	\$261.40
2016	4	1654	6056373	ER - 1914 N Lillie	14A	LMH	\$3,068.32
2016	4	1656	6066210	ER - 2120 Chapman	14A	LMH	\$990.00
2016	4	1657	6066210	ER - 128 W Avenue L	14A	LMH	\$1,315.00
2016	4	1658	6066210	ER - 1903 S Randolph	14A	LMH	\$398.17
2016	4	1658	6079200	ER - 1903 S Randolph	14A	LMH	\$187.17
2016	4	1659	6066210	ER - 729 Murphy	14A	LMH	\$4,100.00
2016	4	1660	6066210	ER - 529 E 45th	14A	LMH	\$4,960.00
2016	4	1662	6079200	ER - 76 Belaire	14A	LMH	\$1,002.00
2016	4	1662	6079511	ER - 76 Belaire	14A	LMH	\$2,475.38
2016	4	1663	6079200	ER - 23 E 23rd	14A	LMH	\$5,574.00
2016	4	1664	6079200	ER - 1202 E 19th	14A	LMH	\$710.50
2016	4	1665	6079200	ER - 1215 E 24 1/2 St	14A	LMH	\$1,910.19
2016	4	1666	6079200	ER - 2120 Wilson	14A	LMH	\$86.00
2016	4	1667	6079200	ER - 1025 Koberlin	14A	LMH	\$2,000.00
2016	4	1668	6079200	ER - 3912 Grape Creek Rd	14A	LMH	\$2,500.00
2016	4	1671	6079511	ER - 428 E Harris	14A	LMH	\$4,999.00
2016	4	1672	6079511	ER - 531 E 21st	14A	LMH	\$213.95
2016	4	1673	6084125	ER - 402 E 22nd	14A	LMH	\$1,203.34
2016	4	1674	6084125	ER - 2720 Waco	14A	LMH	\$490.00
					14A	Matrix Code	\$269,459.13
2016	2	1578	6021142	Rehab Admin	14H	LMH	\$9,488.00
2016	2	1578	6021180	Rehab Admin	14H	LMH	\$9,583.00
2016	2	1578	6024365	Rehab Admin	14H	LMH	\$11,598.00
2016	2	1578	6024464	Rehab Admin	14H	LMH	\$9,226.00
2016	2	1578	6024495	Rehab Admin	14H	LMH	\$10,376.00
2016	2	1578	6040465	Rehab Admin	14H	LMH	\$10,253.00
2016	2	1578	6040552	Rehab Admin	14H	LMH	\$13,321.00
2016	2	1578	6056373	Rehab Admin	14H	LMH	\$9,972.00
2016	2	1578	6066210	Rehab Admin	14H	LMH	\$9,290.00
2016	2	1578	6079200	Rehab Admin	14H	LMH	\$10,451.00
2016	2	1578	6079511	Rehab Admin	14H	LMH	\$6,226.00
2016	2	1578	6089436	Rehab Admin	14H	LMH	\$9,819.00
					14H	Matrix Code	\$119,603.00
2016	5	1579	6021180	Code Compliance	15	LMA	\$3,618.39
2016	5	1579	6024464	Code Compliance	15	LMA	\$3,618.39
2016	5	1579	6024495	Code Compliance	15	LMA	\$3,689.60



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2016	5	1579	6040465	Code Compliance	15	LMA	\$7,409.55
2016	5	1579	6040552	Code Compliance	15	LMA	\$1,682.58
2016	5	1579	6056373	Code Compliance	15	LMA	\$4,469.77
2016	5	1579	6066210	Code Compliance	15	LMA	\$3,689.11
2016	5	1579	6079200	Code Compliance	15	LMA	\$3,689.61
2016	5	1579	6079511	Code Compliance	15	LMA	\$3,689.61
2016	5	1579	6084125	Code Compliance	15	LMA	\$2,443.39
					15	Matrix Code	\$38,000.00
Total							\$427,062.13

LINE 27 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 27
Report returned no data.

LINE 37 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 37

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2016	1	1577	6021142	CD Admin 2016	21A		\$8,713.00
2016	1	1577	6021180	CD Admin 2016	21A		\$9,568.00
2016	1	1577	6024365	CD Admin 2016	21A		\$10,234.00
2016	1	1577	6024464	CD Admin 2016	21A		\$9,504.00
2016	1	1577	6024495	CD Admin 2016	21A		\$9,730.00
2016	1	1577	6040465	CD Admin 2016	21A		\$13,577.00
2016	1	1577	6040552	CD Admin 2016	21A		\$10,725.00
2016	1	1577	6056373	CD Admin 2016	21A		\$10,204.00
2016	1	1577	6066210	CD Admin 2016	21A		\$9,132.00
2016	1	1577	6079200	CD Admin 2016	21A		\$9,569.00
2016	1	1577	6079511	CD Admin 2016	21A		\$9,073.00
2016	1	1577	6089436	CD Admin 2016	21A		\$8,994.00
					21A	Matrix Code	\$119,023.00
Total							\$119,023.00

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Regular Item

Caption:

Appeal of the Planning Commission's denial of a Conditional Use to allow for a short term rental on property which backs onto Lake Nasworthy, on 0.81 acres, located at 2045 American Legion Road - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

The applicant requested a Conditional Use to allow for a short term rental on the subject property which backs onto Lake Nasworthy. The property contains an existing single-family dwelling constructed in 1984, according to Tom Green Country Appraisal records, and a guest house which received a permit in March of 2002 (Permit No. 02-1141). The applicant intends to rent out the entire property for a short term rental. The site plan submitted by the applicant shows the existing 2,076-square foot main dwelling and the 680-square foot guest house, as well as a two-car carport and driveway that extends 240 feet from the front property line south to the dwelling units.

Financial Impact:

N/A

Other Information/Recommendation:

On October 16, 2017, the Planning Commission voted to DENY the Conditional Use request by a vote of 3-2 (Crisp, Priess, Farmer voted to deny the conditional use and Smith, Spano voted to approve the conditional use).

Attachments:

1. Staff Report PL_CU17-11 report.pdf

Presentation:

Jon James

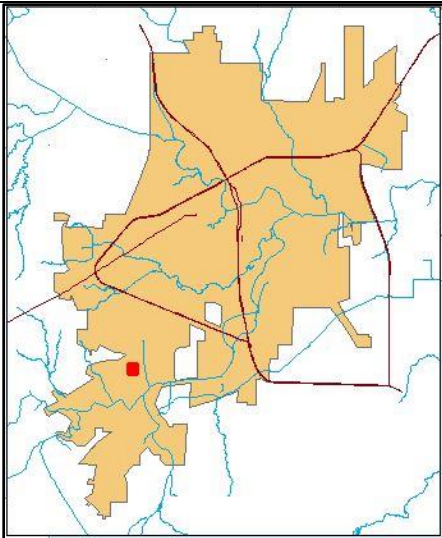
Approvals/Reviews:

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 – December 12, 2017

STAFF REPORT

APPLICATION TYPE:	CASE:		
Planning Commission Appeal	CU17-11: Babiash, appeal of the denial by the Planning Commission of a Conditional Use for a Short-Term Rental, as defined in Section 406 and 804 of the Zoning Ordinance, in the Single-Family Residential (RS-1) Zoning District on the subject property.		
SYNOPSIS:			
The applicant has requested a Conditional Use to allow for a short term rental on the subject property which backs onto Lake Nasworthy. The property contains an existing single-family dwelling constructed in 1984, according to Tom Green Country Appraisal records, and a guest house which received a permit in March of 2002 (Permit No. 02-1141). The applicant intends to rent out the entire property for a short term rental. The site plan submitted by the applicant shows the existing 2,076-square foot main dwelling and the 680-square foot guest house, as well as a two-car carport and driveway that extends 240 feet from the front property line south to the dwelling units. There are no known Short Term Rentals within 500 feet of the subject property in compliance with Section 406 of the Zoning Ordinance. On October 16, 2017, the Planning Commission denied the request for a Conditional Use for a short term rental on the property. On November 13, 2017, the owners appealed the decision to City Council (see attached appeal letter).			
LOCATION:		LEGAL DESCRIPTION:	
2045 American Legion Road; generally located approximately 400 feet southeast of Knickerbocker Road and American Legion Road		Being Lot 23 in Block A of the Lake Nasworthy Addition, Group 2, the comprising a total of 0.81 acres	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #1 – Tommy Hiebert Nasworthy Neighborhood	RS-1 / Single-Family Residential	N – Neighborhood	0.81 acres
THOROUGHFARE PLAN:			
American Legion Road – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk Provided: 100' right-of-way, 37' pavement (lots already platted, complied with standards at that time)			
NOTIFICATIONS:			
6 notifications mailed within 200-foot radius on October 5, 2017. Zero received in support or opposition. 18 letters were received in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Conditional Use to allow a Short Term Rental as defined in Section 406 of the Zoning Ordinance, in the Single-Family Residential (RS-1) Zoning District, on the subject property, subject to seven Conditions of Approval.			
PROPERTY OWNER/PETITIONER:			
Property Owners and Applicants: Mr. Jody and Ms. Michele Babiash			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Conditional Uses: Section 208(F) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, six (6) factors in determining the appropriateness of any Conditional Use request.

1. **Impacts Minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.** The proposed short term rental does not appear to create any adverse impacts on adjacent properties. There are currently two bedrooms in the single family dwelling and an additional two bedrooms in the guest house. The applicant intends to rent out the entire property as one short term rental. There would be no change to the visual appearance of the neighborhood if a conditional use for a short term rental was granted. The existing paved driveway extends for a distance of 240 feet from American Legion Road to the guest house, and there is an existing two-car carport, providing ample parking area on the property. The short term rental would complement the church properties to the west and north which are also non-residential uses. At the same time, the use would be consistent with the surrounding single-family residences to the east, as the applicant would utilize the existing floor space for a short term rental. Lake Nasworthy to the south provides an additional buffer of over 800 feet to the nearest residential use south of the lake.

2. **Consistent with Zoning Ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.** The proposed use appears to comply with all relevant portions of the Zoning Ordinance, except for the guest house which contains a second stove top and oven, which is not allowed. Permit 02-1141, which approved the conversion of one of the carports into a guest house in 2002, indicated that no stove top or oven was allowed under the Building Code. Section 804 of the Zoning Ordinance considers guest quarters as a permitted accessory to a single-family dwelling, provided there are not facilities for both cooking and sanitation in the guest quarters. Therefore, as a Condition of Approval, the applicant will be required to remove the stove top and oven in one of the units, prior to a Change of Occupancy Permit being issued for a short term rental, or alternatively, obtain a rezoning that allow multiple dwellings on one lot. The short term rental will comply in all other respects to the Zoning Ordinance. It will occupy space within the existing residential structures, and therefore, the existing building setbacks would not change. The minimum required two parking spaces for short term rentals are provided within the existing two-car carport. There is also additional parking for another four vehicles in front of the residential structures and along portions of the driveway that extends to the front property line. American Legion Road is an Urban Local Street with a paving width of 37 feet in compliance with Section 406 of the Zoning Ordinance which requires short term rentals adjoin a public street with a minimum width of 30 feet. In addition, there are no other registered Short Term Rentals within 500 feet of the subject property, also in compliance with Section 406 of the Zoning Ordinance.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.* The proposed use is compatible with the surrounding area because it acts as a residential-related use compatible with the residential homes to the east, as a recreational use adjacent to Lake Nasworthy, and as a commercial use (short term rental), consistent with the non-residential uses to the north and west including Glen Meadows Baptist Church and various retail properties. The proposed use is compatible with the City's Comprehensive Plan which calls to "promote an appropriate balance of use within each neighborhood." In addition, the property is located within an existing residential area in the 2013 Lake Nasworthy Master Development Plan (LNMDP), in close proximity to the "Special Opportunity" and "Harbor Village" areas (see attached). The Special Opportunity area located on the west side of Knickerbocker Road is planned for walking, jogging and bike trails, and a nature center. Harbor Village to the south of the Lake is planned for marina development, restaurants, hotels, and party boat areas. Approval of a short term rental in this area may be appropriate given the close proximity to existing and future amenities along Lake Nasworthy, as outlined in the LNMDP.
4. **Effect on Natural Environment.** *Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* Planning Staff does not anticipate any adverse impacts on the natural environment. The subject use would be located within existing residential structures, thereby maintaining the existing physical footprint on the property. Any proposed expansion would require an amendment to any Conditional Use approval and a new review by the Planning Commission.
5. **Community Need.** *Whether and the extent to which the proposed conditional use addresses a demonstrated community need.* There may be a community need given that the property immediately abuts Lake Nasworthy and is in close proximity to existing and proposed uses outlined in the LNMDP. Staff believes that the large lot depth combined with close proximity to the existing marina and Lake provides a suitable location for a short term rental. As indicated previously, the proposed use complies with all other relevant provisions of the Zoning Ordinance including Section 406 for Short Term Rentals.
6. **Development Patterns.** *Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.* Planning Staff believe that the existing traffic network would be able to accommodate a short term rental in this location. American Legion Road dead-ends to the east, and therefore, it is anticipated that most if not all trips with originate from Knickerbocker Road, an Arterial Street which can accommodate large traffic volumes. Guest vehicles would turn from Knickerbocker Road onto American Legion Road to access the property, avoiding having to pass through the residential neighborhood to the east.

Planning Commission Recommendation:

On October 16, 2017, the Planning Commission recommended **DENIAL** of the Conditional Use for a Short-Term Rental, as defined in Section 406 and 804 of the Zoning Ordinance, in the Single-Family Residential (RS-1) Zoning District on the subject property, based on increased traffic and the lack of control over new owners and renters. The following is the complete excerpt of the minutes from the October 16, 2017, meeting for this case:

Jeff Fisher, Senior Planner, presented the proposed conditional use request. He explained that there was an existing single family home and guest house on the property and both could be used to accommodate the short term rental, provided the stove and oven in the guest house be removed, as required by the Zoning Ordinance. He outlined photos of the property and surrounding area and indicated there was a long driveway and extensive area to park vehicles on the property. Mr. Fisher stated that Staff had received 16 responses in opposition to the proposed short term rental and presented a location map showing the property owners opposed. He outlined the residents' concerns to the Planning Commissioners which included potential reduced property values, parking and traffic, noise and vandalism, and cleanliness. Mr. Fisher concluded his presentation with Staff's rationale for recommending approval which included that the short term would operate within existing buildings, would comply with all zoning provisions once the guest house stove and oven were removed, and that the site acted as a transition between commercial uses to the west and residential properties to the east.

Chairperson Priess opened the meeting for public comment.

Commissioner Crisp asked if the applicant could still park on the street. Mr. Fisher responded that this was possible, but that the applicant had satisfied the minimum parking requirement on the property of two spaces, and had adequate room for additional on-site parking.

Commissioner Crisp asked if a condition of approval could be made to ensure that there was no overflow parking onto the street. Jon James, Director of Planning and Development Services, answered that unless there were signs on the street indicated "no parking," he did not believe this could be done, however, he did indicate that additional parking could be required on-site.

Josh Isaac, a local resident, expressed his opposition based on increased parking, particularly on weekends during the same time as church services across the street. He also expressed concerns with litter from people with no vested interest in the area, safety of children, and increased insurance costs.

Richard Crisp, a local resident, expressed opposition based on proximity to the existing church which already generated large traffic volumes, and indicated concerns this would turn into a "party house." He did not believe this was a good location for a short term rental.

Michelle Babiash, one of the applicants and owners of the short term rental, explained that she currently lived on the property, invited family over, and was not looking for "parties." She expressed her support for the request.

Chairperson Priess asked if Ms. Babiash was going to move out to accommodate the short term rental. Ms. Babiash indicated that she would be moving out to allow the house to be occupied as a short term rental.

Mr. Billy Wood, a local resident, expressed opposition to the request. He indicated that he lived in the area for over twenty years, and expressed concerns about lack of adult supervision, spillover parking, and fire access.

Ms. Sandra Wood also expressed her opposition. She believed this was a quiet neighborhood and that approval of a short term rental would open "a can of worms."

Chairperson Priess indicated that in order for the Planning Commissioners to approve the request, it had to meet the criteria for a conditional use and be appropriate for the area.

Commissioner Smith indicated that in his opinion, the short term rental met all criteria and would be appropriate for the area which had a large volume of tourism.

Commissioner Crisp expressed concerns about parking, and that in his opinion, he did not believe the request met the conditional use criteria.

Mr. James indicated that each conditional use was reviewed for its appropriateness and a decision for recommendation was based on the required criteria. He explained that this criteria included an examination of the surrounding land uses, parking, and the size of the lot.

Ms. Babiash indicated that she understood the neighbors' concerns, but that she did not believe parking would be an issue. She explained that there were at least eight parking spaces to park on the property.

Mr. Isaac explained that there would still be traffic on weekdays also from the church school operating next to the property.

Commissioner Smith explained that the property could already be rented out as a long term rental.

Mr. Isaac indicated that in that situation, however, he would have time to get to know the renters.

Commissioner Farmer indicated concerns that the current owner would sell the property, and that the new property owner may not be as diligent with who rents the property.

Commissioner Smith made a Motion to APPROVE the Conditional Use for a Short-Term Rental, as defined in Section 406 and 804 of the Zoning Ordinance, in the Single-Family Residential (RS-1) Zoning District on the subject property, subject to the two conditions of approval as presented. Commissioner Spano seconded the Motion. Commissioners Priess, Farmer, and Crisp voted in opposition. The Motion FAILED, 3-2.

Commissioner Crisp made a Motion to DENY the Conditional Use for a Short-Term Rental, as defined in Section 406 and 804 of the Zoning Ordinance, in the Single-Family Residential (RS-1) Zoning District on the subject property, based on increased traffic and the lack of control over new owners and renters. Commissioner Farmer seconded the Motion. Commissioners Priess, Farmer, and Crisp voted in support, and Commissioners Smith and Spano voted in opposition. The Motion to DENY the request was approved, 3-2.

