



City Council Agenda 3/15/2022

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held March 15, 2022 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 March 2022 as Developmental Disabilities Awareness Month
- b. Proclamation of March 16, 2022 as Texas Small Business Development Center 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 March 1, 2022 City Council regular meeting minutes (Julia Antilley)
- b. Consider authorizing the City Manager to execute all documents necessary to renew a 10-year lease with the Alcohol & Drug Abuse Council for the Concho Valley for the property at 134-136 W. College Ave., aka William's Halfway House (Manda Salladay)
- c. Consider a resolution accepting approximately 8.552 acres out of The Bluffs Addition, Section 21, Tract BB-1, from Duncan Group Bluffs, LLC for use by the Public Works Department, Stormwater Division and authorizing payment of closing costs associated with the conveyance not to exceed \$4,000 (Shane Kelton, Manda Salladay)
- d. Consider a resolution amending the lease between COSA and the Historic Orient Santa Fe Depot, Inc. authorizing COSA to purchase fencing from the Texas Correctional Industries and committing the Depot to reimburse COSA for expenses (Ron Lewis)
- e. Consider authorizing the City Manager to reject the bid received for WU-09-22 Pump Station Covers (Allison Strube)
- f. Consider awarding SB-01-22 Tack Coat to Allstates Coating Company in the amount of \$200,000, budgeted annually, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)
- g. Consider approving Change Order #1 for ES-04-21 N. Monroe Rehabilitation to Darnell Construction, LLC increasing the total contract amount by \$102,505, bringing the new contract total to \$1,361,147 and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)

- h. Consider authorizing a cooperative purchase of High-Density Mineral Bond Surface Treatment (HA5) from Andale Construction, Inc. in the amount of \$496,776.76 through an Interlocal Agreement with the City of Hurst, Texas and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)
- i. Consider approving a purchase from VGI Technology, Inc. under BuyBoard Contract #654-21 to replace airport security cameras and access control in the amount of \$441,473, budgeted for purchase in fiscal year 2022, and authorizing the City Manager to negotiate and execute all related documents (Jeremy Valgardson)
- j. Consider authorizing the City Manager to execute a contract extension in the amount of \$25,392.23 to Smarsh, Inc. for cell phone data retention services with the option to renew annually (Bucky Hasty)
- k. Consider approving the postponement of fee review until Spring 2023 for implementation in the fiscal year 2024 budget (Kimberly Holle)
- l. Consider accepting the letter from the Initiating Committee demanding the City Council place the ordinance "Making San Angelo a Sanctuary City for the Unborn" on the November 2022 ballot and accepting the certificate as the formal presentation and acceptance of said letter (Julia Antilley)
- m. Consider approving Tax Increment Reinvestment Zone (TIRZ) incentive funding for the following projects and authorizing the City Manager to negotiate all necessary documents:
1) Two projects in the TIRZ North area for properties located at 1212 and 1218 N. Chadbourne totaling \$150,000 to be paid from TIRZ North funds
2) Four projects in the TIRZ South area for properties located at 13 E. Twohig, 61 N. Chadbourne, 109 S. Chadbourne, and 416 S. Oakes totaling \$110,365 to be paid from TIRZ South funds (Jon James)
- n. Second reading of an ordinance amending Chapter 12 "Planning and Development," Exhibit C "Land Development and Subdivision Ordinance," Chapter 9 "Land Development and Subdivision Design Policies" replacing in its entirety Section V "Sidewalks" and amending Chapter 3 "Definitions" (Jon James)
- o. Second reading of an ordinance amending Chapter 12 "Planning and Development," Exhibit C "Land Development and Subdivision Ordinance," Chapter 10 "Construction Standards and Specifications," Section III "Widths and Graphic Specifications" replacing in its entirety Subsection A "Widths" and amending Chapter 3 "Definitions" (Jon James)
- p. Consider amending FS-01-21 Fuel Purchases for the increase of fuel delivery charges (Ryan Kramer)

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 exempt from the time limit above and instead must limit their remarks to less than five minutes.

- a. Keep San Angelo Beautiful 2021 Annual Report (Presentation made by KSAB Executive Director Charlotte Anderson)

- b. 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 reimbursed and capital expenditures (Presentation made by Finance Director Tina Dierschke)
- c. Consider a resolution authorizing an application for financial assistance from the Texas Water Development Board for water system improvements; expressing official intent to reimburse costs of said projects; and making certain findings in connection therewith (Presentation made by Finance Director Tina Dierschke)
- d. Consider awarding the following agreements based upon scoring criteria as set forth in the Competitive Sealed Proposal procurement method, negotiated scope and contract pricing; using \$12,966,537 from the Water Capital fund balance and authorizing the City Manager to negotiate and execute all related documents:
 - 1) WU-05-22 Hickory New Production Wells to Hydro Resources - Mid Continent, Inc. in the amount of \$8,500,881
 - 2) WU-06-22 Hickory Treatment Plant and Well Field Improvements to PLW Waterworks, LLC in the amount of \$53,010,915 (Presentation made by Water Utilities Director Allison Strube)
- e. Consider awarding Task Order #3 under WU-04-19 Engineering Services for Water System Improvements to the Hickory Groundwater Supply Development to Enprotec / Hibbs & Todd, Inc. in the amount of \$2,885,250, and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Water Utilities Director Allison Strube)
- f. Discussion and direction to staff on possible changes to the distribution of North and South Tax Increment Reinvestment Zone (TIRZ) funds (Presentation made by Planning & Development Services Director Jon James)

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) 17.583 acres, Lot 9D, Blk. 2, Sec. 9A Red Arroyo Hills Addition
- b. Section 551.071 - Consultation with Attorney regarding contract for judicial services at Municipal Court

8. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session, if needed
- b. 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 10th day of March 2022, 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. 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

An estimated 480,000 children in Texas and an estimated 1 percent of the San Angelo population have developmental disabilities. Their hopes and dreams do not differ from the aspirations of all citizens - to be self-sufficient, work and earn a living, practice their faith, and help support their community. People with developmental disabilities have unique abilities and experiences that strengthen our city's rich diversity, and throughout our history, these individuals have made significant contributions to make San Angelo a better place for us all.

There can be no doubt that San Angelo is stronger when every citizen is able to thrive in their community. Students with development disabilities who are included in classroom settings outside of special education are more likely to achieve their full academic potential. When people with disabilities are included in the general workforce, they have an opportunity to earn a competitive wage, work as part of a team, and support the local economy. People with developmental disabilities who are included and active in their community generally live longer, healthier lives and are more likely to give back to their communities. When inclusion becomes a way of life, San Angelo thrives.

In collaboration with MHMR Concho Valley, the Local Intellectual Developmental Disability Authority (LIDDA), we dedicate March to raising awareness about developmental disabilities and highlighting the importance of including people of all abilities in every aspect of community life. During this month, all citizens of San Angelo can raise awareness about how classrooms, workplaces, houses of worship, and communities are stronger when they include people of all abilities. At this time, I encourage citizens to come together to increase awareness about developmental disabilities and support full inclusion and equality for all.

NOW, THEREFORE, I, Brenda Gunter, Mayor of the City of San Angelo, on behalf of the City Council, do hereby proclaim March 2022 as

"DEVELOPMENTAL DISABILITIES AWARENESS MONTH"

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 15th day of March, 2022.

Brenda Gunter
Mayor of the City of San Angelo

Proclamation

The National Small Business Development Center (SBDC) program was legislated via the Small Business Act of 1976 as a program of the US Small Business Administration. State and local governments play a vital role as key partners to leverage resources which complement the SBDC's economic and business development efforts. The Texas SBDCs have provided small business assistance to starting and growing Texas's small businesses since inception. In Texas, 66,702 entrepreneurs were assisted with advising services in 2021.

When Covid-19 stay-at-home orders were first issued March of 2020, the Texas SBDC Network immediately pivoted small business advising and training for virtual and in-person delivery. In 2021 alone, Texas SBDCs assisted entrepreneurs with targeted disaster recovery and resiliency, at almost \$148M in disaster-related capital. Working with its economic development partners, the Angelo State University Small Business Development Center continues to demonstrate its service, hard work and continued commitment that has helped small businesses in San Angelo and the surrounding nine county area to survive, recover and prosper.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas on behalf of the City Council, do hereby proclaim March 16th as

“Texas Small Business Development Center Day”

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

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 15th day of March, 2022.

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, March 1, 2022

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 Gonzalez, SMD 4
Council Member Karen Hesse Smith, 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 8:30 a.m. on Tuesday, March 1, 2022, at the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Chaplain Prayer & Pledges

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

3. Proclamations/Recognitions

Fire Chief Brian Dunn was recognized and honored for his retirement after 32 years of service with the City of San Angelo.

4. Public Comment

No public comment.

5. Consent Agenda

- a. Approving the February 1, 2022, February 9, 2022, and February 15, 2022 City Council meeting minutes (Julia Antilley)
- b. Award of REC-01-22 to Ben E. Keith Company (Ft. Worth, TX) in the amount of \$74,669.29 for Recreation-Senior Services Congregate Meal Program (Nutrition) and authorizing the City Manager to negotiate and execute all related documents (Brent Casey)
- c. Ratification of an increase for gap financing under the Affordable Housing Assistance Program (AHAP) from \$40,000 to \$50,000, as approved by the City of San Angelo Development Corporation Board of Directors, to cover increased construction costs (Bob Salas)
- d. Adoption of resolutions approving the Investment Policies for the City of San Angelo, Lake Nasworthy Trust, and Development Corporation Funds (Tina Dierschke) (Pg. 52, 2022-012), (Pg. 53, 2022-013), (Pg. 54, 2022-014)
- e. Second reading and adoption of an ordinance annexing into the City of San Angelo, by petition of the property owner, an unaddressed 9.278-acre tract of land out of the Deaf and Dumb Asylums Lands Survey No. 2, Abstract No. 8211, Tom Green County, Texas, located southwest of Sherwood Way and FM 2288 along the southward extension of Appaloosa Trl. (Jon James) (Pg. 55, 2022-015)

- f. Second reading and adoption of an ordinance for Z22-01, a request to zone a property to the Low Rise Multifamily zoning district in connection with an annexation; being 9.278 acres, located at the southwest extension of Appaloosa Trl., southwest of Sherwood Way and FM 2288 (Jon James) (Pg. 64, 2022-016)
- g. Second reading and adoption of an ordinance amending the Master Thoroughfare Plan to realign future arterial and collector streets, located southwest of Sherwood Way and FM 2288, including Twin Mountain Dr., Pinon Ridge Dr., and Appaloosa Trl. (Jon James) (Pg. 67, 2022-017)

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

6. Public Hearing of an Ordinance to Outlaw Abortion/Making San Angelo a Sanctuary City for the Unborn

- a. Public hearing of an ordinance as presented via petition by the Initiating Committee to Outlaw Abortion/Making San Angelo a Sanctuary City for the Unborn and action by the City Council to adopt, reject, or amend the ordinance as presented in the petition (Presentation made by City Clerk Julia Antilley)

Twenty-two members of the public spoke regarding making San Angelo a Sanctuary City for the Unborn.

14 citizens spoke in favor: Lorenzo Hatch (SMD3), Paul Shero (SMD4), Stephanie Socha (SMD6), John Barriou (SMD2), Cathy Brown (SMD5), Daniel Martinez (SMD3), Scott Farris (SMD2), Bobby Roger (SDM4), Greg Breedlove (SMD6), Suzi Smith (SMD6), Trevor Hansen (SMD4), Sharla Ynostrosa (SMD1), Bryan Angle (SMD5), and Spencer Matthews (SMD5)

Six non-residents spoke in favor: Mertzon resident Jerry Peters, Grape Creek resident Ruth McLemore, Right to Life East Texas Director Mark Lee Dickson, Grape Creek resident Ryan Buck, Highland Range resident Lakan Mariano, and Walling Pecan resident Marcy Kappesser

Two citizens spoke in opposition: Denise Barbour (SMD5) and Amanda Mason (SMD4)

Motion: Mayor Gunter asked for a motion to adopt the ordinance as presented. Failing to receive a motion or a second Mayor Gunter asked for another motion.

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

[Grape Creek resident Ryan Buck brought forth a letter signed by 8 of the 9 Initiating Committee Members demanding the ordinance be placed on the November 2022 ballot.]

7. Agenda

- a. Presentation of the Destination Marketing Organization and year-end report (Presentation made by Vice President of the Destination Marketing Organization Diann Bayes)

No Action Taken on this Item.

- b. Authorization of the City Manager to negotiate and execute a Fourth Amendment to the Commercial Lease Agreement - Spring Creek Marina with Golden Antlers, Inc, Lessee, with an updated development site plan (Presentation made by Parks & Recreation Director Carl White)

Motion: Council Member Gonzales made a motion, seconded by Council Member Thomas, to approve the item, as presented, with the clarification that future site plan amendments to the lease will be placed on the Consent Agenda for approval. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

- c. Award of FS-03-22 Dump Trucks to multiple vendors in the amount of \$988,997, for the purchase of five units with the option to purchase two additional units (utilizing Water Reclamation operating budget and fund balance from Stormwater and General Funds), and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Senior Fleet Manager Ryan Kramer)

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

[Item 7d taken out of order.]

- d. First reading and public hearing of an ordinance amending Chapter 12 "Planning & Development," Exhibit C "Land Development and Subdivision Ordinance," Chapter 9 "Land Development and Subdivision Design Policies" replacing in its entirety Section V "Sidewalks" and amending Chapter 3 "Definitions" (Presentation made by Planning & Development Services Director Jon James)

Walling Pecan resident and San Angelo Homebuilder's Association President Bryan Benson stated the homebuilder's association is in full support of the ordinance. Citizen Russell Gully (SMD1) requested changes to the motion for the street widths and was redirected to the next agenda item. Citizen Steve Eustis (SMD1) requested clarification on sidewalk requirements in commercially zoned areas.

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.

[Item 7e taken out of order.]

- e. First reading and public hearing of an ordinance amending Chapter 12 "Planning and Development," Exhibit C "Land Development and Subdivision Ordinance," Chapter 10 "Construction Standards and Specifications," Section III "Widths and Graphic Specifications" replacing in its entirety Subsection A "Widths" and amending Chapter 3 "Definitions" (Presentation made by Planning & Development Services Director Jon James)

Walling Pecan resident and San Angelo Homebuilder's Association President Bryan Benson stated the homebuilder's association is in full support of the ordinance with the addition of leaving the rural street width minimum at 30-feet. Citizen David Jensen (SMD1) requested the street width be 36-feet with or without sidewalks due to street development and maintenance costs and spoke in support of the 30-foot minimum width for rural streets. Russell Gully (SMD1) spoke in support of narrow streets to reduce maintenance costs. Citizen Rocky Templin (SMD6) spoke in support of 30-feet minimum local streets with sidewalks.

Motion: Council Member Thomas made a motion, seconded by Council Member Hiebert, to approve the item, as presented, with the addition of leaving the current rural street minimum width of 30 feet as is. The motion carried (6) ayes to (1) nay, with Mayor Gunter casting the dissenting vote.

- f. Consideration of the following as it relates to the City Council's roles through May 2023: 1) selection of a Mayor Pro-Tempore

2) appointment of City Council Members to Boards and Committees (Presentation made by City Clerk Julia Antilley)

Motion: Mayor Gunter made a motion, seconded by Council Member Gonzales, to have Council Member Thompson continue serving as Mayor Pro-Tempore. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

Motion: Mayor Gunter made a motion, seconded by Council Member Miller, to make the following appointments: Council Member Gonzales to the CVCOG Executive Committee; Council Member Miller and Council Member Hesse Smith to the CVCOG General Assembly; Council Member Hiebert to the Investment Oversight Committee; and Council Member Hesse Smith to the Ports-to-Plains Advisory Board as an Alternate. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

8. Closed Session

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

9. Follow Up and Administrative Issues

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

No Action Taken on this Item.

- b. Approval of various Board nominations

No Action Taken on this Item.

- c. Announcements and consideration of Future Agenda Items

No Action Taken on this Item.

10. Adjournment

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

There being no further business, the meeting adjourned at 11:54 a.m.

THE CITY OF SAN ANGELO, TEXAS:

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Manda Salladay, Real Estate, Real Estate, 325-657-4407

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Consider authorizing the City Manager to execute all documents necessary to renew a 10-year lease with the Alcohol & Drug Abuse Council for the Concho Valley for the property at 134-136 W. College Ave., aka William's Halfway House (Manda Salladay)

Staff Recommendation:

Approve

Summary/History:

The Alcohol & Drug Abuse Council for the Concho Valley is requesting a renewal of their lease of the William's Halfway house, located at 134-136 West College Ave.

Funding Source(s):

Financial Impact:

The lease fee is \$1.00 per year.

Other Information/Recommendation:

Staff recommends acceptance of the lease renewal of William's Halfway House to the Alcohol & Drug Abuse Council for the Concho Valley.

Attachments:

Presentation:

Manda Salladay

Approvals/Reviews:

Manda Salladay
Manda Salladay
Brandon Dyson
Tina Dierschke
Theresa James
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Manda Salladay, Real Estate, Real Estate, 325-657-4407

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Consider a resolution accepting approximately 8.552 acres out of The Bluffs Addition, Section 21, Tract BB-1, from Duncan Group Bluffs, LLC for use by the Public Works Department, Stormwater Division and authorizing payment of closing costs associated with the conveyance not to exceed \$4,000 (Shane Kelton, Manda Salladay)

Staff Recommendation:

Approve

Summary/History:

Duncan Group Bluff, LLC desires to donate to the City of San Angelo approximately 8.552 acres in The Bluffs Addition, Section 21, Tract BB-1, to be added to the City's storm drainage system. The property is unimproved and located adjacent to Amberton Parkway.

Funding Source(s):

Financial Impact:

240-5800-439-0340 for an amount not to exceed \$4,000 for closing costs associated with the conveyance of the donated property

Other Information/Recommendation:

The Stormwater Division of the City of San Angelo requests that City Council accept conveyance of approximately 8.552 acres from Duncan Group Bluffs, LLC by warranty deed and authorize payment of costs associated with the conveyance not to exceed \$4,000.

Attachments:

- | | | |
|----|---|--|
| 1. | Gift Resolution Donation of 8.552 acres | Gift Resolution Donation of 8.552 acres.DOCX |
|----|---|--|

Presentation:

Shane Kelton

Approvals/Reviews:

Manda Salladay
Manda Salladay

Created/Initiated
Approved

Shane Kelton
Jeffrey Tomlinson
Tina Dierschke
Theresa James
Julia Antilley

Approved
Approved
Approved
Approved
Final Approval

A RESOLUTION BY THE CITY OF SAN ANGELO CITY COUNCIL ACCEPTING THE DONATION OF 8.552 ACRES IN THE BLUFFS ADDITION FOR THE CITY'S DRAINAGE SYSTEM

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

WHEREAS, Duncan Group Bluff LLC desires to donate to the City of San Angelo 8.552 acres of land in the Bluffs Addition, Section 21, Tract BB-1; and

WHEREAS, the City of San Angelo Stormwater Division has use for the property to add to the drainage system in the area; and

WHEREAS, a condition of the donation is that the City of San Angelo pay all related conveyance costs anticipated not to exceed \$4000.

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

Part 1: That the City of San Angelo hereby accepts a donation of 8.552 acres of land located in the Bluffs Addition, Section 21, Tract BB-1 from the Duncan Group Bluffs, LLC to be used for drainage.

Part 2: That the Stormwater Division is authorized to pay any costs for the conveyance in an amount not to exceed \$4000 and the City Manager is authorized to negotiate and execute any documents necessary for closing.

PASSED and APPROVED THIS 15th Day of March, 2022.

CITY OF SAN ANGELO, TEXAS

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Ron Lewis, Facilities Maintenance Manager, Facilities Maintenance, 325-481-2773

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Consider a resolution amending the lease between COSA and the Historic Orient Santa Fe Depot, Inc. authorizing COSA to purchase fencing from the Texas Correctional Industries and committing the Depot to reimburse COSA for expenses (Ron Lewis)

Staff Recommendation:

Approve

Summary/History:

The City of San Angelo entered into a commercial lease with the Historic Orient Santa Fe Depot ("Depot") on February 1, 2019 which included a requirement that the Depot would bear the costs of materials to construct a fence along the platform. After pricing the fencing, it has been determined that Texas Correctional Industries would provide the fencing at the best price. As a governmental entity, Texas Correctional Industries cannot sell directly to the Depot. Therefore, the parties wish to amend the lease to allow the City to purchase the materials from Texas Correctional Industries with reimbursement from the Depot for all costs of materials. The contract further outlines that the City of San Angelo is responsible for installation of the fence.

Funding Source(s):

Financial Impact:

The City will purchase fencing materials in the approximate amount of \$30,000. The Railway Museum will reimburse the city upon award of grant funding. No purchase will be made until grant funds are secured. Funding for the fence installation has not been identified.

Other Information/Recommendation:

Attachments:

- | | | |
|----|---------------------------------------|--|
| 1. | Resolution amending lease for fencing | Resolution amending lease for fencing.DOCX |
|----|---------------------------------------|--|

Presentation:

Ron Lewis

Approvals/Reviews:

Ron Lewis
Theresa James
Tina Dierschke
Julia Antilley

Created/Initiated
Approved
Approved
Final Approval

A RESOLUTION BY THE CITY OF SAN ANGELO CITY COUNCIL APPROVING AN AMENDMENT TO THE COMMERCIAL LEASE AGREEMENT BETWEEN THE CITY OF SAN ANGELO (“CITY”) AND THE HISTORIC ORIENT SANTA FE DEPOT, INC. (“DEPOT”) TO ALLOW THE PURCHASE OF FENCE MATERIALS FROM TEXAS CORRECTIONAL INDUSTRIES

WHEREAS, City entered into a commercial lease with Depot on February 1, 2019 to allow Depot to operate a railroad museum at the Santa Fe Depot; and

WHEREAS, as part of the additional consideration for the lease, Depot agreed to bear the cost of materials to construct a fence along the platform; and

WHEREAS, after pricing the necessary fencing, it has been determined by the parties that Texas Correctional Industries would provide the fencing at the best price; and

WHEREAS, as a governmental entity Texas Correctional Industries cannot sell directly to Depot; and

WHEREAS, the parties wish to amend the lease to allow City to purchase materials for the fencing with reimbursement from Depot for all costs.

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

Part 1: That the City of San Angelo City Council supports and authorizes the City Manager to negotiate and execute an amendment to the commercial lease between the City of San Angelo and Historic Orient Santa Fe Depot, Inc. to allow City to purchase fencing materials from Texas Correctional Industries with reimbursement of all costs of the purchase from Depot.

PASSED and APPROVED THIS 15th day of March, 2022.

ATTEST:

Brenda Gunter, Mayor

Julia Antilley, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Consider authorizing the City Manager to reject the bid received for WU-09-22 Pump Station Covers (Allison Strube)

Staff Recommendation:

Approve

Summary/History:

The City of San Angelo Water Utilities Department recently requested bids for the construction of metal building closures over the water distribution system pump stations. There are two locations where this construction would have occurred. The respondents were to have a minimum of five years' experience in the construction and installation of similar structures and systems. In addition, all construction was required to be performed while the pump stations were operational, and at no point were the pump stations to be taken out of service.

One bid was received for this work by J. Stephens, LLC. While the contractor did meet the requirements of the bid, the bid was higher than anticipated and what was budgeted for. With only receiving one bid, staff requests that we reject this bid and go back out for rebid to see if additional submissions can be received to ensure the best pricing is provided for this project.

Funding Source(s):

Financial Impact:

The bid, including contingency, received for this project was \$391,318.40. Please see the attached bid tab. Rejecting this bid and advertising the project again does not have any fiscal impact at this time.

Other Information/Recommendation:

Staff recommends rejecting the bids for RFB WU-09-22 and rebidding the project for the pump station covers.

Attachments:

- | | | |
|----|-------------------------|-----------------------------|
| 1. | WU-09-22 Bid Tabulation | WU-09-22 Bid Tabulation.pdf |
|----|-------------------------|-----------------------------|

Presentation:

Allison Strube

Approvals/Reviews:

Allison Strube

Shane Kelton

Theresa James

Jeffrey Tomlinson

Tina Dierschke

Julia Antilley

Created/Initiated

Approved

Approved

Approved

Approved

Final Approval

**RFB Bid Table**

WU-09-22 COSA PUMP STATION COVERS

Thursday, March 3, 2022

2 p.m.

