



CITY COUNCIL AGENDA

NOTICE OF REGULAR MEETING

Tuesday, January 6, 2015
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:
 - REPORT ON HOLIDAY ACTIVITIES – 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 DECEMBER 16, 2014 REGULAR MEETING - MAYOR KREBS AND CITY SECRETARY
 6. **STREET IMPROVEMENT PROGRAM PHASE 9B (SEAL COATS AND REPAIRS) CHANGE ORDER NO. 1, FINAL PAYMENT, AND PROJECT ACCEPTANCE:** THE CITY COUNCIL WILL CONSIDER CHANGE ORDER NO. 1 (\$12,053.22 CONTRACT PRICE INCREASE), FINAL PAYMENT, AND PROJECT ACCEPTANCE FOR THE STREET IMPROVEMENT PROGRAM PHASE 9B (SEAL COATS AND REPAIRS – ASSISTANT CITY MANAGER
 7. **ORDINANCE NO. 2097 – REZONING REQUEST:** THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2097 TO REZONE 4.79 ACRES IN LOTS 2R AND 3R, BLOCK 14, NORTHSHORE UNIT 3, FROM C-R, RETAIL COMMERCIAL DISTRICT, TO R-20, MULTIFAMILY RESIDENTIAL DISTRICT – ASSISTANT CITY MANAGER
 8. **ORDINANCE NO. 2101 - INCREASING WATER AND WASTEWATER RATES:** THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2101 AUTHORIZING UTILITY RATE INCREASES – DIRECTOR OF FINANCE
 9. **ORDINANCE NO. 2102 – DROUGHT CONTINGENCY PLAN REVISIONS:** THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2102 THAT REVISES THE CITY OF PORTLAND DROUGHT CONTINGENCY PLAN – ASSISTANT CITY MANAGER
 10. **EXECUTIVE SESSION:** THE CITY COUNCIL WILL CONDUCT AN EXECUTIVE SESSION ACCORDING TO §551.074 OF THE TEXAS GOVERNMENT CODE TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE (CITY MANAGER) - MAYOR

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

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

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D. ADJOURNMENT: MAYOR KREBS

NOTICE OF ASSISTANCE

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

BRAILLE IS NOT AVAILABLE

Posted: January 2, 2015 by 5:00 p.m.
Portland City Hall

By: 
Annette Hall
City Secretary

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

On this the 16th day of December 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 DeLatta	Assistant City Manager
Hal George	City Attorney
Annette Hall	City Secretary
Michel Sorrell	Finance Director
Kristin Connor	Director of Parks and Recreation
Dorothy Torres	Interim Library Director
Lyle Lombard	Fire Chief
Fred Busman	IT Technician
Drew Schell	IT Technician

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

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

1. CALL TO ORDER: MAYOR KREBS

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

2. INVOCATION AND PLEDGE: MAYOR KREBS OR DESIGNEE

Council Member 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 REPAIRS TO THE BELL WHITTINGTON LIBRARY AND RECENT UPGRADES TO HISTORICAL LIBRARY BUILDING**

Assistant City Manager Brian DeLatte gave a presentation on the repairs and recent upgrades to the Bell Whittington Library due to the recent water leak damage.

Mr. DeLatte then gave a presentation on the renovations made to the Historical Library Building through in-kind services and donations by George Thomas. He then thanked Mr. Thomas for his generous donation and recognized Street Department Supervisor Josh Irvin for the landscaping and picket fence work performed around the Historical Library Building.

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

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Mayor Pro Tem Skurow congratulated the Chatwork on the Christmas Tour of Homes and thanked the residents of the homes on the tour. She added that the Historical Library Building was on the Tour of Homes.

Council Member Green wished everyone a safe and Merry Christmas.

Council Member Lewis wished everyone a Merry Christmas and a Happy New Year.

Council Member Vilo wished everyone a Merry Christmas and thanked Kristin Connor and the Parks and Recreation Department for doing a good job on all the Christmas activities.

Council Member Jorgensen also commented on the great job the Parks and Recreation did on all the Christmas activities and events. He announced that he had the opportunity to speak to high school students about the annexation process. He then wished everyone a Merry Christmas and thanked the City Staff for always having a positive attitude no matter what their jobs consist of.

Director of Parks and Recreation Kristin Connor gave a recap of the Christmas in Portland and Parade of Lights held last week. She then announced the Senior Citizen Noon Year's Eve Event and activities will begin at 10:30 am on New Year's Eve at Community Center.

B. ACTION ITEMS, RESOLUTIONS, AND ORDINANCES:

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There were none.

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

Council Member Vilo made the motion to approve the minutes of the December 2, 2014 regular meeting, seconded by Council Member Moore.

The motion passed 7-0.

6. ORDINANCE NO. 2100 – ANNEXATION OF APPROXIMATELY 1,863 ACRES:

THE CITY COUNCIL WILL CONSIDER SECOND AND FINAL READING OF ORDINANCE NO. 2100 ANNEXING APPROXIMATELY 1,863 ACRES SITUATED WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION – CITY MANAGER

City Manager Randy Wright explained that this is the second reading of Ordinance No. 2100.

Council Member Jorgensen made the motion to adopt the second and final reading of Ordinance No. 2100 annexing approximately 1,863 acres situated within the City's Extraterritorial Jurisdiction, seconded by Mayor Pro Tem Skurow.

The motion passed 7-0.

Mayor Krebs read the following caption:

ORDINANCE NO. 2100

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

7. RESOLUTION NO. 691 – DEVELOPMENT AGREEMENTS IN THE PROPOSED ANNEXATION

AREA: THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 691 AUTHORIZING THE CITY MANAGER TO EXECUTE DEVELOPMENT AGREEMENTS FOR PROPERTY OWNERS WITH AGRICULTURAL, WILDLIFE MANAGEMENT, OR TIMBER LAND PROPERTY EXEMPTIONS IN THE PROPOSED ANNEXATION AREA – ASSISTANT CITY MANAGER

Assistant City Manager Brian DeLatte explained that the Local Government Code requires a City that poses annexation, offer a development agreement to property owners with an agricultural, wildlife management, or timber land property tax exemption. The development agreement guarantees that the City will not annex the land covered by the development agreement provided that the property owner does not attempt to develop the property and continues to maintain the agricultural, wildlife management, or timber land property tax exemption.

The City offered development agreement applications to all of the property owners in the proposed annexation area with an agricultural, wildlife management, or timber land

exemption. Applications for the development agreements were submitted for 18 parcels representing approximately 167 acres.

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

Once the resolution is approved, all signed development agreements will be executed and recorded with the San Patricio County Clerk. The San Patricio County Appraisal District will be notified that these properties will retain their extraterritorial status.

Modifications were made the Sections 2 and Section 5 of the agreement to include the following language:

Section 2. Use for Agricultural Purposes Only

However, the Owner may construct an accessory structure to an existing single family dwelling in compliance with all applicable City ordinances and codes.

Section 5 Term of Agreement

Any successive renewals may not exceed a total of 45 years pursuant to Sec. 212.172 (d), Local Government Code.

Mayor Pro Tem Skurow made the motion to adopt Resolution No. 691 authorizing the City Manager to execute Development Agreements for property owners with agricultural, wildlife management, or timber land property exemptions in the proposed annexation area, seconded by Council Member Lewis.

The motion passed 7-0.

8. ORDINANCE NO. 2101 - INCREASING WATER AND WASTEWATER RATES: THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2101 AUTHORIZING UTILITY RATE INCREASES – DIRECTOR OF FINANCE

Director of Finance Michel Sorrell introduced Chris Ekrut with NewGen Strategies and Solutions.

Mrs. Sorrell then explained that the water and sewer utility system is operated through an enterprise fund that operates much like a business within the City. Rates are established to cover the cost of day-to-day operations of the system as well as

generating sufficient funds to pay for capital projects to keep the water and sewer system functional and fiscally sound.

The proposed ordinance increases water and sewer rates in order to meet our current costs and to ensure the City has funds to complete planned capital improvements to the system.

The sustainability of our water and sewer system is dependent on setting appropriate utility rates. With increases in the cost of water we buy from our supplier (San Patricio Municipal Water District), planned capital projects, predicted community growth and the expansion of the city boundaries, it is vital to establish rates that will maintain our system.

This proposed increase in utility rates includes two separate increases:

1. A pass through increase in water rates from the San Patricio Municipal Water District of \$0.18.
2. Increases to both water and sewer rates recommended by our rate consultants and that are needed to pay for capital utility projects. Increases to both water and sewer rates recommended by our rate consultants and that are needed to pay for capital utility projects

The San Patricio Municipal Water District has increased its rates by \$0.18 per 1,000 gallons of water purchased by the City on behalf of our customers. The new rate is \$3.07 per 1,000 gallons.

In documentation provided by San Patricio Municipal Water District, the reason for the rate increase of \$0.18 per thousand gallons is the City of Corpus Christi raised their raw water rate \$.0.18/1000 gallons on November 1, 2014.

Customers will see the increase on the water bill we issue on January 31, 2015. This change increases water rates only and does not include changes to sewer rates. Earlier this year, City Council approved the Capital Improvement Program (CIP) which includes a total of \$10,255,000 in capital utility projects. The debt generated by these capital projects, as well as the maintenance and operations for them, must be supported by adequate utility rates.

In June 2014, the City engaged NewGen Strategies & Solutions to perform a utility rate study. The last utility rate study was done in 2003. The ongoing capital projects and growth of the City, including annexation, drove the need to perform a current utility rate study. Debt service, maintenance and operations, and new infrastructure provided to annexed areas also make it necessary to review the current utility rates of the City. Establishing and adjusting utility rates is a complicated and regulated process best done by a qualified rate consultant.

NewGen uses historical information, including billing and consumption data, the Capital Improvement Program (CIP), drought data, debt service analysis, both current and future, and cost recovery analysis to create a rate model. Through the creation of the rate model, revenue and expenditure forecasts are formed using “what if” analysis. For example, future capital programs can be added or removed, costs of water increased or decreased, growth rates changed, debt issuances or other types of financing included or excluded, and changes in number and type of customers. All or any of these variables determine the necessary utility rates to support the utility system.

The rate increases recommended in this ordinance by the NewGen include the rate increase by San Patricio Municipal Water District and an increase in both the water and wastewater base rates. Authorizing these rate increases will ensure that the City continues to be able to cover operating costs, debt service payments, and capital project costs.

Failing to adopt the recommended rates from the utility study will result in the City not being able to produce revenues sufficient to fund operations, new capital projects, or pay debt obligations.

Council, Staff and Mr. Ekrut discussed the proposed rate increases, the recommendations made by NewGen Strategies, and the pass through process from the City of Corpus Christi and San Patricio Municipal Water District.

Council Member Green made the motion to adopt the first reading of Ordinance No. 2101 increasing water and wastewater rates, seconded by Council Member Vilo.

The motion passed 7-0.

Mayor Krebs read the following caption:

ORDINANCE NO. 2101

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES;
INCREASING THE RATES CHARGED FOR WATER SERVICE;
INCREASING THE RATES CHARGED FOR WASTEWATER SERVICES;
PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT
HEREWITH; PROVIDING A SEVERABILITY CLAUSE AND
ESTABLISHING AN EFFECTIVE DATE.**

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

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Burt Williams, a resident of 1603 Cheyenne, voiced his opinion on the Sherwin Alumina lockout.

D. ADJOURNMENT: MAYOR

Mayor Krebs adjourned the meeting at 7:39 p.m.

E. NOTICE OF ASSISTANCE:

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BRaille IS NOT AVAILABLE

Approved:

David Krebs
Mayor

Attest:

City Secretary

AGENDA TITLE	<u>STREET IMPROVEMENT PROGRAM PHASE 9B (SEAL COATS AND REPAIRS) CHANGE ORDER NO. 1, FINAL PAYMENT, AND PROJECT ACCEPTANCE</u> The City Council will consider Change Order No. 1 (\$12,053.22 Contract Price Increase), Final Payment, and Project Acceptance for the Street Improvement Program Phase 9B (Seal Coats And Repairs)
MEETING DATE	1/6/2015
DEPARTMENT	Public Works
SUBMITTED BY	Brian DeLatte, P.E., Assistant City Manager

EXECUTIVE SUMMARY

The construction on the Street Improvement Program Phase 9B (Seal Coats And Repairs) has been completed. The project included two-course surface treatments, pothole repairs, and subgrade repairs on 23 streets throughout the City. Haas-Anderson Construction, Ltd., completed the project in fewer working days than anticipated but exceeded its allotted calendar days due to inclement weather. Change Order No. 1 adjusts the final contract price by \$12,053.22 to compensate for a waterline break on Starlite requiring the resealing of a street just completed, as well as additional base repairs. Coym, Rehmet & Gutierrez Engineering, LP, has inspected the work and recommends acceptance. The project was completed \$187,975.28 under the Combination Tax and Revenue Certificate of Obligation Series 2014 issuance construction budget.

PRIOR ACTIONS OR REVIEWS

- August 6, 2013 – Resolution No. 671 approved the Capital Improvement Program authorizing Street Improvement Program Phase 9B in the amount of \$1,000,000
- February 4, 2014 – Project briefing from Coym, Rehmet & Gutierrez (CRG) on the Comprehensive Street, Parking Lot, Sidewalk, and Trail Study
- February 18, 2014 – Resolution No. 679 authorized the publication of the notice of intention to issue Certificates of Obligation
- March 18, 2014 – Engagement of CRG for engineering services in the amount of \$79,280.00
- August 5, 2014—Award of contract to Haas-Anderson Construction, Ltd.

