



CITY COUNCIL AGENDA

NOTICE OF REGULAR MEETING

Tuesday, October 7, 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:**
 - INTRODUCTION OF NEW EMPLOYEES – DIRECTOR OF PARKS AND RECREATION
 - REPORT ON SERIES OF CITY INFRASTRUCTURE IMPROVEMENTS MADE TO SUPPORT RESIDENTIAL AND COMMERCIAL DEVELOPMENT – CITY MANAGER
4. **CITY COUNCIL AND STAFF COMMENTS CONCERNING ITEMS OF COMMUNITY INTEREST THAT MAY NOT BE DISCUSSED:**

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

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

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

B. ACTION ITEMS, RESOLUTIONS AND ORDINANCES:

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

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

5. MINUTES OF PREVIOUS MEETINGS: THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS SEPTEMBER 16, 2014 REGULAR MEETING - MAYOR KREBS AND CITY SECRETARY

6. ORDINANCE NO. 2094 – UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS: THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2094 THAT ADOPTS UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS – ASSISTANT CITY MANAGER

7. INTERLOCAL AGREEMENT WITH GPISD FOR SCHOOL RESOURCE OFFICER (SRO) SERVICES: THE CITY COUNCIL WILL CONSIDER AN UPDATED AGREEMENT WITH THE GREGORY-PORTLAND ISD TO CONTINUE THE PROVISION OF SRO SERVICES BY THE POLICE DEPARTMENT FOR CAMPUSES IN PORTLAND – CITY MANAGER

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

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

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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: October 3, 2014 by 5:00 p.m.
Portland City Hall

By: _____



Annette Hall
City Secretary

**CITY OF PORTLAND
CITY COUNCIL
REGULAR MEETING
SEPTEMBER 16, 2014 – 7:00 P.M.**

On this the 16th day of September 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
Gary Moore, Sr.	Council Member
John Green	Council Member
David Lewis	Council Member

MEMBERS ABSENT:

John Vilo	Council Member
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STAFF PRESENT:

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

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

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

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

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

2. INVOCATION AND PLEDGE: MAYOR KREBS OR DESIGNEE

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

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

- RECOGNITION OF 2013-2014 DISTINGUISHED BUDGET PRESENTATION AWARD - MAYOR KREBS

Mayor Krebs presented Director of Finance, Michel Sorrell, the 2013-2014 Distinguished Budget Presentation Award.

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

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

Mayor Krebs announced that Public Works is spraying for mosquitos.

City Manager, Randy Wright explained that City follows TCEQ guidelines for mosquitos spraying and is doing the best job possible to cover the entire city.

B. ACTION ITEMS, RESOLUTIONS, AND ORDINANCES:

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There were none.

5. MINUTES OF PREVIOUS MEETINGS: THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS SEPTEMBER 2, 2014 WORKSHOP AND REGULAR MEETING - MAYOR KREBS AND CITY SECRETARY

Mayor Pro Tem Skurow made the motion to approve the minutes of the September 2, 2014 workshop with the correction that Council Member Vilo was absent and approving the minutes of the September 2, 2014 regular meeting as presented, seconded by Council Member Green.

The motion passed 6 -0.

6. BIDS FOR BANK DEPOSITORY SERVICES: THE CITY COUNCIL WILL CONSIDER BIDS FOR DEPOSITORY SERVICES (OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2017) SUBMITTED, OPENED AND PUBLICLY ACKNOWLEDGED ON AUGUST 20, 2014 – DIRECTOR OF FINANCE

Director of Finance, Michel Sorrell presented the results of the bank depository bids to be considered by Council. The Bank Services Contract is for a three year period beginning October 1, 2014 through September 30, 2017. Request for bids were advertised in the newspaper of record, The Coastal Bend Herald, and The Corpus Christi Caller Times. The City received four responses that were publicly opened on August 20, 2014 at 2:00 p.m. in City Council Chambers. The four banks who submitted bids are First Community Bank, Wells Fargo, Frost Bank and Value Bank.

The bid proposals received by the City were well put together, competitive, and offered a variety of prices and services. The bid proposal consisted of questions on pricing, for both services used currently and potentially desired services in the future, financial stability, experience and personnel continuity, and about optional types of services offered and their features.

The following selection criteria was used to evaluate each proposal and to make the recommendation for award:

- 40% - responsiveness and ability to provide services required to meet City needs,
- 40% - lowest aggregate banking cost,
- 10% - experience and continuity of bank and bank officials, and
- 10% - creditworthiness of the bank.

The primary analysis of the four bank proposals included a look at current services used and fees charged for those services, and who had the lowest aggregate price. Also included in the fundamental analyses were bank credit and ratings, responsiveness, experience and continuity of bank and personnel.

Results of other criteria used to review the bidders: all four bidders have good credit ratings, all bidders have extensive experience and all have ties to the local community.

The cost analysis shows First Community Bank as the lowest aggregate bidder for services currently used by the City. Staff recommends awarding the bid to First Community Bank for a period of three years.

Council Member Green made the motion to award the bank depository contract to First Community Bank for a period of three years beginning October 1, 2014 and ending September 30, 2017, seconded by Mayor Pro Tem Skurow.

The motion passed 6-0.

7. ENGAGEMENT OF RICHTER ARCHITECTS FOR THE DESIGN OF A NEW VETERAN'S MEMORIAL TO BE LOCATED AT THE COMMUNITY CENTER COMPLEX: THE CITY COUNCIL WILL CONSIDER AUTHORIZING THE CITY MANAGER TO ENGAGE RICHTER ARCHITECTS TO DESIGN A NEW VETERAN'S MEMORIAL AT THE DANIEL P. MOORE COMMUNITY CENTER COMPLEX TO REPLACE THE EXISTING MEMORIAL AT 13-ACRE PARK – CITY MANAGER

City Manager, Randy Wright explained that this item will move forward with relocating the Veterans Memorial here to the Community Center Complex site. It was determined that it would be best to repurpose the current Veterans Memorial structure located at 13-Acre Park. It would cost more to rebuild the current structure than it would to fix it. As a first step in that process, the City engaged Richter Architects to study the current and future needs for the Community Center Complex site. With limited remaining space and a need to use that space as efficiently as possible, a conceptual design plan was needed to establish the best location.

This item seeks approval for the design phase for a new Veterans Memorial to be located here on the Community Center Complex site. The total project budget for the

project is \$585,000, which includes, \$85,000, remaining in the FY 2013-14 budget and \$500,000 budgeted as CIP Project #14-004.

This project will be funded through a combination of Hotel Occupancy Tax Reserves and Type B Sales Tax Revues. The contract to engage Richter Architects is for a fee not to exceed \$76,300.

