



City Council Agenda 06/19/2018

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held on June 19, 2018 at 8:30 AM at the McNease Convention Center – South Meeting Room, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

1. Call to Order

2. Prayer and Pledge

3. Proclamations/Recognitions

- a. Recognition of the Tom Green County Hunger Initiative for the Kids Eat Free Summer Meal Program

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 June 5, 2018 City Council regular meeting minutes (Antilley)
- b. Consider a resolution authorizing two nonexclusive aerial easements appurtenant permitting encroachment of awning structures and lighting fixtures attached to building facades located at 30 and 32 North Chadbourne Street (J. James)
- c. Consider awarding RFB PUR-01-18 Work Uniforms and Apparel to Unifirst Corporation (San Angelo, TX) for one year with two additional one-year extensions, budgeted for purchase annually, and authorizing the City Manager to execute any related documents (Blake)
- d. Considering awarding RFP FS-11-18 Auctioneer Services to René Bates Auctioneers, Inc. and Lone Star Auctioneers and authorizing the City Manager to execute any related documents for online and live auctions (Kramer)
- e. Consider authorizing the City Manager to reject all bids received for RFB FS-12-18 Body Shop Repair (Kramer)
- f. Consider a resolution suspending for ninety days the proposed effective date for the rate increase provided in the filing made around June 1, 2018, by Atmos Energy for its Midtex Division (T. James)
- g. Second reading and adoption of an ordinance amending Chapter 2 "Administration," Article 2.7 "Boards, Committees and Commissions," Division 10 "Tax Increment Reinvestment Zone Board," Section 2.07.284 "Duties" (T. James)

6. Regular Agenda

- a. Report from the Convention & Visitors Bureau (CVB) and Chamber of Commerce Economic Development Council - (Presentations made by CVB Director Diann Bayes and Chamber Vice President for Economic Development Michael Looney)
- b. Public hearing and first reading of an ordinance amending Chapter 4 of the Code of Ordinances establishing Article 4.11 "Vacant Buildings" and amending Appendix A, Article 2.0 "Building & Construction Related Fees" creating a "Vacant and/or Boarded Building Certificate Fee" - (Presentation made by Planning & Development Services Director Jon James and Fire Chief Brian Dunn)
- c. Public hearing and first reading of an ordinance for Case SU18-01, a Special Use to allow for the placement of a manufactured home on a 2.5-acre property zoned Ranch and Estate (R&E) located at 5333 S. Gas Plant Road - (Presentation made by Planning & Development Services Director Jon James)
- d. First public hearing and consideration of an ordinance amending Chapter 10 "Traffic Control," Article 10.03 "Operation of Motor Vehicles", Section 10.03.035 "Lake Nasworthy and Twin Buttes", by amending the speed limit on a portion of Camper Road around Spring Creek Marina from 20 mph to 10 mph - (Presentation made by Parks and Recreation Director Carl White)
- e. Public hearing and first reading of an ordinance granting to Atmos Energy Corporation, a Texas and Virginia corporation, a franchise to construct, maintain, and operate pipelines and equipment in the City of San Angelo, Tom Green County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes - (Presentation made by City Engineer Russell Pehl)
- f. Second reading and adoption of an ordinance amending Article 2.07 "Boards, Committees and Commissions", Section 2.07.253 COSADC "Board of Directors" enacting term limits (T. James)
- g. Update on Sales Tax revenue performance - (Presentation made by Finance Director Tina Dierschke)

7. Follow Up and Administrative Issues

- a. Consider approving the following board nomination:
Zoning Board of Adjustments: Gary Cortese (Mayor-Regular) to an unexpired term (from Mayor-Alternate) ending January 2020
- b. Announcements and consideration of Future Agenda Items

8. 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 14th day of June 2018, at 11:55 a.m.

Bryan Kendrick, City Clerk

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

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

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

Recognition

The Texas Hunger Initiative is a collaborative effort- both statewide and locally. Our goal is to end hunger in Texas through policy, education, research, grassroots-organizing and community development.

San Angelo is one of eight Texas cities selected to have a regional office with the dual purpose of promoting child nutrition programs through local outreach and coordination and of working toward the creation of Hunger Free Communities Coalitions in the communities within our 23-county region. In Tom Green County more than one in four families with children had times during the last year when there was not enough money to buy food - that is 5,400 households in San Angelo.

The goal for the Tom Green County Hunger Initiative for 2018 is to feed more children during the summer when school is not in session. In San Angelo, over 8,600 students receive free or reduced meals when school is in session - more than 60% of all students.

After summer school ends in June, local churches, ministries, organizations, businesses, and numerous individuals have committed to provide meals in July and August at ten San Angelo neighborhood sites and one site in nearby Carlsbad.

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

The Tom Green County Hunger Initiative

for their achievement and positive determination to make a difference in our community through the Kids Eat Free Summer Meal Program.

In Witness Whereof, I have
hereunto set my hand and have
caused the Official Seal of the City
of San Angelo to be affixed this
19th day of June, 2018.

Brenda Gunter

Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, June 5, 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 8:33 a.m. on Tuesday, June 5, 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 Apostle Boone; and the pledges were led by Jennifer James 2nd grader at Santa Rita and daughter of Jon and Theresa James.

3. Proclamations/Recognitions

June was proclaimed as African American Heritage Month and June 19, 2018 was proclaimed as the Juneteenth 2018 Celebration

June 15-17, 2018 was proclaimed as San Angelo Lions Charities Balloonfest Weekend

The "Partnership Award" was presented to the City of San Angelo and to San Angelo Regional Airport-Mathis Field in recognition of their continued support of the Transportation Security Administration's mission

4. Public Comment

Jaimelee Tabor expressed concern over a civil matter regarding her apartment complex management. City Manager Daniel Valenzuela introduced Guy Andrews as the new Economic Development Director.

5. Consent Agenda

- a. Approval of the May 15, 2018 City Council regular meeting minutes
- b. Adoption of a resolution authorizing the sale of the following properties to Habitat for Humanity of San Angelo, a nonprofit corporation, for the purpose of Urban Redevelopment and authorize City Manager to execute all documents necessary for the conveyance:
 1. 1818 Brown St; Lot 10, Block 2, Leon Heights Addition
 2. 30 W 8th St; Lot 13, Block 30, Miles Addition (**Pg.219, 2018-068**)
- c. Approval of awarding WU-07-18 Liquid Sodium Hypochlorite for treatment purposes at the Water Reclamation Facility to DPC Industries (Sweetwater, TX) in the amount of \$65,100, budgeted for one (1) year with three (3) additional one (1) year term extensions, budgeted for purchase in FY2018, FY2019, FY2020, and FY2021 and authorizing the City Manager to execute any related documents

- d. Adoption of a resolution authorizing the City Manager, as the authorized official to apply for and accept a subrecipient grant award under the Homeland Security Grant Program from the Homeland Security Grants Division of the Governor's Office in the sum of \$80,000, which does not require matching funds (Pg. 220, 2018-069)
- e. Adoption of a resolution authorizing the City Manager, as the authorized official to apply for and accept a subrecipient grant award under the Homeland Security Grant Program from the Homeland Security Grants Division of the Governor's Office in the sum of \$5,000, which does not require matching funds (Pg. 221, 2018-070)
- f. Approval of acceptance by dedication deed right-of-way from adjacent property owners for the planned drainage project along Foster Road from West Loop 306 Ramp to River Valley Lane and authorizing the City Manager to sign all related documents
- g. Second reading and adoption of ordinances approving:
 - 1. Case CP18-03, an amendment to the Comprehensive Plan, changing the Future Land Use designation from "Industrial" to "Commercial," being 5 acres located at 1619 Roosevelt St **(Pg. 222, 2018-071)**
 - 2. Case Z18-08, a rezoning from the Single-Family Residential (RS-1) Zoning District to the General Commercial (CG) Zoning District, being 5 acres located at 1619 Roosevelt St **(Pg. 225, 2018-072)**
- h. Second reading and adoption of an ordinance for Case Z18-09 for a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Single-Family Residential (RS-1) Zoning District, being 3.03 acres located at 401, 405, and 409 West 34th Street (Pg. 228, 2018-073)

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

6. Regular Agenda

- a. Public hearing, discussion and deliberation on requested projects to be considered for funding with grant year 2018 Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) grant funds from the U.S. Department of Housing and Urban Development - (Presentation made by Neighborhood & Family Services Director Bob Salas)

No action was taken on this item.

- b. Update responding to May 1, 2018 questions asked regarding Fire Department funding and planning related to:
 - 1. New/Old Fire Station Number Four
 - 2. MOU with GAFB related to New ambulance with EMTs, Equipment and Supplies
 - 3. The plan to fund the Eight Firefighters after the expiration of the SAFER Grant
 - 4. The possibility of Fire Training being provided through a contract with GAFB
 - 5. Any mandated reason why Fire Trucks support all ambulance runs(Presentation made by Fire Chief Brian Dunn)

No action was taken on this item.

- c. Approval of first public hearing of an ordinance amending Chapter 2 "Administration," Article 2.7 "Boards, Committees and Commissions," Division 10 "Tax Increment Reinvestment Zone Board," Section 2.07.284 "Duties"- (Presentation made by City Attorney Theresa James)

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

- d. Approval of first public hearing of an ordinance amending Article 2.07 "Boards, Committees and Commissions", Section 2.07.253 COSADC "Board of directors" enacting term limits - (Presentation made by City Attorney Theresa James)

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

7. Closed Session

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

- a. Section 551.071(1)(A) consult with attorney when the governmental body seeks the advice of its attorney about pending or contemplated litigation regarding: Jacob Mediano vs. State of Texas, Jay Weatherby, Kelly Lajoie
- b. Section 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding: Ford Ranch
- c. Section 551.072 Deliberations about Real Property regarding Lake Nasworthy residential lease lots
- d. Section 551.072(2) consult with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding:
 - 1. The Replacement Economic Development Agreement with Hirschfeld Energy Systems, LLC, et al.
 - 2. Discussion related to legal counsel for water utility projects
- e. Section 551.087 to discuss an offer of financial or other incentives to companies with whom the City of San Angelo Development Corporation is conducting economic development negotiations and which the City of San Angelo Development Corporation seeks to have, locate, stay or expand in San Angelo

8. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session:

Motion: Council Member Hiebert made a motion, seconded by Council Member Thomas, to authorize the City Manager to negotiate and execute an agreement with Jason Hill to serve as legal counsel for water utility projects. The motion carried unanimously (7) ayes to (0) nays.

- b. Approval of the following board nomination:
City of San Angelo Development Corporation: Aaron Padilla (SMD3) to an unexpired term ending February 2019

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

- c. Consider the schedule for July City Council Meetings
City Clerk Bryan Kendrick presented information

Consensus: The City Council cancelled the normally scheduled Council Meeting for July 3, 2018 and set July 17, 2018 as the only meeting in July.

- d. Announcements and consideration of Future Agenda Items
Council Member Thomas noted an upcoming Town Hall meeting co-hosted with Council Member Gonzales to be held at 5:30pm June 12th in Council Chambers regarding the Bell Street Reconstruction project

9. Adjournment

Motion: Council Member Heibert made a motion, seconded by Council Member Thomas, 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 11:17 a.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: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: June 19, 2018

Item type: Consent Item

Caption:

Consider a resolution authorizing two nonexclusive aerial easements appurtenant permitting encroachment of awning structures and lighting fixtures attached to building facades located at 30 and 32 North Chadbourne Street (J. James)

Summary/History:

On March 23, 2017, the Design and Historic Review Commission (DHRC) approved the construction of new canopies and lights, as well as other exterior improvements, on the above referenced properties located in the River Corridor (RCC17-07 and RCC17-08). The approvals included a condition that the canopies and any other encroachment obtain a right-of-way encroachment approval from City Council. The light fixtures at 32 North Chadbourne Street will project approximately 18 inches from the wall of the building and are therefore part of the encroachment request. The new metal canopy at 30 North Chadbourne Street will be painted black and includes tiling and two sconce lights underneath. The canopy will be 4 feet wide by 20 feet long. The two fabric cloth canopies with metal framing at 32 North Chadbourne Street will be fire retardant, weather resistant, and will be black and white striped. Each of these canopies will be 4 feet wide by 5 feet long. All canopies and light fixtures will be located within the maximum encroachment area as shown on the attached survey and field notes, 102 square feet for each building, a total of 204 square feet. All canopies will also be setback 5'-2" from the back of street curb, allowing sufficient pedestrian and wheelchair access along the sidewalk.

The applicant has obtained a building permit from the Permits and Inspections Division for a façade remodel for 30 North Chadbourne Street. The remodel includes the canopy which is now complete. The finished canopy matches the colors and materials approved by the DHRC. No construction has taken place for 32 North Chadbourne Street and the applicant will require a building permit for these canopies. Permits and final inspections for improvements on both properties will be required, but cannot be obtained unless and until Council approves this request and the associated nonexclusive aerial easement appurtenances for the encroachment.

Financial Impact:

N/A

Other Information/Recommendation:

This request does not require a recommendation from the Planning Commission. On March 23, 2017, the Design and Historic Review Commission approved the design and materials for the construction of the canopies.

Attachments:

- | | |
|--------------------------|---|
| 1. Aerial Easement (#30) | PL__Aerial Easement (30 N Chadbourne St).docx |
| 2. Aerial Easement (#32) | PL__Aerial Easement (32 N Chadbourne St).docx |
| 3. Draft Resolution | PL__Resolution (30 & 32 N Chadbourne St).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

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's

**NONEXCLUSIVE AERIAL EASEMENT APPURTENANT
FOR ENCROACHMENT OF AWNING STRUCTURE**

Date: _____, 2018

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

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

Grantee: 12 N. CHADBOURNE, LLC, owner of the property located at 30 North
Chadbourne Street, San Angelo, Texas 76903

Grantee's Mailing Address: 1310 Mackenzie St., San Angelo, Tom Green County, Texas 76901

Dominant Estate Property: Lot 6, Harris Block of Main Part of San Angelo, Tom Green
County, Texas.

Subservient Property: Being 102.00 square feet located within the N. Chadbourne Street
public right-of-way adjacent and parallel to the west boundary line of Lot 6, Harris
Block of Main Part of San Angelo, Tom Green County, Texas, as more particularly
described and depicted in **Exhibit "A"** attached hereto and incorporated herein by
reference for all purposes (hereinafter referred to as the "Easement Property").

Aerial Easement: That certain vertical air space having a bottom plane to be **seven feet** above
the surface of the Easement Property and continuing upward and encompassing all
the airspace above the Easement Property to a top plane of **20 feet** above the surface
of the Subservient Property.

Easement Purpose: For the nonexclusive, sole, limited purpose of constructing, maintaining,
repairing, replacing and removing awnings, lighting and related structures and
appurtenances within said Aerial Easement to provide shade and weather shelter
for business patrons as well as the general public and serve as a favorable
architectural element for a recently renovated commercial building and storefront
located on the Dominant Estate Property. Upon abandonment of the physical use
for the Easement Purpose for a period of twenty-four (24) consecutive months or
more of any structure built within the Aerial Easement, said Aerial Easement shall
automatically expire and revert to Grantor, in which case Grantee shall proceed
with due diligence to remove any remnant improvements constructed or installed

within the Aerial Easement and restore the Aerial Easement area to its original state that existed on the date of this Easement.

Reservations from Conveyance: Grantor reserves all property rights to the Subservient Property and public street right-of-way not specifically granted to Grantee under this Aerial Easement and reserves the reversionary interest set forth hereinabove under “Easement Purpose”.

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

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance, grants, sells, and conveys to Grantee and Grantee’s successors and assigns for the Easement Purpose and no other, and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the “nonexclusive, appurtenant Aerial Easement”) to have and to hold the Aerial Easement to Grantee and Grantee’s successors and assigns forever. Grantor binds Grantor and Grantor’s successors and assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the extent that such claim arises by, through or under Grantor but not otherwise.

(signature page to follow)

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2018.

GRANTOR:
CITY OF SAN ANGELO

ATTEST:

Bryan Kendrick, City Clerk

By: _____
Daniel Valenzuela, City Manager

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2018, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

GRANTEE:
12 N. CHADBOURNE, LLC

By: _____
David Mazur, Managing Member

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me this ____ day of _____ 2018, by **DAVID MAZUR**, personally known to me (or proved to me on the basis of satisfactory evidence), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Managing Member of 12 N. CHADBOURNE, LLC, on behalf of said company for the purposes and considerations therein expressed.

Notary Public, State of Texas

EXHIBIT "A"
LEGAL DESCRIPTION OF EASEMENT PROPERTY
30 NORTH CHADBOURNE STREET
SAN ANGELO, TEXAS 76903

FIELD NOTES

Awning Easement (102 Square Feet)

December 29, 2017
17-E-1563

Being a Awning Easement in the right-of-way of North Chadbourne Street and adjoining Lot 6, Harris Block of Main Part of San Angelo, Tom Green County, Texas and said Awning Easement being more particularly described by metes and bounds as follows:

Beginning at the northeast corner of this Awning Easement in the west line of said Lot 6 and being 0.50 feet S. 20° 30' 00" E. from the northwest corner of said Lot 6 at a point of the common building wall and being in the east line of North Chadbourne Street;

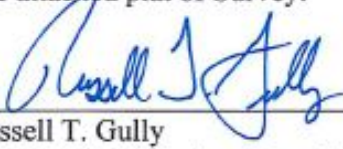
Thence with the east line of this Awning Easement and said North Chadbourne Street and the west line of said Lot 6, S. 20° 30' 00" E. 25.50 feet to the southeast corner of this Awning Easement at a point of the common building wall;

Thence with southerly line of this Awning Easement, S. 69° 30' 00" W. 4.00 feet to the southwest corner of this Awning Easement;

Thence with the west line of this Awning Easement in said North Chadbourne Street, N. 20° 30' 00" W. 25.50 feet to the northwest corner of this Awning Easement;

Thence with the north line of this Awning Easement in said North Chadbourne Street, N. 69° 30' 00" E. 4.00 feet to the place of beginning and containing an area of 102 Square Feet of land.

See attached plat of Survey.

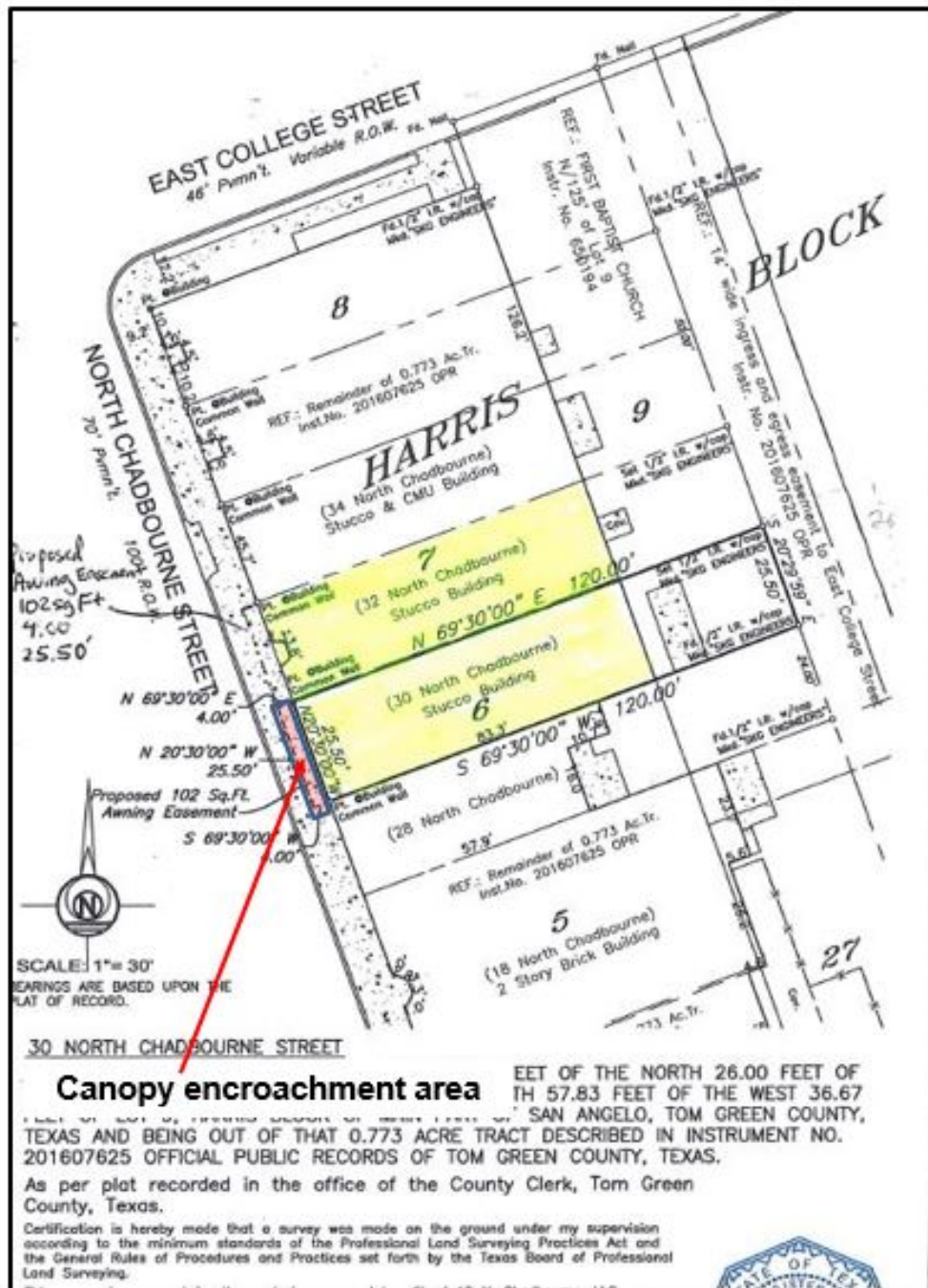


Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



EXHIBIT "A" SURVEY PLAT

Survey Plat



Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's

**NONEXCLUSIVE AERIAL EASEMENT APPURTENANT
FOR ENCROACHMENT OF AWNING STRUCTURE**

Date: _____, 2018

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

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

Grantee: 12 N. CHADBOURNE, LLC, owner of the property located at 30 North
Chadbourne Street, San Angelo, Texas 76903

Grantee's Mailing Address: 1310 Mackenzie St., San Angelo, Tom Green County, Texas 76901

Dominant Estate Property: Lot 7, Harris Block of Main Part of San Angelo, Tom Green
County, Texas.

Subservient Property: Being 102.00 square feet located within the N. Chadbourne Street public right-of-way adjacent and parallel to the west boundary line of Lot 7, Harris Block of Main Part of San Angelo, Tom Green County, Texas, as more particularly described and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter referred to as the "Easement Property").

Aerial Easement: That certain vertical air space having a bottom plane to be **seven feet** above the surface of the Easement Property and continuing upward and encompassing all the airspace above the Easement Property to a top plane of **20 feet** above the surface of the Subservient Property.

Easement Purpose: For the nonexclusive, sole, limited purpose of constructing, maintaining, repairing, replacing and removing awnings, lighting and related structures and appurtenances within said Aerial Easement to provide shade and weather shelter for business patrons as well as the general public and serve as a favorable architectural element for a recently renovated commercial building and storefront located on the Dominant Estate Property. Upon abandonment of the physical use for the Easement Purpose for a period of twenty-four (24) consecutive months or more of any structure built within the Aerial Easement, said Aerial Easement shall automatically expire and revert to Grantor, in which case Grantee shall proceed with due diligence to remove any remnant improvements constructed or installed

within the Aerial Easement and restore the Aerial Easement area to its original state that existed on the date of this Easement.

Reservations from Conveyance: Grantor reserves all property rights to the Subservient Property and public street right-of-way not specifically granted to Grantee under this Aerial Easement and reserves the reversionary interest set forth hereinabove under “Easement Purpose”.

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

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance, grants, sells, and conveys to Grantee and Grantee’s successors and assigns for the Easement Purpose and no other, and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the “nonexclusive, appurtenant Aerial Easement”) to have and to hold the Aerial Easement to Grantee and Grantee’s successors and assigns forever. Grantor binds Grantor and Grantor’s successors and assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the extent that such claim arises by, through or under Grantor but not otherwise.

(signature page to follow)

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2018.

GRANTOR:
CITY OF SAN ANGELO

ATTEST:

Bryan Kendrick, City Clerk

By: _____
Daniel Valenzuela, City Manager

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2018, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

GRANTEE:
12 N. CHADBOURNE, LLC

By: _____
David Mazur, Managing Member

STATE OF TEXAS §
COUNTY OF TOM GREEN §

This instrument was acknowledged before me this ____ day of _____ 2018, by **DAVID MAZUR**, personally known to me (or proved to me on the basis of satisfactory evidence), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Managing Member of 12 N. CHADBOURNE, LLC, on behalf of said company for the purposes and considerations therein expressed.

