



CITY COUNCIL AGENDA

NOTICE OF REGULAR MEETING

Tuesday, November 1, 2022

7:00 p.m.

City Hall - Council Chamber

Daniel P. Moore Community Center Complex

1900 Billy G. Webb Drive

Portland, Texas

Citizens may watch the meeting live online at <http://www.portlandtx.com/418/Media-Center>. Citizens may also comment on items appearing on the agenda online at <http://www.portlandtx.com/418/Media-Center> and/or submit comments or questions for the City Council to annette.hall@portlandtx.gov. To be considered by the City Council, all comments must be received one (1) hour prior to the meeting. The City Council reserves the right, upon motion, to suspend the rules to consider business out of the posted order. In addition to any executive session included in the agenda, the City Council reserves the right to adjourn into executive session at any time during this meeting for the purpose of consultation with the city attorney as authorized by Texas Government Code section 551.071 or for any matter authorized by Texas Government Code Section 551.

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

1. **CALL TO ORDER:** MAYOR SKUROW
2. **ROLL CALL:** CITY SECRETARY
3. **INVOCATION AND PLEDGE OF ALLEGIANCE:** MAYOR SKUROW OR DESIGNEE
4. **FORMAL ANNOUNCEMENTS, RECOGNITION, PRESENTATIONS, AND REPORTS THAT MAY BE DISCUSSED:**
 - RECOGNITION OF RAY ALLEN, EXECUTIVE DIRECTOR OF THE CORPUS CHRISTI BAYS AND ESTUARIES FOR YEARS OF SERVICE– MAYOR
 - RECOGNITION OF POLICE OFFICERS – CHIEF OF POLICE
 - PRESENTATION OF THE FIRE STATION LOCATION STUDY – FIRE CHIEF AND AP TRITON CONSULTING

5. CITY COUNCIL COMMENTS CONCERNING ITEMS OF COMMUNITY INTEREST THAT MAY NOT BE DISCUSSED:

Members of the City Council may present reports 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 of imminent threats to the public health and safety of the city

6. CITY MANAGER'S REPORT:

The City Manager may present announcements, comments, and updates on City operations and projects.

7. PUBLIC COMMENT - AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY COUNCIL:

To reduce the chance of COVID-19 transmission, City Council meetings will be held in a manner intended to separate, to the maximum practical extent, the audience and presenters from personal contact with members of the Community, City Staff, and City Council. This meeting will be live-streamed at www.portlandtx.com/418/Media-Center.

Public testimony and public hearing input for Public Comment and all items on the agenda should be provided in written format and presented to the City Secretary prior to the start of each meeting of the City Council. Written comments on agenda items may also be submitted through the City's Speak-Up website at www.portlandtx.com/418/Media-Center one (1) hour prior to the meeting.

Written public testimony will be provided to members of the City Council prior to voting on measures for that meeting and included in the meeting record.

Written and oral testimony as described shall serve as public testimony pursuant to Texas Government Code 551.007 for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference.

Persons wishing to speak must fill out a speaker request card prior to the meeting. You will be notified when it is your turn to speak. Speakers will be given four (4) minutes to speak.

B. ACTION ITEMS, RESOLUTIONS AND ORDINANCES:

8. **MINUTES OF PREVIOUS MEETINGS:** THE CITY COUNCIL WILL CONSIDER APPROVAL OF THE MINUTES OF ITS OCTOBER 18, 2022 WORKSHOP AND REGULAR MEETING – MAYOR SKUROW AND CITY SECRETARY
9. **ORDINANCE NO. 2271—ABANDONMENT AND SALE OF SURPLUS RIGHT-OF-WAY:** THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2271 THAT ABANDONS AND AUTHORIZES THE CITY MANAGER TO SELL APPROXIMATELY 0.0351 ACRES OF RAILROAD STREET RIGHT-OF-WAY NORTH OF FOURTH AVENUE TO ALLIE CAT ENTERPRISES, LLC – DIRECTOR OF DEVELOPMENT SERVICES
10. **ENGAGEMENT OF KNIGHTSTORM PRODUCTIONS LLC FOR PHOTOGRAPHY AND VIDEOGRAPHY SERVICES:** THE CITY COUNCIL WILL CONSIDER A CONTRACT FOR SERVICES FROM KNIGHTSTORM PRODUCTIONS LLC FOR PHOTOGRAPHY AND VIDEOGRAPHY SERVICES – ASSISTANT CITY MANAGER
11. **RESOLUTION 870 – APPOINTMENT OF CITY COUNCIL REPRESENTATIVES:** THE CITY COUNCIL WILL CONSIDER APPOINTMENTS OF ITS MEMBERS TO VARIOUS BOARDS, COMMITTEES AND COMMISSIONS – MAYOR AND CITY MANAGER
12. **ORDINANCE NO. 2269 - UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS:** THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2269 AMENDING THE UNIFIED DEVELOPMENT ORDINANCE SECTION 709 – BUFFERS AND LANDSCAPING – DIRECTOR OF DEVELOPMENT SERVICES
13. **ORDINANCE NO. 2270 – REVISING SOLID WASTE SERVICE RATES:** THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2270 THAT REVISES SOLID WASTE SERVICE RATES – DIRECTOR OF FINANCE
14. **EXECUTIVE SESSION:** THE CITY COUNCIL MAY CONDUCT AN EXECUTIVE SESSION ACCORDING TO GOVERNMENT CODE AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTIONS 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION REGARDING REAL PROPERTY), 551.073 (DELIBERATION REGARDING PROSPECTIVE GIFT), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATION REGARDING SECURITY DEVICES) AND 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION).

EXECUTIVE SESSION ACTION: THE CITY COUNCIL MAY TAKE ACTION AS A RESULT OF ITEMS DISCUSSED IN EXECUTIVE SESSION

C. ADJOURNMENT: MAYOR SKUROW

Posted: October 28, 2022 by 5:00 p.m.
Portland City Hall
Electronically at www.portlandtx.gov

By: *Annette Hall*
Annette Hall
City Secretary

**CITY OF PORTLAND
CITY COUNCIL
WORKSHOP
MINUTES
OCTOBER 18, 2022 – 6:00 P.M.**

On this, the 18th day of October 2022, the Council of the City of Portland convened in a workshop session at 6:00 p.m. in the Council Chambers of City Hall, Daniel P. Moore Community Center Complex, and notice of the workshop giving the time, place, and date and subject having been posted as described by Section 551 of the Government Code.

COUNCIL MEMBERS PRESENT:

Cathy Skurow	Mayor
John Green	Mayor Pro Tem
John G. Sutton, Jr.	Council Member
Bill T. Wilson II	Council Member
Troy Bethel	Council Member
Zachary Albrecht	Council Member

COUNCIL MEMBERS ABSENT:

Gary W. Moore	Council Member
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EXECUTIVE STAFF PRESENT:

Randy Wright	City Manager
Brian DeLatte	Deputy City Manager
Kathleen Weisenberger	Assistant City Manager
Annette Hall	City Secretary
Hal George	City Attorney
Sarah Munoz	Director of Development Services
Shelby O'Brien	Director of Marketing and Communications

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

1. CALL TO ORDER: MAYOR SKUROW

Mayor Skurow called the meeting to order at 6:00 pm.

2. ROLL CALL: CITY SECRETARY

City Secretary Annette Hall called the roll and announced that a quorum was present.

3. GATEWAY SIGN PRESENTATION: THE CITY COUNCIL WILL RECEIVE A PRESENTATION FROM RICHTER ARCHITECTS CONCERNING PROPOSED GATEWAY SIGNS – CITY MANAGER AND REPRESENTATIVES OF RICHTER ARCHITECTS

David Richter and Elizabeth Chu Richter with Richter Architects presented and discussed a conceptual design for a proposed Gateway sign with the City Council.

Mayor Pro Tem Green arrived at 6:15 p.m.

4. ADJOURNMENT: MAYOR SKUROW

Mayor Skurow adjourned the workshop at 6:59 p.m.

Approved:

Cathy Skurow Mayor

Attest:

City Secretary

**CITY OF PORTLAND
CITY COUNCIL
REGULAR MEETING
MINUTES
OCTOBER 18, 2022 – 7:00 P.M.**

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On the 18th day of October 2022, the Council of the City of Portland conducted a regular meeting session at 7:00 pm. A notice of regular meeting giving the time, place and date, and subject having been posted as described by Section 551 of the Government Code.

COUNCIL MEMBERS PRESENT:

Cathy Skurow	Mayor
John Green	Mayor Pro Tem
Bill T. Wilson II	Council Member
Troy Bethel	Council Member
John G. Sutton, Jr.	Council Member
Zachary Albrecht	Council Member

COUNCIL MEMBERS ABSENT:

Gary W. Moore	Council Member
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EXECUTIVE STAFF PRESENT:

Randy Wright	City Manager
Brian DeLatte	Deputy City Manager
Kathleen Weisenberger	Assistant City Manager
Annette Hall	City Secretary
Kenneth Banks, PhD.	Director of Public Works
Sarah Munoz	Director of Development Services
Aldilia Martin	Director of Finance

Shelby O'Brien	Director of Marketing and Communications
Ginny Moses	Library Director
Mark Cory	Chief of Police
Jeff Morris	Fire Chief
Hal George	City Attorney
Drew Schell	IT Technician
Brandon Lemon	Accounting Assistant

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 SKUROW

Mayor Skurow called the meeting to order at 7:10 pm.

2. ROLL CALL: CITY SECRETARY

City Secretary Annette Hall called the roll and announced that there is a quorum and the required charter officers are present to conduct the meeting.

3. INVOCATION AND PLEDGE OF ALLEGIANCE: MAYOR SKUROW OR DESIGNEE

Council Member Wilson gave the invocation and Council Member Sutton led the pledge.

