

ACTION ITEMS

4th of July

Fireworks Display

Agenda Item 11-D

AGENDA MEMORANDUM

MEMO TO:

Honorable Mayor and City Council Members

FROM:

Danny Segundo, City Administrator

DATE:

February 4th, 2020

SUBJECT:

4th of July Fireworks Display

BACKGROUND/INFORMATION:

We are moving ahead preparing for the annual 4th of July fireworks display, which will be held on Saturday this year.

The Annual 4th of July fireworks display is paid for by the City of Somerville. The City uses Hotel/Motel tax for this expenditure.

Our purchasing policy requires the approval of City Council for any expenditures over \$3,000.00. The cost associated with last year's fireworks display was \$5,000.00.

City staff is requesting permission to solicit cost associated with providing a 15-minute fire works display.

RECOMMENDED COUNCIL ACTION: Discuss, consider approve or (disapprove) authorize the city administrator to solicit cost associated with providing a 15-minute fireworks display for the City of Somerville's 4th of July event.

**U.S. ARMY CORPS OF ENGINEERS
FORT WORTH DISTRICT
SPECIAL EVENT PERMIT**

Special Event Permit No: _____ Lease No. (If Applicable): _____

PERMIT ISSUED TO: _____

Organization (Permittee): City of Somerville

Organization Representative: Danny Segundo

Telephone: Days (979)-596-1122 Evenings _____

Street or P.O. Box: P.O. Box 912

Town/City: Somerville State: Texas Zip: 77879

Purpose: 4th of July Fire Works

Date/Time: 07/04/2020 Number of Participants: 300

Location: Somerville Lake, Texas.

PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. Permit Application Fee: Permittee shall pay a \$75.00 non-refundable permit application fee for each Special Event permitted on a non-outgranted area, and only events permitted on an outgranted area that does not include reimbursement charges for costs accrued by the Corps in providing special benefits in support of the Special Event.

2. Real Estate Administration Fee: Permittee shall pay a \$500.00 Real Estate administration fee for each Special Event permitted on an outgranted area that includes reimbursement charges for costs accrued by the Corps in providing special benefits in support of the Special Event.

3. Additional Fees: In addition to the \$75.00 permit application fee or \$500 Real Estate administration fee, the permittee shall reimburse the Government for all Government costs accrued by the Corps in providing special benefits to an identifiable recipient in support of the Special Event. These costs will include direct and indirect costs incurred by the Government for additional services and/or resources related specifically to the special event, including the reservation and use fees for all recreational facilities to be used by the permittee during the special event. If the event will cause the Government to accrue reimbursable costs, an itemized accounting of the reimbursable costs will be attached and become a condition to this permit prior to issuance.

3. Events for Profit on Non-Outgranted Areas: If the event is located on a non-outgranted area and collects funds in excess of actual costs, all excess funds shall be paid to the Corps for legal disposal unless surplus proceeds are used for benefit to the project as determined by the Operations Project Manager. A receipt and expenditure statement shall be provided by the permittee within 30 days following the event.

4. Events for Profit on Outgranted Areas: If the event is located on an outgranted area, all gross event proceeds will be reported in accordance with all applicable lease conditions.

5. Alcoholic Beverages: If the event includes the sale or distribution of alcoholic beverages the permittee shall comply with all applicable laws and regulations including the Texas Alcoholic Beverage Commission (TABC) regarding the sale or distribution of alcoholic beverages.

6. Applicable Laws and Regulations: The permittee shall comply with all applicable Federal laws and regulations, lease conditions, and with all applicable laws, ordinances, and regulations of the state, county, and municipality wherein the event is located, including, but not limited to, those regarding construction, health, safety, food service, sale or distribution of alcoholic beverages, water supply, sanitation, use of pesticides, licenses or permits to do business.

7. Health and Safety: The permittee is responsible for taking all reasonable health and safety precautions for the protection of life and property, including participants and spectators. This will include coordinating with the appropriate local and state agencies, providing security, parking assistance, adequate policing for crowd supervision and control. Other such precautions may include special traffic handling, provision of ambulance service or first aid station, security, and additional water supply and sanitary facilities. The permittee will also comply with such additional safety precautions as directed by the Operations Project Manager.

8. Environmental and Cultural Impacts: The permittee shall exercise due care in the use of the premises so as to minimize the impact on environmental and cultural resources.

9. Public Use: Private use of the project lands will not preempt public use of project recreational resources not exclusively covered under this permit.

10. Non-Discrimination: Admission to view the event will be open to the general public without discrimination on the grounds of race, color, religion, national origin, sex or age. Participation in the event may be limited to members of the sponsoring group provided that the group does not unlawfully discriminate against participation in the event on grounds of race, color, religion, national origin, sex or age. Request for special events permits citing "special circumstances" for participation requiring gender or age discrimination must be accompanied by an exceedingly persuasive justification. This may be appropriate for activities such as contact sports and sports such as tennis, golf, or competitive swimming. Fishing tournaments do not qualify for discrimination based on gender.

11. Insurance: The permittee shall meet bonding, insurance, and other requirements as determined by the Operations Project Manager.

12. Performance Bond: At the discretion of the Operations Project Manager a performance bond may be required to cover maintenance, damage and restoration costs for government resources and facilities, including an amount equal to the estimated cost to be accrued by the Corps specifically related to the special event.

13. Damages: The permittee shall repair or replace any property of the United States Government that is damaged or destroyed as a result of, or incidental to, the event and shall restore the permitted area by 12:00 pm of the day after the event. Repairs and restoration shall be completed to the satisfaction of the Operations Project Manager.

14. Government Liability: The United States Government is not responsible for damages to property or injuries to persons which arise from or are incident to the exercise of the privileges herein granted and shall be held harmless from any and all such claims.

15. Required Documentation: Within 30 days following the event, the permittee of the event will submit to the Government the following: number of participants, a receipt report itemizing total costs and revenues collected and a check or money order amounting to all reimbursable costs as determined by the Operations Project Manager and in accordance with the conditions of this permit and applicable lease conditions.

16. Audit: The Government reserves the right to audit the permittee's records.

17. Cancellation: The Government reserves the right to refuse or cancel any event or program at any time before or during the event as determined by the Operations Project Manager, without liability to the Government or its employees.

18. Special Conditions: Special conditions and estimated reimbursement costs are attached if checked: []

19. Events on Outgranted Areas: If the event is located on an outgranted area, this permit is being issued by the Operations Project Manager or their authorized representative under the authority granted by the Chief, Real Estate Division.

Signature Blocks:

Permittee

Operations Project Manager/Representative

Date

Date

ACTION ITEMS

Interlocal Co-op

Contract / FTA Program

Agenda Item 11-E

AGENDA MEMORANDUM

MEMO TO:

Honorable Mayor and City Council Members

FROM:

Danny Segundo, City Administrator

DATE:

February 4th, 2020

SUBJECT:

Interlocal Cooperation Contract – Failure to Appear Program

BACKGROUND/INFORMATION:

The City of Somerville Municipal Court of Record has received a proposed Interlocal Agreement with the Texas Department of Public Safety for the continued implementation of the Failure to Appear Program. The prior Agreement was executed in 2012. The new agreement is revised to be in line with any legislative updates.

The purpose of the agreement is to implement the provisions of the Texas Transportation Code, Chapter 706. The City is contracting with TXDPS to provide information necessary to deny renewal of the driver's license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the court in a matter involving any offense that a court has jurisdiction of under Chapter 4, Texas Code of Criminal Procedure.

TXDPS has a contract with a private vendor pursuant to Section 706.008 Transp. Code. The vendor shall provide the necessary goods and services to establish an automated system (referred to as the "FTA System") whereby information regarding violators subject to the provisions of Chapter 706 Transp. Code may be accurately stored and accessed by TXDPS. Utilizing the FTA System as a source of information, TXDPS may deny renewal of a driver's license to a person who is the subject of an FTA System entry.

The City shall pay monies to the vendor based on a fee established by the Interlocal Agreement. TXDPS shall make no direct or indirect payments to the vendor. The vendor shall ensure that accurate information is available to TXDPS, the City and persons seeking to clear their license at all reasonable times. Staff has reviewed the agreement and recommends approval.

RECOMMENDED COUNCIL ACTION: Discuss, consider approve or (disapprove) approving an Interlocal Agreement between the City of Somerville and the Texas Department of Safety, to implement the provisions of Texas Transportation Code, Chapter 706, related to the failure to appear program for municipal courts.

ATTACHMENTS: Exhibit A – Interlocal Agreement

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.dps.texas.gov



STEVEN C. McCRAW
DIRECTOR
SKYLOR HEARN
FREEMAN F. MARTIN
RANDALL B. PRINCE
DEPUTY DIRECTORS



COMMISSION
STEVEN P. MACH, CHAIRMAN
A. CYNTHIA LEON

January 10, 2020

Dear Court Administrator:

Enclosed please find the revised contract offered by the Texas Department of Public Safety to accommodate Chapter 706 of the Texas Transportation Code. Please complete all of the appropriate entries on the contract and arrange for the approval and signature of the presiding official authorized to sign contractual documents in your jurisdiction (mayor, city manager, county judge, etc.).

Only one (1) original signed contract should be submitted for each political subdivision; if you require a final copy for the court, please indicate so when you return the document. Signed contracts should be returned to:

Texas Department of Public Safety
Attn: Enforcement and Compliance Service
5805 North Lamar Blvd.
Austin, Texas 78752-0001

After the contract has been returned to the Department it will be processed for the appropriate signatures.

Any questions regarding the contract should be forwarded to Enforcement and Compliance Service; Tijuana Pendergrass at (512) 424-5431.

Sincerely yours,

Frances Gomez, Manager
Enforcement and Compliance Service

**Interlocal Cooperation Contract
Failure to Appear (FTA) Program**

State of Texas

County of _____

I. PARTIES AND AUTHORITY

This Interlocal Cooperation Contract (Contract) is entered into between the Department of Public Safety of the State of Texas (DPS), an agency of the State of Texas and the _____ Court of the [City or County] of _____ (Court), a political subdivision of the State of Texas, referred to collectively in this Contract as the Parties, under the authority granted in Tex. Transp. Code Chapter 706 and Tex. Gov't Code Chapter 791 (the Interlocal Cooperation Act).

II. BACKGROUND

As permitted under Tex. Transp. Code § 706.008, DPS contracts with a private vendor (Vendor) to provide and establish an automated FTA system that accurately stores information regarding violators subject to the provisions of Tex. Transp. Code Chapter 706. DPS uses the FTA system to properly deny renewal of a driver license to a person who is the subject of an FTA system entry.

III. PURPOSE

This Contract applies to each FTA Report submitted by the Court to DPS or its Vendor and accepted by DPS or its Vendor.

Court will supply information to DPS, through its Vendor, that is necessary to deny renewal of the driver license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the Court in a matter involving any offense that Court has jurisdiction of under Tex. Code Crim. Proc. Chapter 4.

IV. PERIOD OF PERFORMANCE

This Contract will be effective on the date of execution and will automatically renew on the anniversary date of execution for up to three additional years unless terminated earlier.

V. COURT RESPONSIBILITIES

A. Written warnings

A peace officer authorized to issue citations within the jurisdiction of the Court must issue a written warning to each person to whom the officer issues a citation for a traffic law violation. This warning must be provided in addition to any other warnings required by law. The warning must state in substance that if the person fails to appear in court for the prosecution of the offense or if the person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the Court, the person may be denied

renewal of the person's driver license. The written warning may be printed on the citation or on a separate instrument.

B. FTA Report

An FTA Report is a notice sent by Court requesting a person be denied renewal in accordance with this Contract. The Court may submit an FTA Report to Vendor if a person fails to appear or fails to pay or satisfy a judgment as required by law. There is no requirement that a criminal warrant be issued in response to the person's failure to appear. The Court must make reasonable efforts to ensure that all FTA Reports are accurate, complete, and non-duplicative. The FTA Report must include the following information:

1. the jurisdiction in which the alleged offense occurred;
2. the name of the court submitting the report;
3. the name, date of birth, and Texas driver license number of the person who failed to appear or failed to pay or satisfy a judgment;
4. the date of the alleged violation;
5. a brief description of the alleged violation;
6. a statement that the person failed to appear or failed to pay or satisfy a judgment as required by law;
7. the date that the person failed to appear or failed to pay or satisfy a judgment; and
8. any other information required by DPS.

C. Clearance Reports

The Court that files the FTA Report has a continuing obligation to review the FTA Report and promptly submit appropriate additional information or reports to the Vendor. The clearance report must identify the person, state whether or not a fee was required, and advise DPS to lift the denial of renewal and state the grounds for the action. All clearance reports must be submitted immediately, but no later than two business days, from the time and date that the Court receives appropriate payment or other information that satisfies the person's obligation to that Court.

To the extent that a Court uses the FTA system by submitting an FTA Report, the Court must collect the statutorily required \$10.00 reimbursement fee. If the person is acquitted of the underlying offense for which the original FTA Report was filed, the Court will not require payment of the reimbursement fee.

Court must submit a clearance report for the following circumstances:

1. the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;
2. the dismissal of the charge for which the warrant of arrest was issued or judgment arose;
3. the posting of a bond or the giving of other security to reinstate the charge for which the warrant was issued;
4. the payment or discharge of the fine and cost owed on an outstanding judgment of the Court; or

5. other suitable arrangement to pay the fine and cost within the Court's discretion.

DPS will not continue to deny renewal of the person's driver license after receiving notice from the Court that the FTA Report was submitted in error or has been destroyed in accordance with the Court's record retention policy.

D. Quarterly Reports and Audits

Court must submit quarterly reports to DPS in a format established by DPS.

Court is subject to audit and inspection at any time during normal business hours and at a mutually agreed upon location by the state auditor, DPS, and any other department or agency, responsible for determining that the Parties have complied with the applicable laws. Court must provide all reasonable facilities and assistance for the safe and convenient performance of any audit or inspection.

Court must correct any non-conforming transactions performed by the Court, at its own cost, until acceptable to DPS.

Court must keep all records and documents regarding this Contract for the term of this Contract and for seven years after the termination of this Contract.

E. Accounting Procedures

Court must keep separate, accurate, and complete records of the funds collected and disbursed and must deposit the funds in the appropriate municipal or county treasury. Court may deposit such fees in an interest-bearing account and retain the interest earned on such accounts for the Court.

Court will allocate \$6.00 of each \$10.00 reimbursement fee received for payment to the Vendor and \$4.00 for credit to the general fund of the municipal or county treasury.

F. Non-Waiver of Fees

Court will not waive the \$10.00 reimbursement fee for any person that has been submitted on an FTA Report, unless the person is deemed to be indigent, or the person is acquitted of the charges for which the person failed to appear.

Failure to comply with this section will result in: (i) termination of this Contract for cause; and (ii) the removal of all outstanding entries of the Court in the FTA Report, resulting in the lifting of any denied driver license renewal status from DPS.

G. Litigation Notice

The Court must make a good-faith attempt to immediately notify DPS in the event that the Court becomes aware of litigation in which this Contract or Tex. Transp. Code Chapter 706 is subject to constitutional, statutory, or common-law challenge, or is struck down by judicial decision.

VI. PAYMENTS TO VENDOR

Court must pay the Vendor a fee of \$6.00 per person for each violation which has been reported to the Vendor and for which the Court has subsequently collected the statutorily required \$10.00 reimbursement fee. In the event that the person has been acquitted of the underlying charge or is indigent, no payment will be made to the Vendor or required of the Court.

Court agrees that payment will be made to the Vendor no later than the last day of the month following the close of the calendar quarter in which the payment was received by the Court.

DPS will not pay Vendor for any fees collected by Court.

VII. GENERAL TERMS AND CONDITIONS

- A. **Compliance with Law.** The Court understands and agrees that it will comply with all local, state, and federal laws in the performance of this Contract, including administrative rules adopted by DPS.
- B. **Contract Amendment.** DPS and Court may amend this Contract through a written amendment signed by an authorized signatory on behalf of the respective party.
- C. **Notice.** The respective party will send the other party notice as noted in this section.

Court	Department of Public Safety
Attn.:	Enforcement & Compliance Service
Address:	5805 North Lamar Blvd.
Address:	Austin, Texas 78752-0001
Fax:	(512) 424-5311 [fax]
Email:	Driver.Improvement@dps.texas.gov
Phone:	(512) 424-7172

- D. **Termination.** Either party may terminate this Contract with 30 days' written notice. DPS may also terminate this Contract for cause if Court doesn't comply with Section V.F., *Non-Waiver of Fees*. After termination, the Court has a continuing obligation to report dispositions and collect fees for all violators in the FTA system at the time of termination. Failure to comply with the continuing obligation to report will result in the removal of all

outstanding entries of the Court in the FTA Report, resulting in the lifting of any denied driver license renewal status from DPS.

VIII. CERTIFICATIONS

The Parties certify that (1) the Contract is authorized by the governing body of each party; (2) the purpose, terms, rights, and duties of the Parties are stated within the Contract; and (3) each party will make payments for the performance of governmental functions or services from current revenues available to the paying party.

The undersigned signatories have full authority to enter into this Contract on behalf of the respective Parties.

Court*

Department of Public Safety

Authorized Signature

Driver License Division Chief or Designee

Title

Date

Date

*An additional page may be attached if more than one signature is required to execute this Contract on behalf of the Court. Each signature block must contain the person's title and date.

ACTION ITEMS

Resolution R20-001

SDR Investment, LLC

Agenda Item 11-F

AGENDA MEMORANDUM

MEMO TO:

Honorable Mayor and City Council Members

FROM:

Danny Segundo, City Administrator

DATE:

February 4th, 2020

SUBJECT:

Resolution of Support

BACKGROUND/INFORMATION:

The Somerville Plaza Apartments is being considered for acquisition and substantial rehabilitation by SDR Investments, LLC.

SDR Investments, LLC will be submitting an application to the Texas Department of Housing and Community Affairs to obtain Affordable Housing Tax Credits to assist in the financing of this rehabilitation. Additionally, this development will be financed with the help of the USDA Rural Development 515 loan program.

SDR Investments and the Belmont Companies are asking that the City of Somerville support their efforts to receive a grant for the improvement by adopting a support resolution.

The development is being called the Somerville Estates, so references in the Resolution will reflect the new name of the complex.

Information regarding the developer and qualifications are attached as exhibits for your review. Also, a letter from SDR Investments, LLC, provides details and information regarding the scope of work involved at the Somerville Estates.

RECOMMENDED COUNCIL ACTION: Discuss, consider approve or (disapprove) Resolution R20-001, a resolution supporting the efforts of SDR Investment, LLC.

ATTACHMENTS: Exhibit A – Resolution R20-001

Exhibit B – Somerville Information Letter

Exhibit C – Developers Qualifications

RESOLUTION NO. R20-001

BY THE CITY OF SOMERVILLE

WHEREAS, **CMS Senior Housing, LP** has proposed to acquire and substantially rehabilitate an affordable rental housing development located at **785 3rd Street, Somerville, TX 77879** currently operating as **Somerville Plaza Apartments**, and

WHEREAS, as part of the rehabilitation process, **CMS Senior Housing, LP** intends to change the name of the development to **Somerville Estates**, and

WHEREAS, **CMS Senior Housing, LP** has communicated that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2020 Competitive 9% Housing Tax Credits to assist in the financing for **Somerville Estates**.

