



CITY COUNCIL AGENDA

NOTICE OF REGULAR MEETING

Tuesday, January 3, 2017

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:**

- PRESENTATION ON NOISE ABATEMENT BY REPRESENTATIVES OF VOESTALPINE TEXAS, LLC – REPRESENTATIVE OF VOESTALPINE TEXAS, LLC

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

Members of the City Council may present reports 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 of imminent threats to the public health and safety of the city

5. **CITY MANAGER'S REPORT:**

The City Manager may present announcements, comments and updates on City operations and projects.

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

6. MINUTES OF PREVIOUS MEETING: THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS DECEMBER 20, 2016 REGULAR MEETING – MAYOR KREBS AND CITY SECRETARY

7. UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS: THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2146 THAT ADOPTS UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS—ASSISTANT CITY MANAGER

8. EXECUTIVE SESSION: THE CITY COUNCIL WILL CONDUCT AN EXECUTIVE SESSION ACCORDING TO SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS RELATED TO COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS - MAYOR AND 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: December 30, 2016 by 5:00 p.m.
Portland City Hall

By: 
Annette Hall
City Secretary

**CITY OF PORTLAND
CITY COUNCIL
REGULAR MEETING
MINUTES
DECEMBER 20, 2016 – 7:00 P.M.**

On this the 20th day of December 2016, 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
John Green	Mayor Pro Tem
Ron Jorgensen	Council Member
Cathy Skurow	Council Member
Gary Moore, Sr.	Council Member
Nathan Taggart	Council Member
Bill T. Wilson II	Council Member

STAFF PRESENT:

Randy Wright	City Manager
Brian DeLatte	Assistant City Manager
Annette Hall	City Secretary
Mark Cory	Chief of Police
Katie Griffin	Director of Finance
Lyle Lombard	Fire Chief
Ginny Moses	Library Director
Mona Gandy	Director of Marketing and Communications
Troy Frazee	Director of Public Works and Development
Kristin Connor	Director of Parks and Recreation
Terrell Elliott	IT Manager
Fred Bussman	IT Technician
Brandon Lemon	Assistant Accountant

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 Wilson gave the invocation and Mayor Krebs led the Pledge of Allegiance.

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

- PRESENTATION OF CHRISTMAS AND NEW YEARS DAY HOLIDAY SCHEDULE (FACILITIES AND SERVICES) – DIRECTOR OF MARKETING AND COMMUNICATIONS

Director of Marketing and Communications, Mona Gandy, presented the Christmas and New Year’s Day facilities and services holiday schedule.

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

Council Member Skurow wished everyone a safe Christmas.

Council Member Green wished everyone a Merry Christmas and a Happy New Year.

Council Member Moore wished everyone a safe and Merry Christmas.

Council Member Taggart announced that the community lost an exceptional community member, Andrew Suter passed away last week at the age of 23. He then wished everyone a Merry Christmas.

Council Member Wilson wished everyone a safe and Merry Christmas.

Mayor Krebs wished everyone a Merry Christmas and a Happy New Year.

5. CITY MANAGER’S REPORT:

The City Manager may present announcements, comments and updates on City operations and projects.

- Phase 9 Street Rehabilitation Program

- Construction shade structures for the exercise equipment at Simpson Park and near the Skate Park donated by Cheniere

B. ACTION ITEMS, RESOLUTIONS AND ORDINANCES:

- 6. EXECUTIVE SESSION:** THE CITY COUNCIL WILL CONDUCT AN EXECUTIVE SESSION ACCORDING TO SECTION 551.071, GOVERNMENT CODE, AND RULE 1.05, TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS FOR CONSULTATION WITH CITY ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATIONS (DELINQUENT PROPERTY TAX FORECLOSURE) AND/OR ON A MATTER IN WHICH THE DUTY OF THE CITY ATTORNEY UNDER THE CITED RULE CONFLICTS WITH CHAPTER 551, GOVERNMENT CODE AND SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS RELATED TO COMMERCIAL OR FINANCIAL INFORMATION THAT THE GOVERNMENTAL BODY HAS RECEIVED FROM A BUSINESS PROSPECT THAT THE GOVERNMENTAL BODY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE TERRITORY OF THE GOVERNMENTAL BODY AND WITH WHICH THE GOVERNMENTAL BODY IS CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS - MAYOR AND CITY MANAGER

ACTION FOLLOWING EXECUTIVE SESSION:

