



CITY COUNCIL AGENDA

NOTICE OF REGULAR MEETING

Tuesday, June 18, 2013

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 OF STEAR (STATE OF TEXAS EMERGENCY ASSISTANCE REGISTRY) PROGRAM - FIRE CHIEF**
- 4. CITY COUNCIL AND STAFF COMMENTS CONCERNING ITEMS OF COMMUNITY INTEREST THAT MAY NOT BE DISCUSSED:**

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

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

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

B. ACTION ITEMS, RESOLUTIONS AND ORDINANCES:

Members of the audience who wish to comment on issues concerning an agenda item must comply with the following rules of procedure:

- 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)
- Identify yourself and your place of residence
- Present comments solely to or through the Mayor
- Speak no more than 4 minutes

5. **MINUTES OF PREVIOUS WORKSHOPS AND MEETINGS:** THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS JUNE 4, 2013 WORKSHOP AND REGULAR MEETING - MAYOR KREBS AND CITY SECRETARY
6. **AGREEMENT FOR DELINQUENT AD VALOREM TAX COLLECTION SERVICES:** THE CITY COUNCIL WILL CONSIDER AN AGREEMENT EXTENDING THE ENGAGEMENT OF LINEBARGER GOGGAN BLAIR & SAMPSON, LLP FOR DELINQUENT AD VALOREM TAX COLLECTION AND RELATED SERVICES FOLLOWING A FORMAL PRESENTATION - DIRECTOR OF FINANCE AND DELINQUENT AD VALOREM TAX ATTORNEY
7. **RESOLUTION NO. 668 - AUTHORIZING JOINT REVIEW AND POSSIBLE CHALLENGE OF AEP TEXAS CENTRAL RATE INCREASE:** THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 668 WHICH AUTHORIZES A JOINT REVIEW AND POSSIBLE CHALLENGE, INCLUDING LITIGATION, OF A PROPOSED AEP TEXAS CENTRAL RATE INCREASE (INCLUSION OF A 2014 ENERGY EFFICIENCY COST RECOVERY FACTOR IN THE RATE WHICH WOULD INCREASE ALL BILLS FOR ELECTRICITY) - FINANCE DIRECTOR
8. **ORDINANCE NO. 2072 - INCREASING FEES AND CHARGES:** THE CITY COUNCIL WILL CONSIDER THE SECOND (FINAL) READING OF ORDINANCE NO. 2072 WHICH REVISES EXISTING FEES AND CREATES NEW FEES - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT
9. **ORDINANCE NO. 2073 - REVISING DROUGHT MANAGEMENT PLAN:** THE CITY COUNCIL WILL CONSIDER THE SECOND (FINAL) READING OF ORDINANCE NO. 2073 WHICH REVISES THE DROUGHT MANAGEMENT PLAN - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT

C. CITIZEN COMMENTS ON ISSUES FOR WHICH THERE IS NO APPROPRIATE AGENDA ITEM:

Members of the audience who wish to comment on issues for which there is no appropriate agenda item, must comply with the following rules of procedure:

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- Persons who wish to speak must identify themselves and their places of residence
- All comments 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 for which there is no appropriate agenda item. A member of the City Council or the City Manager may place an appropriate 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 so he or she may be present.

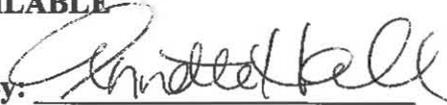
D. ADJOURNMENT: MAYOR KREBS

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: June 14, 2013 by 5:00 p.m.
Portland City Hall

By: 
Annette Hall
City Secretary

**CITY OF PORTLAND
CITY COUNCIL
REGULAR MEETING
JUNE 4, 2013 – 7:00 P.M.**

On this the 4th day of June 2013, the Council of the City of Portland convened in a regular meeting session at 7:00 p.m. in the Council Chambers of City Hall, Daniel P. Moore Community Center Complex and notice of regular meeting giving the time, place and date and subject having been posted as described by Section 551 of the Government Code.

MEMBERS PRESENT:

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

STAFF PRESENT:

Mike Tanner	City Manager
Randy Wright	Assistant City Manager
Brian DeLatta	Director of Public Works and Development
Gary Giles	Police Chief
Tim Vanlandingham	Fire Chief
Sandy Clarkson	Finance Director
RoseAleta Laurell	Library Director
Michel Weaver	Assistant to the City Manager
Kyle Schreckenbach	Assistant Director of Public Works

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

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

2. INVOCATION AND PLEDGE: MAYOR OR DESIGNEE

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

3. 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 Jorgensen wished everyone a safe and nice summer.

Mayor Krebs congratulated the Gregory-Portland Seniors of 2013 and congratulations to all those who attended the 2013 Operation Graduation “Chem Free Party” at the Community Center.

Mayor Krebs announced that Friday is the Portland Leadership Class Graduation, this will be their 8th graduating class and will be held at Northshore Country Club at 6:00 p.m.

Mayor Krebs expressed a thank you to Sue Zimmerman and the Rotary Club for reviving the Memorial Service at Municipal Park. Mayor Krebs said it was an emotional and moving service for all of those who have served for our country. He also said there were more than 150 people at the service.

Mayor Krebs said there are plenty of programs available at the Library and the Parks and Recreation departments for the summer. You can pick up a schedule on the website or at the facilities to see what they have to offer. He also said that there is plenty to keep the kids busy for the summer.

B. ACTION ITEMS, RESOLUTIONS AND ORDINANCES:

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

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

There were none.

4. MINUTES OF PREVIOUS MEETING: THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS MAY 21, 2013 WORKSHOP AND REGULAR MEETING - MAYOR KREBS AND CITY SECRETARY

Council Member Vilo made the motion to approve the minutes of its May 21, 2013 workshop and regular meeting. Council Member Green seconded the motion.

The motion passed 7-0.

5. BIDS FOR NORTSHORE AREA DRAINAGE IMPROVEMENTS: THE CITY COUNCIL WILL CONSIDER BIDS FOR THE NORTSHORE AREA DRAINAGE IMPROVEMENTS PROJECT THAT WERE RECEIVED, OPENED AND PUBLICLY READ ON MAY 15, 2013 - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT AS WELL AS THE CONSULTING CITY ENGINEER

Director of Public Works and Development Brian DeLatte discussed the bid considerations for the Northshore Area Drainage Improvements. Mr. DeLatte indicated that this project will include the drainage ditch behind the proposed Academy Sports and Outdoors, as well as a connector ditch to the Broadway ditch. There will be crossings on both Broadway and Northshore Blvds.

Mr. Donnie Rehmet from Coym, Rehmet & Gutierrez, L.P (CR&g) announced there were six (6) bids submitted for the project. The three lowest bidders and their respective bids were:

<u>Contractor</u>	<u>Base Bid</u>
Clark Pipeline Services, J.V.	\$714,536.00
Tropical Contracting, LLC.	\$723,725.50
Garrett Construction Company	\$847,976.00

Mr. Rehmet said that their engineering firm reviewed the submitted material and qualifications and it is the opinion of CR&G that Clark Services, J.V. is qualified to successfully complete the project. CR&G recommends awarding the contract to Clark Pipeline Services, J.V. in the amount of \$714,536.00.

City Manager Mike Tanner indicated that this project will open up the remainder of the Northshore commercial zone to development.

Council Member Jorgensen made the motion to approve the bid for the Northshore Area Drainage Improvements from Clark Pipeline Services, J.V. for \$714,536.00 Council Member Moore seconded the motion.

The motion passed 7-0.

6. PROPOSAL FOR ENGINEERING SERVICES: THE CITY COUNCIL WILL CONSIDER A PROPOSAL FOR ENGINEERING SERVICES (COMPREHENSIVE STREET, PARKING LOT, SIDEWALK AND TRAIL STUDY) FROM COYM REHMET AND GUTIERREZ - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT AS WELL AS THE CONSULTING CITY ENGINEER

Director of Public Works and Development Brian DeLatte articulated that the 2012-2017 Capital Improvement Program included a The Street, Parking Lot, Trail, and Sidewalk Master Plan. Mr. DeLatte said The Plan is needed to comprehensively assess the conditions of the streets, parking lots, trails, and sidewalks in the City, as well as develop a long-term plan for maintenance, rehabilitation, and replacement of the infrastructure.

Statements of Qualifications (SOQ) were due on March 20, 2013. Six engineering firms submitted SOQ's:

- Coym, Rehmet, & Gutierrez Engineering, LP / Fugro Consultants, Inc. / Peter Stricker (CR&G)
- Freese and Nichols, Inc. (FNI)
- HVJ Associates, Inc.
- LNV, Inc.
- Maverick Engineering, Inc.
- Naismith Engineering

The teams of CR&G and FNI were selected to present interviews to discuss their qualifications. CR&G was deemed to be most suitable for this job due to its previous experience in Portland and technical expertise offered. Specifically, CR&G's ability to team with Fugro Consultants was a key asset. Mr. DeLatte indicated that Freese and Nichols, Inc. (FNI) also presented excellent qualifications and it is his desire to engage FNI on future projects.

