



CITY COUNCIL AGENDA

NOTICE OF REGULAR MEETING

Tuesday, February 17, 2015

7:00 p.m.

City Hall - Council Chamber

Daniel P. Moore Community Center Complex

1900 Billy G. Webb Drive

Portland, Texas

A. **PROCEDURAL MATTERS, HONORS AND RELATED NON-ACTION ITEMS:**

1. **CALL TO ORDER:** MAYOR KREBS
2. **INVOCATION AND PLEDGE:** MAYOR KREBS OR DESIGNEE
3. **FORMAL ANNOUNCEMENTS, RECOGNITION, PRESENTATIONS AND REPORTS THAT MAY BE DISCUSSED:**
 - REPORT ON SWEETHEART BALL – DIRECTOR OF PARKS AND RECREATION
 - REPORT ON TML YOUTH SUMMIT – INTERIM LIBRARY DIRECTOR
4. **CITY COUNCIL AND STAFF COMMENTS CONCERNING ITEMS OF COMMUNITY INTEREST THAT MAY NOT BE DISCUSSED:**

Members of the City Council may present reports regarding items of community interest and/or be presented reports from the Staff regarding items of community interest, provided no action is taken or discussed. Items of community interest include the following:

- Expressions of thanks, congratulations, or condolence
- Information regarding holiday schedules
- Honorary recognition of city officials, employees, or other citizens
- Reminders about upcoming events sponsored by the city or another entity that is scheduled to be attended by a city official or city employee
- Announcements involving imminent threats to the public health and safety of the city

B. ACTION ITEMS, RESOLUTIONS AND ORDINANCES:

Members of the audience who wish to (1) comment on issues concerning an agenda item, (2) present questions concerning an agenda item, (3) request assistance concerning an agenda item or (4) propose regulatory changes concerning an agenda item, must comply with the following rules of procedure:

- Persons who wish to speak must fill out and turn in a speaker card before the meeting is convened (The Mayor will notify you when it's your turn to speak and direct you to the podium)
 - Persons who wish to speak must identify themselves and their places of residence
 - All comments, requests and proposals must be presented to or through the Mayor
 - Persons who wish to speak will be given 4 minutes to do so
5. **MINUTES OF PREVIOUS MEETINGS:** THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS JANUARY 20, 2015 WORKSHOP AND REGULAR MEETING AND FEBRUARY 3, 2015 REGULAR MEETING - MAYOR KREBS AND CITY SECRETARY
 6. **APPROVAL OF VETERAN'S MEMORIAL CONCEPT AND AUTHORIZATION TO PROCEED TO FINAL DESIGN AND PROJECT BIDDING:** THE CITY COUNCIL WILL CONSIDER AUTHORIZATION TO PROCEED WITH FINAL DESIGN AND PROJECT BIDDING AFTER REVIEW OF A PROPOSAL BY RICHTER ARCHITECTS FOR A NEW VETERAN'S MEMORIAL – CITY MANAGER
 7. **PUBLIC HEARING – UNIFIED DEVELOPMENT ORDINANCE REVISIONS:** THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING PROPOSED REVISIONS TO THE CITY OF PORTLAND UNIFIED DEVELOPMENT ORDINANCE SECTION 704 MULTIFAMILY RESIDENTIAL DESIGN REQUIREMENTS – ASSISTANT CITY MANAGER
 8. **ORDINANCE NO. 2105 – UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS:** THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2105 THAT ADOPTS TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE – ASSISTANT CITY MANAGER
 9. **CHANGE OF STREET NAME:** THE CITY COUNCIL WILL CONSIDER CHANGING THE NAME OF COUNTY ROAD 3767 FOLLOWING ANNEXATION - CITY MANAGER
 10. **ENGAGEMENT OF THE MEJORANDO GROUP FOR PLANNING AND ORGANIZATIONAL DEVELOPMENT SERVICE:** THE CITY COUNCIL WILL CONSIDER A CONTRACT FOR SERVICES FROM THE MEJORANDO GROUP FOR SHORT TERM AND STRATEGIC PLANNING AS WELL AS ORGANIZATIONAL DEVELOPMENT - CITY MANAGER
 11. **INDIAN POINT SHORELINE RESTORATION PROJECT ACCEPTANCE:** THE CITY COUNCIL WILL CONSIDER PROJECT ACCEPTANCE FOR THE INDIAN POINT SHORELINE RESTORATION PROJECT – ASSISTANT CITY MANAGER

C. CITIZEN COMMENTS, QUESTIONS, REQUESTS AND PROPOSALS NOT APPEARING ON THE AGENDA:

Members of the audience who wish to (1) comment on issues for which there is no item on this agenda, (2) present questions for which there is no item on this agenda, (3) request assistance for which there is no item on this agenda or (4) propose regulatory changes for which there is no item on this agenda, must comply with the following rules of procedure:

- Persons who wish to speak must fill out and turn in a speaker card before the meeting is convened (The Mayor will notify you when it's your turn to speak and direct you to the podium)
- Persons who wish to speak must identify themselves and their places of residence
- All comments, requests and proposals must be presented to or through the Mayor
- Persons who wish to speak will only be given 4 minutes to do so

Neither the City Council nor the Staff is legally permitted to respond to citizen comments, questions, requests or proposals at the time of the meeting. A member of the City Council or the City Manager may place an item on the agenda of a future City Council workshop or meeting to legally do so. If that is done, the audience member seeking a response will be given advance notice.

D. ADJOURNMENT: MAYOR KREBS

NOTICE OF ASSISTANCE

If you plan to attend this public meeting and you have a disability that requires special arrangements to be made, please contact City Secretary Annette Hall (361) 777-4513 or annette.hall@portlandtx.com in advance of the meeting. Reasonable accommodations will be made to facilitate your participation. The City Hall is wheelchair accessible and specially marked parking spaces are located in front of its entrance. Special seating will be provided in the Council Chamber during the meeting.

BRAILLE IS NOT AVAILABLE

Posted: February 13, 2015 by 5:00 p.m.
Portland City Hall

By: 
Annette Hall
City Secretary

**CITY OF PORTLAND
CITY COUNCIL
WORKSHOP MEETING
MINUTES
JANUARY 20, 2015 – 5:00 P.M.**

On this the 20th day of January 2015, the Council of the City of Portland convened in a workshop meeting session at 5:00 p.m. in the Council Chambers of City Hall, Daniel P. Moore Community Center Complex and notice of workshop meeting giving the time, place and date and subject having been posted as described by Section 551 of the Government Code.

MEMBERS PRESENT:

David Krebs	Mayor
Cathy Skurow	Mayor Pro Tem
Ron Jorgensen	Council Member
John Vilo	Council Member
Gary Moore, Sr.	Council Member
John Green	Council Member
David E. Lewis	Council Member

STAFF PRESENT:

Randy Wright	City Manager
Brian DeLatta	Assistant City Manager
Annette Hall	City Secretary
Michel Sorrell	Finance Director
Kristin Connor	Director of Parks and Recreation
Dorothy Torres	Interim Library Director
Lyle Lombard	Fire Chief

This workshop may be recessed before the Regular City Council meeting begins at 7:00 p.m. and reconvened after the Regular City Council meeting ends.

And with a quorum being present, the following business was transacted:

1. CALL TO ORDER: MAYOR KREBS

Mayor Krebs called the workshop to order at 5:00 p.m.

2. **OIL AND GAS INSPECTION SERVICES:** THE CITY COUNCIL WILL DISCUSS WELL AND PIPELINE INSPECTION SERVICES AND POSSIBLE CHANGES TO THE CITY’S OIL AND GAS ORDINANCE – CITY MANAGER

City Manager Randy Wright introduced Brent Wilson and Steve Garske with Urban Safety Assessment

City Council, City Manager Randy Wright and Urban Safety Assessment Representatives Brent Wilson and Steve Garske discussed the following:

- The City’s current Oil and Gas Ordinance
- Status of current Pipeline Safety Inspections
- Increasing fees to cover Pipeline Safety Inspections
- Third party inspection opportunities

3. **SINGLE-FAMILY OCCUPANCY LIMITS:** THE CITY COUNCIL WILL DISCUSS LIMITING THE NUMBER OF NON-RELATED PERSONS LIVING IN A SINGLE FAMILY RESIDENCE – CITY MANAGER

City Manager Randy Wright presented and reviewed the following information with the City Council:

- Single Family Occupancy State Law (Texas Property Code)
- Single Family Occupancy Limits for
 - Austin
 - Terrell
 - Murphy
 - Dallas
 - Ft. Worth
 - Carrollton
 - Fort Collins
 - “Frank Keating Formula” from HUD

4. **RENTAL PROPERTY MAINTENANCE STANDARDS AND INSPECTION:** THE CITY COUNCIL WILL DISCUSS REGULATION AND INSPECTION OF RENTAL PROPERTIES – CITY MANAGER

City Manager Randy Wright presented and reviewed the following information with the City Council:

- Texas Association of Realtors – Owner’s Notice Concerning Condition of Property under Proper Management Agreement
 - Property Manager’s Inventory
 - Tenant Form/Residential Lease Inventory and Condition
 - City of Mesquite’s Rental Certificate of Occupancy
 - City of North Richland Hills Single-Family Rental Inspection Program
 - 2012 IPMC Highlights

5. DOG PARK DESIGN CONCEPT: THE CITY COUNCIL WILL DISCUSS REPURPOSING BAKER PARK AS A DOG PARK – CITY MANAGER, ASSISTANT CITY MANAGER, CITIZEN SUPPORT GROUP

Dog Park Group representative Frank Locascio presented the following Dog Park Design Concept:

The City of Portland – Dog Park Group

Project Goal

- Provide a fenced, off-leash dog park in Portland where people and their well-behaved dogs could socialize and exercise in a clean and safe environment without endangering or disturbing people, property, or wildlife.
- Fulfills the City of Portland’s Comprehensive Plan of 2012 (adopted February 2013) to develop Bakers Park into a dog park

What is a Dog Park?

- An off-leash dog park includes the following components:
 - Fenced areas with double-gated entries
 - Both grassy and mulched areas
 - Cleaning supplies, including covered garbage cans, waste bags, and pooper scooper stations
 - Shade structures, benches, and water stations
 - Adjacent parking

Vision

- Maps

Dog Park Specifications

- Vestibule allows safe entry and exit into the park
- Ranch-style fencing

City Participation

- Animal Control staff
 - Vaccinations

- Parks Maintenance staff
- Parking lot construction via Phase 9 contract
- Water consumption charges and irrigation system maintenance

Project Costs

- | | |
|--------------------------------------|-----------|
| • Fencing | \$43,000 |
| • Irrigation and landscaping | \$17,500 |
| Water station | \$7,000 |
| • Park equipment and furniture | \$7,000 |
| • Shelter repair and installation | \$5,000 |
| | |
| • Parking (via City Phase 9 funding) | \$25,000 |
| | |
| • Project totals | \$104,500 |

City Staff Next Steps

- Develop agreement for use of donated funds for park use
- Serve as resource during fundraising efforts
- Finalize park design
- Finalize proposed park rules and hours
- Research use of effluent irrigation

Value of a Community Dog Park

- People and their dogs can play together in an un-leashed atmosphere
- Increased exercise and socialization for dogs and their owners
- Safe and accessible location for dogs to play and interact
- Increased value and quality of life for the community
- Meeting the needs of dog owners – currently 46.3 million dog owners in the U.S.
- The dog park could serve as a processing and holding area for a large number of animals in case of a disaster or emergency situation.

Project Support

- Local veterinarians
- Portland residents
- Area businesses

Pledges and Fundraising

- Large Corporate Donors
 - GRAND CHAMPION (\$5,000 or more) Plus Logo and Name the Large or Small Dog Park
 - CHAMPION (\$3,000 – \$4,999) Plus Company Logo Displayed in One of the Three Shelters
 - BEST IN SHOW (\$500 – \$2,999) Name on Plaque by Pet Memorial Tree

- BEST IN BREED (\$301 – \$499) Name on Signage Entering the Park
- Individual Donors
 - FOUNDING MEMBER (\$300 Fence section, bench, or park item with Dedication Plaque)
 - BLUE RIBBON WINNERS (\$100 -\$299)
 - FRIENDS OF THE PARK (\$50 -\$99)
- PARK MEMBER (\$21 – \$49)

Pledges and Fundraising

- Contests
 - Mayor of the Dog Park
 - Calendars with Pet Photo
- Silent Auction
- Raffles
- Enter in the 2015 PetSafe Bark Park Contest
 - \$100,000 Grand Prize
 - \$25,000 Runner Up

Conclusions

- A dedicated dog park would:
 - Meet the needs and demands of current dog owners in Portland
 - Allow dogs to socialize with other dogs while they and their owners get exercise and enjoy the park setting
 - Reduce travel time for Portland residents to neighboring cities' dog parks
 - Add to the overall quality of life in Portland

City Council, City Staff and Mr. Locascio discussed the proposed project, cost and funding for project.

6. **JUNK VEHICLE ORDINANCE:** THE CITY COUNCIL WILL DISCUSS THE CURRENT YARD PARKING AND JUNK VEHICLE ORDINANCES – COUNCIL MEMBER MOORE

City Manager Randy Wright presented and reviewed the following information with City Council:

- Current Junked Vehicle Ordinance
- Parking on unimproved surfaces
- Enforcement

Mayor Krebs announced that Item No. 8 **PLANNED UNIT DEVELOPMENT POLICY AND PROCEDURES** would be discussed before Item No. 7. **MULTIFAMILY DESIGN STANDARDS.**

8. **PLANNED UNIT DEVELOPMENT POLICY AND PROCEDURES:** THE CITY COUNCIL WILL DISCUSS ITS POLICY ON MULTIFAMILY PLANNED UNIT DEVELOPMENTS AS WELL AS THE PROCESS OF EVALUATING MULTIFAMILY PLANNED UNIT DEVELOPMENTS – CITY MANAGER

City Manager Randy Wright presented and reviewed the current policy on Multi-family planned Unit Development with the City Council.

Mayor Krebs recessed the workshop at 6:53 p.m.

Mayor Krebs reconvened the workshop at 8:27 p.m.

7. **MULTIFAMILY DESIGN STANDARDS:** THE CITY COUNCIL WILL DISCUSS POSSIBLE CHANGES TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO) TO RAISE MULTIFAMILY DESIGN STANDARDS – CITY MANAGER

Assistant City Manager Brian DeLatte presented and reviewed the following information:

Section 704. Multifamily Residential Design Requirements

DRAFT

A. Applicability

1. The standards and criteria contained in this section shall apply to any multifamily residential development. Multifamily residential developments that are constructed as Planned Unit Developments shall also be designed in accordance with Section 316. Planned Unit Development (PUD).

B. Project Design

1. Multifamily residential dwelling units shall not exceed twenty-five (25) percent of all dwelling units within the City.
 - a. Multifamily developments may exceed the above requirement, but shall be required to rezone to a Planned Unit Development (PUD).
 - b. These PUD developments are intended to result in high quality and innovative mixed density housing developments.
2. All multifamily residential development should have principal access to a major collector (eighty [80] feet of right-of-way **or with** four [4] lanes of driving width).
3. Access to Texas Department of Transportation (TxDOT) system thoroughfares (U.S. Highway 181, Moore Avenue from U.S. Highway 181 right-of-way west, Wildcat Drive from U.S. Highway 181 west and Buddy Ganem Drive from U.S. Highway 181 west) requires a curb cut permit from TxDOT. Compliance with the requirements of the TxDOT Access Management Manual is a prerequisite to permit issuance.

C. Building Design

1. Facades

- a. Facade depth and height articulation shall be required on all exterior facades of a building:
 - i. Depth articulation of at least 15% shall be required on any front facade exceeding thirty (30) horizontal feet. In no event shall a front facade segment exceed forty-five (45) feet without depth articulation. Depth articulation applies only below the roofline.
 - ii. Height articulation of at least 15% shall be required on any front facade exceeding fifty (50) horizontal feet. In no event shall a front facade segment exceed seventy-five (75) feet without height articulation. Pitched roofs do not require height articulation.
- b. Facade offsets shall be shown, along with calculations verifying that the building elevations meet the above requirements, on a building facade (elevation) plan, and shall be submitted for review along with the building elevations at the time of building permit application.

2. Materials

- a. At least 85 percent of all exterior walls of multifamily buildings (excluding doors and windows) shall be finished in one of the following materials: brick, stone, stucco, or other masonry product as approved by the Administrative Official. The use of any one material on individual buildings shall not exceed 60 percent. At the time of submittal of building plans, elevations must be provided with a chart stating the material composition percent on each elevation of a building.
- b. Cement fiber board and similar products may be used as architectural accents only in the following locations:
 - i. Fascia and soffits.
 - ii. Interior portions of covered stairways and covered stair towers.
 - iii. Breezeways, hallways, corridors and walkways which have a roof covering.
 - iv. As the exterior covering for fire places that are located in the interior of a building. Fire places which are located on an exterior wall shall have a masonry exterior covering.
- c. Exterior insulation finishing systems (EIFS) is not a permitted material.
- d. Any use of concrete shall have an integrated color and be textured or patterned.

3. Building variation

- a. For any development containing at least three (3) and not more than five (5) buildings (excluding clubhouses/ leasing offices), there shall be at least two (2) distinctly different building designs.
- b. For any such development containing more than five (5) buildings (excluding clubhouses/leasing offices), there shall be at least three (3) distinctly different building designs.
- c. For all developments, there shall be no more than two (2) similar buildings placed next to each other.

4. All mechanical equipment shall be screened in compliance with Section 705.F.

5. All buildings shall include gutters and downspouts or scuppers.
6. All buildings shall meet or exceed U.S. Department of Energy Building Energy Codes Program COMcheck requirements.

7. *Distances between Buildings*

The minimum distances between buildings are shown in the following table. “Face” is any exterior plane of a building that is sixty (60) feet in length or longer. All buildings shall have at least two faces. “End” is any exterior plane that is not a “face”.