- A. THE CITY COUNCIL WILL CONSIDER A REFUND IN THE AMOUNT OF \$1,136.98 IN REFERENCE TO SUIT #S-10-1370-TX; GREGORY PORTLAND ISD, ET AL VS GLORIA B. RAMIREZ, ET AL, AND A REFUND OF CITY DEMOLITION LIENS IN THE AMOUNT OF \$20,000.00 – CITY MANAGER
- B. THE CITY COUNCIL WILL CONSIDER A RESOLUTION CONCERNING ECONOMIC DEVELOPMENT IN SAN PATRICIO COUNTY – CITY MANAGER

At 7:10 p.m. Mayor Krebs announced that the City Council will conduct an Executive Session according to Section 551.071, Government Code, and Rule 1.05, Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas for consultation with Attorney regarding pending or contemplated litigations (delinquent property tax foreclosure) and/or on a matter in which the duty of the City Attorney under the cited rule conflicts with Chapter 551, Government Code and Section 551.087 deliberation regarding economic development negotiations related to commercial or financial information that the governmental body has received from a business prospect that the government body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conduction economic development negotiations.

Mayor Krebs announced that the Executive Session was concluded at 8:18 p.m.

ACTION FOLLOWING EXECUTIVE SESSION:

- A. THE CITY COUNCIL WILL CONSIDER A REFUND IN THE AMOUNT OF \$1,136.98 IN REFERENCE TO SUIT #S-10-1370-TX; GREGORY PORTLAND ISD, ET AL VS GLORIA B. RAMIREZ, ET AL, AND A REFUND OF CITY DEMOLITION LIENS IN THE AMOUNT OF \$20,000.00 – CITY MANAGER

Council Member Skurow made the motion to approve a refund in the amount of \$1,136.98 in reference to Suit #S-10-1370-TX; Gregory Portland ISD, et al vs Gloria B. Ramirez, ET AL and a refund of city demolition liens in the amount of \$20,000.00, seconded by Council Member Taggart.

The motion passed with the following vote:

Aye: 7 - Mayor Krebs, Mayor Pro Tem Green, Council Member Jorgensen, Council Member Skurow, Council Member Moore, Council Member Taggart and Council Member Wilson

Nay: 0 -

Absent: 0 -

Abstained: 0 -

B. THE CITY COUNCIL WILL CONSIDER A RESOLUTION CONCERNING ECONOMIC DEVELOPMENT IN SAN PATRICIO COUNTY – CITY MANAGER

Council Member Moore made the motion to adopt Resolution No. 726, seconded by Council Member Jorgensen.

The motion passed with the following vote:

Aye: 7 - Mayor Krebs, Mayor Pro Tem Green, Council Member Jorgensen, Council Member Skurow, Council Member Moore, Council Member Taggart and Council Member Wilson

Nay: 0 -

Absent: 0 -

Abstained: 0 -

Mayor Krebs read the following caption:

RESOLUTION NO. 726

A RESOLUTION SUPPORTING ECONOMIC DEVELOPMENT IN SAN PATRICIO COUNTY AND CALLING ON EXXON MOBIL CORPORATION TO SEEK AN ALTERNATE SITE FOR ITS PROPOSED ETHYLENE CRACKER PROJECT

7. CITIZEN COMMENTS, QUESTIONS, REQUESTS AND PROPOSALS APPEARING ON THE AGENDA: 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:

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Jennifer Baker, a resident at 313 Hogan, voiced her opinion in opposition of the possible construction of an Ethane Cracker Facility near Portland.

Bryan Hazel, a resident at 2114 St. Charles Dr., thanked the City Council for approving Resolution No. 726.

Susan Wayne, a resident at 1211 Stark Rd., thanked the City Council for approving Resolution No. 726.

Errol Summerlin, a resident at 1017 Diomedea, thanked the City Council for approving Resolution No. 726.

Mayor Krebs recessed the meeting at 8:31 p.m.

Mayor Krebs reconvened the meeting at 8:35 p.m.

8. MINUTES OF PREVIOUS MEETINGS: THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS DECEMBER 6, 2016 WORKSHOP AND REGULAR MEETING – MAYOR KREBS AND CITY SECRETARY

Council Member Taggart made the motion to approve the minutes of the December 6, 2016 workshop and meeting, seconded by Council Member Wilson.

