



CITY COUNCIL AGENDA

NOTICE OF REGULAR MEETING

Tuesday, November 4, 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:
 - PRESENTATION OF HOLIDAY EVENT – DIRECTOR OF PARKS AND RECREATION
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 OCTOBER 21, 2014 WORKSHOP AND REGULAR MEETING - MAYOR KREBS AND CITY SECRETARY

6. PUBLIC HEARING: THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING THE ANNEXATION OF APPROXIMATELY 1,863 ACRES ADJACENT TO THE CITY LIMITS OF THE CITY OF PORTLAND – MAYOR, CITY MANAGER, CITY ATTORNEY, AND REPRESENTATIVES OF THE CONSULTING CITY PLANNER

Members of the audience who wish to comment or present questions during the Public Hearing must comply with the following rules of procedure:

- Persons who wish to speak must fill out and turn in a speaker card to the City Secretary
- The Mayor will announce the order of speakers and will direct speakers to the podium
- Persons who wish to speak must identify themselves and their place of residence
- Persons who wish to speak will be given 4 minutes to do so
- Persons who wish to speak on behalf of 4 or more persons will be given 15 minutes to do so

7. ISSUANCE OF TAX NOTES FOR CAPITAL PURCHASES: THE CITY COUNCIL WILL CONSIDER A FINANCING PLAN FOR THE ISSUANCE OF TAX NOTES, SERIES 2014, AUTHORIZING STAFF AND CONSULTANTS TO PROCEED WITH DOCUMENT PREPARATION – DIRECTOR OF FINANCE AND CONSULTING FINANCIAL ADVISOR

8. RESOLUTION NO. 687- CONSIDERATION OF OFFER TO PURCHASE TAX SALE PROPERTY: THE CITY COUNCIL WILL CONSIDER AN OFFER ON THE PROPERTY AT 1101 MEADOWBROOK DRIVE, DESCRIBED AS LOT 1, BLOCK 2, NORTH SHORE, UNIT 10B, AN ADDITION TO THE CITY OF PORTLAND, SAN PATRICIO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN ENVELOPE A-291, A-292 AND A-293, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS; IDENTIFIED ON

THE TAX ROLLS UNDER ACCOUNT NUMBER 42384 – DIRECTOR OF FINANCE AND LINEBARGER GOGGAN BLAIR & SAMPSON, LLP REPRESENTATIVES

9. REQUEST BY “OPERATION FINALLY HOME” FOR THE WAIVER OF VARIOUS BUILDING AND PERMIT FEES: THE CITY COUNCIL WILL CONSIDER A REQUEST FROM OPERATION FINALLY HOME AND THE CORPUS CHRISTI BUILDERS ASSOCIATION TO WAIVE CERTAIN FEES TO SUPPORT THE CONSTRUCTION OF A MORTGAGE-FREE HOME TO BE GIVEN TO A LOCAL WOUNDED VETERAN – CITY MANAGER

10. ORDINANCE NO. 2095 - SPECIAL USE PERMIT FOR 1200 BROADWAY BLVD: THE CITY COUNCIL THE WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2095 WHICH GRANTS A SPECIAL USE PERMIT GOVERNING THE USE OF THE PROPERTY AT 1200 BROADWAY BLVD. AS A “SCHOOL, COLLEGE OR VOCATIONAL” – ASSISTANT CITY MANAGER

11. ORDINANCE NO. 2096 - SPECIAL USE PERMIT FOR 215 SEVENTH AVENUE: THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2096 WHICH GRANTS A SPECIAL USE PERMIT FOR A SELF-STORAGE FACILITY AT 215 SEVENTH AVENUE – ASSISTANT CITY MANAGER

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

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

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

Neither the City Council nor the Staff is legally permitted to respond to citizen comments, questions, requests or proposals at the time of the meeting. A member of the City Council or the City Manager may place an item on the agenda of a future City Council workshop or meeting to legally do so. If that is done, the audience member seeking a response will be given advance notice.

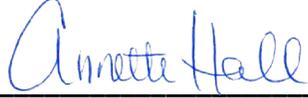
D. ADJOURNMENT: MAYOR KREBS

NOTICE OF ASSISTANCE

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

BRAILLE IS NOT AVAILABLE

Posted: October 31, 2014 by 5:00 p.m.
Portland City Hall

By: 
Annette Hall
City Secretary

**CITY OF PORTLAND
CITY COUNCIL
WORKSHOP MEETING
OCTOBER 21, 2014 – 5:30 P.M.**

On this the 21st day of October 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
David E. Lewis	Council Member

MEMBERS ABSENT:

John Green	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
Kristin Connor	Director of Parks and Recreation
Dorothy Torres	Interim Library Director
Lyle Lombard	Fire Chief

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.

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 5:30 p.m.

2. UTILITY RATE STUDY: THE CITY COUNCIL WILL DISCUSS THE RESULTS AND RECOMMENDATIONS OF A UTILITY RATE STUDY BY THE CITY'S UTILITY RATE CONSULTANT- CITY MANAGER, DIRECTOR OF FINANCE AND NEWGEN STRATEGIES & SOLUTIONS REPRESENTATIVES

NewGen Strategies & Solutions Director Chris Ekrut presented and reviewed the following results and recommendation of the Utility Rate Study with the City Council and Staff:

- Overarching Issues
 - Continued pressure on Wholesale Water Rates
 - Commercial Growth and Annexation
- Projected CIP
- Projected New Debt Service
- Overarching Issues
 - Impact of Drought / Water Conservation
- Historical Consumption Pattern
- Overarching Issues
 - Use of Reserves Helps Financial Performance
- Anticipated Financial Performance (Water)
- Anticipated Financial Performance (Sewer)
- Overreaching Issues
 - Current Rate Revenues are Not Anticipated to be Sufficient to Fund Existing Operations and New Capital Needs
- Initial Rate Adjustment Recommendations for FY2015
 - Option 1 – Take No Action
 - Under City's current budget, due to use of reserves, no rate action is needed in FY 2015
 - Use of reserves masks financial performance
 - Without reserves, cannot fully fund Wholesale Costs, O&M, and existing debt service
 - Will necessitate more significant rate increases in the future if no action is taken in FY 2015
 - Action will diminish Utility's financial position
 - Not passing along wholesale increase reduces funds available for the City to operate and maintain its own infrastructure
 - Initial Rate Adjustment Recommendations for FY2015
 - Option 2 – NewGen Recommendation

- Phase-in plan for rates which will provide needed funding and maintain the City’s financial metrics
- Make minimal changes to City’s Rate Structure:
 - Begin charging Residential Customers higher rates for larger meters to reflect the impact of demand on infrastructure investment
 - Increase minimum bills at a greater rate than the volumetric portion of the bill to increase stability of City’s revenue stream
- Regional Average Customer Comparison
- Monthly Customer Bill Projection
- Projected Financial Performance (Water)
- Projected Financial Performance (Sewer)
- Path Forward

3. WINDFEST 2015 USE AGREEMENT, CITY SPONSORSHIP AND HOT FUNDS REQUEST: THE CITY COUNCIL WILL DISCUSS 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 AND PORTLAND CHAMBER OF COMMERCE PRESIDENT AND CEO

City Manager Randy Wright explained that this item was tabled on September 16th by Council for further discussion concerning the Chamber’s following requests:

- Expanded beer garden area
- Increased request in HOT Funds
- Increased request in City’s Sponsorship

Chamber of Commerce President and CEO Collette Walls presented and reviewed the a revised beer garden site plan and the proposed use for the requested additional sponsorship funds to provide a petting zoo and organized family oriented games for the 2015 Windfest Event.

City Council, City Manager Randy Wright and Ms. Walls discussed the revised beer garden site plan, the Chamber’s sponsorship request, the distribution of HOT Funds and adding the 2015 Windfest Use Agreement, City Sponsorship and Hot Funds Request to the November 18th regular meeting agenda.

4. PARKS AND RECREATION ADVISORY BOARD: THE CITY COUNCIL WILL DISCUSS THE STATUS OF THE PARKS AND RECREATION ADVISORY BOARD – CITY MANAGER

Council, City Manager Randy Wright and Director of Parks and Recreation discussed the current status of the Parks and Recreation Advisory Board, the current status of Friends of Portland Parks, the possibility of dissolving the Parks and Recreation Advisory Board and adding the Parks and Recreation Board to the November 18th regular meeting agenda.

5. **ADJOURNMENT:** MAYOR KREBS

Mayor Krebs adjourned the workshop at 6:36 p.m.

NOTICE OF ASSISTANCE:

If you plan to attend this workshop 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 workshop.

BRAILLE IS NOT AVAILABLE

Approved:

David Krebs
Mayor

Attest:

City Secretary

**CITY OF PORTLAND
CITY COUNCIL
REGULAR MEETING
OCTOBER 21, 2014 – 7:00 P.M.**

On this the 21st day of October 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	Assistant City Manager
Annette Hall	City Secretary
Michel Sorrell	Finance Director
Kristin Connor	Director of Parks and Recreation
Dorothy Torres	Interim Library Director
Lyle Lombard	Fire Chief
Drew Schell	IT Technician
Fred Buseman	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 Vilo gave the invocation and Mayor Krebs led the Pledge of Allegiance.

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

- PRESENTATION ON OPERATION FINALLY HOME – BUILDERS ASSOCIATIONS REPRESENTATIVES

Builders Associations of Corpus Christi Representative Mr. Garrett Dorsey and Custom Home Builder Shayne Schroeder gave a presentation on Operation Finally Home explaining that they are dedicated to providing custom homes to America's Military Heroes who have sacrificed so much to defend of our freedom and values.

Mr. Schroeder then announced that the Builder Association of Corpus Christi Areas and H-E-B along with Operation Finally Home are excited to provide a custom built, mortgage-free home to Jeramy Bush and his family that will be built at 1907 Cotton Wood Drive here in Portland in the Bay Landing Subdivision. Operation Finally Home is funded through donations and would like to request the City Council to consider partnering in waiving permitting and tap fees to help with the construction of the home. The groundbreaking ceremony will be held on Thursday, October 30, 2014 at noon and encouraged the public to attend.

- PROCLAMATION DECLARING PORTLAND CHAMBER OF COMMERCE WEEK – MAYOR KREBS

Mayor Krebs read and presented a signed copy of the Proclamation declaring the week of October 20th through 24th 2014 as "Portland Chamber of Commerce Week" to Portland Chamber of Commerce President and CEO Collette Walls and Chamber of Commerce Representatives.

- PRESENTATION OF THE 2013 CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION – MAYOR

Mayor Krebs presented Director of Finance Michel Sorrell the 2013 Certificate of Achievement for Excellence in Financial Reporting by Government Finance Officers Association.

- INTRODUCTION OF NEW EMPLOYEES – CITY MANAGER AND FIRE CHIEF

City Manager Randy Wright introduced the new Fire Chief Lyle Lombard.

Fire Chief Lyle Lombard then introduced new Fire Captain Christopher Kahl.

