



City Council Agenda 11/20/2018

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held on November 20, 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. Chaplain Prayer

3. Pledges

4. Proclamations/Recognitions

- a. Proclamation of November 24, 2018 as Small Business Saturday
- b. Proclamation of December 1, 2018 as Concho Christmas Celebration 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 November 6, 2018 City Council regular meeting minutes (Julia Antilley)
- b. Consider a resolution abandoning, vacating, and releasing a 20-foot wide utility easement totaling 7,669-square feet, located out of Tract 2, West Texas Rehab Addition, Section Two; and authorizing the Mayor to execute a release of easement and its recording and related documents in a form approved by the City Attorney's Office (Jon James)
- c. Consider approving Buyboard contract #524-17 from Paradigm Traffic Systems, Inc. (Houston, TX) in the amount of \$197,400 budgeted in FY2019, for the purchase of Alpha Battery Backup Systems and authorizing the City Manager to execute any related documents (Dusty Hohensee)
- d. Consider awarding RFP HR-01-19 Group Life/AD&D and Voluntary Life/AD&D Coverage to Dearborn/BCBS, budgeted in FY19, and authorizing the City Manager to negotiate and execute any related documents (Bryan Kendrick)
- e. Consider a resolution approving a donation of funds to the San Angelo Area Foundation, Frances Mertz Memorial Sculpture Maintenance Fund, and authorizing the City Manager to negotiate and execute any documents necessary for the donation of the funds (Carl White)

7. Regular Agenda

- a. First reading and public hearing of an ordinance approving case PD18-03, a rezoning from the Single-Family Residence (RS-1) and General Commercial Zoning Districts to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of Campground/Recreational Vehicle Park, being 16.36 acres located to the north and northwest of the Lake Nasworthy Addition – Group Fishermans Road residential subdivision (Presentation made by Planning & Development Services Director Jon James)
- b. First reading and public hearing of an ordinance amending Chapter 11, Article 11.03 of the San Angelo Code of Ordinances including adopting stormwater quality provisions (Presentation made by Shannon McMillan Stormwater Program Administrator)
- c. Update on Sales Tax revenue performance (Presentation made by Finance Director Tina Dierschke)
- d. First public hearing and introduction of an ordinance amending the budget for the fiscal year beginning October 1, 2018, and ending September 30, 2019, for capital items, grants, and reimbursed expenses (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 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding the:
 - solid waste contract
 - pivot and irrigation services bid
- b. Section 551.072. Deliberation Regarding Real Property. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person regarding:
 - Block 65, Ft Concho Addition
 - 16.36 Acres P Kurzenacker S-0647, A-1566
 - San Angelo Regional Airport

9. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session, if needed
- b. Consider the schedule of City Council Meetings in December 2018 & January 2019
- c. 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 16th day November, 2018, at 2:45 p.m.



Julia Antilley, Interim 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 regular meetings are broadcast on Channel 17-Government Access at 10:30 a.m. and 7:00 p.m. every day for two weeks beginning on the Thursday after each meeting.

Proclamation

The government of San Angelo, Texas, celebrates our local small businesses and the contributions they make to our local economy and community. According to the United States Small Business Administration, there are currently 30.2 million small businesses in the United States; they represent 99.7 percent of all businesses with employees in the United States and are responsible for 65.9 percent of net new jobs created from 2000 to 2017.

Small businesses employ 47.5 percent of the employees in the private sector in the United States.

Ninety percent of consumers in the United States say Small Business Saturday has had a positive impact on their community. Eighty-nine percent of consumers who are aware of Small Business Saturday said the day encourages them to Shop Small all year long. Seventy-three percent of consumers who reportedly Shopped Small at independently-owned retailers and restaurants on Small Business Saturday did so with friends or family.

The most reported reason for consumers aware of the day to shop and dine at small, independently owned businesses was to support their community.

San Angelo supports our local businesses that create jobs, boost our local economy and preserve our communities.

Advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

THEREFORE, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim, Saturday, November 24, 2018 as,

"SMALL BUSINESS SATURDAY"

and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

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, 20th day of November, 2018.

**Brenda Gunter
Mayor of the City of San Angelo**

Proclamation

2018 marks the twenty-fifth anniversary of the San Angelo Concho Christmas Celebration's Annual Tour of Lights.

The Celebration, with over 3 million lights, is one of the largest Christmas lighting events in the State of Texas.

The event offers a two and one-half mile walking or driving tour beginning behind the Main Post Office on the corner of Abe Street and First Street and ending at El Paseo de Santa Angela.

Those involved consist of hundreds of community volunteers who greet tour guests, inmates from the Department of Corrections who assist with installation of Christmas scenes, the San Angelo Restaurant Association who supply meals to the inmates, and the R.S.V.P. volunteers who deliver the inmates' meals.

The Community Christmas Tree Lighting Ceremony will be held Saturday, December 1st, 2018, at 5:15 p.m. at the corner of South Chadbourne and West Concho Avenue. Activities will include the San Angelo Community Band conducted by Dr. Constance Kelley of Angelo State University and the Twin Mountain Tonesmen directed by Mark Clark.

The Community Tree lighting will be followed by the 17th annual Lights of Christmas Parade, at 6:00 p.m., which may be viewed on Chadbourne between 2nd Street & Concho Avenue, on Concho Avenue between Chadbourne & Oakes, on Oakes back to 2nd Street.

The Tour of Lights can be seen Sunday through Thursday from 6:00 to 10:00 p.m., and each Friday and Saturday from 6:00 p.m. to 12:00 midnight, December 1st through December 31st, 2018.

THEREFORE, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim, Saturday, December 1st, 2018 as,

"CONCHO CHRISTMAS CELEBRATION DAY"

and encourage citizens to join the activities and view the magnificent holiday lights that have become a community treasure.

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 20th day of November, 2018

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, November 6, 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, November 6, 2018, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Legislative Prayer

An invocation was provided by Council Member Hiebert.

3. Pledges

The pledges were led by the Clatworthy siblings; Robbie (5th), Jace (3rd), and Ryder (3rd) who are home schooled.

4. Proclamations/Recognitions

November 16, 2018 was proclaimed as Tom Green County's 10th Annual National Adoption Day.

November 2018 was proclaimed as National Home Care and Hospice Month.

Hannah Slate was recognized as the Texas Amateur Athletic Federation's Female Athlete of the Year for both our local area and region.

5. Public Comment

Citizen and former City Council Member Marty Self spoke in appreciation of the Water Utilities Department and Petra Trevino, Water Customer Service Manager, for resolving his recent issue.

6. Consent Agenda

- a. Approval of the October 16, 2018 City Council regular meeting minutes
- b. Authorization to declare the following lots surplus for the purpose of disposing surplus property for the fair market value and authorization of the City Manager to execute all documents necessary to convey the surface estate only in the surplus property by Special Warranty Deed to the adjacent property owner, reserving unto the City of San Angelo all mineral interests, surface and ground water rights
 1. "Park Area" as designated out of Block 3, Section 1, Meadowcreek Addition
 2. "Park Area" as designated out of Block 22, Section 8, Meadowcreek Addition
 3. "Park Area" as designated out of Block 6, Section 1, Meadowcreek Addition

4. "Park Area" as designated out of Block 6, Section 4, Meadowcreek Addition
 5. "Park Area" as designated out of Block 10, Section 5, Meadowcreek Addition
 - c. Adoption of a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the city and all taxing units in the Tax Foreclosure Judgment or Tax Warrant to the following property (Pg. 577, #2018-129)
 1. Lot 19, Block 2, Eastland Heights Addition (\$1,200)
 2. Lot 20, Block 2, Eastland Heights Addition (\$1,200)
 - d. Approval of authorizing the City Manager to enter into a new Recreational and Agricultural Lease Agreement for .28 Acres out of Section 4, Group Red Bluff, Lake Nasworthy Addition, and adjacent to Lake Nasworthy
 - e. Approval of ratifying COSADC's approval of a resolution authorizing the COSADC membership in The High Ground of Texas (Pg. 578, #2018-130)
 - f. Approval of ratifying COSADC's approval of a resolution authorizing the COSADC membership in The Texas Midwest Community Network (Pg. 579, #2018-131)
 - g. Approval of ratifying COSADC's approval of a resolution authorizing the Board President to negotiate and execute a Second Amendment to Lease Agreement with Angelo State University for office space in the Business Resource Center, and Memorandum of Understanding providing for an adjustment in rent and assumption by ASU and the Small Business Development Center of marketing, recruitment and related services for the Business Factory/Incubator Program (Pg. 580, #2018-132)
 - h. Adoption of a resolution authorizing the City Manager to negotiate and execute Contract Number 3 with Centurion Planning & Design, LLC in the amount of \$120,991 for professional consulting services offered pursuant to RFQ AP-01-18 "City of San Angelo Professional Services-Airport Planning Services", required for ancillary airport land use development strategy and planning for various undeveloped properties located at the San Angelo Regional Airport—Mathis Field, relating to proposed development of a business and industrial park at the airport (Pg. 581, #2018-133)
 - i. Second reading and adoption of an ordinance for Z18-17, a rezoning from the Light Manufacturing (ML) Zoning District to the Two-Family (RS-2) Zoning District, being 1.308 acres located at 501 East Avenue A and 606, 612, 616, and 618 Rust Street (Pg. 582, #2018-134)
 - j. Second reading and adoption of an ordinance approving case Z18-20, a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to the Single Family Residential (RS-1) Zoning District, being 2.93 acres located at 3210 Lake Drive and 3201, 3207, and 3211 Grape Creek Road (Pg. 585, #2018-135)
- Motion: Council Member DeWitt made a motion, seconded by Council Member Thomas, to approve the consent agenda, with the exception of items 6e, 6f, and 6g. The motion carried unanimously (7) ayes to (0) nays.
- Motion: Council Member Thomas made a motion, seconded by Council Member Hiebert, to approve item 6e as presented by Guy Andrews. The motion carried unanimously (7) ayes to (0) nays.
- Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to approve item 6f as presented by Guy Andrews. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member DeWitt made a motion, seconded by Council Member Gonzales, to approve item 6g as presented by Guy Andrews and Dave Erickson. The motion carried unanimously (7) ayes to (0) nays.

7. Regular Agenda

- a. Approval of selecting Allstate Insurance Company as the COSA Group Voluntary Employee Benefits Program provider (Introduction of Julie Rickman from Holmes Murphy by Human Resources Director Bryan Kendrick)

Motion: Mayor Gunter made a motion, seconded by Council Member Gonzales, to approve the item as presented. The motion carried (5) ayes to (2) nays, with Council Member Hiebert and Council Member Thompson casting the dissenting votes.

- b. Award of RFB ES-08-18 West Concho Avenue Improvements to Reece Albert, Inc., contingent upon TXDOT approval, in the sum of \$1,760,481.61 for street reconstruction, sidewalk and ADA accessibility, traffic signals, utility construction and drainage modifications between S Randolph St & US 87 (S Koenigheim St) being a project funded with federal, state and local monies and authorizing the City Manager to negotiate and execute said contract (Presentation made by City Engineer Russell Pehl)

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

- c. Adoption of a resolution authorizing the Mayor to execute a First Amended Interlocal Agreement with Tom Green County relating to development of the new county jail facility located in northeast San Angelo, providing for construction permitting and inspection fees, and allowing the county to petition for re-annexation (Presentation made by Planning & Development Services Director Jon James with support from Fire Chief Brian Dunn) **(Pg. 588, #2018-136)**

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

- d. Adoption of a resolution allowing the City Manager or his designee to negotiate and execute a contract with the Chamber of Commerce Convention & Visitors Bureau allocating Hotel Occupancy Tax funds and to set an absolute dollar amount for contributions of HOT funds to the City of San Angelo Civic Events Division (Presentation made by Finance Director Tina Dierschke) **(Pg. 589, #2018-137)**

Citizen and Chair of Civic Events Board Steve Mahaffey spoke in favor of a percentage-based funding structure.

Motion: Council Member Carter made a motion, seconded by Council Member Gonzales, to approve an amended resolution, deleting any provisions related to the allocation of funding for Civic Events. The motion carried unanimously (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. 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas

Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding the solid waste contract

- 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: CLEAT and TMPA
- c. Sec. 551.072. Deliberation Regarding Real Property. A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person - reference 16.36 Acres P Kurzenacker S-0647, A-1566

9. Follow Up and Administrative Issues

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

No action taken on this Item

- b. Announcements and consideration of Future Agenda Items

Council Member Gonzales stressed the importance of voting in today's election.

10. Adjournment

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

There being no further business, the meeting adjourned at 11:22 a.m.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Julia Antilley, Interim 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: Jeff Fisher, Sr. Planner, Planning and Development Services, 325.657.4210

Meeting Date: November 20, 2018

Item type: Consent Item

Caption:

Consider a resolution abandoning, vacating, and releasing a 20-foot wide utility easement totaling 7,669-square feet, located out of Tract 2, West Texas Rehab Addition, Section Two; and authorizing the Mayor to execute a release of easement and its recording and related documents in a form approved by the City Attorney's Office (Jon James)

Summary/History:

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

- | | |
|-----------------------------------|-------------------------------------|
| 1. Easement WTRC Sec 2 report | Easement WTRC Sec 2 report.docx |
| 2. Release of Easement WTRC Sec 2 | Release of Easement WTRC Sec 2.docx |
| 3. Easement Resolution WTRC Sec 2 | Easement Resolution WTRC Sec 2.docx |

Presentation:

Jon James

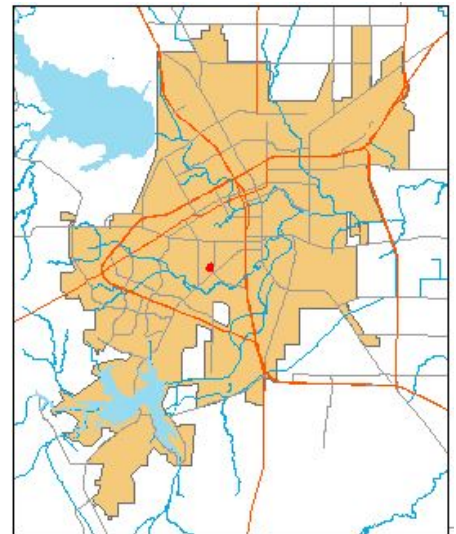
Approvals/Reviews:

Jeff Fisher	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

CITY COUNCIL – November 20, 2018
STAFF REPORT



APPLICATION TYPE:	CASE:		
Easement Release	Easement Release: West Texas Rehab Addition, Section Two		
SYNOPSIS:			
The applicant has applied for release of an existing 20-foot wide utility easement located within the West Texas Rehab Addition, Section Two subdivision. The easement was established as part of this subdivision, filed for record on July 24, 2014. The applicant plans to construct a new 19,773-square foot office building over a portion of the easement on the subject property and requires this easement to be released.			
LOCATION:		LEGAL DESCRIPTION:	
1925 University Avenue		20'-foot wide, 7,669-square foot utility easement located within the West Texas Rehab Addition, Section Two	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #5 – Lane Carter ASU – College Hills Neighborhood	CO – Office Commercial	C/I – Campus/Intuitional	-/+ 7,669 Sq. Ft.
THOROUGHFARE PLAN:			
University Avenue – Urban Collector Street Required: 60' right-of-way, 50' pavement Provided: 70' right-of-way, 50' pavement		South Jackson Street – Urban Collector Street Required: 60' right-of-way, 50' pavement Provided: 80' right-of-way, 50' pavement	
NOTIFICATIONS:			
N/A			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Easement Release, subject to two Conditions of Approval			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner and Applicant:</i> West Texas Rehabilitation Center <i>Agent:</i> Ms. Erica Carter, P.E. Carter-Fentress Engineering			
planninSTAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			



Additional Information: The Planning Division circulated all relevant City departments and private utility providers. Engineering Services has no objections to the easement release as there are no known City utilities within this easement. The easement is currently used by AEP for their above and underground electrical service facilities on the property. Removing this easement requires that the existing facilities be relocated and a new easement be established. The property owner, San Angelo Independent School Board (SAISD), has granted AEP a new easement on the property, allowing City Council to move forward with releasing the current easement (see attached). As a condition of approval, the Planning Division recommends that prior to final occupancy of the building, all facilities within the existing easement are relocated into the new easement with a letter from AEP confirming this has been completed. This will provide assurance to the City that relocation has been completed prior to occupancy of the building.

An associated Conditional Use (CU18-18) was approved by the Planning Commission on October 15, 2018 to allow for the lodging of student trainees within the new building.