The motion passed with the following vote:

Aye: 7 - Mayor Krebs, Mayor Pro Tem Green, Council Member Jorgensen, Council Member Skurow, Council Member Moore, Council Member Taggart and Council Member Wilson

Nay: 0 -

Absent: 0 -

Abstained: 0 -

9. **MUNICIPAL PARK AND SPORTS COMPLEX IMPROVEMENTS PROJECT CONTRACT:** THE CITY COUNCIL WILL CONSIDER A CONTRACT WITH HELLAS CONSTRUCTION, INC. FOR A GUARANTEED MAXIMUM PRICE OF \$16,567,446.25 FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE MUNICIPAL (13-ACRE) PARK AND THE SPORTS (SOFTBALL) COMPLEX AS AUTHORIZED BY VOTERS DURING THE BOND 2016 ELECTION – CITY MANAGER

City Manager, Randy Wright, presented the following information:

- ✓ Background Information and Project Priorities (City Manager)
- ✓ Municipal Park and Sports Complex Improvements (Hellas Construction, Inc.)
- ✓ Contract, Construction Sequencing, and Project Budget (Assistant City Manager)
- ✓ Financing Plan (Finance Director and Consulting Financial Advisor)

In May 2016, City voters approved a general obligation bond in the amount of \$25,200,000 for improvements to the Community Center, Municipal (13-Acre) Park, and Sports (Softball) Complex.

The estimated cost for the Municipal Park and Sports Complex Project is \$17,900,000 which includes the \$3,500,000 in existing bond proceeds. In July, staff met and heard presentations from three potential contractors which were competing for the Design Build Contract. It was clear that Hellas was the group for the project. In August 2016, the City Council authorized the City Manager to begin contract negotiations with Hellas Construction, Inc. Staff has met with Hellas, as well as AG-CM the construction managers to ensure the project is within budget and results in the very best product. Staff has also consulted with the sports leagues to make sure the projects being designed meet their individual needs.

Hellas was given was given three project priorities to guide them in their design:

PROJECT PRIORITIES

1. Our kids come first. Design facilities that create the very best experience possible for our kids
2. Create destinations with amenities that all our citizens can enjoy and benefit from year round
3. Build for maximum versatility to permit both local league play and tournament opportunities

Mr. Wright recognized the Bond 2016 Advisory Committee members that were present (David Lewis and Judy Rodrigue).

Mr. Wright then introduced Reed Seaton, President/CEO of Hellas Construction.

Mr. Seaton introduced Mario Albini, VP Design Build Operations, Tianna Flores, VP Design; Taylor Medlin, Project Manager; and Brian Parks, Business Development Manager.

Hellas Representatives, Reed Seaton, Tiana Flores and Mario Albini gave a presentation that included the following key elements of the proposed scope of the project:

- Schematic layouts
- Design elements
- Budgets Schedules for the proposed

The City Council, City Manager, Assistant City Manager and Hellas Representatives discussed the following:

- LED Lighting
- Trees and shade structures
- Splash pad depth
- Fencing
- Decomposed granite and drainage
- Expanding the size of ball fields

Assistant City Manager, Brian DeLatte, presented the following information:

Design and Construction Highlights

- Coordination with leagues still required on final design elements
 - Concession building layouts
 - Colors, textures, finishes, and capital equipment
- Both complexes will be closed for the duration of construction
- Temporary fields will be constructed at Chatwork Park, Simpson Park, and G-PISD property so that no league play will be lost
- Will also utilize G-PISD baseball and softball fields

Proposed Contract and Construction Phase

- AIA A141 Design-Build Contract
 - Guaranteed Maximum Price of \$16,567,446.25
 - Notice to Proceed on December 21, 2016
 - Substantial Completion by September 15, 2017
- AGCM will provide construction administration services
- Turf installed with 8-year manufacturer and 3rd party insured warranty
 - Hellas to provide infill inspection and grooming after first year

The contract's Guaranteed Maximum Price of \$16,567,446.25 is within the project's construction budget:

Project Management	
Construction Management	\$425,000.00
Geotechnical / Materials Testing	\$100,000.00
Architectural Services	\$5,000.00
Platting	\$10,000.00
Legal	\$10,000.00
 Preliminary Design	
Coym, Rehmet, & Gutierrez	\$125,000.00
 Construction	
Sports Complex	\$8,519,793.18
Municipal Park	\$8,047,653.07
 Capital Equipment	\$100,000.00
 Construction Contingency	\$557,553.75
Total Expenditures	\$17,900,000.00

The City Council, City Manager and Assistant City Manager discussed the following:

- Yearly maintenance cost after project is completed.
- Construction Manager cost and costs saving by combining the Municipal Park and Sports Complex projects.
- Project timeline.
- Yearly Maintenance cost after project is completed.

Director of Finance, Katie Griffin, explained that in May 2016 voters approved a general obligation bond in the amount of \$25,200,000 for improvements to the Community Center, Municipal (13 Acre) Park, and Sports (Softball) Complex. In August 2016, the City Council authorized the City Manager to begin contract negotiations with Hellas Construction for the improvements to Sports Complex and Municipal Park. The City's consulting financial advisor, Victor Quiroga will present the financing plan for the project, which includes the \$3, 500,000 Certificate of Obligation bond to be used in February 2017.

