



City Council Agenda 3/7/2023

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held March 7, 2023 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 7, 2023 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 February 21, 2023 City Council regular meeting minutes (Heather Stastny)
- b. Consider items related to the May 6, 2023 General Election:
1. consider approving the Certification of Unopposed Candidates
 2. consider declaring unopposed Council Member SMD 1 candidate Tommy Hiebert and Council Member SMD 5 candidate Karen Hesse Smith elected
 3. consider a resolution accepting an order declaring the election for Council Members SMD1 and SMD 5 cancelled (Heather Stastny)
- c. Consider ratifying proposed revisions to the COSADC Bylaws as approved by the COSADC Board (Michael Dane)
- d. Consider authorizing the City Manager to negotiate and execute a right-of-way license use agreement to allow for a 9.5-ft. building encroachment into the public right-of-way for an existing house located at 51 E. 21st St. (Jon James)
- e. Second reading of a reconsideration of an ordinance approving the abandonment of approximately 4,060 feet of the right-of-way of Cox Lane, beginning near 1861 Cox Lane and extending 2,330 feet to the west, then 1,730 feet south, ending approximately 320-ft north of the intersection of Sunset Dr. and Foster Rd. (Jon James)
- f. Second reading of an ordinance for Z22-25 to rezone properties from the High Rise Multifamily Residential zoning district to the Single-Family Residential zoning district, being 12.097 acres, generally located at the southeast corner of Blum St. and E. 40th St. (Jon James)
- g. Second reading of ordinances on the following cases for property being 0.743 acres, located at 3, 5, and 9 W. Ave. J:
1. CP22-07, a request for approval of an amendment to the Comprehensive Plan changing

- certain lands from the Commercial to the Neighborhood Future Land Use designation;
- 2. Z22-26, a request for approval of a rezoning from the General Commercial/Heavy Commercial zoning district to the Single Family Residential zoning district (Jon James)
- h. Second reading of ordinances on the following cases for property being approximately 15.325 acres and located northeast of the intersection of Montague Ave. and Veck St.:
 - 1. CP22-08, a request for approval of an amendment to the Comprehensive Plan, changing the Future Land Use from Commercial and Transitional to Neighborhood;
 - 2. Z22-27, a request for approval of a rezoning from General Commercial zoning district to the Planned Development zoning district (Jon James)
- i. Second reading of an ordinance for Z22-29 to rezone property from the Single-Family Residential zoning district to the Two-Family Residential zoning district, located at 1201 Koberlin St. (Jon James)

6. Regular Agenda

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

- a. Keep San Angelo Beautiful 2022 Annual Report (Presentation made by KSAB Executive Director Charlotte Anderson)
- b. Consider awarding the following items pertaining to the Lake Nasworthy Wastewater System Improvements Project and authorizing the City Manager to negotiate and execute all related documents:
 - 1. Consider awarding RFP WU-03-23 Rebid South Concho A Lift Station to Austin Engineering Company, Inc. in the amount of \$5,330,900.00 based upon scoring criteria as set forth in the Competitive Sealed Proposal procurement method
 - 2. Consider awarding RFP WU-04-23 Rebid Lake Nasworthy Wastewater System Improvements to McKee Utility Contractors, Inc. for the base bid and alternate bid item A in the amount of \$25,999,100.00 based upon scoring criteria as set forth in the Competitive Sealed Proposal procurement method
 - 3. Consider executing Task Order No. 3 in the amount of \$1,498,906.00 for Construction Phase Services and Resident Project Representative Services for Lake Nasworthy Wastewater System Improvements to CDM Smith Inc.
 - 4. Amending the fiscal year 2022-23 to budget for debt issuance in the amount of \$44,233,920
(Presentation made by Assistant Director of Water Utilities Andy Vecellio)
- c. Consider approving an agreement between the City of San Angelo and Angelo State University for a long-term lease of the Bly Arena, and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Civic Events Manager Sidney Walker)
- d. Consideration of a MOU between the City of San Angelo and the San Angelo Museum of Fine Arts for the use of space in the Chase State Office Building for a Curatorial Storage and Care Facility shared with Fort Concho, authorizing the City Manager to execute all documents (Presentation made by Fort Concho Manager Bob Bluthardt)
- e. First reading and public hearing of an ordinance to revoke SP94-22, which was replaced by the approval of a new Conditional Use, CU22-06, allowing additional outdoor storage and

display on a property being 4.718 acres, located at 2701 Southwest Blvd. (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 551.087 - Business prospect negotiations regarding
 - 1. Project New Wave
 - 2. Project Monet
 - 3. Skyline Aviation
 - 4. Occupational Training Facility at Mathis Field

8. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session, if needed
- b. Consider approving various Board nominations
Economic Development Corporation: Max Puello (SMD 3) to a third term, Ruben Ceballos (SMD 4) to a first full term, Steven Mahaffey (SMD 5) to a first term, and Farrah Gomez to a first full term, all ending February 2025.
- c. Announcements and consideration of Future Agenda Items

9. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at City Hall in the City of San Angelo, Texas, on the 3rd day of March 2023, at 6:53 p.m.


Heather Stastny, 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 Heather.Stastny@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

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.

As small businesses owners navigate an ever-changing landscape, SBDCs continue to support and elevate their clients through innovative training programs and advising strategies. In 2022, Texas SBDCs assisted entrepreneurs with continued disaster recovery efforts and with the other SBDC's in the Texas, South-West SBDC network has facilitated over \$168 million in disaster-related capital since March 2020. 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 recover, rebuild, and prosper.

Therefore, I, Brenda Gunter, Mayor of the City of San Angelo, Texas on behalf of the City Council, do hereby proclaim March 15th as Texas SBDC Day.

"Texas Small Business Development Center Day"

and wish the Texas South-West SBDC Network on this National SBDC Day continued success in the future.

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 7th day of March 2023.

Brenda Gunter
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, February 21, 2023

Present:

Mayor Brenda Gunter
Mayor Pro tem Tom Thompson, SMD 2
Council Member Tommy Hiebert, SMD 1
Council Member Harry Thomas, SMD 3
Council Member Lucy Gonzales, SMD 4
Council Member 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, February 21, 2023 at the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Chaplain Prayer & Pledges

An invocation was provided and pledges led by San Angelo Police Department Chaplain Art Mavrode.

3. Proclamations/Recognitions

No proclamations/recognitions.

4. Public Comment

No public comment.

5. Consent Agenda

- a. Approval of the February 7, 2023 City Council regular meeting minutes (Heather Stastny)
- b. Approval of a contract with Gilbert Consulting Services, LLC. in the amount of \$36,000 and authorizing the City Manager to negotiate and execute all related documents (Sylvia Guadarrama)
- c. Approval of an agreement with ABM Custodial Services through BuyBoard contract #639-21 in the amount of \$247,423.74 (first contract year) and authorizing the City Manager to negotiate and execute all related documents (Ron Lewis)
- d. Approval of Tax Increment Reinvestment Zone (TIRZ) incentive funding for seven private projects in the North TIRZ area for the properties located at 2600 MLK Drive; 901, 903, 905, 909, 1000, and 2626 North Chadbourne, totaling \$477,846, and three private projects in the South TIRZ area for the properties located at 402 West Beauregard; 213 and 215 South Chadbourne; and 109 S. Chadbourne, totaling \$199,141, and authorizing the City Manager to negotiate and execute all necessary documents (Jon James)
- e. Second reading an adoption of an ordinance amending the budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023, for an additional full-time parks position for the purpose of maintenance activities within the Tax Increment Investment Zones and capital expenses (Tina Dierschke) (Pg. 121, 2023-022)
- f. Approval of an agreement with Leibowitz & Horton in the amount of \$78,460 and authorizing the City Manager to negotiate and execute all related documents (Jeremy Valgardson)

- Motion: Council Member Hesse Smith made a motion, seconded by Council Member Gonzales, to approve the Consent Agenda, with the exception of items 5d and 5e. The motion carried unanimously (7) ayes to (0) nays, with no public comment.
- Motion: Council Member Thompson made a motion, seconded by Council Member Thomas, to approve 5e, as presented by Finance Director Tina Dierschke. The motion carried (6) ayes to (1) nay, with Council Member Gonzales casting the dissenting vote.
- Motion: Council Member Gonzales made motion, seconded by Council Member Hesse Smith, to approve item 5d, as presented by Planning and Development Director Jon James. The motion carried unanimously (7) ayes to (0) nays, with no public comment.

6. Regular Agenda

- a. Presentation of the Destination Marketing Organization quarterly report (Presentation made by Chamber of Commerce President/CEO Walt Koenig)

No Action Taken on this item.

- b. Adoption of a resolution of general support for construction of affordable housing projects as part of the 2023 annual Low Income Housing Tax Credit (LIHTC) program for the project Roosevelt Lofts by OPG Roosevelt Lofts Partners, LLC. (Presentation made by Neighborhood and Family Services Director Bob Salas & Overland Property Group Director of Development April Engstrom) (Pg. 124, 2023-23)

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

- c. Approval of Amendment #4 South Hangar Taxilane with Jviation, a Woolpert Company, Master Airport Agreement in the amount of \$498,024.37 and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Airport Director Jeremy Valgardson)

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

- d. Presentation from Specialized Public Finance, Inc. regarding proposed plan of finance for City of San Angelo, Texas Tax Notes, Series 2023, and direct Specialized Public Finance, Inc. to proceed with such plan of finance (Presentation made by Finance Director Tina Dierschke)
[Neighborhood and Family Services Assistant Director Morgan Chegwiddden gave overview of proposed improvements to the Animal Shelter.]

Direction: Consensus of Council was to proceed with the proposed plan of finance as presented.

- e. First reading and public hearing of a reconsideration of an ordinance approving the abandonment of approximately 4,060 feet of the right-of-way of Cox Lane, beginning near 1861 Cox Lane and extending 2,330 feet to the west, then 1,730 feet south, ending approximately 320-ft north of the intersection of Sunset Dr. and Foster Rd. (Presentation made by Planning & Development Services Director Jon James)

Dorado Construction Group Project Manager Hillary Bueker presented conception options for the proposed development to address traffic and drainage concerns.

SMD 1 residents Brandie Beall and Melissa Rauterkus spoke in opposition of the proposed abandonment.

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

- f. First reading and public hearing of an ordinance for Z22-25 to rezone properties from the High Rise Multifamily Residential zoning district to the Single-Family Residential zoning district, being 12.097 acres, generally located at the southeast corner of Blum St. and E. 40th St. (Presentation made by Planning & Development Services Director Jon James)

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

- g. First reading and public hearing of ordinances on the following cases for property being 0.743 acres, located at 3, 5, and 9 W. Ave. J:
 - 1. CP22-07, a request for approval of an amendment to the Comprehensive Plan changing certain lands from the Commercial to the Neighborhood Future Land Use designation;
 - 2. Z22-26, a request for approval of a rezoning from the General Commercial/Heavy Commercial zoning district to the Single Family Residential zoning district (Presentation made by Planning & Development Services Director Jon James)

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

- h. First reading and public hearing of ordinances on the following cases for property being approximately 15.325 acres and located northeast of the intersection of Montague Ave. and Veck St.:
 - 1. CP22-08, a request for approval of an amendment to the Comprehensive Plan, changing the Future Land Use from Commercial and Transitional to Neighborhood;
 - 2. Z22-27, a request for approval of a rezoning from General Commercial zoning district to the Planned Development zoning district (Presentation made by Planning & Development Services Director Jon James)

Motion: Council Member Gonzales 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.

- i. First reading and public hearing of an ordinance for Z22-29, to rezone property from the Single-Family Residential zoning district to the Two-Family Residential zoning district, located at 1201 Koberlin St. (Presentation made by Planning & Development Services Director Jon James)

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

7. Closed Session

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

- a. Section 551.072 - Deliberations about real property regarding 122.36 acres out of Survey 644, Abstract 1181 W. Spornhawn and out of Survey 645, Abstract 4212 C. Zech

- b. Section 551.087 - Business prospect negotiations regarding Project Cienna
- c. Section 551.087 - Business prospect negotiations regarding Skyline Aviation
- d. Section 551.074 - Personnel matters to deliberate the appointment of the City Clerk

8. Follow Up and Administrative Issues

- a. Consideration of items discussed in Closed Session, if needed
[City Manager Daniel Valenzuela announced his appointment of Heather Stastny as City Clerk.]
- b. Consider approving various Board nominations
Civil Service Commission: Brian Dunn (City Manager) to a first term ending January 2026
Construction Board of Adjustments and Appeals: Scott Allison (Mayor) to a second term
ending February 2025

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

- c. Announcements and consideration of Future Agenda Items

9. Adjournment

Consensus: Council Member Hiebert made a motion, seconded by Council Member Gonzales, to adjourn the meeting.

There being no further business, the meeting adjourned by consensus at 12:31 a.m. with no public comment.

THE CITY OF SAN ANGELO, TEXAS:

ATTEST:

Brenda Gunter, Mayor

Heather Stastny, 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: Heather Stastny, City Clerk, City Clerk

Meeting Date: March 7, 2023

Item type: Consent Item

Caption:

Consider items related to the May 6, 2023 General Election:

1. consider approving the Certification of Unopposed Candidates
2. consider declaring unopposed Council Member SMD 1 candidate Tommy Hiebert and Council Member SMD 5 candidate Karen Hesse Smith elected
3. consider a resolution accepting an order declaring the election for Council Members SMD1 and SMD 5 cancelled (Heather Stastny)

Staff Recommendation:

Adopt

Summary/History:

Under the Texas Election Code 2.051-2.053, the City Council must accept the Certification of Unopposed Candidates as soon as possible after the write-in deadline if a candidate for an office that is to appear on the ballot in a territorial unit is unopposed. The Council must then, in an Open Meeting, declare each unopposed candidate elected to the office and adopt an order declaring the election cancelled.

There being no write-in candidates at the 5:00 p.m. deadline on Tuesday, February 21, 2023, a Certification of Unopposed Candidates was issued for Council Member Single Member District 1 and Council Member Single Member District 5 candidates.

The unopposed candidates, who have been declared elected at the meeting ordering the cancellation, must wait until the prescribed canvassing period to be sworn in and assume their duties.

Funding Source(s):

Financial Impact:

The projected cost of the May 2023 election is \$28,103. There is no projected change with the election of Council Member Single Member 3 and Charter Amendments remaining on the ballot.

Other Information/Recommendation:

Attachments:

1. Certification of Unopposed Candidates
2. Order of Cancellation SMD 1 & SMD 5
3. Resolution

Certification of Unopposed Candidates.pdf
Order of Cancellation SMD 1 & SMD 5.pdf
Resolution .doc

Presentation:

Heather Stastny

Approvals/Reviews:

Heather Stastny
Theresa James
Heather Stastny

Created/Initiated
Approved
Final Approval

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR
CITY COUNCIL MEMBER SMD 1 AND CITY COUNCIL MEMBER SMD 5**

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 6, 2023.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 6 de mayo de 2023.

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) Cargo(s)

Single Member District One (SMD 1)
Single Member District Five (SMD 5)

Candidate(s) Candidato(s)

Tommy Hiebert
Karen Hesse Smith

Heather Stastny
Signature (Firma)

Heather Stastny
Printed name (Nombre en letra de molde)

City Clerk
Title (Puesto)

February 22, 2023
Date of signing (Fecha de firma)



(Seal) (sello)

ORDER OF CANCELLATION
ORDEN DE CANCELACIÓN

The City of San Angelo hereby cancels the election scheduled to be held on
(official name of governing body)
May 6, 2023 in accordance with Section 2.053(a) of the Texas
(date on which election was scheduled to be held)
Election Code. The following candidates have been certified as unopposed and are hereby
elected as follows:

El Cuidad de San Angelo por la presente cancela la elección que, de lo contrario,
(nombre oficial de la entidad gobernante)
se hubiera celebrado el 6 de Mayo de 2023 de conformidad, con
(fecha en que se hubiera celebrado la elección)
la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido
certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado
a continuación:

Candidate (Candidato)	Office Sought (Cargo al que presenta candidatura)
Tommy Hiebert	Single Member District One (SMD 1)/Distrito Numero Uno
Karen Hesse Smith	Single Member District Five (SMD 5)/Distrito Numero Cinco

A copy of this order will be posted on Election Day at each polling place that would have
been used in the election.

*El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales
que se hubieran utilizado en la elección.*

Mayor (Alcalde)

City Clerk (Oficinista de La Ciudad)

(seal) (sello)

Date of adoption (Fecha de adopción)

RESOLUTION 2023-XXX

A RESOLUTION OF THE CITY COUNCIL OF SAN ANGELO, TEXAS, RECEIVING THE CERTIFICATION OF UNOPPOSED CANDIDATES FROM THE CITY CLERK IN THE MAY 6, 2023 GENERAL ELECTION FOR THE OFFICES OF CITY COUNCIL MEMBERS, SINGLE MEMBER DISTRICTS ONE AND FIVE; DECLARING UNOPPOSED CANDIDATES TO BE ELECTED TO OFFICE; ORDERING CANCELATION OF THE CITY GENERAL ELECTION FOR SINGLE MEMBER DISTRICT 1 AND 5 TO TAKE PLACE ON MAY 6, 2023; PROVIDING FOR SEVERABILITY; AND, ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of San Angelo, Texas, on the 7th day of February 2023, duly passed Resolution 2023-011 calling a general election to be held on the first Saturday in May 2023, same being the sixth (6th) day of May 2023, for the purpose of electing one City Council Member from Single Member District 1; one City Council Member from Single Member District 3; and one City Council Member from Single Member District 5; by the qualified voters of the City of San Angelo, Single Member District Number 1, Number 3, and Number 5, respectively; and

WHEREAS, pursuant to Sections 143.007 and 146.054, Texas Election Code, the deadline for filing applications for a place on the ballot and declaration of write-in candidacy for the City of San Angelo general election for May 6, 2023 has expired; and

WHEREAS, pursuant to Section 2.052 of the Texas Election Code, the City Clerk has certified in writing that Tommy Hiebert is unopposed in the election for the respective office of Single Member District 1, and that Karen Hesse Smith is unopposed in the election for the respective office of Single Member District 5; and

WHEREAS, pursuant to Section 2.053 of the Texas Election Code, on receipt of the certification, the governing body of the political subdivision by order or ordinance may declare each unopposed candidate elected to the office and cancel the election.

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

SECTION 1: That the City Council, hereby receives the City Clerk's Certification of Unopposed Candidates for the May 6, 2023 General Election.

SECTION 2: The City Council hereby declares that the following unopposed candidates for the May 6, 2023 General Election are elected to their respective offices:

TOMMY HIEBERT, COUNCIL MEMBER, SINGLE MEMBER DISTRICT 1

KAREN HESSE SMITH, COUNCIL MEMBER, SINGLE MEMBER DISTRICT 5

SECTION 3: That the declared elected candidates shall assume the duties of office when certificates of election are issued to each candidate as provided for at law.

SECTION 4: The City of San Angelo City Council hereby orders that the General Election for Single Member District 1 and 5 scheduled to be held on May 6, 2023 is cancelled, in accordance with Section 2.053(a) of the Texas Election Code.

SECTION 5: That the called election for Council Member, Single Member District 3 remains unchanged by this Resolution.

SECTION 6: That the written Certification of Unopposed Candidates prepared by the City Clerk and delivered to the City Council is attached hereto as **Exhibit "A"** and is made a part hereof for all purposes.

SECTION 7: That the written Order of Cancellation prepared by the City Clerk is attached hereto as **Exhibit "B"** and is made a part hereof for all purposes.

SECTION 8: That a copy of the Order of Cancellation for the election of Council Member Single Member District 1 and Council Member Single Member District 5 shall be posted on May 6, 2023, the day on which the election is to be held, at each polling place used or that would have been used in the election.

Section 9: That the declared elected candidates shall be listed separately on the ballot under the heading "Unopposed Candidates Declared Elected".

SECTION 10: Should any section, provision, clause, or word of this Resolution be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby.

SECTION 11: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED on this 7th day of March 2023.

CITY OF SAN ANGELO, TEXAS:

ATTEST:

Brenda Gunter, Mayor

Heather Stastny, City Clerk

APPROVED AS TO FORM:

Theresa James, City Attorney

EXHIBIT "A"

AW12-1
Prescribed by Secretary of State
Section 2.051 – 2.053, Texas Election Code
2/14

CERTIFICATION OF UNOPPOSED CANDIDATES FOR
CITY COUNCIL MEMBER SMD 1 AND CITY COUNCIL MEMBER SMD 5

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 6, 2023.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 6 de mayo de 2023.

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) *Cargo(s)*

Single Member District One (SMD 1)
Single Member District Five (SMD 5)

Candidate(s) *Candidato(s)*

Tommy Hiebert
Karen Hesse Smith


Signature (*Firma*)

Heather Stastny
Printed name (*Nombre en letra de molde*)

City Clerk
Title (*Puesto*)

February 22, 2023
Date of signing (*Fecha de firma*)



(Seal) (*sello*)

EXHIBIT "B"

AW12-2
Prescribed by Secretary of State
Section 2.051 – 2.053, Texas Election Code
2/14

ORDER OF CANCELLATION
ORDEN DE CANCELACIÓN

The City of San Angelo hereby cancels the election scheduled to be held on
(official name of governing body)
May 6, 2023 in accordance with Section 2.053(a) of the Texas
(date on which election was scheduled to be held)
Election Code. The following candidates have been certified as unopposed and are hereby
elected as follows:

El Cuidad de San Angelo por la presente cancela la elección que, de lo contrario,
(nombre oficial de la entidad gobernante)
se hubiera celebrado el 6 de Mayo de 2023 de conformidad, con
(fecha en que se hubiera celebrado la elección)
la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido
certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado
a continuación:

Candidate (Candidato)	Office Sought (Cargo al que presenta candidatura)
Tommy Hiebert	Single Member District One (SMD 1)/Distrito Numero Uno
Karen Hesse Smith	Single Member District Five (SMD 5)/Distrito Numero Cinco

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

Mayor (Alcalde)

City Clerk (Oficinista de La Ciudad)

(seal) (sello)

Date of adoption (Fecha de adopción)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Robert Schneeman, Economic Development Coordinator, Economic Development

Meeting Date: March 7, 2023

Item type: Consent Item

Caption:

Consider ratifying proposed revisions to the COSADC Bylaws as approved by the COSADC Board (Michael Dane)

Staff Recommendation:

Approve

Summary/History:

At their meeting on December 19, 2022 the COSADC Board proposed certain changes to the Corporation Bylaws. Those changes were submitted to City Council for ratification and during their meeting on January 17, 2023 Council elected not to ratify the changes with a recommendation to make further revisions. At their meeting on January 25, 2023 the Board was briefed by staff on the Council decision and directed the Bylaws Review Committee to meet and address the issues identified. The COSADC Bylaws Committee met on February 15, 2023 and proposed to limit the Bylaws changes to those shown in the attached. The COSADC Board approved the revised bylaws as shown in the attached at their meeting on February 22, 2023.

Funding Source(s):

Financial Impact:

No fiscal impact. Bylaw revisions only.

Other Information/Recommendation:

Attachments:

- | | | |
|----|---|---|
| 1. | 2022 Bylaw Revisions - (Final Redline) 02-16-2023 | 2022 Bylaw Revisions - (Final Redline) 02-16-2023.pdf |
|----|---|---|

Presentation:

Approvals/Reviews:

Robert Schneeman
Michael Dane
Theresa James
Tina Dierschke
Theresa James
Heather Stastny

Created/Initiated
Approved
Approved
Approved
Approved
Final Approval

**BYLAWS OF
CITY OF SAN ANGELO DEVELOPMENT CORPORATION**

These bylaws restate in their entirety and supersede the bylaws of the City of San Angelo Development Corporation in effect upon their adoption by the Board and approval by City Council.

**ARTICLE I
PURPOSE AND POWERS**

SECTION 1. GOVERNING LAW.

The Corporation shall be governed by the following statutes, ordinances, and rules, as amended and supplemented from time to time and to the extent that such statutes, ordinances, and rules remain in force and effect.

- Articles of Incorporation, as amended.
- Local Government Code, Chapters 380, 501, 502, and 505.
- City of San Angelo Code of Ordinances, Chapter 2 “Administration and Personnel”, Article 2.07 “Boards, Committees and Commissions”, Division 1 “Generally” and Division 6 “Economic Development Corporation”.
- Bylaws

SECTION 2. REGISTERED OFFICE AND REGISTERED AGENT.

(a) Registered Office and Agent. The City of San Angelo Development Corporation (the "Corporation") shall have and continuously maintain in the State of Texas a registered office, and a registered agent whose office is identical with such registered office. The Registered Office for the Corporation shall be the City of San Angelo Business Resource Center, 69 N. Chadbourne, San Angelo, Texas 76903. The Registered Agent for the Corporation is Nora Nevarez, Economic Development Assistant for the City of San Angelo, or such other person employed in the Economic Development office as may be designated by the Board from time to time and registered with the Texas Secretary of State.

(b) Principal Office. The Principal Office of the Corporation shall be the City of San Angelo Business Resource Center, 69 N. Chadbourne Street, San Angelo, Texas, 76903.

SECTION 3. MEETINGS.

- A. Notice of Meetings. The Corporation is subject to the Open Meetings Act, Texas Government Code, Sec. 551.001. Notice of each regular or special meeting of a quorum of the board shall be given in accordance with the provisions of the Act.
- B. Place. All meetings of the Board of Directors shall be held within the corporate limits of the City of San Angelo, Texas. Regular meetings of the board shall be held at least one time each calendar month, unless there is no business for consideration. The board, by majority vote, shall set the day of each month for regular meetings. Special meetings may be called by the Board President with notice to the Board as required under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.
- C. Annual Meeting. An annual meeting of the Board of Directors shall be held at a regular board meeting during May of each year, subject to resolution of the Board setting a special meeting for the annual meeting.
- D. Regular Meetings. The Board of Directors may provide for regular meetings by resolution stating the day of each month, time and place within the corporate limits of the City of San Angelo for regular meetings. Regular Meetings shall continue to be held on such days and at such time and place, subject to change by Resolution of the Board.
- E. Special Meetings.
 - (1) Special meetings of the Board of Directors may be held at the request of the President, any Vice President, any two Directors of the Corporation, or any two members of the City Council. A person or persons calling the meeting shall fix the date and time of the meeting.
 - (2) The person or persons calling a special meeting shall notify the Secretary of the Corporation of the information required to be included in the notice of special meeting. In addition to posting public notice of the meeting in accordance with the Texas Open Meetings Act, a written copy of the notice of meeting shall be delivered to each board member not less than seventy-two hours before the time set for the meeting. A meeting notice shall be deemed delivered one day after the notice is deposited in the United States mail or the day sent by email, addressed to the board member at his or her address as it appears on the records of the Corporation. Such notice shall be deemed waived by a board member's attendance at the meeting for purposes other than protesting notice, or in writing delivered to the corporate secretary either before or after the time of the meeting.
- F. Agenda. Any director or officer of the corporation may place an issue on the Agenda of a regular or special meeting by notifying the Secretary of the corporation one week prior to the meeting, if possible, but in no event later than necessary for posting public notice in compliance with the Texas Open Meetings Act.
- G. Quorum. A quorum for the transaction of business by the Board shall be a majority of the seven (7)

members of the Board. The presence of a director may not be established by proxy.

SECTION 4. CONDUCT OF BUSINESS.

- A. Matters pertaining to the business of the Corporation shall be considered by the Board in accordance with the rules of procedure as from time to time prescribed by the Board. Unless otherwise adopted by the Board, the rules of procedure of the City Council then in effect shall be the rules of procedure for the Board.
- B. At the meetings of the Board of Directors, the President, or in his or her absence the First or Second Vice President, or in the absence of those Officers, a member of the Board selected by motion adopted by a majority of the members present, shall preside.
- C. The Secretary of the Corporation or his or her designee shall act as Secretary of at meetings of the board. The Secretary shall keep minutes of Board and committee meetings and shall cause such approved, official minutes to be recorded in books kept for that purpose in the principal office of the Corporation.
- D. Committees. The Board of Directors may by resolution establish one or more special or standing committees. Such committees shall have the powers, duties and responsibilities established by the Board. The committees shall keep regular minutes of their meetings and report the same to the Board of Directors when requested.
- E. Compensation of Directors. Board members shall not receive a salary or any compensation for their services. Directors may be reimbursed for actual expenses incurred in the performance of their duties as board members. Travel expenses shall be reimbursed under the City's travel policy.
- F. Ex-Officio Members. (1) The City Council may appoint Ex-Officio members to the Board of Directors as it deems appropriate. These representatives shall have the right to take part in any discussion in open meetings but shall not have the power to vote in the meetings. Ex- Officio members shall serve a term of one calendar year but shall be eligible for reappointment for succeeding one-year terms.

(2) The following persons shall be automatically appointed as Ex-Officio directors during their term of service in the designated capacities:

- (i) The President of the San Angelo Chamber of Commerce;
- (ii) The Chairman of San Angelo Regional Manufacturing Association;
- (iii) The Chairman of Cornerstone Investors and
- (iv) The Chairman of the Economic Development Advisory Board.

(3) Ex Officio board membership of an individual holding the designated office for such named entity shall automatically be deemed vacated upon termination of the individual's service as an officer of the named entity, and the replacement for such designated officer shall automatically succeed to the vacated Ex-Officio board

member seat.

- G. Contracts. Except for contracts or transactions executed by the Executive Director as authorized in Article V, No contract or other transaction between this corporation and any other corporation, person or entity shall be authorized unless approved at a public meeting by a quorum of the Board, on duly adopted motion of members not having a conflict of interest.
- H. Authority of the Board. The Board of Directors shall govern the corporation pursuant to applicable law, subject to oversight of the City Council as required. Within the scope of such general authority, the Board of Directors shall have the following authority:
1. To purchase, or otherwise acquire for the corporation, any property, rights, or privileges which the corporation is authorized to acquire, at such price or consideration and generally on such terms and conditions as they think fit; and at their discretion to pay therefore either wholly or partly in money, notes, bonds; debentures, or other securities of contracts of the corporation.
 2. To create, make and issue notes, mortgages, bonds, deeds of trust, trust agreements and negotiable or transferable instrument and securities, secured by mortgage or deed of trust on any real property of the corporation or otherwise and to do every other act or thing necessary to effect the same, or to contract with the City of San Angelo to effect the same.
 3. To sell or lease the real or personal property of the corporation on such terms as the Board may deem fit and to execute all deeds, leases and other conveyances of corporate property or other contracts that may be necessary or desirable for carrying out the purposes of this corporation.
 4. Whether included in the foregoing or not, to have and exercise all powers necessary or appropriate to effect any or all of the purposes for which the corporation is organized which powers shall be subject at all times to the control of the City Council of San Angelo, Texas.
- I. Review of proposed Development Projects. In addition to ballot approved projects, the Board is charged with authority pursuant to provisions of the Development Corporation Act to evaluate and fund projects for the promotion and development of new or expanding business enterprises which create or retain primary jobs, including providing for infrastructure to support such enterprises. With regard to economic development projects, the corporation may request review and recommendations from Cornerstone Investors or the San Angelo Chamber of Commerce as provided under contract.

SECTION 5. DUTIES OF DIRECTORS.

- A. Performance of Duties. Directors shall exercise ordinary business judgment in managing the affairs of the Corporation. In acting in their official capacity as directors of the Corporation, directors shall act in good faith and take actions they reasonably believe to be in the best interests of the Corporation and which are not unlawful and shall refrain from actions not in the best interest of the Corporation or which would be unlawful. A director shall not be liable if, in the exercise of ordinary

care, the director acts in good faith relying on written financial and legal statements provided by an accountant, attorney, or other professional advisor retained by the Corporation.

- B. Conflict of Interest. In the event that a director is aware that he has a conflict of interest or potential conflict of interest, with regard to any particular matter or vote coming before the Board, the director shall bring the same to the attention of the Board and shall abstain from discussion of and voting on that matter.

A director shall bring to the attention of the Board any apparent conflict of interest or potential conflict of interest of any other director, in which case the Board shall determine whether a true conflict of interest exists before any further discussion or vote shall be conducted regarding the matter. The director about whom a conflict-of-interest question has been raised shall refrain from voting with regard to the board's determination.

- C. Contracts for Service. ~~(1)~~—The Corporation may, with approval of the City Council unless such approval is not required per Article I, Section 8(2)(i-ii) and/or Article V, Section 2, contract with any qualified and appropriate person, association, corporation, or governmental entity to perform and discharge designated tasks, which will aid or assist the Board in the performance of its duties. However, no such contract shall divest the Board of its discretionary duties or policy-making authority.

SECTION 6. ANNUAL REPORT OF CORPORATE FUNDED PROJECTS. On or before the first regular meeting of the Board in May of each year, the board shall hold a public hearing for review of a summary of corporate funded projects and economic development activities of the Corporation during the previous fiscal year as outlined in a written report prepared by staff and submitted to the board for adoption.

SECTION 7. DEBT, DEPOSIT, AND INVESTMENT OF CORPORATE FUNDS.

- A. Bonds and Debt Instruments. All proceeds from the issuance of bonds, notes or other debt instruments (the "Bonds") issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their execution or issuance and handled in accordance with the statute governing this Corporation, but no bonds shall be issued, including refunding bonds, by the Corporation without the approval of the City Council after review and comment by the City's bond counsel.

- B. Investment Policy. All monies of the Corporation shall be deposited, secured, and/or invested in compliance with the City of San Angelo Investment Policy, Strategy and Broker/Dealer List of the San Angelo Development Corporation adopted and amended from time to time by the board pursuant to the Texas Public Funds Investment Act and approved by City Council. The Treasurer shall designate the accounts and depositories to be created and designated for such purposes, and the methods of withdrawal of funds therefrom for use by and for the purposes of the Corporation upon the signature of the Treasurer and the Secretary. The accounts, reconciliation, and investment of such funds and accounts shall be performed by the Department of Finance of the City.

SECTION 8. EXPENDITURES OF CORPORATE MONEY.