Building Orientation	Minimum Distance
Face to face	50 feet
Face to end	20 feet
Corner to corner	15 feet
Angled corner to face (60 to 90 degree angle)	20 feet
Courtyard face to face	30 feet
End to end	15 feet

8. *Paved Areas*

Driveways and other paved areas should be constructed of an all-weather surface such as concrete or brick pavers. Asphalt, seal coat, or chip seals are not acceptable.

D. Open Space

1. *All multifamily residential projects shall incorporate open space, exclusive of paved areas, parking spaces or patios, of not less than fifteen (15) percent of the total lot area.*
2. *Such open space shall be landscaped and serve as an amenity for residents of the project.*
3. *No landscaped area shall be less than twenty (20) feet in depth adjacent to any property line or right-of-way. All landscaped areas shall be irrigated.*
4. *When individual units are separately owned, provision such as a homeowners association shall be made for the maintenance of all common open space.*

E. Amenities

1. Multifamily developments shall incorporate recreational amenities from the list provided in the following amounts:
 - a. Multifamily developments with less than 25 dwelling units: any two amenities from Amenity List “A” or Amenity List “B”;
 - b. Multifamily developments with 25 to 50 dwelling units: any three amenities from Amenity List “A” or Amenity List “B”;
 - c. Multifamily developments with 50-150 dwelling units: four amenities, with at least two from List “A”;
 - d. Multifamily developments with more than 150 units: five amenities with at least two from List “A”;
 - e. Multifamily projects designed exclusively for senior living shall provide amenities in a similar manner as required by this section. These amenities may be of a different number and type as appropriate for such senior living projects and shall be approved by the Planning and Zoning Commission

prior to the building permit issuance.

2. Amenity List "A"

- a. Swimming Pool. The minimum acceptable size of a swimming pool shall be 1,200 square feet, however if a separate wading pool is provided, the minimum size of the pool may be 800 square feet. For developments in excess of 300 units, at least two swimming pools will be required.
- b. Re3.sident Clubhouse, with appropriate amenities.

Other similar project appropriate amenities as approved by the Planning and Zoning Commission.

3. Amenity List "B"

- a. Two (2) playgrounds with a minimum size of five hundred square feet.
- b. Basketball, volleyball, tennis, or other sport court.
- c. Two (2) picnic areas, with a minimum size of five hundred feet per area, and including a minimum of two (2) picnic tables and one (1) barbecue grill/pit per area.
- d. Other similar project appropriate amenities as approved by the Planning and Zoning Commission.

F. Development Plan Required

A development plan must be submitted incorporating the following information.

1. *A survey of the property.*
2. *Location and description of all buildings and uses with setback lines.*
3. *Vehicular and pedestrian circulation.*
4. *Parking, loading and paving plan.*
5. *Storm water drainage plan.*
6. *Landscaping and proposed maintenance provisions.*
7. *Gross area, lot area and open space calculated to the nearest tenth (1/10th) acre.*
8. *Any proposed construction phasing.*
9. *Any proposed signage.*
10. *Rights-of-way, easements and utility locations.*
11. *Indication of existing natural features of the property, including water courses, floodplains, unique natural features, and vegetation.*
12. *Building elevations, if deemed necessary by the Administrative Official.*
13. *Any other information deemed necessary to review the application by the Administrative Official.*

City Council and staff discussed the proposed changes to the Unified Development Ordinance (UDO) to raise multifamily design standards

9. **LEGISLATIVE AGENDA:** THE CITY COUNCIL WILL DISCUSS THE ADOPTION OF A LEGISLATIVE AGENDA – CITY MANAGER

City Manager Randy Wright presented and reviewed the following proposed General Legislative Policy with the City Council:

2015 LEGISLATIVE AGENDA
84TH Texas Legislative Session

GENERAL LEGISLATIVE POLICY

As a general policy, the City of Portland, Texas seeks to preserve its current authority to govern the city, its citizens, and its property. The City will oppose any legislation viewed as detrimental to the City's strategic goals; that is contrary to the health, safety, and welfare of its citizens; that mandates increased costs or loss of revenues; or that would diminish the fundamental authority of the City.

Likewise, the City supports any legislation viewed as advancing the City's strategic goals; that improves the health, safety, and welfare of its citizens; that responsibly increases revenues; or that advances the City's authority to conduct the public's business.

The City will form strategic partnerships with cities, political subdivisions, and private sector entities that share common goals with the City of Portland. Additionally, the City will work in coordination with organizations such as the Texas Municipal League when their adopted positions are in line with the legislative objectives and goals of the City. The formation of strategic partnerships and coordinated efforts is intended to provide the City with a stronger presence in the legislative process.

The Portland City Council adopted Resolution No. 694 on February 3, 2015 ratifying the City of Portland General Legislative Policy establishing principles under which decisions are made to support or oppose various legislations.

The City <u>SUPPORTS</u> legislation and/or administrative actions that:	The City <u>OPPOSES</u> legislation and/or administrative actions that:
<ul style="list-style-type: none">• Protect and enhance City revenues.• Reduce or eliminate costs to the City.• Support local control.• Protect policies previously established by City home rule authority.• Provide increased educational opportunities and job creation and retention for Coastal Bend residents.	<ul style="list-style-type: none">• Undermine the principle of home rule and local control by the City.• Result in the loss of revenue or restrict a city's ability to grow.• Diminish the authority of the City regulate and manage its own growth and development.• Impose unfunded mandates and/or require expenditures of City funds not reimbursed by the mandating governmental entity.

How the City prioritizes state legislative policy issues

The City has identifies three levels of importance related to state legislative endorsement. The City Council selects a priority for each of its state appropriations or policy recommendations.

- **Priority** – means the City will actively pursue and support/oppose the policy, including, if necessary, seeking introduction and passage of legislation. This would items of local interest as well as important statewide legislation.
- **Actively Support/Oppose** – means the City will aggressively attempt to influence passage or defeat of a measure if it is introduced by some other entity.
- **Endorse** – means the City will make its support or opposition known, but will not actively pursue the issue.

2015 LEGISLATIVE AGENDA

Priority

- The City supports legislation that empowers municipalities to regulate the development of wind farms within the municipality's ETJ.
- The City supports legislation that provides incentives/funding for municipal water conservation projects that reclaim wastewater effluent and "gray water" systems.
- The City supports windstorm insurance reform that restructures the governing board of the Texas Windstorm Insurance Association (TWIA) to put consumers on equal footing with insurance company members; creates incentives to promote voluntary coverage of windstorm and hail policies in the Texas seacoast; establishes a financial structure at TWIA that provides a stable, sustainable and affordable rate structure to be able to cover on an annual basis up to \$4.3 billion in loss claims to TWIA, would cover a 1-in-100 year storm; that requires member insurance companies pay allowable assessments sooner; establishes a small statewide catastrophic storm fund to pay for excess losses, and structures a more financially beneficial re-insurance program.

Endorse

- The City will support legislation or revisions to regulations that limits the imposition of fines and penalties for environmental violations against municipalities to only those violations shown to have been intentionally committed or the result of gross negligence.
- The City supports the passage of new, long-term, sustainable funding sources for transportation infrastructure; and the dedication of existing revenue generated

from taxes, fees, or receipts related to transportation to the maintenance, improvement and expansion of roads, rail and public transportation.

- The City supports appropriating adequate funding for the Fiscal Years 2016-2017 biennium for the State of Texas to partner with local project sponsors to implement one or more seawater desalination projects to provide uninterrupted water supply and have corresponding positive impacts for water supplies in adjacent regions which will strengthen Texas' economy and sustain economic prosperity.
- The City supports the expansion the health and safety authority of municipalities for limited regulation of underground pipelines.
- The City supports legislation related to limits on texting while driving.

10. ADJOURNMENT: MAYOR KREBS

Mayor Krebs adjourned the workshop at 8:51 p.m.

NOTICE OF ASSISTANCE:

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BRAILLE IS NOT AVAILABLE

Approved:

David Krebs
Mayor

Attest:

City Secretary

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MINUTES
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David Lewis	Council Member

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Randy Wright	City Manager
Brian DeLatta	Assistant City Manager
Annette Hall	City Secretary
Michel Sorrell	Finance Director
Kristin Connor	Director of Parks and Recreation
Dorothy Torres	Interim Library Director
Drew Schell	IT Technician
Brandon Lemon	Accounting Assistant

And with a quorum being present, the following business was transacted:

A. PROCEDURAL MATTERS, HONORS, AND RELATED NON-ACTION ITEMS:

1. CALL TO ORDER: MAYOR KREBS

Mayor Krebs called the meeting to order at 7:00 pm.

2. INVOCATION AND PLEDGE: MAYOR KREBS OR DESIGNEE

Council Member Vilo gave the invocation and Mayor Krebs led the Pledge of Allegiance.

3. FORMAL ANNOUNCEMENTS, RECOGNITION, PRESENTATIONS, AND REPORTS THAT MAY BE DISCUSSED:

There were none.

4. CITY COUNCIL AND STAFF COMMENTS CONCERNING ITEMS OF COMMUNITY INTEREST THAT MAY NOT BE DISCUSSED:

Members of the City Council may present reports regarding “items of community interest” and/or be presented reports from the Staff regarding “items of community interest,” provided no action is taken or discussed. “Items of community interest” include the following:

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- Announcements involving imminent threats to the public health and safety of the city

B. ACTION ITEMS, RESOLUTIONS, AND ORDINANCES:

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- Persons who wish to speak will be given 4 minutes to do so

There were none.

5. MINUTES OF PREVIOUS MEETINGS: THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS JANUARY 6, 2015 REGULAR MEETING - MAYOR KREBS AND CITY SECRETARY

Council Member Green made the motion to approve the minutes of the January 6, 2015 regular meeting, seconded by Council Member Lewis.

The motion passed 7-0.

6. **RESOLUTION NO. 692 - CALLING GENERAL ELECTION:** THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 692 WHICH CALLS FOR A MAY 9, 2015 GENERAL ELECTION FOR THE PURPOSE OF ELECTING FOUR (4) COUNCIL MEMBERS TO TWO (2) YEAR TERMS – CITY SECRETARY

City Secretary Annette Hall explained that Resolution No. 692 authorizes a May 9, 2015 General Election for the purpose of:

- Electing four (4) Council Members to two (2) year terms
- Establishes an Early Voting Clerk (Pam Hill), presiding and an alternate judges
- Designates the Daniel P. Moore Community Center Complex as the single voting site
- Establishes voting hours and a recommendation of extended voting hours of 7:00 a.m. to 7:00 p.m. on Monday, April 27, 2015 and Monday, May 4, 2015

Council Member Moore made the motion to approve Resolution No. 692 calling the 2015 General Election for the purpose of electing four (4) Council Member to two (2) year terms, seconded by Council Member Jorgensen.

The motion passed 7-0.

7. **PUBLIC HEARING – PLANNED UNIT DEVELOPMENT REZONING REQUEST:** THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM OLDHAM GOODWIN DEVELOPMENT, LLC, TO REZONE APPROXIMATELY 13.255 ACRES OUT OF LOT 5 OF AMENDING PLAT OF GREGORY-PORTLAND INDEPENDENT SCHOOL TRACTS OF LOTS 1 AND 5 FROM R-6, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, PLANNED DEVELOPMENT DISTRICT – ASSISTANT CITY MANAGER

Mayor Krebs opened the Public Hearing at 7:04 p.m. to solicit comments from citizens and other interested parties concerning a request from Oldham Goodwin Development, LLC, to rezone approximately 13.255 acres out of Lot 5 of Amending Plat of Gregory-Portland Independent School Tracts of Lots 1 and 5 from R-6, Single-Family Residential District, to PUD, Planned Development District.

Assistant City Manager Brian DeLatte presented the following information:

Oldham Goodwin Development, LLC PUD Application

- Proposed Palm Bluff Place
- 250-unit residential development at southwest corner of Cedar and Billy G. Webb Drives
- 13.255 acre Lutheran tract
- Current zoning: R-6, Single-Family Residential District

City Staff Direction

- Protect the adjacent residential neighborhood
- High quality
- Innovative

City Staff Conclusions and Recommendations

- Applicant protected the adjacent residential neighborhood
 - Building placement and design
 - Screening
 - Site planning efforts
- Proposal is high quality and innovative
 - Eclipses all other Portland multifamily projects
 - 100% masonry on exterior facades
 - Architectural style
 - Site amenities
 - Unit amenities

Proposed Ordinance Conditions

1. All uses and development of the property shall conform to the following plans which are attached hereto and incorporated herein:
 - a) Exhibit "A" – Concept Site Plan
 - b) Exhibit "B" – Site Utility and Drainage Plan (schematic level)
 - c) Exhibit "C" – Landscape Plan
 - d) Exhibit "D" – Typical Motorcourt, Street Front, and 2-Story Renderings (Two Sheets)
 - e) Exhibit "E" – Typical Building Elevations (Eight Sheets)
2. All exterior facades shall be 100% masonry as defined by the City of Portland Unified Development Ordinance.
3. All driveways and parking lots shall be concrete.
4. All exterior lighting shall comply with City of Portland Unified Development Ordinance Section 713 to minimize light pollution.
5. Apartment units shall be consistent with that of a Class A multifamily apartment project. The units shall include balconies, black or stainless appliance packages, granite tops in kitchen areas, washer and dryer in each unit, ceiling fans, showers and selective tub surrounds, crown molding in select areas, hard surface tile, carpet, and double sink vanities.

6. The common area amenity package shall include a modernized clubhouse consisting of a fitness facility, business center, and a resort-style pool. Additional amenities shall generally include a minimum of two BBQ pavilions, a sports court, playground, gazebo, and walking trail.

Public Hearing

- Notice published in Coastal Bend Herald on December 25, 2014
- Notice mailed to all property owners within 200 feet on December 31, 2014
 - 38 adjacent property owners
- There has been no written or oral comments to the Development Services Department as of January 13, 2015

PUBLIC HEARING AND RECOMMENDATION BY PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission conducted a Public Hearing on January 13, 2015, to solicit comments from citizens and other interested parties concerning the rezoning request. There was no public comment at the Public Hearing.

The Planning and Zoning Commission discussed:

- Unit layouts, stairwell locations, and building heights
- Driveway location
- Drainage of the adjacent subdivision

The Planning and Zoning Commission deliberated the request and voted 7-0 to recommend approval of the PUD request to the City Council.

Mr. Hunter Goodwin of Oldham Goodwin Development reviewed the details of the proposed 250-unit residential development located at southwest corner of Cedar Drive and Billy G. Webb Drive.

Mayor Krebs asked for any additional comment from the public. Hearing and seeing none, the Public Hearing was closed at 7:30 p.m.

8. **ORDINANCE NO. 2103 – PLANNED UNIT DEVELOPMENT REZONING REQUEST:** THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2103 TO REZONE APPROXIMATELY 13.255 ACRES OUT OF LOT 5 OF AMENDING PLAT OF GREGORY-PORTLAND INDEPENDENT SCHOOL TRACTS OF LOTS 1 AND 5 FROM R-6, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, PLANNED DEVELOPMENT DISTRICT – ASSISTANT CITY MANAGER

Mayor Pro Tem Skurow made the motion to approve the first reading of Ordinance No. 2103 to rezone approximately 13.255 acres out of Lot 5 of Amending Plat of Gregory-Portland Independent School Tracts of Lots 1 and 5 from R-6, Single-Family Residential District, to PUD, Planned Development District with the following conditions:

1. All uses and development of the property shall conform to the following plans which are attached hereto and incorporated herein:
 - a. Exhibit "A" – Concept Site Plan
 - b. Exhibit "B" – Site Utility and Drainage Plan (schematic level)
 - c. Exhibit "C" – Landscape Plan
 - d. Exhibit "D" – Typical Motorcourt, Street Front, and 2-Story Renderings (Two Sheets)
 - e. Exhibit "E" – Typical Building Elevations (Eight Sheets)
2. All exterior facades shall be 100% masonry as defined by the City of Portland Unified Development Ordinance.
3. All driveways and parking lots shall be concrete.
4. All exterior lighting shall comply with City of Portland Unified Development Ordinance Section 713 to minimize light pollution.
5. Apartment units shall be consistent with that of a Class A multifamily apartment project. The units shall include balconies, black or stainless appliance packages, granite tops in kitchen areas, washer and dryer in each unit, ceiling fans, showers and selective tub surrounds, crown molding in select areas, hard surface tile, carpet, and double sink vanities.
6. The common area amenity package shall include a modernized clubhouse consisting of a fitness facility, business center, and a resort-style pool. Additional amenities shall generally include a minimum of two BBQ pavilions, a sports court, playground, gazebo, and walking trail.

seconded by Council Member Moore.

The motion passed 7-0.

Mayor Krebs read the following caption:

ORDINANCE NO. 2103

AN ORDINANCE REZONING APPROXIMATELY 13.255 ACRES OUT OF LOT 5 OF AMENDING PLAT OF GREGORY-PORTLAND INDEPENDENT SCHOOL TRACTS OF LOTS 1 AND 5 FROM R-6, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT AT THE REQUEST OF OLDHAM GOODWIN GROUP, LLC; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY AND SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL STATE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

9. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT REZONING REQUEST: THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM RICHARD FINCH TO REZONE APPROXIMATELY 22.925 ACRES OF LAND OUT OF THE W.B. RHEW SURVEY, ABSTRACT 318, SAN PATRICIO COUNTY, TEXAS, FROM C-G, GENERAL COMMERCIAL DISTRICT, TO PUD, PLANNED DEVELOPMENT DISTRICT – ASSISTANT CITY MANAGER

Mayor Krebs opened the Public Hearing 7:36 p.m. to solicit comments from citizens and other interested parties concerning a request from Richard Finch to rezone approximately 22.925 acres of land out of the W.B. Rhew Survey, Abstract 318, San Patricio County, Texas, from C-G, General Commercial District, to PUD, Planned Development District.

