City Council Agenda
5/4/2021

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held May 4, 2021 at 8:30 AM at the McNease Convention Center – South Meeting Room, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

1. **Call to Order**
2. **Chaplain Prayer & Pledges**
3. **Proclamations/Recognitions**
   a. Proclamation of May 9-15, 2021 as Police Week and May 15, 2021 as Peace Officers Memorial Day
   b. Proclamation of May 2021 as Motorcycle Safety Awareness Month
   c. Proclamation of May 2021 as National Historic Preservation Month
4. **Public Comment**

Issues or concerns not on the Regular Agenda may be raised by the public at this time. Citizens should speak from the podium, address all comments to the dais, begin by stating their name and address or Single Member District number, and limit their remarks to less than three minutes.

5. **Consent Agenda**
   a. Consider approving the April 20, 2021 City Council regular meeting minutes (Julia Antilley)
   b. Consider authorizing the City Manger to negotiate and execute a 2-year, non-exclusive contract for real estate services with the following brokers: Rocky Spoonts Real Estate, Berkshire Hathaway Home Services, and Steve Eustis Co. (Cindy Preas)
   c. Consider approving Change Order #1 to ES-01-21 Southwest Blvd. Improvement Project with Reece Albert, increasing the total contract amount by $737,606.32, and authorizing the City Manager to negotiate and execute all related documents (Shane Kelton)
   d. Consider awarding WU-05-21 Professional Engineering Services - Upper Colorado Regional Flood Planning Technical Consultant to HDR Engineering, Inc. in the amount of $946,200, funded by Texas Water Development Board Grant, and authorizing the City Manager to negotiate and execute all related documents (Allison Strube)
   e. Consider awarding FC-02-21 Carpet and Flooring Replacement at Ralph Chase State Office Building to Smith Flooring of San Angelo in the amount of $78,403 budgeted for purchase in fiscal year 2021, and authorizing the City Manager to negotiate and execute all related documents (Bob Bluthardt)

f. Consider ratifying COSADC approval regarding Change Order Number 6 to the Reece Albert Contract for Infrastructure Improvements to Phase 2.1 & 2.2 of the San Angelo Business & Industrial Park in the amount of $77,591.19, for placing of topsoil and drill seeding of the main drainage channel and Detention Pond A1 (Bob Schneeman)

g. Consider a resolution accepting the donation of funds from Back the Badge for the purchase of equipment or training for the San Angelo Police Department (Frank Carter)

h. Consider approving a letter of engagement with Lloyd Gosselink Rochelle & Townsend, P.C. for legal services related to landfill evaluation and permitting and authorizing the City Manager to negotiate and execute all related documents (Theresa James)

i. Consider a resolution of the City of San Angelo City Council amending the Schedule of Fees and Charges to establish a discounted fee for digital submission of various Planning and Building applications (Jon James)

j. Second reading of ordinances:
1. amending the City of San Angelo Comprehensive Plan, changing certain lands from Commercial to Neighborhood, being 18.808 acres; and
2. rezoning property from Heavy Commercial to General Commercial, being 13.321 acres; from General Commercial to Single Family Residence, being 7.999 acres; and from Heavy Commercial to Single Family Residence, being 5.81 acres; generally located southwest of the Arden Rd. and Northwest Dr. intersection (Jon James)

k. Second reading of an ordinance to approve the abandonment of a 20' by 500' (0.229 acres) alley right-of-way, located north of E. Twohig Ave., east of S. Oakes St., south of E. Beauregard Ave., and west of S. Magdalen St. (Jon James)

6. Regular Agenda

Comments regarding items on the Regular Agenda may be made by the public when each item is discussed as outlined above. Applicants, proponents, and appellants are excepted from the time limit above and must limit their remarks to less than five minutes.

a. Consider accepting the City's fiscal year 2020 Comprehensive Annual Financial Report and Single Audit (Presentation made by Armstrong, Backus & Company, LLC Partner Gayla Thornton)

b. Discuss and consider an ordinance authorizing the issuance of City of San Angelo, Texas General Obligation Refunding Bonds, Series 2021; establishing procedures and delegating authority for the sale and delivery of the Bonds; levying an ad valorem tax; providing for the security and payment of said Bonds; providing an effective date; and enacting other provisions relating to the subject (Presentation made by Finance Tina Dierschke)

7. Closed Session

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

8. Follow Up and Administrative Issues

a. Consider items discussed in Closed Session, if needed

b. Discussion of upcoming Council meeting dates abutting holidays:
June 1st (day after Memorial Day, 5/31)
July 6th (day after Independence Day, 7/5)
September 7th (day after Labor Day, 9/6)

c. Discussion of proposed Budget Workshop dates:
July 13, 2021 - Enterprise Funds
August 10, 2021 - General Fund

d. Announcements and consideration of Future Agenda Items

9. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at City Hall in the City of San Angelo, Texas, on the 29th day of April 2021, at 3:15 p.m.

Julia Antilley, City Clerk

All agenda items are subject to action. The City Council reserves the right to consider business out of posted order and/or meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

In compliance with the Americans with Disabilities Act, the City of San Angelo will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the City Clerk's Office at 325-657-4405.

Citizen requests to display materials on the city's monitors must submit the request 96 hours prior to the meeting by email to Julia.Antilley@cosatx.us. Time limits for discussion are as stated above and materials cannot exceed 10-pages. Citizens bringing materials for distribution to City Council members during the meeting must bring a minimum of 12 copies.

City Council regular meetings are broadcast on SATV Channel 17-Government Access at 10:30 a.m. and 7:00 p.m. every day, beginning the evening of the meeting until the evening of the next meeting.

Proclamation

In 1962, President Kennedy proclaimed May 15th as Peace Officers Memorial Day, and the week in which it falls as Police Week. This week pays tribute to officers who died in the line of duty and recognizes current members of law enforcement. The San Angelo Police Department will host a number of events to honor these men and women.

Law enforcement agencies in San Angelo and Tom Green County provide vital public services and play an essential role in protecting those in San Angelo and Tom Green County. It is important to recognize their duty of safeguarding life and property, preventing violence and disorder, and guarding the innocent.

Now, therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim May 9 through May 15, 2021, as

NATIONAL POLICE WEEK

and call upon San Angelo citizens to participate in ceremonies commemorating law enforcement officers, past and present, who have rendered a dedicated service to their communities.

I FURTHER call upon citizens of San Angelo to observe May 15, 2021, as

PEACE OFFICERS MEMORIAL DAY

in honor of those Peace Officers who, through their courageous deeds, have lost their lives in the performance of duty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 11th day of May, 2021.

____

Brenda Gunter
Mayor of the City of San Angelo

Proclamation

Poderosas MC, as members of the Region 5 Texas Council of Clubs and Independents, in collaboration and support of the National Safety Council, TXDOT, and local Motorcycle enthusiasts, would like to remind all road users that the month of May marks a National recognition of Motorcycle Safety Awareness Month.

Motorists are reminded of the frequency in higher seasonal return of motorcycle enthusiasts to Texas' roadways during this month.

Due to their smaller size, motorcycles may easily be overlooked in regular traffic flow. Motorists are encouraged to always be aware of motorcycles on all roadways, when approaching intersections, when performing lane changes, as well as whenever motorists near or pass other vehicles, including motorcycles.

Motorcyclists are encouraged to operate their motorcycles in a defensive manner and within the rules of the road. Motorcyclists ask that as motorists drive, they take a few extra seconds to Look Twice for Motorcycles, both during Motorcycle Safety Awareness Month and throughout the year to promote overall safety.

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

"MOTORCYCLE SAFETY AWARENESS MONTH"

in San Angelo, Texas, and encourage everyone to share the road safely.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 4th day of May, 2021.

____

Brenda Gunter
Mayor of the City of San Angelo

Proclamation

Every year in May, National and Local Preservation Groups, State Historical Societies, and business and civic organizations across the country celebrate Historic Preservation Month to demonstrate the social and economic benefits of historic preservation.

Downtown San Angelo, Inc. has been a vital organization promoting the preservation of history, culture and significant structures in Historic Downtown San Angelo, Texas. Some examples include:

Historic Mentions and the Historic Downtown Magazine, which outline a brief history of downtown San Angelo's oldest & dearest buildings.

The Walk-Through Time banners placed across downtown streets to recognize the history of downtown properties as they were formerly utilized and how they are presently occupied.

Construction of the historic street lights, and gateway on Concho Avenue, the first established street in San Angelo.

And, advocating for the Tax Increment Reinvestment Zone Program, an incentive for property owners to improve commercial and retail properties while preserving the architectural and historical character of buildings and corridors.

Downtown San Angelo, Inc. has received National Main Street Accreditation for 12th year in a row, a mark of success of this community's commitment to preservation.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council do hereby proclaim May 2021, as

National Historic Preservation Month

in San Angelo, Texas, and call upon citizens to support the continued efforts of preservation in our community.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 4th day of May, 2021.

Brenda Gunter
Mayor of San Angelo, Texas

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, April 20, 2021

Present:

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

1. Call to Order

With a quorum of the City Council Members present, Mayor Gunter called the regular session of the San Angelo City Council to order at 8:31 a.m. on Tuesday, April 20, 2021 in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Chaplain Prayer & Pledges

An invocation was provided by San Angelo Police Department Chaplain Marcella Jenkins. Pledges were led by Police Department Chaplain Gary Jenkins.

3. Proclamations/Recognitions

a. April 2021 was proclaimed as Alcohol Awareness Month

b. April 22, 2021 was proclaimed as Restore Our Earth Day

4. Public Comment

Citizen Richard Bauerlein, SMD5, read letters regarding issues surrounding block 122 of Angelo Heights Addition, specifically concerning loud noise, litter, and vehicular traffic in the alley near Joe's Ice House (Beauregard & Madison).

Council Member Gonzales spoke in appreciation of TLCA student, Lori Chavez, who was recently appointed as one of forty Young Texan Ambassadors to Keep Texas Beautiful.

5. Consent Agenda

a. Approval of the April 6, 2021 City Council regular meeting minutes (Julia Antilley)

b. Authorization of the City Manager to negotiate and execute an agreement and all related documents with the San Angelo Stock Show and Rodeo Association for lease of the San Angelo Fairgrounds (Carl White)

c. Approval of Change Order #6 and amending Change Order #5 to ES-03-20 Chadbourne Street Improvements Project - Phase A to Ti-Zack Concrete, Inc. increasing the total contract amount by $59,233.95 and authorizing the City Manager to negotiate and execute all related documents (Mitchell Gatlin)

d. Award of OP-01-21 Landfill Consulting Services to Biggs and Mathews Environmental, Inc. and authorizing the City Manager to negotiate and execute all related documents (Jeremy Miller)

e. Adoption of a resolution authorizing the Solid Waste Department to provide funding to Keep San Angelo Beautiful (KSAB) in the amount of $50,000 for a hazardous household waste collection event (Jeremy Miller) **(Pg. 151, 2021-048)**

f. Adoption of a suspension resolution for this year's (2021 based on 2020 calendar-year data) "GRIP" filing by Atmos Energy (Theresa James) **(Pg. 152, 2021-049)**

g. Adoption of a resolution to deny the AEP Distribution Cost Recovery Factor application and authorize the City of San Angelo to participate with other cities served by AEP Texas to hire legal counsel (Theresa James) **(Pg. 154, 2021-050)**

h. Adoption of a resolution amending polling locations and election judges for the May 1, 2021 General Election (Julia Antilley) **(Pg. 156, 2021-051)**

i. Adoption of a resolution approving an Electronic Bidding Policy (Tina Dierschke) **(Pg. 160, 2021-052)**

j. Authorization of a railroad crossing permit with Texas Pacifico to allow the City secondary emergency vehicle access to the Baker Ranch and Homestead subdivisions, and authorizing the City Manager to negotiate and execute all related documents (Jon James)

k. Second reading and adoption of ordinances establishing a process and standards for encroachments into the public right-of-way:
1. An ordinance amending the City Code of Ordinances, Chapter 12, Planning and Development, creating a new Article 12.10 regarding encroachments, and related revisions to the sign regulations in Article 12.04; and **(Pg. 163, 2021-053)**
2. An ordinance amending the City Code of Ordinances, Chapter 8, Offenses and Nuisances, Articles 8.05 and 8.06 regarding obstructions (Jon James) **(Pg. 169, 2021-054)**

l. Adoption of a resolution authorizing an amendment to the City of San Angelo Budget Policy Fee Schedule to establish a reduced fee for an administrative right-of-way encroachment (Jon James) **(Pg. 171, 2021-055)**

m. Second reading and adoption of ordinance approving Standards of Care for Recreation Summer Camp held at Recreation Centers for children ages 5 through 12 (Brent Casey) **(Pg. 172, 2021-056)**

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve the Consent Agenda, with the exception of item 5d. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Thompson made a motion, seconded by Council Member Thomas, to approve item 5d, as presented by Executive Director of Public Works Shane Kelton. The motion carried (7) ayes to (0) nays.

6. Regular Agenda

a. First reading and denial of an ordinance approving an amendment to a Planned Development District, PD07-03, to allow an additional use of a water processing and delivery business and related accessory uses for a property located at 2909 S. A&M Ave. (Presentation made by Planning & Development Services Director Jon James)

Business owner Brooks Murphy spoke regarding the signatures gathered on this case.

Motion: Council Member Carter made a motion, seconded by Council Member Hiebert, to remove item 6a from the table. The motion carried (7) ayes to (0) nays.

Business owner Brooks Murphy continued to speak regarding signatures gathered on this case and responded to questions from City Council, including clarification on expansion plans, noise decibel levels, road use plans, search for real estate in the city limits, etc.

Citizen Mike Wyse expressed concern regarding the applicant's oversight in not disclosing their purchase of a portion of the property in question.

Property owner Jack Gabriel clarified the land survey was provided by SKG.

Motion: Council Member Carter made a motion, seconded by Council Member Hiebert, to deny the item, as presented. The motion carried (6) ayes to (1) nay, with Council Member Thompson casting the dissenting vote.

b. Update on the Preliminary Design Phase for the Lake Nasworthy Area Wastewater Collection System Improvements Project (Presentation made by Assistant Water Utilities Director Andy Vecellio and Allen Woelke of CDM Smith)

Allen Woelke and Alan Rhames, both of CDM Smith, responded to questions from City Council.

No Action Taken on this Item.

c. Award of AP-02-21 Airport Entrance Road to Reece Albert, Inc. in the amount of $1,692,003.18, budgeted for purchase in fiscal year 2021, and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Airport Director Jeremy Valgardson)

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

d. Second reading and adoption of ordinance amending the budget for the fiscal year beginning October 1, 2020, and ending September 30, 2021, for capital items, grants, and programs (Presentation made by Finance Director Tina Dierschke) **(Pg. 183, 2021-057)**

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

e. First reading and public hearing of ordinances:
1. amending the City of San Angelo Comprehensive Plan, changing certain lands from Commercial to Neighborhood, being 18.808 acres; and
2. rezoning property from Heavy Commercial to General Commercial, being 13.321 acres; from General Commercial to Single Family Residence, being 7.999 acres; and from Heavy Commercial to Single Family Residence, being 5.81 acres; generally located southwest of the Arden Rd. and Northwest Dr. intersection (Presentation made by Planning & Development Services Director Jon James)

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

f. First reading and public hearing of an ordinance to approve the abandonment of a 20' by 500' (0.229 acres) alley right-of-way, located north of E. Twohig Ave., east of S. Oakes St., south of E. Beauregard Ave., and west of S. Magdalen St. (Presentation made by Planning & Development Services Director Jon James)

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

7. Closed Session

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

a. 551.072 Deliberations about Real Property regarding Block 18, San Angelo Addition

8. Follow Up and Administrative Issues

a. Consideration of items discussed in Closed Session, if needed

Motion: Council Member Thomas made a motion, seconded by Council Member Carter, authorizing the City Manager to negotiate and execute all documents necessary to purchase the Standard Times Building located at 14 W. Harris St., 18 W. Harris St., and 34 W. Harris St., San Angelo, Texas from Scripps NP Operating, LLC for an amount not to exceed $950,000. The motion carried unanimously (7) ayes to (0) nays.

b. Approval of various Board nominations:
Airport Advisory Board: Mark Clark (SMD3) to an unexpired term ending October 2021
Economic Development Corporation: John Bariou (SMD5) to a first term ending February 2023
Public Art Commission: Jamie Highsmith (SMD1) to a first term, Anne Shahan (SMD4) to a first full term, Richard Round (Mayor) to a second term, all ending April 2023
Public Housing Authority: Barbara Brown to a first full term, Wes Masters to a fourth term, both ending April 2023
Zoning Board of Appeals: Bill Feist (SMD3) to an unexpired term, Kandi Pool (SMD5) to an unexpired term, both ending January 2022

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

c. Announcements and consideration of Future Agenda items

No Action Taken on this Item.

9. **Adjournment**

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

There being no further business, the meeting adjourned at 10:49 a.m.

THE CITY OF SAN ANGELO, TEXAS:

____
Brenda Gunter, Mayor

ATTEST:

____
Julia Antilley, City Clerk

In accordance with Chapter 2, Article 2.300, of the Official Code of the City of San Angelo, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on Council meetings may be obtained from the City Clerk's Office or a video of the entire meeting may be purchased from the Public Information Officer at 481-2727. (Portions of the Supplemental Minute Record video tape recording may be distorted due to equipment malfunction or other uncontrollable factors.)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: May 4, 2021

Item type: Consent Item

Caption:

Consider authorizing the City Manger to negotiate and execute a 2-year, non-exclusive contract for real estate services with the following brokers: Rocky Spoonts Real Estate, Berkshire Hathaway Home Services, and Steve Eustis Co. (Cindy Preas)

Summary/History:

From time-to-time the city has vacant, surplus properties for sale.

Texas Local Government Code Chapter 253. Sale or Lease of Property by Municipalities, Section253.014 Broker Agreements and Fees for Sale of Real Property by Home-rule Municipality, provides the city may contract with a real estate broker to sell real property that the city owns. The statute provides any properties offered for sale under this section must remain on a multiple-listing service for a minimum of 30 days.

The Real Estate Division of the City Attorney's Office solicited qualifications from 15 local brokers and received responses from Rocky Spoonts Real Estate, Berkshire Hathaway Homes Services and Steve Eustis Co., all of which are qualified to represent the City in property sales.

Financial Impact:

The City will be required to pay the broker a negotiated fee if the broker produces a buyer.

Other Information/Recommendation:

Staff recommends the City Manager be authorized to enter into a 2-year, non-exclusive contract for real estate services with the following brokers: Rocky Spoonts Real Estate, Berkshire Hathaway Homes Services and Steve Eustis Co.

Attachments:

Presentation:

Cynthia Preas

Approvals/Reviews:

Cynthia Preas	Created/Initiated
Cynthia Preas	Approved
Theresa James	Approved
Tina Dierschke	Approved
Julia Antilley	Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Charles Michalewicz, Engineer, Engineering Services, 325-657-4201

Meeting Date: May 4, 2021

Item type: Consent Item

Caption:

Consider approving Change Order #1 to ES-01-21 Southwest Blvd. Improvement Project with Reece Albert, increasing the total contract amount by $737,606.32, and authorizing the City Manager to negotiate and execute all related documents (Shane Kelton)

Summary/History:

Southwest Blvd Improvements began April 12th. It was quickly discovered that the pavement thickness anticipated on the existing roadway was not the standard pavement thickness of 2 inches but rather 4 inches in many places.

Change Order #1 includes:
1) processing and placing an additional approximately 2 inches of pavement thickness
2) reworking subbase as needed; and
3) stenciling the NBI number on the bridge class culvert

Financial Impact:

These funds are currently budgeted in the street rehabilitation/reconstruction bond fund.

Other Information/Recommendation:

City staff recommends approval.

