



City Council Agenda 03/06/2018

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held on March 6, 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. Proclamation designating March 2018 as National Intellectual and Developmental Disabilities Awareness Month
- b. Proclamation designating March 2018 as National Lutheran Schools Month

4. Public Comment

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

5. Consent Agenda

- a. Consider approving the February 20, 2018 regular and February 26, 2018 special meeting minutes (Kendrick)
- b. Consider authorizing the sale of the following Lake Nasworthy property to current residential lot leaseholder for the appraised values (Preas):
 - 1. 1601 Turtle Dr; Lot 66, Block 5, Section 1, Group Shady Point (\$25,318)
- c. Consider approving a maintenance service contract for San Angelo Public Safety Communication in the amount of \$150,404.94, budgeted in FY18, between the City of San Angelo and Hexagon, our Computer Aided Dispatch and Records Management System authorizing 24/7 technical support and authorizing the City Manager or his designee to execute said maintenance contract and any renewal contract thereafter provided the cost does not increase more than 5% each subsequent year (Carter)
- d. Consider awarding RFP PI-01-18 Television Studio to Nelco Media, Inc., in the amount of \$294,158.80, budgeted in FY18 and to be paid using PEG fees, a designated funding source, and authorizing the City Manager or designee to execute any related documents (Wilson)
- e. Consider a resolution for the City of San Angelo, Texas, authorizing the City Manager to negotiate and execute an agreement with the State of Texas for municipal control, operation and maintenance of lighted traffic control signals installed and tested by the Texas Department of Transportation, located at the diamond intersection of EB and WB frontage roads of US Highway 67 with Loop 306 at Sherwood Way/Business Highway 67 (Hohensee)

- f. Consider ratifying COSADC's resolution authorizing the use of sales and use tax funds in an amount not to exceed \$5,975 to provide an Economic Development Incentives to Engine Pro Machine, LLC. (Schneeman)
- g. Consider ratifying COSADC's approval to execute a real estate sales contract for the sale of approximately 4 acres of land out of Block 1, Section 1, San Angelo Gateway Addition (the San Angelo Business & Industrial Park) to CBJ1, LLC d/b/a Munn Properties at a price of \$29,000 per acre (Schneeman)
- h. Second reading of an ordinance for Z18-01, a rezoning from the General Commercial/Heavy Commercial (CG/CH) and Single Family Residential (RS-1) Zoning Districts to the Neighborhood Commercial (CN) Zoning District, on a 1.35-acre property located at 2819 North Chadbourne Street (James)
- i. Second reading and adoption of an ordinance amending Chapter 3 "Animal Control" Sections 3.02.041 and 3.05.001 of the Code of Ordinances to clarify when the City takes ownership of animals pursuant to state law (Chegwidden)

6. Regular Agenda

- a. Consider adoption of an ordinance authorizing the issuance and sale of City of San Angelo, Texas combination tax and limited surplus revenue Certificates of Obligation, Series 2018; appointing a Pricing Officer and delegating to the Pricing Officer the authority to approve on behalf of the City the sale of the certificates, the terms of the certificates and the offering documents for the certificates; establishing certain parameters for the approval of such matters by the Pricing Officer; approving the use of a paying agent/registrar agreement; levying an annual ad valorem tax and providing for the security for and payment of said certificates; providing an effective date; and enacting other provisions relating to the subject - (Presentation made by Finance Director Tina Dierschke)
- b. Consider approving the following items:
 - 1. Allocating up to \$374,000 for capital projects including \$294,000 from the Hotel Occupancy Tax fund balance for facility improvements
 - 2. Awarding bid COL-01-18 to Accurate Air Solutions for the replacement of a chiller for the Foster Communications Coliseum/1st Community Federal Credit Union Spur Arena in the amount of \$170,921 and authorizing the City Manager or his designee to negotiate and execute a contract and any related documents - (Presentation made by Civic Events Manager Sidney Walker)
- c. First reading and public hearing of an ordinance amending Chapter 5 "Business and Commerce", Section 5.04.034 by creating an exception to the itinerant merchant permit for persons holding a mobile or temporary food establishment permit (food trucks) - (Presentation made by Planning & Development Services Jon James)

- d. Public hearing and first reading of an ordinance amending Chapter 10 "Traffic Control", article 10.04 "Stopping, Standing and Parking", Division 1. "Generally", Section 10.04.003 "Stopping, Standing or Parking Prohibited in Specified Places", by creating subdivision (f) "Parking Temporarily Prohibited during Street Maintenance Activities"; regulating parking on public roadways during street maintenance activities as designated by the director of public works; providing for notice of street maintenance activities, and pursuant to section 2308.354 of the Texas Occupations Code appointing a City designee with authority to immobilize and remove vehicles from public roadways during street maintenance activities where parking is temporarily prohibited; providing repealing and savings clauses; and providing an effective date - (Presentation made by City Engineer Russell Pehl)
- e. Consideration and first hearing of an ordinance of the City of San Angelo, Texas, amending appendix A, "Fee Schedule" for the following ordinances:
 - 1. Article A6.000, "Parks and Recreation Fees"; Section A6.005 "Park Facility and Activity Fees" subpart (e) "Facility Rental Fees" to provide rental fees for Kirby Park pavilion
 - 2. Article A6.000, "Parks and Recreation Fees"; Section A6.005 "Park Facility and Activity Fees", subpart (f) "Miscellaneous Event Fees", to adjust summer camp weekly fee and add holding fee
 - 3. Article A14.000, "Cemetery Fees"; Section A4.002 "Cremation", Section A14.004 "Overtime", and Section A4.006 "Disinterment" to adjust said fees
 - 4. Article A11.000, "Fire and Rescue Service Fees"; Section A11.001 "Service Fees", subsection (f) "Ambulance/Transport/Transfer Fees", to adjust said fees
 - 5. Article A2.000 "Building and Construction Related fees"; Section A2.002 "Building Permit Fees", by restating new subpart (c) to provide for site plan review fees; amending Section A2.004 "miscellaneous permit fees", by repealing and deleting subpart (e) "customer service inspection for existing structures"
 - 6. Article A9.000 "Planning Related Fees" by: amending Section A9.004 to provide for administrative adjustment fee; amending Section A9.005 fees for preliminary, final plats and variance fees; and, amending section A9.007 "miscellaneous planning fees" by amending fees for street name change and release of easement, and adding fees for urban design review, appeal, certificate of appropriateness, and disannexation
 - 7. Article A9.000, "Planning Related Fees"; Section A9.007 "Miscellaneous Planning Fees By Adding A Publication Fee For Newspaper Advertisement" - (Presentation made by Finance Director Tina Dierschke)
- f. Consider ratifying COSADC's approval of the bid secured by AEP Texas North Company (AEP) from Crossland Construction Company, Inc. in the sum of \$582,809 for construction of utilities and other infrastructure within the San Angelo Business and Industrial Park pursuant to the Development Agreement by and between COSADC and AEP, authorized by resolution of the City Council adopted on January 9, 2018 - (Presentation made by Business Retention & Expansion Coordinator Robert Schneeman)
- g. Consider adoption of a City of San Angelo policy governing the use of city property for film production and authorizing the City Manager to update the policy from time to time as necessary

- h. Consider a resolution establishing a policy related to the process for appointment to City Boards, Committees and Commissions when said appointment results in the requirement of a resignation from service on another City Board, Committee or Commission

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 703 S. Chadbourne

8. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session, if needed
- b. Consideration of approving various Board nominations
Construction Board of Adjustments and Appeals: David Jacobo (At-Large) to a second term ending February 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 2nd day of March 2018, at 10:00 a.m.

Bryan Kendrick, City Clerk

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

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

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

Proclamation

The month of March 2018 has been designated as “National Intellectual and Developmental Disabilities Awareness Month” in order to celebrate and recognize people with disabilities; and

Disability is a natural part of the human experience and in no way diminishes the right of people with disabilities to make choices, contribute to society and experience in full the many blessings of American society; and

Family members, friends and the community at large all play a role in supporting people with disabilities as they pursue their dreams; and

The goals of this city properly include helping people with disabilities realize full access to housing, employment and the recreational activities which help create productive and satisfying lives, and to live as independently as possible.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, do hereby proclaim the month of March 2018 as:

Intellectual and Developmental Disabilities Awareness Month

in the City of San Angelo, and call upon the citizens of San Angelo to observe the month with appropriate programs and activities. Furthermore, I encourage the citizens of San Angelo to seek information from those organizations with expertise in matters concerning professionals who support individuals with intellectual and developmental disabilities.

In Witness Whereof, I have set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 6th day of March, 2018.

Brenda Gunter
Mayor of the City of San Angelo

Proclamation

For over 150 years, Lutheran Schools have provided communities, states, and the country with Christian leaders in business, politics, military, ministry, education, and other fields; and

National Lutheran Schools Month is also an occasion for schools to interest citizens in volunteering their time and talents to local Lutheran Schools; and

This year's theme is "It's Still All About Jesus", and Lutheran Schools have provided a quality Christian education program that has inspired students to serve others through civic engagement and provided students with opportunities to serve while equipping them with the tools they need to fulfill their future roles as good citizens, productive employees, and compassionate leaders; and

In keeping with this year's theme, locally we are joining with Trinity Lutheran School as they celebrate almost 67 years of service to our Community;

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, do hereby proclaim the month of March 2018 as:

National Lutheran Schools Month

And encourage everyone to pay tribute to the dedication and service of Trinity Lutheran School for their many years of commitment to the community of San Angelo.

In Witness Whereof, I have set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 6th day of March, 2018.

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, February 20, 2018

Present:

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

1. Call to Order

With a quorum of the City Council Members present, Mayor Gunter called the regular session of the San Angelo City Council to order at 8:32 a.m. on Tuesday, February 20, 2018, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Prayer and Pledge

An invocation was provided by Assistant Water Utilities Director Lance Overstreet; and the pledges were led by Keith Manship, son of Nathan Manship in the IT Department.

3. Proclamations/Recognitions

A proclamation was made recognizing the contributions the late Reverend Floyd Crider made to the community

The Central High School cheerleaders were recognized for earning first- and second-place finishes at the National Cheerleaders Association National Championships

Feb. 18, 2018 was proclaimed as Benevolent and Protective Order of Elks Day in San Angelo in recognition of the organization's 150 anniversary and its many good works in the community

Mayor Brenda Gunter received the Air Force Community Partnership "Excellence in Program Leadership" Plaque on behalf of the City of San Angelo

4. Public Comment

Citizen Steve Hampton expressed a desire to hear more information on consent agenda item 5F.

5. Consent Agenda

- a. Approval of the February 6, 2018 City Council regular meeting minutes
- b. Authorization the City Manager or his designee to negotiate and execute a nonexclusive easement for access with Oscar H. Martinez and Douglas H. Martinez, over a city-owned 40' fenced lane located in McCulloch County, for purposes of permitting a right of way for pedestrian and vehicular access to and from CR 126 or CR 124
- c. Adoption of a resolution authorizing the City Manager to negotiate and execute a consent to assignment of the Lake Nasworthy Cruise Boat Concession and Lease Agreement to Water DAWGS Home & Boat, LLC (Pg.45, 2018-016)

- d. Approval of an agreement with West Texas Rehabilitation Center, West Texas RSVP, for lease of office space at Station 618 and authorization for the Mayor or City Manager to execute said agreement
- e. Approval of a professional services agreement for veterinary services with Concho Valley PAWS in the amount of \$50.00 per pet and authorization for the City Manager to execute all related documents
- f. Ratification of a COSADC resolution authorizing the use of sales and use tax funds in a sum not to exceed \$75,000 for professional services required to develop design specifications and related construction documents for future improvements to the Sunken Garden Park
- g. Approval of a rental agreement with Southwest Motorcycle Training for a portion of the Foster Communications Coliseum parking lot
- h. Approval of second reading and adoption of an ordinance naming a new street "Sherwood Way Service Road," constructed by the Texas Department of Transportation and dedicated by transfer of right-of-way to the City of San Angelo, located west of the 5500 block of Sherwood Way in West San Angelo (Pg.46, 2018-017)

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

Motion: Council Member Thompson made a motion, seconded by Council Member Thomas, to approve item 5e, as presented. The motion carried (6) ayes to (1) nay, with Council Member Carter casting the dissenting vote.

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

6. Regular Agenda

- a. Presentation of report from the Convention & Visitors Bureau (CVB) - (Presentation made by CVB Director Diann Bayes)

No action was taken on this item.

- b. Discuss funding and consider awarding RFB ES-02-18 (Bell Street Improvement Project) to Reece Albert Inc. in the amount of \$19,800,532 for asphalt paving or \$22,255,977 for concrete pavement, budgeted in FY18, and authorizing the City Manager to execute all related documents - (Presentation made by City Engineer Russell Pehl)

Several citizens expressed concerns related to Bell Street and the overall expense.

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to award the bid for concrete pavement, as presented. The motion carried unanimously (7) ayes to (0) nays.

- c. Consider approving a task order under RFQ ES-04-15 to Enprotec Hibbs and Todd, Inc. in the amount of \$1,120,000 for design of College Hills from Loop 306 to Ave N CIP project and authorizing the City Manager to execute all related documents - (Presentation made by City Engineer Russell Pehl)

SKG Engineering representative Russell Gully expressed concern.

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve the task order in an amount not to exceed \$1,120,000. The motion carried (6) ayes to (1) nays, with Council Member Carter casting the dissenting vote.

- d. Consider resolutions of general support for construction of affordable housing projects as part of the 2018 annual Low Income Housing Tax Credit (LIHTC) program for:
1. Glen Park by VCZ Development, LLC (**Pg.47, 2018-018**)
 2. Meadow Falls by VCZ Development, LLC
 3. Balcones Flats by Herman & Kittle Properties, Inc.
 4. The Trails by Generation Housing Development (**Pg.48, 2018-019**)
 5. Cherry Trails by Four Corners Development, LLC
 6. Twohig Plaza by Four Corners Development, LLC - (Presentation made by Neighborhood & Family Services Director Bob Salas)

Several citizens expressed concerns related to the traffic and storm water runoff that might occur related to these developments.

Motion: Council Member Gonzales made a motion, seconded by Council Member DeWitt, to adopt resolutions for items 6d1 (Glen Park) and 6d4 (The Trails), as presented. The motion carried unanimously (7) ayes to (0) nays.

- e. Consider an appeal of the Planning Commission's January 22, 2018, approval of a Conditional Use Amendment to eliminate condition of approval #3 which restricted the hours of operation for alcoholic beverage sales for on-premise consumption on a 1.46-acre property located at 2402-2428 Vanderventer Avenue - (Presentation made by Planning & Development Services Director Jon James)

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

- f. Public hearing and first reading of an ordinance for Z18-01, a rezoning from the General Commercial/Heavy Commercial (CG/CH) and Single Family Residential (RS-1) Zoning Districts to the Neighborhood Commercial (CN) Zoning District, on a 1.35-acre property located at 2819 North Chadbourne Street - (Presentation made by Planning & Development Services Director Jon James)

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

- g. Consider an appeal by the Planning Director of the Planning Commission's January 22, 2018, approval of four variances associated with the Bridlewood Estates, Section Two Final Plat:
1. Variance from Section 10.II.C.4 to allow a two-course surface in lieu of the required hot mix asphalt surface
 2. Variance from Section 10.III.A.2 to allow a minimum pavement width of 26 feet in lieu of the required 30 feet for Bridlewood Court, a proposed rural local street
 3. Variance from Section 9.III.A.5.a(3) to allow no curbing in lieu of the required header curbs
 4. Variance from Section 9.III.C.2 to allow a dead-end street greater than 750 feet in length - (Presentation made by Planning & Development Services Director Jon James)

SKG Engineering representative, Herb Hooker, spoke in support of the variances. Builder Randy Bell expressed concern over the appeal.

Motion: Council Member Carter made a motion, seconded by Council Member Thomas, to uphold the appeal and deny the variance for item 6g1 (two-course surface), as presented. The motion carried (6) ayes to (1) nays, with Mayor Gunter casting the dissenting vote.

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to uphold the appeal and deny the variance for item 6g2 (minimum pavement width), as presented. The motion carried (6) ayes to (1) nays, with Mayor Gunter casting the dissenting vote.

Motion: Council Member DeWitt made a motion, seconded by Council Member Thomas, to uphold the appeal and deny the variance for item 6g3 (curbing), as presented. The motion carried (6) ayes to (1) nays, with Mayor Gunter casting the dissenting vote.

Motion: Council Member Thomas made a motion, seconded by Council Member Hiebert, to uphold the appeal and deny the variance for item 6g4 (dead-end street), as presented. The motion carried (6) ayes to (1) nays, with Mayor Gunter casting the dissenting vote.

- h. Public hearing and first reading of an ordinance amending Chapter 3 "Animal Control" Sections 3.02.041 and 3.05.001 of the Code of Ordinances to clarify when the City takes ownership of animals pursuant to state law - (Presentation made by Neighborhood & Family Services Assistant Director Morgan Chegwiddden) **(Pg.49, 2018-020)**

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

- i. Public hearing and adoption of a resolution authorizing the adoption of the 2018-2023 Capital Improvement Plan for the City of San Angelo - (Presentation made by Finance Director Tina Dierschke)

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

- j. Update on Sales Tax revenue performance - (Presentation 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 regarding properties within the area commonly known as "City Farm"

8. Follow Up and Administrative Issues

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

No action was taken on this item

b. Approval of the following Board nomination:

Civic Events Advisory Board: Steve Mahaffey (SMD5) to a second term ending October 31, 2020

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

c. Announcements and consideration of Future Agenda Items

City Clerk Bryan Kendrick noted the upcoming Special Council Meeting, Monday February 26, 2018.

9. Adjournment

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

There being no further business, the meeting was adjourned at 1:30 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.)

City of San Angelo, Texas
Special City Council Meeting
Tuesday, February 26, 2018

Present:

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

1. Call to Order

With a quorum of the City Council Members present, Mayor Gunter called the special session of the San Angelo City Council to order at 11:30 a.m. on Tuesday, February 26, 2018, at the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. 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 the Ford Ranch

3. Follow Up and Administrative Issues

4. Adjournment

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

There being no further business, the meeting was adjourned at 6:13 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: Cynthia Preas, Real Estate Manager, Real Estate, 325-657-4212

Meeting Date: March 6, 2018

Item type: Consent Item

Caption:

Consider authorizing the sale of the following Lake Nasworthy property to current residential lot leaseholder for the appraised values (Preas):

1. 1601 Turtle Dr; Lot 66, Block 5, Section 1, Group Shady Point (\$25,318)

Summary/History:

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

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

Financial Impact:

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

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | |
|--|---|
| 1. Appraisal Summary 1601 Turtle Drive | Appraisal Summary 1601 Turtle Drive.pdf |
|--|---|

Presentation:

Approvals/Reviews:

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

APPRAISAL OF REAL PROPERTY

LOCATED AT

1601 Turtle Dr
San Angelo, TX 76904-7708
Lot 66, Block 5, Section 1, Group Shady Point, Lake Nasworthy Addition

FOR

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

AS OF

02/14/2018

BY

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

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

02/27/2018

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

Re: Property: 1601 Turtle Dr
San Angelo, TX 76904-7708
Borrower: Garland Sanders (Deceased)
File No.: R18-0010

Opinion of Value: \$ 25,318
Effective Date: 02/14/2018

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

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

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

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

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

Respectfully Submitted,



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



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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Ryan Jansa, Budget Analyst, Police, (325)657-4262

Meeting Date: March 6, 2018

Item type: Consent Item

Caption:

Consider approving a maintenance service contract for San Angelo Public Safety Communication in the amount of \$150,404.94, budgeted in FY18, between the City of San Angelo and Hexagon, our Computer Aided Dispatch and Records Management System authorizing 24/7 technical support and authorizing the City Manager or his designee to execute said maintenance contract and any renewal contract thereafter provided the cost does not increase more than 5% each subsequent year (Carter)

Summary/History:

The City of San Angelo is in the process of migrating our CAD/RMS system back to our previous provider. The maintenance cost cover support and installation for the preparation of these servers prior to and after they go live.

Financial Impact:

The Hexagon maintenance contract for this year is \$150,404.94. The funds for the contract are budgeted in the FY18 San Angelo Public Safety Communications Budget.

Other Information/Recommendation:

Attachments:

1. 1-1G48FD1 San Angelo TX City Of 18-19 QUOTE 1-1G48FD1 San Angelo TX City Of 18-19 QUOTE.pdf

Presentation:

Approvals/Reviews:

Ryan Jansa	Created/Initiated
Frank Carter	Approved
Theresa James	Approved
Anthony Wilson	Approved
Candice Blake	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

MAINTENANCE QUOTATION SUMMARY

Agreement: 1-1G48FD1



Performance Period: 3/1/18 through 2/28/19

Payment Type: Prepaid Annually

Currency: USD

Bill To:

San Angelo TX City Of
James Gore
401 East Beauregard Avenue
San Angelo TX 76903
USA

Ship To:

San Angelo TX City Of
James Gore
401 East Beauregard Avenue
San Angelo TX 76903
USA

Quotation Summary:

SW Maint	\$150,404.94
Total Services Cost*	\$150,404.94

*** Total is exclusive of applicable taxes. Applicable taxes will be added to the invoice.**

This Quote is an order subject to that certain Master Services Agreement numbered 1704-013 and between Intergraph Corporation and The City of San Angelo, Texas (the "MSA"). Upon shipment or delivery of the software, Intergraph shall invoice the entire amount set forth in this quote, which shall be due and payable in accordance with the MSA

THIS IS NOT AN INVOICE

Offered by: Intergraph Corporation

Accepted by: _____

Signature: Harrison Gough
Name: Harrison Gough
Maintenance Contract Administrator
Date: 10/5/17
Email: harrison.gough@hexagonsi.com
Telephone: 2567305851

Signature: _____
Name: _____
Title: _____
Date: _____
Email: _____
Telephone: _____
Fax: _____

Please mark one of the following options when submitting your acceptance:

☐ A Purchase Order will not be issued.
Customer signature above constitutes notice to proceed with this agreement.

☐ A Purchase Order will be issued and shall reference the terms and conditions of above referenced quote.

MAINTENANCE QUOTATION DETAIL



San Angelo TX City Of

Account Nbr: MDC-2222

Quote: 1-1G48FD1 San Angelo TX City Of 18-19

PO#:

Performance Period: 3/1/18 through 2/28/19

Currency: USD

Bill To:

San Angelo TX City Of
James Gore
401 East Beauregard Avenue
San Angelo TX 76903
USA

Ship To:

San Angelo TX City Of
James Gore
401 East Beauregard Avenue
San Angelo TX 76903
USA

Site Number:

00085719

Ln	Base Part	Description	Serial	Begin	End	Service Level	Mths	Qty	Mth Cost	Total Cost
3	IPS0002	I/Dispatcher	MME-1-1K3WS	3/1/18	2/28/19	Premium	12	9	\$348.39	\$37,626.12
4	IPS0004	I/Informer	MME-1-ZBHR	3/1/18	2/28/19	Premium	12	1	\$465.26	\$5,583.06
5	IPS0004A	I/Informer to I/LEADS NL	MME-1-ZBHT	3/1/18	2/28/19	Premium	12	1	\$0.00	\$0.00
7	IPS0009	I/Mobile Data Terminal NL	MME-1-ZBHX	3/1/18	2/28/19	Premium	12	1	\$930.51	\$11,166.12
8	IPS0015	I/Tracker	1-233977243	3/1/18	2/28/19	Premium	12	1	\$525.89	\$6,310.71
9	IPS0019	I/LEADS-Server NL	MME-1-ZBIB	3/1/18	2/28/19	Premium	12	1	\$442.10	\$5,305.23
10	IPS0020	I/LEADS-Records Management System CC - Desktop Client	MME-1-1K585	3/1/18	2/28/19	Premium	12	60	\$33.08	\$23,814.00
11	IPS0022	I/LEADS-Incident Based Reporting CC	MME-1-ZBLP	3/1/18	2/28/19	Premium	12	1	\$201.76	\$2,421.09
12	IPS0030	I/LEADS-CAD Link NL	MME-1-ZBLT	3/1/18	2/28/19	Premium	12	1	\$0.00	\$0.00
14	IPS0042A	I/NetViewer - 15 users	MME-1-ZBT9	3/1/18	2/28/19	Premium	12	1	\$525.89	\$6,310.71
15	IPS0052	I/Fire Station Alerting	1-16070760	3/1/18	2/28/19	Premium	12	1	\$211.68	\$2,540.16
16	IPS1163C	I/Map Editor CC - Comp	18CJJ7F00085719	3/1/18	2/28/19	Premium	12	1	\$86.00	\$1,031.94
20	GSPX5006C	GeoMedia Advantage Component	1DUV62300085719QFFZY	3/1/18	2/28/19	Premium	12	1	\$110.25	\$1,323.00
27	IPS0001	I/Executive NL	MME-1-ZBH7	3/1/18	2/28/19	Premium	12	1	\$774.90	\$9,298.80
28	IPS0007	I/Executive 2 NL	MME-1-ZBHV	3/1/18	2/28/19	Premium	12	1	\$552.30	\$6,627.60
29	IPS0038	I/Mobile CC	MME-1-ZBN1	3/1/18	2/28/19	Premium	12	112	\$23.10	\$31,046.40

Subtotal for Site Number 00085719 \$150,404.94

Grand Total Excluding Tax \$150,404.94

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 6, 2018

Item type: Consent Item

Caption:

Consider awarding RFP PI-01-18 Television Studio to Nelco Media, Inc., in the amount of \$294,158.80, budgeted in FY18 and to be paid using PEG fees, a designated funding source, and authorizing the City Manager or designee to execute any related documents (Wilson)

Summary/History:

RFP PI-01-18 was sent to seven vendors, including two in San Angelo, seeking proposals to equip and install a television studio in the Public Information Offices on the second floor of City Hall Annex. Nelco Media, Inc. submitted the highest-scoring proposal of the four that were received. Neither local vendor submitted a response.

Nelco's proposal included television switching equipment, studio lighting, studio sets, green screen technology and audio equipment.

The project is in the current and proposed Capital Improvement Plan.