Assistant City Manager Brian DeLatte presented the following:

Planned Unit Development Application
Richard Finch

- Proposed Oak Manor Villas
- 164-unit residential development at northwest corner of Moore Avenue and Marriott Drive
- 22.925 acre tract
- Current zoning: C-G, General Commercial District

City Staff Direction

- High quality
- Innovative
- Since the development is proposed four-plexes, design the project to appear similar to an upscale single-family development

City Staff Conclusions and Recommendations

- Site amenities and unit amenities are executive-style and high quality
 - Jogging trail
 - Landscaped pond
 - Clubhouse and playground
- Building layout misses mark
 - With identical buildings, the site plan must be innovative
 - Must mimic high-end single-family development
- Masonry has been increased to 100%

Proposed Ordinance Conditions

1. All uses and development of the property shall conform to the following plans which are attached hereto and incorporated herein:
 1. Exhibit "A" – Site Plan
 2. Exhibit "B" – Easement Plan
 3. Exhibit "C" – Conceptual Landscape Plan
 4. Exhibit "D" – Typical Building Elevations (Eight Sheets)
2. All driveways and parking lots shall be concrete.
3. All exterior lighting shall comply with City of Portland Unified Development Ordinance Section 713 to minimize light pollution.
4. Apartment units shall be consistent with that of a Class A multifamily apartment project. The units shall include fully equipped kitchen, washer and dryer, high ceilings, and an open floor plan with high end finishes. A minimum of 50% of the units shall offer attached garages.
5. The common area amenity package shall include a pool with sun deck and a club house with a fitness room. A walking nature trail shall be constructed with educational stations around a landscaped pond featuring local flora and fauna. A playground shall be constructed as depicted on Exhibit "A" and benches shall be located throughout the neighborhood.
6. A Traffic Impact Analysis (TIA) shall be completed by the Owner/Applicant and approved by the Administrative Official prior to the submission of a building permit application. The TIA shall include all information necessary to determine whether there will be an increase in traffic on Marriott Drive as a result of the rezoning and whether Marriott Drive can accommodate any such traffic increase given its current geometric configuration and condition. The Owner/Applicant will be required to construct at its sole expense any improvements to Marriott Drive in the event that the geometric configuration and condition are inadequate to accommodate the rezoning at the sole discretion of the Administrative Official.
7. Exhibit "C" shall be modified to depict a wrought iron fence with masonry columns spaced at maximum fifty (50) foot intervals along Moore Avenue and Marriott Drive.
8. An operations and maintenance plan for the drainage/landscape pond must be submitted and approved by the Administrative Official prior to issuance of a building permit.
9. The drainage/landscape pond must be operated and maintained according to the approved operations and maintenance plan.
10. The exterior facades of all buildings shall be 100% masonry as defined by the City of Portland Unified Development Ordinance.

Public Hearing

- Notice published in Coastal Bend Herald on December 25, 2014
- Notice mailed to all property owners within 200 feet on December 31, 2014

- 20 adjacent property owners
- There have been no written or oral comments to the Development Services Department as of January 16, 2015

Planning and Zoning Public Hearing and Recommendation

- Public comment
 - Narendra Davli—1521 Skyline—Concerns regarding access onto Marriott, drainage
- Deliberation by the Planning and Zoning Commission included:
 - Unit sizes and rental rates
 - Drainage concerns
 - Access on Marriott, driveway locations, and TIA
 - Fencing masonry column spacing and landscape maintenance
- Planning and Zoning Commission voted 7-0 to recommend approval of the PUD request:
 - Include condition:
 - 11. The driveway entrance onto Marriott shall be gated and used for emergency ingress/egress only.
 - Elimination of Condition 6 (TIA requirement)

City Council Action

- Approve the first reading of Ordinance No. 2104 (including Conditions 1-10)
- Approve the first reading of Ordinance No. 2104 with modifications
- Reject the first reading of Ordinance No. 2104

Mr. Richard Finch reviewed the details of the proposed 164-unit residential development located at northwest corner of Moore Avenue and Marriott Drive.

Julie Clark a resident of 935 Waterview expressed her concern about traffic issues the proposed development would create on Marriott Dr..

Mayor Krebs asked for any additional comment from the public. Hearing and seeing none, the Public Hearing was closed at 8:04 p.m.

10. ORDINANCE NO. 2104 – PLANNED UNIT DEVELOPMENT REZONING REQUEST

THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2104 TO REZONE APPROXIMATELY 22.925 ACRES OF LAND OUT OF THE W.B. RHEW SURVEY, ABSTRACT 318, SAN PATRICIO COUNTY, TEXAS, FROM C-G GENERAL COMMERCIAL DISTRICT, TO PUD, PLANNED DEVELOPMENT DISTRICT – ASSISTANT CITY MANAGER

Council Member Jorgensen made the reject the first reading of Ordinance No. 2104, seconded by Mayor Pro Tem Skurow.

The motion passed 7-0.

11. PUBLIC HEARING: THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING PROPOSED REVISIONS TO THE COMPREHENSIVE PLAN CHAPTER 5 HOUSING POLICIES – ASSISTANT CITY MANAGER

Mayor Krebs opened the Public Hearing at 8:12 p.m. to solicit comments from citizens and other interested parties concerning proposed revisions to the Comprehensive Plan Chapter 5 Housing Policies.

Assistant City Manager Brian DeLatte explained that the revisions to the Comprehensive Plan are recommended to protect the quality and fundamental intent of single-family subdivisions. The proposed policy revisions would lay the framework for future ordinances concerning property maintenance codes, occupancy limits, and rental certificate of occupancy or license programs.

Proposed Housing Policy Additions

- The City should encourage high quality construction of single-family homes.
- The City should adopt single-family property maintenance standards and enforcement methods.
- The City should recognize the role of single-family rental homes and encourage maintenance standards by adopting a rental Certificate of Occupancy or license program.
- The City should protect the desirable qualities and characteristics of single-family neighborhoods by adopting single-family occupancy limits.

The Planning and Zoning Commission conducted a Public Hearing and recommended approval of the revisions at its January 13, 2015, meeting by a 7-0 vote. No citizens or other interested parties commented at the Public Hearing.

Mayor Krebs asked for any additional comment from the public. Hearing and seeing none, the Public Hearing was closed at 8:14 p.m.

12. ORDINANCE NO. 2105 – COMPREHENSIVE PLAN TEXT AMENDMENTS: THE CITY COUNCIL WILL CONSIDER ORDINANCE NO. 2105 THAT ADOPTS TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN CHAPTER 5 HOUSING POLICIES – ASSISTANT CITY MANAGER

Council Member Jorgensen made the motion to approve the first reading of Ordinance No. 2105 that adopts Text Amendment to the Comprehensive Plan Chapter 5 Housing Policies, seconded by Council Member Lewis.

The motion passed 7-0.

Mayor Krebs read the following caption:

ORDINANCE NO. 2105

AN ORDINANCE ADOPTING REVISIONS TO THE COMPREHENSIVE PLAN; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION

- 13. ORDINANCE NO. 2102 – DROUGHT CONTINGENCY PLAN REVISIONS: THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2102 THAT REVISES THE CITY OF PORTLAND DROUGHT CONTINGENCY PLAN – ASSISTANT CITY MANAGER**

Council Member Jorgensen made the motion to approve the second and final reading of Ordinance No. 2102 which revised the City of Portland Drought Contingency Plan, seconded by Council Member Moore.

The motion passed 7-0.

Mayor Krebs read the following caption:

ORDINANCE NO. 2102

AN ORDINANCE MODIFYING THE CITY OF PORTLAND DROUGHT CONTINGENCY PLAN; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY AND SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL STATE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

- C. CITIZEN COMMENTS, QUESTIONS, REQUESTS, AND PROPOSALS NOT APPEARING ON THE AGENDA:**

Members of the audience who wish to (1) comment on issues for which there is no item on this agenda, (2) present questions for which there is no item on this agenda, (3) request assistance for which there is no item on this agenda or (4) propose regulatory changes for which there is no item on this agenda, must comply with the following rules of procedure:

- Persons who wish to speak must fill out and turn in a speaker card before the meeting is convened (The Mayor will notify you when it's your turn to speak and direct you to the podium)
- Persons who wish to speak must identify themselves and their places of residence
- All comments, requests and proposals must be presented to or through the Mayor
- Persons who wish to speak will only be given 4 minutes to do so

Neither the City Council nor the Staff is legally permitted to respond to citizen comments, questions, requests, or proposals at the time of the meeting. A member of the City Council or the City Manager may place an item on the agenda of a future City Council workshop or meeting to legally do so. If that is done, the audience member seeking a response will be given advance notice.

Joe Moreno a resident of 130 Walker St and owner of a rental home on Allen Drive voiced his opinion and concerns with the status of the Doyle Addition Sewer Project.

Portland Chamber of Commerce Preside Collette Walls announced that San Pat Day on the Hill will be February 12th and encouraged anyone who was interested in taking the trip to Austin could contact the Chamber of Commerce for more information.

D. ADJOURNMENT: MAYOR

Mayor Krebs adjourned the meeting at 8:21 p.m.

E. NOTICE OF ASSISTANCE:

If you plan to attend this public meeting and you have a disability that requires special arrangements to be made, please contact City Secretary Annette Hall (361-777-4513 or annette.hall@portlandtx.com) in advance of the meeting. Reasonable accommodations will be made to facilitate your participation. The City Hall is wheelchair accessible and specially marked parking spaces are located in front of its entrance. Special seating will be provided in the Council Chamber during the meeting.

BRILLE IS NOT AVAILABLE

Approved:

David Krebs
Mayor

Attest:

City Secretary

**CITY OF PORTLAND
CITY COUNCIL
REGULAR MEETING
MINUTES
FEBRUARY 3, 2015 – 7:00 P.M.**

On this the 3rd day of February 2015, the Council of the City of Portland convened in a regular meeting session at 7:00 p.m. in the Council Chambers of City Hall, Daniel P. Moore Community Center Complex and notice of regular meeting giving the time, place and date and subject having been posted as described by Section 551 of the Government Code.

MEMBERS PRESENT:

David Krebs	Mayor
Cathy Skurow	Mayor Pro Tem
Ron Jorgensen	Council Member
John Vilo	Council Member
Gary Moore, Sr.	Council Member
John Green	Council Member
David Lewis	Council Member

STAFF PRESENT:

Randy Wright	City Manager
Brian DeLatta	Assistant City Manager
Annette Hall	City Secretary
Michel Sorrell	Finance Director
Kristin Connor	Director of Parks and Recreation
Dorothy Torres	Interim Library Director
Lyle Lombard	Fire Chief
Drew Schell	IT Technician
Fred Busmann	IT Technician

And with a quorum being present, the following business was transacted:

A. PROCEDURAL MATTERS, HONORS, AND RELATED NON-ACTION ITEMS:

1. CALL TO ORDER: MAYOR KREBS

Mayor Krebs called the meeting to order at 7:00 pm.

2. INVOCATION AND PLEDGE: MAYOR KREBS OR DESIGNEE

Council Member Vilo gave the invocation and Mayor Krebs led the Pledge of Allegiance.

3. FORMAL ANNOUNCEMENTS, RECOGNITION, PRESENTATIONS, AND REPORTS THAT MAY BE DISCUSSED:

- QUARTERLY FINANCIAL REPORT – DIRECTOR OF FINANCE

Director of Finance, Michel Sorrell presented the 1st Quarter Financial Report ending December 31, 2014 that included the following:

- Budgeted Funds – High Level View
- Special Interest Revenues – Various Funds
- Sales Tax Revenues – General Fund (FY 2010-2015)
- Sales Tax Data From 2010-2015
- Financial Update Highlights

She then presented the 3rd Quarterly Investment Report ending December 31, 2014 that included the following:

- Investments by Fund & Type
- Portfolio Distribution – December 31, 2014
- Portfolio Performance Analysis – December 31, 2014
- Portfolio Performance Wrap-up

- INTRODUCTION OF NEW EMPLOYEES – DIRECTOR OF FINANCE AND DIRECTOR OF TECHNOLOGY

Director of Finance Michel Sorrell introduced Staff Accountant Daniel Lopez.

IT Manager Terrell Elliott introduced IT Technician Douglas Hay.

- INTRODUCTION AND PINNING OF NEW FIRE FIGHTER – FIRE CHIEF

Fire Chief Lyle Lombard introduced Fire Fighter Logan Hall and Engineer Taylor Wuco.

A pinning ceremony followed, in which Fire Fighter Logan Hall was pinned by his father Bobby Hall and Engineer Taylor Wuco was pinned by Fire Chief Lombard.

Fire Chief Lombard recognized Captain Chris Kahl, Engineer Charlie Dossett and Fire Fighters Justin Deveraux and Sam Hays for going above

and beyond the call of duty to help a 10 year girl on December 24, 2014, while responding to an emergency call involving the girl's mother.

4. **CITY COUNCIL AND STAFF COMMENTS CONCERNING ITEMS OF COMMUNITY INTEREST THAT MAY NOT BE DISCUSSED:**

Members of the City Council may present reports regarding "items of community interest" and/or be presented reports from the Staff regarding "items of community interest," provided no action is taken or discussed. "Items of community interest" include the following:

- Expressions of thanks, congratulations, or condolence
- Information regarding holiday schedules
- Honorary recognition of city officials, employees, or other citizens
- Reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or city employee
- Announcements involving imminent threats to the public health and safety of the city

B. **ACTION ITEMS, RESOLUTIONS, AND ORDINANCES:**

Members of the audience who wish to (1) comment on issues concerning an agenda item, (2) present questions concerning an agenda item, (3) request assistance concerning an agenda item or (4) propose regulatory changes concerning an agenda item, must comply with the following rules of procedure:

- Persons who wish to speak must fill out and turn in a speaker card before the meeting is convened (The Mayor will notify you when it's your turn to speak and direct you to the podium)
- Persons who wish to speak must identify themselves and their places of residence
- All comments, requests and proposals must be presented to or through the Mayor
- Persons who wish to speak will be given 4 minutes to do so

There were none.

5. **ORDINANCE NO. 2103 – PLANNED UNIT DEVELOPMENT REZONING REQUEST:** THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2103 TO REZONE APPROXIMATELY 13.255 ACRES OUT OF LOT 5 OF AMENDING PLAT OF GREGORY-PORTLAND INDEPENDENT SCHOOL TRACTS OF LOTS 1 AND 5 FROM R-6, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, PLANNED DEVELOPMENT DISTRICT – ASSISTANT CITY MANAGER

Assistant City Manager Brian DeLatte explained that there have been no changes to Ordinance No. 2103 since its first reading on January 20, 2015. A rezoning application

has been submitted by Oldham Goodwin Development, LLC, to rezone approximately 13.255 acres out of Lot 5 of Amending Plat of Gregory-Portland Independent School Tracts of Lots 1 and 5 from R-6, Single-Family Residential District, to PUD, Planned Development District at the southwest corner of Cedar and Billy G. Webb Drives. The Planning and Zoning Commission conducted a Public Hearing on January 13, 2015, to solicit comments from citizens and other interested parties concerning the rezoning request. There was no public comment at the Public Hearing. City Staff recommends approval of the second and final reading.

City Council, staff and Mr. Goodwin discussed the proposed start date and the estimated timeline for completion of the project.

Mr. Hunter Goodwin of Oldham Goodwin Development reviewed the details of the proposed 250-unit residential development located at southwest corner of Cedar Drive and Billy G. Webb Drive.

Council Member Jorgensen the motion to approve the second and final reading of Ordinance No. 2103 to rezone approximately 13.255 acres out of Lot 5 of Amending Plat of Gregory-Portland Independent School Tracts of Lots 1 and 5 from R-6, Single-Family Residential District, to PUD, Planned Development District with the following conditions:

1. All uses and development of the property shall conform to the following plans which are attached hereto and incorporated herein:
 - a. Exhibit "A" – Concept Site Plan
 - b. Exhibit "B" – Site Utility and Drainage Plan (schematic level)
 - c. Exhibit "C" – Landscape Plan
 - d. Exhibit "D" – Typical Motorcourt, Street Front, and 2-Story Renderings (Two Sheets)
 - e. Exhibit "E" – Typical Building Elevations (Eight Sheets)
2. All exterior facades shall be 100% masonry as defined by the City of Portland Unified Development Ordinance.
3. All driveways and parking lots shall be concrete.
4. All exterior lighting shall comply with City of Portland Unified Development Ordinance Section 713 to minimize light pollution.
5. Apartment units shall be consistent with that of a Class A multifamily apartment project. The units shall include balconies, black or stainless appliance packages, granite tops in kitchen areas, washer and dryer in each unit, ceiling fans, showers and selective tub surrounds, crown molding in select areas, hard surface tile, carpet, and double sink vanities.
6. The common area amenity package shall include a modernized clubhouse consisting of a fitness facility, business center, and a resort-style pool. Additional amenities shall generally include a minimum of two BBQ pavilions, a sports court, playground, gazebo, and walking trail.

seconded by Council Member Vilo.

The motion passed 7-0.

Mayor Krebs read the following caption:

ORDINANCE NO. 2103

AN ORDINANCE REZONING APPROXIMATELY 13.255 ACRES OUT OF LOT 5 OF AMENDING PLAT OF GREGORY-PORTLAND INDEPENDENT SCHOOL TRACTS OF LOTS 1 AND 5 FROM R-6, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT AT THE REQUEST OF OLDHAM GOODWIN GROUP, LLC; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY AND SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL STATE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

6. **ORDINANCE NO. 2105 – COMPREHENSIVE PLAN TEXT AMENDMENTS:** THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2105 THAT ADOPTS TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN CHAPTER 5 HOUSING POLICIES – ASSISTANT CITY MANAGER

Assistant City Manager Brian DeLatte explained that since its first reading on January 20, 2015, other than a proposed change in the ordinance number. Ordinance No. 2104 proposes several text amendments to the Comprehensive Plan. The policy revisions are recommended to protect the desirable qualities and characteristics of singlefamily subdivisions and lay the framework for future ordinances designed to require those protections. The Planning and Zoning Commission conducted a Public Hearing on January 13, 2015, and unanimously recommended approval of the policy revisions. A Public Hearing by the City Council is required prior to the deliberation of the ordinance.

