



City Council Agenda 01/22/2019

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held on January 22, 2019 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 January 20 - 26, 2019 as San Angelo School Choice Week
- b. Recognition of Economic Development Business Retention & Expansion Coordinator Shannon Scott's selection as one of the recent 20 Under 40 honorees
- c. Recognition of Recreation Office Assistant Bertha Garcia for 24 years of service to the City of San Angelo

5. Public Comment

Issues or items that are not on the Regular 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 January 8, 2019 City Council regular meeting minutes (Julia Antilley)
- b. Consider a resolution (English/Spanish) calling and ordering the General Election for May 4, 2019, authorizing the City Manager to execute an Interlocal Agreement for Joint Election, and providing for the holding of a joint election to be administered by the Tom Green County Election Administration (Julia Antilley)
- c. Consider awarding WU-05-19 Liquid Ferrous Chloride for treatment purposes at the Water Reclamation Facility to Pencco, Inc. in the amount of \$96,600 annually, budgeted for purchase FY2019, and an option to extend for two additional one year periods for a total contract term of up to three years and authorizing the City Manager to execute any related documents (Lance Overstreet)
- d. Consider approving a recreational license agreement with San Angelo Western Little League on public property located near the San Angelo Regional Airport (Mathis Field) and authorizing the City Manager to execute all related documents (Carl White)

- e. Second reading and adoption of an ordinance approving case Z18-21, a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and the Single-Family Residential (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, located at 909 W. Beauregard Ave. (Jon James)
- f. Second reading and adoption of an ordinance approving case Z18-22, a rezoning from the Single-Family Residential Zoning District to the Two-Family Residential Zoning District, located at 701-721 W. 15th St. (Jon James)
- g. Second reading and adoption 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 (Tina Dierschke)

7. Regular Agenda

- a. Consider ratifying Amendment No. 1 in the amount of \$34,511 and approving Amendment No. 2 in the amount of \$26,756 to Task Order 5 originally issued to Freese & Nichols in the amount of \$111,827 for the design of a storm water detention basin for Avenue P drainage improvements and authorizing the City Manager to execute all related documents (Presentation made by City Engineer Russell Pehl)
- b. Consider approving a professional service agreement under RFQ ES-01-19 to Centurion Planning & Design, LLC, in the amount of \$2,160,497 for design and construction phase services for the Chadbourne Street Improvement CIP project and authorizing the City Manager to execute all related documents (Presentation made by Assistant City Manager Rick Weise and Assistant City Engineer Andy Vecellio)
- c. First reading and public hearing of an ordinance to change “Ellis Street” to “East Houston Harte Expressway Frontage Road” over a 2,900-foot length of this street's right-of-way beginning at Montague Avenue and continuing east to its terminus past Smith Boulevard to the East Houston Harte Expressway Ramp (Presentation made by Planning & Development Services Director Jon James)
- d. First reading and public hearing for:
 - 1. An ordinance for CP18-08, an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Neighborhood Center Future Land Use to the Neighborhood Future Land Use, being 0.97 acres of land located at 3210 - 3230 Abilene St.
 - 2. An ordinance for Z18-23, a Rezoning from the General Commercial (CG) Zoning District to the Single Family (RS-1) Zoning District, being 0.48 acres located at 3218, 3214, 3210 Abilene St. (Presentation made by Planning & Development Services Director Jon James)

- e. First reading and public hearing for:
 - 1. An ordinance for CP18-09, an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Neighborhood Center Future Land Use to the Neighborhood Future Land Use, being 0.97 acres of land located at 2900 - 2920 Houston St.
 - 2. An ordinance for Z18-24, a Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single Family (RS-1) Zoning District, being 0.48 acres of land located at 2920, 2916, 2912 Houston St.
 - 3. An ordinance for PD18-05, a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for uses permitted within the General Commercial (CG) Zoning District and a shared sign plan for off-site signage, being 9.93 acres of land located at 4206 South College Hills Blvd. and 3121 and 3131 Sunset Dr.
 - 4. An ordinance for Z18-25, a Rezoning from the Low Rise Multifamily Residential (RM-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, being 0.915 acres of land located at 5205 South Bryant Blvd.
 - 5. An ordinance for Z18-27, a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Low Rise Multifamily Residential (RM-1) Zoning District, being 1.18 acres of land located at 3608 N. Chadbourne St. (Presentation made by Planning & Development Services Director Jon James)
- f. First reading and public hearing of an ordinance approving the abandonment of approximately 14,778 square feet of King Mill Dr. and 14,777 square feet of Wedgewood Ct. public right-of-ways; located within Block 101, Section 16C, Bentwood Country Club Estates (Presentation made by Planning & Development Services Director Jon James)
- g. Update and possible action allowing the City Manager to negotiate the buyback provision and execute any related documents regarding the Hot In Place Asphalt Recycler (HIPAR) (Presentation made by Operations Director Shane Kelton)
- h. Update presentation regarding the 2018 Ports-to-Plains Alliance Annual meeting held in Del Rio October 30th-November 2nd, 2018 (Presentation made by Director of Economic Development Guy Andrews)
- i. Progress report on the Airport Master Plan (Presentation made by Deputy Airport Director Mitch Sprunger)
- j. Update on Sales Tax revenue performance (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(1)(A) consult with attorney when the governmental body seeks the advice of its attorney about pending or contemplated litigation regarding Sheila Andrews vs The City of San Angelo

- b. Section 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, regarding municipal court contract negotiations.
- c. Section 551.074(a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee regarding board/commission appointments

9. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session, if needed
- b. Consider approving various board nominations:
Park Commission: Don Griffis (At-Large) to a 4th term ending January 2023, Bitsy Stone (At-Large) to a 3rd term ending January 2023, and Allison Watkins (At-Large) to a 1st full term ending January 2023
- c. Discussion of the May 2019 City Council Schedule regarding Election Canvassing
- d. Announcements and consideration of Future Agenda Items

10. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, on the 18th day of January 2019, at 2:52 p.m.



Julia Antilley, 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

All children in San Angelo should have access to the highest-quality education possible.

San Angelo recognizes the important role that an effective education plays in preparing all students in San Angelo to be successful adults.

Quality education is critically important to the economic vitality of San Angelo.

San Angelo is home to a multitude of excellent education options from which parents can choose for their children.

Educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community.

Our area has many high-quality teaching professionals who are committed to educating our children.

School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim January 20-26, 2019 as

SAN ANGELO SCHOOL CHOICE WEEK

in San Angelo, Texas and call this observance to the attention of all of our citizens.

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 22ND day of January, 2019.

Brenda Gunter
Mayor of the City of San Angelo

Recognition

We congratulate Shannon Scott on her inclusion in this year's class of 20 Under 40 honorees.

This program recognizes and applauds rising young leaders in our community. Shannon certainly fits that bill. As an economic development specialist in the City's Economic Development Department, she plays a key role in growing jobs and expanding San Angelo's economic base. Among her duties, she assists in the work of the City's Development Corporation, she manages the Tax Increment Reinvestment Zone program, and she works with the Business Retention and Expansion Program. As a result, she has assisted in the revitalization of our historic downtown, helping to transform boarded up buildings into thriving new enterprises.

Despite her accomplishments to date, Shannon is still striving to better herself professionally. She is currently enrolled -- and excelling -- in Texas Tech University's MBA program for working professionals. We're eager to see where her career takes her and the impact she will have on our community.

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

SHANNON SCOTT

for her achievement and positive determination to make a difference in our community and our municipal government.

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 22nd day of January, 2019.

Brenda Gunter
Mayor of the City of San Angelo

Recognition

The City of San Angelo is losing a public servant of boundless heart, humility and dedication. On January 31st, Bertha Garcia retires as office assistant for the Recreation department. She will do so with 24 years of service to the City of San Angelo.

Bertha began her career in the City of San Angelo's Health department, serving there for almost 10 years. After moving to the Vehicle Maintenance department for a few years, an opening at the Recreation department became available.

For more than 13 years, Bertha has become the face of San Angelo Recreation. When customers walk in the doors, Bertha is the face they expect to see to greet them. On days when Bertha is not at her desk, everyone always asks about her. She is gifted with the ability to make the customer feel special. She knows many by name and is also familiar with the families who have been a part of the Recreation department's programs for years.

Of her City career, Bertha says that when the position came available in Recreation, she felt that she would work there for the rest of her career: "It was a perfect fit for me! I have really enjoyed working with my Recreation family. I have spent more time with them than my own."

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

BERTHA GARCIA

for her achievement and positive determination to make a difference in our community.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 22nd day of January, 2019.

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, January 8, 2019

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 8:34 a.m. on Tuesday, January 8, 2019, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Legislative Prayer

An invocation was provided by San Angelo Police Department Chaplain Tommy Tallas.

3. Pledges

The pledges were led by Davis Darby (5th grade) and Mary Cathryn Darby (3rd grade), both of Santa Rita Elementary.

4. Proclamations/Recognitions

January 2019 was proclaimed as School Board Recognition Month.

Becky Dunn, Executive Office Coordinator in the City Manager's Office, and City Employees were recognized for their Salvation Army Angel Tree effort.

Shannon Medical Center was recognized for being named one of the nation's 50 Top Cardiovascular Hospitals by IBM Watson Health.

5. Public Comment

City Clerk Julia Antilley announced upcoming deadlines for the May 2019 election.

Citizen Steve Hampton expressed concern regarding Closed Session.

Interim Airport Director Mitch Sprunger recognized individuals at the airport for their selflessness, including Bruce Burkett (COSA Airport Police Officer), Cody Engdahl (Envoy Airlines), Rick Hollenbeck (Avis), and Alma Hernandez (Hertz) for their response to the recent security incident.

CVB Vice President Diann Bayes announced a Texas Music Friendly Workshop will be held Thursday at 5:30 p.m. in Council Chambers and announced the True West Magazine February issue is available at the Visitor's Center.

6. Consent Agenda

- a. Approval of the December 11, 2018 City Council regular meeting minutes (Julia Antilley)
- b. Approval of two Supplemental Easements and Right of Ways to AEP Texas, Inc., providing for a 100-foot perpetual utility easement across land owned by the City of San Angelo and is commonly known as City Farm (Cindy Preas)

- c. Ratification of a resolution by the COSADC Board authorizing the Board President to execute an electric utility transmission line easement on behalf of the Development Corporation conveying to AEP Texas, Inc. A 100-foot perpetual utility easement across land owned by COSADC generally known as Phase II of the San Angelo Business and Industrial Park (Bob Schneeman) (Pg. 6, #2019-001)
- d. Approval of the award of WU-09-18 to Online Information Services for collection purposes in the amount of 20% of the collection balance and authorizing City Manager to execute all related documents (Lance Overstreet)
- e. Approval of Sourcwell (NJPA) contract #062117-EXM for the purchase of eight mowers, with the option to purchase two additional mowers, from Cross Texas Supply (San Angelo, TX), in the amount of \$128,750, budgeted in fiscal year 2019 (Ryan Kramer)
- f. Approval of to pay Midwest Employers Casualty Company \$91,400 for premium renewal for Excess Workers Compensation insurance for policy year 2018-2019, budgeted in FY2019 (Charles Hagen)
- g. Adoption of a resolution allowing for funding of management services provided by the San Angelo Performing Arts Coalition as they relate to the Auditorium (Tina Dierschke) (Pg. 10, #2019-002)

Motion: Council Member Carter made a motion, seconded by Council Member Hiebert, to approve consent items 6a, 6b, 6c, 6f, and 6g. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Carter made a motion, seconded by Council Member Gonzales, to approve consent item 6d as presented by Assistant Water Utilities Director Lance Overstreet. The motion carried unanimously (7) ayes to (0) nays.

Citizen Steve Hampton requested details regarding item 6e.

Motion: Council Member DeWitt made a motion, seconded by Council Member Gonzales, to approve consent item 6e as presented by Fleet Superintendent Ryan Kramer. The motion carried unanimously (7) ayes to (0) nays.

7. Regular Agenda

- a. First reading and public hearing approving an amendment to the Zoning Ordinance, establishing new standards for regulating mobile food trucks on public and private property in the City of San Angelo (Presentation made by Planning & Development Services Director Jon James)

Citizen Steve Hampton requested clarification on the ordinance.

Food truck owner Tim Condon spoke against the ordinance. [Mr. Condon provided documents for City Council to view but refused to allow the City to scan for the official record. Health Director Sandra Villarreal provided a set of eight papers minus the Permit Renewal Notice for the official record.]

Restaurant owner and former food truck owner Adrian Soto requested clarification on the ordinance.

Snow cone truck owner Emilio Portillo requested clarification on the ordinance.

Snow cone truck owner Carlos Rodriguez requested clarification regarding mobile snow cone businesses.

Snow cone truck owner Adriana Cortido requested clarification on annual permit renewals.

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve the item, as presented and later amended the motion. The amended motion approved the item as presented, with the exception that while the ordinance will go into effect immediately upon passing second reading, the enforcement will not go into effect for six months - allowing businesses time to comply; provisions will be added to exempt snow cone and ice cream trucks from the residential area restrictions; and, will exempt catering of private functions on private property. The motion carried (6) ayes to (1) nay with Council Member Carter casting the dissenting vote.

- b. First reading and public hearing approving an ordinance approving case Z18-21, a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and the Single-Family Residential (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, located at 909 W. Beauregard Ave. (Presentation made by Planning & Development Services Director Jon James)

Citizen Steve Eustis, representing the property ownership, spoke in support of the zoning change.

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

- c. First reading and public hearing approving an ordinance approving case Z18-22, a rezoning from the Single-Family Residential Zoning District to the Two-Family Residential Zoning District, located at 701-721 W. 15th St. (Presentation made by Planning & Development Services Director Jon James)

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

- d. Award of RFB ES-03-19, 2019 Annual Sealcoat Project, to Fuquay, Inc. in the amount of \$3,656,081.43 and authorizing the City Manager to execute any related documents (Introduction made by City Engineer Russell Pehl, presentation made by Project Engineer Mitchell Gatlin, and questions answered by Operations Director Shane Kelton)

Citizen Steve Hampton expressed concern.

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

- e. Discussion and approval of:
 - 1. 2018 Bylaws for the newly activated Keep San Angelo Beautiful (KSAB) non-profit organization
 - 2. Appointment of City Council Member representative (Presentation made by Neighborhood & Family Services Director Bob Salas)

Citizen Steve Hampton volunteered to serve on the board. [Mayor Gunter volunteered to appoint Mr. Hampton as her representative.]

Motion: Council Member Carter made a motion, seconded by Council Member Gonzales, to approve the item, as presented, with the exception of requiring a minimum of five (5) members of the board be residents of the City of San Angelo and appointing Council Member Harry Thomas as the Council's KSAB board representative. The motion carried unanimously (7) ayes to (0) nays.

- f. Approval of an amendment to the Interlocal Cooperation Agreement with the Concho Valley Transit District that provides for City funding for up to three bus shelters annually and authorizing the City Manager to execute all related documents (Presentation made by City Attorney Theresa James and City Manager Daniel Valenzuela)

CVT Executive Director John Austin Stokes provided an update on CVT services and outlined proposed future shelter locations. [Council Member DeWitt requested possibly adding a shelter near the soup kitchen on MLK.]

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

- g. Ratification of a resolution by the COSADC Board authorizing the president to negotiate and execute Task Order No. 3 to Professional Services Agreement, RFQ DC-02-17, with Parkhill Smith & Cooper, Inc. in a sum not to exceed \$15,000 to perform professional engineering and surveying services for revised final plat relating to Phase II and Phase II.2 of the San Angelo Business & Industrial Park, subject to approval of the City Council (Presentation made by Business Retention & Expansion Program Coordinator Bob Schneeman) (Pg. 11, #2019-003)

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

- h. Update presentation regarding the recently completed property appraisal report of property at the San Angelo Business & Industrial Park by Stribling-Probandt Appraisal, LLC (Presentation by Bob Schneeman Economic Development Project Manager)

No action taken on this item.

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

No action taken on this item. [Mayor Gunter requested to have quarterly sales tax totals and sales tax percentage increase at the next presentation along with the online sales tax trends in the future.]

- j. First public hearing and introduction approving 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 with support from Fort Concho Manager Bob Bluthardt)

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve the item, as presented. 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. Section 551.072 deliberations about Real Property regarding: 703 S. Chadbourne St. (Historic Orient Santa Fe Depot)
- 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. Section 551.071(2) Consultation with Attorney. A governmental body may conduct a closed meeting 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 annual drag boat races

9. Follow Up and Administrative Issues

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

Citizen Steve Hampton requested clarification on the proposed lease length.

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, to authorize the City Manager to enter into negotiations with the railroad museum for a long-term lease. The motion carried unanimously (7) ayes to (0) nays.

- b. Discussion and possible action related to scheduling future meetings
 - 1. Strategic Planning Workshop
 - 2. April City Council Dates

Consensus was reached to hold the Strategic Planning Workshop February 26, 2019 at 3:00 p.m. in the East Mezzanine of City Hall and to hold the first April 2019 City Council meeting in Council Chambers Monday, April 1, 2019. The April 16, 2019 meeting will remain unchanged.

- c. Consider approving various board nominations:
~~Park Commission: Don Griffis (At Large) to a 4th term ending January 2023, Bitsy Stone (At Large) to a 3rd term ending January 2023, and Allison Watkins (At Large) to a 1st full term ending 2023~~

Item moved to the January 22, 2019 meeting for further research.

- d. Announcements and consideration of Future Agenda Items

Council Member Gonzales requested an update on the Benedetti.

Council Member Thompson requested an update on the San Angelo Regional Airport study.

10. Adjournment

Motion: Council Member Hiebert made a motion, seconded by Council Member Gonzales, to adjourn the meeting. The adjournment was approved by consensus with Mayor Gunter calling a vote of (7) ayes to (0) nays.

There being no further business, the meeting was adjourned at 1:15 p.m.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Julia Antilley, 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: Julia Antilley, City Clerk, City Clerk, 325-657-4405

Meeting Date: January 22, 2019

Item type: Consent Item

Caption:

Consider a resolution (English/Spanish) calling and ordering the General Election for May 4, 2019, authorizing the City Manager to execute an Interlocal Agreement for Joint Election, and providing for the holding of a joint election to be administered by the Tom Green County Election Administration (Julia Antilley)

Summary/History:

The ordering of the General Election is a routine action required by the Election Code 3.005(a) to set the date of the election, possible runoff date, and establish locations for early voting. The General Election will be conducted to fill four year terms for City Council Single Member Districts 1, 3, and 5.

The Interlocal Agreement provides for the holding of a joint election with Grape Creek Independent School District, San Angelo Independent School District, Veribest Independent School District, Wall Independent School District and such other local government entities that join in a joint election interlocal agreement with the county and city. The election held on May 4, 2019 will be administered by Tom Green County Election Administration with a provision for shared election services. This has proven to be the most efficient method of conducting the elections and is in the best interest of the citizens of the City of San Angelo.

Financial Impact:

The expense of the election is shared with the other participating entities. Staff negotiated and executed a Master Joint Election Services Agreement with Tom Green County for this and subsequent elections until 2022. The master agreement outlines that the Elections Administrator will continue to hold elections for the municipality on the May uniform election date, and participating entities agreed to purchase additional equipment and hire additional personnel for conducting said elections.

The historical cost for previous elections has ranged from \$30,000 to \$60,000, depending on the number of participating entities and whether a runoff election is necessary. With the payments below, the existing budget should be sufficient.

The most recent payments for General Elections have been:

2017: \$28,503.12

2016: \$60,661.03

2015: \$28,313.78

Other Information/Recommendation:

Attachments:

1. 19-187_ORDER_SET_GEN_ELEC_5.4.19_RESO 19-187_ORDER_SET_GEN_ELEC_5.4.19_RESO.pdf

- | | | |
|----|---|---|
| 2. | 19-187_ORDER_SET_GEN_ELEC_5.4.19_RES(SPANISH) | 19-187_ORDER_SET_GEN_ELEC_5.4.19_RES(SPANISH).pdf |
| 3. | 19-187_INTERLOCAL_JOINT_ELECTION_AGREEMENT | 19-187_INTERLOCAL_JOINT_ELECTION_AGREEMENT.docx |
| 4. | Master Interlocal Agreement | Master Interlocal Agreement.pdf |
| 5. | 19-187_NOTICE_OF_GENERAL_ELECTION | 19-187_NOTICE_OF_GENERAL_ELECTION.pdf |

Presentation:

Julia Antilley

Approvals/Reviews:

Julia Antilley

Theresa James

Becky Dunn

Julia Antilley

Created/Initiated

Approved

Approved

Final Approval

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS, ORDERING THAT A GENERAL ELECTION BE HELD IN SAID CITY ON THE 4TH DAY OF MAY, 2019, FOR THE PURPOSE OF ELECTING THREE COUNCIL MEMBERS FOR SINGLE MEMBER DISTRICTS ONE, THREE, AND FIVE RESPECTIVELY, FOR FOUR YEAR TERMS; DESIGNATING LOCATIONS OF POLLING PLACES; PROVIDING FOR DATES, TIMES AND PLACE FOR EARLY VOTING BY PERSONAL APPEARANCE; AUTHORIZING A JOINT ELECTION WITH SAN ANGELO INDEPENDENT SCHOOL DISTRICT, GRAPE CREEK INDEPENDENT SCHOOL DISTRICT, VERIBEST INDEPENDENT SCHOOL DISTRICT, WALL INDEPENDENT SCHOOL DISTRICT, AND SUCH OTHER LOCAL GOVERNMENT ENTITIES THAT JOIN IN A JOINT ELECTION INTERLOCAL AGREEMENT WITH THE COUNTY AND CITY; MAKING TENTATIVE PROVISIONS FOR A RUNOFF ELECTION; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS RESOLUTION; ORDERING PUBLICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of San Angelo, Texas (hereinafter referred to as "City"), pursuant to provisions of the Texas State Constitution, Texas Election Code and City Charter for the City of San Angelo does determine to call a general election for the purpose of electing municipal officers for the following positions: one City Councilmember from Single Member District 1; one City Councilmember from Single Member District 3; and one City Councilmember from Single Member District 5; by the qualified voters of the City of San Angelo eligible to vote for said officers; and

WHEREAS, should any candidate for an office in the general municipal election fail to receive a majority of all the votes cast for such office, then in that event, it shall be the duty of the City Council to order a runoff election for each position to which no one received a majority of all votes cast for such office as required by Section 45 of the City Charter and state law; and

WHEREAS, Tom Green County (TGC), Tom Green County Election Administration, City of San Angelo (City), San Angelo Independent School District (SAISD), Grape Creek Independent School District (GCISD), Veribest Independent School District (VISD) and Wall Independent School District (WISD) entered into a Master Interlocal Agreement for Joint Elections effective December 6, 2011, stipulating for election services to be provided by Tom Green County Election Administration, in anticipation of the holding joint elections in May of each year from and after May, 2012, through May of 2022; and

WHEREAS, the election on May 4, 2019, will be held jointly with the afore named independent school districts that opt to enter into an interlocal agreement for joint election under terms stipulated in the Master Interlocal Agreement for joint elections and such other local government entities that join in a joint election interlocal agreement with the county and city as authorized under Section 271.002 of the Texas Election Code; and

WHEREAS, the meeting at which this Resolution is considered is open to the public as required by law, and public notice of the time, place, and purpose of said meeting was given as required by Title 5, Chapter 551, Texas Government Code.

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

Section 1. All of the above premises are found to be true and correct and are incorporated into the body of this Resolution as if herein set forth in their entirety.

Section 2. The City Council orders a general election of officers for the City of San Angelo, Texas, to be held on the first Saturday of May, 2019, the same being the 4th day of May, 2019, which is not less than seventy-eight (78) days from the date of the adoption of this Resolution (EC 3.005), between the hours of 7:00 A.M. and 7:00 P.M., for the purpose of electing the following municipal officers: one City Councilmember from Single Member District 1; one City Councilmember from Single Member District 3; and one City Councilmember from Single Member District 5.

Section 3. The general election ordered to be held on Saturday, May 4, 2019, shall be held jointly with San Angelo Independent School District, Grape Creek Independent School District, Veribest Independent School District, and Wall Independent School District that opt to enter into an interlocal agreement for joint election as authorized under Section 271.002 of the Texas Election Code and permitted under the Master Interlocal Agreement for joint elections effective December 6, 2011, in anticipation of holding joint elections in May of each year from and after May 2012, through May of 2022, and such other local government entities that join in a joint election interlocal agreement with the county and city.

Section 4. In the event that in the general election herein ordered for any office, no candidate receives a majority of all the votes cast for such office, and the City Council calls for a run-off election for each such position, there shall be held a run-off election pursuant to Section 45 of the City of San Angelo City Charter and state law, which shall not be earlier than the 20th day or later than the 45th day after the date the final canvass of the main election is completed. (EC 2.025)

Section 5. The official ballots for said election shall conform to the Texas Election Code, as amended, so as to permit the electors to vote for the candidate of their choice, with the official ballot to contain such other provisions, markings and language as required by law.

Section 6. Early voting by personal appearance shall be conducted each weekday, April 22, 2019 through April 26, 2019, from 8:00 A.M. - 5:00 P.M., and April 29, 2019 through April 30, 2019, from 7:00 A.M. – 7:00 P.M. The City of San Angelo will utilize the early voting branch location, shown on **Exhibit “A”**, adopted as part of this Resolution, and designated by Tom Green County as outlined in the Election Code Section 42.002 entitled “Required Use of County Precincts”.

Application for ballot by mail shall be mailed to:

City Clerk, City of San Angelo
c/o Vona Hudson, Tom Green County Elections Administrator
Edd B. & Frances Frink Keyes Building 113 W. Beauregard Ave.
San Angelo, Texas 76903

Applications for ballot by mail must be received no later than the close of business on Friday, April 19, 2019.

Section 7. The election day polling places where qualified voters shall cast ballots will be at the locations designated on **Exhibit “A”**, adopted as part of this Resolution, and designated by Tom Green County as outlined in the Election Code Section 42.002 entitled “Required Use of County Precincts”.

Section 8. Said elections shall be conducted and the results canvassed and announced as prescribed by the General Election Laws of the State of Texas, as amended, and only duly qualified electors shall be qualified to vote.

Section 9. The City Clerk is directed and required to publish notice of said elections as required by law. (EC 4.003(a)(1))

Section 10. The terms and provisions of this Resolution shall be deemed to be severable in that if any portion of this Resolution shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Resolution.

Section 11. This Resolution shall be effective from and after the date of adoption.

PASSED, APPROVED and ADOPTED on the 22nd day of January, 2019.

THE CITY OF SAN ANGELO, TX:

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

APPROVED AS TO FORM:

Theresa James, City Attorney

Exhibit "A"

**POLLING PLACES FOR MAY 4, 2019 GENERAL ELECTION
AND SUBSEQUENT UNIFORM ELECTION DATES
AND RELATED EARLY VOTING DATES**

Early Voting (Votacion Adelantada)

April 22-April 26, 2019, 8 am to 5 pm (22 de abril hasta el 26 de abril, desde las 8 hasta las 5)

April 29-30, 2019, 7 am to 7 pm (El 29 y 30 de abril, desde las 7 hasta las 7)

Edd B. and Frances Frink Keyes Building, 113 W. Beauregard, 1st floor (Primero Piso) San Angelo,
Texas 76903

During early voting, any voter may go to this location and vote on all the issues for which they are eligible. (Durante la votación temprana, cualquier votante puede ir a este lugar y votar en todos los temas para los cuales son elegibles.)

Election Day (Dia de las Elecciones)

May 04, 2019, 7 am to 7 pm

(el 4 de mayo, 2019, desde las 7 hasta las 7)

Location	Address
Angelo Bible Church	3506 Sherwood Way
Belmore Baptist Church	1214 S. Bell
Calvary Baptist Church	2401 Armstrong St.
Christoval Community Center	20022 Main St., Christoval, TX 76935
Celebration Church	2639 Sunset Dr.
Concho Valley Transit District (Bus Depot)	510 N. Chadbourne
SAF First Assembly of God Church	1442 Edmund Blvd.
Grape Creek ISD Admin. Bldg.	8207 US Hwy 87 N.
Keating Paint and Body Shop	5050 N. Chadbourne
MHMR	1501 W. Beauregard
Paulann Baptist Church	2531 Smith Blvd.
Segunda Iglesia Bautista	510 W. Avenue T
Southgate Church of Christ	528 Country Club Rd.
St. Ambrose Catholic Church	8602 Loop 570, Wall, TX 76959
TxDOT	4502 Knickerbocker Rd., Bldg. E
Veribest Baptist Church	50 FM 2334, Veribest, TX 76886
Wesley Trinity United Methodist Church	301 W. 18th St.
West Texas Rehab, Conference Center	1925 University

On Election Day, any voter may go to any one of these locations and vote on all the issues for which they are eligible. (El día de elección, cualquier votante puede ir a cualquiera de estos lugares y votar sobre todas las cuestiones para los cuales son elegibles.)

UNA RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE SAN ANGELO, TEJAS, ORDENANDO UNA ELECCIÓN GENERAL PARA LA ELECCIÓN DE OFICIALES MUNICIPALES QUE SE CELEBRARÁ EL 4 DE MAYO DE 2019; CON EL FIN DE ELEGIR TRES MIEMBROS DEL CONSEJO DE LA CIUDAD PARA DISTRITO DE MIEMBRO ÚNICOS UNO, TRES Y CINCO, RESPECTIVAMENTE, PARA TÉRMINOS DE CUATRO AÑOS; LA DESIGNACIÓN DE UBICACIONES DE CENTROS ELECTORALES; PROPORCIONAR LAS FECHAS, HORARIOS Y LUGAR PARA LA VOTACIÓN TEMPRANA EN PERSONA; AUTORIZANDO UNA ELECCIÓN CONJUNTA CON LOS DISTRITOS ESCOLARES INDEPENDIENTES DE SAN ANGELO, GRAPE CREEK, VERIBEST Y WALL; Y DICHAS OTRAS ENTIDADES DEL GOBIERNO LOCAL QUE SE UNEN A UN CONVENIO INTERLOCAL CON ELECCIÓN CONJUNTA CON EL CONDADO Y LA CIUDAD; ADOPTAR DISPOSICIONES PROVISIONALES PARA UNA ELECCIÓN DE DESEMPATE; ADOPTAR DISPOSICIONES PARA LA REALIZACIÓN DE LAS ELECCIONES, Y OTROS INCIDENTES RELACIONADO CON EL PROPÓSITO DE LA PRESENTE RESOLUCIÓN; ORDENAR PUBLICACIÓN; PROPORCIONAR PARA DIVISIBILIDAD; Y PROPORCIONAR UNA FECHA DE VIGENCIA

EN TANTO QUE, el Concejo de la Ciudad de San Angelo, Tejas (de aquí en adelante "Ciudad"), en virtud con las disposiciones de la Constitución del Estado de Tejas, el Código de Elecciones de Tejas y Carta de la Ciudad de San Angelo determina, con el propósito de elegir a los siguientes oficiales de dicha Ciudad: Un Concejal de La Ciudad de Distrito Unico Numero Uno; un Concejal de la Ciudad de Distrito Único Numero Tres; y un Concejal de la Ciudad de Distrito Único Numero Cinco por los votantes calificados de la Ciudad de San Angelo elegibles para votar por dichos oficiales; y

EN TANTO QUE, si cualquier candidato para una oficina en la elección municipal general falla de recibir una mayoría de los votos lanzó para tal oficina, entonces en ese acontecimiento, será el deber de la Ciudad para pedir una elección de desempate para cada posición a la que nadie recibió la mayoría de los votos lanzó por dicha oficina tal como se exige por la Sección 45 de la Carta de la Ciudad; y

EN TANTO QUE, el Condado de Tom Green (TGC), el Condado de Tom Green Administración de Elecciones, la Ciudad de San Angelo, los Distritos Escolares Independientes de San Angelo (SAISD), Grape Creek (GCISD), Veribest (VISD) y Wall (WISD) firmaron un Acuerdo Maestro Interlocal estipulando que los servicios electorales serán proporcionados por la Administración de Elecciones del Condado de Tom Green, en anticipación de la celebración de elecciones conjuntas en mayo de cada año desde y después de mayo de 2012 hasta mayo de 2022; y

EN TANTO QUE, la elección del 4 de mayo de 2019, se llevará a cabo conjuntamente con los Distritos Escolares Independientes antes nombrados que opten por celebrar un acuerdo interlocal para la elección conjunta en los términos estipulados en el Acuerdo Interlocal Maestro para las elecciones conjuntas y otras entidades del gobierno local que se unan en un acuerdo interlocal electoral conjunta con el condado y la Ciudad, según lo autorizado en la Sección 271.002 del Código de Elecciones de Tejas; y

EN TANTO QUE, la reunión en la cual esta Resolución se considera está abierta para el público como requerido según la ley y fue dado aviso público del tiempo, lugar, y proposito de dicha reunión como lo requiere el Título 5, Capítulo 551, del Código Gobierno de Tejas.

AHORA, POR LO TANTO, SERÁ RESUELTO POR LA CIUDAD QUE:

Sección 1. Que todas las premisas mencionadas anteriormente son verdaderas y correctas y están incorporadas en el cuerpo de esta Resolución como si estuvieran establecidos en su totalidad.

Sección 2. Que la Ciudad ordena una elección de oficiales para la Ciudad de San Angelo, Tejas, que se celebrará el primer sábado de mayo, 2019, el mismo ser el día 4 de mayo, 2019, que no es menos de setenta ocho (78) días de la fecha de la adopción de esta Resolución (EC 3.005), entre las horas de 7:00 de la mañana y 7:00 de la tarde, para el propósito de elegir a los oficiales municipales siguientes: un Concejal de La Ciudad de Distrito Unico Numero Uno; un Concejal de la Ciudad de Distrito Único Numero Tres; y un Concejal de la Ciudad de Distrito Único Numero Cinco.

Sección 3. Las elecciones generales ordenadas ser sostenidas el día 4 de mayo, 2019, se celebrarán conjuntamente con los Distritos Escolares Independientes de San Angelo, Grape Creek, Veribest y Wall que opten por celebrar un acuerdo interlocal para la elección conjunta según lo autorizado en la Sección 271.002 del Código de Elecciones de Texas y permitido bajo el Acuerdo Interlocal Maestro para elecciones conjuntas a partir del 6 de diciembre de 2011, anticipándose a la celebración de elecciones conjuntas en mayo de cada año desde y después de mayo de 2012, hasta mayo de 2022, y otras entidades gubernamentales locales que se unan en un acuerdo interlocal de elección conjunta con el condado y la Ciudad.

Sección 4. En caso de que en las elecciones generales aquí pedido para cualquier oficina, si ningún candidato recibe una mayoría de los votos lanzó para la oficina, y la Ciudad ordena una segunda votación/elección de desempate para cada posición, allí será sostenido una segunda votación en virtud de Sección 45 de la Carta de la Ciudad, que no será anterior al vigésimo día o posterior al 45.o día posterior a la fecha del último escrutinio de la elección principal esta completado. (EC 2.025)

Sección 5. Las boletas oficiales para la dicha elección se conformarán con el código de la elección de Tejas, según la enmienda prevista, para permitir que los electores voten por el candidato de su opción, con la boleta oficial para contener tales otras provisiones, marcas y lengua según los requisitos de ley.

Sección 6. Votación temprana en persona se llevarán a cabo cada día de la semana, a partir del 22 de abril del 2019 hasta el 26 de abril del 2019 de las 08:00 de la mañana hasta las 5:00 de la tarde; y del 29 de abril del 2019 hasta el 30 de abril del 2019 de las 7:00 de la mañana hasta las 7:00 de la tarde. La Ciudad de San Angelo utilizará la ubicación de la rama de votación temprana, mostrada en el Anexo “A”, adoptado como parte de la presente resolución y designado por el Condado de Tom Green como se indica en el Artículo 42.002 del Código Electoral, titulado “Uso Obligatorio de los Precintos del Condado”.

La solicitud para una boleta postal será enviado a:

Oficinista de La Ciudad de San Angelo
c/o Vona Hudson, Administradora de Elecciones del Condado de Tom Green
Edd B. & Frances Frink Keyes Building 113 W. Beauregard Ave.
San Angelo, Texas 76903

Las solicitudes para las boletas postales deben ser recibidas no más tarde de la hora de cierre de los negocios el martes día 19 de abril del 2019, sin excepción alguna.

Sección 7. Los lugares de votación del día de las elecciones donde los votantes elegibles deberán emitir sus votos serán en los lugares designados en el Anexo "A", adoptado como parte de esta resolución y designado por el Condado de Tom Green como se indica en el Artículo 42.002 del Código Electoral, titulado "Uso Obligatorio de los Precintos del Condado".

Sección 8. Las elecciones dichas deben ser conducidas y los resultados escrutinio y anunciado como prescritas por las leyes de elecciones generales del estado de Tejas, en su forma enmendada, y sólo los electores debidamente calificados serán calificados para votar.

Sección 9. El Oficinista de la Ciudad es dirigido y se requiere publicar el aviso de la elección dicha como requerido según la ley. [EC 4.003(a)(1)]

Sección 10. Que los términos y disposiciones de esta Resolución se considerará separable en si cualquier parte de esta Resolución deberá ser declarada inválida, el mismo no afectará la validez de las demás disposiciones de esta Resolución.

Sección 11. Esta Resolución debe ser eficaz en y después de la fecha de adopción.

PASADO, APROBADO Y ADOPTADO el día 22 de enero del 2019.

LA CIUDAD DE SAN ANGELO

ATESTIGUAR:

Brenda Gunter, Alcalde

Julia Antilley, Oficinista de La Ciudad

Aprobado en cuanto al contenido:

Julia Antilley, Oficinista de la Ciudad

Aprobado en cuanto a forma:

Theresa James, Abogada de la Ciudad

Anexo “A”

**LUGARES DE VOTACIÓN PARA EL SABADO 4 DE MAYO, 2019 ELECCIONES
GENERALES
Y FECHAS DE LA ELECCIÓN UNIFORMES SUBSECUENTES
Y RELACIONADOS CON LAS FECHAS DE VOTACIÓN TEMPRANA**

(Votación Temprana)

**22 de abril hasta el 26 de abril 2019, desde las 8 hasta las 5
El 29 y 30 de abril 2019, desde las 7 hasta las 7**

Edd B. & Frances Frink Keyes Building, 113 W. Beauregard, 1st floor (Primero Piso)

Durante la votación temprana, cualquier votante puede ir a este lugar y votar en todos los temas para los cuales son elegibles.

**Día de las Elecciones
el 4 de mayo, 2019, desde las 7 hasta las 7**

Ubicación	Dirección
Angelo Bible Church	3506 Sherwood Way
Belmore Baptist Church	1214 S. Bell
Calvary Baptist Church	2401 Armstrong St.
Christoval Community Center	20022 Main St., Christoval, TX 76935
Celebration Church	2639 Sunset Dr.
Concho Valley Transit District (Bus Depot)	510 N. Chadbourne
SAF First Assembly of God Church	1442 Edmund Blvd.
Grape Creek ISD Admin. Bldg.	8207 US Hwy 87 N.
Keating Paint and Body Shop	5050 N. Chadbourne
MHMR	1501 W. Beauregard
Paulann Baptist Church	2531 Smith Blvd.
Segunda Iglesia Bautista	510 W. Avenue T
Southgate Church of Christ	528 Country Club Rd.
St. Ambrose Catholic Church	8602 Loop 570, Wall, TX 76959
TxDOT	4502 Knickerbocker Rd., Bldg. E
Veribest Baptist Church	50 FM 2334, Veribest, TX 76886
Wesley Trinity United Methodist Church	301 W. 18th St.
West Texas Rehab, Conference Center	1925 University

El día de elección, cualquier votante puede ir a cualquiera de estos lugares y votar sobre todas las cuestiones para los cuales son elegibles.

INTERLOCAL AGREEMENT FOR JOINT ELECTION

WHEREAS, Chapter 271 of the Texas Election Code authorizes the governing bodies of political subdivisions to enter into an agreement to hold joint elections in election precincts that can be served by common polling places; and,

WHEREAS, Tom Green County (TGC), Tom Green County Election Administration, City of San Angelo (City), Veribest Independent School District (VISD) and Wall Independent School District (WISD) entered into a Master Interlocal Agreement for Joint Elections effective December 6, 2011, providing for election services to be provided by Tom Green County Election Administration, in anticipation of the holding joint elections in May of each year from and after May, 2012, through May of 2022 (hereinafter “Master Interlocal Agreement”); and,

WHEREAS the election on May 4, 2019, will be held jointly under this Interlocal Agreement for Joint Election, pursuant to Section 271.002 of the Texas Elections Code, by and between the City of San Angelo, the afore named independent school districts that execute this agreement, and such other local political subdivisions as opt to enter into this interlocal agreement for joint election (all parties to this agreement collectively referred to as “LPS”), and such LPS parties hereto agree to be bound under the terms and conditions stipulated in said Master Interlocal Agreement for Joint Elections; and

WHEREAS, the City of San Angelo and all other LPS parties, all in Tom Green County, Texas, desire to hold elections on May 4, 2019, for election of officers and/or certain propositions, and it would be for the benefit of each of said parties and the citizens and voters thereof, to hold the elections jointly, pursuant to the terms and conditions of the Master Interlocal Agreement for Joint Elections that provides for election services to be performed by the Tom Green County Election Administration (the “Election Administrator”);

NOW THEREFORE THIS AGREEMENT is made by and between said LPS parties acting by and through the authority of each of their governing bodies agree as follows:

1. The foregoing recitals are adopted for all purposes as part of this Agreement.
2. The LPS parties to this Agreement will hold a joint election for the election of officers and/or adoption of certain propositions as provided for in each party’s order setting election and authorizing this Interlocal Agreement for Joint Election (hereafter referred to as the “Joint Election”).
3. The Joint Election shall be conducted in accordance with the terms of the Master Interlocal Agreement, under the coordination, supervision and handling of Tom Green County, Tom Green Election Administration. A copy of the Master Interlocal Agreement is attached hereto as **Exhibit “A”**, the provisions of which are adopted by reference thereto as if fully set forth herein.
4. Each entity not a party to the Master Interlocal Agreement shall be responsible for paying the Tom Green County Election Administration an administrative fee and its proportionate share of expenses directly attributable to the election services for conducting the elections as determined by the Election Administrator and provided for in the Master Interlocal Agreement. Each paying party for the performance of the governmental functions or services that are the subject of this agreement must make those payments from current revenues available to the paying party.
5. Each entity will be responsible for canvassing its respective precinct returns for the Joint Election.
6. If a participating entity determines not to participate in the Joint Election to be held on Saturday, May 4, 2019, because it has no contested positions, the nonparticipating entity shall promptly notify the Tom Green County

Election Administration and the other parties to this Interlocal Joint Election Agreement, and this Agreement shall be automatically amended to delete the nonparticipating entity as a party to this Agreement.

7. In all respects, said elections shall be conducted in accordance with the Texas Election Code.
8. Each entity to this Interlocal Agreement will be responsible for preparation, adoption and publication of all required election orders, resolutions, notices and any other pertinent documents required by their respective governing bodies.
9. The voting system for the Joint Election is expected to be the same as described in the Master Interlocal Agreement.
10. Common polling places shall be utilized in the voting precincts wherein LPS parties have candidates on the ballot. The Tom Green County Elections Administrator's Office shall be designated as the site for early voting by personal appearance.
11. Those persons appointed by the Tom Green County Elections Administrator's Office shall be appointed to serve as election officers.
12. The Tom Green County Elections Administrator shall be appointed as the Early Voting Clerk for the joint election and the City Clerk as the Deputy Early Voting Clerk for personal appearance early voting.
13. A joint ballot and a single set of ballot boxes will be used at common polling places.
14. Election forms and records maintained at common polling places shall be combined.
15. In connection with the performance of this Agreement, no contracting party shall be deemed liable to third parties for a default of another contracting party in connection with the holding of the joint election, including the failure by another contracting party to pay any expenses hereunder.
16. This Agreement shall be interpreted under and governed and enforced according to the laws of the State of Texas. All obligations of the parties created hereunder are performable in Tom Green County, Texas.
17. In case any one or more of the provisions contained in this Agreement for any reason shall be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions thereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
18. No amendment, modification or alteration of the term hereof shall be binding unless the same is in writing, dated subsequent to the date of this Agreement and duly executed by authority of the governing body for each entity.
19. In connection with this Agreement, all notices, inquiries and communications shall be to the following persons or offices:

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

San Angelo ISD
Superintendent of Schools
1621 University Avenue
San Angelo, Texas 76904-5164

Superintendent of Schools– Grape Creek I.S.D.
Barbie McMath
8207 US Hwy. 87 North
San Angelo, TX 76901

Superintendent of Schools–Veribest I.S.D.
Bobby Fryar
P.O. Box 490, 10062 FM HWY 380
Veribest, TX 76886

Superintendent of Schools– Wall I.S.D.
Walter Holik, Jr.
P.O. Box 259
Wall, TX 76957

Elections Administrator
Vona Hudson
Tom Green County
Edd B. & Frances Frink Keyes Building 113 W. Beauregard Avenue
San Angelo, Texas 76903

To such other LPS parties to this Agreement, addressed to the attention of such named person or officer at such address as provided to the Elections Administrator, in writing.

[Signature pages to follow]

WITNESS the following signatures and seals and EXECUTED in multiple
originals on the ____ day of _____, 2019.

CITY OF SAN ANGELO

BY: _____
Daniel Valenzuela, City Manager

ATTEST:

Date: _____, 2019

Julia Antilley, City Clerk

SAN ANGELO INDEPENDENT SCHOOL DISTRICT

BY: _____, President Board of Trustees

Date: _____

ATTEST:

BY _____, ITS: _____

Date: _____, 2019

_____, Secretary

GRAPE CREEK INDEPENDENT SCHOOL DISTRICT

BY: _____

Mike Diaz
President Board of Trustees

ATTEST:

Date: _____

Butch Hasty, Secretary

VERIBESTINDEPENDENT SCHOOL DISTRICT

BY: _____

ATTEST:

President Board of Trustees

Date: _____, 2019

_____, Secretary

WALL INDEPENDENT
SCHOOL DISTRICT

BY: _____

ATTEST:

President Board of Trustees

Date: _____, 2019

_____, Secretary

INTERLOCAL AGREEMENT FOR JOINT ELECTION

_____, a _____ shall
hold an election on May 4, 2019 for _____,
and pursuant to authority of its governing body has authorized _____,
its _____, to execute this Interlocal Agreement for Joint Election, to be bound
by the terms and conditions thereof and which includes by reference thereto terms and conditions applicable to
“LPS” parties set forth in the Master Interlocal Agreement, a copy of which is attached hereto as Exhibit “A”.

BY: _____

ATTEST: _____

DATE: _____, 2019

APPROVED AS TO CONTENT

Julia Antilley, City Clerk

APPROVED AS TO FORM:

Dan T. Saluri, Deputy City Attorney

APPROVED AS TO CONTENT

Vona Hudson, Tom Green County
Elections Administrator

**EXHIBIT “A”
TO
MASTER INTERLOCAL AGREEMENT FOR JOINT ELECTION**

Copy of Master Interlocal Agreement, Effective from May 2012 through May 2022

[Following pages]

MASTER INTERLOCAL AGREEMENT BETWEEN TOM GREEN COUNTY AND TOM GREEN COUNTY ELECTION ADMINISTRATION, THE CITY OF SAN ANGELO, WALL INDEPENDENT SCHOOL DISTRICT, AND VERIBEST INDEPENDENT SCHOOL DISTRICT FOR JOINT ELECTIONS, THE ACQUISITION OR LEASE, AND MAINTENANCE OF ELECTION EQUIPMENT, AND THE SERVICES OF CONDUCTING GENERAL ELECTIONS

This Master Interlocal Agreement ("Agreement") is entered into, pursuant to the Interlocal Cooperation Act, Texas Government Code Section 791.000 et. Seq., by and between **Tom Green County** ("County"), the **Tom Green County Election Administration** ("Election Administrator") and the following Local Political Subdivisions ("LPS"): **City of San Angelo**, a Texas home rule municipal corporation situated in Tom Green County, Texas, ("City") **Wall Independent School District**, situated in Tom Green County, Texas, ("WISD") and **Veribest Independent School District**, situated in Tom Green County, Texas, ("VISD"). County, City, WISD, and VISD may also be referred to herein as "Party" or "Parties".

WITNESSETH

WHEREAS, the Parties hereto desire to establish an understanding and commit to the implementation of a Master Joint Election and Election Services Agreement between the County and the named LPS entities that provides for a joint election on May 12, 2012, and on the uniform election days in May of each year thereafter through May of 2022; that provides for the shared obligations and expenses necessary to conduct the joint elections; that provides for the personnel necessary to conduct the joint elections for the Parties; and that provides for the acquisition of additional election equipment subject to implementation of a separate Interlocal Agreement for equipment purchase or lease and maintenance that provides for reimbursement to the County, effective December 6, 2011; and,

WHEREAS, each of the Parties hereto are located wholly or partly within Tom Green County and will next conduct a general election on May 12, 2012, a uniform election day as provided at Section 41.001 of the Texas Election Code (TEC); and,

WHEREAS, each of the Parties hereto expects to conduct general elections on the uniform election day in May, annually from May 2012 through May 2022; and,

WHEREAS, the Texas Legislature implemented the Military and Overseas Voter Act of 2009 (MOVE Act) in 2011, with passage of Senate Bill 100, which overlaid the period between the state's primary and primary runoff election upon the uniform election day in May; and,

WHEREAS, Tom Green County has concluded that as a result of implementation of the Legislature's amendments of the TEC, in even-numbered years, the years in which the state's primary and primary runoff elections are held, the county will be unable to contract for election services with the City of San Angelo or with the independent school districts in Tom Green County for holding joint elections, unless additional electronic voting machines are acquired or leased, and the necessary personnel are available and the Parties share in the cost of that equipment and in the cost of services in holding the elections; and,

WHEREAS, the County will be required to purchase or lease additional electronic voting equipment, herein referred to as "Baseline Equipment", to facilitate joint elections in May of even numbered years, together with retaining additional temporary part-time personnel to manage the duties of conducting the elections and incurring annual maintenance costs associated with the electronic voting equipment to be purchased, all of which are to be reimbursed to the County by the LPS entities in proportion to the number of each LPS entity's polling places; which is presently 80 percent City, 10 percent WISD, and 10 percent VISD; and,

WHEREAS, joint elections will result in the City combining to eight polling places, WISD combining to one polling place and VISD combining to one polling place as well as the five branch early voting polling places utilized by Tom Green County; and, the governing bodies of each of the Parties hereto have concluded that the holding of joint elections is beneficial to the public because it is the most cost effective utilization of resources and provides additional polling places for early voting; and,

WHEREAS, the Parties hereto are authorized to enter into a joint elections agreement pursuant to TEC, Section 271.002;

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND BENEFITS SET FORTH BELOW, THE PARTIES AGREE AS FOLLOWS:

ARTICLE 1: RECITALS ADOPTED/CONDITION PRECEDENT/CURRENT REVENUES

The foregoing recitals are hereby acknowledged as true and correct by each of the Parties and are adopted herein for all purposes. This Agreement is conditioned upon authorization by the governing bodies of the Parties. Any payment due from a Party shall be payable from current revenues available to that Party.

ARTICLE 2: TERM/TERMINATION

The term of this Agreement shall commence on December 6, 2011 (the effective date) and shall automatically renew annually through December 31, 2022, subject to termination. Any party may terminate this Agreement without cause by giving the other parties one hundred eighty (180) days written notice of termination.

ARTICLE 3: EQUIPMENT AND PERSONNEL

- A. Baseline Equipment.** In accordance with the TEC and the Help America Vote Act (HAVA), minimum electronic equipment required include one Judge's Booth Controller (JBC) and one Disabled Access Unit (DAU) per polling location, and, per TEC, early voting equipment cannot be reused for election day voting. Additionally, to facilitate processing of paper ballots, one eScan must be provided for each polling place. The Election Administrator and contracting entities have made a determination that in order to conduct elections in May, even-numbered years, for the City, WISD, and VISD (LPS), the County will be required to purchase or lease the following equipment

including one spare set of the equipment to be utilized for emergencies, and other ancillary equipment to implement this contract (additional Baseline Equipment):

1. 9 JBC
2. 6 eScans & Tubs (5 with double locks)
3. 10 Eslates
4. 1 DAU
5. 3 Caddies, with wheels, for eSlates and DAU

To facilitate purchase or lease of the required additional Baseline Equipment, Tom Green County and the LPS entities have entered into an interlocal agreement pursuant to which the LPS entities will, proportionately between the City, WISD and VISD, reimburse the County for the cost or lease of the equipment.

- B. High Demand Election Cycles Equipment.** The Election Administrator has determined the Baseline Equipment will allow them to provide election services to the City, WISD, and VISD. Should the City, WISD, or VISD increase the number of polling locations, the respective entity will be responsible for the purchase or lease of additional equipment. Should the Election Administrator give reasonable information that determines there is a need for additional equipment due to other elections they are required to hold, they shall notify the City, WISD, and VISD and give each entity the opportunity to purchase or lease additional equipment to resolve the situation. Should the entities elect not to purchase or lease the required equipment, the respective entity will be responsible for conducting their own election, or, within two weeks, make needed adjustments to allow continued contracting with the Election Administrator.
- C. Baseline Personnel.** The Election Administrator has made the preliminary determination that in order to conduct elections for the City, WISD, and VISD they require no more than ten (10) personnel (the Baseline Personnel). The LPS entities agree on cost sharing of personnel, proportionately, to conduct the May 12, 2012 General Election and for future shared general elections to be held on the uniform election day in May of each year as outlined in the respective sections of the Agreement. If the Election Administrator determines that 10 personnel are insufficient staff, the Election Administrator will work with LPS entities to provide the additional necessary staff.
- D. High Demand Election Cycles Personnel.** The Election Administrator has determined the Baseline Personnel will allow them to provide election services to the City, WISD, and VISD based upon the number of polling locations. Should the Election Administrator give reasonable information that determines there is a need for additional personnel, they shall notify the City, WISD, and VISD and give each entity the opportunity to fund the additional personnel required to resolve the situation. Should any of the LPS entities elect not to fund the additional personnel those entities shall be responsible for conducting their own elections, until such time as such LPS entity makes adjustments agreed to by the Election Administrator to allow continued contracting for joint elections.