The contract is for \$294,158.80. The project will be funded completely with PEG fees -- revenue that local cable-providers are required to provide to municipal governments under state law. The law mandates those fees must be spent on one thing only -- capital expenditures that directly relate to the production of content for a PEG (public, educational or government access) channel. (SATV, Suddenlink channel 17, is the City's PEG channel.) There will be no General Fund dollars spent on this project, i.e. there will be no impact on taxpayers.

The studio will yield more professional production of interviews and other desk shows. In turn, that should incline viewers to stay tuned longer to the important information that is broadcast on SATV. Additionally, it will increase the Public Information Office's efficiency; the staff will be able to turn on lights, camera and other equipment and begin shooting within minutes, to edit video on the fly with minimal post-production work, and to create programming without investing in set-ups and tear-downs.

Financial Impact:

The contract is for \$294,158.80.

No General Fund dollars will be spent on this project, i.e. there is no impact on taxpayers.

The project will be funded completely with PEG fees -- revenue that local cable-providers are required to provide to municipal governments under state law. The law mandates that those fees be spent on one thing only -- capital expenditures that directly relate to the production of content for a PEG (public, educational or government access) channel. (SATV, Suddenlink channel 17, is the City's PEG channel.)

Other Information/Recommendation:

Attachments:

1. PI-01-18 Summary

PI-01-18 Summary.pdf

Presentation:**Approvals/Reviews:**

Anthony Wilson

Created/Initiated

Theresa James

Approved

Anthony Wilson

Approved

Candice Blake

Approved

Tina Dierschke

Approved

Theresa James

Approved

Becky Dunn

Approved

Bryan Kendrick

Final Approval

Committee Member Summary	Total Points	Nelco	Videotex	Rushworks	FordAV
Category					
Quality of proposed system & compatibility with existing server	200	175	105	140	110
Qualifications & experience with municipalities	80	58	64	65	54
Price	60	55.2	60	59.6	57.2
References	40	34	34	29	29
Maintenance agreement	20	16	4	18	11
Total Score	400	338.20	267.00	311.60	261.20
Ranking		1	3	2	4

Attach a Written Justification for each company's ranking and forward to Purchasing

NOTE: Attached this form and the Written Justification to your Agenda Background Memo

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Dusty Hohensee, Traffic Operations Superintendent, Traffic Operations, 325-657-4377

Meeting Date: March 6, 2018

Item type: Consent Item

Caption:

Consider a resolution for the City of San Angelo, Texas, authorizing the City Manager to negotiate and execute an agreement with the State of Texas for municipal control, operation and maintenance of lighted traffic control signals installed and tested by the Texas Department of Transportation, located at the diamond intersection of EB and WB frontage roads of US Highway 67 with Loop 306 at Sherwood Way/Business Highway 67 (Hohensee)

Summary/History:

The City of San Angelo currently operates and maintains 117 traffic signals of which 60 are located within TXDOT's right-of-way. In accordance with the existing TXDOT Municipal Maintenance Agreement, the City is required to maintain traffic signals within respective TXDOT rights-of-way. The addition of the East and Westbound frontage road signals to COSA's Traffic Signal Systems program will allow these intersections to be coordinated with other traffic signals along the Sherwood Way corridor and ensure efficient traffic movement.

Financial Impact:

The City is responsible for all costs related to the inspection, maintenance, and repair of these signal components.

Other Information/Recommendation:

Attachments:

1. Resolution TXDOT Agreement.pdf

Presentation:

Approvals/Reviews:

Dusty Hohensee	Created/Initiated
Patrick Frerich	Approved
Shane Kelton	Approved
Theresa James	Approved
Anthony Wilson	Approved
Candice Blake	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SAN ANGELO, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH THE STATE OF TEXAS FOR MUNICIPAL CONTROL, OPERATION AND MAINTENANCE OF LIGHTED TRAFFIC CONTROL SIGNALS INSTALLED AND TESTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, LOCATED AT THE DIAMOND INTERSECTION OF EB AND WB FRONTAGE ROADS OF US HIGHWAY 67 AND LOOP 306 AT SHERWOOD WAY/BUSINESS HIGHWAY 67

WHEREAS, EB and WB Frontage Roads of US Highway 67 are Texas Department of Transportation (TxDOT) rights-of-way; and,

WHEREAS, Sherwood Way/Business Highway 67 is classified as a major arterial in the City's Major Thoroughfare Plan; and,

WHEREAS, TxDot owns lighted traffic control signals at the diamond intersection of EB and WB Frontage Roads of US Highway 67 and Loop 306 at Sherwood Way/Business Highway 67; and,

WHEREAS, TxDot has installed and tested said lighted traffic control signals and is prepared to turn the control, operation and maintenance thereof to the City;

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

SECTION 1: The City Manager is hereby authorized to negotiate and execute an Agreement with the Texas Department of Transportation (TxDot) in substantially the attached form, and related documents, providing for City control, operation and maintenance of certain lighted traffic control signals owned by TxDot, located at the diamond intersection of EB and WB Frontage Roads of US Highway 67 and Loop 306 at Sherwood Way/Business Highway 67

SECTION 2: This Resolution shall become effective from and after the date of its adoption.

PASSED, APPROVED, and ADOPTED on this the 6th day of March, 2018.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Brenda Gunter, Mayor

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT

APPROVED AS TO FORM

Shane Kelton, Director of Operations

Theresa James, City Attorney

STATE OF TEXAS §

COUNTY OF TRAVIS §

**AGREEMENT FOR THE
INSTALLATION AND REIMBURSEMENT FOR THE
OPERATION AND MAINTENANCE OF
TRAFFIC SIGNALS WITHIN A MUNICIPALITY**

THIS AGREEMENT is made by and through the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State," and the City of San Angelo, hereinafter call the "City," acting by and through its duly authorized officers, as evidenced by Resolution/Ordinance No. _____, executed on _____, hereinafter acknowledged by reference.

WITNESSETH

WHEREAS, by virtue of a Municipal Maintenance Agreement entered into by the City and the State on the 29th day of December, 1988, the State has been authorized to maintain certain highway routes within the City; and

WHEREAS, from time to time the City requests the State to install traffic signals on certain highways within the City; and

WHEREAS, in accordance with Texas Administrative Code: Title 43 Texas Administrative Code Section 25.5, on the 27th day of May, 1987, the State Highway and Public Transportation Commission, now the Texas Transportation Commission, passed Commission Minute Order No. 85777, authorizing the State to install, operate, and maintain traffic signals on:

- (a) highway routes not designated as full control of access inside the corporate limits of cities, having a population less than 50,000 (latest Federal Census); and
- (b) highways designated as full control of access in all cities; and

WHEREAS, the City has a population of (more/less) than 50,000 population according to the latest Federal Census; and

WHEREAS, the City requests the State to assume the installation, operation, and maintenance responsibilities of the signalized intersections as shown in EXHIBIT 1, attached hereto and made a part of this Agreement; and

WHEREAS, the City agrees to maintain and operate the signalized intersections with the State reimbursing the City for all maintenance and operations costs at a flat rate per location as shown on Exhibit 3.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, as hereinafter set forth, it is agreed as follows:

AGREEMENT**Article 1. CONTRACT PERIOD**

This Agreement becomes effective when fully executed by the City and the State and shall remain in force for a period on one year from the date of final execution by the State and shall be automatically renewed annually for a one year period, unless modified by mutual agreement of both parties, or terminated as hereinafter provided.

Article 2. CONSTRUCTION RESPONSIBILITIES

- A. The State shall prepare or cause to be prepared the plans and specifications, advertise for bids, let the construction contract, or otherwise provide for the construction of new traffic signals and/or reconstruction of existing traffic signals (including, at the State's option, any special auxiliary equipment, interconnect and/or communication material, and equipment), and will supervise construction, reconstruction, or betterment work as required by said plans and specifications. As a project is developed to construction stage, either as a unit or in increments, the State will submit plans and specifications of the proposed work to the City and will secure the City's consent to construct the traffic signal prior to awarding the contract; said City consent to be signified by the signatures of duly authorized City officers in the spaces provided on the title sheet of the plans containing the following notion:

"Attachment No. _____ to "Agreement for the Installation and Reimbursement for the Operation and Maintenance of Traffic Signals Within a Municipality," dated _____. The City-State construction, maintenance, and operation responsibilities shall be as heretofore agreed to, accepted, and specified in the Agreement to which these plans are made a part."

- B. All costs of construction and/or reconstruction of new and existing traffic signals will be borne by the State, and the traffic signal system will remain the property of the State.

Article 3. MAINTENANCE, OPERATION, AND POWER RESPONSIBILITIES

- A. The State shall be responsible for all electrical power costs for the operation of the traffic signals covered by this Agreement and shown on Exhibit 1. Power costs shall be billed as specified in Exhibit 2, "Traffic Signal Maintenance and Operations Provisions."
- B. The City will provide a trained staff to maintain and operate the traffic signals shown on Exhibit 1, and the State will reimburse the City at the flat rate shown in Exhibit 3 for parts and labor. All repairs shall be prioritized based on public safety and made as soon as possible.
- C. The City shall maintain and operate the traffic signals in accordance with the minimum requirements specified in Exhibit 2.
- D. The City shall maintain at least one log of all emergency calls and all routine maintenance.
- E. Routine maintenance will be performed by the City as specified in Exhibit 2.

Article 4. COMPENSATION

- A. The maximum amount payable under this Agreement is \$ 0 per year.
- B. Calculations for the above lump sum amount shall be shown in Exhibit 3, attached hereto and made a part of this Agreement for maintaining and operating the traffic signal installations covered under this Agreement.
- C. The addition or deletion of traffic signals shall be made by supplemental agreement.

Article 5. PAYMENT

- A. The State agrees to reimburse the City at the flat rate shown in Exhibit 3 for maintenance and operations costs for the traffic signals described in Exhibit 1. The City shall submit to the State Form 132, "Billing Statement," or an invoice statement acceptable to the State on a (monthly/quarterly/annual) basis. An original Form 132 or acceptable invoice and four copies shall be submitted to the following address: _____
- _____
- _____
- B. The City shall maintain a system of records necessary to support and establish the eligibility of all claims for payment under the terms of this Agreement. These records may be reviewed at any time to substantiate the payment by the State and/or determine the need for an adjustment in the amount paid by the State.
- C. The State shall make payment to the City within 30 days from receipt of the City's request for payment, provided that the request is properly prepared.
- D. Knockdowns or damage resulting from an accident or an act of God and which require emergency replacement of major equipment shall not be included in the (monthly/quarterly/annual) payments. For eligibility of payment for emergency replacement of major equipment, actual cost shall be submitted to the State for review and determination of reimbursement eligibility.
- E. Payment for the addition or deletion of a traffic signal installation shall be made by supplemental agreement.

Article 6. INDEMNIFICATION

The City acknowledges that it is not an agent, servant or employee of the State and, thus, is responsible for its own acts and deeds and for those of its agents or employees during the performance of the work defined in this agreement.

Article 7. TERMINATION

- A. This Agreement may be terminated by any of the following conditions:
- (1) By mutual agreement and consent of both parties.
 - (2) By the State upon thirty (30) days written notice to the City for failure of the City to provide adequate maintenance and operation services for those traffic signal installations which the City has agreed to maintain and operate.
 - (3) By the State upon sixty (60) days written notice to the City that the State will assume operation and maintenance at the end of the one (1) year period of this contract.
 - (4) By the City upon one hundred twenty (120) days written notice of the State.
- B. In the event this Agreement is terminated by any of the above conditions, the maintenance and operation of the traffic signal systems shall become the responsibility of the State. Any State owned equipment being held by the City shall be promptly returned within 30 calendar days to the State upon termination of this Agreement.

Article 8. SUBLETTING

The City shall not sublet or transfer any portion of the work under this Agreement unless specifically approved in writing by the State. All subcontracts shall include the provisions required in this contract and shall be approved in writing by the State.

Article 9. AMENDMENTS

Changes in the character, costs, provisions, in the attached exhibits, responsibilities, or obligations authorized herein shall be enacted by written amendment. An amendment to this Agreement must be executed by both parties.

Article 10. SUCCESSORS AND ASSIGNS

The State and the City bind themselves, successors, assigns, and legal representatives to the other party to this Agreement and the successors, assigns, and legal representatives of such other party to all covenants and provisions provided herein. Furthermore, the City shall not assign, sublet, or transfer any interests in this Agreement without the written consent of the State.

Article 11. LEGAL CONSTRUCTION

In the case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

Article 12. STATE AUDITOR

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

Article 13. DOCUMENTS At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

Contract No. 2017-01

Article 14. PRIOR AGREEMENTS SUPERSEDED

This Agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the within subject matter.

IN WITNESS WHEREOF, the State and the City have signed duplicate counterparts of the agreement.

THE CITY OF SAN ANGELO

Executed on behalf of the City by:

By _____ Date _____

Typed or Printed Name and Title _____

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
District Engineer

EXHIBIT 1

Signalized intersections on State Highways located in the City of San Angelo.

LOCATION	TYPE OF SIGNAL
1. US 67 Frontage Roads (EB and WB) and BU 67H (Sherwood Way)	1. Diamond interchange signals with two controllers

EXHIBIT 2

TRAFFIC SIGNAL MAINTENANCE AND OPERATION PROVISIONS

The maintaining and operating city agrees to:

1. Unless specifically noted elsewhere in this agreement, the signal timing and operational phasing shall be the responsibility of the city.
2. Inspect the highway traffic signal system a minimum of once every 12 months and replace burned out lamps or damaged sockets as may be required. Police, citizen, or other reports of burned out lamps or other damage, which could jeopardize safety, shall be repaired or replaced as soon as possible after the report, depending on the nature of the report. Otherwise, appropriate steps shall be taken to protect the public. The reflector and lens should be cleaned each time a lamp is replaced. All replacement lamps shall equal the wattage and type of the existing lamp.
3. Keep signal poles, controller pedestals, and foundations in alignment.
4. Keep signal poles and controller cabinets tight on their foundation(s) or pedestal(s).
5. Keep traffic and pedestrian signal heads aligned and properly adjusted Repair back plates where needed.
6. Check the controllers, conflict monitors, detector units, relays, pedestrian push buttons, and detectors a minimum of once every 12 months to ascertain that they are functioning properly and make all necessary repairs and replacements.
7. Keep interior of controller cabinets in a neat and clean condition at all times.
8. Clean reflectors, lenses, and lamps a minimum of once every twelve months.
9. Repaint all corrosive susceptible highway traffic signal components exposed to weather with a non-lead based paint as needed in order to maintain a well kept appearance in the opinion of the Texas Department of Transportation's representative. Plastic signal heads and galvanized and aluminum components are excluded.
10. Group relamp and incandescent lamps of all highway traffic signal heads at the expiration of the average rated lamp life or replace the lamps on a burn out basis.
11. Repair or replace any and all equipment that malfunctions or is damaged.
12. Provide alternate traffic control during a period of failure or when the controller must be repaired. This may be accomplished through installation of a spare controller, placing the intersection on flash, manually operating the controller, or manually directing traffic through the use of proper authorities. In addition, barricades and warning signs shall be provided in accordance with the requirements of the latest edition of the *Texas Manual on Uniform Traffic Control Devices*.
13. Provide maintenance personnel trained in the maintenance of traffic signal equipment who will be available to respond to emergency calls from authorized parties 24 hours a day,

including Saturdays, Sundays, and holidays.

14. Provide the State and local law enforcement agencies the location and respective names and telephone numbers of individuals responsible for emergency maintenance.

15. Document routine observations during the year by trained City personnel of the traffic signal operation at each traffic signal during various times of the day to assure fair distribution of time and for all traffic movements (phases) during varying traffic conditions.

16. Check cabinet filter a minimum of once every six months and clean if necessary. Cabinet filter shall be replaced every two years.

17. Document all checks and corrective actions in a separate log book for each intersection.

18. In metropolitan cities where Intelligent Transportation Systems and/or incident management systems are being implemented the signal timing will be the responsibility of the City in cooperation with the Texas Department of Transportation.

Traffic accidents, inclement weather, special events, maintenance, and construction activities are a few of the causes of nonrecurrent congestion. Nonrecurrent congestion often changes the normal traffic demand patterns. Effective and efficient movement of traffic through the transportation network during periods on nonrecurrent congestion must be considered in the design and operation of all traffic management systems, including traffic signal systems. Priority should be given to freeway or expressway frontage roads when nonrecurrent congestion occurs on freeway or expressway mainlanes.

Power costs shall be billed directly to the State.

EXHIBIT 3

Actuated Signals at conventional intersections and at Tee intersections shall be reimbursed at N/A per intersection per year.

Calculations:

Fixed Time Signal shall be reimbursed at N/A per intersection per year.

Calculations:

Diamond Interchange Signals with one controller shall be reimbursed at N/A per intersection per year.

Calculations:

Diamond Interchange Signals with two or more controllers shall be reimbursed at \$0 per intersection per year.

Calculations:

Sign Mounted Flashers shall be reimbursed at N/A per unit per year.

Calculations:

Overhead Flashing Beacons shall be reimbursed at N/A per intersection per year.

Calculations:

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 6, 2018

Item type: Regular Item

Caption:

Consider ratifying COSADC's resolution authorizing the use of sales and use tax funds in an amount not to exceed \$5,975 to provide an Economic Development Incentives to Engine Pro Machine, LLC. (Schneeman)

Summary/History:

Engine Pro Machine, LLC is an automotive machine shop located at 108 North Chadbourne Street employing 7 full time positions. They intend to purchase a new dynamometer which they believe will increase their business in San Angelo, particularly concerning work they do for the Texas Department of Public Safety. The capital investment required for purchase and installation of the new machine is \$50,000 and they have approached the Economic Development staff requesting COSADC assistance. On 2-28-18 the COSADC Board approved the staff recommendation to "buy down" the interest rate on the bank loan for the purchase of this machine. The current rate offered by 1st Community Federal Credit Union is 6.25% and the approval was for a buy down to 4.25% at a cost of \$5,975.00. Engine Pro Machine will retain 7 full time primary job positions for a minimum of three years.

Financial Impact:

\$5,975.00 for a new project. A budget amendment is required.

Other Information/Recommendation:

Attachments:

- | | |
|-----------------------------------|------------------------------------|
| 1. COSADC_ENGINE_PRO_PROJECT_RESO | COSADC_ENGINE_PRO_PROJECT_RESO.pdf |
|-----------------------------------|------------------------------------|

Presentation:

Robert Schneeman

Approvals/Reviews:

Shannon Scott	Created/Initiated
Theresa James	Approved
Anthony Wilson	Approved
Candice Blake	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

A RESOLUTION OF THE CITY OF SAN ANGELO DEVELOPMENT CORPORATION BOARD OF DIRECTORS AUTHORIZING THE USE OF SALES AND USE TAX FUNDS IN AN AMOUNT NOT TO EXCEED \$5,975, TO PROVIDE AN ECONOMIC DEVELOPMENT INCENTIVE TO ENGINE PRO MACHINE, LLC FOR A PROJECT RELATED TO BUSINESS ENTERPRISES THAT CREATE OR RETAIN PRIMARY JOBS, AS AUTHORIZED FOR A TYPE B CORPORATION UNDER LOCAL GOVERNMENT CODE CHAPTER 505 SUBCHAPTER D.

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

WHEREAS, ENGINE PRO MACHINE , LLC is engaged in the automotive machine shop, industrial and commercial machine repair, rebuilding and manufacturing industry, at its facility located in San Angelo; and,

WHEREAS, ENGINE PRO MACHINE, LLC intends to invest approximately FIFTY THOUSAND DOLLARS (\$50,000.00) in capital equipment , and,

WHEREAS ENGINE PRO MACHINE, LLC intends to retain seven (7) Full Time Equivalent (FTE) primary job positions, and,

WHEREAS, ENGINE PRO MACHINE, LLC has requested incentives from COSADC in order to make such investment and job retention at its San Angelo facility and the Board has determined that the Project will promote or develop an expanded business enterprise that creates or retains primary jobs; and,

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

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

The City of San Angelo Development Corporation offers this Resolution authorizing the use of sales and use tax funds as an economic development incentive to ENGINE PRO MACHINE, LLC., in an amount not to exceed FIVE THOUSAND NINE HUNDRED SEVENTY FIVE AND NO/100 DOLLARS (\$5,975); authorizing the Director of

Economic Development to prepare an economic development performance agreement with ENGINE PRO MACHINE, LLC in compliance with the Development Corporation Act in a form approved by the City Attorney's Office; authorizing the COSADC Board President to execute said agreement and related documents; and recommending to City Council ratification of the incentive and approval of the economic development performance agreement.

CITY OF SAN ANGELO DEVELOPMENT CORPORATION

ATTEST:

By: _____
Edward Carrasco, President

, Corporate Secretary

APPROVED FOR CONTENT

APPROVED AS TO FORM

Robert Schneeman, Business Retention &
Expansion Coordinator

Dan T. Saluri, Deputy City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 6, 2018

Item type: Regular Item

Caption:

Consider ratifying COSADC's approval to execute a real estate sales contract for the sale of approximately 4 acres of land out of Block 1, Section 1, San Angelo Gateway Addition (the San Angelo Business & Industrial Park) to CBJ1, LLC d/b/a Munn Properties at a price of \$29,000 per acre (Schneeman)

Summary/History:

CBJ1, LLC, d/b/a/ Munn Properties is proposing to purchase approximately 4 acres of land in the San Angelo Business & Industrial Park at the northwest corner of the intersection of Gateway Drive and Venture Drive at a cost of \$29,000 per acre, the exact acreage and configuration to be determined by a survey on the ground.

Financial Impact:

Sale of fixed asset revenue in the amount of \$29,000 per acre. Approx. \$116,000 total dependent upon actual survey acreage.

Other Information/Recommendation:

Attachments:

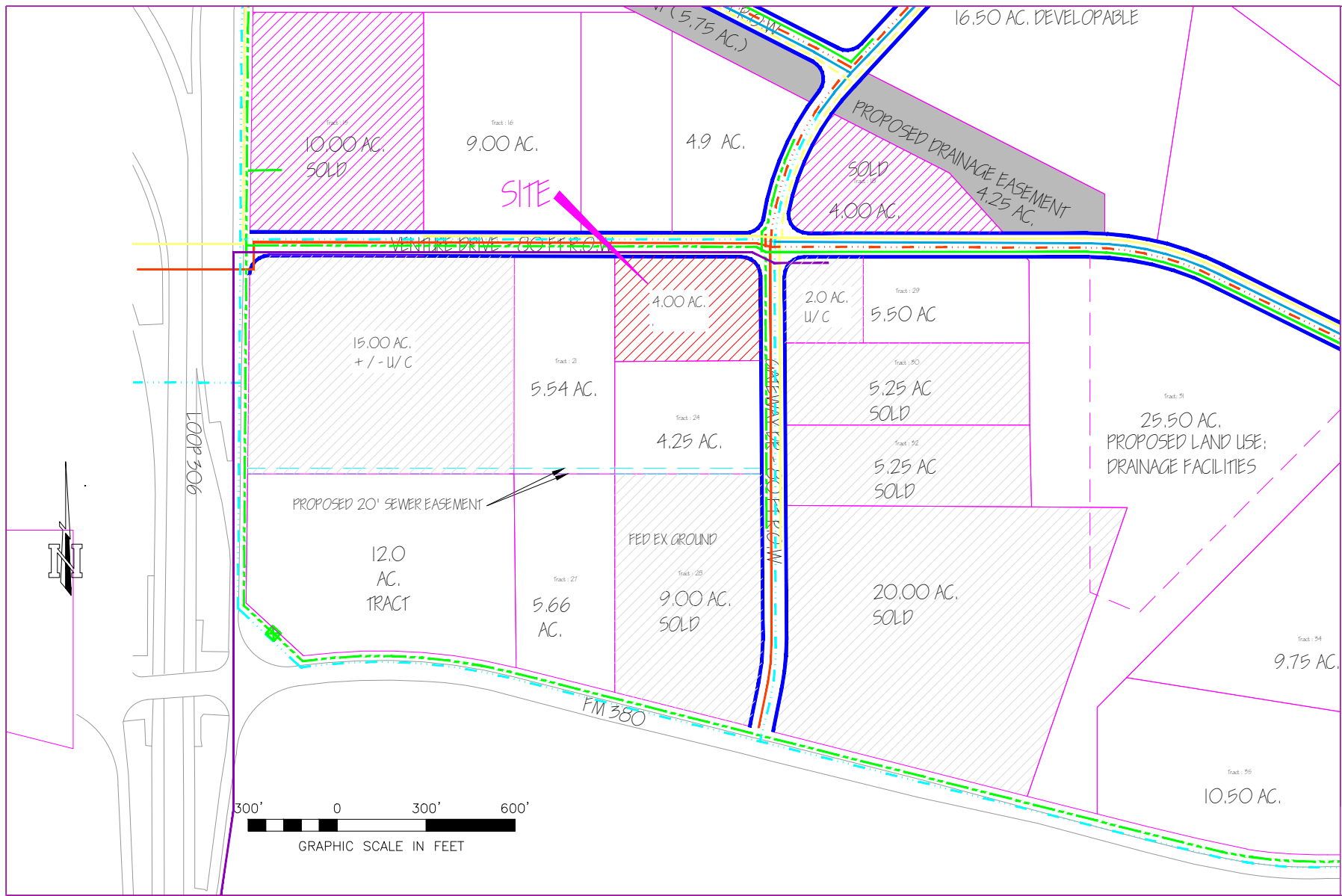
- | | | |
|----|-----------------------|---------------------------|
| 1. | Munn Exhibit A - 4 Ac | Munn Exhibit A - 4 Ac.pdf |
|----|-----------------------|---------------------------|

Presentation:

Robert Schneeman

Approvals/Reviews:

Shannon Scott	Created/Initiated
Theresa James	Approved
Anthony Wilson	Approved
Candice Blake	Approved
Tina Dierschke	Approved
Theresa James	Approved
Michael Dane	Approved
Bryan Kendrick	Final Approval



DATE	
BY	
PAGE	

EXHIBIT A

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 6, 2018

Item type: Regular Item

Caption:

Second reading of an ordinance for Z18-01, a rezoning from the General Commercial/Heavy Commercial (CG/CH) and Single Family Residential (RS-1) Zoning Districts to the Neighborhood Commercial (CN) Zoning District, on a 1.35-acre property located at 2819 North Chadbourne Street (James)

Summary/History:

A request for approval of a Rezoning from the General Commercial/Heavy Commercial (CG/CH) and Single Family Residential (RS-1) Zoning Districts to the Neighborhood Commercial (CN) Zoning District on the subject property. The subject site is currently developed as the Park Motel and operating as such.

