

LOUIS R. RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
DOTIE KAMINSKI
Mayor Pro-Tem
Councilmember At Large B
DANNY EARP
Councilmember District 1
CHUCK ENGELKEN
Councilmember District 2



DARYL LEONARD
Councilmember District 3
TOMMY MOSER
Councilmember District 4
JAY MARTIN
Councilmember District 5
MIKE CLAUSEN
Councilmember District 6

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held May 11, 2015, beginning at 6:00 PM in the City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

- 1. CALL TO ORDER**
- 2. INVOCATION** – The invocation will be given by Brian Christen, La Porte Community Church.
- 3. PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember Tommy Moser.
- 4. PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Proclamation - Motorcycle Safety & Awareness Month - Mayor Rigby
 - (b) Proclamation - Neuropathy Awareness Week - Mayor Rigby
 - (c) Proclamation - Emergency Medical Services Week - Mayor Rigby
 - (d) Recognition - Employee of the (First) Quarter - Ashley Ellison (City of La Porte Public Works Department) - Mayor Rigby
- 5. PUBLIC COMMENTS** (Limited to five minutes per person.)
- 6. CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
 - (a) Consider approval or other action regarding the minutes of the special called city council meeting held on April 18, 2015, and the minutes of the regular meeting held on April 27, 2015 - P. Fogarty
 - (b) Consider approval or other action regarding a Resolution denying the Application for Approval of a Distribution Cost Recovery Factor (DCRF) proposed by CenterPoint Energy Houston Electric, LLC. - C. Alexander
 - (c) Consider approval or other action regarding a Resolution authorizing the City of La Porte to join with other municipalities as part of the Houston Coalition of Cities, in connection with CenterPoint Energy Houston Electric, LLC.'s Application for Approval of a Distribution Cost Recovery Factor (DCRF) - C. Alexander
 - (d) Consider approval or other action regarding a community cooperation project with Fairmont Park HOA for installation of lighting at neighborhood entryways, for a total City contribution of \$5,000.00 - T. Leach

- (e) Consider approval or other action dedicating a 0.372-acre drainage easement to Harris County Flood Control District out of City of La Porte owned property located at Outlots 327 and 334, Town of La Porte - B. Eng
- (f) Consider approval or other action to reduce industrial waste sanitary sewer surcharge fees for Non-Significant Industrial Users, by authorizing the Public Works Department to change the maintenance and operation (O&M) variable used in the Industrial Waste Surcharge formula to \$0.64 per 1000 gallons - D. Mick
- (g) Consider approval or other action regarding the appointment of Larry Hawkins to the La Porte Police Department Reserve Force - K. Adcox
- (h) Consider approval or other action regarding an Ordinance amending Chapter 10, "Amusements" of the Code of Ordinances of the City of La Porte, by enacting certain regulations related to the operation of Game Rooms - K. Adcox

7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- (a) Public hearing to receive comments regarding a request to rezone a .809-acre tract of land from GC, General Commercial, to R-1, Low Density Residential, to allow for construction of a single family residence; and consider an Ordinance amending Chapter 106 "Zoning" of the Code of Ordinances. The subject site is located on Farrington Blvd., north of Fairmont Parkway. The Planning and Zoning Commission forwarded a recommendation to approve Rezone Request #14-9200001. Applicant is Jose Angel Sandoval, Jr. - E. Ensey
- (b) Public hearing to receive comments regarding a request to approve Special Conditional Use Permit (SCUP) at 227 South Y Street , for the purpose of constructing a secondary dwelling unit; and consider an Ordinance amending Chapter 106, "Zoning," of the Code of Ordinances. The Planning and Zoning Commission forwarded a recommendation to approve proposed SCUP # 15-9100001. Applicant is Rhonda Carraway - E. Ensey
- (c) Public hearing to receive comments regarding a request to approve a Special Conditional Use Permit (SCUP) at the southeast corner of South 16th Street and West M Street intersection, for the purpose of constructing a warehouse facility on a 7.1-acre portion of a 12.6-acre tract of land; and consider an Ordinance amending Chapter 106, "Zoning," of Code of Ordinances. The Planning and Zoning Commission forwarded a recommendation to approve proposed SCUP # 15-9100002. Applicant is General Commercial Properties - E. Ensey

8. AUTHORIZATIONS/ORDINANCES/RESOLUTIONS

- (a) Consider approval or other action regarding issuance of a permit for Boone Exploration, Inc., to conduct Geophysical Mineral Exploration and Testing Permit - T. Tietjens
- (b) Consider approval or other action authorizing the City Manager to execute a Memorandum of Agreement between the City of La Porte and the La Porte Boys Baseball Association for installation of improvements at Pecan Park Baseball Complex - R. Epting

9. DISCUSSION OR OTHER ACTION

- (a) Discussion or other action regarding amending Chapter 70 "Traffic and Vehicles" of the Code of Ordinances in connection with comprehensive review and update to truck route regulations - C. Alexander

10. ADMINISTRATIVE REPORTS

- La Porte Development Corporation Board Meeting, Wednesday, May 13, 2015
- Memorial Day Observed, Monday, May 25, 2015
- Planning and Zoning Commission Meeting, Thursday, May 21, 2015

- Zoning Board of Adjustment Meeting, Thursday, May 28, 2015

11. **COUNCIL COMMENTS** regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies – Councilmembers Moser, Kaminski, Zemanek, Leonard, Engelken, Earp, Clausen, Martin and Mayor Rigby

12. **ADJOURN**

The City Council reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code (the Texas open meetings laws).

In compliance with the Americans with Disabilities Act, the City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meeting. Please contact Patrice Fogarty, City Secretary, at 281.470.5019.

CERTIFICATION

I certify that a copy of the May 11, 2015, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on May 5, 2015.

Patrice Fogarty



**Council Agenda Item
May 11, 2015**

1. **CALL TO ORDER**
2. **INVOCATION** – The invocation will be given by Brian Christen, La Porte Community Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember Tommy Moser.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Proclamation - Motorcycle Safety & Awareness Month - Mayor Rigby
 - (b) Proclamation - Neuropathy Awareness Week - Mayor Rigby
 - (c) Proclamation - Emergency Medical Services Week - Mayor Rigby
 - (d) Recognition - Employee of the (First) Quarter - Ashley Ellison (City of La Porte Public Works Department) - Mayor Rigby
5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Office of the Mayor



Proclamation

WHEREAS, Today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, Motorcyclists are roughly unprotected, and much more likely to be injured or killed in a crash than any other vehicle drivers; and

WHEREAS, Campaigns have helped inform riders and motorists alike, on motorcycle safety issues, to reduce motorcycle related risks, injuries, and most of all fatalities through a comprehensive approach to motorcycle safety; and

WHEREAS, It is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and

WHEREAS, We urge the citizens of the City of La Porte and the surrounding communities to become aware of the inherent dangers involved in operating a motorcycle, and to drive safely giving the motorcycle operator the respect they deserve on the road; and

Now Therefore, I, Louis R. Rigby, Mayor of the City of La Porte, along with members of the La Porte City Council do hereby proclaim May 2015 as

“MOTORCYCLE SAFETY & AWARENESS MONTH”

IN WITNESS WHEREOF, I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 11th day of May, 2015.

CITY OF LA PORTE

Louis R. Rigby, Mayor

Office of the Mayor



Proclamation

WHEREAS, PERIPHERAL NEUROPATHY is one of the most common chronic neurological diseases in the United States, affecting over 20 million Americans. It is a disease resulting from injury to the peripheral nerves—the motor, sensory and autonomic nerves connecting the spinal column to muscles, skin, and internal organs. It usually affects the hands and feet, causing weakness, numbness, tingling, and pain. It can either progress slowly over many years or it can quickly become severe and debilitating; and

WHEREAS, The National Institute of Neurological Disorders and Stroke (NINDS) and other institutes of the National Institutes of Health (NIH) conduct research related to peripheral neuropathies in laboratories at the NIH and also support additional research through grants to major medical institutions across the country; and

WHEREAS, This is the ninth year that The Neuropathy Association has dedicated the third week of May to raise awareness about the neuropathy epidemic and encourage people across the Nation to take action against neuropathy; and

WHEREAS, Increased public education and awareness about neuropathy not only helps people who are living with this debilitating disease, but also encourages much-needed research for more treatment options and cures; and

WHEREAS, It is fitting to recognize the many health care providers and researchers who help patients live better lives with neuropathy and who search for more treatment options and cures for this under-recognized disease,

NOW, THEREFORE, I, Louis R. Rigby, Mayor of the City of La Porte, along with the members of La Porte City Council, do hereby proclaim May 18-24, 2015 as

“NEUROPATHY AWARENESS WEEK”

In Witness Whereof: I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 11th day of May 2015.

CITY OF LA PORTE

Louis R. Rigby, Mayor

Office of the Mayor



Proclamation

Whereas, emergency medical services is a vital public service; and

Whereas, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

Whereas, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

Whereas, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

Whereas, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

Whereas, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week. With the theme "EMS Strong", I encourage the community to observe this week with appropriate programs, ceremonies, and activities; and

Now therefore, I, Louis R. Rigby, Mayor of the City of La Porte, along with members of the La Porte City Council, in appreciation of your valuable contribution to the City of La Porte do observe the week of May 17-23, 2015 as

Emergency Medical Services Week

In Witness Whereof: I have set my hand and caused the Seal of the City to be affixed hereto, this the 11th day of May 2015.

CITY OF LA PORTE

Louis R. Rigby, Mayor

EMPLOYEE OF THE FIRST QUARTER: ASHLEY ELLISON

I AM PLEASED TO PRESENT ASHLEY ELLISON AS THE EMPLOYEE OF THE FIRST QUARTER. ASHLEY IS AN ADMINISTRATIVE ASSISTANT FOR THE PUBLIC WORKS DEPARTMENT. HER REGULAR DUTIES INCLUDE HANDLING CUSTOMER CALLS, INTERACTING WITH OTHER DEPARTMENTS ON CALLS FOR SERVICE, ASSISTING WITH ALL ADMINISTRATIVE DUTIES WITHIN THE DEPARTMENT.

IN ADDITION TO THESE REGULAR DUTIES, ASHLEY HAS BEEN AN INTEGRAL COMPONENT TO THE CITY'S SIP AND STROLL FARMERS MARKETS. EACH MARKET, THERE IS A KIDS' CRAFT ACTIVITY THAT IS FREE AND PROVIDES A FUN AND INTERACTIVE ACTIVITY FOR CHILDREN TO DO AT THE MARKETS. THESE ACTIVITIES REQUIRE A PATIENT AND KIND INDIVIDUAL TO WORK WITH UP TO 10-12 KIDS AT A TIME DOING VARIOUS CRAFT ITEMS. ASHLEY HAS BEEN VOLUNTEERING TO WORK THIS STATION FOR THE PAST SEVERAL SIP AND STROLL MARKETS.

HOWEVER, ASHLEY IS BEING NOMINATED FOR THIS RECOGNITION, NOT FOR HER VOLUNTEER WORK, BUT FOR HER INITIATIVE IN TAKING OWNERSHIP OF THIS PARTICULAR ACTIVITY FOR SIP AND STROLL. ASHLEY HAS BEEN BRAINSTORMING IDEAS FOR CRAFTS AND ACTIVITIES FOR EACH MARKET AND HAS BEEN KEY IN MAKING SURE THAT THIS STATION RUNS FLAWLESSLY. SHE VOLUNTEERED TO ASSEMBLE EACH OF THE INDIVIDUAL CRAFTS IN ADVANCE TO ENABLE KIDS TO MORE EASILY COMPLETE THE CRAFT AT THE MARDI GRAS EVENT. SHE PROACTIVELY CALLED THE CITY MANAGER'S OFFICE TO ASK WHETHER WE HAD ANY IDEAS SET FOR THE UPCOMING MARKETS AND THEN COMMITTED TO BRAINSTORM SOME IDEAS.

ASHLEY'S INITIATIVE TO HELP OUT FOR THE SIP AND STROLL MARKETS IS VERY MUCH APPRECIATED. ASHLEY NEVER GETS FLUSTERED, NO MATTER HOW MANY KIDS ARE AT THE STATION AND EVERYONE ALWAYS WALKS AWAY HAPPY.



**Council Agenda Item
May 11, 2015**

- 6. CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
- (a) Consider approval or other action regarding the minutes of the special called city council meeting held on April 18, 2015, and the minutes of the regular meeting held on April 27, 2015 - P. Fogarty
 - (b) Consider approval or other action regarding a Resolution denying the Application for Approval of a Distribution Cost Recovery Factor (DCRF) proposed by CenterPoint Energy Houston Electric, LLC. - C. Alexander
 - (c) Consider approval or other action regarding a Resolution authorizing the City of La Porte to join with other municipalities as part of the Houston Coalition of Cities, in connection with CenterPoint Energy Houston Electric, LLC.'s Application for Approval of a Distribution Cost Recovery Factor (DCRF) - C. Alexander
 - (d) Consider approval or other action regarding a community cooperation project with Fairmont Park HOA for installation of lighting at neighborhood entryways, for a total City contribution of \$5,000.00 - T. Leach
 - (e) Consider approval or other action dedicating a 0.372-acre drainage easement to Harris County Flood Control District out of City of La Porte owned property located at Outlots 327 and 334, Town of La Porte - B. Eng
 - (f) Consider approval or other action to reduce industrial waste sanitary sewer surcharge fees for Non-Significant Industrial Users, by authorizing the Public Works Department to change the maintenance and operation (O&M) variable used in the Industrial Waste Surcharge formula to \$0.64 per 1000 gallons - D. Mick
 - (g) Consider approval or other action regarding the appointment of Larry Hawkins to the La Porte Police Department Reserve Force - K. Adcox
 - (h) Consider approval or other action regarding an Ordinance amending Chapter 10, "Amusements" of the Code of Ordinances of the City of La Porte, by enacting certain regulations related to the operation of Game Rooms - K. Adcox

LOUIS RIGBY
Mayor
JOHN ZEMANEK
Councilmember at Large A
DOTTIE KAMINSKI
Mayor Pro Tem
Councilmember at Large B
DANNY EARP
Councilmember District 1
CHUCK ENGELKEN
Councilmember District 2



DARYL LEONARD
Councilmember District 3
TOMMY MOSER
Councilmember District 4
JAY MARTIN
Councilmember District 5
MIKE CLAUSEN
Councilmember District 6

**MINUTES OF THE SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
APRIL 18, 2015**

The City Council of the City of La Porte met in a special meeting on Saturday, April 18, 2015, at 8:30 a.m., in the Council Chambers of City hall, 604 West Fairmont Parkway, La Porte, Texas to consider the following items of business:

1. Call to Order

Mayor Rigby called the meeting to order at 8:33 a.m. Members of Council present: Councilmembers Engelken, Earp, Kaminski and Martin. Absent: Councilmembers Leonard, Zemanek, Moser and Clausen.

Members of City Executive Staff and City Employees Present:

City Manager's Office: Corby Alexander and Traci Leach

City Secretary's Office: Patrice Fogarty

Finance: Michael Dolby, Phyllis Rinehart, Gay Collins and Shelley Wolny

Parks: Rosalyn Epting

Planning: Tim Tietjens

Police Department: Ken Adcox

Fire Department: Mike Boaze

Public Works Department: Dave Mick

Human Resources: Allison Curry

Municipal Court: Denise Mitrano

City Manager Corby Alexander provided an update on the storm damages from the previous night.

2. Discussion or other action – The purpose of this meeting is to discuss and formulate City Council and staff plans, operations, policies, and future projects, including the following:

A. Financial Overview – Michael Dolby

Finance Director Michael Dolby presented a PowerPoint with a financial overview.

Mayor Rigby asked what \$14,000,000 represented in Property Tax Growth. Finance Director Michael Dolby responded it represents entry from the certified tax rolls. Mayor Rigby asked if the 9 percent increase is based on new growth. Mr. Dolby advised it is based on the certified tax rolls.

Councilmember Martin asked if the City sold treated waste water to Enterprise, would it have an effect on long range projections. Mr. Dolby responded, yes; it will increase revenue.

B. Capital Improvement Plan Outlook – D. Mick

Public Works Director Dave Mick provided an overview of the Capital Improvement Plan for 2016-2017.

Councilmember Martin asked if any airport runways will be extended. Mr. Mick responded no; it is not an option.

C. Benefits Discussion (Stop Loss and Proposals for consideration to control costs for medical) – C. Alexander

City Manager Corby Alexander discussed Benefits (Stop Loss and Proposals for consideration to control costs for medical.)

Councilmember Earp requested the Current Medical Plan Premiums be sent to Council by employee election over the 26 pay periods.

Councilmember Martin commented he is not interested in evaluating alternatives for the prescription plan.

Councilmember Earp commented he is interested in pursuing all avenues to reduce health care costs to the City. Councilmember Earp also advised he is not in favor of an On-Site Employee Health Clinic.

Mayor Rigby commented he is not in favor of mandatory generic prescriptions but does not have an issue with a prescription being dispense as written. Councilmember Earp also agreed. Mayor Rigby commented there can be different benefit enrollment options for new employees.

City Manager Corby Alexander advised Council that staff will bring back options on Stop Loss.

Mayor Rigby recessed for a break at 9:58 a.m. Mayor Rigby reconvened the special meeting at 10:15 a.m.

D. Lomax Equestrian Trail – Councilmember Danny Earp (R. Epting)

Parks Director Rosalyn Epting discussed a Lomax Equestrian Trail.

Mayor Rigby suggested staff discuss the plan of an equestrian trail with Harris County Flood Control District to see if they are interested; if they are not, save funding over a three-year period for the trail.

E. Safe Sidewalk Connector to Lomax Jr. High – Councilmember Danny Earp (R. Epting)

Parks Director Rosalyn Epting discussed a Safe Sidewalk Connector to Lomax Jr. High.

Council directed Staff to discuss a Safe Sidewalk Connector to Lomax Jr. High with Harris County Flood Control District, as well.

F. Revitalization/Beautification Fund – Councilmember Jay Martin (T. Leach)

Assistant City Manager Traci Leach discussed a Revitalization/Beautification Fund.

Mayor Rigby commented he does not personally think the City will be able to accomplish setting aside a fund for revitalization/beautification and questioned what will be done with a piece of property, if available. Mayor Rigby also commented he would like a more clear definition of the word "blight."

Councilmember Martin commented Council can revisit this down the road.

Mayor Rigby questioned how many of the properties that were demolished have been rebuilt. City Manager Corby Alexander advised staff will have to confirm the information.

G. Christmas Lighting Display Leasing – Councilmember Jay Martin (R. Epting)

Parks Director Rosalyn Epting discussed leasing a Christmas Lighting Display. Ms. Epting informed Council the display would be leased for \$25,000 each year for four years. Shipping annually is \$3,500. The first year will be \$39,930 – which includes the new light theme (\$25,000), shipping (\$3,500), refurbishing the City's 26-foot tree (\$9,350), and refurbishing the garland mount (\$2,080).

Councilmember Martin commented he would like a religious display if one is offered. Councilmember Kaminski agreed.

Mayor Rigby commented he would also like the displays to read "Merry Christmas" instead of Happy Holidays.

Councilmember Martin commented he is more interested in buying new displays every year and adding to what the City already has, including a religious theme.

H. 125th Anniversary of La Porte – Mayor Louis Rigby (C. Alexander)

City Manager Corby Alexander discussed the 125th Anniversary of La Porte in 2017.

Mayor Rigby suggested funding be set aside this year and next year to celebrate the 125th Anniversary of La Porte during the 4th of July in 2017. Mayor Rigby advised music entertainment will need to be reserved at least a year in advance.

Councilmember Martin commented that including the school district would be a good idea, as well, and to focus on the talent from La Porte – Jake Worthington and Robert Earl Keene.

Councilmember Engelken commented celebrating over a period of months is also a good idea for individuals who cannot attend a "one-day event." Councilmember Engelken also suggested hosting a golf or baseball tournament to raise additional funds and to use Hotel Motel Funds, if applicable.

Mayor Rigby asked if Council desired to budget for the 125th Anniversary of La Porte in 2017.

Councilmember Earp asked how much should be budgeted each year.

Mayor Rigby commented entertainment is the most expensive item.

Councilmember Engelken suggested allowing \$400,000 - \$500,000 from Hotel Motel Funds for the entire event and allow staff time to plan for the event.

Councilmember Martin commented he would like to see a committee formed involving the school district, Chamber of Commerce, and volunteers throughout the community with organizing the event.

City Manager Corby Alexander suggested an outside consultant to assist with organizing the event. Mayor Rigby commented a City coordinator will still need to be involved.

Finance Director Michael Dolby advised staff will have to determine if the event is eligible for funds from the Hotel Motel Fund. Mr. Dolby recommend budgeting \$250,000 per year.

Mayor Rigby asked the funds be placed in the General Fund and then supplemented by Hotel Motel Funds. Mayor Rigby asked City Manager Corby Alexander when the committee will be formed for the 125th Anniversary of La Porte in 2017. Mr. Alexander responded at least by the beginning of the fiscal year.

I. Shade Structures for Lomax Arena Catwalk – Councilmember Danny Earp (R. Epting)

Councilmember Earp withdrew his request for Shade Structures for the Lomax Arena catwalk.

J. Park Street Sidewalk – Councilmember Dottie Kaminski (R. Epting)

Parks Director Rosalyn Epting discussed installing a 6-foot concrete sidewalk on Park Street from Fairmont Parkway to Blackwell. Ms. Epting advised an estimate of \$357,000.

Mayor Rigby asked if Park Street belongs to the City or Harris County. Public Works Director Dave Mick responded Harris County.

Councilmember Martin asked if the City would have to purchase easements. Ms. Epting responded there may be some purchases, she would have to confirm if it is wide enough. Ms. Epting asked Council if they would like Staff to move forward. Councilmembers Martin and Kaminski agreed to move forward and commented it is a safety issue not to have a sidewalk.

Council directed City Manager Corby Alexander to discuss with Harris County to partner or for approval for the entire cost.

K. Possible Spray Park – Councilmember Dottie Kaminski (C. Alexander)

City Manager Corby Alexander brought up the possibility of adding another Spray Park at Councilmember Kaminski's suggestion. Councilmember Kaminski stated a possible location would be in either District 1 or District 5.

Councilmember Martin commented District 5 has enough amenities, and Councilmember Earp commented having a trail in District 1 is more important.

Mayor Rigby asked if Councilmember Kaminski is fine with waiting another year for a spray park. Councilmember Kaminski advised she is okay with waiting another year.

3. Receive Direction from Council on upcoming 2015-2016 Fiscal Year Budget

This item was combined with Council Comments.

4. Council Comments

Councilmember Engelken commented Finance does a good job preparing the budget and encouraged staff to look for additional cost savings; Councilmember Earp echoed Councilmember Engelken's comments; and Mayor Rigby thanked City Manager Corby Alexander and staff for preparing the Council Retreat agenda and agreed with Councilmembers Engelken and Earp's comments about looking at the City as a whole for needs and tax savings.

City Manager Corby Alexander asked Council if they are interested in pursuing smoking cessations and perhaps charging more for health benefits for employees who smoke. Council was fine with moving forward with this.

5. Adjourn

There being no further business, Councilmember Engelken moved to adjourn the meeting at 11:20 a.m. Councilmember Earp seconded. **MOTION PASSED**

Respectfully submitted,

Patrice Fogarty, City Secretary

Passed and approved on May 12, 2014.

Mayor Louis R. Rigby

LOUIS RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
DOTTIE KAMINSKI
Mayor Pro Tem
Councilmember At Large B
DANNY EARP
Councilmember District 1
CHUCK ENGELKEN
Councilmember District 2



DARYL LEONARD
Councilmember District 3
TOMMY MOSER
Councilmember District 4
JAY MARTIN
Councilmember District 5
MIKE CLAUSEN
Councilmember District 6

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
APRIL 27, 2015**

The City Council of the City of La Porte met in a regular meeting on **Monday, April 27, 2015**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **6:00 p.m.** to consider the following items of business:

1. CALL TO ORDER

Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Kaminski, Martin, Moser, Earp, Leonard, Clausen, Zemanek and Engelken. Also present were Assistant City Secretary Sharon Harris and City Manager Corby Alexander.

2. INVOCATION – The invocation was given by Assistant City Attorney Clark Askins.

3. PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Councilmember Jay Martin.

4. PUBLIC COMMENTS (Limited to five minutes per person.)

John Kling, 11025 Pinewood Ct., addressed Council in opposition to Consent Agenda Item 5(b).

Chuck Rosa, 812 S. Virginia, addressed Council in opposition to Consent Agenda Item 5 (b).

5. CONSENT AGENDA (*All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.*)

(a) Consider approval or other action regarding the minutes of the City Council Meeting held on April 13, 2015 – P. Fogarty

(b) Consider approval or other action authorizing expenditure by the La Porte Development Corporation Board in an amount not to exceed \$300,000 in connection with project for economic development incentive to Gantstein Esquire, LLC., for a Pipeline Grill Restaurant – S. Livingston

(c) Consider approval or other action regarding an Ordinance amending the City of La Porte Fiscal Year 2014-2015 Budget – M. Dolby

Regarding Consent Item 5(b), Councilmember Zemanek questioned the requirements for the \$300,000.00 economic development incentive. Economic Development Coordinator Scott Livingston responded upon a certificate of occupancy, Pipeline Grill receives a \$100,000; after first year and \$4 million in taxable sales they receive the second \$100,000; and the second year after proof of \$4 million in taxable sales they receive the third payment of \$100,000. Councilmember Zemanek questioned what happens if the requirements are not met for the second and third year. Mr. Livingston responded they are given a portion of the \$100,000 and the requirements are in the development agreement with claw-back provisions. Councilmember Zemanek asked if the development agreement is provided as a part of the agenda item. Mr. Livingston responded no.

Councilmember Zemanek asked if Council is being asked to approve up to \$300,000 for an economic development incentive without an agreement. Mr. Livingston advised the La Porte Development Corporation Board members are aware of the terms of the agreement, the funds have been obligated, and an agreement will go back to the Board members. Councilmember Zemanek questioned what will be the percentage of alcohol sales. Kris Gant with Gantstein Esquire, LLC., responded between 15 to 19 percent.

Councilmember Earp asked if there are funds available to give to five other local restaurants if requested. Mr. Livingston responded it is unlikely to give up to \$300,000 to each restaurant. Councilmember Earp commented he is not in favor of giving the City's tax money to individuals to compete with the people that are actually paying the taxes.

Mayor Rigby commented it is not property tax money that is used from the General Fund; it is 4B sales and use tax at a rate of one-half of one percent that is spent in the City of La Porte and comes out of a totally different fund. Councilmember Earp advised he does understand the funds and funding.

Councilmember Moser asked if the 4B Sales and Use Tax was voted on by the voters in the City of La Porte and if the funds are mandated by state regulations on the use and collection of funds. Mr. Livingston responded yes.

Councilmember Martin commented the La Porte Development Corporation Board did a good job vetting the project. Pipeline Grill is not a bar; it's a restaurant that closes at a reasonable hour; and the neighbors appreciate the property being maintained. In addition, Councilmember Martin advised the La Porte Development Corporation Board is working to establish guidelines for economic development projects for new and existing businesses.

Councilmember Zemanek commented he cannot support approving funds for an economic development incentive without knowing the terms of the agreement.

Councilmember Earp asked what other means can the sales tax funds be utilized. Mr. Livingston responded the economic development funds can be primarily used for job creation and infrastructure improvements.

Councilmember Earp pulled Consent Item 5(b) for a separate vote.

Councilmember Engelken asked if the development agreement will come back to Council after it has been approved by the La Porte Development Corporation Board. Mr. Livingston responded it doesn't have to come back unless directed by Council. Councilmember Engelken commented it was his understanding at the La Porte Development Corporation Board meeting Mr. Livingston commented the development agreement will come back to the La Porte Development Corporation Board for approval and then back to City Council. Councilmember Engelken also informed he reported the information to City Council during his report from the La Porte Development Corporation on April 13, 2015, and commented the development agreement should come back to City Council. Economic Development Coordinator Scott Livingston advised according to the bylaws, the agreement goes back to only the La Porte Development Corporation Board.

Councilmember Moser moved to approve the Consent Agenda Items 5a and 5c pursuant to staff recommendations. Councilmember Leonard seconded. **MOTION PASSED.**

Ayes:	Mayor Rigby, Councilmembers Clausen, Moser, Leonard, Engelken, Martin, Zemanek, Kaminski and Earp
Nays:	None
Absent:	None

Councilmember Clausen moved to approve the Consent Agenda Item 5b pursuant to staff recommendations.

The motion died for lack of a second.

Councilmember Clausen moved to approve Consent Agenda Item 5b to authorize expenditure by the La Porte Development Corporation Board in an amount not to exceed \$300,000 in connection with project for economic development incentive to Gantstein Esquire, LLC., for a Pipeline Grill Restaurant after a development agreement has been created and comes back to the La Porte Development Corporation Board and then to City Council for approval. Councilmember Martin seconded. **MOTION PASSED.**

Ayes: Mayor Rigby, Councilmembers Clausen, Moser, Leonard, Engelken and Martin
Nays: Councilmembers Earp, Zemanek and Kaminski
Absent: None

Prior to Council vote, Assistant City Attorney Clark Askins read the caption of the ordinance from Consent Agenda Item 5(c):

Ordinance 2015-3574: AN ORDINANCE APPROVING AN AMENDMENT TO THE BUDGET FOR THE CITY OF LA PORTE, TEXAS FOR THE PERIOD OF OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015; FINDING THAT ALL THINGS REQUISITE AND NECESSARY HAVE BEEN DONE IN PREPARTION AND PRESENTMENT OF SAID BUDGET; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

6. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- (a) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve Rezone Request #15-92000003, changing the zoning classification from Neighborhood Commercial (NC) to Mixed Use (MU), for Lots 1-28, Block 29; Lots 1-28, Block 30; Lots 1-28, Block 31; Lots 1-28, Block 32; Lots 7-10, Block 49; Beach Park Subdivision, Harris County, Texas – E. Ensey

The public hearing opened at 6:31 p.m.

City Planner Eric Ensey presented a summary and advised the Planning and Zoning Commission recommended approval of the request.

The public hearing closed at 6:35 p.m. There were no public comments.

- (b) Consider approval or other action regarding an Ordinance amending Chapter 106 “Zoning” of the Code of Ordinances of the City of La Porte, by changing the zoning classification from Neighborhood Commercial (NC) to Mixed Use (MU), for Lots 1-28, Block 29; Lots 1-28, Block 30; Lots 1-28, Block 31; Lots 1-28, Block 32; Lots 7-10, Block 49; Beach Park Subdivision, Harris County, Texas – E. Ensey

Councilmember Leonard moved to approve an Ordinance amending Chapter 106 Zoning of the Code of Ordinances of the City of La Porte by changing the zoning classification from Neighborhood Commercial (NC) to Mixed Use (MU), for Lots 1-28, Block 29; Lots 1-28, Block 30; Lots 1-28, Block 31; Lots 1-28, Block 32; Lots 7-10, Block 49; Beach Park Subdivision, Harris County, Texas. Councilmember Zemanek seconded. **MOTION PASSED.**

Ayes: Mayor Rigby, Councilmembers Clausen, Zemanek, Engelken, Kaminski, Moser, Leonard, Earp and Martin
Nays: None
Absent: None

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3575: AN ORDINANCE AMENDING CHAPTER 106 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY CHANGING THE ZONING CLASSIFICATION FROM NEIGHBORHOOD COMMERCIAL DISTRICT (NC) TO MIXED USE (MU), FOR THE "CIRCLE" PROPERTIES ADJACENT TO SYLVAN BEACH PARK AND DESCRIBED AS LOTS 1-28, BLOCK 29; LOTS 1-28, BLOCK 30; LOTS 1-28, BLOCK 31; LOTS 1-28, BLOCK 32; LOTS 7-10, BLOCK 49; BEACH PARK SUBDIVISION, MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

7. AUTHORIZATIONS

- (a) Consider approval or other action of a Resolution denying the rate application proposed by CenterPoint – C. Alexander

Councilmember Engelken advised City Council he signed a conflict of interest affidavit on Friday, April 24, 2015 with the City Secretary's Office and will abstain from this item. Councilmember Engelken left the table at 6:36 p.m.

