



# CITY COUNCIL AGENDA

## NOTICE OF SPECIAL MEETING

Tuesday, September 26, 2023

6:00 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.gov/418/Media-Center>. Citizens may also comment on items appearing on the agenda online at <http://www.portlandtx.gov/418/Media-Center> and/or submit comments or questions for the City Council to [annette.hall@portlandtx.gov](mailto: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.*

1. **CALL TO ORDER:** MAYOR SKUROW
2. **ROLL CALL:** CITY SECRETARY
3. **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.gov/418/Media-Center](http://www.portlandtx.gov/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.gov/418/Media-Center](http://www.portlandtx.gov/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.

4. **ORDINANCE NO. 2286 – ADOPTING 2023-2024 FISCAL YEAR BUDGET:** THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2286 WHICH ADOPTS THE 2023-2024 FISCAL YEAR BUDGET – DIRECTOR OF FINANCE
5. **ORDINANCE NO. 2287 – ADOPTING 2023 AD VALOREM TAX RATE:** THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2287 WHICH ADOPTS THE AD VALOREM TAX RATE AND ESTABLISHES A TAX LEVY FOR THE YEAR 2023 – DIRECTOR OF FINANCE
6. **ORDINANCE NO. 2288 – REPEALING THE CURFEW FOR MINORS:** THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2288 THAT REPEALS THE CURFEW FOR MINORS, CHAPTER 11, SECTIONS 11-1 THROUGH SECTION 11-1D OF THE CODE OF ORDINANCES – CHIEF OF POLICE
7. **CHRIS ANDREWS BOATING CENTER TENDER, RELEASE, AND SUBSTITUTION AGREEMENT:** THE CITY COUNCIL WILL CONSIDER A TENDER, RELEASE, AND SUBSTITUTION AGREEMENT WITH SURETEC INSURANCE COMPANY AND JM DAVIDSON, INC., FOR THE CHRIS ANDREWS BOATING CENTER – CITY MANAGER AND DEPUTY CITY MANAGER
8. **EXECUTIVE SESSION:** THE CITY COUNCIL WILL CONDUCT AN EXECUTIVE SESSION AS AUTHORIZED BY TEXAS GOVERNMENT CODE 551.074 (PERSONNEL MATTERS) TO INTERVIEW APPLICANTS TO CITY BOARDS AND COMMISSIONS – MAYOR
9. **ADJOURNMENT:** MAYOR SKUROW

**Posted:** September 22, 2023 by 5:00 p.m.

Portland City Hall  
Electronically at [www.portlandtx.gov](http://www.portlandtx.gov)

**By:** *Annette Hall*

Annette Hall  
City Secretary

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<b>AGENDA TITLE</b>	<b><u>ORDINANCE NO. 2286 – ADOPTING 2023-2024 FISCAL YEAR BUDGET:</u></b> THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2286 WHICH ADOPTS THE 2023-2024 FISCAL YEAR BUDGET.
<b>MEETING DATE</b>	9/26/2023
<b>DEPARTMENT</b>	Finance
<b>SUBMITTED BY</b>	Aldilia Martin, Director of Finance

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### **EXECUTIVE SUMMARY**

*This is the second and final reading of Ordinance No. 2286. There were no changes since the first reading on September 19, 2023.*

The FY 2023-2024 Proposed Budget was developed to meet the needs of our citizens and to provide excellent customer service, consistent with the City’s Strategic Operating Plan. The Proposed Budget for FY 2023-2024 includes staffing increases to Police, Fire, Public Works, and Parks and Recreation; as well as necessary capital and infrastructure maintenance programs.

### **PRIOR ACTIONS OR REVIEWS**

- *August 2, 2023* – The City Council reviewed the Proposed FY 2023-2024 Budget during a budget workshop. The addition of new employees and the purchase of capital items as well as the Capital Improvement Program were discussed during the budget workshop.
- *August 15, 2023* – The City Council received a presentation of the FY24 Budget from the City Manager and set the date of the public hearing on the proposed tax increase.

### **DETAILS / STAFF ANALYSIS**

The budget document is based on conservative forecasting, historical trends, and current economic conditions. Contributors to the document include City Council, Management, City Departments, and other governmental agencies.

The City began the budget process in May and the proposed budget was first presented to City Council on August 2<sup>nd</sup> during a budget workshop. Goals of the City’s FY24 Budget include to: 1) Continue excellence in City operations, 2) Promote fiscal conservatism, resiliency, responsibility, and sustainability, 3) Increase law enforcement and fire response capacity, 4) Maintain infrastructure with future growth impacts, 5) Increase beautification and quality of life initiatives.

In line with those goals, the FY24 Proposed budget includes personnel increases to Police, Fire, Public Works, and Parks and Recreation; as well as capital and infrastructure maintenance and improvement programs.

**ALTERNATIVES CONSIDERED**

Per the City’s Charter, the City Council may adopt the budget with or without amendment. The City Council shall adopt the budget by ordinance on or before the 30<sup>th</sup> day of September. Should the City Council take no action on or prior to such day, the budget as submitted by the City Manager shall be deemed to have been adopted by the City Council.

**FINANCIAL IMPACT**

The Proposed FY 2023-2024 is fiscally responsible in both revenue projections and estimated expenditures. Total appropriations in all budgeted funds for FY 2023-2024 total \$46,099,077, an increase of \$5,935,473 over the adopted FY 2022-2023 budget.

The table below reflects operating revenues and expenditures for each budgeted fund and the estimated contribution to fund balance at year-end for FY 2023-2024.

