



## CITY COUNCIL AGENDA

### NOTICE OF WORKSHOP

Tuesday, February 18, 2014  
6:00 p.m.  
Council Chamber - City Hall  
Daniel P. Moore Community Center Complex  
1900 Billy G. Webb  
Portland, Texas 78374

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

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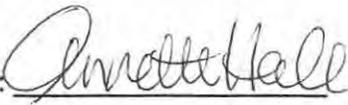
1. **CALL TO ORDER:** MAYOR KREBS
2. **EXECUTIVE SESSION:** THE CITY COUNCIL WILL CONDUCT AN EXECUTIVE SESSION ACCORDING §551.071 (DISCUSSION OF PENDING OR CONTEMPLATED LITIGATION WITH ATTORNEYS: "TEAL CONSTRUCTION VS. CITY OF PORTLAND") OF THE TEXAS GOVERNMENT CODE - MAYOR AND CITY MANAGER  
  
**NO FORMAL ACTION WILL BE TAKEN AT THE CONCLUSION OF THE EXECUTIVE SESSION**
3. **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](mailto:annette.hall@portlandtx.com) in advance of the meeting. Reasonable accommodations will be made to facilitate your participation. 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**

Posted: February 14, 2014 by 5 p.m.  
Portland City Hall

By:   
Annette Hall  
City Secretary



## **CITY COUNCIL AGENDA**

### **NOTICE OF REGULAR MEETING**

**Tuesday, February 18, 2014**

**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:**
  - PROCLAMATION DECLARING MARCH 4, 2014 TO BE "IHOP NATIONAL PANCAKE DAY AND SHRINERS HOSPITALS FOR CHILDREN DAY" - MAYOR KREBS AND REPRESENTATIVE OF SHRINERS HOSPITALS FOR CHILDREN
  - INTRODUCTION OF NEW EMPLOYEES – CHIEF OF POLICE AND DIRECTOR OF PARKS AND RECREATION
  - REPORT ON 2014 SWEETHEART BALL – DIRECTOR OF PARKS AND RECREATION
  - FINANCIAL UPDATE – FINANCE DIRECTOR
  - ELECTION UPDATE – CITY SECRETARY
4. **CITY COUNCIL AND STAFF COMMENTS CONCERNING ITEMS OF COMMUNITY INTEREST THAT MAY NOT BE DISCUSSED:**

Members of the City Council may present reports regarding items of community interest and/or be presented reports from the Staff regarding items of community

interest, provided no action is taken or discussed. Items of community interest include the following:

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

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

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

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- Persons who wish to speak must identify themselves and their places of residence
- All comments, requests and proposals must be presented to or through the Mayor
- Persons who wish to speak will be given 4 minutes to do so

5. **MINUTES OF PREVIOUS MEETINGS:** THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS FEBRUARY 4, 2014 WORKSHOP AND REGULAR MEETING - MAYOR KREBS AND CITY SECRETARY

6. **ISSUANCE OF CERTIFICATES OF OBLIGATION:** THE CITY COUNCIL WILL CONSIDER AND APPROVE A FINANCING PLAN FOR THE ISSUANCE OF CERTIFICATES OF OBLIGATION, SERIES 2014, NOT TO EXCEED \$5,250,000 – FINANCE DIRECTOR AND CONSULTING CITY FINANCIAL ADVISOR

7. **RESOLUTION NO. 679 – AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION:** THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 679 WHICH AUTHORIZES PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION – FINANCE DIRECTOR AND CONSULTING CITY FINANCIAL ADVISOR

8. **ENGAGEMENT OF RICHTER ARCHITECTS TO PREPARE A CONCEPTUAL DESIGN PLAN FOR THE COMMUNITY CENTER COMPLEX** THE CITY COUNCIL WILL

CONSIDER AUTHORIZING THE CITY MANAGER TO ENGAGE RICHTER ARCHITECTS TO CREATE A CONCEPTUAL DESIGN PLAN FOR THE CENTRAL PUBLIC SPACES AT THE DANIEL P. MOORE COMMUNITY CENTER COMPLEX – CITY MANAGER

9. **RESOLUTION NO. 678 - WASTEWATER COLLECTION SYSTEM IMPROVEMENTS FOR THE DOYLE ADDITION FINAL PAYMENT AND PROJECT ACCEPTANCE:** THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 678 THAT ACCEPTS CONSTRUCTION AND AUTHORIZES FINAL PAYMENT TO JHABORES CONSTRUCTION COMPANY, INC., FOR THE WASTEWATER COLLECTION SYSTEM IMPROVEMENTS FOR THE DOYLE ADDITION SUBDIVISION – DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT
  
10. **ORDINANCE NO. 2083 – AMENDING WASTEWATER SERVICE RATES:** THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2083, WHICH CORRECTS THE WASTEWATER RATES SET BY ORDINANCE NO. 2081 – UTILITY BILLING SUPERVISOR
  
11. **PUBLIC HEARING TO CONSIDER CONTINUATION OF SECTION 11-1 – CURFEW FOR MINORS:** THE CITY COUNCIL WILL CONDUCT THE SECOND OF TWO PUBLIC HEARINGS REQUIRED BY STATE LAW TO CONTINUE THE CITY’S CURFEW ORDINANCE FOR MINORS – CHIEF OF POLICE
  
12. **CURFEW FOR MINORS ORDINANCE:** THE CITY COUNCIL WILL DELIBERATE THE CURFEW FOR MINORS ORDINANCE (ABOLISH, CONTINUE OR MODIFY) – CHIEF OF POLICE
  
13. **ORDINANCE NO. 2084 AMENDING CHAPTER 3, ARTICLE VI SEC. 3-54 OF THE CODE OF ORDINANCES:** THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF AN ORDINANCE INCREASING THE DAILY IMPOUND FEES FOR ANIMALS BEING HELD FOR OBSERVATION – CHIEF OF POLICE
  
14. **PAYMENT OF CONTRACT FOR DATA INTEGRATION OF LAW ENFORCEMENT RECORDS USING DRUG FORFEITURE FUNDS:** THE CHIEF OF POLICE SEEKS THE COUNCIL’S SUPPORT FOR USING FEDERAL EQUITABLE SHARING FUNDS IN ORDER TO PAY CONTRACT FEES TO NORTHROP GRUMMAN FOR DATA INTEGRATION ON LINX GULF COAST – CHIEF OF POLICE

**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:

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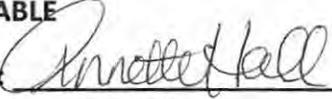
**D. ADJOURNMENT: MAYOR KREBS**

**NOTICE OF ASSISTANCE**

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**BRILLE IS NOT AVAILABLE**

**Posted:** February 14, 2014 by 5:00 p.m.  
Portland City Hall

**By:**   
Annette Hall  
City Secretary



## **PROCLAMATION**

**DECLARING MARCH 4, 2014  
TO BE  
“NATIONAL PANCAKE DAY  
AND  
SHRINERS HOSPITALS FOR CHILDREN DAY”**

**WHEREAS**, Shriners Hospitals for Children is a national non-profit organization committed to giving children the opportunity to live a more normal life; and

**WHEREAS**, Shriners Hospitals for Children gives children the opportunity to receive treatment for orthopedic problems, severe burns and spinal cord injuries and provides them with a head start in developing a normal life, regardless of the patients ability to pay, that is essential to becoming successful and contributing adults ; and

**WHEREAS**, on March 4, 2014, Shriners Hospitals for Children and IHOP, will join together to encourage people to donate to Shriners Hospitals for Children activities in our city;

**NOW, THEREFORE**, I David Krebs, Mayor of Portland, Texas do hereby proclaim” March 4, 2014 to be **“NATIONAL PANCAKE DAY AND SHRINERS HOSPITALS FOR CHILDREN DAY** in Portland, Texas.

In Witness Whereof, I do hereby set my hand and cause the seal of the City of Portland, Texas to be affixed this 18<sup>th</sup> day of February 2014.

**EXECUTED:**

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**David Krebs, Mayor  
City of Portland**

**ATTEST:**

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**Annette Hall, City Secretary**

**CITY OF PORTLAND  
CITY COUNCIL  
WORKSHOP MEETING  
FEBRUARY 4, 2014 – 5:30 P.M.**

On this the 4<sup>th</sup> day of February 2014, the Council of the City of Portland convened in a workshop meeting session at 5:30 p.m. in the Council Chambers of City Hall, Daniel P. Moore Community Center Complex and notice of workshop meeting giving the time, place and date and subject having been posted as described by Section 551 of the Government Code.

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Randy Wright	City Manager
Michel Sorrell	Finance Director
Brian DeLatte	Director of Public Works and Development
Kristin Connor	Director of Parks and Recreation
Annette Hall	City Secretary

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

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

**1. CALL TO ORDER: MAYOR KREBS**

Mayor Krebs called the workshop to order at 6:00 p.m.

2. **STREET, PARKING LOT, TRAIL, AND SIDEWALK MASTER PLAN:** THE CITY COUNCIL WILL DISCUSS THE PRELIMINARY RESULTS OF THE STREET, PARKING LOT, TRAIL, AND SIDEWALK MASTER PLAN – DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT AND CONSULTING CITY ENGINEER

Director of Public Works and Development, Brian Delatte presented and reviewed the following Project Briefing on Comprehensive Street, Parking Lot, Sidewalk, and Trail Study:

### Study Objectives

- Complete an objective engineering-based assessment of the existing street conditions
- Combine all information into one comprehensive study
  - Pavement Condition Index
  - Gutter and drainage concerns
  - Sidewalk and ADA Master Plan
  - Parks Department Trail Master Plan
  - Facilities Master Plan
- Recommend projects for Phases 9, 10, and 11
- Analyze life cycle costs for both asphalt and concrete for new street construction

### Study Criteria

- Comprehensive plan – in time and scope
- Be conservative in cost estimates
  - 25% contingency
  - Unit prices on higher end of range
- Construct improvements in clusters to reduce contractor overhead and maximize “fairness”
- The worst street is not necessarily the first to be reconstructed
  - Traffic and use
  - Proximity to new developments and schools
  - Position of street on the Pavement Condition Index curve

Consulting City Engineer, Donnie Rehmet of Coym, Rehmet & Gutierrez presented and reviewed the existing street conditions and proposed improvements.

Council, Staff and Mr. Rehmet discussed the existing street condition, proposed improvement and the proposed schedule for the project.