The City's Financial Advisor, Victor Quiroga, with Frost Bank, presented the following information:

**Financing Plan for the Issuance of
\$14,000,000 General Obligation Bonds, Series 2017**

2016 Bond Program – Background and Goals

- Successful bond election held on May 7, 2016 for \$25,200,000.

- Bond proceeds from the first bond sale will be used for the construction of a Sports Complex and Municipal Park improvements.
- \$25,200,000 bond authorization will be sold in three installments over three years to mitigate and layer the tax impact.
- Based on current construction and drawdown schedules, \$14,000,000 will be sold in February 2017.
- The year-over-year I&S tax impact from the Series 2017 bonds will be approximately 2.5¢ to 3.5¢ in the FYE 2018.

Repayment Illustration for a \$14,000,000 Bond Issue

Fiscal Year Ending 9/ 30:	Principal	Interest*	Annual Debt Service
9/ 30/ 2018	215,000	854,486	1,069,486
9/ 30/ 2019	485,000	585,863	1,070,863
9/ 30/ 2020	505,000	565,250	1,070,250
9/ 30/ 2021	530,000	543,788	1,073,788
9/ 30/ 2022	550,000	521,263	1,071,263
9/ 30/ 2023	575,000	497,888	1,072,888
9/ 30/ 2024	600,000	473,450	1,073,450
9/ 30/ 2025	625,000	447,950	1,072,950
9/ 30/ 2026	650,000	421,388	1,071,388
9/ 30/ 2027	680,000	393,763	1,073,763
9/ 30/ 2028	705,000	364,863	1,069,863
9/ 30/ 2029	735,000	334,900	1,069,900
9/ 30/ 2030	770,000	303,663	1,073,663
9/ 30/ 2031	800,000	270,938	1,070,938
9/ 30/ 2032	835,000	236,938	1,071,938
9/ 30/ 2033	870,000	201,450	1,071,450
9/ 30/ 2034	910,000	164,475	1,074,475
9/ 30/ 2035	945,000	125,800	1,070,800
9/ 30/ 2036	985,000	85,638	1,070,638
9/ 30/ 2037	1,030,000	43,775	1,073,775

(*) Conservative interest rate of 4.25% for planning purposes.

Next Steps for a Successful Bond Sale

- December 20, 2016 – Council approves a Financing Plan allowing Administration and Financial Advisor to proceed with document preparation.
- February 7, 2017 – Enter the bond market and lock-in a fixed interest rate; Council approves the sale of the bonds.
- March 8, 2017 - Closing of the transaction and receipt of bond proceeds via electronic wire transfer (no meeting necessary).

Term Sheet for the General Obligation Bond, Series 2017

- Sale Date: February 7, 2017
- Closing Date: March 8, 2017
- Tax Status: Tax-Exempt
- Purpose: Construction of a Sports Complex and Community Center
- Interest Rate: **Fixed Rate**
- Interest Dates: Semi-annually on (2/15) and (8/15); first payment on 2/15/2018
- Principal Dates: Annually beginning 8/15/2018 through 8/15/2037 (20 years)

- Call Option 8/15/2016 at par
- Security Ad Valorem Property Taxes
- Ratings: Application to be submitted to S&P Ratings
- Sales Type: Negotiated
- Underwriters: Estrada Hinojosa, RBC Capital Markets and BOK Securities

Mayor Pro Tem Green made the motion to authorize the City Manager to execute all necessary contract documents with Hellas Construction, Inc., on the Sports Complex and Municipal Park Improvements with a Guaranteed Maximum Price of \$16,567,446.25 and Authorizes the City Manager to issue a Notice to Proceed on construction on December 21, 2016, with a substantial completion date of September 15, 2017, seconded by Council Member Wilson.

The motion passed with the following vote:

Aye: 7 - Mayor Krebs, Mayor Pro Tem Green, Council Member Jorgensen, Council Member Skurow, Council Member Moore, Council Member Taggart and Council Member Wilson

Nay: 0 -

Absent: 0 -

Abstained: 0 -

10. FINANCING PLAN FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2017:

THE CITY COUNCIL WILL CONSIDER AND APPROVE A FINANCING PLAN FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2017, IN THE AMOUNT OF \$14,000,000 – FINANCE DIRECTOR

Mayor Pro Tem Green made the motion to approve the financing plan and authorizes the City Manager and the City’s Consulting Financial Advisor to proceed with necessary document presentation for the issuance of General Obligation Bonds, Series 2017 in the amount of \$14,000,000, seconded by Council Member Skurow.

