



City Council Agenda 01/09/2018

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held on January 9, 2018 at 8:30 AM at the McNease Convention Center – South Meeting Room, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

1. Call to Order

2. Prayer and Pledge

3. Proclamations/Recognitions

- a. Recognition of the City of San Angelo's Salvation Army Angel Tree effort, led by Becky Dunn, Executive Office Coordinator in the City Manager's Office
- b. Recognition of the City of San Angelo's United Way campaign, led by Christine Russell, Benefits Representative in the Human Resources Department
- c. Recognition of WIC Manager Gillian MacKenzie for her service to the City of San Angelo
- d. "School Board Recognition Month" January 2017 to be accepted by SAISD School Board President Lanny Layman

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 December 12, 2017 City Council regular meeting minutes (B.Kendrick)
- b. Consider awarding RFB FS-05-18 Skid Steer and Track Loader to Associated Supply Co., Inc. (San Angelo, TX) in the amount of \$136,916, budgeted in FY18, for the purchase of two (2) units, and authorizing the City Manager or designee to execute any related documents (R.Kramer)
- c. Consider a resolution authorizing the City Manager or his designee in consultation with legal counsel to negotiate and execute oil and gas leases on behalf of the City of San Angelo, relative to the exploration of oil and natural gas under city-owned properties (C.Preas)
- d. Consider a resolution to provide Helping Hands \$30K from 2017 program year CDBG grant funds in support of housing rehabilitation for low income elderly homeowners and allowing the City Manager to execute all related documents (B.Salas)

- e. Consider ratifying a contract amendment with Media Rushworks, LLC, for the purchase of a video recording system for city auditorium, exceeding the City Council's original authorized contract amount by \$22,589.04 (A. Wilson)
- f. Second reading 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 (J. James)

6. Regular Agenda

- a. Appeal of the Planning Commission's approval of a Conditional Use to allow for a short term rental in the Two-Family Residential (RS-2) Zoning District on a 0.34-acre property located at 305 and 309 West Avenue A - (Presentation by Planning & Development Services Director Jon James)
- b. Second reading of 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)
- c. Second reading 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)
- d. Public hearing and first reading of an ordinance for Z17-16, a rezoning from the Office Commercial (CO) Zoning District to the Neighborhood Commercial (CN) Zoning District, on a 0.138-acre property located at 2616 South Bryant Boulevard - (Presentation by Planning & Development Services Director Jon James)
- e. Consider ratifying a resolution by the City of San Angelo Development Corporation Board of Directors authorizing the President to negotiate and execute a development agreement with AEP Texas, Inc., a Texas utility provider ("AEP") relating to utility and infrastructure improvements necessary for platting the subdivision of a portion of Phase II of the San Angelo Business & Industrial Park as approved by City Council (Presentation by Economic Development Director Roland Pena)
- f. Consider a resolution approving the City of San Angelo Development Corporation (COSADC) application to the U.S. Department of Commerce for funding through the Economic Development Administration's (EDA) 2017-18 Public Works Investment Assistance Program to fund sewer and water system improvements at the San Angelo Industrial Park; and, authorizing the City Manager or his designee to join in the grant application on behalf of the City of San Angelo as a co-applicant; approving provision for matching funds equal to fifty percent of project costs; and designating the City Manager as the city's authorized grant official - (Presentation by Economic Development Director Roland Pena)

- g. Presentation of the Civic Events year-end report - (Presentation by Civic Events Manager Sidney Walker)
- h. Consider amending Civic Events policies and recommending any related matters - (Presentation by Civic Events Manager Sidney Walker)
- i. Consider a proposed discounted rental agreement for Foster Communications Coliseum for San Angelo Broadway Academy - (Presentation by Civic Events Manager Sidney Walker)

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 regarding properties in Block 24, Millspaugh Addition.

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: Tom Maurer (SMD6) to an unexpired term ending January 2019
Planning Commission: Luke Uherik (SMD1) to an unexpired term ending January 2020
- c. Announcements and consideration of Future Agenda Items

9. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, on the 5th day of January 2018, at 10:30 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 City employees serve the community when they're on the clock. That's their job. But their service rarely ends there. The most recent example of this is the response by City employees to the Salvation Army's Angel Tree program.

The Angel Tree program seeks to provide a Merry Christmas to underprivileged children in our community. In addition to requests for a few fun items such as Barbie dolls and footballs, the children's families provide their sizes for clothing and shoes. Donors provide for those needs, which include basics such as socks, underwear, winter coats, pajamas, and shirts and pants. They also fulfill requests for toys and sporting goods.

This year, City employees sponsored 75 Angel Tree children, ensuring that Christmas morning is merry and bright for San Angelo youngsters who otherwise might have received nothing. In addition, one generous City employee contributed three large sacks of individual toys, along with \$450 for the Salvation Army to purchase more, to distribute to children.

As has been the case for a few years now, the City effort has been spearheaded and organized by Becky Dunn, the executive office coordinator in the City Manager's office. Becky diligently works to ensure every child has a sponsor, and that their gifts are bundled together and delivered to the Salvation Army.

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

City of San Angelo employees and Becky Dunn

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 9th day of January, 2018.

Brenda Gunter
Mayor of the City of San Angelo

Recognition

Our City employees are a generous lot. Although none of our public servants are wealthy, they give what they can whenever a need arises. There's no better illustration of that than their gifts to the United Way of the Concho Valley.

City employees in 2018 will contribute more than \$104,000 dollars to the United Way of the Concho Valley and the 18 local nonprofit programs it supports. That's the second-highest amount ever contributed by City employees, and only the fourth time the City has eclipsed \$100,000 in giving.

Those dollars will do much good in San Angelo. They will help treat recovering addicts. They will nourish the hungry. They will protect children who have been abused and neglected. They will shelter the homeless and victims of domestic violence. And they will assist working families and elderly homeowners struggling to make ends meet.

Much of the credit for the success of the City's campaign goes to Christine Russell. Christine is the benefits representative in our Human Resources Department. And this past year she served as the City's United Way loaned executive, working tirelessly and enthusiastically to ensure our neighbors in need get the help they need to regain their footing on a path toward self-sufficiency and a life of dignity. The City's contributions to this year's United Way campaign topped Christine's stated goal of raising 15 percent more than last year.

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

City of San Angelo employees and Christine Russell

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 9th day of January, 2018.

Brenda Gunter
Mayor of the City of San Angelo

Recognition

The City of San Angelo is losing a public servant of boundless heart, humility and dedication ... not to mention a charming Scottish accent. On January 11th, Gillian MacKenzie retires as manager of the City's Women, Infant and Children nutrition program. She will do so with 20 years service to WIC, during which she ably served tens of thousands of young mothers and their babies in San Angelo and six surrounding counties.

Gillian joined WIC and the City on December 8, 1997, as a data entry clerk. She remembers how excited she was to be working for the City ... and how her boss worried that clients may be confounded by her Scottish lilt. Gillian assured she would speak slowly if she sensed a client was having difficulty understanding her. The rest, Gillian says, is history.

She worked only four months as a data entry clerk before she was promoted to administrative assistant. That job was later elevated to administrative coordinator. After 16 years with WIC, Gillian was appointed its interim manager and later hired as the WIC manager on August 11, 2014. She remembers the role as being an exciting challenge she was eager to accept.

Of her City career, Gillian said this: "I can honestly say it has been a pleasure and an honor to serve as WIC Manager, to take care of our participants in the community, and to have such a wonderful and caring staff at WIC."

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

WIC Manager Gillian MacKenzie

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 9th day of January, 2018.

Brenda Gunter
Mayor of the City of San Angelo

Proclamation

The mission of public schools is to meet the diverse educational needs of all children and to empower them to become competent, productive contributors to a democratic society and an ever-changing world;

Local school board members are committed to children and believe all children can be successful life-long learners and that the best education is tailored to the individual needs of each child;

Local school board members work closely with parents, educational professionals, and other community members to create the educational vision we want for our students;

Local school board members are responsible for ensuring the structure that provides a solid foundation for our school system;

Local school board members are strong advocates for public education and are responsible for communicating the needs of the school district to the public and the public's expectations to the district;

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, declare our appreciation to the members of the San Angelo Independent School Board and proclaim the month of January 2018, as

“SCHOOL BOARD RECOGNITION MONTH”

In San Angelo, Texas and urge all citizens to join us in recognizing the dedication and hard work of local school board members and in working with them to mold an education system that meets the needs of both today's and tomorrow's children.

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 9th day of January, 2018.

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, December 12, 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 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 8:31 a.m. on Tuesday, December 12, 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 Public Information Officer Anthony Wilson; and the pledges were led by Angelo Catholic School Students: Daniel Gonzalez-Salazar, Chase Watson, Kenzie Gonzales, and Aly Padilla.

3. Proclamations/Recognitions

Mitch Sprunger was recognized for earning the distinction of Accredited Airport Executive, as awarded by the American Association of Airport Executives.

Tom Green County coordinating team was recognized for their recent award as a "Certified Work Ready Community"

4. Public Comment

Public Comments were made by several citizens.

5. Consent Agenda

- a. Approval of the November 21, 2017 City Council regular meeting minutes
- b. Approval of authorizing the sale of the following Lake Nasworthy properties to the current residential lot leaseholders for the appraised values:
 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. Approval of 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
- d. Approval of 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

- e. Approval of 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
- f. Approval of 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
- g. Approval of 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
- h. Adoption of 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
- i. Approval of 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. Second reading and adoption 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
- k. Second reading and adoption 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
- l. Postponement of 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

Motion: Council Member Thomas made a motion, seconded by Council Member Hiebert, to approve the consent agenda with the exception of items 5c, 5d, 5e, 5f, 5g, 5i, 5j and postponing item 5l. The motion carried unanimously (6) ayes to (0) nays.

Motion: Council Member DeWitt made a motion, seconded by Council Member Hiebert, to approve item 5c, as presented.

UCRA representative Chuck Brown spoke in favor of the contract. Citizen Steve Hampton expressed concern.

The motion carried unanimously (6) ayes to (0) nays.

Motion: Council Member Thomas made a motion, seconded by Council Member DeWitt, to approve item 5d, as presented.

Citizen Steve Hampton expressed concern.

The motion carried unanimously (6) ayes to (0) nays.

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

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

Motion: Council Member Hiebert made a motion, seconded by Council Member Thompson, to approve item 5g, as presented.

Citizen Steve Hampton expressed concern.

The motion carried unanimously (6) ayes to (0) nays.

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

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to adopt the ordinance (5j), as presented. The motion carried unanimously (6) ayes to (0) nays.

6. Regular Agenda

- a. Approval and public hearing of the 2016 Consolidated Annual Performance and Evaluation Report (CAPER) - (A presentation was made by Neighborhood & Family Services Director Bob Salas)

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

- b. Approval of 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 - (A presentation was made by Planning & Development Services Director Jon James)

Several Citizens made public comments for and against the appeal.

Motion: Council Member Thomas made a motion, seconded by Council Member DeWitt, to approved the appeal as presented, with the modified requirement of no signage allowed (#5). The motion carried (5) ayes to (1) nay, with Council Member Hiebert casting the dissenting vote.

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

Motion: Council Member Hiebert made a motion, seconded by Council Member Thomas, to approve the ordinance on first reading, with staff making the initial decision, to be appealed to Planning Commission and then City Council, if necessary. Additionally, notifications will be sent out to solicit feedback instead of a public hearing. The motion carried unanimously (6) ayes to (0) nays.

Citizen Steve Hampton expressed concern.

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

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

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

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

- f. Adoption of 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 - (A presentation was made by Airport Director Luis Elguezabal)

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

- g. Presentation and direction regarding pavement prioritization at San Angelo Regional Airport (A presentation was made by Airport Director Luis Elguezabal)

Motion: Council Member Hiebert made a motion, seconded by Council Member Carter, to direct staff to choose alternate #1, as presented. The motion carried unanimously (6) ayes to (0) nays.

- h. Adoption of 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 - (A presentation was made by Economic Development Director Roland Pena)

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

- i. Acceptance of Site # 1 for Sulphur Draw Wastewater Improvements Project and possible action related to the contract with Darnell Construction, LLC. - (A presentation was made by City Engineer Russell Pehl)

Several Citizens expressed concern over the location and appearance of the proposed lift station.

Motion: Council Member DeWitt made a motion, seconded by Council Member Thompson, to accept staff's proposal of site #1. The motion carried (4) ayes to (1) nay, with Council Member Carter casting the dissenting vote and Mayor Gunter recusing herself from the discussion and vote.

- j. Update on Sales Tax revenue performance - (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 551.072 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

No action was taken on this item.

- 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

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

- c. Announcements and consideration of Future Agenda Items
Council Member Hiebert asked for a 30-year funding plan for streets, drainage, and flooding issues (including related infrastructure) in each single member district to be developed by staff and given to Council on or before December 31, 2018.

9. Adjournment

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

There being no further business, the meeting was adjourned at 3:55 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.)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 9, 2018

Item type: Consent Item

Caption:

Consider awarding RFB FS-05-18 Skid Steer and Track Loader to Associated Supply Co., Inc. (San Angelo, TX) in the amount of \$136,916, budgeted in FY18, for the purchase of two (2) units, and authorizing the City Manager or designee to execute any related documents (R.Kramer)

Summary/History:

Bids were requested for Skid Steer and Track Loader equipment for the purpose of replacing units that are past their useful operational life and/or for new requirements. Two units have been budgeted for FY18 within the Street and Bridge Capital and Water Funds. Bids were received from four local and two out-of-town vendors. A total of 7 machines were compared and evaluated to determine the best value offered to the City through this bid.

Financial Impact:

Consider awarding RFB FS-05-18 Skid Steer and Track Loader to Associated Supply Co., Inc. (San Angelo, TX) in the amount of \$136,916, budgeted in FY18, for the purchase of two (2) units.

Other Information/Recommendation:

Staff recommends award of RFB FS-05-18 Skid Steer and Track Loader to Associated Supply Co., Inc. (San Angelo, TX).

Attachments:

- | | | |
|----|-------------------------|----------------------|
| 1. | FS-05-18 Bid Tabulation | FS-05-18 Bid Tab.pdf |
|----|-------------------------|----------------------|

Presentation:

None

Approvals/Reviews:

Ryan Kramer	Created/Initiated
Shane Kelton	Approved
Theresa James	Approved
Julia Antilley	Approved
Candice Blake	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval



Kirby-Smith Machinery				Yellowhouse			Bobcat of Abilene			Warren Cat			Cisco			ASCO #1			ASCO #2			ASCO #3										
Description	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price								
Current Year Model Price	49727.76	1	\$ 49,727.76	45847	1	\$ 45,847.00	39891.21	1	\$ 39,891.21	49344.3	1	\$ 49,344.30	43500	1	\$ 43,500.00	43715	1	\$ 43,715.00	39709	1	\$ 39,709.00		1	\$ -								
Make and Model Quoted	Takeuchi Skid Steer Loader Model TS80V-2			John Deere 324E			2018 Bobcat S650 T4 Skid Steer Loader			Caterpillar 262D			New Holland L228			Case SV280			Bobcat S650													
Delivery Lead Time	4 weeks			30-45 days			90 days			45 days			2 - 3 weeks			60-75 days			60 days													
OPTIONS																																
5 Year, 2000 Hour Extended Warranty	5684.46	1	\$ 5,684.46	690	1	\$ 690.00	2431.36	1	\$ 2,431.36	1820	1	\$ 1,820.00	3493	1	\$ 3,493.00	2710	1	\$ 2,710.00	3125	1	\$ 3,125.00		1	\$ -								
Service Information	Inc	1		Inc	1		Inc	1		0	1	\$ -	627	1	\$ 627.00	1000	1	\$ 1,000.00	400	1	\$ 400.00		1	\$ -								
Total Bid:			\$ 55,412.22	\$ 46,537.00			\$ 42,322.57			\$ 51,164.30			\$ 47,620.00			\$ 47,425.00			\$ 43,234.00			\$ -										
Piggy Back	Yes* buyback + 2%			Yes			Yes			Yes			Yes			No			No													
Cooperative	No			Yes - Buyboard 515-16			No			No			No			No			No													
Payment Terms	Net 30			Net 30			Payment upon delivery			Net-30 days			Net-30			Net 30			Net 30													
Payment Discount	N/A			N/A			N/A			0			N/A			N/A			N/A													
B - Track Loader																																
Description	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price								
Current Year Model Price	72899.32	1	\$ 72,899.32	75367	1	\$ 75,367.00	59590.56	1	\$ 59,590.56	74210	1	\$ 74,210.00	59950	1	\$ 59,950.00	63097	1	\$ 63,097.00	59280	1	\$ 59,280.00	53062	1	\$ 53,062.00								
Make and Model Quoted	Taekeuchi Track Skid Steer Loader Model TL12V-2			John Deere 333G			2018 Bobcat T770 T4 Compact Track Loader			Caterpillar 299 D2 XHP			2017 New Holland C238			Case TV380			Bobcat T770			Bobcat T740										
Delivery Lead Time	4 - 6 weeks			45-60 days			90 days			45 days			1-2 weeks			45 - 75 days			60 days			60 days										
OPTIONS																																
5 Year Extended Warranty	6576.95	1	\$ 6,576.95	1716	1	\$ 1,716.00	4252.8	1	\$ 4,252.80	4880	1	\$ 4,880.00	6979	1	\$ 6,979.00	4945	1	\$ 4,945.00	6280	1	\$ 6,280.00	5075	1	\$ 5,075.00								
Heavy Duty Bucket	1690.81	1	\$ 1,690.81	Inc	1		1091.59	1	\$ 1,091.59	1350	1	\$ 1,350.00	Inc	1		1281	1	\$ 1,281.00	1092	1	\$ 1,092.00	1092	1	\$ 1,092.00								
Grapple Bucket	3656.09	1	\$ 3,656.09	3480	1	\$ 3,480.00	2390.91	1	\$ 2,390.91	4045	1	\$ 4,045.00	3485	1	\$ 3,485.00	3612	1	\$ 3,612.00	3612	1	\$ 3,612.00	3612	1	\$ 3,612.00								
Multipurpose Bucket	3108.17	1	\$ 3,108.17	3407	1	\$ 3,407.00	2611.2	1	\$ 2,611.20	3515	1	\$ 3,515.00	3650	1	\$ 3,650.00	3645	1	\$ 3,645.00	3645	1	\$ 3,645.00	3645	1	\$ 3,645.00								
Service Information	Inc	1		Inc	1		Inc	1		0	1	\$ -	690	1	\$ 690.00	1000	1	\$ 1,000.00	400	1	\$ 400.00	400	1	\$ 400.00								
Total Bid:			\$ 87,931.34	\$ 83,970.00			\$ 69,937.06			\$ 88,000.00			\$ 74,754.00			\$ 77,580.00			\$ 74,309.00			\$ 66,886.00										
Piggy Back	Yes* buyback + 2%			Yes			Yes			Yes			Yes			No			No			No										
Cooperative	No			Yes - Buyboard 515-16			No			No			No			No			No			No										
Payment Terms	Net 30			Net 30			Payment upon delivery			Net-30 days			Net-30			Net 30			Net 30			Net 30										
Payment Discount	N/A			N/A			N/A			0			N/A			N/A			N/A			N/A										
C - Trade-in Equipment Value																																
Description	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price	Unit Price	Estimated Quantity	Extended Price								
2016 Case DV36 Offset Drum	27500	1	\$ 27,500.00	30000	1	\$ 30,000.00	14500	1	\$ 14,500.00	18000	1	\$ 18,000.00	20000	1	\$ 20,000.00	33000	1	\$ 33,000.00		1	\$ -											
Compactor with Canopy & Beacon																																
Total Bid:				\$ (27,500.00)		\$ (14,500.00)			\$ (18,000.00)			\$ (20,000.00)			\$ (33,000.00)			\$ -														

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

Meeting Date: January 9, 2018

Item type: Consent Item

Caption:

Consider a resolution authorizing the City Manager or his designee in consultation with legal counsel to negotiate and execute oil and gas leases on behalf of the City of San Angelo, relative to the exploration of oil and natural gas under city-owned properties (C.Preas)

Summary/History:

The City of San Angelo owns ranch lands outside the San Angelo city limits.
City staff have discovered an additional revenue source on these lands, being leases for oil and natural gas exploration.

Additionally, there are oil and gas leases on other City lands that may need negotiation or renewal in the future.

This resolution seeks authorization for the City Manager, in conjunction with legal council, to negotiate and execute these oil and gas leases to avoid delays in the drilling and production of current and future wells.

Financial Impact:

Dependent on Council direction.

Other Information/Recommendation:

Staff recommends approval of the resolution authorizing the City Manager or his designee in conjunction with legal counsel to negotiate and execute oil and gas leases and other documents necessary for the exploration of oil and natural gas on city-owned lands.

Attachments:

1. Resolution 18-168 Resolution negotiation oil and gas leases.docx

Presentation:

None

Approvals/Reviews:

Cynthia Preas
Theresa James
Anthony Wilson

Created/Initiated
Approved
Approved

Julia Antilley
Candice Blake
Tina Dierschke
Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Approved
Approved
Approved
Final Approval

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF SAN ANGELO, TEXAS
AUTHORIZING THE CITY MANAGER TO NEGOTIATE
AND EXECUTE OIL AND GAS LEASES AND OTHER
RELATED DOCUMENTS FOR OIL AND GAS
EXPLORATION AND PRODUCTION ON CITY
PROPERTY.**

WHEREAS, the City of San Angelo has a number of oil and gas leases operating on City property; and

WHEREAS, the City has recently acquired ranchland that has current and anticipated oil production and anticipates more leases will be requested in the near future; and

WHEREAS, the City works in conjunction with legal counsel to negotiate the leases for the benefit and protection of City property and water resources;

WHEREAS, time is often of the essence during the course of these negotiations.

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

That the City Manager is hereby authorized in conjunction with legal counsel to negotiate and execute oil and gas leases that will be located on City property.