<b>Budgeted Fund</b>	<b>FTE’s</b>	<b>Revenues</b>	<b>Expenditures</b>	<b>Balance</b>
General Fund	4.75	\$20,500,460	\$20,500,460	\$0
Water/Wastewater Fund	2.75	\$12,774,834	\$12,592,541	\$182,292
Drainage Fund	0	\$367,215	\$253,650	\$113,565
Type B Economic Development Sales Tax Fund	0	\$2,086,807	\$1,630,915	\$455,892
Venue Sales Tax	0.25	\$2,662,130	\$2,597,546	\$64,584
Hotel Occupancy Tax Fund	0.25	\$1,554,584	\$1,477,520	\$77,064
Court Technology Fund	0	\$7,350	\$7,350	\$0
Court Security Fund	0	\$7,200	\$7,200	\$0
PEG Fund	0	\$40,350	\$5,500	\$34,850
Debt Service	0	\$6,146,960	\$5,994,051	\$152,909
<b>Totals</b>	<b>8</b>	<b>\$46,147,890</b>	<b>\$45,066,732</b>	<b>\$1,081,157</b>

**ATTACHMENTS**

- Ordinance No. 2286
- FY24 Budget Summary

**RECOMMENDED ACTION**

Motion to approve the second and final reading of Ordinance No. 2286 adopting the FY 2023-2024 budget ending September 30, 2024.

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4 **ORDINANCE NO. 2286**  
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6 **AN ORDINANCE ADOPTING A FUND LEVEL BUDGET FOR THE ENSUING**  
7 **FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30,**  
8 **2024, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF PORTLAND,**  
9 **APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL**  
10 **ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH;**  
11 **PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR PUBLICATION OF**  
12 **THIS ORDINANCE AND FOR AN EFFECTIVE DATE THEREOF.**  
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14 **WHEREAS,** the City Manager of the City of Portland has submitted to the City Council a  
15 proposed budget of the revenues of said City and the expenditures/expenses of conducting the  
16 affairs thereof and providing a complete financial plan for 2023-24 and which said proposed  
17 budget has been compiled from detailed information obtained from several departments,  
18 divisions, and offices of the City; and,  
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20 **WHEREAS,** the City Council has received said City Manager's proposed budget, a copy of  
21 which proposed budget and all supporting schedules have been filed with the City Secretary of  
22 the City of Portland; and,  
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24 **WHEREAS,** the City Council has held public hearings, workshops, and meetings to discuss the  
25 elements included in the budget and receive comments from citizens and other interested  
26 parties.  
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28 **NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,**  
29 **TEXAS:**  
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31 **SECTION 1:** The fund Level Budget (revenues and expenditures) of the City of Portland for the  
32 2023– 2024 fiscal year is hereby adopted.  
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34 **SECTION 2:** That the sum of \$20,500,460 is hereby appropriated out of the General Fund for  
35 the general government/public safety expenditures (capital items included) authorized in the  
36 budget document.  
37

38 **SECTION 3:** That the sum of \$5,994,051 is hereby appropriated out of the General Obligation  
39 Debt Service Fund for the purpose of paying the principal and interest due on general obligation  
40 bonds, certificates of obligation and tax notes.  
41

42 **SECTION 4:** That the sum of \$12,592,541 is hereby appropriated out of the Water/Wastewater  
43 Enterprise Fund for water and sanitary sewer system expenses (capital items included)  
44 authorized in the budget document including the sum of \$1,690,896 out of the  
45 Water/Wastewater Enterprise Fund revenues for the purpose of paying interest and principal  
46 due on revenue bonds, tax notes, and certificates of obligation.  
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**SECTION 5:** That the sum of \$1,630,915 is hereby appropriated out of the Type B Economic Development Tax Fund, for the Community Center operating expenditures (capital items included) authorized in the budget document including the sum of \$491,414 out of the Type B Economic Development Tax Fund revenues for the purpose of paying interest and principal due on public improvement bonds (Community Center) and certificates of obligation (Library Expansion).

**SECTION 6:** That the sum of \$2,597,546 is hereby appropriated out of the Venue Sales Tax Fund for expenditures related to the operations of the aquatic center and sports complexes (capital items included) authorized in the budget document including the sum of \$699,745 out of the Venue Sales Tax Fund revenues for the purpose of paying interest and principal due on sales tax revenue bonds, certificates of obligation, and tax notes.

**SECTION 7:** That the sum of \$1,477,520 is hereby appropriated out of the Hotel Occupancy Tax Fund for expenditures (capital items included) related to the special activities authorized by the enabling legislation for the special revenue type.

**SECTION 8:** That the sum of \$7,350 is hereby appropriated out of the Court Technology Fund for expenditures related to the special activities authorized by the enabling legislation for the special revenue type.

**SECTION 9:** That the sum of \$7,200 is hereby appropriated out of the Court Security Fund for expenditures related to the special activities authorized by the enabling legislation for the special revenue type.

**SECTION 10:** That the sum of \$5,500 is hereby appropriated out of the Public, Educational, Governmental (PEG) Fund for expenditures related to the special activities authorized by the enabling legislation for the special revenue type.

**SECTION 11:** That the sum of \$253,650 is hereby appropriated out of the Drainage Enterprise Fund for drainage improvement expenses (capital items included) authorized in the budget document including the sum of \$170,000 out of the Drainage Enterprise Fund revenues for the purpose of paying interest and principal due on certificates of obligation.

**SECTION 12:** That ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 13:** That this ordinance shall be and remain in full effect upon its final passage and publication as herein provided.