DETAILS / STAFF ANALYSIS

CR&G has inspected the project and recommends project acceptance. The warranty period

on the work runs through December 5, 2015.

ALTERNATIVES CONSIDERED

N/A.

FINANCIAL IMPACT

The project was completed \$187,975.28 under the construction budget.

ATTACHMENTS

- Authorization for Payment
- Change Order No. 1
- Affidavit of Bills Paid
- Certificate of Completion

RECOMMENDED ACTION

Motion to approve Change Order No. 1, Final Payment, and Project Acceptance for the Street Improvement Program Phase 9B (Seal Coats And Repairs).

Coym, Rehmet & Gutierrez Engineering, L.P.

ENGINEERS • PLANNERS • SURVEYORS
TBPE Firm Reg. No. F-388
TBPLS Firm Reg. No. 10104001

5656 S. STAPLES, SUITE 230
CORPUS CHRISTI, TX 78411
361-991-8550 FAX:361-993-7569

1220 N. TEXAS BLVD., SUITE 4
ALICE, TX 78332
361-664-5821 FAX:361-664-0559

AUTHORIZATION FOR PAYMENT

DATE: December 12, 2014

TO: City of Portland

PROJECT AND ADDRESS: Phase 9 Seal Coat
Portland, Texas

PAYEE AND ADDRESS: Haas-Anderson Construction, Ltd.
P.O. Box 7692
Corpus Christi, Texas 78426

INVOICE IDENTIFICATION: Estimate No. 3 (Final) \$198,773.90
=====

PAYMENT SOURCE: City of Portland

TOTAL \$198,773.90

COMMENTS: 1. Payment for construction work performed for the period November 1, 2014 through December 5, 2014.

2. Construction Start Date: September 1, 2014

3. Length of Contract: 75 Calendar Days
Elapsed Time: 119 Calendar Days (after Change Order No. 1)
Time Remaining: 16 Calendar Days

PREPARED BY:

Yesenia Singleton 12/12/14
Yesenia Singleton, P.E.
Project Engineer
Coym, Rehmet & Gutierrez Engineering, L.P.

SUBMITTED BY:

Chris Hines 12/12/14
Haas-Anderson Construction, Ltd.

APPROVED BY:

Randy Wright, City Manager
City of Portland

CONTRACT MONTHLY ESTIMATE

PROJECT: Phase 9 Seal Coat -- Portland, Texas
CONTRACTOR: Haas-Anderson Construction, Ltd.
 PO Box 7692

ESTIMATE NO: 3 (Final)

PREPARED BY: Coym, Rehmet & Gutierrez Engineering, L.P.
 Corpus Christi, Texas 78426

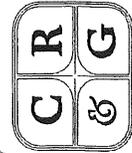
DATE: 12/12/2014

ORIGINAL CONTRACT AMOUNT: \$674,971.50
FINAL CONTRACT AMOUNT: \$687,024.72

ITEM	DESCRIPTION	QTY.	UNIT	CONTRACT			THIS PERIOD			TOTAL TO DATE	
				UNIT PRICE	AMOUNT	QTY.	AMOUNT	QTY.	AMOUNT		
1	Mobilization and Demobilization	1	LS	\$39,000.00	\$39,000.00	25%	\$9,750.00	100%	\$9,750.00	100%	\$39,000.00
2	Traffic Control Plan, Oak Ridge Estates Area	1	LS	\$5,400.00	\$5,400.00	0.5	\$2,700.00	1	\$2,700.00	1	\$5,400.00
3	Traffic Control Plan, Westcliff Area	1	LS	\$5,400.00	\$5,400.00	0.5	\$2,700.00	1	\$2,700.00	1	\$5,400.00
4	Traffic Control Plan, Northshore Avenue Area	1	LS	\$3,700.00	\$3,700.00	0.5	\$1,850.00	1	\$1,850.00	1	\$3,700.00
5	Traffic Control Plan Georgia Place Area	1	LS	\$2,500.00	\$2,500.00	0.5	\$1,250.00	1	\$1,250.00	1	\$2,500.00
6	Traffic Control Plan, Olde Town Area	1	LS	\$18,700.00	\$18,700.00	0.5	\$9,350.00	1	\$9,350.00	1	\$18,700.00
7	SWPPP Oak Ridge Estates Area	1	LS	\$2,000.00	\$2,000.00	0.5	\$1,000.00	1	\$1,000.00	1	\$2,000.00
8	SWPPP Westcliff Area	1	LS	\$2,000.00	\$2,000.00	0.5	\$1,000.00	1	\$1,000.00	1	\$2,000.00
9	SWPPP Northshore Avenue Area	1	LS	\$2,000.00	\$2,000.00	0.5	\$1,000.00	1	\$1,000.00	1	\$2,000.00
10	SWPPP Georgia Place Area	1	LS	\$2,000.00	\$2,000.00	0.5	\$1,000.00	1	\$1,000.00	1	\$2,000.00
11	SWPPP Olde Town Area	1	LS	\$2,000.00	\$2,000.00	0.5	\$1,000.00	1	\$1,000.00	1	\$2,000.00
12	Pothole & Pavement Repair	1,445	SY	\$45.00	\$65,025.00	37	\$1,665.00	2,296	\$1,665.00	2,296	\$103,320.00
13	Level Up (Cold-Laid Asphalt Pavement)	510	SY	\$41.00	\$20,910.00	170	\$6,970.00	1,537	\$6,970.00	1,537	\$63,017.00
14	Asphalt (AC-5) (For PB4) (0.28 Gal/SY)	28,100	GAL	\$2.80	\$78,680.00	10,198.80	\$28,556.64	31,939.00	\$28,556.64	31,939.00	\$89,429.20
15	Asphalt (AC-15P) (For PB5) (0.24 Gal/SY)	24,090	GAL	\$3.35	\$80,701.50	3,858.20	\$12,924.97	17,622.00	\$12,924.97	17,622.00	\$59,033.70
* 16	First Course of Two Course Surface Treatment (PB4) (1CY/100SY)	100,345	SY	\$1.4545454545	\$145,956.36	18,401.43	\$26,765.72	96,045.00	\$26,765.72	96,045.00	\$139,701.82
17	Second Course of Two Course Surface Treatment (PB5) (1CY/115SY)	100,345	SY	\$1.40	\$140,483.00	38,695.83	\$54,174.16	96,045.00	\$54,174.16	96,045.00	\$134,463.00
18	Reflective Pavement Mtk. (W) (12") (SLD) Stop Bar	575	LF	\$20.00	\$11,500.00	350	\$7,000.00	547	\$7,000.00	547	\$10,940.00
19	Remove Thermoplastic Stop Bar	220	LF	\$11.00	\$2,420.00	220	\$2,420.00	220	\$2,420.00	220	\$2,420.00
20	Allowance For Unanticipated Adjustments	1	LS	\$30,000.00	\$30,000.00		\$0.00		\$0.00		\$0.00
					\$660,375.86		\$173,076.49		\$173,076.49		\$687,024.72

* After test strips were performed, the aggregate (PB4) rate has been reduced to (1CY/110SY) reducing the unit bid price by (100/110) (\$1.60) = \$1.45454545.

Yesenia Singleton 12/12/2014
 Yesenia Singleton, P.E. / Project Engineer



Coym, Rehmet & Gutierrez Engineering, L.P.
 TBPE Firm Reg. No. F-388
 TBPLS Firm Reg. No. 101040-01
 5656 S. Staples, Suite 230
 Corpus Christi, Texas 78411
 Phone: 361.991.8550 Fax: 361.993.7569
 Email: crg@crgel.com

TOTAL PERFORMED TO DATE \$687,024.72
MATERIALS ON HAND \$0.00
SUBTOTAL \$687,024.72
LESS RETAINAGE (5%) \$0.00
LESS PREVIOUS PAYMENTS \$488,250.82
TOTAL DUE \$198,773.90

Coym, Rehmet & Gutierrez Engineering, L.P.

ENGINEERS • PLANNERS • SURVEYORS
TBPE Firm Reg. No. F-388
TBPLS Firm Reg. No. 10104001

5656 S. STAPLES, SUITE 230
CORPUS CHRISTI, TX 78411
361-991-8550 FAX:361-993-7569

1220 N. TEXAS BLVD., SUITE 4
ALICE, TX 78332
361-664-5821 FAX:361-664-0559

December 12, 2014

Haas-Anderson, Ltd.
P.O. Box 7692
Corpus Christi, Texas 78467

RE: Change Order No.1
Phase 9 Seal Coat Project
Portland, Texas
CRG Project No. 20803c

Gentlemen,

This Change Order No. 1 is an adjustment of final pay items and extension of contract time.

CONTRACT AMOUNT

This Change Order No.1 is for the adjustment of pay items (see attached Estimate No. 3, Final) and extension of contract time. This Change Order No. 1 results in a net contract increase amount of \$12,053.00. The final contract breakdown is shown as follows:

Original Contract Amount	\$674,971.50
Change Order No. 1	<u>\$ 12,053.22</u>
REVISED (FINAL) CONTRACT AMOUNT	\$687,024.72

CONTRACT TIME

The Contract Time will be extended forty four (44) calendar days for a total contract time of 119 calendar days.

SUBMITTED BY:

Yesenia Singleton 12/12/14
Yesenia Singleton, P.E. Date
Project Engineer
Coym, Rehmet & Gutierrez Engineering, LP.

ACCEPTED BY:

James Anderson 12/12/14
Haas-Anderson Construction, Ltd. Date

APPROVED BY:

Randy Wright - City Manager Date
City of Portland

CERTIFICATE OF COMPLETION

I, Yesenia Singleton, a Registered Professional Engineer, License No. 102398, State of Texas, hereby certify to the **City of Portland** that the **Phase 9 Seal Coat Project** has been completed in accordance with the plans and specifications, that the work is built correctly to the best of my knowledge in according to the approved plans and specifications and approved changes, all with no exceptions, other than as follows: None

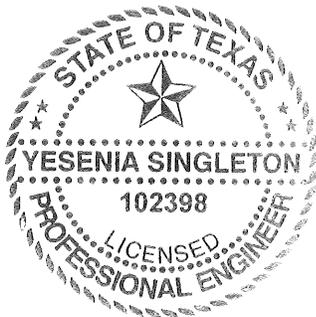
As an authorized representative of the City, I request that the City of Portland, in consideration of the completion of this work, accept these improvements and dedications and assume ownership and responsibility for future maintenance and operation. The date of substantial completion was December 5, 2014.

12/16/2014
Date

Yesenia Singleton
Signature

Coym, Rehmet & Gutierrez Engineering, L.P.
Firm Name

5656 S. Staples, Suite 230, Corpus Christi, Texas 78411
Address





CITY COUNCIL ACTION ITEM

AGENDA TITLE	<u>ORDINANCE NO. 2097 – REZONING REQUEST</u> THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2097 TO REZONE 4.79 ACRES IN LOTS 2R AND 3R, BLOCK 14, NORTHSHORE UNIT 3, FROM C-R, RETAIL COMMERCIAL DISTRICT, TO R-20, MULTIFAMILY RESIDENTIAL DISTRICT – ASSISTANT CITY MANAGER
MEETING DATE	1/6/2015
DEPARTMENT	Building and Development
SUBMITTED BY	Brian DeLatte, P.E., Assistant City Manager

EXECUTIVE SUMMARY

A zoning application has been submitted by Northshore Properties II, LLC, to rezone approximately 4.79 acres in Lots 2R and 3R, Block 14, Northshore Unit 3, from C-R, Retail Commercial District, to R-20, Multifamily Residential District. The applicant is proposing to construct an apartment complex on Centerpointe Drive by combining the existing undeveloped tract that is currently zoned R-20 with the proposed 4.79 acres to be rezoned R-20. Staff analysis shows that the rezoning is generally consistent with the Comprehensive Plan and Unified Development Ordinance. However, scrutiny should be given in approving R-20 zoning due to its inability in enforcing design elements such as masonry requirements. The Planning and Zoning Commission voted 6-1 recommending approval.

REZONING REQUEST

Northshore Properties II, LLC, holds approximately 17.6 acres of property bounded by North Shore Blvd., Centerpointe Drive, Pipeline Alley, and the Northshore Landing Apartments. The property is zoned C-R, Retail Commercial, and R-20, Multifamily Residential. The portion of the property currently zoned R-20 is the last remaining undeveloped R-20 within the city limits. The proposal will increase the area available for multifamily development to generally south of the intersection of Esplanade Drive and Centerpointe Drive.

REZONING APPROVAL CRITERIA

Section 318 of the UDO outlines the following criteria for which the Planning and Zoning Commission and City Council shall base approval of zoning requests, although the wisdom of amending the Official Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt, adopt with modifications or deny the proposed amendment, the City Council shall consider

the following factors. J. Schwarz & Associates, Inc., has provided a response for each criterion:

1. Compatible with Plans and Policies. Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning and Zoning Commission or City Council.

JSA comment: The property in question does not have consistent zoning across the entire tracts. Lot 2-R and Lot 3-R are zoned both C-R and R-20. The zoning change will allow for each property to have consistent R-20 zoning across the entire lot and to be platted with one zone. This will eliminate any issues moving forward with the development of the site.

2. Consistent with this Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Ordinance.

JSA comment: The proposed zoning change will not conflict with any portion of the ordinance.