J.Stephens, LLC

#	Items	Sheet No.	Estimated Quantity Required	Unit of Measurement (UOM)	Unit Cost	Total Cost
	Base Bid (9)					
#1	ABILENE ST.					
#1-1	MOBILIZATION/DEMOBILIZATION & PERMITTING	All Sheets	1	LS		\$ 8,850.00
#1-2	FOUNDATION & WALL MATERIAL	S1.10, S3.11, S3.12, S4.10	1	LS		\$ 16,959.00
#1-3	FOUNDATION & WALL LABOR	S1.10, S3.11, S3.12, S4.10	1	LS		\$ 36,875.00
#1-4	ROOF MATERIALS	S3.01, S3.10, S3.11, S3.12, S4.10	1	LS		\$ 9,741.00
#1-5	ROOF LABOR	S3.01, S3.10, S3.11, S3.12, S4.10	1	LS		\$ 29,205.00
#1-6	INSULATION	S1.10	1	LS		\$ 19,440.00
#1-7	ELECTRICAL	MPE-1, MPE-2.0, MPE-2.1, E-1.0, E-1.1, EC-1	1	LS		\$ 28,490.00
#1-8	MECHANICAL	MPE-1, MPE-2.0, MPE-2.1, M-1	1	LS		\$ 17,464.00
#2	SOUTHWEST					\$ -
#2-1	MOBILIZATION/DEMOBILIZATION & PERMITTING	All Sheets	1	LS		\$ 8,850.00
#2-2	FOUNDATION & WALL MATERIAL	S1.20, S3.21, S3.22, S4.10	1	LS		\$ 14,155.00
#2-3	FOUNDATION & WALL LABOR	S1.20, S3.21, S3.22, S4.10	1	LS		\$ 40,415.00
#2-4	ROOF MATERIALS	S3.01, S3.20, S3.21, S3.22, S4.10	1	LS		\$ 12,950.00
#2-5	ROOF LABOR	S3.01, S3.20, S3.21, S3.22, S4.10	1	LS		\$ 32,745.00
#2-6	INSULATION	S1.20	1	LS		\$ 23,275.00
#2-7	ELECTRICAL	MPE-1, MPE-2.0, MPE-2.1, E-1.0, E-1.1, EC-1	1	LS		\$ 38,866.00
#2-8	MECHANICAL	MPE-1, MPE-2.0, MPE-2.1, M-1	1	LS		\$ 17,464.00
			Subtotal			\$ 355,744.00
			Contingency		10%	\$ 35,574.40
			Total Cost			\$ 391,318.40

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Carolyn Allison, Street & Bridge Administrative Assistant, Street and Bridge, 325-657-4231

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Consider awarding SB-01-22 Tack Coat to Allstates Coating Company in the amount of \$200,000, budgeted annually, and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)

Staff Recommendation:

Approve

Summary/History:

The City of San Angelo published bids for tack coat material with one response received. Tack coat material is used in conjunction with other asphalt materials for street repairs including potholes, patching, and edging.

Approval will allow purchases for one year with two optional one-year automatic renewals. The vendor has an option to request a price escalation after the first contract year. The requested increase cannot exceed 4% and must include documentation to justify the requested increase. Both parties have the right to terminate the contract with 90-days' notice prior to renewal.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
101-3200	101-3200-432-0435		\$200,000

Financial Impact:

Funds for this purchase are budgeted annually in the Street and Bridge Operating Budget.

Other Information/Recommendation:

Staff recommends awarding SB-01-22 to Allstates Coating Company.

Attachments:

1. SB-01-22 Bid Tabulation - Tack Coat	00 SB-01-22 Bid Tabulation - Tack Coat.pdf
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Presentation:

Patrick Frerich

Approvals/Reviews:

Carolyn Allison

Created/Initiated

Patrick Frerich
Shane Kelton
Theresa James
Jeffrey Tomlinson
Tina Dierschke
Julia Antilley

Approved
Approved
Approved
Approved
Approved
Final Approval



RFB Bid Tabulation

SB-01-22 • Tack Coat

Wednesday, December 1, 2021 2:00 p.m.

	Item Number	Container	Price per Container	Minimum Order Quantity	Shipping FOB
Allstates Coatings Company	0-1	55-gallon Drum	\$ 522.50	6	0
	0-2	275-gallon Tote	\$ 2,530.00	2	0

	Allstates Coatings Co.
Payment terms/discount	Net 30 days
Can container be returned	No
Order Lead Time	10 business days ARO

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Consider approving Change Order #1 for ES-04-21 N. Monroe Rehabilitation to Darnell Construction, LLC increasing the total contract amount by \$102,505, bringing the new contract total to \$1,361,147 and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)

Staff Recommendation:

Approve

Summary/History:

The N. Monroe Sewer Rehabilitation project was awarded to Darnell Construction on July 8, 2021 for the replacement of the existing sewer infrastructure that had met its useful life. The new sewer line will be installed under Forest Park Avenue and Monroe Street roadways, respectively. Change Order #1 reflects changes in contracted quantities for a number of Line Items as detailed in the Item Files.

The major change under Change Order #1, was an increase in scope to the roadway repair. As a part of the replacement project, plan documents called for the roadway to be patched with asphalt for the length and width of the trench cut for the sewer line installation. With the additional deterioration of Monroe and Forest Park caused by Winter Storm Uri, Staff recommends a full replacement of the entire roadway surface within those sections. The entire width of Monroe will be milled and overlaid from N. Jefferson St. south to Forest Park Ave. The full width of Forest Park Ave. will be milled and overlaid from N. Monroe east to Linden Way. The full replacement of the asphalt surface will provide a more stable driving surface that will provide a longer life than just the initial trench repair as specified.

Change Order #1 will increase the project scope by \$197,642. After using existing Project Contingency, the remaining cost of Change Order # 1 (\$102,505) will be paid from funds remaining from the Winter Storm Uri Emergency Street Repairs and the Street and Bridge Operating budget.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
Water Reclamation	27054008000730	WR0003	\$95,137
Operations Street Repair	50232218000730	WR0003	\$95,244
Street & Bridge	10132004320435	WR0003	\$7,261

Financial Impact:

The Contract changes and Change Order funding are:

Original Contract Amount:	\$ 1,258,642
Change Order #1 Amount:	\$ 197,642
Existing Project Contingency:	(\$ 95,137)
Net Contract Amendment:	\$ 102,505
Amended Contract Total:	\$ 1,361,147

Change Order #1:	\$ 197,642
Existing Project Contingency:	(\$ 95,137)
Emergency Street Repair Residual:	(\$ 95,244)
Street and Bridge Operating Budget:	(\$ 7,261)
Balance Remaining:	\$ 0.00

Other Information/Recommendation:

Staff recommends approving Change Order #1 amending the total contact amount by \$102,505 to \$1,361,147.

Attachments:

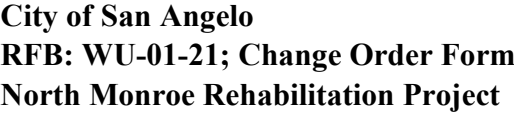
- | | |
|-------------------------------|--------------------------------|
| 1. Change Order No. 1_2.24.22 | Change Order No. 1_2.24.22.pdf |
| 2. Change Order No. 1 Map | Change Order No. 1 Map.jpg |

Presentation:

Zeferino Mendoza

Approvals/Reviews:

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



Contractor: Darnell Construction LLC

Item No.	Specification	Item Description	Quantity	Unit	Unit Price	Total Price	Add Quantities	Deduct Quantities	Revised Quantities	Adjusted Total Price	Net Change
#1-4		28"x20" Corrugated Pipe per Plans	126	LF	\$ 350.00	\$ 44,100.00	18.00		144	\$ 50,400.00	\$ 6,300.00
#1-8		Concrete Valley Gutter per Plans	16	SY	\$ 387.00	\$ 6,192.00		16.00	0	\$ -	\$ (6,192.00)
#1-16		Sanitary Sewer Service Connections	21	EA	\$ 5,230.00	\$ 109,830.00		6.00	15	\$ 78,450.00	\$ (31,380.00)
#1-23		Permanent Asphalt Repair 1.5-Inch Type D HMAC per Plans	685	SF	\$ 35.00	\$ 23,975.00		685.00	0	\$ -	\$ (23,975.00)
#1-24		2.0-Inch TYPE D HMAC Overlay w/ Edge Mill per Plans	128	TON	\$ 397.00	\$ 50,816.00		128.00	0	\$ -	\$ (50,816.00)
CO-1		Channel Excavation	-	LS	\$ 8,000.00	\$ -	1.00		1	\$ 8,000.00	\$ 8,000.00
CO-1.2		Full Depth Mill and Overlay (Forest Park Ave from Linden Way to N. Monroe St. and N. Monroe St. from Forest Park Ave to N. Jefferson St.)		LS	\$ 295,705.00	\$ -	1.00		1	\$ 295,705.00	\$ 295,705.00
										Total Change Order Requested:	\$ 197,642.00
										Existing Contingency	\$ (95,137.00)
										Net Contract Amendment	\$ 102,505.00
Contract Adjustment											
Original Contract Completion Date:			N/A	Original Contract Sum Change Order #1 Amount Revised Contract Amount After Change Order(s)							\$ 1,258,642.00
Original Contract Construction Days:			N/A								
Prior Days Added:			N/A								\$ 102,505.00
Days Added this Change Order:			N/A								
Revised Contract Construction Days:			N/A								\$ 1,361,147.00
Revised Contract Completion Date:			N/A								
Approval											
Contractor: Date: 						Comments Change Order No.1 includes additional quantities for 28"x20" Corrugated Pipe, Channel Excavation associated with the installation of the corrugated pipe, Full Depth Mill And Overlay for Linden Way to N. Monroe & N. Monroe to N. Jefferson St.. Included as well are deductions for items such as Concrete Valley Gutter, Sanitary Sewer Connections, Permanent Asphalt Repair 1.5 Inch Type D HMAC, and 2.0-Inch TYPE D HMAC Overlay.					
City of San Angelo, Engineering Services: Date: 											



Juanita Ave

N Monroe St

Woodawn Dr

Forest Park Ave

Forest Park Ave

N Jefferson St

N Jefferson St

N Van Buren St

N Van Buren St

N Van Buren St

Lincoln Way

Forest Park Ave

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Charles Michalewicz, Engineer, Operations, 325-657-4201

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Consider authorizing a cooperative purchase of High-Density Mineral Bond Surface Treatment (HA5) from Andale Construction, Inc. in the amount of \$496,776.76 through an Interlocal Agreement with the City of Hurst, Texas and authorizing the City Manager to negotiate and execute all related documents (Patrick Frerich)

Staff Recommendation:

Approve

Summary/History:

The City identified roadways that met the requirements for the application of High Density Mineral Bond (HA5) as a part of its 8-year pavement preservation process. HA5 is an alternative to chip sealing on roadways that meet certain criteria.

Pricing was sought from Andale Construction, Inc. using an existing Interlocal Agreement with Hurst, Tx. Andale Construction is the licensed applicator of HA5 for this region and has applied the product for the City for the last three years.

Chapter 791 of the Texas Government Code ("Interlocal Cooperation Act") provides municipalities the ability to procure goods and/or services through contracts awarded by other governmental entities. The purpose of this chapter is to increase the efficiency and effectiveness of local governments by authorizing them to contract with one another.

The City of Hurst, Texas issued a Request for Bids (19-007) for their High-Density Mineral Bond Seal program and awarded the RFB to Andale Construction, Inc. during their May 14, 2019 meeting. Andale Construction, Inc. consented to "piggy-back" procurements as part of their response to the City of Hurst's solicitation.

Therefore, the City of San Angelo wishes to utilize the existing Interlocal Agreement with the City of Hurst, Texas to procure High-Density Mineral Bond Surface Treatment (HA5) from Andale Construction, Inc. in the amount of \$496,776.76 and authorize the City Manager to negotiate and execute all related documents.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
Operations	10132004320435	NA	\$496,776.76

Financial Impact:

Budgeted in 2022 Operations Budget

Other Information/Recommendation:**Attachments:**

- | | | |
|----|-------------------------------------|---|
| 1. | HA5 Proposal Form - San Angelo 2022 | HA5 Proposal Form - San Angelo 2022.pdf |
|----|-------------------------------------|---|

Presentation:

Patrick Frerich

Approvals/Reviews:

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

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Jeremy Valgardson, Airport Director, Airport, 325-659-6409

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Consider approving a purchase from VGI Technology, Inc. under BuyBoard Contract #654-21 to replace airport security cameras and access control in the amount of \$441,473, budgeted for purchase in fiscal year 2022, and authorizing the City Manager to negotiate and execute all related documents (Jeremy Valgardson)

Staff Recommendation:

Approve

Summary/History:

Due to aging equipment, our current cameras and controlled access systems have been failing. We are continuing to buy new analog cameras to replace old analog cameras.

Since 2018, TSA has recommended we replace our cameras and controlled access system with a higher quality system. With the recent cyber security directives, TSA is putting significant pressure on us to replace our existing system.

Several airports are moving to Avigilon cameras and access control packages. Avigilon has high quality products with built-in cyber security protection. We have built our scope similar to a security package that Midland Airport recently awarded.

This project will replace all cameras and controlled access points throughout the airport. The Avigilon system has video analytics, which makes the entire project eligible for federal funding under our CRRSA Grant (Grant 42). There are no local matching funds required for this project. We would like to use Avigilon through Buy Board purchasing contract.

Due to potential unknowns during construction, I have programmed a 10% contingency.

Base Price Cameras: \$278,950.96

Base Price Controlled Access: \$122,388.40

10% Contingency: \$40,133.94

TOTAL: \$441,473.00

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
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FAA GRANT 42 (CRRSA)

530-3942-514.04-35

\$500,000

Financial Impact:

This project will be funded through FAA GRANT 42 CRRSA already budgeted for this purpose (530-3942-514.04-35)

100% Funded by FAA. No local match.

Base Price Cameras: \$278,950.96

Base Price Controlled Access: \$122,388.40

10% Contingency: \$40,133.94

TOTAL: \$441,473.00

Other Information/Recommendation:

Attachments:

1. Access Control for Airport
2. Camera Quote Airport

Access Control for Airport.pdf
Camera Quote Airport.pdf

Presentation:

Jeremy Valgardson

Approvals/Reviews:

Jeremy Valgardson
Theresa James
Jeffrey Tomlinson
Tina Dierschke
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Final Approval



VGI Technology, Inc.
3321 Foster St.
San Angelo TX 76903
United States
(325) 223-3000

Quote
#Q7817
02/18/2022

Bill To

San Angelo Regional Airport
8618 Terminal Cir
San Angelo TX 76904
United States

Ship To

San Angelo Regional Airport
8618 Terminal Cir
San Angelo TX 76904
United States

TOTAL

\$122,388.40

Expires: 03/14/2022

Sales Rep

Zachary West

Terms

Net 15

Quatity	UOM	Description	Unit Price	Extended Price
1	Ea.	Enterprise 6 Appliance for access control (32 Door LIC)	\$4,049.10	\$4,049.10
1	Ea.	16 Reader Software License	\$749.70	\$749.70
1	Ea.	ACM Badging Software	\$749.70	\$749.70
3	Ea.	16 Door Power Supply	\$3,091.50	\$9,274.50
6	Ea.	Single Door Controller (1501)	\$612.00	\$3,672.00
3	Ea.	2 Door Master Controller	\$1,152.00	\$3,456.00
12	Ea.	2 Door Sub Controller	\$634.50	\$7,614.00
6	Ea.	5Port Industrial PoE + Unmanaged Ethernet Switch, 4*10/100t x(30W/port) + 12~36VDC, EOT -40~75C	\$425.00	\$2,550.00
42	Ea.	Signo 40 Wall Mount Reader with Keypad	\$452.70	\$19,013.40
6	Ea.	HID Gate Readers	\$750.00	\$4,500.00
500	Ea.	IClass Cards	\$0.00	\$0.00
1	Ea.	Wiring for Doors	\$8,175.00	\$8,175.00
1	Ea.	Installation Supplies- Conduit, Fittings, Anchors, Screws, Silicone	\$14,990.00	\$14,990.00
1	Ea.	Dual Sided Card Printer	\$6,100.00	\$6,100.00
1	Hr.	Installation and Configuration of System	\$37,495.00	\$37,495.00
1	Ea.	Buyboard Pricing Contract 654-21	\$0.00	\$0.00

Subtotal \$122,388.40

Tax Total (%) \$0.00

Total \$122,388.40



VGI Technology, Inc.
3321 Foster St.
San Angelo TX 76903
United States
(325) 223-3000

Quote
#Q7817
02/18/2022

Buyboard Pricing Contract #654-21

Signature: _____

Date: _____



VGI Technology, Inc.
3321 Foster St.
San Angelo TX 76903
United States
(325) 223-3000

Quote
#Q7759
02/11/2022

Bill To

San Angelo Regional Airport
8618 Terminal Cir
San Angelo TX 76904
United States

Ship To

San Angelo Regional Airport
8618 Terminal Cir
San Angelo TX 76904
United States

TOTAL

\$278,950.96

Expires: 04/29/2022

Sales Rep

Zachary West

Terms

Net 15

Quantity	UOM	Description	Unit Price	Extended Price
2	Ea.	Avigilon Rackmount Video Server with 96 TB (Approx 14-21 Days)	\$32,400.00	\$64,800.00
49	Ea.	Single Enterprise Camera License	\$261.00	\$12,789.00
49	Ea.	Single Enterprise Failover License	\$40.50	\$1,984.50
1	Ea.	Single LPR License	\$2,890.00	\$2,890.00
49	Ea.	FIPS Camera License	\$9.00	\$441.00
3	Ea.	12MP H5A Fisheye IR Dome Camera	\$1,037.34	\$3,112.02
13	Ea.	4MP Indoor Dome with Video Analytics	\$892.80	\$11,606.40
6	Ea.	6MP Outdoor Bullet with IR and Video Analytics	\$1,156.50	\$6,939.00
6	Ea.	Junction Box for the H4A or H4SL HD Bullet Cameras	\$86.40	\$518.40
2	Ea.	8MP PTZ Camera with 36X Optical Zoom and Analytics	\$3,145.50	\$6,291.00
2	Ea.	Pole Mounting Bracket PTZ	\$81.00	\$162.00
1	Ea.	3MP LPR Camera	\$792.00	\$792.00
1	Ea.	IR Illuminator for LPR Camera	\$603.00	\$603.00
1	Ea.	Standard format enclosure with heater for LPR	\$585.00	\$585.00
5	Ea.	8MP Multi Sensor 180° Camera with Video Analytics	\$1,890.00	\$9,450.00
10	Ea.	8MP Multi Sensor 270° Camera with Video Analytics	\$1,890.00	\$18,900.00
1	Ea.	8MP Multi Sensor 360° Camera with Video Analytics	\$2,160.00	\$2,160.00
16	Ea.	Indoor single port Gigabit PoE++ 60W	\$135.00	\$2,160.00
2	Ea.	PoE Injector for PTZ (Gigabit 95W)	\$360.00	\$720.00
12	Ea.	Corner mount adapter	\$81.00	\$972.00
14	Ea.	Outdoor Pendant mount adapter	\$144.00	\$2,016.00
15	Ea.	IR Ring for Multisensor Camera	\$297.00	\$4,455.00
16	Ea.	Pendant wall adapter for Outdoor Pendant Mount	\$85.50	\$1,368.00



VGI Technology, Inc.
3321 Foster St.
San Angelo TX 76903
United States
(325) 223-3000

Quote
#Q7759
02/11/2022

Quantity	UOM	Description	Unit Price	Extended Price
15	Ea.	Dome bubble and cover, for outdoor surface mount or pendant mount, clear	\$144.00	\$2,160.00
1	Ea.	Metal Ceiling panel for recessed 360° Multi Sensor	\$78.30	\$78.30
1	Ea.	In-Ceiling Adapter	\$135.00	\$135.00
1	Ea.	Dome Bubble and cover, for in-ceiling mount clear	\$63.00	\$63.00
4	Ea.	16MP Bullet Camera with Video Analytics	\$6,750.00	\$27,000.00
2	Ea.	16-35mm Lens for Pro Series 16MP Camera	\$3,600.00	\$7,200.00
2	Ea.	24-70mm Lens for Pro Series 16MP Camera	\$2,024.10	\$4,048.20
4	Ea.	Large Format Enclosure for Avigilon HD IP Professional Cameras with 12VDC/24VDC Vented Cooler, Wall Bracket and Sunshield	\$459.00	\$1,836.00
1	Ea.	8MP Indoor Dome with IR and Video Analytics	\$1,215.00	\$1,215.00
2	Ea.	8MP Bullet with Video Analytics	\$1,350.00	\$2,700.00
1	Ea.	Video Intecom WDR, Light Catcher, Day/Night	\$1,035.00	\$1,035.00
1	Ea.	Surface Mount Adapter	\$202.50	\$202.50
1	Ea.	Safety Relay (Release Door)	\$108.00	\$108.00
1	Ea.	Remote Monitoring Workstation, 2 Monitors	\$4,600.00	\$4,600.00
6	Ea.	5GHz NanoBeam ac Gen2 CPE 19dBi US	\$150.00	\$900.00
2	Ea.	Lite AP AC 5 GHz 2x2 MIMO airMAX AC Sector AP	\$250.00	\$500.00
2	Ea.	Cisco 24 Port Gigabit PoE+ Smart Managed Pro Switch	\$3,115.00	\$6,230.00
3	Ea.	Cisco 8 Port Gigabit PoE+ Smart Managed Pro Switch	\$1,255.00	\$3,765.00
1	Ea.	Installation Supplies- Conduit, Fittings, Anchors, Screws, Silicone	\$13,485.64	\$13,485.64
49	Ea.	Wiring for Cameras	\$250.00	\$12,250.00
1	Hr.	Installation and Configuration of System	\$33,725.00	\$33,725.00
1	Ea.	Buyboard Pricing	\$0.00	\$0.00

Subtotal \$278,950.96

Tax Total (%) \$0.00

Total \$278,950.96



VGI Technology, Inc.
3321 Foster St.
San Angelo TX 76903
United States
(325) 223-3000

Quote
#Q7759
02/11/2022

Buyboard #654-21

Signature: _____

Date: _____

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Julia Antilley, City Clerk, Information Technology, 325-657-4405

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Consider authorizing the City Manager to execute a contract extension in the amount of \$25,392.23 to Smarsh, Inc. for cell phone data retention services with the option to renew annually (Bucky Hasty)

Staff Recommendation:

Approve

Summary/History:

Smarsh provides archiving services to the City by recording all incoming and outgoing SMS/text messages on cell phones. Senate Bill 944 requires cities to retain text messages and their associated metadata, necessitating a service of this nature.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
305	305-1117-411.03-30		\$25,392.23

Financial Impact:

This is a budgeted item of \$25,392.23

Other Information/Recommendation:

Attachments:

Presentation:

Bucky Hasty

Approvals/Reviews:

Julia Antilley	Created/Initiated
Bucky Hasty	Approved
Theresa James	Approved
Jeffrey Tomlinson	Approved
Tina Dierschke	Approved
Theresa James	Approved

Julia Antilley

Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Consider approving the postponement of fee review until Spring 2023 for implementation in the fiscal year 2024 budget (Kimberly Holle)

Staff Recommendation:

Approve

Summary/History:

In August 2019, City Council revised the Budget Policy and directed Staff to review fees annually to accomplish a 100% cost recovery goal by fiscal year 2025. All fee changes are to be included in the following fiscal year's budget going into effect on October 1st.

However, due to the uncertainty of COVID-19 and its impact on Citizens, the 2020 fee review process was canceled as a part of the disaster declaration. The continuation of the pandemic provided additional obstacles therefore the fee review process was again delayed.

Staff and City Management recommend the postponement of fee review until 2022 for the preparation of fiscal year 2023's budget. These delays in increasing fees will impact meeting our cost recovery goal by 2025. However, staff will continue to phase in incremental increases annually to accomplish a 100% cost recovery goal.

Funding Source(s):

Financial Impact:

There is no direct impact on postponing the fee review process. However, there is a loss in potential revenue from not increasing fees to cost of service for two fiscal years.

Other Information/Recommendation:

Attachments:

Presentation:

Kimberly Holle

Approvals/Reviews:

Kimberly Holle
Theresa James
Tina Dierschke
Theresa James
Julia Antilley

Created/Initiated
Approved
Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Consider accepting the letter from the Initiating Committee demanding the City Council place the ordinance "Making San Angelo a Sanctuary City for the Unborn" on the November 2022 ballot and accepting the certificate as the formal presentation and acceptance of said letter (Julia Antilley)

Staff Recommendation:

Accept

Summary/History:

As outlined in Section 47 of the City's Charter, after receipt of such certificate and the certified copy of the proposed ordinance or resolution, the City Clerk shall present such certificate and certified copy of the proposed ordinance or resolution to the Council at its next regular meeting. The attached letter was handed over and read at the March 1, 2022 meeting and is attached for formal presentation and acceptance at this, "the next regular meeting."

Funding Source(s):

Financial Impact:

Other Information/Recommendation:

Attachments:

- | | |
|--|---|
| 1. Certificate of Letter from Initiating Committee | Certificate of Letter from Initiating Committee.pdf |
| 2. Letter from Initiating Committee 3.1.2022 | Letter from Initiating Committee 3.1.2022.pdf |
| 3. English - legal publication | English - legal publication.docx |

Presentation:

Julia Antilley

Approvals/Reviews:

Julia Antilley
Theresa James
Julia Antilley

Created/Initiated
Approved
Final Approval

CERTIFICATE

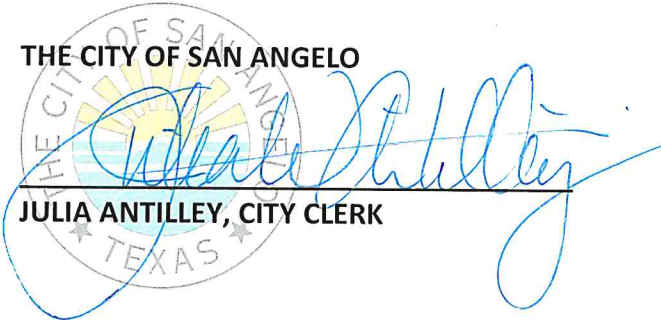
STATE OF TEXAS §
 § **KNOW ALL BY THESE PRESENTS**
COUNTY OF TOM GREEN §

I, Julia Antilley, City Clerk for the City of San Angelo, Texas, hereby certify the included letter from the Initiating Committee was submitted at the meeting of the City Council on March 1, 2022. This certification serves as formal presentation of the letter as outlined in Section 47 of the City Charter. The included letter is intended to place the Ordinance "Outlawing Abortion, Declaring San Angelo a Sanctuary City for the Unborn, Making Various Provisions and Findings, Providing for Severability, and Establishing an Effective Date" (submitted November 18, 2021) on the November 2022 ballot.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of said City this 7th day of March, 2022.