Council and Staff discussed the scope of services of the project.

Council Member Moore made the motion to engage Richter Architects for the design of a new Veterans Memorial to be located at the Community Center Complex for a fee not to exceed \$76,300, seconded by Council Member Jorgensen.

The motion passed 6-0.

8. WINDFEST 2015 USE AGREEMENT, CITY SPONSORSHIP AND HOT FUNDS REQUEST: THE CITY COUNCIL WILL CONSIDER AN AGREEMENT WITH THE PORTLAND CHAMBER OF COMMERCE FOR THE USE OF CITY FACILITIES, A CITY SPONSORSHIP, THE DISTRIBUTION OF HOTEL OCCUPANCY TAX FUNDS AND OTHER DETAILS CONCERNING THE WINDFEST 2015 EVENT – CITY MANAGER

Portland Chamber of Commerce, CEO President, Colette Walls presented and reviewed the 2015 Windfest Proposal that included following:

Windfest April 17-19, 2015

2015 Proposed Activities

- Carnival – 8-9 Teen/Adult Rides
- Washer/Horseshoe Tournaments
- Chili Cook-Off -20 entries
- Car Show
- Dachshund Dash – 40 entries
- Arts & Craft Vendors – 40 entries
- Parade – 25 entries
- Food Vendors 10 entries
- Coke Booth
- Full Petting Zoo & Pony Rides
- WildWest/Gunslingers Show- Sat & Sunday
- Crazy Boot Contest – Saturday Evening
- Hot Dog Eating Contest Saturday
- Kite Flying Contest – Sat & Sunday

- Alcohol Sales will continue to be sold and consumed according to TABC Guidelines. We experienced no alcohol related incidents last year and would like to open the consumption area up to the full grounds.

Windfest will continue to have Alcohol Sales and continue the tradition of being a Family Festival

The Chamber of Commerce Commitment

- Provide a TABC Permitted environment.
- Secure additional security to monitor attendees.
- Director and 2 Board Members will be on site during Festival hours solely to monitor traffic flow and to ensure a family environment is maintained
- Provide insurance Policy verifying coverage for Liability Insurance
- NO ALCOHOL will be allowed to be brought onto or removed from the Festival Grounds. Signage will be displayed.

NorthShore Country Club Commitment

- Serve alcohol following TABC Guidelines
- Ensure all Bartenders are TABC Trained and Certified to ensure the legal sale of alcohol.
- Ensure Alcohol will not be served to minors or individuals who may be intoxicated according to TABC Guidelines.
- Follow TABC Guidelines on the purchase and sale of alcohol.
- Provide Insurance Policy verifying coverage for Liability Insurance

WindFest Site

- Keep the general layout the same. Some minor adjustments will be made as vendors are booked.
- Obligated to return the facility as it was found
- Have a Plan B in place in case of rain to prevent any damage to the grounds

HOT Funds Request

- The Chamber would pay \$10,000.00
- The City would purchase a Platinum Sponsorship Package in the amount of \$10,000.00.
- The City would consider the Chamber's expenditure up to \$25,000 to promote the event in accordance with HOT Fund guidelines

Platinum Sponsorship

The request for the increase in the Sponsorship Level for 2015 is to grow Windfest and have additional events. The goal is to add an Exotic Petting Zoo, a Teen Zone Area that will include a Karaoke Night and a Teen Dance Night, a Wild West Gunslinger Show and secure top entertainers for Friday and Saturday nights.

The request for additional HOT Funds for the advertisement and promotion of Windfest is to reach a broader geographical area. The goal is to put heads in beds, and with additional visitors to Portland this will increase monies spent in our restaurants, gas stations, retail stores, Portland as a whole will benefit from the City's investment in Windfest.

Council, Staff and Portland Chamber of Commerce, CEO President, Colette Walls discussed the proposed WINDFEST 2015 Use Agreement, City Sponsorship and Hot Funds request.

Council Member Jorgensen made the motion to table this item for discussion at future meeting, seconded by Council Member Moore.

The motion passed 6-0.

9. BOARD APPOINTMENTS: THE CITY COUNCIL WILL CONSIDER APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION AND THE PARKS AND RECREATION ADVISORY BOARD – ASSISTANT CITY MANAGER

Assistant City Manager, Brian DeLatte explained that there are number of positions to boards and commissions that are expiring this month.

The Planning and Zoning Commission has three members that have requested reappointment:

Craig Forsythe
Jerry Browning
Pete Stricker

The Parks and Recreation Advisory Board has three members that have requested reappointment:

Diana Caldarella
Sandi Hart
Maria Bedia

This board has two additional vacancies. Staff is working on a plan to reinvigorate this board. There are a number of upcoming projects the Advisory Board could possibly play a vital role in. Staff is planning to develop a plan to repurpose the board.

The Construction Board and Zoning Board meet on as needed basis. Applicants for both boards are pooled from the same applicants. Both boards are required by the Unified Development Ordinance and Code of Ordinance. Staff would like to develop a plan to combine both boards.

Council and Staff discussed that duties, attendance and possibility of abolishing the Parks and Recreation Advisory Board.

Council Member Green made the motion to reappoint Craig Forsythe, Jerry Browning and Pete Stricker to the Planning and Zoning Commission to a 2 year term, seconded by Mayor Pro Tem Skurow.

The motion passed 6-0.

Mayor Pro Tem Skurow made the motion to table the board appointments to the Parks and Recreation Advisory Board to give staff the opportunity to revamp the program, seconded by Council Member Jorgensen.

The motion passed 6-0.

10. ORDINANCE NO. 2093 – REVISING SOLID WASTE SERVICE RATES: THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2093 THAT REVISES SOLID WASTE SERVICE RATES – ASSISTANT CITY MANAGER

Assistant City Manager, Brian DeLatte explained that in 2012 the City extended its contract for 5 years with Republic Services of Corpus Christi for solid waste collection and disposal services. As part of the contract, Republic Services is allowed to increase their residential base rates in 2014, 2015 and 2016. The request for this year 2.23% increase. The current residential base rate is \$14.50 and will increase to \$14.82.

Council Member Jorgensen made the motion to approve the second and final reading of Ordinance No. 2093 that revises Solid Waste Service Rates, seconded by Council Member Lewis.

The motion passed 6-0.