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

• **PRESENTATION ON BELL/WHITTINGTON LIBRARY FALL EVENTS – LIBRARY DIRECTOR**

Library Director Ginny Moses gave a presentation on the Bell/Whitting Library Fall Events that included the following information:

Save the Date – Book-A-Palooza
 Saturday, October 22, 2022
 11 a.m. – 5 p.m.
 T.M. Clark Elementary
 2250 Memorial Parkway

Book-A-Palooza Stats

- 2014 First BAP (Book-A-Palooza)
- 2022- 9th Year of BAP
- Over 65,000 Books Given Away
- Over 13,000 in Attendance

- Over 8,000 Volunteers
- Over 40,000 Volunteer Hours

Book-A-Palooza 2022 & 2021

- Drive-Thru
- 23,749 books given away

Book-A-Palooza 2022

- In-person event
- Rosemary Wells “If you Believe in Me”
- Portland Fire and Police Department
- 10 Sponsor Boots
- Photo Booth
- Doore Prizes

5. CITY COUNCIL COMMENTS CONCERNING ITEMS OF COMMUNITY INTEREST THAT MAY NOT BE DISCUSSED:

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Council Member Albrecht made the following comments:

- He commented that he is excited about the Library’s Fall program.
- He commented that he is thankful for the comment period concerning the Gateway signs.

Council Member Sutton made the following comments:

- He announced that the GP Wildcats have a home game this Friday and invited everyone to come out to support them.

Mayor Pro Tem Green made the following comments:

- He announced that he was not able to attend the Port of Corpus Christi meeting today due to his work schedule.

Council Member Bethel made the following comments:

- He announced that Early Voting begins on Monday, October 24th, and encouraged everyone to vote early at the Community Center.

Mayor Skurow made the following comments:

- She announced that the City is in a great partnership with the Bays and Estuaries Program and the Executive Director Ray Allen is retiring. There will be a retirement celebration held for him on Friday, October 14th at the Delta Preserve near Odem at 5 p.m. They will also be honoring Chairman Emeritus Robert Wallace and Treasurer Emeritus Robert Corigin.
- She announced that it is time to start the Bays Implementation teams and asked the City Manager to add this item for discussion at the next meeting to affirm the City Council appointments. They are offering optional in-person or virtual interviews that will begin on November 17, 2022, December 14, 2022, and January 18, 2023, for Habitat for Living Resources, Human Uses, Water and Sediment Quality, and the Maritime Commerce and Dredging.
- She announced that on October 27, 2022, the Extension Services Dinner will be held in Sinton.
- She announced that on October 27, 2022, the Corpus Christi Regional EDC will be conducting A Quality of Place Committee meeting at the Art Center at 3 p.m.

6. CITY MANAGER'S REPORT:

The City Manager may present announcements, comments, and updates on City operations and projects.

- He announced that there have been inquiries about the City's Stage 1 Water Restrictions that we are still under. The recent rains have not contributed to the levels in the watershed. The levels for the reservoirs are still under the required 50 percent that is required to move out of State 1. According to the National Weather Services, we are expecting a dry winter because of La Nina. Under Stage 1 watering is only allowed on your garbage pickup day except between the hours of 10 a.m. and 6 p.m. and watering is allowed with a handheld hose with a positive cutoff.
- He announced that the 44-acre tract Portland Town Center at Broadway and US 181 which includes a 130,000 sq ft Big Box Store closed on the property last week and is expecting construction to begin in November. A public release and the name of the Big Box are expected to be made in the next week or two (2).

7. PUBLIC COMMENT - AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY COUNCIL:

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submitted through the City's Speak-Up website at www.portlandtx.com/418/Media-Center one (1) hour prior to the meeting.

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Persons wishing to speak must fill out a speaker request card prior to the meeting. You will be notified when it is your turn to speak. Speakers will be given four (4) minutes to speak.

There were no public comments made.

B. ACTION ITEMS, RESOLUTIONS AND ORDINANCES:

8. MINUTES OF PREVIOUS MEETINGS: THE CITY COUNCIL WILL CONSIDER APPROVAL OF THE MINUTES OF ITS OCTOBER 4, 2022 WORKSHOP AND REGULAR MEETING – MAYOR SKUROW AND CITY SECRETARY

Council Member Sutton made a motion to approve the minutes of the October 4, 2022 workshop and regular meeting, seconded by Council Bethel.

The motion passed with the following vote:

For:	6	Mayor Skurow, Mayor Pro Tem Green, Council Member Wilson, Council Member Sutton, Council Member Bethel, and Council Member Albrecht
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Against:	0	
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Abstained: 0
Absent: 1 Council Member Moore

9. GATEWAY SIGN ARCHITECTURAL DESIGN SERVICES PROPOSAL: THE CITY COUNCIL WILL CONSIDER ENGAGING RICHTER ARCHITECTS FOR THE GATEWAY SIGN ARCHITECTURAL DESIGN SERVICES – CITY MANAGER

City Manager Randy Wright presented the following information:

The City’s Capital Improvement Program includes funding for gateway entrance signs along U.S. 181 at the northern and southern entrances to the city. Last month, Richter Architects discussed a conceptual design with Council for a gateway sign at the City’s southern entrance near the intersection of U.S. 181 and Indian Point Pier Road. To continue the development process, Richter Architects has submitted a proposal to design and prepare construction document preparation. The City Council will approve any final design for the project.

A workshop was conducted before this meeting in which the City Council discussed and gave input on the design and moving forward with the design of the project.

Mayor Skurow announced that Council Member Wilson will be abstaining from this item.

Mayor Pro Tem Green made a motion approving the engagement of Richter Architects for the Gateway Sign Project and authorizing the City Manager to authorize all necessary contract documents, seconded by Council Member Albrecht.

The motion passed with the following vote:

For: 5 Mayor Skurow, Mayor Pro Tem Green, Council Member Sutton,
Council Member Bethel, and Council Member Albrecht
Against: 0
Abstained: 1 Council Member Wilson
Absent: 1 Council Member Moore

10. PUBLIC HEARING—ABANDONMENT AND SALE OF SURPLUS RIGHT-OF-WAY: THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM ALLIE CAT ENTERPRISES, LLC FOR THE CITY OF PORTLAND TO ABANDON AND SELL APPROXIMATELY 0.0351 ACRES OF RAILROAD STREET RIGHT-OF-WAY NORTH OF FOURTH AVENUE – DIRECTOR OF DEVELOPMENT SERVICES

Mayor Skurow opened the Public Hearing at 7:27 p.m.

Director of Development Services Sarah Munoz presented the following information:
Railroad Street Right-of-Way

Public Hearing Agenda

Public Hearing

- City Staff Presentation
 - Application details & analysis
 - Public comments received
- Applicant Presentation
- Public Comments

Chapter 19, Article V

Chapter 19, Article V, “Altering, Abandoning, Closing or Vacating Streets, Alleys, or Public Ways”

(1) Adjacent property owners have right of first refusal on the purchase of surplus right-of-way. Surplus right-of-way cannot be sold to anyone else without their written release.

(2) The surplus right-of-way cannot be sold for less than appraised value as determined by the San Patricio County Appraisal District (SPCAD). Appraised value shall normally be the appraised value of adjacent unimproved property determined by the San Patricio County Appraisal District (property to be dedicated as an easement shall be discounted fifty (50) percent).

(3) The purchaser is responsible for all closing costs associated with the sale of the surplus right-of-way.

(4) The City Council must conduct a public hearing prior to consideration of the request.

Railroad Street (map)

Public Hearing Notifications

- Notice published in the News of San Patricio on October 13, 2022
- 11 adjacent property owners within 200 feet were notified by certified return receipt on October 7, 2022
- Adjacent property owner has elected to waive their right of first refusal, allowing adjacent property owner to purchase the right-of-way
- The first reading for this item will be presented to the City Council for consideration at the next City Council meeting

Laura Miller Allie Cat Enterprises representative described the request.

With no public comments made Mayor Skurow closed the public hearing at 7:30 p.m.

11. PUBLIC HEARING – UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS: THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING TEXT AMENDMENTS TO UNIFIED DEVELOPMENT ORDINANCE SECTION 709 – BUFFERS AND LANDSCAPING – DIRECTOR OF DEVELOPMENT SERVICES

Mayor Skurow opened the Public Hearing at 7:31 p.m.

Director of Development Services Sarah Munoz presented the following information:

Public Hearing

- City Staff Presentation
 - Amendment details & analysis
 - Public comments received
- Public Comments
 - Deliberation of Recommendation
- Council Comments and Questions
- Deliberation of the Recommendation

Amendment Criteria

Unified Development Ordinance – *Sec. 318, Amendments to Text or Official Zoning Map*

1. Compatible with Plans and Policies.
2. Consistent with this Ordinance.
3. Compatible with Surrounding Area.
4. Changed Conditions.
5. Effect on Natural Environment.
6. Community Need.
7. Development Patterns.

UDO Section 709

Unified Development Ordinance, Section 709 *Buffers and Landscaping*

Why is this amendment proposed?

- Budget goal to increase beautification and quality of life
- Mature trees have positive impact for communities in terms of not only aesthetics but also run-off, carbon capture, neighborhood cooling, walkability, and property values

When does the amendment apply?

- Newly constructed one- and two-family homes
- Any increases in impervious cover by 20% or more of existing structures.

Proposed Additions & Revisions

- Residential Landscaping – Trees
 - Tree requirements based on zoning and approved plant list
 - R-2, R-6, R-8: Front yard trees include canopy (shade) trees
 - R-7: Front yard trees include canopy (shade) tree and understory (ornamental) tree

- Residential Landscaping – Sod & Cover
 - 100% of front and side yard requires sod or other permanent vegetative cover
 - Xeriscaping plan allowed

- Compliance
 - Allowance for compliance delay if drought or inclement weather conditions arise
 - Must be in good condition, or replaced within 90 days of notice

Recommended actions

Adopt a motion that approves the first reading of ordinance no. 2269 amending section 709 buffers and landscaping of the city of portland’s unified development ordinance.

With no public comments made Mayor Skurow closed the public hearing at 7:36 p.m.

12. ORDINANCE NO. 2269 - UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS:

THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2269 AMENDING THE UNIFIED DEVELOPMENT ORDINANCE SECTION 709 – BUFFERS AND LANDSCAPING – DIRECTOR OF DEVELOPMENT SERVICES

Council Member Sutton made the motion to approve the first reading of ordinance No. 2269 amending section 709 buffers and landscaping of the city of Portland’s Unified Development Ordinance, seconded by Council Member Wilson.