IT IS HEREBY RESOLVED, that the **City of Somerville**, acting through its governing body, hereby confirms that it supports the proposed **Somerville Estates** development located at **785 3rd Street, Somerville, TX 77879** and that this formal action has been taken to put on record the opinion expressed by the **City of Somerville** on February 11, 2020, and

BE IT FURTHER RESOLVED, that the **City of Somerville**, acting through its governing body, hereby confirms that the **Somerville Estates** development located at **785 3rd Street, Somerville, TX 77879**, as proposed, contributes more than any other Development to the concerted revitalization efforts of the **City of Somerville** and that this formal action has been taken to put on record the opinion expressed by the **City of Somerville** on February 11, 2020, and

BE IT FURTHER RESOLVED that for and on behalf of the Governing Body, the City of Somerville Mayor Micheal Bradford are hereby authorized, empowered, and directed to certify each of these resolutions to the Texas Department of Housing and Community Affairs.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
SOMERVILLE, TEXAS ON THE 11TH DAY OF FEBRUARY 11, 2020.**

Mayor, Micheal Bradford

ATTEST:

City Secretary, Rose Rosser

SDR Investments, LLC

222 E. Main St., First Floor; Oklahoma City, OK 73104

February 4, 2020

City of Somerville
150 8th St.
Somerville, TX 77879

To all interested parties:

The purpose of this letter is to provide you with a little more information on the proposed acquisition and substantial rehabilitation of the apartment complex currently known as Somerville Plaza, a 24-unit apartment style community located at 785 3rd St., Somerville, TX 77879. (Upon completion to be renamed Somerville Estates.) SDR Investments, LLC (SDR) will be submitting an application to the Texas Department of Housing and Community Affairs (TDHCA) to obtain Affordable Housing Tax Credits to assist in the financing of this rehabilitation. Additionally, this development will be financed with the help of the USDA Rural Development 515 loan program.

SDR and its Principal Members have extensive experience in the preservation of Affordable Housing just like Somerville Plaza, both here in Texas and the surrounding region. *[A separate document addressing SDR's industry experience is also being provided.]*

We are proposing to do a full inside-out rehab of the property to bring it up to a "like-new" standard. We will work with 3rd party architects and engineers to create an all-encompassing scope of work based on the current and future estimated capital needs for the property. The rehab will address general improvements and deferred maintenance issues as well as any structural and/or health and safety concerns. The proposed rehab also includes bringing the property in line with all current ADA accessibility standards. This even goes so far as requiring the retrofitting of existing units if it is needed in order to comply with current regulations. All new energy efficient appliances will be installed in each unit, including but not limited to, new refrigerators, stove/ranges, microwaves, as well as systems upgrades like all new HVAC's & water heaters throughout. All flooring in the units will be replaced with a combination of new carpet and special long-lasting resilient flooring.

Additionally, new and improved shared amenities will be provided including, but not limited to a new or improved community room for social activities, a new shared fitness area with equipment provided, a new computer workstation area with internet access and printer/scanner capabilities, as well as new outdoor covered seating & gathering areas.

We want to take a moment to bring specific attention to the depth of the rehab work being proposed. We understand that oftentimes developers might try to sell a job as a "rehab" when really, they are just looking to put in the lowest investment amount they get away with in order to flip the property in the near future. When really they just make some minor cosmetic improvements and brand it as "new". This could not be further from what we are proposing. First off, we are a long-term hold investor. In fact, when we apply to TDHCA for these funds, we are

**222 E. Main St., First Floor; Oklahoma City, OK 73104
Office (405) 604-5074; Fax (405) 604-5092**

also committing to keeping the property affordable and well maintained for a minimum of 30 years. As such we take significant care to ensure the proposed work is of significant quality. We are still waiting for final Architectural Drawings, so a complete budget has not yet been signed off on. However, we have successfully completed many similar rehab developments, and we generally expect to budget anywhere from \$35K-\$45K per unit of strictly Hard Construction Costs. This figure does not include any contractors fees/profit, or overhead. It is purely the amount dedicated to “sticks & bricks”. Furthermore, both TDHCA & USDA RD play a significant oversight role in the rehabilitation process. Upon completion of the development, but before the Developer can receive their final compensation, these agencies will require that an independent 3rd party accounting firm prepare a Final Certification of the total cost expenditures in to prove that all funds were spent in accordance with the appropriate guidelines.

Those familiar with the Real Estate Industry will recognize that a high-quality construction job isn't worth much if the property is not also well managed afterward. That is why upon completion of the renovation, Belmont Management Company will step in and take over the day to day operations of the property going forward. Belmont Management specializes solely in Affordable Housing and currently manages more than 120 properties in six states, totaling well over 4,200 individual housing units. (Ryan Hudspeth, one of the Principals of SDR is also the Owner of Belmont Management)

Somerville Plaza currently operates under certain rent & income restrictions that specifically allow it to operate as an Affordable Housing Development and only qualified tenants may reside there. This will not change after the rehab is complete and all current residents are strongly encouraged to stay during the renovation and enjoy their newly upgraded units upon completion. Though some temporary inconveniences may be felt, as the level of rehab being performed does require the units to be vacated entirely for a portion of the construction period, SDR is committed to making the process as smooth as possible for those currently living there. We will provide temporary housing at no cost to the residents and will cover all related moving expenses including offsite storage if necessary.

We are excited about this opportunity and are confident that properly rehabbing this development to like-new standards will serve to not only have a positive impact in the lives of the individuals who reside there, but in the surrounding community as well.

We look forward to working with you in whatever capacity may be needed to make this a success! Thank you for your time and I look forward to receiving any input you have regarding this proposed development.

Sincerely,



Corey Farmer
Associate, SDR Investments, LLC



The Belmont Companies & SDR Investments, LLC

Belmont

Belmont Development Company specializes solely in the development of Affordable Multi-Family Housing. Belmont was formed in 2007 for the primary purpose of redeveloping a large USDA Rural Development portfolio of properties spread throughout Oklahoma, Arkansas, Texas, Kansas, and Missouri.

Belmont is a vertically integrated company, comprised of Belmont Development, Belmont Construction & Belmont Management. In all The Belmont Companies currently own and/or manage over 120 Multifamily properties consisting of well over 4,200 affordable housing units.

The main financial funding source available to the Affordable Housing industry comes by way of the Affordable Housing Tax Program (AHTC). Belmont has extensive experience in all aspects needed to complete a successful AHTC development. This includes, but is not limited to, site selection, pre-development due diligence, preparation of AHTC funding applications, agency approval for AHTC funds, securing all necessary 3rd private gap financing, post-award due diligence with financial providers, construction oversight, project lease-up oversight, timely credit delivery, and finally continuous stable & sustainable occupancy. Part of what has allowed Belmont to enjoy this level of success is the team's detailed knowledge and experience with a variety of other complimentary funding mechanisms as well. Whether it be securing a HOME loan through HUD's HOME Investment Partnership Program, utilizing grant funds from FHLB's AHP (Affordable Housing Program), or applying for USDA RD's 538 or HUD's 221(d)(4) guaranteed loan programs, Belmont has the knowledge and expertise to not only layer the best possible combination of funds, but to also successfully navigate complicated process of ensuring compliance with the unique set of regulations and guidelines associated with each individual program.

SDR Investments

Belmont is owned by 3 Principal Members, Shawn Smith, Derrick Hamilton and Ryan Hudspeth. SDR Investments, LLC was formed in 2009 those same three individuals. The founding members of Belmont soon realized that there were additional opportunities to utilize their unique expertise in the development of Affordable Housing. They initially created SDR to act as a full-service consulting firm to help other Affordable Housing Developers who may lack the experience necessary to fully navigate this type of development on their own. More recently SDR also began developing properties of its own in certain situations.

Please see the attached list of completed and awarded developments for more information on the successful track records of each of these companies since their founding.

Belmont Development Company

List of Developments

Property Name	City	State	# of Units	Type	LIHTC	HOME	Other	Entity's Role	Status (Active, Sold, Expired)	Final CO's
GardenWalk of Decatur	Decatur	AR	24	Acq/Rehab	X	X	RD	Developer	Active	2011
SavannahPark of Alma	Alma	AR	24	Acq/Rehab	X	X	RD	Developer	Active	2011
Turkey Red Village	Newton	KS	20	Acq/Rehab	X		RD	Developer	Active	2011
GardenWalk of Broken Bow	Broken Bow	OK	96	Acq/Rehab	X		RD	Developer	Active	2012
GardenWalk of Oologah	Oologah	OK	56	Acq/Rehab	X		RD	Developer	Active	2012
GardenWalk of Poteau	Poteau	OK	82	Acq/Rehab	X		RD	Developer	Active	2012
GardenWalk of Stilwell	Stilwell	OK	116	Acq/Rehab	X		RD	Developer	Active	2012
GardenWalk of Barling	Barling	AR	41	Acq/Rehab	X	X	RD	Developer	Active	2013
GardenWalk of Booneville	Booneville	AR	48	Acq/Rehab	X	X	RD	Developer	Active	2013
Wellsville Heights	Wellsville	KS	24	Acq/Rehab	X		RD	Developer	Active	2013
GardenWalk of Bentonville	Bentonville	AR	24	Acq/Rehab	X		RD & PRLF	Developer	Active	2014
GardenWalk of Van Buren	Van Buren	AR	54	Acq/Rehab	X		RD & PRLF	Developer	Active	2014
SavannahPark of Farmington	Farmington	AR	36	Acq/Rehab	X	X	RD	Developer	Active	2014
GardenWalk of Sallisaw	Sallisaw	OK	99	Acq/Rehab	X		RD	Developer	Active	2015
SavannahPark of Atoka	Atoka	OK	24	Acq/Rehab	X		RD	Developer	Active	2015
SavannahPark of Coalgate	Coalgate	OK	24	Acq/Rehab	X		RD	Developer	Active	2015
GardenWalk of LSW	LaGrange, Schulenburg, & Weimar	TX	40	Acq/Rehab	X		RD	Developer	Active	2016
GardenWalk of Muldrow	Muldrow	OK	72	Acq/Rehab	X		RD	Developer	Active	2016
GardenWalk on 2nd	Ozark	AR	45	Acq/Rehab	X		RD & MSF	Developer	Active	2016
SavannahPark of ALK	Abernathy, Lexington, & Karnes City	TX	72	Acq/Rehab	X		RD	Developer	Active	2016
GardenWalk of Grove	Grove	OK	100	Acq/Rehab	X	X	RD	Developer	Active	2017
GardenWalk of Idabel	Idabel	OK	52	Acq/Rehab	X	X	RD	Developer	Active	2017
SavannahPark of Grove & Jay	Grove & Jay	OK	88	Acq/Rehab	X	X	RD	Developer	Active	2017
Villages at Plano Senior Housing	Plano	TX	292	New Const	X	X	Bond	Co-Developer	Active	2017
GardenWalk of Coweta	Coweta	OK	126	Acq/Rehab	X		RD	Developer	Active	2018
GardenWalk of South Fork	South Fork	CO	34	Acq/Rehab	X		RD & CO DOLA HDL	Developer	Active	2018
SavannahPark of Charleston	Charleston	AR	52	Acq/Rehab	X	X	RD	Developer	Active	2018
GardenWalk of Ft. Gibson	Fort Gibson	OK	91	Acq/Rehab	X		RD & AHP	Developer	Construction Complete	2019
GardenWalk of Jones	Jones	OK	32	Acq/Rehab	X		RD & AHP	Developer	Construction Complete	2019
SavannahPark of Healdton	Healdton	OK	20	Acq/Rehab	X		RD	Developer	Construction Complete	2019
GardenWalk of Checotah	Checotah	OK	48	Acq/Rehab	X		RD	Developer	Under Construction	TBD
Legacy Park Estates	Kansas City	KS	30	New Const	X			Developer	Under Construction	TBD
GardenWalk of Gunnison	Gunnison	CO	36	New Const	X			Developer	Under Construction	TBD
GardenWalk of Magnolia Ridge	Warrensburg	MO	60	New Const	X	X		Developer	Under Construction	TBD
The Curve	Moore	OK	240	New Const	X		Bonds & CDBG	Co-Developer	Under Construction	TBD
Lakeridge Villas	Emmis	TX	40	New Const	X			Developer	Pre-Close (7/2019 Award)	TBD
SavannahPark of Stilwell	Stilwell	OK	24	Acq/Rehab	X		RD	Developer	Pre-Close (11/2019 Award)	TBD

SDR Investments, LLC

List of Developments

Property Name	City	State	# of Units	Type	LIHTC	HOME	Other	Entity's Role	Status (Active, Sold, Expired)	Final CO's
Rose Rock Estates I & II	Sallisaw	OK	48	Acq/Rehab	X		RD	Consultant	Active	2013
Oakmont Estates I & II	Tishoming & Antlers	OK	60	Acq/Rehab	X		RD	Consultant	Active	2015
Wheat Ridge Apartments	(multiple) Kay County	OK	60	Acq/Rehab	X		RD	Consultant	Active	2015
Commons on Classen	Oklahoma City	OK	49	New Const	X		AHP	Consultant	Active	2016
The Villas of Hanover	Davis	OK	36	New Const	X	X	AHP	Consultant	Active	2017
Villas at Benedictine Pointe	Guthrie	OK	52	Acq/Rehab	X		AHP	Consultant	Active	2018
McGregor Senior Apartments	McGregor	TX	36	Acq/Rehab	X		RD	Developer	Active	2019
Alvarado Senior Apartments	Alvarado	TX	24	Acq/Rehab	X		RD	Developer	Active	2019
Manor on Willow	Enid	OK	60	New Const	X			Consultant	Under Construction	TBD
RiverBrook Apartments	Broken Arrow	OK	72	New Const	X			Consultant	Under Construction	TBD
Woodland Estates	Sweeny & Hempstead	TX	82	Acq/Rehab	X		RD	Developer	Pre-Close (7/2019 Award)	TBD
Eastland Village	Tulsa	OK	72	New Const	X			Consultant	Pre-Close (11/2019 Award)	TBD
Skiatook Village	Skiatook	OK	48	Acq/Rehab	X		RD	Consultant	Pre-Close (11/2019 Award)	TBD
Wagoner Village	Wagoner	OK	29	Acq/Rehab	X		RD	Consultant	Pre-Close (11/2019 Award)	TBD

ACTION ITEMS

Ordinance 13-003

Amendment

Agenda Item 11-G



Memo To: Honorable Mayor and City Council Members

From: Kathy Pollock, Assistant to the City Administrator

Date: February 4, 2020

Subject: Amendment of Manufactured Housing Ordinance, 13-003

Background/Information:

1. The Manufactured Home Ordinance was adopted in 2013 to provide for control over use and placement of HUD Code Manufactured Homes, Mobile Homes, Industrialized Housing and Non-Residential Manufactured Homes in the city. The ordinance provided limitations on the locations where HUD Code Manufactured Homes could be installed (without special approval), the age of manufactured homes, banned mobile homes, and set limits on the replacement of existing manufactures homes in conformance with state statutes.
2. The most common issue for citizens wishing to install a manufactured home in the city after the adoption of the Ordinance was the limitation imposed by the “manufactured home zones” which were located in four distinct areas of the city. The areas where the manufactured homes were permitted were generally areas where such homes already existed, or where a fair percentage of the existing housing stock was in moderate to poor condition. Areas 1, 2, and 3, with some exceptions, were comprised of smaller platted lots. (Area 4 is the south end of Low Wood Road to the city limits).
3. The ordinance did, however, provide criteria and a process for property owners to request a Specific Use Permit. A Specific Use Permit is similar to a zoning variance, in that it permits the property owner to initiate a “use” – a residential manufactured home – on a property where such use was otherwise prohibited by the ordinance adopted by city council. The SUP can only address the “use” on a property outside the zone; all other requirements and conditions, including the age of the manufactured home, the setbacks, lot size, installation, etc. had to comply with the ordinance.
4. The ordinance specifically prohibited the placement of more than one manufactured home, mobile home or modular home on any parcel, lot, or manufactured home space, and also prohibited the placement of a manufactured home on a lot with an existing residential structure. This restriction was universal, applying both inside and outside the “zones”.
5. At the last council meeting the council approved an action item to amend Ordinance 13-003 to permit the placement of a HUD-Code Manufactured Home on parcels with an existing residential unit, provided that the property was at least one acre in size, whether such parcels were located inside or outside of the zone, subject to council approval. In order to prevent duplication of effort and promote efficient use of resources, it was important to amend the ordinance in such a way that only one SUP application, fee, notice and hearing would be required if the property was located outside the manufactured home zone, had an existing residential structure, and was at least one acre in size.

6. The amended ordinance has italicized text to indicate the changes (italics on page 3 were original to the ordinance and do not indicate a change). The amendments do not change any of the manufactured home age, installation, permit or SUP requirements, and do not affect the manufactured home park or nonresidential use sections.

Action Requested: Discuss, consider, approve (disapprove) the amendments to Ordinance 13-003, Manufactured Home Regulations.

Attachments:

1. **Ordinance No 13-003 with amendments**

ATTACHMENT 1

ORDINANCE 13-003, Amended

Manufactured Home Ordinance

ORDINANCE NO. 13-003

AN AMENDMENT TO AN ORDINANCE OF THE CITY OF SOMERVILLE, TEXAS REGULATING THE PLACEMENT AND INSTALLATION OF MOBILE HOMES, RESIDENTIAL AND NONRESIDENTIAL MANUFACTURED HOMES, AND HUD-CODE MANUFACTURED HOMES IN THE CITY; PROVIDING AREAS ELIGIBLE FOR SPECIFIC USE PERMITS; PROVIDING DEFINITIONS; PROVIDING OTHER REGULATIONS FOR MOBILE, MODULAR AND MANUFACTURED HOMES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City continues to desire to provide more certainty and clarity with respect to areas in which modular, manufactured homes and HUD-Code manufactured homes may be located in the City;

Whereas, the geographical areas of the City in which modular, manufactured homes and HUD-Code manufactured homes may be located should be set forth, as well as size of parcels;

Whereas, provision should be made for the review and approval of requests for the location and placement of modular, manufactured, and HUD-Code manufactured homes and manufactured home parks within certain areas of the City; and

Whereas, the City Council desires to consider through a Specific Use Permit the conditions under which one additional manufactured home may be located on a tract.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERVILLE, BURLESON COUNTY, TEXAS, THAT:

Section 1. Findings of Fact. The findings and recitations set out hereinabove are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Ordinances. *Ordinance Number 13-003, Sections A – DEFINITIONS; C – MANUFACTURED HOME REGULATIONS and F – CONDITIONAL AND SPECIAL USE PERMITS are hereby amended to allow not more than one (1) additional manufactured home on a tract under certain conditions and through the specific use permit process, as set forth herein. All other ordinances or parts thereof in conflict herewith are amended to the extent of such conflict only. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.*

Section 3. Savings Clause. All rights and remedies of the City of Somerville are expressly saved as to any and all violations of the provisions of any ordinances affecting mobile, manufactured, modular, and HUD-code manufactured homes within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 4. Severability. It is hereby declared to be the intention of the City Council that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 5. Effective Date. This ordinance shall take effect immediately upon its approval and passage and publication as required by law and it is accordingly so ordained.

Section 6. Publication. The caption of this ordinance shall be published one (1) time in the official newspaper for such publication of the City of Somerville.

Section 7. Open Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

**PASSED AND APPROVED AND ADOPTED BY THE CITY COUNCIL OF SOMERVILLE
ON THIS __ DAY OF ____, 2020.**

AYES _____ NOES _____ ABSTENTIONS _____

Attest:

THE CITY OF SOMERVILLE

Micheal Bradford, Mayor

Rose Rosser, City Secretary

MANUFACTURED HOME REGULATIONS

A. DEFINITIONS

The following words and terms defined in this subsection shall when used in this Section, except when the manner and use show clear intent otherwise, have the meanings given in this subsection:

“Common Access Route”. A private way which affords the principal means of access into the interior of a manufactured home park and to the structures or lots therein.

“Dwelling, Single-Family”. A building designed for single family occupancy and constructed on-site as a permanent improvement to a legal lot.

“License to Construct” means a written document issued by the building official and approved by the City Council allowing the construction, alteration or extension of a manufactured home park or subdivision, within the city limits of Somerville.

“Manufactured Housing” Any one of three types of prefabricated housing products which are typically manufactured or assembled at a location other than the end user’s permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (the Act) (Chapter 1201, Texas Occupations Code, as may be amended from time to time). For the purposes of this Ordinance there are three types of manufactured homes.