- SPECIAL EVENT ANNOUNCEMENT: BOO BASH 2014 – DIRECTOR OF PARKS AND RECREATION

Director of Parks and Recreation Kristin Connor announced that Boo Bash 2014 will be held this Saturday, October 25, 2014 from 6 to 9 p.m. at the Joe Burke Pavilion and invited everyone to come out and enjoy the free community event.

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

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

Council Member Jorgensen congratulated the Wildcats on their win against Calallen.

Mayor Krebs also congratulated the Wildcats on their win against Calallen.

City Manager Randy Wright gave a report on the procedures and protocol being put in place by the Police Department, Fire Department, Allegiance Ambulance and Northshore Emergency Center on how to handle a call or patient who thinks they may have or has been in contact with someone has the EBOLA virus.

B. ACTION ITEMS, RESOLUTIONS, AND ORDINANCES:

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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

There were none.

5. MINUTES OF PREVIOUS MEETINGS: THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS OCTOBER 7, 2014 REGULAR MEETING - MAYOR KREBS AND CITY SECRETARY

Council Member Lewis made the motion to approve the minute of the October 7, 2014 regular meeting, Council Member Vilo seconded the motion.

The motion passed (7-0).

6. PUBLIC HEARING – SPECIAL USE PERMIT NO. 2095: THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM GREGORY-PORTLAND INDEPENDENT SCHOOL DISTRICT VIA URBAN ENGINEERING, INC., TO APPROVE SPECIAL USE PERMIT NO. 2095 GOVERNING THE USE OF ITS PROPERTY AT 1200 BROADWAY BLVD. AS A “SCHOOL, COLLEGE OR VOCATIONAL” – ASSISTANT CITY MANAGER

Mayor Krebs opened the Public Hearing at 7:29 p.m.

Assistant City Manager Brian DeLatte presented the following Special Use Permit No. 2095 information:

Special Use Permit Application

- Current Zoning is R-7, Single-Family Residential
- Proposal to utilize the existing church building as a vocational training facility for Cheniere Energy
- Application states that “the proposed use of the facilities will be for training facilities and office space associated with the use of the educational facilities”
- “School, College or Vocational” is allowed by SUP
 - SUP allows additional regulation and scrutiny of noise, traffic, hours of operation, and visual impacts

Proposed Conditions

1. The use of the facility shall be limited to those permitted uses in the R-7, Single-Family Residential District or to those uses permitted by this Special Use Permit.
2. The Special Use Permit permits the operation of a vocational training facility at the location described in the metes and bounds in Exhibit “A”. The Special Use Permit is not applicable nor is transferable to the remainder of the property.
3. “Vocational school” is defined in the Unified Development Ordinance. This Special Use Permit allows indoor education and career center activities, training

- activities, and offices designed to support the educational and training mission. Professional, commercial, retail, industrial, or corporate offices are prohibited.
4. This Special Use Permit expires in the event that Gregory-Portland Independent School District sells, transfers, or otherwise divests ownership of the property.
 5. Outdoor activities are prohibited on the site. This term does not include activities required to maintain the building and grounds.
 6. Outdoor public address systems or other exterior sound systems are prohibited.
 7. Exterior security or aesthetic lighting must be of a type and situated to prevent adjacent residences from receiving direct lighting. New exterior lighting installation or replacement of existing exterior lighting shall conform to Unified Development Ordinance Section 713.
 8. Hours of operation shall not begin prior to 7:00 a.m. nor extend beyond 9:00 p.m.
 9. Industrial or production activities are prohibited on the site. For the purposes of this Special Use Permit, "industrial or production activity" is any activity that involves the use of attended or autonomous equipment, power tools, or other devices to cut, bend, bond, coat, melt, weld, perforate or fabricate metal, wood, or other construction material. "Industrial or production activity" shall also include any activity subject to the National Pollutant Discharge Elimination System Industrial Permits as defined in 40 CFR, Section 122.26. The term does not include indoor simulated training stations, indoor educational displays, indoor storage or use of non-hazardous chemicals for training purposes, or activities required to maintain the building and grounds.
 10. In compliance with Unified Development Ordinance Section 712, no new signage shall be installed on the property. Any modification to the existing ground sign located at the site's entrance shall be limited to the existing sign size, height, and material type. The proposed sign text shall identify the facility as a "vocational training facility," "educational training facility," or other similar wording that denotes vocational or educational use. The proposed sign text shall not identify the facility as an "office," "corporate office," "professional office," or other similar wording that denotes office, commercial, professional, or other non-residential uses.
 11. Any new building construction, modification, renovation, or expansion shall meet the requirements of Unified Development Ordinance Section 802.
 12. The Gregory-Portland Independent School District and Cheniere Energy, Inc., must provide all necessary off-street parking on site. Parking shall be prohibited within public right-of-way.

Approval Criteria

1. Impacts Minimized
2. Consistent with this Ordinance
3. Compatible with Surrounding Area
4. Traffic Circulation
5. Effect on Natural Environment

6. Community Need
7. Development Patterns

Planning and Zoning Recommendation

- Recommended approval with negotiated conditions
- No public comment regarding the application

Mr. DeLatte added Murph Hudson and Mr. Bato were present on behalf of the School District to answer question.

With no citizen comment or participation Mayor Krebs closed the Public Hearing at 7:40 p.m.

7. ORDINANCE NO. 2095 - SPECIAL USE PERMIT FOR 1200 BROADWAY BLVD:

THE CITY COUNCIL THE WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2095 WHICH GRANTS A SPECIAL USE PERMIT GOVERNING THE USE OF THE PROPERTY AT 1200 BROADWAY BLVD. AS A “SCHOOL, COLLEGE OR VOCATIONAL” – ASSISTANT CITY MANAGER

Assistant City Manager Brian DeLatte explained that there is a notable correction to the Ordinance in lines 88 and 93 that removes Chienere, and have been modified to read the tenant.

Council Member Skurow recommended a 13th condition be added to read as follows:

13. GPISD is solely responsible for notifying tenants of 1200 Broadway Blvd. of the conditions of the Special Use Permit. GPISD shall enforce the conditions of the Special Use Permit on its tenants.

Council Member Moore made the motion to approve the first reading of Ordinance No. 2095 which grants a Special Use Permit Governing the Use of the Property at 1200 Broadway Blvd. as a “school, College or Vocational” including condition 13 as recommended, Council Member Jorgensen seconded the motion.

The motion passed (7-0).

Mayor Krebs read the following caption.

ORDINANCE NO. 2095

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A VOCATIONAL TRAINING FACILITY AT 1200 BROADWAY BLVD.; 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

- 8. PUBLIC HEARING – SPECIAL USE PERMIT NO. 2096:** THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM ROBERT M. KENNEDY TO APPROVE SPECIAL USE PERMIT NO. 2096 FOR THE CONSTRUCTION OF A SELF-STORAGE FACILITY AT 215 SEVENTH AVENUE – ASSISTANT CITY MANAGER

Mayor Krebs opened the Public Hearing at 7:44 p.m. to solicit comment from citizens and other interested parties concerning a request from Robert M. Kennedy to approve Special Use Permit No. 2096 for the construction of a self-storage facility at 215 Seventh Avenue.

Assistant City Manager Brian DeLatte presented the following Special Use Permit No. 2096 information:

Special Use Permit Application

- Current Zoning is OT-2, Olde Town Mixed Use District
- Application proposes 118-unit interior access self-storage facility
- “Storage, Self-Service or Mini-Storage” is allowed by SUP in OT-2
 - SUP allows additional regulation and scrutiny of noise, traffic, hours of operation, and visual impacts
 - Self-storage is further regulated by UDO Sec. 508, including:
 - Security lighting
 - Prohibition of hazardous materials
 - Drive aisle access
 - Outside storage
 - Location with respect to zoning boundaries
 - Decorative fencing and landscaping

Proposed Conditions

1. The use of the facility shall be limited to those permitted uses in the OT-2, Olde Town Mixed Use District or to those uses permitted by this Special Use Permit.
2. The Special Use Permit allows the operation of an 118-unit self-storage facility at 215 Seventh Street. The Special Use Permit is not applicable nor is transferable to the remainder of the property.
3. A final plat must be approved by the Planning and Zoning Commission prior to the issuance of a building permit.
4. A final Site Plan for Nonresidential Use must be approved prior to the issuance of a building permit. The plan shall generally conform to the site plan depicted in Exhibit “A”.

5. The self-storage shall fully comply with all City of Portland ordinances, rules, and regulations, including the regulation of “Storage, Self-Service” facilities in Unified Development Ordinance Section 508.
6. Outdoor storage is prohibited on the site.
7. Outdoor public address systems or other exterior sound systems are prohibited.

Approval Criteria

1. Impacts Minimized
2. Consistent with this Ordinance
3. Compatible with Surrounding Area
4. Traffic Circulation
5. Effect on Natural Environment
6. Community Need
7. Development Patterns

Planning and Zoning Recommendation

- Recommended approval with negotiated conditions
- No public comment regarding the application

With no citizen comments or participation Mayor Krebs closed the Public Hearing at 7:52 p.m.

9. **ORDINANCE NO. 2096 - SPECIAL USE PERMIT FOR 215 SEVENTH AVENUE:** THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2096 WHICH GRANTS A SPECIAL USE PERMIT FOR A SELF-STORAGE FACILITY AT 215 SEVENTH AVENUE – ASSISTANT CITY MANAGER

Mayor Pro Tem Skurow made the motion to approve the first reading of Ordinance No. 2096 which grants a Special Use Permit for a Self-Storage Facility at 215 Seventh Ave, Council Member seconded the motion.

The motion passed (7-0).

Mayor Krebs read the following caption.

ORDINANCE NO. 2096

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A SELF-STORAGE FACILITY AT 215 SEVENTH AVENUE; 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**

- 10. BIDS FOR GROUNDS AND LANDSCAPING MAINTENANCE OF CITY FACILITIES:** THE CITY COUNCIL WILL CONSIDER BIDS FOR THE “GROUNDS AND LANDSCAPING MAINTENANCE FOR THE CITY OF PORTLAND MUNICIPAL BUILDINGS” THAT WERE RECEIVED, OPENED, AND PUBLICLY READ ON OCTOBER 7, 2014 – ASSISTANT CITY MANAGER

Assistant City Manager Brian DeLatte explained that bids were received, opened and publicly read for the “Grounds and Landscaping Maintenance for the City of Portland Municipal Buildings” on October 7, 2014. Two bids were received, with the best overall bid from M&S Tree and Lawn Service.

The services required include mowing, edging, weed eating, beds maintenance, irrigation maintenance, application of fertilizers/herbicide/insecticide/fungicides, and other necessary activities to maintain and enhance the appearance of the City grounds at the following facilities: City Hall Complex, Police Department, Community Center, Aquatics Center, Joe Burke Pavilion, Skate Park, Bell-Whittington Library, and Public Works Office Complex. M&S Lawn and Tree Service was within budget amount of \$46,425 for 1 year contract renewable up to five (5) subsequent if there are no price increases.

Council Member Jorgensen made the motion to approve the bid from M&S Lawn and Tree Service for the “Grounds and Landscaping Maintenance for the City of Portland Municipal Buildings” and authorize the City Manager to execute all necessary contract documents, Council Member Vilo seconded the motion.