The motion passed with the following vote:

For:	6	Mayor Skurow, Mayor Pro Tem Green, Council Member Wilson, Council Member Sutton, Council Member Bethel, and Council Member Albrecht
Against:	0	
Abstained:	0	
Absent:	1	Council Member Moore

13. ORDINANCE NO. 2270 – REVISING SOLID WASTE SERVICE RATES: THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2270 THAT REVISES SOLID WASTE SERVICE RATES – DIRECTOR OF FINANCE

Director of Finance Aldilia Martin presented the following information:

In accordance with the City of Portland’s Solid Waste Collection and Disposal Contract, BFI Waste Services of Texas, dba Allied Waste Services of Texas/Republic Services (Republic) of Corpus Christi is entitled to a 3.50% rate increase on all rates, with the exception of residential rates, to become effective on October 1, 2022.

The 3.50% increase is in accordance with Section 14.01 of the Solid Waste Collection and Disposal Contract renewed on June 8, 2022. The contract runs through June 7, 2027, with annual rate adjustments for CPI increases of no less than 3.5% and no more than 4.0% on all rates.

The 2022 CPI increase is effective October 1, 2022, which will be reflected on the November 30, 2022, utility bill.

Council Member Bethel made the motion to approve the first reading of Ordinance No. 2270 which revises solid waste service rates, seconded by Council Member Sutton.

The motion passed with the following vote:

For:	6	Mayor Skurow, Mayor Pro Tem Green, Council Member Wilson, Council Member Sutton, Council Member Bethel, and Council Member Albrecht
Against:	0	
Abstained:	0	
Absent:	1	Council Member Moore

14. PURCHASE OF FIRE VEHICLE: THE CITY COUNCIL WILL CONSIDER APPROVING THE PURCHASE OF A PIERCE 3000 GALLON TANKER TRUCK – FIRE CHIEF

Fire Chief Jeff Morris presented the following information:

This purchase is to replace the current 2002 (20-year-old) Pierce tanker truck. The replacement tanker truck is a time sensitive purchase due to the logistics of securing vehicles of this type. This is a budgeted purchase as indicated in the Capital Improvement Plan.

The current tanker truck (large water supply) can carry 2000 gallons of water. The new truck will carry 3000 gallons of water, thus increasing our firefighting capability in unincorporated areas near our city. The recent annexations increase our area of protection, and the purchase of this asset enhances our capability. In addition, the increase water capability will affect our Insurance Service Organization (ISO), water supply is a key component in the evaluation process.

Due to a significant delay in fire truck supply chain, the vehicle will be ordered as soon as possible, and we anticipate a nine to ten-month delivery.

Funding for this capital improvement plan (CIP) was approved in the FY23 budget for a total of \$350,000. The purchase amount is \$303,169, \$46,000 under budget, with a trade-in value of \$75,000 for the current truck.

Council Member Wilson made the motion to purchase one Pierce 3000-gallon tanker truck from Siddons Martin Emergency Group for \$303,169,00, seconded by Council Member Albrecht.

The motion passed with the following vote:

For:	6	Mayor Skurow, Mayor Pro Tem Green, Council Member Wilson, Council Member Sutton, Council Member Bethel, and Council Member Albrecht
Against:	0	
Abstained:	0	
Absent:	1	Council Member Moore

15. BIDS FOR FUEL DELIVERY SERVICES: THE CITY COUNCIL WILL CONSIDER BIDS FOR CITYWIDE FUEL DELIVERY SERVICES – DIRECTOR OF PUBLIC WORKS

Director of Public Works Kenneth Banks Phd. presented the following information:

Fuel Delivery Services Proposals

- The current fuel delivery services agreement expires on October 18, 2022.
- Request for Proposal (RFP) 4396 for fuel delivery services was released on September 8, 2022 and closed on October 6, 2022.
- The fuel delivery requirements outlined in RFP 4396 are the same as the previous agreement and include a per gallon cost for delivery as well as specifying that Portland receives top priority for emergency delivery requests.
- The new proposal requested respondents to provide a one year per gallon delivery cost as well as 4 subsequent annual per gallon delivery costs.
- The evaluation considered 5-year delivery costs (80%), experience (10%), and quality of the proposal (10%).

- The maximum cost for fuel delivery compared to the cost of the recommended proposal represents a savings of \$31,355 for diesel and \$111,376 for gasoline over five years.
- The five-year delivery costs of the recommended proposal is \$4,214 less for diesel and \$16,380 less for gasoline when compared to the closest competitor.
- Both analyses assuming fuel consumption does not change. If consumption increases, the savings will increase.

**RFP 4396: Fuel Delivery Services
Proposal Evaluation**

Scores ranked 1-6, with 1 as the most competitive response

Bidder/Proposer	Reviewer 1	Reviewer 2	Reviewer 3
Global Montello Group Corp.	2	3	3
<u>Arguindegui Oil Co. II Ltd</u>	3	2	2
Merrimac Energy Group	4	5	5
Sun Coast Resources, Inc.	5	4	4
Oil Patch Petroleum	6	6	6
Petroleum Traders Corp.	1	1	1

- **Recommended Action:** A motion accepting the proposal for fuel delivery services received from Petroleum Traders Corporation and authorizing the City Manager to execute all necessary contract documents.

Mayor Pro Tem Green made the motion to accept the proposal for fuel delivery services received from Petroleum Traders Corporation and authorize the City Manager to execute all necessary contract documents, Council Member Sutton.

The motion passed with the following vote:

For: 6 Mayor Skurow, Mayor Pro Tem Green, Council Member Wilson,
 Council Member Sutton, Council Member Bethel, and Council
 Member Albrecht

Against: 0

Abstained: 0

Absent: 1 Council Member Moore

16. EXTENSION OF ZENCITY TECHNOLOGIES CONTRACT FOR SOCIAL MEDIA AND CITIZEN ENGAGEMENT SERVICES: THE CITY COUNCIL WILL CONSIDER A CONTRACT EXTENSION OF THREE YEARS FOR SERVICES FROM ZENCITY TECHNOLOGIES FOR SOCIAL MEDIA REPORTING AND CITIZEN ENGAGEMENT PLATFORM - ASSISTANT CITY MANAGER

Mayor Pro Tem Green made the motion to table this item for discussion at a later date, seconded by Council Member Sutton.

The motion passed with the following vote:

For:	6	Mayor Skurow, Mayor Pro Tem Green, Council Member Wilson, Council Member Sutton, Council Member Bethel, and Council Member Albrecht
Against:	0	
Abstained:	0	
Absent:	1	Council Member Moore

17. INDIAN POINT PAVILION PROJECT PARTIAL PROJECT ACCEPTANCE AND RETAINAGE RELEASE: THE CITY COUNCIL WILL CONSIDER INDIAN POINT PAVILION PROJECT PARTIAL PROJECT ACCEPTANCE AND RETAINAGE RELEASE – DEPUTY CITY MANAGER

Deputy City Manager Brian DeLatte presented the following information:

Beecroft Construction, Inc., has completed construction on the Indian Point pavilion, parking lot, and pier improvements and is currently replacing the adjacent birdwatch. City Staff recommends accepting the work and releasing the retainage on the completed portions of the work.

Beecroft Construction has requested a release of partial retainage on the elements of the project related to the pavilion, parking lot, and pier improvements. Richter Architects has conducted punchlist inspections and recommends releasing the retainage on those three project elements, with the following exceptions:

1. Remove oil stains off pavilion concrete. \$5,000.00
2. Remove rust on stainless steel cables. \$4,000.00
3. Replace dead tree and multiple plants. \$1,000.00
4. Replace temporary electrical panel. \$6000.00
5. Repair damaged and low spots in asphalt parking. \$6000.00

These items will be repaired by Beecroft prior to releasing the corresponding project retainage.

Council Member Wilson made the motion that (1) accepts the work and authorizes the release of partial retainage on the Indian Point pavilion, parking lot, and pier improvements; (2) authorizes the City Manager to release full retainage once noted project deficiencies are repaired; and (3) authorizes the City Manager to execute all necessary contract documents, seconded by Council Member Bethel.

The motion passed with the following vote:

For: 6 Mayor Skurow, Mayor Pro Tem Green, Council Member Wilson,
Council Member Sutton, Council Member Bethel, and Council
Member Albrecht
Against: 0
Abstained: 0
Absent: 1 Council Member Moore

18. RESOLUTION NO. 869: THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 869 THAT AUTHORIZES THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT WITH PORTLAND, TEXAS TOWN CENTER, LLC, PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE – DEPUTY CITY MANAGER

Deputy City Manager Brian DeLatte presented the following information:

The City Council entered into an Economic Development Agreement with MMC Equity, LLC, (McLeod) for the development of approximately 44 acres generally located at the northeast corner of U.S. 181 and Broadway Blvd. to construct a best-in-class retail development anchored by a retail anchor store, restaurants, multifamily, and other retail and commercial buildings. MMC Equity, LLC, has assigned the agreement to Portland, Texas Town Center, LLC, and McLeod has requested a revision to the Agreement clarifying the construction timelines on the proposed multifamily tract.

McLeod has purchased the property on October 7, 2022. As part of the purchase, McLeod assigned the Economic Development Agreement to a newly-created entity and has requested a revision to the Agreement ratifying the assignment and clarifying the construction timelines on the proposed multifamily tract.

Council Member Albrecht made the motion to approve Resolution No. 869 which authorizes the City Manager to execute the First Amendment to the Economic Development Agreement with Portland, Texas Town Center, LLC, pursuant to Chapter 380 of the Texas Local Government Code, seconded by Council Member Sutton.

The motion passed with the following vote:

For: 6 Mayor Skurow, Mayor Pro Tem Green, Council Member Wilson,
Council Member Sutton, Council Member Bethel, and Council
Member Albrecht
Against: 0
Abstained: 0
Absent: 1 Council Member Moore

19. EXECUTIVE SESSION: THE CITY COUNCIL MAY CONDUCT AN EXECUTIVE SESSION ACCORDING TO GOVERNMENT CODE AS AUTHORIZED BY TEXAS GOVERNMENT CODE

SECTIONS 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION REGARDING REAL PROPERTY), 551.073 (DELIBERATION REGARDING PROSPECTIVE GIFT), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATION REGARDING SECURITY DEVICES) AND 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION).