3. **EXECUTIVE SESSION:** THE CITY COUNCIL WILL CONDUCT AN EXECUTIVE SESSION ACCORDING §551.071 (DISCUSSION OF PENDING OR CONTEMPLATED LITIGATION WITH

ATTORNEYS: "TEAL CONSTRUCTION VS. CITY OF PORTLAND"), §551.072 (DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY, AND §551.074 (DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, ASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE - CITY MANAGER) OF THE TEXAS GOVERNMENT CODE - MAYOR AND CITY MANAGER

**NO FORMAL ACTION WILL BE TAKEN AT THE CONCLUSION OF THE EXECUTIVE SESSION**

At 6:30 p.m. Mayor Krebs announced that the City Council will conduct an Executive Session according §551.071 (discussion of pending or contemplated litigation with Attorneys: "Teal Construction vs. City of Portland"), §551.072 (deliberate the purchase, exchange, lease or value of real property, and §551.074 (deliberate the appointment, employment, evaluation, assignment, duties, discipline, or dismissal of a public officer or employee - City Manager).

Mayor Krebs announced that the Executive Session was concluded at 6:55 p.m. and reconvened the workshop at 6:58 p.m. He added that no formal action will be taken on this item.

4. **ADJOURNMENT**: MAYOR KREBS

Mayor Krebs adjourned the workshop at 6:56 p.m.

**D. NOTICE OF ASSISTANCE:**

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**BRaille IS NOT AVAILABLE**

**Approved:**

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David Krebs  
Mayor

**Attest:**

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City Secretary

**CITY OF PORTLAND  
CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 4, 2014 – 7:00 P.M.**

On this the 4<sup>th</sup> day of February 2014, the Council of the City of Portland convened in a regular meeting session at 7:00 p.m. in the Council Chambers of City Hall, Daniel P. Moore Community Center Complex and notice of regular meeting giving the time, place and date and subject having been posted as described by Section 551 of the Government Code.

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Randy Wright	City Manager
Brian DeLatte	Director of Public Works and Development
Michel Sorrell	Finance Director
Gary Giles	Police Chief
Tim Vanlandingham	Fire Chief
Kristin Connor	Director of Parks and Recreation
RoseAleta Laurell	Library Director
Kyle Schreckenbach	Assistant Director of Public Works
Annette Hall	City Secretary
Drew Schell	IT Technician
Brandon Lemon	Accounting Assistant
Luci Rodriguez	Utility Billing Supervisor

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

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

- 2014 TRAPS LONE STAR PROGRAMMING ACHIEVEMENT AWARD ANNOUNCEMENT – DIRECTOR OF PARKS AND RECREATION

Director of Parks and Recreation, Kristin Connor announced that she was pleased to announce that the Portland Parks and Recreation received the 2014 TRAPS Lone Star Programming Achievement Award for the “Park It” program. “Park It” is an innovative and effective recreation program offered last summer by Parks and Recreation Department. The Award is for Class V (cities up to 20,000 in population) and is an exclusive state wide award. The TRAPS Annual Conference Awards Luncheon will be held on Friday, February 21, 2014 at the Omni Bayfront in Corpus Christi and encouraged the City Council to attend. She then, thanked the employees who made the event possible and the city administration and City Council for their support of the Parks & Recreation Department.

- PRESENTATION OF THE 2012 CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION – MAYOR

Mayor Krebs announced that the City of Portland Comprehensive Annual Financial Report for the fiscal year ended September 30, 2012 qualifies for a Certificate of Achievement for Excellence in Financial Reporting. This Certificate is the highest form of recognition in governmental account and financial reporting. Mayor Krebs presented the Certificate of Achievement plaque to Finance Director, Michel Sorrell.

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

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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
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- 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

Mayor Krebs announced that the will a celebration for the completion of the La Quinta Channel Extension Project on Friday, February 7, 2014 at the site. Alternate plans have been in case of inclement weather.

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

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

There were none.

**5. MINUTES OF PREVIOUS MEETINGS: THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS JANUARY 21, 2014 REGULAR MEETING - MAYOR KREBS AND CITY SECRETARY**

Council Member Green made the motion to approve the minutes of the January 21, 2014 regular meeting, seconded by Council Member Lewis.

The motion passed 6-1 (with Council Member Vilo abstaining).

**NEW BUSINESS**

**6. PUBLIC HEARING TO CONSIDER CONTINUATION OF SECTION 11-1 – CURFEW FOR MINORS: THE CITY COUNCIL WILL CONDUCT THE FIRST OF TWO PUBLIC HEARINGS REQUIRED BY STATE LAW TO CONTINUE THE CITY’S CURFEW ORDINANCE FOR MINORS – CHIEF OF POLICE**

Chief Giles explained that according to the Texas Local Government Code, Chapter 370.001 cities are required to review local curfew ordinances every three years to abolish, continue, or modify the ordinance. Two public hearings are required followed by a Council action. The last time the Council reviewed the ordinance was in March 2011. Juvenile curfew laws have been established in many communities around the country. Chief Giles added that the City of Portland curfew ordinance has been, and continues to be, an effective method of keeping our children safe as well as reducing the number of crimes committed by juveniles.

Mayor Krebs opened the Public Hearing at 7:11 p.m. to solicit comments citizens or other interested parties regarding continuation of Section 11-1 of the Curfew for Minors Ordinance.

With no citizen participation or comments, Mayor Krebs closed the Public Hearing at 7:12 p.m.

Mayor Krebs announced that the required second Public Hearing will be held at the next regular City Council Meeting on February 18, 2014.

**7. ORDINANCE NO. 2083 – AMENDING WASTEWATER SERVICE RATES: THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2083, WHICH CORRECTS THE WASTEWATER RATES SET BY ORDINANCE NO. 2081 – FINANCE DIRECTOR**

Utility Billing Supervisor Luci Rodriguez explained that a typographical error in the text of Ordinance 2081 (Section 2, Chapter 23, Article II, Division 2, Section 23-41, Subsection (b)) inadvertently increased wastewater rates by \$0.25. The increase from San Patricio Municipal Water District only affects the water rates, not wastewater rates. This ordinance corrects wastewater rate. Prior actions or review was the approval of Ordinance No. 2081 increasing the rates charged for water service by \$0.25 per 1,000 gallons that took effect January 1, 2014. Customers have not and will not be affected because no bills have been issued with the incorrect rate. She added that staff recommendation is to approve the first reading of Ordinance No. 2083.

Council Member Jorgensen made the motion to approve the first reading of Ordinance No. 2083 correcting the rate charged for wastewater services, with a second by Mayor Pro Tem Skurow.

Mayor Krebs read the following caption:

**ORDINANCE NO. 2083**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 2081;  
CORRECTING THE RATE CHARGED FOR WASTEWATER  
SERVICE; PROVIDING FOR THE REPEAL OF ORDINANCES IN  
CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE  
AND ESTABLISHING AN EFFECTIVE DATE.**

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

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

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There were none.

**D. ADJOURNMENT: MAYOR**

Mayor Krebs adjourned the meeting at 7:15 p.m.

**E. NOTICE OF ASSISTANCE:**

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**BRAILLE IS NOT AVAILABLE**

Approved:

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David Krebs  
Mayor

Attest:

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City Secretary



## CITY COUNCIL ACTION ITEM

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<b>AGENDA TITLE</b>	<b><u>ISSUANCE OF CERTIFICATES OF OBLIGATION</u></b> The City Council will consider and approve a financing plan for the issuance of certificates of obligation, Series 2014, not to exceed \$5,250,000.
<b>MEETING DATE</b>	2/18/2014
<b>DEPARTMENT</b>	Finance
<b>SUBMITTED BY</b>	Michel Sorrell, Finance Director

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### **EXECUTIVE SUMMARY**

This item has been placed on the agenda at the request of the Consulting City Financial Advisor. The Consulting City Financial Advisor will discuss the Certificate of Obligation issuance, which is not to exceed \$5,250,000, the schedule of issuance, and projects covered by the issuance.

### **PRIOR ACTIONS OR REVIEWS**

The City Council approved a Comprehensive Street, Parking Lot, Sidewalk, and Trail Master Plan Study starting Fiscal Year 2012, which was completed and presented February 4, 2014.

### **DETAILS / STAFF ANALYSIS**

During the adoption of the Capital Improvement Program, it was determined that a \$5,000,000 in Certificates of Obligation would be issued in order to implement the Street Improvement Program Phase 9 and Phase 9A. The financial plan presented includes the \$5,000,000 for the project and an additional \$250,000 to cover issuance costs and possible buyer premium. This brings the total issuance to \$5,250,000. The increase ensures that the budgeted \$5,000,000 for the project stays intact and that bond costs do not reduce that amount. The full \$5,250,000 does not have to be issued if the cost of the project and the issuance are below that amount.

### **ALTERNATIVES CONSIDERED**

The Street Improvement Phase 9 and Phase 9A are part of the approved Capital Improvement Program and are to be funded by Certificates of Obligation. Alternatives would include pushing the project back or by paying some portion on a "pay as you go" method. Neither alternative is suitable for such a comprehensive project.

### **FINANCIAL IMPACT**

The funding of the Street Improvement Project is large in scope and the issuance of Certificates of Obligations while interest rates are still low makes the most sense. Funding piecemeal by "pay as you go" for such a comprehensive project would not be the best use of reserves.

**ATTACHMENTS**

None

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**RECOMMENDED ACTION**

Adopt a motion approving the financing plan using the issuance of Certificates of Obligation, Series 2014 in an amount not to exceed \$5,250,000.

**AGENDA TITLE**      **RESOLUTION NO. 679 – AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION**

The City Council will consider Resolution No. 679 which authorizes publication of notice of intention to issue Certificates of Obligation.

**MEETING DATE**      2/18/2014

**DEPARTMENT**      Finance

**SUBMITTED BY**      Michel Sorrell, Finance Director

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**EXECUTIVE SUMMARY**

This item has been placed on the agenda at the request of the Consulting City Financial Advisor and Consulting City Bond Counsel. Resolution No. 679 must be approved in order to start the bond issuance process for funding of Phase 9 and Phase 9A Street Improvements.

**PRIOR ACTIONS OR REVIEWS**

The City Council approved a Comprehensive Street, Parking Lot, Sidewalk, and Trail Master Plan Study starting Fiscal Year 2012 which was completed and presented February 4, 2014.

**DETAILS / STAFF ANALYSIS**

Resolution No. 679 must be approved in order to implement Phase 9 and Phase 9A of the Street Maintenance and Improvement Program. Approving this resolution will allow the Consulting Financial Advisor and Consulting City Bond Counsel to proceed with the bond issuance while locking in low interest rates.

**ALTERNATIVES CONSIDERED**

None, approving this resolution is a statutory requirement.