PASSED and APPROVED THIS 9th DAY OF JANUARY, 2018.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Brenda Gunter, Mayor

Bryan Kendrick, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 9, 2018

Item type: Consent Item

Caption:

Consider a resolution to provide Helping Hands \$30K from 2017 program year CDBG grant funds in support of housing rehabilitation for low income elderly homeowners and allowing the City Manager to execute all related documents (B.Salas)

Summary/History:

Helping Hands (HH), a non-profit organization under Galilee CDC conducts an annual housing rehabilitation blitz program that uses volunteers to help repair the homes of low income elderly homeowners. However, professional services such as plumbers and construction specialists are often required to prepare the housing units prior to volunteer engagement. With a change in direction for the use of CDBG federal grant funds in support of a Homeless Prevention Program and away from the annual Neighborhood Blitz program, the City is interested in partnering with HH to extend the City's neighborhood revitalization efforts. To that end, staff is requesting approval to allocate \$30K from the Homeless Prevention Program which was allocated \$90K for the year. We are expending approximately \$5K monthly in the new program, so we estimate that we will need \$60K for the year to cover the costs. That leaves \$30K available to reallocate. The change will bring the Homeless Prevention Program more in line with realistic funding levels and will support our continued efforts to revitalize neighborhoods.

Financial Impact:

\$30K will move from 453-2621-988.08-86 to 453-2621-988.08-76.

Other Information/Recommendation:

Attachments:

1. Resolution - Amendment to AAP Resolution - Amendment to 2017 AAP - Helping Hands.docx.pdf

Presentation:

Bob Salas

Approvals/Reviews:

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

Bryan Kendrick

Final Approval

A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL APPROVING AMENDMENT TO THE 2017 ANNUAL ACTION PLAN (AAP) TO REALLOCATE \$30,000 OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN SUPPORT OF THE HELPING HANDS PROGRAM ESTABLISHED BY GALILEE COMMUNITY DEVELOPMENT CORPORATION (GCDC); AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE FROM TIME TO TIME SUCH CONTRACTS AS REQUIRED TO PROVIDE PROGRAM SERVICES TO ELIGIBLE APPLICANTS

WHEREAS, the City of San Angelo, a Texas home rule municipal corporation (“City”) and Galilee Community Development Corporation (GCDC), is a non-profit Community Housing Development Organization (CHDO) chartered under the laws of the State of Texas; and,

WHEREAS, GCDC has established a new affordable housing related program called “Helping Hands”, which provides light rehabilitation and repairs for low-income senior homeowners in the San Angelo community ; and,

WHEREAS, on August 1, 2017, the City Council approved the Annual Action Plan (AAP) for 2017, which provides excess funding of \$30,000, for Homeless Prevention Program that is available for allocation to fund the Helping Hands Program; and,

WHEREAS, reallocation of excess funding from Homeless Prevention Program to the Helping Hands Program will utilize the funds for affordable housing purposes;

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

The City Council for the City of San Angelo hereby amends the City of San Angelo 2017 Annual Action Plan by reallocating \$30,000 in excess Department of Housing and Urban Development Block Grant funds from the Homeless Prevention Program to the Helping Hands Program established by Galilee Community Development Corporation, to provide light rehabilitation and repairs for low-income senior homeowners The City Manager or his designee is hereby authorized to negotiate and execute from time to time such contracts as may be required

to provide program services to eligible applicants.

PASSED and APPROVED THIS 9th DAY OF _____, 2018.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Brenda Gunter, Mayor

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT

APPROVED AS TO FORM

Robert Salas, Director of Neighborhood
& Family Services Department

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Anthony Wilson, Public Information Officer, Public Information, (325) 481-2727

Meeting Date: January 9, 2018

Item type: Consent Item

Caption:

Consider ratifying a contract amendment with Media Rushworks, LLC, for the purchase of a video recording system for city auditorium, exceeding the City Council's original authorized contract amount by \$22,589.04 (A. Wilson)

Summary/History:

On July 7, 2015, the City contracted with Media Rushworks for the design, equipment and installation of the integrated audio/visual system in the Council chambers. This is the system the Public Information Office uses to broadcast and record Council, board and commission meetings. In approving the contract, the Council authorized an expense up to \$325,000.

On Dec. 19, 2017, the City amended that contract for a similar system in the Murphey Performance Hall at City Auditorium. This video system will be used to record productions staged by the San Angelo Performing Arts Coalition, the San Angelo Symphony, the San Angelo Ballet and other groups, to be broadcast on SATV and other digital platforms. SAPAC's executive director has enthusiastically endorsed the addition of this equipment.

The expense of the new system, when coupled with the cost of the system in the Convention Center, will exceed the Council's original expense authorization by \$22,589.04. Staff requests that the Council ratify the contract amendment for the equipment for the Auditorium, thus granting approval to exceed the amount authorized in the original agreement.

The new equipment will be purchased with PEG fees received from Suddenlink. By law, these fees can be spent only on capital purchases that result in the production of content on the City's Public, Educational or Government television channel, i.e. SATV. No tax dollars will be expended on this project.

Financial Impact:

The total cost of the video recording and streaming system in the Murphey Performance Hall in City Auditorium is \$63,633. When coupled with the cost of the video system in the Council chambers, the total expense exceeds the original authorized cost by \$22,589.04.

Like the system in the Convention Center, the new equipment will be purchased with PEG fees received from Suddenlink. By law, these fees can be spent only on capital purchases that result in the production of content on the City's Public, Educational or Government television channel, i.e. SATV.

No tax dollars will be expended on this project.

Other Information/Recommendation:

Attachments:

1. First Amendment to Professional Services Agreement between the City of San18-
Angelo, Texas, and Media Rushworks, LLC, DBA RUSHWORKS 131_IT_RUSHWORKS_CONTRACT
AMENDMENT FINAL K.pdf

Presentation:

Approvals/Reviews:

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

FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF SAN ANGELO, TEXAS
AND MEDIA RUSHWORKS, LLC DBA RUSHWORKS
RFP PI-01-15

This First Amendment to the Professional Services Agreement between the City of San Angelo (“City”) and Media Rushworks, LLC, dba Rushworks (“Provider”), is entered into by and between the parties, to be effective as of December 12, 2017.

WHEREAS, the parties entered into a Professional Services Agreement executed on July 7, 2015, for the design of a functioning turnkey comprehensive and integrated Audio/Visual (A/V) system, including equipment and installation for the City Council Chambers including five (5) years of ongoing maintenance with a term expiring in 2020; and,

WHEREAS, the City finds it necessary to design and install a video recording system in the newly renovated Murphey Performance Hall in the City Auditorium located at 72 West College Avenue;

WHEREAS, the parties have agreed upon terms for this installation and ongoing maintenance of the system.

NOW THEREFORE, in consideration of the premises, and of the mutual promises, covenants, and agreements of the Parties herein set forth, the Parties agree as follows:

1. Section 2, “TERM” of the Agreement is hereby extended to expire on December 12, 2022.
2. Section 4, “SCOPE OF SERVICE/LIQUIDATED DAMAGES” shall be amended to state as follows:

“Provider also agrees to provide Services for the design and installation of a functioning turnkey video recording system that includes integrated cameras and switching and recording equipment in the Murphey Performance Hall at City Auditorium, 72 West College Avenue, San Angelo, Texas. Provider will further provide maintenance services for all video systems through the expiration of this Agreement.”
3. Payments for these additional Services shall be as shown on Exhibit “A” to this Amendment.
4. All provisions of the Professional Services Agreement not amended by this First Amendment shall continue in full force and effect.

(Signature Page Follows)

IN WITNESS WHEREOF, the undersigned have executed or caused to be executed this First Amendment to Professional Services Agreement on 12/19/2017 | 2:45 PM. CST

“PROVIDER”
MEDIA RUSHWORKS, LLC DBA RUSHWORKS

DocuSigned by:
BY: Rush Beesley
Rush Beesley, President
EMAIL: rush@rushworks.tv

“CITY”
CITY OF SAN ANGELO

ATTEST:

DocuSigned by:
Bryan Kendrick
Bryan Kendrick, City Clerk

DocuSigned by:
By: Daniel Valenzuela
Daniel Valenzuela, City Manager

APPROVED AS TO CONTENT:

DocuSigned by:
Anthony Wilson
Anthony Wilson, Public Information Officer

APPROVED AS TO FORM:

DocuSigned by:
Theresa James
Theresa James, City Attorney



800 Parker Square Suite 200 Flower Mound, TX 75028 888.894.7874 972.899.8140 fax
cool technology for **PRODUCTION • PLAYBACK • STREAMING**

Anthony Wilson
CITY OF SAN ANGELO

VDESK

Reference #

422-R1-16-50

December 1, 2017

COSA120117-VP8

VDESK PRO 8 Integrated PTZ Production and Streaming System

ITEM	DESCRIPTION	Quan
SYSTEM	Dell OEM 5810 2 x 2TB R1 16GB 1650 W7PRO64 KYBD/MSE	1
SYSTEM	SLIDING RACK SHELF	1
TS MON	24" TOUCH SCREEN (1920 x 1080)	2
HW WARRANTY	5 YEAR DELL PROSUPPORT*	1
BU SOFT	32GB USB Flash Drive with Acronis Snap Deploy 4 Image	1
INPUTS 1-4	ANALOG COMPOSITE or SD/HD-SDI	1
INPUTS 5-8	ANALOG COMPOSITE or SD/HD-SDI	1
OUTPUTS	HD/SD-SDI and HDMI	1
PTZSOFT	PTZ Ctrl	1
PTZSOFT	SWX/RTR Ctrl	1
PTZSOFT	CG/DSK Ctrl	1
PTZSOFT	ENC/STREAM Ctrl	1
PTZSOFT	PLAYLIST Ctrl	1
GRAPHICS	ADOBE PHOTOSHOP / PREMIERE ELEMENTS	1
MUX	4-PORT 12VDC / RS-422	2
DEMUX	POWER/SERIAL DECOUPLER	4
USB JOYSTICK	6 BUTTON HALL EFFECT WITH TWIST ZOOM	1
KEYBOARD	CUSTOM KEYBOARD WITH SHORTCUT KEYS	1
CTRL SURFACE	VDX T-BAR CONTROL SURFACE	1
HD/SD PTZ CAM	iSMART 30x OPTICAL	4
WALL MOUNTS	ANTIVIBRATION	4
CAM CABLES	RG6 SDI RATED COAX / CAT5 - 125' TERMINATED	6

This configuration has eight (8) inputs that support both analog and SDI input signals. TRANSITIONS include multiple wipe designs, and EFFECTS include Picture-In-Picture choices, several "double box" layouts, and Chroma Key. Record in MPEG-2 and stream directly using the included Flash Media Live Encoder. We offer our StreamSource ANYSCREEN service starting at \$149/mo for maximum visibility on most media devices, including Android, iOS, and PC. For \$199/mo we'll create your own Roku channel, and provide you with 50GB of VOD storage. Installation and training available: \$800/day plus travel expenses. Output is HDMI and SDI.

CUSTOMER SUPPORT

Annual System Assurance Plan (ASAP): First Year Included

\$2,073

Email • Phone • LogMeIn Remo Access • Software Version Upgrades & Enhancements

*Overnight Parts Replacement
*Next Day On-Site Service as/if required
Video I/O card warranty: 1 year

MSRP	25,912
Installation & Training	1,600
ASAP (4) Additional Years for Total of Five Years	8,292
*Shipping & Handling	129
Travel Expenses	535
ASAP(3) Year Extension on 2015 Systems	27,165
This Proposal is valid for 30 days.	TOTAL 63,633

*UPS Ground

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 9, 2018

Item type: Consent Item

Caption:

Second reading 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 (J. 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.

On December 12, 2017, the City Council voted to APPROVE on First Reading.

Attachments:

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

Presentation:

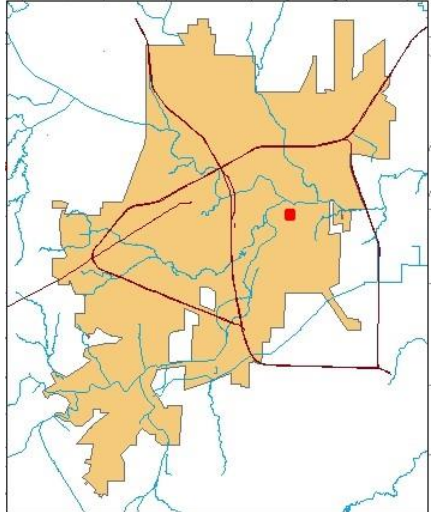
Jon James

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.

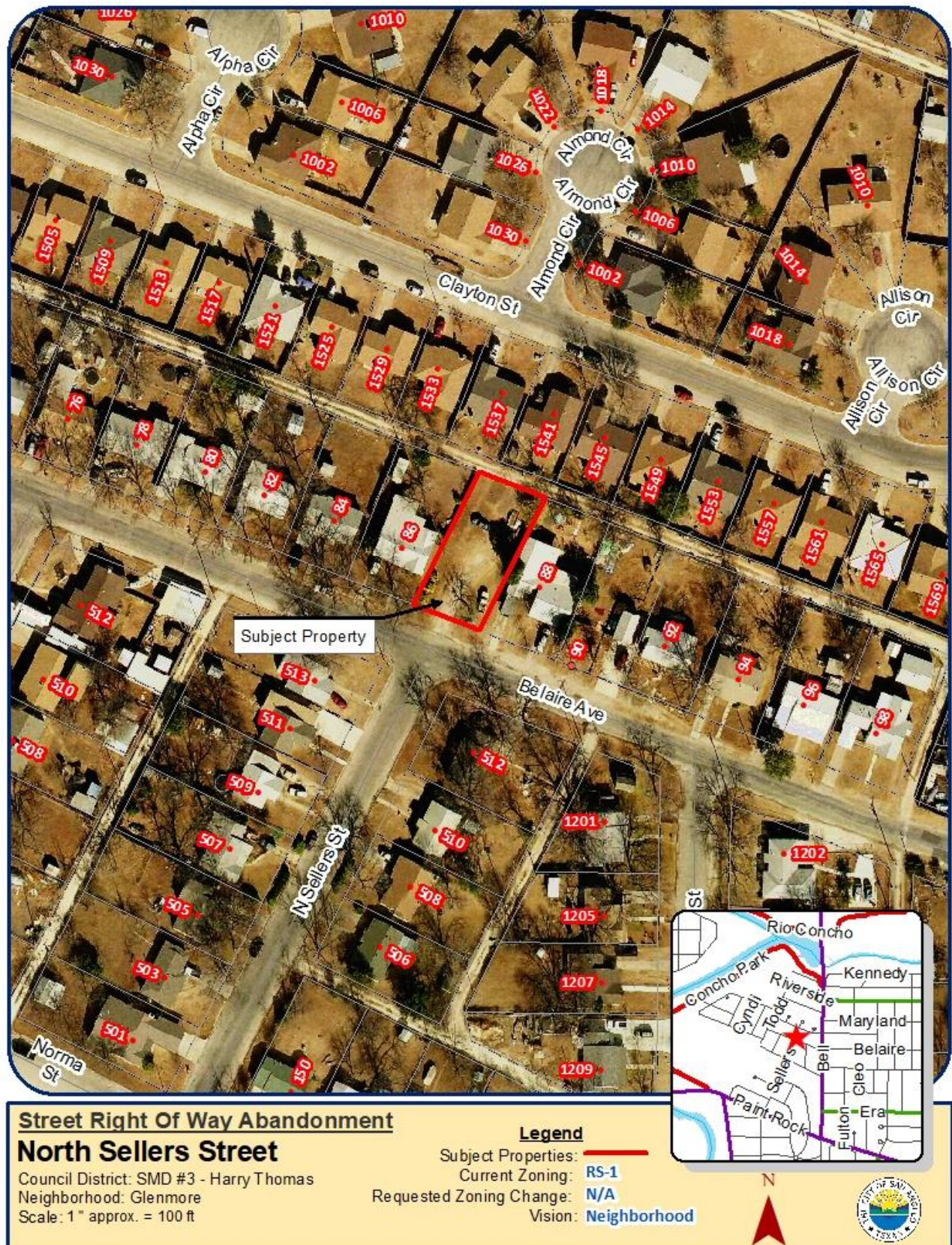
Recommendation:

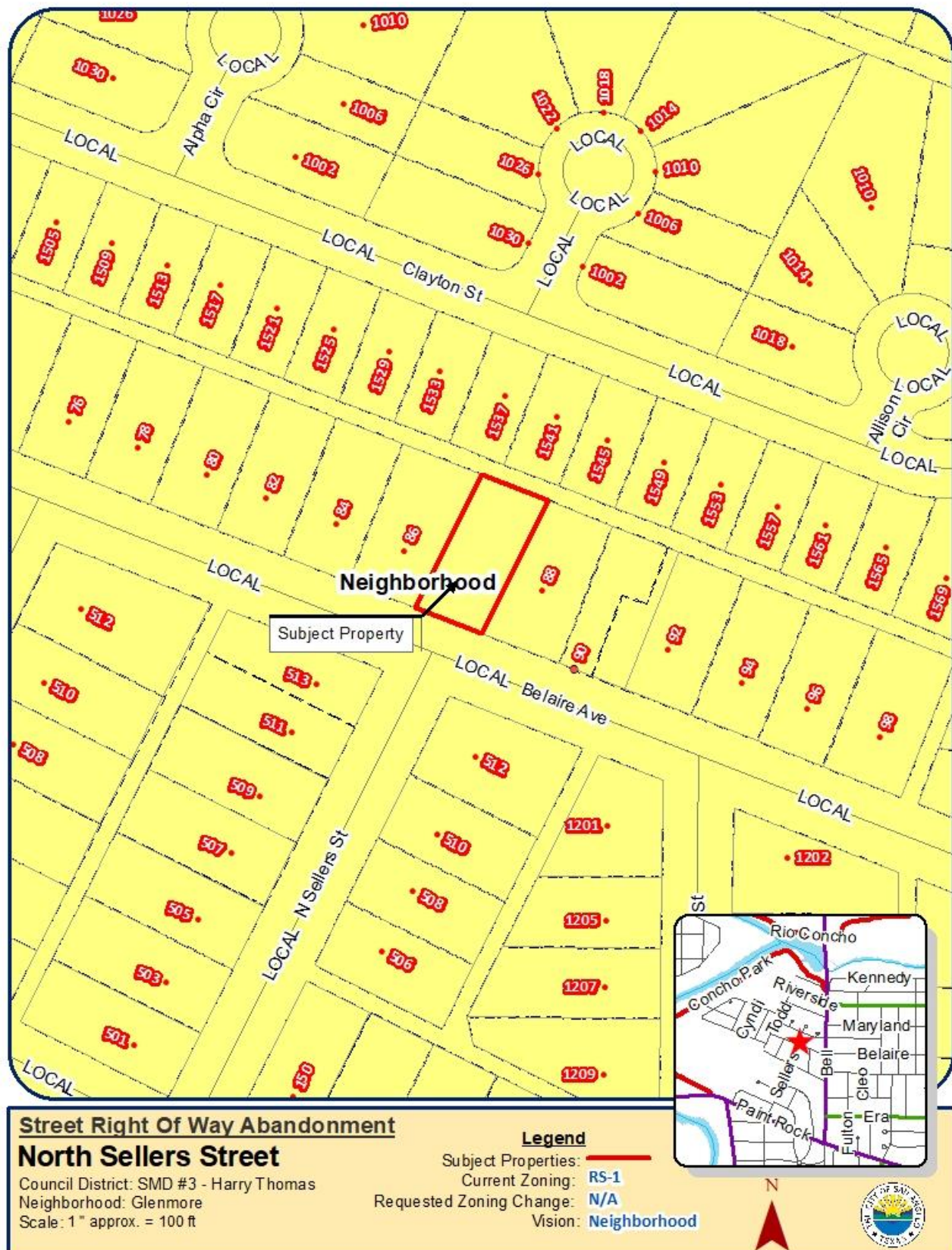
Staff's recommendation is for City Council to **APPROVE** the proposed abandonment of 125.55 linear foot (7,534 square foot) segment of the North Sellers Street public right-of-way, **subject to two Conditions of Approval:**

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.