3. Compatible with Surrounding Area. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

JSA comment: The zoning change will allow for R-20 development across the entire Lot 2-R and Lot 3-R site. This will only increase the R-20 zone by 3.985 acres and 67 units. As a portion of each lot is already zoned R-20, there will be no significant change to the surrounding area.

4. Changed Conditions. Whether and the extent to which there are changed conditions that require an amendment.

JSA comment: The existing zoning line bisects two tracts and does not encapsulate either. The change will allow for the entire tracts to be zoned cohesively thus eliminating future issues with the development of the sites.

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

JSA comment: The proposed zoning change will have no greater adverse impact to the environment as the existing zoning.

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

JSA comment: The proposed change will allow for the R-20 zoning to remain tightly situated together in one district in the city. Housing is at a premium in the area and the change will allow for the development of an addition 67 units.

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

JSA comment: The proposed change will not affect the pattern of urban development as a portion of both the lots in question are already zoned R-20. The existing zoning map bisected the affected tracts with two different zones. The proposed change will insure zoning continuity across the tracts and facilitate future development of the tracts.

STAFF ANALYSIS

City Staff generally concurs with the appropriateness of this tract being utilized as multifamily as its location, size, and shape are ideal for a multifamily tract. However, City Staff believes that scrutiny must be given to several items concerning the application’s congruence with the City’s Comprehensive Plan as an R-20 request. The first concern relates to how many multifamily units are allowed to be constructed in accordance with Section 704 of the Unified Development Ordinance:

Sec. 704. - Multifamily Residential Design Requirements.

A. Project Design.

1. *Multifamily residential dwelling units shall not exceed twenty-five (25) percent of all dwelling units within the City.*
 - a. *Multifamily developments may exceed the above requirement, but shall be required to rezone to a Planned Unit Development (PUD) (see [Section 316](#), Planned Unit Development (PUD)).*
 - b. *These PUD developments are intended to result in high quality and innovative mixed density housing developments.*

The City’s current housing mix is:

Housing Type	Count	Percentage
Single Family Residential Accounts	5030	75.30%
Medium-density residential units	61	0.91%
Multi-family units	1589	23.79%
	6680	100.00%
Number of Multifamily units allowed prior to Multifamily reaching 25%		108

As the table illustrates, there is the ability for an additional 108 multifamily units to be constructed and still stay within the 25% threshold. Approximately 6.2 acres of the tract that is already zoned R-20 would yield approximately 104 units. These units are permitted by right even though they would exceed the 25% threshold. The 4.79 acres requested for

rezoning would yield an additional 67 units. As the first 104 units are legally permitted by right, the City Attorney has indicated that rezoning for an additional 67 units would not exceed the threshold. Therefore, the analysis shows that the rezoning request can be legally considered as it does not violate the UDO Section 704.

A second concern that the City Council should evaluate is whether the application meets the Comprehensive Plan's intent to construct high quality and innovative development, which is identified in approval criteria 1 and 2. The UDO has been recently amended to allow for additional multifamily construction within the City through a Planned Unit Development (PUD) process. The PUD process is similar in nature to a zoning case, but it attaches a concept plan to the approval. The concept plan would include site plans, building elevations, landscape plans, and other items that would assist in demonstrating a high quality and innovative development. The PUD approval would not simply be for a zoning change, but rather would tie the zoning change to the concept plan that could only be modified by additional City Council action.

While the applicant is not legally required to do so, City Staff recommended that the rezoning occur through a PUD request rather than an R-20 request. Rezoning to R-20 provides a benefit to the applicant in that the property is then zoned for any type of multifamily project without the expense of preparing a concept plan. The vulnerability to the City rezoning to R-20 is that the property is then not subject to any requirements that would normally be included in a PUD case, including masonry requirements, building layout restrictions, parking lot material requirements, or site amenities. R-20 construction is governed by UDO Section 704 which does not contain masonry requirements and contains limited site design constraints. It is important to note that these additional requirements or constraints cannot be added to an R-20 zoning case, as the PUD process is designed to accommodate such conditions.

ADJACENT PROPERTY NOTIFICATIONS AND PUBLIC HEARING NOTICES

There are 10 adjacent properties within 200 feet of the subject lot. Property owners were notified by mail, postmarked October 31, 2014, of Public Hearings at the Planning and Zoning Commission and City Council meetings. Notice was also posted in the Coastal Bend Herald on October 23, 2014, in conformance with UDO Section 302. There has been no written or oral comment to the Development Services Department as of December 31, 2014.

PUBLIC HEARING AND RECOMMENDATION BY PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission conducted a Public Hearing on November 11, 2014. There was no public comment offered at the Public Hearing. Several members of the Commission had concerns regarding the approval of the rezoning as an R-20 rather than a PUD since the ability to regulate the development is diminished in an R-20. A motion to recommend denial of the rezoning was made but died on a lack of second. The Commission voted 6-1 to recommend approval of the rezoning request.

ATTACHMENTS

- Application for Zoning Change
- Proposed Ordinance No. 2097

RECOMMENDED ACTION

Adopt one of the following motions:

(1) Approve the second and final reading of Ordinance No. 2097

OR

(2) Approve the second and final reading of Ordinance No. 2097 with modifications

OR

(3) Reject Ordinance No. 2097



CITY OF PORTLAND
1101 Moore Avenue
Portland, TX 78374
Phone: (361) 777-4553
Fax: (361) 643-5709

APPLICATION FOR ZONING CHANGE

APPLICANT: William C. Cocke PHONE: 361-815-0140

ADDRESS: 101 Cedar Dr. Portland, TX

(If other than owner, attach a written authorization from owner.)

AGENT OR ATTORNEY: n/a

PHONE: n/a ADDRESS: n/a

PROPERTY ADDRESS: Corner of Esplanade and Centerpointe

LEGAL DESCRIPTION: A 4.79 acres tract out of Lot 2R and 3R, Block 14 Northshore Unit 3

CURRENT ZONING: C-R PROPOSED ZONING: R-20

REASON FOR REQUEST:
Change zoning of part of Lots 2R and 3R of Block 14 Northshore Unit 3

PRINTED NAME: William C. Cocke DATE: 10-13-14

SIGNATURE OF APPLICANT OR AGENT: _____

FILING FEE: \$500.00 plus actual engineering and legal costs

Make check payable to the City of Portland

Mail or bring application and filing fee to:

Office of the City Engineer
Public Works Building
1101 Moore Avenue
Portland, Texas 78374
(361) 777-4553

1 **ORDINANCE NO. 2097**

2
3 **AN ORDINANCE REZONING APPROXIMATELY 4.79 ACRES OF**
4 **PORTIONS OF LOTS 2R AND 3R, BLOCK 14, NORTSHORE UNIT 3,**
5 **FROM C-R, RETAIL COMMERCIAL DISTRICT, TO R-20, MULTIFAMILY**
6 **RESIDENTIAL DISTRICT AT THE REQUEST OF THE OWNER;**
7 **AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PORTLAND;**
8 **PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT**
9 **HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A**
10 **PENALTY FOR VIOLATIONS AND SPECIFICALLY NEGATING A**
11 **REQUIREMENT OF A CULPABLE MENTAL STATE; PROVIDING AND**
12 **ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR**
13 **PUBLICATION**

14
15 **WHEREAS** Northshore Properties II, LLC, the owner of Lots 2R and 3R, Block 14,
16 Northshore Unit 3, has requested that 4.79 acres of its property be rezoned from C-R, Retail
17 Commercial District, to R-20, Multifamily Residential District; and

18
19 **WHEREAS** the Planning and Zoning Commission conducted a Public Hearing on
20 November 11, 2014, to solicit comments from citizens and other interested parties and
21 recommended that the request be granted by the City Council; and,

22
23 **WHEREAS** the City Council conducted a Public Hearing on November 18, 2014, to solicit
24 comments from citizens and other interested parties concerning the request; and,

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

28
29 **NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,**
30 **TEXAS:**

31
32 **SECTION 1:** The request of Northshore Properties II, LLC, is hereby granted. 4.79 acres
33 of portions of Lots 2R and 3R, Block 14, Northshore Unit 3 is hereby rezoned to R-20,
34 Multifamily Residential District, a legal description of which is labelled Exhibit "A", attached
35 hereto, and incorporated herein.

36
37 **SECTION 2:** The Official Zoning Map of the City of Portland is hereby amended to reflect
38 that the 4.79 acres of portions of Lots 2R and 3R, Block 14, Northshore Unit 3 is hereby rezoned
39 from C-R, Retail Commercial District, to R-20, Multifamily Residential District.

40
41 **SECTION 3:** If any provision, section, clause, or phrase of this Ordinance, or the
42 application of same to any person or set of circumstances is, for any reason held to be
43 unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall
44 not be affected thereby, it being the intent of the City Council in adopting this Ordinance that

45 no portion hereof, or provisions or regulations contained herein, shall become inoperative or
46 fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this
47 Ordinance are declared severable for that purpose.

48
49 **SECTION 4:** Any previously adopted ordinance, resolution, rule, regulation, or policy in
50 conflict with this Ordinance is hereby repealed.

51
52 **SECTION 5:** Any person who violates this Ordinance shall be guilty of a misdemeanor
53 and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars
54 (\$500.00). Each and every day that a violation of this Ordinance occurs shall constitute a
55 separate offense. The culpable mental state required by Chapter 6.02, Texas Penal Code, is
56 specifically negated and dispensed with and a violation is a strict liability offense.

57
58 **SECTION 6:** This Ordinance shall be published after second reading hereof by publishing
59 the caption thereof in the official newspaper with a statement the public may view the
60 Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after
61 the publication provided herein.

62
63 **PASSED and APPROVED** on second reading this ___ day of _____ 2015.

64
65 **CITY OF PORTLAND**

66
67
68 _____
69 **David Krebs**
70 **Mayor**

71
72 **ATTEST:**
73
74
75 _____
76 **Annette Hall**
77 **City Secretary**

EXHIBIT "A"

STATE OF TEXAS
COUNTY OF SAN PATRICIO

PREPARED FOR: Northshore Properties, Inc.

FIELD NOTES TO DESCRIBE

A 4.79 Acre Tract of land for zoning purposes being situated in the City of Portland in San Patricio County, Texas, being out of Lot 2R and 3R of the Replat of Block 14 North Shore Unit 3, of San Patricio County, Texas and being more particularly described as follows:

BEGINNING: At the lower Northwest corner of this zoning tract in the Southwest line of Esplanade Drive.

THENCE: With the Southwest line of said Esplanade Drive and the Southeast line of Centerpointe Drive as follows:

S 59° 57' 36" E 138.56 feet to an angle point;

With a curve to the right, having a radius of 20.00 feet, an arc of 31.42 feet, a tangent of 20.00 feet, and a central angle of 90° 00' 04", and a chord bearing S 14° 57' 32" E 28.28 feet to an angle point;

S 30° 02' 31" W 5.00 feet to an angle point;

S 59° 57' 35" E 60.00 feet to an angle point;

N 30° 02' 24" E 1078.36 feet to the upper Northwest corner of this zoning tract;

THENCE: With the Southwest line of North Shore Boulevard as follows:

S 50° 30' 13" E 712.80 feet to the Northeast corner of this zoning tract;

THENCE: S 27° 25' 55" W 1558.57 feet to the Southwest corner of said Lot 1R, the Southeast corner of said Lot 2R, and an interior corner of this zoning tract.

THENCE: N 88° 19' 51" W 343.35 feet to the POINT OF BEGINNING;

Bearings shown herein are from GPS observations Texas Coordinate System NAD (83).

I hereby certify that the foregoing field note description for zoning purposes is to the best of my belief and knowledge true and correct.

This the 10th day of October, 2014.

Keith Howard

Keith Howard, R.P.L.S. No. 5949
Howard Surveying, LLC
402 State Highway 173 South
Hondo, Texas 78861
(830) 426-4776



AGENDA TITLE	<u>ORDINANCE NO. 2101 - INCREASING WATER AND WASTEWATER RATES</u> THE CITY COUNCIL WILL CONSIDER THE SECOND READING OF ORDINANCE NO. 2101 AUTHORIZING UTILITY RATE INCREASES.
MEETING DATE	12/16/2014
DEPARTMENT	Finance
SUBMITTED BY	Michel Sorrell, Director of Finance

EXECUTIVE SUMMARY

The water and sewer utility system is operated through an enterprise fund that operates much like a business within the City. Rates are established to cover the cost of day-to-day operations of the system as well as generating sufficient funds to pay for capital projects to keep the water and sewer system functional and fiscally sound.

This ordinance increases water and sewer rates in order to meet our current costs and to ensure the City has funds to complete planned capital improvements to the system.

PRIOR ACTIONS OR REVIEWS

- December, 2012 - Ordinance No. 2063 increased rates charged for water service by \$0.05 per 1,000 gallons effective January 1, 2013.
- December, 2013 - Ordinance No. 2081 increased rates charged for water service by \$0.25 per 1,000 gallons effective January 1, 2014.
- June, 2014 - City engaged NewGen Strategies & Solutions to perform a utility rate study.

DETAILS / STAFF ANALYSIS

The sustainability of our water and sewer system is dependent on setting appropriate utility rates. With increases in the cost of water we buy from our supplier (San Patricio Municipal Water District), planned capital projects, predicted community growth and the expansion of the city boundaries, it is vital to establish rates that will maintain our system.