ARTICLE 4: OBLIGATIONS OF CITY, WISD, AND VISD

The City, WISD, and VISD assume the following obligations:

- A. Purchase or Lease of Additional Equipment.** The City, WISD, and VISD agree to reimburse the County for the purchase or lease cost of the Baseline Equipment described in Article 3 Section A above, pursuant to an Interlocal Agreement for purchase or lease of the equipment to be entered into between the County and the LPS Parties, effective December 6, 2011. (Exhibit A outlines the cost for City, WISD, and VISD).
- B. Reimbursable Costs and Expenses.** In accordance with subpart (b) of Section 31.100 of the TEC, County shall charge each LPS only that Party's proportionate share of the expenses directly attributable to this election services contract for conducting general elections. Salaries of personnel regularly employed within the office of County Election Administration shall be paid from funds regularly budgeted and appropriated for that purpose, except that the County will be reimbursed by LPS entities from the election services contract fund for overtime expenses that may be incurred by County for contractual duties performed outside of normal business hours. Wages and costs related to employment paid to persons temporarily employed to perform duties under the election services contract shall be paid out of the election services contract fund as billed to the LPS entities. In accordance with TEC, the LPS entities shall pay the Election Administrator for the actual expenses incurred directly attributable to the election, including without limitation, the following: supply costs, Logic and Accuracy newspaper notice publication expenses, wages, salaries and benefits of Early Voting deputies, wages, salaries and benefits of Election Day polling place workers, wages, salaries and benefits of members of the EVBB, wages, salaries and benefits of Central Counting Station presiding and alternate judge and clerks, the cost of the hours spent programming the ballot for the Direct Record Electronic (DRE) voting equipment and the cost of preparing and conducting the Logic and Accuracy (L&A) Testing, wages, salaries and benefits of additional baseline personnel, a "per election" user fee (per attached Exhibit D) for each regular eSlate, accessible eSlate (DAU), eScan, and Judges Booth Controller (JBC) placed in service at each Election Day polling location and Early Voting polling location, a "per election" user fee (per attached Exhibit E) for each Early Voting Ballot Carrier and Election Supply Carrier, a "per election" user fee (per attached Exhibit E) for each Laptop with attachments, the cost of transportation of the voting equipment to the polling location(s) (Election Day and Early Voting) and from the polling location(s) to the Central Counting Station, and the cost of Election Day technical support, tabulation, and production of unofficial reports.
- C. Administrative Fee.** In accordance with Section 31.100(d) of the TEC, each LPS entity shall pay to the Election Administrator an administrative fee in the greater amount of \$150.00 or 10% of the LPS entity's proportionate share of the total amount of the contract costs, to cover the services performed by the Election Administrator and their staff.
- D. Baseline Polling Locations.** City agrees to combine their existing polling locations into eight (8) polling locations on uniform Election Dates in May. WISD and VISD agree to combine their existing polling locations into one (1) polling location for each ISD entity on

uniform Election Dates in May. Each ISD entity shall utilize the City's early voting polling locations and may utilize City's election day polling locations during joint elections and will be responsible for a proportionate share of the costs incurred for such polling locations.

- E. Adopting a Voting System.** Under Section 123.001 of the TEC, the governing body of each LPS must adopt the voting system that will be used in its election.
- F. Establishing a Central Counting Station.** Under Section 127.001 of the TEC, each LPS must establish a central counting station at the main office of the Election Administrator for counting the ballots.
- G. Preclearance.** Each LPS, in connection with any submissions required for the contracted elections, shall prepare and submit for preclearance to the U.S. Department of Justice, Civil Rights Division, any changes to voting practices and procedures affecting their respective elections. Further, each LPS will provide in a prompt manner any reasonable assistance or information requested by the Election Administrator in connection with submissions made by the Election Administrator on its behalf to the U. S. Department of Justice. Furthermore, the Election Administrator will provide in a prompt manner any reasonable assistance or information requested by the LPS entities in connection with submissions made by the entities to the U.S. Department of Justice.
- H. Appointment of Presiding Judges and Alternate Judges.** Promptly after receiving the proposed lists of presiding judges and alternate judges from the Election Administrator, and within such time so as not to impede the orderly conduct of the election, under Sections 32.005, 87.002, and 127.005 of the TEC, each LPS shall appoint the presiding judges and alternate judges for the Election Day polling locations, the Early Voting Ballot Board (EVBB), and the central counting station from the proposed lists. Each LPS may appoint as presiding judges and alternate judges, persons other than those on the proposed list, but acknowledges that such persons must be willing to take all necessary training with respect to the voting equipment. If from other sources, the LPS shall ensure that the appointees meet, as appropriate, the eligibility requirements in Subchapter C of Chapter 32 and Sections 87.003 and 127.005(b) of the TEC. Within five days after appointing the presiding judges and alternate judges, the LPS shall provide a list of the appointments to the Election Administrator. Each LPS shall be responsible for any additional expenses incurred by its use of persons appointed via other sources.
- I. Assistance in Providing Bilingual Clerks.** In compliance with Section 272.009 of the TEC, each LPS shall, at its cost, have available at a central location one election clerk who is fluent in both English and Spanish to provide assistance to Spanish-speaking voters, if the election judges advise the Election Administrator that they are unable to find bilingual election clerks and the Election Administrator so advises the LPS. Each LPS will make every effort to provide the names and telephone numbers of potential bilingual election clerks to the Election Administrator.
- J. Appointment of Early Voting Clerk.** The LPS entities hereby appoint the Election Administrator to serve as the Early Voting Clerk for their general elections and authorizes them to conduct Early Voting at the main office or at branch locations listed in Exhibit A.

- K. Appointment of Central Counting Station Manager and Tabulation Supervisor.** Each LPS hereby appoints the Election Administrator to serve as the Central Counting Station Manager and their appointee to serve as the tabulation supervisor.
- L. Applications for Mail Ballots.** Each LPS shall date stamp and then immediately fax to the Election Administrator all applications for mail ballots, if any, that it receives. Promptly thereafter, the LPS shall deliver or send by mail the original mail ballot applications to the Election Administrator.
- M. Election Orders and Canvass.** Each LPS shall prepare the election order, election notice, resolutions, official canvass, precinct return, and other pertinent election documents for adoption by the appropriate officer or governing body of the LPS. The LPS is responsible for ensuring that all necessary documents are in both English and Spanish and in compliance with state and federal laws, rules, regulations, and orders.
- N. Election Notice.** Each LPS shall be responsible for posting the notice if required under Section 4.003(b) of the TEC and shall provide copies of such to the Election Administrator.
- O. Map.** If requested by the Election Administrator, the LPS shall provide the Election Administrator with an updated map and street index of its jurisdiction in an electronic or printed format within such time as to enable the Election Administrator to ensure that current voter registration lists are prepared in time for the processing of early voting by mail.
- P. Ballot Information.** Within twenty-four hours of the last filing deadline for a place on the ballot, each LPS shall provide the Election Administrator with the office names, including place designations, in English with Spanish translations, the names of the candidates as the names are to appear on the ballot as well as the order in which the names are to appear under each office, and the English and Spanish translations of any propositions that are to appear on the ballot, as well as the order of any such propositions on the ballot. The LPS shall provide this information by completing Exhibit F. When necessary, the LPS may provide the information by attaching a form with the information and which provides the Election Administrator with the required language and information to program the ballot. Each LPS shall promptly review and approve the final ballot for correctness within twenty-four hours after presentation by Election Administrator prior to finalization.
- Q. Promotion and Information of the Election.** Each LPS assumes the responsibility of providing information about the candidates and propositions, if any, in the election and of promoting the schedules for Early Voting and Election Day Election, except that the Election Administrator shall post and make available to the public such information as is provided by each LPS entity.
- R. Recount.** If an LPS entity or its canvassing authority receives a recount petition, it shall immediately notify the Election Administrator of such recount petition and provide the Election Administrator with a copy of the petition. If the Election Administrator determines

that there is insufficient staff or time to do so, the LPS entity will provide staff to assist with recount and with the recruitment and appointment of recount officers and clerks.

- S. Precinct Reports to the Texas Secretary of State.** Unless the Election Administrator has first complied with the requirement to provide precinct reports to the Texas Secretary of State, each LPS is responsible for timely filing of all required precinct reports with the Texas Secretary of State.

ARTICLE 5: OBLIGATION OF THE COUNTY

The County assumes the obligations of performing the following services and providing the following materials and equipment in connection with the joint elections.

- A. Notification regarding need for additional equipment.** In a normal election cycle, the County shall notify the LPS entities of the need for additional equipment with a minimum of six (6) months notice. In the event of the need for additional equipment related to a runoff election, the County shall notify the LPS of anticipated need for additional equipment within 1 week of the original election date.
- B. Nomination of Presiding Judges and Alternate Judges.** Within 45 days after the last Party signs this Agreement, the Election Administrator shall submit to the each LPS for approval by its governing body a proposed list of presiding election judges ("presiding judges") and alternate presiding judges ("alternate judges") for each of the LPS Election Day polling locations shown on Exhibit B, attached hereto and made part of this contract, a proposed person to serve as presiding judge of the Early Voting Ballot Board (EVBB), and two proposed persons to serve as presiding judge and alternate judge of the central counting station on Election Day. Such proposed presiding judges and alternate judges shall meet the eligibility requirements in Subchapter C of Chapter 32 of the TEC. The proposed EVBB presiding judge and the proposed central counting station presiding judge shall meet the eligibility requirements in, respectively, Sections 87.003 and 127.005(b) and Subchapter C of Chapter 32 of the TEC. Contracting entities will provide assistance in recruitment and appointment of election workers if the Election Administrator determines this is necessary. If the Election Administrator is unable to recruit a sufficient number of election workers, the LPS entities will provide staff to work in Election Day polls and/or deliver supplies to the polls.
- C. Notification to Presiding Judges and Alternate Judges; Appointment of Clerks.**
1. Following the appointment of the Presiding Judges and Alternate Judges by the governing body of each LPS, in accordance with Section 32.009 of the TEC, the Election Administrator shall notify each presiding judge and alternate judge of his or her appointment. The notification will include the assigned polling location, the date and time of the election, and the number of election clerks the presiding judge may appoint, and the name of the presiding or alternate judge, as appropriate. Subsequent to the initial notification, the Election Administrator shall notify the presiding judge and alternate judges of the date of the election schools and the eligibility requirements for election workers.

2. If a presiding judge or the alternate judge does not speak both English and Spanish, and the election precinct is one subject to Sections 272.002 and 272.009 of the TEC, the presiding judge shall make reasonable efforts to appoint a sufficient number of election clerks who are fluent in both English and Spanish to serve the needs of the Spanish-speaking voters of the precinct. If the number of elections clerks appointed is insufficient to serve the needs of the Spanish-speaking voters in the election, the governing body of the LPS shall appoint at least one clerk who is fluent in both English and Spanish to serve at a central location to provide assistance for Spanish-speaking voters.
 3. The Election Administrator shall prepare writs of election to the presiding judges in accordance with Section 4.007 of the TEC to be signed by the presiding officer of the LPS governing body or the presiding authority of the Election Administrator's governing body. The writs of election shall be delivered to the presiding judges no later than the 15th day before the election.
 4. Following their appointment by the governing body of the LPS, the Election Administrator shall notify the presiding judges of the EVBB and the central counting station of their respective appointments. The notification will also include the time and place on Election Day to which they should report, and the date of the election school for them.
- D. Contracting with Third Parties.** In accordance with Section 31.098 of the TEC, the Election Administrator is authorized to contract with third persons for election services and supplies. The cost of such third-person services and supplies will either be paid by the Election Administrator to be reimbursed by the LPS entities proportionately, or each LPS will pay its share of such cost directly to the third persons, as agreed by the Parties at the time the services and supplies are ordered.
- E. Election School(s).** In accordance with Sections 32.111 and 125.009, of the TEC, the Election Administrator in their discretion shall be responsible for conducting or for having third parties conduct one or more election schools to train the presiding judges, alternate judges, election clerks, and Early Voting deputies in the operation and troubleshooting of the direct record electronic (DRE) voting system and the conduct of elections, including qualifying voters, maintaining order in the polling location, and provisional voting. The Election Administrator shall determine the date, time, and place for such school(s) and notify the presiding judges, alternate judges, and clerks of such. The Election Administrator may hold the election school(s) whenever deemed necessary to increase election school availability to election workers who are employed during the regular work week. The Election Administrator may develop and distribute a training DVD to poll workers in lieu of a training school. Poll workers who utilize the DVD for training shall be required to pass a test developed by the Election Administrator. Additionally, Election Administrator may offer the poll worker the option of completing the Secretary of State's online poll worker training in lieu of attending training classes. Each LPS understands that the Election Administrator cannot guarantee that the judges, clerks, or deputies attend an election school. The Election Administrator and the LPS entities agree that election workers will be paid a

stipend of fifteen dollars (\$15.00) per election or for attending training, regardless of the number of classes attended. LPS entities shall reimburse the Election Administrator for that expense.

F. Publication/Posting of Election Notice. Except as otherwise provided by law, the following authority shall give notice of an election:

1. the county judge of each county wholly or partly in the territory covered by the election, for an election ordered by the governor;
2. the presiding officer of the governing body of a political subdivision, for an election ordered by the presiding officer or the governing body; and
3. the authority ordering the election, for an election ordered by any other authority. [TEC Sec. 4.002]

G. Election Supplies. The Election Administrator shall procure, prepare, and distribute to each presiding judge (or the election worker designated by the presiding judge) for use at the polling location on Election Day (and to the Early Voting clerks during Early Voting) the following consumable election supplies: election kits from third-party vendors or the equivalent (including the appropriate envelopes, lists, forms, name tags, posters, and signage described in Chapters 51, 61, and 62, and Subchapter B of Chapter 66 of the TEC); pens; tape; markers; paper clips; seals; sample ballots; white envelopes; manila envelopes; thermal paper rolls for use in the Judge's Booth Controllers (JBCs) and eScans; and all consumable-type office supplies necessary to hold an election. If necessary, the Election Administrator may purchase additional election forms or make additional copies of election forms, including sample ballots and combination poll lists/signature rosters.

H. Registered Voter List. The Election Administrator shall obtain from the Voter Registrar, or Voter Registrars, if the territory of the LPS entities extends into more than one county, a list or lists of registered voters in the LPS territories not covered in Tom Green County and that is required for use on Election Day and for the early voting period required by law, after such lists are requested by the LPS.

I. Election Equipment.

1. The City, WISD and VISD shall use the voting system currently used by the Election Administrator for the election. This voting system is variously referred to throughout this Agreement as "the voting system," "the DRE voting system," "Baseline Equipment" or "the voting equipment," and may include the equipment referred to as "eSlates", "DAU's" "eScans" and "JBCs". The Early Voting locations and the Election Day polling places shall have at least one voting machine that is accessible to disabled voters.
2. The Election Administrator or their designee shall program the ballot for the voting system (as well as for the mail ballots) based on the information provided by the LPS entities in Exhibit F, including names of the candidates, names of the offices sought, order of names on the ballot, and the English and Spanish translation of the offices and any propositions. Each LPS shall reimburse the Election Administrator for the cost of such programming. The Election Administrator will provide sufficient time to each LPS

to review and approve the ballot before it is finalized provided Exhibit F is received in sufficient time to approve the ballot and meet the deadline for mailing absentee ballots. Each LPS shall approve the ballot in writing.

3. The Election Administrator or their designee shall prepare the JBCs, DAU's, eScans and/or eSlates for Early Voting and for Election Day, including sealing them, and distribute the appropriate voting equipment to the presiding judge (or the election worker designated by them) who picks up the election supplies under paragraph G above. The equipment (along with the election supplies, election records, and unused election supplies under paragraph H above) shall be returned to the Election Administrator at the conclusion of the election by the presiding judge (or the designated election worker).
 4. The Election Administrator may have the election supplies and voting equipment transported to the Election Day polling locations and picked up at the polling locations after the polls close on Election Night. The LPS entities shall provide assistance if determined necessary by the Election Administrator.
 5. The Election Administrator may have election supplies and voting equipment transported to Early Voting Branch Locations, when utilized. Such supplies and equipment will be picked up the day after the end of early voting. LPS entities shall provide assistance if determined necessary by the Election Administrator.
- J. Logic and Accuracy Testing.** In advance of Early Voting (including the mailing of any ballots), the Election Administrator (along with the tabulation supervisor, the presiding and alternate judges of the central counting station, and two members of the EVBB, if possible) shall conduct all logic and accuracy testing in accordance with the procedures set forth by the Texas Secretary of State. The Election Administrator shall also cause the publication of any required notice of such testing. Each LPS shall reimburse the Election Administrator for their proportionate share of the cost of such testing and notice.
- K. Early Voting.** In accordance with Sections 31.096 and 31.097(b) of the TEC, the Election Administrator shall serve as Early Voting Clerk for the election. The Election Administrator shall conduct Early Voting at their main office. The LPS entities authorize the Election Administrator to conduct Early Voting at branch offices. Said branch offices are listed in Exhibit A.
1. The Election Administrator shall supervise and conduct Early Voting by mail and personal appearance and shall hire the personnel needed to serve as Early Voting deputies at any Early Voting location.
 2. Early Voting by personal appearance for the election shall be conducted during the hours and time period and at the locations listed in Exhibit A, attached hereto and made part of this Agreement. The Election Administrator shall ensure that the Early Voting polling locations are set up for early voting and have the necessary tables, chairs, and voting equipment.

3. The Election Administrator shall receive mail ballot applications on behalf of each LPS entity. All applications for mail ballots shall be processed in accordance with Title 7 of the TEC by the Election Administrator or their deputies.
 4. All Early Voting ballots cast by mail shall be secured, maintained, and delivered by the Election Administrator or their deputy for counting in accordance with Chapter 87 of the TEC to the Early Voting Ballot Board at the central counting station at the Tom Green County Election Office located at 113 W. Beauregard, San Angelo, Texas.
- L. Election Day Polling Locations.** The Election Day polling locations are as set forth in Exhibit B. The Election Administrator shall arrange for the use of the Election Day polling places and shall arrange for the setting up of the polling locations for Election Day, including ensuring that they have the necessary tables, chairs, and voting equipment. The LPS entities will provide assistance if determined necessary and, if unable to recruit sufficient number of election workers, the LPS entities will provide staff to secure Election Day polling locations.
- M. Counting the Votes.** The Election Administrator shall count the votes in accordance with Chapter 127 of the TEC. The Election Administrator shall serve as the central counting station manager and their chief appointed representative shall serve as the tabulation supervisor.
- N. Election Reports.** The Election Administrator shall prepare the unofficial tabulation of precinct election results under Section 66.056(a) of the TEC. The unofficial tabulation of early voting results shall be made available to each LPS entity as soon as they are prepared but no earlier than 7:05 p.m. or the time by which all polling locations close on Election Day. The unofficial tabulation of Election Day precinct results shall be made available to the LPS entities as soon as they are prepared.
- O. Provisional Votes/Determination of Mail Ballots Timely Received under Section 86.007(d) of the TEC.** The Election Administrator will verify the provisional voting affidavits the next business day after the Election so that they may provide factual information on the provisional voter's status. The Election Administrator will convene the Late Voting Ballot Board (LVBB) within the time set forth in Section 65.051 of the TEC for the purpose of determining the disposition of the provisional votes. At the same time, the LVBB shall review mail ballots timely received under Section 86.007(d) of the TEC to determine whether such shall be counted and to resolve any issues with such ballots. Promptly after determination of the provisional votes and resolution of any such mail ballots, the Election Administrator shall tally the accepted provisional votes and resolved mail ballots, amend the unofficial tabulations, and submit new unofficial tabulations to the LPS entities. A canvass report will be provided to the LPS entities. Upon completion of canvass, each LPS entity will notify the Election Administrator who will make the election results official.
- P. Custodian of Election Records.** After completion of the canvass and election results being declared official, the Election Administrator shall distribute the election records to the LPS entities, except for those records that must be distributed in accordance with Section 66.051

of the TEC. The Election Administrator is hereby appointed the custodian of voted ballots and any backups of electronic systems used and shall preserve them in accordance with Chapter 66 of the TEC and other applicable law. The Election Administrator shall also maintain custody of the records pertaining to the operation of the electronic equipment.

Q. Recount.

1. If required by law, the Election Administrator shall have performed a partial count of electronic voting system ballots in accordance with Section 127.201 of the TEC and a recount in accordance with Title 13 of the TEC. The LPS shall reimburse the Election Administrator for its share of the cost of such count and recount.
2. If a recount is required in accordance with Title 13 of the TEC, the Election Administrator shall conduct such recount and the terms of this Agreement shall govern such recount. The cost of any such recount is not included in the estimate set forth in Exhibit C, which is attached hereto and made a part of this contract. If the Election Administrator determines that there is insufficient staff and/or time to do so, the LPS entities will provide staff to assist with recount and recruitment and appointment of recount officers and clerks.

R. Precinct Reports to the Texas Secretary of State. The Election Administrator shall have the responsibility for the filing of precinct reports with the Texas Secretary of State.

ARTICLE 6: PAYMENT

A. Billing.

1. As soon as reasonably possible after the election, the Election Administrator shall submit an itemized invoice to each of the LPS entities for the entity's proportionate share of the: (1) actual costs and expenses directly attributable to the coordination, supervision, and conducting of the election and incurred or promised on behalf of the LPS entities by the Election Administrator; and (2) the Election Administrator's administrative fee under Section 31.100(d) of the TEC. The costs and expenses for which reimbursement is sought shall be supported by appropriate documentation.
2. To the extent that the costs and expenses are incurred in connection with a polling location used by more than one local political subdivision, such as (without limitation) the cost of renting polling locations and voting equipment, programming the voting equipment, L&A Testing of the voting equipment and programming, wages, salaries and benefits of election workers, and the Election Administrator's office Election Day Support, such costs shall be divided proportionately among the local political subdivisions using a common polling location.

B. Deposit. Each LPS entity shall pay its share for services, expenses and supplies in accordance with the cost estimate, as submitted by Election Administrator. Half of this total cost estimate is due and payable to Tom Green County, as a deposit, within 30 days prior to the election. It is understood and agreed that the final bill may be more or less than this estimate and shall be based on actual cost of supplies, expenses and contract personnel in

accordance with TEC. Payment shall be sent to the Election Administrator for proper processing. Upon receipt of payment and processing, a receipt shall be mailed to the LPS entity.

C. Payment. Each LPS will make every effort to pay the Election Administrator within thirty (30) days from the receipt of invoice. If the LPS disagrees with any portion of the invoice, the LPS shall notify the Election Administrator within such 30-day period or the invoice will be deemed to be a true and accurate rendering of the amount due. Payment shall be sent to Election Administrator for proper processing. Upon receipt of payment and processing, a receipt shall be mailed to the LPS.

D. Estimated Cost of Services. A cost estimate for election expenses is set forth in Exhibit C, attached hereto and made part of this Agreement. The Election Administrator agrees to advise the LPS entities if it becomes apparent that the actual expenses incurred by the Election Administrator will exceed by 20% or more the estimated expenses as set forth in Exhibit C.

ARTICLE 7: GENERAL PROVISIONS

A. Nontransferable Functions. The provisions of the TEC shall prevail in any circumstance in which a provision in this Master Interlocal Agreement with respect to the following is in conflict with or inconsistent with a provision of the TEC:

1. the authority with whom or the place at which any document or record relating to the election is to be filed;
2. the place at which any function is to be carried out;
3. the officers who conduct the official canvass of the election returns;
4. the authority to serve as custodian of voted ballots or other election records; or
5. any other nontransferable function specified under Section 31.096 of the TEC.

B. Joint Election.

1. The Parties acknowledge that other local political subdivisions located wholly or partly within Tom Green County may be holding an election at the same time as the LPS entities that are a party to this Agreement on uniform election dates in May.
2. The Parties to this Master Interlocal Agreement do hereby agree to hold a joint election under Section 271.002 of the Texas Election Code on May 12, 2012, and agree that they expect to hold joint elections on the uniform election days in May for each annual year thereafter through May of 2022 in all or part of the same territory; and, that they intend to execute with each other and the County the Joint Election Agreements for uniform election dates in May after 2012 consistent with the provisions of this Master Interlocal Agreement for each such election.

3. In the event of such a joint election, the LPS entities do hereby agree to share proportionately in the expense of the compensation of election workers and early voting deputies at such joint election locations, the cost of the voting equipment at such joint locations, and the cost of any other election services in connection with such joint election locations (such as the programming, logic and accuracy testing, and Election Day support from the Election Administrator's office) that cannot be readily attributable to just one local political subdivision, in accordance with the Joint Election Agreements attached hereto and made a part of this contract as Exhibit D.
 4. The Parties acknowledge that a LPS party to this Master Interlocal Agreement may have candidates and/or propositions appearing on the same ballot with those of the County. The Parties further acknowledge, and the County does hereby give its consent, that the entities may use one or more of the same early voting locations and the services of the early voting deputies there and one or more of the same Election Day polling locations and the services of the election workers there. The Election Administrator agrees to charge only once for the compensation paid to the election workers and early voting deputies and the use of voting equipment at a shared polling location, and divide the charges proportionately among the local political subdivisions using the same Early Voting or Election Day polling location.
- C. Cancellation of Election.** If one or more LPS entity cancels its election pursuant to Section 2.053 of the TEC, the Election Administrator shall only be entitled to receive from each such LPS entity: (1) the entity's proportionate share of actual expenses incurred by the Election Administrator before the date of cancellation in connection with the election, and (2) an administrative fee of \$150.00. The Election Administrator shall submit an invoice for such expenses (properly supported as described in **ARTICLE 6**) as soon as reasonably possible after the cancellation, and the LPS shall make payment therefore in a manner similar to that set forth in **ARTICLE 6**. The Election Administrator agrees to use reasonable diligence not to incur costs exceeding \$1,000.00, in connection with election preparations until it is known that the election will be held, unless the LPS entities authorizes such major costs in advance in writing. Each of the LPS entities acknowledges that one or more of the other local political subdivisions in Tom Green County, Texas with which it intended to conduct a joint election or share election costs may cancel its election in accordance with Section 2.053 of the TEC. In such event, the remaining LPS entities conducting elections shall remain responsible either for the full cost of the election or for a greater percentage of the cost than it anticipated, in accordance with **ARTICLE 6**.
- D. Contract Copies to Treasurer and Auditor.** In accordance with Section 31.099 of the TEC, the Election Administrator agrees to file copies of this Master Interlocal Agreement with the County Treasurer of Tom Green County, Texas and the County Auditor of Tom Green County, Texas.
- E. Chargeable Election Expenses.** In accordance with Section 31.100 of the TEC, only the actual expenses directly attributable to the Agreement may be charged, including Election Administrator's administrative fee.

- F. Representatives.** For purposes of implementing this Agreement and coordinating activities hereunder, the Election Administrator and each of the LPS entities designate the following individuals for notice or submission of information or documents when required hereunder:

For Tom Green County, Texas:

Name: Vona McKerley
Title: Election Administrator
Street Address: 113 W. Beauregard
City & Zip: San Angelo, Texas 76903
Tel: 325-659-6541
Fax: 325-657-9226
Email: vona.mckerley@co.tom-green.tx.us or elections@co.tom-green.tx.us

For the City of San Angelo:

Name: Alicia Ramirez
Title: City Clerk
LPS Name: City of San Angelo
Street Address: P.O. Box 1751, 72 W. College
City & Zip: San Angelo, TX 76902
Tel: 325-657-4405
Fax: 325-481-2695
Email: alicia.ramirez@sanangelotexas.us

For the Wall Independent School District:

Name: Walter Holik, Jr.
Title: Superintendent
LPS Name: Wall Independent School District
Street Address: P.O. Box 259, 8065 Loop 570
City & Zip: Wall, TX 76957
Tel: 325-651-7790
Fax: 325-651-5081
Email: walter.holik@wallisd.net

For the Veribest Independent School District:

Name: Michael E. Steck
Title: Superintendent
LPS Name: Veribest Independent School District
Street Address: P.O. Box 490, 10062 F.M. Hwy. 380
City & Zip: Veribest, TX. 76886
Tel: 325.655.4912 (x-102)
Fax: 325.655.3355
Email: michael.steck@veribestisd.net

- G. Not a Joint Enterprise.** This Agreement is not intended to create a joint enterprise. By entering this Agreement, the Parties are undertaking a governmental function or service the purpose of which is to further the public good. The Parties do not jointly or

severally have a pecuniary purpose or profit motive in executing or performing this Agreement. The Parties do not have an equal or mutual right of control.

- H. Sovereign Immunity.** By entering into this Agreement, no Party waives sovereign immunity defenses or any other limitation of liability. No provision of this Agreement is intended to modify or waive any provision of the Texas Tort Claims Act as amended.
- I. Status of Employees.** Each Party shall retain supervision and control of its own employees at all times while performing this Agreement and no employee of one entity shall be considered a borrowed servant of the other entity for Workers' Compensation purposes or for any other reason. The LPS Parties each agree that all persons employed by it to furnish services hereunder are employees, agents or representatives of the respective LPS Party and not of the County, and the County agrees that all persons employed by it to furnish services hereunder are employees, agents or representatives of the County and not of the respective LPS Parties. Such employees, agents or representatives of any one entity to this Master Interlocal Agreement are not entitled to benefits conferred on any other entity's employees.
- J. Entire Agreement.** This Agreement supersedes any and all other agreements, either oral or in writing, between the Parties hereto with respect to the subject matter hereof, and no other agreement, statement, or promise relating to the subject matter of this Agreement, which is not contained herein, shall be valid or binding.
- K. Amendment.** This Agreement may only be amended by the mutual agreement of the Parties hereto in writing signed by a duly authorized representative of each Party and attached to and incorporated into this Agreement. All amendments to the Agreement shall be submitted to the governing body of each of the Parties for their consideration and approval.
- L. Severability.** In the event that any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions herein, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- M. Force Majeure.** In the event that any Party shall be prevented from performing its duties under this Agreement by an act of nature, by acts of war, riot, or civil commotion, by an act of State, by strikes, fire, flood, or by the occurrence of any other event beyond the control of the Parties hereto, it shall not be considered a breach of this Agreement.
- N. Exclusivity.** This Agreement is non-exclusive and nothing herein shall in any way limit the right of the Parties to enter into agreements with other individuals or entities to provide the same or similar service.

[Signature Page to Follow]

WITNESS the following signatures and seals executed in quadruplicate at Tom Green County, Texas on the dates set forth below:



ATTEST:

Elizabeth McGinn, County Clerk

TOM GREEN COUNTY:

Michael D. Brown, County Judge, acting in his official capacity and not individually

Date: February 28, 2012

Tom Green County Election Administrator

Vona McKerley

Date: 3-14-12

CITY OF SAN ANGELO:

Harold Dominguez, City Manager

Date: 3/9/12

ATTEST:

Alicia Ramirez, City Clerk

VERIBEST INDEPENDENT SCHOOL DISTRICT:

Dalena Freeman, President Board of Trustees

Date: 2-28-12

ATTEST:

Trish Bauerlein, Secretary

WALL INDEPENDENT SCHOOL DISTRICT:

Erwin Schwartz, Jr., President Board of Trustees

Date: 2-29-12

ATTEST:

Michael Hoelscher, Secretary

**NOTICE OF GENERAL ELECTION
(AVISO DE ELECCION GENERAL)**

To the registered voters of the City of San Angelo, Texas:

(A los votantes registrados de la Ciudad de San Angelo, Tejas):

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., on Saturday May 4, 2019 for voting in a general election to elect three Council Members for Single Member Districts one, three, and five respectively, for four year terms.

(Se hace saber que las casillas electorales citados abajo se abrirán desde las 7:00 am hasta las 7:00 pm, el sábado 04 de mayo 2019 para votar en la Elección General con el fin de elegir a un Alcalde para un término de cuatro años y tres miembros del Consejo de la Ciudad para Distrito de Miembro Unicos Uno, Tres y Cinco, respectivamente, para términos de cuatro años.)

**LOCATION(S) OF POLLING PLACES
(LUGARES DE VOTACIÓN)**

Location	Address
Angelo Bible Church	3506 Sherwood Way
Belmore Baptist Church	1214 S. Bell
Calvary Baptist Church	2401 Armstrong St.
Christoval Community Center	20022 Main St., Christoval, TX 76935
Celebration Church	2639 Sunset Dr.
Concho Valley Transit District (Bus Depot)	510 N. Chadbourne
SAF First Assembly of God Church	1442 Edmund Blvd.
Grape Creek ISD Admin. Bldg.	8207 US Hwy 87 N.
Keating Paint and Body Shop	5050 N. Chadbourne
MHMR	1501 W. Beauregard
Paulann Baptist Church	2531 Smith Blvd.
Segunda Iglesia Bautista	510 W. Avenue T
Southgate Church of Christ	528 Country Club Rd.
St. Ambrose Catholic Church	8602 Loop 570, Wall, TX 76959
TxDOT	4502 Knickerbocker Rd., Bldg. E
Veribest Baptist Church	50 FM 2334, Veribest, TX 76886
Wesley Trinity United Methodist Church	301 W. 18th St.
West Texas Rehab, Conference Center	1925 University

Early voting by personal appearance will be conducted each weekday at:

(La votación adelantada en persona se llevará a cabo de lunes a viernes en:)

Edd B. & Frances Frink Keyes Building, 113 W. Beauregard, 1st floor (Primer Piso)

(location) (sitio)

April 22 – April 26, 8 am to 5 pm (22 de abril hasta el 26 de abril, desde las 8:00 am hasta las 5:00 pm)

April 29-30, 7 am to 7 pm (El 29 y 30 de abril, desde las 7:00 am hasta las 7:00 pm)

Applications for ballot by mail shall be mailed to:

(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:)

City Clerk, City of San Angelo
c/o Vona Hudson, Tom Green County Elections Administrator
Edd B. & Frances Frink Keyes Building
113 W. Beauregard Ave.
San Angelo, Texas 76903

(Oficinista de La Ciudad de San Angelo
c/o Vona Hudson, Administradora de Elecciones del Condado de Tom Green
Edd B. & Frances Frink Keyes Building
113 W. Beauregard Ave
San Angelo, Texas 76903)

Applications for ballots by mail must be received no later than the close of business on:
(Las solicitudes para las boletas postales deben ser recibidas no más tarde de la hora de cierre de los negocios el:)

Friday, April 19, 2019
(viernes) (19 de abril, 2019)

Issued this the 22nd day of January, 2019.
(Emitido este 22 día de enero, 2019.)

Signature of Mayor (Firma del Alcalde)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Lance Overstreet, Assistant Water Utilities Director, Water Reclamation, 325-657-4201

Meeting Date: January 22, 2019

Item type: Consent Item

Caption:

Consider awarding WU-05-19 Liquid Ferrous Chloride for treatment purposes at the Water Reclamation Facility to Pencco, Inc. in the amount of \$96,600 annually, budgeted for purchase FY2019, and an option to extend for two additional one year periods for a total contract term of up to three years and authorizing the City Manager to execute any related documents (Lance Overstreet)

Summary/History:

Liquid ferrous chloride is injected in the wastewater collection system and in the digestion process at the water reclamation facility to suppress the production of hydrogen sulfide gases.

The bid was mailed to nine (9) businesses and one (1) response was received. Low bid for Liquid Ferrous Chloride was submitted by Pencco, Inc.

Financial Impact:

Budgeted within the Water Reclamation Facility Operating Budget. Price is \$1.15 per pound. Estimated annual expenditure of \$96,600.

Other Information/Recommendation:

It is recommended the bid from Pennco, Inc. be accepted.

Attachments:

- | | | |
|----|---------------------------|-------------------------------|
| 1. | WU0519BidTabupdated010219 | WU0519BidTabupdated010219.pdf |
|----|---------------------------|-------------------------------|

Presentation:

Approvals/Reviews:

Lance Overstreet	Created/Initiated
	Approved
Allison Strube	Approved
Theresa James	Approved
Anthony Wilson	Approved
Candice Blake	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval



CITY OF SAN ANGELO

RFB Bid Tabulation * WU-05-19/Liquid Ferrous Chloride

12/19/18 at 2:00 p.m.

Description	Pencco, Inc.			
	Percent Ferrous Iron	Estimated Liquid Pounds	Price per LB FE \$	Extended Price \$
Liquid Ferrous Chloride	12%	700,000	\$ 1.15	\$ 96,600.00
Delivery Days				Mon-Fri

Piggy Back	No
Cooperative	No
Payment Terms	Net 30
Payment Discount	1.5% 10 days

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 22, 2019

Item type: Consent Item

Caption:

Consider approving a recreational license agreement with San Angelo Western Little League on public property located near the San Angelo Regional Airport (Mathis Field) and authorizing the City Manager to execute all related documents (Carl White)

Summary/History:

This license agreement will continue to allow Western Little League to use some City property located near the airport for youth sports. Western Little League has used this property under agreement for several years and have been good stewards of the property.

The basic terms of this license agreement include:

*3-year term with an option to extend an additional 3 years under the same terms.

*licensee is responsible for the maintenance of all facilities, except for grounds, which the City provides.

*licensee is responsible for all utilities and costs.

The property under this agreement includes parking, concession and restrooms building, five fields, batting cages and some storage areas.

Financial Impact:

There is no new cost associated with approving this license agreement. The City maintains the grounds of the Western Little League complex and the league maintains the facilities and does all the programming. The league is responsible for all utilities.

Other Information/Recommendation:

Attachments:

1. 19-052_AP_SAWLL_LIC 19-052_AP_SAWLL_LIC.docx

Presentation:

Approvals/Reviews:

Carl White

Theresa James

Anthony Wilson

Candice Blake

Created/Initiated

Approved

Approved

Approved

Tina Dierschke
Theresa James
Becky Dunn
Julia Antilley

Approved
Approved
Approved
Final Approval

RECREATIONAL LICENSE AGREEMENT BY AND BETWEEN CITY OF SAN ANGELO AND SAN ANGELO WESTERN LITTLE LEAGUE RELATING TO USE OF CERTAIN REAL PROPERTY LOCATED AT SAN ANGELO REGIONAL AIRPORT—MATHIS FIELD.

This RECREATIONAL LICENSE AGREEMENT (“License Agreement”) , by and between the CITY OF SAN ANGELO, TEXAS, a Texas home rule municipal corporation (“CITY or “LICENSOR”) and SAN ANGELO WESTERN LITTLE LEAGUE, a Texas non-profit entity (“SAWLL” or “LICENSEE”), (collectively the “Parties”), is entered into in consideration of the mutual covenants, promises and terms herein contained, and ONE DOLLAR payable by SAWLL on each anniversary of this agreement and any extension hereof, effective January 8, 2019 (“Effective Date”), and supersedes any prior agreements between the Parties with respect to the subject matter hereof.

WHEREAS, CITY is owner and operator of the San Angelo Regional Airport-Mathis Field (“Airport”); and,

WHEREAS five baseball fields and related improvements are located on non-aeronautical Airport property at or about the intersection of Stewart Lane and S. Terminal Circle, generally addressed as 5465 Stewart Lane, and more particularly described and depicted on **Exhibit “A”** attached hereto (“Western Little League Fields”); and,

WHEREAS, SAN ANGELO WESTERN LITTLE LEAGUE is a non-profit entity providing youth recreational baseball opportunities for the San Angelo community and utilizing the Western Little League Fields for community Little League Baseball; and,

WHEREAS, the City Council for the City of San Angelo has determined that utilization of the Western Little League Fields on non-aeronautical property of the airport by SAWLL serves a beneficial interest to the citizens of San Angelo without adversely affecting the aeronautical related activities and functions of the Airport;

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

SECTION 1. Recitals Adopted. The foregoing recitals are deemed by the Parties to be true and correct, and are adopted as part of this License Agreement.

SECTION 2. Grant of License. LICENSOR hereby licenses use of the described Western Little League Fields and related appurtenances as more particularly described and depicted in **Exhibit “A”**, attached, to LICENSEE for the limited purposes stated herein, and upon and subject to the terms and provisions of this License Agreement.

SECTION 3. Licensed Premises. The Licensed Premises shall be the surface of the described baseball fields and shall include related appurtenances such as parking, dugouts, concession building and restrooms, as more particularly described and depicted in **Exhibit “A”**, attached hereto and made a part hereof for all purposes; said licensed premises being hereby accepted by LICENSEE “AS IS”, “WHERE IS” AND “WITH ALL FAULTS”.

SECTION 4. Term of License Agreement and Option to Extend. Subject to termination rights reserved by CITY as herein provided, the Term of this License Agreement shall be three (3) years commencing on the above stated Effective Date and expiring on January 8, 2022 (“Initial Term”).

LICENSEE shall have the option to extend the term of this license on the same terms and conditions for an additional three (3) year term to expire on January 8, 2025 (the "Extended Term"), conditioned upon LICENSEE not then being in default hereof and LICENSEE providing LICENSOR with ninety days written notice of such election prior to expiration of the Initial Term.

SECTION 5. Licensed Use.

- (a.) The Licensed Premises shall be used by LICENSEE solely for seasonal youth Little League purposes, including practices, games, and activities customarily associated with operation of youth amateur baseball and softball leagues, and for no other purpose.
- (b.) LICENSEE is specifically prohibited from sublicensing, leasing, or renting the Licensed Premises or any part thereof to any other person or entity.
- (c.) The licensed use shall at all times be subservient to the aeronautical or other airport development needs as determined in the sole discretion of CITY.
- (d.) The licensed use shall at all time be subservient to utility and right-of-way easements and uses of record on the Effective Date, or as may be permitted by CITY at any time during the Initial Term of this License Agreement or any extensions thereof.

SECTION 6. Right to Terminate License. Notwithstanding anything to the contrary in this Agreement, CITY shall have the right at any time, without cause, for convenience of CITY, to terminate the license granted LICENSEE hereunder, upon ninety (90) days written notice of termination to LICENSEE; or, upon such shorter written notice as circumstances may impose relating to potential future aeronautical use or ancillary development of Airport property.

SECTION 7. Disclaimer of Warranties. ALL WARRANTIES OF LICENSOR THAT MAY ARISE IN COMMON LAW ARE EXCLUDED. LICENSOR GIVES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE CONDITION OF THE LICENSED PREMISES OR ANY IMPROVEMENTS THEREON, INCLUDING WARRANTY OF HABITABILITY OR FITNESS FOR A PARTICULAR USE. THERE ARE NO IMPLIED WARRANTIES OF MERCHANTABILITY, OF FITNESS FOR A PARTICULAR PURPOSE, OR OF ANY OTHER KIND ARISING OUT OF THIS LICENSE AGREEMENT.

SECTION 8. Licensee Obligations.

(a.) Maintenance.

(i) LICENSEE shall be responsible at its sole expense to keep and maintain the fields, parking, fencing, structures and appurtenances of the Licensed Premises at the level deemed desirable by LICENSEE that exceeds the general level of maintenance provided by CITY. LICENSEE shall correct hazardous conditions relating to its activities.

(ii) LICENSEE shall at all times during its seasonal use of the Licensed Premises, keep the Licensed Premises clean and cleared of all litter, trash and debris by properly collecting and disposing of litter trash and debris on the Licensed Premises. LICENSEE shall collect substantially all trash and rubbish from the Licensed Premises, including fields, dugouts, concession areas, restrooms and parking areas, immediately following conclusion of each practice and game, and place such trash in solid waste collection receptacles for proper disposal by LICENSEE.

(iii) LICENSEE shall be responsible for and bear all costs associated with the operation and maintenance of SAWLL seasonal, sport specific upkeep of the Licensed Premises such as

cleaning dugouts, maintaining, supplying and cleaning restrooms and concessions, chalking field lines, maintaining skinned clay areas, dragging infields, etc. LICENSEE shall furnish and maintain its own equipment, materials and supplies for operating its activities on the Licensed Premises.

(iv) LICENSEE shall be responsible for and bear all costs associated with its licensed uses in compliance with all applicable local, state and federal regulations, including but not limited to City codes, ordinances and regulations.

(v.) LICENSEE shall permit CITY, its employees and agents, access to the Licensed Premises, for general maintenance, inspection, and any other municipal purpose, at all times, with or without advance notice to LICENSEE.

(b.) Licensee Default in Maintenance Obligation. In the event LICENSEE shall fail to maintain Licensed Premises in a manner acceptable to LICENSOR as herein required, after notice of default to LICENSEE, LICENSOR may enter upon the Licensed Premises without further notice and cause Licensed Premises to be cleaned or otherwise cure the default and dispose of all trash in the manner deemed appropriate by LICENSOR. LICENSEE expressly authorizes the cost of any such cleaning, other cure of default and disposal of trash to be billed to LICENSEE, with interest to accrue thereon at the lesser rate of six percent (6%) per annum or the maximum legal rate then applicable, beginning thirty (30) days from the date LICENSEE is billed for such costs, and continuing until the amount due with accrued interest is paid in full.

(c.) SAWLL Schedules. On or before February 1st of each calendar year of the term of this License Agreement, LICENSEE shall provide CITY with a written schedule designating commencement and expiration dates for the Little League season, including schedule of practices and games for the season as such schedules are developed. SAWLL shall have the exclusive use of that part of the Licensed Premises utilized for any game or practice, during any scheduled game and practice.

(d.) Security. LICENSEE shall take reasonable measures to secure the Licensed Premises, and the structures and appurtenances thereon, including such things as closing gates, securing doors, closing windows, and shutting off utilities when not necessary to use.

(e.) Designation of Contacts. LICENSEE shall provide CITY with name and telephone number of one or more contact persons with SAWLL, accessible 24/7, to be utilized by CITY as needed for emergency, security and maintenance related communications.

(f.) Notice of Accidents. LICENSEE shall notify the City of San Angelo Risk Manager of any and all accidents involving the condition or maintenance of municipal facilities or involving personal injury of any person occurring on the Licensed Premises and reasonably expected to require medical attention by a healthcare professional. Such notice shall be as soon as practical under the circumstances, but not later than during the first business day following the accident.

SECTION 9. Utilities.

(a.) SAWLL shall continuously during the term of this License Agreement and any extensions thereof maintain municipal water utility services for the premises under a water utility account in the name of SAWLL, at the sole cost of SAWLL.

(B.) On the Effective Date hereof, electric utility services for the Licensed Premises are provided from services metered to CITY. SAWLL shall reimburse City for electric utility expenses

incurred to service the Licensed Premises for so long as such services are metered to CITY. SAWLL shall diligently endeavor to establish an electrical utility service separately metered by the electric utility to SAWLL, billed directly to SAWLL.

SECTION 10. Improvements. LICENSEE may install improvements in compliance with applicable city ordinances, including resurfacing, lighting or fencing, upon first securing the written consent of LICENSOR, which consent shall be in the sole discretion of LICENSOR. No additional buildings, fencing or other structures shall be constructed or installed on the Licensed Premises without first securing the written approval of CITY. LICENSEE shall not have the right to encumber the Licensed Premises. Upon the expiration or earlier termination of this License Agreement, improvements placed upon the Licensed Premises shall, at the election of LICENSOR, become the property of the LICENSOR. Any improvement not elected by LICENSOR to be retained by LICENSOR, shall be immediately removed by LICENSEE and the premises restored to substantially its condition on the Effective Date.

SECTION 11. Storage. No storage of personal property shall take place on the Licensed Premises except that required for permitted Little League related recreational purposes during a scheduled Little League baseball season.

SECTION 12. Indemnification. LICENSEE AGREES TO INDEMNIFY DEFEND, AND HOLD HARMLESS, LICENSOR, ITS OFFICERS, AGENTS AND EMPLOYEES, FROM ANY AND ALL CLAIMS, FAULT, LIABILITIES, DEMANDS, SUITS, CAUSES OF ACTION, PROCEEDINGS OF ANY KIND AND JUDGMENTS FOR PERSONAL INJURY AND/OR PROPERTY LOSS OR DAMAGE, PLUS REASONABLE ATTORNEYS' FEES AND COST OF DEFENSE, WHICH THE INDEMNIFIED PARTY MAY INCUR ARISING DIRECTLY OR INDIRECTLY OUT OF THE SOLE OR JOINT NEGLIGENCE, ERROR, OMISSION, OR INTENTIONAL ACTS OF LICENSEE IN THE EXERCISE BY LICENSEE OF THE PRIVILEGES CONFERRED UNDER THIS LICENSE AGREEMENT. THIS INDEMNIFICATION, DEFEND AND HOLD HARMLESS AGREEMENT SHALL SURVIVE THE TERM OF THIS AGREEMENT AS LONG AS ANY LIABILITY COULD BE ASSERTED. NOTHING HEREIN SHALL REQUIRE THE INDEMNIFYING PARTY TO INDEMNIFY, DEFEND OR HOLD HARMLESS ANY INDEMNIFIED PARTY FOR THE INDEMNIFIED PARTY'S OWN GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

SECTION 13. Insurance.

(a.) LICENSEE shall obtain and maintain continuously in effect at all times during the term hereof, at LICENSEE's sole expense, minimum comprehensive general liability insurance in the amount of at least \$500,000.00 combined single limit liability per occurrence for bodily injury and property damage. This insurance shall be an occurrence-type policy written in comprehensive form and shall protect LICENSOR against liability which may accrue against LICENSOR by reason of LICENSEE's occupancy or control over the Licensed Premises, or wrongful conduct incident to the use thereof, resulting from any accident or event occurring on or about the Licensed Premises. All insurance policies required herein shall be drawn in the name of LICENSEE, with LICENSOR, its council members, officials, officers, directors, agents and employees named as additional insureds.

(b.) Within ten (10) days of the Effective Date hereof and within thirty (30) days of policy renewals, LICENSEE shall deliver to LICENSOR certificates of insurance as evidence that all of the policies required herein are in full force and effect and provide the required coverages and limits of insurance. The certificates shall provide that any company issuing an insurance policy shall provide not less than 30-

days advance notice in writing of cancellation, non-renewal or material change in the policy of insurance. In addition, LICENSEE shall immediately provide written notice to LICENSOR upon receipt of notice of cancellation of an insurance policy, or of a decision to terminate or alter any insurance policy. All certificates of insurance shall clearly state that all applicable requirements have been satisfied including certification that the policies are of the "occurrence" type.

(c.) LICENSEE shall require its insurance carrier, with respect to all insurance policies, to waive all rights of subrogation against the CITY of San Angelo, its council members, members of boards and commissions, officers, officials, agents and employees.

(d.) The procuring of such policies of insurance shall not be construed to be a limitation upon LICENSEE's liability or as a full performance of its obligations under the indemnification provisions of this License Agreement. LICENSEE's obligations are, notwithstanding said policies of insurance, for the full and total amount of any damage, injury or loss caused by or attributable to its occupation or control over the Licensed Premises pursuant to this License Agreement or any extension thereof.

SECTION 14. Licensee Default. LICENSOR's remedy for LICENSEE's default, after compliance with the notice provisions hereof, is to terminate this License Agreement by written notice, take possession of the Licensed Premises, and seek such judicial relief as LICENSOR may be entitled, including costs, and such other damages or relief, and/or injunctive relief, to which LICENSOR may be entitled. LICENSOR may enter and take physical possession and control over the Licensed Premises on termination of this License Agreement by self-help, and may prohibit the LICENSEE in default or any other person who may be using or occupying the Licensed Premises, from access thereto or the use thereof, and shall not be liable in trespass or for damages therefore.

SECTION 15. Notice. Any notice required or permitted under this License Agreement must be in writing and delivered to the address for the recipient party. Any notice required by this License Agreement will be deemed to be delivered (whether actually received or not) on the second day after deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address below. Notice may also be given by personal delivery or commercial courier delivery and will be effective when actually received. Any address for notice may be changed by written notice delivered to the other party as provided herein.

LICENSOR:

City of San Angelo
San Angelo Regional Airport
Attention: Airport Director
8618 Terminal Circle, Ste. 101
San Angelo, Texas 76904

LICENSEE:

San Angelo Western Little League
Attention: Brad Stevens
P.O. Box 60913
San Angelo, Texas 76906

Tele.: (325) 245-4301

SECTION 16. Assignment. LICENSEE may assign this License Agreement only with the prior written consent of LICENSOR.

SECTION 17. Governing Law and Venue for Dispute Resolution. This License Agreement shall be governed by, and construed according to, the laws of the State of Texas. Venue for the resolution of any dispute between the LICENSOR and LICENSEE shall be in Tom Green County, Texas.

SECTION 18. Successors and Assigns. This Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors, and permitted assigns.

SECTION 19. Entire Agreement. This Agreement embodies the entire Agreement between the Parties and supersedes all prior agreements, understandings, if any, relating to the Licensed Premises and the matters addressed herein, and may be amended or supplemented only by written instrument duly executed by the Party against whom enforcement is sought.

WITNESS WHEREOF, the parties hereto have executed the License Agreement in multiple original counterparts.

(Signature Page to Follow)

EXECUTED in duplicate originals the _____ day of _____, 2018.

LICENSEE:
SAN ANGELO WESTERN LITTLE LEAGUE

BY: _____
Brad Stevens, President
EMAIL: brad@westernlittleleague.org

Attest:

LICENSOR:
CITY OF SAN ANGELO

Bryan Kendrick, CITY Clerk

By: _____
Daniel Valenzuela, City Manager

APPROVED AS TO CONTENT

APPROVED AS TO CONTENT

Thomas "Mitch Sprunger,
Airport Director

Carl White, Director of Parks &
Recreation

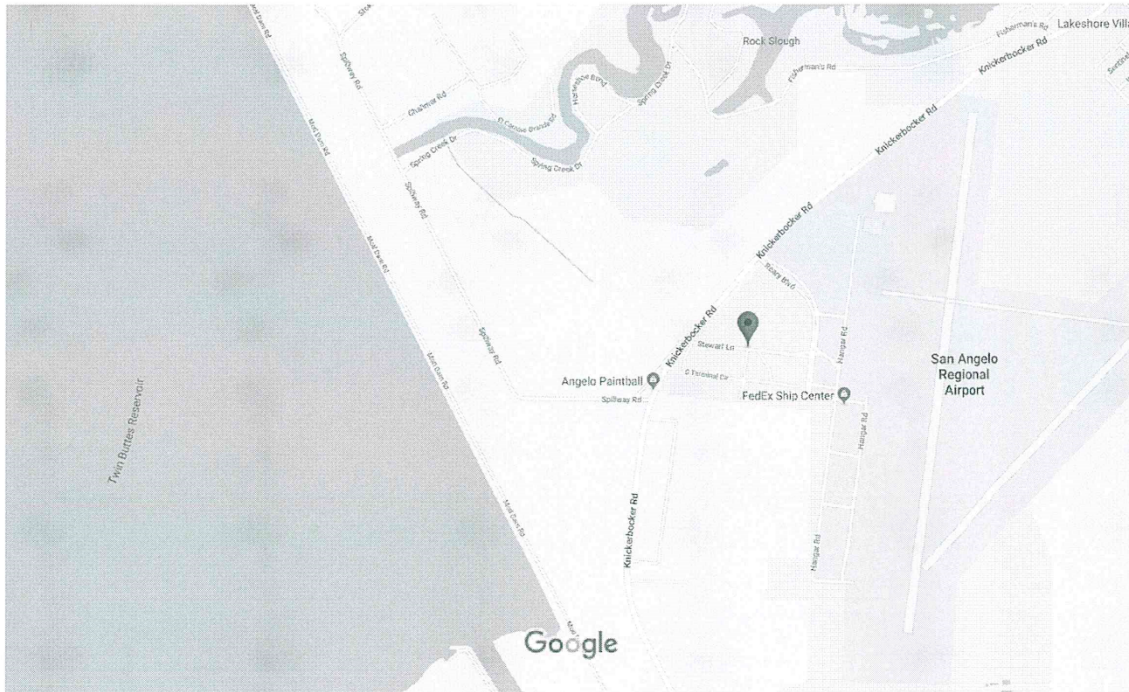
APPROVED AS TO FORM

Dan T. Saluri, Deputy City Attorney

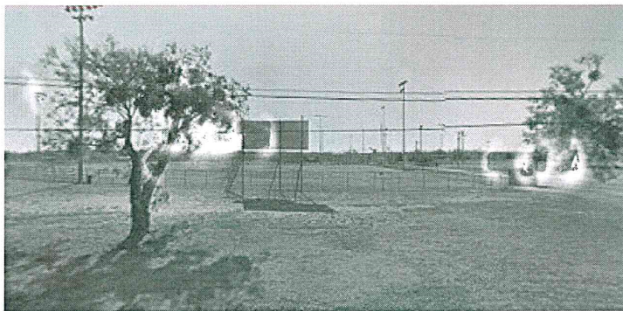
Exhibit "A"



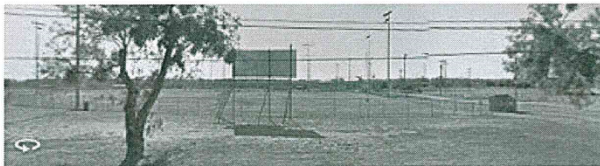
Google Maps Stewart Ln



Map data ©2018 Google 1000 ft



Stewart Ln
Texas 76904



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jeff Fisher, Sr. Planner, Planning and Development Services, 325.657.4210

Meeting Date: January 22, 2019

Item type: Regular Item

Caption:

Second reading and adoption of an ordinance approving case Z18-21, a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and the Single-Family Residential (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, located at 909 W. Beauregard Ave. (Jon James)

Summary/History:

A request for approval of a rezoning from the from the General Commercial/Heavy Commercial (CG/CH) Zoning District and the Single-Family Residential (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, located at 909 West Beauregard Avenue.