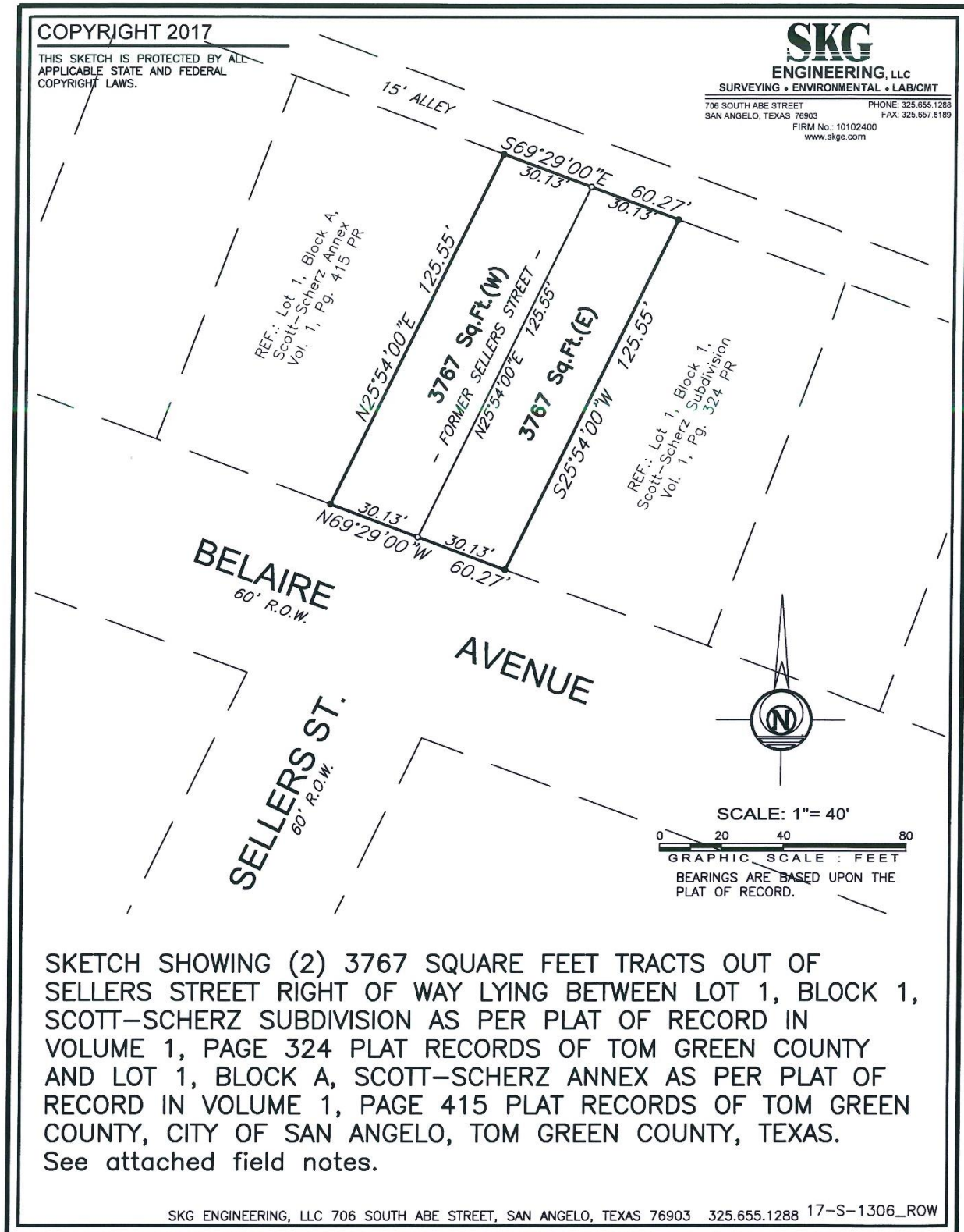
Attachments:

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:

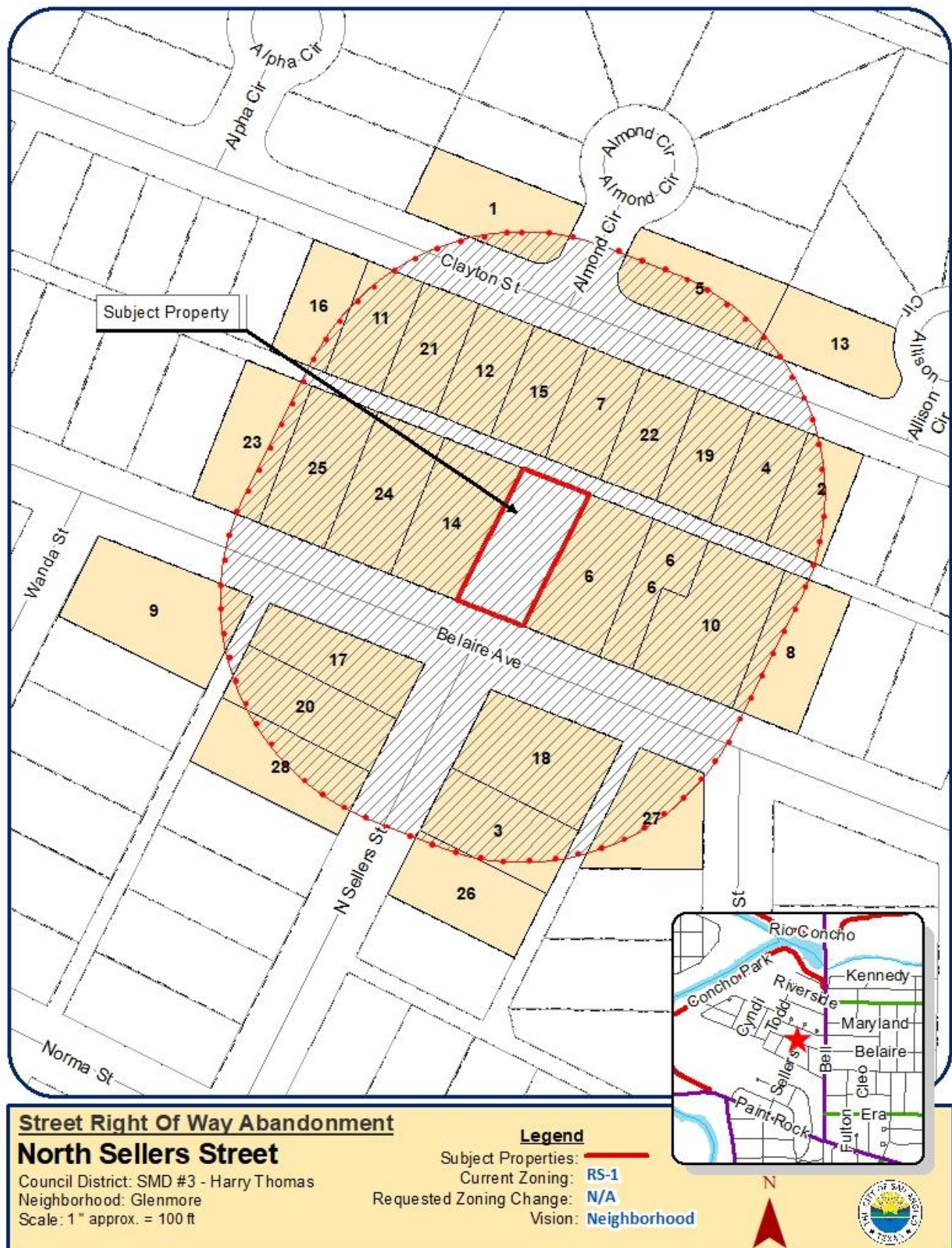
Beginning at the northeast corner of this tract and said Sellers Street right-of-way and the northwest corner of said Lot 1 and being in the south line of a 15' Alley;

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

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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: January 9, 2018

Item type: Regular Item

Caption:

Appeal of the Planning Commission's approval of a Conditional Use to allow for a short term rental in the Two-Family Residential (RS-2) Zoning District on a 0.34-acre property located at 305 and 309 West Avenue A - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

The applicants have requested a Conditional Use to legalize an existing short term rental on the subject property. The short term rental has been operating since Fall 2014 and the applicants have been paying hotel occupancy tax since this time (see attached). The subject property currently contains three, one-story buildings on two-and-a-half platted lots. The applicants intend to continue operating the short term rental from the largest building on the property, a 1,476-square foot, 3-bedroom, single-detached dwelling addressed as 305 West Avenue A. They also intend to rent out the 935-square-foot second dwelling, addressed as 309 West Avenue A for more than 30 days, which would not be considered a short term rental nor require a Conditional Use. The third building which the applicant indicates does not contain a stove or oven is being used as accessory storage space and is 548 square feet according to the Appraisal District.

On November 13, 2017, the Planning Commission approved the request for a Conditional Use for a short term rental on the property. On December 9, 2017, a resident of the City of San Angelo appealed the Planning Commission's decision.

Financial Impact:

N/A

Other Information/Recommendation:

On November 13, 2017, the Planning Commission APPROVED a Conditional Use for a Short-Term Rental in the Two-Family Residential (RS-2) Zoning District on the subject property, subject to six Conditions of Approval, including a modification not allowing any signage for the use. The Motion passed unanimously, 6-0.

Attachments:

1. Staff Report [PL_CU17-14_Report.pdf](#)

Presentation:

Jon James

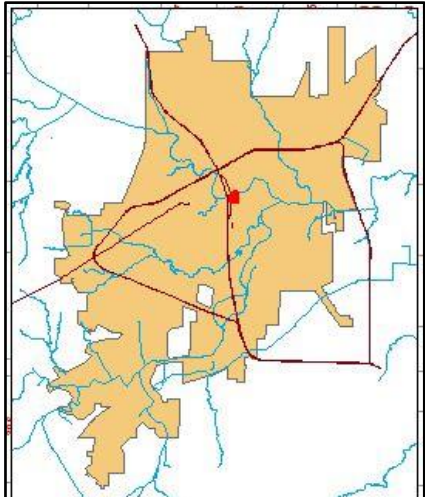
Approvals/Reviews:

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 – January 9, 2018

STAFF REPORT

APPLICATION TYPE:		CASE:	
Conditional Use Appeal		CU17-14: Concho Quarters, appeal of the approval 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 Two-Family Residential (RS-2) Zoning District on the subject property.	
SYNOPSIS:			
The applicants have requested a Conditional Use to legalize an existing short term rental on the subject property. The short term rental has been operating since Fall 2014 and the applicants have been paying hotel occupancy tax since this time (see attached). The subject property currently contains three, one-story buildings on two-and-a-half platted lots. The applicants intend to continue operating the short term rental from the largest building on the property, a 1,476-square foot, 3-bedroom, single-detached dwelling addressed as 305 West Avenue A. They also intend to rent out the 935-square-foot second dwelling, addressed as 309 West Avenue A for more than 30 days, which would not be considered a short term rental nor require a Conditional Use. The third building which the applicant indicates does not contain a stove or oven is being used as accessory storage space and is 548 square feet according to the Appraisal District. On November 13, 2017, the Planning Commission approved the request for a Conditional Use for a short term rental on the property. On December 9, 2017, a resident of the City of San Angelo, Mr. Randal Schkade, appealed the Planning Commission's decision (see attached appeal letter). A full summary of the Planning Commission Meeting for this case can be found further below.			
LOCATION:		LEGAL DESCRIPTION:	
305 and 309 West Avenue A; generally located approximately 60 feet southwest of the intersection West Avenue A and South Randolph Street		Being the east 25 feet of Lot 6, and all of Lots 7 and 8 in Block 6 of the Park Heights Addition, comprising a total of 0.34 acres.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FLU:
SMD District #3 – Harry Thomas Concho Neighborhood		RS-2 – Two-Family Residential	D – Downtown
			SIZE:
			0.34 acres
THOROUGHFARE PLAN:			
West Avenue A – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk Provided: 80' right-of-way, 56' pavement (lots already platted, complied with standards at that time)			
NOTIFICATIONS:			
10 notifications mailed within 200-foot radius on November 2, 2017. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Conditional Use for a Short Term Rental in the Two-Family Residential (RS-2) Zoning District, subject to six Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
<i>Property Owners and Applicants:</i> Frank and Rebecca Francis			
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. The existing single-detached dwelling at 305 West Avenue A is suitable for a short term rental as it blends visually with other single-detached residences in the surrounding area. All of the structures on the property are residential in nature and would therefore, have no adverse visual impact to the residences to the east and south. In addition, there is an existing 6-foot high privacy fence along the south and west property lines and the rear portion of the east property line, further minimizing any visual impacts on surrounding properties. The proposed use would provide a suitable transition between the commercial/office uses to the west and north, Crockett National Bank and Girl Scouts, and the residential area to the east and south.
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 property is zoned Two-Family Residential (RS-2) and for the purposes of lot area, lot frontage, and lot depth calculations, the entire two-and-a-half lots can be considered as one contiguous lot. As one lot, the property exceeds the minimum required lot area of 6,500 square feet, minimum lot frontage of 50 feet, and minimum lot depth of 100 feet. The two existing dwellings are allowed by right in the RS-2 zone but it is noted that the third building cannot be used as a house (no stove addition) without a rezoning. The short term rental dwelling at 305 West Avenue Y complies with all required setbacks, and there are two paved parking spaces, also as required, under the rear carport on the property. As conditions of approval, the applicants will be required to obtain a change of occupancy for the dwelling unit at 305 West Avenue A to be used for the short term rental, as well as provide two additional paved parking spaces for the second dwelling unit as required. In addition, a maximum of one short term rental would be allowed to be rented at one time on the property, avoiding any potential overcrowding. The proposed short term rental also complies with the provisions of Section 406 of the Ordinance which apply to this use. As indicated above, the applicants have continued to pay hotel occupancy tax since the autumn of 2014.
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 short term rental use appears to be compatible with the surrounding area. To the west is Crockett National Bank and to the north is the Girl Scouts building and Concho River. As mentioned, the short term rental serves as an effective transition between these office-commercial type uses and the residential dwellings to the south and east. The property is also located within the south end of “Downtown” in the City’s Comprehensive Plan, south of Concho River. The “Downtown” policies call to “increase connectivity between downtown and surrounding neighborhoods” and “encourage growth and infill along and across the North Concho Riverfront and Houston Harte Expressway.” Planning Staff believe these policy objectives are achieved with the inclusion of a short term rental at this location. The property is approximately ¼ mile from the heart of Downtown San Angelo close to shopping, restaurants and amenities along Chadbourne Street. It is also within walking distance to the City’s Riverwalk along the Concho Riverfront which includes Sante Fe Park, Spanish Park, and Kids Kingdom. A short term rental at this location would be able to take advantage of these nearby amenities and connect tourists and guests to Downtown San Angelo.

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 and maintain the existing building footprint on the property. The required two additional paved parking spaces would be reviewed as part of the change of occupancy permit(s), but Staff does not anticipate any grading or drainage issues given the small increase in paved surface.
5. **Community Need.** *Whether and the extent to which the proposed conditional use addresses a demonstrated community need.* There appears to be a demonstrated community need given this property's close proximity to the River Walk and nearby amenities. It is also adjacent to non-residential uses on two sides and close to South Koenigheim Street, an arterial street that connects to larger commercial areas. The close proximity to shopping, retail, and recreational areas make this location suitable for a short term rental.
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. As mentioned, the property is located in close proximity to South Koenigheim Street, a major arterial road that can accommodate large volumes of traffic. There is an existing curb cut along the west side of the property that connects to the carport through an 80-foot long grassed area. Article 8.10.003(5) of the City Code of Ordinances allows vehicles to be parked on unimproved surfaces providing they are perpendicular to the street and are located between the curb and a garage or carport structure. This area may be used to park up to four additional vehicles if necessary. In addition, Avenue A is 56 feet wide, 16-20 feet wider than required for a local street. Vehicles currently may parallel park along the sides of the street, including the angled on-street parking area in front of the Girl Scouts building. Staff believes that limiting occupancy to one short term rental at a time, and requiring the additional two parking spaces on the property should be sufficient to satisfy parking needs.

Planning Commission Recommendation:

On November 13, 2017, the Planning Commission recommended **APPROVAL** of the Conditional Use for a Short-Term Rental in the Two-Family Residential (RS-2) Zoning District on the subject property. The following is the complete excerpt of the minutes from the November 13, 2017, meeting for this case:

Jeff Fisher, Senior Planner, presented the proposed Conditional Use request for a short term rental on the subject property. He explained that the applicant was seeking to legalize an existing short term rental on the subject property at 305 West Avenue A and rent out the second dwelling at 309 West Avenue A for longer than 30 days. He further explained that the applicant had two parking spaces at the rear under the existing carport, but required an additional two spaces for the second dwelling as a condition of approval. Mr. Fisher concluded his presentation with Staff's rationale for approval which included that the short term rental would be located within an existing building; that the use would comply with the zoning provisions except for the two parking spaces; and that the use provided an effective transition between the commercial uses to the north and west, and the residential uses to the east and southeast.

Chairperson Priess opened the meeting for public comment.

Mr. Randall Schkade expressed his opposition to the proposed short term rental. He first raised concerns about property addressing and said that 305 West Avenue A did not exist on the Tom Green Appraisal District website.

Mr. Fisher responded that the City's GIS and 9-11 addressing does have a 305 West Avenue A as an address, and this address had received permits in past.

Mr. Schkade further expressed his opposition to a sign advertising the short term rental on the property, and believed that the short term rental should not be able to be transferred to another owner.

Mr. Jon James, Director of Planning and Development Services, indicated that City Council had already discussed the expiry of a short term rental, and that at present, a short term rental could be transferred to a new property owner.

Commissioner Jackson asked if a short term rental Conditional Use remained with the property.

Mr. James responded this was correct, as the short term rental, if approved, would run with the property.

Mr. James also addressed Mr. Schkade's comment regarding signage, and explained that the short term rental ordinance allows signs for short term rentals, and that the condition of approval limiting the sign to a non-illuminated sign with a maximum of six square feet mirrors the language for bed and breakfast signage.

Commissioner Spano indicated that he did not see a need for a sign for a short term rental.

Mr. James also addressed Mr. Schkade's comment regarding the number of dwellings allowed on the property. He explained that in this case, the zoning was RS-2 and therefore allowed a second dwelling that did not have to be used as a short term rental.

Chairperson Priess asked if the subject short term rental already existed.

Mr. James responded this was correct, that the short rental was pre-existing and had been paying City and State hotel tax, as required.

Mr. Schkade indicated that at no time was he aware that an individual could have a short term rental and a separate dwelling on the same property.

Mr. James reiterated that in previous cases, the properties were zoned RS-1 with only one dwelling which was fully converted into a short term rental.

Commissioner Crisp 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 Two-Family Residential (RS-2) Zoning District at 305 West Avenue A, subject to the six conditions of approval, MODIFYING condition #4 to remove the verbiage "except for one unilluminated sign, no larger than six square feet," thereby removing the allowance for any signage on the property. Commissioner Crisp seconded the Motion. The Motion passed unanimously, 6-0.

Recommendation:

Staff's recommendation is for City Council to **APPROVE** a Conditional Use to allow for a Short Term Rental in the Two-Family Residential (RS-2) Zoning District, **subject to the following six amended Conditions of Approval:**

1. The owner shall acquire permit(s) from the Permits and Inspections Division for a Change of Occupancy for a short term rental at the dwelling unit addressed as 305 West Avenue A by January 16, 2018, as required by Section 406 of the Zoning Ordinance.
2. A maximum of one short term rental for the entire property is allowed at any given time. Occupants may only utilize the dwelling unit addressed as 305 West Avenue A for their short term rental stay.
3. The owner shall pave an additional two parking spaces as required and shall maintain all off-street parking on the premises in a manner consistent with Section 511 of the Zoning Ordinance.
4. No exterior evidence of the Short Term Rental shall be allowed.
5. 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.
6. No commercial outdoor storage shall be allowed on the premises.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Appeal Letter R. Schkade (received December 9, 2017)
Issues Letter R. Schkade (presented at Planning Commission November 13, 2017)
Site Plan
Copies of Hotel Tax Reports
Application



Conditional Use Case File

CU17-14: Concho Quarters

Council District: Harry Thomas (SMD#3)

Neighborhood: Fort Concho

Scale: 1" approx. = 75 ft

Subject Property: 305 and 309 West Avenue A

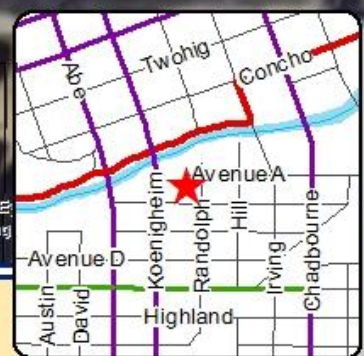
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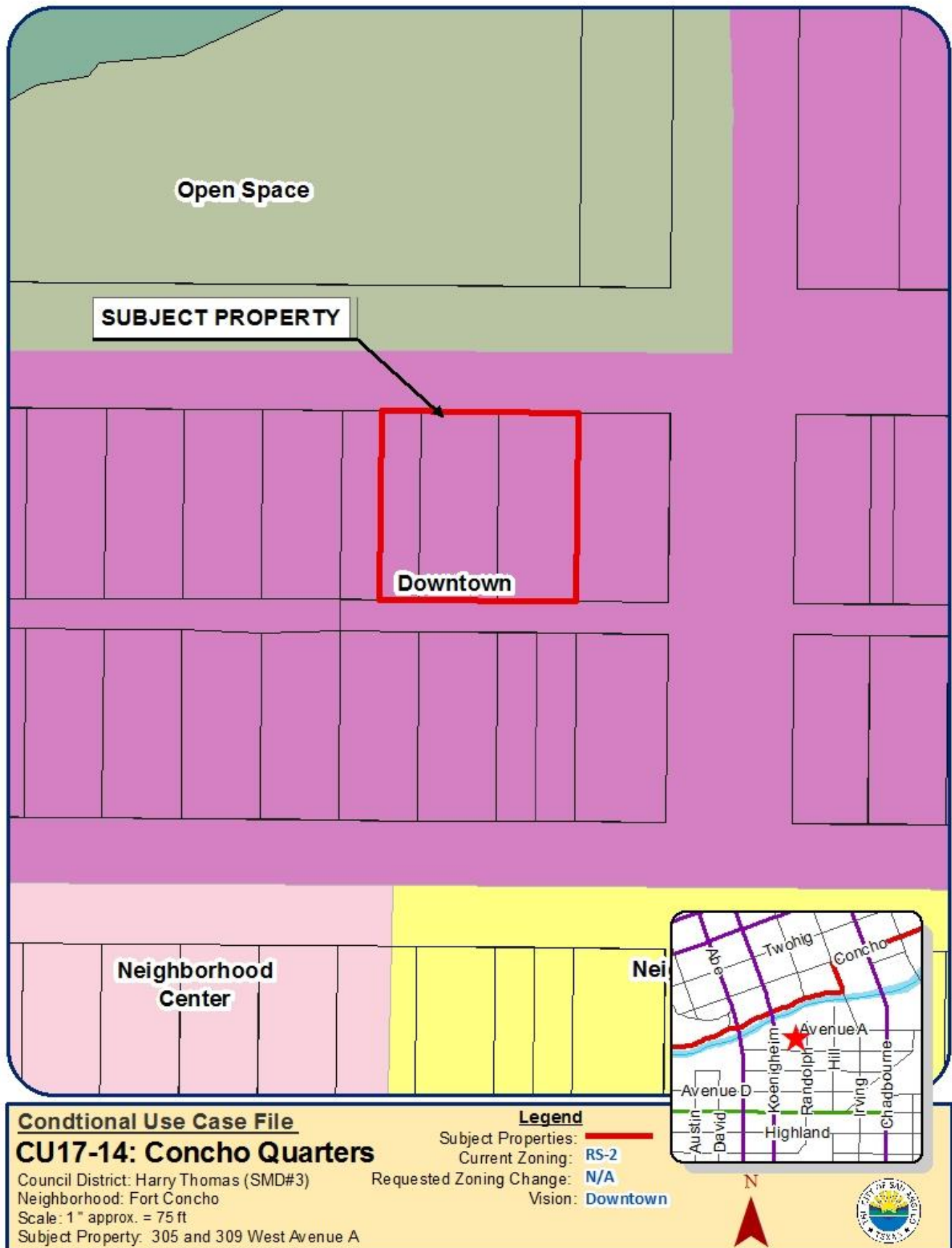
Subject Properties: —

