



City Council Agenda 08/21/2018

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held on August 21, 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. Legislative Prayer

3. Pledges

4. Proclamations/Recognitions

- a. Proclamation of August 30, 2018 as RSVP Volunteer Recognition Day

5. 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.

6. Consent Agenda

- a. Consider approving the August 7, 2018 regular meeting and August 14, 2018 special meeting minutes (Kendrick)
- b. Consider authorizing the Fire Department to participate in the 2018 Muscular Dystrophy Association (MDA) Fill the Boot Campaign (Dunn)
- c. Consider authorizing the sale of the following Lake Nasworthy property to the current residential lot leaseholder for the appraised value and authorizing the City Manager to execute all documents necessary to convey the surface estate only in the property (Preas): 1918 Shady Point Drive (\$90,800)
- d. Consider ratifying notice of default of Commercial Lease and Option Agreement as amended for Solar Electric Generating Facility with OE Renewables Texas, LLC, and authorizing the City Manager to execute all documents in consultation with the City Attorney for purposes of terminating the lease agreement and taking possession of the leased premises (Preas)
- e. Consider awarding RFB CE-03-18 Linen Rental Service to Ameripride Services Inc. for one year with two additional one-year extensions, budgeted for purchase annually, and authorizing the City Manager to execute any related documents (Walker)
- f. Consider approving an interlocal agreement between the City and Tom Green County regarding the Joint Operation of Office of Emergency Management (Dunn)

- g. Second reading of an ordinance to change “Harbor Court” to “Ener Tel Way” over the complete 325-foot length of the street's right-of-way, beginning at West Avenue N and continuing south to the cul-de-sac terminus (James)

7. Regular Agenda

- a. Presentation of annual actuarial analysis regarding the Risk Fund - (Presentation made by Jason A. Martin Senior Consultant of Willis Towers Watson)
- b. Public hearing and first reading of an ordinance for Case Z18-13, a rezoning from the General Commercial/Heavy Commercial (CG/CH) and Single-Family Residential (RS-1) Zoning Districts to the Heavy Commercial (CH) Zoning District, being 2.053 acres located at 3014 Grape Creek Rd - (Presentation made by Planning & Development Services Director Jon James)
- c. First reading and public hearing of ordinances approving:
 - 1. Case CP18-05, an amendment to the Comprehensive Plan, changing the Future Land Use designation from “Neighborhood” to “Neighborhood Center,” being 0.36 acres located at 320 W. Ave O
 - 2. Case Z18-14, a rezoning from the Single-Family Residential (RS-1) Zoning District to the Office Commercial (CO) Zoning District, being 0.36 acres located at 320 W. Ave O - (Presentation made by Planning & Development Services Director Jon James)
- d. Public hearing and first reading of an ordinance for the abandonment and vacation of a 25-foot wide, 0.162-acre (7,096-square foot) segment of the Ben Ficklin Rd public right-of-way and a 10-foot wide, 0.061-acre (2,678-square foot) public alley, located immediately east and between Lots 1-5 and 22-27 within Block 4 of the Monterrey Addition - (Presentation made by Planning & Development Services Director Jon James)
- e. Second reading and adoption of an ordinance deleting and replacing Chapter 10, “Traffic Controls”, Article 10.01 “General Provisions”, Section 10.01.014 “Bicycle Lanes” of the Code of Ordinances, City of San Angelo, Texas, providing for severability, and providing for an effective date - (Presentation made by City Engineer Russell Pehl)
- f. Update on Sales Tax revenue performance - (Presentation made by Finance Director Tina Dierschke)
- g. Consider first public hearing of the property tax rate for the City of San Angelo for the 2018 tax year- (Presentation made by Finance Director Tina Dierschke)

8. Closed Session

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

- a. Section 551.072 Deliberations about Real Property regarding:
 - 1. Lot 9D, Block 2, Section 9A, Red Arroyo Hills Addition
 - 2. 21.536 acres located at 2838 College Hills Blvd
- b. Section 551.071(1)(A) Consult with attorney when the governmental body seeks the advice of its attorney about pending or contemplated litigation regarding Templeton Construction, Inc.

9. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session, if needed
- b. Consider approving various board nominations:
Public Art Commission: Richard Round (Mayor) to an unexpired term ending April 2019
- c. Consider the schedule for City Council Meetings in September
- d. Announcements and consideration of Future Agenda Items

10. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, on the 17th day of August 2018, at 11:02 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.

Proclama

The 37th Annual West Texas RSVP Volunteer Recognition Event provides the opportunity to celebrate and “count” the ways volunteer service makes a difference in our communities.

Volunteers who serve through West Texas RSVP take part in activities that enrich their physical, mental and emotional well-being.

The 2018 Older Americans theme, Engage at Every Age, reflects that now more than ever before, older adults are offering their wisdom and experience.

West Texas RSVP enriches the lives of individuals of every age by:

- promoting home- and community-based services that support independent living;
- involving older adults in community planning, events, and other activities; and
- providing opportunities for older adults to work, volunteer, learn, lead, and mentor.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim August 30, 2018 as

" RSVP Volunteer Recognition Day "

in the Concho Valley focusing on volunteer engagement, recognition, inspiration and countless acts of service to others.

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 26th day of July, 2018.

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, August 7, 2018

Present:

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

1. Call to Order

With a quorum of the City Council Members present, Mayor Gunter called the regular session of the San Angelo City Council to order at 8:32 a.m. on Tuesday, August 7, 2018, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Legislative Prayer

Council Member DeWitt provided an invocation.

3. Pledges

Cadet Major Ricky Lacy, Lakeview JROTC and HR student worker, led the Pledges.

4. Proclamations/Recognitions

Mayor Gunter proclaimed August as Breastfeeding Awareness Month

Mayor Gunter recognized the 2018 campaign of the United Way of the Concho Valley

5. Public Comment

Citizen Joe Yarbrow expressed concerns over the appraisals of city owned lake lots. Citizen Steve Hampton expressed concerns for the need to hire a new Emergency Management Coordinator and requested a discussion on Item 6b. Water Utilities Assistant Director Lance Overstreet noted the water restrictions that began August 1st. Anthony Wilson invited everyone to attend or watch the State of the City.

6. Consent Agenda

- a. Approval of the July 17, 2018 City Council regular meeting minutes
- b. Approval of Buyboard Contract #521-16 from Freightliner of Austin (Austin, TX) in the amount of \$377,389 budgeted in Fiscal Year 2018 for the purchase of one sewer vacuum truck, and authorizing the City Manager to execute any related documents

- c. Approval of Buyboard Contract #524-17 from Paradigm Traffic Systems, Inc. (Houston, TX) in the amount of \$119,250 budgeted in FY2018 for the purchase of Centrac's Advance Traffic Management System (ATMS) controllers and authorizing the City Manager or designee to execute any related documents
- d. Approval of Buyboard Contract #534-17 from Texas Highway Products (Round Rock, TX) in the amount of \$125,307 budgeted in FY2018 for the purchase of Gridsmart Cameras and authorizing the City Manager or designee to execute any related documents
- e. Approval of Buyboard Contract #524-17 from Paradigm Traffic Systems, Inc. (Houston, TX) in the amount of \$75,000 budgeted in FY2018 for the purchase of Alpha Battery Backup Systems and authorizing the City Manager or designee to execute any related documents
- f. Adoption of a resolution ratifying the plan update for 1115 Waiver Funds from the Texas Health and Human Services Commission to continue providing sexually transmitted disease clinic health care services at the COSA-TGC Health Department which requires the City to contribute 40% Intergovernmental Transfer (IGT) Funds (Match Funds) over a four year period beginning FY2017/2018; ratifying previous acceptance of funds; authorizing acceptance of 1115 Waiver Funds for FY2017/2018 through FY2020/2021, if awarded; authorizing the City to pay the IGT Funds (Match Funds); and, authorizing the City Manager to execute any related documents (Pg. 277, 2018-086)
- g. Approval of the extension of bid WU-06-15 Industrial Electrical Services to Mike Verfurth Electric (San Angelo, TX) and Bunyard Hasty Electric Inc. (San Angelo, TX) for two years in the amount of \$100,000 per year
- h. Approval to pay Midwest Employers Casualty Company \$45,348 policy extension premium for Excess Workers' Compensation insurance through 12/31/2018. This premium is budgeted in the current fiscal year
- i. Adoption of a resolution approving annual re-certification for Galilee Community Development Corporation as a Community Housing Development Organization (CHDO) (Pg. 278, 2018-087)
- j. Adoption of a resolution adopting the August 2018 Purchasing Policy (Pg. 279, 2018-088)
- k. Adoption of a resolution authorizing the City Manager, or his designee, to execute a 96-square foot aerial easement for proposed new awnings and exterior lighting on an existing building to encroach upon rights-of-way along the east side of 28 N. Chadbourne St (James) (Pg. 307, 2018-089)
- l. Second reading and adoption of ordinance approving Case CP18-04, an amendment to the Comprehensive Plan, changing the Future Land Use designation from "Industrial" to "Neighborhood Center," being 5 acres located at 4001 S. Chadbourne St (Pg. 310, 2018-090)
- m. Second reading and adoption of ordinance approving Case Z18-06, a rezoning from the Light Manufacturing (ML) Zoning District to the Low Rise Multifamily (RM-1) Zoning District, being 5 acres located at 4001 S. Chadbourne St (Pg. 315, 2018-091)
- n. Second reading and adoption of an ordinance for the abandonment of a 4,897.17-square foot portion of the Harbor Court public right-of-way (Pg. 320, 2018-092)
- o. Second reading and adoption of an ordinance amending the budget for the fiscal year October 1, 2017 through September 30, 2018 for capital projects, grants, reimbursements, and donations (Pg. 326, 2018-093)

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to approve the consent agenda with the exception of item 6b. The motion carried unanimously (7) ayes to (0) nays.

Item 6b Steve Hampton expressed concern over cost efficiency.

Motion: Council Member DeWitt made a motion, seconded by Council Member Hiebert, to approve item 6b, as presented. The motion carried unanimously (7) ayes to (0) nays.

7. Regular Agenda

- a. Presentation of the biannual report from Downtown San Angelo, Inc. - (Presentation made by DSA Executive Director Del Velasquez)

No action taken on this item.

- b. Adoption of the following resolutions:
1. Awarding RFQ AP-01-18 Professional Services- Airport Planning Services to Centurion Planning & Design, LLC in the amount of \$826,334 for Task Order 1, budgeted for purchase FY2018, and authorizing the City Manager to execute any related documents **(Pg. 329, 2018-094)**
 2. Ratifying the Grant Application made to the Federal Aviation Administration for an updated Airport Master Plan and Layout Plan; accepting the maximum grant award up to \$743,700; and authorizing the City Manager to execute any related documents - (Presentation made by Interim Airport Director Mitch Sprunger) **(Pg. 330, 2018-095)**

Citizens Steve Hampton and Terri Jackson expressed concern.

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

- c. Public hearing and first reading of an ordinance to change "Harbor Court" to "Ener Tel Way" over the complete 325-foot length of the street's right-of-way, beginning at West Avenue N and continuing south to the cul-de-sac terminus - (Presentation made by Planning & Development Services Director Jon James)

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

- d. First reading of an ordinance deleting and replacing Chapter 10, "Traffic Controls", Article 10.01 "General Provisions", Section 10.01.014 "Bicycle Lanes" of the Code of Ordinances, City of San Angelo, Texas, providing for severability, and providing for an effective date - (Presentation made by City Engineer Russell Pehl)

Citizen Steve Hampton expressed concern.

Motion: Council Member Hiebert made a motion, seconded by Council Member Thompson, to approve the ordinance, as presented. The motion carried (4) ayes to (3) nays, with Mayor Gunter and Council Members DeWitt and Carter casting the dissenting votes.

- e. Consider a record vote to propose a property tax rate and discussion regarding the Fiscal Year 2018-2019 budget preparation - (Presentation made by Tina Dierschke)

Motion: Council Member DeWitt made a motion, seconded by Council Member Hiebert, to approve the current tax rate, as presented. The motion carried unanimously with a record vote of (7) ayes to (0) nays.

8. Closed Session

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

- a. Section 551. 072 Deliberations about Real Property regarding 703 S. Chadbourne

9. Follow Up and Administrative Issues

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

No action taken on this item.

- b. Approval of the following board nominations:

Airport Advisory Board: Dr. Joseph Rallo (Mayor) to an unexpired term ending October 2020

Civic Events Advisory Board: Del Velasquez (Mayor) to a first term ending December 2020

Parks & Recreation Advisory Board: Steve Hampton (SMD6) to an unexpired term ending December 2019

TIRZ Board: Casey Barrett (SMD1/TIRZ South) to a second term ending July 2020, Greg Gayler (SMD2/TIRZ North) to a first full-term ending July 2020, Dudra Butler (SMD4/TIRZ North) to a second term ending July 2020, Jim Cummings (Mayor) to a first full-term ending July 2020

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

- c. Announcements and consideration of Future Agenda Items

Council Member Carter asked for an update related to Intergraph Corporation (Hexagon Software).

City Clerk Bryan Kendrick noted the upcoming Budget Workshops scheduled for the 14th and 28th of August.

Mayor Gunter reminded everyone about the State of the City event scheduled for 6 pm that night.

10. Adjournment

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

There being no further business, the meeting adjourned at 10:23 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.)

City of San Angelo, Texas
Special City Council Meeting – Budget Workshop
Tuesday, August 14th, 2018

Present:

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

1. Call to Order

With a quorum of the City Council Members present, Mayor Gunter called the special session of the San Angelo City Council to order at 8:33 a.m. on Tuesday August 14th, 2018, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Workshop Agenda

- a. Discussion and consideration of matters regarding the fiscal year 2018-2019 budget preparation including but not limited to:
1. Major funds revenue and expenditures, and
 2. Other items needing Council direction

Finance Director Tina Dierschke and Assistant City Manager Michael Dane provided an overview and answered questions related to the following discussions:

- Water Fund - (Presentation was made by Water Utilities Director Allison Strube)
- Water Reclamation Fund - (Presentation was made by Water Utilities Director Allison Strube)
- Solid Waste Fund - (Presentation was made by Operations Director Shane Kelton)
- Storm Water Fund - (Presentation was made by Operations Director Shane Kelton)
- Airport Fund - (Presentation made by Interim Airport Director Mitch Sprunger)
- Civic Events Fund - (Presentation made by Parks and Recreation Director Carl White and Civic Events Manager Sidney Walker)
- Fort Concho Fund - (Presentation made by Parks and Recreation Director Carl White)
- State Office Building Fund - (Presentation made by Parks and Recreation Director Carl White)
- Development Corporation Funds - (Presentation made by Economic Development Director Guy Andrews)

3. Adjournment

There being no further items, the meeting adjourned at 10:34 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: Stephanie Collins, Office Manager, Fire Department, 325-657-4355

Meeting Date: August 21, 2018

Item type: Consent Item

Caption:

Consider authorizing the Fire Department to participate in the 2018 Muscular Dystrophy Association (MDA) Fill the Boot Campaign (Dunn)

Summary/History:

SAFD is tentatively looking at participating in the MDA Fill the Boot Campaign October 3rd, 4th, and 5th. The fire fighters will be at 4 locations around the city. The fire fighters have worked this cause since 1999. This effort has helped the city get a MDA clinic here so families won't have to travel out of town for treatment. (MDA-Muscular Dystrophy Association)

The 4 locations are:

29th and Bryant
Abe and Harris Ave.
Johnson and Knickerbocker
Sherwood Way and Ave N.

Financial Impact:

Zero Cost

Other Information/Recommendation:

The San Angelo Fire Department has worked this cause since 1999.

Attachments:

Presentation:

Approvals/Reviews:

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Cynthia Preas, Real Estate Manager, Real Estate, 325-657-4407

Meeting Date: August 21, 2018

Item type: Consent Item

Caption:

Consider authorizing the sale of the following Lake Nasworthy property to the current residential lot leaseholder for the appraised value and authorizing the City Manager to execute all documents necessary to convey the surface estate only in the property (Preas):

1918 Shady Point Drive (\$90,800)

Summary/History:

If the sale is approved at the appraised value, title examination will be performed and legal staff will prepare Real Estate Contract of Sale, Special Warranty Deed, and Surrender of Lease.

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

Financial Impact:

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

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | | |
|----|-------------------------|-----------------------------|
| 1. | 1918 Shady Point Circle | 1918 Shady Point Circle.pdf |
|----|-------------------------|-----------------------------|

Presentation:

Approvals/Reviews:

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

RECERTIFICATION OF VALUE

File No.: R18-0300

Client: City of San Angelo
72 W. College Ave, San Angelo, Tx 76903

Borrower: Zane Callens & Aimee Ornelas

On 03/29/2017, the property situated at Lot 45, Block 7, Section 2, Group Shady Point, Lake Nasworthy
Addition at 1918 Shady Point Circle Dr, San Angelo, TX 76904-7767
 was appraised by Kevin J. Halfmann, MAI, ARA
 and valued at \$ 90,800

I have reviewed the previous appraisal File R17-0290, inspected the property August 2, 2018, and reviewed recent sales.

It is my opinion that the value of the subject property:

- ☐ has INCREASED since the effective date of the original appraisal.
- ☒ has remained STABLE since the effective date of the original appraisal.
- ☐ has DECREASED since the effective date of the original appraisal.

Signature 
Name Kevin J. Halfmann, MAI, ARA
Date Signed 08/10/2018
State Certification # 1320469 State TX
Or State License # _____ State _____

Signature _____
 Name _____
 Date Signed _____
 State Certification # _____ State _____
 Or State License # _____ State _____

Halfmann Appraisals

APPRAISAL OF REAL PROPERTY

LOCATED AT

1918 Shady Point Circle Dr
San Angelo, TX 76904
Lot 45, Block 7, Section 2, Group Shady Point, Lake Nasworthy Addition

FOR

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

AS OF

03/29/2017

BY

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

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San Angelo, TX 76903-6462
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04/30/2017

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

Re: Property: 1918 Shady Point Circle Dr
San Angelo, TX 76904
Borrower: Zane Callens & Aimee Ornelas
File No.: R17-0290

Opinion of Value: \$ 90,800
Effective Date: 03/29/2017

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

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

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

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

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

Respectfully Submitted,



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



Kevin J. Halfmann
License or Certification #: 1320469-G
State: TX Expires: 04/30/2017
(325)655-1278
kevin@halfmannrealty.com

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Cynthia Preas, Real Estate Manager, Real Estate, 325-657-4407

Meeting Date: August 21, 2018

Item type: Consent Item

Caption:

Consider ratifying notice of default of Commercial Lease and Option Agreement as amended for Solar Electric Generating Facility with OE Renewables Texas, LLC, and authorizing the City Manager to execute all documents in consultation with the City Attorney for purposes of terminating the lease agreement and taking possession of the leased premises (Preas)

Summary/History:

City of San Angelo, as Landlord, and OE Renewables Texas, LLC, as Tenant, entered into a Commercial Lease and Option Agreement for Solar Electric Generating Facility effective August 6, 2014, for the lease of approximately 80 acres of land situated east of N US Highway 67; and amended by First Amendment, effective January 1, 2016, expanding the lease area to 143 acres; and Second Amendment, restricting Landlords use of leased premises to explore for, develop, or produce oil, gas or other minerals. Initial term of the Agreement was 5 years, ending August 5, 2019.

Agreement provides Tenant shall possess and use the Leased Premises only to inspect, examine and test the Leased Premises for purposes of due diligence and planning relating to potential for construction of solar electric generating facilities.

Tenant notified staff of a change in development plans that will reduce the Leased Premises from 143 acres to 10 acres. Tenant has failed to possess and use and to continue to possess and use the Leased Premises as required under General Terms and Covenants.

Tenant was provided Notice of Default in Tenant performance on June 15, 2018. Tenant did not respond to Notice of Default; therefore, staff recommends termination of the Commercial Lease and Option Agreement for Solar Electric Generating Facility.

Financial Impact:

Other Information/Recommendation:

Staff recommends termination of the Commercial Lease and Option Agreement for Solar Electric Generating Facility with OE Renewables Texas, LLC, as Tenant.

Attachments:

Presentation:

Approvals/Reviews:

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: August 21, 2018

Item type: Consent Item

Caption:

Consider awarding RFB CE-03-18 Linen Rental Service to Ameripride Services Inc. for one year with two additional one-year extensions, budgeted for purchase annually, and authorizing the City Manager to execute any related documents (Walker)

Summary/History:

We are seeking City Council approval for the RFB for our linen rental services with Ameripride Services Inc. Three bids were requested with only one bid sent back completed.

Ameripride has been providing Civic Events with linen tablecloths and napkins, dust mops, and urinal pads for the past eight years. Their services are required to fulfill needs at special events.

Financial Impact:

This item is budgeted annually.

Other Information/Recommendation:

Attachments:

- | | | |
|----|------------------|----------------------|
| 1. | CE-03-18 Bid Tab | CE-03-18 Bid Tab.pdf |
|----|------------------|----------------------|

Presentation:

Sidney Walker

Approvals/Reviews:

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



CITY OF SAN ANGELO

RFB Bid Tabulation * CE-03-18/ Linen Rental Service
06/27/18 at 2:00 p.m.

DESCRIPTION		Ameripride	
		Unit Cost	
90" x 90" linen tablecloths for 65' diameter dining tables		\$ 3.50	85" x 85" Square Linen Table Cloths \$ 1.60
52" X 114" linen tablecloths for 8' banquet tables		\$ 1.46	
Linen napkins		\$ 0.08	
Dust mop & handle		\$ 0.78	
Urinal pads		\$ 1.25	
Percentage discount off of catalog items not listed above		-	
Delivery days after receipt of Purchase Order		-	

Piggy Back	No
Co-op	No
Payment Terms	Net 27

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Stephanie Collins, Office Manager, Fire Department, 325-657-4355

Meeting Date: August 21, 2018

Item type: Consent Item

Caption:

Consider approving an interlocal agreement between the City and Tom Green County regarding the Joint Operation of Office of Emergency Management (Dunn)

Summary/History:

Yearly agreement for authorized parties to enter into an Interlocal Agreement as a joint operation of the San Angelo/Tom Green County Office of Emergency Management to meet the needs of the citizens and communities within Tom Green County, TX. This agreement has to be completed so that the County can pay for their share of the expenses to run the joint Emergency Management Division. Their share is \$85,500.