**FINANCIAL IMPACT**

The Adopted Capital Improvement Program for FY 2013-2014 includes Phase 9 and Phase 9A Street Maintenance and Improvements for a total of \$5,000,000 and the method of funding is the use of Certificates of Obligation.

**ATTACHMENTS**

Resolution No. 679 – Resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation

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**RECOMMENDED ACTION**

Adopt a motion that approves Resolution No. 679

**RESOLUTION NO. 679**

**RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION  
TO ISSUE CERTIFICATES OF OBLIGATION**

**THE STATE OF TEXAS** §  
**COUNTIES OF NUECES AND SAN PATRICIO** §  
**CITY OF PORTLAND** §

*WHEREAS*, the City Council of the **CITY OF PORTLAND, TEXAS** (the "*City*") hereby determines that it is necessary and desirable to acquire, construct and equip various street, sidewalk and related drainage improvements in the City and to pay all or a portion of the legal, fiscal and engineering fees in connection therewith (collectively, the "*Projects*"); and

*WHEREAS*, the City Council of the City intends to finance the Projects from proceeds derived from the sale of a series of *Combination Tax and Revenue Certificates of Obligation* issued by the City pursuant to Sections 271.041 - 271.064, Texas Local Government Code, as amended; and

*WHEREAS*, pursuant to Section 271.049, Texas Local Government Code, the City Council deems it advisable to give notice of intention to issue certificates of obligation in an amount not to exceed an aggregate of \$5,250,000 for the purpose of paying, in whole or in part, the Projects, and to pay the costs of issuance related to the certificates of obligation; and

*WHEREAS*, it is hereby officially found and determined that the meeting at which this resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

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

**SECTION 1. APPROVAL OF NOTICE OF INTENTION.** Attached hereto is a form of the "*Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation*", the form and substance of which is hereby adopted and approved.

**SECTION 2. AUTHORIZATION TO PUBLISH NOTICE OF INTENTION.** The City Secretary shall cause said notice to be published in substantially the form attached hereto in a newspaper, as defined in Section 2051.044, Texas Government Code, that is of general circulation in the area of the City, on the same day in each of two consecutive weeks, the date of the first publication thereof to be at least 31 days before the date tentatively set for the passage of the ordinance authorizing the issuance of such certificates of obligation as shown in said notice. The City Manager, the City Secretary, and the Finance Director are each authorized to make changes to said Notice as necessary prior to its publication.

**SECTION 3. INCORPORATION OF RECITALS.** The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such recitals as a part of this Resolution.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall become effective immediately upon passage.

*[The remainder of this page intentionally left blank]*

***PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,  
TEXAS ON THE 18<sup>TH</sup> DAY OF FEBRUARY, 2014.***

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City Secretary  
City of Portland, Texas

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Mayor  
City of Portland, Texas

(SEAL)

[SIGNATURE PAGE TO NOTICE OF INTENTION RESOLUTION]

**CITY OF PORTLAND, TEXAS NOTICE OF INTENTION TO ISSUE  
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION**

The City Council of the City of Portland, Texas (the "City") does hereby give notice of intention to issue one or more series of *City of Portland, Texas Combination Tax and Revenue Certificates of Obligation* in the maximum aggregate principal amount not to exceed \$5,250,000 for the purpose of paying, in whole or in part, contractual obligations to acquire, construct and equip various street, sidewalk and related drainage improvements in the City and to pay all or a portion of the legal, fiscal and engineering fees in connection therewith (collectively, the "*Projects*"), and to pay the costs of issuance related to the certificates of obligation. The City proposes to provide for the payment of such Certificates of Obligation from the levy and collection of ad valorem taxes in the City as provided by law and from a lien on and pledge of "Surplus Revenues", if any, received by the City from the ownership and operation of the City's waterworks and sewer system. The City Council proposes to authorize the issuance of such Certificates of Obligation at 7:00 p.m. on Tuesday, April 1, 2014, at a Regular Meeting, at the City Hall, Portland, Texas.

/s/ Annette Hall  
City Secretary, City of Portland, Texas

**CERTIFICATE FOR RESOLUTION**

**THE STATE OF TEXAS  
COUNTIES OF NUECES AND SAN PATRICIO  
CITY OF PORTLAND**

§  
§  
§

I, the undersigned City Secretary of said City, hereby certify as follows:

1. The City Council of said City convened in Regular Meeting on April 1, 2014, at the City Hall, and the roll was called of the duly constituted officers and members of said City Council, to wit:

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

and all of said officers and members of said City Council were present, except the following absentees: \_\_\_\_\_, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

**RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO  
ISSUE CERTIFICATES OF OBLIGATION**

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said Resolution be adopted; and, after due discussion, said motion carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: NOES: ABSTENTIONS:

2. That a true, full and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Resolution has been duly recorded in said City Council's minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said Meeting pertaining to the passage of said Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for passage at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 1<sup>st</sup> day of April, 2014.

\_\_\_\_\_  
City Secretary, City of Portland, Texas

(City Seal)

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**AGENDA TITLE**      **ENGAGEMENT OF RICHTER ARCHITECTS TO PREPARE A CONCEPTUAL DESIGN PLAN FOR THE COMMUNITY CENTER COMPLEX**

The City Council will consider authorizing the City Manager to engage Richter Architects to create a conceptual design plan for the central public spaces at the Daniel P. Moore Community Center Complex.

**MEETING DATE**      2/18/2014

**DEPARTMENT**      Administration

**SUBMITTED BY**      Randy L. Wright, City Manager

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**EXECUTIVE SUMMARY**

Our 5-year Capital Improvement Plan (CIP) includes funding to replace the Veterans' Memorial at 13-Acre Park that is in disrepair with a new memorial at the Daniel P. Moore Community Center complex. The proposed project to develop a conceptual design plan is the first step in that process and will identify current and future needs for the entire site. Once this is complete, we can proceed into design and placement of the new Veterans' Memorial.

**PRIOR ACTIONS OR REVIEWS**

None.

**DETAILS / STAFF ANALYSIS**

The Veterans' Memorial at 13-acre park was built in the 1970s. In recent years, the condition of the memorial has continued to decline, evidenced by growing wall cracks and other indications of structural decay. In 2012, the City engaged the architectural firm of Solka, Nava and Torno to examine the structure and render an opinion as part of a larger facilities study. SNT reported that the memorial needed major renovation and recommended tearing down and rebuilding the structure at an estimated cost of \$250,000. The cost of that work, coupled with our plan for repurposing the location where the memorial now sits to additional sports elements at 13-acre park led the staff to recommend relocating the memorial to the Community Center complex.

The first step in that process is a study of current and future needs for the Community Center Complex site. With only limited remaining space and a need to use that space as efficiently as possible, a conceptual design plan will establish the best locations for future buildings and the location and scope of the new Veterans' Memorial so that all are consistent with a larger plan for how the complex will build-out into the future. Once this is complete, we can proceed to the design of the new Veterans' Memorial.

Richter Architects as submitted a proposal to conduct the needed development plan at a fixed fee of \$15,000.

The plan and scope of the proposed work meets our needs and will help ensure that the Daniel P. Moore Community Complex continues to develop as a useful, attractive and inviting gathering place for our citizens.

**ALTERNATIVES CONSIDERED**

1. The staff could arbitrarily select a location for the memorial without the benefit of professional oversight. However, doing so would jeopardize our ability to use our remaining acreage responsibly and with the greatest effectiveness.

**FINANCIAL IMPACT**

The cost of this project is eligible for funding from Hotel Occupancy Tax proceeds.

**ATTACHMENTS**

1. Proposal from Richter Architects.

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**RECOMMENDED ACTION**

Motion to authorize the City Manager to engage Richter Architects to conduct a conceptual development plan for the Daniel P. Moore Community Center Complex for a fixed fee of \$15,000.

City of Portland

**PROPOSAL** for services related to

Conceptual Development Plan for the central public space at the Portland City Hall complex.

2/6/2014

Richter Architects propose to provide to the City of Portland architectural and planning services as outlined below for the purpose of designing site development concepts for the public space between and defined by the Portland City Hall, the Police Building and the Community Center. The study will consider how the site can accommodate a Veteran's Memorial and other appropriate outdoor public activities. General consideration will be given to future building sites and masses. Anticipated levels of effort are defined as follows.

	Principal \$165	Principal \$165	Architectural Intern \$95	Administrative \$65	TOTAL
Kick-off meeting	3	3	3		\$1,275
Digital mass model of existing buildings			40		\$3,800
Sketches and alternative concepts	4	4			\$1,320
Client review and charrette	3	3	3		\$1,275
Revise sketches	4	2	3		\$1,275
Digital mass model of new concepts	2		16		\$1,850
Renderings	3		16		\$2,015
Narratives and report preparation	3	1		4	\$920
Notes and correspondence			4	4	\$640
Presentation	2	2			\$660
<b>TOTAL LABOR</b>	<b>21</b>	<b>12</b>	<b>42</b>	<b>8</b>	<b>\$15,030</b>
Printing					\$75
<b>TOTAL</b>					<b>\$15,105</b>

Services include two working meetings and one presentation meeting. Deliverables include a digital (Revit) mass model (limited detail) of the three existing buildings; a digital (Revit) mass model of proposed development concepts including adjacent potential building footprints and primary circulation, five renderings showing the key concepts of the proposed development concept; and summary narratives describing strategies and concepts.

Services do not include schematic design for the Veteran's Memorial or other site features or amenities included in the concept development plan.

Compensation will be at a fixed fee of **Fifteen Thousand Dollars (\$15,000)**, payable on completion.

Respectfully Submitted:

Accepted:



David Richter, FAIA  
President, Richter Architects

Randy L. Wright  
City Manager, Portland TX

<b>AGENDA TITLE</b>	<b><u>RESOLUTION NO. 678 - WASTEWATER COLLECTION SYSTEM IMPROVEMENTS FOR THE DOYLE ADDITION FINAL PAYMENT AND PROJECT ACCEPTANCE</u></b> THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 678 THAT ACCEPTS CONSTRUCTION AND AUTHORIZES FINAL PAYMENT TO JHABORES CONSTRUCTION COMPANY, INC., FOR THE WASTEWATER COLLECTION SYSTEM IMPROVEMENTS FOR THE DOYLE ADDITION SUBDIVISION
<b>MEETING DATE</b>	2/18/2014
<b>DEPARTMENT</b>	Public Works
<b>SUBMITTED BY</b>	Brian DeLatte, P.E.