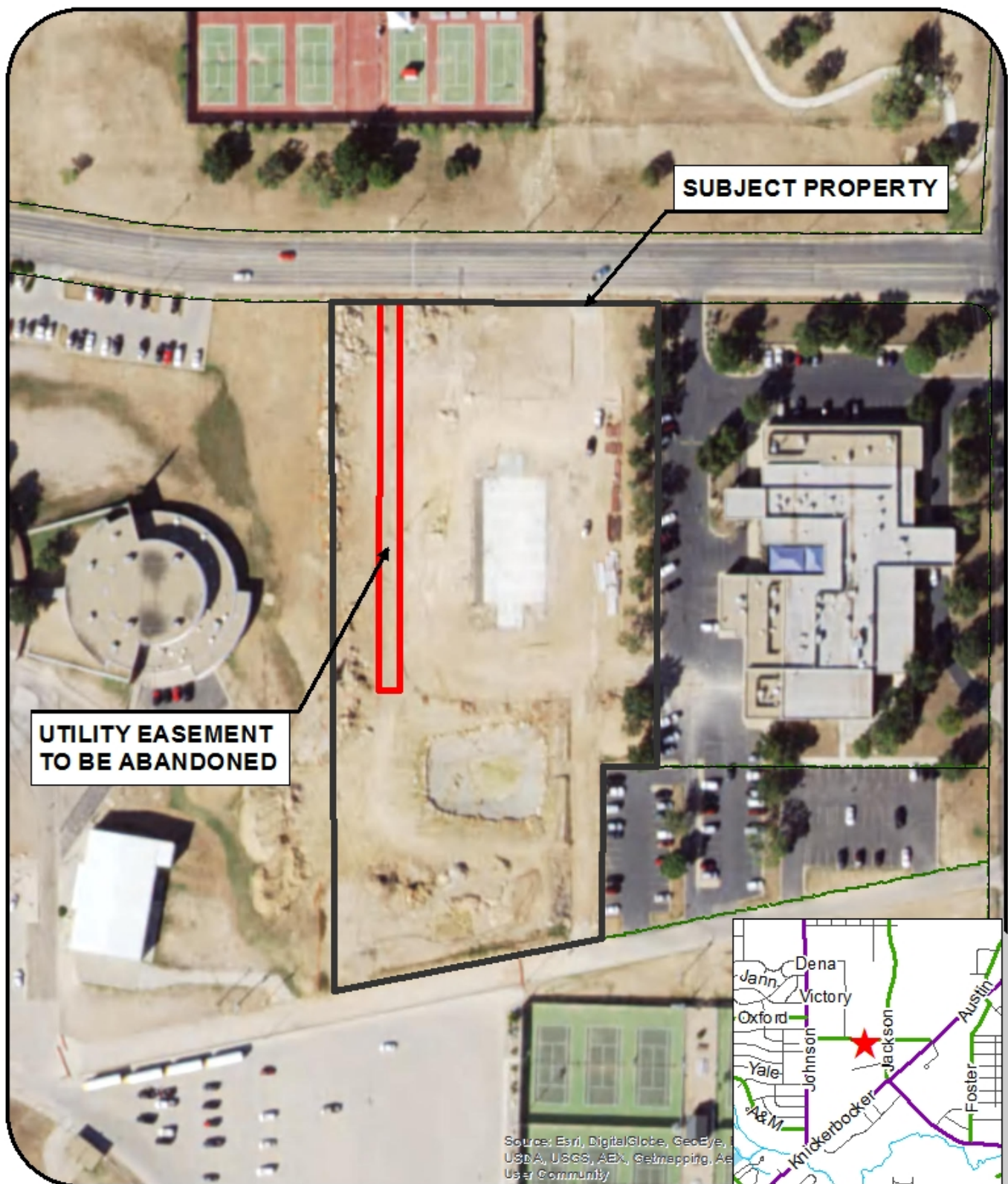
Recommendation:

Staff's recommendation is for City Council to **APPROVE** the proposed Easement Release of a 20-foot wide, 7,669-square foot, north-south utility easement located within the West Texas Rehab Addition, Section Two, subject to **two** Conditions of Approval:

1. That a resolution is approved by City Council for release of the said easement, and that this instrument be filed on record with the County Clerk's Office;
2. Prior to final occupancy of the building, all facilities within the existing easement shall be relocated into the new easement with a letter from AEP confirming this has been completed.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Existing Easement - Field Notes
Existing Easement on Replat – Location
New Easement
Letter of Intent

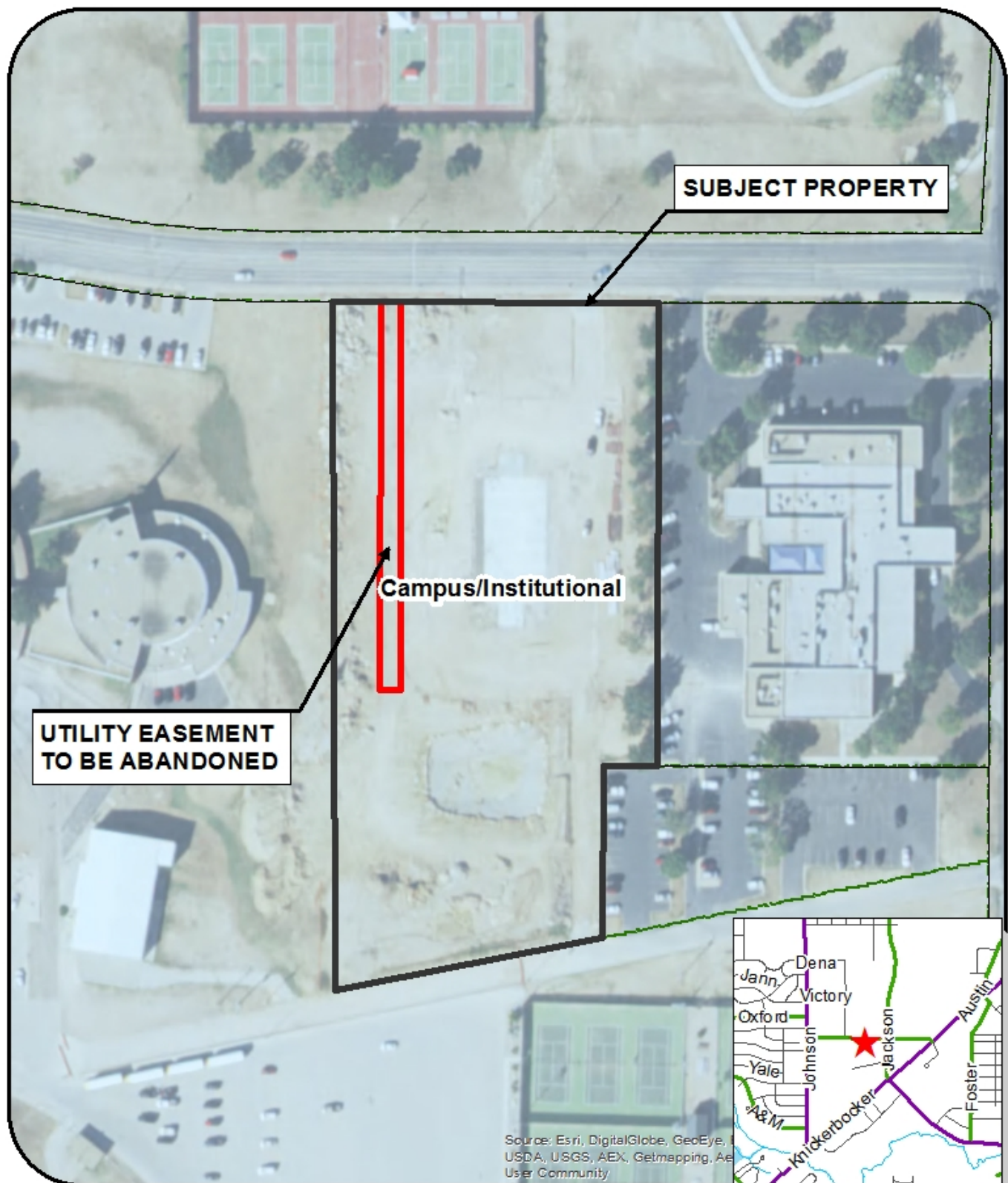


Easement Release Case File
WTRC Utility Easement
Council District: Lane Carter (SMD#5)
Neighborhood: College Hills
Scale: 1" approx. = 125 ft
Subject Property: 1925 University Avenue

Legend:

Subject Properties: ————
Current Zoning: CO
Requested Zoning: N/A
Vision: Campus/Institutional

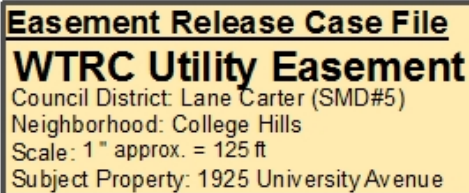




Easement Release Case File
WTRC Utility Easement
Council District: Lane Carter (SMD#5)
Neighborhood: College Hills
Scale: 1" approx. = 125 ft
Subject Property: 1925 University Avenue

Legend:
Subject Properties: —
Current Zoning: **CO**
Requested Zoning: **N/A**
Vision: **Campus/Institutional**





Subject Properties:
Current Zoning: CO
Requested Zoning: N/A
Vision: Campus/Institutional



EXHIBIT "A"

. FIELD NOTES

20' Utility Easement (7669 Square Feet)

September 14, 2018
13-S-1530_easement

Being a 20.00 feet wide Utility Easement out of Tract 2 (4.641 Ac.), West Texas Rehab Addition, Section Two, City of San Angelo Tom Green County, Texas as per plat recorded in Cabinet G, Slide 259, Plat Records of Tom Green County, Texas and said Utility Easement being more particularly described by metes and bounds as follows:

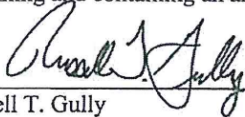
Beginning at the northwest corner of this Utility Easement in the north line of said Tract 2 (4.641 Ac.) and in the south line of University Avenue and said beginning corner being 59.74 feet S. 89° 47' 50" E. from the northwest corner of said Tract 2 (4.641 Ac.);

Thence with the north line of this Utility Easement and said Tract 2 (4.641 Ac.) and the south line of said University Avenue, S. 89° 47' 50" E. 20.00 feet to the northeast corner of this Utility Easement;

Thence with the east line of this Utility Easement and across said Tract 2 (4.641 Ac.), S. 00° 22' 25" W. 386.40 feet to the southeast corner of this Utility Easement;

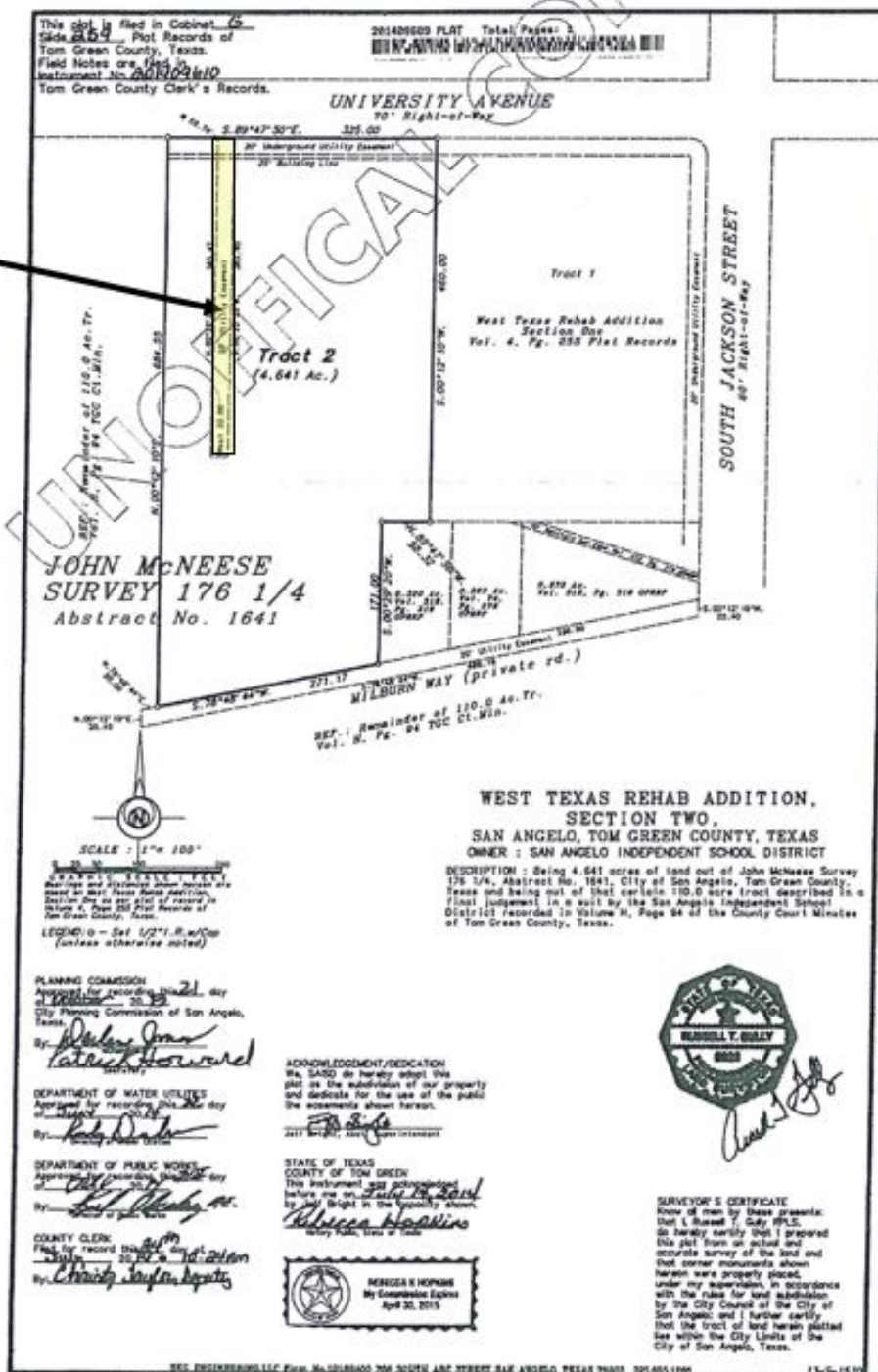
Thence with the south line of this Utility Easement, West 20.00 feet to the southwest corner of this Utility Easement;

Thence with the west line of this Utility Easement, N. 00° 22' 25" E. 383.47 feet to the place of beginning and containing an area of 7669 Square Feet of land.



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





CP 460-OH/UG Rev (05/18)
Town: San Angelo
Submitted by: GP/DP

WR# 71471466

EASEMENT AND RIGHT OF WAY

San Angelo Independent School District, ("Grantor"), for and in consideration of Ten & 00/100 Dollars (\$10.00), and other good and valuable consideration to Grantor in hand paid by AEP TEXAS INC., a Delaware Corporation, whose address is P.O. Box 2121, Corpus Christi, Texas 78403 ("Grantee") the receipt and sufficiency of which is hereby acknowledged and confessed, has GRANTED, SOLD, and CONVEYED, and by these presents does GRANT, SELL, and CONVEY unto Grantee, its successors and assigns, a perpetual easement and right of way for electric distribution lines, consisting of poles made of wood, metal, or other materials, cross arms, static wires, guys, wire circuits, underground cables and conduits, communication circuits, metering equipment and all necessary or desirable appurtenances (including, but not limited to, transformers, meters, vaults, and service pedestals) over, under, across, and upon a portion of the following described land located in Tom Green County, Texas, to wit:

Tract 2 (4.61 acres) West Texas Rehab Addition, Section 2, John Meneese Survey 176 1/4, Abstract Number 1641 City of San Angelo, Tom Green County Texas. Out of that certain 110 Acre tract described in a final judgment in a suit by the San Angelo Independent School District recorded in Volume H, Page 94 of the county court minutes of Tom Green County, Texas.

More specifically, the strip of land covered by this Easement and Right of Way shall be 15 feet in width, 7.5 feet on each side of a centerline as described by GPS waypoints and as depicted on Exhibit "A", attached hereto, made a part hereof and incorporated herein for all applicable purposes. Notwithstanding the foregoing, the actual as-built location of the electric line shall locate, define and establish the centerline of the easement. (the "Easement Area")

Together with the right of ingress and egress over, under, across and upon the Easement Area and Grantor's adjacent land for the purpose of constructing, operating, reconstructing on poles or burying and replacing underground cables and conduits (including necessary ditching and backfilling), enlarging, inspecting, patrolling, repairing, maintaining, upgrading and removing said lines, circuits, underground cables and conduits, poles, wires and appurtenances; the right to relocate along the same general direction of said lines, cables, and conduits; and the right to remove from the Easement Area all structures, obstructions, trees and parts thereof, using generally accepted vegetation management practices, (whether from the Easement Area or that could grow into the Easement Area) which may, in the reasonable judgment of Grantee, endanger or interfere with the safe and efficient operation and/or maintenance of said lines, cables, conduits or appurtenances or ingress and egress to, from or along the Easement Area.

Grantor reserves the right to use the Easement Area subject to said Easement and Right of Way in any way that will not interfere with Grantee's exercise of the rights hereby granted. However, Grantor shall not construct or permit to be constructed any house or other above ground structure on or within the Easement Area containing Grantee's improvements without the express written consent of Grantee.

TO HAVE AND TO HOLD the above described easement and rights unto the Grantee, its successors and assigns forever. Grantor binds itself, assigns, and legal representatives to warrant and forever defend all and singular the above described easement and rights unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 7th day of November, 2018.