Mr. Rehmet discussed the study's key tasks:

- Data gathering and review of existing inventory—CR&G will review every street in the City and assess improvement and maintenance history
- Data collection and pavement surveys—An automated distress vehicle (ADV) will collect distress profiles of the streets, including photographic profiles for analysis

- Data processing—MicroPaver and GIS will be used to analyze the results and provide a comprehensive summary of the existing conditions
- Pavement improvement management services—CR&G will assign a Pavement Condition Index (PCI) to every street block in town and provide a long-term comprehensive plan for maintenance, rehabilitation, and reconstruction of the street. This analysis will include three levels of PCI's and will also include an analysis of concrete vs. asphalt.
- Training City Staff on the use of the MicroPaver software and on its ability to “refresh” data once new street segments are added or rehabilitated.

Council Member Green made a motion authorizing the engagement of Coym, Rehmet, and Gutierrez Engineering, LP, for Engineering Services (comprehensive street, parking lot, sidewalk and trail study) in the lump sum amount of \$87,292.00. Council Member Lewis seconded the motion.

The motion passed 7-0.

7. ORDINANCE NO. 2071 - AUTHORIZING THE ISSUANCE OF UP TO \$2,400,000.00, IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF PORTLAND, TEXAS SALES TAX REVENUE REFUNDING BONDS, SERIES 2013: THE CITY COUNCIL WILL CONSIDER AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT, A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE CONTRACT AND OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO; DELEGATING AUTHORITY TO CERTAIN OFFICIALS TO APPROVE ALL FINAL TERMS OF THE BONDS; AUTHORIZING THE PREPARATION, APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AND CALLING CERTAIN OUTSTANDING OBLIGATIONS FOR REDEMPTION - FINANCE DIRECTOR, CONSULTING CITY FINANCIAL ADVISOR AND CONSULTING CITY BOND COUNSEL

Consulting City Financial Advisor Victor Quiroga with Southwest Securities explained due to the cities sound financial profile, including debt service coverage and liquidity, there is an opportunity to refinance 2003 Sales Tax Revenue Bonds for interest cost savings. Mr. Quiroga said if Council approves the delegated bond ordinance this will allow them to go out to market and lock in an interest rate and sell the bonds and another Council meeting will not be needed. He then presented the following:

- Refinance the Series 2003 Sales Tax Revenue Bonds for interest cost savings and achieve a Present Value Savings Ratio of a minimum 3% and maintained the original payoff date of 9/30/2023
 - Achieved a net interest cost savings of \$351,788
 - Reduced the Series 2003 bonds interest rate of 4.39% to 2.46%

Council Member Moore made the motion to approve Ordinance No. 2071 which authorizes the issuance of approximately \$2,400,000 in Sales Tax Revenue Refunding Bonds. Council Member Vilo seconded the motion.

The motion passed 7-0.

Mayor Krebs read the following caption:

ORDINANCE NO. 2071

ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,400,000.00 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF PORTLAND, TEXAS SALES TAX REVENUE REFUNDING BONDS, SERIES 2013; AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT, A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE CONTRACT AND OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO; DELEGATING AUTHORITY TO CERTAIN OFFICIALS TO APPROVE ALL FINAL TERMS OF THE BONDS; AUTHORIZING THE PREPARATION, APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AND CALLING CERTAIN OUTSTANDING OBLIGATIONS FOR REDEMPTION

8. **ORDINANCE NO. 2072 - INCREASING FEES AND CHARGES:** THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2072 WHICH REVISES EXISTING FEES AND CREATES NEW FEES - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT

Director of Public Works and Development Brian DeLattee communicated, as part of our ongoing efforts to provide a comprehensive menu of services to our residents, contractors, and utility customers, it is prudent to ensure that the fees charged cover the cost required to provide those services. There are several services within Utility Billing, Public Works, and Development Services for which fees have remained constant for several years while the costs to provide those services have increased.

The proposed fee increases are:

- Utility billing customers whose service is disconnected for non-payment will incur a \$20.00 disconnect fee and a \$25.00 (\$40.00 after hours) reconnect fee. This fee increase will generate approximately \$21,500 annually.
- Water tap fees are increased to cover the actual costs of making the taps. This fee increase will generate approximately \$12,000 annually.
- Sewer tap fees have been modified to charge based on depth of connection. This is critical as sewer lines get deeper throughout the City. This fee increase will generate approximately \$20,000 annually.
- Corridor sign and freestanding sign fees have increased to cover the costs of reviewing and inspecting the signs. This fee increase will generate approximately \$750 annually.
- The fee for contractors working without a permit has been increased to defray the

costs of investigation, permit research, and issuance. This fee increase will generate approximately \$11,700 annually.

- The re-inspection fee was increased for the third (and subsequent) inspections. This fee increase will generate approximately \$2,400 annually.

Mr. DeLatte affirmatively responded to questions from Council Members Moore and Vilo that the fees proposed are pass-through fees to cover the cost of services provided to customers.

Mayor Pro Tem Skurow made a motion to approve the first reading of Ordinance No. 2072 which revises existing fees and creates new fees. Council Member Jorgensen seconded the motion.

The motion passed 7-0.

Mayor Krebs read the following caption:

ORDINANCE NO. 2072

AN ORDINANCE ESTABLISHING NEW FEES AND INCREASING EXISTING FEES; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY FOR VIOLATIONS AS WELL AS AN EFFECTIVE DATE

9. **ORDINANCE NO. 2073 - REVISING DROUGHT MANAGEMENT PLAN: THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2073 WHICH REVISES THE DROUGHT MANAGEMENT PLAN - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT**

Director of Public Works and Development Brian DeLatte presented the Council with the following Revised Drought Management Plan:

Stage 1 (Lake levels below 50%)

Existing CoP Policy

*Outreach to reduce per capita water use goal of two thousand five hundred (2,500) gallons per month or less

Proposed CoP Policy

*Voluntary

*Automatic irrigation limited to once a week

*Watering still permitted by drip or by hand

Stage 2 (Lake levels below 40%)

Existing CoP Policy

Proposed CoP Policy

- *Condition I
- *No irrigation between 10am and 6pm
- *Watering still permitted by drip or hand

- *Automatic irrigation limited to once a week
- *Watering still permitted by drip or hand
- *Pool and car washing limited to watering day (except commercial facilities)
- *Foundation watering on watering day
- *Non-essential water uses are prohibited

Stage 3 (Lake levels below 30%)

Existing CoP Policy

- *Condition II
- *Irrigation every 10 days
- *Watering still permitted by hand or drip
- *Non-essential water uses are prohibited

Proposed CoP Policy

- *Stage 2 conditions continue, plus:
- *Automatic irrigation limited to every other week
- *Watering still permitted by drip or hand on any day
- *Foundation watering on watering day

Stage 4 (Lake levels below 20%)

Existing CoP Policy

- *Condition III
- *Water allocation
- *Allocation generally prohibits irrigation

Proposed CoP Policy

- *Stage 3 conditions continue, plus:
- *Irrigation is prohibited in any manner
- *Foundation watering only permitted every other week
- *Surcharges in effect
 - ~ 3,000 gallon allotment
 - ~ Up to 100% surcharge
- *Potential elimination of new water service

Stage 5 (Emergency)

Existing CoP Policy

- *Condition IV
- *No new water service
- *Water allocation
- *Allocation generally prohibits irrigation

Proposed CoP Policy

- *Stage 4 conditions continue, plus:
- *Irrigation is prohibited in any manner
- *Foundation watering prohibited
- *Surcharges in effect
 - ~ 3,000 gallon allotment
 - ~ Up to 100% surcharge
- *Elimination of any new water service

Year-round Conservation

- No watering between 10 a.m. and 6 p.m.

- Don't allow water to run into street or gutter
- Don't allow sprinklers to spray directly onto paved surfaces
- Non-recirculating fountains are prohibited

Mr. DeLatte indicated that the City is contractually obligated to matching the City of Corpus Christi's Drought Contingency Plan.

The Council discussed the importance of water conservation and revising the policy to look like the City of Corpus Christi's since the water the City receives comes from Corpus Christi through the San Patricio Municipal Water District.

Mayor Pro Tem Skurow made the motion to approve the first reading of Ordinance No. 2073 which revises the Drought Management Plan. Council Member Moore seconded the motion.

The motion passed 6-1 with Council Member Vilo voting against.

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)
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- 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.

There were none.