**PASSED and APPROVED this 26<sup>th</sup> day of September 2023.**

**City of Portland, Texas**

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Cathy Skurow

Mayor

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102 ATTEST:

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Annette Hall

106 City Secretary

**City of Portland**  
**All Funds Budget Summary**

ORDINANCE NO. 2286

2022-2023		2023-2024		
2022-2023 PROPOSED BUDGET	2022-2023 PROJECTED TOTAL	2023-2024 BASELINE BUDGET	2023-2024 BUDGET REQUESTS	2023-2024 PROPOSED VAR

**GENERAL FUND**

TOTAL TAXES	\$ 13,141,035	\$ 13,237,769	\$ 13,832,352	\$ 949,735	\$ 14,782,088
TOTAL LICENSES AND PERMITS	\$ 470,478	\$ 480,593	\$ 589,141	\$ 568,344	\$ 1,157,485
TOTAL FINES AND FORFEITURES	\$ 312,500	\$ 313,011	\$ 326,500	\$ -	\$ 326,500
TOTAL CHARGES FOR SERVICES	\$ 1,338,848	\$ 1,423,848	\$ 1,491,305	\$ -	\$ 1,491,305
TOTAL INTERGOVERNMENTAL	\$ 312,323	\$ 212,323	\$ 225,000	\$ -	\$ 225,000
TOTAL EARNINGS ON INVESTMENTS	\$ 6,000	\$ 189,885	\$ 190,000	\$ -	\$ 190,000
TOTAL CONTRIBUTIONS	\$ 8,000	\$ 56,220	\$ 30,000	\$ -	\$ 30,000
TOTAL OIL LEASES AND ROYALTIES	\$ 24,000	\$ 24,000	\$ 32,000	\$ -	\$ 32,000
TOTAL OTHER	\$ 146,200	\$ 54,984	\$ 48,700	\$ -	\$ 48,700
TOTAL FUND 01 REVENUES	\$ 15,759,384	\$ 15,992,633	\$ 16,764,998	\$ 1,518,079	\$ 18,283,078
TOTAL OTHER FINANCING SOURCES	\$ 2,818,750	\$ 2,818,750	\$ 2,217,383	\$ -	\$ 2,217,383
<b>TOTAL REVENUE &amp; OTHER FIN SOURCES</b>	<b>\$ 18,578,134</b>	<b>\$ 18,811,383</b>	<b>\$ 18,982,381</b>	<b>\$ 1,518,079</b>	<b>\$ 20,500,460</b>
TOTAL 01-02 ADMINISTRATION	\$ 2,277,538	\$ 2,270,757	\$ 1,247,068	\$ 703,570	\$ 1,950,639
TOTAL 01-03 MKTG/COMM	\$ 61,379	\$ 110,908	\$ 111,117	\$ 15,400	\$ 126,517
TOTAL 01-04 CITY COUNCIL	\$ 40,187	\$ 33,348	\$ 42,687	\$ -	\$ 42,687
TOTAL 01-06 FINANCE	\$ 805,201	\$ 814,774	\$ 597,359	\$ 38,500	\$ 635,859
TOTAL 01-07 I.T.DEPARTMENT	\$ 605,433	\$ 788,873	\$ 679,644	\$ 42,375	\$ 722,019
TOTAL 01-10 POLICE ADMINISTRATION	\$ 6,219,165	\$ 6,126,838	\$ 5,653,048	\$ 97,804	\$ 5,750,852
TOTAL 01-14 FIRE DEPARTMENT	\$ 2,907,485	\$ 2,815,827	\$ 3,171,022	\$ 66,500	\$ 3,237,522
TOTAL 01-15 ANIMAL CONTROL	\$ 224,669	\$ 204,254	\$ 255,775	\$ -	\$ 255,775
TOTAL 01-19 MUNICIPAL COURT	\$ 154,014	\$ 154,434	\$ 208,836	\$ -	\$ 208,836
TOTAL 01-20 GENERAL SERVICES DEPT	\$ 367,889	\$ 358,615	\$ 459,588	\$ -	\$ 459,588
TOTAL 01-21 STREET MAINTENANCE	\$ 1,359,462	\$ 1,270,807	\$ 1,432,904	\$ 252,500	\$ 1,685,404
TOTAL 01-23 VEHICLE MAINTENANCE	\$ 99,347	\$ 95,755	\$ 60,231	\$ -	\$ 60,231
TOTAL 01-24 FACILITIES MAINTENANCE	\$ -	\$ -	\$ 174,988	\$ 6,250	\$ 181,238
TOTAL 01-26 DEVELOPMENT SERVICES	\$ 659,618	\$ 892,237	\$ 989,341	\$ -	\$ 989,341
TOTAL 01-50 PARK MAINTENANCE	\$ 702,159	\$ 673,894	\$ 726,846	\$ -	\$ 726,846
TOTAL 01-51 COMMUNITY CENTER	\$ 877,480	\$ 1,001,339	\$ 924,825	\$ 148,180	\$ 1,073,005
TOTAL 01-53 KIDS KLUB/KIDS KAMP	\$ 398,679	\$ 375,376	\$ 407,768	\$ 93,600	\$ 501,368
TOTAL 01-55 SENIOR CITIZENS CENTER	\$ 150,701	\$ 156,291	\$ 143,754	\$ 53,400	\$ 197,154
TOTAL 01-56 SKATE PARK	\$ 6,750	\$ 6,500	\$ 6,750	\$ -	\$ 6,750
TOTAL 01-60 LIBRARY	\$ 660,978	\$ 660,557	\$ 679,895	\$ -	\$ 679,895
<b>TOTAL FUND 01 EXPENDITURES</b>	<b>\$ 18,578,133</b>	<b>\$ 18,811,383</b>	<b>\$ 18,982,381</b>	<b>\$ 1,518,079</b>	<b>\$ 20,500,460</b>
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>\$ 0</b>	<b>\$ (0)</b>	<b>\$ (0)</b>	<b>\$ (0)</b>	<b>\$ 0</b>
TOTAL DRAWS ON FB	\$ (133,457)	\$ (133,457)	\$ (358,457)	\$ -	\$ (358,457)
NET CHANGE IN FUND BALANCE	\$ (133,457)	\$ (133,457)	\$ (358,457)	\$ (0)	\$ (358,457)

