



# CITY COUNCIL AGENDA

## NOTICE OF REGULAR MEETING

Tuesday, February 2, 2021

7:00 p.m.

City Hall - Council Chamber

Daniel P. Moore Community Center Complex

1900 Billy G. Webb Drive

Portland, Texas

*Citizens may watch the meeting live on Spectrum Cable Channel 1300 or online at <http://www.portlandtx.com/418/Media-Center>. Citizens may also comment on items appearing on the agenda online at <http://www.portlandtx.com/418/Media-Center> and/or submit comments or questions for the City Council to [Annette.hall@portlandtx.com](mailto:Annette.hall@portlandtx.com). To be considered by the City Council, all comments must be received one (1) hour prior to the meeting.*

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

1. **CALL TO ORDER:** MAYOR SKUROW
2. **ROLL CALL:** CITY SECRETARY
3. **INVOCATION AND PLEDGE:** MAYOR SKUROW OR DESIGNEE
4. **FORMAL ANNOUNCEMENTS, RECOGNITION, PRESENTATIONS AND REPORTS THAT MAY BE DISCUSSED:**
  - RECOGNITION OF THE CITY OF PORTLAND BY THE UNITED STATES CENSUS BUREAU – MAYOR
5. **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

**6. CITY MANAGER’S REPORT:**

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

**7. PUBLIC COMMENT - AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY COUNCIL:**

To reduce the chance of COVID-19 transmission, City Council meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of Community, City Staff, and City Council. This meeting will be live streamed at [www.portlandtx.com/418/Media-Center](http://www.portlandtx.com/418/Media-Center) and on Spectrum Channel 1300.

Public testimony and public hearing input for Public Comment and all items on the agenda should be provided in written format and presented to the City Secretary prior to the start of each meeting of the City Council. Written comments on agenda items may also be submitted through the City’s Speak-Up website at [www.portlandtx.com/418/Media-Center](http://www.portlandtx.com/418/Media-Center) one (1) hour prior to the meeting.

Written public testimony will be provided to members of City Council prior to voting on measures for that meeting and included in the meeting record.

Written and oral testimony as described shall serve as public testimony pursuant to Texas Government Code 551.007 for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference.

Persons wishing to speak must fill out a speaker request card prior to the meeting. You will be notified when it is your turn to speak. Speakers will be given four (4) minutes to speak.

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

**8. MINUTES OF PREVIOUS MEETINGS:** THE CITY COUNCIL WILL CONSIDER APPROVAL OF THE MINUTES OF ITS JANUARY 19, 2021 REGULAR MEETING AND THE JANUARY 26, 2021 SPECIAL MEETING — MAYOR SKUROW AND CITY SECRETARY

**9. RESOLUTION NO. 821 – ORDERING THE MAY 1, 2021 GENERAL ELECTION:** THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 821 ORDERING THE MAY 1, 2021 GENERAL ELECTION FOR THE PURPOSE OF ELECTING FOUR (4) COUNCIL MEMBERS TO TWO (2) YEAR TERMS – MAYOR SKUROW AND CITY SECRETARY

**10. EXECUTIVE SESSION:** THE CITY COUNCIL MAY CONDUCT AN EXECUTIVE SESSION ACCORDING TO GOVERNMENT CODE AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTIONS 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION REGARDING REAL PROPERTY), 551.073 (DELIBERATION REGARDING PROSPECTIVE GIFT), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATION REGARDING SECURITY DEVICES) AND 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION).

**EXECUTIVE SESSION ACTION:** THE CITY COUNCIL MAY TAKE ACTION AS A RESULT OF ITEMS DISCUSSED IN EXECUTIVE SESSION

**C. ADJOURNMENT:** MAYOR SKUROW

**Posted:** January 29, 2021 by 5:00 p.m.  
Portland City Hall  
Electronically at [www.portlandtx.com](http://www.portlandtx.com)

**By:** *Annette Hall*  
Annette Hall  
City Secretary

**CITY OF PORTLAND  
CITY COUNCIL  
REGULAR MEETING  
MINUTES  
JANUARY 19, 2021 – 7:00 P.M.**

*Citizens may watch the meeting live on Spectrum Cable Channel 1300 or online at <http://www.portlandtx.com/418/Media-Center>. Citizens may also comment on items appearing on the agenda online at <http://www.portlandtx.com/418/Media-Center> and/or submit comments or questions for the City Council to [Annette.hall@portlandtx.com](mailto:Annette.hall@portlandtx.com). To be considered by the City Council, all comments must be received one (1) hour prior to the meeting.*

On this the 19<sup>th</sup> day of January 2021, the Council of the City of Portland conducted a regular meeting session at 7:00 pm electronically. A notice of regular meeting giving the time, place and date and subject having been posted as described by Section 551 of the Government Code.

**COUNCIL MEMBERS PRESENT:**

Cathy Skurow	Mayor
John Green	Mayor Pro Tem
Bill T. Wilson II	Council Member
John G. Sutton, Jr.	Council Member
Gary W. Moore	Council Member
Tom Yardley	Council Member

**COUNCIL MEMBERS ABSENT:**

Troy Bethel	Council Member
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**EXECUTIVE STAFF PRESENT:**

Randy Wright	City Manager
Brian DeLatte	Deputy City Manager
Annette Hall	City Secretary
Aldilia Martin	Director of Finance
Drew Schell	IT Technician
Fred Bussman	IT Technician
Hal George	City Attorney

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 SKUROW**

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

**2. ROLL CALL: CITY SECRETARY**

City Secretary, Annette Hall, called the roll and made the following announcements:

- A quorum is present.

**3. INVOCATION AND PLEDGE: MAYOR SKUROW OR DESIGNEE**

Council Member Wilson gave an invocation, and Mayor Pro Tem Green led the pledge of allegiance.