D. ADJOURNMENT: MAYOR

Mayor Krebs adjourned the meeting at 8:09 p.m.

E. NOTICE OF ASSISTANCE:

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

BRILLE IS NOT AVAILABLE

Approved:

David Krebs
Mayor

Attest:

City Secretary

REGULAR MEETING AGENDA BILL

SUBJECT: **RESOLUTION NO. 668 - AUTHORIZING JOINT REVIEW AND POSSIBLE CHALLENGE OF AEP TEXAS CENTRAL RATE INCREASE:** THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 668 WHICH AUTHORIZES A JOINT REVIEW AND POSSIBLE CHALLENGE, INCLUDING LITIGATION, OF A PROPOSED AEP TEXAS CENTRAL RATE INCREASE (INCLUSION OF A 2014 ENERGY EFFICIENCY COST RECOVERY FACTOR IN THE RATE WHICH WOULD INCREASE ALL BILLS FOR ELECTRICITY) - FINANCE DIRECTOR

SUBMITTED BY: Sandy Clarkson, Finance Director

FOR THE AGENDA OF: June 18, 2013

ATTACHMENTS: Resolution No. 668
Staff Report

APPROVED: _____

SUMMARY STATEMENT: The City's membership in the Texas Coalition for Affordable Power (TCAP) gives us access to information and actions regarding the electricity market throughout the state. We have been given notice of a rate change request filed by AEP with the Public Utility Commission (PUC). Essentially, this year's request is 25% higher than the amount that AEP was authorized to collect in this particular segment of the rate during the current year.

Over the years, the City of Portland has joined other cities in these rate challenges in order to insure a degree of transparency to the process, to advocate on behalf of our citizens and businesses, and to maximize our impact through the collective effort.

It should be noted that the laws governing public utilities in Texas provides that the cost to cities for these challenges requires the Utility in question (AEP in this case) to fund the cost of the challenge. So, the City of Portland will not bear a financial burden by entering the challenge.

STAFF RECOMMENDATION: Staff recommends the City Council approve Resolution 668 to approve joining the case challenging AEP's application to increase rates charged to customers for its energy efficiency cost recovery factor.

RESOLUTION NO. 668

RESOLUTION OF THE CITY OF PORTLAND APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY AEP TCC TO REVIEW AEP TEXAS CENTRAL COMPANY'S REQUESTED APPROVAL OF AN ADJUSTMENT TO ITS ENERGY EFFICIENCY COST RECOVERY FACTOR; HIRING LEGAL AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO LEGAL COUNSEL.

WHEREAS, on or about May 31, 2013, AEP Texas Central Company ("TCC" or "Company"), pursuant to the Public Utility Regulatory Act ("PURA") § 39.905 and Public Utility Commission of Texas ("Commission" or "PUC") Substantive Rule § 25.181(f), filed with the Commission an application for a 2014 Energy Efficiency Cost Recovery Factor ("EECRF"), PUC Docket No. 41538; and

WHEREAS, the City of Portland will cooperate with similarly situated city members and other city participants located within the TCC service area in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, working with the Steering Committee of Cities Served by AEP TCC ("Steering Committee") to review the rates charged by TCC allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, the Steering Committee has a history of participation in PUC dockets and projects, as well as court proceedings, affecting transmission and distribution utility rates in TCC's service area to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, PURA § 33.023 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the City is authorized to participate in the Steering Committee in Docket No. 41538.

2. That subject to the right to terminate employment at any time, the City of Portland hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

3. That the City's reasonable rate case expenses shall be reimbursed by TCC.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Chris Brewster, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this the 18th day of June, 2013.

David Krebs
Mayor, City of Portland

ATTEST:

Annette Hall
City Secretary

STAFF REPORT

Provided by Chris Brewster with Lloyd Gosselink Rochelle & Townsend, P.C.

PURPOSE

AEP Texas Central Company (“TCC” or “Company”) filed an application on or about May 31, 2013 with the Public Utility Commission of Texas (“PUC” or “Commission”), seeking to adjust its 2014 Energy Efficiency Cost Recovery Factor (“EECRF”). Pursuant to Commission rules, TCC is required to annually apply no later than June 1 of every year to adjust its EECRF in order to reflect changes in program costs and bonuses and to minimize any over- or under-collection of energy efficiency costs resulting from the use of the EECRF.

Last year in Docket No. 40359, the Commission authorized TCC to adjust its 2013 EECRF to recover \$7,593,766. In this filing, TCC is seeking to adjust its EECRF to collect \$9,492,842 for six components: (1) \$7,199,976 in projected 2014 energy efficiency program costs; (2) \$2,071,768 credit for over-recovery of energy efficiency revenues collected in 2012; (3) \$49,134 credit for the November 26, 2012 revision to the April 2012 Energy Efficiency Plan and Report filed in Project No. 40194; (4) \$3,840,680 for TCC’s performance bonus; (5) \$567,400 for evaluation, measurement, and verification (“EM&V”) costs for 2013 and 2014; and (6) \$5,688 for 2012 EECRF proceeding expenses incurred in Docket No. 40359.

The resolution authorizes the City to join with the Steering Committee of Cities Served by AEP TCC (“Steering Committee”) to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

DISCUSSION

City groups have long participated in ratemaking proceedings before the PUC, the Courts, and the Legislature on electric utility regulation matters. Participation in a city group such as this Steering Committee allows cities to advocate for the public interest and accomplish more collectively than each city could on its own.

Explanation of “Be It Resolved” Paragraphs:

Section 1. This section authorizes the City to participate in the Steering Committee as a party in the Company’s EECRF filing, PUC Docket No. 41538.

Section 2. This section authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable

rates. Additionally, it authorizes the Steering Committee to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Section 3. The Company will reimburse the Steering Committee for its reasonable rate case expenses. Legal counsel and consultants of the Steering Committee will submit monthly invoices that will be forwarded to TCC for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting this resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the resolution was properly noticed.

Section 5. This section provides that the Steering Committee counsel will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

REGULAR MEETING AGENDA BILL

SUBJECT: **AGREEMENT FOR DELINQUENT AD VALOREM TAX COLLECTION SERVICES:** THE CITY COUNCIL WILL CONSIDER AN AGREEMENT EXTENDING THE ENGAGEMENT OF LINEBARGER GOGGAN BLAIR & SAMPSON, LLP FOR DELINQUENT AD VALOREM TAX COLLECTION AND RELATED SERVICES FOLLOWING A FORMAL PRESENTATION - DIRECTOR OF FINANCE AND DELINQUENT AD VALOREM TAX ATTORNEY

SUBMITTED BY: Sandy Clarkson

AGENDA DATE: June 18, 2013

ATTACHMENTS: Contract for Delinquent Tax Collection Services

APPROVED: _____

SUMMARY STATEMENT: The collection of delinquent property taxes is a very important part of the City's financial success. With ad valorem taxes constituting 36% of General Fund Revenues it is essential that skilled and competent professionals be charged with insuring that the City receive all the taxes assessed. The San Patricio County Tax Assessor-Collector does an excellent job of collecting, reporting and remitting all taxes that come into her office. However, when payments are not made voluntarily, and accounts become delinquent the collection process becomes much more difficult.

The Texas Tax Code has very specific requirements about deadlines, collection methods, penalties and interest, foreclosure procedures and other aspects for taxes that become delinquent. One of the more well-thought-out provisions of the Tax Code is the method of payment for delinquent taxes. All accounts that become delinquent have a 20% collection fee added to the amount due. So, the very tax payers who fail to meet their obligations and cause all of the extra collection activity are the tax payers who pay for the delinquent tax collection services.

The law firm of Linebarger, Goggan, Blair & Sampson, LLP, has provided this service to the City for a number of years. This firm is renowned for their success state-wide and the local office is highly responsive to our needs. The contract attached has the same provisions as we have previously operated under and has a three-year term.

RECOMMENDED ACTION: Staff recommends approving the contract with Linebarger, Goggan, Blair & Sampson, LLP, for delinquent tax collection services.

Agreement for Tax Collection Services

This Agreement is made between Linebarger Goggan Blair & Sampson, LLP (hereinafter referred to as the "Firm") and the City of Portland (hereinafter referred to as the "Client").

Article 1 - Nature of Relationship

1.01 The parties hereto acknowledge that this Agreement creates an attorney-client relationship.

1.02 The Client hereby employs the Firm to provide the services hereinafter described for compensation hereinafter provided.

Article 2 - Scope of Services

2.01 The Firm shall take reasonable and necessary actions to collect property taxes that are owed to the Client and that are subject to this agreement, as hereinafter provided.

2.02 The Client may from time-to-time specify in writing additional actions to be taken by the Firm in connection with the collection of taxes that are owed to the Client. Client further constitutes and appoints the Firm as Client's attorneys to sign all legal instruments, pleadings, drafts, authorizations and papers as shall be reasonably necessary to prosecute the Client's claim for taxes.