Financial Impact:

County agrees to reimburse City the sum of Eighty-Five Thousand Five Hundred and NO/100 Dollars (\$85,500) to support the daily operation of the Emergency Management Office during the term of the agreement.

Other Information/Recommendation:

Attachments:

- | | | |
|----|--|--|
| 1. | 18-833_EM_ - Interlocal Agmt Joint Operation Ofc of Em Mgt | 18-833_EM_ - Interlocal Agmt Joint Operation Ofc of Em Mgt.doc |
|----|--|--|

Presentation:

Approvals/Reviews:

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

**INTERLOCAL AGREEMENT BETWEEN CITY OF SAN ANGELO AND TOM GREEN
COUNTY FOR THE JOINT OPERATION OF THE SAN ANGELO/TOM GREEN
COUNTY OFFICE OF EMERGENCY MANAGEMENT**

This Interlocal Agreement ("Agreement") is entered into this _____ day of _____, 2018 (but effective as of _____ 2018) ("Effective Date") by and between City of San Angelo, Texas, a local government ("City") and Tom Green County, Texas, a local government ("County") (singularly and individually, "Party," and jointly, "Parties"), under the authority of the Texas Interlocal Cooperation Act.

RECITALS:

A. Pursuant to Chapter 791 of the Texas Government Code, Parties are authorized to enter into an interlocal agreement to perform a governmental function or service in which Parties are mutually interested and which each Party to the agreement is authorized to perform individually.

B. Joint operation of the San Angelo/Tom Green County Office of Emergency Management meets the needs of the citizens and communities within Tom Green County, Texas, and is a governmental function or service in which Parties are mutually interested and which each Party to this Agreement is authorized to perform individually.

C. Parties desire for City to operate the San Angelo/Tom Green County Office of Emergency Management ("Office") to provide emergency management services throughout Tom Green County and for County to reimburse City for one-half (1/2) of such costs of those services not covered by any grant funding.

D. On the ____ day of _____, 2018, the City Council of the City of San Angelo, Texas, authorized the Mayor to enter into this Agreement, under the terms and conditions set forth herein.

E. On the ____ day of _____, 2018, the Tom Green County Commissioners Court authorized the County Judge to enter into this Agreement, under the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, Parties agree as follows:

TERMS:

1. **RECITALS:** The recitals are true and correct and hereby incorporated into and made a part of this Agreement.
2. **TERM:** The term of this Agreement shall be one year commencing on Effective Date.
3. **AUTOMATIC RENEWAL:** Upon expiration, this agreement shall automatically renew for an additional one-year term, unless a Party terminates the agreement pursuant to Section 9 “TERMINATION” below. Each Party to this Agreement shall make payments under this Agreement from current revenues available to the paying Party.
4. **OBLIGATION OF CITY:** City agrees as follows:
 - A. To provide all trained personnel, office supplies and equipment necessary for the proper operation of Office.
 - B. City agrees to operate Office twenty-four hour, seven day a week, three hundred sixty-five days per year as needed during disasters and major emergencies and eight hours per day, five days per week otherwise.
 - C. City agrees to pay all bills incurred during the operation of Office, including the salaries and benefits of the employees in Office who will be considered for all purposes employees of the City of San Angelo.
5. **REIMBURSEMENT OBLIGATION OF COUNTY:** County agrees to reimburse City a sum

equal to one-half the costs of services paid by the City not covered by grant funding to support the daily operation of Office.

6. CONTINGENCY CLAUSE: The obligation of County to reimburse City under the provisions of this Agreement, or the obligation of the City to perform services required under this Agreement, is expressly made contingent upon the appropriation, budgeting or availability of sufficient funds by the respective Party. In the event that such funds are not budgeted, appropriated or otherwise not made available for the purpose of payment under this Agreement at any time after the current fiscal year, then each Party shall have the option of terminating the Agreement under Section 9, “TERMINATION”, below, except that all services provided to the point of termination shall be compensated as agreed above.

7. INDEPENDENT CONTRACTOR: Parties shall act at all times under this Agreement as independent contractors. Parties agree that County shall not have and shall not exercise any control or direction over the manner or method by which City provides its obligations under this Agreement. The provisions set forth herein shall survive the expiration or other termination of this Agreement, regardless of the cause of such termination.

8. STATUS OF EMPLOYEES: Each Party shall retain supervision and control of its own employees at all times while performing this Agreement and no employee of one entity shall be considered a borrowed servant of the other entity for Workers’ Compensation purposes or for any other reason. City agrees that all persons employed by it to furnish services hereunder are employees or agents of the City and not of County, and County agrees that all persons employed by it to furnish services hereunder are employees or agents of County and not of City. Such employees or agents of either entity are not entitled to benefits conferred on the other entity’s employees.

9. TERMINATION: This Agreement may be terminated by either Party upon sixty (60) days

prior written notice to the other Party. All services provided to the point of termination shall be compensated as agreed above.

10. EXECUTION: This initial Agreement shall be executed by the duly authorized official(s) of the Party as expressed in the approving resolution or order of the governing body of said Party. Renewals of the Agreement shall occur as stated in Section 3 “AUTOMATIC RENEWALS” without further authorization from the governing body of each Party.

11. ENTIRE AGREEMENT: This Agreement supersedes any and all other agreements, either oral or in writing, between Parties with respect to the operation of Office. No other agreement, statement, or promise relating to the subject matter of this Agreement, which is not contained herein, shall be valid or binding.

12. LIABILITY: Neither Party to this Agreement waives or relinquishes any immunity or defense on behalf of itself, elected officials, officers, employees, agents, and volunteers as a result of its execution of this Agreement and the performance of the duties, covenants and conditions contained herein. Furthermore, no provision of this Agreement shall prohibit either Party from seeking financial aid or in-kind reimbursement from any state or federal agency or program. Each Party of this Agreement agrees that it shall have no liability whatsoever for the actions or omissions of the other Party’s employees, elected officials, officers or agents. Each Party is solely responsible for its actions or omissions of its employees, elected officials, officers and agents; however, such responsibility is only to the extent required by state law. Where injury, death or property damage results from the joint or concurring acts or omissions of Parties, any liability shall be shared by each Party in accordance with the applicable law, subject to all defenses, including governmental immunity. These provisions are solely for the benefit of the Parties and not for the benefit of any person or entity not a party hereto; nor shall any provisions of this Agreement be deemed a waiver of

any defense available by law to a Party of this Agreement.

13. AMENDMENT: This Agreement may only be amended by the mutual agreement of Parties in writing, signed by a duly authorized representative of each Party. All amendments to this agreement shall be authorized by the governing body of the respective Party.

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

15. FORCE MAJEURE: In the event that either Party shall be prevented from performing its duties under this Agreement by an act of nature, by acts of war, riot, or civil commotion, by an act of State, by strikes, fire, flood, or by the occurrence of any other event beyond the control of either Party, it shall not be considered a breach of this Agreement.

16. NOTICE: Notice given by one Party to the other hereunder shall be in writing and deemed to have been properly given if deposited with the United States Postal Service, registered or certified mail, return receipt requested, addressed as follows:

COUNTY

Tom Green County
Hon. Stephen C. Floyd
County Judge
122 West Harris
San Angelo, Texas 76903
Phone: (325) 653-3318
Fax: (325) 659-3258

CITY

City of San Angelo
Daniel Valenzuela
City Manager
72 W. College
San Angelo, Texas 76902
Phone: (325) 657-4241
Fax: (325) 657-4335

(SIGNATURE PAGE TO FOLLOW)

EXECUTED in duplicate originals by Tom Green County and the City of San Angelo on
this the _____ day of _____, 2018.

TOM GREEN COUNTY

By: _____
Stephen C. Floyd, County Judge,

CITY OF SAN ANGELO

By: _____
Brenda Gunter, Mayor

ATTEST:

ATTEST:

By: _____
Elizabeth McGill, County Clerk

By: _____
Bryan Kendrick, City Clerk

Approved as to Content:

Brian Dunn, Fire Chief

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: August 21, 2018

Item type: Regular Item

Caption:

Second reading of an ordinance to change "Harbor Court" to "Ener Tel Way" over the complete 325-foot length of the street's right-of-way, beginning at West Avenue N and continuing south to the cul-de-sac terminus (James)

Summary/History:

A request for approval of a Street Name Change for Harbor Court to "Ener Tel Way." The request is to rename a 325-foot length of this street's right-of-way beginning at West Avenue N continuing south to the cul-de-sac terminus in central San Angelo.

Financial Impact:

N/A (The applicant is responsible for associated costs for changing street signs, etc.)

Other Information/Recommendation:

The Planning Commission heard this request on July 16, 2018, and unanimously recommended APPROVAL. City Council heard this request on August 7, 2018, and voted unanimously to APPROVE on first reading.

Attachments:

- | | | |
|----|-----------------|--|
| 1. | Staff Report | CC Street ReName Harbor Court Report.pdf |
| 2. | Draft Ordinance | Draft Ordinance.docx |

Presentation:

Jon James

Approvals/Reviews:

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

CITY COUNCIL – AUGUST 7 & 21, 2018
STAFF REPORT



APPLICATION TYPE:		CASES:	
Street Name Change		Harbor Court	
SYNOPSIS:			
A request for approval of a Street Name Change for Harbor Court to “Ener Tel Way.” The request is to rename a 325-foot length of this street's right-of-way beginning at West Avenue N continuing south to the cul-de-sac terminus in central San Angelo.			
LOCATION:		LEGAL DESCRIPTION:	
Harbor Court located within 2nd Replat in Section 2, T.J.A.K. Addition, Tom Green County, Texas		Being a 325-foot length of this street's right-of-way beginning at West Avenue N continuing south to the cul-de-sac terminus, located in 2nd Replat in Section 2, T.J.A.K. Addition, Tom Green County, Texas	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #3 – Harry Thomas Rio Vista Neighborhood	Light Manufacturing (ML)	Commercial	325 Linear Feet
THOROUGHFARE PLAN:			
<u>Harbor Court</u> – Local Road – ROW 50’ Required (50’ Provided) – Pavement Width 36’ with a 4’ sidewalk or 40’ Required (40’ Provided)			
NOTIFICATIONS:			
Four notifications were mailed to properties directly adjacent to the street segment on July 3, 2018. One response has been received in support and zero in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the street name change to “Ener Tel Way,” subject to two (2) Conditions of Approval.			
PETITIONERS:			
Scott Wisniewski Shamrock Capital Corporation LLC			
STAFF CONTACT:			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Extension 1547 hillary.bueker@cosatx.us			

Street Name Change: Harbor Court is located in the Central San Angelo. When the subdivision was created, more commercial development was anticipated to front onto Harbor Court. Since the City has purchased a large piece of the property adjacent to the street right-of-way for a drainage project, the right-of-way mainly services as an entrance to the future expansion of Ener-Tel Services. The other two businesses that are adjacent to the street right-of-way have primary access on West Avenue N and use Harbor Court as a secondary access.

The following are three guidelines which the Division uses to determine the applicability and appropriateness of any proposed street name change.

1. Whether or not the street name change would confuse motorists and emergency vehicles

The proposed street name change appears unlikely to confuse motorists and emergency vehicles. Since the street acts more as entrance to the future expansion of Ener-Tel Services, this change would help relieve confusion by giving the perception of a drive or entrance exclusively to Ener-Tel. The configuration of Harbor Court is currently a short Local Street and there are no addresses using this street as a destination or reference point. From an emergency response standpoint, city staff stand ready to make any necessary data changes to ensure a minimal disruption in response times, should the Ordinance authorizing the name designation be adopted. The emergency 911 address coordinator has indicated there are currently no streets in San Angelo that utilize the hyphen and the 911 addressing system service team has suggested the hyphen be avoided. The City of San Angelo also follows the NENA standards for addressing which states on page 9, "Remove special characters (dash, underscore, apostrophe, quotes or any other special characters that could cause problems in any of the software or databases)."

2. Whether there is the same or similar name to the proposed street name

There are no existing streets in San Angelo with the same or similar name.

3. Whether or not there is a justified reason to rename the street such as the naming for the betterment of the community or to honor a public figure

Since the road now acts more as a driveway or secondary entrance to future Ener-Tel Expansion, Staff believes renaming the street would clarify the use of the road as well as avoid confusion.

Planning Commission Recommendation From July 16, 2018:

Hillary Bueker, Senior Planner, presented the case to change the street name of Harbor Court to Ener Tel Way. She provided photos of the area and explained that the current Future Land

Use was “Commercial” and the zoning was “Light Manufacturing.” Ms. Bueker explained that part of the land would be for the City’s future drainage project and the remaining part for Ener-Tel’s future plans. She outlined Staff’s rationale for approval of the Street Name Change on the grounds that changing the name would provide clarity for visitors and emergency personnel to the Ener-Tel site, that there were no other existing streets with the same name, and that changing the name would clarify the use of the road and avoid confusion. She indicated that Staff received one letter in support of the request and zero against. Ms. Bueker clarified for the Commission that the street would be “Ener Tel Way” without the hyphen in between “Ener” and “Tel,” as the City’s addressing system discouraged a hyphen in the street name.

Vice Chair Spano opened the meeting for public comment.

There was no public comment.

Commissioner Uherik made a Motion to APPROVE the Street Name from “Harbor Court” to “Ener Tel Way,” subject to the two conditions of approval as presented. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 4-0

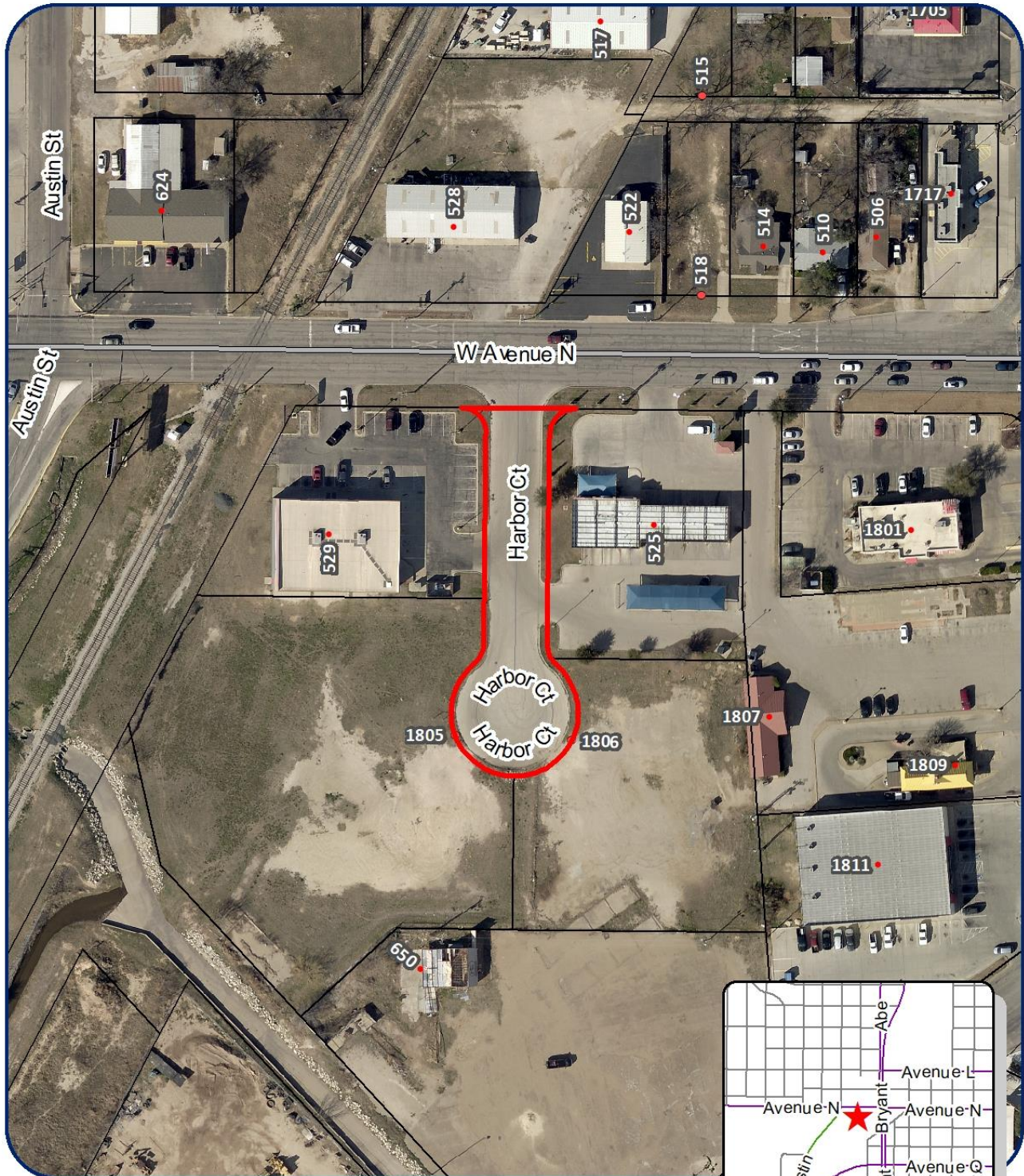
Recommendation:

Staff’s recommendation is for the Planning Commission to recommend **APPROVAL** of a street name change from Harbor Court to “**Ener Tel Way**,” subject to the following two (2) Conditions of Approval:

1. A request to the City’s 911 Addressing Coordinator shall be submitted for an address/street name change for addresses affected by the street name change.
2. Payment to the City of San Angelo shall be made for the installation of street identification signs at the intersection with West Avenue N. All signage shall be designed and erected in accordance with local regulations.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photos of Street Segment
Application
Notify Map
Comment Letter



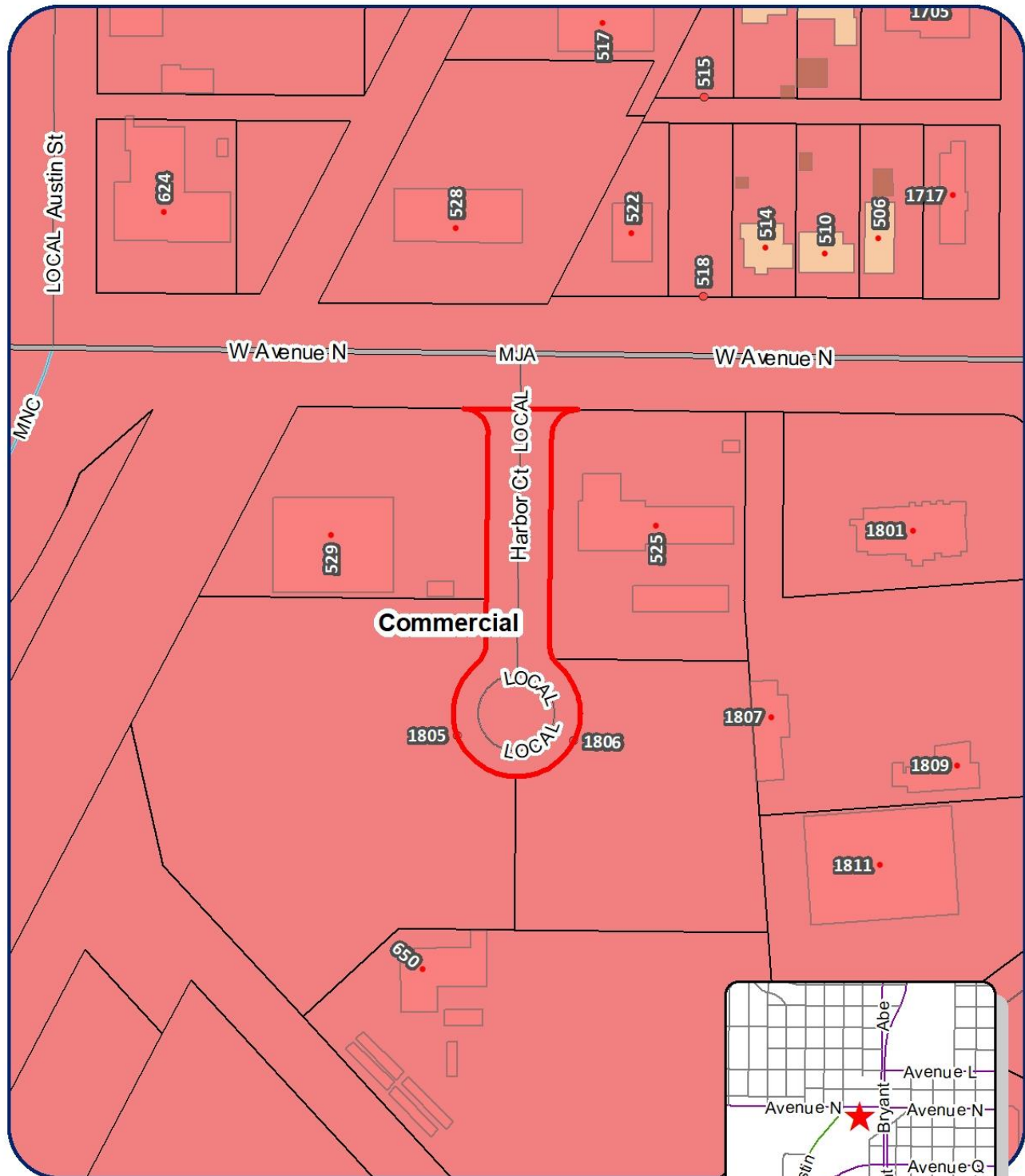
Street Name Change
Harbor Court

Council District: SMD #3 - Harry Thomas
Neighborhood: Rio Vista
Scale: 1" approx. = 100 ft