City Manager Corby Alexander presented a summary.

Councilmember Engelken returned to the table at 6:39 p.m.

Councilmember Leonard moved to approve a Resolution denying the rate application proposed by CenterPoint. Councilmember Earp seconded. **MOTION PASSED.**

Ayes:	Mayor Rigby, Councilmembers Clausen, Leonard, Martin, Zemanek, Moser, Kaminski and Earp
Nays:	None
Absent:	None
Abstain:	Councilmember Engelken

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Resolution 2015-06: A RESOLUTION OF THE CITY OF LA PORTE, TEXAS FINDING THAT CENTERPOINT ENERGY RESOURCES COPR. D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS' STATEMENT OF INTENT TO INCREASE RATES FILING WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT MEETING AT WHICH THIS RESOLUTION IS PASSED IN OPEN TO THE PUBLIC AS REQUIRED BY LAW IN COMPLIANCE WITH THE OPEN MEETINGS LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY; AND PROVIDING AN EFFECTIVE DATE.**

- (b) Consider approval or other action authorizing the City Manager to expend City Council contingency with the reconstruction of the La Porte Recreation & Fitness Center due to flooding damage, provide direction on state law exception to bidding procedures, and discuss related matters – C. Alexander

City Manager Corby Alexander presented a summary on the flooding of the La Porte Recreation & Fitness Center.

Councilmember Leonard asked how memberships will be handled during the construction of the La Porte Recreation & Fitness Center. Mr. Alexander responded there are two options, extend the memberships or prorate the membership back to the members. In addition, Mr. Alexander advised the preference is to extend the memberships.

Councilmember Earp asked if there is an estimated cost for the reconstruction. Mr. Alexander responded figures are still being received, but he feel it will be all of the \$ 242,355.00 in the contingency line item.

Mayor Rigby asked if the City will receive any reimbursement. Mr. Alexander informed a claim has been filed with Texas Municipal League, but the City will have to pay the \$25,000.00

deductible. Mayor Rigby commented it will be prudent for the City to obtain additional estimates. Mr. Alexander advised the City will certainly obtain additional estimates.

Councilmember Moser asked if the specialty flooring will be installed at a later date. Mr. Alexander responded yes, the quote of \$42,028.83 did not include specialty flooring.

Councilmember Martin asked if there are any assurances in place to avoid future incidents. Mr. Alexander responded yes, options have been identified and will be in place before the facility re-opens.

Councilmember Martin moved to allow Staff to solicit quotes and/or bids in a timely manner and evoke the state law exception to bidding procedures and to authorize the use of contingency funds. Councilmember Kaminski seconded. **MOTION PASSED.**

Ayes:	Mayor Rigby, Councilmembers Clausen, Leonard, Martin, Zemanek, Moser, Engelken, Kaminski and Earp
Nays:	None
Absent:	None

8. **REPORTS**

(a) Receive report on the quarterly Delinquent Tax Report – T. Leach

Mayor Rigby asked Council if there were any questions before Ms. Leach provided the quarterly Delinquent Tax Report. There were no questions. Mayor Rigby then asked if there are any objections to the report no longer being presented at City Council meetings as long as it is forwarded to Council on a quarterly basis. There were no Council objections.

(b) Receive the 2014 La Porte Police Department Annual Crime and Activity Report – K. Adcox

Police Chief Ken Adcox provided the 2014 La Porte Police Department Annual Crime and Activity Report.

Councilmember Zemanek questioned where the massage parlor violations fit into the report. Police Chief Ken Adcox responded they are tracked as a penal offense, and he will confirm where to add it in future reports.

Councilmember Moser asked if there are resources dedicated to Districts 4 and 5 since the districts rank higher in crime. Mr. Adcox responded, yes additional officers are in the areas and targeted resources are assigned to the districts. Mr. Adcox also added the crime activity in the Districts 4 and 5 are lower than the safest neighborhood in neighboring communities.

Councilmember Martin requested the growth in crime rate for District 5 from 2013-2014 and later 2015. Councilmember Martin commented the crime in District 5 is from a small population centered around two apartment complexes on S. Broadway.

Councilmember Leonard asked if the hot spot cameras are monitored live. Mr. Adcox responded yes.

9. **ADMINISTRATIVE REPORTS**

There were no additional reports.

10. **COUNCIL COMMENTS** regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies – Councilmembers Martin, Moser, Kaminski, Zemanek, Leonard, Engelken, Earp, Clausen and Mayor Rigby.

Councilmembers Martin and Kaminski thanked the volunteers and attendees during the Sylvan Beach Day festivities; Councilmember Engelken wished everyone a safe trip home after the meeting and Mayor Rigby commented on the great turnout for the Sylvan Beach Day festivities and how interesting it was to attend the Official State of Texas held at the San Jacinto Monument.

11. **EXECUTIVE SESSION** The City reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code, including, but not limited to, the following:

Texas Government Code, Section 551.072 – For the purpose of deliberating the purchase, exchange, lease or value of real property: Klein Retreat property and former Happy Barbour property.

Texas Government Code, Section 551.071(1)(A) – Pending or Contemplated Litigation: Meet with City Attorney and City Manager to discuss case of Everardo Garza Vs. City of La Porte.

City Council recessed the regular Council meeting to convene an executive session at 7:25 p.m. to deliberate the purchase, exchange, lease or value of real property: Klein Retreat property and former Happy Barbour property and discuss the case of Everardo Garza Vs. City of La Porte.

12. **RECONVENE** into regular session and consider action, if any on item(s) discussed in executive session.

Council reconvened into the regular Council meeting at 8:36 p.m.

Council directed the Assistant City Attorney to continue defense on behalf of the City.

Councilmember Zemanek moved to reject the offer from Galveston Bay Foundation. Councilmember Martin seconded. **MOTION PASSED.**

Ayes:	Councilmembers Leonard, Martin, Clausen, Kaminski, Engelken, Zemanek, and Earp
Nays:	Mayor Rigby and Councilmember Moser
Absent:	None

13. **ADJOURN**

There being no further business, the meeting adjourned at 8:38 p.m.

Sharon Harris, Assistant City Secretary

Passed and approved on May 11, 2015.

Mayor Louis R. Rigby

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>May 11, 2015</u>	<u>Appropriation</u>
Requested By: <u>Corby Alexander</u>	Source of Funds: <u>N/A</u>
Department: <u>Administration</u>	Account Number:
Report: <input type="radio"/> Resolution: <input checked="" type="radio"/> Ordinance: <input type="radio"/>	Amount Budgeted:
Other: <input type="radio"/>	Amount Requested:
	Budgeted Item: <input type="radio"/> YES <input type="radio"/> NO

Attachments :

- 1. Letter from CenterPoint Houston on DCRF Filing**
- 2. Resolution**

SUMMARY & RECOMMENDATIONS

On April 6, 2015, CenterPoint Energy Houston Electric, LLC filed an Application for Approval of a Distribution Cost Recovery Factor (DCRF) pursuant to Section 36.210 of the Public Utility Regulatory Act (PURA) and Substantive Rule 25.243. If this Application is approved, CenterPoint Houston's distribution revenues will increase by approximately \$16,704,985.

After reviewing the Company's filing, it is recommended that Council adopt a resolution denying the Application. Pursuant to Commission rules, the Application is deemed appealed to the Commission, regardless of whether the City approves or denies the application, and the appeal will be consolidated with the CenterPoint Houston's DCRF proceeding before the Commission. However, Council adopting this Resolution puts on record that it is opposed to the increase.

Staff recommends Council consider adopting the proposed resolution.

Action Required of Council:

Consider approval or other action of a resolution denying the Application for Approval of a Distribution Cost Recovery Factor (DCRF) proposed by CenterPoint Energy Houston Electric, LLC.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



CenterPoint Energy
P.O. Box 1700
Houston, TX 77251-1700

April 6, 2015

Mayor and City Council Members
City of La Porte
La Porte, Texas

Re: Application of CenterPoint Energy Houston Electric, LLC for Approval of a Distribution Cost Recovery Factor

Mayor and City Council Members:

CenterPoint Energy Houston Electric, LLC (“CenterPoint Houston” or the “Company”) files this Application for Approval of a Distribution Cost Recovery Factor (“DCRF”) pursuant to Section 36.210 of the Public Utility Regulatory Act (“PURA”) and Substantive Rule 25.243 and asks that its regulatory authorities, which include your city and the Public Utility Commission of Texas (“Commission”) approve CenterPoint Houston’s proposed Rider DCRF. The Company’s proposed effective date for rates under Rider DCRF is September 1, 2015.

CenterPoint Houston is filing this Application simultaneously with the Commission and all municipal authorities that have retained jurisdiction over CenterPoint Houston’s rates. As explained in the accompanying DCRF filing package, this is CenterPoint Houston’s first DCRF filing. The Company’s requested DCRF takes into account changes in the Company’s net distribution system invested capital from the period January 1, 2010 through December 31, 2014. If the DCRF requested in this Application is approved, CenterPoint Houston’s distribution revenues will increase by approximately \$16,704,985 on an annual basis as compared to the distribution revenues approved in its most recent rate case, Docket No. 38339.

Municipalities that have not ceded their jurisdiction to the Commission have exclusive original jurisdiction over this filing, as it affects service within their municipal boundaries. This jurisdiction extends for 60 days from the date of this filing. Pursuant to Commission Substantive Rule 25.243(c)(1)(B), on the 60th day after the filing of this Application with the city, the Application is deemed appealed to the Commission, regardless of whether the city approves or denies the application, and the appeal will be consolidated with the CenterPoint Houston’s DCRF proceeding before the Commission.

If you desire any additional information concerning this filing, please contact Denise Gaw at (713) 207-5956.

Very truly yours,

Keith L. Wall
Director of Regulatory Affairs

Enclosures

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF LA PORTE, TEXAS, FINDING THAT CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S FILING OF AN APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE EXPENSES FOR DENYING THE APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW IN COMPLIANCE WITH THE OPEN MEETINGS LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of La Porte, Texas, ("City"), is an electric utility customer of CenterPoint Energy Houston Electric, LLC ("CenterPoint Houston") and a regulatory authority with an interest in the rates and charges of CenterPoint Houston; and

WHEREAS, the City is served by CenterPoint Houston and has resolved to efficiently and cost effectively review and respond to issues affecting rates and recovery factors charged in CenterPoint Houston's service area; and

WHEREAS, on or about April 6, 2015, CenterPoint Houston filed with the City an Application for Approval of a Distribution Cost Recovery Factor ("DCRF") pursuant to Section 36.210 of the Public Utility Regulatory Act ("PURA") and Substantive Rule 25.243, and asks that its regulatory authority, which includes the City, and the Public Utility Commission of Texas ("Commission") approve CenterPoint Houston's proposed Rider DCRF, with a proposed effective date for rates under Rider DCRF of September 1, 2015; and

WHEREAS, the City found, upon its review of CenterPoint Houston's DCRF, that CenterPoint Houston's distribution revenues will increase by approximately \$16,704,985 on an annual basis as compared to the distribution revenues approved in its most recent rate case, Docket No. 38339, which rates the City already deems excessive; and

WHEREAS, the City denies CenterPoint Houston's Application for Approval of a Distribution Cost Recovery Factor ("DCRF").

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

Section 1. That the distribution revenues proposed by CenterPoint Houston's DCRF are hereby found to be unreasonable and shall be denied.

Section 2. That CenterPoint Houston shall continue to charge its existing rates to customers within the City.

Section 3. That the City's reasonable expenses incurred in denial of the DCRF shall be reimbursed in full by CenterPoint Houston within 30 days of the adoption of this Resolution.

Section 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and the public notice of the time, place, and purpose of said meeting was given as required.

Section 5. That the City Secretary of the City of La Porte will send a copy of this Resolution to CenterPoint Energy Houston, Attn: Keith L. Wall, Director of Regulatory Affairs, P. O. Box 1700, Houston, TX 77251-1700.

Section 6. This Resolution shall be effective on its passage and approval.

PASSED AND APPROVED this the 11th day of May, 2015.

CITY OF LA PORTE

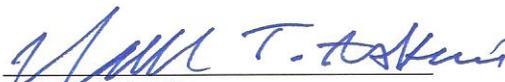
By:

Louis R. Rigby
Mayor

ATTEST:

APPROVED:

Patrice Fogarty
City Secretary



Clark T. Askins
Assistant City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: May 11, 2015 Appropriation
Requested By: Corby Alexander Source of Funds: N/A
Department: Administration Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

- 1. Resolution**
- 2. Invitation to Join Houston Coalition of Cities**

SUMMARY & RECOMMENDATIONS

Attached is a resolution to join the Houston Coalition of Cities for intervening into the CenterPoint Energy DCRF rate case. On April 6, 2015, CenterPoint Energy Houston Electric, LLC (CenterPoint) filed an application for approval of a Distribution Cost Recovery Factor (DCRF) in each municipality exercising original jurisdiction over CenterPoint's electric rates. CenterPoint's DCRF request represents a \$16.7 million increase for service to retail electric customers within CenterPoint's service area.

The City of Houston organized a team of experts to review the rate request and to assist in the preparation of a final recommendation. The City of Houston is inviting the City's participation in the Houston Coalition of Cities, a Coalition representation municipalities' interests in the rate case proceedings. No financial contributions by member cities will be required. The City of Houston will pay all costs associated with the proceedings.

Staff recommends Council consider adopting the proposed resolution to participate in the Houston Coalition of Cities.

Action Required of Council:

Consider approval or other action of a resolution authorizing the City of La Porte to join with other municipalities as part of the Houston Coalition of Cities.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE CITY OF LA PORTE, TEXAS, PERTAINING TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR PENDING AS DOCKET NO. 44572 AND RELATED PROCEEDINGS.

WHEREAS, on or about April 6, 2015, CenterPoint Energy Houston Electric, LLC ("CenterPoint Houston") filed an Application for Approval of a Distribution Cost Recovery Factor ("DCRF") with the Public Utility Commission of Texas ("Commission ") under Docket No. 44572; and

WHEREAS, Section 36.210 of the Public Utility Regulatory Act authorizes an electric utility company to request periodic adjustment to its rate schedule between full base rate cases due to changes in the utility's invested capital by including a DCRF in its Commission approved rates; and

WHEREAS, CenterPoint Houston is requesting \$16,704,985 to be recovered through ratepayers for its net distribution system invested capital; and

WHEREAS, any DCRF ordered by the Commission in the proceedings could ultimately affect CenterPoint Houston's rates for wholesale electric transmission customers and for end-use retail electric customers in CenterPoint Houston's certificated service territory; and

WHEREAS, the Commission referred the proceedings to the State Office of Administrative Hearings (SOAH) on April 7, 2015, requesting the assignment of an Administrative Law Judge to conduct a hearing and issue a proposal for decision to the Commission if necessary; and

WHEREAS, the deadline for the Commission to rule on the proceedings is July 17, 2015, 46 days before September 1, 2015, the effective date unless good causes exists for a later date pursuant to section 25.243(e)(6)(C) of the PUC Substantive Rules; and

WHEREAS, certain municipalities have indicated their desire to join with the City of Houston, Texas, in a coalition of cities interested in the conduct of the proceedings and to authorize the coalition to intervene on behalf of the participating municipalities therein; and

WHEREAS, the coalition of cities shall be led by the City of Houston, which shall direct the selection of legal counsel and consultants on behalf of the coalition.

WHEREAS, interested parties must seek party status to comply with the intervention deadline to be set in the proceedings; and

WHEREAS, the City Council finds that the participation of the City of La Porte ("City") in the coalition of cities will achieve coordinated efforts among

similarly situated affected municipalities in order to maximize the efficient use of resources and expertise in reviewing, analyzing, and investigating CenterPoint Houston's DCRF application; and

WHEREAS, City Council has determined that it is in the best interest of the City that the City participates with the coalition of cities in the proceedings.

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

Section 1: That the statements and findings recited in the preamble to this Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

Section 2. That the City is hereby authorized to join with other municipalities as part of the coalition of cities and to participate to the fullest extent permitted by law in proceedings affecting the rates, operations and services of CenterPoint Houston for customers within the City of La Porte, Texas, and in particular regarding the DCRF recovery factor.

Section 3. That the City is hereby authorized to intervene in the proceedings as a member of the coalition.

Section 4. That such outside counsel that the City of Houston may select, shall represent the City in all of the proceedings and are hereby authorized to take all legal and other actions necessary to forward the interests of the City in the proceedings and all matters related to such proceedings, including without limitation any hearings, conferences, negotiations and related Proceedings.

Section 5. That this Resolution shall take effect immediately upon its passage and approval in the manner required by the City Charter and ordinances.

PASSED AND APPROVED this the 11th day of May, 2015.

CITY OF LA PORTE

By:

Louis R. Rigby
Mayor

ATTEST:

APPROVED:

Patrice Fogarty
City Secretary



Clark T. Askins
Assistant City Attorney



CITY OF HOUSTON

Administration & Regulatory Affairs
Department

Annise D. Parker
Mayor

Tina Paez, Director
Administration & Regulatory
Affairs Department
P. O. Box 1561
Houston, Texas 77251-1562

T. 832.393.8501
F. 832.393.8527
www.houstontx.gov/ara

April 16, 2015

To: Cities Located in CenterPoint Energy Houston Electric, LLC Service Territory

Re: Invitation to join the Houston Coalition of Cities in the CenterPoint Energy Houston Electric, LLC Distribution Cost Recovery Factor Proceeding

On April 6, 2015 CenterPoint Energy Houston Electric, LLC (CenterPoint or Company) filed an application for approval of a Distribution Cost Recovery Factor (DCRF) in each municipality exercising original jurisdiction over CenterPoint's electric rates. CenterPoint's DCRF request represents a \$16.7 million increase for service to retail electric customers within CenterPoint's service area. Approximately 53% of the request is allocated to the residential class. Since the issues to be addressed in this rate filing will impact municipalities similarly, the City of Houston is inviting you to participate in the Houston Coalition of Cities, a Coalition representing municipalities' interests in the CenterPoint DCRF proceeding. No financial contributions by member cities will be required.

Pursuant to Section 36.210 of the Public Utility Regulatory Act and Public Utility Commission (PUC) Substantive Rule 25.243, the DCRF permits CenterPoint to adjust its rates for changes in certain distribution costs outside of a full base rate proceeding. The municipal timeframe to review the filing and make a final decision approving, modifying, or rejecting the application is **60 days**. Therefore, the deadline for cities to adopt a rate ordinance is **June 5, 2015**, or the request will be deemed denied and consolidated with the proceeding at the PUC. The PUC has until **September 1, 2015** (unless the deadline is extended) to issue a Final Order.

The City of Houston organized a team of experts to review the rate request and to assist in the preparation of a final recommendation. The City of Houston retained Alton Hall, Adams and Reese to represent the collective interests of the coalition in this matter. The City also engaged Scott Norwood, Norwood Consulting, an expert in utility rates to review the rate filing and prepare a final recommendation. Unlike a full base rate proceeding, the cities' ability to perform a comprehensive review of the DCRF request is limited due to substantive and procedural limitations including the truncated timeframe for review and limitations on the scope of the cities' review and discovery.

A conference call is scheduled for April 22, 2015 at 3:00PM. The call-in information for the meeting is as follows: 1) dial 1.866.574.2770; 2) enter conference code 5941750. At that time we will provide an overview of the DCRF with highlights of the major issues, and establish points of contact for further communication. Please confirm your participation in the call by contacting Alisa Talley at 832.393.8531 or Alisa.Talley@houstontx.gov.

Attached is a draft resolution for submission to your municipality's governing body. Action by your governing body is necessary for participation in the Coalition and intervention at the PUC.

Respectfully,

Tina Paez, Director
Administration and Regulatory Affairs Department
City of Houston

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>May 11, 2015</u>	<u>Appropriation</u>
Requested By: <u>Traci E. Leach</u>	Source of Funds: <u>General Fund CIP</u>
Department: <u>Administration</u>	Account Number: _____
Report: <input checked="" type="radio"/> Resolution: <input type="radio"/> Ordinance: <input type="radio"/>	Amount Budgeted: <u>20,000</u>
Other: <input type="radio"/>	Amount Requested: <u>5,000</u>
	Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO

Attachments :

1. **Electrical Quote**
2. **MOU for Fairmont Park HOA**
3. **Email from HOA President**

SUMMARY & RECOMMENDATIONS

As part of the FY 2015 budget, the Council approved funding for Community Co-op projects, where the City would partner with HOAs and other neighborhood groups to complete small beautification and quality of life projects. A total of \$20,000 was budgeted with a maximum City contribution per project of \$5,000. All projects would be considered on a first come, first served basis. At this time, staff is working with several groups on potential projects; Shady River HOA had a project approved for \$5,000 in March 2015, which leaves an available balance of \$15,000 this year.

Fairmont Park HOA has obtained a quote for electrical and lighting at three neighborhood entryways. The entrances to be completed this year are Farrington & Fairmont, Myrtle Creek & Spencer Highway and Stonemont & Underwood. Last year, the City partnered with Fairmont HOA to complete a similar project for entryways at Spencer-Farrington and Spencer-Valley Brook. The total project cost is estimated to be \$10,850. The HOA is asking for the City to contribute \$5,000, the maximum available for the project. Pursuant to the attached Memorandum of Agreement, the City will handle the procurement and installation of the improvements. Fairmont HOA will provide a check to the City for the HOA share of the project within 30 days of execution of the Agreement.

As this would **not** be an addition to a City-owned and maintained facility, the on-going maintenance responsibility would lie with the Fairmont Park HOA.

Action Required of Council:

Consider approval or other action of a community cooperation project (major pool renovation) for a total City contribution of \$5,000.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



**CITY OF LA PORTE
QUOTE FORM**

The City of La Porte is requesting quotes on electrical services. Any exceptions to the following specifications must be noted in detail. Be sure to include **all** charges, including freight, handling, delivery, and any other fees. **Quote must be returned on this form.** Prices shall be firm for a minimum of thirty (30) days.

Please fax your quotes to Ronnie Fax number 281-470-1361, by 3/27/2015

If more information is needed, please contact Ronnie at 281-628-3262 or e-mail: Whiter@laportetx.gov

SPECIFICATIONS	QTY	UNIT PRICE	EXTENDED PRICE
Electrical services and lighting for Farrington and Fairmont, Spencer and Myrtle Creek, and Underwood at Stonemont.	1		

See attached spec sheet for details!

Total \$10,850.00

Freight/Delivery \$_____ (if estimated, state "not to exceed" price)

Itemize any additional fees or charges: You may use another sheet, if necessary.

TOTAL COST \$ 10850.00 (price shall be firm and may not be exceeded)

State delivery time ARO (after receipt of order) 30 days

Vendor Name: Kevin Heine Electrical Services

Phone #: 281-380=4586

Contact name: Kevin Heine

Signature: _____



**CITY OF LA PORTE
QUOTE FORM**

The City of La Porte is requesting quotes on electrical services. Any exceptions to the following specifications must be noted in detail. Be sure to include **all** charges, including freight, handling, delivery, and any other fees. **Quote must be returned on this form.** Prices shall be firm for a minimum of thirty (30) days.

Please fax your quotes to Ronnie Fax number 281-470-1361 , by 3/27/2015

If more information is needed, please contact Ronnie at 281-628-3262 or e-mail: Whiter@laportetx.gov

SPECIFICATIONS	QTY	UNIT PRICE	EXTENDED PRICE
Electrical services and lighting for Farrington and Fairmont, Spencer and Myrtle Creek, and Underwood at Stonemont.	1		

See attached spec sheet for details!

Total \$14,120.00

Freight/Delivery \$ 0 (if estimated, state "not to exceed" price)

Itemize any additional fees or charges: You may use another sheet, if necessary.

TOTAL COST \$14,120.00 (price shall be firm and may not be exceeded)

State delivery time ARO (after receipt of order) 5 days

Vendor Name: Mr. Electric of Bay Area

Phone #: 713-477-1770

Contact name: Brock Bihm

Signature:



CITY OF LA PORTE
QUOTE FORM

The City of La Porte is requesting quotes on electrical services. Any exceptions to the following specifications must be noted in detail. Be sure to include all charges, including freight, handling, delivery, and any other fees. **Quote must be returned on this form.** Prices shall be firm for a minimum of thirty (30) days.

Please fax your quotes to Ronnie Fax number 281-470-1361, by 3/27/2015

If more information is needed, please contact Ronnie at 281-628-3262 or e-mail: Whiter@laportetx.gov

SPECIFICATIONS	QTY	UNIT PRICE	EXTENDED PRICE
Electrical services and lighting for Farrington and Fairmont, Spencer and Myrtle Creek, and Underwood at Stonemont.	1		

See attached spec sheet for details!

Total \$

Freight/Delivery \$ (if estimated, state "not to exceed" price)

Itemize any additional fees or charges: You may use another sheet, if necessary.

TOTAL COST \$ 17,790.20 (price shall be firm and may not be exceeded)

19,405.20 LED

State delivery time ARO (after receipt of order) .days

Vendor Name: WEEKS SERVICE COMPANY

Phone #: 281-332-9555

Contact name: Donald Anderson

Signature:



MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA) is made by and entered into this ____ day of May 2015 (the "Effective Date") between the City of La Porte, a home-rule municipality under the laws of the State of Texas ("the City") and the Fairmont Park Homes Association ("FPHOA"), to establish each party's obligations under the Community Cooperation Project, as defined herein.

The terms acceptable to both Parties to begin the Community Cooperation Project are as follows:

The City and FPHOA agree that the Community Cooperation Project shall consist of installation of electrical service and lighting at three neighborhood entryways- Spencer Highway/Farrington and Spencer Highway/Valley Brook (hereinafter defined as "the Improvements").

- Lighting
- Electrical improvements will include extension of service from existing poles, all fixtures for the lights, and timer/photocell

The City shall be responsible for the construction and installation of the Improvements.

The City agrees to fund a sum not to exceed \$5,000.00 for construction and installation of the Improvements.

The FPHOA shall be responsible for all future maintenance of the Improvements, including but not limited to the replacement of the light fixtures, timers, and photocells, and agrees to fund the all costs associated with same. However, the City agrees to be responsible for operating costs associated with provision of electrical service (monthly meters charge and usage).

Notwithstanding any requirement established herein to the contrary, City's obligation to maintain the Improvements as outlined in this MOA is conditioned on appropriation of adequate funds in its annual budget, as approved by the La Porte City Council. Should there not be sufficient funds available, the City reserves the right to terminate payment of electrical service costs, and as necessary, remove any and all Improvements installed pursuant to this MOA.

In consideration for City's agreement to partially fund the cost of the Improvements and provision of electrical service, FPHOA agrees to pay the City a sum of 5,850.00, to be applied to the cost of construction and installation of the Improvements. In addition, FPHOA shall provide its share of the funding for the Improvements within 30 calendar days of the Effective Date of this MOA. If FPHOA's payment is not received within 30 calendar days of the Effective Date, the City reserves the right to terminate the agreement immediately.

This MOA constitutes the complete understanding between the parties in order to begin the procurement and installation process for the Improvements.

For the City of La Porte:

Corby D. Alexander

Attest: Patrice Fogarty, City Secretary

City Manager

For the Fairmont Park Homes Association:

Jo Ann Pitzer, President

Harris, Sharon

From: Jo Ann Pitzer <jpitzerfphoa@yahoo.com>
Sent: Wednesday, October 01, 2014 9:28 AM
To: Epting, Rosalyn; Leach, Traci; Bradley, Scott; White, Ronnie
Subject: Fairmont Park Homes Association Joint Venture

To whom it may concern;

I am requesting that the City of La Porte join with Fairmont Park Homes Association in a joint venture to install lighting and an irrigation system at three (3) entrances to the Fairmont Park subdivision. The entrances are Fairmont/Farrington, Myrtle Creek/Spencer, and Stonemont/underwood. In doing so, I am requesting that the City of La Porte match the funds up to \$5,000. I look forward to working with you as we improve our neighborhood, which in turn, improves our city.

Best regards,

Jo Ann Pitzer
President
Fairmont Park Homes Association
jpitzerfphoa@yahoo.com

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: May 11, 2015 Appropriation
Requested By: Bob Eng Source of Funds: N/A
Department: Planning & Development Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

1. Drainage Easement
2. Project Layout
3. Area Map

SUMMARY & RECOMMENDATIONS

Harris County Flood Control District (HCFCD) partnered with the City of La Porte in funding the construction of the F101-06 drainage improvements consisting of the replacement of existing pipe culverts with larger box culverts crossing P Street. The project is ready to bid; however HCFCD is requesting dedication of a twenty foot easement along the west side of the ditch north of the proposed improvements so HCFCD can maintain the ditch.

Action Required of Council:

Consider approval or other action dedicating a drainage easement to Harris County Flood Control District on City property.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

DRAINAGE EASEMENT

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF HARRIS

That **CITY OF LA PORTE** ("Grantor"), a Municipal Corporation, for and in consideration of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration paid by **HARRIS COUNTY FLOOD CONTROL DISTRICT** ("Grantee"), the receipt and sufficiency of which is hereby acknowledged and confessed, have this day GRANTED, BARGAINED, SOLD AND CONVEYED and by these presents do GRANT, SELL AND CONVEY unto said GRANTEE, and to its successors and assigns the perpetual right, privilege and easement to enter upon said tract for the purposes of access, maintenance, operation, inspection, replacement, and/or repair of a portion of Harris County Flood Control District Unit No. F101-00-00 together with all necessary appurtenances, over, across, through and under that certain tract or parcel of land lying and being situated in Harris County, Texas and being more particularly described on Exhibits "A" & "B" attached hereto and made a part hereof for all purposes.

TO HAVE AND TO HOLD the above described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto said GRANTEE, and its successors or assigns, in accordance with the terms and conditions hereinabove set forth. The GRANTOR does hereby bind itself, its successors or assigns to WARRANT AND FOREVER DEFEND, all and singular the said easement unto the GRANTEE, its successors or assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS THE EXECUTION HEREOF on this the ____ day of _____, 2015.

BY: _____
Corby D. Alexander, City Manager

This instrument was acknowledged before me on the ____ day of _____, 2015

by _____.