Attachments:

Presentation:

Shane Kelton

Approvals/Reviews:

Charles Michalewicz	Created/Initiated
Kevin Pate	Approved
Shane Kelton	Approved
Theresa James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Allison Strube, Water Utilities Director, Water Utilities, 325-657-4209

Meeting Date: May 4, 2021

Item type: Consent Item

Caption:

Consider awarding WU-05-21 Professional Engineering Services - Upper Colorado Regional Flood Planning Technical Consultant to HDR Engineering, Inc. in the amount of $946,200, funded by Texas Water Development Board Grant, and authorizing the City Manager to negotiate and execute all related documents (Allison Strube)

Summary/History:

Section 16.061 of the Texas Water Code (TWC) requires the Texas Water Development Board (TWDB) to develop and adopt a comprehensive state flood plan every five years that incorporates the 15 regional flood plans developed by the regional flood planning groups (RFPGs) under TWC 16.062. San Angelo is located in Region 9 - Upper Colorado.

The RFPGs are beginning their first cycle (2020-2023) of the regional flood planning process that was created in 2019 by Senate Bill 8 (SB8), 86th Texas Legislature. The 2023 Regional Flood Plans that are due to TWDB on January 10, 2023 will be the basis for the 2024 State Flood Plan.

On April 9, 2020, The TWDB designated the Flood Planning Region boundaries that created 15 Flood Planning Regions in Texas required to implement the flood planning requirements of SB8. On May 21, 2020, the TWDB adopted new 31 Texas Administrative Code (TAC) Chapters 361 and 362 relating to Regional and State Flood Planning to implement the flood planning requirements of SB8. Immediately following the May 21, 2020 TWDB meeting, solicitation for nominations for individuals to serve as initial Regional Flood Planning Group (RFPG) members to fill the 12 voting interest categories for each region. On October 1, 2020 the TWDB designated representative from each Flood Planning Region to serve as the RFPG. Region 9 - Upper Colorado appointed representatives are the following:

1. Kenneth Dierschke, Agricultural Interests
2. Rick Bacon* (At-Large), Counties
3. Henryk Olstowski, Electric Generating Utilities
4. Christy Youker* (At-Large), Environmental Interests
5. Vacant, Flood Districts
6. Morse Haynes, Industries
7. Lance Overstreet* (Secretary), Municipalities
8. David Loyd Jr., Public
9. Scott McWilliams, River Authorities
10. Chuck Brown* (Vice-Chairman), Small Businesses
11. Cole Walker, Water Districts
12. Allison Strube* (Chairwoman), Water Utilities

**Executive Committee Members*

After appointments, TWDB held two statewide RFPG member orientation meetings and shortly after began convening the first regional meeting at the end of October. Region 9 - Upper Colorado group's first meeting was held virtually on October 29, 2020. One of the key decisions of each RFPG during the first meeting was to select a political subdivision to serve as their sponsor and act on the RFPGs behalf to enter into a grant contract with the TWDB to receive funds for developing their regional flood plans. Region 9 voted to select the City of San Angelo as the political subdivision, as they were the only entity that submitted for nomination in the entire region. Also during the October 29th meeting, Region 9 also adopted by-laws and selected a chairperson, Allison Strube, for the group.

On November 19, 2020 the TWDB approved the funding allocation breakdown by region (Funding details found in the financial impact section). The approved allocation allows for the submission of Regional Flood Planning Grant applications leading to the possible award of contracts to develop regional flood plans as described in 31 TAC Chapter 361 and 362. Activities to be performed under the Request for Applications (RFAs) will be based on statute, rule, a scope of work, and guidance documents developed by the TWDB. The scope of work addresses all necessary elements required for preparation of a 2023 Regional Flood Plan in accordance with statute, rule, and guidance requirements.

City Council approved at the December 15, 2020 meeting to allow the City of San Angelo to serve as the Planning Group Sponsor (political subdivision) for the Region 9 Upper Colorado Regional Flood Planning Group. The key responsibilities of the Planning Group Sponsor is to apply for and receive financial assistance from the TWDB for the development of a regional flood plan, and to subsequently execute and administer the regional flood planning grant contract with the TWDB. As a part of administering the grant contract it is necessary to procure a technical consultant for the preparation of the regional flood plan.

The City of San Angelo, as the Planning Group Sponsor for Region 9, solicited a Request for Qualification for Engineering Services. Three submissions were received. The submissions were evaluated based on the criteria and scoring detailed below. The Executive Committee provided the scoring justification for the three submissions. The submissions and scoring was provided to the entire group for review. The Region 9 Upper Colorado Regional Flood Planning Group unanimously voted on April 15, 2021 to approve HDR Engineering, Inc. as the technical consultant for the Group's preparation of the regional flood plan based upon the submissions and scoring provided.

Item Criteria (Points)
1. Team Capability (20)
2. Key Project Personnel (15)
3. Quality of Similar Projects (20)
4. Technical Approach (30)
5. Compliance and Conformity to the RFQ Requirements (15)

Total: 100 points

Financial Impact:

The 86th Texas Legislature appropriated $20,592,809 in planning grant funding. Of that amount $300,000 has been committed to support technical contractors that have been assisting and accelerating the TWDB's upfront technical effort to develop key flood planning technical guidance, including to ensure that the regional and state flood plans follow and incorporate a strong project ranking framework that will be used to guide future state investments. The TWDB also recommended that an additional $792,809 be retained to address unforeseen statewide flood planning technical and data needs that may arise during this first flood planning cycle. Based on this approach, there are $19,500,000 in available funds to be committed and allocated by region.

The total available funds were allocated by region, under an approach intended to reflect the relative amount of work between regions that may be required to develop the first regional flood plans including factors considered most relevant to, or indicative of, the amount of flood risk faced by regions and that must be addressed in the planning process. Region 9 - Upper Colorado was allocated $946,200.

The funding allocations included a base funding amount for each region to cover basic public participation and flood planning document development, with additional variable funding, allocated by region, based on relative: estimated 2020 population; total stream miles with the region; the number of counties that fall within each region; the number of counties in the General Land Office coastal management zone within the region; the length of gulf coastline of each region; and, historic National Flood Insurance Program claims.

The City of San Angelo, as the Planning Group Sponsor for Region 9, successfully applied for and was allocated the $946,200 from the Texas Water Development Board. All proposed work activities and associated expenditures will have to be fully justified and associated with the contract scope of work in order to be reimbursed.

Other Information/Recommendation:

The Region 9 Upper Colorado Regional Flood Planning Group unanimously voted on April 15, 2021 to approve HDR Engineering, Inc. as the technical consultant for the Group's preparation of the regional flood plan.

Attachments:

1.	Executive Committee Scoring	Executive Committee Scoring.pdf
2.	Certification of Procurement of Professional Services	Certification of Procurement of Professional Services.docx
3.	Acknowledgement	Acknowledgement.pdf

Presentation:

Allison Strube

Approvals/Reviews:

Allison Strube	Created/Initiated
Shane Kelton	Approved
Theresa James	Approved
Tina Dierschke	Approved
Allison Strube	Approved
Julia Antilley	Final Approval

Committee Member 1	HDR Engineering, Inc.	Walter P. Moore & Associates, Inc.	MRB Group
Team Capability (20)	18	15	13
Key Project Personnel (15)	15	11	10
Quality of Similar Projects (20)	18	11	10
Technical Approach (30)	25	22	21
Compliance & Conformity to the RFQ Requirements (15)	15	10	14
TOTAL	**91**	**69**	**68**
Committee Member 2	**HDR Engineering, Inc.**	**Walter P. Moore & Associates, Inc.**	**MRB Group**
Team Capability (20)	20	20	16
Key Project Personnel (15)	15	15	14
Quality of Similar Projects (20)	20	17	18
Technical Approach (30)	28	28	27
Compliance & Conformity to the RFQ Requirements (15)	15	15	15
TOTAL	**98**	**95**	**90**
Committee Member 3	**HDR Engineering, Inc.**	**Walter P. Moore & Associates, Inc.**	**MRB Group**
Team Capability (20)	20	18	14
Key Project Personnel (15)	15	15	12
Quality of Similar Projects (20)	20	18	12
Technical Approach (30)	30	30	20
Compliance & Conformity to the RFQ Requirements (15)	15	13	13
TOTAL	**100**	**94**	**71**
Committee Member 4	**HDR Engineering, Inc.**	**Walter P. Moore & Associates, Inc.**	**MRB Group**
Team Capability (20)	20	20	15
Key Project Personnel (15)	15	12	10
Quality of Similar Projects (20)	20	15	15
Technical Approach (30)	30	30	20
Compliance & Conformity to the RFQ Requirements (15)	15	15	15
TOTAL	**100**	**92**	**75**
Committee Member 5	**HDR Engineering, Inc.**	**Walter P. Moore & Associates, Inc.**	**MRB Group**
Team Capability (20)	20	17	15
Key Project Personnel (15)	15	12	12
Quality of Similar Projects (20)	20	15	15
Technical Approach (30)	29	22	20
Compliance & Conformity to the RFQ Requirements (15)	14	15	15
TOTAL	**98**	**81**	**77**
GRAND TOTAL	**487**	**431**	**381**
RANKING	**1**	**2**	**3**

Certification of Procurement of Professional Services – 2023 Regional Flood Plan

Each of the following subcontractor(s) was procured through a Request for Qualifications in accordance with the procurement requirements applicable to the City of San Angelo, as required in 31 TAC 361.12 (a)(2) and 361.72 (c).

Subcontractor Name	Date Procured
Subcontractor Name	Date Procured
Subcontractor Name	Date Procured
Subcontractor Name	Date Procured
Subcontractor Name	Date Procured
Subcontractor Name	Date Procured
Subcontractor Name	Date Procured
Subcontractor Name	Date Procured

Certification:

I,____________________________the authorized representative for Region_____, do hereby certify that each of the subcontractor(s) listed above were procured through a Request for Qualifications which was either published or sent to more than one professional inviting their response, and that the subcontractor(s) listed above were selected from such responses based on their demonstrated competence and qualifications.

Signature of Authorized Representative | Date

31 TAC 361.12 (a)(2). General Regional Flood Planning Group Responsibilities and Procedures. The following activities are required of each RFPG every planning cycle: Select a technical consultant(s) to be procured by the Planning Group Sponsor in accordance with the procurement requirements that apply to that political subdivision and Texas Government Code Chapter 2254.

31 TAC 361.72(c). A RFPG through the Planning Group Sponsor's contractor or subcontractor may obtain professional services, including the services of a planner, land surveyor, licensed engineer, or attorney, for development or revision of a regional flood plan only if such services are procured on the basis of demonstrated competence and qualifications through a request for qualifications process in accordance with Texas government Code Chapter 2254 including Qualifications Based Selection of an Architect, Engineer, or Land Surveyor.

City of San Angelo

RFP Acknowledgement

WU-05-21 Professional Services - Engineering

March 30, 2021 at 2 p.m.

Received	
1	HDR Engineering, Inc.
2	MRB Group Consulting, P.C.
3	Walter P Moore

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Robert Bluthardt, Fort Concho Manager, Fort Concho, 325-487-2730

Meeting Date: May 4, 2021

Item type: Consent Item

Caption:

Consider awarding FC-02-21 Carpet and Flooring Replacement at Ralph Chase State Office Building to Smith Flooring of San Angelo in the amount of $78,403 budgeted for purchase in fiscal year 2021, and authorizing the City Manager to negotiate and execute all related documents (Bob Bluthardt)

Summary/History:

Due to both age and requirements of the lease, approximately 20,000 square feet of carpet and 4,800 linear feet of wall base need replacement in offices and training rooms at the Chase State Office Building.

City solicited bids from qualified flooring companies (RFB: FC-02-21) and received one submission from Smith Flooring. Smith Flooring did not adhere to the requirement to submit their bid electronically. However, Staff recommends waiving this irregularity to accept the sole bid to prevent delay and minimize the adverse impact to the tenants at the Chase State Office Building.

Financial Impact:

The proposed cost of $78,403 can be covered within available funds within the FY 2021 State Office Building (Fund 201) budget capital fund.

Other Information/Recommendation:

Staff recommends awarding RFB FC-02-21 to Smith Flooring Company and waiving the irregularity regarding the submission format. Further, Staff recommends authorizing the City Manager to execute all necessary documents.

Attachments:

1. FC-02-21 Bid Tabulation — FC-02-21 Bid Tabulation.pdf

Presentation:

Robert Bluthardt

Approvals/Reviews:

Robert Bluthardt	Created/Initiated
Carl White	Approved
Theresa James	Approved
Tina Dierschke	Approved
Julia Antilley	Final Approval

City of San Angelo Purchasing Division

RFB Bid Tabulation

FC-02-21 • Carpet Rehabilitation

Friday, March 19, 2021 2 p.m.

		Smith Floors Inc.				
		Quantity Required		Unit Price		Total Cost
1	Carpet (sq ft)	20,000.00	$	3.164400	$	63,288.00
2	Rubber Wall Base (linear ft)	4,800.00	$	2.125000	$	10,200.00
3	VCT Tile (sq ft)	1,123.00	$	2.343724	$	2,632.00
				SUBTOTAL	$	76,120.00
				Payment Bond	$	2,283.60
				TOTAL	$	78,403.60

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Robert Schneeman, Economic Development Coordinator, Economic Development, 325.653.7197

Meeting Date: May 4, 2021

Item type: Consent Item

Caption:

Consider ratifying COSADC approval regarding Change Order Number 6 to the Reece Albert Contract for Infrastructure Improvements to Phase 2.1 & 2.2 of the San Angelo Business & Industrial Park in the amount of $77,591.19, for placing of topsoil and drill seeding of the main drainage channel and Detention Pond A1 (Bob Schneeman)

Summary/History:

RFB: DC-01-20/Infrastructure Improvements Phases 2.1 and 2.2 of the San Angelo Business & Industrial Park was issued on 11/19/2019 with bid opening on 12/13/2019. Application was made to the Economic Development Administration for a grant to partially fund the project. At the time the application was made, EDA guidance limited the total project cost to $2.5M with EDA potentially providing a 50% match or $1.25M and the grant was approved, however the grant only covers improvements to Phase 2.2 of the project.

Change Orders 1, 2, and 5 were for work required in Phase 2.1, which is not funded by EDA. Those change orders were as follows:

CO#1 $10,700 to relocate a section of unimproved access road serving the existing sewer lift station required due to excavation of the main drainage channel;

CO#2 $16,600 to provide a reinforced concrete cap over an existing sewer main crossing the main drainage channel;

CO#5 $9,950 to construct the outlet structure for the AEP settling basin which could not be constructed until main channel was complete

The above 3 change orders were within the amount covered by Contingencies for Phase 2.1.

Change Orders relating to Phase 2.2 are as follows:

CO#3 ($465.72) Delete curb inlet

CO#4 $156,500 Colored Concrete at traffic circle (50% grant funded)

As a part of the overall contract, the Contractor is required to file a Notice of Intent, (NOI) with the Texas Commission on Environmental Quality for the overall construction project. This is a part of the Storm Water Pollution Prevention process. In order for the contract to be finalized TCEQ requires that vegetation be re-established to 70% coverage. To comply with this requirement and to prevent erosion, the contract requires seeding and mulching with straw to revegetate the disturbed areas. Particularly in the channel and detention areas where the depth of excavation was 5 feet or more, the exposed material remaining is hard packed caliche. According to the seeding subcontractor, that material is not suitable for seeding to be effective. In order to establish vegetation he recommended 3" to 4" of topsoil be placed over the exposed caliche. As a less expensive option he is recommending drill seeding with a specific seed mix and eliminating the straw mulch which would be susceptible to wind. COSADC approved this item at their meeting on April 28, 2021.

Following is the breakdown of costs savings and additional costs:

Topsoil & Seeding

Item	**Amount Ph 2.1**	**Amount Ph 2.2**	**Total**
Original Bid	$65,234.49	$19,570.32	$84,804.81
Change Order			
Top Soil	$141,800.00		
Seeding $760 per acre X 20.5 Ac	$15,580.00		
Seeding $760 per acre X 6.6 Ac		$5,016.00	
Total CO	$157,380.00	$5,016.00	$162,396.00
Net CO	$92,145.51	-$14,554.32	$77,591.19

The total change order amount is an additional $77,591.19.

Financial Impact:

$77,591.19 from Future Projects to Acct. No. DC0147

Other Information/Recommendation:

Attachments:

1.	Channel & Pond Exhibit	Channel & Pond Exhibit.pdf
2.	Pic 2	Pic 2.jpg
3.	Pic 9	Pic 9.jpg
4.	PIc 10	PIc 10.jpg

Presentation:

Bob Schneeman

Approvals/Reviews:

Robert Schneeman	Created/Initiated
Guy Andrews	Approved
Theresa James	Approved
Tina Dierschke	Approved
Julia Antilley	Final Approval

NOTE

1. THIS MAP IS PART OF A TPDES STORMWATER POLLUTION PREVENTION PLAN. REFER TO THE TEXT PORTION OF THE PLAN FOR ADDITIONAL INFORMATION, REQUIREMENTS AND PROCEDURES.
2. *FINAL STABILIZATION* - IN ACCORDANCE WITH PARTS III.G.1 & III.G.2 OF THE CONSTRUCTION STORMWATER GENERAL PERMIT, STABILIZATION OF ALL DISTURBED AREAS MUST, AT A MINIMUM, BE INITIATED IMMEDIATELY (I.E., AS SOON AS PRACTICABLE, BUT NO LATER THAN THE END OF THE NEXT WORK DAY) WHENEVER ANY EARTHWORK ACTIVITIES HAVE PERMANENTLY CEASED ON ANY PORTION OF THE SITE. THE CITY WILL NOT ACCEPT THE PUBLIC IMPROVEMENTS UNLESS THIS REQUIREMENT HAS BEEN FULFILLED.

LEGEND

- AREA AFFECTED BY PROJECT (APPROX. 21.8 ACRES)
- SILT FENCE
- EXISTING CONTOURS (1' INTERVAL)
- 2% PROPOSED DRAINAGE PATH WITH PERCENT SLOPE
- STABILIZED CONSTRUCTION ENTRANCE
- NEW CONTOURS (1' INTERVAL)
- FLOW DIRECTION (EXISTING)
- FLOW DIRECTION (PROPOSED)
- INLET PROTECTION

PSC PARKHILL SMITH & COOPER

PARKHILL SMITH & COOPER INC. F-560
STATE OF TEXAS
JARED A. SQUYRES
119999
12/06/17

COSADC GATEWAY ADDITION

PHASE 2.1 INFRASTRUCTURE IMPROVEMENTS

SAN ANGELO, TEXAS

KEY PLAN

0 100' 200'

NO	DATE	DESCRIPTION

ISSUING OFFICE: MIDLAND PROJECT NO: 9406.17

STORM WATER POLLUTION PREVENTION PLAN

NOTE

1. THIS MAP IS PART OF A TPDES STORMWATER POLLUTION PREVENTION PLAN. REFER TO THE TEXT PORTION OF THE PLAN FOR ADDITIONAL INFORMATION, REQUIREMENTS AND PROCEDURES.
2. *FINAL STABILIZATION* - IN ACCORDANCE WITH PARTS III.G.1 & III.G.2 OF THE CONSTRUCTION STORMWATER GENERAL PERMIT, STABILIZATION OF ALL DISTURBED AREAS MUST, AT A MINIMUM, BE INITIATED IMMEDIATELY (I.E., AS SOON AS PRACTICABLE, BUT NO LATER THAN THE END OF THE NEXT WORK DAY) WHENEVER ANY EARTHWORK ACTIVITIES HAVE PERMANENTLY CEASED ON ANY PORTION OF THE SITE. THE CITY WILL NOT ACCEPT THE PUBLIC IMPROVEMENTS UNLESS THIS REQUIREMENT HAS BEEN FULFILLED.

LEGEND

- AREA AFFECTED BY PROJECT (APPROX. 21.8 ACRES)
- SILT FENCE
- EXISTING CONTOURS (1' INTERVAL)
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- NEW CONTOURS (1' INTERVAL)
- FLOW DIRECTION (EXISTING)
- FLOW DIRECTION (PROPOSED)
- INLET PROTECTION

PSC
PARKHILL SMITH & COOPER

PARKHILL SMITH & COOPER INC. F-560
STATE OF TEXAS
JARED A. SQUYRES
119999
12/06/17

COSADC GATEWAY ADDITION

PHASE 2.1 INFRASTRUCTURE IMPROVEMENTS

SAN ANGELO, TEXAS

KEY PLAN

0 100' 200'

NO	DATE	DESCRIPTION

ISSUING OFFICE: MIDLAND PROJECT NO: 9406.17

STORM WATER POLLUTION PREVENTION PLAN

FILE NAME: \\data1\projects\2017\9406.17\02_DSGN\02_DWG\050_civil\05_sheets\Phase 1\SWPPP_01-9406.dwg LAYOUT NAME: 7 STORM WATER POLLUTION PREVENTION PLAN PRINTED: Wednesday, December 06, 2017 - 4:06pm USER: JSquyres


CHANNEL LOOKING WEST


DETENTION POND LOOKING WEST

DETENTION POND LOOKING EAST

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: David Howard, Assistant Chief / Support Services, Police, (325) 659-8011

Meeting Date: May 4, 2021

Item type: Consent Item

Caption:

Consider a resolution accepting the donation of funds from Back the Badge for the purchase of equipment or training for the San Angelo Police Department (Frank Carter)

Summary/History:

The Back the Badge clay bird skeet shoot was held to support the Tom Green County Sheriffs Department and the San Angelo Police Department.