This proposed increase in utility rates includes two separate increases:

1. A pass through increase in water rates from the San Patricio Municipal Water District
2. Increases to both water and sewer rates recommended by our rate consultants and that are needed to pay for capital utility projects.

Pass-through increase to water rates only

The San Patricio Municipal Water District has increased its rates by \$0.18 per 1,000 gallons of water purchased by the City on behalf of our customers. The new rate is \$3.07 per 1,000 gallons. Ordinance 896 requires the City Council, by majority vote, to approve the change in rates within 60 days from the date of the change.

In documentation provided by San Patricio Municipal Water District, the reason for the rate increase of \$0.18 per thousand gallons is the City of Corpus Christi raised their raw water rate \$.0.18/1000 gallons on November 1, 2014.

Customers will see the increase on the water bill we issue on January 31, 2015. This change increases water rates only and does not include changes to sewer rates.

Increase in water and sewer rates to fund capital programs

Earlier this year, City Council approved the Capital Improvement Program (CIP) which includes a total of \$10,255,000 in capital utility projects. The debt generated by these capital projects, as well as the maintenance and operations for them, must be supported by adequate utility rates. In June 2014, the City engaged NewGen Strategies & Solutions to perform a utility rate study. The last utility rate study was done in 2003. The ongoing capital projects and growth of the City, including annexation, drove the need to perform a current utility rate study. Debt service, maintenance and operations, and new infrastructure provided to annexed areas also make it necessary to review the current utility rates of the City. Establishing and adjusting utility rates is a complicated and regulated process best done by a qualified rate consultant.

NewGen uses historical information, including billing and consumption data, the Capital Improvement Program (CIP), drought data, debt service analysis, both current and future, and cost recovery analysis to create a rate model. Through the creation of the rate model, revenue and expenditure forecasts are formed using “what if” analysis. For example, future capital programs can be added or removed, costs of water increased or decreased, growth rates changed, debt issuances or other types of financing included or excluded, and changes in number and type of customers. All or any of these variables determine the necessary utility rates to support the utility system.

The rate increases recommended in this ordinance by the NewGen include the rate increase by San Patricio Municipal Water District and an increase in both the water and wastewater base rates. Authorizing these rate increases will ensure that the City continues to be able to cover operating costs, debt service payments, and capital project costs.

The study also includes options for changing our classification system (the rates charged according to the customer’s meter size) along with traditional volumetric changes to the rates (the rate we charge for the volume of water used). After analyzing the recommendations, the

Staff recommends implementing the base rate changes but does not recommend implementing changes to the classification system at this time. Instead, we believe those reclassifications could be implemented over a five-year period to better address customer needs and match the needs of our adopted CIP.

Rate tables show changes to customer bills

Rate tables provided by NewGen Strategies & Solutions, which are attached, show the recommended rate increases for both water and wastewater, residential and consumer. These increases are only to the base rates. The pass through increase from San Patricio Municipal Water District is included as a volumetric rate increase.

ALTERNATIVES CONSIDERED

- There is no prudent alternative to passing increases from the San Patricio Municipal Water District through to the ratepayers.
- The City could avoid some increase in rates needed to pay for capital improvement projects by eliminating or delaying projects already included in the approved CIP.

FINANCIAL IMPACT

Adoption of the recommended rates will insure that the City's utility enterprise fund remains solvent and properly funded.

Failing to adopt the recommended rates from the utility study will result in the City not being able to produce revenues sufficient to fund operations, new capital projects, or pay debt obligations.

ATTACHMENTS

- Rate tables
- Proposed Ordinance No. 2101 increasing rates in accordance with actions by San Patricio Municipal Water District

RECOMMENDED ACTION

Motion to approve the second reading of Ordinance No. 2101 increasing water and sewer service rates.

Table 5 below presents the monthly impact of the calculated water and sewer rates, on Residential customers at 5,000 gallons, 10,000 gallons, and the Residential winter, summer, and annual averages.

**Table 5
Monthly Impact of Projected Rates on Residential Customers**

	Current	Jan 2015
Monthly Customer Bills:		
5,000 gallons	\$60.18	\$63.35
Year over Year Increase		3.17
Winter Average	\$65.71	\$69.13
Year over Year Increase		3.42
Annual Average	\$69.64	\$73.29
Year over Year Increase		3.65
Summer Average	\$74.47	\$78.41
Year over Year Increase		3.94
10,000 gallons	\$79.93	\$84.00
Year over Year Increase		4.07

Notes:

1. The Residential winter average is 6,400 gallons.
2. The Residential annual average is 7,700 gallons.
3. The Residential summer average is 9,300 gallons.

Table 1 and 2 below presents the recommended rates for the City’s Residential and Commercial Customers, respectively.

**Table 1
Projected Residential Water Rates under Current Rate Design**

	Current	Jan 2015
Minimum Charge		
¾" or less	\$13.84	\$14.55
1"	13.84	14.55
1.5"	13.84	14.55
2"	13.84	14.55
Volumetric Rate (per 1,000 gallons)		
0 – 13,000 gal	\$3.02	\$3.20
13,001 – 25,000 gal	3.08	3.26
25,001 – 40,000 gal	3.28	3.46
40,001 gal	3.54	3.72

**Table 2
Projected Commercial Rates under Current Rate Design**

	Current	Jan 2015
Minimum Charge		
¾" or less	\$16.25	\$17.08
1"	21.00	22.07
1.5"	32.87	34.55
2"	47.11	49.52
3"	80.37	84.48
4"	127.87	134.41
6"	246.62	259.24
Master Meter	24.88	26.15
Volumetric Rate (per 1,000 gallons)		
0 – 13,000 gal	\$3.02	\$3.20
13,001 – 25,000 gal	3.08	3.26
25,001 – 40,000 gal	3.28	3.46
40,001 gal	3.54	3.72

Section 3

Table 3 and 4 below present the recommended FY 2015 sewer rates for the City's Residential and Commercial customers, respectively.

Table 3
Projected Residential and Multi-family Sewer Rates under Current Rate Design

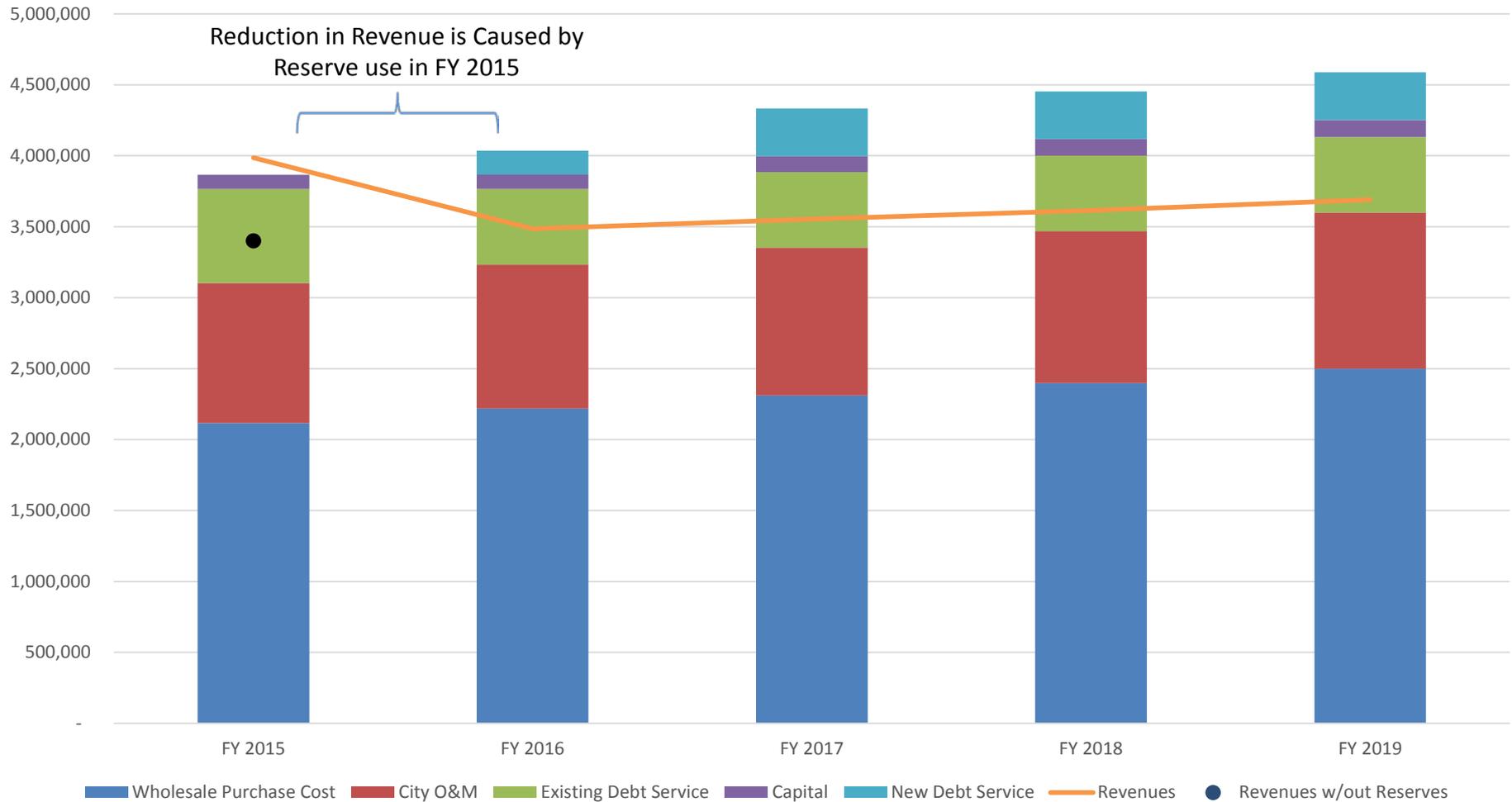
	Current	Jan 2015
Minimum Charge		
Residential	\$26.59	\$28.15
Multi-Family	26.92	28.50
"		
Volumetric Rate (Per 1,000 gallons)		
Residential	\$0.93	\$0.93
Multi-Family	0.93	0.93

Table 4
Projected Commercial Sewer Rates under Current Rate Design

	Current	Jan 2015
Minimum Charge		
3/4" or less	\$32.22	\$34.11
1"	42.84	45.35
1.5"	69.37	73.44
2"	101.21	107.14
3"	175.51	185.80
4"	281.67	298.18
6"	547.03	579.09
Master Meter	18.33	19.40
Volumetric Rate (per 1,000 gallons)	\$0.93	\$0.93

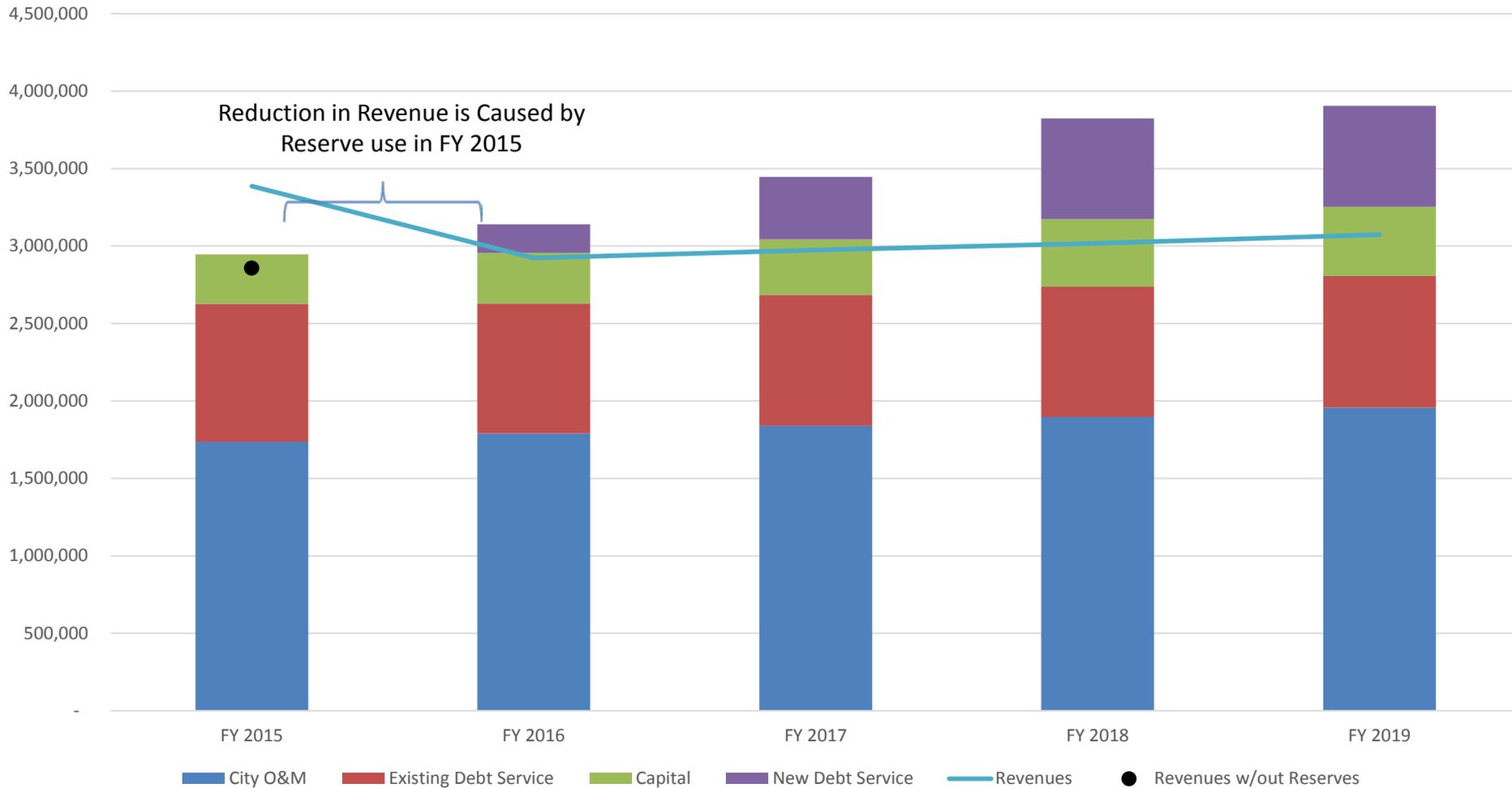
Anticipated Financial Performance (Water)