Notary Public, State of Texas

Mailing Address of Grantee
City of La Porte
604 West Fairmont Parkway
La Porte, Texas 77571

EXHIBIT "A"

April 14, 2015
Job No. E170-0130

DESCRIPTION OF 0.372 ACRE (16,202 SQUARE FEET) DRAINAGE EASEMENT (20 FEET WIDE)

Being 0.372 acre (16,202 square feet) of land in the Enoch Brinson League, Abstract 5, Harris County, Texas, more particularly being a portion of Outlot 327 and Outlot 334 of Town of La Porte, a subdivision of record in Volume 61, Page 374 of the Map Records of said Harris County (H.C.M.R.), and a portion of that certain called 2.728 acre tract conveyed to City Of La Porte by instrument of record in File Number Z052889, of the Official Public Records of Real Property of said Harris County (H.C.O.P.R.R.P.), said 0.372 acre (16,202 square feet) tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone, NAD83 (1993 Adjustment);

COMMENCING for reference at a 1/2-inch iron rod found at the southwest corner of Ike's Addition, a subdivision of La Porte Outlots in Volume 166, Page 87, H.C.M.R., same being the common south corner of said Outlot 327 and Outlot 326 of said Town of La Porte and in the north line of North P Street (80 feet right-of-way);

Thence, South 86° 48' 12" West, along the north line of said North P Street and the south line of said Outlot 327, 40.00 feet to the POINT OF BEGINNING of the herein described tract of land, same being the southwest corner of a Drainage Easement of record described as Parcel "A" in Volume 5996, Page 221 (C123622) of the Deed Records of said Harris County (H.C.D.R.) and the southeast corner of aforementioned 2.728 acres;

Thence, South 86° 48' 12" West, continuing along said north and south line, 20.00 feet to a point for corner;

Thence, North 03° 03' 56" West, through said Outlot 327 and Outlot 334, 820.14 feet to a point for corner in a southwesterly line of said Drainage Easement;

Thence, South 48° 03' 56" East, continuing through said Outlot 327 and Outlot 334 along said southwesterly line, 28.28 feet to a point for corner;

0.372 Acre

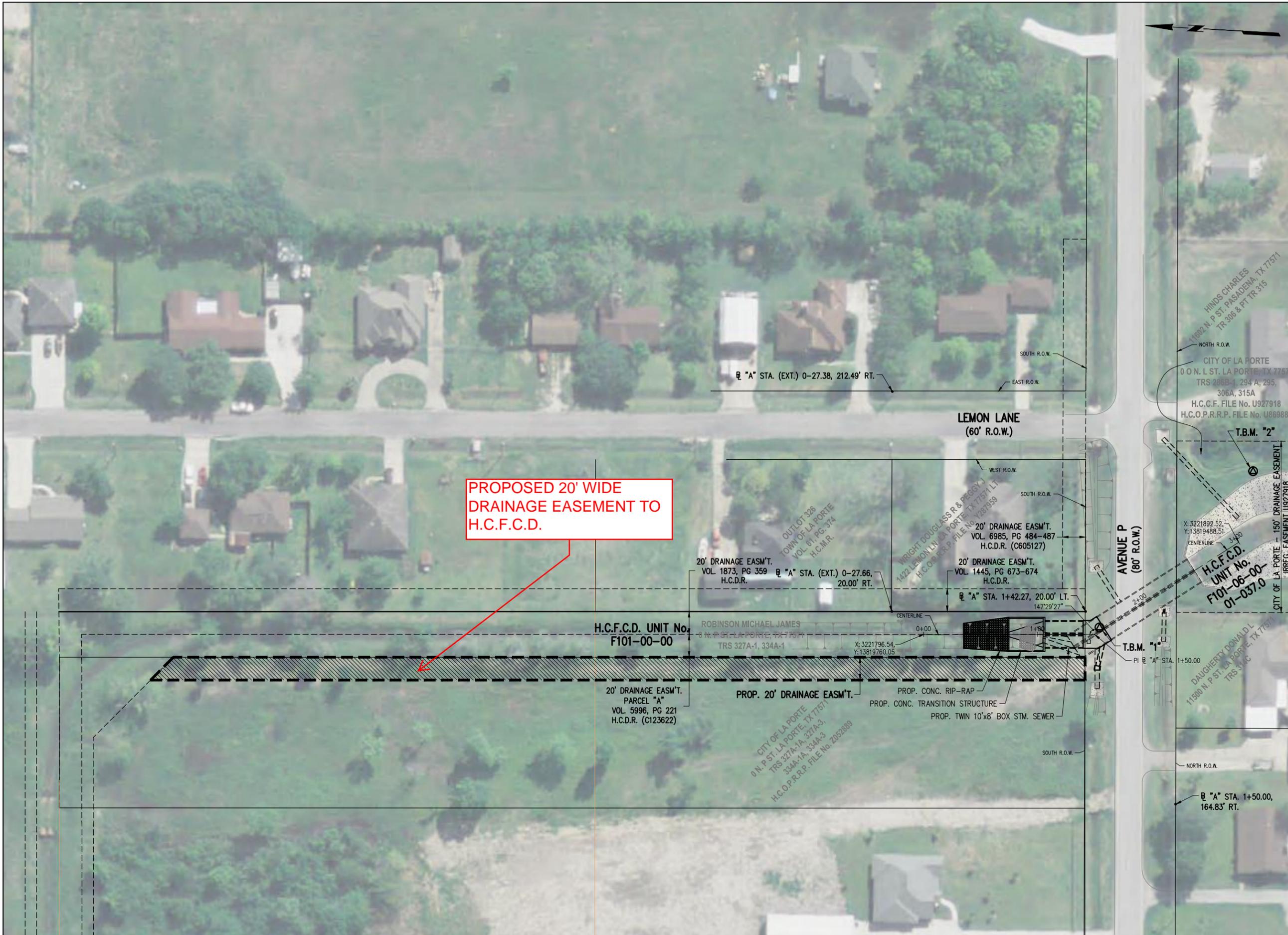
April 17, 2015
Job No. E170-0130

Thence, South 03° 03' 56" East, continuing through said Outlot 327 and Outlot 334 along a westerly line of said Drainage Easement, 800.09 feet to the POINT OF BEGINNING and containing 0.372 acre (16,202 square feet) of land.



Guy William Grisdale
4/17/2015

LJA Engineering, Inc.



BENCHMARK
TSARP MONUMENT 060005
 ALUMINUM DISC SET IN CONCRETE AT THE SENS ROAD BRIDGE OVER A DRAINAGE CHANNEL. POINT CAN BE LOCATED ±883 FEET SOUTH OF THE CENTERLINE OF THE INTERSECTION OF SENS ROAD AND N. P STREET AT THE EAST SIDE OF THE BRIDGE.
 ELEV. 20.73 (NAVD 1988, 2001 ADJ.)

T.B.M. "1"
 1/2" IRON ROD w/ CAP
 X: 3221811.18179 Y: 13819606.23035
 ELEV. 19.06

T.B.M. "2"
 1/2" IRON ROD w/ CAP
 X: 3221955.34686 Y: 13819479.32975
 ELEV. 19.22

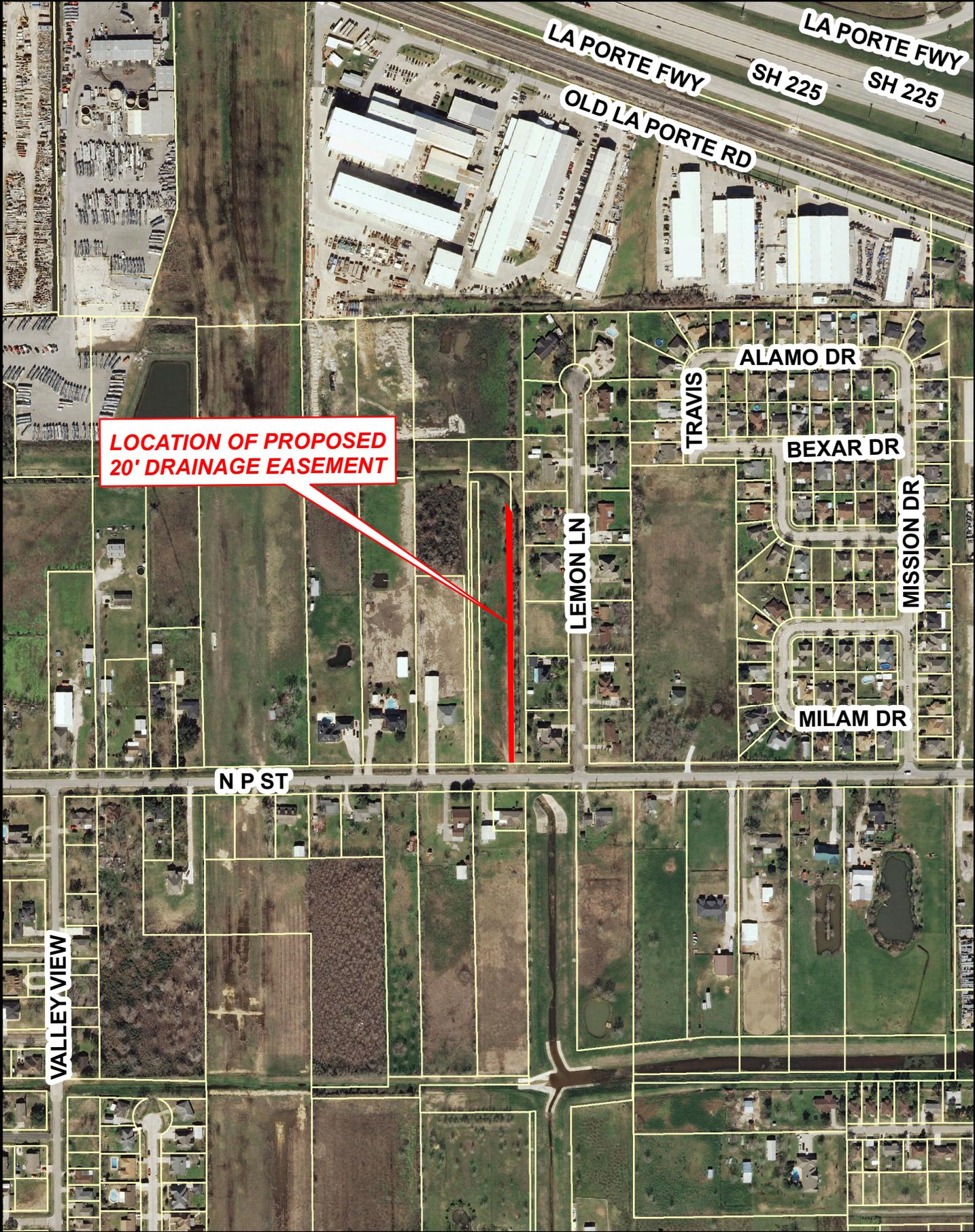


CITY OF LA PORTE
PROPOSED AVENUE P
CULVERT IMPROVEMENTS

PROPOSED EASEMENT

LJA Engineering, Inc.
 11821 East Freeway Suite 400 Houston, Texas 77029
 Phone 713.450.1300 Fax 713.450.1385 FRN - F-1386

AREA MAP



**LOCATION OF PROPOSED
20' DRAINAGE EASEMENT**

1 inch = 400 feet

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: May 11, 2015

Requested By: Eric Ensey

Department: Planning

Report: X **Resolution:** **Ordinance:** X

Appropriation:

Source of Funds: N/A

Account Number: N/A

Amount Budgeted: N/A

Amount Requested: N/A

Budgeted Item: N/A

Exhibits:

Ordinance
P&Z Recommendation Letter
SCUP Application
Area Map
Land Use Map
Zoning Map
Public Response Letters

SUMMARY & RECOMMENDATION

The applicant (Generational Commercial Properties) is seeking approval of a Special Conditional Use Permit (SCUP) to allow construction of a 103,500 square foot freight transportation arrangement and logistics facility for Barsan Global Logistics on a 7.1 acre portion of a 12.6 acre tract of land further described as Tracts 1B-3, Abstract 35, Johnson Hunter Survey.

The entire 12.6 acre site is zoned Planned Unit Development (PUD) and is currently an undeveloped tract of land. The property is located on S. 16th Street southeast of the W. M Street unimproved right-of-way. The site is located immediately adjacent to the Port Crossing Business Park. Although not within the boundaries of ownership of Port Crossing, the city's Future Land Use Plan specifies development of this tract of land as "Business Industrial" uses, similar to those uses established for the Port Crossing Business Park. The proposed facility would be located on approximately 7.1 acres of the overall parcel, with the remaining 5.5 acres to be developed at a later time and under a separate SCUP application.

The city's Future Land Use Map identifies the use of the property as "Business Industrial" and as a result the uses permitted on this parcel should be consistent with those permitted in the Business Industrial (BI) district. Barsan Global Logistics operates under the following NAICS classification: 541614 (Process, Physical Distribution, and Logistics Consulting Services) and 488510 (Freight Transportation Arrangement). Both of these classifications are permitted uses in the BI zone district.

The Planning and Zoning Commission conducted a public hearing at the April 22, 2015, meeting concerning this request. One public hearing notice response in favor of the application was received by the City for the P&Z public hearing. The Commission voted to recommend approval of the proposed SCUP subject to the following conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department

reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.

2. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
3. A traffic impact analysis performed by a licensed engineer agreed to by both the City and the applicant shall be required. The study must ensure that the proposed development will not adversely impact S. 16th Street or any of the major intersections in the vicinity. If so, any mitigation required by the study will be the responsibility of the applicant and would be applied proportionately to the scope of development.
4. The subject property will need to be replatted and subdivided in accordance with the requirements outlined in the City of La Porte's Development Ordinance. As part of the plat, the applicant will be required to dedicate right-of-way along S. 16th Street to make a consistent 100-foot right-of-way width.
5. The applicant shall install all of the required street trees as part of the development of Parcel A as required by Section 106-800 of the city's Code of Ordinances along S. 16th Street and W. M Street.
6. Harris County driveway permits shall be presented prior to permit issuance for all driveways requested. Maximum driveway widths shall be provided in compliance with city code requirements.
7. The pavement shall remain in good, operable, dust free condition over time, and that repairs shall be made as necessary upon written notification by the city.
8. Any future change in use requires consideration of a Special Conditional Use Permit in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

Action Required by Council:

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit Request #15-91000002, to allow construction of warehouse facility on a 7.1 acre portion of a 12.6 acre tract of land further described as Tracts 1B-3, Abstract 35, Johnson Hunter Survey,.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

CITY OF LA PORTE
POLICIES/PROCEDURES MANUAL

Date: April 30, 2015 **Approved:** City Council Meeting Held on _____

Subject: Industrial Waste Surcharge Fees for Non-Significant Industrial Users

Responsible Agency: Public Works Department

Policy Objective: Reduce industrial waste sanitary sewer surcharge fees for Non-Significant Industrial Users including restaurants. Staff will monitor Industrial User effluent sampling results for one-year and report the findings to City Council.

Authorization: City Council Approved – Meeting Date _____

Policy Summary:

Effective with June 2015 city utility bills for May 2015 water and sewer consumption, the operation and maintenance (O & M) variable in the Industrial Waste Surcharge formula provided in City Ordinance Section 74-206 will be equal to \$0.64/1000 gallons.

Public Works staff will continue to monitor the Industrial User (IU) effluent test results for Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), and Oil and Grease (O & G) for twelve (12) months and report the average testing results compared with the results from previous years to City Council at the end of that period.

Schools and other users required by building code or other code to maintain a grease trap will be assessed an industrial waste surcharge for effluent stronger than the BOD and TSS concentrations provided in Section 74-206.

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>May 11, 2015</u>	<u>Appropriation</u>
Requested By: <u>Kenith Adcox</u>	Source of Funds: <u>N/A</u>
Department: <u>Police</u>	Account Number:
Report: <input checked="" type="radio"/> Resolution: <input type="radio"/> Ordinance: <input type="radio"/>	Amount Budgeted:
Other: <input type="radio"/>	Amount Requested:
Attachments :	Budgeted Item: <input type="radio"/> YES <input type="radio"/> NO

SUMMARY & RECOMMENDATIONS

Article III, Section 54-61 of the Code of Ordinances and the Texas Government Code, Section 341.012, both entitled "Police Reserve Force", require that persons appointed by the Chief of Police as reserve police officers must be approved by City Council before they may carry a weapon or otherwise act as a peace officer.

The Department is requesting that City Council approve the appointment of Larry Hawkins to the La Porte Police Reserve Force. Officer Hawkins is currently a licensed Texas peace officer in good standing with 23 years of law enforcement experience. He worked as a full-time police officer for the La Porte Police Department until May 8, 2015, when he retired from Law Enforcement in order to take a position in private industry.

Action Required of Council:

Consider approval or other action of the appointment of Larry Hawkins to the La Porte Police Reserve Force.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>May 11, 2015</u>	<u>Appropriation</u>
Requested By: <u>Kenith Adcox</u>	Source of Funds: <u>N/A</u>
Department: <u>Police</u>	Account Number:
Report: <input type="radio"/> Resolution: <input type="radio"/> Ordinance: <input checked="" type="radio"/>	Amount Budgeted:
Other: <input type="radio"/>	Amount Requested:
	Budgeted Item: <input type="radio"/> YES <input type="radio"/> NO

Attachments :

- 1. Interlocal with Harris County**
- 2. Marked Version of Ordinance**
- 3. Clean Version of Ordinance**

SUMMARY & RECOMMENDATIONS

Both Harris County and the City have entered into an Interlocal Agreement which will allow the City of La Porte to enforce County game room regulations within the City of La Porte as discussed at the March 23, 2015 council meeting. At that time it was noted that, upon approval of the Interlocal Agreement, the City's current "Amusements" ordinance would need to be amended to reflect the agreement in question. The Amusements ordinance, including the recommended amendments, is attached here for council review and approval along with a copy of the signed Interlocal Agreement.

Under the county's regulations, establishments with six or more video poker machines, commonly referred to as "eight-liners," must be at least 1,500 feet from schools, churches and/or residential neighborhoods (2,000 feet if there are 2 or more game rooms located at the location) and are required to obtain special permits, pay a \$1,000 annual fee, shut down between 10 p.m. and 8 a.m., submit to inspection by law enforcement, and leave windows unobstructed. Establishments are also required to identify themselves with signs reading "Game Room" and are barred from requiring a membership for entry, a practice which in the past has been used to keep police out of game room businesses.

Action Required of Council:

Consider approval or other action to amend Ordinance, Chapter 10, "Amusements."

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

**INTERLOCAL AGREEMENT
FOR COUNTY GAME ROOM REGULATION PERMITTING AND
ENFORCEMENT WITHIN CITY LIMITS**

**STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

This Interlocal Agreement ("Agreement") is made on the countersignature date between the City of La Porte, Texas, a home rule city of the State of Texas located in Harris County, Texas (the "City") and Harris County, a body corporate and politic under the laws of the State of Texas (the "County"). This Agreement is made in accordance with the Interlocal Cooperation Act, TEX. GOV'T CODE ANN. Ch. 791.

RECITALS:

WHEREAS, the Harris County Commissioners Court, through authority granted to it pursuant to Section 234.133 of the Texas Local Government Code to promote the public health, safety, and welfare, has adopted regulations relating to the operation of game rooms; and

WHEREAS, pursuant to authority of Texas home-rule municipalities to promote the public health, safety, and welfare, and Chapter 10 of the City of La Porte code of Ordinances, relating to regulation of establishments displaying skill or pleasure, coin operated machines, or amusement redemption machines, the City of La Porte likewise has the authority to regulate the operation of game rooms; and

WHEREAS, the Interlocal Cooperation Act provides authorization for local governments to contract with one another and with agencies of the state to perform governmental functions and services under the terms of the Act; and

WHEREAS, both the County and the City are willing to provide such services as are necessary for the uniform enforcement of the County's game room regulations within the City,

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements and benefits to the Parties herein named, it is agreed as follows:

TERMS:

**ARTICLE I
DEFINITIONS**

- A. As used in this Agreement, the following terms have the meanings set out below:
1. "Agreement" means this contract between the Parties, including all exhibits and any written amendments authorized by City Council and Commissioners Court.

2. "Chief" means the Chief of the City of La Porte Police Department, or the person he or she designates.
3. "City" is defined in the preamble of this Agreement and includes its successors and assigns.
4. "Countersignature Date" means the date countersigned by the City Manager on the signature page of this Agreement. The Countersignature Date is the effective date of this Agreement.
5. "County" is defined in the preamble of this Agreement and includes its successors and assigns.
6. "Director" means the Director of Planning of the City of La Porte, Texas, or the person he or she designates.
7. "Game Room" has the meaning assigned in Section 1.4(a) of the Regulations.
8. "Party" or "Parties" means the County and the City, individually or collectively.
9. "Regulations" means the County's Game Room Regulations, adopted by the Harris County Commissioners Court on December 17, 2013, as may be amended from time to time.
10. "Sheriff" means the Harris County Sheriff, or the person he or she designates.

ARTICLE II RIGHTS AND DUTIES OF THE COUNTY

A. Permitting

1. For the purpose of enabling the City to perform its obligations under this Agreement, the Sheriff designates the role of Game Room Permit Administrator to the Director for all permits issued for within the City limits.
2. The Sheriff shall immediately direct all inquiries for County permit applications within City limits to the Director. The Sheriff's Office shall conspicuously note on its website (<http://www.hcso.hctx.net>) that all applications for County Game Room permits within City limits must be administered by the City.
3. Upon request by the Sheriff, Commissioners Court shall provide a hearing officer for the purpose of conducting hearings for the denial, suspension and revocation of County permits within City limits, as set out in Sections 2.2 through 2.5 of the Regulations. The Director shall be provided an opportunity to present evidence, cross examine witnesses and be represented by legal counsel.

B. Enforcement

1. The County Attorney retains the full authority granted in Section 234.137 of the Texas Local Government Code to sue in district court for an injunction to prohibit the violation or threatened violation of the Regulations.

**ARTICLE III
RIGHTS AND DUTIES OF THE CITY**

A. Permitting

1. As the Game Room Permit Administrator, the Director shall supervise, control, and operate the Permit Office and issue County permits for within the City limits on behalf of the County as set out in Section 2.1 of the Regulations. The Parties agree that the City will not prosecute any violations of the Regulations. The Director, in consultation with the Sheriff, shall promulgate requirements for issuing a County permit for Game Rooms within City limits based on the Regulations and City ordinances.
2. The City shall be the designated agent for conducting criminal background checks as required under Section 2 of the Regulations for all permits issued for within the City limits.

B. Enforcement

1. The City peace officers designated by the Chief to enforce the Regulations shall inspect Game Rooms within City limits and arrest violators pursuant to Section 3 of the Regulations.
2. The City shall enforce the Regulation's distancing requirements only for new applications that are issued on or after the Countersignature Date. Applications for renewal of an existing city or county permit shall not be considered a new application, so long as the establishment is in compliance with Section 3.9(d) of the Regulations.
3. To coordinate peace-keeping efforts, both City and County peace officers making undercover investigations in Game Rooms must use the Narcotics Operations Control Center system administered by the Houston Police Department.

**ARTICLE IV
FUNDING AND COMPENSATION**

- A. The Parties each understand and agree that neither the County nor the City has certified funds to fulfill their obligations under this Agreement. It is the intent of the Parties that the cost of services shared with each entity will be of equal value and benefit.
- B. The Parties agree that the non-refundable annual permit fee established in Sections 2.6 and 2.7 of the Regulations shall be paid by a County permit applicant directly to the City of La Porte, as the County's designated agent for permitting. If either Party receives any permit fees for Game Rooms within the other Party's permitting jurisdiction from an applicant, it shall remit those funds to the appropriate Party at its address for notices.

**ARTICLE V
TERM AND TERMINATION**

- A. The term of this Agreement is one-year and begins on the Countersignature Date. It is the intent of the Parties that the Agreement shall automatically renew annually for 10 successive one-year terms, unless earlier terminated.
- B. Either Party may terminate its participation in this Agreement by giving at least thirty (30) days' written notice to the other Party.

**ARTICLE VI
DOCUMENTS EXCHANGED**

- A. The Parties may exchange documents in the course of this Agreement. Each Party agrees to keep confidential, to the extent allowed by law, all such documents and to provide prior notice to the other of any requests or releases of such documents.

**ARTICLE VII
NOTICES**

- A. The Parties intend that any notice may be delivered personally, by certified or registered mail, return-receipt requested, or by overnight courier, and shall be deemed to have been duly given when delivered personally or when deposited in the United States mail, postage prepaid, addressed as follows:

If to the County: Office of the Harris County Attorney
 1019 Congress, 15th Floor
 Houston, Texas 77002
 Attention: Robert Soard

If to the City: City of La Porte, Texas
 Attn: City Manager
 604 W. Fairmont Pkwy.

La Porte, TX 77571

Or to such other persons or places as either Party may from time to time designate by written notice to the other Party.

**ARTICLE VIII
NO PERSONAL LIABILITY AND NO THIRD PARTY BENEFICIARY**

- A. Nothing herein shall be construed as creating any personal liability on any part of any officer or agent of any public body that may be a Party hereto. The Parties agree that no provision of this Agreement is in any way intended to constitute a waiver of any immunities from suit or liability that any Party may have by operation of law. The Parties further agree that no provision of this Agreement extends the liability of any Party beyond the liability provided in the Texas Constitution and the laws of the State of Texas. Neither the execution of this Agreement nor any other conduct of any Party relating to this Agreement shall be considered a waiver of any right or defense under the Texas Constitution or the laws of the State of Texas.
- B. In accordance with Tex. Gov't Code § 791.006(a-1), each Party shall assume responsibility for its own actions and those of its officers, officials, employees and agents, and for its own defense should any claim be presented or suit filed against it arising from or related to any law enforcement or permitting services provided under this Agreement. This assignment of liability is intended to be different than any assignment provided in Tex. Gov't Code § 791.006(a).

**ARTICLE IX
MISCELLANEOUS**

- A. **No Partnership.** This Agreement is not intended to and shall not create joint enterprise between the City and the County. The personnel of one Party shall not be considered employees, agents, partners, joint ventures, or servants of the other Party to this Agreement. The Parties are undertaking governmental functions or services under this Agreement and the purpose hereof is solely to further the public good, rather than any pecuniary purpose. The Party undertaking work under this Agreement shall have a superior right to control the direction and management of such work and the responsibility of day-to-day management and control of such work, except as may expressly be provided herein.
- B. **Compliance with Law.** In performing services pursuant to this Agreement, each Party shall comply with all applicable federal, state, County, and City statutes, regulations, rules, and ordinances. To the extent allowed under applicable laws, each Party intends to notify the other Party of any violation of law, regulation, or ordinance that relate to services or data obtained or provided under this Agreement immediately after the noticing Party, its employees, subcontractors or agents become aware of it and without regard to whether the

noticing Party or its employees, subcontractors or agents are involved or merely witnesses.

- C. Captions.** The captions used in this Agreement are for convenience only and do not limit or amplify any provisions contained in this Agreement.
- D. Venue.** This Agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the Parties created hereunder are performable in Harris County, Texas. Venue for any litigation arising out of or related to this Agreement shall lie solely in a court of appropriate jurisdiction located in Houston, Harris County, Texas.
- E. Assignment.** This Agreement shall not be assignable, in whole or in part.
- F. Severability.** The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.
- G. Entire Agreement.** This Agreement contains the entire agreement between the Parties concerning the subject matter hereof and supersedes any prior written or oral agreement.
- H. Amendments.** The County and the City may amend this Agreement at any time provided that such amendments are executed in writing and signed by the governing bodies of both Parties.

[SIGNATURE PAGE TO FOLLOW]

IN TESTIMONY OF WHICH, this agreement, in duplicate counterparts, each having equal force and effect of an original, has been executed on behalf of the parties hereto as follows:

- a. It has on the 23rd day of March, 2015, been executed on behalf of the City by the Mayor and attested by its City Secretary, pursuant to ordinance of the City Council of the City of La Porte authorizing such execution.
- b. It has on the ___ day of APR 14 2015, 2015, been executed on behalf of the County by the County Judge of Harris County, Texas, pursuant to an order of the Commissioners Court of Harris County authorizing such execution.

CITY OF LA PORTE

ATTEST/SEAL:

By Patrice Fogarty
City Secretary

CITY OF LA PORTE
By [Signature]
Mayor

APPROVED AS TO FORM:

By [Signature]
City Attorney

COUNTERSIGNED:
By [Signature]
City Manager

COUNTY

APPROVED AS TO FORM:

VINCE RYAN
County Attorney
By [Signature]
Assistant County Attorney
C.A. File No.: 14GEN1552

HARRIS COUNTY
By Ed Emmett jr
ED EMMETT
County Judge

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the APR 14 2015 day of APR 14 2015, 2015, with the following members present, to-wit:

Ed Emmett	County Judge
El Franco Lee	Commissioner, Precinct No. 1
Jack Morman	Commissioner, Precinct No. 2
Steve Radack	Commissioner, Precinct No. 3
R. Jack Cagle	Commissioner, Precinct No. 4

and the following members absent, to-wit: None, constituting a quorum, when among other business, the following was transacted:

ORDER AUTHORIZING EXECUTION OF AN AGREEMENT BY AND BETWEEN HARRIS COUNTY AND THE CITY OF LA PORTE TO PROVIDE FOR PERMITTING AND ENFORCEMENT OF COUNTY GAME ROOM REGULATIONS BY THE CITY WITHIN CITY OF LA PORTE CITY LIMITS

Commissioner Lee introduced an order and made a motion that the same be adopted. Commissioner Cagle seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Morman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Cagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order thus adopted follows:

IT IS ORDERED that the County Judge is hereby authorized to execute for and on behalf of Harris County, an Interlocal Agreement by and between Harris County and the City of La Porte to provide for permitting and enforcement of County game room regulations by the City within City of La Porte city limits, said Agreement being incorporated herein by reference for all purposes as though fully set forth word for word.

Presented to Commissioner's Court

APR 14 2015

APPROVE LIC
Recorded Vol _____ Page _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10 "AMUSEMENTS" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY ENACTING CERTAIN REGULATIONS RELATED TO THE OPERATION OF GAME ROOMS, IN COORDINATION WITH HARRIS COUNTY; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 10, "Amusements," Article II. "Coin Operated Machines," Division 1. "Generally," of the Code of Ordinances, La Porte, Texas, is hereby amended in its entirety and shall hereinafter read as follows:

DIVISION 1. - GENERALLY

Sec. 10-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Amusement redemption machine* means a recreational machine, including eight liner machines, that provides the user with an opportunity to receive something of value other than a right to replay and in which credits, or the equivalent thereof, are accumulated when: A particular configuration of like symbols is displayed in a random fashion by the machine; symbols or numbers are matched to a randomly selected symbol or number determined by the machine; a combination of cards is arrived at and valued in a traditional hierarchy for purposes of poker; or a combination of cards is arrived at and points assigned for purposes of blackjack.~~

Amusement redemption machine means any electronic, electromechanical, or mechanical contrivance designed, made, and adopted for bona fide amusement purposes that rewards the player exclusively with noncash merchandise, prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than ten times the amount charged to play the game or device once, or \$5.00, whichever amount is less.

Coin-operated machine means every machine or device of any kind or character, other than an eight-liner, which is operated by or with coins, or metal slugs, tokens or checks; "music coin-operated machines" and "skill or pleasure coin-operated machines" as those terms are defined in this section, shall be included in such definition.

Eight-liner means a coin-operated machine or contrivance capable of being used for games of chance, including but not limited to a Tic Tac Toe eight-liner or video poker machine or other contrivance or

paraphernalia, on which games of chance can be played for a consideration and which afford the player an opportunity to win a prize, gift certificate or thing of value, whether or not the prize is automatically paid by the contrivance.

Game room means a for-profit business located in a building or other place that contains six or more amusement redemption machines.

Game room owner means an individual who:

(1) Has an ownership interest in or receives income from a game room or an amusement redemption machine located in a game room;

(2) Is a partner, director, or officer of a business, company, or corporation that has an ownership interest in a game room or in an amusement redemption machine located in a game room;

(3) Is a shareholder that holds more than ten percent of the outstanding shares of a business, company, or corporation that has an ownership interest in a game room or in an amusement redemption machine located in a game room;

(4) Has been issued by the county clerk an assumed name certificate for a business that owns a game room or an amusement redemption machine located in a game room;

(5) Signs a lease for a game room;

(6) Opens an account for utilities for a game room;

(7) Receives a certificate of occupancy for a game room and/or zoning permit;

(8) Pays for advertising for a game room; or

(9) Signs an alarm permit for a game room.