(1) *Mobile Home* – a movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self-supporting, and which does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed prior to June 15, 1976.

(2) *HUD-Code Manufactured Home* – a movable dwelling designed to be transported on the highway, either intact or in major sections by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code Manufactured home is also defined as a moveable manufactured home that was constructed after June 15, 1976.

(3) *Industrialized Home (Modular Prefabricated Structure, Modular Home)* – A structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or another conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD Code manufactured homes as defined in the Act. Industrialized homes must meet all applicable local codes and zoning regulations that pertain to the construction of traditional site constructed (stick-built) homes.

“Manufactured Home Park”. A unified development for manufactured housing spaces arranged on a tract of land in compliance with this Ordinance, and the City’s subdivision ordinance, with the individual lots or parcels being held under a common ownership and rented

or leased to the occupants. Such facility may include a residence for the owner or manager of the facility, utility hook-ups, accessory structures, playgrounds or other open areas, fenced yard areas for pets and other similar amenities. In the event of a conflict, the provisions of this ordinance shall govern.

“Manufactured Home Subdivision”. A unified development which is designed, platted, improved and intended for the long term placement of individually owned HUD-Code manufactured homes on platted lots which can be purchased outright by the owners of the manufactured home units. Such developments shall comply with the Subdivision ordinance and the applicable provisions of this ordinance.

“Non-Residential Manufactured Home” shall mean and refer to a manufactured home as defined in Chapter 1201, Texas Occupations Code, as amended from time to time, which use shall be limited solely as a business or commercial office for a lawful business purpose and shall not be used as a dwelling or for any other residential purpose.

“Non-Residential Modular Component”. A component of a structure as defined in Chapter 1202, Texas Occupations Code, as amended from time to time, which use shall be limited solely as a business or commercial office for a lawful business purpose and shall not be used as a dwelling or for any other residential purpose.

“Operator’s License”. A written license issued by the City of Somerville permitting a person to operate and maintain a Manufactured Home Park under the provisions of this Section and the regulations issued hereunder.

“Operator (Licensee)”. Any person licensed to operate and maintain a Manufactured Home Park under the provisions of this Section.

“Person” means an individual or a partnership, company, corporation, association, or other group, however organized.

“Permit”, “Building Permit” means a written document issued by the building official permitting the placement, utility connection and occupancy of a manufactured home, or modular component, whether for residential or non-residential use on any lot, parcel, space or tract of land in the City of Somerville.

“Plot plan”, “site plan” means a graphic representation, drawn to scale, of a proposed manufactured home park, subdivision or installation, and shall include the specific information required herein for the specific purpose intended.

“Recreational Vehicle” means a structure designed to be self-propelled or towed by another vehicle and intended for temporary occupancy. This term includes but is not limited to: campers, pop-up campers, motor homes, travel trailers, 5th wheel travel trailers or any similar structures designed for temporary occupancy.

“Space” means an area within a manufactured home park designated for the accommodation of one manufactured home, together with accessory structures and open spaces as are permitted or required by these regulations. Term shall include “site”.

“Yard”, “Setback” means an open area, unobstructed from ground to sky except as permitted in this ordinance, measured from a curb, property line, manufactured home park space line, or structure, within which construction is not permitted. Yards are not measured from the interior line of any easement, and may be concurrent with an easement. If the width of an easement exceeds the width of the required yard, the easement determines the building line.

“Building Line” is the line established by this ordinance, beyond which a building shall not extend.

B. DEFINITIONS BINDING

The terms “mobile home”, “HUD-code manufactured home” and “manufactured housing” set forth in this article are defined by the Texas Manufactured Housing Standards Act, as amended from time to time, and are binding on all persons. A mobile home is not a HUD-Code manufactured home and a HUD-Code manufactured home is not a mobile home for any purposes under this Section or any ordinance of the City. The term "modular component" set forth in this article is defined by Section 1202.001(5), Texas Occupations Code, as may be amended from time to time, and is binding on all persons.

C. MANUFACTURED HOME REGULATIONS.

- (1) Applicability. The regulations in this section apply to all manufactured homes, mobile homes and modular units, regardless of location and purpose unless modified by specific regulations under Manufactured Home Parks or Business use.
- (2) Mobile Homes Prohibited. No mobile home shall be installed, placed, located, or occupied within the city limits after the date of adoption of this Section, except as provided in Subsection 4, below.
- (3) Permitted Locations. A Residential manufactured home may be located on a lot in those areas of the city set out in Section D, or on a designated space in a licensed manufactured home park. Non-residential manufactured homes or modular units may be located on any lot within the city subject to approval of a specific use permit by City Council in accordance with the requirements herein.
- (4) Exception. Nothing in this article shall affect mobile homes or manufactured homes lawfully located within the city as of the effective date of this Section, except as provided in Section G, nonconforming uses.
- (5) One Residence – Lots or Parcels 0.99 acres or less. *No more than one manufactured home, mobile home, or modular unit intended for residential use shall be installed on any parcel, lot or manufactured home space. No manufactured home or mobile home shall be installed on a lot with an existing residential structure. Accessory buildings may be permitted on such*

lots or spaces in accordance with this ordinance.

- (6) Two Residences - Lots or Parcels 1.00 acres or more. *A Special Use Permit (SUP) may be considered by the City Council to allow not more than one (1) additional HUD-Code Manufactured Home intended for full-time residential use to be installed on a parcel or lot that is 1.00 acres or more and contains no more than one (1) residential unit currently occupied by the landowner. Accessory buildings may be permitted on such lots or spaces in accordance with this ordinance. If granted, all subsections set forth herein must be complied with including but not limited to area regulations, setback and distance to/between adjacent buildings, age regulations, anchorage, separate utilities, parking and addressing shall be part of any SUP granted.*
- (7) Age Regulations. No HUD home that was manufactured more than five years earlier than the date that the HUD home is proposed to be installed, located, or occupied within the City, shall be installed or located within the City after the effective date of this Ordinance. A manufactured home meeting the definition of “new home” as per the Act meets this criterion by definition.
- (8) Recreational Vehicles. Recreational vehicles shall not be used as residences, nor connected to city utilities as permanent dwellings. Use of recreational vehicles at residential properties within the city limits for transient guests shall be limited to no more than 10 (ten) consecutive days in any four-month period. Such vehicles must dispose of waste at licensed dump stations.
- (9) Permits required. No manufactured home, HUD Code Home, mobile home or modular unit shall be transported to, placed or installed on any lot or space in the City of Somerville unless a building permit has been issued. A building permit shall not be issued unless any required license or specific use permit for the location (lot, parcel or Manufactured Home Park space) has been applied for and granted.
- (10) Area Regulations. Manufactured homes or modular housing intended for residential purposes may only be placed on lots meeting the minimum area and yard requirements set out below.
- (a) Size of Yards. Yards shall be measured from the property line for city lots, and from the edge of the space in a manufactured home park.
1. Front Yard. Minimum depth of the front yard shall be fifteen (15) feet from the edge of the public right of way and the foundation or area where the residence is located. Where lots have a double frontage, extending through from one street to another, the required front yard shall be provided on both streets.
 2. Side Yard. Minimum depth of side yards shall be ten (10) feet in width on each side of the lot. A side yard adjacent to a side street shall have a minimum width of

fifteen (15) feet. No side yard for allowable nonresidential uses shall be less than twenty-five (25) feet.

3. Rear Yard. Minimum depth of the rear yard shall be ten (10) feet.
4. Existing structures. The minimum setback from existing structures on adjacent properties shall be twenty (20) feet.

(b) Size of Lot (for minimum sizes of manufactured home park spaces see H (8)(c).

1. Lot Area. Lots shall have a minimum of four thousand nine hundred (4,900) square feet.
2. Lot Width. Lots shall have a minimum width of forty (40) feet at the building line and for a distance of at least forty (40) feet behind the building line.
3. Lot Depth. The average depth of the lot shall not be less than eighty (80) feet, except a corner lot, having a minimum width of not less than sixty (60) feet may have an average depth of less than eighty (80) feet provided that the minimum depth is no less than sixty (60) feet, and all yard requirements are met.

(c) Legal Lot. The location of a manufactured home is not prohibited on a lot or space that existed on January 1, 2013 because, on such date, the lot did not meet the minimum required area, width and/or depth, *but shall be treated as non-conforming and such lot or parcel may not enlarge its use for an additional HUD-code manufactured home as set forth in subsection (6) above.*

(11) Other Regulations. The standards set forth in Section I, General Installation, Occupancy and Maintenance shall be applicable.

D. LOCATION OF MANUFACTURED HOMES.

HUD Code Manufactured Home Eligible Areas. HUD Code Manufactured Homes and modular components may, upon the issuance of a building permit, be placed and installed on legal lots in those areas of the city set forth and described herein. The areas listed are general geographic areas bounded by the named streets, as more particularly shown in the map appended to this Section as Exhibit "A". In the event of a conflict between the descriptions in this subsection and the map, the map shall control.

West Area, 1. The area of the City cross hatched and marked "Area # 1" on the map attached hereto and incorporated herein for all purposes as Exhibit "A". Such area is generally described as follows:

Beginning at the intersection of Thornberry Drive and 8th Street, on the City

Limits Line at that point, and thence in a northeasterly direction along the south side of 8th Street to a point intersecting with Avenue I;

Thence southeast along Avenue I, for two blocks to the intersection of Avenue I and Sixth Street;

Thence along the north side of Sixth Street to a point intersecting with Avenue P, and thence south along Avenue P to a point intersecting with the extension of the platted but not developed extension of 3rd Street;

Thence to the west along the south side of the lot identified as R22240 to a point of intersection with the City Limits;

Thence generally north along the meanders of the City Limits line, along the west side of the Oak Hill Subdivision and continuing north, along Thornberry Drive and the City Limits line to a point intersecting 8th Street and to the POINT OF BEGINNING;

South Area, 2. The area of the city cross hatched and marked "Area # 2" on the map attached hereto and incorporated herein for all purposes as Exhibit "A". Such area is generally described as follows:

Beginning at the intersection of 5th Street and Avenue C and thence to the south along the west side of 3rd Street to a point of intersection with 2nd Street;

Thence to the west along the north side of 2nd Street to a point of intersection with Avenue E;

Thence to the south along the west side of Avenue E to its terminus (at the intersection of the properties identified as R36841 and R22096);

Thence to the west along the south boundaries of the Landolt #7 Addition, Blocks 6, 7, and 16, Landolt #8 Addition, Blocks 3 and 4, and Landolt #10 Addition, Blocks A and B, to the southwest corner of the 10 acre property identified as R21110;

Thence in a northwesterly direction along the west property line of the 10 acre tract identified as R21110 to a point of intersection with 2nd Street;

Thence to the east to a point intersection with Avenue I;

Thence to the north, one block, to a point of intersection with 3rd Street;

Thence to the east, two blocks, to a point of intersection with Avenue G;

Thence north along the east side of Avenue G to a point of intersection with 5th

Street;

Thence along the south side of 5th Street to a point of intersection with Avenue C and to the POINT OF BEGINNING.

South East Area, 3. The area of the city cross hatched and marked "Area # 3" on the map attached hereto and incorporated herein for all purposes as Exhibit "A". Such area is generally described as follows:

Beginning at the intersection of Low Wood Road and CR 462 and thence to the west along the city limits line to the north side of the County Road to a point of intersection with Box Car Road, also known as CR 463;

Thence to the north along the city limits line which coincides with the west side of Box Car Road (CR 463) to a point at the south west corner of the Cromo Addition (at the corner of the property identified as R21197 and Block F, lot 3, Cromo Addition);

Thence to the west along the south boundary line of the Cromo Addition, with a jog to the south at the property line of the 22.27 acre tract identified as R21164, continuing westerly to a point of intersection with Low Wood Road (also identified as CR 418);

Thence to the south along the east side of Low Wood Road to a point of intersection with the City limits line at CR 463 and to the POINT OF BEGINNING.

East Area, 4. The area of the city cross hatched and marked "Area # 4" on the map attached hereto and incorporated herein for all purposes as Exhibit "A". Such area is generally described as follows:

Beginning at the intersection of Low Wood Road and Harvey House Road on the north side of the railroad right-of-way at the railroad crossing at Long Bridge Road (also known as CR 420) thence to the north west along the curve of the railroad right-of-way and Harvey House Road (unpaved) to a point of intersection with F.M. 1361 (8th Street);

Thence to the east along F.M. 1361 to a point of intersection with the corner of a 46.767 acre tract of land belonging to BNSF Railway Company and identified as R21207, and to include those properties North of F.M 1361 contained in Blocks 1 and 3 of the Somerville Plat with access and frontage on and from North Santa Fe Road;

Thence to the south east along the line of the property identified as R21207 to a point of intersection with Round House Road and Low Wood Road;

Thence to the south west along the west side of Low Wood Road to a point of intersection with Harvey House Road on the north side of the railroad right-of-way at the railroad crossing at Long Bridge Road (also known as CR 420) and to the POINT OF BEGINNING.

E. BUILDING PERMITS.

- (1) Applicability. This Section applies to the placement, installation or location of any HUD Code Manufactured Home, or modular unit intended for use as a residence whether such structure is located on a city lot, in a manufactured home park or in a manufactured home subdivision.
- (2) Responsibility. Permits required in this section shall be obtained by the owner of the manufactured home whether such unit is a rental property or is to be occupied by the owner.
- (3) Authority and Limitations. The City has adopted building codes and regulations providing for review and inspections of newly built, installed, remodeled or repaired structures pertinent to location of lots, suitability of lots for the intended purpose, setbacks, habitability, and utility connection and service. A building permit under this section is not intended to replace or override the authority of the manufactured housing division or its standards for fabrication, sales and installation of the home as defined by the Act.
- (4) Purpose. Because of the nature of the use and the possible adverse impact on neighboring properties of the use; review, evaluation and exercise of planning judgment relative to the location and site plan of the proposed use are required.
- (5) Building Permit Procedures.
 - (a) The City Administrator or designee may grant, deny, or conditionally approve building permits for HUD-code manufactured homes and modular components within certain designated areas of the City as set forth in Section D, in a licensed manufactured home park, for business use as per Section K, or as a replacement for an existing manufactured or mobile home per section J.
 - (b) Application. Any person proposing to apply for a building permit under this Section shall file an application accompanied by a site plan. The site plan may be a sketch or drawing on one or more pages, generally to scale, with distances marked, and is not required to be prepared by an engineer. The site plan, along with the application, will become a part of the building permit, if approved. The site plan shall contain the following information:
 1. The proposed use, size, Texas certificate number or other unique identification, and year of construction of the manufactured home, modular component, or accessory building;

2. Boundaries of the lot, site or space and the address, BCAD ID number of the proposed location or property, and the names of streets abutting the property;
 3. The proposed location of the structure or improvement for which a permit is required and any existing buildings or improvements on the lot, including required setbacks and clearances. Structures or buildings on adjacent lots or spaces if they are within ten feet of the property line.
 4. The location of easements or drainage ways on the property,
 5. The location of existing or proposed fences
- (c) Permit Fee. The application shall be accompanied by fees as set out in the schedule of building permit fees of the City of Somerville.
- (d) Issuance of Permit. The City Administrator or designee shall authorize a building permit for a manufactured home or modular component in an area designated in Section D, in a licensed manufactured home park, or as a replacement in accordance with Section J, after the receipt of a completed application and the required fee, provided that all applicable City regulations have been met. A building permit to install a HUD Code manufactured home or modular component for use as a dwelling shall be issued within forty-five (45) days unless the City Administrator or designee denies the application and states the reason for the denial in writing no later than the 45th day after the application is received by the City
- (e) Posting and Inspections. The Building Permit shall be posted on the site for the duration of the project and the owner shall arrange for all required city inspections prior to hook-up or activation of any utility services. The owner must still apply for all utility services in accordance with other City ordinances.
- (f) Appeal. Any person making application for a building permit pursuant to the terms and conditions of Sections C and D may appeal a decision of the City Administrator or designee to deny such application and building permit to the Board of Adjustments. Such appeal must be in writing on forms provided by the city and shall be submitted no later than thirty days after written denial of the application is received by the applicant.

F. CONDITIONAL AND SPECIFIC USE PERMITS.

- (1) Purpose. *This Section provides the City Council the opportunity to grant, deny or conditionally approve Specific Use Permits ("SUP") for non-residential manufactured homes or HUD-code manufactured homes within the City. Because of the nature of the use and the possible adverse impact on neighboring properties of the use, review, evaluation and exercise of planning judgment relative to the location and site plan of the proposed use are required. An SUP for a HUD Code manufactured home under this Ordinance may be applied for by the owner of the property in one of three situations: a) Locating a HUD-Code manufactured home in an area other than those designated in Sections C and D above; b)*

Locating one (1) additional HUD-Code manufactured home on a parcel or lot that is 1.00 acres or more and contains only one (1) residential unit currently occupied by the landowner; or c) Locating a HUD-Code manufactured home in both an area other than those designated in Sections C and D above and on a parcel or lot that is 1.00 acres or more that currently contains only one (1) residential unit currently occupied by the landowner.

(2) Procedure. The City Council, after a public hearing and proper notice to all parties affected, may authorize the issuance of a SUP for a HUD-code manufactured home pursuant to the procedures in this subsection.

(a) Application. *Application for a SUP pursuant to F(1) above shall be made to the City Council on forms provided by the City, together with all site plans or drawings noting the location of any current buildings, as well as proposed buildings, driveways and/or roads to such current or proposed buildings, location of utilities or other documents required or requested by the City demonstrating compliance with the regulations set out in C and D or to express the desires of the applicant.*

(b) Use Permit Application Fee. The application shall be accompanied by a non-refundable fee of \$200.00 (Two Hundred Dollars).

(c) Hearing Date. The application and all required documents shall be submitted to the City for review. A hearing date shall not be set until the application and fee have been accepted by the City. If the application and fees are not accepted at least twenty-five (25) days before the next scheduled council meeting, the hearing shall be held over to the next scheduled meeting.

(d) Notification and Hearing. A public hearing shall be held by the City Council prior to the issuance of any SUP. The notification and public hearing process for conditional or SUPs under this subsection shall be as follows:

2. A written notice of the application shall be sent by U. S. Mail to the last known owner or occupant of each property within two hundred feet (200') of the tract or parcel of land for which the SUP is requested;

3. Such written notice shall be mailed at least fifteen (15) days prior to the date of a public hearing to be held with respect to the application; and

4. Not more than thirty (30) nor less than ten (10) days prior to the date of the public hearing a notice shall be published in the official newspaper giving notice of the application and the public hearing to be held with respect to such application.

(e) Required Findings. An SUP shall be authorized only if all the following conditions have been found:

1. The specific use requested will be compatible with, and not injurious to, the use and enjoyment of the property, or neighboring properties, nor materially diminish or impair property values within the immediate vicinity;
2. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate *separate utilities, access roads, drainage, parking and driveways, addressing and other necessary support facilities have been or will be provided;*
4. The applicant shall establish that the use and occupancy will comply with all applicable terms of this ordinance *including but not limited to area regulations, setback and distance to/between adjacent buildings, age regulations, recreational vehicles, and anchorage;* and
5. The City Council finds that it is not in conflict with the public interest to grant such permit.

(3) Permits and Certificates. If a specific or conditional use permit is required for any proposed installation or use, such permit must be obtained prior to issuance of a building permit.

G. NON-CONFORMING USES

(1) General Policy. The general public and the City Council are directed to take note that nonconformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, whenever and wherever possible, except:

- (a) When necessary to preserve property rights established prior to the date these regulations become effective as to the property in question; and
- (b) When necessary to promote the general welfare and to protect the character of the surrounding property.

