



## **City Council Agenda 12/7/2021**

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held December 7, 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 December 7, 2021 as National Pearl Harbor Remembrance Day
- b. Recognition of December 9, 2021 as San Angelo READS! Day
- c. Proclamation of December 17, 2021 as San Angelo NAACP Day

### **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 November 16, 2021 City Council regular meeting minutes (Julia Antilley)
- b. Consider approving a lease agreement between WIC and Cornerstone Community Action Agency in Coleman (Cristina Eureste)
- c. Consider authorizing the City Manager to negotiate and execute an amendment to the San Angelo Host concessionaire agreement for Point of Sale stations (Sidney Walker)
- d. Consider authorizing the City Manager to negotiate and execute an agreement and all related documents with the Southern Drag Boat Association (SDBA) for the annual Drag Boat Races at Lake Nasworthy (Carl White)
- e. Consider awarding Task Order #14 under IDIQ contract ES-06-19 Engineering Services to SKG Engineering in the amount of \$127,700 for Foster Rd. Street and Drainage Design and authorizing the City Manager to execute all related documents (Shane Kelton)
- f. Consider awarding Task Order #4 under IDIQ contract ES-06-19 Engineering Services to Kimley-Horn and Associates Inc. in an amount not to exceed \$76,200 for Traffic Signal Design Plans at Bryant Blvd. at Ave. L and Bryant Blvd. at Ave. N and authorizing the City Manager to negotiate and execute all related documents (Shane Kelton)
- g. Consider ratifying Change Order #1 to the Avenue P Stormwater Detention Basin Construction Agreement with Darnell Construction, correcting the contract amount approved November 17, 2020 from \$1,793,137 to the correct amount of \$2,610,557.40 and authorizing the City Manager to execute all related documents (Kevin Pate)

- h. Consider accepting an annexation petition for 9.508 acres of land, being 9.278 acres out of the Deaf and Dumb Asylums Lands Survey No. 2, Abstract No. 8211, and a 0.230 tract described and recorded in Instrument No. 201803309, Tom Green County, Texas, located southwest of Sherwood Way and FM 2288, and setting a Public Hearing on the annexation for the February 15, 2022 City Council meeting (Jon James)
- i. Second reading of an ordinance for Z21-04, a request for approval to expand the boundary of the Downtown District Overlay Zone, generally located north of Neff's Way, east of David St., south of 4th St., and west of Emerick St. (Jon James)
- j. Second reading of an ordinance amending the budget for the fiscal year beginning October 1, 2021, and ending September 30, 2022, for capital items and projects (Tina Dierschke)

## **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 awarding AP-06-21 Terminal Ramp Reconstruction with Hensel Phelps Construction Co. in the amount of \$2,259,334.60 and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Airport Director Jeremy Valgardson)
- b. Consider a resolution allowing the adjacent property owner to remove a tree in the public right-of-way adjacent to 17 W. Beauregard Ave. per Section 7.02.034 of the City Code of Ordinances (Presentation made by Planning & Development Services Director Jon James)
- c. First reading and public hearing of an ordinance extending the temporary changes to Chapter 12, Article 12.04, Signs, of the City Code of Ordinances, to allow additional time for preparation of permanent amendments to the Sign Ordinance (Presentation made by Planning & Development Services Director Jon James)
- d. Discussion and possible action on the following redistricting items as a result of the 2020 Census:
  - 1. Public Hearing to receive comments from the public regarding redistricting and the proposed new boundaries for City of San Angelo City Council single member districts
  - 2. Discussion and possible action to consider and adjust proposed redistricting plans
  - 3. Discussion and possible action to approve a resolution approving the final redistricting plan (Presentation made by Planning & Development Services Director Jon James and City Clerk Julia Antilley)
- e. Consider a resolution designating the number of votes to be cast for each nominee for the Board of Directors of the Tom Green County Appraisal District (Presentation made by City Clerk Julia Antilley)
- f. Consider a resolution calling and ordering a Special Election for January 29, 2022, authorizing the City Manager to execute a Special Election Contract with Tom Green County, and providing for the holding of an election to be administered by the Tom Green County Election Office (Presentation made by City Clerk Julia Antilley)



- g. Consider approving a contract with the San Angelo Convention & Visitors Bureau (CVB) allocating \$965,000 of Hotel Occupancy Tax (HOT) receipts for eligible activities and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Finance Director Tina Dierschke)
- h. Consider approving the 2020 Consolidated Annual Performance and Evaluation Report (CAPER) (Presentation made by Neighborhood & Family Services Director Bob Salas)

## **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. Section 551.072 - Deliberations about real property regarding:
  - 1. 2.3762 Acres Fisher & Miller, Survey 0173, Abstract 0205
  - 2. Portions of E J Wortham Survey 0001, Abstract 3945

## **8. Follow Up and Administrative Issues**

- a. Consideration and possible action regarding items discussed in Closed Session, if needed
- b. Consideration of approving various Board nominations:
  - Civic Events Advisory Board:** Karen Abbott (SMD1) to a third term, and Clara Freeze (SMD6) to a second term, both ending December 2023
  - Keep San Angelo Beautiful:** Sam Spooner (SMD3) to an unexpired term ending September 2022
  - Parks and Recreation Advisory Board:** Cie Rangel (SMD2) and Mark David (SMD6) to a first term, both ending December 2023
- c. 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 2nd day of December 2021, at 4:52 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](mailto: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

On Sunday, December 7, 1941 the Imperial Japanese Navy launched a surprise attack on Pearl Harbor in an attempt to break the American will and destroy our Pacific Fleet. The attack left over 3,500 Americans killed or wounded and marked the United States' entrance into World War II.

President Franklin D. Roosevelt declared December 7, 1941, a "date which will live in infamy". In his official speech on December 8, 1941 he included, "No matter how long it may take us to overcome this premeditated invasion, the American people in their righteous might will win through to absolute victory" and "With confidence in our armed forces, with the unbounding determination of our people, we will gain the inevitable triumph -- so help us God."

Our service members valiantly answered the call by defending their positions, fighting back against our attackers, and caring for our wounded. The sacrifices made by the members of our armed forces and civilians to protect America and its people, will never be forgotten.

On August 23, 1994, Congress, by Public Law 103-308, designated December 7 of each year as "National Pearl Harbor Remembrance Day" authorizing and requesting the President to issue annually a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities and to urge all Federal agencies, and interested organizations, groups, and individuals to fly the flag at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor.

Commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the armed forces of the United States during World War II.

Now, therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas do hereby proclaim December 7, 2021, as:

## **"NATIONAL PEARL HARBOR REMEMBRANCE DAY"**

in San Angelo, Texas. Further be it known that the citizens of San Angelo remember with eternal respect those who were injured or killed on December 7, 1941 at Pearl Harbor, including Seaman First Class Walton A. Erwin, a citizen of San Angelo, whose mortal remains are forever entombed in the U.S.S. Arizona.

**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 7<sup>th</sup> day of December 2021.

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

# Recognition

San Angelo ISD is committed to building the literacy skills of the children of San Angelo and to instill a passion for reading in every student.

As part of this commitment, SAISD is partnering with the City of San Angelo, local businesses, and other community groups for a community-wide literacy initiative “San Angelo Reads!” to increase awareness of the importance of literacy.

SAISD administrators, principals, and educators are focusing on this initiative in schools together with comprehensive literacy programs to inspire a love for reading.

SAISD invites the San Angelo community to join in and get to reading!

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas, on behalf of the City Council, and together with San Angelo Independent School District administrators, principals, educators, staff, and students do hereby recognize December 9, 2021 as the second annual

## **SAN ANGELO READS! DAY**

and urge all citizens in San Angelo, Texas to acknowledge the occasion of this day in celebration of the importance of literacy and of instilling a passion for reading in our youth.

In Witness Whereof, I have set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 7<sup>th</sup> day of December 2021.

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

# Proclamation

The San Angelo National Association for the Advancement of Colored People (NAACP) was formed in 1946 by a community leader, Mr. L.A. Raibon and a few dedicated Black men and women.

Throughout the years, the NAACP has helped deliver tremendous leadership from the Black community, serving as an integral voice for concerns about equality and justice. Leaders from this organization were involved in the planning committee to integrate public schools in San Angelo in 1954; the first Black person to serve as a city council representative, and the first Black woman to serve as a council member; the first Black person to be elected to a county position as a County Constable; and several Black men and women serving in volunteer positions on various boards and commissions. The San Angelo NAACP has repeatedly guided minority residents to register to vote and vote in all elections; serve as election workers and engage in Get Out the Vote Programs and activities. In 2017, the local chapter hosted the NAACP Regional Conference, and in 2019, served as the host chapter of the first ever NAACP State Conference in San Angelo, Texas.

The local chapter has continued to fight for voting rights, economic equality and educational opportunities, and has worked to advance the social, political, and economic conditions of ethnic people of color.

Our city has benefited from the NAACP's unwavering dedication to the objective of securing equality of opportunity for all. As this organization celebrates 75 years of service to the San Angelo community, we salute the officers and members who have worked to improve the lives of all residents of San Angelo.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo hereby proclaim December 17, 2021 as:

## **“SAN ANGELO NAACP DAY”**

to recognize and honor this organization for 75 years of service to the San Angelo community and ask that all of our citizens continue to work for the principles they have dedicated themselves to uphold.

In Witness Whereof, I have set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 7<sup>th</sup> day of December 2021.

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

City of San Angelo, Texas  
Regular City Council Meeting  
Tuesday, November 16, 2021

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Present:

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

**1. Call to Order**

With a quorum of the City Council Members present, Mayor Gunter called the regular session of the San Angelo City Council to order at 8:32 a.m. on Tuesday, November 16, 2021 in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

**2. Chaplain Prayer & Pledges**

An invocation was provided, and pledges were led, by San Angelo Police Department Chaplain Ralph Dawkins.

**3. Proclamations/Recognitions**

November 15, 2021 was proclaimed as Texas Recycles Day.

December 4, 2021 was proclaimed as Concho Christmas Celebration Day.

**4. Public Comment**

Citizen Anna Bartosh (SMD 1) expressed concern regarding children who have received the Covid-19 vaccine.

Mayor Gunter asked Executive Director of Public Works Shane Kelton for updates regarding the unmowed areas along TXDOT roadways. Mr. Kelton provided information regarding weeds, street construction, bridge repairs, and traffic signals in various areas of town.

**5. Consent Agenda**

- a. Approval of the November 2, 2021 City Council regular meeting minutes (Julia Antilley)
- b. Authorization of the City Manager to negotiate and execute Temporary Nonexclusive Access Easement License Use Agreements with adjacent property owners to City owned lands, particularly in the Lake Nasworthy area, in a form approved by the City Attorney (Allison Strube)
- c. Award of WU-01-22 Liquid Ferrous Chloride for treatment purposes at the Water Reclamation Facility to Pencco, Inc. in the amount of \$115,500 annually, budgeted for purchase in fiscal year 2022, with an option to extend for two additional one-year periods for a total contract term of up to three years and authorizing the City Manager to negotiate and execute all related documents (Allison Strube)
- d. Award of HR-01-22 Flexible Spending Account Provider to Wex Health, Inc. at a reduced cost to the City for a one year term with additional term extensions and a five year rate guarantee, and authorizing the City Manager to negotiate and execute all related documents (Veronica Sanchez)
- e. Approval of a contract with Ener-Tel Services, Inc., through BuyBoard contract #654-21 for burglar and fire alarm monitoring, fire suppression systems testing and repairs, security camera

maintenance and repairs, and building access systems maintenance and repairs, and authorizing the City Manager to negotiate and execute all related documents (Ron Lewis)

- f. Second reading and adoption of an ordinance for Z21-12, a rezoning from the Neighborhood Commercial to the General Commercial zoning district, being approximately 0.209 acres, located at 3017 Southwest Blvd. (Jon James) (Pg. 506, 2021-225)

Motion: Council Member Carter made a motion, seconded by Council Member Miller, to approve the Consent Agenda. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

**6. Regular Agenda**

- a. Discussion of ordinances governing dog ownership and possible action (Presentation made by Assistant Director Neighborhood & Family Services Morgan Chegwiddden)

*Citizen Mallory Hooker (SMD 4) requested the City's bite ordinance be reviewed to remove the eye-witness requirement for animal bites since her cat's attack/death was caught on surveillance camera and showed the two dogs.*

*Citizen Rick Ellis (SMD 1) spoke regarding a group of five dogs that roam off-leash in the area around Shady Point Circle each morning.*

Direction: Council Member Hiebert requested staff bring back the cost of four tablets for ASO's to use in the field for customer lookup and data entry at the December 7<sup>th</sup> meeting.

Direction: Mayor Gunter requested the following:

- another public information campaign to remind the public of the City's ordinance requiring microchipping and registering pets;
- staff bring statistics on how many field electronic devices are needed and at what cost;
- staff research grant funding for a fence repair program;
- the City Attorney to review the City's Ordinance relative to animal bites and the City's corresponding policy; and,
- staff to focus on the issue at Shady Point Circle.

- b. Presentation, discussion, and possible direction for proposed redistricting boundaries resulting from population shifts from the 2020 decennial federal census (Presentation made by Planning Director Jon James and City Clerk Julia Antilley)

*Citizen Anna Bartosh (SMD 1) requested a copy of the proposed redistricting map.*

*Citizen Sherley Spears (SMD 5) requested details on the number of individuals and the demographics of those moving to/from each SMD. She also inquired about a separate meeting, outside of business hours, prior to December 7<sup>th</sup> for the public to attend, and requested details of how the community will be notified.*

*Citizen Suzi Smith (SMD 6) requested that hard copies of the information be available.*

[City Clerk Julia Antilley agreed to request of the consultant the number/demographics moving to/from each district and suggested to notify the public of the redistricting boundaries and meeting via press release (along with sending emails directly to those in attendance requesting more details). Hard copies will be available for pickup in the City Clerk's Office at City Hall, Suite 204.]

[City Manager Daniel Valenzuela agreed to host a forum to discuss the proposed redistricting boundaries outside of business hours.]

- c. Public hearing and adoption of a resolution approving a Special Use, SU21-02, to allow the sale of retail merchandise including outdoor sales in a Single-Family Residential zoning district, being

approximately 0.298 acres, located at 503 W. Ave. R and 502 W. Ave. S (Presentation made by Planning & Development Services Director Jon James) (Pg. 509, 2021-226)

Motion: Council Member Thomas made a motion, seconded by Council Member Gonzales, to approve the item, as presented. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

- d. First reading and public hearing of an ordinance for Z21-04, a request for approval to expand the boundary of the Downtown District Overlay Zone, generally located north of Neff's Way, east of David St., south of 4th St., and west of Emerick St. (Presentation made by Planning & Development Services Director Jon James)

*Citizen Jamal Schumpert (SMD 4) requested clarification on why the railway was not included in the proposed boundary for the Downtown District Overlay Zone.*

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

- e. First reading and public hearing of an ordinance amending the budget for the fiscal year beginning October 1, 2021, and ending September 30, 2022, for capital items and projects (Presentation made by Finance Director Tina Dierschke)

Motion: Council Member Hiebert made a motion, seconded by Council Member Thompson, to approve the item, as presented. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

## **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. Section 551.072 - Deliberations about real property regarding 15,002-sq ft of land out of and a part of Lot 8, 9 and 13, Block D, Village of St. Angela, also known as Main Part, City of San Angelo, Tom Green County, Texas as per plat recorded in Volume B, Page 271, Deed Records of Tom Green County, Texas

## **8. Follow Up and Administrative Issues**

- a. Consideration and possible action regarding items discussed in Closed Session, if needed

No Action Taken on this Item.

- b. Announcements and consideration of Future Agenda Items

No Action Taken on this Item.

## **9. Adjournment**

Motion: Council Member Carter made a motion, seconded by Council Member Gonzales, to adjourn the meeting. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

There being no further business, the meeting adjourned at 10:33 a.m.

**THE CITY OF SAN ANGELO, TEXAS:**

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Brenda Gunter, Mayor



**ATTEST:**

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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.)

DRAFT

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Cristina Eureste, WIC Manager, WIC,

Meeting Date: December 7, 2021

Item type: Consent Item

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## **Caption:**

Consider approving a lease agreement between WIC and Cornerstone Community Action Agency in Coleman (Cristina Eureste)

## **Staff Recommendation:**

Approve

## **Summary/History:**

The current WIC lease agreement in Coleman is set to expire on November 30, 2021 and is agreeable to a five year term with no change in costs. Staff is requesting approval to execute a new lease agreement with Cornerstone Community Action Agency effective December 1, 2021 through November 30, 2026. WIC will be paying \$250 a month for rent of space, which is necessary to maintain a satellite clinic presence in Coleman. This is within the WIC department budget.

## **Funding Source(s):**

## **Financial Impact:**

There will be no increase in costs. WIC will be paying the same amount, \$250 a month, for rent of space. This is within the WIC department budget.

## **Other Information/Recommendation:**

Staff recommends approval.

## **Attachments:**

## **Presentation:**

Cristina Eureste

## **Approvals/Reviews:**

Cristina Eureste

Bob Salas

Theresa James

Jeff Tomlinson

Tina Dierschke

Theresa James

Julia Antilley

Created/Initiated

Approved

Approved

Approved

Approved

Approved

Final Approval



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Sidney Walker, Civic Events Manager, Civic Events, 3256539577

Meeting Date: December 7, 2021

Item type: Consent Item

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## **Caption:**

Consider authorizing the City Manager to negotiate and execute an amendment to the San Angelo Host concessionaire agreement for Point of Sale stations (Sidney Walker)

## **Staff Recommendation:**

Approve

## **Summary/History:**

On December 15, 2020, City Council approved for Civic Events to purchase up to \$20,000 in Point of Sale (POS) stations for the Foster Communications Coliseum, McNease Convention Center, and the Bill Aylor Sr. Memorial River Stage. The POS stations would allow the concessionaire to accept debit/credit cards at our venues, instead of being limited to cash only. These stations will also help reduce hand-to-hand transactions and the City would be able to receive real time sales.

After thorough assessment of this matter, we now believe it would be best for us to lease the POS stations through our concessionaire and deduct the expense from the City's portion of our percentage from San Angelo Host. We would need to amend the concessionaire agreement with language regarding the POS stations. We would like to receive the Mayor and City Council's approval to allow the City Manager the ability to execute this proposed amendment.

## **Funding Source(s):**

## **Financial Impact:**

Civic Events Fund 410 Balance - 1,199,156 (as of September 30, 2021)

## **Other Information/Recommendation:**

## **Attachments:**

## **Presentation:**

Sidney Walker

## **Approvals/Reviews:**

Sidney Walker  
Carl White

Created/Initiated  
Approved

Theresa James  
Jeff Tomlinson  
Tina Dierschke  
Julia Antilley

Approved  
Approved  
Approved  
Final Approval

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: December 7, 2021

Item type: Consent Item

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## **Caption:**

Consider authorizing the City Manager to negotiate and execute an agreement and all related documents with the Southern Drag Boat Association (SDBA) for the annual Drag Boat Races at Lake Nasworthy (Carl White)

## **Staff Recommendation:**

Approve

## **Summary/History:**

The Southern Drag Boat Association (SDBA) is requesting the use of Spring Creek and Middle Concho Parks, as well as part of the lake to host the annual races. They plan to host two events for 2022, the first June 25-6 and the second September 23-25.

The basic terms of the agreement would include:

- \* a 1-year term, with no option to extend.
- \* a "rental" fee for the use of the parks for the events of \$10,000, total.
- \* SDBA to coordinate, prepare, operate, manage and execute the events.
- \* SDBA to clean and return the parks to the same condition before the events, after each event.
- \* waiver of the applicable ordinances as previously approved the years past. Requested ordinance waivers include: coordination of camping and parking for the event, entrance gate fees, permits for street closures, tents, vendors and signs, provisions regulating the water of Lake Nasworthy, such as "No Wake" zones, and waiver to allow vendors within 500 feet of boat ramps and City-owned property leased for commercial purposes, which has been the practice of past races.
- \* 1 event in June and 1 event in September.
- \* SDBA must complete and submit a Special Event Application as part of the agreement.

## **Funding Source(s):**

## **Financial Impact:**

There is no new cost for entering into this agreement.

The City would be paid a flat fee of \$8,000.00 to have use of the parks for the events.

SDBA would also cover the direct cost of added security for the event.

## **Other Information/Recommendation:**

**Attachments:**

- |    |                   |                        |
|----|-------------------|------------------------|
| 1. | 22-0040 Agreement | 22-0040 Agreement.docx |
|----|-------------------|------------------------|

**Presentation:**

Carl White

**Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Carl White     | Created/Initiated |
| Rick Weise     | Approved          |
| Theresa James  | Approved          |
| Tina Dierschke | Approved          |
| Julia Antilley | Final Approval    |

**SPECIAL EVENT CONTRACT  
BY AND BETWEEN  
THE CITY OF SAN ANGELO  
AND  
SOUTHERN DRAG BOAT ASSOCIATION**

This Special Event Contract ("Agreement") effective June 20, 2022, ("Effective Date") is entered into by and between the City of San Angelo, a Texas home rule municipal corporation ("City") and the Southern Drag Boat Association ("SDBA" or "Promoter").

**RECITALS**

WHEREAS, SDBA desires to be the promoter and sponsor of an annual drag boat racing event called the "CRAIG PARTUSCH MEMORIAL SHOWDOWN IN SAN ANGELO" (the "Event") on the waters of Lake Nasworthy, a lake owned by the City of San Angelo, Texas, and on lake park land; and,

WHEREAS, the City Council, pursuant to Chapter 9, Division 4 "Special Events" of the San Angelo Code of Ordinances may authorize special events with temporary variances from prohibitions and requirements of city ordinances, for sporting and recreational purposes on Lake Nasworthy; and,

WHEREAS, on December 7, 2021, pursuant to consideration of factors set forth in Article 9.03, Council authorized a two special events known as the CRAIG PARTUSCH MEMORIAL SHOWDOWN IN SAN ANGELO and the SDBA SEASON FINALS on the waters of Lake Nasworthy to be promoted and sponsored by SDBA upon terms and conditions included herein.

NOW THEREFORE, for and in consideration of the premises, undertakings and mutual covenants of the parties set forth herein, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged by each of the parties, City and SDBA agree as follows:

**Section 1. Recitals.** The foregoing recitals are true and correct and are hereby incorporated into and made a part of this Agreement.

**Section 2. Lease of Park Land. (a) Leased Premises.** These Special Events shall include the lease by City as Landlord to Promoter as Tenant of the following park lands from 6 a.m. on June 20, 2022 through 4 p.m. on June 28, 2022 and 6 a.m. on September 19, 2022 through 4 p.m. on September 27, 2022 for Ten Thousand and No/100 Dollars (\$10,000) inclusive of three (3) days on which each event is to be conducted, plus the five (5) days preceding each event for set up and two (2) days immediately following the last day of each event for tear down and clean up, for a total lease term of eighteen (18) days:

Spring Creek Park and Middle Concho Park as more particularly described and depicted on **Exhibit "A"**, attached hereto and made a part of this Agreement for all purposes (hereinafter collectively the "Leased Premises").

Rent for Leased Premises shall be payable in advance of the event and shall accompany the required Application for Special Event to be submitted to the Director.

**(b) Landlord Preparation.** City shall prepare the Leased Premises just prior to the Tenant set up day for each lease term by mowing the grass and removal of trash. Tenant shall be solely responsible for set up, tear down and clean-up of the Leased Premises following each special event.



**(c) Tenant Public Fees.** Fees charged by Tenant for access to or use of Leased Premises during a special event shall be subject to pre-approval by the Director.

**(d) Security.** In addition to rent, Tenant shall be solely responsible for providing reasonable security for the authorized special event and use of Leased Premises, as approved by the San Angelo Police Department.

**(e) Miscellaneous Lease Provisions.**

- i. Tenant may operate all-terrain vehicles in and about the Leased Premises;
- ii. Tenant may designate or restrict access to areas for parking, camping, vendors, racers and crews, and spectators. No RV camping not sponsored by Tenant will be allowed at Spring Creek, except on property under separate lease to a third party that is utilized for RV parking which Tenant shall permit continuous ingress and egress across Leased Premises for RV park purposes.
- iii. Tenant is permitted to set up Tents and post signs subject to regulation set out in the Special Event Permit or as otherwise directed by the Director.
- iv. Tenant may close park driveways on Leased Premises as approved by the Director and designated by Tenant on maps.
- v. Tenant may prohibit access to the race area by unauthorized persons and boats until after the track is disassembled within the tear down period provided for.
- vi. Tenant may restrict access to the Leased Premises for exclusive use of Tenant for Special Event purpose for the time periods designated in the Permit.
- vii. Tenant may prohibit awnings and coolers larger than 50 quarts in the designated spectator viewing and vending areas.
- viii. Tenant may prohibit camping at locations in the Leased Premises, other than in the designated RV vehicle parking areas.
- ix. Boats shall not be permitted in Middle Concho Park of the Leased Premises for the term of the Permit.
- x. Tenant fees charged to the public relating to the Special Event pursuant to the lease shall be subject to prior approval of the Director.
- xi. Tenant shall provide:
  - a minimum of thirty (30) Port-A-Potties, two (2) of which shall be ADA accessible shall be provided in the Spring Creek Park area;
  - adequate garbage dumpsters as determined by the Director of Parks and Recreation;
  - maintain the permanent restroom facilities;
  - provide security through the San Angelo Police Department (SAPD) as recommended by the SAPD;
  - work with the SAPD in developing a mutually agreeable plan for traffic control;
  - provide, set up and remove barricades reasonably necessary for the direction of vehicular traffic and for designation of parking, camping, spectators, vendors, racers, crews and other necessary designated areas;
  - provide designated parking areas, including designated RV and ADA parking spaces;
  - provide all necessary employees and volunteers reasonably necessary to safely and efficiently conduct the Special Event;
  - Require vendors to obtain all permits required under city ordinance, including but not limited to Sales and Use Tax, and present proof thereof to the Tenant prior to conducting business.

- Tenant is required to use the City Concessionaire exclusively for the sale of any alcoholic beverages.
- Tenant shall allow Lake Nasworthy Tours (Tule Princess) access to their leased property for the duration of the Event.
- Tenant shall ensure access over water to areas affected by the event before and after the racing. Access shall not be allowed during the racing.

The City Manager or his designee shall have full authority to enforce Tenant compliance with the foregoing requirements and, in Landlord's sole discretion, to correct any deficiency in Tenant compliance, including the authority to immediately suspend the Special Event Permit and Tenant operation of the Special Event until such deficiencies as determined in the sole discretion of the City Manager or his designee, are corrected.

**Section 3. Initial Term.** This contract shall commence on the Effective Date first herein above provided and continue through September 27, 2022, at which time this Agreement shall automatically expire and be of no further force or effect, unless earlier terminated.

**Section 4. Compliance with Federal, State and Local Laws.** Promoter shall be solely responsible for securing such permits as may be required and for compliance by Promoter and Promoter's employees, agents, subcontractors, and licensees with ordinances and other applicable federal, state and local laws and regulations in the promotion, sponsorship and conduct of each special event conducted pursuant to this Agreement.

**Section 5. INDEMNIFICATION.** Promoter shall indemnify, defend and hold harmless City and its officials, employees and agents (collectively referred to as "Indemnitees") and each of them from and against all loss, costs, penalties, fines, damages, claims, expenses (including reasonable attorney's fees) or liabilities (collectively referred to as "Liabilities") by reason of any injury to or death of any person or damage to or destruction or loss of any property arising out of, resulting from, or in connection with (i) the performance or non-performance of the promotion, sponsorship and conduct of special events (hereinafter collectively "Services") contemplated by this Agreement but only to the extent caused by the negligent acts, errors or omissions, intentional torts, intellectual property infringement, or a failure to pay a subcontractor or supplier committed by Promoter or Promoter's agent, consultant under contract, or another entity over which Promoter exercises control, or its employees, agents or sub-providers (collectively referred to as "Promoter") (ii) the failure of Promoter to comply with any of the paragraphs herein or the failure of Promoter to conform Services or work to statutes, ordinances, or other regulations or requirements of any governmental authority, federal, state or local, in connection with the performance of this Agreement. Promoter expressly agrees to indemnify and hold harmless the Indemnitees, or any of them, from and against all liabilities which may be asserted by an employee or former employee of Promoter, or any of its sub-providers, as provided above, for which Promoter's liability to such employee or former employee would otherwise be limited to payments under State Workers' Compensation or similar laws. Nothing herein shall require Promoter to indemnify, defend, or hold harmless any Indemnitee for the Indemnitee's own gross negligence or willful misconduct. Any and all indemnity provided for in this Agreement shall survive the expiration of this Agreement and the discharge of all other obligations owed by the parties to each other hereunder and shall apply prospectively not only during the term of this Agreement and any extension thereof

**but thereafter so long as any liability could be asserted in regard to any acts or omissions of Promoter in performing Services under this Agreement.**

**Section 6. Insurance.** Promoter shall, at all times during the term hereof, maintain such insurance coverage as may be required by City of the types and in the amounts specified in **Exhibit “B”** attached hereto, which by this reference is incorporated into this Agreement for all purposes, and with insurers licensed to do business in Texas. All insurance required herein shall be drawn in the name of Promoter, with City, its council members, board and commission members, officials, agents, guests, invitees, consultants and employees named as additional insureds, except on coverage for Workers’ Compensation. Every policy required above shall be primary insurance. Any insurance or self-insurance benefits carried by City, its officers, or its employees, shall be excess and not contributory to that provided by Promoter. All such insurance, including renewals, shall be subject to the approval of City for adequacy of protection and evidence of such coverage shall be furnished to City on Certificates of Insurance indicating such insurance to be in force and effect and providing that it will not be canceled during the performance of Services under this Agreement without thirty (30) calendar days prior written notice to City. Completed Certificates of Insurance shall be filed with City’s Risk Manager at City Hall, 72 W. College Avenue, San Angelo, Texas 76903 prior to the performance of Services hereunder, provided, however, that Promoter shall at any time upon request file duplicate copies of the policies of such insurance with City.

The procurement of insurance coverage by Promoter shall not be construed to be a limitation upon Promoter’s liability or as a full performance on its part of Promoter’s indemnification requirements under this Agreement. Promoter’s obligations are, notwithstanding any policy of insurance, for the full and total amount of any damage, injury or loss caused by or attributable to its activities conducted at or upon the premises. Failure of Promoter to maintain adequate coverage shall not relieve Promoter of any contractual responsibility or obligation.

Promoter shall require its insurance carrier(s), with respect to all insurance policies, to waive all rights of subrogation against City, its council members, board and commission members, officials, agents, guests, invitees, consultants and employees.

Promoter shall cause each subprovider and sub-subprovider of Promoter to purchase and maintain insurance of the types and in the amounts specified in **Exhibit “B”** hereto. Promoter shall require subproviders and sub-subproviders to furnish copies of certificates of insurance to Promoter’s Risk Manager evidencing coverage for each subprovider and sub-subprovider.

If, in the judgment of City, prevailing conditions warrant the provision by Promoter of additional liability insurance coverage or coverage which is different in kind, City reserves the right to require the provision by Promoter of an amount of coverage different from the amounts or kinds previously required and shall afford written notice of such change in requirements thirty (30) days prior to the date on which the requirements shall take effect. Should Promoter fail or refuse to satisfy the requirement of changed coverage within thirty (30) days following City’s written notice, Promoter shall be deemed in default of this Agreement.

**Section 7. Default.** If Promoter fails to comply with any term or condition of this Agreement or of the terms of a Special Event Application approved by the Director as herein

provided, then Promoter shall be in default. Upon the occurrence of a default hereunder, City, in addition to all remedies available to it by law, may immediately upon written notice to Promoter, terminate this Agreement whereupon all rights and privileges of Promoter under this Agreement shall immediately terminate and City shall not be responsible for any direct or indirect damages suffered by Promoter as a result of termination of the Agreement. Promoter understands and agrees that termination of this Agreement under this section shall not release Promoter from any obligation accruing prior to the effective date of termination.

**Section 8. Non-discrimination.** Promoter represents and warrants to City that Promoter does not and will not engage in discriminatory practices prohibited by law and that there shall be no discrimination in connection with Promoter's performance under this Agreement on account of race, color, sex, religion, age, handicap, marital status or national origin. Promoter further covenants that no otherwise qualified individual shall, solely by reason of his/her race, color, sex, religion, age, handicap, marital status or national origin, be excluded from participation in, be denied services, or be subject to discrimination under any provision of this Agreement.

**Section 9. Assignment.** This Agreement shall not be assigned by Promoter, in whole or in part, without the prior written consent of City, which may be withheld or conditioned, in City's sole discretion.

**Section 10. Notices.** All notices or other communications required under this Agreement shall be in writing and shall be given by hand-delivery or by registered or certified U.S. Mail, return receipt requested, addressed to the other party at the address indicated herein or to such other address as a party may designate by notice given as herein provided. Notice shall be deemed given on the day on which personally delivered; or, if by mail, on the third day after being posted or the date of actual receipt, whichever is earlier.

**TO CITY:**

City of San Angelo  
Attn: Dir. of Parks & Recreation  
702 S. Chadbourne Street  
San Angelo, Texas 76903  
Telephone No.: (325) 657-4450

**TO PROMOTER:**

Southern Drag Boat Association  
Attn: Series Director, David Carroll  
P.O. Box 28  
Burnet, TX 78611  
Telephone No.: (830) 385-3106

**Section 11. Amendment.** This Agreement may not be amended except upon written agreement executed by each of the parties hereto.

**Section 12. Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. The parties hereto agree that venue of any suit brought for any breach of this Agreement is exclusively fixed in any court of competent jurisdiction in Tom Green County, Texas.

**Section 13. Successors and Assigns.** This Agreement shall be binding upon the parties hereto, their heirs, executors, legal representatives, successors, or permitted assigns.

**Section 14. Independent Contractor.** Promoter performs Services under this Agreement as an independent contractor, and not as an agent or employee of City. Accordingly, neither Promoter or Promoter's agents, employees or sub-providers (hereinafter collectively "Promoter's Workers") shall attain, nor be entitled to, any rights or benefits under the Civil Service or Pension Ordinances of City, nor any rights generally afforded classified or unclassified employees of City. Promoter further understands that Texas Workers' Compensation benefits available to employees of City are not available to Promoter's Workers, and agrees to provide all wages and other compensation due Promoter's Workers, and workers' compensation insurance for any Worker, employee or agent of Promoter rendering Services under this Agreement.

**Section 15. Survival of Remedies.** Anything in this Agreement to the contrary notwithstanding, the provisions of this Agreement relating to indemnity and any other provisions which by their nature should survive termination or expiration of this Agreement, shall so survive.

**Section 16. Entire Agreement of the Parties.** This Agreement, and any written Special Event Applications approved pursuant to this Agreement, represent the entire and integrated agreement between the parties with respect to the subject matter hereof. All prior negotiations, representations or agreements with respect to the subject matter hereof not expressly incorporated into this Agreement are hereby superseded and cancelled.

[Signature Page Follows]

**“PROMOTER”  
SOUTHERN DRAG BOAT ASSOCIATION**

By: \_\_\_\_\_  
David Carroll, Series Director  
Email: [david.carroll810@gmail.com](mailto:david.carroll810@gmail.com)

**“CITY”  
CITY OF SAN ANGELO**

By: \_\_\_\_\_  
Daniel Valenzuela, City Manager

ATTEST:

\_\_\_\_\_  
Julia Antilley, City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

\_\_\_\_\_  
Carl White, Director of Parks & Recreation

\_\_\_\_\_  
Theresa James, City Attorney

APPROVED AS TO RISK:

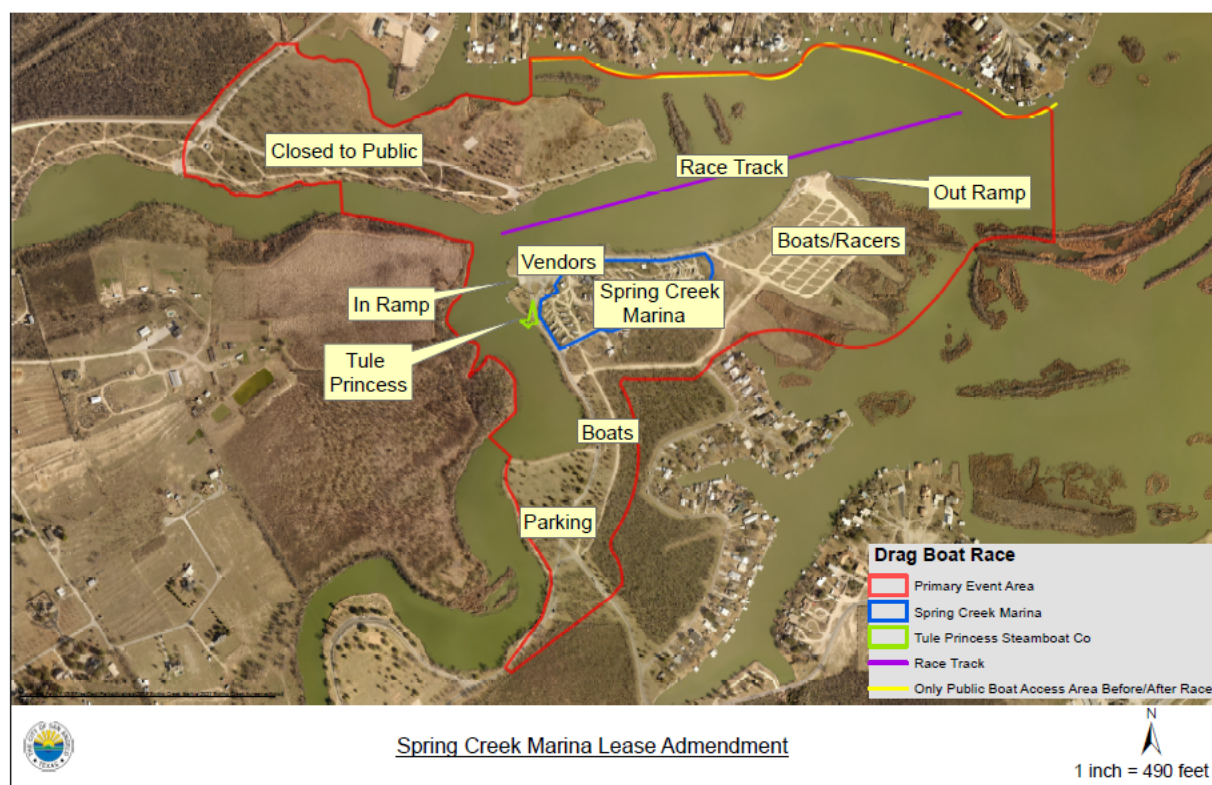
\_\_\_\_\_  
Charles Hagen, Risk Manager

## EXHIBIT "A"

### Description and Depiction of Leased Premises

Spring Creek Park being sixty (60) acres more or less and located adjacent to the waters of Lake Nasworthy, City of San Angelo, Tom Green County, Texas, as depicted on following diagram.

Middle Concho park being ninety (90) acres more or less and located adjacent to the waters of Lake Nasworthy, City of San Angelo, Tom Green County, Texas, as depicted on following diagram.



## EXHIBIT "B"

### SPECIAL INSURANCE RIDER

**TYPES AND AMOUNTS OF INSURANCE REQUIRED.** Promoter shall obtain and continuously maintain in effect at all times during the term hereof, at Promoter's sole expense, insurance coverage as follows with limits not less than those set forth below:

**1.1 Commercial General Liability.** This policy shall be an occurrence-type policy and shall protect Promoter and additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than Promoter's employees) and damage to property of City or others arising out of the act or omission of Promoter or its agents and employees. This policy shall also include protection against claims for the contractual liability assumed by Promoter under the paragraph of this Agreement entitled "Indemnification," including completed operations, products liability, contractual coverage, broad form property coverage, explosion, collapse, underground, premises/operations, and independent contractors (to remain in force for two years after final payment). Coverage limits shall not be less than:

|                |                                 |
|----------------|---------------------------------|
| \$2,000,000.00 | General Aggregate               |
| \$1,000,000.00 | Products – Completed Operations |
| \$1,000,000.00 | Personal & Advertising Injury   |
| \$1,000,000.00 | Each Occurrence                 |
| \$ 100,000.00  | Fire Damage (any one fire)      |

**1.2 Business Automobile Liability.** This policy shall be written in comprehensive form and shall protect Promoter and the additional insureds against all claims for injuries to members of the public and damage to property of others arising from the use of motor vehicles and shall cover operation on and off the premises of all motor vehicles licensed for highway use, whether they are owned, non-owned or hired. Coverage shall be as follows:

|                 |                       |
|-----------------|-----------------------|
| \$ 1,000,000.00 | Combined Single Limit |
|-----------------|-----------------------|

**1.3 Workers' Compensation and Employer's Liability.** If Promoter hires any employees, Promoter shall maintain Workers' Compensation and Employer's Liability insurance, which shall protect Promoter against all claims under applicable state workers' compensation laws and employer's liability. The insured shall also be protected against claim for injury, disease or death of employees which for any reason, may not fall within the provisions of a workers' compensation law. Coverage shall not be less than:

|                  |                                               |
|------------------|-----------------------------------------------|
| Statutory Amount | Workers' Compensation                         |
| \$ 500,000.00    | Employer's Liability, Each Accident           |
| \$ 500,000.00    | Employer's Liability, Disease - Each Employee |
| \$ 500,000.00    | Employer's Liability, Disease - Policy Limit  |

If Promoter uses contract labor, Promoter shall require its sub-provider to maintain the above referenced coverage and furnish copies of certificates of insurance as required herein.



**1.4     Liquor Liability.** In the event Promoter plans to distribute, serve, or sell alcoholic beverages, the Promoter shall obtain Liquor Liability coverage in the amount indicated below. The insurance shall protect the Promoter and the additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than Promoter's employees) or damage to the property of others, which arises out of the sale or distribution of alcoholic beverages. Coverage shall be no less than:

|                |                                        |
|----------------|----------------------------------------|
| \$1,000,000.00 | Combined Single Limit, each occurrence |
|----------------|----------------------------------------|

**1.5     Environmental Liability.** This insurance shall be maintained in force for the full period of this Contract and cover losses caused by pollution conditions including, but not limited to, any spill, underground pollution or any other environmental impairment. It shall apply to bodily injury; (including death) property damage, including loss of use of damaged property or of property that has not been physically injured; cleanup costs; including, but not limited to, any costs required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and defense, including costs and expenses incurred in the investigation, defense, or settlement of claims. If coverage is written on a claims made basis, Contractor warrants that any retroactive date applicable to coverage under the policy precedes the effective date of this Contract, and continuous coverage will be maintained or an extended discovery period will be exercised for a period of two (2) years beginning from the time the Contract has expired. Coverage shall not be less than:

|                |                  |
|----------------|------------------|
| \$1,000,000.00 | Per loss         |
| \$2,000,000.00 | Annual aggregate |

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Charles Michalewicz, Engineer, Public Works, 325-657-4201

Meeting Date: December 7, 2021

Item type: Consent Item

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## **Caption:**

Consider awarding Task Order #14 under IDIQ contract ES-06-19 Engineering Services to SKG Engineering in the amount of \$127,700 for Foster Rd. Street and Drainage Design and authorizing the City Manager to execute all related documents (Shane Kelton)

## **Staff Recommendation:**

Approve

## **Summary/History:**

Foster Road is listed as a major project in the City's Hazard Mitigation Plan. This Plan identifies projects that will prevent or improve safety issues that could arise during natural events such as heavy rains, tornados, etc. Foster Road is the sole entry and exit for the Butler Farms subdivision. During heavy rain events, runoff overtops the road to the extent that it is impassable for residents and emergency response personnel.

Staff solicited for engineering design and construction documents to have ready when grants or other construction funding becomes available. Since Foster Road is listed in the City's Hazard Mitigation Plan, it is eligible for Hazard Mitigation and other grant opportunities. These grant opportunities usually have short application periods, and having finalized plan sets available will ensure that the City can meet these short application deadlines.

The design will include expanding Foster Road to arterial standards as well as provide drainage improvements to mitigate overtopping of Foster Road in certain rain events.

In addition to the Hazard Mitigation Plan, Foster Road is identified as a major arterial in the City's Master Thoroughfare Plan. The project is also listed in the City's CIP program as well as is prioritized as number 34 in the City's updated Master Drainage Plan.

In this task order, SKG Engineering will perform professional engineering services to design the needed roadway and drainage improvements from Loop 306 Frontage Rd to River Valley Lane.

## **Funding Source(s):**

## **Financial Impact:**

The design is budgeted in the fiscal year 2022 budget. This project includes design and final construction plans. This will allow expeditious grant application and/or bidding when construction funding becomes available.

## **Other Information/Recommendation:**

Staff recommends awarding Task Order #14 to SKG Engineering for engineering design and construction documents.

**Attachments:**

- |    |                                    |                                        |
|----|------------------------------------|----------------------------------------|
| 1. | Foster Rd SKG Fee Proposal 11.4.21 | Foster Rd SKG Fee Proposal 11.4.21.pdf |
| 2. | Foster Road CONCEPT                | Foster Road CONCEPT.pdf                |

**Presentation:**

Shane Kelton

**Approvals/Reviews:**

|                     |                   |
|---------------------|-------------------|
| Charles Michalewicz | Created/Initiated |
| Kevin Pate          | Approved          |
| Patrick Frerich     | Approved          |
| Shane Kelton        | Approved          |
| Theresa James       | Approved          |
| Jeff Tomlinson      | Approved          |
| Tina Dierschke      | Approved          |
| Theresa James       | Approved          |
| Julia Antilley      | Final Approval    |



November 4, 2021

Mr. Shane Kelton  
Operations Director  
301 West Beauregard Ave.  
San Angelo, Texas 76903

Re: Fee Proposal for Professional Engineering Services  
Foster Road Improvement Project  
Loop 306 to River Valley Lane

Dear Mr. Kelton,

SKG Engineering, LLC proposes to provide surveying and engineering related services associated with the Foster Road Improvement Project. The extents are shown on exhibit A. The scope and lump sum fees are broken down by the Scope of Work outlined as follows.

## **SCOPE OF WORK**

### **1. TOPOGRAPHIC SURVEY**

- a. **SKG** will perform the necessary survey field work to determine existing spot elevations and improvement and prepare the appropriate drawings for the design of the project.
- b. Fee for this scope is \$6,800.

### **2. RIGHT-OF-WAY SURVEY**

- a. **SKG** will survey and delineate the Right-of-Way along the alignment of the Project.
- b. **SKG** determine the need for additional Right-of-Way for the Project.
- c. **SKG** will prepare legal descriptions and maps necessary to procure additional Right-of-Way or easements for the project, if required.
- d. Fee for this scope will not exceed \$3,400.

### 3. GEOTECHNICAL INVESTIGATION

- a. **SKG** will perform a geotechnical investigation along the alignment of the project to include 4 boreholes to 15' along the alignment of the roadway and provide pavement recommendations and parameters for drainage structures.
- b. **Fee** for this scope will be \$9,700.

### 4. UTILITIES

- a. **Coordinate** with COSA staff to review records for a 12" water main extension between the existing water main at each of this project.
- b. **Design** the water main extension improvements according to COSA and TCEQ design standards.
- c. **Provide** detail sheets showing appropriate COSA utility details.
- d. **Fee** for this scope will be \$14,500.

### 5. STREET PLAN PROFILE

- a. **Evaluate** the existing alignment and profile of Foster Road.
- b. **Design** new plan-profile alignments for Foster Road as an arterial street.
- c. **Provide** detail sheets showing the appropriate COSA or TxDOT details necessary to construct the improvements.
- d. **Design** type and placement of pavement markings.
- e. **Fee** for this scope is \$37,400.

### 6. SIDEWALKS AND CURB RAMPS

- a. **Design** a sidewalk and curb ramps per COSA standards for an arterial street along the entire length on one side of the street per Public Right-of Way Accessibility Guidelines.
- b. **Provide** detail sheets showing the appropriate COSA or TxDOT details necessary to construct the improvements.
- c. **Fee** for this scope is \$2,800.

### 7. DRAINAGE STRUCTURES

- a. **Evaluate** the existing drainage conditions contributing to Foster Road.
- b. **Design** new drainage structures.
- c. **Design** using HEC RAS & HMS with Atlas 14 Model.
- d. **Provide** HEC models and detail sheets showing the appropriate COSA or TxDOT details necessary to construct the improvements.
- e. **Fee** for this scope is \$38,600.

### 8. SPECIFICATIONS

- a. **Prepare** project manual including instructions, specifications and standards required to accomplish the foregoing. Use COSA standards, details and specifications where available, otherwise use TxDOT.
- b. **Fee** for this scope is \$4,200.

## **9. SUBMITTALS**

- a. Preliminary Design Drawings, reports, specifications, opinion of probable construction cost, or other items as appropriate will be submitted at each milestone. COSA shall review and comment to be incorporated into future Design Drawings.
- b. Submittals will occur at 30, 60, 90, and 100 percent complete milestones.
- c. From notice to proceed to 30% to be 110 days; from receipt of 30% comments to 60% to be 90 days; from receipt of 60% comments to 90% to be 75 days; from receipt of 90% comments to 100% to be 45 days.
- d. Submittals shall include an electronic copy in PDF.
- e. **Fee** for this scope is included in the fees stated above.

## **10. DELIVERABLES**

- a. Complete electronic CAD Files on permanent media for COSA to create as-built drawings to be compatible with Autocad Civil 3D Version 2020.
- b. Final Plans & Specifications.
  - i. Electronically in PDF format.
- c. Reports listed herein.
- d. Engineer's Opinion of Probable Cost in Excel format.
- e. Bid Form in Excel format.
- f. Fee for this scope:
  - i. Street Project is \$2,400.
  - ii. Water Utility Project is \$1,500.