The motion passed with the following vote:

Aye: 6 - Mayor Krebs, Mayor Pro Tem Green, Council Member Jorgensen, Council Member Skurow, Council Member Moore and Council Member Wilson

Nay: 0 -

Absent: 0 -

Abstained: 1 - Council Member Taggart

11. PUBLIC HEARING – SPECIAL USE PERMIT: THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM MOBILITIE, LLC, FOR A SPECIAL USE PERMIT TO CONSTRUCT A 120-FOOT TALL MONOPOLE TELECOMMUNICATIONS TOWER IN THE

PUBLIC RIGHT-OF-WAY IN THE 600 BLOCK OF BROADWAY BLVD. – ASSISTANT CITY MANAGER

Mayor Krebs opened the Public Hearing at 10:02 p.m. to solicit comments from citizens and other interested parties concerning a request from Mobilitie, LLC, for a Special Use Permit to construct a 120-foot tall monopole telecommunications tower in the public right-of-way in the 600 block of Broadway Blvd.

Assistant City Manager, Brian DeLatte presented the following information:

Mobilitie, LLC, Special Use Permit

- 120-foot telecommunications tower in the public right-of-way in 600 block of Broadway Blvd. (in front of Dairy Queen)
- Proposed construction requires Special Use Permit per UDO 406 and 407
- Differs from previous telecommunications towers since proposed construction
- is in public right-of-way

Special Use Permit Process

- 7 criteria to base deliberations and recommendation (UDO 315)
- Notice of Public Hearing mailed November 15 and published November 17
- 11 affected properties
- 1 letter received in opposition
- Planning and Zoning Commission recommended denial of Special Use Permit

Staff Analysis

- City Staff is concerned with three elements of the project:
 - Construction of the tower in close proximity to critical city infrastructure
 - Construction of the tower in a manner that detrimentally impacts adjacent property owners
 - Construction of the tower in the right-of-way

RECOMMENDED MOTION

- Adopt a motion that:
 - Approves the Special Use Permit

- Approves the Special Use Permit with modifications
- Rejects the Special Use Permit

Mayor Krebs asked for any comment from the public. Hearing and seeing none, the Public Hearing was closed at 10:07 p.m.

12. SPECIAL USE PERMIT REQUEST: THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF AN ORDINANCE THAT GRANTS A SPECIAL USE PERMIT TO CONSTRUCT A 120-FOOT TALL MONOPOLE TELECOMMUNICATIONS TOWER IN THE PUBLIC RIGHT-OF-WAY IN THE 600 BLOCK OF BROADWAY BLVD. – ASSISTANT CITY MANAGER

Council Member Jorgensen made the motion to reject the Special Use Permit request to construct a 120-foot Tall Monopole Telecommunications Tower in the public right-of-way in the 600 block of Broadway Blvd., seconded by Council Member Taggart.

The motion passed with the following vote:

- Aye: 7 - Mayor Krebs, Mayor Pro Tem Green, Council Member Jorgensen, Council Member Skurow, Council Member Moore, Council Member Taggart and Council Member Wilson
- Nay: 0 -
- Absent: 0 -
- Abstained: 0 -

13. PUBLIC HEARING – UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS: THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING POSSIBLE UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS. A GENERAL DESCRIPTION OF PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS FOLLOWS:

- REVISIONS TO SECTION 317. SUBDIVISIONS.
- REVISIONS TO SECTION 406. PERMITTED USE TABLE.
- REVISIONS TO SECTION 607. STREET STANDARDS.
- REVISIONS TO SECTION 616. SANITARY SEWER FACILITIES.
- REVISIONS TO SECTION 618. STREET LIGHT STANDARDS.

Mayor Krebs opened the Public Hearing at 10:09 p.m. to solicit comments from citizens and other interested parties concerning possible Unified Development Ordinance Text Amendments. A general description of proposed Unified Development Ordinance Text Amendments follows:

- Revisions to Section 317. Subdivisions.
- Revisions to Section 406. Permitted Use Table.
- Revisions to Section 607. Street Standards.
- Revisions to Section 616. Sanitary Sewer Facilities.
- Revisions to Section 618. Street Light Standards.