The organizers would like to donate $25,000 to the San Angelo Police Department to be used for the purchase of equipment or training for the San Angelo Police Department Officers.

Financial Impact:

There is no fiscal impact to the budget.

Other Information/Recommendation:

Attachments:

1. Resolution accepting donationBTB Resolution accepting donationBTB.docx

Presentation:

Approvals/Reviews:

David Howard	Created/Initiated
Frank Carter	Approved
Theresa James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

A RESOLUTION BY THE CITY OF SAN ANGELO CITY COUNCIL ACCEPTING THE DONATION OF FUNDS FOR THE PURCHASE OF EQUIPMENT OR TRAINING FOR THE SAN ANGELO POLICE DEPARTMENT

WHEREAS, Section 51.076(a) of the Texas Local Government Code provides that a municipality may hold property that it receives by gift, deed, devise, or other manner; and

WHEREAS, a Back the Badge Clay Shoot was held to support the Tom Green Sheriff's Office and the San Angelo Police Department; and

WHEREAS, the organizers of the clay shoot would like to donate $25,000 to the City of San Angelo to be used for the purchase of equipment or training for the San Angelo Police Department Police Officers; and

WHEREAS, the San Angelo Police Department has uses for the equipment or training that further the mission and purpose of the department; and

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

Part 1: That the City of San Angelo hereby accepts a donation in the amount of $25,000 from the organizers of the Back the Badge Clay Shoot.

Part 2: That the funds shall be used solely for the purchase of equipment or training for the San Angelo Police Department Sworn Officers.

PASSED and APPROVED THIS 4th Day of May, 2021.

CITY OF SAN ANGELO, TEXAS

ATTEST:

____
Brenda Gunter, Mayor

____
Julia Antilley, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Theresa James, City Attorney, Legal, X1413

Meeting Date: May 4, 2021

Item type: Consent Item

Caption:

Consider approving a letter of engagement with Lloyd Gosselink Rochelle & Townsend, P.C. for legal services related to landfill evaluation and permitting and authorizing the City Manager to negotiate and execute all related documents (Theresa James)

Summary/History:

The San Angelo Landfill is an existing 259-acre, Type I Municipal Solid Waste Disposal Facility (TCEQ MSW Permit No. 79) owned by the City of San Angelo. The San Angelo Landfill is located in Tom Green County, Texas and provides waste disposal capacity for residences and businesses within the City, Tom Green County, and other surrounding areas. The facility is located approximately three miles northeast of the downtown area at 3002 Old Ballinger Highway.

The City is the owner and permit holder of existing TCEQ MSW Permit No. 79. The primary function of the facility is municipal solid waste disposal. Support facilities include liquid waste stabilization, uncontaminated wood waste processing area, large item/white goods storage area, and tire storage located within the permit boundary. The entrance facilities include a gatehouse, scales, equipment maintenance and storage area, office, and site entrance road which are located outside the permit boundary on property owned by Republic Services. The landfill is currently operated by Republic Services through a contract that currently expires at the end of life of the existing permit #79.

The City also owns an approximate 320-acre property located north of the existing landfill. This property is designated as a potential soil borrow source for the existing landfill operations and a potential landfill expansion property.

The San Angelo Landfill accepted approximately 216,000 tons of municipal solid waste as reported in the TCEQ MSW Annual Report 2020, with a projected remaining site life of about 6 years.

On April 20, 2021 the City Council authorized a contract with Biggs and Matthew Environmental, a professional engineering firm, to provide the professional services required to explore future options for the San Angelo Landfill. This process, which includes permitting through the Texas Commission on Environmental Quality, typically takes 2-5 years depending on the type of permit sought and related requirements.

This exploration and permitting process will also require specialized legal services. Lloyd Gosselink Rochelle & Townsend, P.C. has attorneys who specialize in this type of legal work. This item seeks the authority for the City Manager to negotiate and execute a letter of engagement for those services.

Financial Impact:

This letter of engagement will be billed on an hourly basis and will be paid by the Solid Waste Fund. As it is a long term project it is estimated the fees will exceed $50,000.

Other Information/Recommendation:

Attachments:

Presentation:

Theresa James

Approvals/Reviews:

Theresa James	Created/Initiated
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Jon James, Director of Planning & Development Services, Planning and Development Services, x1180

Meeting Date: May 4, 2021

Item type: Consent Item

Caption:

Consider a resolution of the City of San Angelo City Council amending the Schedule of Fees and Charges to establish a discounted fee for digital submission of various Planning and Building applications (Jon James)

Summary/History:

Planning and Development Services staff is recommending modifications to the fee schedule.

Development Services staff has implemented the digital plan review software. When applicants use that system to apply and upload their documents for review, it reduces the processing time for staff. Therefore, staff is recommending a discounted fee for applicants who use that system exclusively for document submission.

Financial Impact:

Other Information/Recommendation:

Attachments:

1.	Proposed Fee Changes - Digital Discount	Proposed Fee Changes - Digital Discount.pdf
2.	Resolution adopting schedule of fees and charges - Digital Discount (May 2021)	Resolution adopting schedule of fees and charges - Digital Discount (May 2021).docx

Presentation:

Jon James

Approvals/Reviews:

Jon James	Created/Initiated
Jon James	Approved
Brandon Dyson	Approved
Kimberly Holle	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

City of San Angelo
Fee Review

Department: Development Services-Planning

Fee Title: Digital Submission Discount – Planning Projects (Site Plans, Plats, and Urban Design Review)

Proposed Discount: $50

Cost of Service: $56.81

Volume per year: 150

Financial Impact: $7,500 in loss of revenue between Development Services and Planning Division

Additional Information:

The discount is designed to encourage Applicants to submit their projects digitally using the Online Application Services (OAS) and the Plan review (ProjectDox) to free up time for front line staff to explain what a project will require. Staff time is taken up by doing the application portion for applicants now and uploading their document and drawings to the system. When an applicant performs this task they are invested and involved in the review, thus knowing more about the overall process. This gives the applicant real-time comments about a project and allows for faster resolution to project issues resulting in quicker project and permit approvals.

City of San Angelo
Fee Review

Department: Building Permits and Inspections

Fee Title: Digital Submission Discount – Residential Plan Review

Proposed Discount: $50

Cost of Service: $84.12

Volume per year: 550

Financial Impact: $27,500 in loss of revenue to the permit's division

Additional Information:

The discount is designed to encourage Applicants to submit their projects digitally using the Online Application Services (OAS) and the Plan review (ProjectDox) to free up time for front line staff to explain what a project will require. Staff time is taken up by doing the application portion for applicants now and uploading their document and drawings to the system. When an applicant performs this task they are invested and involved in the review, thus knowing more about the overall process. This gives the applicant real-time comments about a project and allows for faster resolution to project issues resulting in quicker project and permit approvals.

City of San Angelo
Fee Review

Department: Building Permits and Inspections

Fee Title: Digital Submission Discount – Commercial Plan Review

Proposed Discount: $100

Cost of Service: $109.38

Volume per year: 70

Financial Impact: $7,000 in loss of revenue to the permit's division

Additional Information:

The discount is designed to encourage Applicants to submit their projects digitally using the Online Application Services (OAS) and the Plan review (ProjectDox) to free up time for front line staff to explain what a project will require. Staff time is taken up by doing the application portion for applicants now and uploading their document and drawings to the system. When an applicant performs this task they are invested and involved in the review, thus knowing more about the overall process. This gives the applicant real-time comments about a project and allows for faster resolution to project issues resulting in quicker project and permit approvals.

A RESOLUTION OF THE CITY OF SAN ANGELO CITY COUNCIL AMENDING THE SCHEDULE OF FEES AND CHARGES TO PROVIDE FOR A DISCOUNTED FEE FOR CERTAIN DIGITAL SUBMISSIONS.

WHEREAS, the City of San Angelo adopted an ordinance which removes many of the fees and charges from the San Angelo Code of Ordinances and instead requires the schedule of fees and charges to be adopted by Resolution; and

WHEREAS, a schedule of fees and charges was formerly adopted by Resolution by the City of San Angelo City Council on September 15, 2020; and

WHEREAS, the City has an online digital submission process that simplifies the processing for plan review and saves staff time for processing such submissions.

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

Part 1. That, the City of San Angelo Schedule of Fees and Charges is hereby amended by adding the following to "BUILDING AND CONSTRUCTION RELATED FEES", "General provisions";

"(d) The following discounts apply to fees for residential and commercial plan review for projects that fully utilize the City's online application system, including digital submission of all applications, plans, and other required documents:

(1) Residential plan review, discount of $50
(2) Commercial plan review, discount of $100"

Part 2. That, the City of San Angelo Schedule of Fees and Charges is hereby amended by adding the following to "BUILDING AND CONSTRUCTION RELATED FEES", "Building permit fees", "(c) Site plan review fee";

"(4) The following discount applies to fees for site plan reviews for projects that fully utilize the City's online application system, including digital submission of all applications, plans, and other required documents, discount of $50"

Part 3. That, the City of San Angelo Schedule of Fees and Charges is hereby amended by adding a new "General provisions" section to "PLANNING RELATED FEES" and adding the following;

"(a) The following discount applies to fees for plan reviews associated with subdivision plats and urban design reviews for such projects that fully utilize the City's online application system, including digital submission of all applications, plans, and other required documents, discount of $50"

Part 4. That all other provisions related to the Schedule of Fees and Charges shall remain unchanged by this Resolution.

Part 5. The discounts provided herein shall expire at the one-year anniversary of the adoption of this resolution, unless extended by the City Council.

Part 6. This amendment shall be effective immediately upon passage.

PASSED, APPROVED and **ADOPTED** on this the 4th day of May, 2021.

ATTEST:

Julia Antilley, City Clerk

CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

APPROVED AS TO CONTENT:

Jon James
Director of Planning & Development Services

APPROVED AS TO FORM:

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

Requestor: Sherry Bailey, Sr. Planner, Planning and Development Services,

Meeting Date: May 4, 2021

Item type: Consent Item

Caption:

Second reading of ordinances:
1. amending the City of San Angelo Comprehensive Plan, changing certain lands from Commercial to Neighborhood, being 18.808 acres; and
2. rezoning property from Heavy Commercial to General Commercial, being 13.321 acres; from General Commercial to Single Family Residence, being 7.999 acres; and from Heavy Commercial to Single Family Residence, being 5.81 acres; generally located southwest of the Arden Rd. and Northwest Dr. intersection (Jon James)

Summary/History:

The subject property is designated “Commercial” in the City’s Comprehensive Plan. However, the applicant would like to develop residential along Northwest Drive and adjacent to the commercial along Arden Road. This will provide a transition from the commercial area to the residential and provide for connections to that commercial both pedestrian and vehicular.

The applicant is undecided on whether they intend to build a multifamily complex, which would then require a Conditional Use on the property along Arden Road, or do some smaller commercial adjacent to the multi-family, or just do commercial development along Arden Road while developing single family residential along Northwest Drive.

The commercial land use along Northwest Drive and that area of Commercial that is adjacent to the existing residential is what they have asked to change to “Neighborhood” in keeping with their approved Preliminary Plat. They are asking to rezone some of the areas also in keeping with the approved Preliminary Plat.

Financial Impact:

N/A

Other Information/Recommendation:

At the April 20, 2021 City Council meeting the Council voted 7-0 to approve the first reading of the ordinances to amend the Comprehensive Plan on 18.08 acres and to rezone property from Heavy Commercial to General Commercial, General Commercial to Single Family Residence, and Heavy Commercial to Single Family Residence.

At the March 15, 2021 meeting the Planning Commission voted 6-0 to recommend approval of the Comprehensive Plan amendment and rezoning.

Attachments:

1.	Ordinance (CP21-02)	Ordinance (CP21-02).docx
2.	Ordinance (Z21-03)	Ordinance (Z21-03).docx
3.	Staff Report CP21-02&Z21-03	Staff Report CP21-02&Z21-03.pdf

Presentation:

Jon James

Approvals/Reviews:

Sherry Bailey	Created/Initiated
Jon James	Approved
Brandon Dyson	Approved
Jon James	Approved
Theresa James	Approved
Julia Antilley	Final Approval

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS, BEING 18.808 ACRES **GENERALLY LOCATED IN THE 4100 BLOCK OF ARDEN ROAD, SOUTHWEST OF THE INTERSECTION OF ARDEN ROAD AND NORTHWEST DRIVE**, **CHANGING FROM COMMERCIAL TO NEIGHBORHOOD** PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

CP-21-02

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

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

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

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

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

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

> **The real properties generally located in the 4100 block of Arden Road southwest of the intersection of Arden Road and Northwest Drive more particularly described as approximately 18.808 acres being portions of Block 11, Block 10, & Block 9, all of Block 8, Block 7, & Block 6 and the alley, approved Arden Acres Final Plat, City of San Angelo, Tom Green County, Texas; from Commercial to "Neighborhood."**

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

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

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

INTRODUCED on the **20th day of April, 2021,** and finally ADOPTED on this the **4th day of May, 2021.**

THE CITY OF SAN ANGELO

____
Brenda Gunter, Mayor

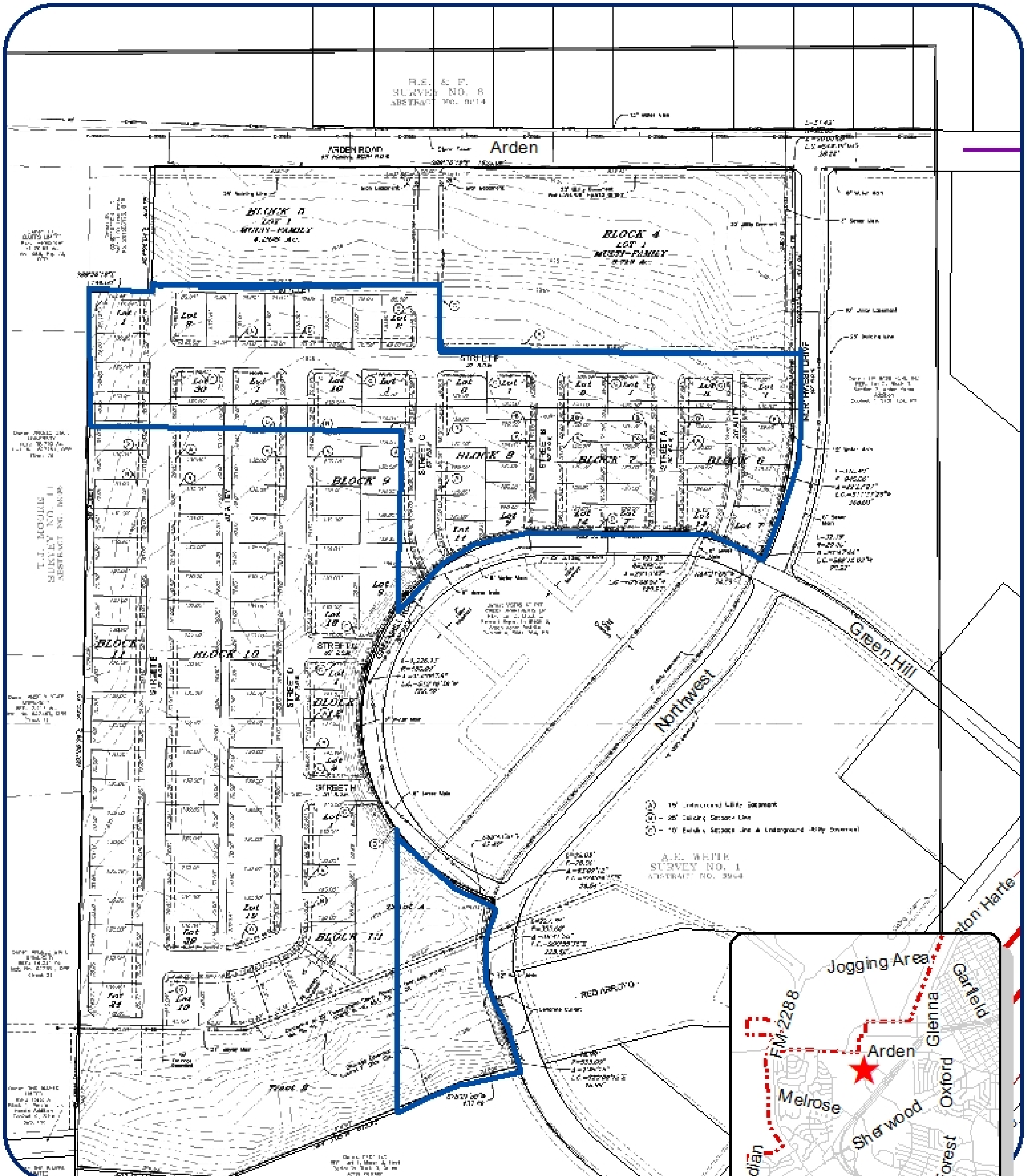
ATTEST:

____
Julia Antilley, City Clerk

APPROVED AS TO FORM:

____
Theresa James, City Attorney

EXHIBIT "A



CP21-02 & Z21-03

ARDEN ACRES

Council District 6 - Billie DeWitt
Neighborhood:Bluffs
Scale: 1 " approx. = 305 ft

Legend

Subject Properties:
Current Zoning: CG/ RS-1
Requested Comprehensive Plan Change: CG & RS-1
Vision: Neighborhood & Commercial

N

Future Land Use Map

-

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT “A” OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **GENERALLY LOCATED IN THE 4100 BLOCK OF ARDEN ROAD, SOUTHWEST OF THE INTERSECTION OF ARDEN ROAD AND NORTHWEST DRIVE; 13.321 ACRES FROM THE HEAVY COMMERCIAL ZONING DISTRICT TO GENERAL COMMERCIAL (CG) ZONING DISTRICT; 7.999 ACRES FROM THE GENERAL COMMERCIAL (CG) ZONING DISTRICT TO THE SINGLE FAMILY RESIDENCE ZONING DISTRICT; AND 5.81 ACRES FROM THE GENERAL COMMERCIAL ZONING DISTRICT TO THE SINGLE FAMILY RESIDENCE ZONING DISTRICT;** PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z21-03: Arden Acres

WHEREAS, on the 15th day of March, 2021, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Zoning Districts; and,

WHEREAS, on the 20th day of April, 2021, the City Council held a public hearing on Z20-21, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000 and included within Exhibit “A” of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described property permanently zoned General Commercial Zoning District or Single Family Residence Zoning District:

The real properties generally located in the 4100 block of Arden Road, Southwest of the intersection of Arden Road and Northwest Drive; more particularly described as approximately 13.321 acres being Block 5 Lot 1 & Block 4 Lot 1 Arden Acres Final Plat from Heavy Commercial (CH) Zoning District to General Commercial (GC) Zoning District; 7.999 acres being

Block 5 Lots 2-9, and portions of Block 11, Block 10, Block 9, Block 8, Block 7, & Block 6 Arden Acres Final Plat from Heavy Commercial (HC) Zoning District to Single Family Residence (RS-1) Zoning District; and 5.81 acres being Tract A, portions of Tract B, Block 6, & Block 7 Arden Acres Final Plat from General Commercial (CG) Zoning District to Single Family Residence (RS-1) Zoning District; City of San Angelo, Tom Green County, Texas.