## **11. BID PHASE SERVICES**

- a. Attend pre-bid conference.
- b. Respond to bidder's questions regarding technical design and generate associated response to City for questions submitted prior to bid opening.
- c. Develop conformed plans and specifications based on clarifications and addenda during bid phase.
  - i. SUBMIT
    - 1. Complete electronic CAD Files on permanent media for COSA to create as-built drawings.
    - 2. Final Plans & Specifications.
      - a. Electronically in PDF format.
- d. **Fee** for this scope:
  - i. Street Project is \$4,800
  - ii. Water Utility Project is \$1,600

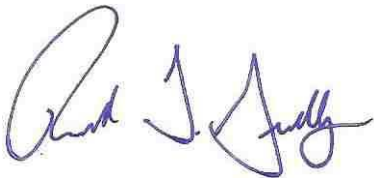
Fee Summary:

|     |                              |                |
|-----|------------------------------|----------------|
| 1.  | Topographic Survey           | \$6,800        |
| 2.  | Right-of-Way Survey          | \$3,400        |
| 3.  | Geotechnical Investigation   | \$9,700        |
| 4.  | Utilities                    | \$14,500       |
| 5.  | Street Plan-Profile          | \$37,400       |
| 6.  | Sidewalks and Curb Ramps     | \$2,800        |
| 7.  | Drainage Structures          | \$38,600       |
| 8.  | Specifications               | \$4,200        |
| 9.  | Submittals                   | Included       |
| 10. | Deliverables – Street        | \$2,400        |
|     | Deliverables – Water Utility | \$1,500        |
| 11. | Bid Phase – Street           | \$4,800        |
|     | Bid Phase – Water Utility    | <u>\$1,600</u> |
|     | Total                        | \$127,700      |

Should additional services be required beyond those listed hereon a separate proposal identifying the additional services can be provided.

We appreciate the opportunity to respond to your request, if you have any further questions or comments, please feel free to contact me at [rg@skge.com](mailto:rg@skge.com) or (325) 652-1288.

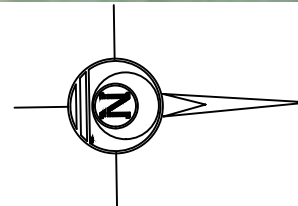
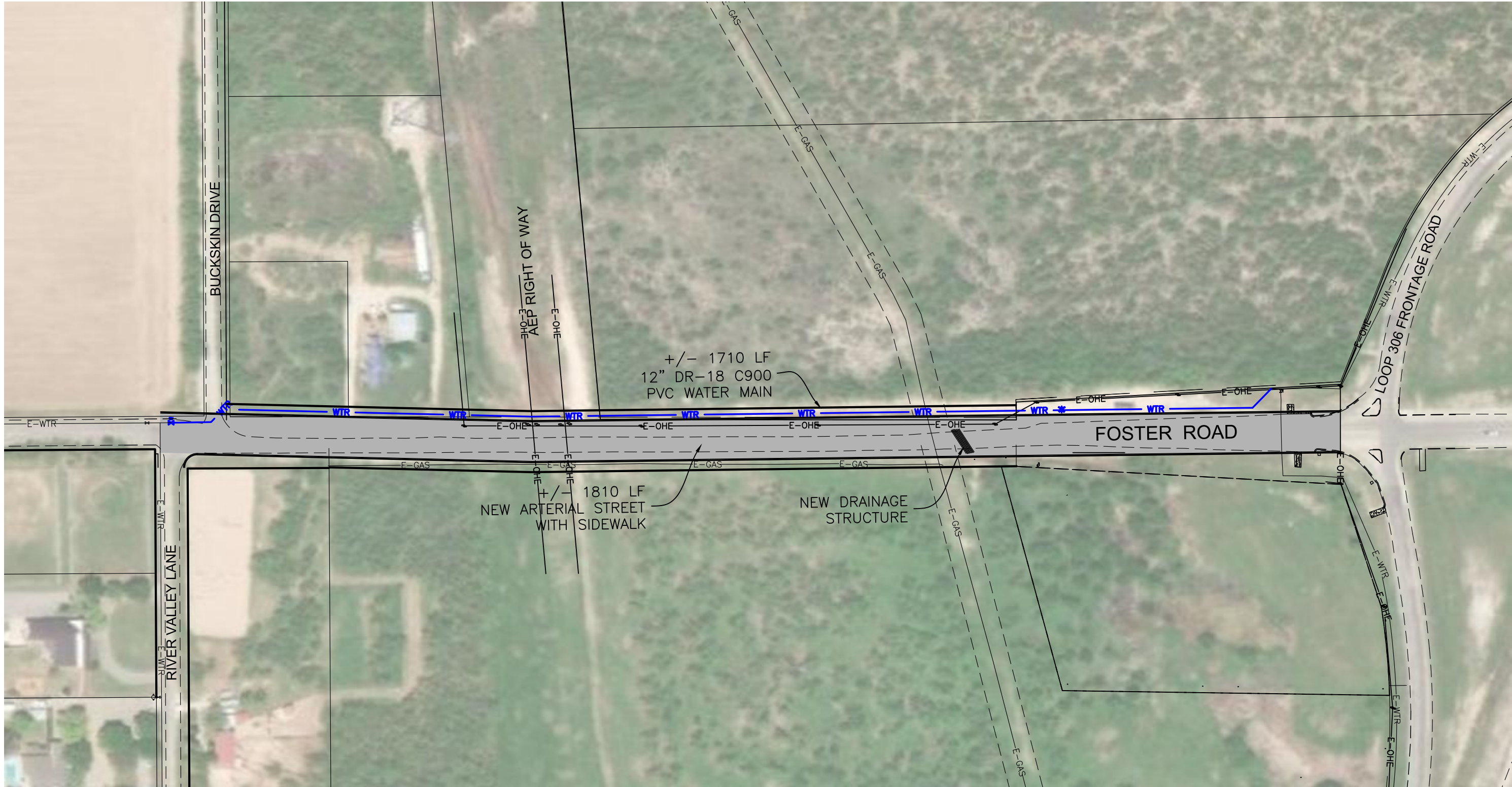
Sincerely,

A handwritten signature in blue ink, appearing to read "Russ T. Gully".

Russell T. Gully, P.E.  
SKG Engineering

Attachment







# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Charles Michalewicz, Engineer, Public Works, 325-657-4201

Meeting Date: December 7, 2021

Item type: Consent Item

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## **Caption:**

Consider awarding Task Order #4 under IDIQ contract ES-06-19 Engineering Services to Kimley-Horn and Associates Inc. in an amount not to exceed \$76,200 for Traffic Signal Design Plans at Bryant Blvd. at Ave. L and Bryant Blvd. at Ave. N and authorizing the City Manager to negotiate and execute all related documents (Shane Kelton)

## **Staff Recommendation:**

Approve

## **Summary/History:**

The project has been initiated in coordination with the Texas Department of Transportation and the Road to Zero safety fund initiative to improve traffic signals and pedestrian elements at two intersections to include Bryant Blvd at Ave L and Bryant Blvd at Ave N.

The City will cover the cost of the design and provide plans and specifications to TxDot. TxDot will bid the projects no later than August 2022 as well as provide all construction and inspection oversight. TxDOT Road to Zero safety funds will provide construction funding in the following amounts:

Bryant BLVD at Ave L: \$527,800.00

Bryant BLVD at Ave N: \$458,000.00

In this task order, Kimley Horn will perform professional engineering services to develop the traffic signal design in preparation to bid as one project.

## **Funding Source(s):**

## **Financial Impact:**

Funding for this Task Order is available in the FY'22 budget. The City is responsible for maintenance of these signalized intersections per the Maintenance Agreement with TxDot. Providing the design services and costs will update the signal components and reduce the City's fiscal burden for maintenance and future replacement.

## **Other Information/Recommendation:**

Staff recommends awarding Task Order #4 to Kimley Horn and Associates.

## **Attachments:**

1. City of San Angelo\_Road to Zero\_Traffic Signal Design (002) City of San Angelo\_Road to Zero\_Traffic Signal Design (002).pdf

2. Road to Zero MEMO

Road to Zero MEMO.pdf

**Presentation:**

Shane Kelton

**Approvals/Reviews:**

Charles Michalewicz

Patrick Frerich

Shane Kelton

Theresa James

Jeff Tomlinson

Tina Dierschke

Julia Antilley

Created/Initiated

Approved

Approved

Approved

Approved

Approved

Final Approval

**EXHIBIT "A"**  
**SCOPE OF SERVICES**

**Agreement between the City of San Angelo, Texas (City)**  
**and Kimley-Horn and Associates, Inc. (Consultant)**

**For the following project:**

**Development of Traffic Signal Design Plans at the**  
**intersections of Bryant Blvd. at Avenue L and Bryant Blvd. at Avenue N**

**PROJECT DESCRIPTION**

The scope of services consists of the development of traffic signal design plans for the following two intersections in the City of San Angelo, Texas:

1. Bryant Boulevard (US 87) at Avenue L (FM 388)
2. Bryant Boulevard (US 87) at Avenue N

The tasks consists of preparation of permanent signal design sheets, general notes, quantities, probable construction cost estimates, technical specifications, and coordination with San Angelo District TxDOT District Office and City. Both intersections will be let on the same TxDOT letting date with the same CSJ (August 2022). The traffic signal designs will be prepared using TxDOT and City of standards where applicable.

Consultant shall perform the following Professional Services:

**TASK SUMMARY**

**1. Project Management and Meetings**

Consultant will organize, prepare for, and facilitate one kick-off meeting, with the following objectives in mind:

- Discuss the scope and roles of the Consultant,
- Discuss specific project requirements and any special design or coordination needs,
- Discuss deliverables,
- Discuss project schedule,
- Identify the protocol for project communications,
- Plan for specific documents that will require TxDOT and/or City of San Angelo review and comment, and
- Identify the need for, and the provision of, existing conditions data.

In the general vicinity of the project intersections, the Consultant will perform one in-field review and visually verify existing signage, existing signal infrastructure, existing pedestrian elements, and other existing elements. This along with the obtained topographic survey will form the basis of the designs. After the 60% submittal, the Consultant will prepare for and schedule one conference call with City and TxDOT staff to receive/communicate about comments, if needed.

## 2. Survey

Using a subconsultant, the Consultant will provide professional surveying services in general accordance with current published TxDOT requirements as outlined below:

- Project scope will be within a 100' radius of each intersection.
- Additional data collection.
  - Coordinate with Texas 811 to locate and mark existing franchise and public utilities prior to performing the field survey.
  - Survey limits are not anticipated to extend onto private property.
- Perform topographic survey of the existing ground based on visible features and markers along the project limits identified above.
- Establish horizontal control points and a vertical control benchmark circuit as needed throughout the project. Set control points based on NAD-83.
- Gather available existing right-of-way and easement information. Identify easements available through typical research methodologies (i.e. plats). Undocumented easements may not be identified. Title research may be performed as an additional service only upon written City authorization.
- Review topographic survey, available records from the City and information gathered from the franchise utilities.
- Compile above information into a survey base file to be used for the design. Base file will be in MicroStation SS10.

It is assumed that additional ROW will not be required. Therefore, no ROW strip map or instruments of conveyance are anticipated but could be provided as an Additional Service.

## 3. Signal Design Services

The design will be prepared using base mapping from the survey and field investigation. The design will be prepared at 1" = 40' on 11" x 17" plan sheets using Microstation SS10. The traffic design package will consist of the following plan sheets.

- **Existing Conditions and Removals Layout Sheet:** existing signal infrastructure, proposed removals, and existing pavement markings.
- **Traffic Signal Layout Sheet:** proposed signal layout plan, overhead signs, pedestrian elements, curb ramp design, and signal phasing diagram.
- **Signs, Markings, and Ramp Details Sheet:** with proposed signs, proposed pavement markings, proposed curb ramp design, and summary charts.
- **Traffic Signalization Detail Sheet:** with tabulation of quantities, APS chart, conductor routing chart, electrical chart, detection details, and general notes.

This proposal does not include design of improvements that increase capacity such as left turn or right turn lane roadway design, or coordination with outside agencies other than TxDOT.

#### 4. Design Deliverables

All design sheets from the tasks above will be combined with the sheets identified below to create a single design submittal for this task.

- **Cover Sheet:** intersection location key map and description of project
- **General Notes:** standard general notes applicable to TxDOT and City of San Angelo
- **Summary of Quantities:** summary of quantities and Opinion of Probable Construction Costs (OPCC) using TxDOT bid items
- **Standard Detail Sheets:** applicable standards as required by TxDOT

**Deliverables:** The Consultant will develop the following deliverables for this task:

- **60% Submittal:** The Consultant will prepare and submit three (3) sets of construction drawings to TxDOT and City for review.
- **90% Submittal:** The Consultant will address one round of TxDOT and City review comments and submit three (3) sets of construction drawings to TxDOT and City for review. The Consultant will submit plans in accordance with 90% submittal format.
- **100% (Draft) Submittal:** The Consultant will address one round of TxDOT and City review comments and submit three (3) sets of construction drawings to TxDOT and City for review. The Consultant will submit plans in accordance with 100% draft submittal format.
- **100% (Final) Submittal:** The Consultant will address one round of TxDOT and City review comments from City and provide one set of sealed original drawings.

#### Additional Services

City and Consultant agree that the following services are beyond the Scope of Services described in the tasks above. However, Consultant can provide these services, if needed, upon the City's written request. Any additional amounts paid to the Consultant as a result of any material change to the Scope of the Project shall be agreed upon in writing by both parties before the services are performed. These Additional Services include, but are not limited to, the following:

- Soils and/or material testing
- Public involvement
- Environmental evaluation
- Traffic counts, traffic modeling, traffic projections, traffic signal timing
- Illumination design
- Drainage design
- Design of any surface drainage improvements other than that listed in the scope
- Detailed traffic control plan design
- Detailed traffic control plan narrative
- Preparation for and attendance at meetings besides meetings identified above
- Assist the City as an expert witness in litigation in connection with the project or in hearings before approving and regulatory agencies
- Redesign to reflect project scope changes requested by the City, required to address changed conditions or change in direction previously approved by the City, mandated by changing governmental laws, or necessitated by the City's acceptance of substitutions proposed by the Contractor

- Submittal to Texas Department of Licensing and Registration (TDLR) for ADA requirements
- Construction Phase Services RPR – Construction inspection and pay estimate management
- SWPPP inspections / coordination
- Providing professional services associated with the construction phase of the project
- Any services not listed in the Scope of Services

## **Schedule**

The Consultant will work with the City to develop a mutually acceptable project schedule to meet the TxDOT anticipated August 2022 letting date.

**- End of Scope of Services –**

**EXHIBIT "A"**  
**FEE BREAKDOWN**

The Consultant will perform the services in Tasks 1 - 4 for the total lump sum fee below. Individual task amounts are informational only. All permitting, application, and similar project fees will be paid directly by the Client.

**Task and Fee Summary Table**

|        |                                 |           |
|--------|---------------------------------|-----------|
| Task 1 | Project Management and Meetings | \$ 4,700  |
| Task 2 | Survey                          | \$ 9,500  |
| Task 3 | Signal Design Services          | \$ 53,200 |
| Task 4 | Deliverables                    | \$ 8,800  |

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|                                |                 |
|--------------------------------|-----------------|
| <b>Lump Sum (LS) Subtotal:</b> | <b>\$76,200</b> |
|--------------------------------|-----------------|

Lump sum fees will be invoiced monthly based upon the overall percentage of services performed. Payment will be due within 25 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.

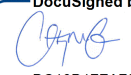


# MEMO

11/16/2021

**To:** Dustin Hohensee  
City of San Angelo

**From:** Christopher M. Cowen, P.E.  
San Angelo District Engineer, TxDOT

DocuSigned by:  
  
BC10B17FA709437...

**Subject:** Approved Road To Zero Program Funding

Road to Zero (RTZ) safety funds were approved by the Texas Transportation Commission with the goal of reducing fatalities statewide and to reach zero fatalities by 2050.

Earlier this fall, the San Angelo District submitted a list of projects to be considered for RTZ funding. The following locations were approved for construction funding:

| District   | Emphasis Area               | Project Location    | County       | Project Description                                            | Approved Funding |
|------------|-----------------------------|---------------------|--------------|----------------------------------------------------------------|------------------|
| San Angelo | Intersection/<br>Pedestrian | US 87 @<br>FM 388   | Tom<br>Green | Improve signals,<br>interconnect signals,<br>install sidewalks | \$527,800.00     |
| San Angelo | Intersection/<br>Pedestrian | US 87 @<br>Avenue N | Tom<br>Green | Improve signals,<br>interconnect signals,<br>install sidewalks | \$458,000.00     |

The following requirements apply:

- Projects must focus on pedestrian or intersection emphasis areas
- The approved funding is for construction only. Design costs cannot be covered with the approved funding
- Approved projects are to be let no later than August 2022

**CC:** John Dewitt, P.E.  
William McLane, P.E.  
Ruben Carrasco, P.E.

OUR VALUES: People • Accountability • Trust • Honesty

OUR MISSION: Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.

An Equal Opportunity Employer



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: December 7, 2021

Item type: Consent Item

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## **Caption:**

Consider ratifying Change Order #1 to the Avenue P Stormwater Detention Basin Construction Agreement with Darnell Construction, correcting the contract amount approved November 17, 2020 from \$1,793,137 to the correct amount of \$2,610,557.40 and authorizing the City Manager to execute all related documents (Kevin Pate)

## **Staff Recommendation:**

Approve

## **Summary/History:**

This Change Order was originally presented to council on November 17, 2020 and was presented as a \$259,440 increase to the drainage portion of the project. This increased the total Stormwater portion of the work from \$1,533,697 to \$1,793,137, and was presented to Council as such.

The actual original contract award amount, however, included stormwater as well as water, sewer, and street components and totaled \$2,351,118.00. Therefore, the amount after Change Order #1 should have increased the total project contract by \$259,439.40 to \$2,610,557.40 instead of the \$1,793,137 as presented.

This item will ratify the total contract amount after Change Order #1 to increase to \$2,610,557.40. No additional work or costs are associated with this Council item.

## **Funding Source(s):**

## **Financial Impact:**

This item is only a ratification of the November 17, 2020 item to clarify the total contract amount after Change Order #1 to the Avenue P Drainage Detention Basin Project. There is no additional work or funding requested by this item.

## **Contact Totals:**

Original Contract: \$ 2,351,118.00

Change Order #1 Amount: \$ 259,439.40

New Contract Amount: \$ 2,610,557.40

## **Other Information/Recommendation:**

Staff recommends ratifying Change Order #1 originally approved on November 17, 2020 increasing the total contract amount to \$2,610,557.40.

## **Attachments:**

1. ES-08-19 CITY COUNCIL MINUTES 12NOV19
2. CC\_FINAL\_Minutes\_11-17-2020.docx
3. ES-08-19 AVE P Change Order #1
4. ES-08-19 AVE P SIGNED CONTRACT

ES-08-19 CITY COUNCIL MINUTES 12NOV19.pdf  
CC\_FINAL\_Minutes\_11-17-2020.docx.pdf  
ES-08-19 AVE P C0#3 ATTACH.pdf  
ES-08-19 AVE P SIGNED CONTRACT.pdf

**Presentation:**

Kevin Pate

**Approvals/Reviews:**

Charles Michalewicz  
Kevin Pate  
Shane Kelton  
Theresa James  
Jeff Tomlinson  
Tina Dierschke  
Theresa James  
Julia Antilley

Created/Initiated  
Approved  
Approved  
Approved  
Approved  
Approved  
Approved  
Final Approval

City of San Angelo, Texas  
Regular City Council Meeting  
Tuesday, November 12, 2019

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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 Gonzales, SMD 4  
Council Member Lane Carter, SMD 5  
Council Member Billie F. DeWitt, SMD 6

**1. Call to Order**

With a quorum of the City Council Members present, Mayor Gunter called the special session of the San Angelo City Council to order at 10:01 a.m. on Tuesday, November 12, 2019, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

**2. Legislative Prayer**

San Angelo Police Department Chaplain Gary Jenkins provided an invocation.

**3. Pledges**

Gary and Marcella Jenkins led pledges.

**4. Proclamations/Recognitions**

November 2019 was proclaimed National Home Care & Hospice month.

**5. Public Comment**

None.

**6. Consent Agenda**

- a. Approval of the October 15, 2019 City Council regular meeting minutes (Julia Antilley)
- b. Approval of a lease agreement between the City of San Angelo WIC and the Cornerstone Community Action Agency in Coleman, TX in the amount of \$250 monthly for rent of space to host WIC satellite clinic services and authorizing the City Manager to negotiate and execute all related documents (Cristina Eureste)
- c. Approval of an amendment to the agreement with Water Dawgs, LLC for the lease of City property at Mary E. Lee Park at Lake Nasworthy for a boat rental concession and authorizing the City Manager to negotiate and execute all related documents (Carl White)
- d. Award of an ambulance box from Frazier in the amount of \$182,285 off HGAC contract AM10-18 and authorizing the City Manager to negotiate and execute all related documents (Brian Dunn)
- e. Extension of the award of WU-02-15 Water Reclamation Facility Liquid Polymer to Polydyne Inc. in the amount of \$150,000 annually for one year, budgeted for purchase in fiscal year 2020, and authorizing the City Manager to negotiate and execute all related documents (Allison Strube)
- f. Award of ES-07-19: Avenue R Bridge Repair to Futra Vest Construction (San Angelo, TX) in the amount of \$99,000, budgeted for purchase in fiscal year 2020, and authorizing the City Manager to negotiate and execute all related documents (Lance Overstreet)

- g. Award of RFB SB-02-19 DS-Plus Cold Patching Material to Vulcan Construction Materials, LLC., in the amount of \$300,000 budgeted annually, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)
- h. Authorization for the City Manager to negotiate and execute an agreement and all related documents with the Southern Drag Boat Association (SDBA) for the annual Drag Boat Races at Lake Nasworthy (Carl White)
- i. Adoption of a resolution allowing the City Manager to negotiate and execute a contract with the Chamber of Commerce Convention & Visitors Bureau allocating Hotel Occupancy Tax funds (Tina Dierschke) (Pg. 580, 2019-140)
- j. Adoption of a resolution allowing the Police Department to accept donations for the SAPD K-9 unit to purchase a working K-9 and K-9 related equipment (Frank Carter) (Pg. 582, 2019-141)
- k. Adoption of a resolution allowing Fort Concho Museum to accept the donation of a trailer (Bob Bluthardt) (Pg. 583, 2019-142)
- l. Ratification of a COSADC resolution authorizing the president to negotiate and execute a professional services agreement, with Centurion Planning and Design in an amount not to exceed \$24,765, to perform professional engineering and surveying services for a right turn lane and driveway approach design and final TXDOT permit application services for a project for a portion of the remainder of Block 1 San Angelo Gateway Addition Section 1 of the San Angelo Business & Industrial Park, subject to approval of the City Council (Guy Andrews)
- m. Ratification of COSADC's resolution of the City of San Angelo Development Corporation Board of Directors authorizing the Board President to negotiate and execute a first amendment to the economic development performance agreement with CalTech Software Systems, Inc., amending the job creation and employee training assistance provisions therein with a commensurate reduction in grant incentives payable (Shannon Scott)
- n. Second reading and adoption of an ordinance approving the abandonment and vacation of a 20-ft wide by 190-ft long, 0.0872 acres (3,800-sq ft) north/south alley located within Block 30 of Angelo Heights Addition (Jon James) (Pg. 584, 2019-143)
- o. Authorization for the City Manager to negotiate and execute an annexation agreement and all related documents regarding approximately 977.9 acres of property located outside the city limits adjacent to US Highway 277 (Jon James)
- p. Second reading and adoption of:
  - 1. An ordinance approving CP19-02, an amendment to the Comprehensive Plan, changing certain lands from the Neighborhood Future Land Use to the Commercial Future Land Use, being the east 5.9 acres of an unaddressed 11.3374 acre tract located approximately 250-ft west of the intersection of Sunset Dr. and YMCA Dr. (Pg. 587, 2019-144)
  - 2. An ordinance for Z19-15, a rezoning from the Heavy Commercial (CH) Zoning District to the General Commercial (CG) Zoning District, being an unaddressed 11.3374 acre tract located approximately 250-ft west of the intersection of Sunset Dr. and YMCA Dr. (Jon James) (Pg. 590, 2019-145)

Motion: Council Member Thomas made a motion, seconded by Council Member DeWitt, to approve the Consent Agenda with the exception of items 6c, 6h, 6m, and 6o. The motion carried unanimously (7) ayes to (0) nays.

Motion: Mayor Gunter made a motion, seconded by Council Member Carter, to approve item 6c, as presented by Carl White. The motion carried unanimously (7) ayes to (0) nays.

- Motion: Mayor Gunter made a motion, seconded by Council Member Gonzales, to approve item 6h, as presented by Carl White. The motion carried unanimously (7) ayes to (0) nays.
- Motion: Council Member DeWitt made a motion, seconded by Council Member Carter, to approve item 6m, as presented by Shannon Scott. The motion carried unanimously (7) ayes to (0) nays.
- Motion: Mayor Gunter made a motion, seconded by Council Member Hiebert, to approve item 6o, as presented by Jon James. The motion carried unanimously (7) ayes to (0) nays.

## 7. **Regular Agenda**

- a. Approval of items related to an amendment to PD19-04 to modify an approved off-site monument sign to allow a digital monument sign in the triangle generally bound by Sherwood Ave. to the north, W. Beauregard Ave. to the south, S. Tyler St. to the west and S. Harrison St. to the east, at 1909 W. Beauregard Ave.:

1. Approval of an appeal of the Planning Commission's decision to deny the applicant's request for an amendment to Planned Development PD19-04

2. First reading and public hearing on an ordinance amending PD19-04 (Presentation made by Planning & Development Services Director Jon James)

*Citizen Steve Hampton (SMD6) spoke in support of the business.*

- Motion: Council Member Carter made a motion, seconded by Council Member Hiebert, to overturn the Planning Commission's denial and approve the amended Planned Development changing the third condition requiring the sign be displayed a minimum of 60-seconds. The motion carried unanimously (7) ayes to (0) nays.

- b. Adoption of a resolution approving case SU19-04, a Special Use to allow a Nursing Home on property zoned Heavy Commercial (CH), being 8.25 acres generally located on YMCA Dr., 850-ft northwest of the intersection of YMCA Dr. and Sunset Dr. (Presentation made by Planning & Development Services Director Jon James) (Pg. 593, 2019-146)

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

- c. First reading and public hearing on case Z19-16, an ordinance rezoning property from the Ranch & Estate (R&E) zoning district to the Light Manufacturing (ML) zoning district, on 10 acres located at 3927 Old Ballinger Hwy. (Presentation made by Planning & Development Services Director Jon James)

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

- d. First reading and public hearing on an ordinance amending the Land Development and Subdivision Ordinance, Chapters 1, 9, and 10, to address adequate public facilities, to rename Chapter 9, to amend design requirements to refer to City Engineer specifications, and to create an administrative exemption for reduced street standards in infill areas (Presentation made by Planning & Development Services Director Jon James)

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

- e. Award of ES-08-19 Avenue P Detention Basin to Darnell Construction, LLC (San Angelo, TX) in the amount of \$2,351,118, budgeted for purchase in fiscal year 2020, and authorizing the City Manager to negotiate and execute all related documents (Presentation made by City Engineer Lance Overstreet)

*Citizen Steve Hampton (SMD6) requested clarification.*

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

f. Approval of the following:

1. Acceptance of the Rescindment of Award recommendation from KSA Engineers and rejection of the bid from American Road Maintenance for failure to produce the mandatory Disadvantaged Business Enterprise plan in the bid documents for Airport Improvement Program (AIP) 39, Runway 18/36 Rehabilitation and Commercial Ramp Rehabilitation (Presentation made by KSA representative Craig Phillips)

2. Rejection of all bids and approval to restructure and rebid AIP-39, Runway 18/36 Rehabilitation and Commercial Ramp Rehabilitation, due to the lack of available FAA grant funding (Presentation made by Airport Director Jeremy Valgardson)

Motion: Council Member Carter made a motion, seconded by Council Member Hiebert, to approve item 7f1, as presented. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Thompson made a motion, seconded by Council Member Thomas, to approve item 7f2, as presented. The motion carried unanimously (7) ayes to (0) nays.

g. Approval of a contract with US Digital Designs via NNPgov contract VH1164 for the purchase of a Fire Station Alerting System in the amount of \$539,582 and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Information Technology Director Bucky Hasty)

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

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

No action taken on this item.

**8. Special Agenda**

a. Consider a resolution canvassing returns and declaring the results of the Special Election held November 5, 2019; providing severability and an effective date (Presentation made by City Clerk Julia Antilley)

*[Mayor Gunter expressed her appreciation for Rick Abbott's leadership and insight during the election.]*

No action taken on this item.

*[A meeting to canvass the official Special Election results was scheduled for Monday, November 18, 2019 at 11:30 a.m. in the San Angelo McNease Convention Center with a minimum of the Mayor and Mayor Pro tem in attendance.]*

**9. Closed Session**

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

a. Section 551.071(2) consult with attorney when the governmental body seeks the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding: Amendment to SAPAC agreement

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- b. Section 551.072 to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person regarding:

1. 0.50 +/- Acre tract out of G Blum Survey 166

2. Ford Ranch

**10. Follow Up and Administrative Issues**

- a. Consider items discussed in Executive Session

Motion: Council Member Thomas made a motion, seconded by Council Member DeWitt, to allow the City Manager to negotiate and execute all associated documents with the sale of the half-acre tract out of the G. Blum Survey 166. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member Carter made a motion, seconded by Council Member Thomas, to A) allow the City Manager to negotiate and execute an amendment to the SAPAC agreement that: 1) sets City contribution to \$50,000 for ten years, 2) changes composition of the FMIF Committee, 3) Provides requirements for annual report, and 4) allows drinks in the Auditorium with requirements and B) City Manager is directed to modify the facilities policy to allow right of first refusal to SAPAC for the rental of the East Mezzanine during events in the Auditorium. The motion carried unanimously (7) ayes to (0) nays.

~~b. Announcements and consideration of Future Agenda Items~~

**11. Adjournment**

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

There being no further business, the meeting adjourned at 1:56 p.m.

THE CITY OF SAN ANGELO

DocuSigned by:

*Brenda Gunter*

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Brenda Gunter, Mayor

ATTEST:

DocuSigned by:

*Julia Antilley*

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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.)

City of San Angelo, Texas  
Regular City Council Meeting  
Tuesday, November 17, 2020

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Present:

Mayor Brenda Gunter  
Mayor Pro tem Harry Thomas, SMD 3  
Council Member Tommy Hiebert, SMD 1 (virtually via Zoom)  
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, November 17, 2020, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

**2. Chaplain Prayer & Pledges**

San Angelo Police Department Chaplain Gary Jenkins provided an invocation and Chaplain Marcella Jenkins led the pledges.

**3. Proclamations/Recognitions**

December 9, 2020 was recognized as San Angelo Reads Day.

**4. Public Comment**

Mayor Gunter spoke regarding the continued rise in Covid cases. The City of San Angelo had over 1,000 new positive cases last week. She also announced the two groups with the biggest increase in cases are those from 20-29 and 30-39 years of age.

**5. Consent Agenda**

- a. Approval of the November 3, 2020 City Council regular meeting minutes (Julia Antilley)
- b. Adoption of a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the city and all taxing units in the Tax Foreclosure Judgment or Tax Warrant for 3022 Rock Brook, being Lot 6, Block 36, Section 16, Southland Park Addition (\$16,500) (Cindy Preas) (Pg. 496, 2020-103)
- c. Adoption of a resolution approving non-monetary in-kind support for the Downtown San Angelo Inc. "Reverse Parade" for Christmas to be held December 12, 2020 (Carl White) (Pg. 497, 2020-104)
- d. Approval of a Buyboard contract #592-19 with Exerplay, Inc. for playground equipment and safety surfacing for Unidad Park in the amount of \$396,477.65 and authorizing the City Manager to negotiate and execute all related documents (Carl White)
- e. Award of a WU-01-21 to Darnell Construction, LLC for the construction of the North Bentwood Lift Station and Site Improvements in the amount of \$1,352,217.50, budgeted for purchase in fiscal year 2021 and authorizing the City Manager to negotiate and execute all related documents (Andy Vecellio)
- f. Approval of an agreement with Computer Solutions, Inc. for purchase and installation of core networking switches at the San Angelo Police Department and Public Safety Communications



Data Center via DIR TSO-4167 in the amount of \$76,704.29 using Coronavirus Relief Funds and authorizing the City Manager to execute all related documents (Bucky Hasty)

- g. Approval of a purchase of Microsoft Office Professional Plus Licenses in the amount of \$141,591.78 from SHI Government Solutions via DIR-TSO-4092 using Coronavirus Relief Funds and authorizing the City Manager to execute all related documents (Frank Carter)
- h. Authorization of the City Manager to execute an interlocal agreement with Tom Green County providing for Mental Health Unit (MHU) Services with associated costs not to exceed \$120,391 for fiscal year 2021 (Frank Carter)
- i. Authorization of the City Manager to execute an interlocal agreement with Tom Green County providing for Crisis Intervention Unit (CIU) Services with associated costs not to exceed \$36,045 for fiscal year 2021 (Frank Carter)
- j. Adoption of a resolution allowing the Fire Department to accept a donation of eight Webber Smokers from Lowes Home Improvement Store, estimated value of donation \$8,000 (Patrick Brody) (Pg. 498, 2020-105)
- k. Confirmation of appointments to MHMR Services for the Concho Valley Board of Trustees recommended by the Liaison Representative Committee (Julia Antilley)
- l. Second reading and adoption of an ordinance approving case Z20-13, a rezoning from the Light Manufacturing zoning district to the General Commercial zoning district, being 2.97 acres located at 1801 and 1819 Knickerbocker Rd. and adjacent vacant lots located on Industrial Ave. between Market St. and Commerce St. (Jon James) (Pg. 499, 2020-106)
- m. Second reading and adoption of an ordinance approving case Z20-16, a rezoning from Low Rise Multifamily Residence, Neighborhood Commercial, and Light Manufacturing to the Central Business District zoning district, being 6.487 acres located at 122 W. 2nd St., 209 & 215 Gillis St., 34 W. 3rd St., 214 & 218 Farr St. and other unaddressed properties in the 100 and 200 blocks of W. 2nd St. and W. 3rd St. (Jon James) (Pg. 502, 2020-107)
- n. Second reading and adoption of an ordinance amending Article 12.04 "Signs" in Chapter 12 of the City Code of Ordinances by amending Section 12.04.005 "On-site Regulations" and deleting Section 12.04.006 "Off-site Regulations" in its entirety (Jon James) (Pg. 506, 2020-108)
- o. Authorization of a Memorandum of Understanding with Peoplefund, a community development financial institution, for the administration of financial assistance in the form of grants to eligible businesses in our community (Tina Dierschke)

Motion: Council Member DeWitt made a motion, seconded by Council Member Gonzales, to approve the Consent Agenda, with the exception of items 5h, 5i, and 5o. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member DeWitt made a motion, seconded by Council Member Carter, to approve items 5h and 5i together, as presented by Assistant Police Chief David Howard. The motion carried unanimously (7) ayes to (0) nays.

Motion: Council Member DeWitt made a motion, seconded by Council Member Gonzales, to approve item 5o, as presented by Finance Director Tina Dierschke. The motion carried unanimously (7) ayes to (0) nays.

## 6. Regular Agenda

- a. Approval of a Change Order to the Ave. P Stormwater Detention Basin Construction Agreement with Darnell Construction, increasing the total contract amount from \$1,550,145 to \$1,793,137, and authorizing the City Manager to negotiate and execute all related documents (Presentation made by City Engineer Lance Overstreet)

**Motion:** Council Member DeWitt made a motion, seconded by Council Member Thomas, to approve the item, as presented, using \$106,700 of the surplus fiscal year 2020 sales tax revenue to fund the change order. The motion carried unanimously (7) ayes to (0) nays.

- b. Adoption of a resolution nominating W&W-AFCO Steel, LLC to the Office of the Governor, Economic Development and Tourism (EDT) through the Economic Development Bank for designation as an Enterprise Project pursuant to the Texas Enterprise Zone Act (Presentation made by Business, Retention & Expansion Coordinator Shannon Scott) (Pg. 511, 2020-109)

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

- c. First reading and public hearing of an ordinance amending Chapter 6 "Fire and Rescue", Article 6.05 "Ambulances and Ambulance Companies" allowing for private ambulances (Presentation made by Fire Chief Brian Dunn)

**Motion:** Council Member Hiebert made a motion, seconded by Council Member DeWitt, to approve the item, as presented, with a provision regarding the amount of licenses the city may issue. The motion carried unanimously (7) ayes to (0) nays.

- d. First reading and public hearing of an ordinance amending Chapter 8 "Offenses and Nuisances", Article 8.11 "Outdoor Lighting", Section 8.11.002 "Outdoor Lighting Standard" to clarify lighting standard measurements (Presentation made by Neighborhood & Family Services Director Bob Salas)

*Citizens Jennifer Pape and Shane Bearden (SMD5) spoke regarding light trespass emitted from LED lights at a sports complex near their home.*

**Motion:** Council Member Thomas made a motion, seconded by Council Member DeWitt, to approve the item, as presented, with a clarification that the revised ordinance should allow for measuring LED light emissions. The motion carried unanimously (7) ayes to (0) nays.

- e. First reading and public hearing of an ordinance amending Chapter 10 "Traffic Control", Article 10.01 "General Provisions" amending Section 10.01.013 "Pedestrian's Rights and Duties" (Presentation made by City Attorney Theresa James)

**Motion:** Council Member Gonzales made a motion, seconded by Council Member Thomas, to approve the item, as presented, with a clarification of which highways are impacted. The motion carried unanimously (7) ayes to (0) nays.

- f. First reading and public hearing of an ordinance amending Chapter 5 "Business and Commerce", Article 5.04 "Itinerant Merchants" by amending Section 5.04.003 "Hours of Solicitation" (Presentation made by City Attorney Theresa James)

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

- g. Public hearings on proposed annexations and first reading of ordinances annexing into the City of San Angelo, by petition of the property owner, for the following properties, and authorizing the City Manager to negotiate and execute all related documents:  
1) 10.480 acres out of the C. Berberich Survey No. 177, Abstract No. 52, generally located south of Loop 306 along Old Stone Dr.  
2) 18.753 acres out of the C. Berberich Survey No. 177, Abstract No. 52 and H. Zerbach Survey No. 178, Abstract No. 4210, generally located east of the intersection of Club House Ln. and Enclave Ct.

3) 18.325 acres out of Abstract: 8108, Survey: 0008, A. Willeke, out of the west ½ of Survey 8, generally located west of the intersection of Dominion Ridge and Coral Way

4) 88.936 acres out of Tract 2 and Tract 3, Block 1, Section One, Tom Green County Business Park, generally located east of N. US Hwy 277 north of Tractor Trl. (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.

- h. First reading and public hearing of an ordinance approving case Z20-14, zoning property to the Single-Family Residential zoning district in connection with an annexation, being 10.480 acres located along south Old Stone Dr. (Presentation made by Planning & Development Services Director Jon James)

Motion: Council Member Hiebert made a motion, seconded by Council Member Thompson, to approve the item, as presented, with a clarification that the city is not responsible for extending the sewer line to homes (either as the area develops or as septic system needs to be replaced). The motion carried unanimously (7) ayes to (0) nays.

- i. First reading and public hearing of an ordinance approving case Z20-15, zoning property to the Single-Family Residential zoning district in connection with an annexation, being 18.753 acres located east of the intersection of Club House Ln. and Enclave Ct. (Presentation made by Planning & Development Services Director Jon James)

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

- j. First reading and public hearing of an ordinance approving case Z20-17, zoning property to the Single-Family Residential zoning district in connection with an annexation, being 18.325 acres located west of the intersection of Dominion Ridge and Coral Way (Presentation made by Planning & Development Services Director Jon James)

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

- k. First public hearing and introduction of an ordinance amending the budget for the fiscal year beginning October 1, 2020, and ending September 30, 2021, for capital items, donations, grants, and projects (Presentation made by Finance Director Tina Dierschke)

[The fiscal year 2020 sales tax surplus for the Ave. P Stormwater Detention Basin Construction project (item 6a) will be added to this Budget Amendment prior to the second reading.]

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:
  - 1. Water Rights
  - 2. Block 24, Millspaugh Addition
  - 3. Lands near or adjacent to Red Bluff and Middle Concho Roads
- b. 551.071 Consultation with Attorney regarding Sheila Andrews

**Quorum for Remainder of Meeting:**

Official Minute Record  
November 17, 2020

Volume 2020  
Page 495

Mayor Brenda Gunter

Mayor Pro tem Harry Thomas, SMD 3

Council Member Tommy Hiebert, SMD 1 (virtually via Zoom, but without audio)

Council Member Tom Thompson, SMD 2

Council Member Lucy Gonzalez, SMD 4

Council Member Lane Carter, SMD 5

Council Member Billie DeWitt, SMD 6

## 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 Gonzales, to authorize the City Manager to execute all documents necessary to convey a small, narrow strip of land being the west 6 inches of Lot 1, Block 24, Millspaugh Addition to the adjacent property owners (Terry M. Sinclair and Deborah Smith) and enter into a license agreement with Sinclair and Smith for the west 7 foot, 6 inches of Lot 1, Block 24 Millspaugh Addition providing for the maintenance of support beams for the wall. The motion carried unanimously (6) ayes to (0) nays.

### b. Approval of various Board nominations:

**Fort Concho Museum Board: Yukio Kuniyuki (SMD3) to an unexpired term ending January 2021**

Motion: Council Member Thomas made a motion, seconded by Council Member Thompson, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

### c. Announcements and consideration of Future Agenda Items

No Action Taken on this Item.

## 9. Adjournment

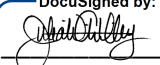
Motion: Council Member Thompson made a motion, seconded by Council Member Gonzales, to adjourn the meeting. The motion carried unanimously (6) ayes to (0) nays.

There being no further business, the meeting was adjourned at 12:06 p.m.

**THE CITY OF SAN ANGELO, TEXAS:**

**ATTEST:**

DocuSigned by:  
  
Brenda Gunter, Mayor

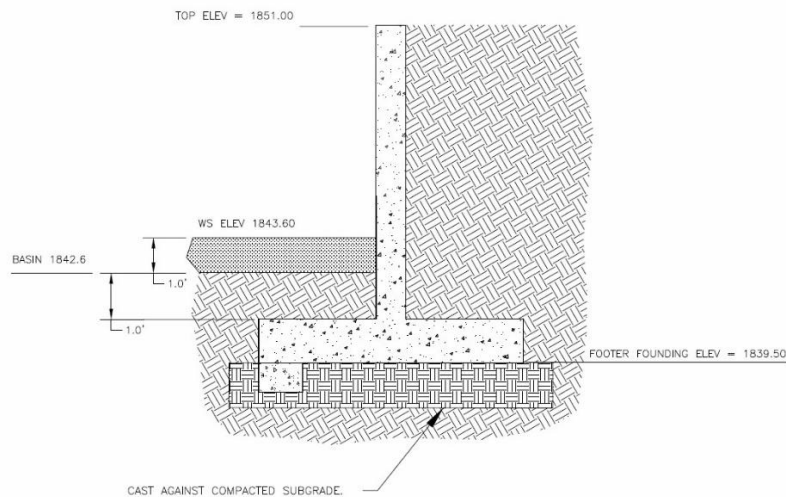
DocuSigned by:  
  
Julie Antille, City Clerk

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.)

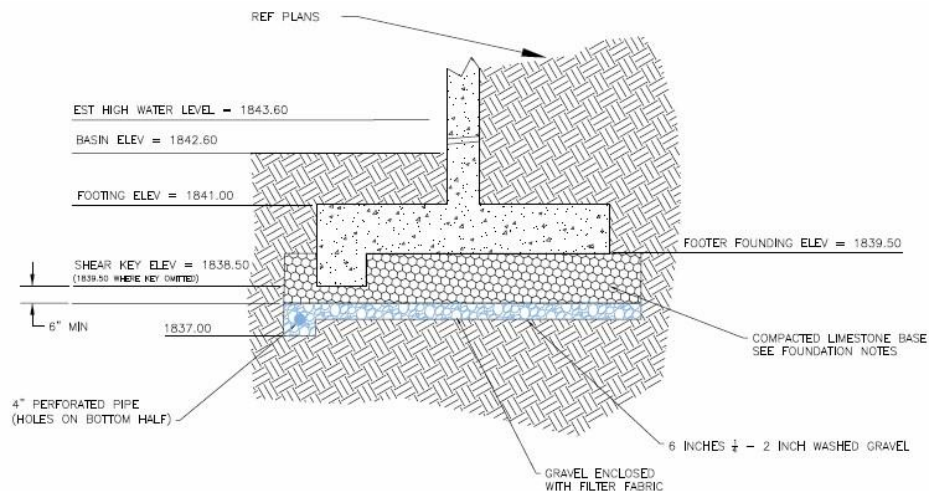
# AVE P DETENTION BASIN PROJECT (ES-08-19); CHANGE ORDER

**ADDITIONAL WORK** to complete the project has been identified; the basin outfall on the east side requires concrete riprap, curb and dewatering of the retaining wall foundation excavation, concrete riprap is required at the south basin inlet and the northeast basin corner to control unexpected erosion by water received from Ener-Tel way and Ener-Tel property and lime treatment of the soil beneath the concrete paving is required.

1. **RETAINING WALL FOUNDATION** - Excavation revealed fluctuating levels of groundwater not identified in the Geotechnical Report commissioned by the engineering firm. The maximum level observed during construction was 1 ft above the basin elevation. The level sometimes fell below the basin surface to a depth where vehicles could enter the basin without rutting.
  - a. Basin design has 340 ft of retaining wall supported by a spread footing. Supporting the footing requires soil beneath it be compacted which is prevented by the groundwater.

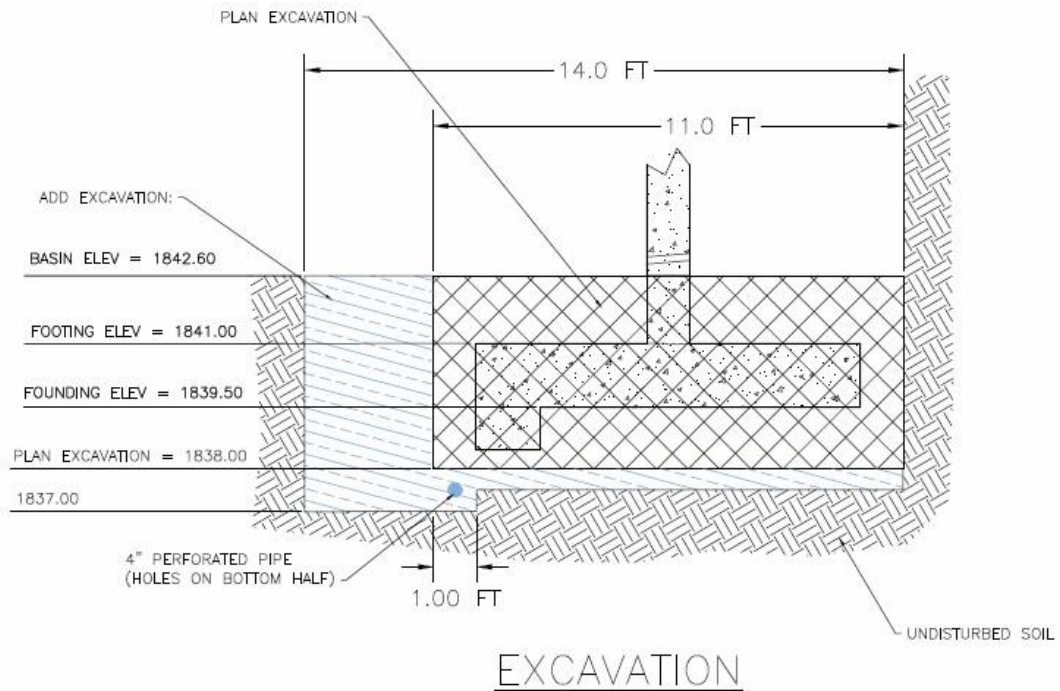


- b. The engineer requested an amended Geotechnical Report and determined the proposed design is viable but dewatering the excavation is required while constructing the retaining wall.
    - c. The following has been proposed by the contractor.



INSTALLED

- d. Which requires the following work not included in the original bid since groundwater levels were not expected.