THE CITY OF SAN ANGELO

JULIA ANTILLEY, CITY CLERK



MARCH 1, 2022

In light of the San Angelo City Council's decision to not adopt the ordinance for the Sanctuary City for the Unborn, we, the undersigned committee, do hereby demand that the ordinance be placed on the November ballot of 2022. Please allow this letter to serve as such notice from the Initiating Committee.

Respectfully,

Paul Shero



Gary Jenkins



Delanna Herring



Juanita Brown



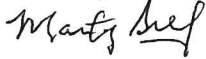
Becky Long



Daniel Martinez

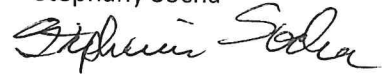


Marty Self



Karen Jordan

Stephany Socha



ORDINANCE OUTLAWING ABORTION, DECLARING SAN ANGELO A SANCTUARY CITY FOR THE UNBORN, MAKING VARIOUS PROVISIONS AND FINDINGS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

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

A. FINDINGS

The City of San Angelo finds that:

- (1) Human life begins at conception.
- (2) Abortion is an act of violence that purposefully and knowingly terminates an unborn human life.
- (3) Unborn human beings are entitled to the full and equal protection of the laws that prohibit violence against other human beings.
- (4) The State of Texas has never repealed its pre-*Roe v. Wade* statutes that outlaw and criminalize abortion unless the mother's life is in danger. *See* West's Texas Civil Statutes, articles 4512.1 – 4512.6 (1974); *see also* Act of June 14, 1973, ch. 399, §§ 5–6, 1973 Tex. Acts 883, 995–96; *see also id.* 996a, 996e (including the Texas abortion laws in the table indicating the "Disposition of Unrepealed Articles of the Texas Penal Code of 1925 and Vernon's Penal Code.").
- (5) The Texas Legislature has reaffirmed the continued existence and validity of the State's pre-*Roe v. Wade* criminal abortion statutes. *See* Senate Bill 8, 87th Leg., § 2 (2021) ("The legislature finds that the State of Texas never repealed, either expressly or by implication, the state statutes enacted before the ruling in *Roe v. Wade*, 410 U.S. 113 (1973), that prohibit and criminalize abortion unless the mother's life is in danger.").
- (6) The law of Texas therefore continues to define abortion as a criminal offense except when necessary to save the life of the mother. *See* West's Texas Civil Statutes, article 4512.1 (1974); Senate Bill 8, 87th Leg., § 2 (2021).
- (7) The law of Texas also imposes felony criminal liability on anyone who "furnishes the means for procuring an abortion knowing the purpose intended," *see* West's Texas Civil Statutes, article 4512.2 (1974), as well as anyone who aids or abets an abortion performed in violation of Texas law, *see* Tex. Penal Code section 7.02.
- (8) The Supreme Court's judgment in *Roe v. Wade* did not cancel or formally revoke the Texas statutes that outlaw and criminalize abortion, and the judiciary has no power to erase a statute that it believes to be unconstitutional. *See Pidgeon v. Turner*, 538 S.W.3d 73, 88 n.21 (Tex. 2017) ("When a court declares a law unconstitutional, the law remains in place unless and until the body that enacted it repeals it"); *Texas v. United States*, 945 F.3d 355, 396 (5th Cir. 2019) ("The federal courts have no authority to erase a duly enacted law from the statute books, [but can only] decline to enforce a statute in a particular case or controversy." (citation and internal quotation marks omitted)).
- (9) The Supreme Court's pronouncements in *Roe v. Wade* and subsequent cases may temporarily limit the ability of State officials to impose penalties on those who violate the Texas abortion statutes, but they do not veto or erase the statutes themselves, which continue to exist as the law of Texas until they are repealed by the legislature that enacted them. The State's temporary inability to prosecute or punish those who violate its abortion statutes on account of *Roe v. Wade* does not change the fact that abortion is defined as a criminal act under Texas law.
- (10) The Texas murder statute defines the crime of "murder" to include any act that "intentionally or knowingly causes the death" of "an unborn child at every stage of gestation from fertilization until birth." *See* Texas Penal Code § 19.02; Texas Penal Code § 1.07. Although the statute exempts "lawful medical procedures" from the definition of murder, *see* Texas Penal Code § 19.06(2), an abortion is not

a “lawful medical procedure” under Texas law unless the life of the mother is in danger, *see* West’s Texas Civil Statutes, article 4512.1 (1974).

(11) The law of Texas also prohibits abortions unless they are performed in a facility that meets the minimum standards for an ambulatory surgical center, and by a physician who holds admitting privilege at a nearby hospital. *See* Texas Health and Safety Code § 171.0031, 245.010(a). The Supreme Court’s ruling in *Whole Woman’s Health v. Hellerstedt*, 136 S. Ct. 2292 (2016), did not alter or revoke these requirements of state law; it merely enjoined state officials from enforcing the penalties established in those statutes against the abortion providers who violate them. *Whole Woman’s Health v. Hellerstedt* does not change the fact that abortion is not a “lawful medical procedure” under Texas law unless it complies with sections 171.0031 and 245.010(a) of the Texas Health and Safety Code, and it does not change the fact that the Texas murder statute prohibits abortions that fail to comport with these still-existing requirements of Texas law.

(12) The Texas abortion laws are severable in each of their discrete applications, and they are severable as applied to each individual person, group of persons, or circumstances. *See* Tex. Gov’t Code § 311.032(c); Tex. Gov’t Code § 311.036(c) (“Every statute that regulates or prohibits abortion is severable in each of its applications to every person and circumstance. If any statute that regulates or prohibits abortion is found by any court to be unconstitutional, either on its face or as applied, then all applications of that statute that do not violate the United States Constitution and Texas Constitution shall be severed from the unconstitutional applications and shall remain enforceable, notwithstanding any other law, and the statute shall be interpreted as if containing language limiting the statute’s application to the persons, group of persons, or circumstances for which the statute’s application will not violate the United States Constitution and Texas Constitution.”). These laws therefore remain enforceable against any individual or entity that aids or abets an abortion performed in Texas, so long as the prosecution of the particular individual or entity that aids or abets the abortion will not impose an “undue burden” on abortion patients.

(13) The City of San Angelo finds it necessary to supplement the existing state-law prohibitions on abortion with its own prohibitions on abortion, and to empower city officials and private citizens to enforce these prohibitions to the maximum extent permitted by state law and the Constitution. *See* Tex. Local Gov’t Code §§ 54.001(b)(1); 54.004.

(14) The law of Texas explicitly allows municipalities and political subdivisions to outlaw and prohibit abortion, and to establish penalties and remedies against those who perform or enable unlawful abortions. *See* Tex. Gov’t Code § 311.036(b) (“A statute may not be construed to restrict a political subdivision from regulating or prohibiting abortion in a manner that is at least as stringent as the laws of this state unless the statute explicitly states that political subdivisions are prohibited from regulating or prohibiting abortion in the manner described by the statute.”).

(15) To protect the health and welfare of all residents within the City of San Angelo, including the unborn, the City finds it necessary to outlaw abortion under city law, to outlaw acts that aid or abet abortions, and to establish penalties and remedies as provided in this ordinance. *See* Tex. Local Gov’t Code §§ 54.001(b)(1); 54.004.

B. DECLARATIONS

(1) We declare San Angelo, Texas to be a Sanctuary City for the Unborn.

(2) Abortion at all times and at all stages of pregnancy is declared to be an act of murder unless the mother’s life is in danger.

(3) Abortion-inducing drugs are declared to be contraband, and we declare the possession of abortion-inducing drugs within city limits to be an unlawful act.

(4) Abortions performed anywhere in the state of Texas are criminal acts under Texas law, unless

the abortion is procured or attempted by medical advice for the purpose of saving the life of the mother. *See* West's Texas Civil Statutes, articles 4512.1 – 4512.6 (1974); *see also* Senate Bill 8, 87th Leg., § 2.

(5) Any person who “furnishes the means for procuring an abortion knowing the purpose intended,” or who otherwise aids or abets an abortion performed in Texas, is a criminal and a felon subject to prosecution and imprisonment under article 4512.2 of the Revised Civil Statutes and section 7.02 of the Texas Penal Code, unless the abortion is procured or attempted by medical advice for the purpose of saving the life of the mother.

(6) The City of San Angelo urges the district attorney of Tom Green County to investigate and prosecute any individual or organization that “furnishes the means for procuring” an elective abortion, or that otherwise aids or abets such abortions, including:

- (a) employers and insurers who arrange for coverage of abortions in Texas;
- (b) individuals and organizations that knowingly provide transportation to or from a Texas abortion provider;
- (c) individuals and organizations that knowingly pay for another person's abortion in Texas, including abortion funds and abortion-assistance organizations;
- (d) individuals who knowingly donate money to abortion funds and abortion-assistance organizations that aid or abet abortions performed in Texas;
- (e) individuals and organizations that offer or provide “abortion doula” services in Texas.

(7) The City of San Angelo urges all of its citizens to regard those who perform or assist elective abortion in Texas as criminals, consistent with the abortion laws of Texas, and to report these criminal activities to the relevant district attorneys for investigation and criminal prosecution.

C. AMENDMENTS TO CITY CODE

The San Angelo Code of Ordinances is amended by adding Article 8.12 to read as follows:

ARTICLE 8.12 — ABORTION

Sec. 8.12.001. Definitions

(a) For the purposes of this article, the following definitions shall apply:

(1) “Abortion” means the act of using or prescribing an instrument, a drug, a medicine, or any other substance, device, or means with the intent to cause the death of an unborn child of a woman known to be pregnant. The term does not include birth-control devices or oral contraceptives, and it does not include Plan B, morning-after pills, or emergency contraception. An act is not an abortion if the act is done with the intent to:

- (A) save the life or preserve the health of an unborn child;
- (B) remove a dead, unborn child whose death was caused by accidental miscarriage; or
- (C) remove an ectopic pregnancy.

(2) “Unborn child” means a natural person from the moment of conception who has not yet completely left the womb.

(3) “Abortion-inducing drugs” includes mifepristone, misoprostol, and any drug or medication that is used to terminate the life of an unborn child. The term does not include birth-control devices or oral contraceptives, and it does not include Plan B, morning-after pills, or emergency contraception. The term also does not include drugs or medications that are possessed or distributed for a purpose that

does not include the termination of a pregnancy.

Sec. 8.12.002. Abortion Prohibited

(a) It shall be unlawful for any person to procure or perform an abortion of any type and at any stage of pregnancy in the city of San Angelo, Texas.

(b) It shall be unlawful for any person to knowingly aid or abet an abortion that occurs in the city of San Angelo, Texas. This section does not prohibit referring a patient to have an abortion which takes place outside the city limits of San Angelo, Texas. The prohibition in this section includes, but is not limited to, the following acts:

(1) Knowingly providing transportation to or from an abortion provider;

(2) Giving instructions over the telephone, the internet, or any other medium of communication regarding self-administered abortion;

(3) Providing money with the knowledge that it will be used to pay for an abortion or the costs associated with procuring an abortion;

(4) Providing or arranging for insurance coverage of an abortion;

(5) Providing "abortion doula" services; and

(6) Coercing or pressuring a pregnant mother to have an abortion against her will.

(c) It shall be an affirmative defense to the unlawful acts described in Subsections (a) and (b) if the abortion was in response to a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed. The defendant shall have the burden of proving this affirmative defense by a preponderance of the evidence.

(d) It shall be unlawful for any person to possess or distribute abortion-inducing drugs in the city of San Angelo, Texas.

(e) No provision of this section may be construed to prohibit any action which occurs outside of the jurisdiction of the city of San Angelo, Texas.

(f) No provision of this section may be construed to prohibit any conduct protected by the First Amendment of the U.S. Constitution, as made applicable to state and local governments through the Supreme Court's interpretation of the Fourteenth Amendment, or by Article 1, Section 8 of the Texas Constitution.

(g) Under no circumstance may the mother of the unborn child that has been aborted, or the pregnant woman who seeks to abort her unborn child, be subject to prosecution or penalty under this section.

(h) Whoever violates this section shall be subject to the maximum penalty permitted under Texas law for the violation of a municipal ordinance governing public health, and each violation shall constitute a separate offense.

(i) Neither the City of San Angelo, nor any of its officers or employees, nor any district or county attorney, nor any executive or administrative officer or employee of any state or local governmental entity, may impose or threaten to impose the penalty described in Subsection (h) unless and until:

(1) The Supreme Court overrules Roe v. Wade, 410 U.S. 113 (1973), and Planned Parenthood v. Casey, 505 U.S. 833 (1992), and permits states and municipalities to punish anyone who violates an abortion prohibition, or

(2) A state or federal court enters a declaratory judgment or otherwise rules that the imposition or threatened imposition of this penalty upon the particular person, corporation, or entity that

committed the unlawful act described in Subsection (h) will not impose an “undue burden” on women seeking abortions; or

(3) A state or federal court enters a declaratory judgment or otherwise rules that the person, corporation, or entity that committed the unlawful act described in Subsection (h) lacks third-party standing to assert the rights of women seeking abortions in court.

(j) The penalty provided in Subsection (h) may not be imposed or threatened against any individual or entity if a previous decision of the Supreme Court of the United States established that the conduct of that individual or entity was constitutionally protected at the time it occurred.

(k) The non-imposition of the penalties described in Subsection (h) does not in any way legalize the conduct that has been outlawed by this section, and it does not in any way limit or affect the availability of the private-enforcement remedies established in Section 8.12.006, or the criminal penalties for abortion set forth in article 4512.1 of the Revised Civil Statutes and sections 1.07 and 19.02(b) of the Texas Penal Code. Abortion remains and is to be regarded as an illegal act under city law and a criminal act under state law, except when abortion is necessary to save the life of the mother. And abortion remains outlawed under both city and state law, despite the temporary and partial inability of city and state officials to punish those who violate the abortion laws on account of the Supreme Court’s decision making.

(l) Mistake of law shall not be a defense to the penalty established Subsection (h).

Sec. 8.12.003. Abortion Coverage Prohibited in Employer-Provided Health Insurance or Benefits

(a) It shall be unlawful for any employer in the city of San Angelo, Texas, and for any person acting on that employer’s behalf, to offer, provide, or arrange for coverage of abortion in any health-insurance policy or plan, flexible spending account, health savings account, or any other benefit provided to its employees, except for abortions performed in response to a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

(b) Whoever violates this section shall be subject to the maximum penalty permitted under Texas law for the violation of a municipal ordinance governing public health, and each violation shall constitute a separate offense.

(c) Any official of the city of San Angelo, Texas, who becomes aware that an employer is aiding or abetting abortions by providing coverage of abortions in an employee-benefits package shall report that employer to the district attorney of Tom Green County, and to all other district attorneys with jurisdiction over that employer, for criminal prosecution under article 4512.2 of the Revised Civil Statutes and section 7.02 of the Texas Penal Code.

Sec. 8.12.004. Abortions Performed Outside San Angelo, Texas

(a) It is the policy of San Angelo, Texas to protect its unborn residents from individuals and organizations that aid or abet the killing of unborn children, and to protect the unborn from those who seek to kill or otherwise harm them, to the maximum extent permissible under state and federal law.

(b) Except as provided by Subsections (c), (d), (e), and (f), it shall be unlawful for any person to knowingly aid or abet an abortion performed on a resident of San Angelo, Texas, or to attempt to aid or abet such an abortion, regardless of where the abortion is or will be performed. The prohibition in this subsection includes, but is not limited to:

(1) Offering or knowingly providing transportation to or from an abortion provider;

(2) Giving instructions over the telephone, the internet, or any other medium of communication

regarding self-administered abortion;

(3) Offering or providing money with the knowledge that it will be used to pay for, offset, or reimburse the costs of an abortion or the costs associated with procuring an abortion;

(4) Providing or arranging for insurance coverage of an abortion;

(5) Offering or providing “abortion doula” services;

(6) Providing referrals to an abortion provider;

(7) Coercing or pressuring a pregnant mother to have an abortion; and

(8) Engaging in any of the conduct that would make one an accomplice to abortion under section 7.02 of the Texas Penal Code.

(c) This section may not be construed to impose civil or criminal liability on any speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the United States Supreme Court’s interpretation of the Fourteenth Amendment of the United States Constitution, or by Article 1, Section 8 of the Texas Constitution.

(d) This section may not be construed to prohibit conduct that San Angelo, Texas, is forbidden to prohibit or regulate under state or federal law.

(e) It shall be an affirmative defense if the unlawful acts described in Subsection (b) were taken in response to a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed. The defendant shall have the burden of proving this affirmative defense by a preponderance of the evidence.

(f) Under no circumstance may the woman upon whom the abortion was performed, or the pregnant woman who seeks to abort her unborn child, be subject to prosecution or penalty under this section.

(g) Whoever violates this section shall be subject to the maximum penalty permitted under Texas law for the violation of a municipal ordinance governing public health, and each violation shall constitute a separate offense.

(h) Neither the City of San Angelo, nor any of its officers or employees, nor any district or county attorney, nor any executive or administrative officer or employee of any state or local governmental entity, may impose or threaten to impose the penalty described in Subsection (g) unless and until:

(1) The Supreme Court overrules Roe v. Wade, 410 U.S. 113 (1973), and Planned Parenthood v. Casey, 505 U.S. 833 (1992), and permits states and municipalities to punish anyone who violates an abortion prohibition, or

(2) A state or federal court enters a declaratory judgment or otherwise rules that the imposition or threatened imposition of this penalty upon the particular person, corporation, or entity that committed the unlawful act described in Subsection (g) will not impose an “undue burden” on women seeking abortions; or

(3) A state or federal court enters a declaratory judgment or otherwise rules that the person, corporation, or entity that committed the unlawful act described in Subsection (g) lacks third-party standing to assert the rights of women seeking abortions in court.

(i) The penalty provided in Subsection (g) may not be imposed or threatened against any individual or entity if a previous decision of the Supreme Court of the United States established that the conduct of that individual or entity was constitutionally protected at the time it occurred.

(j) The non-imposition of the penalties described in Subsection (g) does not in any way legalize the conduct that has been outlawed by this section, and it

does not in any way limit or affect the availability of the private-enforcement remedies established in Section 8.12.006. Abortion remains and is to be regarded as an illegal act under city law and a criminal act under state law, except when abortion is necessary to save the life of the mother.

(k) Mistake of law shall not be a defense to the penalty established Subsection (g).

(l) Any official of the city of San Angelo, Texas, who becomes aware that an individual or organization is aiding or abetting abortions performed in Texas by engaging in the conduct described in subsection (b) shall report that individual or organization to the district attorney of Tom Green County, or to the district attorneys with jurisdiction over that individual or organization, for criminal prosecution under article 4512.2 of the Revised Civil Statutes and section 7.02 of the Texas Penal Code.

Sec. 8.12.005. Abortions Performed in Violation of Texas Law

(a) It is the policy of the city of San Angelo to ensure that the Texas abortion laws are enforced to the maximum possible extent consistent with the Constitution and existing Supreme Court doctrine.

(b) Except as provided by subsections (d), (e), (f), and (g), it shall be unlawful for any person to perform an abortion in violation of any statute enacted by the Texas legislature, including article 4512.1 of the Revised Civil Statutes, as well as sections 171.0031(a)(1) and 245.010(a) of the Texas Health & Safety Code.

(c) Except as provided by subsections (d), (e), (f), and (g), it shall be unlawful for any person to knowingly aid or abet an abortion performed in violation of any statute enacted by the Texas legislature, including article 4512.1 of the Revised Civil Statutes, as well as sections 171.0031(a)(1) and 245.010(a) of the Texas Health & Safety Code. The prohibition in this subsection includes, but is not limited to:

(1) Offering or knowingly providing transportation to or from an abortion provider;

(2) Giving instructions over the telephone, the internet, or any other medium of communication regarding self-administered abortion;

(3) Offering or providing money with the knowledge that it will be used to pay for, offset, or reimburse the costs of an abortion or the costs associated with procuring an abortion;

(4) Providing or arranging for insurance coverage of an abortion;

(5) Offering or providing "abortion doula" services;

(6) Providing referrals to an abortion provider;

(7) Coercing or pressuring a pregnant mother to have an abortion; and

(8) Engaging in conduct that makes one an accomplice to abortion under section 7.02 of the Texas Penal Code.

(d) This subsection may not be construed to impose civil or criminal liability on any speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the United States Supreme Court's interpretation of the Fourteenth Amendment of the United States Constitution, or by Article 1, Section 8 of the Texas Constitution.

(e) This section may not be construed to prohibit conduct that San Angelo, Texas, is forbidden to prohibit or regulate under state or federal law.

(f) It shall be an affirmative defense if the unlawful acts described in Subsection (b) were taken in response to a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed. The defendant shall have the burden of proving this affirmative defense by a preponderance of the evidence.

(g) Under no circumstance may the woman upon whom the abortion was performed, or the pregnant woman who seeks to abort her unborn child, be subject to prosecution or penalty under this section.

(h) Whoever violates this section shall be subject to the maximum penalty permitted under Texas law for the violation of a municipal ordinance governing public health, and each violation shall constitute a separate offense.

(i) Neither the City of San Angelo, nor any of its officers or employees, nor any district or county attorney, nor any executive or administrative officer or employee of any state or local governmental entity, may impose or threaten to impose the penalty described in Subsection (h) unless and until:

(1) The Supreme Court overrules Roe v. Wade, 410 U.S. 113 (1973), and Planned Parenthood v. Casey, 505 U.S. 833 (1992), and permits states and municipalities to punish anyone who violates an abortion prohibition, or

(2) A state or federal court enters a declaratory judgment or otherwise rules that the imposition or threatened imposition of this penalty upon the particular person, corporation, or entity that committed the unlawful act described in Subsection (h) will not impose an "undue burden" on women seeking abortions; or

(3) A state or federal court enters a declaratory judgment or otherwise rules that the person, corporation, or entity that committed the unlawful act described in Subsection (h) lacks third-party standing to assert the rights of women seeking abortions in court.

(j) The penalty provided in Subsection (h) may not be imposed or threatened against any individual or entity if a previous decision of the Supreme Court of the United States established that the conduct of that individual or entity was constitutionally protected at the time it occurred.

(k) The non-imposition of the penalties described in Subsection (h) does not in any way legalize the conduct that has been outlawed by this section, and it does not in any way limit or affect the availability of the private-enforcement remedies established in Section 8.12.006. Abortion remains and is to be regarded as an illegal act under city law and a criminal act under state law, except when abortion is necessary to save the life of the mother.

(l) Mistake of law shall not be a defense to the penalty established Subsection (h).

(m) Any official of the city of San Angelo, Texas, who becomes aware that an individual or organization is performing or aiding or abetting abortions in violation of in violation of any statute enacted by the Texas legislature, including articles 4512.1 and 4512.2 of the Revised Civil Statutes, as well as sections 171.0031(a)(1) and 245.010(a) of the Texas Health & Safety Code, shall report that individual or organization to the district attorney of Tom Green County, or to the district attorneys with jurisdiction over that individual or organization, for criminal prosecution under articles 4512.1 and 4512.2 of the Revised Civil Statutes and section 7.02 of the Texas Penal Code.

Sec. 8.12.006. Private Right of Action

(a) Any person, other than an officer or employee of a state or local governmental entity in this state, may bring a civil action in state court against any person who violates or intends to violate sections 8.12.002, 8.12.003, 8.12.004, or 8.12.005.

(b) If a claimant prevails in an action brought under this section, the court shall award:

(1) injunctive relief sufficient to prevent the defendant from violating section 8.12.002, 8.12.003, 8.12.004, or 8.12.005 in the future;

(2) statutory damages in an amount of not less than \$10,000 for each violation of section 8.12.002, 8.12.003, 8.12.004, or 8.12.005 that the defendant committed; and

(3) costs and attorney's fees.

(c) Notwithstanding Subsection (b), a court may not award relief under this section if the defendant demonstrates that the defendant previously paid statutory damages in a previous action for the particular conduct that violated section 8.12.002, 8.12.003, 8.12.004, or 8.12.005.

(d) There is no statute of limitations for an action brought under this section.

(e) The following are not a defense to an action brought under this section:

(1) ignorance or mistake of law;

(2) a defendant's belief that the requirements of this section, or the requirements of sections 8.12.002, 8.12.003, 8.12.004, or 8.12.005, are unconstitutional or were unconstitutional;

(3) a defendant's reliance on any court decision that has been overruled on appeal or by a subsequent court, even if that court decision had not been overruled when the defendant engaged in conduct that violates sections 8.12.002, 8.12.003, 8.12.004, or 8.12.005;

(4) a defendant's reliance on any state or federal court decision that is not binding on the court in which the action has been brought;

(5) nonmutual issue preclusion or nonmutual claim preclusion;

(6) the consent of the unborn child's mother to the abortion; or

(7) any claim that the enforcement of sections 8.12.002, 8.12.003, 8.12.004, or 8.12.005 or the imposition of civil liability against the defendant will violate the constitutional rights of third parties, except as provided by section 8.12.007.

(f) An action under this section must be brought in state court and not in the local or municipal courts;

(g) This section may not be construed to impose liability on any speech or conduct protected by the First Amendment of the United States Constitution, as made applicable to the states through the United States Supreme Court's interpretation of the Fourteenth Amendment of the United States Constitution, or by Article 1, Section 8 of the Texas Constitution;

(h) Neither the city of San Angelo, Texas, nor any state or local official may intervene in an action brought under this section. This subsection does not prohibit a person or entity described by this subsection from filing an amicus curiae brief in the action.