**UTILITY FUND**

<b>TOTAL FUND 02 REVENUES</b>	<b>\$ 10,961,405</b>	<b>\$ 11,082,025</b>	<b>\$ 12,180,154</b>	<b>\$ 594,680</b>	<b>\$ 12,774,834</b>
TOTAL 02-02 ADMINISTRATION	\$ 4,733,650	\$ 4,622,130	\$ 4,753,255	\$ 82,889	\$ 4,836,145
TOTAL 02-05 UTILITY BILLING	\$ 322,281	\$ 315,041	\$ 265,133	\$ -	\$ 265,133
TOTAL 02-06 FINANCE	\$ -	\$ -	\$ 493,883	\$ 38,500	\$ 532,383
TOTAL 02-07 IT	\$ -	\$ -	\$ 409,082	\$ 14,125	\$ 423,207
TOTAL 02-24 FACILITIES MAINTENANCE	\$ -	\$ -	\$ 90,472	\$ 6,250	\$ 96,722
TOTAL 02-33 WATER/WASTEWATER OPERATIONS	\$ 4,500,505	\$ 4,716,160	\$ 4,609,027	\$ 400,500	\$ 5,009,527
TOTAL 02-34 WASTEWATER TREATMENT	\$ 1,361,570	\$ 1,340,496	\$ 1,377,009	\$ 52,416	\$ 1,429,425
<b>TOTAL FUND 02 EXPENSES</b>	<b>\$ 10,918,006</b>	<b>\$ 10,993,827</b>	<b>\$ 11,997,861</b>	<b>\$ 594,680</b>	<b>\$ 12,592,541</b>
<b>REVENUES OVER/(UNDER) EXPENSES</b>	<b>\$ 43,399</b>	<b>\$ 88,199</b>	<b>\$ 182,293</b>	<b>\$ (0)</b>	<b>\$ 182,292</b>
TOTAL DRAWS ON RETAINED EARNINGS	\$ -	\$ -	\$ -	\$ (125,000)	\$ (125,000)
NET CHANGE IN RETAINED EARNINGS	\$ 43,399	\$ 88,199	\$ 182,293	\$ (125,000)	\$ 57,292



**City of Portland**  
**All Funds Budget Summary**

**ORDINANCE NO. 2286**

2022-2023		2023-2024		
2022-2023 PROPOSED BUDGET	2022-2023 PROJECTED TOTAL	2023-2024 BASELINE BUDGET	2023-2024 BUDGET REQUESTS	2023-2024 PROPOSED VAR

**VENUE SALES TAX FUND**

TOTAL FUND 21 REVENUES	\$ 2,337,483	\$ 2,260,232	\$ 2,662,130	\$ -	\$ 2,662,130
TOTAL FUND 21 EXPENDITURES	\$ 2,325,170	\$ 2,337,218	\$ 2,504,296	\$ 93,250	\$ 2,597,546
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>\$ 12,313</b>	<b>\$ (76,986)</b>	<b>\$ 157,834</b>	<b>\$ (93,250)</b>	<b>\$ 64,584</b>
TOTAL DRAWS ON FUND BALANCE	\$ (31,698)	\$ (31,698)	\$ (31,698)	\$ (125,000)	\$ (156,698)
NET CHANGE IN FUND BALANCE	\$ (19,385)	\$ (108,684)	\$ 126,136	\$ (218,250)	\$ (92,114)

**TYPE B SALES TAX FUND**

TOTAL FUND 12 REVENUES	\$ 1,809,435	\$ 1,901,973	\$ 2,086,807	\$ -	\$ 2,086,807
TOTAL FUND 12 EXPENDITURES	\$ 1,327,948	\$ 1,573,660	\$ 1,624,665	\$ 6,250	\$ 1,630,915
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>\$ 481,487</b>	<b>\$ 328,312</b>	<b>\$ 462,142</b>	<b>\$ (6,250)</b>	<b>\$ 455,892</b>
TOTAL DRAWS ON FUND BALANCE	\$ (31,698)	\$ (31,698)	\$ (31,698)	\$ -	\$ (31,698)
NET CHANGE IN FUND BALANCE	\$ 449,789	\$ 296,614	\$ 430,444	\$ (6,250)	\$ 424,194

**HOTEL OCCUPANCY TAX FUND**

TOTAL FUND 12 REVENUES	\$ 1,345,957	\$ 1,341,363	\$ 1,554,584	\$ -	\$ 1,554,584
TOTAL FUND 12 EXPENDITURES	\$ 1,345,956	\$ 1,353,822	\$ 1,425,120	\$ 52,400	\$ 1,477,520
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>\$ 0</b>	<b>\$ (12,458)</b>	<b>\$ 129,464</b>	<b>\$ (52,400)</b>	<b>\$ 77,064</b>
TOTAL DRAWS ON FUND BALANCE	\$ -	\$ -	\$ -	\$ -	\$ -
NET CHANGE IN FUND BALANCE	\$ 0	\$ (12,458)	\$ 129,464	\$ (52,400)	\$ 77,064

**COURT TECHNOLOGY FUND**

TOTAL FUND 13 REVENUES	\$ 7,350	\$ 4,306	\$ 7,350	\$ -	\$ 7,350
TOTAL FUND 13 EXPENDITURES	\$ 7,350	\$ 3,500	\$ 7,350	\$ -	\$ 7,350
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>\$ -</b>	<b>\$ 806</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
TOTAL DRAWS ON FUND BALANCE	\$ -	\$ -	\$ -	\$ -	\$ -
NET CHANGE IN FUND BALANCE	\$ -	\$ 806	\$ -	\$ -	\$ -