2.03 Taxes owed to the Client shall become subject to this agreement upon the following dates, whichever occurs first:

- (a) On February 1 of the year in which the taxes become delinquent if a previously filed tax suit is then pending against the property subject to the tax;
- (b) On the date any lawsuit is filed with respect to the recovery of the tax if the tax is delinquent and is required to be included in the suit pursuant to TEX. TAX CODE § 33.42(a);

- (c) On the date of filing any application for tax warrant where recovery of the tax or estimated tax is sought and where the filing of an application for tax warrant by the Firm is at the request of Client's Tax Assessor-Collector;
- (d) On the date of filing any claim in bankruptcy where recovery of the tax is sought; or
- (e) In the case of delinquent tangible personal property, on the 60th day after the February 1 delinquency date; or
- (f) On July 1 of the year in which the taxes become delinquent.

Article 3 – Compensation

3.01 Client agrees to pay to the Firm, as compensation for the services required herein, the following amounts:

- (a) fifteen percent (15%) of the amount of all 2003 and prior year taxes, penalty and interest subject to the terms of this contract as set forth in Paragraph 2.03 above, collected and paid to the collector of taxes during the term of this contract, as and when collected; and
- (b) twenty percent (20%) of the amount of all 2004 and subsequent year taxes, penalty and interest subject to the terms of this contract as set forth in Paragraph 2.03 above, collected and paid to the collector of taxes during the term of this contract, as and when collected.

3.02 The Client shall pay the Firm by the twentieth day of each month, all compensation earned by the Firm for the previous month as provided in this Article 3. All compensation above provided for shall become the property of the Firm at the time payment of the taxes, penalty and interest is made to the collector.

Article 4 – Intellectual Property Rights

4.01 The Client recognizes and acknowledges that the Firm owns all right, title and interest in certain proprietary software that the Firm may utilize in conjunction with performing the services provided in this Agreement. The Client agrees and hereby grants to the Firm the right to use and incorporate any information provided by the Client ("Client Information") to update the databases in this proprietary software, and, notwithstanding that Client Information has been or shall be used to update the databases in this proprietary software, further stipulates and agrees that the Client shall have no rights or ownership whatsoever in and to the software or the data contained therein, except that the Client shall be entitled to obtain a copy of such data that directly relates to the Client's accounts at any time.

4.02 The Firm agrees that it will not share or disclose any specific confidential Client Information with any other company, individual, organization or agency, without the prior written consent of the Client, except as may be required by law or where such information is otherwise publicly available. It is agreed that the Firm shall have the right to use Client Information for internal analysis, purposes of improving the proprietary software and database, and to generate aggregate data and statistics that may inherently contain Client Information. These aggregate statistics are owned solely by the Firm and will generally be used internally, but may be shared with the Firm's affiliates, partners or other third parties for purposes of improving the Firm's software and services.

Article 5 – Costs

5.01 The Firm and Client recognize that publication costs for citations and notices of sale and title abstract costs will be incurred in the process of providing the litigation services contemplated in this Agreement. All such costs shall be billed to the Client, in care of the Firm, and the Firm will advance the payment of such costs on behalf of the Client. Upon recovery of such costs from the defendants or from the tax sale of defendants' property, the Firm shall be reimbursed for the advance payment. Alternatively, the Firm may arrange with the vendor or agency providing the service that actual payment of the costs of services is wholly contingent upon recovery of such costs by the Client

or the Firm from the defendants or from the tax sale of defendants' property. In such contingent arrangements, the Client has no responsibility or liability for payment or advancement of any costs, other than forwarding to the vendor or service provider any cost amounts received from defendants or from the tax sale of defendants' property.

5.02 The Client acknowledges that the Firm may provide services, such as title research, with its own employees or with other entities or individuals who may be affiliated with the Firm, but the Firm agrees that any charges for such services will be reasonable and consistent with what the same services would cost if obtained from a third party. The Client agrees that upon the recovery of such costs, the Client will: (i) pay the Firm for any such costs which have been advanced by the Firm or performed by the Firm, and (ii) pay any third party agency or vendor owed for performing such services.

Article 6 – Term and Termination

6.01 This Agreement shall be effective on the 18 day of June, 2013 (the "Effective Date") and shall expire on the 18 day of June, 2016 (the "Expiration Date") unless extended as hereinafter provided.

6.02 Unless prior to 60 days before the Expiration Date, the Client or the Firm notifies the other in writing that it does not wish to continue this Agreement beyond its initial term, this Agreement shall be automatically extended for an additional one year period without the necessity of any further action by either party. In the absence of any such 60 day notice by either the Client or the Firm, the Agreement shall continue to automatically renew for additional and successive one-year terms in the same manner at the end of each renewal period.

6.03 If at any time during the initial term of this Agreement or any extension hereof, the Client determines that the Firm's performance under this Agreement is unsatisfactory, the Client shall notify the Firm in writing of the Client's determination. The notice from the Client shall specify the particular deficiencies that the Client has observed in the Firm's performance. The Firm shall have sixty (60) days from the date of the notice to cure any such deficiencies. If at the conclusion of that sixty-day remedial period, the Client

remains unsatisfied with the Firm's performance, the Client may terminate this Agreement effective upon the expiration of thirty days following the date of written notice to the Firm of such termination ("Termination Date").

6.04 Whether this Agreement expires or is terminated, the Firm shall be entitled to continue to prosecute any tax suits, applications for tax warrants or bankruptcy claims pending on the Termination Date or Expiration Date for an additional six months following termination or expiration. The Client agrees that the Firm shall be compensated as provided by Article 3 for any base tax, penalties and interest collected in the pending matters during the six-month period.

6.05 The Client agrees that the Firm shall be reimbursed for any costs advanced and shall be paid for any services performed pursuant to Article 5 when such costs are recovered by or on behalf of the Client, regardless of the date recovered. It is expressly agreed that neither the expiration nor the termination of this Agreement constitutes a waiver by the Firm of its entitlement to be reimbursed for such costs and to be paid for such services. It is further expressly agreed that the expiration of any six-month period under Section 6.04 does not constitute any such waiver by the Firm.

Article 7 - Miscellaneous

7.01 *Assignment and Subcontracting.* This Agreement is not assignable, provided however, the Firm may from time-to-time obtain co-counsel or subcontract some of the services provided for herein to other law firms or entities. In such cases, the Firm will retain supervisory control and responsibility for any services provided by such co-counsel or subcontractors and shall be responsible to pay any compensation due to any such co-counsel or subcontractor.

7.02 *Arbitration.* Any controversy between the parties to this Agreement involving the construction or application of any of the terms, covenants, or conditions of this Agreement shall, on the written request of one party served on the other, be submitted to arbitration, and such arbitration shall comply with and be governed by the provisions of the Texas General Arbitration Act.

7.03 Integration. This Agreement contains the entire agreement between the parties hereto and may only be modified in a written amendment, executed by both parties.

7.04 Representation of Other Taxing Entities. The Client acknowledges and consents to the representation by the Firm of other taxing entities that may be owed taxes or other claims which are secured by the same property as the Client's claim.

IN CONSIDERATION OF THE TERMS AND COMPENSATION HEREIN STATED, the Firm hereby accepts said employment and undertakes the performance of this Agreement as above written. This Agreement is executed on behalf of the Firm and of the Client by the duly authorized persons whose signatures appear below.

CITY OF PORTLAND

LINEBARGER GOGGAN BLAIR
& SAMPSON, LLP

BY: David Krebs
Mayor

BY: Paul Daniel Chapa
Partner

Date:-----

Date:-----

ATTEST:

REGULAR MEETING AGENDA BILL

AGENDA ITEM: **ORDINANCE NO. 2072 - INCREASING FEES AND CHARGES:**
THE CITY COUNCIL WILL CONSIDER THE SECOND (FINAL)
READING OF ORDINANCE NO. 2072 WHICH REVISES EXISTING
FEES AND CREATES NEW FEES - DIRECTOR OF PUBLIC WORKS
AND DEVELOPMENT

SUBMITTED BY: Brian DeLatte, Director of Public Works and Development

DATE: June 18, 2013

DATE SUBMITTED: June 10, 2013

ATTACHMENTS: Proposed Ordinance No. 2072

SUMMARY STATEMENT: As part of our ongoing efforts to provide a comprehensive menu of services to our residents, contractors, and utility customers, it is prudent to ensure that the fees charged cover the cost required to provide those services. There are several services within Utility Billing, Public Works, and Development Services for which fees have remained constant for several years while the costs to provide those services have increased.