(i) A civil action under this section may not be brought by any person who impregnated the abortion patient through an act of rape, sexual assault, incest, or any other unlawful act.

(j) Under no circumstance may a civil action under this section be brought against the mother of the unborn child that has been aborted, or the pregnant woman who seeks to abort her unborn child.

Sec. 8.12.007. Civil Liability: Undue Burden Defense

(a) A defendant against whom an action is brought under Section 8.12.006 does not have standing to assert the rights of women seeking an abortion as a defense to liability under that section unless:

(1) the United States Supreme Court or the Supreme Court of Texas holds that the courts of this state must confer standing on that defendant to assert the third-party rights of women seeking an abortion in state court as a matter of federal or state constitutional law; or

(2) the defendant has standing to assert the rights of women seeking an abortion under the tests for third-party standing established by the United States Supreme Court.

(b) A defendant in an action brought under Section 8.12.006 may assert an affirmative defense to liability under this section if:

(1) the defendant has standing to assert the third-party rights of a woman or group of women

seeking an abortion in accordance with Subsection (a); and

(2) the defendant demonstrates that the relief sought by the claimant will impose an undue burden on that woman or that group of women seeking an abortion, or otherwise violate the rights of women seeking abortions under the United Constitution.

(c) A court may not find an “undue burden” under Subsection (b) unless the defendant introduces evidence proving that:

(1) an award of relief will prevent a woman or a group of women from obtaining an abortion; or

(2) an award of relief will place a substantial obstacle in the path of a woman or a group of women who are seeking an abortion.

(d) A defendant may not establish an “undue burden” under this section by:

(1) merely demonstrating that an award of relief will prevent women from obtaining support or assistance, financial or otherwise, from others in their effort to obtain an abortion; or

(2) arguing or attempting to demonstrate that an award of relief against other defendants or other potential defendants will impose an undue burden on women seeking an abortion.

(e) The affirmative defense under Subsection (b) is not available if the United States Supreme Court overrules Roe v. Wade, 410 U.S. 113 (1973), or Planned Parenthood v. Casey, 505 U.S. 833 (1992).

(f) Nothing in this section shall in any way limit or preclude a defendant from asserting the defendant’s personal constitutional rights as a defense to liability under Section 8.12.006, and a court may not award relief under Section 8.12.006 if the conduct for which the defendant has been sued was an exercise of state or federal constitutional rights that personally belong to the defendant.

Sec. 8.12.008. Severability

(a) Mindful of Leavitt v. Jane L., 518 U.S. 137 (1996), in which in the context of determining the severability of a state statute regulating abortion the United States Supreme Court held that an explicit statement of legislative intent is controlling, the provisions and applications of this article shall be severable as follows:

(1) It is the intent of the city that every section, provision, subsection, sentence, clause, phrase, or word in this article, and every application of the provisions in this article, are severable from each other. If any application of any provision in this article to any person, group of persons, or circumstances is found by a court to be invalid or unconstitutional, then the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected. All constitutionally valid applications of the provisions in this article shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the city’s intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this article to impose an undue burden in a large or substantial fraction of relevant cases, the applications that do not present an undue burden shall be severed from the remaining applications and shall remain in force, and shall be treated as if the city had enacted an provision limited to the persons, group of persons, or circumstances for which the provision’s application do not present an undue burden. The city further declares that it would have enacted this article, and each provision, section, subsection, sentence, clause, phrase, or word, and all constitutional applications of this article, irrespective of the fact that any provision, section, subsection, sentence, clause, phrase, or word, or applications of this article were to be declared unconstitutional or to represent an undue burden.

(2) If any court declares or finds a provision in this article facially unconstitutional, when there are discrete applications of that provision that can be enforced against a person, group of persons, or

circumstances without violating the Constitution, then those applications shall be severed from all remaining applications of the provision, and the provision shall be interpreted, as a matter of city law, as if the city had enacted a provision limited to the persons, group of persons, or circumstances for which the provision's application will not violate the Constitution.

(3) If any provision of this article is found by any court to be unconstitutionally vague, then the applications of that provision that do not present constitutional vagueness problems shall be severed and remain in force, consistent with the declarations of the city's intent in Subsections (a)(1) and (a)(2), and the provision shall be interpreted, as a matter of city law, as if the city had enacted a provision limited to the persons, group of persons, or circumstances for which the provision's application do not present constitutional vagueness problems.

(4) No court may decline to enforce the severability requirements in Subsections (a)(1), (a)(2), and (a)(3) on the ground that severance would "rewrite" the ordinance or involve the court in legislative or lawmaking activity. A court that declines to enforce or enjoins a locality or government official from enforcing a subset of an ordinance's applications is never "rewriting" an ordinance, as the ordinance continues to say exactly what it said before. A judicial injunction or declaration of unconstitutionality is nothing more than a non-enforcement edict that can always be vacated by later courts if they have a different understanding of what the Constitution requires; it is not a formal amendment of the language in a statute or ordinance. A judicial injunction or declaration of unconstitutionality no more "rewrites" an ordinance than a decision by an executive official not to enforce a duly enacted statute or ordinance in a limited and defined set of circumstances.

(5) If any federal or state court ignores or declines to enforce the requirements of Subsections (a)(1), (a)(2), (a)(3), or (a)(4), or holds a provision of this article invalid or unconstitutional on its face after failing to enforce the severability requirements of Subsections (a)(1), (a)(2), (a)(3) and (a)(4), for any reason whatsoever, then the Mayor shall hold delegated authority to issue a saving construction of this article that avoids the constitutional problems or other problems identified by the federal or state court, while enforcing the provisions of this article to the maximum possible extent. The saving construction issued by the Mayor shall carry the same force of law as an ordinance; it shall represent the authoritative construction of this article in both federal and state judicial proceedings; and it shall remain in effect until the court ruling that declares invalid or enjoins the enforcement of the original provision in this article is overruled, vacated, or reversed.

(6) The Mayor must issue the saving construction described in Subsection (a)(5) within 20 days after a judicial ruling that declares invalid or enjoins the enforcement of a provision of this article after failing to enforce the severability requirements of Subsections (a)(1), (a)(2), (a)(3), and (a)(4). If the Mayor fails to issue the saving construction required by Subsections (a)(5) within 20 days after a judicial ruling that declares invalid or enjoins the enforcement of a provision of this article after failing to enforce the severability requirements of Subsections (a)(1), (a)(2), (a)(3), and (a)(4), or if the Mayor's saving construction fails to enforce the provisions of the article to the maximum possible extent permitted by the Constitution or other superseding legal requirements, as construed by the federal or state judiciaries, then any person may petition for a writ of mandamus requiring the Mayor to issue the saving construction described in Subsection (a)(5).

D. EFFECTIVE DATE

This ordinance shall take effect upon: (1) approval by the City Council, or (2) approval by the voters, whichever occurs sooner.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Nolan Sosa, Economic Development, Economic Development, 325-657-4219

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Consider approving Tax Increment Reinvestment Zone (TIRZ) incentive funding for the following projects and authorizing the City Manager to negotiate all necessary documents:

- 1) Two projects in the TIRZ North area for properties located at 1212 and 1218 N. Chadbourne totaling \$150,000 to be paid from TIRZ North funds
- 2) Four projects in the TIRZ South area for properties located at 13 E. Twohig, 61 N. Chadbourne, 109 S. Chadbourne, and 416 S. Oakes totaling \$110,365 to be paid from TIRZ South funds (Jon James)

Staff Recommendation:

Approve

Summary/History:

At the monthly TIRZ Board of Directors Meeting conducted on February 22, 2022, the TIRZ Board recommended funding two projects in the TIRZ North and four projects in the TIRZ South. The details of these projects include:

TIRZ North

1212 N. Chadbourne (Oliver Brown) – The applicant requested \$75,000 for façade improvements, paving and landscaping. The project generally includes landscaping, construction of a new building, new signage, and paving (parking lot and new building slab). The TIRZ Board recommended funding the project in the amount of \$75,000.

1218 N. Chadbourne (Oliver Brown) – The applicant requested \$75,000 for façade improvements, paving and landscaping. The project generally includes landscaping, construction of a new building, new signage, and paving (parking lot and new building slab). The TIRZ Board recommended funding the project in the amount of \$75,000.

TIRZ South

13 E. Twohig (C3H2 Properties) – The applicant requested \$61,500 for façade improvements. The project generally includes painting, pressure washing, and brick repair to convert a vacant building to occupied space. The TIRZ Board recommended funding the project at 75% of eligible expenses in the amount of \$46,125.

61 N. Chadbourne (BDJ Burke) – The applicant requested \$28,523 for façade improvements. The project generally includes installation of new doors and windows, new stucco and siding, masonry work, and new light fixtures. The TIRZ Board recommended funding the project at 75% of eligible expenses in the amount of \$21,392.

109 S. Chadbourne (Zetzman Investments) – The applicant requested \$27,544 for fire sprinkler and monitored smoke alarm installation. The TIRZ Board recommended funding the project at 75% of eligible expenses in the amount of \$20,658.

416 S. Oakes (Concho Christmas) – The applicant requested \$29,586 for façade improvements. The project generally includes exterior wall reconstruction, painting, installation of stucco/brick, new awning installation, sidewalk repair, and landscaping. The TIRZ Board recommended funding the project at 75% of eligible expenses in the amount of \$22,190.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
106 (TIRZ)	106-2910-411.03-20	N/A	\$110,365
106 (TIRZ)	106-2920-411.03-20	N/A	\$150,000

Financial Impact:

If approved, the projects will impact Fund 106 (TIRZ) by drawing \$150,000 from TIRZ North (2920) and \$110,365 from TIRZ South (2910). The funds will transfer from the 03-20 (Professional Services/Available for Assignment) account to the respective Private Incentives (05-69) account via an internal budget amendment.

Other Information/Recommendation:

Staff recommends authorizing the six Tax Increment Reinvestment Zone private incentive projects to be paid from TIRZ North (\$150,000) and TIRZ South (\$110,365) funds, and authorizing the City Manager or their designee to execute all necessary documents.

Attachments:

1.	13 E TWOHIG	13 E TWOHIG.pdf
2.	61 N CHADBOURNE	61 N CHADBOURNE.pdf
3.	109 S CHADBOURNE	109 S CHADBOURNE.pdf
4.	416 S OAKES	416 S OAKES.pdf
5.	1218 N CHADBOURNE	1218 N CHADBOURNE.pdf
6.	1212 N CHADBOURNE	1212 N CHADBOURNE.pdf

Presentation:

Jon James

Approvals/Reviews:

Nolan Sosa
Jon James

Created/Initiated
Approved

Holly Voth

Tina Dierschke

Theresa James

Julia Antilley

Approved

Approved

Approved

Final Approval



WORKSHEET A

Proposed Project Budget



Below is a chart for summarizing the proposed project's scope & associated costs. All guidelines outlined in the TIRZ Incentive Policy, adopted 07/21/15. This worksheet alone does not provide all of the required items.

Intended Match (money to be provided by applicant): \$35,000 (36%)

Total Estimated Project Cost: \$96,500.00

Please complete all fields within the chart below. Additional copies may be made of this form if necessary.

[illegible]

Zone/Impact Statement

We plan on opening a restaurant and pub at 13 E. Twohig. The business will generate jobs for the residents of San Angelo. Provide more walking and drive through traffic of the Downtown area. Generate a Sales Tax revenue for downtown as well as add more value to the property for the building and surrounding buildings. It will be a much needed facelift for the street of Twohig. The bringing of Downtown to life is a passion of ours considering we have another business downtown. We want to see San Angelo downtown prosper and do well. If we do well; all of downtown dose well.

Narrative Summary

The project that will take place at 13 E. Twohig (old Caldwell Music Building) consist of a whole make over in and out of the building. We completely gutted out the inside of the building. We’ve talked to Ener-Tel about the sprinkler system that will be on the inside. Glass Doctor will be replacing all the windows of the building. A whole new paint job will be given to the outside in inside of the building. The complete project will cost \$600,000 to get the business up and running.

Narrative/ Summary

The purpose of this project is to significantly improve the downtown property at 61 N. Chadbourne St. 76903. The objective is to remodel and revitalize the property to a usable space with appropriate utilities and infrastructure for commercial and/or residential possibilities. The project renovations will thoroughly improve the exterior façade of the entire building, add water, sewage and drainage lines, utilities, and improve the interior space to support the goals of the completed project.

The scale of the project is large as there are currently no functioning water or sewage lines. The exterior and architectural style will be designed and executed to meet the historical standards of the downtown improvement requests.

This project, once completed, fits into many categories of the project criteria as it will provide a charming and impeccable space to be utilized by the upcoming cultural, leisure, and tourist industry in downtown San Angelo. It will provide a valuable utilitarian space for mixed use development and strengthen the focus of the area's identity. The project will consist of complete restoration and improvements of all 2400 sq ft of original and existing building. The objective is to completely restore the original space into an opulent property available to the public.

The incentive types we have identified for this property's entry into the TIRZ program are:

Façade Improvements – Complete renovations of the façade improvements will meet the criteria of using architectural styles that compliment historic areas and help mitigate or eliminate undesirable views.

Paving – The front portion of the building will need be trenched for plumbing but will also improve pedestrian infrastructure as well as establishment of city utility connections.

Secondary Egress – Includes the restoration of the back exterior side of the building adding a push out door for fire code.

Sales Tax – All vendors that have bid out items on this renovation are locally owned and operated businesses. West Texas Steel, Knockout Plumbing, Von Rosenberg Custom Homes to name a few.

Development Fee Reductions – With the amount of utility upgrades/additions with this project, such as water, electrical, heating and cooling, and sewage comes a variety of different permits and fees. To help implement environmentally friendly features, we are requesting support from the TIRZ program.

Zone/Impact Statement

The scope of the project at 61 N Chadbourne will generate jobs and incentives for the local economy and businesses. The improvements and renovations will increase the value of the current building and surrounding properties. After successful completion, the facility will increase traffic and attractions supporting the local goals of making downtown San Angelo a desirable area for culture, leisure, and tourism. It will, in turn, substantially increase the economic benefits and interests in surrounding businesses, restaurants, and retail stores.



Proposed Project Budget



Below is a chart for summarizing the proposed project's scope & associated costs. All guidelines outlined in the TIRZ Incentive Policy, adopted 07/21/15. This worksheet alone does not provide all of the required items.

Intended Match (money to be provided by applicant): Up to \$26,540.00

Total Estimated Project Cost: Up to \$96,515.00

Please complete all fields within the chart below. Additional copies may be made of this form if necessary.

Item #	Work to be Performed	Incentive Type / Match	Unit Cost	Total
1	Sprinkler System - Required Upgrades	Sprinkler & monitored smoke alarm system	\$24,730.00	\$24,730.00
2	Monitored Fire Alarm System	Sprinkler & monitored smoke alarm system	\$11,995.00	\$11,995.00
3	Remove existing paint to reveal red brick – mortar work	Match (Façade Imp.)	\$8000.00	\$8000.00
4	Steel Work/ Welding – 2 nd floor awnings & canopy wrap	Match (Façade Imp.)	\$15,000.00	\$15,000.00
5	Install of green hexagon tile Entry	Façade Improvement	\$6,650.00	\$6,650.00
6	Install new first floor canopy ceiling	Façade Improvement	\$6,500.00	\$6,500.00
7	Prep and Paint Window Trim – 2 nd Floor	Match (Façade Imp.)	\$3,540.00	\$3,540.00
8	Install new upstairs windows – Façade (9)	Façade Improvement	\$900.00	\$8,100.00
9	Install new upstairs windows – Side (10)	Secondary Egress	\$1,200.00	\$12,000.00
	Total Estimated Project Cost			\$96,515.00
*Estimates for items 3-9 are very conservative; I suspect the total project cost to be lower, closer to \$75,000, but of course total costs will not be guaranteed by any contractor before the project is complete.				
* Match (Façade Imp.) – as an alternative to matching these specific items, I'm also willing to match 25% of façade improvements in general...whichever the TIRZ board prefers.				

I certify that the information above is accurate in its representation of itemized costs. I understand that additional information may be requested to substantiate these amounts and will promptly provide such information.

Applicant or representative

Date

1/3/2022

FOR OFFICE USE ONLY:

SIGNATURE OF ECONOMIC DEVELOPMENT SPECIALIST

DATE

RANKING INFO: _____ APPROVED FOR FUNDING? Y N FINAL INCENTIVE AMOUNT: _____

DATE OF PAYMENT: _____ CHECK NUMBER: _____ CONTRACT EXECUTED: _____ Document Effective as of: _____

Property Background & Big Picture: I purchased this property in Spring of 2020, due to its excellent location, uniquely large size (19,000 total sf), and potential for upstairs residential use.

On the first floor, I have prospective tenants lined up (lease expected to begin in early January 2022) that intend on opening a Barcade (arcade-themed bar), which I expect will draw both local residents and visitors to the area, as it seems to be a very popular and trending business model in other markets.

For the second floor, I have hopes to convert the large industrial-style area into 5-7 upscale lofts, though I admittedly have plenty to learn and do before that hope becomes a reality. The installation of the street-side entrance and stairwell will be at the forefront of the second phase of my project (shown in “Big Picture” renderings)

My big picture goal is that this project will serve as my springboard to complete more and more mixed-use conversions downtown: retail/commercial below, residential up top (hopefully affordable housing as well). It’s my understanding Downtown San Angelo needs more heads-in-beds to flourish (currently only around 3%). It’s also common knowledge that San Angelo is in dire need of more rental housing, especially more affordable housing. Lack of housing is limiting the growth of other economic sectors, such as manufacturing, who may be prevented from opening shop in San Angelo due to lack of housing for their employees. I’ve yet to meet a local real estate investor or builder focused on adding housing via downtown conversions, and I am eager to do my best to try and fill that role.

Current Phase of Project: To begin this project, I simply need to get the fire sprinkler system up to code and install a monitored smoke alarm system as required for appropriate occupancy permitting.

To ease into the larger conversion plans outlined above (and as shown in the “Big Picture” renderings), I’ll begin on the façade improvements and adding secondary egress options to the upper level, which will prove valuable to both the area and the building, regardless of my success on the loft conversion. This will entail exposing the original red brick and mortar (upper level), installing new (though timeless/historical) windows for the second level, upgrading the existing ground level entryway and open space with a much nicer canopy wrap and ceiling (including lighting), as well as adding vibrant green hexagon tile as the exterior entryway flooring. I also plan on dressing up the upstairs windows with some flower planters and modern awnings.

Usable and Defined Open Space: The proposed improvements will prove better lighting, large attractive displays, and a more pleasant environment for this area; it will reduce blight, improve security and should invite more foot traffic to visit this and surrounding buildings.

Area’s Identity: This project will be on par with the City’s revitalization of Chadbourne Street and downtown in general. It will be shiny and new, yet historical and classic in its timeless appeal. At the same time, the proposed improvements will make this large building stand out as a vibrant downtown staple, as it was originally intended.

Economic Goals of the Area: These improvements will attract good business tenants, drawing more downtown economic growth. The “Big Picture” improvements will improve the residential rate downtown, encouraging use of the area as both a neighborhood and a destination for locals and visitors. The aim is to make downtown flourish—a win-win for both my building and the City.

Mixed-Use: This Big Picture project is, by definition, a mixed-use development. Furthermore, this project (regardless of its outcome) will help this naïve, though optimistic, real estate investor in completing numerous mixed-use conversions in the downtown area, aligning perfectly with the City’s goals of revitalization.

Architectural Styles: The styles picked for the proposed improvements will fit 100% within the desire for historical, clean, yet unique buildings that downtown seeks. Because of the building’s large size and central location, its positive impact on the area will be multiplied.

Undesirable Views: The outdated, dark current look of the building makes it blend into the background of downtown. The proposed improvements will provide better lighting, more appealing displays and a cleaner sidewalk area, which will hopefully spread to the neighboring buildings.

Aggressive Match: For the Big Picture project, I fully anticipate footing much of the required funding to complete the overall conversion. For this phase, however, I feel it’s wiser to save my capital for unanticipated costs (which will inevitably come up), so as not to put the project in a bind. I’ve mitigated this risk by providing very conservative cost estimates and committing to match only as required or preferred by the TIRZ board. If the TIRZ board disagrees with this approach, I’m certainly open to other options.

The proposed improvements will promote residents and visitors to spend their disposable income on downtown activities, rather than online as seems to be the trend. Without the requisite fire sprinkler system upgrades and installation of a monitored smoke alarm system, this large building will be very limited in its use. Once updated for a variety of occupancy types, the building can attract more stable well-established business models that will help the area flourish. Likewise, the aesthetic improvements will certainly attract not only better business tenants, but customers as well.

As for the big picture vision of this project, the residential upstairs lofts will make the downtown neighborhood home to several San Angelo residents. The central location will implicitly attract tenants that desire to live in the busy heart of a city. The added stability of such residential occupancy will eventually encourage more convenient, walkable businesses, that residents will not only depend on, but will identify with as their own. Such economic stimulation should help fill the gap in what downtown San Angelo needs to truly flourish.

In revitalizing (and hopefully converting) this one large building, the enhancements to the block will be more impactful than most others. This, along with the recent Chadbourne street project, is sure to further the goals of economic growth for both Downtown San Angelo and the City as a whole.



WORKSHEET A

Proposed Project Budget



Below is a chart for summarizing the proposed project's scope & associated costs. All guidelines outlined in the TIRZ Incentive Policy, adopted 07/21/15. This worksheet alone does not provide all of the required items.

Intended Match (money to be provided by applicant):

Total Estimated Project Cost:

Please complete all fields within the chart below. Additional copies may be made of this form if necessary.

Item #	Work to be Performed	Incentive Type / Match	Unit Cost	Total
	South Wall Reconstruction Includes:			
	Demo of Tin Facia	Façade Improvement		1,000
	Instillation of Stucco or Brick	Façade Improvement		11,664
	Security Lights (2)	Façade Improvement		1,980
	Paint as required			
	West Wall Reconstruction Includes:			
	Demo of Tin Facia	Façade Improvement		1,000
	Repair Damaged Bricks	Façade Improvement		1,000
	Rebuild 416 Entrance Portal	Façade Improvement	35 sq ft	2,500
	Leader Heads and Downspouts (2)	Façade Improvement	625 ea	1,250
	Paint as required			
	West Wall Awnings			
	416	Façade Improvement		3,500
	418	Façade Improvement		2,921
	Sidewalk Reconstruction			
	Demo current concrete	Façade Improvement	1 sq ft	750
	Install new concrete including curb	Façade Improvement	10 sq ft	9,500
	Install trees w/metal grate in wells (2)	Landscape	2,900 ea	5,800
	Brick Pavers	Façade Improvement	4 sq ft	1,480
	Install accent bricks	Façade Improvement	15 sq ft	5,290
	Electricity to Trees	Landscape		2,621
	Irrigation System to Trees	Landscape		2,868

Item #	Work to be Performed	Incentive Type / Match	Unit Cost	Total
	Carpentry			
	Framing	Match		2,500
	Trim Labor	Match		3,500
	Electrical			
	Electrical Upgrades	Match		21,718
	Façade Electrical	Façade Improvement		3,282
	HVAC System	Match		12,500
	Roof Patch	Match		500
	ADA Restroom			
	Plumber Labor	Match		4,800
	Plumbing Fixtures	Match		2,500
	Flooring – Tile and Labor	Match	11 sq ft	640
	Engineering	Match		800
	Interior Finish			
	Material – Doors, Wood Trim & Sheetrock	Match		12,500
	Labor – Hang Sheetrock	Match	1.75 sq ft	2,690
	Labor – Tape, Float & Texture	Match	2.10 sq ft	3,228
	Painting			
	Exterior	Façade Improvement		9,351
	Interior	Match		3,115
	Flooring - Polish or Paint Concrete	Match	7 sq ft	10,710
	Security System with Smoke Alarm	Match		3,618

I certify that the information above is accurate in its representation of itemized costs. I understand that additional information may be requested to substantiate these amounts and will promptly provide such information.

Addison Lee Reuges
Applicant or representative

28 December 2021
Date

FOR OFFICE USE ONLY:

SIGNATURE OF ECONOMIC DEVELOPMENT SPECIALIST

DATE

RANKING INFO: _____ APPROVED FOR FUNDING? Y N FINAL INCENTIVE AMOUNT: _____

DATE OF PAYMENT: _____ CHECK NUMBER: _____ CONTRACT EXECUTED: _____ Document Effective as of: _____

PROJECT CRITERIA

1. Provide connections between activities:

Every conversion of a vacant building into productive, occupied space is critical to the enhancement of connections between activities. Occupancy of the 416 South Oakes property will increase traffic in the Arts District and promote usage of the San Angelo Museum of Fine Arts and ancillary cultural activities in the Old Town Area.

2. Improve pedestrian & vehicular infrastructure:

This Project (see pic #1, 2 & 3) also includes reconstruction of the deteriorated concrete sidewalk (see pic #4). Pedestrian improvements include leveling the old driveway (see pic #4) to sidewalk grade with curb. The plan includes emulating the Design executed across the street (see pic #5 & 6) to include enhancing the sidewalk with permanent planters/trees (see pic #3) (including irrigation & electrical) and enhancing the esthetics of the sidewalk with brick inlays (see pic #7).

3. Strengthen the focus area's identity:

By exposing the historic brick architecture, this Project will integrate the area's 1930's palette of architectural design into a compatible mosque.

4. Support the goals of making the area a cultural, leisure and tourist destination:

Through the use of historic pallette colors and exposure of historic architecture design (see pic #2) the façade renovation will enhance the area's curb appeal which is the first step in capturing the interest of tourists.