(2) Nonconforming Structures. Where a lawful structure exists on the effective date of the adoption or amendment of this Section, that could not be built under the terms of this Section by reason of restrictions on permitted use, area, lot coverage, height, age its location on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (a) No such nonconforming structure may be enlarged or altered in a way which increases its structural nonconformity, but any structure or portion thereof may be altered to decrease its structural non-conformity.
- (b) Should such nonconforming structure or nonconforming portions of a structure be

damaged by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with Section J.

- (c) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform fully to the rules and regulations provided in this Section.
- (3) Nonconforming Uses. A nonconforming use may be continued as long as it remains otherwise lawful, subject to the following provisions:
- (a) No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed or reconstructed.
 - (b) The use of the structure shall only be changed to a use permitted in the area in which it is located.
 - (c) A nonconforming use that has been discontinued may be resumed only if there has been no other use of the premises or structure since the nonconforming use was discontinued, and such use was not discontinued for a period of ninety (90) days or more.
 - (d) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Section, but no such use shall be extended to any land outside such building.
 - (e) Removal or destruction of a structure containing a nonconforming use shall eliminate the nonconforming use status, except to the extent, if any, otherwise provided by law. Destruction for the purpose of this subsection is defined as damage equal to more than fifty (50) percent of the replacement cost of the structure.
 - (f) A nonconforming use shall terminate upon any sale or conveyance of the property, except to the extent, if any, provided otherwise by law.
- (4) Repairs and Maintenance. On any nonconforming structure, or nonconforming portion of a structure, containing a nonconforming use, no work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonload-bearing walls, fixtures, wiring or plumbing, to an extent exceeding twenty-five (25) percent of the current replacement cost of such structure or nonconforming portion of such structure.

If fifty (50) percent or more of the nonconforming structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be a dangerous building as defined in the Dangerous Building Ordinance (12-007) of the City of Somerville by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations set forth in this Section.

- (5) Nonconforming Lot. A lot shall be nonconforming if it does not meet the requirements of this Ordinance
- (6) Conforming Use. A HUD Code manufactured home or modular component located within an area listed in Section D shall be a conforming use; and any such structure that, on the effective date of this Section, is located within any area listed in Section C and Section D, and within any geographic area of the City listed therein, may, upon making application for and receiving a specific use permit, as provided in Section F, become a conforming structure.

H. MANUFACTURED HOME PARKS

Provision is hereby made for the City Council to authorize and approve construction of new Manufactured Home Parks within the City, and to regulate the operation of existing and new manufactured home parks.

(1) Use Regulations.

- (a) Establishment of Manufactured Home Park. It shall be unlawful for any person to construct, enlarge, or remodel a manufactured home park on any property in the City of Somerville without first obtaining a License to Construct, and all required building permits. A manufactured home park shall be any tract of land, whether one or more parcels, with a single owner where three or more sites or spaces are rented for placement of manufactured homes or where manufactured homes are rented.
- (b) Permitted Uses.
 - 1. One (1) HUD Code Manufactured home on each approved space or site.
 - 2. Approved accessory buildings located on a space for use by the owner or occupant of a manufactured home that is located on such space; provided that aggregate square footage of the manufactured home and accessory building is limited to the maximum impermeable cover requirement for each space or lot, and setbacks are maintained in compliance with this Subsection H(8)(c)
 - 3. Recreational, civic and/or commercial facilities designed for exclusive use of the occupants of the Manufactured Home Park.
 - 4. Accessory buildings for use by the owner or manager of the Manufactured Home Park.
 - 5. One single-family dwelling unit on a 6,000 square foot or larger space for use as the owner's or manager's residence.

(c) Purpose. The requirements for Manufactured Home Parks are established for the protection of the public health, safety and welfare, and for the following purposes.

1. To provide adequate space and site diversification for residential purposes that are planned to accommodate the design criteria of manufactured homes.
2. To protect against pollution, environmental hazards and other objectionable influences.
3. To make adequate provisions for vehicular and pedestrian circulation.
4. To promote housing densities appropriate to and compatible with existing and proposed public support facilities.
5. To promote the most desirable use of land and direction of building development; to promote stability of development; to protect the character of neighborhoods; to conserve the value of land and buildings; and to protect the city's tax base.

(2) Operator's license. It shall be unlawful for any person to operate or maintain a manufactured home park within the city limits of Somerville unless such person has a valid operator's license issued by the city of Somerville. Operator's licenses shall be issued to an owner/operator, or to a manager for an owner.

(a) For parks established or constructed after the date of this ordinance, application for an operator's license shall be made to the building official after a license to construct and all building permits and certificates of occupancy have been issued.

(b) Owners or managers of existing and established parks shall apply for an Operator's License under the provisions of Subsection H(6) within 60 days of the passage of this ordinance.

(c) All Operator's Licenses expire on December 31st of each year and shall be renewed by January 15th. Failure to renew such operator license by January 15th, shall result in the fee for renewal doubling. Failure to renew the operator license by February 1 shall result in a hearing being set to consider whether to suspend the operation of the manufactured home park.

(d) Initial Application. Application for an Operator's license shall be submitted in writing on forms provided by the city and shall include:

1. Name and Address of Applicant.
2. Name and address of owner, if different
3. Copy of valid certificates of occupancy if applicable
4. Address and legal description of park site

5. A copy of the approved park site plan, or a site plan in conformance with the requirements of Subsection H (6).
- (e) Operator's License Fee. Application for an operator's license shall be submitted with a fee of \$120.00 (One hundred Twenty Dollars). If the original application is filed after November 1, it shall be valid until December 31 of the following year.
- (f) Renewal. An application for renewal of license shall be submitted to the building official with a fee of 60.00 (Sixty Dollars) on or after December 1. Such application shall show any changes to the information submitted in the original application or previous renewal.
- (g) Transfer of license. Any owner/operator who sells transfers, gives away or otherwise relinquishes control of a manufactured home park shall notify the building official, in writing, and such notice shall be accompanied by an amended application for operator's permit. There shall be no fee for such transfer provided that the application is received within 30 days of transfer of control. If a manager employed by the owner is replaced and no other change occurs the building official may be notified of such change by certified letter signed by the owner and the new manager.

(3) Manufactured Home Park Development Standards

- (a) A development designed as a manufactured home park or shall meet all requirements of this section, Section I, and any applicable sections of the City's subdivision ordinance. Said facility, so designed, shall be for the explicit purpose of renting or leasing of manufactured home sites and shall not be construed to permit the sale of such spaces as lots.
- (b) A development designed as a manufactured home subdivision shall meet all requirements of the City's subdivision ordinance and any applicable sections of the city manufactured home ordinance. To the extent of a conflict between this Section and the City's subdivision ordinance, the more restrictive regulation shall control. Such subdivision shall have as its major purpose the sales and conveyance of property rights and ownership of individual lots to consumers.
- (c) At no time may an existing manufactured home park be converted to a manufactured home subdivision without first meeting all requirements of the City's subdivision ordinance and receiving approval by the City Council.

(4) Responsibilities of Park Owner or Operator

- (a) The licensee or his agent shall operate the park in compliance with this Section and all other applicable ordinances and shall provide adequate supervision to maintain the park and its facilities and equipment in good repair and in a clean and sanitary condition.

- (b) The licensee or his agent shall notify all park occupants of all applicable provisions of this Section and inform them of their duties and responsibilities under this Section especially the requirement for obtaining a permit from the city **prior** to the placement of any manufactured home on any space in the park.
- (c) The licensee or his agent shall maintain a register of park occupancy which shall contain the names and addresses of park residents, location of each manufactured home within the park by space or lot number and date of arrival and departure with a forwarding address.
- (d) All responsibilities set out elsewhere in this Section

(5) Responsibilities of Park or Site Occupants or Tenants

- (a) The manufactured home owner shall be responsible for securing a building permit for placement of a manufactured home in a manufactured home park.
- (b) The occupant shall be responsible for proper placement of the home in the assigned space or lot. The occupant shall also be responsible for proper utility installation to city requirements.
- (c) The occupant is responsible for the space or lot maintenance and shall ensure that all facilities, structures, and equipment thereon are maintained in clean and sanitary condition.

(6) Existing Manufactured Home Parks

- (a) Conforming Use. A Manufactured or mobile home park existing in the city of Somerville as of January 1, 2013, shall be considered to be a conforming use, provided that the requirements of this subsection are met.
- (b) Operator's License. The owner or operator of an existing manufactured home or mobile home park shall apply for an Operator's license within 60 days of the date of passage of this ordinance.
- (c) Application. The application procedure, fee, requirements and renewal procedures are the same as for a new park, except that the site plan shall contain the following information. The site plan is not required to be an engineered drawing but must be generally to scale, complete, and legible:
 1. The area, dimensions, park address, BCAD ID, and legal description of the tract or parcels of land comprising the park, including the names of adjacent streets and property lines;
 2. Name of the manufactured or mobile home park.
 3. The address (or identification number or letter), location, and size of all manufactured home spaces, and which spaces are currently occupied;
 4. Location of driveways, walkways and utility easements;

5. The location of riser pipes;
 6. Locations of lighting and electrical service poles.
 7. Location of the solid waste disposal containers or a statement that the collection is done at each space;
 8. Name, address, and contact information for the operator or owner in case of emergency.
- (d) Inspection. An operator's license shall not be issued for an existing park until an inspection of the park premises has been made by the building official and a city utility staff member. Such inspection shall include all units owned by the park. A list of any material violations of fire and life safety codes, building codes or utility regulations for the City of Somerville shall be provided to the applicant and he shall abate or correct the violations within thirty (30) days and call for re-inspection or such application will be denied.
 - (e) Leases. As of the date of this ordinance, existing manufactured home parks may not issue new leases to any manufactured housing unit not meeting the requirements of this Ordinance. This does not prevent the continuance of an existing lease to a unit currently legally installed and occupied in an existing park. Such use shall be allowed to continue subject to the requirements for non conforming use in Section G above.
 - (f) Register and addresses. The licensee or his agent shall maintain a register of park occupancy in accordance with section 4(c) above, and shall provide to the city an address where the register can be viewed during business hours if there is no office on park premises. All spaces shall have 911 addresses or internal addressing that is provided to local fire and police services. All spaces and/or structures shall be clearly identified with the address, prior to issuance of the operator's license.
 - (g) Additions to an existing park. Any enlargement or addition to an existing manufactured home park shall be performed in compliance with all regulations herein.

(7) License to Construct or Expand Manufactured Home Park.

- (a) License required. It shall be unlawful for any person to construct, alter or extend any manufactured home park within the city limits unless this person has applied for and been granted a License To Construct by the City of Somerville for the specific construction, alteration or extension proposed.
- (b) Application Requirements. All applications for License To Construct for manufactured home parks shall be made upon standard forms provided by the City and should contain the following:
 1. Name and address of developer and the property owner of the proposed or existing facility;
 2. An accurate, scaled site plan prepared by an engineer or other qualified professional

together with a survey, containing at least the following information:

- a. The area, dimensions and legal description of the tract of land to be developed, with identification of location and boundaries, including the names of adjacent streets;
 - b. The number, location, and size of all manufactured home spaces;
 - c. Location, width, and specifications of driveways, roadways, and walkways and utility easements;
 - d. The location of water lines, sewer lines, and riser pipes;
 - e. Locations of lighting, electrical, and, gas systems;
 - f. Location of the solid waste disposal containers and screens and pads for dumpsters as applicable;
 - g. Locations of all buildings to be constructed by the operator;
 - h. Existing and proposed topography and drainage of the manufactured home park;
 - i. Location of fire mains, including size and materials, the hydrants and any other equipment which may be provided;
 - j. Boundary fences or screens and landscaping intended to screen or enhance the appearance of the park from a public way; and
 - k. Such other information as City Administrator or designee may require.
- (c) Development Proposal. A written development proposal keyed to the Site Plan and containing descriptions and general specifications of the information outlined above and the phasing, if any, of the development and any other information requested by the City. This plan is not required to contain architectural or engineering calculations, drawings or details, such as will be required for the issuance of a building permit.
- (d) License to Construct Fee. All applications for License to Construct for new construction, renovation, or expansion of a manufactured home park to the City of Somerville shall be accompanied by a non-refundable fee of two hundred fifty dollars (\$250.00). The License to Construct is not a building permit, and does not replace or supplant any necessary building permits, inspection or utility connection or service fees required by this or other ordinances of the City of Somerville.
- (e) Application. The Application for a License to Construct shall be submitted to the Building Official. The Building Official, Public Works Director, and City Manager shall review the Application and make a recommendation for or against approval, and the Building official shall give notice of such approval or denial of License to Construct to the applicant in writing within thirty days of the receipt of the completed application and fee. Such notice may contain a list of deficiencies. The applicant may resubmit the amended application one time with no additional fee.
- (f) Appeal. Any person affected by the refusal of the City to issue a License to Construct under the provisions of this Section may request and shall be granted a hearing on the

matter before the City Council provided that such persons shall file a written request for a hearing within ten days after the date the License to Construct was denied. The filing shall include reasons for requesting the hearing and show proof why the License to Construct should be granted. Upon receipt of the request the City Secretary shall place this item on the agenda for the next regularly scheduled City Council meeting and inform the petitioner of the date of such hearing. At the specified hearing the petitioner shall be given an opportunity to be heard and show cause for modification or withdrawal of the refusal.

- (g) Order. After such hearing the City Council shall issue an order in writing sustaining, modifying or withdrawing the refusal. If the denial of the License to Construct is upheld, no building permits shall be issued for any construction, renovation or expansion, and any work that has been started shall cease.
 - (h) A License to Construct shall not be required for removal, replacement or installation of a manufactured home on an existing space in a licensed manufactured home park or for routine repairs and maintenance.
 - (i) Failure to comply is a violation of this ordinance and may be enforced by issuance of a stop work order or any other legal remedy available to the City.
- (8) Minimum Design Requirements. This section is applicable to additions or major improvements to existing manufactured home parks and the construction of new manufactured home parks.
- (a) Park Size. The minimum size of a tract to be developed as a manufactured home park shall be 2 acres. Minimum size of a tract to be developed as a manufactured home subdivision shall be 5 acres. Minimum size of an addition to an existing park shall be approved on its merits by the building official but shall conform to the density, circulations and space area requirements.
 - (b) Density. The maximum density of a manufactured home park development or addition shall be 15 spaces per acre.
 - (c) Area Regulations.
 - 1. Size of Yards.
 - a. Front Yard. There shall be a front yard having a depth of not less than twenty (20) feet. Double fronted lots shall not be permitted.
 - b. Side Yard. There shall be a side yard of not less than ten (10) feet in width on each side of the lot. A side yard adjacent to a side street shall not be less than fifteen (15) feet.

- c. Rear Yard. There shall be a rear yard having a depth of not less than ten (10) feet measured from the rear lot line.
- d. Existing structures. The minimum clear distance between two manufactured homes in a park shall be twenty (20) feet.

2. Size of Space.

- a. Space Area. Spaces shall have a minimum of three thousand two hundred (3200) square feet;
- b. Layout. In general, spaces shall be rectangular unless there is an overriding reason presented in the development plan for other shapes and unless all setbacks, area, and clearance requirements can be met.

3. Size of the space shall be calculated for the type of vehicle to be located on the space, subject to the space size regulations set forth herein and use of the minimum widths, depths, and areas above shall not be construed as license to place a manufactured home or accessory building within the required yards on a given space.

- (d) Parking Regulations. Adequate off street parking shall be provided for each site. The parking shall not interfere with traffic flow or create a hazard. Adequate space must be provided to insure that fire and emergency vehicles have access to all areas of the park at all times.
- (e) Pad and Hold-downs. Each site shall have a concrete pad or shall be designed to permit the required anchorage of the manufactured home per state and federal tie down requirements. Each site shall be clean and well drained.
- (f) Utility Connections. The park developer shall provide water, wastewater and electrical service to each site and to any accessory buildings in the park.
 - 1. Manufactured home parks with rental spaces: Each space shall be provided with city approved water, wastewater and electrical mains or transmission lines constructed in accordance with all city regulations prior to offering such space for rent. Permits, inspections and deposits for hook-up to such utilities shall be the responsibility of the manufactured home owner.
 - 2. Manufactured home parks with rental homes: Each rental unit shall be permanently connected to city utilities and all permits and inspections shall be obtained by the manufactured home park owner prior to offering such unit for rent or lease.

(g) Other Regulations.

1. General Manufactured Home Park Standards.

- a. The standards set forth in Section I for installation, occupancy and maintenance

- shall apply.
- b. No through traffic shall be permitted in a Manufactured Home Park.
 - c. A perimeter fence or other approved opaque visual barrier shall be constructed in between the park grounds and any other residential property, and shall screen the park from view from a public street or way.
 - d. Utility installations and service must comply with existing City of Somerville requirements.
 - e. All construction or additions must comply with City of Somerville requirements and no work may be started until a building permit is issued. No building permits shall be issued for park construction or improvements unless a license to construct has been granted.
 - f. Garbage will be collected by the solid waste collection service under contract with the City, either at the home sites or at a central location as preauthorized by the license for the manufactured home park. All garbage and trash is subject to the requirements of the sanitation regulations of the City of Somerville.
 - g. Interior streets, drives and corners must be laid out in accordance with the subdivision ordinance and city standards to provide the maneuvering and access clearances necessary for sanitation trucks and city firefighting and emergency equipment, and shall be reviewed by the city engineer.

I. GENERAL INSTALLATION, OCCUPANCY, AND MAINTENANCE STANDARDS

- (1) Standards. The installation, occupancy, and maintenance of manufactured homes and modular components ("Manufactured Home") for any purpose within the city limits shall be subject to the following provisions:
- (a) The Manufactured Home shall be constructed, installed, maintained, and altered in compliance with Chapter 1201, Texas Occupations Code and any applicable state, federal, or local regulations. If the HUD-Code Manufactured Home does not have a label as defined in Chapter 1201, Texas Occupations Code, as amended from time to time, but meets all other requirements of state, federal, and local regulations, the Manufactured Home may be accepted as safe and quality construction provided that it meets the following criteria:
 - 1. All electrical material, devices, appliances, and equipment are in sound and safe condition. Aluminum conductors are not acceptable.
 - 2. All mechanical systems including space and water heating are in sound and safe condition.
 - 3. All plumbing, gas piping, and wastewater systems are in sound and safe condition.
 - 4. The unit is in sound and safe structural condition. Uncompressed finish floorings greater than 1/8 inch in thickness beneath load-bearing walls that are fastened to the

floor structure are not acceptable. Any such structure that shows signs of fire damage is not acceptable.

5. The determination of the foregoing acceptance of any noncertified unit shall be made jointly by the City Administrator, the Building Inspector, the fire marshal or any other city personnel designated by the City Administrator.

(b) No outside horizontal dimension shall be less than 14 feet, except for original extensions or subsequent additions containing less than 50 percent of the total enclosed floor area.

- (2) Installation. Manufactured Homes shall be installed in accordance with the following criteria:

(a) The structure shall be supported and anchored in accordance with state and federal regulations for the wind zone in which the structure is located.

(b) Axle and hitch assemblies shall be removed at the time of placement on the foundation.

(c) Each manufactured home shall be totally skirted in accordance with the provisions of this ordinance and the building codes adopted by the city of Somerville. No storage is permitted beneath manufactured homes, porches, steps or decks.

(d) Electrical power supply shall be made from a meter installation on the manufactured home, or from a permanent meter pedestal.

(e) Garage and carport additions are permitted for residential structures, provided they cover an improved parking area and are connected to a street by an improved drive, meet the minimum building setback requirements, and have roof and siding material compatible with the primary structure.

(f) Patio and porch covers are permitted for residential structures provided they cover an improved patio, deck, or porch, and meet the minimum building setback requirements.

(g) Living area additions are permitted, provided they meet the minimum building setback requirements, have roof and siding material that is compatible with the primary structure, and comply with the same structural standards as the primary structure.

- (3) Connection to Municipal Utilities. No mobile home, manufactured home, or other modular component will be connected to any municipal utility system until such mobile home, manufactured home, or other modular component complies with all applicable provisions of the City's ordinances, including skirting requirements.