Projected Water Revenue performance under Current Rates



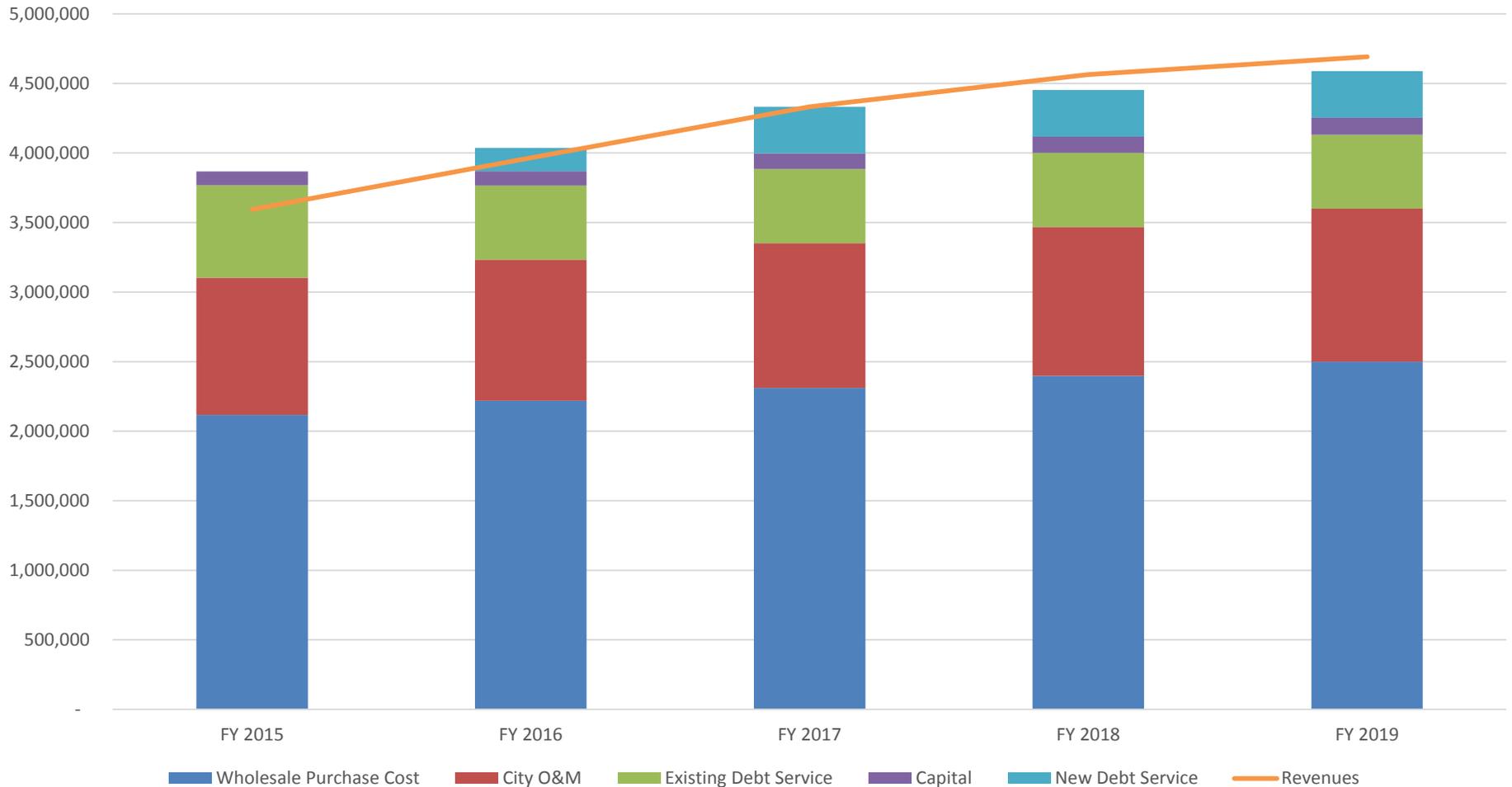
Anticipated Financial Performance (Sewer)

Projected Sewer Revenue Performance under Current Rates



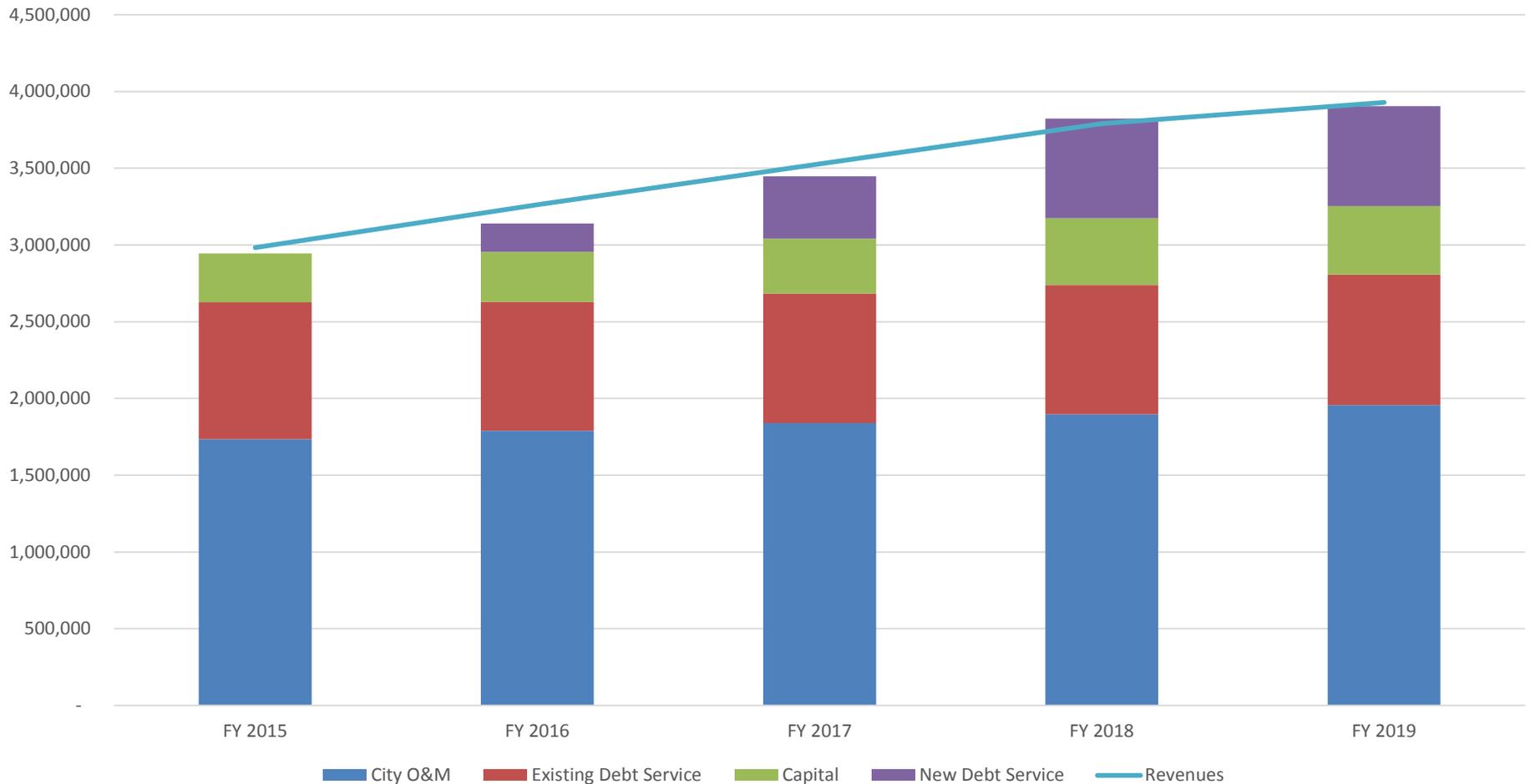
Projected Financial Performance (Water)

Projected Water Revenue Performance under Projected Rates



Projected Financial Performance (Sewer)

Projected Sewer Revenue Performance under Projected Rates



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ORDINANCE NO. 2101

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES;
INCREASING THE RATES CHARGED FOR WATER SERVICE;
INCREASING THE RATES CHARGED FOR WASTEWATER
SERVICES; PROVIDING FOR THE REPEAL OF ORDINANCES IN
CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Portland operates a water and wastewater utility system to provide essential services to the residents of Portland and certain areas of our extraterritorial jurisdiction; and

WHEREAS, the City of Portland is anticipating community growth and expansion of city boundaries with an estimated capital cost of \$10,255,000 in water and sewer projects over the next five years; and

WHEREAS, the debt generated by capital projects, along with the maintenance and operations, must be supported sufficiently by utility rates; and

WHEREAS, the San Patricio Municipal Water District has increased rates for water sold to the City of Portland; and

WHEREAS, the City Council previously enacted ordinance number 896 which provides that all increases and decreases in the cost for water purchased from San Patricio Municipal Water District shall be passed through to the customers of the City's water system; and

WHEREAS, the San Patricio Municipal Water District has notified the City it increased the charge for water sold to the City of Portland effective January 1, 2015; and

WHEREAS, both the increase from San Patricio Municipal Water District, and the costs of increased investment in capital projects should be recovered through appropriate utility rate increases to insure financial health and the integrity of the system,

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

Section 1. That Chapter 23, Article II, Section 23-41(a)(4) of the Code of Ordinances of the City of Portland is hereby amended to read as follows:

- (4) The minimum fees in Tables 1 and 2 shall be charged whether the customer actually uses the services or not.

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Table 1. Water and Wastewater Minimum Base Charges

Residential	<u>Water</u>	<u>Wastewater</u>
Meter Size		
0.625 inch to 2.0 inch	\$ 13.84 <u>14.55</u>	\$ 26.59 <u>28.15</u>
Commercial	<u>Water</u>	<u>Wastewater</u>
Meter Size		
0.625 inch	\$ 16.25 <u>17.08</u>	\$ 32.32 <u>34.11</u>
0.75 inch	\$ 16.25 <u>17.08</u>	\$ 32.32 <u>34.11</u>
1.0 inch	\$ 21.00 <u>22.07</u>	\$ 42.84 <u>45.35</u>
1.5 inch	\$ 32.87 <u>34.55</u>	\$ 69.37 <u>73.44</u>
2.0 inch	\$ 47.11 <u>49.52</u>	\$ 101.21 <u>107.14</u>
3.0 inch	\$ 80.37 <u>84.48</u>	\$ 175.51 <u>185.80</u>
4.0 inch	\$ 127.87 <u>134.41</u>	\$ 281.67 <u>298.18</u>
6.0 inch	\$ 246.62 <u>259.24</u>	\$ 547.03 <u>579.09</u>

Raw Water accounts, any meter size, will have a minimum monthly charge of \$140.52.

Section 2. That Chapter 23, Article II, Division 2, Section 23-41(b) is hereby amended to read as follows:

(b) New "master meter" systems (where many entities or units are served through one meter) shall only be allowed with prior written approval of the city manager and finance director. All "master meter" systems for apartments, multi-family units and commercial entities shall be charged a monthly minimum rate of ~~twenty four dollars and eighty eight cents~~ twenty six dollars and fifteen cents (~~\$24.88~~ 26.15) for water (plus usage as outlined in Table 3). Apartment complexes (5 units and up) and commercial accounts on master meters will be charged a per-unit charge of ~~eighteen dollars and thirty three cents~~ nineteen dollars and forty cents (~~\$18.33~~ 19.40) for wastewater (plus usage as outlined in Section 23-42). Multi-family units of 2 to 4 units will be charged ~~twenty six dollars and ninety two cents~~ twenty-eight dollars and fifty cents (~~\$26.92~~ 28.50) per unit for wastewater (plus usage as outlined in Section 23-42). There will not be any amount of usage included in the minimum monthly bill. The per-unit charges will not vary based on occupancy of the unit. Minimum solid waste service for master metered units shall be established by the city, based on a projected volume of waste.

Section 3. That Chapter 23, Article II, Division 2, Section 23-42(a) is hereby amended to read as follows:

(a) *Water.* Water usage (per metered connection) for each one thousand (1,000) gallons or part thereof shall be billed as stated in Table 3.

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Table 3. Water Usage Charges per Thousand Gallons

	<u>Potable Water</u>	<u>Raw Water</u>
0 to 13,000	\$3.02 <u>3.20</u>	\$3.25 <u>3.43</u>
13,001 to 25,000	3.08 <u>3.26</u>	\$3.25 <u>3.43</u>
25,001 to 40,000	3.28 <u>3.46</u>	\$3.25 <u>3.43</u>
40,001 and up	3.54 <u>3.72</u>	\$3.25 <u>3.43</u>

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

Section 5. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and separable and if any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional by the valid judgment or decree of an Court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

Section 6. This ordinance shall be in full force and effect after passage and publication as required by law.