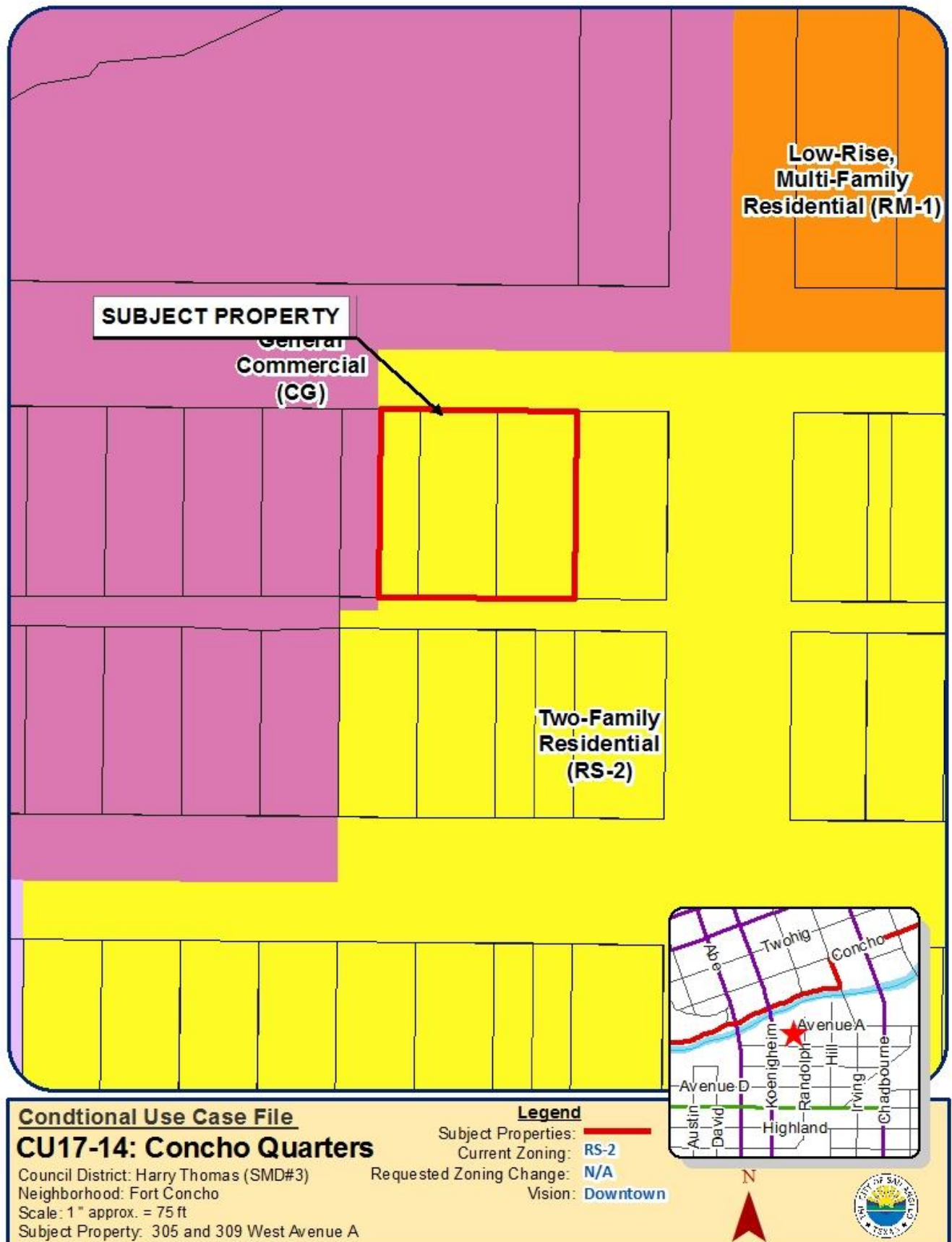
Current Zoning: **RS-2**

Requested Zoning Change: **N/A**

Vision: **Downtown**







Photos of Site and Surrounding Area

WEST



EAST



NORTH



SOUTH AT PROPERTY



**305 WEST AVENUE A
(SHORT TERM RENTAL)**



**309 WEST AVENUE A
(DWELLING UNIT)**



Photos of Site and Surrounding Area

ACCESSORY STRUCTURE



CARPORT (2 PARKING SPACES)



EXISTING ENTRY TO REAR CARPORT



SOUTH YARD AREA



Appeal Letter R. Schkade (received December 9, 2017)

Fisher, Jeff

From: Randal <knight4u2us@yahoo.com>
Sent: Saturday, December 9, 2017 12:31 AM
To: James, Jon
Cc: Gunter, Brenda; Kendrick, Bryan; James, Theresa; Fisher, Jeff; Guerra, Rebeca
Subject: Appeal: 305 W. Avenue A STR permit

Follow Up Flag: Follow up
Flag Status: Flagged

Appeal: Planning Commission 11-13-17 CU17-14: Concho Quarters

Dear Jon,

Per the San Angelo Code of Ordinances I am appealing the Planning Commission's ruling regarding the above-captioned issue and more inasmuch as the Tom Green County Appraisal District (TGCAD) does not list the above as a listed property as an address for taxable purposes, however this appeal is not limited to this single issue.

The applicant filed an LLC as Concho Quarters LLC on 10-11-17, which covers 3 structures on two properties. The applicant filed for ONE STR permit. Mr. Fisher said at the Ave A location the applicant would only rent out one structure at a time as a STR. What? How enforceable is that? No where in the ordinance is this allowed. In addition, it appears all 3 structures on two properties are going to be rented as STRs, 102 W Ave B and 309 W. Ave A. Please see their website. I have copies. Again an unenforceable issue.

In discussions with the Senior Commercial Appraiser at TGCAD, stated they would have no choice but to access the entire 2.5 lots, 309 W. Ave. A as commercial pertaining as an STR operation. The Planning Commission gave no weight to this issue.

Jon James was denied allowing Commercial Signage in our neighborhoods by the Planning Commission. Someone should ask why Jon James even made this an issue in our neighborhoods. I cannot locate any citizen who requested such a terrible thought.

Please confirm this appeal is legal and timely Mr. Jon James.

I or others may present additional data in writing prior to the City Council meeting or during the City Council meeting however, I reserve our right to present the case at a future City Council meeting date.

During the last Planning Commission meeting Jon James spoke of issuing STR permits to Apartments and Condos further reducing affordable housing and increasing an already unenforceable ordinance. This issue was not addressed during the 3rd or 4th drafting of this horrible ordinance at the City Council level by Greg Gossett, Mike Mitchell Sr's. attorney, and the City Planning Dept.

Why is the Planning Dept working overtime to establish STRs in San Angelo in neighborhoods and now in apartments and condos?

The Planning Dept worked alone with illegal STR operators to develop this ordinance without an initiative and performed unlawfully.

I hearby request the City Council implement a moratorium on STR applications in order to consider repealing this unlawfully developed unenforceable ordinance.

It is not for San Angelo!

Respectfully submitted,

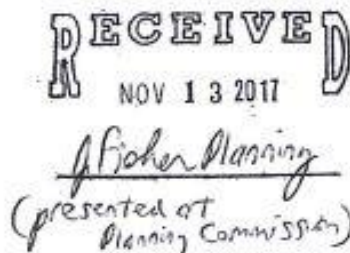
D. Randal Schkade
Electronically signed

An Advocate for our citizens and neighborhoods.

Save Our Neighborhoods

Sent from Yahoo Mail on Android

**Issues Letter R. Schkade
(presented at Planning Commission November 13, 2017)**



CU17-14

Councilman Harry Thomas, District 3

Agenda page 4, Packet Report pages 76-92

Concho Quarters LLC, Frank & Becky Francis

Received 927 AM
by Randall
Schkade
at Planning
Commission

Property for STR CU permit, Lot 8, 305 W. Ave. A along with as a contiguous property with Lot 7, 309 W. Ave. A, Long Term Rental (2.5 lots) Zoned RS-2

On their website www.conchoquarters.com they show an additional property at 102 W. Ave. B, which is also listed as Concho Quarters LLC on The Tom Green County Appraisal District website (TGCAD).

Something changed on 10-11-2017 to these properties as shown on the TGCAD.

Owned Since 5-19-2008, STR in use illegally at least since 2014.

A few Issues, not all inclusive

- 1) Section 3 of Ordinance states, **Short Term Rental**: "An establishment used for dwelling purposes for a period of less than 30 days in which the entire dwelling is offered to transient guests for compensation."
Discussion: The entire property must be one short term rental to a single party. Mother-in-law apts., property with garage apts., extra structures, etc. are NOT allowed to be STRs. If the city allowed this, the TGCAD would have a potential assessment challenge since STRs are taxed much like a hotel. Jon James and I had this specific discussion just before the last STR CU permit was voted down by the Planning Commission and we were in complete agreement; one property, non-owner occupied, one STR no matter how many structures and a single transient STR party renting for less than 30 days.
- 2) The STR ordinance does NOT allow permanent signage in residential areas.
- 3) What is the second location at 102 W. Ave. B shown on their website?
- 4) What has the Planning Dept. done with their list of 40 or so illegal STRs operating all over San Angelo? Has Code Enforcement been notified? Has the State Comptroller's office been notified? Has the TGCAD been notified? There are tax dollars not being collected as well as potentially unsafe properties operating in our fair city endangering guests of San Angelo.

Maybe the new City Council should consider repealing this horrible Short Term Rental ordinance, leave our Property Rights & Neighborhoods alone and put our guests back into one of our many new hotels that are properly regulated?

11/13/2017

Property Valuation



[Name](#) [Property Address](#) [Legal Description](#) [Geographic id](#) [Property id](#) [Return to Home](#) [Print](#)

SEARCH BY OWNER NAME

Search

Hint: "Smith A" Enter only the first part of the last name. Enter at least two characters with no spaces.

Search Results

Information Updated 11/13/2017

Your search of "Concho Quarters" returned 2 result(s)

If the View Property link is not working, please put Internet Explorer in compatibility mode. This can be done by pressing ALT-X B and then adding www.southwestdata.com to the list.

Details	Property ID	Geographic ID	Owner Name	Address	Legal	Appraised Value
View Property	R000010333	21-38100-0006-007-00	CONCHO QUARTERS LLC	AVENUE A 309 W	Acres: 0.344, Lot: 7 & 8 & E25 FT OF LOT 6, Blk: 6, Subd: PARK HEIGHTS ADDITION	\$88,950
View Property	R000022170	12-23200-0070-012-00	CONCHO QUARTERS LLC	AVENUE B 102 W	Acres: 0.129, Blk: 70, Subd: FORT CONCHO ADDITION, E/2 OF LOTS 12 THRU 14	\$99,920

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11/13/2017



Property Information

[Home](#) [Return to Search](#) [Map/Gis](#) [Print](#)

Property Year 2017 [Tax Summary](#) [Map/Gis](#)

Property ID: R000010333 Geo ID: 21-38100-0006-007-00

Information Updated 11/13/2017

< Previous Property 1 / 2 Next Property >

Property Details

Ownership

CONCHO QUARTERS LLC
1930 SPRING CREEK DR
SAN ANGELO, TX 76901-1326
Ownership Interest: 1.0000000

Available Actions

Qualified Exemptions

Not Applicable

Legal Information

Legal: Acres: 0.344, Lot: 7 & 8 & E25 FT OF LOT 6, Blk: 6, Subd: PARK HEIGHTS ADDITION
Situe: AVENUE A 309 W

Property Valuation History

Values by Year		2017	2016	2015	2014	2013	n/a
Improvements	+	\$69,210	\$69,210	\$69,210	\$63,020	\$55,300	\$0
Land	+	\$19,740	\$18,750	\$18,750	\$18,750	\$12,200	\$0
Production Market	+	\$0	\$0	\$0	\$0	\$0	\$0
Personal	+	\$0	\$0	\$0	\$0	\$0	\$0
Mineral	+	\$0	\$0	\$0	\$0	\$0	\$0
Appraised Value	=	\$88,950	\$87,960	\$87,960	\$81,770	\$67,500	\$0
Agricultural Loss	-	\$0	\$0	\$0	\$0	\$0	\$0
Homestead Cap Loss	-	\$0	\$0	\$0	\$0	\$0	\$0
Total Assessed	=	\$88,950	\$87,960	\$87,960	\$81,770	\$67,500	\$0

11/13/2017

Property Information

Improvement / Buildings	Improvement Value: \$69,210
-------------------------	-----------------------------

Group Sequence	Code	Building Description	Year Built	Square Footage	Perimeter Footage
1	0400	HOUSE	1959	935	138
2	0401	HOUSE	1959	548	100
3	0402	HOUSE	1959	1,478	180
4	CARPORT1	CARPORT	1959	480	88

Land Details	Market Value: \$19,740	Production Market Value: \$0	Production Value: \$0
--------------	------------------------	------------------------------	-----------------------

Land Code	Acres	Sq. Ft.	Front Ft.	Rear Ft.	Depth	Mkt. Value	Prod. Value
0200	0.344	15,000	125	125	120	18,750	0

Deed History

Sold By	Volume	Page	Deed Date	Instrument
FRANCIS FRANK & REBECCA			10/11/2017	201713821
FRANCIS FRANK & REBECCA			5/19/2008	862045
HODGES RALPH G & AVEY-UNDERWOOD P			4/10/2006	608928
NEELY JAY & SUSAN	808	721	12/28/2000	501461
DAVIS BILL V II	679	486	12/10/1998	464153

Property Tax Estimation by Entity / Jurisdiction

Code	Description	Taxable Value	Tax Rate per \$100	Tax Factor applied to Taxable Value	Estimated Tax
CR	TOM GREEN COUNTY	88,950	\$0.535	0.00535	\$475.88
CT	CITY OF SAN ANGELO	88,950	\$0.776	0.00776	\$690.25
SA	SAN ANGELO ISD	88,950	\$1.21	0.0121	\$1,076.30
Total Estimation			\$2.521	0.02521	\$2,242.43

The above property tax estimation is not a tax bill. Do not pay.
Click here to view actual Property Tax Bill.

Southwest Data Solutions provides this information "as is" without warranty of any kind.
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11/13/2017

Property Information



[Home](#) [Return to Search](#) [Print](#)

Property Year 2017 [Tax Summary](#) [Map/Gis](#)

Information Updated 11/13/2017

Property ID: R000022170 Geo ID: 12-23200-0070-012-00

< Previous Property 2 / 2 Next Property >

Property Details

Ownership

Available Actions

CONCHO QUARTERS LLC
1930 SPRING CREEK DR
SAN ANGELO, TX 76901-1326
Ownership Interest: 1.0000000

Qualified Exemptions

Not Applicable

Legal Information

Legal: Acres: 0.129, Blk: 70, Subd: FORT CONCHO ADDITION, E/2 OF LOTS 12 THRU 14
Situe: AVENUE B 102 W

Property Valuation History

Values by Year		2017	2016	2015	2014	2013	n/a
Improvements	+	\$91,930	\$91,930	\$101,610	\$90,320	\$85,600	\$0
Land	+	\$7,990	\$7,000	\$7,000	\$7,000	\$5,250	\$0
Production Market	+	\$0	\$0	\$0	\$0	\$0	\$0
Personal	+	\$0	\$0	\$0	\$0	\$0	\$0
Mineral	+	\$0	\$0	\$0	\$0	\$0	\$0
Appraised Value	=	\$99,920	\$98,930	\$108,610	\$97,320	\$90,850	\$0
Agricultural Loss	-	\$0	\$0	\$0	\$0	\$0	\$0
Homestead Cap Loss	-	\$0	\$0	\$0	\$0	\$0	\$0
Total Assessed	=	\$99,920	\$98,930	\$108,610	\$97,320	\$90,850	\$0

11/13/2017

Property Information

Improvement / Buildings Improvement Value: \$91,930

Group Sequence	Code	Building Description	Year Built	Square Footage	Perimeter Footage
1	0400	HOUSE	1940	1,344	152
2	0401	HOUSE	1940	1,344	152

Land Details Market Value: \$7,990 Production Market Value: \$0 Production Value: \$0

Land Code	Acres	Sq. Ft.	Front Ft.	Rear Ft.	Depth	Mkt. Value	Prod. Value
0200	0.129	5,600	70	70	80	7,000	0

Deed History

Sold By	Volume	Page	Deed Date	Instrument
FRANCIS FRANK & REBECCA D			10/11/2017	201713821
FRANCIS FRANK & REBECCA D			5/19/2008	652046
HODGES RALP G SR & AVEY-UNDERWOOD	1079	677	1/19/2004	563661
SWINDLE STEVE	785	878	8/10/2000	494944

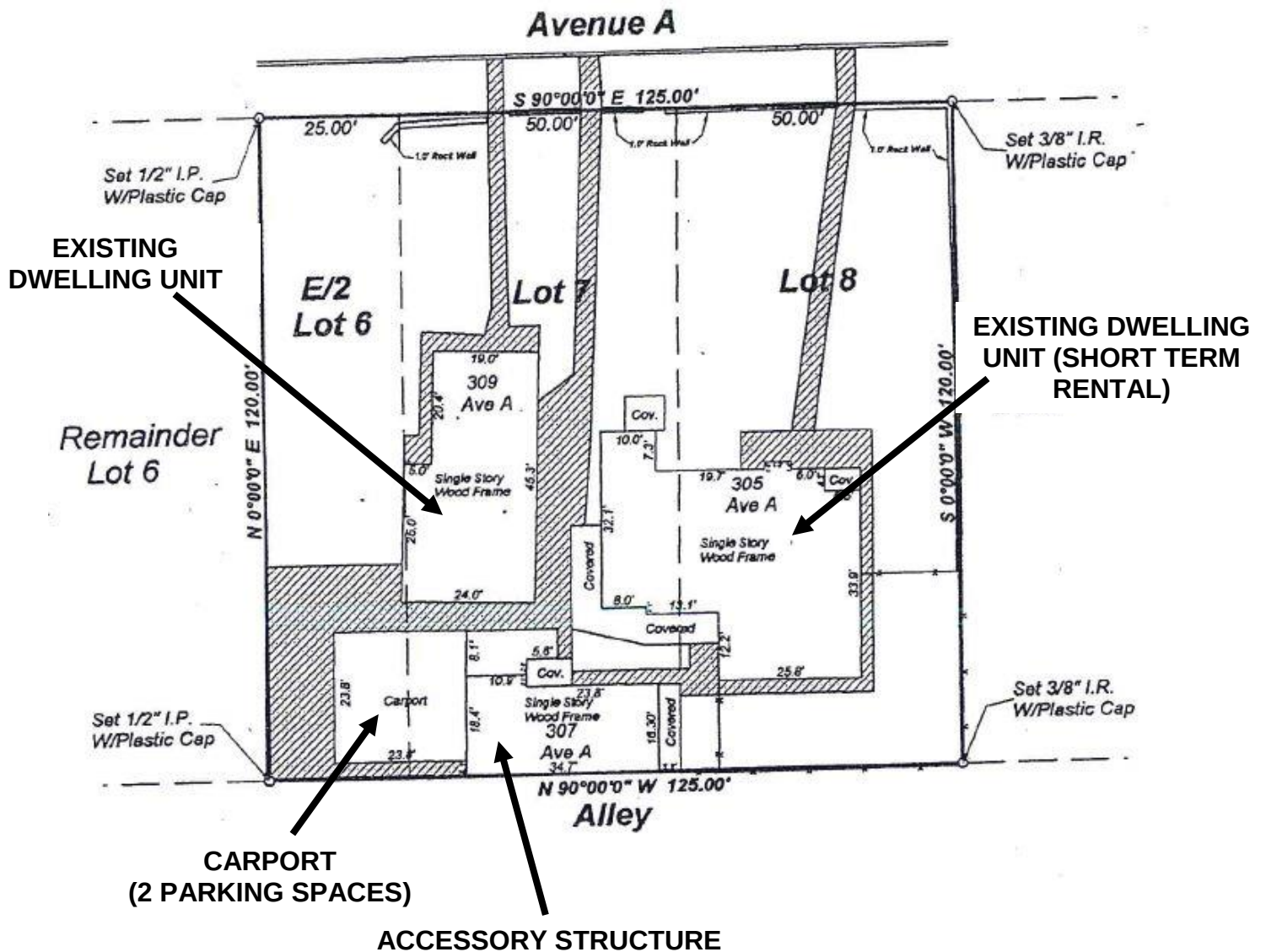
Property Tax Estimation by Entity / Jurisdiction

Code	Description	Taxable Value	Tax Rate per \$100	Tax Factor applied to Taxable Value	Estimated Tax
CR	TOM GREEN COUNTY	99,920	\$0.535	0.00535	\$534.57
CT	CITY OF SAN ANGELO	99,920	\$0.776	0.00776	\$775.38
SA	SAN ANGELO ISD	99,920	\$1.21	0.0121	\$1,209.03
Total Estimation			\$2.521	0.02521	\$2,518.98

The above property tax estimation is not a tax bill. Do not pay.
Click here to view actual Property Tax Bill.

Southwest Data Solutions provides this information "as is" without warranty of any kind.
Southwest Data Solutions is not responsible for any errors or omissions.

Site Plan



K1666877



Texas Hotel Occupancy Tax Report

You have certain rights under Chapters 552 and 559, Government Code, to review, request and correct information we have on file about you. Contact us at the address or phone number listed on this report.



a. T Code ■ 75100

c. Taxpayer number
■ 3-20496-7413-1

d. Filing period
QTR ENDING 09/30/2017

e. ■ 173

f. Due date
10/20/2017

Page 1 of 1

g. Name and mailing address (Make any necessary name changes below.)

CONCHO QUARTERS LLC
PO BOX 989
SAN ANGELO TX 76902-0989

2H07

h. IMPORTANT

Blacken this box if any preprinted information has changed. Show changes beside the preprinted information. 1. ☐

Blacken this box if any location shown is no longer in business. Write the location number and the date you went out of business below. 2. ☐

LOCATION NUMBER DATE

- A report must be filed even if no tax is due.

- Do not write in shaded areas.

1. NUMBER OF ROOMS	2. LOCATION TRADE NAME AND ADDRESS	3. LOCATION NUMBER	4. TOTAL DOLLAR AMOUNT OF RECEIPTS	5. TOTAL TAXABLE RECEIPTS
1	CONCHO QUARTERS LLC 305 W AVENUE A SAN ANGELO TX 76903-6805	00001	5250.00	5250.00
2	CONCHO QUARTERS 104 W AVENUE B SAN ANGELO TX 76903-6808	00002	0.	0.