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**EXECUTIVE SUMMARY**

The construction on the Doyle Addition Subdivision Wastewater Collection System Improvements has been completed. Resolution No. 678 formally accepts the construction as being complete and authorizes the final payment pending Texas Water Development Board authorization. The project has been completed \$10,498.45 under the original bid amount and \$14,162.45 under the construction budget.

**PRIOR ACTIONS OR REVIEWS**

- May 1, 2012 – Engagement of Jhabores Construction for \$2,389,801.00
- October 16, 2012 – Change Order No. 1 approved, decreasing the contract by \$41,158.00
- February 5, 2013 – Change Order No. 2 approved, decreasing the contract by \$26,854.59
- March 19, 2013 – Change Order No. 3 approved, increasing the contract time by 120 days
- October 15, 2013 – Change Order No. 4 approved, increasing the contract by \$48,521.14 and by 150 days
- January 7, 2014 – Change Order No. 5 approved, increasing the contract by \$8,993.00

**DETAILS / STAFF ANALYSIS**

Adoption of Resolution No. 678 is required for the Texas Water Development Board to complete its close-out of the project, allowing the City to utilize its final allotment of funding to release the retainage to Jhabores Construction Company, Inc.

**ALTERNATIVES CONSIDERED**

N/A.

**FINANCIAL IMPACT**

The project has been completed \$10,498.45 under the original bid amount and \$14,162.45 under the construction budget.

**ATTACHMENTS**

- Resolution No. 678
- Engineer's Certification
- Affidavit of Bills Paid
- Certificate of Construction Completion
- Estimate for Partial Payment (Pay Application No. 15 – Final)

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**RECOMMENDED ACTION**

Motion to approve Resolution No. 678.

**RESOLUTION NO. 678**

**A RESOLUTION OF THE CITY OF PORTLAND, TEXAS, ACCEPTING THE WORK BY JHABORES CONSTRUCTION COMPANY, INC., FOR THE WASTEWATER COLLECTION SYSTEM IMPROVEMENTS FOR THE DOYLE ADDITION SUBDIVISION AS BEING COMPLETE AND IN ACCORDANCE WITH THE PLANS, SPECIFICATIONS, AND ALL APPROVED CHANGE ORDERS**

**WHEREAS**, the City of Portland received a grant/loan from the Texas Water Development Board Economically Distressed Area Program (EDAP) for the construction of Wastewater Collection System Improvements for the Doyle Addition Subdivision; and

**WHEREAS**, the new system would provide wastewater collection service to the residents of City of Portland, in addition to those located in the Doyle Addition area; and

**WHEREAS**, the new system would include the construction of 7,778 linear feet of gravity line, 27 fiberglass manholes, 1,988 linear feet of force main, 97 service connections, 2,358 square yards of pavement repair, storm water pollution prevention, and associated valves/fittings; and

**WHEREAS**, the City of Portland entered into a construction contract with Jhabores Construction Company Inc., for the construction of the “Wastewater Collection System Improvements for the Doyle Addition Subdivision”; and

**WHEREAS**, the City of Portland has received the Engineer’s Certification dated February 5, 2014, from Naismith Engineering, Inc., that the work has been satisfactorily completed.

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

**Section 1.** The City of Portland accepts the work provided under the contract with Jhabores Construction Company, Inc., for the construction of the “Wastewater Collection System Improvements for the Doyle Addition Subdivision” that was satisfactorily completed in accordance with the plans, specifications and all approved Change Orders.

**Section 2.** The City of Portland authorizes final payment and releases retainage on the project subject to approval by the Texas Water Development Board.

**PASSED and APPROVED** this 18th day of February, 2014.

**EXECUTED UPON APPROVAL**

By: \_\_\_\_\_  
**David Krebs**  
**Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Annette Hall**  
**City Secretary**



# NaismithEngineering,Inc

ENGINEERING ■ ENVIRONMENTAL ■ SURVEYING

ESTABLISHED 1949

TBPE Registration No. F-000355

## ENGINEER'S CERTIFICATION

PROJECT TITLE: "Wastewater Collection System Improvements for the Doyle Addition Subdivision"  
TWDB Contract No. 10373

OWNER: City of Portland

CONTRACTOR: Jhabores Construction Company, Inc.

THIS IS TO CERTIFY THAT THE WORK ON THE ABOVE REFERENCED PROJECT HAS BEEN COMPLETED BY THE CONTRACTOR IN SUBSTANTIAL CONFORMITY WITH THE PLANS, SPECIFICATIONS, AND ALL APPROVED CHANGE ORDERS AS ISSUED BY THE CITY OF PORTLAND.

CERTIFIED BY:



*Melanie D. Gavlik*

MELANIE D. GAVLIK, P.E.  
PROJECT ENGINEER

DATE: 2-5-14

NAISMITH ENGINEERING, INC.  
AFFIDAVIT OF BILLS PAID

Project Title: "WASTEWATER COLLECTION SYSTEM IMPROVEMENTS FOR THE DOYLE ADDITION SUBDIVISION" (TWDB Contract No. 10373)

Owner: City of Portland

Owner's Project No.:

Project No.: 6110

STATE OF Texas §

COUNTY OF Nueces §

Before me, the undersigned authority, on this date personally appeared

Sara Muilman, President  
(Name) (Title)

Who being by me first duly sworn, an oath says: My name is Sara Muilman. I am a representative of Trubores Construction Co Inc and authorized to make this affidavit that the contract for the construction of the project designated as WASTEWATER COLLECTION SYSTEM IMPROVEMENTS FOR THE DOYLE ADDITION SUBDIVISION has been satisfactorily completed; and that all bills for materials, apparatus, fixtures, machinery, labor, and subcontracting in connection with the construction of the above project, have been fully paid.

Signature: [Signature]  
Contractor

Title: President

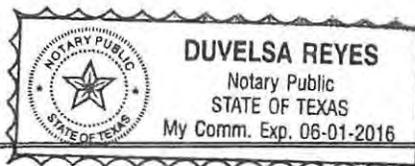
SWORN TO AND SUBSCRIBED BEFORE ME

this 17<sup>th</sup> day of February, 2014.

Notary Public in and for Nueces County, State of Texas.

My Commission expires on; 06-01-2016

Duvelsa Reyes



**NAISMITH ENGINEERING, INC.**  
 TBPE F#355  
**CERTIFICATE OF CONSTRUCTION COMPLETION**

<b>Project Title: WASTEWATER COLLECTION SYSTEM IMPROVEMENTS FOR THE DOYLE ADDITION SUBDIVISION</b>	
Owner: CITY OF PORTLAND	
Owner's Project No.:	NEI Project No.: 6110
Contractor: Jhabores Construction Company, Inc.	
Date contract entered: July 30, 2012	
<p><b>PROJECT DESCRIPTION:</b> The project consists of approximately 8022 LF of 8" PVC Gravity Sewer; 19 EA 4' Diameter Fiberglass Manholes; 6 EA 5' Diameter Fiberglass Manholes; 1988 LF of 10" &amp; 6" Diameter PVC Forcemain; 148 LF of 16" &amp; 8" Diameter Steel Casing (to be installed by boring); one Duplex Submersible Lift Station with Appurtenances; the rehabilitation of the City's existing Bluff Lift Station with Appurtenances; Electrical and Controls for both Lift Stations; 130 EA Sanitary Service Connections; 80 EA Deep Stack Connections; 9 EA Drop Connections on Manholes (Exterior); 2190 SY Pavement Repair; 79 SY Caliche Repair; 693 LF Sediment Control Fence; and miscellaneous valves and fittings.</p>	
<p><b>THIS IS TO CERTIFY THAT:</b></p> <ol style="list-style-type: none"> <li>1. A final inspection of the project described above was conducted.</li> <li>2. The work has been completed in accordance with the plans and specifications and all addenda, change orders, and supplemental agreements thereto, with the following exceptions:  <u>NONE</u></li> <li>3. The sum of <u>ZERO</u>, deducted from the final payment to the Contractor is a fair and equitable settlement for the forgoing excepted work.</li> </ol>	
The Final Payment is pending.	
<p><b>WARRANTY PERIOD:</b></p> <p>The Contractor has presented in behalf of itself and its sureties, satisfactory evidence that it is bound to repair, replace and make good any faulty workmanship and/or materials discovered within a period of 12 months from <b>February 5, 2014</b> as provided by the Contract.</p>	

**CERTIFIED BY:**

*Melanie D. Gavlik*  
 ENGINEER: Naismith Engineering, Inc.



Date: 2/10/14

OWNER: City of Portland

Date: \_\_\_\_\_

*[Signature]*  
 CONTRACTOR: Jhabores Construction Company Inc.

Date: 2/7/14

REVISED 05-27-05

**SECTION 01027  
ESTIMATE FOR PARTIAL PAYMENT**

<b>PROJECT TITLE:</b> WASTEWATER COLLECTION SYSTEM IMPROVEMENTS FOR THE DOYLE ADDITION SUBDIVISION (TWDB CONTRACT NO. 10373)		
<b>OWNER:</b> CITY OF PORTLAND, TEXAS		
<b>Owner Project Number:</b>	<b>NEI Project Number</b>	<b>6110</b>

<b>Contractor:</b> JHABORES CONSTRUCTION COMPLYNY INC.		
<b>Estimate No.:</b> 15 - Final	<b>For Pay Period:</b> January 1, 2014 through January 31, 2014	
<b>Date of Contract Award:</b> May 1, 2012	<b>Date Contract Begun:</b> July 30, 2012	
<b>Original Contract Amount:</b> \$2,389,801.00	<b>Original Contract Days:</b> 250	Calendar Days
<b>Total Change Order Amount:</b> (\$10,498.45)	<b>Change in Contract Days:</b> 301	Calendar Days
<b>Adjusted Contract Amount</b> \$2,379,302.55	<b>Adjusted Contract Days:</b> 551	Calendar Days

