1. 6:00 P.M. June 14 2016 Special Meeting Agenda

   Documents: MASTER AGENDA 6-14-16.PDF

City of Angleton, Texas
City Council Special Meeting
Tuesday, June 14, 2016
@ 6:00 p.m.

The City of Angleton, Texas, City Council will conduct a Special Meeting beginning at 6 p.m., Tuesday, June 14, 2016 at the City Council Chambers, 120 S. Chenango, Angleton, TX, for the purpose of considering the following agenda items.

1. Declaration of quorum and call to order.

2. Pledge of Allegiance.

3. Moment of silent reflection or prayer.

4. Presentation: Brazoria County Library 75th Diamond Jubilee Proclamation.

5. Citizens Wishing to Address Council.

6. Requests to Address Council Other Than Citizenry.

7. Discussion and Possible Action on RESOLUTION NO. 2016-R-6B; A RESOLUTION APPROVING ISSUANCE UP TO A MAXIMUM AMOUNT OF $22,695,000 BRAZOSPORT WATER AUTHORITY WATER SUPPLY SYSTEM REVENUE BONDS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT (Michael Stoldt, City Manager).

8. Discussion and Possible Action on the Final Plat for the Tropoli Townhomes, a Subdivision Plat of a 1.8878 acre tract situated in the J de J Valderas Survey, A-380, Brazoria County, Texas, located at the northeast corner of Henderson Road and Valderas Street (Michael Stoldt, City Manager).

9. Public Hearing on a Request to Extend the Current Specific Use Permit located at 1100 East Mulberry Street, Suites B, C, D, and E to Include an "Outdoor Activity Space" at the Rear of the Child Day Care (Business).

10. Discussion and Possible Action on ORDINANCE NO. 2016-O-6G; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW AN 'OUTDOOR ACTIVITY SPACE' AT THE REAR OF THE PERMITTED CHILD DAY CARE (BUSINESS) IN A C-OR-COMMERCIAL-OFFICE/RETAIL DISTRICT ZONED PROPERTY LOCATED AT 1100 EAST MULBERRY STREET, SUITES B, C, D, AND E, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE (Michael Stoldt, City Manager).

11. PUBLIC HEARING ON AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE ZONING ORDINANCE BY ADDING "MICRO WINERY" AS A SPECIFIC USE PERMIT IN AREAS ZONED COMMERCIAL-GENERAL, COMMERCIAL-OFFICE/RETAIL AND LIGHT INDUSTRIAL; ADDING A DEFINITION FOR "MICRO WINERY"; AND AMENDING THE REQUIREMENTS FOR "SIGHT VISIBILITY" AT INTERSECTIONS.

12. Discussion and Possible Action on ORDINANCE NO. 2016-O-6A; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE ZONING ORDINANCE BY ADDING "MICRO WINERY" AS A SPECIFIC USE PERMIT IN AREAS ZONED COMMERCIAL-GENERAL, COMMERCIAL-OFFICE/RETAIL AND LIGHT INDUSTRIAL; ADDING A DEFINITION FOR "MICRO WINERY"; AND AMENDING THE REQUIREMENTS FOR "SIGHT VISIBILITY" AT INTERSECTIONS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE (Michael Stoldt, City Manager).

13. Public Hearing on a Request for a Specific Use Permit to Operate a Micro Winery at 1014 North Velasco Street with a Legal Description of AO380 J de J Valderas, Tract 99E2, Acres 0.210 in Brazoria County, Texas.

14. Discussion and Possible Action on ORDINANCE NO. 2016-O-6F; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A MICRO WINERY IN A C-G – COMMERCIAL-GENERAL DISTRICT ZONED PROPERTY LOCATED AT 1014 NORTH VELASCO STREET, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE (Michael Stoldt, City Manager).

15. Public Hearing on a Request for a Specific Use Permit to Operate a Child Day Care (Business) at 921 East Mulberry Street, with a legal description of Wilshire (Angleton), Block 4, Lot 20 (W/46.98')-NE/30.26' Lot 21; and 911 East Mulberry Street, with a Legal Description of Wilshire (Angleton), Block 4, Lot 23-24-W/12.5' Lot 22-E/53.61' Lot 5.

16. Discussion and Possible Action on ORDINANCE NO. 2016-O-6E; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A CHILD DAY CARE (BUSINESS) IN C-OR – COMMERCIAL-OFFICE/RETAIL DISTRICT ZONED PROPERTY LOCATED AT 921 EAST MULBERRY STREET, WITH A LEGAL DESCRIPTION OF WILSHIRE (ANGLETON), BLOCK 4, LOT 20 (W/46.98')-NE/30.26' LOT 21 AND 911 EAST MULBERRY STREET, WITH A LEGAL DESCRIPTION OF WILSHIRE (ANGLETON), BLOCK 4, LOT 23-24-W/12.5' LOT 22-E/53.61' LOT 5, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH

AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE (Michael Stoldt, City Manager).

17. Public Hearing on a Request for Renewal of a Specific Use Permit to Operate an Amusement Redemption Machine Game Room at 1501 South Velasco Street, Angleton, Texas.

18. Discussion and Possible Action on ORDINANCE NO. 2016-O-6H; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A RENEWAL OF A SPECIFIC USE PERMIT TO CONTINUE TO ALLOW OPERATION OF AN AMUSEMENT REDEMPTION MACHINE GAME ROOM AT 1501 S. VELASCO IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE (Michael Stoldt, City Manager).

19. Public Hearing on a Request for a Specific Use Permit to Operate a Child Day Care (Business) at the Southwest Corner of East Cedar Street and North Downing Street, with a Legal Description of 0.9204 Acres of Land out of Tract 9B1, Bryan and Kiber Subdivision, I. T. Tinsley Survey, Abstract 375, in Brazoria County, Texas.

20. Discussion and Possible Action on ORDINANCE NO. 2016-O-6D; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A CHILD DAY CARE (BUSINESS) IN A C-OR – COMMERCIAL-OFFICE/RETAIL DISTRICT ZONED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF EAST CEDAR STREET AND NORTH DOWNING STREET, WITH A LEGAL DESCRIPTION OF 0.9204 ACRES OF LAND OUT OF TRACT 9B1, BRYAN AND KIBER SUBDIVISION, I. T. TINSLEY SURVEY, ABSTRACT 375, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE (Michael Stoldt, City Manager).

21. Public Hearing on ORDINANCE NO. 2016-O-6B; AN ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 28, ZONING, SECTIONS 28-24, 28-41, 28-46, 28-47, 28-52, 28-53, 28-81, 28-105, 28-106 AND 28-112 TO CORRECT INCONSISTENCIES AND GRAMMAR, REORGANIZE CHARTS AND ALPHABETIZE DEFINITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

22. Discussion and Possible Action on ORDINANCE NO. 2016-O-6B; AN ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 28, ZONING,

SECTIONS 28-24, 28-41, 28-46, 28-47, 28-52, 28-53, 28-81, 28-105, 28-106 AND 28-112 TO CORRECT INCONSISTENCIES AND GRAMMAR, REORGANIZE CHARTS AND ALPHABETIZE DEFINITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE (Mary Kay Fischer, City Attorney).

23. Discussion and Possible Action on Re-appointing William Jackson, Chris Peltier and Charlyn Rogers to the Angleton Better Living Corporation (Shelly Deisher, City Secretary).

24. Discussion and Possible Action on Motion Approving Amendment to City Attorney Employment Agreement and Authorizing the Mayor to Execute the Amendment (Mary Kay Fischer, City Attorney).

25. Discussion and Possible Action on RESOLUTION NO. 2016-R-6A; A RESOLUTION OF THE CITY OF ANGLETON, TEXAS, STATING THE CITY OF ANGLETON'S INTENT TO PARTICIPATE IN TAX ABATEMENT AND ESTABLISHING THE GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENTS IN A REINVESTMENT ZONE CREATED IN THE CITY OF ANGLETON (Mary Kay Fischer, City Attorney).

26. Discussion and Possible Action on ORDINANCE NO. 2016-O-6I; AN ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE II, CITY COUNCIL, BY CHANGING SEC. 2-34, COUNCIL PROCEEDINGS, DESCRIBING THE ORDER OF BUSINESS FOR REGULAR COUNCIL MEETINGS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE (Mary Kay Fischer, City Attorney).

27. Council Will Adjourn Into Executive Session as Authorized by Texas Government Code Section 551.071, (Consultation with Attorney) to seek advice of its attorney on legal matters subject to the attorney-client privilege, with possible discussion and action related thereto in open session.

28. Adjourn.

The City Council reserves the right to meet in Executive 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, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices) and 551.087 (economic development). The description of an item in "Executive Sessions" constitutes the written interpretation by the City Attorney of Chapter 551 of the Texas Government Code and her determination that said item may be legally discussed in Closed Meeting in compliance with Chapter 551 of the Texas Government Code. In compliance with the Americans with Disabilities Act, the

City of Angleton will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Shelly Deisher, City Secretary, at 979-849-4364, extension 2115.

CERTIFICATION

I certify that copies of this agenda of items to be considered by the City of Angleton City Council were posted in the following locations:

City Hall Bulletin Board: Date:_____ Time:_____

City of Angleton Website: Date: _____ Time:_____

_____
Shelly Deisher, City Secretary

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT:
DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION APPROVING ISSUANCE UP TO A MAXIMUM AMOUNT OF $22,695,000 BRAZOSPORT WATER AUTHORITY WATER SUPPLY SYSTEM REVENUE BONDS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

__ Consent item
__ Discussion item
X Discussion and possible action
__ Public Hearing

REQUESTED BY: BWA

Attachments: (Attachment description)
Resolution
Bond Series Schedule (January 30, 2015)

Executive Summary:
The attached Resolution authorizes BWA to issue up to $22,695,000. This is the third of four scheduled bond issues financing plant improvements and regional water line extensions. This issue will be used to finance the design and construction of the desalination plant, wells and collection lines.

Michael Stoldt
Name

June 8, 2016
Date

Brazosport Water Authority
Capital Improvement Program
Bond Series Schedule
January 30, 2015

Bond Series	Issue Date	Project	Bond Amount	Legal, Fiscal and Financial Costs*	Project Funds	Source of Funds	
2014	Oct-14	Plant Improvements, 10 MG Clearwell, High Service Pump Station, Admin Building, Plant Electrical Improvements	$ 15,500,000	$ 1,408,272	$ 14,091,728	TWDB DW SRF	
		Total Bond Resolution Authorization	**$ 15,500,000**	**$ 1,408,272**	**$ 14,091,728**		
2015	Apr-15	Northern Regional Pipeline Planning, Easement Acquisition, Design and a portion of the Construction	$ 22,640,000	$ 2,192,921	$ 20,447,079	Private Market	
2015A	Nov-15	Remaining portion of the Construction Funds for the Northern Regional Pipeline	$ 30,220,000	$ 2,887,079	$ 27,332,921	Private Market	
	Nov-15	Planning, Acquisition and Design for Phase 1 Brackish Groundwater RO Treatment Plant	$ 3,700,000	$ 400,000	$ 3,300,000	TWDB SWIFT	Planning Acquisition and Design Funding from TWDB SWIFT does not have to be repaid for 10 years or until construction commences.
	Nov-15	Pilot Well, Brackish Groundwater Pilot Study	$ 1,680,000	$ 180,000	$ 1,500,000	TWDB SWIFT/ Private Market	
		Total Bond Resolution Authorization	**$ 58,240,000**	**$ 5,660,000**	**$ 52,580,000**		
2016	Nov-16	Construction Funding for Phase 1 Brackish Groundwater RO Treatment Plant	$ 25,760,000	$ 2,760,000	$ 23,000,000	TWDB SWIFT	
		Total Bond Resolution Authorization	**$ 25,760,000**	**$ 2,760,000**	**$ 23,000,000**		
2019	Nov-19	Planning, Acquisition, Design and Construction Funding for Phase 2 Brackish Groundwater RO Treatment Plant	$ 17,305,000	$ 1,805,000	$ 15,500,000	TWDB SWIFT/ Private Market	
		Total Bond Resolution Authorization	**$ 17,305,000**	**$ 1,805,000**	**$ 15,500,000**		

* Legal, Fiscal and Financial Costs include: Financial Advisor and Bond Counsel Fees, Issuance Costs, Capitalized Interest, Reserve Fund and Loan Origination Fees

RESOLUTION APPROVING ISSUANCE UP TO A MAXIMUM AMOUNT OF $22,695,000 BRAZOSPORT WATER AUTHORITY WATER SUPPLY SYSTEM REVENUE BONDS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Brazosport Water Authority (the "Authority") was created by 1985 Tex. Laws, Reg. Sess., Ch. 449 at 3063, as amended, under the authority of Article XIV, Section 59 of the Texas Constitution, and the boundaries of the Authority have not been in any way changed or altered since the enactment of Chapter 449, Acts of the 69th Legislature of Texas, Regular Session, 1985. The Authority has entered into a take-or-pay water supply contract (the "Contract"), dated February 20, 1987, with seven member cities of the Authority, including the City of Angleton, (the "City"), under the terms of which the cities are collectively obligated to make payments to the Authority sufficient to pay the principal and interest requirements on outstanding bonds, and such Contracts remain in full force and effect;

WHEREAS, the Board of Directors (the "Board") of the Authority desires to proceed with the planning, design and construction of a desalination plant, wells and collection lines (the "Additional Projects"), as described in Section 8.2 of the Contract, through the issuance of the Authority's Water Supply System Revenue Bonds, in one or more series (the "Bonds") in an aggregate principal amount not to exceed $22,695,000 under a bond resolution in substantially the form attached as Exhibit A hereto (the "Bond Resolution") and has authorized the Authority's attorneys and financial advisors to take any action reasonably necessary to proceed with preparation for the issuance of Bonds for the Additional Projects;

WHEREAS, the City Council of the City of Angleton (the "City Council") finds such Additional Projects to be necessary and feasible;

WHEREAS, pursuant to Section 7.1 of the Contract, the City Council acknowledges the term of the Contract shall be extended until payment in full of the principal, premium, if any, and interest on any Bonds associated with the Additional Projects that may be issued from time to time and all related fees;

WHEREAS, pursuant to Section 8.2 of the Contract, the City Council finds that the City is not in default under the Contract; and

WHEREAS, pursuant to Section 8.2 of the Contract, the Board of the Authority and the City Council of the City mutually agree such Additional Projects are necessary and feasible and acknowledge receipt of the Bond Resolution by the City for review; NOW THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

SECTION 1.01 AUTHORIZATION AND INTENT. In accordance with Sections 8.2 and 9.4 of the Contract, the City Council hereby authorizes and approves the issuance of one or more series of Bonds by the Authority for the Additional Projects pursuant to the Bond Resolution and the Mayor, the City Manager or any other duly appointed person is hereby authorized and directed to execute any necessary certificates and otherwise take any action,

reasonably necessary for the Authority to proceed with the issuance of Bonds in an aggregate amount not to exceed $22,695,000.

SECTION 1.02. RATIFICATION AND EXTENSION OF CONTRACT. The terms of the Contract previously entered into are hereby ratified by the City and the term of the Contract shall be extended until payment in full of the principal, premium, if any, and interest on any Bonds associated with the Additional Projects that may be issued from time to time and all related fees.

SECTION 1.03. CONTINUING DISCLOSURE. As used in this Section, the following terms have the meanings ascribed to such terms below:

"*MSRB*" means the Municipal Securities Rulemaking Board.

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

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

(a) So long as the Bonds or any bonds issued for the Additional Projects described herein remain outstanding, the City will provide certain updated financial information and operating data to the MSRB annually in an electronic format as prescribed by the MSRB and available via the Electronic Municipal Market Access ("EMMA") system at www.emma.msrb.org. The information to be updated includes all quantitative financial information and operating data that is customarily prepared by the City. The City shall update such information within six months after the end of each fiscal year. Any financial statements so to be provided shall be (1) prepared in accordance with the Accounting Principles described in this Resolution and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If audited financial statements are not so provided, then the City shall provide unaudited financial statements for the applicable fiscal year by the required time, and audited financial statements when and if audited financial statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to documents (i) available to the public on the MSRB's internet web site or (ii) filed with the SEC. All filings shall be made electronically, in the format specified by the MSRB.

(b) The City shall notify the MSRB in an electronic format prescribed by the MSRB, in a timely manner (not in excess of ten (10) days after the occurrence of the event), of any of the following events with respect to the Bonds:

(i) Principal and interest payment delinquencies;

(ii) Non-payment related defaults, if material;

(iii) Unscheduled draws on debt service reserves reflecting financial difficulties;

(iv) Unscheduled draws on credit enhancements reflecting financial difficulties;

(v) Substitution of credit or liquidity providers or their failure to perform;

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

(vii) Modifications to rights of holders of the Bonds, if material;

(viii) Bond calls, if material, and tender offers;

(ix) Defeasances;

(x) Release, substitution, or sale of property securing repayment of the Bonds, if material;

(xi) Rating changes;

(xii) Bankruptcy, insolvency, receivership or similar event of the City;

(xiii) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

(xiv) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The City shall notify the MSRB in an electronic format prescribed by the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with this Section by the time required by such Section.

All documents provided to the MSRB shall be accompanied by identifying information, as prescribed by the MSRB.

(c) The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give the notice required by this Section of any Bond calls and defeasance that cause the City to be no longer such an "obligated person."

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

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

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under the Resolution for purposes of any other provision of this Resolution.

Nothing in this Section is intended to or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(d) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell the Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Registered Owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Resolution that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Registered Owners and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this Section if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, and the City also may amend the provisions of this Section in its discretion in any other manner or circumstance, but in any case only if and to the extent that the provisions of this sentence would not have prevented an underwriter from lawfully

purchasing or selling Bonds in the primary offering of the Bonds, giving effect to (a) such provisions as so amended and (b) any amendments or interpretations of the Rule.

SECTION 1.03 FINDINGS. It is hereby found and determined that the matters and facts set out in the preamble to this Resolution are true and correct.

SECTION 1.04 INTERPRETATIONS. The titles and headings of the sections of this Resolution have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof in this Resolution and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein.

SECTION 1.05 CITY'S SUCCESSORS AND ASSIGNS. Whenever, in this Resolution, the City Council is named and referred to it shall be deemed to include its successors and assigns, and all covenants and agreements in this Resolution by or on behalf of the Participating Customer, except as otherwise provided herein, shall bind and inure to the benefit of its successors and assigns whether or not so expressed.

SECTION 1.06 SEVERABILITY CLAUSE. If any word, phrase, clause, sentence, paragraph, section or other part of this Resolution, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution and the application of such word, phrase, clause, sentence, paragraph, section or other part of this Resolution to any persons or circumstances shall not be affected thereby.

SECTION 1.07 OPEN MEETING. It is hereby officially found and determined that the meeting at which this Resolution was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by the Texas Open Meetings Act.

[*Execution Page Follows.*]

PASSED AND APPROVED on this _____ day of _____ 2016.

_____
Mayor
City of Angleton, Texas

ATTEST:

_____
City Secretary
City of Angleton, Texas

[CITY SEAL]

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: Discussion and Possible Action on the Final Plat for the Tropoli Townhomes, a Subdivision Plat of a 1.8878 acre tract situated in the J de J Valderas Survey, A-380, Brazoria County, Texas, located at the northeast corner of Henderson Road and Valderas Street.

__ Consent item
__ Discussion item
_x_ Discussion and possible action
__ Public Hearing

REQUESTED BY: Artie Tropoli, Property Owner

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Application, zoning map, aerial map, final plat recording page, staff comments

Executive Summary:
You all approved the preliminary plat at last month's meeting subject to staff comments. There are no major changes so if you approve this, it will be the same as the preliminary; approval subject to comments being addressed, which are:

1) Extend sidewalk from first driveway to Henderson (remaining sidewalk not required);
2) Revise ditch cross section to include retaining blocks along property side of ditch; and
3) Add drainage easement to recording page for ditch.

Recommendation:
The Planning and Zoning Commission recommended approval of the plat subject to the conditions listed above.

Michael Stoldt **June 8, 2016**

Name **Date**

ANGLETON

APPLICATION FOR PLAT REVIEW/APPROVAL

Date: 7-15-15

TYPE OF APPLICATION: _____ SHORT FORM
_✓_ PRELIMINARY/FINAL PLAT
_____ COMMERCIAL
_____ RESIDENTIAL

Address of property 1.9878 Acre Tract situated in the
S de S Valderas Survey, A-380, Brazoria County

Name of Applicant: Artie P. Tropoli Phone: _____

Name of Company: _____ Phone: _____

E-mail: _____

Name of Owner of Property: Artie P. Tropoli, Trustee

Address: PO Box 37223, Houston, TX 77237

Phone: _____ E-mail. _____

I HEREBY REQUEST approval of the preliminary and final plat of the subject property according to the plans which are submitted as a part of this application. I HEREBY AUTHORIZE the staff of the City of Angleton to inspect the premises of the subject property. I HEREBY SWEAR AND AFFIRM that all statements contained herein and attached hereto are true and correct to the best of my knowledge and belief.

Signature of Owner or Agent for Owner (Applicant) Artie P. Tropoli

NOTARIAL STATEMENT FOR APPLICANT:

Sworn to and subscribed before me this 15th day of July, 2015.

(SEAL)

ROBIN RUTH CROUCH
Notary Public, State of Texas
My Commission Expires 01-11-2019

Robin R. Crouch
Notary Public for the State of Texas
Commission Expires: 1-11-2019

APPLICATION, ALL REQUIRED DOCUMENTATION AND PLATS MUST BE SUBMITTED FOR REVIEW A MINIMUM OF 15 DAYS PRIOR TO THE NEXT PLANNING & ZONING COMMISSION MEETING. (Note – Any form that is not completely filled out may be delayed, may result in a denial or may be returned to the Applicant).

PROJECT SUMMARY FORM

Address of property 1.8878 Acre Tract Situated in the J. de Valderas Survey, A-380, Brazoria County

The subject property fronts 524.06 feet on the East side of Valderas St.

Depth: 156.76 Area: _____ Acres: 1.8878 square feet

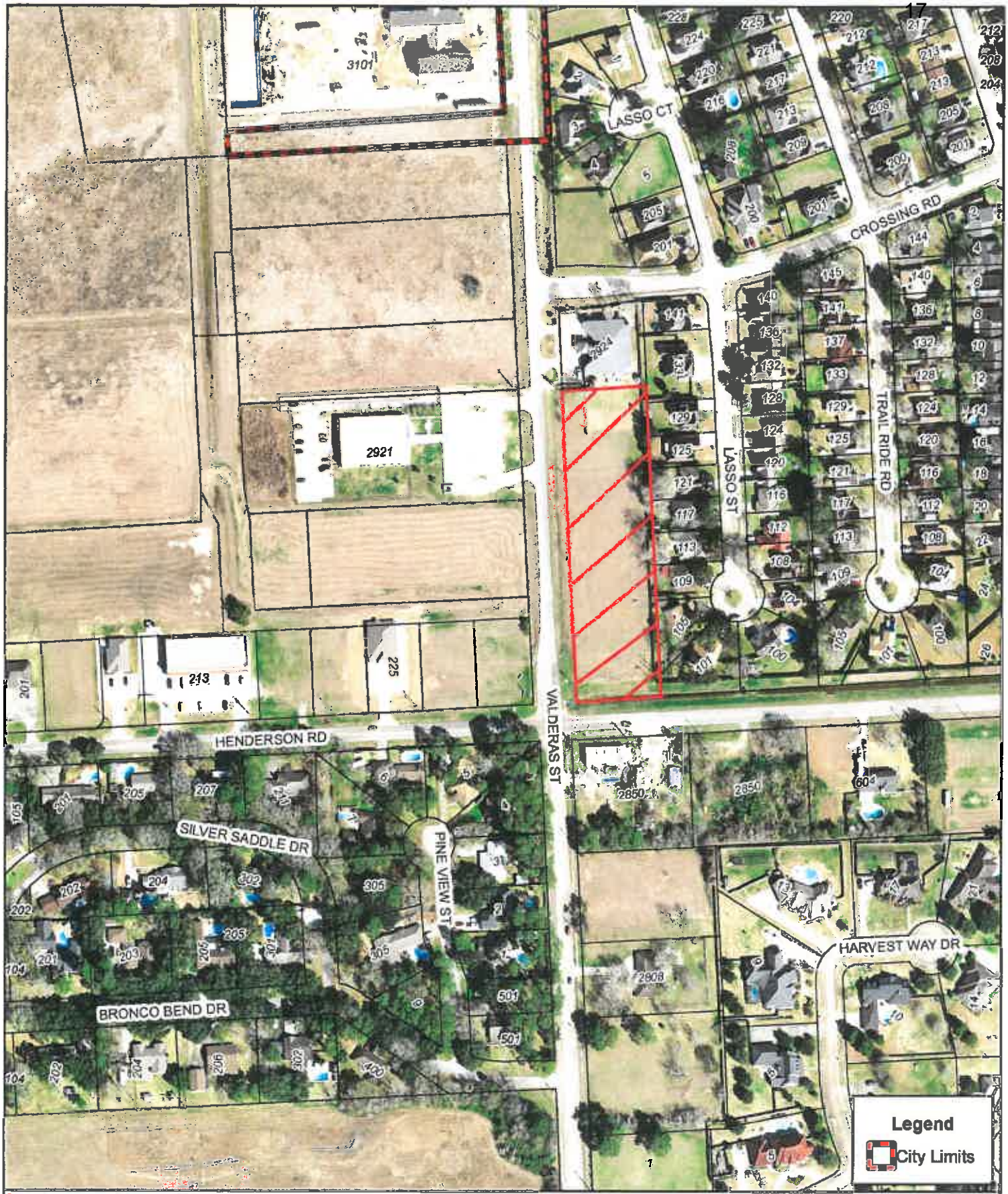
INDICATE THE PURPOSE OF THE REQUESTED PLAT APPROVAL (BE SPECIFIC):

Subdivision Plat for Town home Site

Is this platting a requirement for obtaining a building permit? ✓ YES ____ NO

INDICATE ADDITIONAL INFORMATION THAT WILL ASSIST WITH THE REVIEW OF THIS APPLICATION.