Notary Public, State of Texas

EXHIBIT "A"
LEGAL DESCRIPTION OF EASEMENT PROPERTY
32 NORTH CHADBOURNE STREET
SAN ANGELO, TEXAS 76903

Being an Awning Easement in the right-of-way of North Chadbourne Street and adjoining Lot 7, Harris Block of Main Part of San Angelo, Tom Green County, Texas, said Awning Easement being more particularly described as follows:

BEGINNING in the southeast corner of this Awning Easement in the west line of said Lot 7 and being at a point that is the southwest corner of Lot 7, at a point of the common building wall, and being in the east line of North Chadbourne Street;

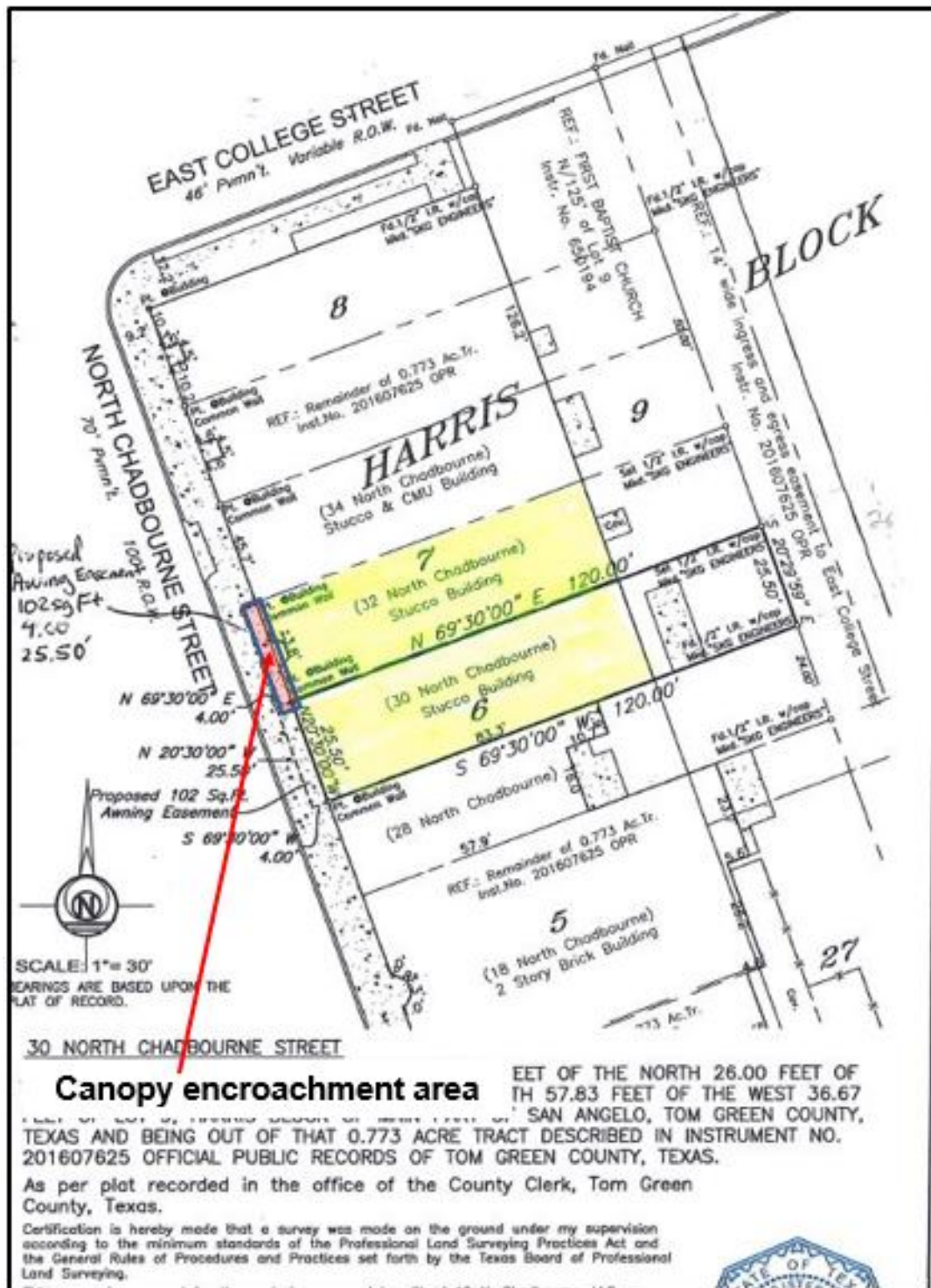
THENCE with the east line of this Awning Easement and said North Chadbourne Street and the west line of said Lot 6, northwesterly along the westerly boundary of said Lot 7 a distance of 25.50 feet to the northeast corner of this Awning Easement at a point of the common building wall;

THENCE with the northerly line of this Awning Easement, 4.00 feet at a right angle to the easterly boundary of said Awning Easement to the northwest corner of this Awning Easement;

THENCE with the west line of this Awning Easement in said North Chadbourne Street right-of-way, southeasterly parallel with the westerly boundary of said Lot 7 a distance of 25.50 feet to the southwest corner of this Awning Easement;

THENCE with the south line of this Awning Easement in said North Chadbourne Street right-of-way a distance of 4.00 feet to the point of beginning and containing an area of 102 square feet.

Survey Plat



**A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE NONEXCLUSIVE AERIAL EASEMENT
APPURTENANCES FOR ENCROACHMENT OF AWNING
STRUCTURES, BEING 102 SQUARE FEET EACH, LOCATED
WITHIN THE NORTH CHADBOURNE STREET PUBLIC RIGHTS-
OF-WAY AND ADJACENT TO 30 AND 32 NORTH CHADBOURNE
STREET, AND SUCH OTHER INSTRUMENTS AS MAY BE
NECESSARY OR CONVENIENT FOR CARRYING OUT SUCH
PURPOSES; AND, FINDING A PUBLIC PURPOSE AND BENEFIT
THEREIN**

WHEREAS, 12 N. Chadbourne, LLC, the applicant for license is the owner of certain commercial buildings commonly known as 30 and 32 North Chadbourne Street; San Angelo, Tom Green County, Texas,

WHEREAS, the applicant is restoring the building facades with canopies, lighting fixtures and related architectural elements, some of which will encroach upon the public right-of-way of North Chadbourne street as more particularly described and depicted in **Exhibits “A” and “B”**, attached hereto a; and,

WHEREAS, the encroaching improvements will serve as architectural elements to the existing buildings having brick and plaster façades, and would be beneficial to revitalization and development of the subject block of North Chadbourne Street and the downtown district; and,

WHEREAS, construction of the canopies and light fixtures will not result in view obstructions from street rights-of way as views from either direction of this block of North Chadbourne Street are relatively flat in elevation, devoid of vegetation and other visual obstructions; and,

WHEREAS, the pavement width of North Chadbourne Street, an arterial street, measures 70 feet, and whereas there are no plans to widen this street given the existing building projects to these property lines; and,

WHEREAS, the City Council has determined that the granting of the application for nonexclusive aerial easements appurtenant for encroachment of the designated building façade improvement as described and depicted more particularly in **Exhibits “A” and “B”**, will be in the public interest and benefit:

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

1. All of the foregoing recitals are found to be true and correct and are incorporated herein and made a part of this resolution.

2. The City Council of the City of San Angelo, Texas, hereby determines that there is a public necessity for, and the public welfare and convenience will be served by granting of the application made by **12 N. Chadbourne, LLC**, for nonexclusive aerial easements appurtenant for encroachment of awning, lighting and related improvements in the restoration of building facades at 30 and 32 North Chadbourne Street, within the North Chadbourne Street public rights-of-way, as more particularly described and depicted in **Exhibits "A" and "B"**.

3. The City Manager or his designee is hereby authorized to negotiate and execute on behalf of the City of San Angelo nonexclusive aerial easements appurtenant for encroachment of awning, lighting and related improvements in the restoration of building facades by **12 N. Chadbourne, LLC**, at 30 and 32 North Chadbourne Street, within the North Chadbourne Street public rights-of-way as described and depicted more particularly in **Exhibits "A" and "B"** attached hereto, and to execute such other instruments as may be necessary or convenient for carrying out such purposes.

PASSED and APPROVED THIS _____ DAY OF _____, 2018.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

Attest:

Bryan Kendrick, City Clerk

Approved As to Form:

Approved As to Content:

Theresa James, City Attorney

Jon James, AICP, Director of Planning
and Development Services

EXHIBIT "A"
Page 1 of 3
LEGAL DESCRIPTION OF EASEMENT PROPERTY
30 N. Chadbourne Street
San Angelo, TX 76903

FIELD NOTES

Awning Easement (102 Square Feet)

December 29, 2017
17-E-1563

Being a Awning Easement in the right-of-way of North Chadbourne Street and adjoining Lot 6, Harris Block of Main Part of San Angelo, Tom Green County, Texas and said Awning Easement being more particularly described by metes and bounds as follows:

Beginning at the northeast corner of this Awning Easement in the west line of said Lot 6 and being 0.50 feet S. 20° 30' 00" E. from the northwest corner of said Lot 6 at a point of the common building wall and being in the east line of North Chadbourne Street;

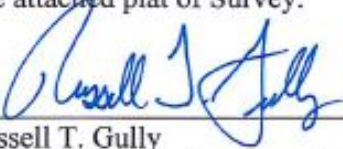
Thence with the east line of this Awning Easement and said North Chadbourne Street and the west line of said Lot 6, S. 20° 30' 00" E. 25.50 feet to the southeast corner of this Awning Easement at a point of the common building wall;

Thence with southerly line of this Awning Easement, S. 69° 30' 00" W. 4.00 feet to the southwest corner of this Awning Easement;

Thence with the west line of this Awning Easement in said North Chadbourne Street, N. 20° 30' 00" W. 25.50 feet to the northwest corner of this Awning Easement;

Thence with the north line of this Awning Easement in said North Chadbourne Street, N. 69° 30' 00" E. 4.00 feet to the place of beginning and containing an area of 102 Square Feet of land.

See attached plat of Survey.



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



EXHIBIT "A"
Page 2 of 3
LEGAL DESCRIPTION OF EASEMENT PROPERTY
32 N. Chadbourne Street
San Angelo, TX 76903

Being an Awning Easement in the right-of-way of North Chadbourne Street and adjoining Lot 7, Harris Block of Main Part of San Angelo, Tom Green County, Texas, said Awning Easement being more particularly described as follows:

BEGINNING in the southeast corner of this Awning Easement in the west line of said Lot 7 and being at a point that is the southwest corner of Lot 7, at a point of the common building wall, and being in the east line of North Chadbourne Street;

THENCE with the east line of this Awning Easement and said North Chadbourne Street and the west line of said Lot 6, northwesterly along the westerly boundary of said Lot 7 a distance of 25.50 feet to the northeast corner of this Awning Easement at a point of the common building wall;

THENCE with the northerly line of this Awning Easement, 4.00 feet at a right angle to the easterly boundary of said Awning Easement to the northwest corner of this Awning Easement;

THENCE with the west line of this Awning Easement in said North Chadbourne Street right-of-way, southeasterly parallel with the westerly boundary of said Lot 7 a distance of 25.50 feet to the southwest corner of this Awning Easement;

THENCE with the south line of this Awning Easement in said North Chadbourne Street right-of-way a distance of 4.00 feet to the point of beginning and containing an area of 102 square feet.

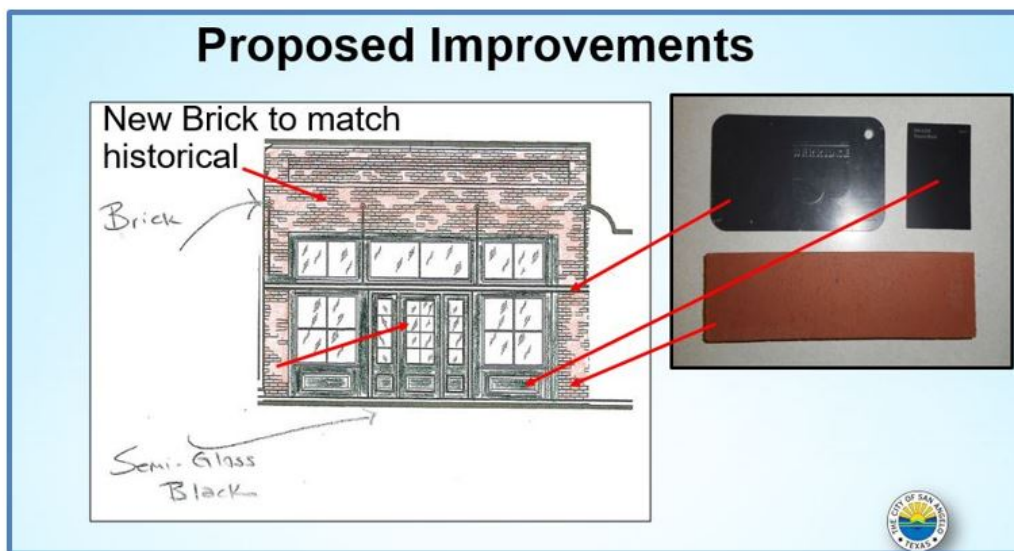
EXHIBIT A
PLAN VIEW
Page 3 of 3 pages



EXHIBIT B
ELEVATION VIEW OF EASEMENT PROPERTIES

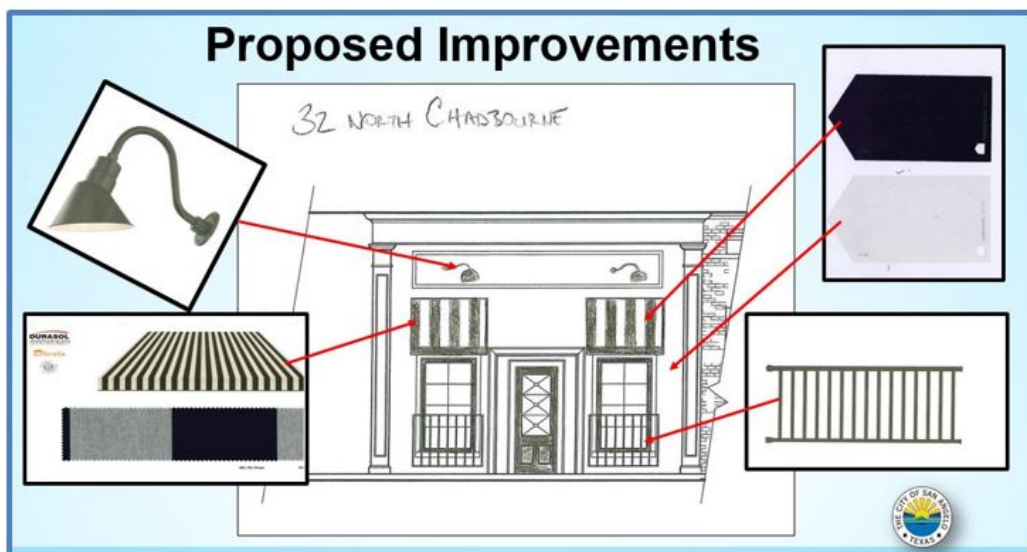
30 NORTH CHADBOURNE STREET

Approved by DHRC (March 23, 2017)



32 NORTH CHADBOURNE STREET

Approved by DHRC (March 23, 2017)



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Candice Blake, Purchasing Manager, Purchasing, 325-657-4439

Meeting Date: June 19, 2018

Item type: Consent Item

Caption:

Consider awarding RFB PUR-01-18 Work Uniforms and Apparel to Unifirst Corporation (San Angelo, TX) for one year with two additional one-year extensions, budgeted for purchase annually, and authorizing the City Manager to execute any related documents (Blake)

Summary/History:

The City will provide uniforms to eligible employees at hire, or at directors' discretion, who:

A. Work in a customer service environment that deals primarily with the public (e.g., Municipal Court, Water Billing) or in an enforcement role (e.g., Code Enforcement, Lake and Park Patrol, Airport Security).

B. Or, those who are at significant risk of damaging their personal clothing; and,

i. Provide services on City streets, right-of-way and green spaces (e.g., Parks, Water Utilities, Operations); or,

ii. Work in positions with a significant amount of contact with the public in non-office settings (e.g., Recreation, Animal Services); or,

iii. Provide services across City divisions or at various City locations (e.g., Fleet Services, Building Maintenance).

This bid includes the most common uniform items purchased by City departments with a percentage discount off of catalog items not included in the original bid. Departments are restricted on the uniforms item types that they can purchase based on an internal policy.

The City solicited bids from eleven (11) vendors. Bids have been received from two (2) vendors.

Financial Impact:

Budgeted annually by the individual departments.

Other Information/Recommendation:

Staff recommends that the bid be awarded to Unifirst Corporation, and the City Manager be authorized to execute the any related documents.

Attachments:

1. PUR-01-18 Bid Tab PUR-01-18 Bid Tab.pdf

Presentation:

Approvals/Reviews:

Candice Blake

Created/Initiated

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



CITY OF SAN ANGELO

RFB Bid Tabulation * PUR-01-18/ Work Uniforms and Apparel

6/6/2018 at 2:00 p.m.

Description	Unifirst		Ameripride Linen & Apparel		
	Short Sleeve	Long Sleeve	Short Sleeve	Long Sleeve	
Work Uniform Shirt	\$ 11.39	\$ 11.99	\$ 13.00	\$ 13.50	4X - up + 25% mark up
Oxford-style Shirt	\$ 13.19	\$ 14.39	\$ 16.29	\$ 16.25	
Executive-style Shirt	\$ 15.59	\$ 16.79	\$ 16.29	\$ 16.75	
Polo-style Shirt	\$ 13.19	\$ 16.80	\$ 15.10	\$ 15.10	
T-shirt	\$ 5.99		\$ 9.89	\$ 11.67	
Work Pants	\$ 13.19		\$ 14.75		52 waist - up + 25% mark up
Jeans	\$ 19.79	\$ 15.59	\$ 15.19		
Shorts	\$ 11.99		\$ 13.79		
Light Jacket	\$ 28.80		\$ 33.75		
Heavy Jacket	\$ 41.40		\$ 37.95		
Rain Jacket	\$ 29.99		\$ 13.15		
Coveralls	\$ 19.79		\$ 23.07		
Caps	\$ 4.19	\$ 8.39	\$ 8.00		
City of San Angelo Seal Embroidery - one color	\$ 3.50		\$ 3.50		
City of San Angelo Embroidery (jeans only) - one color	\$ 3.50		\$ 3.50		
Patch	\$ 3.00		\$ 3.00		
Screen Printing	\$ 3.00		\$ 4.00		
Percentage discount off of catalog items not listed above	30%		25%		
Delivery days after receipt of Purchase Order	30		30		
Piggy Back	No		No		
Co-op	No		No		
Payment Terms	Net 30		Net 27		

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 19, 2018

Item type: Consent Item

Caption:

Considering awarding RFP FS-11-18 Auctioneer Services to René Bates Auctioneers, Inc. and Lone Star Auctioneers and authorizing the City Manager to execute any related documents for online and live auctions (Kramer)

Summary/History:

Fleet Services requested proposals for auctioneer services for the purpose of disposing of surplus property including, but not limited to, fleet equipment and miscellaneous items. The most recent contract for this service was awarded for both online and live auctions, however, the live auction option was not used. Moving forward, staff does recommend that an award for both online and live auctions be maintained for continued flexibility in disposal methods.

Based on the four (3 out of town, 1 local) proposals submitted, it is recommended that the online auction services and live auction services be divided and awarded to the highest ranking proposal for each auction type.

Staff recommends award of the online auction service to René Bates Auctioneers, Inc. (McKinney, TX) and the live auction service to Lone Star Auctioneers, Inc. (Fort Worth, TX) for a term not to exceed 5 total years (initial 1-year term, 4 additional 1-year extensions available). If negotiations fail with one, both auction types will be negotiated with the other.

Funds from auction proceeds are generally deposited back into the Fund of the original expense. The anticipated revenue is budgeted each year within each fund as needed. Auction expenses are paid to the auctioneer through a commissioned rate or buyer's premium. This means that the City does not expense funds directly to the auctioneer, therefore does not budget for that expense.

Financial Impact:

Revenue will be estimated based upon projected sales volume. Expenses for this service are paid through the sale of the item based on the negotiated commission.

Other Information/Recommendation:

Staff recommends awarding RFP FS-11-18 Auctioneer Services to René Bates and Lonestar Auctioneers and authorizing the City Manager to execute any related documents for online and live auctions.

Attachments:

- | | |
|---------------------------------------|--|
| 1. Ranking Worksheet | Ranking Worksheet.pdf |
| 2. Auctioneer Services Memo - revised | Auctioneer Services Memo - revised.pdf |

Presentation:

Approvals/Reviews:

Ryan Kramer	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

Ranking Worksheet
RFP Acknowledgment * FS-11-18/ Auctioneer Services

Committee Member: Kimberly Holle		Braden & Sons Auctions	Lone Star Auctioneers	Rene Bates Auctioneers	GovDeals
Category	Max Pts				
Fee Schedule	15	12.00	12.00	14.00	12.00
Staff Qualifications and Organization Experience	50	25	50	50	0
Overall approach and methodology to be used to accomplish the RFP requirements	20	10	20	20	10
References	10	5	10	10	10
Completeness and conformity of the reply to the RFP	5	2	5	5	0
Total Score	100	54.00	97.00	99.00	32.00

Committee Member: Ryan Kramer		Braden & Sons Auctions	Lone Star Auctioneers	Rene Bates Auctioneers	GovDeals
Category	Points				
Fee Schedule	15	13.00	12.00	15.00	14.00
Staff Qualifications and Organization Experience	50	48	49	50	0
Overall approach and methodology to be used to accomplish the RFP requirements	20	17	19	20	18
References	10	7	9	10	8
Completeness and conformity of the reply to the RFP	5	1	5	5	5
Total Score	100	86.00	94.00	100.00	45.00

Committee Member: Patrick Frerich		Braden & Sons Auctions	Lone Star Auctioneers	Rene Bates Auctioneers	GovDeals
Category	Points				
Fee Schedule	15	15.00	15.00	15.00	10.00
Staff Qualifications and Organization Experience	50	50	50	50	50
Overall approach and methodology to be used to accomplish the RFP requirements	20	20	20	20	20
References	10	10	5	10	10
Completeness and conformity of the reply to the RFP	5	2	5	5	2
Total Score	100	97.00	95.00	100.00	92.00

Committee Member Summary		Total Points				
Category						
Fee Schedule	45	40.00	39.00	44.00	36.00	
Staff Qualifications and Organization Experience	150	123	149	150	50	
Overall approach and methodology to be used to accomplish the RFP requirements	60	47	59	60	48	
References	30	22	24	30	28	
Completeness and conformity of the reply to the RFP	15	5	15	15	7	
Total Score	300	237.00	286.00	299.00	169.00	
Ranking		3	2	1	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



MEMORANDUM

To: Candice Blake, Purchasing Manager
CC: Shane Kelton; Patrick Frerich
From: Ryan Kramer / Fleet Services
Date: June 11, 2018
Subject: Auctioneer Services RFP FS-11-18

After reviewing the four proposals submitted for Auctioneer Services for surplus property, the three person committee (consisting of myself, Kimberly Holle – Budget Coordinator, and Patrick Frerich, Assistant Director of Operations) scored the proposals as indicated below:

1. René Bates Auctioneers, Inc. – 299 Points. René Bates auctioneers provided a thorough proposal which included many references and examples of quality experience in providing auction services to government entities. While also being our most recent contracted auctioneer, the proposal received by this company reflects an extremely high knowledge of the auction market. Their proposal included a proposal for live auctions, but lacked a clear fee schedule. The committee recommends awarding the online auction services to Rene' Bates Auctioneers.
2. Lone Star Auctioneers, Inc. – 286 Points. Lone Star Auctioneers provided a thorough proposal including all requested items. Their methodology of charging a buyer's premium is believed by the committee to discourage bidding, thus reducing net proceeds. Overall, a complete proposal with quality experience. The submittal included a proposal for live auctions, and even with the buyer's premium included, the committee agrees that Lone Star Auctioneers to be the best choice for live auctions and recommends this award.
3. Braden and Sons Auctions – 237 Points. Braden and Sons Auction was the only submittal from a local auction company. This auction company has been in our area for several years holding auctions, however, the experience they provided through references in their proposal did not show significant involvement with government entities. The submitted proposal was not as informative as the other submittals leaving many questions and unclear methodology. The information provided for the online auctions shows that this is done using an alternate web service.
4. GovDeals, Inc. – 169 Points. GovDeals is an out-of-state respondent who provides auction services only through an online application. Their submittal was complete, but lacked a major requirement within the RFP of holding/maintaining a Texas auctioneer's license. The other drawbacks of their proposal included the City being given tax

dollars collected from the sale of items, which would then require that the City be responsible for submitting these fees properly. The self-serve internet posting for auction items was not as hands on and involved as the other respondents proposed. References contacted provided good overall experiences, but the committee does not believe this outweighs the previously listed burdens placed on the City.