The motion passed (7-0).

- 11. REQUEST TO RESTRICT SUNSET LAKE PARK USE:** THE CITY COUNCIL WILL CONSIDER A REQUEST FROM THE SPONSORS OF THE ANNUAL HARBOR HALF MARATHON TO RESTRICT USE OF SUNSET LAKE PARK ON SATURDAY, NOVEMBER 8, 2014 – DIRECTOR OF PARKS AND RECREATION

Director of Parks and Recreation Kristin Connor explained that the Junior Achievement of the Coastal Bend will be hosting their Annual Harbor Half Marathon on Saturday, November 8, 2014. The race begins at Concrete Street in Corpus Christi and the turn-around/mid-point is in the parking lot of Sunset Lake Park. The request is to restrict access to traffic to Sunset Lake Park and exclusive use including the parking lot and trail from 6:00-10:30 am on the day of the race. The Portland Police Department will provide traffic control and the fees will be paid by the Junior Achievement. The Harbor Half Marathon is a fund raiser for the Junior Achievement with all proceeds going to support the literacy program.

Council Member Lewis made the motion to approve restricting park use at Sunset Lake Park on Saturday, November 8, 2014, 6:00 – 10:30 am for Junior Achievement’s Harbor Half Marathon, Council Member Moore seconded the motion.

The motion passed (7-0).

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

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

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

Neither the City Council nor the Staff is legally permitted to respond to citizen comments, questions, requests, or proposals at the time of the meeting. A member of the City Council or the City Manager may place an item on the agenda of a future City Council workshop or meeting to legally do so. If that is done, the audience member seeking a response will be given advance notice.

There were none.

D. ADJOURNMENT: MAYOR

Mayor Krebs adjourned the meeting at 8:00 p.m.

E. NOTICE OF ASSISTANCE:

If you plan to attend this public meeting and you have a disability that requires special arrangements to be made, please contact City Secretary Annette Hall (361-777-4513 or annette.hall@portlandtx.com) in advance of the meeting. Reasonable accommodations

will be made to facilitate your participation. The City Hall is wheelchair accessible and specially marked parking spaces are located in front of its entrance. Special seating will be provided in the Council Chamber during the meeting.

BRaille IS NOT AVAILABLE

Approved:

David Krebs
Mayor

Attest:

City Secretary



NOTICE OF PUBLIC HEARING

Notice is hereby given that a second public hearing will be held by the City Council of the City of Portland, Texas, at 7:00 p.m. on Tuesday, November 4, 2014, at the City of Portland City Hall, 1900 Billy G. Webb in the City Council Chambers for all persons interested in the proposed annexation. All persons and interested parties shall have the right to appear and be heard at said time and place.

This will be the second of two public hearings as required by Texas Local Government Code Section 43.063. The purpose of the public hearing is to consider the proposed annexation of the following described territory. The proposed annexation boundary is as described herein and as depicted on Exhibit "A":

BEGINNING at a point on the south line of F.M. Highway 893 (80 foot right-of-way) and on the division line of the Wm. E. Hunt and John C. Doyle tract, being the southwest corner of the existing city limits of Portland, TX as described in Ordinance 477 and the southerly southeast corner of the herein described tract;

THENCE, in a westerly direction along the south line of said F.M. Highway 893, a distance of 752 feet, more or less, to a point for an angle point of the herein described tract;

THENCE, in a southwesterly direction, continuing along the south line of said F.M. Highway 893, a distance of 3,810 feet, more or less, to a point on the east line of County Road 3567, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, along the east line of said County Road 3567, a distance of 7,342 feet, more or less, to a point on the north line of County Road 2004, for the westerly northwest corner of the herein described tract;

THENCE, in an easterly direction, along the north line of said County Road 2004, a distance of 2,987 feet, more or less, to a point on the west line of said County Road 2004, for an angle point of the herein described tract;

THENCE, in a northerly direction, along the west line of said County Road 2004, a distance of 1,196 feet, more or less, to a point on the north line of said County Road 2004, for an angle point of the herein described tract;

THENCE, in an easterly direction, along the north line of said County Road 2004, a distance of 4,730 feet, more or less, to a point for an angle point of the herein described tract;

THENCE, in a southeasterly direction, continuing along the north line of said County Road 2004, a distance of 290 feet, more or less, to a point for an angle point of the herein described tract;

THENCE, in a northeasterly direction, departing the north line of said County Road 2004, a

distance of 3,972 feet, more or less, to a point 1,300 feet, more or less, southwest of the south line of County Road 1612, for the northerly northwest corner of the herein described tract;

THENCE, in a southeasterly direction, 1,300 feet, more or less, southwest of and parallel to the south line of said County Road 1612, a distance of 2,620 feet, more or less, to a point on the northwest line of County Road 3767, for an angle point of the herein described tract;

THENCE, in a northeasterly direction, along the northwest line of said County Road 3767, a distance of 330 feet, more or less, to a point 970 feet, more or less, southwest of the south line of said County Road 1612, for an angle point of the herein described tract;

THENCE, in a southeasterly direction, 970 feet, more or less, southwest of and parallel to the south line of said County Road 1612, a distance of 1,360 feet, more or less, to a point for an angle point of the herein described tract;

THENCE, in a northeasterly direction, a distance of 330 feet, more or less, to a point 640 feet, more or less, southwest of the south line of said County Road 1612, for an angle point of the herein described tract;

THENCE, in a southeasterly direction, 640 feet, more or less, southwest of and parallel to the south line of said County Road 1612, a distance of 1,370 feet, more or less, to a point on the easterly line of F.M. Highway 2986, for the northeast corner of the herein described tract;

THENCE, in a southwesterly direction, along the easterly line of said F.M. Highway 2986, at a distance of 3,213 feet, more or less, passing the westerly northwest corner of the existing city limits of Portland, TX as described in Ordinance 809 (Tract 2), continuing along the easterly line of said F.M. Highway 2986 and a westerly line of said Ordinance 809 (Tract 2), at a distance of 4,613 feet, more or less, passing the westerly southwest corner of said Ordinance 809 (Tract 2) and the intersection of the northerly line of F.M. Highway 3239 with the easterly line of said F.M. Highway 2986, continuing for a total distance of 4,791 feet, more or less, to a point where the southerly line of County Road 2004, extended, intersects the easterly line of said F.M. Highway 2986, extended, for the northeast corner of said Ordinance 477 and the easterly southeast corner of the herein described tract;

THENCE, in a northwesterly direction, along the southerly line of said County Road 2004, extended, and a northerly line of said Ordinance 477, at a distance of 1000 feet, more or less, passing the northerly northwest corner of said Ordinance 477 and the northeast corner of Ordinance 1049, continuing for a total distance of 2,690 feet, more or less, to a point for the northwest corner of said Ordinance 1049 and an angle point of the herein described tract;

THENCE, in a southwesterly direction, along the northerly west line of said Ordinance 1049, a distance of 971 feet, more or less, to a point for the westerly southwest corner of said Ordinance 1049 and an angle point of the herein described tract;

THENCE, in a southeasterly direction, along the westerly south line of said Ordinance 1049, a distance of 1,320 feet, more or less, to a point for an angle point of said Ordinance 1049 and an angle point of the herein described tract;

THENCE, in a southwesterly direction, along the southerly west line of said Ordinance 1049, at a distance of 825 feet, more or less, passing the southerly southwest corner of said Ordinance

1049 and the northwest corner of Ordinance 1042, continuing along the west line of said Ordinance 1042, a total distance of 1,320 feet, more or less, to a point for the southwest corner of said Ordinance 1042 and an angle point of the herein described tract;

THENCE, in a southeasterly direction, along the south line of said Ordinance 1042, a distance of 370 feet, more or less, to a point on the northerly west line of said Ordinance 477 and 1000 feet northwest of the southeast line of said F.M. Highway 2986, for the southeast corner of said Ordinance 1042 and an angle point of the herein described tract;

THENCE, in a southwesterly direction, along the northerly west line of said Ordinance 477 and 1000 feet northwest of and parallel to the southeast line of said F.M. Highway 2986, a distance of 1,931 feet, more or less, to a point 1000 feet northeast of the south line of Lang Road, for an angle point of said Ordinance 477 and an angle point of the herein described tract;

THENCE, in a northwesterly direction, along a northerly line of said Ordinance 477 and 1000 feet northeast of and parallel to the south line of said Lang Road, a distance of 1,683 feet, more or less, to a point on the southeast line of Lot 1, Block 1 of Bridge Pointe as recorded in Envelope A-176 of the San Patricio County Map Records, for an angle point of the herein described tract;

THENCE, in a northeasterly direction, along the southeast line of said Bridge Pointe, a distance of 365 feet, more or less, to a point for the east corner of said Bridge Pointe and an angle point of the herein described tract;

THENCE, in a northwesterly direction, along the northeast line of said Bridge Pointe, a distance of 1,320 feet, more or less, to a point for the north corner of said Bridge Pointe and an angle point of the herein described tract;

THENCE, in a southwesterly direction, along the northwest line of said Bridge Point, a distance of 365 feet, more or less, to a point on a northerly line of said Ordinance 477 and 1000 feet northeast of and parallel to the south line of said Lang Road, for an angle point of the herein described tract;

THENCE, in a northwesterly direction, along a northerly line of said Ordinance 477 and 1000 feet northeast of and parallel to the south line of said Lang Road, a distance of 689 feet, more or less, to a point for an angle point of said Ordinance 477 and an angle point of the herein described tract;

THENCE, in a westerly direction, continuing along a northerly line of said Ordinance 477 and 1000 feet northeast of and parallel to the south line of said Lang Road, a distance of 1,900 feet, more or less, to a point for the westerly northwest corner of said Ordinance 477 and an angle point of the herein described tract;

THENCE, in a southerly direction, along the southerly west line of said Ordinance 477, a distance of 3,650 feet, more or less, to a point for the **POINT OF BEGINNING** of the herein described tract, containing 1,863 acres of land, more or less.

Any questions concerning this matter should be directed to Brian DeLatte, P.E., Assistant City Manager, at (361) 777-4601 or brian.delatte@portlandtx.com.



CITY COUNCIL ACTION ITEM

AGENDA TITLE	<u>ISSUANCE OF TAX NOTES FOR CAPITAL PURCHASES:</u> The City Council will consider a Financing Plan for the Issuance of Tax Notes, Series 2014, authorizing staff and consultants to proceed with document preparation.
MEETING DATE	11/4/2014
DEPARTMENT	Finance
SUBMITTED BY	Michel Sorrell, Finance Director

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 Tax Note Issuance, which is not to exceed \$2,305,100, the schedule of Issuance, and projects covered by the Issuance.

PRIOR ACTIONS OR REVIEWS

The City Council adopted the 2014-2015 Fiscal Year Budget on September 2, 2014. The adopted budget contains equipment purchases and capital projects for \$2,305,100. The intended finance method adopted within the budget was a line of credit.

DETAILS / STAFF ANALYSIS

During the adoption of the 2014-2015 Fiscal Year Budget, we anticipated that a line of credit would be used to finance the equipment purchases and capital projects included in the operating budgets. Using a line of credit involves going out for bid to various banks and choosing the one who can offer the lowest interest rate.