Legend

Subject Properties: —
Current Zoning: **ML**
Requested Zoning Change: **N/A**
Vision: **Commercial**





Street Name Change
Harbor Court

Council District: SMD #3 - Harry Thomas
Neighborhood: Rio Vista
Scale: 1" approx. = 100 ft

Legend

Subject Properties: —
Current Zoning: ML
Requested Zoning Change: N/A
Vision: Commercial



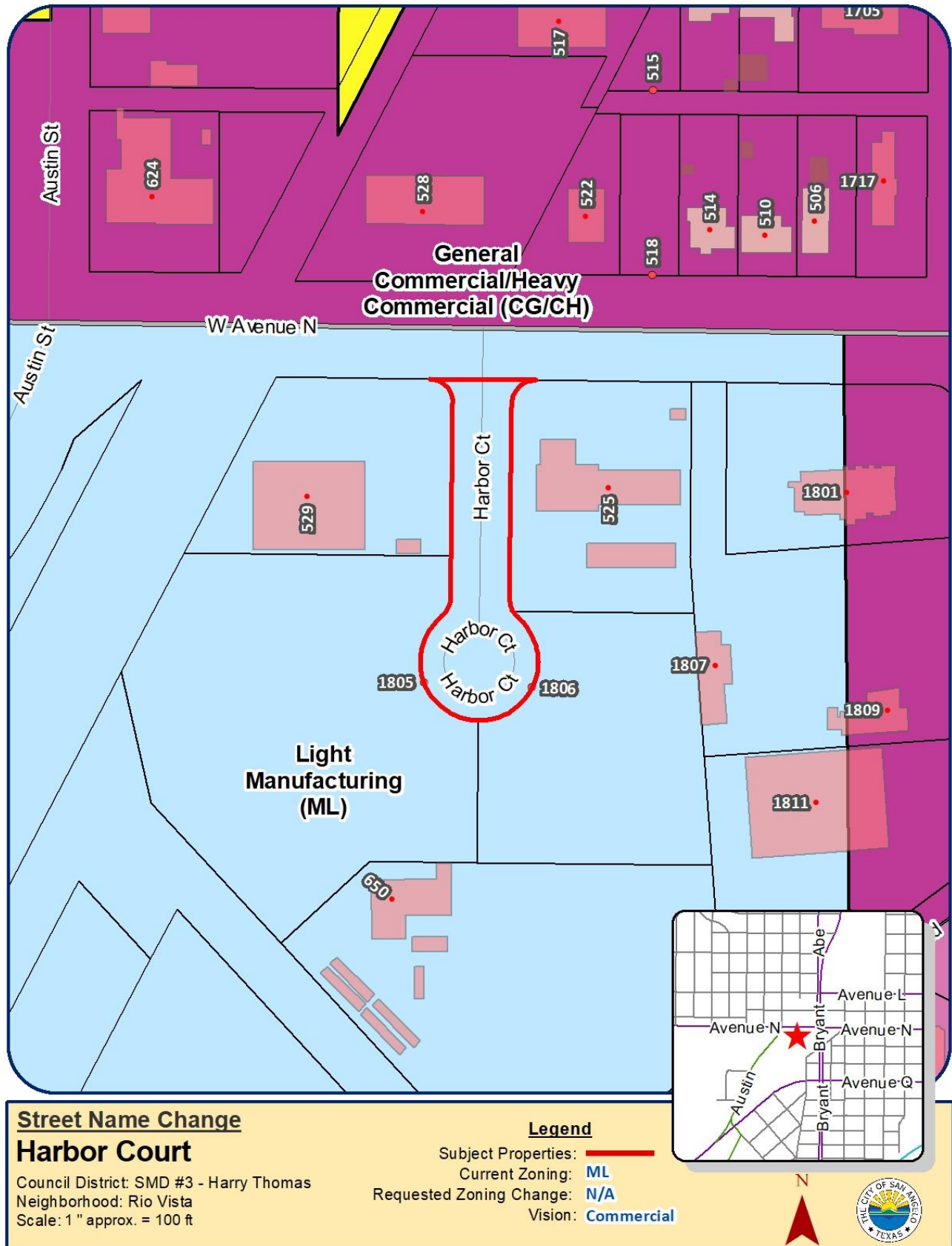


Photo of Street Segment





Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Ave
Application for Naming/Renaming a Street



Section 1: Basic Information

Name of Applicant(s): Scott Wisniewski
☒ Owner ☐ Representative (Affidavit Required)
801 South Abe San Angelo Texas 76903
Mailing Address City State Zip Code
325-653-6814
Contact Phone Number Contact E-mail Address

Section 2: Property Characteristics

Is the street public? ☐ Yes ☐ No Is street private? ☐ Yes ☒ No
Describe request for street to be named/changed: It is requested that the street currently named "Harbor Court" be renamed to "Ener-Tel Way"

From the intersection of: Avenue N/Harbor Court to: End of Harbor Court

Describe reason(s) for request to name or rename the street: _____

Use attachment, if necessary, including where applicable, the legal description of land adjacent to street requested to be named/renamed:

Section 3: Applicant(s) Acknowledgement

Please initial the following:

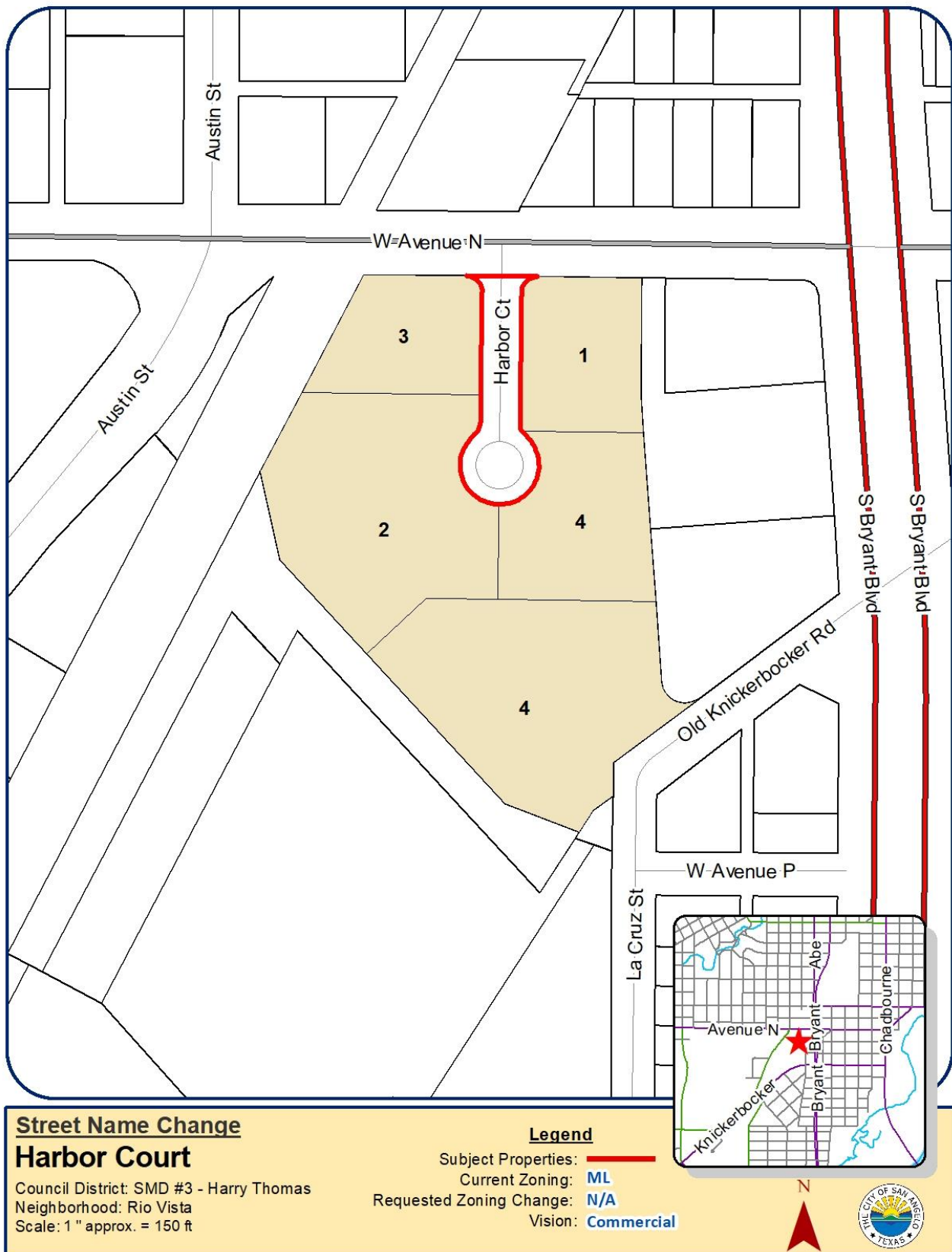
SM I/we understand that a separate fee will be required from the applicant for any new signage installation.

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

Scott Wisniewski 06/06/2018
Signature of licensee or authorized representative Date
Scott Wisniewski
Printed name of licensee or authorized representative
Shamrock Capital Corporation LLC
Name of business/Entity of representative

FOR OFFICE USE ONLY

Reviewed/Accepted by: H. Buckner Date: 6/11/18 ☒ Verified Complete ☐ Verified Incomplete
Assigned to: _____
Nonrefundable application fee: \$ 500 COSA Signage cost: \$ _____ Date paid: 6/11/18 Receipt No. _____
Planning Commission hearing date: 7/16/18 City Council hearing date(s): 8/7/18 & 8/21/18



TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY
ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING
DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(☒)

IN FAVOR

(☐)

IN OPPOSITION

REASON(S) _____

NAME: Scott A. Wismewski

ADDRESS: 801 S. Haze

San Angelo, Tx 76903

SIGNATURE: 

Street Name Change: Harbor Court

Property owner number: 4

If you have any questions about these proceedings, please call Hillary Bueker, Senior Planner, with the City of San Angelo's Planning Division at telephone number (325) 657-4210. The Planning Division staff may also be reached by email at hillary.bueker@cosatx.us.

AN ORDINANCE CHANGING THE NAME OF HARBOR COURT, A LOCAL STREET IN CENTRAL SAN ANGELO BEING APPROXIMATELY 325-FEET IN LENGTH, EXTENDING SOUTH FROM AVENUE "N" AND TERMINATING WITH A CUL-DE-SAC, TO "ENER TEL WAY;" PROVIDING FOR PERMANENTLY AFFIXING NECESSARY GEOGRAPHICAL AND ADDRESS-RELATED REFERENCES THERETO; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Harbor Court is classified as a local street in the city's major thoroughfare plan, located in central San Angelo, being approximately 325-feet in length, extending south from avenue "N" and terminating with a cul-de-sac; and

WHEREAS, there are no current buildings that front on or utilize Harbor Court for address purposes; and

WHEREAS, pursuant to current development plans the street serves as a secondary access to future Ener-Tel Expansion and the City's Avenue P drainage project.

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

SECTION 1: "Harbor Court", located in central San Angelo, being approximately 325-feet in length, extending south from avenue "N" and terminating with a cul-de-sac be and is hereby re-named: "Ener Tel Way."

SECTION 2: Geographical and address related references to said street shall be updated and permanently affixed, identifying said street as "Ener Tel Way."

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

SECTION 4: This Ordinance shall become effective from and after the date of adoption.

INTRODUCED on the **7th day of August, 2018**, and finally PASSED, APPROVED AND ADOPTED on this the **21th day of August, 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: Lisa Marley, Dir of HR/RM, Human Resources/Risk Management, (325) 657-4221

Meeting Date: August 21, 2018

Item type: Regular Item

Caption:

Presentation of annual actuarial analysis regarding the Risk Fund - (Presentation made by Jason A. Martin Senior Consultant of Willis Towers Watson)

Summary/History:

City Charter requires an annual update on the status of the Risk fund involving workers' compensation, property and casualty, and liability insurances.

Financial Impact:

None at this time.

Other Information/Recommendation:

Attachments:

Presentation:

Jason A. Martin, Senior Consultant of Willis Towers Watson

Approvals/Reviews:

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: August 21, 2018

Item type: Regular Item

Caption:

Public hearing and first reading of an ordinance for Case Z18-13, a rezoning from the General Commercial/Heavy Commercial (CG/CH) and Single-Family Residential (RS-1) Zoning Districts to the Heavy Commercial (CH) Zoning District, being 2.053 acres located at 3014 Grape Creek Rd - (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The applicant has applied for a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Heavy Commercial (CH) Zoning District to allow the storage and shipping of fabricated steel on the entire property. The 100-foot by 423.5-foot CG/CH west portion of the property allows these uses by right. The remaining RS-1 portion which comprises approximately half of the property, does not. In early May 2018, the City's Code Compliance Division received a complaint by the adjacent neighbor at 209 West 31st Street about the applicant storing steel pipes on the RS-1 portion of their property near the shared property fence. The applicant subsequently applied for this rezoning to allow the uses on the entire site, and has temporarily moved all storage items onto the CG/CH portion of the property.

Financial Impact:

N/A

Other Information/Recommendation:

On June 18, 2018, the Planning Commission unanimously recommended APPROVAL of the proposed Rezoning.

Attachments:

- | | | |
|----|-----------------|--------------------------------|
| 1. | Staff Report | PL_Z18-13 report.docx |
| 2. | Draft Ordinance | PL_Z18-13 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
Bryan Kendrick

Approved
Final Approval

CITY COUNCIL – August 21, and September 4, 2018
STAFF REPORT



APPLICATION TYPE:	CASE:		
Rezoning	Z18-13: Hirschfeld Properties, L.P.		
SYNOPSIS:			
The applicant has applied for a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Heavy Commercial (CH) Zoning District to allow the storage and shipping of fabricated steel on the entire property. The 100-foot by 423.5-foot CG/CH west portion of the property allows these uses by right. The remaining RS-1 portion which comprises approximately half of the property, does not. In early May 2018, the City's Code Compliance Division received a complaint by the adjacent neighbor at 209 West 31st Street about the applicant storing steel pipes on the RS-1 portion of their property near the shared property fence. The applicant subsequently applied for this Rezoning to allow the uses on the entire site, and has temporarily moved all storage items onto the CG/CH portion of the property.			
LOCATION:		LEGAL DESCRIPTION:	
3014 Grape Creek Road; located at the southeast corner of Grape Creek Road and West 31 st Street		Being 2.053 acres in Block 9, Mather Addition No. 1	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #2 – Tom Thompson Riverside Neighborhood	General Commercial /Heavy Commercial (CG/CH) and Single-Family Residential (RS-1)	I - Industrial	2.053 ac.
THOROUGHFARE PLAN:			
Grape Creek Road – Urban Collector Street Required: 60' right-of-way, 50' pavement Provided: 110' right-of-way, 40' pavement (complied with subdivision standards at time of platting) West 31st Street – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' with a 4-foot sidewalk Provided: 50' right-of-way, 30' pavement and no sidewalk (complied with subdivision standards at time of platting)			
NOTIFICATIONS:			
15 notifications mailed within 200-foot radius on June 6, 2018. To date, one letter was received in support and three letters were received in opposition of the request (see attached).			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Heavy Commercial (CH) Zoning District on the subject property.			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner and Applicant:</i> Mr. Jeremy Bartz, Hirschfeld Properties, L.P.			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information:

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

1. **Compatible with Plans and Policies. Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The subject property has had a Future Land Use designation of “Industrial” since the City’s original 2003 Comprehensive Plan (CP). The 2009 Strategic Plan update to the CP defines Industrial areas as “areas where industry and agricultural are suitable” and calls to “cluster industrial and intensive agricultural businesses into several large areas by specifying boundaries within which such uses may be incentivized to locate, remain and thrive, while establishing increased business diversity.” Although there is no record of any permits on the property, historical aerial photography confirms there has been non-residential storage on the property since 1996. This industrially-designated cluster comprises mainly of the Hirschfeld properties in the area, which extend north to West 32nd Street, west of Grape Creek Road, and south to West 28th Street, east of Martin Luther King Drive. The existing uses of steel storage and shipping are compatible with the “Industrial” Future Land Use designation policies. A Rezoning to CH would allow these uses by right on the entire property, including the Single-Family Residential (RS-1) portion.
2. **Consistent with Zoning Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** As indicated previously, the easterly RS-1 portion of the property never allowed steel storage or shipping by right. The proposed CH zoning is the least intense zoning district that would allow steel storage and shipping. These uses would fall under the “Industrial Service” category of the CH zoning district, which allows “sales, repair and/or storage of heavy machinery, metal and building materials.” Heavier industrial uses such as manufacturing and production that may include processing and fabrication are not be allowed in the CH zone. The Planning Division believes that the CH zoning is the preferred alternative given the property faces residential homes to the north and east. Section 509 of the Zoning Ordinance requires a minimum 6-foot high opaque privacy fence along the east property line abutting a residential use and zoning district, and there is an existing 6-foot high metal fence along the east property line and extending around most of the property. In addition, Section 504.E of the Zoning Ordinance requires that no outdoor storage shall be allowed within required side yards. The CH zone requires a 10-foot side yard setback if abutting a residential district or use, and therefore, any outdoor storage will be required to be setback a minimum of 10 feet from the east property line. The Planning Division believes this required setback will assist in mitigating the adjacent property owner’s concerns about steel piping being placed against his west property line. Finally, the 2.053-acre property with a lot width of 175 feet and a lot depth

of 423.5 feet well exceeds the minimum lot area of 6,000 square feet, minimum lot frontage of 50 feet, and minimum lot depth of 80 feet in the CH zone. The property will comply with all applicable CH zoning provisions. Prior to any future construction on the property, the applicant will be required to pave any required parking, maneuvering, and driveway approaches, as the property currently has a caliche surface.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.* The City's Comprehensive Plan has designated the future land use of the subject property "Industrial," as well as the residential properties immediately to the east. Utilization of the property for steel shipping and storage would be compatible with the other Hirschfeld steel properties to the west and south. The existing 6-foot high privacy fence adjacent to the east property line and the outdoor storage setback requirement of 10 feet from this property line will mitigate any effects on the residential property to the east. The 6-foot high fence also screens the north side of the property facing residential development north of West 31st Street. As indicated above, the Planning Division believes that the CH zone is the preferred option - it allow the existing steel storage use to continue, but ensure any intensive industrial uses including manufacturing and processing remain prohibited to protect the residential properties to the north and east.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The RS-1 zone, formerly R-1 before the current 2000 Zoning Ordinance, prohibits commercial or industrial storage. However, the City's Comprehensive Plan has designated the property "Industrial" since at least 2003, and there has been non-residential storage on the property since at least 1996. Therefore, the Planning Division believes that a rezoning on the east portion of the property from RS-1 to CH is appropriate and reflects the changed conditions of the property.
5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* The entire property contains a caliche surface and is used exclusively for outdoor storage of steel piping and related equipment. Since the CH zoning does not allow manufacturing or processing, the Planning Division does not believe there will be any negative effects on the natural environment. There is no entrance from West 30th Street, a local street, to the property and vehicles are required to use Grape Creek Road or West 30th Street to enter and exit the site. This will improve traffic safety by ensuring that commercial traffic will enter the site from streets already surrounded by commercial and industrial uses, away from predominantly residential streets.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The Planning Division believes that the CH zone in this area addresses a demonstrated community need. The property is located next to the existing Hirschfeld steel business which provides employment to San Angelo residents and has been in operation for over 30 years. The CH zoning in this case is compatible with the future land use of the area and property of “Industrial.” This zoning designation will allow the existing steel storage operation, but ensure that more intense industrial and heavy commercial uses are prohibited.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* There are no anticipated changes to existing development patterns. The existing lot configuration will not change, and as indicated previously, commercial traffic would enter from either Grape Creek Road or West 30th Street next to the existing Hirschfeld operation and away from residential properties.

Planning Commission Recommendation:

On June 18, 2018, the Planning Commission recommended **APPROVAL** of the proposed Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the **Heavy Commercial (CH) Zoning District** on the subject property. The following is the complete excerpt of the draft minutes from the June 18, 2018, meeting for this case:

Public hearing and consideration of a request for approval of a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Heavy Commercial (CH) Zoning District, being 2.053 acres located at 3014 Grape Creek Road.

Jeff Fisher, Senior Planner, presented the rezoning request. He indicated that the west half of the property is zoned General Commercial/Heavy Commercial (CG/CH) and the east half is zoned Single-Family Residential (RS-1). He explained that Hirschfeld applied for the rezoning to CH to allow their existing industrial storage of steel pipes across the entire property which is not allowed on the RS-1 portion. Mr. Fisher further explained that if rezoned to CH, storage would be allowed, but not manufacturing, production or processing reserved for heavier zoning districts. He indicated that all storage had been moved back onto the CG/CH portion of the property after the adjacent neighbor to the east complained of outdoor steel storage being placed against the shared fence. He also indicated that the CH zone, if approved, would require a 10-foot east side yard setback adjacent to a residential zone and use, ensuring that the storage was not placed again up to the shared property line. A 6-foot high privacy fence would also be required along this side which had already been installed. Mr. Fisher outlined Staff’s rationale to approve the Rezoning on the grounds that the Future Land Use designation in the City’s Comprehensive Plan was “Industrial” which supported industrial storage and had remained in effect since 2003; that the property would comply with all CH zoning standards; that the use was compatible with the surrounding area facing other Hirschfeld properties to the west and south and had existed since at least 1996; that there were no anticipated effects on the natural environment; and that there would be no adverse effects on existing development patterns as the lot was already platted in its configuration and that there are

access points from Grape Creek Road and West 30th Street adjacent to the existing Hirschfeld facilities.

Chair Stribling asked how long Hirschfeld has used this property for industrial storage. Mr. Fisher responded since at least 1996, based on aerial photography.

Vice Chair Spano asked when the adjacent resident to the east moved in. Mr. Fisher indicated the adjacent resident was in attendance to answer questions.

Chair Stribling opened the meeting for public comment.