**ORIGINAL CONTACT WORK / SCHEDULE OF VALUES**

ITEM NO.	DESCRIPTION	BID QTY	UNIT	QTY or % COMPT TO DATE	CONTRACT PRICE	TOTAL AMOUNT
1	8" Gravity Sanitary Sewer @ 0' to 5' Depth	376	LF	376	\$ 35.00	\$ 13,160.00
2	8" Gravity Sanitary Sewer @ 5' to 7' Depth	2,093	LF	2,093	\$ 40.00	\$ 83,720.00
3	8" Gravity Sanitary Sewer @ 7' to 9' Depth	1,504	LF	1,504	\$ 43.00	\$ 64,672.00
4	8" Gravity Sanitary Sewer @ 9' to 11' Depth	1,236	LF	1,236	\$ 55.00	\$ 67,980.00
5	8" Gravity Sanitary Sewer @ 11' to 13' Depth	894	LF	894	\$ 70.00	\$ 62,580.00
6	8" Gravity Sanitary Sewer @ 13' to 15' Depth	412	LF	412	\$ 120.00	\$ 49,440.00
7	8" Gravity Sanitary Sewer @ 15' to 17' Depth	251	LF	251	\$ 135.00	\$ 33,885.00
8	8" Gravity Sanitary Sewer @ 17' to 19' Depth	84	LF	84	\$ 253.00	\$ 21,252.00
9	8" Gravity Sanitary Sewer @ 19' to 21' Depth	94	LF	94	\$ 262.00	\$ 24,628.00
10	8" Gravity Sanitary Sewer @ 21' to 23' Depth	610	LF	610	\$ 275.00	\$ 167,750.00
11	8" Gravity Sanitary Sewer @ 23' to 25' Depth	468	LF	468	\$ 285.00	\$ 133,380.00
12	Trench Safety	7,644	LF	7,644	\$ 7.00	\$ 53,508.00
13	4 FT Diameter Fiberglass Manhole @ 0' to 5' Depth	3	EA	3	\$ 3,827.00	\$ 11,481.00
14	4 FT Diameter Fiberglass Manhole @ 5' to 7' Depth	4	EA	4	\$ 4,580.00	\$ 18,240.00
15	4 FT Diameter Fiberglass Manhole @ 7' to 9' Depth	5	EA	5	\$ 5,416.00	\$ 27,080.00
16	4 FT Diameter Fiberglass Manhole @ 9' to 11' Depth	4	EA	4	\$ 6,326.00	\$ 25,304.00
17	4 FT Diameter Fiberglass Manhole @ 11' to 13' Depth	3	EA	3	\$ 7,799.00	\$ 23,397.00
18	5 FT Diameter Fiberglass Manhole @ 13' to 15' Depth	2	EA	2	\$ 12,096.00	\$ 24,192.00
19	5 FT Diameter Fiberglass Manhole @ 17' to 19' Depth	1	EA	1	\$ 15,099.00	\$ 15,099.00
20	5 FT Diameter Fiberglass Manhole @ 21' to 23' Depth	1	EA	1	\$ 20,037.00	\$ 20,037.00
21	5 FT Diameter Fiberglass Manhole @ 23' to 25' Depth	2	EA	2	\$ 27,199.00	\$ 54,398.00
22	Drop Connections on Sanitary Sewer Manhole (Exterior)	8	EA	8	\$ 2,096.00	\$ 16,768.00
23	Deep Cut Service Connection (Sewer Main is deeper than 8')	80	EA	80	\$ 2,499.00	\$ 199,920.00
24	4" Single Sanitary Sewer Service Connection (Short ROW)	56	EA	56	\$ 1,173.00	\$ 65,688.00
25	4" Single Sanitary Sewer Service Connection (Long ROW)	74	EA	74	\$ 2,494.00	\$ 184,556.00
26	Lift Station No.1 and Appurtenances	1	LS	1	\$ 206,300.00	\$ 206,300.00
27	Lift Station No.1 Electrical and Controls	1	LS	1	\$ 89,000.00	\$ 89,000.00
28	Lift Station No.2 and Appurtenances	1	LS	1	\$ 202,300.00	\$ 202,300.00
29	Lift Station No.2 Electrical and Controls	1	LS	1	\$ 89,000.00	\$ 89,000.00
30	Allowance for Service Drop by Utility Provider (Lift Station #1)	1	LS	1	\$ 7,500.00	\$ 7,500.00
31	10" C-900 PVC Forcemain	1,788	LF	1,788	\$ 68.00	\$ 121,584.00

32	6" C-900 PVC Forcemain	200	LF	200	\$ 51.00	\$ 10,200.00
33	16" Diameter Steel Casing (Installed by Boring)	74	LF	74	\$ 600.00	\$ 44,400.00
34	8" Diameter Steel Casing (Installed by Boring)	74	LF	74	\$ 344.00	\$ 25,456.00
35	Sediment Control Fence	693	LF	693	\$ 9.00	\$ 6,237.00
36	Modifications to the existing RV Park Grinder Station	1	LS	1	\$ 5,000.00	\$ 5,000.00
37	Pavement Repair	2,190	SY	2,190	\$ 54.00	\$ 118,260.00
38	Caliche Repair	79	SY	79	\$ 31.00	\$ 2,449.00
<b>AMOUNT OF ORIGINAL CONTRACT ITEMS COMPLETED TO DATE:</b>						<b>\$ 2,389,801.00</b>

### CONTRACT CHANGE ORDERS

CO No.	Description	Amount	% Complete	Total Amount Completed to date
1	Bid Item No. 26 - Lift Station No.1, modify forcemain discharge piping from underground and located in a fiberglass valve vault with concrete top and aluminum hatch to typical above ground piping with pipe supports.	(\$8,500.00)	100.00%	(\$8,500.00)
	Bid Item No. 28 - Lift Station No.2, modify forcemain discharge piping from underground and located in a fiberglass valve vault with concrete top and aluminum hatch to typical above ground piping with pipe supports.	(\$8,500.00)	100.00%	(\$8,500.00)
	Bid Item No. 28 - Lift Station No.2, modify rehabilitation of concrete wet well cement lining/coating to installation of a fiberglass wet well with grout filled voids.	(\$9,108.00)	100.00%	(\$9,108.00)
	Bid Item No. 33 - 16" Diameter Steel Casing, delete requirement to install 35 linear feet of casing pipe by boring and instead require pipe to be installed by open cut.	(\$15,050.00)	100.00%	(\$15,050.00)
2	Bid Item No. 22 - Additional drop connections on sanitary sewer manhole to shallow up service lateral along Doyle Drive and avoid deep connections (3@\$2096.00)	\$6,288.00	100.00%	\$6,288.00
	Bid Item No. 23 - Deletion of deep cut service connections along Doyle Drive (24@\$2499.00)	(\$59,976.00)	100.00%	(\$59,976.00)
	Bid Item No. 26 - Lift Station No.1, cost savings for using alternate pump that still meets design specifications	(\$8,000.00)	100.00%	(\$8,000.00)
	Bid Item No. 28 - Lift Station No.2, cost savings for using alternate pump that still meets design specifications	(\$11,000.00)	100.00%	(\$11,000.00)
	Bid Item No.30 - Additional costs by AEP for service drops to Lift Station Nos. 1 & 2	\$31,325.41	100.00%	\$31,325.41
	Cleanouts with cast iron boots at ends of service lateral installed along Doyle Drive to shallow up connections (3@\$630)	\$1,890.00	100.00%	\$1,890.00
	Six inch double short side service connection (2@\$1710.00)	\$3,420.00	100.00%	\$3,420.00
	Six inch double long side service connection (3@\$3066.00)	\$9,198.00	100.00%	\$9,198.00
3	Additional contract days due to unanticipated delays caused by bad weather and getting power to lift station sites by service provider (120 days). NO CHANGE TO CONTRACT TIME	\$0.00	100.00%	\$0.00
4	Bid Item No. 1 - Deletion of 8" Sewer 0'-5' cut (58 LF@\$35.00)	(\$2,030.00)	100.00%	(\$2,030.00)
	Bid Item No. 2 - Deletion of 8" Gravity Sanitary Sewer @ 5' to 7' Depth (288 LF@\$40.00)	(\$11,520.00)	100.00%	(\$11,520.00)
	Bid Item No. 3 - Deletion of 8" Gravity Sanitary Sewer @ 7' to 9' Depth (154 LF@\$43.00)	(\$6,622.00)	100.00%	(\$6,622.00)

	Bid Item No. 4 - Addition of 8" Gravity Sanitary Sewer @ 9' to 11' Depth (100 LF@\$55.00)	\$5,500.00	100.00%	\$5,500.00
	Bid Item No. 5 - Addition of 8" Gravity Sanitary Sewer @ 11' to 13' Depth (126 LF@\$70.00)	\$8,820.00	100.00%	\$8,820.00
	Bid Item No. 6 - Addition of 8" Gravity Sanitary Sewer @ 13' to 15' Depth (68 LF@\$120.00)	\$8,160.00	100.00%	\$8,160.00
	Bid Item No. 8 - Deletion of 8" Gravity Sanitary Sewer @ 17' to 19' Depth (4 LF@\$253.00)	(\$1,012.00)	100.00%	(\$1,012.00)
	Bid Item No. 9 - Deletion of 8" Gravity Sanitary Sewer @ 19' to 21' Depth (5 LF@\$262.00)	(\$1,310.00)	100.00%	(\$1,310.00)
	Bid Item No. 10 - Deletion of 8" Gravity Sanitary Sewer @ 21' to 23' Depth (29 LF@\$275.00)	(\$7,975.00)	100.00%	(\$7,975.00)
	Bid Item No. 12 - Deletion of Trench Safety (117 LF@\$7.00)	(\$819.00)	100.00%	(\$819.00)
	Bid Item No. 14 - Deletion of 4 FT Diameter Fiberglass Manhole @ 5' to 7' Depth (1 EA @\$4,560.00)	(\$4,560.00)	100.00%	(\$4,560.00)
	Bid Item No. 15 - Addition of 4 FT Diameter Fiberglass Manhole @ 7' to 9' Depth (1 EA@\$5,416.00)	\$5,416.00	100.00%	\$5,416.00
	Bid Item No. 16 - Addition of 4 FT Diameter Fiberglass Manhole @ 9' to 11' Depth (1 EA@\$6,326.00)	\$6,326.00	100.00%	\$6,326.00
	Bid Item No. 18 - Addition of 5 FT Diameter Fiberglass Manhole @ 13' to 15' Depth (1 EA@\$12,096.00)	\$12,096.00	100.00%	\$12,096.00
	Bid Item No. 22 - Addition of Drop Connections on Sanitary Sewer Manhole (Exterior) (1 EA @\$12,096.00)	\$2,096.00	100.00%	\$2,096.00
	Bid Item No. 23 - Deletion of Deep Cut Service Connection (Sewer Main is deeper than 8') (16 EA@\$2,499.00)	(\$39,984.00)	100.00%	(\$39,984.00)
	Bid Item No. 24 - Deletion of 4" Single Sanitary Sewer Service Connection (Short ROW) (11 EA@\$1,173.00)	(\$12,903.00)	100.00%	(\$12,903.00)
	Bid Item No. 25 - Deletion of 4" Single Sanitary Sewer Service Connection (Long ROW) (21 EA@\$2,494.00)	(\$52,374.00)	100.00%	(\$52,374.00)
	Bid Item No. 26 - Addition to Lift Station No.1 and Appurtenances (reconciliation of quantities)	\$5,031.20	100.00%	\$5,031.20
	Bid Item No. 28 - Addition of Lift Station No.2 and Appurtenances (reconciliation of quantities)	\$23,139.00	100.00%	\$23,139.00
	Bid Item No. 33 - Addition of 16" Diameter Steel Casing (Installed by Boring) (141 LF@\$600.00)	\$84,600.00	100.00%	\$84,600.00
	Bid Item No. 34 - Addition of 8" Diameter Steel Casing (Installed by Boring) (16 LF@\$344.00)	\$5,504.00	100.00%	\$5,504.00
	Bid Item No. 35 - Deletion of Sediment Control Fence (16 LF@\$9.00)	(\$4,077.00)	100.00%	(\$4,077.00)
	Bid Item No. 37 - Addition of Pavement Repair (167.61 SY@\$54.00)	\$9,050.94	100.00%	\$9,050.94
	Cut and Plug Casing Under Existing Utilities within Enterprise's Easment along Moore Avenue (3 EA @\$1,500.00)	\$4,500.00	100.00%	\$4,500.00
	Install 4" base and 2" asphalt on the roadway up to the Bluff Landing Lift Station (needed to provide all weather surface from street to lift station)	\$13,468.00	100.00%	\$13,468.00
5	Deletion of 8" Gravity Sanitary Sewer @ 5' to 7' Depth (242 LF@\$40.00)	(\$9,680.00)	100.00%	(\$9,680.00)
	Addition of 8" Gravity Sanitary Sewer @ 7' to 9' Depth (242 LF@\$43.00)	\$10,406.00	100.00%	\$10,406.00
	Deletion of 4" Single Sanitary Sewer Service Connection (Short ROW) (1 EA@\$1,173.00)	(\$1,173.00)	100.00%	(\$1,173.00)