Name: Arte Troppoli Date 7-18-15



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Angleton makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Angleton from any damage, loss, or liability arising from such use.

City of Angleton

Operated by:
City of Angleton
121 S. Velasco St.
Angleton, TX 77515
979-849-4364

City of Angleton GIS Mapping

1 " = 233 '

TROPOLI TOWNHOMES

AZORIA COUNTY, TEXAS

S
AZORIA

BY THESE PRESENTS, THAT:
O.I, OWNER OF THE PROPERTY SUBDIVIDED IN THE FOREGOING TROPOLI
SUBDIVISION PLAT, IN THE JOSE DE JESUS VALDERAS SURVEY, ABSTRACT NO. 380, AN
E CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID
COORDANCE WITH THE LINES, LOTS, EASEMENTS AND DRAINAGE RIGHTS-OF-WAY
AND DO HEREBY DEDICATE TO THE PUBLIC ALL EASEMENTS SHOWN HEREON FOR
EVER, AND DO BIND OURSELVES, OR HERS, SUCCESSORS AND ASSIGNS TO
EFEND THE TITLE SO DEDICATED.

ND THIS THE _____ DAY OF _____, 2016.

_____
I

S
AZORIA

E UNDERSIGNED AUTHORITY, ON THIS DAY APPEARED ARTIE P. TROPOLI, OWNER,
O BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT,
DGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND
S THEREIN EXPRESSED.

Y HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2015.

_____

_____

COMMISSION

THE ABOVE AND FOREGOING TROPOLI TOWNHOMES SUBDIVISION PLAT, WAS APPROVED

_ DAY OF _____, 2016

NNING COMMISSION OF ANGLETON, TEXAS.

_____

ND THIS THIS _____ DAY OF _____, 2016

_____

THE ABOVE AND FOREGOING TROPOLI TOWNHOMES SUBDIVISION PLAT, WAS APPROVED

_ DAY OF _____, 2016

UNCIL OF ANGLETON, TEXAS.

_____

SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE CODE OF ORDINANCES OF THE
ON, TEXAS.

ND THIS THE _____ DAY OF _____, 2016.

_____
Y

INAGE DISTRICT

E THE _____ DAY OF _____, 2016.

SUPERVISORS OF THE ANGLETON DRAINAGE DISTRICT DOES NOT
RESENT OR GUARANTEE

E FACILITIES OUTSIDE THE BOUNDARIES OF THE SUBDIVISION PLAT ARE
ECEIVE RUNOFF FROM THE FACILITIES DESCRIBED IN THIS PLAT.

E FACILITIES DESCRIBED IN THIS PLAT ARE ADEQUATE FOR RAINFALL IN
LETON DRAINAGE DISTRICT MINIMUM REQUIREMENTS.

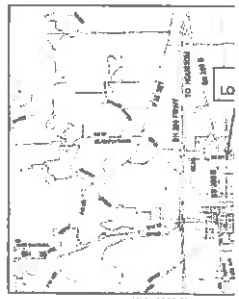
D ELEVATION REQUIREMENTS HAVE BEEN DETERMINED BY THE
NAGE DISTRICT.

TRICT ASSUMES ANY RESPONSIBILITY FOR CONSTRUCTION, OPERATION
E OF SUBDIVISION DRAINAGE FACILITIES.

REVIEW IS BASED SOLELY ON THE DOCUMENTATION SUBMITTED FOR
THE RELIANCE ON THE REPORT SUBMITTED BY THE TEXAS REGISTERED
ENGINEER.
REVIEW IS NOT INTENDED NOR WILL SERVE AS A SUBSTITUTION OF THE
NSIBILITY AND/OR DECISION MAKING POWER OF THE PARTY SUBMITTING
AN HEREIN, THEIR OR ITS PRINCIPALS OR AGENTS

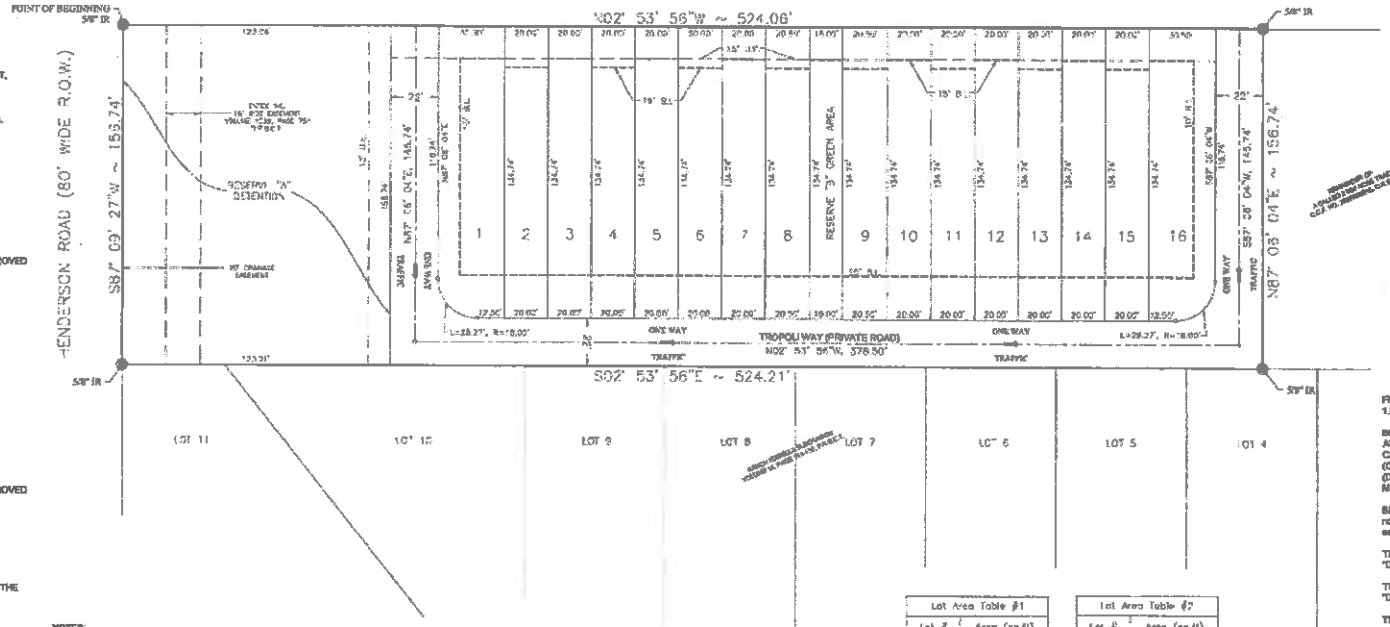
_____ _____
MEMBER

VICINITY MAP



MAP NOT TO SCALE

VALDERAS STREET A.K.A. AIRLINE ROAD (80' WIDE R.O.W.)



LEGEND

C.C.F.NO.= COUNTY CLERK'S FILE NO
O.R.B.C. = DEED RECORDS OF BRAZORIA COUNTY
O.P.R.B.C. = OFFICIAL RECORDS OF BRAZORIA COUN
P.R.B.C. = PLAT RECORDS OF BRAZORIA COUNTY
U.E. = UTILITY EASEMENT
B.L. = BUILDING LINE
= SET 5/8" IRON ROD W/CAP MARKED "BA
= FOUND SPLEMENT (AS NOTED)
= FENCE
I.R. = IRON ROD
= POWER POLE

Lot Area Table #1	
Lot #	Area (sq.ft)
1	4,039.97
2	2,694.76
3	2,694.76
4	2,694.76
5	2,694.76
6	2,694.76
7	2,694.76
8	2,752.12
9	2,762.12

Lot Area Table #2	
Lot #	Area (sq.ft)
10	2,694.76
11	2,694.76
12	2,694.76
13	2,694.76
14	2,694.76
15	2,694.76
16	4,039.97
RES. "A"	19,300.02
RES. "B"	2,071.07

FIELD NOTES DESCRIPTION OF A
1.8878 ACRE TRACT

BEING A 1.8878 ACRE TRACT SITUATED IN THE J. DE J. VALDERA
ABSTRACT - 380, BRAZORIA COUNTY, TEXAS, AND BEING OUT O
CALLED 2.088 ACRE TRACT OF LAND DESCRIBED IN COUNTY CLI
(C.C.F.NO.) 2002060218, IN THE DEED RECORDS OF BRAZORIA CO
(O.R.B.C.), SAID 1.8878 ACRE TRACT BEING MORE PARTICULAR
METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8-inch iron rod with cap stamped "Damian & Associ
northeast intersection of the north right-of-way (R.O.W.) line of Henders
east R.O.W. line of Valderas Street marking the southwest corner of the

THENCE N 02° 53' 56"W, a distance of 524.06 feet to a 5/8-inch iron r
"Damian & Associates" found marking the northwest corner of the here

THENCE N 87° 09' 04"E, a distance of 156.74 feet to a 5/8-inch iron ro
"Damian & Associates" found marking the northeast corner of the herei

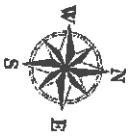
THENCE S 02° 53' 56"E, a distance of 524.21 feet to a 5/8-inch iron ro
"Damian & Associates" found marking the southeast corner of the here

THENCE S 87° 09' 27"W, a distance of 156.74 feet to the POINT OF B
herein described tract and containing 1.8878 acres (or 82,233 square f

All bearings and distances exhibited on the Texas Plane Coordinate S
Zone (4204), NAD-83, U.S. Survey feet.

NOTES:

1. SURVEY PLAT IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE PRESENT ON IT.
2. THE POSSIBLE EXISTENCE OF UNDERGROUND FACILITIES OR SUBSURFACE CONDITIONS OTHER THAN THOSE SHOWN MAY AFFECT THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTY SHOWN HEREON
3. THE DOCUMENTS REFERRED TO HEREON, WHETHER THOSE OF PUBLIC RECORD OR OTHERWISE, WERE OBTAINED BY THE SURVEYOR AND/OR PROVIDED BY THE CLIENT. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE ON THE GROUND AT THE TIME OF MAKING THIS SURVEY; RESTRICTIVE COVENANTS, SUBDIVISION REGULATIONS, ZONING OR OTHER LAND-USE REGULATIONS, AND OTHER FACTS OTHER THAN THOSE WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. ALL BEARINGS AND DISTANCES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD-83, U.S. FEET.
5. FLOOD ZONE STATEMENT: THE SURVEYOR NAMED HEREON HAS EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR BRAZORIA COUNTY; MAP NUMBER 48039C0035 H, WITH EFFECTIVE DATE OF JUNE 05, 1989, AND THAT MAP INDICATES THAT THE PROPERTY SURVEYED IS WITHIN ZONE "X" (WHITE), AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD-PLAIN. WARNING: THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, AND WILL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
6. THE PROPERTY SURVEYED IS WITHIN THE CITY LIMITS OF THE CITY OF ANGLETON.
7. BENCH MARK - 60D NAIL IN SOUTH FACE OF POWER POLE IN THE SOUTHWEST CORNER OF TRACT. ELEV. = 28.59'



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II SURVEY.

SIGNED: _____
JOSHUA A. MCBRIDE DATE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6461

BAKER & LAWSON, INC.
300 EAST CEDAR ST.
ANGLETON, TEXAS 77515
OFFICE: (979) 849-6681
TBPLS No. 10052500

SCALE: 1" = 30'	DEVICE NO.	REVISION DESCRIPTION	DRAWN BY: TP
DATE: 12-11-15			CHECKED BY: JM
PROJECT NO: 15-115			SHEET NO: 1 OF 1

TROPOLI TOWNHOMES SUBDIVISION PLAT

OF A

1.8878 ACRE TRACT

SITUATED IN THE

J. de J. VALDERAS SURVEY A-380,

BRAZORIA COUNTY, TEXAS

OWNER DEVELOPER

ARTIE P. TROPOLI, TRUSTEE

C.C.F. NO. 2015002585 O.P.R.B.C.T.

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: Public Hearing on a request to extend the current Specific Use Permit located at 1100 East Mulberry Street, Suites B, C, D, and E, to include an 'Outdoor Activity Space' at the rear of the Child Day Care (Business).

__ Consent item
__ Discussion and possible action
__ Discussion item
_X_ Public Hearing

REQUESTED BY: Elroy Griggs, Designated Agent for Property Owner

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Public Hearing notice for the Facts and for property owners within 200' of subject property.

Executive Summary:
The public hearing notice was published in The Facts Newspaper on May 15, 2016 and letters were sent to property owners on May 11th, 2016.

Recommendation:

Shelly Deisher **May 27, 2016**

Name **Date**

ANGLETON
Where the Heart is

Alyssa Deaton
Asst. City Secretary

Mayor
Randy Rhyne

Mayor Pro Tem
Roger Collins
Position 5

Council Members
Hardwick Bieri
Position 1

Williams Tigner
Position 2

Wesley Rolan
Position 3

Bonnie McDaniel
Position 4

City Manager
Michael Stoldt

May 11, 2016

Public Hearing Notice

The City of Angleton has received a request to extend the current Specific Use Permit located at 1100 East Mulberry Street, Suites B, C, D, and E, to include an 'Outdoor Activity Space' at the rear of the Child Day Care (Business). The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, June 1, 2016 at 12:00 pm and the City Council will conduct a public hearing on Tuesday, June 14, 2016 at 6:00pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on this Specific Use Permit. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearing, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

This notice has been sent to you as it has been determined that the property you own possibly lies within 200 feet of the above-referenced property. Property owners within 200 feet of this property have the legal right to protest the proposed change by filing a written protest signed by the property owner. In such event, the City will have a surveyor determine which properties are within exactly 200 feet of the subject property. Property owners should be aware that if they oppose or protest the requested Specific Use Permit, such opposition must be submitted in written form, with the property owner's signature and address included.

For additional information concerning this Specific Use Permit please contact Alyssa Deaton at 979-849-4364, ext. 2114.

Sincerely,

Alyssa Deaton
Assistant City Secretary

121 S Velasco
Angleton, TX 77515
Phone: 979-849-4364
Fax: 979-849-5561

www.angleton.tx.us

Public Hearing Notice

The City of Angleton has received a request to extend the current Specific Use Permit located at 1100 East Mulberry Street, Suites B, C, D, and E, to include an 'Outdoor Activity Space' at the rear of the Child Day Care (Business). The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, June 1, 2016 at 12:00 pm and the City Council will conduct a public hearing on Tuesday, June 14, 2016 at 6:00pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on this Specific Use Permit. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearing, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

For additional information concerning this Specific Use Permit, please contact Alyssa Deaton at 979-849-4364, ext. 2114.

Date: May 3, 2016

To: The Facts – Public Hearing

From: City of Angleton

To be published once on: Sunday, May 15th, 2016

Please provide publisher's affidavit and total amount to be billed

If you have any questions, please contact Alyssa @ 979-849-4364 ext. 2114.

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: Discussion and Possible Action on ORDINANCE NO. 2016-O-6G; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW AN 'OUTDOOR ACTIVITY SPACE' AT THE REAR OF THE PERMITTED CHILD DAY CARE (BUSINESS) IN A C-OR–COMMERCIAL-OFFICE/RETAIL DISTRICT ZONED PROPERTY LOCATED AT 1100 EAST MULBERRY STREET, SUITES B, C, D, AND E, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

__ Consent item
_X_ Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Elroy Griggs, Designated Agent for Property Owner

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Ordinance, Application and supporting documents

Executive Summary:
Mr. and Mrs. Griggs were previously approved for an SUP at 1100 East Mulberry, Suites B, C, D, and E. At the time the SUP was brought to P&Z, they were questioned on having an outdoor activity space for the children and at the meeting they said they were not going to have an outdoor space. Since then, they have discovered that the state is requiring them to have an outdoor activity space. This SUP will only be for the outdoor yard as there is an existing SUP on the building to expire on April 4, 2017.

Recommendation:

Past special conditions have included:

1. **Hours of operation; 8am-12am**
2. **Duration; to expire on the same date as the daycare's initial SUP (April 4, 2017) with one year renewals thereafter.**

Shelly Deisher **May 27, 2016**

Name **Date**

ORDINANCE NO. 2016-O-6G

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW AN 'OUTDOOR ACTIVITY SPACE' AT THE REAR OF THE PERMITTED CHILD DAY CARE (BUSINESS) IN A C-OR–COMMERCIAL-OFFICE/RETAIL DISTRICT ZONED PROPERTY LOCATED AT 1100 EAST MULBERRY STREET, SUITES B, C, D, AND E, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Ordinance 2009-O-4A and Chapter 28 of the Code of Ordinances authorizes the City Council to grant a Specific Use Permit to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions; and

WHEREAS, with proper notice to the public, a public hearing was held on Wednesday, June 1, 2016, during a meeting of the Planning and Zoning Commission, and on Tuesday, June 14, 2016, during a meeting of the City Council, in the Council Chambers at City Hall, in the City of Angleton, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the Planning and Zoning Commission has forwarded to the City Council its report and recommendation concerning the application of Elroy Griggs, Designated Agent for Property Owner, for a Specific Use Permit to allow an Outdoor Activity Space for a Child Day Care (Business) at the property located at 1100 East Mulberry Street, Suites B, C, D and E, in the City of Angleton, Brazoria County, Texas; and

WHEREAS, in rendering its decision, the City Council has considered the factors noted in Sec. 28-63 (e), and finds the proposed use at the specific location is consistent with the Comprehensive Plan.

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

SECTION 1: That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2: That the Zoning Ordinance of the City of Angleton, Texas, is amended by granting an Outdoor Activity Space by Specific Use Permit for a Child Day Care (Business) in a C-OR - Commercial-Office/Retail District zoned property located at 1100 East Mulberry Street, Suites B, C, D and E, in the City of Angleton, Brazoria County, Texas more particularly described in the attached Exhibit "A".

SECTION 3: That the Specific Use Permit granted in Section 2 of this Ordinance is subject to the following conditions:

_____

_____

SECTION 4: That the official zoning map of the City of Angleton is amended to reflect the amendment to the Zoning Ordinance made by Section 2 of this Ordinance.

SECTION 5: That any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding $2,000 for each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

SECTION 6: That should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no way affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

SECTION 7 That it is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 8: That this Ordinance shall be effective not less than 10 days from the date of its passage and in accordance with the time set forth in the City Charter and the City Secretary is directed to cause the descriptive caption of this Ordinance to be published in the official newspaper of the City, at least once within ten days after the passing of the Ordinance.

SECTION 9: That this Ordinance shall be in full force and effect from and after June 24, 2016.

PASSED AND APPROVED this 14th day of June, 2016.

_____
RANDY RHYNE, Mayor

ATTEST:

_____
SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

_____
MARY KAY FISCHER, City Attorney

CITY OF ANGLETON
SPECIFIC USE PERMIT APPLICATION

PROPERTY ADDRESS: 1100 E MULBERRY SUITE E
ANGLETON, TX 77515

PROPERTY DESCRIPTION (Legal description): A0375 I T INSLEY, TRACT 16B-16B2-16B4-16C1

RECORD PROPERTY OWNER NAME, ADDRESS AND PHONE NUMBER:
HARRY GREEN. 2500 TANGLEWILDE SUITE 304, HOUSTON, TX 77063
ANGLETON INVESTMENTS, LTD

DESIGNATED REPRESENTATIVE, ADDRESS AND PHONE NUMBER: ELROY GRIGGS, 532 CR 698 ANGLETON, TX

PROPOSED USE FOR THE PROPERTY ADDRESS INDICATED ABOVE: INSTALL A 40' x 20' FENCE TO DESIGNATE A PLAY AREA FOR THE CHILDREN. THE FENCE WILL BE ATTACHED TO THE BUILDING, 4' TALL, 1 EXIT GATE, ALL OBSTRUCTIONS WILL BE FREE FROM DESIGNATED PLAY AREA. SEE ATTACHED DRAWING. CHAIN LINK W/ PRIVACY SLATS DESIRED

A site plan (prepared and approved) in accordance with Section 35.4 of the City of Angleton Code of Ordinances (City Code) must be attached to the application. If a base zoning district amendment is required or requested, such rezoning application shall accompany the application for a Specific Use Permit. If the proposed use requires a division of land, an application for subdivision approval must be submitted with this application for a Specific Use Permit.

SIGNATURE: [signature]
DATE: 5/16/2018

PLEASE PROVIDE PROOF OF TAXES PAID ON THIS PROPERTY.

ATTACHMENT: SECTION 35 SUP – SPECIFIC USE PERMIT

APPLICATION FEE: $150.00 due upon submittal

OFFICE USE ONLY
Date received: _____ Admin Fee Received: _____
P&Z Public Hearing date: _____
Date to send cert. letters: _____ Date to publish: _____
Site Plan submitted: Yes _____ No _____
Site Plan received & evaluated by City Staff: Yes _____ No _____
Proof of taxes paid: _____ Date verified: _____

CITY OF ANGLETON
APPOINTMENT OF AGENT

As owner of the property described as 1100 S. 609 E. Mulberry Angleton, TX. 77515
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Elroy Griggs

Mailing Address: 532 CR 98 Email:

City: Angleton State: TX Zip: 77515-

Home Phone: (____) _____ Business Phone: (____) _____

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

> **be the point of contact between myself and the City: make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.**

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity. Agent is authorized to use Green's designated area as a playfield. Agent is allowed to apply for a Special Use Permit. as Shannon Springer

Signature of owner _____ Title VP

Printed/Typed Name of owner Harry Green Date 5/12/16

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

STATE OF TEXAS §

COUNTY OF Harris §

Before me, Shannon Springer, on this day personally appeared Harry Green, known to me (or proved to me on the oath of Driver's License or through (_____) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 12 day of May 2016

SHANNON LEA SPRINGER
My Commission Expires
May 10, 2018

Shannon Lea Springer
Notary Public Signature

5-10-18
Commission Expires

ANGLETON

CITY OF ANGLETON
APPOINTMENT OF AGENT

As owner of the property described as 160 B.C.D.E. Gateway Angleton TX 77515
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Elton Griggs

Mailing Address: 532 CR 494 Email: _____

City: Angleton State: TX Zip: 7515 _____

Home Phone: (____) _____ Business Phone: (979) _____

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity. The Agent is only authorized to deal with Mr. Donald Stone, and does not have the authority to bind the owner.

Signature of owner _____ Title Owner

Printed/Typed Name of owner Donald Stone 160 Hwy 288 B Lake Jackson TX 77566 Date 5/2/2015

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

STATE OF TEXAS §

COUNTY OF Harris §

Before me, Shannon Springer on this day personally appeared Donald Stone known to me (or proved to me on the oath of _____ or through (Texas License) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 2 day of May, 2015.