The monies of the Corporation, including sales and use taxes collected pursuant to Chapter 505 “Type B Corporations”, of the Development Corporation Act and Article 2.07, Division 6 of the City of San Angelo Code of Ordinances, the proceeds from the investment of funds of the Corporation, the proceeds from the sale of property, monies derived from the repayment of loans, rents received from the lease or use of property, the proceeds derived from the sale of bonds, and other proceeds may be expended by the Corporation for any of the purposes authorized by the Act, subject to the following limitations:

1. Expenditures from the proceeds of bonds shall be identified and described in the orders, resolutions, indentures, or related corporate agreements submitted to and approved by the City Council. Expenditures made from a fund established with the proceeds of bonds, and expenditures of proceeds from sources other than bonds, may be used for the purposes of funding or otherwise facilitating one or more authorized economic development projects. Specific proposed expenditures shall be described in an authorizing resolution or order of the Board, subject to approval thereof by the City Council.
2. Other proposed expenditures shall be made in accordance with annual budgeted funds as the budget may be amended from time to time, and with the City of San Angelo Purchasing Policy and Procedures Manual, as amended. Additionally, the following limitations shall apply:
 - i. The Executive Director may make expenditures up to \$25,000 as provided in Article V, Section 2 below.
 - ii. Expenditures between \$25,001 and \$50,000 shall require approval of the Board and the City Manager, or his designee, to satisfy the requirements of Texas Local Government Code Section 501.073.
 - iii. Expenditures greater than \$50,000 shall require Board and City Council approval but shall not be subject to bidding requirements unless otherwise required by law.
 - iv. Separate, sequential, and/or component purchases shall not be made to purposely avoid the purchasing limits set out herein. Such limits apply to items or services that by standard purchasing practices would ordinarily be procured in a single purchase.
 - v. Regardless of amount, “project” expenditures and contracts made under the Texas Local Government Code shall require Board and City Council approval.

SECTION 9. REPORT TO COMPTROLLER.

Not later than February 1 of each year, the board of directors of the Corporation shall submit to the Texas Comptroller of Public Accounts the report of corporate revenues and expenditures required under Local Government Code, Title 12, Subtitle C1, Chapter 502.

ARTICLE II OFFICERS

SECTION 1. TITLES AND TERM OF OFFICE.

The officers of the Corporation shall be a president, first and second vice-presidents, a secretary, and a treasurer.

SECTION 2. OFFICERS.

- A. President and First and Second Vice-President. The president and first and second vice presidents shall be appointed by and subject to the control of the Board of Directors and shall serve a term of one (1) year or until their successors are appointed.
- B. Secretary and Treasurer. The Secretary of the Corporation shall be a City staff member assigned to the Corporation under a contract between the Corporation and the City of San Angelo, as approved by the Board of Directors. The Treasurer of the Corporation shall be the Finance Director of the City of San Angelo and shall serve as long as he/she remains in the position.
- C. Any officer of the Corporation may be removed by a majority vote of the Board of Directors without cause.
- D. Vacancies. A vacancy in any office of the Corporation may be filled by a majority vote of the Board of Directors for the unexpired portion of the officer's term.
- E. Annual Election. The Board of Directors, at each annual meeting of the Board shall appoint the officers of the Corporation who shall have such authority and shall perform such duties as from time to time may be prescribed by the Board of Directors.
- F. Compensation of Officers. Officers of the corporation shall not receive a salary or other compensation for their services. Officers may be reimbursed for actual expenses incurred in the performance of their duties. Travel expenses shall be reimbursed under the City's travel policy.

SECTION 3. DUTIES OF OFFICERS.

- A. President. The president shall be the chief executive officer of the Corporation and shall preside at all meetings of the Directors. The president shall, subject to the authority of the Board and approval of the City Council, supervise and control all of the business and affairs of the Corporation. When the execution of any contract or instrument shall have been authorized by the Board of Directors, the president shall execute same except where such power is expressly delegated to another officer of the Corporation. The president shall perform other duties prescribed by the Board of Directors and all duties incident to the office of president.

In addition, the president shall:

1. Have the authority to appoint standing or study committees to aid and assist the Board in its business undertaking or other matters incidental to the operation and functions of the Board (this authority is in addition to the authority of the Board to establish committees pursuant to Article II, Section ~~34~~D of these Bylaws);
 2. Appear or designate a board or staff member to appear before the City Council on a periodic basis to give a report on the status of activities of the Corporation; and
 3. Appear or designate a board or staff member to appear before the City Council, regarding any item being considered by the City Council concerning the Corporation.
- B. Vice Presidents. The first vice president shall exercise the powers of the president during that officer's absence or inability to act. The second vice president shall exercise the powers of the president during the absence of the president and the first vice president. The first and second vice presidents shall also perform other duties as from time to time may be assigned by the president or the Board.
- C. Secretary. The secretary shall keep the minutes of all meetings of the Board and committees in books provided for that purpose, shall give and serve all notices, shall sign in his/her official capacity with the president in the name of the Corporation, and/or attest the signature thereto, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation and when necessary, shall affix the seal of the Corporation. The secretary shall have charge of the corporate books, records, documents, and instruments except the books of account and financial records and securities, and such other books and papers as the Board may direct. The secretary shall in general perform all duties incident to the office of secretary subject to the control of the Board.
- D. Treasurer. The treasurer shall have charge and custody of all funds and securities of the Corporation; shall receive and give receipts for money due and payable to the Corporation from any source; shall endorse on behalf of the Corporation for collection, checks, notes, and other obligations and shall deposit the same to the credit of the Corporation in such bank or depository as the Board of Directors may designate. Whenever required by the Board of Directors, the treasurer shall render a statement of the Corporation's cash account; shall enter regularly in the books of the Corporation, to be kept by the treasurer for that purpose, a full and accurate account of the Corporation and shall assist the board in preparing an annual budget. The Corporation's books and accounts shall at all reasonable times be open to examination by any director of the Corporation or any officer or Councilmember of the City of San Angelo upon application at the office of the Corporation during business hours, and to the public as required under the Texas Open Records Act. The treasurer shall perform all acts incident to the position of treasurer, subject to the control of the Board of Directors. The treasurer shall submit a monthly public financial statement to the City Council of the City of San Angelo.

ARTICLE III REQUIRED BOOKS AND RECORDS

SECTION 1. CORPORATE RECORDS.

The Corporation's books and records shall include a file endorsed copy of all documents filed with the Texas Secretary of State relating to the Corporation, including, but not limited to, the Articles of Incorporation, any articles of amendment, restated articles, articles of merger, articles of consolidation, and statement of change of registered office or agent.

- a. Bylaws and any amended or restated bylaws.
- b. Minutes of the proceedings of the Board of Directors.
- c. A list of names and addresses of the directors and officers of the Corporation.
- d. A financial statement showing the assets, liabilities, and net worth of the Corporation at the end of the three most recent fiscal years.
- e. A financial statement showing the income and expenses of the Corporation for the three most recent fiscal years.
- f. All rulings, letters, and other documents relating to the Corporation's federal, state and local tax status.
- g. Annual budget approved by City Council.

SECTION 2. ANNUAL BUDGET.

At least ninety (90) days prior to October 1st, with the assistance of the Treasurer, the Board shall prepare and adopt a proposed budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The fiscal year of the Corporation shall commence on October 1st of each year and end on September 30th of the following year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council of the City of San Angelo. The budget proposed for adoption shall include the projected operating expenses, and such other budgetary information as shall be required by the City Council for its approval and adoption. The budget shall be considered adopted upon formal approval by the City Council.

SECTION 3. FINANCIAL BOOKS, RECORDS, AUDITS.

The Treasurer shall keep and properly maintain, in accordance with generally accepted accounting principles, complete financial books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs.

The Corporation's books are required to be audited by the City's independent auditor on an annual basis. Cost of the audit will be paid by the Corporation.

SECTION 4. RECORDS OPEN TO PUBLIC.

The Corporation shall be considered a "governmental body" within the meaning of the Texas Government Code, Sec. 552.003 and all records of the Corporation shall be made available to the public for

inspection or reproduction in accordance with the requirements of the Texas Government Code, Chapter 552 (The Texas Open Records Act).

ARTICLE IV INDEMNIFICATION OF DIRECTORS, OFFICERS, AND EMPLOYEES

SECTION 1. INDEMNIFICATION.

To the extent permitted by law, the Corporation shall indemnify, hold harmless and defend its directors and officers and the City of San Angelo, its Councilmembers, officers, agents, and employees, from and against liability or expense for any and all claims, liens, suits, demands, and/or actions for damages, injuries to persons (including death), property damage (including loss of use), and expenses including court costs and attorneys' fees and other reasonable costs arising out of or resulting from Corporation's functions or activities and from any liability arising out of or resulting from the intentional acts or negligence, including all such causes of action based upon common, constitutional, or statutory law, or based in whole or in part upon the negligent or intentional acts or omissions of the corporation. This indemnity shall apply even if one or more of those to be indemnified was negligent or caused or contributed to cause any loss, claim, action, or suit. Specifically, it is the intent of these Bylaws to require the Corporation to indemnify those named for indemnification, even for the consequences of the negligence of those to be indemnified which caused or contributed to cause any liability.

SECTION 2. INSURANCE.

The Corporation shall purchase or acquire through the City of San Angelo and maintain insurance on behalf of its directors, officers, employees, or agents of the Corporation, against any liability asserted against that person and incurred by that person in any such capacity or arising out of any such status with regard to the Corporation, whether or not the Corporation has the power to indemnify that person against liability for any of those acts.

ARTICLE V EXECUTIVE DIRECTOR

SECTION 1. EXECUTIVE DIRECTOR POSITION

The duly appointed Director of Economic Development for the City of San Angelo shall serve as the Executive Director of the Corporation. The Executive Director shall carry out the day-to-day business of the Corporation and oversee its administrative functions and affairs.

SECTION 2. EXECUTIVE DIRECTOR EXPENDITURES

The Executive Director may make expenditures of corporate funds and enter into contracts for the purchase of goods and services, so long as said expenditures and contracts do not exceed the amounts set forth in the Corporation's approved annual budget, and provided that expenditures greater than \$25,000 require Board approval before the expense may be made or obligated under contract. In entering into

contracts and making expenditures under this provision, the Executive Director shall follow the City of San Angelo Purchasing Policy and Procedures Manual, as amended. Additionally, the City Manager, or his designee, shall ratify all contracts executed by the Executive Director under this provision to satisfy the requirements of Texas Local Government Code Section 501.073. This provision shall not apply to “project” expenditures and contracts under the Texas Local Government Code, which shall require Board and City Council approval regardless of amount.

ARTICLE VI MISCELLANEOUS

SECTION 1. CONSTRUCTION/AMENDMENT OF BYLAWS.

- A. Legal Authorities Governing Construction of Bylaws. In the event of any conflict between the applicable provisions of Texas Development Corporation Act and these bylaws, then the applicable provisions of such Act shall control.
- B. Legal Construction. If any bylaw or part of a bylaw is held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other bylaw or remaining part(s) of a bylaw, and the bylaws shall be construed as if the invalid, illegal, or unenforceable provision had not been included in the bylaws.
- C. Headings. The headings used in the bylaws are used for convenience and shall not be considered substantive in construing the terms of the bylaws.
- D. Effective Date (Amendment). These bylaws, and any subsequent amendments thereto, shall be effective from and after the date upon which approval has been given by the City Council of the City of San Angelo, Texas, of bylaws or amendments to bylaws duly adopted by the Board.

SECTION 2. NOTICE AND WAIVER.

Whenever under the provisions of these bylaws notice is required to be given to any director or officer, unless otherwise provided such notice may be given personally, or it may be given in writing by depositing the same with the U.S. Postal Service, or by email addressed to such director or officer, at such address as appears on the books of the corporation, and such notice shall be deemed to be given one day after deposit with the Postal Service or on the day sent by email. Whenever any notice is required to be given by statute, code, charter, law, or by these bylaws, a waiver thereof in writing signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to notice.

SECTION 3. NEGOTIABLE INSTRUMENTS.

All checks, drafts, notes, or other obligations of the Corporation shall be signed by such of the officers of the corporation or by such person or persons as may be authorized from time to time by the Board of Directors.

SECTION 4. RESIGNATIONS.

Any director or officer of the corporation may at any time resign. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of receipt of the written notice of resignation by the corporation's President or Secretary. Formal acceptance of a resignation shall not be a condition to make it effective, unless expressly so provided in the written notice of resignation.

SECTION 5. CITY APPROVAL.

To the extent that these bylaws refer to any action, approval, advice, or consent by the City or refer to action, approval, advice or consent by the City Council, such action, approval, advice, or consent shall be evidenced by a motion, resolution or ordinance duly passed by the City Council and reflected in the minutes of the City Council.

SECTION 6. ORGANIZATIONAL CONTROL.

The City Council of the City of San Angelo, at its sole discretion, and at any time, may alter or change the structure, organization or procedures of the Corporation as permitted under the Texas Development Corporation Act, or order an election on termination the corporation, as provided under the Act.

SECTION 7. CORPORATE SEAL.

The Board may obtain a corporate seal which shall bear the words "Corporate Seal of the City of San Angelo Development Corporation" and the Board may thereafter use the corporate seal and corporate name; but these bylaws shall not be constructed to require the use of the corporate seal.

SECTION 8. GIFTS.

The Board may accept on behalf of the Corporation any contribution, gift, bequest, or devise for the general purpose or for any special purposes of the Corporation so long as such acceptance is not contrary to the provisions of any applicable state law or city policy governing city officers and employees.

ARTICLE VIII DISSOLUTION OF CORPORATION

Upon the dissolution of the Corporation after payment of all obligations of the Corporation, all remaining assets of the Corporation shall be transferred to the City of San Angelo, Texas, as permitted or required under the Texas Development Corporation Act for a section 4B Corporation.

DULY ADOPTED by the Board of the City of San Angelo Development Corporation, SUBJECT TO APPROVAL of the City Council of the City of San Angelo, Texas, this ____ day of _____, 2023.

Max Puello, President

ATTEST:

Nora Nevarez, Secretary

APPROVED AND ADOPTED BY the City Council for the City of San Angelo, Texas,
this ____ day of _____, 2023.

Brenda Gunter, Mayor

ATTEST:

Heather Stastny, City Clerk

APPROVED AS TO CONTENT

Michael Dane, Interim Economic
Development Director

APPROVED AS TO FORM

Brandon Dyson, Deputy City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rae Lineberry, Planner, Planning and Development Services

Meeting Date: March 7, 2023

Item type: Consent Item

Caption:

Consider authorizing the City Manager to negotiate and execute a right-of-way license use agreement to allow for a 9.5-ft. building encroachment into the public right-of-way for an existing house located at 51 E. 21st St. (Jon James)

Staff Recommendation:

Approve

Summary/History:

The house on the subject property was built in 1929 and, per the property owner's survey (copy attached), the house encroaches upon the adjacent public right-of-way by approximately 9.5-ft. The former property owner has sold the house and the buyer, at the request of the title company, is seeking to obtain approval for this continued encroachment.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

- | | | |
|----|--------|------------|
| 1. | Survey | Survey.pdf |
|----|--------|------------|

Presentation:

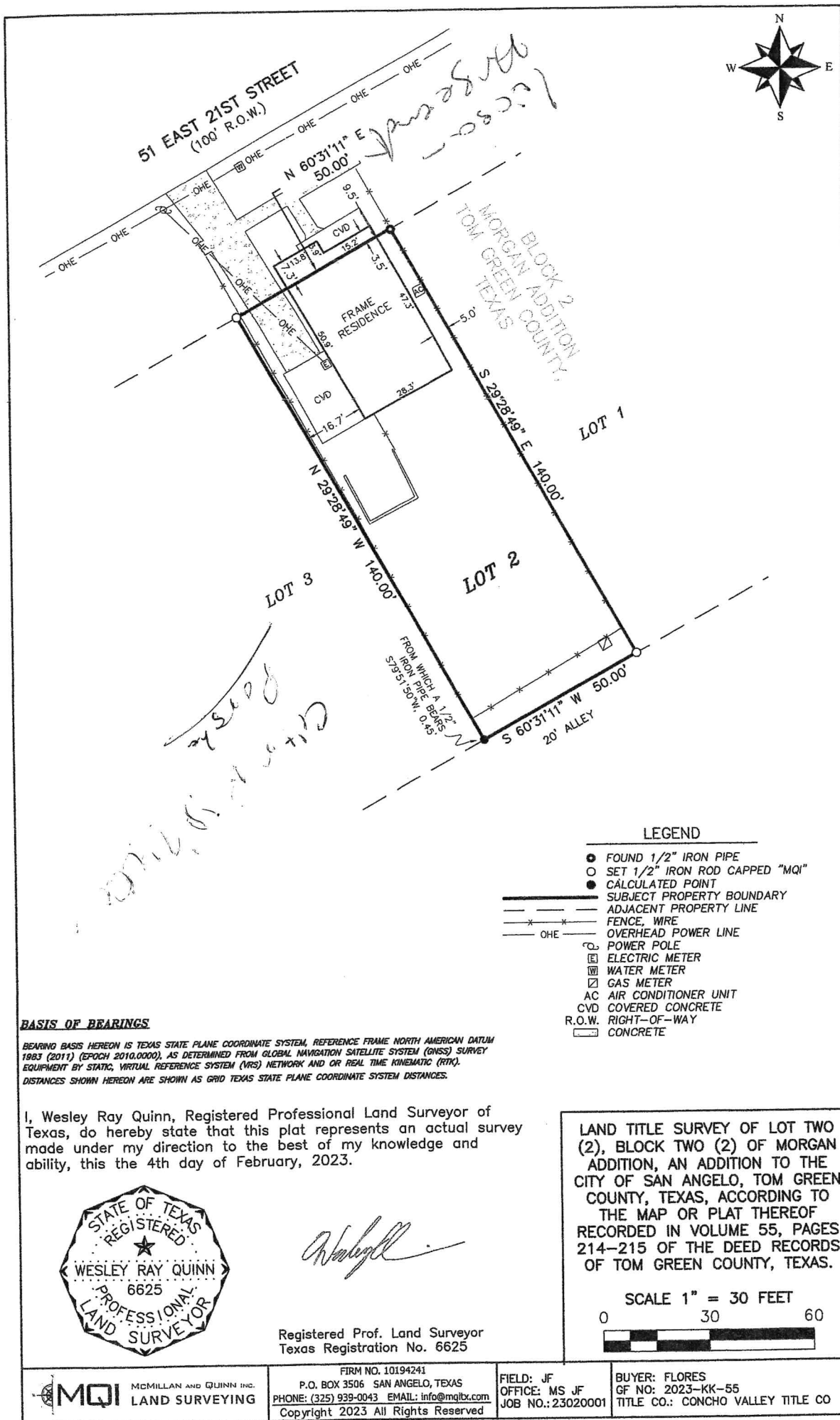
Jon James

Approvals/Reviews:

Rae Lineberry	Created/Initiated
Brandon Dyson	Approved
Jon James	Approved

Theresa James
Heather Stastny

Approved
Final Approval



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 7, 2023

Item type: Consent Item

Caption:

Second reading of a reconsideration of an ordinance approving the abandonment of approximately 4,060 feet of the right-of-way of Cox Lane, beginning near 1861 Cox Lane and extending 2,330 feet to the west, then 1,730 feet south, ending approximately 320-ft north of the intersection of Sunset Dr. and Foster Rd. (Jon James)

Staff Recommendation:

Adopt

Summary/History:

The applicant has applied to abandon a portion of Cox Lane beginning near 1861 Cox Lane going west and south for approximately 4,060 feet. The purpose of the abandonment is to allow proposed development in the area to access Foster Road and eliminate the duplicate roadway of Cox Lane where it parallels Foster. Although necessary for the proposed development, the developer and staff believe that this abandonment is in the long-term best interest of the community and traffic patterns for the area. The applicant's representative brought forth a proposal to the Planning Department to realign Cox Lane and reposition it to better address the elevation disparity between Foster Road and Cox Lane and to address the drainage in the area as well as the traffic movement issues. Their developer is hoping to annex into the City of San Angelo and develop the large 30+ acre area into a residential neighborhood. Their plan is to realign Cox Lane and connect their streets to the existing streets in Trails Subdivision and the Capitol Heights Addition.

Funding Source(s):

Financial Impact:

The removal of this duplicated road segment will decrease the long-term costs of road maintenance in this area.

Other Information/Recommendation:

At their December 12, 2022 Planning Commission meeting, the Commission recommended approval of the abandonment, as requested and recommended by Staff, by a vote of 5 in favor and 2 opposed (Chair Stribling and Commissioner Gomez opposed).

At the January 17, 2023, City Council meeting, the motion to approve this abandonment failed on a vote of 3

in favor and 2 in opposition.

On February 7, 2023, the City Council voted to reconsider this item at a future meeting by a vote of 7 in favor and none in opposition.

On February 21, 2023, the City Council approved this item on first reading by a vote of 6-1 (Hesse Smith in opposition)

Attachments:

- | | | |
|----|------------------------------------|---------------------------------------|
| 1. | Staff Report, Cox Lane Abandonment | Staff Report, Cox Lane Abdonment.docx |
| 2. | Ordinance, Cox Abandonment | Ordinance, Cox Abandonment.docx |

Presentation:

Jon James

Approvals/Reviews:

- | | |
|-----------------|-------------------|
| Jon James | Created/Initiated |
| Brandon Dyson | Approved |
| Jon James | Approved |
| Theresa James | Approved |
| Heather Stastny | Final Approval |

STAFF REPORT
CITY COUNCIL – January 17, 2023



APPLICATION TYPE:	CASE:		
Street Right-of-Way Abandonment	Beginning near 1861 Cox Lane going west and south for approximately 4,060 feet		
SYNOPSIS:			
The applicant has applied to abandon a portion of Cox Lane beginning near 1861 Cox Lane, going west and south for approximately 4,060 feet. The purpose of the abandonment is to allow for the repositioning and redevelopment of the Cox Lane right-of-way to address the disparity of Cox Lane and Foster Road and to allow for the development of the 30+ acres to the south. The applicant's representative brought forth a proposal to the Planning Department to realign Cox Lane and reposition it to better address the elevation disparity between Foster Road and Cox Lane and to address the drainage in the area as well as the traffic movement issues. They are hoping to annex the area into the City of San Angelo and develop the large 30+ acre area into residential areas, and a commercial service area. Their plan would be to realign Cox lane and connect their new streets to the existing streets in the Trails Subdivision and the Capitol Heights Addition.			
LOCATION:	LEGAL DESCRIPTION:		
South and east of the existing Cox Lane along Foster Road	Approximately 4,060 feet of the right-of-way of Cox Lane, beginning near 1861 Cox Lane and extending 2,330 feet to the west, then 1,730 feet south, ending approximately 320 feet north of the intersection of Sunset Drive and Foster Road."		
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SM District #1 – Tommy Hiebert Rio Vista Neighborhood	None	Neighborhood	4,060 feet in length
THOROUGHFARE PLAN:			
<i>Foster Road</i> – Major Collector, 70 Feet in width/56 Feet Minimum			
<i>Parkview Drive</i> – Minor Collector, 60 Feet in Width, 52 Feet Minimum			
NOTIFICATIONS:			
31 notifications were mailed within a 200-foot radius of the property on November 25, 2022. Five responses have been received in opposition to the proposal and none in favor at this time.			
STAFF RECOMMENDATION:			
If the Planning Commission recommends approval of the street right-of-way abandonment of 4,060 extending 2,330 feet to the west, then 1,730 feet south, ending approximately 320 feet north of the intersection of Sunset Drive and Foster Road, Staff has recommendations for Conditions of Approval .			
PROPERTY OWNER/PETITIONER:			
Casey Poynor Cox Property Development, LLC			
STAFF CONTACT:			
Sherry Bailey Senior Planner (325) 657-4210, Ext. 1546 Sherry.bailey@cosatx.us			

Analysis:

City Staff and relevant municipal departments have been involved in multiple discussions concerning the proposed development and the abandonment of this portion of Cox Lane. There are multiple reasons for realigning Cox Lane, connecting interior roads to the existing streets in the adjacent housing developments, correcting elevation issues and drainage issues. There are multiple steps that need to occur with this larger piece of property including annexation into the city. The developer is looking for direction and agreement from the city that the project is desired and can meet community needs.

If Cox Lane is to be abandoned there are conditions that must be accounted for, including when the road is removed, the design of the replacement solution, the timing of the replacement, and the access of the last large lot on the east/west stretch of Cox before Cox turns. That property only has access to the existing Cox Lane and would not have access to the proposed street orientation. An access solution will have to be provided.

The proposed abandonment would not contradict any applicable City Ordinance. The realignment of Cox Lane would have to be reconstructed to City standards. All connecting roads to Foster Road would also have to meet all City standards. Traffic studies and drainage studies would be part of the required information for this development as part of the development review process.

Rationale:

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

- *Traffic patterns:* Staff does not believe that traffic patterns would be negatively affected by the street abandonment. In fact, removal of the portion of Cox Lane that parallels Foster Rd would eliminate this duplication. A condition of approval will be that the applicant replat the abandoned area into the adjacent properties. Through the platting process, the applicant can dedicate required easements. Staff believes that construction of the new road and adjoining roads would have to be done before the Cox Lane abandonment could take effect. The logistics of that process would be part of the approval process of any proposed new development.
- *Utilities:* Utility providers with poles, lines, and equipment in the right-of-way (City of San Angelo, AEP and Altice) would have to be part of the abandonment if easements are provided.
- *Community Impact:* Staff sees no negative community impact if this street portion is abandoned, assuming that proposed new roads maintain adequate access to all existing and new properties. Any new development proposals will need to address timing of construction of the new roads as it relates to removal of the current roads.
- *Public Benefit:* Abandoning this street portion would meet the public need of correcting an existing traffic concern, addressing a drainage issue, and benefitting development in that area of the city.

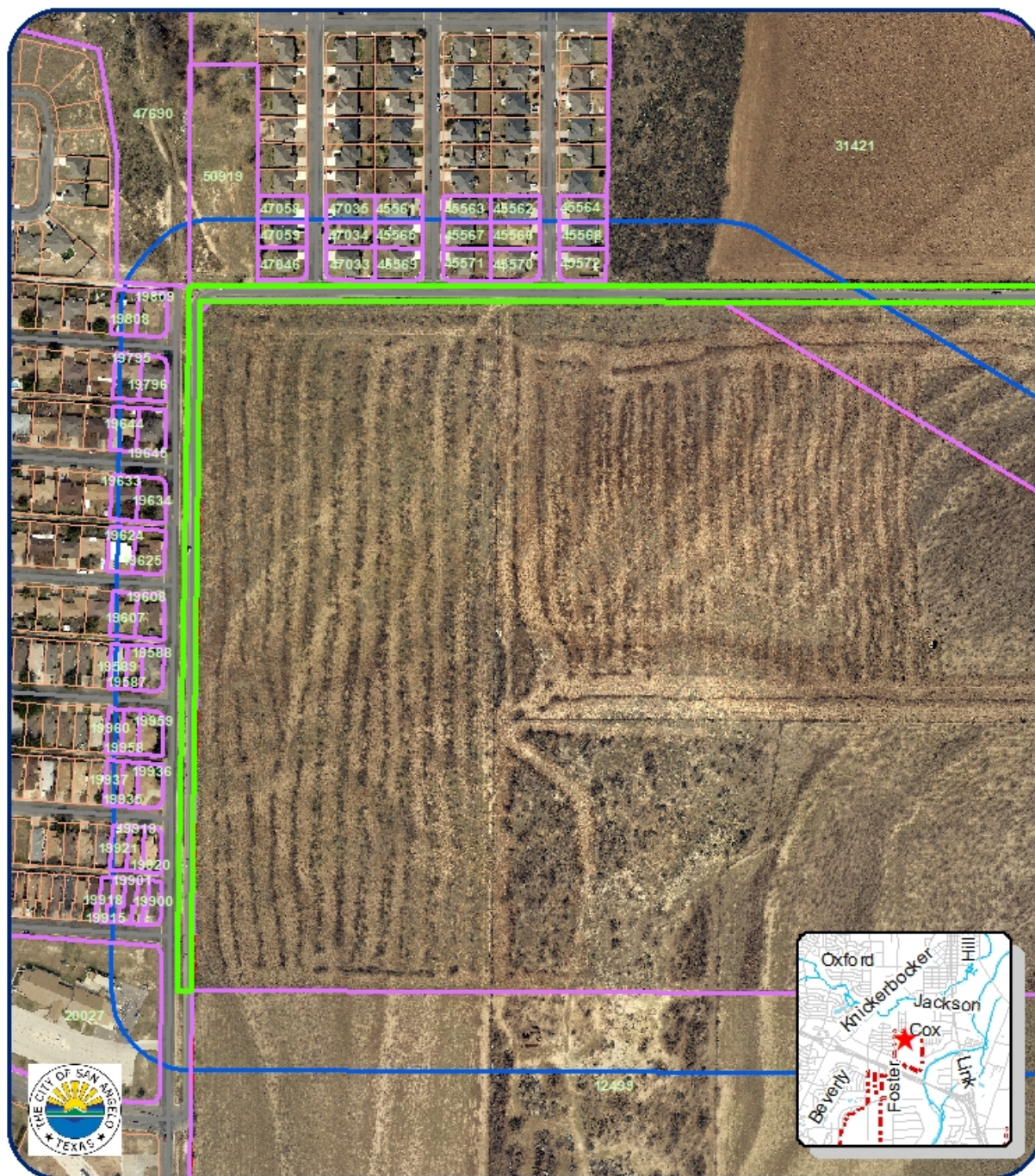
Recommendation:

Staff recommends **the following conditions** of the Right-of-Way Abandonment of 4,060 extending 2,330 feet to the west, then 1,730 feet south, ending approximately 320 feet north of the intersection of Sunset Drive and Foster Road if the Planning Commission recommends approval of the abandonment to City Council.

1. Per Land Development and Subdivision Ordinance, Chapter 1.V, submit, obtain approval of, and officially record a subdivision replat absorbing all of the abandoned right-of-way into adjacent lot(s) meeting all requirements of the Land Development and Subdivision Ordinance.
2. After approval of the associated plat and payment, verify the recordation of quitclaim deed(s) effectively completing the City's claim to the entirety of the abandoned alley(s) shall be provided.
3. The abandonment of Cox Lane shall not be in effect until connecting streets have been built to ensure access to all of the properties on the north side of the existing Cox Land and ensuring continued connectivity to Foster Road.
4. Ensuring continued access, consistent with Land Development and Subdivision Ordinance requirements, for the property at the end of the existing Cox Lane east/west portion identified as 2.146, Abst: A-1641 S-0176.25, Survey: J MC NEESE, 2.146 ACRES.

Attachments:

Aerial Map
Abandonment Area Plan
Concept Plan
Application



200' Notification Map
Right-of-Way Abandonment-Cox Ln
 Council District: 1 Hiebert
 Neighborhood: Rio Vista
 Scale: 00.01 0.03 0.06 0.09 0.12 Miles

Subject Properties: —
 200' Buffer: —
 Notified Properties: —

N


[illegible]

Effective January 3, 2017



City of San Angelo, Texas – Planning Division
52 West College Avenue
**Application to Abandon Right-of-way for
Street(s) and/or Alley(s)**



Section 1: Basic Information

Name of Applicant(s): Cox Property Development, LLC

☒ Owner ☐ Representative (Affidavit Required)

4705 S. Chadbourne St. San Angelo TX 76904
Mailing Address City State Zip Code

325-245-1500 hillary.bueker@doradoconstructiongroup.com
Contact Phone Number Contact E-mail Address

1861 Cox Ln. San Angelo TX 76904
Subject Property Address City State Zip Code

Abst: A-1648 S-0176, Survey: V MULLER, 84.7410 ACRES IN V MULLER SURVEY AND IN HARNBURG SURVEY # 175 &

Legal Description (can be found on property tax statement or at www.tomgreencad.com)

Abst: A-1648 S-0176, Survey: V MULLER, 6.5000 ACRES IN V MULLER SURVEY & IN HARNBURG SURVEY #175

Lot Size: 91.241 Zoning: R&E / Unzoned

Section 2: Site Specific Details

Subdivision Name: N/A

Lots and/or Blocks Affected*: N/A

General Description of Location*: Beginning near 1861 Cox Ln. and continuing approx. 2,330 ft to the west then
1,730 ft south, terminating at the Cox Property Development, LLC property line, approx. 320 ft north
of the intersection of Sunset Dr. and Foster Rd.

Reason for Abandonment*: This abandonment will allow reconfiguration of streets in this area to spur
development.

*Use attachment if necessary.

Effective January 3, 2017

Section 3: Applicant's acknowledgement

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

Casey Poynor

11-10-2022

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

Date

Casey Poynor

Printed name of licensee or authorized representative

Cox Property Development, LLC

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Date of Application: ____/____/____

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

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

Reviewed/Accepted by: _____

AN ORDINANCE PROVIDING FOR ABANDONMENT AND VACATION OF A PORTION OF STREET RIGHT-OF-WAY COMPRISING OF APPROXIMATELY 4,060 FEET OF THE RIGHT-OF-WAY OF COX LANE, BEGINNING NEAR 1861 COX LANE AND EXTENDING 2,330 FEET TO THE WEST, THEN 1,730 FEET SOUTH, ENDING APPROXIMATELY 320 FEET NORTH OF THE INTERSECTION OF SUNSET DRIVE AND FOSTER ROAD; AUTHORIZING CONVEYANCE THEREOF BY QUITCLAIM DEED TO ABUTTING PROPERTY OWNERS; AND PROVIDING TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE.

WHEREAS, the City Council of the City of San Angelo, Texas, acting pursuant to law, is of the opinion that the public street right-of-way described above, is no longer needed for public use and therefore deems it advisable to abandon said portion of street right-of-way; and,

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

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

SECTION 1: The public street right-of-way located in the City of San Angelo, comprising of approximately 4,060 feet of the right-of-way of Cox Lane, beginning near 1861 Cox Lane and extending 2,330 feet to the west, then 1,730 feet south, ending approximately 320 feet north of the intersection of Sunset Drive and Foster Road, Tom Green County, Texas, more particularly described and depicted in **Exhibit “A,”** attached hereto and made a part hereof for all purposes, be and the same is hereby vacated, abandoned and closed insofar as the right, title and easement of the public are concerned, subject to the conditions and restrictions herein set forth.