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

- GULF COAST GROWTH VENTURES PRESENTATION – REPRESENTATIVES OF GCGV

Gulf Coast Growth Venture Executive Paul Guilfoyle gave a project update presentation that included the following information

- Making Progress!
- Making the Modules Move
- Collaborating with Local Industry
- Transition: Construction to Operations
- Good Neighbor Program
- Good Neighbor Program: Holiday Edition
- Good Neighbors In the Community: Volunteering

- INTRODUCTION OF NEW EMPLOYEES – CITY MANAGER

Fire Chief Jeff Morris introduced the following new employees:

- Conner Blahuta, Firefighter/EMT
- Hunter Galloway, Firefighter/EMT
- Nicholas Lansford, Firefighter/EMT

**5. 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

Council Member Yardley made the following comments:

- He welcomed the new employees.
- He reported that he attended the SPEDC meeting where they welcomed their new Executive Director, Adam Gawarecki.

Council Member Sutton made the following comments:

- He welcomed the new employees.
- He thanked Gulf Coast Growth Ventures for the project update.

Council Member Moore made the following comments:

- He commented that it is always nice to get a project update from GCGV.
- He welcomed all the new firefighters that were introduced this evening.
- He reported that he attended the Coastal Bend Bays and Estuaries Human Uses meeting last week.

Council Member Wilson made the following comments:

- He commented that he appreciates the update given by GCGV.
- He welcomed the new employees.

Mayor Pro Tem Green made the following comments:

- He welcomed the new employees.
- He thanked GCGV for the project update.
- He reported that he attended the Port Commission meeting this morning. However, he was not able to stay for the entire session.

Mayor Skurow made the following comments:

- She announced that today was Mayor Pro Tem Green's last day as President of the Board of Directors of the SPEDC and thanked him for serving.
- She welcomed the new employees.

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

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

There were no announcements, comments or updates made by the City manager

**7. PUBLIC COMMENT - AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY COUNCIL:**

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Persons wishing to speak must fill out a speaker request card prior to the meeting. You will be notified when it is your turn to speak. Speakers will be given four (4) minutes to speak.

There were no public comments made in person or via email.

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

**8. MINUTES OF PREVIOUS MEETINGS: THE CITY COUNCIL WILL CONSIDER APPROVAL OF THE MINUTES OF ITS JANUARY 5, 2021 SPECIAL MEETING AND THE JANUARY 5, 2021 REGULAR MEETING — MAYOR SKUROW AND CITY SECRETARY**

Council Member Moore made the motion to approve the minutes of the January 5, 2021, special meeting and the January 5, 2021, regular meeting as presented, seconded by Council Member Sutton.

The motion passed with the following vote:

For:	6	Mayor Skurow, Mayor Pro Tem Green, Council Member Wilson, Council Member Sutton, Council Member Moore, and Council Member Yardley
Against:	0	
Absent:	1	Council Member Bethel
Abstained:	0	

**9. RESOLUTION NO. 817—OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS**

**DIVISION:** THE CITY COUNCIL WILL CONSIDER APPROVING RESOLUTION NO. 817 AUTHORIZING THE CITY MANAGER TO SECURE FUNDING FOR AN EMERGENCY RESPONSE TRAILER FOR THE PORTLAND FIRE DEPARTMENT – FIRE CHIEF

Fire Chief Jeff Morris presented the following information:

Resolution No. 817 authorizes the City Manager to act as the authorized individual to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency. Approval of this resolution is a required action for the application process to move forward.

This grant opportunity is through the Office of the Governor, Homeland Security Division, Regular Projects. The proposal is for an Emergency Response Trailer designed to respond to, coordinate, evaluate, and mitigate a variety of emergencies. The current response trailer is outdated and no longer a viable adjunct in response to specialized emergencies. These emergencies include Hazardous Materials: both manmade and commercially manufactured, Biological, Radioactive, Nuclear, and Explosive. If funded, this project can be utilized as a regional asset. If awarded, this grant is federally funded at 100% reimbursed.

Mayor Pro Tem Green made the motion to approve Resolution No. 817 that authorizes the City Manager to secure funding for an Emergency Response Trailer for the Portland Fire Department, seconded by Council Member Willson.

The motion passed with the following vote:

For:	6	Mayor Skurow, Mayor Pro Tem Green, Council Member Wilson, Council Member Sutton, Council Member Moore, and Council Member Yardley
Against:	0	
Absent:	1	Council Member Bethel
Abstained:	0	



**10. ORDINANCE NO. 2227—DROUGHT CONTINGENCY PLAN AMENDMENTS:** THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2227 THAT AMENDS THE CITY OF PORTLAND DROUGHT CONTINGENCY PLAN – DEPUTY CITY MANAGER

Deputy City Manager Brian DeLatte presented the following information:

The City of Portland’s Drought Contingency Plan (DCP) was last revised in January 2015. As the City purchases water indirectly from the City of Corpus Christi, the City of Portland’s DCP is contractually required to match the City of Corpus Christi’s plan, which was recently modified. The proposed amendments to the City of Portland’s DCP modify terminology and add additional definitions for clarity.

The amendments to the DCP: (1) add definitions to the plan to provide clarity; (2) remove the City of Portland’s voluntary Stage 1 and renumber Stages 2 through 5 as Stages 1 through 4, and (3) modify target reduction levels and surcharges in Stage 2.

The City Council, City Manager, and Deputy City Manager discussed the proposed amendments to the Drought Contingency Plan.

Council Member Yardley made the motion to approve the first reading of Ordinance No. 2227 that amends the City of Portland Drought Contingency Plan, seconded by Council Member Sutton.