- e. The contractor's estimate to complete the work is:

| CHANGE ORDER – RETAINING WALL |                             |      |     |           |               |
|-------------------------------|-----------------------------|------|-----|-----------|---------------|
|                               | ITEM DESCRIPTION            | UNIT | QTY | UNIT COST | TOTAL         |
| 1                             | PERFORATED PIPE             | LF   | 340 | \$ 18.00  | \$ 6,120.00   |
| 2                             | FILTER FABRIC (TXDOT 566)   | LF   | 340 | \$ 24.00  | \$ 8,160.00   |
| 3                             | FOUNDATION EXCAVATION       | CY   | 621 | \$ 39.00  | \$ 24,219.00  |
| 4                             | WASHED GRAVEL (INSTALLED)*  | TN   | 380 | \$ 63.00  | \$ 23,940.00  |
| 5                             | BASE (COMPACTED IN PLACE)** | TN   | 500 | \$ 47.00  | \$ 23,500.00  |
| 6                             | DEWATERING (PUMPING)        | DAYS | 49  | \$ 833.00 | \$ 40,817.00  |
| TOTALS                        |                             |      |     |           | \$ 126,756.00 |

\* 2700 LBS / CY

\*\* 4,050 LBS / CY



## 2. ADDITIONAL CONCRETE CURBS AND RIPRAP :

a. **SOUTH INLET** – Plan Quantities were underestimated by 11 cubic yards.

b. **OUTFALL STRUCTURE:**

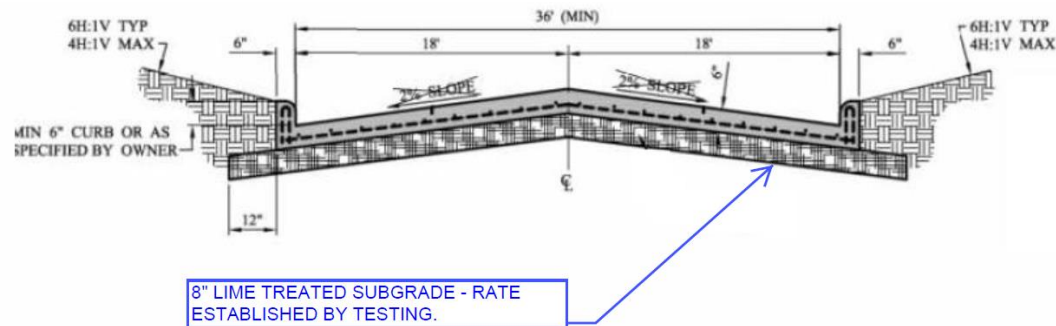
i. Water from ASCO's property is not intended to flow directly into the detention basin. Rather it is channeled along the north property line and flows onto La Cruz St. The flow volume and velocity causes soil erosion adjacent to the outfall structure. A 4 ft wide by 50 ft long concrete flume sloped to an 8 ft wide flat curb at street gutter elevation is needed. The flume is considered additional riprap.

ii. Existing curb & gutter ( 110 LF) intended to be salvaged is deteriorated.

iii. Area between street curb and stilling basin is shown to be soil. It poses a maintenance burden and needs to be gravel or riprap.

c. **NORTHEAST BASIN CORNER** – Water flows south on Ener-Tel Way towards Ener-Tels NW property line. Water from the street and a drainage flume on Ener-Tel's property causes unexpected levels of erosion on the basin's sloped boundary and undermines the adjacent pavement. Concrete riprap (125 CY) is needed to prevent this erosion.

3. **PAVEMENT – TREATED SUBGRADE** – The unexpected ground water levels and character of the soil supporting the concrete pavement requires the soil properties be modified by lime which reduces the soils "shrink/swell" which could cause pavement failures.



## 4. OVERALL PROJECT - CURRENTLY

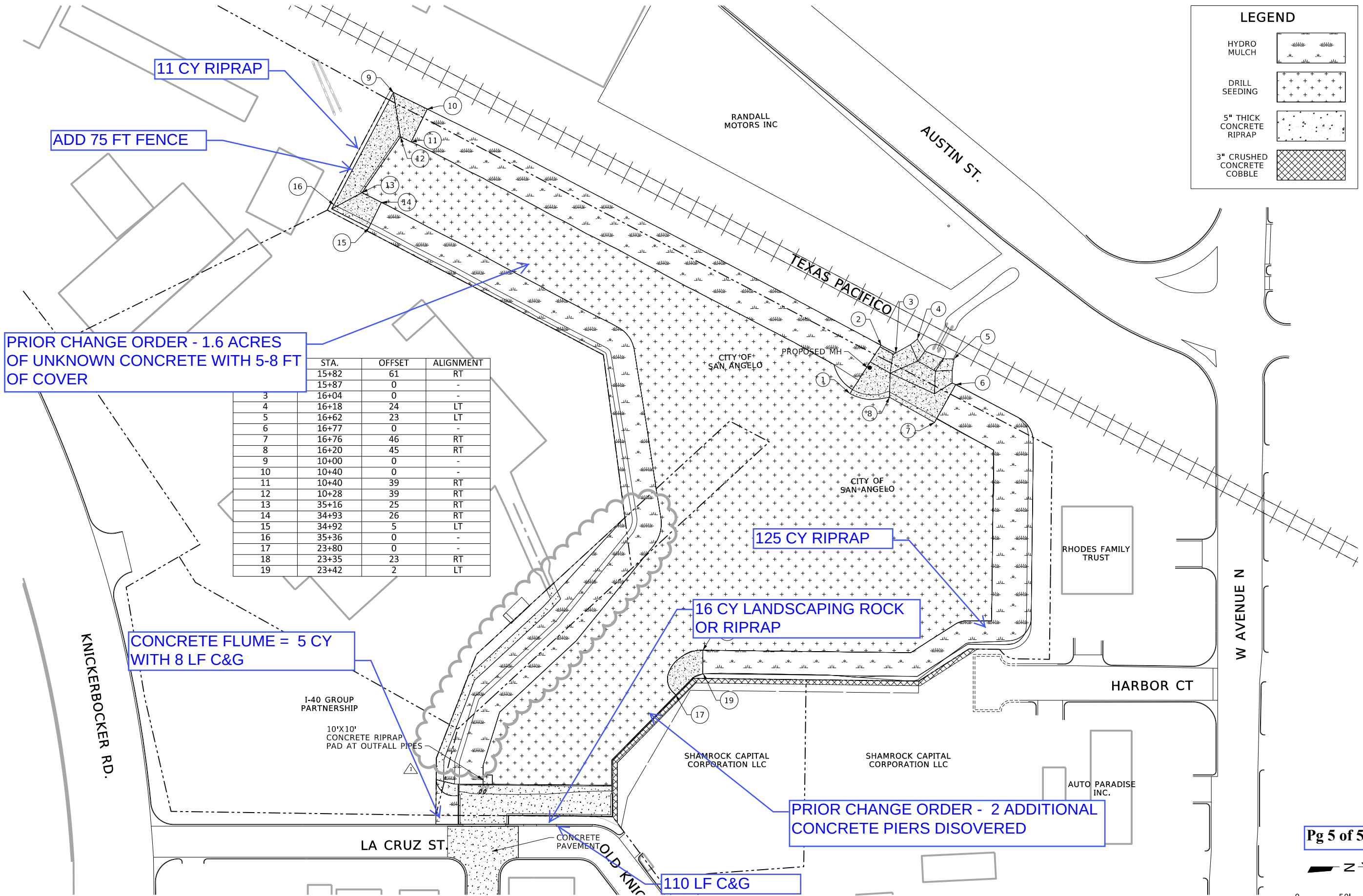
| PROJECT OVERALL       |                      |                 |               | EXPENDED      |              |
|-----------------------|----------------------|-----------------|---------------|---------------|--------------|
| PROJECT SEGMENT       | STATUS               | BID AMOUNT      | CONTINGENCY   | WORK          | CONTINGENCY  |
| WATER LINE            | SUBSTANTIALLY COMPLE | \$ 116,213.00   | \$ 11,621.00  | \$ 91,936.00  | \$ -         |
| SEWER LINE            | SUBSTANTIALLY COMPLE | \$ 487,470.00   | \$ 48,747.00  | \$ 442,251.50 | \$ -         |
| DRAINAGE IMPROVEMENTS | 60% COMPLETE         | \$ 1,533,697.00 | \$ 153,370.00 | \$ 915,170.10 | \$ 27,697.60 |

## 5. OVERALL PROJECT – THIS CHANGE ORDER

| CHANGE ORDERS                                | STATUS            | BID ITEM | UNIT | UNIT COST   | BID QTY | BID AMOUNT                 | CHG QTY | CHG AMOUNT      |
|----------------------------------------------|-------------------|----------|------|-------------|---------|----------------------------|---------|-----------------|
| PREPARE ROW (SITE) - UNKNOWN BURIED CONCRETE | APPROVED          | 2-1      | AC   | \$13,786.00 | 6       | \$ 82,716.00               | 1.6     | \$ 22,057.60    |
| PREPARE ROW (CONCRETE PIERS)2 UNKNOWN        | APPROVED          | 2-2      | EA   | \$ 1,695.00 | 9       | \$ 15,255.00               | 2       | \$ 3,390.00     |
| CONCRETE RIPRAP (5")                         | THIS CHANGE ORDER | 2-8      | CY   | \$ 542.40   | 325     | \$ 176,280.00              | 157     | \$ 85,156.80    |
| FENCE (CHAIN LINK)(INSTALL)                  | THIS CHANGE ORDER | 2-9      | LF   | \$ 30.00    | 1676    | \$ 50,280.00               | 75      | \$ 2,250.00     |
| CURB AND GUTTER                              | THIS CHANGE ORDER | 2-16     | LF   | \$ 122.00   | 238     | \$ 29,036.00               | 118     | \$ 14,396.00    |
| PERFORATED PIPE                              | THIS CHANGE ORDER | N / A    | LF   | \$ 18.00    | 0       | 0                          | 340     | \$ 6,120.00     |
| FILTER FABRIC (TXDOT 566)                    | THIS CHANGE ORDER | N / A    | LF   | \$ 24.00    | 0       | 0                          | 340     | \$ 8,160.00     |
| FOUNDATION EXCAVATION                        | THIS CHANGE ORDER | N / A    | CY   | \$ 12.00    | 0       | 0                          | 621     | \$ 7,452.00     |
| WASHED GRAVEL (INSTALLED)*                   | THIS CHANGE ORDER | N / A    | TN   | \$ 63.00    | 0       | 0                          | 380     | \$ 23,940.00    |
| BASE (COMPACTED IN PLACE)**                  | THIS CHANGE ORDER | N / A    | TN   | \$ 47.00    | 0       | 0                          | 500     | \$ 23,500.00    |
| DEWATERING (PUMPING)                         | THIS CHANGE ORDER | N / A    | DAYS | \$ 833.00   | 0       | 0                          | 49      | \$ 40,817.00    |
| LIME TREATED SUBGRADE                        | THIS CHANGE ORDER | N / A    | SF   | \$ 3.00     | 0       | 0                          | 7400    | \$ 22,200.00    |
|                                              |                   |          |      |             |         | TOTAL CHG                  |         | \$ 259,439.40   |
|                                              |                   |          |      |             |         | CONTINGENCY                |         | \$ 153,370.00   |
|                                              |                   |          |      |             |         | THIS REQUEST               |         | \$ 106,070.00   |
|                                              |                   |          |      |             |         | DRAINAGE IMPROVEMENT TOTAL |         | \$ 1,793,136.40 |
|                                              |                   |          |      |             |         | PERCENT ABOVE BID          |         | 16.9%           |



MicroStation V8 User 02/06/11  
SAN18286.dgn  
Plot Scale: 1" = 100.000' / 1" = 100.000' / 1" = 100.000'  
Date: 8/17/18



|    | STA.  | OFFSET | ALIGNMENT |
|----|-------|--------|-----------|
|    | 15+82 | 61     | RT        |
|    | 15+87 | 0      | -         |
| 3  | 16+04 | 0      | -         |
| 4  | 16+18 | 24     | LT        |
| 5  | 16+62 | 23     | LT        |
| 6  | 16+77 | 0      | -         |
| 7  | 16+76 | 46     | RT        |
| 8  | 16+20 | 45     | RT        |
| 9  | 10+00 | 0      | -         |
| 10 | 10+40 | 0      | -         |
| 11 | 10+40 | 39     | RT        |
| 12 | 10+28 | 39     | RT        |
| 13 | 35+16 | 25     | RT        |
| 14 | 34+93 | 26     | RT        |
| 15 | 34+92 | 5      | LT        |
| 16 | 35+36 | 0      | -         |
| 17 | 23+80 | 0      | -         |
| 18 | 23+35 | 23     | RT        |
| 19 | 23+42 | 2      | LT        |

02/07/2020

HEATHER RAE KEISTER  
PROFESSIONAL ENGINEER  
10095  
STATE OF TEXAS

FREESSE AND NICHOLS, INC.  
TEXAS REGISTERED ENGINEERING FIRM F-2144

FREESSE AND NICHOLS, INC.

2732 82nd Street, Suite A  
Lubbock, Texas 79423  
Phone: 806.799.1000  
Web: www.freese.com

CITY OF SAN ANGELO

AVENUE P DETENTION BASIN

CIVIL

STABILIZATION PLAN

|            |     |          |                             |
|------------|-----|----------|-----------------------------|
| NO. ISSUES | BY  | DATE     | FILE NAME                   |
| 1          | HRK | 2/4/2020 | cv-trt-pl-stabilization.dgn |

REVISION No. 1  
VERIFY SCALE Bar is one inch on original drawing.  
If not one inch on this sheet, adjust scale.

Pg 5 of 5

0 50' 100'  
SCALE IN FEET

C-28  
29

Contract # \_\_\_\_\_

**RFB No. ES-08-19**  
**Avenue P Stormwater Detention Basin Project**

In consideration of the mutual covenants and promises herein contained, City of San Angelo and the below named Contractor agree as follows:

**CITY OF SAN ANGELO/OWNER, Engineering Services Department**

**Director/Representative:** Lance Overstreet, Director  
301 W. Beauregard Ave.  
San Angelo, Texas 76903  
Telephone: (325) 657-4201  
Email: [lance.overstreet@cosatx.us](mailto:lance.overstreet@cosatx.us)

**CONTRACTOR/PROVIDER:** Darnell Construction, LLC  
(If an entity other than individual, indicate whether Contractor is authorized by or registered as a foreign entity with the Texas Secretary of State to do business in Texas) **Yes X** / **No** ☐

**Authorizing Officer/Agent:** Jody Darnell, Owner  
Darnell Construction, LLC  
4750 S. Chadbourne St.  
San Angelo, TX 76904  
Telephone: (325) 653-1920  
Email: [jdarnell@suddenlinkmail.com](mailto:jdarnell@suddenlinkmail.com)

**General Description of Project & Scope of Work:** Construction of a Stormwater Detention Basin of approximately 6 acres, associated fencing, utility adjustments and concrete pavement at the intersection of La Cruz/Old Knickerbocker Rd and Avenue P.

**Effective Date:** This contract shall be effective from and after the \_\_1st\_\_ day of December, 2019.

**Date of City Council Authorization** November 12, 2019

**Contract Time:** ☒ Contractor agrees to substantially complete Work within Five Hundred Forty (540) working days after the date Work commences as established by the Notice to Proceed, except upon Change Order authorized under this contract or written amendment executed by the authorized representatives of the parties pursuant to authority of their governing bodies; or

☐ The term of this contract shall be for a period of \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_, commencing on the “Effective Date” and automatically expiring on \_\_\_\_\_, 20\_\_\_\_, subject to extension as may be provided for in the contract documents.

☐ City shall have \_\_\_\_\_ () options to extend the term hereof for a period of \_\_\_\_\_ () year each, subject to availability and appropriation of funds. City must notify Provider of its desire to exercise each option to extend the term hereof in writing at least \_\_\_\_\_ () calendar days prior to expiration of the then effective term.

**Davis-Bacon Act or Texas Prevailing Wage Rate, Texas Gov. Code, Chap. 2258:**

Davis-Bacon Act requires payment of prevailing wages on federally funded or assisted construction projects.

☐ Applies / ☒ Does Not Apply to this contract.

**Texas Government Code Chapter 2258 Prevailing Wage Rates**

☒ Applies / ☐ Does Not Apply to this contract

**Contract Price:** Notwithstanding anything to the contrary in the contract documents, compensation due and payable by the City under this Contract **shall not exceed;**

☒ Base Price **\$2,137,380.00.**

☐ Schedule of Rates and Charges,

☐ plus Alternate 1 \$ \_\_\_\_\_,

☐ plus Alternate 2 \_\_\_\_\_

☐ plus Alternate 3 \_\_\_\_\_

For a total sum of TWO MILLION ONE HUNDRED THIRTY-SEVEN THOUSAND THREE HUNDRED EIGHTY AND NO/100 DOLLARS (\$2,137,380.00), except upon Change Order authorized under this contract or written amendment executed by the authorized representatives of the parties pursuant to authority of their governing bodies.

**Contract Documents Adopted by Reference:** The parties to this Contract adopt in their entirety by reference thereto each of the following contract documents indicated by checkmark, as if each document were set forth herein word for word and in its entirety:

☒ RFB No. ES-08-19

☒ ADDENDUM 1 to bid dated October 25, 2019

☒ ADDENDUM 2 to bid dated October 28, 2019

☐ ADDENDUM 3 to bid dated \_\_\_\_\_, 20\_\_\_\_

☒ City of San Angelo Standard Performance Contract Terms (effective April 16, 2018)\*

☐ City of San Angelo Standard Professional Services Contract Terms (effective April 16, 2018) \*

☐ City of San Angelo Special Contract Terms for Non-Professional Contracts (effective April 16, 2018) \*  
(CMAR./Prof. Svcs./other)

☒ City of San Angelo Owner's General Construction Conditions (effective April 16, 2018)\*

RFB No. ES-08-19, Ave P Stormwater Detention Basin Project – San Angelo

**X** Plans: Avenue P Detention Design Plans dated September 9, 2019 as prepared by Freese & Nichols

**X** Technical Specifications dated July 15, 2019 as prepared by Freese & Nichols

**X** Contractor's Response to RFB No. ES-08-19

☐ Other: \_\_\_\_\_

\* The terms and conditions in these referenced contract documents apply to the Contract to the exclusion of any other terms that the Contractor/Provider seeks to impose or incorporate, or which are implied by trade, custom, practice or course of dealing.

**Acknowledgement of Receipt of Contract Documents:**

The foregoing identified Contract Documents excluding Contractor's Response to request for bid or proposal are posted on the City's website at <http://www.cosatx.us/departments-services/purchasing/bid-information>. Hard copies are available to the Contractor upon request addressed to the City of San Angelo, Purchasing Division, 72 W. College, San Angelo, Texas 76903; (325) 657-4219. BY THE EXECUTION HEREOF, CONTRACTOR REPRESENTS THAT CONTRACTOR HAS REVIEWED AND IS FAMILIAR WITH EACH OF THE CONTRACT DOCUMENTS, HAS SECURED HARD COPIES OF THE CONTRACT DOCUMENTS THAT CONTRACTOR DESIRES TO ACQUIRE, AND AGREES THAT IT IS THE INTENTION OF THE PARTIES THAT THE CONTRACT DOCUMENTS BE MADE A PART OF THIS AGREEMENT AS IF EACH WERE SET FORTH, VERBATIM IN THIS AGREEMENT.

The terms, provisions, specifications and conditions of RFB No. ES-08-19 and any other documents, conditions, specifications, technical data, drawings, requirements and addenda comprising said RFB shall prevail over any conflicting term, provision, specification or condition in Contractor's Response.

**Separately Executed Contract Documents:** The following contract documents indicated by checkmark below are separately required to be executed by the Contractor as conditions precedent to City's performance obligations under the contract:

**X** Authorized Signature/Contact Information (with W-9)

**X** Addenda Acknowledgment

**X** Bid Security (based on base bid price)

**X** Performance & Payment Bonds (if applicable)

**X** "Conflict of Interest Questionnaire" Chapter 176 of the Texas Local Government Code

**X** Debarment and Suspension Certification

**X** Local Preference Consideration Application & Economic Impact Details

**X** Vendor Compliance with Reciprocity on Non-Resident Vendors

**X** Verification Relating to Prohibited Contracts – Israel

**X** Certificate of Insurance

**X** Special Insurance Rider

**X** Original of the Texas Ethics Commission Interested Parties Disclosure Form 1295 completed online at [https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm),

**Contractor Representations and Warranty:** Contractor represents and warrants to City that it has not employed or retained any person or company employed by City to solicit or secure this Agreement and that it has not offered to pay, paid, or agreed to pay any person any fee, percentage, brokerage fee, or gift of any kind contingent upon or in connection with the award of this Agreement.

**Authority to Execute:** Each of the below named persons executing this contract hereby warrant and represent that he or she is properly authorized to execute the contract for purposes of legally binding the party on whose behalf the contract is executed.

**[Signature Page Follows]**

**IN WITNESS WHEREOF**, the parties hereto have caused this instrument to be executed by their respective duly authorized officials the day and year indicated below.

**“CONTRACTOR”**

**DARNELL CONSTRUCTION, LLC**

DocuSigned by:  
By: Jody Darnell  
Jody Darnell, Managing Member  
Email: [jdarnell@suddenlinkmail.com](mailto:jdarnell@suddenlinkmail.com)

Date: 1/10/2020 | 11:45 AM CST

**“OWNER”**

**CITY OF SAN ANGELO**

DocuSigned by:  
By: Daniel Valenzuela  
Daniel Valenzuela, City Manager

**ATTEST:**

DocuSigned by:  
Julia Anuley  
Julia Anuley, City Clerk

Date: 1/13/2020 | 3:03 PM CST

(SEAL)

**City Official Approvals:**

**APPROVED AS TO CONTENT:**

DocuSigned by:  
Nolan A. Sosa  
Nolan A. Sosa, Purchasing Manager

**APPROVED AS TO CONTENT:**

DocuSigned by:  
Lance Overstreet  
Lance Overstreet, P.E., Director of Engineering Services

**APPROVED AS TO RISK:**

DocuSigned by:  
Charles Hagen  
Charles Hagen, Risk Manager

**APPROVED AS TO FORM:**

DocuSigned by:  
Theresa James  
Theresa James, City Attorney

**CITY OF SAN ANGELO****PURCHASING DIVISION**

72 West College Avenue, San Angelo, Texas 76903

Tel: (325) 657-4219

**Specifications Worksheet**

Please indicate your ability to provide the following:

| Item | DESCRIPTION                                                                                                                                                              | YES                                 | NO                       | If NO, will a subcontractor provide the service? |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------------------------------------------------|
| 1.   | Excavation (@ 51,690 CY) and embankment (@1,480 CY) for 6-acre detention basin.                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                  |
| 2.   | Construction of concrete retaining wall and outfall structure with weir and 24" RCP pipes.                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                  |
| 3.   | Removal of existing base & asphalt pavement and construction of approximately 820 SY of 6" concrete pavement.                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                  |
| 4.   | Construction of approximately 241 feet of new waterlines including abandonment, removal or grouting of replaced lines with line stops & wet tap connections to existing. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                  |
| 5.   | Construction of approximately 1050 feet of new sanitary sewer lines and 9 manholes including removal, abandonment or grouting of replaced lines & manholes.              | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                  |
| 6.   | Installation of approximately 1700 ft of 6' chain link fence with barbed wire and concrete mow strip.                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                  |

Please indicate your ability to provide the following:

| Item | DESCRIPTION                                           | YES                                 | NO                                  | If NO, provide explanation. |
|------|-------------------------------------------------------|-------------------------------------|-------------------------------------|-----------------------------|
| 1.   | Completion of project within specified number of days | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                             |
| 2.   | Completion of project by City's deadline              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                             |
| 3.   | Vendor is not debarred/suspended                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                             |





**CITY OF SAN ANGELO**

**PURCHASING DIVISION**

72 West College Avenue, San Angelo, Texas 76903

Tel: (325) 657-4219

**Bid Sheet**

Danell Construction LLC.

Company Name

**\*Please complete attached Bid Sheet in Microsoft Excel format and include a printed hard copy Bid Sheet as well as a digital (Microsoft Excel file) copy as part of your submission. \***

Options will be selected and purchased based on available funding. The bid will be awarded based on lowest responsible bidder.

Note: Should there be any differences between the unit price and the extended pricing calculations, the unit price will prevail.

**Avenue P Stormwater Detention Basin Project**

**TOTAL BASE BID = \$** 2,137,380 **Dollars and** 00 **Cents**

It is understood the quantities of work to be done at unit prices are approximate and are intended for bidding purposes only. Unit quantities may be adjusted to determine final contract amount. Funding availability may also determine final contract amount.

A Performance Bond and Payment Bond will be required based on the Total Base Bid.





CITY OF SAN ANGELO  
AVENUE P DETENTION BASIN

Addendum 1  
October 24, 2019

Pursuant to the Foregoing Notice to Respondents, the undersigned Respondent hereby proposes to do all work and furnish all necessary superintendence, labor, machinery, equipment, tools, and materials, and whatever else may be necessary to complete all work upon which he Proposals, as provided by the attached specifications and shown on the plans, and binds himself on acceptance of this proposal to execute an Agreement and Bonds according to the accompanying forms, for performing and completing the said work within the time stated, and furnishing all required guarantees, for the following prices to-wit.

| AVENUE P DETENTION BASIN                        |           |          |       |                                                          |                      |                         |
|-------------------------------------------------|-----------|----------|-------|----------------------------------------------------------|----------------------|-------------------------|
| ITEM NO.                                        | SPEC. NO. | EST. QTY | UNITS | DESCRIPTION                                              | UNIT COST            | AMOUNT                  |
| <b>UNIT 1 - GENERAL</b>                         |           |          |       |                                                          |                      |                         |
| 1-1                                             | 0         | 1        | LS    | MOBILIZATION                                             | 93,790               | 93,790 <sup>00</sup>    |
| 1-2                                             | TXDOT 502 | 3        | MO    | BARRICADES, SIGNS, TRAFFIC HANDLING                      | 2,800 <sup>00</sup>  | 8,400 <sup>00</sup>     |
| 1-3                                             | TXDOT 505 | 1        | LS    | TEMP. EROSION, SEDIMENTATION, AND ENVIRONMENTAL CONTROLS | 52,850               | 52,850 <sup>00</sup>    |
| TOTAL AMOUNT FOR UNIT 1 - GENERAL               |           |          |       |                                                          |                      | 155,040 <sup>00</sup>   |
| <b>UNIT 2 - DRAINAGE IMPROVEMENTS</b>           |           |          |       |                                                          |                      |                         |
| 2-1                                             | COSA 100  | 6        | AC    | PREPARE ROW (SITE)                                       | 13,786 <sup>00</sup> | 82,716 <sup>00</sup>    |
| 2-2                                             | COSA 100  | 9        | EA    | PREPARE ROW (CONCRETE PIERS)                             | 1,695 <sup>00</sup>  | 15,255 <sup>00</sup>    |
| 2-3                                             | COSA 107  | 6        | AC    | SEEDING FOR EROSION CONTROL                              | 4,164 <sup>00</sup>  | 24,984 <sup>00</sup>    |
| 2-4                                             | COSA 110  | 51690    | CY    | EXCAVATION (CHANNEL)                                     | 12.00                | 620,280 <sup>00</sup>   |
| 2-5                                             | COSA 132  | 1480     | CY    | EMBANKMENT (CLASS 3) (DENSITY CONTROL)                   | 35.00                | 51,800 <sup>00</sup>    |
| 2-6                                             | TXDOT 464 | 60       | LF    | REINFORCED CONCRETE PIPE (24" CL III)                    | 227.00               | 13,620 <sup>00</sup>    |
| 2-7                                             | COSA 420  | 310      | CY    | CONCRETE RETAINING WALL                                  | 582.00               | 180,420 <sup>00</sup>   |
| 2-8                                             | TXDOT 432 | 325      | CY    | CONCRETE RIPRAP (5")                                     | 542.40               | 176,280 <sup>00</sup>   |
| 2-9                                             | TXDOT 550 | 1676     | LF    | FENCE (CHAIN LINK)(INSTALL)                              | 30.00                | 50,280 <sup>00</sup>    |
| 2-10                                            | TXDOT 550 | 1        | EA    | GATE (INSTALL)                                           | 2,458 <sup>00</sup>  | 2,458 <sup>00</sup>     |
| 2-11                                            | TXDOT 432 | 52       | CY    | CONCRETE RIPRAP (MOW STRIP)(5")                          | 480.00               | 24,960 <sup>00</sup>    |
| 2-12                                            | TXDOT 550 | 234      | LF    | FENCE (PIPE BOLLARD W/ CHAIN)(INSTALL)                   | 18.00                | 4,212 <sup>00</sup>     |
| 2-13                                            | TXDOT 105 | 140      | CY    | REMOVE STABILIZED BASE AND ASPHALT PAVEMENT (6")         | 22.60                | 3,164 <sup>00</sup>     |
| 2-14                                            | COSA 110  | 40       | CY    | EXCAVATION (ROADWAY)                                     | 33.90                | 1,356 <sup>00</sup>     |
| 2-15                                            | COSA 350  | 820      | SY    | CONCRETE PAVEMENT (6")                                   | 168.00               | 137,760 <sup>00</sup>   |
| 2-16                                            | COSA 529  | 238      | LF    | CURBS AND GUTTER                                         | 122.00               | 29,036 <sup>00</sup>    |
| 2-17                                            | TXDOT 635 | 28       | SF    | SIGNS                                                    | 17.00                | 476 <sup>00</sup>       |
| 2-18                                            | TXDOT 644 | 4        | EA    | INSTALL SMALL ROAD SIGN SUPPORT AND ASSEMBLY             | 847.50               | 3,390 <sup>00</sup>     |
| TOTAL AMOUNT FOR UNIT 2 - DRAINAGE IMPROVEMENTS |           |          |       |                                                          |                      | 1,422,447 <sup>00</sup> |
| <b>UNIT 3 - WATER IMPROVEMENTS</b>              |           |          |       |                                                          |                      |                         |
| 3-1                                             | COSA 4.09 | 114      | LF    | 6" WATER LINE                                            | 160.00               | 18,240 <sup>00</sup>    |
| 3-2                                             | COSA 4.19 | 3        | EA    | CUT AND PLUG EXISTING 6" WATER LINE                      | 675.00               | 2,025 <sup>00</sup>     |
| 3-3                                             | COSA 4.19 | 2        | EA    | 8"x8" TAPPING SLEEVE AND VALVE                           | 4,700 <sup>00</sup>  | 9,400 <sup>00</sup>     |
| 3-4                                             | COSA 4.19 | 2        | EA    | 6" CONSTRUCTION ISOLATION POINT                          | 11,865               | 23,730 <sup>00</sup>    |
| 3-5                                             | COSA 4.09 | 3        | CY    | WATER LINE ABANDONMENT                                   | 240.00               | 720 <sup>00</sup>       |
| 3-6                                             | COSA 4.09 | 106      | LF    | 8" WATER LINE                                            | 194.00               | 20,564 <sup>00</sup>    |
| 3-7                                             | COSA 4.19 | 2        | EA    | 8" CONSTRUCTION ISOLATION POINT                          | 13,108 <sup>00</sup> | 26,216 <sup>00</sup>    |
| 3-8                                             | COSA 4.09 | 123      | LF    | WATER LINE REMOVAL                                       | 56.00                | 6,888 <sup>00</sup>     |
| TOTAL AMOUNT FOR UNIT 3 - WATER IMPROVEMENTS    |           |          |       |                                                          |                      | 107,783 <sup>00</sup>   |
| <b>UNIT 4 - SANITARY SEWER IMPROVEMENTS</b>     |           |          |       |                                                          |                      |                         |
| 4-1                                             | COSA 4.23 | 1041     | LF    | 8" SANITARY SEWER LINE                                   | 230.00               | 239,430 <sup>00</sup>   |
| 4-2                                             | COSA 4.50 | 35       | LF    | 8" SANITARY SEWER LINE INSIDE CASING                     | 100.00               | 3,500 <sup>00</sup>     |
| 4-3                                             | COSA 4.50 | 35       | LF    | 15" PVC CASING                                           | 170.00               | 5,950 <sup>00</sup>     |
| 4-4                                             | COSA 4.04 | 1041     | LF    | TRENCH SAFETY                                            | 5.00                 | 5,205 <sup>00</sup>     |

|      |           |     |    |                                         |                                                       |                       |
|------|-----------|-----|----|-----------------------------------------|-------------------------------------------------------|-----------------------|
| 4-5  | COSA 4.25 | 9   | EA | 4" DIAMETER MANHOLE (5 - 10 FT DEPTH)   | 5,900 <sup>00</sup>                                   | 53,100 <sup>00</sup>  |
| 4-6  | COSA 4.25 | 2   | EA | 4" DIAMETER MANHOLE (10 - 15 FT DEPTH)  | 6,800 <sup>00</sup>                                   | 13,600 <sup>00</sup>  |
| 4-7  | COSA 4.34 | 10  | CY | SANITARY SEWER LINE ABANDONMENT         | 350 <sup>00</sup>                                     | 3,500 <sup>00</sup>   |
| 4-8  | COSA 4.34 | 1   | EA | REMOVE/ABANDON EXISTING MANHOLE         | 500 <sup>00</sup>                                     | 500 <sup>00</sup>     |
| 4-9  | COSA 4.29 | 1   | LS | BY-PASS PUMPING                         | 108,350 <sup>00</sup>                                 | 108,350 <sup>00</sup> |
| 4-10 | COSA 4.07 | 75  | SY | PERMANENT ASPHALT PAVEMENT REPAIR       | 79 <sup>00</sup>                                      | 5,925 <sup>00</sup>   |
| 4-11 | COSA 4.23 | 250 | SY | CONCRETE ENCASEMENT                     | 15 <sup>00</sup>                                      | 3,750 <sup>00</sup>   |
| 4-12 | COSA 4.34 | 141 | LF | SANITARY SEWER REMOVAL                  | 50 <sup>00</sup>                                      | 7,050 <sup>00</sup>   |
| 4-13 | COSA 4.34 | 3   | EA | CUT AND PLUG EXISTING 8" SANITARY SEWER | 750 <sup>00</sup>                                     | 2,250 <sup>00</sup>   |
|      |           |     |    |                                         | TOTAL AMOUNT FOR UNIT 3 - SANITARY SEWER IMPROVEMENTS |                       |
|      |           |     |    |                                         | 452,110 <sup>00</sup>                                 |                       |
|      |           |     |    |                                         | TOTAL ALL UNITS                                       |                       |
|      |           |     |    |                                         | 2,137,380 <sup>00</sup>                               |                       |



**CITY OF SAN ANGELO**

**PURCHASING DIVISION**

72 West College Avenue, San Angelo, Texas 76903

Tel: (325) 657-4219

**Liquidated Damages**

Timely completion of this project is necessary to prevent delays in street reconstruction project(s) and to minimize project impact to the public.

Should the vendor not complete the work at a permitted site within the required time period, the City may, at its option, assess an \$1050.00 per day delinquent charge against the vendor until such time as work at the site is complete. Estimated Completion Time is 540 Calendar Days.





**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
 72 West College Avenue, San Angelo, Texas 76903  
 Tel: (325) 657-4219

**Authorized Signature/Contact Information**

**Vendor Name:** Darnell Construction, LLC  
**Authorized Signature:** [Signature]  
**Print Name:** Jody Darnell **Date:** October 30, 2019  
**Title:** Owner **Email:** jdarnellconstruction@suddenlinkmail.com  
**Primary Contact:** Jody Darnell  
**Title:** Owner **Email:** jdarnellconstruction@suddenlinkmail.com  
**Telephone:** 325-653-1920 **Fax:** 325-658-5324  
**Mailing Address:** 4750 S. Chadbourne St.  
**City, State, Zip:** San Angelo, TX 76904  
**Physical Address:** 4750 S. Chadbourne St.  
**(Cannot be a PO Box)**  
**City, State, Zip:** San Angelo, TX 76904

**Attach IRS W-9**

*Bids which are not signed and dated or bids which do not comply with all of bid requirements herein, may be considered non-responsive and may be rejected.*

The signee agrees, if this bid is accepted, to furnish any and all goods or services upon which prices are offered, at the price and upon the terms and conditions contained in the Invitation for Bid, Conditions of Bidding, Terms of Contract, and Specifications and all other items made a part of the accepted contract.

The signee affirms that they are duly authorized to execute the contract, that this company, corporation, firm, partnership or individual has not prepared this bid in collusion with any other vendor, and that the contents of this bid as to prices and terms or conditions have not been communicated by the signee nor by any employee or agent to any other vendor or to any other person(s) engaged in this type of business prior to the official opening of this bid. And further, that neither the vendor nor their employees nor agents have been for the past six (6) months directly nor indirectly concerned in any pool or agreement or combination to control the price of goods or services, nor to influence any person to bid or not to bid thereon.

Form **W-9**  
(Rev. October 2018)  
Department of the Treasury  
Internal Revenue Service

## Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

See Specific Instructions on page 3.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b> Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.<br><b>Darnell Construction, LLC</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                            |
| <b>2</b> Business name/disregarded entity name, if different from above                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                            |
| <b>3</b> Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>4</b> Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):<br><br>Exempt payee code (if any) _____<br><br>Exemption from FATCA reporting code (if any) _____<br><br><i>(Applies to accounts maintained outside the U.S.)</i> |
| <input type="checkbox"/> Individual/sole proprietor or single-member LLC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/> C Corporation                                                                                                                                                                                                                                     |
| <input type="checkbox"/> S Corporation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> Partnership                                                                                                                                                                                                                            |
| <input type="checkbox"/> Trust/estate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                            |
| <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) <b>P</b><br><i>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</i> |                                                                                                                                                                                                                                                                            |
| <input type="checkbox"/> Other (see instructions)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                            |
| <b>5</b> Address (number, street, and apt. or suite no.) See instructions.<br><b>4750 S. Chadbourne St.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Requester's name and address (optional)</b><br><br>_____<br>_____                                                                                                                                                                                                       |
| <b>6</b> City, state, and ZIP code<br><b>San Angelo, Texas 76904</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                            |
| <b>7</b> List account number(s) here (optional)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                            |

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

|                                |     |     |   |     |     |   |     |     |     |
|--------------------------------|-----|-----|---|-----|-----|---|-----|-----|-----|
| Social security number         |     |     |   |     |     |   |     |     |     |
| [ ]                            | [ ] | [ ] | - | [ ] | [ ] | - | [ ] | [ ] | [ ] |
| or                             |     |     |   |     |     |   |     |     |     |
| Employer identification number |     |     |   |     |     |   |     |     |     |
| 8                              | 0   | -   | 0 | 8   | 8   | 0 | 7   | 9   | 6   |

### Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

|                  |                          |                           |
|------------------|--------------------------|---------------------------|
| <b>Sign Here</b> | Signature of U.S. person | Date <b>March 1, 2019</b> |
|------------------|--------------------------|---------------------------|

### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

### Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.





## CITY OF SAN ANGELO

## PURCHASING DIVISION

72 West College Avenue, San Angelo, Texas 76903

Tel: (325) 657-4219

**Addenda Acknowledgement**

Receipt is hereby acknowledged of the following addenda to the Contract documents.

Addendum No. 1 dated October 25, 2019Received J. D. October 25, 2019Addendum No. 2 dated October 28, 2019Received J. D. October 29, 2019

Addendum No. 3 dated \_\_\_\_\_

Received \_\_\_\_\_

Please Print

Darden Construction LLC  
Company NameSignature [Signature]Printed Name Tody DardenTitle Owner4750 S. Chalkwood St  
AddressSan Angelo, TX 76904  
City, State Zip Code



## BID BOND

**KNOW ALL MEN BY THESE PRESENTS, that** we Darnell Construction LLC as principal, hereinafter called the "Principal," and **SURETEC INSURANCE COMPANY**, 2103 CityWest Boulevard, Suite 1300, Houston, TX 77042, as surety, hereinafter called the "Surety," are held and firmly bound unto City of San Angelo TX as obligee, hereinafter called the Obligee, in the sum of FIVE Percent (5%) of the Amount Bid by Principal for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

**WHEREAS**, the principal has submitted a bid for Stormwater Detention Basin, Ave P, San Angelo, TX..

**NOW, THEREFORE**, if the contract be timely awarded to the Principal and the Principal shall within such time as specified in the bid, enter into a contract in writing or, in the event of the failure of the Principal to enter into such Contract, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

**PROVIDED, HOWEVER**, neither Principal nor Surety shall be bound hereunder unless Obligee prior to execution of the final contract shall furnish evidence of financing in a manner and form acceptable to Principal and Surety that financing has been firmly committed to cover the entire cost of the project.

SIGNED, sealed and dated this 22nd day of October, 2019.

Darnell Construction LLC  
(Principal)

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

SureTec Insurance Company

BY: \_\_\_\_\_

Rhonda Underwood

, Attorney-in-Fact

# **SureTec Insurance Company**

## **THIS BOND RIDER CONTAINS IMPORTANT COVERAGE INFORMATION**

### **Statutory Complaint Notice**

To obtain information or make a complaint: You may call the Surety's toll free telephone number for information or to make a complaint at: 1-866-732-0099. You may also write to the Surety at:

SureTec Insurance Company  
9737 Great Hills Trail, Suite 320  
Austin, Tx 78759

You may contact the Texas Department of Insurance to obtain information on companies, coverage, rights or complaints at 1-800-252-3439. You may write the Texas Department of Insurance at:

PO Box 149104  
Austin, TX 78714-9104  
Fax#: 512-475-1771  
Web: <http://www.tdi.state.tx.us>  
Email: [ConsumerProtection@tdi.state.tx.us](mailto:ConsumerProtection@tdi.state.tx.us)

**PREMIUM OR CLAIM DISPUTES:** Should you have a dispute concerning your premium or about a claim, you should contact the Surety first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

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### **Terrorism Risks Exclusion**

The Bond to which this Rider is attached does not provide coverage for, and the surety shall not be liable for, losses caused by acts of terrorism, riot, civil insurrection, or acts of war.

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### **Exclusion of Liability for Mold, Mycotoxins, Fungi & Environmental Hazards**

The Bond to which this Rider is attached does not provide coverage for, and the surety thereon shall not be liable for, molds, living or dead fungi, bacteria, allergens, histamines, spores, hyphae, or mycotoxins, or their related products or parts, nor for any environmental hazards, bio-hazards, hazardous materials, environmental spills, contamination, or cleanup, nor the remediation thereof, nor the consequences to persons, property, or the performance of the bonded obligations, of the occurrence, existence, or appearance thereof.



POA #: 4221025

# SureTec Insurance Company

## LIMITED POWER OF ATTORNEY

**Know All Men by These Presents**, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Paul G. Adam, Peter S. Batjer, Joseph P. O'Connor, Lisa W. Friend, Susan D.B. Muniz,  
Rhonda Underwood, Christine Jones

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for, providing the bond penalty does not exceed

Five Million and 00/100 Dollars (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the CEO, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

*Be it Resolved*, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

*Attorney-in-Fact* may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

*Be it Resolved*, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20<sup>th</sup> of April, 1999.)

**In Witness Whereof**, SURETEC INSURANCE COMPANY has caused these presents to be signed by its CEO, and its corporate seal to be hereto affixed this 28<sup>th</sup> day of February, A.D. 2019.

SURETEC INSURANCE COMPANY

By:

John Knox Jr., CEO



State of Texas  
County of Harris

ss:

On this 28<sup>th</sup> day of February, A.D. 2019 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is CEO of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



Xenia Chavez, Notary Public  
My commission expires September 10, 2020

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 22<sup>nd</sup> day of October, 2019, A.D.

M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.  
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:30 am and 5:00 pm CST.

**CITY OF SAN ANGELO****PURCHASING DIVISION**

72 West College Avenue, San Angelo, Texas 76903

Tel: (325) 657-4219

**Disclosure of Certain Relationships****NOTICE TO VENDORS**

**Effective January 1, 2006**, Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local governmental entity make certain disclosures concerning any affiliation or business relationship that might cause a conflict of interest with the local governmental entity. The provisions of Chapter 176 and the Form CIQ questionnaire that you must complete, if applicable, to comply with this new law, are available and explained in more detail at the Texas Ethics Commission website at [https://www.ethics.state.tx.us/filinginfo/conflict\\_forms.htm](https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm).

A current list of City of San Angelo and City of San Angelo Development Corporation officers is available in the office of the City of San Angelo City Clerk, Room 201 of City Hall or on the City's website at <http://cosatx.us>. If you are considering doing business with the City of San Angelo or the City of San Angelo Development Corporation and have an affiliation or business relationship that requires you to submit a completed Form CIQ, it must be filed with the records administrator (City Clerk) of the City of San Angelo not later than the 7<sup>th</sup> business day after the date you become aware of facts that require the form to be filed. See Section 176.006, Texas Local Government Code. It is a Class C misdemeanor to violate this provision.

By submitting a response to a City of San Angelo or City of San Angelo Development Corporation Request for Bid proposals, Request for Bids, or Request for Qualifications or by conducting business with either of those two entities, you are representing that you are in compliance with the requirements of Chapter 176 of the Texas Local Government Code.

*Nolan A. S.*  
Purchasing Manager

---

**LOCAL GOVERNMENT OFFICERS OF THE CITY OF SAN ANGELO**  
**As defined by Chapter 176 of the Texas Local Government Code**  
**(Revised 03/05/19)**

For purposes of completion of the required Conflict of Interest Questionnaire for the City of San Angelo (required by all buyers who submit bids/proposals), Local Government Officers are:

**City of San Angelo City Council:**

Mayor: Brenda Gunter, Mayor

Councilmembers: Tommy Hiebert, SMD 1  
Tom Thompson, SMD 2  
Harry Thomas, SMD 3  
Lucy Gonzales, SMD 4  
Lane Carter, SMD5 (Mayor Pro Tempore)  
Billie DeWitt, SMD 6

City Manager: Daniel Valenzuela

**Development Corporation officers are:**

Todd R. Kolls, President  
Bill Dendle, First Vice President  
David Cummings, Second Vice President



**CITY OF SAN ANGELO**

**PURCHASING DIVISION**

72 West College Avenue, San Angelo, Texas 76903

Tel: (325) 657-4219

Edward Carrasco, Director

Garland Freeze, Director

Max Puello, Director

Executive Director: Guy Andrews





**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
72 West College Avenue, San Angelo, Texas 76903  
Tel: (325) 657-4219

**Debarment and Suspension Certification**

- (1) The prospective primary vendor certifies to the best of its knowledge and belief that it and its principals:
- (a) Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the prospective primary vendor is unable to certify to any of the statements in this certification, such prospective primary vendor shall attach an explanation to this bid proposal.

**Business Name** Darnell Construction, LLC.

October 30, 2019  
Date

By: Jody Darnell Owner  
Name and Title of Authorized Representative

  
Signature of Authorized Representative



**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
 72 West College Avenue, San Angelo, Texas 76903  
 Tel: (325) 657-4219

## **Debarment and Suspension Certification**

### **INSTRUCTIONS**

1. By signing and submitting this proposal, the prospective vendor is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective vendor shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the determination whether to enter into this transaction. However, failure of the prospective vendors to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the City of San Angelo determined to enter into this transaction. If it is later determined that the prospective vendor knowingly rendered an erroneous certification, in addition to other remedies available, the City of San Angelo may terminate this transaction for cause.
4. The prospective vendor shall provide immediate written notice to the City of San Angelo to which this proposal is submitted if at any time the prospective vendor learns that its certification was erroneous when submitted or has become erroneous because of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "vendor," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549(13 CFR Part 145). You may contact the City of San Angelo for assistance in obtaining a copy of these regulations.
6. The prospective vendor agrees by submitting this proposal that, should the proposed transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the City of San Angelo.
7. The prospective vendor further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment and Suspension" provided by the City of San Angelo, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A vendor in a covered transaction may rely upon a certification of a prospective vendor in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A vendor may decide the method and frequency by which it determines the ineligibility of its principals. Each vendor may, but is not required to, check the Non-procurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a vendor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a vendor in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the City of San Angelo, the City of San Angelo may terminate this transaction for cause.





**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
72 West College Avenue, San Angelo, Texas 76903  
Tel: (325) 657-4219

### **Local Preference Consideration**

Section 271.9051 of the Texas Local Government Code "CONSIDERATION OF LOCATION OF RESPONDENTS PRINCIPAL PLACE OF BUSINESS":

In accordance with Section 271.9051 of the Texas Local Government Code, if a local government receives one or more competitive sealed bids from a vendor whose principal place of business is in the municipality and whose bid is within five (5%) percent of the lowest bid price received from a vendor who is not a resident of the municipality, on contracts less than \$500,000 and three percent (3%) on contracts over \$500,000.00 the municipality may enter into a contract with (a) the lowest vendor or (b) the vendor whose principal place of business is in the municipality if the governing body of the local government determines, in writing, that the local vendor offers the local government the best combination of contract price and additional economic development opportunities for the local government created by the contract award, including the employment of residents of the local government and increased tax revenues to the local government.

Local Preference Consideration DOES NOT apply to Construction Projects over \$100,000 or Telecommunication and Information Technology Bids/Purchases.

**If you DO NOT have your principal place of business located within the City of San Angelo city limits – STOP – do not fill out this form.**

**This "Application for Local Preference Consideration" does *not* mean that the City of San Angelo is limiting responses to this request for bids/proposals to only those businesses located within the city limits. All bids/proposals are welcome.**

Respondents who wish to qualify under the local preferences law must have their principal place of business located within the San Angelo city limits.

**If your principal place of business is within the San Angelo city limits and you want to apply for local preference consideration, then you must:**

1. Complete the **Local Preference Consideration Application**, and
2. ***Describe in writing and attach supporting documentation***, the additional economic development opportunities for the City of San Angelo that will be created if you are awarded this contract. Include the number of City of San Angelo residents that you will employ to complete this contract and the increased tax revenues that will be generated for the City of San Angelo if you are awarded this contract.



**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
 72 West College Avenue, San Angelo, Texas 76903  
 Tel: (325) 657-4219

**Local Preference Consideration Application**

**Business Name:** Darnell Construction, LLC.  
**Physical Address:** 4750 S. Chadbourne St.  
**Mailing Address:** 4750 S. Chadbourne St.  
**City, State, Zip Code:** San Angelo, TX 76904

**Business Type:**

- ☐ Corporation – Indicate state of incorporation \_\_\_\_\_  
☒ Partnership – Indicate "general" or "limited" LLC  
☐ Sole proprietorship \_\_\_\_\_

**Attachments:** *Describe in writing, and attach supporting documentation, the additional economic development opportunities for the City of San Angelo that will be created if you are awarded this contract. Include the number of City of San Angelo residents that you will employ to complete this contract and the increased tax revenues that will be generated for the City of San Angelo if you are awarded this contract.* X

**CERTIFICATION:** I hereby certify under penalty of perjury that the information which I have provided on this form is true and correct, that I am authorized to sign on behalf of the business set out above and if requested by the city will provide, within 10 days of notice, the necessary documents to substantiate the information provided.