Mr. Raymond Bannert, owner and resident of the adjacent property at 209 West 31st Street, indicated that he had lived next to the property since 1963. He explained that when he returned from military service in 1997 after 22 years of service, the storage use was there. He outlined his primary concern that the steel pipes were placed against his fence, as well as the leaking of oil that ended up on his property. He explained that he was not opposed to the rezoning but wanted the steel away from his house.

Commissioner Brooks III asked Mr. Bannert if he would consider other remedies to resolve the issue. Mr. Bannert indicated he was considering other remedies.

Mr. Jeremy Bartz, representative for Hirschfeld Steel, spoke on behalf of the request. He indicated that he understood Mr. Bannert's concerns, including noise. He explained that they would not operate within the prohibited noise ordinance hours. He also explained that Hirschfeld had no concerns about complying with the required setback, and that they agreed to only storage on the property, and no welding or cutting. He concluded by telling the Commission that Hirschfeld did not want to be bad neighbors and would be willing to move back the storage as necessary for the adjacent owner.

Chair Stribling asked if the privacy fence runs all four sides. Mr. Bannert responded that there was fencing on three sides, but not the south side.

Chair Stribling asked Mr. Fisher to confirm that the zoning ordinance had a 10-foot setback requirement. Mr. Fisher responded this was correct but only when a non-residential use was adjacent to a residential use or district, which in this case was from the east side yard facing Mr. Bannert's property.

Chair Stribling asked Mr. Bannert if he was okay with this setback. Mr. Bannert responded that he would have to wait and see.

Vice Chair Spano made a Motion to recommend APPROVAL of the proposed Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Heavy Commercial (CH) Zoning District on the subject property. Commissioner Uherik seconded the Motion. The Motion passed unanimously, 5-0.

Recommendation:

Staff's recommendation is for City Council to **APPROVE** the proposed Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the **Heavy Commercial (CH) Zoning District** on the subject property.

Attachments:

Aerial Map

Future Land Use Map

Zoning Map

Photographs

Response Letters

Applicant's Response to Zoning Criteria

Application



Zoning Case File

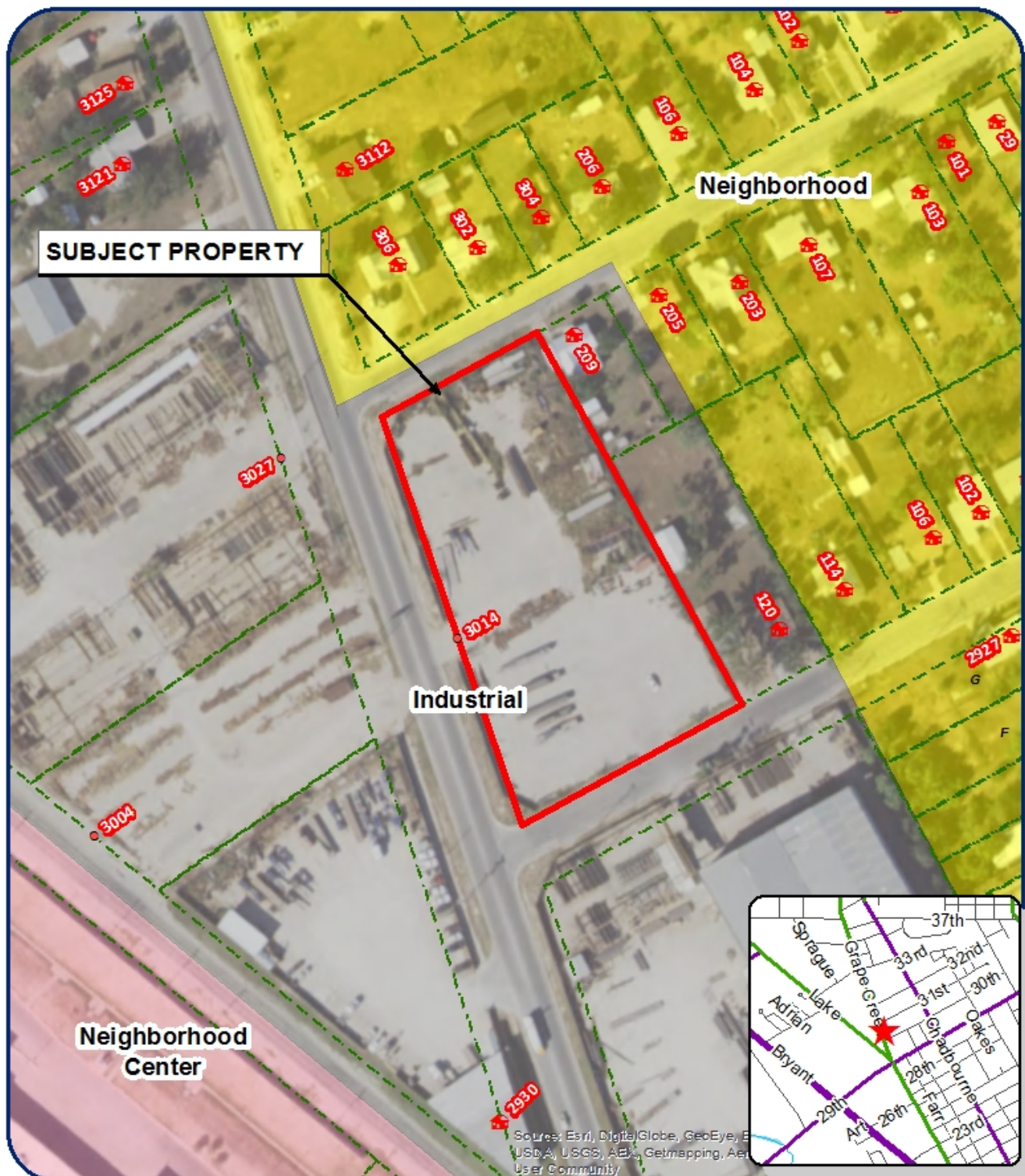
Case Z18-13: Hirschfeld

Council District: Tom Thompson (SMD#2)
Neighborhood: Riverside
Scale: 1" approx. = 125 ft
Subject Property: 3014 Grape Creek Road

Legend

Subject Properties: [REDACTED]
Current Zoning: CG/CH and RS-1
Requested Zoning Change: CH
Vision: Industrial





Zoning Case File

Case Z18-13: Hirschfeld

Council District: Tom Thompson (SMD#2)

Neighborhood: Riverside

Scale: 1" approx. = 125 ft

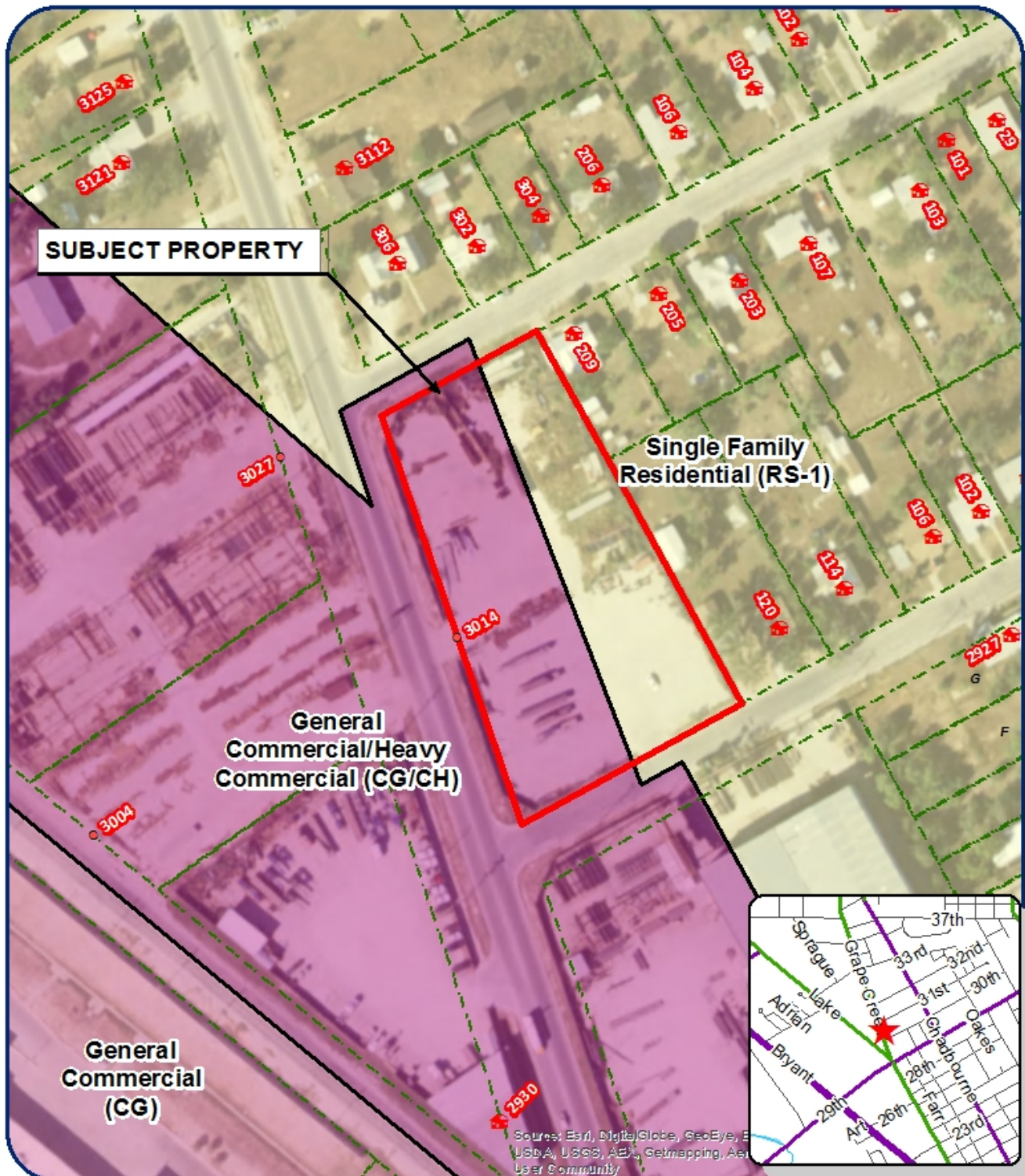
Subject Property: 3014 Grape Creek Road

Legend

Subject Properties:
Current Zoning: CG/CH and RS-1
Requested Zoning Change: CH
Vision: Industrial

N





Zoning Case File

Case Z18-13: Hirschfeld

Council District: Tom Thompson (SMD#2)
Neighborhood: Riverside
Scale: 1" approx. = 125 ft
Subject Property: 3014 Grape Creek Road

Legend

Subject Properties: —
Current Zoning: CG/CH and RS-1
Requested Zoning Change: CH
Vision: Industrial



Photos of Site and Surrounding Area

NORTH



WEST



EAST



SOUTH AT 209 WEST 31ST STREET



Photos of Site and Surrounding Area

LOOKING WEST AT GRAPE CREEK ROAD



INSIDE PROPERTY LOOKING SOUTH



INSIDE PROPERTY LOOKING NORTH



INSIDE PROPERTY LOOKING SOUTH



Response Letters

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(X) IN FAVOR

() IN OPPOSITION

REASON(S) More jobs and oportunities
for people in San Angelo.

NAME: Elizabeth Colding, Villeda Antonio

ADDRESS: 302 W. 31st Street
San Angelo, Tx. 76903

SIGNATURE: Elizabeth Colding Antonio Villeda

Z18-13: Hirschfeld Properties, L.P.

property owner number: 13

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at jeff.fisher@cosatx.us.

(Note: Response Letter from owner of 209 West 31st Street is total of 19 pages including photos). Copies of written pages follow below. Copies of entire document will be provided to Council Members at the meeting).

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() IN FAVOR

(X) IN OPPOSITION

REASON(S)

1. Health hazard, they spilled oil every where and covered it up with rock so you can't see it. Ask me, I'll show you a house to dig.

2. They put the steel right next to my house. ever since last 10-12 years lightning has struck it so less that it is costing me more than \$20,000. All I have ever asked them to do is move the steel away from my house, but every time it is put so less than 10 feet from my house and that is right on the property line.

NAME: _____

ADDRESS: _____

SIGNATURE: _____

Z18-13: Hirschfeld Properties, L.P.
property owner number: 2

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AT 52 W. COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

2

() IN FAVOR

(X) IN OPPOSITION

REASON(S) 1. The road cutting when and it turns into
mosquito hell. Not to mention the wild animals that
stay in the lot. They store loose petroleum
products in there and they have leaked on the
ground. There have been fires in there
that have gotten close to my house, but never
once was the fire dept called.
If they are a blight on the neighborhood.
The fence looks like crap with graffiti on it.
They throw trash every where. They only
want to use this one lot to harass me.

NAME: _____

ADDRESS: _____

SIGNATURE: _____

Z18-13: Hirschfeld Properties, L.P.

property owner number: 2

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the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning
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() IN FAVOR

(X) IN OPPOSITION

REASON(S) Yes, I am the person who submitted the
H & P permit at Hirschfeld, and he has been harassing
me ever since. They are the "Neighbors from
Hell."

4. There is no boundary. There is an area
and then there is the tank yard. There is no defined
boundary it just is. According to your vision plan this
is incompatible use within a residential area. Any other use
would mean that you have double standards and have
turned your backs on our neighbor hood. Again they
are a incompatible neighbor here.

NAME: _____

ADDRESS: _____

SIGNATURE: _____

Z18-13: Hirschfeld Properties, L.P.

property owner number: 2

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Staff Report – Z18-13: Hirschfeld Properties, L.P.

August 21 and September 4, 2018

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W. COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

4

() IN FAVOR

() IN OPPOSITION

REASON(S) To use one of your own terms, Hirschfeld is a "Lulu" and should be moved to the River Area when they have successfully destroyed the area there.

So when they moved the steel the other day they notified again. Sec 7.02.033 my steel trees were cut down, my post trees were cut. All without my consent.

6. 7.02.062 When I saw junk yard really mean junk yard. They throw, trash, glass, dead animals

NAME: _____

ADDRESS: _____

SIGNATURE: _____

Z18-13: Hirschfeld Properties, L.P.

property owner number: 2

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() IN FAVOR

(~~/~~) IN OPPOSITION

REASON(S) hope deals, junk metal, junk vehicles, you
want it it ends up next to my house.

7.02.063 only last month when they covered
up the oil spills did they finally cut the weeds
down in them. some were 10' tall.

7.02.064 Junk unsightly metal. After
it turns into a junk yard, the only
reason they want to use it is to retaliate at me.

NAME: _____

ADDRESS: _____

SIGNATURE: _____

Z18-13: Hirschfeld Properties, L.P.

property owner number: 2

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() IN FAVOR

(X) IN OPPOSITION

REASON(S) 7.02.068 ANIMAL CARCASSES

I have the vet bills due to the wild
animals from the lot being thrown into my lot
by employee of Hirschfeld. We also have
violations of section 7.02.061 health, safety,
public health. When they don't place the dead
animals into my yard, they just let the life
and rot there. We have kids / families here.
8.01.065 noise, it never stops

NAME:

R. T. Annet

ADDRESS:

209 W. 31

San Angelo TX

SIGNATURE:

R. T. Annet

Z18-13: Hirschfeld Properties, L.P.

property owner number: 2

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() IN FAVOR

(X) IN OPPOSITION

REASON(S)

This Property is directly Next To
Peoples Homes and should not be changed
to Heavy Commercial. The noise and dust from
Heavy Equipment should not be in a RS-1 zoning
district. I would ask the City, Why
was this allowed to begin with?

NAME:

Donald A Spadley

ADDRESS:

304 W. 3rd St

SIGNATURE:

Donald A Spadley

Z18-13: Hirschfeld Properties, L.P.

property owner number: 12

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at jeff.fisher@cosatx.us.

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() IN FAVOR

(X) IN OPPOSITION

REASON(S)

I don't think this type of commercial business should be allowed up against residential property. We were here first.

1. Noise

2. Dust

3. Reduced Property Value

NAME: Donald A. Spradley

ADDRESS: 304 W. 31st

SIGNATURE:

Donald A. Spradley

Z18-13: Hirschfeld Properties, L.P.

property owner number: 12

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at jeff.fisher@cosatx.us.

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() IN FAVOR

(X) IN OPPOSITION

REASON(S)

It is noisy & dirt is always blowing. This is a Residential Zone and we want to keep it that way

NAME: Thelma Nalley

ADDRESS: 206 W. 31st. Street
San Angelo, Tx. 76903

SIGNATURE: Thelma Nalley

Z18-13: Hirschfeld Properties, L.P.

property owner number: 8

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at jeff.fisher@cosatx.us.

Sec. 212. Amendments to Text or Official Zoning Map

G. Amendment Criteria. The wisdom of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt, adopt with modifications or deny the proposed amendment, the City Council shall at a minimum consider the following factors.

1. Compatible with Plans and Policies. Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.

THE AMENDMENT OF ZONING THIS PARCEL OF PROPERTY WOULD
ALLOW FOR CONSISTENT USE OF SAID PROPERTY AS A MATERIAL
STORAGE YARD, AND DISTRIBUTION LOCATION FOR SHIPMENT OF MATERIAL.
THIS MATERIAL IS STRUCTURAL STEEL, AND IS COMPATIBLE WITH
ALL OTHER PROPERTIES OWNED/OPERATED BY HIRSCHFELD IN SAN
ANGELO.

2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.

THERE SHOULD BE NO CONFLICTS WITH ZONING ORDINANCE,
AS WE (HIRSCHFELD) SHALL COMPLY WITH ALL REQUIREMENTS
OF THE ZONE CHANGE AMENDMENT.

3. Compatible with Surrounding Area. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

THE PARCEL OF LAND IN QUESTION IS COMPATIBLE WITH THE
SURROUNDING AREA.

4. Changed Conditions. Whether and the extent to which there are changed conditions that require an amendment.

THERE ARE NO CHANGED CONDITIONS

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

THERE SHALL BE NO EFFECT ON THE NATURAL ENVIRONMENT
AND HIRSCHFELD SHALL COMPLY WITH ALL STATE, LOCAL AND
FEDERAL LAWS FROM AN ENVIRONMENTAL PROTECTION
STAND POINT.

6. Community Need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.

THE COMMUNITY NEED, IN THIS CASE, WOULD BE CONTINUED
EMPLOYMENT OF SAN ANGELO RESIDENTS WHO WORK
FOR HIRSCHFELD

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

NOT KNOWN.

LIVEWIRE JANUARY 3, 2017



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

Application for Approval of a Zone Change



Section 1: Basic Information

Name of Applicant(s): HIRSCHFELD PROPERTIES, L.P.

☒ Owner ☐ Representative (Notarized Affidavit Required)

Mailing Address: 112 W. 27th STREET City: SAN ANGELO State: TX Zip Code: 76903

Contact Phone Number: 325-486-4415 Contact E-mail Address: JOSEPHY.BARTZ@HIRSCHFELD.COM

Subject Property Address: Block 7, SUBD MATHER ADDITION NO. 1, 2.0530 ACRES, SAN ANGELO, TX City: SAN ANGELO State: TX Zip Code: 76903

Legal Description (can be found on property tax statement or at www.tamraonline.com): Block 7, SUBD MATHER ADDITION NO. 1, 2.0530 ACRES

Existing Zoning: PARTIAL CGH / PARTIAL RS-1 Proposed Zoning: CH Lot size: 2.0530 ACRES

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

Section 2: Site Specific Details

Existing Use of Property: FABRICATED STEEL STORAGE/SHIPPING

*Proposed Use of Property: SAME

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

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

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

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

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

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

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

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

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

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

Staff Report – Z18-13: Hirschfeld Properties, L.P.
August 21 and September 4, 2018

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

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

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

HIRSCHFELD PROPERTIES, LP
Owner Name (Print)

Signature

HIRSCHFELD
Company/Organization (If Applicable)

5/18/18
Date

Representative Name (Print)

Signature

Company/Organization

Date

FOR OFFICE USE ONLY:

☒ Verified Complete ☐ Verified Incomplete

Date of Application: 5/18/2018

Case No.: Z 18-13

Fully-dimensioned site plan: ☒

Nonrefundable fee: \$ 625.00

Receipt #: _____ Date paid: 5/21/2018

Sign Deposit \$37.50

Receipt #: _____ Date paid: ____/____/____

Affidavit attached?

☒ Yes

☐ No

☐ N/A

Applicant's signature on information sheet?

☐ Yes

☐ No

Previous Zone Change Inquiry?

☐ Yes

☒ No

If yes, ZCI case no.: ____-____

River Corridor Commission?

☐ Yes

☒ No

If yes, RCC meeting date: ____/____/____

Planning Commission hearing date: 6/18/2018

Date notifications due: 6/7/2018

City Council hearing date: 7/17/2018

Packets due date: ____/____/____

Publication date: ____/____/____

Reviewed/Accepted by: J. Fisher

Date: 5/18/2018

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: **3014 Grape Creek Road; comprising 2.053 acres;** FROM GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH) ZONING DISTRICT AND SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO HEAVY COMMERCIAL (CH) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: Z18-13: Hirschfeld Properties, L.P.

WHEREAS, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Heavy Commercial (CH) Zoning District and,

WHEREAS, on the 21st day of August, 2018, City Council held a public hearing on Z18-13, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

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

The real property generally located at 3014 Grape Creek Road; comprising of 2.053 acres in Block 9 of the Mather Addition No. 1; City of San Angelo, Tom Green County,

Texas, shall henceforth be permanently zoned as follows: Heavy Commercial Zoning District (CH).