[Rest of this page intentionally left blank-Signature page follows]

WR# 71471466

Grantor
San Angelo Independent School District

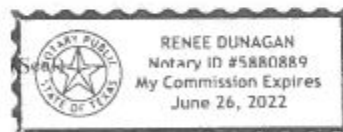
By: Jeff Bright
Dr. Jeff Bright, Assistant Superintendant

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF TOM GREEN

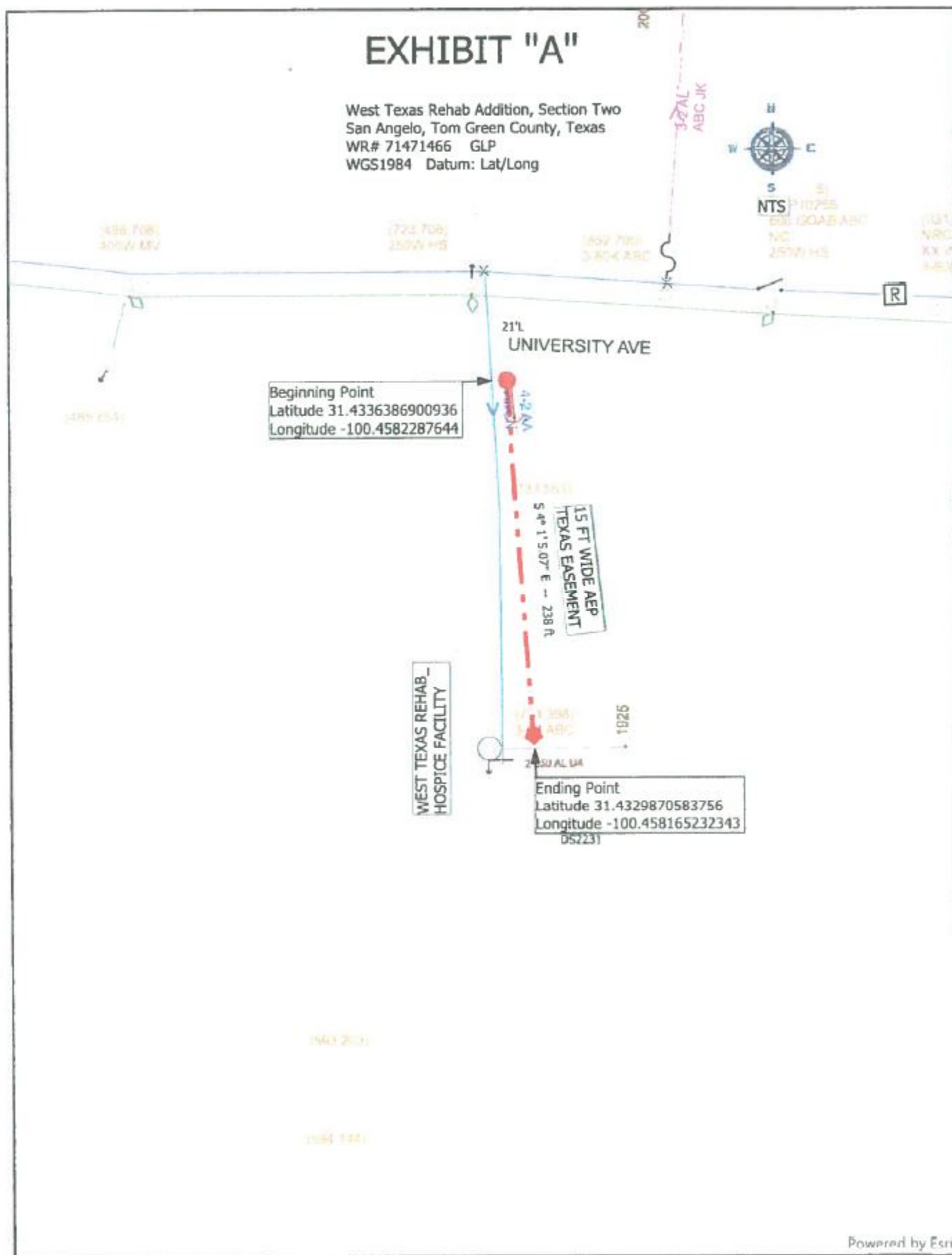
This instrument was acknowledged before me on this 7th day of November,
2018, by Jeff Bright

Renée Dunagan
Notary Public, State of TEXAS



AFTER RECORDING, PLEASE RETURN TO:

AEP Texas Inc.
Distribution Right of Way 15th Floor
P O Box 2121
Corpus Christi, TX 78403





CARTER-FENTRESS ENGINEERING

MUNICIPAL & DEVELOPMENT SOLUTIONS

September 14, 2018

Mr. John James
Director
Planning & Development Services
52 W. College Ave.
San Angelo, TX 76903

Reference: West Texas Rehabilitation Center – 2018 Hospice Expansion
Utility Easement Release Request

Dear Mr. James,

Carter-Fentress Engineering ("CFE") is under contract with RHS Construction to provide Civil Engineering Services for the West Texas Rehabilitation Center's 2018 Hospice Building Expansion project. On behalf of our Clients, we request your consideration of releasing the 20 ft. utility easement highlighted on the enclosed plat copy. Also enclosed is the field description of the subject easement.

The proposed West Texas Rehabilitation Center's Hospice Building will encroach into the existing utility easement. The Hospice Building has a very large foot print and is constrained by existing building set-backs and topography, therefore there is no feasible option for moving the building location.

We understand the subject utility easement was dedicated solely to provide overhead electric service to an existing building, at the time it was constructed. Our Clients are working with AEP to bring electric service to the existing and proposed building allowing for the abandonment of the utility easement. There are no other utilities located within the subject easement.

Should you have any questions or need additional information please feel free to contact me at (325) 716-3013 or by e-mail at ecarter@fentresseng.com.

Sincerely,

Erica Carter, P.E.
Principal Engineer

Enclosures

CC: Mr. Jeff Fisher
Mr. Russell Pehl, P.E.
Ms. Allison Strube, P.E.

City of San Angelo – Planner
City of San Angelo – City Engineer
City of San Angelo – Water Utilities Director

RELEASE OF EASEMENT

Description of Utility Easement and Recording Data: A part of that certain twenty foot wide Utility Easement containing an area of 7669 Square Feet of land, as described and depicted on **Exhibit "A"**, attached hereto, existing within the bounds of Tract 2 of the West Texas Rehab Addition, Section Two, City of San Angelo Tom Green County, Texas, recorded in Cabinet G, Slide 259, Plat Records of Tom Green County, Texas.

Description of Property and Local Address: Tract 2 of the West Texas Rehab Addition, Section Two, City of San Angelo Tom Green County, Texas, recorded in Cabinet G, Slide 259, Plat Records of Tom Green County, Texas.

Current Owner of Utility Easements and Owner's Address:

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

Current Owner of Property and Owner's Address:

San Angelo Independent School District
1621 University Avenue
San Angelo, Texas 76904

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

NOW THEREFORE, the City of San Angelo, Texas, pursuant to Resolution duly made, seconded and adopted by the City of San Angelo City Council on the 20th day of November, 2018, does hereby abandoned vacate and release that certain Utility Easement, being 20 foot wide and containing an area of 7669 Square Feet of land, as described and depicted on **Exhibit "A"**, attached hereto, insofar as the right, title and easement of the public are concerned, existing within the bounds of Tract 2 of the West Texas Rehab Addition, Section Two, City of San Angelo Tom Green County, Texas, recorded in Cabinet G, Slide 259, Plat Records of Tom Green County, Texas

EXECUTED THIS _____ day of November, 2018.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Julia Antilley, Deputy City Clerk

Benda Gunter, Mayor

STATE OF TEXAS §

§

COUNTY OF TOM GREEN §

This instrument was acknowledged before me on _____, 2018, by Brenda Gunter, Mayor of the City of San Angelo, a Texas home-rule municipal corporation, on behalf of such corporation.

Notary Public, State of Texas

EXHIBIT "A"

FIELD NOTES

20' Utility Easement (7669 Square Feet)

September 14, 2018
13-S-1530_easement

Being a 20.00 feet wide Utility Easement out of Tract 2 (4.641 Ac.), West Texas Rehab Addition, Section Two, City of San Angelo Tom Green County, Texas as per plat recorded in Cabinet G, Slide 259, Plat Records of Tom Green County, Texas and said Utility Easement being more particularly described by metes and bounds as follows:

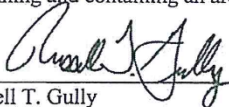
Beginning at the northwest corner of this Utility Easement in the north line of said Tract 2 (4.641 Ac.) and in the south line of University Avenue and said beginning corner being 59.74 feet S. 89° 47' 50" E. from the northwest corner of said Tract 2 (4.641 Ac.);

Thence with the north line of this Utility Easement and said Tract 2 (4.641 Ac.) and the south line of said University Avenue, S. 89° 47' 50" E. 20.00 feet to the northeast corner of this Utility Easement;

Thence with the east line of this Utility Easement and across said Tract 2 (4.641 Ac.), S. 00° 22' 25" W. 386.40 feet to the southeast corner of this Utility Easement;

Thence with the south line of this Utility Easement, West 20.00 feet to the southwest corner of this Utility Easement;

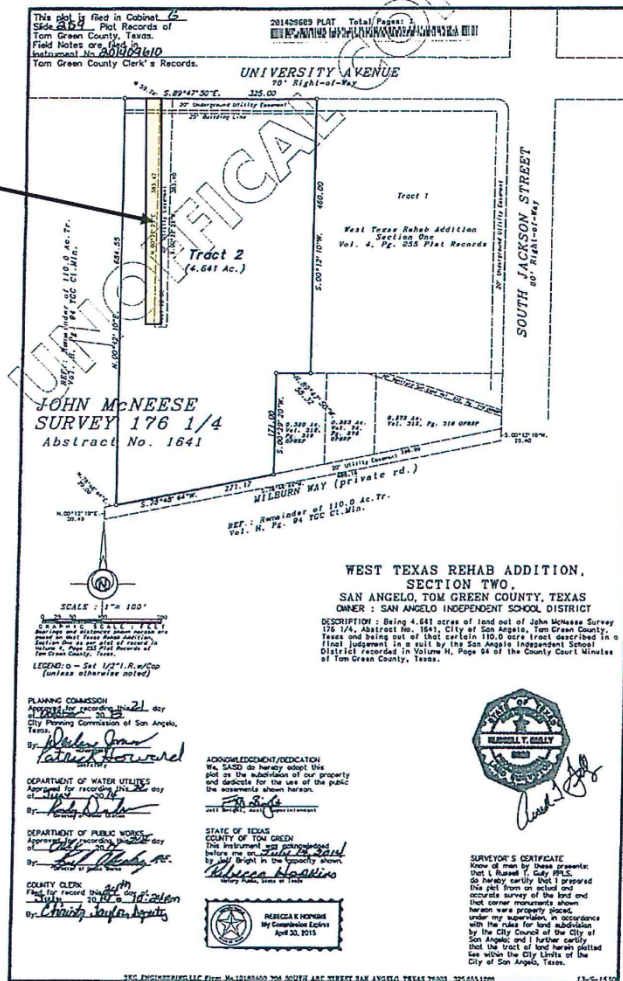
Thence with the west line of this Utility Easement, N. 00° 22' 25" E. 383.47 feet to the place of beginning and containing an area of 7669 Square Feet of land.



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



20' UTILITY
EASEMENT



RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SAN ANGELO, TEXAS, ABANDONING, VACATING AND RELEASING A 20-FOOT WIDE UTILITY EASEMENT TOTALING 7669 SQUARE FEET, LOCATED OUT OF TRACT 2, WEST TEXAS REHAB ADDITION, SECTION TWO; AUTHORIZING THE MAYOR TO EXECUTE A RELEASE OF EASEMENT AND RELATED DOCUMENTS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE; AND, AUTHORIZING RECORDING OF THE RELEASE.

WHEREAS, on July 24, 2014, a plat for the West Texas Rehab Addition, Section Two, City of San Angelo Tom Green County, Texas was recorded in Cabinet G, Slide 259, Plat Records of Tom Green County, Texas (the "Plat"); and,

WHEREAS, said Plat created a 20 foot wide "Utility Easement" as more particularly described and depicted on **Exhibit "A"**, attached to this Resolution; and,

WHEREAS, American Electric Power Company, Inc. (AEP) is currently utilizing the easement for provision of electrical service to an existing structure; and,

WHEREAS, West Texas Rehabilitation Center (WTRC) will be constructing a building that will require relocation of the AEP utility and vacation of the existing easement; and,

WHEREAS, WTRC and AEP have entered into a new utility easement relocating the electric utility as required for the WTRC construction project and for permanent electrical services to the existing and to be built structures on the premises; and,

WHEREAS, the City Council for the City of San Angelo determines that the said Utility Easement existing within the bounds of Tract 2 on said Plat, as described and depicted on **Exhibit "A"**, attached hereto, is therefore no longer needed for any identifiable public purpose now or in the foreseeable future, and that it is in the public interest to abandon, vacate and release the said easement;

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

- (a) The City Council of the City of San Angelo, Texas, finds that the said Utility Easement, being 20 foot wide and containing an area of 7669 Square Feet of land, as described and depicted on **Exhibit "A"**, attached hereto, existing within the bounds of Tract 2 of the West Texas Rehab Addition, Section Two, City of San Angelo Tom Green County, Texas, recorded in Cabinet G, Slide 259, Plat Records of Tom Green County, Texas, is no longer needed for any identifiable public purpose now or in the foreseeable future, and should be abandoned, vacated and released.

- (b) The Mayor of the City of San Angelo is hereby authorized to execute and deliver a formal instrument in a form approved by the City Attorney's Office officially abandoning, vacating and releasing the said Utility Easement described and depicted on **Exhibit "A"**, insofar as the right, title and easement of the public are concerned.

PASSED, APPROVED AND ADOPTED on this the 20th day of November, 2018.

THE CITY OF SAN ANGELO, TEXAS

Brenda Gunter, Mayor

ATTEST:

Bryan Kendrick, City Clerk

APPROVED AS TO CONTENT:

Jon James, AICP, Director of
Planning and Development Services

APPROVED AS TO FORM:

Theresa James, City Attorney

EXHIBIT "A"

. FIELD NOTES

20' Utility Easement (7669 Square Feet)

September 14, 2018
13-S-1530_easement

Being a 20.00 feet wide Utility Easement out of Tract 2 (4.641 Ac.), West Texas Rehab Addition, Section Two, City of San Angelo Tom Green County, Texas as per plat recorded in Cabinet G, Slide 259, Plat Records of Tom Green County, Texas and said Utility Easement being more particularly described by metes and bounds as follows:

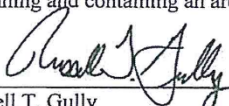
Beginning at the northwest corner of this Utility Easement in the north line of said Tract 2 (4.641 Ac.) and in the south line of University Avenue and said beginning corner being 59.74 feet S. 89° 47' 50" E. from the northwest corner of said Tract 2 (4.641 Ac.);

Thence with the north line of this Utility Easement and said Tract 2 (4.641 Ac.) and the south line of said University Avenue, S. 89° 47' 50" E. 20.00 feet to the northeast corner of this Utility Easement;

Thence with the east line of this Utility Easement and across said Tract 2 (4.641 Ac.), S. 00° 22' 25" W. 386.40 feet to the southeast corner of this Utility Easement;

Thence with the south line of this Utility Easement, West 20.00 feet to the southwest corner of this Utility Easement;

Thence with the west line of this Utility Easement, N. 00° 22' 25" E. 383.47 feet to the place of beginning and containing an area of 7669 Square Feet of land.



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



This plat is filed in Cabinet B
Side 659 Plat Records of
Tom Green County, Texas.
Field Notes are filed in
Instrument No. 20187410
Tom Green County Clerk's Records.

201409609 PLAT Total Pages: 2
UNOFFICIAL COPY

UNIVERSITY AVENUE
70' Right-of-Way

S. 89°47'50"E. 325.00
20' Underground Utility Easement
25' Building Line

Tract 1
West Texas Rehab Addition
Section One
Vol. 4, Pg. 255 Plat Records

Tract 2
(4.641 Ac.)
S. 00°12'10"W. 460.00
S. 00°12'10"W. 300.00
S. 00°12'10"W. 30.40

SOUTH JACKSON STREET
80' Right-of-Way

JOHN McNEESE
SURVEY 176 1/4
Abstract No. 1641

REF.: Remainder of 110.0 Ac. Tr.
Vol. H, Pg. 94 TCC Ct.Min.

MILBURN WAY (private rd.)
271.17
S. 78°45'44"W.
H. 00°12'10"E. 30.40

DESCRIPTION: Being 4.641 acres of land out of John McNeese Survey 176 1/4, Abstract No. 1641, City of San Angelo, Tom Green County, Texas and being out of that certain 110.0 acre tract described in final judgment in a suit by the San Angelo Independent School District recorded in Volume H, Page 94 of the County Court Minutes of Tom Green County, Texas.

SCALE: 1" = 100'

LEGEND: o - Set 1/2" I.R.W./Cap (unless otherwise noted)

PLANNING COMMISSION
Approved for recording this day of March, 2019.
City Planning Commission of San Angelo,
Texas.
By: Dan Jones
Kathleen Howard
Secretary

DEPARTMENT OF WATER UTILITIES
Approved for recording this day of March, 2019.
By: Rick Dube
Director of Water Utilities

DEPARTMENT OF PUBLIC WORKS
Approved for recording this day of March, 2019.
By: Chris Pugh
County Engineer

COUNTY CLERK
Filed for record this day at San Angelo, Texas, on March 20, 2019 at 10:24 AM.
By: Christy Taylor, Deputy

ACKNOWLEDGMENT/DEDICATION
We, SASD do hereby adopt this plot as the subdivision of our property and dedicate for the use of the public the easements shown hereon.
By: John Bright
Jill Bright, Assistant Superintendent

STATE OF TEXAS
COUNTY OF TOM GREEN
I, the undersigned, My Commissioner Expires April 30, 2015
Before me on March 20, 2019 at San Angelo, Texas, I have seen
Rebecca K Hopkins
Surveyor

REBECCA K HOPKINS
My Commission Expires
April 30, 2015

SURVEYOR'S CERTIFICATE
Know all men by these presents:
That I, Russell T. Galy RPLS,
do hereby certify that I prepared
this plat from an actual and
accurate survey of the land and
that corner monuments shown
hereon were properly placed,
under my supervision in accordance
with the rules for land subdivision
by the City Council of the City of
San Angelo; and I further certify
that the tract of land herein platted
lies within the City Limits of the
City of San Angelo, Texas.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 20, 2018

Item type: Consent Item

Caption:

Consider approving Buyboard contract #524-17 from Paradigm Traffic Systems, Inc. (Houston, TX) in the amount of \$197,400 budgeted in FY2019, for the purchase of Alpha Battery Backup Systems and authorizing the City Manager to execute any related documents (Dusty Hohensee)

Summary/History:

The Traffic Operations Division is installing Battery Backup Systems on select signalized intersections to maintain signal operation during power outages. Without battery backup, traffic signals become inoperable during electrical outages. This creates a safety hazard for vehicle and pedestrian traffic within an uncontrolled intersection, as well as a burden on police personnel to manually direct traffic at key intersections. The addition of these systems will provide uninterrupted service to traffic signal operations during down times.

Financial Impact:

Purchases in the amount of \$220,000 budgeted for Fiscal Year 2019 through the Buyboard purchasing cooperative contract #524-17. This will allow the purchase of 42 battery backup units as allowed by Council's allocation of the FY'18 sales tax surplus. This will also allow the purchase of additional units requested through the FY'18 Carryover Request and replacement of units damaged through accidents or unforeseen events.