Addition of 16" Diameter Steel Casing (Installed by Boring) (10 LF@\$600.00)	\$6,000.00	100.00%	\$6,000.00
Addition of 8" Diameter Steel Casing (Installed by Boring) (10 LF@\$344.00)	\$3,440.00	100.00%	\$3,440.00
<b>AMOUNT OF CHANGE ORDER ITEMS COMPLETED TO DATE:</b>			<b>(\$10,498.45)</b>

**SUMMARY OF WORK PERFORMED**

A.	Amount of Original Contract Items Completed to Date	\$2,389,801.00
B.	Amount of Change Order Items Completed to Date	(\$10,498.45)
C.	Materials Stored at Close of Period (Schedule Must Be Attached)	\$0.00
D.	Less Amount Retained in Accordance with Contract (2.5%)	\$0.00
E.	Net Amount Earned on Contract to Date (A + B + C - D)	\$2,379,302.55
F.	Total Payments Previously Authorized	\$2,319,819.99
G.	<b>LIQUIDATED DAMAGES WITHHELD</b>	\$0.00
H.	<b>BALANCE DUE THIS STATEMENT (E - F - G)</b>	<b>\$59,482.56</b>

**CONTRACT STATUS**

PAY ESTIMATE	Contract Days	Amount	
1	33	\$39,067.80	
2	30	\$462,900.80	
3	31	\$147,927.63	
4	30	\$151,287.50	
5	31	\$281,703.50	
6	31	\$272,839.16	
7	28	\$208,676.97	
8	31	\$184,751.25	
9	30	\$124,486.07	
10	31	\$33,653.75	
11	30	\$31,847.04	
12	60	\$64,161.34	
13	31	\$207,764.95	
14	31	\$108,762.23	
15	0	\$59,482.56	
<b>TOTAL CONTRACT DAYS CHARGED:</b>	<b>458</b>	<b>TOTAL PAYMENT (AUTHORIZED):</b>	<b>\$2,379,302.55</b>
<b>CURRENT CONTRACT DAYS</b>	<b>30</b>	<b>CONTRACT BALANCE:</b>	<b>\$0.00</b>
<b>CONTRACT DAYS REMAINING:</b>	<b>93</b>		

CERTIFICATION OF CONTRACTOR: According to the best of my knowledge and belief, I certify that all items and amounts shown on the face of this Estimate For Partial Payment are correct, that all work has been performed and/or material supplied in full accordance with the requirements of the referenced Contract, and/or duly authorized deviations, substitutions, alterations, and/or additions, that the foregoing is a true and correct statement of the Contract account up to and including the last day of the period covered by this Estimate and that no part of the "Balance Due This Payment" has been received.

By: [Signature]  
CONTRACTOR  
Jhabores Construction Company Inc.

Date: 2/7/14

CERTIFICATION OF ENGINEER: I certify that I have checked and verified the above and foregoing Estimate for Partial Payment, and that to the best of my knowledge and belief it is a true and correct statement of work performed and/or material supplied by the Contractor, and that partial payment claimed and requested by the Contractor is correctly computed on the basis of work performed and/or material supplied to this date.

By: Melanie Gavlik  
ENGINEER  
Naismith Engineering Inc.  
TBPE Firm Registration No. F-000355

Date: 2/10/14



APPROVAL FOR PAYMENT: This Estimate for Partial Payment is approved for payment.

By: \_\_\_\_\_  
OWNER  
City of Portland

Date: \_\_\_\_\_

**AGENDA TITLE**      **ORDINANCE NO. 2083 - AMENDING WASTEWATER SERVICE RATES:**  
THE CITY COUNCIL WILL CONSIDER THE SECOND (FINAL) READING OF  
ORDINANCE NO. 2083, WHICH CORRECTS THE WASTEWATER RATES SET BY  
ORDINANCE NO. 2081.

**MEETING DATE**      02/18/2014

**DEPARTMENT**      Utility Billing

**SUBMITTED BY**      Lucia Rodriguez, Utility Billing Supervisor

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**EXECUTIVE SUMMARY**

This is the second reading of Ordinance 2083. As discussed in the first reading, a typographical error in the text of Ordinance 2081 (Section 2. Chapter 23, Article II, Division 2, Section 23-41, Subsection (b)) inadvertently increased wastewater rates by \$0.25 also. The increase from San Patricio Municipal Water District only affects the water rates, not wastewater rates. This ordinance corrects wastewater rate.

**PRIOR ACTIONS OR REVIEWS**

Ordinance No. 2081 increasing the rates charged for water service by \$0.25 per 1,000 gallons took effect January 1, 2014.

**DETAILS / STAFF ANALYSIS**

Customers have not and will not be affected because no bills have been issued with the incorrect rate. We have and will continue to use the correct wastewater rate for billing.

**ALTERNATIVES CONSIDERED**

N/A

**FINANCIAL IMPACT**

There is no financial impact. The correct rate was never changed in the billing system.

**ATTACHMENTS**

N/A

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**RECOMMENDED ACTION**

Motion to approve second and final reading of Ordinance No. 2083.

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**ORDINANCE NO. 2083**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 2081; CORRECTING THE RATE CHARGED FOR WASTEWATER SERVICE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council enacted Ordinance Number 2081 which provided for an increase in water rates resulting from a increase in the cost of water charged by the San Patricio Municipal Water District; and

**WHEREAS**, Ordinance Number 2081 was intended to increase water rates only; and,

**WHEREAS**, the text of the ordinance erroneously increased wastewater rates and must be corrected to reflect the actual wastewater rate,

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

**The Code of Ordinances of the City of Portland are hereby amended to read as follows:**

**Section 2. Chapter 23, Article II, Division 2, Section 23-41, Subsection (b):**

(b) New "master meter" systems (where many entities or units are served through one meter) shall only be allowed with prior written approval of the city manager and finance director. All "master meter" systems for apartments, multi-family units and commercial entities shall be charged a monthly minimum rate of \$24.88 for water (plus usage as outlined in Table 3). Apartment complexes (5 units and up) and commercial accounts on master meters will be charged a per-unit charge of ~~\$18.58~~ **\$18.33** for wastewater (plus usage as outlined in Section 23-42). Multi-family units of 2 to 4 units will be charged ~~\$27.17~~ **\$26.92** per unit for wastewater (plus usage as outlined in Section 23-42). There will not be any amount of usage included in the minimum monthly bill. The per-unit charges will not vary based on occupancy of the unit. Minimum solid waste service for master metered units shall be established by the city, based on a projected volume of waste.

**Section 4.** All previously adopted rules, regulations, policies and ordinances in conflict with this Ordinance are hereby repealed.

**Section 5.** If for any reason any part of this ordinance is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, it shall not affect any other part of this ordinance.

**Section 6.** This ordinance shall be in full force and effect after all necessary publication requirements have been met.

**Passed and approved on this the 18th day of February 2014.**

**City of Portland**

By: \_\_\_\_\_  
David Krebs, Mayor

Attest: \_\_\_\_\_  
Annette Hall, City Secretary

<b>AGENDA TITLE</b>	<b><u>PUBLIC HEARING TO CONSIDER CONTINUATION OF SECTION 11-1 – CURFEW FOR MINORS</u></b> The City Council will conduct the second of two public hearings required by state law to continue the City’s curfew ordinance for minors
<b>MEETING DATE</b>	2/18/2014
<b>DEPARTMENT</b>	Police
<b>SUBMITTED BY</b>	Gary Giles, Chief of Police

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**EXECUTIVE SUMMARY**

This is the second public hearing as per Texas Local Government Code, Chapter 370.002 requiring cities to review local curfew ordinances every three years to abolish, continue, or modify the ordinance.

**PRIOR ACTIONS OR REVIEWS**

- The first public hearing was held February 4, 2014
- Prior Council review of the ordinance was in March 2011

**DETAILS / STAFF ANALYSIS**

Juvenile curfew laws have been established in many communities around the country. The City of Portland curfew ordinance has been, and continues to be, an effective method of keeping our children safe as well as reducing the number of crimes committed by juveniles.

**FINANCIAL/LEGAL IMPACT**

None.

**ATTACHMENTS**

Sec. 11-1 Portland City Ordinance - Curfew for minors  
Local Government Code Chapter 370.002 Review of Juvenile Curfew Ordinance

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**RECOMMENDED ACTION**

Conduct the second public hearing as required by Local Government Code Chapter 370.002 to receive comments in regards to the Curfew Ordinance, Portland Code of Ordinances Sec. 11-1.

## Sec. 11-1. Curfew for minors—Definitions.

In this section:

**Curfew hours** means:

- (1) 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and,
- (2) 12:00 a.m. until 6:00 a.m. of the following day on any Friday or Saturday.

**Emergency** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

**Establishment** means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

**Guardian** means:

- (1) A person who, under court order, is the guardian of the person of a minor; or
- (2) A public or private agency with whom a minor has been placed by a court.