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

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

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

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

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

INTRODUCED on the **20th day of April, 2021,** and finally ADOPTED on this the **4th day of May, 2021.**

THE CITY OF SAN ANGELO

____

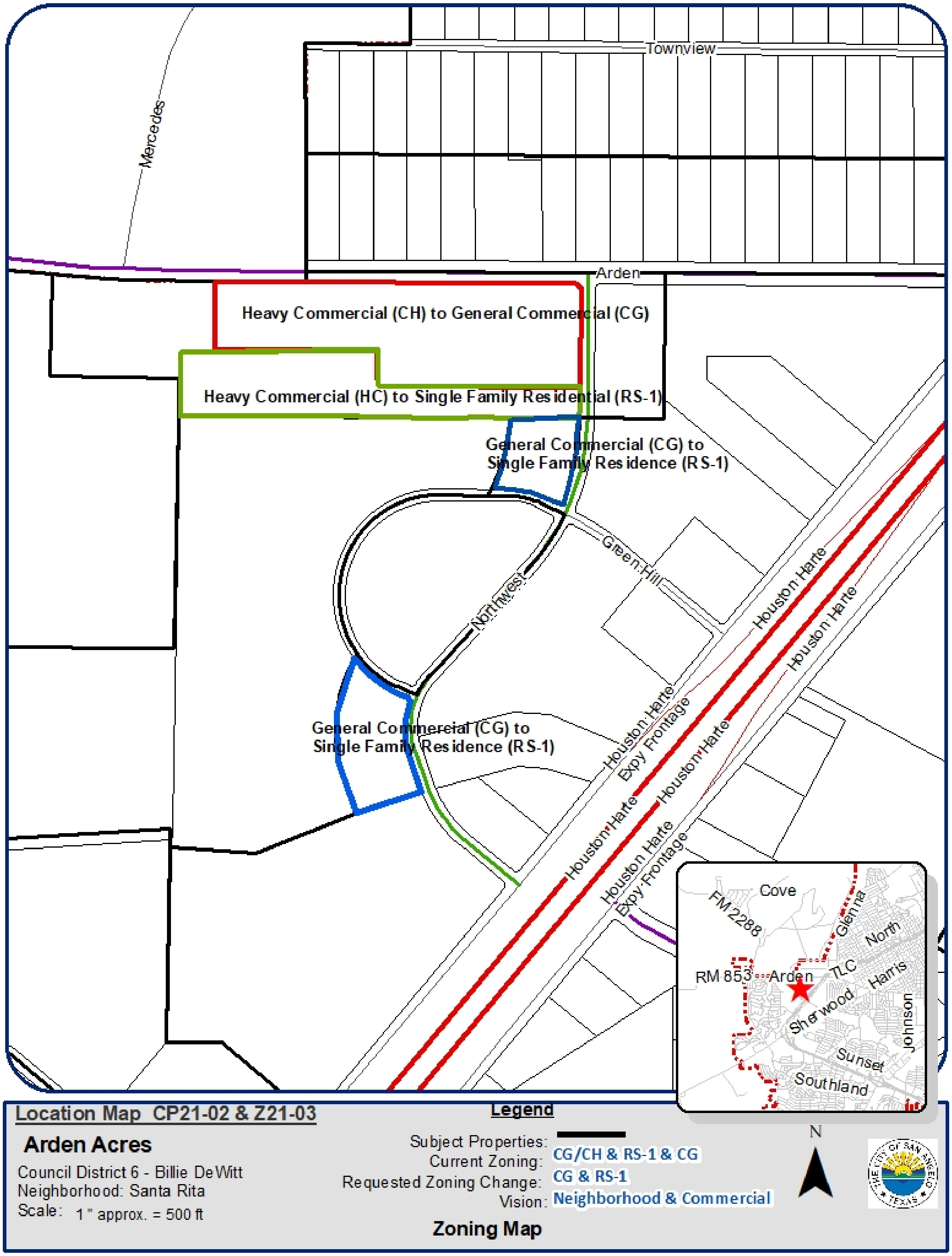
Brenda Gunter, Mayor

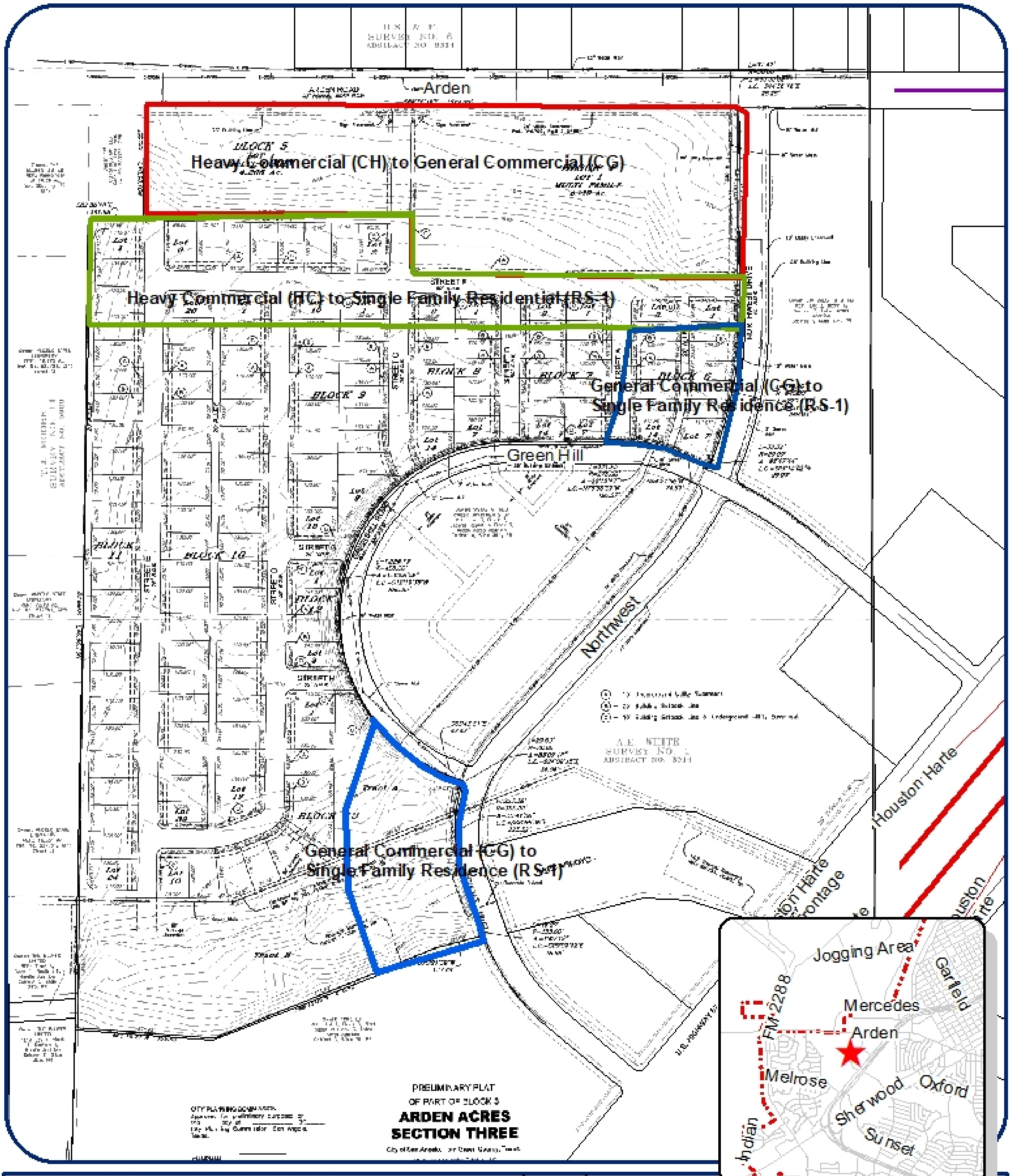
ATTEST: APPROVED AS TO FORM:

____________________________ ____________________________________

Julia Antilley, City Clerk Theresa James, City Attorney

EXHIBIT "A"


Townview
Mercedes
Arden
Heavy Commercial (CH) to General Commercial (CG)
Heavy Commercial (HC) to Single Family Residential (RS-1)
General Commercial (CG) to Single Family Residence (RS-1)
Green Hill
Northwest
Houston Harte
General Commercial (CG) to Single Family Residence (RS-1)
Houston Harte Expy Frontage
Houston Harte
Houston Harte
Houston Harte Expy Frontage
Cove
FM 2288
Glenna
North
RM 853
Arden
TLC
Harris
Sherwood
Johnson
Sunset
Southland
Location Map CP21-02 & Z21-03
Arden Acres
Council District 6 - Billie DeWitt
Neighborhood: Santa Rita
Scale: 1" approx. = 500 ft
Legend
Subject Properties:
Current Zoning: CG/CH & RS-1 & CG
Requested Zoning Change: CG & RS-1
Vision: Neighborhood & Commercial
N
Zoning Map



Location Map CP21-02 & Z21-03

Arden Acres

Council District 6 - Billie DeWitt
Neighborhood: Santa Rita
Scale: 1" approx. = 325 ft

Legend

Subject Properties:
Current Zoning: CG/CH & RS-1 & CG
Requested Zoning Change: CG & RS-1
Vision: Neighborhood & Commercial

Zoning Map

N

CITY COUNCIL – April 20, 2021
STAFF REPORT

APPLICATION TYPE:	CASES:
Comprehensive Plan Amendment & Rezoning	CP21-02 & Z21-03: Arden Acres

SYNOPSIS:
A request for approval of an amendment to the City of San Angelo Comprehensive Plan, changing certain lands from the Commercial Future Land Use to the Neighborhood Land Use, being 18.808 acres and a request for approval of a rezoning from the General Commercial (CG) Zoning District to the Single Family (RS-1) Zoning District, being 5.810 acres and Heavy Commercial (CH) Zoning District to General Commercial (CG) Zoning District, being 13.321 acres, and Heavy Commercial (CH) to Single Family Residence (RS-1), being 7.989 acres; generally located southwest of the Arden Road and Northwest Drive intersection.

LOCATION:	LEGAL DESCRIPTION:
Generally located southwest of the Arden Road and Northwest Drive intersection	

SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD: District 6 – Billie DeWitt Neighborhood: Bluffs	RS-1/CH	Neighborhood & Commercial	11.761/ 27.047 acres

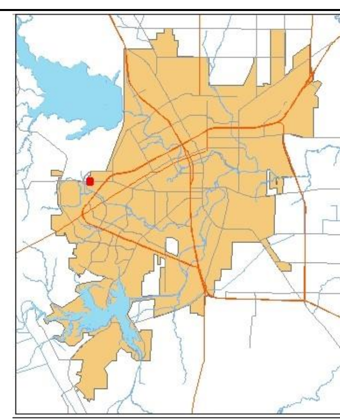
THOROUGHFARE PLAN:
Arden Road – Urban Major Arterial Street, Required 80' min. ROW (98' existing), 64' pavement width (64' existing) ***Northwest Drive*** - Urban Minor Collector Street, Required 60' min. ROW (60' existing), 50' pavement width (50' existing)

NOTIFICATIONS:
14 notifications were mailed within a 200-foot radius of the property on February 25, 2021. No response was received in favor or against, to date.

STAFF RECOMMENDATION:
Staff recommends **APPROVAL** of a request to approve a Comprehensive Plan amendment to Neighborhood for 11.761 acres and the rezoning to General Commercial (CG) for 13.321 acres and Single Family Residence (RS-1) for 13.799, generally located southwest of the intersection of Arden Road and Northwest Drive.

PROPERTY OWNER/PETITIONER:
Owner: SJWK, LLC Petitioner: Russell Gulley, SKG Engineering

STAFF CONTACT:
Sherry Bailey Principal Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us



Additional Information:

The subject property is designated "Commercial" in the City's Comprehensive Plan. However, the applicant would like to develop residential along Northwest Drive and adjacent to the commercial along Arden Road. Providing a transition from the commercial area to the residential and providing for connections to that commercial both pedestrian and vehicular. The applicant is undecided on whether they intend to build a multiple family complex, which would then require a Conditional Use on the property along Arden Road, or do some smaller commercial adjacent to the multi-family, or just do commercial development along Arden Road while developing single family residential along Northwest Drive. The commercial land use along Northwest Drive is the area that they have asked to change to "Neighborhood" in keeping with their larger plan.

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

1. **Compatible with Plans and Policies.** ***Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*** The proposed General Commercial zoning will be consistent with the Commercial Future Land Use in the City's Comprehensive Plan. The applicant is wanting to rezone from the Heavy Commercial to General Commercial which is more compatible with his intension to apply for a Conditional Use for Multiply Family. The proposed rezoning is a good example of a mix of uses that are compatible within an area. The area along Northwest Drive that is being rezoned from General Commercial to Single Family Residential is to continue the development of single family south of the Arden Road commercial/multi-family and the multi-family off Northwest Drive. The change in the Comprehensive Plan Future Land Use and the proposed accompanying rezoning are compatible with the City's Comprehensive Plan and Vision Plan. The mix of uses provides for a service are for the residential and a residential area in need of services.

2. **Consistent with Zoning Ordinance.** ***Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*** The proposed zoning is a more mix of commercial uses, including multiple family, generally on a smaller scale that separate residential from the more intense use areas along Arden Road . The Zoning Ordinance contains specific development standards that must be met by the Zoning Categories and those will be adhered to by this development. The overall mix of uses within the larger 61 acres is complementary. Staff concurs with the proposed development plan.

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

is the appropriate zoning district for the land. This area of San Angelo in a growth area. New residential neighborhoods have evolved and uses have blended. The proposed uses are consistent with the City of San Angelo's Comprehensive Plan and development staging.

4. **Changed Conditions.** ***Whether and the extent to which there are changed conditions that require an amendment.*** With the growth of the City to the southwest and the evolution of this area the neighborhoods have adapted to change. This area is a good example of uses working within an area to help keep the residential growth relevant and alive while waiting for Commercial growth or multiple family growth to meet the developing needs.

5. **Effect on Natural Environment.** ***Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*** As the development of this area continues some undisturbed habitat will be disturbed. It is up to the City of San Angelo to oversee and help developers mitigate that disturbance while meeting the needs of the community. Often a park located in a new growth area can fulfill that aspect of community development. This area is generally listed on the Park Master Plan for future development.

6. **Community Need.** ***Whether and the extent to which the proposed amendment addresses a demonstrated community need.*** Planning Staff believe there is a demonstrated community need for additional housing in this area both single family and multiple family and services that meet the needs of the new residential development. The proposed development is part of that growth element that is a result of community expansion.

7. **Development Patterns.** ***Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*** The proposed zoning will result in a logical and orderly development pattern while still providing for choice and flexibility. The accesses to the site and the major traffic movement patterns are beneficial to the neighborhood as well as to the city. Continuing to develop within a neighborhood to encourage mixed development contributes to overall pattern of development and growth the City encourages. There is a large apartment complex in the process of being built to the west of this commercial proposal. With the mix of housing types comes the demand for additional services and the continued growth of an area. The development pattern for this area will follow established trends for this community.

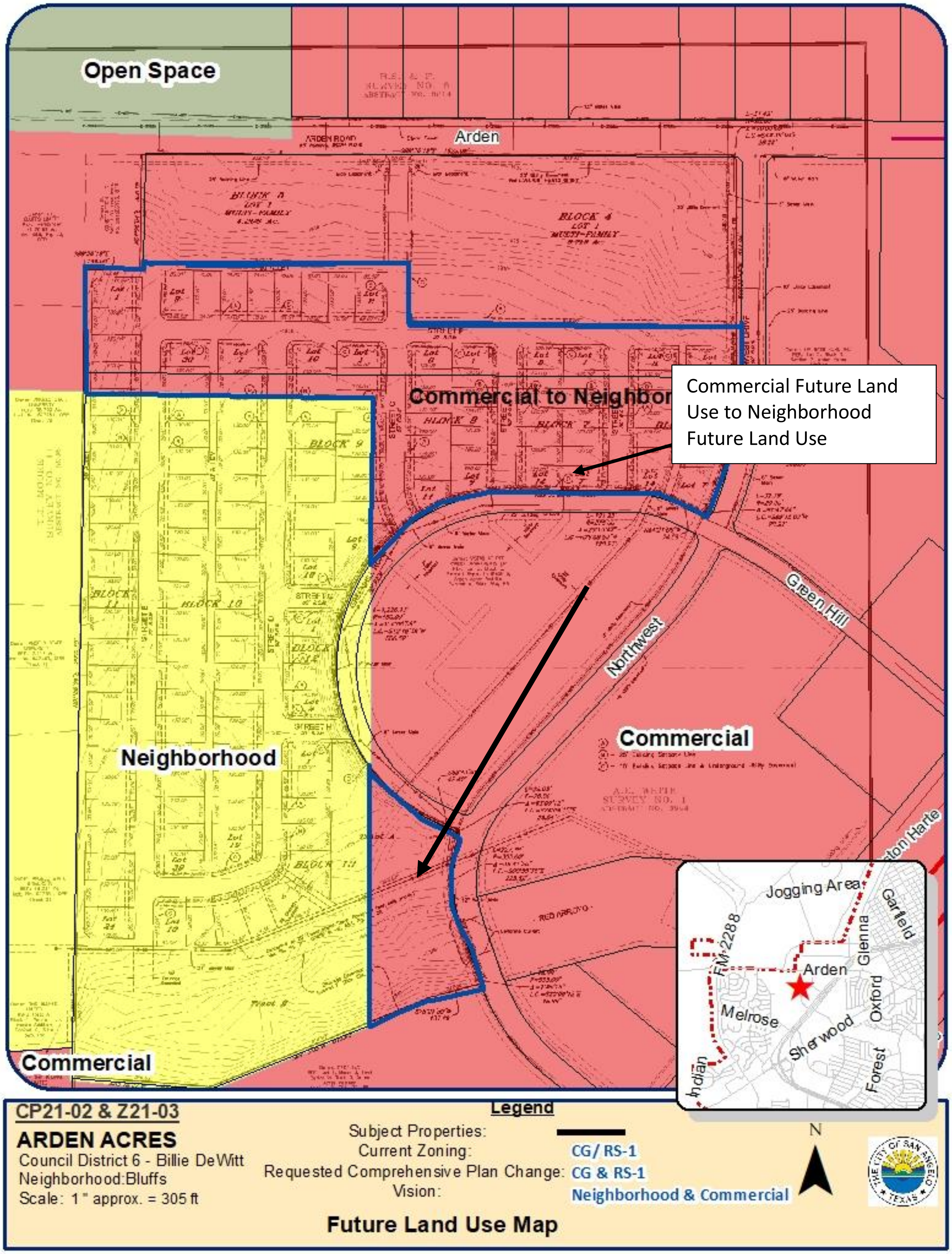
***Recommendation*:**

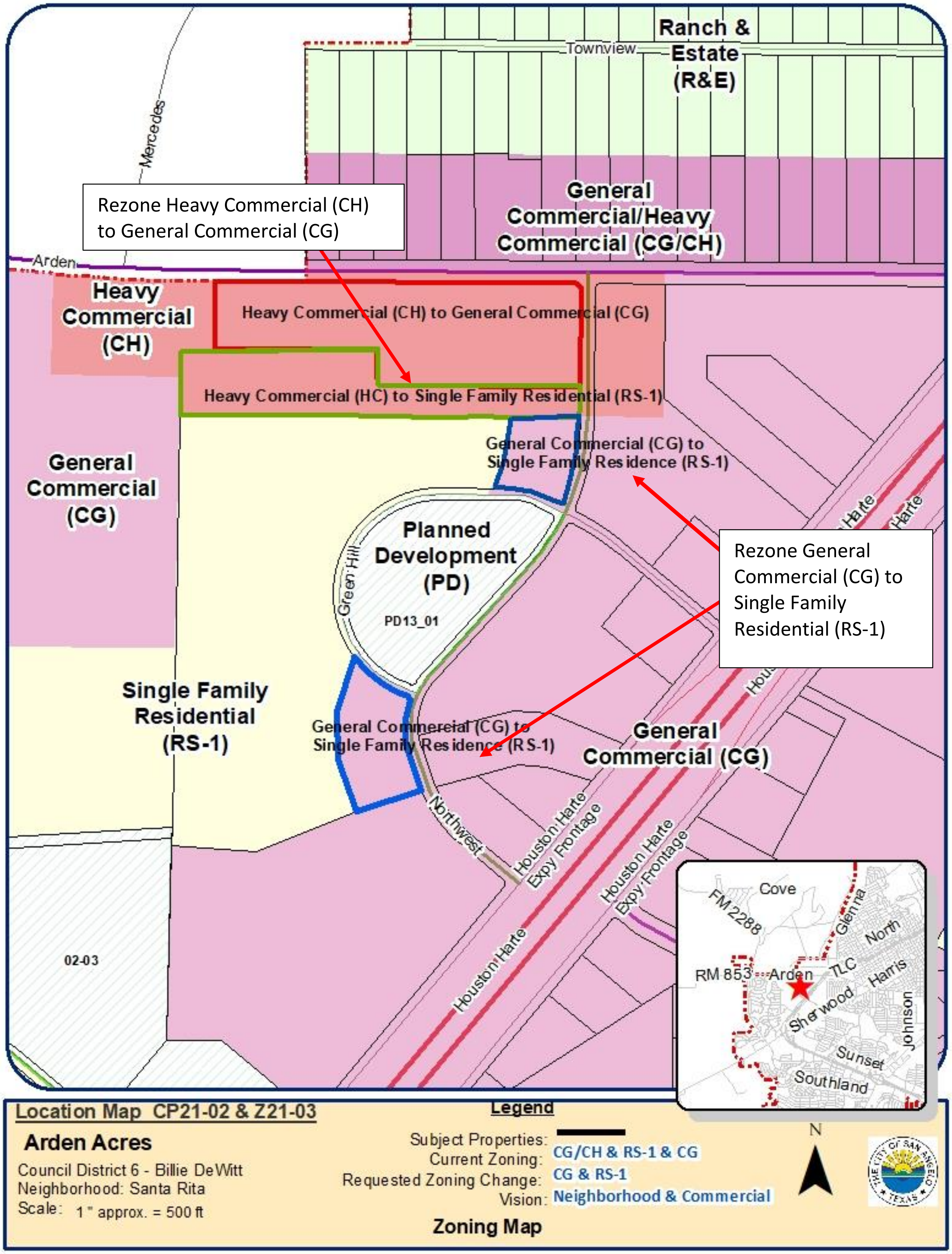
Staff's recommendation for the Planning Commission to recommend **APPROVAL** of a request to approve a Comprehensive Plan amendment from Commercial Future Land Use to the Neighborhood Land Use, being 11.761 acres and **APPROVAL** of a request for rezoning from the General Commercial (CG) Zoning District to the Single Family (RS-1) Zoning District, being 5.793 acres and Heavy Commercial (CH) Zoning District to General Commercial (CG) Zoning District, being 21.254 acres on the property generally located southwest of the intersection of Arden Road and Northwest Drive.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Application