Game Room Operator means an individual who supervises, manages, or participates in the performance of activities that contribute to the functioning of a game room, including the following activities:

(1) Operates a cash register, cash drawer, or other depository on the premises of a game room or of a business where the money earned or the records of credit card transactions or other credit transactions generated in any manner by the operation of a game room or activities conducted in a game room are kept;

(2) Displays, delivers, or provides to a customer of a game room; merchandise, goods, entertainment, or other services offered on the premises of a game room;

(3) Take orders from a customer of a game room for merchandise, goods, entertainment, or other services offered on the premises of a game room; or

(4) Acts as a door attendant to regulate entry of customers or other persons into a game room.

(5) Supervises or manages other persons at a game room.

Music coin-operated machine means every coin-operated machine of any kind or character, which dispenses or vends or which is used or operated for dispensing or vending music and which is operated by or with coins or metal slugs, tokens or checks. The following are expressly included within such term: phonographs, pianos, graphophones, and all other coin-operated machines which dispense or vend music.

Operator means any person, firm, company, association or corporation which exhibits, displays or permits to be exhibited or displayed, in a place of business other than his own, any coin-operated machine in this state.

Owner means any person, individual, firm, company, association or corporation owning any coin-operated machine in this state.

Service coin-operated machines means every pay toilet, pay telephone and all other machines or devices which dispense service only and not merchandise, music, skill or pleasure.

Skill or pleasure coin-operated machines means every coin-operated machine of any kind or character whatsoever, when such machines dispense or are used or are capable of being used or operated for amusement or pleasure or when such machines are operated for the purpose of dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of "merchandise or music" or "service" exclusively, as those terms are defined in this article. The following are expressly included within such term: marble machines, marble table machines, marble shooting machines, miniature race track machines, miniature football machines, miniature golf machines, miniature bowling machines, and all other coin-operated machines which dispense or afford skill or pleasure; provided, however, that every machine or device of any kind or character which dispenses or vends merchandise, commodities or confections or plays music in connection with or in addition to such games or dispensing of skill or pleasure shall be considered as skill or pleasure machines and taxed at the higher rate fixed for such machines.

Secs. 10-32—10-50. - Reserved.”

Section 2: That Chapter 10, “Amusements,” Article II. “Coin Operated Machines,” Division 3. “Regulation of Places of Business” of the Code of Ordinances, La Porte, Texas, is hereby amended in its entirety and shall hereinafter read as follows:

“DIVISION 3. - REGULATION OF PLACES OF BUSINESS

Sec. 10-75. - Unrestricted access by law enforcement officer; right of inspection by law enforcement officer.

(a) It shall be the duty of any owner, manager, or employee of a place of business displaying one or more skill or pleasure coin operated machines or amusement redemption machines, or other person exercising control over such a business establishment or the skill or pleasure coin operated machines or amusement redemption machines therein, to provide any law enforcement officer with immediate unrestricted access during business hours to all areas of the business establishment.

(b) Any law enforcement officer may inspect a business establishment or any skill or pleasure coin operated machines or amusement redemption machines therein to determine whether the business establishment is in compliance with this chapter and state law. An owner, manager, or employee of a business establishment which displays one or more skill or pleasure coin operated machines or amusement redemption machines who does not allow a law enforcement officer to inspect said establishment or the skill or pleasure coin operated machines or amusement redemption machines therein commits a misdemeanor offense.

(c) This chapter shall not be construed to authorize or permit the keeping, exhibition, operation, display, or maintenance of any machine that is prohibited by the constitution or statutes of this state, including but not limited to, Chapter 47 of the Texas Penal Code.

Sec. 10-76. - Moving of machine which has tax certificate.

It shall be unlawful to move a coin-operated machine to a different place of business in the city without prior written notification to the city secretary.

Sec. 10-77. - Hours of operation for minors; terms defined.

(a) Every business establishment displaying skill or pleasure coin operated machines, amusement redemption machines, or eight-liners shall remain closed to minors, and no minors shall be on the premises, except during the following hours:

<i>School year</i>	
Mondays through Thursdays	2:30 p.m. to 10:00 p.m.
Fridays	2:30 p.m. to 12:00 p.m. a.m.
Saturdays	9:00 a.m. to 12:00 p.m. a.m.
Sundays	1:00 p.m. to 10:00 p.m.
<i>Summer</i>	
Mondays through Fridays	11:00 a.m. to 12:00 p.m. a.m.
Saturdays	9:00 a.m. to 12:00 p.m. a.m.
Sundays	1:00 p.m. to 10:00 p.m.

(b) The term "school year" shall be defined as the period of time from the commencement of regular classes in the La Porte Independent School District in August, through the last day of regular classes the following May. The term "summer" shall be the period from the end of classes in May until the commencement of classes in August.

Sec. 10-78. - Unobstructed view to interior.

Every business establishment displaying five or fewer skill or pleasure coin operated machines and/or amusement redemption machines, or eight-liners shall have unobstructed windows or open space on at least one side, so that the area is open to view by members of the public passing by on a public street, or using a corridor, lobby or other room to which the public resorts and is admitted without charge. A minimum of 65 percent of

said side that is more than three feet above sidewalk grade and not more than seven feet above sidewalk grade shall be of transparent glass, unobscured by obstructions.

Sec. 10-79. - Noise.

No sound of any nature shall be audible beyond the limits of a place of business covered under this article.

Sec. 10-80. - Lighting.

Lighting shall be maintained at an intensity of not less than 30 footcandle power, three feet from the floor, measured at any location in any room open to the public, which shall be operative during all hours of operation of any place of business covered under this article.

Sec. 10-81. - Operator responsible for violations of this article.

Any business operator who permits, allows or in any manner condones a violation of any provision of this article shall, upon conviction, be punished as provided in section 1-14 of this Code. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined in this article.

Sec. 10-82. - Employees subject to penalties.

Any employee of a coin-operated machine business who violates or permits patrons or customers of the coin-operated machine business to violate any provision of this article shall, upon conviction, be punished as provided in section 1-14.

Sec. 10-83. - Change in corporate structure or address of owner.

Every person shall, prior to the effective date of any change of ownership of such business or enterprise or of the home address or principal business address of any owner thereof, if such business or enterprise is unincorporated, or if such business or enterprise is incorporated, prior to the effective date of any change of officers or directors of such business or enterprise, or of the home address or principal business address of any officer or director thereof, file with the city secretary a sworn affidavit. Such affidavit shall state therein such change of ownership of such unincorporated business or enterprise, and such change of home address or principal business address of any owner thereof, or such substitution of officers or directors of such incorporated business or enterprise and such change of home address or principal business address of any officer or director thereof.”

Section 3: That Chapter 10, “Amusements,” Article II. “Coin Operated Machines,” of the Code of Ordinances, La Porte, Texas, is hereby amended by adding new Division IV. “Regulation of Game Rooms”, and which division shall hereinafter read as follows:

“DIVISION 4. - REGULATION OF GAME ROOMS.

Sec. 10-84. Regulation by Harris County; Permit required.

(a) As authorized by Texas Local Government Code Chapter 234 and Harris County Game Room Regulations adopted by Harris County, Harris County and the City of La Porte have entered into an interlocal agreement allowing for Harris County to exclusively regulate and control the operation of game rooms within the corporate limits of the City of La Porte.

(b) Any person who desires to operate, use, or maintain a game room in the City of La Porte shall be required to first obtain a Harris County game room permit, and shall be subject to the terms and conditions contained in the Harris County Game Room Regulations. The City of La Porte hereby adopts and incorporates for all purposes, the Harris County Game Room Regulations.

(c) In accordance with the interlocal agreement between Harris County and the City of La Porte, the Director of Planning of the City of La Porte, or his designee, shall serve as the game room permit administrator, on behalf of Harris County, for game rooms located in the City of La Porte. The Director shall supervise, control, and operate the Permit Office and shall issue county permits, in coordination with the county.

(d) Game room owners shall obtain a Harris County permit or renewal thereof for each game room in the City, by submitting to the Director of Planning, or his designee, an application and the application fee for a Harris County Game Room Permit. The permit shall be issued in accordance with Harris County Game Room Regulations. Applicants shall refer to Harris County Game Room Regulations for permitting requirements. County permit application forms may be obtained from the city, through the Permit Office.

(e) Applications for Harris County game room permits shall follow Harris County Game Room Regulations regarding denial, revocation or suspension of a permit and the appeal thereof.

(f) The City of La Porte hereby adopts the Harris County Game Room Regulations.”

Section 4: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 5: Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00).

Section 7. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public

at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 8. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after passage of this ordinance.

PASSED AND APPROVED this the _____ day of _____, 2015.

CITY OF LA PORTE

By: _____
Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:

Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10 "AMUSEMENTS" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY ENACTING CERTAIN REGULATIONS RELATED TO THE OPERATION OF GAME ROOMS, IN COORDINATION WITH HARRIS COUNTY; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 10, "Amusements," Article II. "Coin Operated Machines," Division 1. "Generally," of the Code of Ordinances, La Porte, Texas, is hereby amended in its entirety and shall hereinafter read as follows:

DIVISION 1. - GENERALLY

Sec. 10-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement redemption machine means any electronic, electromechanical, or mechanical contrivance designed, made, and adopted for bona fide amusement purposes that rewards the player exclusively with noncash merchandise, prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than ten times the amount charged to play the game or device once, or \$5.00, whichever amount is less.

Coin-operated machine means every machine or device of any kind or character, other than an eight-liner, which is operated by or with coins, or metal slugs, tokens or checks; "music coin-operated machines" and "skill or pleasure coin-operated machines" as those terms are defined in this section, shall be included in such definition.

Eight-liner means a coin-operated machine or contrivance capable of being used for games of chance, including but not limited to a Tic Tac Toe eight-liner or video poker machine or other contrivance or paraphernalia, on which games of chance can be played for a consideration and which afford the player an opportunity to win a prize, gift certificate or thing of value, whether or not the prize is automatically paid by the contrivance.

Game Room means a for-profit business located in a building or other place that contains six

or more amusement redemption machines.

Game room owner means an individual who:

- (1) Has an ownership interest in or receives income from a game room or an amusement redemption machine located in a game room;
- (2) Is a partner, director, or officer of a business, company, or corporation that has an ownership interest in a game room or in an amusement redemption machine located in a game room;
- (3) Is a shareholder that holds more than ten percent of the outstanding shares of a business, company, or corporation that has an ownership interest in a game room or in an amusement redemption machine located in a game room;
- (4) Has been issued by the county clerk an assumed name certificate for a business that owns a game room or an amusement redemption machine located in a game room;
- (5) Signs a lease for a game room;
- (6) Opens an account for utilities for a game room;
- (7) Receives a certificate of occupancy for a game room and/or zoning permit;
- (8) Pays for advertising for a game room; or
- (9) Signs an alarm permit for a game room.

Game Room Operator means an individual who supervises, manages, or participates in the performance of activities that contribute to the functioning of a game room, including the following activities:

- (1) Operates a cash register, cash drawer, or other depository on the premises of a game room or of a business where the money earned or the records of credit card transactions or other credit transactions generated in any manner by the operation of a game room or activities conducted in a game room are kept;
- (2) Displays, delivers, or provides to a customer of a game room; merchandise, goods, entertainment, or other services offered on the premises of a game room;
- (3) Take orders from a customer of a game room for merchandise, goods, entertainment, or other services offered on the premises of a game room; or
- (4) Acts as a door attendant to regulate entry of customers or other persons into a game room.
- (5) Supervises or manages other persons at a game room.

Music coin-operated machine means every coin-operated machine of any kind or character, which dispenses or vends or which is used or operated for dispensing or vending music and which is operated by or with coins or metal slugs, tokens or checks. The following are expressly included within such term: phonographs, pianos, graphophones, and all other coin-operated

machines which dispense or vend music.

Operator means any person, firm, company, association or corporation which exhibits, displays or permits to be exhibited or displayed, in a place of business other than his own, any coin-operated machine in this state.

Owner means any person, individual, firm, company, association or corporation owning any coin-operated machine in this state.

Service coin-operated machines means every pay toilet, pay telephone and all other machines or devices which dispense service only and not merchandise, music, skill or pleasure.

Skill or pleasure coin-operated machines means every coin-operated machine of any kind or character whatsoever, when such machines dispense or are used or are capable of being used or operated for amusement or pleasure or when such machines are operated for the purpose of dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of "merchandise or music" or "service" exclusively, as those terms are defined in this article. The following are expressly included within such term: marble machines, marble table machines, marble shooting machines, miniature race track machines, miniature football machines, miniature golf machines, miniature bowling machines, and all other coin-operated machines which dispense or afford skill or pleasure; provided, however, that every machine or device of any kind or character which dispenses or vends merchandise, commodities or confections or plays music in connection with or in addition to such games or dispensing of skill or pleasure shall be considered as skill or pleasure machines and taxed at the higher rate fixed for such machines.

Secs. 10-32—10-50. - Reserved.”

Section 2: That Chapter 10, “Amusements,” Article II. “Coin Operated Machines,” Division 3. “Regulation of Places of Business” of the Code of Ordinances, La Porte, Texas, is hereby amended in its entirety and shall hereinafter read as follows:

“DIVISION 3. - REGULATION OF PLACES OF BUSINESS

Sec. 10-75. - Unrestricted access by law enforcement officer; right of inspection by law enforcement officer.

(a) It shall be the duty of any owner, manager, or employee of a place of business displaying one or more skill or pleasure coin operated machines or amusement redemption machines, or other person exercising control over such a business establishment or the skill or pleasure coin operated machines or amusement redemption machines therein, to provide any law enforcement officer with immediate unrestricted access during business hours to all areas of the business establishment.

(b) Any law enforcement officer may inspect a business establishment or any skill or pleasure

coin operated machines or amusement redemption machines therein to determine whether the business establishment is in compliance with this chapter and state law. An owner, manager, or employee of a business establishment which displays one or more skill or pleasure coin operated machines or amusement redemption machines who does not allow a law enforcement officer to inspect said establishment or the skill or pleasure coin operated machines or amusement redemption machines therein commits a misdemeanor offense.

(c) This chapter shall not be construed to authorize or permit the keeping, exhibition, operation, display, or maintenance of any machine that is prohibited by the constitution or statutes of this state, including but not limited to, Chapter 47 of the Texas Penal Code.

Sec. 10-76. - Moving of machine which has tax certificate.

It shall be unlawful to move a coin-operated machine to a different place of business in the city without prior written notification to the city secretary.

Sec. 10-77. - Hours of operation for minors; terms defined.

(a) Every business establishment displaying skill or pleasure coin operated machines, amusement redemption machines, or eight-liners shall remain closed to minors, and no minors shall be on the premises, except during the following hours:

<i>School year</i>	
Mondays through Thursdays	2:30 p.m. to 10:00 p.m.
Fridays	2:30 p.m. to 12:00 a.m.
Saturdays	9:00 a.m. to 12:00 a.m.
Sundays	1:00 p.m. to 10:00 p.m.
<i>Summer</i>	
Mondays through Fridays	11:00 a.m. to 12:00 a.m.
Saturdays	9:00 a.m. to 12:00 a.m.
Sundays	1:00 p.m. to 10:00 p.m.

(b) The term "school year" shall be defined as the period of time from the commencement of regular classes in the La Porte Independent School District in August, through the last day of regular classes the following May. The term "summer" shall be the period from the end of classes in May until the commencement of classes in August.

Sec. 10-78. - Unobstructed view to interior.

Every business establishment displaying five or fewer skill or pleasure coin operated machines and/or amusement redemption machines, or eight-liners shall have unobstructed windows or open space on at least one side, so that the area is open to view by members of the public passing by on a public street, or using a corridor, lobby or other room to which the public resorts and is admitted without charge. A minimum of 65 percent of said side that is more than

three feet above sidewalk grade and not more than seven feet above sidewalk grade shall be of transparent glass, unobscured by obstructions.

Sec. 10-79. - Noise.

No sound of any nature shall be audible beyond the limits of a place of business covered under this article.

Sec. 10-80. - Lighting.

Lighting shall be maintained at an intensity of not less than 30 footcandle power, three feet from the floor, measured at any location in any room open to the public, which shall be operative during all hours of operation of any place of business covered under this article.

Sec. 10-81. - Operator responsible for violations of this article.

Any business operator who permits, allows or in any manner condones a violation of any provision of this article shall, upon conviction, be punished as provided in section 1-14 of this Code. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined in this article.

Sec. 10-82. - Employees subject to penalties.

Any employee of a coin-operated machine business who violates or permits patrons or customers of the coin-operated machine business to violate any provision of this article shall, upon conviction, be punished as provided in section 1-14.

Sec. 10-83. - Change in corporate structure or address of owner.

Every person shall, prior to the effective date of any change of ownership of such business or enterprise or of the home address or principal business address of any owner thereof, if such business or enterprise is unincorporated, or if such business or enterprise is incorporated, prior to the effective date of any change of officers or directors of such business or enterprise, or of the home address or principal business address of any officer or director thereof, file with the city secretary a sworn affidavit. Such affidavit shall state therein such change of ownership of such unincorporated business or enterprise, and such change of home address or principal business address of any owner thereof, or such substitution of officers or directors of such incorporated business or enterprise and such change of home address or principal business address of any officer or director thereof.”

Section 3: That Chapter 10, “Amusements,” Article II. “Coin Operated Machines,” of the Code of Ordinances, La Porte, Texas, is hereby amended my adding new Division IV.

“Regulation of Game Rooms”, and which division shall hereinafter read as follows:

“DIVISION 4. - REGULATION OF GAME ROOMS.

Sec. 10-84. Regulation by Harris County; Permit required.

(a) As authorized by Texas Local Government Code Chapter 234 and Harris County Game Room Regulations adopted by Harris County, Harris County and the City of La Porte have entered into an interlocal agreement allowing for Harris County to exclusively regulate and control the operation of game rooms within the corporate limits of the City of La Porte.

(b) Any person who desires to operate, use, or maintain a game room in the City of La Porte shall be required to first obtain a Harris County game room permit, and shall be subject to the terms and conditions contained in the Harris County Game Room Regulation. The City of La Porte hereby adopts and incorporates for all purposes, the Harris County Game Room Regulations.

(c) In accordance with the interlocal agreement between Harris County and the City of La Porte, the Director of Planning of the City of La Porte, or his designee, shall serve as the game room permit administrator, on behalf of Harris County, for game rooms located in the City of La Porte. The Director shall supervise, control, and operate the Permit Office and shall issue county permits, in coordination with the county.

(d) Game room owners shall obtain a Harris County permit or renewal thereof for each game room in the City, by submitting to the Director of Planning, or his designee, an application and the application fee for a Harris County Game Room Permit. The permit shall be issued in accordance with Harris County Game Room Regulations. Applicants shall refer to Harris County Game Room Regulations for permitting requirements. County permit application forms may be obtained from the City, through the Permit Office.

(e) Applications for Harris County game room permits shall follow Harris County Game Room Regulations regarding denial, revocation or suspension of a permit and the appeal thereof.

(f) The City of La Porte hereby adopts the Harris County Game Room Regulations.”

Section 4: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 5: Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00).

Section 7. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 8. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after passage of this ordinance.

PASSED AND APPROVED this the _____ day of _____, 2015.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:


Assistant City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: May 11, 2015 Appropriation
Requested By: Eric Ensey Source of Funds: N/A
Department: Planning & Development Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

1. Ordinance
2. P&Z Recommendation Letter
3. Zoning Application
4. Vicinity Map
5. Zoning Map
6. Land Use Map
7. Fairmont Park East Business Park
Subdivision Plat

SUMMARY & RECOMMENDATIONS

The Applicant (Jose Angel Sandoval, Jr.) is seeking to purchase a .809 acre parcel of land known as Reserve 1, Fairmont Park Business Park Reserves 1, 3, 4, 5, and 6 from the Property Owner (Eddie V. Gray, Trustee) and desires to construct his single family residence on the property. The applicant is requesting approval of a rezoning of the property from GC, General Commercial, to R-1, Low Density Residential. The City of La Porte's Land Use Map, as adopted in the Comprehensive Plan, identifies this parcel as low density residential.

The subject site is part of the Fairmont Park East Business Park Reserves 1, 3, 4, 5, and 6 subdivision plat, which specifically identifies all reserve lots as commercial properties. As a result, the applicant needed to apply for and receive approval of a subdivision plat in accordance with City requirements that would remove the commercial restriction on the subject parcel from the existing plat.

There was a previous application for a zone change on this property by the applicant that was recommended for approval by the Planning and Zoning Commission following a public hearing on June 19, 2014 and approved by the City Council on July 14, 2014. As a condition to that approval, the applicant was given 180 days from the Council's approval to vacate the lot and replat the property, which would have been January 14, 2015. Unfortunately the applicant was not able to obtain the necessary signatures for the vacating plat by the end of the 180 day period, so the ordinance did not go into effect. As a result the applicant is resubmitting the same zone change request. However, at this time the applicant has obtained the necessary signatures for the vacating plat and the document is ready to record with Harris County.

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission conducted a public hearing at the April 16, 2015 meeting concerning this rezoning request. No public hearing notice responses were received by the City and no public testified for or against the application at the meeting. The Commission voted unanimously to recommend approval of the rezoning of the subject property by Mr. Sandoval from GC, General Commercial to R-1, Low Density Residential, to allow for future construction of a single family residence. The Commission's approval was subject to the condition that applicant be required to vacate that portion of the existing plat designated as Reserve 1. The applicant has all the necessary plat signatures in order and is ready to record at this time.

Action Required of Council:

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve Rezone Request #14-92000001, rezoning the referenced property from GC to R-1.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY CHANGING THE ZONING CLASSIFICATION FROM GENERAL COMMERCIAL (GC) TO LOW DENSITY RESIDENTIAL (R-1) FOR A .809 ACRE TRACT OF LAND HEREIN DESCRIBED; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: Chapter 106 "Zoning" of the Code of Ordinances is hereby amended by changing the zoning classification of the following described property, to wit: .809 acres of land located on Farrington Boulevard just north of Fairmont Parkway, further described as Reserve 1 of the Fairmont Park East Business Park Reserves 1, 3, 4, 5, and 6 as recorded under file X836601 with the Harris County Clerk's Office, from General Commercial (GC) to Low Density Residential (R-1).

Section 2: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 3. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. The City Council of the City of La Porte hereby finds that public notice was properly mailed to all owners of all properties located within two hundred feet (200') of the properties under consideration in compliance with code provisions.

Section 6. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the

amendments to the City of La Porte Zoning Map and Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

Section 7. This Ordinance shall be effective after 1) vacation of that portion of the existing plat designated as Reserve 1 and applicable to the property made the subject of this ordinance, and recorded under Harris County Clerk file X836601 and 2) recording of administratively approved plat restricting the subject property to residential use.

PASSED AND APPROVED this the _____ day of MAY, 2015.

CITY OF LA PORTE

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark T. Askins, Assistant City Attorney



April 21, 2015

Honorable Mayor Rigby and City Council
City of La Porte

RE: Rezone Request #14-92000001

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the April 16, 2015 meeting on a request by Mr. Jose Angel Sandoval Jr. to rezone the property known as Reserve 1 of the Fairmont Park East Business Park Reserves 1, 3, 4, 5, and 6 subdivision plat from GC, General Commercial to R-1, Low Density Residential, to allow for future construction of a single family residence. The subject property is located on Farrington Boulevard just north of Fairmont Parkway.

There was a previous application for a zone change on this property by the applicant that was recommended for approval by the Planning and Zoning Commission following a public hearing on June 19, 2014 and approved by the City Council on July 14, 2014. As a condition to that approval, the applicant was given 180 days from the Council's approval to vacate the lot and replat the property, which would have been January 14, 2015. Unfortunately the applicant was not able to obtain the necessary signatures for the vacating plat by the end of the 180 day period, so the ordinance did not go into effect. As a result the applicant is resubmitting the same zone change request.

At the April 16, 2015 meeting, the Commission unanimously voted to recommend approval of the proposed rezone. The Commission's approval was subject to the condition that applicant be required to vacate that portion of the existing plat designated as Reserve 1 and submit the necessary plat documents to the city for recordation. The applicant has all plat documentation ready for recordation at this time.

Respectfully submitted,

Hal Lawler
Chairman, Planning and Zoning Commission

cc: Tim Tietjens, Director of Planning and Development
Department File

City of La Porte
604 W. Fairmont Pkwy.
La Porte, TX 77571

Planning & Development Department
ZONE CHANGE PERMIT APPLICATION

Phone: 281.470.5073
Fax: 281.470.5005
www.laportetx.gov

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER'S NAME: Eddie V. Gray, Trustee PHONE 1: 281-422-3677
PHONE 2: _____ FAX #: _____
E-MAIL: edgray@grayent.com; jwahrlich@grayent.com
MAILING ADDRESS: P O Box 638, Baytown, TX 77522-0638

2. AGENT REPRESENTING PROPERTY OWNER (If Applicable):

AGENT / CONTRACTOR COMPANY: Jose Angel Sandoval Jr.
PHONE 1: 832-526-3037 PHONE 2: _____
E-MAIL: _____ FAX #: _____
MAILING ADDRESS: 1608 Meadow Park Dr. La Porte, TX 77571
CONTACT PERSON'S NAME: Jose Angel Sandoval Jr. PHONE: 832-526-3037

3. PROPERTY DESCRIPTION:

HCAD PARCEL NO(s) 13-digit Tax ID(s):
1.) 1257420000001
2.) _____
3.) _____
PROPERTY ADDRESS (if existing): .80 Acres on Farrington behind Shell Station - See attached map
PROPERTY LEGAL DESCRIPTION: Res 1 of Reserves 1 3 4 5 & 6 Fairmont Park Business Park

4. ZONING INFORMATION OF PROPERTY:

CURRENT ZONING DESIGNATION: General Commercial REQUESTED ZONING DESIGNATION: Single Family Residential
CURRENT SIC/NAICS USE NO.: _____ PROPOSED USAGE: Single Family Residential

5. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION (Check applicable boxes):

- COMPLETE ITEMS 1-5 OF PERMIT APPLICATION
 ATTACH CERTIFIED PLAN (check applicable box(es)):
 GENERAL PLAN MINOR DEV. SITE PLAN MAJOR DEV. SITE PLAN PRELIM. PLAT
 SUBMIT NON-REFUNDABLE \$300.00 APPLICATION FEE

PRINTED NAME: Eddie V. Gray, TRUSTEE SIGNATURE: *Eddie V. Gray, Trustee* DATE: 5-5-14

(STAFF USE ONLY):

APPLICATION NO: _____

DATE OF P&Z PUBLIC HEARING: _____ RECOMMENDATION: YES NO
APPLICANT & ADJACENT OWNERS NOTIFIED: YES NO DATE OF NOTIFICATION: _____
DATE OF CITY COUNCIL AGENDA: _____ APPROVED: YES NO
ADOPTED BY ORDINANCE NO.: _____

COMMENTS: _____



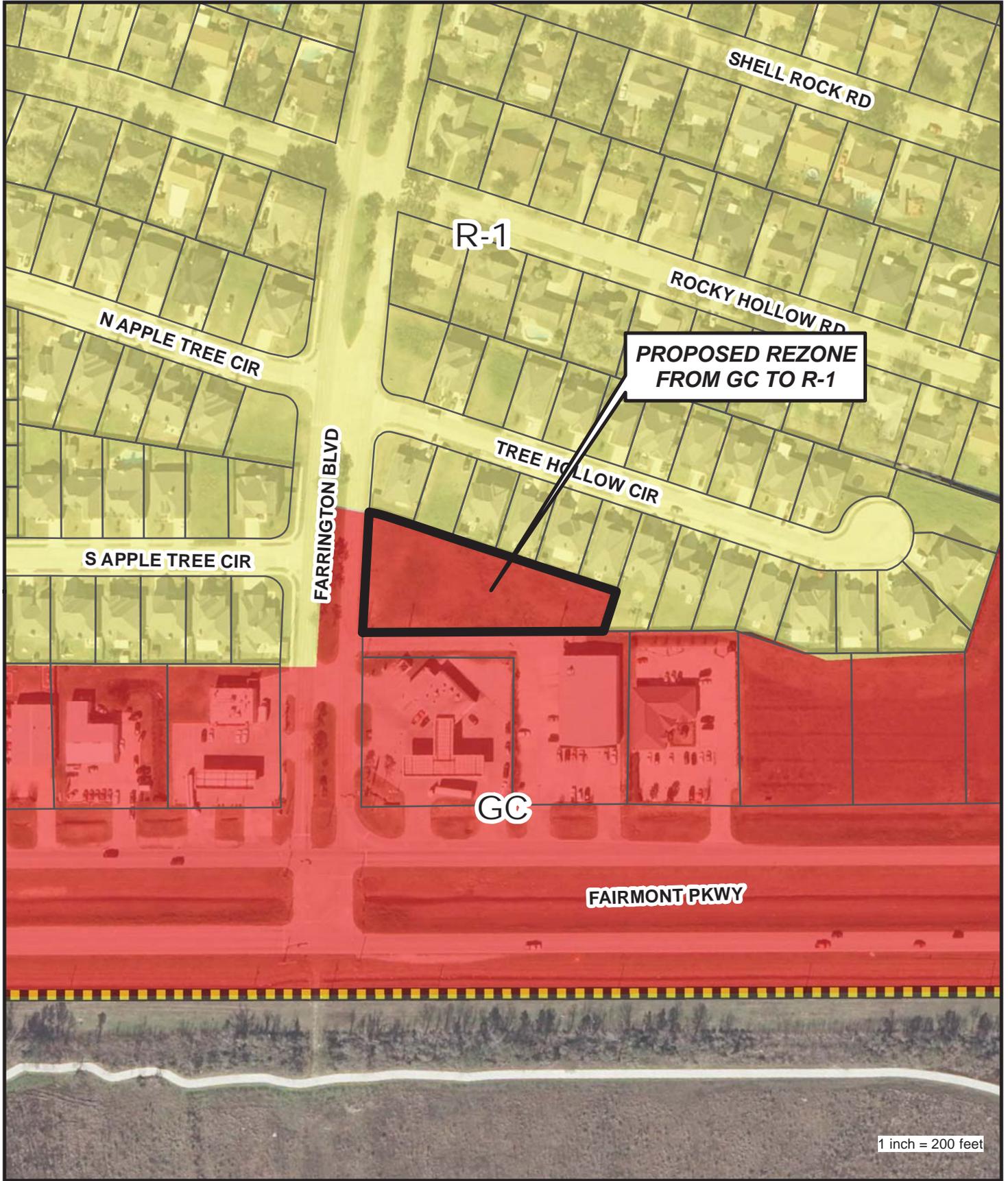
VICINITY MAP



1 inch = 200 feet

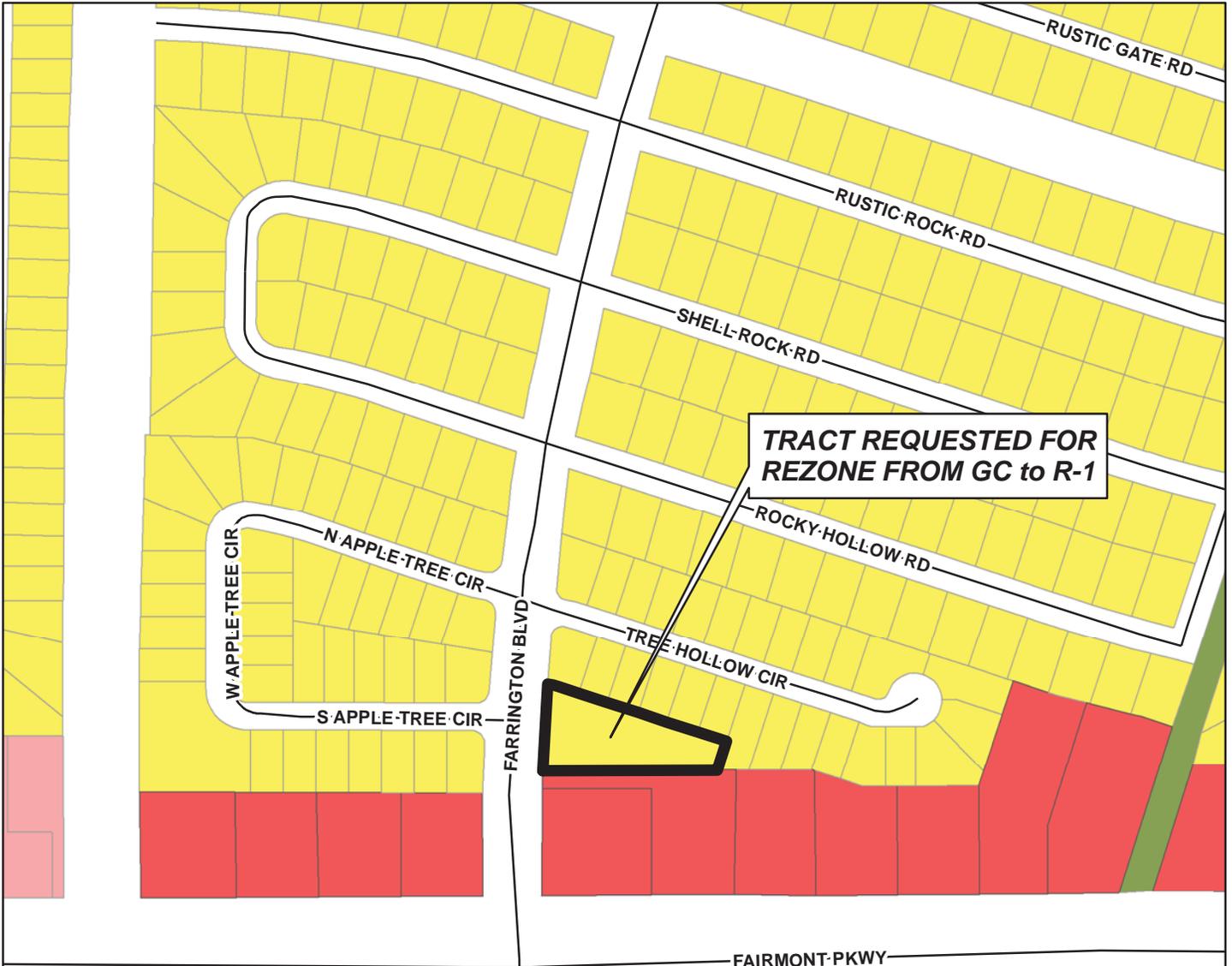


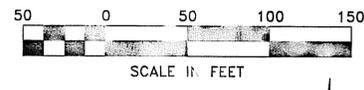
ZONING DISTRICT



1 inch = 200 feet

LAND USE MAP





CURVE #	RADIUS	ARC	DELTA
C1	140.00'	22.28'	09°07'12"
C2	5221.11'	159.17'	01°44'48"