**Minor** means any person under seventeen (17) years of age.

**Operator** means any individual, firm, association, partnership, or corporation, operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

**Parent** means a person who is:

- (1) A natural parent, adoptive parent, or step-parent of another person; or
- (2) At least eighteen (18) years of age and authorized by a parent or guardian in writing to have the care and custody of a minor.

**Public place** means any place to which the public or substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

**Remain** means to:

- (1) Linger or stay; or,
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

***Serious bodily injury*** means bodily injury that creates a substantial risk of death of that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(Ord. No. 899, 2-7-95)

**Editor's note—**

Ordinance No. 899, adopted February 7, 1995, added new §§ [11-1](#), 11a, 11b. In order to include all substantive provisions of Ord. No. 899, such provisions have been designated as [§ 11-1—11-1d](#) at the discretion of the editor. Former §§ [11-1](#) pertained to curfew for minors and derived from Ord. No. 100, §§ 1—5, adopted February 17, 1959.

**Sec. 11-1a. Same—Offenses.**

(a) A minor commits an offense if he remains in any public place or on the premises of any establishment with the city during curfew hours.

(b) A parent or guardian of a minor commits an offense if he/she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment during curfew hours.

(c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(Ord. No. 899, § 1, 2-7-95)

**Sec. 11-1b. Same—Defenses.**

(a) It is an affirmative defense to prosecution under [section 11-1](#) that the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Portland, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any

detour or stop, an official school, religious, or recreational activity supervised by adults and sponsored by the City of Portland, a civic organization; or another similar entity that takes responsibility for the minor;

- (8) Married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(b) It is a defense to prosecution under section 11-1a(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(Ord. No. 899, § 2, 2-7-95)

#### Sec. 11-1c. Penalties.

A person who violates a provision of sections 11-1—11-1b is guilty of a separate offense for each day or part of a day during which the violation is committed, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00). When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates section 11-1a(a) of this ordinance and shall refer the minor to juvenile court.

(Ord. No. 899, § 3, 2-7-95)

#### Sec. 11-1d. Enforcement.

Before taking any enforcement action under sections 11-1—11-1c, a peace officer shall ask the apparent offender's age and reason for being in the public place or on the premises of the establishment. The officer shall not issue a citation or make an arrest under sections 11-1—11-1c unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 11-1b is present.

(Ord. No. 899, § 4, 2-7-95)

LOCAL GOVERNMENT CODE

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO MUNICIPAL AND COUNTY HEALTH  
AND PUBLIC SAFETY

Sec. 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE.

(a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

(1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;

(2) conduct public hearings on the need to continue the ordinance or order;  
and

(3) abolish, continue, or modify the ordinance or order.

(b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire.

Added by Acts 1995, 74th Leg., ch. 262, Sec. 96, eff. May 31, 1995.

**AGENDA TITLE**      **ACTION TO ABOLISH, CONTINUE OR MODIFY THE CURFEW ORDINANCE FOR MINORS**

Following the second of two public hearings, The City Council will deliberate the curfew for minors ordinance (abolish, continue, or modify)

**MEETING DATE**      2/18/2014

**DEPARTMENT**      Police

**SUBMITTED BY**      Gary Giles, Chief of Police

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**EXECUTIVE SUMMARY**

The Texas Local Government Code, Chapter 370.002 requires cities to review local curfew ordinances every three years. Having held two public hearings, council action to abolish, continue, or modify the ordinance is required.

**PRIOR ACTIONS OR REVIEWS**

The ordinance was last reviewed and continued March 2011

**DETAILS / STAFF ANALYSIS**

The City's curfew ordinance for juveniles has been an effective method of reducing crime and keeping youth from wandering in public during late night hours.

**FINANCIAL/LEGAL IMPACT**

None.

**ATTACHMENTS**

None

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**RECOMMENDED ACTION**

Motion to continue the City's Curfew Ordinance.

<b>AGENDA TITLE</b>	<b><u>ORDINANCE NO. 2084 AMENDING CHAPTER 3, ARTICLE VI SEC. 3-54 OF THE CODE OF ORDINANCES</u></b> The City Council will consider the first reading of an ordinance increasing the daily impound fees for animals being held for observation.
<b>MEETING DATE</b>	2/18/2014
<b>DEPARTMENT</b>	Police
<b>SUBMITTED BY</b>	Gary Giles, Chief of Police

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**EXECUTIVE SUMMARY**

The proposed ordinance revises the fee charged for animals being held for observation in quarantine to be equal to the daily fees for impounded animals.

**PRIOR ACTIONS OR REVIEWS**

- Boarding fees for animals held for observation were last raised from \$5.00 to \$10.00 per day by ordinance on August 19, 2003.
- Daily fees for impounded animals (Sec. 3-55) were raised from \$10.00 per day to \$15.00 per day on December 3, 2013.

**DETAILS / STAFF ANALYSIS**

It has become necessary to increase the fees associated with animals being housed at the City of Portland animal shelter due to several factors including:

- The increase in the number of animals being held for observation
- The increasing cost of food, bedding, cleaning supplies, utilities, etc.

The change from \$10.00 to \$15.00 per day brings the fee for quarantine animal care equal to the daily fees for impounded animal care.

**ALTERNATIVES CONSIDERED**

None.

**FINANCIAL IMPACT**

Increasing animal impoundment fees will generate additional revenue to cover the costs of running and maintaining the current animal shelter.

**ATTACHMENTS**

1. Proposed Ordinance No. 2084

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**RECOMMENDED ACTION**

Motion to approve the first reading of Ordinance No. 2084 revising animal control fees for the care and feeding of animals being held for observation.



42 (1) The owner of an animal that has bitten or scratched any person shall be allowed  
43 to assume personal responsibility for confining the animal so as to prevent  
44 further exposure to humans or other animals during the observation period of  
45 ten (10) days, only under the following circumstances.

- 46 a. Separate facilities must be available at the home of the animal's owner,  
47 and must be approved by the local health authority, and
- 48 b. The animal is currently vaccinated against rabies, and
- 49 c. The animal was not in violation of any laws or ordinances at the time of  
50 the bite, and
- 51 d. The animal control officer or licensed veterinarian must observe the  
52 animal at least on the first and last days of the quarantine period. If the  
53 animal becomes ill during the observation period the local health  
54 authority must be notified by the person having possession of the animal.  
55 At the end of the observation period, the release from quarantine must  
56 be accomplished in writing by the veterinarian.

57 (2) If an animal is believed to have rabies or has been bitten by an animal suspected  
58 of having rabies, such animal shall be quarantined for observation by a  
59 veterinarian for the appropriate period.

60 (3) The violation of the observation confinement of the biting animal as provided in  
61 subsection (1) shall be just cause for seizure and confinement of the animal in  
62 the animal control facility of the city.

63 (4) No wild animals will be placed in quarantine. All wild animals involved in biting  
64 incidents will be humanely euthanized in such a manner that the brain is not  
65 mutilated. The brain shall be submitted to a Texas Department of Health  
66 certified laboratory for rabies diagnosis.

67 (c) It shall be unlawful for any owner within the corporate limits of the city to conceal, sell,  
68 give away or otherwise dispose of an animal that has bitten or scratched another animal  
69 or a human, or to otherwise permit the animal to be taken beyond the corporate limits  
70 of the city after having knowledge of the animal's having bitten or having so injured  
71 another animal or a person as to cause an abrasion of the animal's or person's skin until  
72 such animal is released by the local health authority.

73 (d) The owner of any animal infected with rabies or who reasonably suspects his/her animal  
74 of having such an infection shall notify the police department or the animal control  
75 facility of the fact that his/her animal has been exposed to rabies. The local health  
76 authority is empowered to have such animal removed from the owner's premises to the  
77 animal control facility, or at the request of the owner, said animal may be placed in the  
78 veterinary hospital, and shall be placed under observation for a period of ten (10) days.  
79 Whether confined in the animal control facility or the veterinary hospital, the owner  
80 shall bear the expense of the confinement.

81 (e) Any animal surrendered to the animal control facility for the purpose of observation as  
82 provided in this article shall be kept at the facility and shall be fed and cared for at the  
83 expense of the owner for a fee of ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) per day.  
84 Such fee is to be paid to the city before the animal can be reclaimed from the animal  
85 control facility at the end of the authorized quarantine and observation period.

86 (f) No animal shall be released from the observation period provided for in this article  
87 unless a licensed veterinarian certifies in writing to the local health authority that such  
88 animal is not showing symptoms of rabies. Exemption from placing such animal in the  
89 animal control facility or in a veterinary hospital as provided [in this] section shall not  
90 exempt such owner from securing a proper release, as provided above.

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

93  
94 **SECTION THREE:** That it is hereby declared to be the intention of the City Council that the  
95 sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and  
96 separable and if any section, paragraph, sentence, clause or phrase of this ordinance shall be  
97 declared unconstitutional by the valid judgment or decree or any court of competent  
98 jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs,  
99 sentences, clauses, or phrases of this ordinance since the same would have been enacted by  
100 the City Council without incorporation in this ordinance of any such unconstitutional section,  
101 paragraph, sentence, clause or phrase.

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103 **SECTION FOUR:** This Ordinance shall be in full force and effect after passage and publication.

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105 **PASSED and APPROVED** this 4<sup>th</sup> day of March, 2014.

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107 **EXECUTED**  
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109 **BY:** \_\_\_\_\_  
110 **David Krebs, Mayor**

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112 **ATTEST:**  
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115 **BY:** \_\_\_\_\_  
116 **Annette Hall, City Secretary**

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## CITY COUNCIL ACTION ITEM

**AGENDA TITLE**      **PAYMENT OF CONTRACT FOR DATA INTEGRATION OF LAW ENFORCEMENT RECORDS USING DRUG FORFEITURE FUNDS**  
 The chief of police seeks the council’s support for using federal equitable sharing funds in order to pay contract fees to Northrop Grumman for data integration on LinX gulf coast.

**MEETING DATE**      2/18/2014

**DEPARTMENT**      Police

**SUBMITTED BY**      Gary Giles, Chief of Police

**EXECUTIVE SUMMARY**

The Law Enforcement Information Exchange (LInX) is a Naval Criminal Investigative Service (NCIS)/Department of Justice (DOJ) computer interface developed by Northrop Grumman that creates vital information sharing capabilities between local, state, and federal law enforcement agencies allowing inter-agency sharing of reports, contacts, and other critical law enforcement data.

Since changing to the Spillman computerized reporting system in July 2012, the Portland Police Department has been unable to share data with the LInX network. This interface will make it possible to begin sharing data on the network again.