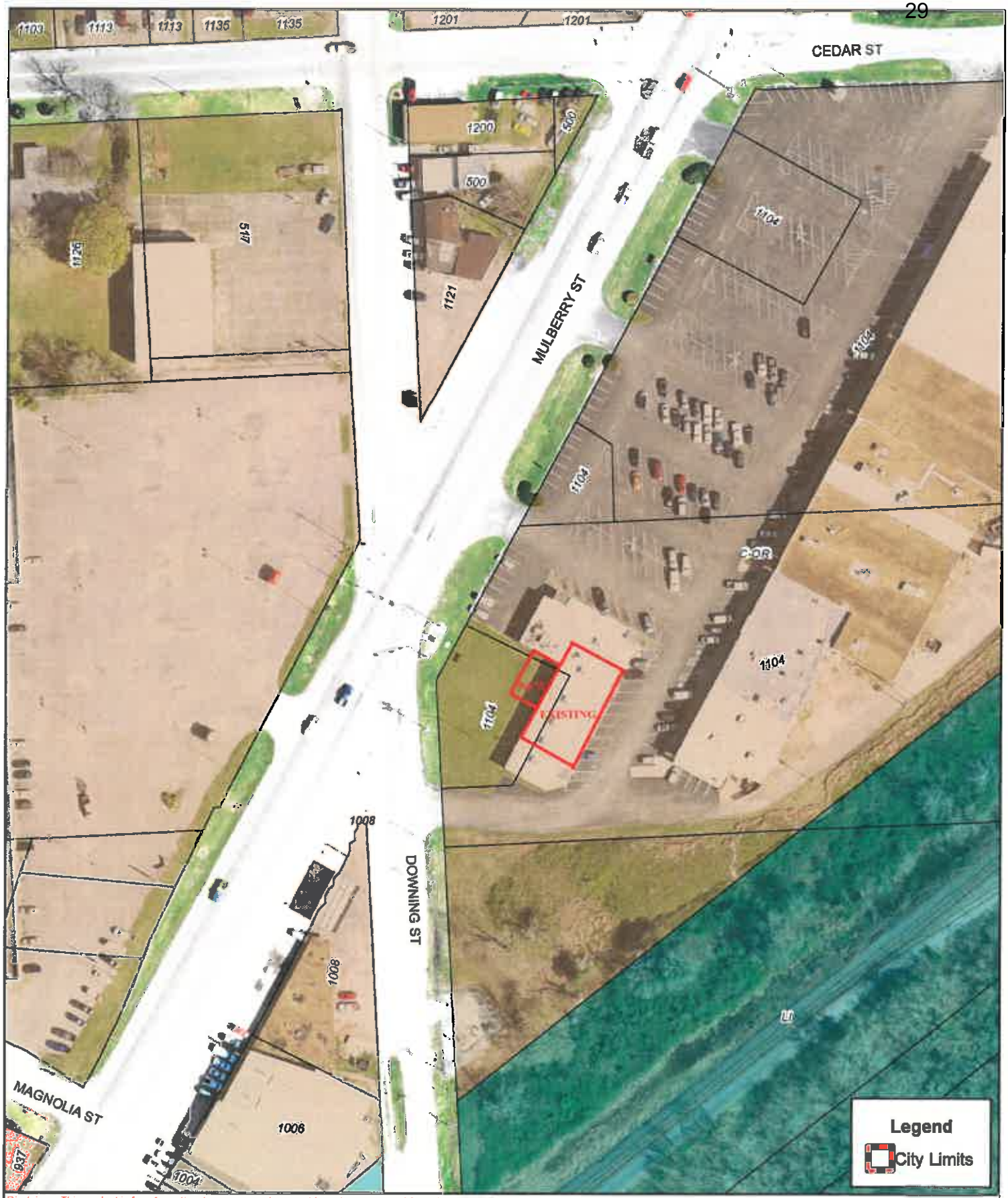
SHANNON LEA SPRINGER
My Commission Expires
May 10, 2018

Shannon Springer
Notary Public Signature

5-10-18
Commission Expires

Exhibit A

Exit
Gate
28'
20'
40'
FLOOR PLAN
NORTH
Notes:
4' high privacy fence
1 each 39" x 48" Exit Gate within the fence
ANGLETON PLAZA
1100 E. MULBERRY STREET
ANGLETON, TEXAS 77515
SHEET
A2



Disclaimer. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Angleton makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Angleton from any damage, loss, or liability arising from such use.

City of Angleton

Operated by:
City of Angleton
121 S. Velasco St.
Angleton, TX 77515
979-849-4364

City of Angleton GIS Mapping

1 " = 107 '

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: PUBLIC HEARING ON AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE ZONING ORDINANCE BY ADDING "MICRO WINERY" AS A SPECIFIC USE PERMIT IN AREAS ZONED COMMERCIAL-GENERAL, COMMERCIAL-OFFICE/RETAIL AND LIGHT INDUSTRIAL; ADDING A DEFINITION FOR "MICRO WINERY"; AND AMENDING THE REQUIREMENTS FOR "SIGHT VISIBILITY" AT INTERSECTIONS.

__ Consent item
__ Discussion and possible action
__ Discussion item
_x_ Public Hearing

REQUESTED BY: Michael Stoldt

Attachments: (Attachment description)
Public Hearing Notice for newspaper
(For Ordinance and Supporting Info see "Discussion and Possible Action" Agenda Item)

Executive Summary:

The attached Ordinance addresses two issues that have recently surfaced. The first concerns a "Micro Winery". The City has recently been approached by a local individual that would like to open a Micro Winery inside the City. Unfortunately our Zoning Ordinance does not list a "Micro Winery" as an acceptable land use. This amendment will add the Micro Winery as an acceptable use through a special use permit in areas zoned Commercial General, Commercial Office/Retail and Light Industrial. It also defines a Micro Winery as a facility producing up to 5,000 gallons of wine annually.

The Ordinance also addresses conflicting regulations for visibility obstructions along streets and intersections. The Code of Ordinances includes regulations for visibility obstructions in Chapter 22 (Streets, Sidewalks, and Public Places) and Chapter 28 (Zoning). The Ordinance will remove the conflicting regulations by referring to Chapter 22 in the Zoning Ordinance for visibility regulations. The most significant difference between the two regulations involves how the visibility triangle is measured. Under Chapter 22 the visibility triangle is measured along the curb line. Under Chapter 28 the visibility triangle is measured along the property line. Historically the City has measured the visibility triangle along the curb line, in accordance with Chapter 22.

Recommendation: Planning & Zoning met on June 1, 2016 and recommend approval.

Michael Stoldt
Name

May 4, 2016
Date

Public Hearing Notice

Public Hearing on ORDINANCE NO. 2016-O-6A; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE ZONING ORDINANCE BY ADDING "MICRO WINERY" AS A SPECIFIC USE PERMIT IN AREAS ZONED COMMERCIAL-GENERAL, COMMERCIAL-OFFICE/RETAIL AND LIGHT INDUSTRIAL; ADDING A DEFINITION FOR "MICRO WINERY"; AND AMENDING THE REQUIREMENTS FOR "SIGHT VISIBILITY" AT INTERSECTIONS. The Planning and Zoning Commission will conduct a Public Hearing on Wednesday, June 1, 2016 at 12:00 pm. The City Council will conduct a Public Hearing on Tuesday, June 14, 2016 at 6:00 pm. The Public Hearings will be held in City Council Chambers located at 120 South Chenango Street, Angleton, Texas, 77515. If you are unable to attend the public hearings, comments may be sent to: City of Angleton; 121 South Velasco; Angleton, Texas 77515; Attn: Shelly Deisher, City Secretary. For additional information concerning the proposed Ordinance, please contact Shelly Deisher at (979) 849-4364 ext. 2115.

Date: May 5, 2016

To: The Facts – Legal Notices

From: City of Angleton

To be published once on: Sunday, May 15, 2016

Please provide publisher's affidavit.

If you have any questions, please contact Shelly Deisher at 979-849-4364 ext. 2115 or Alyssa Deaton @ 979-849-4364 ext. 2114.

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2016-O-6A; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE ZONING ORDINANCE BY ADDING "MICRO WINERY" AS A SPECIFIC USE PERMIT IN AREAS ZONED COMMERCIAL-GENERAL, COMMERCIAL-OFFICE/RETAIL AND LIGHT INDUSTRIAL; ADDING A DEFINITION FOR "MICRO WINERY"; AND AMENDING THE REQUIREMENTS FOR "SIGHT VISIBILITY" AT INTERSECTIONS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

__ Consent item
_x_ Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Michael Stoldt

Attachments: (Attachment description)
Ordinance
Visibility Obstructions – Chapter 22
Sight Visibility – Chapter 28 (Zoning)

Executive Summary:

The attached Ordinance addresses two issues that have recently surfaced. The first concerns a "Micro Winery". The City has recently been approached by a local individual that would like to open a Micro Winery inside the City. Unfortunately our Zoning Ordinance does not list a "Micro Winery" as an acceptable land use. This amendment will add the Micro Winery as an acceptable use through a special use permit in areas zoned Commercial General, Commercial Office/Retail and Light Industrial. It also defines a Micro Winery as a facility producing up to 5,000 gallons of wine annually.

The Ordinance also addresses conflicting regulations for visibility obstructions along streets and intersections. The Code of Ordinances includes regulations for visibility obstructions in Chapter 22 (Streets, Sidewalks, and Public Places) and Chapter 28 (Zoning). The Ordinance will remove the conflicting regulations by referring to Chapter 22 in the Zoning Ordinance for visibility regulations. The most significant difference between the two regulations involves how the visibility triangle is measured. Under Chapter 22 the visibility triangle is measured along the curb line. Under Chapter 28 the visibility triangle is measured along the property line. Historically the City has measured the visibility triangle along the curb line, in accordance with Chapter 22.

Michael Stoldt
Name

May 4, 2016
Date

ORDINANCE NO. 2016-O-6A

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE ZONING ORDINANCE BY ADDING "MICRO WINERY" AS A SPECIFIC USE PERMIT IN AREAS ZONED COMMERCIAL-GENERAL, COMMERCIAL-OFFICE/RETAIL AND LIGHT INDUSTRIAL; ADDING A DEFINITION FOR "MICRO WINERY"; AND AMENDING THE REQUIREMENTS FOR "SIGHT VISIBILITY" AT INTERSECTIONS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Ordinance 2009-O-4A and Chapter 28 of the Code of Ordinances authorizes the City Council to amend, supplement, or change the regulations of the Zoning Ordinance or the boundaries of zoning districts specified in the zoning map; and

WHEREAS, any amendment to the zoning ordinance text or to zoning district boundaries may be initiated by the Planning and Zoning Commission, who shall then make a recommendation to the City Council; and

WHEREAS, the City has received a request to open a Micro Winery, which is not listed as an approved land use in the City of Angleton; and

WHEREAS, the City desires to include "Micro Winery" as an approved land use in certain districts; and

WHEREAS, the Code or Ordinances contains different regulations governing Sight Visibility or Obstructions in two separate Chapters; and

WHEREAS, the City desires to eliminate conflicting regulations governing Sight Visibility or Obstructions; and

WHEREAS, pursuant to state law, notice was published in the newspaper advising that the Planning and Zoning Commission was conducting a public hearing on Wednesday, June 1, 2016, at 12:00 p.m. and the City Council was conducting a public hearing on Tuesday, June 14, 2016, at 6:00 p.m. to discuss adding "Micro Winery" as a specific use permit to certain zoning districts, adding a definition of "Micro Winery"; and amending the requirements for "Sight Visibility" at intersections; and

WHEREAS, after conducting a public hearing, the Planning and Zoning Commission recommended adding "Micro Winery" as a specific use permit in areas zoned Commercial-General, Commercial-Office/Retail and Light Industrial; adding a Definition for "Micro Winery"; and amending the requirements for "Sight Visibility" at intersections on June 1, 2016;

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

SECTION 1: That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2: That Section 28-81 (b) Use Charts of the Code of Ordinances, is hereby amended to read as follows:

Legend
P – The land use is permitted by right in the zoning district indicated.
☐ – The land use is prohibited in the zoning district indicated.
S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

Types of Land Uses	Residential Zoning Districts													Non-Residential Zoning Districts						
	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MFR-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD		LI
Light Industrial/Manufacturing Uses																				
Micro Winery																S	S			S

SECTION 3: That Section 28-112 DEFINITIONS is amended to include Micro Winery.

MICRO WINERY – a facility in which up to 5,000 gallons of wine is annually produced for distribution and sale, and which possesses the appropriate license from the State of Texas. Tasting rooms for the consumption of on-site produced wine is permitted.

SECTION 4: That Section 28-106(h) is amended to read:

(h) Sight Visibility: Visual Clearance shall be provided in all zoning districts in accordance with Section 22 (Streets, Sidewalks and other Public Places), Division 2 (Obstructions - Paragraphs 22-31 through 22-34).

SECTION 5: That Section 28-114 (Illustrations) is amended by removing Illustration 18.

SECTION 6: That the Use Chart, Definitions, and Sight Visibility Sections noted above are hereby amended in accordance with the provisions of this Ordinance.

SECTION 7: That should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no way affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

SECTION 8: That it is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 9: That this ordinance shall be effective not less than 10 days from the date of its passage and in accordance with the time set forth in the City Charter and the City Secretary is directed to cause the descriptive caption of this Ordinance to be published in the official newspaper of the City, at least once within ten days after the passing of the Ordinance.

SECTION 10: That any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding $2,000 for each and every day that the provisions of this Ordinance are violated and shall constitute a separate and distinct offense.

SECTION 11: That this Ordinance shall be effective from and after June 25, 2016.

PASSED AND ADOPTED THIS 14TH DAY OF JUNE, 2016.

RANDY RHYNE, Mayor

ATTEST:

SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

MARY KAY FISCHER, City Attorney

CHAPTER 22

Visibility Obstruction

ARTICLE II. STREETS*

DIVISION 1. GENERALLY

Sec. 22-16. Signs prohibited on street right-of-way; exceptions.

It shall be unlawful for any person to place a sign on any public street right-of-way or parkway in the city except street signs and traffic control signs and other signs specifically authorized by the city council.
(Code 1965, § 14-14)

Cross reference—Handbills prohibited on streets, § 13-5.

Secs. 22-17—22-30. Reserved.

DIVISION 2. OBSTRUCTIONS

Sec. 22-31. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Visibility triangle shall mean a triangle sign area at all intersections, which shall include that portion of the public right-of-way and any corner lot within the adjacent curblines and a diagonal line intersecting such curblines at points 35 feet back from their intersection, such curblines being extended if necessary to determine the intersection point as shown in Exhibit A which is available for inspection in the office of the city secretary.

Parkway area shall mean that area between the curbline or grade line of any public street and the abutting private property line.
(Code 1965, § 18A-2(a))

Cross reference—Definitions and rules of construction generally, § 1-2.

*Cross references—Handbills and posters prohibited on street right-of-way, § 13-5; obstruction of streets by trains for longer than five minutes prohibited, § 25-7; speed regulations on certain streets, § 25-166 et seq.; regulations for turning in certain streets, § 25-121; one-way streets designated, § 25-136; authority of police chief to regulate parking on certain streets, § 25-166 et seq.

Sec. 22-32. Obstructions prohibited within visibility triangle.

(a) It shall be unlawful to set out, maintain or permit or cause to be set out or maintained, any tree, shrub, plant, sign or other view obstruction having a height greater than two feet as measured from the top of the curb of the adjacent streets within the visibility triangle.

(b) This restriction shall not apply to permanent structures authorized by the zoning ordinance or to traffic-control signs and signals, street signs or utility poles placed within such area by authority of the city council.
(Code 1965, § 18A-2(b))

Sec. 22-33. View obstructions in parkway.

(a) It shall be unlawful to set out, maintain or permit or cause to be set out or maintained, any tree, shrub, plant, sign or other view obstruction within any parkway area, which exceeds two feet in height above curb level.

(b) This prohibition shall not apply to trees within the parkway area which are trimmed at all times so that no branches are less than six feet above curb level and which are planted no less than 25 feet apart. Such trees shall not interfere with the free passage of vehicles on the street or pedestrians on the public right-of-way or obscure the view of motor vehicle operators of any traffic-control device or street sign or otherwise create a traffic hazard.
(Code 1965, § 18A-2(c))

Sec. 22-34. Enforcement.

(a) It shall be the duty of the code enforcement officer to cause a written notice to be served upon the owner of any property upon which any of the above violations exist, or upon any owner or occupant of any property which abuts any parkway area upon which any of the above violations exist to correct such violations within ten days after service of such notice.

(b) Such notice shall be given personally or by letter addressed to such owner at his post office address, or, if the owner's address be not known and personal service not possible, by publication at least twice within ten consecutive days.

(c) If such violation is not corrected within a ten-day period, the code enforcement officer is hereby authorized and directed to cause a tree, plant, structure or obstruction constituting such violation to be trimmed, pruned or removed to eliminate such prohibited condition.

(d) The cost of such trimming, pruning or removal shall be assessed against the property owner or abutting property owner, as the case may be. The minimum fee for such service shall be $10.00.
(Code 1965, § 18A-2(d))

Secs. 22-35—22-45. Reserved.

DIVISION 3. ARTERIAL STREETS*

Sec. 22-45.1. Reconstruction of arterial streets.

(a) "Arterial street," as used in any part of this division shall mean concrete streets with curbs, concrete or asphalt streets with curbs and gutters, and concrete or asphalt rural section (roadside ditches) roadways, in the absence of any further designation by the city council. However, the city council shall have the authority to deem that any street is or is not an "arterial street" within the meaning of this division.

(b) Sidewalks, curbs and gutters meeting the standards herein stated shall be required as part of the reconstruction of any arterial street in the city. The city council may decide that sidewalks, curbs and gutters are not necessary in some cases, considering the amount of pedestrian traffic and other safety factors.

(c) Sidewalks, curbs and gutters under this section shall be financed in the same manner as the reconstruction of the adjacent arterial street.
(Ord. No. 2144, § 2, 4-19-88)

*Editor's note—Sections 2—4 of Ord. No. 2144, adopted April 19, 1988, being not specifically amendatory of the Code, have been included herein as Div. 3, §§ 22-45.1—22-45.6, of Ch. 22, Art. II, at the discretion of the editor.

Sec. 22-45.2. Sidewalks without street reconstruction on arterial streets.

The city may choose to place on the capital projects list sidewalks, curbs and gutters adjacent to arterial streets that are not being reconstructed. In evaluating the need for such improvements on the capital projects list, the city shall consider, among other factors, safety, need (especially school-related pedestrian traffic), priorities, estimated costs and available means of financing. The city may also establish a liaison with the Angleton Independent School District to consider needs for school pedestrian traffic and sharing of costs.
(Ord. No. 2144, § 3, 4-19-88)

Sec. 22-45.3. Construction standards.

All sidewalks constructed or reconstructed within the city after the effective date of the ordinance from which this division is derived shall comply with the standards attached to this ordinance as Appendix A and incorporated herein in full, except as otherwise provided in section 23-70(b).
(Ord. No. 2144, § 4, 4-19-88)

Sec. 22-45.4. Public and private cooperation.

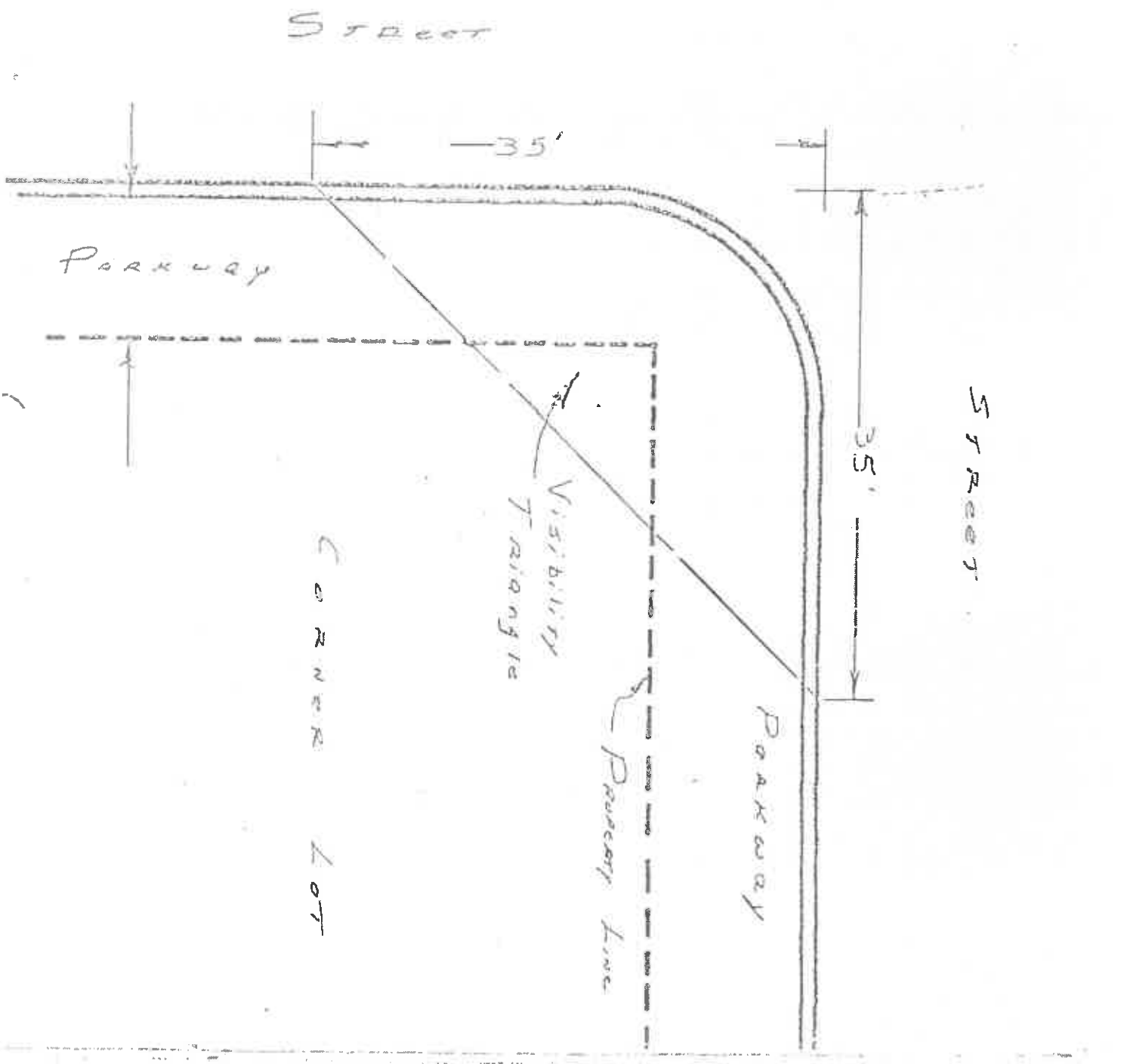
(a) *Unit price contract.* The City of Angleton shall enter into a unit price contract for the construction, reconstruction, repair and realignment of sidewalks, curbs and gutters in connection with this division.

(b) *Individual tracts.* The city shall use the unit price contract for the construction, reconstruction, repair and realignment of sidewalks, curbs and gutters along any tract abutting a public street at the written request of the owner of the tract and at the owner's sole cost. The owner shall repay the city 100 percent of the cost of said improvements under the unit price contract, upon payment terms acceptable to the city. Construction shall not begin until the owner has agreed in writing to do so.

(c) *Block construction.*

(1) Request: The city shall construct, reconstruct, repair and realign sidewalks, curbs

Exhibit A - Chapter 22



CHAPTER 28

Sight Visibility

front, side and rear yard setback requirements of the zoning district in which it is located.

c. *Modification of building site requirements.* The requirements of subsections (8)a. through (8)d. may be modified by the code enforcement officer in the case of administratively approved uses or by the city council after recommendation from the planning and zoning commission in the case of uses permitted by special use to encourage collocation.