The proposed fee increases are:

- Utility billing customers whose service is disconnected for non-payment will incur a \$20.00 disconnect fee and a \$25.00 (\$40.00 after hours) reconnect fee. This fee increase will generate approximately \$21,500 annually.
 - Water tap fees are increased to cover the actual costs of making the taps. This fee increase will generate approximately \$12,000 annually.
 - Sewer tap fees have been modified to charge based on depth of connection. This is critical as sewer lines get deeper throughout the City. This fee increase will generate approximately \$20,000 annually.
 - Corridor sign and freestanding sign fees have increased to cover the costs of reviewing and inspecting the signs. This fee increase will generate approximately \$750 annually.
 - The fee for contractors working without a permit has been increased to defray the costs of investigation, permit research, and issuance. This fee increase will generate approximately \$11,700 annually.
 - The re-inspection fee was increased for the third (and subsequent) inspections. This fee increase will generate approximately \$2,400 annually.
-

RECOMMENDATION: Approve the second (final) reading of Ordinance No. 2072 which revises existing fees and creates new fees.

ORDINANCE NO. 2072

AN ORDINANCE ESTABLISHING NEW FEES AND INCREASING EXISTING FEES; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY FOR VIOLATIONS AS WELL AS AN EFFECTIVE DATE

WHEREAS it costs the City of Portland a significant amount of time, effort, and money to provide its comprehensive menu of services; and,

WHEREAS the City Council has determined that many of the services that it provides benefit a limited number of persons and the cost of providing those services should be borne by the persons who receive them; and,

WHEREAS the City Council has determined that it is appropriate to establish new fees and increase existing fees to cover the costs of providing its comprehensive menu of services.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS:

SECTION 1: Chapter 23, Article II, Division 2, Section 23-47 of the Code of Ordinances is hereby amended to read as follows:

No disconnected services shall be reinstated until all charges shown on the past due bill, a ~~ten-dollar (\$10.00)~~ **twenty dollar (\$20.00)** disconnect processing fee (charged even if the disconnect has not physically taken place), a ~~fifteen-dollar (\$15.00)~~ **twenty-five dollar (\$25.00)** reconnect fee (if a reconnect is to take place **during normal business hours**) or a **forty-five dollar (\$45.00) reconnect fee (if a reconnect is to take place outside of normal business hours)**, a ~~five-dollar (\$5.00)~~ fee if the payment is handled after hours by the police department (these will only be accepted between 5:00 p.m. and 10:00 p.m.) and other all **other** applicable penalties, are paid in full. When a user can prove (to the satisfaction of both the city manager and water billing supervisor) that the original billing and subsequent notices were not received, these penalties may be waived. In addition to the foregoing, any user so disconnected who has had their deposit applied to the delinquent bill, shall be required to place a new deposit with the city as stipulated in sections 23-56 through 23-59 to secure the user's future charges.

SECTION 2: Chapter 23, Article II, Division 4, Section 23-72, Subsections (a) and (b) of the Code of Ordinances are hereby amended to read as follows:

(a) Water tap fees

Tap Size (In Inches)	Tap Fee	
	City Installed	Contractor Installed

5/8 or 3/4	\$ 425.00	<u>575.00</u>	\$ 220.00	<u>400.00</u>
1	520.00	<u>725.00</u>	260.00	<u>500.00</u>
1½	840.00	<u>975.00</u>	370.00	<u>675.00</u>
2	1,000.00	<u>1,250.00</u>	N/A	
3	2,080.00	<u>2,425.00</u>	N/A	
4	2,880.00	<u>3,250.00</u>	N/A	
6	4,400.00	<u>5,800.00</u>	N/A	

(b) Sewer tap fees:

City installed, per connection:.....\$480.00

Under 8 feet of depth, as measured from flowline to natural grade.....\$780.00

- **8 feet or deeper...Minimum \$1,350.00 (cost to be determined by City Engineer based on circumstances)**

Contractor installed, per connection:.....150.00

- **Under 8 feet of depth, as measured from flowline to natural grade.....\$300.00**
- **8 feet or deeper...\$500.00**

*Note: City will provide and install the meter and box. Contractor installed taps shall only be allowed as part of new main line construction. No contractor installations may be made without prior approval by the city of the specific contractor making the tap, and then the tap shall only be made with a city inspector on site at the time the tap is made. The tap must meet the inspector's approval or it will be rejected, and a new tap will be made by the city and charged out at the city installed rate.

SECTION 3: Appendix C (Development Fee Schedule), Section A, Subsection 8 of the Code of Ordinances is hereby amended to read as follows:

Sign fees:

- Awning Sign, Building Sign Type A, **and Building Sign Type B, Corridor Sign, Electronic Message Board, Freestanding Sign Type A, Freestanding Sign Type B and Projecting Sign.....\$100.00**
- Corridor Sign, Electronic Message Board, Freestanding Sign Type A, Freestanding Sign Type B and Projecting Sign.....250.00**
- Temporary Portable Sign35.00
- Inflatable Signs or Objects35.00
- Search Light35.00

SECTION 4: Appendix C (Development Fee Schedule), Section F, Subsections 1 and 2 of the Code of Ordinances are hereby amended to read as follows:

1. *Failure to obtain permit before work on job is commenced:* In the event that work for which a permit is required by said Codes is commenced prior to the issuance of the required permit, then the permit fee shall be doubled and an administrative fee of \$325.00 shall be collected. In the event that work is commenced prior to the issuance of a permit for which a fee is not collected (such as mechanical, electrical, or plumbing permits on a new single-family residential structure), an administrative fee of \$325.00 shall be collected. The collection made is to defray costs of investigation, permit research and issuing a permit under such circumstances and is not a penalty and is not preclusive of any remedy otherwise available to the city to enforce said codes.

2. *Re-inspection fee:* When an inspection has been completed, and corrections are required, no additional fee shall be charged for the first re-inspection of the correction. When a correction has been re-inspected once and the correction is not complete, a re-inspection fee of ~~fifty dollars (\$50.00)~~ one-hundred dollars (\$100.00) shall be paid prior to any further re-inspection being made.

SECTION 5: If any provision, section, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

SECTION 6: Any previously adopted ordinance, resolution, rule, regulation or policy in conflict with this Ordinance is hereby repealed.

SECTION 7: Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars (\$500). Each and every day that a violation of this Ordinance occurs shall constitute a separate offense.

SECTION 8: This Ordinance shall be published after second reading hereof by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after the publication provided herein.

PASSED and APPROVED on second reading this ___ day of _____ 2013.

CITY OF PORTLAND

David Krebs
Mayor

ATTEST:

Annette Hall
City Secretary

REGULAR MEETING AGENDA BILL

AGENDA ITEM: **ORDINANCE NO. 2073 - REVISING DROUGHT MANAGEMENT PLAN:** THE CITY COUNCIL WILL CONSIDER THE SECOND (FINAL) READING OF ORDINANCE NO. 2073 WHICH REVISES THE DROUGHT MANAGEMENT PLAN - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT

SUBMITTED BY: Brian DeLatte, Director of Public Works and Development

DATE: June 18, 2013

DATE SUBMITTED: June 10, 2013

ATTACHMENTS: Proposed Ordinance No. 2073

SUMMARY STATEMENT: The City of Corpus Christi has recently modified its Drought Contingency Plan. The City of Portland, by our contract with the San Patricio Municipal Water District, must revise our plan to match accordingly.

Highlights of the modified plan are:

- Watering is prohibited between 10 a.m. and 6 p.m. year round, regardless of drought stage
- Stage 1—50% lake levels—Voluntary restrictions—Residents are asked to restrict watering to once a week.
- Stage 2—40% lake levels—Mandatory restrictions—Customers are required to restrict watering to once a week. Hand-held or drip irrigation can continue any day. Recreational use of water (car wash, pools, etc.) must occur only on watering day. Non-essential use of water (cleaning driveways) is prohibited.
- Stage 3—30% lake levels—Mandatory restrictions—Customers are required to restrict watering to once every other week. Recreational use of water (car wash, pools, etc.) must occur only on watering day. Hand-held or drip irrigation can continue any day. Drought surcharge may be implemented.
- Stage 4—20% lake levels—Mandatory restrictions—Irrigation is prohibited. Recreational use of water (car wash, pools, etc.) is prohibited. Drought surcharge may be implemented. New water connections may be prohibited.
- Stage 5—Emergency—Mandatory restrictions—Irrigation is prohibited. Recreational use of water (car wash, pools, etc.) is prohibited. Drought surcharge may be implemented. New water connections may be prohibited.

During Stages 3-5 where drought surcharges may be assessed, each residential customer (or residential unit) will be allocated 3,000 gallons per month. On-residential customers will be allocated 90% of its previous 12 months usage (minimum 6,000 gallons).

RECOMMENDATION: Adopt a motion approving the second (final) reading of Ordinance No. 2073, revising the Drought Management Plan.