EXECUTIVE SESSION ACTION: THE CITY COUNCIL MAY TAKE ACTION AS A RESULT OF ITEMS DISCUSSED IN EXECUTIVE SESSION

At 8:01 p.m. Mayor Skruow announced the City Council will conduct an Executive Session according to Government Code as authorized by Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding prospective gift), 551.074 (personnel matters), 551.076 (deliberation regarding security devices) and 551.087 (deliberation regarding economic development negotiation).

Mayor Skurow reconvened the meeting at 8:53 p.m. and announced that no action will be taken.

C. ADJOURNMENT: MAYOR SKUROW

Mayor Skurow adjourned the meeting at 8:53 p.m.

Approved:

Cathy Skurow, Mayor

Attest:

City Secretary



AGENDA TITLE	<u>ORDINANCE NO. 2271—ABANDONMENT AND SALE OF SURPLUS RIGHT-OF-WAY:</u> THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2271 THAT ABANDONS AND AUTHORIZES THE CITY MANAGER TO SELL APPROXIMATELY 0.0351 ACRES OF RAILROAD STREET RIGHT-OF-WAY NORTH OF FOURTH AVENUE TO ALLIE CAT ENTERPRISES, LLC
MEETING DATE	11/1/2022
DEPARTMENT	Development Services
SUBMITTED BY	Sarah Munoz, P.E., Director of Development Services

EXECUTIVE SUMMARY

Allie Cat Enterprises, LLC (505 Market) has submitted a request for the City to abandon and sell to them the adjacent unopened Railroad Street right-of-way immediately North of Fourth Avenue right-of-way. The Public Hearing for this item was held on October 18, 2022.

PRIOR ACTIONS OR REVIEWS

The Public Hearing for this item was held during the City Council meeting on October 18, 2022.

DETAILS / STAFF ANALYSIS

Through the years, the City of Portland has sold surplus alleys and rights-of-way in Olde Town to adjacent property owners in accordance with Code of Ordinances Chapter 19 Article V. Code of Ordinances Chapter 19 Article V establishes the procedure that the City must follow in abandoning and selling surplus rights-of-way:

- (1) Adjacent property owners have right of first refusal on the purchase of surplus right-of-way. Surplus right-of-way cannot be sold to anyone else without their written release.
- (2) The surplus right-of-way cannot be sold for less than appraised value as determined by the San Patricio County Appraisal District (SPCAD). Appraised value shall normally be the appraised value of adjacent unimproved property determined by the San Patricio County Appraisal District (property to be dedicated as an easement shall be discounted fifty (50) percent).
- (3) The purchaser is responsible for all closing costs associated with the sale of the surplus right-of-way.
- (4) The City Council must conduct a public hearing prior to consideration of the request.

The SPCAD's appraised value of the adjacent unimproved land is \$5.07/sf, which would set the price of the property at \$7,741.89. The adjacent property owner has waived their right of first refusal.

ADJACENT PROPERTY NOTIFICATIONS AND PUBLIC HEARING NOTICES

There are 11 adjacent properties within 200 feet of the subject lot. Property owners were notified by mail of the Public Hearing postmarked on October 7, 2022. Notice was also posted in *The News of San Patricio County* on October 13, 2022, in conformance with Code of Ordinances Chapter 19 Article V. The Public Hearing was conducted at the October 18, 2022. No public comments were received.

ALTERNATIVES CONSIDERED

None.

FINANCIAL IMPACT

None.

ATTACHMENTS

- Proposed Ordinance

RECOMMENDED ACTIONS

1. Adopt a motion to approve the first reading of Ordinance No. 2271 that abandons and authorizes the City Manager to sell to Allie Cat Enterprises, LLC (505 Market) adjacent unopened Railroad Street right-of-way immediately North of Fourth Avenue right-of-way.

1 **ORDINANCE NO. 2271**

2
3 **AN ORDINANCE ABANDONING AND AUTHORIZING THE CITY**
4 **MANAGER TO SELL APPROXIMATELY 0.0351 ACRES OF RAILROAD**
5 **STREET RIGHT-OF-WAY NORTH OF FOURTH AVENUE TO ALLIE CAT**
6 **ENTERPRISES, LLC; PROVIDING AND ESTABLISHING AN EFFECTIVE**
7 **DATE**
8

9 **WHEREAS** Chapter 253 of the Texas Local Government Code authorizes cities to sell
10 surplus property dedicated as a street, alley or public way; and,
11

12 **WHEREAS** the City of Portland Code of Ordinances Chapter 19 Article V sets forth the
13 procedure for the City of Portland to sell property which is dedicated as a street, alley, or public
14 way; and,
15

16 **WHEREAS** the City Council has conducted a Public Hearing on October 18, 2022 to solicit
17 comments from citizens and other interested parties concerning the appropriateness of the
18 request by Allie Cat Enterprises, LLC to purchase the unopened Railroad Street right-of-way north
19 of Fourth Avenue; and,
20

21 **WHEREAS** the adjacent property owner has waived their right-of-first refusal on the
22 property;
23

24 **WHEREAS** there is no contiguous property owner possessing right-of-first refusal on the
25 property; no formal written protest was filed by adjacent property owners and a majority vote is
26 required to approve both readings of this ordinance.
27

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

31 **SECTION 1:** Approximately 0.0351 acres of Railroad Street right-of-way north of Fourth
32 Avenue as depicted in Exhibit "A" is hereby declared "surplus".
33

34 **SECTION 2:** The City Manager is authorized to sell approximately 0.0351 acres of Railroad
35 Street right-of-way to by Allie Cat Enterprises, LLC with the following conditions:
36

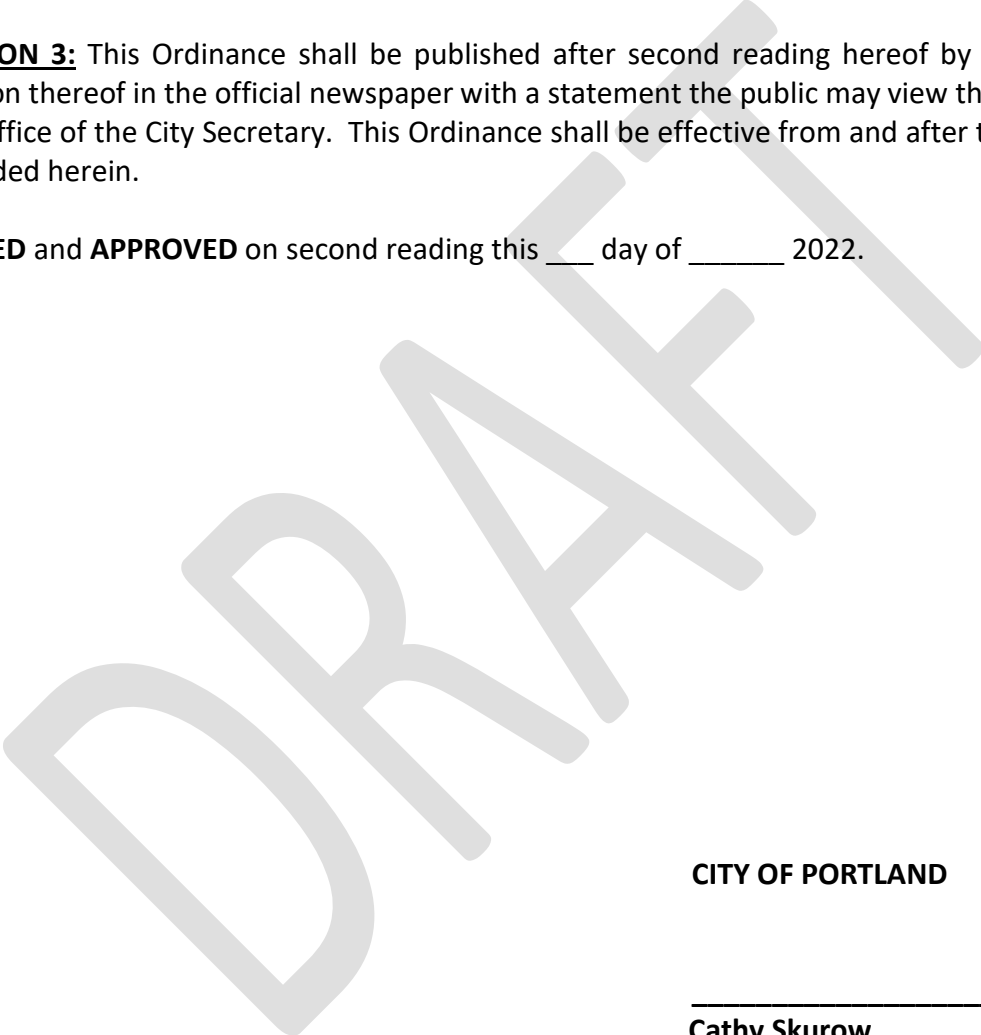
- 37 a. The buyer(s) shall pay the City of Portland \$5.07/square foot. Property to be
38 dedicated as an easement shall be discounted fifty (50) percent.
- 39 b. The buyer(s) shall pay all costs associated with the closing, including legal fees.
- 40 c. The buyer(s) shall submit a survey of the property prior to closing.
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- d. The deed for the purchase shall contain language stating that the buyer(s) agrees to hold the City harmless for damages created by the sale of the property.
- e. The deed for purchase shall state that the property must be platted before any development can commence. All City of Portland platting regulations shall apply and the buyer(s) shall pay all platting costs.
- f. The sale does not include mineral rights.

SECTION 3: This Ordinance shall be published after second reading hereof by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after the publication provided herein.

PASSED and **APPROVED** on second reading this ____ day of _____ 2022.