(9) *Removal of abandoned antennas and towers.* Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(10) *Nonconforming uses.*

a. *Not expansion of nonconforming use.* Towers that are constructed and antennas that are installed, in accordance with the provisions of this article, shall not be deemed to constitute the expansion of a nonconforming use or structure.

b. *Preexisting towers.* Preexisting towers shall be allowed to continue their usage as they presently exist subject to the requirements set out in subsection (3)c. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this article.

c. *Rebuilding damaged or destroyed nonconforming towers or antennas.* Notwithstanding subsection (9), bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special use permit but shall meet all current Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in subsection (9).

(l) *Minimum dwelling unit area.* Minimum dwelling unit areas specified in this chapter shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

(m) *Open storage areas.* Open long term storage of materials, commodities or equipment (where allowed in the specific zoning district) shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to short-term outside display (see definition of outside display in section 28-112; see screening requirements in section 28-104.

(n) *Sight visibility.*

(1) Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding, landscaping or other feature obstructs the vision of a motor vehicle driver approaching any street, alley or driveway intersection. Whenever an intersection of a street(s), alley and/or driveway occurs, a triangular visibility area shall be created. Landscaping, fences, walls, earthen berms and other features within the triangular visibility area shall be designed so as to provide unobstructed cross-visibility at a level between 30 inches and eight feet above the ground. The triangular areas are defined as follows:

a. Alley intersects a public street right-of-way. The areas on both sides of

the intersection of an alley and a public street shall have a triangular visibility area with two sides of each triangle being a minimum of 20 feet in length from the point of intersection, and the third side being a line connecting the ends of the other two sides (see illustration 18).

b. Street intersection or intersection of private driveway onto a public street: These areas shall have a triangular visibility area with two sides of each triangle being a minimum of 35 feet in length along the right-of-way lines (or along the driveway curb line and the street right-of-way line) from the point of the intersection, and the third side being a line connecting the ends of the other two sides (see illustration 18).

(2) Shrubs and plant materials that are typically less than 30 inches in height at maturity may be located within sight visibility areas provided that they are kept maintained at a maximum height of 30 inches.

(3) A limited number of single-trunked trees having a clear trunk (i.e., branching) height of at least eight feet may be located within sight visibility areas provided that they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area defined above, and provided that they are spaced and positioned such that their trunks will not produce a visibility inhibiting, "picket-fence" effect when they attain mature size.

(i) *Nonresidential structures in residential districts:*

(1) Nonresidential structures (e.g., churches, schools, day care centers, etc.) which are permitted in any residential zoning district (including AG) shall be designed and constructed such that they conform to the development standards set forth in the commercial-neighborhood (C-N) zoning district (i.e., with respect to maximum height, minimum lot size, minimum front/side/rear setbacks, screening, exterior building construction, etc.) unless otherwise stated in this chapter or in an ordinance establishing a PU.

(j) *Access standards for nonresidential and multi-family lots:*

(1) All nonresidential lots (including pad sites) shall share driveway curb openings via mutual access easements from one lot to adjacent lots (for fire and emergency access, as well as for public convenience).

(2) All nonresidential and multi-family lots (including pad sites) shall have either direct or indirect (via mutual access/fire lane easements on adjacent property) access to a median opening if located on a median-divided roadway (existing or planned in the future). Driveways for all nonresidential and multi-family lots (including pad sites) shall align, to the greatest extent possible, with any existing or proposed driveways on the other side of any type of roadway.

(Ord. No. 2009-O-4A, §§ (V)(43)(43.1—43.10), 4-14-09)

Sec. 28-107. Performance standards.

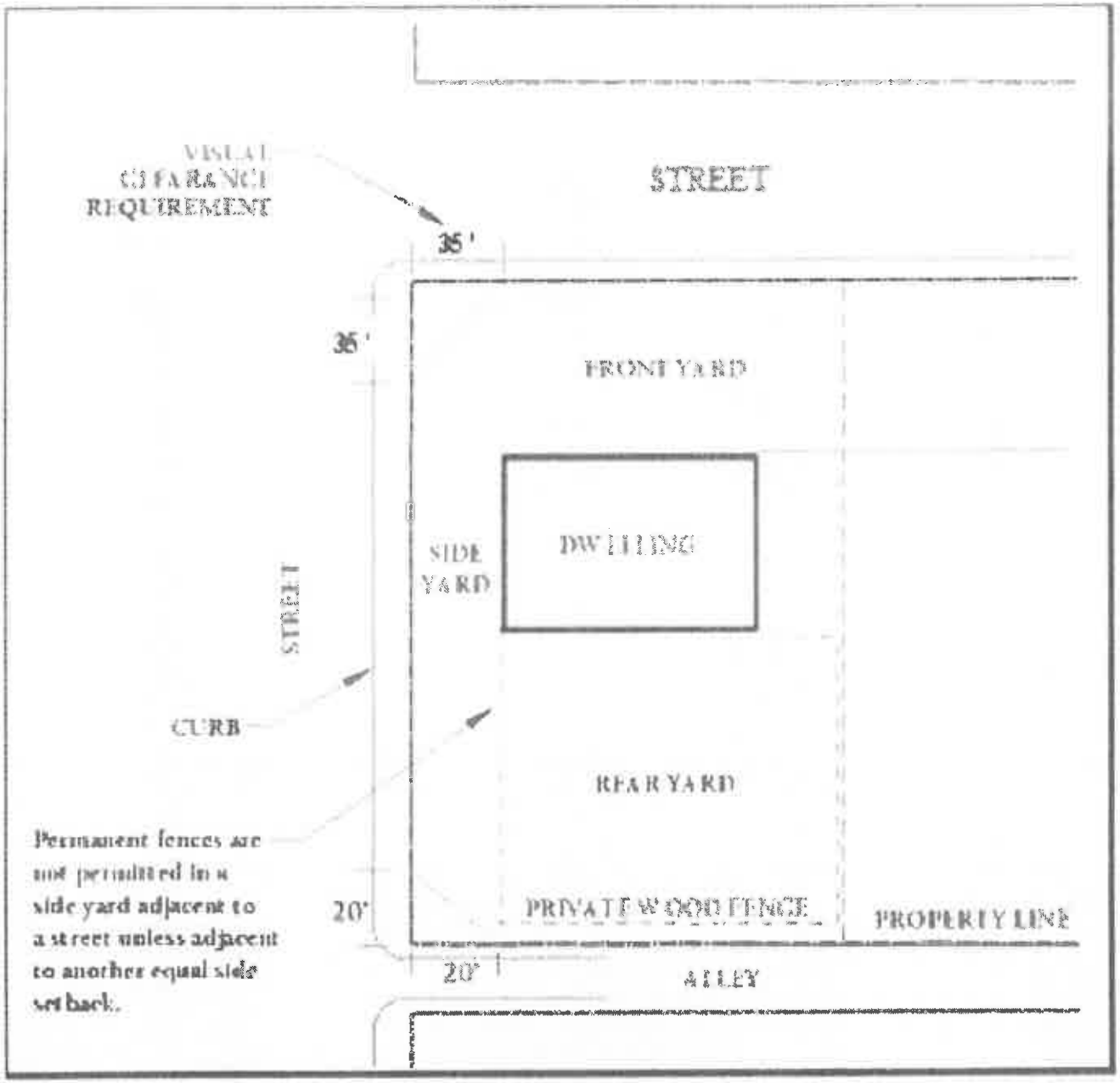
(a) *Performance standards—general:*

(1) *Compliance required.* No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards, noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other substance, condition, or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining the premise. Any use permitted or not expressly prohibited by this chapter may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of determination of their existence.

Illustration 18: Fence & Sight Requirements for Corner Lots

Chapter 28

Sight Visibility



CITY COUNCIL MEETING
AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: Public Hearing on a request for a Specific Use Permit to operate a Micro Winery at 1014 North Velasco Street, with a legal description of A0380 J de J Valderas, Tract 99E2, Acres 0.210, in Brazoria County, Texas.

__ Consent item
__ Discussion and possible action
__ Discussion item
_x_ Public Hearing

REQUESTED BY: Darrell Schwebel, Designated Agent for Kenneth Nugent, Property Owner

Budgeted amount: N/A **Funds requested: N/A** **Fund: N/A**

Attachments: (Attachment description)
Public Hearing notice to Facts and Property Owners within 200ft

Executive Summary:
The public hearing notice was published in The Facts Newspaper on May 15, 2016 and letters were sent on May 11, 2016 to property owners within 200' of the proposed SUP.

Recommendation:

Staff recommends approval.

Shelly Deisher
Name

May 27, 2016
Date

Public Hearing Notice

The City of Angleton has received a request for a Specific Use Permit to operate a Micro Winery at 1014 North Velasco Street, with a legal description of A0380 J de J Valderas, Tract 99E2, Acres 0.210, in Brazoria County, Texas. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, June 1, 2016 at 12:00 pm and the City Council will conduct a public hearing on this request on Tuesday, June 14, 2016 at 6:00 pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on the requested Specific Use Permit. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearings, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

For additional information concerning this Specific Use Permit, please contact Alyssa Deaton at 979-849-4364, ext. 2114.

Date: May 3, 2016

To: The Facts – Public Hearing

From: City of Angleton

To be published once on: Sunday, May 15th, 2016

Please provide publisher's affidavit and total amount to be billed

If you have any questions, please contact Alyssa @ 979-849-4364 ext. 2114.

ANGLETON
Where the Heart is

Alyssa Deaton
Asst. City Secretary

Mayor
Randy Rhyne

Mayor Pro Tem
Roger Collins
Position 5

Council Members
Hardwick Bieri
Position 1

Williams Tigner
Position 2

Wesley Rolan
Position 3

Bonnie McDaniel
Position 4

City Manager
Michael Stoldt

May 11, 2016

Public Hearing Notice

The City of Angleton has received a request for a Specific Use Permit to operate a Micro Winery at 1014 North Velasco Street, with a legal description of A0380 J de J Valderas, Tract 99E2, Acres 0.210, in Brazoria County, Texas. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, June 1, 2016 at 12:00 pm and the City Council will conduct a public hearing on this request on Tuesday, June 14, 2016 at 6:00 pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on the requested Specific Use Permit. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearings, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

This notice has been sent to you as it has been determined that the property you own possibly lies within 200 feet of the above-referenced property. Property owners within 200 feet of this property have the legal right to protest the proposed change by filing a written protest signed by the property owner. In such event, the City will have a surveyor determine which properties are within exactly 200 feet of the subject property. Property owners should be aware that if they oppose or protest the requested Specific Use Permit, such opposition must be submitted in written form, with the property owner's signature and address included.

For additional information concerning this Specific Use Permit please contact Alyssa Deaton at 979-849-4364, ext. 2114.

Sincerely,
Alyssa Deaton
Assistant City Secretary

121 S Velasco
Angleton, TX 77515
Phone: 979-849-4364
Fax: 979-849-5561

www.angleton.tx.us

CITY COUNCIL
AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: Discussion and Possible Action on ORDINANCE NO. 2016-O-6F; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A MICRO WINERY IN A C-G – COMMERCIAL-GENERAL DISTRICT ZONED PROPERTY LOCATED AT 1014 NORTH VELASCO STREET, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

__ Consent item
__ Discussion item
__X__ Discussion and possible action
__ Public Hearing

REQUESTED BY: Darrell H. Schwebel, Designated Agent for Property Owner

Budgeted amount: N/A **Funds requested: N/A** **Fund: N/A**

Attachments: (Attachment description)
Ordinance, Application, maps

Executive Summary:
If approved by Council, the SUP will not take effect until the day the Ordinance allowing this use goes into effect. The property is currently zoned C-G – Commercial-General and a micro winery will be an allowable land use with an SUP in this zone once the ordinance approving such use takes effect.

Recommendation:

Staff recommends approval.

Shelly Deisher
Name

May 27, 2016
Date

ORDINANCE NO. 2016-O-6F

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A MICRO WINERY IN A C-G – COMMERCIAL-GENERAL DISTRICT ZONED PROPERTY LOCATED AT 1014 NORTH VELASCO STREET, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Ordinance 2009-O-4A and Chapter 28 of the Code of Ordinances authorizes the City Council to grant a Specific Use Permit to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions; and

WHEREAS, with proper notice to the public, a public hearing was held on Wednesday, June 1, 2016, during a meeting of the Planning and Zoning Commission, and on Tuesday, June 14, 2016, during a meeting of the City Council, in the Council Chambers at City Hall, in the City of Angleton, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the Planning and Zoning Commission has forwarded to the City Council its report and recommendation concerning the application of Darrell H. Schwebel, Designated Agent for Property Owner Kenneth W. Nugent, for a Specific Use Permit to allow the operation of a Micro Winery at 1014 North Velasco Street, in the City of Angleton, Brazoria County, Texas; and

WHEREAS, in rendering its decision, the City Council has considered the factors noted in Sec. 28-63 (e), and finds the proposed use at the specific location is consistent with the Comprehensive Plan.

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

SECTION 1: That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2: That the Zoning Ordinance of the City of Angleton, Texas, is amended by granting a Specific Use Permit for a Micro Winery in a C-G - Commercial-General District zoned property located at 1014 North Velasco Street, in the City of Angleton, Brazoria County, Texas more particularly described in the attached Exhibit "A".

SECTION 3: That the Specific Use Permit granted in Section 2 of this Ordinance is subject to the following conditions: **NONE**

SECTION 4: That the official zoning map of the City of Angleton is amended to reflect the amendment to the Zoning Ordinance made by Section 2 of this Ordinance.

SECTION 5: That any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding $2,000 for each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

SECTION 6: That should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no way affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

SECTION 7 That it is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 8: That this Ordinance shall be effective not less than 10 days from the date of its passage and in accordance with the time set forth in the City Charter and the City Secretary is directed to cause the descriptive caption of this Ordinance to be published in the official newspaper of the City, at least once within ten days after the passing of the Ordinance.

SECTION 9: That this Ordinance shall be in full force and effect from and after June 24, 2016.

PASSED AND APPROVED this 14th day of June, 2016.

_____
RANDY RHYNE, Mayor

ATTEST:

_____
SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

_____
MARY KAY FISCHER, City Attorney

ANGLETON

CITY OF ANGLETON
APPOINTMENT OF AGENT

As owner of the property described as 1019 N. Velasco St. Angleton,
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Darrell H. Schwebel

Mailing Address: 300 S. [illegible] Email: [illegible]

City: West Columbia State: Tx Zip: 77486

Home Phone: ( ) [illegible] Business Phone: ( ) [illegible]

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

> **be the point of contact between myself and the City: make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.**

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of owner [signature] Title [illegible]

Printed/Typed Name of owner K.W. Nugent Date 5-5-16

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

STATE OF TEXAS §

COUNTY OF Brazoria §

Before me, Shelly Deisher on this day personally appeared K.W. Nugent known to me (or proved to me on the oath of _____ or through (_____) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 5th day of May, 2016

SHELLY DEISHER
Notary Public, State of Texas
My Commission Expires 03-29-2017

Shelly Deisher
Notary Public Signature

3-29-2017
Commission Expires

ANGLETON

CITY OF ANGLETON
SPECIFIC USE PERMIT APPLICATION

PROPERTY ADDRESS: 1019 N. Velasco St., Angleton Tx 77515

PROPERTY DESCRIPTION (Legal description): A0380 J. DE J. Valdelas Tract 99E2, Acres 0.210

RECORD PROPERTY OWNER NAME, ADDRESS AND PHONE NUMBER: Kenneth W. Nugent, 418 CR. 293, Angleton Texas 77515

DESIGNATED REPRESENTATIVE, ADDRESS AND PHONE NUMBER: Darrell H. Schwebel, 300 Suite West Columbia, Tx 77486

PROPOSED USE FOR THE PROPERTY ADDRESS INDICATED ABOVE: Micro-winery - production and bottling facilities only. No public tastings will be provided on site.

A site plan (prepared and approved) in accordance with Section 35.4 of the City of Angleton Code of Ordinances (City Code) must be attached to the application. If a base zoning district amendment is required or requested, such rezoning application shall accompany the application for a Specific Use Permit. If the proposed use requires a division of land, an application for subdivision approval must be submitted with this application for a Specific Use Permit.

SIGNATURE: Darrell H. Schwebel
DATE: 3/5/2016

PLEASE PROVIDE PROOF OF TAXES PAID ON THIS PROPERTY.

ATTACHMENT: SECTION 35 SUP – SPECIFIC USE PERMIT

APPLICATION FEE: $150.00 due upon submittal

OFFICE USE ONLY

Date received: 5/5/16 Admin Fee Received: $150.00
P&Z Public Hearing date: 6/1/16
Date to send cert. letters: _____ Date to publish: _____
Site Plan submitted: Yes ✓ No ____
Site Plan received & evaluated by City Staff: Yes ✓ No ____
Proof of taxes paid: yes Date verified: _____

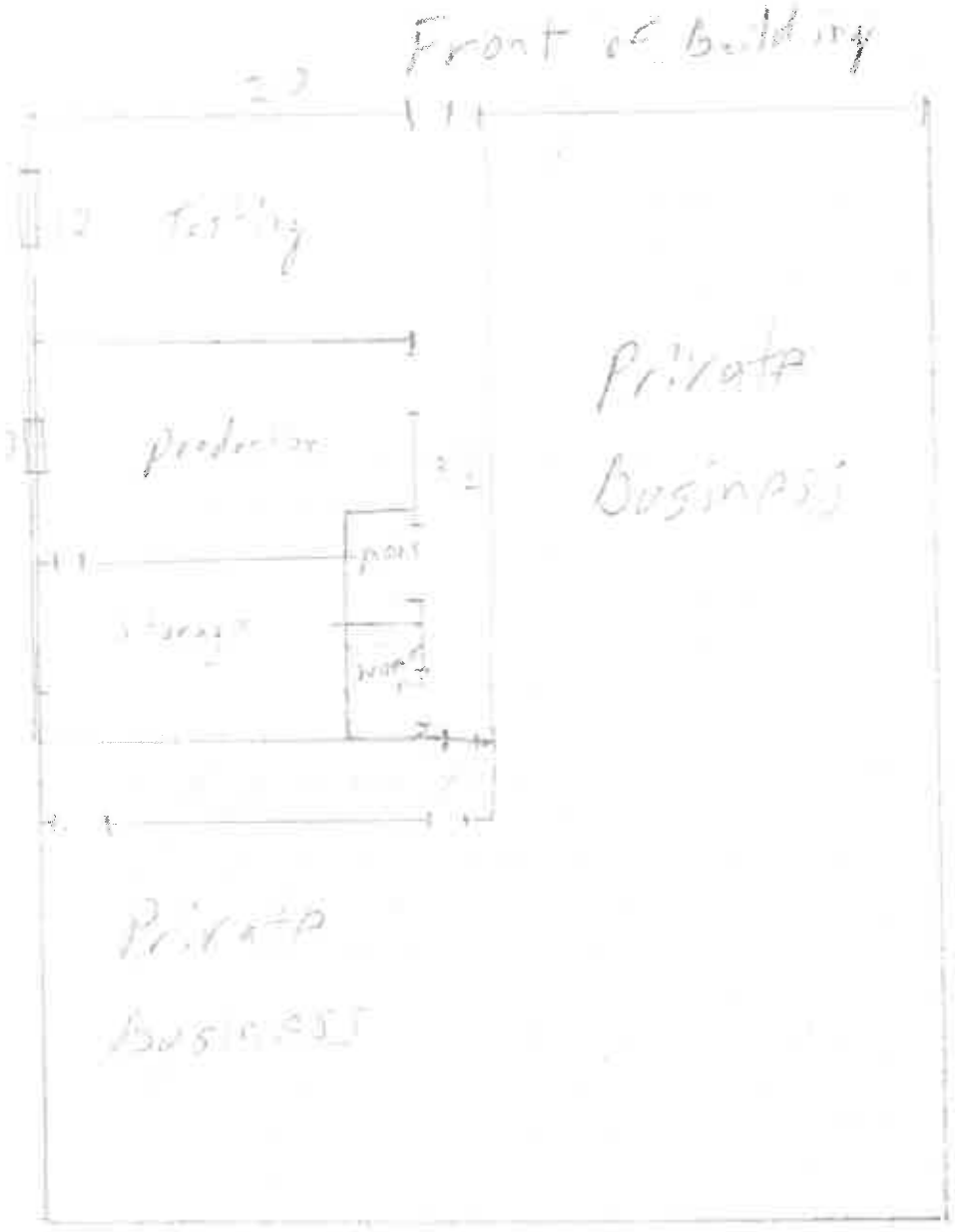
Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Angleton makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Angleton from any damage, loss, or liability arising from such use.

City of Angleton

Operated by:
City of Angleton
121 S. Velasco St.
Angleton, TX 77515
979-849-4364

City of Angleton GIS Mapping

1 " = 107 '


Front of Building
Private
Business
Private
Business

00 046812

4
C6

1
5
7
1300 CK.1353 & 1354

RECORDATION REQUESTED BY:

WELLS FARGO BANK TEXAS, N.A.
300 EAST MULBERRY STREET
ANGLETON, TX 77515

WHEN RECORDED MAIL TO:

WELLS FARGO BANK
SOUTHWESTERN REGIONAL BOG LOAN OPERATIONS
P. O. Box 950713
SAN ANTONIO, TX 78265

SEND TAX NOTICES TO:

KENNETH W. NUGENT and CHARLOTTE A. NUGENT
1018 N. VELASCO
ANGLETON, TX 77515

SECURITY FEE	1.00
[illegible]	5.00
RECORDING	7.00
TOTAL	13.00
FILE #	46812
CHECK	13.00
[illegible]	

[illegible] 11/ 1/00 9:57AM-WED

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF DEED OF TRUST

THIS MODIFICATION OF DEED OF TRUST IS DATED SEPTEMBER 8, 2000, BETWEEN KENNETH W. NUGENT and CHARLOTTE A. NUGENT (referred to below as "Grantor"), whose address is 1018 N. VELASCO, ANGLETON, TX 77515; and WELLS FARGO BANK TEXAS, N.A. (referred to below as "Lender"), whose address is 300 EAST MULBERRY STREET, ANGLETON, TX 77515.

DEED OF TRUST. Grantor and Lender have entered into a Deed of Trust dated February 28, 1995 (the "Deed of Trust") recorded in BRAZORIA County, State of Texas as follows:

RECORDED IN BRAZORIA COUNTY, TEXAS ON MARCH 1, 1995 IN DOCUMENT NUMBER 95-006644.

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property (the "Real Property") recorded in BRAZORIA County, State of Texas:

BEING MORE FULLY DESCRIBED AS FIRST TRACT AND SECOND TRACT IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The Real Property or its address is commonly known as **1014, 1016, & 1018 N. VELASCO, ANGLETON, TX 77515.**

MODIFICATION. Grantor and Lender hereby modify the Deed of Trust as follows:

MODIFICATION AND EXTENSION IN THE AMOUNT OF $100,753.00 WHICH INCLUDES AN INCREASE OF $31,625.74. ALL OTHER TERMS AND CONDITIONS ARE EVIDENCED BY THAT CERTAIN PROMISSORY NOTE DATED SEPTEMBER 8, 2000, WITH A MATURITY DATE OF SEPTEMBER 10, 2003.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification but also to all such subsequent actions.

EACH GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST, AND EACH GRANTOR AGREES TO ITS TERMS.

GRANTOR:

x Kenneth W. Nugent
KENNETH W. NUGENT

x Charlotte Nugent
CHARLOTTE A. NUGENT

LENDER:
WELLS FARGO BANK TEXAS, N.A.

By: [signature]
Name & Title JOHN R. WOOD, BUSINESS BANKER

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Texas)
) ss
COUNTY OF Brazoria)

This instrument was acknowledged before me on Sept 15 2000 by KENNETH W. NUGENT and CHARLOTTE A. NUGENT.

DIANNA K. ANTONETTE
Notary Public, State of Texas
My Commission Expires 09-15-2003

Dianna K. Antonette
Notary Public, State of Texas

CORRECTION TO MODIFICATION OF DEED OF TRUST

09-08-2000
Loan No 9001

MODIFICATION OF DEED OF TRUST
(Continued)

Page 2

LENDER ACKNOWLEDGMENT

STATE OF Texas

COUNTY OF Brazoria

This instrument was acknowledged before me on Sept 15, 20 00 by JOHN R. WOOD BUSINESS BANKER of WELLS FARGO BANK TEXAS, N.A., on behalf of WELLS FARGO BANK TEXAS, N.A..