The revisions to the Comprehensive Plan are recommended to protect the quality and fundamental intent of single-family subdivisions. The proposed policy revisions would lay the framework for future ordinances concerning property maintenance codes, occupancy limits, and rental certificate of occupancy or license programs.

Council Member Green made the motion to approve the second and final reading of Ordinance No. 2104 that adopts Text Amendment to the Comprehensive Plan Chapter 5 Housing Policies, seconded by Council Member Lewis.

The motion passed 7-0.

Mayor Krebs read the following caption:

ORDINANCE NO. 2104

AN ORDINANCE ADOPTING REVISIONS TO THE COMPREHENSIVE PLAN; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION

7. **GPISD Y-LEAD CLASS PROJECT REPORT:** THE CITY COUNCIL WILL RECEIVE A REPORT FROM THE GREGORY-PORTLAND INDEPENDENT SCHOOL DISTRICT Y-LEAD CLASS ON ITS PROPOSAL FOR AN OUTDOOR EXERCISE FACILITY—ASSISTANT CITY MANAGER, PARKS AND RECREATION DIRECTOR, AS WELL AS REPRESENTATIVES OF THE GPISD Y-LEAD CLASS AND CHENIERE ENERGY, INC.

Assistant City Manager Brian DeLatte explained that Cheniere Energy, Inc., has partnered with the Gregory-Portland Independent School District (GPISD) in developing a program for high school students to provide community service projects to beautify or enhance the community. The 12-student member Y-Lead Class has been selected to administer a \$20,000 grant from Cheniere for that purpose. The class is proposing to construct an outdoor exercise facility in an existing City of Portland park. The class will review during its presentation the project evaluation methodology, the development of the proposed project, and the implementation recommendation.

City Staff will coordinate with the class to ensure that all City construction and purchasing policies are followed.

Jason French with Cheniere gave a brief update on the status of Cheniere’s permitting process. He then introduced Laura Ferrell with Cheniere.

Y-Lead Class representatives presented the following information:

Y-Lead Council

Who is Cheniere Energy?

- Cheniere Energy, Inc. is a Houston based energy company that primarily handles Liquefied Natural Gas (LNG).

Cheniere in the Community

- November 2012- Sponsored Shamrock Island student field trip through the Coastal Bend Bay Foundation

- 2009- funded and presented scholarships to seven graduating students of Johnson Bayou High School
- Sponsor of annual Marshland Festival in Lake Charles, LA
- Sponsor of the Texas State Aquarium's Beach Ball Fundraiser
- Sponsor of the Conquer the Coast Bike Ride
- Fund Y-LEAD programs here and in Louisiana

What is Y-LEAD Cheniere?

- Youth Leadership Enrichment and Development, a group of 12 students, or otherwise known as Y-LEAD. As a group Cheniere has graciously given us a budget of \$20,000 to use in ways we find it necessary to help our community.

...Our initial meeting with Cheniere

- Learning from Laura Ferrell and Sue Zimmerman!

Our Proposal

- Project Fitness: Our goal is to promote good health in our community and decrease the risk of Type 2 diabetes.
- We plan on purchasing and installing outdoor physical fitness equipment at a location in our community.

Benefits of Our Project

- Gives citizens of the community a free way to work out
- Promotes outdoor 'family activities'
- Promotes physical fitness
- Reduces back pain, obesity, high blood pressure, heart disease, and stroke
- Socialize and workout at the same time

Potential Locations

- Simpson Park
- Public library playground
- Oak Ridge Park
- Community center
- Behind TM Clark

Maps of Simpson Park

Why we chose Simpson Park

- Heavy foot traffic
- Proposed bike trail to run by
- Adequate parking
- By existing play area
- New developments in area (East Cliff Elementary)
- New residential development

Robertson Parks & Playgrounds

- Maintenance—Almost maintenance free, unless vandalized. Lubrication\grease can be added at pivot points, depends on the amount of use. Has a Marine Grade coating.
- Warranty—2 years warranty on all parts
- Installation- install themselves, may take one to two days to install
- Lead times—5 to 8 weeks for manufacturing and shipping
- Total cost including 5 pieces of equipment, installation, shipping, and a 20 x 20 concrete slab \$17,911.00

Proposed Schedule

- If we order this week, projected installation: April 1st - April 15th

Robertson Parks & Playgrounds Equipment

- Cardio Walker
- Chest press (double)
- Elliptical Trainer
- Leg Press (double)
- Row Trainer

City Council, Staff and Y-Lead Council discussed the proposed project and the benefits of the project for the community.

No action was required for this item.

8. **PURCHASE OF POLICE VEHICLES:** THE CITY COUNCIL WILL CONSIDER APPROVAL OF THE USE OF DRUG FORFEITURE FUNDS TO PURCHASE THREE (3) POLICE VEHICLES – CITY MANAGER

City Manager Randy Wright explained that pricing was received from several mass bidders for the purchase of three police vehicles using federal drug forfeiture funds in the amount of \$69,208.60.

The police department must replace three higher mileage vehicles. Two marked patrol cars are now used for backup and travel vehicles will be retired. Two marked patrol cars, currently in service will be moved to backup status. A third vehicle, a 2003 Ford F250 obtained several years ago in a drug forfeiture case and currently used by CID, must be retired and replaced.

Mass bids for three (3) 2015 Police Pursuit Dodge Chargers are as follows:

Vendor	Unit Bid	Total Bid ⁴
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Cowboy Chrysler/Dodge, Silsby, Texas (Buy Board)	\$23,069.53 ¹	\$69,208.60
Cowboy Chrysler/Dodge, Silsby, Texas (State of Texas Contract)	\$23,163.38	\$69,490.14
Dodge City, McKinney, Texas (State of Texas Contract)	\$23,564.00	\$70,692.00
Dodge City, McKinney, Texas (Buy Board)	\$23,763.33 ²	\$71,290.00
Grapevine Dodge, Grapevine, Texas (Buy Board)	\$25,373.33 ³	\$76,120.00

¹ Includes delivery of \$542.50 each and \$400 administrative fee.

² Includes delivery of \$150.00 each and \$400 administrative fee.

³ Includes delivery of \$200.00 each and \$400 administrative fee.

⁴ Does not include approximately \$10,000 to stripe and equip 2 marked patrol cars.

Cowboy Chrysler/Dodge's Buy Board bid of \$69,208.60 is the apparent low bid. If approved, this purchase will be funded from Federal Drug Forfeiture proceeds. In addition to \$69,208.60 for the purchase of three vehicles, two will require additional logos and striping, and equipment installation at a cost of approximately \$5,000 each.

Federal rules require that the chief law enforcement officer report the expenditure of these funds to the local governing body. As an added measure of oversight, we prefer that the City Council consider and approve those expenditures.

Council Member Moore made the motion to approve Motion to authorize the expenditure of approximately \$79,208.60 in Federal Drug Forfeiture Funds to purchase and equip three police vehicles from Cowboy Chrysler/Dodge, seconded by Council Member Green.

The motion passed 7-0.

9. **RESOLUTION NO. 693 - APPLYING FOR MEMBERSHIP INTO THE STATE OF TEXAS**

CO-OP PROGRAM: THE CITY COUNCIL WILL CONSIDER A RESOLUTION APPLYING FOR MEMBERSHIP TO THE COOPERATIVE PURCHASING PROGRAM OF THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS – DIRECTOR OF FINANCE

Director of Finance Michel Sorrell explained that this a housekeeping item. The Texas Comptroller of Public Accounts requires a local governing board (City Council) to pass a resolution in order to participate in the Cooperative Purchasing Program. The State of Texas Co-op Program has established state contracts in accordance with state purchasing statutes and competitive bidding requirements. Purchasing through the Co-Op program will allow the City to save money and meet statutory purchasing requirements through mass bidding. The City will benefit by purchasing from a list of awarded contracts featuring the most favored customer pricing.

Council Member Jorgensen made the motion to approve Resolution No. 693 applying for Membership into the State of Texas Co-op Program, seconded by Mayor Pro Tem Skurow.

The motion passed 7-0.

10. **RESOLUTION NO. 694 - ADOPTING A LEGISLATIVE AGENDA:** THE CITY COUNCIL WILL CONSIDER APPROVAL OF RESOLUTION NO. 694 ADOPTING A LEGISLATIVE AGENDA FOR THE CITY OF PORTLAND – CITY MANAGER

City Manager Randy Wright explained that the proposed Legislative Agenda was previously discussed during the last workshop. The Legislative Agenda is a guideline that allows City Council to weigh in bills that may have a direct or indirect effect on the City of Portland and its citizens and can result in additional costs to the City or losses of revenues. Bills adopting new regulations can have a detrimental effect on City operations and the ability of the City to provide for its citizens.

The 84th Legislature convened on January 13, 2015. The deadline for filing new bills is March 13, 2015. If approved, the City Council's Legislative Agenda will be forwarded to appropriate legislators, the Texas Municipal League (TML), and will be available for download from our website.

Mayor Pro Tem Skurow made the motion to approve Resolution No. 694 adopting a Legislative Agenda for the City of Portland, seconded by Council Member Vilo.

The motion passed 7-0.

C. **CITIZEN COMMENTS, QUESTIONS, REQUESTS, AND PROPOSALS NOT APPEARING ON THE AGENDA:**

Members of the audience who wish to (1) comment on issues for which there is no item on this agenda, (2) present questions for which there is no item on this agenda, (3) request assistance for which there is no item on this agenda or (4) propose regulatory changes for which there is no item on this agenda, must comply with the following rules of procedure:

- Persons who wish to speak must fill out and turn in a speaker card before the meeting is convened (The Mayor will notify you when it's your turn to speak and direct you to the podium)
- Persons who wish to speak must identify themselves and their places of residence
- All comments, requests and proposals must be presented to or through the Mayor
- Persons who wish to speak will only be given 4 minutes to do so

Neither the City Council nor the Staff is legally permitted to respond to citizen comments, questions, requests, or proposals at the time of the meeting. A member of

the City Council or the City Manager may place an item on the agenda of a future City Council workshop or meeting to legally do so. If that is done, the audience member seeking a response will be given advance notice.

D. ADJOURNMENT: MAYOR

Mayor Krebs adjourned the meeting at 8:01 p.m.

E. NOTICE OF ASSISTANCE:

If you plan to attend this public meeting and you have a disability that requires special arrangements to be made, please contact City Secretary Annette Hall (361-777-4513 or annette.hall@portlandtx.com) in advance of the meeting. Reasonable accommodations will be made to facilitate your participation. The City Hall is wheelchair accessible and specially marked parking spaces are located in front of its entrance. Special seating will be provided in the Council Chamber during the meeting.

BRaille IS NOT AVAILABLE

Approved:

David Krebs
Mayor

Attest:

City Secretary

AGENDA TITLE **APPROVAL OF VETERAN’S MEMORIAL CONCEPT AND AUTHORIZATION TO PROCEED TO FINAL DESIGN AND PROJECT BIDDING**

The City Council will consider authorization to proceed with final design and project bidding after review of a proposal by Richter Architects for a new Veteran’s Memorial – City Manager

MEETING DATE 2/17/2015

DEPARTMENT Administration

SUBMITTED BY Randy L. Wright, City Manager

EXECUTIVE SUMMARY

The City engaged Richter Architects to design and oversee construction of a new Veterans’ Memorial at the City Hall and Community Center complex. The City Council will consider a proposed concept and authorize Richter Architects to proceed with final project design and bidding.

PRIOR ACTIONS OR REVIEWS

- 7/4/1980 - Dedication of existing band shell and memorial at 13-Acre Park.
- 2/18/2014 - Engaged Richter Architects to conduct a development study of the Community Center complex.
- 3/10/2014 - Community stakeholder meeting to support development study.
- 6/3/2014 - Development study presented to Council.
- 8/19/2014 - Adoption of FY 2014-19 CIP including Veterans Memorial.
- 9/16/2014 - Engaged Richter Architects for design and project management.
- 2/6/2015 - Community stakeholder meeting to present design concept.

DETAILS / STAFF ANALYSIS

The City Council engaged Richter Architects to design and manage construction of a new Veterans’ Memorial at the City Hall complex. The total budget for this project is \$585,000.

Richter Architects have submitted a design concept for the memorial. That design was presented to a community stakeholders group on February 6, 2015.

If the City Council approves of the concept as presented, Richter can move toward to final design and begin the process of competitive bidding for construction of the project. The final design and bidding process will require 3-6 months. The next City Council action will be to consider awarding a contract for construction.

ALTERNATIVES CONSIDERED

None.

FINANCIAL IMPACT

This project will be funded through a combination of Hotel Occupancy Tax reserves, Type B Sales Tax reserves and General Fund reserves. The project was included and approved by the City Council as part of the 2015 Capital Improvement Program.

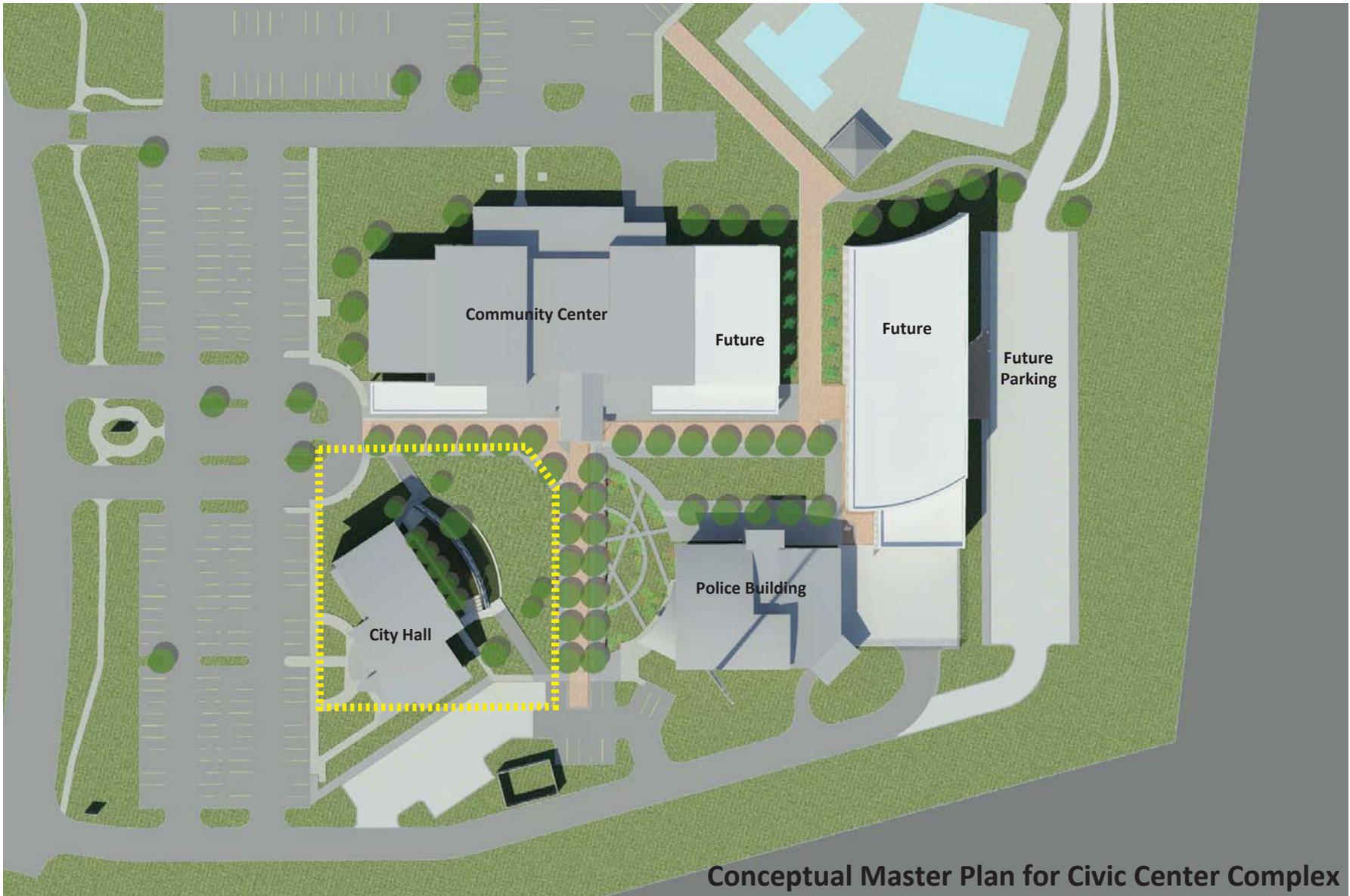
HOT Fund Reserves	\$ 250,000
Type B Fund Reserves	250,000
General Fund Reserves	<u>85,000</u>
Total Project	\$ 585,000

ATTACHMENTS

- Proposed conceptual design
- Cost estimate

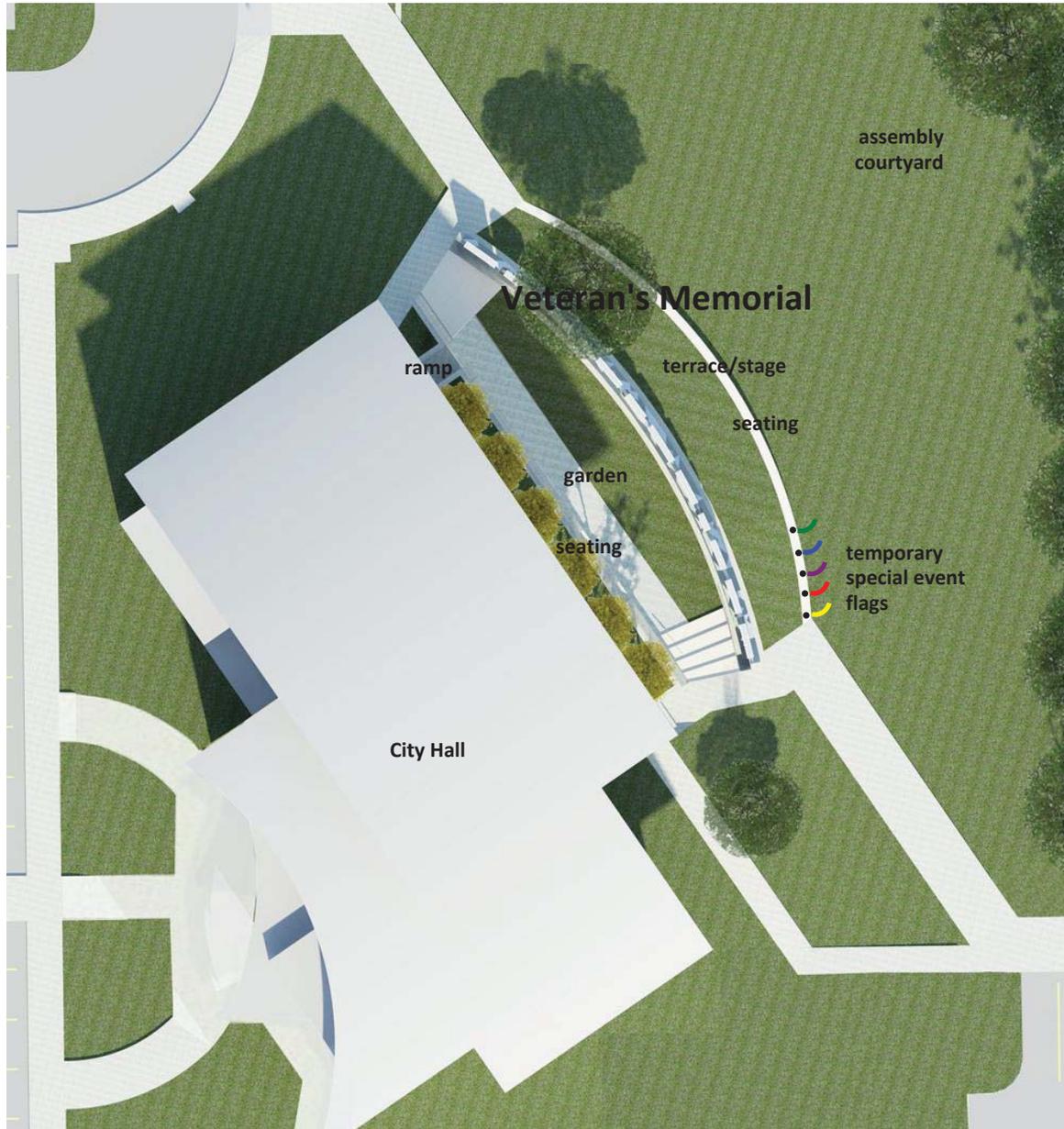
RECOMMENDED ACTION

Motion to approve the Veteran’s Memorial conceptual design as presented and authorize final design and project bidding.