J. REPLACEMENT OF MANUFACTURED HOME

(1) Replacement of manufactured home, modular component, or mobile homes may be only be allowed as defined and permitted under Texas Occupations Code, Section 1208, et seq. and are subject to the following provisions:

- (a) A manufactured housing unit located outside of the area set forth in Section D may be replaced one time. Such replacement must be newer than the original manufactured home and must not be smaller than the original manufactured home.
- (b) Permits are required for such replacement per Subsection E. Specific use permits are not required for such replacement. If such replacement manufactured home is not certified it is subject to inspection and approval prior to placement per Section I(a);
- (c) Manufactured housing destroyed by fire or other natural disaster may be replaced subject to no requirement but that the building be habitable, and that a permit is obtained prior to placement per Section E.
- (d) The owner of a legally occupied mobile home may replace it with a HUD Code Manufactured Home as permitted by state regulations, provided that setbacks are met, the replacement structure is habitable, and that a permit is obtained prior to the replacement as required under Section E.
- (e). Manufactured housing or modular components that are replaced pursuant to this Ordinance shall be replaced within ninety (90) days unless the owner notifies the City and the City Administrator or designee approves a longer period of time. At no time shall such replacement period exceed six (6) months. If the owner is unable to replace the manufactured house or modular component within such time, the lot and home is no longer considered to be non-conforming and any placement of a manufactured home or modular component shall be treated as a new installation.

K. BUSINESS USE OF MANUFACTURED HOMES

- (1) Non-Residential HUD-code Manufactured Homes or Modular Components may be placed, installed or located within the City in accordance with these regulations and other applicable City ordinances.
- (2) The minimum requirements and regulations set forth in Subsection C, subparagraphs 1, 2, 6, 7, and 8 and Subsection I, save and except subparagraphs 2(f) and 2(g), of Subsection I, are applicable to the placement, installation, or location of a Non-Residential HUD-code manufactured home or modular component in the City. Setbacks for Non-Residential HUD-code Manufactured Homes or modular components located on property used solely for commercial purposes shall conform to the setbacks for structures with similar use and purpose. The Replacement criteria of Subsection J are not applicable to non-residential manufactured housing.
- (3) Specific Use Permits and Building Permits; Application.
 - (a) Purpose. The City Council may grant, deny, or conditionally approve specific use permits for Non-Residential HUD-code manufactured homes or modular components

within the City, as set forth Section F. Because of the nature of the use and the possible adverse impact on neighboring properties of the use, review, evaluation and exercise of planning judgment relative to the location and site plan of the proposed use are required.

- (b) Procedure. After the approval of a Specific Use Permit for a non-residential HUD Code Home or Modular Unit to be located at a site, the City Administrator or designee may issue a building permit for a Non-Residential HUD-Code manufactured home or modular component pursuant to the procedures provided herein.
- (c) Application. Any person proposing to begin to obtain a building permit under this Section, having received a Specific Use Permit, shall follow the procedures in Section E, using the criteria below for the required site plan. The site plan shall be a drawing on one or more pages, to scale, with dimensions shown. The site plan, along with the application, will become a part of the building permit, if approved. The accompanying site plan shall provide the following information:
 - 1. Data describing the processes and activities proposed and involved in the proposed use, the type, and date of construction of the Non-Residential HUD-Code manufactured home, modular component, or accessory building,
 - 2. A survey indicating boundaries of the area covered by the site plan, and the address and legal description of the area.
 - 3. The location of each existing and proposed building and structure in the area covered by the site plan and the number of stories and gross floor area.
 - 4. The location of existing drainage ways and significant natural features.
 - 5. Flatwork, parking and circulation paths.
 - 6. The location, height, and type of walls and fences.
- (d) Permit Fee. The application shall be accompanied by the fee set out in the schedule of permit fees for the placement of a Manufactured Home in the City of Somerville Code of Ordinances, as revised from time to time.
- (e) The applicant for a permit for the placement, remodel, repair, or removal of a “Non-Residential HUD-code Manufactured Home” shall demonstrate that all state and federal requirements for accessibility and barrier free construction and asbestos management as applicable to the occupancy or type of construction have been met prior to the issuance of a permit.
- (e) Issuance of Permit. The City Administrator or designee shall authorize a building permit for a Non-Residential HUD-Code Manufactured Home or Modular Component in

response to a completed application submitted to the City that complies with this subsection, provided that Non-Residential HUD-code Manufactured Home or Modular Component complies with this Section and all applicable state and City regulations.

- (f) Appeal. Any person making application for a building permit pursuant to the terms and conditions of this Section may appeal to the Board of Adjustments a decision of the City Administrator or designee denying such application and building permit.

L. INSPECTIONS

- (1) The City Administrator or designee is authorized and directed to make such inspections as are necessary to enforce the provisions of this Section.
- (2) The City Administrator or designee shall have the power to enter at reasonable times upon any private or public property to inspect and investigate conditions relating to this Section.
- (3) The City Administrator or designee may, in the performance of his/her inspection duties, review the register of the residents of the manufactured home park.
- (4) The manufactured home park operator shall allow access to the park by the City Administrator or designee at all reasonable times to carry out required duties.

M. ABANDONMENT OF MANUFACTURED HOME SITE OR MANUFACTURED HOME PARK SITE

- (1) Notice. Prior to the abandonment of a manufactured home park or space in such park, proper notice must be given to the City Administrator or designee to facilitate the proper removal of utility connections.
- (2) Abandoned utility connections. All abandoned utility connections shall be secured in a manner which will protect the City's utility system and the public health, safety, and welfare. The owner or occupant of the manufactured home site or the owner or operator of the manufactured home park shall have the secured, abandoned utility connections inspected by the City. Refund of municipal utility deposits shall be contingent upon passing such inspection, subject to any other City ordinances affecting refund of utility deposits. All costs for securing abandoned utility connections shall be born by the owner of the manufactured home or by the owner of the manufactured home park.

ACTION ITEMS

Ordinance 20-002

Specific Use Permit

Agenda Item 11-H



Memo To: Honorable Mayor and City Council Members

From: Kathy Pollock, Code Enforcement Officer/ Assistant to the City Administrator

Date: February 4, 2020

Subject: Specific Use Permit for 747/729 3rd Street

Case Information/Details:

The property is 1.08 acres and currently has residential improvements consisting of a site-built home and outbuildings. The owner of the property has had at least two previous manufactured homes located on the east side of the property. One was moved in right after the M.H. Ordinance was passed, but the permit had been granted prior to the adoption of MH zones, and it was a replacement so it became a non-conforming structure. In late 2014, that manufactured home was sold and moved to off-site to another location as a replacement for an existing home, which the ordinance permitted. With the removal of that trailer, the permitted non-conformity on the parcel was terminated, meaning that the parcel is subject to all aspects of the ordinance, including the zone limits and limitation on the number of residential structures on a parcel as per the Manufactured Home Ordinance.

When the owner requested a permit to place another manufactured home on the site, the request was denied because:

- The property is outside of the Manufactured Home Zone per the ordinance, AND
- Section C(5) One Residence says that "no manufactured home or mobile home shall be installed on a lot with an existing residential structure".

The ordinance provides that a property owner may request a Specific Use Permit to place a Manufactured Home conforming to all requirements except that the proposed location is outside the zone. A Specific Use Permit could not resolve the violation of section C(5).

At the last council meeting, city council voted to revise the wording of the Manufactured Home Ordinance to permit the placement of a manufactured home on the same property as an existing residential structure, provided that the property size is at least 1.00 acres, and the request is specifically approved by council. The amended ordinance was presented earlier in the council meeting, and this SUP can be granted subject to the following conditions

- The adoption of the amendments to Section C of the Manufactured Home Ordinance 13-003;
- Adoption of Ordinance 20-002, modifying the land use for the subject property; and
- Any conditions contained in the Ordinance; specifically, the submittal of a dimensioned site plan prior to issuance of a building permit.

The terms and conditions of the SUP Ordinance are taken directly from the Manufactured Home Ordinance and generally refer to the permitting process, installation requirements, and limitations for the approval, including requirements for separate addressing, limitation to residential uses, inspections, setback from the property lines, skirting, proper installation on the site, provisions for parking, utilities, and that the home be no more than five years old at the time of installation. etc.

The property owners submitted the application (Attachment 3) timely. Requirements for a complete submittal included a site plan (Attachment 5), a list of property owners within 200 feet of the subject property (Attachment 7), and the \$200.00 fee; and the manufactured home purchasers have submitted applications for utilities and a building permit (attachments 10,11). The parcel is located in Zone X (Area of Minimal Flood Hazard) on the National Flood Hazard Maps (see Attachment 6).

Staff Findings:

Staff finds that there are no irregularities in the application, except that certain dimensions are missing from the site plan. Based on the 12' setback from the east fence, the size of the HUD Code home and the location of other buildings on the lot, it appears that all setbacks, yard requirements, and distances from existing buildings can be met (attachment 5.c.) The property as per BCAD records is 1.08 acres which meets the requirements of Section C(6) (Two Residences....). Therefore, provided that the site plan dimensions are added when the permit is submitted, there does not appear to be any reason for a statutory denial of the SUP.

SUP Procedure:

Specific Use Permits (SUPs) may be requested by a property owner who seeks to place a HUD-Code (manufactured) Home outside of the areas designated in Ordinance 13-003 (see Attachment 2) and may also include the request to place one additional HUD Code home on a lot with an existing residential structure, provided that such lot is at least one acre in size. Because of the possibility that certain uses may adversely impact neighboring properties, City Council reviews and evaluates such requests and may grant, deny, or conditionally approve Specific Use Permits.

In order to request an SUP, the owner must submit an application and all required information to the City, along with a non-refundable fee of \$200.00 no less than 25 days prior to the proposed hearing date (regular or called city council meeting).

A public hearing is required to be held by City Council prior to the issuance of a Specific Use Permit. Written notice of the requested action and the public hearing shall be sent by U.S. Mail to the last known owner or occupant of each property within 200 feet of the tract of land for which the SUP is requested, and notice of the hearing is required to be published in the official newspaper.

The purpose of the public hearing is to provide an opportunity for citizens to express concerns about, support for, or opposition to the proposed SUP. **The property owner will formally present their request to council immediately following the opening of the public hearing, after which citizens who have signed in may address the issue and any written statements received by City Hall shall be read (or included in the packets (Attachment 9).**

After the public hearing closes, during the new business section of the meeting, city council may ask the property owner or city staff additional questions about the issue before taking action on the matter.

Action Requested: Consider, discuss, and approve, disapprove, or conditionally approve Ordinance No. 20-002, a request by the property owner for a Specific Use Permit at 729 3rd Street (located on BCAD R22242, 747 3rd Street) for the placement of a new HUD Code Manufactured Home for residential use by the owner of the HUD Code Home, subject to certain conditions.

Required Findings for City Council Approval:

A Specific Use Permit shall be authorized only if all of the following conditions are met:

1. The specific use permit will be compatible with, and not injurious to, the use and enjoyment of the property, or neighboring properties, nor materially diminish or impair property values within the immediate vicinity;
2. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate separate utilities, access roads, drainage, parking and driveways and other necessary support facilities have been or will be provided;
4. The applicant shall establish that the use and occupancy will comply with all applicable terms of this ordinance; and
5. The City Council finds that it is not in conflict with the public interest to grant such permit.

Please review the last page of the application and Attachment 4 for the applicant's answers to these concerns.

Attachments:

1. Ordinance 20-002.
2. Manufactured Home Zone Map and Area Map showing subject and adjacent property
3. Application
4. BCAD Property Sheets and Metes and Bounds Legal description
5. Site Plan
6. National Flood Hazard Layer FIRMette
7. List of Property Owners/Tenants Notified of SUP Request
8. Sample/File letters and Publication: Notice of Public Hearing
9. Submitted letters of support
10. Application for Building Permit
11. Application for Utilities

ORDINANCE NO. 20-002

AN ORDINANCE OF THE CITY OF SOMERVILLE, TEXAS, AMENDING THE LAND USE PROVISIONS RELATED TO THE PLACEMENT AND INSTALLATION OF RESIDENTIAL HUD-CODE MANUFACTURED HOMES IN THE CITY; ADDING A SPECIFIC USE PERMIT TO THE CURRENT USE OF THE PARCEL OF LAND; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

Whereas, the Landowner of the property described hereinafter (the "Property") has requested that the Property use be modified by adding a specific use permit to the current use of the Property;

Whereas, the Property is not located in the areas identified in the Manufactured Home Ordinance for the placement of HUD Code manufactured homes, but does allow for a Specific Use Permit (the "Permit") as requested;

Whereas, after giving fifteen days written notice to the owners of land within two hundred feet of the Property, a public hearing on the proposed Permit was held by City Council; and

Whereas, after publishing notice of the public at least ten days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a Specific Use Permit with the conditions provided concerning the placement of a HUD-Code Manufactured Home is not adverse to the neighboring properties and comports with the regulations set forth in the Ordinance relating thereto.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Land Use Modification. Ordinance No. 20-002, hereby modifies the City of Somerville Manufactured Home Ordinance (the "Manufactured Home Ordinance"), by modifying the land use on the Property as set forth in Section 3.

Section 3. Rezoned Property Providing for a Special Use Permit. The Property located at 747 3rd Street, BCAD R22242, Landolt #9, Block 8, Lot part of Block 8, Somerville, Burleson County, Texas, (the "Property") as more particularly described in Exhibit "A", (Application Packet), is currently located outside the areas identified for placement of HUD Code homes. This Ordinance allows for additional or different requirements to be added to the current zoning through a Specific Use Permit. The Property is accordingly hereby granted a Specific Use Permit to provide additional and different requirements to the current zoning district.

Section 4. Specific Use Permit Findings and Conditions. The Specific Use Permit authorized herein shall be effective upon passage and continue until the Permitted manufactured home is removed, changes ownership, or the Real property is conveyed to another owner. The findings and terms and conditions for the specific use conditions are:

Findings:

1. The specific use requested will be compatible with, and not injurious to, the use and enjoyment of the Property, or neighboring properties, nor materially diminish or impair property values within the immediate vicinity;
2. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate separate utilities, access roads, drainage, parking and driveways, addressing and other necessary support facilities have been or will be provided;
4. The applicant shall establish that the use and occupancy will comply with all applicable terms of the Manufactured Home ordinance including but not limited to area regulations, setback and distance to/between adjacent buildings, age regulations, recreational vehicles, and anchorage; and
5. The City Council finds that it is not in conflict with the public interest to grant such permit.

Terms and Conditions:

1. Property is currently owned and occupied by landowner (applicant) who resides in a single-family residential unit; and the original residential unit shall continue to be resided in continuously as a single-family residential unit for the duration of this SUP;
2. Property is 1.0 acres in size or greater and shall be maintained at such size for the duration of this SUP;
3. The one (1) HUD-Code Manufactured Home which is intended to be placed on the Property shall be resided in on a full-time basis for the duration of this SUP;
4. All Area Regulations are or will be met and maintained, and a site plan showing all structures and improvements with all dimensions for setbacks and clearances between existing buildings shall be submitted to the city with the building permit application. The HUD code Home to be installed shall be identified on the site plan by model and serial number;
5. The one (1) HUD-Code Manufactured Home which is intended to be placed on the Property meets the age regulations of allowed HUD-Code Manufactured Homes;
6. The Hud Code home shall be installed in compliance with all requirements I(2), (a)-(d);
7. Separate utilities to the one (1) HUD-Code Manufactured Home are or will be established for the duration of this SUP and shall be maintained in the name of the resident(s) that owns and occupies such HUD-Code Manufactured Home;

8. Access roads, driveways, parking and separate addressing are or will be established for the duration of this SUP;
9. Drainage and a manufactured home pad are or will be established for this HUD-Code Manufactured Home and shall be designed to not impede any of the surrounding properties;
10. All building permits shall be applied for by the owner of the HUD-Code manufactured home and proper fees shall be paid prior to the installation of the one (1) HUD-Code Manufactured Home and inspections shall be called for and passed once it is installed.
11. If the one (1) HUD-Code Manufactured Home is no longer used as a full-time residential unit; the SUP shall continue for not more than six (6) months before the City has the option to declare such use "Nonconforming."

Section 4. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

PASSED AND APPROVED AND ADOPTED BY THE CITY COUNCIL OF SOMERVILLE ON THIS __ DAY OF ____, 2020.

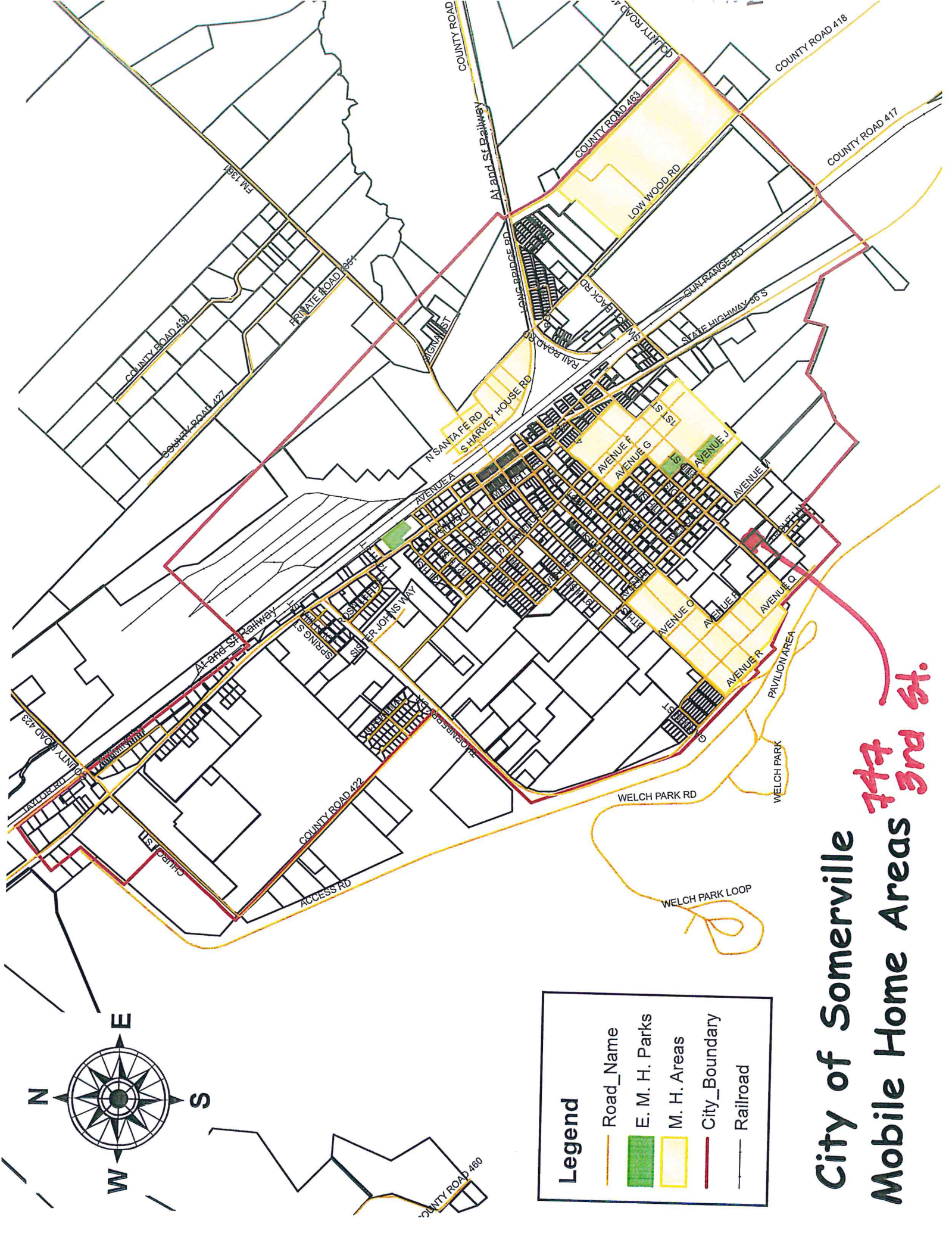
AYES _____ NOES _____ ABSTENTIONS _____

Attest:

THE CITY OF SOMERVILLE

Micheal Bradford, Mayor

Rose Rosser, City Secretary



City of Somerville

Mobile Home Areas

747 3rd St.