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

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

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

1. Per Land Development and Subdivision Ordinance, Chapter 1.V, submit, obtain approval of, and officially record a subdivision replat absorbing all of the abandoned right-of-way into adjacent lot(s) meeting all requirements of the Land Development and Subdivision Ordinance.
2. Per the Schedule of Fees and Charges adopted by City Council Resolution 2020-004, dated January 7, 2020, payment shall be remitted, per the assessment formula, for all of the abandoned right-of-way. After approval of the associated plat and payment, request issuance and recordation of a Quit Claim Deed from the City's Real Estate Division conveying the City's interest in the entirety of the abandoned alley(s).
3. The abandonment of Cox Lane shall not be in effect until proposed new streets have been constructed ensuring continued access to all existing lots with access using Cox Lane; except that portions of Cox Lane may be abandoned in phases so long as such access to existing lots is accommodated.
4. The abandonment of Cox Lane shall not be in effect unless access is provided for the property at the end of the existing Cox Lane east/west portion identified as 2.146, Abst: A-1641 S-0176.25, Survey: J MC NEESE, 2.146 ACRES.

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

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

SECTION 7: Upon confirmation from the Planning Director of compliance with conditions hereinabove set forth, the City Clerk is hereby authorized and directed to certify a copy of this

adopted Ordinance for recordation in the Official Real Property Records of Tom Green County, Texas, wherein the tracts of land are located.

INTRODUCED on the **17th day of January, 2023**, and finally PASSED, APPROVED AND ADOPTED on this the **7th day of February, 2023**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

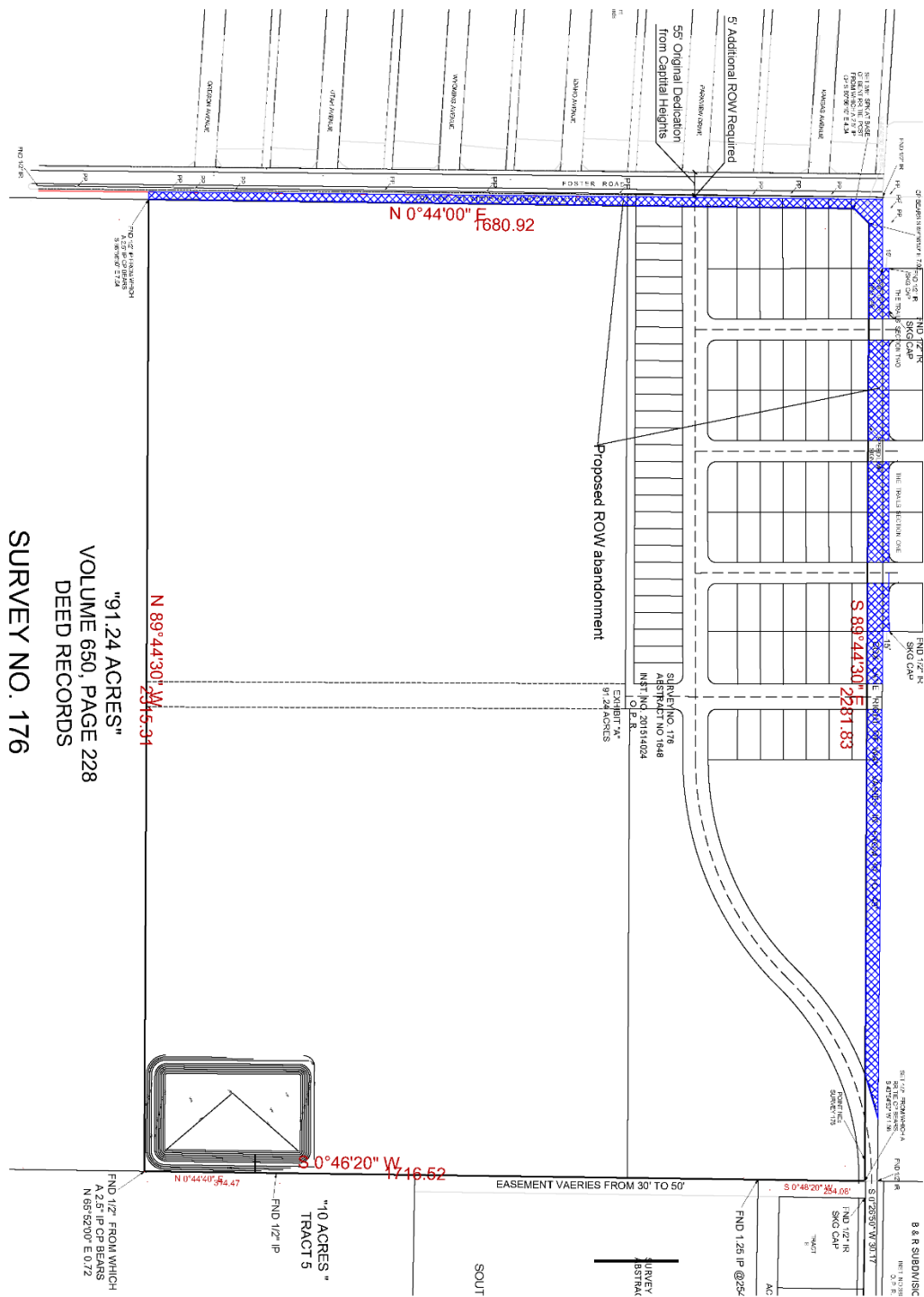
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit “A”



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 7, 2023

Item type: Consent Item

Caption:

Second reading of an ordinance for Z22-25 to rezone properties from the High Rise Multifamily Residential zoning district to the Single-Family Residential zoning district, being 12.097 acres, generally located at the southeast corner of Blum St. and E. 40th St. (Jon James)

Staff Recommendation:

Adopt

Summary/History:

The applicant is intending to provide for the construction of 137 single family homes. This area was rezoned in 2019 to the RM-2 multifamily district. A new owner has purchased the property and wants to develop single-family homes in this first phase of development instead of apartments as previously planned.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

On January 23, 2023, the Planning Commission voted unanimously to recommend approval of this rezoning.

On February 21, 2023, the City Council approved this item on first reading by a vote of 7-0.

Attachments:

- | | |
|------------------------|-------------------------|
| 1. Staff Report Z22-25 | Staff Report Z22-25.pdf |
| 2. Ordinance (Z22-25) | Ordinance (Z22-25).docx |

Presentation:

Jon James

Approvals/Reviews:

Jon James

Created/Initiated

Zachary Rainbow
Jon James
Brandon Dyson
Jon James
Theresa James
Heather Stastny

Approved
Approved
Approved
Approved
Approved
Final Approval

CITY COUNCIL – February 21, 2023
STAFF REPORT



APPLICATION TYPE:		CASES:	
Rezoning		Z22-25: Shriner's Point	
SYNOPSIS:			
A request for rezoning from the High Rise Residential (RM-2) Zoning District to the Single Family Residential (RS-1) Zoning District on 12.097 acres generally located at the southeast corner of Blum St. and E. 40th St. The applicant is intending to provide for the construction of 137 single family homes. This area was rezoned in 2019 to the RM-2 Multi-family. There were a number of surrounding property owners at that time that did not want apartments adjacent to their property. The surrounding property owners were notified of this request to return to the Single-family (RS-1) zoning, and they are very supportive of that change.			
LOCATION:		LEGAL DESCRIPTION:	
1011 East 40 th Street; Generally located southeast of the intersection of East 40th Street and Blum Street		Abst. A-7985 S-0182 Survey: Jim Farr	
SM DISTRICT / NEIGHBORHOOD:		ZONING:	FUTURE LAND USE:
SMD District 2 – Tom Thompson Lake View Neighborhood		RM-2, Multi-family Residential	Neighborhood
			SIZE:
			12.097 acres
THOROUGHFARE PLAN:			
<u>E 40th St</u> –Urban Local Street, Required 50' min. ROW (60' Existing), 40 min. pavement width (36' Existing). <u>Blum St.</u> –Urban Local Street, Required 50' min. ROW; 40 ft. pavement width (Proposed with Plat)			
NOTIFICATIONS:			
33 notifications were mailed within a 200-foot radius on December 5, 2022, We have received 12 responses in support and no responses opposed.			
STAFF RECOMMENDATION:			
APPROVAL of a rezoning from the High Rise Multiple Family (RM-2) Zoning District to Single Family Residential (RS-1) Zoning District. The Planning Commission voted unanimously to recommend approval of the request at their January 23, 2023 Planning Commission meeting.			
PROPERTY OWNER/PETITIONER:			
<u>Owner</u> Eric Von Rosenberg; vR Legacy Land Group, LLC			
<u>Representative</u> Carter-Fentress Engineering			
STAFF CONTACT:			
Sherry Bailey Senior Planner (325) 657-4210, Extension 1546 sherry.bailey@cosatx.us			

Additional Information: The applicant applied for a rezoning for 12.097 acres out of the larger 23.237-acre parcel. These 12.097 acres are proposed to be a single-family housing subdivision. The development's preliminary plat went before the Zoning Board of Adjustment for variance approval of the corner lots and the double-sided front yard requirements. Originally, the applicant requested a five-yard setback on the second front yard setback. The ZBA approved a 10 ft. front-yard setback where there are back-to-back lots at the corners. On two lots where there was a side-to-rear lot situation on a corner, the board approved the 10 ft. second front yard setback and added a 25 ft. sight triangle at the building line that is a no-build area to be placed on the plat. This no-build area will also apply to fences. There are a total of 20 lots affected by the 10 foot side setback and two lots that are affected by both the 10 foot setback and the no build triangle. This will provide for a comfort area that there will be no building blocking the sight for the adjoining homes driveway.

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

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.* The Comprehensive Plan designates this property as Neighborhood. The "Neighborhood" designation in the City's Comprehensive Plan intends to "promote vibrant and viable neighborhoods and improve the relationship between adjacent commercial and residential land use adjacencies."
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed zone change would conflict with any portion of this Zoning Ordinance.* The applicant has requested single-family zoning. There is not a conflict with the zoning code.
3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed zoning is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.* The existing uses in the area are single-family and rural residential.
4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require a rezoning.* The zoning requested is in keeping with the density and intensity of the proposed use of single families.
5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* The rezoning is anticipated to have little adverse impact on the natural environment.
6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.* There is a documented need for more housing in the community and this development will help address that need.

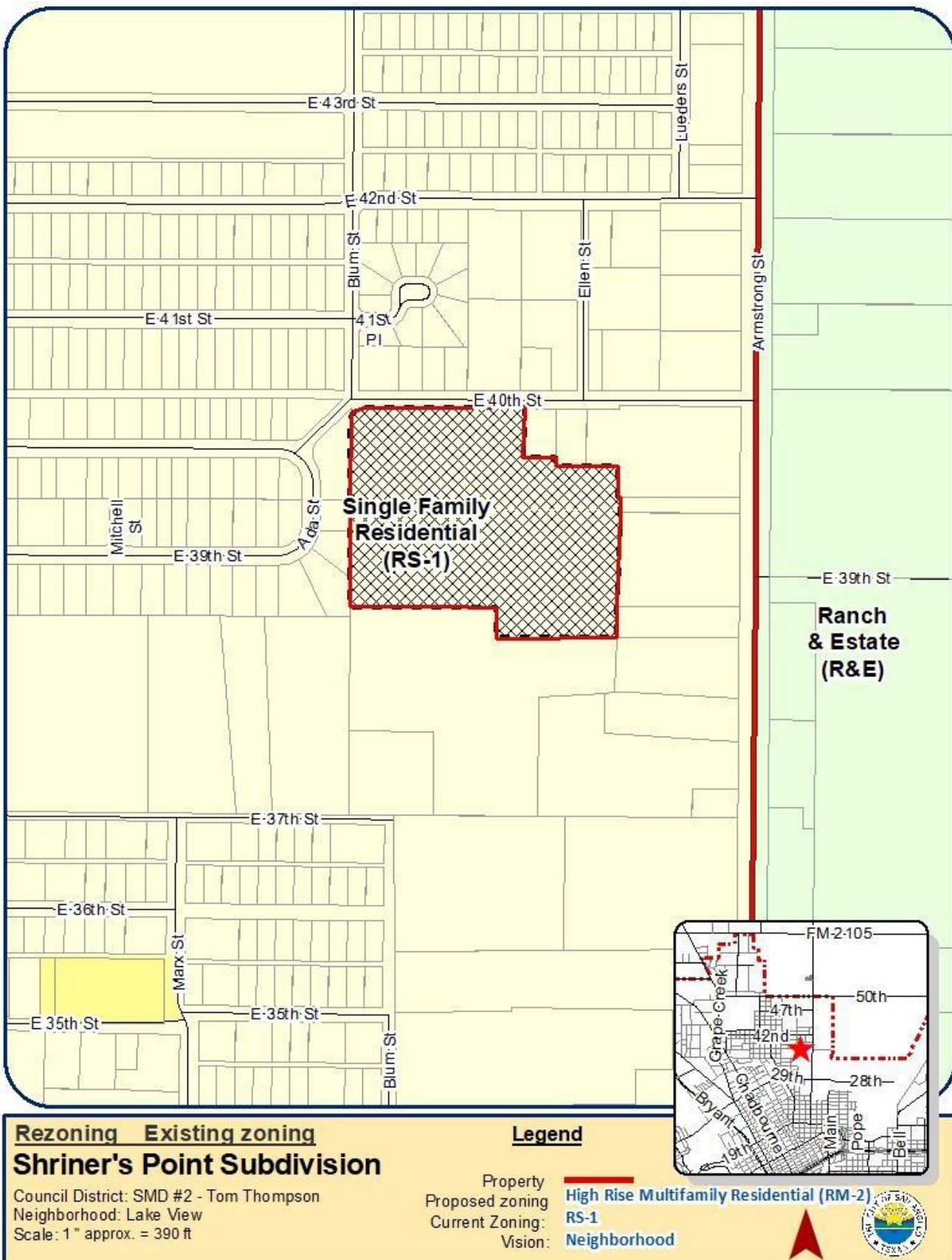
7. **Development Patterns.** *Whether and the extent to which the proposed rezoning would result in a logical and orderly pattern of urban development in the community.* The existing development pattern in the immediate area is dominated by single-family zoning. This proposal is in keeping with the zoning in the area.

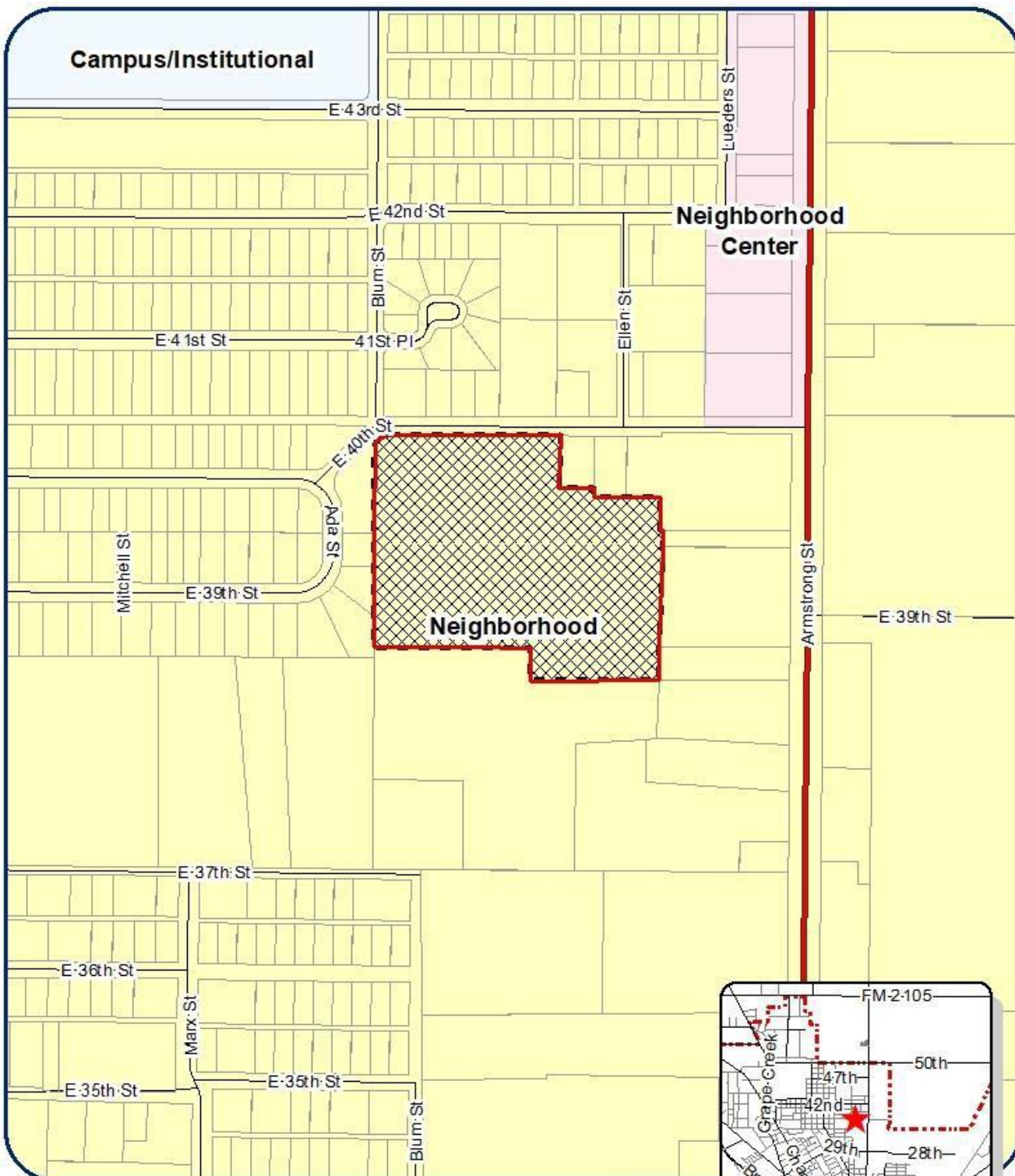
Recommendation:

The Planning Commission recommends **APPROVAL** of a rezoning from the High Rise Multiple Family (RM-2) Zoning District to the Single Family Residential (RS-1) Zoning District.

Attachments:

Aerial Map, Future Land Use Map, and Zoning Map
Notification Map





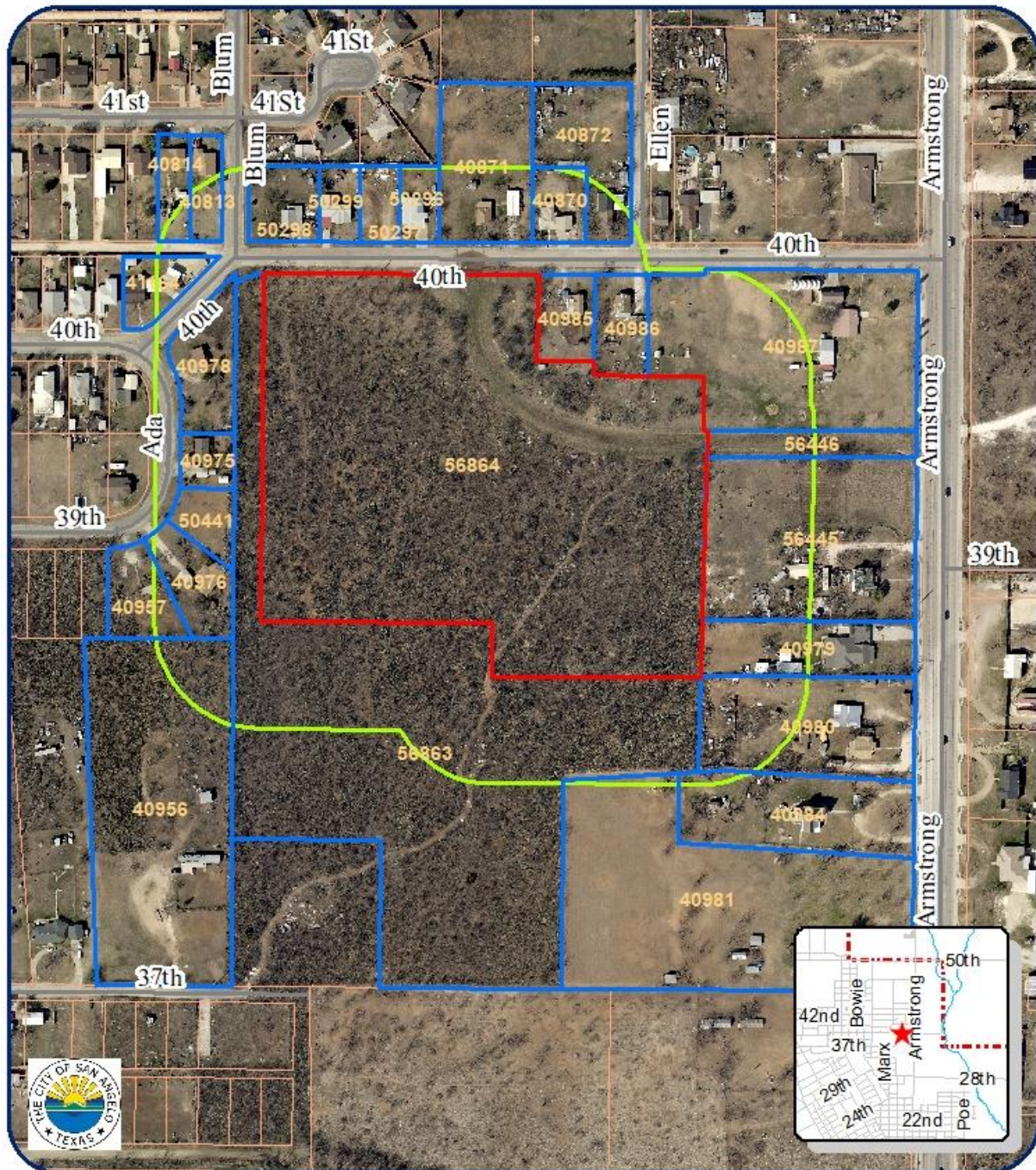
Rezoning Future Land Use Shriners' Point Subdivision

Council District: SMD #2 - Tom Thompson
Neighborhood: Lake View
Scale: 1" approx. = 390 ft

Legend

Property
Proposed zoning: **High Rise Multifamily Residential (RM-2)**
Current Zoning: **RS-1**
Vision: **Neighborhood**





200' Notification Map

Z22-25 Shriner's Point-1011 E 40th

Council District: 2 Thompson

Neighborhood: Lake View

Scale: 0.00 0.02 0.04 0.06 0.08

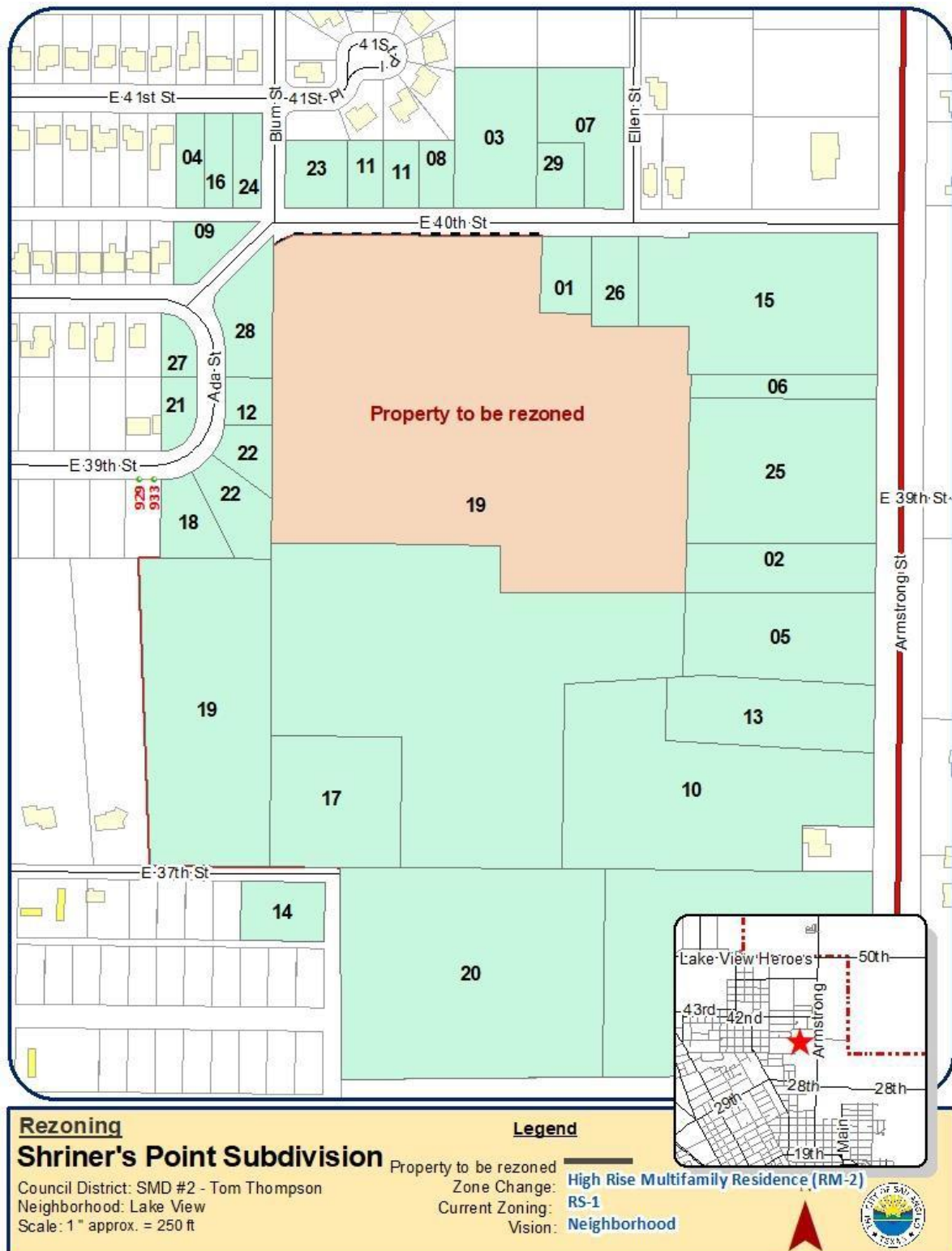
Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —





Site Photos



AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF EAST 40TH STREET AND BLUM STREET (ABST. A-7985 S-0182, SURVEY JIM FARR; BEING A TOTAL OF 12.097 ACRES)**; FROM THE HIGH RISE MULTI-FAMILY (RM-2) ZONING DISTRICT TO THE SINGLE FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: Z22-25: 1011 East 40th Street

WHEREAS, on the 23rd day of January, 2023, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Single Family Residential (RS-1) Zoning District; and,

WHEREAS, on the 21st day of February, 2023, City Council held a public hearing on Z22-25, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described properties permanently zoned SINGLE FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT;

The real property is generally located southeast of 1011 East 40th Street, described as ABST. A-7985 S-0182, SURVEY JIM FARR; being 12.097 acres, City of San Angelo, Tom Green County, Texas as more particularly described and depicted on Exhibit "A" of this Ordinance.

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

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

SECTION 4: The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended herein shall remain in full force and effect.

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

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

INTRODUCED on the **21st day of February, 2023**, and finally PASSED, APPROVED AND ADOPTED on this the **7th day of March, 2023**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

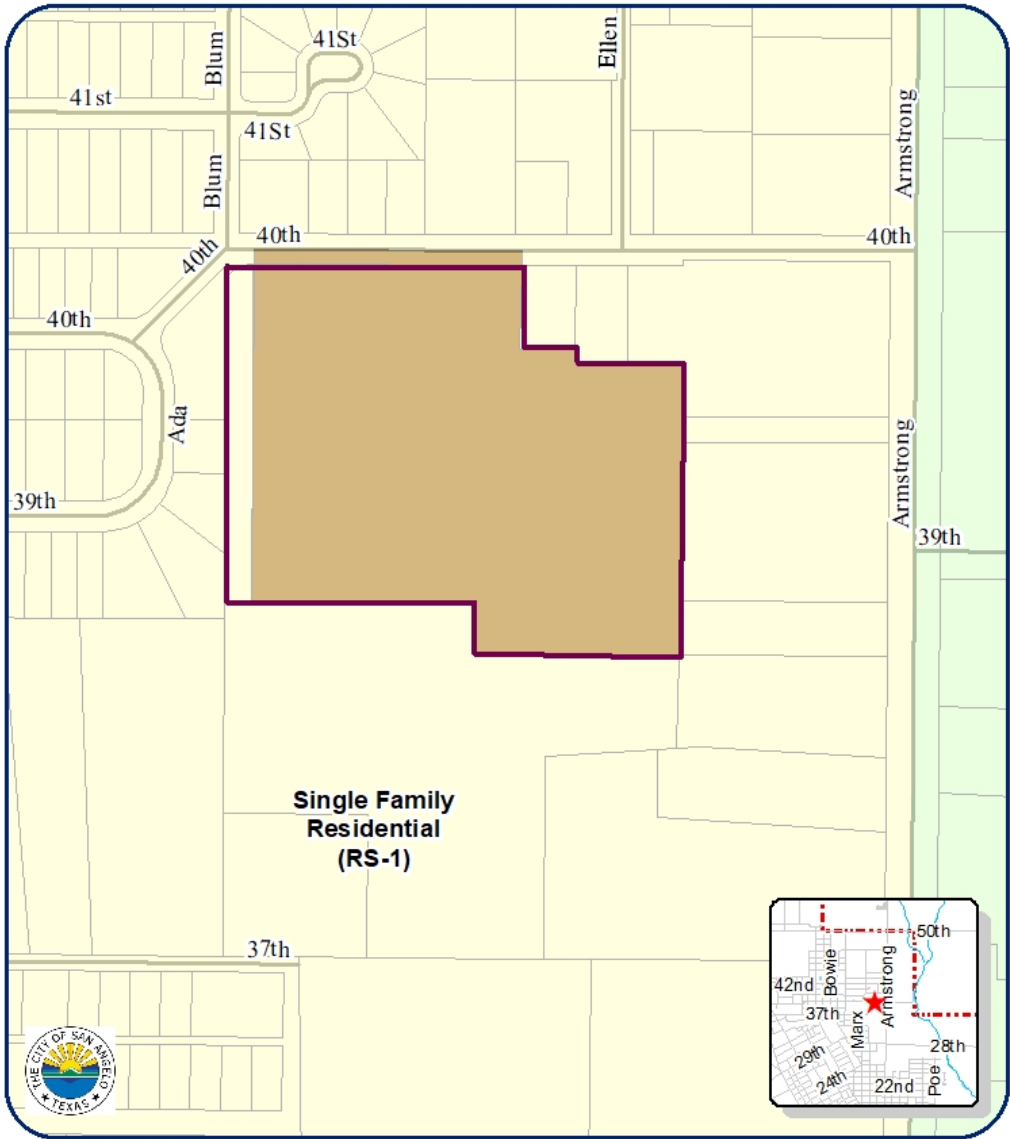
ATTEST:

APPROVED AS TO FORM:

Heather Stastny, City Clerk

Theresa James, City Attorney

Exhibit “A”



200' Notification Map
222-25 Shriner's Point-1011 E 40th

Council District: 2 Thompson
Neighborhood: Lake View

Scale: 0.00 0.02 0.04 0.06 0.08
Miles

Subject Properties: —



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 7, 2023

Item type: Consent Item

Caption:

Second reading of ordinances on the following cases for property being 0.743 acres, located at 3, 5, and 9 W. Ave. J:

1. CP22-07, a request for approval of an amendment to the Comprehensive Plan changing certain lands from the Commercial to the Neighborhood Future Land Use designation;
2. Z22-26, a request for approval of a rezoning from the General Commercial/Heavy Commercial zoning district to the Single Family Residential zoning district (Jon James)

Staff Recommendation:

Adopt

Summary/History:

The applicant (Habitat for Humanity) was recently approved for a Conditional Use on three adjacent properties zoned General Commercial / Heavy Commercial (CG/CH), to allow single-family homes on each. This Conditional Use process allowed them to move forward with construction more quickly without waiting for this rezoning. However, this subsequent request is moving forward in order to ensure the proper zoning for the property long-term. The properties are currently vacant and have been since at least 2008. All three lots have been legally platted.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

On January 23, 2023, the Planning Commission recommended approval unanimously.

On February 21, 2023, the City Council approved this item on first reading by a vote of 7-0.

Attachments:

- | | |
|---|--|
| 1. Z22-26 & CP22-07 City Council Staff Report | Z22-26 & CP22-07 City Council Staff Report.pdf |
| 2. Ordinance (CP22-07) | Ordinance (CP22-07).docx |
| 3. Ordinance (Z22-26) | Ordinance (Z22-26).docx |

Presentation:

Jon James

Approvals/Reviews:

Jon James

Jon James

Brandon Dyson

Jon James

Theresa James

Heather Stastny

Created/Initiated

Approved

Approved

Approved

Approved

Final Approval

City Council – February 21, 2023
STAFF REPORT



APPLICATION TYPE:	CASE:		
Zone Change & Land Use Plan Amendment	CP22-07 & Z22-26: 3, 5, & 9 W. Avenue J		
SYNOPSIS:			
A request for approval of the following for properties located at 3, 5, & 9 W. Avenue J. a) An amendment to the Comprehensive Plan, changing certain lands from the “Commercial” to the “Neighborhood” Future Land Use, b) A zone change from the General Commercial/Heavy Commercial (CG/CH) to the Single-Family Residential (RS-1) zoning district. The applicant (Habitat for Humanity) recently received approval for a Conditional Use on three adjacent properties zoned General Commercial / Heavy Commercial (CG/CH), to allow single-family homes on each. This follow up case will clean up the underlying zoning by permanently changing to Single-Family Residential.			
LOCATION:		LEGAL DESCRIPTION:	
3, 5, & 9 W. Avenue J		Lots 5A, 6A, and 7A, in Block 102, Fort Concho Addition	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Neighborhood – Fort Concho	5A- RS-2 and CG/CH; 6A and 7A – CG/CH	C – Commercial; Request to change to Neighborhood	0.7 acres
NOTIFICATIONS:			
12 notifications were mailed out within a 200-foot radius on January, 2023. No responses have been received to date.			
STREET REQUIREMENT:			
Required Arterial (Chadbourne St): minimum 56’ existing public street; Provided: 56’ Required Local (W. Avenue J): minimum 26’ existing public street; Provided: 36’			
PLANNING COMMISSION RECOMMENDATION:			
<i>On the January 23, 2023 the Planning Commission met and decided by a unanimous vote to recommend approval to City Council on this item.</i>			
PROPERTY OWNER/PETITIONER:			
Property Owner: Habitat for Humanity			
STAFF CONTACT:			
Zack Rainbow Planning Manager (325) 657-4210			

Conditional Uses: Section 208(F) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, six factors in determining the appropriateness of any Conditional Use request.