5. Improve the utilities and /or drainage infrastructure?

The sidewalk redesign diverts stormwater under the sidewalk thereby mitigating the slippage hazard associated with a wet sidewalk.

6. Remediate environmental deficiencies or enhance public safety?

The redevelopment design will focus on enhancing public safety in two ways:

- Lighting enhancements along the sidewalk and street
- Elimination of excess water on sidewalk

7. Promote mixed-use development?

Space redevelopment will offer a wider range of opportunity for area activities from traditional retail to low impact craft type manufacturing compatible with the artistic focus currently developing within the area.

8. Utilize architectural styles that compliment to historic areas already in existence?

The architectural goal of this development package has focused on complimenting the historic character of the existing structures that have already been completed by the San Angelo Fine Arts Museum on the west side of South Oakes Street directly across from street from this Project (see pic #5, 6 & 7).

9. Help to mitigate or eliminate undesirable views or outside storage?

The buildings that comprise this Project are some of the “ugliest” buildings in downtown San Angelo (see pic #1). As mentioned in #8 above, the redevelopment of these structures will eliminate the 1960’s/1970’s circa sheet metal facades (see pic#8 & 10) to expose the historic 1930’s brick architecture.

10. Preserve or provide natural landscaping?

An important facet of the sidewalk reconstruction will be the inclusion of trees with architectural grating as part of the design pallette.

11. Implement environmentally friendly features, such as green building materials, rainwater harvest, or low-energy heating and cooling?

Green/low energy features that will be utilized throughout the project include:

- High efficient energy Heating and Cooling
- LED Lighting
- Spray foam insulation
- Street awning protection against intense West Sun Exposure

12. Include an aggressive Match by the applicant in excess of what is minimally required?

Total projected Project costs are \$153,076.

Only 44% (\$67,757) will be funded by TIRZ and 54% (\$85,319) will be funded by the applicant.

ZONE IMPACT

This proposed Project will convert a currently vacant building into a productive, occupied space. The renovated space is earmarked as an artist gallery for an accomplished, local artist.

When occupied, this Project will be an added attraction for artistic inclined people who visit this area because of the San Angelo Museum of Fine Arts and Old Town occupants.

[illegible]

Oliver Brown

**Oliver Brown Oil, LLC
PO Box 62951
325-226-3064
BIGOAUTO1@OUTLOOK.COM**

City of San Angelo TIRZ Board

To whom it may concern,

I previously applied for TIRZ funding on this property in 2020 and was approved. We requested to cancel the previous TIRZ agreement due to administrative issues. It took many months for us to obtain the required replat to be able to place the buildings where it would be acceptable for zoning purposes. We have since been able to obtain the necessary replat and are ready to continue as previously desired. We have successfully completed a previous TIRZ agreement (2311 N Chadbourne) and look forward to beautifying this building as well.

The property at 1218 has been an undesirable view for many years. I believe that you will agree that it is one of the most unsightly buildings on North Chadbourne. The building prior to purchase has been unmanaged, spray painted, and trashed for many years. I greatly desire to beautify and bring this property to acceptable standards. With this property I plan to completely demolish the building that is located there as of now and build a new building to continue the vision of making the north side of town a more welcoming and appealing area. I have been in business for over 20 years and have ran similar businesses in San Angelo and in other cities as well. I believe the city of San Angelo can agree that this property needs a complete overhaul. Thank you very much for your time and consideration.

Sincerely,



**Oliver Brown
Owner**

Narrative

The current building will be completely demolished as well as the current foundation and outside fencing. The plumbing lines will be repaired and/or redone. We will then pour a new concrete foundation and put up new fencing and gates. There will be a brand new building with new electrical, plumbing, offices, and a showroom. The buildings will also have rock on the outside along with landscaping as well. This will strengthen the areas identity and take away the undesirable views that are present in the area as of now.

[illegible]

Oliver Brown

**Oliver Brown Oil, LLC
PO Box 62951
325-226-3064
BIGOAUTOI@OUTLOOK.COM**

City of San Angelo TIRZ Board

To whom it may concern,

I previously applied for TIRZ funding on this property in 2020 and was approved. We requested to cancel the previous TIRZ agreement due to administrative issues. It took many months for us to obtain the required replat to be able to place the buildings where it would be acceptable for zoning purposes. We have since been able to obtain the necessary replat and are ready to continue as previously desired. We have successfully completed a previous TIRZ agreement (2311 N Chadbourne) and look forward to beautifying this building as well.

The property at 1212 as stated in my previous letter regarding the property at 1218 N Chadbourne has been an undesirable view for many years. I believe that you will agree that it is one of the most unsightly buildings on North Chadbourne. The building prior to purchase has been unmanaged, spray painted, and trashed for many years. I greatly desire to beautify and bring this property to acceptable standards. With this property I plan to completely demolish the building that is located there as of now and build a new building to continue the vision of making the north side of town a more welcoming and appealing area. I have been in business for over 20 years and have ran similar businesses in San Angelo and in other cities as well. I believe the city of San Angelo can agree that this property needs a complete overhaul. Thank you very much for your time and consideration.

Sincerely,



**Oliver Brown
Owner**

Narrative

The current building will be completely demolished as well as the current foundation and outside fencing. The plumbing lines will be repaired and/or redone. We will then pour a new concrete foundation and put up new fencing and gates. There will be a brand new building with new electrical, plumbing, offices, and a showroom. The buildings will also have rock on the outside along with landscaping as well. This will strengthen the areas identity and take away the undesirable views that are present in the area as of now.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Second reading of an ordinance amending Chapter 12 "Planning and Development," Exhibit C "Land Development and Subdivision Ordinance," Chapter 9 "Land Development and Subdivision Design Policies" replacing in its entirety Section V "Sidewalks" and amending Chapter 3 "Definitions" (Jon James)

Staff Recommendation:

Adopt

Summary/History:

The included ordinance is the culmination of over 2 years of research, writing, and coordination on an update to the City's sidewalk standards. City staff researched best practices in sidewalk ordinances, reviewed our peer cities, as well as the 50 largest cities in Texas, and developed a draft of an ordinance for consideration. This ordinance went through many revisions, including many meetings with the Development Task Force and a subcommittee of that group, which resulted in many changes. In addition, this information was sent out to many individuals and groups who had expressed interest in the ordinance. Finally, a recommended ordinance, with some options, was presented to the Planning Commission. After discussion over a couple of meetings, the Commission recommended the ordinance that is attached.

More background and details are included in the attached memo.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

On January 24, 2022, the Planning Commission voted 5-1 to approve the text amendment as recommended by staff, except removing the requirement for sidewalks on local and minor collector streets in single-family residential subdivisions. Chair Stribling and Commissioners Uherik, Aguirre, Davis, and Self voted in favor, and Commissioner Spano voted against.

On March 1, 2022, the City Council voted 7-0 to approve the text amendment as recommended by the Planning Commission.

Attachments:

- | | | |
|----|---|--|
| 1. | CC Memo (2022-03-01) - Sidewalk Ordinance | CC Memo (2022-03-01) - Sidewalk Ordinance.pdf |
| 2. | Planning Ordinance (Sidewalks) 2022 | Planning Ordinance (Sidewalks) 2022.docx |
| 3. | Sidewalk Ordinance - Exhibit A | Sidewalk Ordinance - City Council 2nd Reading.docx |

Presentation:

Jon James

Approvals/Reviews:

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



Memo

To: City Council
From: Jon James, Director of Planning & Development Services
Date: March 1, 2022
Re: Proposed ordinance changes regarding sidewalks

City staff has been working on an update to the *Land Development and Subdivision Ordinance* to clarify and update the provisions regarding when and where sidewalks will be required in new development.

Over the past couple of years, staff has reviewed the state of best practices for sidewalks, including reviewing other cities ordinances. In addition, we have met with the Development Task Force, a voluntary group from the development community with whom we have regular meetings every other month. The topic of sidewalks has been discussed by that group at least 5 times over the past 2 years. Staff has also reached out to other citizens and community groups who have expressed interest in the sidewalk ordinance. Although we have not held formal meetings with them, we have a contact list and have shared a draft of the ordinance, as well as background information and solicited feedback.

The attached draft ordinance has been recommended for approval by the Planning Commission. Throughout the process there has been broad agreement on many items, including standards for sidewalks along major streets and in non-residential areas. The major area where there was not consensus was whether to require sidewalks on minor streets within new single-family residential development. Staff presented a recommended ordinance that would have required sidewalks in most new development, including new single-family neighborhoods, consistent with all but one of our peer cities and almost all of the 50 largest cities in Texas. However, this received significant opposition from the development community, in particular the home builders. After lots of discussion and some compromise, the Planning Commission voted to approve the attached ordinance that does not require sidewalks in new neighborhoods but does require sidewalks on major streets and in non-residential areas.

Background

The City of San Angelo currently has street standards that are often substantially wider than those of our peer cities. The rationale for this is that in previous years when more comprehensive sidewalk requirements were discussed, the City Council at that time, rather than adopting a sidewalk requirement, instead adopted an alternative, which allows EITHER a narrower street with sidewalks OR a wider street without sidewalks. The idea being that wider streets would allow for pedestrians to use the outer edge of the roadway in lieu of a sidewalk. In most cases, developers chose to build the wider streets without sidewalks. Although this may work for some low-speed residential streets, this solution has proven ineffective for other streets in the community. This has resulted in development over recent decades that is often unfriendly to pedestrians and effectively discourages all but the most committed citizens from traveling by foot in large parts of the community.

Therefore, staff is proposing a combination of changes to development regulations to both reduce street widths in most cases, while at the same time instituting a more comprehensive sidewalk requirement. While this would result in increased costs for sidewalk construction, developers would also see cost savings in street construction reducing the overall impact. In addition, these narrower street standards would benefit the City by reducing long-term street maintenance costs. *This particular agenda item is the proposed revision to the sidewalk requirements. There is a second companion item that addresses street widths.*

Sidewalks

Currently, the provision in the ordinance regarding sidewalks is very general and says that the City “may require” sidewalks in some circumstances, but largely leaves that discretion up to the Planning Commission for subdivision plats and to the City staff for development plan review. Staff shares the concern of the development community that it would be better if the ordinance more clearly defined when and where sidewalks are required with less case-by-case discretion by staff and the Planning Commission.

The City’s adopted Comprehensive Plan establishes objectives related to improving the pedestrian system in the City for both recreation and transportation purposes. To follow up on this commitment to improving walkability in the City, an updated sidewalk ordinance is a necessary requirement to achieve this goal.

A survey prepared by Angelo State University for the San Angelo Metropolitan Planning Organization (MPO) in 2013 found that citizens are generally very supportive of improvements to the pedestrian system in the community, including 86% who believe that the City should establish sidewalk standards for future development. Another survey performed by the MPO in 2015 found that 75% believed that San Angelo would benefit from more sidewalks throughout the city.

Most of our closest comparable cities (Abilene, Amarillo, Killeen, Lubbock, Midland, Odessa, and Wichita Falls) all require sidewalks in most new development, including in new residential areas. San Angelo and Waco are the only ones that do not. Similar to these other cities, this draft ordinance includes a number of exceptions in areas where sidewalks would not be required, such as rural development, industrial areas, and already developed neighborhoods.

Summary of proposed sidewalk standards

- Sidewalks will continue to be triggered by plats, replats, and site plans, but may be deferred to construction.
- Sidewalks will be required on all major collectors and arterial streets.
- Sidewalks will generally not be required on local streets or minor collectors. However, there are some exceptions as noted below.
- Sidewalks will be required outward from commercial, parks, schools, churches, and similar properties extending to the next street intersection, up to a maximum of 300 feet, even into adjacent residential areas that would otherwise not require sidewalks.
- Waivers or deviations can be approved by staff (most now require Planning Commission approval) but can be appealed to the Planning Commission and City Council.

AN ORDINANCE OF THE CITY OF SAN ANGELO TEXAS, AMENDING CHAPTER 12 "PLANNING AND DEVELOPMENT," EXHIBIT C "LAND DEVELOPMENT AND SUBDIVISION ORDINANCE," CHAPTER 9 "LAND DEVELOPMENT AND SUBDIVISION DESIGN POLICIES" BY REPLACING IN ITS ENTIRETY SECTION V "SIDEWALKS"; AMENDING CHAPTER 3 "DEFINITIONS"; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of San Angelo has adopted a Land Development and Subdivision Ordinance establishing a process for the development, subdivision, and platting of land within the corporate limits of the City and within its extra territorial jurisdiction; and,

WHEREAS, the ordinance provides a process for the subdivision of land that includes the authority and functions of the Planning Director, Planning Commission, and City Council in the subdivision and platting process;

WHEREAS, after having held a public hearing, considered public comment, and considered recommendations from City staff and Planning Commission, City Council desires to amend the ordinance as it relates to sidewalk requirements imposed through the subdivision process.

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

Section 1: That Chapter 12 "Planning and Development", Exhibit C "Land Development and Subdivision Ordinance" of the City of San Angelo Code of Ordinances is hereby amended as shown on "Exhibit A."

Section 2: 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 3: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED with public hearing the 1st day of March, 2022, and finally PASSED this 15th day of March, 2022.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Julia Antilley, City Clerk

APPROVED AS TO CONTENT:

Jon James, Director of Planning and
Development Services

APPROVED AS TO FORM:

Theresa James, City Attorney

Exhibit A Sidewalk Ordinance Amendments

Replace in its entirety **Chapter 9, Section V. Sidewalks** to read as follows:

“

A. Purpose

1. The purpose of these sidewalk standards is to promote the health, safety, and welfare of residents, property owners, and visitors to the City of San Angelo and to implement the vision and strategies of the San Angelo Comprehensive Plan.
2. These standards will:
 - a. Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians.
 - b. Improve public welfare by providing an alternate means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities.
 - c. Facilitate walking as a means of physical activity recognized as an important provider of health benefits.
 - d. Establish minimum criteria for the development of sidewalks as a part of the pedestrian element of the transportation system within the City and the area within the extraterritorial jurisdiction (ETJ) in which the City reviews subdivisions per agreement with the County.

B. Policy Statements

1. Where this document is silent, the design of pedestrian facilities shall follow standards applicable under State and Federal laws and regulations, including but not limited to Texas Accessibility Standards (Texas Department of Licensing and Regulation) and Public Right-of-Way Accessibility Guidelines (US Access Board), as amended.
2. Public sidewalks in the public right-of-way or public access easement must comply with the City's **Standard Specifications and Details for Construction**, as promulgated by the City Engineer.
3. These requirements are intended to apply within the City and the area within the extraterritorial jurisdiction (ETJ) in which the City reviews subdivisions per agreement with the County.
4. These requirements are intended to apply to both public and private streets.
5. These requirements do not apply to residential infill developments located within the City of San Angelo where there are existing streets adjacent to the property except when meeting criteria in Section D.2.

C. General Requirements

1. Except for permitted waivers and deviations as provided under Part F of this Section V, sidewalks, where required by this ordinance, shall have a minimum clear path width of four feet on local and minor collector streets in districts zoned for primarily single-family residential purposes and a minimum clear path width of five feet in all other zoning districts.
2. The timing of sidewalk construction shall be as required by this Ordinance, or as approved by the Planning Commission.
3. Except for permitted waivers and deviations as provided under Part F of this Section V, at any time an existing sidewalk is removed from a location that would be required to have a

sidewalk per this ordinance, the property owner shall contemporaneously construct a new sidewalk to standards required under this ordinance, unless such removal is authorized in writing by both the City Engineer and Planning Director.

4. Except as otherwise provided under this Section V or adopted City policy, the property owners shall be responsible for maintenance of the sidewalks within the parkway adjacent to their property, or within a public sidewalk easement on their property, in a safe, functional condition consistent with applicable sidewalk design standards, unless such maintenance is explicitly performed by another entity, such as on roadways maintained by the Texas Department of Transportation.
5. Internal pedestrian circulation shall be provided by sidewalk(s) or other like improvement in any development serving commercial, retail, office, service or similar use and at any publicly accessible governmental facility, school, church, or other place of public assembly. Sidewalks, or other accessible pedestrian routes, shall be designed and installed to connect buildings to one another and to handicap-accessible parking spaces, and to connect the development to the public street system. All such sidewalks or routes serving commercial, retail, office, service or similar use and at any publicly accessible governmental facility, school, church, or other place of public assembly shall be protected from encroachment by parked vehicles so that a minimum clear path width of four feet is maintained.
6. Where it is not possible, or not desirable, to locate a public sidewalk within the public right-of-way, the sidewalk may be placed within a public access easement.
7. The clear path of a required sidewalk shall be separated from the back of curb or edge of pavement by a minimum of 5 feet along arterial and major collector streets.
8. Sidewalks may be adjacent to the back of curb on local and minor collector streets if 5 feet in width or may be 4 feet in width if separated 3 feet from back of curb.
9. Sidewalks are not required for a property with RS zoning, except when meeting criteria in Section D.2.
10. Sidewalks existing as of January 1, 2022 with a clear path width of at least 3 feet will satisfy sidewalk requirements regardless of placement within the external right-of-way until redevelopment, replacement or reconstruction at which time the sidewalks should be brought into full compliance.

D. Where Sidewalks are Required

1. Sidewalks shall be required to be constructed with new development on both sides of major collector streets, arterial streets, and the external sides of the frontage roads of freeways. The property owner or developer is only responsible for the required sidewalk on the side of the street or streets adjacent to their property.
2. Sidewalks shall be required along block faces of local streets or minor collector streets in the following areas:
 - a. The Central Business District designated by the San Angelo Comprehensive Plan or the City's Zoning Ordinance.
 - b. Designated pedestrian routes in a corridor plan or Safe Routes to School Plan adopted by the City Council of the City of San Angelo.
 - c. Locations in which a property has a public sidewalk along at least 50% of the same block face within the same zoning district.

- d. Locations extending from commercial developments, schools, parks, and churches along abutting street to the next street intersection, up to but not to exceed a maximum of 300 feet.
- e. Street frontage abutting a property in the Multifamily (RM), Neighborhood Commercial (CN), Office Commercial (CO), General Commercial (CG), and General Commercial/Heavy Commercial (CG/CH) zoning districts.

E. When Sidewalks are Required

1. Sidewalks shall be constructed concurrently at the time of road construction on streets where the street abuts non-development areas such as common areas, drainage features, utility rights-of-way, or publicly owned areas. Otherwise, sidewalks may be deferred by the Planning Commission, the City Council, a Performance Agreement, or a Developer's Agreement, to until such time improvements are constructed on the property.
2. No site plan may be approved for development on any property unless provisions for sidewalks are included on the site plan where required by this ordinance.
3. A certificate of occupancy may not be issued until sidewalks where required by this ordinance are installed or brought up to applicable standards, except per an approved deferral guaranteed by a performance agreement or financial guarantee.

F. Waivers & Deviations

1. A complete waiver of the requirement for sidewalks should be allowed only where there are unusual factors or circumstances. The waiver must be defined in writing, include data supporting the basis for granting the waiver, and be approved by both the Planning Director and the City Engineer. Unusual factors or circumstances may include:
 - a. projects where the cost of establishing sidewalks or walkways would be unreasonably disproportionate to the cost of the associated roadway construction or overall project costs (however a partial waiver may be granted in lieu of a full waiver to reduce the cost of required sidewalks such that the costs will not be unreasonably disproportionate);
 - b. areas with topography or other natural constraints that make proper implementation of this ordinance impractical;
 - c. situations inherently adverse to pedestrian traffic, such as substantial truck traffic or other circumstances that present health and safety concerns, more prone in agricultural, heavy commercial, and industrial developments; or
 - d. other factors or circumstances constituting reasonably justifiable good cause to support such waiver.
2. Deviations from the requirements of this Section V or from the city's Sidewalk Design Standards may be allowed when necessary due to the physical circumstance of the street, or when necessary to accomplish adopted development goals of the City, or in situations where an applicant can show other factors or circumstances amounting to reasonably justifiable good cause to support such a deviation.
 - a. The specific nature and justification for permitting a deviation must be described in writing, include data supporting the basis for granting the described deviation, and approved by both the Planning Director and the City Engineer.
 - b. Deviations should be minimal and consist primarily of changes to required width of clear path or alignment within the right-of-way.
 - c. Deviations shall not allow a minimum clear path width of less than 3 feet.

3. A denial in whole or part of a request for a waiver or deviation of these requirements may be appealed to the Planning Commission.
 - a. A written appeal must be filed with the Planning Director within 30 days of service upon the property owner or developer of a written notice of the denial of the requested waiver or deviation.
 - b. The written notice of appeal must provide justification for the requested waiver or deviations based on the criteria described in F.1. and F.2. above. The Commission shall make findings based on these criteria. The Commission may sustain the denial or grant the application for waiver or deviation in whole or in part.
4. The applicant or Planning Director may appeal the decision of the Planning Commission to the City Council.
 - a. A written appeal must be filed with the Planning and Development Services Department within 30 days of service of the Planning Commission decision on the property owner or developer.
 - b. The appeal must provide justification based on the criteria described in F.1. and F.2. of this Section V. The Council may sustain the decision of the Planning Commission or deny or grant the application for waiver or deviation in whole or in part. The Council shall make findings based on criteria described in F.1. and F.2. of this Section V.

”

Amend Chapter 3. Definitions by adding the following definitions:

Block face – one side of a street between major intersecting features, such as a street, railroad, stream, or similar feature creating a gap greater than forty feet, but not an alley right-of-way.

Clear path – an unobstructed way free from obstacles or overhanging projections to a height of 7½ feet above the ground, sidewalk, or surface.

Common area – a portion of a real estate development that is held for the common use or benefit of multiple owners or tenants: such as parking lots, malls, common recreational areas, landscaping lots, group detention facilities, etc.

Drainage feature – a natural or man-made feature that collects, conveys, or stores surface water or storm water runoff: such as a channel, stream, detention area, wetland, or lake.

Obstacles – fixed or portable obstructions to the safe passage of pedestrians including, but not limited to signs, street lights, mailboxes, landscaping, utility poles, trash cans, parked vehicles, merchandise, furniture, junk, and debris.

Parkway – the area located within the public right-of-way between the curb line of a street, or edge of roadway, and the property line at the edge of right-of-way.

Project costs means the following:

- a. If a sidewalk is triggered by the subdivision process, project costs include the other infrastructure improvements required in the platting process, such as road construction, water lines, sewer lines, drainage facilities, etc.
- b. If a sidewalk is triggered by the site plan process or any process other than through subdivision, project costs include all development costs associated with the site plan, including site development, buildings, parking lots, etc.

Property – any platted lot or other parcel of land.

Road or Street construction – shall mean any new construction, widening of streets or roadways, or adding curb and gutter.

Roadway – that portion of a street or highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

Sidewalk – an improved facility intended to provide for pedestrian movement; often located in the public right-of-way adjacent to a roadway.

Unreasonably Disproportionate – exceeding twenty percent of the project costs or exceeding three times the cost of a standard sidewalk with no topographic constraints or other unique issues that would raise the cost of a sidewalk. For transportation projects, right-of-way acquisition costs shall not be included in the calculation.

Amend Chapter 3. Definitions by replacing the following definition to read as follows:

Right-of-Way – a strip of land occupied or intended to be occupied by a street, **sidewalk**, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, **sidewalks**, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Second reading of an ordinance amending Chapter 12 "Planning and Development," Exhibit C "Land Development and Subdivision Ordinance," Chapter 10 "Construction Standards and Specifications," Section III "Widths and Graphic Specifications" replacing in its entirety Subsection A "Widths" and amending Chapter 3 "Definitions" (Jon James)

Staff Recommendation:

Adopt

Summary/History:

Based on a review of our peer cities, as well as the number of variance requests the City receives for street widths, Staff is recommending changes to the standards for street pavement widths and right-of-way widths within the City's subdivision ordinance. These changes have been reviewed by the Development Task Force with no objections and comes with a recommendation for approval from the Planning Commission.

More background and details in included in the attached memo.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

On January 24, 2022, the Planning Commission voted 4-2 to approve the text amendment as recommended by staff, with the exception of maintaining the current minimum paving width of 40 feet wide or 36 feet wide with a 4-foot sidewalk on at least one side of the street; and reducing the minimum paving width for minor collector streets from 50 feet to 48 feet, or 40 feet with a sidewalk. Chair Stribling and Commissioners Uherik, Aguirre, and Davis voted in favor, and Commissioners Self and Spano voted against.

On March 1, 2022, the City Council voted 6-1 to approve the text amendment as recommended by the Planning Commission, with an amendment to keep the current rural street standard of 30' width.

Attachments:

- | | | |
|----|---|---|
| 1. | CC Memo (2022-03-01) - Street Width Ordinance Changes | CC Memo (2022-03-01) - Street Width Ordinance Changes.pdf |
| 2. | Planning Ordinance (Street widths) 2022 | Planning Ordinance (Street widths) 2022.docx |
| 3. | Street Width Ordinance - Exhibit A | Street Width Ordinance - City Council 2nd Reading.docx |

Presentation:

Jon James

Approvals/Reviews:

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



**City of San Angelo
Planning & Development Services**

Memo

To: City Council
From: Jon James, Director of Planning & Development Services
Date: March 1, 2022
Re: Proposed changes to street right-of-way and pavement widths

City staff has prepared a review of street right-of-way and pavement widths and is recommending changes to the current standards. Pavement width standards are proposed to be reduced for all street classifications. Right-of-way requirements are proposed to stay the same for most street classifications, but are proposed to be increased for major collector and major arterial road classifications to ensure adequate external right-of-way for utilities, etc.