Conceptual Master Plan for Civic Center Complex

Portland Veteran's Memorial - Schematic Concept



Portland Veteran's Memorial - Schematic Concept

Veteran's Memorial

A series of unique monoliths arrayed to form a unified, cohesive form symbolizing:

"E pluribus unum" - "Out of many, one"
Our national motto

The American military - a cohesive unit of unique American individuals dedicated to their country

A community - citizens working together to secure a better life for all

A school class - each child unique and special but coming together for all to learn and grow

Contemplative Garden

Shaded seating for contemplation, reading, or sack lunch

Modest water feature (that looks good when off)

Military service medallions

Display space for names of Portland veterans lost in service

Large assembly courtyard

A large courtyard sized for assembly of several hundred people (surface and landscaping not in this project)

A terrace that forms a stage with the memorial as dramatic backdrop

Place for temporary flags or banners



Portland Veteran's Memorial - Schematic Concept



Portland Veteran's Memorial - Schematic Concept



Portland Veteran's Memorial - Schematic Concept



Portland Veteran's Memorial - Schematic Concept

PORTLAND VETERAN'S MEMORIAL

GC's Direct Cost Subtotal (from below)		\$348,357
Insurance Allowance	1.60%	\$5,574
Bond Allowance	1.50%	\$5,225
General Conditions	15.00%	\$52,254
Bid Contingency	12.00%	\$41,803
Materials Testing Allowance		\$8,000
SUBTOTAL		\$461,212
GC Overhead & Profit	10.00%	\$46,121
CONSTRUCTION SUBTOTAL		\$507,334
A/E Fee and Expenses	15.00%	\$76,100
TOTAL		\$583,434

DIVISION	ITEM NAME	UNIT COST		ITEM QUANTITY	COST	
Div. 2	SITE CONSTRUCTION (ENTIRE SITE)					\$67,492
	demo	\$2.00	sf	6153	\$12,306	
	site work / grading / fill	\$2.00	sf	6153	\$12,306	
	site walks + ramp	\$12.00	sf	1875	\$22,500	
	brick + concrete pads	\$10.00	sf	396	\$3,960	
	landscape grass	\$2.00	sf	1210	\$2,420	
	trees S	\$600.00	ea	6	\$3,600	
	trees L	\$1,200.00	ea	1	\$1,200	
	planting	\$600.00	ea	12	\$7,200	
	irrigation	\$2,000.00	ls	1	\$2,000	
Div. 3	CONCRETE					\$77,830
	wall spread foundation	\$404.00	cy	20	\$8,080	
	retaining walls at monuments	\$250.00	lf	100	\$25,000	
	concrete steps	\$202.00	cy	10	\$2,020	
	retaining walls @ seating	\$250.00	lf	85	\$21,250	
	landscape retaining walls @ ramp	\$200.00	lf	88	\$17,600	
	conc retaining wall @ stage edge	\$40.00	lf	97	\$3,880	
Div. 4	MASONRY					\$131,575
	stone cap @ stage edge	\$35.00	sf	97	\$3,395	
	stone cap	\$35.00	sf	194	\$6,790	
	stone monolith slabs no carving	\$45.00	sf	1577	\$70,965	
	stone installation	\$25.00	sf	1577	\$39,425	
	carving - letters	\$500.00	ea	12	\$6,000	
	sandblast/etching - service medallions	\$1,000.00	ea	5	\$5,000	
Div. 5	METALS					\$55,460
	stainless steel pond liner and monument trim	\$30.00	sf	1052	\$31,560	
	stainless steel installation	\$10.00	sf	940	\$9,400	
	HD galv steel framing	\$25.00	sf	500	\$12,500	
	stainless steel handrail	\$20.00	lf	100	\$2,000	
Div. 22	PLUMBING					\$7,000
	Fountain piping, pump and filter	\$5,000.00	ls	1	\$5,000	
	sump pump and storm drainage	\$2,000.00	ls	1	\$2,000	
Div. 26	ELECTRICAL					\$9,000
	Electrical	\$3,000.00	ea	1	\$3,000	
	lighting	\$500.00	ea	12	\$6,000	



CITY COUNCIL ACTION ITEM

AGENDA TITLE	<u>PUBLIC HEARING – UNIFIED DEVELOPMENT ORDINANCE REVISIONS:</u> THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING PROPOSED REVISIONS TO THE CITY OF PORTLAND UNIFIED DEVELOPMENT ORDINANCE SECTION 704 MULTIFAMILY RESIDENTIAL DESIGN REQUIREMENTS <u>ORDINANCE NO. 2105 – UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS:</u> THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2105 THAT ADOPTS TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE
MEETING DATE	2/17/2015
DEPARTMENT	Building and Development
SUBMITTED BY	Brian DeLatte, P.E., Assistant City Manager

EXECUTIVE SUMMARY

Ordinance No. 2105 proposes several text amendments to the Unified Development Ordinance (UDO). The policy revisions are recommended to enhance multifamily design criteria for all future multifamily construction, whether in R-20 or Planned Unit Development zoning districts. The Planning and Zoning Commission conducted a Public Hearing on February 10, 2015, and unanimously recommended approval of the policy revisions. A Public Hearing by the City Council is required prior to the deliberation of the ordinance.

PRIOR ACTIONS OR REVIEWS

- None.

PUBLIC HEARING AND PLANNING AND ZONING RECOMMENDATION

The Public Hearing Notice was published in *The Coastal Bend Herald* on January 22, 2015. There have not been any comments from citizens or other interested parties to the proposed revisions.

The Planning and Zoning Commission conducted a Public Hearing and recommended approval of the revisions at its February 10, 2015, meeting by a 5-0 vote (2 absences). No citizens or other interested parties commented at the Public Hearing.

STAFF ANALYSIS

The revisions to the UDO are recommended to ensure that all future multifamily projects meet minimum requirements in several areas that mirror recent modifications to the City's criteria for other residential and commercial construction:

- Building façade criteria generally match commercial criteria
- Building materials are required to be primarily masonry, with allowance to use fiber cement siding as architectural accents
- Exterior amenities are required commensurate with the scale and scope of the project

ATTACHMENTS

- Public Hearing Notice
- Proposed Ordinance No. 2105

RECOMMENDED ACTION

Motion to approve the first reading of Ordinance No. 2105.



NOTICE OF PUBLIC HEARINGS

Notice is hereby given that Public Hearings will be held before the Planning and Zoning Commission of the City of Portland on February 10, 2015 (Tuesday) and the City Council of the City of Portland on February 17, 2015 (Tuesday) in the Council Chambers of the City Hall (1900 Billy G. Webb Drive - Daniel P. Moore Community Center Complex) at 7:00 p.m. on each date to solicit comments from citizens and other interested parties concerning proposed revisions to the City of Portland Unified Development Ordinance Section 704 Multifamily Residential Design Requirements. Proposed changes to Section 704 are located at <http://portlandtx.com/index.aspx?nid=102>.

Any questions concerning this matter should be directed to Brian DeLatte, Assistant City Manager, at (361) 777-4601 or brian.delatte@portlandtx.com

1 **ORDINANCE NO. 2105**

2
3 **AN ORDINANCE ADOPTING REVISIONS TO THE UNIFIED**
4 **DEVELOPMENT ORDINANCE; PROVIDING FOR THE REPEAL OF**
5 **ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY**
6 **CLAUSE; ESTABLISHING A PENALTY AND SPECIFICALLY NEGATING A**
7 **REQUIREMENT OF A CULPABLE MENTAL STATE; AND PROVIDING FOR**
8 **PUBLICATION AND AN EFFECTIVE DATE**
9

10 **WHEREAS** zoning and subdivision regulations in the Unified Development Ordinance
11 implement the Comprehensive Plan according to Section 211.004 of the Local Government
12 Code; and,
13

14 **WHEREAS** the City of Portland updated the Unified Development Ordinance on February
15 5, 2013 (Ordinance No. 2065); and,
16

17 **WHEREAS** the Planning and Zoning Commission conducted a public hearing on February
18 10, 2015, to solicit comments concerning revisions to the Unified Development Ordinance; and,
19

20 **WHEREAS** the Planning and Zoning Commission, after considering and evaluating
21 comments presented at the public hearing, recommended approval of Unified Development
22 Ordinance revisions to the City Council on February 10, 2015; and,
23

24 **WHEREAS** the City Council on February 17, 2015, received a recommendation from the
25 Planning and Zoning Commission concerning revisions to the Unified Development Ordinance
26 and deliberated approval; and,
27

28 **WHEREAS** the City Council has found that the approval of Unified Development
29 Ordinance revisions will promote the health, safety and welfare of Portland residents,
30

31 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,**
32 **TEXAS:**
33

34 **SECTION 1:** Sec. 704. Multifamily Residential Design Requirements, Chapter 7 General
35 Development Standards, Appendix A of the City of Portland Code of Ordinances is hereby
36 amended to read as follows:
37

38 **A. Applicability**

39 **The standards and criteria contained in this section shall apply to any multifamily**
40 **residential development. Multifamily residential developments that are**
41 **constructed as Planned Unit Developments shall also be designed in accordance**
42 **with Section 316. Planned Unit Development (PUD).**

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- B. Project Design
 - 1. Multifamily residential dwelling units shall not exceed twenty-five (25) percent of all dwelling units within the City.
 - a. Multifamily developments may exceed the above requirement, but shall be required to rezone to a Planned Unit Development (PUD).
 - b. These PUD developments are intended to result in high quality and innovative mixed density housing developments.
 - 2. All multifamily residential development should have principal access to a major collector (eighty [80] feet of right-of-way or with four [4] lanes of driving width).
 - 3. Access to Texas Department of Transportation (TxDOT) system thoroughfares (U.S. Highway 181, Moore Avenue from U.S. Highway 181 right-of-way west, Wildcat Drive from U.S. Highway 181 west and Buddy Ganem Drive from U.S. Highway 181 west) requires a curb cut permit from TxDOT. Compliance with the requirements of the TxDOT Access Management Manual is a prerequisite to permit issuance.
- C. Building Design
 - 1. Facades
 - a. Façade depth and height articulation shall be required on all exterior façades of a building:
 - i. Depth articulation of at least 15% shall be required on any front façade exceeding thirty (30) horizontal feet. In no event shall a front façade segment exceed forty-five (45) feet without depth articulation. Depth articulation applies only below the roofline.
 - ii. Height articulation of at least 15% shall be required on any front façade exceeding fifty (50) horizontal feet. In no event shall a front façade segment exceed seventy-five (75) feet without height articulation. Pitched roofs do not require height articulation.
 - b. Façade offsets shall be shown, along with calculations verifying that the building elevations meet the above requirements, on a building façade (elevation) plan, and shall be submitted for review along with the building elevations at the time of building permit application.
 - 2. Materials
 - a. At least 85 percent of all exterior walls of multifamily buildings (excluding doors and windows) shall be finished in one of the following materials: brick, stone, stucco, or other masonry product as approved by the Administrative Official. The use of any one material on individual buildings shall not exceed 60 percent. At the time of submittal of building plans, elevations must be provided with a chart stating the material composition percent on each elevation of a building.
 - b. Cement fiber board and similar products may be used as architectural accents only in the following locations:
 - i. Fascia and soffits.
 - ii. Interior portions of covered stairways and covered stair towers.

- 86 iii. Breezeways, hallways, corridors and walkways which have a roof
 87 covering.
 88 iv. As the exterior covering for fire places that are located in the interior
 89 of a building. Fire places which are located on an exterior wall shall
 90 have a masonry exterior covering.
 91 c. Exterior insulation finishing systems (EIFS) is not a permitted material.
 92 d. Any use of concrete shall have an integrated color and be textured or
 93 patterned.
 94 3. Building variation
 95 a. For any development containing at least three (3) and not more than five (5)
 96 buildings (excluding clubhouses/ leasing offices), there shall be at least two (2)
 97 distinctly different building designs.
 98 b. For any such development containing more than five (5) buildings (excluding
 99 clubhouses/leasing offices), there shall be at least three (3) distinctly different
 100 building designs.
 101 c. For all developments, there shall be no more than two (2) similar buildings
 102 placed next to each other.
 103 4. All mechanical equipment shall be screened in compliance with Section 705.F.
 104 5. All buildings shall include gutters and downspouts or scuppers.
 105 6. All buildings shall meet or exceed U.S. Department of Energy Building Energy
 106 Codes Program COMcheck requirements.
 107 7. Distances between Buildings
 108 The minimum distances between buildings are shown in the following table.
 109 “Face” is any exterior plane of a building that is sixty (60) feet in length or longer.
 110 All buildings shall have at least two faces. “End” is any exterior plane that is not a
 111 “face”.
 112

Building Orientation	Minimum Distance
Face to face	50 feet
Face to end	20 feet
Corner to corner	15 feet
Angled corner to face (60 to 90 degree angle)	20 feet
Courtyard face to face	30 feet
End to end	15 feet

- 113
 114 8. Paved Areas
 115 Driveways and other paved areas should be constructed of an all-weather surface
 116 such as concrete or brick pavers. Asphalt, seal coat, or chip seals are not
 117 acceptable.
 118 D. Open Space
 119 1. All multifamily residential projects shall incorporate open space, exclusive of
 120 paved areas, parking spaces or patios, of not less than fifteen (15) percent of the
 121 total lot area.

- 122 2. Such open space shall be landscaped and serve as an amenity for residents of the
123 project.
124 3. No landscaped area shall be less than twenty (20) feet in depth adjacent to any
125 property line or right-of-way. All landscaped areas shall be irrigated.
126 4. When individual units are separately owned, provision such as a homeowners
127 association shall be made for the maintenance of all common open space.

128 **E. Amenities**

129 **1. Multifamily developments shall incorporate recreational amenities from the list**
130 **provided in the following amounts:**

- 131 a. **Multifamily developments with less than 25 dwelling units: any two**
132 **amenities from Amenity List "A" or Amenity List "B";**
133 b. **Multifamily developments with 25 to 50 dwelling units: any three**
134 **amenities from Amenity List "A" or Amenity List "B";**
135 c. **Multifamily developments with 50-150 dwelling units; four amenities, with**
136 **at least two from List "A";**
137 d. **Multifamily developments with more than 150 units; five amenities with**
138 **at least two from List "A".**
139 e. **Multifamily projects designed exclusively for senior living shall provide**
140 **amenities in a similar manner as required by this section. These**
141 **amenities may be of a different number and type as appropriate for such**
142 **senior living projects and shall be approved by the Planning and Zoning**
143 **Commission prior to the building permit issuance.**

144 **2. Amenity List "A"**

- 145 a. **Swimming Pool. The minimum acceptable size of a swimming pool shall be**
146 **1,200 square feet, however if a separate wading pool is provided, the**
147 **minimum size of the pool may be 800 square feet. For developments in**
148 **excess of 300 units, at least two swimming pools will be required.**
149 b. **Resident Clubhouse, with appropriate amenities.**
150 c. **Other similar project appropriate amenities as approved by the Planning**
151 **and Zoning Commission.**

152 **3. Amenity List "B"**

- 153 a. **Two (2) playgrounds with a minimum size of five hundred square feet.**
154 b. **Basketball, volleyball, tennis, or other sport court.**
155 c. **Two (2) picnic areas, with a minimum size of five hundred feet per area,**
156 **and including a minimum of two (2) picnic tables and one (1) barbecue**
157 **grill/pit per area.**
158 d. **Other similar project appropriate amenities as approved by the Planning**
159 **and Zoning Commission.**

160 **F. Development Plan Required**

161 A development plan must be submitted incorporating the following information.

- 162 1. A survey of the property.
163 2. Location and description of all buildings and uses with setback lines.
164 3. Vehicular and pedestrian circulation.
165 4. Parking, loading and paving plan.