Other Information/Recommendation:

Attachments:

1. Q23631LS Q23631LS.pdf

Presentation:

Approvals/Reviews:

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

Julia Antilley

Final Approval



9001 Jameel, Suite 130 Houston, TX 77040
 713-864-7545– fax 713-864-7588
www.paradigmtraffic.com

QUOTATION

TO: City of San Angelo
 1729-A St Ann St.
 San Angelo, TX 76905
 attn: Dusty Hohensee
 ph: 325-657-4377
 fax: Dustin.Hohensee@cosatx.us

RFQ: BuyBoard Contract # 524-17
 Public Safety, Fire House Supply Equipment
 Traffic Signals
 512-467-0222 ph
 800-211-5454 fax

DATE	SLSMN	DELIVERY	FREIGHT	SHIP VIA	F.O.B.	TERMS	QUOTE #
10/19/18	LS	45-60 Days ARO	PPD & Allowed	Best Way	Destination	Net 30	Q23631LS
ITEM	QTY	DESCRIPTION				PRICE	TOTAL
1	42	Alpha Novus 2000 BBU System w/ S6 Cabinet, 4 Ea 112 AH Batteries, Local Remote Indicator, Generator Plug and Alpha Guard Battery Balancing Unit				\$5,000.00	\$210,000.00
2	42	Repeat Customer Discount				(\$300.00)	(\$12,600.00)
		NOTE: Purchase Orders MUST be processed through WWW.BUYBOARD.COM					
					TOTAL		\$197,400.00

Thank you for the opportunity to submit a proposal to you on this equipment. **Please reference this quotation (by QTE number) when placing order.** If you have any questions please call or send a fax to me.
 This quote is valid for 60 days. Thereafter it is subject to change without notice.

OFFERED BY:

Lance Shannon
 Paradigm Traffic Systems, Inc.
 Federal ID# 75-2520341

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bryan Kendrick, Director of Human Resources/Risk Management, Human Resources/Risk Management, 3256574221

Meeting Date: November 20, 2018

Item type: Consent Item

Caption:

Consider awarding RFP HR-01-19 Group Life/AD&D and Voluntary Life/AD&D Coverage to Dearborn/BCBS, budgeted in FY19, and authorizing the City Manager to negotiate and execute any related documents (Bryan Kendrick)

Summary/History:

On September 6, 2018, we received notification of a 35% increase from our current provider of Group Life/AD&D and Voluntary Life/AD&D Coverage (Hartford). Though the increase is based on our recent claims history, we believed the increase was not sustainable. We asked Hartford to review their increase and provide their best offer. When they responded with the same increase, the determination was made to go through the bid process.

On October 31, 2018 bid invitations were mailed to 29 vendors. We received five proposals from Hartford, OCHS, Aflac, Voya, and Blue Cross Blue Shield (Dearborn).

Our committee of members from Holmes Murphy and Human Resources reviewed the responses and the ranking sheets are attached. The committee unanimously recommends Dearborn (Blue Cross/Blue Shield) as the lowest overall bid.

Financial Impact:

Increase of \$1,316 spread across all funds and achievable within current budget.

Other Information/Recommendation:

The staff recommends selecting Dearborn (Blue Cross/Blue Shield) as the city's Group Life/AD&D and Voluntary Life/AD&D Coverage provider.

Attachments:

- | | | |
|----|--------------------|------------------------|
| 1. | Ranking Worksheet | Ranking Worksheet.pdf |
| 2. | RFP Acknowledgment | RFP Acknowledgment.pdf |

Presentation:

Approvals/Reviews:

Bryan Kendrick	Created/Initiated
Candice Blake	Approved
Tina Dierschke	Approved
Theresa James	Approved

Becky Dunn
Julia Antilley

Approved
Final Approval

Ranking Worksheet
RFP Acknowledgment * HR-01-19/ Group Life/AD&D and Voluntary Life/AD&D Coverage

Committee Member: Julie Rickman; HMA		Hartford	OCHS	Aflac	Voya	Dearborn/BCBS
Category	Max Pts					
Overall cost of benefit	25	15	22	12	18	25
Qualifications and experience	20	20	20	20	20	20
Value adds and plan design features	25	22	23	21	21	22
Reporting Capabilities	20	19	19	19	19	19
References	10	10	10	10	0	10
Total Score	100	86.00	94.00	82.00	78.00	96.00

Committee Member: Bryan Kendrick; COSA		Hartford	OCHS	Aflac	Voya	Dearborn/BCBS
Category	Points					
Overall cost of benefit	25	12	22	10	15	25
Qualifications and experience	20	20	20	20	20	20
Value adds and plan design features	25	21	23	20	20	21
Reporting Capabilities	20	19	19	19	19	19
References	10	10	10	10	0	10
Total Score	100	82.00	94.00	79.00	74.00	95.00

Committee Member: Christine Russell; COSA		Hartford	OCHS	Aflac	Voya	Dearborn/BCBS
Category	Points					
Overall cost of benefit	25	12	22	10	17	25
Qualifications and experience	20	20	20	20	20	20
Value adds and plan design features	25	23	22	22	21	24
Reporting Capabilities	20	19	19	19	19	19
References	10	10	10	10	0	10
Total Score	100	84.00	93.00	81.00	77.00	98.00

Committee Member Summary	Total Points	Hartford	OCHS	Aflac	Voya	Dearborn/BCBS
Category						
Overall cost of benefit	75	39	66	32	50	75
Qualifications and experience	60	60	60	60	60	60
Value adds and plan design features	75	66	68	63	62	67
Reporting Capabilities	60	57	57	57	57	57
References	30	30	30	30	0	30
Total Score	300	252.00	281.00	242.00	229.00	289.00
Ranking		2	1	3	4	1



CITY OF SAN ANGELO

RFP Acknowledgment * HR-01-19/ Group Life/AD&D and Voluntary Life/AD&D Coverage

November 14, 2018 at 2:00pm

	Proposals Received	City	State
1	Hartford	Frisco	TX
2	OCHS	St. Paul	MN
3	Aflac	Columbia	SC
4	Voya	Addison	TX
5	Blue Cross Blue Shield	Austin	TX

	Mailed to:	City	State
1	Aetna	Dallas	TX
2	Aflac	Dallas	TX
3	Allstate	Dallas	TX
4	Assurant	Birmingham	AL
5	Blue Cross Blue Shield	Richardson	TX
6	Cigna	Plano	TX
7	Dearborn National	Richardson	TX
8	DentalSelect	Arlington	TX
9	Guardian	Dallas	TX
10	Liberty Mutual	Irving	TX
11	Lincoln Financial	Plano	TX
12	Meritain (TPA)	Fort Worth	TX
13	Metlife	Dallas	TX
14	Minnesota Life	St. Paul	MN
15	Mutual of Omaha	Omaha	NE
16	New York Life	New York City	NY
17	Northwestern Mutual	Milwaukee	WI
18	One America	Dallas	TX
19	Principal	Addison	TX
20	Prudential	Dallas	TX
21	Reliance Standard	Dallas	TX
22	Sunlife	Dallas	TX
23	Symetra Financial	Richardson	TX
24	The Hartford	Frisco	TX
25	The Standard	Plano	TX
26	TML	Austin	TX
27	United Healthcare	Plano	TX
28	UNUM	Chattanooga	TN
29	Voya	Addison	TX

NOTE: Include this form with your Agenda Memo

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 20, 2018

Item type: Consent Item

Caption:

Consider a resolution approving a donation of funds to the San Angelo Area Foundation, Frances Mertz Memorial Sculpture Maintenance Fund, and authorizing the City Manager to negotiate and execute any documents necessary for the donation of the funds (Carl White)

Summary/History:

The City of San Angelo has designated funds for the creation of bronze sculptures and the placement of those sculptures on public property. The projects associated with the funds are the Wool Monument (sheep) at South Bryant and Avenue J and the bronze sculptures below (immediately north of) the Visitors' Center.

The projects for which these funds were collected have been completed and funds in the amount of \$23,367 remain unspent.

The San Angelo Area Foundation has created a Frances Mertz Memorial Sculpture Maintenance Fund that provides maintenance dollars for the bronze art in San Angelo.

Financial Impact:

If adopted/approved, the \$23,367 would be added to the \$16,507.60 (as of June 2018) held in the Frances Mertz Memorial Sculpture Maintenance Fund for a total of \$39,874.60. This fund creates an amount each year that becomes available for "granting" for maintenance of all our bronze sculptures.

Other Information/Recommendation:

Attachments:

- | | | |
|----|---|--|
| 1. | 18-974 RES donating excess funds to Frances Mertz Memorial Fund | 18-974 RES donating excess funds to Frances Mertz Memorial Fund.docx |
|----|---|--|

Presentation:

Approvals/Reviews:

Carl White
Rick Weise
Theresa James
Anthony Wilson

Created/Initiated
Approved
Approved
Approved

Candice Blake
Tina Dierschke
Theresa James
Becky Dunn
Julia Antilley

Approved
Approved
Approved
Approved
Final Approval

A RESOLUTION BY THE CITY OF SAN ANGELO CITY COUNCIL APPROVING A DONATION OF FUNDS TO THE SAN ANGELO AREA FOUNDATION FRANCES MERTZ MEMORIAL SCULPTURE MAINTENANCE FUND

WHEREAS, the City of San Angelo has designated funds for the creation of bronze sculptures and the placement of those sculptures on public property; and

WHEREAS, the projects for which these funds were collected have been completed and funds in the amount of \$23,367 remain unspent; and

WHEREAS, the San Angelo Area Foundation has created a Frances Mertz Memorial Sculpture Maintenance Fund that provides maintenance dollars for the bronze art in San Angelo; and

WHEREAS, the donation of the remaining \$23,367 to the Frances Mertz Memorial fund would meet the intended purpose of the funds donated to the City for the bronze sculptures.

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

Part 1: That the City of San Angelo is authorized to donate the remaining \$23,367 designated for the creation of bronze sculptures on public property to the San Angelo Area Foundation's Frances Mertz Memorial Sculpture Maintenance fund to be used for the ongoing maintenance of the bronze sculptures that are located on public property.

Part 2: That the City Manager is authorized to negotiate and execute any documents necessary for the donation of funds.

PASSED and APPROVED THIS ____ DAY OF NOVEMBER, 2018.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, Interim City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Hillary Bueker, Senior Planner, Planning and Development Services, 325-657-4210

Meeting Date: November 20, 2018

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving case PD18-03, a rezoning from the Single-Family Residence (RS-1) and General Commercial Zoning Districts to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of Campground/Recreational Vehicle Park, being 16.36 acres located to the north and northwest of the Lake Nasworthy Addition – Group Fishermans Road residential subdivision (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

A request for approval of a rezoning from the Single-Family Residence (RS-1) and General Commercial Zoning Districts to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of Campground/Recreational Vehicle Park on the subject property. The City of San Angelo is intending to legalize a lease area which includes a campground/RV park and commercial boats uses. Section 310 of the Zoning Ordinance does not permit such use by right in the existing zoning district. Previous approved Special Permits allow the uses on a portion of the proposed PD.

Financial Impact:

N/A

Other Information/Recommendation:

On October 15, 2018 the Planning Commission unanimously APPROVAL of the Rezoning.

Attachments:

- | | |
|-------------------------|----------------------------------|
| 1. Draft Ordinance (PD) | 19-054_PL_PD18-03_ORDINANCE.docx |
| 2. Staff Report (PD) | CC Staff Report PD18-03.pdf |

Presentation:

Jon James

Approvals/Reviews:

Hillary Bueker	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved

Julia Antilley

Final Approval

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: **2680 Camper Road; generally located at the north section of Camper Road on Lake Nasworthy; being 16.4 acres**, FROM THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AND THE SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO THE PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW FOR CAMPGROUND, RV PARK AND ACCESSORY USES PERMITTED AS SPECIAL USE IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT; AND PROVIDING FOR SEVERABILITY

RE: PD18-03: SPRING CREEK

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 Planned Development (PD) Zoning District; and,

WHEREAS, on the 20th day of November, 2018, City Council held a public hearing on PD18-03, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

SECTION 1: The basic Zoning Ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described property permanently zoned **Planned Development (PD)** District to allow for campground, recreational vehicle park and accessory uses permitted as special use in the **General Commercial (CG)** Zoning District.

2680 Camper Road; generally located within the corporate limits of the City of San Angelo, at the north section of Camper Road on Lake Nasworthy; being 16.4 acres out of Abstract: A-1566 S-0647, Survey: P KURZENACKER, 178.69 ACRES OUT OF TRACTS 18, 19 & 20, 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 (PD Boundary Map).

SECTION 3. Major changes to the usage of this property shall be approved through an amendment to this Planned Development District with approval from the Planning Commission

and City Council. Minor deviations may be approved by the Planning Director, provided no changes to the Zoning Ordinance are required.

SECTION 4: Prior to any future development and/or building permits being issued on the property, the applicant shall submit a final site plan to the Planning Director for review and approval.

SECTION 5: The following allowed principal use of the described property shall be described as **Campground/Recreational Vehicle (RV) Park** which includes any combination of temporary living quarters such as recreational vehicles, cabins or similar structures, and tent campsites for overnight or single-day occupancy

SECTION 6: The following accessory uses, included but not limited to, shall be subordinate and to the aforementioned principal use and shall also be allowed within the Planned Development:

- a. Off-street paved and striped parking;
- b. Retail sales and service use;
- c. Offices for park management and maintenance support;
- d. Caretaker's quarters;
- e. Restroom, shower and laundry facilities;
- f. Outdoor guest amenities;
- g. Commercial recreational rentals, such as kayaks, paddleboards, and motorized personal watercraft;
- h. Sanitary sewer stations;
- i. Fuel Sales;
- j. Outdoor enclosed waste and recycling collection station;
- k. Screened outdoor trailer storage area; and
- l. Performance Stage

SECTION 7: The outer perimeter of the Campground/RV Park shall be at least 200 feet from the property boundary line of any lot used for residential purposes.

SECTION 8: Camper Road will be used for primary site access and shall be maintained by the City of San Angelo or as amended by the property lease agreement.

SECTION 9: Existing improvements in current configuration, as show in Exhibit "A," may be maintained in current condition. New improvements or adjustments to layout configuration must comply with ordinance development standards in place at the time of development.

SECTION 10: Prior to issuance of a sign permit, each commercial vendor shall present a signage plan to be considered by the Planning Director for approval.

SECTION 11: Maximum length of stay shall be Six (6) months within a twelve (12) month period, and;

- a. No permanent living structures shall be allowed on the property, except for those of the park's on-site property manager(s).
- b. 15% of the Recreational Vehicle spaces for patrons within the park shall be exempt from this time restraint requirement. When calculation of this 15% results in a fractional number, this fractional number shall be rounded down.
- c. Relocating a unit from one space to another within the Park does not restart the six month term.

SECTION 12: Except as outlined in this ordinance all provisions of the Zoning Ordinance Section 407 remain in force and effect.

SECTION 13: The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended herein shall remain in full force and effect.

SECTION 14: 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 15: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **20th day of November, 2018**, and finally PASSED, APPROVED AND ADOPTED on this the **4th day of December, 2018**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

EXHIBIT "A"

PD Boundary Map



PD18-03: Spring Creek-COSA

2680 Camper Road

Council District: SMD #1 - Tommy Hiebert

Neighborhood: Nasworth

Scale: 1" approx. = 200 ft

Legend

Subject Properties: —
Current Zoning: CG & RS-1
Requested Zoning Change: PD
Vision: Open Spaces



PLANNING COMMISSION – OCTOBER 15, 2018

STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning – Planned Development		PD18-03: Spring Creek - COSA	
SYNOPSIS:			
A request for approval of a rezoning from the Single-Family Residence (RS-1) and General Commercial Zoning Districts to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of Campground/Recreational Vehicle Park on the subject property. The City of San Angelo is intending to legalize a lease area which includes a campground/RV park and commercial boats uses. Section 310 of the Zoning Ordinance does not permit such use by right in the existing zoning district. Previous approved Special Permits allow the uses on a portion of the proposed PD.			
LOCATION:		LEGAL DESCRIPTION:	
2680 Camper Road		Approximately 16.36 acres out of Abstract A-1566 S-0647, Survey: P KURZENACKER, 178.69 Acres Out of TRACTS 18, 19 & 20 (West of Fishermans Rd Addition), Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Nasworthy Neighborhood	CG – General Commercial & RS-1 – Single Family Residential	Open Space	16.36 acres
THOROUGHFARE PLAN:			
<u>Camper Road</u> –Urban Local Street, No ROW Existing, 20’ Pavement Width Existing.			
NOTIFICATIONS:			
2 notifications were mailed within a 200-foot radius on October 4, 2018. Zero responses has been received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a rezoning from the Single-Family Residence (RS-1) and General Commercial (CG) Zoning Districts to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of Campground/Recreational Vehicle Park, subject to 7 Conditions of Approval.			
PROPERTY OWNER/PETITIONER:			
City of San Angelo			
STAFF CONTACT:			
Hillary Bueker Senior Planner (325) 657-4210, Extension 1547 hillary.bueker@cosatx.us			

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

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.* The subject property is designated “Open Space” in the City’s Comprehensive Plan which intends to “Provide a balanced system of parks, open space, and recreational facilities in terms of function and location.” The proposed rezoning would legalize the current campground/RV park and commercial boat uses, and fit into the adjacent park uses. The proposed rezoning, if approved, would allow the property owners to make improvements to their land consistent with approved planning policies.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.* The purposes of a Planned Development District include allowing a diversification of uses, structures, and open spaces and to promote flexibility of design in a manner compatible with existing uses of land on adjacent properties. In lieu of relying on conventional standards for a rather unconventional and unique project, special development standards that are responsive to the lake’s environment and character of the project are being implemented through the use of a Planned Development. The Planned Development will allow complementary and logical accessory uses while providing some limitations.
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 intent of the Planned Development is to offer a balance between new recreational amenities, the existing Lake Nasworthy environment, and the surrounding residential neighborhoods. The Planned Development should also allow residents and property owners within surrounding neighborhoods some additional protections with included development limitations.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The increasing popularity of Lake Nasworthy as a regional recreation venue has prompted the City to reexamine its economic value and proceed accordingly. The City currently maintains four parks along the lake, and short-term activities such as boating and fishing have proven very popular for both local residents and visitors. The lake is also home to annual regional events. Updates to the Comprehensive Plan, recent economic studies concerning the lake and their conclusions, and increasing outside popularity and interests in the lake, have now changed the direction of development along the lake
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 rezoning is anticipated to have little to no adverse impact on the natural environment. Future development will require building permits which would include a review of grading, drainage, and stormwater runoff to further ensure there are no negative environmental impacts.

6. **Community Need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.** According to past studies for Lake Nasworthy, the Planned Development area is prime for tourism development as an “action sports” destination area, ideal for such items as boat races and wake boarding. Increasing demand for lake recreation supports the need for the current development as well as future expansions. The proposed PD would allow legalizing the current development while ensuring development standards are 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.** Since the early 1950s, Lake Nasworthy has evolved into a regional recreational destination spot. Along with recreation, a mixture of various stakeholders in the form of private ownerships, ground leases, and public holdings that have developed into numerous residential neighborhoods, park facilities, and commercial/recreational ventures. The existing development has been a part of the lake neighborhood for a significant time period and will continue to function in this capacity.