1. **Impacts Minimized.** *Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.* The properties have remained vacant since at least 2008. The single-family homes will be located adjacent to an existing church which is compatible with the residential character of this block.
2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed conditional use would conflict with any portion of this Zoning Ordinance.* All lots meet the minimum lot sizes for the zoning district and there is adequate front, side, and rear space, as well as sufficient space for new parking and driveways.
3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.* As indicated, the homes will be located next to a church which is a compatible residential neighbor. The homes are close to the existing Fort Concho residential neighborhood to the west.
4. **Effect on Natural Environment.** *Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.* Planning Staff does not anticipate any adverse impacts on the natural environment. The new homes will require two paved parking spaces and paved driveway and apron to the street. The Building Division will review the building permit and associated curb cut plans and ensure compliance with all city regulations.
5. **Community Need.** *Whether and the extent to which the proposed conditional use addresses a demonstrated community need.* There is a demonstrated need for additional housing throughout the City, and in this infill area of the Fort Concho Neighborhood. Despite these properties having commercial-zoning CG/CH, the fact that they have remained vacant for many years, and that there are other homes close by, Staff is in support of this request.
6. **Development Patterns.** *Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.* This small change does not represent a substantial change to the area's development pattern and would result in a logical pattern of development.

Recommendation:

On the January 23, 2023 the Planning Commission met and decided by a unanimous vote to recommend **approval** to City Council on this item.

Attachments:

Aerial Map, Future Land Use Map, Zoning Map, 200-foot Notification Map, and Photographs



Conditional Use

CU22-29: 3, 5, & 9 W. Avenue J

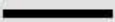
Council District 3 - Harry Thomas
Neighborhood: Fort Concho
Scale: 1" approx. = 175 ft

SW of W. Avenue J and S. Chadbourne St., 0.743 ac.

N



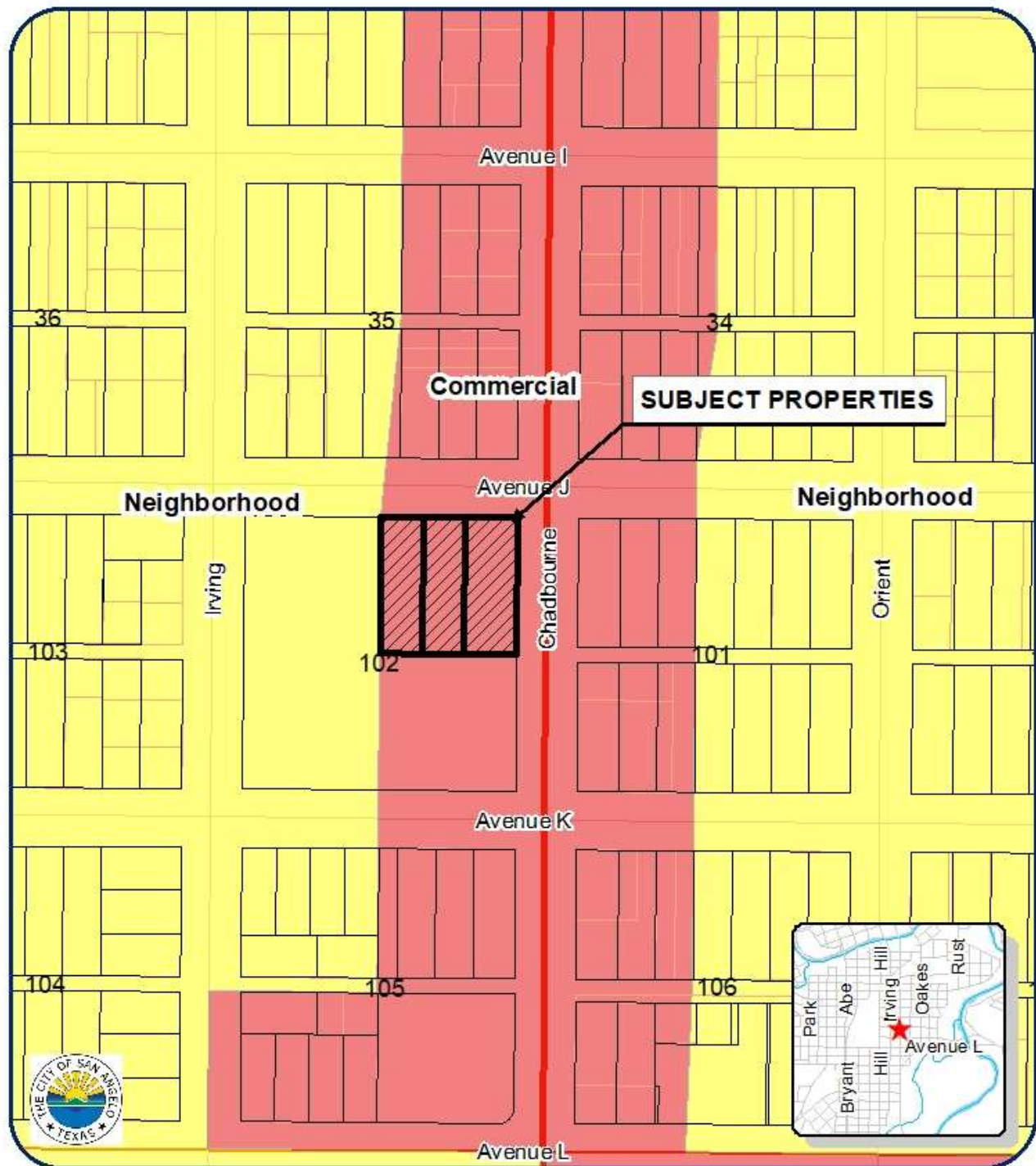
Legend

Subject Properties: 

Current Zoning: **CG/CH & RS-2**

Requested Zoning Change: **N/A**

Vision: **Commercial**



Conditional Use

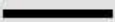
CU22-29: 3, 5, & 9 W. Avenue J

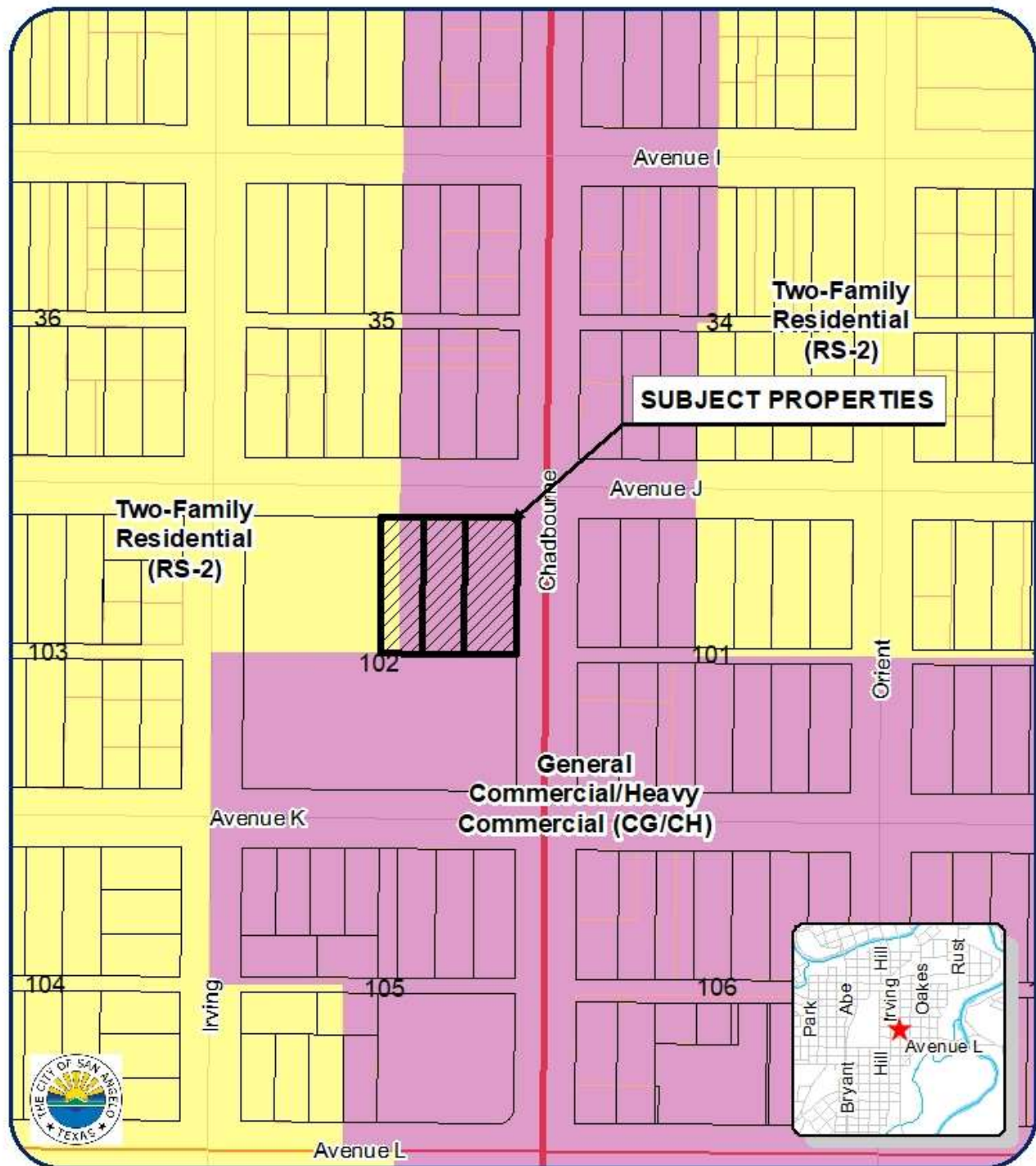
Council District 3 - Harry Thomas
Neighborhood: Fort Concho
Scale: 1" approx. = 175 ft

SW of W. Avenue J and S. Chadbourne St., 0.743 ac.



Legend

Subject Properties: 
Current Zoning: **CG/CH & RS-2**
Requested Zoning Change: **N/A**
Vision: **Commercial**



Conditional Use

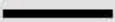
CU22-29: 3, 5, & 9 W. Avenue J

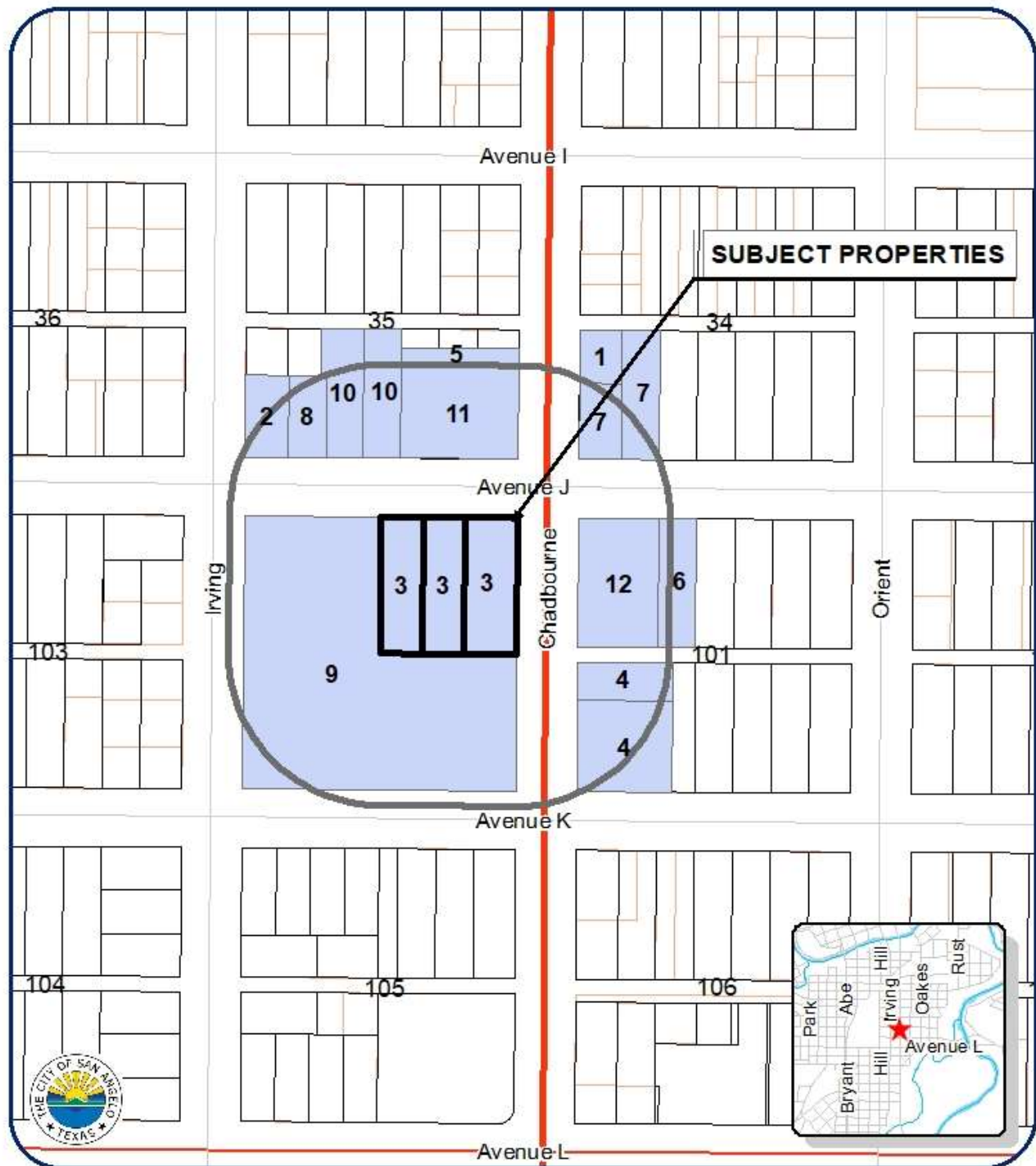
Council District 3 - Harry Thomas
 Neighborhood: Fort Concho
 Scale: 1" approx. = 175 ft

SW of W. Avenue J and S. Chadbourne St., 0.743 ac.



Legend

Subject Properties: 
 Current Zoning: **CG/CH & RS-2**
 Requested Zoning Change: **N/A**
 Vision: **Commercial**



Conditional Use

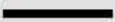
CU22-29: 3, 5, & 9 W. Avenue J

Council District 3 - Harry Thomas
Neighborhood: Fort Concho
Scale: 1" approx. = 175 ft

SW of W. Avenue J and S. Chadbourne St., 0.743 ac.



Legend

Subject Properties: 
Current Zoning: **CG/CH & RS-2**
Requested Zoning Change: **N/A**
Vision: **Commercial**

Photos of Site and Surrounding Area

SOUTH AT PROPERTY (VACANT)



NORTH



WEST



EAST



AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS LOCATED AT 3, 5, & 9 W AVE J, BEING A TOTAL OF 0.7 ACRES, BEING LOTS 5A, 6A, AND 7A, BLOCK 102, FORT CONCHO ADDITION; FROM "COMMERCIAL" TO NEIGHBORHOOD"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

CP-22-07

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

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

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

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

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

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

The real properties located at 3, 5, & 9 W AVE J, BEING A TOTAL OF 0.7 ACRES, BEING LOTS 5A, 6A, AND 7A, BLOCK 102, FORT CONCHO ADDITION, San Angelo, Tom Green County, Texas; from “Commercial” to “Neighborhood”.

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

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

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

INTRODUCED on the **21st day of February, 2023**, and finally ADOPTED on this the **7th day of March, 2023**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

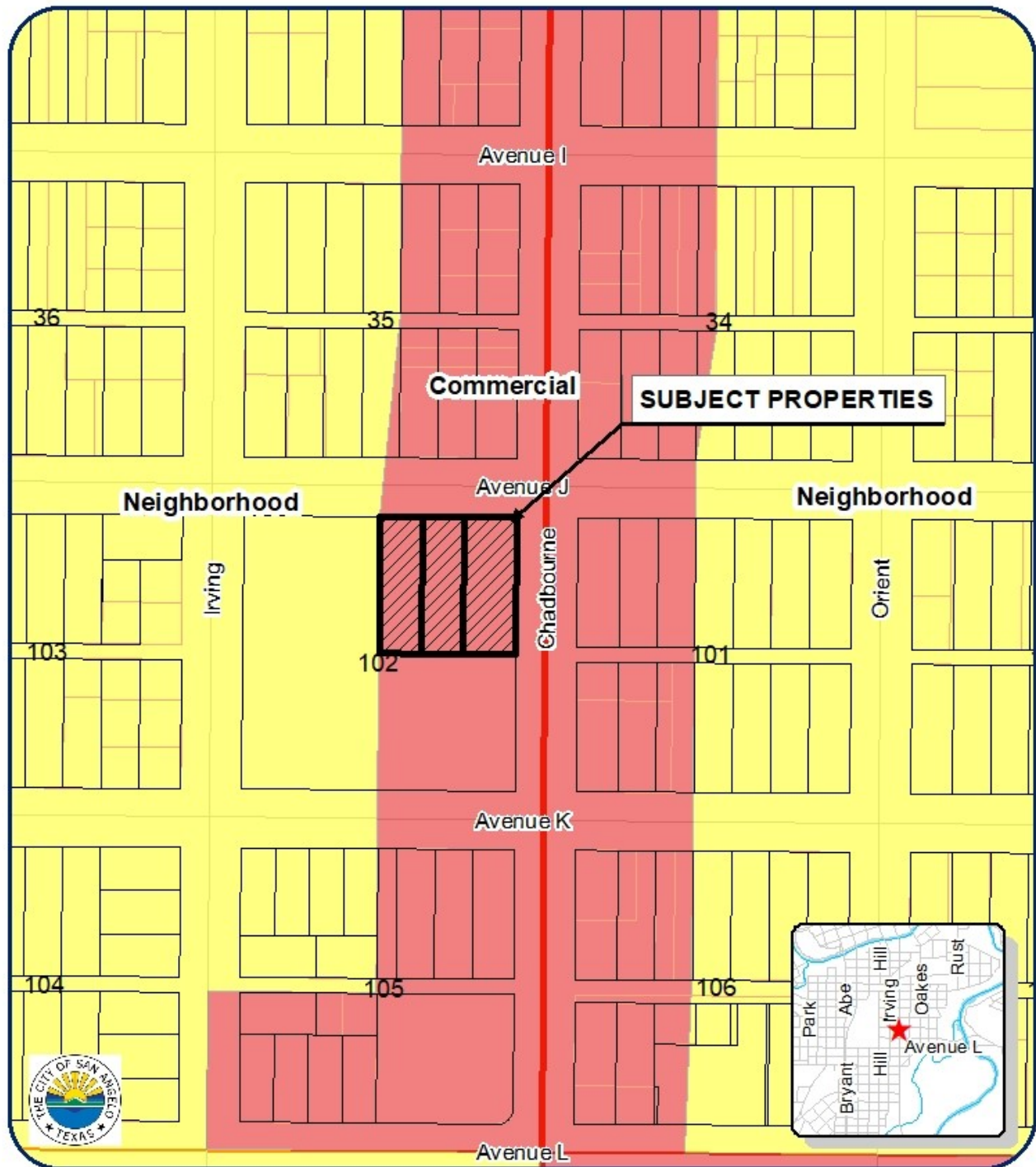
ATTEST:

APPROVED AS TO FORM:

Heather Stastny, City Clerk

Theresa James, City Attorney

EXHIBIT "A"



Conditional Use

CP22-07: 3, 5, & 9 W. Avenue J

Council District 3 - Harry Thomas

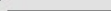
Neighborhood: Fort Concho

Scale: 1" approx. = 175 ft

SW of W. Avenue J and S. Chadbourne St., 0.743 ac.



Legend

Subject Properties: 

Current Zoning: **CG/CH & RS-2**

Requested Zoning Change: **N/A**

Vision: **Commercial**

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTIES: **3, 5, & 9 W AVE J, BEING A TOTAL OF 0.7 ACRES, BEING LOTS 5A, 6A, AND 7A, BLOCK 102, FORT CONCHO ADDITION;** FROM THE GENERAL COMMERCIAL/HEAVY COMMERCIAL (CG/CH) TO THE SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Z22-026: 3, 5, AND 9 AVE J

WHEREAS, on the 23rd day of January, 2023, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Single-Family (RS-1) Zoning District; and,

WHEREAS, on the 21st day of February 2023, City Council held a public hearing on Z22-29, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described properties permanently zoned SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT:

The real property generally located at 3, 5, AND 9 AVE J; Legal Description being Lots 5A, 6A, and 7A, in Block 102, Fort Concho Addition, City of San Angelo, Tom Green County, Texas as more particularly described and depicted on Exhibit "A" of this Ordinance.

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning

& Development Department, to implement the zoning provision adopted herein, as further depicted on **Exhibit A** of this Ordinance.

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

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

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

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

INTRODUCED with public hearing on the **21st day of February, 2023**, and finally PASSED, on this the **7th day of March, 2023**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Heather Stastny, City Clerk

Theresa James, City Attorney

EXHIBIT "A"



Conditional Use

222-26: 3, 5, & 9 W. Avenue J

Council District 3 - Harry Thomas

Neighborhood: Fort Concho

Scale: 1" approx. = 175 ft

SW of W. Avenue J and S. Chadbourne St., 0.743 ac.



Legend

Subject Properties: 
Current Zoning: **CG/CH & RS-2**
Requested Zoning Change: **N/A**
Vision: **Commercial**

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 7, 2023

Item type: Consent Item

Caption:

Second reading of ordinances on the following cases for property being approximately 15.325 acres and located northeast of the intersection of Montague Ave. and Veck St.:

1. CP22-08, a request for approval of an amendment to the Comprehensive Plan, changing the Future Land Use from Commercial and Transitional to Neighborhood;
2. Z22-27, a request for approval of a rezoning from General Commercial zoning district to the Planned Development zoning district (Jon James)

Staff Recommendation:

Adopt

Summary/History:

The applicant has submitted associated Comprehensive Plan amendment and rezoning applications to rezone a 15+acre piece of property from General Commercial to Planned Development (PD) allowing development under either RS-3 (Zero Lot Line, Twinhome and Townhome Residential) zoning standards or RS-1 (Single Family Residential) zoning standards, with a minimum 15 feet front yard setback, or 25 feet when there is a front entry garage. The applicant wants to provide a mixed-use development that can provide for generational housing needs in close proximity to each other. This zoning would also give them the flexibility to meet the needs of the market as it evolves by allowing both RS-1 and RS-3 type development. In larger cities it is not uncommon to have mixed housing types in one development to address a variety of needs as families mature.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

At their January 23 meeting the Planning Commission voted unanimously to recommend approval of the request.

On February 21, 2023, the City Council approved this item on first reading by a vote of 7-0.

Attachments:

1. CP22-08 & Z22-27 staff report
2. Ordinance (CP22-08)
3. Ordinance (Z22-27)

CP22-08 & Z22-27 staff report.pdf
Ordinance (CP22-08).docx
Ordinance (Z22-27).docx

Presentation:

Jon James

Approvals/Reviews:

Jon James
Zachary Rainbow
Jon James
Brandon Dyson
Jon James
Theresa James
Heather Stastny

Created/Initiated
Approved
Approved
Approved
Approved
Approved
Final Approval



COUNCIL REPORT – CP22-08/ Z22-27

Scheduled Hearings:

City Council 1st reading: February 21, 2023

City Council 2nd reading: March 7, 2023

APPLICATION TYPE:		CASES:	
Comprehensive Plan Amendment & Rezoning		CP22-08/Z22-27: 2298 E Houston Harte Frontage Road	
SYNOPSIS:			
The applicant has submitted associated Comprehensive Plan Amendment (CPA) and Rezoning applications to rezone a 15+acre piece of property from General Commercial to Planned Development (PD) to encompass RS-3(Zero Lot Line, Twinhome and Townhome Residential) Zoning District with an underlying RS-1(Single Family Residential) Zoning District with 15 feet front yard setback, 25 feet front yard when there is a front entry garage. The applicant wants to provide a mixed-use development that can provide for generational housing needs in close proximity to each other. This zoning would also give them the flexibility to meet the needs of the market as it evolves. In larger cities it is not uncommon to have mixed housing types in one development to address a variety of needs as families mature.			
LOCATION:		LEGAL DESCRIPTION:	
2298 E Houston Harte Frontage Road		Abst: A-1854 S-0326, SURVEY: G. SCHUBITZ, 1.5 acres: Blk. 1 Subd. MARYLOU ADDITION, Southwest part of Lot 2, being 13.825 AC.	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #4 – Gonzales Paul Ann Neighborhood	CG to PD (with RS-3 underlying zoning, with 15 FT. front yard & 25 FT. on front entry garages	Commercial & Transitional to Neighborhood	15.325 acres
NOTIFICATIONS:			
18 notifications for CP22-08/ Z22-27 were mailed within a 200-foot radius on January 5, 2023.			
STAFF RECOMMENDATION:			
Planning Commission voted unanimously to recommend APPROVAL OF CP22-08/Z22-27 at their January 23, 2023 meeting. Staff recommends APPROVAL of an amendment to the City of San Angelo Comprehensive Plan, changing 15.325 acres from Commercial Land Use to Neighborhood Land Use; and APPROVAL of a rezoning from the General Commercial (CG) Zoning District to the Planned Development (PD) to encompass RS-3 (Zero Lot Line, Twinhome and Townhome Residential Zoning District with an underlying Single-Family Residential Lots with a 15-foot			
PROPERTY OWNER/PETITIONER:			
<i>Applicants:</i> Carter-Fentress Engineering, LLC			
STAFF CONTACT:			
Sherry L. Bailey Senior Planner (325) 657-4210, Extension 1546 Sherry.bailey@cosatx.us			

Additional Information: The applicant is wanting to keep the property immediately adjacent to the Huston Harte Expressway in the General Commercial Zoning District. That area will provide a buffer for the mixed housing residential 15+ acres. The residents will have a mix of housing in one area, commercial services available, and employment opportunities. The neighborhood theme is carried throughout the area tying it all together.

Comprehensive Plan Amendments and Rezoning: Section 212(G) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any rezoning request as outlined in #1 through #7 below. Comprehensive Plan Amendments are reviewed in the context of the San Angelo Strategic Plan, the 2009 Update to the Comprehensive Plan and outlined in #1 below:

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** Staff believes changing the Comprehensive Plan designation from Commercial to Neighborhood is consistent with the policies stated in the Plan. The intent of the land use slated for this property is such that they will benefit from the different land uses and complement those uses.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** The proposed zoning change from General Commercial to Planned Development with underlying residential types is designed to provide for a comprehensive approach for both the residential uses as well as the commercial use along the Expressway.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** The CG zoning will act as a buffer for the residential property uses.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** The applicant is seeking to introduce a more well-rounded residential opportunity for a variety of people with a variety of needs.
5. **Effect on Natural Environment.** **Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** The area is undeveloped but has been identified as a General Commercial site. Rezoning a portion of the property to residential will be a less intensive use and have less of an impact on the natural environment.
6. **Community Need.** **Whether and the extent to which the proposed amendment addresses a**

demonstrated community need. Staff believes the developer in this case is striving to be able to meet whatever demonstrated need might surface.

7. **Development Patterns.** **Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.** The development patterns for the area are just being established and are designed to be responsive to whenever needs may surface.

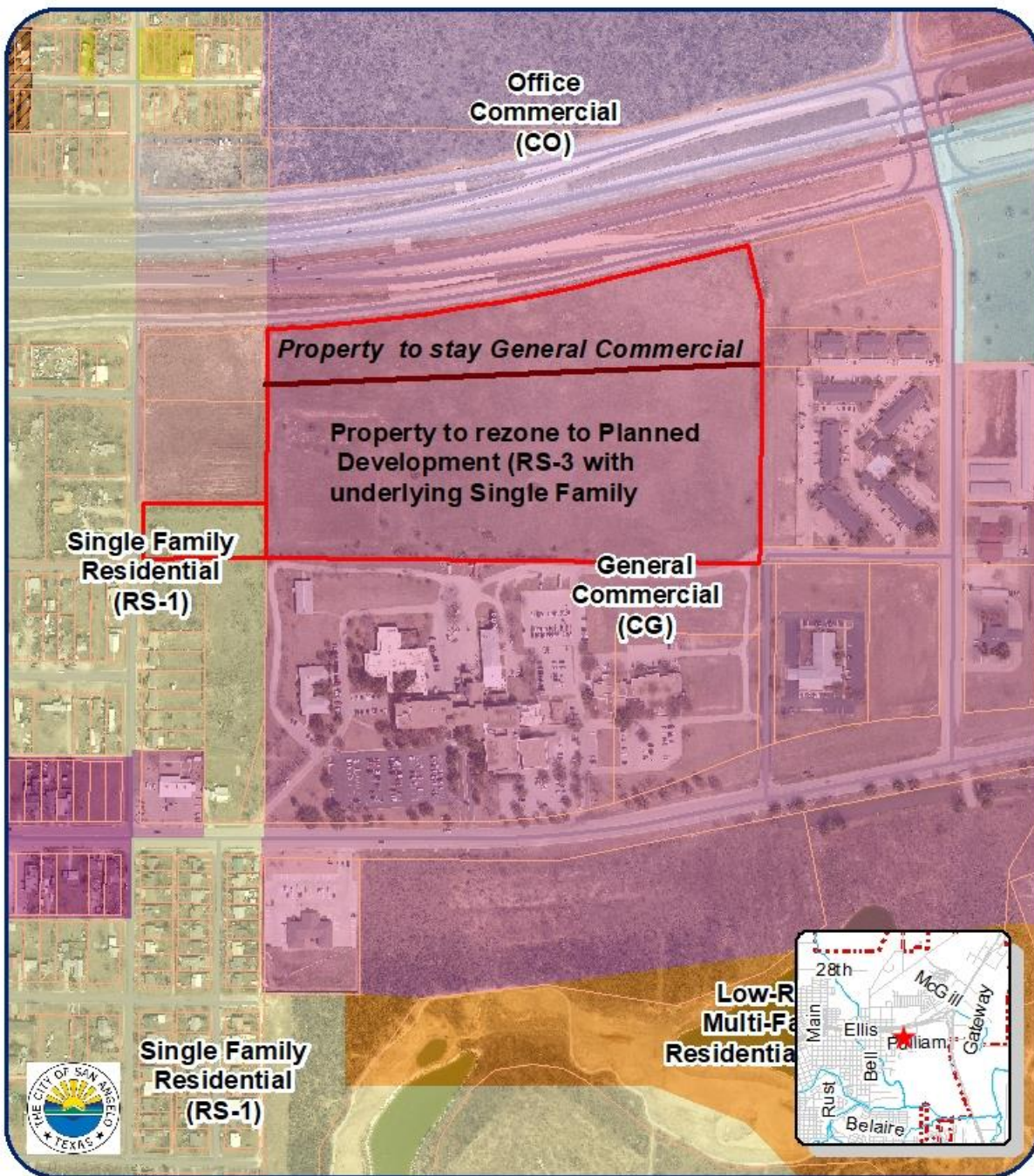
Recommendation:

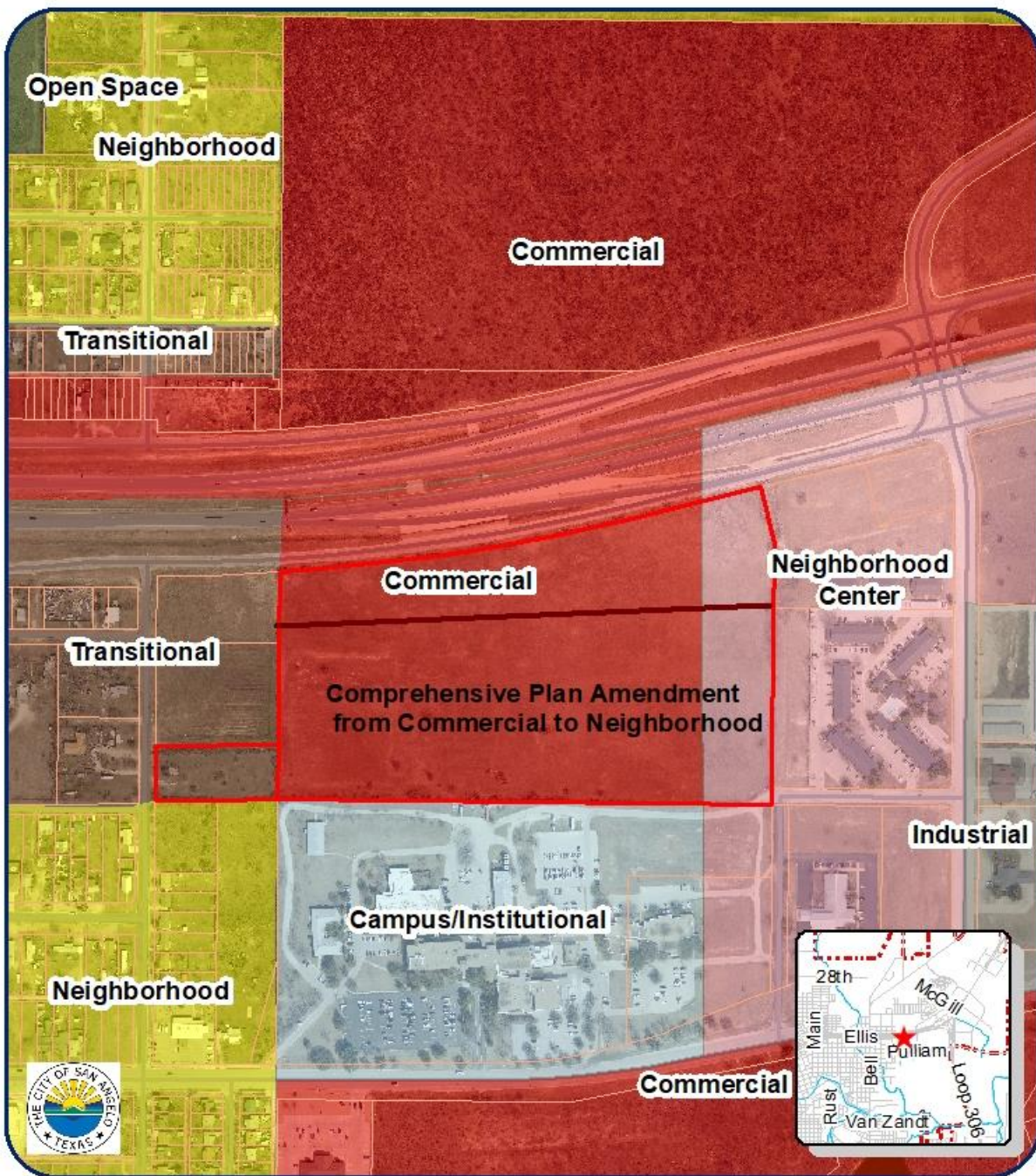
Planning Commission at their January 23, 2023, meeting voted **unanimously to recommend APPROVAL** of CP22-08/Z22-27. Staff recommends **APPROVAL** of an amendment to the City of San Angelo Comprehensive Plan, changing 15.325 acres from the “Commercial” Future Land Use to the “Neighborhood” Future Land Use; and **APPROVAL** of a rezoning on the 15.325 acres from the General Commercial) Zoning District to the Planned Development (PD) Zoning District with an underlying RS-3 and RS-1 zoning districts with adaptable mixed-use housing with a 50’ X 100’ minimum lot size, 15’ minimum front yard and 25’ minimum front yard at front entry garages.