Recommendation:

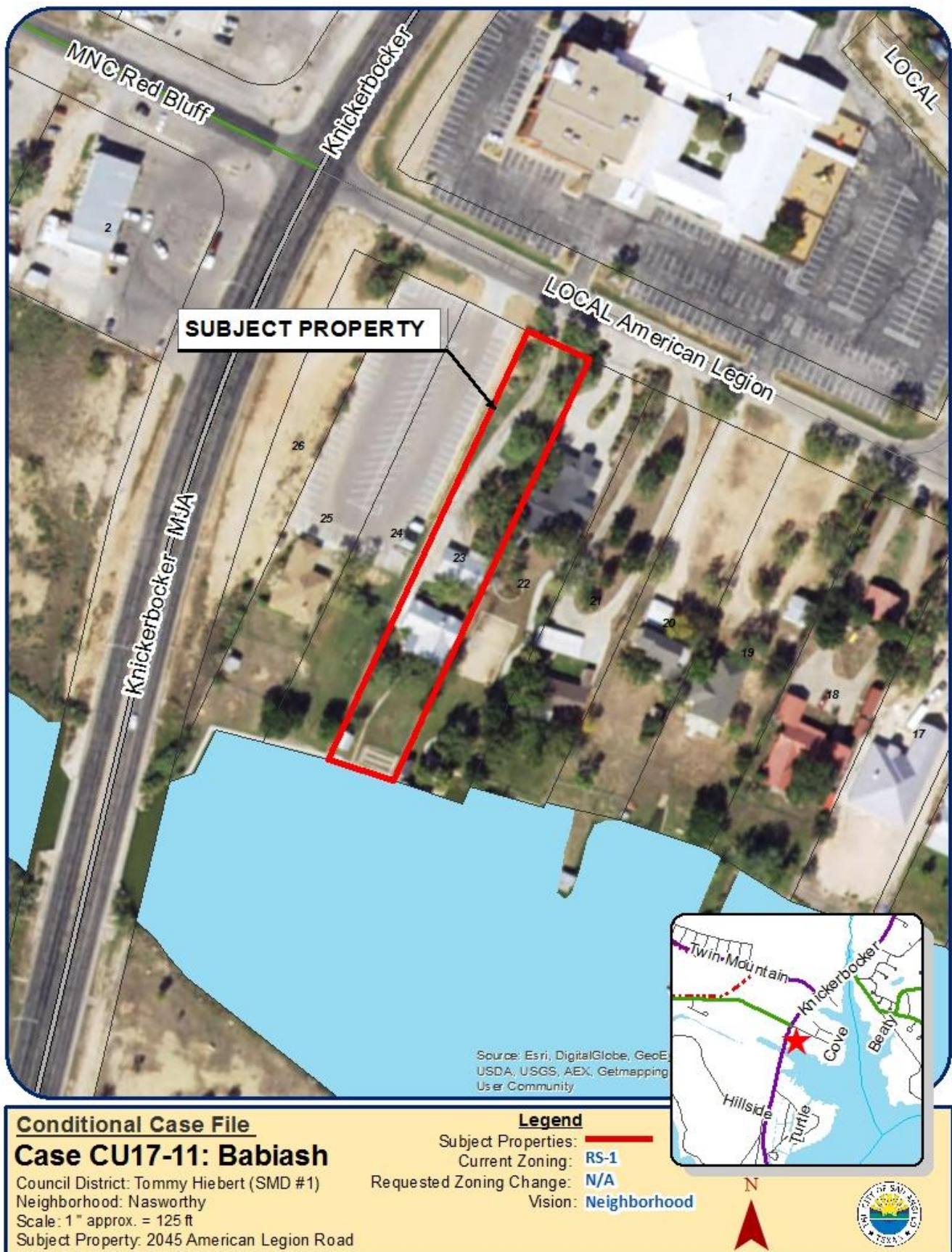
Staff's recommendation is for City Council to **APPROVE** a Conditional Use to allow for a Short Term Rental in the Single-Family Residential (RS-1) Zoning District on the subject property, **subject to the following seven Conditions of Approval:**

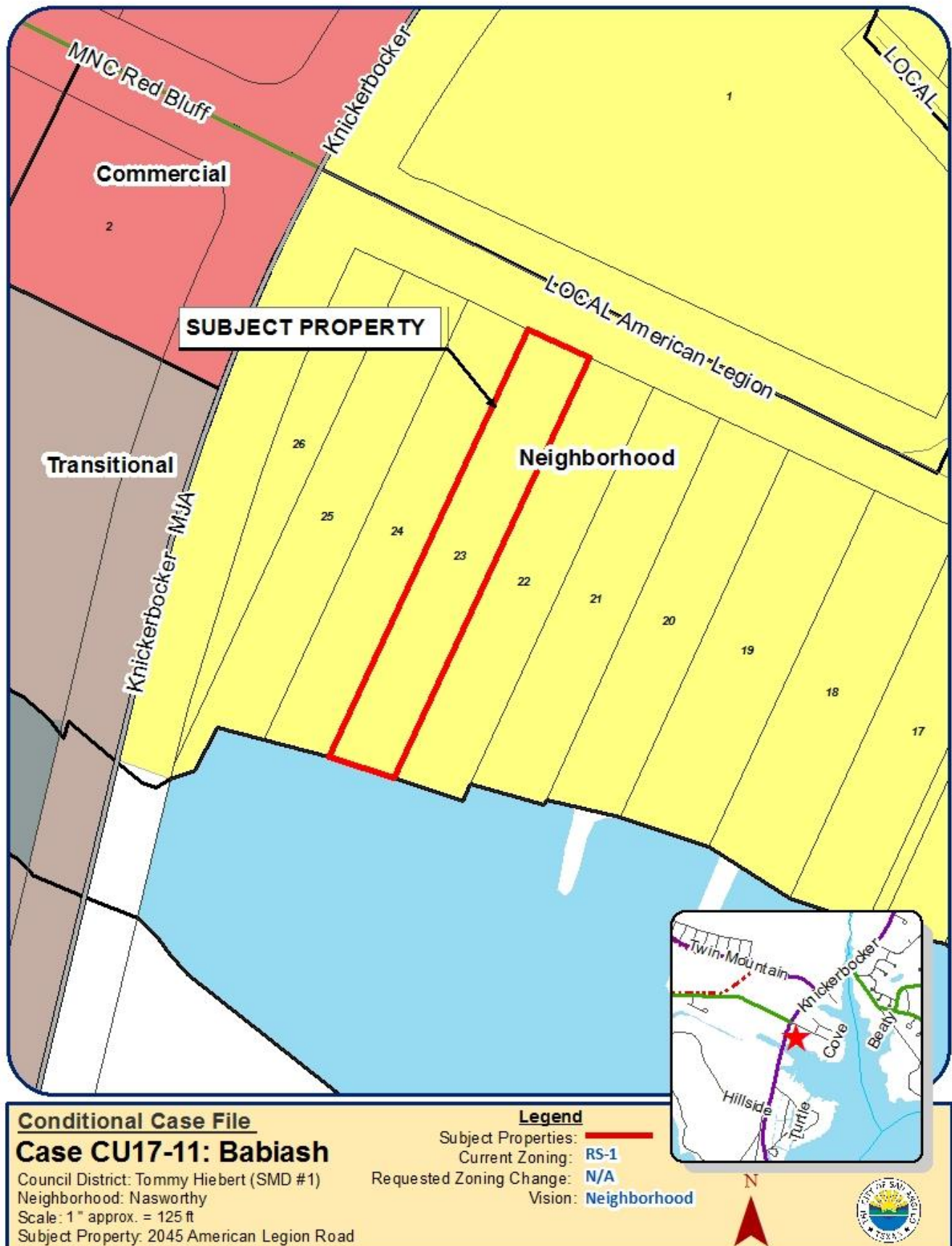
1. Only one single-family dwelling unit shall be allowed on the property without a rezoning. Without a rezoning, the applicant shall make all required changes under the International Building Code to convert one of the residential units into an accessory building including, but not limited to, the removal of the stove top, oven, and associated plug.
2. The applicant shall acquire permit(s) from the Permits and Inspections Division for a Change of Occupancy for a short term rental.
3. A maximum of one short term rental for the entire property is allowed at any given time and the owner/operator may not rent out separate short term rentals concurrently. Occupants may utilize both residential units for their short term rental stay.
4. The property owner shall maintain all off-street parking on the premises in a manner consistent with Section 511 of the Zoning Ordinance.

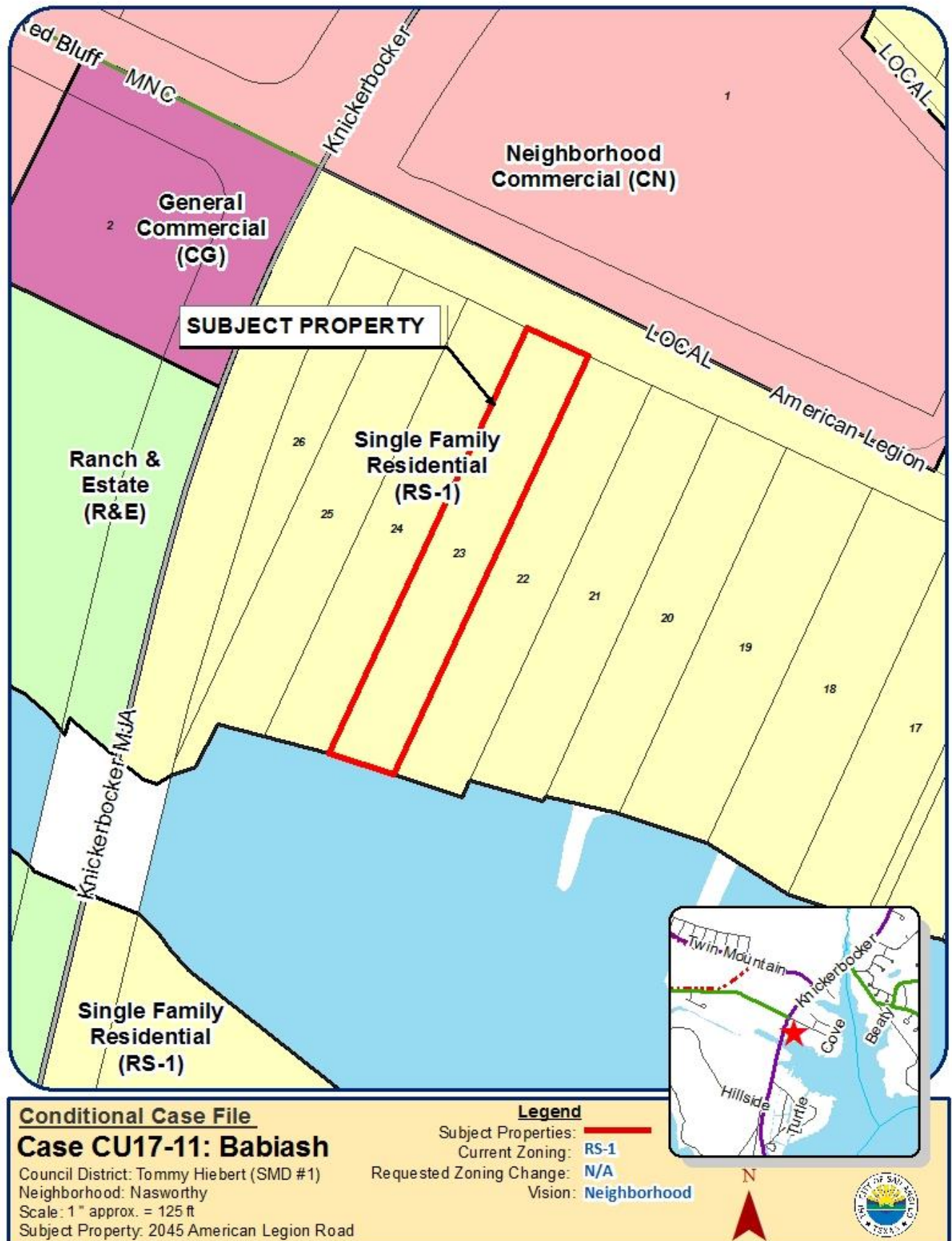
5. No exterior evidence of the Short Term Rental shall be allowed, except for one sign, no larger than six square feet, which is not internally lit.
6. The property owner shall maintain the short-term rental operation in a manner consistent with Section 406 of the Zoning Ordinance, to include adherence to required periodic reviews, initial permit acquisition, and subsequent permit renewals.
7. No commercial outdoor storage shall be allowed on the premises.

Attachments:

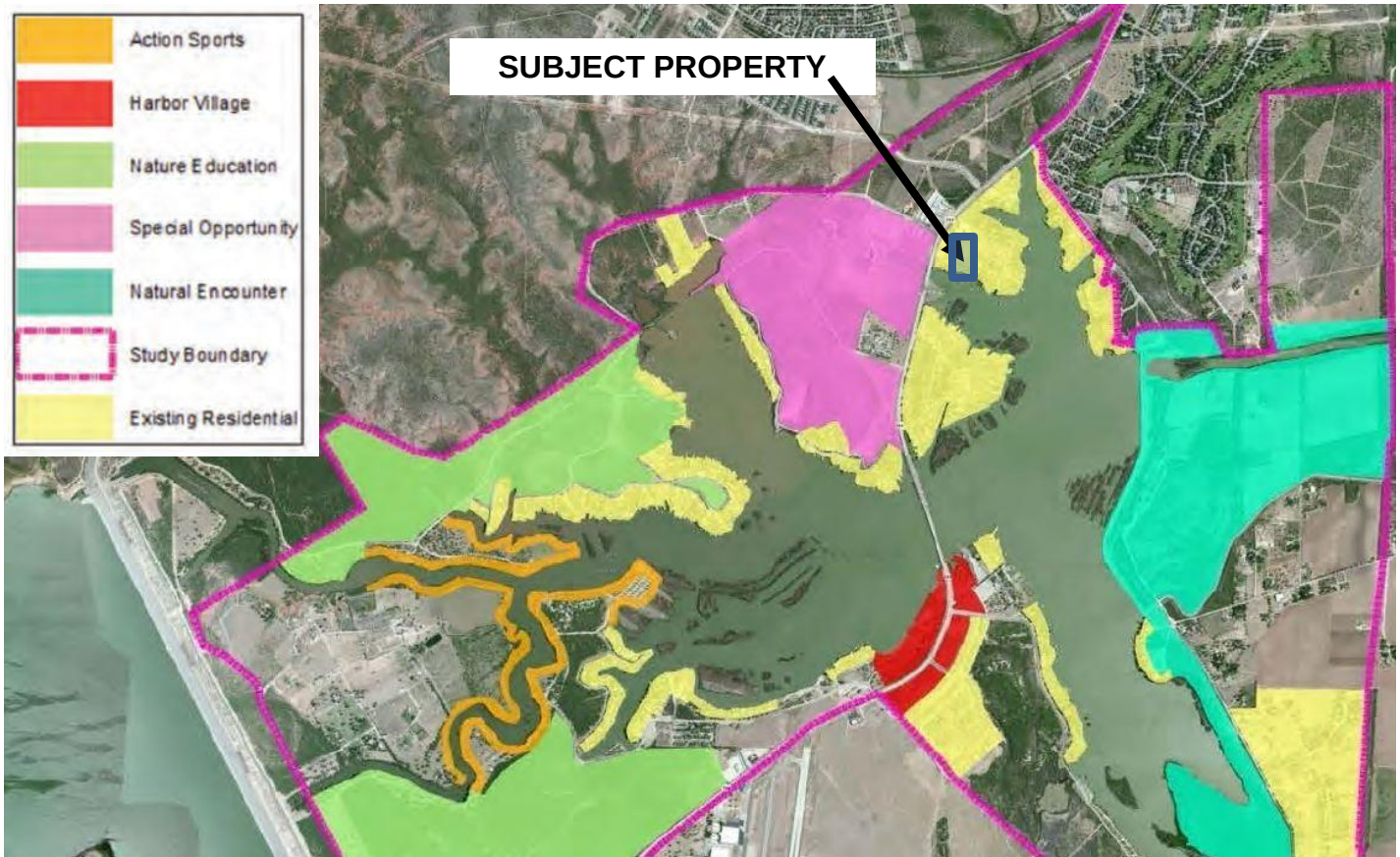
Aerial Map
Future Land Use Map
Zoning Map
Lake Nasworthy Master Plan Map
Photographs
Appeal Letter
Residents' Letters
Site Plan
Application







Lake Nasworthy Master Plan Map



Photos of Site and Surrounding Area

WEST



EAST



NORTH



SOUTH AT PROPERTY



EXISTING GUEST HOUSE WITH CARPORT



EXISTING SINGLE-FAMILY DWELLING



Photos of Site and Surrounding Area

**GUEST HOUSE STOVE AND OVEN
(TO BE REMOVED)**



**REAR YARD LOOKING SOUTH AT
LAKE NASWORTHY**



EXISTING PRIVACY FENCE (WEST)



LOOKING EAST FROM REAR YARD



November 13 2017

Jody & Michele Babiash
2045 American Legion
San Angelo, TX 76904
RE: File No. CU17-11

Attention: Planning Director for an Appeal to City Council:

Referring to 2045 American Legion being used as a Short Term Rental, we would like to appeal your decision to deny.

We have read the 'STR Handout' on the City of San Angelo's website. Everything stated in the handout can and will be done to meet requirements.

Two of the things that were brought up in the meeting were parking and the sale of our home:

First of all, parking at this property will NOT be an issue. We have more parking than most homes in San Angelo. There would never be a time where street parking would be needed. Not only do we have a long driveway, we have a designated paved and concrete parking area, including two covered spots. From what we can tell, there are other STR's in San Angelo that have been approved for such by the planning commission members that have far less parking than we do. Again, we both feel that parking should not ever be an issue where this particular property is involved.

Second, the sale of our home. We are in the process of purchasing a building and turn it into a Bed and Breakfast (the Old Central Fire Station downtown). We see a need for unique lodging and lodging that will accommodate a families here in San Angelo. Renting our home will be to supplement our income while we have two mortgages. IF we can get the B&B up and running and the STR is successful, we will look into keeping both properties, however, that is yet to be seen. As you know, selling a house on the lake that is in a higher price range is hard to sell this time of year, so time will tell how things work out.

Furthermore, our venting process will be very detailed. We will be charging more than a hotel, we will require a large deposit, and there will be a contract that they have to sign stating that the deposit will be forfeited if contract is broken. These things should help to detour people from just wanting a place to party.

As I mentioned, this is our home. The home that we have lived in for over two years, the home that we have remodeled to 'make our own', the home that our family comes to most Sundays, where our family spends holidays, where our grandkids play, and where many of our personal belongings will be. This is a big deal to us. We have thought about, prayed about it, researched it, and have talked to our peers about it. We do not take this lightly.

We are very contentious of our neighbors, as we have been for the last two years. We ourselves had over 50 people at our home for a church gathering, not one person parked on the street, the police were not called and there was not a single piece of liter outside of our yard or in our yard for that

matter. Having 10 people renting our home should not have any effect ever on our neighbors or the neighborhood.

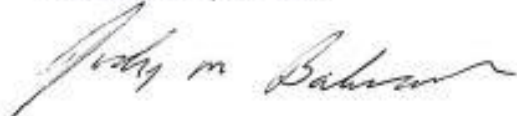
We are not renting our home as a venue, we are renting our home to responsible families who want to enjoy San Angelo and the wonderful lake and the other amenities that we have here.

As for now, we would like to use our main home at 2045 American Legion as a Short Term Rental. We can and will meet all requirements needed.

At time of meeting, we would like to provide photos of our driveway/property along with a copy of the contract that we will require renters to sign.

Thank you in advance for your consideration,

Michele & Jody Babiash



November 13 2017

Fisher, Jeff

From: Fisher, Jeff
Sent: Wednesday, October 11, 2017 3:59 PM
To: 'Theodore Logan'
Subject: RE: short term rental-2045 American Legion Rd.

Tad,
Thanks for your email stating your opposition. I will include with the official correspondence and you are welcome to attend Monday's Planning Commission if you choose.
Jeff

From: Theodore Logan [mailto:theodorerlogan@gmail.com]
Sent: Wednesday, October 11, 2017 1:06 PM
To: Fisher, Jeff <jeff.fisher@cosatx.us>
Subject: short term rental-2045 American Legion Rd.

Jeff, I hope all finds you well.
I am addressing the issue with the conditional use permit for 2045 American Legion Rd.. I believe that a short term rental in this area will be disruptive to the neighborhood, and will possibly reduce the property values in the area.
Most of the lake residence work hard to maintain a good neighborhood atmosphere, and they have seen several locations at the lake where these rentals have brought in renters with a vacation attitude that is not conducive to the neighborhood.
This location will have very little area for parking, and parking in the street will interfere with ingress and egress to other properties.
Hopefully, the people of the neighborhood will respond to this issue to deny the conditional use permit the same as I would.

Sincerely,

TR Logan (LNHA)

2

Fisher, Jeff

From: Michael Finnegan <pegmikef2@gmail.com>
Sent: Wednesday, October 11, 2017 5:11 PM
To: Fisher, Jeff
Subject: CU17-11: Babiash

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Fisher,

My name is Michael Finnegan and my wife Margaret and I own a residence at 2022 Mermaid Road in the same quiet neighborhood as the Babiash residence at 2045 American Legion Road.

I was shocked to learn from my neighbors that the city is considering approving the Babiash residence to be used as a "party house" (also referred to by the euphemism "short term rental"). As you can imagine, my wife and I are both quite upset by this and especially by the fact that we were not even notified of the city's intentions even though this will potentially adversely affect our entire neighborhood. It is my understanding that our home owners' association wasn't even notified of the pending approval.