In summary, as a result of the rankings, the committee recommends award of online auction services to René Bates Auctioneers, Inc. of McKinney, TX and live auction services to Lone Star Auctioneers, Inc. of Fort Worth, TX. If negotiations fail with one, both auction types will be negotiated with the other.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 19, 2018

Item type: Consent Item

Caption:

Consider authorizing the City Manager to reject all bids received for RFB FS-12-18 Body Shop Repair (Kramer)

Summary/History:

Bids were requested for autobody repair and service as a non-exclusive bid. Fleet Services staff completes approximately 300 accident repair work orders in a given year. These work orders include all accident related damages from minor dent and scratch repair to major collision repair. This grouping also includes at-fault and not-at-fault accidents. Currently, Fleet Services out-sources all body repairs to local autobody repair facilities. With the expectation for reduced downtime, the contracted body shops are charged with expedited turn-around time for these repairs. Because of this need, an absolute minimum of three contracted vendors is needed to sustain the work load, and do so in a timely manner.

For RFB FS-12-18 Body Shop Repair, only two local responses were received. While these responses are completely valid and work-able, additional vendors are needed in order to continue to complete body repairs quickly. Therefore, it is recommended that the bids received for this RFB be rejected.

If rejection is approved, staff will pursue individual service contracts with interested vendors that meet our requirements. These contracts will be presented to Council at a future date for consideration. This change will allow for fluctuation of contracted vendors as required by repair quantities or vendor contract cancellation.

Financial Impact:

There will be no fiscal impact for rejecting bids for this RFB.

Other Information/Recommendation:

Staff recommends rejecting all bids received for RFB FS-12-18, Body Shop Repair.

Attachments:

Presentation:

Approvals/Reviews:

Ryan Kramer
Patrick Frerich
Shane Kelton
Theresa James
Anthony Wilson

Created/Initiated
Approved
Approved
Approved
Approved

Candice Blake
Tina Dierschke
Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Theresa James, City Attorney, Legal, X1413

Meeting Date: June 19, 2018

Item type: Consent Item

Caption:

Consider a resolution suspending for ninety days the proposed effective date for the rate increase provided in the filing made around June 1, 2018, by Atmos Energy for its Midtex Division (T. James)

Summary/History:

On or about June 1, 2018, Atmos Energy Corporation ("Atmos") filed a statement of intent with members of the coalition of cities known as the Atmos Texas Municipalities ("ATM") comprised of about 50 cities, of which the city is a member, to increase rates by approximately \$4.5 million. This equates to an increase of about 8% in annual non-gas-cost revenue in the ATM cities. On a system-wide basis, Atmos' proposed increase would be the equivalent of about \$46.0 million. This equates to an increase in annual revenue of about 7.3%.

Atmos proposes to ***increase base rates for residential customers*** and to ***decrease base rates for commercial customers***. The effect on a customer's bill under Atmos' proposed rates is as follows:

Class of Customer	Change in Average Bill (including cost of gas)
Residential – Rate R	4.82% increase
Commercial – Rate C	1.35% decrease
Industrial – Rate I	2.14% decrease
Transportation – Rate T	2.33% decrease

Atmos proposes an effective date of July 6, 2018 for its change in rates. The proposed resolution related to Atmos' application to increase rates, if adopted, suspends Atmos' proposed effective date for the statutory time period of 90 days, to October 4, 2018.

Financial Impact:

Other Information/Recommendation:

Attachments:

1. ATM_ATMOS_2018_RATE_INCREASE_SUSP_MEMO ATM_ATMOS_2018_RATE_INCREASE_SUSP_MEMO.doc
2. ATM_ATMOS_2018_RATE_INCREASE_SUSP_RESO ATM_ATMOS_2018_RATE_INCREASE_SUSP_RESO.doc

Presentation:

Theresa James

Approvals/Reviews:

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

AGENDA INFORMATION SHEET
ITEM NO. _____

**SUSPENSION OF ATMOS ENERGY'S PROPOSED EFFECTIVE DATE
FOR ITS PROPOSED INCREASE IN RATES**

BACKGROUND

On or about June 1, 2018, Atmos Energy Corporation ("Atmos" or "Company") filed a Statement of Intent with members of the coalition of cities known as the Atmos Texas Municipalities ("ATM") comprised of about 50 cities, of which the City is a member, to increase rates by approximately \$4.5 million, which equates to an increase of about 8% in annual non-gas-cost revenue in the ATM cities. On a system-wide basis, Atmos's proposed increase would be the equivalent of about \$46.0 million; this equates to an increase in annual revenue of about 7.3%.

Atmos proposes an effective date of July 6, 2018 for its change in rates. As is explained below, the proposed resolution related to Atmos's application to increase rates, if adopted, suspends Atmos's proposed effective date for the statutory time period of 90 days, to October 4, 2018.

BILL IMPACT:

Atmos proposes to *increase base rates for residential customers* and to *decrease base rates for commercial customers*. The effect on a customer's bill under Atmos's proposed rates is as follows:

Class of Customer	Change in Average Bill (excluding cost of gas)
Residential – Rate R	11.15% increase
Commercial – Rate C	4.22% <i>decrease</i>
Industrial – Rate I	12.39% <i>decrease</i>
Transportation – Rate T	12.39% <i>decrease</i>

Class of Customer	Change in Average Bill (including cost of gas)
Residential – Rate R	4.82% increase
Commercial – Rate C	1.35% <i>decrease</i>
Industrial – Rate I	2.14% <i>decrease</i>
Transportation – Rate T	2.33% <i>decrease</i>

REVENUE IMPACT:

Assuming Atmos's proposed increase is approved, the effect on the percentage change in *revenue* for each customer class is shown below:

Class of Customer	Change in Revenue (excluding cost of gas)
Residential – Rate R	11.18% increase
Commercial – Rate C	5.17% decrease
Industrial – Rate I	9.20% decrease
Transportation – Rate T	9.20% decrease

CURRENT BASE RATES VERSUS PROPOSED BASE RATES:

Atmos proposes to increase the fixed customer charge for the Residential class, while charges based on consumption would be reduced. For commercial customers, Atmos proposes a decrease in the customer charge and the commodity charge. The table below shows Atmos's current base rates and its proposed base rates:

Rate R - Residential		Current	Proposed	\$ Change	% Change
	Customer Charge per month	\$18.35	\$20.25	\$1.90	10.35%
	Consumption Charge (per CCF)	\$ 0.13734	\$0.15701	\$0.01967	14.32%
Rate C - Commercial					
	Customer Charge per month	\$41.95	\$41.85	<\$0.10>	<0.24%>
	Consumption Charge (per CCF)	\$0.08746	\$0.07729	<\$0.01017>	<11.63%>
Rate I & T – Industrial & Transportation					
	Customer Charge per month	\$752.00	\$752.00	\$0.00	0.0%
	Consumption Charge (per MMBTU):				
	First 1,500	\$0.3172	\$0.2390	<\$0.07820>	<24.65%>
	Next 3,500	\$0.2322	\$0.1901	<\$0.04210>	<18.13%>
	Over 5,000	\$0.0498	\$0.0498	\$0.00000	0.0%

Because of the material increase to the Residential class and decreases to the commercial and industrial and transportation classes, the City should evaluate Atmos's proposed allocation of costs to the customer classes.

Atmos's application represents its first general rate case since 2012 (GUD No. 10170). Prior to this filing, Atmos sought annual increases in rates pursuant to the Rate Review Mechanism ("RRM"). However, the RRM tariff has since expired, thus necessitating

Atmos's application. Note that Atmos is seeking an increase in rates in those cities that continued the RRM tariff.

ACTION REQUIRED BY July 6, 2018

The City must take action on Atmos's Statement of Intent before July 6, 2018. Absent such action, Atmos's rates are deemed approved by operation of law.

ATMOS TEXAS MUNICIPALITIES

The Atmos Texas Municipalities ("ATM") was organized by a number of municipalities, served by Atmos. Alfred R. Herrera with the law firm of Herrera Law & Associates, PLLC, has previously represented the City as part of ATM in rate cases involving Atmos.

CITY JURISDICTION TO SET ATMOS'S RATES

Unless a city ceded its original jurisdiction to the Railroad Commission of Texas, the Gas Utility Regulatory Act § 103.001 grants a city exclusive original jurisdiction over a gas utility's rates, services, and operations within the city limits. But even if a city has ceded its jurisdiction, to the Railroad Commission, the Gas Utility Regulatory Act § 103.023, grants a city the statutory right to participate in rate proceedings before the Railroad Commission.

RATE CASE EXPENSES

Cities by statute are entitled to recover their reasonable rate case expenses from the utility. See Gas Utility Regulatory Act § 103.022. Legal counsel and consultants approved by ATM will submit monthly invoices to the coalition-designated city that will be forwarded to Atmos for reimbursement; the City of Longview has served in that capacity for several years. No individual city's budget is negatively affected.

SUSPENSION

Atmos's rate-filing package is voluminous containing thousands of pages of data. In order to have time to review the rate-filing package, the Council is requested to suspend Atmos's proposed effective date for ninety (90) days as provided by GURA. It is a virtual impossibility for the City to set just and reasonable rates without suspending the rate request for ninety days; suspension of Atmos's proposed effective date will permit its special regulatory counsel and experts an opportunity to perform a better review of Atmos's application. Further, should Atmos's notice prove to be deficient, then the statutory period would be extended; also by agreement between the City and Atmos, the statutory suspension period may be extended.

RECOMMENDATION

It is recommended that the City continue its participation in the Atmos Texas Municipalities and retain the law firm of Herrera Law & Associates, PLLC to represent the City's interest in matters related to Atmos's rate case and to advise the City with regard to Atmos's application, and that, if Atmos either submits its application to the Railroad Commission of Texas, or appeals the City's final decision to the Railroad Commission, the City intervene in the proceeding before the Railroad Commission of Texas, should such proceedings develop, and court appeals, if any.

The recommendation is also to suspend Atmos's proposed effective date of July 6, 2018, for its proposed increase in rates as set forth in Atmos's Statement of Intent for 90 days. Assuming Atmos's notice meets the statutory criteria for sound notice, the suspension period runs until October 4, 2018.

The City must take action no later than July 6, 2018. If the City does not take action by July 6, 2018, Atmos's proposed rates will be deemed approved by operation of law, subject to the City's right to hold a hearing to address Atmos's rate application.

RESOLUTION NO. _____

**RESOLUTION BY THE CITY OF SAN ANGELO, TEXAS
("CITY") SUSPENDING THE EFFECTIVE DATE FOR NINETY
DAYS IN CONNECTION WITH THE RATE INCREASE FILING
MADE ON ABOUT ON JUNE 1, 2018 BY ATMOS ENERGY FOR
ITS MIDTEX DIVISION; FINDING THAT THE MEETING
COMPLIES WITH THE OPEN MEETINGS ACT; MAKING
OTHER FINDINGS AND PROVISIONS RELATED TO THE
SUBJECT; AND DECLARING AN EFFECTIVE DATE**

WHEREAS, Atmos Energy ("Atmos" or "Company") filed a Statement of Intent with the City on or about June 1, 2018, to increase its annual revenue by approximately \$4.5 million in the cities known as Atmos Texas Municipalities ("ATM"), which equates to an increase in annual revenue of approximately 8.0 percent, and is the equivalent of an increase of about \$46.0 million on a system-wide basis; and

WHEREAS, the City is a regulatory authority under the Gas Utility Regulatory Act ("GURA") and under Chapter 104, §103.001 et seq. of GURA has exclusive original jurisdiction over Atmos's rates, operations, and services within the municipality; and

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing and investigating Atmos's rate request and its changes in tariffs it is prudent to coordinate the City's efforts with a coalition of similarly situated municipalities; and

WHEREAS, the City, in matters regarding applications by Atmos to change rates, has in the past joined with other local regulatory authorities to form an alliance of cities known as Atmos Texas Municipalities ("ATM"), and hereby continues its participation in ATM; and

WHEREAS, Atmos's rate request consists of a voluminous amount of information including Atmos's rate-filing package, exhibits, schedules, and workpapers; and

WHEREAS, Atmos's rate application is the Company's first general rate case since about 2012, and follows annual increases approved under the now-expired tariff known as the "Rate Review Mechanism" ("RRM"); and

WHEREAS, Atmos proposed July 6, 2018, as the effective date for its requested increase in rates; and

WHEREAS, it is not reasonably possible for the City to complete its review of Atmos's filing by July 6, 2018; and

WHEREAS, the City will need an adequate amount of time to review and evaluate Atmos's rate application to enable the City to adopt a final decision as a local regulatory authority with regard to Atmos's requested rate increase.

WHEREAS, the City will require the assistance of specialized legal counsel and rate experts to review the merits of Atmos's application to increase rates; and

WHEREAS, if Atmos submits a corresponding application with the Railroad Commission of Texas or appeals the City's action to the Railroad Commission of Texas, the decision of the Railroad Commission of Texas will have a direct impact on the City and its citizens who are customers of Atmos, and in order for the City's participation to be meaningful it is important that the City intervene in any such proceedings at the Railroad Commission of Texas related to Atmos's application to increase rates.

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

Section 1. The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

Section 2. Atmos's proposed effective date for its proposed increase in rates is hereby **SUSPENDED** for ninety days beyond July 6, 2018.

Section 3. The statutory suspension period may be further extended if Atmos does not provide timely and meaningful, and proper public notice of its request to increase rates, if its rate-filing package is materially deficient, or by agreement.

Section 4. The City shall participate in a coalition of cities known as the Atmos Texas Municipalities (“ATM”), and authorizes intervention in proceedings related to Atmos’s Statement of Intent before the Railroad Commission of Texas and related proceedings in courts of law; and

Section 5. The City hereby orders Atmos to reimburse the City’s rate case expenses consistent with the Gas Utility Regulatory Act and that Atmos shall do so on a monthly basis and within 30 days after submission of the City’s invoices for the City’s reasonable costs associated with the City’s activities related to this rate review or related to proceedings involving Atmos before the City, the Railroad Commission of Texas, or any court of law.

Section 6. Subject to the right to terminate employment at any time, the City retains and authorizes the law firm of Herrera Law & Associates, PLLC to act as Special Counsel with regard to rate proceedings involving Atmos before the City, the Railroad Commission of Texas, or any court of law, and to retain such experts as may be reasonably necessary for review of Atmos’s rate application subject to approval by the steering committee of the ATM.

Section 7. The City, in coordination with the Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to Atmos for reimbursement.

Section 8. A copy of this resolution shall be sent to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 816 Congress Ave., Suite 950, Austin, Texas 78701, and a courtesy copy to Atmos’s local representative.

Section 9. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 10. This resolution shall become effective from and after its passage.

PASSED AND APPROVED this 19th day of June, 2018.

Brenda Gunter, Mayor

ATTEST:

Bryan Kendrick, City Secretary

APPROVED AS TO CONTENT

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bryan Kendrick, City Clerk, City Clerk,

Meeting Date: June 19, 2018

Item type: Regular Item

Caption:

Second reading and adoption of an ordinance amending Chapter 2 "Administration," Article 2.7 "Boards, Committees and Commissions," Division 10 "Tax Increment Reinvestment Zone Board," Section 2.07.284 "Duties" (T. James)

Summary/History:

- 2006 The TIRZ was created
- 2008 The TIRZ Board was established
- 2016 The TIRZ Board was re-established and assumed some duties of the former Downtown Development Commission

There is a desire to removed the duties that were assumed in 2016. This ordinance deletes provisions added in 2016 that delegated duties of the former Downtown Development Commission to the TIRZ Board.

Financial Impact:

There is no direct fiscal impact.

Other Information/Recommendation:

Staff Recommends Adoption of the Ordinance.

Attachments:

- | | |
|---|--|
| 1. 2008 Codified Version TIRZ Ordinance | 2008 Codified Version TIRZ Ordinance.pdf |
| 2. 18-620 TIRZ ORDINANCE AMENDMENT | 18-620 TIRZ ORDINANCE AMENDMENT.docx |

Presentation:

Approvals/Reviews:

Bryan Kendrick
Theresa James
Becky Dunn
Bryan Kendrick

Created/Initiated
Approved
Approved
Final Approval

ARTICLE 2.4300 TAX INCREMENT REINVESTMENT ZONE BOARD***Sec. 2.4301 Created**

There is hereby created within the city a **tax increment** reinvestment zone board. Said board shall be composed of fifteen (15) members. The members shall be appointed as follows:

- (1) Five (5) shall be appointed by the city council from those who own property within the zone of which four (4) shall reside within single member districts (SMD) #2, #3, #4, and #5 respectively;
- (2) One (1) shall be appointed by the county commissioners from those who own property within the zone;
- (3) Three (3) shall be appointed by the city council from those who own businesses within the zone;
- (4) Two (2) shall be appointed by the county commissioners from those who own businesses within the zone;
- (5) One (1) member shall be appointed by the county;
- (6) One (1) member shall be appointed by Goodfellow Air Force Base;
- (7) One (1) member shall be appointed by Angelo State University; and
- (8) One (1) member shall be appointed by San Angelo Independent School District.

Sec. 2.4302 Qualifications

All members shall be:

- (1) A qualified voter of the city; or
- (2) At least 18 years of age and own real property in the zone, whether or not the individual resides in the municipality.

Sec. 2.4303 Terms

(a) Of the members first appointed by the city council, five (5) shall be appointed for a term of two (2) years, three (3) shall be appointed for a term of one (1) year. Of the members first appointed by Tom Green County, two (2) shall be for a one (1) year term. Appointments by all other entities shall be for two (2) year terms.

(b) All additional appointments shall be for a term of two (2) years, except vacancies for unexpired terms which shall be filled for the remainder of the unexpired term. Members may serve three (3) consecutive two (2) year terms and then may be reappointed after one (1) year has passed.

(Sec. 2, Ordinance adopted 12/19/06)

Sec. 2.4304 Duties

The TIRZ Board shall act as an advisory board to the city council in the operation and administration of the TIRZ. The authority and responsibility of the board expressly includes:

- (1) Make recommendations to city council regarding the administration of this article.
- (2) Make recommendations to city council regarding agreements that are necessary or convenient to implement the project plan and reinvestment zone financing plan.
- (3) Make recommendations to city council regarding agreements with local governments or political subdivisions for management of the zone or implement the project plan and reinvestment zone financing plan.
- (4) Make recommendations to city council regarding establishing and providing for the establishment of programs that:
 - (A) Develop and diversity the economy of the zone;
 - (B) Eliminate unemployment and underemployment in the zone;
 - (C) Develop or expand transportation, business and commercial activity in the zone;
 - (D) Make grants and loans; and
 - (E) Stimulate business and commercial activity in the zone.
- (5) Contract with the city regarding allocation from the **tax increment** fund to pay for the incremental costs of providing municipal services incurred as a result of the creation of the zone or the development or redevelopment of land within the zone.
- (6) Make recommendations to the city council regarding the expenditure of TIRZ funds in conformance with the following process:
 - (A) An affirmative recommendation to expend TIRZ funds for a project in the same area as that from which the funds are derived requires a simple majority vote of the TIRZ Board members present when the matter is voted upon. The city council may approve expenditures under this subsection by a simple majority vote if such expenditure is recommended by the TIRZ Board.
 - (B) An affirmative recommendation to expend TIRZ funds for a project located in the area outside that from which the funds are derived requires an affirmative vote by three quarters of the TIRZ Board members present when the matter is voted upon. The city council may only approve expenditures under this subsection when such expenditures are recommended by the TIRZ Board and with an affirmative vote of six (6) members of the city council.

(Ordinance adopted 6/17/08)

Sec. 2.4305 Officers

The board shall elect a chairman and such other officers as it may establish in its by-laws.

Sec. 2.4306 Quorum

A simple majority of the duly appointed voting members of the board shall constitute a quorum. In the event that a regular or specially called meeting of the board occurs without appointment of a new member (if the vacancy is that of a voting member), a majority of the remaining voting members shall constitute a quorum.

Sec. 2.4307 By-laws

The board shall write its own by-laws establishing its own rules for its regulation. Said by-laws and amendments thereto shall be filed with the city clerk.

Sec. 2.4308 Meetings

The board shall hold regular monthly meetings that shall be open to the public and at a time and place to be established in its by-laws. It may also hold such other meetings as may be necessary to accomplish the purpose of its creation and as established in its by-laws. All meetings shall be public and shall conform to law.

Sec. 2.4309 Minutes

The board shall keep a record of its proceedings in a permanent book and a signed copy of said minutes shall be given to the city clerk.

Sec. 2.4310 Absent Members

In the event of three (3) consecutive absences or a cumulative total of four (4) absences by a member within a calendar year from regularly scheduled meetings, a board member shall be deemed to have resigned unless the board excused such absences by procedures established in its by-laws.

Sec. 2.4311 Severability

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

(Sec. 2, Ordinance adopted 12/19/06)

**AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 2
“ADMINISTRATION,” ARTICLE 2.7 “BOARDS, COMMITTEES AND
COMMISSIONS,” DIVISION 10 “TAX INCREMENT REINVESTMENT ZONE BOARD,”
SECTION 2.07.284 “DUTIES; PROVIDING FOR SEVERABILITY; AND, PROVIDING
FOR AN EFFECTIVE DATE**

WHEREAS, the City Council for the City of San Angelo adopted an ordinance on December 19, 2006, creating a tax increment reinvestment zone, “Reinvestment Zone Number One, City of San Angelo” to preserve the near and long term integrity of the economic and social investment in the designated area and needed to encourage additional new projects within the designated area; and,

WHEREAS, the City Council for the City of San Angelo established the TIRZ Board in an ordinance adopted on June 17, 2008, and amended that ordinance on May 18, 2016 to incorporate the duties of the Downtown Development Commission to the responsibilities of the TIRZ board; and

WHEREAS, the City Council once again desires to amend the ordinance to remove the responsibilities of the former Downtown Development Commission from the TIRZ Board.

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

Section 1. Chapter 2 “Administration,” Article 2.7 “Boards, Committees and Commissions,” Division 10, “Tax Increment Reinvestment Zone Board”, Section 2.07.284 “Duties”, is hereby amended as follows:

“Sec. 2.07.284 Duties

The TIRZ board shall act as an advisory board to the city council in the operation and administration of the TIRZ; all action by the board is subject to city council approval. The authority and responsibility of the board expressly includes:

- (1) Make recommendations to the city council regarding the administration of this division.
- (2) Make recommendations to the city council regarding agreements that are necessary or convenient to implement the project plan and reinvestment zone financing plan.
- (3) Make recommendations to the city council regarding agreements with local governments or political subdivisions for management of the zone or implementing the project plan and reinvestment zone financing plan.

(4) Make recommendations to the city council regarding establishing and providing for the establishment of programs that:

- (A) Develop and diversify the economy of the zone;
- (B) Eliminate unemployment and underemployment in the zone;
- (C) Develop or expand transportation, business and commercial activity in the zone;
- (D) Make grants and loans; and
- (E) Stimulate business and commercial activity in the zone.

(5) Contract with the city regarding allocation from the tax increment fund to pay for the incremental costs of providing municipal services incurred as a result of the creation of the zone or the development or redevelopment of land within the zone.

(6) Make recommendations to the city council regarding the expenditure of TIRZ funds ~~related to development and redevelopment of land within the zone~~, in conformance with the following process:

- (A) An affirmative recommendation to expend TIRZ funds for a project in the same area as that from which the funds are derived requires a simple majority vote of the TIRZ board members present when the matter is voted upon. The city council may approve expenditures under this subsection by a simple majority vote if such expenditure is recommended by the TIRZ board.
- (B) An affirmative recommendation to expend TIRZ funds for a project located in the area outside that from which the funds are derived requires an affirmative vote by three-quarters of the TIRZ board members present when the matter is voted upon. The city council may only approve expenditures under this subsection when such expenditures are recommended by the TIRZ board and with an affirmative vote of six (6) members of the city council.

~~(7) Acting as the lead entity in working with other boards and commissions regarding incentives, regulations, infrastructure and all other physical and economic development decisions related to the TIRZ district.~~

(7) Providing a progress report to the city council annually, or as requested by the city council.”

~~Section 2. Chapter 2 "Administration," Article 2.7 "Boards, Committees and Commissions," Division 10, "Tax Increment Reinvestment Zone Board", Section 2.07.284 "Duties", is amended by deleting subsection 8 in its entirety.~~

~~Section 3. All prior actions of the tax increment reinvestment zone board; all prior actions of the City Council on recommendations made to the City Council by the board; and all prior actions of city staff in connection therewith are ratified and approved.~~

- Section 2. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, paragraph, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, sentences, clauses or phrases be declared unconstitutional; or invalid.

Section 3. This Ordinance shall become effective upon passage.

INTRODUCED on the 5th day of June 2018, and finally PASSED, APPROVED and ADOPTED on this the 19th day of June 2018.

ATTEST:

THE CITY OF SAN ANGELO, TEXAS

Bryan Kendrick, City Clerk

Brenda Gunter, Mayor

Approved as to form:

Theresa James, City Attorney



City Council

June 19, 2018



DISCOVER **SAN ANGELO!**

**San Angelo
Convention & Visitors Bureau**

June 19, 2018

Mission of the Convention & Visitors Bureau

...to enhance the quality of life for the citizens of San Angelo through tourism marketing and promotion.