**COURT SECURITY FUND**

TOTAL FUND 14 REVENUES	\$ 7,200	\$ 6,960	\$ 7,200	\$ -	\$ 7,200
TOTAL FUND 14 EXPENDITURES	\$ 7,200	\$ 3,000	\$ 7,200	\$ -	\$ 7,200
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>\$ (0)</b>	<b>\$ 3,960</b>	<b>\$ (0)</b>	<b>\$ -</b>	<b>\$ (0)</b>
TOTAL DRAWS ON FUND BALANCE	\$ -	\$ -	\$ -	\$ -	\$ -
NET CHANGE IN FUND BALANCE	\$ (0)	\$ 3,960	\$ (0)	\$ -	\$ (0)

**PEG FUND**

TOTAL FUND 16 REVENUES	\$ 40,350	\$ 18,472	\$ 40,350	\$ -	\$ 40,350
TOTAL FUND 16 EXPENDITURES	\$ 5,500	\$ 29,206	\$ 5,500	\$ -	\$ 5,500
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>\$ 34,850</b>	<b>\$ (10,734)</b>	<b>\$ 34,850</b>	<b>\$ -</b>	<b>\$ 34,850</b>
TOTAL DRAWS ON FUND BALANCE	\$ (250,000)	\$ (250,000)	\$ -	\$ -	\$ -
NET CHANGE IN FUND BALANCE	\$ (215,150)	\$ (260,734)	\$ 34,850	\$ -	\$ 34,850

**DRAINAGE FUND**

TOTAL FUND 18 REVENUES	\$ 360,015	\$ 366,546	\$ 367,215	\$ -	\$ 367,215
TOTAL FUND 18 EXPENSES	\$ 245,459	\$ 233,467	\$ 253,650	\$ -	\$ 253,650
<b>REVENUES OVER/(UNDER) EXPENSES</b>	<b>\$ 114,556</b>	<b>\$ 133,080</b>	<b>\$ 113,565</b>	<b>\$ -</b>	<b>\$ 113,565</b>
TOTAL DRAWS ON FUND BALANCE	\$ (200,000)	\$ (200,000)	\$ -	\$ -	\$ -
NET CHANGE IN FUND BALANCE	\$ (85,444)	\$ (66,920)	\$ 113,565	\$ -	\$ 113,565

**DEBT SERVICE FUND**

TOTAL FUND 11 REVENUES	\$ 4,716,276	\$ 5,276,677	\$ 6,146,960	\$ -	\$ 6,146,960
TOTAL FUND 11 EXPENDITURES	\$ 4,563,285	\$ 5,099,093	\$ 5,994,051	\$ -	\$ 5,994,051
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>\$ 152,991</b>	<b>\$ 177,584</b>	<b>\$ 152,909</b>	<b>\$ -</b>	<b>\$ 152,909</b>

<b>ALL FUNDS TOTAL REVENUES</b>	<b>\$ 40,163,604</b>	<b>\$ 41,069,937</b>	<b>\$ 44,035,130</b>	<b>\$ 2,112,759</b>	<b>\$ 46,147,889</b>
<b>ALL FUNDS TOTAL EXPENDITURES</b>	<b>\$ 39,324,008</b>	<b>\$ 40,438,177</b>	<b>\$ 42,802,073</b>	<b>\$ 2,264,659</b>	<b>\$ 45,066,732</b>
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>\$ 839,597</b>	<b>\$ 631,760</b>	<b>\$ 1,233,058</b>	<b>\$ (151,900)</b>	<b>\$ 1,081,157</b>



**AGENDA TITLE**      **ORDINANCE NO. 2287 – ADOPTING 2023 AD VALOREM TAX RATE**  
THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF  
ORDINANCE NO. 2287 WHICH ADOPTS THE AD VALOREM TAX RATE AND  
ESTABLISHES A TAX LEVY FOR THE YEAR 2023.

**MEETING DATE**      9/26/2023

**DEPARTMENT**      Finance

**SUBMITTED BY**      Aldilia Martin, Director of Finance

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**EXECUTIVE SUMMARY**

*This is the second and final reading of Ordinance No. 2287. There were no changes since the first reading on September 19, 2023.*

The City’s FY 2023-2024 Proposed Budget is predicated on an ad valorem tax rate of \$0.638789 per \$100 valuation. This is an increase of \$.011048, 1.76%, per \$100 valuation over the 2022 Tax Rate.

The proposed ad valorem tax rate of \$0.638789 applied to the 2023 Certified Appraisal Roll provides an estimated tax levy amount of \$12,458,960.

**PRIOR ACTIONS OR REVIEWS**

- *August 2, 2023* – The City Council reviewed the Proposed FY 2023-2024 Budget during a budget workshop. The addition of new employees and the purchase of capital items as well as the Capital Improvement Program were discussed during the budget workshop.
- *August 15, 2023* – The City Council received a presentation of the FY24 Budget from the City Manager and set the date of the public hearing on the proposed tax increase.

**DETAILS / STAFF ANALYSIS**

The FY24 Proposed Budget and Tax Rate both consider the ongoing need to provide essential City Services, while mindfully keeping the financial impact on Portland citizens minimized. The 2023 tax increase over the 2022 tax rate is \$.011048, or 1.76%, per \$100 valuation. The increase in the annual property tax bill for a home valued at \$300,000 is approximately \$33.

The FY 2023-2024 Budget will raise more total property taxes than last year’s budget by \$1,469,715, and of that amount \$189,235 is tax revenue to be raised from new property added to the tax roll this year. Of that increase, \$514,400 will go towards Debt Service, while \$955,315 will go to General Fund Maintenance & Operations (M&O). The increase in M&O

revenue will support 8 additions to Public Safety, Public Works, Parks and Recreation, as well as critical capital and infrastructure maintenance programs.