Mayor Krebs read the following caption:

ORDINANCE NO. 2093

AN ORDINANCE REVISING RATES FOR THE PROVISION OF SOLID WASTE SERVICE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION

11. PUBLIC HEARING: THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING PROPOSED

UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS. A GENERAL DESCRIPTION OF PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS FOLLOWS:

- Revisions to Section 401. Establishment of Districts.
- Revisions to Section 404. Newly Annexed Areas.
- Revisions to Section 405. Zoning District Intent Statements.
- Revisions to Section 406. Permitted Use Table.
- Revisions to Section 409. District Dimensional Standards.
- Revisions to Section 410. Supplementary Yard Regulations.
- Revisions to Section 502. Bars, Saloons, Lounges and Dance Halls, Private Clubs.
- Revisions to Section 508. Storage, Self-Service.
- Revisions to Section 606. Lot Standards.
- Revisions to Section 705. Nonresidential Design Requirements.
- Revisions to Section 707. Fences.
- Revisions to Section 712. Signs.
- Revisions to Section 1003. Defined Terms.

Mayor Krebs opened the Public Hearing at 8:14 p.m. to solicit comments from citizens and other interested parties concerning proposed Unified Development Ordinance Text Amendments. A general description of proposed unified development ordinance text amendments follows:

- Revisions to Section 401. Establishment of Districts.
- Revisions to Section 404. Newly Annexed Areas.
- Revisions to Section 405. Zoning District Intent Statements.
- Revisions to Section 406. Permitted Use Table.
- Revisions to Section 409. District Dimensional Standards.
- Revisions to Section 410. Supplementary Yard Regulations.
- Revisions to Section 502. Bars, Saloons, Lounges and Dance Halls, Private Clubs.
- Revisions to Section 508. Storage, Self-Service.
- Revisions to Section 606. Lot Standards.
- Revisions to Section 705. Nonresidential Design Requirements.
- Revisions to Section 707. Fences.
- Revisions to Section 712. Signs.
- Revisions to Section 1003. Defined Terms.

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

Proposed Text Amendments

- Creating an R-2, Single-Family Zoning District
- Updating non-residential building materials and facade articulation requirements

- Revising the Permitted Use Table to allow vocational schools in residential zoning districts by Special Use Permit

R-2 Zoning District

- 1,863 Acres – Annexation Area (north and west of the city)
- Comprehensive Plan specifies the following lot dimensions in the proposed annexation area:
 - B = 6,000 sf lots = R-7 Zoning
 - A = 7,000 sf lots = R-6 Zoning
 - AA = 20,000 sf lots = R-2 Zoning
- Proposed R-2 Zoning District
 - Minimum lot area 20,000 sf
 - Minimum width 100 ft
 - Front setback 35 ft
 - Side setback 15 ft
 - Rear setback 25 ft
 - Maximum height 35 ft
- All territory annexed to the City of Portland after the effective date of this Ordinance shall be initially classified in accordance with the City of Portland Comprehensive Plan until permanently zoned by the City Council.
- Permitted Use table updated for R-2 to match all uses permitted or disallowed in R-6
- R-2 designations were added into regulations concerning:
 - Yard regulations
 - Bars, Saloons, Lounges and Dance Halls, Private Clubs
 - Storage, Self-Service
 - Lot Standards
 - Fences
 - Signs

Non-Residential Design Requirements

- City Council adopted building façade articulation requirements in February 2013
- Façade articulation requirements were adopted for several reasons:
 - To improve the quality of building design
 - Allows for varied aesthetic quality in the community
- Depth articulation (horizontal)
 - City code: 3' for every 30' of building façade length
- Height articulation (vertical)
 - City code: 5' for every 50' of building façade length

- Proposed façade articulation revisions:
 - Depth articulation (horizontal): Depth articulation of at least 10% shall be required on any front façade exceeding thirty (30) horizontal feet. In no event shall a front façade segment exceed forty-five (45) feet without depth articulation.
 - Height articulation (vertical): Height articulation of at least 10% shall be required on any front façade exceeding fifty (50) horizontal feet. In no event shall a front façade segment exceed seventy-five (75) feet without height articulation.
 - The front façade of a building shall be defined as any façade that includes front entry doors or that faces a public or private street.
- Proposed building materials revisions
 - Any side or rear wall facing a public or private street or residential zoning district shall consist of the same facing materials as the building front.
 - The roof side of any parapet wall shall consist of the comparable facing materials as the front of the parapet if viewable from a public or private street.
 - Rooftop mechanical equipment shall be screened from the view of any parking lot and public or private street at a height of six (6) feet above natural grade at a horizontal distance of five hundred (500) feet.
 - Metal buildings without a masonry façade will be allowed anywhere in the I, Industrial district or in the OT-2, Olde Town Mixed Use district if they are located at least two hundred (200) feet from Hwy. 181 or Moore Avenue.

Vocational School Special Use Permit

- Proposed SUP at existing church at new East Cliff Elementary
 - Vocational school: A school or training facility that offers instruction and practical introductory experience in skilled trades such as mechanics, carpentry, plumbing, and construction.
 - Allows vocational schools by SUP in the R-2 through R-8 zoning districts

Public Hearings and Planning and Zoning Commission Action

- Published in *The Coastal Bend Herald*
 - No public comment
- PZC conducted a Public Hearing on 9/9/14
 - No public comment
 - PZC voted to recommend the approval of the amendments as written

With no public participation Mayor Krebs closed the Public Hearing at 8:31 p.m.

12. ORDINANCE NO. 2094 – UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS: THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2094 THAT

ADOPTS UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS—ASSISTANT CITY
MANAGER – ASSISTANT CITY MANAGER

Council Member Lewis made the motion to approve the first reading of Ordinance No. 2094 that adopts Unified Development Ordinance Text Amendments. To include the amendment to Section B. Façade Articulation to read as the follows:

B. Façade Articulation.

1. The front façade of a building shall be defined as any façade that includes front entry doors and any façade that faces a public or private street.

seconded by Mayor Pro Tem Skurow.

The motion passed 6-0.

Mayor Krebs read the following caption.

ORDINANCE NO. 2094

AN ORDINANCE ADOPTING TEXT REVISIONS TO THE UNIFIED DEVELOPMENT ORDINANCE CONCERNING THE CREATION OF AN R-2 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, THE REVISION OF COMMERCIAL FAÇADE ARTICULATION REQUIREMENTS, AND THE MODIFICATION OF “SCHOOL, COLLEGE OR VOCATIONAL” IN THE PERMITTED USE TABLE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY FOR VIOLATIONS; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION

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

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There were none.

D. ADJOURNMENT: MAYOR

Mayor Krebs adjourned the meeting at 8:36 p.m.