My wife and I both want to go on record as being vehemently opposed to the use of the Babiash property for anything than its intended and obvious purpose as a personal single family residence.

We both have personal experience of lake property in our neighborhood being used as rental property. Several years ago, after a death in the family, the property next door to ours was converted into rental property. A series of renters occupied the property and there were always strangers wandering around with cars coming and going at all hours. One Christmas Eve, there was a large party at the house and apparently after much alcohol consumption, some of the attendees climbed our front fence and tried to steal one of our decorations. Not being able to, they destroyed it. Fortunately, they were caught and we were reimbursed.

The point of my little story is to illustrate the fact that the occupants, not having a vested interest in the property, often have little or no regard for neighboring property or families. As a short term rental, there is no way to predict who might occupy the property and it only takes one uncontrollable renter to cause chaos in our whole neighborhood.

The bottom line is that no residential property including the Babiash property in this purely residential neighborhood should be approved for use as a short term rental.

I have one final question Mr. Fisher. Why is it that the lake property is singled out for this type of rental, and why isn't the Lake Nasworthy Homeowners' Association automatically notified when such a request is pending?

Thank you for your consideration and hopefully your vote against approval.

Respectfully,

Michael C. and Margaret E Finnegan

CU17-11: Babiash

Name: Mr. and Mrs. Michael Finnegan
Spouse Name: Peg
Lake Address: 2022 Mermaid Road
San Angelo, Texas 76904

I am OPPOSED (in favor or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

Signed:

Michael Finnegan

Signed:

Margaret E. Finnegan

Date:

Oct 11, 2017

3

CU17-11: Babiash



Name: Mr. and Mrs. Joe Bill Lee
Spouse Name: Elaine
Lake Address: 1914 Cove Road
San Angelo, Texas 76904

I am not (in favor or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

Signed:

[Signature]

Signed:

Elaine A Lee

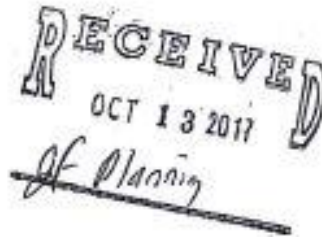
Date:

10-12-17

4

CU17-11: Babiash

Name: Mr. and Mrs. Gene Linthicum
Spouse Name: Amy
Lake Address: 1810 Cove Road
San Angelo, Texas 76904



I am _____ (in favor or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

Signed:

Amy Linthicum

Signed:

[Signature]

Date:

10-11-17

5

CU17-11: Babiash

Name: Mr. Bill Allen
Spouse Name:
Lake Address: 1818 Cove Road
San Angelo, Texas 76904



I am OPPOSED (in favor or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

Signed: Bill Allen

Signed: _____

Date: 10/10/17

6

CU17-11: Babiash

Name: Lake Acre Investments LLC
Spouse Name:
Lake Address: 1910 Cove Road
San Angelo, Texas 76904



I am Kent Gideon (~~in favor~~ or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

Signed:

Kent Gideon

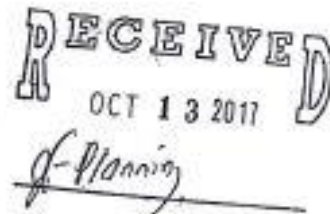
Signed:

Date:

10-16-2017

7

CU17-11: Babiash



Name: Mr. and Mrs. Richard Crisp
Spouse Name: Donna
Lake Address: 1911 Cove Road
San Angelo, Texas 76904

I am opposed (in favor or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

Signed:

opposed - Richard Crisp

Signed:

opposed - Donna Crisp

Date:

10/11/17

OCTOBER 10, 2017

DEAR MR. JEFF FISHER & STAFF
SAN ANGELO PLANNING DIVISION

REF: SHORT TERM RENTALS

DEAR SIR'S,

REGARDING SHORT TERM RENTALS, WE THE NEAR-BY HOME OWNERS:

MR. BOBBY WOOD, MS. SONDRRA WOOD, 2037 AMERICAN LEGION
MR. BILLY WOOD, MS. PATRICIA WOOD, 2009 AMERICAN LEGION
MR. RICHARD CRISP, MS. DONA CRISP, 1911 COVE RD
MS VIRGINIA BROWN, 2013 AMERICAN LEGION RD

WE ARE APPOSED TO COMMERCIAL ESTABLISHMENT, ENCROACHING INTO OUR NEIGHBORHOOD, (A HOTEL).

WE HAVE A LARGE INVESTMENT IN OUR HOMES. WE DO NOT WANT TO LOWER OUR PROPERTY VALUES.

WE HAVE RESPONSIBLE-HOME OWNERS. TAKE PRIDE IN KEEPING YARD, HOME CLEAN & IN GOOD SHAPE. CONTINUE MAKING IMPROVEMENTS. PAYING HIGH TAXES.

THE WHOLE NEIGHBORHOOD SHOULD HAVE BEEN INFORMED. THIS APPROVAL EFFECTS THE WHOLE NEIGHBORHOOD, NOT JUST A FEW.
THIS IS A LIFE CHANGING EVENT. THIS WAS FOUND OUT THROUGH WORD OF MOUTH.

PLEASE DO THE RIGHT THING FOR OUR NEIGHBORHOOD.
WE HAVE A GOOD REPUTATION. A NICE QUITE PLACE TO LIVE.

WHO IS PROFITING FROM THIS? IT IS CERTAINLY NOT THE HOME OWNERS, WHO ARE CLOSE NIT. HAVE LIVED HERE MANY YEARS, WATCHING OUT FOR EACH OTHER.

FURTHERMORE, WE HAVE HAD SEVERAL VANDALISM'S, BY OUTSIDERS. SEEMS AS THOUGH, THESE OUTSIDER THEAVES WERE WATCHING, TO BE SURE NO ONE WAS HOME, THEN MADE THERE MOVE.

WE ARE COUNTING ON YOU! THANK YOU FOR YOUR CONSIDERATION, & cooperation.

RESPECTFULLY,
UNHAPPY HOME OWNERS
(AMERICAN LEGION RD, COVE RD, MERMAID)

CU17-11: Babiash



Name: Mr. and Mrs. Matt Trubenstein

Spouse Name: Sherri

Lake Address: 1906 Cove Road

San Angelo, Texas 76904

I am ~~OPPOSED~~ NOT IN FAVOR (in favor or opposed) to the request for a Conditional Use for a Short-Term Rental Permit at 2045 American Legion Road.

Signed:

Matt Trubenstein

Signed:

Trubenstein

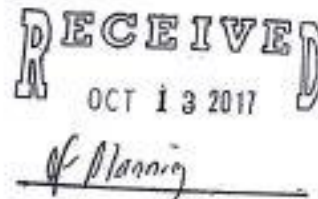
Date:

10-10-17

9

CU17-11: Babiash

Name: Mr. and Mrs. Ken Barrows
Spouse Name: Teresa
Lake Address: 1806 Cove Road
San Angelo, Texas 76904



I am opposed (in favor or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

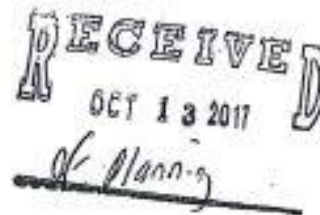
Signed: Kenneth Barrow

Signed: Teresa Barrows

Date: 10-11-17

10

CU17-11: Babiash



Name: Mrs. Virginia Brown

Spouse Name:

Lake Address: 2013 American Legion

San Angelo, Texas 76904

I am OPPOSED (in ~~favor~~ or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

Signed:

Virginia Brown

Signed:

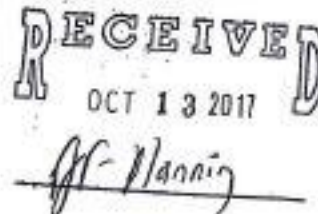
Date:

10-10-2017

11

CU17-11: Babiash

Name: Mr. and Mrs. Bobby Wood
Spouse Name: Sondra
Lake Address: 2037 American Legion
San Angelo, Texas 76904



I am opposed (in favor or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

Signed:

Sondra K. Wood

Signed:

Bobby J. Wood

Date:

10-11-2017

We are in opposition to this request.

The neighborhood where you propose to change the zoning to allow short term rental is a quiet area with long term residents. We, personally, have lived here for forty three (43) years. There is a church and a pre-school across the street from the Lot you propose to change. Also, this property is zoned RS-1. As we see it, there are two (2) structures that are capable of housing. It is conceivable two (2) families could secretly be utilizing these facilities undetected. There by rendering it to be RS-2. This could, also, become a recreational facility.

Short-term Rental raises another red flag. That would enable Operators to rent facilities to whomever for whatever terms. Thus there could be a continual turnover of renters. This appears to be the beginning of a commercial venture by operators. Operators who rent property, will not be ON SITE, but leave the problems for other residents to deal with.. Not a good scenario. It is a known fact renters are not as responsible as long term residents.

This would also have an effect on property values. Who wants to buy a house where up to twenty (20) people can cavort around between the hours of 7:30 AM and 10:30 PM? Also, with current church services including funerals, there are vehicle parking problems. These lots are long and narrow. One neighbor's problems quickly become the concern of other residents.

Should this rental venture be allowed, it would set a precedent whereby many more properties would be allowed to operate as potential recreational facilities.

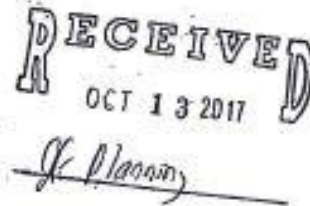
Please consider the above, especially since the OPERATORS are not on site 24/7. They leave the neighbors to deal with the consequences. Would you like this situation in your neighborhood? This cannot be considered a great VISION for this quiet, long termed residential neighborhood.

Bobby J. Wood
Londra K. Wood

12

CU17-11: Babiash

Name: Mr. and Mrs. Billy Wood
Spouse Name: Pat
Lake Address: 2009 American Legion
San Angelo, Texas 76904



I am opposed (in favor or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

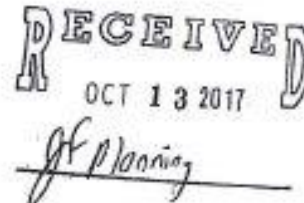
Signed: Patricia Wood

Signed: Billy D. Wood

Date: 10-10-2017

13

CU17-11: Babiash



Name: Mrs. Charlotte Rufenacht
Spouse Name: Paul Erny
Lake Address: 2030 Mermaid Road
San Angelo, Texas 76904

I am opposed (in favor or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

Signed:

Charlotte Rufenacht

Signed:

Paul Erny

Date:

10/12/17

14

CU17-11: Babiash

RECEIVED
OCT 13 2017

of Planning

Name: Mrs. Charlotte Rufenacht
Spouse Name: *Paul Erny*
Lake Address: 2034 Mermaid Road
San Angelo, Texas 76904

I am *opposed* (in favor or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

Signed:

Charlotte Rufenacht

Signed:

Paul Erny

Date:

10/12/17

15

CU17-11: Babiash

Name: Mr. and Mrs. Kevin Hirt
Spouse Name: Linda
Lake Address: 2017 American Legion
San Angelo, Texas 76904

RECEIVED
OCT 14 2017
gt planning

I am *opposed* (in favor or *opposed*) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

Signed:

Linda C. Hirt

Signed:

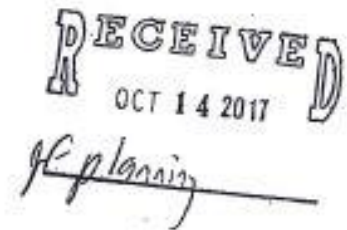
Kevin Hirt

Date:

10-13-17

16

CU17-11: Babiash



Name: Mr. and Mrs. Ricky Halfmann
Spouse Name: Rebecca
Lake Address: 2021 American Legion
San Angelo, Texas 76904

I am opposed (in favor or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

Signed:

Becky Halfmann

Signed:

Ricky Halfmann

Date:

10-13-17

12

CU17-11: Babiash

Name: Mr. and Mrs. Joshua Isaac
Spouse Name: Erin
Lake Address: 2004 American Legion
San Angelo, Texas 76904

I am opposed (in favor or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

Signed: _____

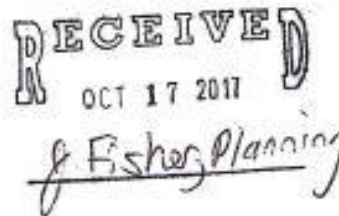
Signed: _____

Date: _____

10/11/2017

18

CU17-11: Babiash



Name: Mrs. Earlo Smith
Spouse Name: Marjorie
Lake Address: 2006 Mermaid Road
San Angelo, Texas 76904

I am Marjorie Smith (in favor or opposed) to the
request for a Conditional Use for a Short-Term Rental
Permit at 2045 American Legion Road.

Signed:

Marjorie Smith

Signed:

Date:

10-17-17



City of San Angelo, Texas – Planning Division
52 West College Avenue
**Application for Conditional Use:
Short-Term Rental Property**



Office Use Only - Date Accepted:

Section 1: Basic Information

SELECT ONE: ☒ Property Owner ☐ Designated Operator (Affidavit Required) ☐ Representative (Affidavit Required)

Jody and Michele Babiash

Jody and Michele Babiash

Name of Property Owner (s)

Name of Operator (s)

2045 American Legion

San Angelo Tx

76904

Property Owner Mailing Address

City

State

Zip Code

325-450-8700

HARDATTACK@MSN.COM

Property Owner Contact Phone Number

Property Owner Contact E-mail Address

2045 American Legion

San Angelo Tx

76904

Designated Operator Mailing Address

City

State

Zip Code

325-450-8700

hardattack@msn.com

Designated Operator Contact Phone Number

Designated Operator Contact E-mail Address

2045 American Legion

San Angelo Tx

76904

Short Term Property Address

City

State

Zip Code

Number of bedrooms: 4 Number of Off-street Parking Spaces: 8 Zoning:

Section 2: Site Specific Details

Provided Site Plan to include a Parking Table and any/all proposed lighting ☒ Yes ☐ No

Please initial and provide explanations for the following:

JMB I understand that the Planning Commission is required by law to make decisions based on the following criteria, and I assert that my request meets all of the required criteria based on my explanations below:

Impacts Minimized. Whether and the extent to which the short-term rental or Bed & Breakfast property use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: On one side of our property is the church parking lot and lake house. On other side is a neighbor who lives in Midland Odessa and I see him about 4 times a year. Not permanent resident.

Consistent with Surrounding Area. Whether and the extent to which the proposed short-term rental Bed & Breakfast property use is compatible with existing and anticipated uses, surrounding the subject property.

Explanation: This property being used as a short term rental should have no negative impact on surrounding properties.

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

Explanation: This property being used as a short term rental should have no effect on the natural environment on this property or surrounding area.

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

Explanation: Great location on the lake. Very few short term rentals on the lake. Would bring more visitors from out of town to enjoy are lakes here in San Angelo and increase the local economy.

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

Explanation: This would bring people from outside our community into San Angelo. And this would contribute to San Angelo's economic growth not just in hotel but in food, gas and local shopping.

Section 3: Applicant(s) Acknowledgement

Please read and initial each of the following:

- JMB Each Short-Term Rental Conditional Use must be renewed one year from the initial approval and then every two years thereafter.
- JMB Unless exempt, a permit cannot be granted for a STR on a street less than 30 feet in width nor within 500 feet of another STR.
- JMB The applicant has designated an "Operator" who resides in Tom Green County, Texas and has furnish a telephone number for the named operator. This information must be furnished in the notice to owners of real property as required by Section 201 of this Zoning Ordinance. If this information subsequently changes, the operator must mail notice of the new contact information to owners of real property within 200 feet of the property.
- JMB The operator shall keep a current guest register in compliance with State code.
- JMB If the short-term rental property is residentially zoned, all lighting must be directed toward the establishment and not at surrounding neighbors.
- JMB The operator of a Short Term Rental must post conspicuously in the common area of each unit:
1) The name and contact information of the operator, and
2) The occupancy limits and restrictions on noise as set out in the City Code of Ordinances
- JMB Renting for overnight occupancy by more than 2 people 18 or older per bedroom is prohibited.
- JMB Meal service may not be provided.
- JMB Permitting, or hosting of, outdoor gatherings before 7:00 am or after 10:30 pm is prohibited.
- JMB Permitting or hosting any outdoor gathering of more than 20 people attending at one time is prohibited.
- JMB A Short Term Rental may be occupied by no more than 6 individuals unrelated by blood, marriage, or adoption.
- JMB Tents, trailers, cabin, lean-to or similar used for temporary living quarters are prohibited, with the exception of one "pup tent" for no more than two persons and no larger than 40 inches in height or 8 feet in length.
- JMB All Bed and Breakfast and Short Term Rental establishments must be registered with the State of Texas and the City of San Angelo for the purpose of Hotel Occupancy Tax.
- JMB The owner will obtain and comply with an annual fire safety inspection by the City Fire Marshal's office.
- JMB The Planning Commission makes the final decision on all Short-Term Rental Conditional Use requests, appeals may be directed to City Council.
- JMB Approval of this Short-Term Rental Conditional Use request does not constitute approval of permits, site plans, or other processes that require separate approval.
- JMB If a permit is not sought within one year of the approval date of this Conditional Use, it will expire and requires another application.
- JMB A certificate of occupancy through the City's Permits and Inspections division will be required.

I/We, the undersigned, acknowledge and understand that the above information is not an exhaustive list of standards set forth in [Section 406 of Chapter 12, Exhibit A "Zoning Ordinance"]

I/We, the undersigned, acknowledge and understand that failure to comply with all applicable standards set forth in [Section 406 of Chapter 12, Exhibit A "Zoning Ordinance"] for such an establishment may result in revocation of the Certificate of Occupancy.

Jody m Babiash
Printed name and Signature of Property Owner or Authorized Representative

Jody m Babiash
Same as above
Printed name and Signature of Designated Operator

9/15/2017

Date

9/15/2017

Date

FOR OFFICE USE ONLY:

Case No.: CU: 17 - 11

Planning Commission date: 10, 16, 2017

Nonrefundable application Fee: \$ 422.50

Receipt #: 269534

Date paid: 10, 16, 2017

Planning Commission: ☐ Approve ☐ Disapprove

Date: ____/____/____

Appeal to City Council: ☐ YES ☐ NO

Date and time of Appeal: ____/____/____ am/pm

City Council ☐ Approve ☐ Disapprove

Date: ____/____/____

State Hotel Occupancy Tax Number: _____ City Hotel Occupancy Tax Number: _____

Date Forwarded to Building Permits & Inspections: ____/____/____

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Regular Item

Caption:

First reading and public hearing for an ordinance amending Chapter 12 "Planning and Development," Article 12.03 Manufactured Homes and Mobile Homes," Division 2 "Mobile Homes," Section 12.03.033 "Temporary Manufactured Home, Mobile Home, or Building Installation," which would add recreational vehicles, subject to a concept plan, notifications, and permitting, if applicable, and allowing for a one-year extension - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

Currently, Chapter 12, Article 12.03 of the Code of Ordinances allows for manufactured homes, mobile homes, or buildings to be temporarily installed, for up to one year, on a site during the construction or reconstruction of a home or building with permission from City Council. Onsite recreational vehicles could serve the same purpose for construction accommodation as the temporary installation of a manufactured home, mobile home, or building.

To this end, the Planning Division has drafted language which would serve to regulate how these structures could be temporarily erected on a site during construction. The applicant will be required to submit an application along with a concept plan which delineates the location of any proposed construction accommodation, water, waste, and electrical provisions, setbacks, ingress/egress, and any other pertinent information, as determined by the Planning Director. Written notice of the public hearing shall be sent to property owners within 200 feet of the site not less than ten days before the City Council public hearing is held.