CONCHO QUARTERS LLC
PO BOX 989
SAN ANGELO, TX 76902-0989

1536
37-6671193706
9043617738

10-12-17 Date

Pay to the Order of State Comptroller \$ 311.85
three hundred eleven and 85/100 Dollars

WELLS FARGO Wells Fargo Bank, N.A.
wellsfargo.com

For Qtr ending 9-30-17 Rebecca Dorian

⑆111900659⑆ 9043617738 01536

5250.00
5250.00
315.00
3.15
311.85

12-100 (Rev. 4-17-08)

11. Penalty (See instructions) 11. _____

12. Interest (See instructions) 12. _____

13. TOTAL AMOUNT DUE AND PAYABLE (Item 10 plus item 11 and item 12) 13. 311.85

Taxpayer name
CONCHO QUARTERS LLC

T Code Taxpayer number Period
75020 32049674131 173 8

Make the amount in item 13 payable to STATE COMPTROLLER

Mail to: Comptroller of Public Accounts
P.O. Box 149356
Austin, TX 78714-9356

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief.

sign here) Rebecca Dorian
Duly authorized agent

Daytime phone (Area code and number) 325-656-2248 Date 10-12-17

RT666899

12-100
(Rev. 11-12-02)

**Texas Hotel Occupancy
Tax Report**

You have certain rights under Chapters 552 and 556, Government Code, to review, request and correct information we have on file about you. Contact us at the address or phone number listed on this report.

Page 1 of 1

a. T Code ■ 75100

c. Taxpayer number
■ 3-20496-7413-1

d. Filing period
QTR ENDING 12/31/2014

e. ■ 144

f. Due date
01/20/2015

g. Name and mailing address (Make any necessary name changes below.)

CONCHO QUARTERS LLC
PO BOX 989
SAN ANGELO TX 76902-0989

2H07

h. IMPORTANT

Blacken this box if any preprinted information has changed. Show changes beside the preprinted information. 1. ☐

Blacken this box if any location shown is no longer in business. Write the location number and the date you went out of business below. 2. ☐

LOCATION NUMBER _____ COB DATE _____

i. ☐

j. ☐

- A report must be filed even if no tax is due. - Do not write in shaded areas.

1. NUMBER OF ROOMS	2. LOCATION TRADE NAME AND ADDRESS	3. LOCATION NUMBER	4. TOTAL ROOM RECEIPTS	5. TOTAL TAXABLE RECEIPTS
1	CONCHO QUARTERS LLC 305 W AVENUE A SAN ANGELO TX 76903-6805	00001	.	0.
			.	.
			.	.
			.	.

k. T Code ■ 75180

6. Total room receipts for ALL locations (Item 4 from this and all supplemental pages) 6. ■ 0.

7. Total taxable receipts for ALL locations (Item 5 from this and all supplemental pages) 7. ■ 0.

8. Total tax due (6.0 % of Item 7) 8. ■ 0.

9. Discount (If paid on time, enter 1% of Item 8) 9. ■ 0.

10. Tax due after discount (Item 8 minus Item 9) 10. ■ 0.

11. Penalty (See instructions) 11. ■ 0.

12. Interest (See instructions) 12. ■ 0.

13. TOTAL AMOUNT DUE AND PAYABLE (Item 10 plus Item 11 and Item 12) 13. ■ 0.

12-100
(Rev. 11-12-02)

11. Penalty (See instructions)

12. Interest (See instructions)

13. TOTAL AMOUNT DUE AND PAYABLE (Item 10 plus Item 11 and Item 12)

copy posted 1/17/15

Taxpayer name
CONCHO QUARTERS LLC

l. ☐ m. ☐

■ T Code ■ Taxpayer number ■ Period

75020 32049674131 144 4

Make the amount in Item 13 payable to: STATE COMPTROLLER

Mail to: Comptroller of Public Accounts
P.O. Box 149356

I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief.

sign here

Duty authorized agent

Daytime phone (Area code and number)

Date

Frank Kane

CITY OF SAN ANGELO
HOTEL AND MOTEL TAX REPORT
TAXPAYER NAME AND MAILING ADDRESS:

Concho Quarters

Po box 989

San Angelo Tx 76902

MONTH ENDING DATE 9-30-17

OUTLET TRADE NAME AND LOCATION ADDRESS:

Concho Quarters

305 W Ave A San Angelo TX 76903

Taxpayer Identification Number: 3-20496-7413-1

- | | | |
|-----|--|----------|
| 1. | TOTAL GROSS ROOM RENTAL RECEIPTS | <u>0</u> |
| 2. | LESS EXEMPT ROOM RENTALS
(govt. employees on official business) | |
| 3. | TAXABLE ROOM RENTAL RECEIPTS (1-2) | <u>0</u> |
| 4. | TOTAL AMOUNT OF TAX DUE (7% OF 3) | |
| 5. | DISCOUNT (deduct 1% of line 4 if paid
before due date) | |
| 6. | LESS PAYMENTS PREVIOUSLY PAID | |
| 7. | NET TAX DUE (line 4 less line 5 and 6) | |
| 8. | LATE PENALTY | |
| 9. | LATE INTEREST | |
| 10. | TOTAL AMOUNT DUE (line 7 plus 8 and 9) | <u>0</u> |

MAKE CHECKS PAYABLE TO: CITY OF SAN ANGELO
P.O. BOX 1751
SAN ANGELO, TX 76902

SIGNATURE OF OWNER OR MANAGER

Rebecca Francis

10-12-17

DATE

TAXPAYER NAME AND MAILING ADDRESS:

Frank Francis

PO 989

San Angelo, TX 76902

MONTH ENDING DATE 1/31/14

OUTLET TRADE NAME AND LOCATION ADDRESS:

Concho Quarters LLC

305 W Ave A 76903

Taxpayer Identification Number: 3-20496-7413-1

1.	TOTAL GROSS ROOM RENTAL RECEIPTS	<u>3000.00</u>
2.	LESS EXEMPT ROOM RENTALS (govt. employees on official business)	<u>—</u>
3.	TAXABLE ROOM RENTAL RECEIPTS (1-2)	<u>3000.00</u>
4.	TOTAL AMOUNT OF TAX DUE (7% OF 3)	<u>210.00</u>
5.	DISCOUNT (deduct 1% of line 4 if paid before due date)	<u>2.10</u>
6.	LESS PAYMENTS PREVIOUSLY PAID	<u>—</u>
7.	NET TAX DUE (line 4 less line 5 and 6)	<u>207.90</u>
8.	LATE PENALTY	<u>—</u>
9.	LATE INTEREST	<u>—</u>
10.	TOTAL AMOUNT DUE (line 7 plus 8 and 9)	<u>\$ 207.90</u>

MAKE CHECKS PAYABLE TO: CITY OF SAN ANGELO
P.O. BOX 1751
SAN ANGELO, TX 76902

SIGNATURE OF OWNER OR MANAGER

Frank Francis

DATE 1/25/14

Copy
Rental Relocation
\$3000.00



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)

Concho Quarters Frank + Rebecca Francis
Name of Property Owner (s) Name of Operator (s)

1930 Spring Creek dr San Angelo Tx
Property Owner Mailing Address City State Zip Code

325-656-2248 (Frank) info@conchoquarters.com
Property Owner Contact Phone Number Property Owner Contact E-mail Address

1930 Spring Creek dr. San Angelo Tx 76901
Designated Operator Mailing Address City State Zip Code

325-656-2248 info@conchoquarters.com
Designated Operator Contact Phone Number Designated Operator Contact E-mail Address

305 West Avenue A San Angelo Tx 76903
Short Term Property Address City State Zip Code

Number of bedrooms: 3 Number of Off-street Parking Spaces: 2 Zoning: R52

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:

RF 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: The appearance is consistent with adjacent properties

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: Concho Quarters is across the street from the Girl Scout Council which frequently hosts large gatherings.

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: None

Community Need. Whether and the extent to which the proposed conditional use addresses a demonstrated community need.
Explanation: Concho Quarters provides lodging for tourists and citizens of San Angelo interested in downtown San Angelo

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: Concho Quarters is located in the TIRZ eligibility area.

Effective February 2, 2017

Section 3: Applicant(s) Acknowledgement

Please read and initial each of the following:

- R.F. Each Short-Term Rental Conditional Use must be renewed one year from the initial approval and then every two years thereafter.
- R.F. 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.
- R.F. 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.
- R.F. The operator shall keep a current guest register in compliance with State code.
- R.F. If the short-term rental property is residentially zoned, all lighting must be directed toward the establishment and not at surrounding neighbors.
- R.F. 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
- R.F. Renting for overnight occupancy by more than 2 people 18 or older per bedroom is prohibited.
- R.F. Meal service may not be provided.
- R.F. Permitting, or hosting of, outdoor gatherings before 7:00 am or after 10:30 pm is prohibited.
- R.F. Permitting or hosting any outdoor gathering of more than 20 people attending at one time is prohibited.
- R.F. A Short Term Rental may be occupied by no more than 6 individuals unrelated by blood, marriage, or adoption.
- R.F. 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.
- R.F. 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.
- R.F. The owner will obtain and comply with an annual fire safety inspection by the City Fire Marshal's office.
- R.F. The Planning Commission makes the final decision on all Short-Term Rental Conditional Use requests, appeals may be directed to City Council.
- R.F. Approval of this Short-Term Rental Conditional Use request does not constitute approval of permits, site plans, or other processes that require separate approval.
- R.F. If a permit is not sought within one year of the approval date of this Conditional Use, it will expire and requires another application.
- R.F. 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.

Frank Francis Frank Francis
Printed name and Signature of Property Owner or Authorized Representative

10-16-17
Date

Rebecca Francis
Printed name and Signature of Designated Operator

10-16-17
Date

Effective February 2, 2017

FOR OFFICE USE ONLY:

Case No.: CU: 17 - 14 Planning Commission date: 11 / 13 / 17

Nonrefundable application Fee: \$ 385.00 Receipt #: 269547 Date paid: 10 / 17 / 17

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: ____ / ____ / ____

Texas Hotel
occupancy tax

3-20496-7413-1

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 9, 2018

Item type: Regular Item

Caption:

Second reading of 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 will be sent to property owners within 200 feet of the site.

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.

The Council's direction on First Reading was to amend the ordinance, per the recommendation of the Planning Commission, to allow the Planning Director to review and approve or deny the application, with an appeal to the Planning Commission and to Council, rather than initial decision by the Council. The included draft has been updated to reflect this recommendation.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission APPROVED this request at its December 11, 2017, meeting, with modifications.

The City Council APPROVED this on First Reading at the December 12, 2017 meeting, with amendments as

recommended by the Planning Commission.

Attachments:

1.
- Revised Ordinance
- Ordinance_Chapter+12+RV's+(FINAL)_Edited2.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) The Planning Director 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 to the Planning Director. As part of this application, a concept plan, drawn to scale, shall be required showing the locations of any proposed temporary manufactured home, mobile home, recreation 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 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. 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) The Planning Director shall cause written notice of the application to be sent to property owners within two hundred feet (200') of the site not less than ten (10) days before a decision is made on the application. Depositing such written notification in the mail shall be deemed sufficient compliance. The Planning Director shall consider written responses to the mailed notifications that are timely received.

(d) A decision on an application or request for extension by the Planning Director may be appealed to the Planning Commission by the applicant or by a property owner within the notification area within ten (10) days of the initial decision. A decision by the Planning Commission may be appealed by the applicant or by a property owner within the notification area to the City Council within ten (10) days of the decision. On appeal, the Planning Commission and City Council shall each hold public hearing with written notice sent to the property owners within two hundred feet of the site not less than ten (10) days before the hearing.

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

(f) 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.

(g) 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 9th 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

DRAFT

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 9, 2018

Item type: Regular Item

Caption:

Second reading 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 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.

Currently if a structure is built without a permit, when a permit is required, getting the permit after the construction results in a doubled building permit fee. Based on concerns raised about doubled fees related to this ordinance amendment, the City Manager has recommended that for this particular situation, only the normal building permit fees would be assessed for those coming into compliance with the new standards. The included ordinance has been revised to reflect this recommendation.

Financial Impact:

N/A

Other Information/Recommendation:

On October 16, 2017, the Planning Commission voted unanimously to APPROVE the proposed text amendment.

On December 12, 2017, the City Council voted to APPROVE on First Reading.

Attachments:

- | | | |
|----|-------------------|--|
| 1. | Staff Report | CC Memo_Pergolas&Trellis.pdf |
| 2. | Revised Ordinance | CC+Ordinance_Pergolas-Trellis_Updated.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.

- 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.

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.

SECTION 4: The City Manager is hereby authorized to waive all permit fees related to construction without a permit for any structures affected by this Ordinance and in existence at the date of final passage.

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

Meeting Date: January 9, 2018

Item type: Regular Item

Caption:

Public hearing and first reading of an ordinance for Z17-16, a rezoning from the Office Commercial (CO) Zoning District to the Neighborhood Commercial (CN) Zoning District, on a 0.138-acre property located at 2616 South Bryant Boulevard - (Presentation by Planning & Development Services Director Jon James)

Summary/History:

This is an application to rezone a small strip plaza on South Bryant from the Office Commercial (CO) Zoning District to the Neighborhood Commercial (CN) Zoning District. The lot has a Conditional Use (CU 02-02) in place that allows the specific land uses of hair, tanning, and personal care services, but all other retail aspects are not allowed. The applicant wishes to allow all Retail Sales and Services Land Uses and Planning Staff believes that a zone change to CN is a more equitable solution than an additional Conditional Use, especially as the Future Land Use (FLU) for South Bryant is that of Neighborhood Center, of which the zoning classification of CN is compatible.

Financial Impact:

N/A

Other Information/Recommendation:

On December 11, 2017, the Planning Commission recommended APPROVAL of this request by a vote of 7-0.

Attachments:

- | | |
|--------------------|--------------------------------|
| 1. Staff Report | PL_Staff Report Z17-16.pdf |
| 2. Draft Ordinance | PL_Ordinance Z17-16_FINAL.docx |

Presentation:

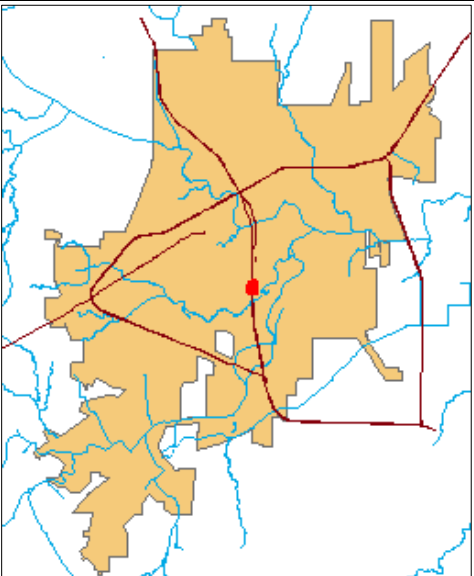
Jon James

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 – January 9 & 23, 2018
STAFF REPORT



APPLICATION TYPE:	CASE:		
Rezoning	Z17-16: Bowles		
SYNOPSIS:			
This is an application to rezone a small strip plaza on South Bryant from the Office Commercial (CO) Zoning District to the Neighborhood Commercial (CN) Zoning District. The lot has a Conditional Use (CU 02-02) in place that allows the specific land uses of hair, tanning, and personal care services, but all other retail aspects are not allowed. The applicant wishes to allow all Retail Sales and Services Land Uses and Planning Staff believes that a zone change to CN is a more equitable solution than an additional Conditional Use, especially as the Future Land Use (FLU) for South Bryant is that of Neighborhood Center, of which the zoning classification of CN is compatible.			
LOCATION:		LEGAL DESCRIPTION:	
2616 South Bryant Boulevard; generally located at the north east corner of the intersection of South Bryant Boulevard and West Avenue W		La Villita Heights Addition, Block 10, Lot 17, City of San Angelo, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD #3 – Harry Thomas Rio Vista Neighborhood	Office Commercial (CO)	Neighborhood Center	0.138 acres
THOROUGHFARE PLAN:			
South Bryant Boulevard – Major Urban Arterial, Required 80' min. ROW, 64' min. pavement Actual 150' ROW, 120' pavement with no sidewalk			
NOTIFICATIONS:			
21 notifications were mailed within a 200-foot radius on November 21, 2017. One response has been received in support and one in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed Rezoning from the Office Commercial (CO) Zoning District to the Neighborhood Commercial (CN) Zoning District			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner(s):</i> Guy Bowles <i>Agent:</i> Owner			
STAFF CONTACT:			
Kristina Heredia Staff Planner (325) 657-4210, Extension 1546 kristina.heredia@cosatx.us			

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

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.* Changing the zoning from CO to CN is consistent with the Future Land Use designation of Neighborhood Center. While South Bryant Boulevard is mixed with both residences and businesses, the Comprehensive Plan shows this area as being designated for future commercial development and current development patterns reflect this.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.* The main tenant and property owner of the lot conducts a business that is allowed in both CO and CN Zoning Districts. Historically the property owner has rented out to businesses that appear to be more retail in nature, thus the Conditional Use in place from 2002. Since the previous CU was for a very specific land use, a current tenant of the property owner is currently not in compliance with the Zoning Ordinance. While expanding the current CU to allow for all retail sales and services is an option, a more viable option is to rezone the property that allows the uses the property owner needs, as well as aligning the property with the future plans of the City.
3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.* As indicated above, the property is located within an area that is clearly developing in a commercial fashion. While there are residential lots that front on or are adjacent to South Bryant, the area is changing to incorporate more commercial land uses. Allowing the zone change to CN not only is compatible with the surrounding area, but it also satisfies the demand foreseen through the Comprehensive Plan.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The property owner/applicant is currently renting space to a retail business that falls outside of the retail uses allowed under the current Conditional Use. This rezoning will allow all Retail Sales and Services at this property that are allowed at all properties zoned CN.
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.* Since the lot is fully developed, and the property occupied, there are no anticipated adverse effects to the natural environment.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The City has designated that the appropriate development for this site be Commercial in nature. The reasoning for such a designation was presumably based on a community need for the associated uses in this particular area. A Neighborhood Commercial zoning district is compatible with a Neighborhood Center Future Land Use and would appear to meet the anticipated community need.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* As the area develops, businesses are either taking over vacant land or changing occupancy classification on South Bryant. While there are still many homes in the area, the overwhelming trend is for the growth of commercial activity in the corridor.

Planning Commission Recommendation:

On December 11, 2017 the Planning Commission recommended **APPROVAL** of a Rezoning from the Office Commercial (CO) Zoning District to the **Neighborhood Commercial (CN) Zoning District**.

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

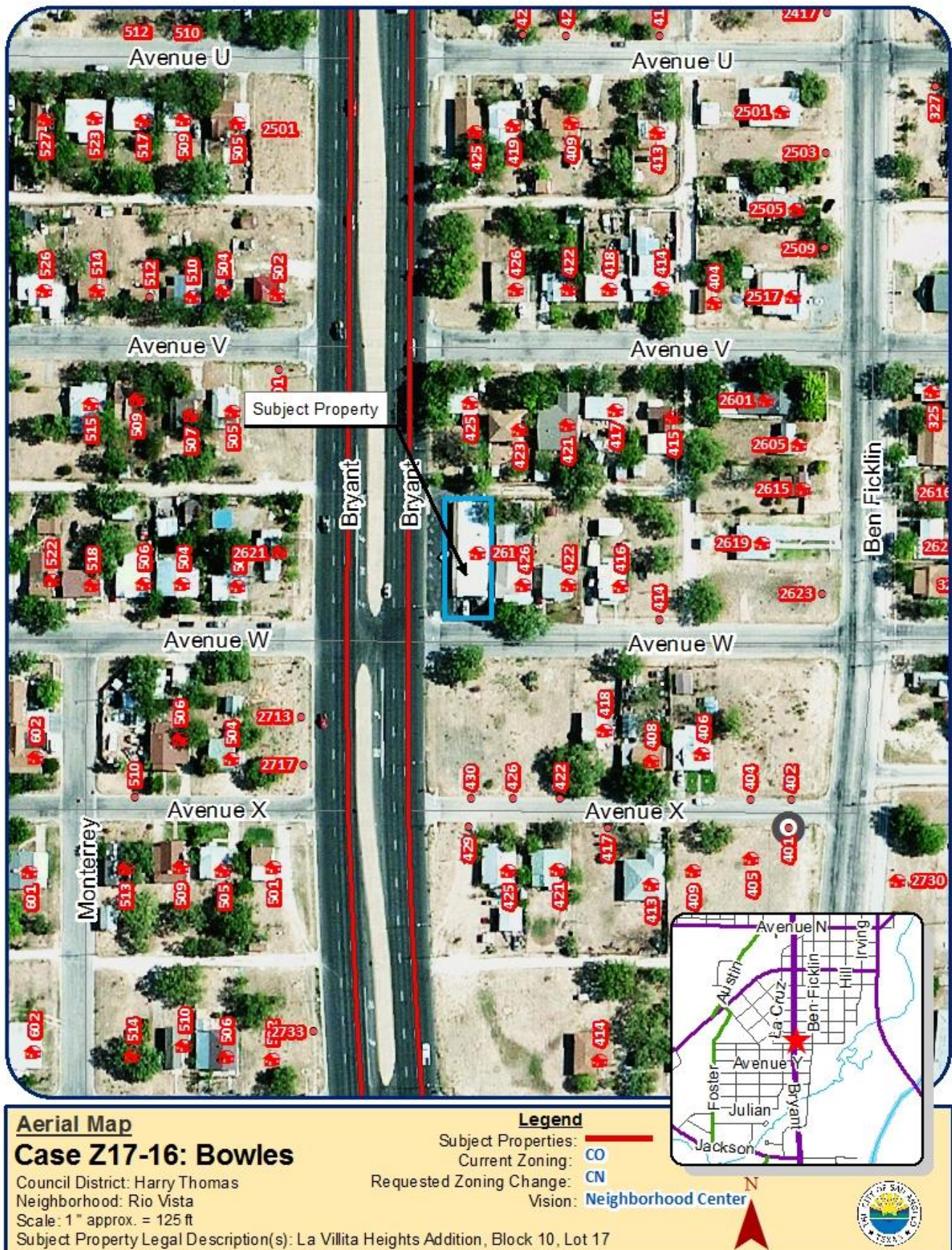
Planner Kristina Heredia presented the case for a rezoning for a small strip mall/office building that is zoned Office Commercial. The building is owned by Bowles Heating and Cooling, Inc. and their offices are located there. There are also a few small office spaces for rent in the same building. While the land use that Mr. Bowles utilizes is sufficient for his office, he seeks the ability to rent out the other spaces in a retail capacity, thus the rezoning request to Neighborhood Commercial which allows for both office use and retail sales/services. Ms. Heredia explained the rationale behind Staff's recommendation of approval, which included the Future Land Use for the street being Neighborhood Center, a current Conditional Use (CU02-02) which only allowed for retail sales under the categories of personal care services, such as a hair salon or tanning, and that as development has occurred along South Bryant, it has done so in a generally commercial fashion.