**PRIOR ACTIONS OR REVIEWS**

None.

**DETAILS / STAFF ANALYSIS**

<b>Vendor</b>		<b>Price</b>
Northrop Grumman	Data Integration Package	\$12,423.32

**FINANCIAL IMPACT**

All funds for this purchase will come from the Equitable Sharing Account and will not affect our City Budget funds.

**ATTACHMENTS**

None

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**RECOMMENDED ACTION**

Motion to support the decision to use \$12,423.32 in federal drug forfeiture funds to pay for LInX data integration.



STAFF  
WEEKLY  
REPORTS



**Development Services  
Permit Report**

City of Portland  
1900 Billy G Webb Dr.  
Portland, TX 78374  
Phone (361) 777-4553

Permits	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Total
Accessory Srructure	6	3	2	8									19
Addition/Remodel - COM	1	0	3	1									5
Addition/Remodel - RES	1	2	1	1									5
CAS WL IMP Yard Lines	0	0	0	32									32
Cert of Reoccupancy	0	1	1	4									6
Contractor Registration	61	21	15	30									127
Demolition	0	0	1	0									1
Driveway/Slab	8	8	4	8									28
Drought Mgnt. Var.	3	1	0	0									4
Electrical	20	14	17	17									68
Fence	4	12	4	6									26
Foundation Repair	5	6	4	7									22
Garage Sales	66	55	22	29									172
Gas	7	1	8	7									23
Mechanical	24	10	15	23									72
New Commercial	0	0	0	2									2
New Single Family Res	7	3	2	3									15
Plumbing	31	28	17	28									104
POD's	5	2	3	1									11
Re-Roof	7	4	4	5									20
Sign	8	3	5	8									24
Swimming Pool	3	0	0	2									5
Vending Machine	0	0	2	0									2
Window/ Siding	6	2	7	4									19
<b>Total</b>	<b>273</b>	<b>176</b>	<b>137</b>	<b>226</b>	<b>0</b>	<b>812</b>							



# Portland Police Department

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**Gary Giles**  
Chief of Police

## CITY OF PORTLAND INTEROFFICE MEMORANDUM

TO: RANDY WRIGHT, CITY MANAGER  
FROM: GARY GILES, CHIEF OF POLICE  
REF: POLICE DEPARTMENT WEEKLY REPORT  
DATE: February 3, 2014

Week of January 26 – February 1, 2014

Total calls handled:	361
Traffic Stops:	136
Citations:	78
Traffic Accidents:	4
Arrests:	13
Animal Control Calls:	25
Code/Parking Violations:	5

### Highlights:

**Chase/Robbery/Burglary** – 44 year old Travis Warren stole a vehicle at knife-point in Aransas Pass. When Gregory police attempted to stop him, he fled into Portland, crashing into another vehicle at Austin and College St. He then car-jacked a second vehicle and proceeded north on Denver, only to run a stop sign and wreck that vehicle. After a failed attempt to car-jack another vehicle, Warren ran into the neighborhood, jumping fences. He was captured a short distance away. He faces a multitude of charges.

**Possession of Stolen Vehicle** – Officers Chancey and Wright stopped a vehicle and the occupants were acting very suspicious....with good reason. The vehicle was found to have just been stolen out of Corpus Christi. The driver was arrested and the vehicle returned to the owner.



## Portland Police Department

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**Gary Giles**  
Chief of Police

**Solicitors** – We have received multiple complaints of door to door solicitors in the area. Several were contacted and were found to be selling cleaning products. Two, who had already been warned on a previous day, were arrested and jailed.

# Portland Fire Department

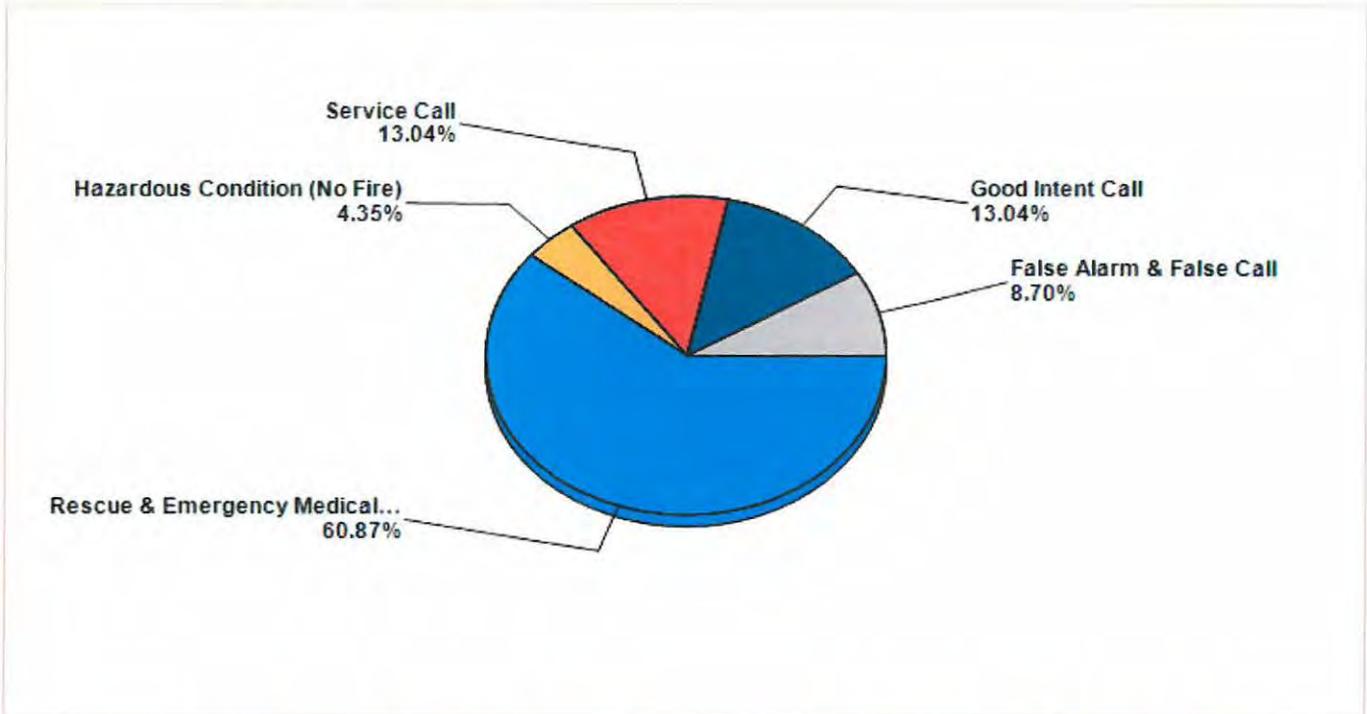


Portland, TX

This report was generated on 2/3/2014 8:20:50 AM

## Breakdown by Major Incident Types for Date Range

Start Date: 01/27/2014 | End Date: 02/02/2014



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Rescue & Emergency Medical Service	14	60.87%
Hazardous Condition (No Fire)	1	4.35%
Service Call	3	13.04%
Good Intent Call	3	13.04%
False Alarm & False Call	2	8.70%
<b>TOTAL</b>	<b>23</b>	<b>100.00%</b>

Detailed Breakdown by Incident Type		
INCIDENT TYPE	# INCIDENTS	% of TOTAL
311 - Medical assist, assist EMS crew	6	26.09%
321 - EMS call, excluding vehicle accident with injury	8	34.78%
411 - Gasoline or other flammable liquid spill	1	4.35%
510 - Person in distress, other	3	13.04%
600 - Good intent call, other	1	4.35%
622 - No incident found on arrival at dispatch address	1	4.35%
651 - Smoke scare, odor of smoke	1	4.35%
700 - False alarm or false call, other	1	4.35%
743 - Smoke detector activation, no fire - unintentional	1	4.35%
<b>TOTAL INCIDENTS:</b>	<b>23</b>	<b>100.00%</b>

**Conducted Fire Safety Presentation at Station 2 for Boy Scouts**  
**Participated in Career Day Presentation at GP High School**  
**CPR Certification Class (6 Attended)**

**Average Response Time: 4.39 Min.**



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

## Completed Activities

01/26/2014 through 02/01/2014

Page 1 of 1

Report run on: 02-03-2014

Activity Date	Record Type	Activity	Party	Site Address	Inspector	Status
01/27/2014	Foster Care	Periodic	EMILY ANDERSON	02306 WILLOW DR	Craig Hedrick	PASSED
01/27/2014	Annual Inspection	Annual	IREPAIR MEDIC	906 Dallas St. #B	Craig Hedrick	SCHEDULED
01/27/2014	Annual Inspection	Annual	COASTAL PLAINS COMMUNITY CENTER	01039 IMPERIAL ST	Craig Hedrick	PASS
01/27/2014	Foster Care	Periodic	SEGUNDO JOSHUA & MICHELLE G	00119 DRIFTWOOD DR	Craig Hedrick	PASSED
01/27/2014	Unwholesome Property (FD)	Follow-Up	RODRIGUEZ MARY	01001 DALLAS & BROADWAY	Craig Hedrick	COMPLETE
01/28/2014	Annual Inspection	Annual	COASTAL PALMS NURSING CENTER	00221 Cedar	Craig Hedrick	PASS
01/28/2014	Annual Inspection	Annual	THE PAVILION AT COASTAL PALMS	211 Cedar Dr.	Craig Hedrick	PASS
01/28/2014	Annual Inspection	Annual	CARRIAGE INN	401 Northshore Blvd.	Craig Hedrick	PASS
01/28/2014	Fire Safety	Annual	HICKMAN MARTIN D & WANDA M	02005 OAK LEAF DR	Craig Hedrick	N/A
01/29/2014	Annual Inspection	Annual	LEGACY PRESCHOOL OF PORTLAND	00902 MOORE AVE	Craig Hedrick	PASS
01/29/2014	Annual Inspection 1	Periodic	ALFARO STATE FARM INSURANCE	609 8th	Craig Hedrick	PASSED
01/29/2014	Annual Inspection 1	Periodic	MOORE INSURANCE	905 Dallas	Craig Hedrick	PASSED
01/30/2014	Annual Inspection 1	Periodic	CHILDREN'S CLINIC	1029 US Hwy 181	Craig Hedrick	PASSED
01/30/2014	Annual Inspection	Annual	SUPERCUTS	1702 U.S. Highway 181 B2	Craig Hedrick	PASS
01/30/2014	Annual Inspection 1	Periodic	DEVON ENERGY	1037 US Hwy 181	Craig Hedrick	PASSED

**Total Completed Activities: 15**