Financial Impact:

N/A

Other Information/Recommendation:

On January 22, 2018, the Planning Commission unanimously recommended APPROVAL of the proposed rezoning. On February 20, 2018, City Council voted unanimously to APPROVE on first reading of the ordinance.

Attachments:

- | | |
|---------------------|------------------------------------|
| 1. Staff Report | Staff Report Z18-01 Patel - CC.pdf |
| 2. Z18-01 Ordinance | Z18-01 Ordinance.docx |

Presentation:

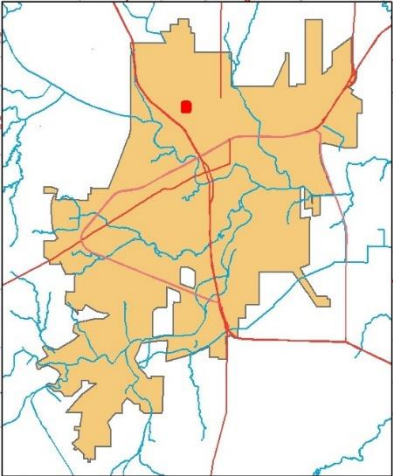
Jon James

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 – February 20, 2018
STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning		Z18-01: Patel	
SYNOPSIS:			
A request for approval of a Rezoning from the General Commercial/Heavy Commercial (CG/CH) and Single Family Residential (RS-1) Zoning Districts to the Neighborhood Commercial (CN) Zoning District on the subject property. The subject site is currently developed as the Park Motel and operating as such.			
LOCATION:		LEGAL DESCRIPTION:	
2819 North Chadbourne Street		Being S 225.5 Feet OF E 220 Feet OF Block 2, and E 118 Feet OF 3 & W 22 Feet OF 3 EXC E 10 Feet OF E 118 Feet & W 20 Feet OF 4, Block 1, Nibling Subdivision, City of San Angelo, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #4 – Lucy Gonzales Reagan Neighborhood	CG/CH - General Commercial/ Heavy Commercial RS-1 – Single Family Residential	Neighborhood Center	1.35 acres
THOROUGHFARE PLAN:			
<u>North Chadbourne Street</u> – Urban Minor Arterial Street – ROW 80' Required (85' Existing) – Pavement Width 64' Required (64' Existing)			
NOTIFICATIONS:			
23 notifications were mailed within a 200-foot radius on January 8, 2018. Zero responses have been received in support or in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed rezoning to the Neighborhood Commercial (CN) Zoning District .			
PETITIONERS:			
Owner: Jashvantlal K. & Laxmiben J. Patel			
Agent: Mamta Patel Nagaraja			
STAFF CONTACT:			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Extension 1547 hillary.bueker@cosatx.us			

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

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.* The Comprehensive Plan designates this currently CG/CH and RS-1 zoned property as “Neighborhood Center.” This is consistent with the existing motel use and the surrounding commercial properties. Rezoning this property would allow for consistency in the area.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.* The existing land use, motel, would comply with the CN Zoning District. The existing buildings will be non-conforming in regards to setbacks, screening, and other zoning regulations, but future development would be restricted by the zoning ordinance at the time of development. Moreover, the Zoning Ordinance has designated the CG/CH Zoning District as a transitional designation with the intention that rezonings would take place to make each site more consistent with its respective Future Land Use and surroundings.
3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.* The property is located within an area that has mixed uses, but is comprised of mostly commercial along North Chadbourne Street. The subject parcels will be adjacent to single-family residential lots on the southwest side and a trailer park to the west. This type of commercial use is similar to other uses along this section of North Chadbourne Street.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The property, currently zoned CG/CH and RS-1, seems to have been rezoned with the last update for the Zoning Ordinance which applied the CG/CH Zoning District to most of the area along North Chadbourne Street. Where the Zoning Ordinance may have initially anticipated a more intense commercial development, the area has not developed that way.
5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* There are no anticipated negative effects on the natural environment from these actions. Land use would continue in the same manner, and intensity, as already exist on the adjacent properties.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* There has not been any demonstrated community need for a use on the site to be heavy commercial or general commercial. The site has remained developed for many years. Allowing the site to rezone to CN would be reflective of the continuing need for neighborhood commercial in the area, rather than allowing a continuance of a zoning designation that hasn't been fully utilized in the past.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* The existing development pattern in the immediate area along North Chadbourne Street and West 29th Street is primarily commercial. This parcel will keep in continuity with the adjoining lots immediately adjacent to along the north-south corridor.

Planning Commission Recommendation:

On January 22, 2018, the Planning Commission recommended APPROVAL of a Rezoning from the General Commercial/Heavy Commercial (CG/CH) and Single Family Residential (RS-1) Zoning Districts to the Neighborhood Commercial (CN) Zoning District, being 1.35 acres located at 2819 North Chadbourne Street. The following is the complete excerpt of the draft minutes from the January 22, 2018, meeting for this case:

Hillary Bueker, Senior Planner, presented the rezoning request. She explained that the applicant intended to rezone the property from CG/CH and RS-1 to CN in order to obtain Tax Increment Reinvestment Zone (TIRZ) funding. Ms. Bueker indicated that the applicant was not in attendance and provided a copy of their letter outlining their request to the Commissioners. She then provided Staff's recommendation to approve the rezoning based on the "Neighborhood Center" Future Land Use designation being consistent with the existing hotel and surrounding area; the existing hotel use complying with the CN zoning, that North Chadbourne Street already contains mostly commercial uses, and that there is no demonstrated need for heavy commercial on the property.

Commissioner Crisp asked if the current zoning already allowed a hotel.

Ms. Bueker responded that this was correct, but that a new hotel would have to meet the CN setbacks. Ms. Bueker concluded her presentation by reading the applicant's letter into the record.

Chairperson Priess opened the meeting for public comment.

There was no public comment.

Commissioner Stribling made a motion to recommend APPROVAL of the proposed rezoning from the General Commercial/Heavy Commercial (CG/CH) and Single Family Residential (RS-1) Zoning Districts to the Neighborhood Commercial (CN) Zoning District. Commissioner Spano seconded the motion. The motion passed unanimously, 7-0.

Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of a rezoning from the General Commercial/Heavy Commercial (CG/CH) and Single Family Residential (RS-1) Zoning Districts to the Neighborhood Commercial (CN) Zoning District.

Attachments:

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



Z18-01: Patel

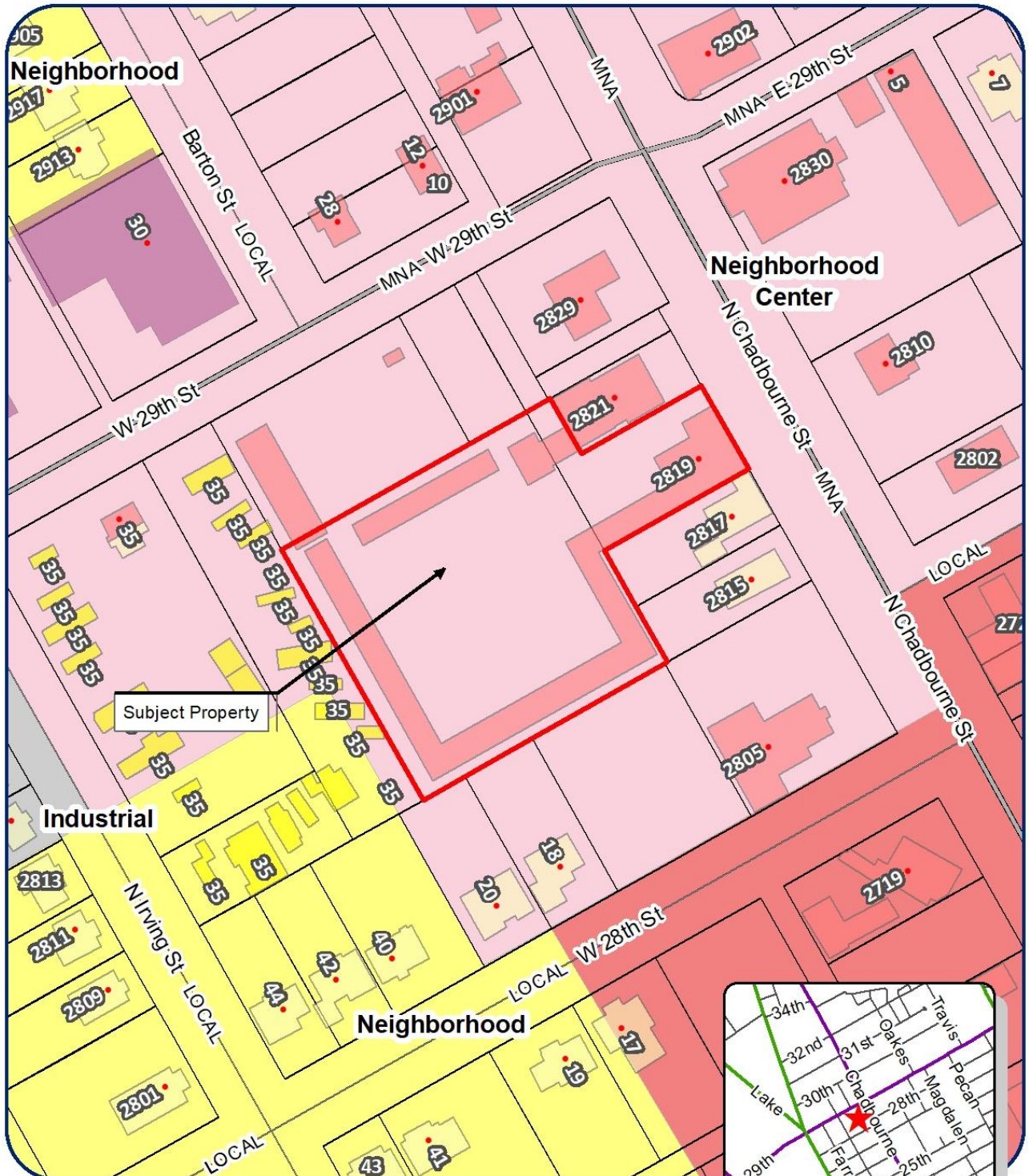
2819 North Chadbourne Street

Council District: SMD #4 - Lucy Gonzles
Neighborhood: Reagan
Scale: 1" approx. = 100 ft

Legend

Subject Properties: —
Current Zoning: **CG/CH, RS-1**
Requested Zoning Change: **CN**
Vision: **Neighborhood Center**





Z18-01: Patel

2819 North Chadbourne Street

Council District: SMD #4 - Lucy Gonzales
Neighborhood: Reagan
Scale: 1" approx. = 100 ft

Legend

Subject Properties: —
Current Zoning: **CG/CH, RS-1**
Requested Zoning Change: **CN**
Vision: **Neighborhood Center**





2819 North Chadbourne Street

Legend
Subject Properties:

Vision: **Neighborhood Center**



Effective January 3, 2017



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



Application for Approval of a Zone Change

Section 1: Basic Information

Name of Applicant(s): Jashvantlal K. Patel and Laxmiben J. Patel

☒ Owner

☐ Representative (Notarized Affidavit Required)

8416 North 16th Place

Phoenix

AZ

85020

Mailing Address

City

State

Zip Code

325-653-5707

Contact Phone Number

Contact E-mail Address

2819 North Chadbourne Street

San Angelo

TX

76903

Subject Property Address

City

State

Zip Code

Legal: Acres: 1.089, Blk: 2, Subd: NIBLING S/D, S 225.5 FT OF E 220 FT OF BLK 2

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

Existing Zoning: CG/CH

Proposed Zoning: CN

Lot size: 1.089 Acres

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

Section 2: Site Specific Details

Existing Use of Property: Motel business

*Proposed Use of Property: Dependent on North TIRZ Application; Possibly other retail business

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

(By checking the boxes you indicate that you understand below rules and regulations for the Planning Commissions case.)

☒ An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner;

☒ No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.

☒ If approved, a zone change is applied to the property, not the property owner.

☒ The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.

☒ If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.

☒ Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.

☒ One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.

☒ If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

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

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

Jashvantlal Patel and Laxmiben Patel



Laxmiben J. Patel

12/12/2017

Owner Name (Print)

Signature

Company/Organization (If Applicable)

Date

Representative Name (Print)

Signature

Company/Organization

Date

FOR OFFICE USE ONLY:

☒ Verified Complete ☐ Verified Incomplete

Date of Application: 12 / 12 / 17

Case No.: Z 17 -- 17

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ N/A

Receipt #: North TIR2 Date paid: / /

Sign Deposit \$37.50

Receipt #: North TIR2 Date paid: / /

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

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

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

Planning Commission hearing date: 1 / 22 / 18 Date notifications due: 1 / 11 / 18

City Council hearing date: 2 / 20 / 18 Packets due date: 2 / 12 / 18

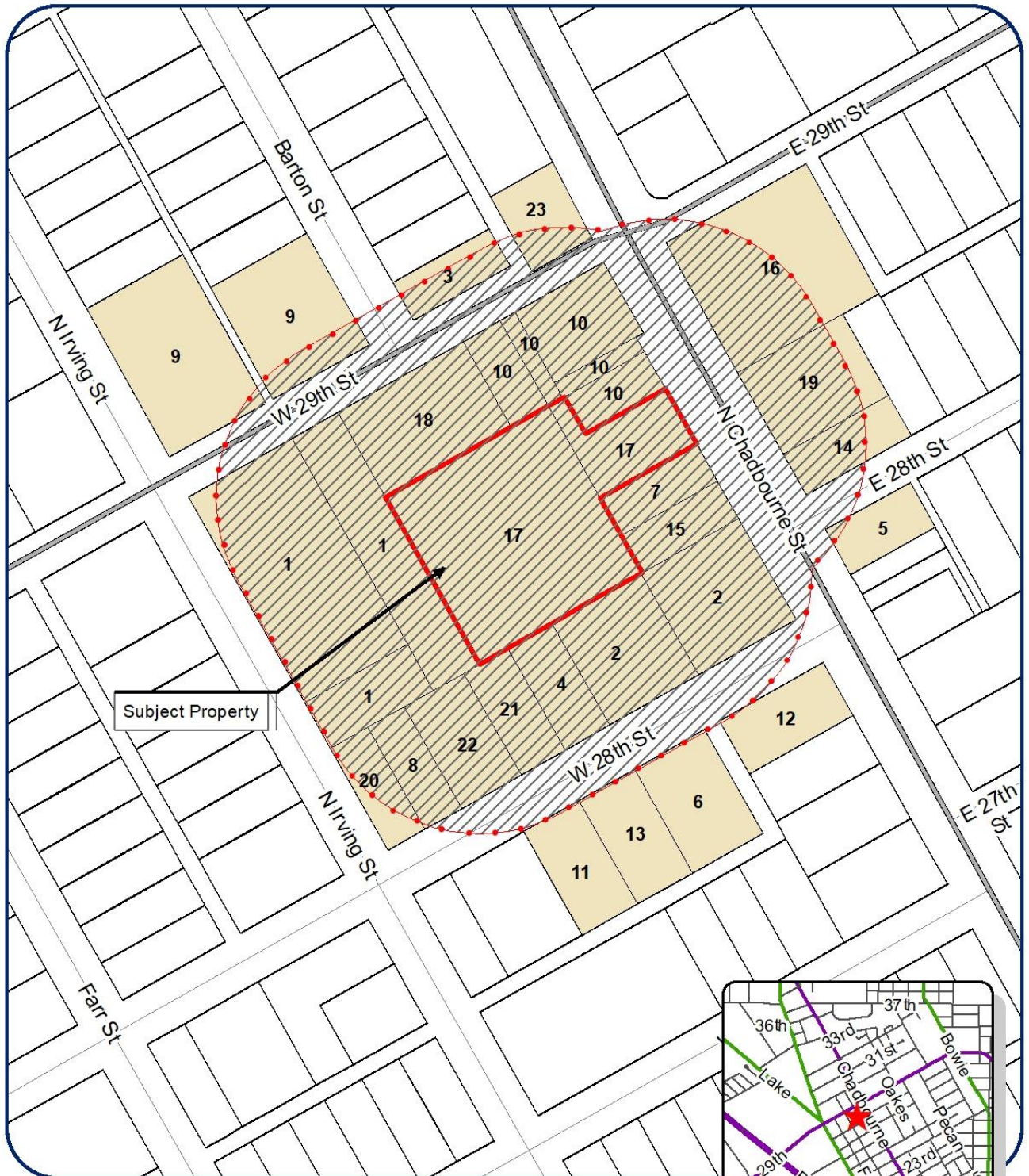
Publication date: 2 / 1 / 18

Reviewed/Accepted by: H. Bueker Date: 12 / 12 / 17

Photo of Site







Z18-01: Patel

2819 North Chadbourne Street

Council District: SMD #4 - Lucy Gonzles
Neighborhood: Reagan
Scale: 1" approx. = 150 ft

Legend

Subject Properties: 
Current Zoning: **CG/CH, RS-1**
Requested Zoning Change: **CN**
Vision: **Neighborhood Center**



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: **2819 North Chadbourne Street, City of San Angelo, Tom Green County, Texas.**, FROM GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH) AND SINGLE FAMILY RESIDENTIAL (RS-1) ZONING DISTRICTS TO THE NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

RE: Z18-01: Patel

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 (CN) Zoning District and,

WHEREAS, on the 20th day of February, 2018, City Council held a public hearing on Z18-01, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

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

The real property, being S 225.5 Feet Of E 220 Feet of Block 2, and E 118 Feet OF 3 & W 22 Feet Of 3 EXC E 10 Feet Of E 118 Feet & W 20 Feet Of 4, Block 1, Nibling Subdivision, City of San Angelo, Tom Green County, Texas, shall henceforth be permanently zoned as follows: Neighborhood Commercial (CN) Zoning District.

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

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

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

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

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

INTRODUCED on the **20th day of February, 2018**, and finally PASSED, APPROVED AND ADOPTED on this the **6th day of March, 2018**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

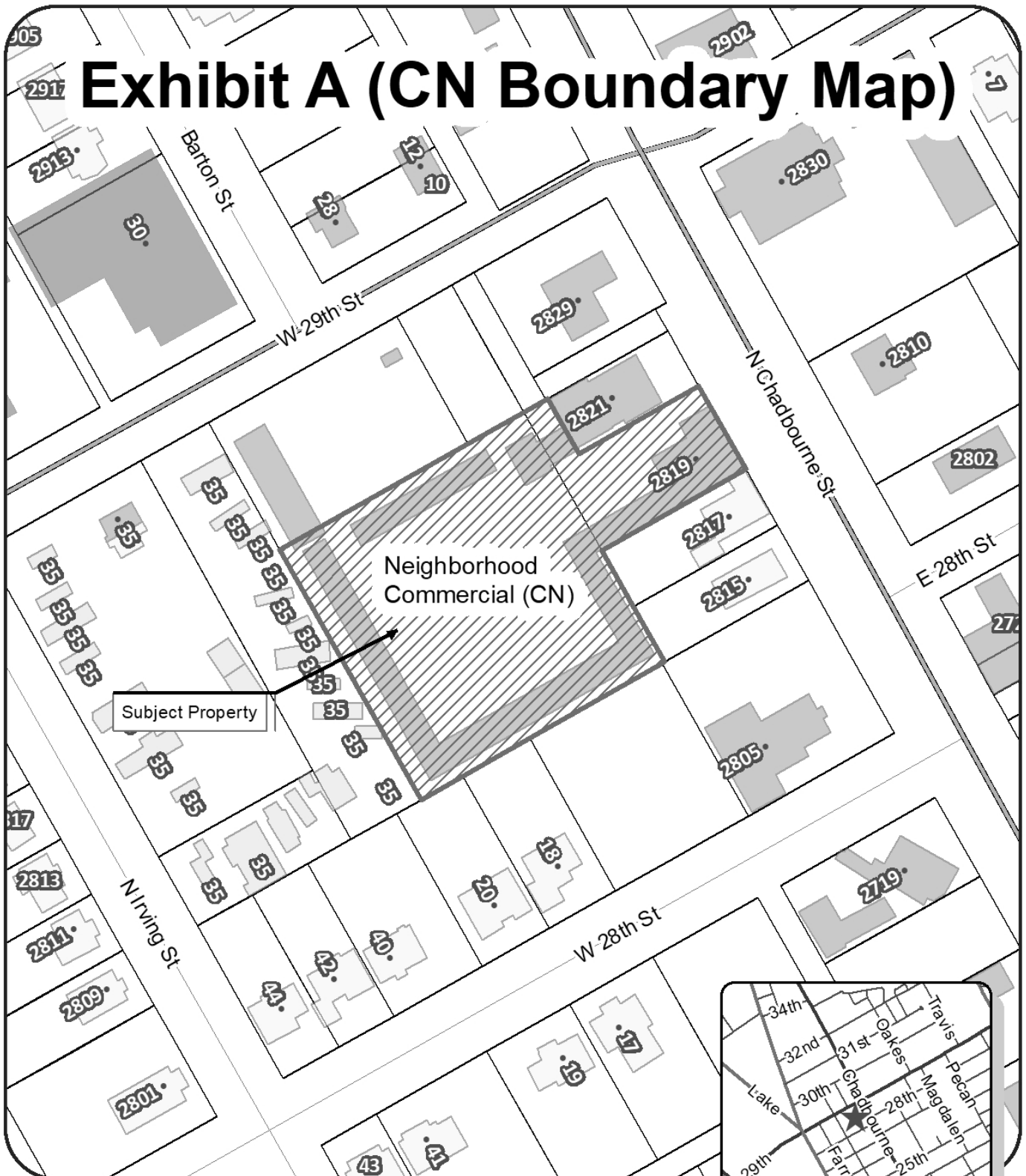
ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Exhibit A (CN Boundary Map)



Z18-01: Patel

2819 North Chadbourne Street

Council District: SMD #4 - Lucy Gonzales
Neighborhood: Reagan
Scale: 1" approx. = 100 ft

Legend

Subject Properties: 
Current Zoning: CG/CH, RS-1
Requested Zoning Change: CN
Vision: Neighborhood Center



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Morgan Chegwiddden, Assistant Director of Neighborhood Services, Neighborhood and Family Services, 325-657-4224

Meeting Date: March 6, 2018

Item type: Regular Item

Caption:

Second reading and adoption of an ordinance amending Chapter 3 "Animal Control" Sections 3.02.041 and 3.05.001 of the Code of Ordinances to clarify when the City takes ownership of animals pursuant to state law (Chegwiddden)

Summary/History:

Recent case law requires an update to chapter 3 of the code of ordinances. A Texas Supreme Court opinion delivered in 2016 provides for a city's authority regarding ownership of animals.

After an appropriate hold period, owners are subsequently divested of their ownership of the subject animal. Upon adoption or rescue transfer, ownership of the animal is then transferred to the new person or agency. Although this is generally accepted as true, it is now necessary to clearly define this transfer of ownership in our ordinance.

Stray animals are held for 3 days, owned animals are held for 10 days and livestock are held for 14 days.

The amendment before you today brings our local ordinance in line with the court's ruling.

Financial Impact:

None.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

1.17-028_ANIMAL_IMPOUNDMENT_ORDINANCE_REDLINE	17-028_ANIMAL_IMPOUNDMENT_ORDINANCE_REDLINE.docx
2.180220 ANIMAL_IMPOUNDMENT_ORDINANCE ppt	180220 ANIMAL_IMPOUNDMENT_ORDINANCE ppt.pptx

Presentation:

Yes

Approvals/Reviews:

Morgan Chegwiddden
Theresa James
Anthony Wilson
Candice Blake
Tina Dierschke

Created/Initiated
Approved
Approved
Approved
Approved

Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Final Approval

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 3 “ANIMAL CONTROL” SECTIONS 3.02.041 “GENERAL PROVISIONS; STERILIZATION AND MICROCHIP REQUIREMENT” AND 3.05.001 “GENERAL PROVISIONS” OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO TEXAS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

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

WHEREAS, a recent Texas Supreme Court opinion delivered April 1, 2016, addressed issues relating to a City’s authority to divest owners of their property interests in animals; and

WHEREAS, the City Council desires to amend the Animal Control ordinance to harmonize certain provisions with that Texas Supreme Court opinion.

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

1) THAT the Code of Ordinances of the City of San Angelo, Texas Chapter 3 “ANIMAL CONTROL”, SECTION 3.02.041 “General provisions; sterilization and microchip requirement” is hereby amended to read in its entirety as follows:

Sec. 3.02.041 General provisions; sterilization and microchip requirement

(a) Animals in the custody of the city animal shelter may be adopted by individuals or qualified rescue organizations. Adoption procedures for adoptions by individuals that are not qualified rescue organizations shall be in accordance with section 3.02.042 of this article. Adoption procedures for adoptions by qualified animal rescue organizations shall be in accordance with section 3.02.043 of this article. All animals adopted from the animal shelter shall be spayed or neutered and microchipped prior to release.

(b) No animal shall be eligible for adoption unless spayed or neutered and microchipped. The city animal shelter provides for spay or neutering and microchipping of animals prior to release for adoption. The cost of these services is included in the adoption fee.

(c) Upon adoption of an animal under either section 3.02.042 or 3.02.043, any title or ownership interest in the animal obtained by the animal control authority under section 3.05.001(c) shall cease and transfer to the adopting individual or qualified rescue organization.

2) THAT the Code of Ordinances of the City of San Angelo, Texas Chapter 3 “ANIMAL CONTROL”, SECTION 3.05.001 “General provisions” is hereby amended to read in its entirety as follows:

“Sec. 3.05.001 General Provisions

(a) Animals found to be in violation of this chapter or found to be in circumstances in which impoundment is authorized by the provisions of this chapter shall be taken into the custody of the animal control authority and impounded at the city animal shelter.