FILED
04 AUG 11 PM 1:16
County Clerk
HARRIS COUNTY, TEXAS

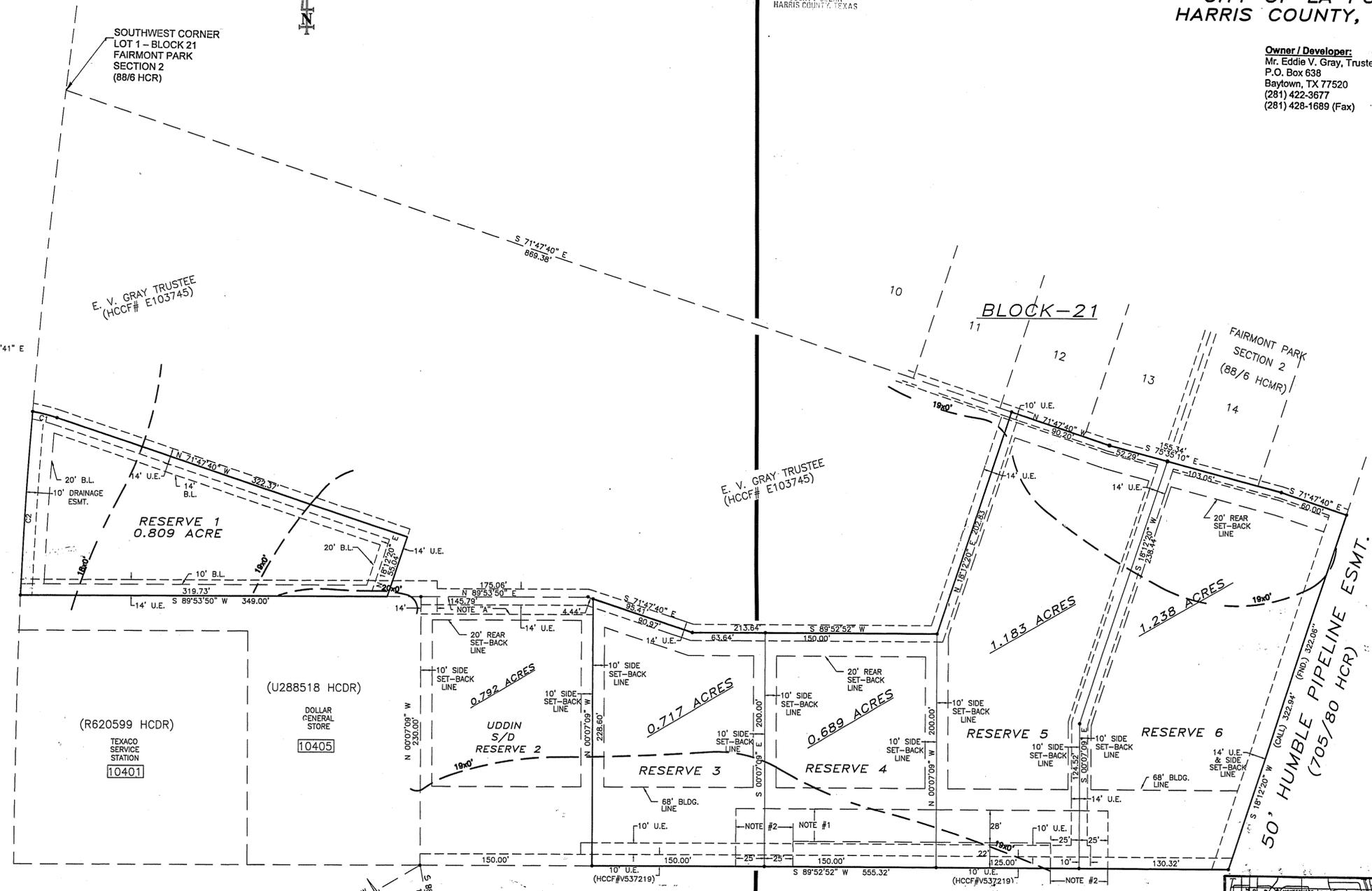
**FAIRMONT PARK EAST
BUSINESS PARK
RESERVES 1, 3, 4, 5 AND 6
CITY OF LA PORTE
HARRIS COUNTY, TEXAS**

Owner / Developer:
Mr. Eddie V. Gray, Trustee
P.O. Box 638
Baytown, TX 77520
(281) 422-3677
(281) 428-1689 (Fax)

FAIRMONT PARK EAST
BUSINESS PARK
RESERVES 1, 3, 4, 5 AND 6
CITY OF LA PORTE
HARRIS COUNTY, TEXAS

FARRINGTON
BLVD.

(100' R.O.W.)

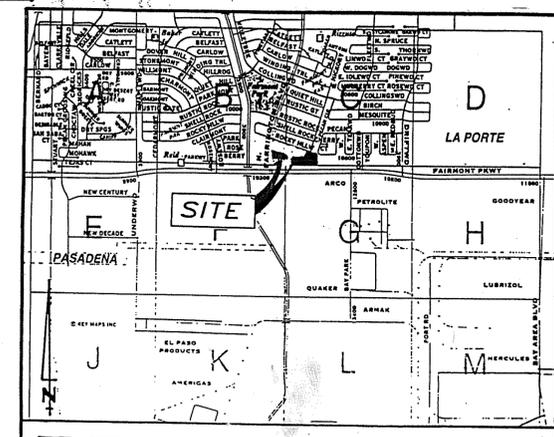


SIDEWALKS WILL BE CONSTRUCTED BY THE RESERVE BUILDER ALONG THE EAST SIDE OF FARRINGTON BLVD. AND THE NORTH SIDE OF FAIRMONT PARKWAY

NOTE #1:
28' COMMON USE ACCESS EASEMENT RESERVES 3, 4, 5, AND 6 AND UTILITY EASEMENT

NOTE #2:
50' COMMON USE ACCESS EASEMENT RESERVES 3, 4, 5, AND 6 AND UTILITY EASEMENT

NOTE "A":
15' easement for future driveway. This easement to be void if easements to West or East are not provided within 18 months.



**GULF COAST ENGINEERING
AND SURVEYING**
P.O. BOX 382 LAMARQUE, TEXAS 77568
JAMES W. GARTRELL JR. P.E., RP.S.

TELEPHONE NUMBERS
TEXAS CITY 409-935-2462
HOUSTON 281-766-9699
DATE: _____ REV. _____

JULY 16, 2004
JULY 1, 2004
SHEET NUMBER
FINAL
PLAT
PAGE 1 OF 2
JOB NO.

DRAWING NUMBER

FAIRMONT PARK EAST BUSINESS PARK
RESERVES 1, 3, 4, 5 AND 6
FINAL PLAT
MYLAR
1/2

SATCO PRODUCTS • NEW HOPKINS, MINNESOTA
REFRIGER BY PART NUMBER 6282
PASTORAL CASE OF PRINT ON THIS LINE

KEY MAPS INC. 2001
579

DRAWING NUMBER

FAIRMONT PARK EAST BUSINESS PARK
RESERVES 1, 3, 4, 5 AND 6
FINAL PLAT
MAYLAR
2/2

SAPCO PRODUCTS • NEW HOPE, MINNESOTA
RECORDED BY FAIRMONT BUSINESS PARK
POSITION EDGE OF PRINT ON THIS LINE

SAPCO PRODUCTS • NEW HOPE, MINNESOTA
RECORDED BY FAIRMONT BUSINESS PARK
POSITION EDGE OF PRINT ON THIS LINE

PROPERTY DESCRIPTION
RESERVE 1 (0.809 ACRES)

DESCRIPTION OF A 0.809 ACRE TRACT OUT OF THE WILLIAMS JONES SURVEY, ABSTRACT NO. 482, HARRIS COUNTY, TEXAS

COMMENCING at the Southwest corner of Lot 1, in Block 21, Fairmont Park, Section 2, a Subdivision in Harris County, Texas, according to the Map Recorded in Plat Book 88, Page 6, of the Harris County Records, said point lying in the East right of way line of Farrington Boulevard, 100 foot right of way;

THENCE S71°47'40"E, along the South line of Fairmont Park, Section 2, a distance of 869.38 feet to a point for corner;

THENCE continuing S71°47'40"E, along the South line of Fairmont Park, Section 2, a distance of 90.20 feet to a point for corner;

THENCE S75°35'10"E, continuing along the South line of Fairmont Park, Section 2, a distance of 155.34 feet to a point for corner;

THENCE S71°47'40"E, continuing along the South line of Fairmont Park, Section 2, a distance of 60.00 feet to the Southeast corner of Fairmont Park, Section 2, said point lying in the Westerly line of a Humble Pipeline Easement, recorded in Volume 705, Page 80, in the Harris County Records;

THENCE S18°12'20"W, along the Westerly line of said Humble Pipeline Easement, a distance of 322.06 feet to the Northerly right of way line of Fairmont Parkway, 250 foot right of way;

THENCE S89°52'52"W, along the Northerly right of way line of Fairmont Parkway, a distance of 555.32 feet to a point for corner at the Southeast corner of Uddin Subdivision;

THENCE N00°07'09"W, along the East line of said Uddin Subdivision a distance of 228.60 feet to point for corner being the Northeast corner of said Uddin Subdivision;

THENCE N71°47'40"W, along the North line of Uddin Subdivision, a distance of 4.44 feet to an angle point in the North line of Uddin Subdivision;

THENCE S89°53'50"W, along the North line of Uddin Subdivision, the North line of Dollar General Store Tract, HCFW U288518, a distance of 175.06 feet to the Place of Beginning of the tract hereinafter described;

THENCE from said Beginning Point continuing S89°53'50"W, along the North line of Dollar General Store Tract, a distance of 319.73 feet to a point for corner in the Easterly right of way line of Farrington Boulevard, 100 foot right of way;

THENCE in a Northerly direction along the Easterly right of way line of Farrington Boulevard, 100 foot right of way, around a curve to the right whose radius is 5221.11 feet, whose chord bears N3°15'55"E 159.17 feet, a distance of 159.17 feet to a point for corner;

THENCE in an Easterly direction around a curve to the right whose radius is 140.00 feet, whose chord bears S76°21'16"E 22.26 feet, a distance of 22.28 feet to the P.T. of said curve;

THENCE S71°47'40"E, a distance of 322.37 feet to a point for corner;

THENCE S18°12'20"W, a distance of 55.01 feet to the Place of Beginning.

PROPERTY DESCRIPTION
RESERVES 3, 4, 5 AND 6 (3.827 ACRES)

DESCRIPTION OF A 3.827 ACRE TRACT OUT OF THE WILLIAMS JONES SURVEY, ABSTRACT NO. 482, HARRIS COUNTY, TEXAS

COMMENCING at the Southwest corner of Lot 1, in Block 21, Fairmont Park, Section 2, a Subdivision in Harris County, Texas, according to the Map Recorded in Plat Book 88, Page 6, of the Harris County Records, said point lying in the East right of way line of Farrington Boulevard, 100 foot right of way;

THENCE S71°47'40"E, along the South line of Fairmont Park, Section 2, a distance of 869.38 feet to the Place of Beginning of the tract hereinafter described;

THENCE from said Beginning Point continuing S71°47'40"E, along the South line of Fairmont Park, Section 2, a distance of 90.20 feet to a point for corner;

THENCE S75°35'10"E, continuing along the South line of Fairmont Park, Section 2, a distance of 155.34 feet to a point for corner;

THENCE S71°47'40"E, continuing along the South line of Fairmont Park, Section 2, a distance of 60.00 feet to the Southeast corner of Fairmont Park, Section 2, said point lying in the Westerly line of a Humble Pipeline Easement, recorded in Volume 705, Page 80, in the Harris County Records;

THENCE S18°12'20"W, along the Westerly line of said Humble Pipeline Easement, a distance of 322.06 feet to the Northerly right of way line of Fairmont Parkway, 250 foot right of way;

THENCE S89°52'52"W, along the Northerly right of way line of Fairmont Parkway, a distance of 555.32 feet to a point for corner at the Southeast corner of Uddin Subdivision;

THENCE N00°07'09"W, along the East line of said Uddin Subdivision a distance of 228.60 feet to point for corner being the Northeast corner of said Uddin Subdivision;

THENCE S71°47'40"E, a distance of 90.97 feet to a point for corner;

THENCE N89°52'52"E, a distance of 213.64 feet to a point for corner;

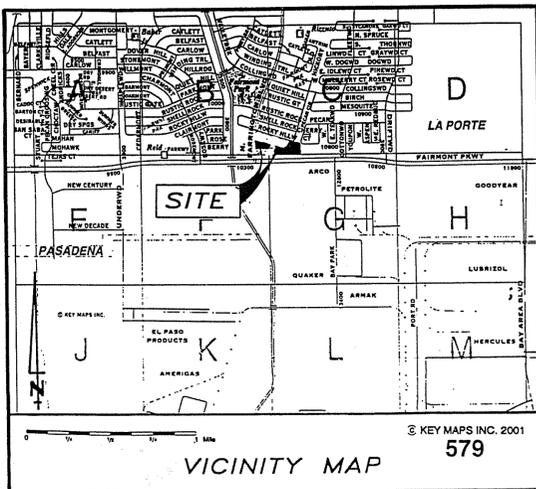
THENCE N18°12'20"E, a distance of 202.83 feet to the Place of Beginning.

Filing Date: March, 2004

Zoning: General Commercial (GC)

Note:
Subdivision Monumentation
(Elevation to be set on Final Plat)

Flood Zone "X"
Firm Map #48201C0940J
Revised: 11/06/96



I, JAMES W. GARTRELL, JR., registered under the laws of the State of Texas to practice the profession of land surveying, do hereby certify that this plat accurately represents the results of a survey performed under my supervision and that all boundary corners, single points and points of curve have been, or will be marked with 5/8" iron rods not less than thirty (30) inches in length and that this plat substantially complies with the requirements as specified in the City of La Porte Development Ordinance.

I, JAMES W. GARTRELL, JR., am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above plat is true and correct and that all bearings, distances, angles, curve radiuses, and central angles are accurately shown on the plat.

James W. Gartrell, Jr., R.P.L.S.
Texas Registration No. 1445

I, JAMES W. GARTRELL, JR., do hereby certify that this plat correctly represents a survey under my supervision, and that the facts as found on the ground at the time of the survey are as shown.

WITNESS MY HAND AND SEAL THIS 16th DAY OF June 2004

James W. Gartrell, Jr.
Texas Registered Professional
and Surveyor No. 1445

This is to certify that EDDIE V. GRAY, Trustee of FAIRMONT PARK EAST, BUSINESS PARK, RESERVES 1, 3, 4, 5 AND 6, of land being plotted or subdivided known as FAIRMONT PARK EAST, BUSINESS PARK, RESERVES 1, 3, 4, 5, AND 6, approved by the La Porte City Planning and Zoning Commission, authorized Beverly B. Kaufman, County Clerk of Harris County, Texas or her authorized Deputy to return the original recorded map or plat of said subdivision only to the Director of the City of La Porte's Community Development Department or to his authorized representative, who shall file such original recorded map or plat in the permanent records of that Department.

Nick Finan
Director, City of La Porte Planning Department

Eddie V. Gray, Trustee
Signature
Eddie V. Gray, Trustee

This is to certify that the City Planning Department of the City of La Porte, Texas has approved this set of Improvement & Construction plans of FAIRMONT PARK EAST, BUSINESS PARK, RESERVES 1, 3, 4, 5 AND 6, in conformance with the ordinances of the City of La Porte and authorized the recording of this set of Improvement & Construction Plans this 16th day of June, 2004.

Nick Finan
Director, City of La Porte Planning Department

ATTEST
By: [Signature]
La Porte City Engineer

ATTEST
By: [Signature]
Secretary, La Porte Planning and Zoning Commission

FAIRMONT PARK EAST
BUSINESS PARK
RESERVES 1, 3, 4, 5 AND 6
City of La Porte, Harris County, Texas

BEING A 4.747 ACRES TRACT OF LAND OUT OF THE WILLIAM M. JONES SURVEY, ABSTRACT NO. 482, HARRIS COUNTY, TEXAS

Owner / Developer:
Mr. Eddie V. Gray, Trustee
P.O. Box 638
Baytown, TX 77520
(281) 422-3677
(281) 428-1689 (Fax)

Fairmont Park East, Business Park, Reserves 1, 3, 4, 5 and 6 Area:

Reserve 1	0.920 Acre
Reserve 3	0.717 Acre
Reserve 4	0.689 Acre
Reserve 5	1.183 Acres
Reserve 6	1.238 Acres
TOTAL:	4.747 ACRES

STATE OF TEXAS)
COUNTY OF HARRIS)

Know all men by these presents that I, EDDIE V. GRAY, TRUSTEE, of FAIRMONT PARK EAST, BUSINESS PARK, RESERVES 1, 3, 4, 5, AND 6, of the tract comprising the property subdivided in the above and foregoing map FAIRMONT PARK EAST, BUSINESS PARK, RESERVES 1, 3, 4, 5, AND 6, do hereby make subdivision of said property according to the lines, streets, buildings lines, and easements therein shown, and designate said subdivision as " FAIRMONT PARK EAST, BUSINESS PARK, RESERVES 1, 3, 4, 5, AND 6", in the William M. Jones Survey, A-482, La Porte, Harris County, Texas, and to the public use, as such, the streets and easements shown thereon forever, and do hereby waive any claims for damages occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades and do hereby bind myself, my heirs and assigns, to warrant and defend the title to the land so dedicated.

There is also dedicated for utilities an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to all easements shown hereon, except storm sewer and underground easements. I further covenant and agree with the City of La Porte and for any property owner that utility easements shown in adjacent acreage are hereby established as shown.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, such restrictions shall run with the title to the property and shall be enforceable, at the option of the City of La Porte or any citizen thereof.

In testimony, whereof, signed by EDDIE V. GRAY, TRUSTEE, this 26th day of July, A.D., 2004.

Eddie V. Gray, Trustee
EDDIE V. GRAY, TRUSTEE

STATE OF TEXAS)
COUNTY OF HARRIS)

BEFORE ME, the undersigned authority, on this day personally appeared, EDDIE V. GRAY, Trustee, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein set forth.

Given under my hand and seal of office this 26th day of July, 2004.

Sara S. Hart
Notary Signature

Notary Printed Name

My Commission Expires:



RECORDER'S MEMORANDUM:
At the time of recording, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

I, BEVERLY B. KAUFMAN, Clerk of the County Court of Harris, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on August 11, 2004, at 1:16 O'clock, and in Film Code No. 204-0341 of the Map Records of Harris County, Texas, and recorded on August 12, 2004 at 12:30 PM. Witness my hand and seal of office, at Houston, the date and date last above written.

BEVERLY B. KAUFMAN
Clerk of the County Court of Harris County, Texas

Deputy [Signature]

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

THIS CERTIFICATE IS VALID ONLY AS TO THE INSTRUMENT ON WHICH THE ORIGINAL SIGNATURE IS AFFIXED AND ONLY THEN TO THE EXTENT THAT SUCH INSTRUMENT IS NOT ALTERED OR CHANGED AFTER RECORDING.

FAIRMONT PARK EAST
BUSINESS PARK
RESERVES 1, 3, 4, 5 AND 6

GULF COAST ENGINEERING
AND SURVEYING
P.O. BOX 382 LAMARQUE, TEXAS 77568
JAMES W. GARTRELL, JR., P.E., R.P.S.
TELEPHONE NUMBERS
HOUSTON - 281-418-6969
LA PORTE - 281-418-6969

July 1, 2004
JUNE 24, 2004
SHEET NUMBER
FINAL PLAT
Page 2 of 2
JOB NO.

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: May 11, 2015

Requested By: Eric Ensey

Department: Planning

Report: X **Resolution:** **Ordinance:** X

Appropriation:

Source of Funds: N/A

Account Number: N/A

Amount Budgeted: N/A

Amount Requested: N/A

Budgeted Item: N/A

Exhibits:

Ordinance
P&Z Recommendation Letter
SCUP Application
Area Map
Land Use Map
Zoning Map
Public Response Letters

SUMMARY & RECOMMENDATION

The applicant (Generational Commercial Properties) is seeking approval of a Special Conditional Use Permit (SCUP) to allow construction of a 103,500 square foot freight transportation arrangement and logistics facility for Barsan Global Logistics on a 7.1 acre portion of a 12.6 acre tract of land further described as Tracts 1B-3, Abstract 35, Johnson Hunter Survey.

The entire 12.6 acre site is zoned Planned Unit Development (PUD) and is currently an undeveloped tract of land. The property is located on S. 16th Street southeast of the W. M Street unimproved right-of-way. The site is located immediately adjacent to the Port Crossing Business Park. Although not within the boundaries of ownership of Port Crossing, the city's Future Land Use Plan specifies development of this tract of land as "Business Industrial" uses, similar to those uses established for the Port Crossing Business Park. The proposed facility would be located on approximately 7.1 acres of the overall parcel, with the remaining 5.5 acres to be developed at a later time and under a separate SCUP application.

The city's Future Land Use Map identifies the use of the property as "Business Industrial" and as a result the uses permitted on this parcel should be consistent with those permitted in the Business Industrial (BI) district. Barsan Global Logistics operates under the following NAICS classification: 541614 (Process, Physical Distribution, and Logistics Consulting Services) and 488510 (Freight Transportation Arrangement). Both of these classifications are permitted uses in the BI zone district.

The Planning and Zoning Commission conducted a public hearing at the April 22, 2015, meeting concerning this request. One public hearing notice response in favor of the application was received by the City for the P&Z public hearing. The Commission voted to recommend approval of the proposed SCUP subject to the following conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department

reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.

2. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
3. A traffic impact analysis performed by a licensed engineer agreed to by both the City and the applicant shall be required. The study must ensure that the proposed development will not adversely impact S. 16th Street or any of the major intersections in the vicinity. If so, any mitigation required by the study will be the responsibility of the applicant and would be applied proportionately to the scope of development.
4. The subject property will need to be replatted and subdivided in accordance with the requirements outlined in the City of La Porte's Development Ordinance. As part of the plat, the applicant will be required to dedicate right-of-way along S. 16th Street to make a consistent 100-foot right-of-way width.
5. The applicant shall install all of the required street trees as part of the development of Parcel A as required by Section 106-800 of the city's Code of Ordinances along S. 16th Street and W. M Street.
6. Harris County driveway permits shall be presented prior to permit issuance for all driveways requested. Maximum driveway widths shall be provided in compliance with city code requirements.
7. The pavement shall remain in good, operable, dust free condition over time, and that repairs shall be made as necessary upon written notification by the city.
8. Any future change in use requires consideration of a Special Conditional Use Permit in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

Action Required by Council:

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit Request #15-91000002, to allow construction of warehouse facility on a 7.1 acre portion of a 12.6 acre tract of land further described as Tracts 1B-3, Abstract 35, Johnson Hunter Survey,.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 15-9100001 FOR THAT CERTAIN PARCEL OF LAND HEREIN DESCRIBED, FOR THE PURPOSE OF CONSTRUCTING A SECONDARY DWELLING UNIT AT 227 SOUTH Y STREET; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1. Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #15-9100001, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for the construction of a 1,984 square foot secondary dwelling unit on property located at 227 South Y Street, further described as Lots 9 and 10, Block 1, Oakhurst Subdivision, City of La Porte, Harris County, Texas, within a Low Density Residential (R-1) zoning district.

Section 2. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 3. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov’t Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. The City Council of the City of La Porte hereby finds that public notice was properly mailed to all owners of all properties located within two hundred feet (200’) of the properties under consideration.

Section 6. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

Section 7. This ordinance shall be effective after its passage and approval.

PASSED AND APPROVED this the _____ day of MAY, 2015.

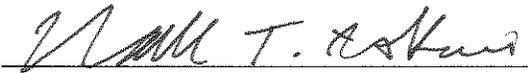
CITY OF LA PORTE

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark Askins, Assistant City Attorney

EXHIBIT A

**City of La Porte
Special Conditional Use Permit #15-9100001**

This permit is issued to: Rhonda Carraway
Owner or Agent

227 S. Y Street
Address

For Development of: Secondary Dwelling Unit
Development Name

227 S. Y Street, La Porte, TX 77571
Address

Legal Description: Lots 9 and 10, Block 1, Oakhurst Subdivision

Zoning: R-1, Low Density Residential

Use: Single Family Residential, Secondary Dwelling Unit

Permit Conditions:

This Special Conditional Use Permit is applicable for the subject property. A copy of which shall be maintained in the files of the City's Planning and Development Department upon approval. Project development shall be in accordance with the following conditions:

1. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
2. The plan shall comply with all applicable provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
3. The proposed secondary dwelling unit shall only be used for residential purposes.

Failure to occupy the building within 12 months after issuance or as scheduled under the terms of a special conditional use permit shall void the permit as approved, except upon an extension of time granted after application to the Planning and Zoning Commission.

If contract or agreement is terminated after completion of any stage and there is ample evidence that further development is not contemplated, the ordinance establishing such special conditional use permit may be rescinded by the City Council, upon its own motion or upon the recommendation of the Planning and Zoning Commission of the City of La Porte, and the previous zoning of the entire tract shall be in full effect on the portion which is undeveloped.

Validation Date: _____

Director of Planning

City Secretary



City of La Porte
Established 1892

Planning and Development Department

Tim Tietjens, Director

April 21, 2015

Honorable Mayor Rigby and City Council
City of La Porte

RE: Special Conditional Use Permit Request #15-91000001

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the April 16, 2015 meeting on a request by Rhonda Carraway for approval of a Special Conditional Use Permit to allow for construction of a secondary dwelling unit for a "mother-in-law" unit on the property located at 227 S. Y Street and also described as Lots 9 & 10, Block 1, Oakhurst Subdivision. The Commission voted unanimously to recommend approval of the proposed SCUP as outlined in the drafted ordinance presented in the Request for City Council Agenda Item.

Respectfully submitted,

Hal Lawler
Chairman, Planning and Zoning Commission

cc: Tim Tietjens, Director of Planning and Development
Department File

City of La Porte
604 W. Fairmont Pkwy.
La Porte, TX 77571

Planning & Development Department
**SPECIAL CONDITIONAL USE
PERMIT APPLICATION**

Phone: 281.470.5073
Fax: 281.470.5005
www.laportetx.gov

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER NAME: Rhonda Carraway PHONE 1: 713 5824830
PHONE 2: 682 3512057 FAX #: _____
E-MAIL: [REDACTED]
MAILING ADDRESS: 227 Y Street La Porte TX 77571

2. BUSINESS INFORMATION:

BUSINESS NAME: N/A BUSINESS TYPE: _____
CONTACT NAME: _____ PHONE #: _____
E-MAIL: _____ FAX #: _____
MAILING ADDRESS: _____

3. PROPERTY DESCRIPTION:

PARCEL NO(s) (13-digit HCAD Tax ID #): 0562630010009
PROPERTY ADDRESS (if existing): 227 So. Y Street La Porte TX 77571
PROPERTY LEGAL DESCRIPTION: LTS 9&10 BLK 1 Oakhurst

4. SUPPORTING DOCUMENTATION (Check Applicable):



GENERAL PLAN



SITE PLAN



PLAT

REASON FOR REQUEST?: To allow owner and her mother separate living areas for privacy.

OWNER or AUTHORIZED AGENT'S SIGNATURE: [Signature]

PRINTED NAME: Rhonda Carraway

DATE: 2/22/2015

5. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION: Plans in



COMPLETE ITEMS 1 THRU 4 OF APPLICATION



ATTACH APPLICABLE PLAN(S)



SUBMIT \$300.00 NON-REFUNDABLE APPLICATION FEE

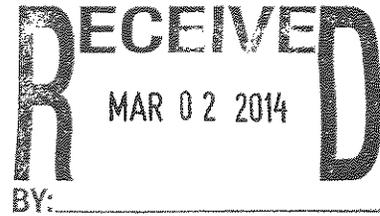
(STAFF USE ONLY):

DATE RECEIVED: _____ RECEIVED BY: _____

PROJECT NUMBER: _____

SCHEDULED DATE FOR PLANNING & ZONING COMMISSION AGENDA: _____

Rhonda Carraway
227 So. Y Street
La Porte, TX 77571
713 582-4830



02/22/2015

Re: Application for special use permit

Please find attached the required application and fee for a special use permit for the property located at the above address. Plans requested in the application have previously been supplied to the Planning and Development department planner Eric Ensey.