DIANNA K. ANTONETTE
Notary Public, State of Texas
My Commission Expires 09-12-2000

Dianna K. Antonette
Notary Public, State of Texas

LASER PRO, Reg. U.S. Pat. & T.M. Off., Ver. 3.25a (c) 2000 CFI ProServices, Inc. All rights reserved. [TX-G202 E3.25 F3.25 26186 LN C15.OVL]

RETURN TO:
WELLS FARGO BANK
SOUTHWESTERN REGIONAL BBG LOAN OPERATONS
P.O. BOX 659713
SAN ANTONIO, TX. 78265

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: Public Hearing on a request for a Specific Use Permit to operate a Child Day Care (Business) at 921 East Mulberry Street, with a legal description of Wilshire (Angleton), Block 4, Lot 20 (W/46.98')-NE/30.26' Lot 21; and 911 East Mulberry Street, with a legal description of Wilshire (Angleton), Block 4, Lot 23-24-W/12.5' Lot 22-E/53.61' Lot 5.

__ Consent item
__ Discussion and possible action
__ Discussion item
_X_ Public Hearing

REQUESTED BY: Jaenikque Griggs, Designated Agent for Property Owner of 921 East Mulberry and Carl Bertoncelj, Property Owner of 911 East Mulberry

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Public Hearing notice for the Facts and for property owners within 200' of subject property.

Executive Summary:
Notices were combined but two applications have been attached. Mr. Bertoncelj did not wish to give Mrs. Griggs the authority to act on behalf of him for the SUP.

Public Hearing notices were published in The Facts Newspaper on May 15, 2016 and letters were sent to property owners on May 11th, 2016.

Recommendation:

Shelly Deisher **May 27, 2016**

Name **Date**

ANGLETON
Where the Heart is

Alyssa Deaton
Asst. City Secretary

Mayor
Randy Rhyne

Mayor Pro Tem
Roger Collins
Position 5

Council Members
Hardwick Bieri
Position 1

Williams Tigner
Position 2

Wesley Rolan
Position 3

Bonnie McDaniel
Position 4

City Manager
Michael Stoldt

121 S Velasco
Angleton, TX 77515
Phone: 979-849-4364
Fax: 979-849-5561

www.angleton.tx.us

May 11, 2016

Public Hearing Notice

The City of Angleton has received a request for a Specific Use Permit to operate a Child Day Care (Business) at 921 East Mulberry Street, with a legal description of Wilshire (Angleton), Block 4, Lot 20 (W/46.98')-NE/30.26' Lot 21; and 911 East Mulberry Street, with a legal description of Wilshire (Angleton), Block 4, Lot 23-24-W/12.5' Lot 22-E/53.61' Lot 5. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, June 1, 2016 at 12:00 pm and the City Council will conduct a public hearing on Tuesday, June 14, 2016 at 6:00pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on this Specific Use Permit. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearing, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

This notice has been sent to you as it has been determined that the property you own possibly lies within 200 feet of the above-referenced property. Property owners within 200 feet of this property have the legal right to protest the proposed change by filing a written protest signed by the property owner. In such event, the City will have a surveyor determine which properties are within exactly 200 feet of the subject property. Property owners should be aware that if they oppose or protest the requested Specific Use Permit, such opposition must be submitted in written form, with the property owner's signature and address included.

For additional information concerning this Specific Use Permit please contact Alyssa Deaton at 979-849-4364, ext. 2114.

Sincerely,
Alyssa Deaton
Assistant City Secretary

Public Hearing Notice

The City of Angleton has received a request for a Specific Use Permit to operate a Child Day Care (Business) at 921 East Mulberry Street, with a legal description of Wilshire (Angleton), Block 4, Lot 20 (W/46.98')-NE/30.26' Lot 21; and 911 East Mulberry Street, with a legal description of Wilshire (Angleton), Block 4, Lot 23-24-W/12.5' Lot 22-E/53.61' Lot 5. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, June 1, 2016 at 12:00 pm and the City Council will conduct a public hearing on Tuesday, June 14, 2016 at 6:00pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on this Specific Use Permit. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearing, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

For additional information concerning this Specific Use Permit, please contact Alyssa Deaton at 979-849-4364, ext. 2114.

Date: May 3, 2016

To: The Facts – Public Hearing

From: City of Angleton

To be published once on: Sunday, May 15th, 2016

Please provide publisher's affidavit and total amount to be billed

If you have any questions, please contact Alyssa @ 979-849-4364 ext. 2114.

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: Discussion and Possible Action on ORDINANCE NO. 2016-O-6E; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A CHILD DAY CARE (BUSINESS) IN C-OR – COMMERCIAL-OFFICE/RETAIL DISTRICT ZONED PROPERTY LOCATED AT 921 EAST MULBERRY STREET, WITH A LEGAL DESCRIPTION OF WILSHIRE (ANGLETON), BLOCK 4, LOT 20 (W/46.98')-NE/30.26' LOT 21 AND 911 EAST MULBERRY STREET, WITH A LEGAL DESCRIPTION OF WILSHIRE (ANGLETON), BLOCK 4, LOT 23-24-W/12.5' LOT 22-E/53.61' LOT 5, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

__ Consent item
_X_ Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Jaenikque Griggs, Designated Agent for Property Owner of 921 East Mulberry and Carl Bertoncelj, Property Owner of 911 East Mulberry

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Ordinance, Applications and supporting documents

Executive Summary:
Mr. and Mrs. Griggs currently operate the Kingdom Class Academy (Child Day Care (Business) at 938 East Myrtle Street, which lies behind the subject properties. They wish to use the building at 921 E. Mulberry as an extension of her existing daycare and 911 E. Mulberry for overflow parking. Star Loans property sits in between 921 and 911 Mulberry; however, each of the two lots provides access to the existing Myrtle Street Day Care, which she will adjoin. Please refer to site plan for visual.

Recommendation:
1. All of the 911 E. Mulberry property must be owned by the daycare and reserved for the daycare's use.
2. No pickup and drop off at the 921 E. Mulberry property.
3. Provide a 15-foot wide access easement for emergency purposes on the north side of the 921 E. Mulberry property.
4. Parking lots and internal roads must be paved and parking spaces striped prior to issuance of Certificate of Occupancy.

Shelly Deisher **May 27, 2016**

Name **Date**

ORDINANCE NO. 2016-O-6E

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A CHILD DAY CARE (BUSINESS) IN C-OR – COMMERCIAL-OFFICE/RETAIL DISTRICT ZONED PROPERTY LOCATED AT 921 EAST MULBERRY STREET, WITH A LEGAL DESCRIPTION OF WILSHIRE (ANGLETON), BLOCK 4, LOT 20 (W/46.98')-NE/30.26' LOT 21 AND 911 EAST MULBERRY STREET, WITH A LEGAL DESCRIPTION OF WILSHIRE (ANGLETON), BLOCK 4, LOT 23-24-W/12.5' LOT 22-E/53.61' LOT 5, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Ordinance 2009-O-4A and Chapter 28 of the Code of Ordinances authorizes the City Council to grant a Specific Use Permit to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions; and

WHEREAS, with proper notice to the public, a public hearing was held on Wednesday, June 1, 2016, during a meeting of the Planning and Zoning Commission, and on Tuesday, June 14, 2016, during a meeting of the City Council, in the Council Chambers at City Hall, in the City of Angleton, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the Planning and Zoning Commission has forwarded to the City Council its report and recommendation concerning the applications of Jaenikque Griggs, Designated Agent for Property Owner of 921 East Mulberry and Carl Bertoncelj, Property Owner of 911 East Mulberry, for a Specific Use Permit for a Child Day Care (Business) at 921 East Mulberry and 911 East Mulberry Street (described in legal description attached) in the City of Angleton, Brazoria County, Texas; and

WHEREAS, in rendering its decision, the City Council has considered the factors noted in Sec. 28-63 (e), and finds the proposed use at the specific location is consistent with the Comprehensive Plan.

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

SECTION 1: That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2: That the Zoning Ordinance of the City of Angleton, Texas, is amended by granting a Specific Use Permit for a Child Day Care (Business) in a C-OR - Commercial-Office/Retail District zoned property located at 921 East Mulberry and 911 East

Mulberry Street, in the City of Angleton, Brazoria County, Texas more particularly described in the attached Exhibit "A".

SECTION 3: That the Specific Use Permit granted in Section 2 of this Ordinance is subject to the following conditions:

_____

_____

SECTION 4: That the official zoning map of the City of Angleton is amended to reflect the amendment to the Zoning Ordinance made by Section 2 of this Ordinance.

SECTION 5: That any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding $2,000 for each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

SECTION 6: That should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no way affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

SECTION 7 That it is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 8: That this Ordinance shall be effective not less than 10 days from the date of its passage and in accordance with the time set forth in the City Charter and the City Secretary is directed to cause the descriptive caption of this Ordinance to be published in the official newspaper of the City, at least once within ten days after the passing of the Ordinance.

SECTION 9: That this Ordinance shall be in full force and effect from and after June 24, 2016.

PASSED AND APPROVED this 14th day of June, 2016.

_____
RANDY RHYNE, Mayor

ATTEST:

_____
SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

_____
MARY KAY FISCHER, City Attorney

ANGLETON
Where the Heart is

CITY OF ANGLETON
SPECIFIC USE PERMIT APPLICATION

PROPERTY ADDRESS: 911 EAST MULBERRY ST, ANGLETON, TX 77515

PROPERTY DESCRIPTION (Legal description): WILLSHIRE (ANGLETON) Block 4, LOT 23-24-W/12.5' LOT 22-E/53.61' LOT 5 DR 1

RECORD PROPERTY OWNER NAME, ADDRESS AND PHONE NUMBER:
CARL BERTONCELLI 3201 Cnty Rd 36 Angleton Tx 7
NANCY BERTONCELLI 3201 Cnty Rd 36 Angleton Tx

DESIGNATED REPRESENTATIVE, ADDRESS AND PHONE NUMBER:

PROPOSED USE FOR THE PROPERTY ADDRESS INDICATED ABOVE: DAY CARE FACILITY

A site plan (prepared and approved) in accordance with Section 35.4 of the City of Angleton Code of Ordinances (City Code) must be attached to the application. If a base zoning district amendment is required or requested, such rezoning application shall accompany the application for a Specific Use Permit. If the proposed use requires a division of land, an application for subdivision approval must be submitted with this application for a Specific Use Permit.

SIGNATURE: Carl Bertoncelli
DATE: 5/16/16

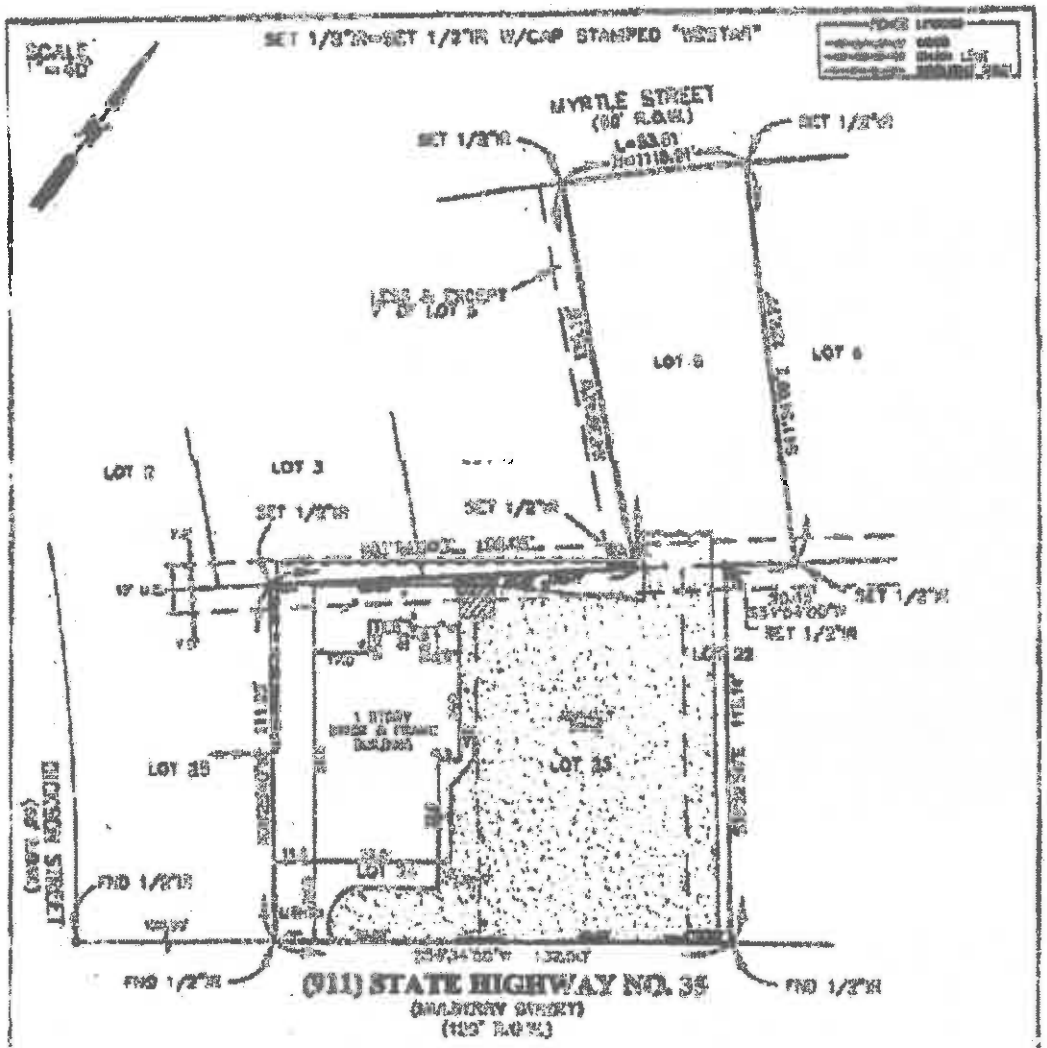
PLEASE PROVIDE PROOF OF TAXES PAID ON THIS PROPERTY.

ATTACHMENT: SECTION 35 SUP – SPECIFIC USE PERMIT

APPLICATION FEE: $150.00 due upon submittal

OFFICE USE ONLY

Date received: 5-16-16 Admin Fee Received: ✓
P&Z Public Hearing date: June 1
Date to send cert. letters: _____ Date to publish: _____
Site Plan submitted: Yes ✓ No ____
Site Plan received & evaluated by City Staff Yes ✓ No ____
Proof of taxes paid: ✓ Date verified: _____



Note: The bearings shown hereon are based on the record plat indicated below.

SUFFER: Patrick Lin and Mary Lee — 911 Highway Street

DESCRIBED PROPERTY:

Lot 23, 24 and the West 12.5 feet of Lot 22 and all of Lot 5, LESS AND EXCEPT a 7 foot strip of land off the West part of Lot 5, Block 4, of MILLSIDE ADDITION to the City of Angleton, Texas a Subdivision in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 4, Page 103 of the Map Records of Brazoria County, Texas.

Westar
LAND SURVEYORS, INC.
1910 South Gordon - Alvin, Texas 77511
(281) 393-1153 - Fax (281) 393-1517

G.F. 2422004485
Date 10-5-05
Job 40250

Registered Professional Land Surveyor
Texas Registration No. 5501

I, Joseph Dylan Crosby, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual survey made on the ground on this day under my supervision, and that there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachments, or overlapping of improvements, to the best of my knowledge and belief, except as shown hereon.

[illegible]

4[illegible] M 6-5-23 Zone "AC"

ANGLETON
Where the Heart is

CITY OF ANGLETON
SPECIFIC USE PERMIT APPLICATION

PROPERTY ADDRESS: ① 921 E. Mulberry St. Angleton, TX 77515 & ② 911 E Mulberry St Angleton, TX 77515

PROPERTY DESCRIPTION (Legal description): ① Wilshire (Angleton), Block 4, LOT 20 (W/46.98') -NE/30.26' LOT 21 ② Wilshire (Angleton), Block 4, LOT 23-24-W/12.5' LOT 22-E/53.61' LOT 5

RECORD PROPERTY OWNER NAME, ADDRESS AND PHONE NUMBER:
① ~~Robin W Curry~~ RJC Robin W Caudle
② Carl & Nancy Bertoncel 3201 CR 36 Angleton, TX 77515-9520

DESIGNATED REPRESENTATIVE, ADDRESS AND PHONE NUMBER: Jaenikque Griggs P.O. Box 2204 Angleton, TX 77515

PROPOSED USE FOR THE PROPERTY ADDRESS INDICATED ABOVE: The named properties will be used to expand our current daycare facility. Kingdom Class Academy is located in the rear of the 2 properties. The expansion that includes these two properties will increase our enrollment, parking and storage space.

A site plan (prepared and approved) in accordance with Section 35.4 of the City of Angleton Code of Ordinances (City Code) must be attached to the application. If a base zoning district amendment is required or requested, such rezoning application shall accompany the application for a Specific Use Permit. If the proposed use requires a division of land, an application for subdivision approval must be submitted with this application for a Specific Use Permit.

SIGNATURE: Jaenikque Griggs
DATE: 5/6/2016

PLEASE PROVIDE PROOF OF TAXES PAID ON THIS PROPERTY.

ATTACHMENT: SECTION 35 SUP – SPECIFIC USE PERMIT

APPLICATION FEE: $150.00 due upon submittal

OFFICE USE ONLY

Date received: 5/6/16 Admin Fee Received: ✓
P&Z Public Hearing date: 6 – 1 – 16
Date to send cert. letters: _____ Date to publish: _____
Site Plan submitted: Yes ✓ No ____
Site Plan received & evaluated by City Staff: Yes ✓ No ____
Proof of taxes paid: ✓ Date verified: _____

CITY OF ANGLETON
APPOINTMENT OF AGENT

As owner of the property described as 921 E Mulberry St. Angleton TX 77515
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Jaanikque K Griggs

Mailing Address: P.O.Box 2204 Email:

City: Angleton State: TX Zip: 77516-

Home Phone: (979) .c Business Phone: (979)

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. **Therefore, I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of owner Robin W Caudle Title Indep. Executrix of Estate of Laine Alice Curry

Printed/Typed Name of owner Robin W Caudle Date 5-26-16

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

STATE OF TEXAS §

COUNTY OF Harris §

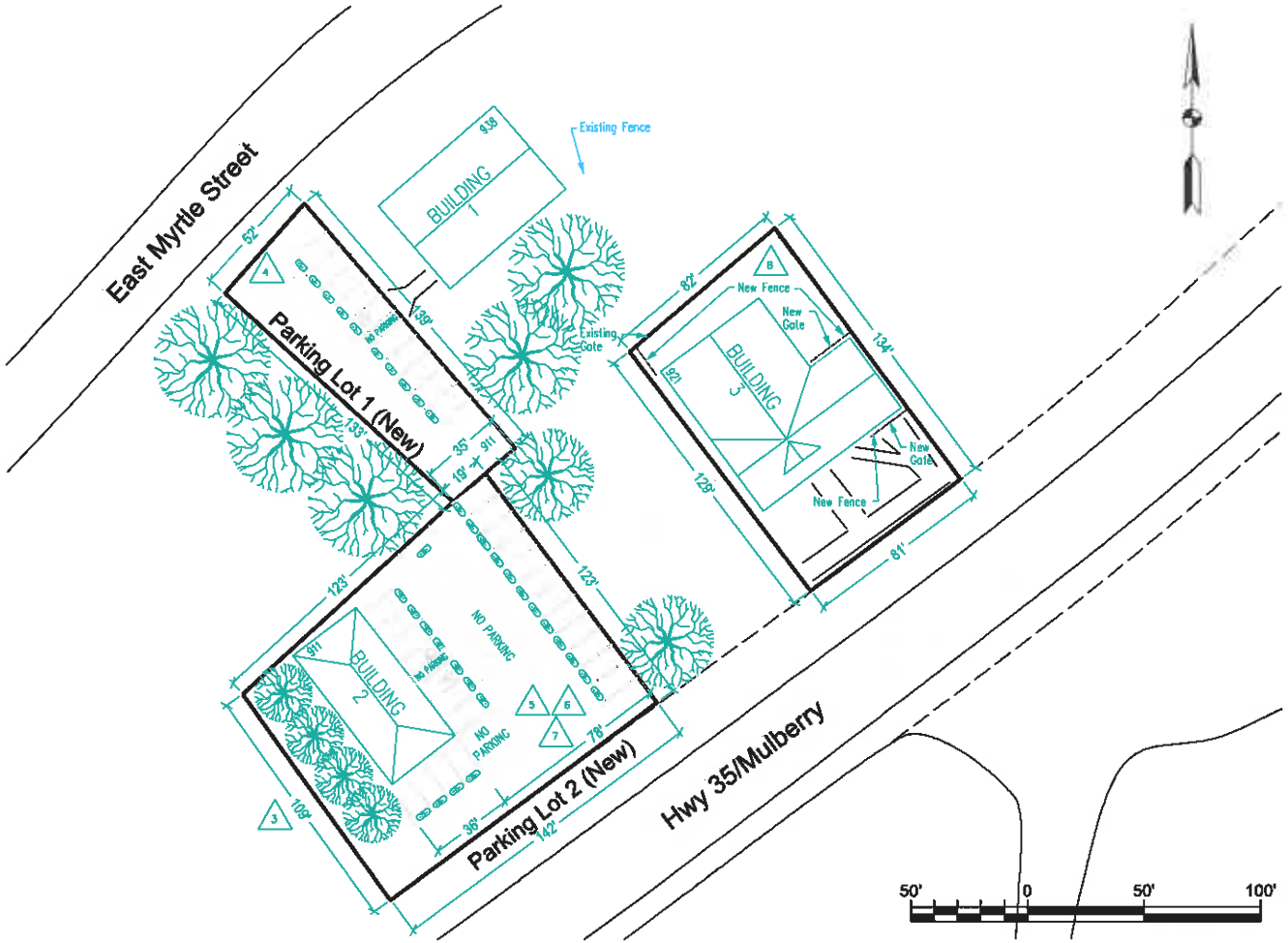
Before me, Margie Shaffer on this day personally appeared Robin W Caudle known to me (or proved to me on the oath of _____ or through Texas Driver Lic) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 26 day of May 2016

Margie W. Shaffer
Notary Public Signature

(SEAL)

MARGIE W. SHAFFER
Notary Public, State of Texas
Commission Expires
July 22, 2016



0	FOR CONSTRUCTION	CCH	05/23/16

1. Units are feet and inches.
2. Landscape shown around Plot/Area of Concern may vary in the field.
3. Dimensions shown are REFERENCE, and should be checked by an official "Survey" Service Provider.
4. Parking Lot 1 shall accommodate Nine (9) Parking Spaces @ 9' x 20' each, and one (1) Handicap Space @ 9' x 20', with a 5' x 20' Loading Zone, Parallel to the space.
5. Parking Lot 2 shall accommodate Twenty-two (22) Parking Spaces @ 9' x 20' each, and two (2) Handicap Space @ 9' x 20', with a 5' x 20' Loading Zone, between to the Handicap spaces.
6. Parking Spaces and Acces Aisles shall be level with surface Slopes, not exceeding 1:50 (2%) in all directions
7. Parking Lot 1 shall be paved with Concrete or Asphalt
8. New Privacy Fence at building 921 shall be 5' or 6' high.

Kingdom Class Academy

PARKING LOT & FENCE CONSTRUCTION PLAN		CCH	05/25/16
		CCH	05/25/16
		EG	05/25/16
EG-PLP-001	0	1":50'-0"	1 OF 1

Kingdom Class Academy
Expansion Plans

1) 921 E. Mulberry
   a) Total Square Feet: ~2944 sq ft
   b) Capacity of Children to serve at the location: 51
      i) Ages of children: > 2 years
2) Indoor Space:
   a) 1 Office Space
   b) Staff Lounge
   c) 5 Classrooms
   d) 3 Restrooms
3) Outdoor plays pace:
   a) Under covered area: 625 Sq Ft (25' x 25')
      (1) A chain link fence will separate play space from handicap parking
   b) Around the back and behind the covered area: 2,030 Sq Ft (Main Playground) 1,115 (Side Playground)
   c) How much space is connected to existing KCA playground? 30 Sq Ft
   d) Parking
      i) (1) Handicapped Parking -
      ii) (6) 9x18 Parking Spaces -
4) Food Service
   a) Food will be transported from our existing kitchen to this facility to serve our childre
5) Modifications to the building
   a) Add Exit door
   b) Install Fire Alarm and Monitoring System
   c) Install 7ft fence between 921 location and adjacent buildings
   d) Gate to adjoin 921 and 938 playgrounds to allow transitioning between the 2 buildin
6) 911 E. Mulberry Street
   a) We are not using the existing building
   b) Overflow parking will be available for the 921 and 938 locations
   c) Hard cover the parking that is adjacent to Kingdom Class Academy as requested by K. Barclay
   d) Parking lot dimensions 72' x 120'

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: Public Hearing on a request for renewal of a Specific Use Permit to operate an Amusement Redemption Machine Game Room at 1501 South Velasco Street, Angleton, Texas.