In addition, staff is recommending changing how the ordinance regulates existing streets in already developed areas. Currently the City has street standards for each type of street classification, but there is no distinction between existing streets and newly constructed streets. So, a developer redeveloping an area must meet the same standard as a developer building a new street in a new neighborhood or commercial development. This proposed ordinance change will create a lesser “minimum width” for existing streets. So newly constructed streets would still have to be built to the normal street standard, but redevelopment along an existing street would be held to a lesser standard reducing the number of variance requests for this type of situation.

Attached is the proposed draft ordinance and below is a summary of the proposed changes:

- **Decrease** standard street pavement widths for most street classifications:

- Major Arterial, 64' to 62'
- Minor Arterial, 64' to 56'
- Major Collector, 50' to 48'
- *Minor Collector, 50' to 40' ***
- *Local street, 40' to 36' ***

*** The Planning Commission recommended keeping the current standard for local streets and only reducing to 48' for minor collectors and only allowing the reduced width with a sidewalk on at least one side of the street.*

- **Increase** standard right-of-way widths for some street classifications

- Major Arterial, 80' to 90'
- Minor Arterial, same at 80'
- Major Collector, 60' to 70'
- Minor Collector, same at 60'
- Local street, same at 50'
- Local rural street, same at 60'

- Also, as noted above this proposed ordinance will allow existing substandard streets to remain substandard in already developed areas as long as they meet a new “minimum width” instead of the normal “standard width” required for new streets (if below the minimum width, then those streets would still be required to be improved to that minimum)

- Major Arterial
 - ROW, 76' vs 90'
 - Pavement, 56' vs 62'
- Minor Arterial
 - ROW, 68' vs 80'
 - Pavement, 48' vs 56'
- Major Collector
 - ROW, 56' vs 70'
 - Pavement, 36' vs 48'
- Minor Collector
 - ROW, 52' vs 60'
 - Pavement, 36' vs 40'
- Local street
 - ROW, 40' (or pavement width +10') vs 50'
 - Pavement, 26' vs 36'

AN ORDINANCE OF THE CITY OF SAN ANGELO TEXAS, AMENDING CHAPTER 12 "PLANNING AND DEVELOPMENT," EXHIBIT C "LAND DEVELOPMENT AND SUBDIVISION ORDINANCE," CHAPTER 10, " CONSTRUCTION STANDARDS AND SPECIFICATIONS," SECTION III "WIDTHS AND GRAPHIC SPECIFICATIONS," SUBSECTION A "WIDTHS"; AMENDING CHAPTER 3 "DEFINITIONS"; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of San Angelo has adopted a Land Development and Subdivision Ordinance establishing a process for the development, subdivision, and platting of land within the corporate limits of the City and within its extra territorial jurisdiction; and,

WHEREAS, the ordinance provides a process for the subdivision of land that includes the authority and functions of the Planning Director, Planning Commission, and City Council in the subdivision and platting process;

WHEREAS, after having held a public hearing, considered public comment, and considered recommendations from City staff and Planning Commission, City Council desires to amend the ordinance as it relates to paving width and right-of-way width requirements imposed through the subdivision process.

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

Section 1: That Chapter 12 "Planning and Development", Exhibit C "Land Development and Subdivision Ordinance" of the City of San Angelo Code of Ordinances is hereby amended as shown on **Exhibit "A."**

Section 2: 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 3: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED with public hearing the 1st day of March, 2022, and finally PASSED this 15th day of March, 2022.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Julia Antilley, City Clerk

APPROVED AS TO CONTENT:

Jon James, Director of Planning and Development Services

APPROVED AS TO FORM:

Theresa James, City Attorney

Exhibit A Street Width Specification Amendments

Replace in its entirety **Chapter 10. Construction Standards and Specifications, Section III. Widths and Graphic Specifications, Subsection A. Widths** as follows:

“

A. Widths.

1. Right-of-Way Widths. The minimum design standard for right-of-way width shall be as follows:

	Standard Width	Minimum Width
Local Rural Street	60 feet	40 feet (or pavement width plus 10 feet, whichever is greater)
Local Street	50 feet	40 feet (or pavement width plus 10 feet, whichever is greater)
Minor Collector Street	60 feet	52 feet
Major Collector Street	70 feet	56 feet
Minor Arterial Street	80 feet	68 feet
Major Arterial Street	90 feet	76 feet
Alley, Residential	20 feet	20 feet
Alley, Commercial	24 feet	20 feet
Cul-de-Sac	100-foot diameter minimum	

2. Paving Widths. The minimum design standard for paving widths shall be as follows:

	Standard Width	Minimum Width
Local Street	40 feet or 36 feet with a sidewalk meeting City sidewalk requirements on at least one side of the street	26 feet
Minor Collector Street	48 feet or 40 feet with a sidewalk meeting City sidewalk requirements on at least one side of the street	36 feet
Major Collector Street	48 feet	36 feet
Minor Arterial Street	56 feet	48 feet
Major Arterial Street	62 feet	56 feet
Alley	20 feet	20 feet
Cul-de-Sac	96 feet diameter	96 feet diameter

3. Arterial and Collector Streets. When extra width is required by the City, the City will pay for the two inches of hot mix, ten inches of crushed limestone base and 0.25 gallons per square yard of

asphalt prime in the center portion of the street for that width of street pavement over fifty feet (50') in width.

4. Rural Subdivisions. Curb and gutter construction is not required in a rural subdivision. However, alternative curbing may be required by the City Engineer.
5. Standard and Minimum widths. In the tables above, “standard width” means the width generally required for street construction and “minimum width” is a reduced width that may be allowed to accommodate pre-existing situations in developed areas where it is impractical to require the standard width.

“

Amend Chapter 3. Definitions by adding the following definition:

Existing street – a street existing at the time that an ordinance requirement is triggered, including, but not limited to, all streets existing on the ground on January 1, 2022.

Amend Chapter 3. Definitions by replacing the following definition to read as follows:

Streets:

- a. Street – the entire width between property lines of every way open to the use of the public for purposes of travel with the exception of alleys.
- b. Local street (also minor street or residential street) – a minor street that is not designated as a collector, arterial, freeway, or parkway on the City’s Thoroughfare Plan.
- c. Local rural street – A local street within a rural subdivision
- d. Marginal access street - Any minor street which is parallel to and adjacent to arterial streets or highways, and which provides access to abutting properties and protection from through traffic.
- e. Collector street – all streets designated as collectors or planned collectors by the Thoroughfare Plan, including both major collectors and minor collectors.
- f. Arterial street – any street designated as arterial or planned arterial by the Thoroughfare Plan, including freeway frontage roads and including both major arterials and minor arterials.
- g. Primary, or Major, Arterial street - A street which serves primarily to move traffic between major areas of the city and through the city, and where direct access is limited.
- h. Secondary, or Minor, Arterial street - Any street which provides for the through traffic movement between areas and across the city, and for direct access to abutting property; subject to necessary control of entrances, exits and curb cuts.
- i. Freeway – a highway where access from abutting land is not permitted adjacent to the main travel lanes of the roadway except along a separate frontage road.
- j. Frontage road – a roadway within the right-of-way of a freeway corridor that provides access to abutting land and shall be considered a type of arterial street.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Ryan Kramer, Sr. Fleet Manager, Fleet Services, 325-657-4329

Meeting Date: March 15, 2022

Item type: Consent Item

Caption:

Consider amending FS-01-21 Fuel Purchases for the increase of fuel delivery charges (Ryan Kramer)

Staff Recommendation:

Approve

Summary/History:

Under the City's current fuel contract, the City pays the standard rack price for fuel plus a per-gallon delivery surcharge. Due to the rising cost of fuel, the City's contracted fuel vendors are unable to cover the cost of fuel delivery under their currently contracted delivery fee. Thus, supply of fuel for City operations could suffer if vendors are unwilling to deliver under the current contracted rate.

Staff recommends an amendment to the current contracts to allow vendors flexibility in their freight charges related to fuel deliveries. The amendment would allow vendors to ensure that fuel deliveries could be made without incurring a financial loss, while still allowing the City's standard on-demand quoting practice to ensure competitive pricing for its fuel orders.

This action will not affect what the City pays for the product itself, only the delivery of the product to City locations. This temporary amendment will be for a maximum of 90 days unless extended, with re-evaluation of the delivery charge increase every 30 days. It may be determined to be more advantageous to terminate the current contracts and re-bid this service.

The amount of freight paid over a three-month period is currently approximately \$4,700. The temporary change is expected to result in freight charges totaling approximately \$14,000 for the next three months (approximate net increase of \$9,300 for the three-month period).

Funding Source(s):

Financial Impact:

If approved, an increase to fuel delivery charges of approximately \$9,300 for a three month period is expected. During this period, staff will re-evaluate and possibly re-bid this service if financially feasible.

Other Information/Recommendation:

Staff recommends approving a temporary, 90-day amendment to the existing fuel contracts contracted under FS-01-21.

Attachments:

1. FS-01-21 Bid Tabulation v1

FS-01-21 Bid Tabulation v1.xlsx

Presentation:

Ryan Kramer

Approvals/Reviews:

Ryan Kramer

Patrick Frerich

Shane Kelton

Theresa James

Jeffrey Tomlinson

Tina Dierschke

Julia Antilley

Created/Initiated

Approved

Approved

Approved

Approved

Approved

Final Approval

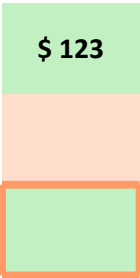
FS-01-21 Bid Sheet (BT-79KQ)

Legend

The green cells with bolded numbers indicate that this bid was the lowest price.

The orange cells indicate that this item from that vendor was selected.

The green cells with orange outline indicate that this item from that vendor was selected and has the lowest price.



ected, and



City of San Angelo Purchasing Division

RFB Bid Tabulation

FS-01-21 • Fuel Purchases

Tuesday, November 24, 2020

#	Items	Refinery/Terminal	Approximate Quantity
1			
#1-1	San Angelo	San Angelo	15,000
#1-2	Abilene	Abilene	15,000
#1-3	Big Spring	Big Spring	15,000
2			
#2-1	San Angelo	San Angelo	24,000
#2-2	Abilene	Abilene	24,000
3			
#3-1	San Angelo	San Angelo	300,000
#3-2	Odessa	Odessa	300,000
#3-3	Big Spring	Big Spring	300,000
#3-4	Abilene	Abilene	300,000
#3-5	Tye	Tye	300,000
4			
#4-1	San Angelo	San Angelo	500,000
#4-2	Odessa	Odessa	500,000
#4-3	Big Spring	Big Spring	500,000
#4-4	Abilene	Abilene	500,000
#4-5	Tye	Tye	500,000

		Fikes Wholesale Inc.		
Additional Information		Additional Cost	DISCOUNTS (%)	NET TERMS (e.g., Net 30)
Diesel, Red Dye		No Bid	No Bid	No Bid
Diesel, Red Dye		No Bid	No Bid	No Bid
Diesel, Red Dye		No Bid	No Bid	No Bid
Unleaded Gasoline, 87 Octane minimum		No Bid	No Bid	No Bid
Unleaded Gasoline, 87 Octane minimum		No Bid	No Bid	No Bid
Diesel, Red Dye		No Bid	No Bid	No Bid
Diesel, Red Dye		No Bid	No Bid	No Bid
Diesel, Red Dye		\$ 0.06	\$ -	Net 30
Diesel, Red Dye		No Bid	No Bid	No Bid
Diesel, Red Dye		No Bid	No Bid	No Bid
Unleaded Gasoline, 87 Octane minimum		No Bid	No Bid	No Bid
Unleaded Gasoline, 87 Octane minimum		No Bid	No Bid	No Bid
Unleaded Gasoline, 87 Octane minimum		\$ 0.01	\$ -	Net 30
Unleaded Gasoline, 87 Octane minimum		No Bid	No Bid	No Bid
Unleaded Gasoline, 87 Octane minimum		No Bid	No Bid	No Bid

		Mansfield Oil Company of Gain			
Total Cost	\$ Total Cost with Discount	Additional Cost	DISCOUNTS (%)	NET TERMS (e.g., Net 30)	
No Bid	No Bid	No Bid	No Bid	No Bid	
No Bid	No Bid	No Bid	No Bid	No Bid	
No Bid	No Bid	No Bid	No Bid	No Bid	
No Bid	No Bid	No Bid	No Bid	No Bid	
No Bid	No Bid	No Bid	No Bid	No Bid	
No Bid	No Bid	\$	0.26	0 Net 30	
No Bid	No Bid	\$	0.34	0 Net 30	
\$ 18,240.00	\$ 18,240.00	\$	0.37	0 Net 30	
No Bid	No Bid	\$	0.32	0 Net 30	
No Bid	No Bid	No Bid	No Bid	No Bid	
No Bid	No Bid	\$	0.27	0 Net 30	
No Bid	No Bid	\$	0.56	0 Net 30	
\$ 2,800.00	\$ 2,800.00	\$	0.33	0 Net 30	
No Bid	No Bid	\$	0.34	0 Net 30	
No Bid	No Bid	No Bid	No Bid	No Bid	

iesville, Inc.		Regal Oil, Inc.			
Total Cost	\$ Total Cost with Discount	Additional Cost	DISCOUNTS (%)	NET TERMS (e.g., Net 30)	
No Bid	No Bid	\$	0.08	\$	- 30 Day NET Terms
No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
No Bid	No Bid	\$	0.08	\$	- 30 Day NET Terms
No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
\$78,000.00	\$ 78,000.00	\$	0.03	\$	- 30 Day NET Terms
\$102,000.00	\$ 102,000.00	No Bid	No Bid	No Bid	No Bid
\$111,000.00	\$ 111,000.00	No Bid	No Bid	No Bid	No Bid
\$96,000.00	\$ 96,000.00	No Bid	No Bid	No Bid	No Bid
No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
\$135,000.00	\$ 135,000.00	\$	0.03	\$	- 30 Day NET Terms
\$280,000.00	\$ 280,000.00	No Bid	No Bid	No Bid	No Bid
\$165,000.00	\$ 165,000.00	No Bid	No Bid	No Bid	No Bid
\$170,000.00	\$ 170,000.00	No Bid	No Bid	No Bid	No Bid
No Bid	No Bid	No Bid	No Bid	No Bid	No Bid

Total Cost		Schneider Distributing Co			
\$ Total Cost with Discount		Additional Cost	DISCOUNTS (%)	NET TERMS (e.g., Net 30)	
\$ 1,200.00	\$ 1,200.00	\$ 0.14	\$ -	Net 30	
No Bid	No Bid	No Bid	No Bid	No Bid	
No Bid	No Bid	No Bid	No Bid	No Bid	
\$ 1,920.00	\$ 1,920.00	\$ 0.14	\$ -	Net 30	
No Bid	No Bid	No Bid	No Bid	No Bid	
\$ 9,750.00	\$ 9,750.00	\$ 0.04	\$ -	Net 30	
No Bid	No Bid	No Bid	No Bid	No Bid	
No Bid	No Bid	No Bid	No Bid	No Bid	
No Bid	No Bid	No Bid	No Bid	No Bid	
No Bid	No Bid	No Bid	No Bid	No Bid	
\$ 16,250.00	\$ 16,250.00	\$ 0.04	\$ -	Net 30	
No Bid	No Bid	No Bid	No Bid	No Bid	
No Bid	No Bid	No Bid	No Bid	No Bid	
No Bid	No Bid	No Bid	No Bid	No Bid	
No Bid	No Bid	No Bid	No Bid	No Bid	

i., Inc.			Ways Company Inc.		
Total Cost	\$ Total Cost with Discount		Additional Cost	DISCOUNTS (%)	NET TERMS (e.g., Net 30)
\$ 2,100.00	\$ 2,100.00		No Bid	No Bid	No Bid
No Bid	No Bid		No Bid	No Bid	No Bid
No Bid	No Bid		No Bid	No Bid	No Bid
\$ 3,360.00	\$ 3,360.00		No Bid	No Bid	No Bid
No Bid	No Bid		No Bid	No Bid	No Bid
\$ 12,000.00	\$ 12,000.00		\$ 0.04	\$ -	10 days
No Bid	No Bid		\$ 0.10	\$ -	10 days
No Bid	No Bid		\$ 0.08	\$ -	10 days
No Bid	No Bid		\$ 0.10	\$ -	10 days
No Bid	No Bid		\$ 0.09	\$ -	10 days
\$ 20,000.00	\$ 20,000.00		\$ 0.04	\$ -	10 days
No Bid	No Bid		\$ 0.10	\$ -	10 days
No Bid	No Bid		\$ 0.08	\$ -	10 days
No Bid	No Bid		\$ 0.10	\$ -	10 days
No Bid	No Bid		\$ 0.09	\$ -	10 days

Total Cost		\$ Total Cost with Discount	
No Bid		No Bid	
No Bid		No Bid	
No Bid		No Bid	
No Bid		No Bid	
No Bid		No Bid	
No Bid		No Bid	
\$ 12,000.00		\$ 12,000.00	
\$ 30,000.00		\$ 30,000.00	
\$ 24,000.00		\$ 24,000.00	
\$ 30,000.00		\$ 30,000.00	
\$ 27,000.00		\$ 27,000.00	
\$ 20,000.00		\$ 20,000.00	
\$ 50,000.00		\$ 50,000.00	
\$ 40,000.00		\$ 40,000.00	
\$ 50,000.00		\$ 50,000.00	
\$ 45,000.00		\$ 45,000.00	

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Charlotte Anderson, Keep San Angelo Beautiful Executive Director, Neighborhood and Family Services, 325-655-0824

Meeting Date: March 15, 2022

Item type: Regular Item

Caption:

Keep San Angelo Beautiful 2021 Annual Report (Presentation made by KSAB Executive Director Charlotte Anderson)

Staff Recommendation:

Accept

Summary/History:

Review of KSAB activity and accomplishments for 2021.

Funding Source(s):

Financial Impact:

Other Information/Recommendation:

Attachments:

Presentation:

Charlotte Anderson

Approvals/Reviews:

Charlotte Anderson
Theresa James
Tina Dierschke
Julia Antilley

Created/Initiated
Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 15, 2022

Item type: Regular Item

Caption:

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 reimbursed and capital expenditures (Presentation made by Finance Director Tina Dierschke)

Staff Recommendation:

Approve

Summary/History:

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

- Ford Ranch interest portion of the defeasement
- Seal Coat reimbursement for Tom Green County's portion of the project
- General Equipment Replacement

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
General Fund			\$0.00
Water Debt Service			-\$893,399
General Equipment Replacement			-\$80,000

Financial Impact:

See attached memos for additional information on each project.

Other Information/Recommendation:

Attachments:

- | | | |
|----|---------------------------------|--------------------------------------|
| 1. | 3.15.22 Ordinance | 3.15.22 Ordinance.docx |
| 2. | BA Memos - ALL | BA Memos - ALL.pdf |
| 3. | 3.15.22 Presentation - BA Memos | 3.15.22 Presentation - BA Memos.pptx |

Presentation:

Tina Dierschke

Approvals/Reviews:

Kimberly Holle
Theresa James
Tina Dierschke
Theresa James
Julia Antilley

Created/Initiated
Approved
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 REIMBURSED AND CAPITAL EXPENDITURES.

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 15th day of March 2022, and finally PASSED on this 5th day of April 2022.

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 Amendment	Total Expense Amendment	Net Benefit/(Cost)
General Fund	1,759,213	1,759,213	-
Water Debt Service		893,399	(893,399)
General Equipment Replacement	125,000	205,000	(80,000)
	\$1,884,213	\$2,857,612	\$(973,399)

City of San Angelo
Proposed Budget Amendment
Additional Information

Project/Need	Source of Funding	Revenue	Expense	Net Benefit/(Cost)
Interest portion of defeasement of Ford Ranch Bonds	Water Debt Service Fund Balance		893,399	(893,399)
Reimbursement for the County's portion of the Sealcoat Project	Tom Green County	1,759,213	1,759,213	-
Additional replacement vehicles and equipment	Auction Revenue and Insurance Proceeds	125,000	205,000	(80,000)
		<u>\$1,884,213</u>	<u>\$2,857,612</u>	<u>\$(973,399)</u>

Memo

To: Tina Dierschke, Finance Director
From: Patrick Frerich, Director of Operations
Date: 03/08/2022
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Budget for the County's portion of the 2022 Sealcoat Project; the inter-local agreement allows for greater economies of scale.

Source of Funding:

Tom Green County

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

No

Project/Budget to be amended	Revenue	Expense
Tom Green County	\$1,759,213	
Street & Bridge		\$1,759,213

Additional Comments:

Tom Green County roadways were included in the 2022 Sealcoat Bid ES-02-22. The City will receive reimbursement for the costs of application on County-owned roadways.

Memo

To: Tina Dierschke, Finance Director
From: Ryan Gaddy Assistant Director of Finance
Date: 03/01/2022
Re: Budget Amendment Request

Purpose of Budget Amendment Request:
Budget for the interest portion of the defeasement of Ford Ranch Bonds

Source of Funding:
Fund balance

Funding previously approved? If so, by City Manager or City Council and when?
Approved by City Council August 17, 2021

Project/Budget to be amended	Revenue	Expense
Water Debt Interest		893,399

Additional Comments:

Memo

To: Tina Dierschke, Finance Director
From: Ryan Kramer Senior Fleet Manager
Date: 03/15/2022
Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Purchase additional replacement vehicles and equipment for General Fund divisions.

Source of Funding:

Utilize additional revenues generated from auction revenue and insurance proceeds; as well as an additional \$80,000 from the General Equipment Replacement fund balance

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

No

Project/Budget to be amended	Revenue	Expense
Auction Revenue	85,000	
Insurance Proceeds	40,000	
Equipment Replacement		205,000

Additional Comments:



City Council

March 15, 2022

Budget Amendments

Tina Dierschke

Budget amendment

General Fund

Revenue

Expense

Tom Green County

\$1,759,213

Sealcoat Project

\$1,759,213

Budget amendment

Water Debt Service Fund

Revenue

Expense

Ford Ranch Bonds/Interest

893,399

Budget amendment

Capital Equipment Replacement	Revenue	Expense
Auction Revenue	\$85,000	
Insurance Proceeds	\$40,000	
Additional Vehicle Replacements/Equipment Replacement		\$205,000

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info@cosatx.us



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 15, 2022

Item type: Regular Item

Caption:

Consider a resolution authorizing an application for financial assistance from the Texas Water Development Board for water system improvements; expressing official intent to reimburse costs of said projects; and making certain findings in connection therewith (Presentation made by Finance Director Tina Dierschke)

Staff Recommendation:

Adopt
Approve

Summary/History:

The City is pursuing further development of the Hickory groundwater source including well field development, transmission piping, and treatment system.

The City previously sought and was approved for a \$66 million loan from the Texas Water Development Board (TWDB) to further the expansion of the Hickory well field; however, after preliminary engineering and the ability to remove solids handling, the City ultimately closed on a reduced portion of the approval of \$56,075,000. As the design progressed, the addition of a low-pressure pump station, complexity in the clearwell construction, and additional pump rework in the existing well field elevated the bids closer to the larger initial loan approval amount. The requested approval for the construction contracts, also on the March 15, 2022, City Council agenda, is approximately \$13 million short of the amount allocated in the previously closed loan amount. The attached resolution states the City is seeking funding from the Texas Water Development Board for an amount not to exceed \$14 million. The \$14 million amount is to cover financial advisor, bond counsel, and other borrowing costs/fees.

Any costs above what is available in that fund will be funded initially by ongoing capital funds. However, this resolution includes language that will allow the City to reimburse itself for those costs should funding be approved by the TWDB.

Funding Source(s):

Financial Impact:

Potential funding source for the Hickory project. Impact on project funding will depend on performance in competition with other applicants and funds available. The City is seeking funding in the amount of \$13 million with a NTE amount of \$14 million to include issue costs and origination fees.

Other Information/Recommendation:

Staff recommends Council adoption of a resolution authorizing the City Manager or Water Utilities Director to request financial assistance in the Hickory Groundwater Development Project by the Texas Water Development Board.

Attachments:

- | | | |
|----|---|--|
| 1. | 201A - Resolution Authorizing Application for Financial Assistance v1 (002) | Item 6c 201A - Resolution Authorizing Application for Financial Assistance v1.docx |
| 2. | 201 - Application Affidavit v1 | 201 - Application Affidavit v1.docx |
| 3. | 201B - Certificate of City Clerk v1 | 201B - Certificate of City Clerk v1.docx |

Presentation:

Tina Dierschke

Approvals/Reviews:

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

RESOLUTION NO. 2022-

RESOLUTION AUTHORIZING APPLICATION FOR FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD FOR WATER SYSTEM IMPROVEMENTS; EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF SAID PROJECTS; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

THE STATE OF TEXAS §

COUNTY OF TOM GREEN §

CITY OF SAN ANGELO §

WHEREAS, the City of San Angelo, Texas (the "City") hereby finds and determines that there is an urgent need for the construction of improvements to the City's water system; and

WHEREAS, such capital improvements cannot be reasonably financed unless financial assistance is obtained from the Texas Water Development Board (the "TWDB"); and

WHEREAS, the City expects to pay expenditures in connection with the projects described in Section 1 hereof prior to the issuance of bonds or certificates of obligation ("Bonds");

WHEREAS, this City Council hereby finds, considers and declares that the reimbursement of the payment by the City of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the U.S. Treasury Regulations, to reimburse itself for such payments at such time as it issues Bonds;

WHEREAS, it is hereby officially found and determined: that public notice of the time, place, and purpose of said meeting was given, all as required by Texas Government Code, Chapter 551.