Financial Impact:

N/A

Other Information/Recommendation:

On November 19, 2018, the Planning Commission unanimously recommended APPROVAL of the proposed rezoning.

Attachments:

- | | | |
|----|---------------------------|--------------------------------|
| 1. | Draft Ordinance (Z18-21) | Draft Ordinance (Z18-21).docx |
| 2. | Staff Report (Z18-21) (2) | Staff Report (Z18-21) (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

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 PROPERTIES: **909 West Beauregard Avenue; located at the southeast corner of West Beauregard Avenue and South Park Street; comprising 1.47 acres;** FROM GENERAL COMMERCIAL/HEAVY COMMERCIAL AND SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: Z18-21: First Financial Trust

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

WHEREAS, on the 8th day of January, 2019, City Council held a public hearing on Z18-21, 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 properties permanently zoned NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT;

The real properties generally located at 909 West Beauregard Avenue; located at the

southeast corner of West Beauregard Avenue and South Park Street; being the north 175 feet of Block 39 in the Angelo Heights Addition, and comprising 1.47 acres; City of San Angelo, Tom Green County, Texas, shall henceforth be permanently zoned as follows: Neighborhood Commercial (CN) Zoning District.

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

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

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

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

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

INTRODUCED on the **8th day of January, 2019**, and finally PASSED, APPROVED
AND ADOPTED on this the **22nd day of January, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

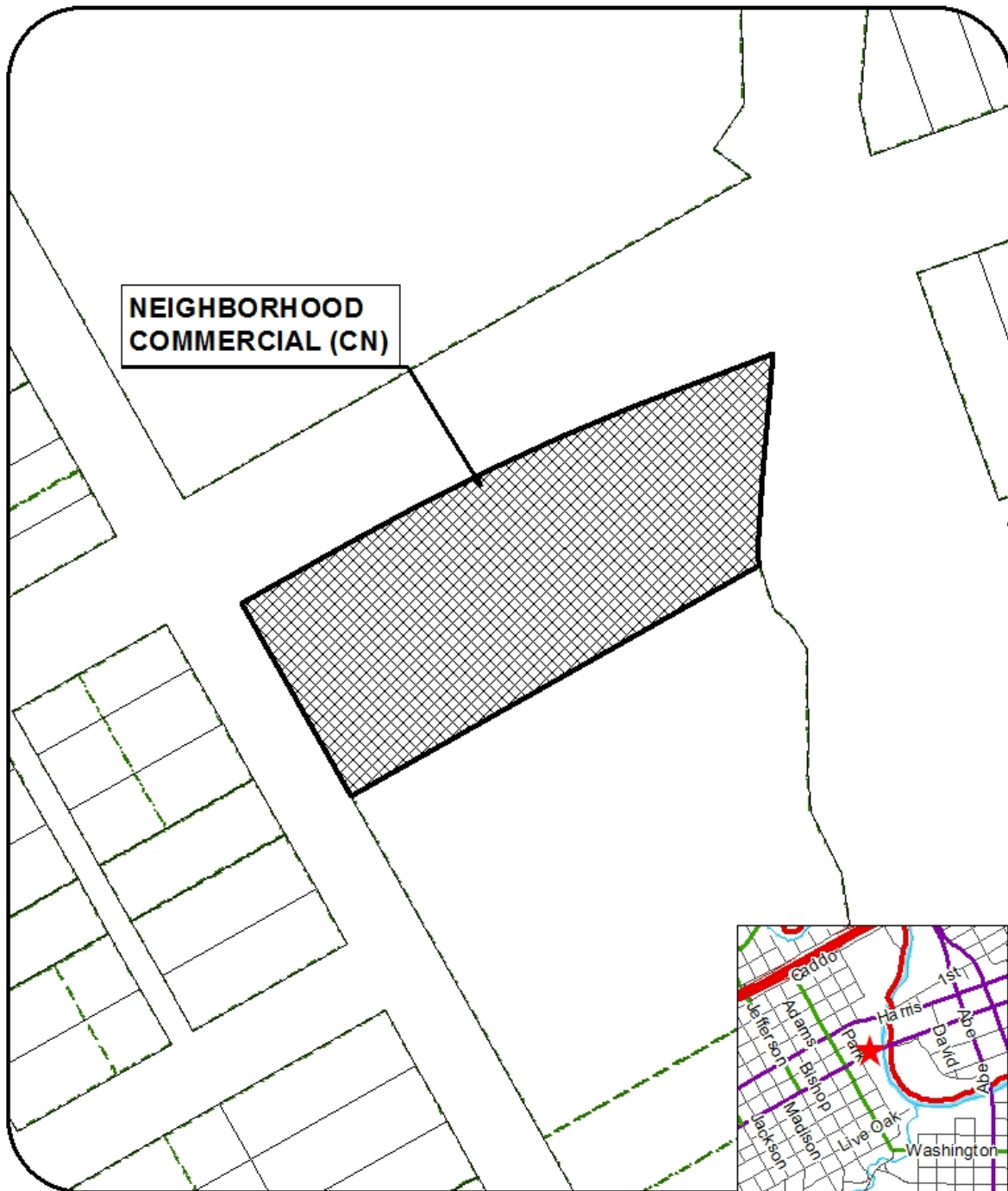
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A" (CN Boundary Map)



Zoning Case

Z18-21: First Financial Trust

Council District: Lane Carter (SMD#5)

Neighborhood: Santa Rita

Scale: 1" approx. = 100 ft

Subject Property: 909 West Beauregard Avenue

Legend:

Subject Properties:

Current Zoning:

Requested Zoning:

Vision:

CG/CH and RS-1

CN

Neighborhood Center



CITY COUNCIL – January 8 and 22, 2019
STAFF REPORT



APPLICATION TYPE:	CASE:		
Rezoning	Z18-21: First Financial Trust		
SYNOPSIS:			
The applicant has applied for a rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District on their property for future commercial development. The southerly 50 feet zoned RS-1 prohibits commercial development without a Rezoning. The existing property contains a vacant 2,412-square foot building that used to be an auto dealership (see Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
909 West Beauregard Avenue; located at the southeast corner of West Beauregard Avenue and South Park Street		Being the north 175 feet of Block 39 in the Angelo Heights Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FLU:	SIZE:
SMD District #5 – Lane Carter Santa Rita Neighborhood	General Commercial / Heavy Commercial (CG/CH) and Single-Family Residential (RS-1)	NC – Neighborhood Center	1.47 ac.
THOROUGHFARE PLAN:			
West Beauregard Avenue – Urban Arterial Street Required: 80' right-of-way, 64' pavement Provided: 100' right-of-way, 80' pavement with 5-foot sidewalks on both sides South Park Street – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' with a 4-foot sidewalk Provided: 60' right-of-way, 40' pavement and no sidewalk			
NOTIFICATIONS:			
10 notifications mailed within 200-foot radius on November 7, 2018. Two received in support; none in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the rezoning from the General Commercial/Heavy Commercial (CG/CH) and Single-Family Residential (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District on the subject property.			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner:</i> First Financial Trust and Asset Management Company <i>Applicant:</i> Erica Carter, Carter-Fentress Engineering			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: The current CG/CH and RS-1 zoning is inconsistent with the property's Future Land Use of "Neighborhood Center" in the City's Comprehensive Plan. A Rezoning to Neighborhood Commercial (CN) would be consistent with the Neighborhood Center designation for the reasons outlined below. The property is located within the River Corridor and any new construction or exterior reconstruction will require a River Corridor Review to be approved by the Design and Historic Review Commission (DHRC). An Urban Design Review (UDR) will also be required for any new construction that is at least 25,000 square feet, or an addition that is greater than 10,000 square feet. A subdivision replat is not required as deed research confirms that the lot was surveyed and platted in its original configuration before July 5, 1950. Subsequent street right-of-way dedications are also exempted from platting as per Chapter 1.VI.2 of the Land Division and Subdivision Ordinance.

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

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The subject property has a Future Land Use designation of "Neighborhood Center" since the City's 2009 update to the Comprehensive Plan. The "Neighborhood Center" designation promotes "a mix of various uses at key intersections to encourage the necessary infill, densification, and walkability necessary for Neighborhood Centers." This designation also calls to "establish transition areas to better "scale-down" intensity of use from commercial centers to neighborhoods." The Planning Division believes that a Rezoning to CN is appropriate given that it is consistent with the Neighborhood Center designation and acts as a transition between commercial development to the north and west, and the residential neighborhood to the south. The existing CG/CH zone could allow industrial storage of heavy equipment which is not appropriate in this area adjacent to the Concho River, parks, and nearby homes. A River Corridor Review for any new exterior construction will provide further assurance that any development maintains the aesthetic integrity of this property adjacent to the River.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The Planning Division sees no conflict with the Zoning Ordinance if the Rezoning to CN is approved. The lot is 460 feet wide, 170 feet in depth, and 1.47 acres in area, well exceeding the minimum lot area of 6,000 square feet, lot width of 50 feet, and lot depth of 80 feet for the CN Zoning District.

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 proposed CN will be compatible with the surrounding area. The property is located immediately east of a retail office building, west of the River, and south of Peasant Village Restaurant, Civic League Park, and a variety of retail commercial uses along the West Beauregard Avenue corridor.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The former auto dealership is no longer in operation and the existing building remains vacant. Redevelopment of this site for CN-related uses will ensure that heavy commercial development currently allowed on the majority of the property zoned CG/CH will not occur in future.
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 Planning Division does not anticipate any negative effects on the natural environment. A review of grading, drainage, and stormwater would take place at the permit stage for any redevelopment of this lot.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The Planning Division believes there is a need for neighborhood commercial related development on this property. The CN zoning allows a wide range of uses including restaurants, retail sales and services, offices, day cares, limited vehicle service, and self-service storage, short-term rentals, and car washes with a conditional use.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* There are no anticipated changes to existing development patterns. As indicated, the property has existed in its current configuration prior to 1950, and the property has frontage onto West Beauregard Avenue, an arterial road which can accommodate large traffic volumes. The Planning Division believes the majority of traffic will access the site from West Beauregard Avenue, avoiding the need to use local streets south of the property. Regardless, neighborhood commercial uses are typically local in nature and will be able to serve the surrounding residential neighborhood.

Planning Commission Recommendation:

On November 19, 2018, the Planning Commission recommended **APPROVAL** of the proposed Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District on the subject property. The following is the complete excerpt of the draft minutes from the November 19, 2018, meeting for this case:

Public hearing and consideration of a request for approval of a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District on the subject property located at 909 West Beauregard Avenue.

Prior to presentation of this case at 9:40 a.m., Commissioners Brooks and Uherik recused themselves due to potential conflict of interest.

Jeff Fisher, Senior Planner, presented the rezoning request. He explained that the majority of the property is CG/CH except for the bottom 50 feet which is zoned RS-1. Mr. Fisher outlined Staff's rationale to approve the Rezoning on the grounds that the CN zone is consistent with the Future Land Use designation of "Neighborhood Center"; that the lot complies with all CN standards and is exempt from platting; and that the property is located along West Beauregard Avenue, a commercial corridor that allows similar uses such as offices, retail stores, and restaurants.

Chair Stribling opened the meeting for public comment.

Mr. Steve Eustis, representative of the current owner of the property, spoke in support of the request. He explained that the property owner to the south intends to purchase this property. Mr. Eustis further explained that the current building is an eyesore and intends to be removed, as well as the CG/CH zone which is good for the neighborhood.

Ms. Heidi Brooks, who owns property in the vicinity, asked if the subject request is only for the proposed rezoning and not for the specific use that would be erected on the property.

Chair Stribling responded this was correct.

Stephen McLaughlin, one of the surrounding property owners, spoke in support of the request and indicated he provided written support as well.

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

Recommendation:

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

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Response Letter
Applicant's Response to Zoning Criteria
Application



Zoning Case

Z18-21: First Financial Trust

Council District: Lane Carter (SMD#5)

Neighborhood: Santa Rita

Scale: 1" approx. = 100 ft

Subject Property: 909 West Beauregard Avenue

Legend:

Subject Properties:

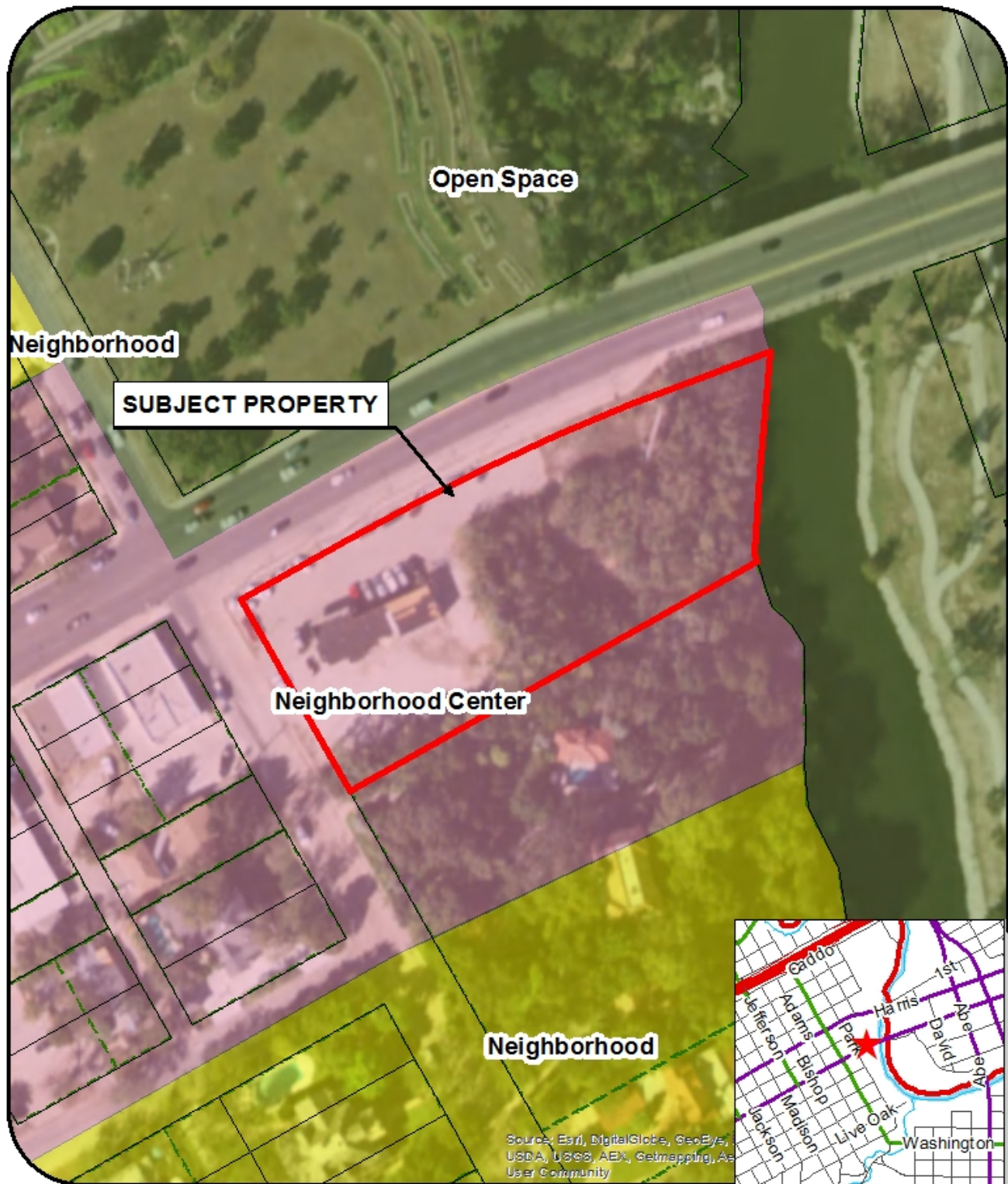
Current Zoning:

Requested Zoning:

Vision:

CG/CH and RS-1
CN
Neighborhood Center

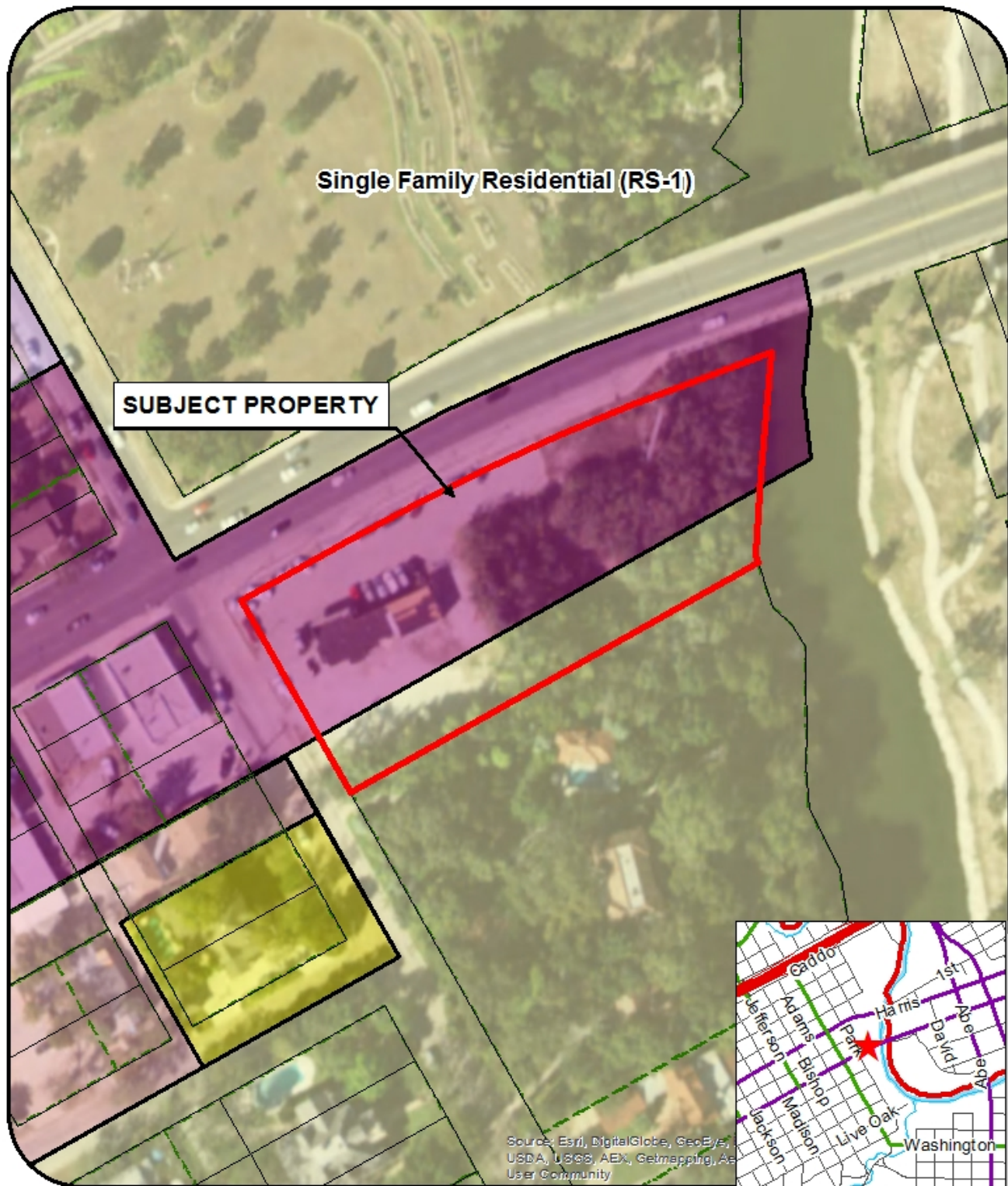




Zoning Case
Z18-21: First Financial Trust
Council District: Lane Carter (SMD#5)
Neighborhood: Santa Rita
Scale: 1" approx. = 100 ft
Subject Property: 909 West Beauregard Avenue

Legend:
Subject Properties: —
Current Zoning: CG/CH and RS-1
Requested Zoning: CN
Vision: Neighborhood Center





Zoning Case
Z18-21: First Financial Trust
Council District: Lane Carter (SMD#5)
Neighborhood: Santa Rita
Scale: 1" approx. = 100 ft
Subject Property: 909 West Beauregard Avenue

Legend:
Subject Properties: —
Current Zoning: CG/CH and RS-1
Requested Zoning: CN
Vision: Neighborhood Center



Photos of Site and Surrounding Area

WEST



EAST



NORTH



SOUTHEAST AT PROPERTY



EAST AT PROPERTY



REAR OF PROPERTY



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

(X) IN FAVOR () IN OPPOSITION

REASON(S) I believe the property in it's current state and situation is not only an eyesore, but also creates a blind spot hiding illicit activities.

Having an investor with strong ties to the neighborhood and the wherewithal to make positive changes to the property is a great opportunity to have this iconic location become attractive and productive again.

Further, it is my opinion that the current zoning is a mistake and not in keeping with the restrictions and guidelines of the various overlays that incorporate this property.

NAME: Stephen McLaughlin

ADDRESS: 115 S. Park

SIGNATURE: 

Z18-21: First Financial Trust
property owner number: 7

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

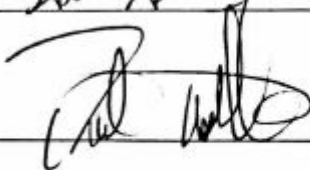
TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(V) IN FAVOR () IN OPPOSITION

REASON(S) MY FAMILY CURRENTLY RESIDES NEXT TO
THIS PROPERTY AT 208 S PARK ST. WE CURRENTLY
HAVE THIS PROPERTY UNDER CONTRACT AND ARE
~~WORKING CLOSELY WITH THE CITY AND NEIGHBORHOOD~~
TO REMOVE THE EXISTING STRUCTURE (ONCE PURCHASED)
AND TO BUILD A VIABLE PROJECT TO SERVE
SAN ANGELO & THIS NEIGHBORHOOD.

NAME: ROBERT & LAUREN WATKINS

ADDRESS: 208 S PARK ST
SAN ANGELO TX 76901

SIGNATURE: 

Z18-21: First Financial Trust

property owner number: 10

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

Sec. 212. Amendments to Text or Official Zoning Map

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

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

The zone change is from CG/CH and RS-1 to CN. The vision plan calls for neighborhood center so the zone change cleans up the property with 2 zoning designations and is in line with the Vision Plan.

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

The CN designation allows for a variety of commercial opportunities and the property will not conflict with any portion of the Zoning Ordinance.

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

The property is surrounded with office buildings and residences. The proposed use of the property will act as a nice transition for the 2 zones.

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

We will require a conditional use for a portion of the business and will submit for that when the re-zone is complete.

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

The proposed amendment will have a minimal impact on the surrounding area. Currently, the property consists of a dilapidated building and is an eye-sore for the surrounding properties.

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

Being that this property consists of 2 different zoning districts, it is in the best interest of the City to have it zoned as 1 district and zoned as the vision plan call. It will also allow for the owner to clean up the site and decide the best plan of action for the property moving forward.

7. Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community. The property will be CN and this will allow for a transision between commercial property and residential property. It will be consistent with the surrounding properties.

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): First Financial Trust and Asset Management Company, Trustee David Byrd, Executive Vice President

☒ Owner ☐ Representative (Notarized Affidavit Required)

P.O. Box 5291 San Angelo Texas 76902

Mailing Address City State Zip Code

325-659-5968 ecarter@fentresseng.com

Contact Phone Number Contact E-mail Address

909 West Beauregard San Angelo Texas 76901

Subject Property Address City State Zip Code

Blk: 39, Subd: ANGELO HEIGHTS ADDITION, NORTH 175 FEET OF BLOCK 39

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

Existing Zoning: RS-1 & CG/CH Proposed Zoning: CN Lot size: 1.47 Acres

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

Section 2: Site Specific Details

Existing Use of Property: Currently Vacant- Was a car lot

*Proposed Use of Property: Commercial Building with indoor storage rooms for (self service storage units) within the building.

*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.

David Byrd	<i>David Byrd</i>	First Financial Trust and Asset Management Company, N. A.	10/10/2018
Owner Name (Print)	Signature	Company/Organization (If Applicable)	Date
Erica Carter		Carter-Fentress Engineering	10/10/2018
Representative Name (Print)	Signature	Company/Organization	Date

FOR OFFICE USE ONLY:

☒ Verified Complete ☐ Verified Incomplete

Date of Application: 10 / 11 / 18

Case No.: Z 18 - 21

Fully-dimensioned site plan: ☐ N/A

Nonrefundable fee: \$ 625.00

Receipt #: 28368

Date paid: 10 / 11 / 18

Sign Deposit \$37.50 N/A

Receipt #: _____

Date paid: 10 / 11 / 18

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: to be submitted

Planning Commission hearing date: 11 / 19 / 2018

Date notifications due: 11 / 8 / 18

City Council hearing date: 12 / 18 / 18

Packets due date: _____

Publication date: _____

Reviewed/Accepted by: J. Fisher

Date: 10 / 11 / 18

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jeff Fisher, Sr. Planner, Planning and Development Services, 325.657.4210

Meeting Date: January 22, 2019

Item type: Regular Item

Caption:

Second reading and adoption of an ordinance approving case Z18-22, a rezoning from the Single-Family Residential Zoning District to the Two-Family Residential Zoning District, located at 701-721 W. 15th St. (Jon James)

Summary/History:

A request for approval of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District, located at 701-721 West 15th Street. The RS-2 zone allows either a single-family dwelling, a two-family dwelling, or a single-family dwelling with an accessory apartment.

The owner of 711 West 15th Street initiated the rezoning on his property and the City initiated the rezoning for the remainder of the block to ensure consistency.

Financial Impact:

N/A

Other Information/Recommendation:

On November 19, 2018, the Planning Commission unanimously recommended APPROVAL of the proposed rezoning.

Attachments:

- | | |
|-----------------------------|-------------------------------|
| 1. Staff Report (Z18-22) | Staff Report (Z18-22).docx |
| 2. Draft Ordinance (Z18-22) | Draft Ordinance (Z18-22).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 – January 8 and January 22, 2019
STAFF REPORT



APPLICATION TYPE:	CASE:		
Rezoning	Z18-22: Sepulveda / City of San Angelo		
SYNOPSIS:			
The applicant has applied for a rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District on his vacant property, 711 West 15th Street. The RS-2 zone allows either a single-family dwelling, a two-family dwelling, or a single-family dwelling with an accessory apartment. Given there is a presence of other nearby lots with two residential units and non-residential zoning to the south, the City is initiating a rezoning from RS-1 to RS-2 on the remainder of this block, south of West 15th Street, between Shelton Street and Brown Street. This would allow a transition between the non-residential area to the south and RS-1 zoning to the north, as well as allow some flexibility to build one or two-family housing on the majority of this block which has been vacant for over 35 years (see Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
701-721 West 15 th Street; located south of West 15 th Street between Shelton Street and Brown Street		Being Lots 1-10 in Block 4 of the Mineola Annex	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #4 – Lucy Gonzales Blackshear Neighborhood	Single-Family Residential (RS-1)	N - Neighborhood	1.61 ac.
THOROUGHFARE PLAN:			
West 15th Street – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' with a 4-foot sidewalk Provided: 60' right-of-way, 36' pavement with a 4-foot sidewalk Brown Street – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' with a 4-foot sidewalk Provided: 50' right-of-way, 36' pavement with a 4-foot sidewalk			
NOTIFICATIONS:			
22 notifications mailed within 200-foot radius on November 7, 2018. Two received in support, none in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject properties.			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner and Applicant:</i> Mr. Richard J. Sepulveda, Jr.			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

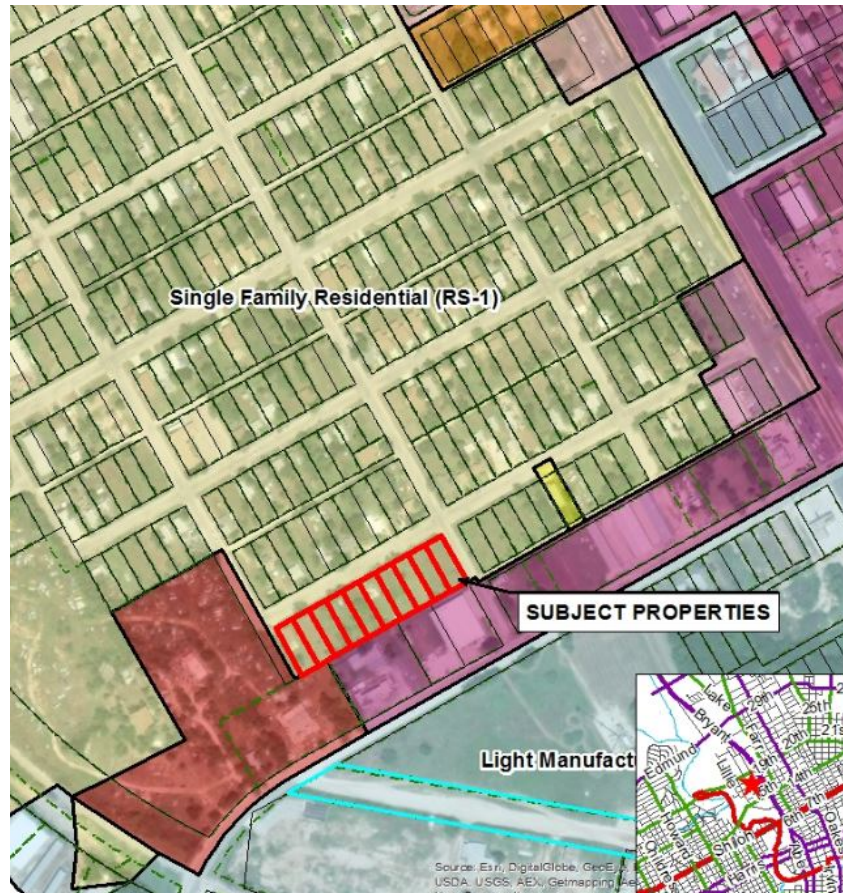


Additional Information: In addition to site visits on October 8 and November 12, 2018, the Planning Division conducted research on all properties on West 15th Street and the south side of West 16th Street between Shelton Street and North Bryant Boulevard, a total of 76 residential lots. Most of these homes were built in the 1950s and some in the 1960s. Staff found an existing RS-2 zoned property at 611 West 15th Street which is identified as a duplex in the 2016 Polk Directory. In addition, 622 West 15th Street, 623 West 16th Street, and 713 West 16th Street each contain two residential structures - single-family dwellings and accessory apartments. In addition, two-thirds (16 of the 24 lots) along the subject block to be rezoned are vacant, and appear to have been vacant since at least 1983 when a renovation was done on 718 West 15th Street, over 35 years ago. Of the remaining lots, 11 are vacant, for a total of 27 vacant lots (36%). From this research, the Planning Division provides its findings and recommendations below.

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

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The subject property has a Future Land Use designation of “Neighborhood” since the City’s original 2003 Comprehensive Plan. The “Neighborhood” designation promotes “an appropriate balance of use within each neighborhood” and “neighborhood diversity and security by encouraging a mix of age, income, and housing choices within San Angelo’s neighborhoods. The Planning Division believes that a rezoning to RS-2 is appropriate for achieving these objectives. As indicated, two-thirds of the residential lots along the south side of West 15th Street appear to have remained vacant for at least 35 years, and over one-third of the lots in the surrounding area appear to have remained vacant for the same amount of time. Staff does not anticipate this situation changing. An RS-2 zoning on the subject lots would allow more diversity in housing options, opening up opportunities for future development while maintaining the residential character of the neighborhood. RS-2 will allow single-family, two-family, or single-family with an accessory apartment, consistent with the above 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 Planning Division sees no conflict with the Zoning Ordinance if the Rezoning to RS-2 is approved. All of the lots are 50 feet wide, 140.4 feet in depth, and are 7,020 square feet in area, in compliance with the minimum lot area of 6,500 square feet, lot width of 50 feet, and lot depth of 100 feet for the RS-2 Zoning District.
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 proposed RS-2 zoning will be compatible with the surrounding area. As indicated, 611 West 15th Street located in the same neighborhood is

already zoned RS-2 with an existing two-family structure. In addition, there are several lots with two residential structures in the neighborhood. This in and of itself would be insufficient to justify a Rezoning to RS-2. However, given that the properties immediately to the south are zoned General Commercial/Heavy Commercial (CG/CH), Staff believes an RS-2 along this block would provide an appropriate transition between this commercial development and RS-1 zoning to the north.



4. **Changed Conditions.** Whether and the extent to which there are changed conditions that require an amendment. As mentioned, two-thirds of the lots within this block have remained vacant for several decades. The Planning Division has not seen or found any other housing requests in this area. Therefore, the Division supports the request to RS-2. The Division believes that the RS-2 zone will preserve the low density residential character of the neighborhood while more flexibility in housing options.
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 Planning Division does not anticipate any negative effects on the natural environment. A review of grading, drainage, and stormwater would take place at the permit stage for any development on these lots.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The Planning Division believes there is a community need for the proposed rezoning to RS-2. As indicated, the applicant for 606 Rust Street plans to erect a single-detached dwelling on this property in future, with a possible affordable housing tax credit. Given that the 0.35-mile surrounding area is fully occupied with residential housing and zoned accordingly, the Planning Division believes there is a community need for more housing in this location.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* There are no anticipated changes to existing development patterns. The existing lots were previously platted and meet the minimum lot dimensions for RS-2 zoning. West 15th Street is a local urban street which connects to North Bryant Boulevard and commercial amenities.

Planning Commission Recommendation:

On November 19, 2018, the Planning Commission recommended **APPROVAL** of the proposed Rezoning from the Single-Family (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject properties. The following is the complete excerpt of the draft minutes from the November 19, 2018, meeting for this case:

Public hearing and consideration of a request for approval of a Rezoning from the Single-Family Residential (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District, located at 701-721 West 15th Street.

Jeff Fisher, Senior Planner, presented the rezoning request. He explained that the owner of 711 West 15th Street wanted to rezone this property from RS-1 to RS-2 and Planning Staff has brought forward a city-initiated rezoning for the remainder of this block for RS-2 zoning as well. He explained that there is an existing RS-2 lot further east on West 15th Street as well as several properties in the area with two residential structures.

Mr. Fisher outlined Staff's rationale to approve the Rezoning on the grounds that the RS-2 zoning would be consistent with the "Neighborhood" Comprehensive Plan designation; that all the lots comply with the RS-2 zoning standards; that the RS-2 zone would maintain the low density character of the area; that two-thirds of the block has remained vacant for decades; and that the area acts as a transition between commercial development and zoning to the south and RS-1 zoning to the north.

Chair Stribling opened the meeting for public comment.

Mr. Rick Sepulveda, owner and applicant for 711 West 15th Street spoke in support of the request. He indicated that there were several empty lots within the block and did not believe it was cost effective to build a single-family home on the lot. He indicated that a duplex would be more feasible.

Commissioner Jackson expressed support for the proposed rezoning.

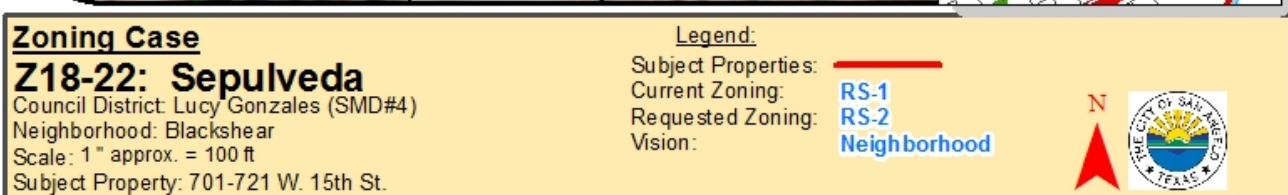
Commissioner Jackson made a Motion to recommend APPROVAL of the proposed Rezoning from the Single-Family (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject properties. Commissioner Self seconded the Motion. The Motion passed unanimously, 7-0.

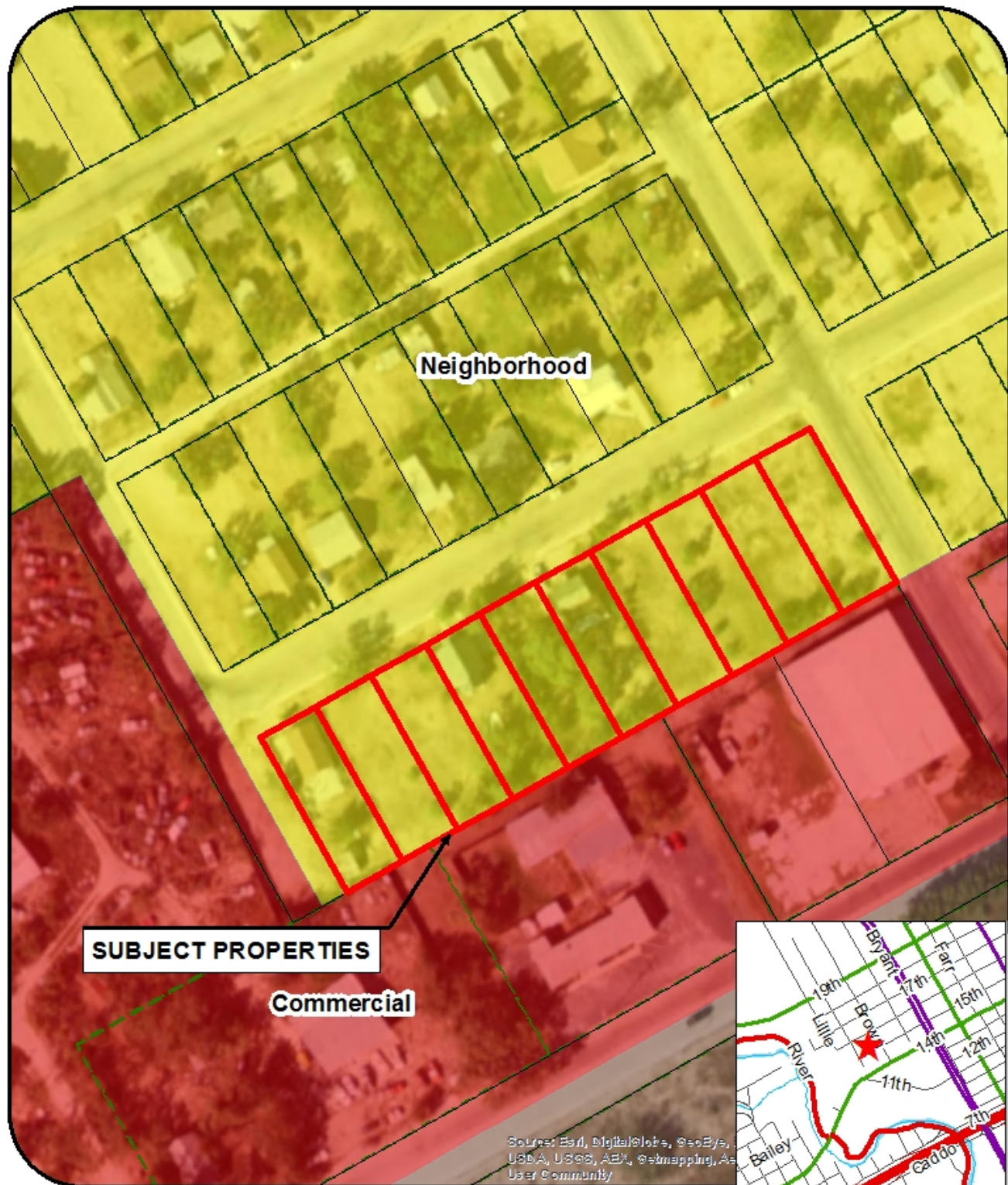
Recommendation:

Staff's recommendation is for City Council to **APPROVE** of the proposed rezoning from the Single-Family (RS-1) Zoning District to the Two-Family Residential (RS-2) Zoning District on the subject properties.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Response Letters
Applicant's Response to Zoning Criteria
Application





Zoning Case

Z18-22: Sepulveda

Council District: Lucy Gonzales (SMD#4)

Neighborhood: Blackshear

Scale: 1" approx. = 100 ft

Subject Property: 701-721 W. 15th St.

Legend:

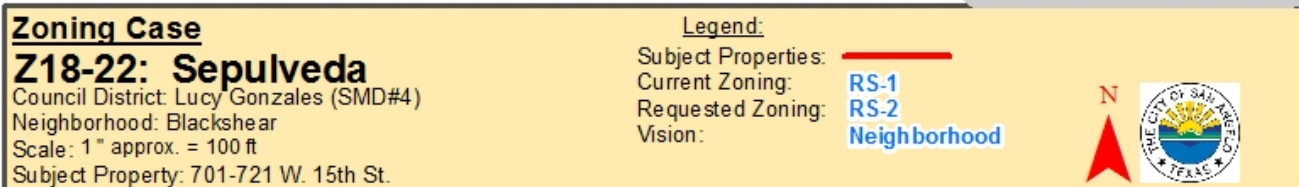
Subject Properties: —

Current Zoning: RS-1

Requested Zoning: RS-2

Vision: Neighborhood





Photos of Site and Surrounding Area

WEST



**711 WEST 15TH STREET
(SEPULVEDA REZONING)**



**LOOKING WEST AT LAND SUBJECT TO
COSA-INITIATED REZONING**



EAST



**LOOKING EAST AT LAND SUBJECT TO
COSA-INITIATED REZONING**



COMMERCIAL LAND BEHIND PROPERTIES



Staff Report – Z18-22: Sepulveda / City of San Angelo
January 8 and January 22, 2019

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

(☒)

IN FAVOR

(☐)

IN OPPOSITION

REASON(S) _____

NAME: MARVIN B. STEPHENSON

ADDRESS: 10257 Burma Loop
Carlsbad Tx 76954

SIGNATURE: Marvin B. Stephenson

Z18-22: Sepulveda /City of San Angelo
property owner number: 20

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

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

(X) IN FAVOR () IN OPPOSITION
REASON(S) We are in support of
changing the zoning RS-1 to RS-2ies

NAME:

Debra Blackwell

ADDRESS:

709 W 15th

SIGNATURE:

Annie Bell Samuel
Debra R Blackwell Kenneth Harvey

Z18-22: Sepulveda /City of San Angelo

property owner number: 16

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

Sec. 212. Amendments to Text or Official Zoning Map

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

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

Proposed amendment is compatible with COSA neighborhood plans and policies. The amendment will promote a viable neighborhood that promotes diversity at an affordable level, and provide a better transition from nearby commercial buildings. It will also provide growth of the neighborhood which has several vacant lots.

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

Amendment will not conflict with any portion of this zoning ordinance, if anything, the amendment will encourage and provide more options for future development.

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.

Many RS1 lots in this area are vacant (16 just on the West 15th block) and have not been developed for decades. Majority of the homes are smaller than average dwellings, I believe the current demographics and zoning stunt the development of this area to some extent. The amendment will encourage growth for the future by residents and investors.

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

There are no changed conditions that require an amendment.

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

There will be no adverse impacts on natural environments.

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

There are 16 vacant lots on this block, a rezone to RS2 could provide this area with possible growth for the future.

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

As of right now there are no development patterns for this area. Due to demographics and surrounding homes, it makes it difficult to justify building any new SFR on vacant lots unless they are HUD homes or low income development houses. At some point within the past 10 years there was a city initiative to help provide low income families with an option to buy homes but I am not aware of any current initiatives. This amendment could provide the option for income producing units for residents and well as options for investor development making the area more desirable.

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): RICHARD J SEPULVEDA JR

☒ Owner ☐ Representative (Notarized Affidavit Required)

2113 ELDER PLACE	ROUND ROCK	TX	78664
Mailing Address	City	State	Zip Code
325-227-2308	MAKEAUSTINREADY@GMAIL.COM		
Contact Phone Number	Contact E-mail Address		
711 WEST 15TH	SAN ANGELO	TX	76903
Subject Property Address	City	State	Zip Code

Legal: Acres: 0.161, Lot: 6, Blk: 4, Subd: MINEOLA ANNEX

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

Existing Zoning: RS1 Proposed Zoning: RS2 Lot size: 50X150

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

Section 2: Site Specific Details

Existing Use of Property: PROPERTY IS CURRENTLY A VACANT LOT AND APPEARS TO HAVE ALWAYS BEEN VACANT

*Proposed Use of Property: DUPLEX OR SINGLE FAMILY HOME

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement
(By checking the boxes you indicate that you understand below rules and regulations for the Planning Commissions case.)

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

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

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

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

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

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

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

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

Staff Report – Z18-22: Sepulveda / City of San Angelo
January 8 and January 22, 2019

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.

RICHARD J SEPULVEDA JR Richard J Sepulveda Jr N/A 10-14-18
Owner Name (Print) Signature Company/Organization (If Applicable) Date

Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

☒ Verified Complete ☐ Verified Incomplete

Date of Application: 10 / 14 / 2018

Case No.: Z 18 -- 22

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ 663.00

Receipt #: 26020 Date paid: 10 / 16 / 18

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: 11 / 19 / 2018 Date notifications due: ____/____/____

City Council hearing date: 12 / 18 / 2018 Packets due date: ____/____/____

Publication date: ____/____/____

Reviewed/Accepted by: J. Fisher Date: 10 / 14 / 2018

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTIES: **701-721 West 15TH Street; located south of West 15th Street between Shelton Street and Brown Street; comprising 1.61 acres;** FROM SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO TWO-FAMILY RESIDENTIAL (RS-2) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: Z18-22: Sepulveda / COSA

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 Two-Family Residential (RS-2) Zoning District and,

WHEREAS, on the 8th day of January, 2019, City Council held a public hearing on Z18-22, 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 properties permanently zoned TWO-FAMILY RESIDENTIAL (RS-2) ZONING DISTRICT;

The real properties generally located at 701-721 West 15TH Street; located south of West 15th Street between Shelton Street and Brown Street; being Lots 1 through 10, Block 4,

Mineola Annex; and comprising 1.61 acres; City of San Angelo, Tom Green County, Texas, shall henceforth be permanently zoned as follows: Two-Family Residential (RS-2) Zoning District.

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

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

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

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

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

INTRODUCED on the **8th day of January, 2019**, and finally PASSED, APPROVED
AND ADOPTED on this the **22nd day of January, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

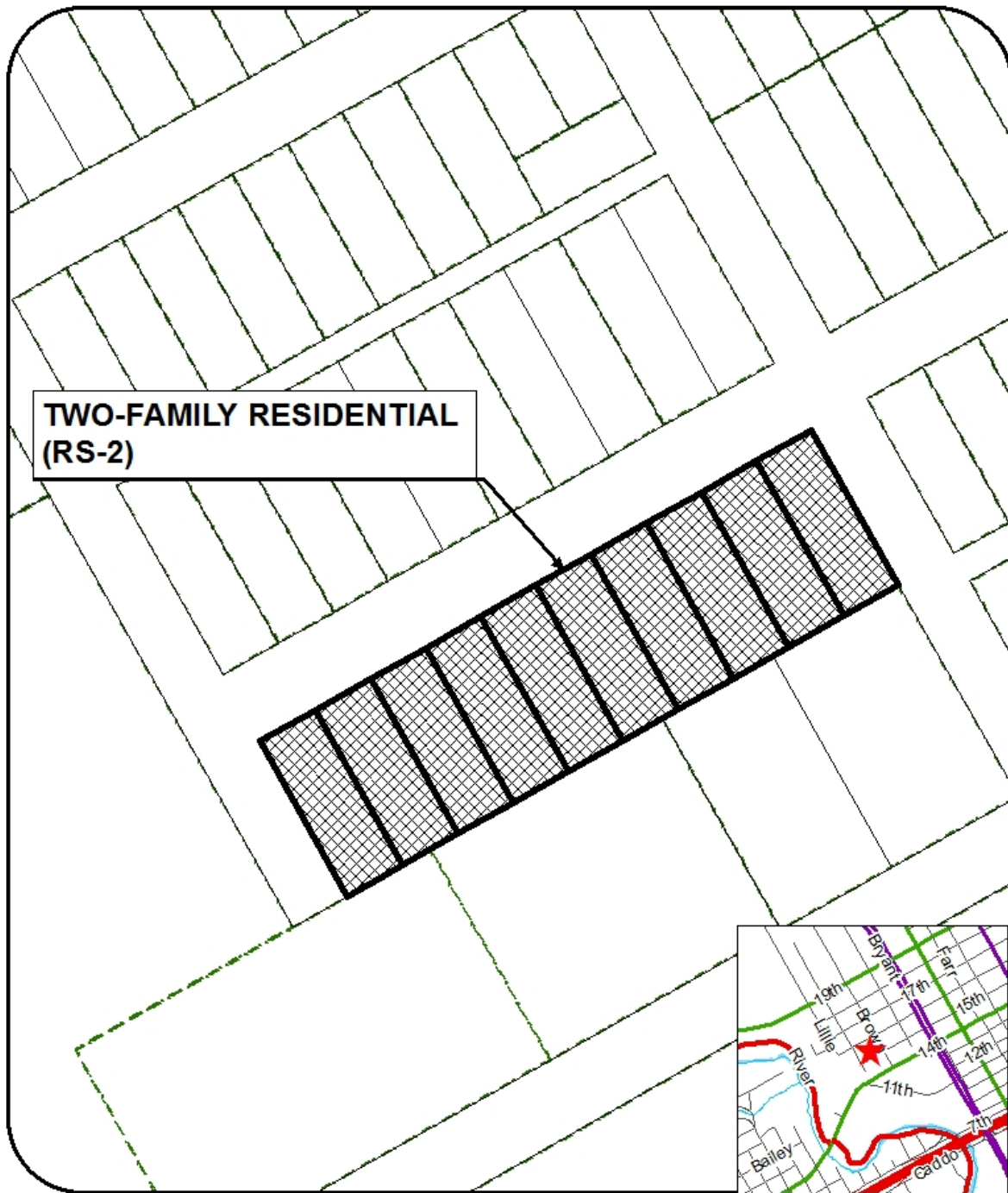
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A" (RS-2 Boundary Map)



Zoning Case

Z18-22: Sepulveda

Council District: Lucy Gonzales (SMD#4)

Neighborhood: Blackshear

Scale: 1" approx. = 100 ft

Subject Property: 701-721 W. 15th St.

Legend:

Subject Properties:

Current Zoning:

Requested Zoning:

Vision:

RS-1

RS-2

Neighborhood



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kimberly Holle, Budget Manager, Budget, 325-657-4211

Meeting Date: January 22, 2019

Item type: Consent Item

Caption:

Second reading and adoption 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 (Tina Dierschke)

Summary/History:

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

- Code Compliance Abatement Crew
- Concho Avenue Improvements funded by Texas Department of Transportation
- Airport Business Park planning funded by City of San Angelo Development Corporation
- Airport US Customs and Border Patrol Facility funded by City of San Angelo Development Corporation
- Fort Concho acquisition of adjacent property

Financial Impact:

See Exhibit A of the ordinance.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | |
|------------------------------------|--------------------------------------|
| 1. Ordinance 01.22.19 | Ordinance 01.22.19.docx |
| 2. Budget Amendment - ALL | Budget Amendment - ALL.pdf |
| 3. 01.22.19 FIN Budget Amendment A | 01.22.19 FIN Budget Amendment A.pptx |

Presentation:

Tina Dierschke

Approvals/Reviews:

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

**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 8th day of January, 2019, and APPROVED and ADOPTED on this 22nd day of January, 2019.

ATTEST:

CITY OF SAN ANGELO, TEXAS:

Julia Antilley, 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	\$101,851.00	\$101,851.00	\$-
Intergovernmental Fund	\$597,977.00	\$597,977.00	\$-
Airport Fund	\$170,216.00	\$170,216.00	\$-
Fort Concho Fund	\$26,500.00	\$80,000.00	\$(53,500.00)
Total	\$896,544	\$950,044	\$(53,500)

City of San Angelo
Proposed Budget Amendment
Additional Information

Project/Need	Source of Funding	Revenue	Expense	Net Benefit/(Cost)
Code Compliance abatement crew	Additional Revenue	\$101,851	\$101,851	\$-
Concho Avenue Improvements	TXDOT Advanced Funding Agreement	\$597,977	\$597,977	\$-
Airport Business Park planning	City of San Angelo Development Corporation	\$120,991	\$120,991	\$-
US Customs and Border Patrol Facility	City of San Angelo Development Corporation	\$49,225	\$49,225	\$-
Acquisition of property adjacent to Fort Concho	Fort Concho Fund Balance and Fort Concho Foundation	\$26,500	\$80,000	\$(53,500)
	Total	\$896,544	\$950,044	\$(53,500)

Memo

To: Tina Dierschke, Finance Director

From: Morgan Chegwiddden, Assistant Director of Neighborhood & Family Services

Date: January 2, 2019

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

To fund additional abatement crew and capture marginal revenue for staff and supplies.

Source of Funding:

Marginal revenue – charges for service

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

No

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Revenue			
Reimbursed Expenses	159,937	101,851	261,788
Expenses			
Salaries & Benefits	308,570	61,000	369,569
Supplies	35,880	33,351	69,231
Capital	0	7,500	7,500

Additional Comments:

Memo

To: Tina Dierschke, Finance Director
From: Charles Michalewicz, Public Works Projects Administrator
Date: 01/08/19
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for grant related revenue and expense for Concho Avenue Improvements.