(b) The owner of any impounded animal shall redeem such animal in accordance with [section 3.05.004](#) of this article and shall be required to pay to the city all fees, costs and expenses incurred in the seizure, impoundment and redemption of the animal, which shall include, but are not limited to, an impoundment fee, daily boarding fees, alteration, vaccination and registration.

(c) An owner of any impounded animal may voluntarily relinquish ownership of the animal to the animal control authority by executing a release to relinquish ownership. ~~For purposes of this article, a presumption of relinquishment exists with respect to any animal which is not redeemed within the time period of impoundment prescribed under section 3.05.002 of this article. For animals not voluntarily relinquished by the owner, title and sole ownership of such animals shall automatically transfer to the animal control authority upon expiration of the redemption periods prescribed under section 3.05.002. Animals voluntarily relinquished, or not redeemed by the owner within the stated time periods, become the sole property of the animal control authority and are subject to disposition pursuant to this chapter.~~

(d) Any animal running at-large may be taken up by the animal services director, his designee, or by any police officer.

(e) It shall be unlawful for any person to permit any dog, ferret, or potbellied pig possessed, kept or harbored by him to be off his premises unless such dog, ferret, or potbellied pig is restrained on a leash or chain held by a responsible person under that person's control.

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

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

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

INTRODUCED with public hearing on the 20th day of February, 2018, and finally PASSED, APPROVED and ADOPTED on this the ____ day of _____, 2018.

CITY OF SAN ANGELO

ATTEST:

Brenda Gunter, Mayor

Bryan Kendrick, City Clerk

Approved as to Form:

Theresa James, City Attorney



City Council

February 20, 2018



Animal Control Ordinance

- Texas Supreme Court decision April 1, 2016
- Clearly divest ownership of animals after hold period to the city



Animal Control Ordinance

- Hold periods
 - Stray animals – 3 days
 - Owned animals – 10 days
 - Livestock – 14 days



Animal Control Ordinance

- Clearly divest ownership of animals from the city
 - Upon adoption to the citizen
 - Upon transfer to a rescue organization





City Council

February 20, 2018



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 6, 2018

Item type: Regular Item

Caption:

Consider adoption of an ordinance authorizing the issuance and sale of City of San Angelo, Texas combination tax and limited surplus revenue Certificates of Obligation, Series 2018; appointing a Pricing Officer and delegating to the Pricing Officer the authority to approve on behalf of the City the sale of the certificates, the terms of the certificates and the offering documents for the certificates; establishing certain parameters for the approval of such matters by the Pricing Officer; approving the use of a paying agent/registrar agreement; levying an annual ad valorem tax and providing for the security for and payment of said certificates; providing an effective date; and enacting other provisions relating to the subject - (Presentation made by Finance Director Tina Dierschke)

Summary/History:

Adopt an ordinance for the issuance of Series 2018 Certificates of Obligation. Series 2018 certificates are associated with projects related to Street Improvements and Reconstruction.

Publication of notice of intention to issue combination tax and limited surplus revenue Certificates of Obligation was approved by the City Council on January 23, 2018.

Financial Impact:

Debt service obligation associated with issuance: \$16,500,000

Other Information/Recommendation:

Attachments:

- | | | |
|----|-----------------------------------|--|
| 1. | FIN+3-6-18+Series+2018+Bond+issue | FIN+3-6-18+Series+2018+Bond+issue.pptx |
| 2. | Ordinance v1 - 20180306 | Ordinance v1 - 20180306.pdf |

Presentation:

Tina Dierschke

Approvals/Reviews:

Tina Dierschke	Created/Initiated
Tina Dierschke	Approved
Theresa James	Approved
Anthony Wilson	Approved
Candice Blake	Approved
Tina Dierschke	Approved
Theresa James	Approved

Becky Dunn
Bryan Kendrick

Approved
Final Approval



City Council

March 6, 2018



Proposed Certificates of Obligation

- The City is reviewing the issuance of \$16,500,000 in Certificates of Obligation to fund Street Improvements.
- The Certificates will be amortized over a 20 year period.
- The issuance of the new Certificates will NOT increase the I&S Tax Rate.





City Council

March 6, 2018



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF SAN ANGELO, TEXAS COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2018; APPOINTING A PRICING OFFICER AND DELEGATING TO THE PRICING OFFICER THE AUTHORITY TO APPROVE ON BEHALF OF THE CITY THE SALE OF THE CERTIFICATES, THE TERMS OF THE CERTIFICATES AND THE OFFERING DOCUMENTS FOR THE CERTIFICATES; ESTABLISHING CERTAIN PARAMETERS FOR THE APPROVAL OF SUCH MATTERS BY THE PRICING OFFICER; APPROVING THE USE OF A PAYING AGENT/REGISTRAR AGREEMENT; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

THE STATE OF TEXAS	§
COUNTY OF TOM GREEN	§
CITY OF SAN ANGELO	§

WHEREAS, the City Council of the City of San Angelo, Texas (the "Issuer"), deems it advisable to issue Certificates of Obligation in the amount and for the purposes hereinafter set forth;

WHEREAS, the Certificates of Obligation hereinafter authorized and designated are to be issued and delivered for cash pursuant to Subchapter C of Chapter 271, Local Government Code and Subchapter B, Chapter 1502, Government Code;

WHEREAS, the City Council has heretofore passed a resolution authorizing and directing the City Clerk to give notice of intention to issue Certificates of Obligation, and said notice has been duly published in a newspaper of general circulation in said Issuer, said newspaper being a "newspaper" as defined in §2051.044, Texas Government Code;

WHEREAS, the Issuer received no petition from the qualified electors of the Issuer protesting the issuance of such Certificates of Obligation;

WHEREAS, no bond proposition to authorize the issuance of bonds for the same purpose as any of the projects being financed with the proceeds of the Certificates of Obligation was submitted to the voters of the Issuer during the preceding three years and failed to be approved;

WHEREAS, the Issuer is an "Issuer" under Section 1371.001(4)(P), Texas Government Code, having (i) a principal amount of at least \$100 million in outstanding long-term indebtedness, in long-term indebtedness proposed to be issued, or a combination of outstanding or proposed long-term indebtedness and (ii) some amount of long-term indebtedness outstanding or proposed to be issued that is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities, without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation;

WHEREAS, the City Council of the Issuer hereby finds and determines that it is in the best interests of the Issuer to issue the Certificates of Obligation hereinafter authorized, for the purposes stated, and to delegate to the Pricing Officer (hereinafter designated) the authority to act on behalf of the Issuer in selling and delivering the Certificates of Obligation and setting the dates, price, interest rates, interest payment periods and other procedures relating thereto, as hereinafter specified, with such information and terms to be

included in a pricing certificate (the "Pricing Certificate") to be executed by the Pricing Officer, all in accordance with the provisions of Section 1371.053, Texas Government Code; and

WHEREAS, It is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Ordinance, was given, all as required by the applicable provisions of Tex. Gov't Code Ann. ch. 551; Now, Therefore

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

Section 1. RECITALS, AMOUNT AND PURPOSE OF THE CERTIFICATES. The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section. The certificates of the City of San Angelo, Texas (the "Issuer") are hereby authorized to be issued and delivered in the maximum aggregate principal amount hereinafter set forth for paying all or a portion of the Issuer's contractual obligations incurred in connection with or a portion of the Issuer's contractual obligations to be incurred in connection with: (i) constructing and improving streets, roads, alleys, bridges and sidewalks including related utility relocation, drainage, signalization, landscaping, screening walls, lighting and signage; and (ii) legal, fiscal and engineering fees in connection with such projects (collectively, the "Project").

Section 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITIES AND INTEREST RATES OF CERTIFICATES. Each certificate issued pursuant to this Ordinance shall be designated: "CITY OF SAN ANGELO, TEXAS COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATE OF OBLIGATION, SERIES 2018," and initially there shall be issued, sold, and delivered hereunder fully registered certificates, without interest coupons, payable to the respective Registered Owners thereof (with the initial certificate being made payable to the initial purchaser as described in Section 11 hereof), or to the registered assignee or assignees of said certificates or any portion or portions thereof (in each case, the "Registered Owner"). The Certificates shall be in the respective denominations and principal amounts, shall be dated, shall be numbered, shall mature and be payable on the date or dates in each of the years and in the principal amounts, and shall bear interest to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in the Pricing Certificate.

The term "Certificates" as used in this Ordinance shall mean and include collectively the certificates initially issued and delivered pursuant to this Ordinance and all substitute certificates exchanged therefor, as well as all other substitute certificates and replacement certificates issued pursuant hereto, and the term "Certificate" shall mean any of the Certificates.

Section 3. DELEGATION TO PRICING OFFICER. (a) As authorized by Section 1371.053, Texas Government Code, as amended, the Assistant City Manager and Finance Director of the Issuer (each, a "Pricing Officer") are hereby authorized to act on behalf of the Issuer in selling and delivering the Certificates and carrying out the other procedures specified in this Ordinance, including, determining the date of the Certificates, any additional or different designation or title by which the Certificates shall be known, the price at which the Certificates will be sold, the years in which the Certificates will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the interest payment and record dates, the price and terms upon and at which the Certificates shall be subject to redemption prior to maturity at the option of the Issuer, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale, and delivery of the Certificates, including without limitation, procuring municipal bond insurance, including the execution of any commitment agreements, membership agreements in mutual insurance companies, and other similar agreements, and approving modifications to this Ordinance and executing such instruments, documents and agreements as may be necessary with respect

thereto, if it is determined that such insurance would be financially desirable and advantageous, all of which shall be specified in the Pricing Certificate, provided that:

- (i) the aggregate original principal amount of the Certificates shall not exceed \$16,700,000;
- (ii) the final maturity of the Certificates shall not exceed December 31, 2038; and
- (iii) the maximum interest rate shall not exceed the highest rate permitted by Chapter 1204, Texas Government Code.

(b) In establishing the aggregate principal amount of the Certificates, the Pricing Officer shall establish an amount not exceeding the amount authorized in Subsection (a) above, which shall be sufficient in amount to provide for the purposes for which the Certificates are authorized and to pay costs of issuing the Certificates. The delegation made hereby shall expire if not exercised by the Pricing Officer prior to the 180th following the adoption of this Ordinance. The Certificates shall be sold with and subject to such terms as set forth in the Pricing Certificate.

(c) In satisfaction of Section 1201.022(a)(3)(B), Texas Government Code, the Board of Trustees of the Issuer hereby determines that the delegation of the authority to the Pricing Officer to approve the final terms of the Certificates as set forth in this Ordinance is, and the decisions made by the Pricing Officer pursuant to such delegated authority and incorporated into the Pricing Certificate will be, in the Issuer's best interests, and the Pricing Officer is hereby authorized to make and include in the Pricing Certificate a finding to that effect.

Section 4. CHARACTERISTICS OF THE CERTIFICATES.

(a) Registration, Transfer, Conversion and Exchange. The Issuer shall keep or cause to be kept at the designated office of the bank named in the Pricing Certificate as the paying agent/registrar for the Certificates (the "Paying Agent/Registrar"), books or records for the registration of the transfer, conversion and exchange of the Certificates (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the Issuer and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the registered owner of each Certificate to which payments with respect to the Certificates shall be mailed, as herein provided; but it shall be the duty of each registered owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Issuer shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Certificate or Certificates. Registration of assignments, transfers, conversions and exchanges of Certificates shall be made in the manner provided and with the effect stated in the FORM OF CERTIFICATE set forth in this Ordinance. Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate.

(b) Authentication. Except as provided in subsection (i) of this section, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Certificate, date and manually sign said Certificate, and no such Certificate shall be deemed to be issued or outstanding unless such Certificate is so

executed. The Paying Agent/Registrar promptly shall cancel all paid Certificates and Certificates surrendered for conversion and exchange. No additional ordinances, orders or resolutions need be passed or adopted by the governing body of the Issuer or any other body or person so as to accomplish the foregoing conversion and exchange of any Certificate or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution and delivery of the substitute Certificates in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, the duty of conversion and exchange of Certificates as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Certificate, the converted and exchanged Certificate shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Certificates which initially were issued and delivered pursuant to this Ordinance, approved by the Office of the Attorney General of the State of Texas (the "Attorney General"), and registered by the Office of the Comptroller of Public Accounts of the State of Texas (the "Comptroller").

(c) Payment of Principal and Interest. The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificates, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Certificates, and of all conversions and exchanges of Certificates, and all replacements of Certificates, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each registered owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(d) Payment to Registered Owner. Notwithstanding any other provision of this Ordinance to the contrary, the Issuer and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Registration Books as the absolute owner of such Certificate for the purpose of payment of principal and interest with respect to such Certificate, for the purpose of registering transfers with respect to such Certificate, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Certificates only to or upon the order of the registered owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to payment of principal of and interest on the Certificates to the extent of the sum or sums so paid. No person other than a registered owner, as shown in the Registration Books, shall receive a Certificate certificate evidencing the obligation of the Issuer to make payments of principal and interest pursuant to this Ordinance.

(e) Paying Agent/Registrar. The Issuer covenants with the registered owners of the Certificates that at all times while the Certificates are outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution or other agency to act as and perform the services of Paying Agent/Registrar for the Certificates under this Ordinance, and that the Paying Agent/Registrar will be a single entity. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(f) Substitute Paying Agent/Registrar. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 120 days written notice to the Paying Agent/Registrar, to be effective not later than 60 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or

other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Certificates, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Certificates, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar.

(g) Book-Entry Only System. The Certificates issued in exchange for the Certificates initially issued to the purchaser or purchasers specified herein shall be initially issued in the form of a separate single fully registered Certificate for each of the maturities thereof and the ownership of each such Certificate shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company of New York ("DTC"), and except as provided in subsections (i) and (j) of this Section, all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

(h) Blanket Letter of Representations. The previous execution and delivery of the Blanket Issuer Letter of Representations with respect to obligations of the Issuer is hereby ratified and confirmed; and the provisions thereof shall be fully applicable to the Certificates. Notwithstanding anything to the contrary contained herein, while the Certificates are subject to DTC's Book-Entry Only System and to the extent permitted by law, the Blanket Issuer Letter of Representations is hereby incorporated herein and its provisions shall prevail over any other provisions of this Ordinance in the event of conflict.

(i) Certificates Registered in the Name of Cede & Co. With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created ("DTC Participant") to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates. Without limiting the immediately preceding sentence, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC Participant or any other person, other than a registered owner of Certificates, as shown on the Registration Books, of any notice with respect to the Certificates, or (iii) the payment to any DTC Participant or any other person, other than a registered owner of Certificates, as shown in the Registration Books of any amount with respect to principal of or interest on the Certificates. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record date, the words "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(j) Successor Securities Depository; Transfers Outside Book-Entry Only System. In the event that the Issuer determines that DTC is incapable of discharging its responsibilities described herein and in the representation letter of the Issuer to DTC or that it is in the best interest of the beneficial owners of the Certificates that they be able to obtain certificated Certificates, the Issuer shall (i) appoint a successor securities depository, qualified to act as such under Section 17A of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Certificates and transfer one or more separate Certificates to

DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names registered owners transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

(k) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificate is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Certificate and all notices with respect to such Certificate shall be made and given, respectively, in the manner provided in the Blanket Issuer Letter of Representations of the Issuer to DTC.

(l) General Characteristics of the Certificates. The Certificates (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Certificates to be payable only to the Registered Owners thereof, (ii) may and shall be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be converted and exchanged for other Certificates, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Certificates shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Certificates, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF CERTIFICATE set forth in this Ordinance. The Certificate initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Certificate issued in conversion of and exchange for any Certificate or Certificates issued under this Ordinance the Paying Agent/Registrar shall execute the Paying Agent/Registrar's Authentication Certificate, in the FORM OF CERTIFICATE set forth in this Ordinance.

(m) Cancellation of Initial Certificate. On the closing date, one initial Certificate representing the entire principal amount of the Certificates, payable in stated installments to the order of the initial purchaser of the Certificates or its designee, executed by manual or facsimile signature of the Mayor and City Clerk, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to such purchaser or its designee. Upon payment for the initial Certificate, the Paying Agent/Registrar shall insert the Delivery Date on Certificate No. T-1, cancel the initial Certificate and deliver to The Depository Trust Company ("DTC") on behalf of such purchaser one registered definitive Certificate for each year of maturity of the Certificates, in the aggregate principal amount of all of the Certificates for such maturity, registered in the name of Cede & Co., as nominee of DTC. To the extent that the Paying Agent/Registrar is eligible to participate in DTC's FAST System, pursuant to an agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Certificates in safekeeping for DTC.

Section 5. FORM OF CERTIFICATES. The form of the Certificates, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Certificates initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance:

(a) Form of Certificate.

NO. R-

UNITED STATES OF AMERICA
STATE OF TEXAS

PRINCIPAL
AMOUNT
\$ _____

CITY OF SAN ANGELO, TEXAS
COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATE OF OBLIGATION
SERIES 2018

<u>Interest Rate</u>	<u>Delivery Date</u>	<u>Maturity Date</u>	<u>CUSIP No.</u>
	_____, 2018	_____, ____	

REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ DOLLARS

ON THE MATURITY DATE specified above, the City of San Angelo, in Tom Green County, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on the Maturity Date specified above, the Principal Amount specified above. The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the Delivery Date specified above at the Interest Rate per annum specified above. Interest is payable on _____, 20__, and semiannually on each _____ and _____ thereafter to the Maturity Date specified above, or the date of redemption prior to maturity; except, if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON this Certificate are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Certificate shall be paid to the registered owner hereof upon presentation and surrender of this Certificate at maturity, or upon the date fixed for its redemption prior to maturity, at the principal corporate trust office of _____, _____, Texas, which is the "Paying Agent/Registrar" for this Certificate. The payment of interest on this Certificate shall be made by the Paying Agent/Registrar to the registered owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the ordinance authorizing the issuance of this Certificate (the "Certificate Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the registered owner hereof, at its address as it appeared at the close of business on the last business day of the month preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail,

first-class postage prepaid, to the address of each owner of a Certificate appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

ANY ACCRUED INTEREST due at maturity or upon the redemption of this Certificate prior to maturity as provided herein shall be paid to the registered owner upon presentation and surrender of this Certificate for redemption and payment at the principal corporate trust office of the Paying Agent/Registrar. The Issuer covenants with the registered owner of this Certificate that on or before each principal payment date, interest payment date, and accrued interest payment date for this Certificate it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Certificate Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Certificates, when due.

IF THE DATE for the payment of the principal of or interest on this Certificate shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day that is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS CERTIFICATE is one of a series of Certificates dated _____, 2018, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$_____ for paying all or a portion of the Issuer's contractual obligations incurred in connection with (i) constructing and improving streets, roads, alleys, bridges and sidewalks including related utility relocation, drainage, signalization, landscaping, screening walls, lighting and signage; and (ii) legal, fiscal and engineering fees in connection with such projects.

ON _____, 20____, or on any date thereafter, the Certificates of this series may be redeemed prior to their scheduled maturities, at the option of the Issuer, with funds derived from any available and lawful source, as a whole, or in part, and, if in part, the particular Certificates, or portions thereof, to be redeemed shall be selected and designated by the Issuer (provided that a portion of a Certificate may be redeemed only in an integral multiple of \$5,000), at a redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption.

IF AT THE TIME OF MAILING of notice of optional redemption there shall not have either been deposited with the Paying Agent/Registrar or legally authorized escrow agent immediately available funds sufficient to redeem all the Certificates called for redemption, such notice may state that it is conditional, and is subject to the deposit of the redemption moneys with the Paying Agent/Registrar or legally authorized escrow agent at or prior to the redemption date. If such redemption is not effectuated, the Paying Agent/Registrar shall, within five days thereafter, give notice in the manner in which the notice of redemption was given that such moneys were not so received and shall rescind the redemption.

AT LEAST 30 days prior to the date fixed for any redemption of Certificates or portions thereof prior to maturity a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, to the registered owner of each Certificate to be redeemed at its address as it appeared on the 45th day prior to such redemption date; provided, however, that the failure of the registered owner to receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Certificate. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Certificates or portions thereof that are to be so redeemed. If such written notice of redemption is sent and if due provision for such payment is made, all as provided above, the Certificates or portions thereof that are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Certificate shall be redeemed, a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Certificate Ordinance.

ALL CERTIFICATES OF THIS SERIES are issuable solely as fully registered certificates, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Certificate Ordinance, this Certificate may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered certificates, without interest coupons, payable to the appropriate registered owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate registered owner, assignee or assignees, as the case may be, upon surrender of this Certificate to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Certificate Ordinance. Among other requirements for such assignment and transfer, this Certificate must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Certificate or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Certificate or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Certificate may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Certificate or any portion or portions hereof from time to time by the registered owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Certificate or portion thereof will be paid by the Issuer. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to any Certificate or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date.

IN THE EVENT any Paying Agent/Registrar for the Certificates is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Certificate Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the registered owners of the Certificates.

IT IS HEREBY certified, recited and covenanted that this Certificate has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Certificate have been performed, existed and been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said Issuer, and have been pledged for such payment, within the limit prescribed by law, and that this Certificate is additionally secured by and payable from a limited pledge of the Surplus Revenues of the Issuer's waterworks and sewer system remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve and other requirements in connection with all of the Issuer's revenue obligations (now or hereafter outstanding) that are payable from all or part of said revenues, all as provided in the Certificate Ordinance.

THE ISSUER HAS RESERVED THE RIGHT to amend the Certificate Ordinance as provided therein, and under some (but not all) circumstances amendments thereto must be approved by the registered owners of a majority in aggregate principal amount of the outstanding Certificates.

BY BECOMING the registered owner of this Certificate, the registered owner thereby acknowledges all of the terms and provisions of the Certificate Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Certificate Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer, and agrees that the terms and provisions of this Certificate and the Certificate Ordinance constitute a contract between each registered owner hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Certificate to be signed with the manual or facsimile signature of the Mayor of the Issuer (or in his absence, by the Mayor Pro Tem) and countersigned with the manual or facsimile signature of the City Clerk of said Issuer, and has caused the official seal of the Issuer to be duly impressed, or placed in facsimile, on this Certificate.

(signature)
City Clerk

(signature)
Mayor

(SEAL)

(b) Form of Paying Agent/Registrar's Authentication Certificate.

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE
(To be executed if this Certificate is not accompanied by an executed Registration
Certificate of the Comptroller of Public Accounts of the State of Texas)

It is hereby certified that this Certificate has been issued under the provisions of the Certificate Ordinance described in the text of this Certificate; and that this Certificate has been issued in conversion or replacement of, or in exchange for, a certificate, certificates, or a portion of a certificate or certificates of a series that originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated: _____.

[NAME OF PAYING AGENT/REGISTRAR]
[CITY], [STATE]
Paying Agent/Registrar

By: _____
Authorized Representative

(c) Form of Assignment.

ASSIGNMENT
(Please print or type clearly)

For value received, the undersigned hereby sells, assigns and transfers
unto: _____

Transferee's Social Security or Taxpayer Identification Number: _____

Transferee's name and address, including zip code: _____

the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints
_____, attorney, to register the transfer of
the within Certificate on the books kept for registration thereof, with full power of substitution in the
premises.

Dated: _____.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an
eligible guarantor institution participating in a
securities transfer association recognized signature
guarantee program.

NOTICE: The signature above must correspond with
the name of the registered owner as it appears upon
the front of this Certificate in every particular,
without alteration or enlargement or any change
whatsoever.

(d) Form of Comptroller's Registration Certificate.

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. _____

I hereby certify that there is on file and of record in my office a true and correct copy of the opinion
of the Attorney General of the State of Texas approving this Certificate and that this Certificate has been
registered this day by me.

Witness my signature and seal this _____.

Comptroller of Public Accounts of the State of Texas

(COMPTROLLER'S SEAL)

(e) Initial Certificate Insertions.

(i) The initial Certificate shall be in the form set forth in paragraph (a) of this Section, except that:

A. immediately under the name of the Certificate, the headings "Interest Rate" and "Maturity Date" shall both be completed with the words "As shown below" and "CUSIP No. _____" shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"THE CITY OF SAN ANGELO, TEXAS, in Tom Green County, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on _____ in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

<u>Years</u>	<u>Principal Installments</u>	<u>Interest Rates</u>
--------------	-------------------------------	-----------------------

(Information from Pricing Certificate to be inserted)

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the Delivery Date specified above at the respective Interest Rate per annum specified above. Interest is payable on _____, 20__, and semiannually on each _____ and _____ thereafter to the date of payment of the principal installment specified above, or the date of redemption prior to maturity; except, that if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full."

C. The Initial Certificate shall be numbered "T-1."

Section 6. INTEREST AND SINKING FUND; SURPLUS REVENUES.

(a) A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the Issuer as a separate fund or account and the funds therein shall be deposited into and held in an account at an official depository bank of said Issuer. Said Interest and Sinking Fund shall be accounted for separate and apart from all other funds and accounts of said Issuer, and shall be used only for paying the interest on and principal of said Certificates. All amounts received from the sale of the Certificates as accrued interest shall be deposited upon receipt to the Interest and Sinking Fund, and all ad valorem taxes levied and collected for and on account of said Certificates shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Certificates are outstanding and unpaid, the governing

body of said Issuer shall compute and ascertain a rate and amount of ad valorem tax that will be sufficient to raise and produce the money required to pay the interest on said Certificates as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Certificates as such principal matures (but never less than 2% of the original amount of said Certificates as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said Issuer, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said Issuer, for each year while any of said Certificates are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Certificates, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law.

(b) The Certificates are additionally secured by a limited pledge, not to exceed \$1,000, of revenues of the Issuer's waterworks and sewer system that remain after the payment of all maintenance and operation expenses thereof, and all debt service, reserve and other requirements in connection with all of the Issuer's revenue obligations (now or hereafter outstanding) that are secured by a lien on all or any part of the net revenues of the Issuer's waterworks and sewer system, constituting "Surplus Revenues". The Issuer shall deposit such Surplus Revenues to the credit of the Interest and Sinking Fund created pursuant to subsection (a) of this section, to the extent necessary to pay the principal and interest on the Certificates. Notwithstanding the requirements of subsection (a) of this section, if Surplus Revenues or other lawfully available moneys of the Issuer are actually on deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes that otherwise would have been required to be levied pursuant to subsection (a) of this section may be reduced to the extent and by the amount of the Surplus Revenues or other lawfully available funds then on deposit in the Interest and Sinking Fund.