(Please print)

  
 Authorized Representative Signature

Jody Darnell  
 Printed Name

Owner  
 Title

October 30, 2019  
 Date

(Attach description and documentation of economic impact as outlined on previous page)



**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
 72 West College Avenue, San Angelo, Texas 76903  
 Tel: (325) 657-4219

### Vendor Compliance with Reciprocity on Non-Resident Vendors

Texas Government Code 2252.002 provides that, in order to be awarded a contract as low vendor, a non-resident vendor must bid projects for construction, improvements, supplies or services in Texas at an amount lower than the lowest Texas resident vendor by the same amount that a Texas resident vendor would be required to underbid a non-resident vendor in order to obtain a comparable contract in the state in which the non-resident's principal place of business is located. A non-resident vendor is a contractor whose corporate offices or principal place of business is outside of the state of Texas. This requirement does not apply to a contract involving Federal funds. The appropriate blanks in Section A must be filled out by all out-of-state or non-resident vendors in order for your bid to meet specifications. The failure of out-of-state or non-resident contractors to do so will automatically disqualify that vendor. Resident vendors must check the blank in Section B.

- A. Non-resident Vendors in \_\_\_\_\_ (give state), our principal place of business, are required to be \_\_\_\_\_ percent lower than resident vendors by state law. A copy of the statute is attached.

Non-resident Vendors in \_\_\_\_\_ (give state), our principal place of business, are not required to underbid resident vendors.

- B. Our principal place of business or corporate offices are in the State of Texas:   X  .

VENDOR:

(Please print)

Darnell Construction, LLC.

Company Name

[Signature]

Signature

Jody Darnell

Printed Name

Owner

Title

4750 S. Chadbourne St.

Address

San Angelo, TX 76904

City, State Zip Code





**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
 72 West College Avenue, San Angelo, Texas 76903  
 Tel: (325) 657-4219

### City References

Darnell Construction, LLC.  
 Company Name

List five (5) similar projects that your company has completed for the City of San Angelo. All references shall be for work completed in the last five (5) years.

#### Reference One

Project Name: COSA - RFB ES-09-17/Sulphur Draw  
 Location: Sulphur Draw Area / Santa Rita  
 Contact Person and Title: Andy Vecellio Engineer/ Designer COSA  
 Telephone Number: 325-657-4215  
 Scope of Work: Sewer improvements  
 Contract Period: 01/02/2018 - 07/30/2019

#### Reference Two

Project Name: COSA - MLK Transportation Enhancement / Infrastructure Improvement Project  
 Location: 2501 Martin Luther King Blvd San Angelo, TX 76901 Proj. No. 11317  
 Contact Person and Title: Lance Overstreet Engineer / Designer COSA  
 Telephone Number: 325-655-6397  
 Scope of Work: Enhancement / Infrastructure Water Improvement  
 Contract Period: 11/01/2016 - 05/2017

#### Reference Three

Project Name: COSA RFCSP WJ-01-15/2015  
 Location: Sherwood Way, San Angelo, TX  
 Contact Person and Title: Joseph Mangrem, PE / COSA  
 Telephone Number: 325-657-4547  
 Scope of Work: Water line improvements  
 Contract Period: 06/2015 - 07/2016



**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
72 West College Avenue, San Angelo, Texas 76903  
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**Reference Four**

Project Name: \_\_\_\_\_  
Location: \_\_\_\_\_  
Contact Person and Title: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Scope of Work: \_\_\_\_\_  
Contract Period: \_\_\_\_\_

**Reference Five**

Project Name: \_\_\_\_\_  
Location: \_\_\_\_\_  
Contact Person and Title: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Scope of Work: \_\_\_\_\_  
Contract Period: \_\_\_\_\_



**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
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### Local Area References

Darnell Construction, LLC.  
 Company Name

List five (5) similar projects that your company has completed within 150 miles of the City (but not for the **City of San Angelo**). References should be of similar size and scope of work to this proposal. All references shall be for work completed in the last five (5) years.

#### Reference One

Government/Company Name: City of Iraan new wastewater treatment plant TWDB ID 21741  
 Location: Iraan, TX  
 Contact Person and Title: Zack Dawson Engineer / Designer Parkhill, Smith & Cooper  
 Telephone Number: 806-473-2200 ZDawson@TEAM-PSC.com  
 Scope of Work: Iraan - New Wastewater Treatment Plant  
 Contract Period: 09/2017 - 06/2020

#### Reference Two

Government/Company Name: ASU Centennial Village Phase II  
 Location: San Angelo, TX 76904  
 Contact Person and Title: Keith Riggott Engineer / Designer Whiting-Turner Co  
 Telephone Number: 210-558-1880 Keith.Riggott@whiting-turner.com  
 Scope of Work: water & sewer utilities  
 Contract Period: 03/2017 - 09/2017

#### Reference Three

Government/Company Name: CITY OF LAMESA, TX WATER SYSTEM IMPROVEMENTS / WATER LINE REPLACEMENT  
TxCDBG No. 721280  
 Location: Lamesa, TX  
 Contact Person and Title: Kelli Cool, PE Parkhill, Smith & Cooper  
 Telephone Number: 806-473-2200  
 Scope of Work: water system improvements  
 Contract Period: 10/2017



CITY OF SAN ANGELO  
PURCHASING DIVISION  
72 West College Avenue, San Angelo, Texas 76903  
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**Reference Four**

Government/Company Name: City of Paint Rock, TX TDAP No. 7215351

Location: Paint Rock, TX

Contact Person and Title: Allen Phillips PE / Jacob & Martin

Telephone Number: 325-695-1070

Scope of Work: water system improvements

Contract Period: 09/2016 - 04/2017

**Reference Five**

Government/Company Name: BS 2014 Sewer Phase A

Location: Big Spring, TX

Contact Person and Title: Zak Dawson, PE / Parkhill, Smith & Cooper

Telephone Number: 806-473-3530

Scope of Work: sewer improvement / extension

Contract Period: 07/2015





CITY OF SAN ANGELO  
PURCHASING DIVISION  
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### List of Proposed Subcontractors and Suppliers

List any subcontractors and suppliers you intend to use on this project and the categories of work they will perform. Vendors are strongly encouraged to explore utilizing area subcontractors and suppliers. Make as many copies of this form as necessary to cover all categories of work.

Category of Work: GENERAL CONTRACTOR % of Proposed Contract Amount: 30%

Business Name: Darnell Construction, LLC.

Contact Name: Jody Darnell

Telephone: 325-653-1920

Address, City, State, Zip: 4750 S. Chadbourne St. San Angelo, TX 76904

\*\*\*\*\*

Category of Work: Dirt work % of Proposed Contract Amount: 40%

Business Name: Baxter Construction, LLC.

Contact Name: Guymon Richards

Telephone: 325-650-3330

Address, City, State, Zip: 6617 S. US HWY 277 San Angelo, TX 76904

\*\*\*\*\*

Category of Work: Fence % of Proposed Contract Amount: 10%

Business Name: MEZA FENCE

Contact Name: Vince Meza

Telephone: 325-234-6061

Address, City, State, Zip: 309 Hunter's Glen Rd San Angelo, Texas 76901

\*\*\*\*\*

Category of Work: Concrete % of Proposed Contract Amount: 20%

Business Name: Under Ground Commercial, LLC

Contact Name: Mickey Fauce

Telephone: 325-656-8275

Address, City, State, Zip: 3602 Greedmendon Dr. San Angelo TX 76904

\*\*\*\*\*

Category of Work: \_\_\_\_\_ % of Proposed Contract Amount: \_\_\_\_\_

Business Name: \_\_\_\_\_



**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
72 West College Avenue, San Angelo, Texas 76903  
Tel: (325) 657-4219

Contact Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address, City, State, Zip: \_\_\_\_\_

Category of Work: \_\_\_\_\_ % of Proposed Contract Amount: \_\_\_\_\_

Business Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address, City, State, Zip: \_\_\_\_\_

\*\*\*\*\*

Category of Work: \_\_\_\_\_ % of Proposed Contract Amount: \_\_\_\_\_

Business Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address, City, State, Zip: \_\_\_\_\_

\*\*\*\*\*

Category of Work: \_\_\_\_\_ % of Proposed Contract Amount: \_\_\_\_\_

Business Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address, City, State, Zip: \_\_\_\_\_

\*\*\*\*\*

Category of Work: \_\_\_\_\_ % of Proposed Contract Amount: \_\_\_\_\_

Business Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address, City, State, Zip: \_\_\_\_\_

\*\*\*\*\*

Category of Work: \_\_\_\_\_ % of Proposed Contract Amount: \_\_\_\_\_



**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
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Business Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address, City, State, Zip: \_\_\_\_\_

***Percentages should total to 100%***





**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
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### Vendor Safety Record

- I. List your organization's Workers Compensation Experience Modification Rate (EMR) for the last five years, as obtained from your insurance agent.

2018 0.81

2017 1.16

2016 1.00

2015 1.00

2014 1.00

- II. Complete the matrix below for the last five years, as obtained from OSHA No. 200 Log:

|                                                               | 2018 | 2017  | 2016 | 2015 | 2014  |
|---------------------------------------------------------------|------|-------|------|------|-------|
| Number of injuries & illnesses                                | 0    | 1     | 0    | 0    | 1     |
| Number of lost time accidents                                 | 0    | 1     | 0    | 0    | 1     |
| Number of recordable cases                                    | 0    | 1     | 0    | 0    | 1     |
| Number of fatalities                                          | 0    | 0     | 0    | 0    | 0     |
| Number of employee direct hire fixed hours (round to 1,000's) | 0    | 1,900 | 0    | 0    | 1,900 |

- III. Please answer the following questions regarding your safety program

a. Are regular project safety meetings held for Field Supervisor(s)? ☒ Yes ☐ No

If yes, frequency: ☒ Weekly ☐ Bi-Monthly ☐ Monthly ☐ As Needed

b. Are project safety inspections conducted? ☒ Yes ☐ No

If yes, who performs inspections? Jody Darnell Owner

How often? weekly

Who is required to attend? Supervisor of the project

c. Does your organization have a written safety program? ☒ Yes ☐ No

If yes, provide a copy. It will become a compliance document upon contract award.

d. Does your organization have a safety orientation program for new employees? ☒ Yes ☐ No

For employees promoted to Field Supervisor? ☒ Yes ☐ No

If yes, does your Supervisor Safety Program include instructions on the following:

|                          |                                         |                             |
|--------------------------|-----------------------------------------|-----------------------------|
| Safety Work Practices    | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Toolbox Safety Meetings  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| First Aid Procedures     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Accident Investigation   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Fire Protection          | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| New Worker's Orientation | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |



DARNCON-01

RUNDERWOOD

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/20/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| <b>PRODUCER</b><br>Trimble-Batjer Insurance Associates LLP<br>PO Box 2480<br>San Angelo, TX 76902 | <b>CONTACT NAME:</b> Rhonda Underwood<br><b>PHONE (A/C, No, Ext):</b> (325) 340-9936<br><b>FAX (A/C, No):</b><br><b>E-MAIL ADDRESS:</b> rhonda@trimble-batjer.com                                                                                                                                                                                                                                                                                                                               |                               |        |                                          |       |                                                  |       |                   |  |                   |  |                   |  |                   |  |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------|------------------------------------------|-------|--------------------------------------------------|-------|-------------------|--|-------------------|--|-------------------|--|-------------------|--|
| <b>INSURED</b><br>Darnell Construction LLC<br>4750 S Chadbourne<br>San Angelo, TX 76904           | <table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td><b>INSURER A:</b> FCCI Insurance Company</td> <td>10178</td> </tr> <tr> <td><b>INSURER B:</b> Texas Mutual Insurance Company</td> <td>22945</td> </tr> <tr> <td><b>INSURER C:</b></td> <td></td> </tr> <tr> <td><b>INSURER D:</b></td> <td></td> </tr> <tr> <td><b>INSURER E:</b></td> <td></td> </tr> <tr> <td><b>INSURER F:</b></td> <td></td> </tr> </tbody> </table> | INSURER(S) AFFORDING COVERAGE | NAIC # | <b>INSURER A:</b> FCCI Insurance Company | 10178 | <b>INSURER B:</b> Texas Mutual Insurance Company | 22945 | <b>INSURER C:</b> |  | <b>INSURER D:</b> |  | <b>INSURER E:</b> |  | <b>INSURER F:</b> |  |
| INSURER(S) AFFORDING COVERAGE                                                                     | NAIC #                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                               |        |                                          |       |                                                  |       |                   |  |                   |  |                   |  |                   |  |
| <b>INSURER A:</b> FCCI Insurance Company                                                          | 10178                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                               |        |                                          |       |                                                  |       |                   |  |                   |  |                   |  |                   |  |
| <b>INSURER B:</b> Texas Mutual Insurance Company                                                  | 22945                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                               |        |                                          |       |                                                  |       |                   |  |                   |  |                   |  |                   |  |
| <b>INSURER C:</b>                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                               |        |                                          |       |                                                  |       |                   |  |                   |  |                   |  |                   |  |
| <b>INSURER D:</b>                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                               |        |                                          |       |                                                  |       |                   |  |                   |  |                   |  |                   |  |
| <b>INSURER E:</b>                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                               |        |                                          |       |                                                  |       |                   |  |                   |  |                   |  |                   |  |
| <b>INSURER F:</b>                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                               |        |                                          |       |                                                  |       |                   |  |                   |  |                   |  |                   |  |

## COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                                                                                | ADDL INSD | SUBR WVD | POLICY NUMBER  | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                                                                    |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|----------------|-------------------------|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A        | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC<br><input checked="" type="checkbox"/> OTHER: PD Ded \$1000 |           |          | CPP10002994501 | 9/19/2019               | 9/19/2020               | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000<br>MED EXP (Any one person) \$ 10,000<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COMP/OP AGG \$ 2,000,000<br>Em Benefit Liab \$ 1,000,000 |
| A        | AUTOMOBILE LIABILITY<br><input checked="" type="checkbox"/> ANY AUTO<br><input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS<br><input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY                                                                                      |           |          | CA10002995001  | 9/19/2019               | 9/19/2020               | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$<br>\$                                                                                                           |
| A        | <input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR<br><input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE<br>DED <input checked="" type="checkbox"/> RETENTION \$ 0                                                                                                                               |           |          | UMB10002994901 | 9/19/2019               | 9/19/2020               | EACH OCCURRENCE \$ 5,000,000<br>AGGREGATE \$ 5,000,000<br>Pers & Al Limit \$ 5,000,000                                                                                                                                                                                    |
| B        | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> N<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                               |           | N/A      | 0001258287     | 9/19/2019               | 9/19/2020               | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER<br>E.L. EACH ACCIDENT \$ 1,000,000<br>E.L. DISEASE - EA EMPLOYEE \$ 1,000,000<br>E.L. DISEASE - POLICY LIMIT \$ 1,000,000                                                                 |
| A        | Installation / Build                                                                                                                                                                                                                                                                                                                                             |           |          | CPP10002994501 | 9/19/2019               | 9/19/2020               | SingleLoc 275,000                                                                                                                                                                                                                                                         |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 SEE PAGE 2 FOR SPECIAL PROVISIONS:

RE: Project ES-08-19/Avenue P Stormwater Basin Project

## CERTIFICATE HOLDER

## CANCELLATION

City of San Angelo  
 72 W College Ave  
 San Angelo, TX 76903

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Peter S Batjer*



## ADDITIONAL REMARKS SCHEDULE

Page 1 of 1

|                                                   |                      |                                                                                        |  |
|---------------------------------------------------|----------------------|----------------------------------------------------------------------------------------|--|
| AGENCY<br>Trimble-Batjer Insurance Associates LLP |                      | NAMED INSURED<br>Darnell Construction LLC<br>4750 S Chadbourne<br>San Angelo, TX 76904 |  |
| POLICY NUMBER<br>SEE PAGE 1                       |                      |                                                                                        |  |
| CARRIER<br>SEE PAGE 1                             | NAIC CODE<br>SEE P 1 | EFFECTIVE DATE: SEE PAGE 1                                                             |  |

## ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

## SPECIAL PROVISIONS:

GL & AL include a blanket additional insured endorsement (except WC) with GL including products/completed operations and primary & non-contributory coverage and a blanket waiver of subrogation endorsement, Umbrella policy includes additional insured primary/non-contributory endorsement and blanket waiver of subrogation, all in favor of any person or organization if required by signed, written contract.

WE HAVE ISSUED AN INDUSTRY STANDARD ACORD CERTIFICATE OF INSURANCE FOR OUR CUSTOMER. A LAW PASSED BY THE TEXAS LEGISLATURE EFFECTIVE JANUARY 1, 2012 (SENATE BILL 425) PROHIBITS US FROM ADDING SPECIAL WORDING TO THE CERTIFICATE THAT WOULD (1) ALTER, AMEND OR EXTEND COVERAGE OR TERMS AND CONDITIONS PROVIDED BY THE INSURANCE POLICY; AND(2) PROVIDE FALSE OR MISLEADING INFORMATION CONCERNING THE INSURANCE POLICY; OR (3) REFER TO A LEGAL OR INSURANCE REQUIREMENT CONTAINED IN A CONTRACT.



**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
 72 West College Avenue, San Angelo, Texas 76903  
 Tel: (325) 657-4219

### **Special Insurance Rider**

1. **TYPES AND AMOUNTS OF INSURANCE REQUIRED.** Provider shall obtain and continuously maintain in effect at all times during the term hereof, at Provider's sole expense, insurance coverage as follows with limits not less than those set forth below:

**1.1 Commercial General Liability.** This policy shall be an occurrence-type policy and shall protect Provider and additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than Provider's employees) and damage to property of City or others arising out of the act or omission of Provider or its agents and employees. This policy shall also include protection against claims for the contractual liability assumed by Provider under the paragraph of this Agreement entitled "Indemnification," including completed operations, products liability, contractual coverage, broad form property coverage, explosion, collapse, underground, premises/operations, and independent Vendors (to remain in force for two years after final payment).

Coverage limits shall not be less than:

|                |                                 |
|----------------|---------------------------------|
| \$2,000,000.00 | General Aggregate               |
| \$1,000,000.00 | Products – Completed Operations |
| \$1,000,000.00 | Personal & Advertising Injury   |
| \$1,000,000.00 | Each Occurrence                 |
| \$ 100,000.00  | Fire Damage (any one fire)      |

**1.2 Business Automobile Liability.** This policy shall be written in comprehensive form and shall protect Provider and the additional insureds against all claims for injuries to members of the public and damage to property of others arising from the use of motor vehicles and shall cover operation on and off the premises of all motor vehicles licensed for highway use, whether they are owned, non-owned or hired. Coverage shall be as follows:

|                 |                     |
|-----------------|---------------------|
| \$ 1,000,000.00 | Each Accident Limit |
|-----------------|---------------------|



**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
 72 West College Avenue, San Angelo, Texas 76903  
 Tel: (325) 657-4219

**1.3 Workers' Compensation and Employer's Liability.** If Provider hires any employees, Provider shall maintain Workers' Compensation and Employer's Liability insurance, which shall protect Provider against all claims under applicable state workers' compensation laws and employer's liability. The insured shall also be protected against claim for injury, disease or death of employees which for any reason, may not fall within the provisions of a workers' compensation law. Coverage shall not be less than:

| <b>Statutory Amount</b> | <b>Workers' Compensation</b>                  |
|-------------------------|-----------------------------------------------|
| \$ 500,000.00           | Employer's Liability, Each Accident           |
| \$ 500,000.00           | Employer's Liability, Disease - Each Employee |
| \$ 500,000.00           | Employer's Liability, Disease - Policy Limit  |

**1.4 Environmental Liability.** This insurance shall include contractual liability in its coverage, and the coverage under this policy shall survive the term of this Agreement if any liability could be asserted. Limit of liability per claim shall not be less than:

**\$ 2,000,000.00** Combined Single Limits

**Vendor agrees to comply with City of San Angelo Special Insurance Rider requirements.**

October 30, 2019  
 Date

By: Jody Andrew Addison  
 Name and Title of Authorized Representative

[Signature]  
 Signature of Authorized Representative





**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
 72 West College Avenue, San Angelo, Texas 76903  
 Tel: (325) 657-4219

**Verification Relating to Prohibited Contracts – Israel**

**City of San Angelo, Texas, RFB ES-08-19**

My name is Jody Lee Dawson, "Declarant":  
 (First) (Middle) (Last)

My date of birth is 12/07/70; and,

My address is 4750 S. Chadbourne, San Angelo, TX  
 (Street) (City) (State)

76904, and Tom Green  
 (Zip Code) (Country)

My position with Dawson Construction, Inc., contracting company, is Owner.  
 (contracting company) (office held)

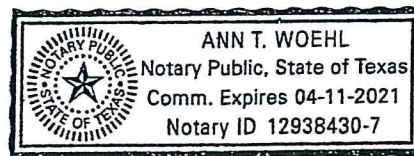
(1) The foregoing named contracting Company does not now and will not during the term of this contract, have contracts with or provide supplies or services to, an entity or company known to have contracts with or to provide supplies or services to a foreign terroristic organization or with an entity or company identified as providing such on a list prepared and maintained by the Texas Comptroller pursuant to Subchapter "F", Sections 2252.151 et. seq., Chapter 2252 "Contracts with Governmental Entity" of the Texas Government Code; neither is contracting Company identified as an entity providing such supplies or services on said list.

(2) The foregoing named contracting Company does not boycott Israel; and will not boycott Israel during the term of the contract with the City of San Angelo.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in TOM GREEN County, State of TX, on the 30<sup>th</sup> day of  
 (County)  
October, 20 19.  
 (Month)

Ann Woehl  
 Declarant





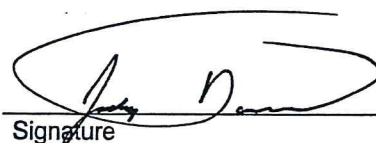
**CITY OF SAN ANGELO**  
**PURCHASING DIVISION**  
72 West College Avenue, San Angelo, Texas 76903  
Tel: (325) 657-4219

**Draft Contract Cover – Acknowledgement Sheet**

Please review the included draft contract, redline and make changes to any terms you cannot abide by, and return with your submission.

☒ I have read and can comply with all contract terms. I am not returning the draft contract.

☐ I have read the contract terms, revised those I cannot comply with, and have included a copy with my submission.

  
Signature \_\_\_\_\_ Date October 30, 2019



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

---



Requestor: Jeff Fisher, Sr. Planner, Planning and Development Services, 325-657-4210

Meeting Date: December 7, 2021

Item type: Consent Item

---

## **Caption:**

Consider accepting an annexation petition for 9.508 acres of land, being 9.278 acres out of the Deaf and Dumb Asylums Lands Survey No. 2, Abstract No. 8211, and a 0.230 tract described and recorded in Instrument No. 201803309, Tom Green County, Texas, located southwest of Sherwood Way and FM 2288, and setting a Public Hearing on the annexation for the February 15, 2022 City Council meeting (Jon James)

## **Staff Recommendation:**

Accept

## **Summary/History:**

The City has received an annexation petition from Mills Development Inc. This petition is to annex 9.508 acres of property for multi-family residential development immediately south of the south end of Appaloosa Trail in the City's Extra-Territorial Jurisdiction (ETJ). The property is southwest of the Boulevard Apartments and west of the Prestonwood Addition, Section 7 subdivision.

The applicant has submitted concurrently a zoning request to establish zoning of Low Rise Multifamily Residential (RM-1) to allow a future two-story multi-family apartment development.

Accepting this petition will set the public hearing date on the annexation and set the public hearing date of the first reading to consider the annexation ordinance.

## **Funding Source(s):**

## **Financial Impact:**

There is no fiscal impact associated with accepting this petition for consideration. Staff will provide a proposed annexation service plan later in the annexation process, if the petition is accepted.

## **Other Information/Recommendation:**

Staff recommends accepting this annexation petition and initiating the annexation process.

## **Attachments:**

- |                                       |                                        |
|---------------------------------------|----------------------------------------|
| 1. Appaloosa_Annexation (survey)      | Appaloosa_Annexation (survey).pdf      |
| 2. Appaloosa_Annexation (petition)    | Appaloosa_Annexation (petition).pdf    |
| 3. Appaloosa_Annexation (application) | Appaloosa_Annexation (application).pdf |

## **Presentation:**

Jon James

**Approvals/Reviews:**

Jeff Fisher

Zachary Rainbow

Jon James

Brandon Dyson

Jon James

Theresa James

Julia Antilley

Created/Initiated

Approved

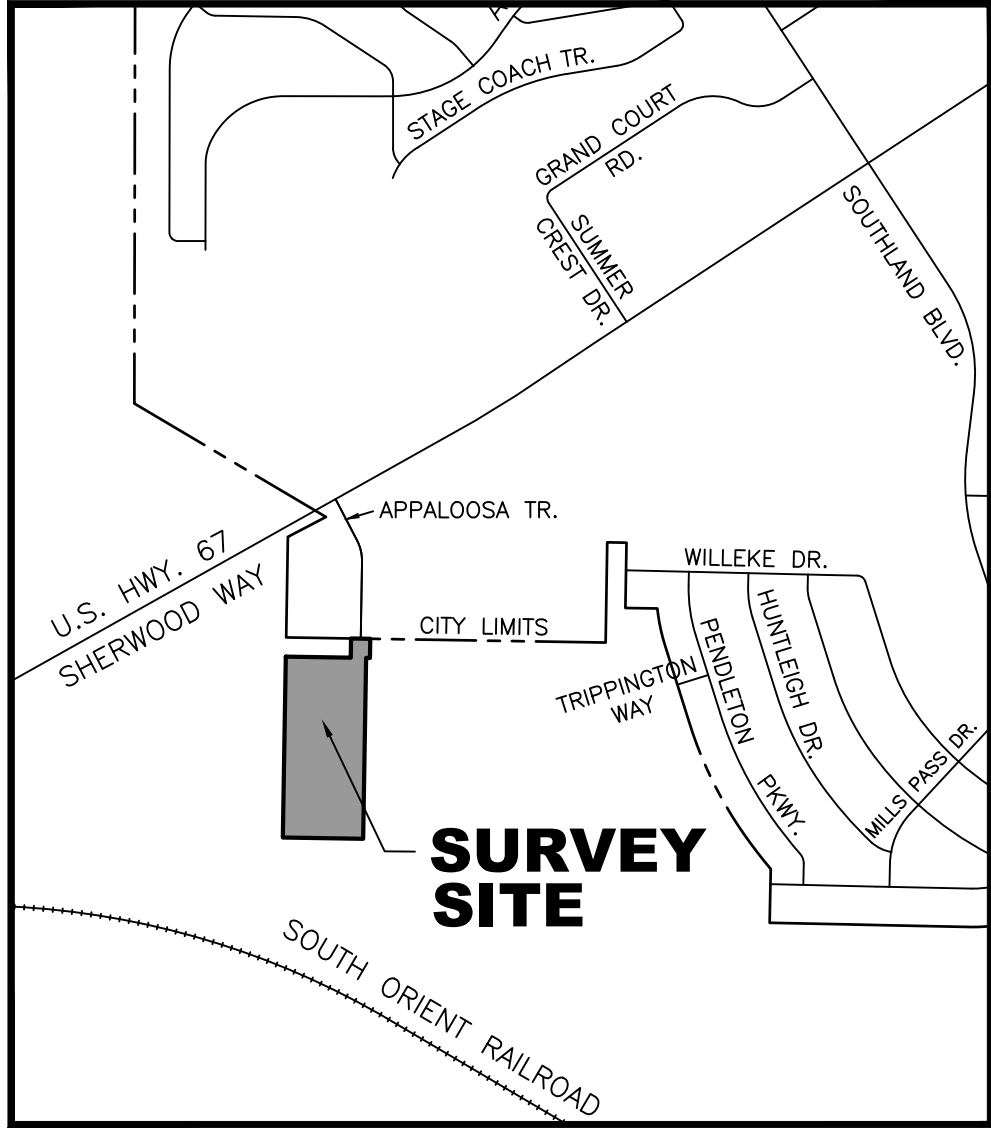
Approved

Approved

Approved

Approved

Final Approval



### NOTES CORRESPONDING TO SCHEDULE "B"

Fidelity National Title Insurance Company  
Effective Date: January 25, 2021  
GF No. 154000031  
Commitment No. 154000031, issued February 24, 2021 12:00 AM

10.  
a. Not a survey item.

### TABLE A NOTES

- Monuments are as shown on this survey.
- According to Tom Green County Central Appraisal District, the address for this site is unassigned.
- This entire tract is located within the limits of Zone "X" as determined by Federal Emergency Management Agency Flood Insurance Rate Map Number 48451C0470E, effective date June 19, 2012.
- Gross land area = 9.278 acres.
- Subject property has no Zoning Classification at the time of this survey.
- No buildings exist.
- No buildings exist.
- No buildings exist.
- Substantial features observed in the process of conducting the survey are as shown.
- HUD survey-related requirements are as shown on this survey.
- Names of adjoining land owners of platted lands are as shown.
- The distance to the nearest intersecting street is as shown.
- There is no evidence of recent earth moving work, building construction or building additions observed in the process of conducting the fieldwork.
- At the time of this survey, there was no proposed change in street right-of-way lines.
- Plottable offsite easements or servitudes benefiting surveyed property that are disclosed in the record documents provided to the surveyor and are observed in the process of conducting the survey are as shown.
- Professional liability insurance in the amount of \$1,000,000 was in effect throughout the term of conducting this survey.

Owner: WILLEKE HUDSON LP  
REF.: Vol. 1175, Pg. 136  
O.P.R.P.

### DEAF AND DUMB ASYLUMS LANDS SURVEY NO. 2 ABSTRACT NO. 8211

9.278 Ac.

Out of 65.821 Ac. Tr.  
Instr. No. 746162  
O.P.R.

Owner: MILLS DEVELOPMENT INC  
Remainder of 65.821 Ac. Tr.  
Instr. No. 746162  
O.P.R.

### ALTA/NSPS LAND TITLE SURVEY

THE SURFACE ESTATE ONLY IN AND TO: A 9.28± ACRE TRACT OF LAND OUT OF THE DEAF AND DUMB ASYLUMS LANDS SURVEY 2, ABSTRACT NO. 8211, TOM GREEN COUNTY, TEXAS AND BEING PART OF THAT CERTAIN 65.821 ACRES OF LAND DESCRIBED IN SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED OCTOBER 24, 2013, TO MILLS DEVELOPMENT INC., A TEXAS CORPORATION, AND RECORDED UNDER DOCUMENT #746163, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF TOM GREEN COUNTY, TEXAS. SEE ATTACHED FIELD NOTES.

To: Mills Development, Inc., a Texas Corporation and Fidelity National Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(b), 7(a), 7(b), 7(c), 12, 13, 14, 16, 17, 18 and 19 of Table A thereof. The field work was completed on September 15, 2021.

Date of Plat or Map: October 4, 2021.



RUSSELL T. GULLY (rg@skge.com)  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636

PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF SAN ANGELO, TEXAS

The undersigned owner(s) of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby petition(s) your honorable Body to extend the present city limits so as to include as part of the City of San Angelo, Texas, the property described in Exhibit "A", by metes and bounds and attached herein.

Rocky Templin certifies that the above described tract of land is contiguous and adjacent to the City of San Angelo, Texas, is not more than one-half mile in width, and that this petition is signed and duly acknowledged by each and every person having interest in said land.

Signed: Rocky Templin  
Printed Name: Rocky Templin  
Title: President Date: 11-24-21

THE STATE OF TEXAS

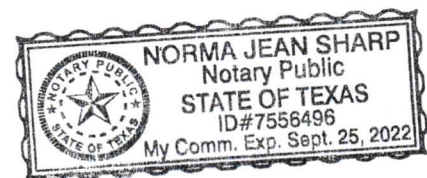
COUNTY OF TOM GREEN

BEFORE ME, this instrument was acknowledged on 11-24-2021 by person's name or entity.

Norma Jean Sharp

Notary Public, State of Texas

My commission expires: 9-25-2022







City of San Angelo, Texas – Planning Division  
52 West College Avenue  
**Application for Annexation**



**Section 1: Basic Information** (see attached checklist for additional submission documents):

Name of Applicant(s): Mills Development Inc.

☒ Owner(s) ☐ Representative (Affidavit Required)

3845 Lake Ridge Drive San Angelo Texas 76904  
Mailing Address City State Zip Code

(325) 944-1174 rockytempin@suddenlink.net  
Contact Phone Number Contact E-mail Address

Appaloosa Trail San Angelo TX 76901  
Subject Property Address City State Zip Code

Abst: A-8211 S-0002, Survey: A WILLEKE, 65.821 ACRES; Abst: A-8211 S-0002, Survey: A WILLEKE, 0.230 ACRES

Legal Description (can be found on property tax statement or at [www.tomgreencad.com](http://www.tomgreencad.com))

Lot/tract width (in feet): \_\_\_\_\_ Lot/tract depth (in feet): \_\_\_\_\_ Lot/tract area (in acres): 9.28 acres

Is the lot/tract within a subdivision? ☐ Yes ☒ No If yes, provide name of subdivision: \_\_\_\_\_

How is the lot/tract being serviced currently? ☐ Private well ☐ Private water corporation ☐ Private Septic System ☐ City water ☐ City sewer

Is the lot/tract currently being appraised for agriculture, wildlife management, or timber land? ☐ Yes ☒ No

**Section 2: Specific Details** (Use attachment if necessary)

Reason(s) for Annexation: To include the proposed multi-family apartment development within the limits of the city so that city utilities may be utilized.

**Section 3: Applicant(s) Acknowledgement**

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

- ☒ Annexations on request of landowner(s) are subject to the [Subchapter C-3](#) of the *Texas Local Government Code*.
- ☒ Prior to annexation of land, landowner(s) are required to enter into a written service agreement with the City for provision of services.
- ☒ City Council shall hold at least one public hearing on the proposed annexation. The City shall publish notice in a newspaper of general circulation and on the City's website, as well as provide written notice to public entities located in or who provide services to the area, between 20 and 11 days before the hearing.
- ☒ If City Council approves the proposed annexation, an associated ordinance annexing the area will be included.
- ☒ The landowner(s) or their authorized representative(s) should attend public hearing(s) pertaining to their request, prepared to present their case and to answer any relevant questions from City Council members.
- ☒ A zoning plan is required with the annexation, or as soon as possible thereafter, to establish appropriate zoning district(s) for the annexed land. If the annexation is approved first, the land shall be initially classified as Ranch and Estate (R&E) District until a zoning plan is approved by City Council to determine the final zoning district(s). The zoning plan requires a recommendation by the Planning Commission and a final decision by City Council following the same process as Zone Change requests.

**Section 3 continued: Applicant's acknowledgement**

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

Mills Development Inc. *Roby Taylor* President 11-22-21  
 Owner Name(s) (Print) Signature(s) Company/Organization (If Applicable) Date

Representative Name (Print) Signature Company/Organization (If Applicable) Date

**FOR OFFICE USE ONLY:**

Date of Application: \_\_\_\_/\_\_\_\_/\_\_\_\_ ☐ Application Form complete ☐ Attached checklist complete

Case No.: \_\_\_\_--\_\_\_\_

Nonrefundable application fee: \$\_\_\_\_ Newspaper notice fee \$\_\_\_\_ Receipt #: \_\_\_\_

Sign deposit: \$\_\_\_\_ Receipt #: \_\_\_\_ Date paid: \_\_\_\_/\_\_\_\_/\_\_\_\_

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

Related Case(s)? ☐ Yes ☐ No If yes, case nos.: \_\_\_\_

Planning Commission hearing date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date mailed notifications due: \_\_\_\_/\_\_\_\_/\_\_\_\_

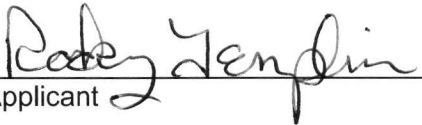
City Council Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Newspaper publication date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Reviewed/Accepted by: \_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

# CHECKLIST FOR ANNEXATION REQUESTS

- ☒ Completed application form
- ☐ A notarized Affidavit from the property owner(s), if different from the applicant
- ☒ Required application fee payable to "City of San Angelo"
- ☒ **Signed petition** by each landowner requesting annexation, referencing the legal description of the subject land to be annexed.
- ☒ **Survey Plan** drawn to scale with professional surveyor seal, showing the entirety of the property, including all property lines, property dimensions, subdivision boundaries if within an existing subdivision, easements, and adjacent streets and right-of-ways;
- ☐ **Separate structures plan** (if applicable) showing any existing structures that are to remain, including all principal and accessory buildings, sheds, barns, and fences.
- ☒ **Field Notes / Legal Meets-and-Bounds Description** of Annexation Area with professional surveyor seal.

I certify that all general requirements as listed above have been provided, in addition to all project-specific requirements. I understand that not providing all of this information may result in an incomplete application and delay the consideration of my project for approval.

  
Applicant

11-22-21  
Date



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

---



Requestor: Jeff Fisher, Sr. Planner, Planning and Development Services, 325-657-4210

Meeting Date: December 7, 2021

Item type: Consent Item

---

## **Caption:**

Second reading of an ordinance for Z21-04, a request for approval to expand the boundary of the Downtown District Overlay Zone, generally located north of Neff's Way, east of David St., south of 4th St., and west of Emerick St. (Jon James)

## **Staff Recommendation:**

Adopt

## **Summary/History:**

Staff has brought forward this request to expand the Downtown District Overlay Zone. Properties that have a Downtown Overlay designation are required to submit an application for review by the Planning Director or Design and Historic Commission (DHRC) for new exterior construction. This includes a review of building materials and colors to ensure design consistency with adopted downtown and River Corridor plans and to protect overall property values within the area from incompatible development.

At the request of the Planning Commission, Staff conducted a Town Hall Meeting on September 9th at the downtown library. At the meeting, different options were discussed including expanding the district more the west, beyond the original staff recommendation, past Koenigheim Street. This would ensure that both sides of the Abe/Koenigheim corridor are protected as a major gateway into the downtown area.

The current Downtown District Overlay Zone which is approximately 152 acres was approved by City Council on September 17, 2019, when this area was split from the River Corridor Overlay. At that time staff had recommended an expansion of the Downtown District Overlay Zone to a total of 552 acres of land roughly south of Houston Harte Expressway; east of S. Abe Street; north of the River Corridor District; and west of Emerick Street to closely reflect the "Downtown" Future Land Use designation in the City's Comprehensive Plan. However, at that time the City Council expressed concern that the expansion was too large and agreed with the Planning Commission's recommendation to not expand the boundaries at that time. However, the Council gave direction to bring back a smaller expansion area for consideration.

## **Funding Source(s):**

## **Financial Impact:**

N/A

## **Other Information/Recommendation:**

On October 18, 2021, the Planning Commission voted unanimously 6-0 to recommend APPROVAL.

On November 16, 2021, City Council voted unanimously 7-0 to APPROVE.

**Attachments:**

- |    |                       |                           |
|----|-----------------------|---------------------------|
| 1. | Ordinance (Z21-04)    | Ordinance (Z21-04).docx   |
| 2. | Staff Report (Z21-04) | Staff Report (Z21-04).pdf |

**Presentation:**

Jon James

**Approvals/Reviews:**

|                 |                   |
|-----------------|-------------------|
| Jeff Fisher     | Created/Initiated |
| Zachary Rainbow | Approved          |
| Jon James       | Approved          |
| Brandon Dyson   | Approved          |
| Jon James       | Approved          |
| Theresa James   | Approved          |
| Julia Antilley  | Final Approval    |

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY ADOPTING THE EXPANSION OF THE DOWNTOWN DISTRICT OVERLAY ZONE BOUNDARY MAP, AND DESIGNATING THE OVERLAY ZONE TO THAT EXPANDED AREA, LOCATED NORTH OF NEFF'S WAY; EAST OF DAVID STREET; SOUTH OF 4<sup>TH</sup> STREET; AND WEST OF EMERICK STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

#### Z21-04: DOWNTOWN DISTRICT OVERLAY ZONE EXPANSION

WHEREAS, on the 19<sup>th</sup> day of April, 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, tabled the proposed Downtown District Overlay Zone expansion to allow Staff time to provide additional information to affected property owners;

WHEREAS, on the 9<sup>th</sup> day of September, 2021, City Staff conducted a Town Hall Meeting at the Tom Green County Stephens Central Library, San Angelo, Tom Green County, Texas, to present further information to affected property owners and receive feedback;

WHEREAS, on the 20<sup>th</sup> day of September, 2021, City Staff provided the Planning Commission for the City of San Angelo with an updated boundary map that included an alternative boundary expanding the Downtown District Overlay Zone from Koenigheim Street west to S. David Street, and Planning Commission tabled the proposed revised Downtown District Overlay Zone expansion to allow Staff to adequately notify these new property owners of the expansion request;

WHEREAS, on the 18<sup>th</sup> day of October, 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 alternative boundary expansion of the Downtown District Overlay Zone; and,

WHEREAS, on the 16<sup>th</sup> day of November, 2021, City Council held a public hearing on Z21-04, 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: That the basic zoning ordinance and the zoning map for the City of San Angelo, as enacted by the governing body for the City of San Angelo on January 4, 2000, and included within Chapter 12 of the Code of Ordinances for the City of San Angelo, be and the same are hereby amended to expand the Downtown District Overlay Zone; and, the Director of Planning & Development Department is directed to correct zoning district maps in the office of the Planning & Development Department to implement the expanded Downtown District Overlay Zone as shown on Exhibit “A”, Downtown District Overlay Zone, the boundaries of which are generally described as being within the following parameters: Approximately 308 acres of property generally located north of Neff’s Way, east of David Street, south of 4th Street, and west of Emerick Street.

SECTION 2: 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 3: The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Section 1 of this Ordinance shall remain in full force and effect.

SECTION 4: 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 5: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED with public hearing on the **16th day of November, 2021**, and finally PASSED, on this the **7th day of December, 2021**.

THE CITY OF SAN ANGELO

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Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

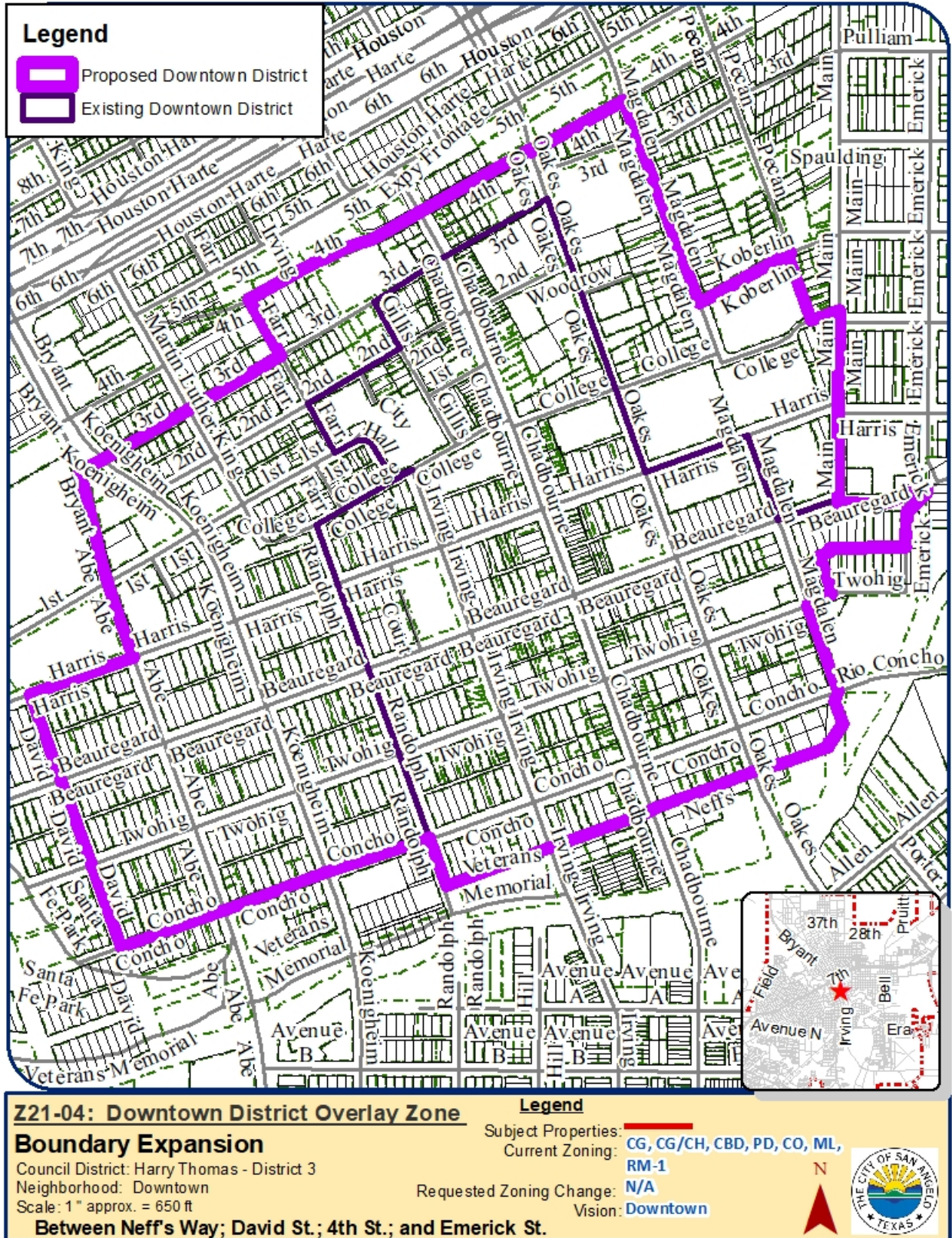
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Julia Antilley, City Clerk

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Theresa James, City Attorney

# EXHIBIT "A"





# MEMO



## Meeting

**Date:** November 16, 2021

**To:** City Council

**From:** Jon James, AICP  
Planning and Development Services Director

**Request:** Public hearing and consideration of a request to expand the boundary of the Downtown District Overlay Zone, generally located north of Neff's Way; east of S. David St.; south of 4th Street and west of Emerick Street.

## **Background:**

The current Downtown District Overlay Zone which is approximately 152 acres was approved by City Council on September 17, 2019. This area was originally part of the River Corridor overlay and became the Downtown District when the previous River Corridor boundary was revised to create three new boundaries (River Corridor, Downtown, and Cultural District). At that time staff had recommended an expansion of the Downtown District Overlay Zone to a total of 552 acres of land roughly south of Houston Harte Expressway; east of S. Abe Street; north of the River Corridor District; and west of Emerick Street to closely reflect the "Downtown" Future Land Use designation in the City's Comprehensive Plan. However, at that time the City Council expressed concern that the expansion was too large and agreed with the Planning Commission's recommendation to not expand the boundaries, but that the Council could perhaps support a smaller expansion that staff said we would bring back for consideration. This proposal is that new, smaller expansion for consideration.

## **Notification:**

For the April 19, 2021, Planning Commission Meeting, 263 notifications were mailed to all affected property owners, and 112 notifications were mailed within a 200-foot radius on March 29, 2021. Staff received 15 letters in support and 11 opposed from affected property owners, plus two more opposed within 200' of the Downtown Overlay Zone. **The case was tabled at the meeting to allow time for further research and to arrange a Town Hall Meeting with the public. Staff then held the Town Hall Meeting on Thursday, September 9, 2021 and rescheduled the case for the September 20, 2021 Planning Commission Meeting. Staff re-notified for just the proposed expansion area (since the original area was already notified and not subject to the change), to 90 property owners and 82 owners within 200' of the expansion. Staff received 3 new letters in support, 1 in support within 200', 1 who opposed initially but no longer had concerns, and 1 opposed.**

**At the September 20, 2021 Planning Commission Meeting, the Planning Commission TABLED Case Z21-04 to the October 18, 2021 Meeting, to allow Staff to notify owners in the proposed alternative Downtown area and within 200'. Adding the alternative area to the overall proposed Downtown area, 168 owners were notified, and 103 within 200 feet. No responses have been received to date.**

## **Town Hall Meeting:**

The Town Hall Meeting was held at the Downtown Tom Green Public Library on Thursday, September 9, 2021 and included attendance from Mayor Gunter, City Staff, the Chamber of Commerce, and affected property owners. At the meeting, an alternative option was discussed to extend the Downtown District from the current proposed

western boundary at Koenigheim Street westward to the River Corridor, creating one contiguous area for design review (see attached maps at end of this report). Staff is presenting both options for consideration by the Planning Commission.

On October 18, 2021, the Planning Commission voted unanimously to recommend approval of the expanded boundary which includes the alternative area, a total of approximately 308 acres.

### **Proposed Changes:**

Planning staff is recommending an expansion of the Downtown District Overlay map to approximately 308 acres of land – larger than the City Council approved boundary change in 2019, but smaller than the original proposed Downtown District. The new boundary would be located between S. David Street to the west, 4<sup>th</sup> Street to the north, portions of Emerick, Magdalen and Oakes Streets to the east, and Neff's Way (the boundary of the River Corridor District) to the south. Staff believes that the expanded boundary is warranted for several reasons, including consistency with recent and proposed expansions of the Central Business District (CBD) zoning; current development trends and land uses; and potential future CBD expansions within the City's Downtown Future Land Use in the Comprehensive Plan:

#### **1. Consistency with Central Business District (CBD)**

In 2019, City Council directed Staff to review the current Central Business District (CBD) zoning which led to a southwest expansion of Downtown (Z19-14) and proposed northwest expansion of Downtown (Z20-03). Since that time, there have also been three property owner initiated CBD rezonings, Z20-16 (Salvation Army); Z20-22 (Jack's convenience/Tom Green County); and Z21-02 (124-128 W. 4<sup>th</sup> Street). Staff believes that the Downtown District should expand to encompass many of these CBD properties. The CBD zoning encourages mixed-use development, household living, and retail and office uses – uses that are generally visible from public right-of-ways and require greater emphasis on urban design. Many of these properties already contain older buildings, and therefore, applying design standards would ensure that new buildings and additions are compatible with existing ones. *As the historic core, and an economic engine, of the City, it is critical to ensure that development and redevelopment in the downtown area meets a minimum design standard to ensure compatibility with existing development and to ensure that property owners' investments in downtown are not diminished by incompatible development.*

At present, the current Downtown District boundary stops at Randolph Street at its west limit, which does not encompass the CBD southwest expansion area, the proposed northwest expansion area, or the private-initiated CBD rezoning requests. This means that there will be no design control on most of these properties that are now part of the City's Downtown. Of the 163 new or proposed CBD properties (since 2019) that are to be located within the expanded part of the Downtown District overlay zone, only 7 of them are historically overlaid requiring a design review. Also, recent changes to state law make it more difficult to place requirements on building materials, except in designated design districts like this one. Absent an expansion of the Downtown Design District, virtually any construction materials would be allowed for buildings in this area. Therefore, Staff believes it is imperative that the new Downtown Design District expansion is approved.