Source of Funding:

TXDOT Advanced Funding Agreement for Installation of Traffic Control Devices and Intersection Improvements

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

City Council passed a Resolution at the May, 1 2018 meeting.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Grant Revenue	0	597,977	597,977
Project Expenses	0	597,977	597,977
			0
			0
			0
			0

Additional Comments:

Memo

To: Tina Dierschke, Finance Director
From: Kelena James, Business and Finance Analyst
Date: 12/21/18
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for Airport Business Park planning related to the Airport Master plan

Source of Funding:

City of San Angelo Development Corporation

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

City Council approved on November 6, 2018.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Transfer in from COSADC	0	120,991	120,991
			0
Special Project B: Expenses	0	120,991	120,991
			0
			0
			0

Additional Comments:

Memo

To: Tina Dierschke, Finance Director
From: Kelena James, Business and Finance Analyst
Date: 12/21/18
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for improvements at US Customs and Border Patrol Facility

Source of Funding:

City of San Angelo Development Corporation

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

City Council approved on September 4, 2018.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Transfer in from COSADC	0	49,225	49,225
			0
Special Project C: Expenses	0	49,225	49,225
			0
			0
			0

Additional Comments:

Memo

To: Tina Dierschke, Finance Director

From: Bob Bluthardt, Fort Concho Manager

Date: 01/02/19

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for the acquisition of property adjacent to Fort Concho bounded by East Avenue A, Rust & Burgess Streets, and East Ave C (415 East Avenue A)

Source of Funding:

Fort Concho Fund Balance: \$53,500

Fort Concho Foundation: \$26,500

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

Approved at the City Council meeting of November 20, 2018. Fort Concho Foundation funding approved at its November 13, 2018 board meeting.

Project/Budget to be amended	Current Budget	Proposed Change	Proposed Revised Budget
Revenue from Foundation	0	26,500	26,500
			0
Capital Expenses	0	80,000	80,000
			0
			0
			0

Additional Comments:



City Council

January 8, 2019



Budget Amendment

General Fund	Revenue	Expense
Reimbursed Expenses	\$101,851	
Code Compliance Abatement		\$101,851



Budget Amendment

Intergovernmental Fund	Revenue	Expense
TxDOT Reimbursement	\$597,977	
Concho Avenue Improvements		\$597,977



Budget Amendment

Airport Fund	Revenue	Expense
COSA Development Corporation	\$120,991	
Airport Business Park Planning		\$120,991



Budget Amendment

Airport Fund	Revenue	Expense
COSA Development Corporation	\$49,225	
US Customs and Border Patrol Facility		\$49,225



Budget Amendment

Fort Concho Fund	Revenue	Expense
Fort Concho Foundation	\$26,500	
Acquisition of property		\$80,000





City Council

January 8, 2019



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Kevin Pate, Project Engineer, Engineering Services, (325) 657-4263

Meeting Date: January 22, 2019

Item type: Regular Item

Caption:

Consider ratifying Amendment No. 1 in the amount of \$34,511 and approving Amendment No. 2 in the amount of \$26,756 to Task Order 5 originally issued to Freese & Nichols in the amount of \$111,827 for the design of a storm water detention basin for Avenue P drainage improvements and authorizing the City Manager to execute all related documents (Presentation made by City Engineer Russell Pehl)

Summary/History:

Task Order No. 5 issued to Freese & Nichols in the amount of \$111,827 for the design of a stormwater detention basin for Avenue P drainage improvements was authorized by the City Council on April 3, 2018.

The unexpected presence of hydrocarbon soil contamination was detected during geotechnical investigations required the issuance of Amendment No. 1 in the amount of \$34,511 to accomplish an Environmental Site Assessment.

Amendment No. 2 increases Freese & Nichols' original scope of work to include engineering related to adjusting water/sewer utilities and replacing asphalt paving where water from the detention basin drains across La Cruz St. and down Avenue P and approving Amendment No. 2 in the amount of \$26,756.

Amendments increase the amount of Task Order No. 5 to \$173,094.

Financial Impact:

Amendment 1

Ave P Basin - \$34,511

Amendment 2

Water - \$ 9,093

Sewer - \$13,663

Street Bond - \$ 4,000

Total - \$26,756

Other Information/Recommendation:

Attachments:

- | | | |
|----|-----------------------------------|--|
| 1. | AVE P FNI T.O. NO 5 AMEND 1 | AVE P FNI T.O. NO 5 AMEND 1.pdf |
| 2. | AVEP FNI T.O. 5 INITIAL | AVEP FNI T.O. 5 INITIAL.pdf |
| 3. | AVE P FNI T.O. NO 5 AMEND 2 DRAFT | AVE P FNI T.O. NO 5 AMEND 2 DRAFT.docx |

Presentation:

Approvals/Reviews:

Kevin Pate	Created/Initiated
Russell Pehl	Approved
Theresa James	Approved
Anthony Wilson	Approved
Candice Blake	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval

FIRST AMENDMENT TO CITY OF SAN ANGELO TASK ORDER NO. 5,
RFQ NO. ES-04-15; FREESE & NICHOLS, INC, PROVIDER..

This First Amendment to City of San Angelo, Texas (CITY), Task Order No. 5, RFQ No. ES-04-15; by and between the CITY and FREESE AND NICHOLS, INC., (FNI), Provider, effective April 3, 2018 (hereinafter "Task Order No. 5) is entered into by duly authorized representatives of each of the parties.

WHEREAS, the parties entered into the foregoing described Task Order No. 5, effective April 3, 2018, for the term described in Article III of EXHIBIT "A" to Task Order No. 5; and,

WHEREAS, the parties wish to add to the scope of services and compensation payable, and provide for an extension of the time to provide 90% plans;

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

1. The foregoing recitals are true and correct and are adopted by the parties as part of this First Amendment to Task Order No. 5.
2. This First Amendment to Task Order No. 5 shall be effective from and after September 11, 2018.
3. The scope of work and statement of fees described in Task Order No. 5 and **Exhibit "A"** attached thereto are hereby supplemented with the FNI proposed scope of services and fee schedule dated August 2, 2018, attached hereto as **Exhibit "A-1"** and made a part hereof for all purposes, providing additional scope of services as set forth therein and additional fees of \$34,511, for a total compensation payable under Task Order No. 5 as amended and supplemented with this First Amendment of \$146,338.00.
4. The term for 90% plan submittal set forth in Article III of Task Order No. 5 is amended by extending the applicable time period to expire on December 10, 2018. All provisions of Article III not hereby amended shall remain in full force and effect.
5. All provisions of Task Order No. 5 not amended by this First Amendment shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their duly authorized representatives on the dates indicated.

CITY OF SAN ANGELO, TEXAS

DocuSigned by:
Daniel Valenzuela
By: _____
32F9587237A9429...
Daniel Valenzuela, CITY Manager

ATTEST:

DocuSigned by:
Bryan Kendrick
EE8905EDAE1475...
Bryan Kendrick, CITY Clerk
9/12/2018 | 8:38 AM CDT
Date: _____, 2018

PROVIDER:

FREESE & NICHOLS, INC.

CITY OF SAN ANGELO

DocuSigned by:
John Dewar
BY: _____
291924D330E44A8...
John Dewar, Principal/Vice President
DATE: 9/11/2018 | 4:39 PM CDT, 2018
EMAIL JFD@freese.com

APPROVED AS TO FORM

DocuSigned by:
Dan Saluri
609C3C877D18482...
Dan T. Saluri, Deputy City Attorney

Date: 9/11/2018 | 3:12 PM CDT

APPROVED AS TO CONTENT

DocuSigned by:
Russell Pehl
F54CD866029D40F...
Russell Pehl, City Engineer

Date: 9/11/2018 | 4:37 PM CDT

EXHIBIT A-1



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August 2, 2018

Kevin Pate, P.E.
Project Manager
City of San Angelo
301 W. Beauregard Ave.
San Angelo, TX 76903

RE: **Task Authorization #6 – Avenue P Detention Pond Design – Soil Testing**

Dear Mr. Pate:

Per the City's request we propose the following scope and fee for Engineering services related to testing of potentially contaminated soils. These services include performing research and site inquiries consistent with a Phase I ESA, and the drilling, sampling, and testing of soils consistent with a Phase II ESA. The Phase II ESA will allow for up to 7 boring locations with the full gamut of testing. These services are cost-plus and not to exceed the amount provided.

A summary of the costs are shown in the table below.

<u>Item</u>	<u>Fee</u>
Phase I ESA	\$4,370
Phase II ESA	\$27,600
Management and Review of Subconsultant	\$2,541
Total	\$34,511

Freese and Nichols, Inc. appreciate this opportunity and we would like to meet with you to discuss these additional services at your convenience.

Sincerely,

A handwritten signature in black ink that reads 'Heather Keister'.

Heather Keister, P.E.
Project Manager

L:\Resources\OLCR\S\SanAngelo\TA #06 Cover Letter\Avenue P Detention Pond Design

EXHIBIT A-1

Rev. 06/10



SCHEDULE A
TASK ORDER #05
Amendment #1

Client: City of San Angelo. 72 West College Avenue San Angelo, TX 76903 Attn:	FNI Project No.: SAN18286										
	Phase/Task/Dept. No.:										
	Date: August 6, 2018										
This authorization is in accordance with the terms and conditions outlined in the Master Agreement executed on 09/15/2015.											
Project Description: Professional Engineering Services for Avenue P Detention Design; San Angelo, TX											
Description of Services added: Conduct a Phase I Environmental Site Assessment (ESA) in conformance with ASTM E 1527-13 to identify the likely presence of any hazardous substances or petroleum products on the property under conditions that indicate an existing release, past release, or a material threat of release into the ground, groundwater, or surface water of the property. Conduct a limited Phase II ESA for the site in conformance with ASTM E 1903-11 to investigate site soils. We will conduct soil sampling and analysis in the area of potential hazard as identified during previous geotechnical drilling. Our initial field sampling will include at least 4 boreholes in the area to a maximum depth of 40 feet. Submit samples to the laboratory for testing up to : 16 samples for TPH (1005), 10 samples for RCRA, 10 samples for B-TEX, 2 samples for VOC & SVOC, and 3 PID readings per borehole. Deliverables: A report of findings for both Phase I and Phase II ESAs Deliverables: A report of findings for the Phase I and Phase II ESA effort.											
Compensation shall be as follows: Basic Services: Compensation shall be a not to exceed fee of Thirty-Four Thousand Five Hundred Eleven Dollars (\$34,511.00) <table border="1"> <tr> <td></td> <td>Amount Previously Authorized</td> <td>\$111,827.00</td> </tr> <tr> <td></td> <td>Amount of this Authorization</td> <td>\$34,511.00</td> </tr> <tr> <td></td> <td>Total Amount</td> <td>\$146,338.00</td> </tr> </table>				Amount Previously Authorized	\$111,827.00		Amount of this Authorization	\$34,511.00		Total Amount	\$146,338.00
	Amount Previously Authorized	\$111,827.00									
	Amount of this Authorization	\$34,511.00									
	Total Amount	\$146,338.00									
Schedule shall be as follows: The above described services to be complete within eight weeks of notice to proceed.											

The above described services shall proceed upon return of this Task Order. Services will be billed as they are done. All other provisions, terms, and conditions of the agreement for services which are not expressly amended shall remain in full force and effect.

☒ This Task Order Amendment will serve as notice to proceed.

FREESE AND NICHOLS, INC.:

BY: [Signature]
 Kelly Dillard, P.E., CFM
 Print Name

TITLE: Vice President

DATE: 8/7/18

DocuSigned by:
CITY OF SAN ANGELO, TEXAS:

BY: [Signature]
 32F9567237A9429...
 Daniel Valenzuela
 Print Name

TITLE: City Manager

DATE: 9/12/2018 | 8:22 AM CDT

4055 INTERNATIONAL PLAZA, SUITE 200 | FORT WORTH, TEXAS 76109-4895 | TELEPHONE: 817-735-7300 | METRO: 817-429-1900 | FAX: 817-735-7491

L:\Resources\OLCR\SAN18286\Task Order #05 Amd #1



TASK ORDER No. 5

Effective Date: April 3, 2018

RFQ/RFB NO.: ES-04-15

Contractor: FREESE & NICHOLS, INC.
Attention: Heather Keister, P.E., CFM
2732 82nd St., Ste. B
Lubbock, TX 79423
(806) 686-2706

Approving Director: Russell Pehl, City Engineer

Effective Date of Master Contract: September 15, 2015

Task Order Scope of Work (Include references to attachments): **Schedule A**, Freese & Nichols, Inc. (FNI) proposal including statement of fees and scope of services dated February 23, 2018, attached to this Task Authorization #5 more specifically set forth in Exhibit "A", attached to **Schedule A**, said Schedule A and Exhibit A being made a part of this Task Order No. 5 for all purposes.

Time of Completion: Work on this Task Order shall be substantially completed pursuant to schedule under Article III "TIME OF COMPLETION", Scope of Services, **Schedule A**, Exhibit A, attached, for work commencing after City issues Contractor a written Notice to Proceed. Notwithstanding anything to the contrary in FNI proposal, approval for beginning Work on the project will not be given and that Work will not start until all required bonds and insurance certificates specified in the contract documents have been received and approved by City. Contractor agrees that any extension of the Contract Time stated herein shall not be effective or of any force or effect until and unless in writing, signed by the above named Approving Director, or designee.

Task Order In the amount of: ONE HUNDRED ELEVEN THOUSAND EIGHT HUNDRED TWENTY SEVEN AND NO/100 DOLLARS (\$111,827.00)

Council Authorization Date (Task Orders of \$50,000.00 or more): April 3, 2018

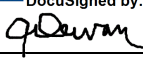
Documents Incorporated Into and Made a Part of This Task Order (Attached):

Schedule A and Exhibit A attached thereto

Reaffirmation of Master Contract: This Task Order is an addendum to the Master Contract, and all contract provisions shall apply unless specifically exempted. The price and time designated in this Task Order are the

maximums agreed to by City and Contractor. This Task Order and any attached Exhibits and contract documents referred to herein are the entire agreement between Owner and Contractor with respect to this Task Order. Notwithstanding anything to the contrary herein, the cost of the change indicated on the face of this Task Order is the entire amount of the change, and no backup documentation attached hereto may reserve the Contractor's right to increase the contract time or the cost of this change for extended overhead or general conditions or any other reason.

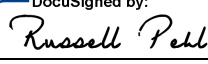
CONTRACTOR: FREESE & NICHOLS, INC.

DocuSigned by:


John Dewar, Principal/Vice President

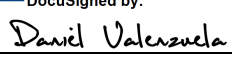
EMAIL: JFD@freese.com

APPROVED FOR CONTENT

DocuSigned by:


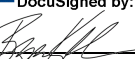
Russell Pehl, City Engineer

CITY OF SAN ANGELO

DocuSigned by:


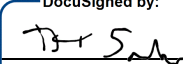
Daniel Valenzuela, City Manager

ATTEST:

DocuSigned by:


Bryan Kendrick, City Clerk

APPROVED AS TO FORM

DocuSigned by:


Dan F. Schmitz, Deputy City Attorney



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www.freese.com

February 23, 2018

Lance Overstreet, P.E., CFM
Project Manager
City of San Angelo
301 W. Beauregard Ave.
San Angelo, TX 76903

RE: Task Authorization #5 – Avenue P Detention Pond Design

Dear Mr. Overstreet:

Per the City's request we propose the following scope and fee for Engineering services related to the design of the detention basin for Avenue P drainage improvements. These services include design of detention storage within the acquired property, design of an outfall structure, updating the preliminary drainage calculations, providing information to assist the City in communicating the proposed improvements to the public, preparation of plans, specifications, and cost opinions, provision of coordinates and elevations to assist City crews in completing rough excavation, and support during the bid and construction phase.

This design follows preliminary design calculations and conceptual design recommendations made during the study of this area. The City has purchased property to be used for provision of detention storage to attenuate flows to Avenue P. The survey for this area was not included in the study phase. FNI is requesting for the City of San Angelo to provide survey for use in design.

A summary of the additional costs are shown in the table below.

<u>Item</u>	<u>Fee</u>
Preliminary Engineering / Alternative (30%)	\$25,606
Final Engineering (90%) – Plans, Specs, OPCC	
Soil Borings/Testing/Report	\$14,825
Structural Design (Outfall)	\$7,531
Pond Modeling, Design, and Details	\$28,094
Final Engineering (100%) – Plans, Specs, OPCC	\$14,049
Bid Phase	\$4,182
Construction Phase	\$17,540
Total	\$111,827

Freese and Nichols, Inc. appreciate this opportunity and we would like to meet with you to discuss these additional services at your convenience.

Sincerely,

Heather Keister, P.E.
Project Manager

Rev. 06/10



SCHEDULE A
TASK AUTHORIZATION # 5

Client:	City of San Angelo 72 W. College Ave. San Angelo, TX 76903	FNI Project No.: SAN18xxx
		Phase/Task/Dept. No.:
		Date: February 23, 2018
This authorization is in accordance with the terms and conditions outlined in the Master Agreement executed on <u>09/08/2015</u> and expires on <u>09/08/2018</u> .		
Project Description: Avenue P Drainage Improvements – Detention Pond Design; San Angelo, TX		
Description of Services: As detailed in the attached Scope of Services, Exhibit A		
Deliverables: As detailed in the attached Scope of Services, Exhibit A		
Compensation shall be as follows: A cost not to exceed One Hundred Eleven Thousand Eight Hundred Twenty Seven Dollars (\$111,827.00)		
	Amount of this Authorization	\$ 111,827.00
Schedule shall be as follows: As detailed in the attached Scope of Services		

The above described services shall proceed upon return of this Task Authorization. Services will be billed as they are done. All other provisions, terms, and conditions of the agreement for services which are not expressly amended shall remain in full force and effect.

- ☐ A contract modification will be submitted.
☒ This Task Authorization will serve as notice to proceed.

FREESE AND NICHOLS, INC.:

CITY OF SAN ANGELO, TEXAS:

BY: _____

BY: _____

John Dewar
Print Name

Print Name

TITLE: Principal/Vice President

TITLE: _____

DATE: _____

DATE: _____

**EXHIBIT A
SCOPE OF SERVICES**

ARTICLE I

BASIC SERVICES: Freese and Nichols, Inc. (FNI) shall render the following professional services in connection with the development of the Project:

A. Design of Detention storage for Avenue P

1. Preliminary Design Phase
 - a. Attend project kickoff meeting in San Angelo to identify available detention footprint, establish project goals, and request survey or other pertinent data from City.
 - b. Develop pond footprint and perform preliminary detention design using AutoCAD Civil3D.
 - c. Update hydrologic model with detention pond design to design outfall structure and determine design discharges.
 - d. Develop exhibit and provide information for Public Meeting
 - e. Create preliminary design documents illustrating conceptual pond layouts for two (2) alternatives.
 - f. Based on the information contained in the preliminary design documents, submit an Opinion of Probable Construction Costs.
 - g. Furnish electronic copies of a preliminary design memo and present and review them with Owner.
2. Prepare final (90%) drawings, specifications, Construction Contract Documents, designs, and layouts of improvements to be constructed.
 - a. Develop 90% plan sheets, including control, detention basin layout, grading, sections, and outfall structure layout, section, and details.
 - b. Update opinion of probable construction cost (OPCC).
 - c. Submit 90% plans to Owner for review and comment. Discuss review and comments in person.
 - d. Furnish such information necessary to utility companies whose facilities may be affected or services may be required for the Project.
3. Prepare final (100%) drawings, specifications, Construction Contract Documents, designs, and layouts of improvements to be constructed.
 - a. Prepare final drawings, specifications, and Construction Contract Documents to Owner for their approval and processing.
 - b. Provide coordinates and elevation data to City for City crew rough grading of detention pond.

4. BID OR NEGOTIATION PHASE. Upon completion of the design services and approval of "Final" drawings and specifications by Owner, FNI will proceed with the performance of services in this phase as follows:
 - a. Provide plan sets to City for distribution and advertisement.
 - b. Attend Pre-bid meeting.
 - c. Assist City by providing answers to bid questions.
 - d. Attend bid opening.
 - e. Recommendation for award.
5. CONSTRUCTION PHASE: Upon completion of the bid or negotiation phase services, FNI will proceed with the performance of construction phase services as described below. FNI will endeavor to protect Owner in providing these services however, it is understood that FNI does not guarantee the Contractor's performance, nor is FNI responsible for supervision of the Contractor's operation and employees. FNI shall not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor, or any safety precautions and programs relating in any way to the condition of the premises, the work of the Contractor or any Subcontractor. FNI shall not be responsible for the acts or omissions of any person (except its own employees or agents) at the Project site or otherwise performing any of the work of the Project.
 - a. Interpret the drawings and specifications for Owner and Contractor(s). Investigations, analyses, and studies requested by the Contractor(s) and approved by Owner, for substitutions of equipment and/or materials or deviations from the drawings and specifications is an additional service.
 - b. Attend Pre-Construction Conference.
 - c. Review and respond to Contractor submittals and RFI's.
 - d. Attend up to three (3) construction progress meetings and three (3) site visits.
 - e. Perform final walk-through with Contractor and City.
 - f. Prepare record drawings of as-built pond for City use.

ARTICLE II

ADDITIONAL SERVICES: Additional Services to be performed by FNI, if authorized by Owner, which are not included in the above described basic services, are described as follows:

- A. Construction Phase services beyond those explicitly described in Article I.
- B. Making revisions to drawings, specifications or other documents when such revisions are 1) not consistent with approvals or instructions previously given by Owner or 2) due to other causes not solely within the control of FNI.
- C. Preparing applications and supporting documents for government grants, loans, or planning advances and providing data for detailed applications.

- D. Providing shop, mill, field or laboratory inspection of materials and equipment. Observe factory tests of equipment at any site remote to the project or observing tests required as a result of equipment failing the initial test.
- E. Preparing data and reports for assistance to Owner in preparation for hearings before regulatory agencies, courts, arbitration panels or any mediator, giving testimony, personally or by deposition, and preparations therefore before any regulatory agency, court, arbitration panel or mediator.
- F. Assisting Owner in preparing for, or appearing at litigation, mediation, arbitration, dispute review boards, or other legal and/or administrative proceedings in the defense or prosecution of claims disputes with Contractor(s).
- G. Performing investigations, studies and analyses of substitutions of equipment and/or materials or deviations from the drawings and specifications.
- H. Assisting Owner in the defense or prosecution of litigation in connection with or in addition to those services contemplated by this Agreement. Such services, if any, shall be furnished by FNI on a fee basis negotiated by the respective parties outside of and in addition to this Agreement.
- I. Providing environmental support services including the design and implementation of ecological baseline studies, environmental monitoring, impact assessment and analyses, permitting assistance, and other assistance required to address environmental issues.
- J. Performing investigations, studies, and analysis of work proposed by construction contractors to correct defective work.
- K. Design, contract modifications, studies or analysis required to comply with local, State, Federal or other regulatory agencies that become effective after the date of this agreement.
- L. Services required to resolve bid protests or to rebid the projects for any reason.
- M. Visits to the site in excess of the number of trips included in Article I for periodic site visits, coordination meetings, or contract completion activities.
- N. Any services required as a result of default of the contractor(s) or the failure, for any reason, of the contractor(s) to complete the work within the contract time.
- O. Providing basic or additional services on an accelerated time schedule. The scope of this service include cost for overtime wages of employees and consultants, inefficiencies in work sequence and plotting or reproduction costs directly attributable to an accelerated time schedule directed by the Owner.
- P. Providing services made necessary because of unforeseen, concealed, or differing site conditions or due to the presence of hazardous substances in any form.
- Q. Providing services to review or evaluate construction contractor(s) claim(s), provided said claims are supported by causes not within the control of FNI.
- R. Providing value engineering studies or reviews of cost savings proposed by construction contractors after bids have been submitted.

- S. Preparing statements for invoicing or other documentation for billing other than for the standard invoice for services attached to this professional services agreement.
- T. Provide follow-up professional services during Contractor's warranty period.

ARTICLE III

TIME OF COMPLETION: FNI is authorized to commence work on the Project upon execution of this Agreement and agrees to complete the services in accordance with the following schedule:

Three (3) months after notice to proceed, provide 90% design drawings to the Owner. One (1) month after review comments received, provide 100% design drawings to the Owner.

If FNI's services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in Owner or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation as outlined on the face of this Agreement and in Attachment CO.

SECOND AMENDMENT TO CITY OF SAN ANGELO TASK ORDER NO. 5,
RFQ NO. ES-04-15; FREESE & NICHOLS, INC, PROVIDER..

This Second Amendment to City of San Angelo, Texas (CITY), Task Order No. 5, RFQ No. ES-04-15; by and between the CITY and FREESE AND NICHOLS, INC., (FNI), Provider, effective April 3, 2018 (hereinafter "Task Order No. 5) is entered into by duly authorized representatives of each of the parties.

WHEREAS, the parties entered into the foregoing described Task Order No. 5, effective April 3, 2018, for the term described in Article III of EXHIBIT "A" to Task Order No. 5; and,

WHEREAS, the parties wish to add to the scope of services and compensation payable, and provide for an extension of the time to provide 90% plans;

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

1. The foregoing recitals are true and correct and are adopted by the parties as part of this Second Amendment to Task Order No. 5.

2. This Second Amendment to Task Order No. 5 shall be effective from and after _____, 2019.

3. The scope of work and statement of fees described in Task Order No. 5 and **Exhibit "A"** attached thereto are hereby supplemented with the FNI proposed scope of services and fee schedule dated December 20, 2018, attached hereto as **Exhibit "A-1"** and made a part hereof for all purposes, providing additional scope of services as set forth therein and additional fees of \$26,756, for a total compensation payable under Task Order No. 5 as amended and supplemented with this Second Amendment of \$173,094.00.

4. The term for 90% plan submittal set forth in Article III of Task Order No. 5 is amended by extending the applicable time period to expire 8 weeks from the effective date of this Second Amendment. All provisions of Article III not hereby amended shall remain in full force and effect.

5. All provisions of Task Order No. 5 not amended by this Second Amendment shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their duly authorized representatives on the dates indicated.

CITY OF SAN ANGELO, TEXAS

By: _____
Daniel Valenzuela, CITY Manager

ATTEST:

Bryan Kendrick, CITY Clerk
Date: _____, 2019

PROVIDER:

FREESE & NICHOLS, INC.

CITY OF SAN ANGELO

BY: _____
John Dewar, Principal/Vice President

DATE: _____, 2019
EMAIL JFD@freese.com

APPROVED AS TO FORM

APPROVED AS TO CONTENT

Dan T. Saluri, Deputy City Attorney

Russell Pehl, City Engineer

Date: _____

Date: _____

EXHIBIT A-1



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www.freese.com

December 20, 2018

Kevin Pate, P.E.
Project Manager
City of San Angelo
301 W. Beauregard Ave.
San Angelo, TX 76903

RE: **Task Authorization #5, Amendment #2 – Avenue P Detention Pond Design –
Roadway and Utility Improvements**

Dear Mr. Pate:

Per the City's request we propose the following scope and fee for Engineering services related to pavement and utility improvements. The pavement improvement services are based on the removal and replacement of the intersection of La Cruz and Avenue P to the existing concrete paved roadway on Avenue P with proposed concrete pavement. Additional changes will be made to plan sheets noting removal, traffic control, and grading. The utility improvement services are based on the realignment of the existing waterline and replacing the existing sewer line with a new sewer line installed by open cut to avoid conflict with the overflow weir. These services are cost-plus and not to exceed the amount provided.

A summary of the costs are shown in the table below.

<u>Item</u>	<u>Fee</u>
Water improvements design	\$9,093
Sewer improvements design	\$13,663
Pavement improvements design	\$4,000
Total	\$26,756

Freese and Nichols, Inc. appreciate this opportunity and we would like to meet with you to discuss these additional services at your convenience.

Sincerely,

A handwritten signature in black ink that reads 'Heather Keister'.

Heather Keister, P.E.
Project Manager

L:\Resources\OLCR\S\SanAngelo\TA #05 Amd #2\ Cover Letter\Avenue P Detention Pond Design

EXHIBIT A-1

Rev. 06/10



SCHEDULE A
TASK ORDER #05
Amendment #2

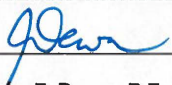
Client:	City of San Angelo. 72 West College Avenue San Angelo, TX 76903 Attn:	FNI Project No.: SAN18286
		Phase/Task/Dept. No.:
		Date: December 20, 2018
This authorization is in accordance with the terms and conditions outlined in the Master Agreement executed on <u>09/15/2015</u> .		
Project Description: Professional Engineering Services for Avenue P Detention Design; San Angelo, TX		
Description of Services added:		
Perform Roadway Design Services for;		
Removal and reconstruction of the existing intersection of La Cruz and Avenue P to the existing concrete pavement on Avenue P.		
Perform Utility Design services for;		
1200 Linear Feet of 8" wastewater line installed by open cut and installation of four new manholes, 120 Linear Feet of 8" waterline and associated pavement repair and connection to existing waterline,		
Deliverables: 90% and 100% submittal incorporated into the overall contract documents for the Ave. P Storm Basin and shall include;		
- Incorporation of applicable city standard technical specifications and FNI standards technical specifications used to supplement city standard specifications where necessary. - Plan and Profile for the 1200 linear feet of 8" wastewater line. - Plan view only for 120 linear feet of 8" waterline		
Compensation shall be as follows: Basic Services: Compensation shall be a not to exceed fee of Twenty-Six Thousand Seven Hundred Fifty-Six Dollars and No Cents (\$26,756.00)		
	Amount Previously Authorized	\$146,338.00
	Amount of this Authorization	\$26,756.00
	Total Amount	\$173,094.00
Schedule shall be as follows: The above described services to be complete within eight weeks of notice to proceed.		

The above described services shall proceed upon return of this Task Order. Services will be billed as they are done. All other provisions, terms, and conditions of the agreement for services which are not expressly amended shall remain in full force and effect.

☒ This Task Order Amendment will serve as notice to proceed.

FREESE AND NICHOLS, INC.:

CITY OF SAN ANGELO, TEXAS:

BY: 

BY: _____

John F. Dewar, P.E., SE
 Print Name

 Print Name

TITLE: Vice President

TITLE: _____

DATE: December 20, 2018

DATE: _____

4055 INTERNATIONAL PLAZA, SUITE 200 | FORT WORTH, TEXAS 76109-4895 | TELEPHONE: 817-735-7300 | METRO: 817-429-1900 | FAX: 817-735-7491

L:\Resources\OLCR\SAN18286\Task Order #05 Amd #2

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Andy Vecellio, Project Engineer, Engineering Services, 325-657-4218

Meeting Date: January 22, 2019

Item type: Regular Item

Caption:

Consider approving a professional service agreement under RFQ ES-01-19 to Centurion Planning & Design, LLC, in the amount of \$2,160,497 for design and construction phase services for the Chadbourne Street Improvement CIP project and authorizing the City Manager to execute all related documents (Presentation made by Assistant City Manager Rick Weise and Assistant City Engineer Andy Vecellio)

Summary/History:

Professional services include concept/planning, design, and construction phase services for Chadbourne Street Improvements Project. Includes concept design of Phases A, B, and C; design of utilities for Phases A, B, and C; street and streetscape design for Phases A and B; and bidding and construction phase services for utility improvements for all three phases and Phase A streets and streetscape. Phase A includes a grant from TxDOT for pedestrian improvements.

Financial Impact:

Funding for this item will be shared between Operations for streets and stormwater, Utilities for water and sewer infrastructure, TIRZ South, COSADC, and TxDOT Set-Aside (TASA) Grant.

Other Information/Recommendation:

Attachments:

- | | | |
|----|--|--|
| 1. | Firm Selection Justification 12.12.18 | Firm Selection Justification 12.12.18.pdf |
| 2. | ES-01-19 Acknowledgement Worksheet Summary | ES-01-19 Acknowledgement Worksheet Summary.pdf |

Presentation:

Approvals/Reviews:

Andy Vecellio	Created/Initiated
Russell Pehl	Approved
Rick Weise	Approved
Theresa James	Approved
Anthony Wilson	Approved
Candice Blake	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved

Julia Antilley

Final Approval



The City Of

San Angelo, Texas

Engineering Services Department

301 W Beauregard Avenue, San Angelo, TX 76903

December 12, 2018

Subject: RFQ ES-01-19 Professional Services-Engineering and Surveying Services for Chadbourne St. Improvements, Phase A Written Justification for Each Firm.

Summary: RFQ Submissions were received from four firms on October 31, 2018 at 2:00 pm. After review and preliminary scoring by the committee it was determined that all four firm's submissions met the minimum requirements of the RFQ and that each firm should be interviewed. Interviews were held on November 28th with all four firms presenting. After the interview all committee member scores were combined showing a tied score between Freese and Nichol and Centurion. Following Government Code 2554 governing Professional Services Procurement the Committee recommends Centurion as the first choice based on the principal place of business of the firm. As referenced in the Committee Member Justification comments below, firm location was a high priority for the RFQ Scoring.

Committee Member: #1

LJA: No local office

FNI: No local office

Centurion: Project approach may need slight adjustment

KSA: Less specific project experience, small local office with more project lead from out of town office.

Committee Member: #2

LJA: No local firm office

FNI: No local firm office

Centurion: May need some adjustment on project approach

KSA: Less experience on this type of project and by staff

Committee Member: #3

Centurion: Local Firms. Many Partner groups that are local.

KSA: While the Project Engineer (Chris Wilde) is local, most of the others that are listed are long distances. KSA has a lot of Experience with the city of San Angelo, but I did not see a lot of experience with this type of project.

LJA: Has Experience with the city of San Angelo

FNI: Has Several Years Experience working with City of San Angelo

Committee Member: #4

Centurion: Local firm / team members; Parkhill Smith and Cooper - large firm partnering gives them experience; Office in BRC - incubator space only?; Experience is mostly street reconstruction - MLK as an example; No Urban design listed

KSA: Didn't address "approach to project" well - focused on experience; Since 1978 located in San Angelo; Downtown Longview similar; "Feel" of projects shown not what I see for downtown San Angelo

LJA: Qualified team; Aggressive schedules listed; No local team offices; Projects listed typically "bigger highway/road design" not urban downtown projects; Road design experience in San Angelo

FNI: 124 years in business; Bioretention cell design - stormwater; Kinney Franke and Schmidt Architects local; Urban designs listed as a major team member, not just support services; Fast track projects addressed

Committee Member: #5

Centurion: Qualified team with traditional approach, lacking some of the innovative concepts. Innovative ideas for community outreach and local team is a plus. Some experience on similar projects, but limited on projects of this scale in an urban setting. While qualified, does not have the depth and breadth of experience and qualifications compared to Freese & Nichols team.

KSA: Firm with local office, but with support from other offices. Some experience with similar projects, particularly Longview downtown. However, many of their examples were suburban corridors, not projects in a downtown urban setting like Chadbourne. Familiarity with innovative thinking and up-to-date design standards, like the NACTO Guide. Strong on engineering side and transportation issues, perhaps not as strong on design.

LJA: Project lead out of Fort Worth. Project Manager is San Angelo native. Some downtown projects, but most examples given were suburban, arterial roads, not urban streets. Strong on addressing business impacts and phasing. Does not appear as qualified as other 3 teams.

FNI: Lubbock office, but with local team members for design. Good example projects from Fort Worth. Familiar with innovative transportation and design standards being used statewide. Experience in similarly sized peer cities, like Wichita Falls on similar project. Specifically referenced including wayfinding and suggesting developing street use guidelines for businesses. 15 similar TxDOT grant projects in the last 8 years.

Committee Member: #6

LJA: good general approach; well-rounded team

FNI: specialize in construction management and can employ one for this project; excellent overall team; very organized, a plus; local firm connections; know the complexities of the project

Centurion: small firm, teamed with PSC; strong team; have local office, a plus

KSA: well-rounded team; good general approach; good approach to public input

Committee Member: #7

LJA: Firm Team is not local.

FNI: Limited local team.

Committee Member: #8

Centurion: Strong Local Presence; Solid Team; Solid Understanding of the Project; Lots of Interest in Project; Emphasis on Public Relations and Mention of Possible Construction Phase Assistance

KSA: Good Local Presence; Good Understanding of Project with local emphasis; Technical Qualifications and Team Diversity Good, but less than other Teams; Much of Team History in NM or East Texas

LJA: No direct local presence. Some experience working in San Angelo. Project manager from San Angelo. Emphasis in Proposal on meeting schedule, which is an important factor in our project. Good project examples. Good project approach.

FNI: Project manager is San Angelo native and they have existing projects with us. Local architect. Excellent project approach with innovative ideas to consider. Discussion of historic impacts. Very diverse team. Didn't emphasize much on a lot of the subs. Primarily focused on FNI and Kinney/Schmidt.

Committee Member: #9

Centurion: They are teaming up with three teams that have a local presence and They have a local presence as well. Listed seven projects relevant to this project and there subconsultants that worked with them on those projects are working again on this project. Centurion's understanding of scope appears to be will in line by detailing the level of utility coordination, public involvement and TxDOT grant requirements.

KSA: KSA listed four relivant projects similar to the Chadbourne project. They listed other projects that included roadway improvements but did not include street scape or grant funds. The most relivant projects were in New Mexico. The design approach included stakeholders, utilities and public involvement but didn't include much emphasis on TxDOT requirements and the level of involvement that is going to be required on this job. KSA has a local office but the majority of their firms is located in Longview, Texas.

LJA: The comparable projects provided are realivant to the project we're working on. They appear to have a good approach to the project and having the team to specialize in the right areas. They have reviewed the project letting schedule and appear to have a good approach to completing the work in the required timeframe. They have more clearly shown the project schedule than the competing RFQ's. The majority of the firms working on the project are far away from San Angelo.

FNI: The project references provided are good similar projects. The project approach was well thought out but did not provide a project timeline. The like the team that they are proposing and their previous experiences. One of the subs is local and has successfully completed similar projects for COSA (Craig Kinney). FNI indicated that they have worked with other municipalities to comply with TxDOT Transportation Alternatives Set-Aside Program but didn't list which ones.

Committee Member: #10

Centurion: Project plan included too much initial design; Staff seemed knowledgable but worry about management of a larger firm by smaller; Local lead firm has limited experience of this size

KSA: Project management plan did not come across as clear as it should; Local contact not a good public relations contact; Not much experience of this size; While there was one local contact most of team was not local.

LJA: Project plan was good but lacked detail I was looking for; Key personnel are experienced but not local; Not much experience in this location; no local component.

FNI: Project plan was good but would have liked a bit more detail; Good but would like to see team structured a little different; did not present example of public communication similar to what would be required for this project; While there was one local contact most of team was not local.

Committee Member: #11

No Comments

Ranking Worksheet
RFQ Acknowledgment * ES-01-19/ Professional Services – Engineering and Surveying Services for Chadbourne St. Improvements, Phase A

Committee Member: Brenda Gunter		LJA Engineering	Freese and Nichols	Centurion	KSA	
Category	Max Pts					
Submission Evaluation	100	92	92	99	96	
Interview	100	86	90	98	88	
Total Score	200	178.00	182.00	197.00	184.00	
Committee Member: Rick Weise		LJA Engineering	Freese and Nichols	Centurion	KSA	
Category	Points					
Submission Evaluation	100	93	93	99	97	
Interview	100	68	84	88	76	
Total Score	200	161.00	177.00	187.00	173.00	
Committee Member: Harry Thomas		LJA Engineering	Freese and Nichols	Centurion	KSA	
Category	Points					
Submission Evaluation	100	95	97	98	93	
Interview	100	94	99	99	96	
Total Score	200	189.00	196.00	197.00	189.00	
Committee Member: Alfonso Torres		LJA Engineering	Freese and Nichols	Centurion	KSA	
Category	Points					
Submission Evaluation	100	77	83	75	72	
Interview	100	68	85	80	72	
Total Score	200	145.00	168.00	155.00	144.00	
Committee Member: Jon James		LJA Engineering	Freese and Nichols	Centurion	KSA	
Category	Points					
Submission Evaluation	100	57	83	70	73	
Interview	100	62	87	81	81	
Total Score	200	119.00	170.00	151.00	154.00	
Committee Member: Carl White		LJA Engineering	Freese and Nichols	Centurion	KSA	
Category	Max Pts					
Submission Evaluation	100	82	92	90	80	
Interview	100	73	94	93	71	
Total Score	200	155.00	186.00	183.00	151.00	
Committee Member: Shane Kelton		LJA Engineering	Freese and Nichols	Centurion	KSA	
Category	Points					
Submission Evaluation	100	98	99	100	100	
Interview	100	91	95	92	87	
Total Score	200	189.00	194.00	192.00	187.00	
Committee Member: Andy Vecellio		LJA Engineering	Freese and Nichols	Centurion	KSA	
Category	Points					
Submission Evaluation	100	96	97	98	93	
Interview	100	87	91	90	75	
Total Score	200	183.00	188.00	188.00	168.00	
Committee Member: Russell Pehl		LJA Engineering	Freese and Nichols	Centurion	KSA	
Category	Points					
Submission Evaluation	100	86	90	93	72	
Interview	100	87	90	93	75	
Total Score	200	173.00	180.00	186.00	147.00	
Committee Member: Charles Michalewicz		LJA Engineering	Freese and Nichols	Centurion	KSA	
Category	Points					
Submission Evaluation	100	93	96	91	70	
Interview	100	84	88	91	80	
Total Score	200	177.00	184.00	182.00	150.00	
Committee Member: Del Velasquez		LJA Engineering	Freese and Nichols	Centurion	KSA	
Category	Points					
Submission Evaluation	100	89	88	93	89	
Interview	100	93	95	97	94	
Total Score	200	182.00	183.00	190.00	183.00	
Committee Member Summary		Total Points	LJA Engineering	Freese and Nichols	Centurion	KSA
Category						
Submission Evaluation	1100	958.00	1010.00	1006.00	935.00	
Interview	1100	893.00	998.00	1002.00	895.00	
Total Score	2200	1851.00	2008.00	2008.00	1830.00	
Ranking		3	1	1	4	

Attach a Written Justification for each company's ranking and forward to Purchasing
 NOTE: Attach the Committee Member Summary and the Written Justification to your Agenda Background Memo

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jeff Fisher, Sr. Planner, Planning and Development Services, 325.657.4210

Meeting Date: January 22, 2019

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance to change "Ellis Street" to "East Houston Harte Expressway Frontage Road" over a 2,900-foot length of this street's right-of-way beginning at Montague Avenue and continuing east to its terminus past Smith Boulevard to the East Houston Harte Expressway Ramp (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

First reading and public hearing of an ordinance to change "Ellis Street" to "East Houston Harte Expressway Frontage Road", over a 2,900-foot length of this street's right-of-way beginning at Montague Avenue and continuing east to its terminus past Smith Boulevard to the East Houston Harte Expressway Ramp

Financial Impact:

N/A

Other Information/Recommendation:

On December 17, 2018, the Planning Commission unanimously recommended APPROVAL of all the above items.

Attachments:

- | | |
|--|--|
| 1. Staff Report (Ellis St to E Houston Harte Expway) | Staff Report (Ellis St to E Houston Harte Expway).docx |
| 2. Ordinance (Ellis St to E Houston Harte Expway) | Ordinance (Ellis St to E Houston Harte Expway).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 – January 22, 2019
STAFF REPORT



APPLICATION TYPE:		CASES:	
Street Name Change		Ellis Street	
SYNOPSIS:			
The applicant has requested approval of a Street Name Change for a portion of Ellis Street to “East Houston Harte Expressway.” If approved, the 2,900-foot length of this street's right-of-way beginning at Montague Avenue and continuing east to its terminus past Smith Boulevard to the East Houston Harte Expressway Ramp, would be renamed “East Houston Harte Expressway” (See Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
Ellis Street, from Montague Avenue to its terminus past Smith Boulevard to the East Houston Harte Expressway Ramp.		Being a +/- 2,900-foot length of this street's right-of-way from Montague Avenue to its terminus past Smith Boulevard to the East Houston Harte Expressway Ramp, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD #4 – Lucy Gonzales Paulann Neighborhood	CO, CN, CG, OW	Transitional, Commercial, Neighborhood Center	325 Linear Feet
THOROUGHFARE PLAN:			
Ellis Street (a portion of East Houston Harte Expressway Frontage Road – TXDOT Freeway – Right-of-way 440’, paving width 40’ (State road not subject to City minimum requirements).			
NOTIFICATIONS:			
Six notifications were mailed to properties directly adjacent to the street segment and within 200 feet on December 6, 2018. One response has been received in support and zero in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the street name change to “East Houston Harte Expressway Frontage Road,” subject to one (1) Condition of Approval.			
PETITIONERS:			
Tina Kolster Kolster Welding			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Street Name Change: The applicant owns a business at the immediate southeast corner of Montague Street and Ellis Street. She is requesting the proposed street name change because she claims commercial vehicles and customers have difficulty finding her property using GPS and electronic searches. She indicates part of this confusion is that the portion of Ellis Street between Bell Street and Montague Avenue is one block south, and this portion of Ellis Street acts as part of the East Houston Harte Frontage Road. She believes that changing this portion of Ellis Street to “East Houston Harte Expressway” would be consistent with the portion of this road between Bell Street and Montague Avenue with the same name, and allow her business and future businesses along this stretch of Ellis Street to have a Houston Harte Expressway address.

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

1. Whether the street name change would confuse motorists and emergency vehicles

The Planning Division circulated the request to San Angelo Police (SAPD); TXDOT; and City Engineering, Operations, Traffic Operations, Fire Marshal’s Office, and 911 addressing, and all are in favor of the request. In addition, SAPD also believes that renaming this portion will help make mapping and addressing consistent for First Responders and the Police Department. 911 Addressing and SAPD request that “Frontage Road” is added to the end of the name so it will be “**East Houston Expressway Frontage Road**”, consistent with the existing street segment west and east of the subject portion. The Planning Division believes that changing this portion of Ellis Street to East Houston Harte Expressway Frontage Road will not confuse motorists or emergency vehicles, and will improve traffic circulation and functionality of this portion of Ellis Street. As indicated, this portion of Ellis Street is separate from the Ellis Street one block south, and serves as part of Houston Harte Expressway. Renaming this portion of Ellis Street to East Houston Harte Expressway Frontage Road will allow commercial and customer traffic, as well as Police and 9-1-1 services to easily identify addresses along this street portion. There are currently no “Ellis Street” addresses along this portion of Ellis Street between Montague Avenue and Smith Boulevard except for the applicant’s which can be changed if this application is approved.

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

Portions of the same street between North Bell Street and Montague Street, and east of Smith Boulevard are already named East Houston Harte Expressway Frontage Road. Therefore, it is both logical and functional to rename this segment the same to allow a continuous segment of the street with the same name.

Traffic Operations will not require changing any street signs as the existing signs along this portion of Ellis Street already are labelled to reflect “Houston Harte Expressway Frontage Road”.

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

Renaming the street “East Houston Harte Expressway” will avoid confusion of duplication of Ellis Streets (existing portion and the portion one block south). The Planning Division believes the renaming will be for the betterment of the community as a whole.

Planning Commission Recommendation:

On December 17, 2018, the Planning Commission recommended **APPROVAL** of a request to change “Ellis Street” to “East Houston Harte Expressway Frontage Road”, over a 2,900-foot length of this street's right-of-way beginning at Montague Avenue and continuing east to its terminus past Smith Boulevard to the East Houston Harte Expressway Ramp, subject to one condition of approval as presented. The following is the complete excerpt of the draft minutes from the December 17, 2018, meeting for this case:

Jeff Fisher, Senior Planner, present the proposed street name change request. He explained that the request was initiated by the property owner located at the southeast corner of Montague Avenue and Ellis Street. Mr. Fisher indicated that this owner claimed that customers were unable to locate their property with a Montague Avenue address using electronic and phone searches and that this portion of Ellis Street located adjacent to Houston Harte Expressway acts as the frontage road and not Ellis Street. Mr. Fisher explained that essentially there are two “Ellis Streets” – the Ellis Street one block south of the Expressway, and the Ellis Street along the Expressway which acts as the Houston Harte Expressway Frontage Road and is labelled as such west and east of the portion in question.

Mr. Fisher outlined Staff’s rationale for approval on the grounds that the proposed street name change will reduce confusion for motorists, renaming the street “East Houston Harte Expressway Frontage Road” consistent with the segments of the same street west and east of the portion in question; that all City departments; TXDOT and the San Angelo Police Department were in support; and that the renaming will avoid duplication and confusion of two Ellis Streets.

Commissioner Jackson asked to see the location map. She asked Mr. Fisher asked why the street signs already say “Houston Harte Expressway Frontage Road”. Mr. Fisher indicated that he did not know how the signs were originally changed, and that the City’s Traffic Operations Division was currently looking into this.

Commissioner Jackson indicated that there were other sections of Ellis Street that also have this problem, as well as other portions of the Expressway Frontage Road with different names.

Mr. Fisher agreed.

Commissioner Jackson also asked why other portions of the frontage road were not renamed Ellis Street.

Mr. Fisher responded this would exacerbate the problem because the real Ellis Street is located one block south so would make more sense to rename Ellis Street adjacent to the Expressway to the Houston Harte Expressway Frontage Road.

Vice Chair Spano acknowledged the confusion of naming Expressway frontage roads with different names.

Chair Stribling expressed support for the street name change, indicating it is a step in the right direction.

Mr. Fisher concurred and concluded that the proposed request would allow the business owner to obtain a Houston Harte address and remove at least a portion of the street name problem going forward.

Chair Stribling opened the meeting for public comment. There was no public comment.

Commissioner Uherik made a Motion to recommend APPROVAL of a request to change “Ellis Street” to “East Houston Harte Expressway Frontage Road”, over a 2,900-foot length of this street's right-of-way beginning at Montague Avenue and continuing east to its terminus past Smith Boulevard to the East Houston Harte Expressway Ramp, subject to the one condition of approval as presented. Vice Chair Spano seconded the Motion. The Motion passed unanimously, 5-0.