Townview
Mercedes
Arden
Green Hill
Northwest
Berkley
Amberton
Melrose
Houston Harte
Houston Harte Expy Frontage
Cove
FM 2288
Glenna
North
RM 853
Arden
TLC
Harris
Sherwood
Johnson
Sunset
Southland
Location Map CP21-02/Z21-03
SJWF, LLC (4155 Arden Road)
Council District 6 - Billlie DeWitt
Neighborhood: Bluffs
Scale: 1 " approx. = 500 ft
Lots 1 & 2, Sec. 3, Blk. 3 Arden Acres 2nd R/P in Blk. 3, Sec. 3
Legend
Subject Properties:
Current Zoning: RS-1, CG, CH
Requested Action: CP Amend./Rezoning
Vision: Neighborhood, Commercial
Aerial Map
N
THE CITY OF SAN ANGELO TEXAS


Open Space
Arden
Commercial to Neighborhood
Commercial Future Land Use to Neighborhood Future Land Use
Neighborhood
Commercial
Green Hill
Northwest
Commercial
Jogging Area
FM 2288
Arden
Glenna
Garfield
Melrose
Sherwood
Oxford
Forest
Indian
CP21-02 & Z21-03
ARDEN ACRES
Council District 6 - Billie DeWitt
Neighborhood:Bluffs
Scale: 1" approx. = 305 ft
Legend
Subject Properties:
Current Zoning: CG/ RS-1
Requested Comprehensive Plan Change: CG & RS-1
Vision: Neighborhood & Commercial
N
Future Land Use Map



Ranch & Estate (R&E)
Townview
Mercedes
Rezone Heavy Commercial (CH) to General Commercial (CG)
General Commercial/Heavy Commercial (CG/CH)
Arden
Heavy Commercial (CH)
Heavy Commercial (CH) to General Commercial (CG)
Heavy Commercial (HC) to Single Family Residential (RS-1)
General Commercial (CG) to Single Family Residence (RS-1)
General Commercial (CG)
Planned Development (PD)
Green Hill
PD13_01
Rezone General Commercial (CG) to Single Family Residential (RS-1)
Single Family Residential (RS-1)
General Commercial (CG) to Single Family Residence (RS-1)
General Commercial (CG)
Northwest
Houston Harte Expy Frontage
Houston Harte Expy Frontage
Houston Harte
02-03
Cove
FM 2288
Glenna
North
RM 853
Arden
TLC
Harris
Sherwood
Johnson
Sunset
Southland
Location Map CP21-02 & Z21-03
Arden Acres
Council District 6 - Billie DeWitt
Neighborhood: Santa Rita
Scale: 1" approx. = 500 ft
Legend
Subject Properties:
Current Zoning: CG/CH & RS-1 & CG
Requested Zoning Change: CG & RS-1
Vision: Neighborhood & Commercial
Zoning Map
N

Effective January 3, 2017

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

Application for Request to Amend Comprehensive Plan

Section 1: Basic Information

Name of Applicant(s): SJWF, LLC

■ Owner ☐ Representative (Notarized Affidavit Required)

Mailing Address	City	State	Zip Code
1500 N Post Oak Road Ste 190	Houston	Texas	77055

Contact Phone Number	Contact E-mail Address
713-334-5514	steve@resolution.net

Subject Property Address	City	State	Zip Code
Northwest Drive	San Angelo	Texas	76901

Lot Size: 61.82 Zoning: RS-1, CH, CG

Section 2: Site Specific Details

Existing Use of Property: Vacant

Proposed Use of Property: Single Family Residential & Multi-family Residential

Existing Comprehensive Plan Land Use Designation: Neighborhood and Commercial

Requested Comprehensive Plan Land Use Designation: Neighborhood and Commercial in a configuration that matches the preliminary plan

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

This area is developing more in a residential fashion than as commercial as residential seems to be the current greatest need for the City.

Effective January 3, 2017

Section 3: Applicant(s) Acknowledgement

Please initial the following:

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

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

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

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

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

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

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

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

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

J. Steve Ford 2-17-2021

Signature of licensee or authorized representative Date

J. Steve Ford

Printed name of licensee or authorized representative

SJWF, LLC

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: CPA.: ________--________ **Planning Commission Date:** ______/______/________

City Council Date(s): ______/______/________

Non-Refundable Fee: $__________ **Receipt #:** __________ **Date paid:** ______/______/________

Reviewed/Accepted by: ______________________________ **Date:** ______/______/________

Effective January 3, 2017

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

Application for Approval of a Zone Change

Section 1: Basic Information

Name of Applicant(s): SJWF, LLC

■ Owner ☐ Representative (Notarized Affidavit Required)

Mailing Address	City	State	Zip Code
1500 N Post Oak Road Ste 190	Houston	Texas	77055

Contact Phone Number: 713-334-5514
Contact E-mail Address: steve@resolution.net

Subject Property Address	City	State	Zip Code
Northwest Drive & Arden Road	San Angelo	Texas	76901

Legal Description (*can be found on property tax statement or at www.tomgreencad.com*): Lots 1&2 SEC 3, Blk: 3, Subd: ARDEN ACRES, 2ND R/P IN BLK 3 SEC 3

Existing Zoning: RS-1, CG, CH **Proposed Zoning:** RS-1 & CG **Lot size:** varies

(Zoning Map available on City Maps)

Section 2: Site Specific Details

Existing Use of Property: Vacant

*Proposed Use of Property: Single Family, Multi-Family, or Commercial

*Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

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

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

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

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

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

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

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

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

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

Effective January 3, 2017

Section 3 continued : Applicant(s) Acknowledgement

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

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

J. Steve Ford	J. Steve Ford	SJWF, LLC	2-17-2021
Owner Name (Print)	Signature	Company/Organization (If Applicable)	Date
Representative Name (Print)	Signature	Company/Organization	Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete Date of Application: _______/_______/_________

Case No.: Z_________--_________ Fully-dimensioned site plan: ☐

Nonrefundable fee: $___________ Receipt #: ___________________ Date paid: _______/_______/_________

Sign Deposit $37.50 Receipt #: ___________________ Date paid: _______/_______/_________

Affidavit attached? ☐ Yes ☐ No ☐ N/A Applicant's signature on information sheet? ☐ Yes ☐ No

Previous Zone Change Inquiry? ☐ Yes ☐ No If yes, ZCI case no.: _________--_________

River Corridor Commission? ☐ Yes ☐ No If yes, RCC meeting date: _______/_______/_________

Planning Commission hearing date: _______/_______/_________ Date notifications due: _______/_______/_________

City Council hearing date: _______/_______/_________ Packets due date: _______/_______/_________

Publication date: _______/_______/_________

Reviewed/Accepted by: ____ Date: _______/_______/_________

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: May 4, 2021

Item type: Consent Item

Caption:

Second reading of an ordinance to approve the abandonment of a 20' by 500' (0.229 acres) alley right-of-way, located north of E. Twohig Ave., east of S. Oakes St., south of E. Beauregard Ave., and west of S. Magdalen St. (Jon James)

Summary/History:

The abandonment will allow the applicant to acquire the additional land for future development.

City Staff circulated to all relevant municipal departments, as well as public and private utility companies. Staff received several responses from outside agencies, including Frontier Communications, AEP, and Altice (formerly Suddenlink). All indicated that there are underground and above-ground facilities in the alley, and that these may require relocation and reimbursement from the applicant.

At this time, Staff is proceeding with the request to provide additional time for the applicant and the utility providers to work out a solution. As a condition of approval, Staff has added a condition to address the utility provider concerns, that the applicant reroute the facilities and/or provide reimbursement, or an approved alternative.

Financial Impact:

N/A

Other Information/Recommendation:

On March 15, 2021, the Planning Commission recommended **APPROVAL** of the request by a unanimous 7-0 vote, subject to four conditions of approval as presented.

On April 20, 2021, the City Council **APPROVED** the request by a unanimous 7-0 vote, subject to four conditions of approval as presented.8.7.3

Attachments:

1.	Ordinance (Alley-Abandon_SanAngeloAddition_Blk6)	Ordinance (Alley-Abandon_SanAngeloAddition_Blk6).docx
2.	Staff Report (Alley-Abandon_SanAngeloAddition_Blk6)	Staff Report (Alley-Abandon_SanAngeloAddition_Blk6).pdf

Presentation:

Jon James

Approvals/Reviews:

Jeff Fisher	Created/Initiated
Jon James	Approved

Brandon Dyson	Approved
Jon James	Approved
Theresa James	Approved
Julia Antilley	Final Approval

AN ORDINANCE PROVIDING FOR ABANDONMENT AND VACATION OF A PORTION OF AN ALLEY RIGHT-OF-WAY COMPRISING OF APPROXIMATELY 0.229 ACRES (10,000 SQUARE FEET) WITHIN BLOCK 6 OF THE SAN ANGELO ADDITION; LOCATED NORTH OF EAST TWOHIG AVENUE; EAST OF OAKES STREET; SOUTH OF EAST BEAUREGARD AVENUE; AND WEST OF SOUTH MAGDALEN STREET; AUTHORIZING CONVEYANCE THEREOF BY QUITCLAIM DEED TO ABUTTING PROPERTY OWNERS; AND PROVIDING TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE.

WHEREAS, the City Council of the City of San Angelo, Texas, acting pursuant to law, is of the opinion that the public alley right-of-way within Block 6 of the San Angelo Addition, Tom Green County, Texas, is no longer needed for public use and therefore deems it advisable to abandon said portion of alley right-of-way; and,

WHEREAS, the City Council is of the opinion that the best interest and welfare of the public will be served by conditionally conveying the underlying abandoned public alley right-of-way to the abutting property owners;

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

SECTION 1: The public alley right-of-way located in the City of San Angelo, comprising of approximately 0.229 acres (10,000 square feet) of alley right-of-way within Block 6 of the San Angelo Addition, Tom Green County, Texas, more particularly described and depicted in **Exhibit "A,"** attached hereto and made a part hereof for all purposes, be and the same is hereby vacated, abandoned and closed insofar as the right, title and easement of the public are concerned, subject to the conditions and restrictions herein set forth.

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

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

SECTION 4: The following conditions precedent to the abandonment shall apply and be part of the consideration for conveyance by quitclaim deed(s) of the underlying tracts of land to owners of abutting properties:

a) Per Land Development and Subdivision Ordinance, Chapter 1.V, submit, obtain approval, and officially record a subdivision replat absorbing all of the abandoned right-of-way into adjacent lot(s) meeting all requirements of the Land Development and Subdivision Ordinance, within 36 months of City Council's decision.
    1. On the replat, the area within the abandonment shall include an unobstructed utility and maintenance easement, or rerouting of utilities to the satisfaction of each utility provider or a combination of both.
    2. Prior to final recordation of the plat, submit plans for approval illustrating sewer main re-routing. Alternatively, illustrate a 20' sewer easement on required plat document.

b) Per the Schedule of Fees and Charges adopted by City Council Resolution 2020-004, dated January 7, 2020, payment shall be remitted, per the assessment formula, for all of the abandoned alley right-of-way.

c) After approval of the associated plat and payment, request issuance and recordation of a Quit Claim Deed from the City's Real Estate Division conveying the City's interest in the entirety of the abandoned alley(s).

d) Reroute all utilities and provide reimbursement as required, or approved alternative, to the satisfaction of all relevant utility providers.

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

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

SECTION 7: Upon confirmation from the Planning Director of compliance with conditions hereinabove set forth, the City Clerk is hereby authorized and directed to certify a copy of this adopted Ordinance for recordation in the Official Real Property Records of Tom Green County, Texas, wherein the tracts of land are located.

INTRODUCED on the **20th day of April, 2021,** and finally PASSED, APPROVED AND ADOPTED on this the **4th day of May, 2021**.

THE CITY OF SAN ANGELO

____
Brenda Gunter, Mayor

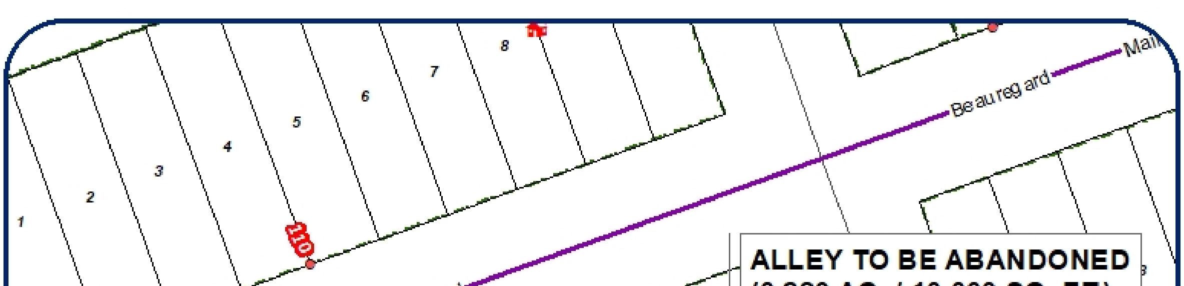
ATTEST:

____
Julia Antilley, City Clerk

APPROVED AS TO FORM:

____
Theresa James, City Attorney

EXHIBIT "A"



CITY COUNCIL– April 20, 2021
STAFF REPORT

APPLICATION TYPE:	CASE:
Alley Right-of-way Abandonment	100 block of S. Oakes Street & S. Magdalen Street (Shannon Medical)

SYNOPSIS:
The applicant has applied to abandon an existing 10,000-square foot (0.229 acres) paved alley between the 100 block of South Oakes Street and South Magdalen Street. The abandonment will allow the applicant to acquire the additional land for future development.

LOCATION:	LEGAL DESCRIPTION:
North of East Twohig Avenue; east of South Oakes Street; south of East Beauregard Avenue; west of South Magdalen Street	Being a 10,000-square foot (0.229 acres) alley in Block 6 of the San Angelo Addition

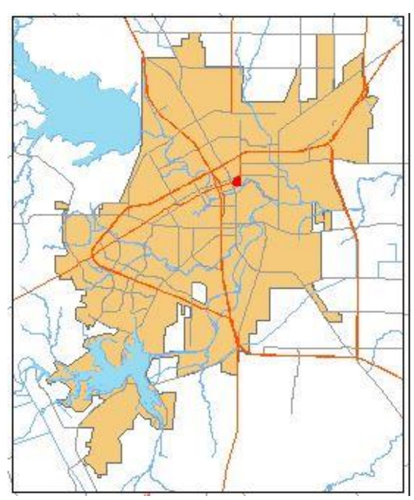
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
District #3 – Harry Thomas Fort Concho Neighborhood	PD, CBD	Downtown	0.229 ac. (10,000 sq. ft.)

THOROUGHFARE PLAN:
South Oakes Street – Urban Local Street, Required: 50’ right-of-way, 40’ pavement or 36’ with 4’ sidewalk; Provided: 100’ right-of-way; 64’ pavement ***South Magdalen Street*** – Urban Local Street, Required: 50’ right-of-way, 40’ pavement or 36’ with 4’ sidewalk; Provided: 100’ right-of-way; 64’ pavement

NOTIFICATIONS:
10 notifications were mailed within a 200-foot radius of the property on March 1, 2021. One response has been received in favor and none against to date.

STAFF RECOMMENDATION:
Staff recommends **APPROVAL** of the Alley Right-of-Way Abandonment of a 10,000 square-foot alley in Block 6 of the San Angelo Addition, subject to **four conditions of approval.**

PROPERTY OWNER/PETITIONER:
Shannon Real Estate Services Mr. Dale Droll
STAFF CONTACT:
Jeff Fisher, AICP Principal Planner (325) 657-4210, Ext. 1550 jeff.fisher@cosatx.us



Analysis:

City Staff circulated to all relevant municipal departments, as well as public and private utility companies. Staff received several responses from outside agencies, including Frontier Communications, AEP, and Altice (formerly Suddenlink). Frontier indicated that there are underground and above-ground facilities in the alley including cooper cables, fiber optic cables, and manholes, and that these may require relocation and reimbursement from the applicant. At this time, Frontier is continuing to work with the applicant at providing an alternative solution which may include an easement and relocation of these facilities. AEP has indicated that they too have lines in the alley and require rerouting, or easements including a 90-foot easement from Oakes Street and a 30-foot easement from Magdalen Street. Atmos, which has underground equipment, and Altice, which has equipment on the existing poles had the same comment as AEP and Frontier – that they will only support with an easement or re-routing.

At this time, Staff is proceeding with the request to the Planning Commission to provide additional time for the applicant and the utility providers to work out a solution. As a condition of approval, Staff has added a condition to address the utility provider concerns, that the applicant reroute the facilities and provide reimbursement, or an approved alternative. Staff also received a response from City Engineering and have added their condition that their existing sewer main in the alley is re-routed, or a 20-foot sewer easement be provided when the alley is replatted along with the adjacent lots.

Staff also conducted a site visit to the subject area on Monday, March 2, 2021 and noted the large overhead Frontier lines but otherwise no deficiencies. Staff did note however that two of the adjacent properties are owned by different property owners than the applicant, Shannon Medical. As a note, Staff recommends that the two adjacent owners, the Roman Catholic Diocese and First Methodist Church provide their consent, and if necessary, a vehicular ingress/egress easement is provided to allow rear access to these properties which serve as parking.

The proposed abandonment would not contradict any applicable City Ordinance. The alley was originally platted as part of Block 6 in the San Angelo Addition. The applicant will be required to replat the alley abandonment area into the adjacent lot(s); and pay the required assessment formula fee.

Rationale:

Planning Staff reviewed all relevant history, ordinances, policies, and as indicated above, conducted a site visit to the property to determine the appropriateness of abandoning this public right-of-way.