Planning Commission Recommendation:

On October 15, 2018, the Planning Commission recommended APPROVAL of a Rezoning from the Single-Family Residence (RS-1) Zoning District and General Commercial (CG) Zoning District to a Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of Campground/Recreational Vehicle Park; being 16.36 acres located to the north and northwest of the Lake Nasworthy Addition – Group Fishermans Road residential subdivision. The following is the complete excerpt of the draft minutes from the October 15, 2018, meeting for this case:

Hillary Bueker, Senior Planner, presented the Planned Development (PD) rezoning request. She explained that the 16.36-acre property had a Future Land Use of “Open Space” and a combination of CG and RS-1 Zoning. Mrs. Bueker explained that the Planned Development will include the existing RV park area, boat ramp, marina, and Tule Princess Boat. She outlined Staff’s rationale to approve the Rezoning on the grounds that the Future Land Use of Open Space allows the current mix of uses for recreation; that the proposed development is consistent with the new PD; that the area has mixed uses but is mostly recreational based; and that the area has developed as a regional recreation destination. Mrs. Bueker concluded her presentation by summarizing the seven proposed conditions of approval outlined in her Staff Report.

Chair Stribling asked if the maximum stay of 6 months a year which applies to 85% of the park spaces the current rule.

Ms. Bueker responded this was correct and that this rule is already in the Zoning Ordinance.

Commissioner Jackson asked if this rule applied to all RV parks.

Ms. Bueker responded this was correct.

Chair Stribling opened the meeting for public comment

There was no public comment.

Vice Chair Spano made a Motion to recommend APPROVAL of the proposed Rezoning from the Single-Family Residence (RS-1) Zoning District and General Commercial (CG) Zoning District to a Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of Campground/Recreational Vehicle Park on the property, subject to the seven conditions of approval as presented. Commissioner Smith seconded the Motion. The Motion passed unanimously, 7-0.

Recommendation:

Staff's recommendation is for the Planning Commission to recommend **APPROVAL** of a rezoning from Single-Family Residence (RS-1) and General Commercial Zoning Districts to the Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District with a principal use of Campground/Recreational Vehicle Park, subject to **7 Conditions of Approval**.

1. Prior to any future development and/or building permits being issued on the property, the applicant shall submit a final site plan to the Planning Director for review and approval.
2. The following are allowed accessory uses, included but not limited to,

◦ Off-street paved and striped parking	◦ Commercial recreational rentals
◦ Retail sales and service use	◦ Sanitary sewer stations
◦ Offices for park management and maintenance support	◦ Fuel Sales
◦ Caretaker's quarters	◦ Outdoor enclosed waste and recycling collection station
◦ Restroom, shower and laundry facilities	◦ Screened outdoor trailer storage area
◦ Outdoor guest amenities	◦ Performance Stage
3. The outer perimeter of the Campground/RV Park shall be at least 200 feet from the property boundary line of any lot used for residential purposes.
4. Camper Road will be used for primary site access and shall be maintained by the City of San Angelo or as amended by the property lease agreement.

5. Existing improvements in current configuration may be maintained in current condition. New improvements or adjustments to layout configuration must comply with ordinance development standards in place at the time of development.
6. Prior to issuance of a sign permit, each commercial vendor shall present a signage plan to be considered by the Planning Director for approval.
7. Maximum length of stay shall be Six (6) months within a twelve (12) month period, and;
 - a. No permanent living structures shall be allowed on the property, except for those of the park's on-site property manager(s).
 - b. 15% of the Recreational Vehicle spaces for patrons within the park shall be exempt from this time restraint requirement. When calculation of this 15% results in a fractional number, this fractional number shall be rounded down.
 - c. Relocating a unit from one space to another within the Park does not restart the six month term.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Application
Photographs
Notification Map



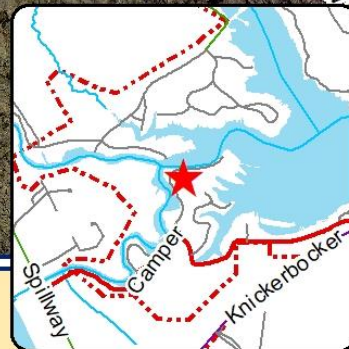
PD18-03: Spring Creek-COSA

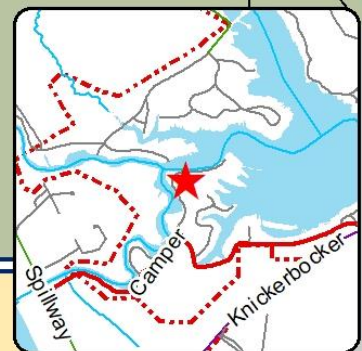
2680 Camper Road

Council District: SMD #1 - Tommy Hiebert
Neighborhood: Nasworthy
Scale: 1" approx. = 200 ft

Legend

Subject Properties: —
Current Zoning: CG & RS-1
Requested Zoning Change: PD
Vision: Open Spaces





PD18-03: Spring Creek-COSA

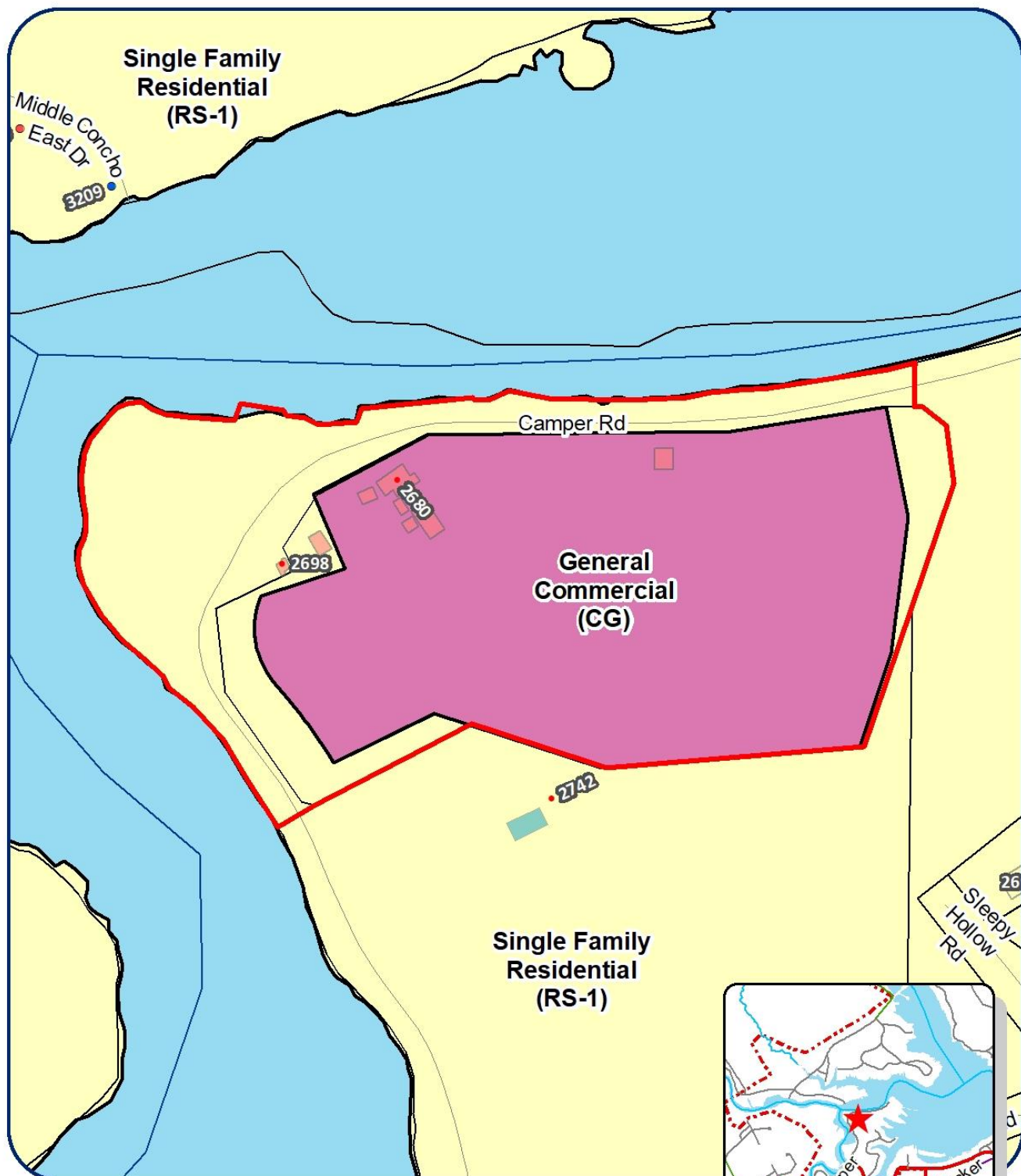
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Subject Properties: —
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PD18-03: Spring Creek-COSA

2680 Camper Road

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Legend

Subject Properties: —
 Current Zoning: CG & RS-1
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 Vision: Open Spaces



Effective January 3, 2017



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



Section 1: Basic Information

Name of Applicant(s): Carl White

☒ Owner ☐ Representative (Notarized Affidavit Required)

702 South Chadbourne San Angelo Texas 76903

Mailing Address City State Zip Code

325-234-1724, carl.white@cosatx.us

Contact Phone Number 2680 Camper Rd., San Angelo, Texas 76904 Contact E-mail Address

Subject Property Address City State Zip Code

16.36 acres out of Abstract A-1566 S-0647, Survey: P KURZENACKER, 178.69 Acres Out of TRACTS 18, 19 & 20, Tom Green Co, TX

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

Existing Zoning: RS-1/CG Proposed Zoning: PD Lot size: 16.36

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

Section 2: Site Specific Details

Existing Use of Property: one portion for the leased operation of Spring Creek Marina another smaller portion for a concession boat tour and rental operation authorized by agreement.

*Proposed Use of Property: one portion for the leased operation of Spring Creek Marina another smaller portion for a concession boat tour and rental operation authorized by agreement

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

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

- ☒ An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner;
- ☒ No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.
- ☒ If approved, a zone change is applied to the property, not the property owner.
- ☒ The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.
- ☒ If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.
- ☒ Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.
- ☒ One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.
- ☒ If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

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

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

Carl White	CoSA	Oct. 1, 18
Owner Name (Print)	Company/Organization (If Applicable)	Date
Carl White	CoSA	Oct. 1, 18
Representative Name (Print)	Company/Organization	Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: 10 / 1 / 18

Case No.: Pa 18 -- 03

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ 725 Receipt #: _____ Date paid: ____/____/____

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: 10 / 15 / 18 Date notifications due: 10 / 4 / 18

City Council hearing date: 11 / 20 / 18 Packets due date: 12 / 4 / 18

Publication date: 11 / 1 / 18

Reviewed/Accepted by: H. Bueker Date: ____/____/____

Site Photos



South portion of RV Park



South Portion of RV Park



Park Restroom Facility



Boat Ramp



Fuel Sales



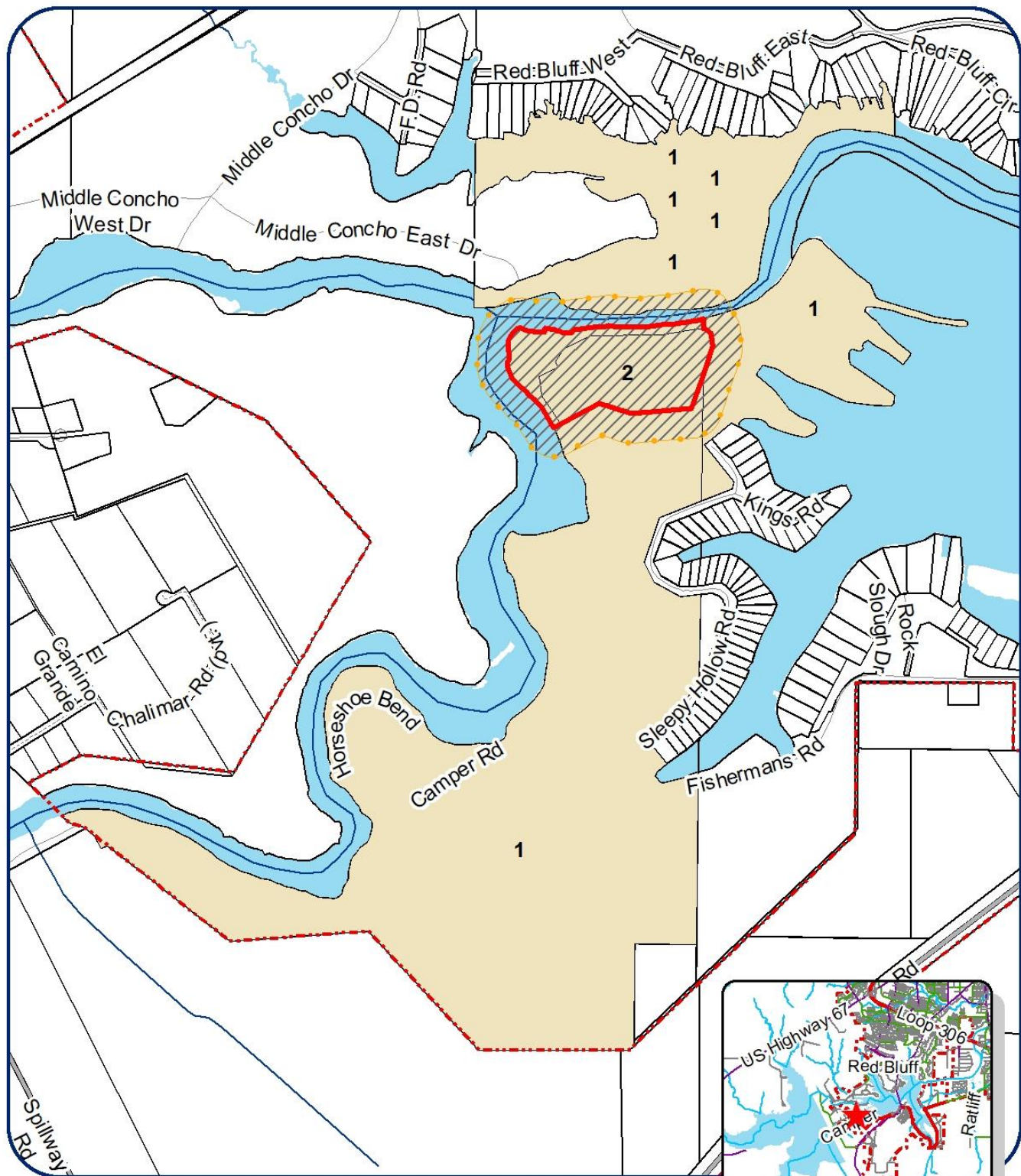
Park Road



Tule Princess



Current Parking in Grass



PD18-03: Spring Creek-COSA

2680 Camper Road

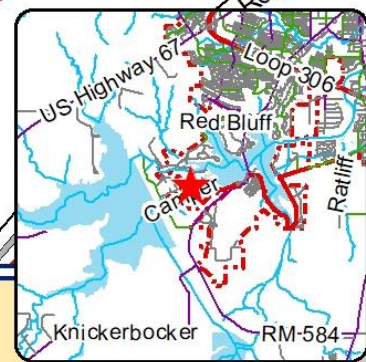
Council District: SMD #1 - Tommy Hiebert

Neighborhood: Nasworth

Scale: 1" approx. = 850 ft

Legend

Subject Properties: —
 Current Zoning: **CG & RS-1**
 Requested Zoning Change: **PD**
 Vision: **Open Spaces**



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 20, 2018

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance amending Chapter 11, Article 11.03 of the San Angelo Code of Ordinances including adopting stormwater quality provisions (Presentation made by Shannon McMillan Stormwater Program Administrator)

Summary/History:

Per TCEQ General Permit for Small Municipal Separate Storm Sewer Systems (MS4), all traditional MS4s must implement adequate legal authority (ordinances) to control pollutant discharges into and from its MS4. Legal authority must address, at a minimum, the following: prohibition of illicit discharges, authority to respond to and contain other releases (hazardous spills), general prohibition of dumping or disposal of materials other than stormwater into the MS4, a compliance program for ordinances, authority to enter and inspect private properties regarding stormwater discharges, and authority to assess penalties for non-compliance.

The City's current stormwater ordinance only meets the requirements for construction facilities and does not meet the requirements for general prohibition, illicit discharge/spill response, penalty assessment, nor does it offer a mechanism for repayment of expenses incurred when the City responds to a spill. The proposed ordinance will address these issues and bring the City in compliance with our obligations to the State.

Financial Impact:

Fiscal impacts will vary based on the situation for illicit discharges and remediation/cleanup. Fees related to, or stemming from, this ordinance will remain unchanged from the current amount of \$75 for site reinspections.

Other Information/Recommendation:

A sub-committee was developed to assist City staff in developing the proposed ordinance. Committee members consisted of developers, engineers, consultants, and water quality professionals. The committee met a total of 8 times from May 2018 to October 2018. Approximately 50 comments, provided by committee members, were addressed by City staff. Changes included removal of industry specific requirements, industrial permitted facility inspections and compliance, as well as various other changes.