Passed and approved after second reading on this the 6th day of January, 2015.

City of Portland

By: _____
David Krebs, Mayor

Attest: _____
Annette Hall, City Secretary

AGENDA TITLE **ORDINANCE NO. 2102 – DROUGHT CONTINGENCY PLAN REVISIONS**
THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE
NO. 2102 THAT REVISES THE CITY OF PORTLAND DROUGHT
CONTINGENCY PLAN

MEETING DATE 1/6/2015

DEPARTMENT Public Works

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

EXECUTIVE SUMMARY

The City of Portland’s Drought Contingency Plan was last revised in June 2013. As the City purchases water indirectly from the City of Corpus Christi, the Texas Commission on Environmental Quality (TCEQ) requires that our plan match the City of Corpus Christi’s plan, which was recently modified. Previously, our plan indicated that our stages would match the City of Corpus Christi’s, but TCEQ has notified us that we must set explicit trigger points for beginning different drought stages as the City of Corpus Christi has done. The updates contain no other major revisions to the plan and TCEQ has approved the proposed plan for adoption.

PRIOR ACTIONS OR REVIEWS

- June 18, 2013 – Passed Ordinance No. 2073 revising the Drought Contingency Plan

DETAILS / STAFF ANALYSIS

The drought stages remain unchanged:

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

- Stage 4—20% lake levels—Mandatory restrictions—Irrigation is prohibited. Recreational use of water (car wash, pools, etc.) is prohibited. Drought surcharge may be implemented. New water connections may be prohibited.
- Stage 5—Emergency—Mandatory restrictions—Irrigation is prohibited. Recreational use of water (car wash, pools, etc.) is prohibited. Drought surcharge may be implemented. New water connections may be prohibited.

ALTERNATIVES CONSIDERED

N/A.

FINANCIAL IMPACT

N/A.

ATTACHMENTS

- Ordinance No. 2102

RECOMMENDED ACTION

Motion to approve the first reading of Ordinance No. 2102.

1 **ORDINANCE NO. 2102**

2
3 **AN ORDINANCE MODIFYING THE CITY OF PORTLAND**
4 **DROUGHT CONTINGENCY PLAN; PROVIDING FOR THE**
5 **REPEAL OF ORDINANCES IN CONFLICT HEREWITH;**
6 **PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A**
7 **PENALTY AND SPECIFICALLY NEGATING A**
8 **REQUIREMENT OF A CULPABLE MENTAL STATE; AND**
9 **PROVIDING FOR PUBLICATION AND AN EFFECTIVE**
10 **DATE**

11
12 **WHEREAS** Section 11.1272 of the Texas Water Code requires all public water
13 supply systems in Texas to prepare a drought contingency plan; and,

14
15 **WHEREAS** the City of Portland adopted a Drought Contingency Plan (Plan) on
16 June 18, 2013, and the City Council has determined it is necessary to make revisions to
17 the Plan; and,

18
19 **WHEREAS** the City Council has determined that the revisions to the Plan are
20 necessary for the orderly and efficient management of limited water supplies during
21 drought and other water supply emergencies.

22
23 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**
24 **PORTLAND, TEXAS:**

25
26 **SECTION 1. CITY OF PORTLAND DROUGHT CONTINGENCY PLAN ADOPTION**

27
28 The City of Portland Drought Contingency Plan attached hereto and made a part hereof
29 by this reference is hereby adopted.

30
31 **SECTION 2. REPEALER**

32
33 All previously adopted rules, regulations, policies and ordinances in conflict with this
34 Ordinance are hereby repealed.

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36 **SECTION 3. SEVERABILITY**

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38 If any provision, section, clause or phrase of this Ordinance, or the application of same
39 to any person or set of circumstances is, for any reason held to be unconstitutional, void
40 or invalid, the validity of the remaining portions of this Ordinance shall not be affected
41 thereby, it being the intent of the City Council in adopting this Ordinance that no portion
42 hereof, or provisions or regulations contained herein, shall become inoperative or fail by

43 reason of any unconstitutionality of any other portion hereof, and all provisions of this
44 Ordinance are declared severable for that purpose.

45

46 **SECTION 4. PENALTY**

47

48 Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon
49 conviction thereof, shall be subject to a fine not exceeding one thousand dollars
50 (\$1,000.00). Each and every day that a violation of this Ordinance occurs shall
51 constitute a separate offense. The culpable mental state required by Chapter 6.02,
52 Texas Penal Code, is specifically negated and dispensed with and a violation is a strict
53 liability offense.

54

55 **SECTION 5. PUBLICATION AND EFFECTIVE DATE**

56

57 This Ordinance shall be published after second reading hereof by publishing the caption
58 thereof in the official newspaper with a statement the public may view the Ordinance in
59 the Office of the City Secretary. This Ordinance shall take effect upon its publication.

60

61 **PASSED** and **APPROVED** on second reading this ____ of _____, 2015.

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CITY OF PORTLAND

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David Krebs

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Mayor

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71 **ATTEST:**

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Annette Hall

City Secretary

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3 **City of Portland Drought Contingency Plan**

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5 **Section 1. Introduction**

6
7 This document is the Drought Contingency Plan (DCP) for the City of Portland (City). This DCP
8 was created so that the City can reduce demand when supplies are low so the residents have
9 enough water to make it through a drought. This DCP clearly explains the triggers initiated by a
10 drought and the steps to be taken during each stage of a drought. There is also information in
11 this DCP which explains the steps to be taken in a water emergency, such as when supplies are
12 cut off or contaminated. The DCP has been prepared in accordance with Texas Administrative
13 Code Title 30 Chapter 288 Subchapter B Rule §288.20 for Municipal Uses by Public Water
14 Suppliers.

15
16
17 **Section 2. Declaration of Policy and Reason**

18
19 In order to conserve the available water supply, to protect the integrity of water supply
20 facilities with particular regard for domestic water use, sanitation, and fire protection, to
21 protect and preserve public health, welfare, and safety, and to minimize the adverse impacts of
22 water supply shortage or other water-supply emergency conditions, the City hereby adopts the
23 following regulations and restrictions on the delivery and consumptions of water.

24
25 Water uses regulated or prohibited under this DCP are considered to be non-essential, and
26 continuation of such uses during times of water shortage or other emergency water-supply
27 conditions are deemed to constitute a waste of water, which subjects the offender(s) to
28 penalties as defined in this ordinance.

29
30 Currently, the City's water supply is delivered by the San Patricio Municipal Water District and is
31 comprised of three reservoirs: Lake Corpus Christi, Choke Canyon Reservoir and Lake Texana.
32 However, the criteria to trigger drought response stages are based on the combined capacity of
33 Lake Corpus Christi and Choke Canyon Reservoir. Since Choke Canyon Reservoir filled in June
34 1987, the combined storage of Choke Canyon Reservoir and Lake Corpus Christi has exceeded
35 60% capacity only about 62% of the time. The water storage levels in Choke Canyon Reservoir
36 and Lake Corpus Christi have generally been 2-4% higher since Lake Texana supplies were
37 added in October 1998.

38
39 Even with three reservoirs, the City still faces drought conditions (<50% storage levels) 16% of
40 the time. It is because of this frequency that the following DCP has been developed. This DCP
41 adopts measures that will dramatically cut water consumption in order to conserve water

42 supplies.

43

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45 **Section 3. Public Education**

46

47 Public meetings to receive comments on the DCP were held on June 4, 2013 and June 18, 2013.

48 The City will periodically provide the public with information about the DCP, including
49 information about the conditions under which each stage of the DCP is to be initiated or
50 terminated, and the drought response measures to be implemented in each stage. This
51 information will be provided by utility bill inserts, notices in the *Coastal Bend Herald* and/or
52 *Corpus Christi Caller-Times*, and notice on the City's website (www.portlandtx.com).

53 Notification to the public about when drought stages go into effect or when restrictions are
54 lifted is explained in more detail in Section 5.

55

56

57 **Section 4. Coordination with Regional Water Planning Groups**

58

59 The service area of the City of Portland is located within the Coastal Bend Regional Water
60 Planning Area (Region N) and the City has provided a copy of this DCP to Region N in care of the
61 Nueces River Authority. The City of Portland shall review and update, as appropriate, the DCP
62 at least every five years based on new or updated information, such as the adoption or revision
63 of the regional water plan.

64

65

66 **Section 5. Drought Stages Response Notification**

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68 The City Manager, or designee, shall monitor water supply and/or demand conditions on a
69 weekly basis and, in accordance with the triggering criteria set forth in Section 6 of this Chapter,
70 shall determine that a mild, moderate, severe, critical, or emergency water shortage condition
71 exists and shall implement the following notification procedures.

72

73 Notification of the Public:

74 The City Manager, or designee, shall notify the public for every change in drought stage status
75 by any or all of the following:

- 76 • City's website (www.portlandtx.com)
- 77 • Publication in the *Corpus Christi Caller-Times*
- 78 • Notice on the monthly billing
- 79 • Public Service Announcements
- 80 • Signs posted in public places

81

82 Additional Notification:

83 The City Manager, or designee shall, at a minimum, notify directly, or cause to be notified
84 directly, the following individuals and entities for every change in drought stage status:

- 85 • Mayor and members of the City Council
- 86 • Fire Chief
- 87 • City and/or County Emergency Management Coordinator
- 88 • County Judge and Commissioner(s)
- 89 • Major water users (such as industries)
- 90 • Critical water users (such as hospitals)
- 91 • Parks/street superintendents and public facilities managers
- 92 • Texas Commission on Environmental Quality (TCEQ) – note TCEQ executive director
- 93 must be informed within five (5) business days of mandatory water use restrictions
- 94 being imposed

95
96

97 **Section 6. Drought Best Management Practices Per Stage**

98

99 A summary of water use reduction targets for each drought stage response is presented in the
100 following table. Further discussion on best management practices and implementation
101 practices associated with each stage of response is included below.

102

Drought Stage Response	CCR/LCC Combined Reservoir Storage Level	Target Demand Reduction Levels
Stage 1- Mild	<50% or if Lake Texana is <40%	5%
Stage 2- Moderate	<40%	10%
Stage 3- Severe	<30%	15%
Stage 4- Critical	<20%	30%
Stage 5- Emergency	Not Applicable	50%

103

104

105 **Sec. 23-121. - Prohibition and regulation of uses.**

106

107 For the purposes of this division, the following provisions shall apply:

108

109 (1) No person shall knowingly, recklessly, or with criminal negligence, make,
110 cause, use or permit the use of water from the city system for residential,
111 commercial, industrial, agricultural, governmental, or any other purpose
112 in a manner contrary to any provision of this section, or in an amount in
113 excess of that use permitted by the conservation stage in effect pursuant
114 to action taken by the city manager, or his designee, in accordance with
115 the provisions of this section. The provisions of this section shall apply to
116 all uses of water from the city water supply system wherever situated. As
117 used in this division, "person" includes individuals, corporations,
118 partnerships, associations, and all other legal entities.

119

120 (2) The city manager shall promulgate guidelines which shall set forth the

121 criteria for determining when a particular conservation stage is to be
122 implemented and terminated. Such guidelines shall be updated when, in
123 the opinion of the city manager, the conditions of the water system have
124 changed so as to necessitate such update, such guidelines to be
125 published and filed in the office of the city.

126
127 (3) The use or withdrawal of water from the water supply system of the city
128 for the following purposes or uses is hereby regulated during any period
129 of water shortage commencing with the promulgation of water
130 conservation guidelines and implementation of same by the City Manager
131 and continuing until such water conservation measures are no longer
132 deemed necessary by the city manager in accordance with such
133 guidelines:

134
135 a. Stage 1 Response - MILD Water Shortage Conditions - Target: Achieve a
136 5% reduction in daily water demand with the following water use
137 restrictions:

138
139 1. Best Management Practices for Supply Management: The City will
140 enact voluntary measures to reduce or discontinue the flushing of
141 water mains if practicable and utilize reclaimed water for non-
142 potable uses to the greatest extent possible.

143
144 2. Water Use Restrictions for Reducing Demand:
145 a. Water customers are requested to voluntarily limit the irrigation
146 of landscaped areas to once per week. The watering schedule
147 will be determined by the City Manager.
148 b. Water customers are requested to practice water conservation
149 and to minimize or discontinue water use for non-essential
150 purposes.

151
152 b. Stage 2 Response - MODERATE Water Shortage Conditions - Target:
153 Achieve a 10% reduction in daily water demand with the following water
154 use restrictions:

155
156 1. Best Management Practices for Supply Management: In addition to
157 the best management practices for supply management listed under
158 Stage 1, the City will also do the following during Stage 2:
159 a. Use more repair crews if necessary to allow for a quicker
160 response time for water-line leak repair; and
161 b. City crews will monitor customers' compliance with Stage 2
162 restrictions during the course of their daily rounds.

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2. The following water use restrictions shall apply to all persons during Stage 2:
 - a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to once per week. The watering schedule will be determined by the City Manager. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system. Exceptions for this restriction may be permitted, upon review and approval by the Water Allocation and Review Committee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system must apply for a permit from the City Water Department to be prominently posted on the premises within two (2) feet of the street number located on the premises.
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations upon review of the Water Allocation and Review Committee if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
 - c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days.
 - d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life.
 - e. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Portland.
 - f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days.