CITY OF PORTLAND

Cathy Skurow
Mayor

ATTEST:

Annette Hall
City Secretary



AGENDA TITLE	<u>ENGAGEMENT OF KNIGHTSTORM PRODUCTIONS LLC FOR PHOTOGRAPHY AND VIDEOGRAPHY SERVICES:</u> THE CITY COUNCIL WILL CONSIDER A CONTRACT FOR SERVICES FROM KNIGHTSTORM PRODUCTIONS LLC FOR PHOTOGRAPHY AND VIDEOGRAPHY SERVICES.
MEETING DATE	11/1/2022
DEPARTMENT	Administration
SUBMITTED BY	Kathleen Weisenberger, Assistant City Manager

EXECUTIVE SUMMARY

Knightstorm Productions LLC (KSP) was retained in March 2022 for videography services for the City of Portland in the amount of \$42,000. In that contract, KSP devoted an average of 25 hours per month on assignments as determined by the City of Portland. This contract was agreed to terminate in October 1, 2022 in order to align with the fiscal year. During the past year, staff realized the need and benefit to also retain photography services. The re-negotiated contract for both videography and photography services runs through October 1, 2023 with a total contract amount of \$56,400.

This contract will engage KSP to help deliver high quality messaging on multi platforms for the City of Portland. KSP will elevate and maintain brand standards and record all materials in 4k resolution or higher. Pre-Production will include in person or virtual meetings to discuss ideas and direction. Use of their in studio green screen will also be available as needed.

PRIOR ACTIONS OR REVIEWS

- March 28, 2022 – City of Portland engaged Knightstorm Productions LLC in a contract for videography services.

DETAILS / STAFF ANALYSIS

City of Portland has engaged Knightstorm Productions LLC for a variety of services over the past several years. This has included live streaming of the City’s Christmas tree lighting events, creation and production of State of the City videos for the past three years, and the recent addition of event recap videos and promotional videos for every major City-hosted community event. City staff has received positive feedback from citizens on the inclusion of these videos on social media and has seen increased interactions (shares, likes, and views) on social media feeds as a direct result of those posts.

The addition of photography services was initiated by City staff in September 2022. City staff sees a need for event photography, professional headshots of City Council and executive staff, promotional photography for upcoming City initiatives including Old Town redevelopment, and marketing materials for City rentals and future tourism initiatives. KSP has offered a negotiated rate which City staff believes to be reduced from that which would typically be charged for these services on a per-project basis. City staff believes that this added service will elevate current communications with citizens and provide savings over the term of the contract.

ALTERNATIVES CONSIDERED

None.

FINANCIAL IMPACT

These services were included in the Fiscal Year 2022 budget. They will be paid from both the General Fund and the Hotel Occupancy Tax Fund with charges allocated based upon the project. The total contract amount is \$56,400.

ATTACHMENTS

- Knightstorm Productions LLC executed agreement, March 2022
- Knightstorm Productions LLC proposed renewal agreement, October 2022

RECOMMENDED ACTION

Adopt a motion to authorize the City Manager to execute an agreement with Knightstorm Productions, LLC in the amount of \$56,400 and to execute all necessary contract documents.



VIDEO PRODUCTION PROPOSAL/AGREEMENT

Objective/Scope:

Knightstorm Productions LLC (KSP) will help deliver high quality messaging on multi platforms for the City of Portland. KSP will elevate and maintain brand standards and record all materials in 4k resolution or higher. Pre-Production will include in person or virtual meetings to discuss ideas and direction. Use of our in studio green screen will also be available as needed.

About us

Knightstorm Productions LLC (KSP) has a history of working with community organizations and initiatives that showcase South Texas. Clients like The City of Corpus Christi, The United Chamber of Commerce, The City of Port Aransas, The City of Portland, The Downtown Management District and Visit Corpus Christi. We have experience producing videos for events like the State of the City Corpus Christi, The State of the City Portland, and The State of Downtown.

Retainer Agreement:

By signing this agreement, The City of Portland (“Client”) has retained Knightstorm Productions LLC (“Service Provider”) to proceed with video production services for the period 4/1/2022 to 10/1/2022 and agrees to the terms and conditions as set forth in this Agreement.

During this period, Service Provider agrees to devote up to 25 hours per month on assignments to be determined by Client. Work will normally be performed in Portland TX, but occasionally may take place at other locations, as required. Work priority and scheduling will be at the discretion of Service Provider.

Client agrees to use Knightstorm Productions LLC as the exclusive video production company for the period of this agreement.

Fees:

Payment for these services will be to Service Provider at the rate of \$3500 per month paid quarterly. Invoices for \$10,500 will be sent out April 1st 2022 and July 1st 2022.

Any expenses exclusive of normal overhead are not included in this agreement and will be billed separately. Examples of such expenses are storage hard drives, travel beyond 50 miles from Portland TX, and meals when traveling.

Production Services:

Video acquisition from different City of Portland initiatives, programs, or promotional material. Editing of these materials are included.

Rights:

The results of all work performed by Service Provider for Client, including original creative work will remain the property of the Client. Client may use this material in any way deemed appropriate.

Cancelation:

This agreement may be terminated on 60 days' written notice by either Service Provider or Client. In case of termination, Service Provider shall make a reasonable attempt to finish work in progress.

Exclusions:

Agreement does not include live productions/presentations.

Knightstorm Productions LLC

Hector Zertuche

Date

3/28/2022

City of Portland Representative.

Kathleen Eisenberger

Date

3/28/2022



Video/Photo Agreement

Objective/Scope:

Knightstorm Productions LLC (KSP) will help deliver high quality messaging on multi platforms for the City of Portland. KSP will elevate and maintain brand standards and record all materials in 4k resolution or higher. Pre-Production will include in person or virtual meetings to discuss ideas and direction. Use of our in studio green screen will also be available as needed.

About us

Knightstorm Productions LLC (KSP) has a history of working with community organizations and initiatives that showcase South Texas. Clients like The City of Corpus Christi, The United Chamber of Commerce, The City of Port Aransas, The City of Portland, The Downtown Management District and Visit Corpus Christi. We have experience producing videos for events like the State of the City Corpus Christi, The State of the City Portland, and The State of Downtown.

Retainer Agreement:

By signing this agreement, The City of Portland (“Client”) has retained Knightstorm Productions LLC (“Service Provider”) to proceed with video production services for the period 10/1/2022 to 10/1/2023 and agrees to the terms and conditions as set forth in this Agreement.

Video:

During this period, Service Provider agrees to devote an average of 25 hours per month on assignments to be determined by Client. Work will normally be performed in Portland TX, but occasionally may take place at other locations, as required. Work priority and scheduling will be at the discretion of Service Provider.

Client agrees to use Knightstorm Productions LLC as the exclusive video production company for the period of this agreement.

Photography:

The service provider also agrees to provide photography services on assignments determined by the client not to exceed 25 hours a month. Photography/Photographer services from Knightstorm Productions will be non-exclusive in the contract period.

Fees:

Video Production will be \$3500 per month (Exclusive) Photography services will be \$1200 per month (Non-Exclusive)

Payment for these services will be to Service Provider at the rate of **\$4700** per month paid quarterly. Invoice for **\$14,100** will be sent out October 1st 2022, January 1st 2022, April 1st 2022, and July 1st 2022.

Any expenses exclusive of normal overhead are not included in this agreement and will be billed separately. Examples of such expenses are storage hard drives, travel beyond 50 miles from Portland TX, and meals when traveling.

Production Services:

Video acquisition from different City of Portland initiatives, programs, or promotional material. Editing of these materials are included.

Rights:

The results of all work performed by Service Provider for Client, including original creative work will remain the property of the Client. Client may use this material in any way deemed appropriate.

Cancelation:

This agreement may be terminated on 60 days' written notice by either Service Provider or Client. In case of termination, Service Provider shall make a reasonable attempt to finish work in progress.

Exclusions:

Agreement does not include live productions/presentations.

Knightstorm Productions LLC

Date

City of Portland Representative Date



AGENDA TITLE	<u>RESOLUTION 870 – APPOINTMENT OF CITY COUNCIL REPRESENTATIVES:</u> THE CITY COUNCIL WILL CONSIDER APPOINTMENTS OF ITS MEMBERS TO VARIOUS BOARDS, COMMITTEES AND COMMISSIONS.
MEETING DATE	11/1/2022
DEPARTMENT	Administration
SUBMITTED BY	Randy L. Wright, City Manager

EXECUTIVE SUMMARY

The City Council periodically appoints its members to various bodies to represent the interests of the City. Resolution 870 ratifies those appointments

PRIOR ACTIONS OR REVIEWS

None.

STAFF ANALYSIS

A blank listing of positions available for appointment is included in the attachment.

ATTACHMENTS

- Resolution 870

RECOMMENDED ACTION

Adopt Resolution No. 870 ratifying City Council member appointments to area boards, committees and commissions.

RESOLUTION NO. 870

**A RESOLUTION APPOINTING
CITY COUNCIL REPRESENTATIVES**

WHEREAS the City Council has determined that the promotion of intergovernmental corporation, coordination and collaboration is in the best interest of the citizens of Portland; and

WHEREAS promoting intergovernmental cooperation, coordination and collaboration as a body is neither practical nor always possible; and,

WHEREAS the City Council has determined that it should delegate representative responsibility for specific governmental entities, quasi-governmental entities and community organizations to its individual members.

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

THAT the document entitled "City Council Representatives," a copy of which is attached hereto and incorporated herein, is hereby adopted.

THAT all assignments listed in the document entitled "City Council Representatives" are hereby approved.

PASSED and **APPROVED** this 1st day of November, 2022.

EXECUTED:

BY: _____
Cathy Skurow, Mayor

ATTEST:

BY: _____
Annette Hall, City Secretary



CITY COUNCIL REPRESENTATIVES

Adopted: Resolution No. 870 – November 1, 2022

- **Coastal Bend Bays and Estuaries Program:** Council Member (Cathy Skurow _____)
 - **Dredging Committee:** Member (_____)
 - **Human Use Committee:** Member (_____)
 - **Habitat and Living Resources Committee:** Member (John Sutton _____)
 - **Public Education Committee:** Member (Bill Wilson _____)
 - **Water and Sediment Quality Committee:** Member (Cathy Skurow _____)

- **Coastal Bend Council of Governments:** Representative (Cathy Skurow – Mayor is legal designee) and Alternate Representative (Bill Wilson _____)

- **Metropolitan Planning Organization:** Policy Committee Member (Cathy Skurow – Mayor is legal designee)

- **Portland Chamber of Commerce:** Member of Board of Directors (_____)

- **San Patricio County Economic Development Corporation:** Member of Board of Directors (John Sutton _____)

- **Corpus Christi Regional Economic Development Corporation:** Member of Board of Directors (Cathy Skurow - Mayor is legal designee)

- **Port of Corpus Christi:** Council Liaison (_____)

- **Gregory-Portland ISD:** Council Liaison (_____)



AGENDA TITLE **ORDINANCE NO. 2269 - UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS**: THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2269 AMENDING THE UNIFIED DEVELOPMENT ORDINANCE SECTION 709 – BUFFERS AND LANDSCAPING

MEETING DATE 11/1/2022

DEPARTMENT Administration

SUBMITTED BY Kathleen Weisenberger, Assistant City Manager

EXECUTIVE SUMMARY

This is the second and final reading of this ordinance. Since the approval of the first reading on October 18, 2022, a revision has been made to include, “R-8D, Two Family Residential” requirements in the ordinance.