E. NOTICE OF ASSISTANCE:

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BRAILLE IS NOT AVAILABLE

Approved:

David Krebs
Mayor

Attest:

City Secretary



CITY COUNCIL ACTION ITEM

AGENDA TITLE	<u>ORDINANCE NO. 2094 – UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS:</u> THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2094 THAT ADOPTS UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS—ASSISTANT CITY MANAGER
MEETING DATE	10/7/2014
DEPARTMENT	Building and Development
SUBMITTED BY	Brian DeLatte, P.E.

EXECUTIVE SUMMARY

Ordinance No. 2094 proposes several text amendments to the Unified Development Ordinance (UDO) necessary to address current development trends. The ordinance creates an R-2 Single-Family Residential zoning district, revises commercial façade articulation requirements, and modifies “School, College or Vocational” in the Permitted Use Table. There has been no public comment regarding the proposed revisions and approval is recommended.

PRIOR ACTIONS OR REVIEWS

- The Planning and Zoning Commission conducted a Public Hearing and recommended approval of the revisions
- The City Council conducted a Public Hearing on September 16, 2014

PUBLIC HEARING AND PLANNING AND ZONING RECOMMENDATION

The Public Hearing Notice was published in *The Coastal Bend Herald* on August 21, 2014. There have not been any telephonic or written responses to the proposed amendments.

The Planning and Zoning Commission conducted a Public Hearing and recommended approval of the revisions at its September 9, 2014, meeting by a 5-1 vote. No members of the public attended the Public Hearing.

STAFF ANALYSIS

The revisions to the UDO are required to address current development trends:

- An R-2, Single-Family Zoning District is being created to match the Comprehensive Plan’s vision for lower-density development to the west and northwest of the current

city limits.

- The Nonresidential Design Requirements are being updated to encourage creativity in building materials and facade articulation design while preserving and enhancing overall community appearance.
- A change in the Permitted Use Table is proposed to allow vocational schools in residential zoning districts by Special Use Permit.

ATTACHMENTS

- Proposed Ordinance No. 2094

RECOMMENDED ACTION

Motion to approve the second and final reading of Ordinance No. 2094.

1 **ORDINANCE NO. 2094**

2
3 **AN ORDINANCE ADOPTING TEXT REVISIONS TO THE UNIFIED**
4 **DEVELOPMENT ORDINANCE CONCERNING THE CREATION OF AN R-2**
5 **SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, THE REVISION OF**
6 **COMMERCIAL FAÇADE ARTICULATION REQUIREMENTS, AND THE**
7 **MODIFICATION OF “SCHOOL, COLLEGE OR VOCATIONAL” IN THE**
8 **PERMITTED USE TABLE; PROVIDING FOR THE REPEAL OF**
9 **ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY**
10 **CLAUSE; ESTABLISHING A PENALTY FOR VIOLATIONS; PROVIDING**
11 **AND ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR**
12 **PUBLICATION**

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

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

20
21 **WHEREAS** the Planning and Zoning Commission conducted a public hearing on
22 September 9, 2014, to solicit comments concerning revisions to the Unified Development
23 Ordinance; and,

24
25 **WHEREAS** the Planning and Zoning Commission, after considering and evaluating
26 comments presented at the public hearing, recommended approval of Unified Development
27 Ordinance revisions to the City Council on September 9, 2014; and,

28
29 **WHEREAS** the City Council conducted public hearing on September 16, 2014, to solicit
30 comments concerning revisions to the Unified Development Ordinance; and,

31
32 **WHEREAS** the City Council on September 16, 2014, received a recommendation from
33 the Planning and Zoning Commission comments concerning revisions to the Unified
34 Development Ordinance; and,

35
36 **WHEREAS** the City Council deliberated approval of Unified Development Ordinance
37 revisions on September 16, 2014; and,

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

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

45 **SECTION 1:** Section 401. Establishment of Districts., Chapter 4, Appendix A of the Code
46 of Ordinances is hereby amended to read as follows:

- 47
48 A. For the purpose of this Ordinance, the City of Portland is hereby divided into the
49 following districts:
50

Base Zoning Districts
<u>R-2, Single-Family Residential</u>
R-6, Single-Family Residential
R-7, Single-Family Residential
R-8, Single-Family Residential
R-8D, Two-Family Residential
R-15, Townhouse Residential
RMH, Manufactured Housing
R-20, Multifamily Residential
RST, Multifamily Resort
P, Professional Office
C-R, Retail Commercial
C-G, General Commercial
OT-1, Olde Town Residential
OT-2, Olde Town Mixed Use
I, Industrial
Special Purpose Districts
PUD, Planned Unit Development

- 51
52 B. The location and boundaries of the districts established here are shown on the
53 Official Zoning Map, which is hereby incorporated into this Ordinance. The Map,
54 together with all its notations, references and other information and any
55 amendments, shall be as much a part of this Ordinance as if fully set forth and
56 described here. The Official Zoning Map is on file in the Office of the City Secretary,
57 and copies are available from the Building Department.
58

59 **SECTION 2:** Section 404. Newly Annexed Areas., Chapter 4, Appendix A of the Code of
60 Ordinances is hereby amended to read as follows:

- 61
62 A. All territory annexed to the City of Portland after the effective date of this Ordinance
63 shall be temporarily initially classified in accordance with the City of Portland
64 Comprehensive Plan until permanently zoned by the City Council. Property that is
65 designated "BB" on the Comprehensive Plan's "Figure 25. Recommended Single
66 Family Densities" shall be temporarily classified as R-2, Single-Family Residential.
67 Property that is designated as "A" or "B" on the "Figure 25. Recommended Single
68 Family Densities" shall be initially classified as R-6, Single-Family Residential. Any
69 property not identified on the "Figure 25. Recommended Single Family Densities"

Use	Residential								Special			Nonresidential			
	R-2	R-6	R-7	R-8	R-8D	R-15	RMH	R-20	RST	OT-1	OT-2	P	C-R	C-G	I
Personal Services									SP		P	P	P	P	
Quick Printer, Copy Shop, Quick Signs									SP		P	P	P	P	
Repair-- Shoe, Appliance, Electronic									SP		P	P	P	P	P
Restaurant									SP	SP	P	SP	P	P	
Retail, General									SP		P	P	P	P	
Smoker Shop															P
Storage, Self-Service or Mini-Storage											SP				P
Studio, Professional									SP		P	P	P	P	
Tattoo Parlor															P
Vehicle Parts Sales											P	SP	P	P	P
Vehicle Service, Limited: when located less than 60' from a residential property line												SP	P	P	P
Vehicle Service, Limited: when located at least 60' from a residential property line											P	SP	P	P	P
Vehicle Service, General: when located less than 60' from a residential property line														P	P
Vehicle Service, General: when located at least 60' from a residential property line											P		P	P	P
Vehicle Sales											P		SP	P	P
Veterinarian/Animal Hospital (with indoor kennels only)									SP		P	P	SP	P	P
Veterinarian/Animal Hospital or Kennel with outdoor kennels									SP		SP	SP	SP	SP	P
INDUSTRIAL															
Manufacturing, Light														SP	P
Manufacturing, Heavy															P
Mining, Excavation															SP
Storage Yard											SP				P
Warehouse, Freight Movement															SP
Wholesale Trade														SP	P