Attachments:

- | | | |
|----|--|---|
| 1. | 18-600 ORD Revise | 18-600 ORD Revise |
| | ART_11_03_MUNI_DRAINAGE_UTILITY_SYST_FIRST R | ART_11_03_MUNI_DRAINAGE_UTILITY_SYST_FIRST R.docx |

Presentation:

Approvals/Reviews:

Russell Pehl	Created/Initiated
Shannon McMillan	Approved
Russell Pehl	Approved
Patrick Frerich	Approved
Theresa James	Approved
Anthony Wilson	Approved
Candice Blake	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

AN ORDINANCE OF SAN ANGELO TEXAS AMENDING CHAPTER 11, "UTILITIES", ARTICLE 11.03 "MUNICIPAL DRAINAGE UTILITY SYSTEM" OF THE CODE OF ORDINANCES; ADDING STORMWATER QUALITY PROVISIONS TO ARTICLE 11.03; DELETING CHAPTER 12 "PLANNING AND DEVELOPMENT", ARTICLE 12.05 "DESIGN OF LOCAL DRAINAGE SYSTEMS" SECTION 12.05.009 "STORMWATER POLLUTION PREVENTION REQUIREMENTS FOR CONSTRUCTION ACTIVITY"; ADDING APPENDIX A "FEE SCHEDULE", ARTICLE A2.00 "BUILDING AND CONSTRUCTION RELATED FEES", SECTION a2.018 STORMWATER QUALITY REINSPECTION FEE", PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

1) THAT, Chapter 11, Article 11.03, Sections 11.03.001 through 11.03.008 of the Code of Ordinances, City of San Angelo, Texas, are hereby amended as follows:

"ARTICLE 11.03 STORMWATER

DIVISION 1. CREATION OF STORMWATER DRAINAGE UTILITY

Sec. 11.03.001 Adoption of act

The Municipal Drainage Utility Systems Act, chapter 552, subchapter C, Texas Local Government Code, as amended ("Act"), is hereby adopted and shall be fully implemented as provided by the Act and by the city council, and the drainage of the city is hereby found to be a public utility within the meaning of the Act.

Sec. 11.03.002 Drainage service provided

The city will provide stormwater drainage for all real property within its boundaries upon payment of the determined drainage charges excluding certain exempted real property. The fees, assessments, and charges will be based on nondiscriminatory, reasonable and equitable terms.

Sec. 11.03.003 Authority to levy charges; Schedule

- a) The city may adopt and levy a schedule of drainage charges upon satisfaction of the procedural requirements as provided in the Act. The fees, assessments, and the charges will be based on nondiscriminatory, reasonable, and equitable terms.
- b) The city shall not require a deposit for drainage charges as a precondition to accepting surface flow into the city's stormwater drainage utility.
- c) The adopted drainage fees will be collected through the city's bill for water utilities and will apply to the accounts maintained by the city for utility services.
- d) The stormwater drainage utility fee shall be separately identified from other public utility billings.

Sec. 11.03.004 Appeals

- (a) Appeals for the following reasons shall be directed to the stormwater drainage utility manager or designee for evaluation and determination:

1. Exempt property has been assessed a stormwater drainage utility fee;
 2. The stormwater drainage utility fee for an individual property is based on an incorrect determination of the property's contribution to the stormwater drainage system, as established in the municipal drainage utility fee schedule;
 3. The stormwater drainage utility fee for an individual property is assessed on more than one utility account; or
 4. The stormwater drainage utility fee is assessed to individual property outside the city's jurisdictional area.
- (b) The stormwater drainage utility manager or his designee shall render a written decision on such appeals within thirty (30) days after receiving a written notice of appeal from the landowner.
- (c) Any landowner who disagrees with the decision of the stormwater drainage utility manager or his designee may appeal such decision to the city council. The decision of the city council shall be final.

Sec. 11.03.005 Penalties

Failure to pay the stormwater drainage utility fee promptly when due shall subject such user to discontinuance of any utility services provided by the city, in accordance with all applicable laws.

Sec. 11.03.006 Charges and Fees

The city may charge fees for reimbursement of costs for constructing, operating, and maintaining the city's MS4, and for reimbursement of costs of implementing its stormwater management program as required by the state and EPA, and the cost of implementing this chapter, which costs may include, but not be limited to, the following:

- (a) Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing discharges and reviewing monitoring reports submitted by dischargers;
- (b) Fees for spill and release reports and responding to spills and releases of oil, hazardous and extremely hazardous substances, and other pollutants; and
- (c) Fees as the Administrator may deem necessary to carry out the requirements contained in this chapter.

Sec. 11.03.007 through 11.03.010 reserved."

2) THAT, Chapter 11, Article 11.03, is further amended by the addition of the following:

"DIVISION 2. GENERAL – STORMWATER QUALITY

Sec. 11.03.011 Authority. The City engineer or designee shall have the authority to

administer stormwater quality provisions of this Article.

Sec. 11.03.012 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

Administrator. The city engineer or designee.

Animal waste. Any animal manure, litter or bedding; water that has contacted animal manure, litter, or bedding; water from washing, flushing, or cleaning animal pens; and liquid or solid waste from facilities such as pens used at kennels, animal hospitals, poultry processing facilities, dairies, or rendering plants.

BMP (Best Management Practice). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface water in the state or the waters of the U.S.

CFR (Code of Federal Regulations). The Code of Federal Regulations, as periodically amended.

Commencement of construction. The initial disturbance of soils associated with clearing, grading, excavating, landfilling, and other construction activities.

Commercial. Pertaining to any business, trade, industry, or other activity engaged in for profit.

Commercial cosmetic cleaning. Commercial power washing, steam cleaning, and any other cosmetic cleaning operations of vehicles, parking lots, buildings, and other exterior surfaces.

Common plan of development. A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities.

Construction Activity. Includes soil disturbance activities, including clearing, grading, excavating, construction-related activity and construction support activity. This does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

Small Construction. Construction activities which disturb at least 1 but less than 5 acres, or are part of a larger common plan of development that will disturb at least 1 but less than 5 acres.

Large Construction. Construction activities which disturb 5 or more acres, or are part of a larger common plan of development that will disturb 5 or more acres.

Construction Support Activity. A construction-related activity that specifically supports construction activity, which can involve earth disturbance or pollutant-generating activities of its own.

Contaminated. Containing a harmful quantity of a pollutant.

Discharge. Any addition, introduction, release, or flow of any pollutant, stormwater, or other substance, whether separate or mixed, into the municipal separate storm sewer system (MS4), surface water in the state or the waters of the U.S.

Discharger. Any person who causes, allows, permits, or suffers, or is otherwise responsible for, a discharge, spill or release, including, without limitation, any operator of a construction site or industrial facility.

Disposal, dispose of. The discharge, deposit, release, injection, dumping, spilling, leaking, or placing of any waste.

Domestic sewage. Any human excrement, gray water, other wastewater from

household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings, office buildings, factories, and institutions, that is free from industrial waste.

Environmental Protection Agency or EPA. The United States Environmental Protection Agency, and any duly authorized agency or official of the EPA.

Extremely hazardous substance. Any substance listed in the appendices to 40 CFR Part 355, Emergency Planning and Notification

Facility. Any building, structure, installation, equipment, vehicle, vessel, or other property, real or personal.

Final stabilization. The status when all soil disturbing activities at a site have been completed, and a uniform perennial vegetative cover, with an established density of 70 percent of the original cover for unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed. For construction activities on land used for agricultural purposes final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use.

Garbage. Putrescible animal and vegetable waste and residue from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

Grease trap. A receptacle designed and constructed to intercept and prevent the passage of greasy, fatty liquid, semi liquid, and/or solid wastes into the sanitary sewer system to which the receptacle is directly or indirectly connected.

Grit trap. A receptacle designed and constructed to intercept and prevent the passage of petroleum-based products, used oils, flammable substances, vehicle grease wastes and solids such as sand and grit into the sanitary sewer system, to which the receptacle is directly or indirectly connected.

Harmful quantity. The amount of any substance that will cause pollution in the municipal separate storm sewer system, surface water in the state or the waters of the U.S.

Hazardous substance. Any substance listed in Table 302.4 of 40 CFR Part 302.

Hazardous waste. Any liquid, semi liquid or solid waste (or combination of wastes), which because of its quantity, concentration, physical, chemical or infectious characteristics may:

- (a) Have any of the following characteristics: Toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, explosive, or otherwise capable of causing substantial personal injury or illness.
- (b) Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, and is identified or listed as a hazardous waste as defined by the Texas Solid Waste Disposal Act or defined under 40 CFR Part 261.3.

Illicit discharge. Any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except those discharges that are allowed under this chapter, or pursuant to a separate authorization from the state or EPA.

Industrial activity. Manufacturing, processing, material storage, and waste material disposal areas at an industrial facility described by the TPDES Multi-Sector General Permit, TXR050000, or by another TCEQ or NPDES permit.

Industrial waste. Any waste resulting from any process of industry, manufacturing, trade or business, or from the development of any natural resources, or any mixture of the waste with water or domestic sewage that is distinct from normal domestic sewage.

Landfilling. The deposition of soil and other inert materials on the land to raise its grade and/or smooth its features.

MEP. Maximum Extent Practicable.

Motor vehicle fluid. Any fluid used in a motor vehicle.

Municipal Separate Storm Sewer System (MS4). A conveyance or system of conveyances including roads with drainage systems, municipal streets, pavement, catch basins, curbs, gutters, ditches, man-made channels, or storm drains and piping): (i) owned and operated by the United States, a state, city, town, county or other public body having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; and (iv) Which is not part of a publicly owned treatment works (POTW).

NPDES (National Pollutant Discharge Elimination System) General Permit for Stormwater Discharges Associated with Industrial Activity or Baseline Industrial General Permit. The Baseline Industrial General Permit issued by EPA

Stormwater Quality Provisions. The requirements found in Division 2, 3 or 4 of this article.

NPDES General Permit for Stormwater Discharges from Construction Sites or Construction General Permit. The Construction General Permit issued by EPA.

NPDES permit. A National Pollutant Discharge Elimination System permit issued by EPA or by the State under authority delegated by the EPA.

NPDES Stormwater Multi-Sector General Permit for Industrial Activities or Multi-Sector General Permit. The Multi-Sector General Permit for stormwater discharges associated with specified industrial activities issued by EPA.

Nonpoint source. Any source of any discharge of a pollutant that is not a "point source".

NOC (Notice of Change). The Notice of Change that is required by the Construction General Permit, the Multi-Sector General Permit or the Municipal Separate Storm Sewer General Permit.

NOI (Notice of Intent). The Notice of Intent that is required by the Construction General Permit, the Multi-Sector General Permit or the Municipal Separate Storm Sewer General Permit.

NOT Notice of Termination). The Notice of Termination that is required by the Construction General Permit, the Multi-Sector General Permit or the Municipal Separate Storm Sewer General Permit.

Oil. Any kind of oil in any form, including oil mixed with waste.

Operator. The person or persons associated with a large or small construction activity or an industrial activity that is either a primary or secondary operator.

Primary operator. The person or persons associated with a large or small construction activity that either has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or has the day-to-day operational control over those activities at a construction site that are necessary to ensure compliance with a stormwater pollution prevention plan (SWPPP) for the site or other permit conditions.

Secondary operator. The person whose operational control is limited to the employment of other operators or to the ability to approve or disapprove changes to plans and specifications. A secondary operator is also defined as a primary operator and must comply with the permit requirements for primary operators if there are no other operators at the construction site.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns.

Petroleum product. A product that is obtained from distilling and processing crude oil and that is capable of, but not limited to, being used as a fuel for the propulsion of a motor vehicle or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

Point source. Any discernible, confined, and discrete conveyance from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant. Dredged spoil, sediment, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, chemical sludge, medical waste, biological materials, radioactive materials, hazardous waste, heat, wrecked or discarded equipment, rock, yard waste, animal waste, and industrial, municipal, and agricultural waste discharged into water, and any other similar material or substance characterized by state or federal law or EPA regulation as a pollutant.

Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any surface water in the state or the waters of the U.S. that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Publicly owned treatment works (POTW). Any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes lift stations, sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant.

Qualified personnel. Persons who possess the appropriate competence, skills, and ability (as demonstrated by sufficient education, training, experience, and/or, when applicable, any required certification or licensing) to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally-accepted industry standards for such activity.

Release. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing, directly or indirectly, into the MS4), surface water in the state or the waters of the U.S. This includes disposal to any surface where a pollutant or its residual, with surface water or stormwater or groundwater, may flow, wash or leach into the MS4.

Reportable quantity.

(a) For a hazardous substance, the quantity established and listed in Table 302.4 of 40 CFR Part 302; and

(b) For an extremely hazardous substance, the quantity established in 40 CFR Part 355 and listed in Appendix A thereto.

Sanitary sewage (or sewage). The domestic waste water and/or industrial waste that is discharged into and passes through the sanitary sewer system to the sewage treatment plant utilized by the city for treatment.

Sanitary sewer (or sewer). The system of pipes, conduits, and other conveyances

which carry industrial waste, domestic sewage, or a combination of both, , whether treated or untreated, to the sewage treatment plant utilized by the city and to which stormwater, surface water, and groundwater are not intentionally admitted.

Septic tank waste (or septage). Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Site. The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Solid waste. Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including, solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

Spill. The accidental or intentional loss or unauthorized discharge of any waste or raw material.

Storm sewer or storm drain. A drainage system which carries stormwater and surface waters and drainage but excludes sewage and unpermitted industrial wastes and is not part of a publicly owned treatment works (POTW).

Stormwater. Precipitation, surface runoff, and drainage runoff that reaches the surface of the earth during a storm event.

Stormwater discharge associated with industrial activity. The discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is within one of the categories of facilities listed in 40 CFR § 122.26(b)(14), and which is not excluded from EPA's definition of the same term.

Stormwater pollution prevention plan (SWPPP). A plan which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.

Solid or liquid substances. Substances which may cause obstruction to the flow in storm sewers or other interference with the proper operation of the stormwater system.

Surface water in the state. Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHW) out of 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

TCEQ. Texas Commission on Environmental Quality.

To discharge. To deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.

TPDES (Texas Pollutant Discharge Elimination System) permit. A Texas Pollutant Discharge Elimination System permit issued by the State of Texas under authority from EPA that authorizes the discharge of pollutants to surface water in the state or the waters of the U.S.

Trap. A device designed to skim, settle, or otherwise remove oil, grease, sand,

flammable wastes or other harmful substances from discharges into the sanitary sewer system.

Used oil or used motor oil. Any oil that has been refined from crude oil or synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties but that may be suitable for further use and is recyclable in compliance with state and federal law.

Waste. Unwanted by-products, rejected, unutilized, or superfluous substances in liquid, gaseous or solid form resulting from domestic, agricultural or industrial activities.

Wastewater. Both liquid and water-carried pollutants from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with inflow/infiltration that may be present which are contributed to the POTW.

Water quality standard. The designation of a body segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by the state to be necessary to protect those uses.

Waters of the United States. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR § 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

Watercourse. A natural or man-made channel in which a flow of water occurs, either continuously or intermittently.

Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard waste. Leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

Sec.11.03.013 General Prohibition

- (a) No person may dispose of, release, introduce or cause to be introduced into the MS4 a discharge that is not composed entirely of stormwater.
- (b) No person may connect a line conveying domestic wastewater, industrial wastewater or a combination of both to the MS4, or allow such a connection to continue.
- (c) No person may dispose of, deposit or allow accumulating wastewater, liquid waste or pollutants on public or private property.
- (d) The construction, connection, use, maintenance or continued existence of any illicit connection to the municipal stormwater drainage system is prohibited
- (e) The following non-stormwater discharges may be introduced into the MS4 without violation of Section 11.03.013(a)-(d) if the discharge is composed entirely of one or more of the following discharges:

1. Water line flushing (excluding discharges of hyper-chlorinated water, unless first dechlorinated and discharges are not expected to adversely affect aquatic life);
2. Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
3. Discharges from potable water sources;
4. Diverted stream flows;
5. Rising ground waters and springs;
6. Uncontaminated ground water infiltration;
7. Uncontaminated pumped ground water;
8. Foundation and footing drains;
9. Air conditioning and compressor condensation;
10. Water from crawl space pumps;
11. Individual residential vehicle washing;
12. Flows from wetlands and riparian habitats;
13. Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals;. Street wash water after all/visible debris and sediments have been removed and does not contain soap or other chemicals either added for cleaning or washed off the surface being cleaned;
14. Discharges or flows from emergency firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
15. Other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
16. Non-stormwater discharges specifically listed in the TPDES Multi-Sector General Permit (MSGP) or the TPDES Construction General Permit (CGP); and
17. Other similar occasional incidental non-stormwater discharges, unless the TCEQ develops permits or regulations addressing these discharges.
18. Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted

(f) No exception shall be available under subsection (e) if:

1. The discharge or flow in question has been determined by the Administrator to be a source of a pollutant or pollutants to the MS4, or to the surface water in the state or the waters of the U.S.;
2. Written notice of such determination has been provided to the discharger; and
3. The discharge has continued after the expiration of the time given in the notice to cease the discharge.

(g) If needed, the Administrator may request documentation or inspection from the discharger to prove the discharge was composed entirely of one or more of the categories listed in section (e).

(h) No person may dispose of, release, introduce or cause to be introduced into the MS4 any harmful quantity of a pollutant.

Sec. 11.03.014 Compliance Inspection; Right of Entry

- (a) The Administrator shall have the right to enter the premises subject to the stormwater quality provisions of this article to determine if the discharger is complying with all requirements of this chapter, and with any state or federal discharge permit, limitation, or requirement.
- (b) Dischargers must allow the Administrator ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or for the performance of any additional duties and shall not knowingly obstruct or hinder the city in accessing the facility for these purposes.
- (c) Where a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger must make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the Administrator will be permitted to enter for the purposes of performing his/her responsibilities.

Sec. 11.03.015 Administrative warrants

The Administrator may seek an administrative warrant from the proper judicial authority if they have been refused access to any part of the premises from which stormwater is discharged, and there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or to protect the overall public health, safety, and welfare of the community.

Sec. 11.03.016 Inspection; Sampling; Monitoring

- (a) Lawful inspection and sampling shall include, but not be limited to:
 - (1) Access to applicable parts of a facility;
 - (2) Providing for the review and copying of all records that may indicate compliance with a SWPPP or other documents relating to this chapter, or the nature of substances used, stored or transported, and how they may be disposed of; and
 - (3) Allowing photographic and other recorded evidence, including analog and digital formats.
- (b) The Administrator may require any discharger to the MS4, surface water in the state, or the waters of the U.S. to conduct specified sampling, testing, analysis, or other monitoring of its stormwater discharges, or activities which may impact the discharges, and may specify the frequency and parameters of any such required monitoring.
- (c) The Administrator may require the discharger to install and maintain to the city's specifications monitoring equipment at the discharger's expense.
- (d) All devices used to measure stormwater flow and quality must be calibrated to ensure their accuracy. To assure the validity of required data

gathering, the Administrator may specify that approved components be used, such as, but not limited to, equipment, methodologies, quality control or services.