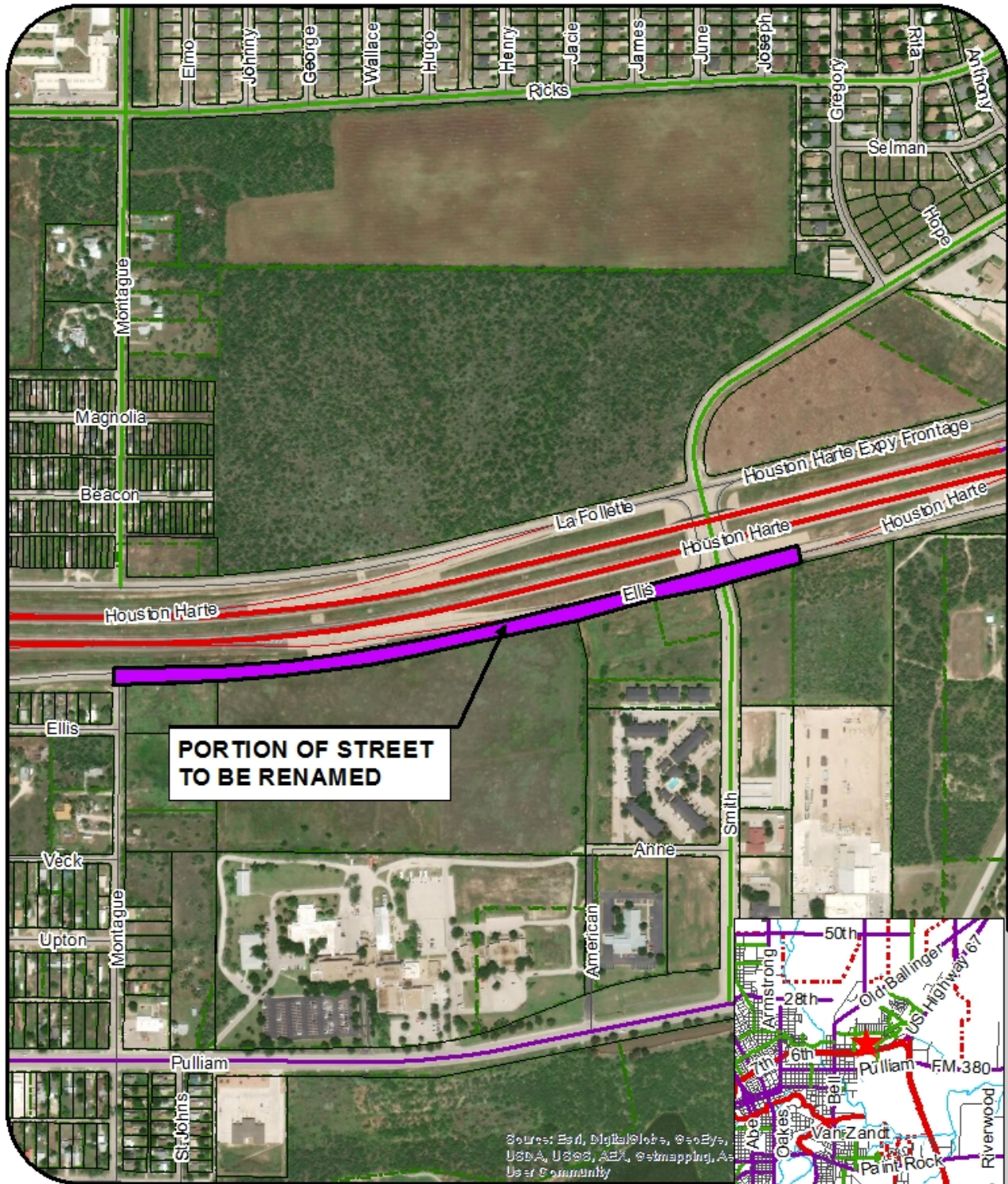
Recommendation:

Staff’s recommendation is for City Council to **APPROVE** the street name change from Ellis Street to **“East Houston Harte Expressway Frontage Road,”** of the +/- 2,900-foot length of this street's right-of-way from Montague Avenue to its terminus past Smith Boulevard to the East Houston Harte Expressway Ramp, **subject to one (1) Condition of Approval:**

1. A request to the City’s 911 Addressing Coordinator shall be submitted for an address/street name change for addresses affected by the street name change.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Notify Map
Response Letter
Application



Street Name Change

Ellis Street

Council District: Lucy Gonzales (SMD#4)

Neighborhood: Paulann

Scale: 1" approx. = 525 ft

Ellis St to East Houston Harte Expressway

Legend:

Subject Properties:

Current Zoning: CN, CG

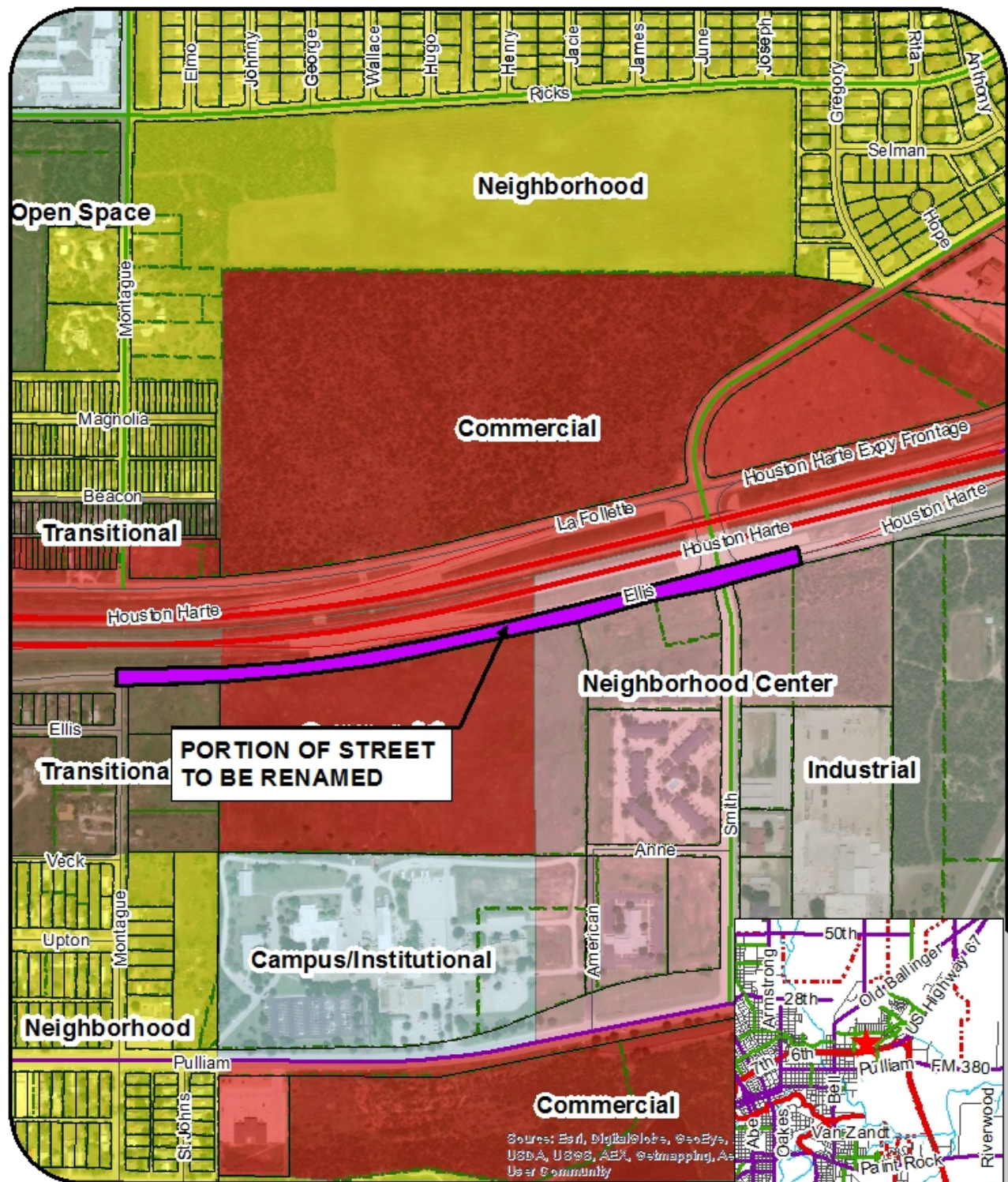
Requested Zoning: N/A

Vision:

Transitional, Commercial and Neighborhood Center

N





Street Name Change

Ellis Street

Council District: Lucy Gonzales (SMD#4)

Neighborhood: Paulann

Scale: 1" approx. = 525 ft

Ellis St to East Houston Harte Expressway

Legend:

Subject Properties:

Current Zoning: CN, CG

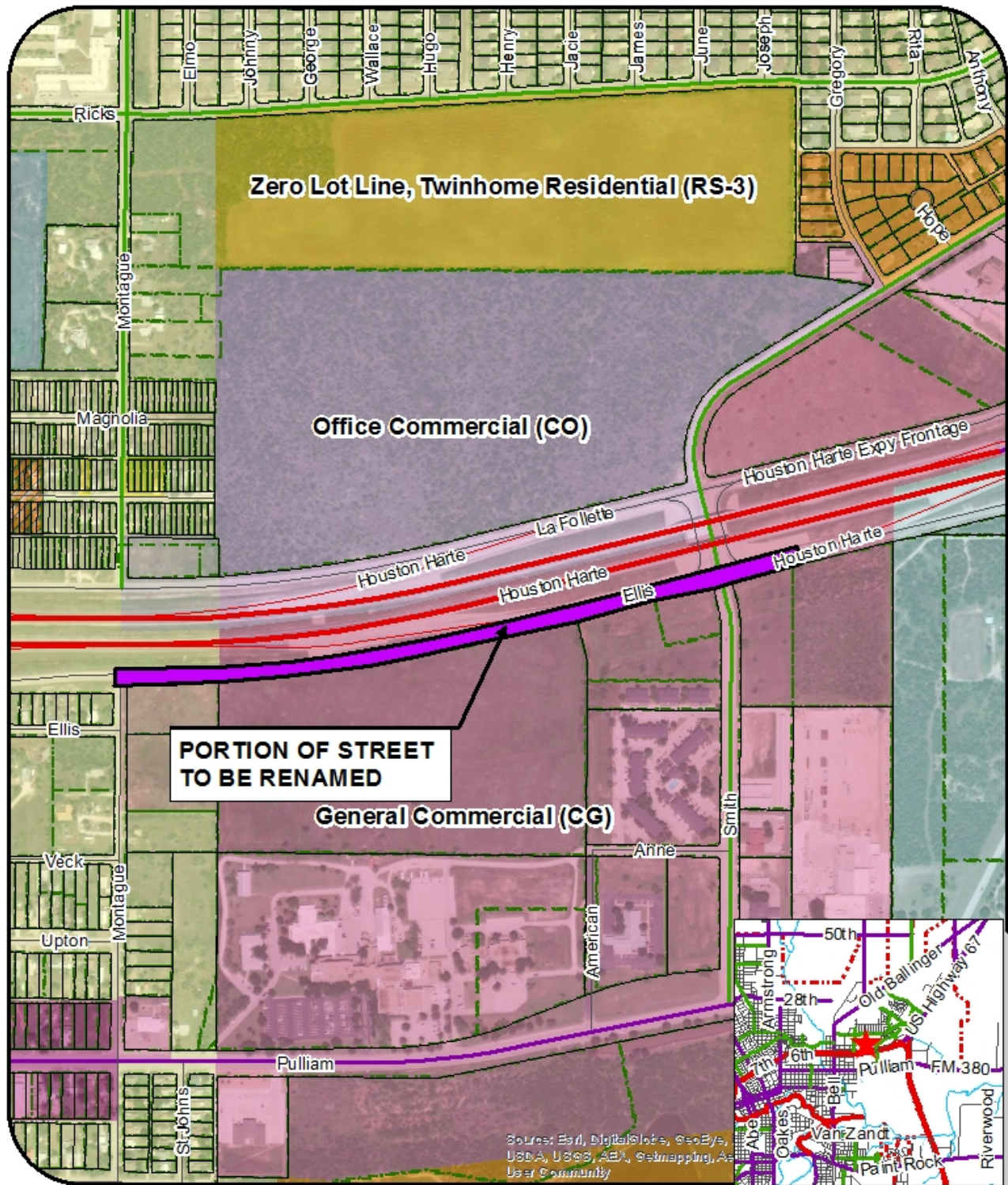
Requested Zoning: N/A

Vision:

Transitional, Commercial and
Neighborhood Center

N





Street Name Change

Ellis Street

Council District: Lucy Gonzales (SMD#4)

Neighborhood: Paulann

Scale: 1" approx. = 525 ft

Ellis St to East Houston Harte Expressway

Legend:

Subject Properties:

Current Zoning: CN, CG

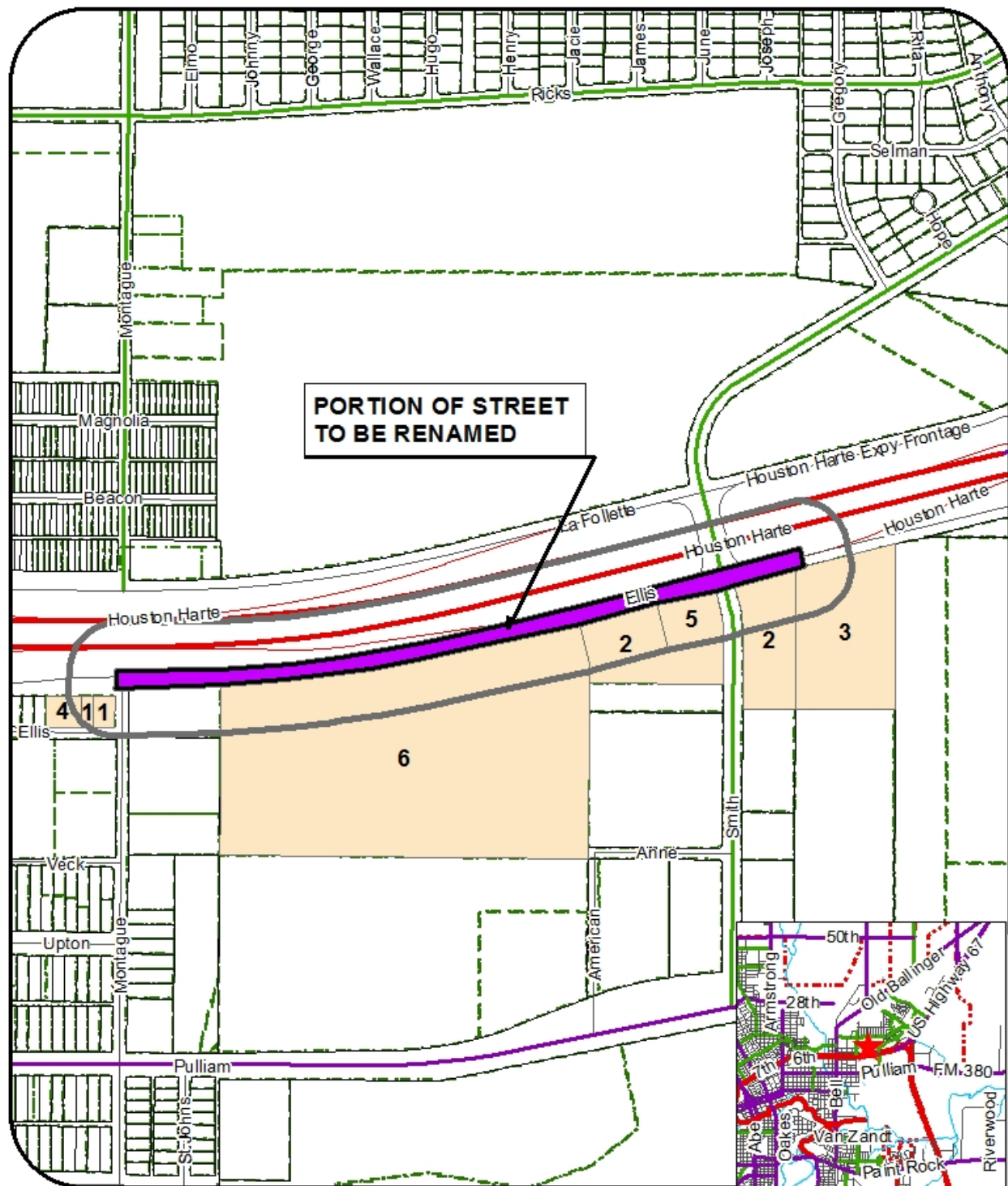
Requested Zoning: N/A

Vision:

Transitional, Commercial and
Neighborhood Center

N





Street Name Change

Ellis Street

Council District: Lucy Gonzales (SMD#4)
Neighborhood: Paulann
Scale: 1" approx. = 525 ft
Ellis St to East Houston Harte Expressway

Legend:

Subject Properties:
Current Zoning:
Requested Zoning:
Vision:

CN, CG

N/A

Transitional, Commercial and
Neighborhood Center

N



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

(☒)

IN FAVOR

(☐)

IN OPPOSITION

REASON(S) _____

NAME: Daniel Baker, Regal Oil, Inc.

ADDRESS: 424 N. Main

San Angelo, TX 76903

SIGNATURE: Daniel W. Baker

Street Name Change: A portion of Ellis Street

Property owner number: 5

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

Effective January 3, 2017



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



REVISED

Section 1: Basic Information

Name of Applicant(s): Kolster Welding

☒ Owner ☐ Representative (Affidavit Required)

1024 N. Bell	San Angelo TX	76903
Mailing Address	City	State Zip Code
325-895-1949	kolsterwelding@suddenlinkmail.com	
Contact Phone Number	Contact E-mail Address	

Section 2: Property Characteristics

Is the street public? ☒ Yes ☐ No Is street private? ☐ Yes ☐ No

Describe request for street to be named/changed: Ellis Street to East Houston Harte Expressway

From the intersection of: Montague Avenue to: Smith Blvd

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

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

Section 3: Applicant(s) Acknowledgement

Please initial the following:

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

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

Tina Kolster 12-6-18
Signature of licensee or authorized representative Date

Tina Kolster
Printed name of licensee or authorized representative

Kolster Welding
Name of business/Entity of representative

FOR OFFICE USE ONLY

Reviewed/Accepted by: J. Fisher Date: 11/16/18 ☒ Verified Complete ☐ Verified Incomplete

Assigned to: Planning

Nonrefundable application fee: \$ 625.00 COSA Signage cost: \$ _____ Date paid: 11/16/18 Receipt No. 51784

Planning Commission hearing date: 12/17/2018 City Council hearing date(s): 1/22/19

Hours of Operation: 8 AM -12 PM & 1PM – 5 PM 325-657-4210, #2 www.cosatx.us/planning

11-16-18

There are a few reasons for our request:

Currently the 911 address for our property is 2025 Ellis Street however when entering that address into a smart phone or a map online the point it takes you to is several blocks away on the West side of N. Bell Street at the intersection of Ellis Street and N. Archer. The reasons for our request are as follows:

1. Difficulty in finding 2025 Ellis Street when there are a few Ellis Street's on the map
2. Future deliveries and mail will not be delivered to our correct location with this error in street naming
3. Emergency response will not be as quick due to the difficulty in finding our location and confusion of our address
4. Customer access will be an issue as well if someone tries to find us online therefore our success could be hindered due to the confusion
5. Future development on this stretch of Ellis Street will not have the same dilemma is we are granted the street renaming
6. When using a smart phone map, the portion of Ellis Street we are requesting the name change for is already named Houston Harte Frontage Road

We believe the street name change will not confuse or hinder motorists and emergency vehicles, in fact we believe this will greatly assist in motorists and emergency vehicles finding our location.

Thank you for your consideration in this matter.

Jina Kolster

Fisher, Jeff

From: Tina Kolster <tina@citizensstatebk.com>
Sent: Wednesday, October 17, 2018 1:04 PM
To: Fisher, Jeff
Subject: Kolster Welding Address Change

Hi Jeff,

I want to thank you for working with us on our request for an address change. When we purchased the property and started the process for construction we obtained a 911 address for the property of 2025 Ellis Street. We have finally received the permit and have begun the construction process. In doing so, when we ordered limestone to start the pad, the driver of the trucks were asked to deliver to 2025 Ellis Street. They were unable to find our property location due to the fact that when you enter that address into any device, phone, etc, it points you to Ellis Street west of Bell Street. We received a phone call from the drivers and explained they were on the wrong end of Ellis and pointed them in the correct direction. From Bell Street east to Montague is Ellis Street however this particular Ellis Street is one block south of Houston Harte which makes our 2025 Ellis Street even more confusing when we are on the corner of Houston Harte and Montague.

For future delivery of materials, mail, etc, emergency response and customer access, we would like to request that the name of the street be changed to match what is on the map which is **Houston Harte Frontage Road**. We believe this request is relevant and logical due to map confusion. This request should greatly improve the 911 responders being able to find our location should we need them. Lastly, we believe this request will discard any potential for confusion when our customers are trying to locate us for our services. Leaving the address 2025 Ellis Street has the potential to hinder our success due to customers not being able to locate our property. Currently, there are no other houses/buildings facing north on the frontage road from Bell Street going east therefore no other property owners will be affected at this time. However, if anyone in the future builds a home or commercial building on this portion of the frontage road they will have the same issue we are facing currently. Our hope is that we are able to change the address/street name for our location and therefore future construction on this portion will not have this same issue.

Again, I want to thank you for assisting in this matter. Please feel free to let me know if you have any questions.
Thank you!

Tina M. Kolster

Citizens State Bank
319 W. Harris
San Angelo, Texas 76903
325.657.0099 phone
325.653.1254 fax
325.763.8449 cell
NMLS # 586030

AN ORDINANCE CHANGING THE NAME OF ELLIS STREET, A STATE ROAD ON THE CITY'S MAJOR THOROUGHFARE PLAN OF APPROXIMATELY 2,900 LINEAR FEET EAST/WEST RIGHT-OF-WAY BETWEEN MONTAGUE AVENUE AND ITS TERMINUS PAST SMITH BOULEVARD TO THE EAST HOUSTON HARTE EXPRESSWAY RAMP FROM "ELLIS STREET" TO "EAST HOUSTON HARTE EXPRESSWAY FRONTAGE ROAD," PROVIDING FOR PERMANENTLY AFFIXING ANY NECESSARY GEOGRAPHICAL AND ADDRESS-RELATED REFERENCES THERETO; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, a portion of Ellis Street is classified as a State Road (TXDOT) in the City's Major Thoroughfare Plan that runs east/west between Montague Avenue and its terminus past Smith Boulevard to the East Houston Harte Expressway Ramp in northeast San Angelo; and

WHEREAS, the TXDOT right-of-way immediately west of this segment between North Bell Street and Montague Avenue, and immediately east of this segment between Montague Avenue and its terminus at North Loop 306 are already named "East Houston Harte Expressway Frontage Road"; and,

WHEREAS, the City of San Angelo is a home rule municipality having exclusive control over the public streets of the municipality which control extends to assigning street names to highways within the jurisdictional limits of the city since the Texas Department of Transportation is specifically prohibited from naming a street with any name other than a regular highway number; and,

WHEREAS, the proposed street name change will provide for consistent street name identification, allow for proper wayfinding, and reduce confusion to motorists and emergency vehicles given there is already an "Ellis Street", a local street, located one block south between North Bell Street and Montague Street; and,

WHEREAS, the proposed street name change has been reviewed and endorsed by all relevant departments and agencies including the City of San Angelo, TXDOT, and the San Angelo Police Department;

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

SECTION 1: Ellis Street, extending east/west between Montague Avenue and its terminus past Smith Boulevard to the East Houston Harte Expressway Ramp in northeast San Angelo is hereby re-named: "East Houston Harte Expressway Frontage Road".

SECTION 2: Geographical and address related references to said street shall be updated and permanently affixed, identifying said street as “East Houston Harte Expressway Frontage Road”.

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

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

INTRODUCED on the **22nd day of January, 2019**, and finally PASSED,
APPROVED AND ADOPTED on this the **5th day of February, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 22, 2019

Item type: Regular Item

Caption:

First reading and public hearing for:

1. An ordinance for CP18-08, an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Neighborhood Center Future Land Use to the Neighborhood Future Land Use, being 0.97 acres of land located at 3210 - 3230 Abilene St.
2. An ordinance for Z18-23, a Rezoning from the General Commercial (CG) Zoning District to the Single Family (RS-1) Zoning District, being 0.48 acres located at 3218, 3214, 3210 Abilene St. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

A request for approval of an amendment to the Comprehensive Plan for the City of San Angelo to change the Future Land Use from Neighborhood Center to Neighborhood on the subject property, and a request for approval of a Rezoning from the General Commercial (CG) Zoning District to the Single Family Residential (RS-1) Zoning District on the subject properties. The applicant is intending to construct new single family homes, and the Zoning Ordinance does not permit such use by right in the existing zoning district. A rezoning to the property would also warrant a Comprehensive Plan amendment as part of the criteria for approval per the Zoning Ordinance. City Staff has also included an adjacent home to clean up the future land use along the block

Financial Impact:

N/A

Other Information/Recommendation:

On December 17, 2018, Planning Commission unanimously recommended APPROVAL of the comprehensive plan amendment and rezoning.

Attachments:

- | | |
|------------------------|--|
| 1. Staff Report (CP/Z) | CC Staff Report CP18-08 & Z18-23 Socha.pdf |
| 2. Ordinance (Z) | Z18-23 Ord.docx |
| 3. Ordinance (CP) | CP18-08 ORD.docx |

Presentation:

Jon James

Approvals/Reviews:

Hillary Bueker
Jon James
Theresa James

Created/Initiated
Approved
Approved

Anthony Wilson
Jon James
Tina Dierschke
Theresa James
Becky Dunn
Julia Antilley

Approved
Approved
Approved
Approved
Approved
Final Approval

CITY COUNCIL – January 22 & February 5, 2019

STAFF REPORT



APPLICATION TYPE:		CASES:	
Comprehensive Plan Amendment & Rezoning		CP18-08/Z18-23: Socha/COSA	
SYNOPSIS:			
A request for approval of an amendment to the Comprehensive Plan for the City of San Angelo to change the Future Land Use from Neighborhood Center to Neighborhood on the subject property, and a request for approval of a Rezoning from the General Commercial (CG) Zoning District to the Single Family Residential (RS-1) Zoning District on the subject properties. The applicant is intending to construct new single family homes, and the Zoning Ordinance does not permit such use by right in the existing zoning district. A rezoning to the property would also warrant a Comprehensive Plan amendment as part of the criteria for approval per the Zoning Ordinance. City Staff has also included an adjacent home to clean up the future land use along the block.			
LOCATION:		LEGAL DESCRIPTION:	
CP/Z – 3210 – 3218 Abilene Street CP – 3222 – 3230 Abilene Street		Being Lots 9-14, Block 47, Hatcher Addition, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #6 – Billie DeWitt Bluffs Neighborhood	CG – General Commercial RS-1 – Single Family Residential	Neighborhood Center	0.97 acres
THOROUGHFARE PLAN:			
<u>Howe Street</u> – Urban Local Street, Required 50’ min. ROW (54’ Existing), 36’ min. pavement with sidewalk or 40’ without sidewalk (22’ Existing). <u>Abilene Street</u> – Urban Local Street, Required 50’ min. ROW (60’ Existing), 36’ min. pavement with sidewalk or 40’ without sidewalk (28’ Existing).			
NOTIFICATIONS:			
13 notifications were mailed within a 200-foot radius on November 30, 2018. Two response have been received in support and One in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Comprehensive Plan Amendment changing the Future Land Use designation from “Neighborhood Center” to “Neighborhood,” and APPROVAL of a Rezoning from the General Commercial (CG) Zoning District to the Single-Family Residential (RS-1) Zoning District			
PROPERTY OWNER/PETITIONER:			
Czech Homes LLC - Russell Socha/ 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 Comprehensive Plan amendment from Neighborhood Center to Neighborhood would allow a transition between the existing Future Land Use designations in the adjacent area and also allow for compatibility with the associated rezoning to Single Family Residential. Section 303 of the Zoning Ordinance states that the intent of the Single Family Residential Zoning District is to “provide opportunities for development of detached single-family residences at medium densities.” The rezoning will allow the continuation of the surrounding residential zoning, and more specifically, allow the applicant to construct the proposed homes.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The proposed development would comply with the Single Family Residential development standards. Each 7,000 square feet platted lot exceeds the minimum lot area of 6,000 square feet, the minimum lot frontage of 50 feet, and minimum lot depth of 100 feet in the Single Family Residential district. Any future buildings will be required to comply with all required setbacks including 25-foot front yard setbacks from Abilene Street, as well as a 5-foot side yard setbacks and the 20-foot rear yard setbacks.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** The property is located within an area that has mixed uses, but is comprised of mostly residential to the north and commercial to the south. The subject parcels fit in with the already platted and zoned residential lots surrounding, while allowing the future residence to be aware of the already developed commercial properties immediately south.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The property was zoned Single Family Residential District from 1954 to 1999 when a zone change was request to general commercial in expectation of more commercial development along the recently developed Houston Harte Expressway. Since the anticipated commercial development was never realized, the Comprehensive Plan amendment and rezoning would make use of the land in a residential manner consistent with existing adjacent development.

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 Comprehensive Plan amendment and rezoning are anticipated to have little to no adverse impact on the natural environment. There may be minor air and noise pollution as the proposed improvements are built, but those would be temporary.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* There has not been a demonstrated community need for a commercial use on the sites. These sites were originally planned for residential purposes and the new potential homes would not be allowed in the current CG Zoning District. Allowing these sites to rezone to Single Family Residential would be reflective of the continuing need for residential homes in the city, rather than allowing a continuance of a zoning designation that has not been fully utilized in the past.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* The existing development pattern in the immediate area to the north is mostly residential, approving the Comprehensive Plan amendment and rezoning will allow the parcels to keep in continuity with the adjoining lots directly north of the subject properties.

Planning Commission Recommendation:

On December 17, 2018, the Planning Commission recommended APPROVAL of an amendment to the Comprehensive Plan for the City of San Angelo to change the Future Land Use from Neighborhood Center to Neighborhood on the subject property, and a request for approval of a Rezoning from the General Commercial (CG) Zoning District to the Single Family Residential (RS-1) Zoning District on the subject properties. The following is the complete excerpt of the draft minutes from the December 17, 2018, meeting for this case:

Hillary Bueker, Senior Planner, presented the proposed Comprehensive Plan Amendment and associated Rezoning request. She explained that the applicant proposed to rezone the interior lots and the City decided to initiate a Comprehensive Plan Amendment for the corner lot consistent with the proposed Rezoning. Ms. Bueker outlined Staff's rationale to approve both applications on the grounds that the Comprehensive Plan Amendment to "Neighborhood" provides a transition between the existing residential lands to the north and commercial lands to the south; that the lots comply with all RS-1 standards; and that the parcels fit with the surrounding residential lots.

Chair Stribling opened the meeting for public comment.

Mr. Russell Socha, the applicant, spoke in support of his request. He indicated that he owns the subject properties including the City-initiated lots to be rezoned, and that building is already taking place around the properties.

Chair Stribling closed public comment.

Commissioner Jackson made a Motion to recommend APPROVAL of an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Neighborhood Center Future Land Use to the Neighborhood Future Land Use, located at 3210 - 3230 Abilene Street. Vice Chair Spano seconded the Motion. The Motion passed unanimously, 6-0.

Commissioner Brooks made a Motion to recommend APPROVAL of a Rezoning from the General Commercial (CG) Zoning District to the Single Family (RS-1) Zoning District, located at 3218, 3214, 3210 Abilene Street. Commissioner Smith seconded the Motion. The Motion passed unanimously, 6-0.

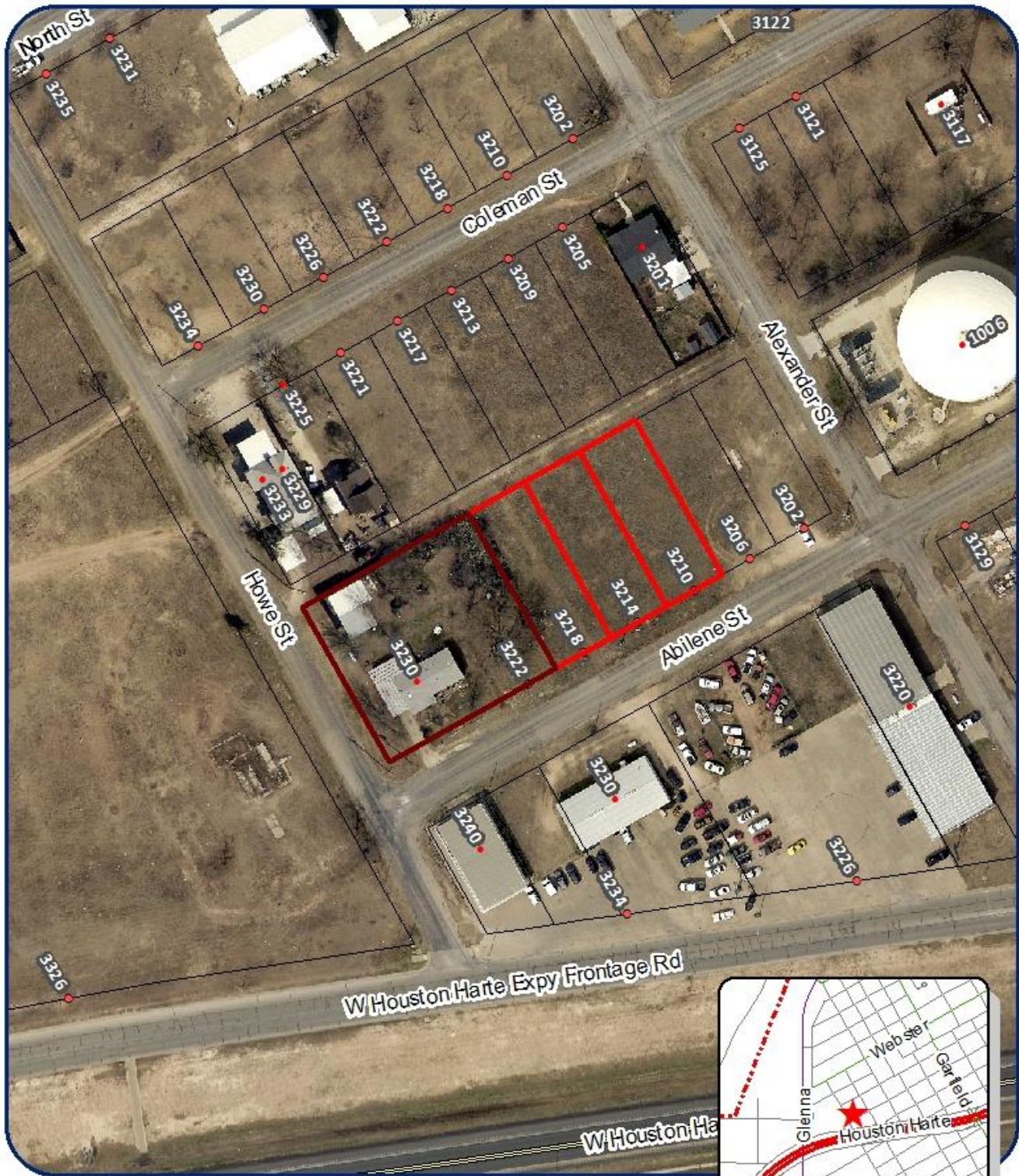
Recommendation:

Staff's recommendation is for the City Council to:

1. Recommend **APPROVAL** of a Comprehensive Plan Amendment, changing the Future Land Use designation from "Neighborhood Center" to "Neighborhood."
2. Recommend **APPROVAL** of a Rezoning from the General Commercial (CG) Zoning District to the Single-Family Residential (RS-1) Zoning District.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Applications
Photographs
Notification Map
Resident Letter



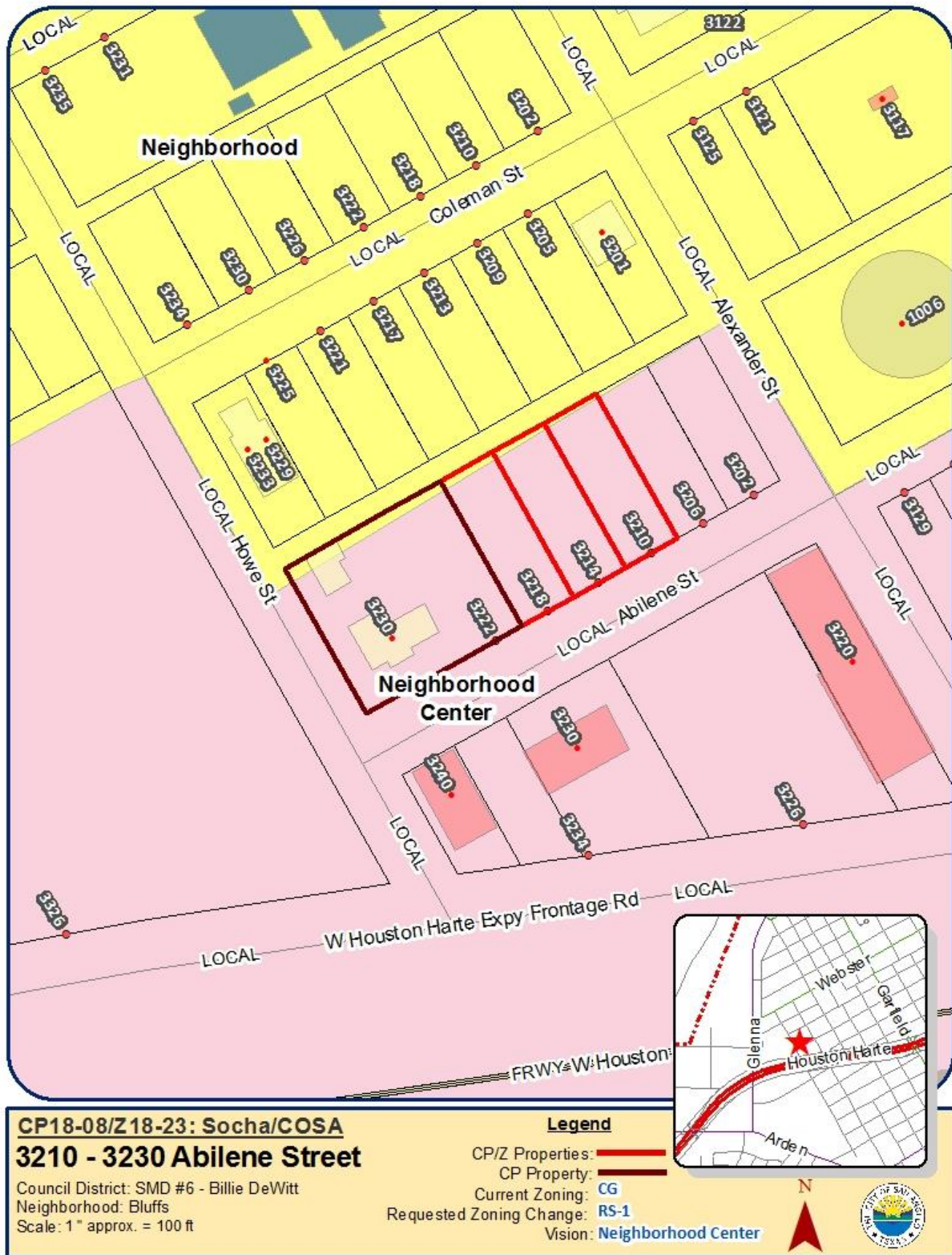
CP18-08/Z18-23: Socha/COSA
3210 - 3230 Abilene Street

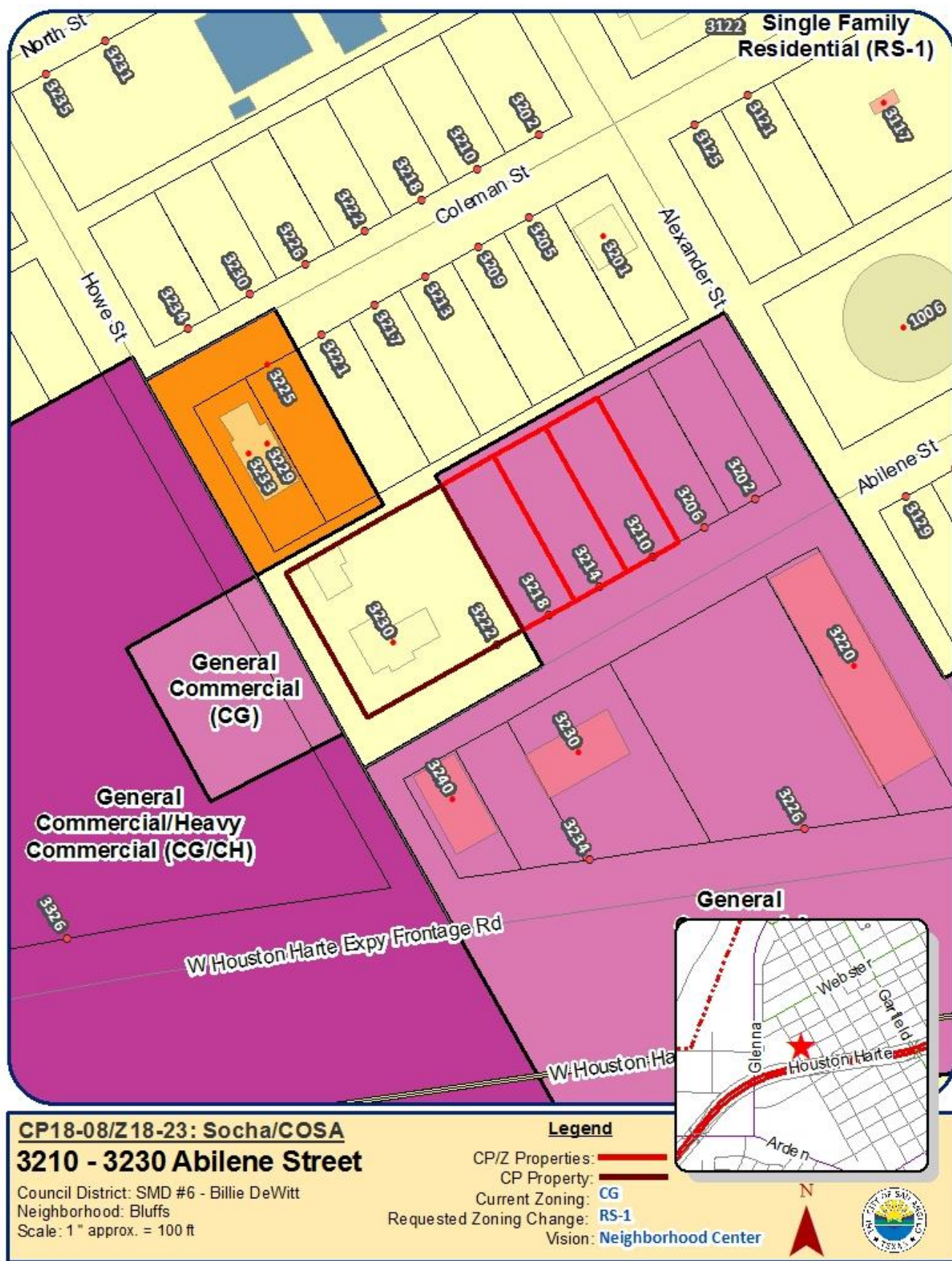
Council District: SMD #6 - Billie DeWitt
Neighborhood: Bluffs
Scale: 1" approx. = 100 ft

Legend

CP/Z Properties: —
CP Property: —
Current Zoning: **CG**
Requested Zoning Change: **RS-1**
Vision: **Neighborhood Center**







Effective January 3, 2017



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



Section 1: Basic Information

Name of Applicant(s): RUSSEN Socha (Czech Homes, LLC)
☒ Owner ☐ Representative (Notarized Affidavit Required)
Mailing Address: P.O. Box 488 SAN ANGELO TX 76902
325-277-7536 rsocha.laddies@gmail.com
City State Zip Code
Contact Phone Number: 3218; 3214; 3210 ABILENE ST. SAN ANGELO TX 76901
Contact E-mail Address
Subject Property Address: LOT 12; 13; 14 BLOCK 47; HATCHER ADDITION SUBDIVISION
City State Zip Code
Legal Description (can be found on property tax statement or at www.tomgreencad.com)

Existing Zoning: CIG Proposed Zoning: RS-1 Lot size: 50' x 140' / 7000 FT²

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

Section 2: Site Specific Details

Existing Use of Property: VACANT LOT
*Proposed Use of Property: SINGLE FAMILY RESIDENCE
*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.

RUSSELL SOCHA [Signature] Green Homes LLC 11/13/18
 Owner Name (Print) Signature Company/Organization (If Applicable) Date

 Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

☒ Verified Complete ☐ Verified Incomplete

Date of Application: 11 / 14 / 2018

Case No.: Z 18 - 23

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ 662.50

Receipt #: 48193 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: 12 / 17 / 2018 Date notifications due: 12 / 5 / 2018

City Council hearing date: 1 / 22 / 2019 Packets due date: ____/____/____

Publication date: ____/____/____

Reviewed/Accepted by: J. Fisher Date: 11 / 14 / 2018

Effective January 3, 2017



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



Application for Request to Amend Comprehensive Plan

Section 1: Basic Information

Name of Applicant(s): Russell Socha (CZCCA Homes, LLC)
☒ Owner ☐ Representative (Notarized Affidavit Required)
 Mailing Address: P.O. Box 488 City: San Angelo State: TX Zip Code: 76902
325-277-7536 Contact Phone Number rsocha.laddies@gmail.com Contact E-mail Address
 Subject Property Address: 3218-3214; 3210 ABILONG ST. City: San Angelo State: TX Zip Code: 76901
 Lot Size: 50' x 140' / 7000 FT.² Zoning: CG → RS-1

Section 2: Site Specific Details

Existing Use of Property: VACANT LOTS
 Proposed Use of Property: SINGLE FAMILY RESIDENTIAL
 Existing Comprehensive Plan Land Use Designation: CN
 Requested Comprehensive Plan Land Use Designation: RS-1

Reason(s) and justification(s) for requesting Comprehensive Plan Amendment:

EXISTING SINGLE FAMILY HOMES SURROUND
THESE LOTS & THEY ARE SIZED APPROPRIATELY.
THEY ARE NOT ON LOOP 306 ACCESS RD
THE NEED FOR AFFORDABLE HOUSING.
IT HAS BEEN VACANT LOTS SINCE DEVELOPMENT.
ADDS TO TAX BASE

Effective January 3, 2017

Section 3: Applicant(s) Acknowledgement

Please initial the following:

RS This process does NOT change the zoning on the property. Future applications filed for zone change will be evaluated by comparing the request against the Comprehensive Plan category, to insure consistency as required by the Local Government Code. This Code directs cities to make zoning decisions in accordance with this planning document.

RS Filing of this application is simply a request that the Planning Commission consider an amendment to the Comprehensive Plan map. Both the Planning Commission and City Council have the option to determine no amendment is necessary. If amendment is deemed necessary, staff will recommend updates based on the facts and evidence collected, and in accordance with the principles of the Comprehensive Plan adopted in 2009.

RS If approved, the Comprehensive Plan Amendment is applied to the property and runs with the land; it does not apply to the property owner(s).

RS The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a Comprehensive Plan Amendment request, the request must still go before City Council for final action.

RS If a Comprehensive Plan Amendment request is granted by City Council, a Zone Change application must still be filed to begin the rezoning process. While such applications may be filed concurrently, refund of a rezoning application fee is not possible; as such, it may be advisable to wait for a final decision on said Comprehensive Plan Amendment before proceeding with a rezoning request.

RS Comprehensive Plan Amendments are not done on a property by property basis, since zoning is largely based upon anticipating & mitigating the effects and unintended consequences land uses have on their surroundings. The neighborhood or area where your property lies will be evaluated and studied by staff, the Planning Commission, and City Council.

RS Areas will be examined no more than once per calendar year. The analysis, study, and evaluation by staff, the Planning Commission is a three month process; City Council must also adopt any changes.

RS 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.



Signature of licensee or authorized representative

11/14/18
Date

Russeu Socha

Printed name of licensee or authorized representative

Cosatch Homes LLC

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CPA.: 18 -- 08

Planning Commission Date: 12 / 17 / 2018

City Council Date(s): 1 / 22 / 2019

Non-Refundable Fee: \$ 500.00

Receipt #: 48196

Date paid: 11 / 14 / 2018

Reviewed/Accepted by: J. Fisher

Date: 11 / 14 / 2018

Site Photos



Looking Northeast at the Subject Properties

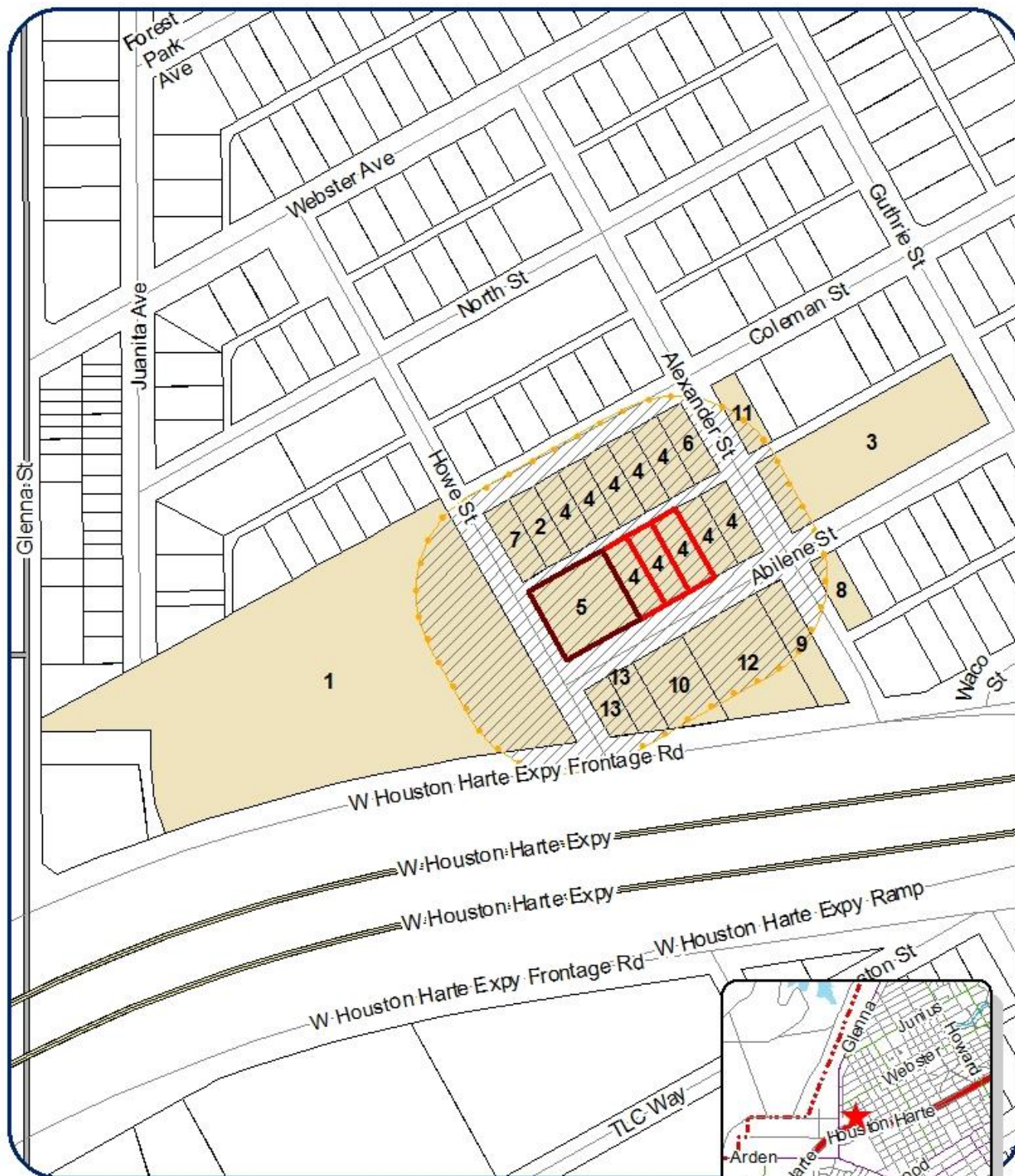




Looking Northwest at the Subject Properties



Commercial Properties South of Subject Property



CP18-08/Z18-23: Socha/COSA

3210 - 3230 Abilene Street

Council District: SMD #6 - Billie DeWitt

Neighborhood: Bluffs

Scale: 1" approx. = 225 ft

Legend

CP/Z Properties: —

CP Property: —

Current Zoning: CG

Requested Zoning Change: RS-1

Vision: Neighborhood Center



TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(☒) IN FAVOR (☐) IN OPPOSITION

REASON(S) _____

NAME: Runion Dev Co

ADDRESS: 3240 W Houston Hartle Eddy

SIGNATURE: 

CP18-08 / Z18-23: Socha/COSA

Property owner number: 13

If you have any questions about these proceedings, please call Hillary Bueker, Senior Planner, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1547 or at hillary.bueker@cosatx.us.

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(☒) IN FAVOR (☐) IN OPPOSITION

REASON(S) Planning on Building our Home
There.

NAME: _____

ADDRESS: _____

SIGNATURE: James Diana Morales

CP18-08 / Z18-23: Socha/COSA

Property owner number: 11

If you have any questions about these proceedings, please call Hillary Bueker, Senior Planner, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1547 or at hillary.bueker@cosatx.us.

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

() IN FAVOR

(X) IN OPPOSITION

REASON(S) There has been more activity with crime and going through trash and other's property. With more houses closer together the neighborhood will not be a quiet place anymore. We rather not have more house built in that area. The only thing it has invited is theft.

NAME: Diego & April Castro

ADDRESS: 3025 Coleman St.
San Angelo, TX 76901

SIGNATURE: 

CP18-08 / Z18-23: Socha/COSA

Property owner number: 2

If you have any questions about these proceedings, please call Hillary Bueker, Senior Planner, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1547 or at hillary.bueker@cosatx.us.

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: **3210, 3214, AND 3218 ABILENE STREET, CITY of SAN ANGELO, TEXAS, compromising a total of 0.48-acres**, FROM GENERAL COMMERCIAL (CG) ZONING DISTRICT TO THE SINGLE FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z18-23

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 Single Family Residential (RS-1) Zoning District; and,

WHEREAS, on the 22th day of January, 2019, City Council held a public hearing on Z18-23, 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 SINGLE FAMILY RESIDENTIAL (RS-1) Zoning District:

The real property located at 3210, 3214, and 3218 Abilene Street, compromising a total of 0.48-acres in Hatcher Addition, Lots 12, 13, and 14, Block 47, City of San Angelo, Tom Green County, Texas.

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

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

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

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

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

INTRODUCED on the **22nd day of January, 2019**, and finally PASSED, APPROVED AND ADOPTED on this the **5th day of February, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

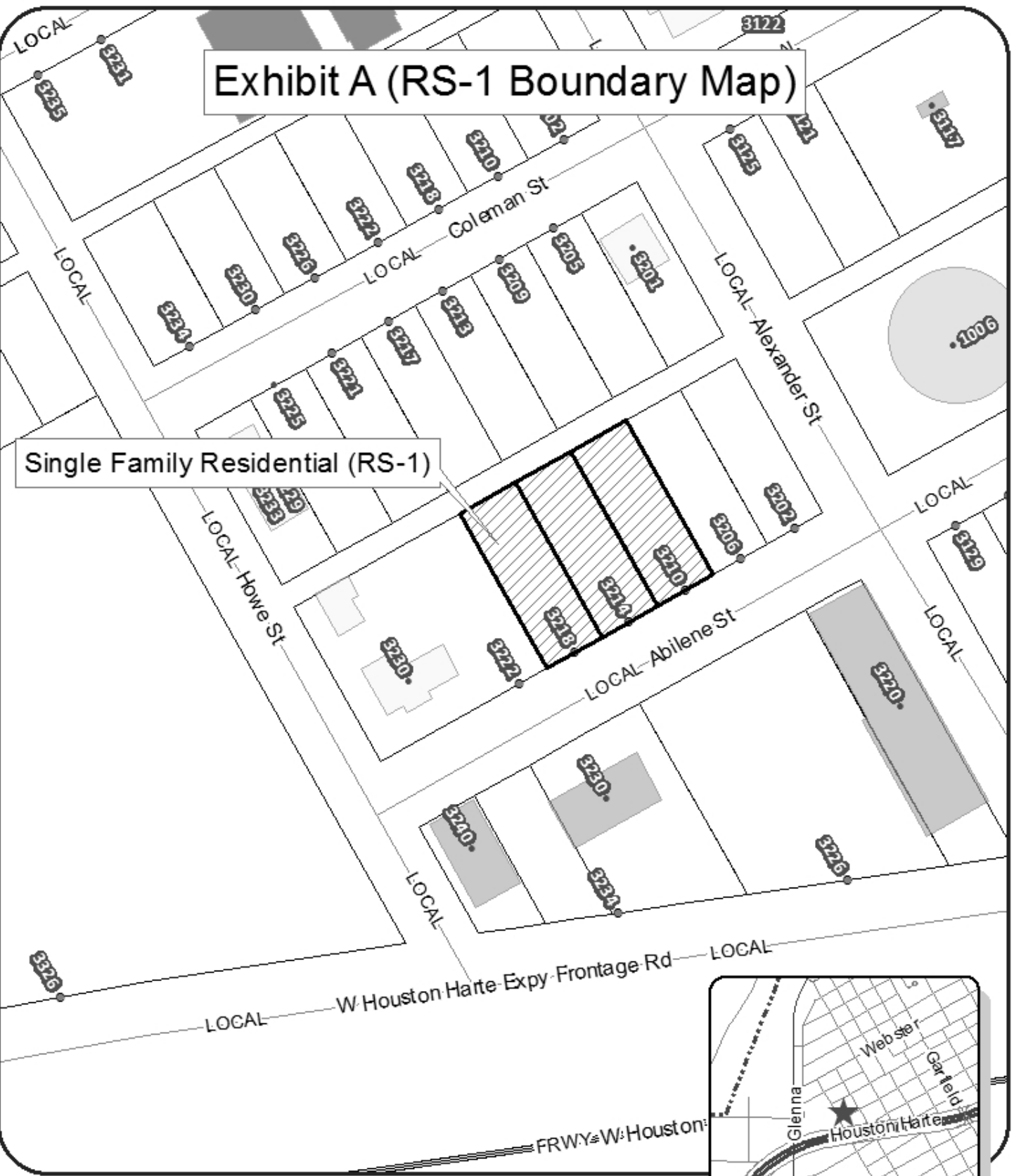
APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Exhibit A (RS-1 Boundary Map)

Single Family Residential (RS-1)



Z18-23: Socha

3210 - 3218 Abilene Street

Council District: SMD #6 - Billie DeWitt

Neighborhood: Bluffs

Scale: 1" approx. = 100 ft

Legend

Subject Property:
Current Zoning: CG
Requested Zoning Change: RS-1
Vision: Neighborhood Center



AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS, BEING **3210-3230 ABILENE STREET, CITY OF SAN ANGELO, TEXAS, compromising a total of 0.97 ACRES**, FROM "NEIGHBORHOOD CENTER" TO "NEIGHBORHOOD;" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

CP-18-08

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

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

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

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

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

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

3210-3230 Abilene Street, compromising a total of 0.97 acres in Hatcher Addition, Block 47, Lots 9-14, City of San Angelo, Texas, from "Neighborhood Center" to "Neighborhood;"

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

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

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

INTRODUCED on the **22th day of January, 2019**, and finally PASSED, APPROVED AND ADOPTED on this the **5th day of February, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jeff Fisher, Sr. Planner, Planning and Development Services, 325.657.4210

Meeting Date: January 22, 2019

Item type: Regular Item

Caption:

First reading and public hearing for:

1. An ordinance for CP18-09, an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Neighborhood Center Future Land Use to the Neighborhood Future Land Use, being 0.97 acres of land located at 2900 - 2920 Houston St.
2. An ordinance for Z18-24, a Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single Family (RS-1) Zoning District, being 0.48 acres of land located at 2920, 2916, 2912 Houston St.
3. An ordinance for PD18-05, a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for uses permitted within the General Commercial (CG) Zoning District and a shared sign plan for off-site signage, being 9.93 acres of land located at 4206 South College Hills Blvd. and 3121 and 3131 Sunset Dr.
4. An ordinance for Z18-25, a Rezoning from the Low Rise Multifamily Residential (RM-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, being 0.915 acres of land located at 5205 South Bryant Blvd.
5. An ordinance for Z18-27, a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Low Rise Multifamily Residential (RM-1) Zoning District, being 1.18 acres of land located at 3608 N. Chadbourne St. (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

1. First reading and public hearing of an ordinance for CP18-09, an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Neighborhood Center Future Land Use to the Neighborhood Future Land Use, being 0.97 acres of land located at 2900 - 2920 Houston Street.
2. First reading and public hearing of an ordinance for Z18-24, a Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single Family (RS-1) Zoning District, being 0.48 acres of land located at 2920, 2916, 2912 Houston Street.
3. First reading and public hearing of an ordinance for PD18-05, a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for uses permitted within the General Commercial (CG) Zoning District and a shared sign plan for off-site signage, being 9.93 acres of land located at 4206 South College Hills Boulevard, and 3121 and 3131 Sunset Drive.
4. First reading and public hearing of an ordinance for Z18-25, a Rezoning from the Low Rise Multifamily Residential (RM-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, being 0.915 acres of land located at 5205 South Bryant Boulevard.
5. First reading and public hearing of an ordinance for Z18-27, a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Low Rise Multifamily Residential (RM-1) Zoning District, being 1.18 acres of land located at 3608 North Chadbourne Street.