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

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

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

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

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

INTRODUCED on the **21st day of August, 2018**, and finally PASSED, APPROVED
AND ADOPTED on this the **4th day of September, 2018**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

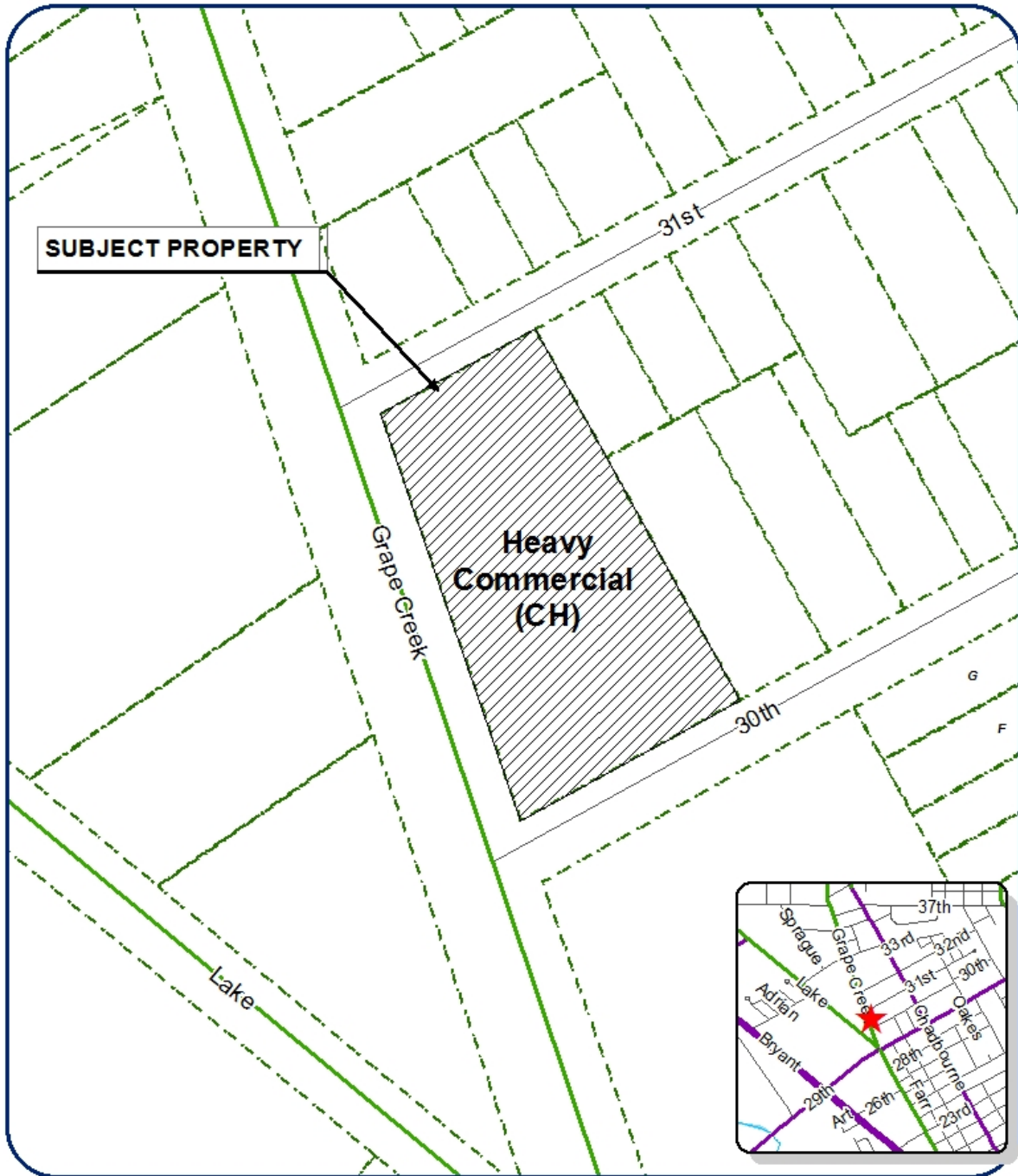
ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Exhibit "A" (CH Boundary Map)



Zoning Case File

Case Z18-13: Hirschfeld

Council District: Tom Thompson (SMD#2)

Neighborhood: Riverside

Scale: 1" approx. = 125 ft

Subject Property: 3014 Grape Creek Road

Legend

Subject Properties: —

Current Zoning: — CG/CH and RS-1

Requested Zoning Change: — N/A

Vision: — Industrial



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: August 21, 2018

Item type: Regular Item

Caption:

First reading and public hearing of ordinances approving:

1. Case CP18-05, an amendment to the Comprehensive Plan, changing the Future Land Use designation from "Neighborhood" to "Neighborhood Center," being 0.36 acres located at 320 W. Ave O
2. Case Z18-14, a rezoning from the Single-Family Residential (RS-1) Zoning District to the Office Commercial (CO) Zoning District, being 0.36 acres located at 320 W. Ave O - (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The applicant has submitted two concurrent applications to rezone and amend the Future Land Use of two vacant lots located on the corner of West Avenue O and Ben Ficklin Road. West Avenue O is a residentially zoned street. There are actually three vacant lots that are adjoining at this intersection, however the applicant is proposing to only develop the two on the end of the street, which will leave a buffer between the proposed commercial building and the residents of that street. This area was platted in 1905 and the majority of the homes built on this street section were built in the 1950s. There has been no recent residential development in this area, and the applicant is proposing to build a small office building for his business on the two western lots. Rezoning this property to Office Commercial, with a Future Land Use of Neighborhood Center will be the least impactful commercial zoning district to the surrounding residents, while still allowing the intersection to develop in a commercial capacity, as is currently developed.

Financial Impact:

N/A

Other Information/Recommendation:

On July 16, 2018, the Planning Commission unanimously recommended APPROVAL of the Comprehensive Plan Amendment and the Rezoning.

Attachments:

- | | |
|---------------------------|---|
| 1. Staff Report (CP & RZ) | PL_Staff Report CP18-05 & Z18-14_CALOWAY.docx |
| 2. Draft Ordinance (CP) | 18-XXX_PL_CP18-05_FINAL.docx |
| 3. Draft Ordinance (RZ) | 18-XXX_PL_Z18-14_FINAL.docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra
Jon James

Created/Initiated
Approved

Theresa James
Anthony Wilson
Jon James
Tina Dierschke
Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Approved
Approved
Approved
Approved
Final Approval

**CITY COUNCIL– AUGUST 21, & SEPTEMBER 4, 2018
STAFF REPORT**



APPLICATION TYPE:		CASES:	
Rezoning & Comprehensive Plan Amendment		Z18-14: Caloway & CP18-05: Caloway	
SYNOPSIS:			
The applicant has submitted two concurrent applications to rezone and amend the Future Land Use of two vacant lots located on the corner of West Avenue O and Ben Ficklin Road. West Avenue O is a residentially zoned street. There are actually three vacant lots that are adjoining at this intersection, however the applicant is proposing to only develop the two on the end of the street, which will leave a buffer between the proposed commercial building and the residents of that street. This area was platted in 1905 and the majority of the homes built on this street section were built in the 1950s. There has been no recent residential development in this area, and the applicant is proposing to build a small office building for his business on the two western lots. Rezoning this property to Office Commercial, with a Future Land Use of Neighborhood Center will be the least impactful commercial zoning district to the surrounding residents, while still allowing the intersection to develop in a commercial capacity, as is currently developed.			
LOCATION:		LEGAL DESCRIPTION:	
320 West Avenue O; generally located at the northeast corner of the intersection of West Avenue O and Ben Ficklin Road		Being 0.36 acres out the Fort Concho Addition, Block 126, Lots 13-14, City of San Angelo, Texas.	
SM DISTRICT /	ZONING:	FLU:	SIZE:
SMD District #3 – Harry Thomas Rio Vista Neighborhood	RS-1 Single-Family Residential	Neighborhood	0.36 acres
THOROUGHFARE PLAN:			
West Avenue O – Urban Local Street, Required 50' min. ROW, 36' min. pavement width with sidewalks, or 40' without. Actual 65' ROW, 30' pavement width, without sidewalks. Ben Ficklin Road – Urban Local Street, Required 50' min. ROW, 36' min. pavement width with sidewalks, or 40' without. Actual 90' ROW, 50' pavement width, with sidewalks.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the proposed Rezoning from the Single-Family Residential (RS-1) Zoning District to the Office Commercial (CO) Zoning District, and APPROVAL of the Comprehensive Plan Amendment, changing lands from the "Neighborhood" Future Land Use category to the "Neighborhood Center" Future Land Use category.			
PROPERTY			
<i>Petitioner:</i> Jesse Caloway			
STAFF CONTACT:			
Kristina Heredia Staff Planner (325) 657-4210, Extension 1546 kristina.heredia@cosatx.us			

CITY COUNCIL

Staff Report – Z18-14 & CP18-05 Caloway

August 21, & September 4, 2018

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

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.* The Comprehensive Plan calls for areas of low-intensity commercial corridors to be located adjacent to residential areas. Office Commercial (CO) is the least intense commercial zoning district and limits the type of commercial businesses allowed. For example, the land use of Retail Sales & Services is not allowed in the CO zoning district. This will protect the residential street from a noticeable increase in vehicular traffic, while also providing a transitional zone and Future Land Use that will buffer the local residents from the heavier commercial activity along this section of Ben Ficklin Road.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.* The Zoning Ordinance allows for concessions to be made when alternative zoning districts are more compatible with a specific area. This section of West Avenue O was developed as a residential street over 60 years ago, with these corner lots never being built out. Since the adjacent section of Ben Ficklin Road has developed in a commercial capacity, it would be consistent with the Zoning Ordinance to allow these lots to also develop commercially, albeit with a less intense land use that is more compatible with the surrounding homes. Office Commercial is the best commercial zoning district for this property.
3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.* As indicated above, the subject properties are located adjacent to a commercial corridor along Ben Ficklin, and also a residential corridor along West Avenue O. Office Commercial would be the least intense zoning district that would give the property a chance to develop in a commercial capacity, since historically the land has failed to develop as a residential property.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The conditions have changed from what was originally intended by City Council as an area saturated with industrial development to an area that caters to both large sections of industrial and commercial development. Allowing the rezoning and the amendments to the Comprehensive Plan would allow the City to recognize the growth patterns that this particular corridor portrays.
5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* There is potential for temporary environmental effects as construction on the new office building is commencing. However once the property is developed, there is no anticipated detrimental effect to the area as the land use is considered low-intensity.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* When West Avenue O had homes constructed on it in the 1950s there was a community need for additional housing options. However since these particular lots failed to develop as residences, there is evidence that the community need has changed. Granting the property owner the ability to develop these lots commercially allows for a changing community need to be met.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* There are many vacant lots on the residentially zoned West Avenue O. This is an indication that development patterns have changed and the likelihood of additional homes been built in this immediate area is minimal. Rather, Ben Ficklin is showing development of commercial businesses, and allowing this intersection to continue to have commercial growth is reflective of the development patterns of this area.

Notifications:

15 notifications were sent out to property owners within 200 feet on July 2, 2018. Staff has received one response in favor and zero responses in opposition.

Planning Commission Recommendation:

On July 16, 2018 the Planning Commission recommended APPROVAL of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Office Commercial (CGO) Zoning District, and APPROVAL of an Amendment to the Comprehensive Plan, changing lands from the “Neighborhood” Future Land Use category to the “Neighborhood Center” Future Land Use category. The following is the complete excerpt of the minutes from the meeting for this case:

Kristina Heredia, Planner, presented the Comprehensive Plan Amendment and Rezoning request. She explained that the reason for the Comprehensive Plan Amendment to “Neighborhood Center” is that it was lower intensity and because West Avenue O is a local street. Ms. Heredia also explained that the Rezoning request to Office Commercial (CO) would be most appropriate for the applicant’s proposed use of “office.” She indicated that the property has not developed in a residential manner and the adjacent homes were built in the 1950s. She concluded her presentation that the proposed use will be compatible with surrounding commercial uses and that Planning Staff was in support of the request.

Vice Chair Spano opened the meeting for public comment.

Mr. Jesse Caloway, the applicant indicated that he was available for public comment or questions.

Mr. David Rios, representing the owner of property to the east and south of the subject properties, asked if taxes would go up on his properties.

Vice Chair Spano stated that a new business on the subject property should not increase his taxes but referred Mr. Rios to the applicant, Mr. Caloway, to respond to this question.

Commissioner Jackson made a Motion to recommend APPROVAL of an amendment to the Comprehensive Plan changing the Future Land Use designation from “Neighborhood” to “Neighborhood Center,” being 0.36 acres located at 320 West Avenue O. Commissioner Uherik seconded the Motion. The Motion passed unanimously, 4-0.

Commissioner Jackson made a Motion to recommend APPROVAL of a Rezoning from the Single-Family Residential (RS-1) Zoning District the Office Commercial (CO) Zoning District, being 0.36 acres located at 320 West Avenue O. Commissioner Smith seconded the Motion. The Motion passed unanimously, 4-0.

Attachments:

Aerial Map
Zoning Map
Future Land Use Map
Notification Map
Photographs



Aerial Map

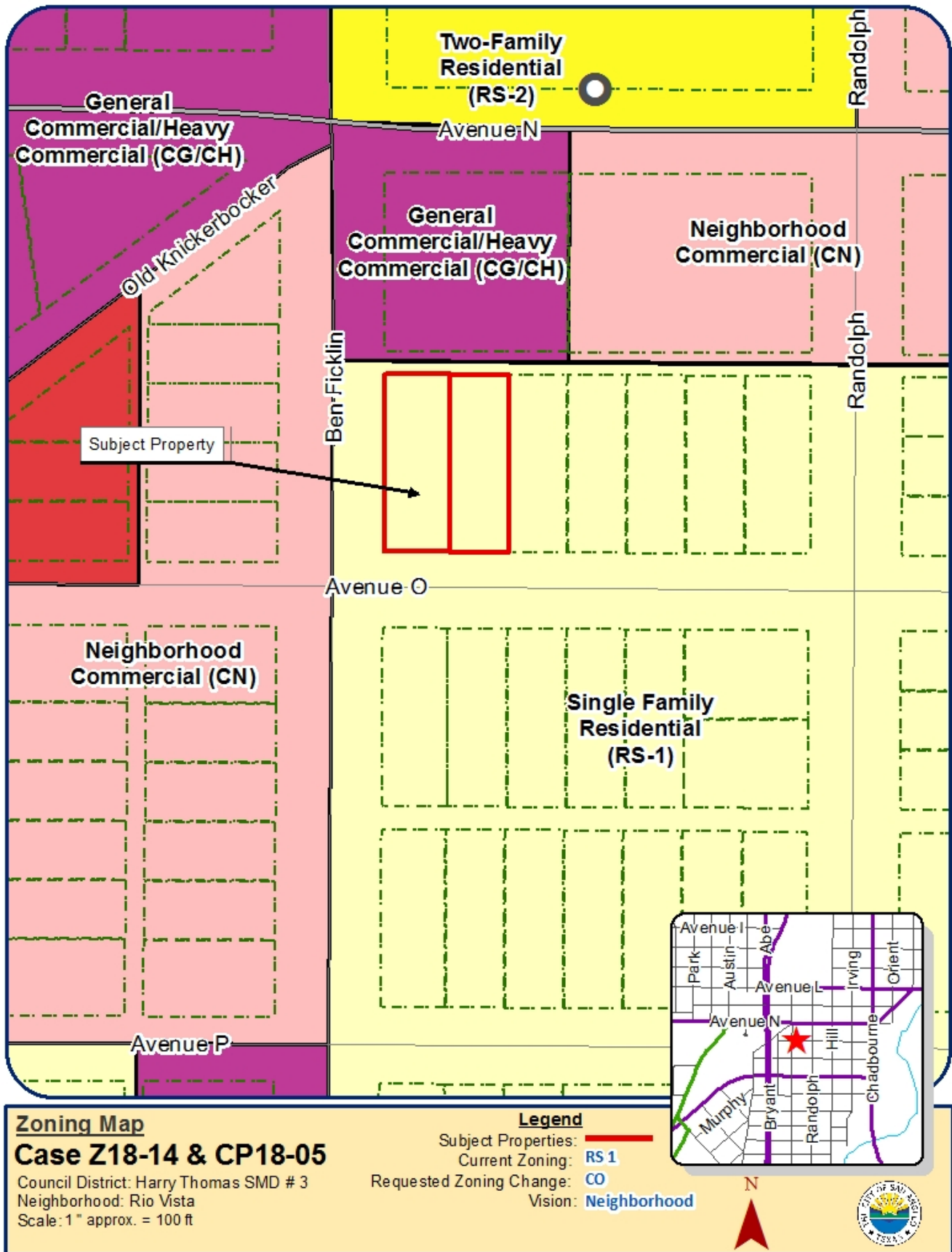
Case Z18-14 & CP18-05

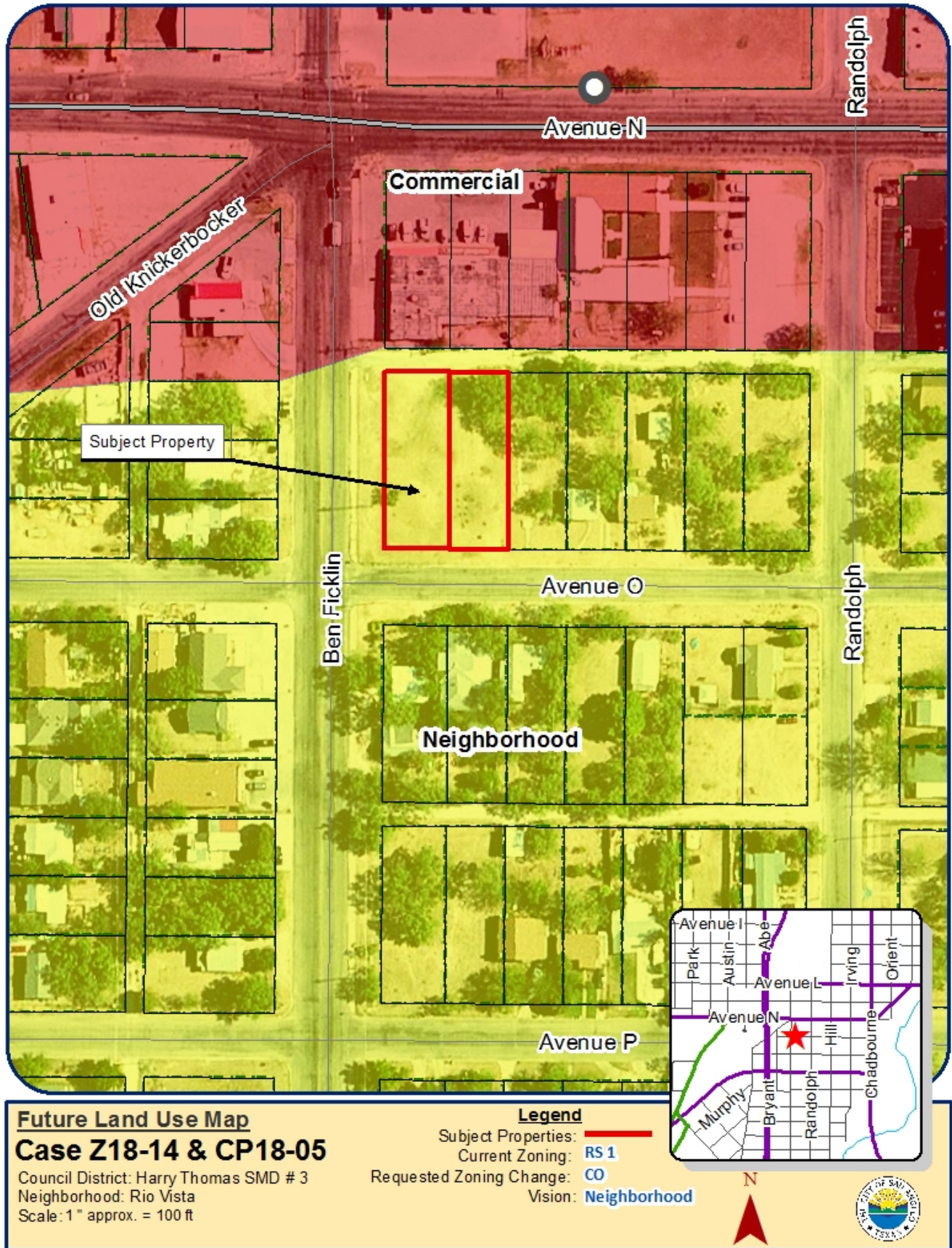
Council District: Harry Thomas SMD # 3
Neighborhood: Rio Vista
Scale: 1" approx. = 100 ft