No construction accommodation may be placed on a site until a building permit, if required, has been issued for the related construction or reconstruction of a home or building. Lastly, one extension of an authorization for an additional period not to exceed one year may be granted by City Council.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission will hear this request at its December 11, 2017, meeting.

Attachments:

- | | |
|---------------------------------|---|
| 1. Draft Ordinance | Ordinance_Chapter 12 RV's (FINAL).docx |
| 2. Proposed Text (with changes) | Proposed Text Changes_RV's (FINAL).docx |

Presentation:

jon

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

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 12 “PLANNING AND DEVELOPMENT,” ARTICLE 12.03 “MANUFACTURED HOMES AND MOBILE HOMES,” DIVISION 2 “MOBILE HOMES,” SECTION 12.03.033 “TEMPORARY MANUFACTURED HOME, MOBILE HOME, OR BUILDING INSTALLATION,” TO PERMIT TEMPORARY RECREATIONAL VEHICLE ON CONSTRUCTION SITE; PROVIDING FOR A CONCEPT PLAN, NOTIFICATION TO PROPERTY OWNERS, AND PUBLIC HEARING; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE

WHEREAS, the Code of Ordinances provides for manufactured homes, mobile homes, or buildings to be temporarily installed on a site during the construction or reconstruction of a home or building with permission from City Council; and,

WHEREAS, an onsite recreational vehicles could serve the same purpose for construction accommodation as the temporary installation of a manufactured home, mobile home or building , the City Council has determined that the interest of the public is served by permitting recreational vehicles to be temporarily placed on construction sites upon public hearing and authorization by City Council;

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

Section 1. That Chapter 12 “Planning and Development,” Article 12.03 “Manufactured Homes and Mobile Homes,” Division 2 “Mobile Homes,” Section 12.03.033 “Temporary Manufactured Home, Mobile Home, or Building Installation,” is hereby amended by renaming Article 12.03 as “Manufactured Homes, Mobile Homes, and Recreational Vehicles,” renaming Division 2 as “Manufactured Homes, Mobile Homes and Recreational Vehicles,” and restating in its entirety Section 12.03.033 as “Temporary Manufactured Home, Mobile Home, Recreational Vehicle, or Building Installation” to read as follows:

”Article 12.03 Manufactured Homes, Mobile Homes, and Recreational Vehicles

Division 2 Manufactured Homes, Mobile Homes and Recreational Vehicles

Section 12.03.033 Temporary Manufactured Home, Mobile Home, Recreational Vehicle, or Building Installation

(a) City Council may authorize one or more manufactured homes, mobile homes, recreational vehicles, or other construction accommodation reasonably necessary to a construction site to be temporarily installed on the site, during the construction or reconstruction of a home or building. The property owner or owner’s agent shall submit a written application with the Planning Director for city council authorization. As part of the application, a concept plan, drawn to scale, shall be required which delineates the location of any proposed temporary manufactured home, mobile home, recreational vehicle, and/or building, water, waste, and electrical provisions, setbacks, ingress/egress, and any other pertinent information, as determined by the Planning Director or designee.

(b) Authorization for temporary placement of a construction accommodation may be granted by city council for a period not to exceed one year. Not more than one extension of an authorization

for an additional period not to exceed one year may be granted by the city council. The request for an extension shall be in writing and provided to the Planning Director a minimum of forty-five (45) days prior to the expiration of the original authorization.

(c) City council shall conduct a public hearing on an application for such authorization or for extension of an authorization. The Planning Director shall cause written notice of the public hearing to be sent to property owners within two hundred feet (200') of the site not less than ten (10) days before any such hearing is held. Depositing such written notification in the mail shall be deemed sufficient compliance.

(d) No request or extension shall be heard until the appropriate fee, as established by the city council, is paid.

(e) No manufactured home, mobile home, recreational vehicle, or building may be placed on a site until a building permit, if required, has been issued for the related construction or reconstruction of a home or building.

(f) Where this section conflicts with the zoning regulations of the city, this section shall control.

Section 2. The remaining provisions of Chapter 12, Article 12.03 of the Code of Ordinances of the City of San Angelo, Texas, not amended hereby shall remain in full force and effect.

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

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

INTRODUCED on the 12th day of December, 2017, and finally PASSED, APPROVED AND ADOPTED on this the _____ day of January, 2018.

THE CITY OF SAN ANGELO

ATTEST:

BY: _____
Brenda Gunter, Mayor

Bryan Kendrick, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

CHAPTER 12 PLANNING AND DEVELOPMENT

ARTICLE 12.03 MANUFACTURED HOMES, AND MOBILE HOMES, AND RECREATIONAL VEHICLES

Division 2. Mobile Homes and Recreational Vehicles

Section 12.03.033 Temporary manufactured home, mobile home, recreational vehicle, or building installation

(a) City Council may authorize one or more ~~A manufactured homes, mobile homes, or building recreational vehicles, or other construction accommodation reasonably necessary to a construction site to be temporarily installed on the site, during the construction or reconstruction of a home or building on the same site, with the permission of city council.~~ The property owner or owner's agent shall submit a written application with the Planning Director for city council authorization. As part of the application, a concept plan, drawn to scale, shall be required which delineates the location of any proposed temporary manufactured home, mobile home, recreational vehicle, and/or building, water, waste, and electrical provisions, setbacks, ingress/egress, and any other pertinent information, as determined by the Planning Director or designee.

(b) ~~Said permission may be granted for a period of up to one year after notification of property owners within two hundred feet (200') of the proposed site and a hearing before the city council. Authorization for the temporary placement of a construction accommodation may be granted by city council for a period not to exceed one year. Not more than one extension of an authorization for an additional period not to exceed one year may be granted by the city council. The request for an extension shall be in writing and provided to the Planning Director a minimum of forty-five (45) days prior to the expiration of the original~~ authorization.

(c) ~~Any request for installation of a manufactured home, mobile home or building which would remain for more than one year shall first be heard by the planning commission after notification of property owners within two hundred feet (200') of the proposed site. The planning commission shall forward its recommendation to the city council for final action at a regular meeting of said council. City council shall conduct a public hearing on an application for such authorization or for extension of an authorization. The Planning Director shall cause written notice of the public hearing to be sent to property owners within two hundred feet (200') of the site within not less than ten (10) days before any such hearing is held. Depositing such written notification in the mail shall be deemed sufficient compliance.~~

(d) No request ~~or extension~~ shall be heard until the appropriate fee, as established by the city council, is paid.

(e) No manufactured home, mobile home, recreational vehicle, or building may be placed on a site until a building permit, if required, has been issued for the related construction or reconstruction of a home or building.

~~(e)(f)~~ Where this section conflicts with the zoning regulations of the city, this section shall control.

Comment [d1]: Approval is up to one year; approval can be for less than one year.

Comment [d2]: Same language as Sec. 2.07.066.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance abandoning 125.55 linear feet (7,534-square feet) of the North Sellers Street right-of-way between Belaire Avenue and the alley north of and parallel to Belaire Avenue - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

The applicant has requested the abandonment of a 60.26 feet wide by 125.55 feet long portion of North Sellers Street, comprising a total of 7,534 square feet (0.17 acres) immediately west of their property. The applicant's intent is to use this space for a home addition. This portion of North Sellers Street extends in a north/south direction between Belaire Avenue to the south and an alley to the north. The street is identified as a "Local Street" in the City's Master Thoroughfare Plan (MTP) and has no improved surface.

Financial Impact:

N/A

Other Information/Recommendation:

On November 13, 2017, the Planning Commission voted unanimously to APPROVE the proposed right-of-way abandonment.

Attachments:

- | | | |
|----|-----------------|---|
| 1. | Staff Report | CC North Sellers Abandonment Staff Report.pdf |
| 2. | Draft Ordinance | CC North Sellers Abandonment Ordinance.docx |

Presentation:

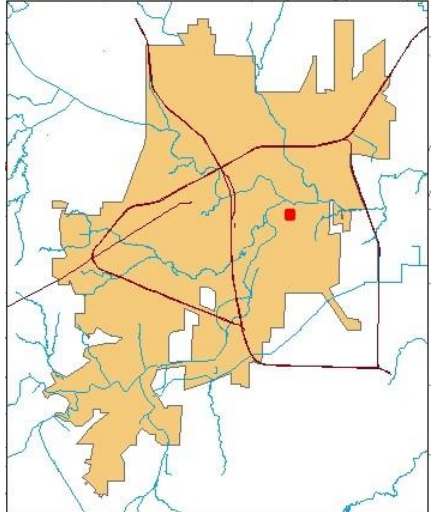
Jon James

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 –December 12, 2017
STAFF REPORT



APPLICATION TYPE:		CASE:	
Street Right-of-way Abandonment		North Sellers Street Abandonment: Givens	
SYNOPSIS:			
The applicant has requested the abandonment of a 60.26 feet wide by 125.55 feet long portion of North Sellers Street, comprising a total of 7,534 square feet (0.17 acres) immediately west of their property. The applicant's intent is to use this space for a home addition. This portion of North Sellers Street extends in a north/south direction between Belaire Avenue to the south and an alley to the north. The street is identified as a "Local Street" in the City's Master Thoroughfare Plan (MTP) and has no improved surface.			
LOCATION:		LEGAL DESCRIPTION:	
125.55 linear feet north/south right-of-way between Belaire Avenue and the alley North of and parallel to Belaire Avenue in East San Angelo.		Being a 7,534-square foot (0.17 acre) portion of an urban local street located immediately west of Lot 1, Block 1, Scott-Scherz Subdivision to San Angelo, comprising a width of 60.26 feet and a length of 125.55 feet	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Glenmore Neighborhood	RS-1 - Single-Family Residential	Neighborhood	0.17 acres
THOROUGHFARE PLAN:			
Belaire Avenue – Urban Local Road, 50' min. Right Of Way Required (60' Existing) 36' min. Pavement Width with a Sidewalk or 40' Without a Sidewalk Required (36' Pavement without Sidewalk Existing)			
NOTIFICATIONS:			
28 notifications mailed within 200-foot radius on November 1, 2017. Zero received in support or opposition			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Street Right-of-Way Abandonment request, subject to two Conditions of Approval.			
PROPERTY OWNER/PETITIONER:			
<i>Petitioner(s):</i> Dewayne & Beverly Givens			
STAFF CONTACT:			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Ext. 1547 hillary.bueker@cosatx.us			

Additional Information:

Planning Staff circulated all relevant municipal departments, as well as public and private utility companies, and there were no responses in opposition to the request. Atmos Energy asked that it be noted that there is a gas main running east and west in the City Right-of-way of Bellaire with no conflict on private property.

Staff comments include submit, obtain approval, and officially record a subdivision replat absorbing the subject property into adjacent lot(s) meeting all requirements of the Land Subdivision Ordinance and remit payment of the City's assessment formula for the abandoned area. The applicant has expressed interest in obtaining the entire 0.17-acre abandonment area, but the neighbor which owns the property immediately to the west, will be asked of their interest in acquiring the other half of the abandoned area. The applicant, and possibly the adjacent property owner, will be required to pay the full assessed value of the abandoned area, to be determined by the City's Real Estate Division.

Analysis:

Planning Staff reviewed all relevant history, ordinances, policies, and conducted a site visit to the property on October 10, 2017 to determine the appropriateness of abandoning the said public street right-of-way.

Planning Staff believes existing or anticipated traffic patterns would not be negatively affected if the subject portion of North Sellers Street between Bellaire Avenue and the northern adjacent alley is closed. At present, this portion of North Sellers Street acts as a side yard for the adjacent homes. Street paving and other improvements were never constructed for this portion of the street which was originally platted in 1948. The adjacent plat, developed in 1949 to the west, continued showing this piece of North Sellers Street continuing on to attach to the future development to the north, but when the land to the north platted in 1983, the road was not used for connection and therefore, left a dead end. For these reasons, Staff believe closing this portion of North Sellers Street would not create any detrimental effects as this portion does not appear to be used by any surrounding property owner, except for the applicant who intends to acquire and build upon it. Staff believes this portion currently provides no public benefit, and closing it would also remove any additional expense of the City having to upgrade it in future.

The proposed abandonment would not contradict any applicable City Ordinance. As conditions of approval, the applicant would be required to replat the abandonment area into the adjacent property.

Planning Commission Recommendation:

On November 13, 2017, the Planning Commission recommended approval of the applicants' request for a partial street right-of-way abandonment, subject to two (2) Conditions of Approval, by a unanimous 6–0 vote. The following is the complete excerpt of the minutes from the November 13, 2017, meeting for this case:

Hillary Bueker, Senior Planner, presented the proposed street right-of-way vacation and abandonment of a portion of North Sellers Street. She outlined Staff's rationale for approval which included that existing or anticipated traffic patterns would not be affected; that North Sellers Street acts as a side yard; that this portion of the street is not used for connection; and that the street provides no public benefit.

Chairperson Priess opened the meeting for public comment.

There was no public comment.

Commissioner Jackson made a Motion to APPROVE the requested vacation and abandonment of approximately 7,550 square feet of North Sellers Street public right-of-way, subject to the two conditions of approval as presented. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.

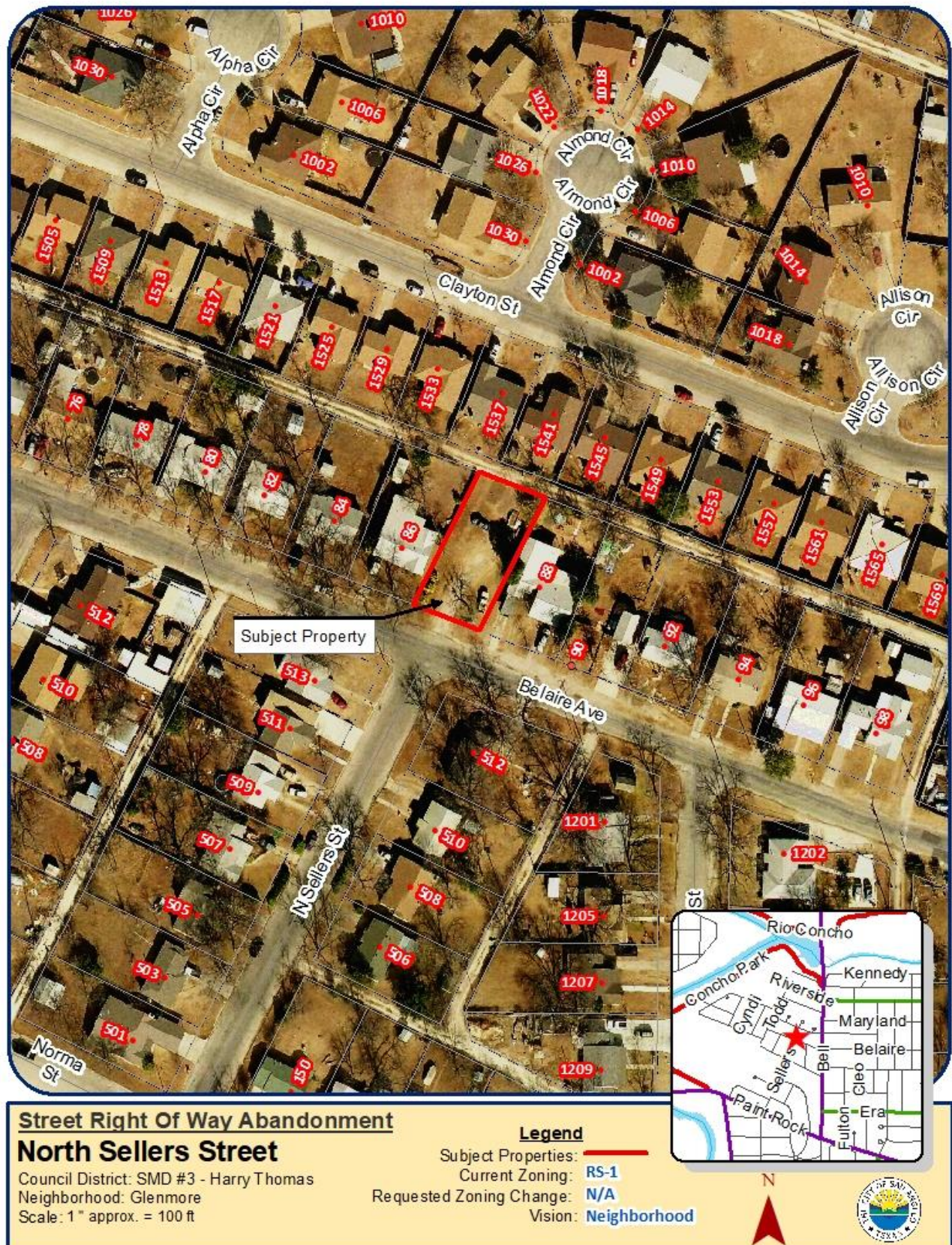
Recommendation:

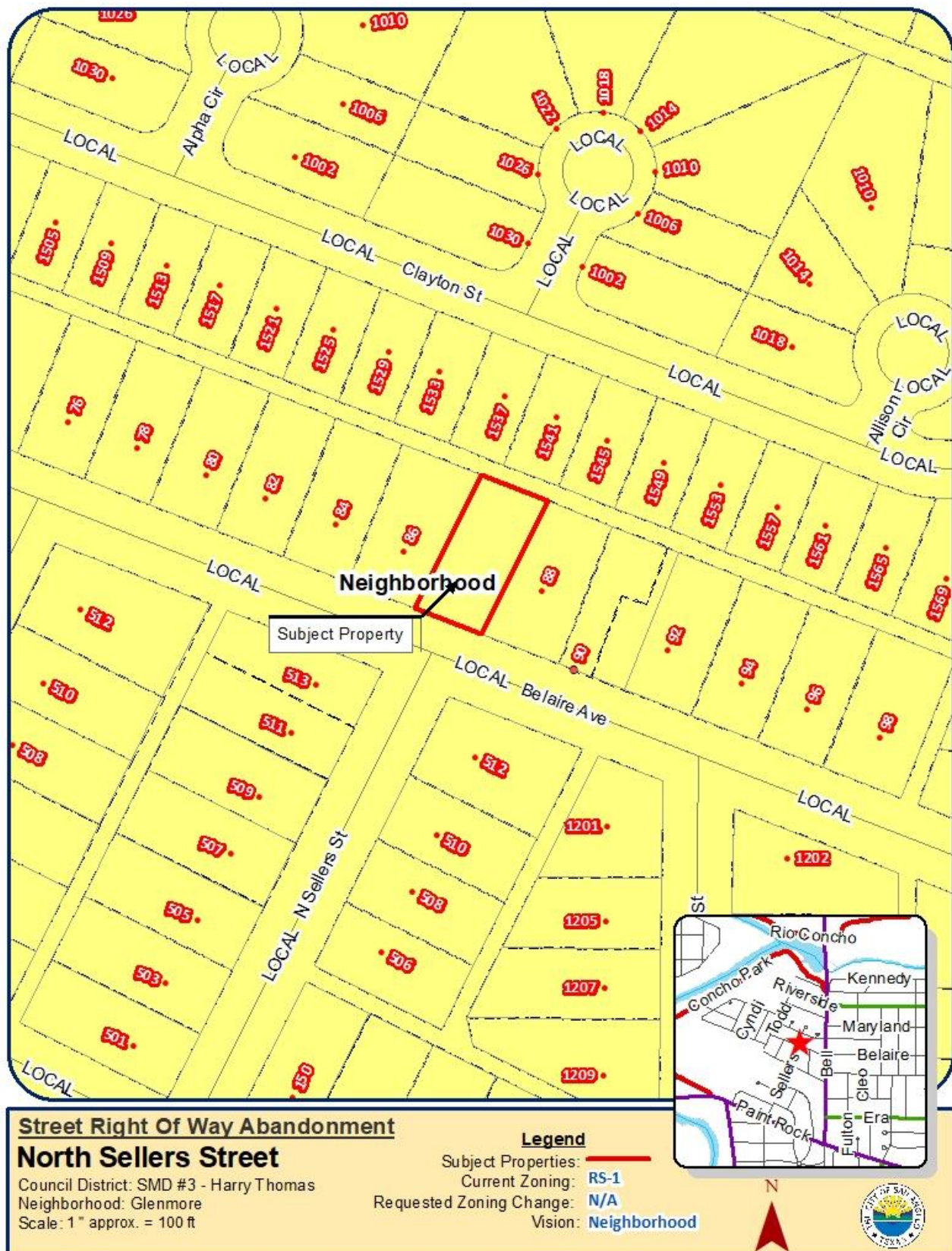
Staff's recommendation is for City Council to **APPROVE** the proposed abandonment of 125.55 linear foot (7,534 square foot) segment of the North Sellers Street public right-of-way, **subject to two Conditions of Approval:**

1. Submit, obtain approval, and official recording of a subdivision replat absorbing the subject property into adjacent lot(s) meeting all requirements of the Land Subdivision Ordinance.
2. Remit payment for assessment formula outlined in fee schedule, if abandonment is approved consistent with the Code of Ordinances, Section A9.008.