#### **2. Current Development Trends and Land Uses**

With continued expansion of CBD zoning, many of the now industrial-zoned areas may be rezoned to CBD, allowing for household living, requiring quality standards. For instance, the recent rezoning on West 4<sup>th</sup> Street (Z21-02) is intended for household living as the applicant had already obtained a Conditional Use for the same purpose. Second, the reverse is also true – the expanded Downtown District boundary will ensure that existing industrial properties within this area also have quality design standards given that eventually they could be redeveloped as part of the Central Business District. Many industrial buildings also have potential for being

converted into residential living structures in future. Finally, the easterly expansion of the CBD district will ensure design review for several existing large-scale developments, including the Central Freshman Campus and Shannon Medical PD Campus. The Freshman Campus is currently not located within a design district, and while the Shannon PD does allow review of building materials, signage, and landscaping, the Downtown overlay zone will allow review of additional improvements not outlined in the PD, including exterior painting; fences and walls; food trucks; and other construction.

### ***3. Comprehensive Plan – Downtown Future Land Use***

The intent of staff's initial proposed expansion of Downtown District overlay zone was to expand the boundary generally consistent with the "Downtown" Future Land Use boundary in the City's Comprehensive Plan. The "Downtown" Future Land Use is intended to be the area within which the downtown expands over time, so we believe it is important to ensure minimum design standards throughout this area. Staff believes that the proposed expansion will achieve this objective while leaving out the industrial zoned properties to the far northeast, as well as various residential and retail properties to the east which, although they have a "Downtown" Future Land Use designation, are not part of downtown at present and expansion of the downtown into these areas may be further into the future.

#### **Planning Commission Requested Action:**

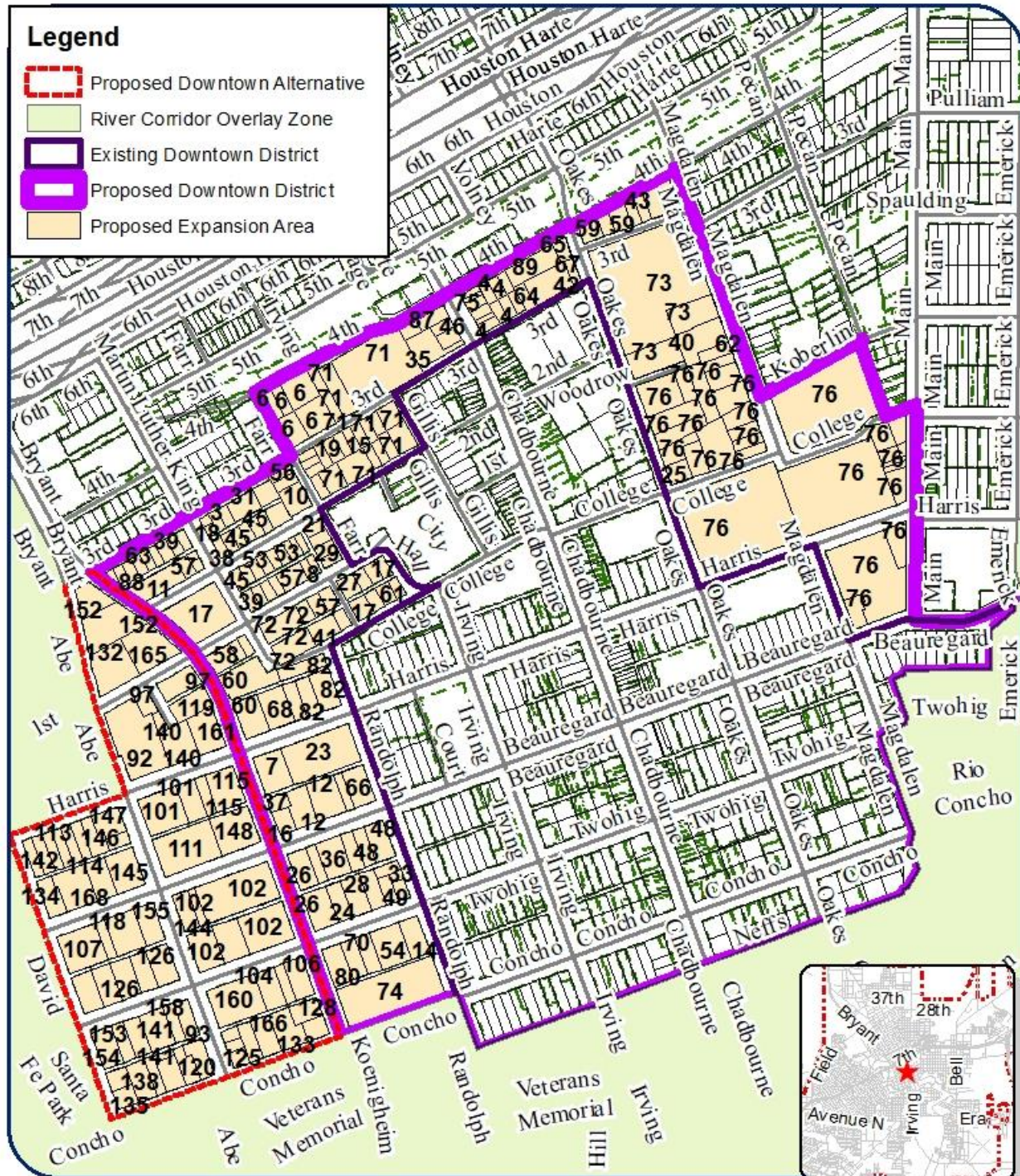
Staff recommends **APPROVAL** of a request to expand the boundary of the Downtown District Overlay Zone, being approximately 308 acres, generally located north of Neff's Way; east of S. David St.; south of 4th Street and west of Emerick Street.

#### **Attachments:**

Proposed Downtown District Map with Alternative Boundary  
Downtown District Historic Properties  
Response Letters



## Downtown District Map



### Z21-04: Downtown District Overlay Zone

#### Boundary Expansion

Council District: Harry Thomas - District 3  
 Neighborhood: Downtown  
 Scale: 1" approx. = 625 ft

**Between Neff's Way; David St.; 4th St.; and Emerick St.**

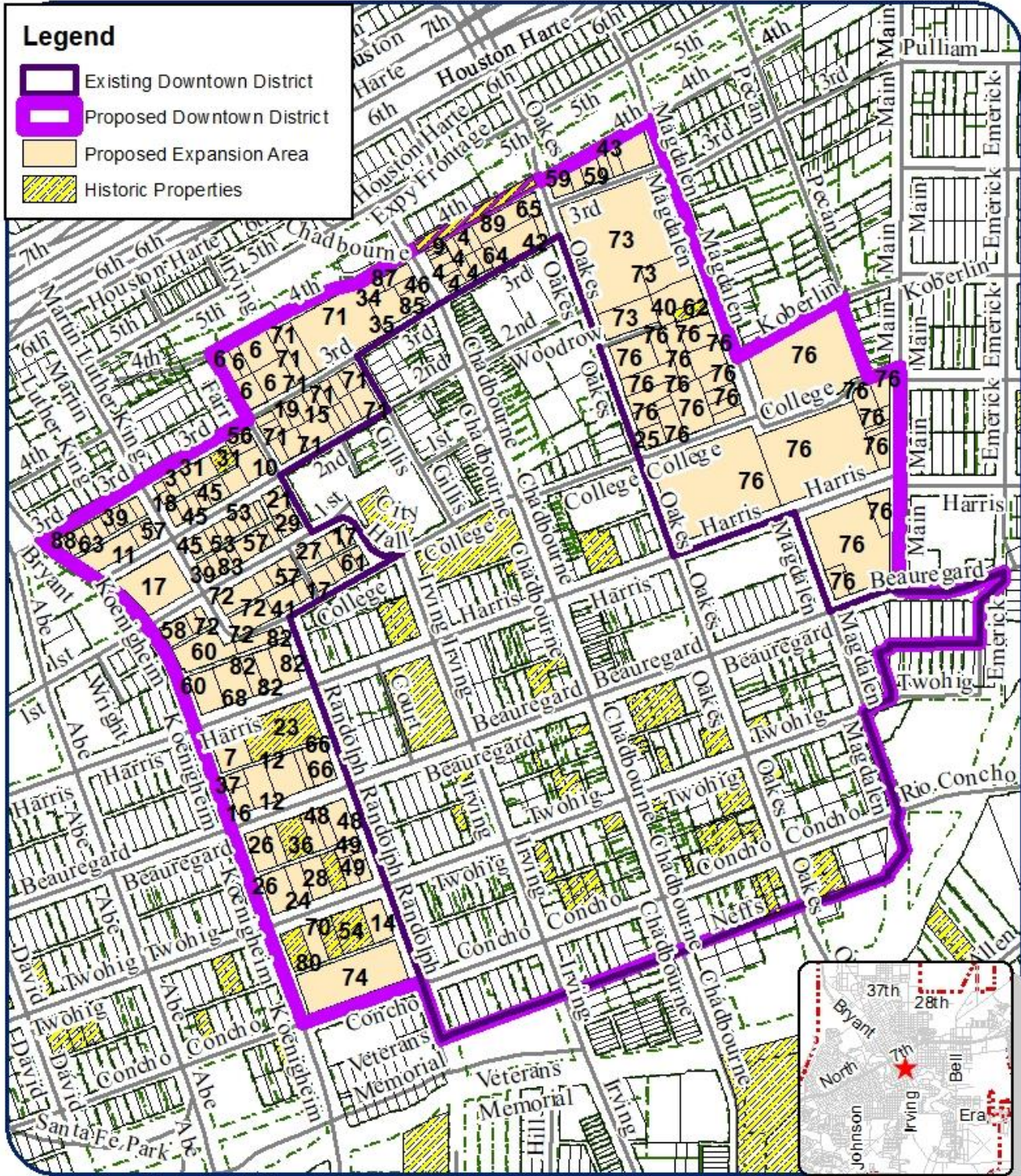
#### Legend

Subject Properties: **CG, CG/CH, CBD, PD, CO, ML,**  
 Current Zoning: **RM-1**  
 Requested Zoning Change: **N/A**  
 Vision: **Downtown**





## Downtown District Historic Properties



### **Z21-04: Downtown District Overlay Zone**

## Boundary Expansion

Council District: Harry Thomas - District 3

Neighborhood: Downtown

Scale: 1" approx. = 600 ft

Between Neff's Way; Koenigheim St.; 4th St.; and Emerick St.

### Legend

Subject Properties: [REDACTED]  
Current Zoning: CG, CG/CH, CBD, PD, CO, ML,

Current Zoning: CG, C

Requested Zoning Change: **N/A**  
Vision: **Downtown**

Vision: **Downtown**





## April PC

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.

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NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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SIGNATURE: Pres Bat

Z21-04 (Downtown District Overlay Zone)

property owner number: 4

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



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NAME: FIRE SIDE PARTNERS, LLC

ADDRESS: PO 20394  
WACO, TX 76702

SIGNATURE: 

Z21-04 (Downtown District Overlay Zone)

041421

property owner number: 87

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

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NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
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SIGNATURE: Gary McFarland

Z21-04 (Downtown District Overlay Zone)

property owner within 200 feet number: 89

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

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MAY HELP/ENCOURAGE REVITALIZATION OF DOWNTOWN.

NAME: RONALD KURTZ

ADDRESS: 2426 LOXFORD LANE

ALPHARETTA, GA 30009

SIGNATURE:

Ronald Kurtz

Z21-04 (Downtown District Overlay Zone)

property owner number: 142

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

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REASON(S)

All do an Amazing job for  
San City, keep up the  
awesome work!!

Terry

Owned Property: Zero one (building)  
20 W. Beauregard  
76903

NAME:

Terry Mikeska

ADDRESS:

2197 Club House Lane  
San Angelo, TX 76904

SIGNATURE:



Z21-04 (Downtown District Overlay Zone)

041704

property owner number: 1160

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



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NAME: Louis A. Perez

ADDRESS: 112 W. College Ave

San Angelo, TX 76903

SIGNATURE: L. A. Perez

Z21-04 (Downtown District Overlay Zone)

property owner number: 176

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

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NAME: Mary Lewis San Angelo Green Foundation

ADDRESS: 221 S 12th St

SIGNATURE: Mary Lewis

Z21-04 (Downtown District Overlay Zone)

property owner number: 202

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



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NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

SIGNATURE: Gage McFarlane

Z21-04 (Downtown District Overlay Zone)

041421

property owner number: 208

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

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REASON(S)

NAME:

ADDRESS:

SIGNATURE:

*Randy Stout - 202 W Beaveregard*

Z21-04 (Downtown District Overlay Zone)

041481

property owner number: 2216

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

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REASON(S) \_\_\_\_\_

NAME: Suzanne & Joel D. Sugg

ADDRESS: 600 South David

SIGNATURE: Suzanne P. Sugg

Z21-04 (Downtown District Overlay Zone)

property owner number: 232

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

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*make sense to me*

NAME: *Donald H. Hamer*

ADDRESS: *2200 Douglas Dr.*

SIGNATURE: *Donald H. Hamer*

Z21-04 (Downtown District Overlay Zone)

property owner within 200 feet number: *54*

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

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NAME: 21 W. Beauregard

ADDRESS: 21 W. Beauregard

San Angelo TX 76903

SIGNATURE: 

Z21-04 (Downtown District Overlay Zone)

property owner number: 3 21 W. Beauregard

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

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NAME: First Chadbourne Concho

ADDRESS: 23 W. Concho

San Angelo Tx 76903

SIGNATURE: 

Z21-04 (Downtown District Overlay Zone)

property owner number: 89

First Chadbourne Concho

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

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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.

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IN OPPOSITION

REASON(S)

NAME: Texas Financial Bank

ADDRESS: 121 W. Twotig  
San Angelo TX 76903

SIGNATURE: 

Z21-04 (Downtown District Overlay Zone)

property owner number: 238 TFB

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

42021

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

( ☒ ) IN FAVOR ( ☐ ) IN OPPOSITION

REASON(S) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAME: Aztec Building

ADDRESS: 119 S. IRVING

SAN ANGELO TX 76903

SIGNATURE: 

Z21-04 (Downtown District Overlay Zone)

property owner number: 13 Aztec

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

042021

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



( ) IN FAVOR

( ☒ ) IN OPPOSITION

040921

REASON(S)

Not in favor of restrictions  
being placed on my property + paying any  
required fees

NAME:

ELCO, LLC

ADDRESS:

P O Box 3324 San Angelo, TX 76902

117 E. Comcho, San Angelo, TX 76903

SIGNATURE:

*[Signature]*

4521

Z21-04 (Downtown District Overlay Zone)

property owner number:

83

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

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

( ) IN FAVOR

(X) IN OPPOSITION

REASON(S) \_\_\_\_\_

I don't feel that we need more "overlays" to the multiple regulations that are currently burdening this part of downtown.

There are adequate regulations now to effectively maintain our Downtown atmosphere.

NAME: \_\_\_\_\_ / West Concho LLC

ADDRESS: \_\_\_\_\_ Box 1991

\_\_\_\_\_ San Angelo 76902

SIGNATURE: \_\_\_\_\_ Addison Lu Bluzen

Z21-04 (Downtown District Overlay Zone)

property owner number: 113 Cactus Hotel

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



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

( ) IN FAVOR

( X ) IN OPPOSITION

REASON(S) Palmer Feed, Inc. is engaged in manufacturing and as such should not be made to adhere to specific design requirements that may be costly and not meet farm factor requirements for our needs. We have invested significant resources in this area including demolition of older unsightly structures. Any new structures will be constructed with good taste and that which meets our needs.

NAME: \_\_\_\_\_

ADDRESS: WINN PALMER  
316 MLK  
SAN ANGELO, TX 76903

SIGNATURE: M Palmer

Z21-04 (Downtown District Overlay Zone)

property owner number: 171

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

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

( ) IN FAVOR

(X) IN OPPOSITION

REASON(S)

The #222 Properties were originally constructed to take advantage of rail sidings / location. The use of these Properties continues to be heavy industrial as their highest and best use.

This Response Relates to All properties North of 4th Street!

NAME: Southwest Orient Properties

ADDRESS: Box 1991

San Angelo Tx 76902

SIGNATURE:

Addison Lee Buzen

Z21-04 (Downtown District Overlay Zone)

property owner number: 222

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



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

( ) IN FAVOR

( X ) IN OPPOSITION

REASON(S) \_\_\_\_\_

There are adequate regulations in effect now to effectively maintain the historic atmosphere in Downtown San Angelo.

I don't feel that we need more "overlay" and regulations on top of the regulations currently burdening the historic district of San Angelo.

NAME: Texas Theater of San Angelo

ADDRESS: P.O. Box 1991  
San Angelo TX 76902

SIGNATURE: Addison Ruiz

Z21-04 (Downtown District Overlay Zone)

property owner number: 240 Texas Theater

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

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

( ) IN FAVOR

(X)

IN OPPOSITION

REASON(S) \_\_\_\_\_

There are adequate regulations in effect now to effectively maintain the historic atmosphere in Downtown San Angelo.

I don't feel that we need more "overlays" and regulations ~~to~~ on top of the regulations currently burdening the historic district of San Angelo.

NAME: Twohig Partners LLC

ADDRESS: Box 1991

San Angelo, TX

SIGNATURE: Addison Lee Buehner

Z21-04 (Downtown District Overlay Zone)

property owner number: 243 - Cactus Parking

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

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

( ) IN FAVOR

(X) IN OPPOSITION

REASON(S)

The #98 Properties were originally constructed to take advantage of rail sidings / location. The use of these Properties continues to be heavy industrial as their highest and best use.

**This Response Relates to All properties North of 4th Street.**

NAME:

Southwest Orient Properties

ADDRESS:

Box 1991

San Angelo TX 76902

SIGNATURE:

Addison Lee Buzen

Z21-04 (Downtown District Overlay Zone)

property owner within 200 feet number:

98

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



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

( ) IN FAVOR

(X) IN OPPOSITION

REASON(S) \_\_\_\_\_

I don't believe the city should  
have more control over private business.

NAME: \_\_\_\_\_

Younts Insurance

ADDRESS: \_\_\_\_\_

202 W. Benavidez  
San Angelo, TX 76903

SIGNATURE: \_\_\_\_\_



Z21-04 (Downtown District Overlay Zone)

042021

property owner number: 262

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

## September PC

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**From:** [kendall@wtxsupply.com](mailto:kendall@wtxsupply.com) [mailto:kendall@wtxsupply.com]  
**Sent:** Thursday, September 9, 2021 9:35 AM  
**To:** Fisher, Jeff <[jeff.fisher@cosatx.us](mailto:jeff.fisher@cosatx.us)>  
**Subject:** Downtown district expansion Z21-04

**CAUTION: This email was received from an EXTERNAL source, use caution when clicking links or opening attachments.**

Jeff,

I received notification of this request, as I am parcel 45 currently in the Downtown district. Generally, I am in favor of this proposal but have a specific concern as to impact on residential properties. Most of the area is commercial or multi family, except for the residences along the Northwest side of the area around 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Streets.

2

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Will this expansion require those residences to require approvals or notifications of any kind to/from the Design and Historic Review Commission?

Thanks,

**Kendall Hirschfeld**

West Texas Fire Extinguisher Inc. | West Texas Fire & Industrial Supply  
City Janitorial Supply | West Texas Hotsy  
IonSafety LLC | KKH Properties LLC



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**From:** Laura Whisenhunt [mailto:president@safcu.com]  
**Sent:** Thursday, September 2, 2021 2:46 PM  
**To:** \*Planning <planning@cosatx.us>  
**Subject:** Expansion of Downtown District Overlay Zone (Z21-04)

**CAUTION: This email was received from an EXTERNAL source, use caution when clicking links or opening attachments.**

RE Case #Z21-04

I am writing to advise you that **I am in favor** of the proposed expansion of the Downtown District.

San Angelo Federal Credit Union

Parcel ID 72

Address: 235 W 1<sup>st</sup> Street

***Laura Whisenhunt***

President / CEO

San Angelo Federal Credit Union

235 W. 1st St.

San Angelo, Texas 76903

Ph. 325-653-8320 x 204

Fax 325-653-8658

[www.safcu.com](http://www.safcu.com)

Fisher, Jeff

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**From:** Matt Rowe <frmatt@emmanuel-sa.org>  
**Sent:** Friday, September 3, 2021 11:01 AM  
**To:** Fisher, Jeff  
**Subject:** Re: FW: Downtown Design District - Town Hall Meeting  
**Attachments:** image001.jpg

**CAUTION: This email was received from an EXTERNAL source, use caution when clicking links or opening attachments.**

Dear Mr Fisher,

Thank you for the notice. There was a group of folks who had concerns about this matter, but their concerns were addressed to their satisfaction.

Respectfully,

Matt Rowe  
[frmatt@emmanuel-sa.org](mailto:frmatt@emmanuel-sa.org)  
325.653.2446 x103

## October 2021 PC

For the PLANNING COMMISSION

Please call (325) 657-4210 if you have any questions about this notice.

### CASE #: Z21-04 (property owner)

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: PEREZ LOUIS A III

Parcel I.D.: 61

Address: 112 W COLLEGE AVE

Mailing To: ATTN: Planning and Development Services  
52 W. College Ave  
San Angelo TX 76903

Email: [planning@cosatx.us](mailto:planning@cosatx.us)

I am in favor ☒  
Additional Comments:

I am opposed ☐

Signature: 

For the PLANNING COMMISSION

Please call (325) 657-4210 if you have any questions about this notice.

### CASE #: Z21-04 (property owner within 200')

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: RODRIGUEZ JANIE

Parcel I.D.: 59

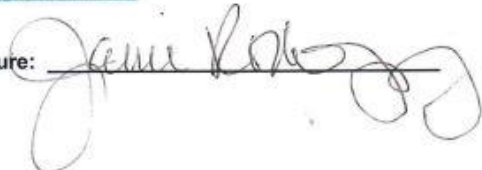
Address: 212 S IRVING ST

Mailing To: ATTN: Planning and Development Services  
52 W. College Ave  
San Angelo TX 76903

Email: [planning@cosatx.us](mailto:planning@cosatx.us)

I am in favor ☒  
Additional Comments:

I am opposed ☐

Signature: 

## October 2021 PC

For the PLANNING COMMISSION

Please call (325) 657-4210 if you have any questions about this notice.

### CASE #: Z21-04 (property owner)

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: HARLOW PROPERTIES LLC

Parcel I.D.: 33

Address: 107 W TWOHIG AVE

Mailing To: ATTN: Planning and Development Services  
52 W. College Ave  
San Angelo TX 76903

Email: [planning@cosatx.us](mailto:planning@cosatx.us)

I am in favor ☐  
Additional Comments:

I am opposed ☒

Signature: *Ordy M Harlow*

For the PLANNING COMMISSION

Please call (325) 657-4210 if you have any questions about this notice.

### CASE #: Z21-04 (property owner)

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: SLAUGHTER INTERESTS LTD

Parcel I.D.: 153

Address: PO BOX 1508

Mailing To: ATTN: Planning and Development Services  
52 W. College Ave  
San Angelo TX 76903

Email: [planning@cosatx.us](mailto:planning@cosatx.us)

I am in favor ☐  
Additional Comments:

I am opposed ☒

Signature: *Lon Slaughter*

For the PLANNING COMMISSION

Please call (325) 657-4210 if you have any questions about this notice.

### CASE #: Z21-04 (property owner within 200')

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: BROOKS CONOLY O III

Parcel I.D.: 9

Address: PO BOX 60673

Mailing To: ATTN: Planning and Development Services  
52 W. College Ave  
San Angelo TX 76903

Email: [planning@cosatx.us](mailto:planning@cosatx.us)

I am in favor ☐  
Additional Comments:

I am opposed ☒

Signature: *Maely Brooks*

*This is an "over-reach", eroding  
more property rights!*

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: December 7, 2021

Item type: Consent Item

---

## **Caption:**

Second reading of an ordinance amending the budget for the fiscal year beginning October 1, 2021, and ending September 30, 2022, for capital items and projects (Tina Dierschke)

## **Staff Recommendation:**

Approve

## **Summary/History:**

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

- Carryovers from fiscal year 2021-22
- Airport Project

## **Funding Source(s):**

| Fund:                         | Account: | Project Number: | Amount Budgeted: |
|-------------------------------|----------|-----------------|------------------|
| General Fund                  |          |                 | (\$1,921,563.00) |
| Airport                       |          |                 | (\$552,922.00)   |
| Solid Waste                   |          |                 | (\$100,000.00)   |
| Stormwater                    |          |                 | (\$108,094.00)   |
| Civic Events                  |          |                 | (\$20,000.00)    |
| General Equipment Replacement |          |                 | (\$188,401.00)   |
| Texas Bank Sports Complex     |          |                 | (\$6,358.00)     |
| General Capital Projects      |          |                 | (\$308,029.00)   |

## **Financial Impact:**

Numbers above are net changes; see Exhibit A of the ordinance for additional details.

## **Other Information/Recommendation:**

Staff recommends approval.

## **Attachments:**

- |    |                                  |                                         |
|----|----------------------------------|-----------------------------------------|
| 1. | 11.16.21 Ordinance               | 11.16.21 Ordinance.docx                 |
| 2. | BA Memos - All                   | BA Memos - All.pdf                      |
| 3. | 11.16.21 Presentation - BA Memos | 11.16.21 Presentation - BA Memos(1).pdf |



**Presentation:**

Tina Dierschke

**Approvals/Reviews:**

Kimberly Holle

Tina Dierschke

Theresa James

Julia Antilley

Created/Initiated

Approved

Approved

Final Approval

**AN ORDINANCE OF THE CITY OF SAN ANGELO AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, FOR CAPITAL ITEMS AND PROJECTS.**

**WHEREAS**, the City of San Angelo has determined that certain budgeted amounts should be amended due to purchases, and

**WHEREAS**, the resources necessary for these changes are available.

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

The City's budget for fiscal year 2021-2022 be amended by the amounts contained in **Exhibit "A"**.

**INTRODUCED with public hearing on the 16th day of November 2021, and finally PASSED on this 7th day of December 2021.**

**ATTEST:**

**THE CITY OF SAN ANGELO, TEXAS:**

\_\_\_\_\_  
Julia Antilley, City Clerk

\_\_\_\_\_  
Brenda Gunter, Mayor

**APPROVED AS TO CONTENT:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Tina Dierschke, Finance Director

\_\_\_\_\_  
Theresa James, City Attorney

Exhibit A

City of San Angelo  
Proposed Budget Amendment

| Fund                           | Total Revenue<br>Amendment | Total Expense<br>Amendment | Net Benefit/(Cost) |
|--------------------------------|----------------------------|----------------------------|--------------------|
| General Fund                   | -                          | 1,921,564                  | (1,921,564)        |
| Texas Bank Sports Complex      | -                          | 6,358                      | (6,358)            |
| <b>Airport</b>                 | 20,680                     | 573,602                    | (552,922)          |
| <b>Solid Waste</b>             | -                          | 100,000                    | (100,000)          |
| Stormwater                     | -                          | 108,094                    | (108,094)          |
| Civic Events                   | -                          | 20,000                     | (20,000)           |
| General Equipment Replacements | -                          | 188,401                    | (188,401)          |
| General Capital Projects       | -                          | 308,029                    | (308,029)          |
|                                | \$20,680                   | \$3,226,048                | \$(3,205,368)      |

**City of San Angelo**  
**Proposed Budget Amendment**  
**Additional Information**

| <b>Project/Need</b>                     | <b>Source of Funding</b> | <b>Revenue</b> | <b>Expense</b> | <b>Net Benefit/(Cost)</b> |
|-----------------------------------------|--------------------------|----------------|----------------|---------------------------|
| Fiscal Year 2021<br>incomplete projects | Various fund balances    | -              | 3,205,368      | (3,205,368)               |
| Marc III project                        | Development Corp         | 20,680         | 20,680         | -                         |
|                                         |                          | \$20,680       | \$3,226,048    | \$(3,205,368)             |

# Memo

**To:** Tina Dierschke, Finance Director

**From:** Kimberly Holle, Budget Manager

**Date:** 11/16/21

**Re:** Budget Amendment Request

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Purpose of Budget Amendment Request:

Carryover remaining fiscal year 2020-21 funds for incomplete projects

Source of Funding:

Multiple funds - Fund Balance

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

City Council approved the 2021-22 budget ordinance on September 21, 2021

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

Additional Comments:

See Attached chart for details



## FY22 Budget Carryover Requests

| FUND                          | DIVISION               | PURPOSE                                                       | CARRYOVER    |
|-------------------------------|------------------------|---------------------------------------------------------------|--------------|
| General                       | Facilities Maintenance | Improvements to City hall buildings HVAC and security systems | 65,000.00    |
| General                       | Traffic Operations     | Flashing yellow arrow project                                 | 70,818.00    |
| General                       | Street and Bridge      | Street repair projects                                        | 1,735,334.00 |
| General                       | Parks                  | Dead tree removal at Santa Fe Golf Course                     | 10,000.00    |
| General                       | Police General         | Backup & Replication Software Purchase                        | 8,037.00     |
| General                       | Police General         | Axon Body Camera Fleet Kit with license                       | 6,895.00     |
| General                       | Police General         | Body Armor                                                    | 15,099.00    |
| General                       | Police General         | Level II Body Armor                                           | 10,381.00    |
| Sports Complex                | Capital                | New storage building                                          | 6,358.00     |
| Airport                       | Capital                | Fleet upgrades                                                | 52,922.00    |
| Airport                       | Capital                | Security System and Ramp Improvements                         | 500,000.00   |
| Solid Waste                   | Capital                | Building for Emergency Operations Trailer                     | 100,000.00   |
| Stormwater                    | Stormwater             | Stormwater Engineering - Sunset Lake                          | 108,094.00   |
| Civic Events                  | Administration         | Point of Sale system for concessions                          | 20,000.00    |
| General Capital<br>Replacment | Fire                   | Vehicles and Accessories                                      | 10,133.00    |
| General Capital<br>Replacment | Fire                   | Ambulance Purchase                                            | 178,268.00   |
| General Capital<br>Projects   | Parks                  | River bank stabilization                                      | 308,029.00   |
| GRAND TOTAL                   |                        |                                                               | \$3,205,368  |

# Memo

**To:** Tina Dierschke, Finance Director

**From:** Jeremy Valgardson, Airport Director

**Date:** 11/09/21

**Re:** Budget Amendment Request

---

Purpose of Budget Amendment Request:

GTE Hangar Code Study

Source of Funding:

COSADC agreed to reimburse this project (DC0191)

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

Approved by COSADC and City Council

| Project/Budget to be amended | Current Budget | Proposed Change | Proposed Revised Budget |
|------------------------------|----------------|-----------------|-------------------------|
| Revenue:                     |                |                 | 0                       |
| COSA DC                      |                | 20,680          | 20,680                  |
|                              |                |                 | 0                       |
| Expense:                     |                |                 | 0                       |
| Contract Services            |                | 20,680          | 20,680                  |
|                              |                |                 | 0                       |

Additional Comments:

RFQ AP-01-18 Task Order 3 (GTE project)



# City Council

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November 16, 2021

Budget Amendments

Tina Dierschke

# Budget Amendment

| General Fund                                                       | Revenue | Expense     |
|--------------------------------------------------------------------|---------|-------------|
| Facilities Maintenance – For City hall buildings HVAC and security |         | \$65,000    |
| Traffic Operations – Flashing yellow arrow project                 |         | \$70,818    |
| Street & Bridge – Street repairs projects                          |         | \$1,735,334 |

# Budget Amendment

| General Fund                                            | Revenue | Expense  |
|---------------------------------------------------------|---------|----------|
| Parks – Dead tree removal at Sante Fe Golf Course       |         | \$10,000 |
| Police General – Backup & Replication Software Purchase |         | \$8,037  |
| Police General – Axon Body Camera Fleet Kit w/ license  |         | \$6,895  |

# Budget Amendment

| General Fund                         | Revenue | Expense  |
|--------------------------------------|---------|----------|
| Police General – Body Armor          |         | \$15,099 |
| Police General – Level II Body Armor |         | \$10,381 |



# Budget Amendment

| General Capital Funds            | Revenue | Expense   |
|----------------------------------|---------|-----------|
| Fire – Vehicles and Accessories  |         | \$10,133  |
| Fire – Ambulance Purchase        |         | \$178,268 |
| Parks – River Bank stabilization |         | \$308,029 |

# Budget Amendment

| Other Funds                                             | Revenue | Expense   |
|---------------------------------------------------------|---------|-----------|
| Airport – Fleet upgrades                                |         | \$52,922  |
| Airport – Security System and Ramp Improvements         |         | \$500,000 |
| Solid Waste – Building for Emergency Operations Trailer |         | \$100,000 |

# Budget Amendment

| Other Funds                                         | Revenue | Expense   |
|-----------------------------------------------------|---------|-----------|
| Stormwater Engineering – Sunset Lake                |         | \$108,094 |
| Civic Events – Point of Sale system for concessions |         | \$20,000  |
| Sports Complex – New storage building               |         | \$6,358   |

# Budget Amendment

| Airport Fund               | Revenue  | Expense  |
|----------------------------|----------|----------|
| Development Corp. (COSADC) | \$20,680 |          |
| Marc III Project           |          | \$20,680 |

# Stay Connected



[Facebook.com/CityofSanAngeloTexas](https://www.facebook.com/CityofSanAngeloTexas)



[Twitter.com/CityofSanAngelo](https://twitter.com/CityofSanAngelo)



[YouTube.com/CityofSanAngelo](https://www.youtube.com/CityofSanAngelo)



[info@cosatx.us](mailto:info@cosatx.us)



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Jeremy Valgardson, Airport Director, Airport, 325-659-6409

Meeting Date: December 7, 2021

Item type: Regular Item

---

## **Caption:**

Consider awarding AP-06-21 Terminal Ramp Reconstruction with Hensel Phelps Construction Co. in the amount of \$2,259,334.60 and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Airport Director Jeremy Valgardson)

## **Staff Recommendation:**

Approve

## **Summary/History:**

This project will use a combination of FY 20, 21, and 22 FAA entitlement grants to reconstruct approximately 3,100 square yards of concrete ramp south east of the commercial terminal. Schedule 2 of the project will be to remove and replace the concrete joint seal on the entire commercial terminal ramp.

The concrete being replaced is cracked beyond FAA standards and is no longer safe for aircraft operations.

We received three bid submittals: Futra-Vest Construction, LLC., Hensel Phelps Construction Company, Silver Creek Construction, Inc.

Futra-Vest: NON RESPONSIVE BID

Hensel Phelps: \$2,259,334.60

Silver Creek: \$2,592,220.00

Our Airport Engineers have reviewed the bids and recommend awarding Hensel Phelps the full amount of the bid.

## **Funding Source(s):**

## **Financial Impact:**

This project will be ultimately funded using a combination of FAA Entitlement Grants: Grant 40 (FY-20), Grant 44 (FY-21), and Grant 47 (FY-22, not yet awarded). Money from the airport operating budget (220) will be used and the account will be reimbursed when the FY-22 grant is issued.

Contract Amount: **\$2,259,334.60**

## **SUMMARY**



|                                            |                                               |
|--------------------------------------------|-----------------------------------------------|
| Grant 40 Balance                           | \$954,718                                     |
| Grant 44 Balance                           | \$1,109,201                                   |
| Airport Budget<br>220-3903-800.07-44       | \$195,416                                     |
| <b>TOTAL</b>                               | <b>\$2,259,335</b>                            |
| *Grant 47 Estimated<br>Amount: \$1,111,111 | Grant 47 to reimburse<br>fund 220 when issued |

Grants 40 and 44 are 100% funded by FAA  
Grant 47 will require a 10% local match

**Other Information/Recommendation:**

**Attachments:**

- |    |                                               |                                                   |
|----|-----------------------------------------------|---------------------------------------------------|
| 1. | SJT AIP-044 - Letter of Recommendation w bids | SJT AIP-044 - Letter of Recommendation w bids.pdf |
|----|-----------------------------------------------|---------------------------------------------------|

**Presentation:**

Jeremy Valgardson

**Approvals/Reviews:**

|                   |                   |
|-------------------|-------------------|
| Jeremy Valgardson | Created/Initiated |
| Jeremy Valgardson | Approved          |
| Theresa James     | Approved          |
| Jeff Tomlinson    | Approved          |
| Tina Dierschke    | Approved          |
| Theresa James     | Approved          |
| Julia Antilley    | Final Approval    |

November 4, 2021

Mr. Jeremy Valgardson  
Airport Director  
San Angelo Regional Airport/Mathis Field  
San Angelo, Texas 76903

Subject: Reconstruct Center Apron and Replace Commercial Apron Joint Seal

Schedule I - Reconstruct Center Apron  
Schedule II - Replace Commercial Apron Joint Seal

Dear Mr. Valgardson,

Three bid proposal for the above referenced project were received and opened on Tuesday, November 2, 2021, at the City Offices. Three contractors submitted a formal bid. The bids were tabulated for mathematical correctness and are summarized in the following table:

| BID SUMMARY ITEM                          | Engineer's Estimate    | Futra-Vest Construction, LLC | Hensel Phelps Construction Company | Silver Creek Construction, Inc. |
|-------------------------------------------|------------------------|------------------------------|------------------------------------|---------------------------------|
| Schedule I Bid Proposal                   | \$ 1,453,474.00        | \$ 1,170,952.00              | \$ 1,950,510.60                    | \$ 2,374,920.00                 |
| Schedule II Bid Proposal                  | \$ 303,820.00          | \$ 224,496.96                | \$ 308,824.00                      | \$ 217,300.00                   |
| <b>TOTAL COST - SCHEDULES I &amp; II:</b> | <b>\$ 1,757,294.00</b> | <b>\$ 1,395,448.96</b>       | <b>\$ 2,259,334.60</b>             | <b>\$ 2,592,220.00</b>          |

Red Text indicates that errors were found in the bid and the numbers revised for correctness.

During bidding, several contractors throughout Texas were individually notified of the upcoming bid, and a total of five contractors obtained plans.

Based upon the Bid Tabulation, Futra-Vest Construction LLC was the apparent low bidder for the project. After reviewing Futra-Vest's bid package, several significant errors were found and we feel the bid is unresponsive. Futra-Vest failed to show DBE participation, include the second addendum and it was not clear what the intent was on many of the unit prices which comprised the bid.

The second low bid was Hensel Phelps Construction Company. One math error was found in the bid, but clear intent of the unit price could be obtained. Hensel Phelps' overall bid was \$2,259,334.60. Hensel Phelps provided all information and forms as required by the Contract Documents including the Contract Proposal, Bid Bond, Contractor Information Sheet, Subcontractor/Material Supplier Listing, Disadvantaged Business Utilization Commitment, DBE Participation Form, Equal Employment Opportunity Report Statement, Buy America Certification, Buy America Waiver Request, Buy America Conformance Listing, Certification of Offeror/Bidder Regarding Tax Delinquency and Felony Convictions, Contractor's Statement of Qualifications, and Bid Proposal.

The Disadvantaged Business Enterprise goal for this project is 1.0%. Hensel Phelps committed 1.00% to the DBE goal.

Main 801.924.5800  
Fax 801.924.5801

405 South Main Street | Suite 950 | Salt Lake City, UT | 84111

Based on the information provided by Hensel Phelps Construction Company, we recommend that the City of San Angelo award improvements for AIP Project No. 3-48-0191-044-2021, Schedule I - Reconstruct Center Apron and Schedule II - Replace Commercial Apron Joint Seal for the amount of \$2,259,334.60 to Hensel Phelps Construction Company as the lowest responsive bidder, subject to concurrence by San Angelo Regional Airport/Mathis Field, City of San Angelo, FAA, and the availability of funding.

The following documents have been enclosed for your records:

- Bid Tabulation

If you need additional information, please feel free to contact us.

Sincerely,



Kirk Nielsen, P.E.  
Project Manager

Enclosures

cc: Dane Hurst, P.E., FAA-Texas ADO, Jviation, Inc.

**SAN ANGELO REGIONAL AIRPORT/MATHIS FIELD**

CITY OF SAN ANGELO, TEXAS

AIP PROJECT NUMBER: 3-48-0191-044-2021

**BID OPENING**

DATE: TUESDAY, NOVEMBER 2, 2021

TIME: 2:00 P.M. (LOCAL TIME)

Schedule I - Reconstruct Center Apron (Federal)

Schedule II - Replace Commercial Apron Joint Seal (Federal)

| BID SUMMARY ITEM                                              | Engineer's Estimate    | Futra-Vest<br>Construction, LLC | Hensel Phelps<br>Construction Company | Silver Creek Construction,<br>Inc. |             |
|---------------------------------------------------------------|------------------------|---------------------------------|---------------------------------------|------------------------------------|-------------|
| Contract Proposal - Schs. I & II (Division 2-1)               | ✓                      | Unresponsive bid                | ✓                                     | ✓                                  |             |
| Received Addendum 1 (Division 2-2)                            | ✓                      |                                 | ✓                                     | ✓                                  |             |
| Received Addendum 2 (Division 2-2)                            | ✓                      |                                 | ✓                                     | ✓                                  |             |
| Bid Bond (Division 2-5)                                       | ✓                      |                                 | ✓                                     | ✓                                  |             |
| Contractor Information (Division 2-7)                         | ✓                      |                                 | ✓                                     | ✓                                  |             |
| Subcontractor/Material Supplier List (Division 2-9)           | ✓                      |                                 | ✓                                     | ✓                                  |             |
| Disadvantaged Business Utilization Commitment (Div 2-11)      | ✓                      |                                 | ✓                                     | ✓                                  |             |
| DBE Participation Form (Division 2-13)                        | ✓                      |                                 | ✓                                     | ✓                                  |             |
| EEO Report Statement (Division 2-17)                          | ✓                      |                                 | ✓                                     | ✓                                  |             |
| Buy American Certification (Division 2-19 thru 2-22)          | ✓                      |                                 | ✓                                     | ✓                                  |             |
| Buy American Waiver Request (if applic.) (Div 2-23 thru 2-27) | ✓                      |                                 | N/A                                   | N/A                                |             |
| Buy American Conformance Listing (if app.) (Div 2-29)         | ✓                      |                                 | Not Completed                         | N/A                                |             |
| Cert of Offeror/Bidder Re: Tax Delinquency (Div 2-31)         | ✓                      |                                 | ✓                                     | ✓                                  |             |
| Contractor's Statement of Qualifications (Div 2-33)           | ✓                      |                                 | ✓                                     | ✓                                  |             |
| Bid Proposal Summary - Schs. I & II (Div 2-35 thru 2-40)      | ✓                      |                                 | ✓                                     | ✓                                  |             |
| SJT - Certification for Federally Funded Projects             | ✓                      |                                 | ✓                                     | ✓                                  |             |
| SJT - Conflict of Interest Questionnaire                      | ✓                      |                                 | ✓                                     | ✓                                  |             |
| SJT - Contact Information                                     | ✓                      |                                 | ✓                                     | ✓                                  |             |
| SJT - Debarment and Suspension Certification                  | ✓                      |                                 | ✓                                     | ✓                                  |             |
| SJT - Local Preference Consideration                          | ✓                      |                                 | Not Submitted                         | ✓                                  |             |
| SJT - Special Insurance Rider / Certificate of Insurance      | ✓                      |                                 | ✓                                     | ✓                                  |             |
| SJT - Vendor Compliance w/Reciprocity on Non-Resident Ver     | ✓                      |                                 | ✓                                     | ✓                                  |             |
| SJT - Verification Relating to Prohibited Contracts - Israel  | ✓                      |                                 | ✓                                     | ✓                                  |             |
| SJT - References and Compliance                               | ✓                      |                                 | ✓                                     | ✓                                  |             |
| Schedule I Bid Proposal                                       | \$ 1,453,474.00        |                                 | \$ 1,950,510.60                       | \$ 2,374,920.00                    | \$ -        |
| Schedule II Bid Proposal                                      | \$ 303,820.00          |                                 | \$ 308,824.00                         | \$ 217,300.00                      | \$ -        |
| <b>TOTAL COST - SCHEDULES I &amp; II:</b>                     | <b>\$ 1,757,294.00</b> |                                 | <b>\$ 2,259,334.60</b>                | <b>\$ 2,592,220.00</b>             | <b>\$ -</b> |

\* Red Text indicates that errors were found in the bid and the numbers revised for correctness.

\*Problems w/Bid Schedule

BID TABULATION - SCHEDULE I

| SCHEDULE I (FEDERAL) |                                                |      |                    | Engineer's Estimate |                 | Futra-Vest Construction |            | Hensel Phelps Construction Company |                 | Silver Creek Construction, Inc. |                 |           |            |
|----------------------|------------------------------------------------|------|--------------------|---------------------|-----------------|-------------------------|------------|------------------------------------|-----------------|---------------------------------|-----------------|-----------|------------|
| Item No.             | Description                                    | Unit | Estimated Quantity | Unit Cost           | Total Cost      | Unit Cost               | Total Cost | Unit Cost                          | Total Cost      | Unit Cost                       | Total Cost      | Unit Cost | Total Cost |
| C-105a               | Mobilization (10% Maximum)                     | LS   | 1                  | \$ 132,134.00       | \$ 132,134.00   | Unresponsive bid        |            | \$ 192,006.00                      | \$ 192,006.00   | \$ 230,000.00                   | \$ 230,000.00   | \$ -      | \$ -       |
| C-102a               | Temporary Erosion Control                      | LS   | 1                  | \$ 10,000.00        | \$ 10,000.00    |                         |            | \$ 10,938.00                       | \$ 10,938.00    | \$ 7,500.00                     | \$ 7,500.00     | \$ -      | \$ -       |
| P-101b               | Remove Full Depth Concrete Pavement Section    | SY   | 3,180              | \$ 70.00            | \$ 222,600.00   |                         |            | \$ 41.27                           | \$ 131,238.60   | \$ 50.00                        | \$ 159,000.00   | \$ -      | \$ -       |
| P-101c               | Remove Partial Depth Concrete Pavement Section | SY   | 80                 | \$ 70.00            | \$ 5,600.00     |                         |            | \$ 106.34                          | \$ 8,507.20     | \$ 125.00                       | \$ 10,000.00    | \$ -      | \$ -       |
| P-152a               | Unclassified Excavation                        | CY   | 2,100              | \$ 20.00            | \$ 42,000.00    |                         |            | \$ 140.62                          | \$ 295,302.00   | \$ 75.00                        | \$ 157,500.00   | \$ -      | \$ -       |
| P-152b               | Muck Excavation                                | CY   | 330                | \$ 30.00            | \$ 9,900.00     |                         |            | \$ 47.87                           | \$ 15,797.10    | \$ 85.00                        | \$ 28,050.00    | \$ -      | \$ -       |
| P-152c               | Granular Embankment                            | CY   | 330                | \$ 50.00            | \$ 16,500.00    |                         |            | \$ 88.38                           | \$ 29,165.40    | \$ 275.00                       | \$ 90,750.00    | \$ -      | \$ -       |
| P-155a               | Lime-Treated Subgrade                          | SY   | 3,180              | \$ 10.00            | \$ 31,800.00    |                         |            | \$ 30.57                           | \$ 97,212.60    | \$ 20.00                        | \$ 63,600.00    | \$ -      | \$ -       |
| P-155b               | Lime                                           | TON  | 100                | \$ 250.00           | \$ 25,000.00    |                         |            | \$ 583.32                          | \$ 58,332.00    | \$ 500.00                       | \$ 50,000.00    | \$ -      | \$ -       |
| P-208a               | Aggregate Base Course                          | CY   | 550                | \$ 150.00           | \$ 82,500.00    |                         |            | \$ 123.73                          | \$ 68,051.50    | \$ 550.00                       | \$ 302,500.00   | \$ -      | \$ -       |
| P-306a               | Lean Concrete Base Course                      | SY   | 3,180              | \$ 55.00            | \$ 174,900.00   |                         |            | \$ 53.50                           | \$ 170,130.00   | \$ 135.00                       | \$ 429,300.00   | \$ -      | \$ -       |
| P-501a               | 13-Inch Concrete Pavement                      | SY   | 3,180              | \$ 210.00           | \$ 667,800.00   |                         |            | \$ 262.54                          | \$ 834,877.20   | \$ 250.00                       | \$ 795,000.00   | \$ -      | \$ -       |
| P-501b               | 6-Inch Concrete Pavement                       | SY   | 80                 | \$ 150.00           | \$ 12,000.00    |                         |            | \$ 107.00                          | \$ 8,560.00     | \$ 400.00                       | \$ 32,000.00    | \$ -      | \$ -       |
| P-501c               | Bond Breaker Fabric                            | SY   | 3,180              | \$ 3.00             | \$ 9,540.00     |                         |            | \$ 6.50                            | \$ 20,670.00    | \$ 4.00                         | \$ 12,720.00    | \$ -      | \$ -       |
| P-620b               | Temporary Pavement Markings                    | SF   | 700                | \$ 4.00             | \$ 2,800.00     |                         |            | \$ 13.89                           | \$ 9,723.00     | \$ 10.00                        | \$ 7,000.00     | \$ -      | \$ -       |
|                      |                                                |      |                    |                     |                 |                         |            |                                    | \$ -            |                                 | \$ -            |           | \$ -       |
| TOTAL SCHEDULE I     |                                                |      |                    |                     | \$ 1,453,474.00 |                         | \$ -       |                                    | \$ 1,950,510.60 |                                 | \$ 2,374,920.00 |           | \$ -       |

\* Red Text indicates that errors were found in the bid and the numbers revised for correctness.