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SECTION 5: Subsection A, Section 409. District Dimensional Standards., Chapter 4, Appendix A of the Code of Ordinances is hereby amended to read as follows:

A. The area, width, required yards and maximum height regulations for each district are shown in the following table.

District	Min. Lot Area and Area Per Unit (SF)		Minimum Average Lot Width and Required Yards (Feet)				Max. Bldg. Height
	Lot Area	Area/Unit	Width	Front	Side	Rear	Feet
<u>R-2, Single-Family Residential</u>	<u>20,000</u>	<u>20,000</u>	<u>100</u>	<u>35</u>	<u>15</u>	<u>25</u>	<u>35</u>
R-6, Single-Family	7,000	7,000	65	25	6	20	35

Residential							
R-7, Single-Family Residential	6,000	6,000	60	25	5	15	35
R-8, Single-Family Residential	5,000	5,000	50	20	5	15	35
R-8D, Two-Family Residential	10,000	5,000	75	20	7.5	15	35
R-15, Townhouse Residential	12,000	2,900	100	25	10	5	35
RMH, Manufactured Housing	6,600	6,600	60	20	10	10	15
R-20, Multifamily Residential	15,000	2,180	100	25	7.5	20	35
RST, Multifamily Resort	20,000	--	--	20	15	20	--
OT-1, Olde Town Residential	5,000	--	--	20	5	15	35
OT-2, Olde Town Mixed Use	5,000	--	--	10	5	5	--
P, Professional Office	5,000	--	50	20	5	15	35
C-R, Retail Commercial	7,500	--	50	20	0 ¹	0 ¹	--
C-G, General Commercial	7,500	--	50	20	0 ¹	0 ¹	--
I, Industrial	7,500	--	50	20	0 ¹	0 ¹	--

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NOTES:

-- = no applicable regulations.

¹ See Section 410 and Section 709.

SECTION 6: Section 410. Supplementary Yard Regulations., Chapter 4, Appendix A of the Code of Ordinances is hereby amended to read as follows:

The following regulations supplement or modify the regulations in Section 409.

- A. Structures in Required Yards. Every part of a required yard shall be open to the sky and unobstructed, except as expressly set forth below.
 - 1. Ordinary projection of sills, belt courses, cornices, eaves and ornamental features may encroach a maximum of twenty-four (24) inches into required yards.
 - 2. Accessory buildings may encroach into required yards as regulated by H below.
- B. Measurement of Yard Line. Where the road is curved, the setback (yard) line shall be parallel to the curve of the road and not a straight line.
- C. Platted Building Lines. Where a building line has been established by a properly recorded subdivision plat and such building line is different than the required yard established in the table above, the front, side and rear yards shall comply with the building line established by the plat.
- D. Front Yards and Corner Lots.

- 123 1. No structure shall be permitted in a required front yard except for the following.
124 a. Driveways and walks connecting the building with the public right-of-way;
125 b. Other required incidental structures such as mailboxes, lighting fixtures, and
126 similar structures; and
127 c. In the R-2, Single-Family Residential, R-6, Single-Family Residential, R-7,
128 Single-Family Residential, R-8, Single-Family Residential, R-8D, Two-Family
129 Residential and RST, Multifamily Resort (Single and Two Family dwellings
130 only) districts, structures (driveways and walks) permitted in the front yard
131 shall not cover more than sixty-five (65) percent of the front yard.
- 132 2. Setback Averaging. When thirty (30) percent or more of the lots within a single
133 block and on the same side of the street are improved with buildings that observed
134 a smaller front yard than specified for the district, then any new building may be
135 located between the point closest to the street line of the building on either side of
136 the proposed building and the established front yard line for the district. This
137 standard shall not apply where platted building lines exist.
- 138 3. Double Frontage Lots. Double frontage lots, as defined in Chapter 10. Definitions,
139 must have the required front yard on both streets. This requirement shall not apply
140 to existing lots of record or lots, which are in a subdivision described in Section
141 109.A.
- 142 4. Corner Lots.
143 a. A corner lot shall have one front yard as required by the table above, and a
144 side yard adjacent to the street of not less than fifteen (15) feet, except in
145 the R-8, Single-Family Residential, OT-1, Olde Town Residential, and OT-2,
146 Olde Town Mixed Use districts, where only a ten (10) foot side yard shall be
147 required. A side yard adjacent to a street may be reduced as necessary to
148 maintain a forty (40) foot width between side yards, however in no case shall
149 the side yard be reduced to less than five (5) feet. No accessory building shall
150 project beyond the required yard line along any street. No structure shall be
151 built within the "vision triangle" as defined in Chapter 10.
- 152 5. Garage Access for Corner Lots. Where a garage entrance accesses directly (straight
153 in) upon a side street, the building line for the garage structure shall be a minimum
154 of twenty (20) feet from the side street property line. When a corner lot abuts a
155 major thoroughfare or arterial street, there shall be no driveway or garage entrance
156 on such street.
- 157 E. Side Yards.
158 1. A side yard shall be provided on each side of a building in accordance with Section
159 409, except on a lot of record where the requirement in the table above would
160 reduce the width between setbacks to less than forty (40) feet. In such case, the
161 side yards may be reduced as necessary to maintain the minimum forty (40) foot
162 width between side yards, but in no case shall the side yard be reduced to less than
163 five (5) feet.
164 2. For the purpose of side yard regulations, a two-family or multifamily dwelling shall
165 be considered as one building occupying one lot.
166 3. No structure shall be permitted in a required side yard except for the following:

- 167 a. Driveways and walks;
- 168 b. Fences in accordance with Section 707; and
- 169 c. Accessory buildings in accordance with subsection H.7. below.