Financial Impact:

N/A

Other Information/Recommendation:

On December 17, 2018, the Planning Commission unanimously recommended APPROVAL of all the above items.

Attachments:

- | | | |
|----|-------------------------------|--|
| 1. | Staff Report (CP18-09/Z18-24) | CC Staff Report CP18-09 & Z18-24 Socha.pdf |
| 2. | Ordinance (Z18-24) | Z18-24 Ord.docx |
| 3. | Ordinance (CP18-09) | CP18-09 ORD.docx |
| 4. | Staff Report (Z18-25) | Staff Report (Z18-25).docx |
| 5. | Ordinance (Z18-25) | Ordinance (Z18-25).docx |
| 6. | Staff Report (Z18-27) | Staff Report (Z18-27).docx |
| 7. | Ordinance (Z18-27) | Ordinance (Z18-27).docx |
| 8. | Staff Report (PD18-05) | Staff Report (PD18-05).docx |
| 9. | Ordinance (PD18-05) | Ordinance (PD18-05).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 – January 22 & February 5, 2019

STAFF REPORT



APPLICATION TYPE:		CASES:	
Comprehensive Plan Amendment & Rezoning		CP18-09/Z18-24: Socha/COSA	
SYNOPSIS:			
A request for approval of an amendment to the Comprehensive Plan for the City of San Angelo to change the Future Land Use from Neighborhood Center to Neighborhood on the subject property, and a request for approval of a Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single Family Residential (RS-1) Zoning District on the subject properties. The applicant is intending to construct new single family homes, and the Zoning Ordinance does not permit such use by right in the existing zoning district. A rezoning to the property would also warrant a Comprehensive Plan amendment as part of the criteria for approval per the Zoning Ordinance. City Staff has also included adjacent homes to clean up the future land use along the block.			
LOCATION:		LEGAL DESCRIPTION:	
CP/Z – 2912-2920 Houston Street CP – 2900-2908 Houston Street		Being Lots 11-16, Block 66, Hatcher Addition, Tom Green County, Texas.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #2 – Tom Thompson Bluffs Neighborhood		CN – Neighborhood Commercial RS-1 – Single Family Residential	Neighborhood Center 0.97 acres
THOROUGHFARE PLAN:			
<u>Houston Street</u> – Urban Local Street, Required 50' min. ROW (60' Existing), 36' min. pavement with sidewalk or 40' without sidewalk (36' Existing). <u>Hassell Street</u> – Urban Local Street, Required 50' min. ROW (60' Existing), 36' min. pavement with sidewalk or 40' without sidewalk (30' Existing).			
NOTIFICATIONS:			
21 notifications were mailed within a 200-foot radius on November 30, 2018. One response has been received in support and zero in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Comprehensive Plan Amendment changing the Future Land Use designation from “Neighborhood Center” to “Neighborhood,” and APPROVAL of a Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District			
PROPERTY OWNER/PETITIONER:			
Larry Socha/ 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 Comprehensive Plan amendment from Neighborhood Center to Neighborhood would allow a transition between the existing Future Land Use designations in the adjacent area and also allow for compatibility with the associated rezoning to Single Family Residential. Section 303 of the Zoning Ordinance states that the intent of the Single Family Residential Zoning District is to “provide opportunities for development of detached single-family residences at medium densities.” The rezoning will allow the continuation of the surrounding residential zoning, and more specifically, allow the applicant to construct the proposed homes.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The proposed development would comply with the Single Family Residential development standards. Each 7,000 square feet platted lot exceeds the minimum lot area of 6,000 square feet, the minimum lot frontage of 50 feet, and minimum lot depth of 100 feet in the Single Family Residential district. Any future buildings will be required to comply with all required setbacks including 25-foot front yard setbacks from Abilene Street, as well as a 5-foot side yard setbacks and the 20-foot rear yard setbacks.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** The property is located within an area that has mixed uses, but is comprised of mostly residential to the north and commercial to the east and west. The subject parcels fit in with the already platted and zoned residential lots surrounding, while allowing the future residence to be aware of the already developed commercial properties along the Houston Harte Expressway Frontage Road.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The property was zoned Single Family Residential District from 1954 to 2014 when a zone change was requested to neighborhood commercial in expectation of more commercial development along the Houston Harte Expressway. Since the anticipated commercial development was never realized, the Comprehensive Plan amendment and rezoning would make use of the land in a residential manner consistent with existing adjacent development.
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 Comprehensive Plan amendment and rezoning are anticipated to have little to no adverse impact on the natural environment. There may be minor air and noise pollution as the proposed improvements are built, but those would be temporary.

6. **Community Need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.** There has not been a demonstrated community need for a commercial use on the sites. These sites were originally planned for residential purposes and the new potential homes would not be allowed in the current CN Zoning District. Allowing these sites to rezone to Single Family Residential would be reflective of the continuing need for residential homes in the city, rather than allowing a continuance of a zoning designation that has not been fully utilized in the past.
7. **Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.** The existing development pattern in the immediate area to the north is mostly residential, approving the Comprehensive Plan amendment and rezoning will allow the parcels to keep in continuity with the adjoining lots directly north of the subject properties.

Planning Commission Recommendation:

On December 17, 2018, the Planning Commission recommended APPROVAL of an amendment to the Comprehensive Plan for the City of San Angelo to change the Future Land Use from Neighborhood Center to Neighborhood on the subject property, and a request for approval of a Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single Family Residential (RS-1) Zoning District on the subject properties. The following is the complete excerpt of the draft minutes from the December 17, 2018, meeting for this case:

Hillary Bueker, Senior Planner, presented the proposed Comprehensive Plan Amendment and associated Rezoning request. She explained that the applicant proposed to rezone the interior lots and the City decided to initiate a Comprehensive Plan Amendment for the easterly lots consistent with the proposed Rezoning. Ms. Bueker outlined Staff's rationale to approve both applications on the grounds that the Comprehensive Plan Amendment to "Neighborhood" allows for compatibility with the associated rezoning to RS-1; that the lots comply with all RS-1 standards; and that the parcels fit with the already platted surrounding residential lots.

Chair Stribling opened the meeting for public comment.

There was no public comment.

Commissioner Smith made a Motion to recommend APPROVAL of an amendment to the City of

San Angelo Comprehensive Plan, changing certain lands from the Neighborhood Center Future Land Use to the Neighborhood Future Land Use, located at 2900 - 2920 Houston Street. Commissioner Uherik seconded the Motion. The Motion passed unanimously, 6-0.

Commissioner Brooks made a Motion to recommend **APPROVAL** of a Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single Family (RS-1) Zoning District, located at 2920, 2916, 2912 Houston Street. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0.

Recommendation:

Staff's recommendation is for the City Council to:

1. Recommend **APPROVAL** of a Comprehensive Plan Amendment, changing the Future Land Use designation from "Neighborhood Center" to "Neighborhood."
2. Recommend **APPROVAL** of a Rezoning from the Neighborhood Commercial (CN) Zoning District to the Single-Family Residential (RS-1) Zoning District.

Attachments:

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



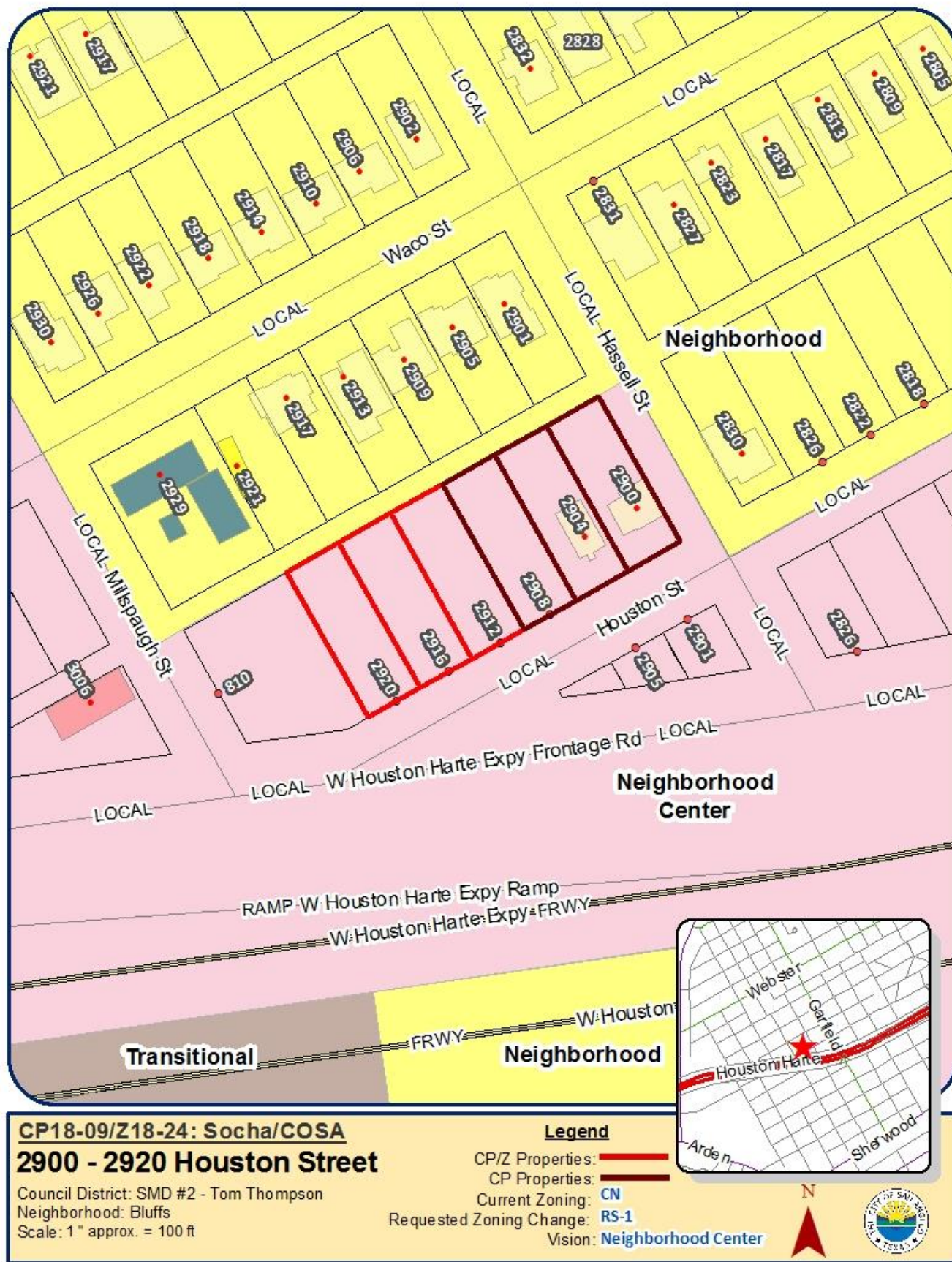
CP18-09/Z18-24: Socha/COSA
2900 - 2920 Houston Street

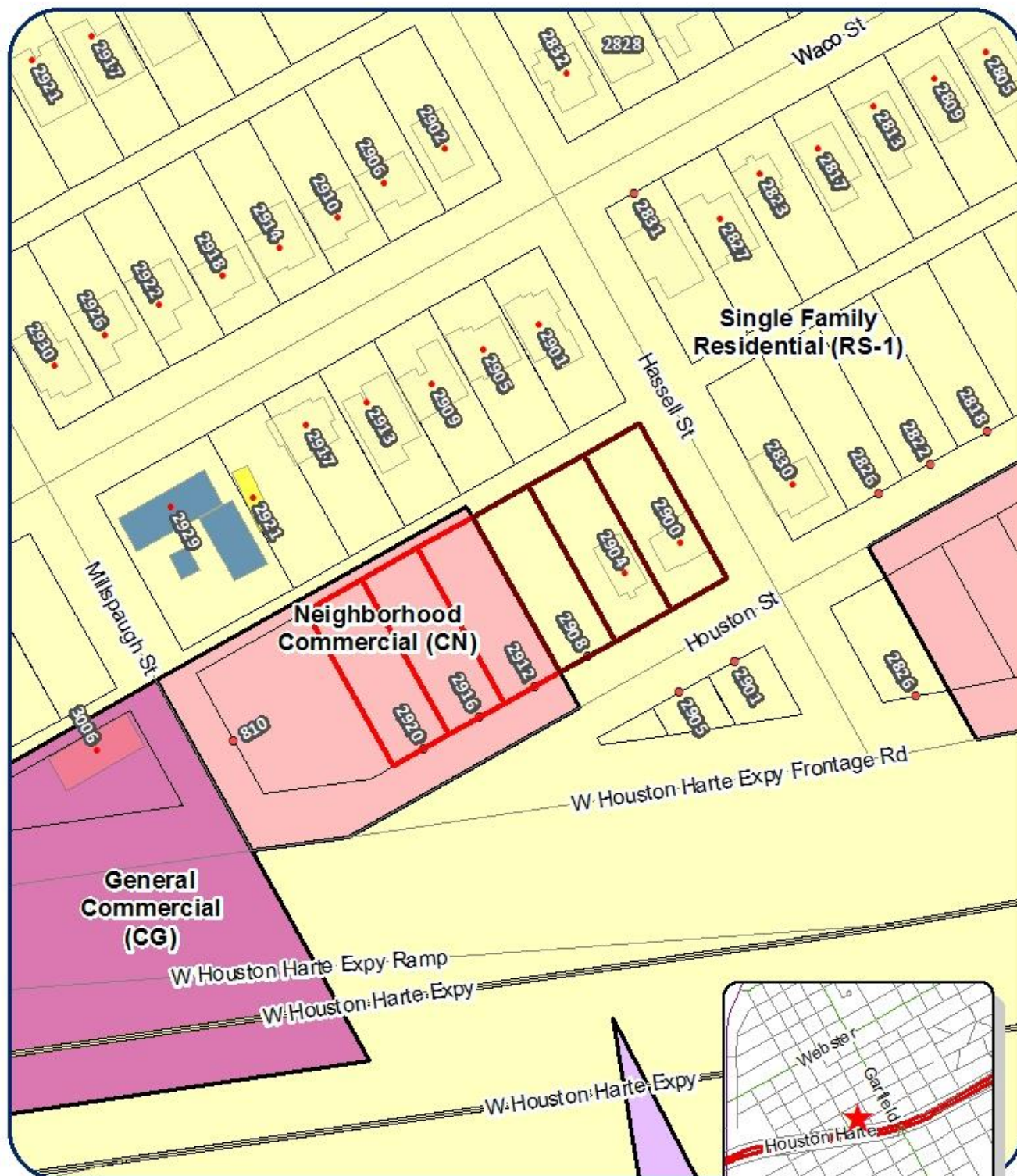
Council District: SMD #2 - Tom Thompson
 Neighborhood: Bluffs
 Scale: 1" approx. = 100 ft

Legend

CP/Z Properties: —
 CP Properties: —
 Current Zoning: **CN**
 Requested Zoning Change: **RS-1**
 Vision: **Neighborhood Center**







CP18-09/Z18-24: Socha/COSA
2900 - 2920 Houston Street

Council District: SMD #2 - Tom Thompson
 Neighborhood: Bluffs
 Scale: 1" approx. = 100 ft

Legend

CP/Z Properties: —
 CP Properties: —
 Current Zoning: CN
 Requested Zoning Change: RS-1
 Vision: Neighborhood Center



Effective January 3, 2017



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



Section 1: Basic Information

Name of Applicant(s): LARRY SOCHA

☒ Owner ☐ Representative (Notarized Affidavit Required)

Mailing Address: P.O. Box 488 SAN ANGELO TX 76902
City State Zip Code

Contact Phone Number: 325-277-7536 Contact E-mail Address: rsocha.laddies@gmail.com

Subject Property Address: 2920; 2916; 2912 HOUSTON ST. SAN ANGELO TX 76901
City State Zip Code

Legal Description: LOT 11; 12; 13 BLOCK 66; HATCHER ADDITION SUBDIVISION

Existing Zoning: CN Proposed Zoning: RS-1 Lot size: (50'x140') 7000 FT.²

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

Section 2: Site Specific Details

Existing Use of Property: VACANT LOT

*Proposed Use of Property: SINGLE FAMILY RESIDENCE

*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.

Owner Name (Print) LARRY SOCHA Signature [Signature] Company/Organization (If Applicable) _____ Date 11/13/18

Representative Name (Print) _____ Signature _____ Company/Organization _____ Date _____

FOR OFFICE USE ONLY:

☒ Verified Complete ☐ Verified Incomplete

Date of Application: 11 / 14 / 2018

Case No.: Z 18 -- 24

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ 662.50

Receipt #: 48193 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: 12 / 17 / 2018 Date notifications due: 12 / 6 / 18

City Council hearing date: 1 / 22 / 18 Packets due date: ____/____/____

Publication date: ____/____/____

Reviewed/Accepted by: J. Fisher Date: 11 / 14 / 2018

Effective January 3, 2017



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

Application for Request to Amend Comprehensive Plan



Section 1: Basic Information

Name of Applicant(s):

LARRY SOCHA

☒ Owner

☐ Representative (Notarized Affidavit Required)

Mailing Address

City

State

Zip Code

P.O. Box 488 San Angelo TX 76902

Contact Phone Number

Contact E-mail Address

325-272-7536 rsocha.laddies@gmail.com

2920, 2916, 2912 Houston St. SAN ANGELO TX 76901

Subject Property Address

City

State

Zip Code

Lot Size:

50' x 140' (7000 FT²)

Zoning:

CN → RS-1

Section 2: Site Specific Details

Existing Use of Property:

VACANT LAND

Proposed Use of Property:

SINGLE FAMILY, RESIDENTIAL

Existing Comprehensive Plan Land Use Designation:

CN

Requested Comprehensive Plan Land Use Designation:

RS-1

Reason(s) and justification(s) for requesting Comprehensive Plan Amendment:

EXISTING SINGLE FAMILY HOMES SURROUND THE LOTS
& THEY ARE SIZED APPROPRIATELY. THEY ARE NOT
ON LOOP 306. ACCESS RD. TAG NEEDED FOR
AFFORDABLE HOUSING EXISTS IN THE CITY FOR
LOWER PRICE POINTS UNDER \$200K. IT HAS
BEEN VACANT LOTS FOR 20 PLUS YEARS. THIS
DEVELOPMENT WILL ADD TO TAX BASE

Effective January 3, 2017

Section 3: Applicant(s) Acknowledgement

Please initial the following:

LS This process does NOT change the zoning on the property. Future applications filed for zone change will be evaluated by comparing the request against the Comprehensive Plan category, to insure consistency as required by the Local Government Code. This Code directs cities to make zoning decisions in accordance with this planning document.

LS Filing of this application is simply a request that the Planning Commission consider an amendment to the Comprehensive Plan map. Both the Planning Commission and City Council have the option to determine no amendment is necessary. If amendment is deemed necessary, staff will recommend updates based on the facts and evidence collected, and in accordance with the principles of the Comprehensive Plan adopted in 2009.

LS If approved, the Comprehensive Plan Amendment is applied to the property and runs with the land; it does not apply to the property owner(s).

LS The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a Comprehensive Plan Amendment request, the request must still go before City Council for final action.

LS If a Comprehensive Plan Amendment request is granted by City Council, a Zone Change application must still be filed to begin the rezoning process. While such applications may be filed concurrently, refund of a rezoning application fee is not possible; as such, it may be advisable to wait for a final decision on said Comprehensive Plan Amendment before proceeding with a rezoning request.

LS Comprehensive Plan Amendments are not done on a property by property basis, since zoning is largely based upon anticipating & mitigating the effects and unintended consequences land uses have on their surroundings. The neighborhood or area where your property lies will be evaluated and studied by staff, the Planning Commission, and City Council.

LS Areas will be examined no more than once per calendar year. The analysis, study, and evaluation by staff, the Planning Commission is a three month process; City Council must also adopt any changes.

LS 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.



Signature of licensee or authorized representative

11/14/18

Date

LARRY SOCHA

Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CPA: 18 -- 09

Planning Commission Date: 12 / 17 / 2018

City Council Date(s): 1 / 22 / 2019

Non-Refundable Fee: \$ 500.00

Receipt #: 48196

Date paid: 11 / 14 / 2018

Reviewed/Accepted by: J. Fisher

Date: 11 / 14 / 2018

Site Photos



Houston Street and West Houston Harte Expressway Frontage Road



Subject Properties



Homes behind Subject Properties



Adjacent Homes included in Comp Plan Amendment



CP18-09/Z18-24: Socha/COSA
2900 - 2920 Houston Street

Council District: SMD #2 - Tom Thompson
Neighborhood: Bluffs
Scale: 1" approx. = 125 ft

Legend

CP/Z Properties: —
CP Properties: —
Current Zoning: CN
Requested Zoning Change: RS-1
Vision: Neighborhood Center



TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(☒)

IN FAVOR

(☐)

IN OPPOSITION

REASON(S)

NAME:

ADDRESS:

SIGNATURE:

CP18-09 / Z18-24: Socha/COSA

Property owner number: 21

If you have any questions about these proceedings, please call Hillary Bueker, Senior Planner, with the City of San Angelo's Planning Division at (325) 657-4210 ext. 1547 or at hillary.bueker@cosatx.us.

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: **2912, 2916, AND 2920 HOUSTON STREET, CITY OF SAN ANGELO, TEXAS, compromising a total of 0.48-acres**, FROM NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT TO THE SINGLE FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z18-24

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 Single Family Residential (RS-1) Zoning District; and,

WHEREAS, on the 22th day of January, 2019, City Council held a public hearing on Z18-24, 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 SINGLE FAMILY RESIDENTIAL (RS-1) Zoning District:

The real property located at 2912, 2916, and 2920 Houston Street, compromising a total of 0.48-acres in Hatcher Addition, Lots 11, 12, and 13, Block 66, City of San Angelo, Tom Green County, Texas.

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

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

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

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

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

INTRODUCED on the **22nd day of January, 2019**, and finally PASSED, APPROVED AND ADOPTED on this the **5th day of February, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Exhibit A (RS-1 Boundary Map)

Single Family Residential (RS-1)

Z18-24: Socha

2912 - 2920 Houston Street

Council District: SMD #2 - Tom Thompson

Neighborhood: Bluffs

Scale: 1" approx. = 100 ft

Legend

Subject Properties: 
Current Zoning: CN
Requested Zoning Change: RS-1
Vision: Neighborhood Center



AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS, BEING **2900-2920 HOUSTON STREET, CITY OF SAN ANGELO, TEXAS, compromising a total of 0.97 ACRES**, FROM "NEIGHBORHOOD CENTER" TO "NEIGHBORHOOD;" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

CP-18-09

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

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

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

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

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

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

2900-2920 Houston Street, compromising a total of 0.97 acres in Hatcher Addition, Block 66, Lots 11-16, City of San Angelo, Texas, from “Neighborhood Center” to “Neighborhood;”

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

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

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

INTRODUCED on the **22th day of January, 2019**, and finally PASSED, APPROVED AND ADOPTED on this the **5th day of February, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

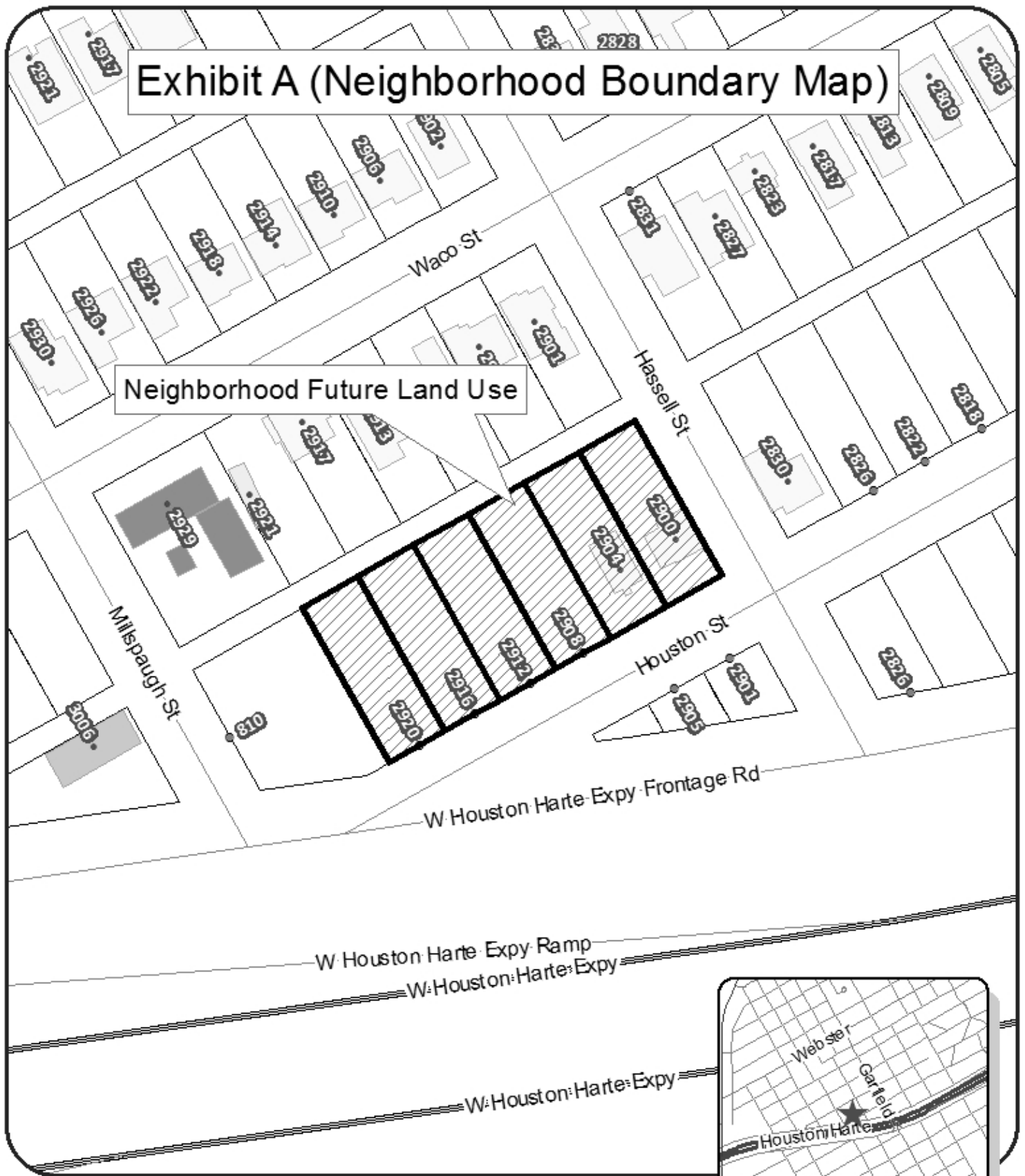
APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Exhibit A (Neighborhood Boundary Map)

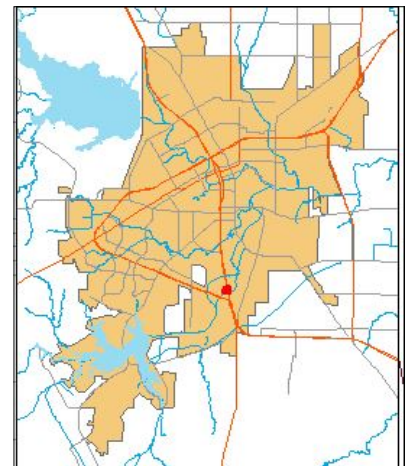
Neighborhood Future Land Use



CITY COUNCIL – January 22, 2019
STAFF REPORT



APPLICATION TYPE:	CASE:		
Rezoning	Z18-25: Von Rosenberg		
SYNOPSIS:			
On December 16, 2014, City Council approved a previous rezoning request by the applicant on the property from General Commercial (CG) to Low Rise Multifamily Residential (RM-1). The applicant explained that the property has not developed residentially and is now requesting a rezoning back to commercial, from the RM-1 zone to Neighborhood Commercial (CN).			
LOCATION:		LEGAL DESCRIPTION:	
5205 South Bryant Boulevard; generally located southwest of South Bryant Boulevard and Kimrey Lane		Being Lot 1 in Block 1 in the Windwood Subdivision, Section 1, comprising a total of 0.915 acres.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #1 – Tommy Hiebert Glenmore Neighborhood	Low Rise Multifamily Residential (RM-1)	NC – Neighborhood Center	0.915 ac.
THOROUGHFARE PLAN:			
Kimrey Lane – Urban Local Street Required: 50' right-of-way, 40' pavement or 36' with a 4-foot sidewalk Provided: 60' right-of-way, 24' pavement and no sidewalk (complied at time of platting) South Bryant Boulevard Frontage Road– Urban Arterial Street Required: 80' right-of-way, 64' pavement Provided: 300' right-of-way, 110' pavement			
NOTIFICATIONS:			
12 notifications mailed within 200-foot radius on December 4, 2018. None received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the rezoning from the Low Rise Multifamily Residential (RM-1) Zoning District to the Neighborhood Commercial (CN) Zoning District on the subject property.			
PROPERTY OWNER/PETITIONER:			
<i>Property Owner and Applicant:</i> Eric von Rosenberg, Von Rosenberg Custom Homes LLC			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			



Additional Information: N/A

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

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The subject property has a Future Land Use designation of “Neighborhood Center” in the City’s Comprehensive Plan which calls to “promote a mix of various uses at key intersections to encourage the necessary densification, and walkability necessary for Neighborhood Centers” and “establish transition areas to better ‘scale-down’ intensity of use from commercial centers to neighborhoods.” The proposed CN zoning would be consistent with these policies. The property serves as a transition area from the heavy commercial uses east of South Bryant Boulevard and residential neighborhood to the west. The CN also allows for scaled-down commercial activity consistent with the Neighborhood Center designation, and which can serve the nearby residential homes. The CN zoning allows a wide range of commercial uses, including retail stores, offices, banks, fitness gyms, and restaurants.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The Planning Division believes that the CN zoning is appropriate for this property given it has direct access onto the South Bryant Boulevard commercial corridor and its convenient location close to residential areas. The existing lot was platted as part of the Windwood Subdivision, Section One, filed for record with the Tom Green County Clerk on December 17, 2007. The property has a lot area of 0.915 acres, a minimum lot frontage of 170.40 feet and a minimum lot depth of 194.17 feet, exceeding the minimum CN requirements of 6,000 square feet for lot area, 50 feet frontage and 80 feet depth. There is an existing 6-foot high rock wall fence along the west side of the property, and 6-foot high wooden fence along the south side of the property, in compliance with Section 509.A. 1 of the Zoning Ordinance requiring an opaque privacy fence adjacent to residential zoning and uses. The privacy fences will provide additional security and screening from the adjacent residences west and south of the subject property. The CN zoning will also prohibit any outdoor storage extending more than 5 feet of any future building wall. This will minimize any unsightly visual clutter from being stored outside in close proximity to the adjacent residential area.

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 proposed CN will be compatible with the surrounding area which includes several religious institutions (Unity, Word of Life) along this expanse of South Bryant Boulevard, as well as Sonrisas Therapeutic Riding and Mosaic. It will also serve the surrounding residential community as there is currently no retail commercial uses within a mile of the subject property on the west side of South Bryant Boulevard. The existing privacy fencing along the west and south property lines will provide
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* The property has remained vacant since at least 2007 when it was platted, and since 2014 when it was rezoned RM-1. At the time, the applicant was proposing an 11-unit apartment complex but no development took place. Given the property location on South Bryant Boulevard along a commercial corridor, the Planning Division supports the requested rezoning to CN.
5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* The Planning Division does not anticipate any negative effects on the natural environment. A review of grading, drainage, and stormwater would take place at the permit stage for any development of this lot.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The Planning Division believes that Neighborhood Commercial (CN) Zoning is appropriate and there will be a desired need for this type of development given its location along South Bryant Boulevard.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* There are no anticipated changes to existing development patterns. Southbound traffic can access the property from the South Bryant Boulevard Frontage Road. The Planning Division is concerned however, with access to the property travelling northbound as there is no direct access from South Bryant Boulevard northbound to the property. Vehicles would either have to access the property from the southwest via Ben Ficklin Road through to Kimrey Lane, or turnaround at the north end of Ben Ficklin Road and return southbound. Kimrey Lane being a local road in a residential neighborhood is not designed to accommodate larger commercial traffic volumes. However, the site being under 1 acre would limit large scale commercial uses and Staff believes the majority of traffic will access the site from South Bryant Boulevard, mitigating this impact. Regardless, Staff believes this issue alone would not be sufficient to recommend denial.

Planning Commission Recommendation:

On December 17, 2018, the Planning Commission recommended **APPROVAL** of the proposed Rezoning from the Low Rise Multifamily Residential (RM-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, located at 5205 South Bryant Boulevard. The following is the complete excerpt of the draft minutes from the December 17, 2018, meeting for this case:

Jeff Fisher, Senior Planner, presented the rezoning request. He explained that in 2014 the same applicant was approved for a rezoning of the subject property from General Commercial (CG) to Low Rise Multifamily Residential (RM-1) but due to market conditions no apartments were built and the property has remained vacant.

Mr. Fisher outlined Staff's rationale to approve the Rezoning to Neighborhood Commercial (CN) on the grounds that the CN zoning is consistent with the Future Land Use designation "Neighborhood Center"; that the lot complies with all CN standards; and that the existing rock fence along the west lot line and wooden fence along the south lot line provides screening from the adjacent residential properties. Mr. Fisher also explained that the CN limits the total floor area on the property as well as prohibits any outdoor storage past 5 feet from the building wall. He concluded his presentation with one concern, that even though Staff supports the request, there was no northbound access from South Bryant Boulevard which would require at least some vehicles to enter through Ben Ficklin Road and Kimrey Lane.

Chair Stribling opened the meeting for public comment.

Ms. Ami-Mizell Flint representing Mosaic located north of the property asked what uses were allowed in the CN zone.

Mr. Fisher responded that the CN zoning allows retail sales and services, offices, restaurants, gyms, and day cares, in addition to other similar uses.

Mr. Eric von Rosenberg, owner of the subject property expressed he was available to answer any questions.

Mr. Bruce Davidson, owner of surrounding property, spoke in opposition of the request. He expressed concerns with commercial traffic using Kimrey Lane which he believes is too narrow.

Chair Stribling asked about parking requirements for the CN Zone.

Mr. Fisher responded that parking is based on use, not zoning district. He provided some examples of parking for various uses, included retail stores which require one space per 200 square feet of accessible floor area to the public; one space per 300 square feet for offices; and one space per 400 square feet for private clubs. Mr. Fisher stated that he believes there is sufficient space on the property to accommodate these parking requirements.

Commissioner Jackson asked what the width was of Kimrey Lane.

Mr. Fisher responded that he believed it was approximately 24 to 26 feet, which is deficient under current standards, but that the lot was previously platted and would have met the required minimums at the time it was platted.

Chair Stribling spoke in support of the request and believes that the CN uses would generate less traffic than other commercial types of zoning.

Chair Stribling closed public comment.

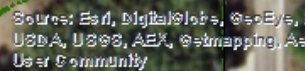
Commissioner Brooks made a Motion to recommend APPROVAL of a Rezoning from the Low Rise Multifamily Residential (RM-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, located at 5205 South Bryant Boulevard. Commissioner Smith seconded the Motion. The Motion passed unanimously, 6-0.

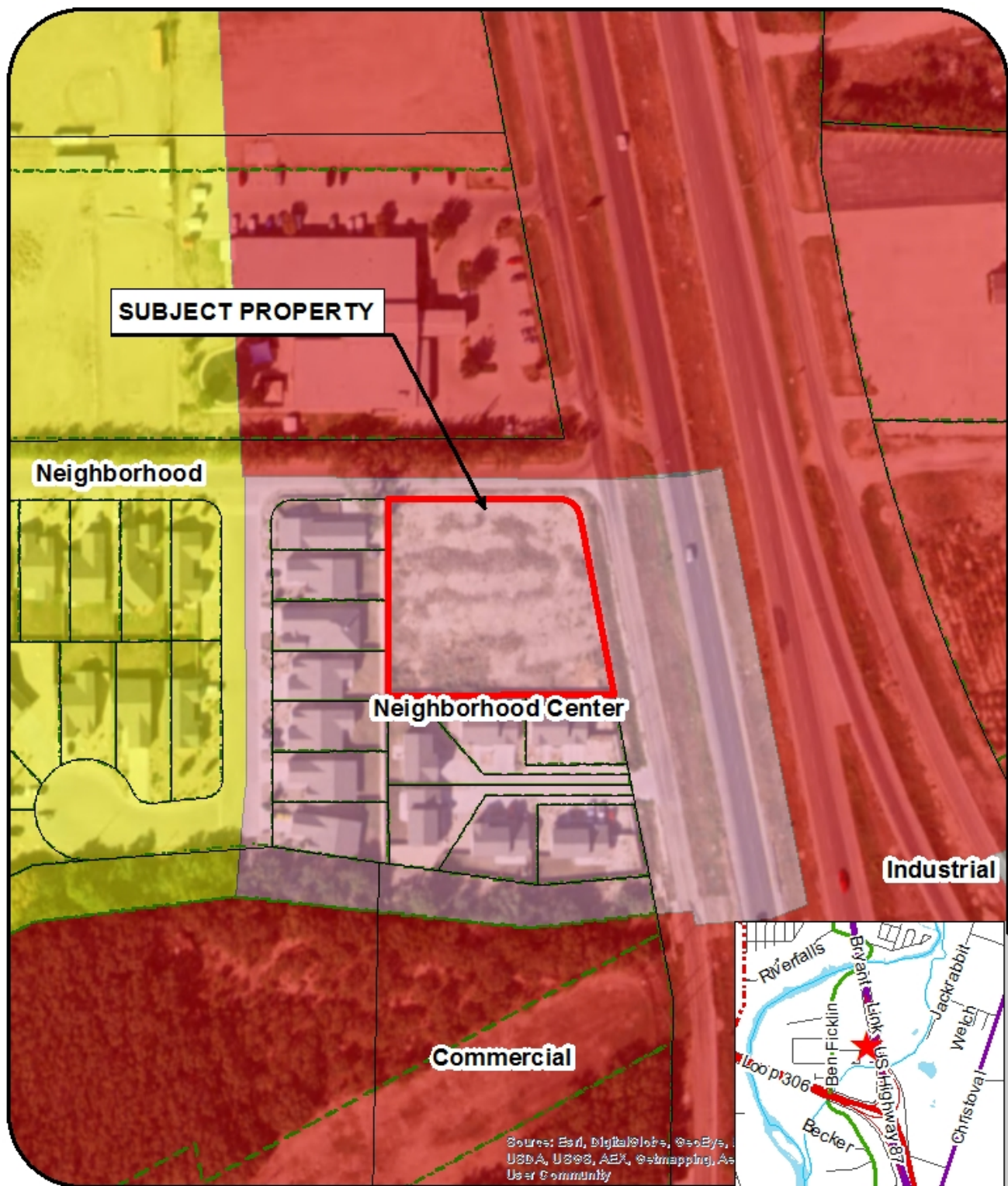
Recommendation:

Staff's recommendation is for City Council to **APPROVE** the proposed rezoning from the Low Rise Multifamily Residential (RM-1) Zoning District to the Neighborhood Commercial (CN) Zoning District on the subject property.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Applicant's Response to Zoning Criteria
Application

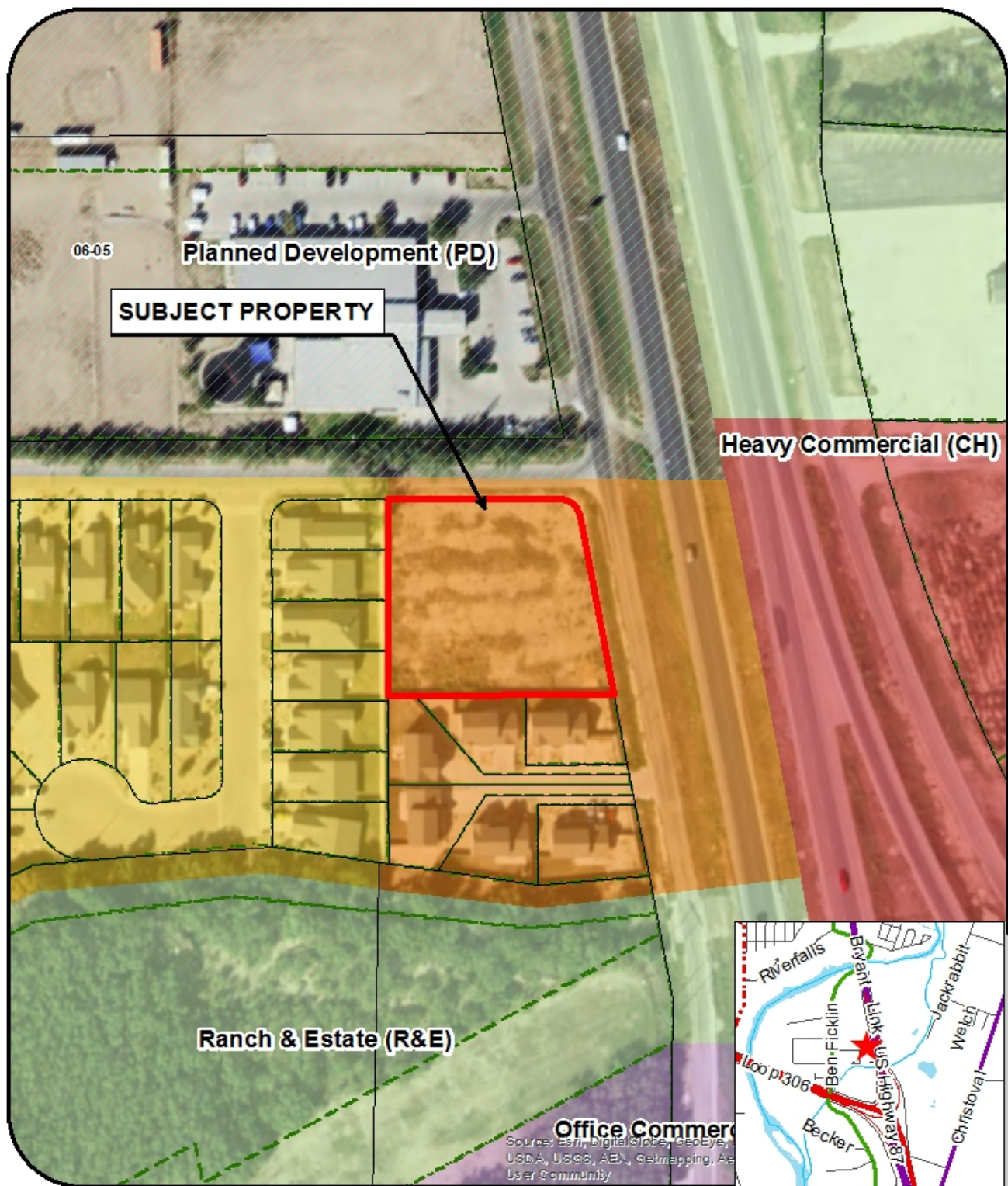




Zoning Case
Z18-25: Von Rosenberg
Council District: Tommy Hiebert (SMD#1)
Neighborhood: Glenmore
Scale: 1" approx. = 125 ft
Subject Property: 5205 S. Bryant Blvd.

Legend:
Subject Properties: —
Current Zoning: RM-1
Requested Zoning: CN
Vision: Neighborhood Center





Zoning Case
Z18-25: Von Rosenberg
Council District: Tommy Hiebert (SMD#1)
Neighborhood: Glenmore
Scale: 1" approx. = 125 ft
Subject Property: 5205 S. Bryant Blvd.

Legend:
Subject Properties: —
Current Zoning: RM-1
Requested Zoning: CN
Vision: Neighborhood Center



Photos of Site and Surrounding Area

NORTH



SOUTH



WEST



EAST



SOUTH AT PROPERTY



WEST AT PROPERTY



Sec. 212. Amendments to Text or Official Zoning Map

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

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

CN zoning is compatible with future land use of Neighborhood Center.

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

No, there would not be any conflict with the proposed construction

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.

This should be compatible since the proposed property is off Bryant and fronts a major commercial corridor.

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

This property showed no interest in selling to potential residential developers. We feel the use of the land is more suitable for commercial property.

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

N/A

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

There is potential interest in a commercial project that would be suitable for this proposed amendment.

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 lot would not require any re-configuration, and the location fronts Bryant, we feel the proposed amendment would be a logical and orderly pattern of urban development in the community.

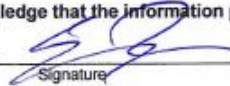


Effective January 3, 2017

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.

ERIC VONROSENBERG  VONROSENBERG - JUSTIN HAWES 11/14/2018
Owner Name (Print) Signature Company/Organization (If Applicable) Date

Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

☒ Verified Complete ☐ Verified Incomplete

Date of Application: 11 / 16 / 2018

Case No.: Z 18 - 25

Fully-dimensioned site plan: N/A

Nonrefundable fee: \$ 662.50

Receipt #: 51739

Date paid: 11 / 16 / 2018

Sign Deposit \$37.50

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

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

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

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

Planning Commission hearing date: 12 / 17 / 2018 Date notifications due: 12 / 6 / 2018

City Council hearing date: 1 / 22 / 2019 Packets due date: ____/____/____

Publication date: 1 / 2 / 2019

Reviewed/Accepted by: J. Fisher Date: 11 / 16 / 2018

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **5205 South Bryant Boulevard; generally located southwest of South Bryant Boulevard and Kimrey Lane; comprising 0.915 acres;** FROM THE LOW RISE MULTIFAMILY RESIDENTIAL (RM-1) ZONING DISTRICT TO THE NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: Z18-25: Von Rosenberg

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

WHEREAS, on the 22nd day of January, 2019, City Council held a public hearing on Z18-25, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

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

The real property generally located at 5205 South Bryant Boulevard, being Lot 1, in Block 1 in the Windwood Subdivision, Section 1, City of San Angelo, Tom Green

County, Texas, comprising 0.915 acres, shall henceforth be permanently zoned as follows:
Neighborhood Commercial (CN) Zoning District.

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

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

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

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

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

INTRODUCED on the **22nd day of January, 2019**, and finally PASSED, APPROVED
AND ADOPTED on this the **5th day of February, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

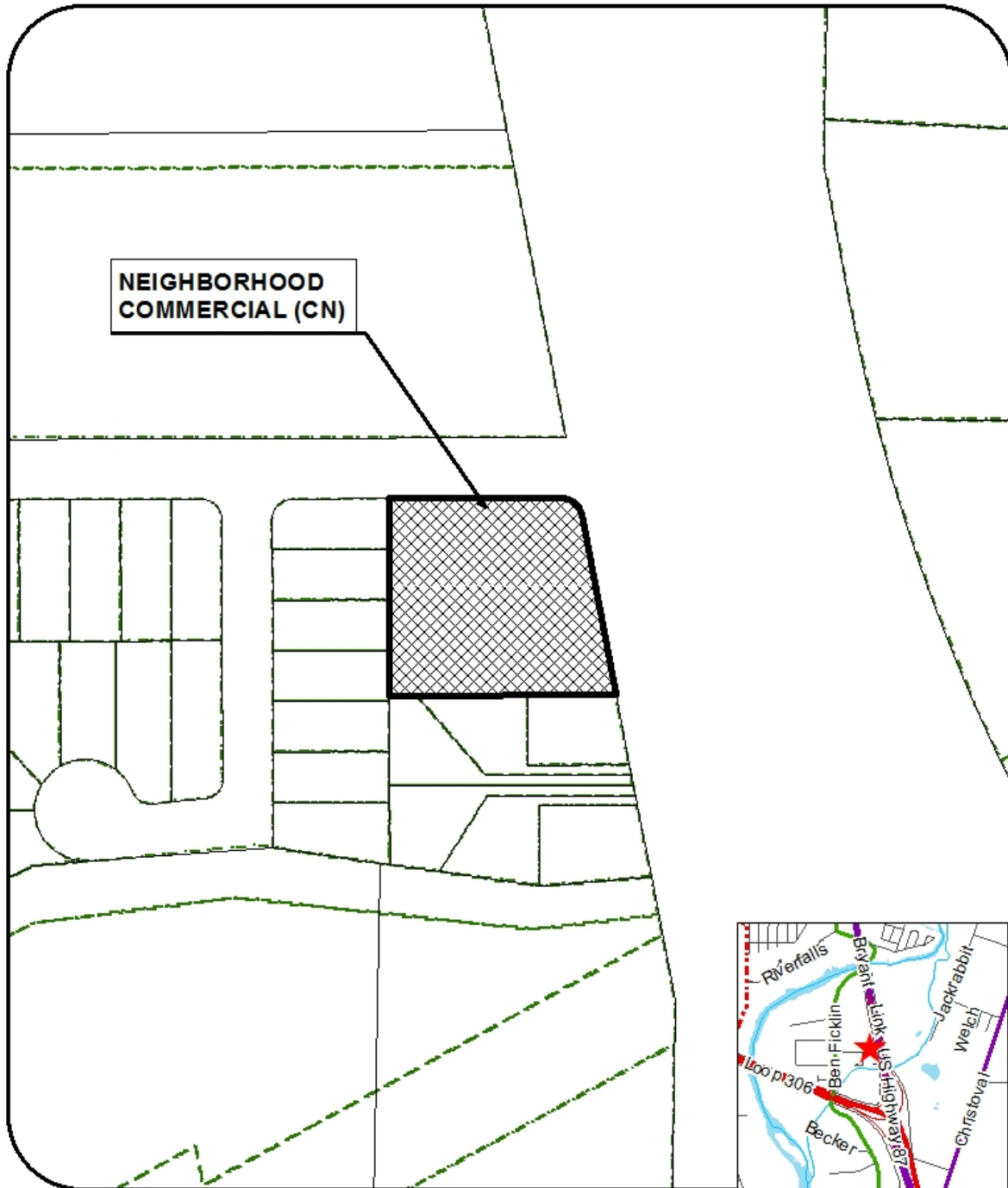
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A" (CN Boundary Map)



Zoning Case

Z18-25: Von Rosenberg

Council District: Tommy Hiebert (SMD#1)

Neighborhood: Glenmore

Scale: 1" approx. = 125 ft

Subject Property: 5205 S. Bryant Blvd.

Legend:

Subject Properties:

Current Zoning:

Requested Zoning:

Vision:

RM-1

CN

Neighborhood Center



CITY COUNCIL – January 22, 2019
STAFF REPORT



APPLICATION TYPE:	CASE:		
Rezoning	Z18-27: Brite Mara, LLC		
SYNOPSIS:			
The applicant has applied for this Rezoning request from General Commercial/Heavy Commercial (CG/CH) and Single-Family Residential (RS-1) to Low Rise Multifamily Residential (RM-1). If approved, the RM-1 Zone will allow the existing apartment buildings by right and an expansion of this use on the entire property (see Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
3608 North Chadbourne Street; generally located southeast of the intersection of North Chadbourne Street and East 37 th Street		Being 1.18 acres in the James Williams Survey 121-1/2. Abstract A-5670 in the City of San Angelo	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #2 – Tom Thompson Lake View Neighborhood	CG/CH and RS-1	C – Commercial and N - Neighborhood	1.18 ac.
THOROUGHFARE PLAN:			
North Chadbourne Street – Urban Arterial Street Required: 80' right-of-way, 64' pavement Provided: 60' right-of-way, 52' pavement (complied at time of platting) East 37th Street – Urban Local Street Required: 50' right-of-way, 40' pavement and no sidewalk or 36' pavement with a 4-foot wide sidewalk Provided: 50' right-of-way, 40' pavement			
NOTIFICATIONS:			
19 notifications mailed within 200-foot radius on November 5, 2018. Zero received in support or opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Low Rise Multifamily Residential (RM-1) Zoning District, on the subject property.			
PROPERTY OWNER/PETITIONER:			
Property Owner and Applicant: Michael Weeks, Brite Mara LLC			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			



Additional Information: On March 12, 1973, the City Planning Commission approved a Special Permit that allowed apartments on the RS-1 portion of the property, formerly “R-1”. The CG/CH portion, then “C-2” allowed apartments by right. The apartments on the subject property were constructed in 1976 according to the Tom Green County Appraisal District. The west building and approximately 40 feet of the east building are located entirely in the CG/CH portion which no longer allows apartments by right. This portion of the apartment complex lost its legal non-conforming status on August 19, 2018, due to water and sewer service being terminated a year earlier according to Water Utilities. Section 604 of the Zoning Ordinance indicates that a non-conforming use loses its status if not operated during a continuous period of 12 months. The applicant recently approached the City to obtain permits to repair the apartments partially damaged by weather. On November 19, 2018, the Planning Commission approved a Partial Reconstruction of a Non-Conforming Use (Multifamily Apartment Complex) under Section 605.B.2 of the Zoning Ordinance on the property (NCU18-01). The approval allowed the owner to obtain building permits for all remaining work on the buildings partially damaged by weather. The owner is now seeking the subject rezoning to legalize the existing apartments on the entire property and allow their expansion.

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

1. **Compatible with Plans and Policies. *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The subject property has a Future Land Use designation of “Commercial” in the City’s Comprehensive Plan. While these are typically “single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage onto the major street network”, the Commercial polices also call to “establish transition areas between commercial areas and nearby neighborhoods.” The Planning Division believes that the existing apartments serve as a transition between commercial uses and zoning to the north, west, and south, and the single-family residential zoning to the east. In addition, this particular 2/3 mile corridor along North Chadbourne Street between 30th and 38th Streets contains many other pre-existing residential uses that front onto North Chadbourne Street. The apartments on the subject property have existed since 1976 according to the Tom Green County Appraisal District. A small triangular piece along the east portion of the property is designated “Neighborhood” which support multi-family apartments.
2. **Consistent with Zoning Ordinance. *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** The existing apartment complex will comply with all RM-1 development standards including lot area, lot width, lot depth, setbacks, maximum number of units/acre and parking. The property is 1.18 acres, has a minimum lot frontage of 120 feet, and a minimum lot depth of 450 feet, well exceeding the minimum lot area of 7,000 square feet, minimum lot frontage of 60 feet, and minimum lot depth of 100 feet.