The motion passed with the following vote:

For:	6	Mayor Skurow, Mayor Pro Tem Green, Council Member Wilson, Council Member Sutton, Council Member Moore, and Council Member Yardley
Against:	0	
Absent:	1	Council Member Bethel
Abstained:	0	

City Secretary Annette Hall read the following caption:

**ORDINANCE NO. 2227**

**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**

**11. EXECUTIVE SESSION:** THE CITY COUNCIL MAY CONDUCT AN EXECUTIVE SESSION ACCORDING TO GOVERNMENT CODE AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTIONS 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION REGARDING REAL PROPERTY), 551.073 (DELIBERATION REGARDING PROSPECTIVE GIFT), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATION REGARDING SECURITY DEVICES) AND 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION).

At 7:36 p.m. Mayor Skurow announced that City Council will conduct an Executive Session according to Government Code as authorized by Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding prospective gift), 551.074 (personnel matters), 551.076 (deliberation regarding security devices) and 551.087 (deliberation regarding economic development negotiations).

**EXECUTIVE SESSION ACTION: THE CITY COUNCIL MAY TAKE ACTION AS A RESULT OF ITEMS DISCUSSED IN EXECUTIVE SESSION**

Mayor Skurow reconvened the regular meeting at 9:00 p.m. and announced no action would be taken as a result of the Executive Session.

**C. ADJOURNMENT: MAYOR SKUROW**

Mayor Skurow adjourned the meeting at 9:01 p.m.

Approved:

\_\_\_\_\_  
Cathy Skurow, Mayor

Attest:

\_\_\_\_\_  
City Secretary

**CITY OF PORTLAND  
CITY COUNCIL  
SPECIAL MEETING  
MINUTES  
JANUARY 26, 2021 – 6:00 P.M.**

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On this the 26<sup>th</sup> of January 2021, the Council of the City of Portland convened in a regular meeting session at 6:00 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.

**COUNCIL MEMBERS PRESENT:**

Cathy Skurow	Mayor
John Green	Mayor Pro Tem
John G. Sutton Jr.	Council Member
Bill T. Wilson II	Council Member
Gary W. Moore	Council Member
Tom Yardley	Council Member
Troy Bethel	Council Member

**EXECUTIVE STAFF PRESENT:**

Randy Wright	City Manager
Brian DeLatte	Deputy City Manager
Annette Hall	City Secretary
Jerry Moore	Director of Development Services
Kenny Banks	Director of Public Works
Drew Schell	IT Technician
Fred Bussman	IT Technician
Hal George	City Attorney

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 SKUROW**

Mayor Skurow called the meeting to order at 6:00 pm.

**2. ROLL CALL: CITY SECRETARY**

City Secretary Annette Hall called the roll and announced that a quorum was present.

**3. PUBLIC COMMENT - AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY COUNCIL:**

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Written public testimony will be provided to members of City Council prior to voting on measures for that meeting and included in the meeting record.

Written and oral testimony as described shall serve as public testimony pursuant to Texas Government Code 551.007 for purposes of any public hearing requirement under law.

Persons wishing to speak must fill out a speaker request card prior to the meeting. You will be notified when it is your turn to speak. Speakers will be given four (4) minutes to speak.

There were no public comments.

**4. ORDINANCE NO. 2228: THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2228 ANNEXING APPROXIMATELY 187 ACRES OF LAND LYING ADJACENT TO THE CITY OF PORTLAND, TEXAS, INTO THE TERRITORIAL LIMITS OF PORTLAND, TEXAS (PHASE 3 NORTH) - CITY MANAGER, DEPUTY CITY MANAGER AND REPRESENTATIVES OF FREESE AND NICHOLS**

Deputy City Manager Brian DeLatte presented the following information:

On December 3, 2020, the City Council expressed its intent to begin annexation proceedings of approximately 187 acres within the City's extraterritorial jurisdiction. The City Council has conducted two public hearings and has complied with all provisions of Chapter 43 of the Texas Local Government Code and the Portland City Charter necessary to formally annex the proposed area.

#### **PRIOR ACTIONS OR REVIEWS**

- April 2, 2019—The City Council authorized the City Manager to execute a Cession Agreement with the City of Corpus Christi
- April 16, 2019—The City Council adopted Resolution No. 765 that directed the City Manager to prepare a service plan for the extension of municipal services to approximately 9,115 acres contiguous to the City of Portland
- May 7, 2019—The City Council adopted Resolution No. 766 that adopted a service plan for the extension of municipal services to approximately 9,115 acres contiguous to the City of Portland
- August 12, 2020—The City Council received a presentation from consulting planner Freese and Nichols concerning potential annexations and growth-related matters
- December 3, 2020—The City Council adopted Resolution No. 813 setting the date and time of two public hearings concerning the proposed annexation  
January 5, 2021—The City Council conducted two public hearings concerning the proposed annexation

Chapter 43 of the Texas Local Government Code regulates how cities can grow into their extraterritorial jurisdiction. The City Council has conducted two public hearings and presented a proposed Municipal Service Plan as required by statute. City Staff has maintained a webpage with pertinent information about the annexation process and has answered questions from interested parties. The City has completed all legal requisites for annexation. Under the Texas Local Government Code, Chapter 43, the City Council is authorized to enact legislation to finalize the annexation.

Owners of agricultural exempt land can opt out of annexation by executing a development agreement with the City. The agreement allows for the continuation of existing uses on the property provided the owner does not initiate development of the property, and that the property remains agricultural exempt. The agreement allows the City to extend its land use controls (zoning, building, development, etc.) to the subject properties so long as they do not materially interfere with the use of the property for agriculture, wildlife management or timber.