- 252 shall still apply for a permit from the City Water Department to
253 be prominently posted on the premises within two (2) feet of the
254 street number located on the premises.
- 255 b. The watering of golf course fairways is prohibited. The watering
256 of greens and tees are limited to once every other week unless
257 the golf course utilizes a water source other than that provided
258 through City of Portland Water Department infrastructure or
259 done by means of hand-held hoses, hand-held buckets, or drip
260 irrigation.
- 261
- 262 d. Stage 4 Response - CRITICAL Water Shortage Conditions - Target:
263 Achieve a 30% or greater reduction in daily water demand with the
264 following water use restrictions:
- 265
- 266 1. Best Management Practices for Supply Management: In addition to
267 the best management practices for supply management listed under
268 Stage 3, the City will also do the following:
- 269 a. Upon written notice, disconnect the water meters of willful
270 violators if absolutely necessary to prevent the deliberate
271 wasting of water.
- 272
- 273 2. Water Use Restrictions for Demand Reduction: All requirements of
274 Stage 2 and 3 shall remain in effect during Stage 4 except:
- 275 a. Irrigation of landscaped areas shall be prohibited at all times.
- 276 b. Use of water to wash any motor vehicle, motorbike, boat, trailer,
277 airplane or other vehicle not occurring on the premises of a
278 commercial car wash and not in the immediate interest of public
279 health, safety, and welfare is prohibited.
- 280 c. The filling, refilling, or adding of water to swimming pools,
281 wading pools, and jacuzzi-type pools, and water parks (unless
282 utilizing water from a non-city alternative source) is prohibited.
- 283 d. The use of water to maintain the integrity of a building
284 foundation is still permitted on the designated Stage 3 watering
285 day.
- 286 e. During Stage 4, the following measures are optional water use
287 restrictions that may be implemented by the City Manager, with
288 approval of the City Council, as conditions warrant:
- 289 i. No application for new, additional, expanded, or
290 increased- in-size water service connections, meters,
291 service lines, pipeline extensions, mains, or water service
292 facilities of any kind shall be approved, and time limits for
293 approval of such applications are hereby suspended for
294 such time as this drought response stage shall be in
295 effect.

- 340 establishment or any location where water is used on the premises.
341 Defective plumbing includes out-of-repair water closets,
342 underground leaks, defective or leaking faucets and taps.
- 343 3. Allow water to flow constantly through a tap, hydrant, valve, or
344 otherwise by any use of water connected to the City water system.
345
346 4. Use any non-recycling decorative water fountain.
347
348 5. Allow irrigation heads or sprinklers to spray directly on paved
349 surfaces such as driveways, parking lots, and sidewalks in public
350 right-of-ways.
351
352 6. Operate an irrigation system at water pressure higher than
353 recommended, causing heads to mist, or to operate with broken
354 heads.
355
- 356 b. Time of Irrigation: Irrigation by spray or sprinklers is prohibited between
357 the hours of 10:00 AM and 6:00 PM. It is still permissible to water by
358 hand or by drip irrigation at any time of day, unless the City enters Stage
359 4 Drought.
360

361 **Sec. 23-122. - Allocation and review committee.**
362

- 363 (a) The allocation and review committee shall be composed of five (5) members
364 appointed to indefinite terms by the city council and serving at its
365 pleasure. The city council shall appoint one (1) of the members to be
366 chairman.
367
- 368 (b) The committee shall consider requests of water users for special
369 consideration to be given as to their respective particular circumstances
370 and the committee shall hear and decide such requests and is hereby
371 authorized to, in special cases, grant such variance from the terms of this
372 division as will not be contrary to the public interest, where, owing to
373 special conditions, a literal enforcement of the provisions of this division
374 will result in unnecessary hardship, and so that the spirit of this division
375 shall be observed and substantial justice done. Should a permit for
376 special exception be granted by such committee, it shall be in effect from
377 the time of granting; provided, that the permit is prominently posted on
378 the premises within two (2) feet of the street number located on the
379 premises. Should protest be received after the granting of any such
380 special permit, the committee shall reconsider the revocation of such
381 permit and shall consider the granting of such permit at a public hearing,
382 notice of which shall have been given at least one

383 (1) day prior to the holding of such hearing. After the conclusion of such
384 hearing, the committee shall take such action, by way of revocation of
385 such permit, or refusal to revoke the same, or modification of such
386 permit, as the committee may deem proper under the circumstances.
387

388 **Sec. 23-123. - Violations, penalty and enforcement.**
389

- 390 (a) Any person violating any provision of this division shall be deemed
391 guilty of a misdemeanor and, upon conviction, shall be punished by a
392 fine as provided in article IV of this chapter. The commission of a
393 violation of each provision, and each separate violation thereof, shall
394 be deemed a separate offense, and upon conviction thereof shall be
395 fined as hereinabove provided. If any person or a second person in the
396 same household or premises is found guilty of a second violation of
397 this article, the director of public works shall be authorized to
398 discontinue water service to the premises where such violation occurs.
399
- 400 (b) Any police officer, or other city employee designated by the city manager,
401 may issue a citation to a person he reasonably believes to be in violation
402 of this division. The citation shall be prepared in duplicate and shall
403 contain the name and address of alleged violator, if known, and the
404 offense charged, and shall direct him to appear in the city's municipal
405 court no sooner than ten (10) days and no later than twenty-one (21) days
406 of service of the citation. The alleged violator shall be requested to sign
407 the citation and shall be served with a copy of the citation. Service of the
408 citation shall be complete upon the attempt to give it to the alleged
409 violator, to an agent or employee of a violator, or to a person over
410 fourteen (14) years of age who is a member of the violator's immediate
411 family or is a resident at the violator's residence. The alleged violator shall
412 appear in municipal court to make his plea no sooner than ten (10) days
413 and no later than twenty-one (21) days of service of the citation, and
414 failure to so appear shall be a violation of this division. A police officer
415 may arrest for any offense under this division where permitted by state
416 arrest law. Such cases shall be expedited and given preferential setting in
417 municipal court before all other cases.
418
- 419 (c) A person in apparent control of the property where the violation occurs
420 or originates shall be presumed to be the violator, and proof of facts
421 showing apparent control by such person of the premises and proof that
422 the violation occurred on the premises shall constitute prima facie
423 evidence that such person committed the violation, but such person shall
424 have the right to show that he did not commit the violation. Any person
425 whose name is on file with the utilities department as the customer on
426 the water account for the property where the violation occurs or

427 originates shall be presumed to be the violator, and proof that the
428 violation occurred on such premises shall constitute prima facie evidence
429 that the customer committed the violation, but such customer shall have
430 the right to show that he did not commit the violation. Parents shall be
431 presumed to be responsible for violations of their minor children, and
432 proof that a child committed a violation on property within the parent's
433 control shall constitute prima facie evidence that such parent committed
434 the violation, but such parent may be excused if he proves that he
435 previously directed the child not to use the water as it was used in the
436 violation and that the parent could not have reasonably known of the
437 violation.
438

439 **Sec. 23-124. - Surcharges for Drought Stages 3, 4, 5 and Service Measures**
440

441 (a) General
442

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

464
465 (b) Residential water customers, who are not billed through a master water
466 meter.
467

- 468 1. A monthly water usage trigger point shall be 3,000 gallons for
469 residential customers. This trigger point is the maximum amount of

- 470 water that a customer can use in a month before being charged a
471 drought rate surcharge.
- 472 2. The drought surcharge can be up to and including 100% of the most
473 current water rate.
- 474
- 475 (c) Residential customers who are billed from a master water meter.
- 476
- 477 1. A monthly water usage trigger point shall be 3,000 gallons for each
478 residential unit. This trigger point is the maximum amount of water
479 that a customer can use in a month before being charged a drought
480 rate surcharge.
- 481 2. The drought surcharge can be up to and including 100% of the most
482 current water rate.
- 483
- 484 (d) Commercial or institutional customer
- 485 1. A monthly water usage allocation shall be established by the City
486 Manager or designee for each commercial or institutional
487 customer.
- 488 2. Method of establishing allocation:
- 489 a. During Stage 4, the commercial or institutional customer's
490 allocation shall be 90 percent of the customer's usage for
491 the corresponding month's billing period during the previous
492 12 months prior to the implementation of Stage 2 condition.
- 493 b. If the customer's billing history is shorter than 12 months, the
494 monthly average for the period for which there is a record
495 shall be used for any monthly period for which no history
496 exists.
- 497 c. Provided, however, a customer, 90 percent of whose monthly
498 usage is less than 6,000 gallons, shall be allocated 6,000
499 gallons.
- 500 d. The City Manager shall give best effort to see that notice of each
501 commercial or institutional customer's allocation is mailed to
502 such customer.
- 503 e. If, however, the customer does not receive such notice, it
504 shall be the customer's responsibility to contact the City'
505 Utilities Billing Office to determine the allocation, and the
506 allocation shall be fully effective notwithstanding lack of
507 receipt of written notice.
- 508 f. Upon request of the customer or at the initiative of the City
509 Manager, the allocation may be reduced or increased by the City
510 Manager,
- 511 1. if one nonresidential customer agrees to transfer part of its
512 allocation to another nonresidential customer, or

- 513 2. if other objective evidence demonstrates that the
514 designated allocation is inaccurate under present
515 conditions.
516
- 517 (e) Commercial, institutional, and industrial customers shall pay the
518 following surcharges:
519
- 520 1. Customers whose allocation is 6,000 gallons through 20,000
521 gallons per month:
522
- 523 a. \$5.00 per 1,000 gallons for the first 1,000 gallons over allocation.
524 b. \$8.00 per 1,000 gallons for the second 1,000 gallons over allocation.
525 c. \$16.00 per 1,000 gallons for the third 1,000 gallons over allocation.
526 d. \$40.00 for each additional 1,000 gallons over allocation.
527
- 528
- 529 2. Customers whose allocation is 21,000 gallons per month or more:
530
- 531 a. One times the block rate for each 1,000 gallons in
532 excess of the allocation up through 5 percent above
533 allocation.
534 b. Three times the block rate for each 1,000 gallons from 5 percent
535 through 10 percent above allocation.
536 c. Five times the block rate for each 1,000 gallons from 10 percent
537 through 15 percent above allocation.
538 d. Ten times the block rate for each 1,000 gallons more than 15 percent
539 above allocation.
540 e. The surcharges shall be cumulative.
541 f. As used herein, "block rate" means the charge to the customer
542 per 1,000 gallons at the regular water rate schedule at the level
543 of the customer's allocation.
544
- 545 (f) Nonresidential customer is billed from a master meter.
546
- 547 1. When a nonresidential customer is billed from a master meter
548 which jointly measures water to multiple residential dwelling
549 units (for example: apartments, mobile homes), the customer
550 may pass along any surcharges assessed under this plan to the
551 tenants or occupants, provided that:
552 a. The customer notifies each tenant in writing:
553 1. That the surcharge will be passed along.
554 2. How the surcharge will be apportioned.

- 555 3. That the landlord must be notified immediately of any
556 plumbing leaks.
- 557 4. Methods to conserve water (which shall be obtained from the
558 City).
- 559 b. The customer diligently maintains the plumbing system to prevent
560 leaks.
- 561 c. The customer installs water saving devices and measures (ideas
562 for which are available from the City) to the extent reasonable
563 and practical under the circumstances.
- 564
- 565 (g) Water service to the customer may be terminated under the following
566 conditions:
- 567 1. Monthly residential water usage exceeds allocation by 4,000
568 gallons or more two or more times (which need not be
569 consecutive months).
- 570 2. Monthly water usage on a master meter which jointly measures
571 water usage to multiple residential dwelling units exceeds
572 allocation by 4,000 gallons times the number of dwelling units or
573 more two or more times (which need not be consecutive months).
- 574 3. Monthly nonresidential water usage for a customer whose
575 allocation is 6,000 gallons through 20,000 gallons exceeds its
576 allocation by 7,000 gallons or more two or more times (which need
577 not be consecutive months).
- 578 4. Monthly nonresidential water usage for a customer whose
579 allocation is 21,000 gallons or more exceeds its allocation by 15
580 percent or more two or more times (which need not be
581 consecutive months).
- 582 5. For residential customers and nonresidential customers whose
583 allocation does not exceed 20,000 gallons, after the first
584 disconnection water service shall be restored upon request for a
585 fee of \$50.
- 586 6. For such customers, after the second disconnection, water
587 service shall be restored within 24 hours of the request for a fee
588 of \$500.
- 589 7. If water service is disconnected a third time for such customer,
590 water service shall not be restored until the City re-enters a level of
591 water conservation less than Stage 3. For master meter customers,
592 the service restoration fees shall be the same as above times the
593 number of dwelling units.
- 594 8. For nonresidential customers whose allocation is 21,000 gallons
595 per month or more:
- 596 a. After the first disconnection, water service shall be restored
597 upon request for a fee in the amount of "X" in the following

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formula:

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

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

- (h) It shall be a defense to imposition of a surcharge hereunder, or to termination of service, that water used over allocation resulted from loss of water through no fault of the customer (for example, a major water line break) for the following conditions:
 - 1. The customer shall have the burden to prove such defense by objective evidence (for example, a written certification of the circumstances by a plumber).
 - 2. A sworn statement may be required of the customer.
 - 3. This defense shall not apply if the customer failed to take reasonable steps for upkeep of the plumbing system, failed to reasonably inspect the system and discover the leak, failed to take immediate steps to correct the leak after discovered, or was in any other way negligent in causing or permitting the loss of water.
- (i) When this section refers to allocation or water usage periods as "month," monthly," "billing period," and the like, such references shall mean the period in the City's ordinary billing cycle which commences with the reading of a meter one month and commences with the next reading of that meter which is usually the next month.
 - 1. The goal for the length of such period is 30 days, but a variance of five days, more or less, will necessarily exist as to particular meters.
 - 2. If the meter reader system is prevented from timely reading a meter by any obstacle which is attributable to the customer, the original allocation shall apply to the longer period without modification.