This amendment will apply to Section 709 Buffers and Landscaping of the Unified Development Ordinance. The amendment will require newly constructed one- and two-family homes to install landscaping in 100% of total front and side-yards, as well as, requiring a minimum number of front- or side-yard trees to be planted. This will also apply to existing structures in which there is an increase in the impervious cover by 20% or more.

The minimum requirements for number of trees is based on the residential zoning category as follows:

- R-2, Single-Family Residential: four, (4) canopy trees with a minimum caliper of two (2) inches at breast height;
- R-6, Single-Family Residential: two (2) canopy trees with a minimum caliper of two (2) inches at breast height;
- R-7, Single-Family Residential: 1 (1) canopy tree with a minimum caliper of three (3) inches at breast height and one (1) understory tree with a minimum caliper of one-and-a-half (1.5) inches at breast height;
- R-8, Single-Family Residential: 1 (1) canopy tree with a minimum caliper of three (3) inches at breast height.
- R-8D, Two-Family Residential: 1 (1) canopy tree with a minimum caliper of three (3) inches at breast height, per home.

PRIOR ACTIONS OR REVIEWS

- August 10, 2022 – During the presentation of the proposed 2022-2023 Budget to City Council, staff stated a budget goal to “increase beautification and quality of life initiatives.”
- October 11, 2022 – Public Hearing conducted at Planning and Zoning Commission.
- October 18, 2022 – Public Hearing and first reading conducted at City Council meeting.

DETAILS / STAFF ANALYSIS

City Council has previously expressed concern regarding the need for healthy, mature trees in residential neighborhoods. Staff has researched benefits to residential trees and found that

healthy trees contribute to better air and water quality, residential energy savings, reduced storm water runoff, carbon storage, and increased property values.

Staff has concluded that the long-term benefits of required landscaping and tree installation are of great importance to our community’s future. In light of the influx of new residential developments in our city limits, staff is proposing this ordinance to protect and enhance the quality of life and beautification of our neighborhoods.

Staff from the City Manager’s Office, Parks Department, and the City’s contracted landscaping company, Maldonado Nursery and Landscaping Inc., have reviewed the proposed amendments.

In determining whether to adopt, adopt with modifications or deny the proposed amendment, the Planning and Zoning Commission shall consider the following factors:

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.
2. *Consistent with this Ordinance.* Whether and the extent to which the proposed amendment would conflict with any portion of this 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.
4. *Changed Conditions.* Whether and the extent to which there are changed conditions that require an amendment.
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.
6. *Community Need.* Whether and the extent to which the proposed amendment addresses a demonstrated community need.
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.

FINANCIAL IMPACT

No financial impact is assumed to the City of Portland. Staff has gathered estimates of the potential impact of this amendment to home builders and future homeowners. Below are those estimates:

- R-2, Single-Family Residential: \$1,200 (\$300/canopy tree at 2 inches) plus labor
- R-6, Single-Family Residential: \$600 (\$300/tree canopy tree at 2 inches) plus labor
- R-7, Single-Family Residential: \$500 (\$350/canopy tree at 3 inches; \$150/understory tree at 1.5 inches) plus labor
- R-8, Single-Family Residential: \$350 (\$350/canopy tree at 3 inches) plus labor
- R-8D, Two-Family Residential: \$700 (\$350/canopy tree at 3 inches) plus labor

ATTACHMENTS

- Proposed Ordinance Number 2269
-

RECOMMENDED ACTION

Adopt a motion that approves the second and final reading of Ordinance No. 2269 amending Section 709 Buffers and Landscaping of the City of Portland's Unified Development Ordinance.

ORDINANCE NO. 2269

AN ORDINANCE AMENDING THE CITY OF PORTLAND'S UNIFIED DEVELOPMENT ORDINANCE BY AMENDING *SECTION 709 BUFFERS AND LANDSCAPING* BY REQUIRING CERTAIN LANDSCAPING AND TREE PLANTING FOR NEWLY CONSTRUCTED ONE- AND TWO-FAMILY HOMES; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY AND SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL STATE; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION IN THE CITY OF PORTLAND, TX.

WHEREAS the City desires to amend the Unified Development Ordinance to require tree plantings at newly built residential homes; and,

WHEREAS healthy trees in neighborhoods contribute to energy savings, better air and water quality, reduced storm water runoff, carbon storage and increased property values; and,

WHEREAS the Planning and Zoning Commission has conducted a Public Hearing according to law; and,

WHEREAS the City Council has conducted a Public Hearing according to law and determined that the request meets the criteria for approval established by the Unified Development Ordinance.

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

SECTION 1.

SECTION 1. Section 1003 Defined Terms, Chapter 10 Definitions, of the Unified Development Ordinance is hereby amended by adding the following to defined terms:

- A. Tree, Canopy: Also referred to as a shade tree, is a tree species designated as such in the Tree List found in the Table 2.Canopy Trees, Chapter 7 of this UDO.
- B. Tree, Understory: May also be referred to as an ornamental tree, is a tree species designated as such in the Tree List found in the Table 3.Understory Trees, Chapter 7 of this UDO.

SECTION 2.

Section 709 Buffers and Landscaping, Chapter 7 General Development Standards, of the Unified Development Ordinance is hereby amended to read as follows by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

- 45 A. General. The use of drought-tolerant indigenous Texas gulf coast plant material is
46 encouraged.
- 47 B. Residential Landscaping Requirements. The following landscape requirements shall be
48 applied to each residential zoning category.
- 49 a. For new single- and two-family residential construction, the following minimum
50 number of front-yard trees shall be installed prior to the issuance of a Certificate
51 of Occupancy/Completion:
- 52 i. R-2, Single-Family Residential: four, (4) canopy trees with a minimum
53 caliper of two (2) inches at breast height;
- 54 ii. R-6, Single-Family Residential: two (2) canopy trees with a minimum
55 caliper of two (2) inches at breast height;
- 56 iii. R-7, Single-Family Residential: One (1) canopy tree with a minimum caliper
57 of three (3) inches at breast height and one (1) understory tree with a
58 minimum caliper of one-and-a-half (1.5) inches at breast height;
- 59 iv. R-8, Single-Family Residential: One (1) canopy tree with a minimum caliper
60 of three (3) inches at breast height.
- 61 v. R-8D, Two-Family Residential: One (1) canopy tree with a minimum caliper
62 of three (3) inches at breast height, per home.
- 63 b. Required front- yard trees shall be planted outside of any recorded or prescriptive
64 easement and in a manner that maintains a minimum 5-foot diameter clear space
65 ring that is centered on the tree planting to ensure that on-premise utility lines or
66 building foundations are not compromised due to root spread.
- 67 c. All required front-yard trees shall be in accordance with the approved plant list
68 outlined in Table 2 and Table 3.
- 69 d. For all residential homes, 100% of the front- and side-yard must have sod or other
70 permanent vegetative ground cover installed. The front- and side- yard shall be
71 sodded unless a xeriscaping plan is submitted. Such a plan must be signed and
72 sealed by a Texas Registered Landscape Architect or certified nursery professional.
- 73 i. R-2, Single-Family Residential homes may substitute grass seed for sod.
- 74 C. Application of Landscaping Requirements. The landscaping requirements of this Section
75 shall apply to building permits for the following:
- 76 a. **New Development**
- 77 1. New residential construction on property in all zoning districts;
- 78 2. For one- and two-family residential building permit applications, proposed site
79 landscaping and supporting information may be indicated on a site plan in lieu
80 of providing a full landscape plan. Content and information to be provided on
81 the site plan shall be at the discretion of the Director of Development Services
82 or designee.
- 83 b. **Existing Development**
- 84 Properties with existing development that has been in place since or before
85 (adoption date) and do not meet the minimum landscape requirements of this
86 Section shall be considered nonconforming. Nonconforming landscape may
87 continue until such time a building permit is issued for any of the following:

88 1. Construction, or alteration within the street yard results in either of the
89 following:

- 90 a. Any increase in impervious cover by 20% or more of existing structures.
- 91 b. Any buildings subsequently added within the street yard.

92 D. Residential Landscaping Compliance.

93 a. This section shall be applicable to all new permits at the time of original
94 construction and at the time of substantial completion of construction of any
95 dwelling.

96 b. If weather conditions, drought conditions, scheduling delays, or similar conditions
97 delay compliance, the Director of Development Services or their designee may
98 grant a temporary Certificate of Occupancy if the owner or person in control of
99 the premises enters into an agreement with the City agreeing to comply with the
100 landscaping requirements within a specified time.

101 c. All vegetation required to be installed must, after installation, be maintained in
102 good condition. If the required vegetation becomes diseased, deteriorated, or
103 dies, the owner of the premises must replace the vegetation within 90 days of
104 written notice from the City.

105 d. The Director of Development Services may approve alternative landscaping plans
106 which meet or exceed the intent of this ordinance.

107 E. Residential Buffer Required. Any multifamily or nonresidential development located
108 adjacent to a district specified in the table below shall incorporate a buffer in its
109 development design.

110

<u>Development</u>	<u>Adjacent Use</u>	
	<u>Single-Family</u>	<u>Multifamily</u>
<u>Single-Family Project</u>		
<u>Multifamily Project</u>	<u>•</u>	
<u>Commercial Project</u>	<u>•</u>	<u>•</u>

111

112

113 a. Residential Buffer Design. A buffer strip with a minimum of ten (10) feet of depth shall
114 be provided at the property line that separates districts. The buffer strip shall incorporate
115 the following elements:

116 1. A decorative masonry wall or opaque fence with masonry columns. This
117 structural screen shall have a minimum height of six (6) feet and a maximum
118 height of eight (8) feet unless it abuts a required residential front yard. In that
119 event, the structural screen shall have a maximum height of three (3) feet.