Erica Craycraft, a Planner with FNI presented and reviewed the following information with the City Council:

**City of Portland  
Annexation  
Phase 3 North**

**Agenda**

1. Purpose of Annexation
2. Overview of Proposed Annexation
3. Development Agreements
4. Frequently Asked Questions

**Why do cities annex?**

- Extend development controls to manage land development
- Room to grow
- Help relieve tax burden on citizens
- Consistent with the comprehensive plan

**Total Area**

Total Annexation  
Acres = 1,864.2  
Sq. Mi. = 2.91

**Phase 3 (North), 186.4 acres, 0.29 sq. mi.**

**Starts east side of CR 3365, South of 2004, ends east of FM 893, joins Phase 3 South and follows the parcel line.**

**Development Agreements**

- Land with agricultural, wildlife, or timber exemptions must be offered a development agreement
  - Determined by the County Appraisal District, not by the City
  - Excludes home sites and improvements
- No City taxes and considered part of the ETJ until development occurs or the agreement expires (15+ years)
- City has received 9 development agreement applications in the Phase 3 North area

**Frequently Asked Questions**

Can I continue my use?

- Any use that's legal today may be continued

What City services will be provided to annexed land?

- Police, fire, EMS, garbage collection
- Road maintenance for any non-TxDOT roads that are annexed
- Eventually water and wastewater (unless property is in another service provider's boundary)

Am I required to connect to City water/sewer?

- Only if your septic tank or water well requires major repairs and City water/sewer services are available

Council Member Wilson made the motion to approve the first reading of Ordinance No. 2228, annexing approximately 187 acres of land lying adjacent to the City of Portland, Texas, into the territorial limits of Portland, Texas (Phase 3 North), seconded by Council Member Moore.

The motion passed with the following vote:

For:	7	Mayor Skurow, Mayor Pro Tem Green, Council Member Sutton, Council Member Wilson, Council Member Moore, Council Member Yardley and Council Member Bethel
Against:	0	
Absent:	0	
Abstained:	0	

City Secretary Annette Hall read the following caption:

**ORDINANCE NO. 2228**

**AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF PORTLAND, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS; GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS, PRIVILEGES, AND BURDENS OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY; PROVIDING FOR AMENDMENT OF THE OFFICIAL MAPS OF THE CITY OF PORTLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE**

5. **ORDINANCE NO. 2229:** THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2229 ANNEXING APPROXIMATELY 182 ACRES OF LAND LYING ADJACENT TO THE CITY OF PORTLAND, TEXAS, INTO THE TERRITORIAL LIMITS OF PORTLAND, TEXAS

(PHASE 3 SOUTH) - CITY MANAGER, DEPUTY CITY MANAGER AND REPRESENTATIVES OF FREESE AND NICHOLS

Deputy City Manager Brian DeLatte presented the following information:

On December 3, 2020, the City Council expressed its intent to begin annexation proceedings of approximately 182 acres within the City's extraterritorial jurisdiction. The City Council has conducted two public hearings and has complied with all provisions of Chapter 43 of the Texas Local Government Code and the Portland City Charter necessary to formally annex the proposed area.

**PRIOR ACTIONS OR REVIEWS**

- April 2, 2019—The City Council authorized the City Manager to execute a Cession Agreement with the City of Corpus Christi
- April 16, 2019—The City Council adopted Resolution No. 765 that directed the City Manager to prepare a service plan for the extension of municipal services to approximately 9,115 acres contiguous to the City of Portland
- May 7, 2019—The City Council adopted Resolution No. 766 that adopted a service plan for the extension of municipal services to approximately 9,115 acres contiguous to the City of Portland
- August 12, 2020—The City Council received a presentation from consulting planner Freese and Nichols concerning potential annexations and growth-related matters
- December 3, 2020—The City Council adopted Resolution No. 814 setting the date and time of two public hearings concerning the proposed annexation
- January 5, 2021—The City Council conducted two public hearings concerning the proposed annexation

Chapter 43 of the Texas Local Government Code regulates how cities can grow into their extraterritorial jurisdiction. The City Council has conducted two public hearings and presented a proposed Municipal Service Plan as required by statute. City Staff has maintained a webpage with pertinent information about the annexation process and has answered questions from interested parties. The City has completed all legal requisites for annexation. Under the Texas Local Government Code, Chapter 43, the City Council is authorized to enact legislation to finalize the annexation.

Owners of agricultural exempt land can opt out of annexation by executing a development agreement with the City. The agreement allows for the continuation of existing uses on the property provided the owner does not initiate development of the property, and that the property remains agricultural exempt. The agreement allows the City to extend its land use controls (zoning, building, development, etc.) to the subject



properties so long as they do not materially interfere with the use of the property for agriculture, wildlife management or timber.

Erica Craycraft, a Planner with FNI presented and reviewed the following information with the City Council:

**City of Portland  
Annexation  
Phase 3 South**

**Agenda**

1. Purpose of Annexation
2. Overview of Proposed Annexation
3. Development Agreements
4. Frequently Asked Questions

**Why do cities annex?**

- Extend development controls to manage land development
- Room to grow
- Help relieve tax burden on citizens
- Consistent with the comprehensive plan

**Total Area**

Total Annexation  
Acres = 1,864.2  
Sq. Mi. = 2.91

**Phase 3 (South), 181.9 acres 0.28 sq. mi.**

**Starts at the end of Phase 2, takes in FM 893, takes in FM 893, and ROW notch.**

**Development Agreements**

- Land with agricultural, wildlife, or timber exemptions must be offered a development agreement
  - Determined by the County Appraisal District, not by the City
  - Excludes home sites and improvements
- No City taxes and considered part of the ETJ until development occurs or the agreement expires (15+ years)

**Frequently Asked Questions**

Can I continue my use?

- Any use that's legal today may be continued

What City services will be provided to annexed land?

- Police, fire, EMS, garbage collection
- Road maintenance for any non-TxDOT roads that are annexed
- Eventually water and wastewater (unless property is in another service provider's boundary)

Am I required to connect to City water/sewer?