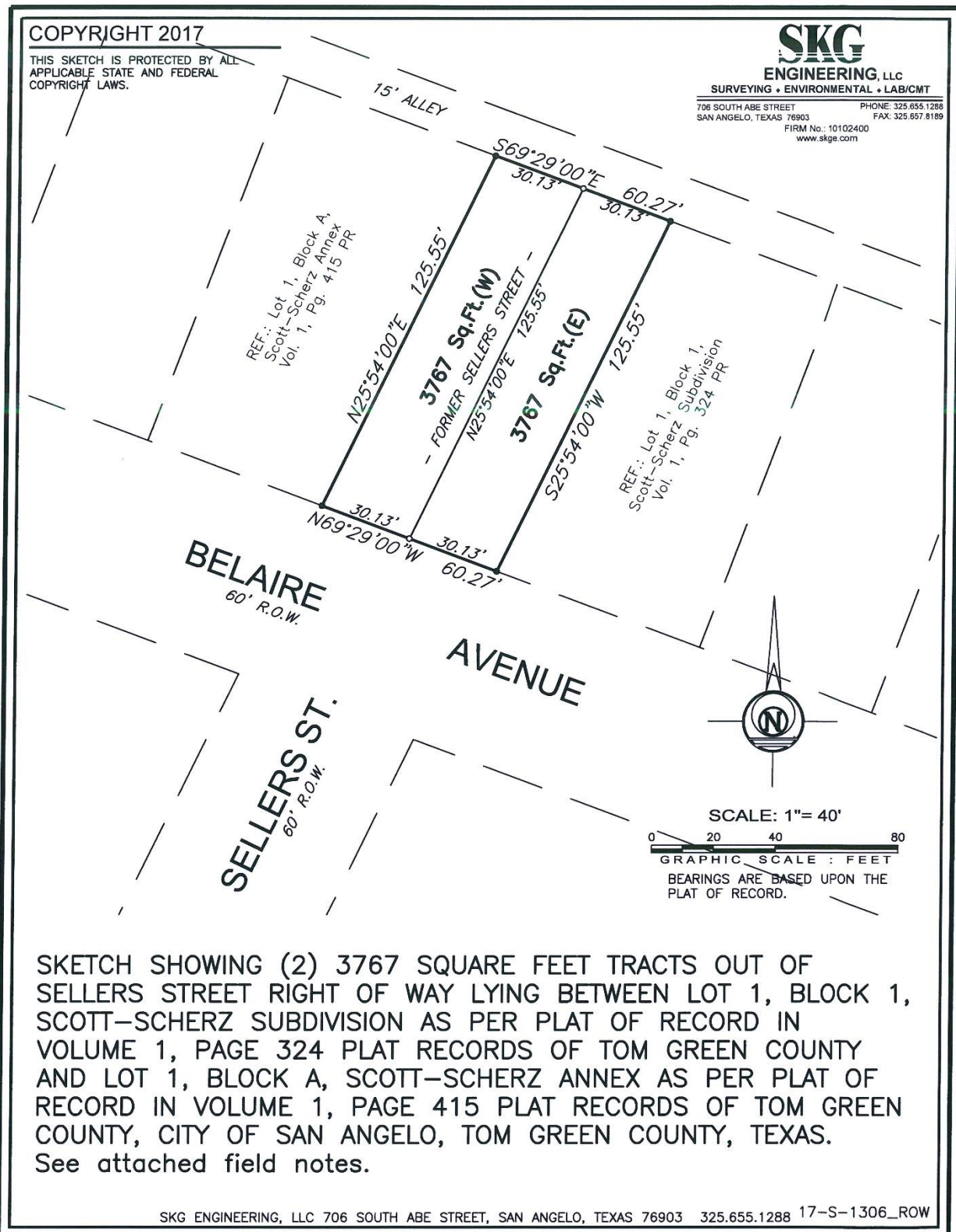
Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Roadway Abandonment Exhibit
Field Notes
Notification Map
Application









FIELD NOTES

3767 Square Feet (W)

November 1, 2017
17-S-1306w

Being an area of 3767 Square Feet out of Sellers Street right-of-way lying adjacent to Lot 1, Block A Scott-Scherz Annex, City of San Angelo, Tom Green County, Texas as per plat of record in Volume 1, Page 415, Plat Records of Tom Green County, Texas and said 3767 Square Feet tract also being the west part of said Sellers Street right-of-way and being more particularly described by metes and bounds as follows:

Beginning at the northwest corner of this tract and said Sellers Street right-of-way and the northeast corner of said Lot 1 and being in the south line of a 15' Alley;

Thence with the north line of this tract and the south line of said 15' Alley, S. 69° 29' 00" E. 30.13 feet to the northeast corner of this tract;

Thence with the east line of this tract and the center of said Sellers Street right-of-way, S. 25° 54' 00" W. 125.55 feet to the southeast corner of this tract in the north line of Belaire Avenue;

Thence with the south line of this tract and the north line of said Belaire Avenue, N. 69° 29' 00" W. 30.13 feet to the southwest corner of this tract and the southeast corner of said Lot 1;

Thence with the west line of this tract and said Sellers Street right-of-way, N. 24° 54' 00" E. 125.55 feet to the place of beginning and containing an area of 3767 Square Feet of land.

FIELD NOTES

3767 Square Feet (E)

November 1, 2017
17-S-1306e

Being an area of 3767 Square Feet out of Sellers Street right-of-way lying adjacent to Lot 1, Block 1 Scott-Scherz Subdivision, City of San Angelo, Tom Green County, Texas as per plat of record in Volume 1, Page 324, Plat Records of Tom Green County, Texas and said 3767 Square Feet tract also being the east part of said Sellers Street right-of-way and being more particularly described by metes and bounds as follows:

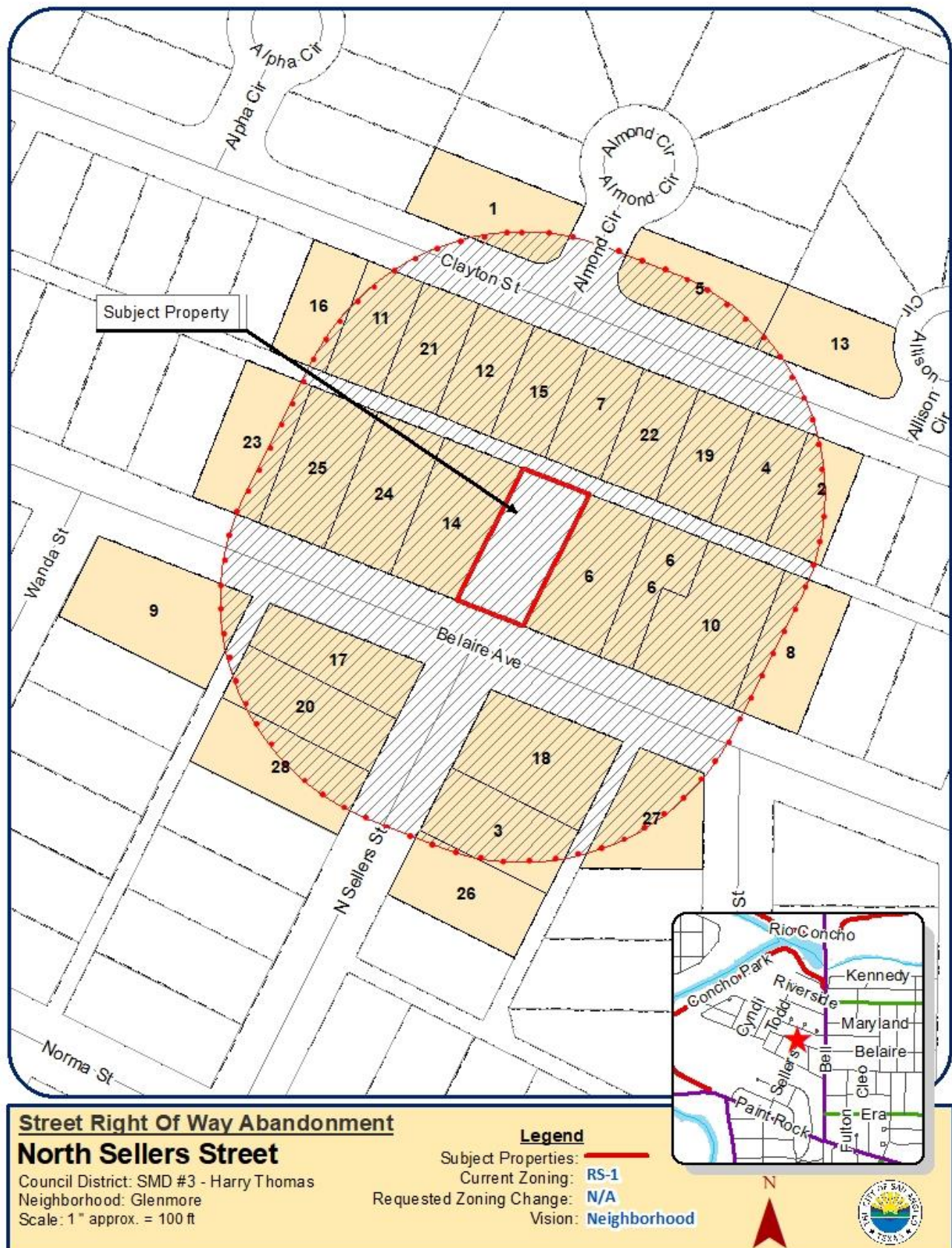
Beginning at the northeast corner of this tract and said Sellers Street right-of-way and the northwest corner of said Lot 1 and being in the south line of a 15' Alley;

Thence with the east line of this tract and said Sellers Street right-of-way and the west line of said Lot 1, S. 25° 54' 00" W. 125.55 feet to the southeast corner of this tract and the southwest corner of said Lot 1 and being in the north line of Belaire Avenue;

Thence with the south line of this tract and the north line of said Belaire Avenue, N. 69° 29' 00" W. 30.13 feet to the southwest corner of this tract;

Thence with the west line of this tract and along the center of said Sellers Street, N. 24° 54' 00" E. 125.55 feet to the northwest corner of this tract in the south line of said 15' Alley;

Thence with the north line of this tract and the south line of said 15' Alley, S. 69° 29' 00" E. 30.13 feet to the place of beginning and containing an area of 3767 Square Feet of land.



Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue
**Application to Abandon Right-of-way for
Street(s) and/or Alley(s)**



Section 1: Basic Information

Name of Applicant(s): Douglas & Beverly Givens
☒ Owner ☐ Representative (Affidavit Required)
Mailing Address: 88 Belaire San Angelo, Texas 76903
City State Zip Code
Contact Phone Number: 325-651-8844 Contact E-mail Address: bbear1948@yahoo.com
Subject Property Address: ? N Sellers St North of Belaire San Angelo, Texas 76903
City State Zip Code
Legal Description: West of 88 Belaire 60x125
Legal Description (can be found on property tax statement or at www.tomgreencad.com)
Lot Size: Approx 7500 sq ft Zoning: RS-1

Section 2: Site Specific Details

Subdivision Name: Scott-Schertz Subdivision
Lots and/or Blocks Affected*: West of 88 Belaire
General Description of Location*: 60'x125' (Abandoned Sellers Street)
Reason for Abandonment*: Street was never developed after new housing development was built behind lot

*Use attachment if necessary.

Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

Beverly Greene
Signature of licensee or authorized representative
affirming the truth of the above statement.

10/20/2017
Date

Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: 10, 20, 2017

Non-Refundable Fee: \$ 450.00

Receipt #: _____

Date paid: 10, 20, 2017

Date of hearing by Planning Commission: 11, 13, 2017 Date of hearing by City Council: 10, 20, 2017

Reviewed/Accepted by: B. Fisher

AN ORDINANCE PROVIDING FOR ABANDONMENT AND CLOSING OF A PORTION OF NORTH SELLERS STREET, BETWEEN BELAIRE AVENUE AND THE ALLEY NORTH OF AND PARALLEL WITH BELAIRE AVENUE; CONSISTING OF 7,534 SQUARE FEET (0.1729 ACRE); AUTHORIZING CONVEYANCE THEREOF BY QUITCLAIM DEED TO ABUTTING PROPERTY OWNERS; AND PROVIDING TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE.

WHEREAS, the City Council of the City of San Angelo, acting pursuant to law, is of the opinion that the portion of North Sellers Street between Belaire Avenue and the alley right-of-way north of and parallel with Belaire Avenue, consisting of 7,534 square feet, is no longer needed for public use and therefore deems it advisable to abandon said portion of street and convey the underlying tract of land from the centerline of the abandoned right-of-way to owners of abutting property on either side; and,

WHEREAS, the City Council of the City of San Angelo is of the opinion that the best interest and welfare of the public will be served by vacating, closing and abandoning said portion of North Sellers Street and conveying the underlying tract of land to the abutting property owner(s), subject to the conditions and restrictions contained herein;

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

SECTION 1: The public right-of-way and street located in the City of San Angelo, Tom Green County, Texas, generally described as a portion of North Sellers Street, between Belaire Avenue and the alley North of and parallel with Belaire Avenue, more particularly described and depicted in **Exhibit “A,”** attached hereto and made a part hereof for all purposes, be and the same are hereby vacated, abandoned and closed insofar as the right, title and easement of the public are concerned; subject however, to the conditions and restrictions hereinafter more fully set out.

SECTION 2: The abandonments and conveyances provided for herein are made and accepted subject to all present zoning and deed restrictions, if the latter exist, and all existing easements, if any, whether apparent or not, aerial, surface, underground or otherwise.

SECTION 3: The abandonment and conveyance provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to the interest which the governing body for the City of San Angelo may legally and lawfully abandon and vacate.

SECTION 4: As conditions of the abandonment and as part of the consideration for conveyance by quitclaim deed of the underlying tracts of land from the centerline of the abandoned street right-of-way to owners of abutting property on the east and west sides of the right-of-way, said property owners shall:

- a) Submit, obtain approval of, and official recording of a subdivision replat absorbing the subject property into adjacent lot(s) meeting all requirements of the Land Subdivision Ordinance; and,
- b) Remit payment determined under the assessment formula outlined in the City Code of Ordinances, Appendix “A”, Fee Schedule, Section A9.008.

SECTION 5: The terms and conditions contained in this Ordinance shall be binding upon Grantees and Grantees’ heirs, successors and assigns.

SECTION 6: The Mayor of the City of San Angelo is hereby authorized to execute and, upon receipt of the consideration provided for at Section 4, deliver quit claim deeds conveying the subject tracts of land described and depicted in **Exhibit “A,”** to the abutting property owners as herein provided.

SECTION 7: The City Clerk is hereby authorized and directed to certify a copy of this adopted Ordinance for recordation in the Official Real Property Records of Tom Green County, Texas, wherein the tracts of land are located.

INTRODUCED on the **12th day of December, 2017**, and finally PASSED, APPROVED AND ADOPTED on this the **9th day of January, 2018**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Exhibit "A"
FIELD NOTES

FIELD NOTES

3767 Square Feet (W)

November 1, 2017
17-S-1306w

Being an area of 3767 Square Feet out of Sellers Street right-of-way lying adjacent to Lot 1, Block A Scott-Scherz Annex, City of San Angelo, Tom Green County, Texas as per plat of record in Volume 1, Page 415, Plat Records of Tom Green County, Texas and said 3767 Square Feet tract also being the west part of said Sellers Street right-of-way and being more particularly described by metes and bounds as follows:

Beginning at the northwest corner of this tract and said Sellers Street right-of-way and the northeast corner of said Lot 1 and being in the south line of a 15' Alley;

Thence with the north line of this tract and the south line of said 15' Alley, S. 69° 29' 00" E. 30.13 feet to the northeast corner of this tract;

Thence with the east line of this tract and the center of said Sellers Street right-of-way, S. 25° 54' 00" W. 125.55 feet to the southeast corner of this tract in the north line of Belaire Avenue;

Thence with the south line of this tract and the north line of said Belaire Avenue, N. 69° 29' 00" W. 30.13 feet to the southwest corner of this tract and the southeast corner of said Lot 1;

Thence with the west line of this tract and said Sellers Street right-of-way, N. 24° 54' 00" E. 125.55 feet to the place of beginning and containing an area of 3767 Square Feet of land.

FIELD NOTES

3767 Square Feet (E)

November 1, 2017
17-S-1306e

Being an area of 3767 Square Feet out of Sellers Street right-of-way lying adjacent to Lot 1, Block 1 Scott-Scherz Subdivision, City of San Angelo, Tom Green County, Texas as per plat of record in Volume 1, Page 324, Plat Records of Tom Green County, Texas and said 3767 Square Feet tract also being the east part of said Sellers Street right-of-way and being more particularly described by metes and bounds as follows:

Beginning at the northeast corner of this tract and said Sellers Street right-of-way and the northwest corner of said Lot 1 and being in the south line of a 15' Alley;

Thence with the east line of this tract and said Sellers Street right-of-way and the west line of said Lot 1, S. $25^{\circ} 54' 00''$ W. 125.55 feet to the southeast corner of this tract and the southwest corner of said Lot 1 and being in the north line of Belaire Avenue;

Thence with the south line of this tract and the north line of said Belaire Avenue, N. $69^{\circ} 29' 00''$ W. 30.13 feet to the southwest corner of this tract;

Thence with the west line of this tract and along the center of said Sellers Street, N. $24^{\circ} 54' 00''$ E. 125.55 feet to the northwest corner of this tract in the south line of said 15' Alley;

Thence with the north line of this tract and the south line of said 15' Alley, S. $69^{\circ} 29' 00''$ E. 30.13 feet to the place of beginning and containing an area of 3767 Square Feet of land.

SURVEY PLAN

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance amending Chapter 12 "Planning and Development," Exhibit "A" "Zoning Ordinance," Article 4 "Specific Use Standards," to allow for reduced setbacks for accessory structures with certain conditions within the RS-3 Zoning District - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

This is an amendment to Chapter 12, Exhibit "A" Zoning Ordinance, Article 4, Section 402, to allow for reduced setbacks for accessory structures with certain conditions within the RS-3 Zoning District.

The Zoning Ordinance currently allows "zero lot line" units in the RS-3 zoning district to have one side yard of at least 10 feet, and the other side yard may be reduced to 0 feet.