120 2. Sod or other permanent vegetative ground cover.

121 3. Small trees/shrubs. One specimen shall be installed per every ten (10) linear
122 feet at a minimum. Shrubs may be placed at equal distances or in cluster
123 formations. Specimens shall be selected from the list in Table 1. Small
124 Trees/Shrubs; other drought-tolerant and native/adapted species are allowed if
125 approved by a registered landscape architect.

126 4. Canopy trees with a minimum caliper of three (3) inches at breast height. One
127 canopy tree shall be installed per every twenty-five (25) linear feet. Trees may be
128 placed as equal distances or in cluster formations. Specimens shall be selected
129 from the list in Table 2. Canopy Trees; other drought-tolerant and native/adapted
130 species are allowed if approved by a registered landscape architect.

131 5. Grasses and/or grass-like ground cover. Specimens shall be selected from the
132 list in Table 4. Grasses; other drought-tolerant and native/adapted species are
133 allowed if approved by a registered landscape architect.

134 6. Irrigation designed to support all installed vegetation.

135
136 F. *Parking Lot Buffer Required.* Any parking lot containing ten (10) or more spaces which is
137 located adjacent to a residential use shall incorporate a buffer in its development design.

138 G. *Parking Lot Buffer Design.* A buffer strip with a minimum of six (6) feet of depth shall be
139 provided at the property line that separates the parking lot from a residence. The buffer
140 strip shall incorporate the following elements:

141 1. A decorative masonry wall or opaque fence with masonry columns. This structural
142 screen shall have a minimum height of six (6) feet and a maximum height of eight (8) feet
143 unless it abuts a required residential front yard. In that event, the structural screen shall
144 have a maximum height of three (3) feet.

145 2. Sod or other permanent vegetative ground cover (see Table 3. Grasses).

146 3. Small trees/shrubs (see Table 1. Small Trees/Shrubs). One specimen shall be installed
147 every ten (10) linear feet at a minimum. Shrubs may be placed at equal distances or in
148 cluster formations. Other drought-tolerant and native/adapted species are allowed if
149 approved by a registered landscape architect.

150 4. Irrigation designed to support all installed vegetation.

151
152 F. *Parking Lot Perimeter Landscaping Required.* The perimeter of all parking lots containing ten
153 (10) or more spaces shall incorporate landscaping in its development design.

154
155 G. *Parking Lot Perimeter Landscaping Design.* The area between any street and the parking lot
156 shall be landscaped. The following elements shall be incorporated in the landscape design:

157 1. Sod or other permanent vegetative ground cover (see Table 3. Grasses).

158 2. Herbaceous perennials and decorative grasses shall be integrated for effect.

159 3. Small trees/shrubs no less than three (3) feet in height following installation shall be
160 installed every ten (10) linear feet at a minimum (see Table 1. Small Trees/Shrubs). Shrubs
161 may be placed at equal distances or in cluster formations. Other drought-tolerant and
162 native/adapted species are allowed if approved by a registered landscape architect.

163 4. Canopy trees shall be installed every thirty (30) feet (see Table 2. Canopy Trees).

164 5. Irrigation designed to support all installed vegetation.

165 6. Pavers, flagstone, and similar decorative masonry or stone materials shall not cover
166 more than sixty-five (65) percent of any parking lot perimeter landscaping.

167 H. *Parking Lot Interior Landscaping Required.* At least ten (10) percent of the interior area of off-
168 street parking lots in front, side, and rear yards with street frontage that contain forty (40) or
169 more parking spaces shall be landscaped. The following elements shall be incorporated in the
170 landscape design:

171 1. Landscaping shall be restricted to terminal islands and/or divider medians.

172 a. Terminal islands, when used, shall be constructed at the end of parking rows
173 with minimum six (6) inch high curbs. Their minimum width shall be five (5) feet
174 and their minimum length shall be fifteen (15) feet.

175 b. Divider medians, when used, shall be constructed between abutting rows of
176 parking spaces with minimum six (6) inch high curbs. Their minimum width
177 without wheel stops preventing overhang shall be eight (8) feet. If wheel stops
178 preventing overhang are installed, their minimum width shall be five (5) feet.

179 2. Permanent vegetative ground cover, but no sod (see Table 3. Grasses).

180 3. Herbaceous perennials and decorative grasses shall be integrated for effect (see Table
181 3. Grasses).

182 4. One small tree or shrub (see Table 1. Small Trees/Shrubs) no less than three (3) feet in
183 height following installation shall be installed for each ten (10) parking spaces at a
184 minimum.

185 5. One canopy tree (see Table 2. Canopy Trees) with a minimum crown height of eight (8)
186 feet shall be installed for every twenty (20) parking spaces.

187 6. Irrigation designed to support all installed vegetation.

188 7. Pavers, flagstones, and similar decorative masonry and stone materials shall not cover
189 more than sixty-five (65) percent of any parking lot interior landscaping.

190

191 I. *Landscape Maintenance.* Trees, shrubs, walls, irrigation improvements and other landscape
192 features approved by the City shall be considered elements of the project in the same manner as
193 parking and other details. The owner shall be responsible for regular maintenance of all
194 landscaping in a way that presents a healthy, neat and orderly appearance. All landscaping shall
195 be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding,
196 watering, fertilizing, pruning, mulching, edging and mowing as needed and in accordance with
197 acceptable horticultural practice. It also includes the repair or replacement of required structures
198 such as walls, and the replacement of defective landscaping required by this Section. All
199 landscape areas shall be irrigated through an irrigation system or must be within seventy-five
200 (75) feet of a hose attachment.

201

202

Table 1. Small Trees/Shrubs

Common Name	Scientific Name
Yaupon Holly	Ilex vomitoria

Common Name	Scientific Name
Crape Myrtle	Lagerstroemia spp.
Texas Lantana	Lantana horrida
Trailing White Lantana	Lantana montevidensis
Creosote Bush	Larrea tridentata
Texas Sage, Cenizo, or Texas Ranger	Leucophyllum frutescens
Barbados Cherry	Malpighia glabra
Giant Turk's Cap	Malvaviscus arboreous
Gulf Muhly	Muhlenbergia capillaris
Prickly Pear Cactus	Opuntia spp.
Retama or Jerusalem Thorn	Parkinsonia aculeata
Texas Ebony	Pithecellobium flexicaule
Blue Plumbago	Plumbago auriculata
Mexican Plum	Prunus mexicana
Fragrant Sumac	Rhus aromatic
Smooth Sumac	Rhus glabra
Prairie Flameleaf Sumac	Rhus lanceolata
Little-leaf Sumac	Rhus microphylla
Rosemary	Rosmarinus officinalis
Dwarf Palmetto Palm	Sabal minor
Scarlet Sage	Salvia coccinea

Common Name	Scientific Name
Autumn Sage	Salvia greggii
Texas Mountain Laurel	Sophora secundiflora
Yellow Bells or Esperanza	Tecoma stans
Yucca	Yucca spp.

203

204

Table 2. Canopy Trees

Common Name	Scientific Name
Chittamwood	Bumelia lanuginosa
Mediterranean Fan Palm	Chamaerops humilis
Thornless Common Honeylocust	Gleditsia triacanthos
Canary Island Date Palm	Phoenix canariensis
Mesquite	Prosopis glandulosa
Mexican White Oak	Quercus polymorpha
Southern Live Oak	Quercus virginiana
Escarpment Live Oak	Quercus fusiformis
Texas Palmetto or Texas Sabal	Sabal mexicana
Palmetto Palm	Sabal palmetto
Western Soapberry	Sapindus drummondii
Windmill Palm	Trachycarpus fortunei
Cedar Elm	Ulmus crassifolia
Chinese Evergreen Elm	Ulmus parvifolia

Common Name	Scientific Name
Mexican Fan Palm	Washingtonia robusta

205

206

Table 3. Understory Trees

<u>Common Name</u>	<u>Scientific Name</u>
<u>Anacacho Orchid Tree</u>	<u>Bauhinia congesta</u>
<u>Anacahuita/Wild Olive</u>	<u>Cordia boissieri</u>
<u>Buckeye, Mexican</u>	<u>Ungnadia speciosa</u>
<u>Condalia, Bluewood</u>	<u>Condalia hookeri</u>
<u>Crape/Crepe Myrtle</u>	<u>Lagerstroemia indica</u>
<u>Desert Willow</u>	<u>Chilopsis linearis</u>
<u>Eve's Necklace</u>	<u>Sophora affinis</u>
<u>Holly, Possumhaw</u>	<u>Ilex decidua</u>
<u>Holly, Yaupon</u>	<u>Ilex vomitoria</u>
<u>Jerusalem Thorn/Retama</u>	<u>Parkinsonia aculeata</u>
<u>Persimmon, Texas</u>	<u>Diospyrus mexicana</u>
<u>Plum, Mexican</u>	<u>Prunus mexicana</u>
<u>Redbud, Mexican or Texas</u>	<u>Cercis canadensis var. mexicana or texensis</u>
<u>Texas Mountain Laurel</u>	<u>Sophora secundiflora</u>
<u>Viburnum, Rusty Blackhaw</u>	<u>Viburnum rufidulum</u>

207

Table 4. Grasses

208

Common Name	Scientific Name
Sideouts Grama	Bouteloua curtipendula
Cedar Sedge	Carex planostachys
Perennial Fountain Grass	Pennisetum alopecuroides
Annual Fountain Grass	Pennisetum setaceum
Little Bluestem	Schizachyrium scoparium
Mexican Feathergrass	Stipa tenuissima
Eastern Gamagrass	Tripsacum dactyloides
Silver Bluestem	Bothriochloa laguroides
Splitbeard Bluestem	Andropogon ternarius
Rescuegrass	Bromus unioloides

209

210 **SECTION 3. PENALTY**

211

212 Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction
 213 thereof, shall be subject to a fine not exceeding two thousand dollars (\$2,000.00). Each and every
 214 day that a violation of this Ordinance occurs shall constitute a separate offense. The culpable
 215 mental state required by Chapter 6.02, Texas Penal Code, is specifically negated and dispensed
 216 with and a violation is a strict liability offense.