Future Land Use Map

Zoning Map

Applications





FUTURE LAND USE

Z22-27 2102-2298 E Houston Harte

Council District: 4 Gonzales

Neighborhood: PaulAnn

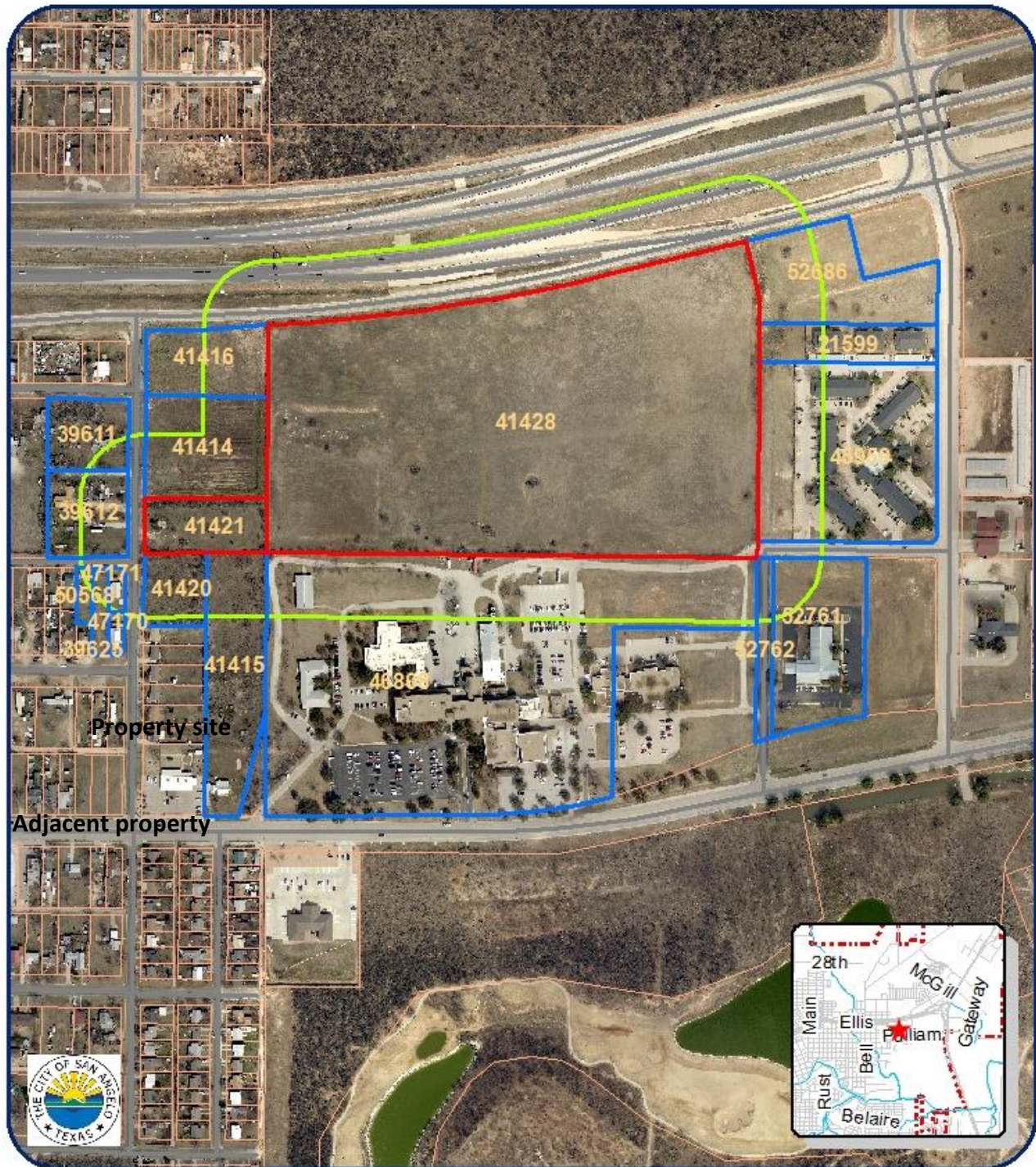
Scale: 0 0.02 0.04 0.08 0.12 0.16 Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —





200' Notification Map

Z22-27 2102-2298 E Houston Harte

Council District: 4 Gonzales

Neighborhood: PaulAnn

Scale: 0 0.02 0.04 0.08 0.12 0.16 Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —





Property in question

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS LOCATED AT 2102 – 2298 E. HOUSTON HARTE FRONTAGE ROAD, BEING A TOTAL OF 15.325 ACRES IN **ABST. A-1854 S-0326, SURVEY G. SCHUBITZ 1.5 ACRES: MARYLOU ADDITION, SOUTHWEST PART OF LOT 2, 13.825 ACRES** FROM "COMMERCIAL" TO "NEIGHBORHOOD" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

CP22-08: 2298 E. HOUSTON HARTE FRONTAGE ROAD

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

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

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

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

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

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

The real properties located 250 feet south of Huston Harte Frontage Road from Montague Avenue to the northern extension of American Avenue north of Shannon's St. John's Campus along Anne Drive, being a total of 15.325 acres in ABST. A-1854 S-0326, SURVEY G. SCHUBITZ 1.5 ACRES: MARYLOU ADDITION, SOUTHWEST PART OF LOT 2, 13.825 ACRES, Tom Green County, Texas; from "Commercial" to "Neighborhood".

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

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

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

INTRODUCED on the **21st day of February, 2023**, and finally ADOPTED on this the **7th day of March, 2023**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

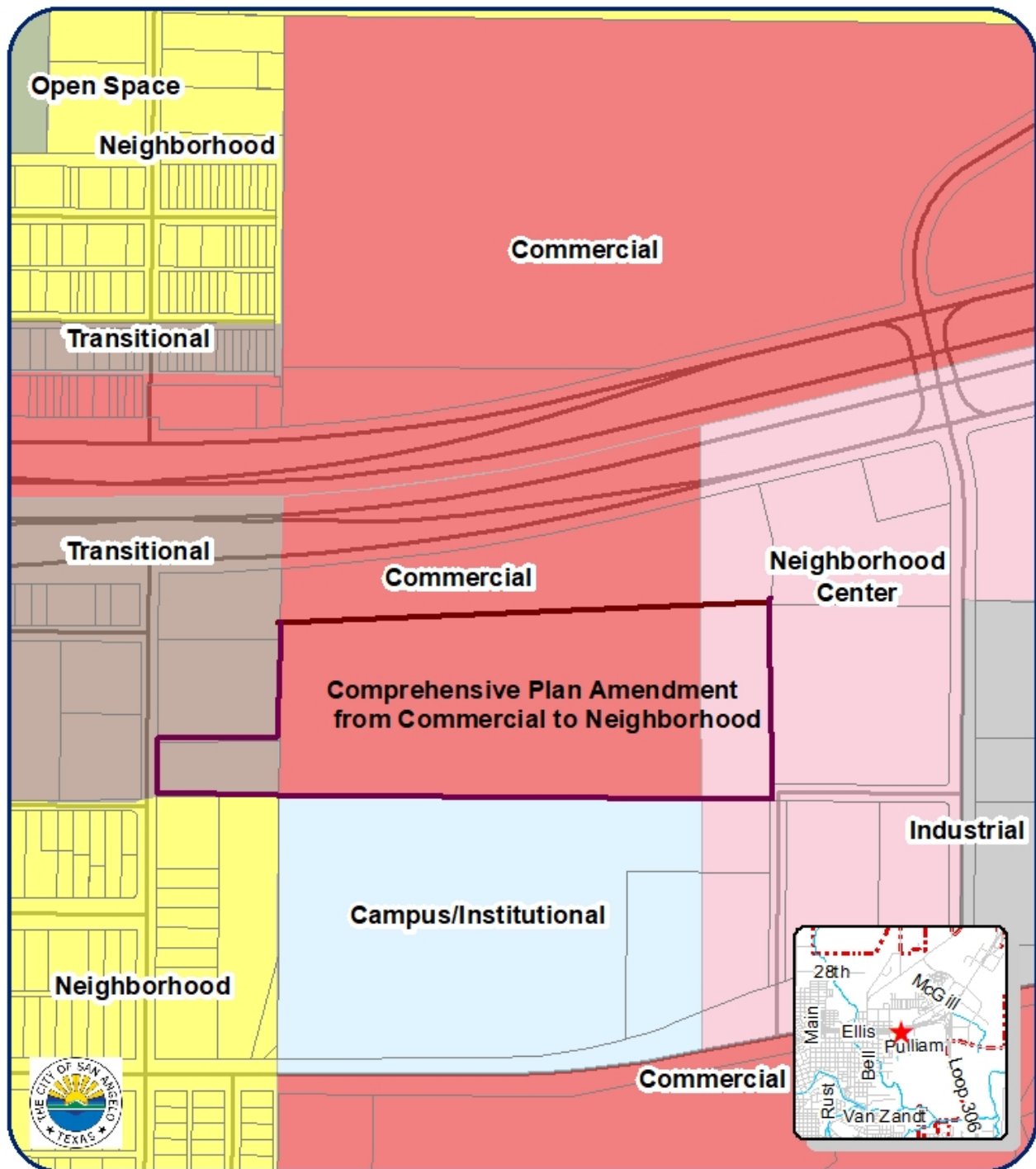
ATTEST:

APPROVED AS TO FORM:

Julia Antilley, City Clerk

Theresa James, City Attorney

Exhibit "A"



FUTURE LAND USE

222-27 2102-2298 E Houston Harte

Council District: 4 Gonzales

Neighborhood: PaulAnn

Scale: 0 0.02 0.04 0.08 0.12 0.16 Miles

Subject Properties: —



AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **APPROXIMATELY 15.325 ACRES LOCATED AT 2298 E. HOUSTON HARTE FRONTAGE ROAD (ABST. A-1854 S-0326, SURVEY G. SCHUBITZ 1.5 ACRES: MARYLOU ADDITION, SOUTHWEST PART OF LOT 2, 13.825 AC; BEING A TOTAL 15.325 ACRES);** FROM THE GENERAL COMMERCIAL (GC) ZONING DISTRICT TO A PLANNED DEVELOPMENT DISTRICT WHICH ENCOMPASSES THE ZERO LOT LINE, TWIN HOME, TOWNHOUSE (RS-3) ZONING DISTRICT AND THE SINGLE FAMILY RESIDENTIAL (RS-1) DISTRICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: Z22-27: 2298 E. Houston Harte Frontage Road

WHEREAS, on the 23rd day of January, 2023, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Planned Development District encompassing Zero Lot Line, Twin Home, Townhouse (RS-3) Zoning District; and,

WHEREAS, on the 21st day of February, 2023, City Council held a public hearing on Z22-27, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described properties as permanently zoned Planned Development District encompassing the Zero Lot Line, Twin Home, Townhouse (RS-3) Zoning District with an underlying Single Family Residential (RS-1) zoning district with 15 foot front yard setback to the house and 25 foot setback to front entry garages:

The real property generally located 250 feet south of the Houston Harte Frontage Road approximately at 2298 E. Houston Harte Frontage Road, described as ABST. A-1854 S-0326, SURVEY G. SCHUBITZ; being 1.5 acres and MARYLOU ADDITION, SOUTHWEST PART OF LOT 2, 13.825 acres; being a total 15.325 acres, City of San Angelo, Tom Green County, Texas as more particularly described and depicted on Exhibit “A” of this Ordinance.

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

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

SECTION 4. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended herein shall remain in full force and effect.

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

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

INTRODUCED on the **21st day of February, 2023**, and finally PASSED, APPROVED AND ADOPTED on this the **7th day of March, 2023**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

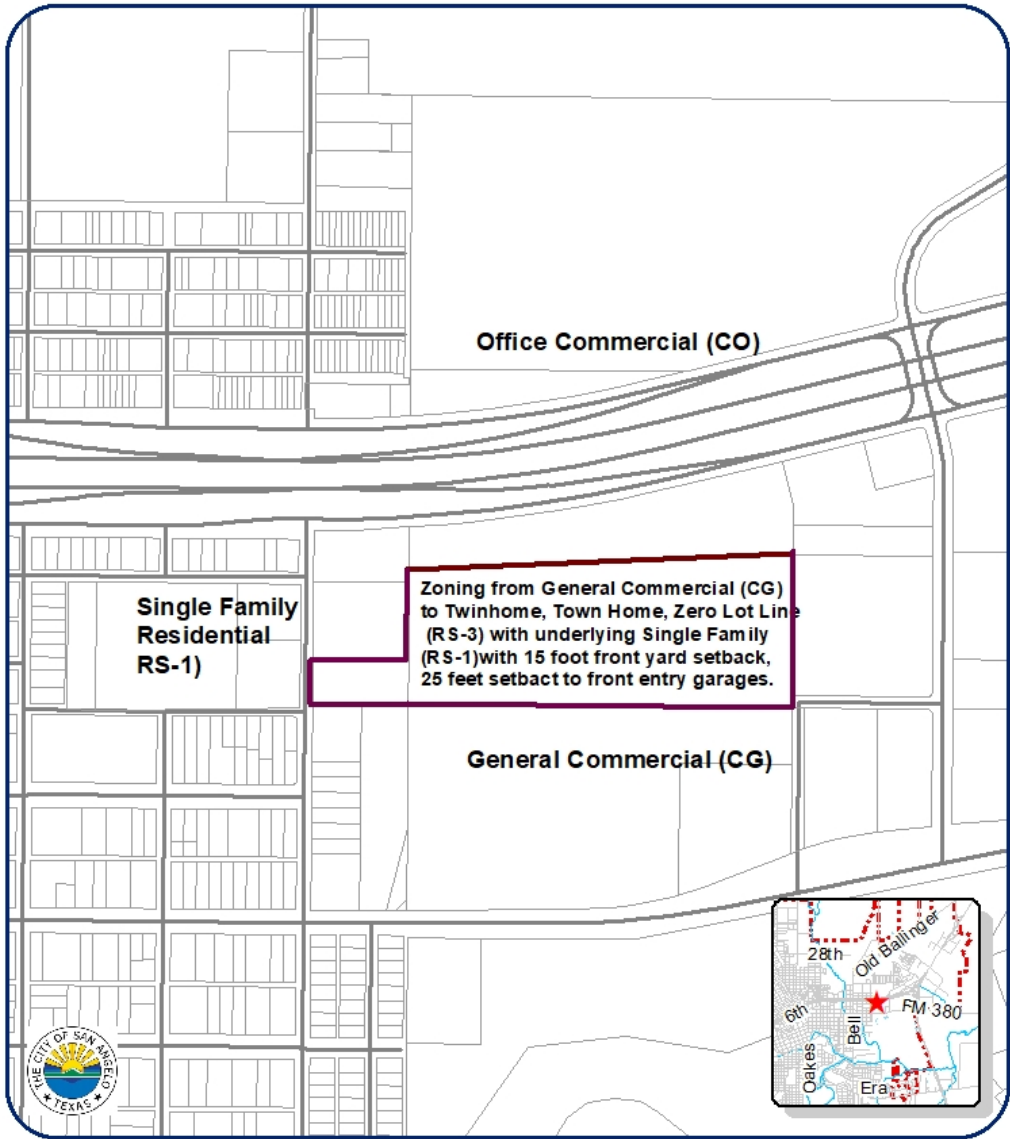
ATTEST:

APPROVED AS TO FORM:

Heather Stastny, City Clerk

Theresa James, City Attorney

Exhibit “A”



FUTURE LAND USE
222-27 2102-2298 E Houston Harte
 Council District: 4 Gonzales
 Neighborhood: PaulAnn
 Scale: 0.02 0.05 0.1 0.15 0.2 Miles

Subject Properties: 

N 

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



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

Meeting Date: March 7, 2023

Item type: Consent Item

Caption:

Second reading of an ordinance for Z22-29 to rezone property from the Single-Family Residential zoning district to the Two-Family Residential zoning district, located at 1201 Koberlin St. (Jon James)

Staff Recommendation:

Adopt

Summary/History:

The representative for the owner of the property 1201 Koberlin St. submitted a request for a rezoning from Single-Family Residential (RS-1) to Two-Family Residential District (RS-2) The applicant is asking to rezone to RS-2, Two-Family Residential in order to build duplexes. In this area, there is a mix of housing types and multiple churches. The existing Vision Plan identifies this area as "Neighborhood", which is compatible with the requested zoning.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

On the January 23, 2023 the Planning Commission met and decided by a unanimous vote to recommend approval of this item.

On February 21, 2023, the City Council approved this item on first reading by a vote of 7-0.

Attachments:

- | | |
|--|---------------------------|
| 1. Staff Report (Z22-29) 1201 Koberlin | Z22-29- 1201 Koberlin.pdf |
| 2. Ordinance (Z22-29) | Ordinance (Z22-29).docx |

Presentation:

Jon James

Approvals/Reviews:

Jon James
Jon James
Brandon Dyson
Jon James
Theresa James
Heather Stastny

Created/Initiated
Approved
Approved
Approved
Approved
Final Approval



STAFF REPORT - Z22-229

City Council 1st reading: February 21, 2023

City Council 2nd reading: March 7, 2023

APPLICATION TYPE:		CASES:	
Rezoning		Z22-29: 1201 Koberlin St.	
SYNOPSIS:			
The representative for the owner of the property 1201 Koberlin St. submitted a request to the Planning Staff for a rezoning from Single-Family Residential (RS-1) to Two-Family Residential District (RS-2) This property is presently zoned RS-1, Single-Family Residential. The applicant is asking to rezone to RS-2, Two-Family Residential in order to build duplexes. In this area, there is a mix of housing types and uses from RS-1 to RS-2, and multiple churches. The existing Vision Plan identifies this area as Neighborhood. Therefore, the rezoning to RS-2 is in keeping with the future land use.			
LOCATION:		LEGAL DESCRIPTION:	
Southeast of the intersection of N. Buchanan and Koberlin Street(s)		Lot: Acres: 0.161, Blk: 2, Subd: SHEPPARDS ADDITION, N140' OF LOT 8	
SM DISTRICT / NEIGHBORHOOD:	ZONING:	FUTURE LAND USE:	SIZE:
SMD District #3 – Harry Thomas Fort Concho East Neighborhood	RS-1 (Residential Single-Family)	Neighborhood	0.161
NOTIFICATIONS:			
31 notifications for Z22-29 were mailed within a 200-foot radius on January 5, 2023. No responses in favor or against have been received.			
STAFF RECOMMENDATION:			
On the January 23, 2023 the Planning Commission met a decided by a unanimous vote to recommend <u>Approval</u> to City Council on this item. of a rezoning from the Single-Family Residential (RS-1) to Two-Family Residential (RS-2) for the property located at 1201 Koberlin Street.			
PROPERTY OWNER/PETITIONER:			
<i>Applicant(s):</i> Stephen Marx – West Texas Rentals, LLC.			
STAFF CONTACT:			
Zack Rainbow Planning Manager (325) 657-4210, Extension 1547 zachary.rainbow@cosatx.us			

Additional Information: Staff met with the applicant(s) and their representative concerning the proposed rezoning and the accompanying plat map. The owner would like to develop duplexes on this lot. The property is surrounded by the existing neighborhood, including related uses as in multiple churches in the immediate vicinity. This property itself was previously used as a church facility, and the need for residential property close these uses is a demonstrated need.

1. **Compatible with Plans and Policies.** **Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.** The Comprehensive Plan identifies this area as Neighborhood. Given the existing mix of uses, the proposal is in keeping with that use.
2. **Consistent with Zoning Ordinance.** **Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.** RS-1 and the proposed RS-2 are very similar in requirements and use. The proposed rezoning will not conflict with the Zoning Ordinance.
3. **Compatible with Surrounding Area.** **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.** As noted above, the properties in this area are a mix of zoning districts, from single-family to two-family to churches. In surveying the area, the one thing that all uses have in common is they are all smaller in scale. As such, they complement the area and the various uses.
4. **Changed Conditions.** **Whether and the extent to which there are changed conditions that require an amendment.** This area is constantly changing. That is part of what keeps it a vital alive area.
5. **Effect on Natural Environment.** **Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.** There are no anticipated adverse effects on neighboring properties.
6. **Community Need.** **Whether and the extent to which the proposed amendment addresses a demonstrated community need.** Staff believes that this residential area meets an identified need for family housing in smaller development sites, that are affordable. Recent studies have born this out. The duplex development meets that target audience.
7. **Development Patterns.** **Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.** The property in question is an infill project in an older part of town. The proposed lots are 60 x 140 ft., and duplex development benefits both the applicant and the community while utilizing previous unused property.

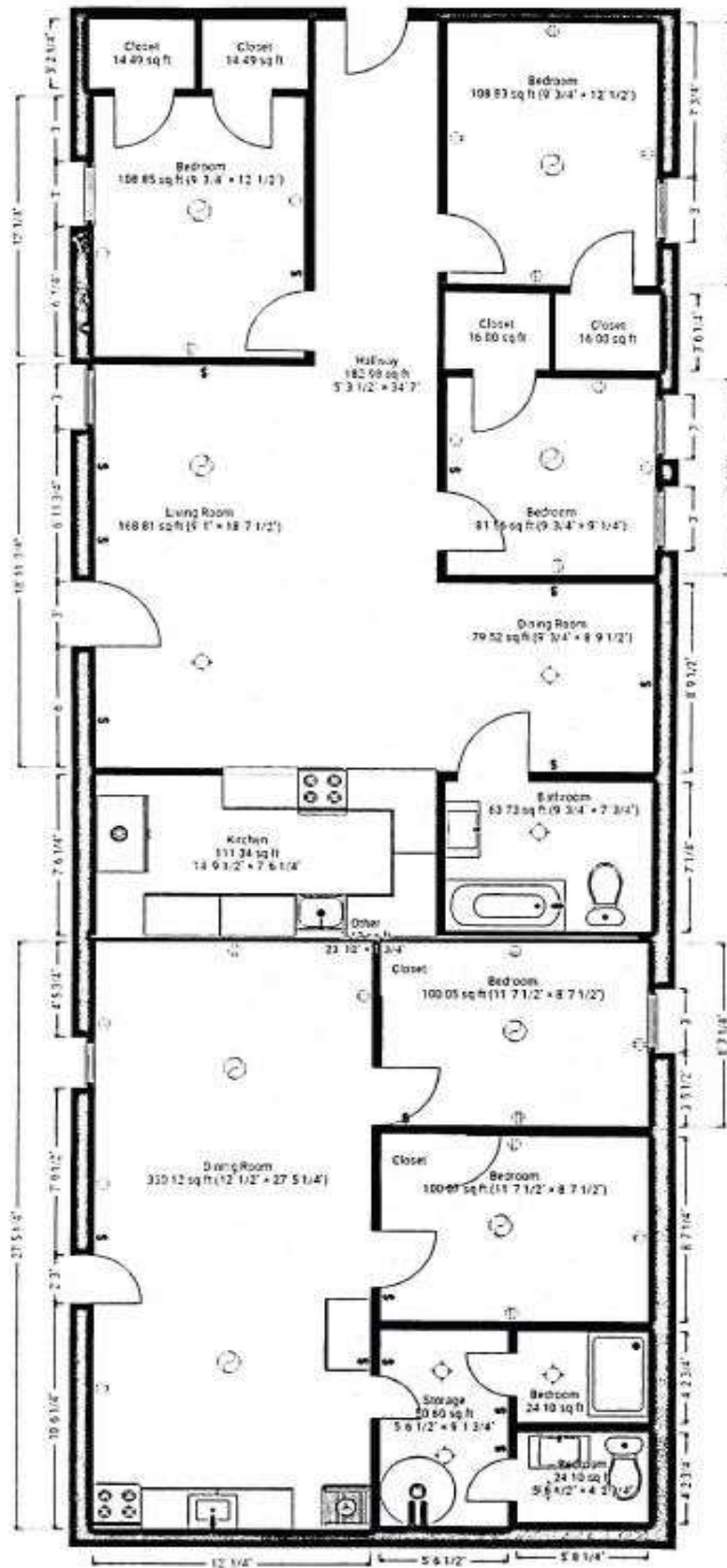
Recommendation:

On the January 23, 2023 the Planning Commission met and decided by a unanimous vote to recommend Approval to City Council on this item for a rezoning from the Single-Family Residential (RS-1) to Two-Family Residential (RS-2) for the property located at 1201 Koberlin Street.

Attachments:

Site Photos
Aerial/Notification Map
Zoning Map
Future Land Use Map

Floor Plan provided by Applicant



Site Photos

Front View



View from Property across N. Florence St.



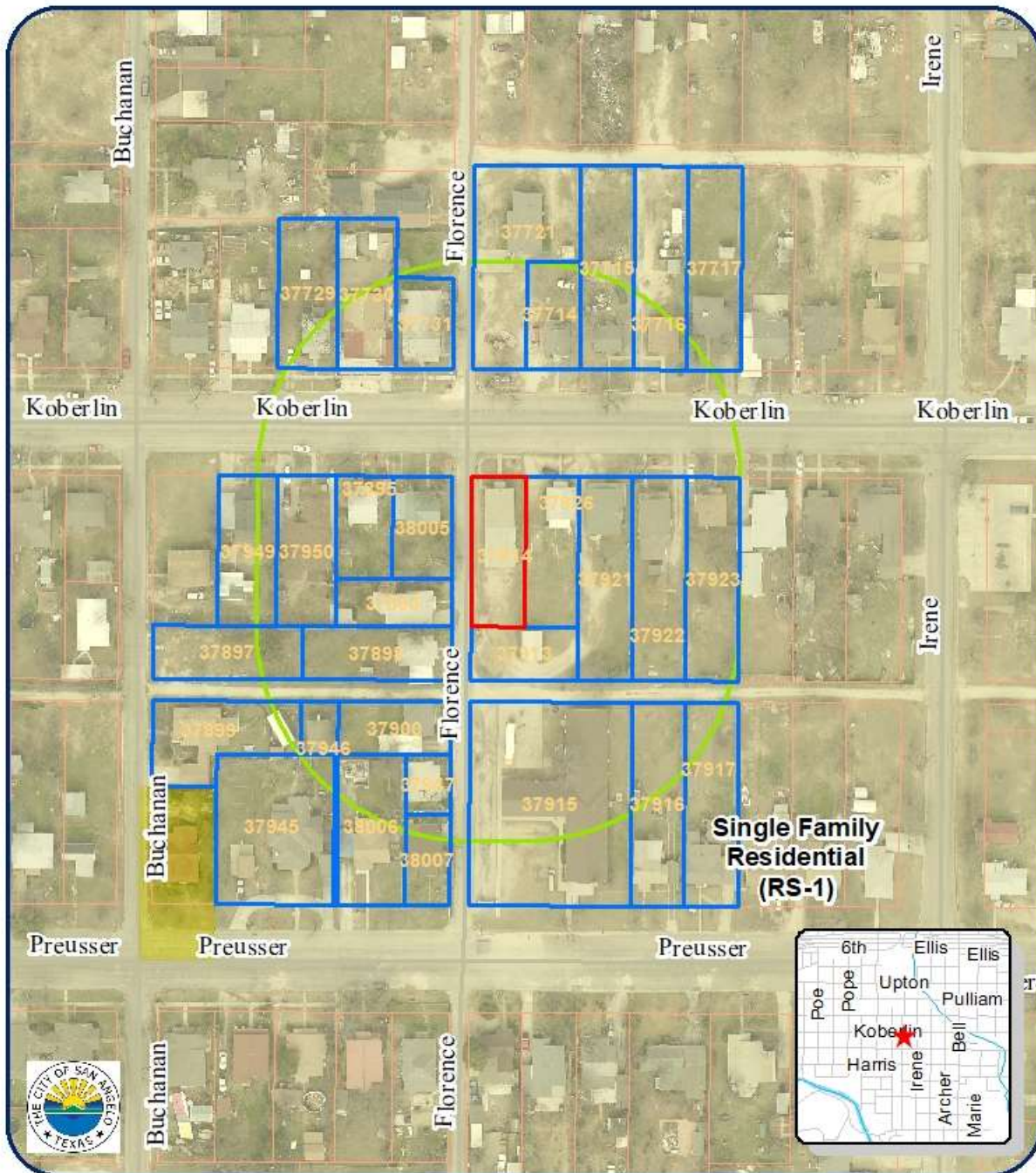
View across Koberlin St.





View across N. Florence St.





Zoning Map

Z22-29 1201 Koberlin St

Council District: 3 Thomas

Neighborhood: Ft Concho East

Scale: 0.00 0.01 0.02 0.03 0.04

Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —

N





200' Notification Map Z22-29 1201 Koberlin St

Council District: 3 Thomas

Neighborhood: Ft Concho East

Scale: 0.00 0.01 0.02 0.03 0.04
Miles

Subject Properties: —

200' Buffer: —

Notified Properties: —



AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **APPROXIMATELY 0.161 ACRES LOCATED AT 1201 KOBERLIN STREET (Acres: 0.161, Block: 2, Subdivision: SHEPPARDS ADDITION, N140' OF LOT 8);** FROM THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (RS-1) TO THE TWO-FAMILY RESIDENTIAL ZONING DISTRICT (RS-2); PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

RE: Z22-29: 1201 KOBERLIN STREET

WHEREAS, on the 23rd day of January, 2023, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, caused to be prepared and delivered a report and recommendation to City Council to approve the proposed Two-Family (RS-2) Zoning District; and,

WHEREAS, on the 21st day of February 2023, City Council held a public hearing on Z22-29, pursuant to published notice, and has considered the application, comments, reports and recommendations of the Planning Commission and staff, public testimony, and other relevant support materials;

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

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit "A" of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended to designate the following described properties permanently zoned TWO-FAMILY RESIDENTIAL (RS-2) ZONING DISTRICT;

The real property generally located at 1201 Koberlin Street, described as Lot 8, Acres 0.161, Block: 2, Subdivision: SHEPPARDS ADDITION, N140' OF LOT 8; City of San Angelo, Tom Green County, Texas as more particularly described and depicted on Exhibit "A" of this Ordinance.

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

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

SECTION 4: The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended herein shall remain in full force and effect.