Goals of Convention & Visitors Bureau

Goal 1 – *Grow Hotel Occupancy by 5%*

Goal 2 – *Communicate the Need for Wayfinding and Connectivity*

Goal 3 – *Brand Awareness – Tell the Story of San Angelo*

Goal 4 – *Expand tourism base through a broader understanding and appreciation of the economic impact of the tourism industry*

Goal 5 – *Encourage Tourism Product Development and strategies to address future growth*



Convention & Visitors Bureau Staff

Diann Bayes – Vice President

Suzanna Aguirre – Leisure/SMERF Sales Manager

Amy Roberts – Association/Corporate Sales Manager

Linda Burdell – Visitor Center Coordinator

ASU Intern & Graphic Designer – Victoria Nakamura

Part-time Visitor Center Employees

Multiple Visitor Center Volunteers



January-May 2018 Results



CVB Sales and Servicing Activity

- Booked/Provided services to 35 conventions, meetings, sporting events, weddings or motorcoach tours.
- Projected attendance – 15,535
- Projected room nights – 6,260
- Total Economic Impact - \$1,071.490



Convention, Meeting & Sports Marketing

- Texas Runner and Triathlete Magazine
- Sports Events Magazine
- Texas Sports Facility Guide
- National Association of Sports Commissions (NASC) Symposium
- American Bus Association
- Texas Tour & Meeting Guide
- 2018 Meeting Planner Guide Texas
- Meet Texas – Meeting Planners Guide to Texas CVB's
- Southwest Showcase (Texas Meeting Planner Trade Show)
- Texas Association of Convention & Visitors Bureau Austin Sales Blitz
- Roseland Oil Convention
- Monthly Calls to metro cities—Association Market
- Monthly Calls to Midland – Oil and Gas Industry



Leisure and Consumer Marketing

- Texas State Travel Guide (150 leads)
- True West Magazine/On-line (108 leads)
- Authentic Texas Magazine
- Texas Town & City Magazine
- Texas Parks & Wildlife Magazine
- See Texas First (10,979 leads)
- ShopAcrossTexas.com
- TourTexas.com (393 leads)
- Living Magazine
 - Odessa, Midland, Lawton, Wichita Falls, Abilene
- Texas Highways Magazine (34 leads)
- Where to Retire Magazine (86 leads)
- Texas Events Calendar
- Good Housekeeping
- Redbook
- Woman's Day
- Travel Host West Texas
- TxDOT Travel Counselors Travel Fair
- Craft Beer Experience Sponsor
- San Angelo Stock Show & Rodeo
 - Wine Tent Sponsor and included in dailies



Social Media/Website

- DiscoverSanAngelo.com – 127,436 Page Views; 4:08 Session Duration
- Facebook – 12,523 Likes; 167,456 Page Views
- Twitter – 674 Followers
- Instagram – 1,016 followers
- Pinterest – 642 viewers per month on avg.
- YouTube – 1,345 Views; 8 videos



Hotel Occupancy Comparison

January-April 2017

- Occupancy – 47.7%
- YTD Average Daily Rate – \$68.36

January-April 2018

- Occupancy – 59.28%
- YTD Average Daily Rate – \$77.42

Based on 33 properties with 2,815 rooms

Source: Smith Travel Report



Community and State Outreach

- Co-Presenter at Texas Historical Commission Real Places 2018 Conference
- Texas Association of Convention & Visitors Bureau Board Member
- Texas Travel Industry Association Unity Dinner
- Goodfellow Tours – Monthly and Bi-Monthly
- Texas Friendly Hospitality Training
- San Angelo Hotel Association Quarterly Meetings
- National Travel & Tourism Week – TV & Radio Interviews; Tourism Luncheon Presentation
- Presentations to YPSA and Sunrise Rotary
- Outreach to San Angelo Restaurant Association
- Goodfellow Appreciation Day



Upcoming Efforts

- Seeking Texas Music Friendly Designation from Texas Music Office
- Participating in Programs with the Office of the Governor Travel & Tourism Division
- Developing Regional Cooperative Marketing to Showcase West Texas to Travel Counselors and Governor's Office
- Seeking Top 10 Western Town designation from True West
- Scheduling FAM Tour for Independent Film Makers in the Fall
- Hosting Bloggers and Families in July and Highlighting Things to See and Do with Kids
- Leisure Tour Development
- Fall Familiarization (FAM) Tours
 - Desk & Derrick
 - Independent Texas Film Makers
- Continued Development of Tour Itineraries for Group Tour Leaders and Conventions and Meetings
- Further Promotion of Niche Markets to Increase Overnight Stays



Accountability of CVB

- Monthly meetings with CVB Executive Committee
- Monthly meetings with CVB Advisory Board
- Monthly meetings with Chamber Finance Committee
- Monthly meetings with Chamber Executive Committee
- Monthly report to Chamber Board of Directors



**Thank you to the CVB
Advisory Board and the
Chamber Board of Directors
for supporting the efforts of
the San Angelo Convention
& Visitors Bureau.**



Contact Information



Diann Bayes

San Angelo Convention & Visitors Bureau

418 West Avenue B

San Angelo, Texas 76930

325-655-4136

diann@sanangelo.org





City Council

June 19, 2018



SAN ANGELO CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT UPDATE

June 19, 2018

SAN ANGELO
Chamber of Commerce
Economic Development



Economic Development Division Mission

The Chamber EDD partners with, and is contracted by COSADC to conduct the marketing activities to recruit employers, attract new jobs and increase capital investment in the San Angelo area.



Chamber Economic Development Objectives

- Utilize the **SARMA** as recruitment platform
- Target industries most compatible with San Angelo with guidance from SARMA members
- Utilize SARMA as BREP platform
- SARMA Members help recruit companies – Speak industry-to-industry
- Conduct San Angelo prospect tours and site visits
- Connect Prospects with COSADC, SAISD, Howard College/WTTC/ASU, CV Workforce, Downtown San Angelo, SBDC
- Market San Angelo to multiple industries



RECRUIT ECONOMIC IMPACTS

- US Well Services – Oilfield services company
- 46 employees (transferred families and local hires)
- Leased 6720 Arden Road facility – 18,000 sf
- Direct Annual Salaries - \$4,370,000
- Direct Annual Economic Output - \$13,977,000
- Net Tax Benefit to San Angelo over 10 years - \$2,162,978
- Key Partners: SAISD, SARMA Members, CV Workforce, County



RECRUIT ECONOMIC IMPACTS

- SMC Global, LLC – International chemicals manufacturer
- 20-25 new jobs
- Leased 2 San Angelo Facilities - 38,000 sf total
- Direct Annual Salaries - \$889,542
- Direct Annual Economic Output - \$5,129,243
- Net Tax Benefit to San Angelo over 10 years - \$1,622,040
- Key Partners: COSADC, Mayor's Office, SARMA Members, CV Workforce, City Permitting Department



RECRUITMENT PROSPECT UPDATE

- PROJECT PAK – Large metal products fabrication company seeking land for new construction. 100,000 sf – 140 employees. Multiple San Angelo tours and Houston meeting with leadership. Industrial Park. Key Partners: COSADC, SARMA Members, CV Workforce, Mayor's office
- PROJECT STOCKS – Steel auto parts manufacturer. Toured San Angelo March 2018. Key Partners: SBDC, BEPC, Tony Villarreal (Chamber board)
- PROJECT WEST – National oilfield components fabricator. Toured San Angelo June 2018. Key Partners: CVB, Steve Eustis (broker), Mayor's office



RECRUITMENT PROSPECT UPDATE

- PROJECT CANADA – Energy company seeking location and development assistance. Hosted multiple San Angelo site tours.
- Project DELONG – Energy company seeking location and development assistance. Multiple San Angelo site tours and meetings with County and School Board.



RECRUITMENT PROSPECT UPDATE

- Project HOMECARE –Toured San Angelo. Secured commitment for 48,000 sf (May - 72,000 sf) - \$10-\$11 million SNF facility. Collaboration with Howard College. Fall 2018 land closure. 90 new jobs expected in late 2019. Howard College LVN-RN.
- Project LONGRUN – Houston-based energy services company. Tourled San Angelo.
- Project ROLL – Coiled steel company from Chicago toured San Angelo. Exploring micro-mill facility project.



SARMA OBJECTIVES

SAN ANGELO REGIONAL MANUFACTURERS ALLIANCE

- 110 Member Companies
- Monthly Meetings and Quarterly Socials
- Launched WWW.SARMA.US website
- Conduct regular SARMA company on-site visits
- Producing Steady LEAD GENERATION
- “Businesses Recruiting Businesses”
- Link Industry with Educational Institutions
- Fostering Business-to-Business collaboration
- Promoting networking between regional manufacturers and Concho Valley-area support programs



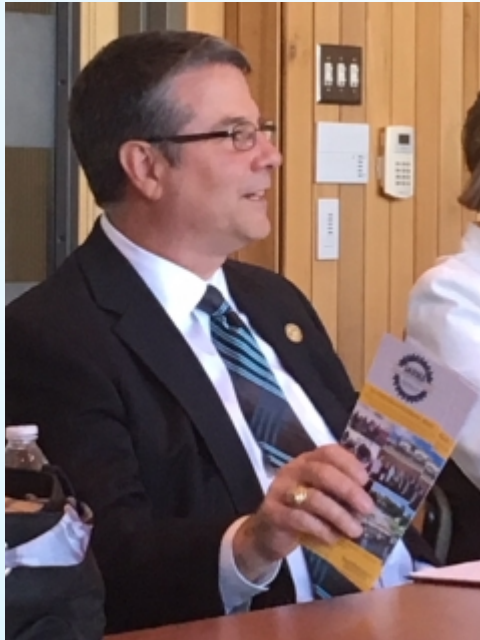
SARMA ACCOMPLISHMENTS

- SARMA won the Spirit of San Angelo Award for Innovation
- **SARMA SOCIALS** at WEST TEXAS INDUSTRIAL ENGINES, DAVID L. HIRSHFELD DEPARTMENT OF ENGINEERING and TRIMBLE-BATJER INSURANCE COMPANY
- SARMA Members are working directly with CV Workforce for Training and ACT Workforce Program engagement



SARMA INDUSTRY ADVOCACY

- SARMA hosted listening session with State Senator Charles Perry
- Members discussed state of manufacturing in San Angelo
- Reviewed EPA/TCEQ regulations, TMAC Program and Tariffs
- Workforce needs, Transportation and Permian Basin activity



SARMA INDUSTRY OUTREACH

- Exhibited at the Texas Alliance of Energy Producers Annual Expo – Wichita Falls
- Exhibited with Wendland Tank Corp
- Dozens of new industry relationships and leads beneficial to San Angelo manufacturing and O&G sectors



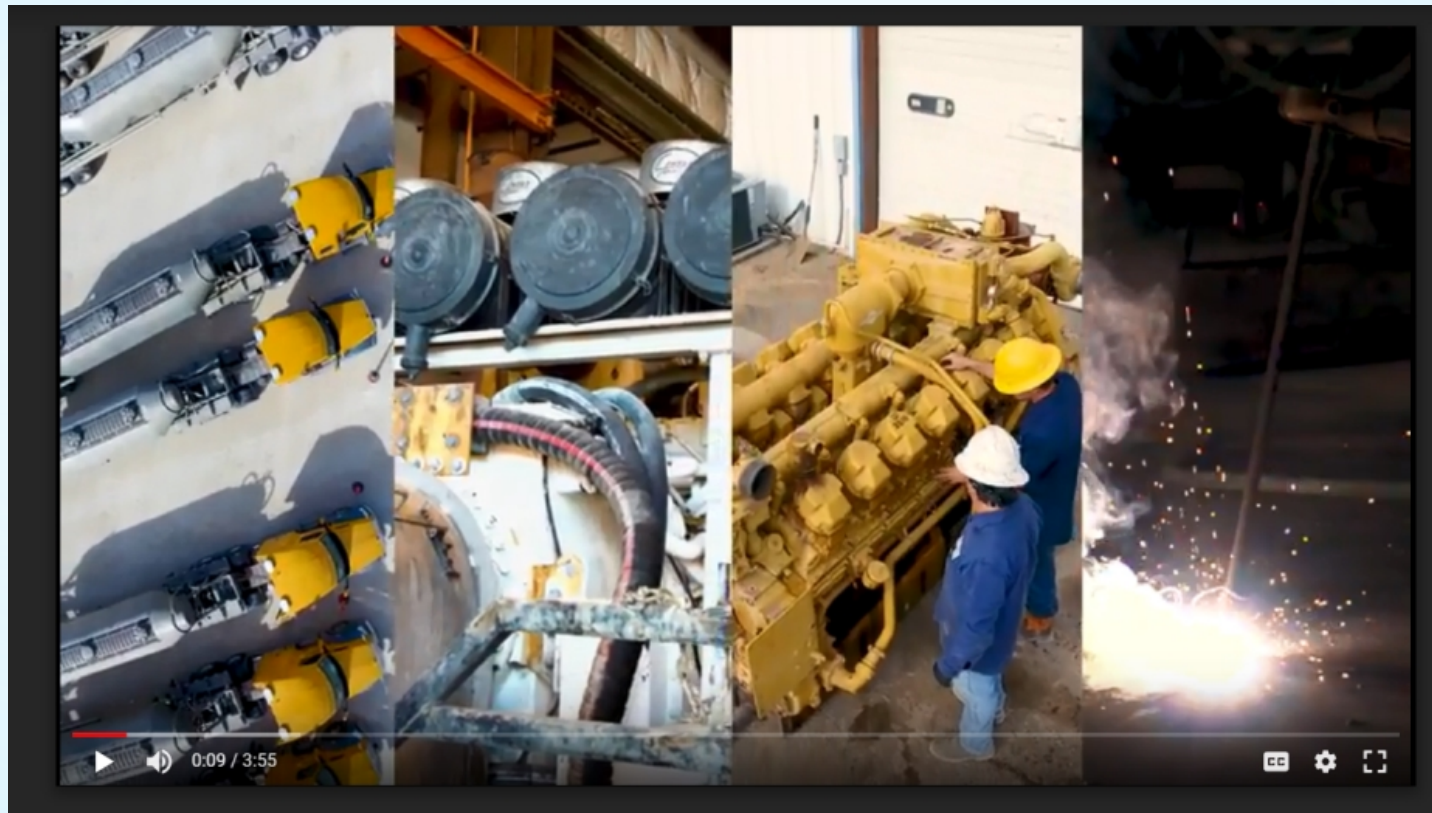
Ongoing 2018 Economic Development Initiatives

- Monthly SARMA technical advisory meetings
- Host quarterly SARMA SOCIALS
- Monthly ED Advisory Board and ED Executive Committee Meetings
- Conduct Industry Advocacy Meetings (Legislative/TCEQ/TXDOT/City Permitting/Planning)
- Planning Regional Manufacturing Days and SARMA Expo
-  Creating Agriculture Industry SARMA – Agricultural Alliance of San Angelo
- RESULTS - Successful Recruitment Lead Generation and ED Partner Industry Support
- Produced first of four “**Industry in San Angelo**” industrial sector recruitment videos



SARMA SAN ANGELO MARKETING

INDUSTRY IN SAN ANGELO VIDEO



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 19, 2018

Item type: Regular Item

Caption:

Public hearing and first reading of an ordinance amending Chapter 4 of the Code of Ordinances establishing Article 4.11 "Vacant Buildings" and amending Appendix A, Article 2.0 "Building & Construction Related Fees" creating a "Vacant and/or Boarded Building Certificate Fee" - (Presentation made by Planning & Development Services Director Jon James and Fire Chief Brian Dunn)

Summary/History:

In December of 2014, the City established a "Vacant and Underutilized Properties Task Force" to discuss ways to address the number of vacant and underutilized properties in the City, particularly in the downtown. Subcommittees were created to look at financial incentives, policies, enforcement, marketing and public awareness, and other issues. That group prepared the **Vacant and Underutilized Properties Task Force Policy and Framework Report** (attached as part of the packet). This report identified a number of recommended steps to help address the concern of vacant and underutilized properties. One of those recommendations was to consider a vacant building registration program. That recommendation has led to this proposed vacant building ordinance.

The following is excerpted from the Task Force report:

Vacant buildings can become health and safety hazards, diminishing the overall quality of life of the community and neighborhoods. They have a high incidence of code violations, attract vagrants and criminal activity, draw and harbor vermin, and are vulnerable to fires. It is helpful for the City to maintain basic information on these properties, including the current contact information for the owner and/or manager and a criminal trespass affidavit, to quickly resolve concerns impacting the health and safety of citizens.

The goal of a Vacant Building Registration Program is to ensure that vacant buildings are maintained in good condition to a minimum standard of care to minimize the negative impacts these buildings have on the health, safety and welfare of the public. Poorly maintained vacant buildings have a negative impact on the health, safety and welfare of the City's businesses, residents and visitors. They lower property values, pose a health and safety risk to neighboring properties and create a negative impression that impacts tourism and quality of life. In addition, empty buildings impose costs on all taxpayers by requiring additional code and police enforcement.

The City will consider adopting a Vacant Building Registration Program. While the program could apply citywide, an option would be to run a pilot program initially focusing on downtown. The focus of the program would be on registering buildings that have been vacant for one year or longer. Each such building would register annually and pay a fee, both to help support the program and create an incentive for vacant properties to put them to productive use.

Financial Impact:

The proposed fee for registration of vacant buildings will result in increased revenue. However, at this point, no comprehensive analysis has been done to project the amount of revenue anticipated.

Also, depending on the scope of the program, the adoption of this ordinance could result in future needs for additional staffing to manage the program.

Other Information/Recommendation:

Attachments:

- | | | |
|----|--|--|
| 1. | Vacant and Underutilized Properties Task Force Final Report (May 2018) | _Vacant and Underutilized Properties Policy - Final Report (2018-05-02).docx |
| 2. | Vacant building ordinance - First Reading | 18-295 Vacant building ordinance - First Reading.doc |

Presentation:

Jon James, Brian Dunn

Approvals/Reviews:

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

Vacant & Underutilized Properties – Policy & Framework

This is a report of the San Angelo Vacant and Underutilized Properties Task Force. This group began meeting in December of 2014 to discuss ways to address the number of vacant and underutilized properties in the City, particularly in the downtown. Subcommittees were created to look at financial incentives, policies, enforcement, marketing and public awareness, and other issues. This report represents the culmination of that work.

This document provides a proposed policy framework for City Council consideration related to addressing the pervasive issue of vacant and underutilized properties scattered throughout the City of San Angelo, particularly within the downtown area.

This multi-pronged approach includes the following components: *Policy, Strategy, Ordinance, Programs*

A) Incentive *Policy*

- Tax Abatement
- Construction Materials Sales Tax Rebate
- Construction Fee Waivers

B) Education, Awareness, & Marketing *Strategy*

- Webpage
- Media Campaign
- Monthly Roundtable
- Expo/Seminar

C) Updates to the City Code of *Ordinances*

- Dangerous Buildings Code Amendment & NFPA Segments Adoption
- Nuisance Abatement Team
- International Property Maintenance Code Adoption
- Vacant Building Registration Program

D) Aesthetic Enhancement *Programs*

- Landscaping Ordinance
- Keep San Angelo Beautiful

A) Proposed Vacant & Underutilized Property Incentive Policy

The City Council should consider an incentive policy to promote the adaptive re-use of vacant and underutilized buildings, which would assist in improving overall curb appeal, and increasing economic activity and vitality throughout the City - all of which will improve the local economy and enhance quality of life for the benefit of the residents of San Angelo.

Such a policy would define financial or other incentives available to encourage the adaptive re-use of vacant and underutilized buildings throughout the City, or in prioritized areas such as downtown, infill areas, and/or blighted areas. The policy would establish criteria to be met and a process to follow. Typically such a policy would give discretion to consider projects on a case-by-case basis based on the criteria established.

Types of incentives recommended for consideration include tax abatements, construction materials sales tax rebates, and construction fee waivers.

A) Tax Abatement

The City's portion of ad valorem property taxes can be abated to the property owner, subject to rules and limitation established by the State of Texas. In addition, tax abatement or rebates within a Tax Increment Reinvestment Zone should be accomplished through that process.

Tax abatements would be coordinated by the City's Economic Development Department.

B) Construction Material Sales Tax Rebate

The Construction Materials Tax Rebate is an economic development tool designed to provide incentives for the new construction or renovation of single family homes, office, retail, restaurant and multi-family residential facilities that are considered infill development. A rebate for some or all of the City's portion of sales tax used on materials and labor for such construction can be made available, subject to criteria established by the City. Such rebates would generally not be recommended for residential properties unless they are used for attainable housing.

Sales tax rebates would be coordinated by the City's Economic Development Department.

C) Construction Fee Waivers

Per an approved policy, the City Council may approve the reduction or waiver of permitting and planning fees associated with the construction or redevelopment on vacant, underutilized, and infill development properties. It is recommended that the eligibility requirements include a minimum renovation/construction cost and a maximum waiver not to exceed \$4,000 for a single-family residential project and not to exceed \$10,000 for a commercial, multifamily, or mixed-use project.

Construction fee waivers would be coordinated by the Department of Planning & Development Services.

B) Education, Awareness, & Marketing Strategy

a. Webpage

Recommendations: The marketing/public awareness committee recommends the creation of a collaborative website to link information from various websites and include a list of all vacant and underutilized properties. In the beginning we would focus on the areas of San Angelo that have the highest concentration of these properties and then build on that list over time. Some ideas for this website include:

- Get help from Realtors that know of properties that are vacant as well as provide links to their websites for properties already listed.
- Include the zoning requirements for each property.
- List any incentives that may be linked to specific properties.

This task would be spearheaded by Downtown San Angelo, Inc., with assistance from the City.

b. Media Campaign

A media campaign could be used that would assist City staff and other partners to disseminate information as new elements of these recommendations are rolled out, as well as providing general assistance to get the word out on both the problems of vacant and underutilized buildings and recommended solutions.

This task would be led by the City's Public Information Office. In addition, Downtown San Angelo, Inc. will continue to provide information as it relates specifically to downtown properties.

c. Quarterly Roundtable

Consider creation of a quarterly meeting with the various partners involved in the Vacant and Underutilized Buildings Task Force, as well as expanding to other interested groups. The purpose of these meetings would be to help keep the process of implementing the recommendations within this document on track.

This task would be led by the City's Planning & Development Services Department.

d. Expo/Seminar

This Expo would bring together:

- * Owners of properties wishing to sell, improve, rent or renovate.
- * Providers of financing for purchases or improvements.
- * Government agencies that provide financing or tax credits.
- * Regulatory agencies that oversee building codes, zoning, safety, health, etc.
- * Agencies that provide support, direction, advice, etc.: Chamber of Commerce, DSA Small Business Centers.
- * Potential business start-ups that are seeking property.
- * People interested in investing in property for renovation.
- * Nonprofits seeking low-cost space.

Partners will include the following organizations:

- Downtown San Angelo, Inc.
- Chamber of Commerce Economic Development
- ASU – Small Business Development Center
- COSA Development Corporation
- Area / Health Foundations
- Tax Reinvestment Increment Zone (TIRZ)
- COSA Planning Department
- San Angelo Police Department
- COSA Real Estate Administration
- Utilizing “Partnership for Public Spaces” as potential partner in developing action plan
- Realtors Association
- Banking and Investments Companies

This task would be coordinated by Downtown San Angelo, Inc.

D) Updates to the City Code of *Ordinances*

a. Dangerous Buildings Code Amendments, NFPA Segments Adoption, and Performance-based Design

This strategy would be an effort to seek amendments to the Dangerous Buildings Code and possible adoption of relevant National Fire Protection Association (NFPA) recommended codes to both ensure that various city codes are not in conflict and to address other concerns raised in this report.

This task would also include consideration of a performance-based design approach as an option to supplement the requirements of the City-adopted International Fire Code. Performance-based design is an engineering approach to design based on meeting established performance goals using alternatives that meet the same standard using accepted engineering tools, methodologies, and performance criteria.

This task would be led by the Fire Marshal's office.

b. Nuisance Abatement Team

In the past, the city embraced a Nuisance Abatement team that consisted of Code Compliance, Public Information, Fire Marshal, Health, and the Police Department. This team worked closely together on a quarterly basis discussing problem properties throughout the city. This team has since dissolved. Ordinances are in place to handle most issues. However, if a joint team effort was resurrected, the ability to converge on a property and deal with “all” aspects of a violation at once may prove to be the most effective and efficient process.

As a way of incentivizing property owners to comply with ordinance expectations, a “blitz” can be performed one time, free of charge, with heightened enforcement afterward to help sustain the cleanup efforts. This blitz would provide property owners a clean slate to help maintain their perspective property in compliance with ordinance. A key component prior to the blitz effort is to educate owners of properties on ordinance requirements, communicate the importance of the ordinance, and provide a “one-time” cleanup effort to the property owner, who would be monitored for future violations and/or compliance.