The building appears to be setback 25 feet as required from the front property line facing North Chadbourne Street but regardless would be legal non-conforming in this respect. The existing apartment complex contains 22 units and the RM-1 standards allow 25 units/acre or $1.18 \times 25 = 30$ units. There are currently 43 striped parking spaces on the property and the complex requires 38 parking spaces in compliance. As a condition of approval of NCU18-01, the applicant will be required to provide two accessible parking spaces in accordance with ADA standards.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.* The property is adjacent to commercial buildings to the south and north, single-family residential uses to the east, and vacant CG/CH property to the west. As indicated, the apartment complex has existed since 1976 and provides a transition between the commercial uses and residential dwellings. The majority of the apartment complex is screened from the commercial auto repair business to the south with a 6-foot high brick wall along the south property line. The property is also located along the Concho Valley Transit bus route that runs along North Chadbourne Street and is close to nearby commercial amenities. For these reasons, the Planning Division is satisfied that the existing apartment complex is compatible with the surrounding area.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* As indicated, the west building and portion of the east building are no longer allowed by right without a Rezoning. The CG/CH zoning which has existed since 2000, does not allow apartments by right. Termination of water and sewer service on August 19, 2017 and no usage within one year removed its legal non-conforming status. Therefore, the RM-1 zoning would be appropriate as it would allow the existing apartments by right.
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 Planning Division does not anticipate any negative effects on the natural environment. The site has been paved and adequate parking has been provided.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The applicant believes there is a demonstrated need for apartments in this area. They provided Planning Staff with a Demographic Analysis and Comparable Rent Summary showing the proposed rents are consistent with nearby multi-family properties. The Planning Division is satisfied that a rezoning to allow the existing apartment complex to be reoccupied is appropriate given this property's location close to other residential uses, transit access, and nearby commercial amenities.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* There are no anticipated changes to existing development patterns. The apartment complex has direct and abutting access to North Chadbourne Street, a major arterial road, close to nearby commercial amenities.

Planning Commission Recommendation:

On December 17, 2018, the Planning Commission recommended **APPROVAL** of the proposed Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Low Rise Multifamily Residential (RM-1) Zoning District, on the subject property. The following is the complete excerpt of the draft minutes from the December 17, 2018, meeting for this case:

Jeff Fisher, Senior Planner, presented the rezoning request. He explained that last month the Planning Commission approved a related request for a Partial Reconstruction of the apartment building from damage due to inclement weather. Mr. Fisher indicated that the Partial Reconstruction only allowed the owner to repair the apartment complex, but not to occupy it as it had lost its legal non-conforming status due to more than 12 months of inactivity without water service. He explained that Staff found a Special Permit which allowed apartments on the RS-1 portion of the lot but not the full lot, and therefore, and that this Rezoning request would allow the owner to re-occupy the entire apartment complex.

Mr. Fisher outlined Staff's rationale to approve the Rezoning to Low Rise Multifamily (RM-1) on the grounds that the "Commercial" Future Land Use designation supports transitional uses and the apartment complex provides a transition between adjacent commercial and residential uses; that the existing apartment complex complies with all RM-1 standards; and that the apartment complex has existing on the property since 1976 and located along an arterial road and a Concho Valley Transit bus route.

Chair Stribling opened the meeting for public comment. There was no public comment.

Chair Stribling spoke in support of the request and believes the Rezoning is consistent with the area.

Commissioners Jackson and Spano agreed.

Commissioner Jackson made a Motion to recommend APPROVAL of a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District and Single-Family Residential (RS-1) Zoning District to the Low Rise Multifamily Residential (RM-1) Zoning District, located at 3608 North Chadbourne Street. Vice Chair Spano seconded the Motion. The Motion passed unanimously, 6-0.

Recommendation:

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

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Aerial Photo of Property
Demographic Analysis and Comparable Rent Summary
Application
Applicant's Response to Zoning Criteria



Zoning Case

Z18-27: Weeks (Brite Mara LLC)

Council District: Tom Thompson (SMD#2)

Neighborhood: Lake View

Scale: 1" approx. = 150 ft

Subject Property: 3608 N. Chadbourne St.

Legend:

Subject Properties:

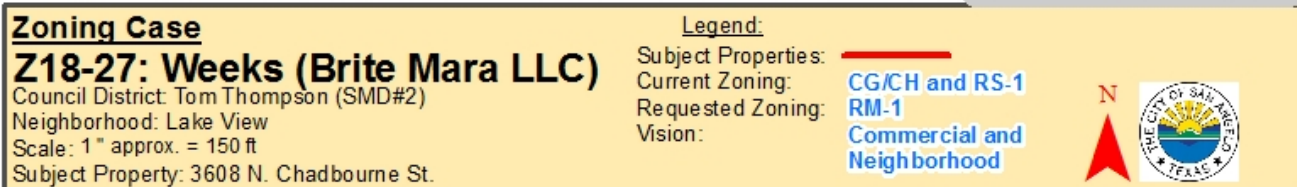
Current Zoning:

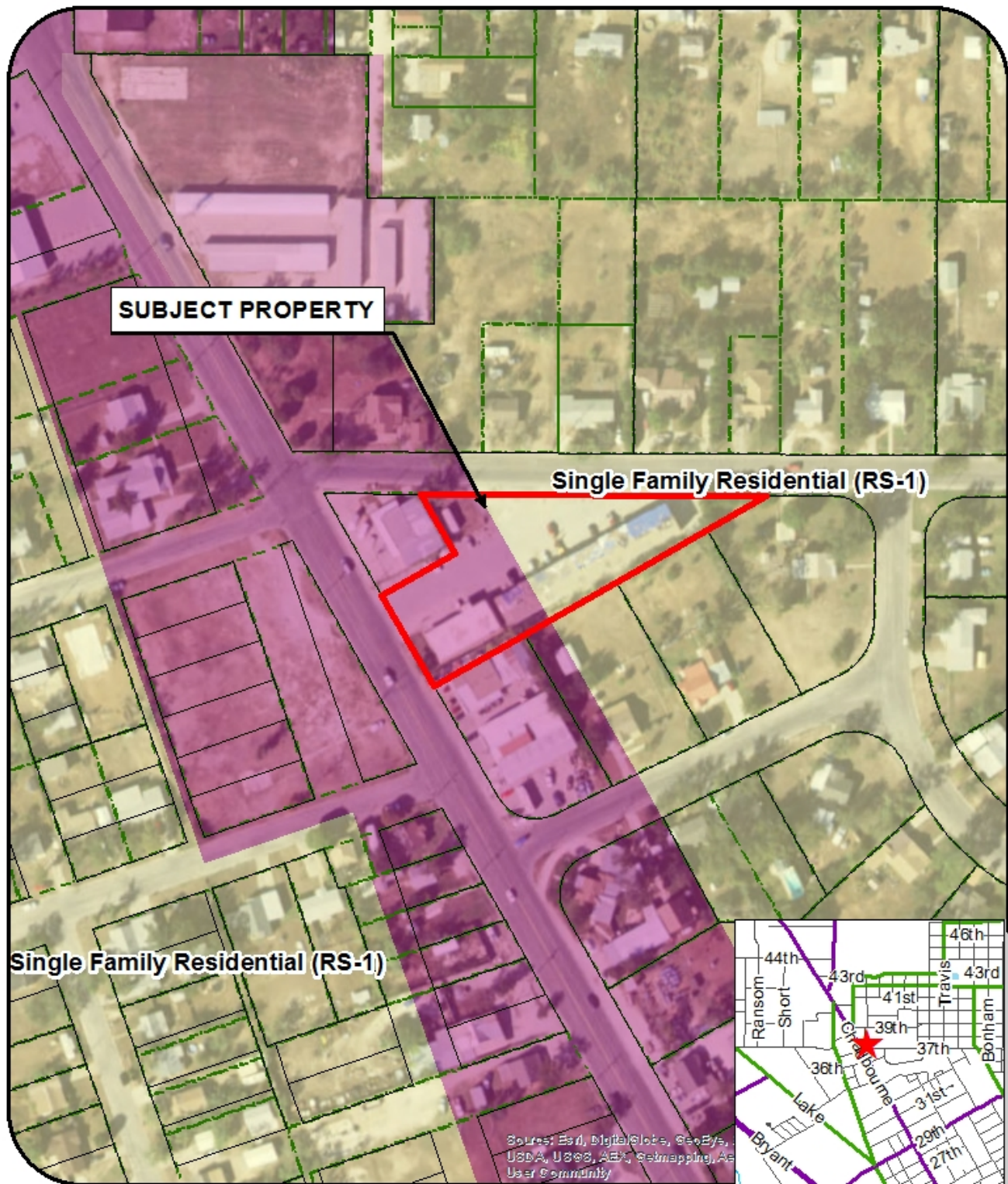
Requested Zoning:

Vision:

CG/CH and RS-1
RM-1
Commercial and
Neighborhood







Zoning Case

Z18-27: Weeks (Brite Mara LLC)

Council District: Tom Thompson (SMD#2)

Neighborhood: Lake View

Scale: 1" approx. = 150 ft

Subject Property: 3608 N. Chadbourne St.

Legend:

Subject Properties:

Current Zoning:

Requested Zoning:

Vision:

CG/CH and RS-1
RM-1
Commercial and
Neighborhood



Photos of Site and Surrounding Area

NORTH



SOUTH



WEST



EAST LOOKING AT PROPERTY



FRONT BUILDING



REAR BUILDING



Photos of Site and Surrounding Area

LOOKING NORTH AT EAST 37TH STREET



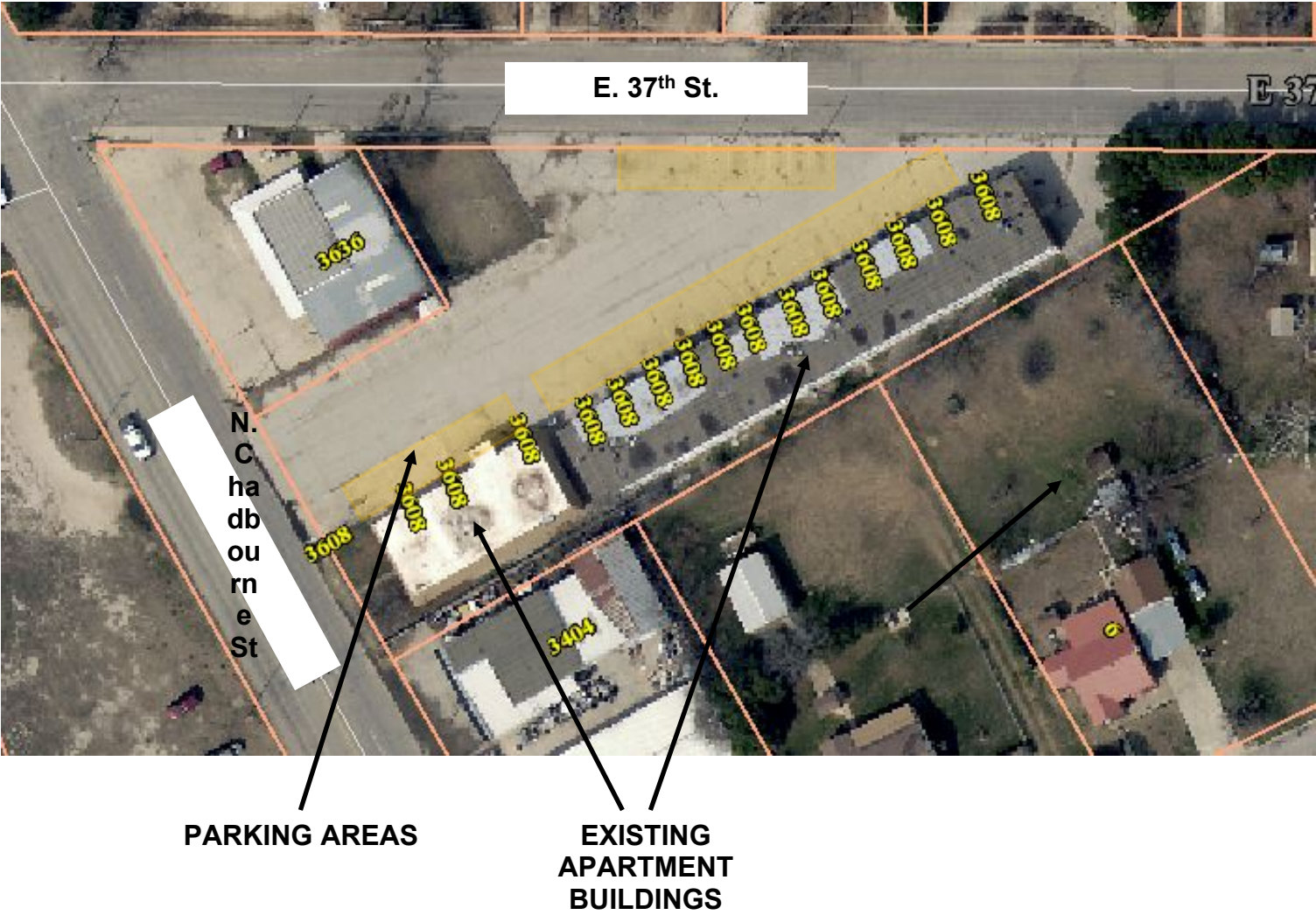
EXISTING PARKING AREA



EXISTING PLAYGROUND AREA FACING E. 37TH ST.



Aerial Photo of Property





DATE: 11/04/2018

FROM: Weeks Realty & Investment Company, LLC.

**RE: RESULTS OF DEMOGRAPHIC ANALYSIS AND COMPARABLE RENTS
FOR 3608 N CHADBOURNE**

Dear Mr. Fisher,

Brite Mara LLC has purchased the former apartment complex at 3608 N. Chadbourne in San Angelo. The primary objective of this purchase is to provide the community with affordable housing for the area. We do intend on keeping this property for the long term and improving its current condition. This residential complex was hit by a natural disaster. Our plan for the community is to repair all damages, improve the overall complex, and provide the area with housing that was once available.

As part of our initial due-diligence prior to purchasing the property, we called or visited all the nearby multi-family properties and inquired about several items: 1. Their current occupancy rates. 2. The length of their waiting list if they are full, and 3. What they charge for rent for 1, 2 and 3 bedroom units. From that research, we found that currently, the rental rate for the area ranges between \$450-\$650/month for a one-bedroom unit. The price of two-bedroom units range from \$550-\$850 and three-bedroom units range from \$675-\$950 and in many cases, the nearby units are full. Based on this data, this is what we plan to charge for our units.

\$600	8 - 1 bedrooms
\$675	9 - 2 bedrooms
\$900	4 - 3 bedrooms

Regards,

Michael Weeks

Michael Weeks, PhD
Broker & Owner
Weeks Realty & Investment Co., LLC
112 S. Gordon
Alvin, TX 77511
Michael@gmail.com
(832) 651-7409

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): Michael Weeks, member Brite Mara LLC

☒ Owner ☐ Representative (Notarized Affidavit Required)

Mailing Address: 104 Sandra Palmer Stephenville TX 76401

Contact Phone Number: 832-651-7409 Contact E-mail Address: michael@weeksrc.com

Subject Property Address: 3608 N. Chadbourne St San Angelo, TX 76903

Legal Description (can be found on property tax statement or at www.tcomrsencad.com): 1.18 acres in the James Williams Survey 121-1/2 Abstract A-5670
in the city of San Angelo

Existing Zoning: CG/CIT Proposed Zoning: CN Lot size: 1.18 Acres
FRS1

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

Section 2: Site Specific Details

Existing Use of Property: Apartment Buildings

*Proposed Use of Property: Same

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

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

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

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.

Michael Weeks, member *[Signature]* Brite Mara LLC 11/19/18
Owner Name (Print) Signature Company/Organization (If Applicable) Date

Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

☒ Verified Complete ☐ Verified Incomplete

Date of Application: 11/19/2018

Case No.: Z-18-27

Fully-dimensioned site plan: ☐ N/A

Nonrefundable fee: \$662.50

Receipt #: 52900

Date paid: 11/19/2018

Sign Deposit \$37.50

Receipt #:

Date paid: / /

Affidavit attached?

☐ Yes ☐ No

☒ N/A

Applicant's signature on information sheet?

☒ Yes ☐ No

Previous Zone Change Inquiry?

☐ Yes ☐ No

If yes, ZCI case no.: --

River Corridor Commission?

☐ Yes ☐ No

If yes, RCC meeting date: / /

Planning Commission hearing date: 12/17/2018

Date notifications due: / /

City Council hearing date: 1/22/19

Packets due date: / /

Publication date: 1/7/19

Reviewed/Accepted by: J. Fisher

Date: 11/19/2018

Sec. 212. Amendments to Text or Official Zoning Map

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

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

The existing use of the property as a Multi-Family Apartment Complex is compatible with the commercial designation.

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

The apartment complex as-is meets all RM-1 standards.

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.

There are existing apartment complexes already in the area. Several within a 1/2 mile radius.

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

No changed conditions this has
been an apartment complex for years.

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

No impact. Site already exists.

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

Demographic analysis has shown
that there is a need for housing in this area.

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 apartment complex is existing,
there will be no change to development.

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: **3608 North Chadbourne Street; generally located southeast of the intersection of North Chadbourne Street and East 37th Street; comprising 1.18 acres;** FROM THE GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH) ZONING DISTRICT AND SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO THE LOW RISE MULTIFAMILY RESIDENTIAL (RM-1) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: Z18-27: Brite Mara, LLC

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 Low Rise Multifamily Residential (RM-1) Zoning District and,

WHEREAS, on the 22nd day of January, 2019, City Council held a public hearing on Z18-27, 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 properties permanently zoned LOW RISE MULTIFAMILY RESIDENTIAL (RM-1) ZONING DISTRICT;

The real property generally located at 3608 North Chadbourne Street; generally located southeast of the intersection of North Chadbourne Street and East 37th Street, comprising 1.18 acres in the James Williams Survey 121-1/2, Abstract 5670, City of San Angelo, Tom Green County, Texas as more particularly describe on Exhibit “A” of this Ordinance, shall henceforth be permanently zoned as follows: Low Rise Multifamily Residential (RM-1) Zoning District.

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit “A”** of this Ordinance (“RM-1” Boundary Map).

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

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

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

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

INTRODUCED on the **22nd day of January, 2019**, and finally PASSED, APPROVED
AND ADOPTED on this the **5th day of February, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

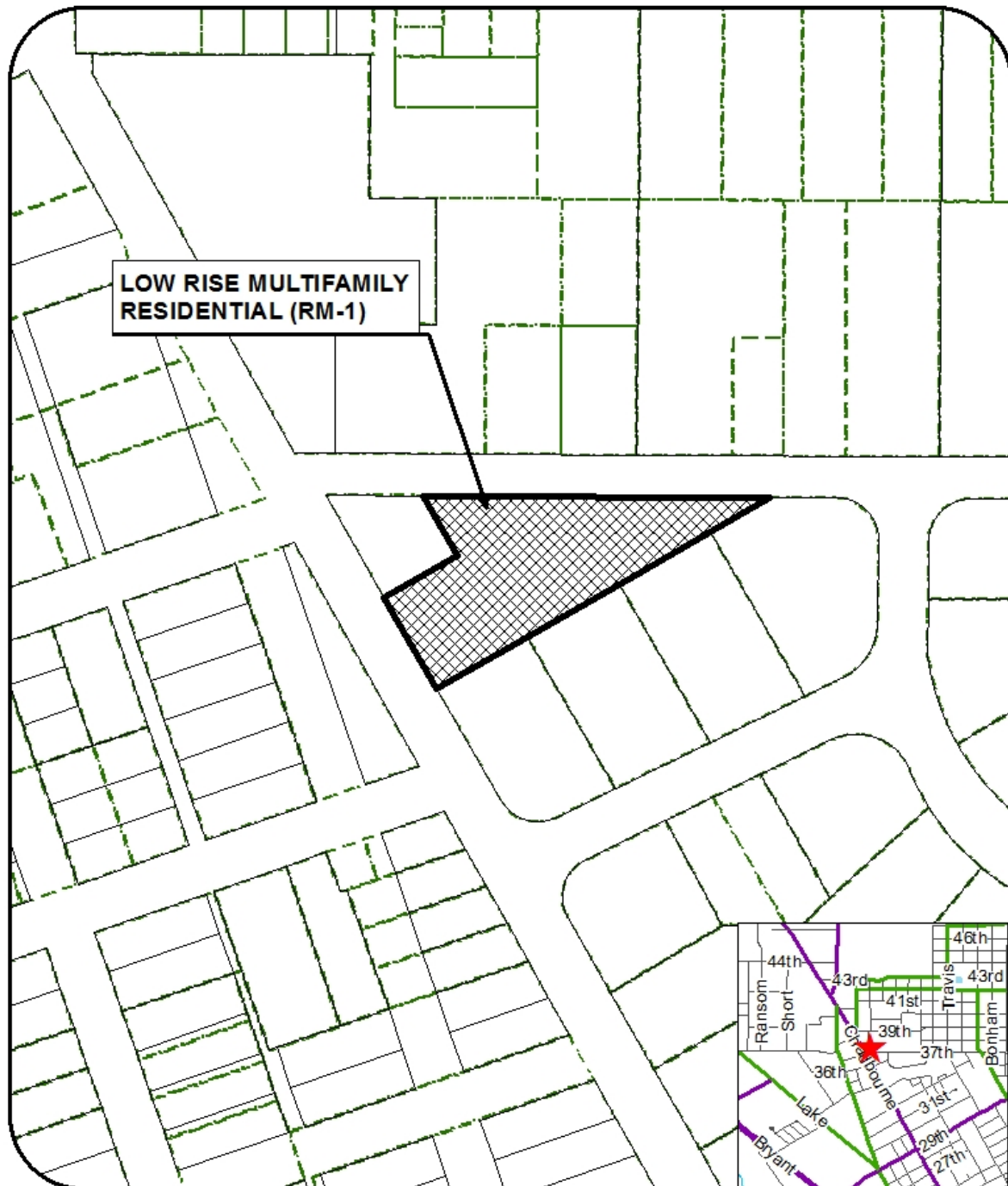
APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A" (RM-1 Boundary Map)

1.18 acres in the James Williams Survey 121-1/2, Abstract 5670 as more particularly described in that certain General Warranty Deed, Miguel Torres Rosales, Grantor, and Brite Mara, LLC, Grantee, recorded on October 4, 2018, in Tom Green County Real Property Records as Instrument No. 201812977



Zoning Case

Z18-27: Weeks (Brite Mara LLC)

Council District: Tom Thompson (SMD#2)

Neighborhood: Lake View

Scale: 1" approx. = 150 ft

Subject Property: 3608 N. Chadbourne St.

Legend:

Subject Properties:

Current Zoning:

Requested Zoning:

Vision:

CG/CH and RS-1
RM-1
Commercial and
Neighborhood



CITY COUNCIL – January 22, 2019
STAFF REPORT



APPLICATION TYPE:		CASE:	
Planned Development (Rezoning)		PD18-05: United Supermarkets LLC / Texas State Bank	
SYNOPSIS:			
The applicant has applied for a Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District as well as a shared sign plan to allow off-site signage (see Additional Information).			
LOCATION:		LEGAL DESCRIPTION:	
4206 South College Hills Boulevard; 3121 and 3131 Sunset Drive, located southeast of South College Hills Boulevard and Sunset Dr.		Being Lot 3-B in Block B in the Replat of Lot 3, Block B of the Replat of Block B, College Hills South Business Park, Section Two; and being Lot 1 in Block C and Lot 4A in Block B, in the Replat of all of Block C and portions of Block B, College Hills South Business Park, Section Two, comprising a total of 9.93 acres.	
SM DISTRICT /		ZONING:	FLU:
SMD District #5 – Lane Carter Vista del Arroyo Neighborhood		General Commercial /Heavy Commercial (CG/CH)	C - Commercial
			SIZE:
			9.93 ac.
THOROUGHFARE PLAN:			
South College Hills Boulevard – Urban Arterial Road Required: 80' right-of-way, 64' pavement Provided: 100' right-of-way, 64' pavement Sunset Drive – Urban Collector Street Required: 60' right-of-way, 50' pavement Provided: 80' right-of-way, 56' pavement			
NOTIFICATIONS:			
33 notifications mailed within 200-foot radius on December 5, 2018. One received in support, none in opposition.			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District as well as a shared sign plan to allow off-site signage on the subject property, subject to five conditions of approval.			
PROPERTY OWNER/PETITIONER:			
<i>Property Owners and Applicants:</i> Mr. Joe Rollins, Director of Real Estate United Supermarkets LLC Mr. Casey W. Barrett, President/CEO Texas Bank			
STAFF CONTACT:			
Jeff Fisher, AICP Senior Planner (325) 657-4210, Extension 1550 jeff.fisher@cosatx.us			

Additional Information: The applicants, United Supermarkets (Market Street Supermarket) and Texas Bank are requesting the Planned Development (PD) Rezoning to allow shared signage on their properties. Specifically, Market Street is seeking to place their logo onto a new shared sign with Texas State Bank on the bank's property at 4206 South College Hills Boulevard. This new sign would increase visibility to Market Street for traffic travelling along South College Hills Boulevard, as the only access from this street is through a narrow driveway that extends 400 feet to the parking lot. The Sign Ordinance prohibits Market Street from doing so because it considers the Market Street's signage to be an "off-site sign". Off-site signs are only allowed in CG/CH zoning districts adjacent to certain thoroughfares and College Hills Boulevard and Sunset Drive are not on this list. This left the applicants with the only option of rezoning the properties to a PD to allow for off-site signage. The new PD would essentially treat these shared signs as on-premise signs within the boundaries of the PD, subject to the same standards for on-premise freestanding signs. As part of the request, the Planning Division is recommending an underlying General Commercial (CG) Zoning, removing the heavy commercial (CH) portion which is not appropriate for this area surrounded by retail and residential homes.

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

1. **Compatible with Plans and Policies. *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The subject property has had a Future Land Use designation of "Commercial" which "are often single-use centers consisting of large retail and office clusters that seek visibility and convenient access offered by frontage on the major street network." The proposed rezoning will be consistent with the Commercial policies. The applicants are not proposing to change the existing land uses on the property, which comprise of Market Street (supermarket), gas station, convenience store, and bank, all of which will be permitted uses in the CG zone.
2. **Consistent with Zoning Ordinance. *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** The existing lots and uses will comply with the minimum CG development standards. As indicated, all of the existing land uses – supermarket, convenience store, gas station, and bank are allowed uses in the CG underlying zoning district of the PD Ordinance. The proposed PD will require the new freestanding signs to be subject to the commercial district standards for on-site signs. The proposed shared sign will comply with all of the provisions for a freestanding sign. This sign as proposed will be double-faced, 15 feet tall, and 150-square feet in size, constructed of a natural stone base and aluminum panel lettering. There will be a small 15-square foot area for changing LED display for Texas Bank. The sign will include advertising for Texas Bank, Market Street and United Express, the fuel station/convenience store connected to Market Street. As a condition of approval, the Planning Division recommends a total of one freestanding sign on South College Hills and one on Sunset Drive to avoid an overstock of signage and visual clutter within this area that is close to residential

neighborhoods. In addition, the Planning Division recommends that all future freestanding signage have a base and outside frame constructed of a masonry (brick, stone) or stucco product consistent with current signs. Inside displays may be constructed of other materials, with final review and approval from the Planning Director.

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 Planning Division believes that the proposed PD Ordinance will be compatible with the surrounding area. The sign will face South College Hills Boulevard and at 150 square feet, is only 60% of the maximum allowable sign area for freestanding signs in the CG Zoning District of 250 square feet. The applicant's rendering shows that the sign will be located outside of the sight triangle former from College Hills Boulevard and the driveway approach, and not impede the vision of the nearby "Compass" bank sign located further east.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.* As indicated, the Sign Ordinance does not allow shared signage when one of the businesses is not located on the same property. The Rezoning will achieve three objectives – allow shared signage; remove the heavy commercial (CH) portion of the zoning which is not conducive to this area; and limit the number of overall signs and place minimum design standards, reducing visual clutter.
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.* N/A.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* The Planning Division believes there a community need given the unique property characteristics. Vehicles searching for Market Street travelling northbound on College Hills Boulevard may not see Market Street given it is setback over 400 feet from its narrow property frontage. Allowing shared signage solves this problem and allows Texas Bank in future to also place signage on the Market Street sign on Sunset Drive.
7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.* There are no anticipated changes to existing development patterns. As indicated, the new sign will be located outside of the sight triangle, and setback 20 feet from the front property line.

Planning Commission Recommendation:

On December 17, 2018, the Planning Commission recommended **APPROVAL** of the proposed Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for uses permitted within the General Commercial (CG) Zoning District and a shared sign plan for off-site signage, located at 4206 South College Hills Boulevard, and 3121 and 3131 Sunset Drive. The following is the complete excerpt of the draft minutes from the December 17, 2018, meeting for this case:

Jeff Fisher, Senior Planner, presented the PD rezoning request. He explained that Market Street intends to construct a shared sign with Texas State Bank on the Texas State Bank property facing South College Hills Boulevard. Mr. Fisher further explained that this sign is considered an “off-site” sign under the Sign Ordinance and requires a PD Rezoning to allow this shared sign. Mr. Fisher displayed a rendering of the sign and its proposed location facing South College Hills Boulevard. The rendering confirmed that the 15-foot tall sign will not impede vision of the adjacent Compass Bank sign located further east.

Mr. Fisher outlined Staff’s rationale to approve the Rezoning on the grounds that the existing commercial uses and signage are consistent with the “Commercial” Future Land Use designation; all uses will comply with the underlying CG standards; and that all uses are compatible with the commercial uses in the area.

Chair Stribling opened the meeting for public comment.

Mr. Kevin Little, owner of surrounding property, spoke in support of the request.

Chair Stribling closed public comment.

Commissioner Jackson made a Motion to recommend APPROVAL of the proposed Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for uses permitted within the General Commercial (CG) Zoning District and a shared sign plan for off-site signage, located at 4206 South College Hills Boulevard, and 3121 and 3131 Sunset Drive, subject to five conditions of approval as presented. Commissioner Uherik seconded the Motion. The Motion passed unanimously, 6-0.

Recommendation:

Staff’s recommendation is for City Council to **APPROVE** the Rezoning from the General Commercial/Heavy Commercial (CG/CH) Zoning District to a Planned Development (PD) Zoning District to allow for uses permitted in the General Commercial (CG) Zoning District as well as a shared sign plan to allow off-site signage on the subject property, subject to **five conditions of approval**:

1. Except as otherwise specified or limited below, the use and development of the subject property shall generally conform to the General Commercial (CG) Zoning District, unless specified as otherwise.

2. Any sign within the PD Zoning District advertising for any business within the PD shall be considered an on-premise sign, subject to the applicable commercial development standards of the Sign Ordinance.
3. A maximum of two freestanding signs shall be allowed within the PD, one adjacent to South College Hills Boulevard and one adjacent to Sunset Drive.
4. No freestanding sign shall be located within any 30 foot by 30 foot sight triangle measured from property lines at an intersection of two streets, or at the intersection of a street and driveway approach.
5. All freestanding signs shall have a base and outside frame constructed of a masonry (brick, stone) or stucco product consistent with current signs. Inside displays may be constructed of other materials. New signage and changes to the proposed and existing signage shall be subject to final review and approval from the Planning Director.

Note:

1. A sign permit shall be required for all new signage from the Permits and Inspections Division.

Attachments:

Aerial Map

Future Land Use Map

Zoning Map

Photographs

Response Letters

Site Plan

Proposed Sign on Property

Sign Rendering

Application

January 22, 2019

**Zoning Case****PD18-05: United Supermarkets/Texas Bank**

Council District: Lane Carter (SMD#5)

Neighborhood: Vista del Arroyo

Scale: 1" approx. = 225 ft

Subject Property: 4206 College Hills Blvd, 3121 and 3131 Sunset Drive

Legend:

Subject Properties:

Current Zoning:

Requested Zoning:

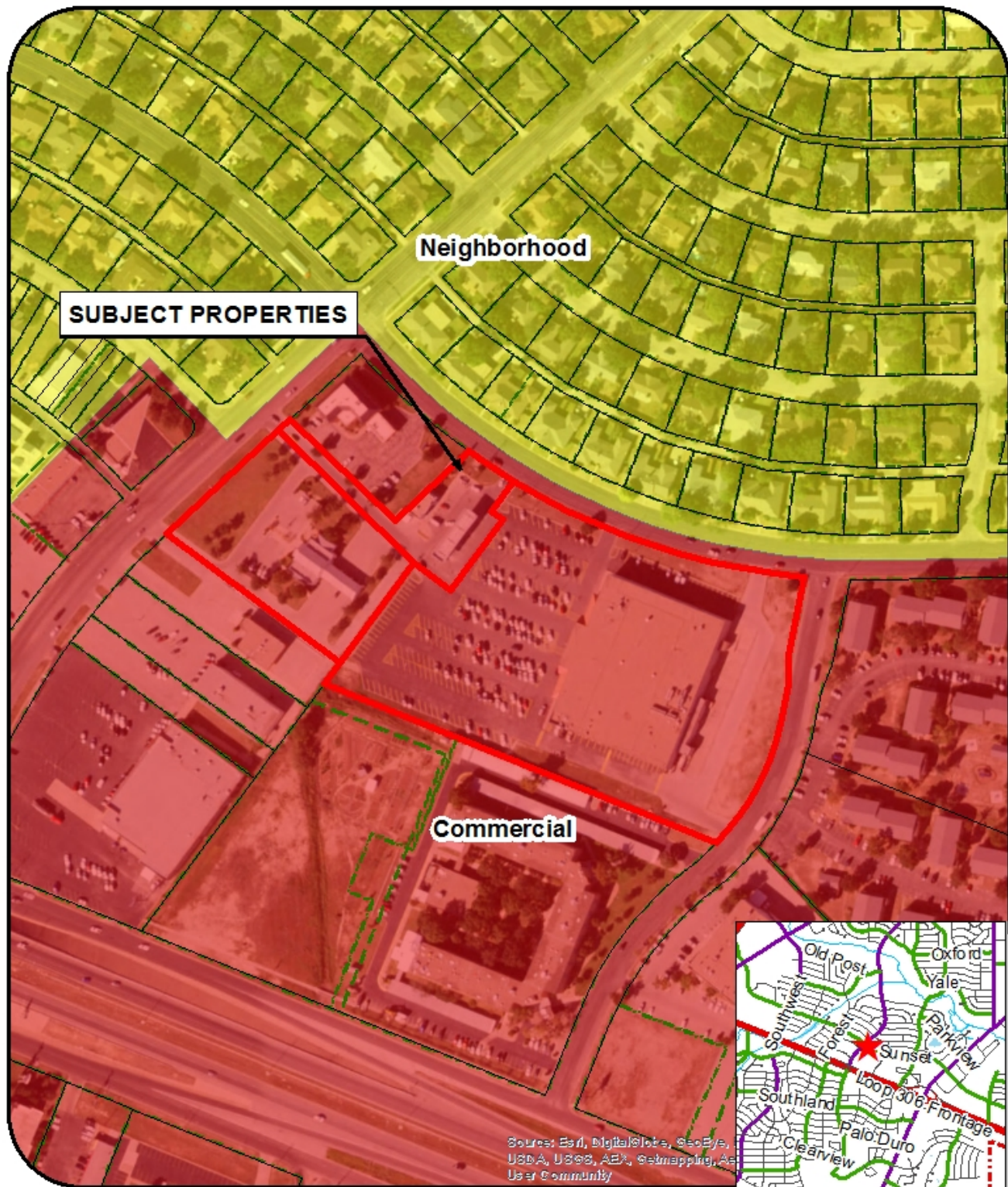
Vision:

CG/CH

PD

Commercial



**Zoning Case****PD18-05: United Supermarkets/Texas Bank**

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Subject Property: 4206 College Hills Blvd, 3121 and 3131 Sunset Drive

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Subject Properties:

Current Zoning:

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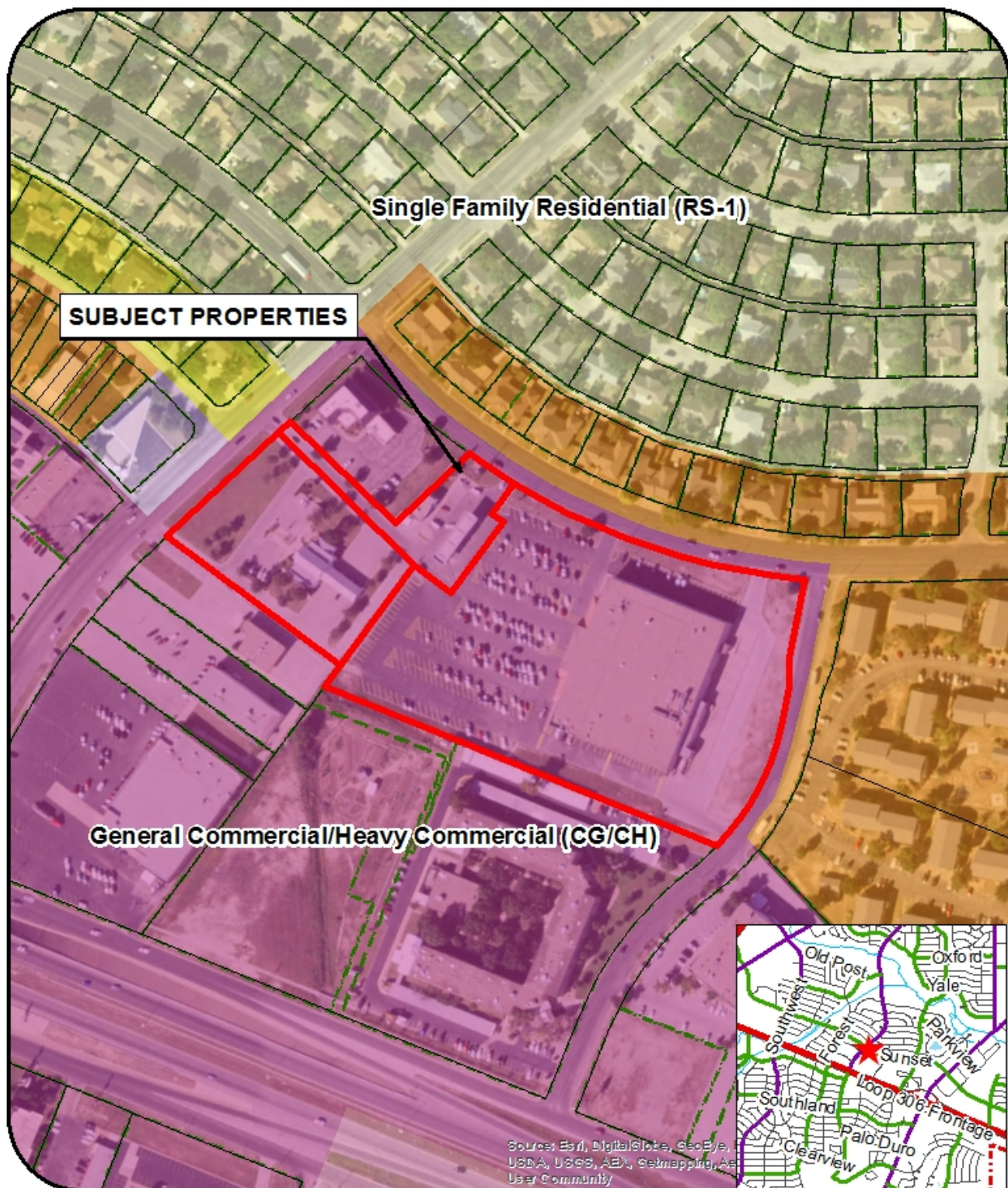
Vision:

CG/CH

PD

Commercial



**Zoning Case****PD18-05: United Supermarkets/Texas Bank**

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Subject Property: 4206 College Hills Blvd, 3121 and 3131 Sunset Drive

Legend:

Subject Properties:

Current Zoning:

Requested Zoning:

Vision:

CG/CH

PD

Commercial



Photos of Site and Surrounding Area

EXISTING SIGN TO BE REMOVED



NORTH



EAST



PROPOSED NEW SIGN LOCATION



WEST



**DRIVEWAY ENTRANCE TO MARKET STREET
(FROM COLLEGE HILLS DRIVE)**



Photos of Site and Surrounding Area

EAST



**DRIVEWAY ENTRANCE TO MARKET STREET
(FROM COLLEGE HILLS DRIVE)**



LOOKING SOUTH ON SUNSET DRIVE



EXISTING SIGN ON SUNSET DRIVE



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



IN FAVOR

()

IN OPPOSITION

REASON(S)

Anything for the
good of Market Street
Great asset to neighborhood
San Angelo

NAME:

Fred Homeyer

ADDRESS:

3113 Lindenwood

SIGNATURE:

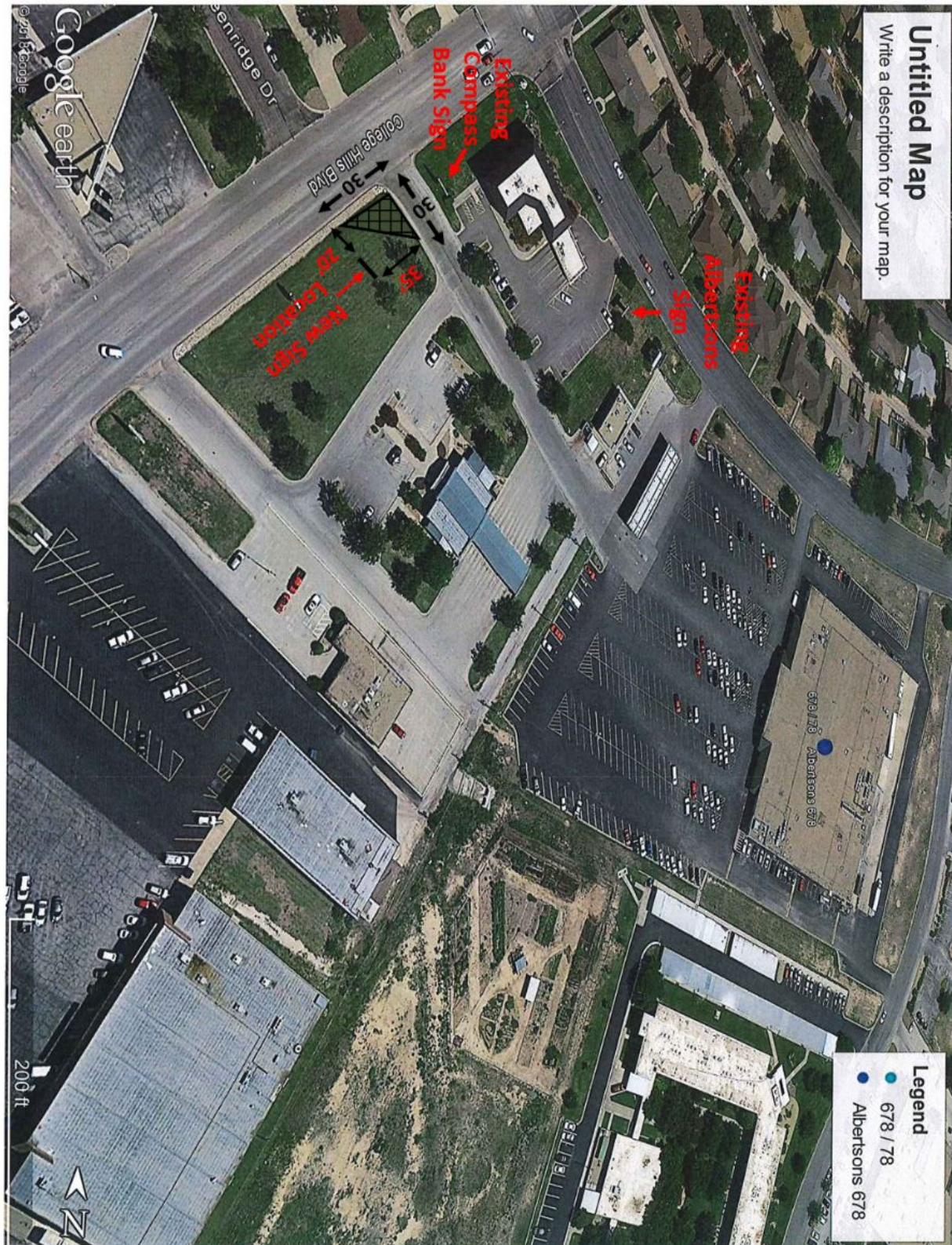
Fred Homeyer

PD18-05: United Supermarkets LLC / Texas Bank

property owner number: 14

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

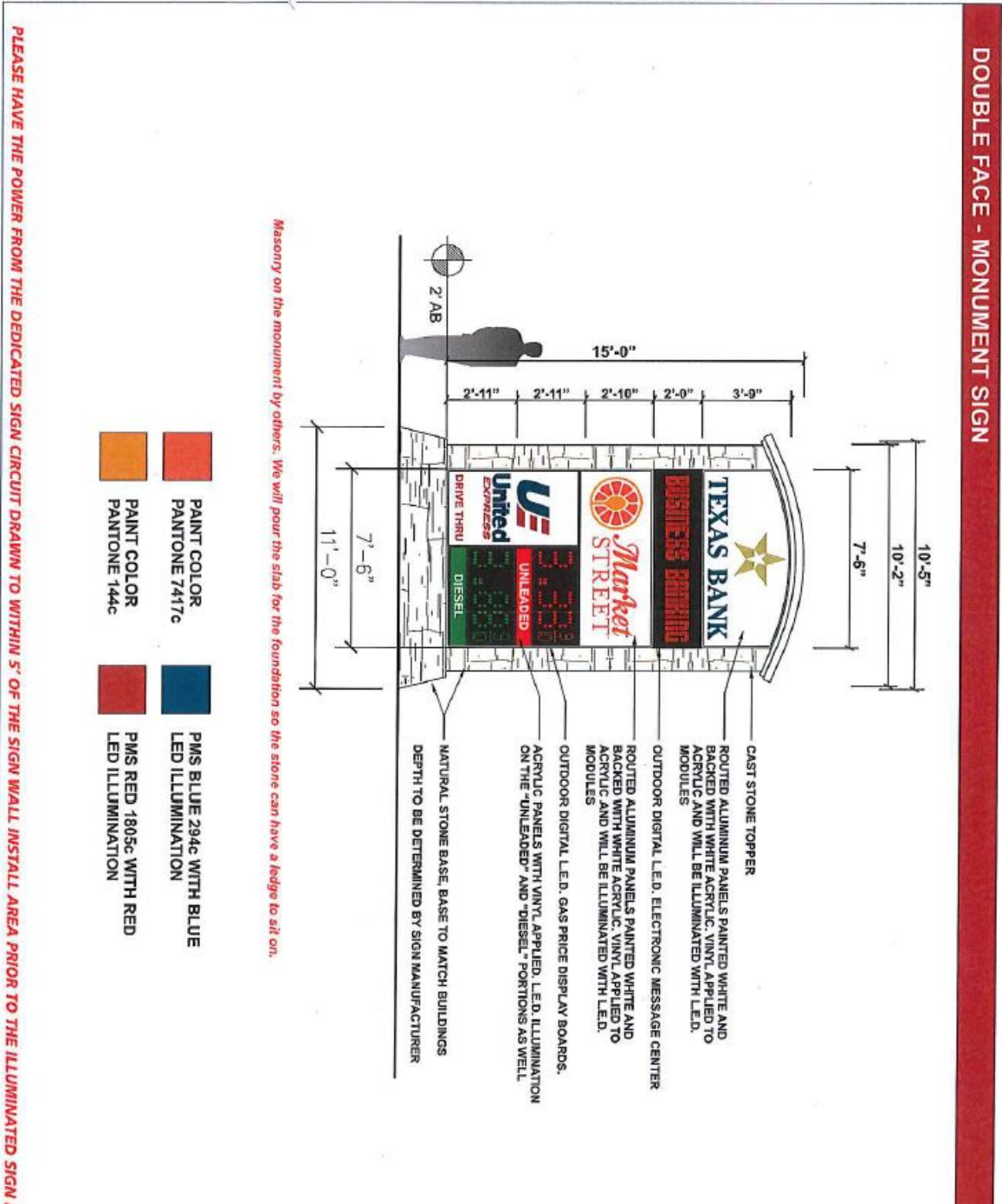
Site Plan



Proposed Sign on Property



Sign Rendering



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): United Supermarkets, LLC and Texas State Bank
☐ Owner ☒ Representative (Notarized Affidavit Required)
 Mailing Address: 7830 Orlando Ave Lubbock Tx 79423
 Contact Phone Number: 806-791-8110 Contact E-mail Address: jrollins@unitedtexas.com
 Subject Property Address: 4206 College Hills Blvd. San Angelo Tx 76904
 Legal Description (can be found on property tax statement or at www.texasgencad.com):
Aves 2.012, Lot 3-B, Being 2.012 acres R/P of Lot 3, Blk: B, Sub: College Hills So BSN PARK
3131 Sunset Drive and 3121 Sunset Drive
 Existing Zoning: CGCH Proposed Zoning: PD* Lot size: 2.012 acres
 (Zoning Map available on [City Maps](#)) * PD with underlying CG zoning district that allows and offside sign on a separate lot which will be shared by Texas State Bank and United/Market Street and also allows additional signage as part of a master sign plan.

Section 2: Site Specific Details

Existing Use of Property: Commercial Bank
 *Proposed Use of Property: Commercial Bank but we are requesting approval to construct a shared sign to be shared by Texas State Bank and United/Market Street. (Proposed sign is attached hereto)
 *Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

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

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

Staff Report – PD18-05: United Supermarkets, LLC / Texas State Bank
January 22, 2019

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.

<u>X Casey Barnett, CEO</u>	<u>[Signature]</u>	<u>Texas State Bank</u>	<u>December 5, 2018</u>
Owner Name (Print)	Signature	Company/Organization (If Applicable)	Date
<u>Joe R. Rollins</u>	<u>[Signature]</u>	<u>United Supermarkets, LLC</u>	<u>November 12, 2018</u>
Representative Name (Print)	Signature	Company/Organization	Date

FOR OFFICE USE ONLY:

☒ Verified Complete ☐ Verified Incomplete

Date of Application: 11 / 16 / 2018Case No. PD 18-05 ofFully-dimensioned site plan: ☒Nonrefundable fee: \$ 662.50Receipt #: 52933Date paid: 11 / 16 / 2018

Sign Deposit \$37.50

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

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

If yes, ZCI case no.: ____-____

River Corridor Commission? ☐ Yes ☒ No

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

Planning Commission hearing date: 12 / 17 / 2018Date notifications due: 12 / 6 / 2018City Council hearing date: 1 / 22 / 2019

Packets due date: ____/____/____

Publication date: 1 / 9 / 2019Reviewed/Accepted by: J. FisherDate: 11 / 16 / 2018

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTIES: **4206 South College Hills Boulevard, 3121 and 3131 Sunset Drive, located southeast of South College Hills Boulevard and Sunset Drive; comprising 9.93 acres;** FROM GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH) TO THE PLANNED DEVELOPMENT (PD) ZONING DISTRICT TO ALLOW FOR USES PERMITTED WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AND A SHARED SIGN PLAN FOR OFF-SITE SIGNAGE; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: PD18-05: United Supermarkets LLC and Texas State Bank

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 22nd day of January, 2019, City Council held a public hearing on PD18-05, 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 properties permanently zoned PLANNED DEVELOPMENT (PD) ZONING DISTRICT;

The real properties generally located at 4206 College Hills Boulevard, being Lot 3-B in Block B in the Replat of Lot 3, Block B of the Replat of Block B, College Hills South Business Park, Section Two; and 3121 and 3131 Sunset Drive, being Lot 1 in Block C and Lot 4A in Block B, in the Replat of all of Block C and portions of Block B, College Hills South Business Park, Section Two; located southeast of South College Hills Boulevard and Sunset Drive; and combined comprising 9.93 acres; City of San Angelo, Tom Green County, Texas, shall henceforth be permanently zoned as follows: Planned Development (PD) Zoning District.

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

SECTION 3: Except as otherwise specified or limited below, the use and development of the subject property shall generally conform to the **General Commercial (CG) Zoning District**, unless specified as otherwise.

SECTION 4. Any sign within the PD Zoning District advertising for any business within the PD shall be considered an on-premises sign, subject to the applicable commercial development standards of the Sign Ordinance.

SECTION 5: A maximum of two freestanding signs shall be allowed within the PD, one adjacent to South College Hills Boulevard and one adjacent to Sunset Drive.

SECTION 6: No freestanding sign shall be located within any 30 foot by 30 foot sight triangle measured from property lines at an intersection of two streets, or at the intersection of a street and driveway approach.

SECTION 7: All freestanding signs shall have a base and outside frame constructed of a masonry (brick, stone) or stucco product consistent with current signs. Inside displays may be constructed of other materials. New signage and changes to the proposed and existing signage shall be subject to final review and approval from the Planning Director.

SECTION 8: In all other respects, the use of the hereinabove described property shall be subject to all applicable regulations contained in Chapter 12 of the Code of Ordinances for the City of San Angelo, as amended.