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

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

INTRODUCED on the **21st day of February, 2023**, and finally PASSED, APPROVED AND ADOPTED on this the **7th day of March, 2023**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

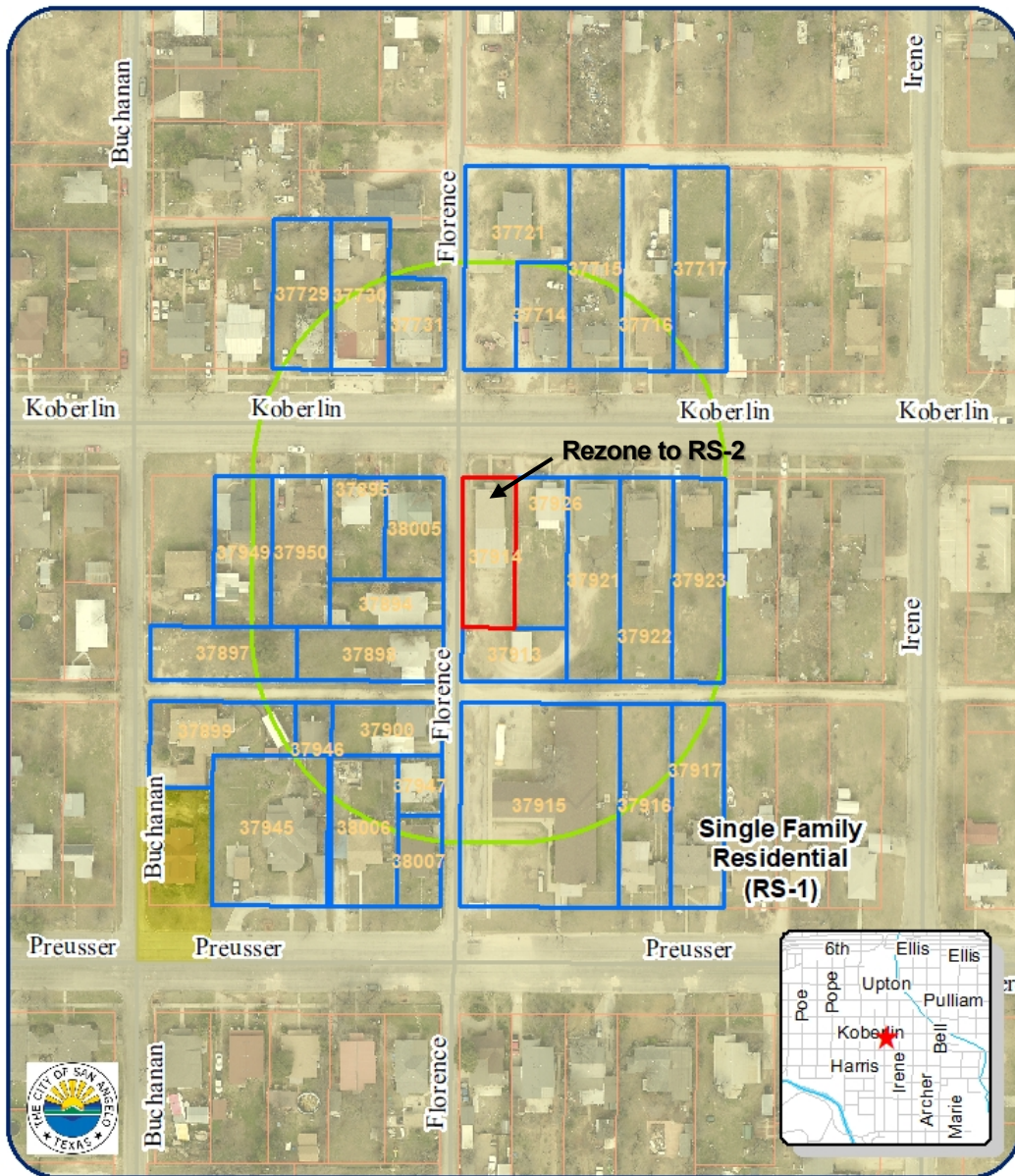
ATTEST:

APPROVED AS TO FORM:

Heather Stastny, City Clerk

Theresa James, City Attorney

Exhibit "A"



Zoning Map		
222-29 1201 Koberlin St		
Council District: 3 Thomas		
Neighborhood: Ft Concho East		
Scale: 0.0005 0.01 0.02 0.03 0.04 Miles		
Subject Properties:		
200' Buffer:		
Notified Properties:		

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Charlotte Anderson, Keep San Angelo Beautiful Executive Director, Operations

Meeting Date: March 7, 2023

Item type: Regular Item

Caption:

Keep San Angelo Beautiful 2022 Annual Report (Presentation made by KSAB Executive Director Charlotte Anderson)

Staff Recommendation:

Summary/History:

Staff will provide a brief overview of activities, events, and accomplishments for Keep San Angelo Beautiful (KSAB) for 2022.

Funding Source(s):

Financial Impact:

Other Information/Recommendation:

Attachments:

Presentation:

Charlotte Anderson

Approvals/Reviews:

Charlotte Anderson
Pete Madrid Jr.
Patrick Frerich
Theresa James
Heather Stastny

Created/Initiated
Approved
Approved
Approved
Final Approval

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Andy Vecellio, Assistant Director, Water Utilities

Meeting Date: March 7, 2023

Item type: Regular Item

Caption:

Consider awarding the following items pertaining to the Lake Nasworthy Wastewater System Improvements Project and authorizing the City Manager to negotiate and execute all related documents:

1. Consider awarding RFP WU-03-23 Rebid South Concho A Lift Station to Austin Engineering Company, Inc. in the amount of \$5,330,900.00 based upon scoring criteria as set forth in the Competitive Sealed Proposal procurement method
2. Consider awarding RFP WU-04-23 Rebid Lake Nasworthy Wastewater System Improvements to McKee Utility Contractors, Inc. for the base bid and alternate bid item A in the amount of \$25,999,100.00 based upon scoring criteria as set forth in the Competitive Sealed Proposal procurement method
3. Consider executing Task Order No. 3 in the amount of \$1,498,906.00 for Construction Phase Services and Resident Project Representative Services for Lake Nasworthy Wastewater System Improvements to CDM Smith Inc.
4. Amending the fiscal year 2022-23 to budget for debt issuance in the amount of \$44,233,920 (Presentation made by Assistant Director of Water Utilities Andy Vecellio)

Staff Recommendation:

Approve

Summary/History:

Competitive sealed proposals for projects RFP WU-03-23 Rebid South Concho A Lift Station and RFP WU-04-23 Rebid Lake Nasworthy Wastewater System Improvements were opened on March 3, 2023. One proposal was received for the South Concho A Lift Station project and seven proposals were received for the Lake Nasworthy Wastewater System Improvements project. A review committee of five members evaluated the proposals and recommended awarding to Austin Engineering Company, Inc. for RFP WU-03-23 Rebid South Concho A Lift Station and McKee Utility Contractors, Inc. for RFP WU-04-23 Rebid Lake Nasworthy Wastewater System Improvements. The contracts will run concurrently with the Lake Nasworthy Wastewater System Improvement project having a contract length of 24 months and the South Concho A Lift Station project having an 18 months contract length with a delayed start of 6 months.

RFP WU-03-23 Rebid South Concho A Lift Station project includes a new 2,000 gallons per minute (GPM) wastewater lift station near South Concho Drive. Two pumps will be initially installed, with space to add a third pump. The lift station will also include a backup emergency generator.

RFP WU-04-23 Rebid Lake Nasworthy Wastewater System Improvements consists of approximately 10.4 miles of gravity and pressure sewer pipe, 93 manholes, various appurtenances, and other bid items

consistent with sewer pipeline construction. Alternate Bid Item A, which includes parallel force mains for additional capacity, is also included in the project scope.

At the February 18, 2020 City Council meeting, the Council approved Task Order No. 2 for the Final Design Phase and Project Bidding Phase to CDM Smith, Inc. In conjunction with the recommendation to award the construction contracts for RFP WU-03-23 Rebid South Concho A Lift Station and RFP WU-04-23 Rebid Lake Nasworthy Wastewater System Improvements, it is recommended that the Council approves Task Order No. 3 to CDM Smith to provide construction phase services and resident project representative services.

Scope of services for Task Order No. 3 includes, but is not limited to, general construction contract administration, issuance of field orders, review of change orders and construction payment applications, review of shop drawings, construction observation of both construction contracts, interpretation of contract documents, and attendance at construction phase meetings.

In November 2019, the City held a special election to authorize the use of the Lake Nasworthy Trust Fund. The approved ballot language is as follows:

- Lake Nasworthy lake and river improvements to enhance water recreation and the elimination of related litter and pollution not to exceed \$6 million in actual costs for:
 - Boat ramps
 - Fishing piers
 - Shoreline erosion control
 - Sandy beaches
- Balance of the fund as of May 5, 2020, excluding the \$6 million allocated for above projects, be used for the expansion, reconfiguration, and replacement of the current sewer system servicing the Lake Nasworthy area to expand capacity for current and future development.

Currently, the balance of the trust fund allocation is just over \$9 million. So far, approximately \$2.5 million of the original \$11.5 million has been used or encumbered for preliminary engineering evaluations and associated studies and surveys for a proposed sanitary sewer expansion project to increase sewer capacity in the Lake Nasworthy area. The City issued debt in the amount of approximately \$44 million expected to be necessary to complete the project.

Since the project cost came in substantially lower than expected with proposed awards at \$5,330,900 million and \$25,999,100 million and the CDM Smith fee at \$1,498,906 (total combined of \$32,828,906), the balance of the debt fund will be used to complete additional projects on the sewer system in a more timely manner than would have otherwise been possible.

Funding Source(s):

Fund:	Account:	Project Number:	Amount Budgeted:
	535-0640-800.07-30	LK0002	\$44,233,920.00
Water Reclamation Capital Fund	520-0640-800.07-30	LK002	\$9,086,836.23

Financial Impact:

Funding will be a combination of Lake Nasworthy Trust Funds and debt issuance.

RFP WU-03-23 Rebid: Funding will come from the 2023 Water Reclamation Debt Issuance

RFP WU-04-23 Rebid: Funding will utilize the remaining \$9,086,836.23 from the Lake Nasworthy Trust Fund and the remaining will come from the 2023 Water Reclamation Debt Issuance

Task Order No. 3 to CDM Smith Inc. will come from the 2023 Water Reclamation Debt Issuance

Other Information/Recommendation:

Staff recommends that the City Manager be authorized to execute construction contracts and any related documents.

Attachments:

1.	LAKE NASWORTHY-CDM Task Order 3 - 2-2023 FINAL	LAKE NASWORTHY-CDM Task Order 3 - 2-2023 FINAL.pdf
2.	BA Memo - 2023 CO Issue for Lake WW Improvements	BA Memo - 2023 CO Issue for Lake WW Improvements.pdf
3.	WU-04-23 - Rebid - Scoring Summary	WU-04-23 - Rebid - Scoring Summary.pdf
4.	WU-03-23 - Rebid - Scoring Summary	WU-03-23 - Rebid - Scoring Summary.pdf
5.	270868 Pipeline Bid Tab_v4	270868 Pipeline Bid Tab_v4.pdf
6.	270868 South Concho A Lift Station Bid Tab_V2	270868 South Concho A Lift Station Bid Tab_V2.pdf

Presentation:

Andy Vecellio

Approvals/Reviews:

Andy Vecellio	Created/Initiated
Pete Madrid Jr.	Approved
Kimberly Holle	Approved
Shane Kelton	Approved
Andy Vecellio	Approved
Jeffrey Tomlinson	Approved
Tina Dierschke	Approved
Theresa James	Approved
Heather Stastny	Final Approval

TASK ORDER NO. 3 TO
MASTER SERVICES AGREEMENT
BETWEEN
OWNER AND ENGINEER

This is Task Order No. 3 dated _____, 2023 attached to and made part of the Master Services Agreement dated March 31, 2020, between CDM Smith Inc. (ENGINEER) and City of San Angelo, Texas (OWNER).

This Task Order describes the Scope of Services, Time Schedule, Charges, and Payment Conditions for the Task Order known as: Lake Nasworthy Wastewater System Improvements, Construction Phase Services Plus Resident Project Representative (RPR) Services (the "Project").

1. Scope of Services

ENGINEER shall provide for OWNER the following specific Services:

Construction Phase Services Plus Resident Project Representative (RPR) Services for the Lake Nasworthy Wastewater System Improvements. This project as presented in the Lake Nasworthy Wastewater System Improvements Final Design includes the construction of a new 2,000 gpm (ultimate capacity) wastewater lift station near S. Concho Dr with two pumps installed initially with space to add a future third pump, a small, unenclosed shade structure covering, passive odor control, and an emergency generator; approximately 614 linear feet of 8-inch gravity wastewater line, 45 linear feet of 8-inch force main, 5,223 linear feet of 12-inch gravity wastewater line, 9,719 linear feet of 12-inch force main, 3,480 linear feet of 8, 10, 12 and 14-inch siphon pipe installed by horizontal directional drill, 5,214 linear feet of 15-inch gravity wastewater line, 6,069 linear feet of 18-inch gravity wastewater line, 6,451 linear feet of 30-inch gravity wastewater line, 17,861 linear feet of 36-inch gravity wastewater line, two pipe bridges, 93 manholes of varying size and construction, gate valves, air valves, abandonment work at five existing lift stations, cast-in place concrete structures, pavement repair, system connections, erosion controls, fencing, gates, pavement repair, roadway bores, traffic control and appurtenances, and cellular communication with the lift station. Final pipe sizes, quantities and capacities may vary slightly from those stated above.

There are two construction contracts. The wastewater pipelines project was prepared in one package for bidding and construction and the lift station project was prepared in a second package for bidding and construction. These two construction projects run concurrently. A third wastewater project will be bid and will be under construction once the City of San Angelo completes the condemnation process for the South Bentwood Lift Station relief line. The RPR and construction phase services for this third project is not included in the current task order and can be added as an additional service when needed.

CONSTRUCTION PHASE SERVICES

Upon this task order becoming effective, ENGINEER shall complete the following tasks:

TASK ORDER NO. 3 TO
MASTER SERVICES AGREEMENT
BETWEEN
OWNER AND ENGINEER

1.4.1 General Administration of Construction Contract.

ENGINEER shall consult with and advise OWNER and act as OWNER's representative as provided in the Standard General Conditions. The extent and limitations of the duties, responsibilities and authority of ENGINEER as assigned in said Standard General Conditions shall not be modified, except to the extent provided herein. All of OWNER's instructions to Contractor will be issued through ENGINEER who shall have authority to act on behalf of OWNER in dealings with Contractor to the extent provided in this Agreement and said Standard General Conditions except as otherwise provided in writing.

1.4.2 Visits to Site and Observation of Construction.

In connection with observations of the work of Contractor while in progress:

1.4.2.1 ENGINEER shall make visits to the site at intervals appropriate to the various stages of construction as ENGINEER deems necessary in order to observe as an experienced and qualified design professional the progress and quality of the various aspects of Contractor's work. In addition, ENGINEER shall provide the services of a Resident Project Representative at the site to assist ENGINEER and to provide more continuous observations of such work. The furnishing of such Resident Project Representative services will not extend ENGINEER's responsibilities or authority beyond the specific limits set forth elsewhere in this paragraph 1.4. Such visits and observations by ENGINEER and the Resident Project Representative are not intended to be exhaustive or to extend to every aspect of the work in progress, or to involve detailed inspections of the work beyond the responsibilities specifically assigned to ENGINEER in this Agreement and 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 as assisted by the Resident Project Representative. Based on information obtained during such visits and such observations, ENGINEER shall endeavor to determine in general if such work is proceeding in accordance with the Contract Documents and ENGINEER shall keep OWNER informed of the progress of the work. The responsibilities of ENGINEER contained in this paragraph are expressly subject to the limitations set forth in paragraph 1.4.2.2 and other expressed or general limitations in this Agreement and elsewhere.

1.4.2.2 The purpose of ENGINEER's visits to and representation by the Resident Project Representative at 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

TASK ORDER NO. 3 TO
MASTER SERVICES AGREEMENT
BETWEEN
OWNER AND ENGINEER

provide for OWNER a greater degree of confidence that the completed work of Contractor will conform in general to the Contract Documents and that the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents has been implemented and preserved by Contractor. On the other hand, 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 by Contractor, for safety precautions and programs incidental to the work of Contractor or for any failure of Contractor to comply with laws, rules, regulations, ordinances, codes or orders 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 its work in accordance with the Contract Documents.

1.4.2.3 Duties, Responsibilities and Authority of the Resident Project Representative are set forth in Task 1.5.

1.4.3 Defective Work.

During such visits and on the basis of such observations, ENGINEER shall have authority to disapprove of or reject Contractor's work while it is in progress if ENGINEER believes that such work will not produce a completed Project that conforms generally to the Contract Documents or that it will prejudice the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents.

1.4.4 Clarifications and Interpretations; Field Orders.

ENGINEER shall issue necessary clarifications and interpretations of the Contract Documents as appropriate to the orderly completion of the 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 from the requirements of the Contract Documents. It is assumed that there will be 25 RFIs, 15 for the pipeline project and 10 for the lift station project.

1.4.5 Change Orders and Work Change Directives.

When authorized by OWNER, ENGINEER shall prepare change orders not requiring re-design or substantial engineering, as appropriate, for ordering changes in the Work form that originally shown on the Plans and Specifications.

TASK ORDER NO. 3 TO
MASTER SERVICES AGREEMENT
BETWEEN
OWNER AND ENGINEER

1.4.6 Shop Drawings

ENGINEER shall review and approve (or take other appropriate action in respect of) 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 in the Contract Documents. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences or procedures of construction or to safety precautions and programs incident thereto. It is assumed that there will be 85 submittals (40 for the pipeline project and 45 for the lift station project).

1.4.7 Substitutes

ENGINEER shall evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor. However, services in making revisions to Drawings and Specifications occasioned by the acceptance of substitute materials or equipment other than "or-equal" items; and services after the award of the construction contract in evaluating and determining the acceptability of a substitute which is appropriate for the Project or an excessive number of substitutes will only be performed pursuant to an amendment to this Agreement for additional compensation. It is assumed that there will be 4 requests for substitutions, 2 for the pipeline project and 2 for the lift station project.

1.4.8 Inspections and Tests.

ENGINEER may require special inspections or tests of the work, and shall receive and review all certificates of inspections, tests and approvals required by laws, rules, regulations, ordinances, codes, orders 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.

1.4.9 Disagreements between OWNER and Contractor

ENGINEER shall render the initial decisions on all claims of OWNER and Contractor relating to the acceptability of the work or the interpretation of the requirements of the Contract Documents pertaining to the execution and progress of the work. 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.

TASK ORDER NO. 3 TO
MASTER SERVICES AGREEMENT
BETWEEN
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1.4.10 Applications for Payment.

Based on ENGINEER's on-site observations as an experienced and qualified design professional and on review of Applications for Payment and the accompanying data and schedules. It is assumed that there will be 42 applications for payment, 24 for the pipeline project and 18 for the lift station project.

1.4.10.1 ENGINEER shall 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, the 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 such 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 the work. In the case of unit price work, ENGINEER's recommendations of payment will include final determinations of quantities and classifications of such work (subject to any subsequent adjustments allowed by the Contract Documents). The responsibilities of ENGINEER contained in paragraph 1.4.10.1 are expressly subject to the limitations set forth in paragraph 1.4.10.2 and other expressed or general limitations in this Agreement and elsewhere.

1.4.10.2 By recommending any payment ENGINEER shall not thereby be deemed to have represented that on-site 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 the 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 such work or for the means, methods, techniques, sequences or procedures of construction or safety precautions or programs incident thereto, or Contractor's compliance with laws, rules, regulations, ordinances, codes or orders 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 of the work, materials or equipment has passed to

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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.

1.4.11 Contractor's Completion Documents.

ENGINEER shall receive, review and transmit to OWNER with written comments maintenance and operating instructions, schedules, guarantees, Bonds, certificates or other evidence of insurance required by the Contract Documents, certificates of inspection, tests and approvals, and marked-up record documents (including Shop Drawings, Samples and other data approved as provided under paragraph 1.4.6 and marked-up record Drawings) which are to be assembled by Contractor in accordance with the Contract Documents to obtain final payment. ENGINEER's review of such documents will only be to determine generally that their content complies with the requirements of, and in the case of certificates of inspections, tests, and approvals that the results certified indicate compliance with, the Contract Documents.

1.4.12 Substantial Completion

Following notice from Contractor that Contractor considers the entire work ready for its intended use, ENGINEER and OWNER, accompanied by Contractor, shall 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.

1.4.13 Final Notice of Acceptability of the Work.

ENGINEER shall 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 indicate that the work is acceptable (subject to the provisions of paragraph 1.4.10.2) to the best of ENGINEER's knowledge, information and belief and based on the extent of the services performed and furnished by ENGINEER under this Agreement.

1.4.14 Limitation of Responsibilities.

ENGINEER shall not be responsible for the acts or omissions of any Contractor, or of any subcontractor, any supplier, or of any other person or organization performing or furnishing any of the work. ENGINEER shall not be responsible for Contractor's failure to perform or furnish the work in accordance with the Contract Documents.

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1.4.15. Duration of Construction Phase.

The Construction Phase will commence with the execution of the construction contract for the Project or any part thereof and will terminate upon written recommendation by ENGINEER of final payment. The scope construction phase services (general services) is based on a 24-month construction period. There are two construction contracts. The lift station contract will start later than pipeline but both contracts will finish at the same time. The lift station is a 18 month project and the pipeline is a 24 month project.

Task 1.5 – Resident Project Representative (RPR) Services

Under Task 1.5 of the project, Engineer will provide full-time RPR services during construction. The scope of RPR services is based on a 24-month construction period. There are two construction contracts. The lift station contract will start later than pipeline but both contracts will finish at the same time. The lift station is a 18 month project and the pipeline is a 24 month project. The RPR will cover both.

The responsibilities of the RPR are presented below:

RPR Responsibilities:

1. *Schedules:* Review the progress schedule, schedule of Shop Drawing submittals and schedule of values prepared by Contractor and consult with Engineer concerning acceptability.
2. *Conferences and Meetings:* Attend meetings with Contractor, such as preconstruction conferences, progress meetings, job conferences and other project-related meetings.
3. *Liaison:*
 - a. Serve as Engineer's liaison with Contractor, working principally through Contractor's superintendent and assist in understanding the intent of Contract Documents; and assist Engineer in serving as OWNER's liaison with Contractor when Contractor's operations affect OWNER's on-site operations.
 - b. Assist in obtaining from OWNER additional details or information, when required for proper execution of the Work.
4. *Review of Work, Rejection of Defective Work, Inspections and Tests:*
 - a. Conduct on-site observations of the Work in progress to assist Engineer in determining if the Work is in general proceeding in accordance with the Contract Documents.
 - b. Report to Engineer whenever RPR believes that any Work 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

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inspection, test or approval required to be made; and advise Engineer of work that RPR believes should be corrected or rejected or should be uncovered for observation, or requires special testing, inspection or approval.

- c. Verify that test, equipment and systems start-ups are conducted in the presence of appropriate personnel, and that Contractor maintains adequate records thereof; and observe, record and report to Engineer appropriate details relative to the test procedures and start-ups.
 - d. Accompany visiting inspectors representing public or other agencies having jurisdiction over the Project, record the results of these inspections and report to Engineer.
5. *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.
6. *Modifications:* Consider and evaluate Contractor's suggestions for modifications of Drawings or Specifications and report with RPR's recommendations to Engineer. Transmit to Contractor in writing decisions as issued by Engineer.
7. *Records:*
- a. Maintain at the job site orderly files for correspondence, reports of job conferences, Shop Drawings and Samples, reproductions of original Contract Documents including all Work Changes, Addenda, Change Orders, Field Orders, additional Drawings issued subsequent to the execution of the Contract, Engineer's clarifications and interpretations of the Contract Documents, progress reports, Shop Drawing submittals received from and delivered to Contractor and other Project related documents.
 - b. Prepare a daily report or keep a diary or log book, recording Contractor's hours on the job site, weather conditions, data relative to questions of Work Change Directives, Change Orders or changed conditions, list of job 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.
 - c. Record names, addresses and telephone numbers of all Contractors, subcontractors and major suppliers of materials and equipment.
8. *Reports:*
- a. 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.
 - b. Consult with Engineer in advance of scheduled major tests, inspections or start of important phases of the Work.
 - c. Report immediately to Engineer and OWNER the occurrence of any accident.
9. *Payment Requests:* Review Applications for Payment with Contractor for compliance with the established procedure for their submission and forward with recommendations to

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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.

10. *Conferences and Meetings:* Attend meetings with Contractor, such as preconstruction conferences, progress meetings, job conferences and other project-related meetings.

The RPR has limitations to his authority on the project. These are listed below:

Limitation of Authority by RPR

Resident Project Representative:

1. Shall not authorize any deviation from the Contract Documents or substitution of materials or equipment (including "or-equal" items), unless authorized by Engineer.
2. Shall not exceed limitations of Engineer's authority as set forth in the Agreement of the Contract Documents.
3. Shall not undertake any of the responsibilities of Contractor, Subcontractors, Suppliers, or Contractor's superintendent.
4. Shall not advise on, issue directions relative to or assume control over any aspect of the means, methods, techniques, sequences or procedures of construction unless such advice or directions are specifically required by the Contract Documents.
5. Shall not advise on, issue directions regarding or assume control over safety precautions and programs in connection with the Work.
6. Shall not accept Shop Drawing or Sample submittals from anyone other than Contractor.
7. Shall not authorize Client to occupy the Project in whole or in part.
8. Shall not participate in specialized field or laboratory tests or inspection conducted by others except as specifically authorized by Engineer.

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in the Agreement subject to the following:

1. Designate a person to act as City's representative with respect to the services to be performed or furnished by the Professional. This representative will have authority to transmit instructions, receive information, interpret and define City's policies and decisions with respect to Professional's services.
2. Provide all criteria and full information as to City's requirements for the project, including objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and furnish copies of all design and construction standards which City will require to be included in the Project Drawings and Specifications.

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3. Assist Professional by placing all available information pertinent to the Project, including previous reports and any other data relative to the design or construction of the Project at the Professional's disposal.
4. Furnish to Professional, as requested for performance of basic services or as required by the Contract Documents, the following:
 - a) Data prepared by or services of others, including without limitation explorations and tests of subsurface conditions at or contiguous to the site, drawings of physical conditions in or relating to existing surface of subsurface structures at or contiguous to the site;
 - b) The services of an independent testing laboratory to perform all inspections, test and approvals of samples, materials and equipment;
 - c) Environmental assessments, audits, investigations and impact statements, and other relevant environmental or cultural studies as to the Project, the site and adjacent areas;
 - d) Arrange for access to and make all provisions for Professional to enter upon public and private property as required for Professional to perform services under this Task Order;
 - e) Examine all alternate solutions, studies, reports, sketches, proposals and other documents presented by Professional;
 - f) Provide such accounting, bond and financial advisory, independent cost estimating and insurance counseling services and such legal services as City may require or Professional may reasonably request with regard to legal issues pertaining to the Project;
 - g) Provide labor and safety equipment to open electrical/instrumentation cabinets, open and protect manholes and/or to operate valves and hydrants as required by the Professional; and
 - h) Give prompt notice to Professional whenever City observes or otherwise becomes aware of any development that affects the scope or time of performance or furnishing of Professional's services, or any defect or nonconformance in Professional's services in the work of any Contractor.

2. Time Schedule

The time periods for the performance of ENGINEER's Services are as follows:

<u>Phase</u>	<u>Completion Date</u>
Construction Phase Services	Within 730 days of NTP
RPR Services	Within 730 days of NTP

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3. Compensation and Invoicing

A. OWNER shall pay ENGINEER for services rendered as follows:

Compensation for the Construction Phase Services (General Services) will be based on a lump sum basis. Monthly invoices will be prepared based on percentage complete of each task listed below. The lump sum amount is \$720,106.00.

Compensation for Resident Project Representative (RPR) will be billing on lump sum basis. RPR Services will be billed at a monthly rate of \$32,450 per month. The maximum not to exceed amount is \$778,800.

<i>Category of Services</i>	<i>Compensation Method</i>	<i>Lump Sum or Not to Exceed Amount of Compensation for Services</i>
Basic Services		
Construction Phase Services (General Services)	Lump Sum	\$ 720,106.00
Resident Project Representative (RPR)		
Services (Includes 40 hours to maximum 50 hours per week plus mileage and per diem for RPR)	Lump Sum	\$ 778,800.00
Total Task Order Amount		\$1,498,906.00

4. Terms and Conditions

The terms and conditions of the Agreement referred to above shall apply to this Task Order except to the extent expressly modified herein. In the event of such modification, the modification shall be set forth below and the Article of the Agreement to be modified shall be specifically referenced. Modifications included in this Task Order are:

5. Terms or Provisions in Conflict:

If the provisions set forth in the Agreement are in conflict with the provisions set forth in this Task Order, the provisions of this Task Order shall govern.

Acceptance of the terms of this Task Order is acknowledged by the following authorized signatures of the parties to the Agreement:

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OWNER City of San Angelo, Texas

By:
Title: City Manager

By:
Title: Director of Water Utilities

By:
Title: Purchasing Manager

By:
Title: City Clerk

By:
Title: Risk Manager

By:
Title: City Attorney

ENGINEER

By:
Title:

Memo

To: Tina Dierschke, Finance Director

From:

Date:

Re: Budget Amendment Request

Purpose of Budget Amendment Request:

Source of Funding:

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

Project/Budget to be amended	Revenue	Expense

Additional Comments:



WU-04-23 Lake Nasworthy Wastewater System Improvements - Rebid - WU-04-23 Scoring Summary

Active Submissions

	Total	Completeness and Conformity of the reply to the RFP	A - RFP Criteria	A-1 - Cost Proposal	A-2 - Proposed Schedule and Scope	A-3 - Proximity of the Contractor to Perform Work/Distance from office to work site in miles.	A-4 - Staff Qualifications and Organization Experience, Quality of Similar Projects
Supplier	/ 100 pts	Pass/Fail	/ 100 pts	/ 55 pts	/ 15 pts	/ 5 pts	/ 25 pts
McKee Utility Contractors, Inc.	92.36	-	92.36	53.8	13.3	2.46	22.8
Austin Engineering Company, Inc.	87.36	-	87.36	47.8	12.4	3.78	23.38
Belt Construction	81.08	-	81.08	44	12.2	2.66	22.22
Thalle Construction	77.43	-	77.43	45.2	11	3.48	17.75
R Construction	71.06	-	71.06	38	10.4	3.1	19.56
Harper Brothers Construction	69.36	-	69.36	37.6	10	2.9	18.86
SPIESS CONSTRUCTION CO INC	65.6	-	65.6	45.2	7.6	2.48	10.32



WU-03-23 South Concho A Lift Station - Rebid

Scoring Summary

Active Submissions

	Total	A - RFP Criteria	A-1 - Cost Proposal	A-2 - Proposed Schedule and Scope	A-3 - Proximity of the Contractor to Perform Work/Distance from office to work site in miles.	A-4 - Staff Qualifications and Organization Experience, Quality of Similar Projects
Supplier	/ 100 pts	/ 100 pts	/ 55 pts	/ 15 pts	/ 5 pts	/ 25 pts
Austin Engineering Company, Inc.	88.55	88.55	51.5	11	3.633	22.42

City of San Angelo
Lake Nasworthy Wastewater System Improvements
Project 2022-3-825
RFP WU-04-23
BID TABULATION
March 3, 2023

Approved Bidders	Thalle Construction Co., Inc.	Spiess Construction Co., Inc.	R Construction Civil, LLC	Harper Brothers Construction, LLC	Belt Construction of Texas, LLC.
Acknowledged all Addenda	√	√	√	√	√
Provide Bid Security (5%)	√	√	√	√	√
Total - Base Bid	\$31,519,663.00	\$31,444,517.00	\$36,990,103.00	\$36,341,990.00	\$31,817,719.00
Total - Base Bid PLUS Alternate 1	\$31,935,063.00	\$32,018,467.00	\$37,506,993.00	\$37,670,728.00	\$32,199,254.00

Approved Bidders	Austin Engineering Company, Inc.	McKee Utility Contractors, LLC
Acknowledged all Addenda	√	√
Provide Bid Security (5%)	√	√
Total - Base Bid	\$29,989,358.00	\$25,275,000.00
Total - Base Bid PLUS Alternate 1	\$30,740,399.00	\$25,999,100.00

City of San Angelo
Lake Nasworthy Wastewater System Improvements
Project 2022-3-825
RFP WU-04-23
BID TABULATION
March 3, 2023