Legend

Road_Name

E. M. H. Parks

M. H. Areas

City_Boundary

Railroad

City of Somerville

Application for Specific Use Permit

Minimum Submittal requirements:

- ☒ \$200.00 application fee
- ☒ Completed and signed application form
- ☒ Site Plan (10 copies)
- ☒ Notification List of property owners/tenants within 200 feet of property line of affected property (Burleson County Appraisal District, 111 East Fawn Street, Caldwell, 979-567-2318)
- ☒ Inspection report (highly recommended, but not required) *NA - New Home*
- ☒ Completed building permit application, if applicable

Property Owner Information:

Name James & Janet Spears \$200.00 fee pd 1-15-202
 Mailing Address 747 3rd St
 City Somerville State TX Zip Code 77879
 Phone Number 979-200-9146 Fax Number _____
 E-Mail Address jspears2@gmail.com

Applicant Information:

Same as above ☒

Name _____
 Mailing Address _____
 City _____ State _____ Zip Code _____
 Phone Number _____ Fax Number _____
 E-Mail Address _____
 If not the same as above, please explain: _____

Agent or engineer Information:

Name/Title _____
 Mailing Address _____
 City _____ State _____ Zip Code _____
 Phone Number _____ Fax Number _____
 E-Mail Address _____

Property Information:

Address: 747 3rd Street, Somerville, TX 77879
 R - Number: 22242 Legal description: SEE A Hatched
Landolt #9 Block Lot PT 078 (attach page if necessary)
 Lot size or acreage: 1.08
 Current use: Residence Proposed use: Residence
 In Manufactured home Zones 1-4: _____ Outside Zone: ✓
 Is any of the property located in the floodplain? YES _____ NO ✓
 Is this property under a Specific Use Permit? Not presently
 Legal Non-Conforming Use? 1 Age of HUD Code home: NEW
 Record Owner(s) David and Shannon Church

NOTE: If the record owner(s) are not the applicant(s), a notarized affidavit from the record owner(s) authorizing the applicant to request a Conditional use Permit and/or represent the record owner(s) must accompany this application.

City Council, City administrator and/or staff reserve the right to require the submittal of additional information it deems appropriate and necessary for the effective review of this application

Certifications & signatures:

Please Note: the signature of the Owner authorizes the City of Somerville, its contractors, agents or staff to visit and inspect the property for which this application is being submitted. The signature of the owner, applicant and/or agent also signifies that all parties have reviewed the requirements of this procedure and that all items on the checklist have been complied with. **All correspondence and communication will be conducted through a single point of contact, which may be the owner, the applicant or an agent designated by the owner.**

Contact for this project: James + Janet Spears 979-200-9146
(979) 200-9133 (Jan)

At a minimum the designated contact person for this project MUST be present at all public hearings/meetings concerning this application, for it to be considered. Absence from such hearings may result in denial of this application.

The Undersigned hereby certify that this application contains no willful falsification or misrepresentation, and that the information contained herein is complete, correct and true to the best of my knowledge and belief. Furthermore we understand that should investigation at any time disclose such misrepresentation or falsification, all changes and/or amendments granted by consideration of this application may be forfeited.

Owner: James And Janet Spears
I.D. TXLD 13300168 TXDL 00384112

Applicant (if different): _____
I.D. _____

Agent: _____
I.D. _____

Staff use only!

All required items filed, submitted or paid: Technically complete. (Exc. dms)

Mailing Date for notifications: 1/24/20 Actual Date: 1/24/20

Publication date: January 30, 2020 Actual Date January 29, 2020

Date of City council Meeting/Public Hearing February 11, 2020

City of Somerville

SPECIFIC USE PERMIT HEARING RESULTS

CASE NUMBER: 493.19

HEARING DATE: 2/11/20

APPLICANT: OWNER ☒ OTHER ☐ NAME: James & Jon Speers

ADDRESS: 747 3rd Street, Somerville

IDENTIFICATION OF HUD CODE HOME: Carco, Palm Harbor
Model # PH16803P, Serial No CAV150TV1813434A

RESOLUTION

APPROVED ☐

DENIED ☐

CONDITIONALLY APPROVED ☐

CONDITIONS OF APPROVAL: See ordinance 20-002
for terms and conditions.

* Must submit or correct site plan
prior to issuance of permit

WITNESSED BY _____

THIS DOCUMENT SHALL BE KEPT ON FILE IN THE CODE ENFORCEMENT DEPARTMENT OFFICE AND NOTED ON THE RECORD MAP OF THE MANUFACTURED HOME ORDINANCE. THE APPLICANT MAY FILE A COPY OF THIS DOCUMENT WITH THE COUNTY CLERK AT HIS OPTION AND EXPENSE.

The following page should be completed for all specific use permit requests by the owner or the applicant, and will be considered during the review process. If you have questions regarding the completion of this page, please contact the code enforcement staff for assistance.

Please describe the reason for requesting a specific use permit for this property:

We are wanting to place a newly purchased mobile home in a previous set up spot on our 1.08 acre property that has housed two mobile homes previously. The utilities are in place, electrical pole, City water box and a 911 address has already been assigned, 729 3rd Street. The reason is to help a family that has been living in our home with us since the first of September and are now able to purchase a home, just not property at this time.

Describe how the approval of this SUP will be compatible with and not injurious to the use and enjoyment of this or neighboring properties, not impair property values in the vicinity:

The home will be placed on a part of the property that connects with an open field that at this time houses donkeys. I believe this property may have been purchased recently by the Flencher family and has been rented out to a family. (I'm not positive of this fact) The house is not anywhere near the property line. We will place the home 10' from the property line (I have previously submitted copies of our property survey to counsel) with the back of the home facing the fence. The front of the home will face our home across the property. We can see no problems with surrounding neighbors.

Provide evidence that the establishment of this use will not impede normal development of adjacent properties:

Our property is 1.08 acres. The Mobile Home will not be placed close to any structures on adjoining property, nor would it impede anything that may be done on the neighboring property. There is a fence on the property line.

Provide evidence that adequate utilities, drainage, road, or other necessary support facilities have been or will be provided.

Electrical pole as indicated on picture is in place, City has already installed previously a water meter hub. Entergy will be providing electricity and installing a meter at 727 3rd on pole. Proof is actually on the property already.

Provide evidence that all other code or regulatory requirements for the specific use have been or will be met (driveways, parking, age of HUD home, setbacks, etc.)

The home is brand new. 2019 15x84 , manufactured by Cavco Industries, sold through Palm Harbor. Serial number CAV150TX1813434A Model #PH16803P.

The Church's are its first owner. Electrical poles, water meter bucket, water lines and sewer line to the City are already in place and will be professionally connected by the company that delivers and sets the home. The driveway on the property is a circle drive. There is an entrance that goes in directly at the sight of the mobile home. Drive way entrance has a culvert for drainage. Mobile Home pad will be built up 4 inches above ground to avoid water passing under home (per company).

BURLESON COUNTY APPRAISAL DISTRICT

PROPERTY: 22242

Legal Description

LANDOLT #9, BLOCK 8, LOT PT OF 8, ACRES 1.08

OWNER ID

148

OWNERSHIP

100.00%

2440-008-008-10009

Ref ID2: 22242

PROPERTY APPRAISAL INFORMATION 2020

SPEARS JAMES EDWARD & JANET L

747 3RD ST

SOMERVILLE, TX 77879-4519

VALUES

IMPROVEMENTS

LAND MARKET

MARKET VALUE

PRODUCTIVITY LOSS

APPRAISED VALUE

HS CAP LOSS

ASSESSED VALUE

Entities

CAD

CSM

GBU

HOS

RDD

SSM

100%

100%

100%

100%

100%

100%

130,091

+

=

-

=

-

=

35,289

165,380

0

165,380

0

165,380

GENERAL

UTILITIES

TOPOGRAPHY

ROAD ACCESS

ZONING

BUILDER

NEXT REASON

REMARKS

LAST APPR.

LAST APPR. YR

LAST INSP. DATE

NEXT INSP. DATE

BARRYA

2019

12/18/2018

SKETCH for Improvement #1 (Misc Imp)

HS

OV65

Homestead

Over 65

EXEMPTIONS

PICTURE

BUILDING PERMITS

ISSUE DT

PERMIT TYPE

PERMIT AREA

ST

PERMIT VAL

SALE DT

PRICE

GRANTOR

DEED INFO

04/16/1996

SPEARS JAMES EDWARD / 464 / 672

SKETCH for Improvement #1 (Misc Imp)

20


40

800

40

20

IMPROVEMENT FEATURES



IMPROVEMENT INFORMATION												IMPROVEMENT FEATURES				
SUBD: S2440	100.00%	NBHD: CSMR100	100.00%									COMP	ADJ	ADJ VALUE		
#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE/UNITS	BUILT	EFF YR	COND. VALUE	DEPR	PHYS	ECON	FUNC	100%	0.75	9,000
1.	BARN		*	MB1+/-	800.0	15.00	2009	2009	*	12,000	100%	75%	100%	100%		9,000
				STCD: A1	800.0	Homestead: Y (100%)										
--NumStories:1.00																

LAND INFORMATION												Oil Wells: 0											
SUBD: S2440	100.00%	NBHD: CSMR100	100.00%	CLAS	TABLE	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	IRR Wells: 0	IRR Acres: 0	MKT VAL	AG APPLY	AG CLASS	AG TABLE	AG UNIT	PRC	AG VALUE			
1. FV				S2431	A1	Y (100%)	SQ	SQ	47,052.0000	.75	35,289	1.00	1.00	A	NO				0.00	0			
												35,289		35,289									0

Effective Date of Appraisal: January 1

Date Printed: 01/16/2020 11:51:17AM

by BRENDAAK

Page 1 of 2

Blakey Land Surveying

5200 Wilhelm Lane
Burton, TX 77835-5794

Telephone/Fax 979-289-3900

JAMES EDWARD SPEARS, ET UX
1.08 ACRE TRACT

ALL THAT TRACT OR PARCEL OF LAND containing 1.08 acres, situated in Burleson County, Texas, being out of the J. M. Hardeman Survey, Abstract No. 139, in the City of Somerville, being the same property described in that deed dated April 4, 1996 from Aurelio Rangel, et ux to James Edward Spears, et ux, recorded in Volume 464, Page 672 of the Deed Records of Burleson County, Texas, said 1.08 acre tract being more particularly described as follows:

BEGINNING at a found 5/8 inch iron rod, lying in the Southeast margin of 3rd Street (public right-of-way), marking the North corner of the Somerville Plaza, Ltd. called 0.8346 acre tract (Volume 428, Page 281, Deed Records of Burleson County, Texas), the Northwest corner of the Aurelio Rangel, et ux called 0.0680 acre tract (Volume 266, Page 873, Deed Records of Burleson County, Texas), the West corner of the original called 1.0800 acre tract (hereafter referred to as "original tract"), and marking the West corner of the herein described tract;

THENCE along the Southeast margin of said 3rd Street, with the Northwest line of the original tract, N 45deg 03min 00sec E (record bearing for said original tract, this line being the BASIS OF BEARING LINE for this survey), 180.17 ft., to a found 1 inch pipe near fence corner, marking the West corner of The Elliott Family Trust called 5 acre residue tract (Tract Four, Volume 682, Page 361, Official Public Records of Burleson County, Texas), the North corner of said original tract, and marking the North corner of herein described tract:

THENCE departing said street margin, along a portion of the Southwest line of said Elliott Family Trust tract, with the Northeast line of the original tract, S 44deg 20min 59sec E, 260.83 ft., to a found 5/8 inch iron rod at fence corner, marking the North corner of the Ronnie Faust, Sr., et ux called 1.428 acre tract (Volume 637, Page 426, Official Public Records of Burleson County, Texas), the East corner of the original tract, and marking the East corner of the herein described tract;

THENCE along a portion of the Northwest line of said Faust tract, with the Southeast line of the original tract, S 44deg 46min 08sec W, 182.36 ft., to a point for corner, marking the East corner of the aforementioned Aurelio Rangel, et ux called 0.0680 acre tract, the South corner of the original tract, and the South corner of the herein described tract (a found 1/2 inch iron rod, marking the South corner of said Rangel called 0.0680 acre tract, bears S 44deg 46min 08sec W, 22.00 ft. from this point for reference);

THENCE along the Northeast line of said Rangel called 0.0680 acre tract, with the Southwest line of the original tract, N 43deg 52min 24sec W, 261.76 ft., to the **PLACE OF BEGINNING** and containing 1.08 acres of land.

September 29, 2015
W.O# 2015-2273



Michael J. Blakey
Registered Professional Land Surveyor No. 5935

Plat prepared and made a part of this description.

Description of Land - Metes & Bounds

ATT #5

12' OFFSET FROM FENCE.

16 x 84

ARD

THE INFORMATION ON THE MAP HAS BEEN COMPILED BY BURLINGTON COUNTY APPRAISAL DISTRICT STAFF FROM A VARIETY OF SOURCES AND IS SUBJECT TO CHANGE WITHOUT NOTICE. Burlington County makes no claim, warranty or representation as to the accuracy or completeness of the information and disclaims accountability for any errors or omissions. Represented boundaries are approximate and should not be used for exact measurement or legal documentation.



am = control monument
 pp = power (utility) pole
 CHE = overhead electric line
 w = wood board fence
 tbx = telephone box (case)
 wm = water meter
 gd = gravel drive
 cp = covered patio
 o = porch
 ac = air conditioner unit

Submitted to C.C.
 December 2019
 - attached for clarity

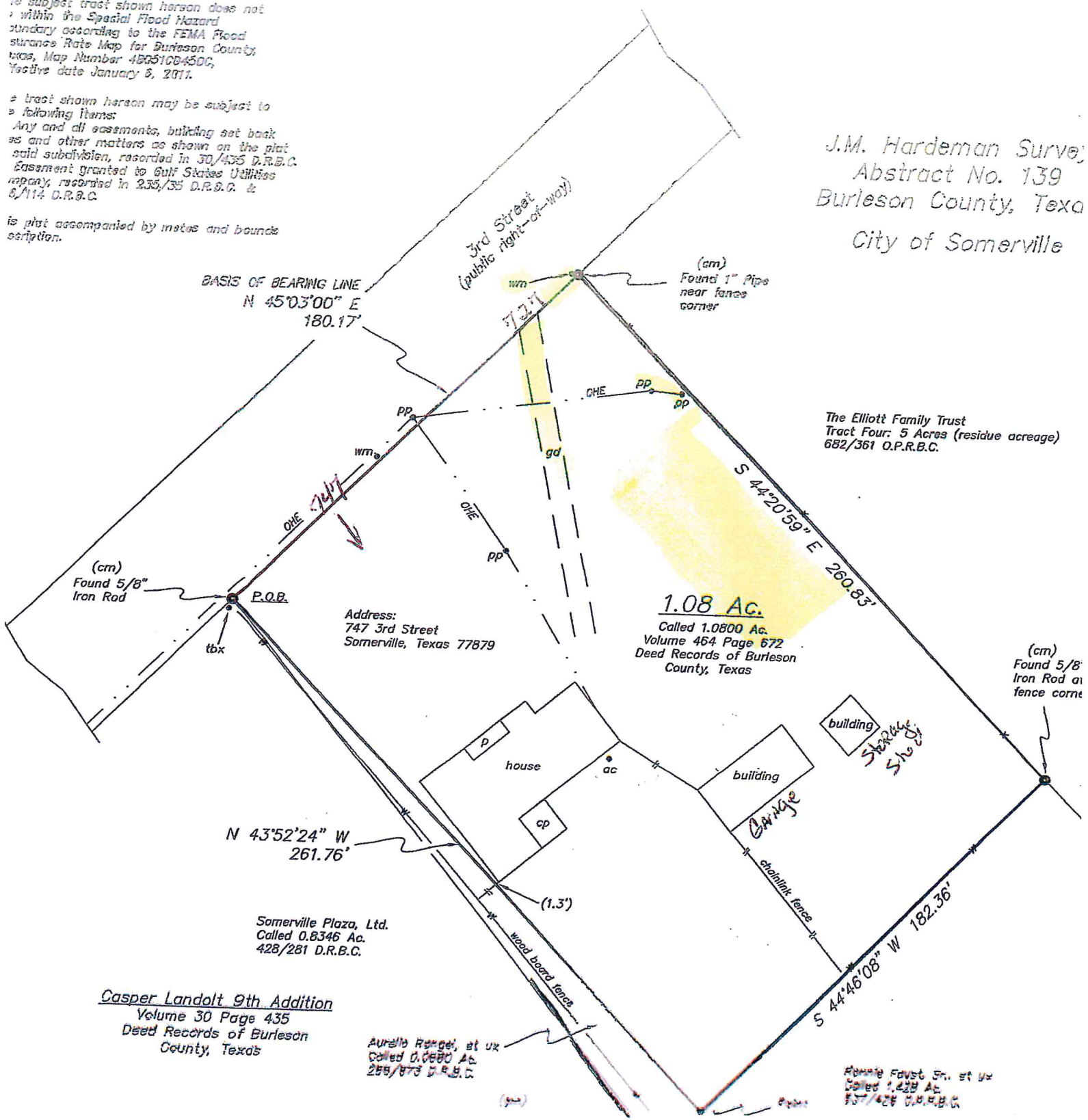
bearings shown hereon are based on the record
 bearing for the Northwest line of the original
 platted 1.0800 acre tract, recorded in Volume 464,
 page 672, D.R.B.C.

the subject tract shown hereon does not
 lie within the Special Flood Hazard
 boundary according to the FEMA Flood
 Insurance Rate Map for Burleson County,
 Texas, Map Number 4855100450C,
 effective date January 8, 2011.

the tract shown hereon may be subject to
 the following items:
 Any and all easements, building set back
 lines and other matters as shown on the plat
 said subdivision, recorded in 30/435 D.R.B.C.
 Easement granted to Gulf States Utilities
 Company, recorded in 235/35 D.R.B.C. &
 6/114 D.R.B.C.

this plat accompanied by notes and bounds
 description.

J.M. Hardeman Survey
 Abstract No. 139
 Burleson County, Texas
 City of Somerville



The Elliott Family Trust
 Tract Four: 5 Acres (residue acreage)
 682/361 O.P.R.B.C.

1.08 Ac.
 Called 1.0800 Ac.
 Volume 464 Page 672
 Deed Records of Burleson
 County, Texas

Address:
 747 3rd Street
 Somerville, Texas 77879

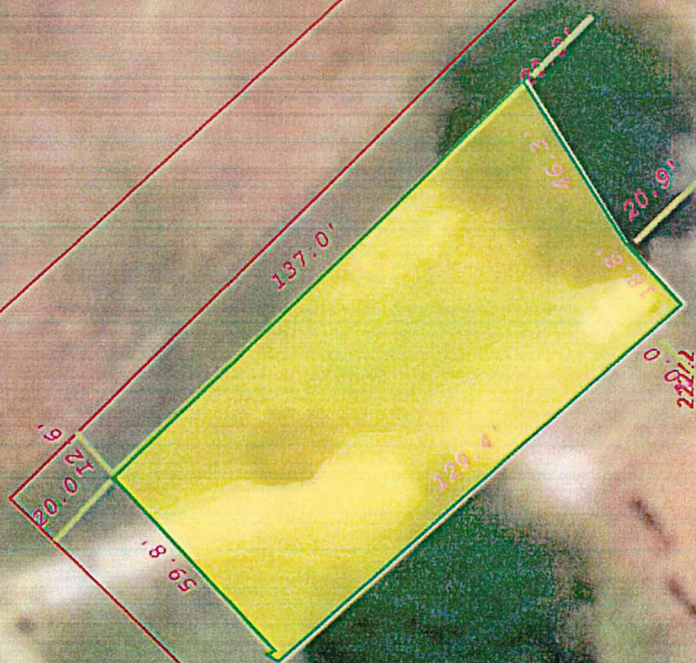
Somerville Plaza, Ltd.
 Called 0.8346 Ac.
 428/281 D.R.B.C.