Sec. 11.03.017 Enforcement

- (a) The duties of the Administrator shall include the responsibility of ensuring that all facilities conform with the stormwater quality provisions of this article and to any other applicable state and federal laws, requirements and regulations of this Code of Ordinances.
- (b) The Administrator shall have the authority to adopt policies and procedures necessary to implement the stormwater quality provisions of this article. All policies or procedures that may impose more regulations must seek council approval.

Sec. 11.03.018 Violations.

- (a) It shall be unlawful for any person to violate or fail to comply with any of the stormwater quality provisions of this article.
- (b) Any person who has violated or continues to violate the stormwater quality provisions of this article, will be subject to citation in accordance with section 1.01.009 of this Code of Ordinances; the enforcement actions outlined in this article; or may be restrained by injunction or otherwise abated in any manner provided by law.

Sec. 11.03.019 Enforcement Process. The following actions may be used to enforce violations of the stormwater quality provisions of this article. The enforcement process followed will be determined by the circumstances surrounding the violation. There is no right to a progressive enforcement process.

- (a) When required by the Administrator, an explanation of the cause of the violation and a plan for the satisfactory correction and prevention of reoccurrence, including specific required actions, must be submitted by the discharger to the city. This response may be verbal, or if required, must be in writing, but within the time specified by the Administrator.
- (b) **Voluntary Compliance** - The Administrator may, at the Administrator's sole discretion, instruct an owner or operator of a facility that commits any acts prohibited by the stormwater quality provisions of this article to achieve voluntary compliance as determined by the Administrator. The Administrator will provide a reasonable amount of time, specific to the occurrence, to remedy the violation.

Sec. 11.03.020 Notice.

- (a) If the Administrator determines that there is any violation of the stormwater quality provisions of this article, notice of violation may be served upon the property owner or operator of record by registered or certified mail to the address of the property owner of record.

(b) A notice as required in this article is deemed properly served when it is delivered to the owner or operator, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the owner or operator.

(c) The notice shall specify the measures, as appropriate, required to come into full compliance with the stormwater quality provisions of this article and shall specify the time within which such measures shall be completed.

Sec. 11.03.021 Compliance Orders

(a) When the Administrator finds that any person has violated, or continues to violate, any stormwater quality provisions of this article, or any order issued hereunder, the Administrator may issue an order to the discharger directing that the discharger come into compliance within a specified time limit.

(b) Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the MS4, surface water in the state or the waters of the U.S.

(c) A compliance order may not extend the deadline for compliance established by a state or federal standard or requirement, nor does a compliance order relieve the person of liability for any violation, including any continuing violation.

Sec. 11.03.022 Cease and Desist Orders

(a) When the Administrator finds that any person has violated, or continues to violate, or threatens to violate any stormwater quality provisions of this article, or any order issued hereunder, or that the person's past violations are likely to recur, the Administrator may issue an order to the discharger directing the discharger to cease and desist all such violations and directing the discharger to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Sec. 11.03.023 Abatement/Remediation and Restoration

(a) When the Administrator finds that a person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, and that such violation has adversely affected the MS4, the surface water in the state, or the waters of the U.S., the Administrator may require the discharger to undertake and implement any appropriate action to abate and/or remediate any adverse effects of the violation upon the MS4, the surface water in the state, or the waters of the U.S., and/or to restore any part of the MS4, the surface water in the state, or the waters of the U.S.

- (b) Such abatement, remediation, or restoration action may include, but not be limited to: monitoring, assessment, and evaluation of the adverse effects and determination of the appropriate remedial, abatement, and/or restoration action; confinement, removal, cleanup, treatment, and disposal of any discharged or released pollution or contamination; prevention, minimization, and/or mitigation of any damage to the public health, welfare, or the environment that may result from the violation; restoration or replacement of any public or private property or natural resources damaged by the violation.
- (c) If no person is found to have caused the violation, the owner of any property where the violation occurred and consequent contamination, shall be the responsible person for the required abatement, cleanup, remediation and/or restoration.
- (d) The Administrator may, at its sole discretion, perform such abatement, cleanup, remediation or restoration the Administrator deems necessary, and collect from the responsible person all expenses incurred during such activities. Liens shall be filed in accordance with law to collect any delinquent reimbursements.
- (d) The Administrator may require that the abatement, remediation, and/or restoration be accomplished on a specified compliance schedule and/or be completed within a specified period of time.

Secs. 11.03.024 through 11.03.030 reserved.

DIVISION 3. ILLICIT DISCHARGE

Sec. 11.03.031 Reports of Stormwater Violations – Spills/Discharges

- (a) The operator and the owner of any commercial or industrial activity must accurately and completely report any spills, releases, illicit connections, or other instances where pollutants are discharged into the MS4, surface water in the state, or the waters of the U.S. and any other violation of the stormwater quality provisions of this article for which they are responsible to the COSA in accordance with the following:
 - (1) A hazardous, extremely hazardous and/or toxic material spill or release to any surface must be immediately reported to the city Stormwater Department and the appropriate county, state and federal agency and must address the substance and estimated quantity of the spill or release.
 - (2) Other instances where a pollutant is discharged into the MS4, surface water in the state, or the waters of the U.S. by spill, release, illicit connections or other means must be immediately reported to the city Stormwater Department. This includes but not limited an amount of any type of oil, used oil, motor fluid, or petroleum product, that either:
 - (A) Violates applicable water quality standards; or

(B) Causes a film or sheen upon, or discoloration of, the surface of the water or an adjoining shoreline, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline.

(3) Both the operator and the owner of any commercial or industrial activity, where a spill or a release of a hazardous/toxic material has occurred are responsible for proper notification of the incident.

(c) Within ten days after a reportable discharge under this section, the discharger must, unless expressly waived in writing by the Administrator Department, submit a written Post Incident report on a form provided by the city.

(d) The notifications required by this section do not relieve the discharger from any expense, loss, damage, or other liability that may be incurred as a result of the discharge, including any liability for damage to the city, to natural resources, or to any other person or property or any fine, penalty, or other liability that may be imposed under this chapter or under state or federal law.

Sec. 11.03.032 Cleanup

The owner or operator of any facility, vehicle, or other source responsible for a discharge described in Section 11.03.031 shall:

(1) Comply with all state, federal, and local law requiring cleanup, containment, and any other appropriate remedial action in response to the discharge; and

(2) Reimburse the city for any costs incurred by the city in responding to the discharge.

Sections 11.03.033 through 11.03.040 reserved.

DIVISION 4. CONSTRUCTION

Sec. 11.03.041 Specific Prohibitions and Requirements

(a) No person may dispose of, release, introduce or cause to be introduced into the MS4 any discharge that causes or contributes to the city to violate a water quality standard, or any state-issued discharge permit for discharges from its MS4.

(b) No person may dispose of, release, introduce or cause to be introduced into the MS4 a quantity of sediment, silt, earth, or other material associated with clearing, grading, excavation, landfilling, or other construction activities that could be retained on site or captured by implementing sediment and erosion control measures to the maximum extent practicable.

Sec. 11.03.042 Stormwater Discharges from Construction Activities

(a) All operators meeting the definition of a small or large construction site must comply with all terms and conditions of the TPDES construction general permit.

(b) All operators of construction sites, regardless of size or TPDES permit requirements, must use best management practices to control and reduce the discharge to the MS4 or to the surface water in the state or the waters of the U.S., of sediment, silt, earth, soil, and other material associated with clearing, grading, excavation, landfilling, and other construction activities to the maximum extent practicable.

(c) Construction activity shall be conducted in a manner to maximize use of vegetation and minimize soil loss through the following processes.

1. Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased;
2. Using structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site to the maximum extent practicable;
3. Minimization of the tracking of sediments off-site by vehicles and the escape of other windblown waste from the site;
4. Prevention of the discharge of building materials, including cement, lime, concrete, asphalt and mortar, to the MS4, surface water in the state or the waters of the U.S.;
5. Use of general good housekeeping measures to prevent and contain spills of paints, solvents, fuels, septic waste, or other hazardous chemicals and pollutants associated with construction, and to assure proper cleanup and disposal of any such spills in compliance with state, federal, and local requirements;
6. Implementation of proper waste disposal and waste management techniques, including covering waste materials, minimizing ground contact with hazardous chemicals and trash, and installing and maintaining covered receptacles for rubbish and garbage, as well as maintenance of roll off containers that cannot be covered, to assure that such waste materials are not blown or carried by rainfall runoff from the site;
7. Timely maintenance of vegetation, erosion and sediment control measures, and other best management practices to maintain them in good and effective operating condition; and
8. Install and ensure future maintenance of structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed.
9. Install and ensure future maintenance of stormwater management

measures prior to final stabilization of the site, unless the area is disturbed by new owners or responsibility for the measures is transferred to the new owners.

Sec. 11.03.043 Development Site

Off-site borrow areas, spoil areas and construction staging areas shall be considered as part of the development site and shall be subject to the requirements of the stormwater quality provisions of this article.

Sec. 11.03.044 Installation of Stormwater Pollution Prevention Elements and BMP

- (a) Stormwater pollution prevention elements and best management practices must be installed prior to the start of construction activity in accordance with applicable TCEQ stormwater general permit requirements.
- (b) For non-TCEQ regulated construction activities, controls must be installed prior to construction activity.

Sec. 11.03.045 Construction Site Inspection

- (a) Qualified personnel, employed by the operator, must inspect TPDES or NPDES permitted construction sites for stormwater discharges or failures or absences of SWPPP requirements as stated in the TPDES Construction General Permit.
- (b) Any failures, absences, or discharges identified must be remedied as soon as possible, not later than 24 hours after the identifying inspection.
- (c) Documentation of all inspections and remedies must be available for review by Administrator at any point during construction.

Sec. 11.03.046 Responsibility of owner

Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally responsible for compliance with the stormwater quality provisions in this article.

Sec. 11.03.047 Contractor and Subcontractor Responsibility

Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing any portion of the approved SWPPP, is jointly and severally responsible for any failure on his/her part to adequately implement that control measure.

Sec. 11.03.048 Land Disturbances One Acre or Greater.

All operators of sites of construction activity, including clearing, grading, excavation, demolitions, and landfiling activities, that result in the disturbance of one or more acres of total land area, or that are part of a larger common plan of development or

sale within which one or more acres of total land area are disturbed, and who are required to obtain a TPDES permit for stormwater discharges associated with construction activity, must comply with the following additional requirements:

- (a) Must obtain coverage for stormwater discharges from a construction site under the current TPDES general construction permit.
- (b). Must post a signed copy of its construction site notice (CSN) on the construction site prior to the commencement of construction activities in a location where it is safely and readily available for viewing by the general public, local, state, and federal authorities.
- (c). For small construction sites, a signed copy of the CSN from all operators must be submitted to the Administrator at least two days prior to the commencement of construction activities.
- (d) For large construction sites, a signed copy of the NOI and CSN from all operators must be submitted to the Administrator seven days prior to the commencement of construction activities.
- (e) A stormwater pollution prevention plan (SWPPP) must be prepared and implemented in accordance with the requirements of the TPDES permit issued for stormwater discharges from the construction site, and in accordance with any additional requirements imposed by or under this ordinance and any other city ordinance.

Sec. 11.03.049 Development Compliance.

- a. When construction or land-disturbing activities are conducted as part of a subdivision or development, erosion control shall be established.
- b. Phased occupancy shall be allowed only when there are no outstanding stormwater pollution prevention violations for the development for which the request is made.
- c. If the developer sells all of the lots in a subdivision to one purchaser, that purchaser becomes the developer for the subdivision and is liable for violations of this article.

Sec. 11.03.050 Stormwater Pollution Prevention Plan (SWPPP)

- (a) The SWPPP must be completed and implemented prior to the beginning of construction activities.
- (b) The SWPPP must be updated and modified as required by the TPDES permit or in the following instances:
 - 1. When there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the MS4, or surface water in the state, or the waters of the U.S.
 - 2. If the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants, or in achieving the general objective of controlling pollutants in stormwater discharges associated with construction activity.
- (c) The operator must submit a copy of the appropriate construction site

notice for a large or small construction and a copy of the Notice of Intent (if applicable).

(d) All operators identified in the SWPPP must sign a copy of the certification statement listed in the TPDES Construction General Permit before conducting any professional service identified in the SWPPP. The certification must include:

1. The name and title of the person providing the signature;
2. The name, address, and telephone number of the contracting firm;
3. the address (or other identifying description) of the site; and
4. the date the certification is made.

(e) The SWPPP and the certifications of all operators required by this Section with any modifications attached, must be retained on-site at the construction site or, if the site is inactive or does not have an on-site location to store the plan a notice must be posted describing the location of the SWPPP

(f) The SWPPP must be made readily available at the time of an on-site inspection to a federal, state, or local agency approving sediment and erosion plans, grading plans, or stormwater management plans; local government officials including the Administrator; and the operator of a municipal separate storm sewer receiving discharges from the site.

(g) If the SWPPP is retained off-site, then it shall be made available as soon as reasonably possible. In most instances, it is reasonable that the SWPPP shall be made available within 24 hours of the request.

(h) Qualified personnel, provided by the operator, must inspect at the chosen frequency per the TPDES Construction General Permit.

(i) All protective measures in the SWPPP must be maintained in effective operating condition.

(j) If the operator determines that BMPs are not operating effectively, then the operator shall perform maintenance as necessary to maintain the continued effectiveness of stormwater controls, prior to the next rain event if feasible. If maintenance prior to the next anticipated rain event is impracticable, the reason shall be documented in the SWPPP and maintenance must be scheduled and accomplished as soon as practicable, but in no case later than seven calendar days following the inspection.

(k) Erosion and sediment controls that have been intentionally disabled, run over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery

(l) A report summarizing the scope of any inspection required by this section must be made and retained as part of the SWPPP. The report must contain at a minimum the following;

1. The name(s) and qualifications of personnel making the inspection;
2. The date(s) of the inspection;
3. Major observations relating to the implementation of the SWPPP;
4. Actions taken in accordance with appropriate plan revisions.
5. Identification of any incidence of noncompliance; or if the report

does not identify any incidence of noncompliance, the report must contain a certification that the facility is in compliance with the SWPPP, the TPDES permit, and this ordinance.

6. Signed by the person responsible for making it.

(m) A copy of the CSN or NOT as required by the TPDES must be submitted to the city:

1. When a site has been finally stabilized and all stormwater discharges from construction activities that are authorized by this ordinance and by the TPDES permit are eliminated; or
2. When the operator of all stormwater discharges from the construction site changes.

Sec. 11.03.051 Post-Construction Requirements

- a. The owner or operator must ensure all temporary control measures for erosion control or other BMPs are removed once final stabilization has been achieved.
- b. The developer for a subdivision shall continue to maintain all temporary stormwater pollution prevention devices until permanent erosion control has been established on all those lots within the subdivision for which a building permit has not been issued and at least 70 percent of the native background vegetative cover in unpaved areas, as determined by the Administrator, has been achieved.
- c. The owner or operator must ensure the long-term operation and maintenance of post-construction stormwater runoff control mechanisms, including but not limited to detention and retention basins, dry wells, and other measures.
- d. In addition to the other requirements of this article, when construction or land-disturbing activities are conducted as part of a development, the following shall apply:

1. Final acceptance.
 - (A) Permanent stormwater pollution prevention devices and, when applicable, temporary stormwater pollution prevention devices, as specified in the approved stormwater pollution prevention plan, shall be installed and maintained prior to final acceptance of a subdivision.
 - (B) The developer for such subdivision shall continue to maintain all temporary stormwater pollution prevention devices until permanent erosion control has been established on all those lots within the subdivision for which a building permit has not been issued and at least 70 percent of the native background vegetative cover in unpaved areas has not been established.

Sec. 11.03.052 Enforcement of SWPPP. In addition to the enforcement activities

found in Section 11.03.017 of this article, the following actions may be taken by the Administrator to ensure SWPPP compliance.

- (a) The Administrator may notify the operator at any time that the SWPPP does not meet the requirements of the TPDES permit issued for stormwater discharges from the construction site, or any additional requirement imposed by or under this ordinance.
- (b) Such notification must identify those provisions of the permit or ordinance which are not being met by the SWPPP and identify which provisions of the SWPPP require modifications in order to meet such requirements.
- (c) Within seven calendar days of such notification from the Administrator, the operator must make the required changes to the SWPPP and submit to the Administrator a written certification that the requested modifications have been made.
- (d) If upon the Administrator's review of the SWPPP (or any modification to the SWPPP) and any site inspection that the Administrator may conduct, the Administrator determines that the SWPPP does not comply with the requirements of the TPDES permit issued for stormwater discharge from the construction site, or any additional requirement imposed by or under this ordinance, or it is not being fully implemented, the Administrator may issue a stop work order prohibiting the commencement or the continuation of any construction activity at the site.

Sec. 11.03.053 Denial of City Permit Approval

Upon review of the SWPPP and any site inspection that is conducted, the Administrator may deny approval of any building permit, grading permit, or any other city approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the SWPPP and site does not comply with:

- a. The SWPPP and/or site does not comply with regulations listed in the TPDES Construction General Permit
- b. The site contains violations assessed are not remedied within the enforcement process and lead to a stop work order;
- c. The site contains any activity that may be deemed as an imminent public health or environmental concern; or
- d. Certification of final stabilization has not been filed or the Administrator has not determined, following any appropriate inspection, that final stabilization has in fact occurred, that any required permanent structural controls have been completed and all temporary controls have been removed.

Sec. 11.03.054 SWPPP Abatement

- a. If a violation is not resolved within the designated cure period, the Administrator may, at his or her sole discretion, cause stormwater pollution prevention devices to be installed or repaired, or sediment to be removed, or take other actions necessary to correct the problem.
- b. Costs for such work, an administration fee, and re-inspection fees shall be

charged to the developer. Stop work orders may be issued until the total amount of charges is paid by the developer and a lien may be placed on the property in accordance with law.

Sec. 11.03.056 through 11.03.060 reserved.”

3) THAT, Chapter 12, Article 12.05, Section 12.05.009 of the Code of Ordinances, City of San Angelo, Texas, is hereby deleted.