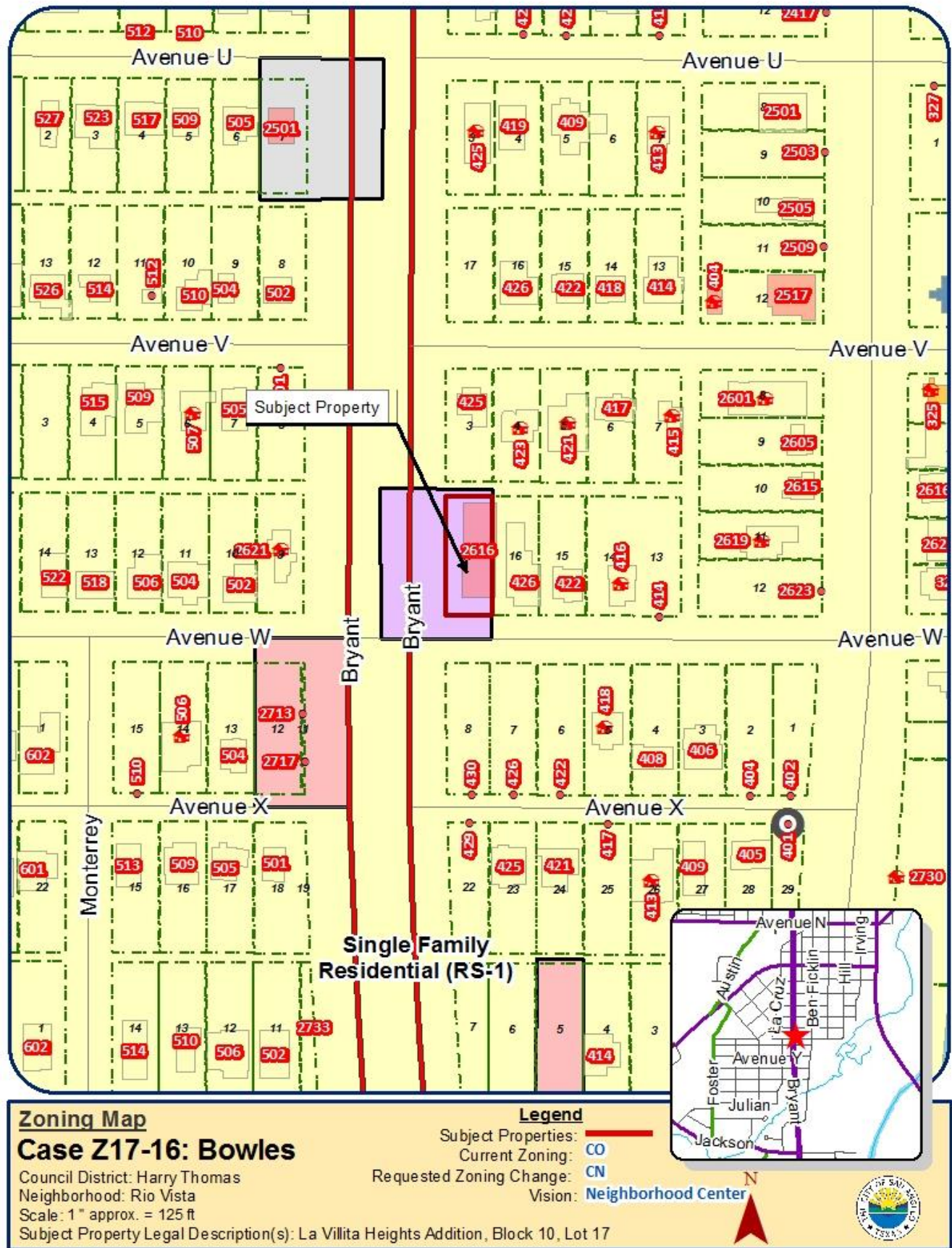
With no questions from the Board, Chairperson Priess opened the floor to public comment. The applicant, Guy Bowles, came forward and explained the reason for the request, as well as the reason for the letter received in opposition. He was renting out space to a fortune teller that was living there. When that tenant was discovered to be living there, they were evicted. Mr. Bowles also stated that he felt the entire strip of South Bryant should be rezoned to commercial, as that was a more appropriate zoning for the area.

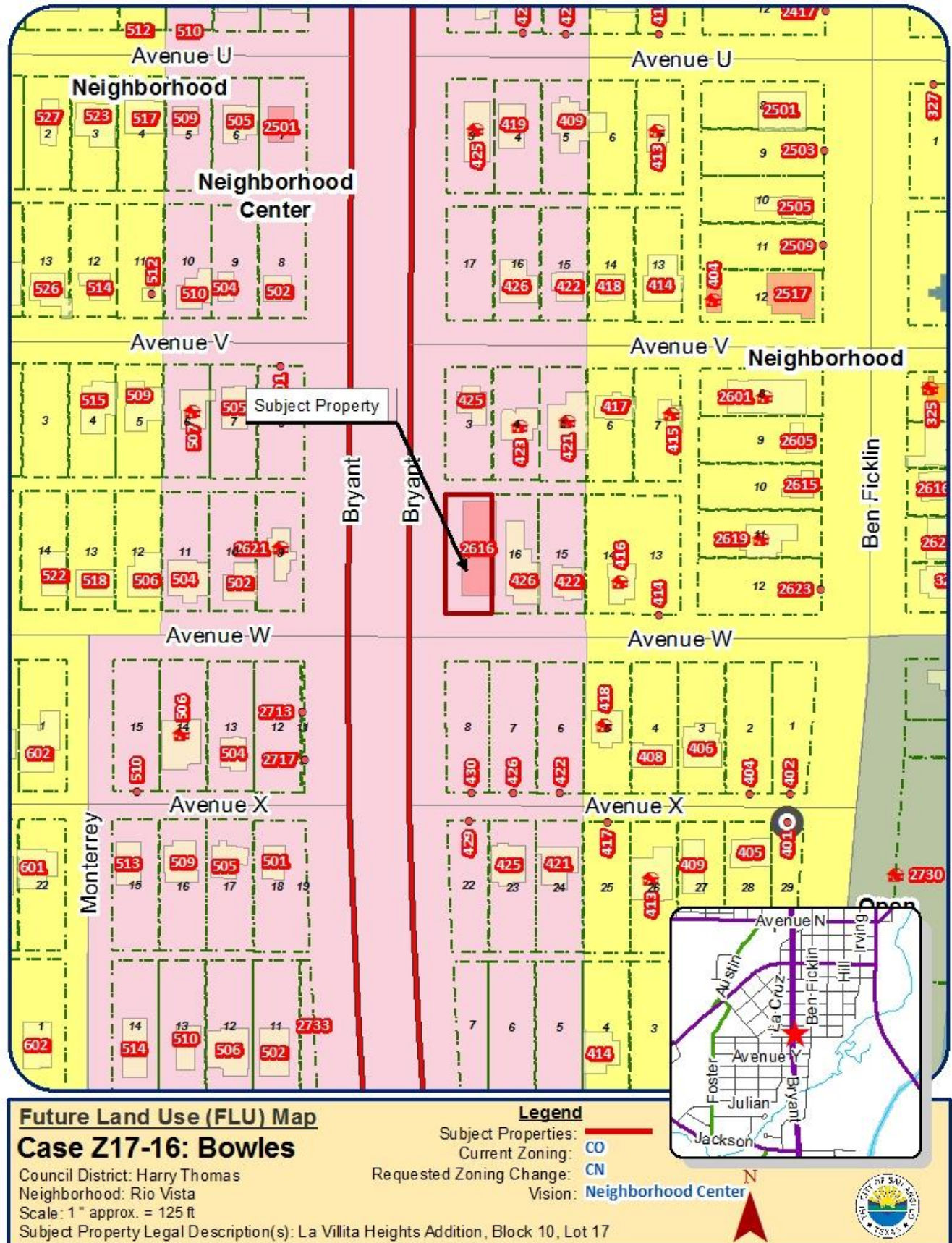
Commissioner Crisp made a motion to recommend APPROVE of the proposed rezoning from the Office Commercial (CO) Zoning District to the Neighborhood Commercial (CN) Zoning District. Commissioner Stribling seconded the motion. The motion passed unanimously, 7-0.

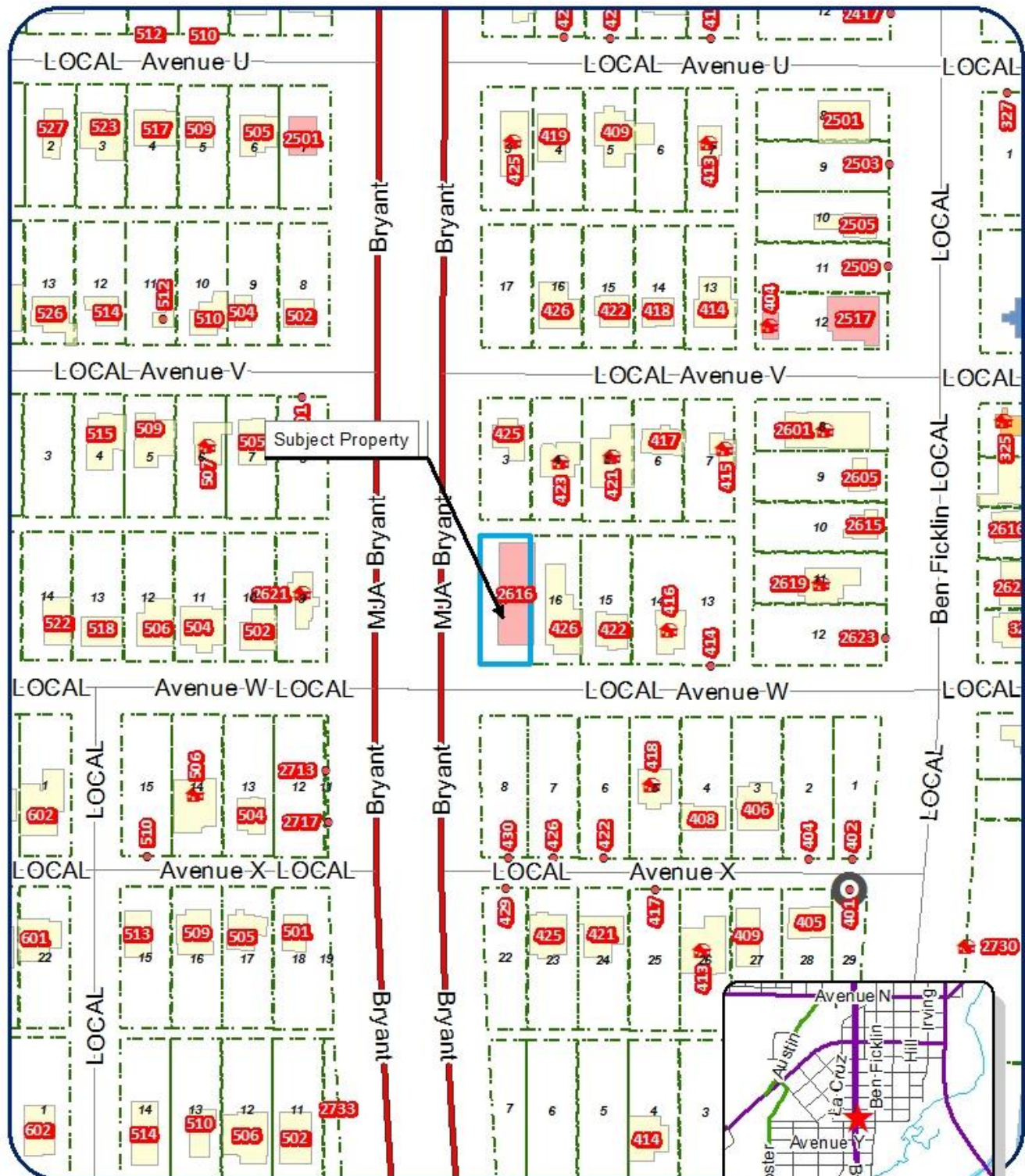
Attachments:

1. Aerial Map
2. Zoning Map
3. Future Land Use (FLU) Map
4. Thoroughfare Map
5. Notification Map
6. Responses
7. Site Photos









Thoroughfare Map

Case Z17-16: Bowles

Council District: Harry Thomas

Neighborhood: Rio Vista

Scale: 1" approx. = 125 ft

Subject Property Legal Description(s): La Villita Heights Addition, Block 10, Lot 17

Legend

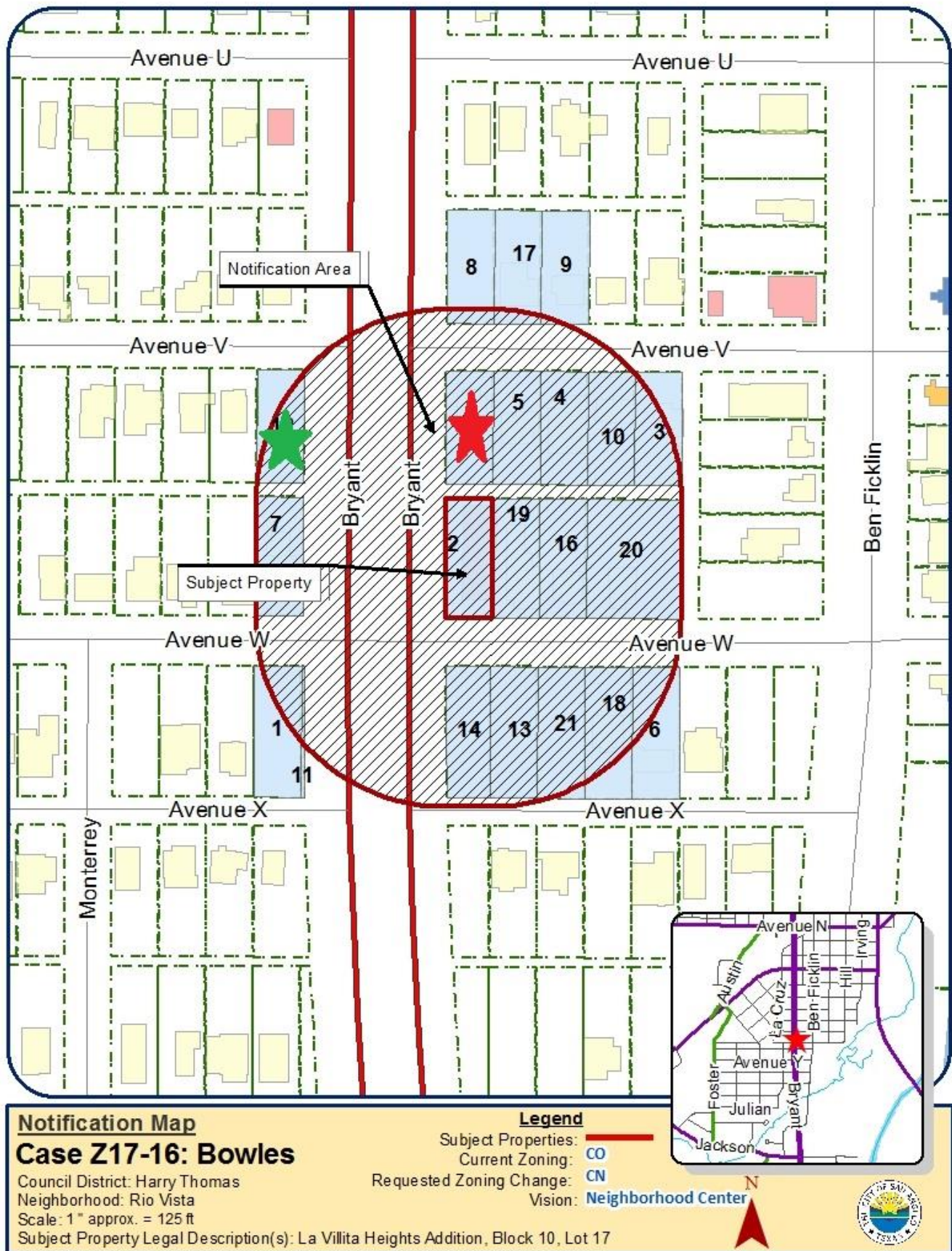
Subject Properties: —

Current Zoning: CO

Requested Zoning Change: CN

Vision: Neighborhood Center





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 AVENUE IN SAN ANGELO, TEXAS 76903.

(☒) IN FAVOR (☐) IN OPPOSITION

REASON(S) Spoke with Planning office and learned
it would give Mr. Bowles the flexibility he needs
for renting his building. Best regards and
wishing all a Merry Christmas and happy
new year.

NAME: Eliza B. Martinez

ADDRESS: 502 W. Ave V
San Angelo TX 76903-8945

SIGNATURE: Eliza B. Martinez

Z17-16: Bowles

Property owner number: 12

If you have any questions about these proceedings, please call Kristina Heredia, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210, ext. 1546. The Planning Division staff may also be reached by email at kristina.heredia@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 AVENUE IN SAN ANGELO, TEXAS 76903.

() IN FAVOR

(☒) IN OPPOSITION

REASON(S) I am against the couple
renting the space because
they are noisy and sometimes
rowdy.

(2) They have a parking
problem; many times they park
in the alley.

(3) They have terrible hours,
they are open 24-7 with no
days closed. They have been there
since Feb 2017 and I am very tired of
NAME: Rose Minister (the terrible experience)

ADDRESS: 425 West Ave. V.
San Angelo, Texas 76903

SIGNATURE: Rose L. Minister

Z17-16: Bowles

Property owner number: 15

If you have any questions about these proceedings, please call Kristina Heredia, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210, ext. 1546. The Planning Division staff may also be reached by email at kristina.heredia@cosatx.us.

Site Photos

Front of Business (East)



Across the Street (West)



Looking North on South Bryant



Looking South on South Bryant



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: **2616 South Bryant Boulevard, City of San Angelo, Texas, compromising a total of 0.138 acres**, FROM OFFICE COMMERCIAL (CO) ZONING DISTRICT TO NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Comment [d1]: Legal description is not necessary in caption since the purpose is public notice and address better serves that purpose.

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 Neighborhood Commercial District (CN); and,

Comment [d2]: I changed to track caption, assuming that the caption includes the current and intended zone designations.

WHEREAS, on the 23rd day of January, 2018, City Council held a public hearing on Z17-16, 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 (CN) District:

The real property generally known as 2616 South Bryant Boulevard; and more specifically described as: Lot 17, Block 10, La Villita Heights Addition, City of San Angelo, Tom Green County Texas, compromising a total of 0.138 acres.

Comment [d3]: Please use this format on your template. Addresses are "Generally known as" and legal description is "more specifically described as".

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

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

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

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

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

INTRODUCED on the **9th day of January, 2018**, and finally PASSED, APPROVED AND ADOPTED on this the **23rd day of January, 2018**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

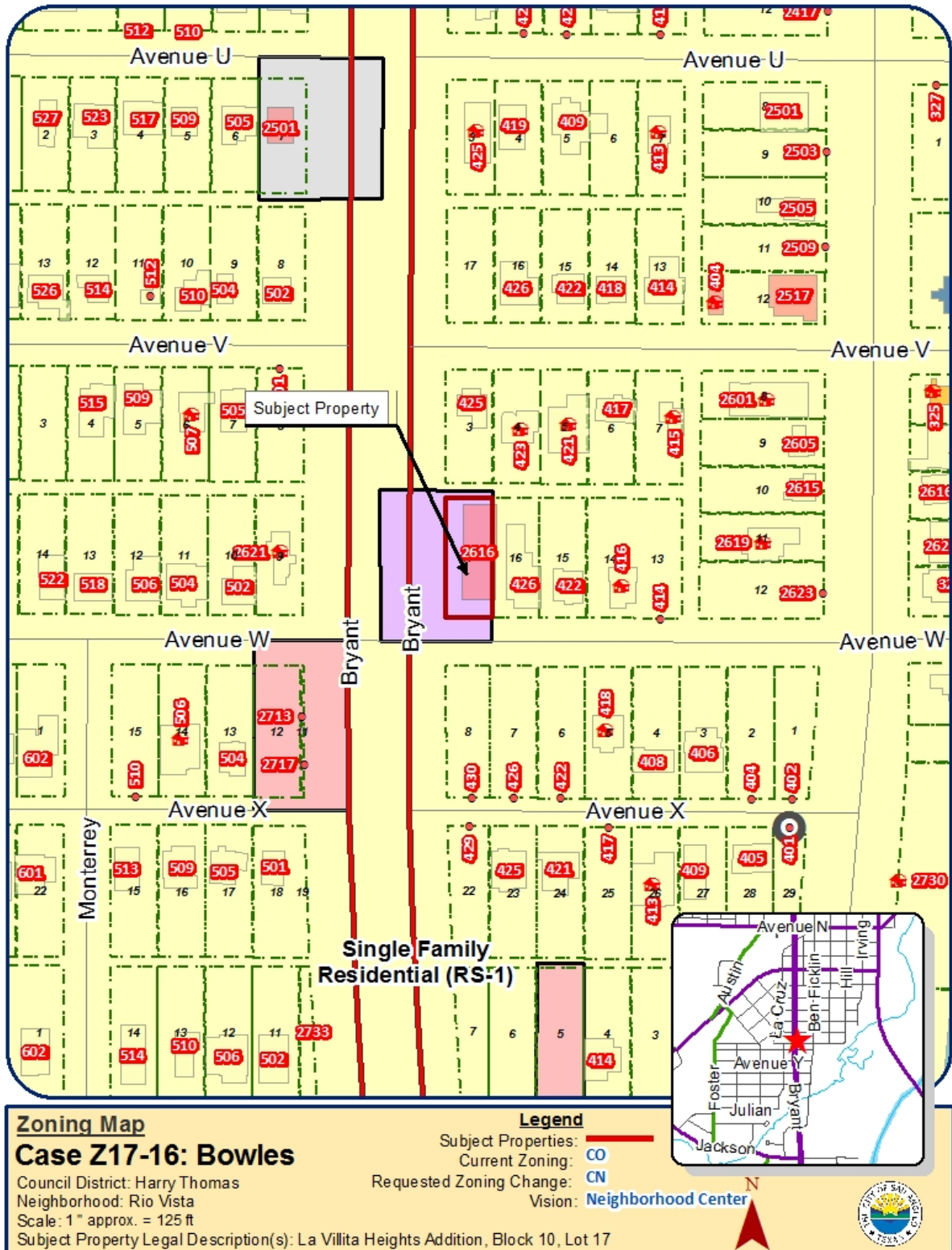
ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Exhibit A



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Robert Schneeman, Economic Development Coordinator, Economic Development, 325.653.7197

Meeting Date: January 9, 2018

Item type: Regular Item

Caption:

Consider ratifying a resolution by the City of San Angelo Development Corporation Board of Directors authorizing the President to negotiate and execute a development agreement with AEP Texas, Inc., a Texas utility provider ("AEP") relating to utility and infrastructure improvements necessary for platting the subdivision of a portion of Phase II of the San Angelo Business & Industrial Park as approved by City Council (Presentation by Economic Development Director Roland Pena)

Summary/History:

The City of San Angelo Development Corporation (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

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 City Council approved authorizing the City Manager to negotiate and execute the MOU on behalf of the City of San Angelo on Tuesday, December 12th, 2017.