- *Traffic patterns:* Staff does not believe that traffic patterns would be negatively affected by the alley closure, provided the Diocese and First Methodist Church which own adjacent properties have no objections. Shannon Medical owns the remaining properties.
- *Utilities*: The applicant will have the option of relocating the existing sewer line or providing an easement. This leaves the issue of the utility provider facilities and will be required to be resolved prior to City Council. Staff will continue to monitor the situation and follow up with relevant providers and the applicant to see if a workable solution has been reached.
- *Community Impact:* There would be no negative community impact if this alley was abandoned

provided the adjacent owners have no objection. As indicated the additional land will be to allow future development for the applicant. They alley is already paved and therefore, may be used for a driveway.

- *Public Benefit:* Abandoning this alley would not remove any current public benefit so long as the two other property owners have no objections since they currently can access parking through this alley.

Planning Commission Recommendation:

On March 15, 2021, the Planning Commission recommended unanimous **APPROVAL** by a vote of 5-0 to approve the Alley Right-of-Way Abandonment of a 10,000 square-foot alley in Block 6 of the San Angelo Addition, subject to four conditions of approval as presented. The following is the complete excerpt of the draft minutes from the March 15, 2021, meeting for this case:

Jeff Fisher, Principal Planner, outlined the proposed alley right-of-way abandonment for Shannon Medical. He explained that the purpose of the abandonment is to provide additional area for future development. He indicated that of the 10 notices mailed within 200 feet, one response was received in favor and none against. Mr. Fisher explained that there are utilities in the alley and that the applicant is discussing with the utility companies relocating of utilities or providing easements if necessary. He further explained that this will be made a condition of approval. Mr. Fisher further noted that there were two adjacent property owners, the Catholic Diocese and First United Methodist Church, that would be required to consent and which also had rear access from a portion of this alley. He then outlined Staff's rationale to approve the alley abandonment on the grounds that the other owners have no objections; that an unobstructed easement was provided and/or relocation of utilities; and that there would be additional land for the applicant. Mr. Fisher then concluded his presentation by outlining four conditions of approval as presented, including the requirement to plat the abandoned alley with the adjacent lots.

Chair Stribling opened public comment.

Russell Gully, SKG Engineering, indicated that he was working with the applicant, Shannon Medical, and the utility companies to provide a solution to the utilities which are presently located in the alley. He explained that this is a fast-paced project to allow future development for Shannon including a new parking garage, pharmacy and oncology center.

Chair Stribling closed public comment.

Commissioner Davis made a motion to <u>RECOMMEND APPROVAL</u> of a request to approve the abandonment of a 20' by 500' (0.229 acres) alley right-of-way, located north of East Twohig Avenue, east of South Oakes Street, south of East Beauregard Avenue, and west of South Magdalen Street, subject to four conditions of approval. Commissioner Spano seconded the motion. The motion carried unanimously 5-0.

Recommendation:

Staff recommends **APPROVAL** of the Alley Right-of-Way Abandonment of a 10,000 square-foot alley in Block 6 of the San Angelo Addition, subject to **four conditions of approval.**

1. Per Land Development and Subdivision Ordinance, Chapter 1.V, submit, obtain approval, and officially record a subdivision replat absorbing all of the abandoned right-of-way into adjacent lot(s) meeting all requirements of the Land Development and Subdivision Ordinance, within 36 months of City Council's decision.
    a. On the replat, the area within the abandonment shall include an unobstructed utility and maintenance easement or rerouting of utilities to the satisfaction of each utility provider or a combination of both.
    b. Prior to final recordation of the plat, submit plans for approval illustrating sewer main re-routing. Alternatively, illustrate a 20' sewer easement on required plat document.

2. Per the Schedule of Fees and Charges adopted by City Council Resolution 2020-004, dated January 7, 2020, payment shall be remitted, per the assessment formula, for all of the abandoned alley right-of-way.

3. After approval of the associated plat and payment, request issuance and recordation of a Quit Claim Deed from the City's Real Estate Division conveying the City's interest in the entirety of the abandoned right-of-way.

4. Reroute all utilities and provide reimbursement as required, or approved alternative, to the satisfaction of all relevant utility providers.

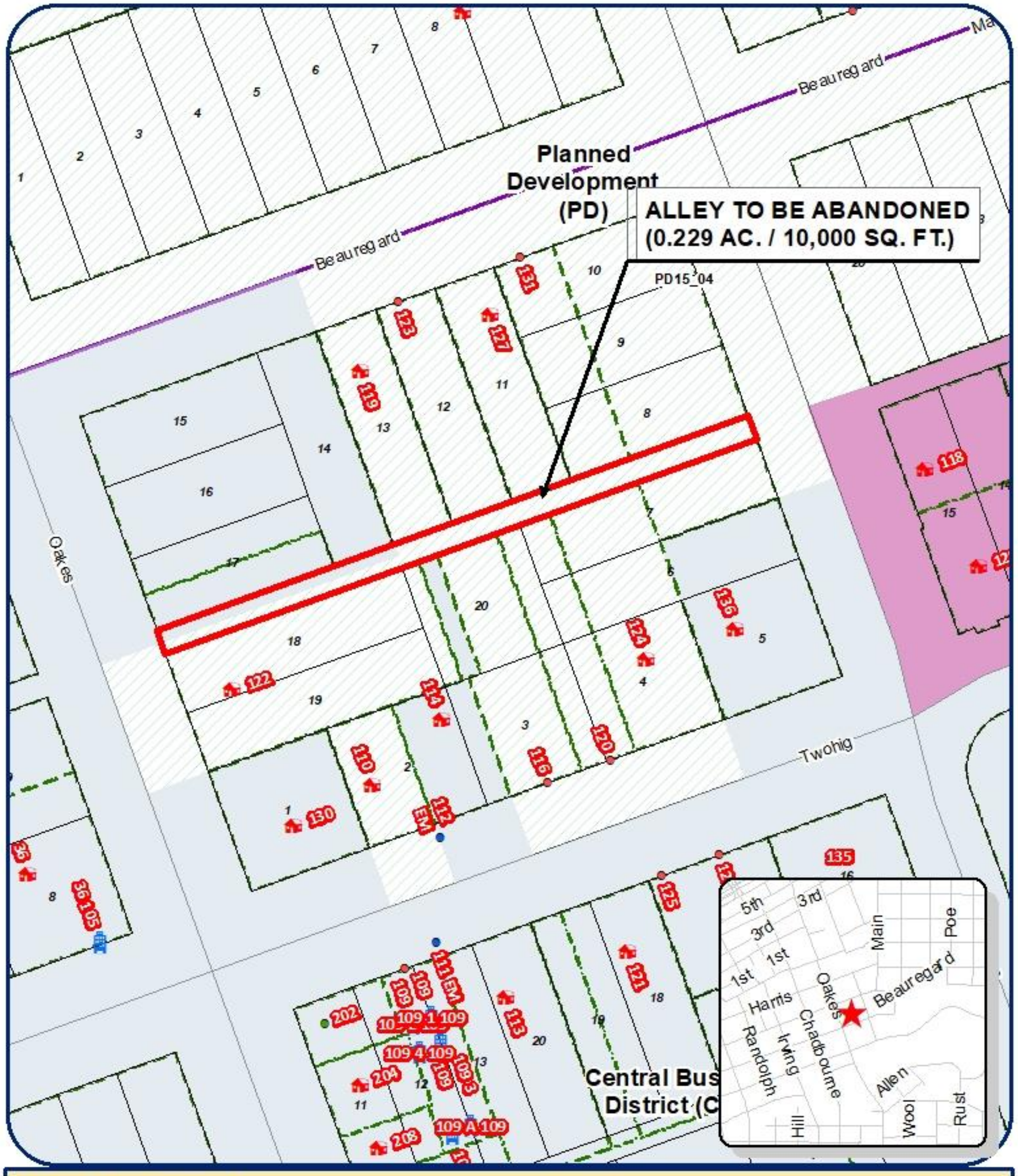
NOTE: The Roman Catholic Diocese and First United Methodist Church of San Angelo own properties immediately north of the alley. The applicant is advised to obtain consent from these owners prior to approval, and if necessary, provide a vehicular ingress/egress easement to allow rear access to these properties.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Photographs
Alley Plan
Response Letter
Application


ALLEY TO BE ABANDONED
(0.229 AC. / 10,000 SQ. FT.)
Beauregard
Magdalen
Oakes
Twohig
Main
Alley Abandonment
San Angelo Addition, Block 6
Council District: Harry Thomas - District 3
Neighborhood: Downtown
Scale: 1" approx. = 100 ft
Legend
Subject Properties:
Current Zoning: PD, CBD
Requested Zoning Change: N/A
Vision: Downtown
N
0.229 acres north of E. Twohig Ave. between S. Oakes St and S. Magdalen St.
5th
3rd
1st
Harris
Randolph
Irving
Chadbourne
Allen
Poe
Hill
Wool
Rust


ALLEY TO BE ABANDONED
(0.229 AC. / 10,000 SQ. FT.)
Beauregard
Downtown
Magdalen
Oakes
Twohig
Open Space
Alley Abandonment
San Angelo Addition, Block 6
Council District: Harry Thomas - District 3
Neighborhood: Downtown
Scale: 1" approx. = 100 ft
Legend
Subject Properties:
Current Zoning: PD, CBD
Requested Zoning Change: N/A
Vision: Downtown
0.229 acres north of E. Twohig Ave. between S. Oakes St and S. Magdalen St.



Alley Abandonment

San Angelo Addition, Block 6

Council District: Harry Thomas - District 3
Neighborhood: Downtown
Scale: 1" approx. = 100 ft

Legend

Subject Properties:
Current Zoning: PD, CBD
Requested Zoning Change: N/A
Vision: Downtown

N

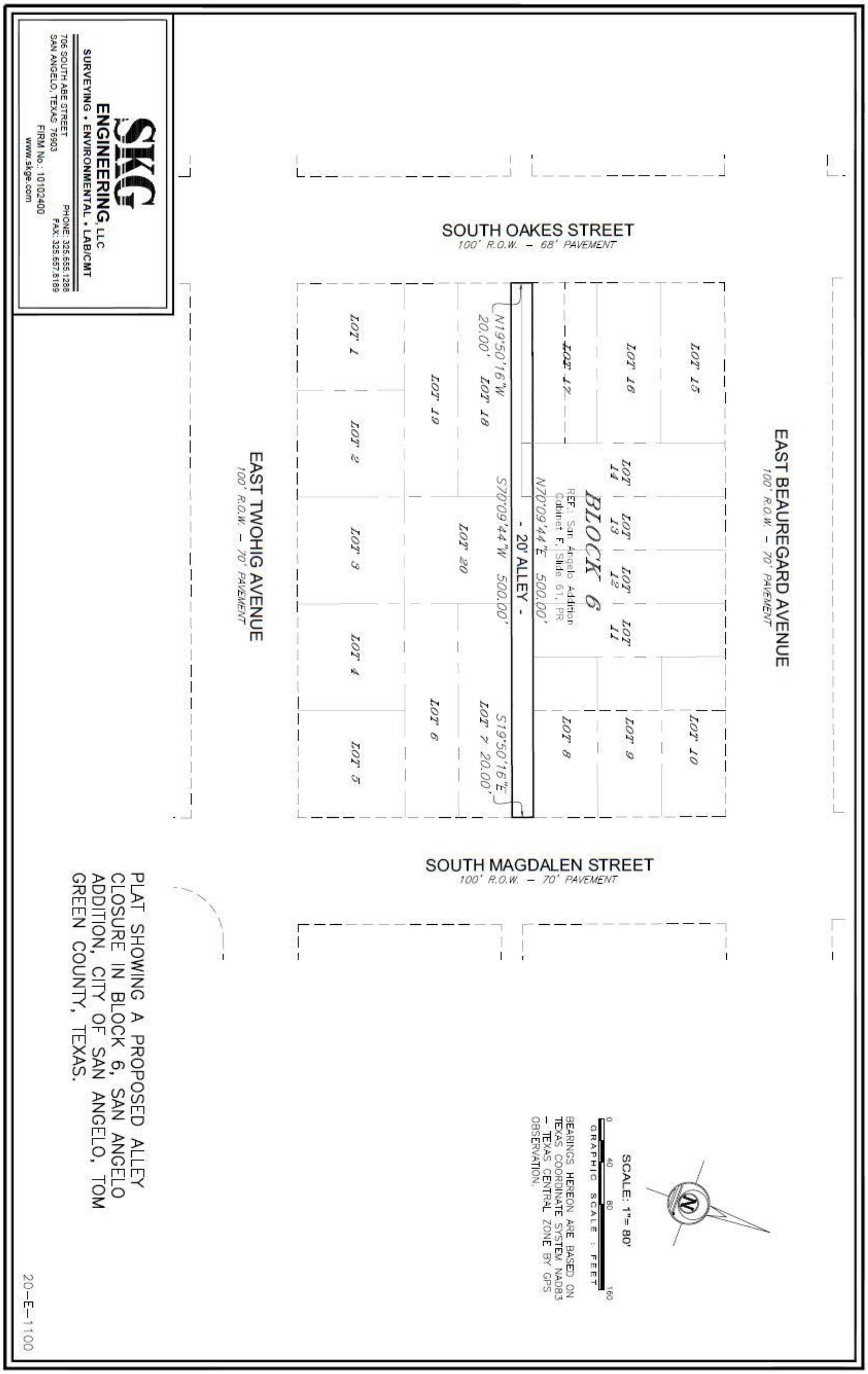
0.229 acres north of E. Twohig Ave. between S. Oakes St and S. Magdalen St.

Photos of Site and Surrounding Area

LOOKING EAST ALONG ALLEY

LOOKING WEST ALONG ALLEY

SHANNON PARKING LOT SOUTH OF ALLEY


SKG ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.655.1288
FAX: 325.657.8189
FIRM No.: 10102400
www.skge.com
SOUTH OAKES STREET
100' R.O.W. – 68' PAVEMENT
SOUTH MAGDALEN STREET
100' R.O.W. – 70' PAVEMENT
EAST TWOHIG AVENUE
100' R.O.W. – 70' PAVEMENT
EAST BEAUREGARD AVENUE
100' R.O.W. – 70' PAVEMENT
BLOCK 6
REF: San Angelo Addition
Cabinet F, Slide 61, PR
- 20' ALLEY -
N70°09'44"E 500.00'
S70°09'44"W 500.00'
N19°50'16"W
20.00'
S19°50'16"E
20.00'
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20
SCALE: 1"= 80'
0 40 80 160
GRAPHIC SCALE : FEET
BEARINGS HEREON ARE BASED ON TEXAS COORDINATE SYSTEM NAD83 – TEXAS CENTRAL ZONE BY GPS OBSERVATION.
PLAT SHOWING A PROPOSED ALLEY CLOSURE IN BLOCK 6, SAN ANGELO ADDITION, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS.
20-E-1100

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

(X) IN FAVOR ( ) IN OPPOSITION

REASON(S)
This abandonment will make the development of this block more effective for Shannon

NAME: Addison Lee Pfluger - Cactus Hotel

ADDRESS: 36 East Twohig

SIGNATURE: Addison Lee Pfluger

Alley Right-of-way Abandonment: San Angelo Addition, Block 6

Property owner number: 5

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

Effective January 3, 2017

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

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

Section 1: Basic Information

Name of Applicant(s): Shannon Real Estate Services

■ Owner ☐ Representative (Affidavit Required)

Mailing Address	City	State	Zip Code
PO Box 1879	San Angelo	Texas	76902

Contact Phone Number: 325-657-2833

Contact E-mail Address: DaleDroll@shannonhealth.org

Subject Property Address	City	State	Zip Code
South Oakes Street	San Angelo	Texas	76902

Legal Description (*can be found on property tax statement or at www.tomgreencad.com*): Alley in Block 6, San Angelo Addition

Lot Size: 20'x500' Zoning: PD

Section 2: Site Specific Details

Subdivision Name: San Angelo Addition

Lots and/or Blocks Affected*: Lots 1- 20, Block 6

General Description of Location*: 20' x 500' alley in Block 6

Reason for Abandonment*: Needed for proposed new buildings

*Use attachment if necessary.

Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

Dale Droll ______________________ 1-21-21 ______________

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

Dale Droll

Printed name of licensee or authorized representative

Shannon Medical Center

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: ____/____/____

Non-Refundable Fee: $________ **Receipt #:** ________ **Date paid:** ____/____/____

Date of hearing by Planning Commission: ____/____/____ **Date of hearing by City Council:** ____/____/____

Reviewed/Accepted by: ______________________

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: May 4, 2021

Item type: Regular Item

Caption:

Consider accepting the City's fiscal year 2020 Comprehensive Annual Financial Report and Single Audit (Presentation made by Armstrong, Backus & Company, LLC Partner Gayla Thornton)

Summary/History:

The Annual Report is an audited report on the year-end financial statements that provides financial information on the City of San Angelo as well as an opinion by the external auditor on the financial statements as a whole. The Single Audit report is a required audit of an entity that receives greater than $750,000 in Federal funding awards in a fiscal year. The Annual Report and Single Audit presented are for the fiscal year ended September 30, 2020.

The Audit Committee convened to review the reports with the external auditor on May 3, 2021, prior to submission to the City Council, and they recommend approval by the City Council of the annual financial reports as presented.

Financial statement and single audits are required and completed on an annual basis and cover the City's fiscal year beginning October 1 and ending September 30.

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

Presentation:

Gayla Thornton, Partner, Amstrong, Backus, & Co., LLP

Approvals/Reviews:

Tina Dierschke	Created/Initiated
Tina Dierschke	Approved
Theresa James	Approved
Julia Antilley	Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: May 4, 2021

Item type: Regular Item

Caption:

Discuss and consider an ordinance authorizing the issuance of City of San Angelo, Texas General Obligation Refunding Bonds, Series 2021; establishing procedures and delegating authority for the sale and delivery of the Bonds; levying an ad valorem tax; providing for the security and payment of said Bonds; providing an effective date; and enacting other provisions relating to the subject (Presentation made by Finance Tina Dierschke)

Summary/History:

Discussion regarding the possibility of refinancing Series 2011B Bonds for Long-Term Water Supply capital projects (first debt issue for the Hickory Pipeline).

Refinancing will allow the negotiation of a lower interest rate and will create savings for the City. The prior interest rates are between 0.98% and 2.07%. Based on today's market, the new refinancing rate is expected to be 1.04% (TIC).The total savings over the life of the transaction are approx. $2,183,073.

Financial Impact:

Potential savings of approximately $2,183,073 in aggregate over a ten year period for Water debt service. (These totals are subject to change based on market value at time of agreement.)