Our purpose for the proposed construction covered by the requested permit is to have 2 separate living areas on the existing R1 lot. This is necessary to afford the owner and her mother their privacy in their day to day activities. The owners mother is retired and lives at the above address and as such should have the ability to entertain and socialize without conflicting with other day to day activities on the property. By approving this request for permit that would be achieved. I have no intention of using the property for any other purpose than that described above and in the attached application.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Rhonda Carraway". The signature is fluid and cursive.

HOUSE LOCATION PLAN

SCALE: 1" = 20'-0"



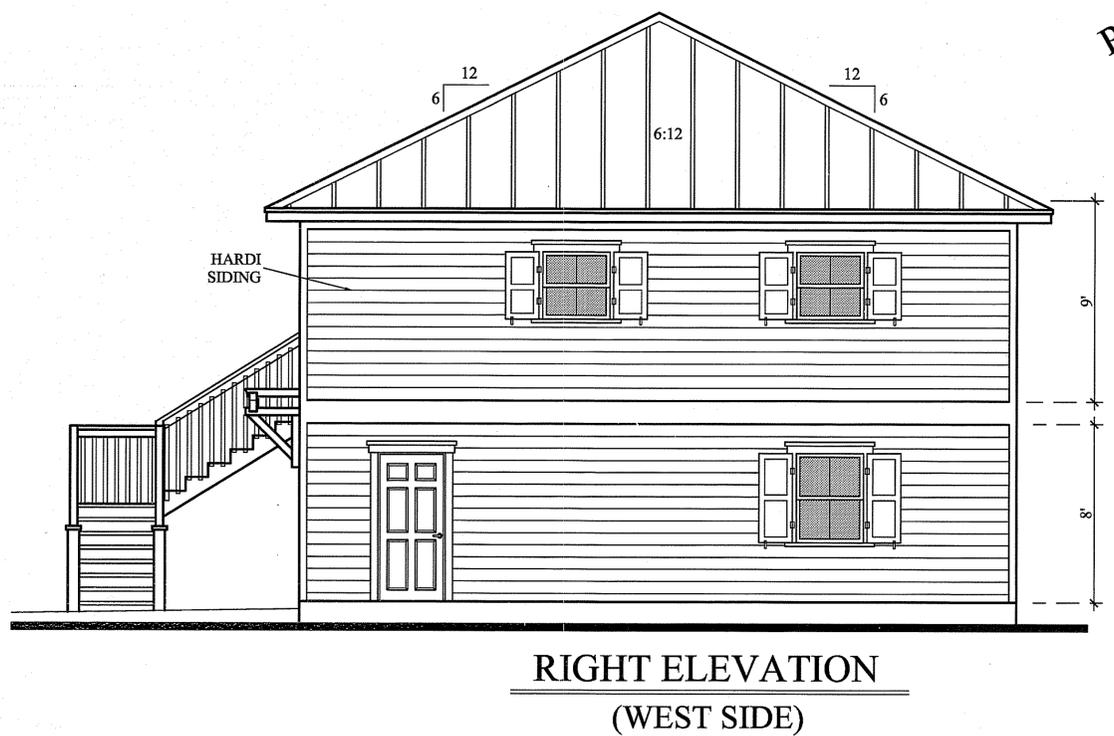
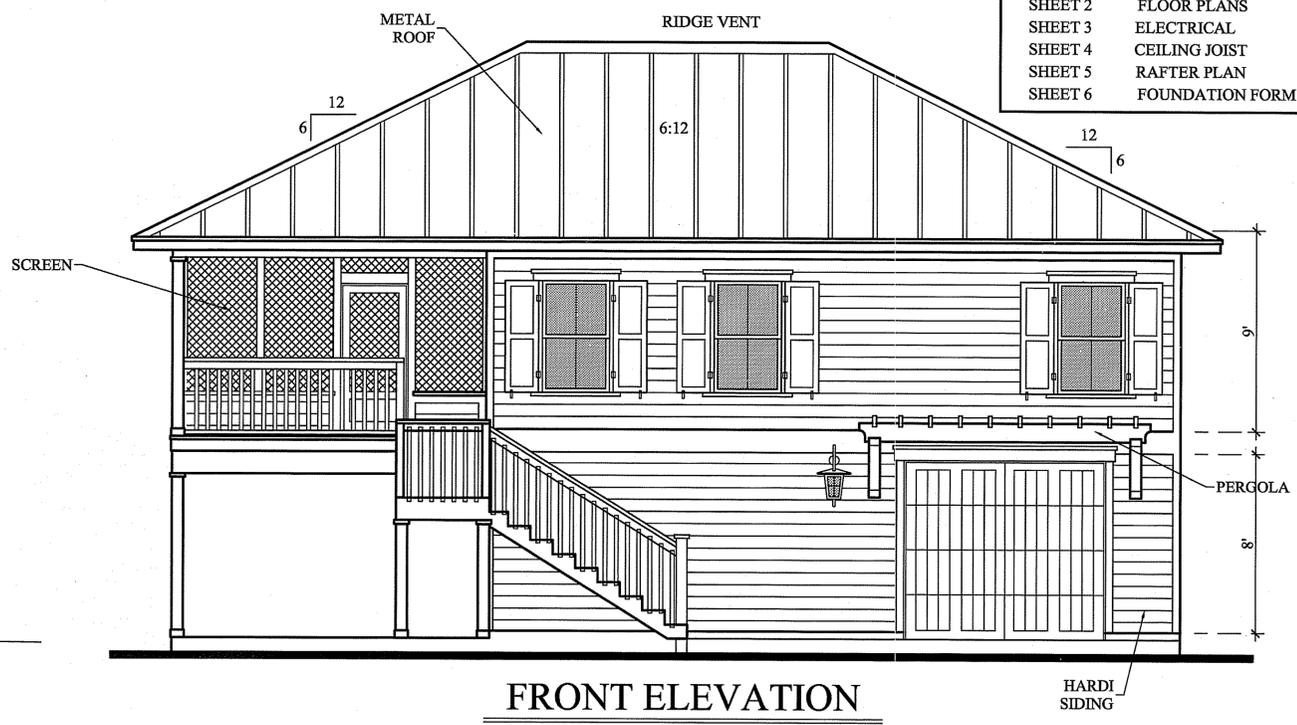
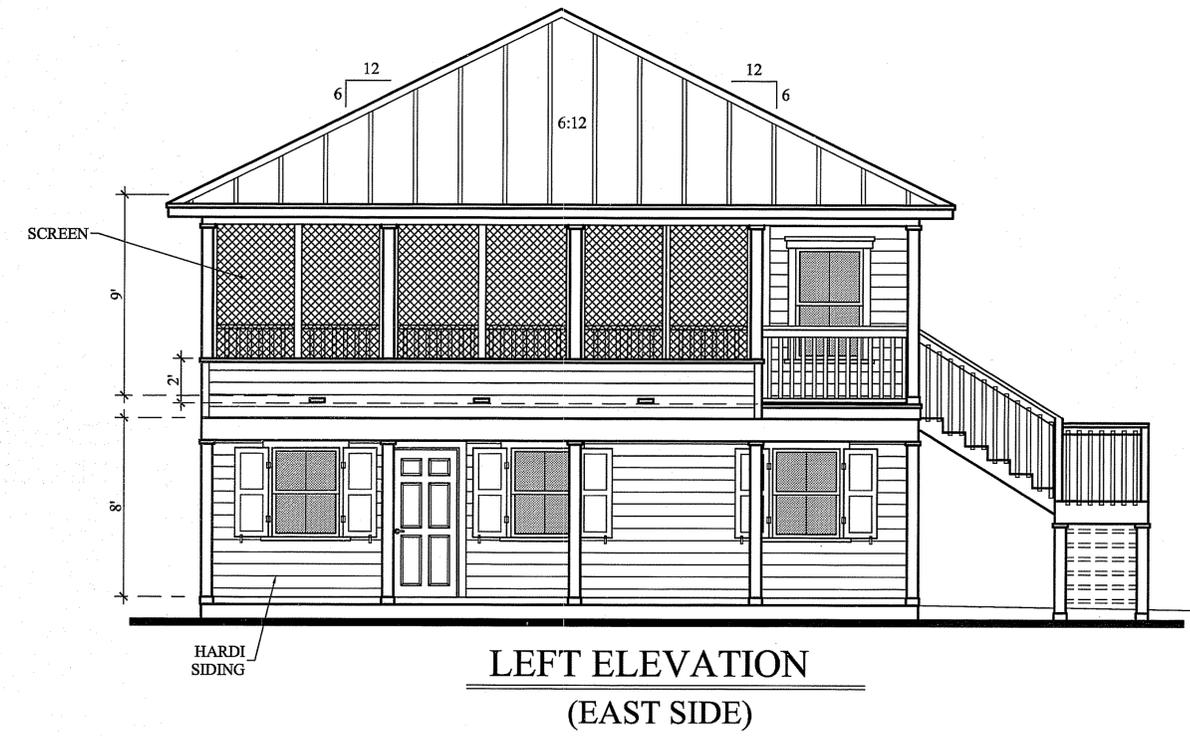
SHEET 1	EXTERIOR ELEVATIONS
SHEET 2	FLOOR PLANS
SHEET 3	ELECTRICAL
SHEET 4	CEILING JOIST
SHEET 5	RAFTER PLAN
SHEET 6	FOUNDATION FORM

PLAN: RCD-992

227 SOUTH "Y" STREET
LaPorte, Texas

R.C.D.
Residential Concept Designs

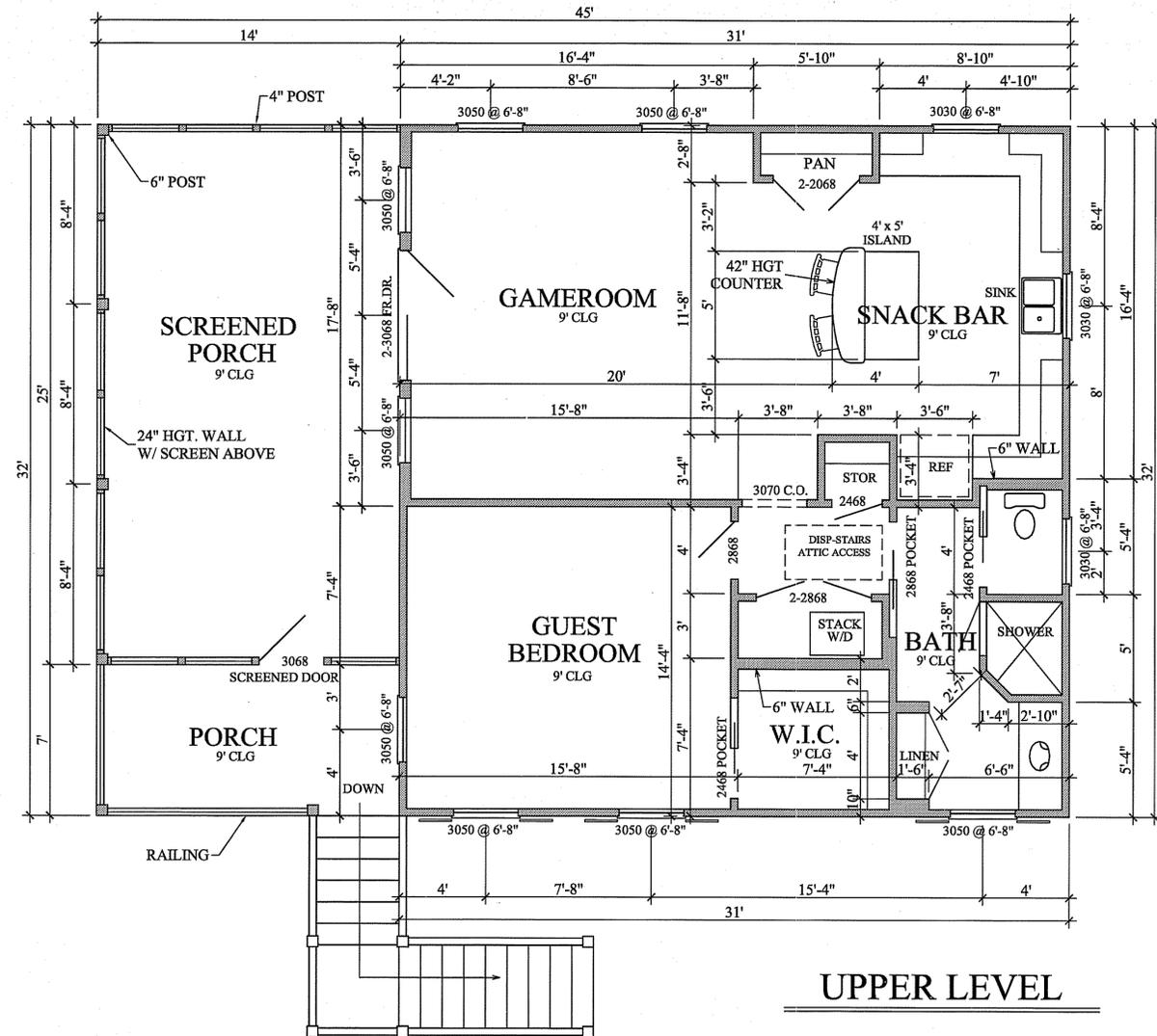
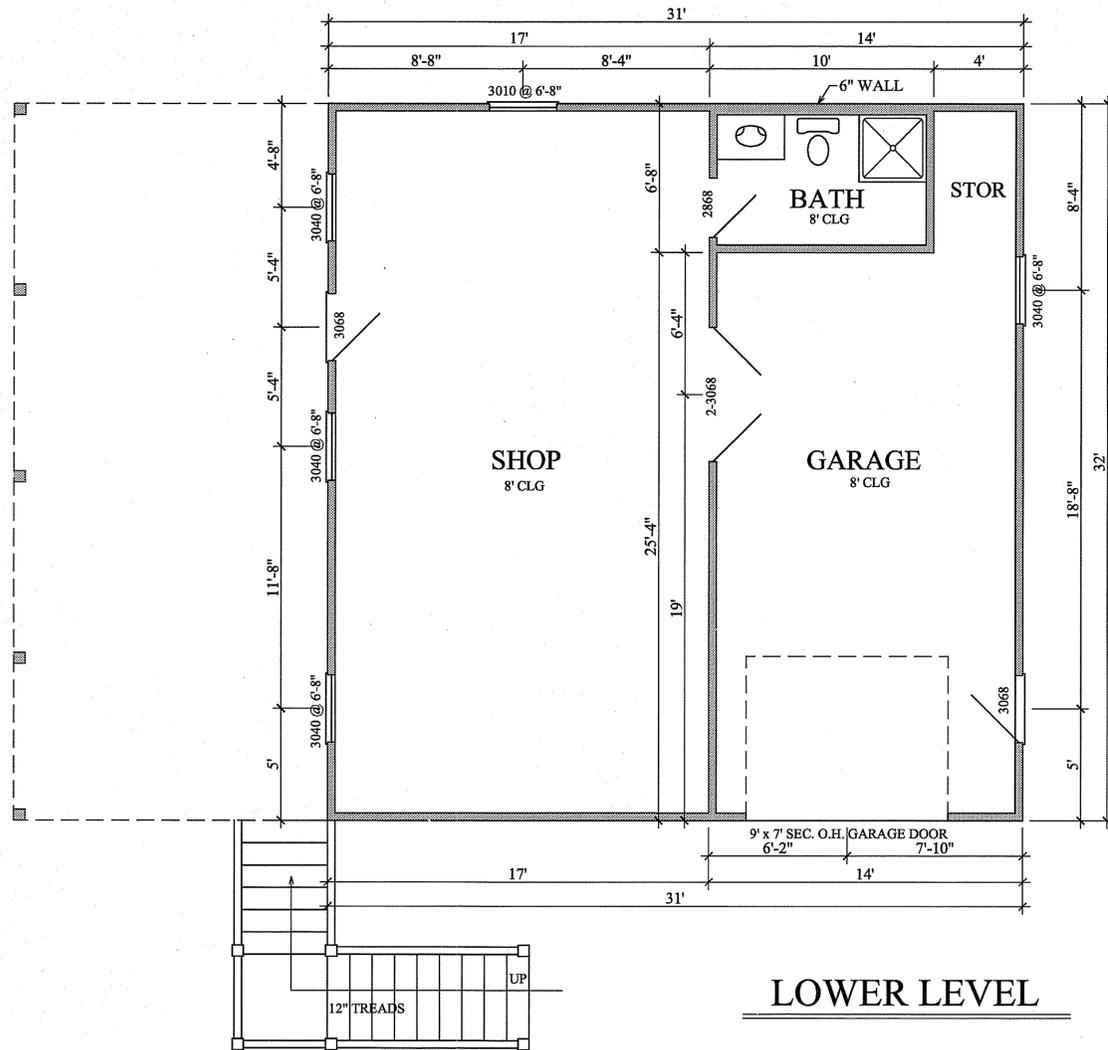
SCALE: 1/8" = 1'-0"
DATE: 9-18-2014
SHEET #1



PRELIMINARY
10-15-14



Mark Jones
682 351-2057
Rhonda Carraway
713 582-4830
Mike Westergaard
832.289.7088



EXAMPLE DOOR "CALL-OUT"
3068 = 3'-0" x 6'-8"
2868 = 2'-8" x 6'-8"

EXAMPLE WINDOW "CALL-OUT"
3050 = 3'-0" x 5'-0"
2468 = 2'-4" x 6'-8"

FOOTAGE:	
LIVING:	992 SQ/FT
GARAGE/ SHOP:	992 SQ/FT
SCREENED PORCH:	350 SQ/FT
PORCH:	84 SQ/FT
TOTAL COVERED:	2418 SQ/FT

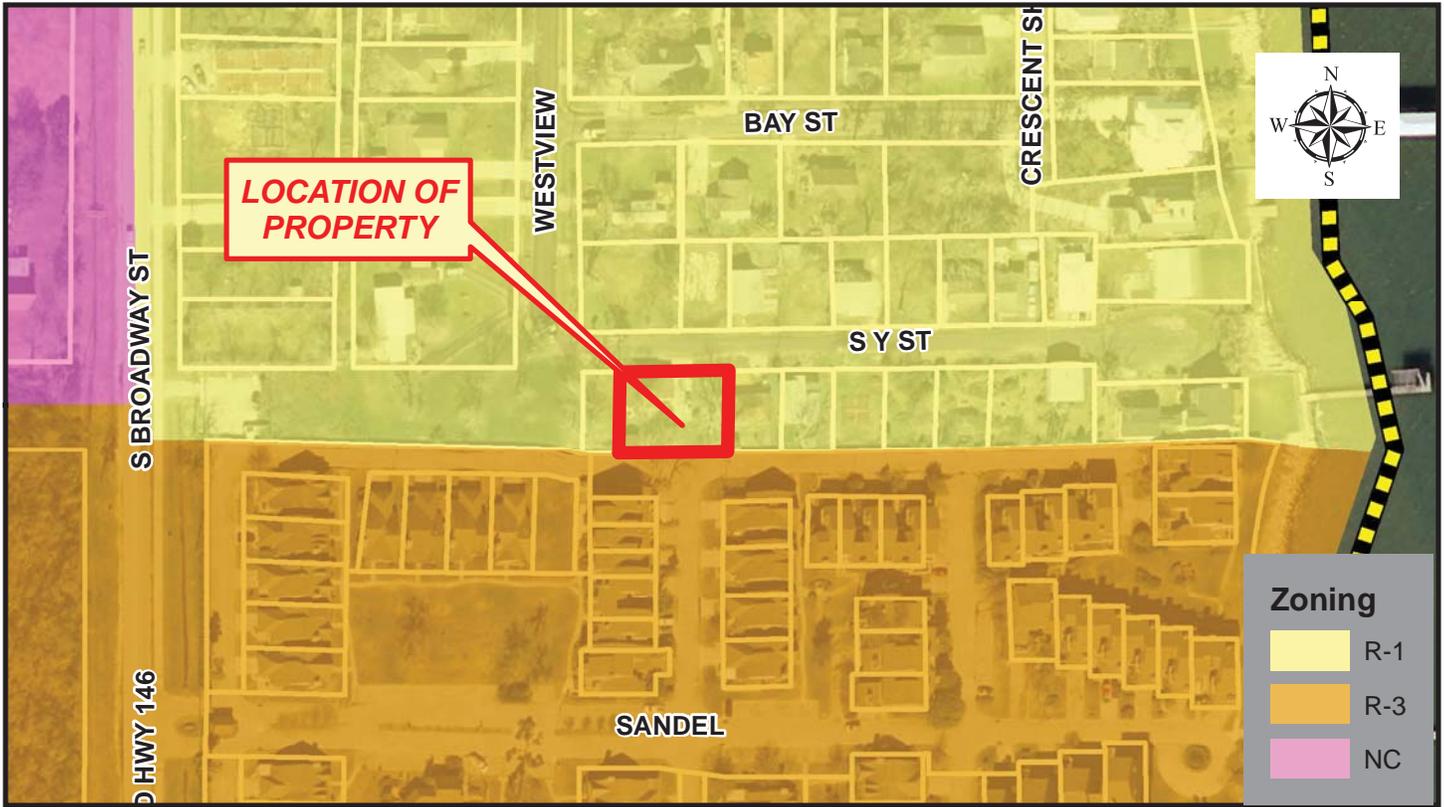
AREA MAP

15-91000001

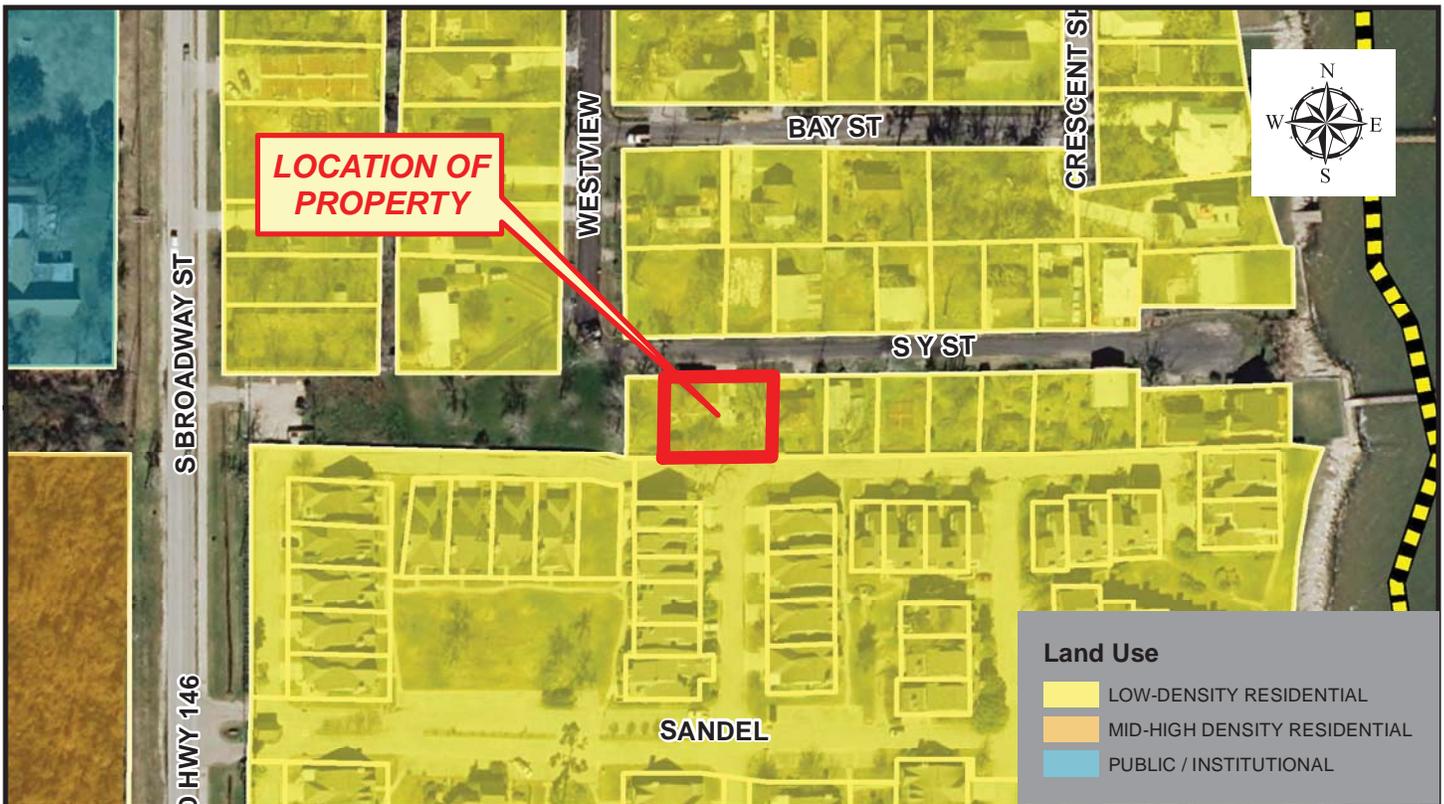


ZONING AND LAND USE MAP

15-91000001



ZONING



LAND USE

A Meeting of the La Porte

Planning & Zoning Commission
(Type of Meeting)

RECEIVED
APR 14 2014
5
BY: _____

Scheduled for

April 16, 2015
(Date of Meeting)

to Consider

Special Conditional Use Permit Request #15-9100001
(Type of Request)

I have received notice of the above referenced public hearing.

I am in **FAVOR** of granting this request for the following reasons:

I am **OPPOSED** to granting this request for the following reasons:

My NUMBER 1 REASON is if this is a mother quarter why is it 1,984 square ft. This is a House. NOT a mother law quarter. Most mother law quarters are much smaller than this. This is going to be right on top of the original plan ~~was~~ there was a two car garage with an up stair loft.

IRENE LENCE
Name (please print)

219 Sq (4014 Fernwood)
Address

[Signature] 4/4/2015
Signature

Houston TX 713-494-9711
City, State, Zip

Miss Carraway doesn't ~~not~~ even live at this address on a regular basis. So my house is 981 square ft and this is a house.

The new construction is 1984 and this is a mother law quarter, which will be bigger than the main house (w/ 227 sq which is a mother quarter) 1568 sq ft. ^{again} How is this a mother quarter BANK

This mother-law quarter will be bigger than most of
The houses on the block. I do not believe this is
should be built as part of the main property
227 Sq. or built period. The whole beauty ^{and enjoyment} of

Having my property is having the space, ~~and~~ so now
I will have to see this huge structure there is no enjoyment and
also this would make this property @ 227 sq of
dual family residence and ~~my intention is~~ ^{not a} single family dwelling

I plan on ~~retiring~~ ^{retiring} at 219 Sq in the ~~near~~ future

R1 = ~~low~~ ^{low} density residents district.

106 - 216, ~~217~~, 218, 334

334 C should be compatible to surround area
again this is a 1984 sq ft structure (mother-in-law)

IF I'm not mistake you cannot build a 1984 sq ft
house on a 4,000 sq ft lot. MIN 6,000 sq ft lot
IN A R1 AREA.

RECEIVED
APR 16 2015
BY: _____

A Meeting of the La Porte

Planning & Zoning Commission
(Type of Meeting)

Scheduled for

April 16, 2015
(Date of Meeting)

to Consider

Special Conditional Use Permit Request #15-9100001
(Type of Request)

I have received notice of the above referenced public hearing.

I am in FAVOR of granting this request for the following reasons:

SEE ATTACHMENT

I am **OPPOSED** to granting this request for the following reasons:

JOHN W. FOCKE

Name (please print)

John W. Focke
Signature

111 S. Y. STREET

Address

LA PORTE, TX 77571

City, State, Zip

77571

RECEIVED
APR 16 2015
BY: _____

A Meeting of the La Porte

Planning & Zoning Commission
(Type of Meeting)

Scheduled for

April 16, 2015
(Date of Meeting)

to Consider

Special Conditional Use Permit Request #15-9100001
(Type of Request)

I have received notice of the above referenced public hearing.

I am in **FAVOR** of granting this request for the following reasons:

SEE ATTACHMENT

I am **OPPOSED** to granting this request for the following reasons:

JOHN W. FOCKE

Name (please print)

John W Focke

Signature

211 S.Y. STREET

Address

LA PORTE, TX 77571

City, State, Zip

To: City of La Porte Planning and Development Department
Re: Special Condition Use permit Request #15-9100001
Hearing Date; April 16, 2015
From: John W. Focke and Catherine Focke, 111 S. Y. Street, La Porte, Texas

Back Ground Statement;

In Hurricane Ike, 2008; S Y Street was inundated in sea water and many homes, landscaping and city infrastructure sustained damage. Following that catastrophic event the home owners on S Y Street have struggled to clean, repair, and restore their properties. The City of La Porte stepped in to restore a major storm drainage system on S Y Street and to resurface the street. The neighborhood is making a comeback from this difficult event. Every repair, renovation and new construction adds to the visual and fiscal value of the neighborhood. The neighborhood has one totally new home across the street from the referenced property.

My wife and I enthusiastically support the request for the Special Condition Use Permit for 227 S Y Street for the following reason:

The Proposed Project is a Win/Win/Win:

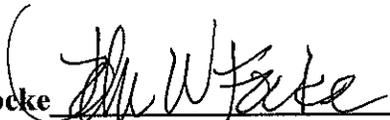
Win #1: the City of La Porte will see the investment in infrastructure improvements favorably impact a vibrant neighborhood; the highest and best use of the referenced property, enhance taxable value and most important the appreciation from all those who own property on S Y Street.

Win #2: The neighborhood will benefit by the resident of these "well thought of neighbors" who contribute to the spirit of the neighborhood: the enhanced value of all properties on S Y Street as a direct result of the visual presence of new construction and landscaping.

Win #3: The family at 227 S Y Street will be able to keep their close family relationship and keep their family together in a close neighborhood, among life time friends.

We respectfully ask that the Planning and Development Department will approve the Conditional Use Permit Request.

Thank you,

John W. Focke  **Catherine Focke** 

111 S Y Street, 211 S Y Street

A Meeting of the La Porte

Planning & Zoning Commission

(Type of Meeting)

Scheduled for

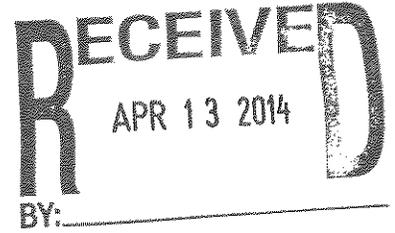
April 16, 2015

(Date of Meeting)

to Consider

Special Conditional Use Permit Request #15-9100001

(Type of Request)



I have received notice of the above referenced public hearing.

I am in FAVOR of granting this request for the following reasons:

- ① We think it would add to the value of the neighborhood.
- ② It would increase the taxable value of the property which would benefit the city.
- ③ THESE ARE NICE WONDERFUL PEOPLE! ☺
- ④ The design of the structure would fit very nicely with the rest of the neighborhood.

I am OPPOSED to granting this request for the following reasons:

WALT & HELEN SALDIVAR 222 S. Y Street

Name (please print)

Address

Helen Beasley Saldivar La Porte, Texas 77571

Signature

City, State, Zip

A Meeting of the La Porte

Planning & Zoning Commission

(Type of Meeting)

Scheduled for

April 16, 2015

(Date of Meeting)

to Consider

Special Conditional Use Permit Request #15-91000001

(Type of Request)

RECEIVED
APR 10 2014
BY: _____

I have received notice of the above referenced public hearing.