170 F. Rear Yards.

- 171 1. When a lot of record at the time of passage of this Ordinance is smaller than herein
- 172 required, the rear yard shall either be in accord with Section 409, or not less than
- 173 twenty (20) percent of the depth of the lot, whichever amount is smaller.
- 174 2. Accessory buildings may be placed in the required rear yard in accordance with H
- 175 below.
- 176 3. In the R-2, Single-Family Residential, R-6, Single-Family Residential, R-7, Single-
- 177 Family Residential, R-8, Single-Family Residential, R-8D, Two-Family Residential, and
- 178 RST, Multifamily Resort (Single and Two Family dwellings only) districts, structures
- 179 (porches, patios, walks, driveways, accessory buildings and swimming pools)
- 180 permitted in the rear yard shall not cover more than forty (40) percent of the rear
- 181 yard without a drainage plan approved by the Administrative Official.

- 182 G. Swimming Pools. No swimming pool shall be constructed until a permit for the principal
- 183 use or structure has been obtained. The outside walls of a swimming pool or hot tub
- 184 shall not project beyond the required yard line along any street. The outside walls of a
- 185 swimming pool or hot tub must be at least three (3) feet from side and rear property
- 186 lines. The outside walls of an in-ground swimming pool or hot tub shall also keep at least
- 187 one (1) foot of horizontal distance to each one (1) foot of depth from any structure,
- 188 easement, or property line (unless plans and a report are prepared by a Professional
- 189 Engineer).

190 H. Accessory Buildings.

- 191 1. Accessory buildings shall not be constructed until a permit for the principal use or
- 192 structure has been obtained.
- 193 2. Accessory buildings shall not be used for dwelling purposes.
- 194 3. Detached accessory buildings shall not exceed twelve (12) feet in height unless the
- 195 properties upon which they are being constructed are one (1) acre in area or larger.
- 196 Detached accessory buildings being constructed upon such acreage lots shall not
- 197 exceed twenty (20) feet in height.
- 198 4. Accessory buildings (attached or detached) may occupy up to twenty-five (25)
- 199 percent of the required rear yard.
- 200 5. Accessory buildings shall not project beyond the required front or side yard line
- 201 along any street.
- 202 6. Attached accessory buildings shall maintain the same side yard setback as required
- 203 for the main structure.
- 204 7. A detached accessory building located in the rear yard of a property shall not be
- 205 located closer than three (3) feet from the side or rear property line. When there is
- 206 not a required side or rear yard, the building may be placed up to the property line
- 207 (see Section 409.B).

209 **SECTION 7:** Section 502. Bars, Saloons, Lounges and Dance Halls, Private Clubs., Chapter

210 5, Appendix A of the Code of Ordinances is hereby amended to read as follows:

211
212 These uses are permitted in accordance with the use table, provided such uses are a
213 minimum of three hundred (300) feet from any church, school or hospital, or any R-2,
214 Single-Family Residential. R-6, Single-Family Residential, R-7, Single-Family Residential,
215 R-8, Single-Family Residential, or R-8D, Two-Family Residential district boundary. All
216 such uses shall meet the licensing requirements of the Texas Alcoholic Beverage
217 Commission (TABC).

218
219 **SECTION 8:** Subsection G, Section 508. Storage, Self-Service., Chapter 5, Appendix A of
220 the Code of Ordinances is hereby amended to read as follows:

221
222 G. Storage facilities may not be placed on a lot within two hundred (200) feet of an R-2,
223 Single-Family Residential. R-6, Single-Family Residential, R-7, Single-Family Residential,
224 R-8, Single-Family Residential, R-8D, Two-Family Residential, R-15, Townhouse
225 Residential, RMH, Manufactured Housing, R-20, Multifamily Residential, RST,
226 Multifamily Resort, OT-1, Olde Town Residential, OT-2, Olde Town Mixed Use or P,
227 Professional Office district boundary.

228
229 **SECTION 9:** Subsection A, Section 606. Lot Standards., Chapter 6, Appendix A of the
230 Code of Ordinances is hereby amended to read as follows:

231
232 A. Lot Dimensions. Lot dimensions shall comply with the minimum standards of this
233 Ordinance for the district being platted. In general, side lot lines shall be at right angles
234 to street lines or radii to curving street lines. Flag lots shall be prohibited in the R-2, R-6,
235 R-7, R-8, R-8D, R-15, RMH, R-20 and RST districts. Dimensions of corner lots shall be
236 large enough to allow for erection of buildings, observing the minimum setback from
237 both streets, i.e. wider by the footage differential between side yard setbacks for corner
238 lots versus interior lots. Depth and width of non-residential lots shall be adequate to
239 provide for the off-street parking facilities and other site plan requirements.

240
241 **SECTION 10:** Section 705. Nonresidential Design Requirements., Chapter 7, Appendix A
242 of the Code of Ordinances is hereby amended to read as follows:

243
244 A. Building Materials.
245 1. Any façade of a professional or commercial building that can be seen from an
246 adjacent street or parking area shall be constructed of one of the following
247 building materials:
248 a. Fired brick.
249 b. Natural or polished stone.
250 c. Masonry block.
251 d. Tilt wall concrete panels with architectural detail.
252 e. Stucco.
253 f. Tile.
254 g. Fiber cement siding.

- 255 h. Glass.
- 256 i. Smooth finish baked-on enamel factory-painted metal (does not include
- 257 corrugated ridge-type metal).
- 258 2. Wood, dimensioned or siding, shall not cover more than ten (10) percent of any
- 259 façade that can be seen from an adjacent street or parking area. Exterior
- 260 insulation and finish systems (EIFS), stainless steel, chrome, standing seam metal
- 261 and premium grade architectural metal may be used as an architectural accent,
- 262 but shall not cover more than ten (10) percent of any façade. Doors of any kind
- 263 may be constructed of galvanized steel and painted steel.
- 264 3. Any side or rear wall facing a public or private street or residential zoning district
- 265 shall consist of the same facing materials as the building front.
- 266 4. The roof side of any parapet wall shall consist of the comparable facing materials
- 267 as the front of the parapet if viewable from a public or private street.
- 268 B. *Façade Articulation.*
- 269 1. The front façade of a building shall be defined as any façade that includes front
- 270 entry doors and any facade that faces a public or private street.
- 271 2. Façade depth and height articulation shall be required on the front façade of a
- 272 building, per the following:
- 273 a. ~~Depth articulation of at least three (3) feet shall be required for every thirty-~~
- 274 ~~(30) feet of building façade length.~~ Depth articulation of at least 10% shall
- 275 be required on any front façade exceeding thirty (30) horizontal feet. In no
- 276 event shall a front façade segment exceed forty-five (45) feet without depth
- 277 articulation. Depth articulation applies only below the roofline.
- 278 b. ~~Height articulation for flat roofs of at least five (5) feet shall be required for~~
- 279 ~~every fifty (50) feet of building façade length.~~ Height articulation of at least
- 280 10% shall be required on any front façade exceeding fifty (50) horizontal
- 281 feet. In no event shall a front façade segment exceed seventy-five (75) feet
- 282 without height articulation. Pitched roofs do not require height articulation.
- 283 3. Façade offsets shall be shown, along with calculations verifying that the building
- 284 elevations meet the above requirements, on a building façade (elevation) plan,
- 285 and shall be submitted for review along with the building elevations at the time of
- 286 building permit issuance.
- 287 C. Metal buildings without a masonry façade will be allowed anywhere in the I, Industrial
- 288 district or in the OT-2, Olde Town Mixed Use district if they are located at least two
- 289 hundred (200) feet from Hwy. 181 ~~and~~ or Moore Avenue.
- 290 D. New buildings on previously developed lots or in existing developments. New buildings
- 291 on previously developed lots or in existing developments must have foundations,
- 292 exterior siding, fenestration, fascia and roofing that are compatible with existing
- 293 buildings on the same lot or within the same development.
- 294 E. Nonresidential buildings. All nonresidential buildings must be affixed to a permanent
- 295 foundation.
- 296 F. Rooftop mechanical equipment shall be screened from the view of any parking lot and
- 297 public or private street at a height of six (6) feet above natural grade at a horizontal