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

1. That an application is hereby approved and authorized to be filed with the TWDB seeking financial assistance in an aggregate amount not to exceed \$14,000,000 for purposes of the planning, acquisition, design and/or construction of improvements to the City's water system, including without limitation new wells, water lines, storage facilities, conveyance and pumping facilities, and radionuclide reduction treatment system.

2. That the Water Utilities Director and Director Finance of said City are each hereby designated the authorized representatives of the City for the purpose of furnishing such information and executing such documents as may be required in connection with the preparing and filing of such application for financial assistance and with complying with the rules of the TWDB.

3. That the following firms and individuals are hereby authorized and directed to aid and assist in the preparation and submission of such application and appear on behalf of and represent the City before any hearing held by the TWDB on such application, to-wit:

Financial Advisor

Vince Viaille
Specialized Public Finance Inc.
4925 Greenville Avenue, Ste.
1350
Dallas, Texas 75206
Phone: (214) 373-3911
Fax: (214) 288-7898
Email: vince@spfmuni.com

Bond Counsel

Rodolfo Segura Jr
McCall, Parkhurst & Horton L.L.P.
717 N. Harwood, 9th Floor
Dallas, Texas 75201-6587
Phone: (214) 754-9268
Fax: (214) 754-9250
email: rsegura@mphlegal.com

Engineer

Keith Kindle, P.E.
Enprotec / Hibbs & Todd, Inc.
2901 Glen Rose Hwy, Ste 107
Granbury, Texas 76048
Phone: (817) 579-6791
Fax: (817) 579-8491
keith.kindle@e-ht.com

4. That all costs to be reimbursed pursuant hereto will be capital expenditures; the proposed Bonds shall be issued within 18 months of the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the foregoing notwithstanding, the Bonds will not be issued pursuant to this Resolution on a date that is more than three years after the date any expenditure which is to be reimbursed is paid.

5. That this Resolution shall become effective immediately upon adoption.

ADOPTED this the 15th day of March, 2022.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Julia Antilley, City Clerk

[CITY SEAL]

APPROVED AS TO FORM:

Rodolfo Segura Jr
McCall, Parkhurst & Horton L.L.P.

APPROVED AS TO CONTENT:

Tina Dierschke, Director of Finance
City of San Angelo, Texas

APPLICATION AFFIDAVIT

THE STATE OF TEXAS

§
§
§

COUNTY OF TOM GREEN

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Allison Strube, Water Utilities Director of the City of San Angelo, Texas, as the Authorized Representative of said City, who being by me duly sworn, upon oath says that:

1. The decision by the City Council of the City of San Angelo, Texas ("City") to request financial assistance from the Texas Water Development Board ("Board") was made in a public meeting held in accordance with the Open Meetings Act (Government Code, §551.001, et seq.) and after providing all such notice as required by such Act as is applicable to the City.

2. The information submitted in the application is true and correct according to my best knowledge and belief.

3. Except as may be described in the application, the City has no pending, threatened, or outstanding judgments, orders, fines, penalties, taxes, assessment or other enforcement or compliance issue of any kind or nature by the Environmental Protection Agency ("EPA"), Texas Commission on Environmental Quality ("TCEQ"), Texas Comptroller, Texas Secretary of State, or any other federal, state or local government.

4. The City warrants compliance with the representations made in the application in the event that the Board provides the financial assistance.

5. The City will comply with all applicable federal laws, rules, and regulations as well as the laws of the State of Texas and the rules and regulations of the Board.

Allison Strube, Water Utilities Director
City of San Angelo, Texas

SWORN TO AND SUBSCRIBED BEFORE ME by Allison Strube Pyssen, Water Utilities Director of the City of San Angelo, Texas, this ____ day of March, 2022.

Notary Public, State of Texas

(NOTARY SEAL)

CERTIFICATE WITH RESPECT TO ADOPTION OF A RESOLUTION

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

§
§
§

I, the undersigned City Clerk of said City, hereby certify as follows:

1. The City Council of said City convened in REGULAR MEETING ON THE 15TH DAY OF MARCH, 2022, at the designated meeting place, and the roll was called the duly constituted officers and members of said City Council, to wit:

Brenda Gunter, Mayor
Tommy Hiebert, District 1 Councilmember
Tom Thompson, District 2 Council member
Harry Thomas, District 3 Councilmember
Lucy Gonzales, District 4 Councilmember
Karen Hesse Smith, District 5 Councilmember
Larry Miller, District 6 Councilmember

Julia Antilley, City Clerk

and all of said persons were present, except _____
thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

RESOLUTION AUTHORIZING APPLICATION FOR FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD FOR WATER SYSTEM IMPROVEMENTS; EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF SAID PROJECTS; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said Resolution be adopted and, after due discussion, said motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: All members of the City Council shown present above voted "Aye," except as shown below:

NOES: _____

ABSTAIN: _____

2. That a true, full and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Resolution has been duly recorded in said City Council' minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council' minutes of said Meeting pertaining to the adoption of said Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for adoption at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED this, the _____ day of March, 2022.

Julia Antilley, City Clerk
City of San Angelo, Texas

CERTIFICATE WITH RESPECT TO ADOPTION OF A RESOLUTION AUTHORIZING APPLICATION FOR FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD FOR WATER SYSTEM IMPROVEMENTS; EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF SAID PROJECTS; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 15, 2022

Item type: Regular Item

Caption:

Consider awarding the following agreements based upon scoring criteria as set forth in the Competitive Sealed Proposal procurement method, negotiated scope and contract pricing; using \$12,966,537 from the Water Capital fund balance and authorizing the City Manager to negotiate and execute all related documents:

- 1) WU-05-22 Hickory New Production Wells to Hydro Resources - Mid Continent, Inc. in the amount of \$8,500,881
- 2) WU-06-22 Hickory Treatment Plant and Well Field Improvements to PLW Waterworks, LLC in the amount of \$53,010,915 (Presentation made by Water Utilities Director Allison Strube)

Staff Recommendation:

Approve

Summary/History:

The City of San Angelo developed a groundwater supply and treatment system to add the Hickory Aquifer to its water supply portfolio a little over a decade ago. The Hickory Water Supply consists of four major components: wellfield; groundwater storage and pumping; transmission piping; and groundwater treatment using ion exchange technology. The current capacity of the Hickory system is approximately 9,400 acre-feet per year (ac-ft/yr). This project will expand the Hickory system to reliably produce and treat the maximum production capacity from the Hickory Aquifer of 12,000 ac-ft/yr.

In addition to the Hickory system improvements, rehabilitating and upgrading the clearwell at the Water Treatment Plant (WTP) is also included in this project. The existing clearwell was constructed in 1947 and since that time the concrete structure has deteriorated and maintenance and repairs are becoming more extensive and expensive. In addition, the way the current clearwell is built, the utility has severe limitations on making necessary repairs or performing maintenance without impacting the operations of the WTP and potentially impacting water deliveries. The proposed improvements include building and replacing the existing clearwell with two 2,000,000 gallon prestressed concrete tanks. This improvement will allow for increased flexibility in maintenance and operation, as well as optimization of disinfection strategies.

On February 15, 2022, City Council approved Hydro Resources - Mid Continent, Inc. for WU-05-22 Hickory New Production Wells, PLW Waterworks, LLC for WU-06-22 Hickory Treatment Plant and Well Field Improvements, and the City Manager was authorized to negotiate scope and contract pricing to be brought back for future City Council consideration.

Since that time, staff and our engineer have been working with the two contractors to negotiate scope and pricing. The original bid proposals and the negotiated proposal pricing are tabled below. An additional line is also included to show the costs associated with the power provider for installing electrical lines, poles, and other necessary electrical upgrades to provide power to the five new wells.

Contract	Original Proposal	Negotiated Proposal	Savings	Scope Change
WU-05-22 - Hickory New Production Wells	\$8,576,931.00	\$8,500,881.00	\$76,050.00	None
WU-06-22 - Hickory Treatment Plant & Well Field Improv.	\$53,234,734.88	\$53,010,915.00	\$223,819.88	Scope increased to cover land clearing for ONCOR (power company) and a standby generator at Booster Pump Station was added.
ONCOR (Power provider installation to new wells and finalized amount to be brought back to the Council for approval at a later date)	\$350,000.00	\$350,000.00	\$0.00	N/A
TOTAL:	\$62,161,665.88	\$61,861,796.00	\$299,869.88	

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
Hickory Water Supply - Construction	527-4159-800.07-30		\$48,545,259
Hickory Water Supply - Contingencies	527-9900-800.07-50		\$350,000
Water Capital Fund	512-4400-800.07-30		\$12,966,537

Financial Impact:

The construction amount allocated in the original loan closed with the Texas Water Development Board (TWDB) was for \$48,895,259. With the negotiated proposal pricing for Hydro Resources, PLW Waterworks, and the estimate from ONCOR at \$61,861,796, this leaves a balance of \$12,966,537 necessary to perform this expansion project.

It is also recommended on the March 15, 2022 City Council meeting to adopt a resolution to seek this additional funding from TWDB. The Water Capital Fund fund balance will be utilized until the funding is secured. A budget amendment is a part of this agenda item to allow for this use. If TWDB funding is pursued, it is anticipated to receive approval and funding in late fall of 2022.

Other Information/Recommendation:

Staff recommends the following contractors and associated amounts be awarded based upon scoring criteria as set forth in the Competitive Sealed Proposal procurement method, negotiated scope, and contract pricing; utilizing \$12,966,537 from the Water Capital fund balance until additional funding from TWDB is secured:

- 1. WU-05-22 Hickory New Production Wells to Hydro Resources - Mid Continent, Inc.in the amount of \$8,500,881
- 2. WU-06-22 Hickory Treatment Plant and Well Field Improvements to PLW Waterworks, LLC in the amount of \$53,010,915

Attachments:

- | | | |
|----|--|--|
| 1. | Final Proposal Tabulation - Contract 1 | Final Proposal Tabulation - Contract 1.pdf |
| 2. | Final Proposal Tabulation - Contract 2 | Final Proposal Tabulation - Contract 2.pdf |
| 3. | Budget Amendment Memo - Hickory | Budget Amendment Memo - Hickory.pdf |

Presentation:

Allison Strube

Approvals/Reviews:

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

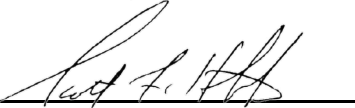
TABULATION OF FINAL PROPOSAL FOR: Hickory Groundwater Supply System Expansion - Contract 1 New Production Wells, WU-05-22, City of San Angelo, Texas

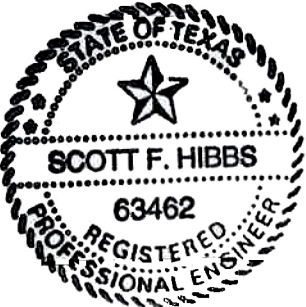
INITIAL PROPOSALS RECEIVED: 1/27/2022

PE Firm Registration No. 1151

FINAL BASE PROPOSAL-CONTRACT 1				Hydro Resources - Mid Continent, Inc.	
Item No.	Quantity	Unit	Item	Unit Cost	Amount
1	1	LS	Mobilization	\$ 461,390.00	\$ 461,390.00
2	5	EA	Well Site Mobilization for each well	\$ 107,561.00	\$ 537,805.00
3	1,500	LF	Drill initial pilot hole for conductor casing	\$ 106.00	\$ 159,000.00
4	1,500	LF	Ream initial pilot hole to a min. 30" nominal diameter	\$ 210.00	\$ 315,000.00
5	1,500	LF	24" nominal diameter conductor casing cemented in place	\$ 437.00	\$ 655,500.00
6	13,100	LF	Drill cement plug and pilot hole to final diameter of 14"	\$ 140.00	\$ 1,834,000.00
7	5	EA	Pilot hole geophysical logging suite	\$ 37,451.00	\$ 187,255.00
8	3,100	LF	Abandonment of pilot hole	\$ 4.00	\$ 12,400.00
9	1,750	LF	Backfill pilot hole below setting depth of 9-5/8" long string casing	\$ 7.00	\$ 12,250.00
10	5,750	LF	Ream pilot hole at a diameter of 22" from 300 ft to 1,450 ft	\$ 180.00	\$ 1,035,000.00
11	5,600	LF	Clean pilot hole diameter of 14" from 1,450 ft to 9-5/8" diameter	\$ 22.00	\$ 123,200.00
12	7,000	LF	14" nominal diameter long string casing	\$ 142.00	\$ 994,000.00
13	5,850	LF	Add 10-3/4" nominal diameter long string casing in place of 9-5/8" casing	\$ 111.00	\$ 649,350.00
14	12,850	LF	Cement by interior pressure method for long string casing	\$ 40.00	\$ 514,000.00
15	1,750	LF	Drill cement plug and clean backfill below long string casing	\$ 40.00	\$ 70,000.00
16	5	EA	Well development and development tests	\$ 105,634.00	\$ 528,170.00
17	5	EA	18-hour step tests	\$ 19,448.00	\$ 97,240.00
18	5	EA	36-hour constant discharge test with recovery	\$ 11,959.00	\$ 59,795.00
19	72	HR	Additional hours of pumping for step tests or constant rate tests	\$ 333.00	\$ 23,976.00
20	5	EA	Water quality sampling and analysis	\$ 25,833.00	\$ 129,165.00
21	5	EA	Water well disinfection and 3-day bacteriological sampling	\$ 3,891.00	\$ 19,455.00
22	5	EA	Final water well color video log	\$ 1,200.00	\$ 6,000.00
23	5	EA	Spectralog, if required by the Owner	\$ 2,984.00	\$ 14,920.00
24	5	EA	Compensated Neutron Formation Density Log	\$ 4,839.00	\$ 24,195.00
25	3	EA	25-sack cement plug	\$ 12,605.00	\$ 37,815.00
TOTAL BASE PROPOSAL PRICE (Items 1 thru 25)					\$ 8,500,881.00

I, SCOTT F. HIBBS, P.E., #63462, DO HEREBY CERTIFY THAT THE ABOVE REFERENCED FINAL PROPOSAL PRICE WAS DEVELOPED IN ACCORDANCE WITH THE ADVERTISED PROCEDURES. THE FINAL PROPOSAL TABULATION HEREIN IS A TRUE AND ACCURATE REPRESENTATION OF THE ADVERTISED PROCESS AND REPRESENTS THE BEST VALUE FOR THE CITY OF SAN ANGELO.


SCOTT F. HIBBS, P.E., #63462



3/9/2022

TABULATION OF FINAL PROPOSAL FOR: Hickory Groundwater Supply System Expansion - Contract 2 WTP Improvements & Well Field Improvements, WU-06-22, City of San Angelo, Texas

INITIAL PROPOSALS RECEIVED: 1/27/2022

PE Firm Registration No. 1151

FINAL BASE PROPOSAL-CONTRACT 2A				PLW Waterworks	
Item No.	Quantity	Unit	Item	Unit Cost	Amount
			WELL FIELD		
1	1	LS	Mobilization / Demobilization	\$ 448,052.00	\$ 448,052.00
2	5	EA	Install Submersible Well Pump and Motor	\$ 191,220.40	\$ 956,102.00
3	5,797	LF	5" Column Pipe	\$ 90.32	\$ 523,558.00
4	9	EA	Lower and replace Subersible Well Pump, Motor and VFD	\$ 207,939.00	\$ 1,871,451.00
5	3	EA	Replace existing Submersible Well Pump, Motor and VFD	\$ 129,293.33	\$ 387,880.00
6	3,000	LF	Well Security Chain-Link Fencing	\$ 48.06	\$ 144,174.00
7	5	EA	16' Double Swing Gate	\$ 3,117.80	\$ 15,589.00
8	9,951	LF	12" C900 PVC Collection Pipe	\$ 98.72	\$ 982,320.00
9	10,830	LF	8" C900 PVC Collection Pipe	\$ 89.89	\$ 973,529.00
10	4	EA	12" Gate Valve and Box	\$ 5,215.50	\$ 20,862.00
11	3	EA	8" Gate Valve and Box	\$ 2,983.00	\$ 8,949.00
12	1	EA	6" Gate Valve and Box	\$ 2,182.00	\$ 2,182.00
13	1	EA	12" x 8" Reducer	\$ 1,094.00	\$ 1,094.00
14	1	EA	12" x 8" Tee	\$ 1,844.00	\$ 1,844.00
15	1	EA	12" x 12" Tee	\$ 2,003.00	\$ 2,003.00
16	1	EA	12" x 16" Tapping Sleeve	\$ 12,199.00	\$ 12,199.00
17	1	EA	12" x 20" Tapping Sleeve	\$ 4,974.00	\$ 4,974.00
18	1	EA	8" x 6" Tapping Sleeve	\$ 630.00	\$ 630.00
19	1	EA	8" x 6" Reducer	\$ 1,310.00	\$ 1,310.00
20	2	EA	12" 11.25 Degree Bend	\$ 1,297.50	\$ 2,595.00
21	6	EA	8" 45 Degree Bend	\$ 1,828.00	\$ 10,968.00
22	9	EA	2" Air Relief Valve	\$ 13,420.11	\$ 120,781.00
23	6	EA	Blow Off Valve	\$ 17,503.33	\$ 105,020.00
24	4	EA	Remove Fence and install Gate replacement	\$ 2,339.25	\$ 9,357.00
25	1	LS	Remove and replace Fence	\$ 81,060.00	\$ 81,060.00
26	1	LS	Remove Plug and connect to existing 8" Waterline	\$ 3,148.00	\$ 3,148.00
27	1	LS	Cut and Plug existing 8" Line	\$ 3,295.00	\$ 3,295.00
28	30,794	SY	Caliche Access Road	\$ 15.58	\$ 479,850.00
29	5	EA	150' x 150' Caliche Well Pads	\$ 44,521.60	\$ 222,608.00
30	1	LS	Disinfection and testing of C900 Piping	\$ 53,916.00	\$ 53,916.00
67	1	LS	Clear, chip and spread trees and vegetation	\$ 98,600.00	\$ 98,600.00
SUB TOTAL					\$ 7,549,900.00
			WELL HEAD AND HOUSING		
31	5	EA	Precast Concrete Building	\$ 79,765.00	\$ 398,825.00
32	5	EA	Concrete Well Head	\$ 21,879.20	\$ 109,396.00
33	5	EA	2" Combination Air Release Valve	\$ 7,031.80	\$ 35,159.00
34	5	EA	6" Flange Adapter	\$ 2,110.40	\$ 10,552.00
35	5	EA	6" DI Flanged Spool	\$ 2,493.20	\$ 12,466.00
36	5	EA	6" Magnetic Meter	\$ 11,557.80	\$ 57,789.00
37	5	EA	6" Weighted Swing Check Valve	\$ 13,921.20	\$ 69,606.00
38	5	EA	6" Gate Valve	\$ 3,304.80	\$ 16,524.00
39	5	EA	6" DI 45 Degree Bend, Flanged	\$ 2,320.20	\$ 11,601.00
40	5	EA	6" DI 45 Degree Bend, MJ	\$ 2,320.20	\$ 11,601.00
41	5	EA	Link-Seal Model LS-410- *-10	\$ 895.60	\$ 4,478.00
42	5	EA	6" DI Tee, Flanged	\$ 2,826.40	\$ 14,132.00
43	5	EA	6" DI Blind Flange	\$ 2,053.00	\$ 10,265.00
44	5	EA	3/4" Sample Cock	\$ 788.60	\$ 3,943.00
45	5	EA	6"x1/2" Threaded Nipple, Ball Valve, Pressure Gauge, Pit Matching SCADA	\$ 11,247.40	\$ 56,237.00
46	5	EA	6" Flanged Spool	\$ 2,391.40	\$ 11,957.00
47	10	EA	Adjustable Pipe Stand	\$ 1,709.60	\$ 17,096.00
SUB TOTAL					\$ 851,627.00

			PUMP STATION		
48	1	EA	Vertical Turbine Booster Pump	\$ 143,105.00	\$ 143,105.00
49	1	EA	12" Flapper Type Check Valve	\$ 10,162.00	\$ 10,162.00
50	1	EA	12" Mag Meter	\$ 16,900.00	\$ 16,900.00
51	4	EA	12" Dismantling Joint	\$ 3,390.75	\$ 13,563.00
52	2	EA	12" 90 degree Bend with Insulating Flange for Elbow above grade	\$ 458.00	\$ 916.00
53	1	EA	Bowl Assembly	\$ 13,993.00	\$ 13,993.00
54	1	EA	Anti-Vortex Baffle with Screen	\$ 13,993.00	\$ 13,993.00
55	1	EA	Pipe Support	\$ 12,720.00	\$ 12,720.00
56	1	EA	Pressure Indicating Transmitter & Switch	\$ 5,298.00	\$ 5,298.00
57	2	EA	48" Diameter Fiberglass Manhole	\$ 21,163.00	\$ 42,326.00
58	1	EA	1/2" Drain with 1/2" Compact Ball Valve	\$ 2,489.00	\$ 2,489.00
59	1	EA	3/4" NPT Tap on Pump Discharge Fitting for Flow Switch	\$ 1,829.00	\$ 1,829.00
60	1	EA	Air/Vacuum Release Valve	\$ 6,258.00	\$ 6,258.00
61	1	EA	Suction Pipe Connection	\$ 17,492.00	\$ 17,492.00
68	1	LS	800 kVA Diesel Generator	\$ 310,315.00	\$ 310,315.00
SUB TOTAL					\$ 611,359.00
			ELECTRICAL AND INSTRUMENTATION		
62	1	LS	New Well Sites Electrical	\$ 1,310,209.00	\$ 1,310,209.00
63	1	LS	Existing Well Sites Electrical	\$ 1,899,802.00	\$ 1,899,802.00
64	1	LS	Pump Station Electrical	\$ 941,254.00	\$ 941,254.00
65	1	LS	Instrumentation, Controls and SCADA Network	\$ 900,523.00	\$ 900,523.00
66	5	EA	Trailer Mounted Diesel Generators	\$ 215,848.20	\$ 1,079,241.00
SUB TOTAL					\$ 6,131,029.00
FINAL TOTAL BASE PROPOSAL PRICE CONTRACT 2A (Items 1 thru 68)					\$ 15,143,915.00

FINAL BASE PROPOSAL-CONTRACT 2B				PLW Waterworks	
Item No.	Quantity	Unit	Item	Unit Cost	Amount
1	1	LS	Mobilization, Bonds and Insurance	\$ 800,000.00	\$ 800,000.00
2	1	LS	Stormwater Pollution Prevention Plan	\$ 10,000.00	\$ 10,000.00
3	2,238	LF	Trench and Excavation Safety Plan	\$ 6.26	\$ 14,000.00
4	1	LS	Site Civil, Structural, Architectural, HVAC, Plumbing & Electrical	\$ 20,370,518.35	\$ 20,370,518.35
5	1	LS	Low Pressure Pump Station Building	\$ 862,000.00	\$ 862,000.00
6	2	EA	Split Case Horizontal Pumps inside Low Pressure Pump Station Building	\$ 194,000.00	\$ 388,000.00
7	1	LS	Allowance for Side Stream Aeration Equipment	\$ 136,019.65	\$ 136,019.65
8	1	LS	Oxidation Contactor Vessel	\$ 193,000.00	\$ 193,000.00
9	1	LS	Allownce for Pressure Filtration System	\$ 1,728,754.00	\$ 1,728,754.00
10	1	LS	Allowance for Radium Reduction System	\$ 5,420,708.00	\$ 5,420,708.00
11	2	EA	Clearwells	\$ 3,024,500.00	\$ 6,049,000.00
12	1	LS	Supervisory Control and Data Acquisition System	\$ 1,545,000.00	\$ 1,545,000.00
13	1	LS	Owner's Allowance for Work directed by the City of San Angelo	\$ 350,000.00	\$ 350,000.00
FINAL TOTAL BASE PROPOSAL PRICE CONTRACT 2B (Items 1 thru 13)					\$ 37,867,000.00

FINAL TOTAL PROPOSAL PRICE CONTRACT 2A & 2B		\$ 53,010,915.00
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I, SCOTT F. HIBBS, P.E., #63462, DO HEREBY CERTIFY THAT THE ABOVE REFERENCED FINAL PROPOSAL PRICE WAS DEVELOPED IN ACCORDANCE WITH THE ADVERTISED PROCEDURES.
THE FINAL PROPOSAL TABULATION HEREIN IS A TRUE AND ACCURATE REPRESENTATION OF THE ADVERTISED PROCESS AND REPRESENTS THE BEST VALUE FOR THE CITY OF SAN ANGELO.


SCOTT F. HIBBS, P.E., #63462



3/9/2022

Memo

To: Tina Dierschke, Finance Director
From: Allison Strube Water Utilities Director
Date: 03/15/2022
Re: Budget Amendment Request

Purpose of Budget Amendment Request:
Hickory Expansion Project

Source of Funding:

Water Capital fund balance; Texas Water Development Board is expected to issue a bond to cover these expenses in later Fall of 2022. Once that funding is available, it will replenish the Water Capital fund balance

Funding previously approved? If so, by City Manager or City Council and when?
No

Project/Budget to be amended	Revenue	Expense
Water Capital Funds		12,966,537

Additional Comments:

Per the Budget Policy section XIII (C) 3: Changes to the budget that are necessary for purchases, grants, or interlocal agreements if the City Council agenda caption of the item clearly states the funding source and the amount of the item. The background memo must clearly show all funds impacted by the expenditure. If these requirements are met, the agenda item serves as final approval by City Council for the expenditure and the amendment to the budget.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 15, 2022

Item type: Regular Item

Caption:

Consider awarding Task Order #3 under WU-04-19 Engineering Services for Water System Improvements to the Hickory Groundwater Supply Development to Enprotec / Hibbs & Todd, Inc. in the amount of \$2,885,250, and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Water Utilities Director Allison Strube)

Staff Recommendation:

Approve

Summary/History:

Task Order 1 that was previously awarded included a preliminary design report complete with recommendations on the number of additional wells to meet production capacity and appropriate redundancies and separate cost estimates for the well field improvements and treatment plant upgrades. It also included assistance and coordination in applying for financial assistance with entities such as the Texas Water Development Board (TWDB).