I am in FAVOR of granting this request for the following reasons:

*The lot is large enough to accommodate
the proposed addition, and it would be
an improvement to the neighborhood.*

I am OPPOSED to granting this request for the following reasons:

Ezell family living trust

Name (please print)

Kelley A Ezell

Signature

Property owner

225 Bay Street

Address

LaPorte, TX 77571

City, State, Zip

Mr. Kelley A Ezell
16318 Heather Bend Ct
Houston, TX 77059-5579

A Meeting of the La Porte

Planning & Zoning Commission
(Type of Meeting)

Scheduled for

April 16, 2015
(Date of Meeting)

to Consider

Special Conditional Use Permit Request #15-91000001
(Type of Request)



I have received notice of the above referenced public hearing.

I am in **FAVOR** of granting this request for the following reasons:

If the resident wants to improve and add to his/her home I feel she/he is entitle to do so. I feel like this request you should be approve without giving him/her a problem. I am in favor of his/her request.

I am **OPPOSED** to granting this request for the following reasons:

Felipe Loya & Casimiro Loya 210 S. V ST.
Name (please print) Address

Mr. C. Loya
Signature

LA Porte TX 77577
City, State, Zip

A Meeting of the La Porte

Planning & Zoning Commission

(Type of Meeting)

Scheduled for

April 16, 2015

(Date of Meeting)

to Consider

Special Conditional Use Permit Request #15-91000001

(Type of Request)

RECEIVED
APR 10 2014
BY: _____

I have received notice of the above referenced public hearing.

I am in FAVOR of granting this request for the following reasons:

This structure will replace one that was
there previously.
It is NOT to be used as rental property.

I am OPPOSED to granting this request for the following reasons:

Charlotte Mahoney
Name (please print)
Charlotte Mahoney
Signature

227 So Y St.
Address
LaPorte, TX 77571
City, State, Zip

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: May 11, 2015 Appropriation
Requested By: Eric Ensey Source of Funds: N/A
Department: Planning & Development Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

1. Ordinance
2. P&Z Recommendation Letter
3. SCUP Application
4. General Plan
5. Area Map
6. Land Use Map
7. Zoning Map
8. Public Response Letters

SUMMARY & RECOMMENDATIONS

The applicant (Generational Commercial Properties) is seeking approval of a Special Conditional Use Permit (SCUP) to allow construction of a 103,500 square foot freight transportation arrangement and logistics facility for Barsan Global Logistics on a 7.1 acre portion of a 12.6 acre tract of land further described as Tracts 1B-3, Abstract 35, Johnson Hunter Survey.

The entire 12.6 acre site is zoned Planned Unit Development (PUD) and is currently an undeveloped tract of land. The property is located on S. 16th Street southeast of the W. M Street unimproved right-of-way. The site is located immediately adjacent to the Port Crossing Business Park. Although not within the boundaries of ownership of Port Crossing, the city's Future Land Use Plan specifies development of this tract of land as "Business Industrial" uses, similar to those uses established for the Port Crossing Business Park. The proposed facility would be located on approximately 7.1 acres of the overall parcel, with the remaining 5.5 acres to be developed at a later time and under a separate SCUP application.

The city's Future Land Use Map identifies the use of the property as "Business Industrial" and as a result the uses permitted on this parcel should be consistent with those permitted in the Business Industrial (BI) district. Barsan Global Logistics operates under the following NAICS classification: 541614 (Process, Physical Distribution, and Logistics Consulting Services) and 488510 (Freight Transportation Arrangement). Both of these classifications are permitted uses in the BI zone district.

The Planning and Zoning Commission conducted a public hearing at the April 22, 2015, meeting concerning this request. One public hearing notice response in favor of the application was received by the City for the P&Z public hearing. The Commission voted to recommend approval of the proposed SCUP subject to the following conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.

2. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
3. A traffic impact analysis performed by a licensed engineer agreed to by both the City and the applicant shall be required. The study must ensure that the proposed development will not adversely impact S. 16th Street or any of the major intersections in the vicinity. If so, any mitigation required by the study will be the responsibility of the applicant and would be applied proportionately to the scope of development.
4. The subject property will need to be replatted and subdivided in accordance with the requirements outlined in the City of La Porte's Development Ordinance. As part of the plat, the applicant will be required to dedicate right-of-way along S. 16th Street to make a consistent 100-foot right-of-way width.
5. The applicant shall install all of the required street trees as part of the development of Parcel A as required by Section 106-800 of the city's Code of Ordinances along S. 16th Street and W. M Street.
6. Harris County driveway permits shall be presented prior to permit issuance for all driveways requested. Maximum driveway widths shall be provided in compliance with city code requirements.
7. The pavement shall remain in good, operable, dust free condition over time, and that repairs shall be made as necessary upon written notification by the city.
8. Any future change in use requires consideration of a Special Conditional Use Permit in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

Action Required of Council:

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit Request #15-91000002, to allow construction of warehouse facility on a 7.1 acre portion of a 12.6 acre tract of land further described as Tracts 1B-3, Abstract 35, Johnson Hunter Survey,.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 15-9100002 FOR THAT CERTAIN PARCEL OF LAND HEREIN DESCRIBED, FOR THE PURPOSE OF CONSTRUCTING A WAREHOUSE FACILITY AT SOUTHEAST CORNER OF SOUTH 16th STREET AND WEST M STREET INTERSECTION; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1. Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #15-9100002, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for the construction of a 103,500 square foot warehouse facility on property located at southeast corner of South 16th Street and West M Street intersection, said facility to be located on 7.1 acre portion of 12.6 acre tract legally described as Tracts 1B-3, Abstract 35, Johnson Hunter Survey, Town of La Porte, Harris County, Texas, within a Planned Unit Development (PUD) zoning district.

Section 2. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 3. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov’t Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. The City Council of the City of La Porte hereby finds that public notice was properly mailed to all owners of all properties located within two hundred feet (200’) of the properties under consideration.

Section 6. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

Section 7. This ordinance shall be effective after its passage and approval.

PASSED AND APPROVED this the _____ day of MAY, 2015.

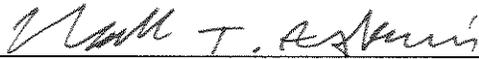
CITY OF LA PORTE

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark Askins, Assistant City Attorney

EXHIBIT A

City of La Porte Special Conditional Use Permit #15-9100002

This permit is issued to: Generational Commercial Properties (on behalf of Barsan Global Logistics)
Owner or Agent

1503 Ridgcrest Drive, Austin, TX 78746
Address

For Development of: Barsan Global Logistics Freight Transportation Arrangement and
Logistic Consulting Facility
Development Name

Vacant parcel; located at the southeast corner of S. 16th Street and the
unimproved W. M Street right-of-way
Address

Legal Description: 7.1 acre portion of a 12.6 acre tract of land legally described as Tracts
1B-3, Abstract 35, Johnson Hunter Survey

Zoning: PUD, Planned Unit Development

Use: Business Industrial, Freight Transportation Arrangement and Logistic
Consulting Facility

Permit Conditions:

This Special Conditional Use Permit is applicable for the subject property. A copy of which shall be maintained in the files of the City's Planning and Development Department upon approval. Project development shall be in accordance with the following conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
3. A traffic impact analysis performed by a licensed engineer agreed to by both the City and the applicant shall be required. The study must ensure that the proposed development will not adversely impact S. 16th Street or any of the major intersections in the vicinity. If so, any mitigation required by the study will be the responsibility of the applicant and would be applied proportionately to the scope of development.
4. The subject property will need to be replatted and subdivided in accordance with the requirements outlined in the City of La Porte's Development Ordinance. As part of the plat, the applicant will be required to dedicate right-of-way along S. 16th Street to make a consistent 100-foot right-of-way width.
5. The applicant shall install all of the required street trees as part of the development of Parcel A as required by Section 106-800 of the city's Code of Ordinances along S. 16th Street and W. M Street.

EXHIBIT A

6. Harris County driveway permits shall be presented prior to permit issuance for all driveways requested. Maximum driveway widths shall be provided in compliance with city code requirements.
7. The pavement shall remain in good, operable, dust free condition over time, and that repairs shall be made as necessary upon written notification by the city.
8. Any future change in use requires consideration of a Special Conditional Use Permit in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

Failure to occupy the building within 12 months after issuance or as scheduled under the terms of a special conditional use permit shall void the permit as approved, except upon an extension of time granted after application to the Planning and Zoning Commission.

If contract or agreement is terminated after completion of any stage and there is ample evidence that further development is not contemplated, the ordinance establishing such special conditional use permit may be rescinded by the City Council, upon its own motion or upon the recommendation of the Planning and Zoning Commission of the City of La Porte, and the previous zoning of the entire tract shall be in full effect on the portion which is undeveloped.

Validation Date: _____

Director of Planning

City Secretary



April 22, 2015

Honorable Mayor Rigby and City Council
City of La Porte

RE: Special Conditional Use Permit Request #15-91000002

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the April 22, 2015 meeting on a Special Conditional Use Permit request by Barsan Global Logistics to allow construction of a 103,500 square foot warehouse facility on a 7.1 acre portion of a 12.6 acre tract described as Tracts 1B-3, Abstract 35, Hohnson Hunter Survey. The Commission voted to recommend approval of the proposed SCUP as outlined in the drafted ordinance presented in the Request for City Council Agenda Item.

Respectfully submitted,

Hal Lawler
Chairman, Planning and Zoning Commission

cc: Tim Tietjens, Director of Planning and Development
Department File

Planning & Development Department
SPECIAL CONDITIONAL USE
PERMIT APPLICATION

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER NAME: Pierside Industries Inc. PHONE 1: (843) 971-1339
PHONE 2: _____ FAX #: _____
E-MAIL: vjmarino@mrs-cmc.com
MAILING ADDRESS: 2265 Clements Ferry Road, Suite 301 Charleston, SC 29492

2. BUSINESS INFORMATION:

BUSINESS NAME: GCP on behalf of Barsan Global Logistics BUSINESS TYPE: Freight Forwarding
CONTACT NAME: Joseph Llamas PHONE #: (512) 853-9650
E-MAIL: JLLAMAS@GCPRE.COM FAX #: _____
MAILING ADDRESS: 1503 Ridgcrest Drive Austin, TX 78746

3. PROPERTY DESCRIPTION:

PARCEL NO(s) (13-digit HCAD Tax ID #): 0402780010029
PROPERTY ADDRESS (If existing): _____
PROPERTY LEGAL DESCRIPTION Tract 1B-3 abstract 35J Hunter

4. SUPPORTING DOCUMENTATION (Check Applicable):



GENERAL PLAN



SITE PLAN



PLAT

REASON FOR REQUEST?: New Development

OWNER or AUTHORIZED AGENT'S SIGNATURE: 

PRINTED NAME: Joseph Llamas DATE: 03/19/2015

5. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION:



COMPLETE ITEMS 1 THRU 4 OF APPLICATION



ATTACH APPLICABLE PLAN(S)



SUBMIT \$300.00 NON-REFUNDABLE APPLICATION FEE

(STAFF USE ONLY):

DATE RECEIVED: _____ RECEIVED BY: _____

PROJECT NUMBER: _____ - _____

SCHEDULED DATE FOR PLANNING & ZONING COMMISSION AGENDA: _____



GENERATIONAL
COMMERCIAL PROPERTIES

March 18, 2015

Mr. Eric Ensey
604 W. Fairmont Parkway
La Porte, Texas 77571

RE: Barsan Global Logistics Special Conditional Use Permit Application (“SCUP”)

Dear Mr. Ensey:

I am pleased to provide details pertaining to my client’s, Barsan Global Logistics, Inc., intent to develop a 100,000 SF institutional quality industrial building in LaPorte Texas. Enclosed is the completed SCUP form, a proposed site plan, building image from a Barsan building in Miami, FL, a brochure from a Generational Commercial Properties project in Houston and some construction photo’s of that same building.

This project includes the acquisition of a twelve-acre parcel. Generational will platt and subdivide the property into a northern and southern property. Generational will develop a 100,000 SF tiltwall industrial building for Barsan Global Logistics, Inc. on the southern parcel. The attached site plan details this plan.

Barsan Global Logistics was founded in 1982 and provides freight forwarding services globally. Utilizing highway, marine and air travel Barsan coordinates the transportation, warehousing and delivery of their client’s products worldwide. They operate facilities on five continents and are currently expanding throughout the US. Their NAICS Code # is 541614 / 488510.

Generational Commercial Properties is a commercial development firm with offices in Texas. Generational acquires, develops, owns and operates multi-family, industrial and office real estate targeting functional, institutional quality, infill real estate located in Texas, the nation's fastest growing state and strongest economy.

Sincerely,

GENERATIONAL COMMERCIAL PROPERTIES

A handwritten signature in blue ink, appearing to read "Joseph Llamas".

Joseph Llamas
President

March 20, 2015

Mr. Eric Ensey

604 W. Fairmont Parkway

LaPorte, Texas 77571

RE: Generational Commercial Properties SCUP application

Dear Mr. Eric Ensey:

I, Vince Marino, authorized signatory of Pierside Industries Inc., appoint Joseph Llamas of Generational Commercial Properties Co ("GCP") as agent to pursue a Special Conditional Use Permit on the property located at 16th Street in LaPorte, TX. The property's legal description is Tract 1B-3 abstract 35J hunter.

Regards,

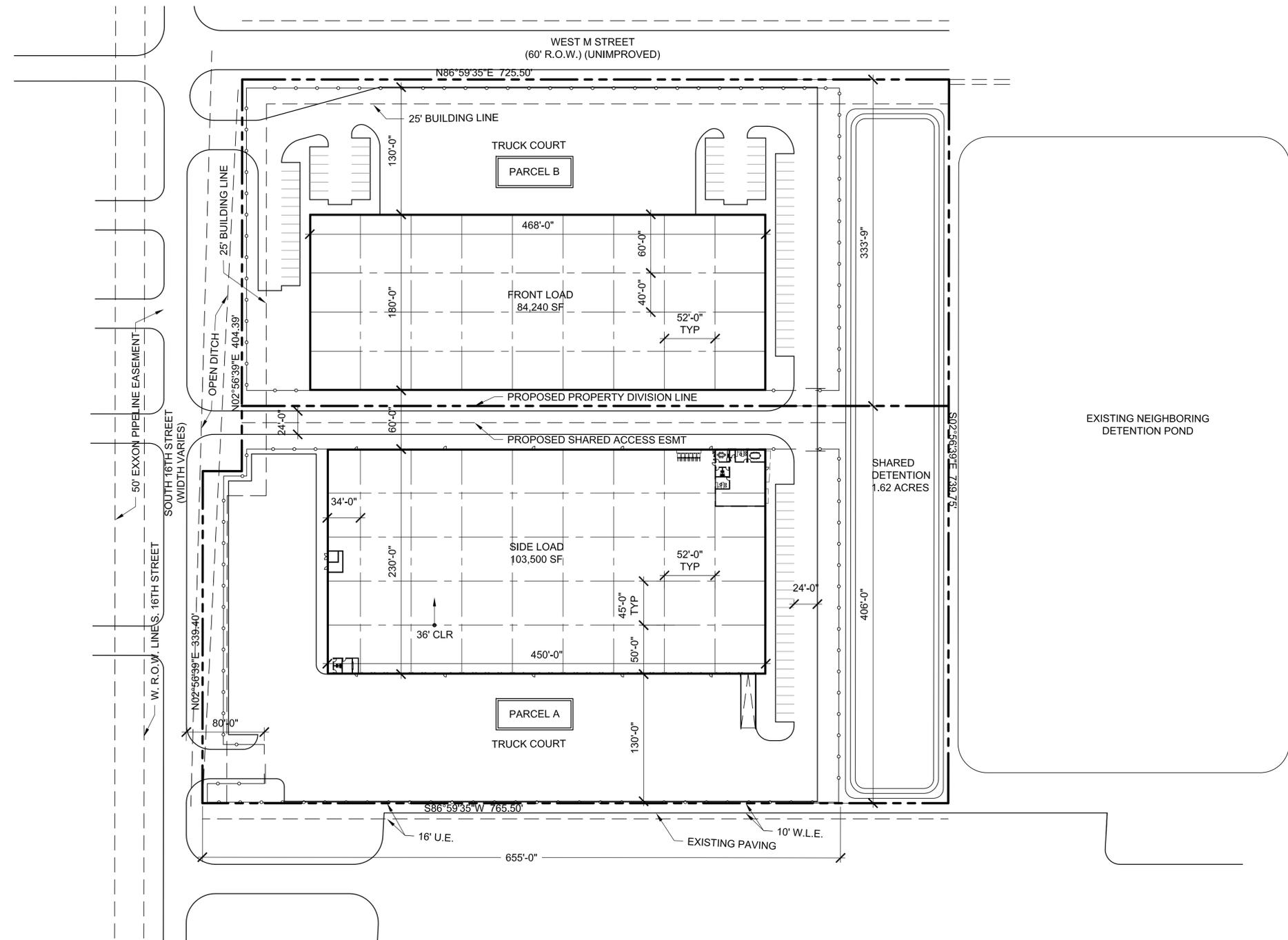


Vince Marino

President

SITE PLAN - SCHEME B

	SITE AREA	BUILDING AREA	COVERAGE	PARKING (REQUIRED: OFFICE = 3 / 1,000 ; WAREHOUSE = 1 / 1.5 EMPLOY)
TOTAL	12.6 ACRES (550,263.5 SF)	187,740 SF	34.1%	100 SPACES
PARCEL A	7.1 ACRES (308,126.5 SF)	103,500 SF	33.6%	31 SPACES
PARCEL B	5.5 ACRES (242,137 SF)	84,240 SF	34.8%	69 SPACES

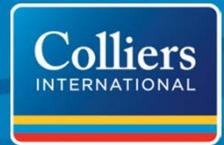


BUILDING IMAGE



Rendering is representative of design intent only. It is not a photorealistic representation of actual materials proposed and as such should be considered preliminary at all stages.

FOR LEASE > INDUSTRIAL



Airtex Commerce Center

431 EAST AIRTEX DRIVE, HOUSTON, TX 77073

Ready for Occupancy



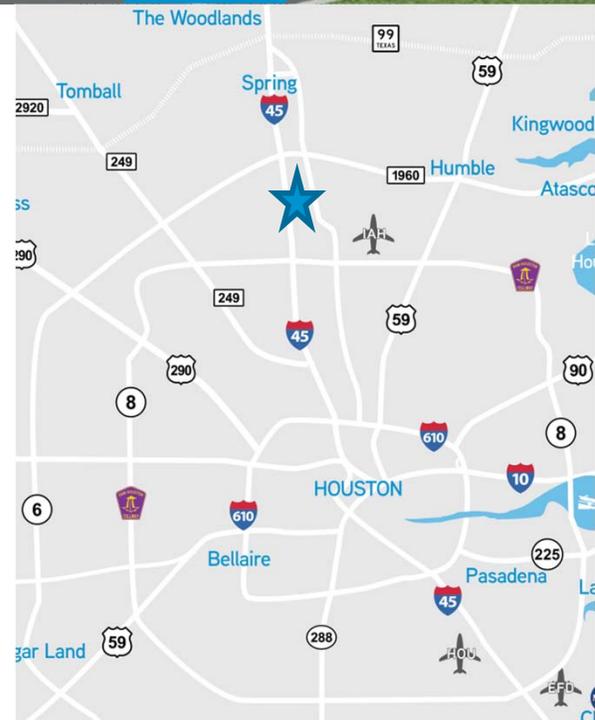
40,000 - 340,000 SF Available

Airtex Commerce Center > Phase I

Airtex Commerce Center is a new Class A industrial facility located on Airtex Drive less than a quarter mile east of I-45, just 3 miles north of Beltway 8, and 3 miles south of 1960. This efficient rear-load building can be accessed from 5 curb cuts, has ample parking and trailer storage.

Building Features

- > 166,250 SF - Phase I
- > Divisible to 40,000 SF
- > 32' Clear Height
- > 60' Staging Bay
- > 52' x 47' Column Spacing
- > 37 External Truck Doors
- > 2 Drive-in Dock Doors
- > 2,000 Amps 277/480 volt
- > Gas Unit Heaters Freeze Protection
- > ESFR Sprinklered
- > 130' Truck Court
- > Trailer Storage Available
- > 1:5 to 1,000 Parking Ratio
- > Triple Freeport Exemption
- > Favorable Tax Rate



MIKE TAETZ, SIOR
713 830 2107
mike.taetz@colliers.com

BILL BYRD, SIOR, CCIM
713 830 2131
bill.byrd@colliers.com

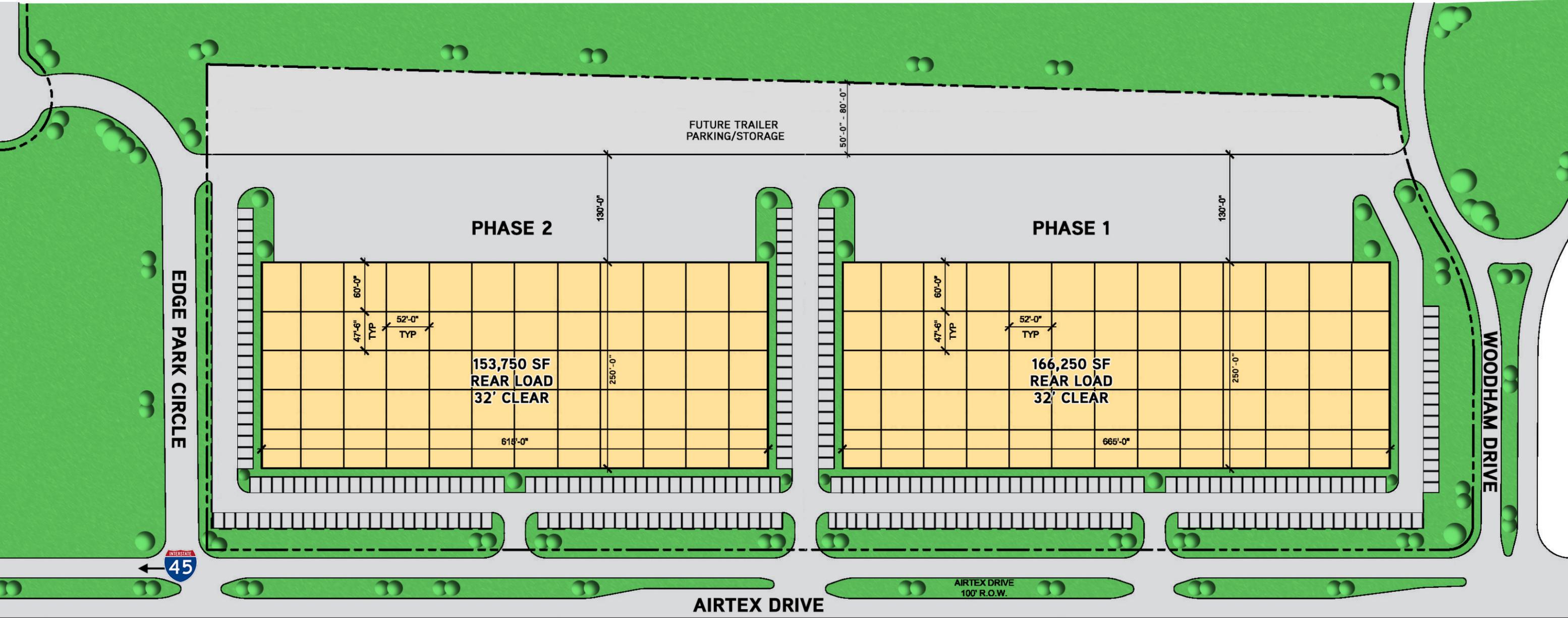
RYAN BYRD
713 830 2171
ryan.byrd@colliers.com

COLLIERS INTERNATIONAL
1233 W. Loop South | Suite 900
Houston, TX 77027
www.colliers.com

Airtex Commerce Center



431 EAST AIRTEX DRIVE, HOUSTON, TX 77073



MIKE TAETZ, SIOR
713 830 2107
mike.taetz@colliers.com

BILL BYRD, SIOR, CCIM
713 830 2131
bill.byrd@colliers.com

RYAN BYRD
713 830 2171
ryan.byrd@colliers.com

Texas law requires all real estate licensees to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

Information About Brokerage Services

Before working with a real estate broker, you should know that the duties of a broker depend on whom the broker represents. If you are a prospective seller or landlord (owner) or a prospective buyer or tenant (buyer), you should know that the broker who lists the property for sale or lease is the owner's agent. A broker who acts as a subagent represents the owner in cooperation with the listing broker. A broker who acts as a buyer's agent represents the buyer. A broker may act as an intermediary between the parties if the parties consent in writing. A broker can assist you in locating a property, preparing a contract or lease, or obtaining financing without representing you. A broker is obligated by law to treat you honestly.

IF THE BROKER REPRESENTS THE OWNER:

The broker becomes the owner's agent by entering into an agreement with the owner, usually through a written - listing agreement, or by agreeing to act as a subagent by accepting an offer of subagency from the listing broker. A subagent may work in a different real estate office. A listing broker or subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first. The buyer should not tell the owner's agent anything the buyer would not want the owner to know because an owner's agent must disclose to the owner any material information known to the agent.

IF THE BROKER REPRESENTS THE BUYER:

The broker becomes the buyer's agent by entering into an agreement to represent the buyer, usually through a written buyer representation agreement. A buyer's agent can assist the owner but does not represent the owner and must place the interests of the buyer first. The owner should not tell a buyer's agent anything the owner would not want the buyer to know because a buyer's agent must disclose to the buyer any material information known to the agent.

IF THE BROKER ACTS AS AN INTERMEDIARY:

A broker may act as an intermediary between the parties if the broker complies with The Texas Real Estate License

Act. The broker must obtain the written consent of each party to the transaction to act as an intermediary. The written consent must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. The broker is required to treat each party honestly and fairly and to comply with The Texas Real Estate License Act. A broker who acts as an intermediary in a transaction:

- (1) shall treat all parties honestly;
- (2) may not disclose that the owner will accept a price less than the asking price unless authorized in writing to do so by the owner;
- (3) may not disclose that the buyer will pay a price greater than the price submitted in a written offer unless authorized in writing to do so by the buyer; and
- (4) may not disclose any confidential information or any information that a party specifically instructs the broker in writing not to disclose unless authorized in writing to disclose the information or required to do so by The Texas Real Estate License Act or a court order or if the information materially relates to the condition of the property.

With the parties' consent, a broker acting as an intermediary between the parties may appoint a person who is licensed under The Texas Real Estate License Act and associated with the broker to communicate with and carry out instructions of one party and another person who is licensed under that Act and associated with the broker to communicate with and carry out instructions of the other party.

If you choose to have a broker represent you,

you should enter into a written agreement with the broker that clearly establishes the broker's obligations and your obligations. The agreement should state how and by whom the broker will be paid. You have the right to choose the type of representation, if any, you wish to receive. Your payment of a fee to a broker does not necessarily establish that the broker represents you. If you have any questions regarding the duties and responsibilities of the broker, you should resolve those questions before proceeding.

Real estate licensee asks that you acknowledge receipt of this information about brokerage services for the licensee's records.

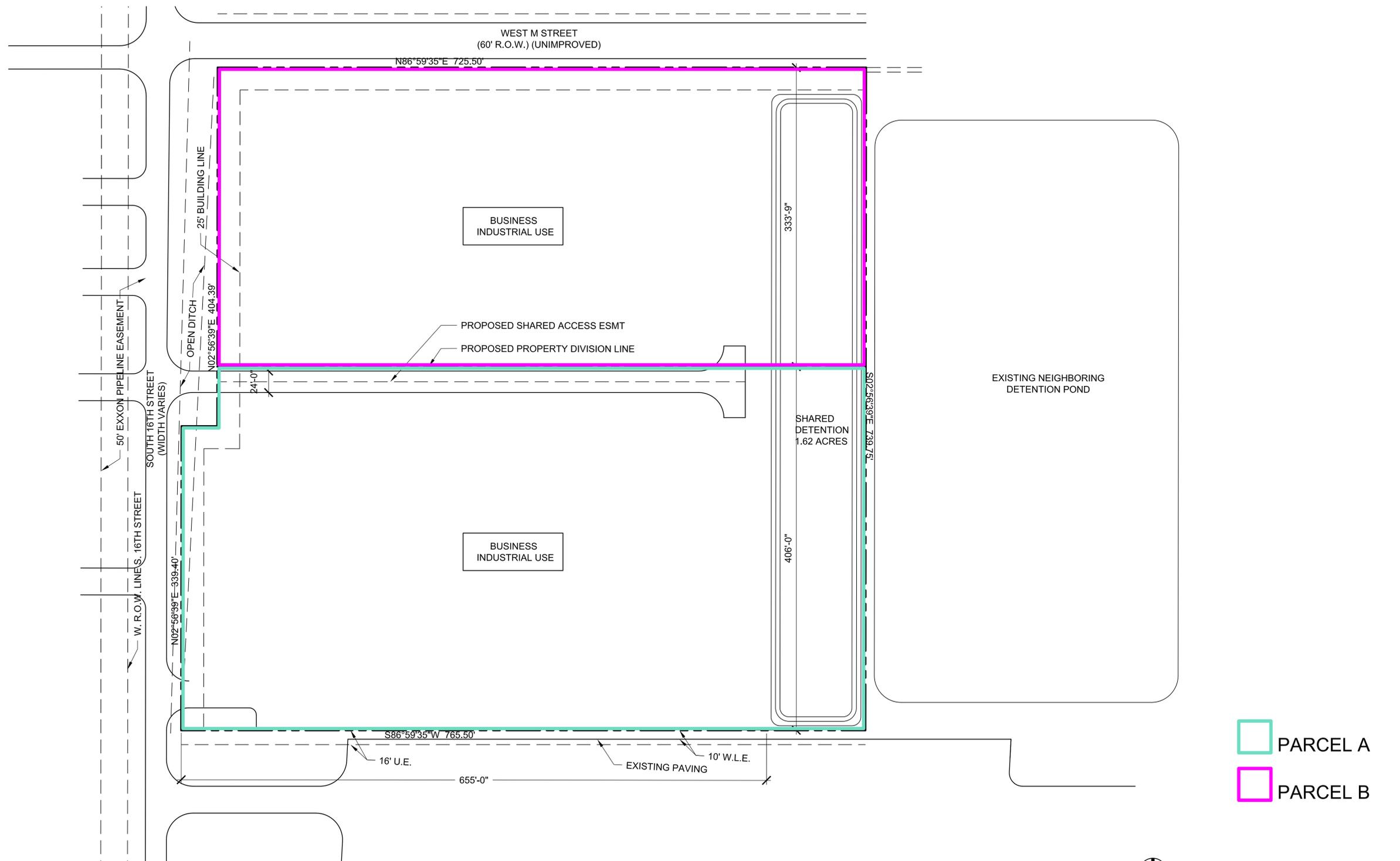
Buyer, Seller, Landlord or Tenant

Date



GENERAL PLAN

	SITE AREA
TOTAL	12.6 ACRES (550,263.5 SF)
PARCEL A	7.1 ACRES (308,126.5 SF) *
PARCEL B	5.5 ACRES (242,137 SF) *

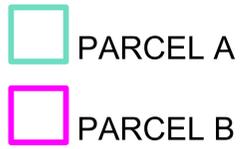


LEGAL DESCRIPTION
 12.6323 ACRE TRACT BEING ALL OF A CALLED 13.00 ACRE TRACT H.C.C.F. NO. G716283 SAVE AND EXCEPT H.C.C.F. NO. 20090160913 LOCATED IN THE JOHNSON HUNTER SURVEY, A-35 HARRIS COUNTY TEXAS.