298 distance of five hundred (500) feet. Screening shall be comparable to facing materials
299 required in Section 705.A.1.

301 SECTION 11: Subsections A through C, Section 707. Fences., Chapter 7, Appendix A of
302 the Code of Ordinances is hereby amended to read as follows:

- 303
- 304 A. In OT-1, Olde Town Residential, OT-2, Olde Town Mixed Use, R-2, Single-Family
305 Residential, R-6, Single-Family Residential, R-7, Single-Family Residential, R-8, Single-
306 Family Residential, R-8D, Two-Family Residential and R-15, Townhouse Residential
307 districts, fences shall not be constructed in front yard areas, nor project beyond an
308 adjoining lot's front building setback line. Residential dwellings in the Olde Town
309 districts (OT-1 and OT-2) may erect a thirty-six (36) inch high picket fence in the front
310 yard area.
- 311 B. Fences shall not be erected of chain link in OT-1, Olde Town Residential, on
312 residential lots in OT-2, Olde Town Mixed Use, R-2, Single-Family Residential, R-6,
313 Single-Family Residential, R-7, Single-Family Residential, R-8, Single-Family
314 Residential, R-8D, Two-Family Residential, and R-15, Townhouse Residential districts.
- 315 C. Fences shall not be erected in side yard areas where there is double frontage in the
316 OT-1, Olde Town Residential, OT-2, Olde Town Mixed Use, R-2, Single-Family
317 Residential, R-6, Single-Family Residential, R-7, Single-Family Residential, R-8, Single-
318 Family Residential, R-8D, Two-Family Residential and R-15, Townhouse Residential
319 districts. Exceptions may be made for fences in side yard areas where there is
320 double frontage, but only if all of the following conditions are met:
- 321 1. No fence shall be erected or maintained closer than five (5) feet to any
322 side yard property line;
 - 323 2. No fence shall exceed a height of four (4) feet; and
 - 324 3. A ten (10) foot vision triangle created by an area using rear and side yard
325 property lines shall be maintained.
 - 326 4. The fence shall be eighty (80) percent transparent and be constructed of
327 decorative wrought iron, aluminum, or vinyl (chain link, wire, or other
328 similar materials shall be prohibited).
- 329

330 SECTION 12: Subsection C.2, Section 712. Signs., Chapter 7, Appendix A of the Code of
331 Ordinances is hereby amended to read as follows:

- 332
- 333 2. *Building Sign Type A.* A sign placed flat against the building, not projecting
334 above the roof line, and referring to a business located within the building
335 to which the sign is attached. The total area of all signs shall not exceed a
336 size larger than an area equal to one square foot for each lineal foot of
337 frontage of the building to which the sign is attached or fifty (50) square
338 feet, whichever is smaller. In an R-2, Single-Family Residential, R-6, Single-
339 Family Residential, R-7, Single-Family Residential or R-8, Single-Family
340 Residential district, such signs are limited to use by churches, country
341 clubs, public buildings and philanthropic institutions.

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SECTION 13: Subsection D, Section 712. Signs., Chapter 7, Appendix A of the Code of Ordinances is hereby amended to read as follows:

D. Signs Types Allowed by District

1. Permitted sign types are allowed in districts in accordance with the following chart and the standards above.
2. Notwithstanding the district restrictions below, sites with frontage on an arterial street shall be allowed to have a Freestanding Sign Type B and a Building Sign Type B. Sites with frontage on a collector street shall be allowed to have a Freestanding Sign Type A.

Sign Type	District									
	R-2, R-6, R-7, R-8, R-8D, R-15	RMH	R-20	RST	OT-1	OT-2	P	C-R	C-G	I
Awning Sign				●	●	●	●	●	●	●
Building Sign Type A	●	●	●		●					
Building Sign Type B				●		●	●	●	●	●
Corridor Sign				●		●	●	●	●	●
Electronic Message Boards				●		●	●	●	●	●
Freestanding Sign Type A			●	●	●	●	●	●	●	●
Freestanding Sign Type B						●	●	●	●	●
Temporary Banner Sign and Streamers			●	●	●	●	●	●	●	●
Temporary Portable Sign						●		●	●	●
Projecting Sign				●	●	●	●		●	
Inflatable Signs or Objects			●			●	●	●	●	●
Searchlights								●	●	●

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SECTION 14: Section 1003. Defined Terms., Chapter 10, Appendix A of the Code of Ordinances is hereby amended to read as follows:

Vocational school: A school or training facility that offers instruction and practical introductory experience in skilled trades such as mechanics, carpentry, plumbing, and construction.

SECTION 15: 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.



CITY COUNCIL ACTION ITEM

AGENDA TITLE **INTERLOCAL AGREEMENT WITH GPISD FOR SCHOOL RESOURCE OFFICER (SRO) SERVICES**

The City Council will consider an updated agreement with the Gregory-Portland ISD to continue the provision of SRO by the police department for campuses in Portland.

MEETING DATE 10/7/2014

DEPARTMENT Administration

SUBMITTED BY Randy L. Wright, City Manager

EXECUTIVE SUMMARY

The City and School District executed an interlocal agreement in 2009 that placed two Portland Police Officers in schools. This is a housekeeping item that updates the original agreement.

PRIOR ACTIONS OR REVIEWS

- The original agreement was executed on 9/2/2009.