Task Order 2 included the preparation for the final construction drawings, contract documents, and specifications for the drilling of additional wells, the expansion of the wellfield collections and transmission system, increased treatment plant capacity, and the rehabilitation of the clearwell storage facility of the existing water treatment plant. They also provided technical criteria, written descriptions, and design data for the City's use in filing applications for permits from or approvals of governmental authorities having jurisdiction to review or approve the final design of the project. Finally, this also included the bidding and negotiated phase of the project.

Task Order 3 includes construction phase services for both contracts (WU-05-22: Hickory New Production Wells & WU-06-22: Hickory Treatment Plant and Well Field Improvements), resident project representatives (inspection), post-construction services, operations & maintenance manuals, records drawings, and construction staking. Please see the attached anticipated scope of work for more details.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
527-4157-800.07-30	\$2,723,250		\$2,723,250
527-4150-800.07-30	\$162,000		\$162,000

Financial Impact:

The costs associated with Task Order 3 with Enprotec / Hibbs & Todd, Inc. in the amount of \$2,885,250 are budgeted for and within the costs allocated by the previous TWDB loan of \$56,075,000.

Other Information/Recommendation:

Staff recommends that Task Order #3 be awarded to Enprotec / Hibbs & Todd, Inc. and the City Manager be authorized to execute any related documents.

Attachments:

- | | | |
|----|---|---|
| 1. | 18-331_RFQ_WU-04-18_ENPROTEC_TASK_O-3_Attachments_A_and_B | 18-331_RFQ_WU-04-18_ENPROTEC_TASK_O-3_Attachments_A_and_B.pdf |
|----|---|---|

Presentation:

Allison Strube

Approvals/Reviews:

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

**Attachment A: Scope of Services for Task Order No. 3
to the
Engineering Services Agreement
Hickory Groundwater Supply System Expansion**

The City of San Angelo (Owner) developed a groundwater supply and treatment system to add the Hickory Aquifer to its water supply portfolio. The Hickory groundwater supply consists of four major components: wellfield; groundwater storage and pumping; transmission piping; and groundwater treatment using ion exchange technology. The current capacity of the Hickory system is approximately 8.4 million gallons per day (MGD), or 9,400 acre-feet per year (ac-ft/yr). This project will expand the Hickory system to reliably produce and treat the maximum production capacity from the Hickory Aquifer of 12,000 ac-ft/yr (Hickory Expansion Project or Project).

The Hickory Expansion Project will be developed in accordance with applicable regulations of the Texas Commission on Environmental Quality (TCEQ), and all other appropriate federal, state, and local laws. In general, the Scope of Services for developing the Hickory Expansion Project under the Engineering Services Agreement were anticipated to include:

- Basis of Design Report (Preliminary Design Phase), and Application for Financial Assistance (completed under Task Order No. 1)
- Environmental Clearance, Permitting and Regulatory Coordination, Design Phase Level II (60%) and Level III (100%) (Completed under Task Order No. 2, as amended)
- Project Bidding or Contractor Selection using Alternative Delivery such as Construction Manager at Risk (CMAR) and/or Competitively Sealed Proposals (CSP) (Completed under Task Order No. 2, as amended)
- Construction Phase, Start-up, Commissioning / Performance Validation of Facilities
- Post-Construction/Warranty Phase

The Engineer will provide services supporting the Construction Phase and Post-Construction Phase in accordance with the detailed scopes outlined below.

A. Construction Phase

Under Task Order No. 3, the Engineer shall provide Construction Phase engineering services as generally outlined under Article 3, Section 3.01(d) – Basic Engineering Services, Construction Phase, and as more fully described below.

1. During the Construction Phase, Engineer shall:
 - a. *General Administration of Construction Contracts.* Consult with Owner and act as Owner's representative as provided in the General Conditions for two (2) construction contracts. The extent and limitations of the duties, responsibilities, and authority of Engineer as assigned in the General Conditions shall not be modified, except as Engineer may otherwise agree in writing. All of Owner's instructions to Contractor will be issued through Engineer, which shall have authority to act on behalf of Owner in dealings with Contractor to the extent provided in the General Conditions except as otherwise provided in writing.
 - b. *Selecting Independent Testing Laboratory.* Assist Owner in the selection of an independent testing laboratory to perform construction materials testing services.

- c. *Pre-Construction Conference.* Participate in a Pre-Construction Conference prior to commencement of Work.
- d. *Schedules.* Receive, review, and determine the acceptability of all schedules that Contractor is required to submit to Engineer, including the Progress Schedule, Schedule of Submittals, and Schedule of Values.
- e. *Visits to Site and Observation of Construction.* In connection with observations of Contractor's Work while it is in progress:
 - i. Make visits to the Site at intervals appropriate to the various stages of construction, as Engineer deems necessary, to observe as an experienced and qualified design professional the progress and quality of Contractor's executed Work. Such visits and observations by Engineer are not intended to be exhaustive or to extend to every aspect of Contractor's Work in progress or to involve detailed inspections of Contractor's Work in progress beyond the responsibilities specifically assigned to Engineer in the Contract Documents, but rather are to be limited to spot checking, selective sampling, and similar methods of general observation of the Work based on Engineer's exercise of professional judgment. Based on information obtained during such visits and observations, Engineer will determine in general if the Work is proceeding in accordance with the Contract Documents, and Engineer shall keep Owner informed of the progress of the Work.
 - ii. The purpose of Engineer's visits to the Site will be to enable Engineer to better carry out the duties and responsibilities assigned to and undertaken by Engineer during the Construction Phase, and, in addition, by the exercise of Engineer's efforts as an experienced and qualified design professional, to provide for Owner a greater degree of confidence that the completed Work will conform in general to the Contract Documents and that Contractor has implemented and maintained the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. Engineer shall not, during such visits or as a result of such observations of Contractor's Work in progress, supervise, direct, or have control over Contractor's Work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by Contractor, for security or safety on the Site, for safety precautions and programs incident to Contractor's Work, nor for any failure of Contractor to comply with Laws and Regulations applicable to Contractor's furnishing and performing the Work. Accordingly, Engineer neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.
- f. *Defective Work.* Engineer will have the authority to reject Contractor's Work while it is in progress if, based on Engineer's observations, Engineer believes that such Work will not produce a completed Project that conforms generally to the Contract Documents or that it will threaten the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. However, neither Engineer's authority to reject Work nor Engineer's decision to exercise or not exercise such authority shall give rise to a duty or responsibility of the Engineer to Contractors, Subcontractors, material and equipment suppliers, their agents or employees, or any other person(s) or entities performing any of the Work, including but not limited to any duty or responsibility for Contractors' or Subcontractors' safety precautions and programs incident to the Work.

- g. *Clarifications and Interpretations; Field Orders.* Issue necessary clarifications and interpretations of the Contract Documents as appropriate to the orderly completion of Contractor's work. Such clarifications and interpretations will be consistent with the intent of and reasonably inferable from the Contract Documents. Engineer may issue Field Orders authorizing minor variations in the Work from the requirements of the Contract Documents.
- h. *Change Orders and Work Change Directives.* Recommend Change Orders and Work Change Directives to Owner, as appropriate, and prepare Change Orders and Work Change Directives as required.
- i. *Shop Drawings and Samples.* Review and take appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Contract Documents. Such reviews will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto. Engineer shall meet any Contractor's submittal schedule that Engineer has accepted.
- j. *Substitutes and "or-equal."* Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor.
- k. *Inspections and Tests.* Require such special inspections or tests of Contractor's work as deemed reasonably necessary, and receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Contract Documents. Engineer's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Engineer shall be entitled to rely on the results of such tests.
- l. *Disagreements between Owner and Contractor.* Render formal written decisions on all duly submitted issues relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the execution, performance, or progress of Contractor's Work; review each duly submitted Claim by Owner or Contractor, and in writing either deny such Claim in whole or in part, approve such Claim, or decline to resolve such Claim if Engineer in its discretion concludes that to do so would be inappropriate. In rendering such decisions, Engineer shall be fair and not show partiality to Owner or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.
- m. *Applications for Payment.* Based on Engineer's observations as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation:
 - i. Determine the amounts that Engineer recommends Contractor be paid. Such recommendations of payment will be in writing and will constitute Engineer's representation to Owner, based on such observations and review, that, to the best of Engineer's knowledge, information and belief, Contractor's Work has progressed to the point indicated, the quality of such Work is generally in accordance with the Contract Documents (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any

subsequent tests called for in the Contract Documents, and to any other qualifications stated in the recommendation), and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled in so far as it is Engineer's responsibility to observe Contractor's Work. In the case of unit price work, Engineer's recommendations of payment will include final determinations of quantities and classifications of Contractor's Work (subject to any subsequent adjustments allowed by the Contract Documents).

- ii. By recommending any payment, Engineer shall not thereby be deemed to have represented that observations made by Engineer to check the quality or quantity of Contractor's Work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's Work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Engineer in this Agreement and the Contract Documents. Neither Engineer's review of Contractor's Work for the purposes of recommending payments nor Engineer's recommendation of any payment including final payment will impose on Engineer responsibility to supervise, direct, or control Contractor's Work in progress or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or Contractor's compliance with Laws and Regulations applicable to Contractor's furnishing and performing the Work. It will also not impose responsibility on Engineer to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any portion of the Work in progress, materials, or equipment has passed to Owner free and clear of any liens, claims, security interests, or encumbrances, or that there may not be other matters at issue between Owner and Contractor that might affect the amount that should be paid.
- n. *Contractor's Completion Documents.* Receive, review, and transmit to Owner maintenance and operating instructions, schedules, guarantees, bonds, certificates or other evidence of insurance required by the Contract Documents, certificates of inspection, tests and approvals, Shop Drawings, Samples and other data and the annotated record documents which are to be assembled by Contractor in accordance with the Contract Documents to obtain final payment.
- o. *Substantial Completion.* Promptly after notice from Contractor that Contractor considers the entire Work ready for its intended use, in company of Contractor and on behalf of Owner, conduct an inspection to determine if the Work is substantially complete. If after considering any objections of Owner, Engineer considers the Work substantially complete, Engineer shall deliver a certificate of Substantial Completion to Owner and Contractor.
- p. *Final Notice of Acceptability of the Work.* Conduct a final inspection to determine if the completed Work of Contractor is acceptable so that Engineer may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Engineer shall also provide a notice in written form that the Work is acceptable to the best of Engineer's knowledge, information, and belief and based on the extent of the services provided by Engineer under this Task Order No. 3.

2. Limitation of Responsibilities. Engineer shall not be responsible for the acts or omissions of any Contractor, or of any subcontractors, suppliers, or other individuals or entities performing or furnishing any of the Work. Engineer shall not be responsible for the failure of any Contractor to perform or furnish the Work in accordance with the Contract Documents.

B. Post-Construction Phase

Under Task Order No. 3, the Engineer shall provide Post-Construction Phase engineering services as generally outlined under Article 3, Section 3.01(e) – Basic Engineering Services, Post-Construction Phase, and as more fully described below.

1. During the Post-Construction Phase, Engineer shall:
 - a. Provide assistance in connection with the adjusting of Project equipment and systems.
 - b. Assist Owner in training Owner's staff to operate and maintain Project equipment and systems.
 - c. Assist Owner in developing procedures for control of the operation and maintenance of, and record keeping for Project equipment and systems. A full, detailed O & M Manual shall be considered an Additional Service.
 - d. Together with Owner, visit the Project to observe any apparent defects in the Work, assist Owner in consultations and discussions with Contractor concerning correction of any such defects, and make recommendations as to replacement or correction of Defective Work, if present.
 - e. In company with Owner or Owner's representative, provide an inspection of the Project within one month before the end of the Correction Period to ascertain whether any portion of the Work is subject to correction.

C. Additional Services

Under Task Order No. 3, Engineer shall provide Owner with Additional Services of the types listed below.

1. As appropriate, establish baselines and benchmarks for locating the Work which in Engineer's judgment are necessary to enable Contractor to proceed.
2. Engineer shall furnish Resident Project Representatives (RPR), assistants, and other field staff to assist Engineer in observing progress and quality of the Work. The RPR, assistants, and other field staff under this Task Order No. 3 will provide full time representation during construction of the Work under Contract 2, and part-time representation during construction of Contract 1.

Through such additional observations of Contractor's work in progress and field checks of materials and equipment by the RPR and assistants, Engineer shall endeavor to provide further protection for Owner against defects and deficiencies in the Work. However, Engineer shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over the Contractor's Work nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures selected by Contractor, for safety precautions and programs

incident to the Contractor's work in progress, for any failure of Contractor to comply with Laws and Regulations applicable to Contractor's performing and furnishing the Work, or responsibility of construction for Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.

The duties and responsibilities of the RPR are limited to those of Engineer in the Contract Documents, and are further limited and described as follows:

- a. *General:* RPR is Engineer's agent at the Site, will act as directed by and under the supervision of Engineer, and will confer with Engineer regarding RPR's dealings in matters pertaining to the Contractor's work in progress shall in general be with Engineer and Contractor, keeping Owner advised as necessary. RPR's dealings with subcontractors shall only be through or with the full knowledge and approval of Contractor. RPR shall generally communicate with Owner with the knowledge of and under the direction of Engineer.
- b. *Schedules:* Review the progress schedule, schedule of Shop Drawing and Sample submittals, and schedule of values prepared by Contractor and consult with Engineer concerning acceptability.
- c. *Conferences and Meetings:* Attend meetings with Contractor, such as preconstruction conferences, progress meetings, job conferences and other project-related meetings, and prepare and circulate copies of minutes thereof.
- d. *Liaison:*
 - i. Serve as Engineer's liaison with Contractor, working principally through Contractor's superintendent.
 - ii. Assist Engineer in serving as Owner's liaison with Contractor when Contractor's operations affect Owner's on-site operations.
 - iii. Assist in obtaining from Owner additional details or information, when required for proper execution of the Work.
- e. *Interpretation of Contract Documents:* Report to Engineer when clarifications and interpretations of the Contract Documents are needed and transmit to Contractor clarifications and interpretations as issued by Engineer.
- f. *Shop Drawings and Samples:*
 - i. Record date of receipt of Samples and approved Shop Drawings.
 - ii. Receive Samples which are furnished at the Site by Contractor and notify Engineer of availability of Samples for examination.
 - iii. Advise Engineer and Contractor of the commencement of any portion of the Work requiring a Shop Drawing or Sample submittal for which RPR believes that the submittal has not been reviewed by Engineer.
- g. *Modifications:* Consider and evaluate Contractor's suggestions for modifications in Drawings or Specifications and report with RPR's recommendations to Engineer. Transmit to Contractor in writing decisions as issued by Engineer.

h. *Review of Work and Rejection of Defective Work:*

- i. Conduct on-site observations of Contractor's work in progress to assist Engineer in determining if the Work is in general proceeding in accordance with the Contract Documents.
- ii. Report to Engineer whenever RPR believes that any part of Contractor's work in progress will not produce a completed Project that conforms generally to the Contract Documents or will prejudice the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents, or has been damaged, or does not meet the requirements of any inspection, test or approval required to be made; and advise Engineer of that part of work in progress that RPR believes should be corrected or rejected or should be uncovered for observation, or requires special testing, inspection or approval.

i. *Inspections, Tests, and System Startups:*

- i. Consult with Engineer in advance of scheduled major inspections, tests, and systems startups of important phases of the Work.
- ii. Verify that tests, equipment, and systems start-ups and operating and maintenance training are conducted in the presence of appropriate Owner's personnel, and that contractor maintains adequate records thereof.
- iii. Observe, record, and report to Engineer appropriate details relative to the test procedures and systems startups.
- iv. Accompany visiting inspectors representing public or other agencies having jurisdiction over the Project, record the results of these inspections, and report to Engineer.

j. *Records:*

- i. Maintain at the Site orderly files for correspondence, reports of job conferences, reproductions of original Contract Documents including all Change Orders, Field Orders, Work Change Directives, addenda, additional Drawings issued subsequent to the execution of the Contract, Engineer's clarifications and interpretations of the Contract Documents, progress reports, Shop Drawing and Sample submittals received from and delivered to Contractor, and other Project related documents.
- ii. Prepare a daily report for every day at the Site, recording Contractor's hours on the Site, weather conditions, data relative to questions of Change Orders, Field Orders, Work Change Directives, or changed conditions, Site visitors, daily activities, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures; and send copies to Engineer.
- iii. Record names, addresses and telephone numbers of all Contractors, subcontractors, and major suppliers of materials and equipment.
- iv. Maintain records for use in preparing Project documentation.
- v. Upon completion of the Work, furnish original set of all RPR Project documentation to Engineer.

k. *Reports:*

- i. Furnish to Engineer periodic reports as required of progress of the Work and of Contractor's compliance with the progress schedule and schedule of Shop Drawing and Sample submittals.
- ii. Draft and recommend to Engineer, proposed Change Orders, Work Change Directives, and Field Orders. Obtain backup material from Contractor.
- iii. Furnish to Engineer and Owner copies of all inspection, test, and system startup reports.
- iv. Report immediately to Engineer the occurrence of any Site accidents, any Hazardous Environmental Conditions, emergencies, or acts of God endangering the Work, and property damaged by fire or other causes.

l. *Payment Requests:* Review Applications for Payment with Contractor for compliance with the established procedure for their submissions and forward with recommendations to Engineer, noting particularly the relationship of the payment requested to the schedule of values, Work completed, and materials and equipment delivered at the Site but not incorporated in the Work.

m. *Certificates, Operation and Maintenance Manuals:* During the course of the Work, verify that materials and equipment certificates, operation and maintenance manuals and other data required by the Specifications to be assembled and furnished by Contractor are applicable to the items actually installed and in accordance with the Contract Documents, and have these documents delivered to Engineer for review and forwarding to Owner prior to payment for that part of the Work.

n. *Completion:*

- i. Before Engineer issues a Certificate of Substantial Completion, submit to Contractor a list of observed items requiring completion or correction.
- ii. Observe whether Contractor has arranged for inspections required by Laws and Regulations, including but not limited to those to be performed by public agencies having jurisdiction over the Work.
- iii. Participate in a final inspection in the company of Engineer, Owner, and Contractor and prepare a final list of items to be completed or corrected.
- iv. Observe whether all items on final list have been completed or corrected and make recommendations to Engineer concerning acceptance and issuance of the Notice of Acceptability of the Work.

o. Resident Project Representative shall not:

- i. Authorize any deviation from the Contract Documents or substitution of materials or equipment (including "or-equal" items).
- ii. Exceed limitations of Engineer's authority as set forth in the Contract Documents.

- iii. Undertake any of the responsibilities of Contractor, subcontractors, suppliers, or Contractor's superintendent.
 - iv. Advise on, issue directions relative to or assume control over any aspect of the means, methods, techniques, sequences or procedures of Contractor's work unless such advice or directions are specifically required by the Contract Documents.
 - v. Advise on, issue directions regarding, or assume control over safety precautions and programs in connection with the activities or operations of Owner or Contractor.
 - vi. Participate in specialized field or laboratory tests or inspections conducted off-site by others except as specifically authorized by Engineer.
 - vii. Accept Shop Drawing or Sample submittals from anyone other than Contractor.
 - viii. Authorize Owner to occupy the Project in whole or in part.
 - ix. Be responsible for the acts or omissions of Contractor or of any Subcontractor, any Supplier, or of any other individual or entity performing any of the work.
- 3. Preparation of operation and maintenance manuals. Update existing operation and maintenance manuals to incorporate new equipment and processes. Develop, in conjunction with City Staff, Standard Operating Procedures (SOPs) for the facilities. Support City Staff in developing record keeping to meet State regulatory requirements.
 - 4. Preparing and furnishing to Owner Record Drawings showing appropriate record information based on Project annotated record documents received from Contractor.

**Attachment B: Compensation for Task Order No. 3
to the
Engineering Services Agreement
Hickory Groundwater Supply System Expansion**

The total Task Order No. 3 not to exceed value is **\$2,885,250.00**. Compensation for the services described in Attachment A will be broken down as follows.

Owner shall pay Engineer for services set forth in Attachment A, Paragraph A – Construction Phase Services at a Lump Sum Amount of **\$1,461,900.00**.

Owner shall pay Engineer for services set forth in Attachment A, Paragraph B – Post-Construction Phase Services at a Lump Sum Amount of **\$50,000.00**.

- A. The Lump Sum includes compensation for Engineer's services and services of Engineer's Consultants, if any. Appropriate amounts have been incorporated into the Lump Sum to account for labor, overhead, profit and direct expenses.
- B. The portion of the Lump Sum amount billed for Engineer's services will be based upon Engineer's estimate of the proportion of the total services actually completed during the billing period to the Lump Sum.

Owner shall pay Engineer for services set forth in Attachment A, Paragraph C –Additional Services on a lump sum or time and materials basis not to exceed **\$1,373,350.00** in accordance with the following distribution of compensation:

- A. Additional Services for Resident Project Representative shall be compensated on a monthly or daily Lump Sum basis as identified below. The Lump Sum includes compensation for Engineer's services and services of Engineer's Consultants, if any. Appropriate amounts have been incorporated into the Lump Sum to account for labor, overhead, profit and direct expenses. Monthly services will be rounded up to the nearest one-half (1/2) month.
 - Resident Project Representative for Contract 2A: Well Field Improvements \$27,500/Month
 - Resident Project Representative for Contract 2B: GWTP Improvements \$29,500/Month
 - Resident Project Representative for Contract 1: Potable Supply Wells \$ 2,750/Day
- B. Additional Services compensated on a time and materials basis are identified below. Labor will be charged on an hourly basis in accordance with the attached schedule (Exhibit B-1). The hourly rate schedule will be adjusted each January 1st beginning January 1, 2023, limited to a maximum increase of 5% per year. Sub-consultants will be billed on the basis of cost times a factor of 1.05. Reimbursable expenses will be billed on the basis of cost times a factor of 1.05.
 - Field staking to establish control points
 - Operation and Maintenance Manuals / Standard Operating Procedures
 - Preparation of Record Drawings

Exhibit B-1
Enprotec / Hibbs & Todd, Inc.
CURRENT HOURLY CHARGES FOR PROFESSIONAL SERVICES

Charges include all salaries, salary expense, overhead, and profit.

Principal	\$ 230.00 per hour
Senior Project Manager.....	190.00 per hour
Project Manager	170.00 per hour
Senior Engineer / Geologist	150.00 per hour
Project Engineer / Geologist	135.00 per hour
Staff Engineer I / Geologist I	120.00 per hour
Staff Engineer II / Geologist II	105.00 per hour
RPLS I.....	155.00 per hour
Operations Specialist / Regulatory Compliance Specialist.....	150.00 per hour
Contract Operator (Certified Class A/B Operator.....	120.00 per hour
Contract Operator (Certified Class C/D Water Operator).....	100.00 per hour
Engineering / Field Technician I.....	135.00 per hour
Engineering / Field Technician II	110.00 per hour
Engineering / Field Technician III	85.00 per hour
Survey Tech I.....	85.00 per hour
Survey Tech II.....	65.00 per hour
CAD I.....	130.00 per hour
CAD II	100.00 per hour
CAD III	65.00 per hour
Administrative.....	70.00 per hour
Survey Party.....	225.00 per hour - 3 man
.....	200.00 per hour - 2 man
.....	175.00 per hour - 1 man

Expense Items

Consultants, Contractors & Supplies	Cost plus 10%
Travel (out of town only).....	Current IRS rate per mile
Lodging and meals (out of town trips).....	Actual cost

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 15, 2022

Item type: Regular Item

Caption:

Discussion and direction to staff on possible changes to the distribution of North and South Tax Increment Reinvestment Zone (TIRZ) funds (Presentation made by Planning & Development Services Director Jon James)

Staff Recommendation:

Direction from Council

Summary/History:

The TIRZ Board has become concerned about the lack of projects in the North TIRZ area, which has resulted in an available balance of a little over \$2 million in the North. At the same time, the limited availability of South area funds results in rejecting funding for multiple viable projects each year. The Board believes that shifting some funds from the North to the South would help further the goals of the TIRZ by spending available funds on viable projects rather than having those funds sit in an account and continuing to grow over time.

The Board's recommendation is not to simply combine all TIRZ funds into one account, but rather is to split available funds evenly between the North and South, including revenue in subsequent years. In that way, both the North and the South will continue to have designated funds used only within that area (at least without a supermajority vote by both the Board and City Council). However, in effect this will shift some of the revenue accruing to the North into the South to help fund projects in the South area.

Funding Source(s):

Financial Impact:

While there is no direct fiscal impact to the City, approval of this change will result in a change to the way TIRZ funds are distributed between the North and South areas of the Tax Increment Reinvestment Zone.

Other Information/Recommendation:

At their meeting on February 22, 2022, the TIRZ Board made a unanimous (6-0) recommendation to combine existing available North and South TIRZ funds and split them equally between the North and South AND for future years to split the annual TIRZ revenue equally between North and South.

Attachments:

Presentation:

Jon James

Approvals/Reviews:

Jon James	Created/Initiated
Jon James	Approved
Holly Voth	Approved
Jon James	Approved
Theresa James	Approved
Julia Antilley	Final Approval