SECTION 9. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 10: 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 11: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **22nd day of January, 2019**, and finally PASSED, APPROVED AND ADOPTED on this the **5th day of February, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

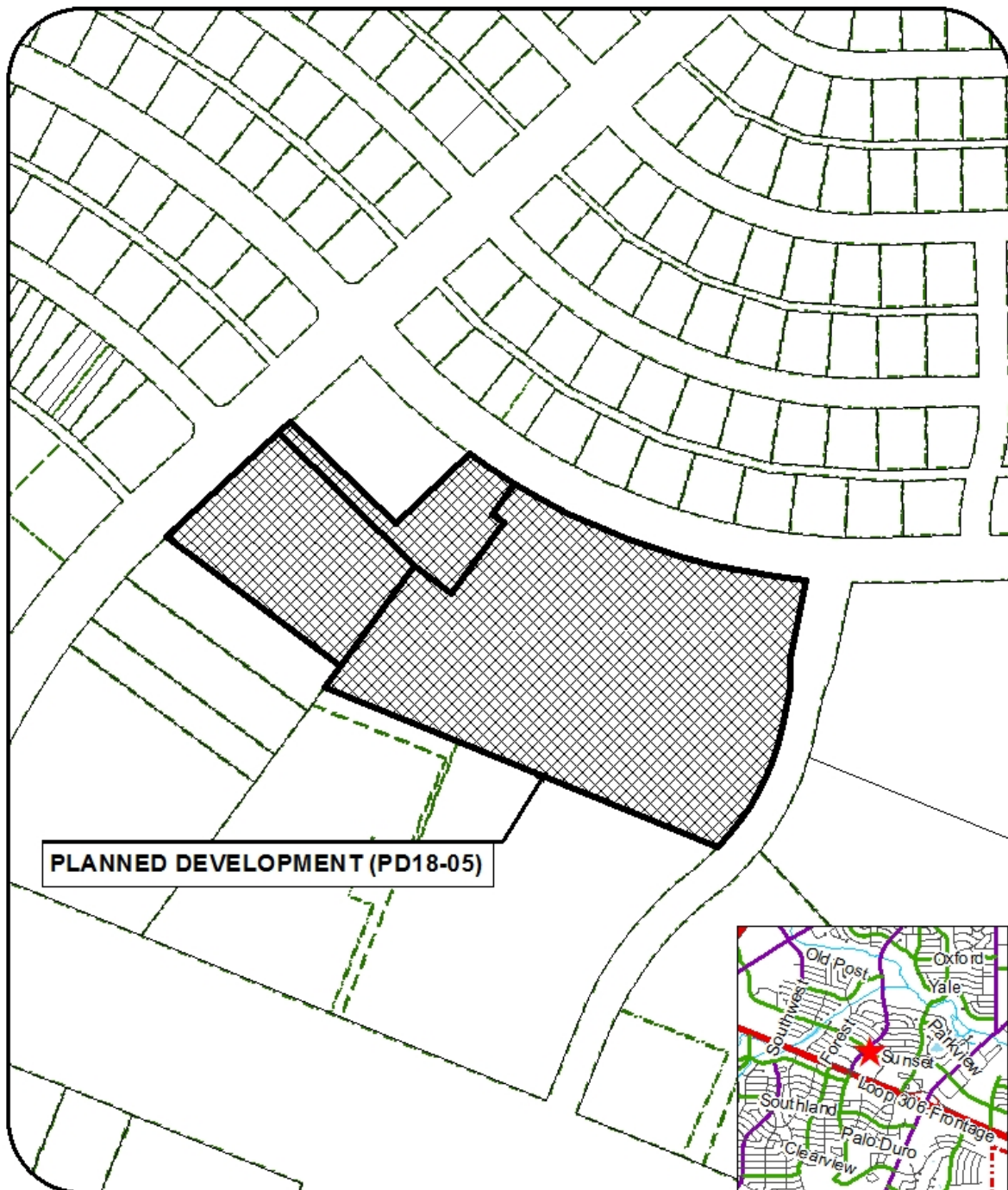
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A" (PD Boundary Map)



Zoning Case

PD18-05: United Supermarkets/Texas Bank

Council District: Lane Carter (SMD#5)

Neighborhood: Vista del Arroyo

Scale: 1" approx. = 225 ft

Subject Property: 4206 College Hills Blvd, 3121 and 3131 Sunset Drive

Legend:

Subject Properties:

Current Zoning:

Requested Zoning:

Vision:

CG/CH

PD

Commercial



EXHIBIT "A"

Approved Concept Plan



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jeff Fisher, Sr. Planner, Planning and Development Services, 325.657.4210

Meeting Date: January 22, 2019

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance approving the abandonment of approximately 14,778 square feet of King Mill Dr. and 14,777 square feet of Wedgewood Ct. public right-of-ways; located within Block 101, Section 16C, Bentwood Country Club Estates (Presentation made by Planning & Development Services Director Jon James)

Summary/History:

First reading and public hearing of an ordinance for the abandonment of approximately 14,778 square feet of King Mill Drive and 14,777 square feet of Wedgewood Court public right-of-ways; located within Block 101, Section 16C, Bentwood Country Club Estates.

Financial Impact:

N/A

Other Information/Recommendation:

On December 17, 2018, the Planning Commission unanimously recommended APPROVAL of all the above items.

Attachments:

1. Staff Report (RA & ER) CC King Mill Dr-Wedgewood Ct Staff Report.pdf
2. Ordinance (RA) 19-214_PL_BENTWOOD_KING_MILL_WEDGEWOOD_ST_ABANDON_ORD_REDL.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 – JANUARY 22 & FEBRUARY 5, 2019

STAFF REPORT



APPLICATION TYPE:		CASE:	
Street Right-of-way Abandonment/ Easement Release		King Mill Drive & Wedgewood Court	
SYNOPSIS:			
The applicant has requested the abandonment of a portion of the cul-de-sacs of the King Mill Drive & Wedgewood Court public right-of-way, and drainage easements releases associated with these streets. The applicant's intent is to reconfigure this section of Bentwood to allow additional homes. The streets are identified as a "Local Street" in the City's Master Thoroughfare Plan.			
LOCATION:		LEGAL DESCRIPTION:	
King Mill Drive & Wedgewood Court		Being 14,778 Sq. Ft. of King Mill Drive and 14,777 Sq. Ft. Wedgewood Court public right-of-ways, and 12,416 & 1,688 Sq. Ft. of drainage easements; generally located within Block 101, Section 16C, Bentwood Country Club Estates.	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District #1 – Tommy Hiebert Country Club Neighborhood		RM-1 – Low Rise Multifamily Residential	Neighborhood
			SIZE:
			14,778/14,777/ 12,416/1,688 Sq. Ft.
THOROUGHFARE PLAN:			
King Mill Drive – Urban Local Street, 50' ROW required (50' Existing), 36' with a 4' sidewalk or 40' pavement required (40' Existing) Wedgewood Court – Urban Local Street, 50' ROW required (50' Existing), 36' with a 4' sidewalk or 40' pavement required (40' Existing)			
NOTIFICATIONS:			
4 notifications mailed directly adjacent the proposed abandonments on November 30, 2018. One received in support and zero in opposition			
STAFF RECOMMENDATION:			
Staff recommends APPROVAL of the Street Right-of-Way Abandonment request, subject to two Conditions of Approval ; and APPROVAL of the easement release request, subject to two Conditions of Approval			
PROPERTY OWNER/PETITIONER:			
Russell Gully SKG Engineering			
STAFF CONTACT:			
Hillary Bueker, RLA Senior Planner (325) 657-4210, Ext. 1547 hillary.bueker@cosatx.us			



Additional Information:

City Staff circulated all relevant municipal departments, as well as public and private utility companies, and there were no responses in opposition to the request.

Planning Staff reviewed all relevant history, ordinances, policies, and conducted a site visit to the property on December 5, 2018, to determine the appropriateness of abandoning this public street right-of-way. Planning Staff believes existing or anticipated traffic patterns would not be negatively affected if the subject portions of King Mill Drive & Wedgewood Court are closed. At present, these portions of King Mill Drive & Wedgewood Court were developed to access the area of Bentwood that has been approved as a final plat for reconfiguring the lots surrounding these streets. The proposed redevelopment looks to create private streets to serve the proposed 35 Lots. For these reasons, Staff believe closing these portions of King Mill Drive & Wedgewood Court would not create any detrimental effects as this portion does not appear to be used by any surrounding property owner, except for the future residence of proposed homes. Staff believes this portion currently provides no public benefit, and closing it would also remove any additional expense of the City having to upgrade it in future. As conditions of approval, the applicant would be required to include a lot for the subject property to create private streets.

In regards to the easement release applications, the applicant stated that the easements will no longer be necessary for their original intended purpose as drainage patterns will change with the new development patterns. City staff agrees and believes release of these drainage easement will have no negative effect on the surrounding property owners.

Planning Commission Recommendation:

On December 17, 2018, the Planning Commission recommended APPROVAL of the Street Right-of-Way Abandonment request, and APPROVAL of the easement release request. The following is the complete excerpt of the draft minutes from the December 17, 2018, meeting for this case:

Hillary Bueker, Senior Planner, present the proposed requests. She explained that the associated subdivision plat was approved last month with a variance to allow the two cul-de-sac streets to be private streets. Ms. Bueker explained that the right-of-way abandonment would allow portions of these public streets to function as private drives as well as to remove drainage easements that no longer function in that capacity.

Ms. Bueker outlined Staff's rationale for approval of both requests on the grounds that all departments and utilities circulated had no responses or objections; that existing and anticipated traffic patterns would not be affected; and that the applicant and Staff believe that the existing easements no longer function in their original capacity.

Chair Stribling asked if the drainage study was part of the requirement for the associated subdivision.

Andy Vecellio, Assistant City Engineer, responded this was correct.

Chair Stribling opened the meeting for public comment.

There was no public comment.

Commissioner Jackson made a Motion to recommend APPROVAL of a request to approve the abandonment of approximately 14,778 Sq. Ft. of King Mill Drive and 14,777 Sq. Ft. Wedgewood Court public right-of-ways; located within Block 101, Section 16C, Bentwood Country Club Estates, Tom Green County, Texas, subject to the two conditions of approval as presented. Commissioner Uherik seconded the Motion. The Motion passed unanimously, 5-0.

Commissioner Smith made a Motion to recommend APPROVAL of a request for approval of an Easement Release of approximately 12,416 sq. ft. of a 20-foot wide drainage easement and 1,688 sq. ft. of a 10-foot wide drainage easement within Bentwood Country Club Estates, Section eleven and Section sixteen-C, generally located at King Mill Drive and Wedgewood Court, subject to the two conditions of approval as presented. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 5-0.

Recommendation:

Staff's recommendation is to:

APPROVE the proposed abandonment of a portion of the cul-de-sacs of the King Mill Drive & Wedgewood Court public right-of-way, **subject to two Conditions of Approval:**

1. Officially record the subdivision replat, approved by Planning Commission on November 19, 2018, creating a lot for the subject property to create private streets.
2. Remit payment for assessment formula outlined in fee schedule, if abandonment is approved consistent with the Code of Ordinances, Section A9.008.

APPROVE of the proposed easement release of 12,416 Sq. Ft. of a 20-foot wide drainage easement per Bentwood Country Club Estates, Section Eleven and 1,688 Sq. Ft. of a 10-foot wide drainage easement per Bentwood Country Club Estates, Section Sixteen-C, **subject to following two Conditions of Approval:**

1. A resolution shall be approved by City Council for release of said easement, and that an instrument be filed on record with the Tom Green County Clerk.
2. A final plat for the "Bentwood Country Club Estates, Section Sixteen F shall not be recorded until the above easement release has been approved and recorded.

Attachments:

Aerial Maps

Future Land Use Map

Zoning Map

Street Abandonment Exhibit

Easement Release Exhibits

Notification Map

Applications

Staff Report – King Mill Drive & Wedgewood Court Abandonment/Easement Release
January 22 & February 5, 2019



ROW Abandonment

King Mill Dr & Wedgewood Ct

Council District: SMD #1 - Tommy Hiebert

Neighborhood: Country Club

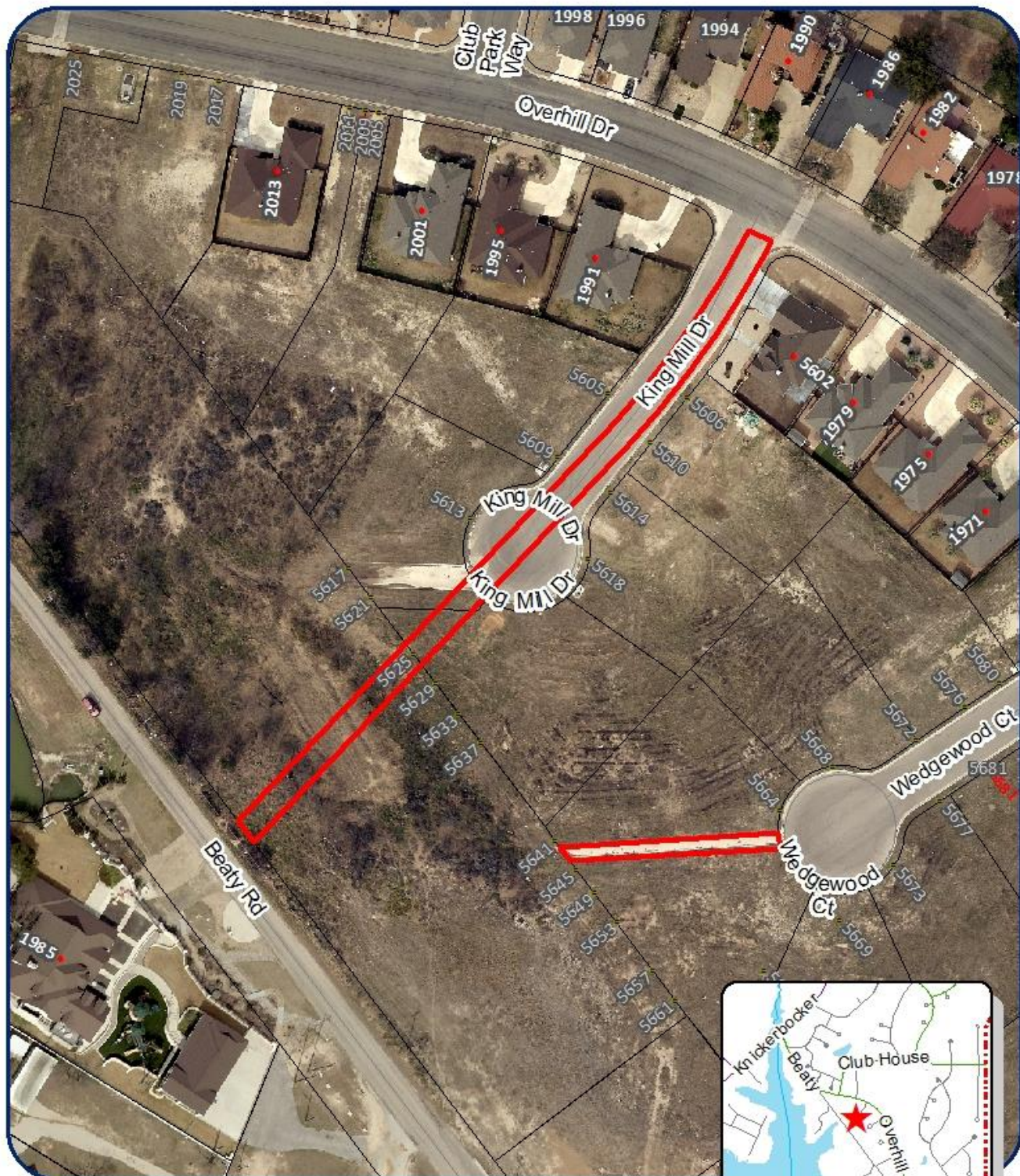
Scale: 1" approx. = 100 ft

Legend

Subject Properties: —
Current Zoning: **RM-1**
Requested Zoning Change: **N/A**
Vision: **Neighborhood**



Staff Report – King Mill Drive & Wedgewood Court Abandonment/Easement Release
January 22 & February 5, 2019



Easement Release

King Mill Dr & Wedgewood Ct

Council District: SMD #1 - Tommy Hiebert

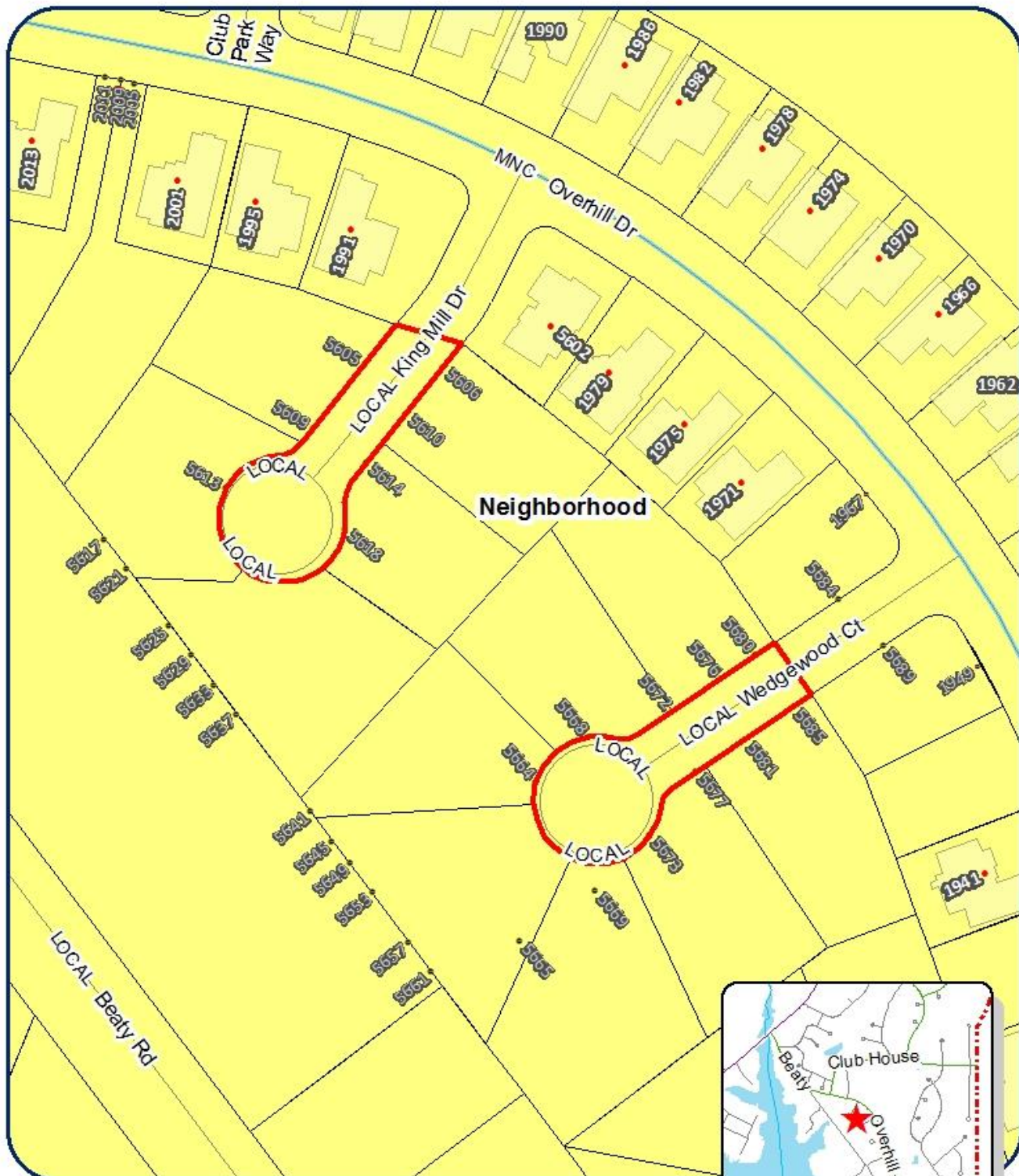
Neighborhood: Country Club

Scale: 1" approx. = 100 ft

Legend

Subject Properties: —
Current Zoning: RM-1
Requested Zoning Change: N/A
Vision: Neighborhood





ROW Abandonment

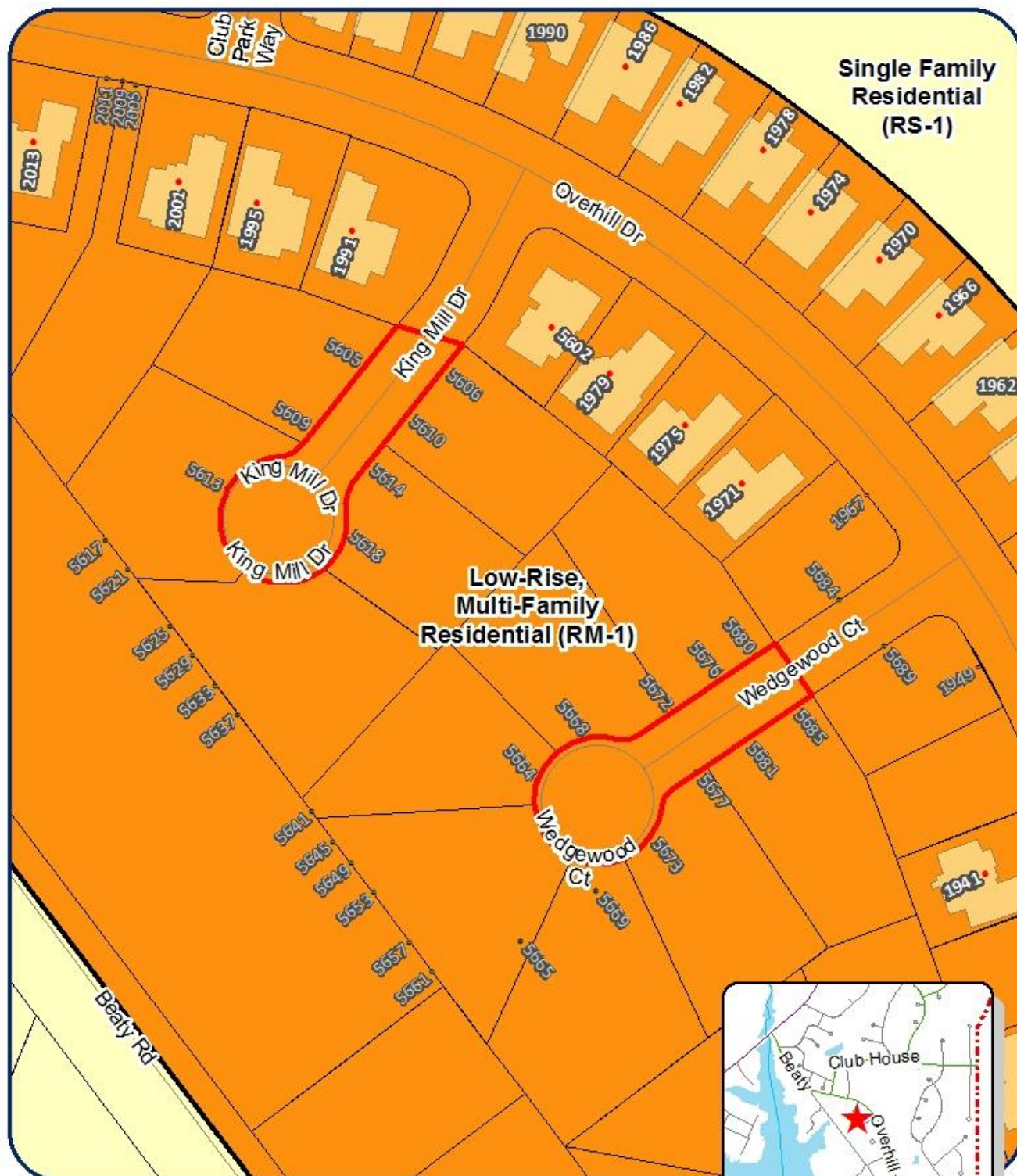
King Mill Dr & Wedgewood Ct

Council District: SMD #1 - Tommy Hiebert
Neighborhood: Country Club
Scale: 1" approx. = 100 ft

Legend

Subject Properties: —
Current Zoning: RM-1
Requested Zoning Change: N/A
Vision: Neighborhood





ROW Abandonment

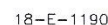
King Mill Dr & Wedgewood Ct

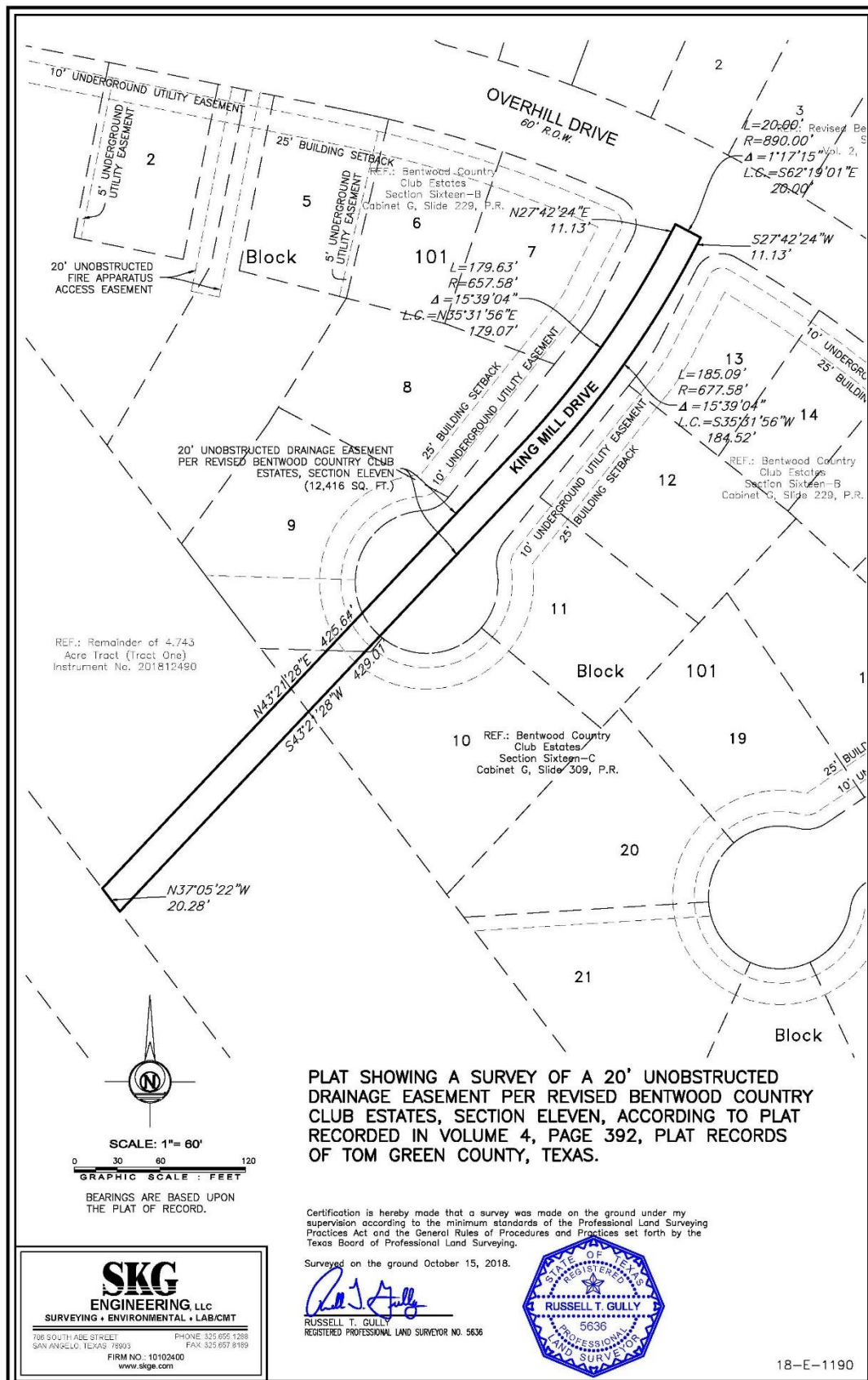
Council District: SMD #1 - Tommy Hiebert
 Neighborhood: Country Club
 Scale: 1" approx. = 100 ft

Legend

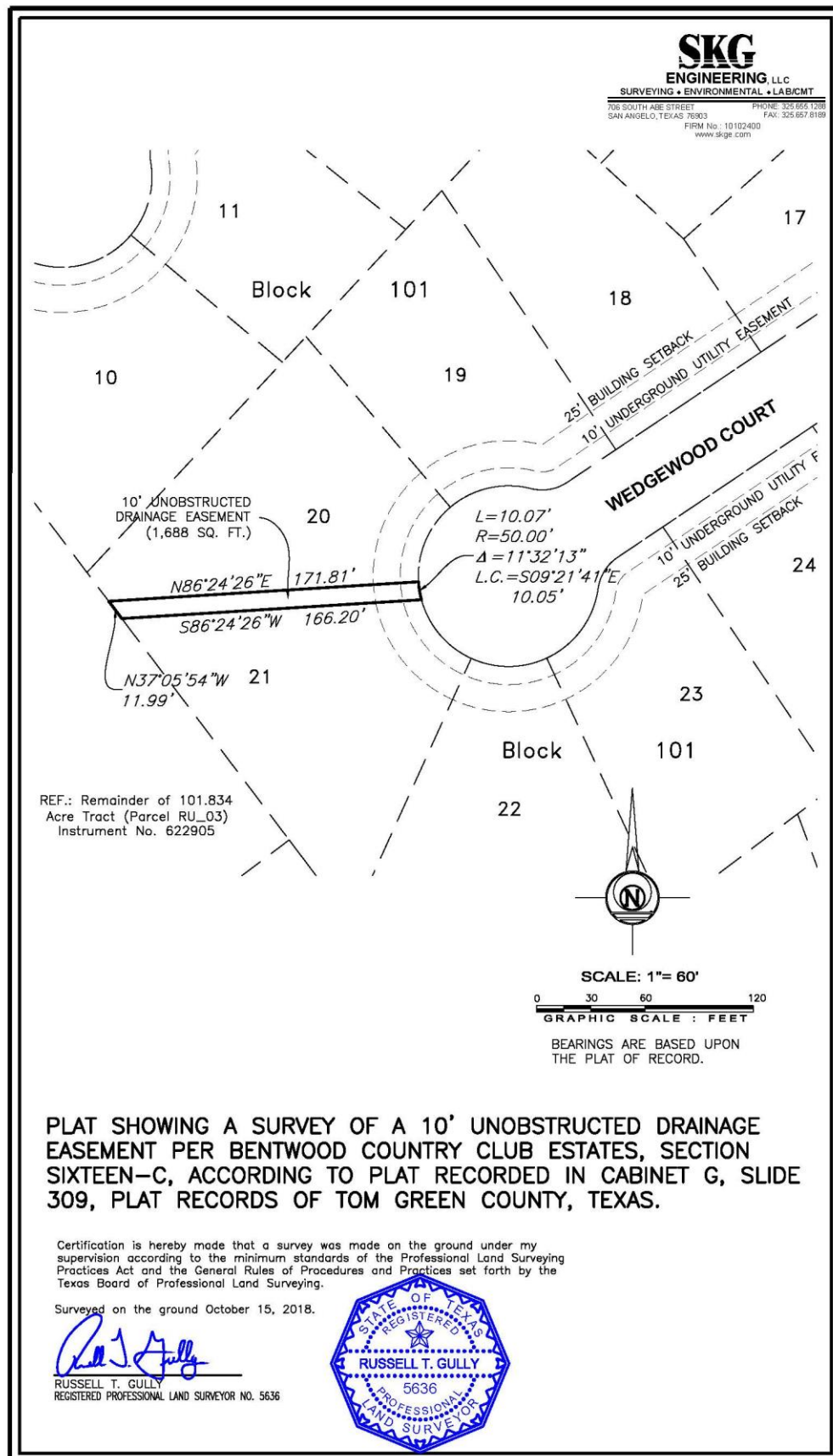
Subject Properties: —
 Current Zoning: RM-1
 Requested Zoning Change: N/A
 Vision: Neighborhood

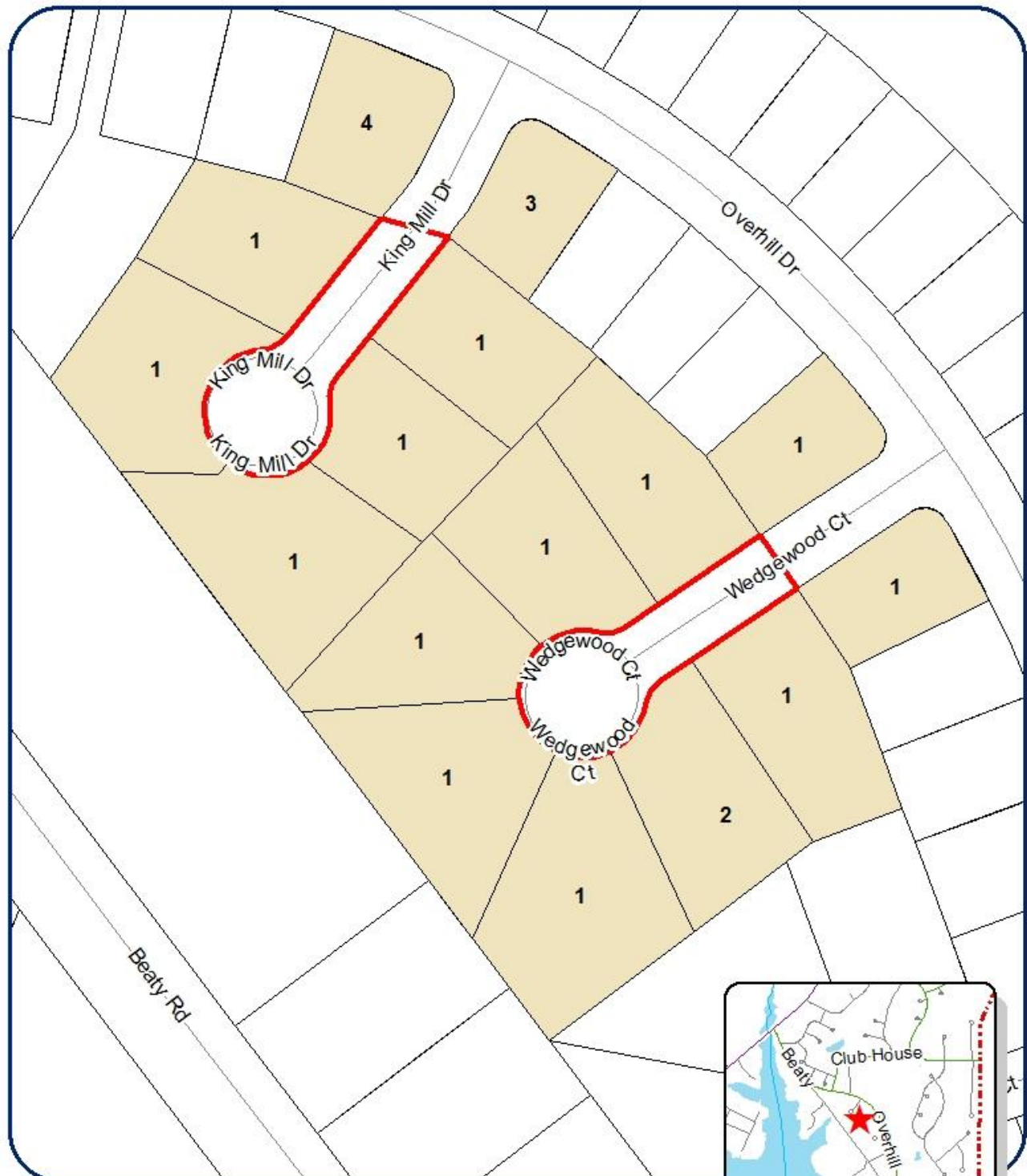






Staff Report – King Mill Drive & Wedgewood Court Abandonment/Easement Release
January 22 & February 5, 2019



**ROW Abandonment****King Mill Dr & Wedgewood Ct**

Council District: SMD #1 - Tommy Hiebert

Neighborhood: Country Club

Scale: 1" approx. = 100 ft

Legend

Subject Properties: —
 Current Zoning: **RM-1**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**



Staff Report – King Mill Drive & Wedgewood Court Abandonment/Easement Release
January 22 & February 5, 2019

Effective January 3, 2017



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

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

**Section 1: Basic Information**Name of Applicant(s): SKG Engineering
☐ Owner ☒ Representative (Affidavit Required)

706 South Abe Street San Angelo Tx 76904
Mailing Address City State Zip Code

325-655-1288 rg@skge.com
Contact Phone Number Contact E-mail Address

King Mill Drive & Wedgewood Court San Angelo Tx 76904
Subject Property Address City State Zip Code

See Attached

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

Lot Size: 14,778 & 14,777 Sq. Ft. Zoning: RM-1

Section 2: Site Specific DetailsSubdivision Name: Bentwood Country Club Estates, Section 16-CLots and/or Blocks Affected*: Block 101General Description of Location*: King Mill Drive and Wedgwood Court approximately 120' south of Overhill DriveReason for Abandonment*: To convert these streets to private access easement as part of a subdivision development.

*Use attachment if necessary.

Staff Report – King Mill Drive & Wedgewood Court Abandonment/Easement Release
January 22 & February 5, 2019

Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

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

Date

Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:Date of Application: 10 / 24 / 18Non-Refundable Fee: \$ 450Receipt #: 28355Date paid: 10 / 24 / 18Date of hearing by Planning Commission: 12 / 17 / 18 Date of hearing by City Council: 1 / 15 / 19Reviewed/Accepted by: H. Backer

Staff Report – King Mill Drive & Wedgewood Court Abandonment/Easement Release
January 22 & February 5, 2019

Effective January 3, 2017



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

**Section 1: Basic Information**Name of Applicant(s): SKG Engineering
☐ Owner ☒ Representative (Affidavit Required)

706 South Abe Street San Angelo Tx 76904

Mailing Address City State Zip Code

325-655-1288 rg@skge.com

Contact Phone Number Contact E-mail Address

King Mill Drive & Wedgewood Court San Angelo Tx 76904

Subject Property Address City State Zip Code

See AttachedLegal Description (can be found on property tax statement or at www.tomgreencad.com)
Lot Size: 12,416 & 1,688 Sq. Ft. Zoning: RM-1
Section 2: Site Specific DetailsSubdivision Name: Bentwood Country Club Estates, Section 16-CLots and/or Blocks Affected*: Block 101General Description of Location*: King Mill Drive from Overhill Drive to Beaty RoadProject southwesterly beyond Wedgewood Court.
Reason for Abandonment*: The easements will no longer necessary for their original intended purpose as
drainage patterns will change with the new development patterns.

*Use attachment if necessary.

Staff Report – King Mill Drive & Wedgewood Court Abandonment/Easement Release
January 22 & February 5, 2019

Effective January 3, 2017

Section 3: Applicant's acknowledgment

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

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

Date

Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: 10 / 25 / 18Non-Refundable Fee: \$ 300.00Receipt #: 28355Date paid: 10 / 24 / 18Date of hearing by Planning Commission: 12 / 17 / 18Date of hearing by City Council: 2 / 23 / 18Reviewed/Accepted by: H. Bucker

Staff Report – King Mill Drive & Wedgewood Court Abandonment/Easement Release
January 22 & February 5, 2019

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 72 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(☒)

IN FAVOR

()

IN OPPOSITION

REASON(S) _____

NAME:

Kevin Collins

ADDRESS:

2111 Clubhouse Lane

SIGNATURE:

[Signature]

Street Right-of-way Abandonment: King Mill Drive and Wedgewood Court

Property owner number: 2

If you have any questions about these proceedings, please call Hillary Bueker, Senior Planner, with the City of San Angelo's Planning Division at (325) 657-4210 Ext 1547 or at hillary.bueker@cosatx.us.

AN ORDINANCE PROVIDING FOR ABANDONMENT AND CLOSING OF PORTIONS OF THE KING MILL DRIVE AND WEDGEWOOD COURT; AUTHORIZING CONVEYANCE THEREOF BY QUITCLAIM DEED TO ADJOINING PROPERTY OWNERS; AND PROVIDING TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE.

WHEREAS, the City Council of the City of San Angelo, acting pursuant to law, is of the opinion that portions of King Mill Drive and Wedgewood Court, are no longer needed for public use and therefore deems it advisable to abandon said portions of streets and convey the underlying tract of land to owners of adjoining property; and,

WHEREAS, the City Council of the City of San Angelo is of the opinion that the best interest and welfare of the public will be served by closing, abandoning and vacating said portions of King Mill Drive and Wedgewood Court and conveying the underlying tracts of land to the abutting property owners, subject to the conditions and restrictions contained herein;

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

SECTION 1: The public rights-of-way and streets located in the City of San Angelo, Tom Green County, Texas, generally described as two separate tracts out of the right-of-way of King Mill Drive and Wedgewood Court, more particularly described and depicted in **Exhibit “A,”** attached hereto and made a part hereof for all purposes, be and the same are hereby closed, abandoned and vacated insofar as the right, title and easement of the public are concerned; subject however, to the conditions and restrictions hereinafter more fully set out.

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

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

SECTION 4: As conditions of the abandonments and as part of the consideration for conveyances by quitclaim deed of the underlying tracts of land to owners of adjoining property of the abandoned tracts, said property owners shall:

- a) Cause to be record in official plat records of Tom Green County, Texas, the subdivision final replat for the subject property as approved by Planning Commission on November 19, 2018, creating thirty-five platted lots having private street access within the subdivision.
- b) Remit payment for the vacated street land areas determined under the assessment formula outlined in the City Code of Ordinances, Appendix “A”, Fee Schedule, Section A9.008.

SECTION 5: The terms and conditions contained in this Ordinance shall be binding upon Grantees and Grantees’ heirs, successors and assigns.

SECTION 6: The Mayor of the City of San Angelo is hereby authorized to execute and, upon receipt of evidence of compliance with the conditions provided for at Section 4 of this Ordinance, deliver quit claim deeds conveying the subject tracts of land described and depicted in **Exhibit “A,”** to the abutting property owners as herein provided.

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

INTRODUCED on the **22nd day of January, 2019**, and finally PASSED, APPROVED AND ADOPTED on this the **5th day of February, 2019**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

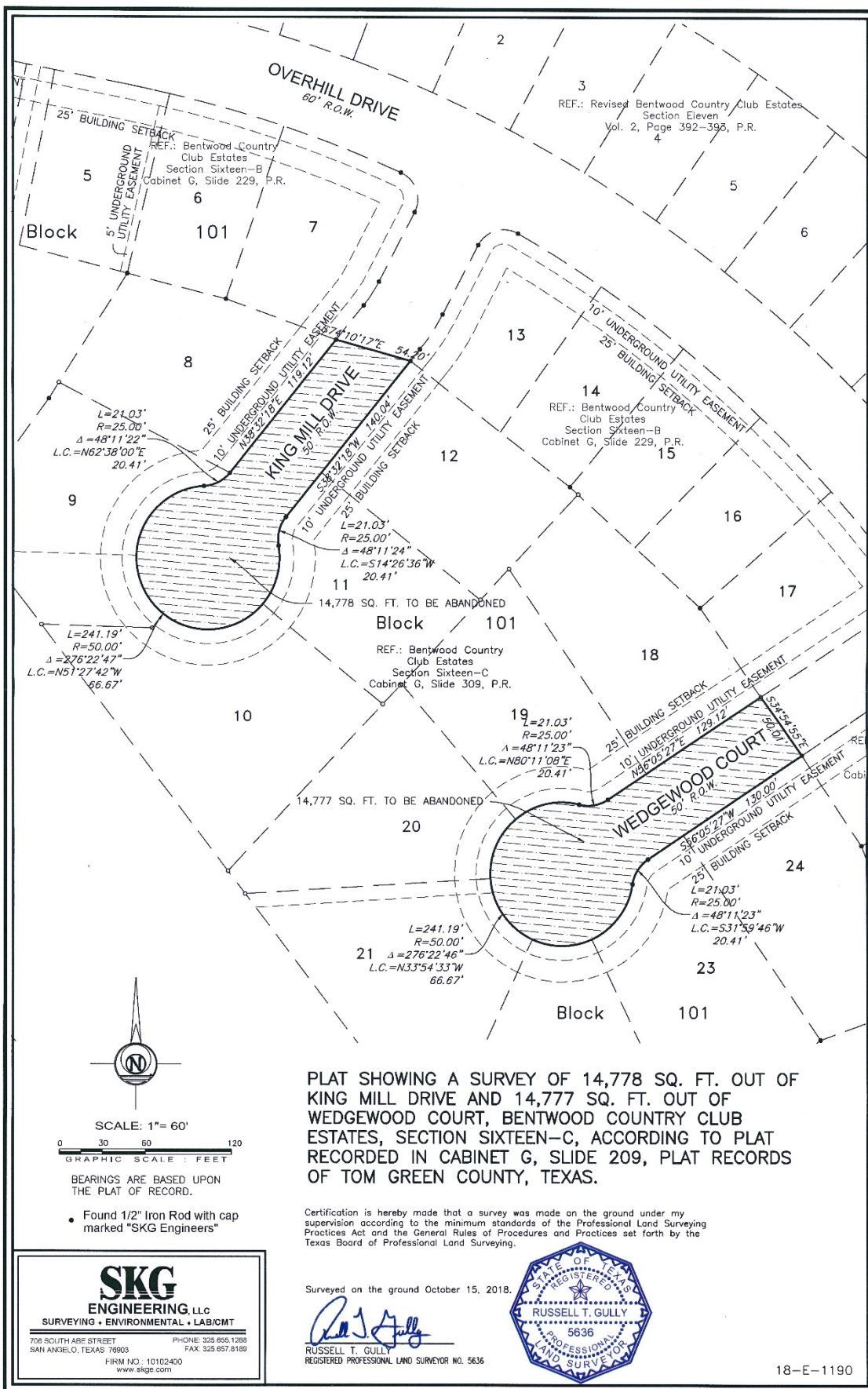
ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

Exhibit A



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Patrick Frerich, Asst. Director of Operations, Operations, (325) 657-4206

Meeting Date: January 22, 2019

Item type: Regular Item

Caption:

Update and possible action allowing the City Manager to negotiate the buyback provision and execute any related documents regarding the Hot In Place Asphalt Recycler (HIPAR) (Presentation made by Operations Director Shane Kelton)

Summary/History:

In response to City Council's ranking of street infrastructure as its number one priority, City Staff researched options to improve the overall condition of the City's streets. Many options and their respective costs were explored including conventional methods, as well as methods that are applied less commonly in this region.

It was determined that Hot In-Place Asphalt Recycling (HIPAR) had the potential to be a viable option to improve the City's roadways at a substantially lower cost when compared to other rehabilitation methods.

City Staff published RFB FS-06-17 seeking bids for HIPAR machinery, awarded the bid and contract to Angelo Benedetti, Inc. on December 6, 2016, and initiated the asphalt recycling program in July 2017 using the Benedetti Phoenix. The bid contract included an 18-month buyback clause should the program not meet the City's expected results.

After 18 months of utilizing the HIPAR process on various roadways throughout San Angelo, Staff has concluded that the operation does not meet an acceptable rate of efficiency on San Angelo's roadways. Thus, the buyback provision included with the bid will be exercised. The original buyback provision expired in December 2018, but an amendment to the original contract was executed to extend the deadline indefinitely while buyback details are discussed.

Financial Impact:

To be determined.

Other Information/Recommendation:

Staff recommends approving the City Manager to negotiate and accept buyback terms for the HIPAR equipment.

Attachments:

Presentation:

Approvals/Reviews:

Patrick Frerich
Shane Kelton

Created/Initiated
Approved

Theresa James
Anthony Wilson
Candice Blake
Tina Dierschke
Theresa James
Becky Dunn
Julia Antilley

Approved
Approved
Approved
Approved
Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 22, 2019

Item type: Regular Item

Caption:

Update presentation regarding the 2018 Ports-to-Plains Alliance Annual meeting held in Del Rio October 30th-November 2nd, 2018 (Presentation made by Director of Economic Development Guy Andrews)

Summary/History:

On October 30th-November 2nd, 2018, COSADC Executive Director Guy Andrews, Mayor Brenda Gunter, and COSADC Director John Bariou attended the 2018 Ports to Plains Annual Conference held in Del Rio, TX.

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

- | | |
|---------------------------|----------------------------|
| 1. Ports-to-Plains Agenda | Ports-to-Plains Agenda.pdf |
|---------------------------|----------------------------|

Presentation:

Approvals/Reviews:

Shannon Scott	Created/Initiated
Guy Andrews	Approved
Theresa James	Approved
Anthony Wilson	Approved
Candice Blake	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval



21st Annual Ports-to-Plains Alliance Conference **Del Rio, Texas | Acuña, Coahuila**

AGENDA

TUESDAY, OCTOBER 30

OPENING RECEPTION AT RAMADA POOLSIDE

5:00 pm–7:00 pm

Welcome by Blanca Larson, Executive Director, Del Rio Chamber of Commerce

Welcome by John Osborne, Chair, Ports-To-Plains Alliance
Del Rio High School Mariachis

WEDNESDAY, OCTOBER 31

BREAKFAST ON YOUR OWN TODAY

OPENING SESSION

All Sessions Today are in Grand Ballroom at the Ramada

WELCOME REMARKS

8:30 am

Bruno Lozano, Mayor, City of Del Rio

Efrain Valdez, Judge, Val Verde County

Dr. Michelle Brown, Vice President, Del Rio Chamber of Commerce

Representative Poncho Nevárez, Texas House District 74

Carlos Obrador Garrido Cuesta, Consul General of Mexico, Del Rio, Texas

John Osborne, Chair, Ports-to-Plains Alliance

9:15 am

UNITED WE BUILT PORTS-TO-PLAINS

Understanding the Alliance

9:30 am ***WILL HURD (Video)***
U.S. Representative, TX-23

9:45 am ***KEYNOTE SPEAKER***
BUILDING WEST TEXAS & STATEWIDE TRANSPORTATION
Alvin New, Texas Transportation Commissioner

10:15 am ***NETWORKING BREAK***

10:45 am ***MOVING INTERSTATE 27 INITIATIVE FORWARD***
Cheri Huddleston, Hance Scarborough LLP

11:15 am ***BUILDING A FUTURE WITH FEDERAL ADVOCACY***
Jack Schenendorf, Federal Consultant, Covington & Burling LLP

11:45 am ***BUILDING COMMUNITY BY COMMUNITY***
Lizzeth Gamboa, Infrastructure Financing Officer, North American Development Bank

12:15 pm ***LUNCH KEYNOTE SPEAKER***
BUSINESS PERSPECTIVE ON BUILDING TRANSPORTATION
Jeff Moseley, President/CEO of Texas Association of Business

1:45 pm ***SHARING OUR PRIORITIES***
Ports-to-Plains
Joe Kiely, Vice President of Operations
Heartland Expressway
Theodore Roosevelt Expressway
Cal Klewin, Executive Director

2:15 pm ***UNITED WE BUILD***
John Osborne, Chair, Ports-to-Plains Alliance

4:00 pm ***FIREHOUSE TOUR***
Featuring Contemporary Texas Artist David Forks
Presentation by Shumla Archeological Research & Education Center
Transportation is Provided – Meet in Hotel Lobby – Please arrive before 4:00 pm

5:00 – 7:30 pm ***VAL VERDE WINERY***
Tour & Dinner
Transportation is provided from Firehouse to Winery and Winery returning to Ramada

THURSDAY, NOVEMBER 1

7:30 am ***TRANSPORTATION LEAVES FROM HOTEL LOBBY FOR ACUÑA***
PASSPORT OR PASSCARD REQUIRED!

8:00 am ***VISITORS ENTRY INTO MEXICO (IMMIGRATION AND CUSTOMS)***

8:30 am	ARRIVE AT VENUE BEST MEXICAN BREAKFAST BUFFET
9:30 am	WELCOME <i>Roberto De Los Santos City, Mayor, Ciudad Acuña</i>
9:45 am	UNITED WE BUILT PORTS-TO-PLAINS UNDERSTANDING THE ALLIANCE
10:00 am	MODERNIZATION OF THE ACUÑA CUSTOMS FACILITIES <i>Alberto Morales, Central Administrator of Customs Equipment and Infrastructure of the General Administration of Customs of the SAT</i>
10:25 am	COAHUILA: BUILT STRONG <i>Jaime Guerra Pérez, Secretary of Economy and Tourism, State of Coahuila</i> <i>Gerardo Berlanga Gotés, Secretary of Infrastructure, Urban Development and Mobility, State of Coahuila</i>
10:50 am	BUILDING THE LOCAL ECONOMY <i>Jorge Ortiz, Site Selection Executive, Amistad Industrial Group</i>
11:15 am	EXPERIENCE BUILDING RENEWABLE ENERGY IN THE MEXICO MARKET <i>Rafael Burgos Aguilar, Manager External Relations, Enel Green Power Mexico</i>
11:35 am	TOURS (must be registered for tour) <i>Hydroelectric Plant at Amistad Dam</i> <i>Howmet Aerospace Plant</i> <i>Gentherm, German Automotive Plant</i> <i>New Caterpillar Facilities</i>
1:30 pm	ARRIVAL AT VENUE
1:30 pm	PROGRESS OF THE MAZATLÁN-ACUÑA/DEL RIO CONNECTION <i>Rodrigo Andrade, Coordinator of Economic Promotion, Ministry of Economy. State of Sinaloa</i>
2:00 pm	COMMUNICATING OUR BORDERS <i>Miguel Angel Riquelme, Governor of the State of Coahuila</i>
2:30 pm	LUNCH <i>Buffet with traditional Mexican Cuisine</i> ART PROGRAM <i>Singers, Dancers Group and Mariachis.... Ajua!!!!</i>
4:00 pm	TRANSPORTATION LEAVES ACUÑA FOR RAMADA
	THANKS FOR PARTICIPATING

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Mitch Sprunger, Interim Airport Director, Airport, 325-659-6409

Meeting Date: January 22, 2019

Item type: Regular Item

Caption:

Progress report on the Airport Master Plan (Presentation made by Deputy Airport Director Mitch Sprunger)

Summary/History:

City Council approved a Federal Aviation Administration grant funded Airport Master Plan on August 7, 2018. City Council requested that periodic updates be provided by the airport planning consultant. This is the first progress report for City Council.

Financial Impact:

There is no fiscal impact caused by this item.

Other Information/Recommendation:

Attachments:

- | | | |
|----|---------------------------|--------------------------------|
| 1. | SJTMP.citycouncil.-012218 | SJTMP.citycouncil.-012218.pptx |
|----|---------------------------|--------------------------------|

Presentation:

Mitch Sprunger

Approvals/Reviews:

Mitch Sprunger	Created/Initiated
Mitch Sprunger	Approved
Theresa James	Approved
Anthony Wilson	Approved
Candice Blake	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Julia Antilley	Final Approval



City Council

Date



Airport Master Plan Update

- Study Definition
- Project Schedule
- Summary of Meetings Held
- Next Steps



What is an Airport Master Plan?

- Process to plan for short, intermediate, and long term airport facility needs
- Prepared in accordance with FAA and industry guidance materials
- Results in phased development plan as well as Capital Improvement Program
- Identifies projects eligible for federal airport funding assistance



Project Schedule

	2018					2019												2020			
	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr
STUDY INITIATION																					
INVENTORY																					
AVIATION FORECASTS																					
DEMAND CAPACITY																					
FACILITY REQUIREMENTS																					
DEVELOPMENT ALTERNATIVES																					
AIRPORT LAYOUT PLAN PREPARATION																					
IMPLEMENTATION AND FINANCIAL PLAN																					
REPORTS AND DOCUMENTATION																					
OUTREACH																					
PLANNING ADVISORY COMMITTEE MTG				*					*			*						*			
TECHNICAL ADVISORY COMMITTEE MTG				*					*			*									
PUBLIC WORKSHOP				*					*			*						*			



Summary of Meetings

- Project kick-off meeting
- Planning and Technical Advisory Committee Meetings
 - SWOT analysis
- Public Workshop/Open House



Next Steps

- Complete aviation forecasts
- Demand/Capacity Analysis and Facility Requirements
- Alternatives



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: January 22, 2019

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%

December - an increase of 21.88%

January - an increase of 4.94%

Year to date, revenue is approximately \$584,595 more than budgeted.

Financial Impact:

Sales Tax revenue for fiscal year 2019 is over year-to-date budget by 9.92% and \$584,595 after January 2019 receipts.

Other Information/Recommendation:

Attachments:

Presentation:

Tina Dierschke

Approvals/Reviews:

Tina Dierschke

Becky Dunn

Julia Antilley

Created/Initiated

Approved

Final Approval