BID TABULATION - SCHEDULE II

| SCHEDULE II (FEDERAL) |                                       |      |                    | Engineer's Estimate |               | Futra-Vest Construction |            | Hensel Phelps Construction Company |               | Silver Creek Construction, Inc. |               |           |            |
|-----------------------|---------------------------------------|------|--------------------|---------------------|---------------|-------------------------|------------|------------------------------------|---------------|---------------------------------|---------------|-----------|------------|
| Item No.              | Description                           | Unit | Estimated Quantity | Unit Cost           | Total Cost    | Unit Cost               | Total Cost | Unit Cost                          | Total Cost    | Unit Cost                       | Total Cost    | Unit Cost | Total Cost |
| C-105a                | Mobilization (10% Maximum)            | LS   | 1                  | \$ 27,620.00        | \$ 27,620.00  | Unrepsonsive bid        |            | \$ 29,166.00                       | \$ 29,166.00  | \$ 20,000.00                    | \$ 20,000.00  | \$ -      | \$ -       |
| C-102a                | Temporary Erosion Control             | LS   | 1                  | \$ 5,000.00         | \$ 5,000.00   |                         |            | \$ 3,646.00                        | \$ 3,646.00   | \$ 2,500.00                     | \$ 2,500.00   | \$ -      | \$ -       |
| P-101a                | Remove Existing Joint Sealant         | LF   | 30,000             | \$ 1.50             | \$ 45,000.00  |                         |            | \$ 2.11                            | \$ 63,300.00  | \$ 1.80                         | \$ 54,000.00  | \$ -      | \$ -       |
| P-501d                | Concrete Spall Repair                 | SF   | 20                 | \$ 450.00           | \$ 9,000.00   |                         |            | \$ 607.65                          | \$ 12,153.00  | \$ 500.00                       | \$ 10,000.00  | \$ -      | \$ -       |
| P-605a                | Existing Concrete Pavement Joint Seal | LF   | 30,000             | \$ 4.50             | \$ 135,000.00 |                         |            | \$ 3.77                            | \$ 113,100.00 | \$ 1.80                         | \$ 54,000.00  | \$ -      | \$ -       |
| P-620a                | Permanent Pavement Markings           | SF   | 36,600             | \$ 2.00             | \$ 73,200.00  |                         |            | \$ 2.29                            | \$ 83,814.00  | \$ 2.00                         | \$ 73,200.00  | \$ -      | \$ -       |
| P-620c                | Remove Pavement Markings              | SF   | 900                | \$ 10.00            | \$ 9,000.00   |                         |            | \$ 4.05                            | \$ 3,645.00   | \$ 4.00                         | \$ 3,600.00   | \$ -      | \$ -       |
|                       |                                       |      |                    |                     |               |                         |            |                                    | \$ -          |                                 | \$ -          |           | \$ -       |
| TOTAL SCHEDULE II     |                                       |      |                    |                     | \$ 303,820.00 | *                       | \$ -       |                                    | \$ 308,824.00 |                                 | \$ 217,300.00 |           | \$ -       |

\* Red Text indicates that errors were found in the bid and the numbers revised for correctness.

\*Didn't use Add#1 Sch. II



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: December 7, 2021

Item type: Regular Item

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## **Caption:**

Consider a resolution allowing the adjacent property owner to remove a tree in the public right-of-way adjacent to 17 W. Beauregard Ave. per Section 7.02.034 of the City Code of Ordinances (Presentation made by Planning & Development Services Director Jon James)

## **Staff Recommendation:**

Approve

## **Summary/History:**

**Update: At the November 2nd City Council meeting, the Council voted to authorize the removal of the tree, subject to the applicant bringing back, for Council approval, a plan for repairing the sidewalk and planting a replacement tree or trees. Attached is the applicant's submitted plan, along with an updated Resolution.**

The applicant is in the process of purchasing 17 West Beauregard Avenue, currently owned by the International Association of Firefighters Local 886. The applicant is requesting permission from the City Council to remove the large tree in front of the property in the city right-of-way. Article 7.02.034 of the City Code of Ordinances gives full and complete control to the Mayor and City Council over all trees growing within the confines of the city limits which are outside of property lines of the respective lots, plots and tracts.

In the application, the applicant details reasons for the request, including that the tree roots are damaging the sidewalk and planter box as well blocking view of a future business sign. She has indicated that she is willing to plant a new tree in a different location if this request is approved (see additional correspondence).

Staff believes that the planter box and sidewalk could be repaired without having to remove the tree. A future sign would be visible to pedestrians and traffic from the west or east, just not looking straight at the property from the front. A projecting sign is allowed under the City's sign ordinance, which could give some additional visibility.

The City's Comprehensive Plan (adopted in 2003) and the Strategic Update (adopted in 2009) have policies that encourage streetscaping downtown, including street trees, as part of overall beautification efforts. In addition, street trees provide economic, climate, and other benefits, which is why staff is very hesitant to recommend removal of any street trees, especially in the downtown, without very good justification. Finally, this particular tree was planted decades ago and is a large, established tree, providing shade and beautification that would be hard to replace.

## **Funding Source(s):**

## **Financial Impact:**

N/A

**Other Information/Recommendation:**

Based on Council direction, staff is supportive of the current proposal.

**Attachments:**

|     |                                              |                                                  |
|-----|----------------------------------------------|--------------------------------------------------|
| 1.  | 17_W_Beauregard Ave_Resolution               | 17_W_Beauregard Ave_Resolution.docx              |
| 2.  | 17 W Beauregard Ave (Indemnity Agreement)    | 17_W_Beauregard Ave (Indemnity Agreement).docx   |
| 3.  | Application for Tree Removal - final         | Application for Tree Removal_final.pdf           |
| 4.  | 17 W Beauregard (Additional Correspondence)  | 17 W Beauregard (Additional Correspondence).pdf  |
| 5.  | Owner Permission                             | Owner Permission.pdf                             |
| 6.  | aerial map                                   | aerial map.pdf                                   |
| 7.  | opposition letter_19 W Beauregard Ave        | opposition letter_19 W Beauregard Ave.pdf        |
| 8.  | Letter from Applicant 11-21-2021             | 17_W_Beauregard_Letter 11-21-2021.docx           |
| 9.  | MicheleBabiash_17 W Beauregard Plan_002_crop | MicheleBabiash_17 W Beauregard Plan_002_crop.jpg |
| 10. | MicheleBabiash_17 W Beauregard Plan_001      | MicheleBabiash_17 W Beauregard Plan_001.jpg      |

**Presentation:**

Jon James

**Approvals/Reviews:**

|                 |                   |
|-----------------|-------------------|
| Jon James       | Created/Initiated |
| Zachary Rainbow | Approved          |
| Jon James       | Approved          |
| Brandon Dyson   | Approved          |
| Jon James       | Approved          |
| Theresa James   | Approved          |
| Julia Antilley  | Final Approval    |

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN ANGELO, TEXAS, TO CONDITIONALLY ALLOW  
BABIASH SISTERS LLC TO REMOVE A CERTAIN TREE  
WITHIN THE WEST BEAUREGARD AVENUE PUBLIC  
RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND  
PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Babiash Sisters, LLC is the Applicant and intended purchaser of 17 West Beauregard Avenue located on the south side of West Beauregard Avenue between South Irving Street and South Chadbourne Street; identified as Part of Lots 13 and 18 in Block 8 of the San Angelo Addition to the City of San Angelo, Tom Green County, Texas (hereinafter referred to as the “Property”); and

**WHEREAS**, the Applicant seeks to make improvements to the Property and occupy the building for a retail store; and

**WHEREAS**, the Applicant seeks to remove the existing tree and planter in front of the Property in the West Beauregard Avenue right-of-way; and

**WHEREAS**, Section 7.02.034, San Angelo Code of Ordinances, gives full and complete control to the Mayor and City Council over all trees growing within the confines of the city limits which are outside of property lines of the respective lots, plots and tracts; and

**WHEREAS**, The Property is situated within an area that the Mayor and City Council have control over trees per Section 7.02.034, San Angelo Code of Ordinances; and

**WHEREAS**, in accordance with Section 7.02.034, San Angelo Code of Ordinances, the Applicant requests permission from the City Council to remove that certain tree within the West Beauregard Avenue public right-of-way in front of the Property and identified on Exhibits “A” and “B” attached hereto, in order to facilitate development of the Property.

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

Section 1. The City Council conditionally authorizes the Applicant to remove that certain tree within the West Beauregard Avenue public right-of-way abutting the Property, as identified on Exhibits “A” and “B” attached hereto.

Section 2. This Authorization shall not extend permission to remove additional trees along public rights-of-way which abut the Property.

Section 3. Authorization is conditioned upon Applicant purchasing the Property and providing the City of San Angelo with a written tree replacement design to be approved by City Council.

Section 4. Authorization is conditioned upon the Applicant being responsible for all repairs and associated costs; and a final site inspection by City Operations.

Section 5. Authorization is conditioned upon Applicant providing the City of San Angelo with an executed release and hold harmless agreement in substantially the form attached hereto.

Section 6. The terms and provisions of this Resolution shall be deemed to be severable in that if any portion of this Resolution shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Resolution.

Section 7. This Resolution shall be effective from and after the date of adoption.

PASSED, APPROVED and ADOPTED on this 2<sup>nd</sup> day of November, 2021.

THE CITY OF SAN ANGELO

ATTEST:

\_\_\_\_\_  
Brenda Gunter, Mayor

\_\_\_\_\_  
Julia Antilley, City Clerk

Approved as to Form:

\_\_\_\_\_  
Theresa James, City Attorney

**Exhibit "A"**  
**Tree to be removed along W. Beauregard Ave. R.O.W.**



Sources: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**Tree Removal in City Right-Of-Way**

**Babiash Sisters LLC**

Council District: Harry Thomas - District 3

Neighborhood: Downtown

Scale: 1" approx. = 89 ft

**17 W. Beauregard Ave.**

**Legend**

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





**Exhibit “B”**  
**Tree location**





## **RELEASE OF LIABILITY, HOLD HARMLESS AND INDEMNITY AGREEMENT**

**Releasor:** Babiash Sisters, LLC

**Releasee:** City of San Angelo, Texas, and its council members, board and commission members, officials, agents, guests, invitees, consultants and employees

**Premises:** Sidewalk area and street right of way along West Beauregard Avenue, adjacent to Property owned by Releasor addressed as 17 West Beauregard Avenue, and described as Part of Lots 13 and 18 in Block 8 of the San Angelo Addition to the City of San Angelo, Tom Green County, Texas.

**Warranty:** The undersigned warrants that they have the proper authority to execute this Release of Liability, Hold Harmless and Indemnity Agreement.

**Purpose:** Releasee is providing consent in the form of a Resolution of the City Council for the City of San Angelo, for Releasors to remove a tree in the public sidewalk area and street right-of-way adjacent to Releasor's property (the "Benefit").

**Consideration for Release:** In consideration for receiving the above-described consent from the Releasee for the Benefit, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Releasor agrees not to sue Releasee, releases Releasee from any liability, and agrees to hold harmless and indemnify Releasee as herein provided.

**Covenant Not to Sue and Release:** Releasor hereby COVENANTS NOT TO SUE Releasee, and WAIVES, RELEASES and DISCHARGES Releasee from any and all liability, penalty, claim, demand, action and cause of action whatsoever arising out of or relating to any loss, property damage, personal injury or death that may be sustained by Releasor, or Releasor's officers, employees, agents or contractors, WHETHER OR NOT CAUSED BY THE NEGLIGENCE OF THE RELEASEE, or otherwise, in the performance of the described Benefit.

**Indemnification:** Releasor further AGREE TO INDEMNIFY AND HOLD HARMLESS the RELEASEE from any claim, loss, liability, damage or costs, including court costs and reasonable attorney's fees, that may be incurred by Releasee or due directly or indirectly to performance by Releasee of the Benefit referred to hereinabove, WHETHER CAUSED BY THE NEGLIGENCE IN WHOLE OR PART OF THE RELEASEE, or otherwise.

DATED and effective from and after \_\_\_\_\_ day of \_\_\_\_\_, 2021.

*Signatures on following page.*

RELEASOR:

Babiash Sisters, LLC

By: \_\_\_\_\_

Michelle Babiash,  
Managing Partner

\_\_\_\_\_

October 7, 2021

To Whom It May Concern,

We are requesting a tree be removed at 17 W. Beauregard.

We have several reasons why we feel that it is important to remove the tree:

- The current trees roots are causing the sidewalk to be uneven in several places, therefore, making the sidewalk a hazard to those walking by and those who would potentially come into the building. For someone in a wheel chair the uneven sidewalk would make a wheel chair very hard to maneuver even with or especially without the aid of another person.
- The planter that is around the tree is broken and cracked, aesthetically, it looks bad but most importantly, the planter is also used at times for a garbage can, a bed and a toilet.
- The tree is blocking the view of the entrance of the building from those passing by whether on foot or in car, as well as those dining at Zero One Ale House.
- The tree casts a shadow over the store front , making the entrance dark with visibility almost none. The tree also casts a shadow over sidewalk, making the uneven concrete even more of a hazard.
- The tree is in the way of having any kind of sign that would be visible and for retail space, having signage and a beautiful store front is imperative to retail space. The tree blocks the store front with its trunk, as well as the top of the building that ordinarily would house a sign. It is close to the building so a sign and/or an awning would not fit and/or be seen.

Our intent is to open a frozen yogurt/candy store. With the renovation of several stores along Beauregard and the newly redone Chadbourne Street, we are excited to bring another great element to Downtown San Angelo. Our research has shown that a beautiful, bright store front with easy to see signage is critical to retail sales. We have spoken with our SBDC advisor and it is of their opinion that a well-lit, visible space is essential to a successful retail business. We have had a local tree expert come out to take a look. It is of their opinion that even if we trim the tree, it will still block the view of the entrance (the diameter of the trunk is about three feet). Because there are so many large limbs, the tree will still cast a shadow of the entrance, front and sidewalk and be too close to the front of the building for a sign/awning.

We know that trees are important to our environment and we will do our part to use plants and greenery to replace what we took out (in a smaller manner). We also know that to have a vibrant downtown, it needs to consist of buildings that are being used and not vacant. It needs to have a variety of things that will bring locals and visitors downtown. With a library,

restaurants, art, lodging, retail, a yogurt/candy store will just add another great reason for people to visit our great downtown.

I would not request this if I did not truly feel that the tree would not hinder our business; from a safety point of view, as well, as a monetary point of view. I hope that you can trust us from our past business ventures, that we have done the research and we strongly believe that we cannot achieve our goals with the existing tree. We want this business to be just as successful as our others and to be another great reason for visitors to come downtown.

I have attached:

Storefront research

Photos of existing tree, planter, uneven sidewalk and the front of building

A sketch we have had done by Henry Schmidt (this is not totally completed yet). We will be adding planters to the front entrance that will have greenery in them

A photo of what we'd like for the building front to look like and an idea of what the interior of the store will look (photos from Pinterest)

Thank in you advance for your help with this,

Michele Babiash

A handwritten signature in black ink, appearing to read 'M Babiash', with a stylized, cursive script.

(325) 277-2915

## THE POWER OF SUCCESSFUL STOREFRONTS

There is no doubt first impressions count when creating customer relationships, and for retail businesses your storefront often represents that critical first point of contact. Everyday, countless people walk our streets and malls, passing hundreds of stores. And every storefront is competing for the attention of those potential customers—the goal of your storefront design is at best to beckon buyers inside, or at least to create a memorable impression that triggers a future visit. A striking storefront sign can make the difference between a successful and unsuccessful business.

[www.clearleddisplays.com/blog/post/9/The\\_importance\\_of\\_storefront\\_branding/](http://www.clearleddisplays.com/blog/post/9/The_importance_of_storefront_branding/)

# First Impressions – The Importance Of Storefront Design In Attracting Customers

Like in any new relationship first impressions count, only one shot to make a great one. As a business, this step is critical in the acquisition of new customers. Customers today, in most cases, have multiple choices when looking to buy a product. So, your business must stand out, but it must also maintain that experience in every store.

The storefront is the first and last opportunity your business has to convert that passerby into a customer. If your storefronts are poorly designed, differ from one another or offer little in the way of a 'preview', then that customer is given no reason to come inside.

Visibility is key.

Most storefronts aren't next to the carpark where a potential customer is going to leave their vehicle. Often times, it's quite a distance away, as well as adding the fact the car park isn't very well lit. For your stores one of the most important aspects of design should be visibility. Lighting is critical to the success of attracting new customers. Use a tried and tested approach and design when it comes to lighting.

[www.youngupstarts.com/](http://www.youngupstarts.com/)



# The Importance of Storefront Setup for Your Retail Business

by Sarah Kaminski 3 min read May 7, 2020

## MARKETING

Because of the immense popularity of online shopping, you may find yourself underestimating the power of your storefront. However, think of it this way: how many times have you drifted into a shop just because the window display caught your eye? If you found yourself thinking that you do that frequently, that is exactly the point. You should never undersell your storefront, as it is one of the most efficient ways to draw in new customers.

## Attract Window Shoppers

Window shoppers are incredibly common – after all, people like to just stroll around the street or the mall and check out what's in store. People who are waiting for someone are also very likely to keep themselves occupied by glancing into different stores, and making a good impression on them is the best way to draw them in.

Some people walk in just to browse but end up making a purchase, and others will remember what they have seen and will come back when they have the funds to make a purchase. Either way, you want to make sure you get people inside your store so that you can make sales to them.

## Introduce Yourself

Even people who have never heard of your brand or have never seen you online will be drawn into your store by a great storefront display. Because your advertising methods are not reaching them any other way, it is essential that you use the time they are in your store to make an incredible impression on them and make them remember you. Don't make the mistake of believing that you need to be famous for people to stop by and take a look – your displays will do more for attracting street crowds than any online ad can.

## Your Own Advertising

Your storefront is your best advertisement, so instead of investing in a lot of other marketing channels, you can invest a bit more time and effort in your storefront, especially if you are located in an area with heavy foot traffic. Even if that's not the case, you should still make an effort to catch the eyes of passersby and let them know you are there.

## Keep it Visible

One of the most important aspects of creating an attractive storefront is lighting it well. You'll need to find a way to balance the atmosphere you want to create with a clear display that accentuates the products you are selling. Along with the products, you will also want to make sure that signs promoting discounts are clear.

When designing your storefront, you will also want to keep in mind the demographic that you are trying to appeal to. Something colorful will more likely attract a younger audience, while a chic and classic design will appeal to an older demographic.

## Get Creative

If your store is set among a host of other shops, you will need to do something to stand out in the crowd and catch people's eye. You can try out a thematic design that will highlight certain items you have in stock or you can add an extra entertainment element and have real models in the windows, wearing your clothes or sitting on your furniture.

Anything goes, as long as it is in line with your brand voice.

## Keep it Consistent

When changing your displays, make sure you do so at every location you may have as well as your website. By doing this, you will send a consistent message to all of your shoppers at the same time.

You don't want someone to walk into one of your stores and be greeted by a completely different atmosphere than they've faced the same day at a different

location. You want your shoppers to remember you, but you don't want that memory to be one of confusion because you sent mixed messages with multiple different displays.

## Final Thoughts

Your storefront is an amazing space that you can use not only to display your products, but also to get to know your shoppers and interact with them. Get a little bit creative with your designs, try out different things, and see how your customers react. Don't just shove anything in your display, hoping for the best, and don't try to copy someone else either. As long as you are true to yourself and utilize your window space well, you should have no trouble attracting the right crowd.

short url:

<https://bsng.us/8is>

by Sarah Kaminski // Sarah Kaminski is a freelance writer and social media marketer. She works with a number of small businesses to build their brands through more engaging marketing and content.

<https://businnessingmag.com/11044/marketing/storefront-setup>

# Store Appearance is Critical to Retail Sales

- February 9, 2016

A store's physical appearance matters — and it does so significantly, according to several recent consumer surveys. The data shows that consumers form an opinion of a business based on physical presence, which heavily influences their decision whether or not to shop at a location.

With 95% of consumers reporting that exterior appearance is important in selecting a store to shop, the survey results suggest that retailers across the board, from restaurants to big-box outlets, should focus on the external presentation of their location to ensure there are satisfied customers inside.

More than two-thirds of consumers say they have avoided a place of business based on its external appearance, which could drastically impact your company's bottom line.

So what can you do to ensure your customers return and have a positive impression? At the very least, your organization should evaluate the external presentation of your stores as part of your overall marketing efforts. And ask yourself these three questions:

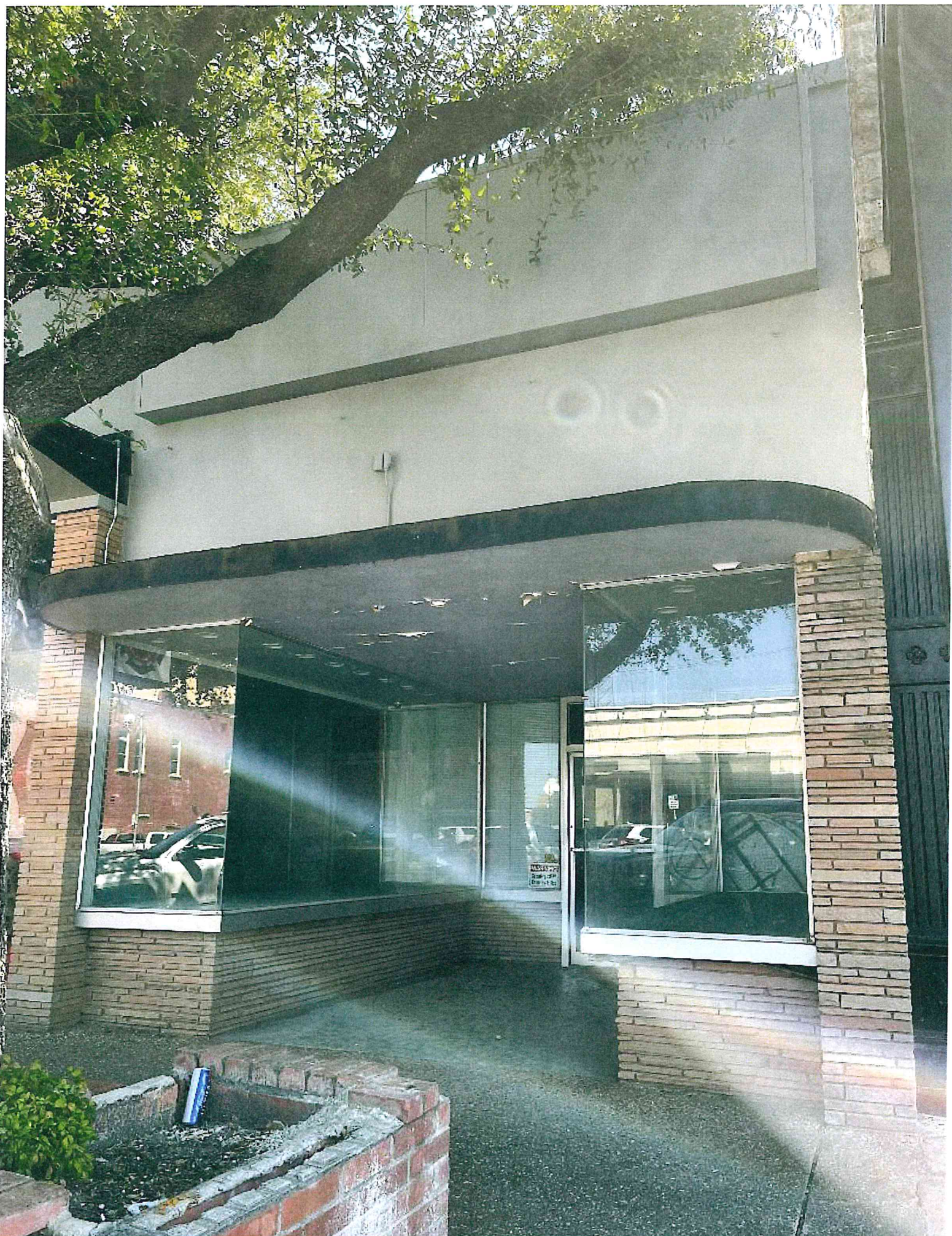
- What message is our business sending to potential customers?
- Are we turning potential customers away without knowing it?; and
- Is the environment of our location consistent with our target customers' expectations?

We've created this useful graphic to illustrate the findings in this survey:





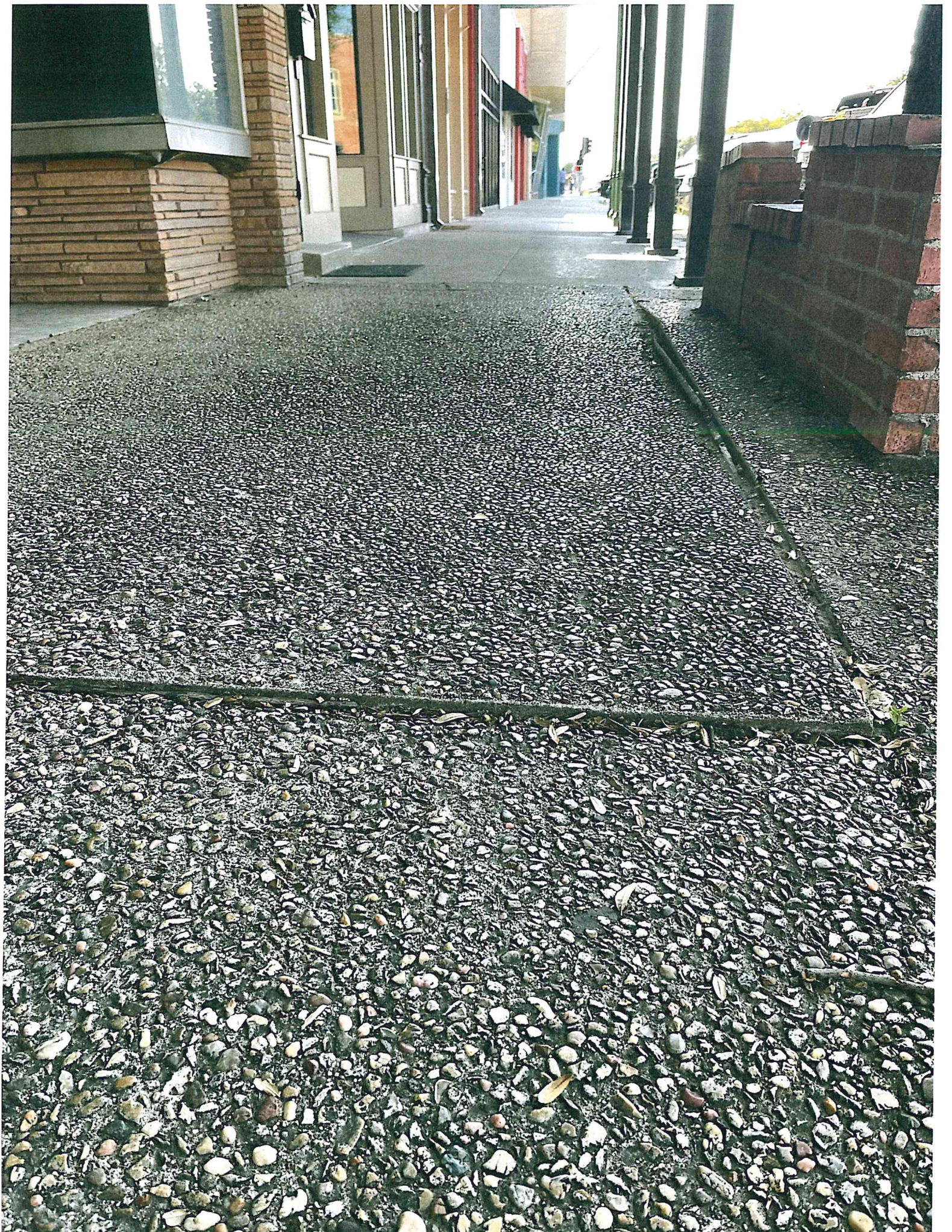














**From:** [michele babiash](#)  
**To:** [Fisher, Jeff](#); [James, Jon](#)  
**Cc:** [director@dtas.org](mailto:director@dtas.org)  
**Subject:** 17 W Beauregard  
**Date:** Monday, October 25, 2021 3:46:55 PM

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**CAUTION: This email was received from an EXTERNAL source, use caution when clicking links or opening attachments.**

I am requesting the tree in front of 17 W Beauregard be removed. There are several safety issues with the tree and the issues that it is causing. The roots are causing the sidewalk to crack and be uneven in several places. I have sent photos but if you have not been out to the location, please take the time to walk it yourself. The sidewalk is unsafe for someone who is just walking along with no child or health issues. However, if you were pushing a stroller or in a wheelchair, the concerns are even more. In some places the sidewalk differs in height so much that you cannot push a stroller without having to lift the front end over the raised concrete (I have witnessed a lady pushing a stroller and it coming to an abrupt halt because of the sidewalk, the child was jerked inside the stroller and the lady got the handle of the stroller plunged into her stomach). There is no way a person in a wheelchair could maneuver over the sidewalk safely. From an ADA standpoint I am certain that this would not pass. If a person in a wheelchair was cruising along and got stopped on the uneven concrete, they could possibly fall face forward, chair and all, if they were strapped in or fall out of the chair if they were not strapped in. From an insurance company perspective, I am expecting this to be a huge issue. I am not certain if an insurance company will insure a business in this location with the sidewalk the way it is.

I have attached a video of someone trying to maneuver an uneven sidewalk in a wheelchair, as you can see this is a huge concern.

<https://www.way2gocortland.org/post/sidewalk-challenges-highlighted>

|                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <h3>Sidewalk challenges highlighted - way2go</h3> <p>Cortland resident Crystal Brehm navigates her wheelchair along local sidewalks with a smile on her face that belies the danger many of them pose to her. Brehm, 40, who has Multiple Sclerosis and Cerebral Palsy and has used a wheelchair as her only source of mobility since</p> <p><a href="http://www.way2gocortland.org">www.way2gocortland.org</a></p> |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Per the Firemans Association, a few years ago someone tripped on the sidewalk and a broke a hip. Not that long ago a lady fell on the uneven sidewalk and broke her arm.

I realize that trees are important and I do not take this lightly. With keeping the safety of pedestrians in mind, I feel very adamant about the fact that we need to remove the tree.

I have other reasons to believe that removing the tree would be best but above all safety is my number one concern. We will be planting another tree and are open to ideas as to where we can do that.

As you all know, I love downtown and I don't do things on a whim when it comes business decisions. I have researched, taken photos, sit and watched people walk that stretch of sidewalk. In my opinion after weighing the options, I feel strongly that taking the tree out in front of 17 W Beauregard is the best option for the safety of our community.

I appreciate your time and consideration,

Michele Babiash

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and may constitute attorney work product or be exempt from disclosure under one or more of the following sections of the Texas Public Information Act: SECS. 552.101, 552.103 or 552.107. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.

**From:** [michele babiash](#)  
**To:** [Fisher, Jeff](#); [James, Jon](#)  
**Subject:** 17 W Beauregard  
**Date:** Monday, October 25, 2021 2:41:22 PM

---

**CAUTION: This email was received from an EXTERNAL source, use caution when clicking links or opening attachments.**

**From:** San Angelo FF Association <saffa.local886@gmail.com>  
**Date:** October 24, 2021 at 2:53:48 PM CDT  
**To:** Jody and Michele Babiash <ocfirehouse@hotmail.com>  
**Subject:** Re: Tree Removal

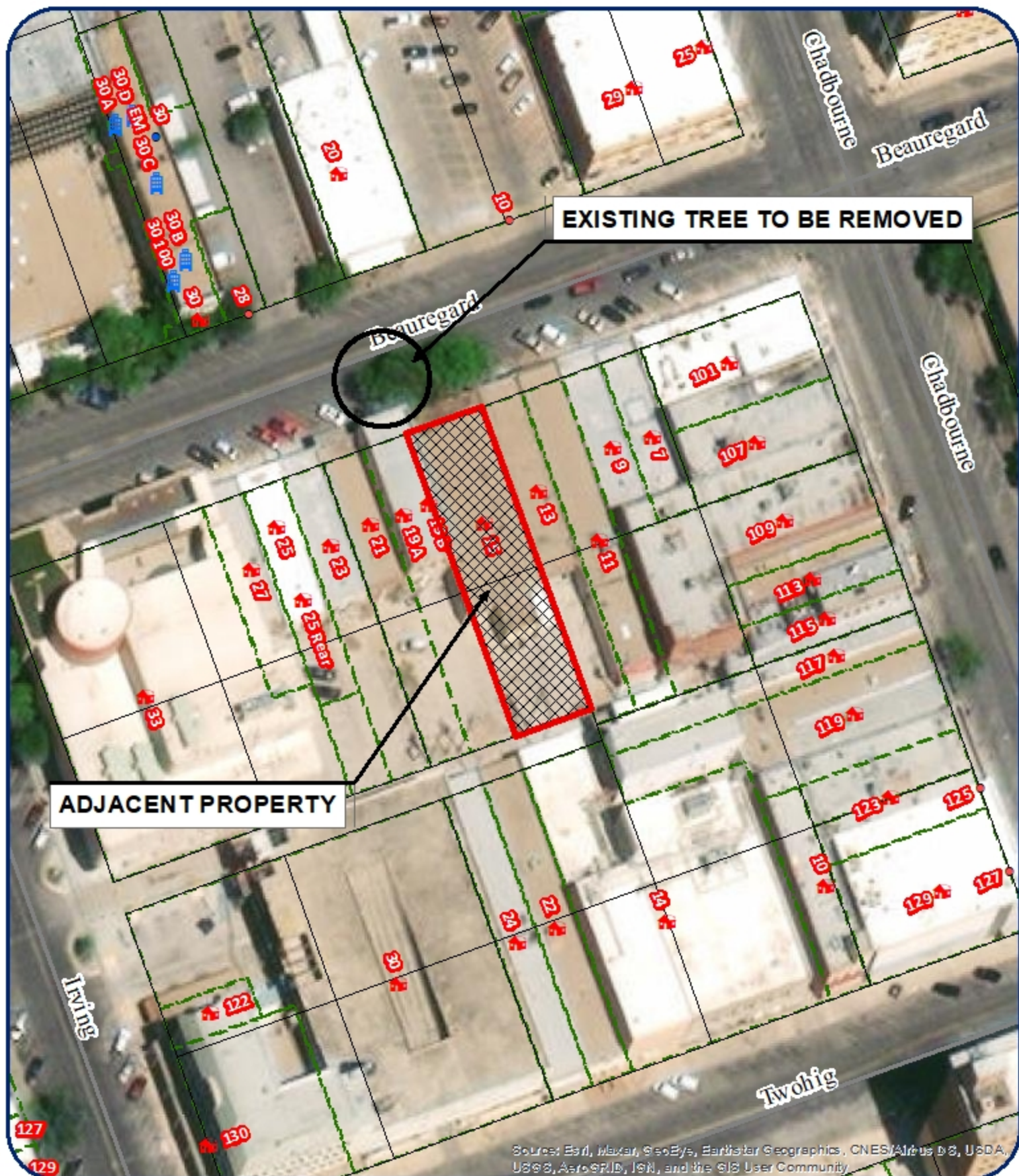
As the current owner of 17 W. Beauregard, the San Angelo Fire Fighters Association gives permission to Babiash Sisters LLC' to remove the tree in front of the building.

Mason Matthews  
President  
San Angelo Firefighters Association

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary,



privileged, confidential, and may constitute attorney work product or be exempt from disclosure under one or more of the following sections of the Texas Public Information Act: SECS. 552.101, 552.103 or 552.107. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.



## Tree Removal in City Right-Of-Way

### Babiash Sisters LLC

Council District: Harry Thomas - District 3

Neighborhood: Downtown

Scale: 1" approx. = 75 ft

17 W. Beauregard Ave.

#### Legend

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



Sources: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





*Box Hangar TwoTen, LLC  
19 W. Beauregard Avenue  
San Angelo, TX 76903*

Mr. Jon James  
Director, Planning and Development Services  
Community Development Building, 1<sup>st</sup> Floor  
52 W. College Avenue  
San Angelo, TX 76903

RE: Letter of Opposition Regarding Removal of Tree in Front of 17 W. Beauregard Ave.

Dear Mr. James:

The purpose of this letter is to state our concerns regarding and opposition to the removal of the tree in front of 17 W. Beauregard Avenue. This issue came to our attention the morning of November 2<sup>nd</sup>, the day of the City Council meeting where the removal of the tree was approved by the Mayor and City Council. We were not notified of the agenda item and were not made aware of the applicant's desire to remove the tree, portions of which extend onto our property.

During our renovation in 2020 we inquired as to what could be done about the tree as it encroached on our building. We were told there was city ordinance in place that protected the tree from removal; therefore, we retained and paid for the services of an arborist to trim the tree, thereby ensuring it was trimmed in a manner that would not jeopardize the health of the tree. The attached graphic illustrates the condition of the tree when we purchased the building next door at 19 W. Beauregard Avenue. Also on the graphic is a rendering done in 2007 that illustrates the tree size then as well as an image from a 1956 news article regarding the renovation of our building.

We believe the sidewalk and curb/street can be repaired without requiring the tree to be removed. The tree has been in place for quite some time and is likely near the end of its growth period.

Our opposition is based on the following:

- The tree is quite large and has an established root system. It is unknown what will occur when the tree is removed and the remaining roots shrink as they die. Existing sewer and water lines are located in the area and we have constructed a balcony whose foundation extends below the sidewalk pavement. Again, we were told the tree could not be removed. Our concern is that damage could occur to our building, balcony, and sidewalk if the tree is removed.
- The tree provides shade during the hot summer months, thereby reducing energy costs.
- The tree is valuable enough to be protected by city ordinance.
- During the City Council meeting it was communicated that two new trees will be planted in front of the building. Our concern is that as these new trees mature, possible negative impacts to our building foundation, our sidewalk, etc. could occur as they did with the existing tree.

- Other downtown development has considered the presence of trees and has incorporated the existing trees into design. Examples include Zero One, the City Library, and the entire Chadbourne Street Streetscape project.
- We are also concerned about the precedence this tree removal sets as there are a number of areas where trees in the downtown area have damaged sidewalks and obscured views of building facades. Businesses come and go, mature trees, such as the one presented for removal, can live for centuries.

Had we been made aware of the applicant's desire to remove the tree we had invested in, we would have attended the City Council meeting along with our arborist.

We are happy to discuss this further and it is our hope that the current tree can remain, and sidewalk repairs can be undertaken in a manner to protect this downtown asset.

Regards,

A handwritten signature in blue ink, appearing to read 'D. Alexander'.

David A. Alexander, PE  
Managing Partner

11/5/2021

Cc:

Jeff Fischer, Principal Planner, City of San Angelo  
Harry Thomas, City Councilmember District #3  
Shelly Pascal, Planner, City of San Angelo

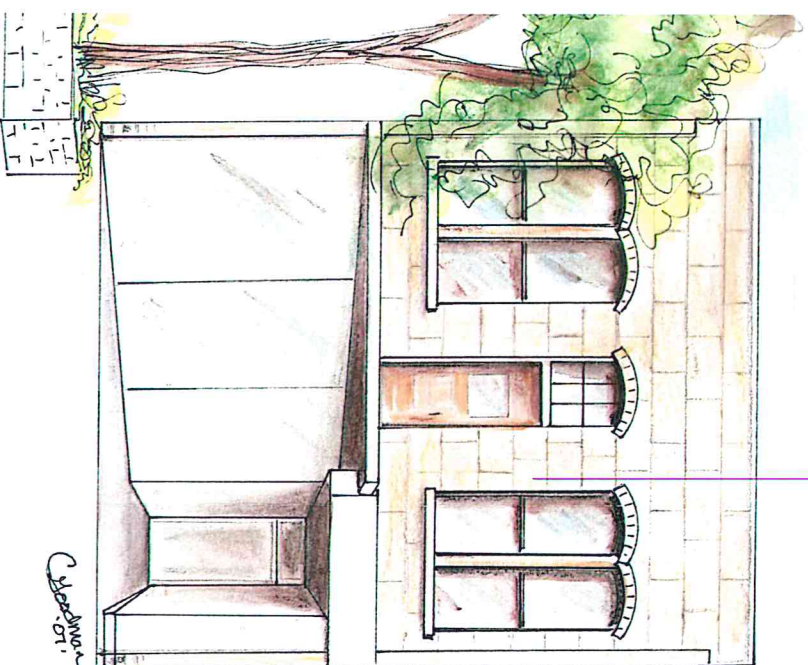


**19 W. BEAUREGARD - EXISTING AND HISTORIC BUILDING FACADE**  
*Box Hangar Twoten THZ South Application*

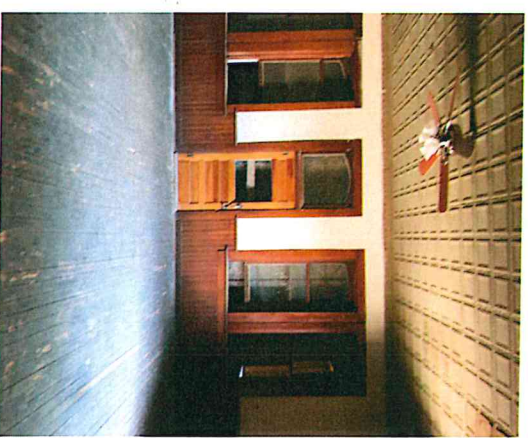
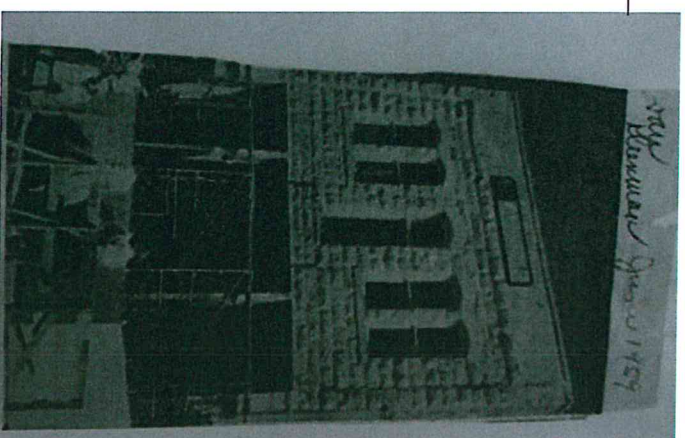
EXISTING BUILDING FACADE



HISTORIC BUILDING FACADE  
*Images provided by current building owner.*



The image to the right depicts the current interior of the second floor facing the street. As you can see the original doors and windows are still in place.





City Council,

The portion of Beauregard that 17 W is on is one that has established businesses along with several new businesses. With the addition of several new businesses such as: WTX Boba Teahouse, Urban Salt, San Angelo Mobile IV Hydration, The Hive Studio and Froyo & Sweets Downtown we anticipate that traffic along the sidewalk is going to increase. The tree and the planter box pose several safety and health issues (as discussed previously) this is why we are asking that the tree be removed.

The city, downtown and our community have worked hard to revitalize the downtown area by renovating buildings, bringing in new businesses and redoing Chadbourne Street. To maintain continuity with the Chadbourne Street project, we would like to mirror the new Chadbourne Street. This will enhance the overall look of downtown and entice people to walk from Concho to Chadbourne to Beauregard.

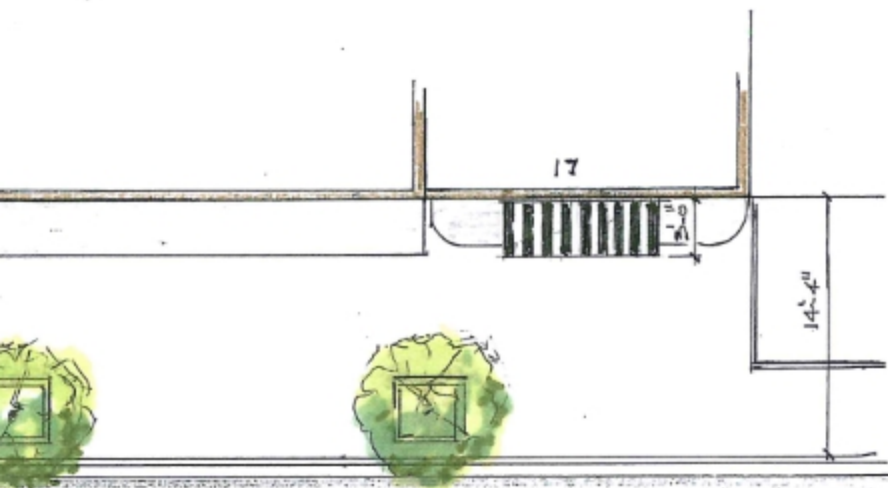
Our new rendering is based off of what architect Henry Schmidt, after reviewing the specs and drawings of what is being done on Chadbourne, feels will mimic Chadbourne Street.

After talking to several experts and researching trees, tree root systems and electric wires, it is of our opinion that for the safety and well-being of the community and for the success of our business and the businesses along that stretch of Beauregard, the tree should be removed.

Thank you for your time and consideration,

Michele Babiash





WEST BEAUREGARD

WALK PLAN

SCALE  $\frac{1}{8}" = 1'-0"$

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: December 7, 2021

Item type: Regular Item

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## **Caption:**

First reading and public hearing of an ordinance extending the temporary changes to Chapter 12, Article 12.04, Signs, of the City Code of Ordinances, to allow additional time for preparation of permanent amendments to the Sign Ordinance (Presentation made by Planning & Development Services Director Jon James)

## **Staff Recommendation:**

Adopt

## **Summary/History:**

On November 17, 2020, the Council adopted changes to the City's sign regulations to address a recent decision by the United States Court of Appeals for the Fifth Circuit in "Reagan National Advertising/Lamar Outdoor Advantage v. City of Austin", which resulted in portions of the City's ordinance regarding signs being deemed unconstitutional. This decision resulted in the inability to distinguish between on-site (business) signs and off-site (billboard) signs in the City's sign regulations.

Staff prepared the temporary fix to the sign ordinance with the intention of having a permanent revision in place by the end of 2021. However, subsequently the US Supreme Court agreed to hear an appeal of the court case, which was heard on November 10, 2021. **With a final decision on this case expected later in 2022, staff is recommending extending these temporary provisions for an additional year, through the end of 2022, to allow time to prepare final ordinance revisions after the Supreme Court decision is released.**

## **Funding Source(s):**

## **Financial Impact:**

N/A

## **Other Information/Recommendation:**

Staff recommends approval of this ordinance extension.

## **Attachments:**

- |                             |                               |
|-----------------------------|-------------------------------|
| 1. Sign ordinance extension | Sign ordinance extension.docx |
|-----------------------------|-------------------------------|

## **Presentation:**

Jon James

## **Approvals/Reviews:**

Jon James  
Zachary Rainbow  
Jon James  
Brandon Dyson  
Jon James  
Theresa James  
Julia Antilley

Created/Initiated  
Approved  
Approved  
Approved  
Approved  
Approved  
Final Approval



**AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, EXTENDING THE EXPIRATION DATE OF ORDINANCE NO. 202-108 PASSED NOVEMBER 17, 2020; CORRECTING THE VOLUME NUMBERING OF ORDINANCE NO. 202-108 AND PROVIDING FOR SEVERABILITY**

**WHEREAS**, a recent decision by the United States Court of Appeals for the Fifth Circuit in “Reagan National Advertising/Lamar Outdoor Advantage v. City of Austin” resulted in the on-site and off-site sign designations of the City’s Sign Ordinance being deemed unenforceable; and

**WHEREAS**, Ordinance No. 202-108 was passed on November 17, 2020, to reflect the immediate changes in case law, but provided for an expiration date of December 31, 2021 to allow staff sufficient time to prepare a more comprehensive amendment to the City’s Sign Ordinance; and

**WHEREAS**, the United States Supreme Court has taken up the Reagan National Advertising case for review and heard oral arguments in the case on November 10, 2021; and

**WHEREAS**, staff recommends delaying further amendments to the City’s Sign Ordinance until such time that a decision is rendered by the Supreme Court, which is expected sometime in 2022; and

**WHEREAS**, Ordinance No. 202-108 was inadvertently numbered as “Volume 202” rather than “Volume 2020”.

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

SECTION 1. THAT the City Clerk is directed to correct the volume numbering of Ordinance No. 202-108 to Ordinance No. 2020-108.

SECTION 2. THAT Ordinance No. 202-108 (now No. 2020-108) passed on November 17, 2020, with an original expiration date of December 31, 2021, is hereby further extended in all respects until December 31, 2022, unless otherwise replaced or extended by the San Angelo City Council.

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

SECTION 4. This Ordinance shall take effect and be in full force and effect from and after the date of its passage.

**INTRODUCED with public hearing on the 7<sup>th</sup> day of December, 2021 and finally PASSED, this \_\_\_\_ day of January, 2022.**

THE CITY OF SAN ANGELO

ATTEST:

\_\_\_\_\_  
Brenda Gunter, Mayor

\_\_\_\_\_  
Julia Antilley, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Theresa James, City Attorney

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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Requestor: Julia Antilley, City Clerk, Planning and Development Services, 325-657-4405

Meeting Date: December 7, 2021

Item type: Regular Item

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## **Caption:**

Discussion and possible action on the following redistricting items as a result of the 2020 Census:

1. Public Hearing to receive comments from the public regarding redistricting and the proposed new boundaries for City of San Angelo City Council single member districts
2. Discussion and possible action to consider and adjust proposed redistricting plans
3. Discussion and possible action to approve a resolution approving the final redistricting plan (Presentation made by Planning & Development Services Director Jon James and City Clerk Julia Antilley)

## **Staff Recommendation:**

Approve

## **Summary/History:**

The City Council discussed the proposed redistricting boundaries at the November 16th meeting and allowed public comment on the item. As a result, the consultant was asked to provide additional details, the city agreed to hold a meeting for public input outside of business hours (December 2nd), and the city directed all interested parties to their redistricting website through press releases and public notices.

The proposed plan makes minimal changes to boundaries, ensures all sitting council members remain in their current district, keeps SMD 3 & SMD 4 as strong minority districts, and allows for future growth in SMD 1.