Assistant City Manager, Brian DeLatte, presented the following information:

UDO Text Amendments

- Section 317—Reduces the maintenance bond requirement
- Section 406
 - Allows telecommunications towers in the R-2 zoning district by SUP
 - Requires SUP for hotels in the commercial districts
- Section 607—Requires concrete in all cul-de-sacs and horizontal curves exceeding 45 degrees
- Section 616—Requires that new sanitary sewer lines be cleaned, tested, and inspected prior to project acceptance
 - Administrative Official shall determine whether CCTV, air testing, mandrel testing and/or vacuum testing shall be utilized
- Section 618—Requires LED lighting in residential subdivisions

Recommended Motion

- Adopt a motion that:
 - Approves Ordinance No. 2146
 - Approves Ordinance No. 2146 with modifications
 - Rejects Ordinance No. 2146

Mayor Krebs asked for any comment from the public. Hearing and seeing none, the Public Hearing was closed at 10:13 p.m.

14. UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS: THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2146 THAT ADOPTS UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS—ASSISTANT CITY MANAGER

Council Member Skurow made the motion approve the first reading of Ordinance No. 2146 that adopts Unified Development Ordinance Text Amendments, seconded by Council Member Jorgensen.

The motion passed with the following vote:

Aye: 7 - Mayor Krebs, Mayor Pro Tem Green, Council Member Jorgensen, Council Member Skurow, Council Member Moore, Council Member Taggart and Council Member Wilson

Nay: 0 -

Absent: 0 -

Abstained: 0 -

Mayor Krebs read the following captions:

ORDINANCE NO. 2146

AN ORDINANCE ADOPTING TEXT REVISIONS TO THE UNIFIED DEVELOPMENT ORDINANCE CONCERNING MAINTENANCE BOND REQUIREMENTS, THE PERMITTED USE TABLE, CUL-DE-SAC CONSTRUCTION REQUIREMENTS, WASTEWATER LINE INSPECTIONS, AND STREET LIGHT REQUIREMENTS; 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; ESTABLISHING A PENALTY FOR VIOLATIONS; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION

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.

Ricci Nash, a resident at 239 Doyle Dr. voiced her opinion concerning fees for a Special Use

Permit request to replace an existing manufactured home in the newly annexed Doyle Addition area.

D. ADJOURNMENT: MAYOR KREBS

Mayor Krebs adjourned the meeting at 10:20 p.m.

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



CITY COUNCIL ACTION ITEM

AGENDA TITLE	<u>UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS:</u> THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2146 THAT ADOPTS UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS—ASSISTANT CITY MANAGER
MEETING DATE	1/3/2017
DEPARTMENT	Administration
SUBMITTED BY	Brian DeLatte, P.E.

EXECUTIVE SUMMARY

The second reading of Ordinance No. 2146 remains unchanged from the first reading on December 20, 2016.

Ordinance No. 2146 proposes several text revisions to the Unified Development Ordinance (UDO). The revisions are necessary to address current development trends and to add clarity to conflicting ordinances. The Planning and Zoning Commission recommended adoption of the proposed amendments.

PRIOR ACTIONS OR REVIEWS

- December 20, 2016—The City Council conducted a public hearing and approved the first reading of Ordinance No. 2146.

STAFF ANALYSIS

The proposed revisions to the UDO are required to address current development trends and clarify conflicting ordinances:

- Revision of Section 317 for the reduction in the maintenance bond value required for subdivision construction.
- Revision of the Permitted Use Table to require Special Use Permits for hotels and allow telecommunications towers in the R-2 zoning district by Special Use Permit.
- Revision of Street Standards to require that cul-de-sacs be constructed of concrete.
- Revision of sanitary sewer construction specifications to require that new lines are inspected utilizing video rather than just mandrel testing.
- Revision of street lighting specifications to require LED street lights.

ATTACHMENTS

- Proposed Ordinance No. 2146

RECOMMENDED ACTION

Adopt a motion that approves the second and final reading of Ordinance No. 2146.

1 **ORDINANCE NO. 2146**

2
3 **AN ORDINANCE ADOPTING TEXT REVISIONS TO THE UNIFIED**
4 **DEVELOPMENT ORDINANCE CONCERNING MAINTENANCE BOND**
5 **REQUIREMENTS, THE PERMITTED USE TABLE, CUL-DE-SAC**
6 **CONSTRUCTION REQUIREMENTS, WASTEWATER LINE INSPECTIONS,**
7 **AND STREET LIGHT REQUIREMENTS; PROVIDING FOR THE REPEAL OF**
8 **ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY**
9 **CLAUSE; ESTABLISHING A PENALTY AND SPECIFICALLY NEGATING A**
10 **REQUIREMENT OF A CULPABLE MENTAL STATE; ESTABLISHING A**
11 **PENALTY FOR VIOLATIONS; PROVIDING AND ESTABLISHING AN**
12 **EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION**

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

17
18 **WHEREAS** the City of Portland updated the Unified Development Ordinance on February
19 5, 2013 (Ordinance No. 2065); and,