(c) Chapter 1208, Texas Government Code, applies to the issuance of the Certificates of Obligation and the pledge of the taxes and Surplus Revenues granted by the Issuer under this Section and is therefore valid, effective, and perfected. Should Texas law be amended at any time while the Certificates of Obligation are outstanding and unpaid, the result of such amendment being that the pledge of the taxes and Surplus Revenues granted by the Issuer under this Section is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, in order to preserve to the registered owners of the Certificates of Obligation a security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code and enable a filing of a security interest in said pledge to occur.

Section 7. DEFEASANCE OF CERTIFICATES.

(a) Any Certificate and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Certificate") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Certificate, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until all Defeased Certificates shall have become due and payable. At such time as a Certificate shall be deemed to be a

Defeased Certificate hereunder, as aforesaid, such Certificate and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities, and thereafter the Issuer will have no further responsibility with respect to amounts available to such paying agent (or other financial institution permitted by applicable law) for the payment of such Defeased Certificates, including any insufficiency therein caused by the failure of such paying agent (or other financial institution permitted by applicable law) to receive payment when due on the Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Defeased Certificates that is made in conjunction with the payment arrangements specified in subsections (a)(i) or (ii) of this Section shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the Issuer expressly reserves the right to call the Defeased Certificates for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Certificates immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the Issuer be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Certificates and interest thereon, with respect to which such money has been so deposited, shall be turned over to the Issuer, or deposited as directed in writing by the Issuer. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Certificates may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in subsections 6(a)(i) or (ii). All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Certificates, with respect to which such money has been so deposited, shall be remitted to the Issuer or deposited as directed in writing by the Issuer.

(c) The term "Defeasance Securities" means any securities and obligations now or hereafter authorized by State law that are eligible to refund, retire or otherwise discharge obligations such as the Certificates.

(d) Until all Defeased Certificates shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Certificates the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(e) In the event that the Issuer elects to defease less than all of the principal amount of Certificates of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Certificates by such random method as it deems fair and appropriate.

Section 8. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED CERTIFICATES.

(a) Replacement Certificates. In the event any outstanding Certificate is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new certificate of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Certificate, in replacement for such Certificate in the manner hereinafter provided.

(b) Application for Replacement Certificates. Application for replacement of damaged, mutilated, lost, stolen or destroyed Certificates shall be made by the registered owner thereof to the Paying

Agent/Registrar. In every case of loss, theft or destruction of a Certificate, the registered owner applying for a replacement certificate shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Certificate, the registered owner shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Certificate, as the case may be. In every case of damage or mutilation of a Certificate, the registered owner shall surrender to the Paying Agent/Registrar for cancellation the Certificate so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this , in the event any such Certificate shall have matured, and no default has occurred that is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Certificate, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Certificate) instead of issuing a replacement Certificate, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Certificates. Prior to the issuance of any replacement certificate, the Paying Agent/Registrar shall charge the registered owner of such Certificate with all legal, printing, and other expenses in connection therewith. Every replacement certificate issued pursuant to the provisions of this Section by virtue of the fact that any Certificate is lost, stolen or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen or destroyed Certificate shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Certificates duly issued under this Ordinance.

(e) Authority for Issuing Replacement Certificates. In accordance with Sec. 1206.022, Government Code, this Section 9 of this Ordinance shall constitute authority for the issuance of any such replacement certificate without necessity of further action by the governing body of the Issuer or any other body or person, and the duty of the replacement of such certificates is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Certificates in the form and manner and with the effect, as provided in Section 4(b) of this Ordinance for Certificates issued in conversion and exchange for other Certificates.

Section 10. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE CERTIFICATES.

(a) Covenants. The Issuer covenants to take any action necessary to assure, or refrain from any action that would adversely affect, the treatment of the Certificates as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Certificates (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed by the Certificates (the "Project") are so used, such amounts, whether or not received by the Issuer, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Certificates, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Certificates or the projects financed

therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" that is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount that is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Certificates (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action that would otherwise result in the Certificates being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Certificates being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Certificates, directly or indirectly, to acquire or to replace funds that were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) that produces a materially higher yield over the term of the Certificates, other than investment property acquired with –

(A) proceeds of the Certificates invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 90 days or less until such proceeds are needed for the purpose for which the Certificates or refunding bond are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the rules and regulations of the United States Department of the Treasury ("Treasury Regulations"), and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Certificates;

(7) to otherwise restrict the use of the proceeds of the Certificates or amounts treated as proceeds of the Certificates, as may be necessary, so that the Certificates do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(8) to refrain from using the proceeds of the Certificates or proceeds of any prior bonds to pay debt service on another issue more than 90 days after the date of issue of the Certificates in contravention of the requirements of section 149(d) of the Code (relating to advance refundings);

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Certificates) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Certificates have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code; and

(10) to assure that the proceeds of the Certificates will be used solely for new money projects.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (a)(9), a "Rebate Fund" is hereby established by the Issuer for the sole benefit of the United States of America, and such Fund shall not be subject to the claim of any other person, including without limitation the Certificateholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The Issuer understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations. It is the understanding of the Issuer that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Certificates, the Issuer will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Certificates, the Issuer agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Certificates under section 103 of the Code.

(d) The Issuer hereby authorizes and directs the Mayor, City Manager, Assistant City Manager, and Finance Director to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the Issuer, which may be permitted by the Code as are consistent with the purpose for the issuance of the Certificates.

(e) Allocation Of, and Limitation On, Expenditures for the Project. The Issuer covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 1 of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Internal Revenue Code. The Issuer recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the Issuer recognizes that in order for proceeds to be expended under the Internal Revenue Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Certificates, or (2) the date the Certificates are retired. The Issuer agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Certificates. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Disposition of Project. The Issuer covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless any action taken in connection with such disposition will not adversely affect the tax-exempt status of the Certificates. For purpose of the foregoing, the Issuer may rely on an opinion of nationally-recognized bond counsel that the action taken in connection with such sale or other disposition will not adversely affect the tax-exempt status of the Certificates. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(g) Reimbursement. This Ordinance is intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.

Section 11. SALE OF CERTIFICATES AND APPROVAL OF OFFICIAL STATEMENT; FURTHER PROCEDURES.

(a) The Certificates shall be sold and delivered subject to the provisions of Sections 1 and 3 through a competitive sale pursuant to the terms and provisions of the Notice of Sale and Bidding Instructions, Official Bid Form, and Preliminary Official Statement distributed on March 1, 2018, as supplemented and amended (collectively, the "Preliminary Official Statement") which documents the Pricing Officer is hereby authorized to execute and deliver and in which the purchaser or purchasers (the "Initial Purchaser") of the Certificates shall be designated. The Certificates shall initially be registered in the name of the Initial Purchaser thereof as set forth in the Pricing Certificate.

(b) The Pricing Officer is hereby authorized, in the name and on behalf of the Issuer, to approve, distribute, and deliver a final official statement relating to the Certificates to be used by the Initial Purchaser in the marketing of the Bonds. The distribution and use of the Preliminary Official Statement prior to the date hereof has been and is hereby approved by the governing body of the Issuer, and its use in the offer and sale of the Certificates is hereby approved.

(c) The Mayor, City Manager, City Clerk and Finance Director, and each of them, shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such documents, certificates and instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Certificates, the sale of the Certificates and the Official Statement. In case any officer whose signature shall appear on any Certificate shall cease to be such officer before the delivery of such Certificate, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 12. CUSTODY, APPROVAL, AND REGISTRATION OF CERTIFICATES; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED; ENGAGEMENT OF BOND COUNSEL.

(a) The Pricing Officer is hereby authorized to have control of the Initial Certificate and all necessary records and proceedings pertaining to the Certificates pending their delivery and the investigation, examination, and approval by the Attorney General of the State of Texas, and registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Initial Certificate, said Comptroller (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Certificates, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the Issuer's Bond Counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on the Certificates issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the registered owners of the Certificates. In addition, if bond insurance is obtained, the Certificates may bear an appropriate legend as provided by the insurer.

(b) The obligation of the Initial Purchaser to accept delivery of the Certificates is subject to the Initial Purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the Issuer, which opinion shall be dated as of and delivered on the date of initial delivery of the Certificates to the Initial Purchaser. The engagement of such firm as bond counsel to the Issuer in connection with issuance, sale and delivery of the Certificates is hereby approved and confirmed. The execution and delivery of an engagement letter between the Issuer and such firm, with respect to such services as bond

counsel, is hereby authorized in such form as may be approved by the Mayor or City Manager of the Issuer and the Mayor and the City Manager are each hereby authorized to execute such engagement letter.

Section 13. INVESTMENT AND SECURITY OF FUNDS. (a) Interest earnings derived from the investment of proceeds from the sale of the Certificates shall be used along with other certificate proceeds for the Project; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on certificate proceeds that are required to be rebated to the United States of America pursuant to Section 10 hereof in order to prevent the Certificates from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

(b) The Issuer may place proceeds of the Certificates (including investment earnings thereon) and amounts deposited into the Interest and Sinking Fund in investments authorized by the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended; provided, however, that the Issuer hereby covenants that the proceeds of the sale of the Certificates will be used as soon as practicable for the purposes for which the Certificates are issued.

(c) All deposits authorized or required by this Ordinance shall be secured to the fullest extent required by law for the security of public funds.

Section 14. CONSTRUCTION FUND.

The Issuer hereby creates and establishes and shall maintain on the books of the Issuer a separate fund to be entitled the "Series 2018 Certificate of Obligation Construction Fund" for use by the Issuer for payment of all lawful costs associated with the acquisition and construction of the Project as hereinbefore provided. Upon payment of all such costs, any moneys remaining on deposit in said Fund shall be transferred to the Interest and Sinking Fund and used in the manner described in Section 6 of this Ordinance.

Section 15. COMPLIANCE WITH RULE 15c2-12.

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

"MSRB" means the Municipal Securities Rulemaking Board.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

(b) Annual Reports.

(i) The Issuer shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, (A) within six months after the end of each fiscal year ending in or after 2018, financial information and operating data with respect to the Issuer of the general type included in the final Official under Tables 1 through 6 and 8 through 15; and (B) within 12 months after the end of each fiscal year ending in or after 2018, audited financial statements, if the Issuer commissions an audit and it is completed by the required time. If audited financial statements are not available by the required time, the Issuer will provide unaudited financial information of the type in the numbered tables described above by the required time and will provide the Issuer's annual audited financial statements when and if such audited financial statements become available. Any financial statements

so to be provided shall be prepared in accordance with the accounting principles described in Appendix B to the Official Statement or such other accounting principles as the Issuer may be required to employ from time to time pursuant to state law or regulation.

(ii) If the Issuer changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the Issuer otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB's internet website or filed with the SEC. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(c) Event Notices.

(i) The Issuer shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten business days after the occurrence of the event) of any of the following events with respect to the Certificates, if such event is material within the meaning of the federal securities laws:

1. Non-payment related defaults;
2. Modifications to rights of Certificateholders;
3. Certificate calls;
4. Release, substitution, or sale of property securing repayment of the Certificates;
5. The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms; and
6. Appointment of a successor or additional trustee or the change of name of a trustee.

(ii) The Issuer shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten business days after the occurrence of the event) of any of the following events with respect to the Certificates, without regard to whether such event is considered material within the meaning of the federal securities laws:

1. Principal and interest payment delinquencies;
2. Unscheduled draws on debt service reserves reflecting financial difficulties;
3. Unscheduled draws on credit enhancements reflecting financial difficulties;
4. Substitution of credit or liquidity providers, or their failure to perform;

5. Adverse tax opinions or the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Certificates, or other material events affecting the tax status of the Certificates;

6. Tender offers;

7. Defeasances;

8. Rating changes; and

9. Bankruptcy, insolvency, receivership or similar event of an obligated person.

(iii) The Issuer shall notify the MSRB, in a timely manner, of any failure by the Issuer to provide financial information or operating data in accordance with subsection (b) of this Section by the time required by such subsection.

(d) Limitations, Disclaimers, and Amendments.

(i) The Issuer shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the Issuer remains an "obligated person" with respect to the Certificates within the meaning of the Rule, except that the Issuer in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Certificates no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the registered owners and beneficial owners of the Certificates, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Issuer undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the Issuer's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The Issuer does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE ISSUER BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE ISSUER, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the Issuer in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the Issuer under federal and state securities laws.

(v) Should the Rule be amended to obligate the Issuer to make filings with or provide notices to entities other than the MSRB, the Issuer hereby agrees to undertake such obligation with respect to the Certificates in accordance with the Rule as amended. The provisions of this Section may be amended by the Issuer from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Issuer, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the registered owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Certificates consent to such amendment or (b) a person that is unaffiliated with the Issuer (such as nationally recognized bond counsel) determined that such amendment will not materially impair the interest of the registered owners and beneficial owners of the Certificates. The Issuer may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Certificates in the primary offering of the Certificates. If the Issuer so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (b) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 16. METHOD OF AMENDMENT. The Issuer hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The Issuer may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (v) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the Issuer's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the holders of Certificates aggregating in principal amount 51% of the aggregate principal amount of then outstanding Certificates that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the Issuer; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Certificates, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Certificates so as to:

- (1) Make any change in the maturity of any of the outstanding Certificates;
- (2) Reduce the rate of interest borne by any of the outstanding Certificates;

(3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Certificates;

(4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Certificates or any of them or impose any condition with respect to such payment; or

(5) Change the minimum percentage of the principal amount of any series of Certificates necessary for consent to such amendment.

(c) If at any time the Issuer shall desire to amend this Ordinance under this Section, the Issuer shall send by U.S. mail to each registered owner of the affected Certificates a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the Issuer for inspection by all holders of such Certificates.

(d) Whenever at any time within one year from the date of publication of such notice the Issuer shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Certificates then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the Issuer and all holders of such affected Certificates shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Certificate pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Certificate during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the Issuer, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Certificates then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

(g) For the purposes of establishing ownership of the Certificates, the Issuer shall rely solely upon the registration of the ownership of such Certificates on the registration books kept by the Paying Agent/Registrar.

Section 17. DEFAULT AND REMEDIES

(a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Certificates when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the Issuer, the failure to perform which materially, adversely affects the rights of the registered

owners of the Certificates, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the Issuer.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the Issuer for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Certificates then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Certificates or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Certificates shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Certificate authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers or employees of the Issuer or the City Council.

Section 18. APPROPRIATION. To pay the debt service coming due on the Certificates, if any, prior to receipt of the taxes levied to pay such debt service, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount sufficient to pay such debt service, and such amount shall be used for no other purpose.

Section 19. EFFECTIVE DATE. In accordance with the provisions of V.T.C.A., Government Code, Section 1201.028, this Ordinance shall be effective immediately upon its adoption by the City Council.

Section 20. SEVERABILITY. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, despite such invalidity, which remaining portions shall remain in full force and effect.

(Execution Page Follows)

APPROVED AND ADOPTED ON THE 6TH DAY OF MARCH, 2018.

THE CITY OF SAN ANGELO, TEXAS

Brenda Gunter, Mayor

Attest:

Bryan Kendrick, City Clerk

Approved As to Form:

Approved As to Content:

Rodolfo Segura Jr
McCall, Parkhurst & Horton L.L.P.

Tina Dierschke, Finance Director
City of San Angelo, Texas

[CITY SEAL]

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 6, 2018

Item type: Regular Item

Caption:

Consider approving the following items:

1. Allocating up to \$374,000 for capital projects including \$294,000 from the Hotel Occupancy Tax fund balance for facility improvements
2. Awarding bid COL-01-18 to Accurate Air Solutions for the replacement of a chiller for the Foster Communications Coliseum/1st Community Federal Credit Union Spur Arena in the amount of \$170,921 and authorizing the City Manager or his designee to negotiate and execute a contract and any related documents - (Presentation made by Civic Events Manager Sidney Walker)

Summary/History:

We are seeking City Council approval to consider spending up to \$374,000 from the Hotel Occupancy Tax fund balance for phase two of our facility improvements. For the past few months, the Civic Events Advisory Board has been touring all of the Civic Event facilities to view the conditions of each facility and determine what needs these venues have. The Civic Events Advisory Board recommended bringing all the needs of our facilities to City Council for further consideration.

The items that the Civic Events Advisory Board deemed as items of importance were the safety needs (including emergency signage and exit lighting), chiller replacement, and staging for the Coliseum as well as the electrical needs for the River Stage. Other items that we would like to discuss with City Council are the LED lighting and three new spotlights for the Coliseum.

The total estimated cost for all of the items are \$374,000. There are additional savings left over from the FY17 facility improvement project of \$80,000. The current HOT fund balance as of February 20, 2018 is \$1,352.635. Our current Events fund balance as of February 20, 2018 is \$699,024. The Civic Events fund balance includes our 90 day emergency fund of 425,000.

Improving the conditions of these facilities will help with safety issues at our venues that are consistently booked by patrons or visited by customers. The improvement to LED lighting for the main dome of the Coliseum will help us save electrical costs.

Financial Impact:

The total cost of all the requested facility improvements, including an overall contingency of \$10,000 is \$374,000. There is additional funding left over from the FY17 facility improvement project of \$80,000. With confirmation that these funds can be used, the overall balance needed is \$294,000. The current fund balance as of Feb 20, 2018 is \$1,352.635. This is the requested funding source.

Other Information/Recommendation:

Attachments:

- | | | |
|----|---------------------------------------|---|
| 1. | 410 & 605 Fund Balance - Jan 31, 2018 | 410 & 605 Fund Balance - Jan 31, 2018.pdf |
| 2. | City Council - Mar 6 | City Council - Mar 6.pptx |
| 3. | BidTab-Chiller | BidTab-Chiller.pdf |

Presentation:**Approvals/Reviews:**

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

THE CITY OF SAN ANGELO, TEXAS
Schedule of Revenues and Expenditures
Fiscal Year through January 31, 2018

33% of
Year Lapsed

Civic Events - Fund 410

	Dept	Original Budget	Current Budget	Month Actual	YTD Total	YTD W/Enc	Over/(Under) Budget	% Realized
*Beginning Fund Balance		732,074	732,074			732,074		
REVENUES:								
Transfer from Hotel/Motel Tax Fund		891,600	891,600	104,053	342,889	342,889	(548,711)	38.5%
EXPENDITURES:								
<u>Coliseum</u>	6601							
Revenues		238,500	238,500	7,003	39,266	39,266	(199,234)	16.5%
Expenditures		228,051	228,051	27,692	72,302	92,761	(135,290)	40.7%
Revenue Over/(Under) Expenditures		10,449	10,449	(20,689)	(33,036)	(53,495)	(63,944)	
<u>Civic Events Concessions</u>								
Revenues	6607	40,000	40,000	6,784	18,960	18,960	(21,040)	47.4%
Revenue Over/(Under) Expenditures		40,000	40,000	6,784	18,960	18,960	(21,040)	
<u>Auditorium</u>	6602							
Revenues		-	-	-	928	928	928	0.0%
Expenditures		-	-	-	-	-	-	0.0%
Revenue Over/(Under) Expenditures		-	-	-	928	928	928	
<u>East Reception Room</u>	6609							
Revenues		-	-	900	2,250	2,250	2,250	0.0%
Expenditures		-	-	-	-	-	-	0.0%
Revenue Over/(Under) Expenditures		-	-	900	2,250	2,250	2,250	
<u>Civic Events Riverstage</u>	6605							
Revenues		22,500	22,500	-	3,357	3,357	(19,143)	14.9%
Expenditures		30,917	30,917	1,899	5,147	6,744	(24,173)	21.8%
Revenue Over/(Under) Expenditures		(8,417)	(8,417)	(1,899)	(1,790)	(3,387)	5,030	
<u>Convention Center</u>	6603							
Revenues		209,750	209,750	14,733	76,916	76,916	(132,834)	36.7%
Expenditures		161,364	186,284	12,841	43,087	56,027	(130,257)	30.1%
Revenue Over/(Under) Expenditures		48,386	23,466	1,892	33,829	20,889	(2,577)	
<u>Farmers Market/Pavilion/Paseo Grounds</u>								
Revenues	6606	16,200	16,200	625	1,725	1,725	(14,475)	10.6%
Expenditures		18,300	25,599	201	803	12,428	(13,171)	48.5%
Revenue Over/(Under) Expenditures		(2,100)	(9,399)	424	922	(10,703)	(1,304)	
<u>Non-Departmental</u>	6604							
Payroll Expenditures		772,267	772,267	58,603	244,023	244,023	(528,244)	31.6%
Administration		251,546	240,685	12,095	99,944	101,390	(139,295)	42.1%
Spring Creek	6604	-	3,936	-	-	-	(3,936)	0.0%
Capital & Maintenance	6699	8,333	180,908	6,769	17,583	22,955	(157,953)	12.7%
Non-Departmental Expenditures		1,032,146	1,197,796	77,467	361,550	368,368	(829,428)	
<u>Other/Capital/Transfers</u>	6604							
Interest		32,228	32,228	78	2,987	2,987	(29,241)	9.3%
Advertising Revenue		20,000	20,000	14,000	14,000	14,000	(6,000)	70.0%
Other Revenues		52,228	52,228	14,078	16,987	16,987		
Revenue Over/(Under) Expenditures		-	(197,869)	28,076	20,389	(33,050)		
Ending Fund Balance		732,074	534,205			699,024		
*Preliminary								

THE CITY OF SAN ANGELO, TEXAS
Schedule of Revenues and Expenditures
Fiscal Year through January 31, 2018

33% of
Year Lapsed

Hotel Occupancy Tax - Fund 605

Dept	Original Budget	Current Budget	Month Actual	YTD Total	YTD W/Enc	Over/(Under) Budget	% Realized
*Beginning Fund Balance	1,492,174	1,492,174			1,492,174		
Hotel/Motel							
Revenue:							
Hotel/Motel Tax	1,857,500	1,857,500	216,778	714,351	714,351	(1,143,149)	38.5%
Interest	27,394	27,394	161	5,968	5,968	(21,426)	21.8%
Total Revenues	1,884,894	1,884,894	216,939	720,319	720,319	(1,164,575)	38.2%
EXPENDITURES:							
San Angelo Performing Arts Council	50,000	50,000	50,000	50,000	50,000	-	100.0%
San Angelo Chamber of Commerce	865,000	865,000	144,167	360,417	360,417	(504,583)	41.7%
San Angelo Cultural Affairs Council	92,875	92,875	15,870	35,718	35,718	(57,157)	38.5%
Downtown San Angelo	37,500	37,500	9,375	9,375	37,500	-	100.0%
Fort Concho	50,000	50,000	4,167	16,667	16,667	(33,333)	33.3%
Civic Events	891,600	891,600	104,053	342,889	342,889	(548,711)	38.5%
Texas Bank Sports Complex	50,000	50,000	4,167	16,667	16,667	(33,333)	33.3%
Total Expenditures	2,036,975	2,036,975	331,799	831,733	859,858	(1,177,117)	42.2%
Revenue Over/(Under) Expenditures	(152,081)	(152,081)	(114,860)	(111,414)	(139,539)		
Ending Fund Balance	1,340,093	1,340,093			1,352,635		
<i>*Preliminary</i>							



City Council

March 6, 2018



Civic Events Facility Needs

- **Timeline of Events**
- Tour of CE Venues - Dec 2017
- Board Discussion - January 2018
- Board recommendation – February 2018



Civic Events Facility Needs

- Completed 11 of 12 Facility Projects I
- Starting lower ring roof for Col. w/ allocated funds
- Using capital improvement funds for CC interior restoration



Civic Events Facility Needs

- Safety Issues
- Cost savings
- Loss of business/revenue



Civic Events Facility Needs

• Item	Venue	Cost
• Safety needs	Coliseum	\$25,000
• Chiller replacement	Coliseum	\$171,000
• Stage	Coliseum	\$86,000
• Electrical repair	Riverstage	\$22,000
• LED lighting	Coliseum	\$30,000
• Spotlights (3)	Coliseum	\$30,000



Civic Events Facility Needs

- Total estimated cost: \$364,000
- Projects contingency: \$10,000
- Total amount requested: \$374,000

- Facility Project Savings: \$80,000
- Amount needed:\$294,000



Civic Events Facility Needs

Current Fund 410 Balance: \$699,024

Current Fund 605 Balance: \$1,352.635



Civic Events Facility Needs

- Seeking Council approval





City Council

March 6, 2018





City of San Angelo
RFB Bid Tabulation * COL-01-18/ Coliseum Chiller
January 23, 2018 at 2:00PM

DESCRIPTION	West Techs		Accurate Air Solutions		Bajler & Associates		Duncan Mechanical	
	275 nominal tons	280 nominal tons	275 nominal tons	280 nominal tons	275 nominal tons	280 nominal tons	275 nominal tons	280 nominal tons
Base Bid: Unit/ Install/ One-year Warranty	\$ 192,000.00		\$ 165,913.00		\$ 192,275.00		\$ 179,550.02	
Alternate: Provide add'l year of warranty in parts, labor, refrigerant	\$ 4,000.00		\$ 5,008.00		\$ 5,250.00		\$ 3,855.00	
Days to delivery from approval	10 weeks		55 days		10 weeks/ 70 days			
Days from delivery to completion (no later than midnight 4/30/18)	2 weeks		5 days		30 days			
Total	\$ 196,000.00		\$ 170,921.00		\$ 197,525.00		\$ 183,405.02	Non-responsive

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jon James, Director of Planning & Development Services, Planning and Development Services, x1180

Meeting Date: March 6, 2018

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance amending Chapter 5 "Business and Commerce", Section 5.04.034 by creating an exception to the itinerant merchant permit for persons holding a mobile or temporary food establishment permit (food trucks) - (Presentation made by Planning & Development Services Jon James)

Summary/History:

City staff have been reviewing the regulations that apply to food trucks that operate within the City in an attempt to streamline the process for permits for those businesses. As part of that review, and after a public forum on the topic, the city planning, legal and police departments feel confident that removing the requirement for an itinerant vendor permit for those holding a mobile or temporary food establishment permit will not have a negative impact on the safety of the public.