Upon further research, and per discussion with the City's Financial Advisor, we determined that the Issuance of Tax Notes would be a better financing tool. Since the City has a good credit rating and sound financial policies, the use of Tax Notes would be at a lower interest rate than using a line of credit. Although we have not locked in an interest rate yet, the City could probably see around 1%, as opposed to rates at over 2% with a financial institution.

The financial plan presented includes the \$2,305,100 for the equipment and capital projects and an additional \$35,000 to cover issuance costs and possible buyer premium. This brings the total issuance to \$2,340,100. The increase ensures that the budgeted \$2,305,100 for the purchases and projects stays intact and that issuance costs do not reduce that amount. The full \$2,340,100 does not have to be issued if the cost of the project and the issuance are below that amount.

ALTERNATIVES CONSIDERED

The equipment purchases and capital projects are part of the adopted 2014-2015 Fiscal Year Budget and are to be funded by either a line of credit or some other means of financing. Alternatives would include pushing the expenditures back or by paying out of reserves. Neither alternative is suitable for such these type of capital expenditures.

FINANCIAL IMPACT

The funding of essential equipment purchases and certain capital projects was adopted during the budget process. The equipment purchases are critical in maintaining infrastructure, facilities, parks and recreation, and technology. Capital Projects included in the operating budgets include community center rehabilitation, the Veteran's Memorial, Indian Point Pier preservation and the Violet Andrews R.O.W. bridge.

The funding mechanism that will be used is the Issuance of Tax Notes. Using this type of issuance while interest rates are low makes the most sense. The capital expenditures approved by the budget process that will be funded by Tax Notes amount to \$2,305,100.

Issuing Tax Notes instead of using a line of credit will save the City money. The interest rate that the City can lock in is significantly lower using Tax Notes than using a financial institution's line of credit. Victor Quiroga, Jr. with Frost Bank, the City's Financial Advisor, along with Tom Spurgeon, Bond Counsel, will manage the process just like past Issuances. This will also save the City time and money since they have the expertise needed to make the issuance a smooth and efficient one.

ATTACHMENTS

None

RECOMMENDED ACTION

Adopt a motion approving the financing plan using the Issuance of Tax Notes, Series 2014 in an amount not to exceed \$2,305,100.



CITY COUNCIL ACTION ITEM

AGENDA TITLE	<u>RESOLUTION NO. 687 – CONSIDERATION OF OFFER TO PURCHASE TAX SALE PROPERTY</u> THE CITY COUNCIL WILL CONSIDER AN OFFER ON THE PROPERTY AT 1101 MEADOWBROOK DRIVE, DESCRIBED AS LOT 1, BLOCK 2, NORTH SHORE, UNIT 10B, AN ADDITION TO THE CITY OF PORTLAND, SAN PATRICIO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN ENVELOPE A-291, A-292 AND A-293, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS; IDENTIFIED ON THE TAX ROLLS UNDER ACCOUNT NUMBER 42384.
MEETING DATE	11/4/2014
DEPARTMENT	Finance
SUBMITTED BY	Michel Sorrell, Director of Finance

EXECUTIVE SUMMARY

Robert Giannamore, of 136 Granby Place, Portland, Texas, has put in a bid of \$500.00 to purchase the property at 1101 Meadowbrook Drive under the provisions of the Property Tax Code that allow sale of property in trusteeship for less than the amount of taxes due.

PRIOR ACTIONS OR REVIEWS

The delinquent tax collection attorneys, Linebarger Goggan Blair & Sampson, LLP, put the property up for sale at public auction on the Courthouse steps (aka: a Sheriff's Sale) on August 6, 2013. However, no one bid on the property. In accordance with the Property Tax Code, when a property fails to sell at a Sheriff's Sale, individuals may file a resale bid form for an amount other than the total taxes due. Robert Giannamore has done this by offering an amount of Five Hundred Dollars (\$500.00).

In the past, the City has approved this type of action with good results. In most instances, all taxing entities approved the sale, the transaction was completed and the properties are once again on the tax rolls and producing income for the taxing entities.

DETAILS / STAFF ANALYSIS

Property taxes have not been paid on this property since 2004 and a judgment for foreclosure was received in the District Court.

The property was struck-off to the San Patricio County, Trustee, pursuant to a delinquent tax foreclosure decree of the 36th Judicial District Court, San Patricio County, Texas.

Robert Giannamore has made an offer in the amount of \$500.00 to purchase the property. The total taxes owed to all three governing entities is, \$17,287.55 and the cost of the sale is \$1,119.00. According to Texas Tax Code - Section 34.02. Distribution Of Proceeds, the cost of the sale is deducted first. The costs of the sale include, but are not limited to, fees and commissions to conduct the sale, court costs, and cost of advertising. Since the cost of the sale is greater than the offer there would be no proceeds to allocate to delinquent taxes.

Robert Giannamore has expressed to Linebarger Goggan Blair & Sampson, LLP, an interest in building a house on the property. Allowing the resale of the property would place it back on the tax roll which could benefit all taxing entities.

ALTERNATIVES CONSIDERED

The City is the first to be given an opportunity to approve the tax resale transaction, this has been the normal practice in the past. If the City approves the resale it will then go before the other two governing entities. If the resale is not considered and approved the property will remain in its current state and as a non-revenue producing property.

Ms. Amy Rodriguez and Mr. Robert Cuevas of the Linebarger Goggan Blair & Sampson, LLP firm will be present at the meeting to discuss this offer in detail. She has been in touch with Robert Giannamore on the City’s behalf and can advise the Council on any issues.

FINANCIAL IMPACT

In its current state, this specific property is not generating any revenue to any of the taxing entities. The property is currently valued at \$36,714.00 on the tax rolls, with taxes due of \$17,287.55. However, when the property was offered for the amount of taxes due, no one bid on it. Assuming the transaction under discussion does go through, and it is put back on the tax roll, the City and the other taxing entities will receive some benefit in the future.

ATTACHMENTS

Resolution Number 687, authorizing the Tax Resale of the Property
Account print out from the San Patricio County Tax Office showing payment history
Documents supplied by Linebarger Goggan Blair & Sampson, LLP law firm:

- Resale Bid Form dated July 10, 2014;
- Analysis of Bid Received for Tax Resale Property

RECOMMENDED ACTION

Motion to approve Resolution No. 687 accepting the bid by Robert Giannamore of \$500.00 for the cost of the sale and the total property taxes due to all entities for the property.

Resolution No. 687

Resolution Authorizing Tax Resale

WHEREAS, by Sheriff's Sale *conducted* on August 6, 2013, the property described below was struck-off to the San Patricio County, Trustee, pursuant to a delinquent tax foreclosure decree of the 36th Judicial District Court, San Patricio County, Texas, and

WHEREAS, the sum of \$500.00 has been tendered by Robert Giannamore, 136 Granby Pl., Portland, TX 78374, for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982), and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Portland that its Mayor, David Krebs, be and he is hereby authorized to execute a tax resale deed on behalf of the City conveying to Robert Giannamore all of the right, title, and interest of the City, and all other taxing units interested in the tax foreclosure judgment in the following described real property located in San Patricio County, Texas

Account No. 42384; 1101 Meadowbrook Drive, Lot 1, Block 2, North Shore, Unit 10B, an addition to the City of Portland, San Patricio County, Texas, according to the map or plat thereof, recorded in Envelope A-291, A-292 and A-293, Map Records of San Patricio County, Texas.

PASSED AND APPROVED this 4th day of November 2014.

David Krebs, Mayor

ATTEST:

Annette Hall, City Secretary

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW
500 NORTH SHORELINE BLVD., SUITE 1111
CORPUS CHRISTI, TEXAS 78401

(361) 888-6898
FAX (361) 888-4405

Tax Resale Property Offer Form

The property is being sold for taxes, and all sales are made subject to a right to redeem within the time and manner provided by law. Purchasers do have a legal right to possession of the property during the redemption period. Successful Purchasers will receive a Tax Resale Deed, which is without warranty. It is the bidder's responsibility to do their own title examination and satisfy themselves as to the condition of the title before submitting an offer. It is also the bidder's responsibility to satisfy themselves concerning the location and condition of the property on the ground before submitting an offer.

All offers must be submitted on this form, to the law office of Linebarger Goggan Blair & Sampson, LLP at 500 North Shoreline Blvd., Suite 1111, Corpus Christi, Texas 78401. All offers will be subject to approval by the taxing entities that have an interest in the subject property. The bidders should be prepared to wait at least 90 days for approval. Upon approval, the successful bidder is required to pay the entire amount of the offer within 10 days to the Linebarger firm at the address shown above. If more than one offer is received for a particular property, the law firm may schedule a second auction among those parties who have submitted written offers.

The Law Firm or the Taxing Entities will not supply or pay for any closing costs, including, but not limited to: Owner Financing, Title Policy, Abstract of Title, Survey, Appraisal, Termite Certificate

I understand that the property is being sold in "as is" condition without Warranty. I further understand that I may be subject to penalty provisions of applicable Texas Law for failure to submit payment in accordance with the amount of bid.

Subject to the terms and conditions stated herein, I submit the following offer on the property described below:

Amount of Offer: \$500

Suit Number: S-08-1109-TX Line #: _____

Tax Account No.: 42384 / 1105-2002-0001-000

Legal Description: LOT 1, BLOCK 2, NORTH SHORE, UNIT 10B
0.202 ACRES

Submitted by: ROBERT GIANNAMORIE

Address: 136 GRANBY PL
PORTLAND TX 79374

Telephone Number(s): 203-982-2265c, 361-704-6774h, 361-881-2600w

Signature: Robert Giannamorie

Date Submitted: 7-10-14

(Please print all information clearly)

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

Attorneys At Law
500 N SHORELINE BLVD STE 1111
CORPUS CHRISTI, TEXAS 78401-0357

(361) 888-6898
FAX (361) 888-4405

ANALYSIS OF BID RECEIVED FOR TAX RESALE PROPERTY

Suit No. S-08-1109-TX; Gregory-Portland Independent School District, City of Portland and San Patricio County vs. Northshore Ten, Inc., et al

Legal Description: ACCT. NO. 42384; Lot 1, Block 2, North Shore, Unit 10B, an addition to the City of Portland, San Patricio County, Texas, according to the map or plat thereof, recorded in Envelope A-291, A-292 and A-293, Map Records of San Patricio County, Texas.

Bidder: Robert Giannamore, 136 Granby Pl., Portland, TX 78374

Date of Sale:	August 6, 2013
Amount Due All Entities:	\$17,287.55
Amount of Bid:	\$500.00
Cost of Sale:	\$1,119.00
Current Value:	\$36,714.00
% of Total Due:	2.72 %
% of Current Value:	1.36 %

Entity	Amount Due	Amount You
Name	Each Entity	Will Receive
Gregory-Portland ISD	\$9,647.80	\$0.00
San Patricio County	\$4,112.17	\$0.00
City of Portland	\$3,527.58	\$0.00

Property located at 1101 Meadowbrook Dr., Portland, San Patricio County, Texas



CITY COUNCIL ACTION ITEM

AGENDA TITLE **REQUEST BY “OPERATION FINALLY HOME” FOR THE WAIVER OF VARIOUS BUILDING AND PERMIT FEES**

The City Council will consider a request from Operation Finally Home and the Corpus Christi Builders Association to waive certain fees to support the construction of a mortgage-free home to be given to a local wounded veteran.