4) THAT, Appendix A, Article A2.000 of the Code of Ordinances, City of San Angelo, Texas, are hereby amended by the addition of the following:

“ Sec. A2.018 Stormwater Quality Re-inspection Fee

The fee for re-inspections for violations of stormwater quality control provisions shall be \$75.00.”

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

6) 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.

7) 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 _____, 2017.

CITY OF SAN ANGELO

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, Interim 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: November 20, 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 - an increase of 1.98%

November - an increase of 13.63%

Year to date, revenue is approximately \$227,925 more than budgeted.

Financial Impact:

Sales Tax revenue for fiscal year 2019 is over year-to-date budget by 7.38% and \$227,925 after November 2018 receipts.

Other Information/Recommendation:

Attachments:

- | | | |
|----|-------------------------|------------------------------|
| 1. | 181120 Sales Tax Update | 181120 Sales Tax Update.pptx |
|----|-------------------------|------------------------------|

Presentation:

Tina Dierschke

Approvals/Reviews:

Tina Dierschke

Becky Dunn

Bryan Kendrick

Created/Initiated

Approved

Final Approval



City Council

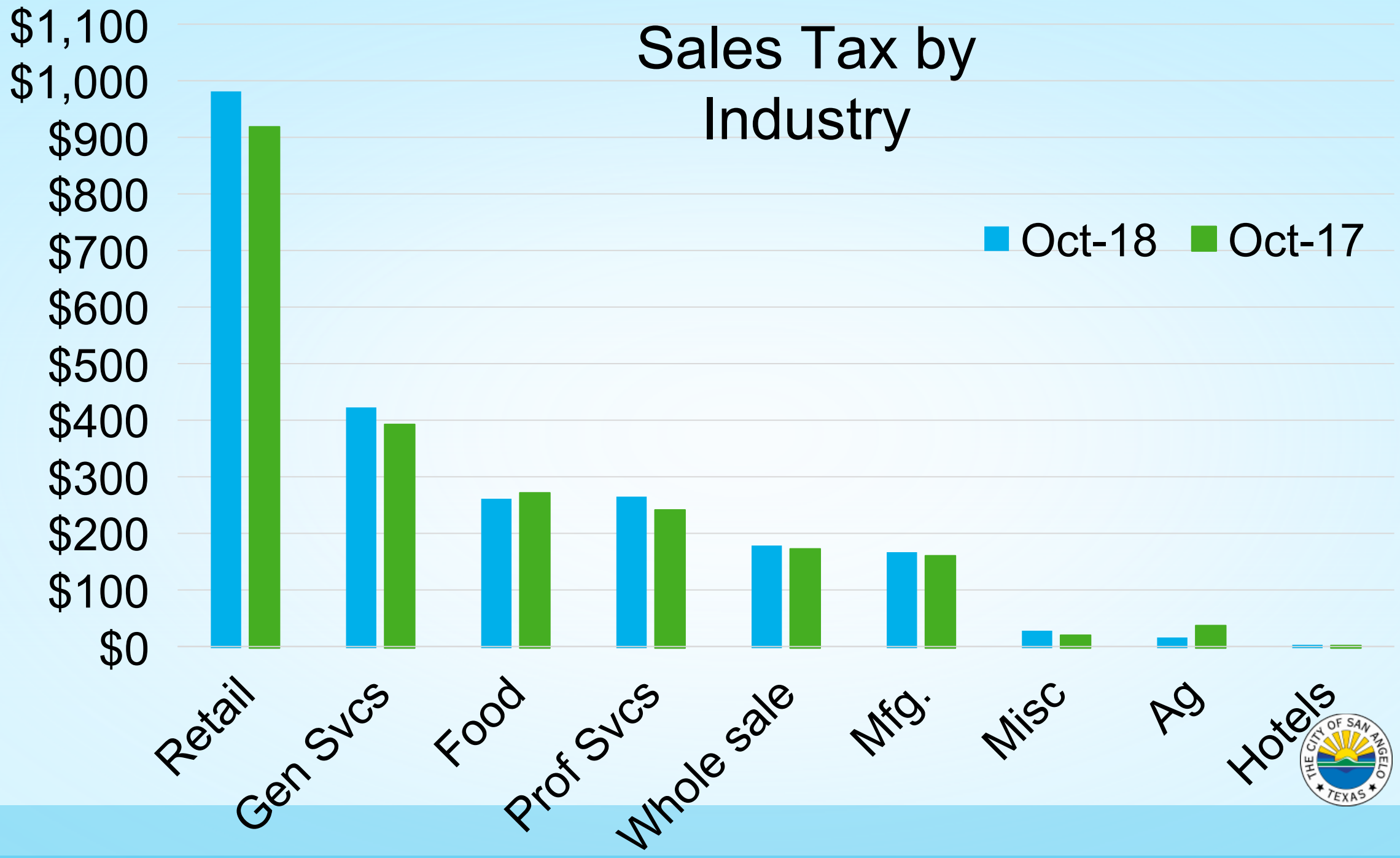
November 20, 2018



Sales Tax Revenue

- Up 13.63% in November compared with the same month in prior year
- Over budget for revenue by \$227,925 year to date



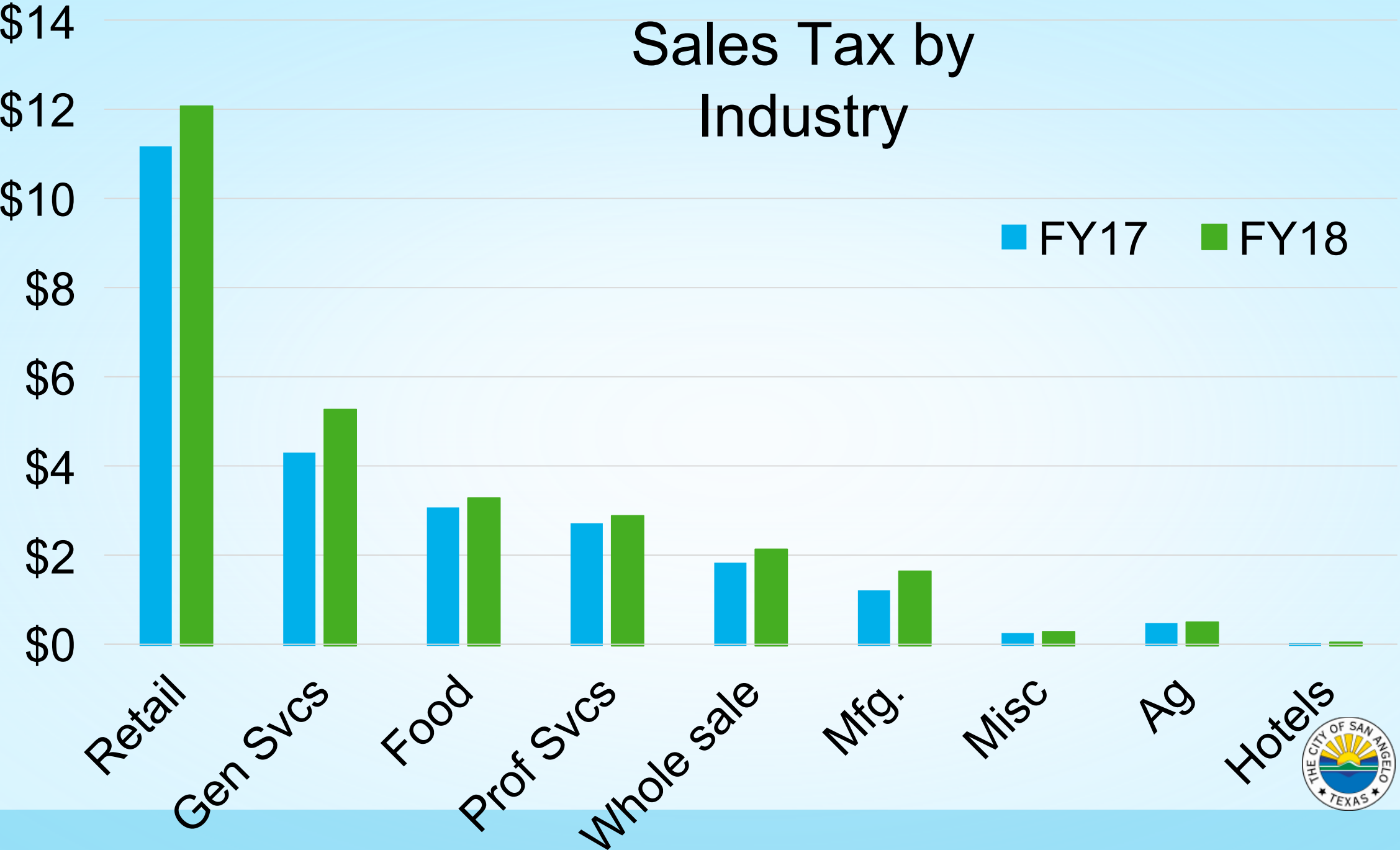


Sales Tax Revenue – FY 2018

- Up 12.11% and \$1,406,170 compared with fiscal year 2017 receipts



Sales Tax by Industry





City Council

November 20, 2018



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: November 20, 2018

Item type: Regular Item

Caption:

First public hearing and introduction of an ordinance amending the budget for the fiscal year beginning October 1, 2018, and ending September 30, 2019, for capital items, grants, and reimbursed expenses (Presentation made by Finance Director Tina Dierschke)

Summary/History:

This proposed amendment contains the following items (additional information attached):

- Fire Training Courses
- Emergency Management Homeland Security Program Grant
- Texas Department of Transportation Routine Airport Maintenance Program Grant
- Carryovers for FY2017-18 Incomplete Projects

Financial Impact:

See Exhibit A of the ordinance.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | |
|-----------------------------------|-------------------------------------|
| 1. BA Memo - ALL | BA Memo - ALL.pdf |
| 2. 11.6.18 FIN Budget Amendment A | 11.6.18 FIN Budget Amendment A.pptx |
| 3. Ordinance 12.4.18 (2) | Ordinance 12.4.18.docx |

Presentation:

Tina Dierschke

Approvals/Reviews:

Kimberly Holle	Created/Initiated
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

Memo

To: Tina Dierschke, Finance Director

From: Chief Dunn, Fire Chief

Date: 10/19/18

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

To budget for the training center external training courses provided to external departments and agencies

Source of Funding:

Registration fees paid by external departments and agencies for training courses

Funding previously approved? If so, by City Manager or City Council and when?

Yes, Council approved on May 1, 2018.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Training revenue	0	45,000	45,000
Training expense	1,600	45,000	46,600
			0
			0
			0
			0

Additional Comments:

We just completed a Tech 1 class and generated about 15,000 in revenue. We need to get this set up to pay for future course expenses.

Memo

To: Tina Dierschke, Finance Director

From: Chief Sanford, Assistant Fire Chief

Date: 10/19/18

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for grant award from Homeland Security Division (HSGD) for communication trailer/vehicle and satellite/radio equipment.

Source of Funding:

Office of the Governor-Homeland Security Division 2018 State Homeland Security Program (SHSP)

Funding previously approved? If so, by City Manager or City Council and when?

Council authorized acceptance of the grant on September 4, 2018.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Grant revenue	0	67,538	67,538
Grant expense	0	67,538	67,538
			0
			0
			0
			0

Additional Comments:

This grant will be used to buy a vehicle or trailer that can be used for communications and mobile command during a disaster. This vehicle/trailer is 100% funded by the grant.

Memo

To: Tina Dierschke, Finance Director

From: Mitch Sprunger, Interim Airport Director

Date: 11/06/18

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for the new grant for maintenance projects within the Airport

Source of Funding:

50% Texas Department of Transportation (TxDOT) for Routine Airport Maintenance Program (RAMP) Grant and a local government match of 50%

Funding previously approved? If so, by City Manager or City Council and when?

Yes, the grant was accepted during October 16, 2018 Council meeting

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Revenue			0
TxDOT RAMP Grant	0	50,000	50,000
Local Match	0	50,000	50,000
			0
Expense			0
Project Cost	0	100,000	100,000

Additional Comments:

Memo

To: Tina Dierschke, Finance Director

From: Kimberly Holle, Budget Manager

Date: 11/06/18

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Carryover remaining fiscal year 2017-18 funds for incomplete projects

Source of Funding:

Multiple funds - Fund Balance

Funding previously approved? If so, by City Manager or City Council and when?

City Council approved the 2018-19 budget ordinance on September 18, 2018

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
			0
			0
			0
			0
			0
			0

Additional Comments:

See Attached chart for details

City of San Angelo
Carryovers
FY 2018 - 19

FUND	DIVISION	PURPOSE	CARRYOVER
<u>Projects Previously Approved and in Progress</u>			
General	Legal	Document management software using FY18 departmental savings	\$23,000
General	Traffic	Continuation of installation of Battery Backup Systems and Downtown detection to Traffic Signal Systems and Downtown detection	\$20,207
General	Street & Bridge	Set aside to fund 1) mill and overlay on Rio Concho Drive; 2) Monroe Street repair; 3) HA5 and Rejuvenator application on streets	\$982,500
General	Parks	Tree irrigation at the Santa Fe Golf Course	\$17,762
General	Recreation	Facility improvements at Station 618 and Santa Fe Crossing (Paint interior and exterior, replace carpet, windows, and AC units, new conference room table and chairs)	\$68,261
General	Animal Services	Animal Shelter building improvements	\$119,150
General	Police	Reserved 50/50 split with Risk Mgmt- payment request pending for gun range roof	\$9,150
General	Public Safety Communications	Funding for maintenance agreements with Hexagon; supports objectives of Police, Fire Dispatch, and Records Management	\$5,000
Intergovernmental	Environmental Health	Purchase and implementation of electronic health inspections system software and equipment	\$118,117
Intergovernmental	Environmental Health	Committed funds for Kirby rain capture system	\$15,000
Water	Capital	Infrastructure associated with street program construction	\$1,166,441
Water Capital	Capital	Infrastructure associated with street program construction	\$20,938
Water Reclamation	Capital	Infrastructure associated with street program construction	\$1,042,397
Water Reclamation Capital	Capital	Infrastructure associated with program construction	\$1,401,322
Stormwater	Capital	Sunset Lake dredging & Avenue P drainage	\$1,178,081
Stormwater	Capital	Haul truck upfit equipment/safety lighting. Truck purchased in FY18 but not yet delivered.	\$3,898
Risk Management	Claims	Funds approved to pay storm damages from prior year; large claims on farm irrigators	\$365,389
Civic Events	Administration	Purchase new event scheduling system	\$24,000
GRAND TOTAL			\$6,580,613



City Council

November 20, 2018



Budget Amendment

	Revenue	Expense
Fire Training Revenue	\$45,000	
Fire Training Costs		\$45,000



Budget Amendment

	Revenue	Expense
TxDOT RAMP Grant	\$50,000	
Local Match	\$50,000	
Project Cost		\$100,000



Budget Amendment

	Revenue	Expense
Homeland Security Grant	\$67,538	
Expense		\$67,538



Budget Amendment

General Fund	Revenue	Expense
Document Management Software		\$23,000
Continuation of Battery Backup System		\$20,207
Street & Bridge		\$982,500
Santa Fe Golf Course Irrigation		\$17,762



Budget Amendment

General Fund	Revenue	Expense
Station 618 & Santa Fe Crossing Improvements		\$68,261
Animal Shelter Improvements		\$119,150
Gun Range Roof		\$9,150
Hexagon Maintenance		\$5,000



Budget Amendment

Other Funds	Revenue	Expense
Electronic Health Inspections		\$118,117
Kirby Park Rain Capture System		\$15,000
Water/Water Reclamation Infrastructure for Street Program		\$3,631,098



Budget Amendment

Other Funds	Revenue	Expense
Sunset Lake Dredging & Avenue P Drainage		\$1,178,081
Stormwater Truck Equipment		\$3,898
Farm Irrigators		\$365,389
Event Scheduling Software		\$24,000





City Council

November 20, 2018



**AN ORDINANCE OF THE CITY OF SAN ANGELO AMENDING
THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER
1, 2018, AND ENDING SEPTEMBER 30, 2019, FOR CAPITAL
ITEMS, GRANTS, AND REIMBURSED EXPENSES.**

WHEREAS the City of San Angelo has determined that certain budgeted amounts should be amended due to project changes and unforeseen circumstances, and

WHEREAS the resources necessary for these changes are available;

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

The City's budget for fiscal year 2018-2019 be amended by the amounts contained in Exhibit A.

INTRODUCED on the 20th day of November, 2018, and APPROVED and ADOPTED on this 4th day of December.

ATTEST:

CITY OF SAN ANGELO, TEXAS:

Julia Antilley, Interim City Clerk

Brenda Gunter, Mayor

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Tina Dierschke, Finance Director

Theresa James, City Attorney

**City of San Angelo
Proposed Budget Amendment
Exhibit A**

Fund	Total Revenue Amendment	Total Expense Amendment	Net Benefit/(Cost)
General Fund	\$45,000	\$1,290,030	\$(1,245,030)
Intergovernmental Fund	\$167,538	\$300,655	\$(133,117)
Airport Fund	\$-	\$-	
Stormwater Fund	\$-	\$1,181,979	\$(1,181,979)
Water Fund	\$-	\$1,166,441	\$(1,166,441)
Water Reclamation Fund	\$-	\$1,042,397	\$(1,042,397)
Property Casualty Fund	\$-	\$365,389	\$(365,389)
Civic Events Fund	\$-	\$24,000	\$(24,000)
Water Capital Fund	\$-	\$20,938	\$(20,938)
Water Reclamation Capital Fund	\$-	\$1,401,322	\$(1,401,322)
	\$212,538	\$6,793,151	\$(6,580,613)

City of San Angelo
Proposed Budget Amendment
Additional Information

Project/Need	Source of Funding	Revenue	Expense	Net Benefit/(Cost)
Fire Training Classes	Class Registration fees	\$45,000	\$45,000	\$-
Emergency Management Communication Equipment	Homeland Security Program Grant	\$67,538	\$67,538	\$-
Airport Maintenance Projects	Texas Department of Transportation Routine Airport Maintenance Program Grant	\$100,000	\$100,000	\$-
FY2017-18 Incomplete Projects	Fund Balances	\$-	\$6,580,613	\$(6,580,613)
		\$212,538	\$6,793,151	\$(6,580,613)