The table below shows the structure of the 2023 Tax Rate:

	<b>2023 Tax Rate</b>
Maintenance & Operations Component (General Fund)	\$0.416689 per \$100
Interest & Sinking Component (Debt Service Fund)	\$0.222100 per \$100
<b>Total Tax Rate</b>	<b>\$0.638789 per \$100</b>

(Per Texas Tax Code, a taxing unit authorized to pay both Maintenance & Operations (M&O) and Debt Service (I&S) with property taxes must adopt its rate as two separate components. The vote must be worded clearly to identify the two elements of the tax rate.)

**ALTERNATIVES CONSIDERED**

No alternatives are recommended. The proposed tax rate is the rate required to support the FY24 Proposed Budget.

**FINANCIAL IMPACT**

The 2023 Tax Rate will support the FY 2023-2024 Budget with a total tax levy of \$12,458,960.

**ATTACHMENTS**

Ordinance No. 2287

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**RECOMMENDED ACTION**

Motion to approve the second and final reading of Ordinance No. 2287 that sets the maintenance and operation portion of the tax rate at \$0.416689 and the debt service rate at \$0.222100 for a total ad valorem tax rate of \$0.638789 per \$100 valuation for FY 2023-2024 with an estimated 2023 tax levy amount of \$12,458,960.

1 **ORDINANCE NO. 2287**

2  
3 **AN ORDINANCE LEVYING TAXES FOR THE CITY OF PORTLAND, TEXAS FOR THE**  
4 **TAX YEAR 2023, PROVIDING FOR A DATE OF WHICH SUCH TAXES BECOME**  
5 **DELINQUENT; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY**  
6 **TO SECURE THE PAYMENT OF TAXES DUE THEREON; PROVIDING FOR PENALTY**  
7 **AND INTEREST TO AND EFFECTIVE DATE THEREOF; PROVIDING FOR A 20%**  
8 **COLLECTION FEE; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS**  
9 **ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

10  
11  
12 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS:**

13  
14 **SECTION 1:** There should be and is hereby levied and ordered to be assessed and collected for  
15 the following rate of taxes for the City of Portland, Texas, for the year 2023 to provide for the  
16 expenditures of said City for the fiscal year ending September 30, 2024, and to provide for the  
17 payments of indebtedness, interest and sinking funds for the City of Portland, to-wit:

18  
19 (a) For the general revenue of the General Fund, \$0.416689 dollars  
20 (41.6689 cents) on each \$100.00 valuation of all taxable property  
21 within said City.

22  
23 (b) For the revenue to pay General Obligation indebtedness and  
24 related fees, \$0.222100 dollars (22.21 cents) on each \$100.00  
25 valuation of all taxable property within said City.

26  
27 **SECTION 2:** The taxes assessed and levied hereby are due and payable on October 1, 2023,  
28 and shall be payable not later than January 31, 2024. The penalties and interest provided for  
29 herein shall accrue after January 31, 2024, on all taxes remaining unpaid after that date. No  
30 penalty or interest shall be due on taxes paid prior to that date.

31  
32 **SECTION 3:** In addition to the taxes assessed and levied herein, there is also assessed and  
33 levied for the failure to pay taxes due as herein specified, a penalty in the amount of 6% for the  
34 first month, plus 1% for each additional month of delinquency. The penalty shall be 12% on all  
35 taxes remaining unpaid on July 1, 2024. And, in addition thereto, there is hereby levied and  
36 assessed interest at the rate of 1% per month, or any part thereof, of all taxes which become  
37 delinquent by the failure or refusal to pay the taxes as herein specified.

38  
39 **SECTION 4:** In addition to the taxes and penalty and interest assessed and levied herein, there  
40 is also assessed and levied a 20% collection fee on all taxes and penalty and interest that become  
41 delinquent and remain unpaid. For all tangible personal property accounts, the effective date  
42 for the 20% collection fee will be 60 days following the delinquency date of February 1, 2024.  
43 The effective date of the collection fee for all delinquent real property accounts will be July 1,  
44 2024.

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**SECTION 5:** The City of Portland shall have a lien on all taxable property located in the City of Portland, Texas to secure the payment of taxes, penalty, interest, and all costs of collection, assessed and levied hereby.

**SECTION 6:** Taxes are payable at the San Patricio County Tax-Assessor Collector’s offices located in Sinton, Texas or Portland, Texas. The San Patricio County Tax Assessor collector, who serves as the tax collector of the City of Portland, may, at her discretion, provide other means for payment such as mail, telephone or internet service. The City of Portland shall have available all rights and remedies provided by law for the enforcement of the collection of taxes levied under this ordinance.

**SECTION 7:** That the 2023 Certified Appraisal Roll with an estimated tax levy amount of \$12,458,960 as presented to the City Council by the San Patricio County Central Appraisal District, together with any supplements thereto is hereby accepted.

**SECTION 8:** That the City Council hereby authorizes the City Tax Collector to accept a tender of payment of all the taxes, penalty, and interest due for a tax year's assessment when more than one tax year's assessment is due and owing on property; but such authorization shall not permit the acceptance of a partial payment of the total sum to tax, penalty, and interest due for a year's tax assessment.

**SECTION 9:** This Ordinance shall be in full effect upon its adoption, approval, and the required publication of its caption in a newspaper having general circulation in the City of Portland.