MEETING DATE 11/4/2014

DEPARTMENT Administration

SUBMITTED BY Randy L. Wright, City Manager

EXECUTIVE SUMMARY

Operation Finally Home is building a home for a wounded veteran and has requested the City waive various building fees. The City charges various inspection and permit fees for new construction. The organization has requested the City consider waiver of those various fees.

PRIOR ACTIONS OR REVIEWS

None

DETAILS / STAFF ANALYSIS

Operation Finally Home is a non-profit organization that builds custom-built, mortgage-free homes for wounded, ill and injured veterans. The organization, based in New Braunfels, partners with national and local corporate sponsors, builder associations, developers, contributors and individuals to build these homes across the U.S.

The organization, through one of their primary sponsors, the Corpus Christi Builders Association has requested that the City waive building and permit fees. The home will be built at 1907 Cottonwood and is estimated to be valued at \$170,000. Jeremy Bush, a Navy veteran and Portland resident, has been chosen to receive the home mortgage free.

Based on our fee and permit structure, the building would incur the following fees:

Bureau Veritas inspection fees (pass through charges)	\$ 831.45
City fees (Technology fee, C/O Inspection, personnel costs, etc.)	588.95
Water Meter Fee	<u>100.00</u>
Total Fees	\$1,520.40

Since Bureau Veritas is a contractor for the City, we have requested that they waive their fee if the City waives all other fees. Bureau Veritas has agreed to waive its fees.

ALTERNATIVES CONSIDERED

None.

FINANCIAL IMPACT

Outlined above.

ATTACHMENTS

- Organization Brochure

RECOMMENDED ACTION

Motion to support Operation Finally Home by waiving all building and permit fees associated with the construction of 1907 Cottonwood.

FACTS ABOUT AMERICA'S HEROES.

2.5 MILLION

The number of troops that have been deployed to Afghanistan and Iraq since America's war on terror began, according to military statistics.

5,363

According to the Department of Defense, the total number of U.S. troops killed in action (KIA) as of August 26, 2014.

3,757

The number of women and men that have been widowed in America's war on terror (including combat and accidental deaths, those who've succumbed to wounds later and suicides thereafter).

1,715

The number of troops who've had limbs amputated from injuries in Iraq and Afghanistan.

52,194

According to the Department of Defense, the total number of U.S troops wounded in action (WIA) as of August 26, 2014.

Source: Department of Defense

LOOK INSIDE TO FIND OUT HOW YOU CAN HELP.



**OPERATION
FINALLY HOME**
OPERATIONFINALLYHOME.ORG

1659 State Highway 46 West, Ste 115-606
New Braunfels, Texas 78132



**BUILDING HOMES
TO WELCOME
THEM HOME.**

Just as our nation's troops have served us, we now must serve them. In return for the tremendous sacrifices our troops make every day to ensure our safety and freedoms, they deserve the best care and support upon their return.

And that includes a home.

Operation FINALLY HOME supporters volunteer their time, energy, materials, and financial support to contribute to the construction of new homes, each custom-designed and built for wounded veterans.

What we do is a crucial step in helping American veterans deal with new challenges as they transition back to a normal life.



**HONORING HEROES
WITH HOMES.**



**OPERATION
FINALLY HOME**

OPERATIONFINALLYHOME.ORG

OPERATION FINALLY HOME.

Operation FINALLY HOME is a national nonprofit organization that brings together a special network of experienced home builders, building suppliers and supporters. Our mission is to provide custom-built, mortgage-free homes to wounded, ill and injured veterans, the widows of the fallen and their families, creating a solid foundation to help them to move forward in their lives.

To accomplish this important mission, Operation FINALLY HOME partners with national and local corporate sponsors, builder associations, builders, developers, individual contributors, and volunteers in local communities across the U.S.



HOW CAN YOU HELP?

There is no greater honor than to show your support for our heroes. Everyone can help Operation FINALLY HOME fulfill its mission.

BUILDERS

We need you to help build the homes for our heroes.

BUILDING SUPPLIERS

We need you to supply the materials for the homes.

LAND DEVELOPERS

We need lots on which to build the homes.

EVERY AMERICAN

We need your support. You can organize an event in your town to raise awareness and funds to build a home for our severely wounded service members, widows of the fallen and their families. You can also volunteer for one of our home projects in your area. For a list of homes currently under construction, please check our event calendar at:

www.operationfinallyhome.org

SHOW YOUR SUPPORT FOR AMERICA'S VETERANS.

Operation FINALLY HOME is dedicated to rebuilding the lives of America's war wounded and the widows of the fallen. With your help and support, we can relieve their stress, rebuild their self-esteem, and restore their faith and hope in a greater future.

The financial contributions that you are able to provide will help Operation FINALLY HOME obtain the resources to assist America's wounded veterans, widows and families.

ONLINE DONATIONS

Please make your tax-deductible donation at:
www.operationfinallyhome.org

MAIL-IN DONATIONS

Please mail your check (tax-deductible) to:
Operation FINALLY HOME
1659 State Highway 46 West, Ste 115-606
New Braunfels, Texas 78132

Operation FINALLY HOME was established in 2005 as a nonpartisan/nonprofit 501(c)(3) organization.



AGENDA TITLE **ORDINANCE NO. 2095 – SPECIAL USE PERMIT FOR 1200 BROADWAY BLVD.**

The City Council will consider the second and final reading of Ordinance No. 2095 approving a Special Use Permit governing the use of 1200 Broadway Blvd. as a “School, College or Vocational” – Assistant City Manager

MEETING DATE 11/4/2014

DEPARTMENT Building and Development

SUBMITTED BY Brian DeLatte, P.E., Assistant City Manager

EXECUTIVE SUMMARY

A Special Use Permit (SUP) application has been submitted by Gregory-Portland Independent School District (GPISD) via Urban Engineering, Inc. (UE), to allow its existing facility at 1200 Broadway Blvd. to be utilized as a vocational training facility. The Unified Development Ordinance (UDO) was recently amended to allow such a use through the SUP process. City Staff has negotiated a set of conditions with GPISD and UE that would require any use of the facility for vocational training to appear in similar nature to the previous church and daycare facility that operated on site. As a result, the visual and audial net impacts of approving the Special Use Permit are negligible. The Planning and Zoning Commission unanimously recommended approval of the Special Use Permit at its October 14, 2014, meeting. There has been no public comment regarding the Special Use Permit.

SPECIAL USE PERMIT REQUEST

GPISD’s facility at 1200 Broadway Blvd. was previously utilized as a church and daycare facility. GPISD desires to utilize the building as a vocational training facility for Cheniere Energy. Since the property is located in an R-7 Single-Family Residential District, the use of the property as a vocational training facility is not permitted without an SUP.

SPECIAL USE PERMIT APPROVAL CRITERIA

Section 315 of the UDO outlines the following criteria for which the Planning and Zoning Commission and City Council shall base approval. UE has provided a response for each criterion:

1. *Impacts Minimized.* Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.

GPISD Response: "The Special Use Permit will be for an existing facility. There will be no adverse effects or visual impact on adjacent properties."

Staff Comment: The negotiated conditions have been fashioned so that the use of the facility as a vocational training school does not have adverse impacts on the the surrounding properties.

2. *Consistent with this Ordinance.* Whether and the extent to which the proposed special use would conflict with any portion of this Ordinance, including the applicable zoning district intent statement.

GPISD Response: "The proposed office and training facility use is consistent with adjoining school facility permitted in the residential district. This facility was formerly used as a church and daycare facility which is not significantly different from the proposed use."

Staff Comment: Staff concurs.

3. *Compatible with Surrounding Area.* Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.

GPISD Response: "The proposed use as a training/office and the adjacent East Cliff Elementary School now under construction are compatible uses."

Staff Comment: The negotiated conditions have been fashioned so that the use of the facility as a vocational training school does not have adverse impacts on the the surrounding properties.

4. *Traffic Circulation.* Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.

GPISD Response: "Existing facilities will be used and a significant increase in traffic is not anticipated."

Staff Comment: Condition 12 prohibits parking within the Broadway right-of-way.

5. *Effect on Natural Environment.* Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to water or air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

GPISD Response: "The granting of the Special Use Permit would not result in

significant adverse impacts on the natural environment.”

Staff Comment: Condition 9 prohibits activities that would have adverse impacts on the natural environment.

6. **Community Need.** Whether and the extent to which the proposed special use addresses a demonstrated community need.

GPISD Response: “Cheniere Energy has been unable to locate facilities large enough for expansion in the community. Both the size and location of the proposed facilities will allow for the expansion of an existing contributor to the economic growth of the City. Other tenants with similar needs would also benefit from the availability and location of the facilities if needed.”

Staff comment: None.

7. **Development Patterns.** Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.

GPISD Response: “The proposed special use would allow for the continued growth of the community. The granting of the special use permit would allow an already existing contributor to the community to grow and remain in the community.”

Staff comment: None.

CONDITIONS TO THE SPECIAL USE PERMIT

City Staff recommends that the following conditions are imposed. The applicant agreed in writing on September 23, 2014, with the imposition of these conditions.

1. The use of the facility shall be limited to those permitted uses in the R-7, Single-Family Residential District or to those uses permitted by this Special Use Permit.
2. The Special Use Permit permits the operation of a vocational training facility at the location described in the metes and bounds in Exhibit “A”. The Special Use Permit is not applicable nor is transferable to the remainder of the property.
3. “Vocational school” is defined in the Unified Development Ordinance. This Special Use Permit allows indoor education and career center activities, training activities, and offices designed to support the educational and training mission. Professional, commercial, retail, industrial, or corporate offices are prohibited.
4. This Special Use Permit expires in the event that Gregory-Portland Independent School District sells, transfers, or otherwise divests ownership of the property.

5. Outdoor activities are prohibited on the site. This term does not include activities required to maintain the building and grounds.
6. Outdoor public address systems or other exterior sound systems are prohibited.
7. Exterior security or aesthetic lighting must be of a type and situated to prevent adjacent residences from receiving direct lighting. New exterior lighting installation or replacement of existing exterior lighting shall conform to Unified Development Ordinance Section 713.
8. Hours of operation shall not begin prior to 7:00 a.m. nor extend beyond 9:00 p.m.
9. Industrial or production activities are prohibited on the site. For the purposes of this Special Use Permit, "industrial or production activity" is any activity that involves the use of attended or autonomous equipment, power tools, or other devices to cut, bend, bond, coat, melt, weld, perforate or fabricate metal, wood, or other construction material. "Industrial or production activity" shall also include any activity subject to the National Pollutant Discharge Elimination System Industrial Permits as defined in 40 CFR, Section 122.26. The term does not include indoor simulated training stations, indoor educational displays, indoor storage or use of non-hazardous chemicals for training purposes, or activities required to maintain the building and grounds.
10. In compliance with Unified Development Ordinance Section 712, no new signage shall be installed on the property. Any modification to the existing ground sign located at the site's entrance shall be limited to the existing sign size, height, and material type. The proposed sign text shall identify the facility as a "vocational training facility," "educational training facility," or other similar wording that denotes vocational or educational use. The proposed sign text shall not identify the facility as an "office," "corporate office," "professional office," or other similar wording that denotes office, commercial, professional, or other non-residential uses.
11. Any new building construction, modification, renovation, or expansion shall meet the requirements of Unified Development Ordinance Section 802.
12. The Gregory-Portland Independent School District and the tenant must provide all necessary off-street parking on site. Parking shall be prohibited within public right-of-way.