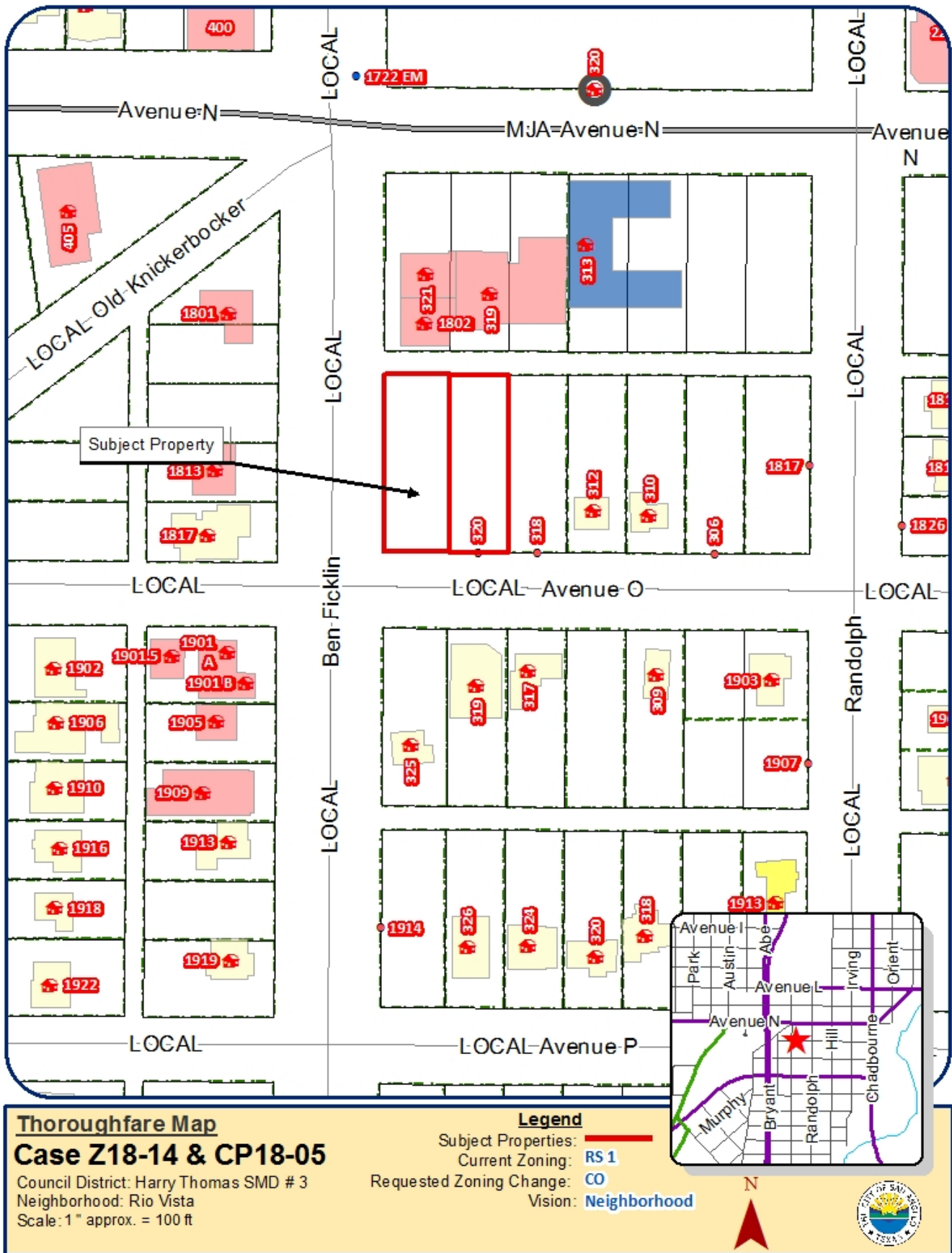
Legend

Subject Properties: —
Current Zoning: RS 1
Requested Zoning Change: CO
Vision: Neighborhood











Site Photos

Intersection to be Rezoned to CO, Looking North-East



Looking North-West on Ben Ficklin at Commercial Businesses



Looking South-West on Ben Ficklin at Commercial Businesses



Looking East on Ben Ficklin toward Adjacent Vacant Lot and Residential Homes



Looking South on Ben Ficklin toward Residential Home



AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS, BEING **320 West Avenue "O," City of San Angelo, Texas, compromising a total of 0.36 acres**, FROM "NEIGHBORHOOD" TO "NEIGHBORHOOD CENTER;" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

CP-18-05

WHEREAS, the City Council for the City of San Angelo, Texas, in accordance with the City Charter and Chapter 213 of the Texas Local Government Code, has adopted a Comprehensive Plan (Vision Plan and Future Land Use Map within the San Angelo Strategic Plan adopted by City Council as updated on October 20, 2009) to guide the long-range development of the City, manage the future growth of the City and promote the health, safety and welfare of its citizens; and

WHEREAS, the Comprehensive Plan includes a Future Land Use Map to serve as a geographical representation of anticipated land use patterns and long range development for the City; and

WHEREAS, inconsistencies have developed between current long standing land use and development patterns and development envisioned by the Future Land Use Map, which inconsistencies call for compatible revisions to the Future Land Use Map; and

WHEREAS, the Planning Commission and the City Council for the City of San Angelo, in compliance with the City Charter and Chapter 213 of the Texas Local Government Code regarding adoption and amendment of the City's Comprehensive Plan, having given requisite notice of public hearing by publication and otherwise, and having afforded a full and fair hearing to all property owners and persons interested, including persons situated in the vicinity of the affected area, being of the opinion that revision of the Comprehensive Plan and Future Land Use Map changes should be made as set out herein;

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

SECTION 1: The Future Land Use Plan Map, a component of the adopted Comprehensive Plan for the City of San Angelo be and the same is hereby amended to change the Future Land Use designations of the following described parcels as outlined below:

320 West Avenue “O,” comprising 0.36 acres in Fort Concho Addition, Block 126, lots 13 and 14, City of San Angelo, Texas, from “Neighborhood” to “Neighborhood Center;”

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to amend the Future Land Use Planning Map maintained in the Office of the Director to incorporate the foregoing amendments, as further depicted on **Exhibit A** of this Ordinance.

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

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

INTRODUCED on the **21st day of August, 2018**, and finally PASSED, APPROVED AND ADOPTED on this the **4th day of September, 2018**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Exhibit A



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: **320 West Avenue "O," City of San Angelo, Texas, compromising a total of 0.36 acres**, FROM SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO OFFICE COMMERCIAL (CO) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z18-14

WHEREAS, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Office Commercial District (CO); and,

WHEREAS, on the 21st day of August, 2018, City Council held a public hearing on Z18-14, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

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

The real property located at 320 West Avenue "O," compromising a total of 0.36 acres in Fort Concho Addition, Block 126, Lots 13 and 14, City of San Angelo, Tom Green County, Texas.

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

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

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

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

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

INTRODUCED on the **21st day of August, 2018**, and finally PASSED, APPROVED AND ADOPTED on this the **4th day of September, 2018**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Exhibit A



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: August 21, 2018

Item type: Regular Item

Caption:

Public hearing and first reading of an ordinance for the abandonment and vacation of a 25-foot wide, 0.162-acre (7,096-square foot) segment of the Ben Ficklin Rd public right-of-way and a 10-foot wide, 0.061-acre (2,678-square foot) public alley, located immediately east and between Lots 1-5 and 22-27 within Block 4 of the Monterrey Addition - (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

The applicants have submitted applications for street and alley abandonments to acquire additional land for a future retail development on their properties. The applicants own the portion of Block 4 of the Monterrey Addition bounded by West Avenue Z to the north; Ben Ficklin Road to the east; San Jacinto Street to the south; and South Bryant Boulevard to the west, except for a small part of Lot 21 at the northwest corner. They are seeking to acquire a 25-foot wide strip of the public right-of-way of Ben Ficklin Road immediately east of the subject properties; and a 10-foot wide alley which extends horizontally along the full length of the properties.

Financial Impact:

N/A

Other Information/Recommendation:

On July 16, 2018, the Planning Commission unanimously recommended APPROVAL of both of the requested abandonments and vacations.

Attachments:

- | | | |
|----|-----------------|--|
| 1. | Staff Report | PL_Monterrey_Blk 4_ROW_Abandonment report_FINAL.docx |
| 2. | Draft Ordinance | PL_CC Monterrey Abandonments 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 – August 21 and September 4, 2018

STAFF REPORT

APPLICATION TYPE:		CASE:	
Street and Alley Right-of-Way Abandonment		Street & Alley Right-of-Way Abandonment: SKG Engineering	
SYNOPSIS:			
The applicants have submitted applications for street and alley abandonments to acquire additional land for a future retail development on their properties. The applicants own the portion of Block 4 of the Monterrey Addition bounded by West Avenue Z to the north; Ben Ficklin Road to the east; San Jacinto Street to the south; and South Bryant Boulevard to the west, except for a small part of Lot 21 at the northwest corner. They are seeking to acquire a 25-foot wide strip of the public right-of-way of Ben Ficklin Road immediately east of the subject properties; and a 10-foot wide alley which extends horizontally along the full length of the properties.			
LOCATION:		LEGAL DESCRIPTION:	
25-foot segment of west side of Ben Ficklin Road and 10-foot public alley southeast of South Bryant Boulevard and West Avenue Z		Being a 25-foot wide, 0.162-acre (7,096-square foot) segment of the Ben Ficklin Road public right-of-way, and a 10-foot wide, 0.061-acre (2,678-square foot) public alley as shown on the attached maps	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #3 – Harry Thomas Rio Vista Neighborhood	CN and CG/CH	Neighborhood Center	Street R.O.W: 0.162 acres Alley R.O.W: 0.061 acres
THOROUGHFARE PLAN:			
South Bryant Boulevard – Urban Arterial Street (TXDOT); Required: 80' ROW, 64' pavement; Provided: 150' ROW, 106' pavement with a sidewalk Ben Ficklin Road – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' pavement with a 4-foot sidewalk; Provided: 100' ROW, 50' pavement and no sidewalk (complied at time of platting) West Avenue Z – Urban Local Street Required: 50' ROW, 40' pavement or 36' pavement with a 4-foot sidewalk; Provided: 40' ROW, 28' pavement and no sidewalk (complied at time of platting) San Jacinto Street – Urban Local Street Required: 50' ROW, 40' pavement or 36' pavement with a 4-foot sidewalk; Provided: 30' ROW, 28' pavement and no sidewalk (complied at time of platting)			
NOTIFICATIONS:			
10 notifications mailed within 200-foot radius on July 5, 2018 as required. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends PARTIAL APPROVAL of the Street Right-of-Way Abandonment request, and APPROVAL of the Alley Right-of-Way Abandonment request, subject to the two Conditions of Approval for each described below.			
PROPERTY OWNER/PETITIONER:			
<i>Owners: Bowman; Conn; Contreras;</i> <i>Frontier Real Estate Developments, Inc.</i> <i>Representative: Herb Hooker, SKG</i>			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information:

Planning Staff circulated all relevant municipal departments, as well as public and private utility companies. The following comments were received:

- Frontier Communications indicates there is a combination of aerial and underground fiber optic cables within the Ben Ficklin Road and San Jacinto Street public right-of-ways. The above ground fiber optic cables adjacent to Ben Ficklin Road run the full length of this frontage, and those adjacent to the San Jacinto Street frontage run the majority of this frontage, then underground along the far east portion. They are requiring a combination of aerial and unobstructed (ground) easements, 10 feet in width. The applicants will be required to dedicate these easements as part of a future subdivision plat.
- The Operations Department indicates that they are only willing to support abandonment of the west 15 feet of Ben Ficklin Road, not the entire 25 feet requested, to maintain additional right-of-way next to Ben Ficklin Road. This right-of-way would be maintained to allow for drainage and future utility/roadway projects.
- Engineering Services will require relocation of the existing sewer main located within the 10-foot alley, as well as extension of water and sewer mains in order to support the abandonment of the alley. As a condition of approval, the applicants will be required to dedicate easements for these utilities as part of the future subdivision plat should these utilities need to be located on private property.

The applicants are in agreement to abandoning only 15 feet of the originally requested 25 feet of the Ben Ficklin Road Right-of-Way (See Planning Commission Minutes below).

Analysis:

Planning Staff reviewed all relevant ordinances and policies, and conducted a site visit to the property on June 18, 2018 to determine the appropriateness of abandoning the said public street and alley right-of-ways. The Planning Division is in support of full abandonment of the public alley, and a partial abandonment of 15 feet of the Ben Ficklin Road right-of-way, consistent with the above comments and for the following reasons:

Site Analysis

The Planning Division supports full alley abandonment for several reasons: First, the applicants own all of the properties abutting the alley between Ben Ficklin Road, West Avenue Z, South Bryant Boulevard, and San Jacinto Street. The applicants are proposing to use the properties and abandoned alley for future retail development. Abandoning the alley should not impose any negative impacts as it is currently unpaved and no other property owner would use it once consolidated into the applicants' development project. Second, Engineering Services has indicated that the existing sewer main inside the alley could be relocated and extending along adjacent public right-of-ways. For instance, if 15 feet of Ben Ficklin Road was dedicated to the applicants, there would still be an additional 10 feet of right-of-way which could be used for an extension of the existing sewer main already in this area, a water main, and a public sidewalk

through the platting process. Extension of these mains along the San Jacinto Street side, which currently has a deficient right-of-way, could be provided through an easement as part of a required future subdivision plat.

The Planning Division also supports abandoning 15 feet of public right-of-way along Ben Ficklin Road for several reasons: First, this segment is substantially set back from the existing sewer main closest to Ben Ficklin Road, approximately 10 feet to the east. Abandonment would therefore not hinder any current or future location of utilities. Second, Ben Ficklin Road has an existing right-of-way width of 100 feet, with a 25-foot unpaved area west of the paved portion of Ben Ficklin Road. As a local street, Ben Ficklin Road only requires a paving width of 40 feet and is currently 50 feet wide, 10 feet greater than required. Maintaining this additional area would therefore provide no public benefit.

Finally, should any aerial and ground easements for Frontier Communications be located within the proposed abandonment area, Frontier has confirmed that said easements would still allow vehicular access and sidewalks to be located within them. For all of these reasons, the Planning Division is satisfied with abandoning the westerly 15 feet of Ben Ficklin Road and the entire alley.

Traffic Circulation Patterns

The Planning Division believes existing and anticipated traffic patterns would not be negatively affected if the street and alley right-of-way abandonments are approved. As indicated, the applicants own all of the land within the alley and will be the only parties using it once abandoned and consolidated into their development project. The street abandonment area is located immediately west from a daycare facility, Rio Vista Head Start, but as indicated, Ben Ficklin Road is 10 feet wider than required, and this segment acts as excess, unpaved right-of-way. Abandoning this portion would additional area for future commercial development, and taxable property, on the applicants' properties. Although much of this area along Ben Ficklin Road may be consumed with future easements for fiber optics and/or a sidewalk, this would not hinder abandoning a portion of land currently not being utilized. Finally, the requirement for a future subdivision plat as a condition of approval of the street and alley abandonments will ensure that property records are updated and adequate right-of-ways and infrastructure are in place for the proposed development. Through the platting process, additional right-of-ways and paving per City standards will best ensure that any future traffic generated from the commercial development will have adequate maneuvering and turning radiuses to and from the property.

Relevant Ordinances and Policies

The proposed abandonment would not contravene any applicable City Ordinance. As a condition of approval, the applicant will be required to replat the abandonment areas into the existing properties, creating a single property for future retail development. The associated replat would allow the City to obtain the necessary right-of-way and infrastructure improvements necessary for improved traffic safety and quality development within this block.

Planning Commission Recommendation:

On July 16, 2018, the Planning Commission recommended **APPROVAL of only the westerly 15 feet** of the proposed abandonment and vacation of the 25-foot wide, 0.162-acre (7,096-square foot) segment of the Ben Ficklin Road public right-of-way, and recommend **APPROVAL** of the proposed abandonment and vacation of the 10-foot wide, 0.061-acre (2,678-square foot) public alley. The following is the complete excerpt of the draft minutes from the July 16, 2018, meeting for this case:

Jeff Fisher, Senior Planner, presented the street and alley abandonment requests. He explained that the purpose of the requests are to provide the owners with additional land for a future retail development. Mr. Fisher displayed an aerial photo of the surrounding properties and the current right-of-way and paving widths of adjacent streets. He explained that as a condition of approval these properties will require a replat and this will include future easements for fiber optic cable lines for Frontier. He also explained that the current sewer line running horizontally within the alley would be relocated and that Engineering Services would be in support of this. Mr. Fisher concluded his presentation with Staff's rationale to approval of 15 feet of the Ben Ficklin street abandonment and the full alley on the grounds that the sewer line can be relocated; that the remaining 10 feet on Ben Ficklin Road is needed for the City for future drainage, utility and road projects; that traffic circulation will not be an issue as the owners own all of the lots; and that approval would not contravene any current ordinance as the additional land will be required to be replatted.

Vice Chair Spano indicated that he wanted to ensure that citizens understood the specifics of the request, including utility lines and future construction.

Mr. Fisher indicated that parking and sidewalks may be placed over any future Frontier fiber optic easements but that the owners would be responsible for any associated costs should Frontier need to access this area.

Vice Chair Spano opened the meeting for public comment.

Max Jacobs, one of the property owners, indicated his architect as aware of the proposed development that were needed and that he was available for any public comment.

Commissioner Uherik asked if Mr. Jacobs was okay with a 15-foot abandonment and not 25 feet. Mr. Jacobs indicated that while the owners preferred 25 feet, the owners were satisfied with a 15-foot abandonment.

Commissioner Jackson made a Motion to recommend APPROVAL of only the westerly 15 feet of the proposed abandonment and vacation of the 25-foot wide, 0.162-acre (7,096-square foot) segment of the Ben Ficklin Road public right-of-way. Commissioner Smith seconded the Motion. The Motion passed unanimously, 4-0.

Commissioner Smith made a Motion to recommend APPROVAL of the proposed abandonment and vacation of the 10-foot wide, 0.061-acre (2,678-square foot) public alley. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 4-0.

Recommendation:

Staff's recommendation is for City Council to recommend **APPROVAL of only the westerly 15 feet being 0.097-acres (4,257 square feet)** out of the proposed abandonment and vacation of a 25-foot wide, 0.162-acre (7,096-square foot) segment of the Ben Ficklin Road public right-of-way located immediately east of Lots 1-5 and 22-27 of Block 4 of the Monterrey Addition, **And,**

Staff's recommendation is for City Council to recommend **APPROVAL** of the proposed abandonment and vacation of a 10-foot wide, 0.061-acre (2,678-square foot) public alley located between Lots 1-5 and 22-27 within Block 4 of the Monterrey Addition;

Both subject to following two Conditions of Approval:

1. Submit to the Planning Director for approval and official recording a subdivision replat and comply with the following:
 - a. Absorbing the westerly 15 feet of the proposed Ben Ficklin Road abandonment area to the subdivided parcels on the west side of Ben Ficklin Road, and absorbing the full alley right-of-way abandonment area from its centerline, into adjacent lots, Lots 1-5 and 22-27, respectively or as replatted, Block 4 of the Monterrey Addition, in compliance with the Land Division and Subdivision Ordinance;
 - b. Relocate, or make provision for the relocating of, the existing sewer main presently within the 10-foot alley right-of-way, and install and/or extend any required sewer mains, water mains, and sidewalks to adequately service the replatted property, designating on the replat any necessary easements to the satisfaction of the City Engineer. A performance guarantee for relocating the sewer main, water mains and sidewalks as needed shall be submitted to the Planning and Development Department in a form approved by the Planning Director; and
 - c. Reserving and designating on the plat nonexclusive easements for overhead and underground telecommunications lines and facilities in the vacated rights-of-way. The applicants shall obtain a letter of approval from Frontier Communications allowing paving for parking or a sidewalk over the easements and provide the letter of approval to Planning Staff as part of the future subdivision plat.
2. Remit payment for the assessment applicable under the City of San Angelo Code of Ordinances, Appendix "A", Fee Schedule for the entire abandoned areas, per the Code of Ordinances, Appendix "A", Section A9.008.

Attachments:

Aerial Map

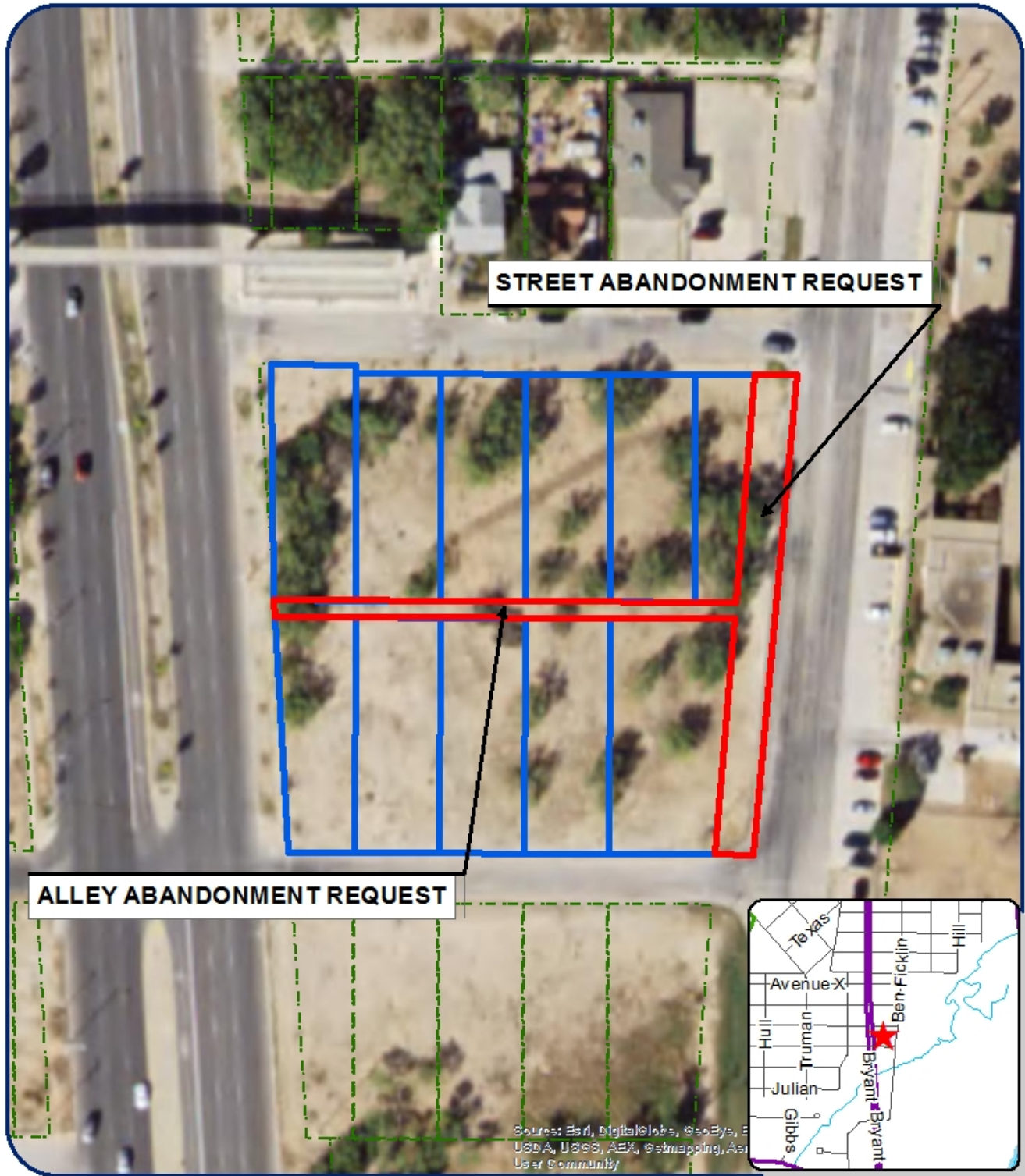
Future Land Use Map

Zoning Map

Street and Alley Abandonment Exhibit

Field Notes

Applications

**Right-Of-Way Abandonment Case File****SKG Engineering, LLC**

Council District: Harry Thomas (SMD#3)