Lastly, key departments within the City (regulatory/enforcement depts.) need the buy-in from the City Council, management and the public to feel confident in performing their individual duties. Once this buy in is accepted, **accountability** of these departments needs to be implemented, monitored and expected to fully create the “wow” effect this group is trying to accomplish.

This task would be led by the City's Neighborhood & Family Services Department.

c. International Property Maintenance Code Adoption

The *International Property Maintenance Code* (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings. The IPMC is a document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community. IPMC contains eight chapters that address: Administration; Definitions; General Requirements; Light, Ventilation and Occupancy Limitations; Plumbing Facilities and Fixture Requirements; Mechanical and Electrical Requirements; Fire Safety Requirements; and Referenced Standards. The City of San Angelo has a dedicated cadre of staff within the Code Compliance Division of the Neighborhood and Family Services Department. While their code enforcement duties are broad and varied, they are primarily responsible for the enforcement of Chapter 8, of the City's Code of Ordinances, *Offenses and Nuisances*. (see Appendix)

While adopting the IPMC would provide an additional tool to help arrest the decline of buildings and properties, it would likely result in the need for more enforcement staff to ensure adequate compliance. One option would be to only adopt portions of the code and/or only apply those standards to vacant buildings.

This task would be led by the Code Compliance and/or Permits & Inspections divisions of the City.

d. Vacant Building Registration Program

Vacant buildings can become health and safety hazards, diminishing the overall quality of life of the community and neighborhoods. They have a high incidence of code violations, attract vagrants and criminal activity, draw and harbor vermin, and are vulnerable to fires. It is helpful for the City to maintain basic information on these properties, including the current contact information for the owner and/or manager and a criminal trespass affidavit, to quickly resolve concerns impacting the health and safety of citizens.

The goal of a Vacant Building Registration Program is to ensure that vacant buildings are maintained in good condition to a minimum standard of care to minimize the negative impacts these buildings have on the health, safety and welfare of the public. Poorly maintained vacant buildings have a negative impact on the health, safety and welfare of the City's businesses, residents and visitors. They lower property values, pose a health and safety risk to neighboring properties, and create a negative impression that impacts tourism and quality of life. In addition, empty buildings impose costs on all taxpayers by requiring additional code and police enforcement.

Vacant & Underutilized Properties – Policy & Framework

The City will consider adopting a Vacant Building Registration Program. While the program could apply citywide, an option would be to run a pilot program initially focusing on downtown. The focus of the program would be on registering buildings that have been vacant for one year or longer. Each such building would register annually and pay a fee, both to help support the program and to create an incentive for vacant properties to put them to productive use.

This task would be led by the Fire Marshal's office as part of the existing dangerous buildings program, with assistance from other City departments and private entities, such as Downtown San Angelo.

E) Aesthetic Enhancement Programs

a. Landscaping Ordinance

The City of San Angelo will consider adopting a landscaping ordinance to ensure that new development and redevelopment throughout the City meets a minimum standard for landscaping and aesthetics. This will help improve the quality of life for those living, working, and visiting the City by:

- Enhancing the appearance of properties as viewed by the public.
- Enhancing and maintaining property values by ensuring a minimum level of quality of new development and redevelopment.
- Increasing pervious ground cover as a means of controlling stormwater runoff and water quality.
- Limiting water use, while allowing attractive landscaping, through the use of xeriscaping and proper irrigation.
- Assisting in maintaining adequate air quality.
- Providing easy-to-understand, enforceable standards to ensure compliance with these requirements.

This task will be coordinated by The City's Planning & Development Services Department.

b. Keep San Angelo Beautiful

Consider reinstituting a Keep San Angelo Beautiful organization to be an advocate for ensuring a high-quality and beautiful place for current and future generations.

This should largely be a privately led effort. However, the City as an organization will look for ways to assist and promote this organizational effort.

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF SAN ANGELO BY ADDING ARTICLE 4.11 ENTITLED "VACANT BUILDINGS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICATION FOR VACANT BUILDING CERTIFICATES; PROVIDING FOR VACANT BUILDING CERTIFICATES, PROVIDING FOR INSPECTION OF VACANT BUILDINGS; PROVIDING FOR NOTIFICATION; PROVIDING FOR PENALTY; AMENDING APPENDIX "A", ARTICLE 2.000 ENTITLED "BUILDING & CONSTRUCTION RELATED FEES" BY ADDING SECTION A2.018 ENTITLED "VACANT BUILDING CERTIFICATE FEE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a large number of vacant buildings located within the City of San Angelo may become potential sites of City ordinance violations and illegal activity based on code compliance and public safety history and data. Vacant buildings are vulnerable to break-ins, criminal activity, destruction, fire accidents, looting and other unsafe activities that are injurious to the health, safety and welfare of persons who come on or near the property; and

WHEREAS, vacant buildings and structures are the location of more than 12,000 fires every year in the United States resulting in more than \$70 million of direct property damage; and

WHEREAS, vacant buildings can adversely affect the aesthetic and economic attributes of communities. Vacant buildings can attract and/or cause blight and other harmful effects to surrounding properties through lack of adequate maintenance and security; and

WHEREAS, city officials often have difficulty locating the party responsible for the condition of vacant buildings; and

WHEREAS, the above-described health, safety and welfare concerns associated with vacant buildings require the City to impose requirements for the registration of vacant buildings within the city and to ensure such properties are made safe and secure; and

WHEREAS, registration is to obtain and maintain information on location, ownership and status of those buildings and require the City to monitor vacant buildings to determine the potential presence of City ordinance violations, including violations of the minimum standards under the City's dangerous building ordinance; and

WHEREAS, there is a substantial cost to the City for registering and monitoring vacant buildings, which should be borne by the owners of the vacant buildings; and

WHEREAS, the San Angelo City Council determines that the health, safety and general welfare of the City will be protected and improved by adopting an ordinance to require registration and monitoring of vacant buildings and associated registration fees,

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

Section 1.

That Chapter 4, of the Code of Ordinances, City of San Angelo, Texas, entitled “Building & Construction“ is amended by adding Article 4.11 entitled “Vacant Buildings” to read as follows:

ARTICLE 4.11 VACANT BUILDINGS

Sec. 4.11.001 Definitions

The words and phrases contained herein shall have the following meaning ascribed to them unless the context states otherwise:

Agent. An individual with a place of business in the state of Texas at which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant property.

Accessory Structure. A building or structure incidental to the dwelling unit and located on the same property.

Boarded Building. Any vacant or unoccupied building or structure on which 25% or more of the total area opening to the outside, such as door and window openings, is covered with lumber, panels of wood or other material so as to make the structure secure from unauthorized entry pursuant to Article 4.06 of this Chapter. The term does not include a building secured by original or replacement fixtures or fittings as used for a building which is occupied.

Building. Any structure built for the support, shelter and enclosure of persons, animals, goods or movable property of any kind. Any roof-covered structure shall be considered a building.

Code Official. The individual or individuals designated by the City Manager to carry out the duties of enforcement of this article and having authority to issue citations for violation of the provisions of this Article.

Days. Consecutive calendar days.

Key Box. A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

Owner of Record. Any person, agent, firm, corporation or governmental agency having a legal or equitable interest in the property. This term shall include any person or entity having care, custody or control of the property, including the guardian of the estate or any such person, and the executor or administrator of an estate of such person if ordered to take possession of the property by a court. , shown in:

- (1) The real property, assumed name, or appraisal district records of the county; or
- (2) The tax and utility records of the city; or
- (3) The records of the Secretary of State.

Vacant. Any building that is:

- (1) intended for occupation, which has not been lawfully occupied for at least 90 days, or has no evidence of water and electric service within the past 90 days; or
- (2) partially constructed or incomplete and does not have a valid building permit.

Sec. 4.11.002 Applicability

- (a) The requirements of this article shall be applicable to each owner of a building that has been vacant for more than 90 days.
- (b) The requirements of this article shall be applicable to each owner of a building that has been boarded, immediately upon boarding the building.
- (c) The duties/obligations in this article shall be joint and several among and between all trustees, beneficiaries, and their respective agents.

Sec. 4.11.003 Exemptions

A building is exempt from the requirements of this Article under the following circumstances. Proof of an exemption applying to a particular building shall be required.

(a) Improvements Being Made

A vacant building that is under construction or repairs, not less than three business days per week undertaken in compliance with all applicable laws

(b) Subject to an Active Permit

A building that is the subject of an active building permit for repair, rehabilitation or demolition; and, the owner is proceeding diligently in good faith to complete the repair, rehabilitation or demolition as demonstrated through work and material invoices or other documentation.

(c) Actively being Marketed

The building is being actively marketed for sale, rent or lease by the owner or an agent for a period of not more than twelve (12) months. After twelve (12) months, registration is required.

(d) Under Contract for Sale/Lease

The property has a pending contract for sale or lease, for a period of not more than twelve (12) months. After twelve (12) months, registration is required.

(e) Fire Damage or Extreme Weather Damage

The building has been subject of a fire or damaged by extreme weather conditions for a period of one (1) year from the date of the date of the fire or extreme weather event.

(f) One and Two Family Dwelling

The building is a 1 or 2 family dwelling as defined by the City of San Angelo Building Code and Fire Code.

Sec. 4.11.004 Notices

- (a) Notices Mailed. All notices required to be mailed under this article, shall be mailed by certified mail, return receipt requested. When a notice is mailed in accordance with this section and the United States Postal Service returns the notice as “refused” or “unclaimed,” the validity of the notice is not affected, and the notice is considered delivered.

- (b) Notices Posted. All notices required to be posted shall be attached to the structure as close to the front door as practicable. If there is no front door, notice shall be attached to the structure in a noticeable place.

Sec. 4.11.005 Vacant Building Certificate

(a) A vacant or boarded building shall be covered by a valid vacant building certificate. A separate certificate is required for each street address at which any vacant or boarded building is located, regardless of any separate occupied buildings that may also be located at the same street address. If more than one vacant or boarded building is located at the same street address, only one certificate is required for that street address. Only one certificate is required for a single vacant or boarded building that has more than one street address. Suite numbers and apartment unit numbers will not be considered in determining the street address of a vacant building.

(b) To obtain a certificate, an owner or owner's agent must submit a properly completed application on a form provided for that purpose to the code official's office and pay the fee as provided in Appendix "A" to the Code of Ordinances for the City of San Angelo. The application shall include the following information at a minimum:

- (1) A description of the premises, including legal description, address, and Tom Green County Appraisal District property identification number.
- (2) Names, street addresses, and mailing address of the following:
 - (A) person(s) having the care, custody or control of the vacant and/or boarded building; and
 - (B) all persons or entities having an ownership interest in the premises where the vacant and/or boarded building is located. If the owner is a corporation, include all officers of the corporation. If the owner is an estate, include all executors, executrices or administrators. If the owner is a trust, include all trustees; and
- (3) Statement whether the vacant building is to remain vacant and/or boarded, be demolished, be renovated to code, or be sold as is.
- (4) Statement regarding timeline for correcting code violations, plan for maintaining the property and keeping it secure.

Sec. 4.11.006 Issuance and Denial of Certificate

- (a) Issuance. Upon the filing of a properly complete application, payment of all required fees, and compliance with the requirements of this Article, the code official shall issue a vacant building certificate to the applicant. The City

Manager or designee may prorate the application fee for initial or update permit applications submitted on February 1 or later. Late permit renewals shall not be prorated.

- (b) Period of Validity. A certificate shall be valid for one (1) year from January 1 until December 31 of each year.
- (c) Rejection of Application. An application for vacant building certificate shall be rejected if:
 - (1) the application is incomplete;
 - (2) information on the face of the application is determined to be incorrect; or,
 - (3) the application fee is not paid in full.

Sec. 4.11.007 Expiration and Renewal of Certificate

- (a) A certificate expires on the earlier of:
 - (1) December 31 of the year issued
 - (2) Within 30 days of the date controlling ownership of the vacant building changes
 - (3) The date the vacant building becomes occupied as follows:
 - (A) if residential, when the structure(s) meets Minimum Standards set forth at Article 4.1200 of the Code of Ordinances for the City of San Angelo as verified by the code official,
 - (B) if not residential, when a certificate of occupancy for the structure is issued or an update of occupancy is submitted;
 - (4) the date the vacant building is removed or demolished as verified by the code official.
- (b) A certificate shall be renewed by making application at least thirty (30) days prior to expiration of the certificate in accordance with Section _____ and paying the required fee.

Sec. 4.11.008 Non-transferability

A certificate is not transferable.

Sec. 4.11.009 Change of Ownership

- (a) Prior to selling or otherwise voluntarily conveying a vacant building, the owner shall:
 - (1) disclose to any buyer or grantee of the property that the property has a vacant building certificate; and
 - (2) disclose that the buyer or grantee is required to update a vacant building certificate or secure a permit to repair, remodel or demolish the vacant building within thirty (30) days of the change in ownership.
- (b) If a change in ownership of the vacant building occurs, the new owner shall have thirty (30) days from the date of change in ownership to:
 - (1) update the certificate with the code official and pay the application fee, or
 - (2) secure a permit for repair, remodel or demolition of the vacant building, or
 - (3) begin repairs for which a permit is not required.

Sec. 4.11.010 Property Inspection

The purpose of conducting inspections of unoccupied buildings is protection of adjacent businesses, pre-fire planning to protect firefighters from unexpected hazards and in the event of a fire or other emergency.

- (a) Inspection. The code official may inspect any structure for which there is probable cause to believe is a vacant building.
- (b) Notice. Upon a determination by the code official that a structure is a vacant building for which there is no valid vacant building certificate, a written notice of the requirement to apply for a vacant building certificate and an application form shall be mailed or delivered to the owner(s) of record.
- (c) Posting. Upon a determination by the code official that a structure is a vacant building for which there is no valid vacant building certificate, a notice shall be posted on the vacant building by the inspector which states as follows:

THIS STRUCTURE IS A VACANT BUILDING AND DOES
NOT HAVE A VALID VACANT BUILDING CERTIFICATE
AS REQUIRED BY CITY OF SAN ANGELO CODE OF

ORDINANCES, CHAPTER 4, ARTICLE 4.11. THE OWNER IS REQUIRED TO SUBMIT AN APPLICATION FOR A VACANT BUILDING CERTIFICATE TO THE _____'S OFFICE. CONTACT _____ AT _____ FOR FURTHER INFORMATION. DATE POSTED: _____. THIS NOTICE SHALL REMAIN POSTED UNTIL A VALID VACANT BUILDING CERTIFICATE IS ISSUED.”

- (d) The owner(s) or the owner’s designated representative shall have fifteen (15) days from the date of mailing or delivery of the notice to complete and submit an application for vacant building certificate along with the appropriate fee.
- (e) The vacant building will be re-inspected after the period of time allowed in the notice for compliance.

Sec. 4.11.011 Owner Responsibilities

The owner of a vacant building shall:

- (a) Comply with all applicable city ordinances and codes.
- (b) Notify the code official of any changes in information supplied in the application for certificate within thirty (30) days of the change.
- (c) Keep the building secured and maintained in accordance with Section 4.11.012 of this Article.
- (d) Inspect, or cause to be inspected, the premises for compliance with the requirements of this Article not be less than one time per month.
- (e) Post No-Trespassing signs on all sides of the building(s).
- (f) Post vacant building certificate in a location visible from the public right of way.
- (g) Maintain insurance required per Section 4.11.013 of this Article.
- (h) Install and maintain a key box as required by Section 4.11.014 of this Article.

Sec. 4.11.012 Security and Maintenance

All vacant buildings and premises thereof shall be maintained in a clean, safe, secure and sanitary condition as provided herein. This section applies to all buildings and structures on the premises.

- (a) Exterior. The exterior of the building shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to public health, safety or welfare. Exterior walls shall be free from holes, breaks, and loose or rotting materials, and property surface coated where required, preventing deterioration. All vacant buildings shall be maintained in the same condition as on the date of the certificate.
- (b) Rodents and Insects. All buildings shall be maintained free from insects and rodent infestation.
- (c) Securing. All buildings shall be secured from unauthorized access. Securing shall include, but not be limited to, closing and locking all windows, doors (walk-through, sliding and garage), gates and any other opening that may allow access to the interior of the property and/or structures.
- (f) Combustibles. Remove all accumulations of combustible materials, flammable or combustible waste or rubbish, in accordance with the International Fire Code as adopted by the City of San Angelo.
- (g) Graffiti. The property shall be maintained free of graffiti, tagging or similar marking. Any removal or painting-over graffiti shall be with an exterior grade paint that matches the color of the exterior of the structure.
- (h) Electric. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
- (i) Fire Protection Features. All fire protection features including but not limited to fire alarm systems, fire suppression systems (sprinkler and kitchen hoods), exit signs, emergency lights, and clear paths of egress, shall be maintained in accordance with the International Fire Code as adopted by the City of San Angelo.

Sec. 4.11.013 Insurance required

Prior to the issuance of a vacant building certificate, the owner shall procure and keep in full force and effect at all times during the registration term, commercial general liability and property insurance coverage, with a combined bodily injury (including death) and property damage limits of not less than \$1,000,000 for each occurrence and \$2,000,000 annual aggregate.

Sec. 4.11.014 Key Box Required.

Within 30 days of the application for a vacant buildings permit, the owner shall contact the San Angelo Fire Department to make application to the Fire Department's master key

system making all registered buildings accessible during an emergency to fire department personnel.

Sec. 4.11.015 Offense

Any violation of any provisions of this article is a strict liability offense. A violation shall be deemed to have occurred regardless of a violator's intent, knowledge, or culpable mental state.

Sec. 4.11.016 Penalty

Any person who violates a provision of this Article shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided for in Section 1.106 of the Code of Ordinances for the City of San Angelo. Each day of such violation shall constitute a separate offense.

Section 2.

Appendix "A", Article 2.0000, entitled "Building & Construction Related Fees" of the Code of Ordinances of the City of San Angelo, Texas, is amended by adding Section A2.018 entitled "Vacant Buildings" to read as follows:

Sec. A2.018 Vacant Buildings

The City of San Angelo shall charge an annual fee for vacant building certificates. Certificates are good for the calendar year and must be renewed no later than January 31 each year. Fees shall not be prorated for the calendar year in which it is initially registered. Fees are as follows:

A. Initial Certificate:

Residential structure up to 2,500 square feet, including accessory structures less than 100 square feet in area	\$150.00
Residential structure from 2,501 square feet to 5,000 square feet, including accessory structures less than 100 square feet in area	\$200.00
Residential structure greater than 5,000 square feet, including accessory structures less than 100 square feet in area	\$200.00 plus \$ 50.00 per 500 square feet over 5,000 square

	feet not to exceed \$750.00
Accessory structures greater than 100 square feet in area	\$ 50.00 each
Commercial structure(s)* up to 2,500 square feet	\$150.00
Commercial structure(s)* from 2,501 square feet to 5,000 square feet	\$200.00
Commercial structure(s)* greater than 5,000 square feet	\$200.00 plus \$ 50.00 per 500 square feet over 5,000 square feet not to exceed \$750.00

B. Subsequent Certificates

Each subsequent Certificate fee will be one half the initial fee.

Section 3.

That the following severability clause is adopted with this amendment:

SEVERABILITY:

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

Section 4.

That this Ordinance shall be effective on, from and after the date of publication as required by law.

INTRODUCED on the 19th day of June, 2018, and finally PASSED,
APPROVED and ADOPTED on this the 17th day of July, 2018.

CITY OF SAN ANGELO

ATTEST:

Brian Kendrick, City Clerk

BY:

Brenda Gunter, Mayor

Approved as to content:

Code Official

Approved as to form:

Theresa James
City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: June 19, 2018

Item type: Regular Item

Caption:

Public hearing and first reading of an ordinance for Case SU18-01, a Special Use to allow for the placement of a manufactured home on a 2.5-acre property zoned Ranch and Estate (R&E) located at 5333 S. Gas Plant Road - (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The applicants purchased the property in 2013 with an existing mobile home that was 460 square feet in size, according to the Tom Green County Appraisal District. They expressed their intent to replace this deteriorating home with a new manufactured home. In March 2018, they placed a new 1,376-square foot manufactured home on the property. When they attempted to disconnect electric power from the old home to the new one, the Permits and Inspections Division informed them that new permits would be required for the home.

Financial Impact:

N/A

Other Information/Recommendation:

This item was heard by the Planning Commission on May 21, 2018, where they recommended APPROVAL unanimously, 7-0.

Attachments:

- | | |
|--------------------|---------------------------------|
| 1. Staff Report | PL_SU18-01 Report_FINAL.pdf |
| 2. Draft Ordinance | PL_SU18-01 Ordinance_FINAL.docx |

Presentation:

Jon James

Approvals/Reviews:

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

CITY COUNCIL – June 19 and July 17, 2018
STAFF REPORT



APPLICATION TYPE:		CASE:	
Special Use		SU18-01: Zapata	
SYNOPSIS:			
The applicants purchased the property in 2013 with an existing mobile home that is 460-square feet in size, according to the Tom Green County Appraisal District. They expressed their intent to replace this deteriorating home with a new manufactured home. In March 2018, they placed a new 1,376-square foot manufactured home on the property. When they attempted to disconnect electric power from the old home to the new one, the Permits and Inspections Division referred them to the Planning Division.			
LOCATION:		LEGAL DESCRIPTION:	
5333 South Gas Plant Road; generally located approximately 130 feet northwest of the intersection of Gas Plant Road and Shahan Road		Tract 8 in the Blanek Subdivision, compromising a total of 2.5 acres	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #1 – Tommy Hiebert Glenmore Neighborhood		R&E – Ranch and Estate	I – Industrial
			SIZE:
			2.5 acres
THOROUGHFARE PLAN:			
South Gas Plant Road – Urban Local Street (complied at the time of platting) Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk Provided: 50' right-of-way, 26' pavement			
NOTIFICATIONS:			
8 notifications mailed within 200-foot radius on May 10, 2018. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Special Use to allow for the placement of a manufactured home on a property zoned Ranch and Estate (R&E) as defined in Section 501.F of the Zoning Ordinance, subject to two conditions of approval.			
PROPERTY OWNER/PETITIONER:			
Property Owners: Bertha Zapata et. al. Applicant: Bertha Zapata et. al.			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: As part of their Special Use request, the applicants' submitted a site plan and a Residential Appraisal Report. The Appraisal Report prepared by *Devin Albert Appraisals* on April 18, 2018, was submitted to demonstrate compliance with Section 501.F of the Zoning Ordinance requiring that the new home will be equal to or greater than the median taxable value of all single-family dwellings within 500 feet of the subject property (see attached). It is noted that the Permits and Inspections Division had found a Building Permit #0000-1608 for a new "manufactured" home (HUD home built after June 15, 1976) to replace the existing "mobile" home (built before June 15, 1976) that exists today. The existing mobile home was considered a legal non-conforming structure and State Law allowed its replacement with a new manufactured home at that time. The new home received a final inspection on March 10, 2000. The City's aerial photos show this home was erected, but was removed by 2011. The existing mobile home was never removed. With City Council's adoption of Ordinance No. 2017-09-131, which created a new Section 501.F of the Zoning Ordinance, the applicants now have another opportunity to replace the existing mobile home with a new manufactured home, this time through a Special Use option.

Manufactured Homes in the RS-1, RS-2, or R&E Zoning Districts after September 5, 2017:

Section 501(F) of the Zoning Ordinance requires that the following additional standards for manufactured homes in the RS-1, RS-2, or R&E Zoning Districts are met for any new manufactured homes after September 5, 2017, when these provisions were added to the Zoning Ordinance.

(a) Notwithstanding any previous Special Use or Special Permit approvals by Council, an applicant that seeks to place a manufactured home on a property zoned RS-1, RS-2, or R&E after September 5, 2017, shall be required to obtain Special Use approval from City Council. Properties within these districts must have had a previous mobile home or manufactured home on its premises within one year (365 days) of the date of the application for a Special Use to the Planning Director, or his designee.

The Special Use request will comply with the above standard for manufactured housing in the Ranch and Estate (R&E) Zoning District. If approved, the existing manufacturing home will be removed from the property and the new manufactured home would remain in place. The R&E Zone, and the above provision, allow only one residential dwelling to remain on the lot. As a condition of approval, the Planning Division recommends that the older 460-square foot home be removed within six (6) months of the approval of this Special Use, or before the next manufactured home receives a final occupancy, whichever comes first. This will ensure that eventually only one dwelling will remain on the lot as required by the Zoning Ordinance.

(b) All manufactured homes shall comply with city building setbacks, subdivision control, square footage, and other site requirements applicable for the applicable Zoning District and housing type.