During the first reading of the Ordinance, Councilwoman Skurow made a motion that an additional condition be included. GPISD has agreed to the condition:

13. The Gregory-Portland Independent School District is solely responsible for notifying tenants of 1200 Broadway Blvd. of the conditions of the Special Use Permit and shall enforce the conditions of the Special Use Permit on its tenants.

ADJACENT PROPERTY NOTIFICATIONS AND PUBLIC HEARING NOTICES

There are 25 adjacent properties within 200 feet of the subject lot. Property owners were notified by mail, postmarked September 26, 2014, of Public Hearings at the Planning and Zoning Commission and City Council meetings. Notice was also posted in the Coastal Bend Herald on September 25, 2014, in conformance with UDO Section 302. There has been no written or oral comment to the Development Services Department as of October 31, 2014.

PUBLIC HEARING HEARING AND RECOMMENDATION BY PLANNING AND ZONING COMMISSION

In accordance with UDO Section 315, the Planning and Zoning Commission conducted a public hearing on October 14, 2014. There was no public comment during the public hearing. At the conclusion of the public hearing, the Planning and Zoning Commission considered the application, pertinent comments by City Staff, other relevant support materials and public testimony given at the public hearing. The Planning and Zoning Commission voted 7-0 to recommend to the City Council the approval of the Special Use Permit.

ATTACHMENTS

- Proposed Ordinance No. 2095

RECOMMENDED ACTION

Adopt a motion approving the second and final reading of Ordinance No. 2095.

1 **ORDINANCE NO. 2095**

2
3 **AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A**
4 **VOCATIONAL TRAINING FACILITY AT 1200 BROADWAY BLVD.;**
5 **PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT**
6 **HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A**
7 **PENALTY FOR VIOLATIONS; PROVIDING AND ESTABLISHING AN**
8 **EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION**
9

10 **WHEREAS** Gregory-Portland Independent School District, the owner of 1200 Broadway
11 Blvd., has submitted a Special Use Permit application to lease its existing facility to Cheniere
12 Energy, Inc., for use as a vocational training facility; and
13

14 **WHEREAS** a vocational training facility is classified as a “School, College or Vocational”
15 on the Unified Development Ordinance Permitted Use Table as requiring a Special Use Permit
16 prior to the issuance of a building permit or certificate of occupancy; and,
17

18 **WHEREAS** the Planning and Zoning Commission conducted a Public Hearing on October
19 14, 2014, and recommended that the request be granted by the City Council with conditions;
20 and,
21

22 **WHEREAS** the City Council conducted a Public Hearing on October 21, 2014, to solicit
23 comments concerning revisions to the Unified Development Ordinance; and,
24

25 **WHEREAS** no formal written protest was filed by adjacent property owners and a
26 majority vote is required to approve both readings of this ordinance; and,
27

28 **WHEREAS** the City Council deliberated approval of the Special Use Permit on October
29 21, 2014.
30

31 **NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,**
32 **TEXAS:**
33

34 **SECTION 1:** Special Use Permit No. 2095 is hereby granted with the following conditions
35 as set forth in the Unified Development Ordinance Section 315.
36

- 37 1. The use of the facility shall be limited to those permitted uses in the R-7, Single-
38 Family Residential District or to those uses permitted by this Special Use Permit.
39
- 40 2. The Special Use Permit permits the operation of a vocational training facility at the
41 location described in the metes and bounds in Exhibit “A”. The Special Use Permit is
42 not applicable nor is transferable to the remainder of the property.
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3. “Vocational school” is defined in the Unified Development Ordinance. This Special Use Permit allows indoor education and career center activities, training activities, and offices designed to support the educational and training mission. Professional, commercial, retail, industrial, or corporate offices are prohibited.
 4. This Special Use Permit expires in the event that Gregory-Portland Independent School District sells, transfers, or otherwise divests ownership of the property.
 5. Outdoor activities are prohibited on the site. This term does not include activities required to maintain the building and grounds.
 6. Outdoor public address systems or other exterior sound systems are prohibited.
 7. Exterior security or aesthetic lighting must be of a type and situated to prevent adjacent residences from receiving direct lighting. New exterior lighting installation or replacement of existing exterior lighting shall conform to Unified Development Ordinance Section 713.
 8. Hours of operation shall not begin prior to 7:00 a.m. nor extend beyond 9:00 p.m.
 9. Industrial or production activities are prohibited on the site. For the purposes of this Special Use Permit, “industrial or production activity” is any activity that involves the use of attended or autonomous equipment, power tools, or other devices to cut, bend, bond, coat, melt, weld, perforate or fabricate metal, wood, or other construction material. “Industrial or production activity” shall also include any activity subject to the National Pollutant Discharge Elimination System Industrial Permits as defined in 40 CFR, Section 122.26. The term does not include indoor simulated training stations, indoor educational displays, indoor storage or use of non-hazardous chemicals for training purposes, or activities required to maintain the building and grounds.
 10. In compliance with Unified Development Ordinance Section 712, no new signage shall be installed on the property. Any modification to the existing ground sign located at the site’s entrance shall be limited to the existing sign size, height, and material type. The proposed sign text shall identify the facility as a “vocational training facility,” “educational training facility,” or other similar wording that denotes vocational or educational use. The proposed sign text shall not identify the facility as an “office,” “corporate office,” “professional office,” or other similar wording that denotes office, commercial, professional, or other non-residential uses.
 11. Any new building construction, modification, renovation, or expansion shall meet the requirements of Unified Development Ordinance Section 802.

87 12. The Gregory-Portland Independent School District and the tenant must provide all
88 necessary off-street parking on site. Parking shall be prohibited within public right-
89 of-way.
90

91 13. The Gregory-Portland Independent School District is solely responsible for notifying
92 tenants of 1200 Broadway Blvd. of the conditions of the Special Use Permit and shall
93 enforce the conditions of the Special Use Permit on its tenants.
94

95 **SECTION 2:** The failure of the facility owner (Gregory-Portland Independent School
96 District) or the tenant to comply with any conditions of this Ordinance shall immediately render
97 this Ordinance null and void. In such an event, the City of Portland shall strictly enforce the
98 requirements of the R-7, Single-Family Residential District by any and all legal means necessary.
99

100 **SECTION 3:** If any provision, section, clause, or phrase of this Ordinance, or the
101 application of same to any person or set of circumstances is, for any reason held to be
102 unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall
103 not be affected thereby, it being the intent of the City Council in adopting this Ordinance that
104 no portion hereof, or provisions or regulations contained herein, shall become inoperative or
105 fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this
106 Ordinance are declared severable for that purpose.
107

108 **SECTION 4:** Any previously adopted ordinance, resolution, rule, regulation, or policy in
109 conflict with this Ordinance is hereby repealed.
110

111 **SECTION 5:** Any person who violates this Ordinance shall be guilty of a misdemeanor
112 and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars
113 (\$500.00). Each and every day that a violation of this Ordinance occurs shall constitute a
114 separate offense.
115

116 **SECTION 6:** This Ordinance shall be published after second reading hereof by publishing
117 the caption thereof in the official newspaper with a statement the public may view the
118 Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after
119 the publication provided herein.
120

121 **PASSED and APPROVED** on second reading this ___ day of _____ 2014.
122

123 **CITY OF PORTLAND**
124

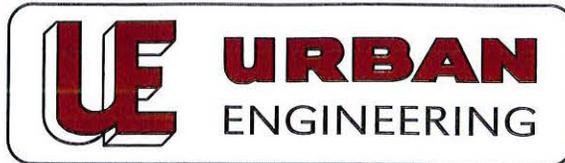
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126 _____
127 **David Krebs**
128 **Mayor**
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ATTEST:

Annette Hall
City Secretary

EXHIBIT "A"



September 9, 2014
Job No. 29914.B4.01

2.73 Acre

STATE OF TEXAS COUNTY OF SAN PATRICIO

Fieldnotes, for a 2.73 Acre tract, of Lot 1, Block 1, North Shore Unit 6, as recorded in Instrument No. 484248, Envelope A276 and A277, Tube 4-3, of the Map Records of San Patricio County, Texas, said 2.73 Acre tract being more fully described as follows:

Beginning at a 5/8 inch iron rod found, with red plastic cap stamped "Urban Engr C.C. Tx", on the Southwest R-O-W of Broadway Boulevard, a public roadway, for the North corner of the said Lot 1 and the beginning of a non-tangent curve to the right, having a radius point which bears, South 55°08'29" West, 1435.35 feet, a central angle of 14°08'50", a radius of 1435.35 feet, a tangent length of 178.11 feet and an arc length of 354.41 feet;

Thence, with the said Southwest R-O-W and the arc of the said non-tangent curve to the right, 354.41 feet, to the East corner of this tract;

Thence, South 44°13'47" West, 303.39 feet, to the Southeast corner of this tract;

Thence, North 72°19'07" West, 154.89 feet, for a corner of this tract;

Thence, North 59°58'34" West, 85.70 feet, to the West line of the said Lot 1, for the Southwest corner of this tract, from whence, a 5/8 inch iron rod with cap stamped "RPLS 2212" found, for the Southwest corner of the said Lot 1 bears, South 30°01'26" West, 804.85 feet;

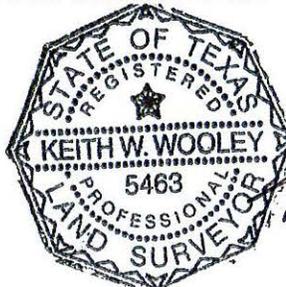
Thence, North 30°01'26" East, with the West line of the said Lot 1, 485.84 feet, to a 5/8 inch iron rod with a red plastic cap stamped "Urban Engr C.C. Tx" found, for a corner of this tract;

Thence, North 52°31'09" East, 32.16 feet to the Point of Beginning, containing 2.73 acres (118,880 square feet) of land, more or less.

Bearings based on GPS, NAD83, State Plane Coordinates, Texas South Zone 4205.

Unless this Field Notes Description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility or liability for its accuracy.

Also reference accompanying sketch of tract described herein.