Neighborhood: Rio Vista

Scale: 1" approx. = 75 ft

25-ft Ben Ficklin R.O.W. and 10-ft alley between Lots 1-5, 22-27, Blk 4, Monterrey Add'n

Legend

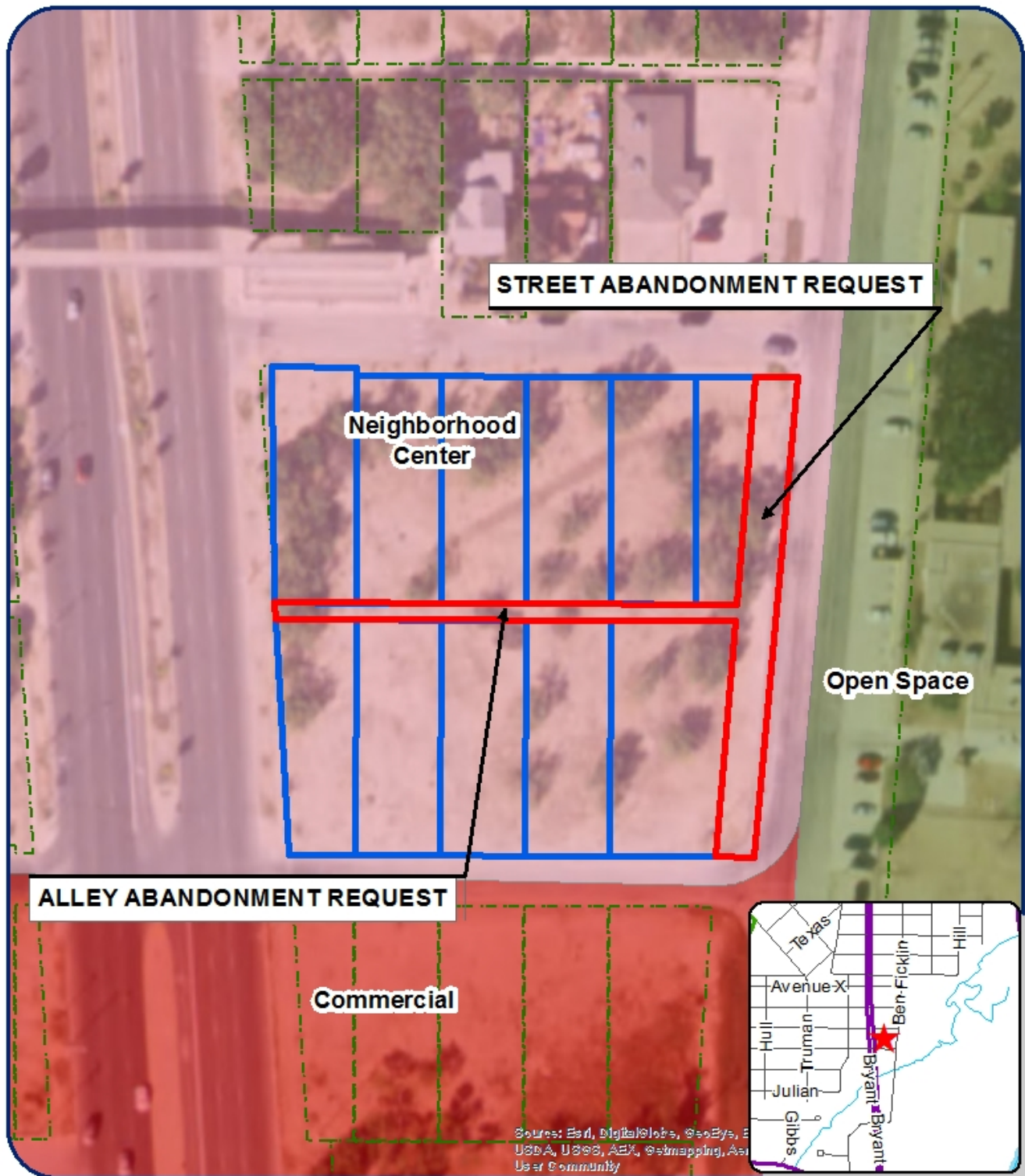
Subject Properties:

Current Zoning: CN and CG/CH

Requested Zoning Change: N/A

Vision: Neighborhood Center



**Right-Of-Way Abandonment Case File****SKG Engineering, LLC**

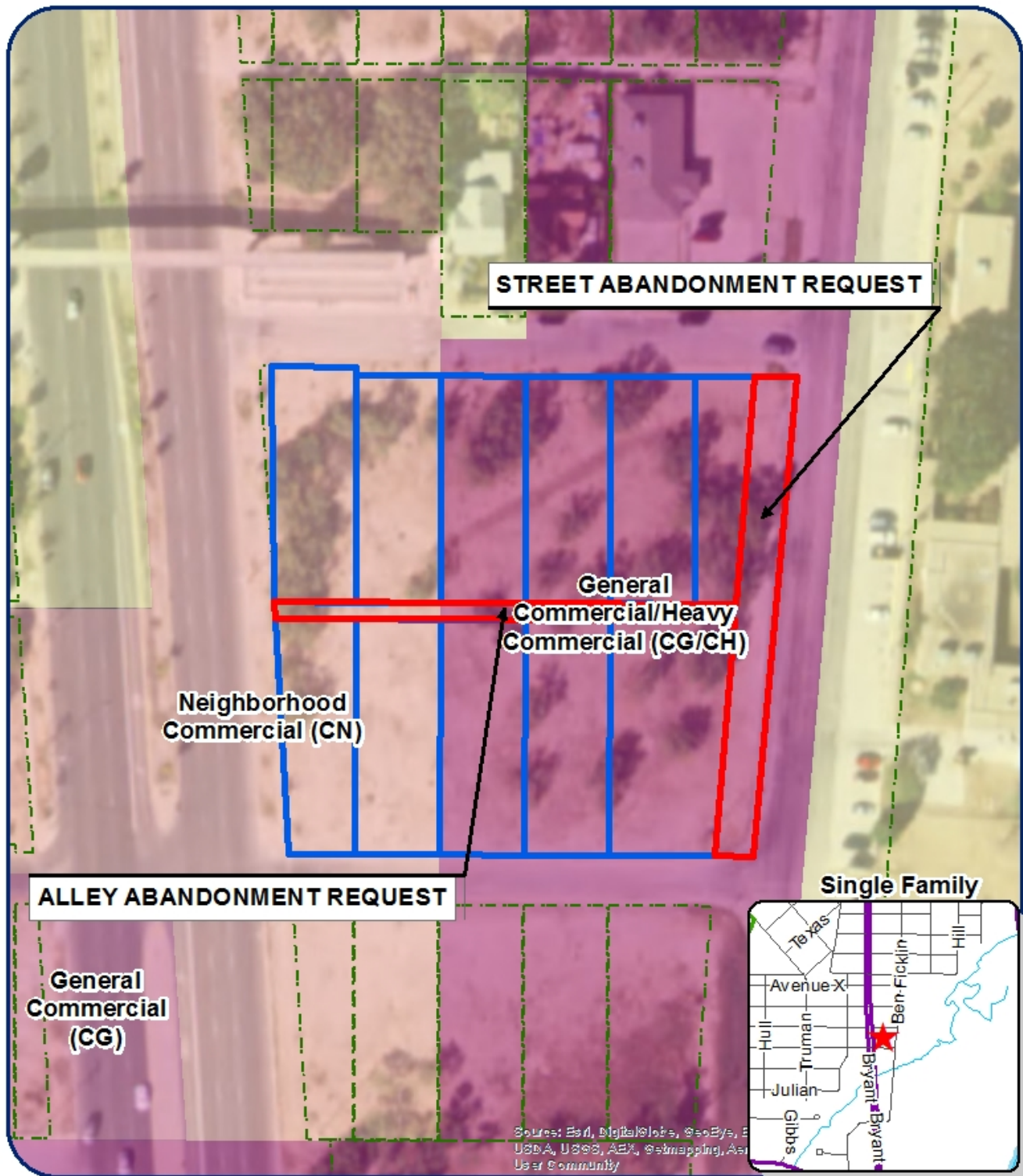
Council District: Harry Thomas (SMD#3)

Neighborhood: Rio Vista

Scale: 1" approx. = 75 ft

25-ft Ben Ficklin R.O.W. and 10-ft alley between Lots 1-5, 22-27, Blk 4, Monterrey Add'n

LegendSubject Properties: —Current Zoning: CN and CG/CHRequested Zoning Change: N/AVision: Neighborhood Center

**Right-Of-Way Abandonment Case File****SKG Engineering, LLC**

Council District: Harry Thomas (SMD#3)

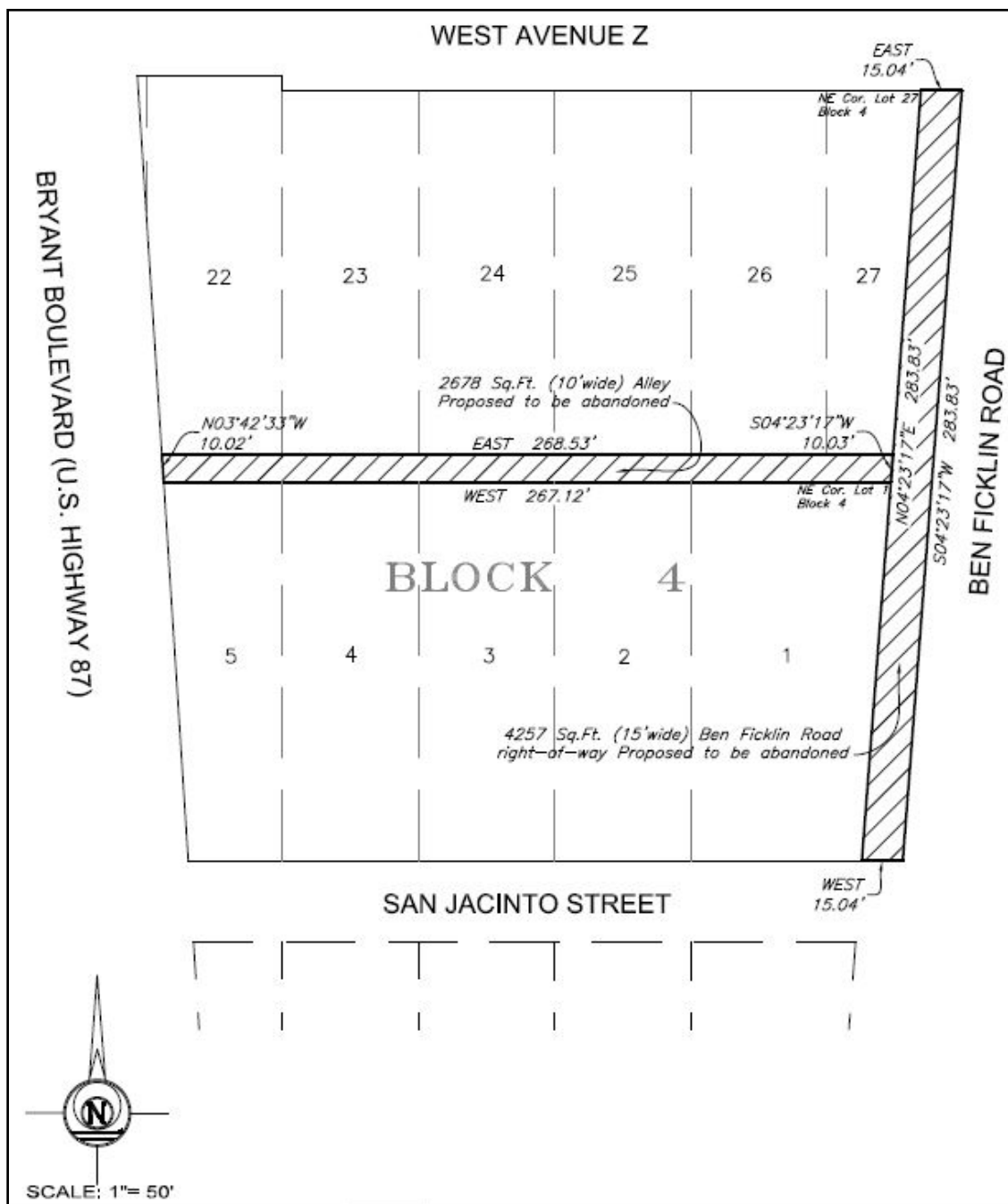
Neighborhood: Rio Vista

Scale: 1" approx. = 75 ft

25-ft Ben Ficklin R.O.W. and 10-ft alley between Lots 1-5, 22-27, Blk 4, Monterrey Add'n

LegendSubject Properties: —Current Zoning: CN and CG/CHRequested Zoning Change: N/AVision: Neighborhood Center

Street and Alley Abandonment Exhibit



FIELD NOTES

4257 Square Feet

June 19, 2018

18-S-0839e

Being an area of 4257 Square Feet of land out of Ben Ficklin Road adjoining the east line of Block 4, Monterrey Addition, City of San Angelo, Tom Green County, Texas and said 4257 Square Feet being more particularly described by metes and bounds as follows:

Beginning at the northeast corner of certain Lot 27 of said Block 4 and being the intersection of the south line of West Avenue Z and the west line of Ben Ficklin Road;

Thence with the north line of this tract and across said Ben Ficklin Road, East 15.04 feet to the northeast corner of this tract;

Thence with the east line of this tract, S. 04° 23' 17" W. 283.83 feet to the southeast corner of this tract;

Thence with the south line of this tract, West 15.04 feet to the southwest corner of this tract and the southeast corner of certain Lot 1 of said Block 4 and being the intersection of the west line of said Ben Ficklin Road and the north line of San Jacinto Street;

Thence with the west line of this tract and said Ben Ficklin Road and the east line of said Lot 1 and said Lot 27 and said Block 4, N. 04° 23' 17" E. 283.83 feet to the place of beginning and containing an area of 4257 Square Feet of land.

FIELD NOTES

2678 Square Feet

June 19, 2018

18-S-0839w

Being an area of 2678 Square Feet of land out of a 10.00 feet wide Alley across Block 4, Monterrey Addition, City of San Angelo, Tom Green County, Texas and said 2678 Square Feet also adjoining Lots 1 – 5 and Lots 22 – 27 of said Block 4 and said 2378 Square Feet being more particularly described by metes and bounds as follows:

Beginning at the northeast corner of this tract and southeast corner of said Lot 27 and being the intersection of the north line of said Alley and the west line of Ben Ficklin Road;

Thence with the east line of this tract and west line of said Ben Ficklin Road, S. 04° 23' 17" W. 10.03 feet to the southeast corner of this tract and the northeast corner of said Lot 1 and being the intersection of the west line of said Ben Ficklin Road and the south line of said Alley;

Thence with the south line of this tract and said Alley and the north line of said Lots 1 - 5, West 267.12 feet to the southwest corner of this tract and being the intersection of the south line of said Alley and the east line of Bryant Boulevard (U. S. Highway 87);

Thence with the west line of this tract and the east line of said Bryant Boulevard (U. S. Highway 87), N. 03° 42' 33" W. 10.02 feet to the northwest corner of this tract and the intersection of the east line of said Bryant Boulevard (U. S. Highway 87) and north line of said Alley;

Thence with the north line of this tract and said Alley and the south line of said Lots 22 – 27, East 268.53 feet to the place of beginning and containing an area of 2678 Square Feet of land.



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

Application to Abandon Right-of-way for Street(s) and/or Alley(s)



Section 1: Basic Information

Name of Applicant(s): Frontier Real Estate Investments, Inc.

☒ Owner ☐ Representative (Affidavit Required)

901 S. Abe St. San Angelo TX 76903

Mailing Address City State Zip Code

325.650.1115 frontier@wcc.net

Contact Phone Number Contact E-mail Address

2900 Blk. Ben Ficklin Rd. San Angelo TX 76901

Subject Property Address City State Zip Code

The West 25' of Ben Ficklin Rd. Right-of-Way adjoining the east line of Block 4, Monterrey Addition

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

Lot Size: 25' wide (east-west) x 288' north-south Zoning: CG/CH

Section 2: Site Specific Details

Subdivision Name: Monterrey Addition

Lots and/or Blocks Affected*: Block 4

General Description of Location*: The west 25' of Ben Ficklin Rd. Right-of-Way adjoining Block 4, Monterrey Addition
Generally that 25' portion of Ben Ficklin Rd ROW south of W. Ave Z, north of San Jacinto St., and lying
immediately east and adjoining Block 4, Monterrey Addition

Reason for Abandonment*: Ben Ficklin Rd. in this area is classified as a "local street" which only requires 50' right-of-way width.
The existing right-of-way is approximately 100' width so the incremental reduction in the right-of-way width to achieve the 50' would be 25' for the
west side. This would allow for a development to utilize the additional land and would be a benefit to the development and the tax base.

*Use attachment if necessary.

Section 3: Applicant's acknowledgement

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

Signature of licensee or authorized representative
affirming the truth of the above statement.

Date

Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: 6 / 18 / 2018

Non-Refundable Fee: \$ 450.00

Receipt #: 284726

Date paid: 5 / 18 / 2018

Date of hearing by Planning Commission: 7 / 16 / 2018

Date of hearing by City Council: 8 / 21 / 18

Reviewed/Accepted by: J. Fisher



City of San Angelo, Texas – Planning Division
52 West College Avenue
**Application to Abandon Right-of-way for
Street(s) and/or Alley(s)**

**Section 1: Basic Information**Name of Applicant(s): Frontier Real Estate Investments, Inc.☒ Owner☐ Representative (Affidavit Required)901 S. Abe St. San Angelo TX 76903

Mailing Address City State Zip Code

325.650.1115 frontier@wcc.net

Contact Phone Number Contact E-mail Address

2900 Blk. S. Bryant Blvd. San Angelo TX 76901

Subject Property Address City State Zip Code

Lots 1 - 5 and Lots 22 - 27, Block 4, Monterrey AdditionLegal Description (can be found on property tax statement or at www.tomgreenead.com)Lot Size: 50'x 139' (typ.) Zoning: CN & CG/CH**Section 2: Site Specific Details**Subdivision Name: Monterrey AdditionLots and/or Blocks Affected: Lots 1 - 5 and Lots 22 - 27, Block 4

General Description of Location*: That east - west 10' wide alley lying between Lots 1 - 5 and Lots 22 - 27, Block 4, Monterrey Addition
Generally that 10' alley south of W. Ave Z, north of San Jacinto St., East of S. Bryant Blvd. and west of Ben Ficklin Rd.

Reason for Abandonment*: To allow for the development of the entire block into a retail development.

*Use attachment if necessary.

Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

Signature of licensee or authorized representative
affirming the truth of the above statement.

Date

Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: 6 / 18 / 2018

Non-Refundable Fee: \$ 450.00

Receipt #: 284725

Date paid: 6 / 18 / 18

Date of hearing by Planning Commission: 7 / 16 / 2018

Date of hearing by City Council: 8 / 21 / 2018

Reviewed/Accepted by: J. Fisher

AN ORDINANCE PROVIDING FOR ABANDONMENT AND VACATION OF A 15-FOOT WIDE, 0.097-ACRE (4,257-SQUARE FOOT) STRIP OF THE RIGHT-OF-WAY ON THE WEST SIDE OF BEN FICKLIN ROAD BETWEEN WEST AVENUE “Z” AND SAN JACINTO STREET; ABANDONMENT AND CLOSING OF A 10-FOOT WIDE, 0.061-ACRE (2,678-SQUARE FOOT) PUBLIC ALLEY RIGHT-OF-WAY, RUNNING EAST TO WEST BETWEEN BRYANT BOULEVARD AND BEN FICKLIN ROAD, SOUTH OF AVENUE “Z” AND NORTH OF SAN JACINTO STREET; AUTHORIZING CONVEYANCE THEREOF BY QUITCLAIM DEED TO ABUTTING PROPERTY OWNERS; AND PROVIDING TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE.

WHEREAS, the City Council of the City of San Angelo, acting pursuant to law, is of the opinion that a 15-foot wide, 0.097-acre (4,257-square foot) strip of the right-of-way on the west side of Ben Ficklin Road between West Avenue “Z” and San Jacinto Street; a 10-foot wide, 0.061-acre (2,678-square foot) public alley right-of-way, running east to west between Bryant Boulevard and Ben Ficklin Road, south of avenue “Z” and north of San Jacinto Street ,are no longer needed for public use and therefore deems it advisable to abandon said portion of street and alley rights-of-way; and,

WHEREAS, the City Council of the City of San Angelo is of the opinion that the best interest and welfare of the public will be served by conditionally conveying the underlying abandoned portion of Ben Ficklin Road right-of-way to the abutting property owners on the west side of the street; and conveying the underlying abandoned alley right-of-way from the centerline to owners of abutting property to the north and south of said right-of-way;

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

SECTION 1: The public street and alley rights-of-way located in the City of San Angelo, Tom Green County, Texas, generally described as a 15-foot wide, 0.097-acre (4,257-square foot) strip of right-of-way on the west side of Ben Ficklin Road between West Avenue “Z” and San Jacinto Street; and, a 10-foot wide, 0.061-acre (2,678-square foot) public alley right-of-way, running east to west between Bryant Boulevard and Ben Ficklin Road, south of avenue “Z” and north of San Jacinto Street, more particularly described and depicted in **Exhibit “A,”** attached hereto and made a part hereof for all purposes, be and the same are hereby vacated, abandoned and closed insofar as the

right, title and easement of the public are concerned; subject however, to the conditions and restrictions hereinafter more fully set out.