__ Consent item
__ Discussion and possible action
__ Discussion item
_X_ Public Hearing

REQUESTED BY: Jeannine Riney, Designated Agent for Julio Vargas, Property Owner

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Public Hearing notice for the Facts and for property owners within 200' of subject property.

Executive Summary:
The Public Hearing Notice was published in The Facts Newspaper on May 15, 2016 and letters were sent to property owners on May 11th, 2016.

Recommendation:

Shelly Deisher **May 27, 2016**

Name **Date**

ANGLETON
Where the Heart is

Alyssa Deaton
Asst. City Secretary

Mayor
Randy Rhyne

Mayor Pro Tem
Roger Collins
Position 5

Council Members
Hardwick Bieri
Position 1

Williams Tigner
Position 2

Wesley Rolan
Position 3

Bonnie McDaniel
Position 4

City Manager
Michael Stoldt

May 11, 2016

Public Hearing Notice

The City of Angleton has received a request for renewal of a Specific Use Permit to operate an Amusement Redemption Machine Game Room at 1501 South Velasco Street, Angleton, Texas. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, June 1, 2016 at 12:00 pm and the City Council will conduct a public hearing on Tuesday, June 14, 2016 at 6:00pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on this Specific Use Permit. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearing, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

This notice has been sent to you as it has been determined that the property you own possibly lies within 200 feet of the above-referenced property. Property owners within 200 feet of this property have the legal right to protest the proposed change by filing a written protest signed by the property owner. In such event, the City will have a surveyor determine which properties are within exactly 200 feet of the subject property. Property owners should be aware that if they oppose or protest the requested Specific Use Permit, such opposition must be submitted in written form, with the property owner's signature and address included.

For additional information concerning this Specific Use Permit please contact Alyssa Deaton at 979-849-4364, ext. 2114.

Sincerely,

Alyssa Deaton
Assistant City Secretary

121 S Velasco
Angleton, TX 77515
Phone: 979-849-4364
Fax: 979-849-5561

www.angleton.tx.us

Public Hearing Notice

The City of Angleton has received a request for renewal of a Specific Use Permit to operate an Amusement Redemption Machine Game Room at 1501 South Velasco Street, Angleton, Texas. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, June 1, 2016 at 12:00 pm and the City Council will conduct a public hearing on Tuesday, June 14, 2016 at 6:00pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on this Specific Use Permit. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearing, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

For additional information concerning this Specific Use Permit, please contact Alyssa Deaton at 979-849-4364, ext. 2114.

Date: May 3, 2016

To: The Facts – Public Hearing

From: City of Angleton

To be published once on: Sunday, May 15th, 2016

Please provide publisher's affidavit and total amount to be billed

If you have any questions, please contact Alyssa @ 979-849-4364 ext. 2114.

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: Discussion and Possible Action on ORDINANCE NO. 2016-O-6H; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO CONTINUE TO ALLOW OPERATION OF AN AMUSEMENT REDEMPTION MACHINE GAME ROOM AT 1501 S. VELASCO IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

__ Consent item
_X_ Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Jeannine Riney, Designated Agent for Julio Vargas, Property Owner

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Ordinance, Application and supporting documents

Executive Summary:
Jeannine Riney (designated agent of Julio Vargas, property owner) is requesting approval of a Specific Use Permit to Operate an Amusement Redemption Machine Game Room at 1501 S. Velasco. This property currently has a Specific Use Permit that expired May 22, 2016. The Specific Use Permit was previously applied for by Matthew Ha, designated agent. Ms. Riney is in compliance with all the special conditions set forth in the previous Specific Use Permit.

Recommendation:

Past special conditions have included:
1. Hours of operation; 8am-12am
2. Duration; previous SUP was for one year.

Shelly Deisher **May 27, 2016**

Name **Date**

ORDINANCE NO. 2016-O-6H

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A RENEWAL OF A SPECIFIC USE PERMIT TO CONTINUE TO ALLOW OPERATION OF AN AMUSEMENT REDEMPTION MACHINE GAME ROOM AT 1501 S. VELASCO IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Ordinance 2009-O-4A and Chapter 28 of the Code of Ordinances authorizes the City Council to grant a Specific Use Permit to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions; and

WHEREAS, a Specific Use Permit was issued on this property on May 12, 2015 with certain special conditions imposed and the Designated Agent wishes to continue to operate the Amusement Redemption Game Room at 1501 South Velasco. The special conditions from the previous Specific Use Permit were met; and

WHEREAS, with proper notice to the public, a public hearing was held on Wednesday, June 1, 2016, during a meeting of the Planning and Zoning Commission, and on Tuesday, June 14, 2016, during a meeting of the City Council, in the Council Chambers at City Hall, in the City of Angleton, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the Planning and Zoning Commission has forwarded to the City Council its report and recommendation concerning the application of Jeannine Riney, Designated Agent for Julio Vargas, Property Owner of 1501 S. Velasco, for a Specific Use Permit to continue to allow an amusement redemption machine game room at 1501 S. Velasco, Angleton, Texas; and

WHEREAS, in rendering its decision, the City Council has considered the factors noted in Sec. 28-63 (e), and finds the proposed use at the specific location is consistent with the Comprehensive Plan.

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

SECTION 1: That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2: That the Zoning Ordinance of the City of Angleton, Texas, is amended by renewing the Specific Use Permit to continue to operate an amusement redemption machine game room at 1501 S. Velasco, Angleton, Texas, property description as shown in the attached Exhibit "A".

SECTION 3: That the Specific Use Permit granted in Section 2 of this Ordinance is subject to the following conditions:

SECTION 4: That the official zoning map of the City of Angleton is amended to reflect the amendment to the Zoning Ordinance made by Section 2 of this Ordinance.

SECTION 5: That any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding $2,000 and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

SECTION 6: That should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no wise affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

SECTION 7 That it is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 8: That this Ordinance shall be effective not less than 10 days from the date of its passage and in accordance with the time set forth in the City Charter and the City Secretary is directed to cause the descriptive caption of this Ordinance to be published in the official newspaper of the City, at least once within ten days after the passing of the Ordinance.

SECTION 9: That this Ordinance shall be in full force and effect from and after June 24, 2016.

PASSED AND APPROVED this 14th day of June, 2016.

_____
Randy Rhyne, Mayor

ATTEST:

_____
SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

_____
MARY KAY FISCHER, City Attorney

ANGLETON

CITY OF ANGLETON
SPECIFIC USE PERMIT APPLICATION

PROPERTY ADDRESS: 1501 S Velasco, Angleton Tx 77515

PROPERTY DESCRIPTION (Legal description): Lot Number 37 E of Hwy 288 out of the Ekline & Kiber S/D of Lots 4, 5 & 6 of the E. 1/2 of the Edwin Waller Leagues

RECORD PROPERTY OWNER NAME, ADDRESS AND PHONE NUMBER: Julia Vargas, Sr. 1320 Hwy 6 Rosharon TX 77583

DESIGNATED REPRESENTATIVE, ADDRESS AND PHONE NUMBER: Jeannine Rinn, 301 1/2 Ave. A, Freeport, Tx 77541

PROPOSED USE FOR THE PROPERTY ADDRESS INDICATED ABOVE: Game Room

A site plan (prepared and approved) in accordance with Section 35.4 of the City of Angleton Code of Ordinances (City Code) must be attached to the application. If a base zoning district amendment is required or requested, such rezoning application shall accompany the application for a Specific Use Permit. If the proposed use requires a division of land, an application for subdivision approval must be submitted with this application for a Specific Use Permit.

SIGNATURE: Jeannine Rinn
DATE: May 5, 2016

PLEASE PROVIDE PROOF OF TAXES PAID ON THIS PROPERTY.

ATTACHMENT: SECTION 35 SUP – SPECIFIC USE PERMIT

APPLICATION FEE: $150.00 due upon submittal

OFFICE USE ONLY
Date received: 5/6/16 Admin Fee Received: ✓
P&Z Public Hearing date: June 1
Date to send cert. letters: Date to publish: 5-15-16
Site Plan submitted: Yes ✓ No
Site Plan received & evaluated by City Staff: Yes ✓ No
Proof of taxes paid: ✓ Date verified: 5-6-16

ANGLETON

CITY OF ANGLETON
APPOINTMENT OF AGENT

As owner of the property described as Lot Number 37 E of Hwy 288 out of Fx line + Riber S/D
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: JEANNINE BINEY

Mailing Address: 301 1/2 AVENUE A Email: [illegible]

City: Freeport State: Tx Zip: 77541

Home Phone: (9) Business Phone: ( )

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

> **be the point of contact between myself and the City: make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.**

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of owner [signature] Title Owner

Printed/Typed Name of owner Julio Vargas Date 5-5-16

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

STATE OF TEXAS §

COUNTY OF BRAZORIA §

Before me, _____, on this day personally appeared _____, known to me (or proved to me on the oath of _____ or through (_____) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 6 day of May 2016

[signature]
Notary Public Signature

(SEAL)

HARRY WADDY
My Commission Expires
July 10, 2016

7-10-2016
Commission Expires

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Angleton makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Angleton from any damage, loss, or liability arising from such use.

City of Angleton

Operated by:
City of Angleton
121 S. Velasco St.
Angleton, TX 77515
979-849-4364

City of Angleton GIS Mapping

1 " = 198 '

CITY COUNCIL MEETING
AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: Public Hearing on a request for a Specific Use Permit to operate a Child Day Care (Business) at the southwest corner of East Cedar Street and North Downing Street, with a legal description of 0.9204 Acres of Land out of Tract 9B1, Bryan and Kiber Subdivision, I. T. Tinsley Survey, Abstract 375, in Brazoria County, Texas.

__ Consent item
__ Discussion and possible action
__ Discussion item
_X_ Public Hearing

REQUESTED BY: Christi Beard, Designated Agent for David McDowell, Property Owner

Budgeted amount: N/A **Funds requested: N/A** **Fund: N/A**

Attachments: (Attachment description)
Public Hearing notice to Facts and Property Owners within 200ft

Executive Summary:
A public hearing was held at the Planning and Zoning meeting on June 1. The hearing was published in The Facts Newspaper on May 15, 2016. Letters were sent to property owners on May 11th, 2016.

Recommendation:
Staff recommends approval.

Shelly Deisher
Name

May 27, 2016
Date

Public Hearing Notice

The City of Angleton has received a request for a Specific Use Permit to operate a Child Day Care (Business) at the southwest corner of East Cedar Street and North Downing Street, with a legal description of 0.9204 Acres of Land out of Tract 9B1, Bryan and Kiber Subdivision, I. T. Tinsley Survey, Abstract 375, in Brazoria County, Texas. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, June 1, 2016 at 12:00 pm and the City Council will conduct a public hearing on this request on Tuesday, June 14, 2016 at 6:00 pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on the requested Specific Use Permit. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearings, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

For additional information concerning this Specific Use Permit, please contact Alyssa Deaton at (979) 849-4364 ext. 2114.

Date: May 3, 2016

To: The Facts – Public Hearing

From: City of Angleton

To be published once on: Sunday, May 15th, 2016

Please provide publisher's affidavit and total amount to be billed

If you have any questions, please contact Alyssa @ 979-849-4364 ext. 2114.

ANGLETON
Where the Heart is

Alyssa Deaton
Asst. City Secretary

Mayor
Randy Rhyne

Mayor Pro Tem
Roger Collins
Position 5

Council Members
Hardwick Bieri
Position 1

Williams Tigner
Position 2

Wesley Rolan
Position 3

Bonnie McDaniel
Position 4

City Manager
Michael Stoldt

May 11, 2016

Public Hearing Notice

The City of Angleton has received a request for a Specific Use Permit to operate a Child Day Care (Business) at the southwest corner of East Cedar Street and North Downing Street, with a legal description of 0.9204 Acres of Land out of Tract 9B1, Bryan and Kiber Subdivision, I. T. Tinsley Survey, Abstract 375, in Brazoria County, Texas. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, June 1, 2016 at 12:00 pm and the City Council will conduct a public hearing on this request on Tuesday, June 14, 2016 at 6:00 pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on the requested Specific Use Permit. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearings, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

This notice has been sent to you as it has been determined that the property you own possibly lies within 200 feet of the above-referenced property. Property owners within 200 feet of this property have the legal right to protest the proposed change by filing a written protest signed by the property owner. In such event, the City will have a surveyor determine which properties are within exactly 200 feet of the subject property. Property owners should be aware that if they oppose or protest the requested Specific Use Permit, such opposition must be submitted in written form, with the property owner's signature and address included.

For additional information concerning this Specific Use Permit please contact Alyssa Deaton at 979-849-4364, ext. 2114.

Sincerely,
Alyssa Deaton
Assistant City Secretary

121 S Velasco
Angleton, TX 77515
Phone: 979-849-4364
Fax: 979-849-5561

www.angleton.tx.us

CITY COUNCIL MEETING
AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: Discussion and Possible Action on ORDINANCE NO. 2016-O-6D; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A CHILD DAY CARE (BUSINESS) IN A C-OR – COMMERCIAL-OFFICE/RETAIL DISTRICT ZONED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF EAST CEDAR STREET AND NORTH DOWNING STREET, WITH A LEGAL DESCRIPTION OF 0.9204 ACRES OF LAND OUT OF TRACT 9B1, BRYAN AND KIBER SUBDIVISION, I. T. TINSLEY SURVEY, ABSTRACT 375, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

__ Consent item
_X Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Christi Beard, Managing Member of CBDB Properties, LLC. And designated agent for property owner.

Budgeted amount: N/A **Funds requested: N/A** **Fund: N/A**

Attachments: (Attachment description)
Ordinance, Application, map, site plan

Executive Summary:
The property is currently zoned C-O/R – Commercial-Office/Retail and Child Day Care (Business) is an allowable use with an SUP in this zone. Ms. Beard operates under the name Happy Faces and has other Child Day Care businesses in Texas, including one in Lake Jackson.

Recommendation:
Staff recommends approval.

Shelly Deisher
Name

May 27, 2016
Date

ORDINANCE NO. 2016-O-6D

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A CHILD DAY CARE (BUSINESS) IN A C-OR – COMMERCIAL-OFFICE/RETAIL DISTRICT ZONED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF EAST CEDAR STREET AND NORTH DOWNING STREET, WITH A LEGAL DESCRIPTION OF 0.9204 ACRES OF LAND OUT OF TRACT 9B1, BRYAN AND KIBER SUBDIVISION, I. T. TINSLEY SURVEY, ABSTRACT 375, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Ordinance 2009-O-4A and Chapter 28 of the Code of Ordinances authorizes the City Council to grant a Specific Use Permit to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions; and

WHEREAS, with proper notice to the public, a public hearing was held on Wednesday, June 1, 2016, during a meeting of the Planning and Zoning Commission, and on Tuesday, June 14, 2016, during a meeting of the City Council, in the Council Chambers at City Hall, in the City of Angleton, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the Planning and Zoning Commission has forwarded to the City Council its report and recommendation concerning the application of Christi Beard, Managing Member of CBDB Properties, LLC and Designated Agent for Property Owner David McDowell, for a Specific Use Permit for a Child Day Care (Business) at the southwest corner of East Cedar Street and North Downing Street, with a legal description of 0.9204 Acres of Land out of Tract 9B1, Bryan and Kiber Subdivision, I. T. Tinsley Survey, Abstract 375, in the City of Angleton, Brazoria County, Texas; and

WHEREAS, in rendering its decision, the City Council has considered the factors noted in Sec. 28-63 (e), and finds the proposed use at the specific location is consistent with the Comprehensive Plan.

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

SECTION 1: That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2: That the Zoning Ordinance of the City of Angleton, Texas, is amended by granting a Specific Use Permit for a Child Day Care (Business) in a C-OR - Commercial-Office/Retail District zoned property located at the southwest corner of East Cedar Street

and North Downing Street, Tract 9B1, in the City of Angleton, Brazoria County, Texas more particularly described in the attached Exhibit "A".

SECTION 3: That the Specific Use Permit granted in Section 2 of this Ordinance is subject to the following conditions:

SECTION 4: That the official zoning map of the City of Angleton is amended to reflect the amendment to the Zoning Ordinance made by Section 2 of this Ordinance.

SECTION 5: That any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding $2,000 for each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

SECTION 6: That should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no way affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

SECTION 7 That it is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 8: That this Ordinance shall be effective not less than 10 days from the date of its passage and in accordance with the time set forth in the City Charter and the City Secretary is directed to cause the descriptive caption of this Ordinance to be published in the official newspaper of the City, at least once within ten days after the passing of the Ordinance.

SECTION 9: That this Ordinance shall be in full force and effect from and after June 24, 2016.

PASSED AND APPROVED this 14th day of June, 2016.

RANDY RHYNE, Mayor

ATTEST:

SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

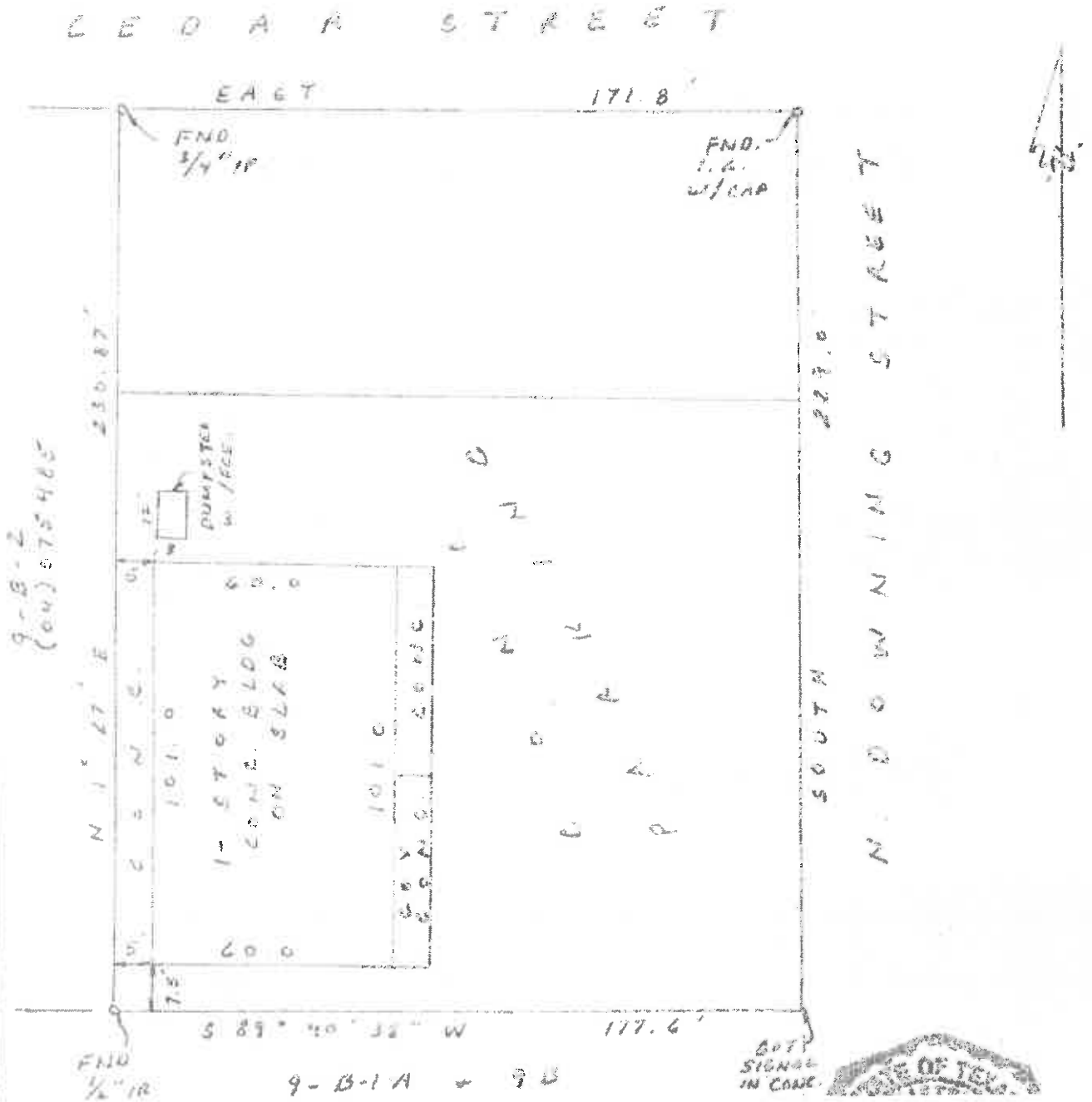
MARY KAY FISCHER, City Attorney

TO ALL PARTIES INTERESTED IN THE PREMISES SURVEYED:

This is to certify that I, E.C. Culclet Jr., a Registered Professional Land Surveyor in the State of Texas, have this day made a careful and accurate survey on the ground of the property located at No. 512 N. DOWNING STREET *in* ANGLETON, *Texas, Lot* 9-B-1 *Block* ____, *of* 0.12 ACRE TRACT OUT OF TRACT 9, BRYAN AND KIBBE SUBDIVISION, L.T. TINSLEY SURVEY, ABSTRACT 175,

City of ANGLETON, BRAZORIA *County Texas, according to the map or plat thereof recorded in Volume* 150 *Page* 29 *of the Plat Records of* BRAZORIA *County, Texas.*

DEED



Unofficial Copy

EXHIBIT "A"
LEGAL DESCRIPTION

File No.: 1003931592

Being 40,092 Square feet or 0.9204 Acre of Land out of Tract 8, Bryan and Kibor subdivision, I. T. Tinsley Survey, Abstract 376, in Brazoria County, Texas; said tract being more particularly described by Metes and Bounds as follows, to wit:

Beginning at a 5/8 inch Iron Rod set marking the Northeast corner of the above said tract 9, said Iron Rod also marking the intersection of the Southerly Right-of-way line of Cedar Street, based on a width of 60 feet, with the Westerly Right-of-way line of Downing Street, based on a width of 60 feet, and being the Northeast corner of the herein described tract of land;

Thence South along the West Right-of-way line of said Downing Street a distance of 229.00 Feet to a 5/8 inch Iron Rod found marking the Southeast corner of the herein described tract;

Thence South 89° 40' 38" West a distance of 177.00 feet to a 5/8 inch Iron Rod set marking the Southwest corner of the herein described tract;

Thence North 01° 26' 38" East a distance of 230.07 feet to a 3/4 inch Iron Pipe found in the South line of said Cedar Street Marking the Northwest corner of the herein described tract of land;

Thence East along the South line of said Cedar Street, a distance of 171.00 feet to the above said 5/8 inch Iron Rod set marking the Northeast corner and the place of beginning of the herein described tract of land; and being the same tract or parcel of land described in Deed dated May 6, 1986 from R. F. Potts, at us to Brockman Enterprises, Inc. and duly recorded in Volume 940, Page 839 of the Deed Records of Brazoria County, Texas.

ANGLETON
Where the Heart is

CITY OF ANGLETON
SPECIFIC USE PERMIT APPLICATION

PROPERTY ADDRESS: 517 N Downing Angleton, TX 77515

PROPERTY DESCRIPTION (Legal description): A0375 I T Tinsley Tract 981 Acres .9204 Angleton

RECORD PROPERTY OWNER NAME, ADDRESS AND PHONE NUMBER: David McDowell 1197 Cedar Shoals Dr Apt 204 Athens, GA 30605

DESIGNATED REPRESENTATIVE, ADDRESS AND PHONE NUMBER: Christi Beard 294 Timbercreek Dr LJ 77566

PROPOSED USE FOR THE PROPERTY ADDRESS INDICATED ABOVE: Childcare

A site plan (prepared and approved) in accordance with Section 35.4 of the City of Angleton Code of Ordinances (City Code) must be attached to the application. If a base zoning district amendment is required or requested, such rezoning application shall accompany the application for a Specific Use Permit. If the proposed use requires a division of land, an application for subdivision approval must be submitted with this application for a Specific Use Permit.