ORDINANCE NO. 2073

AN ORDINANCE REVISING THE DROUGHT MANAGEMENT PLAN; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY AND AN EFFECTIVE DATE

WHEREAS Section 11.1272 of the Texas Water Code requires all public water supply systems in Texas to prepare a drought contingency plan; and,

WHEREAS the City of Portland adopted a Drought Management Plan (Plan) on June 4, 1996, and the City Council has determined it is necessary to make revisions to the Plan; and,

WHEREAS the City Council has determined that the revisions to the Plan are necessary for the orderly and efficient management of limited water supplies during drought and other water supply emergencies; and,

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS:

Section 1: Chapter 23, Article III, Division 2, Section 23-121, Subsection (3) of the Code of Ordinances is hereby amended and revised to read as follows:

(3) The use or withdrawal of water from the water supply system of the city for the following purposes or uses is hereby regulated during any period of water shortage commencing with the promulgation of water conservation guidelines and implementation of same by the City Manager and continuing until such water conservation measures are no longer deemed necessary by the city manager in accordance with such guidelines:

a. Stage 1 Response - MILD Water Shortage Conditions - Target: Achieve a 5% reduction in daily water demand with the following water use restrictions:

1. Best Management Practices for Supply Management: The City will enact voluntary measures to reduce or discontinue the flushing of water mains if practicable and utilize reclaimed water for non-potable uses to the greatest extent possible.

2. Water Use Restrictions for Reducing Demand:

- a. Water customers are requested to voluntarily limit the irrigation of landscaped areas to once per week. The watering schedule will be determined by the City Manager.
- b. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

b. Stage 2 Response - MODERATE Water Shortage Conditions - Target: Achieve a 10% reduction in daily water demand with the following water use restrictions:

1. Best Management Practices for Supply Management: In addition to the best management practices for supply management listed under Stage 1, the City will also do the following during Stage 2:

- a. Use more repair crews if necessary to allow for a quicker response time for water-line leak repair; and
- b. City crews will monitor customers' compliance with Stage 2 restrictions during the course of their daily rounds.

2. The following water use restrictions shall apply to all persons during Stage 2:

- a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to once per week. The watering schedule will be determined by the City Manager. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system. Exceptions for this restriction may be permitted, upon review and approval by the Water Allocation and Review Committee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system must apply for a permit from the City Water Department to be prominently posted on the premises within two (2) feet of the street number located on the premises.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on

- designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations upon review of the Water Allocation and Review Committee if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days.
 - d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life.
 - e. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Portland.
 - f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days. However, if the golf course utilizes a water source other than that provided through City of Portland infrastructure, the facility shall not be subject to these regulations.
 - g. The use of water to maintain integrity of building foundations is limited to designated watering days and is only permitted by use of hand-held hose or drip irrigation.
 - h. The following uses of water are defined as non-essential and are prohibited:
 - i. Wash-down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas, except by a commercial power-washing contractor and if it is in the interest of public health and safety.
 - ii. Use of water to wash down buildings or structures for purposes other than immediate fire protection;

iii. Use of water for dust control without special permit.

c. Stage 3 Response - SEVERE Water Shortage Conditions - Target: Achieve a 15% reduction in total daily water demand with the following water use restrictions:

1. Best Management Practices for Supply Management: In addition to the best management practices for supply management listed under Stage 2, the City will also do the following:

- a. Eliminate the flushing of water mains unless required for decontamination and/or public safety; and**
- b. Monitor customers for compliance and notify violators verbally or in writing as the situation dictates.**

2. Water Use Restrictions for Demand Reduction: All requirements of Stage 2 shall remain in effect during Stage 3 except:

- a. Irrigation of landscaped areas shall be limited to once every other week. The watering schedule will be determined by the City Manager or designee. Customers will be made aware of their designated watering day. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system with a positive shutoff device. Exceptions for this restriction may be permitted, upon review and approval by the Water Allocation and Review Committee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system shall still apply for a permit from the City Water Department to be prominently posted on the premises within two (2) feet of the street number located on the premises.**
- b. The watering of golf course fairways is prohibited. The watering of greens and tees are limited to once every other week unless the golf course utilizes a water source other than that provided through City of Portland Water Department**

infrastructure or done by means of hand-held hoses, hand-held buckets, or drip irrigation.

a. During Stage 3, the following measures are optional water use restrictions that may be implemented by the City Manager, with approval of the City Council, as conditions warrant:

i. A drought surcharge of up to and including 100% of the current water rate may be added to the customers' bill to deter discretionary water use.

d. Stage 4 Response - CRITICAL Water Shortage Conditions - Target: Achieve a 30% or greater reduction in daily water demand with the following water use restrictions:

1. Best Management Practices for Supply Management: In addition to the best management practices for supply management listed under Stage 3, the City will also do the following:

a. Upon written notice, disconnect the water meters of willful violators if absolutely necessary to prevent the deliberate wasting of water.

2. Water Use Restrictions for Demand Reduction: All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

a. Irrigation of landscaped areas shall be prohibited at all times.

b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and not in the immediate interest of public health, safety, and welfare is prohibited.

c. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools, and water parks (unless utilizing water from a non-city alternative source) is prohibited.

d. The use of water to maintain the integrity of a building foundation is still permitted on the designated Stage 3 watering day.

e. During Stage 4, the following measures are optional water use restrictions that may be implemented by the City Manager, with approval of the City Council, as conditions warrant:

- ii. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage shall be in effect.**
- iii. A drought surcharge of up to and including 100% of the current water rate may be added to the customers' bill to deter discretionary water use.**

e. Stage 5 Response – EMERGENCY Water Shortage Conditions - Target: Achieve a 50% or greater reduction in daily water demand with the following water use restrictions:

1. Best Management Practices for Supply Management: In addition to the best management practices for supply management listed under Stage 4, the City will also call the ten largest water customers, and if necessary, use runners in key areas to begin spreading the message of a major outage.

2. Water Use Restrictions for Demand Reduction: All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- a. Irrigation of landscaped areas is absolutely prohibited.**
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.**
- c. Business process water shall be reduced to a basic amount necessary only for the continuance of a business's workday or product production or protection. Associated uses such as equipment washing shall be deferred.**
- d. During Stage 5, the following measures are optional water use restrictions that may be implemented by the City Manager, with approval of the City Council, as conditions warrant:**

- i. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage shall be in effect.
- ii. A drought surcharge of up to and including 100% of the current water rate may be added to the customers' bill to deter discretionary water use.

Section 2: Chapter 23, Article III, Division 2, Section 23-121 of the Code of Ordinances is hereby amended as follows:

- (4) The following measures are year-round water conservation best management practices that are in effect at all times, regardless of the reservoir levels or drought contingency levels.
 - a. Prohibition on wasting water: Actions leading to wasting of water are prohibited and will be enforced. No person shall:
 - i. Allow water to run off property into gutters or streets.
 - ii. Permit or maintain defective plumbing in a home, business establishment or any location where water is used on the premises. Defective plumbing includes out-of-repair water closets, underground leaks, defective or leaking faucets and taps.
 - iii. Allow water to flow constantly through a tap, hydrant, valve, or otherwise by any use of water connected to the City water system.
 - iv. Use any non-recycling decorative water fountain.
 - v. Allow irrigation heads or sprinklers to spray directly on paved surfaces such as driveways, parking lots, and sidewalks in public right-of-ways.
 - vi. Operate an irrigation system at water pressure higher than recommended, causing heads to mist, or to operate with broken heads.
 - b. Time of Irrigation: Irrigation by spray or sprinklers is prohibited between the hours of 10:00 AM and 6:00 PM. It is still permissible to water by hand or by drip irrigation at any time of day, unless the City enters Stage 4 Drought.

Section 3: Chapter 23, Article III, Division 2, Section 23-123, Subsection (a) of the Code of Ordinances is hereby amended to read as follows:

- (a) Any person violating any provision of this division shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine as provided in article ~~V~~ **IV** of this chapter. The commission of a violation of each provision, and each separate violation thereof, shall be deemed a separate offense, and upon conviction thereof shall be fined as hereinabove provided. If any person or a second person in the same household or premises is found guilty of a second violation of this article, the director of public works shall be authorized to discontinue water service to the premises where such violation occurs.