Casper Landolt 9th Addition
 Volume 30 Page 435
 Deed Records of Burleson
 County, Texas

Aurelio Rangel, et ux
 Called 0.0680 Ac.
 255/873 D.R.B.C.

Ronnie Faust Sr., et ux
 Called 1.428 Ac.
 50/628 D.R.B.C.

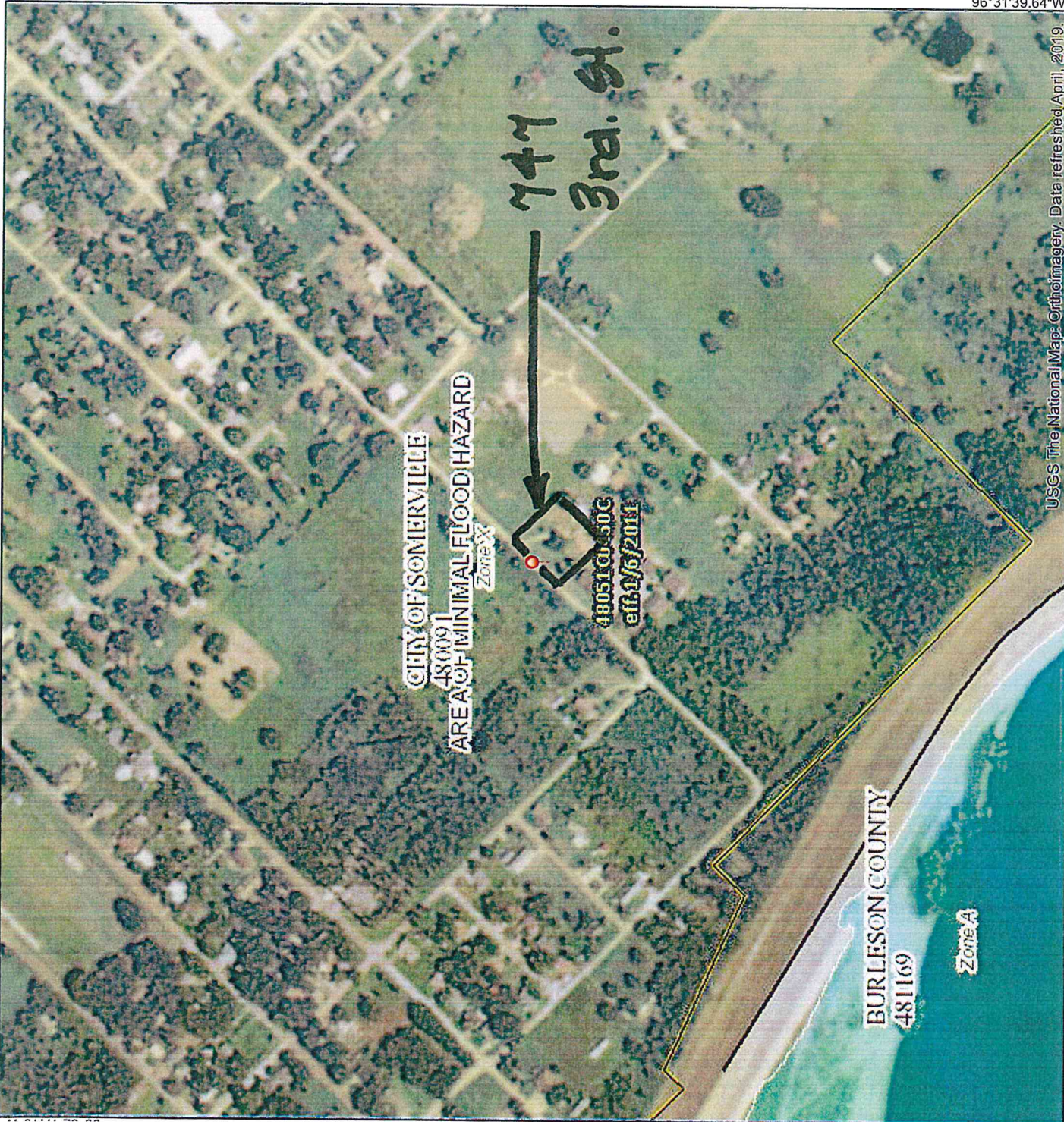
If H.H. is in the yellow
area it meets the
setbacks



National Flood Hazard Layer FIRMette



30°20'24.53"N



A77: # 6

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile
- Future Conditions 1% Annual Chance Flood Hazard
- Area with Reduced Flood Risk due to Levee. See Notes.
- Area with Flood Risk due to Levee

OTHER AREAS

- Area of Minimal Flood Hazard
- Effective LOMRs
- Area of Undetermined Flood Hazard

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/27/2020 at 10:51:25 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Att #1

SUP - SPEARS/CHURCH									
Property Owners/ Residents within 200 feet of property lines									
	BCAD	Street	Owner, Last	First	Owner Address	Tenant, Last	First	Tenant Address	Notes
✓	R#	No.							
✓	37452		EBF-HRF Family LTD Partnership		P.O. Box 518 Somerville TX 77879-0518				Vacant lot
✓	22241	3rd Street	Fletcher	Ervin B. Jr.	P.O.Box 515 Somerville TX 77879-0515				Vacant Lot
✓	22248	785 3rd Street	Somerville Plaza LTD		P.O.B. 187 Prairie View, TX 77446-0187	Property Manager	Heather Cousins	1015 Church Street, Navasota, TX 77868	Per Ms. Cousins, Mail is delivered to a central unit at the facility
						Listed Below for each unit			
					✓	Cupit	Billy R.	#1	
					✓	Luhellier	Mary L.	#2	
					✓	Van Sessen	Viola A.	#3	
					✓	Graves	Johnny L.	#4	
					✓	Elliot	Virgil H.	#5	
					✓	Robles	Raymond	#6	
					✓	Landolt	Juanita A	#7	
					✓	Smith	James R	#8	
					✓	Coleman	Odesa	#9	
					✓	Cox	Mark S	#10	
					✓	Nelson	Virginia D	#11	
					✓	Kuhn	Donald L.	#12	
					✓	Elliot	Jerome	#13	
					✓	Ellis	Loretta D	#14	
						Vacant		#15	
					✓	Hurt	Alice M	#16	
					✓	Vela	Emma	#17	
					✓	Miller	Sherry	#18	
					✓	Langham	Larry J	#19	
					✓	Edmonson	Lewis	#20	
					✓	Dean	Kulesza	#21	

								Laskoskie	Mary	#22	
								Collins	Clay E.	#23	
								Talamantez	Robert	#24	
✓	22243	836	2nd Street	Debolt	Barbara	836 2nd Street Somerville, TX 77879-4532					Owner Occupied Homestead
✓	22246	790	2nd Street	Brown	David & Margie	790 2nd Street Somerville, TX 77879-4524					Owner Occupied Homestead
✓	32729	1300	2nd Street	Faust	Ronnie Sr. & Norma L.	P.O.B. 188 Somerville, TX 77879-0188					Vacant Lot
✓	22247	758	2nd Street	Faust	Ronnie Sr. & Norma L.	P.O.B. 188 Somerville, TX					Owner Occupied Homestead
✓	22250		2nd Street	Fletcher	Aaron K. & Amanda S.	P.O.B. 838 Somerville, TX 77879-0838					Shed
✓	22242	747	3rd Street	Spears	James Edward & Janet L.	747 3rd Street Somerville, TX 77879- 4519	Church	David & Shannon	(P)729 3rd St. (S)		Proerty owners are applicants for Specific Use Permit. Tenants will be owners of the M.H. to be placed on the property if the SUP is approved.



City of Somerville

CODE ENFORCEMENT DEPARTMENT

150 8TH Street, Somerville, Texas 77879

979-596-1122

January 22, 2020

Case Number: SUP.493.20

Mr. & Mrs. James Spears
747 3rd Street
Somerville, TX 77879-4519

Certified Mail, Return Receipt Requested,
I.D. Number: 7017 0660 0000 7629 0690

SUBJECT: Notice of Public Hearing on Request for Specific Use Permit (S.U.P.)
RE: Property: 729 3rd Street, Somerville, TX 77879
BCAD R22242, Legal: Landolt #9, Block 8, Lot Part of 8, 1.08 Acres

Reason for S.U.P. Request:

Real Property (BCAD R22242): Owner occupied property with existing home, 747 3rd Street
Proposed Manufactured Home: New M.H., (2019) 15 x 84, 729 3rd Street (same parcel)

The land owner has requested a Specific Use Permit to locate a Manufactured Home adjacent to the existing residence on the parcel identified above, which is located outside the Manufactured Home Zone.

Mr. & Mrs. Spears:

This letter is to notify you that your Specific Use Permit (SUP). has been set for a public hearing and placed on the agenda as an action item at the regular City Council meeting on February 11, 2020 at the Senior Citizens Center located at 17510 S.H. 36 S, Somerville, Texas 77879. The meeting starts at 6:15 p.m. **You are required to attend the meeting to present your request to Council.**

The public hearing is intended to provide an opportunity for the owners and residents of property located within 200 feet of your property to express concerns about, or support for, your SUP application.

The hearing will be held under the Public Hearings section of the Agenda (early in the meeting). Since your request is the subject of the hearing, all you need to do is sign in when you arrive. When the Public Hearing is opened you will be recognized and can make your request, after which members of the public will be given an opportunity to comment on the request.

All of the application information and any supporting documents will be included in the council packets issued to the Aldermen before the meeting.

After the Public Hearing is closed, during the Action Items portion of the meeting City Council will discuss the Application and may approve or deny the request.

If you have any questions about this proceeding, please contact the Code Enforcement Department at 979-596-1122.

Sincerely,

Kathy Pollock,
Code Enforcement Officer
Cc: file, city secretary

*File Copy of letter for P.H. for S.U.P.
USPS 1st Class + CMRRR
1/24/20*

letter.SUP.Spears
1/23/2020 - Page 1 of 1



City of Somerville

CODE ENFORCEMENT DEPARTMENT

150 8TH Street, Somerville, Texas 77879

979-596-1122

January 22, 2020

Case Number: SUP.493.20

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To Whom It May Concern:

This letter is to notify you, as required by law, of a public hearing to be held on February 11, 2020. The public hearing is intended to provide an opportunity for the owners and residents of property located within 200 feet of the property described above to express concerns about or support for the Specific Use Permit request.

The hearing will be held at the Senior Citizens Center at 17510 S.H. 36 S, Somerville, Texas 77879 at 6:15 p.m. Please note that you must sign up NO LATER THAN 6:10 p.m. the night of the meeting in order to speak during the hearing. If you cannot attend you may submit a written statement no later than Friday, February 7, 2020, 4:00 p.m. at City Hall. Such statements will be read (or summarized, if lengthy) by city staff during the public hearing.

You are not required to attend this hearing.

City Council will discuss the issue and may approve or deny the request during the Action Items portion of the meeting after the public hearing has been concluded.

If you have any questions about this proceeding, please contact the Code Enforcement Department at 979-596-1122.

Sincerely,

Kathy Pollock,
Code Enforcement Officer
Cc: file, city secretary

*Sample of Letter sent to all
property owners & any tenants
w/in 200' of Subject Property
USPS 1st Class - 33 total mailed 1/24/20*

NOTICE OF PUBLIC HEARING

The State of Texas
County of Burleson
City of Somerville

NOTICE is hereby given that there will be a public hearing held by the City Council at the Senior Citizens Center, at 17510 S.H. 36 S., Somerville, on February 11th, 2020 during a Regular City Council Meeting (meeting starts at 6:15 PM).

The purpose of this hearing is to consider evidence to grant or deny the request for a Specific Use Permit for the property identified as follows:

747/729 3rd Street, Somerville, TX 77879; BCAD R22242, Case No. SUP. 493.20:

Specific Use Permit request is for the installation of a new HUD Code Manufactured Home on a 1.08-acre property with an existing owner-occupied site built home known as 747 3rd Street. The HUD Code Manufactured Home will be located on the same parcel, with a 911 address of 729 3rd Street. The property owner is requesting this SUP to allow the MH owner to place and occupy the MH for residential housing. This property is located outside the Manufactured Home Zone and this request is being considered as per the procedures set forth in the Manufactured Home Ordinance, 13-003.

Interested parties may submit a statement to be read during the hearing or may attend the hearing to make a statement in support of, or in opposition to, the request. Written statements must be submitted to the Code Enforcement Department no later than 4:00 PM February 7, 2020. Persons wishing to speak at the hearing may sign up at City Hall until 4:00 PM the day of the meeting, or at the meeting until 6:10 PM. Contact the Code Enforcement Department at 979-596-1122 for additional information.

*published in 1/30/20
edition*

I am the owner of attached the property description. I have no reservations or problems concerning the Mobile Home placement request at 727 3rd Street that is directly connected to my property. I can see no reason this home will cause any detriment to me or my ownership of the property.

Aaron K and Amanda S. Flencher

P.O. Box 838

Somerville, TX 77879

Legal Description of Property: Landolt *9, Acres 4.7704

Signature

Date

1/21/20

BCAD R22250

1/24/20 recd.

I am the owner of attached the property description. I have no reservations or problems concerning the Mobile Home placement request at 727 3rd Street that is directly connected to my property. I can see no reason this home will cause any detriment to me or my ownership of the property.

Ronnie Faust, Sr and Normal L Faust
P.O. Box 188
Somerville, TX 77879

Legal Description of Property: Landolt *9 Block 8, Lt 8 Acres 1.049

Ronnie Faust Sr. Normal L Faust 1/21/2020
Signature Date

BCAD R22247, R32729
1/27/20 Rcd.

Jurisdiction of
City of Somerville



150 8th Street / PO Box 159
Somerville, Texas 77879
Phone (979) 596-1122
FAX (979) 596-1931

PERMIT # _____

JOB ADDRESS	727 3 rd ST Somerville Tx 77879
-------------	--

1 LEGAL DISCRPTION	LOT #	BLK	TRACT	(<input type="checkbox"/> SEE ATTACHED SHEET)
2 OWNER	MAIL ADDRESS		ZIP	PHONE
David + Shannon Church		P.O. Box 883 Caldwell Tx 77836		979-599-4625
3 CONTRACTOR	MAIL ADDRESS		PHONE	REGISTRATION #
Palm Harbor Homes		2901 ST Hwy 21E Bryan TX. 979-775-7558		
4 ARCHITECT OR DESIGNER	MAIL ADDRESS		PHONE	REGISTRATION #
5 ENGINEER	MAIL ADDRESS		PHONE	REGISTRATION #
6 LENDER	MAIL ADDRESS		BRANCH	
7 USE OF BUILDING				
8 CLASS OF WORK: <input checked="" type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> REPAIR <input type="checkbox"/> MOVE <input type="checkbox"/> REMOVE				
9 DESCRIBE WORK				
pulling in a new Mobile Home				
10 VALUATION OF WORK: \$				
SPECIAL CONDITIONS		PLAN CHECK FEE		PERMIT FEE
		TYPE OF CONSTRUCTION	OCCUPANCY GROUP	DIVISION
		SIZE OF BLDG (TOTAL) SQ. FEET	NUMBER OF STORIES	MAX OCC. LOAD
		FIRE ZONE	USE ZONE	FIRE SPRINKLERS REQUIRED <input type="checkbox"/> Yes <input type="checkbox"/> No
		NO. OF DWELLING UNITS	OFF STREET PARKING SPACES <input type="checkbox"/> COVERED	OFF STREET PARKING SPACES <input type="checkbox"/> UNCOVERED
APPLICATION ACCEPTED BY:		PLANS CHECKED BY:		
SPECIAL APPROVALS		REQUIRED	RECEIVED	APPROVED FOR ISSUANCE BY:
ZONING				NOT REQUIRED
HEALTH DEPARTMENT				
FIRE DEPARTMENT				
SOIL REPORT				
OTHER (SPECIFY)				

NOTICE: SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING, VENTILATING OR AIR CONDITIONING. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OFR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS COMMENCED.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other State of Local Law regulating construction or the performance of construction.

Signature of Contractor or Authorized Agent _____ Date _____ Signature of Owner (If owner builder) _____ Date _____

WHEN PROPERLY VALIDATED (IN THIS SPACE) THIS IS YOUR PERMIT

Plan Check Validation CK. M.O. Cash Permit Validation CK. M.O. Cash

City of Somerville

150 8th Street ~ P.O. Box 159
Somerville Texas 77879

Application for Residential Utility Service

Please fill the application out completely. You will need to provide a photo I.D. and copies of a lease, tax statement, deed or other proof of authority to occupy when you submit the application. Utility service will not be started until all fees and deposits are paid. Your signature on the application indicates that you have provided accurate information and that you understand that falsification of any information may result in denial of service and is a violation of City Ordinance 14-001.

Date of Application: 1-16-2020 Water ☒ Wastewater ☒ Solid Waste ☒ Other ☐

Applicant Name: Last Church Jr First David MI R

Co-Applicant Name (Spouse, Roommate) Last Church First Shannon MI R

Service Address 727 3rd St Somerville Tx 77879 Own ☐ Rent ☐ *

Billing Address 727 3rd St Somerville Tx 77879 Same as above ☐

Applicant Phone Numbers Home 979-599-4625 Work 979-599-4625 Cell 979-599-4625

Co-Applicant Phone Numbers Home 979-599-4625 Work 979-599-4625 Cell 979-599-4625

Applicant Driver's License Redacted State Tx DOB 4/19/1976 Social Security Redacted

Co-Applicant Driver's License Redacted State Tx DOB 4/19/1976 Social Security Redacted

Have you had utility service in the City of Somerville in the past? No ☒ Yes ☐ How long ago?

Previous Service Address Street City State Zip Name
As it appeared on Previous Account

Applicant's Nearest Relative (not residing with you) Tammy Robinson Relationship Mother-in-law

Address 502 N. Banks St Caldwell Tx 77836 Phone 616 560 9288
Street City State Zip

***If renting, provide landlord information and copy of lease, along with the names of all tenants over 18.**

Name: Address: No. of Tenants:
Phone numbers: Contact/Emergency: Other: Term of Lease:

I/We, the above applicant(s) agree that I/We shall be responsible for all costs, including, but not limited to deposits, attorney's fees, collection costs and charges, court costs, notification and mailing costs and any other costs or fees incurred by the City in the event that we do not pay the utility bill for service in a timely manner and in accordance with the City's Utility Ordinance. We further agree that a late fee shall be assessed on any late payment and that the City may disconnect utilities for non-payment. By signing this application, I/we acknowledge that we have been provided with a Customer Service Agreement and a customer information sheet.

Applicant's Signature: David R. Church Jr Co-Applicant's Signature:

I am requesting that my address and telephone number be kept confidential by the City of Somerville Utility, as provided for by state law. I have received a notice explaining the exceptions to confidentiality. I understand that there is a one-time charge of \$5.00 for this service.