20
21 **WHEREAS** the Planning and Zoning Commission conducted a public hearing on
22 December 13, 2016, to solicit comments concerning revisions to the Unified Development
23 Ordinance; and,

24
25 **WHEREAS** the Planning and Zoning Commission, after considering and evaluating
26 comments presented at the public hearing, recommended approval of Unified Development
27 Ordinance revisions to the City Council on December 13, 2016; and,

28
29 **WHEREAS** the City Council conducted public hearing on December 20, 2016, to solicit
30 comments concerning revisions to the Unified Development Ordinance; and,

31
32 **WHEREAS** the City Council on December 20, 2016, received a recommendation from the
33 Planning and Zoning Commission comments concerning revisions to the Unified Development
34 Ordinance; and,

35
36 **WHEREAS** the City Council deliberated approval of Unified Development Ordinance
37 revisions on December 20, 2016; and,

38
39 **WHEREAS** the City Council has found that the approval of Unified Development
40 Ordinance revisions will promote the health, safety, and welfare of Portland residents,

41
42 **NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,**
43 **TEXAS:**
44

45 **SECTION 1:** Subsection L. Section 317. Subdivision., Chapter 3, Appendix A of the Code
 46 of Ordinances is hereby amended to read as follows:

47
 48 Maintenance Bond and Performance Bond. The contractor or developer shall provide a
 49 one-year maintenance bond and performance bond (or similar instruments as approved
 50 by the City Engineer) on all construction required by the final plat and construction
 51 drawings. The bonds shall be in an amount equal to one hundred (100) percent of the
 52 construction costs, or a lesser amount set by the Administrative Official. In no event
 53 shall the maintenance bond be reduced to an amount less than twenty-five (25) percent
 54 of the construction costs. This one-year period shall begin upon final acceptance of all
 55 improvements by the City. Any defects in materials or workmanship shall be corrected
 56 to satisfy the City during this period.

57
 58 **SECTION 2:** Section 406. Permitted Use Table., Chapter 4, Appendix A of the Code of
 59 Ordinances is hereby amended to read as follows:
 60

Use	Residential								Special			Nonresidential			
	R-2	R-6	R-7	R-8	R-8D	R-15	RMH	R-20	RST	OT-1	OT-2	P	C-R	C-G	I
RESIDENTIAL															
Single-Family Dwelling	P	P	P	P	P				P	P	P				
Two-Family Dwelling					P				SP	SP	SP				
Townhouse						P			P	P	P				
Caretaker Quarters											P				
Manufactured Home							P				SP				
Home Occupation Type 1	P	P	P	P			P	SP	P	P	P	SP			
Home Occupation Type 2								SP	SP	SP	P	SP			
Multifamily Dwelling								P		SP	SP				
Assisted Living Facility	SP	SP	SP	SP	SP	SP		P	SP	SP	P	P	SP	P	
Nursing/Convalescent Home								P	SP	SP	P	P	SP	P	
Community Home	P	P	P	P	P	P	P	P	P	P	P	SP	SP	SP	
Group Home	SP	SP	SP	SP	SP	SP		SP	SP	SP	P	SP	SP	SP	
INSTITUTIONAL/CIVIC/UTILITY															
Agriculture, Farming, Ranching	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Airport, Landing Strip, Helipad, Heliport									SP			SP	SP	SP	
Cemetery									P					P	
Civic Organization, Private								SP	SP	SP	P	P	SP	P	
Municipal Office or Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Hospital								SP	SP		P	P	SP	P	
Medical Clinic or Medical Office									SP		P	P	P	P	
Recycling Center															P
Religious Institution	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, Elementary or Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, College or Vocational	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	P	P
Telecommunication Tower, Commercial	<u>SP</u>										SP	SP	SP	SP	SP
Wind Turbine															
Telecommunication Tower, Governmental	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electric Utility Substation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Water/Wastewater Treatment Facility											SP	SP	SP	SP	P
ENTERTAINMENT/RECREATION															

Use	Residential								Special			Nonresidential			
	R-2	R-6	R-7	R-8	R-8D	R-15	RMH	R-20	RST	OT-1	OT-2	P	C-R	C-G	I
Vehicle Parts Sales											P	SP	P	P	P
Vehicle Service, Limited: when located less than 60' from a residential property line												SP	P	P	P
Vehicle Service, Limited: when located at least 60' from a residential property line											P	SP	P	P	P
Vehicle Service, General: when located less than 60' from a residential property line														P	P
Vehicle Service, General: when located at least 60' from a residential property line											P		P	P	P
Vehicle Sales											P		SP	P	P
Veterinarian/Animal Hospital (with indoor kennels only)									SP		P	P	SP	P	P
Veterinarian/Animal Hospital or Kennel with outdoor kennels									SP		SP	SP	SP	SP	P
INDUSTRIAL															
Manufacturing, Light														SP	P
Manufacturing, Heavy															P
Mining, Excavation															SP
Storage Yard											SP				P
Warehouse, Freight Movement															SP
Wholesale Trade														SP	P