The existing lot has 190 feet of frontage along South Gas Plant Road, a lot depth of 570 feet, and a total area of 2.5 acres, well exceeding the minimum lot frontage and depth of 150 feet by 150 feet, and minimum lot area of 1 acre for R&E lots in the Zoning Ordinance. The applicants' site plan delineates the new manufactured home is approximately 83 feet from the front property line, over 400 feet from the rear yard property line, 77 feet from the north side yard, and 11'-1" from the south side yard. The home will comply with all setbacks except for the required south side yard setback of 15 feet. As a condition of approval, the applicant will be required to submit a final site plan to the Planning Director and Building

Official that delineates a 15-foot south side yard setback in order to obtain a permit for the new home. The existing corrals, totaling approximately 1,500 square feet at the rear, appear to be pre-existing and no record of permits were found for them. The R&E zone allows such accessory structures up to 10% of the principal residential building or 10% of the site area, whichever is greater. The site is 2.5 acres in size, and therefore, these corrals are well under the maximum accessory building size in the R&E Zoning District.

(c) Any property owner or authorized agent who intends to construct, erect, install, or move a manufactured home onto a lot shall first receive Special Use approval from City Council. Once Special Use approval has been granted, an application to the Building Official shall be made to obtain the required permits.

The applicant has submitted this Special Use request in order to satisfy the above standard. In accordance with Section 209.I of the Zoning Ordinance, the applicant will be required to acquire a building permit for the new manufactured home within 12 months from the granting of the Special Use Approval.

(d) If the manufactured home is the principal single-family dwelling on a lot:

1. It shall have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the outer boundaries of the lot on which the manufactured home is proposed to be located, as determined by the most recent certified tax appraisal roll for the county. For purposes of this subsection, "value" shall mean the taxable value of the manufactured home and lot after installation of the home.

The Appraisal Report assessed the taxable value of the new 1,376-square foot manufactured home which includes two-bedrooms, a living room, kitchen, and two bathrooms, and originally constructed in 2017, at \$90,000.00. The report then researched all properties within 500 feet of the subject property and discounted properties that did not have single-family dwellings. The Report found five properties within 500 feet that had single-family dwellings and determined that the median taxable value of the five properties was \$56,380.00, which was \$33,620.00 less than the taxable value of the new manufactured home on the subject property. Specifically, the median taxable value of all single-family dwellings within 500 feet was 37.4% less than the taxable value of new manufactured home, in compliance with this standard of the Zoning Ordinance. The following table is a summary of all properties within 500 feet and those with single-family dwellings that were used to provide the median taxable value:

Taxable Value of Single-Family Dwelling Properties within 500 feet

Address	Structure Type	Year Built (Tom Green County Appraisal District)	Taxable Value (Appraisal Report)
5319 Gas Plant Rd	Single-Family Dwelling	2011	\$53,730.00
5503 Gas Plant Rd	Single-Family Dwelling	1994	\$53,630.00
5238 Old Christoval Road	Single-Family Dwelling	1941	\$56,380.00 (Median)
5429 Gas Plant Rd	Single-Family Dwelling	2009	\$58,730.00
5433 Gas Plant Rd	Single-Family Dwelling	1997	\$142,690.00
5333 Gas Plant Rd	New Manufactured Home	2017	\$90,000.00(Subject Property)
5173 Gas Plant Rd	Mobile Home	1999	N/A
5301 Gas Plant Rd	Mobile Home	1999	N/A
5329 Gas Plant Rd	Mobile Home	2011	N/A

2. If no single-family dwellings exist within 500 feet of the outer boundaries of the lot, the property owner shall not be required to demonstrate comparable value.

Since the Appraisal Report determined that there were single-family residences within 500 feet of the boundaries of the lot, compatible value was required. In addition, the appraiser also examined four other comparable sales within a one-mile radius of the subject property, but outside the 500 foot radius. The results indicated a median taxable value of \$71,686.00 for these four properties, which was still 20.4% less than the taxable value of the new manufactured home of \$90,000.

3. If there are existing single-family dwellings, the Planning Director shall determine compliance with comparable value after the property owner has provided a list of the addresses and current tax valuations of all existing single-family dwellings within 500 feet of the lot on which the manufactured home will be located and a statement from the tax assessor or a competent appraiser of the taxable value that the lot and manufactured home will have after installation.

The Planning Director is satisfied with the Appraisal Report and confirms that the median taxable value of the new manufactured home on the subject property will be greater than the median taxable value for single-family dwellings located within 500 feet of the outer boundaries of the lot.

Planning Commission Recommendation:

On May 21, 2018, the Planning Commission recommended **APPROVAL** of the Special Use to allow for the placement of a manufactured home on the property zoned Ranch and Estate (R&E) as defined in Section 501.F of the Zoning Ordinance. The following is the complete excerpt of the minutes from the May 21, 2018, meeting for this case:

Jeff Fisher, Senior Planner, presented the proposed Special Use request. He explained that the applicants required a Special Use to replace their existing mobile home with a new manufactured home on the property zoned Ranch and Estate (R&E). Mr. Fisher indicated that they had placed the new manufactured home on the property in March 2018 next to the existing home which was not allowed. He explained that the Special Use would allow them to connect electricity from the old home to the new home with a building permit. Mr. Fisher then outlined Staff's rationale for recommending approval, which included that the new home is equal to or greater than the median taxable value of all single-family homes within 500 feet of the property; and that the manufactured home will comply with the development standards of the R&E Zoning District. He explained that the Appraisal Report provided by the applicants showed that the new home will be 37.4% higher in value than the median value of all single-family dwellings within 500 feet as required. Mr. Fisher added that as conditions of approval, the applicants will be required to submit a revised site plan showing a 15-foot south side yard setback for the new home as required, and remove the existing home within 6 months of approval, or before the new manufactured home obtains final occupancy, whichever comes first.

Chair Stribling opened the meeting for public comment.

There was no public comment.

Commissioner Jackson made a Motion to recommend APPROVAL of the Special Use to allow for the placement of a manufactured home on a property zoned Ranch and Estate (R&E) as defined in Section 501.F of the Zoning Ordinance, subject to the two conditions of approval as presented. Vice Chair Spano seconded the Motion. The Motion passed unanimously, 7-0.

Recommendation:

Staff's recommendation is for City Council to **APPROVE** the Special Use to allow for the placement of a manufactured home on a property zoned Ranch and Estate (R&E) as defined in Section 501.F of the Zoning Ordinance. The **following two Conditions of Approval are recommended:**

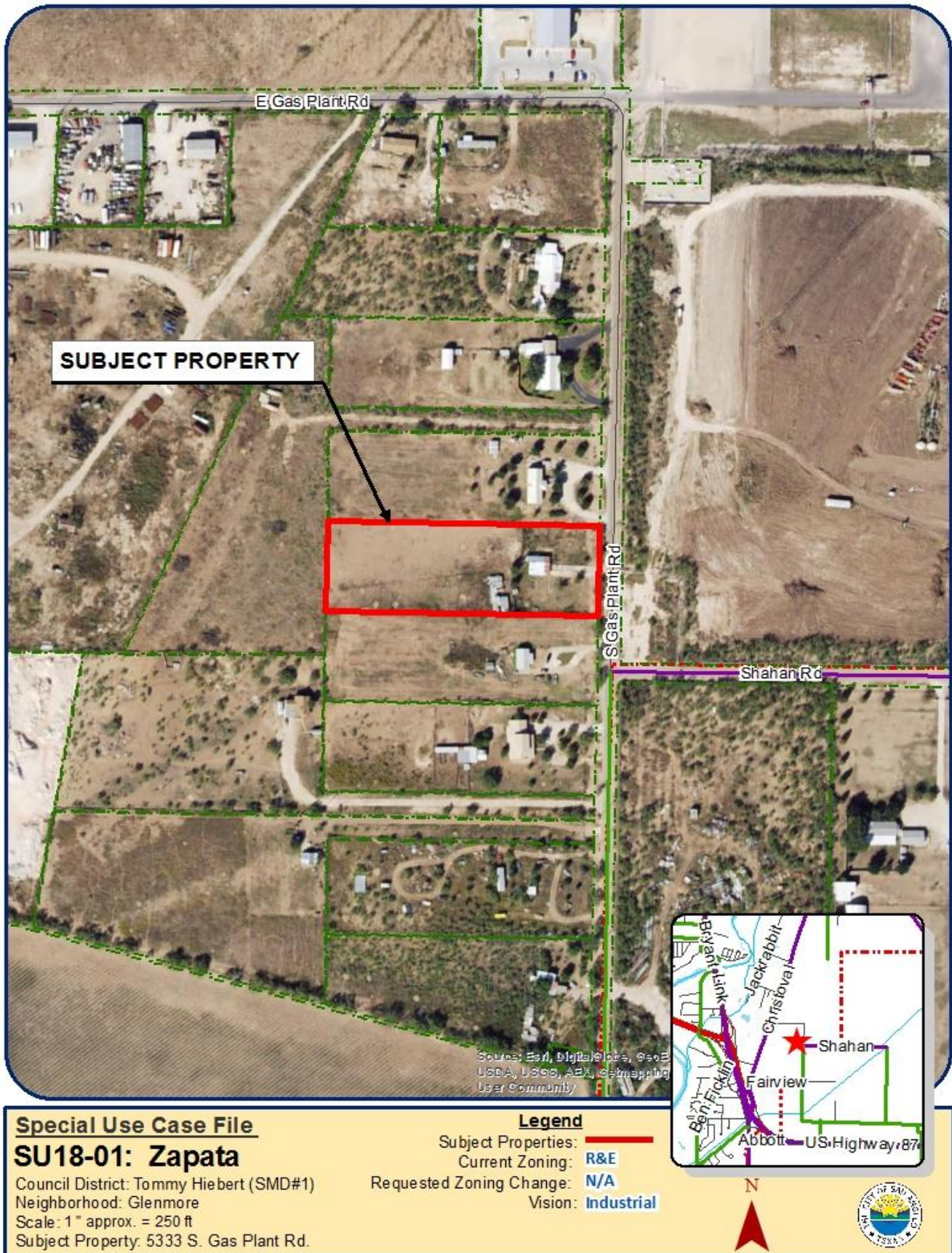
1. The existing 460-square foot manufactured home shall be removed within six (6) months of the approval of this Special Use, or before the new manufactured home receives a final occupancy, whichever comes first.

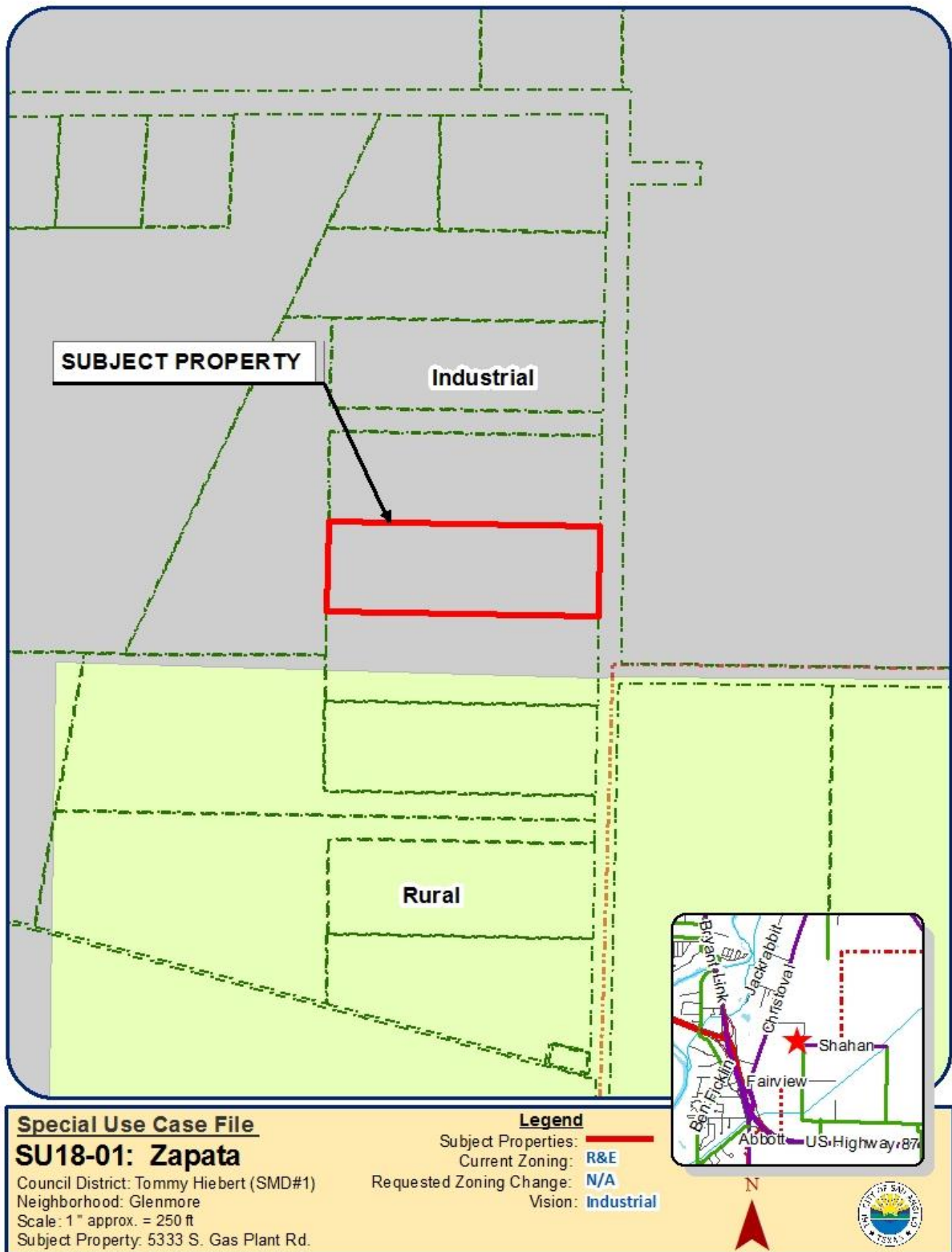
2. The applicants shall submit a final site plan to the Planning Director and Building Official which delineates a minimum 15-foot south side yard setback.

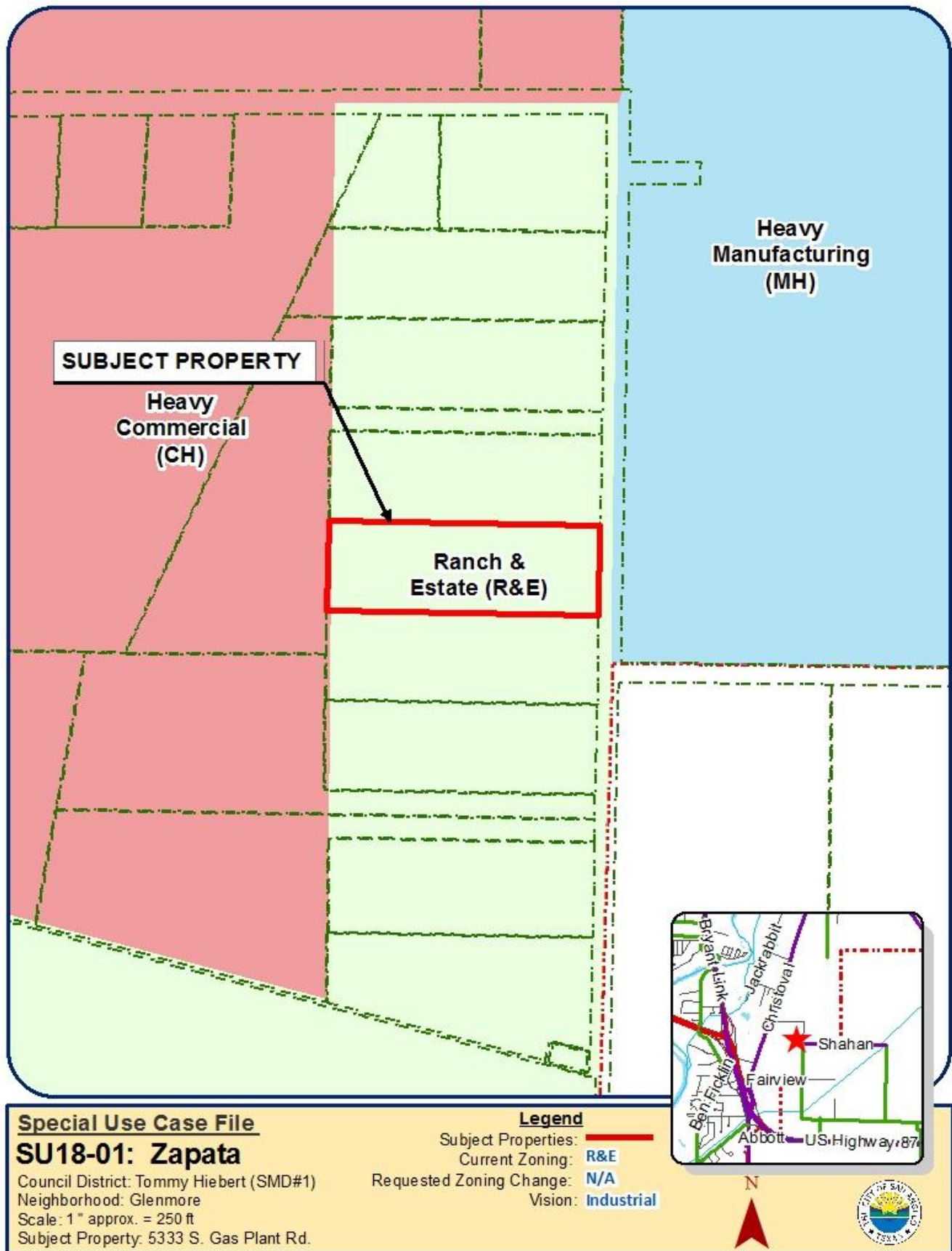
Note: In accordance with Section 209.I of the Zoning Ordinance, the applicant will be required to acquire a building permit for the new manufactured home within 12 months from the granting of the Special Use Approval.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Site Plan
Appraisal Report – Comparative Value Calculations
500' Boundary Map
Appraisal Report – Photos of New Manufactured Home
Application







Photos of Site and Surrounding Area

NORTH



SOUTH



EAST



WEST AT PROPERTY



**NEW MANUFACTURED HOME
(SPECIAL USE AND PERMIT REQUIRED)**



**EXISTING MOBILE HOME
(TO BE REMOVED)**



Photos of Site and Surrounding Area

5319 SOUTH GAS PLANT ROAD



5301 SOUTH GAS PLANT ROAD



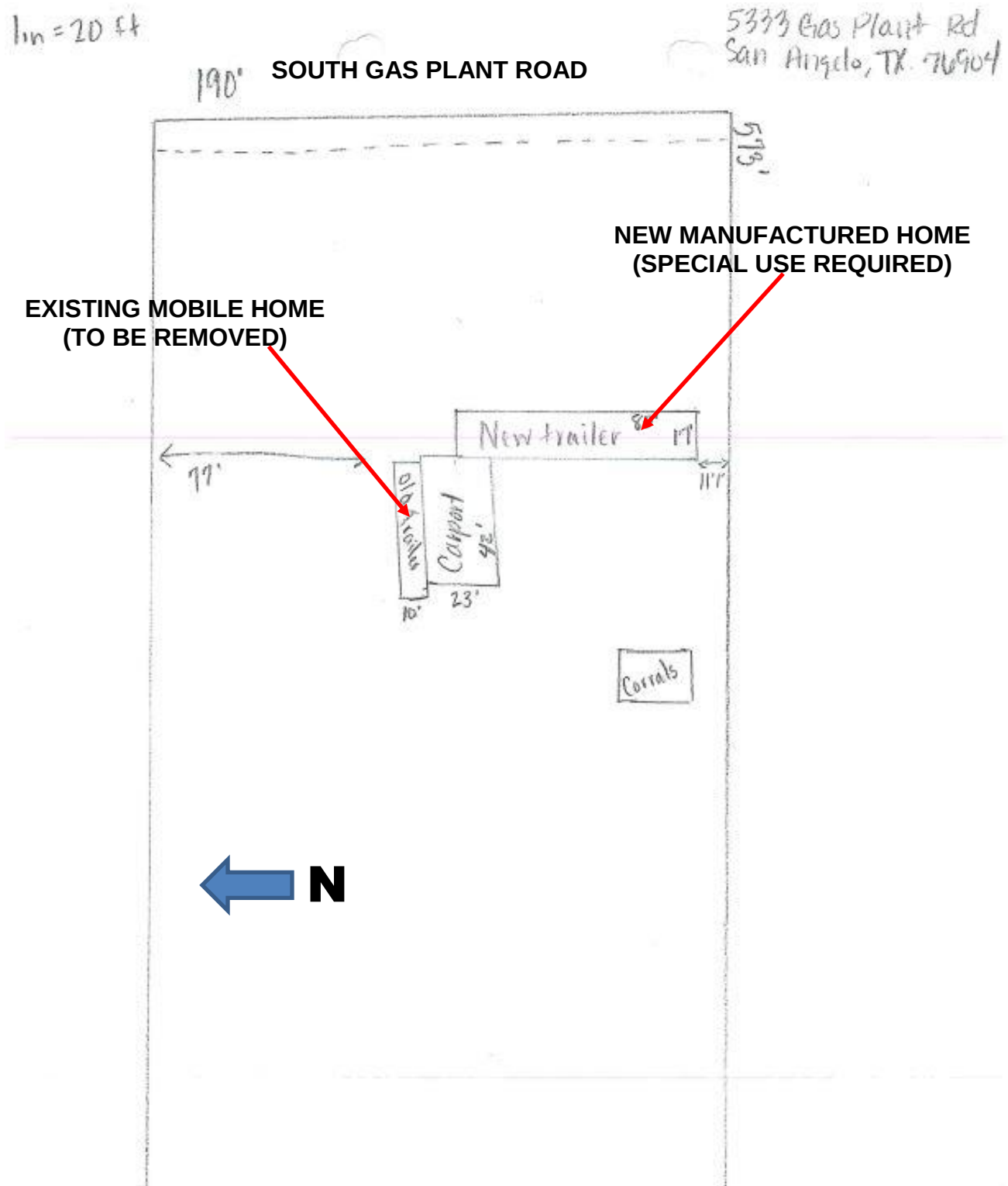
5429 SOUTH GAS PLANT ROAD



5433 SOUTH GAS PLANT ROAD



Site Plan



Appraisal Report Excerpt
Comparable Taxable Value: Single-Family Dwelling Properties within 500 feet

Devin Albert Appraisals
12224 Hidden View Dr. San Angelo, Tx 76904

5333 Gas Plant Rd
File No. 5333 Gas Plant Rd

04/18/2018

Bertha Zapata
5333 Gas Plant Rd
San Angelo, TX 76904

The following is a list of properties within close proximity to the subject property 5333 Gas Plant Rd, San Angelo, Tx 76904. The list includes the address and the Tom Green County Appraisal District assessed value of each property.

1. 5319 Gas Plant Rd., San Angelo, Tx 76904: Assessed value: \$ 53,730.00
2. 5503 Gas Plant Rd., San Angelo, Tx 76904: Assessed value: \$ 53,630.00
3. 5238 Old Christoval Rd., San Angelo, Tx 76904: Assessed value: \$ 56,380.00
4. 5429 Gas Plant Rd., San Angelo, Tx 76904: Assessed value: \$ 58,730.00
5. 5433 Gas Plant Rd., San Angelo, Tx 76904: Assessed value: \$ 142,690.00

The median assessed value is \$ 56,380.00 which is less than the subjects indicated value of \$ 90,000.00.

500-foot Boundary Map

Properties within 500 feet

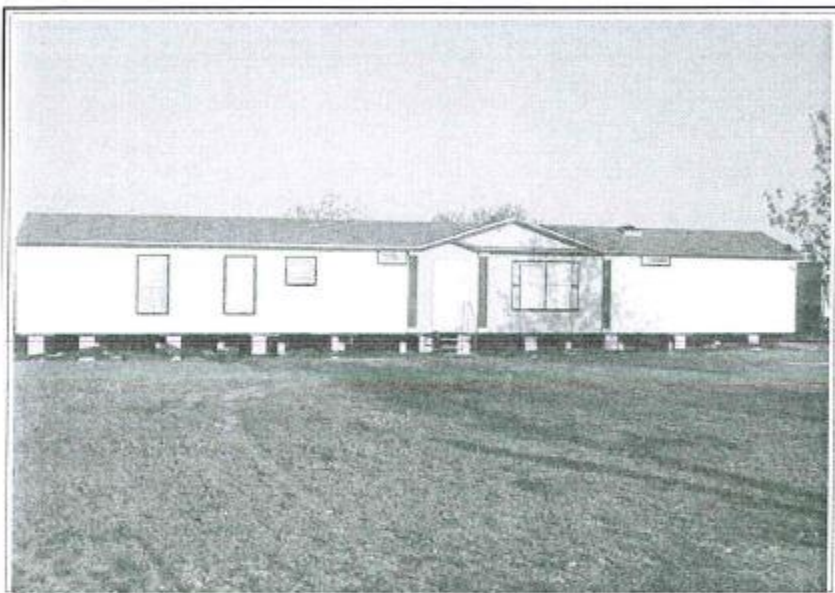
- Subject property
- Single-family dwellings
- 500-foot buffer



Appraisal Report Excerpt
Photos of New Manufactured Home

SUBJECT PROPERTY PHOTO ADDENDUM

Client: Bertha Zapata	File No.: 5333 Gas Plant Rd
Property Address: 5333 Gas Plant Rd	Case No.: 5333 Gas Plant Rd
City: San Angelo	State: TX Zip: 76904



**FRONT VIEW OF
SUBJECT PROPERTY**

Appraised Date: April 18, 2018
Appraised Value: \$ 90,000



**REAR VIEW OF
SUBJECT PROPERTY**



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application for Approval of a Special Use



Section 1: Basic Information

Name of Applicant(s): Bertha Zapata, Emiliano Zapata & Bertha Rosa Zapata

☒ Owner

☐ Representative (Affidavit Required)

Mailing Address: 3606 Old Post Rd. San Angelo TX 76904
City State Zip Code

Contact Phone Number: 325-374-5206 Contact E-mail Address: brzapata.luna@gmail.com

Subject Property Address: 5333 S Gas Plant Rd. San Angelo TX 76904
City State Zip Code

Lot Size: 2.5 acres Zoning: R+E Future Land Use designation (Comprehensive Plan): Industrial

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

Existing Use of Property: Existing Mobile Home

Proposed Use of Property: Replacement of Mobile Home w/ New Mobile Home

Proposed Special Use: to allow new mobile home (501F)

I understand that this Commission is required by law to make decisions based on the following criteria, and I assert that my request meets all of the required criteria based on my explanation(s) below:

Impacts Minimized. Whether and the extent to which the proposed special use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: Surrounding areas are residential, proposed use is residential. No adverse impact.