IN

Payment History <input type="checkbox"/> Good Standing <input type="checkbox"/> No History <input type="checkbox"/> Poor History <input type="checkbox"/> Bad Debt Amount \$ <u> </u> Receipt No. <u> </u>	Deposit Required? <input type="checkbox"/> Yes <input type="checkbox"/> No Amount \$ <u> </u> Rect. No. <u> </u> Route No. <u> </u> Seq. No. <u> </u>	Authority to Request Service Property Owner <input type="checkbox"/> Document: <u> </u> Tenant: <input type="checkbox"/> Document <u> </u> List of Tenants Attached <input type="checkbox"/>	Account # # of Carts. Notes: <u> </u> <u> </u> <u> </u>
---	---	--	--

ACTION ITEMS

Item 11-I / Resolution R20-002

Authorized Signatures

Item 11-J / Resolution R20-003

Regarding Civil Rights

Item 11-K / Proclamation of April as

Fair Housing Month

AGENDA MEMORANDUM

MEMO TO:

Honorable Mayor and City Council Members

FROM:

Danny Segundo, City Administrator

DATE:

February 4th, 2020

SUBJECT:

Resolution R20-002, Authorized Signatures and Resolution R20-003, Civil Rights Policies

BACKGROUND/INFORMATION:

The City of Somerville has been notified by the Texas General Land Office that its Harvey Local Infrastructure Program grant application has been approved and awarded to the City.

As a part of the requirements of participating in the Community Development Block Grant Program (CDBG) City Council will designate authorized signatures for the Hurricane Harvey Infrastructure contract 20-065-058-C170.

Adopt a resolution for civil rights policies, and a proclamation proclaiming April as Fair Housing Month.

The funding from the grant is in the amount of \$167,101 and will be used to for drainage improvements in the areas of 4th, 5th, 6th, Avenue J, and main channel improvement.

RECOMMENDED COUNCIL ACTION: Discuss, consider approve or (disapprove) Resolution R20-002 authorizing designated signatures, and Resolution R20-003, adopt civil rights policies, proclaiming April as Fair Housing Month.

**RESOLUTION R20-002
AUTHORIZING SIGNATORIES**

A RESOLUTION BY THE CITY COUNCIL OF CITY OF SOMERVILLE DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY PROGRAM (CDBG-DR) CONTRACT NUMBER 20-065-058-C170.

WHEREAS, the City of Somerville has received a Hurricane Harvey - Infrastructure Community Development Block Grant - Disaster Recovery program award to provide Flood & Drainage Improvements; and

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office and;

WHEREAS, an original signed copy of the CDBG-DR Depository/Authorized Signatories Designation Form is to be submitted with a copy of this Resolution, and;

WHEREAS, the City of Somerville acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.) the City must provide CDBG-DR with the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised CDBG-DR *Depository/ Authorized Signatories Designation Form*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SOMERVILLE, TEXAS, AS FOLLOWS:

SECTION 1: The Mayor, Mayor Pro Tem, and City Administrator are authorized to execute contractual documents between the Texas General Land Office and the City for the Hurricane Harvey - Infrastructure Community Development Block Grant Disaster Recovery Program.

SECTION 2: The Mayor, Mayor Pro Tem, City Administrator, and City Secretary are authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the Hurricane Harvey - Infrastructure Community Development Block Grant Disaster Recovery Program.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SOMERVILLE, TEXAS, on February 11, 2020.

APPROVED:

Micheal Bradford, Mayor

ATTEST:

Rose Rosser, City Secretary

Resolution R20-003
Regarding Civil Rights
The City of Somerville, Texas

Whereas, the City of Somerville, Texas, (hereinafter referred to as "City of Somerville") has been awarded a Community Development Block Grant – Disaster Recovery (CDBG-DR) grant from the Texas General Land Office (hereinafter referred to as "GLO");

Whereas, the City of Somerville, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG-DR activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the City of Somerville, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, the City of Somerville, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135 is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG-DR project area;

Whereas, the City of Somerville, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the City of Somerville, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each CDBG-DR project;

Whereas, the City of Somerville, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, the City of Somerville, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period, to affirmatively further fair housing;

Whereas, the City of Somerville, has designated an overseer and will maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERVILLE, TEXAS, THAT THE CITY OF SOMERVILLE ADOPTS THE FOLLOWING:

1. Citizen Participation Plan and Grievance Procedures;
2. Section 3 Policy;
3. Excessive Force Policy;
4. Limited English Proficiency (LEP) Standards Plan;

5. Section 504 Policy and Grievance Procedures;
6. Code of Conduct Policy; and
7. Fair Housing Policy.

Passed and approved this 11th day of February, 2020.

Signature of Elected Official
City of Somerville

Micheal Bradford, Mayor
Printed Name of Elected Official

**CITY OF SOMERVILLE
CITIZEN PARTICIPATION PLAN
TEXAS GENERAL LAND OFFICE (GLO)
COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY (CDBG-DR) PROGRAM**

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas General Land Office's Community Development Block Grant – Disaster Recovery (CDBG-DR) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Somerville offices, 150 8th St, PO Box 159, Somerville, TX 77879, (Street Address), (979) 596-1122 (Phone) during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the CDBG-DR project.

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG-DR project(s), whether it is a proposed, ongoing, or completed CDBG-DR project(s), may during regular business hours submit such complaint or grievance, in writing to the Mayor, at City of Somerville at 150 8th St, PO Box 159, or may call (979) 596-1122.
2. A copy of the complaint or grievance shall be transmitted by the Mayor to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The Mayor shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3. above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the CDBG-DR program for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of CDBG-DR funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC OUTREACH EFFORTS

The City shall provide for reasonable public notice, appraisal, examination and comment on the activities proposed for the use of CDBG-DR funds. These efforts shall include:

1. Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG-DR funds are proposed to be used;

2. Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to an entity's proposed and actual use of CDBG-DR funds;
3. Furnish citizens information, including but not limited to:
 - a) the amount of CDBG-DR funds expected to be made available
 - b) the range of activities that may be undertaken with the CDBG-DR funds
 - c) the estimated amount of the CDBG-DR funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons
 - d) if applicable, the proposed CDBG-DR activities likely to result in displacement and the entity's anti-displacement and relocation plan;
4. Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the entity's application to the state. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state; and
5. These outreach efforts may be accomplished through one or more of the following methods:
 - a) Publication of notice in a local newspaper—a published newspaper article may be used so long as it provides sufficient information regarding program activities and relevant dates;
 - b) Notices prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups;
 - c) Posting of notice on the local entity website (if available);
 - d) Public Hearing; or
 - e) Individual notice to eligible cities and other entities as applicable using one or more of the following methods:
 - i. Certified mail
 - ii. Electronic mail or fax
 - iii. First-class (regular) mail
 - iv. Personal delivery (e.g., at a Council of Governments [COG] meeting).

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by a CDBG-DR applicant or recipient, the following public hearing provisions shall be observed:

1. Furnish citizens information, including but not limited to:
 - (a)** The amount of CDBG-DR funds available per application for Hurricane Harvey;
 - (b)** The range of activities that may be undertaken with the CDBG-DR Hurricane Harvey funds;
 - (c)** The estimated amount of the CDBG-DR Hurricane Harvey funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and
 - (d)** The proposed CDBG-DR activities likely to result in displacement and the unit of general local government's antidisplacement and relocation plans required under 24 CFR 570.488.
2. Public notice of any hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice **MUST** include the **DATE, TIME, LOCATION** and **TOPICS** to be considered at the public hearing. A published newspaper article may also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and an applicant must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to each hearing.

4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter will be present to accommodate the needs of the non-English speaking residents.
5. City may conduct a public hearing via webinar if they also follow the provisions above. If the webinar is used to conduct a public hearing, a physical location with associated reasonable accommodations must be made available for citizens to participate so as to ensure that those individuals without necessary technology are able to participate.
6. If applicable, the locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three years after the project is closed out. Such records must be made available to the public in accordance with Chapter 552, Government Code.

Signature

Micheal Bradford, Mayor
Name, Title

February 11, 2020
Date

LA CIUDAD DE SOMERVILLE
PLAN DE PARTICIPACIÓN CIUDADANA
PROGRAMA DE RECUPERACIÓN DE DESASTRES EN ASIGNACIONES EN BLOQUES DE
DESARROLLO COMUNITARIO (CDBG-DR)

PROCEDIMIENTOS DE QUEJA

Estos procedimientos de queja cumplen con los requisitos del La Oficina General de Tierras de Texas de Recuperación de Desastres en Asignaciones en Bloques de Desarrollo Comunitario (CDBG-DR) y los requisitos del gobierno local de Texas que se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en la Ciudad de (Dirección postal City of Somerville, 150 8th St, PO Box 159, Somerville, TX 77879, (979) 596-1122, (teléfono) durante el horario de oficina.

A continuación se presentan los procedimientos formales de quejas y reclamos relacionados con los servicios prestados en el marco del proyecto CDBG-DR.

1. Una persona que tiene una queja o reclamo sobre cualquier servicios o actividad en relación con el proyecto CDBG-DR, ya sea un proyecto propuesto , en curso o completado de CDBG-DR, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito al Mayor, a City of Somerville, 150 8th St, PO Box 159, Somerville, TX 77879, (979) 596-1122.
2. Una copia de la queja o reclamo se transmitirá por el alcalde a la entidad que es encargada de la queja o reclamo y al Abogado de la Ciudad dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que el reclamo fue recibida.
3. El alcalde deberá completará una investigación de la queja o reclamo, si es posible, y dará una respuesta oportuna por escrito a la persona que hizo la queja o reclamo dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de diez (10) días hábiles, la persona que hizo la queja o reclamo será notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o reclamo y detallará cuando se deberá completar la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la CDBG-DR para su posterior revisión y comentarios.
6. Se proporcionará copias de los procedimientos de queja y las respuestas a las quejas, tanto en inglés y español, u otro lenguaje apropiado

ASISTENCIA TÉCNICA

Cuando lo solicite, la Ciudad proporcionará asistencia técnica a los grupos que son representantes de las personas de bajos y moderados ingresos en el desarrollo de propuestas para el uso de los fondos CDBG-DR. La Ciudad en base a las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

ESFUERZOS PUBLICOS

La Ciudad proporcionará un aviso público razonable, evaluación, examen y un comentario sobre las actividades propuestas para el uso de fondos de CDBG-DR. Estos esfuerzos incluirán:

1. Proveer y fomentar la participación ciudadana, en particularmente por personas de ingresos bajos y moderados que residen en áreas marginales o deterioradas y áreas en las cuales se proponen utilizar fondos de CDBG-DR;
2. Asegurar que los ciudadanos tendrán acceso razonable y oportuno a las reuniones locales, información y registros relacionados con el uso propuesto y real de fondos de CDBG-DR por parte de la entidad;
3. Proporcionar información a los ciudadanos, incluyendo pero no limitado a:
 - a) la cantidad de fondos CDBG-DR que se espera estén disponibles
 - b) la gama de actividades que se pueden emprender con los fondos CDBG-DR
 - c) La cantidad estimada de los fondos CDBG-DR que se propone utilizar para actividades que cumplan el objetivo nacional de beneficio para personas de ingresos bajos y moderados
 - d) si corresponde, las actividades propuestas de CDBG-DR que puedan resultar en desplazamiento y el plan de anti-desplazamiento y reubicación de la entidad;
4. Proporcionar a los ciudadanos un aviso anticipado razonable y la oportunidad de comentar sobre las actividades propuestas en una solicitud al estado y, para las subvenciones ya realizadas, actividades que se proponen agregar, eliminar o cambiar sustancialmente de la aplicación de la entidad al estado. Cambios sustanciales significa cambios hechos en términos de propósito, alcance, ubicación o beneficiarios según lo definido por los criterios establecidos por el estado; y
5. Estos esfuerzos de divulgación pueden lograrse a través de uno o más de los siguientes métodos:
 - a) Publicación de un aviso en un periódico local: se puede utilizar un artículo de periódico publicado siempre que proporcione información suficiente sobre las actividades del programa y las fechas pertinentes;
 - b) Avisos destacados en edificios públicos y distribuidos a las Autoridades Locales de Vivienda ya otros grupos comunitarios interesados;
 - c) Publicación de aviso en el sitio web de la entidad local (si está disponible);
 - d) Audiencia pública; o
 - e) Notificación individual a ciudades elegibles y otras entidades según sea aplicable usando uno o más de los siguientes métodos:
 - i. Correo certificado
 - ii. Correo electrónico o fax
 - iii. Correo de primera clase (regular)
 - iv. Entrega personal (por ejemplo, en una reunión del Consejo de Gobiernos [COG])

DISPOSICIONES PARA LA AUDIENCIA PÚBLICA

Para cada audiencia pública programada y conducida por un solicitante o receptor de CDBG-DR, se observarán las siguientes disposiciones de audiencia pública:

1. Proporcionar a los ciudadanos información, que incluye pero no se limita a:
 - a. La cantidad de fondos de CDBG-DR disponibles por solicitud para Huracán Harvey;
 - b. El rango de actividades que se pueden realizar con los fondos de la CDBG de Huracán Harvey;
 - c. El monto estimado de los fondos de CDBG-DR Huracán Harvey propuestos para ser utilizados en actividades que cumplirán el objetivo nacional de beneficiar a las personas de ingresos bajos y moderados; y
 - d. Las actividades propuestas de CDBG-DR que probablemente resulten en desplazamiento y la unidad de los planes generales de antidesubicación y reubicación del gobierno local requeridos bajo 24 CFR 570.488
2. El aviso público de cualquier audiencia debe ser publicado por lo menos setenta y dos (72) horas antes de la audiencia programada. El aviso público debe ser publicado en un periódico local. Cada aviso público DEBE incluir la FECHA, TIEMPO, LOCALIZACIÓN y TEMAS a ser considerados en la audiencia

pública. Un artículo de periódico publicado también puede usarse para cumplir este requisito, siempre y cuando cumpla con todos los requisitos de contenido y tiempo. Los avisos también deben ser destacados en los edificios públicos y distribuidos a las Autoridades Locales de Vivienda ya otros grupos comunitarios interesados.

3. Cada audiencia pública se celebrará en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidades. Las personas con discapacidades deben ser capaces de asistir a las audiencias y el solicitante debe hacer arreglos para las personas que requieren ayudas o servicios auxiliares si se ponen en contacto por lo menos dos días antes de cada audiencia.
4. Cuando un número significativo de residentes que no hablan inglés puede ser razonablemente esperado para participar en una audiencia pública, un intérprete estará presente para acomodar las necesidades de los residentes que no hablan inglés.
5. La Ciudad puede conducir una audiencia pública a través de un seminario si también siguen las disposiciones anteriores. Si el seminario web se utiliza para llevar a cabo una audiencia pública, debe ponerse a disposición de los ciudadanos un lugar físico con adaptaciones razonables asociadas para garantizar que los individuos sin la tecnología necesaria puedan participar.
6. Si es aplicable, la localidad debe conservar la documentación de los avisos de audiencia, las listas de asistencia, las actas de las audiencias y cualquier otro registro referente al uso real de los fondos por un período de tres años después del cierre del proyecto. Dichos registros deben ponerse a disposición del público de conformidad con el Capítulo 552, Código del Gobierno.

Signature

Micheal Bradford, Alcalde de la ciudad
Name, Title

2/11/2020
Fecha

SECTION 3 POLICY

In accordance with 12 U.S.C. 1701u, (Section 3), the City of Somerville agrees to implement the following steps, which, to the *greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Section 3 Coordinator.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by CDBG-DR grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in CDBG-DR funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or GLO to the Grant Recipient.
- G. Submit reports as required by HUD or GLO regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of the City of Somerville, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

_____ Signature	Micheal Bradford, Mayor _____ Name, Title
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_____ February 11, 2020 Date

Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the City of Somerville hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of Somerville to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of the City of Somerville to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. The City of Somerville will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Somerville, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

<hr/>	<hr/>
Signature	Micheal Bradford, Mayor
	Name, Title
<hr/>	
February 11, 2020	
Date	

Over 5%

Limited English Proficiency Plan - 20-065-058-C170

Texas General Land Office

Community Development Block Grant-Disaster Recovery

Grant Subrecipient:	City of Somerville
Community Population:	1,436
LEP Population:	67 individuals 5.1%
Languages spoken: 1) by more than 5% of the eligible population or beneficiaries and has more than 50 in number; or 2) By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries	Spanish

Program activities to be accessible to LEP persons:	
<input checked="" type="checkbox"/>	Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project
<input checked="" type="checkbox"/>	Publications regarding CDBG-DR application, grievance procedures, <i>complaint procedures</i> , <i>complaint procedures</i> , <i>answers to complaints</i> , <i>notices</i> , <i>notices of rights and disciplinary action</i> , and other vital hearings, documents, and program requirements
<input checked="" type="checkbox"/>	Other program documents: Documents available in Spanish for directly assisted beneficiaries, if applicable.

Resources available to Grant Recipient:	
<input checked="" type="checkbox"/>	Translation services: available upon request
<input checked="" type="checkbox"/>	Interpreter services: available upon request with prior notice
	Other resources: _____

Language Assistance to be provided:	
<input checked="" type="checkbox"/>	Translation (oral and/or written) of advertised notices and vital documents for: <u>Public hearing, Complaint and Grievance, Equal Opportunity, Policy of Non-discrimination Based on Disability Status and Fair Housing notices are available in Spanish. Other CDBG required program notices are available in Spanish upon request.</u>
<input checked="" type="checkbox"/>	Referrals to community liaisons proficient in the language of LEP persons <u>Spanish-speaking liaisons are available upon request.</u>
<input checked="" type="checkbox"/>	Public meetings conducted in multiple languages: <u>Available upon request with two days advance notice.</u>
<input checked="" type="checkbox"/>	Notices to recipients of the availability of LEP services: <u>Included in translated notices.</u>
	Other services: _____

Signature - Chief Elected Official or Civil Rights Officer

February 11, 2020

Date

See also: http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf

Section 504 Policy against Discrimination based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of Somerville hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. The City of Somerville does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. The City of Somerville's recruitment materials or publications shall include a statement of this policy in 1. above.
4. The City of Somerville shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the CDBG-DR program, the City of Somerville shall ensure that they are provided with the information necessary to understand and participate in the CDBG-DR program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Somerville) to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to the Mayor, PO Box 159, Somerville, TX, 77879 or call (979) 596-1122, who has been designated to coordinate Section 504 compliance efforts.
 - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
 - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the Mayor. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
 - f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Mayor, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
 - g. The Section 504 coordinator shall maintain the files and records of the City of Somerville relating to the complaints files.

- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Somerville within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Somerville complies with Section 504 and HUD regulations.

Signature

Micheal Bradford, Mayor
Name, Title

February 11, 2020
Date

Code of Conduct Policy of the City of Somerville

As a Grant Recipient of a CDBG-DR contract the City of Somerville shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the CDBG-DR contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City of Somerville shall participate in the selection, award, or administration of a contract supported by CDBG-DR funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City of Somerville shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving CDBG-DR funds, that has any CDBG-DR function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the CDBG-DR activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a CDBG-DR contract or award, or that is required to complete some or all work under the CDBG-DR contract in order to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a CDBG-DR contract or award, or that is required to complete some or all work under the CDBG-DR contract in order to meet a National Program Objective, that might potentially receive benefits from CDBG-DR awards may not participate in the selection, award, or administration of a contract supported by CDBG-DR funding.

Any alleged violations of these standards of conduct shall be referred to the City of Somerville Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

	Micheal Bradford, Mayor
Signature	Name, Title

February 11, 2020
Date

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Community Development Block Grant (CDBG-DR) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) &(h), and 2 CFR 200.318

Fair Housing Policy

In accordance with Fair Housing Act, the City of Somerville hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. The City of Somerville agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. The City of Somerville agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. The City of Somerville will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of Somerville, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Signature

Micheal Bradford, Mayor
Name, Title

February 11, 2020
Date

PROCLAMATION OF APRIL AS FAIR HOUSING MONTH

WHEREAS Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, WE, the City Council of the City of Somerville, do proclaim April as Fair Housing Month in City of Somerville and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

Passed and adopted by the City Council of the City of Somerville, Burleson County, State of Texas, on the 11th day of February, 2020.

APPROVED:

Micheal Bradford, Mayor

ATTEST:

Rose Rosser, City Secretary