- 166 5. Storm water drainage plan.
167 6. Landscaping and proposed maintenance provisions.
168 7. Gross area, lot area and open space calculated to the nearest tenth (1/10th) acre.
169 8. Any proposed construction phasing.
170 9. Any proposed signage.
171 10. Rights-of-way, easements and utility locations.
172 11. Indication of existing natural features of the property, including water courses,
173 floodplains, unique natural features, and vegetation.
174 12. Building elevations, if deemed necessary by the Administrative Official.
175 13. Any other information deemed necessary to review the application by the
176 Administrative Official.

177
178 **SECTION 2. REPEALER**

179
180 All previously adopted rules, regulations, policies and ordinances in conflict with this Ordinance
181 are hereby repealed.

182
183 **SECTION 3. SEVERABILITY**

184
185 If any provision, section, clause or phrase of this Ordinance, or the application of same to any
186 person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the
187 validity of the remaining portions of this Ordinance shall not be affected thereby, it being the
188 intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or
189 regulations contained herein, shall become inoperative or fail by reason of any
190 unconstitutionality of any other portion hereof, and all provisions of this Ordinance are
191 declared severable for that purpose.

192
193 **SECTION 4. PENALTY**

194
195 Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction
196 thereof, shall be subject to a fine not exceeding one thousand dollars (\$1,000.00). Each and
197 every day that a violation of this Ordinance occurs shall constitute a separate offense. The
198 culpable mental state required by Chapter 6.02, Texas Penal Code, is specifically negated and
199 dispensed with and a violation is a strict liability offense.

200
201 **SECTION 5. PUBLICATION AND EFFECTIVE DATE**

202
203 This Ordinance shall be published after second reading hereof by publishing the caption thereof
204 in the official newspaper with a statement the public may view the Ordinance in the Office of
205 the City Secretary. This Ordinance shall take effect upon its publication.

206
207 **PASSED** and **APPROVED** on second reading this ___ day of _____ 2015.

208
209 **CITY OF PORTLAND**

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David Krebs
Mayor

ATTEST:

Annette Hall
City Secretary

AGENDA TITLE	<u>CHANGE OF STREET NAME</u> The City Council will consider changing the name of County Road 3767 following annexation - City Manager
MEETING DATE	2/17/2015
DEPARTMENT	Administration
SUBMITTED BY	Randy L. Wright, City Manager

EXECUTIVE SUMMARY

Several county designated roadways became city streets upon annexation of approximately 1,863 acres west of Portland in December. One of those roadways, CR 3767, requires renaming.

PRIOR ACTIONS OR REVIEWS

None

DETAILS / STAFF ANALYSIS

Portland City Ordinance Article VI, Section 19 establishes rules and standards for street naming and addressing. When the City completed the annexation of approximately 1,863 acres west of Portland in December, some county roadways became City streets. While most of those county roads became extensions of existing city streets and assumed the street names (Lang Rd, Moore Av, Buddy Ganem Blvd, etc), County Road 3767 is not an extension and requires a more traditional street name.

On December 30, 2014, residents living on CR 3767 were sent letters requesting suggestions for a new street name. On January 30, 2015, we received a letter from a group of three families residing on CR 3767 proposing either Kestrel Lane or Osprey Lane. No other suggestions have been received.

ALTERNATIVES CONSIDERED

None.

FINANCIAL IMPACT

None.

ATTACHMENTS

- Letter from residents

RECOMMENDED ACTION

Motion to change the name of CR 3767.

January 30, 2015

City of Portland

City Council

On behalf of several residents of CR 3767, the following names are proposed for the new "street" name:

Kestrel Lane

Osprey Lane

Thank you for your consideration.

*On behalf of the Magees, R. Kidd,
and the Mauldin's*

Marc Mauldin
1/30/15

AGENDA TITLE **ENGAGEMENT OF THE MEJORANDO GROUP FOR PLANNING AND ORGANIZATIONAL DEVELOPMENT SERVICES**

The City Council will consider a contract for services from the Mejorando Group for short term and strategic planning as well as organizational development - City Manager

MEETING DATE 2/17/2015

DEPARTMENT Administration

SUBMITTED BY Randy L. Wright, City Manager

EXECUTIVE SUMMARY

The City Council, together with senior staff, participate in annual planning sessions prior to budget preparation to assess organizational effectiveness and establish goals and objectives for the coming fiscal year. The Mejorando (Māy-hō-rōn-dō) Group provides strategic planning and organizational development services. This contract provides the services necessary for those sessions.

PRIOR ACTIONS OR REVIEWS

None

DETAILS / STAFF ANALYSIS

The City must constantly assess its performance and plan carefully for the future. The City Council and senior staff conduct annual performance and planning sessions prior to budget preparation. This process is critical in our ability to serve our citizens effectively.

The Mejorando Group provides planning and organizational development services to cities nationwide. Their involvement will maximize the effectiveness of the process. We have scheduled this year's two-day planning session for March 11th and 12th. The cost for the services is \$12,000.

ALTERNATIVES CONSIDERED

None.

FINANCIAL IMPACT

The cost of this program is divided across all departments participating in the planning and development sessions.

ATTACHMENTS

- Proposed contract

RECOMMENDED ACTION

Motion to authorize the City Manager to execute an agreement with the Mejorando Group for planning and organizational development services.

1 **PROFESSIONAL SERVICES AGREEMENT**

2
3 THIS AGREEMENT is made and entered into this 4rd day of February, 2015, by and
4 between the City of Portland, Texas, and Patrick Ibarra, dba The Mejorado Group
5 (Consultant), to provide facilitation services (“Project”).
6

7 WHEREAS, the City of Portland desires to retain a consultant to furnish Professional
8 services and to make payment for the same in accordance with the terms and conditions
9 set forth in this Agreement, including all attachments and addenda, which are appended
10 hereto by mutual agreement of the parties; and
11

12 NOW, THEREFORE, the City of Portland agrees to retain and does hereby retain
13 Consultant and Consultant agrees to provide the services required according to the terms
14 and conditions and for the consideration hereinafter set forth:
15

16 1. CONSULTANT’S DUTIES: Consultant agrees to perform the following professional
17 services in connection with the Project:
18

19 See attached Exhibit A, which is incorporated into this Agreement
20

21 2. COMPENSATION: In accordance with the terms and conditions of this Agreement,
22 the City of Portland shall compensate Consultant for its professional services as follows:
23

24 See attachment Exhibit A, which is incorporated into this Agreement
25

26 In no event, shall the total compensation under this contract exceed (\$12,000), except for
27 reimbursement of reasonable and customary travel-related expenses. Should CITY OF
28 PORTLAND request additional services beyond those specified in Section 1, Consultant’s
29 Duties, Consultant shall charge, and the City of Portland shall pay, a rate as mutually agreed
30 upon in writing prior to Consultant performing the additional services.
31

32 3. DATE OF SERVICE: The Advance meeting involving the members of the governing
33 body and the City Manager will be held over the course of two consecutive days, at a date
34 to be determined, likely March 11 and 12, 2015.
35

36 4. CITY OF PORTLAND’S STANDARD OF PERFORMANCE: CITY OF PORTLAND shall
37 furnish the Consultant with all data, information and other supporting services specified in
38 Exhibit A.
39

40 5 CONSULTANT’S STANDARD OF PERFORMANCE: While performing the services,
41 Consultant shall exercise the reasonable professional care and skill customarily exercised
42 by reputable members of Consultant’s profession and shall use reasonable diligence and
43 best judgment while exercising its professional skill and expertise. Consultant shall be
44 responsible for all errors and omissions Consultant commits in the performance of this
45 Agreement that are a breach of this standard.

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6. CONFIDENTIALITY: Consultant, and any subcontractors or individuals hired by Consultant to perform the services under this Agreement, shall keep any information concerning CITY OF PORTLAND matters confidential and agree that they will not make any statement, give an interview or provide any information to any person, corporation or other entity, including without limitation any media source, in relation to the project or the services to be provided under this Agreement without the prior written consent of CITY OF PORTLAND. Consultant, and any subcontractors or individuals hired by Consultant, agree not to disclose to any other person or entity (unless required by law) any confidential information concerning CITY OF PORTLAND matters during and after this Agreement.

7. NOTICES: All notices to the other party required under this Agreement shall be in writing and sent by first class certified mail, postage prepaid, return receipt requested, addressed to the following personnel:

If to CITY OF PORTLAND:

City of Portland
Attn: Randy L. Wright
1900 Billy G. Webb
Portland, TX 78374

If to Consultant:

Patrick Ibarra
dba The Meorando Group
7409 North 84th Avenue
Glendale, AZ 85305

8. TERMINATION: This Agreement may be terminated by either party upon thirty (30) days written notice. If this Agreement is terminated, Consultant shall be paid for services performed to the date of receipt of such termination notice. In the event of such termination, Consultant shall deliver to CITY OF PORTLAND all work in any state of completion at the date of effective termination.

9. UNCONTROLLABLE FORCES: CITY OF PORTLAND and Consultant shall exert all efforts to perform their respective responsibilities under this Agreement. However, neither party shall hold the other party responsible for inability to render timely performance if such inability is a direct result of a force beyond its control, including but not limited to the following: strikes, lockouts, embargoes, failure of carriers, inability to obtain transportation facilities, acts of God or the public enemy, or other events beyond the control of the other or the other's employees and agents.

10. INDEMNIFICATION: **CONSULTANT SHALL DEFEND, INDEMNIFY, AND HOLD CITY OF PORTLAND, ITS OFFICERS AND EMPLOYEES HARMLESS FROM ANY AND ALL LOSS,**

82 **DAMAGE, CLAIM FOR DAMAGE, LIABILITY, EXPENSE, OR COST, INCLUDING REASONABLE**
83 **ATTORNEYS' FEES, WHICH ARISE OUT OF, OR IS IN ANY WAY CONNECTED WITH THE**
84 **PERFORMANCE OF WORK UNDER THIS AGREEMENT BY CONSULTANT, OR ANY OF**
85 **CONSULTANT'S EMPLOYEES, AGENTS OR SUB-CONSULTANTS, AND FROM ALL CLAIMS BY**
86 **CONSULTANT'S EMPLOYEES, SUB-CONSULTANTS AND AGENTS FOR COMPENSATION FOR**
87 **SERVICES RENDERED TO CONSULTANT IN THE PERFORMANCE OF THIS AGREEMENT,**
88 **NOTWITHSTANDING THAT CITY OF PORTLAND MAY HAVE BENEFITED FROM THEIR**
89 **SERVICES. THIS INDEMNIFICATION PROVISION SHALL ONLY APPLY TO ANY AND ALL**
90 **NEGLIGENT ACTS OR OMISSIONS, WILLFUL MISCONDUCT OR NEGLIGENT CONDUCT,**
91 **WHETHER ACTIVE OR PASSIVE, ON THE PART OF CONSULTANT OR CONSULTANT'S**
92 **EMPLOYEES, SUB-CONSULTANTS OR AGENTS. THIS SECTION SHALL SURVIVE THE**
93 **EXPIRATION OR EARLY TERMINATION OF THE AGREEMENT.**

94

95 11. WAIVER OF TERMS AND CONDITIONS: The failure of CITY OF PORTLAND or
96 Consultant to insist in any one or more instances on performance of any of the terms or
97 conditions of this Agreement or to exercise any right or privilege contained herein shall not
98 be considered as thereafter waiving such terms, conditions, rights or privileges, and they
99 shall remain in full force and effect.

100

101 12. INDEPENDENT CONTRACTOR: Consultant shall at all times during Consultant's
102 performance of the services retain Consultant's status as independent contractor.
103 Consultant's employees shall under no circumstances be considered or held to be
104 employees or agents of CITY OF PORTLAND and CITY OF PORTLAND shall have no obligation
105 to pay or withhold state or federal taxes or provide workers' compensation or
106 unemployment insurance for or on behalf of them or Consultant.

107

108 13. GOVERNING LAW AND VENUE: The terms and conditions of this Agreement
109 shall be governed by and interpreted in accordance with the laws of the State of South
110 Dakota. Any action at law or in equity brought by either party for the purpose of enforcing
111 a right or rights provided for in this Agreement shall be tried in a court of competent
112 jurisdiction in State of Texas. The parties hereby waive all provisions of law providing for a
113 change of venue in such proceeding to any other county. In the event either party shall
114 bring suit to enforce any term of this Agreement or to recover any damages for and on
115 account of the breach of any term or condition in this Agreement, it is mutually agreed that
116 the prevailing party in such action shall recover all costs including: all litigation and appeal
117 expenses, collection expenses, reasonable attorneys' fees, necessary witness fees and court
118 costs to be determined by the court in such action.

119

120 14. OWNERSHIP OF RECORDS AND REPORTS: All of the files, reports, documents,
121 information and data prepared or assembled by Consultant under this Agreement shall be
122 and remain the property of the CITY OF PORTLAND and shall be forwarded to CITY OF
123 PORTLAND at any time CITY OF PORTLAND requires such papers.

124

125 15. NONASSIGNMENT: This Agreement has been entered into based upon the
126 personal reputation, expertise and qualifications of Consultant. Neither party to this

127 Agreement shall assign its interest in the Agreement, either in whole or in part. Consultant
128 shall not assign any monies due or to become due to it hereunder without the prior written
129 consent of CITY OF PORTLAND.

130

131 16. ENTIRE AGREEMENT: This Agreement and any attachments represent the entire
132 agreement between CITY OF PORTLAND and Consultant and supersede all prior
133 negotiations, representations or agreements, either expressed or implied, written or oral.
134 It is mutually understood and agreed that no alteration or variation of the terms and
135 conditions of this Agreement shall be valid unless made in writing and signed by the parties
136 hereto. Written and signed amendments shall automatically become part of the Supporting
137 Documents, and shall supersede any inconsistent provision therein; provided, however,
138 that any apparent inconsistency shall be resolved, if possible, by construing the provisions
139 as mutually complementary and supplementary.

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141 17. SEVERABILITY: If any part, term or provision of this Agreement shall be held
142 illegal, unenforceable or in conflict with any law, the validity of the remaining portions and
143 provisions hereof shall not be affected.

144

145 18. AMERICANS WITH DISABILITIES ACT: This agreement is subject to all applicable
146 provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-
147 12213) and all applicable federal regulations under the Act, including 28 CFF Parts 35 and
148 36. (Non-Discrimination: The Consultant shall comply with Executive Order 99-4, which
149 mandates that all persons, regardless of race, color, religion, sex, age, national origin or
150 political affiliation shall have equal access to employment opportunities, and all other
151 applicable state and federal employment laws, rules and regulations, including the
152 Americans with Disabilities Act. The Consultant shall take affirmative action to ensure that
153 applicants for employment and employees are not discriminated against due to race, creed,
154 color, religion, sex, age, national origin or political affiliation or disability.)

155

156 19. FEDERAL REGULATIONS: Non-Federal entities are prohibited from contracting
157 with or making sub-awards under covered transactions to parties that are suspended or
158 debarred or whose principals are suspended or debarred. Consultant acknowledges, by
159 signature to this agreement, that: Consultant is not currently suspended or debarred from
160 contracting with the federal government or any of its agencies or the State of Arizona or
161 any of its political subdivisions; Consultant's principals are not currently suspended or
162 debarred from contracting with the federal government or any of its agencies or the State
163 of Arizona or any of its political subdivisions.

164

165 20. UNDOCUMENTED WORKERS: Consultant understands and acknowledges
166 the applicability to it of the Immigration Reform and Control Act of 1986. Under the
167 provisions of A.R.S. §41-4401, Consultant hereby warrants to CITY OF PORTLAND that the
168 Consultant and each of its subcontractors ("Subcontractor") will comply with, and are
169 contractually obligated to comply with, all Federal Immigration laws and regulations that
170 relate to their employees and A.R.S. §23-214(A) (hereinafter "Immigration Warranty"). A
171 breach of the Immigration Warranty shall constitute a material breach of this Agreement

172 and shall subject the Consultant to penalties up to and including termination of this
173 Agreement at the sole discretion of CITY OF PORTLAND. CITY OF PORTLAND retains the
174 legal right to inspect the papers of any Consultant or Subcontractor employee who works
175 on this Agreement to ensure that the Consultant or Subcontractor is complying with the
176 Immigration Warranty. Consultant agrees to assist CITY OF PORTLAND in regard to any such
177 inspections. CITY OF PORTLAND may, at its sole discretion, conduct random verification of
178 the employment records of the Consultant and any of subcontractors to ensure compliance
179 with Immigration Warranty. Consultant agrees to assist CITY OF PORTLAND in regard to
180 any random verification(s) performed.

181

182 Neither the Consultant nor any Subcontractor shall be deemed to have materially
183 breached the Immigration Warranty if they establish that it has complied with the
184 employment verification provisions prescribed by sections 274A and 274B of the Federal
185 Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-
186 214, Subsection A.

187

188 The provisions of this paragraph must be included in any contract the Consultant
189 enters into with any and all of its subcontractors who provide services under this
190 Agreement or any subcontract. "Services" are defined as furnishing labor, time or effort in
191 the State of Arizona by a contractor or subcontractor.

192

193 IN WITNESS WHEREOF, the parties have caused this Agreement to be signed by their
194 duly authorized representatives as of the day and year first above written.