**PASSED and APPROVED this 26<sup>th</sup> day of September 2023.**

**City of Portland, Texas**

\_\_\_\_\_  
Cathy Skurow  
Mayor

ATTEST:  
  
\_\_\_\_\_  
Annette Hall  
City Secretary



<b>AGENDA TITLE</b>	<b><u>ORDINANCE NO. 2288 – REPEALING THE CURFEW FOR MINORS</u></b> THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2288 THAT REPEALS THE CURFEW FOR MINORS, CHAPTER 11, SECTIONS 11-1 THROUGH SECTION 11-1D OF THE CODE OF ORDINANCES
<b>MEETING DATE</b>	9/26/2023
<b>DEPARTMENT</b>	Police
<b>SUBMITTED BY</b>	Mark Cork, Chief of Police

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**EXECUTIVE SUMMARY**

*This is the second and final reading of Ordinance No. 2288. There were no changes since the first reading on September 19, 2023.*

Governor Greg Abbott signed House Bill 1819, of the 88<sup>th</sup> Texas legislative session, on June 9, 2023, to prohibit cities from creating or enforcing curfew ordinances. The new law went into effect on September 1, 2023, thus creating the need for the repeal of the City of Portland Curfew for Minor Ordinance.

**PRIOR ACTIONS OR REVIEWS**

None

**DETAILS / STAFF ANALYSIS**

Although the youth curfew has in the past been a method utilized as a possible deterrent for crimes committed by juveniles, enforcement ceased effective September 1, 2023. Our police officers will continue to patrol Portland to prevent and deter crime. The abolishment of the Curfew for Minors Ordinance is not anticipated to increase crime or create a negative impact within the community.

**FINANCIAL IMPACT**

None

**ATTACHMENTS**

- Ordinance No. 2288
  - H.B. 1819
-



**RECOMMENDED ACTION**

Motion to approve the second and final reading of Ordinance No. 2288 that repeals the Curfew for Minors in the City of Portland.

1  
2  
3 **ORDINANCE NO. 2288**

4 **AN ORDINANCE REPEALING THE CITY OF PORTLAND CURFEW FOR MINORS;**  
5 **PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH;**  
6 **PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY AND**  
7 **SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL STATE;**  
8 **PROVIDING AND ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR**  
9 **PUBLICATION**

10 **WHEREAS,** H.B. 1019 of the 88<sup>th</sup> Texas legislative session adopted revisions to Chapter  
11 370 of the Texas Local Government Code that became effective September 1, 2023, that provide  
12 that a municipality may not adopt or enforce an order, ordinance, or other measure that imposes  
13 a curfew to regulate the movements or actions of persons younger than 18 years of age.  
14

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

17  
18 **SECTION 1.** That Chapter 11, Sections 11-1 through Sec 11-1d, Miscellaneous Offenses and  
19 Provisions, Article I – In General, Curfew for minors, of the Code of Ordinances is hereby repealed  
20 in its entirety.  
21

22 **SECTION 2 REPEALER.**

23  
24 All previously adopted rules, regulations, policies, and ordinances in conflict with this Ordinance  
25 are hereby repealed.  
26

27 **SECTION 3 SEVERABILITY.**

28  
29 If any provision, section, clause or phrase of this Ordinance, or the application of same to any  
30 person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the  
31 validity of the remaining portions of this Ordinance shall not be affected thereby, it being the  
32 intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or  
33 regulations contained herein, shall become inoperative or fail by reason of any  
34 unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared  
35 severable for that purpose.  
36

37 **SECTION 4 PUBLICATION AND EFFECTIVE DATE.**

38  
39 This Ordinance shall be published after second reading hereof by publishing the caption thereof  
40 in the official newspaper with a statement the public may view the Ordinance in the Office of the  
41 City Secretary. This Ordinance shall take effect upon publication.  
42

43 **PASSED AND APPROVED on second reading this 19<sup>th</sup> day of September, 2023.**  
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**CITY OF PORTLAND**

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Cathy Skurow, Mayor

**ATTEST:**

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City Secretary

AN ACT

relating to the repeal of the authority of political subdivisions to adopt or enforce juvenile curfews.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 45.045(c), Code of Criminal Procedure, is amended to read as follows:

(c) This article does not limit the authority of a court to order a child taken into custody under Article 45.058 [~~or 45.059~~].

SECTION 2. Article 45.060(a), Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Article [~~Articles~~] 45.058 [~~and 45.059~~], an individual may not be taken into secured custody for offenses alleged to have occurred before the individual's 17th birthday.

SECTION 3. Section 51.02(15), Family Code, is amended to read as follows:

(15) "Status offender" means a child who is accused, adjudicated, or convicted for conduct that would not, under state law, be a crime if committed by an adult, including:

(A) running away from home under Section 51.03(b)(2);

(B) a fineable only offense under Section 51.03(b)(1) transferred to the juvenile court under Section 51.08(b), but only if the conduct constituting the offense would not have been criminal if engaged in by an adult;

(C) a violation of standards of student conduct as described by Section 51.03(b)(4);

(D) [~~a violation of a juvenile curfew ordinance or order;~~

[~~E~~] a violation of a provision of the Alcoholic Beverage Code applicable to minors only; or

(E) [~~F~~] a violation of any other fineable only offense under Section 8.07(a)(4) or (5), Penal Code, but only if the conduct constituting the offense would not have been criminal if engaged in by an adult.

SECTION 4. Section 38.003(a), Government Code, is amended to read as follows:

(a) The judge of a county, justice, or municipal court, in accordance with Section 38.002, may award money from a judicial donation trust fund established under Section 38.001 to eligible children or families who appear before the court for a truancy [~~or curfew~~] violation or in another misdemeanor offense proceeding before the court.

SECTION 5. Section 71.0352, Government Code, is amended to read as follows:

Sec. 71.0352. JUVENILE DATA: JUSTICE, MUNICIPAL, AND TRUANCY COURTS. As a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System:

(1) a justice court, municipal court, or truancy court shall report the number of cases filed for:

(A) truant conduct under Section 65.003(a), Family Code; and

(B) the offense of parent contributing to nonattendance under Section 25.093, Education Code; and

[~~(C) a violation of a local daytime curfew ordinance~~

~~adopted under Section 341.905 or 351.903, Local Government Code; and]~~

(2) in cases in which a child fails to obey an order of a justice court, municipal court, or truancy court under circumstances that would constitute contempt of court, the justice court, municipal court, or truancy court shall report the number of incidents in which the child is:

(A) referred to the appropriate juvenile court for delinquent conduct as provided by Article 45.050(c)(1), Code of Criminal Procedure, or Section 65.251, Family Code; or

(B) held in contempt, fined, or denied driving privileges as provided by Article 45.050(c)(2), Code of Criminal Procedure, or Section 65.251, Family Code.