AEP wishes to complete construction of their new facility and occupy it on or before September 30, 2018. COSADC believes the design, bidding and construction of utilities and other infrastructure to serve the Property guaranteed by COSADC under the real estate sales contract with AEP and the MOU with City cannot reasonably be completed in time for AEP to meet its development schedule. Therefore AEP wishes to expedite its development by constructing the extension of utilities and infrastructure to the AEP property guaranteed by COSADC, under agreement with COSADC for reimbursement pursuant to said guarantee.

Under the agreement AEP will solicit a bid from it's contractor to complete the improvements and provide all bid information to COSADC for review and approval.

Upon completion of construction of the utilities and infrastructure necessary under this agreement and proof of approval of City of San Angelo inspection, reimburse AEP for costs associated with construction of the improvements. Total reimbursement shall not exceed the bid amount approved by COSADC without written approval in the form of a change order approved by COSADC.

At its meeting on December 13, 2017 COSADC approved the attached resolution by a vote of 6-0.

Financial Impact:

To be determined based on contractor bid amount. New Project Account and budget amendment required.

Other Information/Recommendation:

Resolution Attached

Attachments:

1. Resolution	AEP Development Agreement Resolution_Final.pdf
2. 17-872_COSADC_AEP_REPLAT_DEVELOP_AGREE_FINAL	17-872_COSADC_AEP_REPLAT_DEVELOP_AGREE_FINAL.docx
3. 17-XXX_COSADC_AEP_UTILITY_DEVELOP_AGREE_CC_RESO	17-XXX_COSADC_AEP_UTILITY_DEVELOP_AGREE_CC_RESO.docx

Presentation:**Approvals/Reviews:**

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

A RESOLUTION OF THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION BOARD OF DIRECTORS AUTHORIZING THE PRESIDENT TO NEGOTIATE AND EXECUTE A DEVELOPMENT AGREEMENT WITH AEP TEXAS, INC., A TEXAS UTILITY PROVIDER (“AEP”). RELATING TO UTILITY AND INFRASTRUCTURE IMPROVEMENTS NECESSARY FOR PLATTING THE SUBDIVISION OF A PORTION OF PHASE II OF THE SAN ANGELO BUSINESS & INDUSTRIAL PARK AS APPROVED BY CITY COUNCIL.

WHEREAS, the City of San Angelo Development Corporation (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 2 (hereinafter “Lot 3”), being the subdivision of a portion of Phase II of the San Angelo Business & 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); and,

WHEREAS, on December 13, 2017, the Board adopted a resolution approving a Memorandum of Understanding with the City (MOU) providing that COSADC guarantee performance in a sum not to exceed \$750,000, for extension of underground utilities and extension of public access infrastructure as required for said final plat, preapproved by City Council on December 12, 2017; and,

WHEREAS, AEP wishes to complete construction of a new facility on the property and occupy the new facility on or before September 30, 2018 and,

WHEREAS, COSADC design, bidding and construction of utilities and other infrastructure to serve the Property guaranteed by COSADC under the real estate sales contract with AEP and the MOU with City cannot reasonably be completed in time for AEP to meet its development schedule; and,

WHEREAS, AEP wishes to expedite its development by constructing the extension of utilities and infrastructure to the AEP property guaranteed by COSADC, under agreement with COSADC for reimbursement pursuant to said guarantee;

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

The City of San Angelo Development Corporation authorizes the Board President to negotiate and execute a Development Agreement with the AEP Texas, Inc. in substantially the attached form, pursuant to which AEP will construct underground utilities and access infrastructure improvements required for final subdivision plat approval and be reimbursed therefore by COSADC in a sum not to exceed \$750,000.

PASSED and **APPROVED** by majority vote of the Board of Directors of the City of San Angelo Development Corporation, Texas, on the 13th day of December, 2017, by the following vote:

AYES:_____ **NAYS:**_____ **ABSENT:**_____

ATTEST:

EDWARD CARRASCO, PRESIDENT

BRYAN KENDRICK, BOARD SECRETARY

THE STATE OF TEXAS §

This Agreement, effective on the ____ day of _____, 2017, by and between the City of San Angelo Development Corporation, a State of Texas non-profit corporation ("COSADC") and AEP Texas, Inc., a Texas Utility Provider ("AEP").

- A. Through a Real Estate Sales Contract dated October 11, 2016, AEP Texas, Inc. purchased 51.897 Acres of land out of C.C.S.D. & R.G.N.G. RR CO. Survey 1111, Abstract No. 4252, Tom Green County Texas ("Subject Property").
- B. In accordance with that Real Estate Sales Contract, AEP agreed to work with COSADC towards complying with City of San Angelo storm water drainage utility system requirements to address anticipated storm water drainage from the Subject Property. Additionally the contract required COSADC to cause all utilities necessary for AEP's intended use to be extended to the property line of Subject Property.
- C. COSADC is currently under contract with Parkhill, Smith & Cooper, Inc. to provide Professional Engineering design services for all of Phase 2 of the Industrial Park, in which the Subject Property is located.
- D. AEP wishes to complete construction of a new facility on the property and occupy the new facility on or before September 30, 2018.
- E. COSADC design, bidding and construction of utilities and other infrastructure to serve the Property cannot reasonably be completed by that time.
- F. AEP wishes to expedite construction of the utilities and infrastructure to the property.

Parties agree that the COSADC shall:

- A. Utilize the contract with Parkhill, Smith & Cooper to complete as soon as possible the design of the utilities and other infrastructure suitable and necessary for AEP's intended use of the property as provided in the Real Estate Sales Contract dated October 11, 2016.
- B. Upon completion of the design documents by Parkhill, Smith, & Cooper, provide the design and construction documents to AEP.
- C. Upon completion of construction of the utilities and infrastructure necessary under this agreement and proof of approval of City of San Angelo inspection, reimburse AEP for costs associated with construction of the improvements. Total reimbursement shall not

exceed the bid amount approved by COSADC without written approval in the form of a change order approved by COSADC.

Parties agree that the AEP shall:

- A. Upon receipt of construction documents, bid the designed utilities & infrastructure improvements as a part of their facility bid package. The utilities and infrastructure shall be included in the bid package as a separate set of alternative bid items.
- B. Provide to COSADC all information received in the bid process that is responsive to the alternative bid items for the utilities and infrastructure improvements.
- C. Upon approval of bids by COSADC, award the contract in accordance with COSADC's approval and construct all required utilities and infrastructure improvements suitable and necessary for AEP's intended use of the property.
- D. Ensure the construction of all utilities and infrastructure under this Agreement is done in accordance with all applicable City or State specifications, planning regulations, building codes, ordinances, or statutes.
- E. Ensure construction will begin on or before December 1, 2017 and completed on or before September 30, 2018, unless otherwise agreed between the parties in writing. A failure to begin on time or complete the construction on or before the date estimated by the engineer shall result in the reduction of reimbursement in the amount of \$500 per day of delay.

INDEMNIFICATION: AEP shall indemnify, defend and hold harmless COSADC, and the City of San Angelo, and their 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 "Liability") 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 but only to the extent caused by the negligent acts, errors or omissions, intentional torts, intellectual property infringement, or a failure to pay a subcontractor or supplier committed by AEP or AEP's agent, consultant under contract, or another entity over which AEP exercises control (whether active or passive) of AEP or its employees, agents or sub-providers (collectively referred to as "AEP") or (ii) the failure of AEP to comply with any of the terms or conditions of the Agreement or the failure of AEP to conform to statutes, ordinances, or other regulations or requirements of any governmental authority, federal or state, applicable in connection with the performance of this Agreement. AEP expressly agrees to indemnify and hold harmless Indemnities, or any of them, from and against all liabilities which may be asserted by an employee or former employee of AEP, or any of its subcontractors, as provided above, for which AEP's liability to such employee or former employee would otherwise be limited to payments under state Workers' Compensation or similar laws.

INSURANCE: AEP shall, at all times during the term hereof, maintain such insurance coverage as may be required by COSADC of the types and in the amounts specified herein, with insurers licensed to do business in Texas. All insurance required herein shall be drawn in the name of AEP, with COSADC,

board members, officers, agents, guests, invitees, consultants and employees named as additional insureds, except on coverage for Workers' Compensation. All such insurance, including renewals, shall be subject to the approval of COSADC for adequacy of protection and evidence of such coverage shall be furnished to COSADC on Certificates of Insurance indicating such insurance to be in force and effect and providing that it will not be canceled during the performance of Services under this Agreement without thirty (30) calendar days prior written notice to COSADC. Completed Certificates of Insurance shall be filed with City of San Angelo Risk Manager at City Hall, 72 W. College Avenue, San Angelo, Texas 76903 prior to the performance of Services hereunder, provided, however, that AEP shall at any time upon request file duplicate copies of the policies of such insurance with COSADC.

Every insurance policy required shall be primary insurance. Any insurance or self-insurance benefits carried by COSADC or City of San Angelo, their officers, or employees, shall be excess and not contributory to that provided by AEP.

The procurement of insurance coverage by AEP shall not be construed to be a limitation upon AEP's liability or as a full performance on its part of AEP's indemnification requirements under this Agreement. AEP's obligations are, notwithstanding any policy of insurance, for the full and total amount of any damage, injury or loss caused by or attributable to its activities conducted at or upon the premises. Failure of AEP to maintain adequate coverage shall not relieve AEP of any contractual responsibility or obligation.

AEP shall require its insurance carrier(s), with respect to all insurance policies, to waive all rights of subrogation against COSADC, its board members, officers, agents, guests, invitees, consultants and employees.

AEP shall cause each subcontractor and sub-subcontractor of AEP to purchase and maintain insurance of the types and in the amounts specified herein. AEP shall require subcontractors and sub-subcontractors to furnish copies of certificates of insurance to City's Risk Manager evidencing coverage for each subcontractor and sub-subcontractor.

If, in the judgment of COSADC, prevailing conditions reasonably warrant the provision by AEP of additional liability insurance coverage or coverage which is different in kind, COSADC reserves the right to require the provision by AEP of an amount of coverage different from the amounts or kinds previously required and shall afford written notice of such change in requirements thirty (30) days prior to the date on which the requirements shall take effect. Should AEP fail or refuse to satisfy the requirement or fail to reach an agreement therefore with COSADC for the changed coverage within thirty (30) days following COSADC's written notice, AEP shall be deemed in default of this Agreement.

TYPES AND AMOUNTS OF INSURANCE REQUIRED. Provider shall obtain and continuously maintain in effect at all times during the term hereof, at Provider's sole expense, insurance coverage as follows with limits not less than those set forth below:

1.1 Commercial General Liability. This policy shall be an occurrence-type policy and shall protect Provider and additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than Provider's employees) and damage to property of City or others arising out of the act or omission of Provider or its agents and employees. This policy shall also include protection against claims for the contractual liability assumed by Provider under the paragraph of this Agreement entitled "Indemnification," including completed operations, products liability, contractual coverage, broad form property coverage, explosion, collapse, underground, premises/operations, and independent contractors (to remain in force for two years after final payment). Coverage limits shall not be less than:

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

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

\$ 500,000.00	Combined Single Limit
---------------	-----------------------

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

Workers' Compensation WC EL Statutory Limits	
\$ 500,000.00	Each Accident
\$ 500,000.00	Each Employee
\$ 500,000.00	Policy Limit

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

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

TO AEP TEXAS, INC.
.%American Electric Power
Attention: James R. Rosing
One Riverside Plaza
Columbus, Ohio 43215-2373

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

MISCELLANEOUS PROVISIONS:

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

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

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

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

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

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

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

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

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

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

K. The provisions of this Agreement, which by their nature extend beyond the termination of the Agreement, will survive termination of the Agreement.

NONDISCRIMINATION: AEP represents and warrants to COSADC that AEP does not and will not engage in discriminatory practices and that there shall be no discrimination in connection with Career AEP's performance under this Agreement on account of race, color, sex, religion, age, handicap, marital status or national origin. AEP further covenants that no

otherwise entitled individual shall, solely by reason of race, color, sex, religion, age, handicap, marital status or national origin, be excluded from participation in, be denied employment or other services, or be subject to discrimination under any provision of this Agreement.

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

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

(Signature Page to Follow)

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

CITY OF SAN ANGELO
DEVELOPMENT CORPORATION

ATTEST:

Roland Peña, Secretary

Edward Carrasco, President

AEP TEXAS, INC.

BY: _____
James R. Rosing, Senior Architect,
Authorized agent for AEP Texas, Inc.

EMAIL: jrrosing@aep.com

APPROVED AS TO FORM:

Dan T. Saluri, Deputy City Attorney

A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL RATIFYING THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION (COSADC) BOARD RESOLUTION AUTHORIZING THE PRESIDENT TO NEGOTIATE AND EXECUTE A DEVELOPMENT AGREEMENT WITH AEP TEXAS, INC., A TEXAS UTILITY PROVIDER (“AEP”). RELATING TO UTILITY AND INFRASTRUCTURE IMPROVEMENTS NECESSARY FOR PLATTING THE SUBDIVISION OF A PORTION OF PHASE II OF THE SAN ANGELO BUSINESS & INDUSTRIAL PARK AS APPROVED BY CITY IN AN AMOUNT NOT TO EXCEED \$750,000.

WHEREAS, the City of San Angelo Development Corporation (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 2 (hereinafter “Lot 3”), being the subdivision of a portion of Phase II of the San Angelo Business & 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); and,

WHEREAS, AEP wishes to complete construction of a new facility on the property and occupy the new facility on or before September 30, 2018 and, WHEREAS, COSADC design, bidding and construction of utilities and other infrastructure to serve the Property guaranteed by COSADC under the real estate sales contract with AEP and the MOU with City cannot reasonably be completed in time for AEP to meet its development schedule; and,

WHEREAS, AEP wishes to expedite its development by constructing the extension of utilities and infrastructure to the AEP property guaranteed by COSADC, under agreement with COSADC for reimbursement pursuant to said guarantee; and,

WHEREAS, on December 13, 2017, the Board adopted a resolution approving a Memorandum of Understanding with the City (MOU) providing that COSADC guarantee performance in a sum not to exceed \$750,000, for extension of underground utilities and extension of public access infrastructure as required for said final plat, preapproved by City Council on December 12, 2017;

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

The City of San Angelo City Council ratifies the City of San Angelo Development Corporation (COSADC) Board resolution adopted on December 13, 2017, authorizes the Board President to negotiate and execute a Development Agreement with the AEP Texas, Inc. in substantially the attached form, pursuant to which AEP will construct underground utilities and access infrastructure improvements required for final subdivision plat approval and be reimbursed therefore by COSADC in a sum not to exceed \$750,.

PASSED and APPROVED THIS 9th DAY OF January, 2018.

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Robert Schneeman, Economic Development Coordinator, Economic Development, 325.653.7197

Meeting Date: January 9, 2018

Item type: Regular Item

Caption:

Consider a resolution approving the City of San Angelo Development Corporation (COSADC) application to the U.S. Department of Commerce for funding through the Economic Development Administration's (EDA) 2017-18 Public Works Investment Assistance Program to fund sewer and water system improvements at the San Angelo Industrial Park; and, authorizing the City Manager or his designee to join in the grant application on behalf of the City of San Angelo as a co-applicant; approving provision for matching funds equal to fifty percent of project costs; and designating the City Manager as the city's authorized grant official - (Presentation by Economic Development Director Roland Pena)

Summary/History:

A resolution by the COSADC Board is required by the Economic Development Administration (EDA) for the submission of an application to its Public Works Investment Assistance program. EDA also has required that the City be a co-applicant due to the fact that the City will take ownership of all public improvements once completed. A pre-application was filed to EDA on September 30, 2017. In mid November, staff was notified by the EDA Regional Representative that our application had received a "Responsive" rating by the Project Review Committee meaning the project application would advance to final application review. Additional recommendations were provided including increasing the matching funds. The increase necessitated the revised Resolution for the new application, which was due and submitted, December 13, 2017.

At its meeting on June 22, 2016 the COSADC Board approved allocating up to \$2 Million as matching funds for an Economic Development Administration (EDA) grant for construction of infrastructure in Phase 2 or Phase 3 of the Industrial Park. Due to recent land sales the Phase 2 improvements have become the higher priority.

At its meeting on April 26, 2016 COSADC approved a resolution authorizing the Board President to execute a Professional Services Agreement with Grant Works to perform grant administration services on behalf of COSADC related to an Economic Development Assistance (EDA) grant application preparation, submission to the U. S. Economic Development Administration, and project implementation.

The attached COSADC resolution was approved by the Board on December 13, 2017 by a 6-0 vote. The City Council resolution is also attached.

Financial Impact:

\$1,250,000 in matching funds. New project account required. Budget amendment required.

Other Information/Recommendation:

Resolutions attached.

Attachments:

- | | | |
|----|--------------------|---|
| 1. | Council Resolution | 18-028_COSADC_EDA_2017-18_GRANT_CITY_RESO.pdf |
| 2. | COSADC Resolution | 2017-0823_COSADC_EDA_Resolution.pdf |

Presentation:

Approvals/Reviews:

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

A RESOLUTION OF THE CITY OF SAN ANGELO, TEXAS, CITY COUNCIL APPROVING THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION (COSADC) APPLICATION TO THE U.S. DEPARTMENT OF COMMERCE FOR FUNDING THROUGH THE ECONOMIC DEVELOPMENT ADMINISTRATION'S (EDA) 2017-18 PUBLIC WORKS INVESTMENT ASSISTANCE PROGRAM TO FUND SEWER AND WATER SYSTEM IMPROVEMENTS AT THE SAN ANGELO INDUSTRIAL PARK; AND, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO JOIN IN THE GRANT APPLICATION ON BEHALF OF THE CITY OF SAN ANGELO AS A CO-APPLICANT; APPROVING PROVISION FOR MATCHING FUNDS EQUAL TO FIFTY PERCENT OF PROJECT COSTS; AND DESIGNATING THE CITY MANAGER AS THE CITY'S AUTHORIZED GRANT OFFICIAL

WHEREAS, the City of San Angelo Development Corporation (COSADC) desires to develop a viable community, including expanding economic opportunities and creating a suitable living environment; and,

WHEREAS, the City of San Angelo Development Corporation has been approached by one or more potential businesses seeking to expand into the community; and,

WHEREAS, there is a lack of adequate drainage, electrical, telecommunications, natural gas, sewer, street, and/or water system capacities to attract and support new business in the San Angelo Business & Industrial Park; and,

WHEREAS, on December 13 2017, the COSADC Board determined that it is necessary and in the best interests of COSADC to apply for funding under the EDA's FY 2017-18 Economic Development Assistance Programs – Public Works Investment Assistance program to provide capital to be used to foster economic development activity at the San Angelo Business & Industrial Park; and,

WHEREAS, the U.S. Department of Commerce, Economic Development Administration (EDA) requires that the City of San Angelo join in the application with COSADC as a co-applicant for the grant as city will receive the benefit of grant funds utilized to carry out drainage, electrical, natural gas, sewer, street, and/or water system improvements in the San Angelo Business & Industrial Park when the improvements are completed and dedicated to the city;

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

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

Section 2. The application authorized by resolution on December 13, 2017, of the COSADC Board for U.S. Department of Commerce Economic Development Administration (EDA) FY 2017-18 Economic Development Assistance Programs-Public Works Investment Assistance Program Grant, including provision for fifty percent (50%) matching funds in a sum of up to \$1,250,000, to carry out drainage, electrical, natural gas, sewer, street, and/or water system improvements in the San Angelo Business & Industrial Park is approved.

Section 3. The City Manager or his designee is hereby authorized to execute such application or other documentation necessary or relating to joining the City of San Angelo as a co-applicant with COSADC for the EDA grant and to accept the grant;

Section 4. That the City of San Angelo City Manager or his designee is designated as the Chief Administrative Officer and Authorized Representative to act in all matters in connection with this application

and participation in EDA's 2017-18 Economic Development Assistance Programs – Public Works Investment Assistance program project.

PASSED, APPROVED, AND ADOPTED this 9th day of January, 2018.

CITY OF SAN ANGELO

BY: _____
Brenda Gunter, Mayor

ATTEST:

BY: _____
Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Roland Peña, Director of
Economic Development

Theresa James, City Attorney

RESOLUTION

A RESOLUTION OF THE CITY OF SAN ANGELO ECONOMIC DEVELOPMENT CORPORATION (COSADC) AUTHORIZING SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF COMMERCE FOR FUNDING THROUGH THE ECONOMIC DEVELOPMENT ADMINISTRATION'S (EDA) 2017-18 PUBLIC WORKS INVESTMENT ASSISTANCE PROGRAM FOR INFRASTRUCTURE IMPROVEMENTS AT THE SAN ANGELO BUSINESS AND INDUSTRIAL PARK; AND DESIGNATING THE COSADC PRESIDENT AS AUTHORIZED REPRESENTATIVE TO ACT IN ALL MATTERS RELATING TO THE APPLICATION AND GRANT PROGRAM.