Consistent with Zoning Ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.

Explanation: Section 501F of zoning ordinance allows special use option on my property which has existing mobile home and to allow it to be replaced by a new mobile home

Compatible with Surrounding Area. Whether and the extent to which the proposed special use is compatible with the existing and anticipated uses surrounding the subject land.

Explanation: Surrounded by other mobile homes in the area

Effective January 3, 2017

Section 2 continued: Site Specific Details

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

Explanation: N/A

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

Explanation: Existing home is deteriorating, new mobile home will replace it. New mobile home is also higher in value.

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

Explanation: Existing lot is platted, no changes to property

Section 3: Applicant(s) Acknowledgement

Please initial the following:

- ☒ If approved, a Special Use is applied to the property, not the property owner.
☒ The Planning Commission makes recommendations on Special Use requests, City Council has final approval.
☒ Approval of this Special Use request does not constitute approval of permits, site plans, or other processes that require separate approval.
☒ If a permit is not sought within one year of the approval date of this Special Use, it will expire and requires another application.

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

Beth Zapata
Signature of licensee or authorized representative

4-20-18
Date

Beth Zapata
Printed name of licensee or authorized representative

Beth Zapata
Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: SU 18-01 Date of application: 4,23,2018
Planning Commission Date: 5,21,18 City Council Date: 6,19,2018
Nonrefundable application fee: \$ 225.00 Receipt #: 284677 Date paid: 4,23,2018
Reviewed/Accepted by: J. Fisher Date: 4,23,2018

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 WITHIN THE RANCH AND ESTATE (R&E) ZONING DISTRICT: **5333 South Gas Plant Road; generally located approximately 130 feet northwest of the intersection of Gas Plant Road and Shahan Road;**, AUTHORIZING A SPECIAL USE TO ALLOW FOR THE PLACEMENT OF A MANUFACTURED HOME SUBJECT TO CONDITIONS STATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

SU18-01

WHEREAS, the Planning Commission for the City of San Angelo, in compliance with the City Ordinances and state law regarding zoning regulations and zoning map, having afforded a full and fair hearing on the subject zoning change and made its recommendation to City Council for Approval of the Special Use subject to conditions stated; and,

WHEREAS, notice has been duly published of the time and place of a public hearing before the City Council regarding the subject zoning changes, which public hearing was held on the 19th day of June, 2018; and,

WHEREAS, the City Council has determined that the amendment to the Comprehensive Plan and Zoning Ordinance herein made is in the best interest of the health, safety and general welfare of the citizens of the City of San Angelo;

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

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

5333 South Gas Plant Road; generally located approximately 130 feet northwest of the intersection of Gas Plant Road and Shahan Road; and being Tract 8 in the Blanek Subdivision, compromising a total of 2.5 acres, City of San Angelo, Texas, as depicted in Exhibit “A,” zoned Ranch and Estate (R&E) Zoning District, shall henceforth permanently have a **Special Use to allow for the placement of a manufactured home on a property zoned Ranch and Estate (R&E) in compliance with standards defined in Section 501.F of the Zoning Ordinance.**

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to correct Zoning District Maps in the Office of the Director of the Planning and Development Services Department, to reflect the herein described changes in zoning.

SECTION 3: In all other respects, the use of the hereinabove described property shall be subject to all applicable regulations contained in Chapter 12 of the Code of Ordinances for the City of San Angelo, as amended. The Special Use, as hereby authorized, shall have no fundamental effect upon the subject property’s underlying or base zoning classification.

SECTION 4: The Special Use, as hereby authorized, shall be subject to the following Conditions:

1. The existing 460-square foot manufactured home shall be removed within six (6) months of the approval of this Special Use, or before the new manufactured home receives a final occupancy, whichever comes first.
2. The applicants shall submit a final site plan to the Planning Director and Building Official which delineates a minimum 15-foot south side yard setback.

SECTION 5. This special use approval is subject to the requirement that the property for which the approval is issued must actually acquire a building permit for the approved use within 12 months from the granting of the special use approval, provided that the Planning Director, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.

SECTION 6. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 7 The terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION 8: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **19th day of June, 2018**, and finally PASSED, APPROVED AND ADOPTED on this, the **17th day of July, 2018**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Carl White, Parks and Recreation Director, Parks and Recreation, 325-657-4450

Meeting Date: June 19, 2018

Item type: Regular Item

Caption:

First public hearing and consideration of an ordinance amending Chapter 10 "Traffic Control," Article 10.03 "Operation of Motor Vehicles", Section 10.03.035 "Lake Nasworthy and Twin Buttes", by amending the speed limit on a portion of Camper Road around Spring Creek Marina from 20 mph to 10 mph - (Presentation made by Parks and Recreation Director Carl White)

Summary/History:

The manager of the Spring Creek Marina has requested that the City consider lowering the speed limit on the portion of Camper Road around the marina from 20 mph to 10 mph.

This matter was discussed at the February 22, 2018 meeting of the Parks and Recreation Advisory Board. After much discussion of the reasons and considering a lowering to only 15 mph, the Board recommended what is now brought to Council for consideration.

The primary reason for this request is to improve safety around the marina. With the number of vehicles and pedestrians, combined with the narrow and curved road, the desire is to slow traffic around the marina in order to reduce the risk of accidents and injuries.

This proposed reduction has been considered by the Parks and Recreation Department, Operations Department, Engineering Services and the Police Department. All are accepting of the proposed change.

Financial Impact:

The fiscal impact for amending this ordinance is nominal, requiring the placement of two speed limit signs on posts at a cost of about \$100-\$150.

Other Information/Recommendation:

Attachments:

- | | |
|---|---|
| 1. February 22 2018 Minutes | February 22 2018 Minutes.pdf |
| 2. Presentation to Council on Camper Rd speed limit reduction request | Presentation to Council on Camper Rd speed limit reduction request.pptx |
| 3. 18-586 ORD reducing speed on camper road first reading | 18-586 ORD reducing speed on camper road first reading.docx |

Presentation:

Approvals/Reviews:

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

THE CITY OF SAN ANGELO, TEXAS
MINUTE RECORD OF A REGULAR MEETING OF THE
PARKS & RECREATION ADVISORY BOARD

Following notice and publication, the Parks & Recreation Advisory Board convened in a regular meeting at 3:30 p.m., February 22, 2018 in the South Meeting Room, McNease Convention Center, 500 Rio Concho Dr., San Angelo, Texas.

Board members present were Francis Jelensperger, Edward Dotson, Laurie Dicello, Bitsy Stone, and Kenneth Dierschke.

Staff members present were Carl White, Brent Casey, Roger Havlak and Mike Hitchcock and minutes were recorded by Ida Rios.

I. OPEN SESSION (3:30 p.m.)

A. Call to Order.

Mr. Jelensperger called the meeting to order at 3:30 p.m.

B. Public Comment.

Mr. Brent Casey, Recreation Manager introduced Catherine Hand, Recreation Supervisor, to the Board. Mrs. Hand is a graduate from Texas A & M and started with the Recreation Division in January.

Mr. Ken Landon and Mr. Larry Jolly presented Board members with a framed print of the state official water lily, "Texas Dawn".

Mr. Rick Abbott, resident of Lake Nasworthy for 32 years and a member of the Lake Nasworthy Homeowners Association, discussed the trash around Lake Nasworthy and the Lake Nasworthy trust fund. The HOA has purchased trash bags with the logo "Sack it, don't sink it". The HOA is asking the City to help distribute the bags at the gates and for the City to provide trash receptacles at the boat ramps. In addition, the Mayor has asked the HOA to provide a list of priorities for the lake area. Lake Nasworthy HOA is asking the public for their input on what improvements need to be made at the lake. The Lake Nasworthy trust fund has money available that can be spent with city-wide approval. An example is the fishing pier that needs to be replaced. There is approximately \$10-\$11 million available right now in the fund.

II. CONSENT AGENDA

1. Consideration of approving the January 25, 2018 meeting minutes.

Mr. Dierschke made a motion to approve the meeting minutes with corrections. Ms. Stone seconded the motion, which passed unanimously.

III. REGULAR AGENDA: PUBLIC HEARING AND COMMENT

2. Consideration of making a recommendation regarding an amendment to the City's license agreement with the People/Plant Connection as it relates to a request to waive the fees charged for use of the recreation center at times not authorized under the agreement.

Mr. White presented background information on this item. The Risk Management office with the City does not recommend allowing citizens inside the recreation center without City staff being present. The People/Plant Connection has requested that the fee for using the recreation center be waived when staff is not present and at times when staff is not scheduled by the Recreation Manager to be present. Staff cannot grant this request. Ms. Stanfield, with People/Plant Connection requested that the language in her agreement be modified for clarity. Mr. Dan Saluri, Assistant City Attorney and the Board discussed the process to amend the agreement. The Board supported renegotiating the language for clarity and bringing that back to the Board for review. Mr. Dotson made a motion recommending not to amend the contract to waive the fee for use of the recreation center as requested by the People/Plant Connection. Mr. Dierschke seconded the motion which passed unanimously.

3. Discussion of requests submitted by the managers of Spring Creek Marina for reducing the speed limit on the park road at Spring Creek Park and amending the City Ordinance to allow the use of golf carts for personal use at Spring Creek Park and recommending any related matters.

Mr. White presented background information on this item. The first item considered was the speed limit. The manager of the marina, Ray Broadway, is requesting the speed limit be changed from 20 mph to 10 mph. Parks & Recreation staff recommends lowering the speed limit to 15 mph. Changing the speed limit will require amending the city ordinance and getting Council's approval. The cost for the change would be approximately \$100 for the new signage. Mr. Broadway addressed issues with the roadway that separates the campers from the Lake. Children are crossing the road constantly and drivers are distracted by the wildlife in the area. The Board discussed the stopping distance of vehicles pulling a camper and enforcement of the speed limit. Sgt. Barry Wike, Lake Patrol, was partially in agreement with the change and discussed the responsibility of pedestrians, speed limit on dirt roads, the number of tickets that are being issued now and the increased number of tickets if the speed limit is lowered. He agreed to reduce the speed limit around the Marina and along the pipe rail fencing before the Tule Princess dock. Mr. Dierschke made a motion to keep the speed limit at 20 mph in the park and change it to 10 mph around the marina as recommended by Sgt. Wike. Mr. Dotson seconded the motion and it passed unanimously.

The second part of the request is to allow the public to use golf carts in Spring Creek Park. The Assistant City Attorney, Dan Saluri, stated that use of golf carts is regulated by city ordinance which refers to the unlawful operation of a golf cart. The ordinance applies where the posted speed limit is more than 30 mph and the golf cart is properly equipped. There is a restriction on personal use on public roads, which these would be, and where the speed limit is 30 mph or more. The state code provides for the use of golf carts within two miles of a golf course, for personal use to and from a golf course or for business. There are exceptions under the state code for certain types of subdivisions. The Board discussed private usage of golf carts on public roads. Sgt. Wike clarified the exceptions with use of golf carts in the Bentwood area because it is near a golf course and a master planned community. UPS is also allowed to use golf carts for business purposes. The Texas Transportation Code allows the City to regulate the use in certain areas, however, Lake Patrol does not recommend the use of them in the Spring Creek park area. There was some discussion about the difference between ATV or 4-wheelers and golf carts. The Board discussed the ordinance and State Code and decided to table this item until there is further information.

4. Recommending matters related to the programed use (pre-scheduled use for practices) of Kirby Park by the San Angelo Bandits Football youth sport organization.

Mr. White presented background information on the Bandits organization. They have requested the use of Kirby Park north for practice fields from February 26 – May 18 on Monday, Tuesday and Thursday from 5:30-8:00 p.m. The program pays for the use of the fields and we have not had any past issues with the program. Parks & Recreation staff try to work with programs that do not have a home and provide space for their use to the extent that we are able. Staff does recommend approval. Mr. Mario Torres, President of the Bandits organization

gave additional information on the program. Ms. Dicello made a motion to allow the Bandits to use Kirby Park for practice fields as recommended by staff. Mr. Dierschke seconded the motion which passed unanimously.

5. Discussion of concerns related to the feeding of wildlife on public properties along roadways and near homes around Lake Nasworthy and recommending any related matters.

Mr. White presented background information. Staff received a call with concern about wildlife on the narrow roadways surrounding the Lake Nasworthy area. Citizens drop off feed for the deer causing congestion on the roadway where people stop to see the wildlife. Deer damaging vegetation in local homes and people stopping to take pictures can be a safety concern. There is no ordinance to prohibit feeding the wildlife. Ms. Debbie Albert Wilson is a resident at the lake and does not want to prevent feeding the wildlife but instead would recommend educating the public and home owners about where to feed them off the roadway. Sgt. Wike stated that they have not had any accidents in the area as a result of the wildlife. Not feeding wildlife would include not feeding ducks downtown. Residents feed the deer across from their homes. He does not recommend not feeding the wildlife. The Board discussed a designated area for feeding the animals, partnering with the Texas Parks & Wildlife to educate the public and perhaps Mr. White could write an article for the newspaper.

6. Presentation by the City Attorney regarding the role and purpose of the Parks and Recreation Advisory Board.

This item was tabled for the next meeting.

7. Consideration of making a recommendation regarding a report from the *ad hoc* committee formed to prioritize unfunded parks and recreation improvement projects.

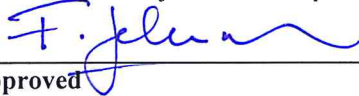
Mr. White presented background information on the ad hoc committee. Members of the committee included Mr. Jelensperger, Ms. Dicello, Mr. Roger Havlak, Mr. Brent Casey, Mr. White and Mr. Mike Hitchcock. The committee met and a list of prioritized unfunded parks and recreation improvement projects is included as a part of the permanent record. Ms. Stone made a motion to approve the list of prioritized unfunded projects as presented. Mr. Dierschke seconded the motion which passed unanimously.

8. Consideration of future agenda items.

Items to consider for the next meeting are Lake Nasworthy Homeowners Association request for trash receptacles and use of lake trust funds, trails from Southwest to Knickerbocker for bikes/runners, a new Nature Center, Gateway study and Board openings.

IV. ADJOURNMENT

The meeting was adjourned at 4:42 p.m.



Approved



City Council

June 5, 2018



Spring Creek Park speed limit

- Manager of Spring Creek Marina has requested speed limit reduction around the marina on Camper Road from 20 mph to 10 mph.
- Primary reason is for safety.
- The Parks and Recreation Advisory Board recommends approval.
- Staff recommends approval.



Spring Creek Park speed limit



Spring Creek Park speed limit





City Council

June 5, 2018



**AN ORDINANCE AMENDING CHAPTER 10 “TRAFFIC CONTROL”, ARTICLE 10.03
“OPERATION OF MOTOR VEHICLES”, DIVISION 2 “SPEED LIMITS” SECTION 10.03.035
OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, PROVIDING FOR
SEVERABILITY; PROVIDING FOR A PENALTY AND PROVIDING FOR AN EFFECTIVE
DATE**

WHEREAS, the regulation of traffic, motor vehicles and conveyances upon public streets, roadways and rights-of-way within the City limits is essential and necessary to protect the traveling public and to preserve and protect the public safety of the City of San Angelo (“City”); and

WHEREAS, the Texas Transportation Code sets the prima facie speed limit for streets in an urban district; and

WHEREAS, the Texas Transportation Code authorizes municipalities to alter speed limits under certain conditions; and

WHEREAS, the City Operations and Engineering departments have reviewed posted speed limits on Camper Drive and find it necessary to reduce the speed to 10 miles per hour due to congestion and foot traffic on that road; and

WHEREAS, the City of San Angelo does not have the jurisdiction to regulate speed at Twin Buttes Reservoir.

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

Section 1) THAT, Chapter 10, Article 10.03, Division 2, Section 10.03.035 of the San Angelo Code of Ordinances shall be amended as set out below.

“Sec. 10.03.035 Lake Nasworthy and Twin Buttes

It is hereby determined upon the basis of engineering and traffic investigation that the speed permitted by state law on the streets herein named is greater than is necessary for safe operation of vehicles thereon and it is hereby declared that the prima facie speed limit shall be as follows:

- | | | |
|----------------|----------------------------------|--------------------------------------|
| (1) | Fisherman's Park Road | 20 mph |
| (1) | Horseshoe Bend Road | 20 mph |
| (2) | Camper Road | <u>10</u> mph |
| (3) | Spillway Road | 40 mph |
| (5) | Garr Road | 20 mph Cannot locate road |
| (4) | Lincoln Park West | 20 mph |
| (5) | Lincoln Park East | 20 mph |
| (6) | Middle Concho West | 20 mph |
| (7) | Middle Concho East | 20 mph |
| (8) | Red Bluff West | 30 mph |

(9)	Red Bluff East	30 mph
(10)	Red Bluff Lane	30 mph
(11)	Red Bluff Ramp Road	20 mph
(12)	Red Bluff Circle	30 mph
(13)	FP.D. Road	20 mph F.D. Road
(14)	Jaycee Road	20 mph
(15)	King's Road	20 mph
(16)	Mesquite Lane	20 mph
(17)	Willow Drive	20 mph
(18)	American Legion Road	30 mph
(19)	Cove Road	20 mph
(20)	Mermaid Road	20 mph
(21)	Shark Road	20 mph
(27)	Wilderness Road	20 mph Cannot locate road
(22)	Shady Point Canal Road	20 mph
(23)	Turtle Drive	20 mph
(30)	Bass Drive	20 mph Cannot locate road (There is a Bass Lane outside of City Limits)
(24)	Shad Drive	20 mph
(25)	Shady Point Loop Drive	20 mph
(2633)	Shady Point Circle Drive	20 mph
(34)	Twin Buttes Marina Circle	20 mph Within Twin Buttes
(35)	Twin Buttes Park Road	30 mph Within Twin Buttes
(27)	Joy Road	20 mph
(28)	Mary Lee Park Roads	10 mph
(29)	Sleepy Hollow Road	20 mph"
(39)	Spring Creek Drive	20 mph This is now named Camper Road per 911 adressing

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

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

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

PENALTY: Any person who violates any provisions of this Article shall be guilty of a Misdemeanor and upon conviction shall be subject to a fine as provided for in Section 1.106 of this Code. Each day of such violation shall constitute a separate offense.

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

INTRODUCED on the 19th day of June 2018, and finally PASSED, APPROVED and ADOPTED on this the 17th day of July, 2018.

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: Russell Pehl, City Engineer, Engineering Services, 325-657-4201

Meeting Date: June 19, 2018

Item type: Consent Item

Caption:

Public hearing and first reading of an ordinance granting to Atmos Energy Corporation, a Texas and Virginia corporation, a franchise to construct, maintain, and operate pipelines and equipment in the City of San Angelo, Tom Green County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes - (Presentation made by City Engineer Russell Pehl)

Summary/History:

This is a renewal agreement between the City of San Angelo and Atmos Gas Company allowing Atmos Gas to construction and work within City right of way. The previous agreement between the City and Atmos has expired. This agreement establishes responsibilities for the City and Atmos regarding maintenance, fees for use of right of way and standard procedures in the event of an emergency or accident.

Financial Impact:

The franchise fee will be increased from 4% of Atmos gross revenue to 5% of Atmos gross revenue. There is an expected impact to the General Fund Franchise Fee revenue of approximately \$200,000 per year.

Other Information/Recommendation:

Attachments:

- | | |
|---|--|
| 1. San Angelo Reciprocal Agreement Ltr 2018 | San Angelo Reciprocal Agreement Ltr 2018.doc |
| 2. San Angelo - Atmos franchise agreement FINAL | San Angelo - Atmos franchise agreement FINAL.doc |

Presentation:

Approvals/Reviews:

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

June ___, 2018

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

Re: Reciprocal Agreement on Damage to Distribution Facilities

Dear Mr. Valenzuela:

As we have discussed, the City of San Angelo and Atmos Energy Corporation, Mid-Tex Division (Mid-Tex) both operate facilities within the public rights-of-way of San Angelo. On occasion, our respective employees damage those facilities during excavation activity. In order to avoid future misunderstandings concerning the responsibility for the cost of repairing facilities damaged during excavation activities, the City of San Angelo and Mid-Tex are entering into this reciprocal agreement concerning property damage claims.

If Mid-Tex employees damage the facilities owned by the City of San Angelo within the public rights-of-way of San Angelo, the City of San Angelo agrees to repair the damage to its facilities at no cost to Mid-Tex. Mid-Tex agrees to notify the appropriate official of the City of San Angelo as soon as reasonably possible after the occurrence of such damage.

If the City of San Angelo employees damage the distribution facilities owned by Mid-Tex within the public rights-of-way of the City of San Angelo, Mid-Tex agrees to repair the damage to its facilities at no cost to the City of San Angelo. The City of San Angelo agrees to notify the appropriate personnel of Mid-Tex as soon as reasonably possible after the occurrence of such damage.

This reciprocal agreement will remain in full force and effect until one party gives written notice to the other party of termination at least 30 days prior to the proposed termination date. Any such termination will not affect either party's obligation to pay for any damage that occurs prior to the termination date.

If this reciprocal agreement is acceptable to the City of San Angelo, please have both copies of this letter executed by the appropriate City of San Angelo official and return one fully executed copy to me.

Sincerely,

ATMOS ENERGY CORPORATION,
MID-TEX DIVISION

By: _____
Manager of Public Affairs

AGREED TO AND ACCEPTED
THIS ____ DAY OF _____, 2018

CITY OF SAN ANGELO

By: _____
Printed Name: Daniel Valenzuela
Title: City Manager

ORDINANCE NO: _____

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

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

SECTION 1. GRANT OF AUTHORITY: The City of San Angelo, Texas, hereinafter called "City," hereby grants to Atmos Energy Corporation, Mid-Tex Division, hereinafter called "Atmos Energy," its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public utility easements, public ways and other public places ("Public Rights-of-Way"), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment (the "System") to deliver, transport, and distribute gas in, out of, and through City for persons, firms, and corporations, including all the general public, and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, as such limits may be amended from time to time during the term of this franchise, said consent being granted for a term ending December 31, 2037.

SECTION 2. CONSTRUCTION, MAINTENANCE, OPERATION & RELOCATION OF ATMOS ENERGY FACILITIES:

- A. Atmos Energy shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment so as to comply with the ordinances, rules, and regulations of the City that are not in conflict with this ordinance and so as to minimize interference with traffic, place or cause to be placed appropriate barriers to mark excavations or obstructions, and promptly clean up and restore to approximate original condition all Public Rights-of-Way that it may disturb at its cost. Atmos shall maintain any repairs related to its activity in the Public Rights-of-Way for a period of one year. Public Rights-of-Way shall not be encumbered longer than necessary to execute the work. In determining the location of the facilities of the City and other users of Public Right-of-Way within City, City shall minimize interference with then existing facilities of Atmos Energy and shall require other users of Public Rights-of-Way to minimize interference with existing facilities of Atmos Energy. The location of all mains, pipes, laterals and other appurtenant

equipment shall be fixed under the supervision of the City or an authorized representative of the City. In the event of a conflict between the location of the proposed facilities of Atmos Energy and the location of the existing facilities of City or other users of Public Rights-of-Way within Public Rights-of-Way that cannot otherwise be resolved, City or an authorized agent of City shall resolve the conflict and determine the location of the respective facilities within the Public Rights-of-Way. In granting this Franchise, the City does not in any manner surrender or waive its regulatory or other rights and powers under and by virtue of the Constitution and statutes of the State of Texas as the same may be amended, nor any of its rights and powers under or by virtue of present or future generally applicable ordinances of the City, including but not limited to, generally applicable ordinances regulating the use of Public Rights-of-Way. Atmos Energy, by its acceptance of this Franchise, agrees that all such lawful regulatory powers and rights as the same may be from time to time vested in the City shall be in full force and effect and subject to exercise thereof by the City at any time.