Based on its research, and input from the development community, Staff has drafted a text amendment that seeks to:

- Allow some flexibility with side setbacks when certain conditions are met.
- One side must maintain a maximum of 0-1 feet (no change from current standard).
- The setback on the other side will remain 10 feet unless the structure is constructed with noncombustible materials, is unenclosed, and with a substantially open roof structure, in which case the minimum setback will be reduced to 5 feet.
- Accessory structures may not cover more than 30% of the minimum side or rear yards.
- The accessory structure must be located to the side or rear (not in the front yard).
- A building permit shall be obtained if required.

Financial Impact:

N/A

Other Information/Recommendation:

On October 16, 2017, the Planning Commission voted unanimously to APPROVE the proposed text amendment.

Attachments:

- | | |
|--------------------|------------------------------------|
| 1. Staff Report | CC Memo_Pergolas&Trellis.pdf |
| 2. Draft Ordinance | CC Ordinance_Pergolas&Trellis.docx |

Presentation:

Approvals/Reviews:

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

MEMO



Meeting

Date: December 12, 2017 & January 9, 2018

To: City Council

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

Request: Text Amendment to Chapter 12, Exhibit "A" Zoning Ordinance, Article 4 "Specific Use Standards," Section 402 (Accessory Used and Structure)

Background:

The attached is an amendment to Chapter 12, Exhibit "A" Zoning Ordinance, Article 4, Section 402, to allow for reduced setbacks for accessory structures with certain conditions within the RS-3 Zoning District.

The Zoning Ordinance currently allows zero lot line units to have one side yard of at least 10 feet, and the other side yard may be reduced to 0 feet, but not more than one foot.

Based on its research, and input from the development community, Staff has drafted a text amendment that seeks to:

- Allow some flexibility with side setbacks when certain conditions are met.
- One side must maintain a maximum of 0-1 feet (no change from current standard).
- The setback on the other side will remain 10 feet unless the structure is constructed with noncombustible materials, is unenclosed, and with a substantially open roof structure, in which case the minimum setback will be reduced to 5 feet.
- Accessory structures may not cover more than 30% of the minimum side or rear yards.
- The accessory structure must be located to the side or rear (not in the front yard).
- A building permit shall be obtained if required.

Planning Commission Recommendation:

Hillary Bueker, Senior Planner, presented the case. She explained that currently the RS-3 Zoning District required a 10-foot setback on one side and between 0-1 feet on the other side. She displayed photos of surrounding areas where accessory structures were built into the side yard which included awnings, canopies and trellises. Ms. Bueker outlined

the proposed text amendment which would allow in certain cases a reduced side yard setback on the 10-foot side for accessory structures. She explained that a reduction to five feet in this side would be allowed provided the structure is constructed with noncombustible materials, is unenclosed, and has a substantially open roof.

Chairperson Priess opened the meeting for public comment.

Jon James, Director of Planning and Development Services, explained that similar buildings have had fires when they were constructed without noncombustible materials. He indicated that a question for the Commission was whether or not a permit should be required for side yard structures even where they did not normally require one.

Commissioner Crisp asked what prompted the proposed text amendment.

Mr. James responded that there were several code violations in a particular area with these structures being located in side yards without permits. He explained that Staff met with the Fire Marshall's Office to determine the new provisions.

Commissioner Smith expressed his support for the amendment for fire safety.

Tony Jones, a residential developer, indicated that zero lot (patio) homes were becoming more popular. He indicated that the original deed restrictions prohibited structures within these 10-foot side yards, and that future owners put these structures in after the fact.

Kevin Collins of Bentwood Country Club, indicated that he wanted to deed restrict his patio homes as well and ensure that the deed restrictions matched whatever new zoning amendment was approved.

Commissioner Smith made a Motion to recommend APPROVAL of the proposed Text Amendment to Chapter 12, Exhibit "A" Zoning Ordinance, Article 4, Section 402 (Accessory Uses and Structures) to allow for reduced setbacks for accessory structures with certain conditions within the Zero Lot Line, Twinhome and Townhome (RS-3) Zoning District, as presented, removing the wording "if required" from 4 of the amendment. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 5-0.

Attachment: Proposed Zoning Ordinance Amendments

(New Section 402.C; renumbering existing 402.C – 402.F sequentially to become Sections 402.D – 402.G)

ARTICLE 4 - SPECIFIC USE STANDARDS

Section 402. Accessory Uses and Structure

C. Accessory Buildings and Structures in the Zero Lot Line, Twinhome and Townhome (RS-3) Residential District

1. Setbacks.

a. Side yards:

1) One Side:

a. 0-1 foot maximum for all buildings and structures.

2) Other Side:

a. 10 foot minimum, unless all of the following criteria are met, in which case the minimum setback shall be reduced to 5 feet.

i. Constructed with materials that are wholly noncombustible or with limited combustibility including fire retardant wood construction, as determined by the Fire Marshal, unless there is a minimum of 2 feet of separation from the principal building.

ii. The structure is unenclosed and is not encumbered by any structure, walls, screening, glasswork, or ornamental components of any kind, with the exception of necessary vertical supports which shall be no greater than 12 inches in width or diameter.

iii. The roof is substantially open with a roof ratio of greater than or equal to 1 open portion to 1 solid portion or is a retractable roof or awning constructed entirely of noncombustible material.

2. Size. Not more than 30 percent of minimum side or rear yard area otherwise required on the lot shall be covered by the total of all structures allowed by this section.

3. Location. Accessory buildings and structures shall be located to the side or rear of the principal building.

4. Permitting. A permit shall be obtained from the Permits and Inspections Division for the structure.

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, BY AMENDING ARTICLE 4 "SPECIFIC USE STANDARDS," SECTION 402 "ACCESSORY USES AND STRUCTURES", PART 1. "SETBACKS", REDESIGNATING SUBPARTS "c-e" AS SUBPARTS "d-f," AND ADDING A NEW SUBPART "c" "ACCESSORY BUILDINGS AND STRUCTURES IN THE ZERO LOT LINE, TWINHOME AND TOWNHOME (RS-3) RESIDENTIAL DISTRICT;" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

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

SECTION 1: Chapter 12, Exhibit "A" "Zoning Ordinance," Article 4 "Specific Use Standards," Section 402 "Accessory Uses and Structures", Part 1 "Setbacks," re-designating subparts "c-e" as subparts "d-f," and adding a new subpart "c" "Accessory Buildings and Structures in the Zero Lot Line, Twinhome and Townhome (RS-3) Residential District" to read as follows:

C. Accessory Buildings and Structures in the Zero Lot Line, Twinhome and Townhome (RS-3) Residential District

1. Setbacks.

a. Side yards:

1) One Side:

a. 0-1 foot maximum for all buildings and structures.

2) Other Side:

a. 10 foot minimum setback, unless all of the following criteria are met, in which case the minimum setback may be reduced to a minimum of 5 feet.

i. Constructed with materials that are wholly noncombustible or with limited combustibility including fire retardant wood construction, as determined by the Fire Marshal, unless there

is a minimum of 2 feet of separation from the principal building.

- ii. The structure is **unenclosed** and is not encumbered by any structure, walls, screening, glasswork, or ornamental components of any kind, with the exception of necessary vertical supports which shall be no greater than 12 inches in width or diameter.
- iii. The roof is substantially open with a roof ratio of greater than or equal to 1 open portion to 1 solid portion or is a retractable roof or awning constructed entirely of noncombustible material.

Comment [d1]: If attached to the townhouse on one side, the structure is enclosed on that side. Is enclosure on one side to be permitted? OS zone that permits carports enclosed on 2 sides does not apply in R-3, but some of its language may be helpful. Otherwise the requirement is for a separation between townhouse and support structure on all sides. Nevertheless, this is not the case for awnings or retractable roofs. Do we need to clarify?

- 2. **Size.** Not more than 30 percent of minimum side or rear yard area otherwise required on the lot shall be covered by the total of all structures allowed by this section.
- 3. **Location.** Accessory buildings and structures shall be located to the side or rear of the principal **building**.
- 4. **Permitting.** A permit shall be obtained from the Permits and Inspections Division for the structure.

Comment [d2]: Is there an issue with corner lots in which two sides might simultaneously be considered front yards?

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

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

INTRODUCED on the **12th day of December, 2017**, and finally PASSED, APPROVED
AND ADOPTED on this the **9th day of January, 2018**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Regular Item

Caption:

Consider a resolution approving a new schedule of Rates and Charges for new and renewal leases for airport property and premises at San Angelo Regional Airport - (Presentation by Airport Director Luis Elguezabal)

Summary/History:

The City Council adopted a Resolution on July 1, 2014 amending the airport's Rates and Charges. Staff followed the guidelines set forth in: Chapter 22 of the Texas Transportation Code, Federal Aviation Administration (FAA) Order 5190.6A - Airports Compliance Handbook, and the FAA's Policy Regarding Rates and Charges (Federal Register/Vol.61. No. 121 June 21, 1996). Staff presented the new Rates and Charges to the Airport Advisory Board on November 15, 2017 meeting. The Board unanimously approved the new rates.

Financial Impact:

The Rates and Charges establish fees that are fair and reasonable for the purpose of ensuring the airport is as self-sustaining as possible.

Other Information/Recommendation:

Attachments:

- | | | |
|----|--------------------------------------|--|
| 1. | Proposed Airport Rates and Charges | Rates and Charges Proposed. Nov 2017.xls |
| 2. | Resolution Airport Rates and Charges | Airport Rates and Charges Resolution - 2017.docx |

Presentation:

Luis Elguezabal

Approvals/Reviews:

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

SAN ANGELO REGIONAL AIRPORT
Proposed Rates and Charges
 Airport Advisory Board, November 15, 2017 - Approved

Property Type	Annual Rate	Proposed Rate	Basis
Land Lease:			
Aeronautical Use/Land	0.12/SF	0.12/SF	4.5% of appraised fair market value of comparable fee interest. Survey suggests commercial land values currently range from \$2.50 - \$5.50. Lease holder is responsible for the repair and maintenance of the improvements that are presently located or to be constructed on the Leased Premises.
Non-Aeronautical Use	\$0.17 - \$0.38/SF	\$0.17 - \$0.38/SF	The lease rate may vary depending upon the property's physical location and other factors unique to the facility (e.g. size and configuration, clear-span height, building condition, permitted use, available landside access, etc.). 6.5% of \$2.50 - 6.5% of 5.50.
Non-conforming Uses	Negotiable	Negotiable	
New Construction / Build-to-Suit:			
Title of improvements remain with the airport	Negotiable	Negotiable	
Existing Aeronautical Facilities:			
Flightline conventional Hangar, broad permitted use	\$2.70/BLA at NNN	\$2.70/BLA at NNN	50% of appraised fair market value of comparable lease rate. Survey suggests commercial building lease rates currently are \$5.00 per square foot annually BLA NNN. BLA = Building Leasable Area. NNN=rental rate is net of taxes, routine maintenance and insurance.
Off-flightline conventional hangar, broad permitted use	\$2.15/BLA at NNN	\$2.15/BLA at NNN	40% of appraised fair market value of comparable in lease rate. Survey suggests commercial building lease rates currently are \$5.00 per square foot annually BLA NNN. BLA = Building Leasable Area. NNN=rental rate is net of taxes, routine maintenance and insurance.
Existing Non-Aeronautical Facilities:			
Facility	\$2.50 - \$5.50/BLA at NNN	\$2.50 - \$5.50/BLA per SF at NNN	The lease rate may vary depending upon the property's physical location and other factors unique to the facility (e.g. size and configuration, building condition, permitted use, available access, etc.)
T-Hangar storage area		\$90.00/month Unit: C,D,E,F \$120.00/month Unit: A, B	Based on airport survey, the price of off-site storage is \$141.50/month with an average price per square foot \$0.43. Recommend \$120.00/month for storage with garage door 203 sq. ft. and \$90.00/month without garage door, 209 sq. ft.
Existing FBO Aeronautical Facilities:			
Conventional Hangar, FBO permitted use	\$1.25/BLA per SF at NNN	\$1.30/BLA per SF at NNN	26% of appraised fair market value of comparable lease rate. Survey suggests commercial building lease rates currently are \$5.00 per square foot annually BLA NNN. BLA = Building Leasable Area. NNN=rental rate is net of taxes, routine maintenance and insurance. FBO rate is applicable to operators that provide aviation fuels, as stated in Section 10 of the Minimum Standards for Commercial Aeronautical Services.
T-Hangar:			
40 foot units	\$200.00/month	\$205.00/month	Based on airport survey. Average rate of comparable airports \$251.33. 10% discount will be given to those who pay one year in advance.
60 foot executive units	\$260.00/month	\$300.00/month	Based on airport survey. Average rate of comparable airports is \$361.40. 10% discount will be given to those who pay one year in advance.
Overnight Aircraft Fee:			
Rate	\$8.00 per night	\$12.00 per night	Based on airport survey. Average rate of compared airports is \$35.40 per night. Recommend 10% discount if paid on a monthly basis. Rate is for overnight parking of air carrier aircraft.
Fuel Flowage:			
Rate	\$0.08	\$0.085	Based on airport survey. Currently we are 25.5% below average of comparable airports. Average rate of comparable airports is \$.1075.
Terminal Space:			
Office/PA system/Baggage system	\$19.00/SF, \$50.00/month for use of PA system, \$270.00/month for use of baggage system	\$19.00/SF, \$50.00/month for use of PA system, \$270.00/month for use of baggage system	Terminal space is 92% of appraised FMV of comparable airports \$20.59.
Conference Room rental		\$16.00 per hour	Per Ordinance Sec. A15.001 Airport conference room - Conference room fee per hour: \$16.00. (Ordinance adopted 4/19/16)
Air Charter Operations		Air Carrier aircraft with seating capacity of 70 or less - \$1,545.00 Air Carrier with seating capacity of 71 or more - \$2,079.00	New rates are based on the average rate per hour for: employees, electrical usage, baggage system fee. The average rate of compared airports is \$3,051.30. Rates are based on Above Wing services only and include a round trip charter.
Restaurant:			
Rate	Monthly minimum guarantee or 5% of gross receipts	Monthly minimum guarantee or 5% of gross receipts	
Rental Car Company:			
Rate	10% of gross sales, \$1,000.00/month minimum	10% of gross sales, \$2,000.00/month minimum	In the past 3 years, rental car companies are averaging \$3,700 per month in revenues. Rental car companies have not paid the minimum in the past 5 years. Staff recommends raising the Minimum Airport Guarantee (MAG) to \$2,000 per month.
Landing Fees:			
Rate	\$0.50 per 1,000 pounds MGLW Jet, \$0.70 per 1,000 pounds MGLW Turbo Prop	\$0.75 per 1,000 pounds MGLW	Based on airport survey. Landing fee is 60% below comparable airports. Average rate of comparable airports is \$1.25. This rate has not been increased since 2007. MGLW=Max Gross Landing Weight
Land Lease Terms:			
Estimated value of Capital			
Greater than 2 million:	not to exceed 40 years		
Greater than 1 million, less than 2 million:	30 years		
Less than 1 million	20 years		
(Options negotiable)			
Adjustment of Rates and Charges:			
Rates will be adjusted for each subsequent three-year (3) period by the percentage increase in the Consumer Price Index (CPI) for the Dallas/Fort Worth Metropolitan Area as announced by the United States Department of Labor between the first day of the year of adjustment and the date that was three (3) years before such first day.			

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS APPROVING A NEW SCHEDULE OF SAN ANGELO REGIONAL AIRPORT – MATHIS FIELD RATES AND CHARGES FOR NEW AND RENEWAL LEASES FOR AIRPORT PROPERTY AND PREMISES

WHEREAS, the City of San Angelo leases land and buildings located at San Angelo Regional Airport – Mathis Field to individuals and companies for support activities related to aircraft operation, as well as for other related commercial operations; and

WHEREAS, the Airport Director has recommended adjustments to the schedule of San Angelo Regional Airport – Mathis Field Rates and Charges to the Airport Advisory Board; and

WHEREAS, the Airport Advisory Board approved the adjustments to the San Angelo Regional Airport – Mathis Field Rates and Charges at the November, 15, 2017 Airport Advisory Board meeting.

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

1. THAT, the schedule of San Angelo Regional Airport – Mathis Field Rate and Charges as recommended by the Airport Advisory Board at its November 15, 2017, meeting and attached hereto as Exhibit “A” are hereby adopted.
2. THAT, all lease renewals and new leases for property or premises located at San Angelo Regional Airport – Mathis Field executed after the adoption of this Resolution are subject to the new schedule of San Angelo Regional Airport – Mathis Field Rates and Charges as set out in Exhibit “A.”

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

CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Luis Elguezabal, Airport Director

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Regular Item

Caption:

Presentation and possible direction regarding pavement prioritization at San Angelo Regional Airport (Presentation by Airport Director Luis Elguezabal)

Summary/History:

On August 15, 2017 City Council approved Task Order No. 108 with KSA Engineers, Inc. for the Pavement Prioritization Project. The project's first task was the evaluation of airfield pavements, as well as creating a matrix to facilitate decisions regarding pavement maintenance and rehabilitation projects. The plan created three alternatives for the airport. Staff presented these alternatives to the Airport Advisory Board during their regular meeting on November 15, 2017. Additionally, staff held a tenant meeting on November 28, 2017 in order to present the same criteria to the stakeholders.

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

Presentation:

Luis Elguezabal

Approvals/Reviews:

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: December 12, 2017

Item type: Regular Item

Caption:

Consider a resolution authorizing the City Manager to execute a memorandum of understanding with COSADC relating to infrastructure improvements necessary for platting the subdivision of a portion of Phase II of the Business & Industrial Park - (Presentation by Economic Development Director Roland Pena)

Summary/History:

A requirement of recording the plat is a guarantee from the developer. In this case the City of San Angelo Development Corporation (COSADC) has agreed to the responsibility of providing the infrastructure improvements to the AEP site. The Resolution authorizes a Memorandum of Understanding (MOU) related to these improvements necessary for the platting of the subdivision.

On November 13, 2017, the the City of San Angelo Planning Commission approved a final plat of the AEP tract, Block 2, Lot 3, San Angelo Gateway Addition, Section Two, being the subdivision of a portion of Phase II of the Industrial Park, subject to completion of required site improvements (extension of underground utilities and public access at Gateway Drive with temporary turnaround); and, conditioned upon a memorandum of understanding between COSADC and City acknowledging the responsibility of COSADC or a future developer, for paving the full street widths within the future rights-of-way (the further extension of Gateway Drive) at the time of platting those adjacent properties.

The COSADC Board will consider authorizing the Board President or his designee to negotiate and execute the MOU on behalf of the corporation on Wednesday, December 13th.

Financial Impact:

\$750,000 - The COSADC Board approved allocating \$2 Million as matching funds for an Economic Development Administration (EDA) grant for the construction of infrastructure in Phase 2 of which the AEP project is a part of.

Other Information/Recommendation:

Attachments:

- | | |
|---|--|
| 1. Resolution | 18-056_COSADC_CITY_MOU_REPLAT_INDUST_PK_RESO.docx |
| 2. MOU | 18-056_COSADC_CITY_INDUST_PK_II_INFASRUC_MOU(2).docx |
| 3. Ordinance - Guarantee of Performance | Guarantee of Performance Ordinance.docx |

Presentation:

Approvals/Reviews:

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

A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION RELATING TO INFRASTRUCTURE IMPROVEMENTS NECESSARY FOR PLATTING THE SUBDIVISION OF A PORTION OF PHASE II OF THE SAN ANGELO BUSINESS & INDUSTRIAL PARK.