217

218 **SECTION 4. REPEALER**

219

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

222

223 **SECTION 5. SEVERABILITY**

224

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

230 unconstitutional of any other portion hereof, and all provisions of this Ordinance are declared
231 severable for that purpose.

232

233 **SECTION 6. PUBLICATION AND EFFECTIVE DATE**

234

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

238

239 **PASSED** and **APPROVED** on second reading this 1st day of November 2022.

240

241

CITY OF PORTLAND

242

243

244

245

Cathy Skurow

246

Mayor

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248

249 **ATTEST:**

250

251

252

Annette Hall

253

City Secretary

254



AGENDA TITLE	<u>ORDINANCE NO. 2270 – REVISING SOLID WASTE SERVICE RATES</u> THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2270 THAT REVISES SOLID WASTE SERVICE RATES
MEETING DATE	11/1/2022
DEPARTMENT	Finance
SUBMITTED BY	Aldilia Martin, Director of Finance

EXECUTIVE SUMMARY

This is the second and final reading of Ordinance No. 2270. There have been no changes made since the first reading on October 18, 2022.

In accordance with the City of Portland’s Solid Waste Collection and Disposal Contract, BFI Waste Services of Texas, dba Allied Waste Services of Texas/Republic Services (Republic) of Corpus Christi is entitled to a 3.50% rate increase on all rates, with the exception of residential rates, to become effective on October 1, 2022.

PRIOR ACTIONS OR REVIEWS

- September 17, 2019 – The City Council approved Ordinance 2200, adjusting solid waste service rates to reflect a 3.5% increase
- January 5, 2020 – The City Council approved Ordinance 2226, adjusting solid waste service rates to reflect a 3.5% increase, with the exception of residential rates, which remained unchanged.
- October 19, 2021 – The City Council approved Ordinance 2248, adjusting solid waste service rates to reflect a 3.5% increase.
- June 7, 2022 – The City Council approved Resolution 859, authorizing the renewal of the agreement with Republic Services for five (5) years, effective June 8, 2022.

DETAILS / STAFF ANALYSIS

The 3.50% increase is in accordance with Section 14.01 of the Solid Waste Collection and Disposal Contract, renewed on June 8, 2022. The contract runs through June 7, 2027, with annual rate adjustments for CPI increases of no less than 3.5% and no more than 4.0% on all rates.

The 2022 CPI increase is effective October 1, 2022, which will be reflected on the November 30, 2022, utility bill.

ALTERNATIVES CONSIDERED

None

FINANCIAL IMPACT

There is no budgetary impact as solid waste services represent a pass-through cost to residents and businesses. Failure to adopt the ordinance would result in the use of general fund reserves to supplement payments to the solid waste contractor.

ATTACHMENTS

- Rate increase correspondence from Republic Services
- Proposed Ordinance No. 2270

RECOMMENDED ACTION

Motion to approve the second and final reading of Ordinance No. 2270 that revises solid waste service rates.

ORDINANCE NO. 2270

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

WHEREAS, the exclusive franchise agreement between the City of Portland (“City”) and Allied Waste Services of Texas/Republic Services of Corpus Christi (“Allied Waste Services/Republic Services”) incorporates annual Consumer Price Index (CPI) driven rate increases; and,

WHEREAS, the City and Allied Waste Services/Republic Services agree that a commensurate 3.50 percent increase that takes effect October 1, 2022, is in order,

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

SECTION 1. That the Portland Code of Ordinances, Appendix C – Master Fee Schedule, Utilities/Solid Waste is amended as follows:

Description		Code Reference
Solid Waste		§23-41
Residential, one 96-gal. trash cart and one 96-gal. recycle cart	\$18.30	
Residential, additional 96-gallon trash cart	\$14.74	
Residential, additional 96-gallon recycle cart	\$14.74	
Commercial, extra brush or bulky collection	\$86.06 per grab	<u>\$89.07</u> per grab
Residential administrative billing fee	\$2.50	
Commercial, one 96-gal. trash cart and one 96-gal. recycle cart	\$29.36	<u>\$30.39</u>
Commercial, additional 96-gallon trash cart	\$19.70	<u>\$20.39</u>
Commercial, additional 96-gallon recycle cart	\$19.70	<u>\$20.39</u>
Commercial administrative billing fee	\$3.06	
Roll-off dumpster delivery; 20, 30, 40 cu. yd.	\$86.07	<u>\$89.08</u>
Roll-Off dumpster monthly service; 20, 30, 40 cu. yd.	\$103.27	<u>\$106.88</u>
Roll-Off dumpster haul rate; 20, 30, 40 cu. yd.	\$228.35	<u>\$236.34</u>
Roll-Off dumpster disposal fee; 20, 30, 40 cu. yd.	\$34.42 per ton	<u>\$35.62</u> per ton
Roll-Off dumpster administrative billing fee	19.50%	
Commercial dumpster collection, 2 cu. yd., 1 pickup per week	\$67.07	<u>\$69.42</u>

Commercial dumpster collection, 3 cu. yd., 1 pickup per week	\$98.58	<u>\$102.03</u>	
Commercial dumpster collection, 4 cu. yd., 1 pickup per week	\$116.34	<u>\$120.41</u>	
Commercial dumpster collection, 6 cu. yd., 1 pickup per week	\$155.55	<u>\$160.99</u>	
Commercial dumpster collection, 8 cu. yd., 1 pickup per week	\$210.26	<u>\$217.62</u>	
Commercial dumpster collection, 6 cu. yd. recycle, 1 pickup per week	\$131.97	<u>\$136.59</u>	
Commercial dumpster collection, 8 cu. yd. recycle, 1 pickup per week	\$143.45	<u>\$148.47</u>	
Commercial dumpster collection, 2 cu. yd., 2 pickups per week	\$120.05	<u>\$124.25</u>	
Commercial dumpster collection, 3 cu. yd., 2 pickups per week	\$164.43	<u>\$170.19</u>	
Commercial dumpster collection, 4 cu. yd., 2 pickups per week	\$219.28	<u>\$226.95</u>	
Commercial dumpster collection, 6 cu. yd., 2 pickups per week	\$317.97	<u>\$329.10</u>	
Commercial dumpster collection, 8 cu. yd., 2 pickups per week	\$416.31	<u>\$430.88</u>	
Commercial dumpster collection, 6 cu. yd. recycle, 2 pickups per week	\$223.77	<u>\$231.60</u>	
Commercial dumpster collection, 8 cu. yd. recycle, 2 pickups per week	\$235.26	<u>\$243.49</u>	
Commercial dumpster collection, 2 cu. yd., 3 pickups per week	\$164.52	<u>\$170.28</u>	
Commercial dumpster collection, 3 cu. yd., 3 pickups per week	\$263.01	<u>\$272.22</u>	
Commercial dumpster collection, 4 cu. yd., 3 pickups per week	\$312.67	<u>\$323.61</u>	
Commercial dumpster collection, 6 cu. yd., 3 pickups per week	\$484.63	<u>\$501.59</u>	
Commercial dumpster collection, 8 cu. yd., 3 pickups per week	\$626.82	<u>\$648.76</u>	
Commercial dumpster collection, 2 cu. yd., 4 pickups per week	\$222.19	<u>\$229.97</u>	
Commercial dumpster collection, 3 cu. yd., 4 pickups per week	\$339.49	<u>\$351.37</u>	
Commercial dumpster collection, 4 cu. yd., 4 pickups per week	\$416.39	<u>\$430.96</u>	
Commercial dumpster collection, 6 cu. yd., 4 pickups per week	\$647.56	<u>\$670.22</u>	

Commercial dumpster collection, 8 cu. yd., 4 pickups per week	\$834.29	<u>\$863.49</u>	
Commercial dumpster collection, 2 cu. yd., 5 pickups per week	\$274.07	<u>\$283.66</u>	
Commercial dumpster collection, 3 cu. yd., 5 pickups per week	\$418.62	<u>\$433.27</u>	
Commercial dumpster collection, 4 cu. yd., 5 pickups per week	\$520.11	<u>\$538.31</u>	
Commercial dumpster collection, 6 cu. yd., 5 pickups per week	\$812.20	<u>\$840.63</u>	
Commercial dumpster collection, 8 cu. yd., 5 pickups per week	\$1,041.71	<u>\$1,078.17</u>	
Commercial dumpster collection, 2 cu. yd., 6 pickups per week	\$317.97	<u>\$329.10</u>	
Commercial dumpster collection, 3 cu. yd., 6 pickups per week	\$490.59	<u>\$507.76</u>	
Commercial dumpster collection, 4 cu. yd., 6 pickups per week	\$622.36	<u>\$644.14</u>	
Commercial dumpster collection, 6 cu. yd., 6 pickups per week	\$961.85	<u>\$995.51</u>	
Commercial dumpster collection, 8 cu. yd., 6 pickups per week	\$1,249.18	<u>\$1,292.90</u>	
Commercial dumpster administrative billing fee	19.50%		
Miscellaneous overload fee (per occurrence)	\$50.00		
Miscellaneous extra life fee (per customer request)	\$80.00		
Miscellaneous relocation fee (per customer request)	\$50.00		
Miscellaneous exchange fee (per customer request)	\$95.00		
Miscellaneous auto-lock fee (one-time cost per customer)	\$50.00		
Miscellaneous delivery fee	\$50.00		
Miscellaneous service administrative billing fee	19.50%		
Services outside city limits	125%		§23-43

SECTION 2. All previously adopted rules, regulations, policies and ordinances in conflict with this Ordinance are hereby repealed.

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

SECTION 4. This Ordinance shall be published after the second reading hereof by publishing the caption thereof in the official newspaper with a statement that the public may view the Ordinance in the Office of the City Secretary.

SECTION 5. This Ordinance shall take effect on October 1, 2022.

PASSED and APPROVED this 1st day of November, 2022.

City of Portland, Texas

Cathy Skurow
Mayor

ATTEST: _____
Annette Hall
City Secretary