



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting of 4/16/2019
Second Reading Ordinance for the City Council Meeting of 4/23/2019

DATE: April 9, 2019

TO: Keith Selman, Interim City Manager

FROM: Daniel McGinn, AICP, Director of Planning & Environmental
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Cession agreement to cede extraterritorial jurisdiction of certain areas to the City of Portland
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CAPTION:

Ordinance providing for the cession by the City of Corpus Christi to the City of Portland of all annexation rights and police powers over and in certain tracts of land, by mutual agreement; and providing for publication.

PURPOSE:

The purpose of this item is to enter into a cession agreement with the City of Portland to give up extraterritorial jurisdiction, which will allow the City of Portland the legal ability to annex land or regulate land development in certain areas.

BACKGROUND AND FINDINGS:

The extraterritorial jurisdiction (ETJ) of the City of Corpus Christi abuts the City of Portland's city limits and ETJ. As a city with a population between 5,000 and 25,000, the City of Portland is authorized by State law to have an ETJ within one mile of its city limits. As a city with a population over 100,000, the City of Corpus Christi is authorized to have an ETJ within five miles of its city limits but excluding areas within other cities' limits or other cities' ETJs. ETJs expand as city limits expand.

Over the last 40 years, the City of Corpus Christi has given the City of Portland room to grow by ceding Corpus Christi's ETJ to Portland in certain areas. Today, the City of Portland is seeking to grow west within Corpus Christi's five-mile ETJ. In consideration for services provided by the City of Portland, the proposed cession agreement reduces the boundaries of Corpus Christi's ETJ so that Portland can annex areas in the Corpus Christi ETJ. No other cities have jurisdiction or legal interest in these areas.

In the proposed 15-year agreement:

- Portland will continue to provide water and wastewater service to the La Quinta Corridor area regardless of any future annexation actions by Corpus Christi;
- Portland agrees not to modify the boundaries of its Certificates of Convenience and Necessity (CCNs), which are the boundaries approved by the Public Utility Commission of Texas within which Portland has the exclusive right to provide retail water and wastewater service;
- Portland agrees to allow Corpus Christi to connect to Portland's water mains;
- Corpus Christi is allowed to resell water and non-industrial wastewater services obtained from the City of Portland to areas outside Portland's city limits.
- Corpus Christi will pay the City of Portland standard out-of-city-limits rates for these utilities;
- Portland may enter into an agreement to provide law enforcement, non-industrial fire suppression, and emergency medical services as may be needed in the areas proposed as part of Corpus Christi's 1,500-acre "La Quinta Corridor Annexation Area";
- The ceded ETJ will revert to the City of Corpus Christi if the City of Portland does not annex this land within 15 years;
- Corpus Christi agrees to concurrent jurisdiction of 122 acres north of Portland;
- Corpus Christi agrees to cede 66.3 acres southeast of Portland, and 1 mile from the western boundary of Portland's city limits;
- Corpus Christi cedes a rolling ETJ to Portland along the western boundary of Portland, limited to a defined area; and
- Corpus Christi does not cede any water area or underlying land with the boundaries of Corpus Christi Bay and the Gulf of Mexico.

The following provides a detailed history on the cession agreements with the City of Portland over the last 40 years.

- On August 23, 1963, the City of Corpus Christi and the City of Portland had overlapping jurisdiction. On February 22, 1968, the City of Corpus Christi contracted with the City of Portland to cede all such areas of overlapping jurisdiction as they existed in 1963 for a period of ten years. During this 10-year period, the City of Portland annexed most of its one-mile area of overlapping jurisdiction.
- On May 25, 1982, the City of Corpus Christi again contracted with the City of Portland to cede additional areas of overlapping jurisdiction within one mile of the then existing and presently existing city limits of the City of Portland in an area lying generally north of the City of Portland.
- On August 2, 1983, the City of Corpus Christi contracted with the City of Portland to cede additional areas of overlapping jurisdiction within one mile of the then existing and presently existing city limits of the City of Portland an area lying generally northeast of U.S. Highway 181.
- On October 24, 1995, the City of Corpus Christi and the City of Portland renewed the August 2, 1983 agreement for another 10-year period, with slight changes to the boundaries in areas where Portland had already expanded. The contract was renewed a third time on October 11, 2005, for another 10-year period.

ALTERNATIVES:

Council may choose not to approve the agreement.

OTHER CONSIDERATIONS:

The proposed cession agreement does not negatively impact the City of Corpus Christi's proposed annexations.

CONFORMITY TO CITY POLICY:

The proposed cession agreement is consistent with City policy. Plan CC's Vision Statements identifies that "Our broadly diversified economy provides opportunity for all."

EMERGENCY / NON-EMERGENCY:

Non-emergency

DEPARTMENTAL CLEARANCES:

Legal
City Manager's Office

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital ☒ Not Applicable

Fiscal Year: 2018-2019	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Comments: None

RECOMMENDATION:

Staff recommends that City Council approve the proposed cession agreement.

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Exhibit A "Cession Agreement"
Presentation