DETAILS / STAFF ANALYSIS

The City and School District have successfully partnered since 2009 to provide school resource officer services for the District's Portland campuses. We provide two officers who are permanently assigned to campuses during the school year. During summer months and holiday vacations, the officers obtain annual training and work normal patrol duties. This is an updated agreement reflecting current costs and conditions.

ALTERNATIVES CONSIDERED

None.

FINANCIAL IMPACT

Costs associated with the agreement are part of the FY 2014-15 budget.

ATTACHMENTS

- Proposed Agreement
-

RECOMMENDED ACTION

Motion to approve an interlocal agreement between the City and the School District to provide school resource officer services to school campuses in Portland.

1 **STATE OF TEXAS** §
2 §
3 **COUNTY OF SAN PATRICIO** §

4
5
6 **INTERLOCAL AGREEMENT FOR POLICE PROTECTION SERVICES**
7

8 This Agreement is entered into between the City of Portland (“CITY”), whose address is
9 c/o Randy L Wright, City Manager, 1900 Billy G. Webb Drive, Portland, Texas 78374 and Gregory-
10 Portland Independent School District (“GPISD”), whose address is c/o Paul Clore, Superintendent
11 of Schools, 608 College Street, Portland, Texas 78374 under the authority of the Texas Interlocal
12 Cooperation Act (Chapter 791, Texas Government Code), as of January 1, 2009.
13

14 **Article 1 - Recitals**
15

16 1.01. As in other school districts around the State, the Board of Trustees of GPISD finds
17 that there are increasing acts of violence and vandalism occurring on school campuses in the
18 district which threaten the safety of students, faculty and administrative personnel, and the
19 security of public property.
20

21 1.02. Although authorized to do so under Section 37.081, Texas Education Code, GPISD
22 does not have the resources to employ, train, commission, and equip its own security personnel,
23 and has requested the CITY, under the authority of the Interlocal Cooperation Act, to furnish
24 police protection services by assigning two officers of the CITY’S police department to act as
25 school resource officers for GPISD.
26

27 1.03. The City Council of the CITY finds that assigning police officers as school resource
28 officers to GPISD is necessary and desirable in order to preserve and protect the public health,
29 safety, and welfare.
30

31 **Article 2 - School Resource Officer**
32

33 2.01. The term for this Agreement shall be for the period beginning on October 15,
34 2014, the “Effective Date” of this Agreement, and continuing until modified or cancelled by the
35 parties pursuant to Article 4.
36

37 2.02. On the Effective Date, and for the term of this Agreement, the CITY will assign two
38 police officers to GPISD as school resource officers. The officers will be commissioned peace
39 officers, meeting all minimum standards for peace officers established by the Texas Commission
40 on Law Enforcement. The officers will perform their duties in and around GPISD properties when
41 school is in session and at other times when assigned by the Chief of Police.
42

43 2.03. The school resource officer’s jurisdiction includes any area for which the officer
44 may have jurisdiction under Texas law and all territory in the boundaries of the GPISD district,

45 and all property outside the boundaries of the district that may be owned, leased, or rented by
46 or otherwise under the control of GPISD and its Board of Trustees, except territory and property
47 contained within another municipality.

48
49 2.04 School resource officers shall perform administrative and law enforcement duties
50 for GPISD as determined by the Chief of Police, including protecting the safety and welfare of any
51 person in the officer’s jurisdiction and the property of GPISD.

52
53 2.05 School resource officers shall be governed by all rules and policies, and entitled to
54 all benefits afforded other similarly situated City employees.

55
56 2.05. GPISD shall refer any personnel or disciplinary matters involving poor
57 performance or alleged misconduct by a school resource officer during school duty hours to the
58 Chief of Police. All such allegations shall be handled consistent with police department rules and
59 procedures, and City personnel policies.

60
61 **Article 3 - Compensation**

62
63 3.01. To defray the expense of the school resource officers, GPISD shall pay to the CITY
64 the salary and costs specified in Appendix A which is made a part of this Agreement.

65
66 3.02 If a change in compensation or benefit levels for city employees occurs, Appendix
67 A may be amended by the CITY to reflect the changes. The City shall notify GPISD sixty (60) days
68 prior to implementing any such changes.

69
70 **Article 4 - Termination; Renewal**

71
72 4.01. This Agreement is terminable by either party on sixty (60) days’ written notice to
73 the other party. At the termination of the Agreement, each party will remit to the other any
74 unpaid debts or unearned compensations that may have accrued or been prepaid up to the date
75 of termination.

76
77 EXECUTED by official action of the respective governing bodies of the CITY and GPISD on the dates
78 shown below, to be effective as of the Effective Date.

79
80

81 AGREED: THE CITY OF PORTLAND

82
83
84 By: _____
85 David Krebs, Mayor

86
87 Date: _____

88

89 ATTEST:

90

91 _____

92 Annette Hall, City Secretary

93

94

95

96 AGREED:

97

98

99

100

By: _____

101

Randy Eulenfeld, Board President

102

103

Date: _____

104

105

106 ATTEST:

107

108 _____

109 Becky Macha, Board Secretary

110

**INTERLOCAL AGREEMENT FOR POLICE
PROTECTION SERVICES**

APPENDIX A

Salaries and Costs

A. GPISD shall pay to the CITY one-half the annual salaries and related taxes and benefits of the two assigned school resource officers. The CITY will bill 1/12 of this amount to GPISD monthly.

One-half the annual salary and benefits for two officers \$73,278.00

B. GPISD shall pay one-half of the total overtime for which the CITY becomes liable to the school resource officers as a result of the officers being required to work overtime in furtherance of the their duties as school resource officers. Overtime is paid consistent with the CITY'S policies on overtime pay. The overtime costs include payment of related retirement and tax benefits. The monthly invoice will reflect overtime compensation accrued in the preceding month.

The maximum amount in overtime for which GPISD is liable in any calendar year shall not exceed \$3,000.00

C. GPISD shall pay for one-half of any legally required training as well as training necessary to ensure that the resource officers are technically competent and prepared to discharge their duties efficiently and effectively. The Chief of Police shall determine necessary training.

The maximum amount of training for which GPISD is liable in any calendar year shall not exceed \$750.00

D. GPISD shall pay one-half of the total associated costs for the two resource officers. The monthly invoice will reflect costs accrued in the preceding month.

One-half of annual uniform costs \$350.00
One-half of radio service fees \$100.00
Miscellaneous Supplies \$125.00

E. The CITY shall pay the total cost for all other equipment, radios, computers, vehicles, fuels and oils, and all related maintenance services necessary for the officers to perform their duties efficiently and effectively.

F. The CITY will furnish GPISD monthly invoices for accrued costs. GPISD shall remit payment within 15 days of receipt.