Bidders			Thalle Construction Co., Inc.		Spiess Construction Co., Inc.		R Construction Civil, LLC		Harper Brothers Construction, LLC		Belt Construction of Texas, LLC		Austin Engineering Company, Inc.		McKee Utility Contractors, LLC	
Acknowledged all Addenda			√	√	√	√	√	√	√	√	√	√	√	√	√	√
Provide Bid Security (5%)			√	√	√	√	√	√	√	√	√	√	√	√	√	√
Base Bid Item	Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
No 1: Insurance, Bonds and Mobilization/Demobilization Related Expenses not to exceed 5% of Total Proposal.	1	LS	\$1,553,000.00	\$1,553,000.00	\$1,500,000.00	\$1,500,000.00	\$1,600,000.00	\$1,600,000.00	\$1,150,000.00	\$1,150,000.00	\$1,550,000.00	\$1,550,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00
No 2: Storm Water Pollution Prevention Plan (SWPPP) including all inspections, record keeping, reporting, and revegetation of disturbed areas at completion of construction, as required by the SWPPP plan and as directed by the City's inspector, complete in place as detailed and specified.	1	LS	\$50,000.00	\$50,000.00	\$175,000.00	\$175,000.00	\$40,000.00	\$40,000.00	\$20,000.00	\$20,000.00	\$8,000.00	\$8,000.00	\$20,000.00	\$20,000.00	\$15,000.00	\$15,000.00
No 3: Furnish, Install, and Maintain Silt Fence per Detail A, Sheet CZ-1, including removal, complete in place as detailed and specified.	26185	LF	\$5.00	\$130,925.00	\$4.00	\$104,740.00	\$3.00	\$78,555.00	\$3.00	\$78,555.00	\$3.00	\$78,555.00	\$7.00	\$183,295.00	\$2.00	\$52,370.00
No 4: Furnish, Install, and Maintain Mulch Sock (Erosion Control Log Check Dam) per Detail A, Sheet CZ-2, including removal, complete in place as detailed and specified.	550	LF	\$9.00	\$4,950.00	\$6.00	\$3,300.00	\$100.00	\$55,000.00	\$15.00	\$8,250.00	\$9.00	\$4,950.00	\$12.00	\$6,600.00	\$10.00	\$5,500.00
No 5: Furnish, Install, and Maintain Rock Berm per Detail B, Sheet CZ-1, including removal, complete in place as detailed and specified.	1000	LF	\$24.00	\$24,000.00	\$16.00	\$16,000.00	\$50.00	\$50,000.00	\$20.00	\$20,000.00	\$40.00	\$40,000.00	\$50.00	\$50,000.00	\$30.00	\$30,000.00
No 6: Furnish, Install, and Maintain Stabilized Construction Exit per Detail, Sheet CZ-3, including removal, complete in place as detailed and specified.	15	EA	\$1,800.00	\$27,000.00	\$2,000.00	\$30,000.00	\$2,000.00	\$30,000.00	\$4,500.00	\$67,500.00	\$3,900.00	\$58,500.00	\$3,000.00	\$45,000.00	\$5,000.00	\$75,000.00
No 7: Site and Right-of-Way Preparation, including tree removal and tree trimming for equipment clearance, complete in place as detailed and specified.	1	LS	\$1,000,000.00	\$1,000,000.00	\$300,000.00	\$300,000.00	\$1,000,000.00	\$1,000,000.00	\$280,000.00	\$280,000.00	\$2,283,000.00	\$2,283,000.00	\$950,000.00	\$950,000.00	\$250,000.00	\$250,000.00
No 8: Furnish, Install, and Maintain Tree Protection Fencing and directed by the City Authorized Representative, complete in place as detailed and specified.	2000	LF	\$6.00	\$12,000.00	\$5.00	\$10,000.00	\$7.00	\$14,000.00	\$7.00	\$14,000.00	\$6.00	\$12,000.00	\$8.00	\$16,000.00	\$10.00	\$20,000.00
No 9: Traffic Control Plan and Implementation, complete in place as detailed and specified.	1	LS	\$50,000.00	\$50,000.00	\$60,000.00	\$60,000.00	\$400,000.00	\$400,000.00	\$35,000.00	\$35,000.00	\$30,000.00	\$30,000.00	\$90,000.00	\$90,000.00	\$50,000.00	\$50,000.00
No 10: Furnish and Install Temporary Improvements to provide temporary access gate(s) and fencing to keep the site (non-livestock areas), materials, and equipment secure, complete in place as detailed and specified.	1	LS	\$300,000.00	\$300,000.00	\$25,000.00	\$25,000.00	\$50,000.00	\$50,000.00	\$25,000.00	\$25,000.00	\$315,000.00	\$315,000.00	\$140,000.00	\$140,000.00	\$25,000.00	\$25,000.00
No 11: Furnish and Install Temporary Improvements to provide a livestock rated temporary access gate and associated fencing to keep the site, materials, and equipment secure, complete in place as detailed and specified.	6	EA	\$9,000.00	\$54,000.00	\$1,000.00	\$6,000.00	\$4,000.00	\$24,000.00	\$3,500.00	\$21,000.00	\$3,300.00	\$19,800.00	\$10,800.00	\$64,800.00	\$2,500.00	\$15,000.00
No 12: Trench Safety Plan and Implementation, required for all pipe trenches deeper than 5 feet, complete in place as detailed and specified.	45502	LF	\$1.00	\$45,502.00	\$1.00	\$45,502.00	\$1.00	\$45,502.00	\$1.00	\$45,502.00	\$2.00	\$91,004.00	\$3.00	\$136,506.00	\$0.50	\$22,751.00
No 13: Water Line Adjustments per Detail A, Sheet CZ-21, including excavation, bedding, pipe, fittings, restraints, backfill, and appurtenances, complete in place as detailed and specified.	3	EA	\$35,000.00	\$105,000.00	\$15,000.00	\$45,000.00	\$10,000.00	\$30,000.00	\$14,500.00	\$43,500.00	\$50,000.00	\$150,000.00	\$18,000.00	\$54,000.00	\$7,500.00	\$22,500.00
No 14: Furnish and Install ASTM 8-inch D3034 SDR26 PVC Gravity Wastewater Pipe (Open Cut Construction), including fittings, excavation, dewatering, bedding, backfill, tracer wire, pavement repair, trench surface restoration, and testing complete in place as detailed and specified.	610	LF	\$122.00	\$74,420.00	\$113.00	\$68,930.00	\$300.00	\$183,000.00	\$267.00	\$162,870.00	\$265.00	\$161,650.00	\$413.00	\$251,930.00	\$100.00	\$61,000.00
No 15: Furnish and Install 18-inch AWWA C900 DR18 Fusible PVC Casing installed by horizontal directional drill, including fittings, excavation, dewatering, drilling, reaming, pipe, backfill, grouting, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	5,781	LF	\$1,000.00	\$5,781,000.00	\$710.00	\$4,104,510.00	\$970.00	\$5,607,570.00	\$682.00	\$3,942,642.00	\$530.00	\$3,063,930.00	\$632.00	\$3,653,592.00	\$640.00	\$3,699,840.00
No 16: Furnish and Install 12-inch C900 DR25 Fusible PVC Wastewater Force Main Pipe inside a 18-inch AWWA C900 DR18 Fusible PVC Casing installed by horizontal directional drill, including fittings, excavation, dewatering, end seals, backfill, grouting, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	5575	LF	\$171.00	\$953,325.00	\$130.00	\$724,750.00	\$450.00	\$2,508,750.00	\$177.00	\$986,775.00	\$170.00	\$947,750.00	\$189.00	\$1,053,675.00	\$75.00	\$418,125.00
No 17: Furnish and Install 12-inch AWWA C900 DR25 PVC Wastewater Force Main Pipe in Single Pipe Trench (Open Cut Construction), Station 31+58.39 to Station 67+10.95, including fittings, excavation, dewatering, bedding, backfill, tracer wire, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	3553	LF	\$130.00	\$461,890.00	\$150.00	\$532,950.00	\$195.00	\$692,835.00	\$265.00	\$941,545.00	\$150.00	\$532,950.00	\$323.00	\$1,147,619.00	\$200.00	\$710,600.00
No 18: Furnish and Install 12-inch C900 DR25 PVC Wastewater Force Main Pipe in Single Pipe Trench (Open Cut Construction), IncludingSta 0+73.82 (Rt) to Sta 0+91.38 (Rt), Sta 29+230.00 (Rt) to Sta 31+58.39 (Rt), Sta 0+73.82 (Lt) to Sta 0+82.88 (Lt), and Sta 29+26.09 (Lt) to Sta 31+58.39 (Lt), including fittings, excavation, dewatering, bedding, backfill, tracer wire, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	519	LF	\$130.00	\$67,470.00	\$220.00	\$114,180.00	\$170.00	\$88,230.00	\$372.00	\$193,068.00	\$235.00	\$121,965.00	\$222.00	\$115,218.00	\$100.00	\$51,900.00
No 19: Furnish and Install 12-inch ASTM D3034 SDR26 PVC Pipe (Open Cut Construction), including fittings, excavation, dewatering, bedding, backfill, tracer wire, pavement repair, trench surface restoration, and testing complete in place as detailed and specified.	5586	LF	\$115.00	\$642,390.00	\$125.00	\$698,250.00	\$100.00	\$558,600.00	\$226.00	\$1,262,436.00	\$160.00	\$893,760.00	\$183.00	\$1,022,238.00	\$120.00	\$670,320.00
No 20: Furnish and Install 15-inch ASTM D3034 SDR26 PVC Pipe (Open Cut Construction), including fittings, excavation, dewatering,	4790	LF	\$139.00	\$665,810.00	\$140.00	\$670,600.00	\$140.00	\$670,600.00	\$263.00	\$1,259,770.00	\$175.00	\$838,250.00	\$213.00	\$1,020,270.00	\$125.00	\$598,750.00
No 21: Furnish and Install 15-inch ASTM D3034 SDR26 PVC Pipe inside 24" minimum diameter steel casing (3/8" Wall) installed by bore, including fittings, excavation, bore pits, bore, casing, grout, dewatering, casing spacers, end seals, backfill, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	424	LF	\$645.00	\$273,480.00	\$900.00	\$381,600.00	\$1,200.00	\$508,800.00	\$1,239.00	\$525,336.00	\$830.00	\$351,920.00	\$828.00	\$351,072.00	\$850.00	\$360,400.00
No 22: Furnish and Install 18-inch ASTM F679 PS115 PVC Pipe (Open Cut Construction), including fittings, excavation, dewatering, bedding, backfill, tracer wire, pavement repair, trench surface restoration, and testing complete in place as detailed and specified.	6004	LF	\$185.00	\$1,110,740.00	\$160.00	\$960,640.00	\$220.00	\$1,320,880.00	\$343.00	\$2,059,372.00	\$205.00	\$1,230,820.00	\$250.00	\$1,501,000.00	\$150.00	\$900,600.00
No 23: Furnish and Install 18-inch F679 PS115 PVC Pipe inside 24" min. diameter steel casing (3/8" Wall) installed by bore, including fittings, excavation, bore pits, bore, casing, grout, dewatering, casing spacers, end seals, backfill, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	65	LF	\$805.00	\$52,325.00	\$900.00	\$58,500.00	\$1,500.00	\$97,500.00	\$1,600.00	\$104,000.00	\$1,100.00	\$71,500.00	\$868.00	\$56,420.00	\$1,200.00	\$78,000.00
No 24: Furnish and Install 30-inch ASTM F679 PS 75 PVC Pipe or 30-Inch ASTM D3262 PS 72 FRP Pipe (Open Cut Construction), including fittings, excavation, dewatering, bedding, backfill, tracer wire, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	6451	LF	\$260.00	\$1,677,260.00	\$520.00	\$3,354,520.00	\$365.00	\$2,354,615.00	\$401.00	\$2,586,851.00	\$497.00	\$3,206,147.00	\$285.00	\$1,838,535.00	\$400.00	\$2,580,400.00
No 25: Furnish and Install 36-inch ASTM F679 PS 75 PVC Pipe or 36-Inch ASTM D3262 PS 72 FRP Pipe inside 48" minimum diameter steel casing pipe (1/2" Wall) installed by bore, including fittings, bore pits, bore, casing, grout, casing spacers, end seals, restraints, appurtenances, and testing, complete in place as detailed and specified.	457	LF	\$1,605.00	\$733,485.00	\$1,400.00	\$639,800.00	\$3,000.00	\$1,371,000.00	\$1,721.00	\$786,497.00	\$2,000.00	\$914,000.00	\$1,500.00	\$685,500.00	\$2,000.00	\$914,000.00
No 26: Furnish and Install 36-inch ASTM F679 PS 75 PVC Pipe or 36-Inch ASTM D3262 PS 72 FRP Pipe inside 48" diameter steel casing pipe at Loop 306, including fittings, grout, casing spacers, end seals, restraints, appurtenances, and testing, complete in place as detailed and specified.	320	LF	\$455.00	\$145,600.00	\$1,020.00	\$326,400.00	\$1,000.00	\$320,000.00	\$804.00	\$257,280.00	\$375.00	\$120,000.00	\$1,500.00	\$480,000.00	\$850.00	\$272,000.00

City of San Angelo
Lake Nasworthy Wastewater System Improvements
Project 2022-3-825
RFP WU-04-23
BID TABULATION
March 3, 2023

Bidders			Thalle Construction Co., Inc.		Spiess Construction Co., Inc.		R Construction Civil, LLC		Harper Brothers Construction, LLC		Belt Construction of Texas, LLC		Austin Engineering Company, Inc.		McKee Utility Contractors, LLC	
Acknowledged all Addenda			√	√	√	√	√	√	√	√	√	√	√	√	√	√
Provide Bid Security (5%)			√	√	√	√	√	√	√	√	√	√	√	√	√	√
Base Bid Item	Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
No 27: Furnish and Install 36-inch ASTM F679 PS 75 PVC Pipe or 36-Inch ASTM D3262 PS 72 FRP Pipe inside 48” diameter steel casing (1/2” Wall) at pipe bridge, including fittings, grout, casing spacers, end seals, restraints, appurtenances, and testing, complete in place as detailed and specified.	170	LF	\$645.00	\$109,650.00	\$570.00	\$96,900.00	\$1,250.00	\$212,500.00	\$1,482.00	\$251,940.00	\$270.00	\$45,900.00	\$1,050.00	\$178,500.00	\$850.00	\$144,500.00
No 28: Furnish and Install 36-inch ASTM F679 PS 75 PVC Pipe or 36-Inch ASTM D3262 PS 72 FRP Pipe (Open Cut Construction), including fittings, excavation, dewatering, bedding, backfill, tracer wire, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	16914	LF	\$339.00	\$5,733,846.00	\$570.00	\$9,640,980.00	\$499.00	\$8,440,086.00	\$462.00	\$7,814,268.00	\$427.00	\$7,222,278.00	\$302.00	\$5,108,028.00	\$430.00	\$7,273,020.00
No 29: Furnish and Install 8-inch AWWA C900 DR18 Fusible PVC Wastewater Siphon Pipe installed by horizontal directional drill including fittings, excavation, dewatering, drilling, backfill, grouting, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	572	LF	\$500.00	\$286,000.00	\$250.00	\$143,000.00	\$685.00	\$391,820.00	\$450.00	\$257,400.00	\$270.00	\$154,440.00	\$410.00	\$234,520.00	\$300.00	\$171,600.00
No 30: Furnish and Install 10-inch AWWA C900 DR18 Fusible PVC Wastewater Siphon Pipe installed by horizontal directional drill including fittings, excavation, dewatering, drilling, backfill, grouting, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	572	LF	\$550.00	\$314,600.00	\$300.00	\$171,600.00	\$695.00	\$397,540.00	\$548.00	\$313,456.00	\$345.00	\$197,340.00	\$510.00	\$291,720.00	\$330.00	\$188,760.00
No 31: Furnish and Install 12-inch AWWA C900 DR18 Fusible PVC Wastewater Siphon Pipe installed by horizontal directional drill including fittings, excavation, dewatering, drilling, backfill, grouting, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	1794	LF	\$650.00	\$1,166,100.00	\$350.00	\$627,900.00	\$570.00	\$1,022,580.00	\$498.00	\$893,412.00	\$380.00	\$681,720.00	\$470.00	\$843,180.00	\$310.00	\$556,140.00
No 32: Furnish and Install 14-inch AWWA C900 DR18 Fusible PVC Wastewater Siphon Pipe installed by horizontal directional drill including fittings, excavation, dewatering, drilling, backfill, grouting, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	589	LF	\$800.00	\$471,200.00	\$410.00	\$241,490.00	\$685.00	\$403,465.00	\$699.00	\$411,711.00	\$495.00	\$291,555.00	\$640.00	\$376,960.00	\$425.00	\$250,325.00
No 33: Furnish and Install 8-inch AWWA C900 DR18 PVC Wastewater Siphon Pipe (Open Cut Construction), including fittings, excavation, dewatering, bedding, backfill, tracer wire, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	55	LF	\$880.00	\$48,400.00	\$525.00	\$28,875.00	\$165.00	\$9,075.00	\$542.00	\$29,810.00	\$285.00	\$15,675.00	\$300.00	\$16,500.00	\$100.00	\$5,500.00
No 34: Furnish and Install 10-inch AWWA C900 DR18 PVC Wastewater Siphon Pipe (Open Cut Construction), including fittings, excavation, dewatering, bedding, backfill, tracer wire, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	56	LF	\$900.00	\$50,400.00	\$540.00	\$30,240.00	\$200.00	\$11,200.00	\$583.00	\$32,648.00	\$300.00	\$16,800.00	\$335.00	\$18,760.00	\$100.00	\$5,600.00
No 35: Furnish and Install 12-inch AWWA C900 DR18 PVC Wastewater Siphon Pipe (Open Cut Construction), including fittings, excavation, dewatering, bedding, backfill, tracer wire, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	166	LF	\$930.00	\$154,380.00	\$250.00	\$41,500.00	\$220.00	\$36,520.00	\$649.00	\$107,734.00	\$350.00	\$58,100.00	\$350.00	\$58,100.00	\$100.00	\$16,600.00
No 36: Furnish and Install 14-inch AWWA C900 DR18 PVC Wastewater Siphon Pipe (Open Cut Construction), including fittings, excavation, dewatering, bedding, backfill, tracer wire, pavement repair, trench surface restoration, and testing, complete in place as detailed and specified.	54	LF	\$1,020.00	\$55,080.00	\$540.00	\$29,160.00	\$320.00	\$17,280.00	\$713.00	\$38,502.00	\$365.00	\$19,710.00	\$460.00	\$24,840.00	\$100.00	\$5,400.00
No 37: Furnish and Install 4-Foot Diameter Fiberglass Manhole, Less than 8’ Depth, Including Drop Entries, Lid, Vents, and appurtenances, complete in place as detailed and specified.	6	EA	\$21,000.00	\$126,000.00	\$28,000.00	\$168,000.00	\$15,000.00	\$90,000.00	\$31,800.00	\$190,800.00	\$22,500.00	\$135,000.00	\$12,150.00	\$72,900.00	\$13,000.00	\$78,000.00
No 38: Furnish and Install 4-Foot Diameter Fiberglass Manhole, 8’ – 12’ Depth, Including Drop Entries, Lid, Vents, and appurtenances, complete in place as detailed and specified.	10	EA	\$24,000.00	\$240,000.00	\$28,000.00	\$280,000.00	\$17,000.00	\$170,000.00	\$38,800.00	\$388,000.00	\$25,000.00	\$250,000.00	\$12,500.00	\$125,000.00	\$14,000.00	\$140,000.00
No 39: Furnish and Install 4-Foot Diameter Fiberglass Manhole, 12’ - 16’ Depth, Including Drop Entries, Lid, Vents, and appurtenances, complete in place as detailed and specified.	4	EA	\$27,000.00	\$108,000.00	\$28,000.00	\$112,000.00	\$18,000.00	\$72,000.00	\$40,000.00	\$160,000.00	\$26,500.00	\$106,000.00	\$17,200.00	\$68,800.00	\$15,000.00	\$60,000.00
No 40: Furnish and Install 4-Foot Diameter Fiberglass Manhole, Greater than 16’ Depth, Including Drop Entries, Lid, Vents, and appurtenances, complete in place as detailed and specified.	3	EA	\$30,000.00	\$90,000.00	\$28,000.00	\$84,000.00	\$20,000.00	\$60,000.00	\$42,300.00	\$126,900.00	\$31,000.00	\$93,000.00	\$24,300.00	\$72,900.00	\$17,000.00	\$51,000.00
No 41: Furnish and Install 5-Foot Diameter Fiberglass Manhole, Less than 8’ Depth, Including Drop Entries, Lid, Vents, and appurtenances, complete in place as detailed and specified.	8	EA	\$27,000.00	\$216,000.00	\$29,000.00	\$232,000.00	\$20,000.00	\$160,000.00	\$38,400.00	\$307,200.00	\$28,000.00	\$224,000.00	\$16,500.00	\$132,000.00	\$14,000.00	\$112,000.00
No 42: Furnish and Install 5-Foot Diameter Fiberglass Manhole, 8’ – 12’ Depth, Including Drop Entries, Lid, Vents, and appurtenances, complete in place as detailed and specified.	5	EA	\$30,000.00	\$150,000.00	\$29,000.00	\$145,000.00	\$20,000.00	\$100,000.00	\$42,400.00	\$212,000.00	\$28,500.00	\$142,500.00	\$17,400.00	\$87,000.00	\$16,000.00	\$80,000.00
No 43: Furnish and Install 5-Foot Diameter Fiberglass Manhole, 12’ – 16’ Depth, Including Drop Entries, Lid, Vents, and appurtenances, complete in place as detailed and specified.	1	EA	\$50,000.00	\$50,000.00	\$29,000.00	\$29,000.00	\$35,000.00	\$35,000.00	\$58,000.00	\$58,000.00	\$41,000.00	\$41,000.00	\$45,100.00	\$45,100.00	\$17,000.00	\$17,000.00
No 44: Furnish and Install 6-Foot Diameter Fiberglass Manhole, Less than 8’ Depth, Including Drop Entries, Lid, Vents, and appurtenances, complete in place as detailed and specified.	13	EA	\$50,000.00	\$650,000.00	\$31,000.00	\$403,000.00	\$25,000.00	\$325,000.00	\$48,100.00	\$625,300.00	\$34,250.00	\$445,250.00	\$26,600.00	\$345,800.00	\$15,000.00	\$195,000.00
No 45: Furnish and Install 6-Foot Diameter Fiberglass Manhole, 8’ – 12’ Depth, Including Drop Entries, Lid, Vents, and appurtenances, complete in place as detailed and specified.	27	EA	\$60,000.00	\$1,620,000.00	\$31,000.00	\$837,000.00	\$31,000.00	\$837,000.00	\$57,200.00	\$1,544,400.00	\$38,000.00	\$1,026,000.00	\$42,500.00	\$1,147,500.00	\$17,000.00	\$459,000.00
No 46: Furnish and Install 6-Foot Diameter Fiberglass Manhole, 12’ – 16’ Depth, Including Drop Entries, Lid, Vents, and appurtenances, complete in place as detailed and specified.	10	EA	\$65,000.00	\$650,000.00	\$31,000.00	\$310,000.00	\$31,000.00	\$310,000.00	\$59,800.00	\$598,000.00	\$41,000.00	\$410,000.00	\$52,000.00	\$520,000.00	\$19,000.00	\$190,000.00
No 47: Furnish and Install 6-Foot Diameter Fiberglass Manhole, Greater than 16’ Depth, Including Drop Entries, Lid, Vents, and appurtenances, complete in place as detailed and specified.	1	EA	\$70,000.00	\$70,000.00	\$31,000.00	\$31,000.00	\$32,000.00	\$32,000.00	\$48,100.00	\$48,100.00	\$37,000.00	\$37,000.00	\$60,000.00	\$60,000.00	\$23,000.00	\$23,000.00
No 48: Construct Cast-in-Place Manhole on Line H, including excavation, bedding, concrete, lid, coatings, backfill, appurtenances, and wastewater bypass pumping as required, complete in place as detailed and specified.	1	EA	\$23,500.00	\$23,500.00	\$21,000.00	\$21,000.00	\$60,000.00	\$60,000.00	\$119,000.00	\$119,000.00	\$68,000.00	\$68,000.00	\$30,200.00	\$30,200.00	\$25,000.00	\$25,000.00
No 49: Construct Cast-in-Place Manhole 03, including excavation, bedding, concrete, lid, backfill, coatings, appurtenances, and wastewater bypass pumping as required, complete in place as detailed and specified.	1	EA	\$59,800.00	\$59,800.00	\$21,000.00	\$21,000.00	\$60,000.00	\$60,000.00	\$304,000.00	\$304,000.00	\$67,000.00	\$67,000.00	\$155,000.00	\$155,000.00	\$20,000.00	\$20,000.00
No 50: Construct Cast-in-Place Manhole 8G, including excavation, bedding, concrete, lid, coatings, backfill, appurtenances, and wastewater bypass pumping as required, complete in place as detailed and specified.	1	EA	\$27,700.00	\$27,700.00	\$21,000.00	\$21,000.00	\$60,000.00	\$60,000.00	\$112,000.00	\$112,000.00	\$86,000.00	\$86,000.00	\$35,000.00	\$35,000.00	\$20,000.00	\$20,000.00

City of San Angelo
Lake Nasworthy Wastewater System Improvements
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BID TABULATION
March 3, 2023

Bidders			Thalle Construction Co., Inc.		Spiess Construction Co., Inc.		R Construction Civil, LLC		Harper Brothers Construction, LLC		Belt Construction of Texas, LLC		Austin Engineering Company, Inc.		McKee Utility Contractors, LLC	
Acknowledged all Addenda			√	√	√	√	√	√	√	√	√	√	√	√	√	√
Provide Bid Security (5%)			√	√	√	√	√	√	√	√	√	√	√	√	√	√
Base Bid Item	Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
No 51: Construct Siphon Inlet Box A, including excavation, bedding, concrete, grout, hatch, coatings, vent, backfill, and appurtenances, complete in place as detailed and specified.	1	EA	\$95,000.00	\$95,000.00	\$80,000.00	\$80,000.00	\$50,000.00	\$50,000.00	\$192,000.00	\$192,000.00	\$66,000.00	\$66,000.00	\$120,000.00	\$120,000.00	\$70,000.00	\$70,000.00
No 52: Construct Siphon Outlet Box A, including excavation, bedding, concrete, grout, hatch, coatings, vent, backfill, and appurtenances, complete in place as detailed and specified.	1	EA	\$89,000.00	\$89,000.00	\$76,000.00	\$76,000.00	\$50,000.00	\$50,000.00	\$185,000.00	\$185,000.00	\$59,000.00	\$59,000.00	\$99,000.00	\$99,000.00	\$70,000.00	\$70,000.00
No 53: Construct Siphon Inlet Box B, including excavation, bedding, concrete, grout, hatch, coatings, vent, backfill, and appurtenances, complete in place as detailed and specified.	1	EA	\$100,000.00	\$100,000.00	\$80,000.00	\$80,000.00	\$100,000.00	\$100,000.00	\$193,000.00	\$193,000.00	\$68,500.00	\$68,500.00	\$305,000.00	\$305,000.00	\$71,000.00	\$71,000.00
No 54: Construct Siphon Outlet Box B, including excavation, bedding, concrete, grout, hatch, coatings, vent, backfill, and appurtenances, complete in place as detailed and specified.	1	EA	\$105,000.00	\$105,000.00	\$80,000.00	\$80,000.00	\$55,000.00	\$55,000.00	\$196,000.00	\$196,000.00	\$68,000.00	\$68,000.00	\$306,000.00	\$306,000.00	\$72,000.00	\$72,000.00
No 55: Construct Siphon Inlet Box C, including excavation, bedding, concrete, grout, hatch, coatings, vent, backfill, and appurtenances, complete in place as detailed and specified.	1	EA	\$85,000.00	\$85,000.00	\$76,000.00	\$76,000.00	\$40,000.00	\$40,000.00	\$182,000.00	\$182,000.00	\$59,500.00	\$59,500.00	\$96,000.00	\$96,000.00	\$55,000.00	\$55,000.00
No 56: Construct Siphon Outlet Box C, including excavation, bedding, concrete, grout, hatch, coatings, vent, backfill, and appurtenances, complete in place as detailed and specified.	1	EA	\$80,000.00	\$80,000.00	\$76,000.00	\$76,000.00	\$40,000.00	\$40,000.00	\$177,000.00	\$177,000.00	\$58,000.00	\$58,000.00	\$70,000.00	\$70,000.00	\$51,000.00	\$51,000.00
No 57: Construct a Connection to the 8” Force Main at the North Bentwood Lift Station, including excavation, bedding, backfill, fittings, restraints, all appurtenances and wastewater bypass pumping as required, complete in place as detailed and specified.	1	LS	\$5,015.00	\$5,015.00	\$12,000.00	\$12,000.00	\$25,000.00	\$25,000.00	\$23,000.00	\$23,000.00	\$33,000.00	\$33,000.00	\$8,000.00	\$8,000.00	\$2,500.00	\$2,500.00
No 58: Construct a Connection to the Wastewater System at Manhole 1, including excavation, bedding, backfill, coring, boot installation, all appurtenances and wastewater bypass pumping as required, complete in place as detailed and specified.	1	LS	\$14,500.00	\$14,500.00	\$14,000.00	\$14,000.00	\$50,000.00	\$50,000.00	\$28,000.00	\$28,000.00	\$43,000.00	\$43,000.00	\$26,000.00	\$26,000.00	\$5,000.00	\$5,000.00
No 59: Construct Two Connections to the 8” Force Main in South Concho Drive, including excavation, bedding, backfill, fittings, restraints, all appurtenances and wastewater bypass pumping as required, complete in place as detailed and specified.	1	LS	\$9,700.00	\$9,700.00	\$10,000.00	\$10,000.00	\$45,000.00	\$45,000.00	\$25,000.00	\$25,000.00	\$32,000.00	\$32,000.00	\$13,000.00	\$13,000.00	\$5,000.00	\$5,000.00
No 60: Cut and Plug (2 Plugs) the 8” Force Main at Knickerbocker Drive, including excavation, bedding, backfill, fittings, restraints, all appurtenances and wastewater bypass pumping as required, complete in place as detailed and specified.	1	LS	\$5,520.00	\$5,520.00	\$12,000.00	\$12,000.00	\$15,000.00	\$15,000.00	\$24,000.00	\$24,000.00	\$22,000.00	\$22,000.00	\$13,500.00	\$13,500.00	\$500.00	\$500.00
No 61: Fill and Compact the Existing Ditch (full width) along Line A, including scarifying, material, placement, and compaction in 8” lifts, complete in place as detailed and specified, per linear foot of trench.	4700	CY	\$23.00	\$108,100.00	\$26.00	\$122,200.00	\$10.00	\$47,000.00	\$134.00	\$629,800.00	\$37.00	\$173,900.00	\$16.00	\$75,200.00	\$15.00	\$70,500.00
No 62: Loop 306 Concrete Encasement for Ditch Crossing, Per Detail A, Sheet CZ-30 including excavation, steel, casing pipe, concrete, gabions and backfill, complete in place as detailed and specified, per linear foot of trench.	1	LS	\$85,000.00	\$85,000.00	\$40,000.00	\$40,000.00	\$125,000.00	\$125,000.00	\$81,000.00	\$81,000.00	\$94,000.00	\$94,000.00	\$77,000.00	\$77,000.00	\$50,000.00	\$50,000.00
No 63: Concrete Encasement for 36” Wastewater Line, including excavation, concrete, and backfill, complete in place as detailed and specified.	300	LF	\$165.00	\$49,500.00	\$180.00	\$54,000.00	\$195.00	\$58,500.00	\$455.00	\$136,500.00	\$190.00	\$57,000.00	\$240.00	\$72,000.00	\$200.00	\$60,000.00
No 64: Ranch Gate and Associated Fencing Adjustments, Per Detail B, Sheet CZ-21, including excavation, adjusting existing fence, gate, hardware, wire, concrete and backfill, complete in place as detailed and specified.	30	EA	\$9,000.00	\$270,000.00	\$4,000.00	\$120,000.00	\$6,500.00	\$195,000.00	\$2,500.00	\$75,000.00	\$2,600.00	\$78,000.00	\$10,800.00	\$324,000.00	\$5,000.00	\$150,000.00
No 65: 12” Resilient Seat Gate Valve, including excavation valves, fittings, connections, restraints, bedding, backfill and appurtenances, complete in place as detailed and specified.	5	EA	\$5,820.00	\$29,100.00	\$4,500.00	\$22,500.00	\$7,500.00	\$37,500.00	\$16,200.00	\$81,000.00	\$9,900.00	\$49,500.00	\$5,700.00	\$28,500.00	\$1,000.00	\$5,000.00
No 66: Single 2” Automatic Air/Vacuum Valve in Vault, per Detail C, Sheet CZ-23, including excavation, 2” gate valves, service saddle, bedding backfill, vault, lid, piping, air valve, bollard and appurtenances, Furnish Bore, complete in place as detailed and specified.	1	EA	\$26,500.00	\$26,500.00	\$16,000.00	\$16,000.00	\$25,000.00	\$25,000.00	\$47,000.00	\$47,000.00	\$25,000.00	\$25,000.00	\$21,600.00	\$21,600.00	\$6,000.00	\$6,000.00
No 67: Double 2” Automatic Air/Vacuum Valve in Vault, per Detail B, Sheet CZ-25, including excavation, 2” gate valves, service saddle, bedding backfill, vault, lid, piping, air valve, bollard and appurtenances, Furnish Bore, complete in place as detailed and specified.	1	EA	\$33,600.00	\$33,600.00	\$25,000.00	\$25,000.00	\$30,000.00	\$30,000.00	\$57,200.00	\$57,200.00	\$33,000.00	\$33,000.00	\$29,500.00	\$29,500.00	\$7,500.00	\$7,500.00
No 68: Furnish and Install steel casing pipe (1/2” Wall) for 36” carrier pipe by open cut, including excavation, bedding backfill, end seals, casing spacers and appurtenances, complete in place as detailed and specified.	320	LF	\$400.00	\$128,000.00	\$700.00	\$224,000.00	\$1,030.00	\$329,600.00	\$873.00	\$279,360.00	\$490.00	\$156,800.00	\$615.00	\$196,800.00	\$250.00	\$80,000.00
No 69: Pipe Bridge for 36” Carrier Pipe at Line A Station 63+71 including 48” Steel Casing (1/2” Wall), concrete piers, concrete cap, concrete cradle, excavation, bedding, backfill, and appurtenances, complete in place as detailed and specified, per linear foot of casing.	1	LS	\$68,500.00	\$68,500.00	\$80,000.00	\$80,000.00	\$45,000.00	\$45,000.00	\$206,000.00	\$206,000.00	\$86,000.00	\$86,000.00	\$25,000.00	\$25,000.00	\$45,000.00	\$45,000.00
No 70: Pipe Bridge for 36” Carrier Pipe at Line A Station 73+35 including 48” Steel Casing (1/2” Wall), concrete piers, concrete cap, concrete cradle, excavation, bedding, backfill, and appurtenances, complete in place as detailed and specified.	1	LS	\$62,000.00	\$62,000.00	\$80,000.00	\$80,000.00	\$45,000.00	\$45,000.00	\$190,000.00	\$190,000.00	\$84,000.00	\$84,000.00	\$25,000.00	\$25,000.00	\$45,000.00	\$45,000.00
No 71: Abandon Existing South Concho A Lift Station, excavation, demolition, salvage, temporary fencing, coordination with electric utility, wet well conversion, grout, coating, spoil disposal, flushing, wastewater bypass pumping as required, and all appurtenances, complete in place as detailed and specified.	1	LS	\$75,600.00	\$75,600.00	\$70,000.00	\$70,000.00	\$300,000.00	\$300,000.00	\$93,000.00	\$93,000.00	\$95,000.00	\$95,000.00	\$115,000.00	\$115,000.00	\$54,499.00	\$54,499.00
No 72: Abandon Existing Nasworthy Estates Lift Station, excavation, demolition, salvage, temporary fencing, coordination with electric utility, spoil disposal, flushing, wastewater bypass pumping as required, and all appurtenances, complete in place as detailed and specified.	1	LS	\$80,400.00	\$80,400.00	\$70,000.00	\$70,000.00	\$275,000.00	\$275,000.00	\$126,000.00	\$126,000.00	\$55,000.00	\$55,000.00	\$216,000.00	\$216,000.00	\$35,000.00	\$35,000.00
No 73: Abandon Existing North Bentwood Lift Station, excavation, demolition, salvage, temporary fencing, coordination with electric utility, spoil disposal, flushing, wastewater bypass pumping as required, and all appurtenances, complete in place as detailed and specified.	1	LS	\$126,700.00	\$126,700.00	\$70,000.00	\$70,000.00	\$315,000.00	\$315,000.00	\$173,000.00	\$173,000.00	\$79,000.00	\$79,000.00	\$223,000.00	\$223,000.00	\$65,000.00	\$65,000.00
No 74: Abandon Existing Ben Ficklin Road Lift Station, including excavation, demolition, salvage, temporary fencing, coordination with electric utility, spoil disposal, flushing, wastewater bypass pumping as required, and all appurtenances, complete in place as detailed and specified.	1	LS	\$88,100.00	\$88,100.00	\$70,000.00	\$70,000.00	\$225,000.00	\$225,000.00	\$71,000.00	\$71,000.00	\$63,000.00	\$63,000.00	\$215,000.00	\$215,000.00	\$35,000.00	\$35,000.00

City of San Angelo
Lake Nasworthy Wastewater System Improvements
Project 2022-3-825
RFP WU-04-23
BID TABULATION
March 3, 2023