## **Funding Source(s):**

## **Financial Impact:**

The city paid 50% towards redistricting in fiscal year 2021, with the remaining 50% carried over into fiscal year 2022.

## **Other Information/Recommendation:**

The City has been working with Allison, Bass, & Magee, LLP for legal counsel on redistricting and is bringing forth their proposed SMD boundary changes for approval.

## **Attachments:**

- |                                                             |                                                              |
|-------------------------------------------------------------|--------------------------------------------------------------|
| 1. City of San Angelo Demographics - overview               | City of San Angelo Demographics - overview.pdf               |
| 2. City of San Angelo Demographics - Total Population       | City of San Angelo Demographics - Total Population.pdf       |
| 3. City of San Angelo Demographics - Voting Age             | City of San Angelo Demographics - Voting Age.pdf             |
| 4. City of San Angelo Proposed Map                          | City of San Angelo Proposed Map.pdf                          |
| 5. 2021_1112 Single Member Districts Compare to Consultants | 2021_1112 Single Member Districts Compare to Consultants.pdf |

6. 22-0050 - DRAFT RESOLUTION 12.01

22-0050 - DRAFT RESOLUTION 12.01.docx

**Presentation:**

Julia Antilley, Jon James

**Approvals/Reviews:**

Julia Antilley

Jon James

Theresa James

Julia Antilley

Created/Initiated

Approved

Approved

Final Approval

|              | 2020 Actual<br>Population | Proposed<br>Distribution | Ideal SMD<br>Population | Proposed/Ideal<br>Relative Deviation | 2010-2020<br>Relative<br>Deviation |
|--------------|---------------------------|--------------------------|-------------------------|--------------------------------------|------------------------------------|
| District 1   | 18,269                    | 16,381                   | 16,649                  | -1.61%                               | 15,772<br><b>15.83%</b>            |
| District 2   | 15,652                    | 16,505                   | 16,649                  | -0.86%                               | 15,351<br>1.96%                    |
| District 3   | 14,426                    | 16,733                   | 16,649                  | 0.51%                                | 15,119<br>-4.58%                   |
| District 4   | 16,635                    | 16,605                   | 16,649                  | -0.26%                               | 14,967<br><b>11.14%</b>            |
| District 5   | 16,197                    | 16,711                   | 16,649                  | 0.37%                                | 16,256<br>-0.36%                   |
| District 6   | 18,714                    | 16,958                   | 16,649                  | 1.86%                                | 15,735<br><b>18.93%</b>            |
| <b>Total</b> | <b>99,893</b>             |                          |                         |                                      | <b>93,200</b><br><b>7.18%</b>      |
|              |                           | Total Maximum Deviation  |                         | 3.47%                                |                                    |

| <b>2020 Total Pop. - Ethnic/Racial Data</b> | <b>Anglo</b>  | <b>Black</b> | <b>Am. Ind.</b> | <b>Asian</b> | <b>Hispanic</b> | <b>Haw/Pac Is</b> | <b>Other</b> | <b>Multi</b> | <b>Totals</b>  | <b>%</b>       |
|---------------------------------------------|---------------|--------------|-----------------|--------------|-----------------|-------------------|--------------|--------------|----------------|----------------|
| District 1                                  | 10,821        | 607          | 55              | 370          | 3,879           | 22                | 20           | 607          | 16,381         | 16.40%         |
| District 2                                  | 6,675         | 568          | 59              | 119          | 8,587           | 13                | 29           | 455          | 16,505         | 16.52%         |
| District 3                                  | 5,059         | 581          | 49              | 127          | 10,394          | 20                | 48           | 455          | 16,733         | 16.75%         |
| District 4                                  | 5,459         | 838          | 45              | 189          | 9,507           | 19                | 80           | 468          | 16,605         | 16.62%         |
| District 5                                  | 9,830         | 618          | 42              | 305          | 5,163           | 38                | 84           | 631          | 16,711         | 16.73%         |
| District 6                                  | 10,270        | 634          | 43              | 529          | 4,779           | 23                | 53           | 627          | 16,958         | 16.98%         |
| <b>Total</b>                                | <b>48,114</b> | <b>3,846</b> | <b>293</b>      | <b>1,639</b> | <b>42,309</b>   | <b>135</b>        | <b>314</b>   | <b>3,243</b> | <b>99,893</b>  | <b>100.00%</b> |
| <b>% of City</b>                            | <b>48.17%</b> | <b>3.85%</b> | <b>0.29%</b>    | <b>1.64%</b> | <b>42.35%</b>   | <b>0.14%</b>      | <b>0.31%</b> | <b>3.25%</b> | <b>100.00%</b> |                |

|            |        |       |       |       |        |       |       |       |         |
|------------|--------|-------|-------|-------|--------|-------|-------|-------|---------|
| District 1 | 66.06% | 3.71% | 0.34% | 2.26% | 23.68% | 0.13% | 0.12% | 3.71% | 100.00% |
| District 2 | 40.44% | 3.44% | 0.36% | 0.72% | 52.03% | 0.08% | 0.18% | 2.76% | 100.00% |
| District 3 | 30.23% | 3.47% | 0.29% | 0.76% | 62.12% | 0.12% | 0.29% | 2.72% | 100.00% |
| District 4 | 32.88% | 5.05% | 0.27% | 1.14% | 57.25% | 0.11% | 0.48% | 2.82% | 100.00% |
| District 5 | 58.82% | 3.70% | 0.25% | 1.83% | 30.90% | 0.23% | 0.50% | 3.78% | 100.00% |
| District 6 | 60.56% | 3.74% | 0.25% | 3.12% | 28.18% | 0.14% | 0.31% | 3.70% | 100.00% |

| <b>2010 Total Pop. - Ethnic/Racial Data</b> | <b>Anglo</b>  | <b>Black</b> | <b>Am. Ind.</b> | <b>Asian</b> | <b>Hispanic</b> | <b>Haw/Pac Is</b> | <b>Other</b> | <b>Multi</b> | <b>Totals</b>  | <b>%</b>       |
|---------------------------------------------|---------------|--------------|-----------------|--------------|-----------------|-------------------|--------------|--------------|----------------|----------------|
| District 1                                  | 11,475        | 627          | 63              | 250          | 3,063           | 13                | 16           | 265          | 15,772         | 16.92%         |
| District 2                                  | 7,101         | 576          | 57              | 93           | 7,314           | 15                | 21           | 174          | 15,351         | 16.47%         |
| District 3                                  | 4,188         | 525          | 56              | 70           | 10,102          | 8                 | 14           | 156          | 15,119         | 16.22%         |
| District 4                                  | 5,393         | 985          | 54              | 123          | 8,177           | 8                 | 31           | 196          | 14,967         | 16.06%         |
| District 5                                  | 11,197        | 627          | 56              | 125          | 3,950           | 18                | 26           | 257          | 16,256         | 17.44%         |
| District 6                                  | 11,309        | 547          | 64              | 328          | 3,256           | 8                 | 8            | 215          | 15,735         | 16.88%         |
| <b>Total</b>                                | <b>50,663</b> | <b>3,887</b> | <b>350</b>      | <b>989</b>   | <b>35,862</b>   | <b>70</b>         | <b>116</b>   | <b>1,263</b> | <b>93,200</b>  | <b>100.00%</b> |
| <b>% of City</b>                            | <b>54.36%</b> | <b>4.17%</b> | <b>0.38%</b>    | <b>1.06%</b> | <b>38.48%</b>   | <b>0.08%</b>      | <b>0.12%</b> | <b>1.36%</b> | <b>100.00%</b> |                |

|            |        |       |       |       |        |       |       |       |         |
|------------|--------|-------|-------|-------|--------|-------|-------|-------|---------|
| District 1 | 72.76% | 3.98% | 0.40% | 1.59% | 19.42% | 0.08% | 0.10% | 1.68% | 100.00% |
| District 2 | 46.26% | 3.75% | 0.37% | 0.61% | 47.65% | 0.10% | 0.14% | 1.13% | 100.00% |
| District 3 | 27.70% | 3.47% | 0.37% | 0.46% | 66.82% | 0.05% | 0.09% | 1.03% | 100.00% |
| District 4 | 36.03% | 6.58% | 0.36% | 0.82% | 54.63% | 0.05% | 0.21% | 1.31% | 100.00% |
| District 5 | 68.88% | 3.86% | 0.34% | 0.77% | 24.30% | 0.11% | 0.16% | 1.58% | 100.00% |
| District 6 | 71.87% | 3.48% | 0.41% | 2.08% | 20.69% | 0.05% | 0.05% | 1.37% | 100.00% |

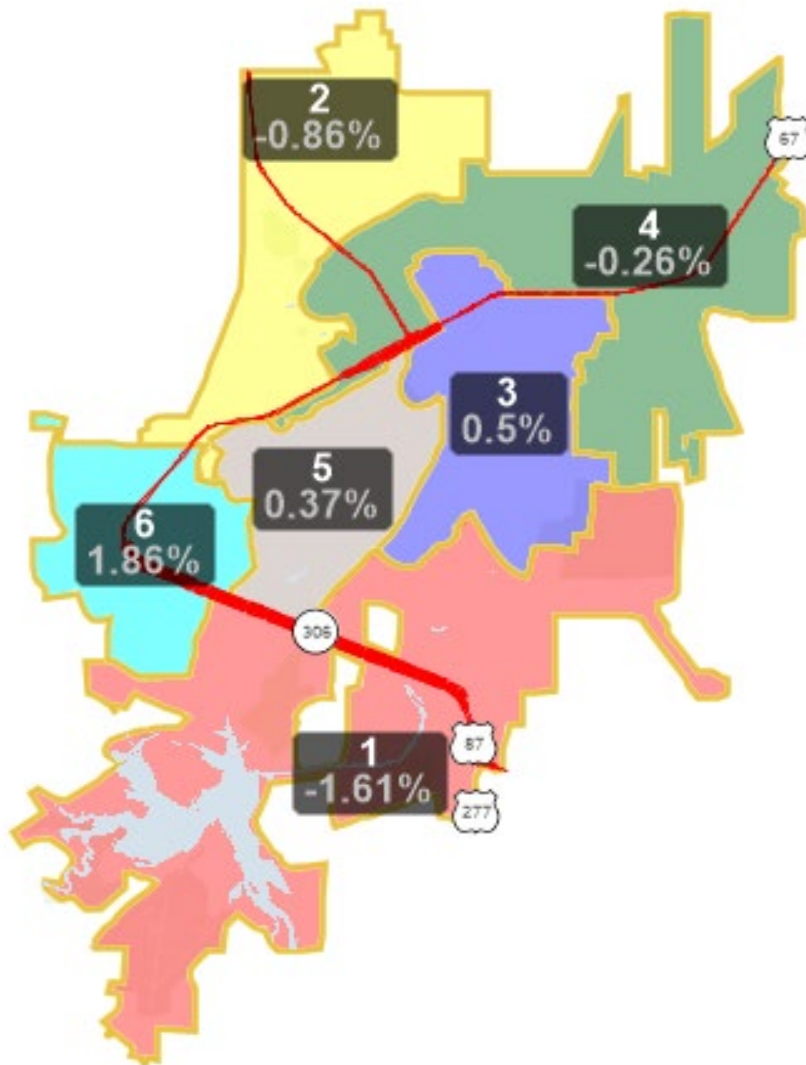


| <b>2020 Voting Age Pop. - Ethnic/Racial Data</b> | <b>Anglo</b>  | <b>Black</b> | <b>Am. Ind.</b> | <b>Asian</b> | <b>Hispanic</b> | <b>Haw/Pac Is</b> | <b>Other</b> | <b>Multi</b> | <b>Totals</b>  | <b>%</b>       |
|--------------------------------------------------|---------------|--------------|-----------------|--------------|-----------------|-------------------|--------------|--------------|----------------|----------------|
| District 1                                       | 9,106         | 513          | 42              | 308          | 2,730           | 18                | 9            | 455          | 13,181         | 17.20%         |
| District 2                                       | 5,519         | 439          | 54              | 89           | 5,801           | 13                | 24           | 316          | 12,255         | 15.99%         |
| District 3                                       | 4,316         | 473          | 39              | 108          | 7,635           | 14                | 33           | 315          | 12,933         | 16.87%         |
| District 4                                       | 4,183         | 655          | 35              | 149          | 6,330           | 6                 | 51           | 321          | 11,730         | 15.30%         |
| District 5                                       | 8,261         | 486          | 42              | 245          | 3,684           | 34                | 62           | 487          | 13,301         | 17.35%         |
| District 6                                       | 8,505         | 494          | 33              | 438          | 3,324           | 14                | 46           | 390          | 13,244         | 17.28%         |
| <b>Total</b>                                     | <b>39,890</b> | <b>3,060</b> | <b>245</b>      | <b>1,337</b> | <b>29,504</b>   | <b>99</b>         | <b>225</b>   | <b>2,284</b> | <b>76,644</b>  | <b>100.00%</b> |
| <b>% of City</b>                                 | <b>52.05%</b> | <b>3.99%</b> | <b>0.32%</b>    | <b>1.74%</b> | <b>38.49%</b>   | <b>0.13%</b>      | <b>0.29%</b> | <b>2.98%</b> | <b>100.00%</b> |                |

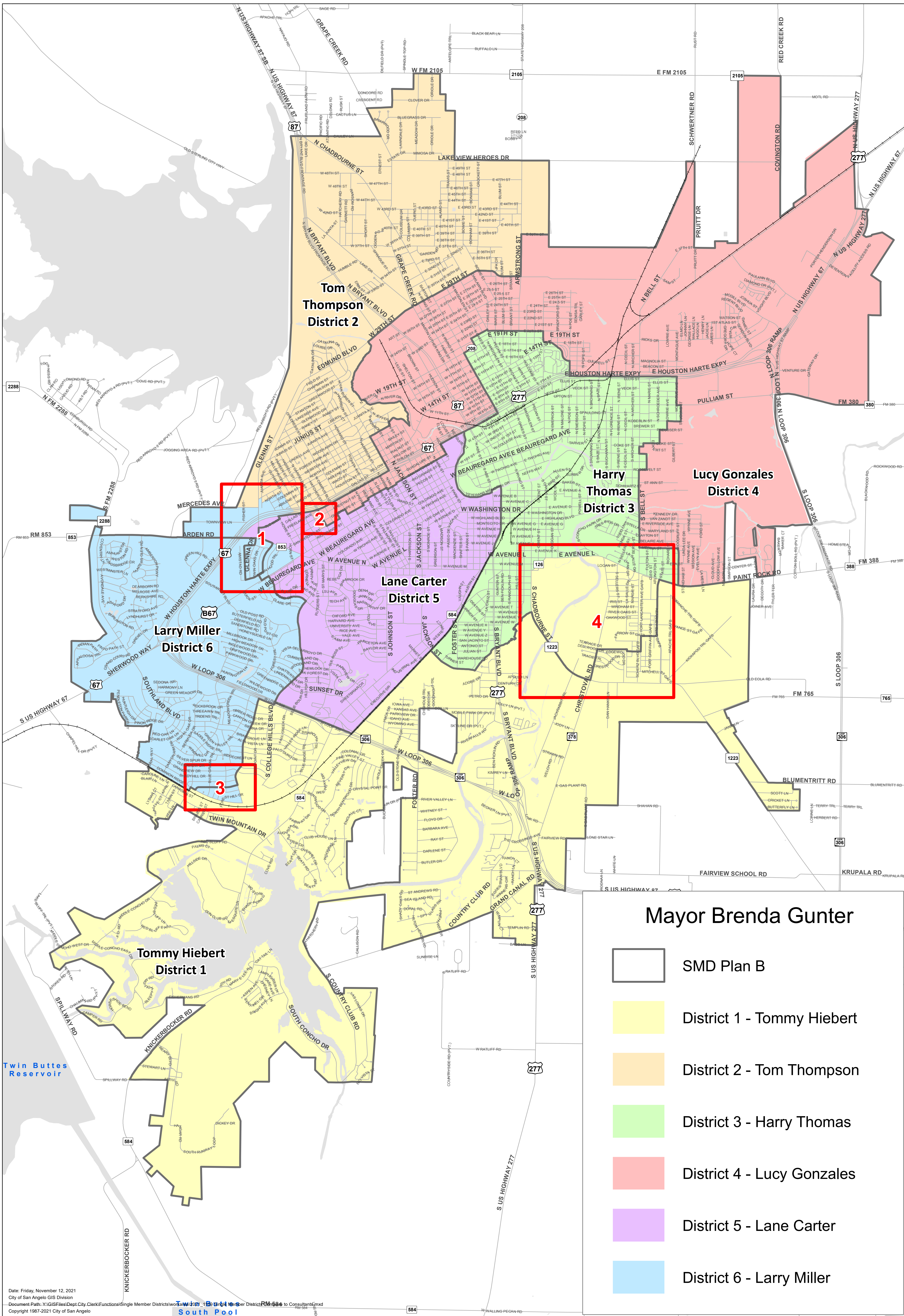
|            |        |       |       |       |        |       |       |       |         |
|------------|--------|-------|-------|-------|--------|-------|-------|-------|---------|
| District 1 | 69.08% | 3.89% | 0.32% | 2.34% | 20.71% | 0.14% | 0.07% | 3.45% | 100.00% |
| District 2 | 45.03% | 3.58% | 0.44% | 0.73% | 47.34% | 0.11% | 0.20% | 2.58% | 100.00% |
| District 3 | 33.37% | 3.66% | 0.30% | 0.84% | 59.04% | 0.11% | 0.26% | 2.44% | 100.00% |
| District 4 | 35.66% | 5.58% | 0.30% | 1.27% | 53.96% | 0.05% | 0.43% | 2.74% | 100.00% |
| District 5 | 62.11% | 3.65% | 0.32% | 1.84% | 27.70% | 0.26% | 0.47% | 3.66% | 100.00% |
| District 6 | 64.22% | 3.73% | 0.25% | 3.31% | 25.10% | 0.11% | 0.35% | 2.94% | 100.00% |

| <b>2010 Voting Age Pop. - Ethnic/Racial Data</b> | <b>Anglo</b>  | <b>Black</b> | <b>Am. Ind.</b> | <b>Asian</b> | <b>Hispanic</b> | <b>Haw/Pac Is</b> | <b>Other</b> | <b>Multi</b> | <b>Totals</b>  | <b>%</b>       |
|--------------------------------------------------|---------------|--------------|-----------------|--------------|-----------------|-------------------|--------------|--------------|----------------|----------------|
| District 1                                       | 9,623         | 532          | 50              | 218          | 2,152           | 10                | 13           | 201          | 12,799         | 17.93%         |
| District 2                                       | 5,776         | 424          | 46              | 75           | 4,712           | 10                | 17           | 92           | 11,152         | 15.62%         |
| District 3                                       | 3,673         | 414          | 46              | 59           | 7,135           | 5                 | 11           | 100          | 11,443         | 16.03%         |
| District 4                                       | 4,125         | 748          | 44              | 93           | 5,199           | 6                 | 18           | 95           | 10,328         | 14.47%         |
| District 5                                       | 9,464         | 546          | 44              | 111          | 2,816           | 11                | 14           | 174          | 13,180         | 18.46%         |
| District 6                                       | 9,447         | 424          | 51              | 254          | 2,188           | 8                 | 5            | 119          | 12,496         | 17.50%         |
| <b>Total</b>                                     | <b>42,108</b> | <b>3,088</b> | <b>281</b>      | <b>810</b>   | <b>24,202</b>   | <b>50</b>         | <b>78</b>    | <b>781</b>   | <b>71,398</b>  | <b>100.00%</b> |
| <b>% of City</b>                                 | <b>58.98%</b> | <b>4.33%</b> | <b>0.39%</b>    | <b>1.13%</b> | <b>33.90%</b>   | <b>0.07%</b>      | <b>0.11%</b> | <b>1.09%</b> | <b>100.00%</b> |                |

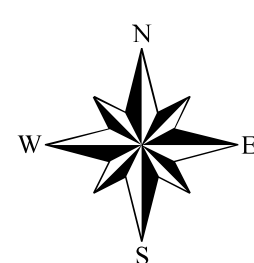
|            |        |       |       |       |        |       |       |       |         |
|------------|--------|-------|-------|-------|--------|-------|-------|-------|---------|
| District 1 | 75.19% | 4.16% | 0.39% | 1.70% | 16.81% | 0.08% | 0.10% | 1.57% | 100.00% |
| District 2 | 51.79% | 3.80% | 0.41% | 0.67% | 42.25% | 0.09% | 0.15% | 0.82% | 100.00% |
| District 3 | 32.10% | 3.62% | 0.40% | 0.52% | 62.35% | 0.04% | 0.10% | 0.87% | 100.00% |
| District 4 | 39.94% | 7.24% | 0.43% | 0.90% | 50.34% | 0.06% | 0.17% | 0.92% | 100.00% |
| District 5 | 71.81% | 4.14% | 0.33% | 0.84% | 21.37% | 0.08% | 0.11% | 1.32% | 100.00% |
| District 6 | 75.60% | 3.39% | 0.41% | 2.03% | 17.51% | 0.06% | 0.04% | 0.95% | 100.00% |







# City of San Angelo Single Member Districts San Angelo, Texas



0 3,125 6,250 9,375 12,500 Feet



**RESOLUTION 2021-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS, APPROVING THE REDISTRICTING OF THE CITY'S SINGLE-MEMBER COUNCIL DISTRICTS AND ESTABLISHING NEW DISTRICT BOUNDARY LINES BASED ON 2020 CENSUS DATA FOR SAN ANGELO CITY COUNCIL ELECTIONS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the results of the 2020 federal Census have been considered and indicate that the City of San Angelo's single-member council districts are sufficiently out of population balance to require redistricting in order to comply with the "one-person, one-vote" (equal population) principle established by the U.S. Constitution and requirements of the City Charter; and

**WHEREAS**, the City of San Angelo (the "City") engaged the law firm of Allison, Bass & Magee, LLP to act as the City's redistricting consultant, including advising and assisting the City Council in preparation of a new redistricting plan in compliance with applicable requirements of state and federal law; and

**WHEREAS**, during the redistricting process the City hosted a public forum on December 2, 2021 and provided notice to the public of its proposed discussions and development of a redistricting plan through meeting agendas posted in compliance with the Texas Open Meetings Act, notices on the City's website, and publication of newspaper notices; and

**WHEREAS**, the City Council has considered the proposed redistricting plan at City Council meetings on November 16, 2021 and at a public hearing held on December 7, 2021, and has considered public comment, information, maps, and a proposed plan from the City's redistricting consultant regarding the appropriate reconfiguration of the council member districts; and

**WHEREAS**, the City Council finds that the attached city council redistricting plan is in the best interest of the citizens of the City, complies with the City Charter and is believed to comply with all state and federal requirements.

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

Section 1: That the existing single-member council district boundary lines for the City of San Angelo are hereby amended, and the new districting plan depicted on the map attached hereto as **Exhibit "A"**, defining new districts, as such new districts are further described in the tables attached hereto as **Exhibit "B"** reporting populations and demographic statistics for each such new district, is hereby adopted and designated to define the City's six single-member council districts from and after the Effective Date; that **Exhibits "A"** and **"B"** are incorporated by reference in and made a part of this Resolution, and shall be kept on file in the City Clerk's Office;

Section 2: That this resolution shall take effect March 1, 2022 and that thereafter all San Angelo City Council elections shall be held under and in accordance with the new single-member council district plan adopted by the City Council, until such time as a subsequent lawfully-enacted districting plan shall be adopted to replace this plan.

**ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**THE CITY OF SAN ANGELO, TEXAS:**

**ATTEST:**

\_\_\_\_\_  
Brenda Gunter, Mayor

\_\_\_\_\_  
Julia Antilley, City Clerk

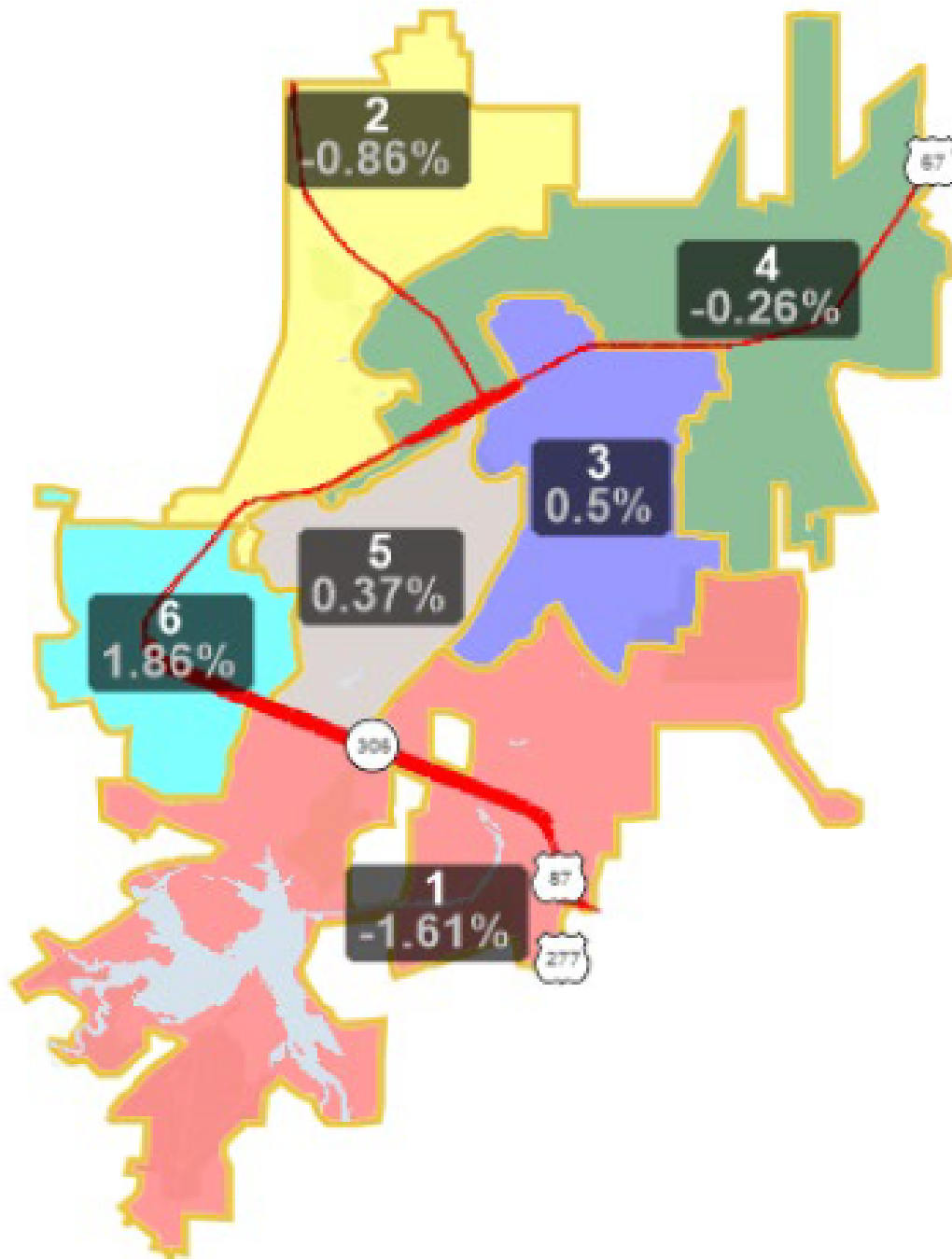
**APPROVED AS TO FORM:**

---

Theresa James, City Attorney



EXHIBIT A



## EXHIBIT B

| 2020 Total Pop. - Ethnic/Racial Data | Anglo         | Black        | Am. Ind.     | Asian        | Hispanic      | Haw/Pac Is   | Other        | Multi        | Totals         | %              |
|--------------------------------------|---------------|--------------|--------------|--------------|---------------|--------------|--------------|--------------|----------------|----------------|
| District 1                           | 10,821        | 607          | 55           | 370          | 3,879         | 22           | 20           | 607          | 16,381         | 16.40%         |
| District 2                           | 6,675         | 568          | 59           | 119          | 8,587         | 13           | 29           | 455          | 16,505         | 16.52%         |
| District 3                           | 5,059         | 581          | 49           | 127          | 10,394        | 20           | 48           | 455          | 16,733         | 16.75%         |
| District 4                           | 5,459         | 838          | 45           | 189          | 9,507         | 19           | 80           | 468          | 16,605         | 16.62%         |
| District 5                           | 9,830         | 618          | 42           | 305          | 5,163         | 38           | 84           | 631          | 16,711         | 16.73%         |
| District 6                           | 10,270        | 634          | 43           | 529          | 4,779         | 23           | 53           | 627          | 16,958         | 16.98%         |
| <b>Total</b>                         | <b>48,114</b> | <b>3,846</b> | <b>293</b>   | <b>1,639</b> | <b>42,309</b> | <b>135</b>   | <b>314</b>   | <b>3,243</b> | <b>99,893</b>  | <b>100.00%</b> |
| <b>% of City</b>                     | <b>48.17%</b> | <b>3.85%</b> | <b>0.29%</b> | <b>1.64%</b> | <b>42.35%</b> | <b>0.14%</b> | <b>0.31%</b> | <b>3.25%</b> | <b>100.00%</b> |                |

|            |        |       |       |       |        |       |       |       |         |
|------------|--------|-------|-------|-------|--------|-------|-------|-------|---------|
| District 1 | 66.06% | 3.71% | 0.34% | 2.26% | 23.68% | 0.13% | 0.12% | 3.71% | 100.00% |
| District 2 | 40.44% | 3.44% | 0.36% | 0.72% | 52.03% | 0.08% | 0.18% | 2.76% | 100.00% |
| District 3 | 30.23% | 3.47% | 0.29% | 0.76% | 62.12% | 0.12% | 0.29% | 2.72% | 100.00% |
| District 4 | 32.88% | 5.05% | 0.27% | 1.14% | 57.25% | 0.11% | 0.48% | 2.82% | 100.00% |
| District 5 | 58.82% | 3.70% | 0.25% | 1.83% | 30.90% | 0.23% | 0.50% | 3.78% | 100.00% |
| District 6 | 60.56% | 3.74% | 0.25% | 3.12% | 28.18% | 0.14% | 0.31% | 3.70% | 100.00% |

| 2020 Voting Age Pop. - Ethnic/Racial Data | Anglo         | Black        | Am. Ind.     | Asian        | Hispanic      | Haw/Pac Is   | Other        | Multi        | Totals         | %              |
|-------------------------------------------|---------------|--------------|--------------|--------------|---------------|--------------|--------------|--------------|----------------|----------------|
| District 1                                | 9,106         | 513          | 42           | 308          | 2,730         | 18           | 9            | 455          | 13,181         | 17.20%         |
| District 2                                | 5,519         | 439          | 54           | 89           | 5,801         | 13           | 24           | 316          | 12,255         | 15.99%         |
| District 3                                | 4,316         | 473          | 39           | 108          | 7,635         | 14           | 33           | 315          | 12,933         | 16.87%         |
| District 4                                | 4,183         | 655          | 35           | 149          | 6,330         | 6            | 51           | 321          | 11,730         | 15.30%         |
| District 5                                | 8,261         | 486          | 42           | 245          | 3,684         | 34           | 62           | 487          | 13,301         | 17.35%         |
| District 6                                | 8,505         | 494          | 33           | 438          | 3,324         | 14           | 46           | 390          | 13,244         | 17.28%         |
| <b>Total</b>                              | <b>39,890</b> | <b>3,060</b> | <b>245</b>   | <b>1,337</b> | <b>29,504</b> | <b>99</b>    | <b>225</b>   | <b>2,284</b> | <b>76,644</b>  | <b>100.00%</b> |
| <b>% of City</b>                          | <b>52.05%</b> | <b>3.99%</b> | <b>0.32%</b> | <b>1.74%</b> | <b>38.49%</b> | <b>0.13%</b> | <b>0.29%</b> | <b>2.98%</b> | <b>100.00%</b> |                |

|            |        |       |       |       |        |       |       |       |         |
|------------|--------|-------|-------|-------|--------|-------|-------|-------|---------|
| District 1 | 69.08% | 3.89% | 0.32% | 2.34% | 20.71% | 0.14% | 0.07% | 3.45% | 100.00% |
| District 2 | 45.03% | 3.58% | 0.44% | 0.73% | 47.34% | 0.11% | 0.20% | 2.58% | 100.00% |
| District 3 | 33.37% | 3.66% | 0.30% | 0.84% | 59.04% | 0.11% | 0.26% | 2.44% | 100.00% |
| District 4 | 35.66% | 5.58% | 0.30% | 1.27% | 53.96% | 0.05% | 0.43% | 2.74% | 100.00% |
| District 5 | 62.11% | 3.65% | 0.32% | 1.84% | 27.70% | 0.26% | 0.47% | 3.66% | 100.00% |
| District 6 | 64.22% | 3.73% | 0.25% | 3.31% | 25.10% | 0.11% | 0.35% | 2.94% | 100.00% |

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: December 7, 2021

Item type: Regular Item

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## **Caption:**

Consider a resolution designating the number of votes to be cast for each nominee for the Board of Directors of the Tom Green County Appraisal District (Presentation made by City Clerk Julia Antilley)

## **Staff Recommendation:**

Approve

## **Summary/History:**

The nomination and appointment process for the Board of Directors is set out in Section 6.03 of the Texas Tax Code. Appraisal district board members serve 2-year terms, with current terms expiring December 31, 2021.

Nominations have been received from the participating governing bodies and a list of five nominees is now proposed. The City Council may distribute its 1,290 votes in any manner it desires among the five nominees.

Potential ways of proceeding are:

- City Council can evenly distribute its votes amongst the five board nominees, with each receiving 258 votes.
- The six City Council Members/Mayor could each have 215 votes to distribute among the 5 nominees.
- The City Council could cast all of its votes for one nominee.

All current members have expressed a willingness to serve another term if elected. Those currently serving and on the ballot are:

- John Begnaud (has served 5 terms/10 years)
- John Conn (has served 4 terms/8 years)
- Louis Gomez (has served 4 terms/8 years)
- Kandi Pool (has served 2 term/4 years)
- Bob Reeves (has served 4 terms/8 years)

The five elected board members will begin serving their two year term of office on January 1, 2022.

## **Funding Source(s):**

## **Financial Impact:**

There is no direct fiscal impact related to this item or costs directly associated with this decision.

However, the appraisal board oversees much of the process related to the property tax revenue.

## **Other Information/Recommendation:**

**Attachments:**

1. Resolution TGC Appraisal BOD
2. 07.29.21 Letter from Bill Benson
3. 11.11.21 Letter from Bill Benson

Resolution TGC Appraisal BOD.docx  
07.29.21 Letter from Bill Benson.pdf  
11.11.21 Letter from Bill Benson.pdf

**Presentation:**

Julia Antilley

**Approvals/Reviews:**

Julia Antilley  
Theresa James  
Julia Antilley

Created/Initiated  
Approved  
Final Approval

**RESOLUTION 2021-XXX**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS, CASTING VOTES FOR EACH OF THE FIVE POSITIONS ON THE BOARD OF DIRECTORS OF THE TOM GREEN COUNTY APPRAISAL DISTRICT FOR THE JANUARY 1, 2022 THROUGH DECEMBER 31, 2023 TERM OF OFFICE**

**WHEREAS**, Section 6.03 of the Texas Tax Code allows a municipality that is a taxing unit in an appraisal district a voting entitlement to cast the number of votes for directors as determined by the chief appraiser pursuant to statutory formula for each of the five positions to be filled on the board of directors of the Tom Green County Appraisal District; and

**WHEREAS**, the City of San Angelo is a taxing unit of the Tom Green County Appraisal District and the chief appraiser has determined that the City is entitled to 1,290 votes for nominees for each of the five positions to be filled; and

**WHEREAS**, the City Council as governing body of the City of San Angelo desires to exercise its right of casting votes as provided by law for the five positions to be filled on the board of directors of the Tom Green County Appraisal District for the two year term of office commencing January 1, 2022 through December 31, 2023; and

**WHEREAS**, the meeting at which this resolution was passed was open to the public and public notices of the time, place, and purpose of said meeting was given as required by Chapter 551 of the Texas Government code, otherwise known as the Texas Open Meetings Act.

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

Section 1: That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2: That the City Council of the City of San Angelo, Texas, hereby allocates its total entitlement of 1,290 votes for the Tom Green County Appraisal District Board of Directors for two year terms beginning January 1, 2022 and expiring December 31, 2023, as follows:

| <b>Nominee Name:</b> | <b>Number of Votes Cast</b> |
|----------------------|-----------------------------|
| 1. John Begnaud      |                             |
| 2. John Conn         |                             |
| 3. Louis P. Gomez    |                             |
| 4. Kandi Pool        |                             |
| 5. Bob Reeves        |                             |

Section 3: That the City Clerk is hereby authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Tom Green County Appraisal District on or before December 15, 2021.

Section 4: That this resolution shall take effect immediately from and after its passage.

**ADOPTED this 7<sup>th</sup> day of December 2021.**



**THE CITY OF SAN ANGELO, TEXAS:**

---

Brenda Gunter, Mayor

**ATTEST:**

---

Julia Antilley, City Clerk

**APPROVED AS TO FORM:**

---

Theresa James, City Attorney



## TOM GREEN COUNTY APPRAISAL DISTRICT

2302 Pulliam • San Angelo, TX 76905  
Office 325-658-5575 • Fax 325-657-8197



July 29, 2021

City of San Angelo

72 W. College Ave.  
San Angelo, Texas 76903

Re: Nomination of Candidates to Serve on the Board of Directors of the TOM GREEN COUNTY APPRAISAL DISTRICT for the 2022-2023 Term.

Dear City Of San Angelo,

The process of nominating candidates to serve on the appraisal district board of directors, as provided for in Section 6.03 of the Texas Property Tax Code, has begun. The current two (2) year term of the five (5) member board of directors ends on December 31, 2021.

Chapter 6 of the Tax Code provides for the following steps to be taken:

- ( 1 ) The chief appraiser calculates the number of votes to which each taxing unit is entitled and delivers written notice of the voting entitlements before October 1, 2021.
- ( 2 ) Each eligible taxing unit may nominate by resolution adopted by its governing body one candidate for each of the five positions to be filled. The resolution must be adopted prior to October 15, 2021. The presiding officer of the governing body of the voting unit shall submit the names of its nominees to the chief appraiser prior to October 15, 2021.
- ( 3 ) The chief appraiser shall prepare a ballot, listing the candidates alphabetically and shall deliver the ballot to the presiding officer of each of the voting jurisdictions prior to October 31, 2021.
- ( 4 ) The governing body of each taxing unit shall determine its vote by resolution and submit it to the chief appraiser prior to December 15, 2021.
- ( 5 ) The chief appraiser shall count the votes, declare the five (5) candidates who receive the largest vote totals elected, and submit the results to the governing body of each unit and to the candidates prior to December 31, 2021

- ( 6) The elected directors begin their term of office January 1, 2022.

Eligibility requirements for serving on the appraisal district board of directors are outlined in Section 6.03(a), 6.035(a)(b), 6.036 and 6.05(f) and are briefly described as follows:

- ( 1) An individual must be a resident of the appraisal district and must have resided in the district for at least two (2) years immediately preceding the date of taking office (Section 6.03(a)). The appraisal district encompasses all of Tom Green County.
- ( 2) A member of the governing body of a taxing unit may serve (Section 6.03(a)).
- ( 3) An elected official is eligible to serve (Section 6.03(a)).
- ( 4) An employee of a taxing unit is not eligible to serve on the board unless the individual is also a member of a governing body or an elected official of a participating taxing unit (Section 6.03(a)).
- ( 5) An individual is ineligible to serve if the individual is related within the second degree by consanguinity or affinity to an individual who is engaged in the appraising of property for compensation for use in proceedings under this title in the appraisal district (Section 6.035)(2)(1) (2) or owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the individual knew or should have known of the delinquency unless:
  - (A) the delinquent taxes are being paid under an installment agreement or
  - (B) a suit to collect the delinquent taxes is deferred or abated under Section 33.06 or 33.065.
- ( 6) Section 6.036 bars certain contractors from serving on the board of directors. A person who contracts with the appraisal district for any purpose is barred. A person who contracts on a tax-related matter with a taxing unit served by the appraisal district is also barred. A person who has a substantial interest in a business that has either type contract is also barred.
- ( 7) The chief appraiser may not employ any individual related to a member of the board of directors within the second degree by affinity or within the third degree of consanguinity (Section 6.05(f)).

The taxing units eligible to vote and currently participating in the appraisal district and their voting entitlement under Section 6.03(a), are as follows:

|                                                         | <u>ELIGIBLE TAXING UNIT NAME:</u> | <u>2020<br/>TOTAL<br/>TAX LEVY</u> | <u>2020<br/>PERCENT<br/>OF LEVY</u> | <u>2020<br/>ELIGIBLE<br/>VOTES</u> |
|---------------------------------------------------------|-----------------------------------|------------------------------------|-------------------------------------|------------------------------------|
| 1                                                       | Christoval I.S.D.                 | \$2,703,869.45                     | 1.64439%                            | 82                                 |
| 2                                                       | City of San Angelo                | \$42,423,430.12                    | 25.80025%                           | 1,290                              |
| 3                                                       | Grape Creek I.S.D.                | \$4,214,804.28                     | 2.56328%                            | 128                                |
| 4                                                       | Miles I.S.D.                      | \$584,196.27                       | 0.35528%                            | 18                                 |
| 5                                                       | San Angelo I.S.D.                 | \$64,034,489.62                    | 38.94324%                           | 1,947                              |
| 6                                                       | Tom Green County                  | 40,468,594.12                      | 24.61139%                           | 1,231                              |
| 7                                                       | Veribest I.S.D.                   | \$1,849,350.97                     | 1.12470%                            | 56                                 |
| 8                                                       | Wall I.S.D.                       | \$5,977,197.33                     | 3.63509%                            | 182                                |
| 9                                                       | Water Valley I.S.D.               | \$2,174,395.42                     | 1.32238%                            | 66                                 |
| <b>Total Tax Ley, Levy Percent &amp; Eligible Votes</b> |                                   | <b>\$164,430,327.58</b>            | <b>100.00000%</b>                   | <b>5,000</b>                       |

The 2021 tax levies listed above are as of the published tax rolls of tax year 2021.

Current members of the Board of Directors are as follows:

John Begnaud  
John Conn  
Kandi Pool  
Louis Gomez  
Bob Reeves

All five of the current Directors have expressed their willingness to serve another term if elected.

Please notify me of any questions you may have or of any need for additional information.

Sincerely,

Bill H. Benson, Chief Appraiser  
Tom Green County Appraisal District

BHB:ch





## TOM GREEN COUNTY APPRAISAL DISTRICT

2302 Pulliam • San Angelo, TX 76905  
Office 325-658-5575 • Fax 325-657-8197



**City Of San Angelo & Ms. Brenda Gunter (Mayor)**

**72 W. College Ave.**

**San Angelo, Texas 76903**

November 11, 2021

Re: Election of Five Members To The Appraisal District Board of Directors For  
The Two Year Term Beginning January 1, 2022.

Dear

The governing bodies have concluded the nomination process and have provided me with a listing of their nominees to be placed on the election ballot. The following six individuals were nominated:

- (1) Begnaud, John
- (2) Conn, John
- (3) Gomez, Louis
- (4) Pool, Kandi
- (5) Reeves, Bob

Chapter 6 of the Property Tax Code provides for the following procedures during the election process.

- (1) Prior to October 30, 2021, the chief appraiser will prepare and deliver a ballot to the presiding officer of each taxing unit that is entitled to vote.

The ballot for each taxing unit is attached hereto.

- (2) Prior to December 15, 2021, the governing body of each taxing unit shall determine its votes by resolution. The taxing unit may cast all its votes for



## Election of Board of Directors – Page 2

one candidate or may distribute the votes among any number of the five candidates. There is no provision for write-in candidates. The board of directors is a five (5) member board.

- (3) Prior to December 15, 2021, the taxing unit shall deliver its completed resolution and ballot to the chief appraiser.
- (4) Prior to December 31, 2021, the chief appraiser shall count the votes, Declare the five (5) candidates who receive the largest vote totals elected and submit the results to the taxing units and the candidates.

The chief appraiser may not count votes cast for someone not listed on the official ballot.

- (5) The five newly elected board members will begin serving their two year term of office on January 1, 2022.

For your information and use, I have attached a schedule of the taxing units eligible to vote their voting entitlement and the ballot for your taxing entity.

Please notify us of any question you may have or of any way we may be of assistance to you.

Respectfully.

Tyler Johnson, Chief Appraiser  
Tom Green County Appraisal District

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

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

Meeting Date: December 7, 2021

Item type: Regular Item

---

## **Caption:**

Consider a resolution calling and ordering a Special Election for January 29, 2022, authorizing the City Manager to execute a Special Election Contract with Tom Green County, and providing for the holding of an election to be administered by the Tom Green County Election Office (Presentation made by City Clerk Julia Antilley)

## **Staff Recommendation:**

Approve

## **Summary/History:**

The ordering of a Special Election is required to set the date of the election, possible runoff date, establish polling locations for early voting, and reference election day polling locations.

This election to fill a vacancy must be "called" within 120 days per Article 11, Section 11 of the Texas Constitution when a home rule city has terms exceeding two years, but not exceeding four years and the term remaining is over twelve months - in this provision "called" means "conducted" within 120 days. Due to a 30-day blackout period on either side of the March 1, 2022 primary, the latest election date allowed is January 29, 2022.

The election January 29, 2022 will be administered by Tom Green County Election Office. This has proven to be the most efficient method of conducting the elections and is in the best interest of the citizens of the City of San Angelo.

## **Funding Source(s):**

## **Financial Impact:**

The election expenses are typically shared with the other participating entities, however there will be no entities to share expenses with for this special election. Because the County's machines will be unavailable due to upgrades. We anticipate higher costs due to 1) renting equipment from Hart to conduct the election 2) paying Hart to program the machines, and 3) paying Hart to print the ballots.

Staff negotiated and executed a Master Joint Election Services Agreement with Tom Green County for this and subsequent elections until May 2022. The master agreement outlines that the Elections Administrator will continue to hold elections for the municipality on the May uniform election date. Participating local subdivisions in the past agreed to purchase additional equipment and hire additional personnel for conducting elections under the master agreements.

The historical cost for previous elections has ranged from \$18,000 to \$61,000, depending on the number of participating entities and whether a runoff election is necessary. With the payments below, the existing budget should be sufficient for one election this year.

The most recent costs for May General Elections have been:

2021: \$18,403.28

2017: \$28,503.12

2016: \$60,661.03

2015: \$28,313.78

**Other Information/Recommendation:**

**Attachments:**

- |    |                                                             |                                                                  |
|----|-------------------------------------------------------------|------------------------------------------------------------------|
| 1. | 2021-xxx (6f) Resolution calling Special Election (JA 12.1) | 2021-xxx (6f) Resolution calling Special Election (JA 12.1).docx |
| 2. | Notice of Special Election                                  | Notice of Special Election.docx                                  |

**Presentation:**

Julia Antilley

**Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Julia Antilley | Created/Initiated |
| Theresa James  | Approved          |
| Julia Antilley | Final Approval    |

**RESOLUTION 2021-000**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS, ORDERING A SPECIAL ELECTION BE HELD ON THE 29<sup>TH</sup> DAY OF JANUARY 2022, FOR THE PURPOSE OF ELECTING A COUNCIL MEMBER FOR SINGLE MEMBER DISTRICT FIVE, FOR AN UNEXPIRED TERM ENDING MAY 2023; DESIGNATING LOCATIONS OF POLLING PLACES; PROVIDING FOR DATES, TIMES AND PLACE FOR EARLY VOTING BY PERSONAL APPEARANCE; AUTHORIZING A CONTRACT WITH THE COUNTY; MAKING PROVISIONS FOR A RUNOFF ELECTION; MAKING PROVISIONS TO CONDUCT THE ELECTION AND OTHER PROVISIONS INCIDENTAL AND RELATED TO THE PURPOSE OF THIS RESOLUTION; ORDERING PUBLICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Council pursuant to provisions of the Texas State Constitution, Texas Election Code and Home Rule Charter has determined to call a special election for the purpose of electing the following officer: Single Member District Five Council Member by the qualified voters in Single Member District 5 of the City of San Angelo entitled to vote for said officers due to a vacancy; and

**WHEREAS**, the prior Single Member District Five Council Member vacated the position November 16, 2021 before announcing to run for an alternate office November 18, 2021; and

**WHEREAS**, the city terms exceed two years but are shorter than four, and the remaining term is greater than 12 months; and

**WHEREAS**, the city is currently undertaking the decennial census redistricting but the boundary lines are not yet ordered effective; and

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

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

**Section 1:** The recitals stated in the preamble hereof are found to be true and correct and are adopted as a part of this resolution.

**Section 2:** The City Council hereby orders a Special Election to be held on the 29<sup>th</sup> day of January 2022, which is not less than forty-six (46) days from the date of this resolution, for the purpose of electing the following officer: Single Member District Five Council Member to serve an unexpired term ending May 2023.

**Section 3:** The filing period for a place on the ballot for interested candidates that meet the qualifications to run for a Single Member District 5 place on the ballot is Tuesday, December 7, 2021 through Monday, December 20, 2021. This is the same timeframe as write-in candidates. All candidates must reside in the current SMD 5 boundaries as of December 1, 2021.

**Section 4:** In the event that in the special election herein ordered, no candidate receives a majority of all the votes cast for such office, and the City Council calls for a runoff election for each such position, there shall be held a runoff election pursuant to the City of San Angelo City Charter and Texas law, which shall not be earlier than the 20th day or later than the 45th day after the date the final canvass of the main election is completed.

**Section 5:** Early Voting by personal appearance shall be conducted January 12-14, 2022 and January 18-21, 2022 from 8:00 A.M. to 5:00 P.M., and January 24- 25, 2022 from 7:00 A.M. to 7:00 P.M. The City of San Angelo will utilize the early voting branch location, shown on **Exhibit "A"**, adopted as part of this Resolution, and designated by Tom Green County as outlined in Texas law.