- Only if your septic tank or water well requires major repairs and City water/sewer services are available

Council Member Moore made the motion to approve the first reading of Ordinance No. 2229, annexing approximately 182 acres of land lying adjacent to the City of Portland, Texas, into the territorial limits of Portland, Texas (Phase 3 South), seconded by Council Member Bethel.

The motion passed with the following vote:

For:	7	Mayor Skurow, Mayor Pro Tem Green, Council Member Sutton, Council Member Wilson, Council Member Moore, Council Member Yardley and Council Member Bethel
Against:	0	
Absent:	0	
Abstained:	0	

City Secretary Annette Hall read the following caption:

**ORDINANCE NO. 2229**

**AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF PORTLAND, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS; GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS, PRIVILEGES, AND BURDENS OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY; PROVIDING FOR AMENDMENT OF THE OFFICIAL MAPS OF THE CITY OF PORTLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE**

6. **ORDINANCE NO. 2228:** THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2228 ANNEXING APPROXIMATELY 187 ACRES OF LAND LYING ADJACENT TO THE CITY OF PORTLAND, TEXAS, INTO THE TERRITORIAL LIMITS OF

PORTLAND, TEXAS (PHASE 3 NORTH) - CITY MANAGER, DEPUTY CITY MANAGER AND REPRESENTATIVES OF FREESE AND NICHOLS

Deputy City Manager Brian DeLatte explained that is the second and final reading of Ordinance No. 2228 annexing approximately 187 acres of land.

Mayor Pro Tem Green made the motion to approve the second and final reading of Ordinance No. 2228, annexing approximately 187 acres of land lying adjacent to the City of Portland, Texas, into the territorial limits of Portland, Texas (Phase 3 North), seconded by Council Member Yardley.

The motion passed with the following vote:

For:	7	Mayor Skurow, Mayor Pro Tem Green, Council Member Sutton, Council Member Wilson, Council Member Moore, Council Member Yardley and Council Member Bethel
Against:	0	
Absent:	0	
Abstained:	0	

City Secretary Annette Hall read the following caption:

**ORDINANCE NO. 2228**

**AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF PORTLAND, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS; GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS, PRIVILEGES, AND BURDENS OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY; PROVIDING FOR AMENDMENT OF THE OFFICIAL MAPS OF THE CITY OF PORTLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE**

- ORDINANCE NO. 2229:** THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2229 ANNEXING APPROXIMATELY 182 ACRES OF LAND LYING ADJACENT TO THE CITY OF PORTLAND, TEXAS, INTO THE TERRITORIAL LIMITS OF PORTLAND, TEXAS (PHASE 3 SOUTH) - CITY MANAGER, DEPUTY CITY MANAGER AND REPRESENTATIVES OF FREESE AND NICHOLS

Deputy City Manager Brian DeLatte explained that is the second and final reading of Ordinance No. 2229 annexing approximately 182 acres of land.

Council Member Sutton made the motion to approve the second and final reading of Ordinance No. 2229, annexing approximately 182 acres of land lying adjacent to the City of Portland, Texas, into the territorial limits of Portland, Texas (Phase 3 South), seconded by Council Member Moore.

The motion passed with the following vote:

For:	7	Mayor Skurow, Mayor Pro Tem Green, Council Member Sutton, Council Member Wilson, Council Member Moore, Council Member Yardley and Council Member Bethel
Against:	0	
Absent:	0	
Abstained:	0	

City Secretary Annette Hall read the following caption:

**ORDINANCE NO. 2229**

**AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF PORTLAND, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS; GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS, PRIVILEGES, AND BURDENS OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY; PROVIDING FOR AMENDMENT OF THE OFFICIAL MAPS OF THE CITY OF PORTLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE**

- RESOLUTION NO. 818**: THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 818 AUTHORIZING THE CITY MANAGER TO EXECUTE DEVELOPMENT AGREEMENTS FOR PROPERTIES WITH AGRICULTURAL, WILDLIFE MANAGEMENT, OR TIMBERLAND PROPERTY EXEMPTIONS IN THE ANNEXATION AREA (PHASE 3 NORTH) - CITY MANAGER, DEPUTY CITY MANAGER AND REPRESENTATIVES OF FREESE AND NICHOLS

Deputy City Manager Brian DeLatte presented the following information:

Chapter 43.016 of the Local Government Code requires a city that has proposed to annex land in its Extraterritorial Jurisdiction to first offer a development agreement to property owners with an agricultural, wildlife management, or timber land property tax exemption. The development agreement contains a guarantee that the City will not annex the land covered by the development agreement provided that the property owner does not attempt to develop the property and continues to maintain the agricultural, wildlife management, or timber land property tax exemption. Under Chapter 43.035 the City can exercise all planning and land use regulations on property that is covered by a development agreement.

The City offered development agreement applications to all of the property owners in the proposed annexation area with an agricultural, wildlife management, or timber land exemption. Applications for the development agreements were submitted for all parcels. Entering into a development agreement with the City will not allow the City to levy property taxes on the subject property. The agreement continues the extraterritorial status of the property, requires the maintenance of the agricultural exempt status, and prohibits subdivision, development, or change in use unless annexed. The term of the agreement is 15 years, renewable for up to 45 years. The agreement runs with the land.

Once the resolution is approved, the signed development agreement will be executed and recorded with the San Patricio County Clerk. The San Patricio County Appraisal District will be notified that this property will retain its extraterritorial status.

Council Member Bethel made the motion to adopt Resolution No. 818 that authorizes the City Manager to execute Development Agreements for properties with agricultural, wildlife management, or timberland property exemptions in the annexation area (Phase 3 North), seconded by Mayor Pro Tem Green.