Section 4: Chapter 23, Article III, Division 2, Section 23-124 of the Code of Ordinances is hereby amended and revised to read as follows:

Surcharges for Drought Stages 3, 4, 5 and Service Measures

(a) General

- 1. The surcharges established herein are solely intended to regulate and deter the use of water during a period of serious drought in order to achieve necessary water conservation. The City Council expressly finds that the drought poses a serious and immediate threat to the public and economic health and general welfare of this community, and that the surcharges and other measures adopted herein are essential to protect said public health and welfare.**
- 2. This section, and the surcharges and measures adopted herein are an exercise of the City's regulatory and police power, and the surcharges and connection fees are conservation rates intended to meet fixed costs as a result of lost revenue.**
- 3. The City Manager or designee is authorized to determine trigger points and surcharges during Stages 3, 4 and 5 Emergency Water Shortage conditions.**
- 4. In this section, institutional customer means city utility customer which operates as a not-for-profit entity.**
- 5. A customer may appeal an allocation or drought surcharge triggering point established under this Section to the Water Allocation and Review Committee on grounds of unnecessary hardship.**

(b) Residential water customers, who are not billed through a master water meter.

- 1. A monthly water usage trigger point shall be 3,000 gallons for residential customers. This trigger point is the maximum amount of water that a customer can use in a month before being charged a drought rate surcharge.**
- 2. The drought surcharge can be up to and including 100% of the most current water rate.**

(c) Residential customers who are billed from a master water meter.

1. A monthly water usage trigger point shall be 3,000 gallons for each residential unit. This trigger point is the maximum amount of water that a customer can use in a month before being charged a drought rate surcharge.
2. The drought surcharge can be up to and including 100% of the most current water rate.

(d) Commercial or institutional customer

1. A monthly water usage allocation shall be established by the City Manager or designee for each commercial or institutional customer.
2. Method of establishing allocation:
 - a. During Stage 4, the commercial or institutional customer's allocation shall be 90 percent of the customer's usage for the corresponding month's billing period during the previous 12 months prior to the implementation of Stage 2 condition.
 - b. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists.
 - c. Provided, however, a customer, 90 percent of whose monthly usage is less than 6,000 gallons, shall be allocated 6,000 gallons.
 - d. The City Manager shall give best effort to see that notice of each commercial or institutional customer's allocation is mailed to such customer.
 - e. If, however, the customer does not receive such notice, it shall be the customer's responsibility to contact the City' Utilities Billing Office to determine the allocation, and the allocation shall be fully effective notwithstanding lack of receipt of written notice.
 - f. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased by the City Manager,
 1. if one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or
 2. if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

(e) Commercial, institutional, and industrial customers shall pay the following surcharges:

1. Customers whose allocation is 6,000 gallons through 20,000 gallons per month:
 - a. \$5.00 per 1,000 gallons for the first 1,000 gallons over allocation.
 - b. \$8.00 per 1,000 gallons for the second 1,000 gallons over allocation.
 - c. \$16.00 per 1,000 gallons for the third 1,000 gallons over allocation.
 - d. \$40.00 for each additional 1,000 gallons over allocation.

2. **Customers whose allocation is 21,000 gallons per month or more:**
 - a. **One times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.**
 - b. **Three times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.**
 - c. **Five times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.**
 - d. **Ten times the block rate for each 1,000 gallons more than 15 percent above allocation.**
 - e. **The surcharges shall be cumulative.**
 - f. **As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.**

(f) Nonresidential customer is billed from a master meter.

1. **When a nonresidential customer is billed from a master meter which jointly measures water to multiple residential dwelling units (for example: apartments, mobile homes), the customer may pass along any surcharges assessed under this plan to the tenants or occupants, provided that:**
 - a. **The customer notifies each tenant in writing:**
 1. **That the surcharge will be passed along.**
 2. **How the surcharge will be apportioned.**
 3. **That the landlord must be notified immediately of any plumbing leaks.**
 4. **Methods to conserve water (which shall be obtained from the City).**
 - b. **The customer diligently maintains the plumbing system to prevent leaks.**
 - c. **The customer installs water saving devices and measures (ideas for which are available from the City) to the extent reasonable and practical under the circumstances.**

(g) Water service to the customer may be terminated under the following conditions:

1. **Monthly residential water usage exceeds allocation by 4,000 gallons or more two or more times (which need not be consecutive months).**
2. **Monthly water usage on a master meter which jointly measures water usage to multiple residential dwelling units exceeds allocation by 4,000 gallons times the number of dwelling units or more two or more times (which need not be consecutive months).**
3. **Monthly nonresidential water usage for a customer whose allocation is 6,000 gallons through 20,000 gallons exceeds its allocation by 7,000 gallons or more two or more times (which need not be consecutive months).**

4. Monthly nonresidential water usage for a customer whose allocation is 21,000 gallons or more exceeds its allocation by 15 percent or more two or more times (which need not be consecutive months).
5. For residential customers and nonresidential customers whose allocation does not exceed 20,000 gallons, after the first disconnection water service shall be restored upon request for a fee of \$50.
6. For such customers, after the second disconnection, water service shall be restored within 24 hours of the request for a fee of \$500.
7. If water service is disconnected a third time for such customer, water service shall not be restored until the City re-enters a level of water conservation less than Stage 3. For master meter customers, the service restoration fees shall be the same as above times the number of dwelling units.
8. For nonresidential customers whose allocation is 21,000 gallons per month or more:

- a. After the first disconnection, water service shall be restored upon request for a fee in the amount of "X" in the following formula:

$$X = \$ 50 \times \text{Customer's Allocation in gallons} / 20,000 \text{ gallons}$$

- b. After the second disconnection for said customers, water service shall be restored within 24 hours of the request for a fee of 10 times "X".
- c. If water service is disconnected a third time for such customer, water service shall not be restored until the City re-enters a level of water conservation less than Stage 3.
- d. The City Manager is directed to institute written guidelines for disconnection of water service under this provision, which will satisfy minimum due process requirements, if any.

(h) It shall be a defense to imposition of a surcharge hereunder, or to termination of service, that water used over allocation resulted from loss of water through no fault of the customer (for example, a major water line break) for the following conditions:

1. The customer shall have the burden to prove such defense by objective evidence (for example, a written certification of the circumstances by a plumber).
2. A sworn statement may be required of the customer.
3. This defense shall not apply if the customer failed to take reasonable steps for upkeep of the plumbing system, failed to reasonably inspect the system and discover the leak, failed to take immediate steps to correct the leak after discovered, or was in any other way negligent in causing or permitting the loss of water.

(i) When this section refers to allocation or water usage periods as "month," monthly," "billing period," and the like, such references shall mean the period in the City's ordinary billing cycle which commences with the reading of a meter one month and commences with the next reading of that meter which is usually the next month.

- 1. The goal for the length of such period is 30 days, but a variance of five days, more or less, will necessarily exist as to particular meters.**
- 2. If the meter reader system is prevented from timely reading a meter by any obstacle which is attributable to the customer, the original allocation shall apply to the longer period without modification.**

Section 5. If any provision, section, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section 6. Any previously adopted ordinance, resolution, rule, regulation or policy in conflict with this Ordinance is hereby repealed.

Section 7. Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding one thousand dollars (\$1,000.00). Each and every day that a violation of this Ordinance occurs shall constitute a separate offense.

Section 8. This Ordinance shall be published after second reading hereof by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after the publication provided herein.

PASSED and APPROVED on second reading this ___ day of _____ 2013.

CITY OF PORTLAND

David Krebs
Mayor

ATTEST:

Annette Hall
City Secretary



STAFF
WEEKLY
REPORTS



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

Completed Activities

05/26/2013 through 06/01/2013

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Report run on: 06-03-2013

Activity Date	Record Type	Activity	Party	Site Address	Inspector	Status
05/27/2013	Annual Inspection	Annual	NOTLEHS MASSAGE THERAPY	611 Railroad Ave.	Craig Hedrick	SCHEDULED
05/28/2013	Annual Inspection	Annual	LEGACY PRESCHOOL OF PORTLAND	00902 MOORE AVE	Craig Hedrick	FAIL
05/28/2013	Fire Safety	Annual	NORTH SHORE LANDING	00201 NORTHSORE BLVD	Craig Hedrick	N/A
05/28/2013	Fire Safety	Annual	NORTH SHORE PAVILLIONS	00301 North Shore Blvd.	Craig Hedrick	N/A
05/28/2013	Unwholesome Property (FD)	Follow-Up	RESPONSIBLE PARTY	01145 OCHOA	Craig Hedrick	REASSIGNED
05/29/2013	Unwholesome Property (FD)	Notice of Violation, unwholesome property (grass)	RESPONSIBLE PARTY	00605 SECO	Craig Hedrick	NOTIFIED
05/29/2013	Unwholesome Property (FD)	Notice of Violation, unwholesome property (grass)	RESPONSIBLE PARTY	00119 JANIN CIRCLE N	Craig Hedrick	NOTIFIED
05/29/2013	Unwholesome Property (FD)	Notice of Violation, unwholesome property (grass)	RESPONSIBLE PARTY	01510 AUSTIN	Craig Hedrick	NOTIFIED
05/29/2013	Unwholesome Property (FD)	Notice of Violation, unwholesome property (grass)	RESPONSIBLE PARTY	1000 Memorial	Craig Hedrick	NOTIFIED
05/29/2013	Unwholesome Property (FD)	Notice of Violation, unwholesome property (grass)	RESPONSIBLE PARTY	01816 ATASCOSA DR	Craig Hedrick	NOTIFIED
05/29/2013	Unwholesome Property (FD)	Notice of Violation, unwholesome property (grass)	RESPONSIBLE PARTY	02401 BOCA CHICA DR	Craig Hedrick	NOTIFIED
05/29/2013	Unwholesome Property (FD)	Notice of Violation, unwholesome property (grass)	RESPONSIBLE PARTY	02005 MEMORIAL PKWAY (CORNER)	Craig Hedrick	NOTIFIED
05/29/2013	Unwholesome Property (FD)	Notice of Violation, unwholesome property (grass)	RESPONSIBLE PARTY	02006 MEMORIAL PARKWAY	Craig Hedrick	NOTIFIED
05/29/2013	Annual Inspection	Annual	POSTNET POSTAL & BUSINESS SERVICES	1605 U.S. Highway 181	Craig Hedrick	FAIL
05/29/2013	Annual Inspection	Annual	RELIANT STORAGE	1605 U.S. Highway 181	Craig Hedrick	FAIL
05/29/2013	Annual Inspection	Annual	POSTNET POSTAL & BUSINESS SERVICES	1605 U.S. Highway 181 Suite #A	Craig Hedrick	FAIL
05/29/2013	Unwholesome Property (FD)	Notice of Violation, unwholesome property (grass)	LIPKA JASON & JESSICA	00106 ACACIA ARCH	Craig Hedrick	IN COMPLIANCE
05/29/2013	Unwholesome Property (FD)	Follow-Up	LIPKA JASON & JESSICA	00106 ACACIA ARCH	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Notice of violation, trash, rubbish, carrion, refuse	LIPKA JASON & JESSICA	00106 ACACIA ARCH	Craig Hedrick	IN COMPLIANCE



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

Completed Activities

05/26/2013 through 06/01/2013

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Report run on: 06-03-2013

Activity Date	Record Type	Activity	Party	Site Address	Inspector	Status
05/29/2013	Unwholesome Property (FD)	Follow-Up	LEAL MICHAEL & DORI	00144 DELL (CORNER)	Craig Hedrick	REASSIGNED
05/29/2013	Unwholesome Property (FD)	Follow-Up	TORRALVA RALPH	01224 MEMORIAL PKY	Craig Hedrick	REASSIGNED
05/29/2013	Unwholesome Property (FD)	Follow-Up	VALENCIA CYNTHIA MARIE	01145 AUSTIN	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Follow-Up	GONZALES ELOY JR	01201 DALLAS	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Follow-Up	MCADA JAMES NEWTON	00129 DANIEL MOORE AVE	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Follow-Up	LOVELL, ROBERT JR & RHONDA	00218 CARMEL DR	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Follow-Up	STUEHRENBERG LUCILLE G	00217 CHASE	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Follow-Up	RESPONSIBLE PARTY	01831 PORTLAND	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Notice of Violation, unwholesome property (grass)	RESPONSIBLE PARTY	01831 PORTLAND	Craig Hedrick	IN COMPLIANCE
05/29/2013	Unwholesome Property (FD)	Follow-Up	AEP ELECTRICAL STATION	211 Lang Rd.	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Follow-Up	GTEK COMPUTER LLC	103 Lang Rd.	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Follow-Up	SCHONS MARK J & DEBORAH S	02205 LIVE OAK DR	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Contract Services (Mowing or Clean-up)	SCHONS MARK J & DEBORAH S	02205 LIVE OAK DR	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Follow-Up	CHANYAMAN PAANPENNEE	00701 MOORE	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Follow-Up	RESPONSIBLE PARTY	00109 SAN SABA	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Follow-Up	RESPONSIBLE PARTY	00126 SECO DR	Craig Hedrick	REASSIGNED
05/29/2013	Unwholesome Property (FD)	Follow-Up	RESPONSIBLE PARTY	00201 BROADWAY BLVD E	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Follow-Up	RESPONSIBLE PARTY	00906 BAY VIEW BLVD	Craig Hedrick	COMPLETE
05/29/2013	Unwholesome Property (FD)	Follow-Up	RESPONSIBLE PARTY	00218 DRIFTWOOD DR	Craig Hedrick	COMPLETE
05/30/2013	Annual Inspection	Re-Inspection	PELICAN BAY HOMEOWNERS ASSOCIATION	01001 BAY VIEW BLVD W	Craig Hedrick	FAIL



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

Completed Activities

05/26/2013 through 06/01/2013

Page 3 of 3

Report run on: 06-03-2013

Activity Date	Record Type	Activity	Party	Site Address	Inspector	Status
05/31/2013	Unwholesome Property (FD)	Follow-Up	RESPONSIBLE PARTY	00861 Cliff	Craig Hedrick	COMPLETE
05/31/2013	Unwholesome Property (FD)	Follow-Up	RESPONSIBLE PARTY	00865 Cliff	Craig Hedrick	COMPLETE
05/31/2013	Unwholesome Property (FD)	Notice of Violation, unwholesome property (grass)	RESPONSIBLE PARTY	02326 MEMORIAL	Craig Hedrick	NOTIFIED
05/31/2013	Unwholesome Property (FD)	Notice of Violation, unwholesome property (grass)	RESPONSIBLE PARTY	02008 WEST WOOD DRIVE	Craig Hedrick	NOTIFIED
05/31/2013	Unwholesome Property (FD)	Notice of Violation, unwholesome property (grass)	RESPONSIBLE PARTY	00102 DANIEL MOORE AVE	Craig Hedrick	NOTIFIED
Total Completed Activities: 44						

Portland Fire Department

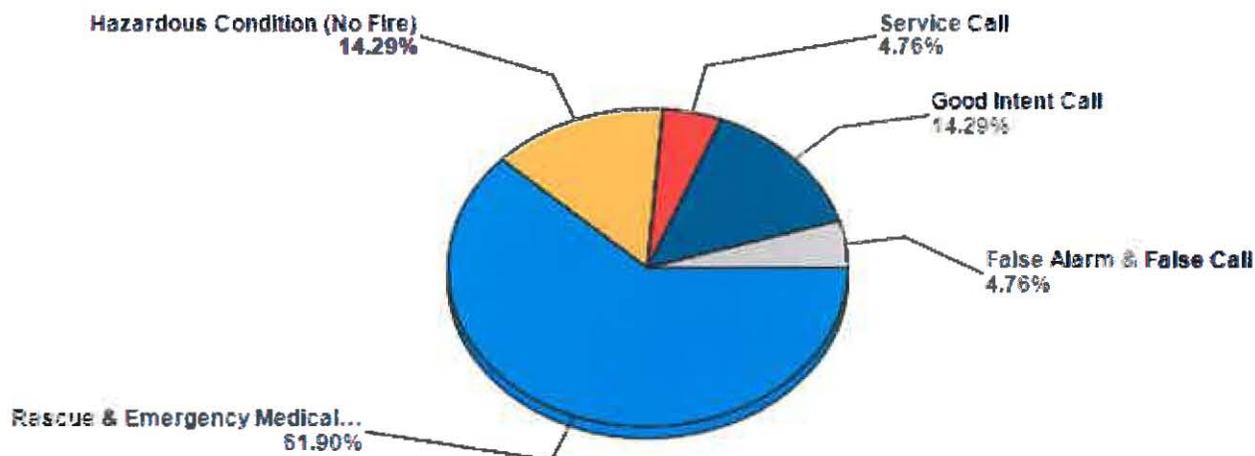
Portland, TX

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Breakdown by Major Incident Types for Date Range

Start Date: 05/27/2013 | End Date: 06/02/2013



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Rescue & Emergency Medical Service	13	61.90%
Hazardous Condition (No Fire)	3	14.29%
Service Call	1	4.76%
Good Intent Call	3	14.29%
False Alarm & False Call	1	4.76%
TOTAL	21	100.00%

Detailed Breakdown by Incident Type		
INCIDENT TYPE	# INCIDENTS	% of TOTAL
311 - Medical assist, assist EMS crew	6	28.57%
321 - EMS call, excluding vehicle accident with injury	7	33.33%
412 - Gas leak (natural gas or LPG)	2	9.52%
445 - Arcing, shorted electrical equipment	1	4.76%
510 - Person in distress, other	1	4.76%
600 - Good intent call, other	1	4.76%
611 - Dispatched & cancelled en route	2	9.52%
740 - Unintentional transmission of alarm, other	1	4.76%
TOTAL INCIDENTS:	21	100.00%

Average Response Time: 4.16 Min.