Application for ballot by mail shall be mailed to:

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

Applications for ballot by mail must be received no later than the close of business on Tuesday, January 18, 2022.

**Section 6:** The Election Day polling places where qualified voters shall cast ballots will be at the locations designated by Tom Green County as provided for in **Exhibit "A"** attached hereto and adopted as part of this Resolution.

**Section 7:** The City of San Angelo authorizes the Tom Green County Elections Administrator, as the Contracting Officer, to make any necessary changes to election judges and polling locations without further action by City Council or approval by the City of San Angelo, to include the selection of additional people/places, or changes to existing people/places, or moving the election judges/alternates from one location to another.

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

**Section 9:** The City Clerk is directed and required to publish a notice of said elections as required by law.

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

**Section 11:** It is officially determined and declared that the meeting at which this Resolution was adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given as required by Chapter 551, as amended, of the Texas Government Code.

**Section 12:** The City Manager is hereby authorized to execute any documents necessary to hold an election on January 29, 2022.

**Section 13:** This Resolution shall be effective from and after the date of its adoption.

**ADOPTED this the 7<sup>th</sup> day of December 2021.**

**THE CITY OF SAN ANGELO, TEXAS:**

**ATTEST:**

\_\_\_\_\_  
Brenda Gunter, Mayor

\_\_\_\_\_  
Julia Antilley, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Theresa James, City Attorney



**EXHIBIT "A"**

**POLLING PLACES FOR JANUARY 29, 2022 SPECIAL ELECTION AND SUBSEQUENT  
UNIFORM ELECTION DATES AND RELATED EARLY VOTING DATES**

**EARLY VOTING  
(VOTACION ADELANTADAS)**

January 12-14, 2022 8:00 A.M. to 5:00 P.M.

(8:00 de la mañana hasta las 5:00 de la tarde empezando el 12 de enero y terminando el 14 de enero 2022)

January 18-21, 2022 8:00 A.M. to 5:00 P.M.

(8:00 de la mañana hasta las 5:00 de la tarde empezando el 18 de enero y terminando el 21 de enero 2022)

January 24-25, 2022 7:00 A.M. to 7:00 P.M.

(7:00 de la mañana hasta las 7:00 de la tarde empezando el 24 de enero y terminando el 25 de enero 2022)

Edd B. and Francis Frink Keyes Building  
113 W. Beauregard, 1<sup>st</sup> floor (Primer Piso)  
San Angelo, Texas 76903

During early voting, any person residing in Tom Green County may go to this location and vote on all officers or measures for which the person is entitled to vote. (Durante la votación temprana, cualquier votante puede ir a este lugar y votar en todos los temas para los cuales son elegibles.)

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**ELECTION DAY  
(DIA DE LAS ELECCIONES)**

January 29, 2022, 7 A.M. to 7 P.M.

(el 29 de enero, 2022, desde las 7 de la mañana hasta las 7 de la tarde)

On Election Day, any person residing in Tom Green County may go to any of the polling places designated by Tom Green County pursuant to Texas Election Code Section 42.002 and vote on all officers or measures for which the person is entitled to vote. (Durante la votación temprana, cualquier votante puede ir a este lugar y votar en todos los temas para los cuales son elegibles.)

Polling locations are posted on the Tom Green County Elections website and are available to the public at <http://www.co.tom-green.tx.us/page/ele.ElectionsHome>. (Los lugares de votación se publican en el sitio web de Tom Green County Elections y están disponibles para el público en <http://www.co.tom-green.tx.us/page/ele.ElectionsHome>).

**NOTICE OF SPECIAL ELECTION  
(AVISO DE ELECCION ESPECIAL)**

To the registered voters of the City of San Angelo, Texas:  
(A los votantes registrados de la Ciudad de San Angelo, Tejas):

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., on Saturday January 29, 2022 for voting in a special election to elect a Council Member for Single Member District Five, for an unexpired term ending May 2023.

(Se notifica que los lugares de votación que se enumeran a continuación estarán abiertos de 7:00 a.m. a 7:00 p.m., el sábado 29 de enero de 2022 para votar en una elección especial para elegir a un miembro del Consejo para el Distrito cinco de un solo miembro por un plazo no vencido que finaliza en mayo de 2023.)

Early voting by personal appearance will be conducted at:

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

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

During early voting, any person residing in Tom Green County may go to this location and vote on all officers or measures for which the person is entitled to vote. (Durante la votación temprana, cualquier votante puede ir a este lugar y votar en todos los temas para los cuales son elegibles.)

January 12-14, 2022 8:00 A.M. to 5:00 P.M.

(8:00 de la mañana hasta las 5:00 de la tarde empezando el 12 de enero y terminando el 14 de enero 2022)

January 18-21, 2022 8:00 A.M. to 5:00 P.M.

(8:00 de la mañana hasta las 5:00 de la tarde empezando el 18 de enero y terminando el 21 de enero 2022)

January 24-25, 2022 7:00 A.M. to 7:00 P.M.

(7:00 de la mañana hasta las 7:00 de la tarde empezando el 24 de enero y terminando el 25 de enero 2022)

On Election Day, any person residing in Tom Green County may go to any of the polling places designated by Tom Green County pursuant to Texas Election Code Section 42.002 and vote on all officers or measures for which the person is entitled to vote. (Durante la votación temprana, cualquier votante puede ir a este lugar y votar en todos los temas para los cuales son elegibles.)

Polling locations are posted on the Tom Green County Elections website and are available to the public at <http://www.co.tom-green.tx.us/page/ele.ElectionsHome>. (Los lugares de votación se publican en el sitio web de Tom Green County Elections y están disponibles para el público en <http://www.co.tom-green.tx.us/page/ele.ElectionsHome>.)

Applications for ballot by mail shall be mailed to:

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

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

(Oficinista de La Ciudad de San Angelo  
c/o Vona Hudson, Administradora de Elecciones del Condado de Tom Green

Edd B. & Frances Frink Keyes Building  
113 W. Beauregard Ave  
San Angelo, Texas 76903)

Applications for ballots by mail must be received no later than the close of business on Tuesday, January 18, 2021.  
(Las solicitudes para las boletas postales deben ser recibidas no más tarde de la hora de cierre de negocios el martes 18 de enero, 2022)

Polling places as of December 1<sup>st</sup> were:  
(Los lugares de votación al 1 de diciembre eran:)

LOCATION OF POLLING PLACES / (LUGARES DE VOTACIÓN)

| Location                                         | Address                                |
|--------------------------------------------------|----------------------------------------|
| Angelo Bible Church                              | 3506 Sherwood Way, Lobby               |
| MHMR Services for Concho Valley, Admin. Building | 1501 W. Beauregard Ave., Jack Ray Room |
| St. Mark Presbyterian Church                     | 2506 Johnson Ave, Fellowship Hall      |

Issued this the 7<sup>th</sup> day of January, 2022.  
(Emitido este 7 día de enero, 2022.)

\_\_\_\_\_  
Signature of Mayor (Firma de la Alcaldesa)

# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

---



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

Meeting Date: December 7, 2021

Item type: Regular Item

---

## **Caption:**

Consider approving a contract with the San Angelo Convention & Visitors Bureau (CVB) allocating \$965,000 of Hotel Occupancy Tax (HOT) receipts for eligible activities and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Finance Director Tina Dierschke)

## **Staff Recommendation:**

Approve

## **Summary/History:**

City staff is requesting that the City Council consider allowing the City Manager to negotiate terms of the Chamber of Commerce Convention and Visitors Bureau (CVB) contract for use of Hotel Occupancy Tax (HOT) dollars.

The current agreement with the CVB expires on December 31, 2021. The new agreement will be in effect from January 1, 2021 through December 31, 2022.

The City of San Angelo levied the HOT for eligible expenditures which include but are not limited to the operation of convention facilities, the promotion of tourism, and the improvement of the arts and historical venues. During FY 2022 budget discussions and adoption, the City Council allocated \$965,000 from HOT funds as well as a carryover of savings in the amount of \$47,500 to assist with funding the operations of the CVB in performing part of that mission.

The CVB operates on a calendar year basis. These budgeted funds allow the contract with the CVB for calendar year 2022 to be set at the amount of \$1,012,500.

Another change to the contract will be the change in the name of the CVB. Many in this industry are changing their names to Destination Marketing Organization which more accurately depicts the work and the mission of the CVB.

## **Funding Source(s):**

## **Financial Impact:**

The City has budgeted \$965,000 in the FY 2022 HOT budget to fund this agreement. City Council also authorized a change to the current CVB agreement that will allow the CVB to carry over savings of \$47,500 for use in calendar year 2022.

## **Other Information/Recommendation:**

## **Attachments:**

**Presentation:**

Tina Dierschke

**Approvals/Reviews:**

|                |                   |
|----------------|-------------------|
| Tina Dierschke | Created/Initiated |
| Tina Dierschke | Approved          |
| Theresa James  | Approved          |
| Julia Antilley | Approved          |
| Jeff Tomlinson | Approved          |
| Tina Dierschke | Approved          |
| Theresa James  | Approved          |
| Julia Antilley | Final Approval    |



# REPORT TO MAYOR & MEMBERS OF CITY COUNCIL

---



Requestor: Bob Salas, Neighborhood Services Director, Neighborhood and Family Services, 325-655-0824

Meeting Date: December 7, 2021

Item type: Regular Item

---

## **Caption:**

Consider approving the 2020 Consolidated Annual Performance and Evaluation Report (CAPER) (Presentation made by Neighborhood & Family Services Director Bob Salas)

## **Staff Recommendation:**

Approve

## **Summary/History:**

The 2020 CAPER is a document required of all entitlement cities receiving annual Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds from the U.S. Department of Housing and Urban Development (HUD). The CAPER is the City's performance evaluation for the 2019 Program Year covering Oct 1, 2020 thru Sep 30, 2021. The CAPER includes a summary of expended resources, objectives and goals as they relate to affordable housing, outcome measures, geographic distribution, and barriers to affordable housing.

This report is the product of public outreach consistent with the City of San Angelo's 2020-2024 Five-Year Consolidated Plan. Public notices were posted in the Standard Times and draft copies of the CAPER were posted at various locations throughout the city and on the City's website.

Approval the 2020 CAPER will authorize the City to forward the final CAPER to the HUD Regional Office in Ft Worth.

## **Funding Source(s):**

## **Financial Impact:**

No fiscal commitments are associated with this item.

## **Other Information/Recommendation:**

## **Attachments:**

- |    |                    |                        |
|----|--------------------|------------------------|
| 1. | 2020 CAPER - DRAFT | 2020 CAPER - DRAFT.pdf |
|----|--------------------|------------------------|

## **Presentation:**

Bob Salas

## **Approvals/Reviews:**

|           |                   |
|-----------|-------------------|
| Bob Salas | Created/Initiated |
|-----------|-------------------|

Theresa James  
Nolan Sosa  
Jeff Tomlinson  
Tina Dierschke  
Julia Antilley

Approved  
Approved  
Approved  
Approved  
Final Approval

# CITY OF SAN ANGELO

2020 Program Year

## Consolidated Annual Performance and Evaluation Report (CAPER)



NEIGHBORHOOD & FAMILY SERVICES DEPARTMENT  
COMMUNITY & HOUSING SUPPORT DIVISION

PLEASE SEND ANY COMMENTS TO COMMUNITY & HOUSING SUPPORT: ATTENTION  
MR. ROBERT SALAS, 72 WEST COLLEGE AVE., SAN ANGELO, TX 76903  
OR EMAIL [ROBERT.SALAS@COSATX.US](mailto:ROBERT.SALAS@COSATX.US)

## Introduction

The City of San Angelo (COSA) annually receives two grants from the U. S. Department of Housing and Urban Development (HUD): The Community Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME) grant. CDBG grants are awarded to entitlement communities (principal cities of a Metropolitan Statistical Area (MSA) or with a population greater than 50,000) to carry out a wide range of community development activities directed toward revitalization of neighborhoods and improved facilities and services within the community. Maximum feasible priority must be given to activities that benefit low- moderate-income persons (including neighborhoods). HOME grants must be used to provide affordable housing for low- moderate-income persons. Income levels are set annually by HUD and are a percentage of the area median income (AMI), which in 2020 was \$72,400 in San Angelo for a family of four.

The majority of the CDBG funds and all of the HOME funds must have beneficiaries earning 80% or less of the AMI, either as a neighborhood or as individual households. To continue to receive the grants, the City must develop a Consolidated Plan every five years to identify the community's needs and goals to meet the needs and then an Annual Action Plan for each of the five years. The current Consolidated Plan is for the years 2020-2024. At the conclusion of each action year, the City must also prepare a Consolidated Annual Performance and Evaluation Report (CAPER) that describes for the public and HUD how federal assistance was used during that action year. The CAPER that follows is for the first year of the current Consolidated Plan. The City's 2020 grants were as follows:

- CDBG - \$ 651,073
- HOME- \$ 294,965
- CDBG-CV \$970,762

Additionally, the City received program income in the amount of \$16,232 for CDBG, \$32,413 for HOME, and \$335,000 in local economic development sales tax funds earmarked for affordable housing. The City's CHDO leverages these funds to build new homes for low-moderate income families in the neighborhoods targeted for revitalization. COSA receives payments on loans provided with grant funds for housing rehabilitation or mortgage payments from new home construction, a program that is no longer active.

Reporting to HUD is done online through the Integrated Disbursal and Information System (IDIS). Specific questions are completed for each step of the process: Consolidated Plan, Action Plan and the CAPER. Each has specific questions to which the City must respond. Terminology may not be familiar to the general public; definitions or further explanation of any information in the CAPER is available from the COSA Community & Housing Support Division (325-655-0824). Information in forms other than written English may be provided upon request by contacting COSA.

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*The Draft 2020 CAPER is not finalized. Additional reports and invoices from our subrecipients are being processed. Some data entry errors have been discovered and are being resolved. The Final 2020 CAPER will be presented at December 21, 2021, public hearing at the City Council meeting. If you have any questions please contact Robert.salas@cosatx.us or call 325-655-0824. Public comments on this document are due by December 21, 2021 at 5:00 pm.*

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## **CR-05 - Goals and Outcomes**

### **Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)**

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of San Angelo focuses the use of its Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funding on a combination of housing and community development activities. The Consolidated Plan includes the following priority goals as the basis for the activities approved in the Program Year (PY) 2020 Action Plan:

1. Expand housing options to create a safe, healthy, accessible, affordable home for every resident.
2. Focus on strategies to achieve a sustainable increase in the homeownership rate.
3. Continue efforts to redevelop the six neighborhoods targeted for revitalization including homebuyer's assistance, code compliance, and rehabilitation of homes in targeted neighborhoods.
4. Continue to make housing affordable by assisting homeowners with repairs and first-time homebuyers with closing costs.
5. Assist special needs populations with supportive services, facilities, and housing needs, and expand efforts that eliminate or prevent homelessness.

PY 2020 Consolidated Annual Performance Evaluation Report (CAPER) captures the expenditures, accomplishments, and progress made on the strategies and goals outlined in the approved 2020-2024 Consolidated Plan, for HUD programs approved by the City of San Angelo City Council on July 21, 2020. The CAPER outlines achievements in affordable housing, homeless services, and community development programs. The PY2020 CAPER covers the time period starting October 1, 2020 to September 30, 2021 and is the first annual report of the Consolidated Plan. It also includes activities funded in previous fiscal years with accomplishments reported during PY2020. As with most new construction projects, the outcomes are not reported until the completion of the project. The following are several accomplishments achieved during the reporting period:

- Thirteen (13) households identified as Special Needs were assisted with Tenant-Based Rental assistance.
- Ninety (90) low-to-moderate income homeowners were assisted with the Emergency Repair Program.
- Eleven (11) low-to-moderate income homeowners were assisted with minor rehabilitation in the Neighborhood Blitz Program.
- Five (5) low-to-moderate income first-time homebuyers were provided with down payment and closing cost assistance.



- Seven (7) housing units were built for first-time homeowners.
- 226 households were assisted with short term emergency sustenance payments due to COVID-19 (Includes 165, assisted through COSA, 18 assisted through MHMR, and 43 assisted through CVCAA).

**Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)**

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

| Goal                                | Category                            | Source / Amount | Indicator                                         | Unit of Measure        | Expected – Strategic Plan | Actual – Strategic Plan | Percent Complete | Expected – Program Year | Actual – Program Year | Percent Complete |
|-------------------------------------|-------------------------------------|-----------------|---------------------------------------------------|------------------------|---------------------------|-------------------------|------------------|-------------------------|-----------------------|------------------|
| Affordable Housing (AHAP)           | Affordable Housing                  | HOME : \$       | Homeowner Housing Added                           | Household Housing Unit | 20                        | 0                       | 0.00%            | 4                       | 0                     | 0.00%            |
| Decent Housing (ERP)                | Affordable Housing                  | CDBG: \$        | Homeowner Housing Rehabilitated                   | Household Housing Unit | 125                       | 90                      | 72.00%           | 25                      | 90                    | 360.00 %         |
| Home Ownership (HAP)                | Affordable Housing                  | HOME : \$       | Direct Financial Assistance to Homebuyers         | Households Assisted    | 30                        | 0                       | 0.00%            | 6                       | 0                     | 0.00%            |
| Neighborhood Revitalization (NB,CC) | Affordable Housing                  | CDBG: \$        | Homeowner Housing Rehabilitated                   | Household Housing Unit | 100                       | 0                       | 0.00%            | 20                      | 0                     | 0.00%            |
| Neighborhood Revitalization (NB,CC) | Affordable Housing                  | CDBG: \$        | Housing Code Enforcement/Foreclosed Property Care | Household Housing Unit | 1200                      | 0                       | 0.00%            | 1200                    | 0                     | 0.00%            |
| Special Needs & Homelessness (TBRA) | Homeless Non-Homeless Special Needs | HOME : \$       | Tenant-based rental assistance / Rapid Rehousing  | Households Assisted    | 100                       | 0                       | 0.00%            | 20                      | 0                     | 0.00%            |

**Table 1 - Accomplishments – Program Year & Strategic Plan to Date**

**Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.**

The City has continued to address housing and community development needs in carrying out the PY 2020 Action Plan. Actions undertaken during PY2020 were consistent with the primary goals and objectives of the Consolidated Plan. The Consolidated Plan identified three key funding priorities:

1. Assist in the creation and preservation of affordable housing opportunities for low income and special needs households.
2. Support activities to end homelessness.
3. Support activities that strengthen targeted low-income neighborhoods.

Based on these three priorities, COSA developed six major goals that address these three priorities:

1. Expand housing options to create a safe, healthy, accessible home for residents
2. Continue to focus on strategies to achieve a sustainable increase in the homeownership rate
3. Continue efforts to redevelop the six neighborhoods targeted for revitalization
4. Improve livability in targeted neighborhoods by purchasing vacant lots and building new homes
5. Assist special needs/homeless populations with supportive services, facilities, and housing
6. Continue efforts to eliminate slum/blight and conditions detrimental to the health, safety and public welfare of residents in the targeted neighborhoods

All of the funded projects for PY2020 directly addressed the City's priorities and goals.

Neighborhood Blitz – replaced siding, trim, and paint for 11 low/moderate-income households in the Lakeview Target Area; Emergency Repairs – assisted in preserving affordable housing by addressing needed repairs detrimental to the health and safety of 90 low/moderate-income homeowners; Homebuyers Assistance Program (HAP) – helped create affordable housing opportunities for 5 low/moderate-income individuals and families by assisting them in the purchase of new homes; CHDO activities – Galilee CDC, the City's CHDO helped create affordable housing opportunities for low/moderate-income individuals and families by constructing and selling 7 affordable housing units in targeted neighborhoods which also helped maintain and strengthen those targeted neighborhoods. In addition, 226 households whose income was affected by the COVID-19 pandemic were assisted with short term sustenance payments.

## CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

|                                           | CDBG     | HOME      |
|-------------------------------------------|----------|-----------|
| White                                     | 0        | 36        |
| Black or African American                 | 0        | 2         |
| Asian                                     | 0        | 0         |
| American Indian or American Native        | 0        | 0         |
| Native Hawaiian or Other Pacific Islander | 0        | 0         |
| <b>Total</b>                              | <b>0</b> | <b>38</b> |
| Hispanic                                  | 0        | 35        |
| Not Hispanic                              | 0        | 3         |

**Table 2 – Table of assistance to racial and ethnic populations by source of funds**

### **Narrative**

The City tracked demographics of the households directly benefiting from the CDBG and HOME grant programs, including race, ethnicity, family size, which had female heads of households, and how many persons had a disability. The direct benefit activities included housing rehab and emergency repairs grants, HAP financing, and CHDO activities. This information is used for reporting in IDIS and (in the case of housing activities) for fair housing statistics.

The City identified the Hispanic ethnicity as the only minority group with a large percentage of persons in San Angelo. Of the number of persons directly receiving benefits, 41% were Hispanic and 7% were African American while the rest were White-not Hispanic. That aligns with the City's minority makeup of 38% Hispanic and 5% African American.

### **CR-15 - Resources and Investments 91.520(a)**

#### **Identify the resources made available**

| Source of Funds | Source           | Resources Made Available | Amount Expended During Program Year |
|-----------------|------------------|--------------------------|-------------------------------------|
| CDBG            | public - federal | 718,561                  |                                     |
| HOME            | public - federal | 379,590                  |                                     |

**Table 3 - Resources Made Available**

### **Narrative**

The City of San Angelo began the Fiscal Year with a reported balance of \$194,894 CDBG funds at the end of the previous program year. According to the PR26 report (Attached), \$704,359 in CDBG funds were expended in the program year.

#### **Identify the geographic distribution and location of investments**

| Target Area | Planned Percentage of Allocation | Actual Percentage of Allocation | Narrative Description |
|-------------|----------------------------------|---------------------------------|-----------------------|
| BLACKSHEAR  |                                  |                                 |                       |
| FORT CONCHO |                                  |                                 |                       |
| REAGAN      |                                  |                                 |                       |
| RIO VISTA   |                                  |                                 |                       |

**Table 4 – Identify the geographic distribution and location of investments**

### **Narrative**

The City tracked demographics of the households directly benefiting from the CDBG and HOME grant programs, including race, ethnicity, family size, which had female heads of households, and how many persons had a disability. The direct benefit activities included housing rehab and emergency repairs grants, HAP financing, and CHDO activities. This information is used for reporting in IDIS and also (in the case of housing activities) for fair housing statistics. No publicly owned land or property located within the jurisdiction was used to address the needs identified in the plan.

## Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Community & Housing Support leveraged other City departments in order to obtain operating support to include financial, legal, planning, human resources, and purchasing. Community & Housing Support also leveraged over \$275K of local sales tax revenue for gap financing provided to low to moderate-income first-time homebuyers. Moreover, the city received a grant from Atmos to continue a housing weatherization program, expending \$6,199 to assist 3 homeowners.

The City of San Angelo complies with federal matching requirements for HOME. Over \$31K of match funds was accumulated for the 2020 program year. As of Sept 30, 2020, San Angelo maintained \$2,113,484.39 in excess matching funds. This reserve was more than adequate to meet the required match liability for the 2020 program year.

HOME Match Report, Form 40107-A is attached to this report.

| Fiscal Year Summary – HOME Match                                               |  |
|--------------------------------------------------------------------------------|--|
| 1. Excess match from prior Federal fiscal year                                 |  |
| 2. Match contributed during current Federal fiscal year                        |  |
| 3. Total match available for current Federal fiscal year (Line 1 plus Line 2)  |  |
| 4. Match liability for current Federal fiscal year                             |  |
| 5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4) |  |

Table 5 – Fiscal Year Summary - HOME Match Report

| Match Contribution for the Federal Fiscal Year |                      |                            |                               |                              |                         |                                                         |                |             |
|------------------------------------------------|----------------------|----------------------------|-------------------------------|------------------------------|-------------------------|---------------------------------------------------------|----------------|-------------|
| Project No. or Other ID                        | Date of Contribution | Cash (non-Federal sources) | Foregone Taxes, Fees, Charges | Appraised Land/Real Property | Required Infrastructure | Site Preparation, Construction Materials, Donated labor | Bond Financing | Total Match |
|                                                |                      |                            |                               |                              |                         |                                                         |                |             |

Table 6 – Match Contribution for the Federal Fiscal Year

## HOME MBE/WBE report

| Program Income – Enter the program amounts for the reporting period |                                               |                                                     |                                |                                                  |
|---------------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------------|--------------------------------|--------------------------------------------------|
| Balance on hand at begin-ning of reporting period<br>\$             | Amount received during reporting period<br>\$ | Total amount expended during reporting period<br>\$ | Amount expended for TBRA<br>\$ | Balance on hand at end of reporting period<br>\$ |
| 0                                                                   | 48,644                                        | 48644                                               | 23114                          | 0                                                |

Table 7 – Program Income

**Minority Business Enterprises and Women Business Enterprises** – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period

|                      | Total | Minority Business Enterprises     |                           |                    |          | White Non-Hispanic |
|----------------------|-------|-----------------------------------|---------------------------|--------------------|----------|--------------------|
|                      |       | Alaskan Native or American Indian | Asian or Pacific Islander | Black Non-Hispanic | Hispanic |                    |
| <b>Contracts</b>     |       |                                   |                           |                    |          |                    |
| Number               |       |                                   |                           |                    |          |                    |
| Dollar Amount        |       |                                   |                           |                    |          |                    |
| <b>Sub-Contracts</b> |       |                                   |                           |                    |          |                    |
| Number               |       |                                   |                           |                    |          |                    |
| Dollar Amount        |       |                                   |                           |                    |          |                    |
|                      | Total | Women Business Enterprises        | Male                      |                    |          |                    |
| <b>Contracts</b>     |       |                                   |                           |                    |          |                    |
| Number               |       |                                   |                           |                    |          |                    |
| Dollar Amount        |       |                                   |                           |                    |          |                    |
| <b>Sub-Contracts</b> |       |                                   |                           |                    |          |                    |
| Number               |       |                                   |                           |                    |          |                    |
| Dollar Amount        |       |                                   |                           |                    |          |                    |

**Table 8 - Minority Business and Women Business Enterprises**

**Minority Owners of Rental Property** – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted

|               | Total | Minority Property Owners          |                           |                    |          | White Non-Hispanic |
|---------------|-------|-----------------------------------|---------------------------|--------------------|----------|--------------------|
|               |       | Alaskan Native or American Indian | Asian or Pacific Islander | Black Non-Hispanic | Hispanic |                    |
| Number        |       |                                   |                           |                    |          |                    |
| Dollar Amount |       |                                   |                           |                    |          |                    |

**Table 9 – Minority Owners of Rental Property**

**Relocation and Real Property Acquisition** – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition

|                                                 |  |  |
|-------------------------------------------------|--|--|
| Parcels Acquired                                |  |  |
| Businesses Displaced                            |  |  |
| Nonprofit Organizations Displaced               |  |  |
| Households Temporarily Relocated, not Displaced |  |  |



| Households Displaced | Total | Minority Property Enterprises     |                           |                    |          | White Non-Hispanic |
|----------------------|-------|-----------------------------------|---------------------------|--------------------|----------|--------------------|
|                      |       | Alaskan Native or American Indian | Asian or Pacific Islander | Black Non-Hispanic | Hispanic |                    |
| Number               |       |                                   |                           |                    |          |                    |
| Cost                 |       |                                   |                           |                    |          |                    |

Table 10 – Relocation and Real Property Acquisition

## CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

|                                                                            | One-Year Goal | Actual     |
|----------------------------------------------------------------------------|---------------|------------|
| Number of Homeless households to be provided affordable housing units      | 0             | 0          |
| Number of Non-Homeless households to be provided affordable housing units  | 53            | 113        |
| Number of Special-Needs households to be provided affordable housing units | 20            | 13         |
| <b>Total</b>                                                               | <b>73</b>     | <b>126</b> |

Table 11 – Number of Households

|                                                                      | One-Year Goal | Actual     |
|----------------------------------------------------------------------|---------------|------------|
| Number of households supported through Rental Assistance             | 20            | 13         |
| Number of households supported through The Production of New Units   | 3             | 7          |
| Number of households supported through Rehab of Existing Units       | 50            | 101        |
| Number of households supported through Acquisition of Existing Units | 0             | 5          |
| <b>Total</b>                                                         | <b>73</b>     | <b>126</b> |

Table 12 – Number of Households Supported

**Discuss the difference between goals and outcomes and problems encountered in meeting these goals.**

The City made progress during the program year on its new Consolidated Plan with regard to providing new affordable housing including the following:

- 101 homes were rehabilitated for low to moderate-income homeowners – 11 rehabilitations and 90 emergency repair rehabilitations
- 7 new homes constructed by City's CHDO sold to low/moderate-income homebuyers at 40% below appraised value thru the City's gap financing program
- 5 first time homebuyers assisted with down payment and closing cost to purchase homes
- 13 low/moderate income special needs individuals provided rent assistance to move into new rental units
- XX families were assisted with CARES Rent and Mortgage Assistance

Our projects fell a little short of meeting goals with the exception of the CHDO's new construction program and the newly implemented CARES Rent and Mortgage Assistance program. The city was deeply affected when the COVID Pandemic threatened the health and safety of its citizens. Many businesses were closed for a period of time.

**Discuss how these outcomes will impact future annual action plans.**

The City will continue to review program performance and adjust as appropriate to ensure that the goals and objectives cited in the 5-year Strategic Plan are met. High performing programs such as the Housing Rehabilitation programs will be renewed in future annual plans while under-performing programs will be adjusted to meet the need or terminated if necessary.

**Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.**

| Number of Households Served | CDBG Actual | HOME Actual |
|-----------------------------|-------------|-------------|
| Extremely Low-income        | 79          | 12          |
| Low-income                  | 12          | 9           |
| Moderate-income             | 10          | 0           |
| <b>Total</b>                | <b>101</b>  | <b>21</b>   |

**Table 13 – Number of Households Served**

**Narrative Information**

The City's activities that were required to serve extremely low-income, low-income, and/or moderate-income persons to meet the eligibility requirements of CDBG and HOME served the intended populations.

## **CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)**

**Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:**

### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

The City of San Angelo is a key community partner in the Local Homeless Coalition (LHC). The City applied for and received a Continuum of Care grant to establish and manage a Rapid Rehousing (RRH) program for the homeless community. As part of the grant, the City has initiated a Coordinated Entry (CE) process using the HMIS process to ensure that homeless persons' needs are addressed. These needs will be assessed at entry into the RRH CE process and coordination with community resources via HMIS. In addition, the LHC developed an Outreach Group that routinely conducts outreach to local homeless persons in order to provide information on ongoing services and resources.

### **Addressing the emergency shelter and transitional housing needs of homeless persons**

The City's only emergency shelter is dedicated to victims of domestic violence. For the general homeless community, the LHC developed a program called "Out of the Cold" that provides temporary shelter in local hotels when the temperatures drop below a certain threshold. In addition, Galilee CDC, a local housing non-profit, constructed three new single family housing units to be used as transitional housing for families with children that are homeless.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs**

The City currently is providing rent/mortgage assistance thru the CARES Act CDBG-CV funds to help low/mod individuals remain in their home. In addition, the City received state funds to carry out eviction diversion program for those who have entered the eviction process in order to help those families and individuals from being evicted.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

Resources from community partners provide resources that target homeless veterans, homeless families with children, and chronically homeless individuals to assist them transition into permanent housing. These programs include the HUD-VASH program, RRH program, Galilee CDC's transitional housing and TBRA programs.

## **CR-30 - Public Housing 91.220(h); 91.320(j)**

### **Actions taken to address the needs of public housing**

In PY2020, HASA, through the Housing Choice Voucher Program (Section 8) provided 8,376 months of rental assistance for low-income families at a total annual cost of \$4,306,423.44. Rent assistance was provided to an average of 522 families a month at an average cost of \$507 per month per household. Public Housing is at 174 units with 6 vacancies. No new units were added in PY2020.

### **Actions taken to encourage public housing residents to become more involved in management and participate in homeownership**

The Housing Authority of San Angelo encourages resident involvement in management by filling a spot on the HASA Board of Directors with a Resident commissioner and promoting a separate Resident Advisory Board. Ms. Becky Fraser serves as the Public Housing resident commissioner on our HASA Board of directors.

### **Actions taken to provide assistance to troubled PHAs**

Not applicable as the San Angelo Housing Authority is not troubled.

DRAFT

## **CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)**

**Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)**

Per the Analysis of Impediments to Fair Housing Choice, the City was unable to identify public policies that are detrimental to the return on residential investment. City policies have acted to support affordable housing programs and projects that have allowed homes across neighborhoods targeted for revitalization to increase in value.

### **Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)**

There were no specific activities to address obstacles to meeting the underserved needs in the PY2020 Annual Action Plan; however, actions and activities throughout the year and as described in this CAPER benefited the underserved as a whole. These activities that helped meet underserved needs included the City's affordable housing programs and rental assistance programs.

### **Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)**

The City addresses LBP on all owner-occupied residential homes that have been approved for rehabilitation work and were built prior to 1978 (includes Emergency Repair Program projects) or on any post-1978 constructed home where a child or person resides who has been identified with an Elevated Blood Lead Level (EBLL). A Lead Inspection and or Risk Assessment will be done on these homes to determine if there is any lead-based paint in the home or in the soil around the home. If lead is found, a determination of the lead-based paint hazards associated with the presence of the detected lead will be conducted. The requirements for rehabilitation will correspond to the three approaches to lead hazard evaluation and reduction. Complete rehabilitation work must meet more stringent requirements than emergency repairs. The three approaches and the levels of rehabilitation assistance (costs) are as follows: 1) Do No Harm (<\$5,000) - Perform the rehabilitation in a way that does not create additional lead hazards. Clearance of work site. 2) Identify and Control Lead Hazards (\$5,000 to \$25,000) - Identify lead-based paint and hazards and use a range of interim control and abatement methods to address the hazards. Clearance of unit. 3) Identify and Abate Lead Hazards (>\$25,000) - Identify lead-based paint hazards and remove them permanently by abatement. Clearance of unit.

### **Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)**

While the City does not have a mechanism or process to track and report on the number of families removed from poverty, the City recognizes that its future economic viability rests with the elimination of poverty. San Angelo has and will continue to undertake efforts in housing and supportive services to improve the quality of life of its low/moderate-income residents so long as funding for such activities is available.

Education and Job Training



Workforce development and area-wide economic development have been identified as priorities that will aid the City in reducing the number of persons living below the poverty level. The West Texas Training Center, San Angelo Independent School District, Angelo State University, Howard College, the Chamber of Commerce, and regional business, industry and health care organizations continued to meet the occupational training needs of the Concho Valley region and West Texas.

## Housing

Affordable housing is one of the City's anti-poverty activities. The City oversaw several housing programs aimed at either improving the quality of the housing stock or reducing the housing costs of low/moderate-income families in order to help keep families' housing costs down and thus helping families from falling into poverty.

- Affordable housing emergency repair and rehabilitation
- First-time homebuyers
- Tenant-based Rental Assistance
- Homeless Prevention Program
- CHDO new home construction

### **Actions taken to develop institutional structure. 91.220(k); 91.320(j)**

The City's institutional structure is solid and City staff that oversees and manages federal grants has been in place for over ten years. The team is tenured and experienced and are provided with training that is required and appropriate. To ensure widespread information and access to the programs, especially by LMI households, the funding process involved the participation of representatives from several governmental entities, non-profit organizations, and grassroots citizen support group. In this way, local policymakers and administrators were able to identify the needs of LMI neighborhoods and evaluate applications accordingly.

Running concurrently with the City's review process was a series of hearings and meetings at the local City and neighborhood level. These meetings provided information to local residents, specifically targeted neighborhoods, regarding the process for preparation, submission, and selection of project proposals. During this project development phase, City staff members worked with local citizens to assess local needs and develop project proposals. The City held two neighborhood public meetings to discuss potential projects and two City Council public hearings to once again review and approve projects that were selected for funding in PY2020.

### **Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)**

The CHS staff participates in an ad-hoc Affordable Housing Committee that includes public and private entities that deal with housing. This ad hoc committee discusses issues related to housing to include coordinating areas for housing investment and project development.

While the City does not have a social services department, City staff are members of the Concho Valley Homeless Planning Coalition board of directors and are very active in the planning process and coordination of social services for homeless families and individuals with a goal to help develop and maintain an unofficial continuum of care for those in need.

**Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)**

The City's Analysis of Impediments to Fair Housing Choice discovered that the major barriers to affordable housing in San Angelo are lack of financial resources and all the implications that are associated with that condition. Low-income persons will have a difficult time finding affordable housing, defined as housing that costs less than 30% of gross income. Education and job training may provide a way to higher income and better living conditions for some low-income families. However, elderly and disabled individuals are often unable to increase their income or improve their living conditions through these means. In addition to inadequate income and creditworthiness, a growing elderly population, racial and ethnic divergences, and slow economic growth are other contributing factors that help create impediments.

To help ameliorate these impediments, the City worked to develop and further increase the affordable housing stock through several programs and projects that included:

- Affordable housing emergency repair and rehabilitation
- First-time homebuyers
- Homeless Prevention Program
- Tenant-based Rental Assistance
- CHDO new home construction

## **CR-40 - Monitoring 91.220 and 91.230**

**Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements**

Monitoring was conducted every month for each subrecipient not only to verify that the reimbursements submitted were for eligible expenses but also to verify that each subrecipient was complying with all the requirements in their agreement. Each reimbursement request was verified for eligibility. Also, each of the participants in each program was examined to verify their eligibility for assistance.

The City does not discriminate against minority or women-owned businesses during the bidding process and awarded several emergency repair projects to minority and women-owned businesses to include a business owned by an African American male (Mayberry Electric) and a female-owned business (Electric by Deb). The bids include an invitation for minorities and women to bid on all projects. All projects approved for funding listed in the Annual Action Plan comply and follow the 2020-2024 Consolidated Plan. The City met all comprehensive planning requirements.

## **Citizen Participation Plan 91.105(d); 91.115(d)**

**Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.**

A complete draft of this report has been made available for public review and comment for a fifteen (15) day period beginning December 6, 2021. The availability of this report has been publicly advertised consistently with the provisions of the City of San Angelo's Consolidated Plan with printed copies available at strategic locations throughout the city as specified in the Citizen Participation Plan. There were no public comments received during the fifteen-day period.

## **CR-45 - CDBG 91.520(c)**

**Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.**

This was the first year of the 2020-2024 Consolidated Plan and the objectives did not change from those identified in the Consolidated Plan other to include the CARES Act Funding to assist households affected by the COVID-19 pandemic. The City met the requirements to have not more than 1.5 times the annual grant and activities are reaching completion in a timely manner once underway.

**Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants? No.**

**[BEDI grantees] Describe accomplishments and program outcomes during the last year.**

DRAFT

## **CR-50 - HOME 91.520(d)**

**Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations**

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

The City provided funding in support of a LIHTC 36 single family unit project called Noah Estates. HOME funds covered the construction of two units. The units were inspected in October 2020. There were no issues detected at the time of inspection.

**Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)**

All units in the Noah Estates were occupied throughout the entire program year so there were no vacancies. In addition, there is a waiting list of over 50 potential renters for any vacancy that may open up, making it unnecessary to market the program outside of the normal advertisements in local magazines, websites, and periodicals to include Conexión San Angelo, a Spanish/English bi-weekly newspaper.

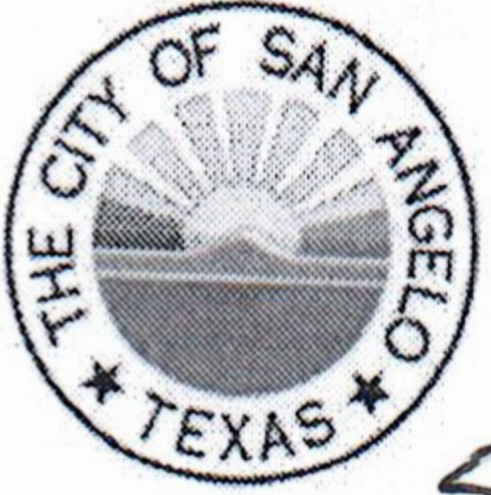
**Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics**

Program income in the amount of \$23,113.81 was drawn for tenant-based rental assistance (IDIS activity #1930). All households are LMI households.

**Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)**

The City Council approved support for a LIHTC 48-unit senior living duplexes development in the Ft Concho area which is one of the six neighborhoods targeted for revitalization earmarking \$10K from local Economic Development Sales Tax program funds. The complex received the tax credits in July 2017 and construction began in February 2018 and was completed in 2019.





APPLICATION FOR  
BOARDS and COMMISSIONS

Name: Sam Spooner

Address: [REDACTED]

City: San Angelo State: TX Zip: 76904

Phone (Home): [REDACTED] (Office): [REDACTED]

Resident of San Angelo since: 2006 SMD:

Are you a registered voter of San Angelo? Yes: X No:

Occupation/Business Affiliation: Safety/Risk Management (ASU)

Occupation/Business Address: Safety/1635 Vanderventer

Title/Position: Director/Environmental Health, Safety, & Risk Management

Email: [REDACTED]

By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

[Signature] 5/3/2021  
Applicant's Signature Date

NOTE: This application is a public record.\* Public Service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex, or disability.

Return to: [julia.antilley@cosatx.us](mailto:julia.antilley@cosatx.us) or City of San Angelo, c/o City Clerk, 72 W. College, San Angelo, Texas 76903

Applying for:

- ☐ Airport Advisory Board
- ☐ Airport Zoning Board
- ☐ Animal Shelter Advisory Committee
- ☐ Civic Events Advisory Board
- ☐ Civil Service Commission
- ☐ Construction Board of Adjustment & Appeals
- ☐ Design & Historic Review Commission
- ☐ Economic Development Corporation
- ☐ Fairmount Cemetery Board
- ☐ Fort Concho Museum Board
- ☒ Keep San Angelo Beautiful Board
- ☐ Park Commission
- ☐ Parks & Recreation Advisory Board
- ☐ Planning Commission
- ☐ Public Art Commission
- ☐ Tax Increment Reinvestment Zone Board
- ☐ Water Advisory Board
- ☐ Zoning Board of Adjustment

Specific membership criteria requirements apply - see back page for more information.

Recommended by:

Feel free to attach additional sheets, if necessary.

Based on your board selection, do you meet the membership criteria? X Yes  No

If no, which criteria (see back page for board criteria):

Education and/or Professional Licenses: MA in Information Management; MS in Software Engineering; MA in Curriculum & Instruction

Current Municipal and Civic Organization Memberships (position and dates): None

Previous Municipal Experience (position, location, and dates): Emergency Ops Center Liaison for Goodfellow AFB - 2009-2015; Leadership San Angelo graduate (29th class)

What personal qualifications can you bring to this board? Manage/Execute the Storm water permit for ASU

What is your personal vision for the City? Continue to improve the downtown area and the walking paths to encourage more use

Why do you want to serve on this board? Coordinate w/ San Angelo to improve awareness on environmental actions being taken to keep San Angelo beautiful

Additional relevant information: Charlotte Anderson & I presented info to ASU students, faculty, & staff on Earth Day at ASU

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## BOARD / COMMISSION MEMBERSHIP CRITERIA

*Generally, all board members should be at least 18 years of age and a City resident unless otherwise stipulated.*

**Airport Advisory Board:** No additional criteria.

**Airport Zoning Board:** No additional criteria.

**Animal Shelter Advisory Committee:** 1 veterinarian; 1 municipal or county official; 1 whose duties include the daily operation of an “animal shelter” as defined in section 823.001 of the Health and Safety Code; 1 officer or employee of an animal welfare organization; and 3 positions filled by City residents.

**Civic Events Advisory Board:** No additional criteria.

**Civil Service Commission:** Age 25+, City resident for more than three years, good moral character, and has not held public office within the preceding three years.

**Construction Board of Adjustment & Appeals:** 1 architect or engineer; 1 commercial building contractor; 1 residential building contractor; 1 electrical contractor; 1 plumber; 1 mechanical contractor; 1 realtor, real estate inspector, or real estate appraiser (member at large from the building industry); 1 homeowner (member at large from the public); and 1 commercial business owner.

**Design & Historic Review Commission:** Known or demonstrated interest in, general knowledge of, and experience relevant to historic preservation or other professional design field within the City. As possible, at least: 2 licensed or otherwise recognized professionals in architecture, landscape architecture, design, engineering, surveying, or related profession; 1 recognized historian or member of a local historic preservation group; 1 real property owner within the River Corridor; 1 owner of real property designated or recognized as a community landmark, or within a designated historic district; and 1 member of a downtown development organization under contract with the City. Additionally, City Council appoints 1 Historic Preservation Officer with general knowledge and experience relevant to historic preservation or other professional design field.

**Economic Development Corporation:** Cannot be an employee, officer or member of the City Council, of the City, or a member of any board or commission of the City, except that a member may be appointed to serve on the Water Advisory Board.

**Fairmount Cemetery Board:** No additional criteria.

**Fort Concho Museum Board:** Age 21+ and demonstrated experience or interest in heritage education, historic preservation, and community service and/or tourism promotion.

**Keep San Angelo Beautiful Board:** No additional criteria.

**Park Commission:** No additional criteria.

**Parks & Recreation Advisory Board:** Selected on educational and professional qualifications and general knowledge of, interest in, and experience relevant to youth or adult sports, senior activities, recreation activities, other organized social activities, parks, nature or conservation.

**Planning Commission:** Representatives of different businesses, professions or occupations, as possible. No more than 3 members shall be in the same, similar or related business, profession or occupation.

**Public Art Commission:** As possible, 1 teacher or professor of art; 1 member of the San Angelo Cultural Affairs Council or the San Angelo Museum of Fine Arts; 1 artist; and 1 landscape architect, architect, engineer, or other type of design professional.

**Tax Increment Reinvestment Zone Board:** Resident of the county in which the zone is located or a county adjacent to that county; or owns real property in the zone, whether or not the individual resides in the county in which the zone is located or a county adjacent to that county.

**Water Advisory Board:** 1 engineer, hydrologist, meteorologist or water well driller; 1 in the industry of banking, accounting or financial services with a specialization in agricultural lending or water financing; 1 in agriculture or rural water issues; and 1 attorney, former municipal water district or other governmental officer, or legislator or person who has experience in legal issues related to water.

**Zoning Board of Adjustment:** No additional criteria.





**APPLICATION FOR  
BOARDS and COMMISSIONS**

Name: Cie Avel Rangel  
 Address: [REDACTED]  
 City: San Angelo State: TX Zip: 76903  
 Phone (Home): [REDACTED] (Office) [REDACTED]  
 Resident of San Angelo since: 2002 SMD: 2  
 Are you a registered voter of San Angelo? Yes: ✓ No:         
 Occupation/Business Affiliation: Student  
 Occupation/Business Address: 2601 W. Avenue N  
 Title/Position: Student  
 Email: [REDACTED]

By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

Applicant's Signature: [Signature] Date: 12/1/21

NOTE: This application is a public record. \* Public Service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex, or disability.

Return to: [julia.antilley@cosatx.us](mailto:julia.antilley@cosatx.us) or City of San Angelo, c/o City Clerk, 72 W. College, San Angelo, Texas 76903

**Applying for:**

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- ☐ Public Art Commission
- ☐ Tax Increment Reinvestment Zone Board
- ☐ Water Advisory Board
- ☐ Zoning Board of Adjustment

Specific membership criteria requirements apply - see back page for more information.

Recommended by: \_\_\_\_\_

Feel free to attach additional sheets, if necessary.

Based on your board selection, do you meet the membership criteria? ☒ Yes ☐ No

If no, which criteria (see back page for board criteria): \_\_\_\_\_

Education and/or Professional Licenses: Currently enrolled at Angelo State University.

Current Municipal and Civic Organization Memberships (position and dates): NONE

Previous Municipal Experience (position, location, and dates): Candidate for SMD 2 for Election of 2021

What personal qualifications can you bring to this board? I am a long time resident of San Angelo, past officer for a 4-H club, and currently interim president for ASU's Catholic Center. I am a dependable and reliable individual.

What is your personal vision for the City? I believe I can assist other board members in creating an inviting community throughout the city. I plan to work with others to continue to make San Angelo a favorable city for its citizens.

Why do you want to serve on this board? I want to contribute to our community. Since running for city council, I have met people who have inspired me to give back to San Angelo. I am so honored to have been appointed to serve.

Additional relevant information: \_\_\_\_\_

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APPLICATION FOR  
BOARDS and COMMISSIONS

Name: Mark Davis  
Address: [REDACTED]  
City: San Angelo State: Tx Zip: 76904  
Phone (Home): [REDACTED] (Office): [REDACTED]  
Resident of San Angelo since: 1962 SMD: 6  
Are you a registered voter of San Angelo? Yes: ✓ No:         
Occupation/Business Affiliation: Village East Retirement/Exec. Dir  
Occupation/Business Address: 4054 Swl Ross St  
Title/Position: Executive Director  
Email: [REDACTED]

By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

Mark A. Davis 12/2/21  
Applicant's Signature Date

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Specific membership criteria requirements apply - see back page for more information.

Recommended by:

Larry Miller

Feel free to attach additional sheets, if necessary.

Based on your board selection, do you meet the membership criteria? ☒ Yes ☐ No

If no, which criteria (see back page for board criteria):       

Education and/or Professional Licenses: Bachelor of Science Degree - ASU

Current Municipal and Civic Organization Memberships (position and dates):       

Village East Retirement Community Board - 1996 - current, West Tx Christian Ministries 2004 - Current

Previous Municipal Experience (position, location, and dates): N/A

What personal qualifications can you bring to this board? Coached multiple youth sports for many years, soccer ref. for youth, high school & college. Oversee a retirement community w/senior activities

What is your personal vision for the City? Continued updating of the infrastructure as well as, Continued growth & development of the parks & recreation for all areas of the city.

Why do you want to serve on this board? First, I was asked to serve. Secondly, I have always been a big proponent of the P & R areas of the city.

Additional relevant information:       

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