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CONSULTANT:

Patrick Ibarra
dba The Mejorando Group

By:

Title:

City of Portland

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Randy L. Wright
City Manager

205 ATTEST:
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207 _____
208 Annette Hall,
209 City Secretary

210 APPROVED AS TO FORM:
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212 _____
213 Attorney

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EXHIBIT A

SCOPE OF SERVICES

The **Scope of Services** includes the following:

- Design and facilitate one all-day meeting with the City Manager and Department Directors on the day *prior* to the Advance meeting of the Mayor and Council. This meeting will be summarized and provided the subsequent day to the Mayor and Council as input for their discussions during their meeting.
- Speak individually, by phone, with each member of the governing body and the City Manager. Purpose of each one-on-one meeting is to elicit their perspectives about a variety of issues that will/may serve as the focus of the Advance meeting. Conferring with key stakeholders prior to the actual off-site meeting can be quite beneficial in generating positive support for the meeting, as well as to better determine which issues should be addressed at the meeting. Each one-on-one meeting will be approximately one-hour in length.
- Subsequent to the meeting and prior to the Advance meeting, a summary of the one-on-one meetings will be provided along with a suggested agenda for the off-site meeting. This will be reviewed and finalized with the City Manager.
- Design and facilitate a one-day Advance meeting of the governing body, City Manager and others to be determined.
- Following the Advance meeting, a phone call with the City Manager will be held to debrief the meeting.

FEE

The Fee for providing services is as follows:

- Design and facilitate a one-day Advance meeting with the City’s Executive Leadership Team comprised of the City Manager, Department Directors and other staff members to be determined.
- Conduct individual meetings with members of the governing body to obtain their input.
- Design and facilitate one all-day Advance meeting involving members of the governing body, City Manager and Department Directors.
- Participate in post-Advance telephone briefing with the City Manager
- Fee is \$12,000
- Travel reimbursement is in addition to the fee stated above.

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RESUME

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PATRICK IBARRA

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Co-Founder and Partner, The Mejorando Group

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As co-founder and partner in The Mejorando Group, Patrick Ibarra is responsible for Human Resource Development, Coaching, Facilitation and Organizational Effectiveness services. As a Consultant and Manager in both public and private sector organizations, ***including as a city manager and human resource director***, Mr. Ibarra brings organizations over 29 years of experience and a shared understanding of the particular demands and constraints placed on organizations and their employees. He possesses a strong foundation in the principles, practices and applications of organizational development, facilitation, and training along with a solid background in coaching and executive assessment. As one of the country's leading experts on succession planning for government agencies, Mr. Ibarra brings leading edge solutions to optimize talent development.

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Patrick Ibarra is an entrepreneur of ideas who brings a valuable perspective to his work with governments – recognizing their uniqueness while implementing leading edge solutions designed to achieve sustainable change and improved performance. With over 15 years of experience serving in four cities of varying size primarily as a City Manager or Assistant City Manager he effectively blends his background serving in government with his seasoned experience as an external consultant by providing a valuable perspective in partnering with government leaders. He possesses an in-depth understanding of the daily workings of city government – political aspects, the role of budgets, sometimes continuously shifting priorities, the influence of internal and external (i.e. media, community groups, etc.) stakeholders, and managing delivery of essential services and programs – that is woven seamlessly together enabling his advice and recommendations for improvement to succeed. Mr. Ibarra's perspective and experience are enormously helpful as he partners with government leaders in co-creating ambitious and practical approaches to performance improvement.

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A Speaker, Author and Conference Presenter, Mr. Ibarra also serves on the adjunct faculty staff at Arizona State University. He teaches courses on organizational change.

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Employment History

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- The Mejorando Group Consulting Practice, Co-Founder and Partner
- City of Port Angeles, Washington City Manager
- City of Mason, Ohio Assistant City Manager and Human Resource Director
- City of Emporia, Kansas, Management Assistant, Office of the City Manager
- City of Phoenix, Arizona, Management Assistant, Public Works Department

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299 **Education**

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301 • Master of Human Resources and Organization Development, University of San
302 Francisco

303 • Master of Public Administration, Arizona State University

304 • Bachelor of Science degree, Political Science, Central Missouri State University

305 • Graduate of the University of Virginia Senior Executive Institute for Public Service

306 • Certificate in Training and Human Resource Development, University of California-
307 Berkeley

308 • Certified to administer Assessment and Performance Support tools (i.e. 360-
309 degree), Center for Creative Leadership

310 • Certified Facilitator, Development Dimensions International

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312 **Publications (recent)**

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314 ▪ “How Governments Can Hold Onto Their Top Performers” October 1, 2014 issue of
315 Governing.com

316 ▪ “Planting the Seeds to Harvest Innovation” June 11, 2014 issue of Governing.com

317 ▪ “The Future of Government: Me and My Career” March/April 2014 issue of California
318 Special Districts Association Magazine

319 ▪ “The Amazon-ification of Government and Why We Need More Of It” March 19, 2014
320 issue of Governing.com

321 ▪ “Turning Your Organization into a Talent Magnet” February 2014 issue of Government
322 Finance Review published by the Government Finance Officers Association

323 ▪ “Government’s Crucial Employer Brand” December 11, 2013 issue of Governing.com

324 ▪ “What is Successful Government” September 25, 2013 issue of Governing.com

325 ▪ “Running Government Like a Start Up” June 28, 2013 issue of Governing.com

326 ▪ “Knowledge Management: Transfer It Before It’s Too Late” June 2013 issue of IPMA-HR
327 News published by the International Public Management Association for Human
328 Resources (IPMA-HR)

329 ▪ “This Government Brought to You by” April 10, 2013 issue of Governing.com

330 ▪ “The Future is Now: Your New Role as a Finance Pro” in April 2013 issue of Government
331 Finance Review published by Government Finance Officers Association (GFOA).

332 ▪ “Best Practices: The Enemy of Innovation” January 30, 2013 issue of Governing.com

333 ▪ “Your Leadership Playbook: Game Changing Practices of Successful Leaders” October
334 2012 issue of Public Management published by the International City/County
335 Management Association (ICMA).

336 ▪ “The Next Government Workforce” October 24, 2012 issue of Governing.com

337 ▪ “Talent Management: The Next Phase of Succession Planning” September 2012 issue of
338 IPMA-HR News published by the International Public Management Association for
339 Human Resources (IPMA-HR)

340 ▪ “Government: Factory, Enterprise or Both” September 5, 2012 issue of Governing.com

- 341 ▪ “Succession Planning: The Sequel” October 2011 issue of IPMA-HR News published by
342 the International Public Management Association for Human Resources (IPMA-HR)
343 ▪ “There is No Box: Uncertain Times demand RAPID Innovation” August 2011 Issue of
344 Public Management published by ICMA.

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346 **Conference Presentations**

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348 *2014*

- 349 • California Special Districts Association
350 • Government Finance Officers Association
351 • Illinois City/County Management Association
352 • International City/County Management Association
353 • Iowa Public Employer Labor Relations Association
354 • National League of Cities Leadership Summit
355 • New York State City/County Management Association
356 • **Texas Association of Governmental Information Technology Managers**
357 • **Texas Municipal League**
358 • Wisconsin City/County Management Association

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CITY COUNCIL ACTION ITEM

AGENDA TITLE	<u>INDIAN POINT SHORELINE RESTORATION PROJECT ACCEPTANCE</u> THE CITY COUNCIL WILL CONSIDER PROJECT ACCEPTANCE FOR THE INDIAN POINT SHORELINE RESTORATION PROJECT
MEETING DATE	2/17/2015
DEPARTMENT	Public Works
SUBMITTED BY	Brian DeLatte, P.E., Assistant City Manager

EXECUTIVE SUMMARY

The construction of the Indian Point Shoreline Restoration project is completed. This project was funded through a Texas General Land Office (GLO) Coastal Erosion Planning and Response Act (CEPRA) grant and was administered the Coastal Bend Bays and Estuaries Program (CBBEP). The project provides stabilization and habitat protection around Indian Point. The project was completed on budget and on schedule. City Staff recommends project acceptance, which will release the final construction payment to CBBEP and will authorize City Staff to make additional supplemental payments for engineering closeout services up to the budgeted amount.

PRIOR ACTIONS OR REVIEWS

- The 2014-2019 Capital Improvement Program allocated \$300,000 to the project in August 2014.

DETAILS / STAFF ANALYSIS

City Staff recommends project acceptance, which releases \$210,957.14 to the CBBEP for the final construction invoice. Combining this pay application with previous expenditures (\$52,114.70), the project remains approximately \$37,000 under budget. CBBEP anticipates receiving another small invoice from the project engineer for closeout services, of which the City would be partially responsible. Authorization is requested that project acceptance include future supplementary payments to CBBEP up to the budgeted amount for any future invoices.

ALTERNATIVES CONSIDERED

N/A.

FINANCIAL IMPACT

The project is approximately \$37,000 under budget.

ATTACHMENTS

- CBBEP Invoice #2

RECOMMENDED ACTION

Motion to approve the Indian Point Shoreline Restoration Project, release \$210,957.14 in accrued project costs, and authorize the payment of any supplemental costs not exceeding the project budget.



Coastal Bend Bays & Estuaries Program, Inc.

1305 N. Shoreline, Suite 205, Corpus Christi, Texas 78401 • 361-885-6202 • 361-881-5168 (fax)

INVOICE #2

February 3, 2015

Randy Wright
City Manager
City of Portland
1900 Bill G Webb
Portland, TX 78374

APPROVED
FEB 05 2015
BY _____

Indian Point Shoreline Stabilization & Habitat Protection Project (CBBEP #1325)

Reimbursement for work completed as per Cooperative Agreement dated 7/3/2014	\$210,957.14
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Total Due	\$210,957.14
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Please contact Alice Sanchez (361-885-6202) if you have any questions regarding this invoice.

Please make checks payable to: Coastal Bend Bays & Estuaries Program

Federal I.D. # 74-2924909

Copies of invoices to CBBEP from Texas General Land Office for "Indian Point Shoreline Stabilization& Habitat Protection" Project

<u>Invoice Date</u>	<u>Period covered</u>	<u>Amount</u>
1/21/2015	11/2/14 – 11/29/14	\$ 1,581.14
1/21/2015	11/1/14 – 12/11/14	\$209,376.00



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

January 21, 2015

Rosario Martinez
Coastal Bend Bays & Estuaries Program
1305 N. Shoreline Blvd, Suite 205
Corpus Christi, TX 78401

Re: Partner Match Request for Indian Point Shoreline Stabilization & Habitat Protection Project No. 1527, GLO Contract No. 13-357-000-7713

Dear Ms. Martinez:

At this time, the Texas General Land Office is submitting a request for partial reimbursement of expenditures incurred to date for the Indian Point Shoreline Stabilization & Habitat Protection Project.

This reimbursement is for expenditures incurred during the period of 11/2/2014 to 11/29/2014. Expenses for this period totaled \$3,952.85 with the Coastal Bend Bays & Estuaries Program's share being \$1,581.14. The cost share is calculated at 40% of the project costs based on the percent of CBBEP's cash contribution to the project.

Please forward your reimbursement of \$1,581.14 with reference to Contract No. 13-357-000-7713 to:

Texas General Land Office
Financial Management Program
P.O. Box 12873
Austin, TX 78711-2873
Attn: Conroy Swan

Attached for documentation are Invoices, Proof of Payment, and Payment Submittal Form. Should you require additional information, please contact me at (512) 463-3230.

Sincerely,

Michael A. Weeks
Project Manager
Coastal Resources

Enclosure

pm 1/23/15

**COASTAL EROSION PLANNING AND RESPONSE ACT [CEPRA]
INVOICE VERIFICATION FORM**

CEPRA Proj. No. 1527 CEPRA Project Manager MW
Invoice Amt 3952.85 Invoice Recd Date 12/15

Date forwarded from Contract Specialist to Construction Services _____

Construction's Signature: [Signature]
Approval Date: 12/23/14

Coastal Resources Project Approval

Project Name: Indian Point
Work Order Number: 8021

- Deliverables associated with invoice have been provided
- Progress reports have been provided
- Site visits have occurred by manager or field staff
- Contract specifications associated with this invoice have been met
- All expenses were incurred within the work order effective dates

Other Explanations or Notes:

CEPRA Project Manager's Signature: [Signature]
Approval Date: 1/6/15

CEPRA Program Manager's Signature: [Signature]
Approval Date: 1/6/15

CMP/CIAP Grant Manager's Signature: _____
Approval Date: _____

Grant Programs & Support Director's Signature: _____
Approval Date: _____

Contract Specialist Verification

- Contract is in effect during Project performance
- Contract Number is 83-337-028
- Verified project name noted by Project Manager/Invoice
- Verified work order number noted by Project Manager/Invoice
- Requisition Number is EP 920.1
- Rates associated with invoice were traced and reconcile with contract
- Invoice amount remains within limits of contract and work order
- Documentation provided supports the invoice
- Work order is encumbered (Sage MIP report attached)

Other Explanations or Notes:

Contract Specialist's Signature: [Signature]
Date Review Completed: 12/15

COASTAL EROSION PLANNING AND RESPONSE ACT (CEPRA)
TRANSACTION TRANSMITTAL FORM

Cycle ? CEPRA

Date: 12/19/2014 Transaction # 12/14-21

Type of Transaction

- Contract Initiation
- Encumbrance
- Encumbrance Change
- Subcontractor Letter/Verification
- Invoice

Entity

- Engineering Firm: HDR
- Partner: _____
- Other: _____

Budget Analysis:

(A) Contract # 13-357-000-7713 ; Requisition # EP000251 ; Project # 1527

	(1) Per Contract	(2) Sum of Previous Transaction	(3) Adjustment per this Transaction	(4) Budget Balance [(1)-(2)-(3)]
State (CEPRA)	\$ 555,000.00	\$ (488,711.97)	\$ (2,371.71)	\$ 63,916.32
Local(City of Portland)	\$ 300,000.00	\$ (263,909.12)	\$ (1,355.43)	\$ 34,735.45
Local(CBBEP)	\$ 70,000.00	\$ (61,898.84)	\$ (225.71)	\$ 7,875.45
Other	\$ -	\$ -	\$ -	\$ -
Total	\$ 925,000.00	\$ (814,519.93)	\$ (3,952.85)	\$ 106,527.22

(B) Engineering Firm: HDR Engineering, Inc. ; Contract # 13-333-008 ; Requisition # EP000930:1
GWO # 8021

Contract Not to Exceed	\$4,244,956.45
Sum of Previous Transactions (for all projects: Other PSPs)	\$ (921,558.23)
Sum of Previous Transactions (for all projects: HDR)	\$ (425,189.66)
Current Transaction	\$ (3,952.85)
Balance	\$2,894,255.71

Notes/Comment from Budget Analyst (Conroy Swan)

Notes/Comments from Budget, Planning & Payroll Director (Jennifer Henry)

CS 12/19
BUDGET ANALYST DATE

Jennifer Henry 12/22/14
DIRECTOR DATE
FINANCIAL BUDGET PLANNING AND PAYROLL

GLO-Indian Point Shoreline Protection
(CEPRA Proj) No. 1527
Work Order No. 13-333-008-8021

Invoice No. 429005-H
Period: November 2, 2014 to November 29, 2014

Task No. and Description	Cost this Invoice	Cost to Date	Not To Exceed
Task 1 - Data Gathering	\$0.00	\$51,637.33	\$52,381.00
Task 2 - Engineering and Design	\$0.00	\$37,711.87	\$37,713.00
Task 3 - Proposal Package Preparation	\$0.00	\$51,195.62	\$51,201.00
Task 4 - Procurement Assistance	\$0.00	\$7,435.71	\$7,604.00
Task 5 - Construction Phase Services	\$3,952.85	\$17,924.05	\$49,674.00
Task 6 - Permit Amendment	\$0.00	\$16,628.20	\$16,630.00
TOTAL:	\$3,952.85	\$182,532.78	\$215,203.00



pm 1/23/15



Invoice

HDR Engineering, Inc.
 Corpus Christi, TX 78401-0850
 Phone: (361)696-3300

Reference Invoice Number with Payment

HDR Invoice No. 00429005-H
 Invoice Date December 10, 2014
 Invoice Amount Due \$3,952.85
 Payment Terms Net 30

Texas General Land Office
 Jason Nezamabadi
 1700 N Congress Ave
 Austin, TX 78701

Remit to P.O. Box 3480
 Omaha, NE 68103-0480
 Wire transfer to US Bank
 ABA #104000029
 Account #148704272449

Work Order No. 8021
 Under GLO Contract No. 13-333-008
 CEPRA #1527

Indian Point Shoreline Protection Project in Portland, TX

Professional Services
 From: November 2, 2014 To: November 29, 2014

Professional Services Summarization	Hours	Amount
Engineer II	20.50	2,337.00
Engineer IV	7.00	973.00
Engineer VII	1.75	341.25
Technician I	3.00	285.00
	32.25	\$3,936.25
Total Professional Services		\$3,936.25

Expenses Summarization	Quantity	Amount
Printing		16.60
		\$16.60
Total Expenses		\$16.60

Amount Due this Invoice	\$3,952.85
-------------------------	------------

Fee Amount	\$215,203.00
Fee Invoiced to Date	\$182,532.78
Fee Remaining	\$32,670.22

HDR Internal Reference Only	
Client Number	010556
Business Unit	00209
Contract Number	CON0005231
Project Number	00000000221113



pm 1/23/15



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

January 21, 2015

Rosario Martinez
Coastal Bend Bays & Estuaries Program
1305 N. Shoreline Blvd, Suite 205
Corpus Christi, TX 78401

Re: Partner Match Request for Indian Point Shoreline Stabilization & Habitat Protection Project No. 1527, GLO Contract No. 13-357-000-7713

Dear Ms. Martinez:

At this time, the Texas General Land Office is submitting a request for partial reimbursement of expenditures incurred to date for the Indian Point Shoreline Stabilization & Habitat Protection Project.

This reimbursement is for expenditures incurred during the period of 11/1/2014 to 12/11/2014. Expenses for this period totaled \$523,440.00 with the Coastal Bend Bays & Estuaries Program's share being \$209,376.00. The cost share is calculated at 40% of the project costs based on the percent of CBBEP's cash contribution to the project.

Please forward your reimbursement of \$209,376.00 with reference to Contract No. 13-357-000-7713 to:

Texas General Land Office
Financial Management Program
P.O. Box 12873
Austin, TX 78711-2873
Attn: Conroy Swan

RM
1/23/15

Attached for documentation are Invoices, Proof of Payment, and Payment Submittal Form. Should you require additional information, please contact me at (512) 463-3230.