Bidders			Thalle Construction Co., Inc.		Spiess Construction Co., Inc.		R Construction Civil, LLC		Harper Brothers Construction, LLC		Belt Construction of Texas, LLC		Austin Engineering Company, Inc.		McKee Utility Contractors, LLC	
Acknowledged all Addenda			√	√	√	√	√	√	√	√	√	√	√	√	√	√
Provide Bid Security (5%)			√	√	√	√	√	√	√	√	√	√	√	√	√	√
Base Bid Item	Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
No 75: Tracer Wire Testing Station, including excavation, wire, station, connectors, connections to tracer wire, backfill and appurtenances, complete in place as detailed and specified.	56	EA	\$600.00	\$33,600.00	\$500.00	\$28,000.00	\$5,000.00	\$280,000.00	\$175.00	\$9,800.00	\$800.00	\$44,800.00	\$1,000.00	\$56,000.00	\$500.00	\$28,000.00
No 76: Provide Re-vegetation, complete in place as detailed and specified.	1	LS	\$200,000.00	\$200,000.00	\$135,000.00	\$135,000.00	\$175,000.00	\$175,000.00	\$40,000.00	\$40,000.00	\$205,000.00	\$205,000.00	\$251,680.00	\$251,680.00	\$150,000.00	\$150,000.00
No 77: Owner Contingency Allowance	1	LS	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00
TOTAL - BASE BID ITEMS 1-77	-	-	-	\$31,519,663.00	-	\$31,444,517.00	-	\$36,990,103.00	-	\$36,341,990.00	-	\$31,817,719.00	-	\$29,989,358.00	-	\$25,275,000.00
A-1: Furnish and Install Second 12-inch C900 DR26 PVC Wastewater Force Main Pipe in Shared Trench with Pipe from Proposal Item 16 (Open Cut Construction), Station 31+53.60 to Station 67+10.95, including fittings, extra excavation, dewatering, extra bedding, extra backfill, extra pavement repair, extra trench surface restoration, and testing, complete in place as detailed and specified.	3553	LF	\$100.00	\$355,300.00	\$150.00	\$532,950.00	\$130.00	\$461,890.00	\$346.00	\$1,229,338.00	\$95.00	\$337,535.00	\$197.00	\$699,941.00	\$200.00	\$710,600.00
A-2: Single 2" Automatic Air/Vacuum Valve in Vault, per Detail C, Sheet CZ-23, including excavation, 2" gate valves, service saddle, bedding backfill, vault, lid, piping, air valve, bollard and appurtenances, complete in place as detailed and specified.	1	EA	\$26,500.00	\$26,500.00	\$16,000.00	\$16,000.00	\$25,000.00	\$25,000.00	\$44,900.00	\$44,900.00	\$18,000.00	\$18,000.00	\$21,600.00	\$21,600.00	\$6,000.00	\$6,000.00
A-3: Double 2" Automatic Air/Vacuum Valve in Vault, per Detail B, Sheet CZ-25, including excavation, 2" gate valves, service saddle, bedding backfill, vault, lid, piping, air valve, bollard and appurtenances, complete in place as detailed and specified.	1	EA	\$33,600.00	\$33,600.00	\$25,000.00	\$25,000.00	\$30,000.00	\$30,000.00	\$54,500.00	\$54,500.00	\$26,000.00	\$26,000.00	\$29,500.00	\$29,500.00	\$7,500.00	\$7,500.00
TOTAL ADJUSTED BASE PROPOSAL ITEMS 1-77 PLUS PROOSAL ITEMS A-1, A-2 AND A-3	-	-	-	\$31,935,063.00	-	\$32,018,467.00	-	\$37,506,993.00	-	\$37,670,728.00	-	\$32,199,254.00	-	\$30,740,399.00	-	\$25,999,100.00

City of San Angelo

Lake Nasworthy Wastewater System Improvements - South Concho A Lift Station

Project 2022-11-880

RFP WU-03-23

BID TABULATION

March 3, 2023

Approved Bidders	Austin Engineering Company, Inc.
Acknowledged all Addenda	√
Provide Bid Security (5%)	√
Total - Base Bid	\$5,330,900.00

City of San Angelo
Lake Nasworthy Wastewater System Improvements - South Concho A Lift Station
Project 2022-11-880
RFP WU-03-23
BID TABULATION
March 3, 2023

Bidders			Austin Engineering Company, Inc.	
Acknowledged all Addenda			√	√
Provide Bid Security (5%)			√	√
Base Bid Item	Estimated Quantity	Unit	Unit Price	Amount
No 1: Insurance, Bonds and Mobilization/Demobilization Related Expenses not to exceed 5% of Total Bid	1	LS	\$231,000.00	\$231,000.00
No 2: Storm Water Pollution Prevention Plan (SWPPP) and SWPPP Implementation, including installing the stabilized construction entrance, silt fence, and other required temporary sedimentation and erosion control best management practices as required by the SWPPP plan, complete in place.	1	LS	\$20,000.00	\$20,000.00
No 3: Furnish, Install, and Maintain Tree Protection Fencing as directed by the City Authorized Representative, complete in place as detailed and specified.	500	LF	\$8.00	\$4,000.00
No 4: Traffic Control Plan and Implementation, complete in place as detailed and specified.	1	LS	\$20,000.00	\$20,000.00
No 5: Trench Safety Plan and Implementation, as required for all pipe trenches deeper than 5 feet, complete in place as detailed and specified.	800	LF	\$10.00	\$8,000.00
No 6: Site and Right-of-Way Preparation, including tree removal, tree trimming, clearing, and grubbing for equipment clearance, complete in place as detailed and specified.	1	LS	\$20,000.00	\$20,000.00
No 7: Furnish and Install Concrete Paving including excavation, subgrade preparation, subbase Course, Base Course, Concrete Slab, Compaction, complete in place as detailed and specified.	480	SY	\$160.00	\$76,800.00
No 8: Furnish and Install Security Fencing including excavation, fence, gate, hardware, wire, concrete and backfill, electrical gate motor, access key pad, complete in place as detailed and specified.	365	LF	\$365.00	\$133,225.00
No 9: Furnish and Install Site Restoration including Cleaning, Seeding, Sodding, Mulching, gravel, and ancillary items, complete in place as detailed and specified.	1	LS	\$20,000.00	\$20,000.00
No 10: Furnish and Install Pipe Bollards including excavation, concrete encasement, base plates, hardware, complete in place as detailed and specified.	10	EA	\$2,000.00	\$20,000.00
No 11: 2” Automatic Air Release Valve in Vault and Meter Manhole, including gate valves, service saddle, piping, air valve, and all appurtenances, complete in place as detailed and specified.	6	EA	\$4,500.00	\$27,000.00
No 12: 8” Resilient Seat Gate Valve in Vault, including fittings, connections, restraints, and appurtenances, complete in place as detailed and specified.	2	EA	\$3,000.00	\$6,000.00
No 13: 12” Resilient Seat Gate Valve, including fittings, connections, restraints, and appurtenances, complete in place as detailed and specified.	4	EA	\$4,000.00	\$16,000.00
No 14: 8” Check Valve in Vault, including fittings, connections, restraints, and appurtenances, complete in place as detailed and specified.	2	EA	\$8,000.00	\$16,000.00
No 15: Furnish and Install 2-inch SCH 80 PVC Odor Equipment Drain including excavation, bedding, backfill, fittings, testing, complete in place as detailed and specified.	65	LF	\$50.00	\$3,250.00
No 16: Furnish and Install 4-inch SCH 80 PVC Valve Vault Drain including excavation, bedding, backfill, fittings, testing, complete in place as detailed and specified.	15	LF	\$85.00	\$1,275.00
No 17: Furnish and Install 8-inch C900 DR25 PVC Wastewater Discharge Pipe (Open Trench Construction), including excavation, dewatering, bedding, backfill, pavement repair, and trench surface restoration, fittings, restraints, all appurtenances, testing, complete in place as detailed and specified.	30	LF	\$150.00	\$4,500.00
No 18: Furnish and Install 8-inch D3034 SDR26 PVC Gravity Wastewater Pipe (Open Trench Construction), including fittings, excavation, dewatering, bedding, backfill, pavement repair, and trench surface restoration, testing, complete in place as detailed and specified.	85	LF	\$160.00	\$13,600.00

City of San Angelo
Lake Nasworthy Wastewater System Improvements - South Concho A Lift Station
Project 2022-11-880
RFP WU-03-23
BID TABULATION
March 3, 2023

Bidders			Austin Engineering Company, Inc.	
Acknowledged all Addenda			√	√
Provide Bid Security (5%)			√	√
Base Bid Item	Estimated Quantity	Unit	Unit Price	Amount
No 19: Furnish and Install 8-inch C900 DR25 PVC Odor Intake Pipe (Open Trench Construction), including excavation, dewatering, bedding, backfill, pavement repair, and trench surface restoration, fittings, restraints, all appurtenances, testing, complete in place as detailed and specified.	85	LF	\$210.00	\$17,850.00
No 20: Furnish and Install 8-inch SCH 10S Stainless Steel Discharge Pipe including fittings, restraints, all appurtenances, testing, complete in place as detailed and specified.	100	LF	\$380.00	\$38,000.00
No 21: Furnish and Install 12-inch D3034 SDR26 PVC Wastewater Pipe (Open Cut Construction), including fittings, excavation, dewatering, bedding, backfill, pavement repair, and trench surface restoration, testing, complete in place as detailed and specified.	135	LF	\$400.00	\$54,000.00
No 22: Furnish and Install 12-inch C900 DR25 PVC Wastewater Force Main Pipe (Open Cut Construction), including excavation, dewatering, bedding, backfill, pavement repair, and trench surface restoration, fittings, restraints, all appurtenances, complete in place as detailed and specified.	215	LF	\$425.00	\$91,375.00
No 23: Furnish and Install 15-inch D3034 SDR26 PVC Pipe (Open Cut Construction), including fittings, excavation, dewatering, bedding, backfill, pavement repair, and trench surface restoration, testing, complete in place as detailed and specified.	40	LF	\$500.00	\$20,000.00
No 24: Furnish and Install 1-inch Water Service Line inside 4-inch steel casing by open cut construction, including fittings, excavation, dewatering, bedding, backfill, grouting, pavement repair, tap, service saddle, water meter, meter box, Backflow Preventer, ancillary items, testing, disinfection, complete in place as detailed and specified.	65	LF	\$85.00	\$5,525.00
No 25: Furnish and Install 6-ft Diameter Flow Meter Pre-Cast Manhole, including Excavation, Dewatering, Backfill, frame and cover, Ancillary Items, testing, complete in place as detailed and specified.	2	EA	\$9,500.00	\$19,000.00
No 26: Furnish and Install 6-Foot Diameter FRP Manhole, all depths, Including Drop Entries Vents, and Appurtenances, testing, complete in place as detailed and specified.	3	EA	\$10,000.00	\$30,000.00
No 27: Construct Two Connections to the 8” Force Main in South Concho Drive, including excavation, bedding, backfill, fittings, restraints, all appurtenances and wastewater bypass pumping as required, complete in place as detailed and specified, excluding other items bid separately.	1	LS	\$15,000.00	\$15,000.00
No 28: Furnish and Install Lift Station including 10-ft Diameter FRP Wet Well, stainless steel railing, rail supports, 10-inch 10S Stainless Steel Slab Sleeve with 316 SS tapped blind flange, Excavation, Dewatering, Backfill, Base Slab, Top Slab, Flowable Fill, mechanical, electrical, instrumentation, termination cabinets, ancillary items, complete in place as detailed and specified, excluding other items bid separately.	1	LS	\$2,610,000.00	\$2,610,000.00
No 29: Furnish and Install Valve Vault including Excavation, Bedding Backfill, Dewatering, Base Slab, Walls, Aluminum Grating, Concrete, Ancillary Items, complete in place as detailed and specified, excluding other items bid separately.	1	LS	\$225,000.00	\$225,000.00
No 30: Furnish and Install 3-ft x 8-ft Aluminum Access Hatch with Safety Grating at Lift Station including embedment, hardware, and ancillary items, complete in place as detailed and specified.	3	EA	\$5,500.00	\$16,500.00
No 31: Furnish and Install 20 hp Submersible Pump including base plate, reducer, wiring, ancillary items, complete in place as detailed and specified.	2	EA	\$80,000.00	\$160,000.00
No 32: Furnish and Install 12-inch Flow Meter including fittings, transmitter, termination cabinets, appurtenances, ancillary items, complete in place as detailed and specified.	2	EA	\$18,000.00	\$36,000.00

City of San Angelo
Lake Nasworthy Wastewater System Improvements - South Concho A Lift Station
Project 2022-11-880
RFP WU-03-23
BID TABULATION
March 3, 2023

Bidders			Austin Engineering Company, Inc.	
Acknowledged all Addenda			√	√
Provide Bid Security (5%)			√	√
Base Bid Item	Estimated Quantity	Unit	Unit Price	Amount
No 33: Furnish and Install Electrical Pad including Excavation, Concrete, Grounding, Lighting, Equipment, Service Disconnect, LV Feeders, I&C Feeders, Breakers, System Architecture, Instrumentation Feeders, Receptacles, Switches, Transmitters, complete in place as detailed and specified.	1	LS	\$325,000.00	\$325,000.00
No 34: Furnish and Install Odor Control Equipment including Excavation, Backfill, Base Slab, Grounding, LV Feeder, panelboards, mini-power center, ATS, power panel, other equipment, instrumentation, connections and feed, ancillary items, complete in place as detailed and specified, excluding other items bid separately.	1	LS	\$165,000.00	\$165,000.00
No 35: Furnish and Install Electrical Generator including Pad Excavation, Concrete Pad, Grounding, Automatic Transfer Switch & MPC, LV Feeder, complete in place as detailed and specified, excluding other items bid separately.	1	LS	\$435,000.00	\$435,000.00
No 36: Furnish and Install Pre-Engineered Metal Canopy, complete in place as detailed and specified.	1	LS	\$65,000.00	\$65,000.00
No 37: Furnish and Install Service Disconnect Switch including wiring, appurtenances, ancillary items, complete in place as detailed and specified.	1	EA	\$3,500.00	\$3,500.00
No 38: Furnish and Install Utility Meter Housing, including miscellaneous electrical work, ancillary items, complete in place as detailed and specified.	1	EA	\$1,500.00	\$1,500.00
No 39: Furnish and Install Electrical Duct bank, including excavation, bedding, backfill, compaction, pavement, wiring, conduits, complete in place as detailed and specified.	225	LF	\$360.00	\$81,000.00
No 40: Furnish and Install Pole-mounted Area Lighting including excavation, backfill, compaction, wiring, conduits, complete in place as detailed and specified.	4	EA	\$6,500.00	\$26,000.00
No 41: Owner Contingency Allowance	1	LS	\$250,000.00	\$250,000.00
Total - Base Bid (Item Nos. 1-41)	-	-	-	\$5,330,900.00

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Sidney Walker, Civic Events Manager, Civic Events

Meeting Date: March 7, 2023

Item type: Regular Item

Caption:

Consider approving an agreement between the City of San Angelo and Angelo State University for a long-term lease of the Bly Arena, and authorizing the City Manager to negotiate and execute all related documents (Presentation made by Civic Events Manager Sidney Walker)

Staff Recommendation:

Approve

Summary/History:

Angelo State University is interested in a 10-year lease with the City of San Angelo for the Bly Arena located at 160 E. 43 Street. Angelo State University plans to start their Rodeo Program during the 2023 fall semester. The arena would provide a practice venue for students as well as a facility to board their horses. ASU also plans to make significant improvements to the Bly Arena by restoring the arena and the property. The investment ASU will make in the Bly Arena will benefit not only the ASU Rodeo Program, but the San Angelo community and surrounding areas. We are seeking Council's approval of an agreement to be made between the City of San Angelo and ASU for a long-term lease, and authorizing the City Manager to negotiate and execute all related documents.

Funding Source(s):

Financial Impact:

The Bly Arena revenue for the past three years was \$1,807 (FY20), \$5,685 (FY21), and \$3,195 (FY22).

Other Information/Recommendation:

Attachments:

- | | | |
|----|----------------------------------|---------------------------------------|
| 1. | ASU Rodeo Program Lease Proposal | ASU Rodeo Program Lease Proposal.pptx |
|----|----------------------------------|---------------------------------------|

Presentation:

Sidney Walker

Approvals/Reviews:

Sidney Walker
Carl White
Theresa James
Tina Dierschke
Theresa James
Heather Stastny

Created/Initiated
Approved
Approved
Approved
Approved
Final Approval

Bly Arena Lease Proposal Submitted to COSA City Council

Angelo State University



A N G E L O . E D U

Background Information

- Angelo State University plans to kick off the ASU Rodeo Program during the 2023 fall semester.
- Students competing in the program will represent the university in the National Intercollegiate Rodeo Association (NIRA) rodeos.
- The ASU Rodeo Program will serve ASU and the community by recruiting and retaining premier students in the Concho Valley.



Request

- ASU proposes to lease the Bly Arena through the City of San Angelo (COSA) by June 1.
- The arena will provide a practice venue for students, as well as a facility to board their horses.
- Livestock used for practices will also be housed on the premises.
- Over multiple years, significant improvements will be made to the Bly Arena, restoring it and the property to a high standard for both the students and surrounding community.



Phases

Year 1 (June to August)

- Conversion of current stalls to 10 X 20
- Arena dirt work
- Remediation of drainage around the building
- Assessment of lighting, water wells and plumbing
- Placement of temporary toilet facilities
- General cleanup of surrounding area



Phases

Year 2

- Painting of pipe fencing
- Replacement of LED light fixtures and large exterior doors
- Repair of bucking chutes
- Inspection and remediation of arena floor
- Renovation of restroom facilities to meet ADA compliance
- Purchase or lease of timed-event stock
- Purchase or lease of rough stock



Phases

Year 3

- Repair of exterior skin of building
- Painting of exterior and interior of building
- Repair of existing seating to meet ADA compliance
- Exploration of building additional stalls for students' horses
- Continuation of the lease and/or purchase of timed-event and rough stock



Benefits

- Beyond the expected impact on ASU, this investment will have a substantial benefit to the San Angelo community and surrounding businesses.
- The ASU Rodeo Program will attract and retain students who will contribute financially to the community through the purchase of feed, bedding and equipment for horses and other livestock.
- These students will also rent housing, buy food, and purchase fuel for vehicles that use a significant dollar amount of product.
- Students participating in the program will not only benefit ASU, but the San Angelo community at large, both while they are in the program and potentially after graduation.



Request

City Council approve ASU's request to lease the Bly Arena through the City of San Angelo (COSA) by June 1.



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Robert Bluthardt, Fort Concho Manager, Fort Concho

Meeting Date: March 7, 2023

Item type: Regular Item

Caption:

Consideration of a MOU between the City of San Angelo and the San Angelo Museum of Fine Arts for the use of space in the Chase State Office Building for a Curatorial Storage and Care Facility shared with Fort Concho, authorizing the City Manager to execute all documents (Presentation made by Fort Concho Manager Bob Bluthardt)

Staff Recommendation:

Approve

Summary/History:

The San Angelo Museum of Fine Arts (SAMFA) has proposed renovating and furnishing up to 8000 square feet of unused space in the Chase State Office Building at 622 South Oakes, a property owned by the City and managed by Fort Concho, as a shared Collections Care and Storage Facility. SAMFA has drawn up plans and will assume the entire cost of the renovations in return for free use of the space and sharing the facility with Fort Concho.

Funding Source(s):

Financial Impact:

SAMFA will assume all costs of the planning and renovations. Fort Concho will cover a proportional share of utilities when the facility is operational

Other Information/Recommendation:

Staff recommend approval of the proposed MOU and authorizing city/Fort Concho staff to work with SAMFA staff to complete the project

Attachments:

- | | | |
|----|--|--|
| 1. | MOU for Joint Curatorial Lab and Storage Space | MOU for Joint Curatorial Lab and Storage Space |
| | 2.23.23 | 2.23.23.pdf |
| 2. | San Angelo Museum of Fine Arts | San Angelo Museum of Fine Arts.pdf |

Presentation:

Robert Bluthardt

Approvals/Reviews:

Robert Bluthardt

Carl White

Theresa James

Jeffrey Tomlinson

Tina Dierschke

Heather Stastny

Created/Initiated

Approved

Approved

Approved

Approved

Final Approval

MEMORANDUM OF UNDERSTANDING FOR JOINT CURATORIAL LAB AND STORAGE SPACE BETWEEN THE CITY OF SAN ANGELO AND THE SAN ANGELO MUSEUM OF FINE ARTS

This memorandum of understanding (MOU), by and between the CITY OF SAN ANGELO thereafter referred to as CITY) and the SAN ANGELO MUSEUM OF FINE ARTS (hereafter referred to as MUSEUM). In consideration of the mutual promises and agreements set forth, CITY and MUSEUM agree as follows:

I. GENERAL PROVISIONS

A. This affiliation is for the sole and limited purpose of creating a space for a joint curatorial lab and collections storage space located in the Chase State Office Building located at 622 South Oakes Street (herein after referred to as state building).

B. This agreement shall be effective on _____ and continue for forty years from that date unless terminated in writing prior to expiration by either party. Early termination of this Agreement by either party shall require written notice of termination to the other party no later than ninety (90) days before the requested date of termination.

C. In the 180 days prior to the expiration of the term, the parties will have an option to renegotiate and renew the agreement. If the agreement is not renewed the MUSEUM shall vacate the state building and return it in good condition within 90 days of expiration.

D. In consideration of this agreement, the MUSEUM shall pay the CITY \$1 per year for the term of the agreement.

E. Nothing herein shall be deemed to create an association, partnership, or Joint venture between CITY and MUSEUM, Each party shall be responsible for their own insurance for their artifacts, equipment and facilities contained within the facility.

F. The lab and collections space shall not exceed 8000 square feet and the general purpose of the space shall be for the assessment and storage of collections objects; care and presentation of such objects; preparation of displays and exhibits; and other functions and collections-related work including staff training. Fort Concho shall have the sole use of 1000 square feet in addition to its existing storage space within the facility.

G. Each party to this memorandum shall pay for utilities for the lab and storage space in direct proportion to the space occupied by each party.

H. Point of contact for activities conducted under this memorandum shall be the director of the MUSEUM and the Fort Concho site manager.

I. Neither party shall allow the space to be sublet or otherwise utilized or accessed by any other person or entity without the express written permission of the other party.

II. CITY SHALL:

A. Allow the use of 8000 square feet of the vacant portion of the state building for the purpose of a curatorial lab and collections storage facility.

B. Provide input and direction into the design and construction of the lab and storage facility from designated CITY personnel and board members including but not limited to Fort Concho staff, Fort Concho board, and the building maintenance supervisor for the state building.

C. Be solely responsible for furnishing Fort Concho's space within the storage area.

D. Develop policies for access to the lab and storage facility that would limit the access to Fort Concho's storage space to Fort Concho staff and designees.

III. MUSEUM SHALL

A. Design and construct the lab and storage facility with input and direction of Fort Concho board and staff as well as any other person the CITY requests provide input into the design and construction Including but riot limited to the maintenance supervisor of the state building.

B. Ensure through the design that Fort Concho's storage space is separately secured from the space allocated to the MUSEUM.

C. Be responsible for all costs associated with the design, bidding, insurance, construction, and furnishing of the lab and storage facility including any Increase in insurance determined to be necessary by the CITY'S Risk Manager.

D. Ensure the CITY is listed as an additional Insured on any Insurance policies related to the design or construction or the lab and storage facility.

IV. IT IS FURTHER AGREED THAT:

A. The terms and conditions of this MOU may be amended, deleted or expanded only upon written agreement of the parties.

B. The MOU shall be construed under laws of Texas, and if any provisions shall be invalid under the laws, such invalidity shall not violate the entire agreement, but it shall be construed as If not containing the particular provisions held to be Invalid, and all rights and obligations of the parties shall be construed and enforced accordingly.

C. Both of the parties hereto and the individuals executing this agreement for them represent to the party that It has the requisite power and authority to make and enter this agreement. and said agreement does not violate any provisions of the corporate charter or by-laws of any corporate party or statute, act or ordinance under which any unincorporated institution or party hereto is organized, or violate any agreement or commitment executed or made by any party.

D. Notices required to be sent hereunder shall be sent prepaid registered mall with return receipt requested, and are effective upon receipt.

Notices sent to CITY shall be sent to _____

Notices sent to MUSEUM shall be sent to _____

F. This writing shall constitute the sole agreement between the parties.

G. This agreement was approved by the Board of the MUSEUM on _____ and by the Fort Concho Board on _____.

Executed this _____ day of _____ after approval by the San Angelo City Council.

Signatures:

Representative of MUSEUM

Printed name and title:

Date:

Representative of CITY

Printed name and title:

Date:



SAN ANGELO MUSEUM OF FINE ARTS

February 13, 2023

Memo to San Angelo City Manager Daniel Valenzuela
City of San Angelo Texas
From the Administration and Board of Trustees of the San Angelo Museum of Fine Arts

Dear Daniel,

Enclosed is the proposed MOU that we would like to see adopted and signed by the City so that we may proceed with our project. This MOU is the one that we have previously negotiated with Fort Concho. We will be replacing the roof on the museum and will need to move our entire art collection off-site to a high security environment with a number of other amenities. The State Office Building space in the MOU is the ideal location, and we have already worked on the project for 3 years.

In developing our plan we employed the architect Henry Schmidt and the engineering firm Power Systems. We reviewed and developed the project with the input of the City Architect and the Fort Concho staff and board. Now, because of the emergency of our situation we need to act immediately. We informed the Fort of that need and received back a one-year agreement but that will not work. It is going to require several hundred thousand dollars to make the space usable for what we will need. We have been awarded \$400,000 from the Health Foundation but they will not release those funds based on a one-year agreement. The agreement we have previously negotiated, which we enclose here, is for a 40 year lease which is what we will require to move ahead.

Even with this financial investment the Museum will continue to raise funds that will ultimately include funds for improvements and storage equipment for the Fort as well as the Art Museum, all being raised and contributed by the Museum. In this first year this will only be a partial completion of the project but will make significant improvements and allow us to deal with the emergency and we continue to raise significantly more funds in the next couple of years. This is an important and win-win project. The timing is critical for us because we will soon have to pack and transport the art to an appropriate location. There is no other place other than shipping the collection to a major art storage facility in Dallas. I hope you will give this your immediate attention. We deeply appreciate your support. For questions or further information, please feel free to contact me or our new President and CEO Alex Freeman.

Gratefully,

Howard Taylor 325-718-8426
President Emeritus/Development Director
San Angelo Museum of Fine Arts

Alex Freeman 832-715-2741
President/CEO
San Angelo Museum of Fine Arts

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Zachary Rainbow, Planning Manager, Planning and Development Services

Meeting Date: March 7, 2023

Item type: Regular Item

Caption:

First reading and public hearing of an ordinance to revoke SP94-22, which was replaced by the approval of a new Conditional Use, CU22-06, allowing additional outdoor storage and display on a property being 4.718 acres, located at 2701 Southwest Blvd. (Presentation made by Planning & Development Services Director Jon James)

Staff Recommendation:

Adopt

Summary/History:

On April 5, 2022 the City Council approved a new Conditional Use to allow Wholesale Trade in the General Commercial (CG) zoning district for the property at 2701 Southwest Blvd, including the business currently located at that site, Tractor Supply and Hobby Lobby. The approval of the Conditional Use replaces the previously approved Special Permit (SP94-22) that was approved in 1994. This ordinance formally revokes that previous Special Permit.

Funding Source(s):

Financial Impact:

N/A

Other Information/Recommendation:

Staff recommends approval of the revocation in order to fulfill one of the conditions required by the new Conditional Use.

Attachments:

Presentation:

Jon James

Approvals/Reviews:

Jeff Fisher

Created/Initiated

Zachary Rainbow
Jon James
Brandon Dyson
Jon James
Theresa James
Heather Stastny

Approved
Approved
Approved
Approved
Approved
Approved

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT “A” OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY REVOKING SPECIAL PERMIT 94-22 CONCERNING PROPERTY LOCATED AT 2701 SOUTHWEST BOULEVARD, BEING THE NORTH 4.718 ACRES OUT OF LOT 1A IN BLOCK 1 OF THE WAL-MART ADDITION TO THE CITY OF SAN ANGELO, TEXAS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

SP94-22: 2701 Southwest Boulevard

WHEREAS, Special Permit 94-22 (“SP94-22”) was authorized by City Council through ordinance introduced November 29, 1994, and finally passed, approved and adopted on December 6, 1994; and

WHEREAS, SP94-22 authorized, subject to specified conditions, the sale of farm and ranch supplies and parts, including limited authorization for outdoor storage and display of merchandise in a General Commercial District concerning property located at 2701 Southwest Boulevard, being the North 4.718 acres out of Lot 1A in Block 1 of the Wal-Mart Addition to the City of San Angelo, Texas (the “Property”); and

WHEREAS, an application for conditional use approval concerning the Property was filed, which requested expansion of the outdoor storage and display authorization originally granted in SP94-22; and

WHEREAS, the Zoning Ordinance was amended following approval of SP94-22 and no longer provides for issuance of Special Permits; therefore, approval of a subsequent conditional use would conflict with SP94-22 unless revoked; and

WHEREAS, on the 21st day of February, 2022, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding a public hearing thereon, considered a conditional use (CU22-06) concerning the Property, and revocation of SP94-22 as a condition of the requested approval, and thereafter did not approve the conditional use based on a tie vote of the Commission; and

WHEREAS, CU22-06 was timely appealed to City Council and on the 5th day of April, 2022, City Council held a public hearing on and approved CU22-06 conditioned on revocation of SP94-22.

WHEREAS, to satisfy the condition of CU22-06 requiring revocation of SP94-22, after holding a public hearing on March 7, 2023, and having considered the application, comments, reports and decision of the Planning Commission and staff, public testimony, and other relevant support materials, City Council desires to revoke SP94-22.

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

SECTION 1: The basic zoning ordinance for the City of San Angelo, as enacted by the governing body for the City of San Angelo effective January 4, 2000, and included within Exhibit “A” of Chapter 12 of the Code of Ordinances of the City of San Angelo, and zoning map be and the same are hereby amended by revoking SP94-22 with respect to the following Property:

The real property located at 2701 Southwest Boulevard, being the North 4.718 acres out of Lot 1A in Block 1 of the Wal-Mart Addition to the City of San Angelo, Texas

SECTION 2: The Director of the Planning & Development Department, or his/her designee, is hereby directed to correct zoning district maps in the office of the Planning & Development Department, to implement the zoning provision adopted herein, by removing SP94-22, as further depicted on **Exhibit A** of this Ordinance, and replacing with CU22-06.

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

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

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

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

INTRODUCED with public hearing on the **7th day of March, 2023**, and finally PASSED, on this the **21st day of March, 2023**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

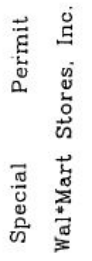
ATTEST:

APPROVED AS TO FORM:

Heather Stastny, City Clerk

Theresa James, City Attorney

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NOTE: This application is a public record.

Public service opportunities are offered by the City of San Angelo without regard to race, color, national origin, religion, sex or disability.

1. Personal information

Name:	Steven Mahaffey
Address:	[REDACTED]
ZIP code:	76901
Home/mobile phone:	[REDACTED]
Office/mobile phone:	[REDACTED]
Resident of San Angelo since: (year)	2012
City Council Single-member District in which you reside:	5
Registered San Angelo voter? (yes or no)	Yes
Occupation/business affiliation:	Angelo State University
Occupation/business address:	2235 S. Jackson
Title/position:	Associate AD/Business Manger

Email:

2. By executing this document, the applicant does hereby certify and affirm the truth and accuracy of the information contained herein. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein.

(o) Yes

3. Date

10/19/2022

4. Applying for:

(o) Economic Development Corporation

5. Recommended by:

(Name): Karen Hesse Smith

6. Based on your board selection, do you meet the membership criteria outlined on the [PDF version](#) of the application/Board Ordinance on our [website](#)?

(o) Yes

7. If no, which criteria?

Not answered

8. Tell us about yourself.

Education and/or professional licenses:

Bachelor of Business Management, Angelo State University

Current municipal and civic organization memberships (positions and dates):

Civic Events Board. Chair, Vice Chair and board member since 2017. Willing to vacate if approved to serve on COSADC Board.

Previous municipal experience (positions, dates, where):

Worked as Civic Events Budget analyst, worked as budget analyst for entire city, worked as internal auditor for city.

What personal qualifications can you bring to the board?

Very involved in economic development in the City of San Angelo. Serve on many boards and committees to better the city for our future citizens.

While working as the internal auditor, I reviewed COSADC contracts and grants for compliance. Most were performance based grants and funds given to specific projects that provided a return on investment towards the overall economic impact for the City.

What is your personal vision for the City?

To bring more economic development to San Angelo. Create new job opportunities for folks to move to San Angelo to then in turn create more of an economic impact. Generate more property tax and sales tax revenue for the City to then return back to the citizens in the form of better streets, water and overall quality of life.

Why do you want to serve on this board?

I have years of experience both from the Board side of things as well as the city staff side. I understand all the financial variables that come into play when awarding a project or a grant. I also have ideas of other projects that may be of importance to the City to generate more 1/2 cent sales tax and Ballot side sales tax. I have a firm understanding of how this Board works with city staff so there won't be a learning curve for me.

I feel it is my duty as a civil leader in this community to serve where I can to assist with development and financial prudence. I have a wide background in both. I have a firm understanding of the city staff side as well as the budget process. I feel like I can be an asset to this board and to the city overall.

Is there anything else you would like to share about yourself?

My current position at ASU will not have any conflict. I work in the Athletics department and have no involvement with the general population side of the campus. We are our own separate enterprise entity. I have no political involvement with Angelo State or will have any conflict. If necessary I can recuse myself from any vote related to Angelo State which over the past few years has not been an issue.

The City Council adopted the Code of Ethics for members of the City Council and for the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. Therefore, all members shall comply with the laws of the nation, the State of Texas and the City of San Angelo in the performance of their public duties. If you been convicted of a MISDEMEANOR or FELONY, and/or placed on probation, fined or given a suspended sentence such as pretrial diversion or deferred adjudication in court within the last ten years, disclosure of such should be forwarded under separate cover. For a complete copy of the Code of Ethics, contact the City Clerk's Office at [325-657-4405](tel:325-657-4405).

Thank you,
City of San Angelo, TX

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