SIGNATURE: Cam Beard
DATE: 5-3-16

PLEASE PROVIDE PROOF OF TAXES PAID ON THIS PROPERTY.

ATTACHMENT: SECTION 35 SUP - SPECIFIC USE PERMIT

APPLICATION FEE: $150.00 due upon submittal

OFFICE USE ONLY

Date received: 5/3 Admin Fee Received: ✓
P&Z Public Hearing date: 6/1
Date to send cert. letters: 5/12 Date to publish: 5/15
Site Plan submitted: Yes____ No____
Site Plan received & evaluated by City Staff: Yes____ No____
Proof of taxes paid: ✓ Date verified: 5/5

ANGLETON

CITY OF ANGLETON
APPOINTMENT OF AGENT

As owner of the property described as 517 N Downing St, Angleton, Tx 77515
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: CBDS Properties in care of Christi Beard

Mailing Address: 126A Flag Lake Drive Email:

City: Lake Jackson State: TX Zip: - 77566

Home Phone: Business Phone:

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and that the City will rely upon statements made by my agent. Therefore, I **agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of owner David McDowell Title owner

Printed/Typed Name of owner DAVID McDOWELL Date 4-26-16

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

STATE OF ~~TEXAS~~ Georgia §

COUNTY OF Gwinnett

Before me, Susan Lewis, on this day personally appeared David McDowell known to me (or proved to me on the oath of Texas Dl or through (Georgia Dl) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

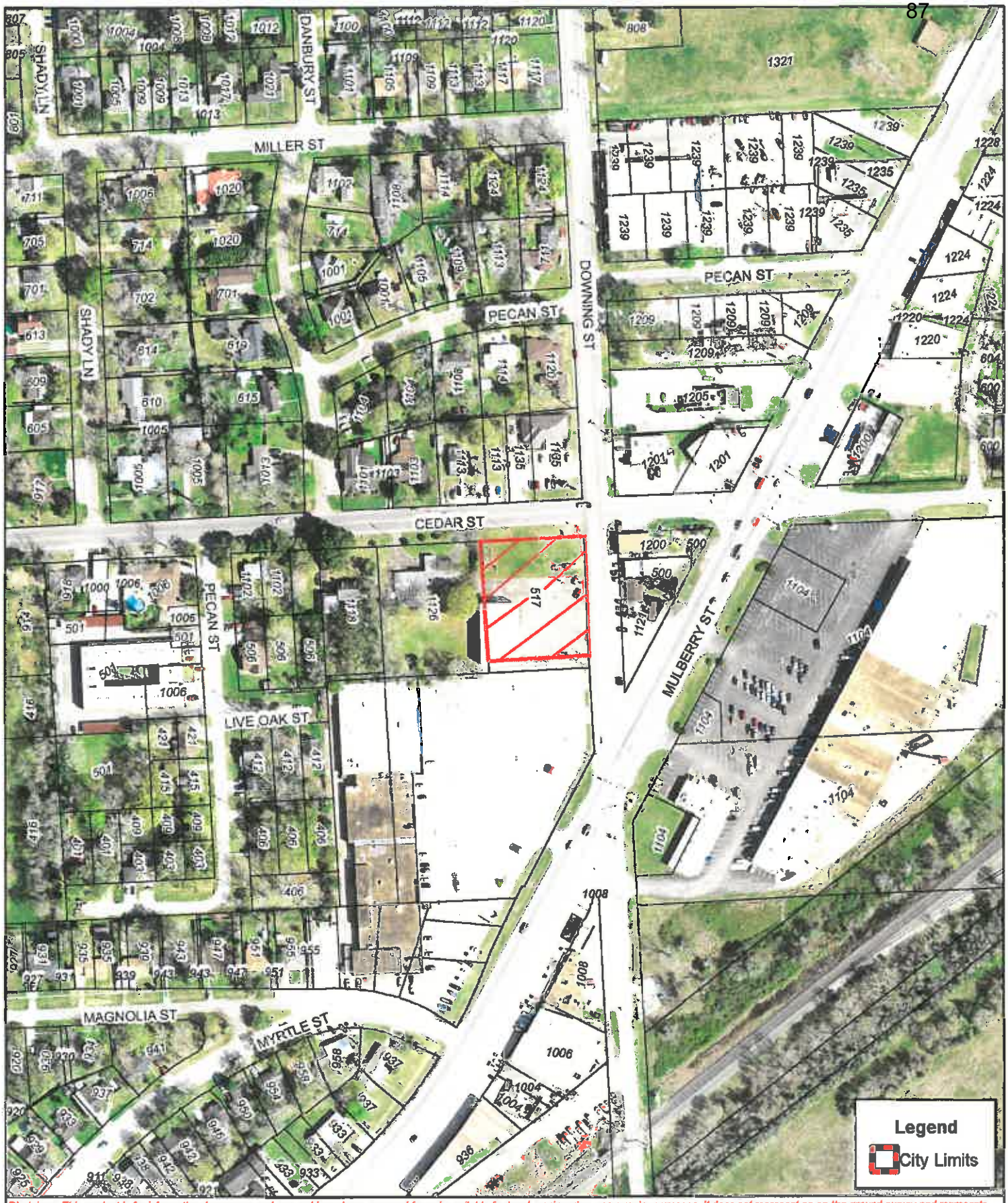
Given under my hand and seal of office this 26th day of April 2016

SUSAN LEWIS
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires Apr. 19, 2018

(SEAL)

Notary Public Signature

April 19, 2018
Commission Expires



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Angleton makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Angleton from any damage, loss, or liability arising from such use.

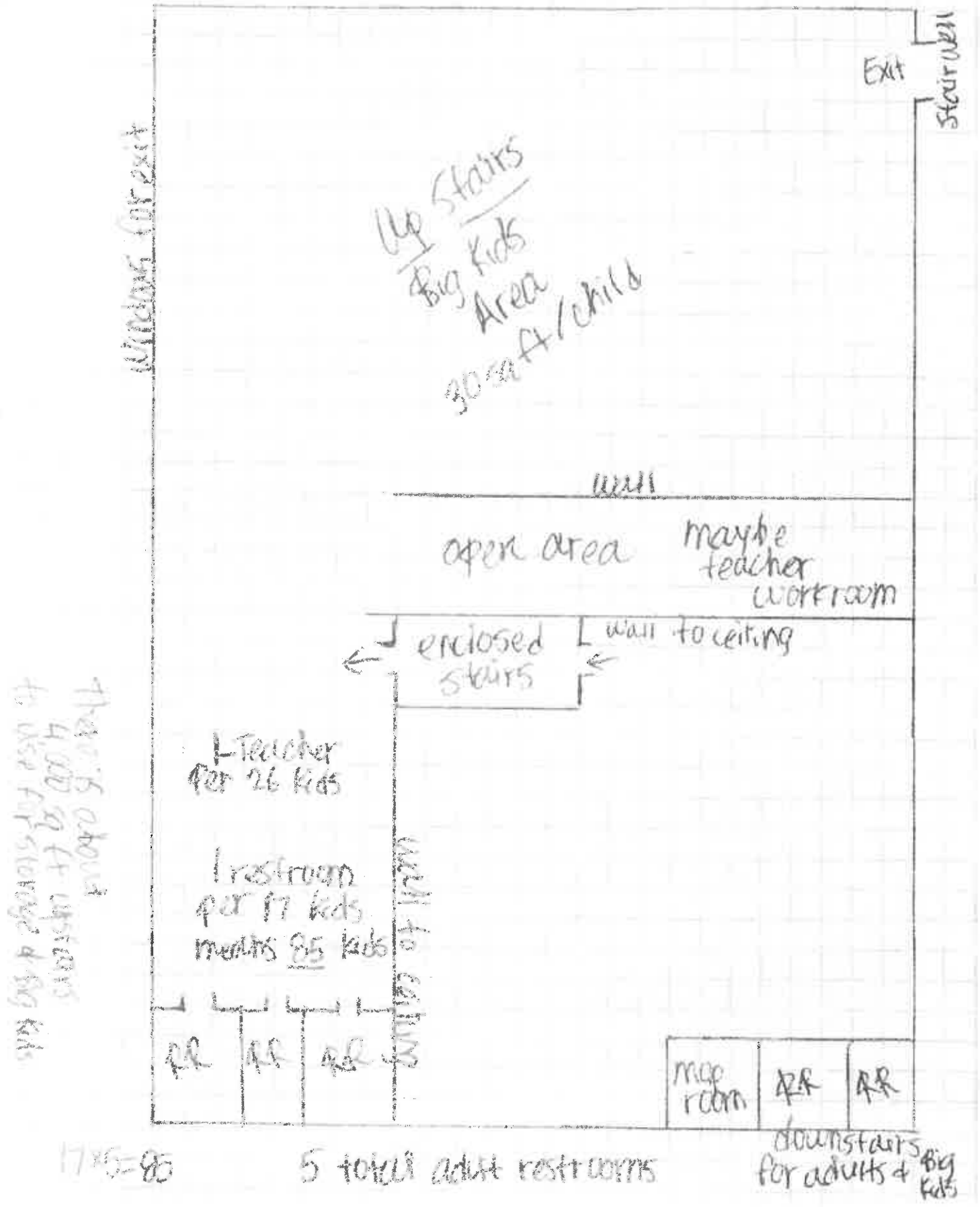
City of Angleton

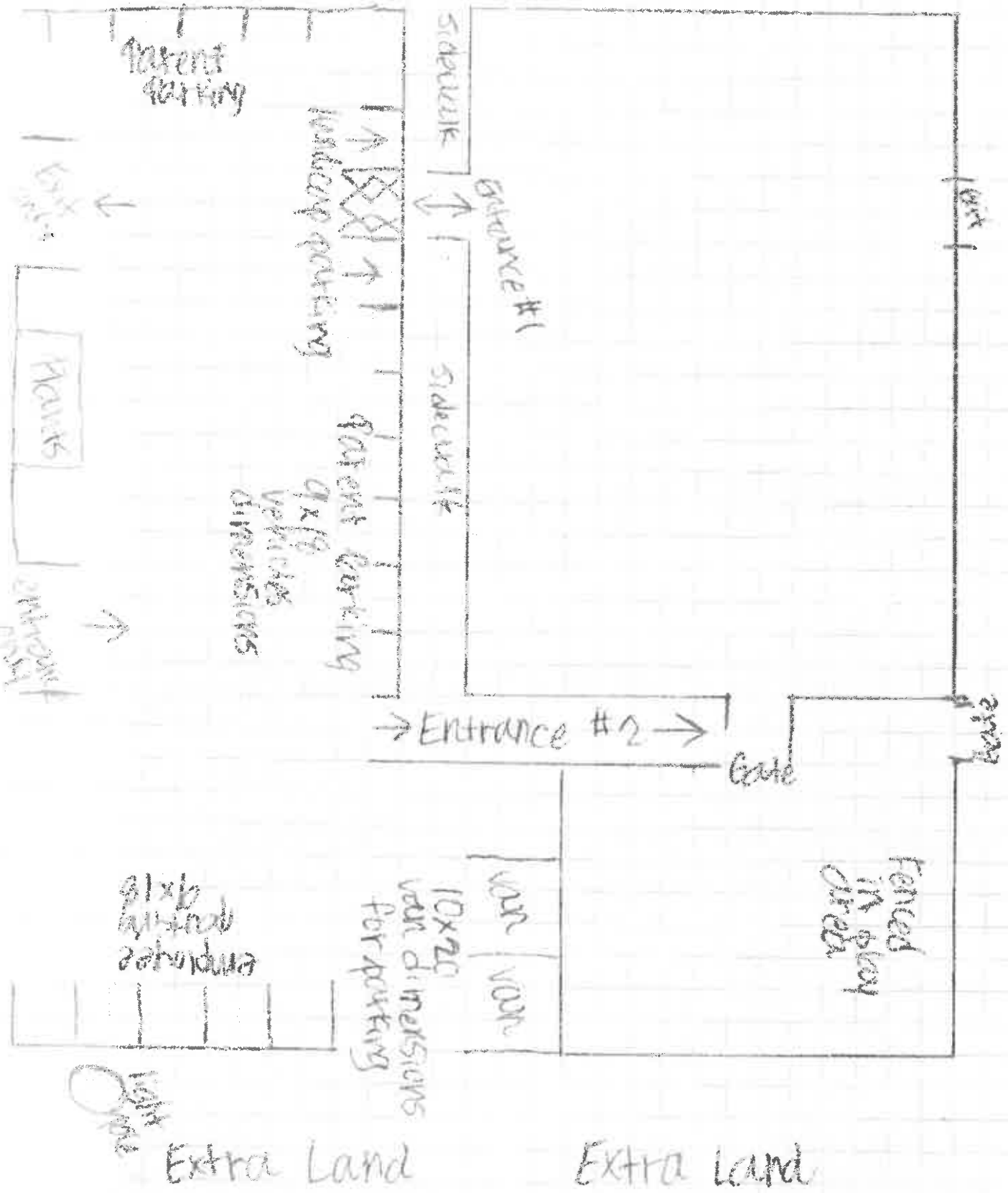
Operated by:
City of Angleton
121 S. Velasco St.
Angleton, TX 77515
979-849-4364

City of Angleton GIS Mapping

1 " = 213 '

cabinets
counter
RR
counter
1's
2's
3's
← Tile Hallway →
counter
desk
office
closet
conf room
my office
Tile Hallway
4's
Transition Infants 10 mon-18 mon
counter
counter
counter
counter
stairs to Big Kids
Infant #2
Infant #1
counter
counter
counter
RR
RR
→ Big Kids Parent Entrance
exit


Exit
Stairwell
Windows for exit
Up Stairs
Big Kids
Area
30 sq ft/child
wall
open area
maybe
teacher
workroom
enclosed
stairs
wall to ceiling
1 Teacher
per 26 kids
1 restroom
per 17 kids
means 85 kids
wall to ceiling
RR
RR
RR
mop
room
RR
RR
downstairs
for adults & Big
kids
17×5=85
5 total adult restrooms


Parent parking
Sidewalk
Entrance #1
Sidewalk
Parent parking
9x18 vehicles dimensions
Entrance #2
Gate
Gate
Fenced in play area
van
van
10x20 van dimensions for parking
Extra Land
Extra Land

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: Public Hearing on ORDINANCE NO. 2016-O-6B; AN ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 28, ZONING, SECTIONS 28-24, 28-41, 28-46, 28-47, 28-52, 28-53, 28-81, 28-105, 28-106 AND 28-112 TO CORRECT INCONSISTENCIES AND GRAMMAR, REORGANIZE CHARTS AND ALPHABETIZE DEFINITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

__ Consent item
__X Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Mary Kay Fischer, City Attorney

Budgeted amount: N/A **Funds requested: N/A** **Fund: N/A**

Attachments: (Attachment description)
Public Hearing notice to Facts, Ordinance No. 2016-O-6B

Executive Summary:
Throughout the years, City Staff has found various inconsistencies between the heading of a section and the body of that same section, grammatical errors and the need to reorganize charts and alphabetize definitions. This ordinance addresses those issues.

Recommendation:
Staff recommends approval.

Mary Kay Fischer
Name

May 5, 2016
Date

Public Hearing Notice

The City of Angleton will be conducting a Public Hearing on a proposed Ordinance amending the Zoning Ordinance to correct inconsistencies and grammar, reorganize charts and alphabetize definitions in Sections 28-24, 28-41, 28-46, 28-47, 28-52, 28-53, 28-81, 28-105, 28-106 and 28-112. The Planning and Zoning Commission will conduct a Public Hearing on Wednesday, June 1, 2016 at 12:00 pm. The City Council will conduct a Public Hearing on Tuesday, June 14, 2016 at 6:00 pm. The Public Hearings will be held in City Council Chambers located at 120 South Chenango Street, Angleton, Texas, 77515. If you are unable to attend the public hearings, comments may be sent to: City of Angleton; 121 South Velasco; Angleton, Texas 77515; Attn: Shelly Deisher, City Secretary. For additional information concerning the proposed Ordinance, please contact Shelly Deisher at (979) 849-4364 ext. 2115.

Date: May 5, 2016

To: The Facts – Legal Notices

From: City of Angleton

To be published once on: Sunday, May 15, 2016

Please provide publisher's affidavit.

If you have any questions, please contact Shelly Deisher at 979-849-4364 ext. 2115 or Alyssa Deaton @ 979-849-4364 ext. 2114.

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: Discussion and Possible Action on ORDINANCE NO. 2016-O-6B; AN ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 28, ZONING, SECTIONS 28-24, 28-41, 28-46, 28-47, 28-52, 28-53, 28-81, 28-105, 28-106 AND 28-112 TO CORRECT INCONSISTENCIES AND GRAMMAR, REORGANIZE CHARTS AND ALPHABETIZE DEFINITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

__ Consent item
__ Discussion item
_X Discussion and possible action
__ Public Hearing

REQUESTED BY: Mary Kay Fischer, City Attorney

Budgeted amount: N/A **Funds requested: N/A** **Fund: N/A**

Attachments: (Attachment description)
Ordinance No. 2016-O-6B

Executive Summary:
Throughout the years, City Staff has found various inconsistencies between the heading of a section and the body of that same section, grammatical errors and the need to reorganize charts and alphabetize definitions. This ordinance addresses those issues.

Recommendation:
Staff recommends approval.

Mary Kay Fischer
Name

May 5, 2016
Date

ORDINANCE NO. 2016-O-6B

AN ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 28, ZONING, SECTIONS 28-24, 28-41, 28-46, 28-47, 28-52, 28-53, 28-81, 28-105, 28-106 AND 28-112 TO CORRECT INCONSISTENCIES AND GRAMMAR, REORGANIZE CHARTS AND ALPHABETIZE DEFINITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, in April, 2009, a new comprehensive Zoning Ordinance was adopted and throughout the years, City Staff has found various inconsistencies between the heading of a section and the body of that same section, grammatical errors and the need to reorganize charts and alphabetize definitions; and

WHEREAS, the City Council of the City of Angleton, Texas deems it necessary to make these corrections and clarifications to the Zoning Ordinance;

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

SECTION 1. That the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct.

SECTION 2. That the following Sections of the Code of Ordinances, City of Angleton, Texas, are hereby amended to read as follows:

Section 28-24 (d) (1) b. Written notice of the public hearing before the planning and zoning commission, and before the city council, shall also be sent to all owners of property within the city limits, as indicated by the most recently approved city tax roll, that is located within the area of application and within 200 feet of any portion of the subject property, said written notice to be sent before the tenth calendar day prior to the date such hearing is held. Such notice shall be served by using the last known address as listed on the most recently approved tax roll, and by depositing the notice, postage paid, in the United States mail.

Section 28-41. (a) The City of Angleton, Texas is hereby divided into the following zoning districts. The use, height, area regulations, and other standards, as set out herein apply to each district. The districts established herein shall be known as:

MFR-14 Multifamily Residential -14 (apartments-maximum 14 units/acre)
(Corrected from MFRR -14)

MFR-29 Multifamily Residential -29 (apartments-maximum 29 units/acre)
(Corrected from MFRR -29)

MFR-36 Multifamily Residential -36 (apartments-maximum 36 units/acre)
(Corrected from MFRR -36)

Section 28-46. SF-6.3 – Single-family residential-6.3 district.

Section 28-47. SF-5 – Single-family residential 5 district.

Section 28-52. MFR-29 – Multifamily residential-29 district (Apartments).
(a) General purpose and description: The MFR-29 – Multifamily Residential-29 district is an attached residential district intended to provide high residential density of up to 29 dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between nonresidential development or heavy automobile traffic and medium-or low-density residential development. Areas zoned for the MFR-29 district shall have, or shall make provision for City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved drive aisles with logical and efficient vehicular circulation patterns; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

(b) Permitted uses:
(1) Those uses listed for the MFR-29 district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.

Section 28-53. MFR-36 – Multifamily residential-36 district (Apartments).
(a) General purpose and description: The MFR-36 – Multifamily Residential-36 district is an attached residential district intended to provide the highest residential density of up to 36 dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between nonresidential development or heavy automobile traffic and medium-or low-density residential development. Areas zoned for the MFR-36 district shall have, or shall make provision for City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved drive aisles with logical and efficient vehicular circulation patterns; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

(b) Permitted uses:
(1) Those uses listed for the MFR-36 district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.

Section 28-81. Use regulations (Charts).
(b) Use charts.

Bank/Credit Union
(Add "Credit Union" to "Bank" with Permitted Uses in same Nonresidential Zoning Districts)

Remove Italics from "Communication Equipment Sales/Service" and move it into line below to read:

Communication Equipment Sales/Service
(Installation and/or Repair – No outdoor sales or storage or towers/antennae)

Remove Italics from "Extended Stay Hotels/Motels" and move it into line below to read:

Extended Stay Hotels/Motels
(Residence hotels)

Section 28-105. Exterior construction and design requirements.
(c) Minimum exterior construction standards:
Change the first sentence to read as follows:

(3) Nonresidential structures: All exterior wall surfaces of all new nonresidential structures that have frontage on, or are visible from Highway 288 or Business 288 north of Loop 274, shall be of 90 percent masonry construction.
Section

Section 28-106. Supplemental regulations.
(e) Communications antennas and support structures/towers:

(4) General Requirements:
Change the first sentence to read as follows:

c. Inventory of existing sites. Each application for an antenna and/or tower shall provide to the code enforcement office an inventory of its existing towers.

Change the first sentence to read as follows:

k. Public notice. For purposes of this article, a special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in subsection (7)b.5.(ii), Table 2, in addition to any notice otherwise required by the zoning ordinance.

(6) Administratively approved uses:
a. General. The following provisions shall govern the issuance of administrative approvals for towers and antennas:
3. The code enforcement officer shall review the application for administrative approval and determine if the proposed use complies with subsections (4), (7)b.4. and (7)b.5. of this section.

Section 28-112. Definitions.

Rearrange the definitions so that they are in alphabetical order by placing "Home improvements center" before "Home occupation" and by placing "Manufactured home park (also trailer park or RV park):", "Manufactured home space:" and "Manufactured home subdivision:" after "Manufactured home display or sales (used):" and before "Manufactured housing:".

SECTION 3. That if any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Angleton in adopting, and of the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 5. That the City Council has found and determined that the meeting at which this Ordinance is considered is open to the public and that notice thereof was given in accordance with the provisions of the Texas Open Meetings Act, Texas Government Code, Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 6. That this Ordinance shall be effective not less than ten (10) days from the date of its passage in accordance with the City Charter and the City Secretary is hereby directed to cause the caption to be published in the official newspaper of the City at least once within ten (10) days after the passage of the Ordinance.

SECTION 7. That this Ordinance shall be in full force and effect from and after June 24, 2016.

PASSED AND APPROVED on this the 14th day of June, 2016.

_____
RANDY RHYNE, MAYOR

ATTEST:

_____
SHELLY DEISHER, CITY SECRETARY

APPROVED AS TO FORM:

_____
MARY KAY FISCHER, CITY ATTORNEY

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: Discussion and Possible Action on Reappointment of William Jackson, Chris Peltier and Charlyn Rogers to the Angleton Better Living Corporation Board.

__ Consent item
_X_ Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Shelly Deisher, City Secretary

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
None.

Executive Summary:
ABLC met and approved the reappointment of Mr. Jackson, Mr. Peltier and Mrs. Rogers. They all wish to continue to serve on the board.

Recommendation: Staff recommends approval.

Shelly Deisher
Name

June 1, 2016
Date

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT:
DISCUSSION AND POSSIBLE ACTION ON MOTION APPROVING AMENDMENT TO CITY ATTORNEY EMPLOYMENT AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT.

___ Consent item __ Discussion item
_x_ Discussion and possible action __ Public Hearing

REQUESTED BY: Mary Kay Fischer, City Attorney

Budgeted amount: _____ **Funds requested:** _____ **Fund:** _____
Attachment: Amendment to City Attorney Agreement

Executive Summary:

This change to the Agreement clarifies any confusion that may have previously existed regarding the number of hours that equate to one (1) day of PTO.

The Amendment shall be retroactive to April 26, 2016, the date of the original agreement.

All other provisions remain in full force and effect.