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SECTION 3: Subsection J. Section 607. Street Standards., Chapter 6, Appendix A of the Code of Ordinances is hereby amended to read as follows:

J. Surface Improvements. After utilities have been installed, the developer shall construct curbs and gutters and shall surface roadways to the widths prescribed in these regulations. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to the city construction standards and specifications (which are contained in a separate ordinance), and shall be incorporated into the construction plans to be submitted for plat approval. A geotechnical report with pavement recommendations is required for the construction of road pavement. A boring plan shall be designed by a Professional Engineer licensed by the State of Texas for approval by the Administrative Official. All cul-de-sacs and all streets with residential lot frontage with horizontal curvature exceeding forty-five (45) degrees shall be concrete with a pavement section designed utilizing the geotechnical report's pavement recommendations.

SECTION 4: Subsection E. Section 616. Sanitary Sewer Facilities., Chapter 6, Appendix A of the Code of Ordinances is hereby created:

81
82 E. Sanitary Sewer Line Inspections. All sanitary sewer lines and manholes shall be
83 cleaned, tested, and inspected prior to project acceptance. The Administrative Official
84 shall determine whether CCTV (video) testing, air testing, mandrel testing, and/or
85 vacuum testing shall be utilized. Specifications for the testing methods shall be
86 determined by the Administrative Official.

87
88 **SECTION 5:** Section 618. Street Light Standards., Chapter 6, Appendix A of the Code of
89 Ordinances is hereby amended to read as follows:

90
91 **Sec. 618. - Street Light Standards.**

92
93 The subdivision developer shall install street lights at locations approved by the City,
94 including, but not limited to the following:

- 95
96 A. Intersections.
97
98 B. Approved interior block locations so the distance between street lights is five
99 hundred (500) feet or less.
100
101 C. Curves where the delta angle is greater than 45 degrees or the centerline radius is
102 less than one thousand (1,000) feet.
103
104 D. End of cul-de-sacs in excess of two hundred fifty (250) feet in length.
105
106 E. Dead ends when they are located more than two hundred fifty (250) feet from
107 the nearest street light.
108

109 Lighting poles shall be constructed of aluminum or City-approved equivalent. Lighting
110 fixtures shall be light-emitting diode (LED) in a wattage approved by the Administrative
111 Official. In the interest of public safety, street lighting shall be located at and/or directly
112 across street right-of-way from fire hydrants (the City may, at its discretion, waive
113 certain location requirements where a conflict in distance within these parameters
114 occurs). The developer shall complete installation of said street lighting prior to
115 acceptance of the subdivision improvements by the City. The developer shall pay for any
116 additional cost, if any, above the credit allowance that the City receives from the utility
117 company. The City will energize and pay all monthly charges, after power is available to
118 the system and the City deems it appropriate.
119

120 **SECTION 6:** If any provision, section, clause or phrase of this Ordinance, or the
121 application of same to any person or set of circumstances is, for any reason held to be
122 unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall
123 not be affected thereby, it being the intent of the City Council in adopting this Ordinance that
124 no portion hereof, or provisions or regulations contained herein, shall become inoperative or

125 fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this
126 Ordinance are declared severable for that purpose.

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128 **SECTION 7:** Any previously adopted ordinance, resolution, rule, regulation or policy in
129 conflict with this Ordinance is hereby repealed.

130
131 **SECTION 8:** Any person who violates this Ordinance shall be guilty of a misdemeanor
132 and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars
133 (\$500.00). Each and every day that a violation of this Ordinance occurs shall constitute a
134 separate offense. The culpable mental state required by Chapter 6.02, Texas Penal Code, is
135 specifically negated and dispensed with and a violation is a strict liability offense.

136
137 **SECTION 9:** This Ordinance shall be published after second reading hereof by publishing
138 the caption thereof in the official newspaper with a statement the public may view the
139 Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after
140 the publication provided herein.

141
142 **PASSED** and **APPROVED** on second reading this ___ day of _____ 2017.

143
144
145 **CITY OF PORTLAND**

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148 _____
149 **David Krebs**
150 **Mayor**

151
152
153
154 **ATTEST:**
155
156
157 _____
158 **Annette Hall**
159 **City Secretary**