The motion passed with the following vote:

For:	7	Mayor Skurow, Mayor Pro Tem Green, Council Member Sutton, Council Member Wilson, Council Member Moore, Council Member Yardley and Council Member Bethel
Against:	0	
Absent:	0	
Abstained:	0	

- 9. RESOLUTION NO. 819: THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 819 AUTHORIZING THE CITY MANAGER TO EXECUTE DEVELOPMENT AGREEMENTS FOR PROPERTIES WITH AGRICULTURAL, WILDLIFE MANAGEMENT, OR TIMBERLAND PROPERTY EXEMPTIONS IN THE ANNEXATION AREA (PHASE 3 SOUTH) - CITY MANAGER, DEPUTY CITY MANAGER AND REPRESENTATIVES OF FREESE AND NICHOLS**

Deputy City Manager Brian DeLatte presented the following information:

Chapter 43.016 of the Local Government Code requires a city that has proposed to annex land in its Extraterritorial Jurisdiction to first offer a development agreement to property owners with an agricultural, wildlife management, or timber land property tax exemption. The development agreement contains a guarantee that the City will not annex the land covered by the development agreement provided that the property owner does not attempt to develop the property and continues to maintain the agricultural, wildlife management, or timber land property tax exemption. Under Chapter 43.035 the City can exercise all planning and land use regulations on property that is covered by a development agreement.

The City offered development agreement applications to all of the property owners in the proposed annexation area with an agricultural, wildlife management, or timber land exemption. Applications for the development agreements were submitted for all parcels.

Entering into a development agreement with the City will not allow the City to levy property taxes on the subject property. The agreement continues the extraterritorial status of the property, requires the maintenance of the agricultural exempt status, and prohibits subdivision, development, or change in use unless annexed. The term of the agreement is 15 years, renewable for up to 45 years. The agreement runs with the land.

Once the resolution is approved, the signed development agreement will be executed and recorded with the San Patricio County Clerk. The San Patricio County Appraisal District will be notified that this property will retain its extraterritorial status.

Council Member Moore made the motion to adopt Resolution No. 818 that authorizes the City Manager to execute Development Agreements for properties with agricultural, wildlife management, or timberland property exemptions in the annexation area (Phase 3 South), seconded by Council Member Sutton.

The motion passed with the following vote:

For:	7	Mayor Skurow, Mayor Pro Tem Green, Council Member Sutton, Council Member Wilson, Council Member Moore, Council Member Yardley and Council Member Bethel
Against:	0	
Absent:	0	
Abstained:	0	

- 10. RESOLUTION NO. 820:** THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 820 THAT SETS DATES, TIMES, AND LOCATIONS FOR TWO PUBLIC HEARINGS CONCERNING ANNEXATION OF APPROXIMATELY 187 ACRES INTO THE TERRITORIAL LIMITS OF THE CITY

## OF PORTLAND, TEXAS (PHASE 4) - CITY MANAGER, DEPUTY CITY MANAGER AND REPRESENTATIVES OF FREESE AND NICHOLS

Deputy City Manager Brian DeLatte presented the following information:

The City Council received a presentation concerning potential annexations and growth-related matters from City consulting planner Freese and Nichols at its August 12, 2020 workshop. Chapter 43 of the Texas Local Government Code requires two public hearings prior to City Council deliberation on any involuntary annexation of property within a city's Extraterritorial Jurisdiction (ETJ). Resolution No. 820 sets the dates, times, and locations of the public hearings for Phase 4 of the proposed annexation plan.

The proposed schedule for the public hearings and deliberation of the Phase 4 annexations is as follows:

- Tuesday, January 26– Adopt a resolution providing intent to annex and setting public hearing dates
- Thursday, January 28 – Send mailed notice to each property owner, each public entity, and railroad company within the proposed annexation area (§43.062 (b); must occur at least 30 days before public hearings)
- Thursday, February 11– Publish in newspaper, post at City Hall, and publish on City's website the notice for first and second public hearings (§43.063; must occur between 10 and 20 days before public hearings)
- Tuesday, March 2 – First and second public hearings at Special City Council meeting at 6:30 p.m. and regular City Council meeting at 7:00 p.m., respectively (§43.063)
- Tuesday, March 23 – City Council deliberation and first and second readings of proposed ordinance at Special City Council meeting at 6:00 p.m. (§43.063 (a); must occur between 20 and 40 days after public hearings)

Erica Craycraft, a Planner with FNI presented and reviewed the following information with the City Council:

### **City of Portland Annexation Phase 4**

#### **Agenda**

1. Purpose of Annexation
2. Overview of Proposed Annexation
3. Development Agreements
4. Frequently Asked Questions

#### **Why do cities annex?**

- Extend development controls to manage land development
- Room to grow
- Help relieve tax burden on citizens
- Consistent with the comprehensive plan

### **Total Area**

Total Annexation

Acres = 1,864.2

Sq. Mi. = 2.91

**Phase 4, 316.6 acres 0.49 sq. mi. Starts east of FM 893, south of CR 2004, ends east of FM 69, Eastward partially along parcel line, takes in ROW notch.**

### **Development Agreements**

- Land with agricultural, wildlife, or timber exemptions must be offered a development agreement
  - Determined by the County Appraisal District, not by the City
  - Excludes home sites and improvements
- No City taxes and considered part of the ETJ until development occurs or the agreement expires (15+ years)

### **Key Dates**

- **Tuesday, March 2 : 2 public hearings on the proposed annexation**
- **Tuesday, March 9 @ 6pm: Deadline to request a Development Agreement**
- **Tuesday, March 23 @ Noon: Deadline to submit a signed Development Agreement**
- **Tuesday, March 23 @ 6pm: City Council considers adoption of annexation ordinance**

### **Frequently Asked Questions**

Can I continue my use?

- Any use that's legal today may be continued

What City services will be provided to annexed land?

- Police, fire, EMS, garbage collection
- Road maintenance for any non-TxDOT roads that are annexed
- Eventually water and wastewater (unless property is in another service provider's boundary)

Am I required to connect to City water/sewer?