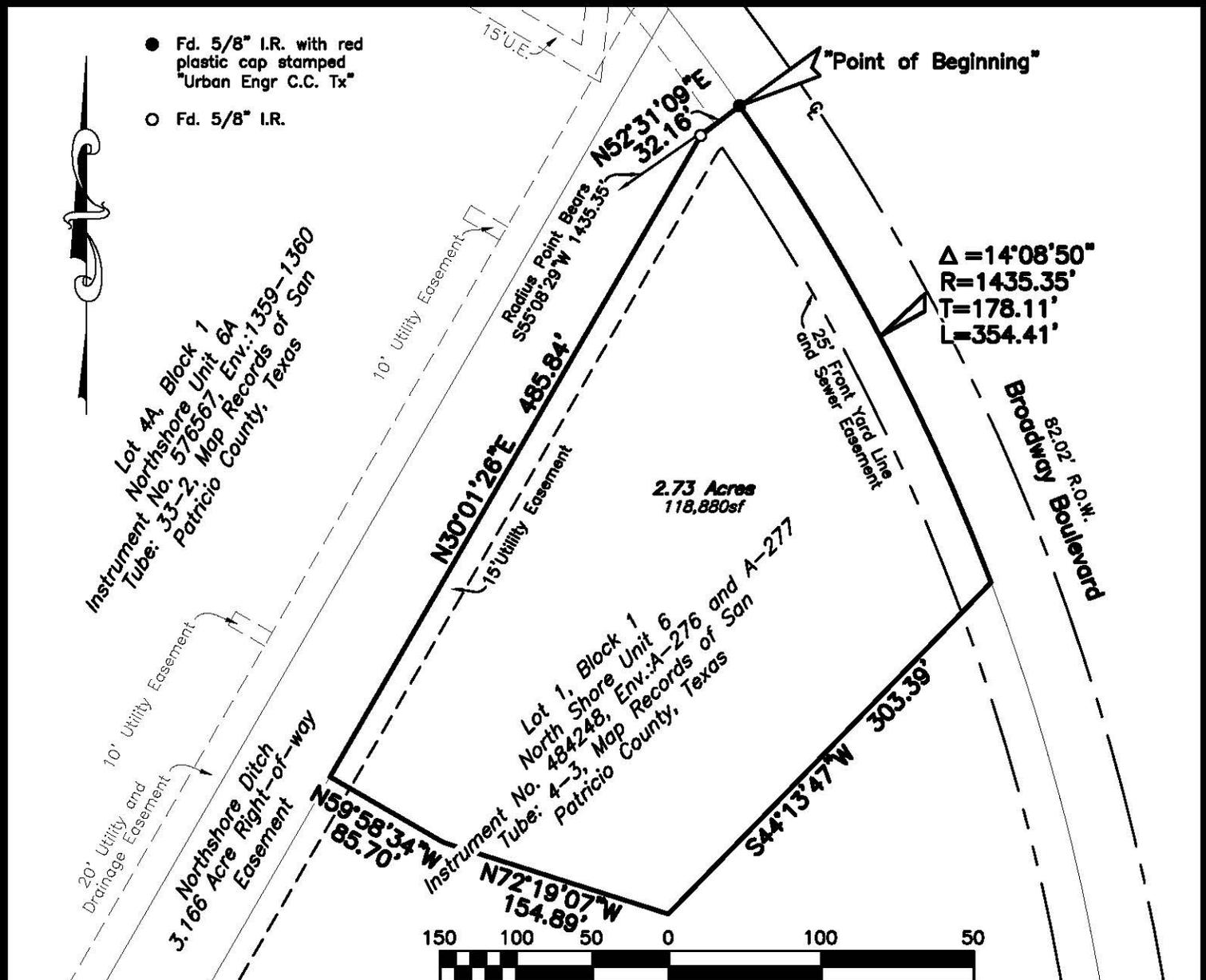
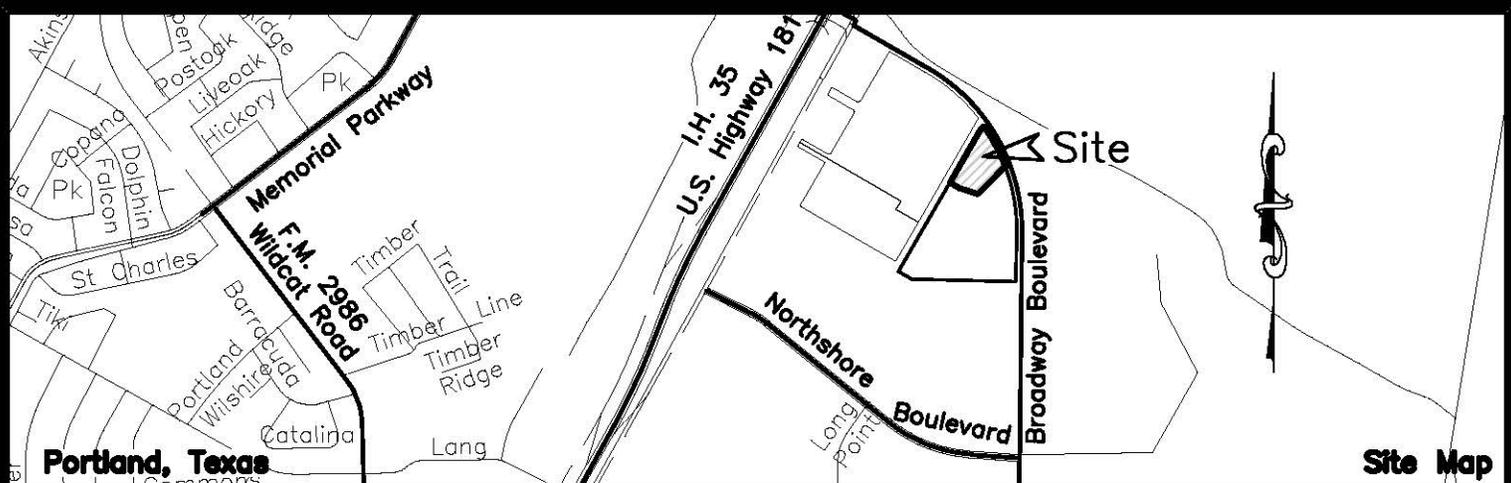
URBAN ENGINEERING

Keith W. Wooley
Keith W. Wooley, R.P.L.S.
License No. 5463

(361)854-3101

2725 SWANTNER DR. • CORPUS CHRISTI, TEXAS 78404

FAX (361)854-6001



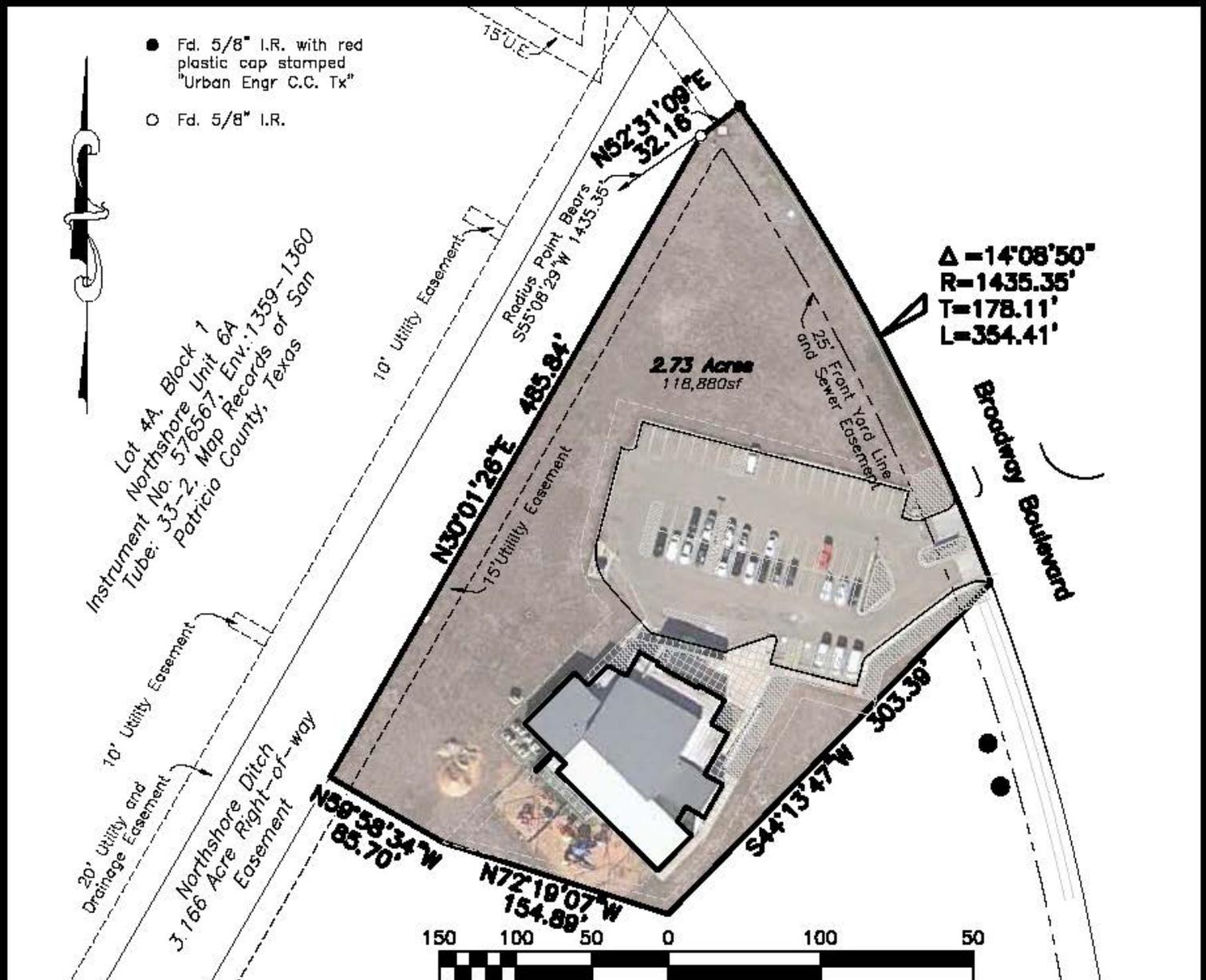
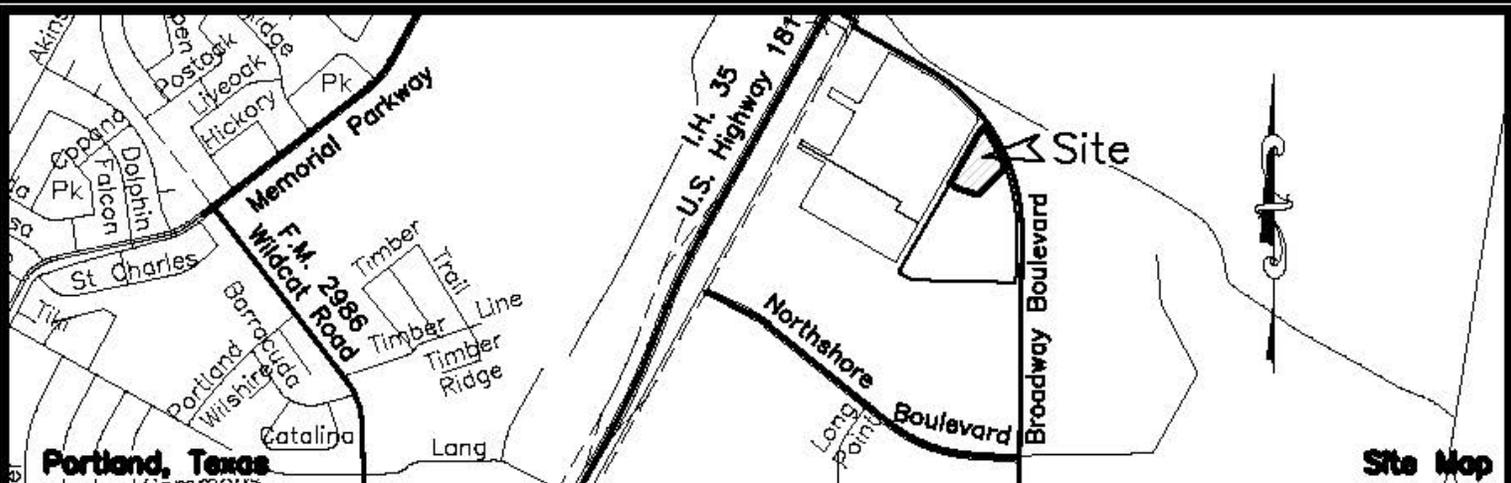
Sketch to Accompany

fieldnotes for a 2.73 Acre Tract out of Lot 1, Block 1, North Shore Unit 6, a map of which is recorded in Instrument No. 484248, Envelope A276 and A277, Tube 4-3, of the Map Records of San Patricio County, Texas