**STAFF
WEEKLY
REPORTS**

Portland Fire Department

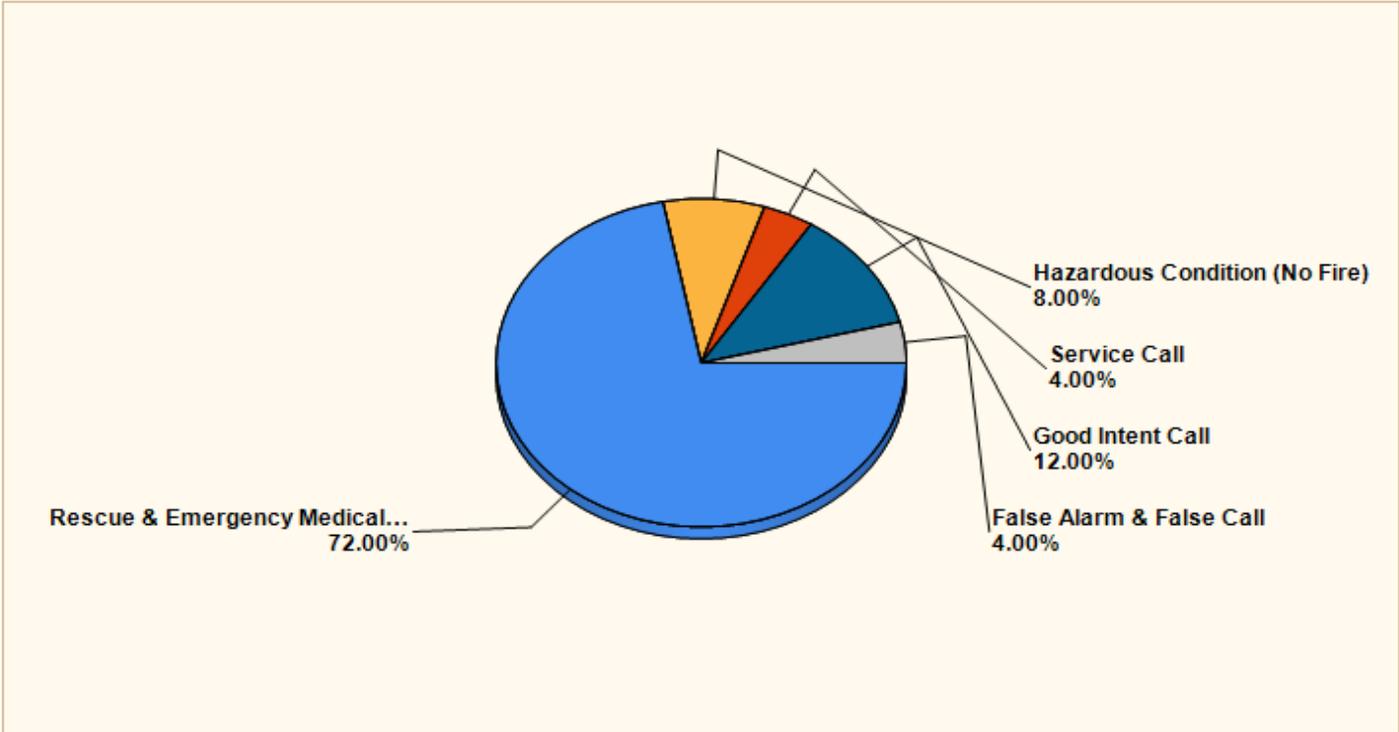
Portland, TX

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Breakdown by Major Incident Types for Date Range

Start Date: 12/08/2014 | End Date: 12/14/2014



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Rescue & Emergency Medical Service	18	72.00%
Hazardous Condition (No Fire)	2	8.00%
Service Call	1	4.00%
Good Intent Call	3	12.00%
False Alarm & False Call	1	4.00%
TOTAL	25	100.00%

Detailed Breakdown by Incident Type		
INCIDENT TYPE	# INCIDENTS	% of TOTAL
311 - Medical assist, assist EMS crew	7	28.00%
320 - Emergency medical service, other	2	8.00%
321 - EMS call, excluding vehicle accident with injury	9	36.00%
400 - Hazardous condition, other	1	4.00%
412 - Gas leak (natural gas or LPG)	1	4.00%
510 - Person in distress, other	1	4.00%
611 - Dispatched & cancelled en route	2	8.00%
651 - Smoke scare, odor of smoke	1	4.00%
731 - Sprinkler activation due to malfunction	1	4.00%
TOTAL INCIDENTS:	25	100.00%

Participated in Parade of Lights
 Conducted Station Tour for Homeschool Group (Approx 20 students)
 Conducted New Hire Testing

Number of times on scene or enroute to a call when a call was dispatched: 1

Average Response Time: 4.28 Min.



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

Completed Activities

12/07/2014 through 12/13/2014

Page 1 of 1

Report run on: 12-15-2014

Activity Date	Record Type	Activity	Party	Site Address	Inspector	Status
12/08/2014	ANNUAL INSPECTION	Annual	TEXAS A1 RESTAURANT	407 Cedar	Dan Willott	SCHEDULED
12/08/2014	ANNUAL INSPECTION	Annual	SECURITY FINANCE CORPORATION	1605 U.S. Highway 181 Suite #C	Dan Willott	SCHEDULED
12/08/2014	ANNUAL INSPECTION	Annual	PEERLESS CLEANERS	1003 A US Hwy 181	Dan Willott	SCHEDULED
12/08/2014	ANNUAL INSPECTION	Annual	HOLIDAY INN EXPRESS	220 Reliant	Dan Willott	SCHEDULED
12/08/2014	ANNUAL INSPECTION	Annual	ACADEMY SPORTS	1900 U.S. 181	Dan Willott	SCHEDULED
12/08/2014	ANNUAL INSPECTION	Annual	TSO - DR. RM BURTON OPTOMETRIST	1540 Wildcat Suite B	Dan Willott	FAIL
12/09/2014	ANNUAL INSPECTION	Annual	SONIC	106 Lang	Dan Willott	SCHEDULED
12/09/2014	ANNUAL INSPECTION	Annual	JAMES DUNCAN	00240 RELIANT DR	Dan Willott	PASS
12/09/2014	ANNUAL INSPECTION	Annual	NAVY ARMY FEDERAL CREDIT UNION	285 Buddy Ganem	Dan Willott	SCHEDULED
12/09/2014	ANNUAL INSPECTION	Annual	BEST WESTERN	1707 US Hwy 181	Dan Willott	SCHEDULED
12/09/2014	ANNUAL INSPECTION	Annual	AL WILLEFORD CHEVROLET	01603 US HWY 181	Dan Willott	SCHEDULED
12/09/2014	ANNUAL INSPECTION	Annual	IHOP	01830 HWY 181	Dan Willott	SCHEDULED
12/09/2014	ANNUAL INSPECTION	Annual	TEXAS ALCOHOL AND DRUG TESTING SERV.	1605 US Hwy 181 Suite D	Dan Willott	SCHEDULED
12/09/2014	ANNUAL INSPECTION	Annual	FARMER'S INSURANCE, FLOERKE	1605 US Hwy 181 Suite E	Dan Willott	SCHEDULED
12/10/2014	ANNUAL INSPECTION	Annual	DAYS INN	01703 HWY 181 N	Dan Willott	SCHEDULED
12/10/2014	ANNUAL INSPECTION	Re-Inspection	BRIDGE POINT LANDING APARTMENTS	01090 Lang Rd.	Dan Willott	PASS
12/10/2014	ALARM/SPRINKLER SYSTEM	Re-Inspection	HAMPTON INN PORTLAND	1705 U.S. Hwy 181	Dan Willott	PASS
12/11/2014	ANNUAL INSPECTION	Annual	GNC	1546 WILDCAT	Dan Willott	SCHEDULED
12/11/2014	ANNUAL INSPECTION	Annual	ACE CASH EXPRESS	01508 WILDCAT DR	Dan Willott	SCHEDULED
12/11/2014	ANNUAL INSPECTION	Annual	GTEK	114 Lang #B	Dan Willott	SCHEDULED

Total Completed Activities: 20

Portland Fire Department

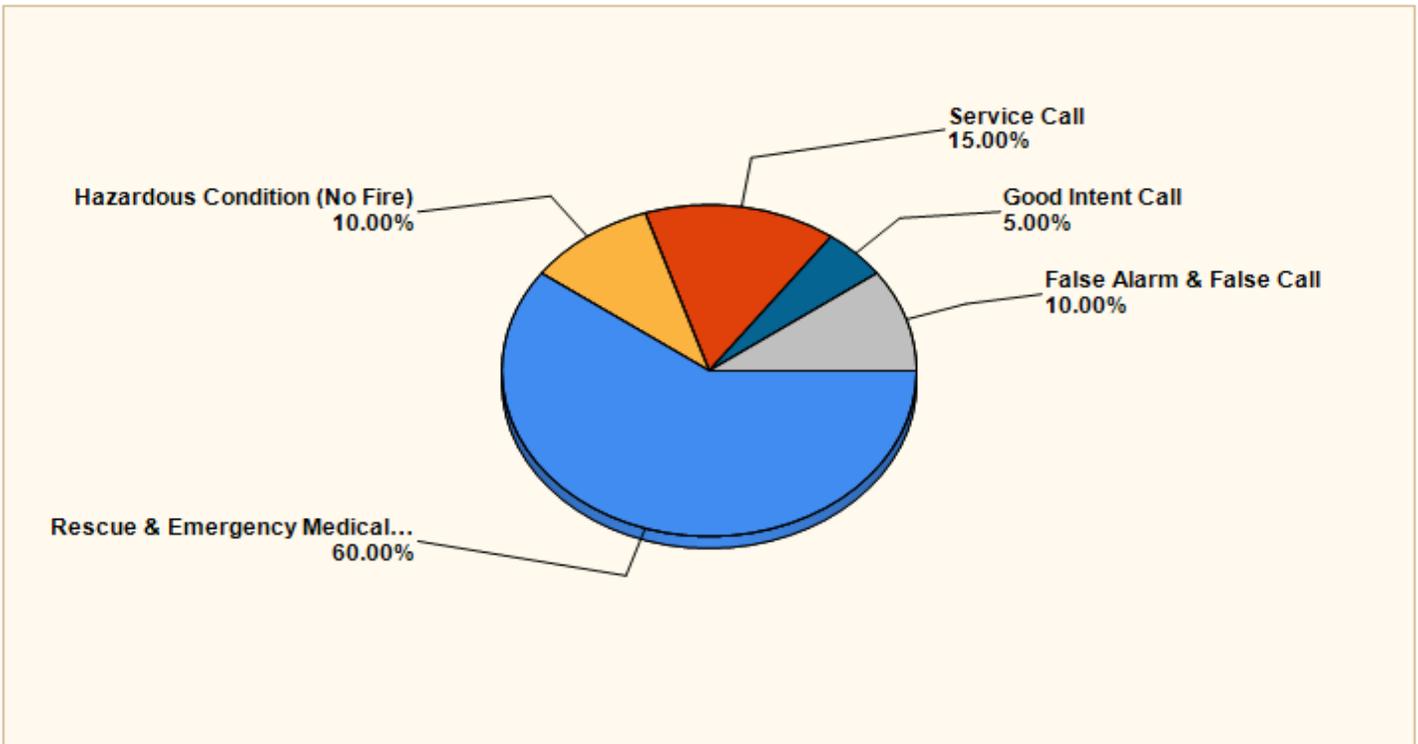
Portland, TX

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Breakdown by Major Incident Types for Date Range

Start Date: 12/22/2014 | End Date: 12/28/2014



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Rescue & Emergency Medical Service	12	60.00%
Hazardous Condition (No Fire)	2	10.00%
Service Call	3	15.00%
Good Intent Call	1	5.00%
False Alarm & False Call	2	10.00%
TOTAL	20	100.00%

Detailed Breakdown by Incident Type		
INCIDENT TYPE	# INCIDENTS	% of TOTAL
311 - Medical assist, assist EMS crew	5	25.00%
321 - EMS call, excluding vehicle accident with injury	7	35.00%
413 - Oil or other combustible liquid spill	1	5.00%
445 - Arcing, shorted electrical equipment	1	5.00%
510 - Person in distress, other	3	15.00%
611 - Dispatched & cancelled en route	1	5.00%
745 - Alarm system activation, no fire - unintentional	2	10.00%
TOTAL INCIDENTS:	20	100.00%

Number of times on scene or enroute to a call when a call was dispatched: 0

Average Response Time: 4.10 Min.



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

Completed Activities

12/21/2014 through 12/27/2014

Report run on: 12-29-2014

Activity Date	Record Type	Activity	Party	Site Address	Inspector	Status
12/24/2014	ANNUAL INSPECTION	Re-Inspection	DOLLAR TREE	01516 Wildcat Dr.	Dan Willott	PASS

Total Completed Activities: 1