Other Information/Recommendation:

Attachments:

1.	Ordinance (Parameters) v1	Ordinance (Parameters) v1.pdf
2.	4.19.21 Overview of the GO Refunding Bonds	4.19.21 Overview of the GO Refunding Bonds.pptx
3.	COSA 2021 - Slides on Ref Bond 5-4-21	COSA 2021 - Slides on Ref Bond 5-4-21.pptx

Presentation:

Tina Dierschke

Approvals/Reviews:

Tina Dierschke	Created/Initiated
Theresa James	Approved
Julia Antilley	Final Approval

ORDINANCE NO. 2021-____

AUTHORIZING THE ISSUANCE OF CITY OF SAN ANGELO, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021; ESTABLISHING PROCEDURES AND DELEGATING AUTHORITY FOR THE SALE AND DELIVERY OF THE BONDS; LEVYING AN AD VALOREM TAX; PROVIDING FOR THE SECURITY AND PAYMENT OF SAID BONDS; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

THE STATE OF TEXAS §
COUNTY OF TOM GREEN §
CITY OF SAN ANGELO §

WHEREAS, the City has previously issued, and there are presently certain outstanding, (1) general obligation bonds of the City of San Angelo, Texas (the "Issuer") secured by a pledge of ad valorem tax revenues, and (2) certificates of obligation of the Issuer secured by a pledge of ad valorem tax revenues and surplus revenues of the Issuer's Waterworks and Sewer System, all as further described below (collectively, the "Eligible Refunded Obligations"):

> **City of San Angelo, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2011B**, dated August 1, 2011, scheduled to mature February 15 in the years 2022 through 2031, inclusive, aggregating $62,605,000;

WHEREAS, the Issuer now desires to refund all or part of the Eligible Refunded Obligations, and those Eligible Refunded Obligations designated by the Pricing Officer in the Pricing Certificate, each as defined below, to be refunded are herein referred to as the "Refunded Obligations";

WHEREAS, Chapter 1207, Texas Government Code, authorizes the Issuer to issue refunding bonds and to deposit the proceeds from the sale thereof, together with any other available funds or resources, directly with a paying agent for any of the Refunded Obligations or a trust company or commercial bank that does not act as a depository for the Issuer and is named in these proceedings, and such deposit, if made before the payment dates of the Refunded Obligations, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations;

WHEREAS, Chapter 1207, Texas Government Code, further authorizes the Issuer to enter into an escrow agreement with such paying agent for the Refunded Obligations or trust company or commercial bank with respect to the safekeeping, investment, reinvestment, administration and disposition of any such deposit, upon such terms and conditions as the Issuer and such paying agent or trust company or commercial bank may agree;

WHEREAS, this City Council hereby finds and determines that it is a public purpose and in the best interests of the Issuer to refund the Refunded Obligations in order to achieve a present value debt service savings of at least 3.00%, with such savings, among other information and terms to be included in a pricing certificate (the "Pricing Certificate") to be executed by the Pricing Officer (hereinafter designated), all in accordance with the provisions of Section 1207.007, Texas Government Code;

WHEREAS, all the Refunded Obligations mature or are subject to redemption prior to maturity within 20 years of the date of the bonds hereinafter authorized;

WHEREAS, the bonds hereafter authorized are being issued and delivered pursuant to said Chapter 1207, Texas Government Code; and

WHEREAS, it is officially found, determined, and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Ordinance, was given, all as required by the applicable provisions of Tex. Gov't Code Ann. ch. 551; Now, Therefore

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

Section 1. RECITALS, AMOUNT, PURPOSE AND DESIGNATION OF THE BONDS.

(a) The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section.

(b) The bonds of the City of San Angelo, Texas (the "Issuer"), are hereby authorized to be issued and delivered, in one or more series, in the aggregate principal amount hereinafter provided for the public purpose of providing funds to refund a portion of the Issuer's outstanding indebtedness and to pay the costs incurred in connection with the issuance of the Bonds.

(c) Each bond issued pursuant to this Ordinance shall be designated: "CITY OF SAN ANGELO, TEXAS, GENERAL OBLIGATION REFUNDING BOND, SERIES 2017B" (series to be designated as described in Section 2(a)), and initially there shall be issued, sold, and delivered hereunder fully registered Bonds, without interest coupons, payable to the respective registered owners thereof (with the initial bonds being made payable to the Initial Purchaser as described in Section 10 hereof), or to the registered assignee or assignees of said bonds or any portion or portions thereof (in each case, the "Registered Owner"). The Bonds shall be in the respective denominations and principal amounts, shall be numbered, shall mature and be payable on the date or dates in each of the years and in the principal amounts, and shall bear interest to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in the Respective Pricing Certificate.

Section 2. DELEGATION TO PRICING OFFICER.

(a) As authorized by Section 1207.007, Texas Government Code, as amended, the Assistant City Manager/Chief Financial Officer and Director of Finance (each a "Pricing Officer") are each hereby authorized to act on behalf of the Issuer in selling and delivering the Bonds, in one or more series, and with respect to each such series, determining which of the Eligible Refunded Obligations shall be refunded and carrying out the other procedures specified in this Ordinance, including, determining the date of the Bonds, any additional or different designation or title by which the Bonds shall be known, the price at which the Bonds will be sold, the years in which the Bonds will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the interest payment and record dates, the price and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the Issuer, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale, and delivery of the Bonds and the refunding of the Refunded Bonds, including without limitation establishing the redemption dates for and effecting the redemption of the Refunded Obligations and obtaining municipal bond insurance for all or any portion of the Bonds and providing for the terms and provisions thereof applicable to the Bonds, including the execution of any commitment agreements, membership agreements in mutual insurance companies, and other similar agreements, all of which shall be specified in the Pricing Certificate; provided that:

(i) the aggregate original principal amount of the Bonds authorized pursuant to this Ordinance, whether one or more series, shall not exceed $67,500,000;

(ii) the refunding must produce a present value debt service savings, when calculated with respect to all of the Refunded Obligations, of at least 3.00%;

(iii) the interest rate on each series of the Bonds ("True Interest Cost") shall not exceed 2.50%;

(iv) the final maturity of the Bonds shall not be later than February 15, 2031; and

(iv) the delegation made hereby shall expire if not exercised by the Pricing Officer on or before the 180th day following the date of adoption of this Ordinance.

(b) In establishing the aggregate principal amount of the Bonds, the Pricing Officer shall establish an amount not exceeding the amount authorized in Subsection (a) hereof, which shall be sufficient in amount to provide for the purposes for which the Bonds are authorized and to pay costs of issuing the Bonds. The Pricing Officer shall determine whether the Bonds will be sold by private placement or negotiated or competitive sale. The Bonds shall be sold with and subject to such terms as set forth in the Pricing Certificate.

(c) It is hereby found and determined that the refunding of the Refunded Obligations is advisable and necessary in order to restructure the debt service requirements of the Issuer, and that the debt service requirements on the Bonds will be less than those on the Refunded Obligations, resulting in a reduction in the amount of principal and interest which otherwise would be payable. The Refunded Obligations are subject to redemption, at the option of the Issuer, and the Pricing Officer is hereby authorized to cause all of the Refunded Obligations to be called for redemption on the respective date or dates consistent with requirements set forth in subsection (a) of this

Section, and the proper notices of such redemption to be given, and in each case at a redemption price of par, plus accrued interest to the date fixed for redemption. In furtherance of authority granted by Section 1207.007(b), Texas Government Code, the Pricing Officer is further authorized to enter into and execute on behalf of the Issuer with the escrow agent or deposit agent named therein (the "Escrow Agent"), an escrow agreement or deposit agreement, in the form and substance as shall be approved by the Pricing Officer, which escrow agreement or deposit agreement will provide for the payment in full of the Refunded Obligations (the "Escrow Agreement").

In addition, the Pricing Officer is authorized to purchase such securities with proceeds of the Bonds, to execute such subscriptions for the purchase of the United States Treasury Securities State and Local Government Series, and to transfer and deposit such cash from available funds, as may be necessary or appropriate for the escrow fund (the "Escrow Fund") described in the Escrow Agreement.

(d) In satisfaction of Section 1201.022(a)(3)(B), Texas Government Code, the Board of Trustees hereby determines that the delegation of the authority to the Pricing Officer to approve the final terms of the Bonds set forth in this Ordinance is, and the decisions made by the Pricing Officer pursuant to such delegated authority and incorporated into the Pricing Certificate will be, in the Issuer's best interests, and the Pricing Officer is hereby authorized to make and include in the Pricing Certificate a finding to that effect.

Section 3. CHARACTERISTICS OF THE BONDS.

(a) Registration, Transfer, Conversion and Exchange; Authentication. The Issuer shall keep or cause to be kept at the designated office of the bank named in the Pricing Certificate as the paying agent/registrar for the Bonds (the "Paying Agent/Registrar"), books or records for the registration of the transfer, conversion and exchange of the Bonds (the "Registration Books"), and the Issuer hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the Issuer and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Issuer shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Bond or Bonds. Registration of assignments, transfers, conversions and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

Except as provided in Section 3(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign said Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying Agent/Registrar promptly shall cancel all paid Bonds and Bonds surrendered for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the Issuer or any other body or person so as to accomplish the foregoing conversion and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, and said Bonds shall be printed or typed on paper of customary weight and strength. Pursuant to Chapter 1201, Government Code, as amended, the duty of conversion and exchange of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Bond, the converted and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds that initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General of the State of Texas (the "Attorney General") and registered by the Comptroller of Public Accounts of the State of Texas (the "Comptroller").

(b) Payment of Bonds and Interest. The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Bonds, and of all conversions and exchanges of Bonds, and all replacements of Bonds, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the past due interest shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) In General. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owners thereof, (ii) may or shall be redeemed prior to their scheduled maturities, (iii) may be converted and exchanged for other Bonds, (iv) may be transferred and assigned, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Bonds shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the Issuer shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in this Ordinance. The Initial Bond is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in conversion of and exchange for any Bond or Bonds issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF BOND.

(d) Paying Agent/Registrar for the Bonds. The Issuer covenants with the Registered Owners of the Bonds that at all times while the Bonds are outstanding the Issuer will provide a competent and legally qualified bank, trust company, financial institution, or other entity to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be a single entity. The Issuer reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 120 days written notice to the Paying Agent/Registrar, to be effective not later than 60 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Issuer covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the Issuer. Upon any change in the Paying Agent/Registrar, the Issuer promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(e) Authentication. Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided in this Ordinance, duly authenticated by manual execution of the Paying Agent/Registrar. It shall not be required that the same authorized representative of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Bonds. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Bond delivered on the closing date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided in this Ordinance, manually executed by the Comptroller or by her duly authorized agent, which certificate shall be evidence that the Initial Bond has been duly approved by the Attorney General and that it is a valid and binding obligation of the Issuer, and has been registered by the Comptroller.

(f) Book-Entry-Only System. The Bonds issued in exchange for the Initial Bond shall be initially issued in the form of a separate, single, fully-registered Bond for each of the maturities thereof. Upon initial issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), and except as provided in subsection (g) hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created ("DTC Participant") to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a Registered Owner of Bonds, as shown on the

Registration Books, of any notice with respect to the Bonds, or (iii) the payment to any DTC Participant or any other person, other than a Registered Owner of Bonds, as shown in the Registration Books of any amount with respect to principal of or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, the Issuer and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the Registered Owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to payment of principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Bond evidencing the obligation of the Issuer to make payments of principal and interest pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the Registered Owner at the close of business on the Record date, the words "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

The previous execution and delivery of the Blanket Issuer Letter of Representations with respect to obligations of the Issuer is hereby ratified and confirmed; and the provisions thereof shall be fully applicable to the Bonds.

(g) Successor Securities Depository; Transfers Outside Book-Entry-Only System. In the event that the Issuer determines that DTC is incapable of discharging its responsibilities described herein and in the Blanket Issuer Letter of Representations to DTC or that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the Issuer shall (i) appoint a successor securities depository, qualified to act as such under Section 17A of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate certificated Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Registered Owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

(h) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Blanket Issuer Letter of Representations to DTC.

(i) Cancellation of Initial Bond. On the closing date, the Initial Bond, representing the entire principal amount of the Bonds, payable in stated installments to the Initial Purchaser designated in Section 10 or its designee, executed by manual or facsimile signature of the Mayor and City Clerk of the Issuer, approved by the Attorney General, and registered and manually signed by the Comptroller, will be delivered to the Initial Purchaser or its designee. Upon payment for the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond and deliver to DTC on behalf of such Initial Purchaser one registered definitive Bond for each year of maturity of the Bonds, in the aggregate principal amount of all of the Bonds for such maturity. To the extent that the Paying Agent/Registrar is eligible to participate in DTC's FAST System, pursuant to an agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

(j) Conditional Notice of Redemption. With respect to any optional redemption of the Bonds, unless the prerequisites to such redemption required by this Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the Issuer, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the Issuer shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

Section 4. FORM OF BONDS. The form of the Bonds, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Comptroller's Registration Certificate to be attached to the Initial Bond shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance, and with the Form of Bond to be modified pursuant to, and completed with information set forth in, the Pricing Certificate.

(a) [Form of Bond]

NO. R-__	UNITED STATES OF AMERICA STATE OF TEXAS CITY OF SAN ANGELO, TEXAS GENERAL OBLIGATION REFUNDING BOND SERIES 2021	PRINCIPAL AMOUNT $__________

Interest Rate	Dated Date	Maturity Date	CUSIP No.
	__________, 2021	________, ____	

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

ON THE MATURITY DATE specified above, the City of San Angelo, in Tom Green County, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on the Maturity Date specified above, the Principal Amount specified above. The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from __________, _____ at the Interest Rate per annum specified above. Interest is payable on __________, _____ and semiannually on each __________ and __________ thereafter to the Maturity Date specified above, or the date of redemption prior to maturity; except, if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the principal corporate trust office of ______________________________, __________, Texas, which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Issuer required by the ordinance authorizing the issuance of this Bond (the "Bond Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared on the __________ day of the month preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner of a Bond appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

ANY ACCRUED INTEREST due at maturity or upon the redemption of this Bond prior to maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Bond for redemption and payment at the principal corporate trust office of the Paying Agent/Registrar. The Issuer covenants with the Registered Owner of this Bond that on or before each principal payment date, interest payment date, and accrued interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Bond Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due.

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day that is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is one of a series of Bonds dated __________, _____, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of $__________ for the public purposes of refunding certain outstanding obligations of the Issuer and paying the costs incurred in connection with the issuance of the Bonds.

[ON __________, _____, or on any date thereafter, the Bonds of this series may be redeemed prior to their scheduled maturities, at the option of the Issuer, with funds derived from any available and lawful source, as a whole, or in part, and, if in part, the particular Bonds, or portions thereof, to be redeemed shall be selected and designated by the Issuer (provided that a portion of a Bond may be redeemed only in an integral multiple of $5,000), at a redemption price equal to the principal amount to be redeemed plus accrued interest to the date fixed for redemption.]

[THE BONDS scheduled to mature on _____________ in the years ____ and ____ (the "Term Bonds") are subject to scheduled mandatory redemption by the Paying Agent/Registrar by lot, or by any other customary method that results in a random selection, at a price equal to the principal amount thereof, plus accrued interest to the redemption date, out of moneys available for such purpose in the interest and sinking fund for the Bonds, on the dates and in the respective principal amounts, set forth in the following schedule:

Bonds Maturing __________, _______		Bonds Maturing __________, _______		Bonds Maturing __________, _______	
Year	Principal Amount	Year	Principal Amount	Year	Principal Amount

____

[(1)] Stated maturity.

The principal amount of Term Bonds of a stated maturity required to be redeemed on any mandatory redemption date pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the Issuer, by the principal amount of any Term Bonds of the same maturity which, at least 45 days prior to a mandatory redemption date (1) shall have been acquired by the Issuer at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the Issuer at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory redemption requirement.]

[AT LEAST 30 days prior to the date fixed for any redemption of Bonds or portions thereof prior to maturity a written notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, to the Registered Owner of each Bond to be redeemed at its address as it appeared on the 45th day prior to such redemption date; provided, however, that the failure of the Registered Owner to receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof that are to be so redeemed. If such written notice of redemption is sent and if due provision for such payment is made, all as provided above, the Bonds or portions thereof that are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of $5,000, at the written request of the Registered Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the Issuer, all as provided in the Bond Ordinance.

IF AT THE TIME OF MAILING of notice of optional redemption there shall not have either been deposited with the Paying Agent/Registrar or legally authorized escrow agent immediately available funds sufficient to redeem all the Bonds called for redemption, such notice may state that it is conditional, and is subject to the deposit of the redemption moneys with the Paying Agent/Registrar or legally authorized escrow agent at or prior to the redemption date. If such redemption is not effectuated, the Paying Agent/Registrar shall, within five days thereafter, give notice in the manner in which the notice of redemption was given that such moneys were not so received and shall rescind the redemption.]

ALL BONDS OF THIS SERIES are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of $5,000. As provided in the Bond Ordinance, this Bond may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of $5,000 as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Bond Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any integral multiple of $5,000 to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be registered. The Form of Assignment printed or endorsed on this Bond may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Bond or portion thereof will be paid by the Issuer. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Bond Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners of the Bonds.

IT IS HEREBY certified, recited and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Bond, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said Issuer, and have been pledged for such payment, within the limit prescribed by law.

THE ISSUER HAS RESERVED THE RIGHT to amend the Bond Ordinance as provided therein, and under some (but not all) circumstances amendments thereto must be approved by the Registered Owners of a majority in aggregate principal amount of the outstanding Bonds.

BY BECOMING the Registered Owner of this Bond, the Registered Owner thereby acknowledges all of the terms and provisions of the Bond Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Bond Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer, and agrees that the terms and provisions of this Bond and the Bond Ordinance constitute a contract between each Registered Owner hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed with the manual or facsimile signature of the Mayor of the Issuer (or in the Mayor's absence, of the Mayor Pro-Tem) and countersigned with the manual or facsimile signature of the City Clerk of said Issuer, and has caused the official seal of the Issuer to be duly impressed, or placed in facsimile, on this Bond.

____________(signature)____________ ____________(signature)____________

City Clerk Mayor

(SEAL)

(INSERT BOND INSURANCE LEGEND, IF ANY)

(b) [Form of Paying Agent/Registrar's Authentication Certificate]

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE
(To be executed if this Bond is not accompanied by
an executed Comptroller's Registration Certificate)

It is hereby certified that this Bond has been issued under the provisions of the Bond Ordinance described in the text of this Bond; and that this Bond has been issued in conversion or replacement of, or in exchange for, a Bond, Bonds, or a portion of a Bond or Bonds of a series that originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated: ________________

[NAME OF PAYING AGENT/REGISTRAR
[CITY], [STATE]
Paying Agent/Registrar

By: ________________________________
Authorized Representative

(c) [Form of Assignment]

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto:
____.
Please insert Social Security or Taxpayer Identification Number of Transferee:
____
Please print or typewrite name and address, including zip code, of Transferee:
____
the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints ____, attorney, to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: ________________

Signature Guaranteed:

______________________________ ______________________________

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

(d) [Form of Comptroller's Registration Certificate]

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. ___________

I hereby certify that there is on file and of record in my office a true and correct copy of the opinion of the Attorney General of the State of Texas approving this Bond and that this Bond has been registered this day by me.

Witness my signature and seal this

____

Comptroller of Public Accounts of the State of Texas

(COMPTROLLER'S SEAL)

(e) [Initial Bond Insertions]

(i) The Initial Bond shall be in the form set forth in paragraph (a) of this Section, except that:

A. immediately under the name of the Bond, the headings "Interest Rate" and "Maturity Date" shall both be completed with the words "As shown below" and "CUSIP No. _____" shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"THE CITY OF SAN ANGELO, TEXAS, in Tom Green County, Texas (the "Issuer"), being a political subdivision and municipal corporation of the State of Texas, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on __________ in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Years	Principal Amounts	Interest Rates

(Information from Pricing Certificate to be inserted)

The Issuer promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from __________, _____ at the respective Interest Rate per annum specified above. Interest is payable on __________, _____ and semiannually on each __________ and __________ thereafter to the date of payment of the principal installment specified above, or the date of redemption prior to maturity; except, if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such Principal Amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

C. The Initial Bond shall be numbered "T-1."

Section 5. INTEREST AND SINKING FUND.

(a)) A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the Issuer as a separate fund or account and the funds therein shall be deposited into and held in an account at an official depository bank of said Issuer. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said Issuer, and shall be used only for paying the interest on and principal of said Bonds. All amounts received from the sale of the Bonds as accrued interest shall be deposited upon receipt to the Interest and Sinking Fund, and all ad valorem taxes levied and collected for and on account of said Bonds shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Bonds are outstanding and unpaid, the governing body of said Issuer shall compute and ascertain a rate and amount of ad valorem tax that will be sufficient to raise and produce the money required to pay the interest on said Bonds as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Bonds as such principal matures (but never less than 2% of the original amount of said Bonds as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said Issuer, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said Issuer, for each year while any of said Bonds are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Bonds, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. If lawfully available moneys of the Issuer are on deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes that otherwise would have been required to be levied pursuant to this Section may be reduced to the extent and by the amount of the lawfully available funds then on deposit in the Interest and Sinking Fund.

(b) Chapter 1208, Texas Government Code, applies to the issuance of the Bonds and the pledge of the taxes granted by the Issuer under this Section and Section 9, respectively, and is therefore valid, effective, and perfected. Should Texas law be amended at any time while the Bonds are outstanding and unpaid, the result of such amendment being that the pledge of the taxes granted by the Issuer under this Section is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, in order to preserve to the Registered Owners of the Bonds a security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code and enable a filing of a security interest in said pledge to occur.

Section 6. DEFEASANCE OF BONDS.