SECTION 6. Chapter 370, Local Government Code, is amended by adding Section 370.007 to read as follows:

Sec. 370.007. JUVENILE CURFEWS PROHIBITED. (a) Notwithstanding any other law, a political subdivision may not adopt or enforce an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age.

(b) This section does not apply to a curfew implemented under Chapter 418, Government Code, for purposes of emergency management.

SECTION 7. Section 8.07(e), Penal Code, is amended to read as follows:

(e) A person who is at least 10 years of age but younger than 15 years of age is presumed incapable of committing an offense described by Subsection (a)(4) or (5) [~~, other than an offense under a juvenile curfew ordinance or order~~]. This presumption may be refuted if the prosecution proves to the court by a preponderance of the evidence that the actor had sufficient capacity to understand that the conduct engaged in was wrong at the time the conduct was engaged in. The prosecution is not required to prove that the actor at the time of engaging in the conduct knew that the act was a criminal offense or knew the legal consequences of the offense.

SECTION 8. The following provisions are repealed:

- (1) Article 45.059, Code of Criminal Procedure;
- (2) Section 341.905, Local Government Code;
- (3) Section 351.903, Local Government Code; and
- (4) Section 370.002, Local Government Code.

SECTION 9. A violation of a juvenile curfew ordinance or order may not be prosecuted or adjudicated after the effective date of this Act. If on the effective date of this Act a criminal or civil action is pending for a violation of a juvenile curfew ordinance or order, the action is dismissed on that date. However, a final conviction or adjudication for a violation of a juvenile curfew ordinance or order that exists on the effective date of this Act is unaffected by this Act.

SECTION 10. This Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 1819 was passed by the House on May 4, 2023, by the following vote: Yeas 114, Nays 28, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 1819 was passed by the Senate on May 17, 2023, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED:

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Date

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Governor



**AGENDA TITLE**      **CHRIS ANDREWS BOATING CENTER TENDER, RELEASE, AND SUBSTITUTION AGREEMENT**

THE CITY COUNCIL WILL CONSIDER A TENDER, RELEASE, AND SUBSTITUTION AGREEMENT WITH SURETEC INSURANCE COMPANY AND JM DAVIDSON, INC., FOR THE CHRIS ANDREWS BOATING CENTER

**MEETING DATE**      9/26/2023

**DEPARTMENT**      Administration

**SUBMITTED BY**      Brian DeLatte, Deputy City Manager

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**EXECUTIVE SUMMARY**

MB Western Industrial Contracting was contracted to construct improvements to the Chris Andrews Boating Center. MB Western abandoned the job site in late 2022 and the City has since worked with MB Western’s bonding company SureTec Insurance Company to reach an agreement for SureTec to engage another contractor to complete the project. SureTec is proposing that local contractor JM Davidson, Inc., complete the project and has submitted a proposed Tender, Release, and Substitution Agreement. City Staff and the City Attorney recommend approval.

**PRIOR ACTIONS OR REVIEWS**

- August 4, 2015—The City Council approved the 5-Year Capital Improvement Program, including a boat ramp project in FY 2017-18.
- November 11, 2015—The City Council engaged HDR to complete Phase 1 of a Boat Ramp Feasibility Study
- June 7, 2016—The City Council engaged HDR to complete Phase 2 of the assessment to provide conceptual layouts and cost estimates for the project in advance of a grant application submittal
- September 6, 2016—The City Council approves Resolution No. 724 authorizing the City Manager to submit an application for the Texas Parks and Wildlife Department’s State Boating Access Grant Program
- June 5, 2018—The City Council approved HDR Engineering’s design contract
- January 4, 2022 – The City Council accepted the bid from MB Western Industrial Contracting in the lump sum amount of \$1,108,628.50.

**DETAILS / STAFF ANALYSIS**

The proposed Tender, Release, and Substitution Agreement (1) releases MB Western from its contract and substitutes JM Davidson, Inc.; (2) requires SureTec to make payment to the City in the amount of \$705,096.19; (3) releases SureTec from obligations under the performance



bond but not from the payment bond; (4) recognizes that SureTec remains responsible for latent defects that may currently exist on the project; and (5) adds time to the contract to allow JM Davidson, Inc., and to complete the project in 120 calendar days before liquidated damages are assessed.

The City's consulting engineer, HDR Engineering, has requested additional payment of \$56,552.37 from the City for services rendered in assisting the City in managing MB Western's deficiencies and schedule delays. The City Attorney is currently negotiating with SureTec for it to cover those additional expenses. Because time is of the essence in executing the Tender, Release, and Substitution Agreement, City Staff recommends that the City Council authorize the agreement and authorize the City Manager, through the City Attorney, to negotiate a potential resolution of these additional expenses, either through a modification of the agreement or a separate agreement.

**ALTERNATIVES CONSIDERED**

N/A.

**FINANCIAL IMPACT**

N/A.

**ATTACHMENTS**

- Draft Tender, Release, and Substitution Agreement

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**RECOMMENDED ACTION**

Adopt a motion that authorizes the City Manager to (1) execute a Tender, Release, and Substitution Agreement with SureTec Insurance Company and JM Davidson, Inc.; (2) negotiate and execute an agreement for the payment of additional engineering fees; and (3) execute all necessary contract documents.