SECTION 2: The abandonments and conveyances provided for herein are made and accepted subject to all present zoning and deed restrictions, if the latter exist, and all existing easements, if any, whether apparent or not, aerial, surface, underground or otherwise.

SECTION 3: The abandonments and conveyance provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to the interest which the governing body for the City of San Angelo may legally and lawfully abandon and vacate.

SECTION 4: As conditions precedent to the abandonments and as part of the consideration for conveyance by quitclaim deed of the underlying tracts of land to owners of abutting properties, said property owners shall:

1. Submit to the Planning Director for approval and official recording a subdivision replat and comply with the following:
 - a) Absorbing the westerly 15 feet of the proposed Ben Ficklin Road abandonment area to the subdivided parcels on the west side of Ben Ficklin Road, and absorbing the full alley right-of-way abandonment area from its centerline, into adjacent lots, Lots 1-5 and 22-27, respectively or as replatted, Block 4 of the Monterrey Addition, in compliance with the Land Division and Subdivision Ordinance;
 - b) Relocate, or make provision for the relocating of, the existing sewer main presently within the 10-foot alley right-of-way, and install and/or extend any required sewer mains, water mains, and sidewalks to adequately service the replatted property, designating on the replat any necessary easements to the satisfaction of the City Engineer. A performance guarantee for relocating the sewer main, water mains and sidewalks as needed shall be submitted to the Planning and Development Department in a form approved by the Planning Director; and
 - c) Reserving and designating on the plat nonexclusive easements for overhead and underground telecommunications lines and facilities in the vacated rights-of-way. The applicants shall obtain a letter of approval from Frontier Communications allowing paving for parking or a sidewalk over the easements and provide the letter of approval to Planning Staff as part of the future subdivision plat.

2. Remit payment for the assessment applicable under the City of San Angelo Code of Ordinances, Appendix "A", Fee Schedule for the entire abandoned areas [*Code of Ordinances, Appendix "A", Section A9.008*].

SECTION 5: The terms and conditions set forth hereinabove shall be applicable to the conveyances of right's-of-way herein provided for, and shall be binding upon Grantees thereof and their heirs, successors and assigns.

SECTION 6: Upon confirmation from the Planning Director of compliance with conditions hereinabove set forth, the Mayor of the City of San Angelo is hereby authorized to execute and deliver quit claim deeds conveying the subject tracts of abandoned rights-of-way described and depicted in **Exhibit "A,"** to the owners of the designated abutting properties.

SECTION 7: The City Clerk is hereby authorized and directed to certify a copy of this adopted Ordinance for recordation in the Official Real Property Records of Tom Green County, Texas, wherein the tracts of land are located.

INTRODUCED on the **21th day of August 21, 2018**, and finally PASSED, APPROVED AND ADOPTED on this the **4th day of September 2018**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Exhibit "A"
FIELD NOTES

FIELD NOTES

4257 Square Feet

June 19, 2018

18-S-0839e

Being an area of 4257 Square Feet of land out of Ben Ficklin Road adjoining the east line of Block 4, Monterrey Addition, City of San Angelo, Tom Green County, Texas and said 4257 Square Feet being more particularly described by metes and bounds as follows:

Beginning at the northeast corner of certain Lot 27 of said Block 4 and being the intersection of the south line of West Avenue Z and the west line of Ben Ficklin Road;

Thence with the north line of this tract and across said Ben Ficklin Road, East 15.04 feet to the northeast corner of this tract;

Thence with the east line of this tract, S. 04° 23' 17" W. 283.83 feet to the southeast corner of this tract;

Thence with the south line of this tract, West 15.04 feet to the southwest corner of this tract and the southeast corner of certain Lot 1 of said Block 4 and being the intersection of the west line of said Ben Ficklin Road and the north line of San Jacinto Street;

Thence with the west line of this tract and said Ben Ficklin Road and the east line of said Lot 1 and said Lot 27 and said Block 4, N. 04° 23' 17" E. 283.83 feet to the place of beginning and containing an area of 4257 Square Feet of land.

Exhibit "A"
FIELD NOTES

FIELD NOTES

2678 Square Feet

June 19, 2018

18-S-0839w

Being an area of 2678 Square Feet of land out of a 10.00 feet wide Alley across Block 4, Monterrey Addition, City of San Angelo, Tom Green County, Texas and said 2678 Square Feet also adjoining Lots 1 – 5 and Lots 22 – 27 of said Block 4 and said 2378 Square Feet being more particularly described by metes and bounds as follows:

Beginning at the northeast corner of this tract and southeast corner of said Lot 27 and being the intersection of the north line of said Alley and the west line of Ben Ficklin Road;

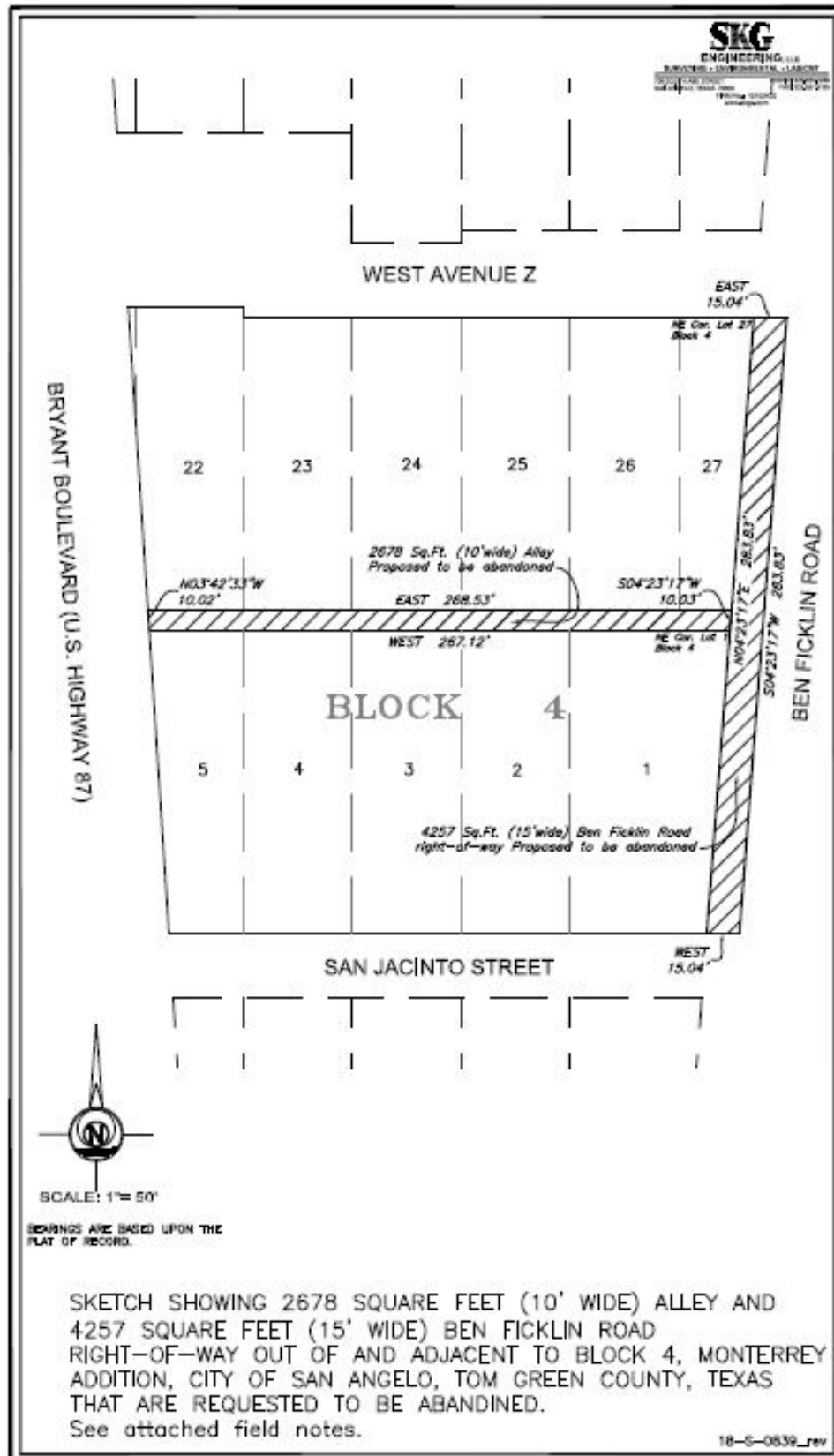
Thence with the east line of this tract and west line of said Ben Ficklin Road, S. 04° 23' 17" W. 10.03 feet to the southeast corner of this tract and the northeast corner of said Lot 1 and being the intersection of the west line of said Ben Ficklin Road and the south line of said Alley;

Thence with the south line of this tract and said Alley and the north line of said Lots 1 - 5, West 267.12 feet to the southwest corner of this tract and being the intersection of the south line of said Alley and the east line of Bryant Boulevard (U. S. Highway 87);

Thence with the west line of this tract and the east line of said Bryant Boulevard (U. S. Highway 87), N. 03° 42' 33" W. 10.02 feet to the northwest corner of this tract and the intersection of the east line of said Bryant Boulevard (U. S. Highway 87) and north line of said Alley;

Thence with the north line of this tract and said Alley and the south line of said Lots 22 – 27, East 268.53 feet to the place of beginning and containing an area of 2678 Square Feet of land.

Exhibit "A"
SURVEY PLAN



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bryan Kendrick, City Clerk, Engineering Services,

Meeting Date: August 21, 2018

Item type: Regular Item

Caption:

Second reading and adoption of an ordinance deleting and replacing Chapter 10, "Traffic Controls", Article 10.01 "General Provisions", Section 10.01.014 "Bicycle Lanes" of the Code of Ordinances, City of San Angelo, Texas, providing for severability, and providing for an effective date - (Presentation made by City Engineer Russell Pehl)

Summary/History:

The bicycle lane section in the current ordinance only delineates bicycle lanes for a portion of Southland Boulevard. This revised ordinance provides the City Manager, or designee, the authorization to establish other bicycle lanes. Additional clarity is also provided for restriction within the bicycle lanes by vehicles or pedestrians.

Financial Impact:

N/A

Other Information/Recommendation:

Staff Recommends Approval.

Attachments:

- | | | |
|----|--|--|
| 1. | 18-688 ORD Bike Lane Revision 7 27 18 | 18-688 ORD Bike Lane Revision 7 27 18.docx |
| 2. | CHAPTER_10__TRAFFIC_CONTROL - website edition
8.14.18 | CHAPTER_10__TRAFFIC_CONTROL - website edition
8.14.18.pdf |

Presentation:

Approvals/Reviews:

Bryan Kendrick
Theresa James
Becky Dunn
Bryan Kendrick

Created/Initiated
Approved
Approved
Final Approval

**AN ORDINANCE DELETEDING AND REPLACING CHAPTER 10,
"TRAFFIC CONTROLS", ARTICLE 10.01 "GENERAL
PROVISIONS", SECTION 10.01.0 "BICYCLE LANES" OF THE
CODE OF ORDINANCES, CITY OF SAN ANGELO TEXAS,
PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN
EFFECTIVE DATE**

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

1) THAT, Chapter 10, Article 10.01, Section 10.03.014 of the Code of Ordinances, City of San Angelo, Texas, is hereby deleted and replaced as follows:

" Sec. 10.01.014 Bicycle lanes

(a) Through administrative order the city manager, or designee, is authorized to establish bicycle lanes separated from the rest of the roadway by painted lines, other pavement markings, or other delineation for the exclusive use of bicycles and other non-motorized transportation.

(b) No person shall operate a motor vehicle in, on, or across a bicycle lane except to enter or leave a driveway, alley, street, or parking space, or for a bus to enter or leave a bus stop.

(c) Stopping, standing, or parking a vehicle shall not be allowed within a designated bicycle lane with a no parking designation."

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

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

SEVERABILITY:

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

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

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

CITY OF SAN ANGELO

ATTEST:

Brenda Gunter, Mayor

Bryan Kendrick, City Clerk

Approved as to Form:

Theresa James
City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: August 21, 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%
July - increase of 13.77%
August - increase of 7.28%

Year to date, revenue is approximately \$1,449,226 more than budgeted.

Financial Impact:

Sales Tax revenue for fiscal year 2018 is over year-to-date budget by 21.8% and \$1,449,226 after August 2018 receipts.

Other Information/Recommendation:

Attachments:

- | | |
|---|--|
| 1. Monthly Revenue Trends 2018 - August | Monthly Revenue Trends 2018 - August.pdf |
|---|--|

Presentation:

Tina Dierschke

Approvals/Reviews:

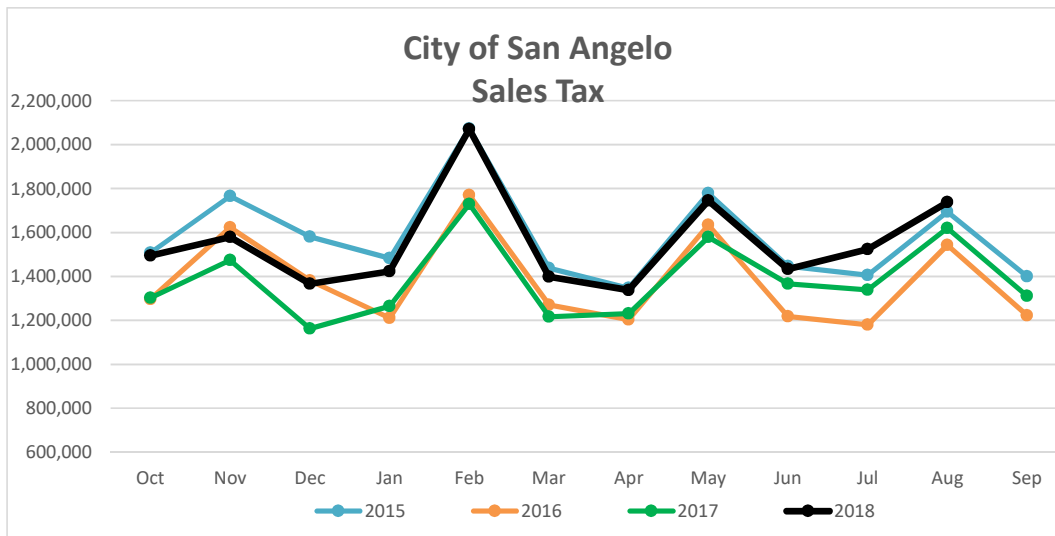
Tina Dierschke
Becky Dunn
Bryan Kendrick

Created/Initiated
Approved
Final Approval

City of San Angelo

Sales Tax - General Fund

Month	2014	2015	2016	2017	2018	Budget Allocation	Difference from Budget Allocation	% Change Year over Year	Over / (Under) FY2017
Oct	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	1,582,107	1,764,518	1,622,933	1,474,872	1,578,605	1,512,847	65,758	7.03%	103,733
Dec	1,308,812	1,579,718	1,380,463	1,162,763	1,366,024	1,317,665	48,359	17.48%	203,260
Jan	1,314,856	1,482,453	1,210,786	1,265,207	1,422,829	1,277,239	145,590	12.46%	157,622
Feb	1,829,723	2,071,878	1,768,937	1,728,678	2,069,325	1,805,910	263,415	19.71%	340,647
Mar	1,304,418	1,438,299	1,270,043	1,216,505	1,398,172	1,268,663	129,509	14.93%	181,667
Apr	1,423,130	1,347,047	1,202,841	1,231,345	1,338,067	1,272,625	65,443	8.67%	106,722
May	1,684,129	1,779,019	1,633,849	1,579,360	1,744,518	1,619,576	124,942	10.46%	165,159
Jun	1,457,046	1,446,101	1,217,893	1,367,061	1,433,017	1,332,674	100,343	4.82%	65,956
Jul	1,421,110	1,405,787	1,180,024	1,339,373	1,523,855	1,313,593	210,262	13.77%	184,482
Aug	1,814,100	1,693,299	1,542,217	1,619,370	1,737,208	1,611,891	125,318	7.28%	117,838
Sep	1,519,457	1,400,015	1,222,722	1,310,654		1,343,480			
Total	18,047,324	18,916,368	16,549,442	16,597,040	17,105,747	17,000,000	1,449,226	25.16%	1,819,361
Orig Budget	16,075,699	18,427,862	19,200,000	17,200,000	17,000,000				



Projection - Flat	18,416,401
Over/(Under) Budget - Flat	1,416,401

YTD Collections	17,105,747
PYTD Collections	15,286,386
% increase	11.90%

YTD Original Budget	15,656,520
YTD Collections	17,105,747
YTD Over/ (Under) Budget	1,449,226
YTD % Over/ (Under) Budget	21.80%

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: August 21, 2018

Item type: Regular Item

Caption:

Consider first public hearing of the property tax rate for the City of San Angelo for the 2018 tax year- (Presentation made by Finance Director Tina Dierschke)

Summary/History:

This item is the first public hearing of the property tax rate for the tax year 2018. At the August 7, 2018 meeting, City Council took a record vote which sets the maximum tax rate at 0.7760 per \$100 valuation. No changes are proposed to the existing exemptions, including the continuation of the 20% homestead exemption available to property owners on their primary residence.

The overall tax rate is proposed to remain the same as the prior year's tax rate of 0.776 per \$100 valuation. This budget will raise more total property taxes than last year's budget by \$626,546 (1.67%), and of that amount, \$383,414 is tax revenue to be raised from new property added to the tax roll. The proposed tax rate will be applied as follows:

- For the purposes of maintenance and operations in the General Fund: 0.6824
- To pay annual interest and maturities and create debt service funding to discharge outstanding bonded indebtedness of the City of San Angelo: 0.0936
- The total tax rate for the aforementioned purposes is: 0.7760

This year's proposed tax rate does exceed the lower of the effective tax rate or the rollback tax rate. The associated additional notices and actions are required for this ordinance.

Financial Impact:

None at this time.

Other Information/Recommendation:

Attachments:

- | | | |
|----|--|--|
| 1. | 180821 First Public Hearing | 180821 First Public Hearing.pptx |
| 2. | 180821 First Public Hearing - Property Tax | 180821 First Public Hearing - Property Tax.pdf |

Presentation:

Yes

Approvals/Reviews:

Kimberly Holle

Created/Initiated

Tina Dierschke
Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Approved
Final Approval



City Council

August 21, 2018



Tax rates	Proposed FY2018-19	Adopted FY2017-18
Property Tax Rate	0.7760 / \$100	0.7760 / \$100
Effective Tax Rate	0.7641/ \$100	0.8564 / \$100
Effective M&O Tax Rate	0.7463/ \$100	0.7463 / \$100
Rollback Tax Rate	0.8179 / \$100	0.9127 / \$100
Debt Tax Rate	0.0936 / \$100	0.0936 / \$100



Proposed Tax Rate

- Introduction of the proposed budget and tax levy ordinances on September 4, 2018
- Adoption of the budget and tax levy ordinances on September 18, 2018.





City Council

August 21, 2018



Memo

To: Mayor and Council members
Cc: Daniel Valenzuela, Michael Dane, Rick Weise, Tina Dierschke
From: Kimberly Holle, Budget Coordinator
Date: August 21, 2018
Re: Operating Fiscal Year 2018-19

This item is the first public hearing of the property tax rate for the tax year 2018. At the August 7, 2018 meeting, City Council took a record vote which sets the maximum tax rate at 0.7760 per \$100 valuation. No changes are proposed to the existing exemptions, including the continuation of the 20% homestead exemption available to property owners on their primary residence.

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Tax Rate	Adopted FY2018-19	Adopted FY2017-18
Property Tax Rate	0.7760 / \$100	0.7760 / \$100
Effective Tax Rate	0.7641/ \$100	0.8564 / \$100
Effective M&O Tax Rate	0.7463/ \$100	0.7463 / \$100
Rollback Tax Rate	0.8179 / \$100	0.9127 / \$100
Debt Tax Rate	0.0936 / \$100	0.0936 / \$100

to: Julia Hittley Fax: 325-657-4553



APPLICATION FOR BOARDS and COMMISSIONS

Name: Richard Round
 Address: [REDACTED]
 City: San Angelo (unless otherwise noted) Zip: 76903
 Phone (Home): [REDACTED] (Office): [REDACTED]
 Resident of San Angelo since: 1941 SMD: [REDACTED]
 Are you a registered voter of San Angelo? Yes: ☒ No: ☐
 Occupation / Business Affiliation: Round, Gillis
 Occupation / Business Address: 218 S. Washington 76901
 Position: owner
 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.

Richard Round 7/31/18
 Applicant's Signature Date

NOTE: This application is information of public record.* Public Service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex or disability.

RETURN TO: City of San Angelo, c/o City Clerk, 72 W. College, San Angelo, Texas 76903

Applying for:

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

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

Recommended by:

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

Based on you board selection, do you meet the membership criteria? Yes ☒ No ☐ If so, which criteria: [REDACTED]
 (see back page for board criteria)

Education and/or Professional Licenses: UTS University; Texas Board of Architectural Examiners - Registered Interior Designer

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

Previous Municipal Experience (Positions, Dates, Where): River Corridor Committee; Library Board

What personal qualifications can you bring to this board? 53 years in the design field; Native San Angeleno; Many years supporting the arts

What is your personal vision for the City? I would like to see the arts continue to flourish in San Angelo and to see the city preserve its unique character in West Texas

Why do you want to serve on this board? I would like to be a part in supporting the arts in San Angelo

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

*The City Council adopted the Code of Ethics for members of the City Council and for the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. Therefore, all Members shall comply with the laws of the nation, the State of Texas, and the City of San Angelo in the performance of their public duties. If you been convicted of a MISDEMEANOR or FELONY, and/or placed on probation, fined or given a suspended sentence such as pretrial diversion or deferred adjudication in court within the last ten years, disclosure of such should be forwarded under separate cover. For a complete copy of the Code of Ethics, contact the City Clerk at 657-4405.