This ordinance creates an exception to the itinerant vendor requirements for those holding a mobile or temporary food establishment permit making it easier for those wishing to operate food trucks to operate.

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

1. 18-222 ORD Itinerant Merchant revision food trucks 18-222 ORD Itinerant Merchant revision food trucks.docx

Presentation:

Jon James

Approvals/Reviews:

Jon James	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 5 “BUSINESS AND COMMERCE”, ARTICLE 5.04 “ININERANT MERCHANTS”, DIVISION 2 “LICENSE” SECTION 5.04.034 “EXCEPTIONS” OF THE CODE OF ORDINANCES OF THE CITY OF SAN ANGELO, TEXAS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of San Angelo has an ordinance that governs itinerant merchants; and

WHEREAS, vendors holding mobile or temporary food establishment permits are considered itinerant merchants under the ordinance; and

WHEREAS, the purpose of the itinerant merchant ordinance is to ensure the safety of the citizens of the City of San Angelo by requiring a permit for persons soliciting house to house or place to place within the City; and

WHEREAS, holders of a permit for mobile or temporary food establishments do not pose the same risk to the citizens as someone who goes house to house or place to place; and

WHEREAS, the City planning department, legal department, and police department agree that the requirement of an itinerant merchant permit for those holding a mobile or temporary food establishment permit is unnecessary for the health, safety and welfare of our citizens.

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

SECTION 1. THAT Chapter 5 “Business and Commerce”, Article 5.04 “Itinerant Merchants”, Division 2 “License”, Section 5.04.034 “Exceptions” is hereby amended as set out below:

“Sec. 5.04.034 Exceptions

(a) The provisions of section 5.04.031(a) shall not apply to the following:

(1) Merchants who sell, or exhibit for sale, goods, wares, or merchandise to merchants engaged in the business of buying, selling or dealing in the same.

(b) The provisions of section 5.04.031(b) shall not apply to the following:

(1) Merchants who sell or exhibit for sale goods, wares, or merchandise to merchants engaged in the business of buying, selling or dealing in the same.

(2) Sales of goods, wares and merchandise donated by the owners thereof, the proceeds of which are to be used and applied to some charitable, religious or philanthropic purpose.

(3) Sales of goods, wares and merchandise by sheriffs, constables or other public officers, or to bona fide assignees or auctioneers, or trustees or receivers regularly appointed.

(4) Merchants holding a valid permit for mobile or temporary food establishments.”

SECTION 2. THAT the terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION 3. THAT this Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

INTRODUCED with public hearing on the 6th day of March, 2018 and finally PASSED, APPROVED AND ADOPTED on this the 20th day of March, 2018.

THE CITY OF SAN ANGELO

ATTEST:

Brenda Gunter, Mayor

Bryan Kendrick, City Clerk

APPROVED AS TO FORM:

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Mitchell Gatlin, Project Engineer, Engineering Services, 325 657-

Meeting Date: March 6, 2018

Item type: Regular Item

Caption:

Public hearing and first reading of an ordinance amending Chapter 10 "Traffic Control", article 10.04 "Stopping, Standing and Parking", Division 1. "Generally", Section 10.04.003 "Stopping, Standing or Parking Prohibited in Specified Places", by creating subdivision (f) "Parking Temporarily Prohibited during Street Maintenance Activities"; regulating parking on public roadways during street maintenance activities as designated by the director of public works; providing for notice of street maintenance activities, and pursuant to section 2308.354 of the Texas Occupations Code appointing a City designee with authority to immobilize and remove vehicles from public roadways during street maintenance activities where parking is temporarily prohibited; providing repealing and savings clauses; and providing an effective date - (Presentation made by City Engineer Russell Pehl)

Summary/History:

The State of Texas has given the City of San Angelo the authority to regulate the stopping, standing, or parking of vehicles on public highways, streets, and alleyways within the City. Vehicles parked on public roadways during street maintenance activities not only interfere with a normal government function, but also pose traffic and safety hazards. Section 2308.354 of the Texas Occupations Code authorizes a municipality, in order to aid the enforcement of a municipal ordinance regulating parking, to designate an employee with the authority to immobilize a vehicle parked in the municipality as well as remove an immobilized vehicle from a public roadway in the municipality. The City of San Angelo desires to designate the Director of Public Works, or his/her duly authorized agent, with the authority to assess where parking should be prohibited during street maintenance activities, and to immobilize and remove any vehicles unlawfully parked during such prohibited periods.

Financial Impact:

We are estimating \$75 per vehicle towed, which would fall under the Annual Sealcoat Project Fund. Estimating 10 Vehicles per Sealcoat cycle.

Other Information/Recommendation:

Attachments:

- | | | |
|----|---|---|
| 1. | 17-652_Street Maintenance Vehicle Removal Ordinance | 17-652_Street Maintenance Vehicle Removal Ordinance.pdf |
|----|---|---|

Presentation:

Russell Pehl

Approvals/Reviews:

Mitchell Gatlin

Created/Initiated

Theresa James
Anthony Wilson
Candice Blake
Tina Dierschke
Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Approved
Approved
Approved
Approved
Final Approval

ORDINANCE NO. _____

ADOPTION OF AN ORDINANCE BY THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 10 “TRAFFIC CONTROL”, ARTICLE 10.04 “STOPPING, STANDING AND PARKING”, DIVISION 1. “GENERALLY”, SECTION 10.04.003 “STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES”, BY CREATING SUBDIVISION (F) “PARKING TEMPORARILY PROHIBITED DURING STREET MAINTENANCE ACTIVITIES”; REGULATING PARKING ON PUBLIC ROADWAYS DURING STREET MAINTENANCE ACTIVITIES AS DESIGNATED BY THE DIRECTOR OF PUBLIC WORKS; PROVIDING FOR NOTICE OF STREET MAINTENANCE ACTIVITIES, AND PURSUANT TO SECTION 2308.354 OF THE TEXAS OCCUPATIONS CODE APPOINTING A CITY DESIGNEE WITH AUTHORITY TO IMMOBILIZE AND REMOVE VEHICLES FROM PUBLIC ROADWAYS DURING STREET MAINTENANCE ACTIVITIES WHERE PARKING IS TEMPORARILY PROHIBITED; PROVIDING REPEALING AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of San Angelo, Texas (“City”) recognizes that the State of Texas has delegated to the City the authority to regulate the stopping, standing, or parking of vehicles on public highways, streets, and alleys within the City; and

WHEREAS, the City finds that vehicles parked on public roadways during the course of street maintenance activities constitutes a traffic hazard, a safety hazard, and interferes with a normal governmental function; and

WHEREAS, Section 2308.354 of the Texas Occupations Code authorizes a municipality to designate an employee with the authority to immobilize a vehicle parked in the municipality, and to remove an immobilized vehicle from a public roadway in the municipality, in order to aid in the enforcement of a municipal ordinance regulating parking; and

WHEREAS, the City desires to designate the Director of Public Works, or his/her duly authorized agent, with the authority to determine those street maintenance activities where parking on public roadways should be temporarily prohibited, and to immobilize and remove any vehicles unlawfully parked during such prohibited periods.

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

SECTION 1: THAT Chapter 10 “Traffic Control”, Article 10.04 “Stopping, Standing and Parking”, Division 1. “Generally”, Section 10.04.003 “Stopping, standing or parking prohibited in specified places”, of the Code of Ordinances, City of San Angelo, Texas, is hereby amended by creating Section 10.04.003(f) “Parking temporarily prohibited during street maintenance activities” as follows:

Sec. 10.04.003 Stopping, standing or parking prohibited in specified places

(f) Parking temporarily prohibited during street maintenance activities.

(1) After notice provided pursuant to subsection (3) below, and in accordance with such notice, it shall be unlawful to park a vehicle on a public roadway where street maintenance activities are being conducted.

(2) “Street Maintenance Activities” may include, but are not limited to, street construction or reconstruction projects, street widening, street sealcoating, utility or infrastructure repair or adjustments, and any other City maintenance activities within the public roadway where parking thereon constitutes a traffic hazard, a safety hazard, or interferes with a normal governmental function as determined by the Director of Public Works for the City.

(3) Notice. Seven (7) days’ advanced written notice of Street Maintenance Activities shall be provided by posting or affixing such notice to those properties that directly abut the public roadway(s) that are affected by the Street Maintenance Activities. Notice shall include the type of maintenance activity to be conducted, the expected duration of the maintenance activity during which parking shall be prohibited, and a reference to this ordinance.

(4) Towing. The Director of Public Works, or his/her duly authorized agent, may immediately immobilize and remove a vehicle from the public roadway found to be in violation of this section. Offending vehicles shall be towed from the immediate area where Street Maintenance Activities are being conducted, and returned to the same location upon completion of the Street Maintenance Activities. Nothing herein restricts or alters a peace officer’s authority to cite and/or impound a vehicle found to be in violation of City Code or state law.

(5) Penalty. Any person violating the provisions of this division shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with the general penalty provision found in section 1.01.009 of this code. It shall be presumed that the owner of record of the unlawfully parked vehicle violated this section, and in the absence of evidence identifying another person in control of such vehicle, citations issued pursuant to this section shall be issued to such owner of record.

SECTION 2. THAT all other ordinances or parts of ordinances inconsistent or in conflict herewith, or to the extent of such inconsistency or conflict are hereby repealed.

SECTION 3. THAT if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declare that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION 4. **THAT** this Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

INTRODUCED on the ____th day of _____, 2018, and finally PASSED, APPROVED and ADOPTED on this the ____ day of _____, 2018.

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Secretary

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kimberly Holle, Budget Coordinator, Budget, 325-657-6291

Meeting Date: March 6, 2018

Item type: Regular Item

Caption:

Consideration and first hearing of an ordinance of the City of San Angelo, Texas, amending appendix A, "Fee Schedule" for the following ordinances:

1. Article A6.000, "Parks and Recreation Fees"; Section A6.005 "Park Facility and Activity Fees" subpart (e) "Facility Rental Fees" to provide rental fees for Kirby Park pavilion
2. Article A6.000, "Parks and Recreation Fees"; Section A6.005 "Park Facility and Activity Fees", subpart (f) "Miscellaneous Event Fees", to adjust summer camp weekly fee and add holding fee
3. Article A14.000, "Cemetery Fees"; Section A4.002 "Cremation", Section A14.004 "Overtime", and Section A4.006 "Disinterment" to adjust said fees
4. Article A11.000, "Fire and Rescue Service Fees"; Section A11.001 "Service Fees", subsection (f) "Ambulance/Transport/Transfer Fees", to adjust said fees
5. Article A2.000 "Building and Construction Related fees"; Section A2.002 "Building Permit Fees", by restating new subpart (c) to provide for site plan review fees; amending Section A2.004 "miscellaneous permit fees", by repealing and deleting subpart (e) "customer service inspection for existing structures"
6. Article A9.000 "Planning Related Fees" by: amending Section A9.004 to provide for administrative adjustment fee; amending Section A9.005 fees for preliminary, final plats and variance fees; and, amending section A9.007 "miscellaneous planning fees" by amending fees for street name change and release of easement, and adding fees for urban design review, appeal, certificate of appropriateness, and disannexation
7. Article A9.000, "Planning Related Fees"; Section A9.007 "Miscellaneous Planning Fees By Adding A Publication Fee For Newspaper Advertisement" - (Presentation made by Finance Director Tina Dierschke)

Summary/History:

Each year, fees and charges are reviewed to ensure current rates are appropriate for the services rendered. Through this process we explore new fees to charge for existing services, increases to fees for existing services, and adoption of existing fees which are not yet in an ordinance.

For Parks, there are two new fees:

- Kirby Park Pavilion Rental: \$300; \$100 deposit
- Kirby Park Pavilion and Concession Rental: \$400; \$100 deposit

For Recreation, there is one fee proposed to increase and one new fee:

- Increase:
 - o Summer Camp – Weekly fee: \$65 per week/person
- New:
 - o Summer Camp Holding fee – weekly fee: \$10 per week/person

For Fairmount Cemetery, there are 3 fees proposed to increase and one for removal:

- Increase

- o Weekend grave opening for day after a holiday or Monday Funerals: \$200
- o Cremation burial opening and closing: \$500
- o Disinterment - re-interment (infant; half of fee for disinter only): \$1,000
- Remove
 - o Cremation (burial of cremains) – overtime (Saturday 8am - 12pm)

For Fire, there are nine ambulance/transport/transfer fees proposed to increase:

- ALS 1 emergency: \$875
- ALS 2 emergency: \$1,010
- BLS emergency: \$810
- BLS non-emergency: \$630
- Mileage fee (per patient mile): \$12
- Out of city, still in county: \$150 (additional charge)
- Out of county transport over 150 miles: \$250 (additional charge)
- Standby services (4 hour minimum): \$400
- Standby services – additional hours: \$100/hour

For Permits, there are three new fees under a new item (h) “Site Plan Review Fees”:

- Site Plan Review Tier One (Project valuation \$0 - \$100,000): \$50.00
- Site Plan Review Tier Two (Project valuation \$100,001 to \$500,000): \$100.00
- Site Plan Review Tier Three (Project valuation \$500,001 and up): \$250.00

In addition to this, permits would like to remove Section A2.004 (e) “Customer service inspection for existing structures.” This includes fees related to:

- Commercial fixtures:
 - o 1 to 20: \$32.00
 - o 21 to 50: \$42.00
 - o 51 and up: \$120.00
- Residential: \$32.00

For Planning, the following changes are recommended:

- Amend & Add
 - o Request for variance from zoning regulations: \$250
 - o Request for administrative adjustment from zoning regulations: \$170
- Increase
 - o Request for street name change: \$500
 - o Request for release of easement: \$500
- Add
 - o Urban design review: \$125
 - o Appeals and amendments: \$200
 - o Preliminary plats or final plats: \$275
 - o First variance: \$125
 - o Additional variances: \$75
 - o Certificate of appropriateness: \$200
 - o Dis-Annexation: \$600
- Remove
 - o Preliminary plat: \$400

- o Final plat: \$445

For Planning, the following changes are also recommended:

- Add
 - o Newspaper publication of notice: \$125.00

Staff proposes the attached fees based on the estimated cost of service and/or survey of peers and market demand.

Financial Impact:

There is an estimated annual financial impact of \$119,293.

Other Information/Recommendation:

Attachments:

1.	Parks - Background	Parks - Background.pdf
2.	Parks - Ordinance	Parks - Ordinance.docx
3.	Recreation - Background	Recreation - Background.pdf
4.	Recreation - Ordinance	Recreation - Ordinance.docx
5.	Cemetery - Background	Cemetery - Background.pdf
6.	Cemetery - Ordinance	Cemetery - Ordinance.docx
7.	Fire - Background	Fire - Background.pdf
8.	Fire - Ordinance	Fire - Ordinance.docx
9.	Permits - Background	Permits - Background.pdf
10.	Permits - Ordinance	Permits - Ordinance.docx
11.	Planning - Background	Planning - Background.pdf
12.	Planning - Ordinance	Planning - Ordinance.docx
13.	Planning Advertising - Background	Planning Advertising - Background.pdf
14.	Planning Advertising - Ordinance	Planning Advertising - Ordinance.docx

Presentation:

Tina Dierschke

Approvals/Reviews:

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kimberly Holle, Budget, 657-4211 X1235

Meeting Date: March 6, 2018

Item type: Regular

Caption:

Consideration of an ordinance of the City of San Angelo, Texas, amending appendix A, "Fee Schedule", Article A6.000, "Parks and Recreation Fees"; Section A6.005 "Park Facility and Activity Fees" subpart (e) "Facility Rental Fees" to provide rental fees for Kirby Park pavilion; providing for severability; and, providing for an effective date.

Summary/History:

Each year, fees and charges are reviewed to ensure current rates are appropriate for the services rendered. Through this process we explore new fees to charge for existing services, increases to fees for existing services, and adoption of existing fees which are not yet in an ordinance.

For Parks, there are two new fees:

- Kirby Park Pavilion Rental: \$300; \$100 deposit
- Kirby Park Pavilion and Concession Rental: \$400; \$100 deposit

Staff proposes the attached fees based on the estimated cost of service and/or survey of peers and market demand.

Financial Impact:

There is an estimated annual financial impact of \$2,000.

Other Information/Recommendation:

Staff recommends approval of the proposed ordinance.

Attachments:

Draft ordinance

Presentation:

PowerPoint

Approvals/Reviews:

Tina Dierschke, Director of Finance

City of San Angelo

Fee Review

Department: Parks

Fee Title: Pavilion (and Concession) rental at Kirby Park

Current Fee: \$0

Proposed Fees: Kirby Park Pavilion Rental: \$300; \$100 deposit

Kirby Park Pavilion and Concession Rental: \$400; \$100 deposit

Cost of Service: Not applicable

Financial Impact: Kirby Park Pavilion Rental: \$1,200

Kirby Park Pavilion and Concession Rental: \$800

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene	\$300/7hrs: \$100 deposit	enclosed recreation activity building
Odessa	\$320; \$100 deposit	Floyd Gwin Park Gym
Midland	\$100/2 hrs	smaller pool pavilions
Wichita Falls	\$300/3hrs; \$150 deposit	smaller enclosed center with kitchenette
Round Rock	\$200/2hrs + \$25 addl. hr; \$100 deposit	similar comparable
College Station	\$420 Mon.-Thur., \$480 Fri.-Sun. and holidays, all day (except 1-5 am); \$400 deposit for non-residents; \$350 Mon.-Thur., \$400 Fri.-Sun. and holidays, all day (except 1-5 am) \$400 deposit for residents	similar comparable

Additional Information:

1 day rental only, 12 hours total within 8:00a.m. to 10:00p.m.

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE", ARTICLE A6.000, "PARKS AND RECREATION FEES"; SECTION A6.005 "PARK FACILITY AND ACTIVITY FEES" SUBPART (e) "FACILITY RENTAL FEES" TO PROVIDE RENTAL FEES FOR KIRBY PARK PAVILION; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of San Angelo Parks & Recreation Department maintains municipal parks and facilities; and,

WHEREAS, the Parks & Recreation Department maintains and operates Kirby Park and the pavilion located in the park; and,

WHEREAS, the Parks & Recreation Department would like to make the Kirby Park Pavilion available for private use on a reservation basis; and,

WHEREAS, the City of San Angelo Code of Ordinances includes Appendix A, Fee Schedule, Section A6.005 "Park Facility and Activity Fees", by which Council has designated park facility rental fees for private use of park facilities on a reservation basis necessary for the provision of facility maintenance and operational expenses; and,

WHEREAS, the City Council has reviewed staff's accounting of Parks & Recreation Department facility maintenance and program operational costs and revenues with respect to Kirby Park Pavilion, and desires to establish user fees that reasonably reflect the cost to the City of providing those facilities;

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

Section 1) Appendix A of the City Code of Ordinances, Section A6.005 "Park Facility and Activity Fees", subpart (e) "Facility Rental Fees", is hereby amended by restating subpart (e) in its entirety to read as follows:

“Article A6.000 Parks and Recreation Fees

Section A6.005 Park Facility and Activity Fees

(e) Facility Rental Fees (rentals subject to Department rules and regulations for use.):

Venue	Rate	Deposit
Carl Ray Johnson Gym Rentals	\$25	N/A
Private Party Use - City Park Pavilion *	\$15 / hour	N/A
Private Party Use - Civic League Park Bridal Path and Garden Area (2 hour rental)	\$50	N/A
Private Party Use - Civic League Park Pavilion (2 hour rental)	\$50	N/A
Private Party Use - College Hills/Unidad Park Pavilion *	\$15 / hour	N/A
Private Party Use - Glenmore Park Pavilion *	\$15 / hour	N/A
Private Party Use - Jaime Padron Memorial Park Pavilion *	\$15 / hour	N/A
Private Party Use - James M. Rogers Garden Gazebo at Rio Concho Park (2 hour rental)	\$50	N/A
Private Party Use - Kids' Kingdom Pavilion *	\$15 / hour	N/A
Private Party Use - Kirby Park In-Line Hockey Rink (2 hour minimum)	\$15 / hour	N/A
Private Party Use - Kirby Park Pavilion (12 hour rental)	\$300	\$100
Private Party Use - Kirby Park Pavilion and Concession (12 hour rental)	\$400	\$100
Private Party Use - Lone Wolf Bridge (2 hour rental)	\$50	N/A
Private Party Use - Martin Luther King Jr. Memorial Park Pavilion *	\$15 / hour	N/A
Private Party Use - Producers Pavilion *	\$15 / hour	N/A
Private Party Use - Tiered Plaza/Celebration Bridge (2 hour rental)	\$50	N/A
Private Party Use - Visitor's Center Grounds (1 hour rental)	\$50	N/A
Rec Center Room Rental - Carl Ray Johnson (2 hour minimum)	\$25 / hour	N/A
Rec Center Room Rental – South Side (2 hour minimum)	\$50 / hour	\$50
Rec Center Room Rental SS with Dance/DJ (2 hour minimum)	\$50 / hour	\$100
Santa Fe Crossing - Activity Room Rental (3 hour minimum)	\$35 / hour	\$100
Santa Fe Crossing - Activity Room Rental - All Day	\$275	N/A
Santa Fe Crossing - Conference Room Rental (3 hour minimum)	\$25 / hour	\$50
Santa Fe Crossing - Dining Room Rentals (3 hour minimum)	\$45 / hour	\$100
Santa Fe Crossing - Dining Room Rentals - All Day	\$350	N/A
Station 618 - Activity Room Rental (3 hour minimum)	\$100 / hour	\$300
Station 618 - Ceramic Room Rental (3 hour minimum)	\$25 / hour	\$50

Station 618 - Computer Room Rental (3 hour minimum)	\$50 / hour	\$100
Station 618 - Non-Profit Discount	No Charge	N/A
Station 618 - Senior Related Activities Discount	N/A	50% of deposit

* Limited to a two (2) hour minimum and four (4) hour maximum rental. “

Section 2: All provisions of Article 6.000 “Parks and Recreation Fees” of Appendix A 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 6: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the 6th day of March, 2018, and finally PASSED, APPROVED and ADOPTED on this the 20th day of March, 2018.

CITY OF SAN ANGELO

BY: _____
Brenda Gunter, Mayor

ATTEST:

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT:

Carl White, Director of Parks and
Recreation

APPROVED AS TO FORM

Theresa James, City Attorney

APPROVED AS TO CONTENT:

Tina Dierschke, Director of Finance

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kimberly Holle, Budget, 657-4211 X1235

Meeting Date: March 6, 2018

Item type: Regular

Caption:

Consideration of an ordinance of the City of San Angelo, Texas, amending appendix A, "Fee Schedule", Article A6.000, "Parks and Recreation Fees"; Section A6.005 "Park Facility and Activity Fees", subpart (f) "Miscellaneous Event Fees", to adjust summer camp weekly fee and add holding fee; providing for severability; and, providing for an effective date.

Summary/History:

Each year, fees and charges are reviewed to ensure current rates are appropriate for the services rendered. Through this process we explore new fees to charge for existing services, increases to fees for existing services, and adoption of existing fees which are not yet in an ordinance.

For Recreation, there is one fee proposed to increase and one new fee:

- Increase:
 - Summer Camp – Weekly fee: \$65 per week/person
- New:
 - Summer Camp Holding fee – weekly fee: \$10 per week/person

Staff proposes the attached fees based on the estimated cost of service and/or survey of peers and market demand.

Financial Impact:

There is an estimated annual financial impact of \$13,200.

Other Information/Recommendation:

Staff recommends approval of the proposed ordinance.

Attachments:

Draft ordinance

Presentation:

PowerPoint

Approvals/Reviews:

Tina Dierschke, Director of Finance

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE", ARTICLE A6.000, "PARKS AND RECREATION FEES"; SECTION A6.005 "PARK FACILITY AND ACTIVITY FEES", SUBPART (f) "MISCELLANEOUS EVENT FEES", TO ADJUST SUMMER CAMP WEEKLY FEE AND ADD HOLDING FEE; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of San Angelo Parks & Recreation Department maintains municipal parks and facilities; and,

WHEREAS, the Parks & Recreation Department provides for activities, including summer camp; and,

WHEREAS, the Parks & Recreation Department would like to adjust the Summer Camp Weekly fee and provide for a Holding fee; and,

WHEREAS, the City of San Angelo Code of Ordinances includes Appendix A, Fee Schedule, Section A6.005 "Park Facility and Activity Fees", by which Council has designated recreational activity fees, including Summer Camp Weekly fee necessary for the provision of operational expenses, and there is a need to provide a fee for holding a spot for participation; and,

WHEREAS, the City Council has reviewed staff's accounting of Parks & Recreation Department facility maintenance and program operational costs and revenues with respect Summer Camp and provision to permit holding a spot for participation in Summer Camp, and desires to establish participation and holding fees that reasonably reflect the cost to the City of providing for summer camp;

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

Section 1) Appendix A of the City Code of Ordinances, Section A6.005 "Park Facility and Activity Fees", subpart (f) "Miscellaneous event fees (fees for events not listed shall be as established by the director of parks and recreation with concurrence of the city manager)", is hereby amended by restating subpart (f) in its entirety to read as follows:

“Article A6.000 Parks and Recreation Fees

Section A6.005 Park Facility and Activity Fees

(f) Miscellaneous event fees (fees for events not listed shall be as established by the director of parks and recreation with concurrence of the city manager):

Date night admission - daddy/daughter or mother/son	\$12.00
Date night admission - family night	\$20.00
Movie/camp out in the park	\$5.00/person
Senior programs (per month)	\$4.00–\$10.00
Summer camp - registration fee	\$45.00/person
Summer camp - weekly fee	\$65.00/person
Summer camp weekly holding fee	\$10
Summer camp track	\$80.00/person

Section 2: All provisions of Article 6.000 “Parks and Recreation Fees” of Appendix A 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 6: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the 6th day of March, 2018, and finally PASSED, APPROVED and ADOPTED on this the 20th day of March, 2018.