(a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Issuer with the Paying Agent/Registrar for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Defeased Bonds that is made in conjunction with the payment arrangements specified in Subsection (a)(i) or (ii) of this Section shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the Issuer expressly reserves the right to call the Defeased Bonds for redemption; (2) gives notice of the reservation of that right to the Registered Owners of the Defeased Bonds immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the Issuer be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the Issuer, or deposited as directed in writing by the Issuer. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Bonds may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in Subsection (a)(i) or (ii) of this Section. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Bonds, with respect to which such money has been so deposited, shall be remitted to the Issuer or deposited as directed in writing by the Issuer.

(c) The term "Defeasance Securities" means any securities and obligations now or hereafter authorized by State law that are eligible to discharge obligations such as the Bonds.

(d) Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the Issuer shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(e) In the event that the Issuer elects to defease less than all of the principal amount of Bonds of a maturity, the Paying Agent/Registrar shall select, or cause to be selected, such amount of Bonds by such random method as it deems fair and appropriate.

Section 7. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.

(a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new Bond of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen or destroyed Bonds shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Bond, the Registered Owner applying for a replacement Bond shall furnish to the Issuer and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Bond, the Registered Owner shall furnish to the Issuer and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Ordinance, in the event any such Bond shall have matured, and no default has occurred that is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the Issuer may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the Registered Owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen or destroyed shall constitute a contractual obligation of the Issuer whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bonds. In accordance with Sec. 1206.022, Government Code, this Section 7 of this Ordinance shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the governing body of the Issuer or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 3(a) of this Ordinance for Bonds issued in conversion and exchange for other Bonds.

Section 8. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED; ENGAGEMENT OF BOND COUNSEL.

(a) The Mayor of the Issuer and each of the Pricing Officers are hereby authorized to have control of the Bonds initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Bonds, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Bond. The approving legal opinion of the Issuer's Bond Counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on the Bonds issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the registered owners of the Bonds. In addition, if bond insurance is obtained, the Bonds may bear an appropriate legend as provided by the insurer.

(b) The obligation of the Initial Purchaser to accept delivery of the Bonds is subject to the Initial Purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the Issuer, which opinion shall be dated as of and delivered on the date of initial delivery of the Bonds to the Initial Purchaser. The engagement letter entered into between the Issuer and said firm, dated as of March 5, 2019 is hereby confirmed and shall apply to the issuance of the Bonds.

Section 9. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE BONDS.

(a) Covenants. The Issuer covenants to take any action necessary to assure, or refrain from any action that would adversely affect, the treatment of the Bonds as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Bonds (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed or refinanced therewith (the "Projects") are so used, such amounts, whether or not received by the Issuer, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" that is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount that is greater than the lesser of $5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action that would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds that were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) that produces a materially higher yield over the term of the Bonds, other than investment property acquired with —

> (A) proceeds of the Bonds invested for a reasonable temporary period of 3 years or less, or, in the case of refunding bonds, for a period of 90 days or less until such proceeds are needed for the purpose for which the Bonds or refunding bonds are issued,
>
> (B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the rules and regulations of the United States Department of the Treasury ("Treasury Regulations"), and
>
> (C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(7) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(8) to refrain from using the proceeds of the Bonds or proceeds of any prior bonds to pay debt service on another issue more than 90 days after the date of issue of the Bonds in contravention of the requirements of section 149(d) of the Code (relating to advance refundings);

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to

90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (a)(9), a "Rebate Fund" is hereby established by the Issuer for the sole benefit of the United States of America, and such Rebate Fund shall not be subject to the claim of any other person, including without limitation the Bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Use of Proceeds. For purposes of the foregoing covenants (a)(1) and (a)(2), the Issuer understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Bonds. It is the understanding of the Issuer that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the United States Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated that modify or expand provisions of the Code, as applicable to the Bonds, the Issuer will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated that impose additional requirements applicable to the Bonds, the Issuer agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of such intention, the Issuer hereby authorizes and directs the Mayor or Pricing Officer to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the Issuer, that may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds.

(d) Disposition of Projects. The Issuer covenants that the property constituting the projects financed or refinanced with the proceeds of the Bonds will not be sold or otherwise disposed in a transaction resulting in the receipt by the Issuer of cash or other compensation, unless any action taken in connection with such disposition will not adversely affect the tax-exempt status of the Bonds. For purpose of the foregoing, the Issuer may rely on an opinion of nationally-recognized bond counsel that the action taken in connection with such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the Issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 10. SALE OF BONDS AND APPROVAL OF OFFICIAL STATEMENT; FURTHER PROCEDURES.

(a) The Bonds shall be sold and delivered subject to the provisions of Section 1 and Section 3 through a negotiated sale, competitive sale or private placement and pursuant to the terms and provisions of a purchase contract or a notice of sale and bidding instructions and official bid form (in either case, the "Purchase Agreement") which the Pricing Officer is hereby authorized to execute and deliver and in which the initial purchaser or purchasers (collectively, the "Initial Purchaser") of the Bonds shall be designated. The Bonds shall initially be registered in the name of the Initial Purchaser thereof as set forth in the Pricing Certificate.

(b) The Mayor and City Clerk are further authorized and directed to execute and deliver for and on behalf of the Issuer copies of a Preliminary Official Statement and Official Statement, prepared in connection with the offering of the Bonds by the Initial Purchaser, in final form as may be required by the Initial Purchaser, and such final Official Statement in the form and content as approved by the Pricing Officer or as manually executed by said officials shall be deemed to be approved by the City Council of the Issuer and constitute the Official Statement authorized for distribution and use by the Initial Purchaser. The form and substance of the Preliminary Official Statement for the Bonds and any addenda, supplement or amendment thereto, all as approved by the Pricing Officer, are hereby deemed to be approved in all respects by the City Council of the Issuer, and the Preliminary Official Statement is hereby deemed final as of its date (except for the omission of pricing and related information) within the meaning and for the purpose of paragraph (b)(1) of the Rule (hereinafter defined).

(c) The Pricing Officer is authorized, in connection with effecting the sale of the Bonds, to obtain from a municipal bond insurance company so designated in the Pricing Certificate (the "Insurer") a municipal bond insurance policy (the "Insurance Policy") in support of the Bonds. To that end, should the Pricing Officer exercise such authority and commit the Issuer to obtain a municipal bond insurance policy, for so long as the Insurance Policy is in effect, the requirements of the Insurer relating to the issuance of the Insurance Policy as set forth in the Pricing Certificate are incorporated by reference into this Ordinance and made a part hereof for all purposes, notwithstanding any other provision of this Ordinance to the contrary. The Pricing Officer shall have the authority to execute any documents to effect the issuance of the Insurance Policy by the Insurer.

(d) The Mayor, the City Clerk the City Manager and each Pricing Officer shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the Issuer such documents, certificates and other instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Pricing Certificate, the Bonds, the sale of the Bonds and the Official Statement. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 11. COMPLIANCE WITH RULE 15c2-12.

(a) <u>Definitions</u>.

As used in this Section, the following terms have the meanings ascribed to such terms below:

"*Financial Obligation*" means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that "financial obligation" shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

"*MSRB*" means the Municipal Securities Rulemaking Board or any successor to its functions under the Rule.

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

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

(b) Annual Reports.

The Issuer shall provide annually to the MSRB, within twelve months after the end of each fiscal year ending in or after 2021, financial information and operating data with respect to the Issuer of the general type included in the Official Statement, being the information determined by the Pricing Officer in the Pricing Certificate, if any. The Issuer will update and provide the information in the numbered tables within six months after the end of each fiscal year ending in and after 2021. The Issuer will additionally provide audited financial statements within 12 months after the end of each fiscal year ending in or after 2021. Any financial statements so to be provided shall be (1) prepared in accordance with the accounting principles described in the notes to the financial statements included in the Official Statement, or such other accounting principles as the Issuer may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the Issuer commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the Issuer shall provide unaudited financial statements by the required time and will provide audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements become available. Such information shall be transmitted electronically to the MSRB, in such format and accompanied by such identifying information as prescribed by the MSRB.

If the Issuer changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the Issuer otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

(c) Notice of Certain Events. (i) The Issuer shall file notice of any of the following events with respect to the Bonds with the MSRB in a timely manner and not more than 10 business days after occurrence of the event:

(1) Principal and interest payment delinquencies;
(2) Non-payment related defaults, if material;
(3) Unscheduled draws on debt service reserves reflecting financial difficulties;

(4) Unscheduled draws on credit enhancements reflecting financial difficulties;
(5) Substitution of credit or liquidity providers, or their failure to perform;
(6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
(7) Modifications to rights of holders of the Bonds, if material;
(8) Bond calls, if material, and tender offers;
(9) Defeasances;
(10) Release, substitution, or sale of property securing repayment of the Bonds, if material;
(11) Rating changes;
(12) Bankruptcy, insolvency, receivership, or similar event of the Issuer;
(13) The consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
(14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
(15) Incurrence of a Financial Obligation of the Issuer, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Issuer, any of which affect security holders, if material; and
(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the Issuer, any of which reflect financial difficulties.

For these purposes, (i) any event described in the immediately preceding paragraph (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the Issuer in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Issuer, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers of the Issuer in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer., and (ii) the Issuer intends the words used in (15) and (16) in the immediately preceding paragraphs and the definition of Financial Obligation in this Section to have the same meanings as when they are used in the Rule, as evidenced by SEC Release No. 34-83885, dated August 20, 2018.

The Issuer shall file notice with the MSRB, in a timely manner, of any failure by the Issuer to provide financial information or operating data in accordance with Subsection (b) of this Section by the time required by such Subsection.

(d) <u>Limitations, Disclaimers, and Amendments</u>. (i) The Issuer shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the Issuer remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the Issuer in any event will give the notice required by Subsection (a) hereof of any Bond calls and defeasance that cause the Issuer to no longer be such an "obligated person".

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

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

(iv) No default by the Issuer in observing or performing its obligations under this Section shall comprise a breach of or default under the Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the Issuer under federal and state securities laws.

(v) The provisions of this Section may be amended by the Issuer from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Issuer, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the registered owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the Issuer (such as nationally recognized bond counsel) determined that such amendment will not materially impair the interest of the registered owners and beneficial owners of the Bonds. If the Issuer so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The Issuer may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

Section 12. METHOD OF AMENDMENT. The Issuer hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The Issuer may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (v) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of nationally recognized bond counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the holders of Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Bonds that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the Issuer; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Bonds, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Bonds so as to:

(1) Make any change in the maturity of any of the outstanding Bonds;

(2) Reduce the rate of interest borne by any of the outstanding Bonds;

(3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Bonds;

(4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Bonds or any of them or impose any condition with respect to such payment; or

(5) Change the minimum percentage of the principal amount of Bonds necessary for consent to such amendment.

(c) If at any time the Issuer shall desire to amend this Ordinance under this Section, the Issuer shall send by U.S. mail to each registered owner of the affected Bonds a copy of the proposed amendment. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the Issuer for inspection by all holders of such Bonds.

(d) Whenever at any time within one year from the date of mailing of such notice the Issuer shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Bonds then outstanding that are required for the amendment, which instrument or instruments shall consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the Issuer and all holders of such affected Bonds shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Bond pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Bond during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the Issuer, but such revocation shall not be effective if the holders of a majority in aggregate principal amount of the affected Bonds then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

For the purposes of establishing ownership of the Bonds, the Issuer shall rely solely upon the registration of the ownership of such Bonds on the registration books kept by the Paying Agent/Registrar.

Section 13. DEFAULT AND REMEDIES.

(a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the Issuer, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Bonds, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the Issuer.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the Issuer for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Bonds then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or agents of the Issuer or the members of its governing body.

Section 14. APPROVAL OF ESCROW AGREEMENT AND TRANSFER OF FUNDS. In furtherance of authority granted by Section 1207.007(b), Texas Government Code, the Pricing Officer is further authorized to enter into and execute on behalf of the Issuer with the escrow agent named therein (the "Escrow Agent"), an escrow or similar agreement (the "Escrow Agreement"), in the form and substance as shall be approved by the Pricing Officer, which agreement will provide for the payment in full of the Refunded Obligations. In addition, the Pricing Officer is authorized to purchase such securities, to execute such subscriptions for the purchase of the Escrowed Securities (as defined in the Escrow Agreement), if any, and to authorize such contributions for the escrow fund (the "Escrow Fund") as provided in the Escrow Agreement.

Section 15. REDEMPTION OF REFUNDED OBLIGATIONS.

(a) Subject to execution and delivery of the Purchase Agreement with the Initial Purchaser, the Issuer hereby directs that the Refunded Obligations be called for redemption on the dates and at such prices as set forth in the Pricing Certificate. The Pricing Officer is hereby authorized and directed to issue or cause to be issued Notice of Redemption of the Refunded Obligations in substantially the form set forth in Exhibit A attached hereto, completed with information from the Pricing Certificate, to the paying agents for the Refunded Obligations.

(b) In addition, the paying agent for the Refunded Obligations is hereby directed to provide the appropriate notices of redemption and defeasance as specified by the ordinance authorizing the issuance of Refunded Obligations and is hereby directed to make appropriate arrangements so that the Refunded Obligations may be redeemed on their redemption dates. The Refunded Obligations shall be presented for redemption at the paying agent therefor, and shall not bear interest after the date fixed for redemption.

(c) If the redemption of the Refunded Obligations results in the partial refunding of any maturity of the Refunded Obligations, the Pricing Officer shall direct the paying agent/registrar for the Refunded Obligations to designate at random and by lot which of the Refunded Obligations will be payable from and secured solely from ad valorem taxes of the Issuer pursuant to the ordinance of the Issuer authorizing the issuance of such Refunded Obligations (the "Refunded Bond Ordinance"). The paying agent/registrar shall notify by first-class mail all registered owners of all affected bonds of such maturities that: (i) a portion of such bonds have been refunded and are secured until final maturity solely with cash and investments maintained by the Escrow Agent in the Escrow Fund, (ii) the principal amount of all affected bonds of such maturities registered in the name of such registered owner that have been refunded and are payable solely from cash and investments in the Escrow Fund and the remaining principal amount of all affected bonds of such maturities registered in the name of such registered owner, if any, have not been refunded and are payable and secured solely from ad valorem taxes of the Issuer described in the Refunded Obligation Ordinance, (iii) the registered owner is required to submit his or her Refunded Obligations to the paying agent/registrar, for the purposes of re-registering such registered owner's bonds and assigning new CUSIP numbers in order to distinguish the source of payment for the principal and interest on such bonds, and (iv) payment of principal of and interest on such bonds may, in some circumstances, be delayed until such bonds have been re-registered and new CUSIP numbers have been assigned as required by (iii) above.

(d) The source of funds for payment of the principal of and interest on the Refunded Obligations on their respective maturity or redemption dates shall be from the funds deposited with the Escrow Agent pursuant to the Escrow Agreement approved in Section 14 of this Ordinance.

Section 16. APPROPRIATION. To pay the debt service coming due on the Bonds prior to receipt of the taxes levied to pay such debt service, if any, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount, which together with capitalized interest received from the sale of the Bonds, if any, will be sufficient to pay such debt service, and such amount shall be used for no other purpose.

Section 17. SEVERABILITY. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, despite such invalidity, which remaining portions shall remain in full force and effect.

Section 18. EFFECTIVE DATE. In accordance with the provisions of Texas Government Code Section 1201.028, this Ordinance shall be effective immediately upon its adoption by the City Council.

[Remainder of page intentionally left blank]

EXHIBIT A

[FORM OF NOTICE OF REDEMPTION]

NOTICE OF REDEMPTION

NOTICE IS HEREBY GIVEN that the City of San Angelo, Texas has called for redemption the outstanding Certificates of the City described as follows:

> **City of San Angelo, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2011B**, dated August 1, 2011, scheduled to mature February 15 in the years 2022 through 2031, inclusive, aggregating $62,605,000 (and being all of the outstanding Certificates of said series scheduled to mature on and after February 15, 2022;

Redemption date: August 15, 2021; redeemable at a redemption price of par plus accrued interest at the Designated Payment/Transfer Office of The Bank of New York Mellon Trust Company, National Association in Dallas, Texas (the "Paying Agent") only upon presentation and surrender thereof by the holder thereof.

If moneys sufficient for the payment of such redemption price are held by or on behalf of the Paying Agent, the described Certificates shall become due and payable on the redemption date specified, and the interest thereon shall cease to accrue from and after the redemption date.

In compliance with section 3406 of the Internal Revenue Code of 1986, the Paying Agent may be obligated to deduct and withhold 30 percent of such payment from the remittance to any payee who has failed to provide the Paying Agent with a valid taxpayer identification number. To avoid the imposition of the withholding of tax, such payees should submit a taxpayer identification number when surrendering the Certificates for redemption.

NOTICE IS FURTHER GIVEN that all Certificates should be submitted to the following address:

First Class/Registered/ Certified Mail	Express Delivery	Hand Delivery
The Bank of New York Mellon Trust Company, N.A. Global Corporate Trust P.O. Box 396 East Syracuse, NY 13057	The Bank of New York Mellon Trust Company, N.A. Global Corporate Trust 111 Sanders Creek Parkway East Syracuse, NY 13057	The Bank of New York Mellon Trust Company, N.A. Global Corporate Trust Corporate Trust Window 101 Barclay Street 1st Floor East New York, NY 10286

Refunding of Series 2011B Certificates

Assumes interest rates as of April 19, 2021 (at market without cushion)

- The summary analysis below assumes closing in July 2021 at current market rates (without cushion).

Refunded Obligation				
Issue	Maturities	Interest Rate	Amount	Callable
Series 2011B Certificates	2022-2031	0.98% - 2.07%	$62,605,000	8/15/2021

Summary of Results	
Par Amount of Refunding Bonds	$60,110,000
Est. True Interest Cost (TIC)	1.04%
Total Debt Service Savings	***$ 2,183,073***
Net Present Value Savings ($)	***$ 2,063,151***
Net Present Value Savings (%)	***3.296%***

Note: Interest Rates as of April 19, 2021 and include no cushion to account for unexpected market movements. Preliminary, subject to change.

Annual Savings			
FYE 9/30	Existing D/S	Post-Refunding Net D/S	Savings
2021	$ 111,006	$ 97,104	$ 13,902
2022	6,848,323	6,632,350	215,973
2023	6,850,594	6,636,500	214,094
2024	6,847,020	6,628,450	218,570
2025	6,847,227	6,628,200	219,027
2026	6,846,991	6,630,600	216,391
2027	6,848,049	6,630,600	217,449
2028	6,850,935	6,633,150	217,785
2029	6,850,290	6,633,200	217,090
2030	6,849,070	6,630,750	218,320
2031	6,850,173	6,635,700	214,473
	$ 68,599,677	$ 66,416,604	$ 2,183,073

History of Municipal Bond Interest Rates

Bond Buyer Index

History of Municipal Interest Rates

	GO
Current	2.34
Minimum	2.02
Average	3.63
Maximum	5.06
% of Time Higher	92.15%

Proposed Financing Timeline

Preliminary; Subject to Change

May						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Denotes City Council Meeting Date

Denotes Closing Date

Date	Task
Tuesday, May 4, 2021	City Council Meeting - Financing update to Council from Specialized Public Finance Inc. ("SPFI") for the Refunding Bonds. The Council will consider the Ordinance authorizing a Parameters Sale of the Bonds.
Week of: Monday, May 10, 2021	SPFI distributes the Preliminary Official Statement ("POS") for comments and requests rating from S&P Global Ratings ("S&P") & Fitch Ratings ("Fitch").
Week of: Monday, May 24, 2021	Conference call with S&P and Fitch.
Tuesday, June 8, 2021	Receive rating from S&P and Fitch. SPFI posts the POS for prospective investors.
Tuesday, June 15, 2021	Competitive Sale - Bids are received from broker/dealers. Bids are tabulated and verified by SPFI.
Thursday, July 15, 2021	Closing Date – Proceeds from the Refunding Bonds will be delivered to the escrow fund.

City Council

May 4, 2021

Refunding Bonds

- The City could refinance the Series 2011B Bonds for a lower interest rate.
- The prior interest rates are between 0.98% and 2.07%. Based on today’s market, the new refinancing rate is expected to be 1.04% (TIC).
- The total savings over the life of the transaction are approx. $2,183,073.

City Council

May 4, 2021