- Only if your septic tank or water well requires major repairs and City water/sewer services are available



Am I eligible for a Development Agreement?

- Properties with an agricultural, wildlife, or timber exemption from the San Patricio County Appraisal District

How do I request a Development Agreement?

- Email or call City Secretary Annette Hall:
  - [Annette.Hall@PortlandTX.com](mailto:Annette.Hall@PortlandTX.com)
  - 361-777-4513

Council Member Wilson made the motion to adopt Resolution No. 820 that sets dates, times, and locations for two public hearings concerning annexation of approximately 820 acres into the territorial limits of the City of Portland, Texas (Phase 4), seconded by Council Member Yardley.

The motion passed with the following vote:

For:	7	Mayor Skurow, Mayor Pro Tem Green, Council Member Sutton, Council Member Wilson, Council Member Moore, Council Member Yardley and Council Member Bethel
Against:	0	
Absent:	0	
Abstained:	0	

**11. ORDINANCE NO. 2227—DROUGHT CONTINGENCY PLAN AMENDMENTS: THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2227 THAT AMENDS THE CITY OF PORTLAND DROUGHT CONTINGENCY PLAN – DEPUTY CITY MANAGER**

Deputy City Manager Brian DeLatte presented the following information:

The City of Portland’s Drought Contingency Plan (DCP) was last revised in January 2015. As the City purchases water indirectly from the City of Corpus Christi, the City of Portland’s DCP is contractually required to match the City of Corpus Christi’s plan, which was recently modified. The proposed amendments to the City of Portland’s DCP modify terminology and add additional definitions for clarity. This is the second and final reading of Ordinance No. 2227 that amends the City of Portland Drought Contringency Plan. There have been no changes made since the first reading on January 19th.

Council Member Sutton made the motion to approve the second and final reading of Ordinance No. 2227 that amends the City of Portland Drought Contingency Plan, seconded by Council Member Yardley.

The motion passed with the following vote:

For:	7	Mayor Skurow, Mayor Pro Tem Green, Council Member Sutton, Council Member Wilson, Council Member Moore, Council Member Yardley and Council Member Bethel
Against:	0	
Absent:	0	
Abstained:	0	

City Secretary Annette Hall read the following caption:

**ORDINANCE NO. 2227**

**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**

**12. ADJOURNMENT: MAYOR SKUROW**

Mayor Skurow adjourned the special meeting at 6:27 p.m.

Approved:

\_\_\_\_\_  
Cathy Skurow, Mayor

Attest:

\_\_\_\_\_  
City Secretary

portland <sup>the</sup>  land  
of possibilities.

<b>AGENDA TITLE</b>	<b><u>RESOLUTION NO. 821 – ORDERING THE MAY 1, 2021 GENERAL ELECTION:</u></b> THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 821 ORDERING THE MAY 1, 2021 GENERAL ELECTION FOR THE PURPOSE OF ELECTING FOUR (4) COUNCIL MEMBERS TO TWO (2) YEAR TERMS.
<b>MEETING DATE</b>	2/2/2021
<b>DEPARTMENT</b>	Administration
<b>SUBMITTED BY</b>	Annette Hall, City Secretary

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**EXECUTIVE SUMMARY**

Resolution No. 821 authorizes the May 1, 2021 General Election for the purpose of:

- Electing four (4) Council Members to two (2) year terms
- Establishing a single voting site (Community Center) located at 2000 Billy G. Webb Dr.
- Establishing voting hours for early voting and election day
- Recommendation of extended voting hours of 7:00 a.m. to 7:00 p.m. on Monday, April 19, 2021 and Monday, April 26, 2021 as required by the Election Code.
- Authorizes the City Manager to enter into an agreement with San Patricio County or the Election Administrator associated with conducting the May general election and with other political subdivision to conduct a joint election pursuant to Chapter 271 of the Texas Election Code if needed.

**PRIOR ACTIONS OR REVIEWS**

The City Charter requires a regular election be held annually.

**DETAILS / STAFF ANALYSIS**

In order to meet election requirements Resolution No. 821 ordering the May Election must be adopted.

**ALTERNATIVES CONSIDERED**

N/A

**FINANCIAL IMPACT**

Approximately \$25,000

**ATTACHMENTS**

- Resolution No. 821

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**RECOMMENDED ACTION**

Make a motion to adopt Resolution No. 821 ordering the May 1, 2021 General Election for the purpose of electing four (4) Council Members to two (2) year terms and authorizing the City Manager to enter into an agreement with San Patricio County for election services.

## **RESOLUTION NO. 821**

### **A RESOLUTION ORDERING A GENERAL ELECTION TO BE HELD ON MAY 1, 2021 FOR THE PURPOSE OF ELECTING FOUR (4) COUNCIL MEMBERS FOR TWO (2) YEAR TERMS**

**WHEREAS**, the City Charter, Section 2.01. - Composition and Term of Office states that the legislative and governing body of the city shall consist of a mayor and six (6) other councilmen elected by plurality from the city at large for two-year yerms [terms] and shall be known as the "City Council of Portland" and hereafter referred to as the council. The mayor and two (2) councilmen shall be elected one year and four (4) councilmen shall be elected the next year, except as provided in this Charter for filling of vacancies; and

**WHEREAS**, the City Charter, Section 7.01. - Elections. States that the regular city election shall be held annually, at which time officers shall be elected to fill those offices which become vacant that year; and

**WHEREAS**, the Mayor and City Council of the City of Portland, Texas hereby order that a General Election be held in said City on the 1<sup>st</sup> day of May 2021, for the purpose of electing:

Four (4) Council Members for two (2) year terms

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS THAT:**

In accordance with the general laws and Constitution of the State of Texas, and the Charter of the City, a General Election is hereby called and ordered for Saturday, May 1, 2021. All resident, qualified voters of the City of Portland shall be permitted to vote, in said election.