Recommendation:

Approval of Motion.

Mary Kay Fischer _____ May 26, 2016 ____
Name **Date**

AMENDMENT TO CITY ATTORNEY EMPLOYMENT AGREEMENT

On April 26, 2016, the City Council and the City Attorney entered into the City Attorney Employment Agreement.

In the Agreement, Section 13. D. Amendment, provides that "This Agreement may be amended by mutual written Agreement of the Parties."

The Parties mutually agree that Section 5. C. is amended to add the following sentence to the beginning of Section 5.C.

One (1) day of Personal Time Off (PTO) equates to eight (8) hours.

This Amendment shall be retroactive to April 26, 2016, the effective date of the original Agreement.

All other provisions of the City Attorney Agreement executed by both parties on April 26, 2016 remain in full force and effect.

CITY OF ANGLETON, TEXAS

BY: _____
RANDY RHYNE, MAYOR

Executed this the ____ day of _____, 2016.

CITY ATTORNEY

BY: _____
MARY KAY FISCHER

Executed this the _____ day of _____, 2016.

This document is executed in two originals, one to remain with the City Attorney and the other with City Attorney's personnel file in the Human Resources Department.

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF RESOLUTION NO. 2016-R-6A, A RESOLUTION OF THE CITY OF ANGLETON, TEXAS, STATING THE CITY OF ANGLETON'S INTENT TO PARTICIPATE IN TAX ABATEMENT AND ESTABLISHING THE GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENTS IN A REINVESTMENT ZONE CREATED IN THE CITY OF ANGLETON.

__ Consent item
_X Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Mary Kay Fischer, City Attorney

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Resolution No. 2016-R-6A

Executive Summary:

On June 24, 2014, the City Council adopted tax abatement guidelines and criteria and these guidelines and criteria are effective for a period of two (2) years. Tax Code requires that each taxing unit that wants to consider tax abatement proposals must adopt a Resolution indicating its intent to participate in tax abatement.

This Resolution continues to state the City's intent to participate in tax abatement and establishes the guidelines and criteria for granting tax abatements in a reinvestments zone created in the City of Angleton. These guidelines do not bind the City of Angleton to grant approval of any proposed agreements, and they do not give any person a legal right to require the governing body to consider or grant a specific application for tax abatement.

These guidelines are the same as the previous ones adopted and they incorporate the Tax Code requirements relating to tax abatements and reinvestment zones.

Recommendation:

Staff recommends approval.

Mary Kay Fischer
Name

May 31, 2016
Date

A RESOLUTION OF THE CITY OF ANGLETON, TEXAS, STATING THE CITY OF ANGLETON'S INTENT TO PARTICIPATE IN TAX ABATEMENT AND ESTABLISHING THE GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENTS IN A REINVESTMENT ZONE CREATED IN THE CITY OF ANGLETON.

WHEREAS, the creation and retention of job opportunities that bring new wealth are the highest civic priority; and

WHEREAS, new jobs and investment will benefit the area economy, provide needed opportunities, strengthen the real estate market and generate tax revenue to support local services; and

WHEREAS, the City of Angleton must compete with other localities across the nation currently offering tax inducements to attract new plant and modernization projects; and

WHEREAS, any tax incentives offered in the City of Angleton would reduce needed tax revenue unless strictly limited in application to those new and existing industries that bring new wealth to the community; and

WHEREAS, the abatement of property taxes, when offered to attract primary jobs in industries which bring in money from outside a community instead of merely re-circulating dollars within a community, has been shown to be an effective method of enhancing and diversifying an area of economy; and

WHEREAS, Texas law requires any eligible taxing jurisdiction to establish Guidelines and Criteria as to eligibility for tax abatement agreements prior to granting of any future tax abatement, and said Guidelines and Criteria to be unchanged for a two year period unless amended by a three-quarters (3/4) vote; and

NOW, THEREFORE, BE IT RESOLVED that the City of Angleton does hereby intend to participate in tax abatement and adopt the attached Guidelines and Criteria for granting tax abatements in reinvestment zones in the City of Angleton.

PASSED AND ADOPTED by the City Council of the City of Angleton, Texas on the 14th day of June, 2016.

_____
RANDY RHYNE, MAYOR

ATTEST:

_____
SHELLY DEISHER, CITY SECRETARY

APPROVED AS TO FORM:

_____
MARY KAY FISCHER, CITY ATTORNEY

GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT IN A REINVESTMENT ZONE CREATED IN THE CITY OF ANGLETON

DEFINITIONS Section 1

(a) "Abatement" means the full or partial exemption from ad valorem taxes on certain real property in a reinvestment zone designated by the City of Angleton for economic development purposes.

(b) "Eligible Jurisdiction" means the City of Angleton, Brazoria County and any school district or other local taxing jurisdictions eligible to abate taxes according to Texas law, the majority of which is located in the City of Angleton that levies ad valorem taxes upon and provides services to a reinvestment zone designated by the City of Angleton.

(c) "Agreement" means a contractual agreement between a property owner and/or lessee and the City of Angleton for the purpose of tax abatement.

(d) "Base Year Value," means the assessed value of eligible property January 1 preceding the execution of the agreement plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the agreement.

(e) "Deferred Maintenance" means the improvements necessary for continued operations, which do not improve productivity or alter the process technology.

(f) "Distribution Center Facility" means buildings and structures, including machinery and equipment, used or to be used primarily to receive, store, service, or distribute goods or materials owned by the facility operator where a majority of the goods or services are distributed to points at least fifty (50) miles from its location in the City of Angleton.

(g) "Expansion" means the addition of buildings, structures, machinery or equipment for purposes of increasing production capacity.

(h) "Facility" means property improvements completed or in the process of construction which together comprise an integral whole.

(i) "Manufacturing Facility" means buildings and structures, including machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

(j) "Modernization" means the replacement and upgrading of existing facilities which increases the productive input or output, updates the technology or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration or installation of buildings, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing, or repairing.

(k) "New Facility" means a property previously undeveloped, which is placed into service, by means other than or in conjunction with expansion or modernization.

(l) "Other Basic Industry" means buildings and structures including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services, which serve a market primarily outside the City of Angleton.

(m) "Productive Life" means the number of years a property improvement is expected to be in service.

(n) "Regional Entertainment Facility" means buildings and structures, including machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside at least fifty (50) miles from its location in the City of Angleton.

(o) "Research Facility" means buildings and structures, including machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.

(p) "Regional Service Facility" means buildings and structures, including machinery and equipment, used or to be used to service goods where a majority of the goods being serviced originate at least fifty (50) miles from the facility's location in the City of Angleton.

(q) "Commercial Facility" means buildings and structures for service related industries and certain retail establishments as deemed appropriate by the City Council where a minimum of five (5) new jobs and/or pay role exceeding one hundred thousand dollars ($100,000) and investment of seven hundred and fifty thousand dollars ($750,000) or more in new buildings will be made.

(r) "Economic Development" means participation in or support of an organized program or entity which for the purpose of its mission, engages in activities designed to encourage employment opportunities development/commercial and manufacturing business/industry to locate and/or expand in the City of Angleton, thus expanding and diversifying the tax base as well as increasing the economic strength and stability of the City of Angleton.

(s) "Qualified Vendors and Services" means those vendors and services that meet the company's individual stated requirements, which can include but are not limited to safety, financial condition, environmental record, quality or ability to perform.

(t) "The City of Angleton Vendor and Services" means a company that employs the City of Angleton residents and pays the City of Angleton taxes.

ABATEMENT AUTHORIZED Section 2

(a) Authorized Facility. A facility may be eligible for abatement if it is a Manufacturing Facility, Research Facility, Distribution Center or Regional Service Facility, Regional Entertainment Facility, Approved "Commercial Facility" or Other Basic Industry.

(b) Creation of New Value. Abatement may only be granted for the additional value of eligible property improvements made subsequent to and specified in an abatement agreement between the City of Angleton and the property owner or lessee, subject to such limitations as the City of Angleton may require.

(c) New and Existing Facilities. Abatement may be granted for new facilities and improvements to existing facilities for purposes of modernization or expansion.

(d) Eligible Property. Abatement may be extended to the value of buildings, structures; fixed machinery and equipment, site improvements plus that office space and related fixed improvements necessary to the operation and administration of the facility.

(e) Ineligible Property. The following type of property shall be fully taxable and ineligible for abatement: land, inventories, supplies, tools, furnishings, and other forms of movable personal property; vehicles, vessels, aircraft, housing, hotel accommodations, retail facilities (except as approved under Section 1 [q]) deferred maintenance investments, property to be rented or leased (except as provided in Section 2 [f]), property owned or used by the State of Texas or its political subdivisions or by any organizations owned, operated or directed by a political subdivision of the State of Texas.

(f) Owned/Leased Facilities. If a leased facility is granted abatement, the agreement shall be executed with the lessor and the lessee. Publicly owned land leased to private entities shall be eligible if otherwise qualified.

(g) Value and Term of Abatement. Abatement shall be granted effective with the January 1 valuation date immediately following the date of execution of the agreement. On a Scale as follows:

Investment	Year	Maximum Abatement
$750,000 - $2,000,000	1	80%
	2	50%
	3	25%
	4	0%
$2,000,001 - $4,000,000	1-2	90%
	3	60%
	4	50%
	5	25%
	6-7	0%
$4,000,001 -$10,000,000	1-2	100%
	3-4	75%
	5-6	50%
	7	25% or as negotiated.
$10,000,001 and up	negotiable up to 7	negotiable

Notwithstanding any other provision of the guidelines and criteria the City Council has the authority to negotiate with applicant the term of years and percentage of abatement.

Such percentage of value that shall be set by City Council order of new eligible properties shall be abated for up to seven years or one-half (1/2) the productive life of the improvement whichever is less. The abatement may be extended through an initial agreement and a subsequent agreement may be required to comply with state law regarding the term of the reinvestment zone. If a modernization project includes facility replacement, the abated value shall be the value of the new unit(s) less the value of the old unit(s).

(h) Economic Qualification. In order to be eligible for designation as a reinvestment zone and to qualify for tax abatement, the planned improvement:

(1) Must be reasonably expected to increase the value of the property in the amount of $750,000 or more;

(2) Must prevent the loss of employment and create employment for at least five additional (5) people (meaning a net gain of five [5] full time employees) on a full-time (forty [40] hours per week equivalent) basis in the City of Angleton for the duration of the abatement period; and

(3) Must be necessary because capacity cannot be provided efficiently utilizing existing improved property;

Additionally, the owner of the project:

(4) Must provide for and pay, at the time of filing an application for tax abatement, a non-refundable application fee of one thousand dollars ($1,000). A part of the application fee will be dedicated by the City of Angleton to economic development programs authorized by Local Government Code, Section 381.004.

(5) Must file a plan statement with application demonstrating willingness and planned efforts to use qualified City of Angleton vendors and services where applicable in the construction and operations of the facility. The City of Angleton vendors and services must be competitive with non-county vendors and services regarding price, quality, safety, availability and ability to perform.

(i) Taxability. From the execution of the abatement contract to the end of the agreement period, taxes shall be payable as follows:

(1) The value of ineligible property as provided in Section 2(e) shall be fully taxable;

(2) The base year value of existing eligible property as determined each year shall be fully taxable; and

(3) The additional value of new eligible property shall be taxable in the manner described in Section 2(g).

APPLICATION Section 3

(a) Any present or potential owner of taxable property in the City of Angleton may request the creation of a reinvestment zone and tax abatement by filing a written request with the City of Angleton. The application shall be filed with the administrative head of the governing body and the applicant shall furnish a copy to each member of the governing body.

(b) The application shall consist of a completed application form accompanied by: a general description of the proposed use and the general nature and extent of the modernization, expansion or new improvements which will be a part of the facility; a map and property description; a time schedule for undertaking and completing the planned improvements. In the case of modernizing, a statement of the assessed value of the facility separately stated for real and personal property shall be given for the tax year immediately preceding the application. The application form shall require such financial and other information, as the City of Angleton deems appropriate for evaluating the financial capacity and other factors of the applicant.

(c) Prior to adopting an Ordinance designating a reinvestment zone, the City Council must conduct a public hearing. Not later than the seventh day before date of the public hearing, notice of the hearing must be published in the newspaper having general circulation in the municipality and delivered in writing by registered or certified mail, to the presiding officer of each other governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone. At the public hearing, any interested person is entitled to speak and present evidence for or against the designation of a reinvestment zone. At the public hearing on the reinvestment zone, City Council must find that the improvements sought are feasible and practical and would be a benefit to the zone after the expiration of the tax abatement agreement. The City Council must also find that the zone meets one of the applicable criteria for reinvestment zones identified in Texas Tax Code Sec. 312.202, as amended, such as it is reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment to the zone. This City Council findings must be approved by the City Council at an open meeting and should be noted in the minutes for that meeting. If the zone designation is approved, the designation lasts for five (5) years and may be renewed for successive periods of up to five (5) years.

(d) Prior to adopting a Resolution granting a tax abatement and approving a tax abatement agreement, the City Council must conduct a public hearing. Not later than the seventh day before the date on which the City enters into a tax abatement agreement, the Mayor shall deliver to the presiding officer of the governing body of each other taxing unit in which the property to be subject to the agreement is located, a written notice by registered or certified mail, that the City intends to enter into the agreement. The notice must include a copy of the proposed agreement. All interested parties shall be entitled to speak and present written materials for or against the approval of the tax abatement. The public hearing shall also afford the applicant and the designated representative of any eligible jurisdiction opportunity to show cause why the abatement should or should not be granted. The tax abatement agreement may not exceed ten (10) years.

(e) The public hearing to designate an area as a reinvestment zone and the public hearing on the tax abatement may be conducted at the same regularly scheduled meeting of the City Council.

(f) After receipt of an application for creation of a reinvestment zone and application for abatement, the Tax Abatement Review Committee (TARC) shall prepare a feasibility study setting out the impact of the proposed reinvestment zone and tax abatement. The feasibility study shall include, but not be limited to, an estimate of the economic effect of the creation of the zone and the abatement of taxes and the benefit to the eligible jurisdiction and the property to be

included in the zone. The cost of said feasibility study shall be paid by the applicant.

(g) If upon written request for a legal opinion or interpretation from the City Council or its members, the legal counsel for the City of Angleton determines that the application does not appear to comply with the written language of the Guidelines and Criteria, a public hearing on said application, if already set, shall be postponed for a period of at least thirty days from the scheduled date of public hearing to allow time for further review by the City Council or any duly appointed review committee, or if an initial setting has not been made, the hearing on such application shall be set on the City Council agenda no sooner than sixty (60) days from the time the Court enters an order to set the public hearing date. The applicant shall file a supplement or addendum to its application to show cause why the application should be approved and shall present reasons at the public hearing on the same. Provided that any final decision or interpretation as to the intent and meaning or policy of any provision or its written language; any final decision as to whether or not an application complies or does not comply with the guidelines and criteria; and any final decision as to whether to grant or deny tax abatement shall be made by the City Council at its sole discretion.

(h) The City of Angleton shall not establish a reinvestment zone for the purpose of abatement if it finds that the request for the abatement was filed after the commencement of construction, alteration, or installation of improvements related to a proposed modernization, expansion or new facility.

(i) Variance. Requests for variance from the provisions of Subsection (a) of Section 1 and/or (h)(2)of Section 2 may be made in written form to the Mayor with a copy forwarded to the TARC. Said variance will only be considered if it is requested for a project valued at less than seven hundred and fifty thousand dollars ($750,000). Such requests shall include a complete description of the circumstances explaining why the applicant should be granted a variance. Approval of a request requires a three-fourth (3/4) vote of the governing body.

(j) Special Variance: Air Carriers. A special variance from all applicable provisions of these guidelines and criteria, with the exception of Section 2 (h)(4) and (h)(5) may be granted allowing abatement or partial abatement of ad valorem taxes on the personal property of a certificated or non-certificated air carrier that owns or leases taxable real property in the City of Angleton provided that the personal property has a value of at least ten million dollars ($10,000,000). Approval of a request for this variance requires a three-fourth (3/4) vote of the City Council.

PUBLIC HEARING Section 4

(a) Neither a reinvestment zone nor abatement agreement shall be authorized if it is determined that:

(1) There would be a substantial adverse effect on the provision of government service or tax base;

(2) The applicant has insufficient financial capacity;

(3) Planned or potential use of the property would constitute hazard to public safety, health or morals; or,

(4) Violation of other codes or laws.

(a) After approval, the City of Angleton City Council shall formally pass a resolution and negotiate and execute a mutually acceptable agreement with the owner of the facility and/or lessee as required, which shall include:

(1) Estimated value to be abated and the base year value;

(2) Percent of value to be abated each year as provided in Section 2(g);

(3) The commencement date and the termination date of abatement;

(4) The proposed use of the facility; nature of construction, time schedule, map, property description and improvement list as provided in Application, Section 3(b);

(5) Contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture, administration and assignment as provided in Sections 2(a), 2(f), 2(g), 2(h) 6, 7, and 8;

(6) Size of investment and average number of jobs involved for the period of abatement; and

(7) Provision that Owner shall annually furnish information necessary for the City of Angleton's evaluation of Owner's compliance with the terms and conditions of the tax abatement agreement and these guidelines and criteria (in the form of an annual report/statement of compliance), together with an additional provision that the City of Angleton may, at its election, request and obtain information from Owner as is necessary for the city's evaluation of Owner's compliance with the terms and conditions of the tax abatement agreement and these guidelines and criteria.

If the parties successfully negotiate an agreement, such agreement shall be executed within sixty (60) days after the applicant has forwarded all necessary information and documentation to the City of Angleton.

RECAPTURE Section 6

(a) In the event that the facility is completed and begins producing products or service but subsequently discontinues producing products or service for any reason except fire, explosion or other casualty or accident or natural disaster for a period of six months during the abatement period, then the agreement shall terminate and so shall the abatement of the taxes for the calendar year during which the facility no longer produces. The taxes otherwise abated for that calendar year and all taxes previously abated by virtue of this agreement will be reconstructed and shall be paid to the City of Angleton within sixty (60) days from the date of termination.

(b) Should the City of Angleton determine that the company or individual is in default according to the terms and conditions of its agreement, the City of Angleton shall notify the company or individual in writing at the address stated in the agreement and if such is not cured within sixty (60) days from the date of such notice ("Cure Period"), then the agreement may be terminated.

(c) In the event that the company or individual (1) allows its ad valorem taxes owed the City

to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest, or (2) violates any of the terms and conditions of the abatement agreement and fails to cure during the "Cure Period", the agreement then may be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within sixty (60) days of the termination.

(d) Any amount to be recaptured under this section shall be a lien on all real and personal property of the owner, the company and/or individual receiving the abatement.

ADMINISTRATION Section 7

(a) The Chief Appraiser of the Brazoria County Appraisal District shall annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the city with such information as may be necessary for the abatement. Once value has been established, the Chief Appraiser shall notify the eligible jurisdictions, which levies taxes on the amount of the assessment.

(b) The agreement shall stipulate that TARC of the City of Angleton will have access to the reinvestment zone during the term of the abatement to inspect the facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the company or individual and in accordance with their safety standards.

(c) Tax Abatement Review Committee. The City Council shall appoint a standing Tax Abatement Review Committee (TARC) for purposes of (1) reviewing the tax abatement application and preparing or having prepared the feasibility study report required by Section 3(d) of these guidelines; (2) conducting annual inspections and/or evaluations of the abated facilities to insure compliance with the terms/conditions of the tax abatement agreement.

(d) The Tax Abatement Review Committee shall be comprised of the following persons:

(1) Mayor of the City of Angleton;

(2) City Manager of the City of Angleton;

(3) One council member of the City Council of the City of Angleton, to be approved by a majority vote of the City Council of the City of Angleton;

(4) Three persons who are residents of the City of Angleton or who engage in business in the City of Angleton. Said persons shall be appointed by a majority vote of the City Council.

(5) The City Attorney, who shall serve as an ex-officio member of the committee and render advice on abatement qualifications and procedures.

(6) The Economic Development Director or other person from said department will act as the administrator of the TARC and serve as an ex-officio member of the committee.

The appointed members shall serve for two year terms and are eligible for reappointment

by the City Council.

(e) Upon completion of construction, the owner of an abated facility must submit a written report/statement of compliance annually during the life of the abatement to the City of Angleton City Council and the Tax Abatement Review Committee clearly detailing the status of the facility and how it is complying with the abatement guidelines. The Committee shall annually evaluate each abated facility and report possible violations to the contract and agreement to the City of Angleton City Council.

(f) The City of Angleton shall timely file with the Texas Department of Commerce and the Property Tax Division of the State Comptroller's office all information required by the Tax Code.

ASSIGNMENT Section 8

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same facility upon the approval by resolution of the City of Angleton subject to the financial capacity of the assignee and provided that all conditions and obligations in the abatement agreement are guaranteed by the execution of a new contractual agreement with the City of Angleton. No assignment or transfer shall be approved if the new parties to the existing agreement, the new owner or new lessee are liable to the City of Angleton or any eligible jurisdiction for delinquent taxes or other obligations. Approval shall not be unreasonably withheld.

SUNSET PROVISION Section 9

(a) These Guidelines and Criteria are effective upon the date of their adoption and will remain in force for two (2) years, at which time all reinvestment zones and tax abatement contracts created, pursuant to its provisions, will be reviewed by the City of Angleton to determine whether the goals have been achieved. Based on that review, the Guidelines and Criteria will be modified, renewed or eliminated providing that such actions shall not affect existing contracts or applications for tax abatement filed prior to the expiration of said

Guidelines and Criteria shall be governed by the provisions of these Guidelines and Criteria regardless of any subsequent modification or amendment.

(b) This policy is mutually exclusive of existing Industrial District Contracts and owners of real property in areas deserving of special attention as agreed by the eligible jurisdictions.

CITY COUNCIL AGENDA ITEM
Meeting Date: June 14, 2016

SUBJECT: DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF ORDINANCE NO. 2016-O-6I, AMENDING CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE II, CITY COUNCIL, BY CHANGING SEC. 2-34 (b) (3), DESCRIBING THE ORDER OF BUSINESS FOR REGULAR COUNCIL MEETINGS.

__ Consent item
X Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Mary Kay Fischer, City Attorney, on behalf of Cody T. Vasut, City Council Member

Budgeted amount: **N/A** **Funds requested:** **N/A** **Fund: N/A**

Attachments: Ordinance No. 2016-O-6I

Executive Summary:

Since the incorporation of the City of Angleton in 1912, there has never been a formal prayer at City Council meetings.

In June 2002, the City Council modified its order of business in regular meetings to include a moment of silent reflection or silent prayer.

It is the current City Councils' desire to change their proceedings to provide for an invocation.

Mary Kay Fischer
Name

June 7, 2016
Date

ORDINANCE NO. 2016-O-6I

AN ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE II, CITY COUNCIL, BY CHANGING SEC. 2-34, COUNCIL PROCEEDINGS, DESCRIBING THE ORDER OF BUSINESS FOR REGULAR COUNCIL MEETINGS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

SECTION 1. That Section 2-34 (b) (3) of the Code of Ordinances, City of Angleton, Texas is hereby amended to read as follows:

OPTION 1

> Invocation led by the mayor.
> If the mayor is not willing to lead the invocation, or otherwise desires to delegate the leading of the invocation, then the mayor shall designate a willing member of the city council to lead the invocation. If the mayor and no member of the city council are willing to lead the invocation, then a moment of silent reflection or prayer shall be observed instead.

OR

OPTION 2

> Invocation led by the mayor.
> The mayor may also choose to delegate the leading of the invocation to a member of the city council who may choose to lead the invocation or have a moment of silence.

OR

OPTION 3

> Amended language proposed by the City Council

SECTION 2. That if any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Angleton in adopting, and of the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 4. That the City Council has found and determined that the meeting at which this Ordinance is considered is open to the public and that notice thereof was given in accordance with the provisions of the Texas Open Meetings Act, Texas Government Code, Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 5. That this Ordinance shall be in full force and effect from and after its date of approval.

PASSED AND APPROVED on this the 14th day of June, 2016.

CITY OF ANGLETON, TEXAS

_____
RANDY RHYNE, MAYOR

ATTEST:

_____
SHELLY DEISHER, CITY SECRETARY

APPROVED AS TO FORM:

_____
MARY KAY FISCHER, CITY ATTORNEY