CITY OF SAN ANGELO

BY: _____
Brenda Gunter, Mayor

ATTEST:

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT:

Carl White, Director of Parks and
Recreation

APPROVED AS TO CONTENT:

Tina Dierschke, Director of Finance

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kimberly Holle, Budget, 657-4211 X1235

Meeting Date: March 6, 2018

Item type: Regular

Caption:

Consideration of an ordinance of the City of San Angelo, Texas, amending appendix A, "Fee Schedule", article A14.000, "Cemetery Fees"; Section A4.002 "Cremation", Section A14.004 "Overtime", and Section A4.006 "Disinterment" to adjust said fees; providing for severability; and, providing for an effective date.

Summary/History:

Each year, fees and charges are reviewed to ensure current rates are appropriate for the services rendered. Through this process we explore new fees to charge for existing services, increases to fees for existing services, and adoption of existing fees which are not yet in an ordinance.

For Fairmount Cemetery, there are 3 fees proposed to increase and one for removal:

- Increase
 - Weekend grave opening for day after a holiday or Monday Funerals: \$200
 - Cremation burial opening and closing: \$500
 - Disinterment - re-interment (infant; half of fee for disinter only): \$1,000
- Remove
 - Cremation (burial of cremains) – overtime (Saturday 8am - 12pm)

Staff and the Fairmount Cemetery Board proposes the attached fees based on the estimated cost of service and/or survey of peers and market demand.

Financial Impact:

There is an estimated annual financial impact of \$3,650.

Other Information/Recommendation:

Staff recommends approval of the proposed ordinance.

Attachments:

Draft ordinance

City of San Angelo

Fee Review

Department: Cemetery

Fee Title: Weekend grave opening for day after holiday or Monday Funerals

Current Fee: \$175 weekend opening + \$1,250 opening/closing (includes tent, chairs) = \$1,425

Proposed Fees: \$200 weekend opening + \$1,250 opening/closing (includes tent, chairs) = \$1,450

Cost of Service: \$305

Financial Impact: \$50

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene	\$1,200	flat weekday/weekend rate
Odessa	\$1,200	flat weekday/weekend rate
Midland	\$1,600	flat weekday/weekend rate
Lawnhaven	\$1,720	flat weekday/weekend rate
Lubbock	\$750	flat weekday/weekend rate
Belvedere	\$1,345	flat weekday/weekend rate

Additional Information:

Right now we are charging \$1,250 opening/closing plus \$175 for grave opening on a weekend or holiday.

If we have an actual service on Saturday, we charge \$1,250 plus \$325 for overtime.

Other cemeteries have a flat weekday/weekend rate instead of extra charges.

City of San Angelo

Fee Review

Department: Cemetery

Fee Title: Cremation burial opening and closing

Current Fee: \$400

Proposed Fees: \$500

Cost of Service: \$500

Financial Impact: \$3,000

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene	\$350	
Odessa	\$300	
Midland	\$400	
Lawnhaven	\$695	
Lubbock	\$300	
Austin	\$500	

Additional Information:

City of San Angelo

Fee Review

Department: Cemetery

Fee Title: Disinterment - re-interment (infant)

Current Fee: \$400 (Disinter half of fee)

Proposed Fees: \$1,000 (Disinter half of fee)

Cost of Service: \$685

Financial Impact: \$600

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene	\$500	
Odessa	\$4,000	
Midland	\$695	
Lawnhaven	\$5,000	
Lubbock	\$400	
Belvedere	N/A	

Additional Information:

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING APPENDIX A, “FEE SCHEDULE”, ARTICLE A14.000, “CEMETERY FEES”; SECTION A4.002 “CREMAINS”, SECTION A14.004 “OVERTIME”, AND SECTION A4.006 DISINTERMENT TO ADJUST SAID FEES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of San Angelo owns and operates the Fairmount Cemetery; and,

WHEREAS, the Fairmount Cemetery is a public cemetery that under supervision of the Parks and Recreation Department provides facilities and services relating to disinterment and re-interment; and,

WHEREAS, the Parks & Recreation Department would like to adjust cemetery fees applicable for disinterment and re-interment, and amend provision for overtime fees; and,

WHEREAS, the City of San Angelo Code of Ordinances includes Appendix A, Fee Schedule, Article A14.000 “Cemetery Fees”, by which Council has designated fees for services that include disinterment, re-interment and overtime; and,

WHEREAS, the City Council has reviewed staff’s accounting of Parks & Recreation Department Fairmount Cemetery facility maintenance and services operational costs and revenues with respect disinterment, re-interment and overtime, and desires to establish fees that reasonably reflect the cost to the City of providing the services;

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

Section 1) Appendix A of the City Code of Ordinances, Article A14.000 “Cemetery Fees”, Sections A14.002 “Cremains”, A14.004 “Overtime” and A14.006 “Disinterment”, be hereby amended and restated respectively to read as follows:

“Sec. A14.002 Cremains

Cremains burial opening and closing: \$500.00.

Sec. A14.004 Overtime

- (a) Saturday funerals 8:00 a.m. to 12:00 p.m.: \$325.00.
- (b) Weekend grave opening for day after holiday or Monday funerals: \$200.00.
- (c) Overtime hourly (weekdays after 4:30, Saturday after 12:00): \$175.00.

Sec. A14.006 Disinterment

- (a) Disinterment - re-interment (adult) (half of fee to disinter only): \$3,500.00.
- (b) Disinterment - re-interment (infant) (half of fee to disinter only): \$1,000.00”

Section 2: All provisions of Article 14.000 “Cemetery Fees” of Appendix A 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 6: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the 6th day of March, 2018, and finally PASSED, APPROVED and ADOPTED on this the 20th day of March, 2018.

CITY OF SAN ANGELO

BY: _____
Brenda Gunter, Mayor

ATTEST:

Bryan Kendrick, City Clerk

PROVED AS TO CONTENT:

APPROVED AS TO CONTENT:

Carl White, Director of Parks and Recreation

Tina Dierschke, Director of Finance

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kimberly Holle, Budget, 657-4211 X1235

Meeting Date: March 6, 2018

Item type: Regular

Caption:

Consideration of an ordinance of the City of San Angelo, Texas, amending appendix A, "fee schedule", Article A11.000, "Fire and Rescue Service Fees"; Section A11.001 "Service Fees", subsection (f) "Ambulance/Transport/Transfer Fees", to adjust said fees; providing for severability; and, providing for an effective date.

Summary/History:

Each year, fees and charges are reviewed to ensure current rates are appropriate for the services rendered. Through this process we explore new fees to charge for existing services, increases to fees for existing services, and adoption of existing fees which are not yet in an ordinance.

For Fire, there are nine ambulance/transport/transfer fees proposed to increase:

- ALS 1 emergency: \$875
- ALS 2 emergency: \$1,010
- BLS emergency: \$810
- BLS non-emergency: \$630
- Mileage fee (per patient mile): \$12
- Out of city, still in county: \$150 (additional charge)
- Out of county transport over 150 miles: \$250 (additional charge)
- Standby services (4 hour minimum): \$400
- Standby services – additional hours: \$100/hour

Staff proposes the attached fees based on the estimated cost of service and/or survey of peers and market demand.

Financial Impact:

There is an estimated annual financial impact of \$79,373.

Other Information/Recommendation:

Staff recommends approval of the proposed ordinance.

Attachments:

Draft ordinance

Presentation:

PowerPoint

Approvals/Reviews:

Tina Dierschke, Director of Finance

City of San Angelo

Fee Review

Department: Fire

Fee Title: Transport/Transfer ALS 1 Emergency

Current Fee: \$ 830

Proposed Fees: \$ 875

Cost of Service: \$1,205 (average cost of all categories of medical runs)

Financial Impact: \$ 24,036

Survey of Benchmark Cities:

City	City Operated	Privatively Operated
Austin-Travis	\$901	
Big Lake		\$950
Denton	\$855	
Eden		\$1,600
Kerrville	\$837	
Lewisville		\$1,045
Lubbock UMC	\$1,503	
Midland	\$432	
Odessa	\$480	
Ozona		\$950
Sonora		\$944
Schertz	\$1,440	

Average fee charged by benchmark cities: \$994.75

Additional Information:

- Austin-Travis: ALS Aid at Scene- \$248
- Midland: Ambulance Service-\$200/hr. Waiting Charge
- Odessa: Transfer Service-\$280 with a \$25/hr. Waiting Charge

City of San Angelo

Fee Review

Department: Fire

Fee Title: Transport/Transfer ALS 2 Emergency

Current Fee: \$ 955

Proposed Fees: \$ 1,010

Cost of Service: \$1,205 (average cost of all categories of medical runs)

Financial Impact: \$ 797

Survey of Benchmark Cities:

City	City Operated	Privately Operated
Austin-Travis	\$966	
Big Lake		\$1,150
Denton	\$900	
Eden		\$1,800
Kerrville	\$1,181	
Lewisville		\$1,045
Lubbock UMC	\$2,095	
Midland	\$609	
Odessa	\$580	
Ozona		\$950
Sonora		\$994
Schertz	\$1,600	

Average fee charged by benchmark cities: \$1,155.83

Additional Information:

- Austin-Travis: ALS Aid at Scene- \$248
- Midland: Ambulance Service-\$200/hr. Waiting Charge
- Odessa: Transfer Service-\$280 with a \$25/hr. Waiting Charge

City of San Angelo

Fee Review

Department: Fire

Fee Title: Transport/Transfer BLS Emergency

Current Fee: \$ 770

Proposed Fees: \$ 810

Cost of Service: \$1,205 (average cost of all categories of medical runs)

Financial Impact: \$ 19,012

Survey of Benchmark Cities:

City	City Operated	Privatively Operated
Austin-Travis	\$831	
Big Lake		\$850
Denton	\$787	
Eden		\$994
Kerrville	\$687	
Lewisville		\$1,045
Lubbock UMC	\$1,164	
Midland	\$399	
Odessa	\$380	
Ozona		\$925
Sonora		\$994
Schertz	\$1,210	

Average fee charged by benchmark cities: \$855.50

Additional Information:

- Austin-Travis: ALS Aid at Scene- \$248
- Midland: Ambulance Service-\$200/hr. Waiting Charge
- Odessa: Transfer Service-\$280 with a \$25/hr. Waiting Charge

City of San Angelo

Fee Review

Department: Fire

Fee Title: Transport/Transfer BLS Non-Emergency

Current Fee: \$ 600

Proposed Fees: \$ 630

Cost of Service: \$1,205 (average cost of all categories of medical runs)

Financial Impact: \$ 2,192

Survey of Benchmark Cities:

City	Fee Amount	Notes
Austin-Travis	Do Not Bill	BLS Aid at Scene-\$104
Denton	\$787	
Kerrville	\$430	
Lubbock UMC	\$862	
Midland	\$399	
Odessa	\$380	
Schertz	\$1,090	

Average fee charged by benchmark cities: \$564

Additional Information:

- Kerrville (Local) Non-Emergency Transfer- \$168 with \$9/Mile
- Midland Ambulance Service-\$200/hr. Waiting Charge
- Odessa Transfer Service-\$280 with a \$25/hr. Waiting Charge

City of San Angelo

Fee Review

Department: Fire

Fee Title: Transport/Transfer Mileage Fee (Per Patient Mile)

Current Fee: \$ 10

Proposed Fees: \$ 12

Financial Impact: \$ 12,261

Survey of Benchmark Cities:

City	Fee Amount	Notes
Austin-Travis	\$13.50/Mile	
Big Lake		\$21/Mile
Denton	\$15/Mile	
Eden		\$21/Mile
Kerrville	\$22/Mile	
Lewisville		\$15/Mile
Lubbock UMC	\$24/Mile	
Midland	\$8/Mile	
Odessa	\$8/Mile	
Ozona		\$18.50/Mile
Sonora		\$20.80/Mile
Schertz	\$20/Mile	

Average fee charged by benchmark cities: \$17.23

Additional Information:

Austin-Travis, Denton, and Odessa: Itemize-Mileage is Separate

City of San Angelo

Fee Review

Department: Fire

Fee Title: Transport/Transfer Out of City, still in County

Current Fee: \$ 100

Proposed Fees: \$ 150

Cost of Service: \$ 155

Financial Impact: \$ 13,948

Survey of Benchmark Cities:

City	Fee Amount	Notes
Austin-Travis	N/A	Service not offered
Denton	N/A	Service not offered
Kerrville	N/A	Service not offered
Lubbock UMC	N/A	Service not offered
Midland	\$100	Non-Resident Fee
Odessa	\$100	
Schertz	N/A	Service not offered

Additional Information:

City of San Angelo

Fee Review

Department: Fire

Fee Title: Transport/Transfer Out of County over 150 miles

Current Fee: \$ 200

Proposed Fees: \$ 250

Cost of Service: \$ 252

Financial Impact: \$ 107

Survey of Benchmark Cities:

City	Fee Amount	Notes
Austin-Travis	N/A	Service not offered
Denton	N/A	Service not offered
Kerrville	N/A	Service not offered
Lubbock UMC	N/A	Service not offered
Midland	\$100	Non-Resident Fee
Odessa	\$100	
Schertz	N/A	Service not offered

Additional Information:

City of San Angelo

Fee Review

Department: Fire

Fee Title: Standby Services

Current Fee:	Standby (4 hr. min.)	\$340
	Additional Hours	\$85/hour
Proposed Fees:	Standby (4 hr. min.)	\$400
	Additional Hours	\$100/hour
Cost of Service:	Standby (4 hr. min.)	\$402
	Additional Hours	\$100/hour

Financial Impact: \$7,020

Survey of Benchmark Cities:

City	Fee Amount	Notes
Austin-Travis	\$125/hr.	\$100 Set-up Fee & \$40 for additional paramedic
Denton	\$150/hr.	4hr. Minimum
Kerrville	\$100/hr.	2hr. Minimum
Lubbock UMC	N/A	
Midland	\$50	Permit Fee for Standby if Fire Dept. is Needed
Odessa	Flat Hourly Fee	Set by City Manager based on cost info provided by FC
Schertz	\$125/hr.	

Additional Information:

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING APPENDIX A, “FEE SCHEDULE”, ARTICLE A11.000, “FIRE AND RESCUE SERVICE FEES”; SECTION A11.001 “SERVICE FEES”, SUBSECTION (f) “AMBULANCE/TRANSPORT/TRANSFER FEES”, TO ADJUST SAID FEES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of San Angelo Fire Department (SAFD) provides emergency medical services (EMS) within Tom Green County; and,

WHEREAS, SAFD EMS services provides vehicles, equipment and services relating to ambulance, transport and transfer services; and,

WHEREAS, the SAFD would like to adjust fees applicable for EMS services relating to ambulance, transport and transfer services; and,

WHEREAS, the City of San Angelo Code of Ordinances includes Appendix A, Fee Schedule, Article A11.000 “Fire and Rescue Fees”, by which Council has designated fees for EMS services that include ambulance, transport and transfer fees; and,

WHEREAS, the City Council has reviewed staff’s accounting of the SAFD EMS services operational costs and revenues with respect ambulance, transport and transfer costs and revenues, and desires to establish fees that reasonably reflect the cost to the City of providing the services;

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

Section 1) Appendix A of the City Code of Ordinances, Article A11.000 “Fire and Rescue Service Fees”, Sections A11.001 “Service Fees”, Subsection (f) “Ambulance/transport/transfer fees be hereby amended and restated to read as follows:

“Sec. A11.001 Service Fees

(f) Ambulance/transport/transfer fees.

Transfer/transport for ambulance aircrew	\$337.00
Institutional charge for non-reimbursed patient	\$337.00
BLS non-emergency	\$630.00
BLS emergency	\$810.00
ALS non-emergency	\$800.00
ALS 1 emergency	\$875.00
ALS 2 emergency	\$1,010.00
Transport medical team: with or without patient; to or from destination (one way)	\$350.00
Mileage fee (per patient mile)	\$12.00
Out of city, still in county*	\$150.00
*Additional charge	
Out of county transport over 150 miles	\$250.00
*Additional charge	
Standby services*	\$400 minimum charge for four hours. Each additional hour \$100
*Four (4) hour minimum, including games or events	

Section 2: All provisions of Article 11.000 “Fire and Rescue Service Fees”, Section 11.001 “Service Fees” of Appendix A 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 6: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the 6th day of March, 2018, and finally PASSED, APPROVED and ADOPTED on this the 20th day of March, 2018.

CITY OF SAN ANGELO

BY: _____
Brenda Gunter, Mayor

ATTEST:

Bryan Kendrick, City Clerk

PROVED AS TO CONTENT:

APPROVED AS TO CONTENT:

Brian Dunn, Fire Chief
Recreation

Tina Dierschke, Director of Finance

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kimberly Holle, Budget, 657-4211 X1235

Meeting Date: March 6, 2018

Item type: Regular

Caption:

Consideration of an ordinance of the City of San Angelo, Texas, amending Appendix A, "Fee Schedule", Section A2.000 "Building and Construction Related fees"; Section A2.002 "Building Permit Fees", by restating new subpart (b) to provide for site plan review fees; amending Section A2.004 "miscellaneous permit fees", by repealing and deleting subpart (e) "customer service inspection for existing structures"; providing for severability; and, providing for an effective date.

Summary/History:

Each year, fees and charges are reviewed to ensure current rates are appropriate for the services rendered. Through this process we explore new fees to charge for existing services, increases to fees for existing services, and adoption of existing fees which are not yet in an ordinance.

For Permits, there are three new fees under a new item (h) "Site Plan Review Fees":

- Site Plan Review Tier One (Project valuation \$0 - \$100,000): \$50.00
- Site Plan Review Tier Two (Project valuation \$100,001 to \$500,000): \$100.00
- Site Plan Review Tier Three (Project valuation \$500,001 and up): \$250.00

In addition to this, permits would like to remove Section A2.004 (e) "Customer service inspection for existing structures." This includes fees related to:

- Commercial fixtures:
 - o 1 to 20: \$32.00
 - o 21 to 50: \$42.00
 - o 51 and up: \$120.00
- Residential: \$32.00

Staff proposes the attached fees based on the estimated cost of service and/or survey of peers and market demand.

Financial Impact:

There is an estimated annual financial impact of \$9,050.00.

Other Information/Recommendation:

Staff recommends approval of the proposed ordinance.

City of San Angelo

Fee Review

Department: Planning and Development Services

Fee Title: Site Plan Review

Current Fee: \$0

Proposed Fees: Tier One (valuation \$0 - \$100,000) \$50

Tier Two (valuation \$100,001 - \$500,000) \$100

Tier Three (valuation \$500,001 and up) \$250

Cost of Service: Tier One (valuation \$0 - \$100,000) \$73 @ a 75% cost recovery

Tier Two (valuation \$100,001 - \$500,000) \$142 @ a 75% cost recovery

Tier Three (valuation \$500,001 and up) \$315 @ a 75% cost recovery

Financial Impact: \$9,050

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene	Minor Site Plan \$250 Site Plan \$500	
Odessa	\$500	
Midland	\$0	
Wichita Falls	\$75	
Round Rock	\$1,000 + \$200/acre	
College Station	1.5% infrastructure cost	\$600 minimum

Additional Information:

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING APPENDIX A, “FEE SCHEDULE”, ARTICLE A2.000, “BUILDING AND CONSTRUCTION RELATED FEES”; SECTION A2.002 “BUILDING PERMIT FEES”, BY RESTATING NEW SUBPART (c) TO PROVIDE FOR SITE PLAN REVIEW FEES; AMENDING SECTION 2.004 “MISCELLANEOUS PERMIT FEES, BY REPEALING AND DELETING SUBPART (e) “CUSTOMER SERVICE INSPECTION FOR EXISTING STRUCTURES”; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of San Angelo Neighborhood and Family Services Department, Codes Compliance Division, is responsible for the issuance of building permits and conducts inspections as required under building and construction codes adopted by ordinance; and,

WHEREAS, the Codes Compliance Division has reviewed building permit and inspection fees and recommends certain amendments to fees that relate to actual costs to the city of providing those services; and,

WHEREAS, the City of San Angelo Code of Ordinances includes Appendix A, Fee Schedule, Section A2.002 relating to building permit fees and Section A2.004 relating miscellaneous permit fees which fees can be restated as “site plan review fees” that reasonably reflect the cost to the City of providing for those services;

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

Section 1) Appendix A of the City Code of Ordinances, Article A2.000 Building and Construction Related Fees, Section A2.002 “Building permit fees”, be and the same is hereby amended by restating Subpart (c) in its entirety to read as follows:

“Article A2.000 Building and Construction Related Fees

Section A2.002 Building Permit Fees

(c) Site plan review fees:

- (1) Site Plan Review Tier One=Project Valuation \$0 to \$ 100,000: \$50.00;
- (2) Site Plan Review Tier Two=Project Valuation \$100,000 to \$500,000: \$100.00;
- (3) Site Plan Review Tier Three=Project Valuation more than \$500,000: \$250.00”

Section 2: Appendix A of the City Code of Ordinances, Article A2.000 Building and Construction Related Fees, Section A2.004 “Miscellaneous permit fees”, Subpart (e) “Customer service inspection for existing structures” be and the same is hereby deleted in its entirety.

Section3: All provisions of Article 2.000 “Building and Related Construction Related Fees” of Appendix A not amended hereby shall remain in full force and effect.

Section 4: The terms and provisions of this ordinance shall be deemed to be severable in that if any portion of this ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.

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

INTRODUCED on the 6th day of March, 2018, and finally PASSED, APPROVED and ADOPTED on this the 20th day of March, 2018.

CITY OF SAN ANGELO

BY: _____
Brenda Gunter, Mayor

ATTEST:

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO CONTENT:

Jon James Director of Planning and

Tina Dierschke, Director of Finance

Development

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kimberly Holle, Budget, 657-4211 X1235

Meeting Date: March 6, 2018

Item type: Regular

Caption:

Consideration of an ordinance of the City of San Angelo, Texas, amending appendix A, "Fee Schedule", Article A9.000 "Planning Related Fees" by: amending Section A9.004 to provide for administrative adjustment fee; amending Section A9.005 fees for preliminary, final plats and variance fees; and, amending section A9.007 "miscellaneous planning fees" by amending fees for street name change and release of easement, and adding fees for urban design review, appeal, certificate of appropriateness, and disannexation; providing for severability; and, providing for an effective date.

Summary/History:

Each year, fees and charges are reviewed to ensure current rates are appropriate for the services rendered. Through this process we explore new fees to charge for existing services, increases to fees for existing services, and adoption of existing fees which are not yet in an ordinance.

For Planning, the following changes are recommended:

- Amend & Add
 - Request for variance from zoning regulations: \$250
 - Request for administrative adjustment to zoning regulations: \$170
- Increase
 - Request for street name change: \$500
 - Request for release of easement: \$500
- Add
 - Urban design review: \$125
 - Appeals and amendments: \$200
 - Plats (Preliminary, Final, or Replats): \$275
 - First variance: \$125
 - Additional variances: \$75
 - Certificate of appropriateness: \$200
 - Dis-Annexation: \$600
- Remove
 - Preliminary plat: \$400
 - Final plat: \$445
 - Replats: \$350

Staff proposes the attached fees based on the estimated cost of service and/or survey of peers and market demand.

Financial Impact:

There is an estimated annual financial impact of \$5,145.

Other Information/Recommendation:

Staff recommends approval of the proposed ordinance.

Attachments:

Draft ordinance

Presentation:

PowerPoint

Approvals/Reviews:

Tina Dierschke, Director of Finance

City of San Angelo

Fee Review

Department: Planning & Development Services

Fee Title: Variance or Adjustments from Zoning Regulations

Current Fee: \$250

Proposed Fees: Request for variance from zoning regulations \$250

Request for administrative adjustment from zoning regulations \$170

Cost of Service: \$183

Financial Impact: \$ - 1,120

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene	\$100	Miscellaneous fee
Odessa		
Midland	\$200	
Wichita Falls	\$200	Variance application
Lubbock	\$130	Treated as an appeal
Amarillo		

Additional Information:

The current ordinance combines application for variances that require Zoning Board of Adjustments approval and those variances that are administratively eligible in the same fee. This proposed change will break the two types of variances into separate fees, lowering the financial burden for administratively eligible variances.

City of San Angelo

Fee Review

Department: Planning & Development Services

Fee Title: Request for Street Name Change

Current Fee: \$250 (plus cost of signage)

Proposed Fees: \$500 (plus cost of signage)

Cost of Service: \$578

Financial Impact: \$500

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene	\$800	Plus signage
Odessa	\$300	Must do with a plat
Midland	unknown	
Wichita Falls	\$500	
Lubbock	unknown	
Amarillo	\$660	Plus signage

Additional Information:

City of San Angelo

Fee Review

Department: Planning & Development Services

Fee Title: Request for Release of Easement

Current Fee: \$300

Proposed Fees: \$500

Cost of Service: \$618

Financial Impact: \$800

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene	\$400	
Odessa	\$300	Must do with a plat
Midland	\$300	
Wichita Falls	\$200	
Lubbock	\$300	
Amarillo	\$400	

Additional Information:

City of San Angelo

Fee Review

Department: Planning & Development Services

Fee Title: Urban Design Review

Current Fee: \$0

Proposed Fees: \$125

Cost of Service: \$138

Financial Impact: \$1,500

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene	\$250	
Odessa	\$500	
Midland	\$300	
Wichita Falls	\$75	
Lubbock	\$0	Part of building permit fee
Amarillo	\$350	

Additional Information:

City of San Angelo

Fee Review

Department: Planning & Development Services

Fee Title: Appeals & Amendments

Current Fee: \$0

Proposed Fees: \$200

Cost of Service: \$240

Financial Impact: \$800

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene	\$250	
Odessa	\$200	
Midland	\$0	
Wichita Falls	\$200	
Lubbock	\$130	
Amarillo	\$350	

Additional Information:

Today an applicant for an appeal or amendment is charged the full application fee for whatever process they are going through, such as a Conditional Use, etc. This proposed fee would create a new lower fee if they are simply amending an existing approval, rather than seeking a brand new case.