- 1. TIME OF ELECTION.** A General Election in the City shall be held between the hours of 7:00 a.m. and 7:00 p.m. on Saturday, May 1, 2021.
- 2. PRECINCT AND POLLING PLACE.** The City shall hold the election on Saturday, May 1, 2021, at the precinct and polling place listed below. For the purpose of holding the election, the entire City shall constitute a single election precinct. The polling place for such precinct shall be:

Daniel P. Moore Community Center Complex  
Portland Community Center  
2000 Billy G. Webb Dr.  
Portland, Texas

- 3. PRESIDING JUDGES AND ELECTION CLERKS.** The Presiding Judge, Alternate Presiding Judge and election clerks for the election precinct and polling place shall be appointed by the Election Administrator.

4. **EARLY VOTING.** Electors may cast their early votes by mail or by personal appearance at the times and places determined by the Election Administrator. When so determined, the times and places for early voting by personal appearance shall be attached hereto as *Exhibit A*. The Early Voting Clerk shall be appointed by the Election Administrator.
5. **EARLY VOTING BALLOT BOARD.** An early voting ballot board shall be created by the Election Administrator to process early voting results.
6. **ELECTORS.** All resident, qualified electors of the City shall be entitled to vote at said election.
7. **NOTICE OF ELECTION.** The City shall cause a copy of the Notice of Election (in English and Spanish) to be posted and published as required by Sections 4.003(a)(1)(A), (b) and (f), Texas Election Code, and Section 1251.003(d) and (e), Texas Government Code.
8. **ELECTION CODE.** In all respects said election shall be conducted in accordance with the Texas Election Code. Pursuant to the federal Help America Vote Act ("**HAVA**") and the Code, at each polling place there shall be at least one voting system that is equipped for disabled individuals, and each such voting system shall be a system that has been certified by the Texas Secretary of State as compliant with HAVA and the Code. The City Manager of the City is hereby authorized to enter into any necessary agreements with San Patricio County in order to comply with this section.
9. **BILINGUAL ELECTION MATERIALS.** All election materials (including notice of the election, ballots, instruction cards, affidavits, and other forms which voters may be required to sign) and all early voting materials shall be printed in both English and Spanish, or Spanish translations thereof, and/or other assistance shall be provided, as required by the Texas Election Code and the Federal Voting Rights Act of 1965, each as amended.
10. **VOTING DEVICES.** The San Patricio County Elections Administrator may utilize a central counting station as provided by the Texas Election Code. Any central counting station presiding judge and the alternate presiding judge shall be appointed in accordance with the Election Agreement and the Texas Election Code. The San Patricio County Elections Administrator is currently using HART Verity System 2.0.3 and software certified by the Texas Secretary of State.

The City Council of the City of Portland, Texas, finds as follows:

The Texas Election Code requires that at least one accessible voting station must be provided in each polling place used in a Texas election. Such system must comply with state and federal laws setting the requirements for voting systems that (i) fully comply with applicable laws relating to accessible voting systems which make voting accessible for disabled voters; and (ii) provide a practical and effective means for voters with physical disabilities to cast a secret ballot. The Office of the Texas Secretary of State has

certified that the Verity Access Touch is an accessible voting system that may legally be used in Texas elections.

The Texas Election Code authorizes the acquisition of voting systems by local political subdivisions and further mandates certain minimum requirements for contracts relating to the acquisition of such voting systems. As chief elections officer for the City of Portland, the San Patricio County Elections Administrator shall provide at least one Verity Access Touch in each polling place at every polling location used to conduct any election. The Verity Access Touch may be acquired by any legal means available to the City of Portland, including but not limited to lease or rental from San Patricio County or from any other legal source, as authorized or required by the Texas Election Code.

- 11. AGREEMENT WITH SAN PATRICIO COUNTY AND JOINT ELECTION PARTICIPANTS.** The City Manager of the City is authorized to enter into any other agreements required by San Patricio County or the Election Administrator in connection with conducting the election ordered herein, and the City is authorized to pay the fees charged by San Patricio County for services rendered in connection with the election. The City Manager is further authorized to enter into an agreement with other political subdivisions in the event it is determined that the election called by this Resolution shall be conducted as a joint election pursuant to Chapter 271 of the Texas Election Code.
- 12. EFFECTIVE DATE.** This Resolution shall become effective immediately upon adoption thereof.

**PASSED AND APPROVED** this 2<sup>nd</sup> day of February 2021.

CITY OF PORTLAND, TEXAS

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Cathy Skurow, Mayor

ATTEST:

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Annette Hall, City Secretary



**Exhibit A.**

**CITY OF PORTLAND  
ELECTION MAY 1, 2021  
EARLY VOTING BY PERSONAL APPEARANCE  
LOCATION DATES AND TIMES**

Location	Dates	Time
Daniel P. Moore Community Center Complex – Portland Community Center 2000 Billy G. Webb Dr. Portland, Texas	Monday, April 19, 2021	7:00 a.m. to 7:00 p.m.
	Tuesday, April 20, 2021	8:00 a.m. to 5:00 p.m.
	Wednesday, April 21, 2021	8:00 a.m. to 5:00 p.m.
	Thursday, April 22, 2021	8:00 a.m. to 5:00 p.m.
	Friday, April 23, 2021	8:00 a.m. to 5:00 p.m.
	Monday, April 26, 2021	7:00 a.m. to 7:00 p.m.
	Tuesday, April 27, 2021	8:00 a.m. to 5:00 p.m.

**ELECTION DAY  
LOCATION DATE AND TIMES**

Location	Date	Time
Daniel P. Moore Community Center Complex Portland Community Center 2000 Billy G. Webb Dr. Portland, Texas	Saturday, May 1, 2021	7:00 a.m. to 7:00 p.m.