URBAN ENGINEERING

2725 Swanner St., Corpus Christi, TX 78404
 TBPE Firm No. 145 TBPLS Firm No. 10032400
 PHONE: (361) 854-3101 FAX: (361) 854-6001

DATE: Sept. 9, 2014
 SCALE: 1" = 100'
 JOB NO.: 29914.B4.01
 SHEET: 1 of 1
 DRAWN BY: XG
 © 2014 by Urban Engineering



Site Plan for

a 2.73 Acre Tract out of Lot 1, Block 1, North Shore Unit 6, a map of which is recorded in Instrument No. 484248, Envelope A276 and A277, Tube 4-3, of the Map Records of San Patricio County, Texas

URBAN ENGINEERING

2725 Summer St., Corpus Christi, TX 78404
 TBP# Firm No. 145 TBP# Firm No. 10032400
 PHONE: (361) 654-3101 FAX: (361) 654-0001

DATE: Sept. 9, 2014
 SCALE: 1" = 100'
 JOB NO.: 29914.B4.01
 SHEET: 1 of 1
 DRAWN BY: XG
 © 2014 by Urban Engineering

AGENDA TITLE **ORDINANCE NO. 2096 – SPECIAL USE PERMIT FOR 215 SEVENTH AVENUE**

The City Council will consider the second and final reading of Ordinance No. 2096 approving a Special Use Permit for the construction of a self-storage facility at 215 Seventh Avenue – Assistant City Manager

MEETING DATE 11/4/2014

DEPARTMENT Building and Development

SUBMITTED BY Brian DeLatte, P.E., Assistant City Manager

EXECUTIVE SUMMARY

A Special Use Permit (SUP) application has been submitted by Robert M. Kennedy for a self-storage facility at 215 Seventh Avenue. Staff analysis shows that the request meets the technical requirements for granting the SUP. The Planning and Zoning Commission unanimously recommended approval of the Special Use Permit at its October 14, 2014, meeting. There has been no public comment regarding the Special Use Permit.

SPECIAL USE PERMIT REQUEST

215 Seventh Avenue is located on the abandoned railroad corridor right-of-way between Ken-Air and Railroad Avenue. The adjacent properties are:

- East—Ken-Air
- South—Seventh Street and abandoned railroad corridor right-of-way
- West—Railroad Avenue and McWhorter Electric
- North—Coastal Bend Lawn and Garden

The construction of a self-storage facility is not permitted by right in the OT-2 Olde Town Mixed Use District. An SUP is required so that the Planning and Zoning Commission and City Council can review the merits of the application and enforce any conditions necessary to prevent or minimize adverse effects on other properties in the neighborhood.

SPECIAL USE PERMIT APPROVAL CRITERIA

Section 315 of the UDO outlines the following criteria for which the Planning and Zoning Commission and City Council shall base approval. Kennedy has provided a response for each criterion:

1. *Impacts Minimized.* Whether and the extent to which the site plan minimizes adverse

effects, including adverse visual impacts, on adjacent properties.

Kennedy Response: "We don't feel that there is any impact on adjacent properties. The building is architecturally very similar to the existing neighborhood buildings. The area buildings are predominantly metal buildings with wainscot or face brick as required by city ordinance. This building will be the same."

Staff Comment: Pictures presented at the Public Hearing will show the existing surrounding buildings.

2. *Consistent with this Ordinance.* Whether and the extent to which the proposed special use would conflict with any portion of this Ordinance, including the applicable zoning district intent statement.

Kennedy Response: "The proposed special use is for dry storage of household or office furnishings and equipment, perhaps some sporting and recreational equipment. All stored items will be indoors with none visible to the exterior. Storage compartments are accessed from interior halls minimizing the number of exterior doors. There are 5 doors, two on each end and one on the west side in the middle. These are minimal fire safety and access as required. The present zoning is Old Town -2 (mixed use), there should be no conflict having a storage use. The building to the east is a converted train station and warehouse space was prevalent in the past."

Staff Comment: None.

3. *Compatible with Surrounding Area.* Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.

Kennedy Response: "Present use in the area are a small engine repair shop, an air conditioning contractor, a home builders offices, and an electrical contractor's office and yard. The proposed use will be absolutely minimal disturbance to the existing businesses."

Staff Comment: Staff concurs.

4. *Traffic Circulation.* Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.

Kennedy Response: "The proposed project will not impact traffic. Typically such self-storage businesses have fewer than 3 visitors per hour, parking is being provided. Peak traffic will typically occur on the weekends when other businesses are closed."

Staff Comment: Staff concurs.

5. *Effect on Natural Environment.* Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to water or air quality, noise, storm water management, wildlife, vegetation, wetlands, and the practical functioning of the natural environment.

Kennedy Response: "Environmental impact will not occur, dry storage facilities use little to no water and discharge no liquids from any process. There is one toilet in the facility and there will be use of the toilet and some hand washing, but no anticipated use of pollutant materials."

Staff Comment: Staff concurs.

6. *Community Need.* Whether and the extent to which the proposed special use addresses a demonstrated community need.

Kennedy Response: "The community need for this facility is typical. Similar facilities are generally filled within 3 to 6 months of their construction and remain at full capacity for a very long time. Available storage facilities reduce the clutter in people's yards, which aids in promoting attractive neighborhoods."

Staff comment: None.

7. *Development Patterns.* Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.

Kennedy Response: "We don't anticipate that the project will result in any pattern of development. The area is already fairly well developed and this project simply fills existing vacant land in the midst of a nearly fully developed subdivision."

Staff comment: Staff concurs.

CONDITIONS TO THE SPECIAL USE PERMIT

City Staff recommends that the following conditions are imposed. The applicant agreed in writing on October 9, 2014, with the imposition of these conditions.

1. The use of the facility shall be limited to those permitted uses in the OT-2, Olde Town Mixed Use District or to those uses permitted by this Special Use Permit.
2. The Special Use Permit allows the operation of an 118-unit self-storage facility at 215 Seventh Street. The Special Use Permit is not applicable nor is transferable to the remainder of the property.

3. A final plat must be approved by the Planning and Zoning Commission prior to the issuance of a building permit.
4. A final Site Plan for Nonresidential Use must be approved prior to the issuance of a building permit. The plan shall generally conform to the site plan in Exhibit "A".
5. The self-storage shall fully comply with all City of Portland ordinances, rules, and regulations, including the regulation of "Storage, Self-Service" facilities in Unified Development Ordinance Section 508.
6. Outdoor storage is prohibited on the site.
7. Outdoor public address systems or other exterior sound systems are prohibited.

ADJACENT PROPERTY NOTIFICATIONS AND PUBLIC HEARING NOTICES

There are 24 adjacent properties within 200 feet of the subject lot. Property owners were notified by mail, postmarked September 26, 2014, of Public Hearings at the Planning and Zoning Commission and City Council meetings. Notice was also posted in the Coastal Bend Herald on September 25, 2014, in conformance with UDO Section 302. There has been no written or oral comment to the Development Services Department as of October 31, 2014.

PUBLIC HEARING HEARING AND RECOMMENDATION BY PLANNING AND ZONING COMMISSION

In accordance with UDO Section 315, the Planning and Zoning Commission conducted a public hearing on October 14, 2014. There was no public comment during the public hearing. At the conclusion of the public hearing, the Planning and Zoning Commission considered the application, pertinent comments by City Staff, other relevant support materials and public testimony given at the public hearing. The Planning and Zoning Commission voted 7-0 to recommend to the City Council the approval of the Special Use Permit.

ATTACHMENTS

- Proposed Ordinance No. 2096

RECOMMENDED ACTION

Adopt a motion approving the second and final reading of Ordinance No. 2096.

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- 5. The self-storage shall fully comply with all City of Portland ordinances, rules, and regulations, including the regulation of “Storage, Self-Service” facilities in Unified Development Ordinance Section 508.
- 6. Outdoor storage is prohibited on the site.
- 7. Outdoor public address systems or other exterior sound systems are prohibited.

SECTION 2: The failure of of the facility owner or tenant to comply with any conditions of this Ordinance shall immediately render this Ordinance null and void. In such an event, the City of Portland shall strictly enforce the requirements of the OT-2, Olde Town Mixed Use District by any and all legal means necessary.

SECTION 3: If any provision, section, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

SECTION 4: Any previously adopted ordinance, resolution, rule, regulation, or policy in conflict with this Ordinance is hereby repealed.

SECTION 5: Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars (\$500.00). Each and every day that a violation of this Ordinance occurs shall constitute a separate offense.

SECTION 6: This Ordinance shall be published after second reading hereof by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after the publication provided herein.

PASSED and APPROVED on second reading this ____ day of _____ 2014.

CITY OF PORTLAND

David Krebs
Mayor

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96

ATTEST:

Annette Hall
City Secretary

EXHIBIT "A"

RA R

EIGHTH STREET (70' R.O.W.)

RAILROAD AVENUE
(100, R.O.W.)

0.797 ACRES
347.10'

115.73'
N89°48'01"E

347.10'
S30°01'07"W

KEN-AIR

115.73'
S89°48'01"W

SEVENTH STREET (70' R.O.W.)

SCALE: 1" = 16'

KEN-AIR INDOOR AIR QUALITY INC.
219 SEVENTH STREET
PORTLAND, TEXAS 78374
(361) 643-1414

SITE PLAN



REGISTERED PROFESSIONAL ENGINEER

R. W. STONE, ENGINEER, PLLC
REGISTERED FIRM #1627
2072 FM 2725
INGLESIDE, TX. 78362
PHONE (361) 232-4020
raywstone@cableone.net

- SAVED FOR REVIEW
- SAVED FOR PRINT
- SAVED FOR CONSTRUCTION



C1
Sheet