WHEREAS, COSADC sold a 52 +/- acre tract of real property out of Phase II of the Industrial Park to AEP Texas North Company ("Buyer") pursuant to a contract duly authorized by the Board and approved by City Council, that provides COSADC will cause all utilities necessary for Buyer's intended use of the purchased tract to be extended to the property line, and,

WHEREAS, on November 13, 2017, the City of San Angelo Planning Commission approved a final plat of the AEP tract, Block 2, Lot 3, San Angelo Gateway Addition, Section Two (hereinafter "Lot 3"), being the subdivision of a portion of Phase II of the Industrial Park, subject to completion of required site improvements (extension of underground utilities and public access at Gateway Drive with temporary turnaround) or suitable security therefore; and, conditioned upon a memorandum of understanding between COSADC and City acknowledging the responsibility of COSADC or a future developer, for paving the full street widths within the future rights-of-way (the further extension of Gateway Drive) at the time of platting those adjacent properties (the MOU);

WHEREAS, on December 13, 2017, the COSADC Board will consider authorizing the Board President or his designee to negotiate and execute the MOU on behalf of the corporation;

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

The City of San Angelo City Council approves the Memorandum of Understanding (MOU) with the City of San Angelo Development Corporation (COSADC) in substantially the attached form and ratifies authorization by the COSADC Board for negotiation and execution of the MOU by the Board President which provides that COSADC guarantee performance in a sum not to exceed \$XXXXXX, for extension of underground utilities and extension of Gateway Drive with temporary turnaround, and sets forth an understanding regarding further extension of Gateway Drive upon future development of adjacent land; and, authorizing the City Manager or his designee to execute the MOU with COSADC on behalf of the City.

PASSED and APPROVED THIS 12th DAY OF December, 2017.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Brenda Gunter, Mayor

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT

APPROVED AS TO FORM

Roland Peña, Director of
Economic Development

Theresa James, City Attorney

MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION AND THE CITY OF SAN ANGELO RELATING TO INFRASTRUCTURE IMPROVEMENTS NECESSARY FOR PLATTING THE SUBDIVISION OF A PORTION OF PHASE II OF THE SAN ANGELO BUSINESS & INDUSTRIAL PARK.

This Memorandum of Understanding ("MOU") entered into by and between the CITY OF SAN ANGELO DEVELOPMENT CORPORATION ("COSADC"), a State of Texas non-profit Type B development corporation ("COSADC") and the CITY OF SAN ANGELO, TEXAS, a home rule municipal corporation ("CITY"), effective **December 13, 2017** ("Effective Date"), relates to platting the subdivision of Phase II of the San Angelo Business & Industrial Park.

RECITALS

WHEREAS, COSADC sold a 52 +/- acre tract of real property out of Phase II of the Industrial Park to AEP Texas North Company ("Buyer") pursuant to a contract duly authorized by the Board and approved by City Council, that provides COSADC will cause all utilities necessary for Buyer's intended use of the purchased tract to be extended to the property line as required for platting the tract as a subdivision lot, and,

WHEREAS, on November 13, 2017, the City of San Angelo Planning Commission approved a final plat of the AEP tract, Block 2, Lot 3, San Angelo Gateway Addition, Section Two (hereinafter "Lot 3"), being the subdivision of a portion of Phase II of the Industrial Park, subject to completion of required site improvements (public access at Gateway Drive with temporary turnaround) or suitable security therefore; and, conditioned upon a memorandum of understanding between COSADC and City acknowledging the responsibility of COSADC or a future developer, for paving the full street widths within the future rights-of-way (extension of Gateway Drive) at the time of platting those adjacent properties;

WHEREAS, Parkhill, Smith & Cooper, Inc. have performed engineering and surveying services for infrastructure for the San Angelo Business & Industrial Park, according to which the allocation of up to \$750,000, may be required for the extension of water and sewer utilities and access improvements for an extension of Gateway Drive with turnaround required for the subdivision of Lot 3;

NOW THEREFORE, the Parties hereto cause this MOU to be executed by their duly authorized representatives for the purpose of memorializing the terms expressed herein.

1. **Recitals:** The foregoing recitals are true and correct and are adopted by the parties as part of this MOU.
2. **Term:** This MOU shall become enforceable upon its Effective Date first hereinabove provided; and, except as may be otherwise agreed to between the Parties, shall automatically terminate upon completion of the required site improvements; i.e. extension of Gateway Drive on future platting of adjacent properties, Phase II of the San Angelo Business & Industrial Park. Notwithstanding the foregoing, in no event shall the obligations of the parties to this MOU extend beyond **October 25, 2020**.
3. **Funding Obligation of COSADC:**

- a. COSADC shall be responsible for the extension of underground utilities to Lot 3 and paving of public access and turnaround at Gateway Drive as required for recordation of the plat of Lot 3, in a sum, not to exceed SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$750,000).
- b. COSADC or future adjacent developer(s) shall be responsible for paving the full width of streets within the future rights-of-way for the extension of Gateway Drive at the time of platting those adjacent properties.
4. **City's Obligations:** CITY shall accept the public dedication of access and temporary turnaround at Gateway Drive as reflected on the plat of Lot 3, and the extension of Gateway Drive dedicated for public use on any future plats of adjacent properties.
5. **Assignment:** This MOU shall not be assigned by any of the Parties to it, in whole or in part, without the prior written consent of each of the other Parties, which consent may be arbitrarily withheld or conditioned.
6. **Notices:** All notices required under this MOU shall be in writing and shall be given by hand-delivery or by certified U.S. Mail, return receipt requested, addressed to the other Party at the address indicated herein or to such other address as a Party may designate by notice given as herein provided. Notice shall be deemed given on the day on which personally delivered; or, if by mail, on the third day after being deposited with the U.S. Mail or the date of actual receipt, whichever is earlier.

CITY OF SAN ANGELO DEVELOPMENT CORPORATION
Attention: Director of Economic Development
69 N. Chadbourne Street
San Angelo, Texas 76903

CITY OF SAN ANGELO
Attention: City Manager
72 W. College Avenue
San Angelo, Texas 76903

With a mandatory copy to:

City Attorney's Office
72 W. College Avenue
San Angelo, Texas 76903

7. **Contingency Clause:** The funding obligation of COSADC under this MOU is contingent on the availability of funds and continued authorization for project activities. This MOU is subject to amendment due to lack of funds, reduction of funds and/or change in regulations, upon thirty (30) days' written notice thereof to CITY.
8. **No Joint Venture:** It is acknowledged and agreed by the Parties hereto that the terms of this MOU are not intended to and shall not be deemed to create any partnership or joint venture between the Parties. COSADC, its past and future officers, employees and agents do not assume responsibilities or liabilities of any third Party in connection with CITY's operations, employees or contractors.
9. **Miscellaneous Provisions:**

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

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

C. The meaning of capitalized terms shall be as defined under this MOU.

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

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

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

G. This MOU shall be binding upon the Parties hereto, their legal representatives, successors or permitted assigns.

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

I. No waiver or breach of any provision of this MOU shall constitute a waiver of any subsequent breach of the same or any other provision hereof, and no waiver shall be effective unless made in writing. Failure by a Party on one or more occasions to exercise one or more of its rights under this MOU shall not be construed as waiver of such right or rights, and rights granted hereunder are in addition to those available under law and equity.

J. The provisions of this MOU, which by their nature extend beyond the expiration or termination of this MOU, will survive expiration or termination of this MOU.

K. This MOU has been officially authorized by the governing body of each Party hereto and each signatory to this MOU guarantees and warrants that the signatory has full authority to execute this MOU and to legally bind the respective Party to it.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be executed by their respective officials thereunto duly authorized, on the dates indicated below.

ATTEST:

**CITY OF SAN ANGELO
DEVELOPMENT CORPORATION**

Bryan Kendrick, Secretary / CITY Clerk

Edward Carrasco, President

Date: _____

ATTEST:

CITY OF SAN ANGELO

Bryan Kendrick, CITY Clerk

Daniel Valenzuela, CITY Manager

Date: _____

APPROVED AS TO CONTENT

APPROVED AS TO FORM

Jon James, Director of
Planning & Development

Dan T. Saluri, Deputy City Attorney

CHAPTER 6 GUARANTEE OF PERFORMANCE

SECTION I: PERFORMANCE AGREEMENT

A. Procedure. The Department of Public Works shall recommend to the Planning Commission and the City Council site improvements, such as roads and sewer and water lines, required before final approval has been granted. When site improvements are required, the subdivider shall execute a performance agreement with the City of San Angelo, to be filed with the Department of Public Works. Site improvements that are to be incorporated into the developer's performance agreement shall be reviewed and acted upon by the City Council along with the final plat. The performance agreement shall consist of a statement by the subdivider that he/she agrees to provide all the site improvements specified by the performance agreement and required by the City Code or state or federal law and approved by the Department of Public Works. The performance agreement shall be in substantially the same form as the sample on file in the Department of Public Works.

B. Cost Estimates. The performance agreement shall include an estimate of the amount that it would cost the City to construct the site improvements. The cost estimate will include an inflation factor based upon a locally recognized construction cost index as approved by the Department of Public Works. If the subdivider elects to construct the site improvements before the plats are released for recording, it will not be necessary for the developer to supply the City with the estimate of the cost of site improvements on the performance agreement.

C. Recording of Plat.

1. Construction of Improvements. If, within a period of three (3) years after the plat has been approved, the subdivider has constructed and has had all required improvements accepted by the Department of Public Works, the Planning Department shall release the plat to be filed in the deed and plat records of the County.

2. Guarantee of Improvements. Within a period of three (3) years after the plat has been approved, if all site improvements have not been completed, but a suitable security covering those uncompleted improvements has been filed with the Department of Public Works, the Department of Planning shall release the plat for recording.

No guarantee may be for a period of time exceeding eighteen (18) months and no guarantee may be for a period of time extending beyond three (3) years from the date of such plat approval. However, for good cause shown, the City Council may grant an extension of time up to eighteen (18) months, provided that no extension be for a time beyond three (3) years from the date of such plat approval

3. Expiration of Approval. If any final plat (not classified as an administrative subdivision) has not been filed for record with the Tom Green County Clerk in accordance with one of the manners described above, within a period of (3) three years from its approval by the City Planning Commission or City Council, approval of such plat shall expire and be no longer valid. If the subdivider desires to resubmit the

plat for reapproval, it shall be submitted in the same manner as for a previously unsubmitted plat.

4. Building Permit. No building permit shall be issued until the plat has been recorded. No water or sewer service or other utilities shall be connected to a structure until the subdivision improvement[s] have been completed and accepted by the City.

(1959 Code, title 9, ch. 4, ex. A; Ordinance adopted 10/17/95)

SECTION II: **TYPES OF GUARANTEE OF PERFORMANCE**

A. Performance Bond. A performance bond will be executed by a surety company, licensed to do business in the State of Texas, in an amount equal to the cost estimate of all uncompleted and unaccepted improvements required by these regulations. Such cost estimate will include an inflation factor based upon a locally recognized construction cost index, as approved by the Department of Public Works. The performance bond shall be substantially in the same form as the bond instrument on file in the Department of Public Works. Any deviations from this form shall be approved by the City Attorney. The City Manager is authorized to sign the bond instrument on behalf of the City of San Angelo.

B. Letter of Credit. The subdivider shall provide an irrevocable letter of credit in an amount equal to the cost estimate of all uncompleted and unaccepted site improvements required by these regulations. Such cost estimate is to include an inflation factor based upon a locally recognized construction cost index, as approved by the Director of Public Works. The letter of credit, properly executed, shall be substantially the same form as the sample letter of credit on file in the Department of Public Works. Any deviation from this form shall be approved by the City Attorney.

C. Cash or Cashier's Check. The subdivider shall provide the City cash, or a cashier's check, in an amount equal to the cost estimate of all uncompleted and unaccepted site improvements required by these regulations. Such cost estimate is to include an inflation factor based upon a locally recognized construction cost index, as approved by the Department of Public Works. Upon completion of the required site improvements and their acceptance by the Department of Public Works, the amount will be refunded to the subdivider by the City.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Andy Vecellio, Project Engineer, Engineering Services, 325-657-4218

Meeting Date: December 12, 2017

Item type: Regular Item

Caption:

Consider options for Sulphur Draw Wastewater Improvements Project and possible action related to the contract with Darnell Construction, LLC. - (Presentation by City Engineer Russell Pehl)

Summary/History:

The Sulphur Draw Wastewater Improvements Project was awarded to Darnell Construction, LLC, in the amount of \$3,884,190 and authorization was granted to the City Manager to negotiate and execute any related documents. Vocal opposition from the public, particularly with regards to the lift station site, was received during a public forum on November 20, 2017. Since then, Engineering Staff have evaluated other alternatives and will present the findings at the council meeting.

Financial Impact:

\$3,884,190 budgeted within the Wastewater Capital Improvement Fund

Other Information/Recommendation:

The Sulphur Draw public bid date was October 6, 2017, and bids are good for 90 days, unless the low bidder agrees to an extension. The Notice of Award was issued to Darnell Construction on October 19, 2017, and they plan to begin construction on January 4, 2018.

Attachments:

- | | |
|--------------------|---|
| 1. Bid Tab | ES-09-17 Sulphur Draw Bid Tab.pdf |
| 2. Notice of Award | NOA - Sulphur Draw - Darnell-2017-10-19.pdf |

Presentation:

Russell Pehl

Approvals/Reviews:

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



Base Bid				Darnell		UCA	
ITEM #	QUANTITY	UNIT	ITEM DESCRIPTION	UNIT COST	TOTAL	UNIT COST	TOTAL
1	1	LS	Mobilization, Bonding & Insurance (not to exceed 5% of Bid)	\$ 191,974.00	\$ 191,974.00	\$ 234,000	\$ 234,000
2	1	LS	Lift Station Wet Well, Pumps, Valve Vault and Valve Assemblies	\$ 378,325.00	\$ 378,325.00	\$ 275,000	\$ 275,000
3	1	LS	Lift Station Odor Control Unit	\$ 68,820.00	\$ 68,820.00	\$ 100,000	\$ 100,000
4	1	LS	Lift Station Backup Generator	\$ 41,370.00	\$ 41,370.00	\$ 50,000	\$ 50,000
5	1	LS	Lift Station Site Piping	\$ 25,034.00	\$ 25,034.00	\$ 14,000	\$ 14,000
6	1	LS	Lift Station Water Service Connection and RPZ Backflow Preventer	\$ 9,536.00	\$ 9,536.00	\$ 11,000	\$ 11,000
7	1	LS	Lift Station Site Electrical, Communications, Controls and SCADA Connections	\$ 73,981.00	\$ 73,981.00	\$ 200,000	\$ 200,000
8	1	LS	Lift Station Site Fencing and Gates	\$ 36,829.00	\$ 36,829.00	\$ 60,000	\$ 60,000
9	1	LS	Lift Station Site Grading, Concrete Paving, Drive and Site Restoration	\$ 80,808.00	\$ 80,808.00	\$ 100,000	\$ 100,000
10	1	LS	Force Main Flow Meter and Vault	\$ 14,716.00	\$ 14,716.00	\$ 35,000	\$ 35,000
11	1	LS	Force Main Air Valve, Odor Control Unit, Vault and Piping	\$ 13,498.00	\$ 13,498.00	\$ 25,000	\$ 25,000
12	1150	LF	Line "A" - 18" SDR 26 PVC Sewer Gravity Main	\$ 209.00	\$ 240,350.00	\$ 175	\$ 201,250
13	225	LF	Lines "Aa" & "Ab" - 8" SDR 26 PVC Sewer Gravity Main	\$ 154.76	\$ 34,821.00	\$ 190	\$ 42,750
14	2471	LF	Line "B" - 10" DR 11 HDPE Sewer Force Main	\$ 88.75	\$ 219,301.25	\$ 250	\$ 617,750
15	762	LF	Line "C" - 30" SDR 26 PVC Sewer Gravity Main	\$ 353.75	\$ 269,557.50	\$ 300	\$ 228,600
16	1	EA	4' Diameter FRP Manhole (4-8-foot Depth)	\$ 7,186.00	\$ 7,186.00	\$ 8,500	\$ 8,500
17	2	EA	4' Diameter FRP Manhole (8-12-foot Depth)	\$ 11,784.00	\$ 23,568.00	\$ 10,000	\$ 20,000
18	6	EA	5' Diameter FRP Manhole (4-8-foot Depth)	\$ 12,784.00	\$ 76,704.00	\$ 11,500	\$ 69,000
19	3	EA	5' Diameter FRP Manhole (8-12-foot Depth)	\$ 17,843.00	\$ 53,529.00	\$ 12,500	\$ 37,500
20	1	EA	5' Diameter FRP Manhole (>12-foot Depth)	\$ 23,619.00	\$ 23,619.00	\$ 25,000	\$ 25,000
21	1	EA	10' Diameter FRP Manhole (MH C-4)	\$ 24,127.00	\$ 24,127.00	\$ 35,000	\$ 35,000
22	1	LS	Bypass Pumping - Line "C"	\$ 102,120.00	\$ 102,120.00	\$ 71,000	\$ 71,000
23	1	LS	Bypass Pumping - Line "A", "Aa" & "Ab"	\$ 68,024.00	\$ 68,024.00	\$ 33,000	\$ 33,000
24	1	LS	Bypass Pumping - Rehabilitation	\$ 44,782.00	\$ 44,782.00	\$ 45,000	\$ 45,000
25	808	LF	6" Gravity Sewer Main Rehabilitation (All Depths)	\$ 60.00	\$ 48,480.00	\$ 55	\$ 44,440
26	829	LF	8" Gravity Sewer Main Rehabilitation (All Depths)	\$ 70.00	\$ 58,030.00	\$ 60	\$ 49,740
27	2045	LF	10" Gravity Sewer Main Rehabilitation (All Depths)	\$ 60.00	\$ 122,700.00	\$ 62	\$ 126,790
28	20	LF	12" Gravity Sewer Main Rehabilitation (All Depths)	\$ 430.00	\$ 8,600.00	\$ 550	\$ 11,000
29	470	LF	18" Gravity Sewer Main Rehabilitation (All Depths)	\$ 141.60	\$ 66,552.00	\$ 165	\$ 77,550
30	10	EA	Gravity Sewer Main Point Repair for Rehabilitation (All Sizes, All Depths, Up to 10 LF)	\$ 1,387.00	\$ 13,870.00	\$ 7,500	\$ 75,000
31	5	EA	4' Diameter Manhole Rehabilitation (1-5 foot Depth)	\$ 6,474.00	\$ 32,370.00	\$ 6,500	\$ 32,500
32	10	EA	4' Diameter Manhole Rehabilitation (5-10-foot Depth)	\$ 8,350.00	\$ 83,500.00	\$ 7,500	\$ 75,000
33	9	EA	4' Diameter Manhole Rehabilitation (10-15-foot Depth)	\$ 10,460.00	\$ 94,140.00	\$ 12,000	\$ 108,000
34	5	EA	4' Diameter Manhole Rehabilitation (15-20-foot Depth)	\$ 14,428.00	\$ 72,140.00	\$ 17,000	\$ 85,000
35	2	EA	4' Diameter Manhole Rehabilitation (20-25-foot Depth)	\$ 20,900.00	\$ 41,800.00	\$ 23,000	\$ 46,000
36	15	EA	Sewer Service Reconnect to Same Main	\$ 2,059.00	\$ 30,885.00	\$ 300	\$ 4,500
37	7	EA	Sewer Service Reconnect to Different Main	\$ 2,767.00	\$ 19,369.00	\$ 3,500	\$ 24,500
38	100	LF	4" Schedule 40 PVC Sewer Service Line	\$ 18.80	\$ 1,880.00	\$ 30	\$ 3,000
39	1	LS	Abandon Existing Sewer Mains	\$ 27,772.00	\$ 27,772.00	\$ 75,000	\$ 75,000
40	15	EA	Abandon Existing Sewer Manhole	\$ 694.00	\$ 10,410.00	\$ 8,500	\$ 127,500
41	1	LS	Aquatic Resource Protection Measures	\$ 28,500.00	\$ 28,500.00	\$ 55,000	\$ 55,000
42	1	LS	Erosion Control Measures	\$ 6,200.00	\$ 6,200.00	\$ 30,000	\$ 30,000
43	1	LS	Traffic Control Measures	\$ 22,000.00	\$ 22,000.00	\$ 40,000	\$ 40,000
44	100	LF	Concrete Curb and Gutter Repair	\$ 45.00	\$ 4,500.00	\$ 50	\$ 5,000
45	400	SY	Concrete Pavement Repair	\$ 119.00	\$ 47,600.00	\$ 150	\$ 60,000
46	2250	SY	Asphalt Pavement Repair	\$ 34.00	\$ 76,500.00	\$ 50	\$ 112,500
47	200	LF	Trench Bottom Stabilization	\$ 82.00	\$ 16,400.00	\$ 10	\$ 2,000
48	2356	LF	Surface Restoration (Final Grading, Seeding and Growth Establishment)	\$ 3.86	\$ 9,094.16	\$ 50	\$ 117,800
49	4608	LF	Trench Safety System	\$ 1.00	\$ 4,608.00	\$ 1.50	\$ 6,912
50	1	LS	Base Bid River Crossing	\$ 313,710.00	\$ 313,710.00	\$ 250,000.00	\$ 250,000
51	1	LS	Contingency Owner Allowance	\$ 500,000.00	\$ 500,000.00	\$ 500,000.00	\$ 500,000
Base Bid Total					\$ 3,884,189.91	Base Bid Total	\$ 4,683,082

Alternate Bid #1							
A1	1	LS	Buried River Crossing		\$ 4,375,859.91		\$ -
Deduct Line #50					\$ (313,710.00)		
				Base + Alt. Bid #1	\$ 4,062,149.91	Base + Alt. Bid #1	NO BID
Alternate Bid #2							
A2	1	LS	Directional Drilled River Crossing		\$ 4,222,761.91		\$ -
Deduct Line #41 & Line #50					\$ (342,210.00)		
				Base + Alt. Bid #2	\$ 3,880,551.91	Base + Alt. Bid #2	NO BID

The item "Contingency" is included for additional work that may be performed. The total unit cost for this line item may not be paid in full. The vendor shall submit change order requests within the contract to the City consistent with the requirement of the Owner's Construction General Conditions of the contract documents. Generally, change order requests will be funded by the "CONTINGENCY" line item. The vendor shall include the cost for this item in the "Total Base Bid".