Sincerely,

Michael A. Weeks
Project Manager
Coastal Resources

Enclosure

COASTAL EROSION PLANNING AND RESPONSE ACT [CEPRA]
INVOICE VERIFICATION FORM

CEPRA Proj. No. 1527 CEPRA Project Manager MW
Invoice Amt \$523,443.00 Invoice Recd Date 12/12

Date forwarded from Contract Specialist to Construction Services 12/15

Construction's Signature: [Signature]
Approval Date: 12/23/14

Coastal Resources Project Approval

Project Name: Indian Point
Work Order Number: 8674

- Deliverables associated with invoice have been provided
- Progress reports have been provided
- Site visits have occurred by manager or field staff
- Contract specifications associated with this invoice have been met
- All expenses were incurred within the work order effective dates

Other Explanations or Notes:

CEPRA Project Manager's Signature: [Signature]
Approval Date: 1/6/15

CEPRA Program Manager's Signature: [Signature]
Approval Date: 1-6-15

CMP/CIAP Grant Manager's Signature: _____
Approval Date: _____

Grant Programs & Support Director's Signature: _____
Approval Date: _____

Contract Specialist Verification

- Contract is in effect during Project performance
- Contract Number is 14-382-000-8674
- Verified project name noted by Project Manager/Invoice
- Verified work order number noted by Project Manager/Invoice
- Requisition Number is EP 3334
- Rates associated with invoice were traced and reconcile with contract
- Invoice amount remains within limits of contract and work order
- Documentation provided supports the invoice
- Work order is encumbered (Sage MIP report attached)

Other Explanations or Notes:

Contract Specialist's Signature: [Signature]
Date Review Completed: 12/15

**PAYMENT RECOMMENDATION: CONTRACTOR
(COASTAL PROJECTS ONLY)**

DATE: December 23, 2014

PROJECT NO. CEPRA 1527

PROJECT NAME: Indian Point Shoreline Protection

LOCATION: Portland, Texas

AGENCY: Texas General Land Office

GEN. CONTRACTOR: Lester Contracting, Inc.

A/E: HDR, Inc.

PROJECT MGR: Jason Nezamabadi

 DESIGN PHASE X CONSTRUCTION PHASE 100 % COMPLETED

Amount Recommended \$523,440.00

Budgeted? yes no

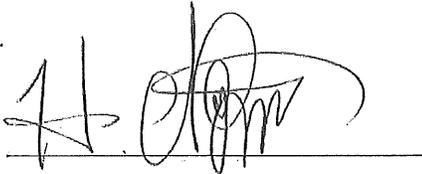
DESCRIPTION OF ACTION REQUESTED: Approval of **Progress Payment** (less 10% retainage per the Uniform General Conditions) to Lester Contracting, Inc. for the Revetment and Breakwater Construction work completed from 11/01/14 through 12/11/14. Contractor's Payment Request No. 2 (Invoice No. 1408602) dated 12/11/14 (received 11/17/14 by the GLO), Schedule of Values, Construction Payment Affidavit, and HUB Attachment I, are attached.

JUSTIFICATION: This payment constitutes 100% of the Contractor's contract value minus the Retainage. The project is Substantially Complete as of December 9, 2014. The A/E and the GLO Project Managers have reviewed the Contractor's work, which appears to be in general conformance with the Contract Documents.

REMARKS:

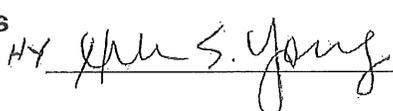
Payment is recommended.

Project Manager, CS



Date 12/23/14

Coastal Resources
Program

HY 

Date 1/6/15

Coastal Resources Program Area Review:

MAW
KP

Forward approved invoice to Cash Disbursement in Financial Management Program Area, Cash Management Division

Case 7 CEPR

COASTAL EROSION PLANNING AND RESPONSE ACT (CEPRA)
TRANSACTION TRANSMITTAL FORM

Date: 12/15/2014 Transaction # 12/14-5

Type of Transaction

- Contract Initiation
- Encumbrance
- Encumbrance Change
- Subcontractor Letter/Verification
- Invoice

Entity

- Engineering Firm: HDR
- Partner:
- Other:

Budget Analysis:

(A) Contract # 13-357-000-7713; Requisition # EP000251; Project # 1527

	(1)	(2)	(3)	(4)
	Per Contract	Sum of Previous Transaction	Adjustment per this Transaction	Budget Balance [(1)-(2)-(3)]
State (CEPRA)	\$ 555,000.00	\$ (174,647.97)	\$ (314,064.00)	\$ 66,288.03
Local(City of Portland)	\$ 300,000.00	\$ (97,088.79)	\$ (166,820.33)	\$ 36,090.88
Local(CBBEP)	\$ 70,000.00	\$ (19,343.17)	\$ (42,555.67)	\$ 8,101.16
Other	\$ -	\$ -	\$ -	\$ -
Total	\$ 925,000.00	\$ (291,079.93)	\$ (523,440.00)	\$ 110,480.07

(B) Construction Firm: Lester Contracting; Contract # 14-382-000-8674; Requisition # EP003334

GWO # 8674

Contract Not to Exceed	\$706,600.00
Sum of Previous Transactions	\$ (112,500.00)
Current Transaction	\$ (523,440.00)
Balance	\$70,660.00

Notes/Comment from Budget Analyst (Conroy Swan)

Notes/Comments from Budget, Planning & Payroll Director (Jennifer Henry)

CS 12/15
BUDGET ANALYST DATE

Jennifer Henry 1/5/15
DIRECTOR DATE
FIN-MNGT BUDGET, PLANNING AND PAYROLL

STATE OF TEXAS PURCHASE VOUCHER - CONSTRUCTION

Agency Voucher No.
14-382-000-8674

Comptroller's Vendor No. 1-741676138-9	Agency No. 305	Agency Name Texas General Land Office/Veterans Land Board	GLOVLB Project Number CEPRA - 1527
Pay to: (name, address, city state, ZIP code) Lester Contracting, Inc., P.O. Box 986, Port Lavaca, TX 77979	Period Covered From: 11/1/14 Invoice Date: 12/11/2014		Contract Date 8/25/2014
		Invoice No. 1408602	Voucher Amount \$523,440.00
Indian Point Shoreline Protection			

DESCRIPTION	AMOUNTS
ORIGINAL CONTRACT	\$706,600.00 ✓
EXTRAS ORDERED	\$0.00
TOTAL	\$706,600.00
DEDUCTIONS ORDERED	\$0.00
TOTAL NET CONTRACT	\$706,600.00
TOTAL AMOUNT EARNED TO DATE	\$706,600.00 ✓
TOTAL RETAINAGE TO DATE	\$70,660.00 ✓
TOTAL EARNED LESS RETAINAGE	\$635,940.00 ✓
TOTAL PREVIOUSLY APPROVED	\$112,500.00 ✓
AMOUNT DUE THIS STATEMENT	\$523,440.00 ✓

Received
DEC 17 2014

Construction Services

ARCHITECT/ENGINEER CERTIFICATION
In accordance with the Contract Documents, based on on-site observations and other pertinent data, the Architect/Engineer certifies that, to the best of the Architect/Engineer's knowledge, information and belief, the Work has progressed to the point indicated and that this is a true and correct statement of work performed and materials supplied by the Contractor, and that this statement of account and the amount due is correct and that all work and material has been performed in full accordance with the terms and conditions of the Contract Documents and authorized changes thereto.
By: [Signature] 12-12-2014
Architect/Engineer Date

CONTRACTOR'S CERTIFICATION
I, Ken Lester, Jr. do hereby certify that I am President
(Title of person certifying)
and that I am duly authorized to make this certification for and on behalf of Lester Contracting, Inc.
(Name of payee company/claimant)
I further certify that the attached invoice is correct and that it corresponds in every particular with the supplies and/or services contracted for. I further certify that the account is true, correct and unpaid.
[Signature] 12/11/2014
Signature Date

GLOVLB Contact Name _____ Phone No. _____

AGENCY CERTIFICATION
I certify that the above services were rendered or goods received; that they correspond in every particular with the contract under which they were procured; that the invoice is true and unpaid; and that the claim was presented to the State within the applicable limitations period.

Name: [Signature] 12/23/14 Title: PROJ. MGR.
Name: [Signature] Title: CEPRA-PM

PAYMENT
Name: [Signature] Title: CEPRA-Manager
Name: [Signature] Title: Coastal

PRICES ABOVE ARE APPROVED
By: _____

FOR FISCAL USE ONLY					
Remittance Vendor ID	DT	Source Code	(circle one) Send to USAS YES NO	Batch #	Date Paid
	Amount	PCC	Entered by	Date	Warrant / Direct Deposit #

Encumbrance No.	OC	Req #	Order Date	Invoice #	Received Date	AY	Agency Fund	Object Class	Org Code

Amount	Payment Due Date	Request Payment Date	Interest Override	Description (includes vendor account #)

Descriptive / Legal Text

Prepared by: _____ Date: _____ Approved by: _____ Date: _____

AM 1/23/15



**STAFF
WEEKLY
REPORTS**

Portland Fire Department

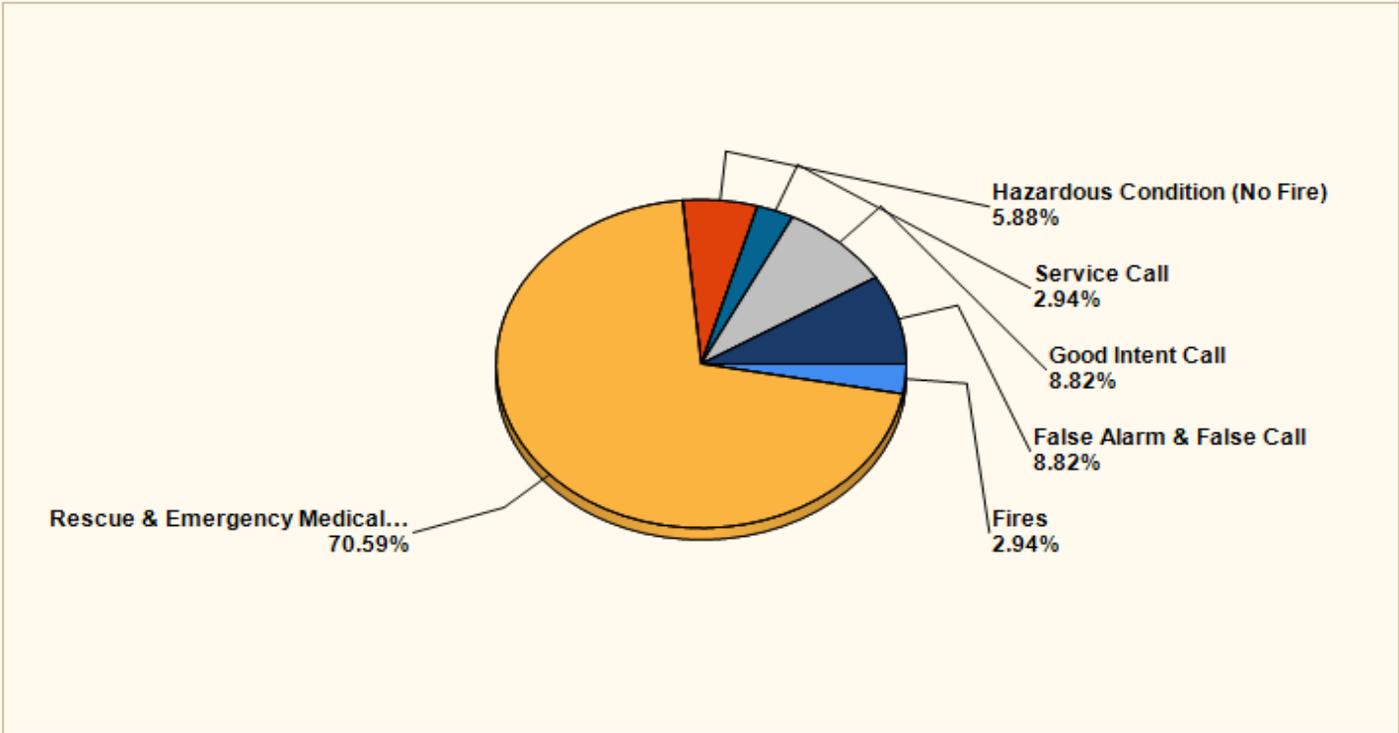
Portland, TX

This report was generated on 2/9/2015 8:32:07 AM



Breakdown by Major Incident Types for Date Range

Start Date: 02/02/2015 | End Date: 02/08/2015



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	1	2.94%
Rescue & Emergency Medical Service	24	70.59%
Hazardous Condition (No Fire)	2	5.88%
Service Call	1	2.94%
Good Intent Call	3	8.82%
False Alarm & False Call	3	8.82%
TOTAL	34	100.00%

Detailed Breakdown by Incident Type		
INCIDENT TYPE	# INCIDENTS	% of TOTAL
114 - Chimney or flue fire, confined to chimney or flue	1	2.94%
311 - Medical assist, assist EMS crew	12	35.29%
321 - EMS call, excluding vehicle accident with injury	10	29.41%
322 - Motor vehicle accident with injuries	1	2.94%
324 - Motor vehicle accident with no injuries.	1	2.94%
412 - Gas leak (natural gas or LPG)	1	2.94%
440 - Electrical wiring/equipment problem, other	1	2.94%
500 - Service Call, other	1	2.94%
611 - Dispatched & cancelled en route	3	8.82%
743 - Smoke detector activation, no fire - unintentional	1	2.94%
745 - Alarm system activation, no fire - unintentional	2	5.88%
TOTAL INCIDENTS:	34	100.00%

Hosted Chenier Energy's Public Awareness Campaign for Local Fire Departments

Average Response Time: 4.72 Min.



Portland Fire Department
595 Buddy Ganem
Portland, TX 78374
361-643-0155
361-643-0369

Completed Activities

Page 1 of 1

02/01/2015 through 02/07/2015

Report run on: 02-09-2015

Activity Date	Record Type	Activity	Party	Site Address	Inspector	Status
02/02/2015	ANNUAL INSPECTION	Annual	DEVON ENERGY	1037 US Hwy 181	Dan Willott	SCHEDULED
02/02/2015	ANNUAL INSPECTION	Annual	CHILDREN'S CLINIC	1029 US Hwy 181	Dan Willott	SCHEDULED
02/02/2015	ANNUAL INSPECTION	Annual	GP AUTO TECH	200 Daniel Moore	Dan Willott	SCHEDULED
02/02/2015	ANNUAL INSPECTION	Re-Inspection	COASTAL BEND LAWN AND GARDEN	911 Railroad Ave.	Dan Willott	PASS
02/02/2015	ANNUAL INSPECTION	Re-Inspection	COASTAL PLAINS COMMUNITY CENTER	01039 IMPERIAL ST	Dan Willott	PASS
02/02/2015	ANNUAL INSPECTION	Annual	WATERMILL EXPRESS	01500 WILDCAT DR STE S	Dan Willott	PASS
02/03/2015	ANNUAL INSPECTION	Annual	RENT-A-CENTER	01502 WILDCAT DR	Dan Willott	SCHEDULED
02/03/2015	ANNUAL INSPECTION	Re-Inspection	DAYS INN	01703 HWY 181 N	Dan Willott	PASS
02/03/2015	ANNUAL INSPECTION	Re-Inspection	BEST WESTERN	1707 US Hwy 181	Dan Willott	PASS
02/03/2015	ANNUAL INSPECTION	Re-Inspection	LOPEZ, JUVI	00101 NORTHSHORE & HWY 181	Dan Willott	PASS
02/03/2015	ANNUAL INSPECTION	Annual	HUMPAL PHYSICAL THERAPY	114 Lang Rd. #A	Dan Willott	FAIL
02/03/2015	ANNUAL INSPECTION	Annual	GNC	1546 WILDCAT	Dan Willott	FAIL
02/03/2015	ANNUAL INSPECTION	Annual	ACE CASH EXPRESS	01508 WILDCAT DR	Dan Willott	FAIL
02/03/2015	ANNUAL INSPECTION	Annual	GTEK	114 Lang #B	Dan Willott	PASS
02/04/2015	ANNUAL INSPECTION	Annual	NORTH SHORE 8 THEATER	251 Buddy Ganem	Dan Willott	SCHEDULED
02/04/2015	ANNUAL INSPECTION	Annual	THE PAVILION AT COASTAL PALMS	211 Cedar Dr.	Dan Willott	FAIL

02/04/2015	ANNUAL INSPECTION	Annual	COASTAL PALMS NURSING CENTER	00221 Cedar	Dan Willott	FAIL
02/04/2015	ANNUAL INSPECTION	Re-Inspection	TBC COMMERCIAL CONSTRUCTION LLC	1025 US Hwy 181	Dan Willott	PASS
02/05/2015	ANNUAL INSPECTION	Annual	EDEN LASER MEDSPA & SALON	1315 Wildcat Dr.	Dan Willott	SCHEDULED
02/05/2015	ANNUAL INSPECTION	Annual	LIBERTY MOTORS	714 Moore	Dan Willott	SCHEDULED
02/05/2015	ANNUAL INSPECTION	Annual	7-11	1201 Wildcat	Dan Willott	SCHEDULED
02/05/2015	ANNUAL INSPECTION	Annual	THE SEWING LADIES	720 dallas	Dan Willott	SCHEDULED
02/05/2015	ANNUAL INSPECTION	Annual	SUBWAY	1001 US 181	Dan Willott	SCHEDULED
02/05/2015	ANNUAL INSPECTION	Annual	ROCKS DISCOUNT VITAMINS N MORE	1500 WILDCAT DR SUITE B	Dan Willott	SCHEDULED
02/05/2015	ANNUAL INSPECTION	Annual	CHRISTIAN SLEEP CENTER	1702 US 181 STE A-10	Dan Willott	SCHEDULED
02/06/2015	ANNUAL INSPECTION	Annual	K-MART	1400 Wildcat	Dan Willott	FAIL

Total Completed Activities: 26