WHEREAS, the City of San Angelo Development Corporation (COSADC) desires to develop a viable community, including expanding economic opportunities and creating a suitable living environment; and

WHEREAS, the City of San Angelo Development Corporation has been approached by one or more potential businesses seeking to expand into the community;

WHEREAS, there is a lack of adequate drainage, electrical, telecommunications, natural gas, sewer, street, and/or water system capacities to attract and support new businesses at the San Angelo Business and Industrial Park; and

WHEREAS, it is necessary and in the best interests of the City of San Angelo Development Corporation to apply for funding under the EDA's FY 2017-18 Economic Development Assistance Programs – Public Works Investment Assistance program to provide capital to be used to foster economic development activity.

NOW, THEREFORE, BE IT RESOLVED:

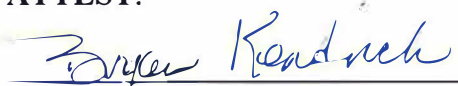
- Section 1. That an application is hereby authorized to be filed with the US Department of Commerce for funding consideration under EDA's FY 2017-18 Economic Development Assistance Programs – Public Works Investment Assistance program;
- Section 2. That the application be for up to \$1,250,000 of grant funds to carry out drainage, electrical, natural gas, sewer, street, and/or water system improvements for the City of San Angelo Development Corporation, San Angelo Business and Industrial Park;
- Section 3. That minimum matching funds in the amount of up to \$625,000 in cash will be provided by the City of San Angelo Development Corporation to fund project activities; and
- Section 4. That the COSADC President is designated as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in EDA's 2017-18 Economic Development Assistance Programs – Public Works Investment Assistance program project.

PASSED and **APPROVED** by majority vote of the Board of Directors of the City of San Angelo Development Corporation, Texas, on the 23rd day of August, 2017, by the following vote:

AYES: 4 NAYS: 0 ABSENT: 3

ATTEST:


EDWARD CARRASCO, PRESIDENT


KENDRICK, BOARD SECRETARY

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 9, 2018

Item type: Regular Item

Caption:

Presentation of the Civic Events year-end report - (Presentation by Civic Events Manager Sidney Walker)

Summary/History:

We would like to give City Council a fiscal year-end review report, giving updates on the progress of Civic Events. This past year, Civic Events facilitated 980 bookings. These bookings included set ups, changeovers, ushering, cleaning, and other requirements to meet the needs of our customers.

This past year, Civic Events has seen an increase in revenue for the Foster Communications Coliseum, Bill Aylor Sr Memorial Riverstage, McNease Convention Center and in concession sales. The presentation also includes FY17 total bookings and tickets sold per facility, prior years financial statistics per facility, facility needs improvements that were completed, and also a look into next year's goals.

Financial Impact:

None associated with this report.

Other Information/Recommendation:

None to report.

Attachments:

1. FY17 REVIEW - COUNCIL SLIDES

FY17REVIEW-COUNCIL.pptx

Presentation:

Sidney Walker

Approvals/Reviews:

Sidney Walker

Created/Initiated

Carl White

Approved

Theresa James

Approved

Julia Antilley

Approved

Tina Dierschke

Approved

Anthony Wilson

Approved

Becky Dunn

Approved

Bryan Kendrick

Final Approval



Civic Events FY17 Review

November 30, 2017



Civic Events FY17 Review

- **McNease Convention Center: 219**
- **COSA – 213**
- **Foster Communications Coliseum:133**
- **Bill Aylor Sr. Memorial River Stage: 21**



Civic Events FY17 Review

- **El Paseo: 49**
- **Indoor Arena: 71**
- **EM: 81**
- **Farmer's Market: 59**



FY17 Total Bookings

- **Public Ticketed Events: 86**
- **Community Events: 58**
- **Private Bookings: 330**
- **COSA Meetings: 295**



TIX SOLD PER FACILITY

FY14

FY15

FY16

FY17

• **Coliseum**

52,212

51,137

51,116

58,246

• **River Stage**

764

3,781

4,329

10,336

• **CC**

2,780

2,960

3,664

6,469



BOOKINGS PER FACILITY

	FY14	FY15	FY16	FY17
--	-------------	-------------	-------------	-------------

• Coliseum				
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	138			
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		121		
--	--	-----	--	--

			135	
--	--	--	-----	--

				133
--	--	--	--	-----

• River Stage				
----------------------	--	--	--	--

	20			
--	----	--	--	--

		18		
--	--	----	--	--

			19	
--	--	--	----	--

				14
--	--	--	--	----

• CC				
-------------	--	--	--	--

	178			
--	-----	--	--	--

		152		
--	--	-----	--	--

			219	
--	--	--	-----	--

				219
--	--	--	--	-----



Facility Revenue	FY14	FY15	FY16	FY17
Coliseum	259,120	237,775	232,179	327,667
River Stage	7,200	16,230	14,191	30,662
Convention Center	254,472	226,749	200,023	228,223
FM/Pavilion/Paseo	17,278	15,483	15,693	12,809



Facility	FY14	FY15	FY16	FY17
Concessions	43,732	36,617	38,942	59,703



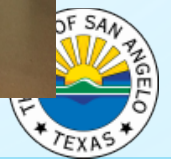
Facility Needs Project / Coliseum Doors



Facility Needs Projects / Coliseum VIP Room Lighting



Facility Needs Projects / Coliseum Ceiling Tiles



Facility Needs Project / River Stage Chairs



Dressing Room Renovation Project



Project	Estimated	Actual	Variance
• Sewer Line - CC	\$71,000	\$68,941	(\$2,509)
• Reroofing - CC	\$222,000	\$217,481	(\$4,519)
• Climate Control –Col	\$104,000	\$25,733	(\$78,267)
• Air Handler #3 – Col	\$23,370	\$13,680	(\$9,690)
• Chairs River Stage	\$10,000	\$9,440	(\$560)
• ADA Lift - Col	\$3,250	\$4,075	\$825



Project Variance

Estimated Actual

- Resurfacing lot – Paseo/FM \$11,640 \$0 (\$11,640)
- Door replacement – Paseo* \$5,000 \$0 (\$5,000)
- Lighting replacement–Paseo* \$3,000 \$468 (\$2,532)
- VIP room lighting – Coliseum \$3,160 \$5,505 \$2,345
- Ceiling tiles - Coliseum \$5,000 \$3,815 (\$1,185)
- Door replacement - Coliseum \$22,500 \$23,447 \$947



Civic Events Facility Needs Project

- Estimated Cost: \$483,920
- Actual Cost: \$372,585
- Variance: **(\$111,335)**





Civic Events FY17 Review

November 30, 2017



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 9, 2018

Item type: Regular Item

Caption:

Consider amending Civic Events policies and recommending any related matters - (Presentation by Civic Events Manager Sidney Walker)

Summary/History:

Civic Events staff, in conjunction with the Civic Events Advisory Board's policy and procedures committee, have worked together to recommend changes to the current facility policies. The majority of the changes are administrative in nature, but staff and the Board also entwined current contract language with the policies so that the two documents conformed. Some of the most notable changes are:

Adding the section titled **"Purpose Statement"**.

Adding the section titled **"Definitions"**.

Removing the sections titled **"Equipment"** (we do not rent to outside entities), **"Indoor Arena"** (we do not groom the IA's dirt floor), **"Ticket Accounting"** (moved to section titled Ticket Vendor Guidelines), and **"Ticketed Events"** (moved to Definitions).

Amending section titled **"Deposit Schedule"** to **"Booking Schedule"**. In addition, we made amendments ensuring that CVB is allowed to hold dates no more than four years in advance unless agreed upon with Civic Events Manager.

Replacing the use of the word **"deposit"** and replacing with the words **"required payment"** or **"security fee"**.

Removing any dollar amounts listed in the policy with the exception of the section titled **"Facility Use Fee"**.

Adding the section titled **"Capped Rate For Public Ticketed Events"** to ensure that the Civic Events manager is able to negotiate a capped rate of the Civic Events facility being rented by a promoter or event company for ticketed events. The capped rate cannot be less than the rental rate that is stated on the Fee Schedule and cannot exceed 10% of the total gross.

Amending the section titled **"Facility Discounts"** by adding two additional discounts for organizers/promoters:

1. If they provide documented proof within 10 working days from the end of their event, either through themselves of the Convention and Visitors Bureau, that an average of 150 San Angelo hotel rooms were booked and used during the course of the event, 33 percent of the security fee will be refunded to the organizer/promoter as part of the event's settlement agreement.

2. If they provide documented proof within 10 working days from the end of their event, either through themselves of

the Convention and Visitors Bureau, that an average of 100 San Angelo hotel rooms were booked and used during the course of the event, 25 percent of the security fee will be refunded to the organizer/promoter as part of the event’s settlement agreement.

Amending the section titled “**Multiple Use**” by adding an incentive to help bring in more public ticketed events. A client contracting for a minimum of four (4) public ticketed events at one time at the River Stage, Convention Center or Coliseum within a 12-month span will be deemed a multiple user. A rental rate of 50% off the facilities rental rate will be applied to the fourth concert. The fourth concert must be held at either the River stage or the Coliseum.

Adding the section titled “**Ticket Vendor Guidelines**” to include guidelines to which ticket vendors and promoters must adhere if selling tickets to events that take place in our Civic Event facilities. These proposed guidelines must be maintained and followed for vendors to be added to the ticket vendor listing.

The last time City Council approved changes to the policies was November 4, 2008. The Civic Events Advisory Board approved all of the changes at their meeting held on Nov 30, 2017.

Financial Impact:

No fiscal impact directly associated with this item. This item does relate to fees, but those will be reviewed and presented separately with Council as part of the fee review process.

Other Information/Recommendation:

None to report.

Attachments:

- | | | |
|----|----------------------------------|--|
| 1. | Civic Events Policy Presentation | Facility Policy - Civic Events.pptx |
| 2. | Civic Events Facility Policies | CE Facility Policy Changes-Council.2.pdf |

Presentation:

Sidney Walker

Approvals/Reviews:

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



Civic Events Facility Policies

Jan 9, 2017



Civic Events Facility Policies

- Included “**Purpose Statement**” and “**Definitions**”
- Deleted wording “**deposits**” and added “**security fee**” and “**required payment**”



Civic Events Facility Policies

- Updated “**Booking Schedule**” to allow CVB to hold dates for up to four years.
- **Camper Hookups** – Deleted cost



Civic Events Facility Policies

- **Capped Rate for Public Ticketed Events** –The Civic Events Manager has the authority to negotiate a capped rate of the Civic Events facility being rented by a promoter or event company for ticketed events. The capped rate cannot be less than the rental rate that is stated on the Fee Schedule and cannot exceed 10% of the total gross.



Civic Events Facility Policies

- **Concessions** – updated language to match Concessionaire's Agreement.
- Renamed “**Deposit Schedule**” to “**Booking Schedule**”
- Removed “**Equipment**” and “**Indoor Arena**”



Civic Events Facility Policies

- Updated **“Facility Discounts”** and **“Multiple Use”**
- Removed **“Ticket Accounting”** and **“Ticket Events”**
- Added **“Ticket Vendor Guidelines”**





Civic Events Facility Policies

Jan 9, 2017



Vision Statement: To be the preferred host for Entertainment, Business, Conventions and Community Events in West Texas.

Mission Statement: To enhance the quality of life of our citizens and business partners by providing quality events and facilities in a clean, comfortable and safe environment.

DEPOSIT SCHEDULE

A fully executed Short-Term Facilities Agreement and deposit in the amount of the building rent be received within 30 days of the Lessor's request. If the full fee and executed contract is not received by such date, the booked date may be released.

Lessees with a history of delinquent payment must pay all anticipated charges within 10 business days prior to the event. Failure to do so will result in cancellation of the event and forfeiture of the total deposit. The Civic Events Manager or the Manager's designee may deviate from this policy in the case of an emergency. Facilities will not be leased to lessees who have not in full all amounts owed to the City for past rentals

EQUIPMENT

Equipment and/or furniture may be leased at the normal rates for events that occur at places other than Civic Events venues, if the requested items are available. Rental charges may be waived only if the Lessee seeks and receives City sponsorship through the Special Events Policy application process. Whoever leases the loaned items must agree to pick-up and return the items at the Civic Events Division's convenience, unless otherwise approved by the Civic Events Manager. Those receiving the loaned items must sign a receipt detailing the inventory to ensure all items are returned and agreeing to replace at cost any items that are damaged or lost.

The Civic Events Department will keep the entirety of the facility use fee for tickets it sells. Ticket outlets will receive 25 cents for each ticket they sell.

INDOOR ARENA

Prior to an event, Civic Events employees will groom the Indoor Arena's dirt floor. Unless otherwise approved by the Civic Events Manager, Lessees must provide their own equipment and operator if they want the arena groomed during an event. All bookings for the arena require at least 48 hours notice to allow adequate time to groom the arena.

TICKET ACCOUNTING

Ticket sellers/takers, hired by the Civic Events Manager or the Manager's designee, shall be provided at the Lessee's expense for events for which the Civic Events Division sells tickets through its ticketing system and its outlets. Payment will be made to the Civic Events Division as part of the event's final settlement.

For events for which the Lessee sells its own tickets, ticket takers will be provided at no expense.

Page 11: [7] Deleted	Walker, Sidney	11/15/17 1:05 PM
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TICKETED EVENTS

Any event that requires a fee for admission is a ticketed event, including trade shows, tool sales, boat shows, etc.

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Outlets will be selected through a Request for Proposals (RFP) process, must sign a Merchant Ticket Network Agreement and be approved by the City Council. The City Manager may approve of locations serving as an outlet on a limited basis. Such decisions will be based upon a potential outlet's proximity to existing outlets, its foot traffic its hours of operation, the type of business and its ability to serve ticket buyers in addition to carrying out its primary business function.

The City will provide the hardware, software, ticket stock, training and, if need be, the Internet connection to tickets outlets for the purpose of selling tickets through its electronic ticketing system.

All ticket outlets are responsible for the accounting/balancing of the tickets and money. Any shortages will be the responsibility of the ticket outlets.

Each ticket outlet is given a \$100 working fund consisting of City funds for the purpose of making change for ticket purchases. Outlets are responsible for the maintenance of their working fund, which will be reconciled by Civic Events staff members whenever ticket receipts are collected, and the return of that fund should the location cease to be a ticket outlet for the Civic Events Division.

Ticket outlets will receive 25 cents facility use fee for each ticket they sell.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 9, 2018

Item type: Regular Item

Caption:

Consider a proposed discounted rental agreement for Foster Communications Coliseum for San Angelo Broadway Academy - (Presentation by Civic Events Manager Sidney Walker)

Summary/History:

The San Angelo Broadway Academy (SABA) would like to pursue using the Foster Communications Coliseum for their theatrical plays and rehearsals at a discounted rate. The Council-approved rental fee of the Coliseum is \$1,750 per day. Currently, SABA receives a discounted rate of \$650 on performance days and \$75 per hour for move-in and rehearsals at the Coliseum. The Coliseum is booked for a seven-day span that includes set up, rehearsals, performances, and move-out. The average revenue generated from this rental is \$22,000 per year.

This discount was emplaced due to the renovations of the City Auditorium and the displacement of SABA in 2010. On Sept 28, SABA asked the Civic Events Advisory Board for a continued discount for the Coliseum. The Board recommended SABA continue to receive the discounted rate of \$650 on performance days and \$75 per hour for move-in, and rehearsals for the next three years.

SABA's last performance at the Coliseum was Dec 2-10. Due to booking conflicts, SABA's next performance is scheduled at the City Auditorium under SAPAC.

Financial Impact:

City Staff recommends that SABA pays the full rental price of \$1,750 on performance days and half rental price of \$875 on set up and rehearsals with one free move in date per rental. This would generate \$8,750 in rental revenue and reflect a discount of \$3500 per booking. (These fees are consistent with proposed fee changes for FY 18-19).

The Civic Events Advisory Board recommends that SABA pays the discounted rental fee of \$650 on performance days and \$75 per hour on set up and rehearsals. This would generate approximately \$5,500, depending on time spent in the facility for set up and rehearsals.

If there are no discounted fees associated with the rental, the fee would be \$12,250 per booking. (This is based on existing Council-approved fees.)

None of these rate scenarios include the facility fee of .25 cents collected on sold tickets.

Other Information/Recommendation:

City Staff recommends that SABA pay's the full rental price according to the fee schedule on performance days and a discounted rental price on set up and rehearsals with one free move in date per rental.

Attachments:

1. Facility Discount/ SABA Presentation
- SABA - Civic Events.pptx

Presentation:

Sidney Walker

Approvals/Reviews:

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



San Angelo Broadway Academy Facility Discount

Jan 9, 2018



SABA Facility Discount for Coliseum

- **SABA currently pays:** \$650 per performance / \$75 per hour for move-in and rehearsals.
- Average 4 shows per year/ 7-day span
- Displaced from City Auditorium in 2010 due to renovation
- “Multiple Use” - 4 Shows Per Year/.25 Facility Fee
- **Revenue:** Approximately \$5,500 per rental



SABA Facility Discount for Coliseum

- Coliseum current rental rate is \$1750 per day
- SABA's last performance: December
- Currently have an upcoming performance at Murphy Performance Hall



SABA Facility Discount for Coliseum

- **Civic Events Advisory Board Recommendation**
- \$650 per performance / \$75 per hour move-in/rehearsal
- Three Year Agreement
- **Revenue:** \$5500 per rental



SABA Facility Discount for Coliseum

- **Civic Events Staff Recommendation**
- \$1750 per performance
- \$875 per move-in rehearsal
- One free move-in day

- **Revenue:** \$8,750 per rental



SABA Facility Discount for Coliseum

- Council Recommendation





San Angelo Broadway Academy Facility Discount

Jan 9, 2018



Submitter DB ID 22453
IP Address 10.9.4.41
Submission Recorded On 01/04/2018 9:54 AM
Time to Take the Survey 3 minutes, 18 secs.

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: Luke Uherik

Address: [REDACTED]

ZIP code: [REDACTED]

Home/mobile phone: [REDACTED]

Office/mobile phone: [REDACTED]

Resident of San Angelo since (year): 1981

City Council Single-Member District in which you reside: 5

Registered San Angelo voter? (yes or no) yes

Occupation/business affiliation: Banker - First Financial Bank

Occupation/business address: 222 S. Koenigheim

Title/position: Senior Vice President

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.

Yes

3. Date

1/4/18

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.

Planning Commission

5. Recommended by:

(Name): Tommy Hiebert

6. Based on your board selection, do you meet the membership criteria?

Yes

7. If so, which criteria?

Not answered

8. Tell us about yourself.**Education and/or professional licenses:**

Educational

- Graduated from Central High School 1999
- Graduated from Texas Tech University in 2004 with dual degrees – BS in Agricultural & Applied Economics and BS in Business Administration
- Graduate Texas Tech School of Banking 2008
- Graduate Southwestern Graduate School of Banking – Cox School of Business SMU 2017

Current municipal and civic organization memberships (positions and dates):

Current

- Downtown San Angelo, Inc. Board of Directors
- San Angelo Stock Show and Rodeo Board Member
- San Angelo Stock Show Premium Sale Committee
- San Angelo Stock Show – Fairground Gate Committee Chair
- Junior League of San Angelo – Community Advisory Board
- Helping Hands (Formerly Christmas in April) – Board Member, Past President

Past

- Plaza del Sol – Treasurer/Board Member
- Home Builder's Golf Tournament Committee
- San Angelo Schools Foundation – Board Member
- Loaned Executive – United Way
- Graduate of Leadership San Angelo – 2012
- 20 Under 40 Honoree - 2013

What personal qualifications can you bring to the board?

Born and raised in San Angelo with long family history in the area. I bring many years of experience working with local businesses in the area as well as knowledge and understanding of the local real estate market. I have a deep understanding of the key drivers of the local economy and the challenges most commonly faced by local businesses and residents.

What is your personal vision for the City?

A growing, thriving, and diverse economy with local government supporting development and a business friendly environment. A safe, family-friendly community that is attractive to highly skilled and educated professionals with young families. Community that embraces and supports a strong educational system, including ASU and Howard, to help build a pipeline of highly qualified personnel for businesses. A community that takes pride in its history and leverages the unique strengths to create value for residents and businesses.

Why do you want to serve on this board? To help foster the type of environment described above.

Is there anything else you would like to share about yourself?

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 i

n 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.



APPLICATION FOR
BOARDS and COMMISSIONS

Name: Tom Maurer
Address: [REDACTED]
City: San Angelo (unless otherwise noted) Zip: 76901
Phone (Home): [REDACTED] Office): [REDACTED]
Resident of San Angelo since: June 1989 SMD: [REDACTED]
Are you a registered voter of San Angelo? Yes: ✓ No: [REDACTED]
Occupation / Business Affiliation: Realtor
Occupation / Business Address: [REDACTED]
Position: Independent Contractor
Email: [REDACTED]

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.

X Tom Maurer 12/20/2017
Applicant's Signature Date

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.

RETURN TO: City of San Angelo, c/o City Clerk, 72 W. College, San Angelo, Texas 76902-1751

Applying for:

- ☐ Airport Advisory Board
☒ Animal Shelter Adv Cmm*
☐ Civic Events Adv Board
☐ Civil Service Commission
☐ Construction Board of Adj/Apps*
☐ Design & Historic Review Cmm*
☐ Development Corporation
☐ Downtown Development Cmm*
☐ Fort Concho Museum Board
☐ Park Commission
☐ Parks & Recreation Adv Board
☐ Planning Commission
☐ Public Art Commission*
☐ Public Housing Authority
☐ Tax Incrmt Reinvsmt Zone Board*
☐ Water Advisory Board*
☐ Zoning Board of Adjustment

*specific membership criteria requirements
apply-See back page for more information

Recommended by: Billie Dewitt

Tell us about yourself. Feel free to attach additional sheets, if necessary.

Based on you board selection, do you meet the membership criteria*? Yes No If so, which criteria: 5
(see back page for board criteria)

Education and/or Professional Licenses: 3 yrs College (Engineer) Real Estate Licenses

Current Municipal and Civic Organization Memberships (Positions & Dates): [REDACTED]

Previous Municipal Experience (Positions, Dates, Where): Past Member of ASAC
Appointed by Mayor New

What personal qualifications can you bring to this board? Involved with Dog since 1972
Show/Breed and rescue Past member Concho Valley Club

What is your personal vision for the City? to provide protection from abuse of Animals

Why do you want to serve on this board? To be an advocate for Dog & Cat

Anything else you would like for us to know? [REDACTED]

*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 657-4405.

For Office Use Only:

Appointed by:

CiCo Appt/Reappt Date:

Term Dates: To

From