CITY OF SAN ANGELO
ENGINEERING SERVICES
72 West College Avenue, San Angelo, Texas 76903
Tel: (325) 657-4201

NOTICE OF AWARD

Project: RFB: ES-09-17/Sulphur Draw

Date: October 19, 2017

Mr. David Darnell
Darnell Construction, LLC
4750 S. Chadbourne St.
San Angelo, TX 76904

Dear Mr. Darnell:

This letter shall serve as the official **Notice of Award** on the above referenced project. The Contract was awarded by the City Council on October 17, 2017. The total awarded contract amount is \$3,884,190.00 for the Base Bid. Our intention is to accept Alternate Bid #2 for directional drilling the Concho River Crossing, adding in bid item A2 and removing bid items 41 and 50, upon successful completion utilizing this construction method. You are hereby notified to submit the following documents to our office no later than November 17, 2017:

- ☒ Payment Bond
- ☒ Performance Bond
- ☒ Certificates of Insurance (including auto)

The insurance coverages and amounts were outlined in the draft Project Agreement in your bid package. Additionally, please ensure that the Certificates of Insurance (including auto) contain the items reflected below:

- The City of San Angelo named as Additional Insured on the General Liability policies,
- A Waiver of Subrogation is included on the General Liability and Workers' Compensation policies
- A 30 days written notice if any of the policies are canceled.



CITY OF SAN ANGELO
ENGINEERING SERVICES
72 West College Avenue, San Angelo, Texas 76903
Tel: (325) 657-4201

Once the above documents have been received and verified, we will initiate the execution of the contract. If you have any questions relating to the insurance requirements, you may contact me or our Risk Manager, Charles Hagen, at (325) 657-4359.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew P. Vecellio".

Andrew P. Vecellio, P.E.
Engineering Services

cc: Julia Antilley, Purchasing Manager

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kimberly Holle, Budget Coordinator, Finance, 325-657-4270

Meeting Date: December 12, 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%
December - increase of 17.48%

Year to date, revenue is approximately \$284,404 more than budgeted.

Financial Impact:

Sales Tax revenue for fiscal year 2018 is over budget by 6.85% and \$284,404 after December 2018 receipts.

Other Information/Recommendation:

Attachments:

1. Slides 171212 Sales Tax Update (002).pptx
2. Chart Monthly Revenue Trends 2018 - December.pdf

Presentation:

Tina Dierschke

Approvals/Reviews:

Kimberly Holle
Tina Dierschke
Becky Dunn
Bryan Kendrick

Created/Initiated
Approved
Approved
Final Approval



City Council

December 12, 2017



Sales Tax Revenue

- Up 17.48% in December compared with the same month in prior year
- Over budget for revenue by \$284,404 year to date





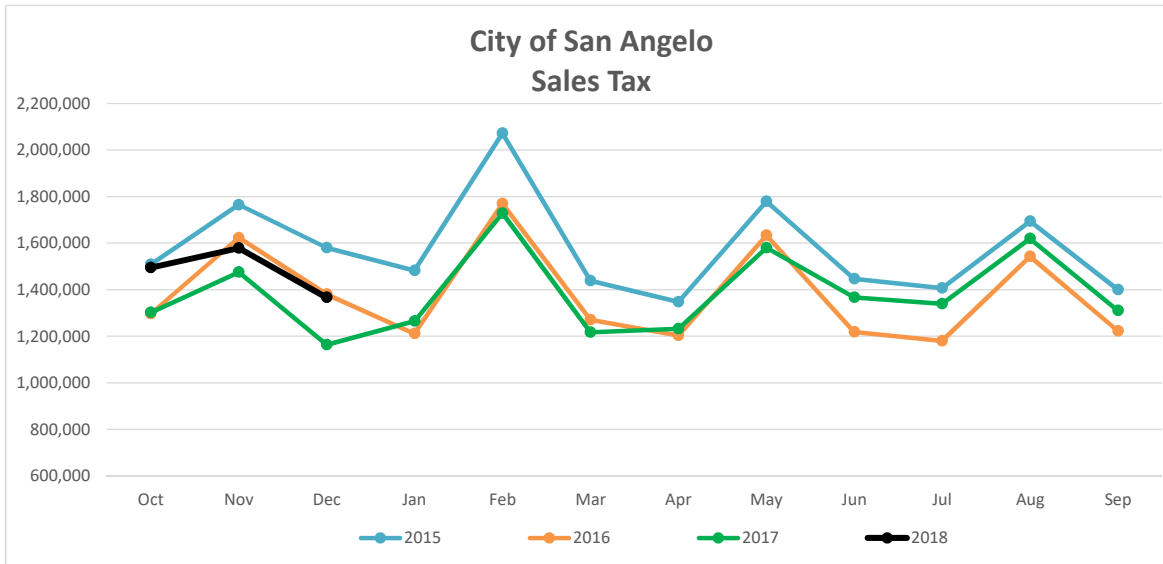
City Council

December 12, 2017



City of San Angelo Sales Tax - General Fund

Month	2013	2014	2015	2016	2017	2018	Budget Allocation	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	1,366,024	1,317,665	48,359	17.48%	203,260
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	4,438,755	17,000,000	284,404	12.67%	499,267
Orig Budget	14,888,588	16,075,699	18,427,862	19,200,000	17,200,000	17,000,000				



Projection - Flat	17,096,307
Over/(Under) Budget - Flat	96,307

YTD Collections	4,438,755
PYTD Collections	3,939,488
% increase	12.67%

YTD Original Budget	4,154,350
YTD Collections	4,438,755
YTD Over/ (Under) Budget	284,404
YTD % Over/ (Under) Budget	6.85%

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bryan Kendrick, City Clerk, City Clerk,

Meeting Date: December 12, 2017

Item type: Executive Session Item

Caption:

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 Rita Dauth

Summary/History:

Financial Impact:

Other Information/Recommendation:

Attachments:

Presentation:

Approvals/Reviews:

Bryan Kendrick
Theresa James
Becky Dunn
Bryan Kendrick

Created/Initiated
Approved
Approved
Final Approval

Kendrick, Bryan

From: info@cosatx.us
Sent: Monday, July 3, 2017 10:44 AM
To: Kendrick, Bryan; Franco, Maria
Subject: City of San Angelo, TX: Boards and Commissions application

A new entry to a form/survey has been submitted.

Form Name: Boards and Commissions application
Date & Time: 07/03/2017 8:43 AM
Response #: 63
Submitter ID: 16282
IP address: 208.180.246.133
Time to complete: 21 min. , 12 sec.

Survey Details

Page 1

NOTE: This application is information of public record.

Public Service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex or disability.

1. Personal information

Name: Tim Davenport-Herbst
Address: [REDACTED]
ZIP code: [REDACTED]
Home/mobile phone: [REDACTED]
Office/mobile phone: [REDACTED]
Resident of San Angelo since (year): 2008
City Council Single-Member District in which you reside: 1
Registered San Angelo voter? (yes or no) yes
Occupation/business affiliation: [REDACTED]
Occupation/business address: [REDACTED]
Title/position: [REDACTED]
Email: [REDACTED]

2. By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

(c) Yes

3. Date

3 July 2017

4. Applying for:

NOTE: Specific membership requirements apply to boards/commissions marked with an asterisk. See the bottom page at [this link](#) for more details.

(c) Animal Shelter Advisory Committee*

5. Recommended by:

(Name): Tommy Hiebert

6. Based on your board selection, do you meet the membership criteria?

(c) Yes

7. If so, which criteria?

Not answered

8. Tell us about yourself.

Education and/or professional licenses:

Doctor of Ministry (Evangelism)
Southern Methodist University 1999–2002 Dallas, Texas

Master of Divinity
Louisville Presbyterian Seminary 1992–1995 Louisville, Kentucky

Bachelor of Arts (Magna Cum Laude), Honors in Religious Studies
Alma College 1989–1992 Alma, Michigan

Current municipal and civic organization memberships (positions and dates):

2015 - present: Trustee, Concho Valley MHMR
2008 - present: Officer, WTOS
2016 - present: member, Payday Loan Coalition
2008 - present: officer, now director emeritus; West Texas Counseling and Guidance
2008 - present: member, now president; Project Dignidad Board of Trustees

Previous municipal experience (positions, dates, where):

2011 - 2017: Chaplain, Texas Department of Public Safety
2011 - 2017: Scoutmaster, Troop 9
2009 - 2017: Den Leader, Charter Organization Representative, Cub master
Boy Scouts of America, Cub Scout Pack 9
2008 - 2015: Parents Helping, Parents Advocacy and Support Group
2007 - 2008: Den Leader, Boy Scouts of America, Cub Scout Pack 1, NeTSeO Trails
2005 - 2008: member, United Way of Lamar County Board
2004 - 2005: Chair, Agape House Capital Campaign Paris, Texas
2002 - 2008: Trustee, Goodland Presbyterian Children's Home, Hugo, Oklahoma
2001 - 2006: member, Greater Paris Rotary Club, member & International Service Chair
1998 - 2000: member, then Vice President; Celina Chamber of Commerce
1996 - 1998: Board member, Su Casa de Esperanza Presbyterian Ministry, Pharr, Texas

What personal qualifications can you bring to the board?

- Community Service and Leadership
- Congregational Redevelopment / Revitalization
- Cross Cultural Collaboration/Cultural Proficiency
- Leadership of Staff / Volunteers
- Organizational Leadership and Development
- Pastoral Care
- Preaching

What is your personal vision for the City?

To be a vibrant center of art, education, and commerce in West Texas

Why do you want to serve on this board?

In order to help the city best care for all its creatures and protect their and the community's welfare

Is there anything else you would like to share about yourself?

No.

The City Council adopted the Code of Ethics for members of the City Council and for the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. Therefore, all Members shall comply with the laws of the nation, the State of Texas, and the City of San Angelo in the performance of their public duties. If you have been convicted of a MISDEMEANOR or FELONY, and/or placed on probation, fined or given a suspended sentence such as pretrial diversion or deferred adjudication in court within the last ten years, disclosure of such should be forwarded under separate cover. For a complete copy of the Code of Ethics, contact the City Clerk at 325-657-4405.

Thank you,
City of San Angelo, TX

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

Kendrick, Bryan

From: info@cosatx.us
Sent: Friday, December 18, 2015 3:09 PM
To: Kendrick, Bryan; Franco, Maria
Subject: City of San Angelo, TX Boards and Commissions application

A new entry to a form/survey has been submitted.

Form Name: Boards and Commissions application
Date & Time: 12/18/2015 1:08 PM
Response #: 32
Submitter ID: 5796
IP address: 50.27.152.251
Time to complete: 23 min. , 24 sec.

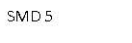
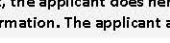
Survey Details

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NOTE: This application is information of public record.

Public Service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex or disability.

1. Personal information

Name: Edward Dotson
Address: 
ZIP code: 
Home/mobile phone: 
Office/mobile phone: 
Resident of San Angelo since (year): 2002
City Council Single-Member District in which you reside: SMD 5
Registered San Angelo voter? (yes or no) yes
Occupation/business affiliation: 
Occupation/business address: 
Title/position: 
Email: 

2. By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

(c) Yes

3. Date

12/15/2015

4. Applying for:

NOTE: Specific membership requirements apply to boards/commissions marked with an asterisk. See the bottom page at [this link](#) for more details.

(c) Parks and Recreation Advisory Board

5. Recommended by:

(Name): Mike Campbell

6. Based on your board selection, do you meet the membership criteria?

(c) Yes

7. If so, which criteria?

Not answered

8. Tell us about yourself.

Education and/or professional licenses:

All my formal education is in computer science. I do not currently have any professional licenses.

Current municipal and civic organization memberships (positions and dates):

I do not currently hold any municipal or civic organization memberships.

Previous municipal experience (positions, dates, where):

I do not have any previous municipal experience.

What personal qualifications can you bring to the board?

What is your personal vision for the City?

In my youth I got to experience days of sandlot baseball & kickball. There was pick up soccer and football games with kids that were complete strangers until that day. While most of the games took place in areas less than a mile from our house, there were still quite a few that happened because my parents took us to the park for a picnic. While I hope that at least some of San Angelo still experiences days similar to that of my youth, my vision is bring that experience to all off San Angelo. I would love to see more people outside on a regular basis utilizing all that the city has to offer.

Why do you want to serve on this board?

I would like to help find ways to bring more people out from in front of their TVs, computers and handheld devices and back to using San Angelo's parks and recreational activities. Many of today's youth and young adults get more excitement from a video game than they do from outdoor activities and I believe that needs to change. In addition, bringing people back to an active lifestyle will improve their health. Obesity, Diabetes and heart disease are just a few of the numerous health conditions that can be improved by an active lifestyle.

Is there anything else you would like to share about yourself?

While I work in IT, I absolutely love being outdoors and physically active with my family. My wife and I have three sons and If our younger two had their way, we'd spend every Saturday and Sunday morning fishing by celebration bridge. Our oldest is a sophomore at the University of Texas, our middle son is in 7th grade at Glenn and our youngest is in 2nd grade at Santa Rita. I am also certified as a Olympic weightlifting coach through USA Weightlifting.

The City Council adopted the Code of Ethics for members of the City Council and for the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. Therefore, all Members shall comply with the laws of the nation, the State of Texas, and the City of San Angelo in the performance of their public duties. If you been convicted of a MISDEMEANOR or FELONY, and/or placed on probation, fined or given a suspended sentence such as pretrial diversion or deferred adjudication in court within the last ten years, disclosure of such should be forwarded under separate cover. For a complete copy of the Code of Ethics, contact the City Clerk at 325-657-4405.

Thank you,
City of San Angelo, TX

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Kendrick, Bryan

From: info@cosatx.us
Sent: Monday, December 4, 2017 2:57 PM
To: Kendrick, Bryan; Franco, Maria
Subject: City of San Angelo, TX: Boards and Commissions application

A new entry to a form/survey has been submitted.

Form Name: Boards and Commissions application
Date & Time: 12/04/2017 12:56 PM
Response #: 70
Submitter ID: 18303
IP address: 173.219.184.45
Time to complete: 54 min. , 58 sec.

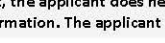
Survey Details

Page 1

NOTE: This application is information of public record.

Public Service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex or disability.

1. Personal information

Name: Christina Woodard
Address: 
ZIP code: 
Home/mobile phone: 
Office/mobile phone: 
Resident of San Angelo since (year): 2013
City Council Single-Member District in which you reside: 6
Registered San Angelo voter? (yes or no) yes
Occupation/business affiliation: 
Occupation/business address: 
Title/position: 
Email: 

2. By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

(c) Yes

3. Date

12/4/2017

4. Applying for:

NOTE: Specific membership requirements apply to boards/commissions marked with an asterisk. See the bottom page at [this link](#) for more details.

(c) Parks and Recreation Advisory Board

5. Recommended by:

(Name): Carl White

6. Based on your board selection, do you meet the membership criteria?

(c) Yes

7. If so, which criteria?

I am 18 years of age or older and a City resident. My educational and professional qualifications are listed below. I have general knowledge of, interest in, and experience relevant to youth or adult sports, senior activities, recreation activities, other organized social activities, parks, nature or conservation from my now ending first term on the Parks & Recreation Advisory Board.

8. Tell us about yourself.

Education and/or professional licenses:

The University of Texas at Austin, 2013 Bachelor of Journalism

The University of North Texas, 2014 Paralegal Certificate

Current municipal and civic organization memberships (positions and dates):

Concho Cadre (My membership to be voted on at their January meeting)

20 Under 40 (November 2017)

San Angelo Texas Exes, president (president-elect 2016)

San Angelo Professional Paralegal Association, founder (since January 2017)

Young Professionals of San Angelo (YPSA), vice president (2016 Secretary, 2015 board member)

City of San Angelo Parks & Recreation Advisory Board, member (since 2016)

First Presbyterian San Angelo, Deacon & various committees (Since January 2017)

San Angelo Panhellenic, Sigma Delta Tau Sorority Representative (Since 2016)

Previous municipal experience (positions, dates, where):

City of San Angelo Parks and Recreation Advisory Board, January 2016

City of San Angelo University, October 2016

What personal qualifications can you bring to the board?

I have a calling for service, and a desire to mold others to serve. From my experience founding organizations to stepping on to boards and continuing their vision, I have been trained for leadership and, from my extensive San Angelo participation, I have been trained for this City. I need to be involved. As I said in my 20 Under 40 interview, "I can't not be involved."

What is your personal vision for the City?

For this outstanding City to be recognized as where people should want to make their home.

Why do you want to serve on this board?

My previous service on this board has deepened my appreciation for parks and recreation programming, and I have enjoyed encouraging my organizations, such as the Young Professionals of San Angelo, to both attend the department's events and to volunteer. It is my hope that my service on a City board will encourage other young professionals to pursue board service or to, at least, better enjoy, partake in, and be aware of the many benefits this City and the Parks and Recreation Department offer.

Is there anything else you would like to share about yourself?

I am involved in and passionate about San Angelo. I believe young professionals should be involved in their local government, and as I grow in my own involvement I hope to encourage others to grow in theirs. I find that many in my age group are cautious about seeking local government involvement so young because they do not believe they are wanted yet. I want to show them that they are, and I want to encourage them to be involved in their City. My age group is the future of this great community, and it is only beneficial to bring them in and train them now.

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Thank you,
City of San Angelo, TX

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