City of San Angelo

Fee Review

Department: Planning & Development Services

Fee Title: Plats

Current Fee: \$400 Preliminary Plats, \$445 Final Plats, & \$350 Replats

Proposed Fees: Plats (Preliminary, Final, or Replats) \$275

First Variance \$125

Additional Variances \$75

Cost of Service: Plats (Preliminary, Final, or Replats) \$359

First Variance \$188

Additional Variances \$126

Financial Impact: \$1,565

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene	\$500	
Odessa	\$300	
Midland	\$250 - \$500 max	Depends on acreage
Wichita Falls	\$150 - \$550 max	Depends on acreage
Lubbock	\$300 - \$3,000 max	Depends on acreage and type of plat
Amarillo	\$325 - \$500 + \$10/acre	Depends on acreage and type of plat

Additional Information:

City of San Angelo

Fee Review

Department: Planning & Development Services

Fee Title: Certificate of Appropriateness

Current Fee: \$100 / \$385

Proposed Fees: \$200

Cost of Service: \$288

Financial Impact: \$500

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene	\$50	
Odessa	0	No historical properties
Midland	N/A	
Wichita Falls	\$100 + \$5 per property	Or \$10 per property for >51 properties
Lubbock	0	
Amarillo	\$200	

Additional Information:

Currently the Planning & Development Services Department charges \$100 for a certificate of appropriateness review, however, this fee is not listed in the ordinance. The ordinance does list a \$385 fee for all design & historic review commission reviews, which could include both river corridor reviews and certificate of appropriateness reviews.

City of San Angelo

Fee Review

Department: Planning & Development Services

Fee Title: Dis-Annexation

Current Fee: \$0

Proposed Fees: \$600

Cost of Service: \$897

Financial Impact: \$600

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene	\$0	
Odessa	\$0	None in 10 years
Midland	\$0	None in 10 years
Wichita Falls	\$0	None in 10 years
Lubbock	\$0	None in 10 years
Amarillo	\$0	None in 10 years

Additional Information:

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING APPENDIX A, “FEE SCHEDULE”, ARTICLE A9.000, “PLANNING RELATED FEES” BY: AMENDING SECTION A9.004 TO PROVIDE FOR ADMINISTRATIVE ADJUSTMENT FEE; AMENDING SECTION A9.005 FEES FOR PRELIMINARY, FINAL PLATS AND VARIANCE FEES; AND, AMENDING SECTION A9.007 “MISCELLANEOUS PLANNING FEES” BY AMENDING FEES FOR STREET NAME CHANGE AND RELEASE OF EASEMENT, AND ADDING FEES FOR URBAN DESIGN REVIEW, APPEAL, CERTIFICATE OF APPROPRIATENESS, AND DISANNEXATION; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of San Angelo regulates zoning and subdivision under its Zoning and Subdivision and Development ordinances, and has adopted fees for related services as set forth in Appendix “A” Fee Schedule for planning related fees; and,

WHEREAS, the Planning Department is recommending restatement of some of the planning related fees and provision for fees for additional services under Appendix “A”; and,

WHEREAS, the City Council has reviewed the Planning and Development Department staff’s recommendations for revisions to planning related fees and fees for additional services under Appendix “A” and supporting computations of costs relating to those services, and adopts the following revisions to planning related fees as reasonably reflecting the costs to the City of providing those services;

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

Section 1) Section A9.004 “Zoning board of adjustment application fees” is hereby restated in its entirety to read as follows:

“Sec. A9.004 Zoning Board of Adjustment application fees

- (a) Request for variance from zoning regulation: \$250
- (b) Request for administrative adjustment to zoning regulation: \$170”

Section 2) Section A9.005 “Preliminary plats, final plats and replats” is hereby restated in its entirety to read as follows:

“Sec. A9.005 Preliminary plats, final plats, and variances

- (a) Plats (Preliminary, Final, or Replats): \$275.00
- (b) First Variance: \$125.00
- (c) Additional Variance (each): \$75.00”
- (d) Supplemental fee for replats requiring notification: \$106.25

Section 3) Section A9.007 “Miscellaneous planning fees” is hereby amended by amending subparts (d) and (e) and adding service fees at subparts (l), (m), (n) and (o) to read as follows:

“Sec.A9.007 Miscellaneous planning fees

....

- (d) Street name change: \$500.00 (plus cost of official city signage)
- (e) Release of easement: \$500.00
- (l) Urban design review: \$125.00
- (m) Appeal* or amendment: \$200.00
- (n) Certificate of Appropriateness: \$200.00
- (o) Disannexation: \$600.00”

* The Appeal fee is due and payable on or before the deadline for filing the appeal. Notice of appeal not accompanied with payment of the applicable appeal fee shall be deemed incomplete and any right of appeal waived if the fee is not paid in full prior to expiration of the time permitted for appeal.

Section 4: All provisions of Article 9.000 “Planning Related Fees”, Section 9.004, Section 9.005 and Section 9.007, of Appendix A not amended hereby shall continue and 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 6th day of March, 2018, and finally PASSED, APPROVED and ADOPTED on this the 20th day of March, 2018.

CITY OF SAN ANGELO

BY: _____
Brenda Gunter, Mayor

ATTEST:

Bryan Kendrick, City Clerk

PROVED AS TO CONTENT:

APPROVED AS TO CONTENT:

Jon James, Director of Planning and Development

Tina Dierschke, Director of Finance

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kimberly Holle, Budget, 657-4211 X1235

Meeting Date: March 6, 2018

Item type: Regular

Caption:

Consideration of an ordinance of the City of San Angelo, Texas, amending Appendix A, "Fee Schedule", Article A9.000, "Planning Related Fees"; Section A9.007 "Miscellaneous Planning Fees By Adding A Publication Fee For Newspaper Advertisement"; providing for severability; and, providing for an effective date.

Summary/History:

Each year, fees and charges are reviewed to ensure current rates are appropriate for the services rendered. Through this process we explore new fees to charge for existing services, increases to fees for existing services, and adoption of existing fees which are not yet in an ordinance.

For Planning, the following changes are recommended:

- Add
 - Newspaper publication of notice: \$125.00

Staff proposes the attached fees based on the estimated cost of service and/or survey of peers and market demand. State statute and the Zoning Ordinance require that certain cases must be advertised in the local newspaper at least 15 days prior to the public hearing before City Council. Currently, this cost is solely being paid by the Planning Division, without re-compensation. The \$125 being proposed is an average cost of four cases going before City Council, with the \$125 being a quarter of the overall costs.

Financial Impact:

There is an estimated annual financial impact of \$6,875.

Other Information/Recommendation:

Staff recommends approval of the proposed ordinance.

Attachments:

Draft ordinance

Presentation:

PowerPoint

City of San Angelo

Fee Review

Department: Planning & Development Services

Fee Title: Newspaper publication of notice

Current Fee: \$ 0

Proposed Fees: \$ 125

Cost of Service: \$ 123-168 (actual cost dependent on number of notices for the month)

Financial Impact: \$ 6,875

Survey of Benchmark Cities:

City	Fee Amount	Notes
Abilene		Fee is part of application
Odessa		Fee is part of application
Midland		Fee is part of application
Wichita Falls		Fee is part of application
Lubbock		Fee is part of application
Amarillo		Fee is part of application

Additional Information:

This proposed fee is in response to an unfunded state mandate and intended to offset the cost the Planning Department is currently paying. Making the advertising fee separate from the application fee will require only those clients who have a situation requiring a newspaper advertisement to pay the additional cost.

Each month there may be a different number of items that require advertising, therefore we are using an average of the last two years.

Total number of Advertisements in 2016 = 44

Total number of Advertisements in 2017 = 65

Average number of Advertisements per year = 55

Average number per month = 4.5

Cost of One Advertisement per Month = \$168

Cost of 4 Advertisements per Month = \$490.36

Average cost per 4 advertisements = \$122.59

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE", ARTICLE A9.000, "PLANNING RELATED FEES"; SECTION A9.007 "MISCELLANEOUS PLANNING FEES BY ADDING A PUBLICATION FEE FOR NEWSPAPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of San Angelo regulates zoning under its Zoning Ordinance, including applications for rezone, planned development, and special uses, which require publication of notice in a newspaper of general circulation; and,

WHEREAS, the Planning Department would like to provide for a fee when publication in a newspaper is required under the Zoning Ordinance; and,

WHEREAS, the City of San Angelo Code of Ordinances includes Appendix A, Fee Schedule, Article A9.000 "Planning Related Fees", Section A9.007 "Miscellaneous planning fees", an appropriate section for addition of a newspaper publication fee; and,

WHEREAS, the City Council has reviewed Planning Department staff's accounting of newspaper publication costs incurred over time that relate to zoning applications and on that basis has proposed a publication fee that reasonably reflects the cost to the City of providing newspaper publication services in zoning related matters;

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

Section 1) Appendix A of the City Code of Ordinances, Article A9.000 "Planning Related Fees", Sections A9.007 "Miscellaneous planning fees", be and the same is hereby amended by adding a new subpart (l) to read as follows:

"Sec. A9.007 Miscellaneous planning fees:

... (o) Newspaper publication of notice: \$125

Section 2: All provisions of Article 9.000 "Planning Related Fees", Section 9.007 "Miscellaneous planning fees" of Appendix A 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 6: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the 6th day of March, 2018, and finally PASSED, APPROVED and ADOPTED on this the 20th day of March, 2018.

CITY OF SAN ANGELO

BY: _____
Brenda Gunter, Mayor

ATTEST:

Bryan Kendrick, City Clerk

PROVED AS TO CONTENT:

APPROVED AS TO CONTENT:

Jon James, Director of Planning and Development

Tina Dierschke, Director of Finance

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 6, 2018

Item type: Regular Item

Caption:

Consider ratifying COSADC's approval of the bid secured by AEP Texas North Company (AEP) from Crossland Construction Company, Inc. in the sum of \$582,809 for construction of utilities and other infrastructure within the San Angelo Business and Industrial Park pursuant to the Development Agreement by and between COSADC and AEP, authorized by resolution of the City Council adopted on January 9, 2018 - (Presentation made by Business Retention & Expansion Coordinator Robert Schneeman)

Summary/History:

AEP purchased 51.897 acres of land in Phase 2 of the Industrial Park. According to the Real Estate contract dated October 11, 2016, 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.

In order to complete all utilities and other infrastructure improvements required for the AEP construction project and to accommodate the AEP timeline, COSADC entered into a Development Agreement dated January 9th 2018. In accordance with that agreement, upon completion of design documents by Parkhill, Smith & Cooper, AEP will bid the designed utilities & infrastructure improvements as part of their facility bid package and provide all responsive bid information to COSADC. Upon approval of bids by COSADC, AEP will award the contract in accordance with COSADC's approval. AEP has engaged Crossland Construction Company, Inc. as their contractor on the facility project. Crossland has submitted three cost proposals in the form of a change order to their project in the amounts of \$3,133,598 which included all drainage improvements, \$1,236,450 which included only drainage improvements sufficient to install the box culvert at the Gateway Drive crossing, and \$582,809 which excluded all drainage improvements. (See attached exhibit) It is staff's opinion that the unit costs should come down somewhat if the drainage improvements are included with phase 2.2 of the Park based on the overall project being larger and more competitively bid. However, there is no guarantee that will be the case. The COSADC Board unanimously approved the \$582,809 bid at its meeting on February 29, 2018.

Financial Impact:

New project \$582,809; budget amendment required

Other Information/Recommendation:

Attachments:

1. Phase 2.1 Exhibit

Phase 2.1 Exhibit.jpg

Presentation:

Robert Schneeman

Approvals/Reviews:

Robert Schneeman

Created/Initiated

Michael Dane

Approved

Theresa James

Approved

Anthony Wilson

Approved

Candice Blake

Approved

Tina Dierschke

Approved

Theresa James

Approved

Becky Dunn

Approved

Bryan Kendrick

Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bryan Kendrick, City Clerk, City Clerk,

Meeting Date: March 6, 2018

Item type: Regular Item

Caption:

Consider adoption of a City of San Angelo policy governing the use of city property for film production and authorizing the City Manager to update the policy from time to time as necessary

Summary/History:

The San Angelo Convention and Visitors Bureau (CVB) is working towards having the City of San Angelo qualified to be a Film Friendly Certified Community through the Texas film Commission. In order to assist the CVB in their efforts, Diann Bayes has requested the City of San Angelo develop a policy governing the use of City Property for film production.

Approval of this item will approve such a policy and authorize the City Manager to make amendments to the policy as necessary.

Financial Impact:

The policy includes a \$25 application fee and requires reimbursement to the City for the use of all personnel and equipment utilized.

Other Information/Recommendation:

Attachments:

1. 18-218 Use of City Property for Filming Policy FINAL 18-218 Use of City Property for Filming Policy FINAL.docx

Presentation:

Approvals/Reviews:

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

Use of City Property for Film Production

City of San Angelo, Texas

I. Purpose

The requirements of this policy are intended to create a program for promoting economic development activity within San Angelo and the vicinity of the City; to protect the personal and property rights of San Angelo, Texas, residents and businesses; and to promote the public health, safety and welfare of the citizens of San Angelo. The City Manager reserves the right to impose additional regulations in addition to those found in the policy in the interest of public health, safety and welfare, or if otherwise deemed appropriate by the City Manager.

These guidelines cover requests for commercial use of City-owned property (including but not limited to streets, rights-of-way, parks, and/or public building), commercial use of private property which may affect adjacent public or private property, and the use of City equipment and personnel in all types of motion picture production, including, but not limited to, feature films, television programs, commercials, music videos and corporate films.

II. City Control/City Manager Authority

City Manager authorization is required for filming or taping of movies, television programs, commercials, or training films and related activities for commercial purposes which requires the use of any street, right-of-way, park, or public building, equipment or personnel.

The City of San Angelo has the exclusive authority to grant the Applicant the use of public streets, rights-of-way, parks and public buildings of the City, as well as authority to regulate the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming to promote the public health, safety or welfare.

City departments (e.g., Police, Fire, Building Permits and Inspections) shall be allowed to inspect all structures, property, devices and equipment to be used in connection with the filming and taping, as deemed appropriate by the City Manager.

III. Permit Requirements

Any commercial producer who desires to utilize any City property or facilities to undertake a commercial production in San Angelo is required to complete and return the attached application for filming to the Public Information Officer. Applications and information can be found on the Public Information website. Completed applications must be submitted within the time frames below for the application to be considered:

- Commercials: a minimum of two (2) business days prior to the commencement of filming or any substantial activity.
- Episodic television: a minimum of five (5) business days prior to the commencement of filming or any substantial activity related to the project
- Feature films: a minimum of ten (10) business days prior to the commencement of filming or any substantial activity related to the project.

The City Manager has the authority to make an exception to the time frames for projects that will provide a substantial marketing opportunity or have a significant economic impact on the community.

IV. Application Fee

An application processing fee of \$25 should accompany each application for filming in San Angelo.

V. Use of City Equipment and Personnel

The application shall include a written request for any city vehicles, equipment, or personnel that will be needed for production. The Applicant shall pay for all costs of any Police, Fire, Public Works or other City personnel assigned to the project (whether or not specifically requested by the production). Remuneration rates for the use of any City equipment, including police cars, fire equipment, street barricades and traffic cones, will be based on the actual cost to the City to provide such service as determined by the City.

The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice for said costs. The City Manager may, at his/her discretion, require an advance deposit for all costs related to City personnel and/or the use of City equipment.

The Chief of Police and/or Fire Chief, shall have the authority determine fire or police requirements and level of staffing for same, at any time during a film project if it is determined to be in the best interest of public health, safety and welfare, which cost shall be borne entirely by the Applicant.

Off-duty police officers and firefighters shall be paid by the production company at the department extra-duty rate. Such costs shall be payable directly to the police officer or firefighter and not to the City of San Angelo. Off-duty officers shall be scheduled through the police department and off-duty fire fighters shall be scheduled through the fire department.

VI. Use of City-Owned Real Estate

The City Manager may authorize the use of any street, right-of-way, park or public building, use of San Angelo, Texas name, trademark or logo and/or use of City equipment and/or personnel for commercial uses in motion picture production. Requests for use of such facilities shall be included in the application.

No city building shall be used during regular operating hours in such a way as to totally disrupt the activities of the City. In conjunction with these uses, the City Manager may require that any or all the conditions and/or remuneration as specified herein and on the application be met as a prerequisite to that use. A security or damage deposit may be required within the discretion of the City Manager.

The City of San Angelo shall be acknowledged in the credits of any movie, television production or training film as a condition of use of the property.

The Applicant shall reimburse the City for inconveniences when using public property. Following is the rate schedule:

<u>Activity</u>	<u>Cost per Calendar Day</u>
Disruptive use (regular operating hours) of a public building, park, right-of-way, or public area.	\$500

Partial, non-disruptive use of a public building, park, right-of-way, or public area.	\$250
Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking.	\$50
Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking.	\$25
Use of City parking lots, parking areas, and City streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles).	\$50

The City of San Angelo, Texas, possesses and retains exclusive authority to grant the Applicant a revocable license for the use of its name, trademark, and logo, public streets, rights-of-way, parks and buildings of the City as well as control over the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming activity to promote the public health, safety, and/or welfare.

VII. Vehicles and Equipment

The Applicant shall provide with the application a report listing the number of vehicles and types of equipment to be used during the filming, including proposed hours of use and proposed parking locations. Such locations will need to be specifically approved by the City Manager or his/her designee. On-street parking or use of public parking lots is subject to City Manager approval.

The use of exterior lighting, power generators or any other noise or light-producing equipment requires on-site approval of the City Manager or his/her designee.

VIII. Hours of Filming

Unless express written permission has been obtained from the City Manager in advance, and affected property owners, tenants and residents have been notified, filming will be limited to the following hours:

Monday through Friday: 7am to 9pm

Saturday, Sunday and Holidays: 8am to 8pm

IX. Notification of Neighbors

The Applicant shall include with the application the notice of the schedule for the proposed production that was provided to the owners, tenants and residents of each property in the affected neighborhood(s) as well as a listing of all addresses contact. This notice shall be provided prior to submission of the application to the City of San Angelo. Based upon this community feedback, and other appropriate factors considered by the City Manager, the City Manager may grant or deny the filming application.

X. Certificate of Insurance

The Applicant shall attach a valid certificate of insurance, issued by a company authorized to conduct business in the state of Texas, naming the City of San Angelo and its agents, officers, elected officials, employees and assigns, as additional insured, in an amount not less than \$2,000,000 general liability, including bodily injury and property damage with a \$5,000,000 umbrella; and automobile liability (if applicable) in an amount not less than \$1,000,000 including bodily injury and property damage.

XI. Damage to Public or Private Property

The Applicant shall pay in full, within ten (10) days of receipt of any invoice, the costs of repair for any and all damage to public or private property, resulting from or in connection with, the production, and restore the property to its original condition prior to the production, or to better than original condition.

The Applicant shall sign a Hold Harmless Agreement holding the City harmless from any claim that may arise from their use of designated public property, right-of-way, or equipment in conjunction with the permitted use. No application will be approved until such agreement is signed.

The City of San Angelo, Texas

Application for Commercial Filming

Title of Project _____

Type of Production (feature film, television production, commercial, corporate, music video, etc.) _____

Proposed Filming Locations (attach additional pages, if necessary) _____

Date(s) of Prep/Filming _____

Primary Contact

Name _____

Cell Phone _____

Email _____

Location Manager (if different from Primary Contact)

Name _____

Cell Phone _____

Email _____

Production Company Information

Name of Production Company _____

Address _____

City/State/Zip _____

Web Site _____

Primary Contact's Name _____

Primary Contact's Phone_____

Primary Contact's Email_____

Is this production already in contact with the Texas Film Commission?_____

If yes, who is your contact at the Texas Film Commission?_____

Name_____

Phone_____

Email_____

Production (Attach additional sheets, if necessary)

1. Production schedule and activities, including stunts, pyrotechnics, special effects, aerial photography, amplified sound or use of animals; (Give dates and times and rain dates. Hours should include set-up, holding of sets and restoration.)
2. Approximate number of persons involved with the production, including cast and crew:
3. Anticipated need of City personnel, equipment or property:
4. Public areas in which public access will be restricted during production:
5. Describe alterations to public property:
6. Number and type of production vehicles to be used and location(s) where vehicles will be parked:
7. Location where crew will be fed, if not at filming location:
8. Location where extras will be held, if not at filming location:
9. Please attach map of anticipated street closure(s) or other public area use.
10. Please provide copy of the notice to residents that notified them of filming activity. Date notice was distributed _____.
11. Please provide a copy of the insurance certificate, listing the City of San Angelo as additional insured.

Hold Harmless Agreement

I certify that I represent the firm which will be performing the filming/taping at the locations specified on the attached permit application. I further certify that I and my firm will perform in accordance with the directions and specifications of The City of San Angelo, Texas. **I AND MY FIRM WILL INDEMNIFY AND HOLD HARMLESS THE CITY OF SAN ANGELO, TEXAS, AND ITS ELECTED OFFICIALS, OFFICERS, SERVANTS, EMPLOYEES, SUCCESSORS, AGENTS, DEPARTMENTS AND ASSIGNS, HEREIN AFTER REFERRED TO AS "INDEMNITIES", FROM ANY AND ALL LOSSES, DAMAGES, EXPENSES INCLUDING ATTORNEY'S FEES, COSTS, FINES, CLAIMS OR LIABILITIES BY REASON OF ANY INJURY TO OR DEATH OF ANY PERSON OR DAMAGE OR DESTRUCTION OR LOSS OF ANY PROPERTY ARISING OUT OF, RESULTING FROM OR IN CONNECTION WITH THE PERFORMANCE OF ANY RESPONSIBILITIES AND/OR ACTIVITIES ENGAGED IN PURSUANT TO THIS APPLICATION REGARDLESS OF WHETHER IT IS, OR IS ALLEGED TO BE, CAUSED IN WHOLE OR PART (WHETHER JOINT, CONCURRENT OR CONTRIBUTING) BY ANY ACT, OMISSION, DEFAULT OR NEGLIGENCE (WHETHER ACTIVE OR PASSIVE) OR STRICT LIABILITY OF THE INDEMNITIES.**

I further certify that I have reviewed the requirements for filming in the City of San Angelo found in the City's Use of City Property for Filming policy and agree to abide by all stated requirements as well as any additional requirement imposed by the City Manager of the City of San Angelo. I understand that a failure to abide by all City of San Angelo requirements may result in the revocation of this permit and the City of San Angelo shall not be responsible for any costs related to such revocation.

I further certify that the information provided on this Application is true and correct to the best of my knowledge, and that I possess the authority to sign this and other contracts and agreements with the City of San Angelo, Texas, on behalf of the film.

Signed: _____

Printed Name: _____

Title: _____

Date: _____

APPLICATIONS WILL NOT BE PROCESSED UNTIL THIS DOCUMENT IS EXEUTED.

Applicant (production company representative):

Name: _____ Date: _____

Title: _____

Select one:

_____ The attached application is approved with no additional requirements.

_____ The attached application is denied.

_____ The attached application is approved with the following conditions.

_____ Date:

Daniel Valenzuela, City Manager

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS, ESTABLISHING A POLICY RELATED TO THE PROCESS FOR APPOINTMENT TO CITY BOARDS, COMMITTEES AND COMMISSIONS WHEN SAID APPOINTMENT RESULTS IN THE REQUIREMENT OF A RESIGNATION FROM SERVICE ON ANOTHER CITY BOARD, COMMITTEE OR COMMISSION.

WHEREAS, occasionally an appointment to a City Board or Commission may create a conflict with service on another City Board or Commission; and,

WHEREAS, for example Chapter 2 “Administration and Personnel”, Article 2.07 “Boards, Committees and Commissions”, Division 9. “Economic Development Corporation”, Section 2.07.253(c) “Board of Directors” states “No person shall be appointed as a director who is an employee, officer or member of the city council of the city, or a member of any board or commission of the city, except that a director may be appointed to serve as a member of the water advisory board”; and,

WHEREAS, this Council has determined a need for a formal policy to resolve these issues and,

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

Section 1. The City Council for the City of San Angelo adopts the foregoing recitals as true and correct, and hereby adopts the Policy attached as Exhibit “A”

Section 2. That this resolution shall take effect immediately from and after its adoption.

PASSED, APPROVED, AND ADOPTED this 6th day of March, 2018.

CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

BY: _____
Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

“Exhibit A”

Conflicting Appointment Policy

1. Definitions

- “Board(s)” includes Board(s), Commission(s) and Committee(s)
- “Board Member(s)” includes any appointee to a City Board
- “Communicate” or “Communication” includes any direct or indirect written or spoken dialogue in person or by means of any other medium.

2. Goals

- To ensure compliance with all Board Ordinances
- To ensure respectful and courteous dialogue between City Council Members
- To minimize cannibalization of existing Board Members when such an appointment creates a conflict

3. Establishment of a Conflict

Prior to any communication with potential appointees, Council Members must check with the Office of the City Clerk to verify the possibility of any conflict with an existing appointment.

4. Communication & Consent

City Council Members are prohibited from engaging in communication to recruit, vet or otherwise gauge interest in service on a Board from an individual that already serves as a Board Member on another Board without prior consent from the Council Member that either made or inherited the pre-existing appointment. To prevent possible conflict over the claim of consent, the stated consent should be expressed via written communication.

If consent is requested and granted, the Council Member may recruit vet or otherwise gauge interest in service on a Board up to and including scheduling the appointment with the Office of the City Clerk. If no consent is granted, the prohibition above remains in effect.



APPLICATION FOR BOARDS and COMMISSIONS

Name: David Stauden
Address: [REDACTED]
City: San Angelo (unless otherwise noted) Zip: 76903
Phone (Home): [REDACTED] (Office): [REDACTED]
Resident of San Angelo since: 46 SMD: 3
Are you a registered voter of San Angelo? Yes: X No: [REDACTED]
Occupation / Business Affiliation: Self employed
Occupation / Business Address: [REDACTED]
Position: Construction Board
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 [Signature] 8-22-46
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 76903

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:

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: [REDACTED]
(see back page for board criteria)

Education and/or Professional Licenses: B.A. International Relations at Saint

Current Municipal and Civic Organization Memberships (Positions & Dates): None

Previous Municipal Experience (Positions, Dates, Where): None

What personal qualifications can you bring to this board? Small business

What is your personal vision for the City? Keep in others equal

Why do you want to serve on this board? I think I can be a help to small business.

Anything else you would like for us to know? I have back ground w/ Boards but not with City of San Angelo

*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