- B. Atmos Energy or contractors working on behalf of Atmos Energy shall not be required to pay for street cutting, street excavation or other special permits related to excavations in Public Rights-of-Way in connection with Atmos Energy's operations in Public Rights-of-Way. City shall provide Atmos Energy with its annual capital improvements plan as well as any updates or changes as soon as the plan, update, or change becomes available. City shall notify Atmos Energy as soon as reasonably possible of any projects that will affect Atmos Energy's facilities located in the Public Rights-of-Way. When required by City to remove or relocate its mains, laterals, and/or other facilities lying within Public Rights-of-Way, Atmos Energy shall do so as soon as practically possible with respect to the scope of the project. Such relocation shall be completed not later than the deadline set by the City's Public Works Director or his/her designee working in conjunction with Atmos Energy, or if no time frame can be agreed upon, not later than ninety (90) days after the day the notice was sent to Atmos Energy to make the alterations. In no event shall Atmos Energy be required to remove or relocate its facilities in less than thirty (30) days from the time notice is given to Atmos Energy by City. If Atmos Energy fails to remove or relocate its facilities within the time provided by this Section, Atmos Energy shall be subject to liability for actual damages incurred by the City as a result of Atmos Energy's delay, unless such delay is beyond Atmos Energy's control. Atmos Energy's failure to complete the removal or relocation of its facilities within the time provided by this Section may be excused at the City's discretion, if Atmos Energy has promptly notified the City of the circumstances that have caused the delay, and

has requested an extension of the removal/relocation period. City shall grant the extension unless withheld for good cause.

- C. Whenever by reason of street widening, straightening or changes in the grade or contours of a street, alley or other public way or in the location or manner of constructing a water pipe, gas pipe, sewer, communications projects, or any other City owned underground or aboveground structure for a governmental purpose, it is deemed that Atmos Energy's underground or aboveground facilities located in the Public Right-of-Way are in conflict and for this reason it is deemed necessary to remove, alter, change, adapt, or conform the underground or aboveground facilities of Atmos Energy, Atmos Energy shall make the alterations or changes within the time periods discussed in Section 2(B) above, without claim for reimbursement or damages against the City. Atmos Energy shall not be required to remove, alter, change, adapt, or conform its facilities without claim for reimbursement to accommodate a private developer, when such work is for the primary purpose of beautification, or if such facilities are not in conflict with construction performed for a governmental purpose as described above. Facilities are deemed to be in conflict to the extent that their location would be inconsistent with gas distribution industry standard safe operating practices. The City shall not require Atmos Energy to remove its facilities entirely from a street, alley, highway, or other public way unless suitable and safe alternatives are available for relocation at no additional cost to Atmos Energy. Atmos Energy shall not be required to relocate facilities to a depth of greater than four (4) feet below the ground's surface unless necessary to avoid conflict with existing facilities of other authorized users of the Right-of-Way or proposed placement of City's facilities in the Right-of-Way, or if prior agreement is obtained from Atmos Energy.
- D. When Atmos Energy is required by City to remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way to accommodate a request by City, and costs of utility removals or relocations are eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Atmos Energy as a result of such removal or relocation, and such reimbursement is required to be handled through City, Atmos Energy costs and expenses shall be included in any application by City for reimbursement if Atmos Energy submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable written notice to Atmos Energy of the deadline for Atmos Energy to submit documentation of the costs and expenses of such relocation to City. Upon receipt of

reimbursement from a federal or state agency, the City shall remit to Atmos Energy, within thirty (30) days of receipt, its portion related to the relocation or removal of its facilities.

- E. When Atmos Energy is required to remove or relocate its mains, laterals or other facilities to accommodate construction by City without reimbursement from City, Atmos Energy shall have the right to seek recovery of relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Atmos Energy to seek or recover a surcharge from customers for the cost of relocation pursuant to applicable state and/or federal law. City shall not oppose recovery of relocation costs when Company is required by City to perform relocation. City shall not require that Company document request for reimbursement as a pre-condition to recovery of such relocation costs. Notwithstanding any provision of this agreement, the City shall have the right to participate and challenge any other capital costs or expenses of Atmos Energy and request full documentation to the full extent provided by state law.
- F. If City abandons any Public Rights-of-Way in which Atmos Energy has facilities, such abandonment shall be conditioned on Atmos Energy's right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Atmos Energy for all removal or relocation expenses if Atmos Energy agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Atmos Energy to remove or relocate its facilities and Atmos Energy agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Right-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

SECTION 3. INDEMNITY & INSURANCE:

Atmos Energy shall fully indemnify and save harmless the City from any and all damage, loss, action or cause of action arising in whole or in part from Company's exercise of any of its rights, privileges, franchises and obligations hereunder, except to the extent arising out of the City's negligence or willful misconduct. In the event of joint and concurrent negligence or fault of both Atmos Energy and the City, responsibility and indemnity, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas

without, however, waiving any governmental immunity available to the City under Texas law and without waiving any of the defenses of the parties under Texas law. It is understood that it is not the intention of the parties hereto to create liability for the benefit of third parties, but that this section shall be solely for the benefit of the parties hereto and shall not create or grant any rights, contractual or otherwise, to any person or entity.

Atmos Energy shall, at its sole cost and expense, obtain, maintain, and provide, throughout the term of this Franchise Agreement, insurance or provide self-insurance against all claims for injuries to person or damages to property that may arise from or in connection with the exercise of the rights, privileges and authority granted hereunder to Atmos, its agents, representatives or employees in accordance with the coverage limits set out below.

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

A. COMMERCIAL GENERAL LIABILITY.

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

\$ 2,000,000.00	General Aggregate
\$ 1,000,000.00	Products - Completed Operations
\$ 1,000,000.00	Personal & Advertising Injury
\$ 1,000,000.00	Each Occurrence
\$100,000.00	Fire Damage (any one fire)

B. BUSINESS AUTOMOBILE LIABILITY.

This policy shall be written in comprehensive form and shall protect Atmos Energy and the additional insureds against all claims for injuries to members of the public and damage to property of others arising from the use of motor vehicles and shall cover operation on and off the premises of all motor vehicles licensed for highway use, whether they are owned, non-owned or hired. Coverage shall not be less than:

\$ 1,000,000.00	Combined Single Limit per Claim
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C. WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY.

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

Statutory Amount	Workers' Compensation
\$ 500,000.00	Employer's Liability, Each Accident
\$ 500,000.00	Employer's Liability, Disease – Each Employee
\$ 500,000.00	Employer's Liability, Disease – Policy Limit

The foregoing requirement will not be applicable if, and so long as, Atmos Energy qualifies as a self-insurer under the rules and regulations of the commission or agency administering the workers' compensation program in Texas and furnishes evidence of such qualification to City in accordance with the notice provisions of this Agreement.

SECTION 4. NON-EXCLUSIVE FRANCHISE: The rights, privileges, and franchises granted by this ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for City and the inhabitants thereof.

SECTION 5. PAYMENTS TO CITY:

- A. Atmos Energy, its successors and assigns, agrees to pay and City agrees to accept, on or before the 1st days of March, June, September and December, 2018, and on or before the same days of each succeeding year during the life of this franchise the last payment being made on the 1st day of December, 2037, a sum of money which shall be equivalent to five percent (5%) of the Gross Revenues, as defined in 5.B below, received by Atmos Energy during the preceding calendar quarter.
- B. "Gross Revenues" shall mean:
- (1) all revenues received by Atmos Energy from the sale of gas to all classes of customers (excluding gas sold to another gas utility in the City for resale to its customers within City) within the City;
 - (2) all revenues received by Atmos Energy from the transportation of gas through the System

of Atmos Energy within the City to customers located within the City (excluding any gas transported to another gas utility in City for resale to its customers within City);

- (3) the value of gas transported by Atmos Energy for Transport Customers through the System of Atmos Energy within the City ("Third Party Sales")(excluding the value of any gas transported to another gas utility in City for resale to its customers within City), with the value of such gas to be established by utilizing Atmos Energy's monthly Weighted Average Cost of Gas charged to industrial customers in the Mid-Tex division, as reasonably near the time as the transportation service is performed; and
- (4) "Gross Revenues" shall also include the following "miscellaneous charges": charges to connect, disconnect, or reconnect gas and charges to handle returned checks from consumers within the City.

- (5) "Gross Revenues" shall not include:

- (a) revenues billed but not ultimately collected or received by Atmos Energy;
- (b) contributions in aid of construction;
- (c) the revenue of any affiliate or subsidiary of Atmos Energy;
- (d) sales tax and franchise fees paid to the City;
- (e) interest or investment income earned by Atmos Energy; and
- (f) monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's right of way.

- C. The initial payment made under this franchise for the rights and privileges herein provided shall be on March 1, 2018, and shall be for the period January 1 through March 31, 2018, and each succeeding payment shall be for the calendar quarter in which the payment is made as follows:

<u>Payment Due Date</u>	<u>Quarter Upon Which Payment is Based</u>	<u>Quarter for Which Payment is Made</u>
June 1 st	January 1 – March 31	April 1 – June 30
September 1 st	April 1 – June 30	July 1 – September 30

December 1st

July 1 – September 30

October 1 – December 31

March 1st

October 1 – December 31

January 1 – March 31

It is also expressly agreed that the aforesaid payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), municipal license, permit, and inspection fees, bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character that City may now impose or hereafter levy and collect from Atmos Energy or Atmos Energy's agents, excepting only the usual general or special ad valorem taxes that City is authorized to levy and impose upon real and personal property. If the City does not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Atmos Energy's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges aforesaid.

D. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by Atmos Energy

If Atmos Energy should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in Atmos Energy's Mid-Tex Division, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due City under this Ordinance, then the franchise fee to be paid by Atmos Energy to City pursuant to this Ordinance may, at the election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to City were the franchise fee provisions of that other franchise ordinance applied to City. The City acknowledges that the exercise of this right is conditioned upon the City's acceptance of all terms and conditions of the other municipal franchise *in toto*. The City may request waiver of certain terms and Company may grant, in its sole reasonable discretion, such waiver. Such waiver shall not be withheld except for good cause. Requesting such waiver shall not bind the City to a decision to accept or reject any franchise ordinance terms.

E. Atmos Energy Franchise Fee Recovery Tariff

- (1) Atmos Energy may file with the City a tariff or tariff amendment(s) to provide for the recovery of the franchise fees under this agreement.
- (2) City agrees that (i) as regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for 100% recovery of such franchise fees as part of Atmos Energy's rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of Atmos Energy's franchise fees is an issue, the City will take an affirmative position supporting 100% recovery of such franchise fees by Atmos Energy and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Atmos Energy.
- (3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Atmos Energy.

F. Lease of Facilities Within City's Rights-of-Way. Atmos Energy shall have the right to lease, license or otherwise grant to a party other than Atmos Energy the use of its facilities within the City's public rights-of-way provided: (i) Atmos Energy first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) Atmos Energy makes the franchise fee payment due on the revenues from such lease pursuant to Section 5 of this Ordinance. This authority to Lease Facilities within City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.

SECTION 6. ACCEPTANCE OF FRANCHISE: In order to accept this franchise, Atmos Energy must file with the City Clerk its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City. If such written acceptance of this franchise ordinance is not filed by Atmos Energy, the franchise ordinance shall be rendered null and void.

When this franchise ordinance becomes effective, all previous ordinances of City granting franchises for gas delivery purposes that were held by Atmos Energy shall be automatically canceled and annulled, and shall be of no further force and effect.

SECTION 7. PARAGRAPH HEADINGS. CONSTRUCTION: The paragraph headings contained in this ordinance are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the preparation of this ordinance and this ordinance shall not be construed either more or less strongly against or for either party.

SECTION 8. CONDITIONS OF OCCUPANCY:

(A) All construction and the work done by Atmos Energy, and the operation of its business, under and by virtue of this Franchise Agreement, shall be in conformance with the applicable ordinances, rules and regulations now in force and that may hereafter be adopted by the City relating to the use of its Public Rights-of-Way. This Franchise Agreement shall in no way affect or impair the rights, obligations or remedies of the parties under the Texas Utilities Code, or other state or federal Law.

(B) If the City believes that Atmos Energy has failed to comply with any operational or maintenance standards as required by this Franchise Agreement, City shall give Atmos Energy written notice of such failure to comply. Atmos Energy shall have the opportunity to cure such failure during a period not to exceed fifteen (15) business days from receipt of the written notice. If Atmos Energy fails to cure the alleged failure to comply within the prescribed time period, Atmos Energy's alleged failure to comply shall be heard at a public meeting of the City Council. Atmos Energy shall be given written notice of the public meeting no later than seventy-two (72) hours prior to the posting date of the agenda for the City Council meeting at which such alleged failure is scheduled to be considered by the City Council. The notice to Atmos Energy shall include a list of the failures complained of and, Atmos Energy shall have an opportunity to address the City Council at such public meeting. Commencing five (5) calendar days following the adoption of a resolution or an ordinance of the City Council that finds and determines a failure of Atmos Energy to comply with operational or maintenance standards as required by this Franchise Agreement, this agreement may be subject to termination. In addition, Atmos Energy's failure to timely comply will entitle the City to take actions it deems necessary to protect the public health, safety, and welfare. Any and all reasonable and necessary expenses so incurred by the City shall be invoiced to Atmos Energy and Atmos Energy shall promptly reimburse the City for such expenses.

SECTION 9. LAYING OF LINES IN ADVANCE OF PUBLIC IMPROVEMENTS:

(A) Whenever the City shall decide to make any public improvements in any Public Right-of-Way in which Atmos Energy facilities already exist or in which Atmos Energy may propose to install its facilities, Atmos Energy will be provided the opportunity, at no expense to the City, in advance of such public improvements, to renew such facilities, if defective or inadequate in size, and to lay facilities, or renew same, if inadequate in size or defective, to the property lines where buildings are already located.

(B) At least ninety (90) calendar days prior to the planned paving or repaving of Public Rights-of-Way, City shall give Atmos Energy written notice of the intention of City to pave any such Public Right-of-Way. Upon receipt of such notice, Atmos Energy shall initiate its review process to determine the need to renew its facilities, and the need to lay or renew service lines underneath the portions of the Public Rights-of-Way to be paved. If Atmos Energy determines such a need, Atmos Energy shall promptly initiate such work and shall thereafter proceed in a good faith and workmanlike manner to completion of the necessary work within ninety (90) calendar days after receipt of the notice from the City. Atmos Energy's failure to complete the necessary work within the ninety (90) day period may be excused at the City's discretion, if Atmos Energy has promptly notified the City of the circumstances that have caused the delay, and has requested an extension of the construction period. City shall grant the extension unless withheld for good cause.

(C) If Atmos Energy should fail to take advantage of the pre-paving opportunity to undertake new construction or repairs to its facilities in the Rights-of-Way to be paved, and such street or alley is thereafter paved, except in an emergency, Atmos Energy shall for two (2) years thereafter not be allowed to open cut such pavement or excavate in such paved street or alley. When required to initiate new service within the two (2) year period, Atmos Energy shall be permitted to utilize alternative methods to open cutting in order to establish such service. Atmos Energy shall use its best efforts to minimize disturbance to such paved street or alley, and shall restore the same in accordance with Section 2(A) above.

SECTION 10. EXTENTIONS FOR CUSTOMERS:

Atmos Energy shall, at its expense, extend distribution mains in any Public Right-of-Way up to one hundred (100) feet for any one residential customer only if such customer, at a minimum, uses gas for unsupplemented space heating and water heating. Atmos Energy shall not be required to extend transmission mains in any Public Rights-of-Way within City or to make a tap on any transmission main

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bryan Kendrick, City Clerk, Legal,

Meeting Date: June 19, 2018

Item type: Regular Item

Caption:

Second reading and adoption of an ordinance amending Article 2.07 "Boards, Committees and Commissions", Section 2.07.253 COSADC "Board of Directors" enacting term limits (T. James)

Summary/History:

This amendment to the ordinance would create term limits (2-Terms) for the COSA DC Board Members.

Financial Impact:

None.

Other Information/Recommendation:

Attachments:

- | | | |
|----|---------------------------|--------------------------------|
| 1. | 18-xxx COSADC term limits | 18-xxx COSADC term limits.docx |
|----|---------------------------|--------------------------------|

Presentation:

Approvals/Reviews:

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

AN ORDINANCE AMENDING CHAPTER 2 “ADMINISTRATION AND PERSONNEL”, ARTICLE 2.07 “BOARDS, COMMITTEES AND COMMISSIONS”, DIVISION 9 “ECONOMIC DEVELOPMENT CORPORATION” SECTION 2.07.253 OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 1999 the City Council adopted an ordinance that created an Economic Development Corporation for the City of San Angelo; and

WHEREAS, under that ordinance directors were allowed to serve an unlimited number of two-year terms; and

WHEREAS, there is now a desire to limit the service on the board to two consecutive two-year terms.

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

Section 1) THAT, Chapter 2, Article 2.07, Division 9, Section 2.07.253 of the San Angelo Code of Ordinances shall be amended as set out below.

“Sec. 2.07.253 Board of directors

(a) Each member of the board of directors (“board” hereinafter) of the corporation shall:

- (1) Be appointed by a majority vote of the city council;
- (2) Serve a two-year term of office; and
- (3) Be a resident of the city.

(b) A director may be removed from office by a majority vote of the city council at any time without cause.

(c) 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. A director who is a member of any other boards or commissions of the city, except the water advisory board, shall elect the board on which he will continue to serve within fourteen (14) days of the effective date of this section. If he fails to designate the board on which he will continue to serve within the specified time period, the city council shall make the designation.

(d) No director shall serve more than two consecutive two-year terms. For the purposes of this section the first term of a director shall include the term held as of the date of passage of this Ordinance.”

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

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

Section 3) THAT, this Ordinance shall be effective on, from and after the date of publication as required by law.

INTRODUCED on the 5th day of June 2018, and finally PASSED, APPROVED and ADOPTED on this the 19th day of June, 2018.

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

Meeting Date: June 19, 2018

Item type: Regular Item

Caption:

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

Summary/History:

Sales Tax Revenue has performed as follows this fiscal year:

October - increase of 14.77%
November - increase of 7.03%
December - increase of 17.48%
January - increase of 12.46%
February - increase of 19.71%
March - increase of 14.93%
April - increase of 8.67%
May - increase of 10.45%
June - increase of 4.82%

Year to date, revenue is approximately \$1,113,647 more than budgeted.

Financial Impact:

Sales Tax revenue for fiscal year 2018 is over budget by 8.75% and \$1,113,647 after June 2018 receipts.

Other Information/Recommendation:

Attachments:

- | | |
|---------------------------------------|--|
| 1. Monthly Revenue Trends 2018 - June | Monthly Revenue Trends 2018 - June.pdf |
| 2. 180619 Sales Tax Update | 180619 Sales Tax Update.pptx |

Presentation:

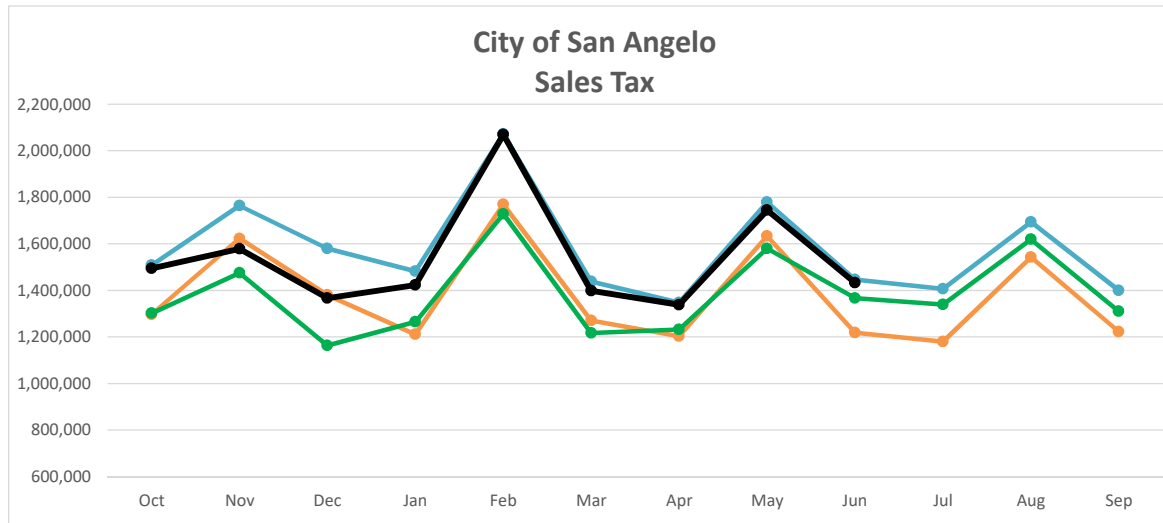
Tina Dierschke

Approvals/Reviews:

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

City of San Angelo Sales Tax - General Fund

Month	2013	2014	2015	2016	2017	2018	Budget Allocation	Difference from Budget Allocation	% Change Year over Year	Over / (Under) FY2017
Oct	1,264,349	1,388,436	1,508,233	1,296,733	1,301,852	1,494,126	1,323,838	170,288	14.77%	192,274
Nov	1,325,810	1,582,107	1,764,518	1,622,933	1,474,872	1,578,605	1,512,847	65,758	7.03%	103,733
Dec	1,285,109	1,308,812	1,579,718	1,380,463	1,162,763	1,366,024	1,317,665	48,359	17.48%	203,260
Jan	1,182,268	1,314,856	1,482,453	1,210,786	1,265,207	1,422,829	1,277,239	145,590	12.46%	157,622
Feb	1,679,307	1,829,723	2,071,878	1,768,937	1,728,678	2,069,325	1,805,910	263,415	19.71%	340,647
Mar	1,242,578	1,304,418	1,438,299	1,270,043	1,216,505	1,398,172	1,268,663	129,509	14.93%	181,667
Apr	1,227,766	1,423,130	1,347,047	1,202,841	1,231,345	1,338,067	1,272,625	65,443	8.67%	106,722
May	1,548,822	1,684,129	1,779,019	1,633,849	1,579,360	1,744,518	1,619,576	124,942	10.46%	165,159
Jun	1,309,232	1,457,046	1,446,101	1,217,893	1,367,061	1,433,017	1,332,674	100,343	4.82%	65,956
Jul	1,300,467	1,421,110	1,405,787	1,180,024	1,339,373		1,313,593			
Aug	1,556,125	1,814,100	1,693,299	1,542,217	1,619,370		1,611,891			
Sep	1,322,921	1,519,457	1,400,015	1,222,722	1,310,654		1,343,480			
Total	16,244,755	18,047,324	18,916,368	16,549,442	16,597,040	13,844,684	17,000,000	1,113,647	26.31%	1,517,040
Orig Budget	14,888,588	16,075,699	18,427,862	19,200,000	17,200,000	17,000,000				
				2,650,558	602,960					



Projection - Flat	18,114,080
Over/(Under) Budget - Flat	1,114,080

YTD Collections	13,844,684
PYTD Collections	12,327,644
% increase	12.31%

YTD Original Budget	12,731,036
YTD Collections	13,844,684
YTD Over/ (Under) Budget	1,113,647
YTD % Over/ (Under) Budget	8.75%



City Council

June 19, 2018



Sales Tax Revenue

- Up 4.82% in June compared with the same month in prior year
- Collections for June are \$100,343 over the original budget for June
- Over budget for revenue by \$1,113,647 year to date





City Council

June 19, 2018



APPLICATION FOR
BOARDS and COMMISSIONS

Name: GARY CORTES

Address: [REDACTED]

City: San Angelo (unless otherwise noted) Zip: 76902

Phone (Home): [REDACTED] (Office): [REDACTED]

Resident of San Angelo since: 1960 SMD: 3

Are you a registered voter of San Angelo? Yes: ✓ No:

Occupation / Business Affiliation: RETIRED / REAL ESTATE

Occupation / Business Address:

Position:

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 Gary Cortes 5-1-16
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
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:
IBA (see back page for board criteria)

Education and/or Professional Licenses: HIGH SCHOOL

Current Municipal and Civic Organization Memberships (Positions & Dates): PRESIDENT HOME BUILDERS ASSN 2003

Previous Municipal Experience (Positions, Dates, Where): NONE

What personal qualifications can you bring to this board? RETIRED FROM 40 YEARS OF RESIDENTIAL HOME CONSTRUCTION AND SUBDIVISION DEVELOPMENT

What is your personal vision for the City? CONTINUED SMART GROWTH WITH A FAIR REGULATORY ENVIRONMENT

Why do you want to serve on this board? TO OFFER SOME OF MY BUSINESS EXPERIENCE BACK TO THE COMMUNITY, THAT GAVE ME A CHANCE TO SUCCEED

Anything else you would like for us to know? NONE

*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