DEVELOPER INFORMATION
 GENERATIONAL COMMERCIAL PROPERTIES CO.
 1503 RIDGECREST DR.
 AUSTIN, TX 78746

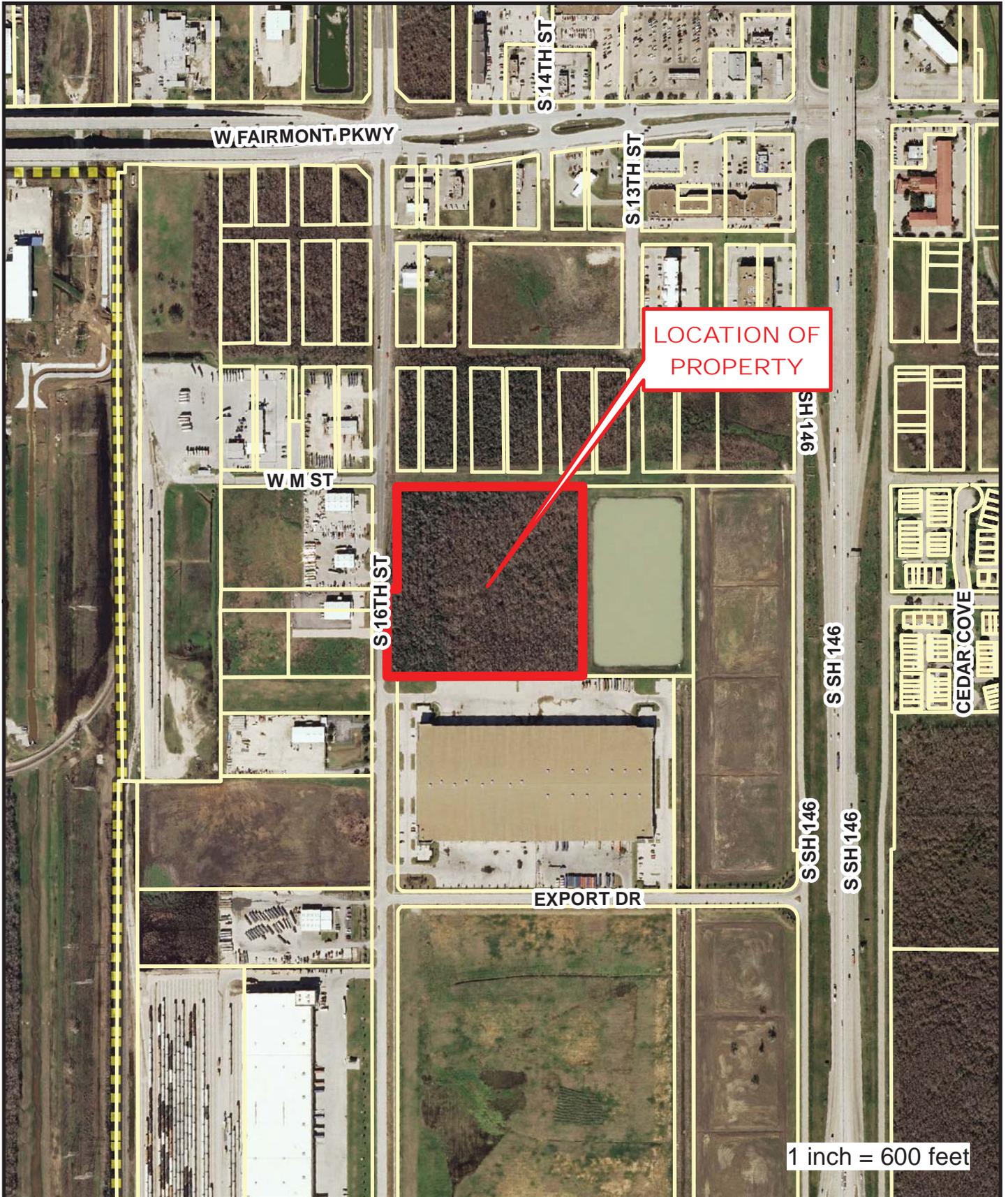
OWNER INFORMATION
 PIERSIDE INDUSTRIES INC.
 2265 CLEMENTS FERRY ROAD, SUITE 301
 CHARLESTON, SC 29492

* PROPERTY SIZES COULD CHANGE BY +/- 10%



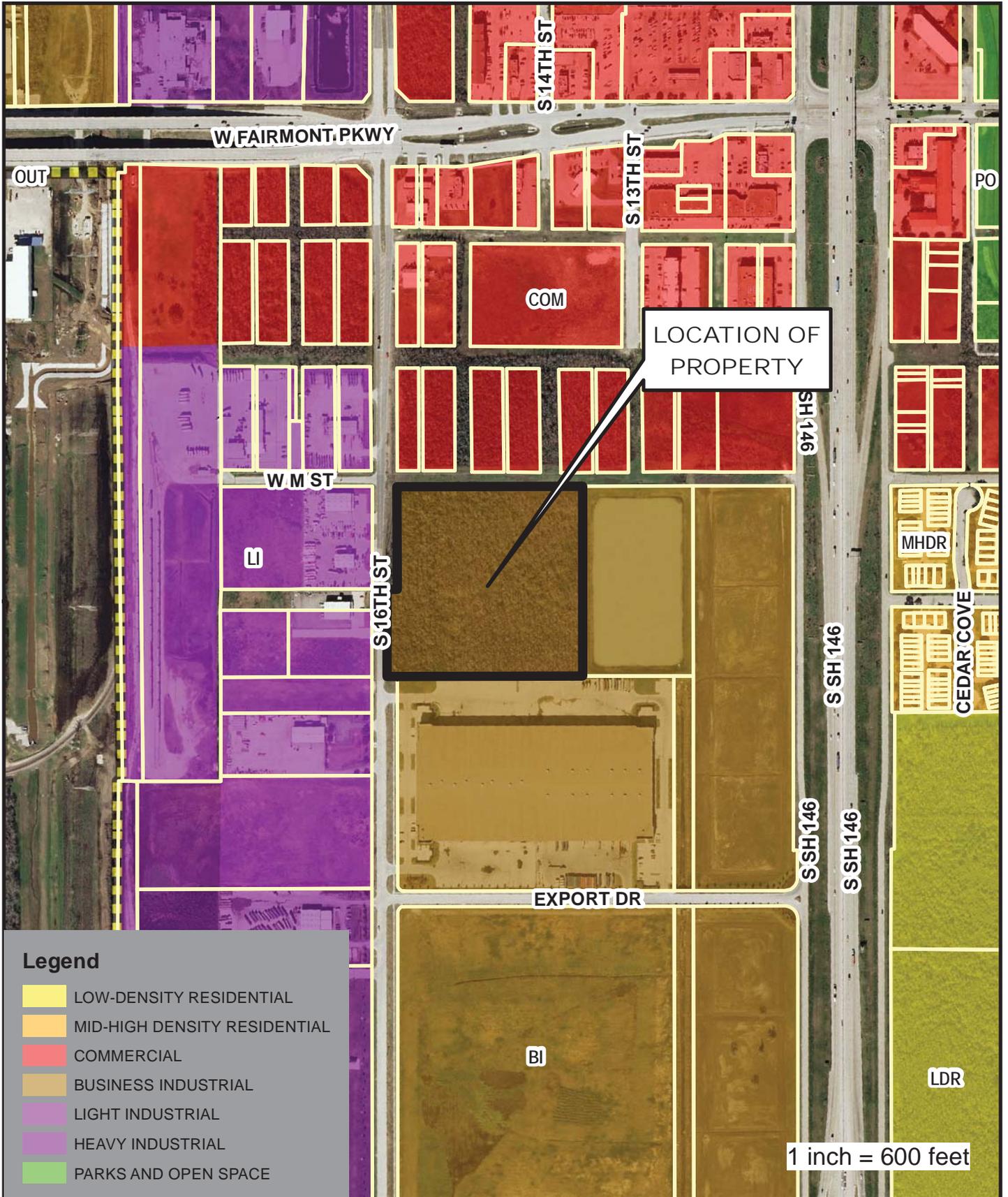
AREA MAP

15-91000002



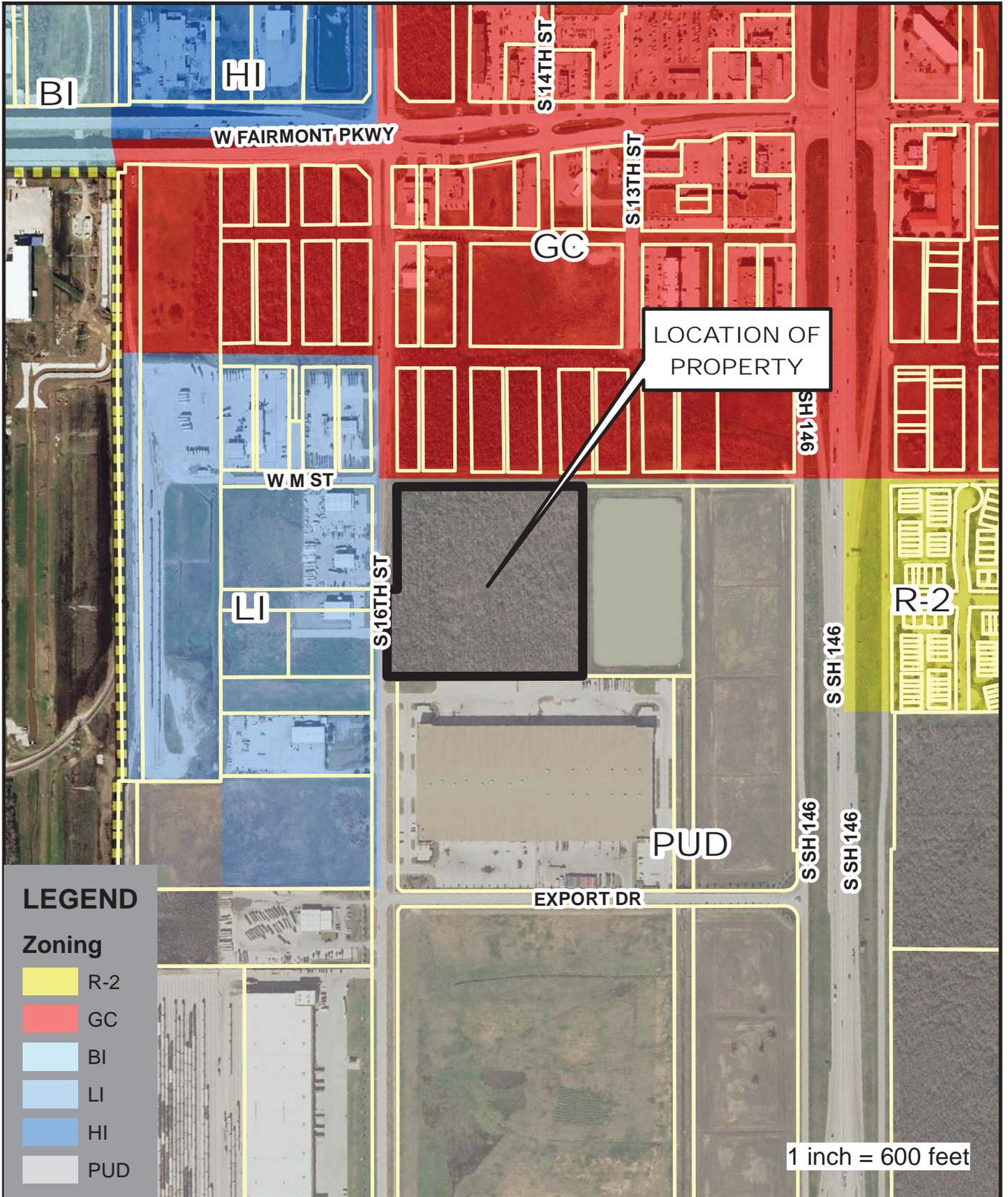
LAND USE MAP

15-91000002



ZONING MAP

15-91000002



RECEIVED
APR 21 2015
BY: _____

A Meeting of the La Porte

Planning & Zoning Commission

(Type of Meeting)

Scheduled for

April 16, 2015

(Date of Meeting)

to Consider

Special Conditional Use Permit Request #15-9100002

(Type of Request)

I have received notice of the above referenced public hearing.

I am in FAVOR of granting this request for the following reasons:

I am OPPOSED to granting this request for the following reasons:

Beckland Land Development, LLC

ALTON OGDEN

Name (please print)

Alton Ogden
Signature

POB 952

Address

NATCHEZ, MS 39121

City, State, Zip

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>May 11, 2015</u>	<u>Appropriation</u>
Requested By: <u>Tim Tietjens</u>	Source of Funds: <u>N/A</u>
Department: <u>Planning & Development</u>	Account Number: _____
Report: <input checked="" type="radio"/> Resolution: <input type="radio"/> Ordinance: <input type="radio"/>	Amount Budgeted: _____
Other: <input type="radio"/>	Amount Requested: _____
	Budgeted Item: <input type="radio"/> YES <input type="radio"/> NO

Attachments :

- 1. Chapter 102, Art. II "Natural Resources**
- 2. Letters from Boone Exploration, Inc.**
- 3. Prop. Vibroseis Testing Points Map**
- 4. Proposed Vibroseis Testing Point Coordinates**
- 5. Findings Report**

SUMMARY & RECOMMENDATIONS

Boone Exploration, Inc. has filed an application with the City for a Geophysical Mineral Exploration and Testing Permit as defined in Chapter 102, Article II – “Geophysical Mineral Exploration and Testing” of the City’s Code of Ordinances (see Exhibit 1).

The company desires to conduct a seismic survey within the northwest portion of the City (in the Lomax area) and has provided a description of the methods to be utilized in two letters to the City (see Exhibit 2 – attached). No request is being made at this time to extract any potential underground natural resources; only to conduct testing to ascertain if sufficient resources exist in the specified areas.

This item was initially presented to Council at its February 9, 2015 meeting with a request of relief from the ordinance requirement of a 300’ buffer from existing homes and water wells. However, at this time, Boone Exploration is requesting issuance of a permit under the regulations of the City’s existing ordinance.

Action Required of Council:

Consider approval or other action of a permit for Boone Exploration, Inc. to conduct Geophysical Mineral Exploration and Testing Permit as described above.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

Chapter 102 - NATURAL RESOURCES

ARTICLE I. - IN GENERAL

Secs. 102-1—102-30. - Reserved.

ARTICLE II. - GEOPHYSICAL MINERAL EXPLORATION AND TESTING

FOOTNOTE(S):

--- (1) ---

Cross reference— Businesses, ch. 22. [\(Back\)](#)

DIVISION 1. - GENERALLY

Sec. 102-31. - Penalties for violations of article.

It shall be unlawful and an offense for any person to violate or neglect to comply with any provision of this article, irrespective of whether or not the verbiage of each subsection of this article contains the specific language that such violation or neglect is unlawful and is an offense. Any person who shall violate any of the provisions of this article, or any of the provisions of a drilling and operating permit issued pursuant to this article, or any condition of the bond filed by the permittee pursuant to this section, or who shall neglect to comply with the terms of this section, shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in amounts established by the city and listed in appendix B of this Code. The violation of each separate provision of this section, and of the permit, and of the bond, shall be considered separate offenses. Each day's violation of each separate provision of this article shall be considered a separate offense. In addition to such penalties, it is further provided that the city council at any regular or special session or meeting may, provided ten days' notice has been given to the permittee that revocation is to be considered at such meeting, revoke or suspend any permit issued under this article and under which drilling or producing operations are being conducted if the permittee has violated any provision of the permit, the bond, or this article. If the permit is revoked, the permittee may make application to the city council for a reissuance of such permit, and the action of the city council thereon shall be final.

(Ord. No. 1659, § 3, 8-14-89)

Secs. 102-32—102-50. - Reserved.

DIVISION 2. - PERMIT

Sec. 102-51. - Required.

No person shall use or discharge in any manner any explosive including, but not limited to, dynamite and nitroglycerin, nor conduct any other method of geophysical mineral testing by the use of vibrating machines, or otherwise within the city, without first having obtained a permit therefor.

(Ord. No. 1659, § 1(16-28(1)), 8-14-89)

Sec. 102-52. - Application.

Application for a permit under this article shall be made with the city secretary. Such application shall contain the name of the applicant, address of the applicant, the geophysical methods of mineral exploration to be used, the purpose therefor, the location and use with a map attached designating the points of use. Such application shall be accompanied by a permit fee in an amount established by the city and listed in appendix A of this Code. On receipt of such application by the city secretary, the application shall be referred to the city manager for a report as to the compliance of such application with the provisions of this article. Such report and the application shall then be submitted to the city council. No permit shall be issued except by the approval of the city council.

(Ord. No. 1659-A, § 1(16-28(2)), 1-8-90)

Sec. 102-53. - Insurance and bond requirements.

- (a) On approval of the permit, but before the issuance of the permit, the applicant shall provide the city secretary with an insurance certificate showing insurance coverage of the applicant for general liability coverage in amounts not less than:
- (1) Bodily injuries: \$1,000,000.00 per person and \$3,000,000.00 per accident; and
 - (2) Property damage: \$1,000,000.00.
- (b) Such insurance coverage shall be provided by a good and solvent insurance company authorized to do business in the state. In addition, the applicant shall provide a cash bond in the amount of \$5,000.00. Such cash bond shall be for the benefit of the city and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this article. The bond shall become effective on or before the date the bond is filed with the city secretary and remain in force and effect and on deposit for at least a period of six months after the exploration ends.

(Ord. No. 1659, § 1(16-28(3)), 8-14-89)

Sec. 102-54. - Duration.

All permits issued under this article shall expire 60 days from the date of its issuance.

(Ord. No. 1659, § 1(16-28(4)), 8-14-89)

Sec. 102-55. - Terms.

The terms of the permit shall be as follows:

- (1) The permittee shall observe a 300-foot distance from any dwelling or water well.
- (2) The written agreement shall cover any water well damage effective for 90 days after completion of the work.
- (3) At least one city police officer (off-duty) shall be employed to accompany the work crew while testing on the city rights-of-way, and the permittee shall provide 24 hours' notice to the chief of police.
- (4) The permittee shall obtain written permission from citizens to enter their property.

(Ord. No. 1659, § 1(16-28(5)), 8-14-89)

Secs. 102-56—102-75. - Reserved.

DIVISION 3. - REGULATIONS

Sec. 102-76. - Explosives.

Explosives may be used with the prior and express written consent of the city council.

(Ord. No. 1659, § 1(16-29), 8-14-89; Ord. No. 1659-A, § 1, 1-8-90)

Sec. 102-77. - Notice of time and place of use of testing methods.

No geophysical method of mineral exploration shall be used under this permit without the permittee having first, on the date of such proposed use, notified the city secretary and city manager of the proposed time and location of the planned use. If the city secretary is not available, notice shall be given to the chief of police, in addition to the city manager, and if he is not available, then to any police personnel of the city. No testing shall be conducted on Sunday, nor between the hours of 8:00 p.m. and 6:00 a.m. local time. Notice shall also be given of the name of the person in charge of the testing for the permittee for the day on which notice is given. In addition, written notice of such testing to the occupants of all dwellings located within 2,000 feet of the test site at least 24 hours prior to the testing.

(Ord. No. 1659, § 1(16-30), 8-14-89)

Secs. 102-78—102-110. - Reserved.

ARTICLE III. - OIL AND GAS

FOOTNOTE(S):

--- (2) ---

Cross reference— Business, ch. 22. [\(Back\)](#)

State Law reference— Oil and gas generally, V.T.C.A., Natural Resources Code § 81.001 et seq. [\(Back\)](#)

DIVISION 1. - GENERALLY

Sec. 102-111. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All technical or oil and gas industry words and phrases used in this article and not specifically defined in this section shall have that meaning customarily attributable thereto by prudent operators in the oil and gas industry.

Actual drilling means when the drilling rig, whose purpose it is to drill the bore hole into the production horizon, first inserts the drill bit into the ground.

Block means block of land only and shall not be misconstrued to mean drilling block.

Lease means any tract of land subject to an oil, gas and mineral lease or other oil and gas development contract, or any unit composed of several tracts and leases but operated as one lease, and any tract of land in which the minerals are owned by an operator or someone holding under it or him, but which, due to the fee royalty ownership is developed and operated as a separate tract.

New well permittee means the person to whom is issued a permit for the drilling and operation of a new well under this section, and his or its administrators, executors, heirs, successors and assigns.

Old well permittee means the person to whom is issued a permit for the redrilling, working-over, recompletion and reoperation of an old or existing well under this section, and his or its administrators, executors, heirs, successors and assigns.

Permittee means both an old well permittee and a new well permittee.

Well means any holes, bores to any sand, any formation, strata or depth for the purpose of producing and recovering any oil or gas, salt water injection, gas injection or enhanced recovery injection project.

Well location means the surface location of a well.

(Ord. No. 1659, § 1(16-1), 8-14-89)

Cross reference— Definitions generally, § 1-2.

Sec. 102-112. - Violation of applicable laws or regulations.

Any violation of the laws of the state or any rules, regulations, or requirements of any state or federal regulatory body having jurisdiction in reference to drilling, completing, equipping, operating, producing, maintaining, spacing or abandoning an oil or gas well or related appurtenances, equipment, or facilities, or in reference to firewalls, fire protection, blowout protection, safety protection, or convenience of persons or property, shall also be a violation of this article, and shall be punishable in accordance with the provisions of this article.

(Ord. No. 1659, § 1(16-27), 8-14-89)

Sec. 102-113. - Penalties for violations of article.

It shall be unlawful and an offense for any person to violate or neglect to comply with any provision of this article, irrespective of whether or not the verbiage of each subsection of this article contains the specific language that such violation or neglect is unlawful and is an offense. Any person who shall violate any of the provisions of this article, or any of the provisions of a drilling and operating permit issued pursuant hereto, or any condition of the bond filed by the permittee pursuant to this section, or who shall neglect to comply with the terms of this article, shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in amounts established by the city and listed in appendix B of this Code. The violation of each separate provision of this section, the permit, and the bond shall be considered a separate offense. Each day's violation of each separate provision of this article shall be considered a separate offense. In addition to such penalties, it is further provided that the city council, at any regular or special session or meeting, may, provided ten days' notice has been given to the permittee that revocation is to be considered at such meeting, revoke or suspend any permit issued under this article and under which drilling or producing operations are being conducted if the permittee has violated any provision of the permit, the bond or this article. If the permit is revoked, the permittee may make application to the city council for a reissuance of such permit, and the action of the city council thereon shall be final.

(Ord. No. 1659, § 3, 8-14-89)

Secs. 102-114—102-135. - Reserved.

DIVISION 2. - ADMINISTRATION

FOOTNOTE(S):

--- (3) ---

Cross reference— Administration, ch. 2. [\(Back\)](#)

Sec. 102-136. - Appointment of planning director as oil and gas inspector.

The city council hereby appoints the planning director of the city to enforce the provisions of this article.

(Ord. No. 1659, § 1(16-9), 8-14-89)

Secs. 102-137—102-155. - Reserved.

DIVISION 3. - PERMIT

Sec. 102-156. - Required.

- (a) *New well permit.* It shall be unlawful and an offense for any person acting either for himself or acting as agent, employee or independent contractor for any other person, to commence to drill, or to operate, any new well within the city limits, or to work upon or assist in any way in the development or operation of any such new well, without a new well permit for the drilling and operation of such new well having first been issued by the authority of the city council, in accordance with the terms of this article.
- (b) *Old well permit.* It shall be unlawful and an offense for any person acting either for himself or acting as agent, employee or independent contractor for any other person, to commence to deepen, to repair or to recomplete any well, old or existing, within the city limits or to work upon or assist in any way in the development or operation of any such well, without an old well permit having first been issued by the proper authority of the city council in accordance with the terms of this article.

(Code 1970, § 16-12; Ord. No. 1659, § 1(16-2), 8-14-89)

Sec. 102-157. - Application and filing fee.

Every application for a permit to drill and operate a well shall be in writing, signed by the applicant, and duly filed with the city secretary, accompanied by a permit fee in an amount established by the city and listed in appendix A of this Code. The application shall be for a single well and shall include full information including the following:

- (1) The date of the application.
- (2) Name and address of the applicant.
- (3) Proposed site of the well, including:
 - a. Name of the fee owner.
 - b. Name of the lease owner.
 - c. Legal description of the lease.
 - d. Map showing location of the well on the lease.
- (4) Type of drilling rig to be used.
- (5) The proposed depth of the well.
- (6) A statement that it is understood and agreed that for any legal action or undertaking, venue for all suits shall lie in the county under any provision of this article.

(Code 1970, § 16-13; Ord. No. 1659, § 1(16-5), 8-14-89)

Sec. 102-158. - Permittee's insurance and bond.

If a permit is issued by the city council under the terms of this article for the drilling and operation of a well, no actual drilling operations or site preparation work shall be commenced until the permittee shall file with the city secretary a bond and a certificate of insurance, as follows:

- (1) The bond shall be a cash bond in the principal sum of such number of dollars as has been determined by the city council, but not to be less than \$5,000.00. Such cash bond shall be for the benefit of the city and all persons concerned, conditioned that the permittee will comply with the terms and conditions of this article in the drilling and operation of the well. Such bond shall become effective on or before the date the same is filed with the city secretary and remain in force and effect and on deposit for at least a period of six months subsequent to the expiration of the term of the permit issued, and in addition the bond will be conditioned that the permittee will promptly pay off fines, penalties and other assessments imposed upon the permittee by reason of his breach of any of the terms, provisions and conditions of this article, and that the permittee will promptly restore the streets and sidewalks and other public property of the city, which may be disturbed or damaged in the operations, to their former condition. The permittee will promptly clear all premises of all litter, trash, waste and other substances used, allowed or occurring in the drilling or producing operations, and will, after abandonment, grade, level and restore such property to the same surface condition, as nearly as possible, as existed when operations for the drilling of the wells were first commenced. The permittee will indemnify and hold the city harmless from any and all liability growing out of or attributable to the granting of such permit, including the payment of any expenses incurred by the city for any legal action which may be filed by either party hereto by reason of seeking or recovery of damages to the city. If at any time, the city council shall deem any permittee's bond to be insufficient for any reason, it may require the permittee to make an additional cash bond. If after completion of a well, the permittee has complied with all of the provisions of this article, such as removing the derrick, clearing the premises, etc., he may apply to the city council to have the cash bond reduced to a sum of not less than \$1,000.00 for the remainder of the time the well produces without reworking, and be given a refund of the amount of reduction. During reworking operations, the amount of the bond shall be increased to the original amount.
- (2) In addition to the bond required in subsection (1) of this section, the permittee shall carry a policy of standard comprehensive public liability insurance, including contractual liability covering bodily injuries and property damage, naming the permittee and the city, issued by an insurance company authorized to do business within the state, such policy in the aggregate shall provide for the following minimum coverages:
 - a. Bodily injuries: \$1,000,000.00, one person and \$3,000,000.00, one accident; and
 - b. Property damage: \$1,000,000.00.
- (3) The permittee shall file with the city secretary certificates of such insurance coverage as stated in subsection (2) of this section, and shall obtain the written approval thereof by the city secretary, who shall act thereon within ten days from the date of such filing. Such insurance policy shall not be cancelled without written notice to the city secretary at least ten days prior to the effective date of such cancellation. If the insurance policy is cancelled, the permit granted shall terminate, and the permittee's rights to operate under the permit shall cease until the permittee files additional insurance as provided in this section.

(Code 1970, § 16-14; Ord. No. 1659, § 1(16-8), 8-14-89)

Sec. 102-159. - Issuance or refusal.

- (a) The city council, within 30 days after the filing of the application for a permit to drill and operate a well, shall determine whether or not the application complies in all respects with the provisions of this article, and if it does, the city council shall then fix the amount of the principal of the bond and insurance provided for in section 102-158, and after such determination shall issue a permit for the drilling and operation of the well applied for. Each permit issued under this article shall:
 - (1) By reference have incorporated therein all the provisions of this article with the same force and effect as if this article were copied verbatim in the permit.
 - (2) Specify the well location with particularity to lot number, block number and correct legal description.

- (3) Contain and specify that the term of such permit shall be for a period of 180 days from the date of the permit and as long thereafter as the permittee is engaged in drilling operations with no cessations of such operations for more than 90 days, or oil or gas is produced in commercial quantities from the well drilled pursuant to such permit, provided that if at any time after discovery of oil or gas the production thereof in commercial quantities shall cease, the term shall not terminate if the permittee commences additional reworking operations within 90 days thereafter, and if they result in the production of oil or gas, so long thereafter as oil or gas is produced from such well.
- (4) Contain and specify such conditions as are authorized by this article.
- (5) Contain and specify that no actual operations shall be commenced until the permittee shall file and have approved an indemnity bond in the designated principal amount as so determined by the city council and conditioned as specified in section 102-158
- (b) Such permit, in duplicate originals, shall be signed by the city manager, and prior to delivery to the permittee shall be signed by the permittee (with one original to be retained by the city and one by the permittee). When so signed, the permit shall constitute the permittee's drilling and operating license and the contractual obligation of the permittee to comply with the terms of such permit, such bond and this article.
- (c) If the permit for the well is refused, or if the applicant notifies the city in writing that he does not elect to accept the permit as tendered and wishes to withdraw his application, or if the bond of the applicant is not approved and the applicant notifies the city in writing that he wishes to withdraw his application, then, upon the happening of such events, the cash deposit provided for to be filed with the application shall be returned to the applicant, except that there shall be retained therefrom by the city a processing fee in an amount established by the city and listed in appendix A of this Code.

(Code 1970, § 16-17; Ord. No. 1659, § 1(16-6), 8-14-89)

Sec. 102-160. - Termination.

The permit shall terminate without any action on the part of the city unless actual drilling of the well shall have commenced within 180 days from the date of issuance. The cessation for a like period of the drilling operations, or the cessation of the production of oil or gas from the well after production shall have commenced, shall cancel the permit, and the well shall be considered as abandoned for all purposes of this article. It shall be unlawful thereafter to continue the operation or drilling of such well without the issuance of another permit.

(Code 1970, § 16-21; Ord. No. 1659, § 1(16-7), 8-14-89)

Secs. 102-161—102-180. - Reserved.

DIVISION 4. - DRILLING AND OPERATING REGULATIONS

Sec. 102-181. - Well location.

- (a) *Subdivisions.* No drilling for gas and oil wells in recorded subdivisions shall be allowed. This subsection shall apply only to acreage which has been subdivided into home sites the size of which are one acre or less and the plat has been filed for record in the office of the county clerk.
- (b) *Residences; commercial buildings; schools; city-owned buildings; water wells.* No well shall be drilled and no permit shall be issued for any well to be drilled at any location which is nearer than 750 feet of any residence or commercial building without the applicant having first secured the written permission of the owner. No well shall be drilled and no permit shall be issued for any well to be drilled at any location which is nearer than 750 feet of any school campus within the La Porte

Independent School District. No drilling and no permit shall be issued to any well nearer than 750 feet to city-owned buildings or water wells without written permission from the city.

(Ord. No. 1659, § 1(16-4), 8-14-89)

Sec. 102-182. - Streets and alleys.

No well shall be drilled and no permit shall be issued for any well to be drilled at any location which is within any of the streets or alleys of the city. No street or alley shall be blocked or encumbered or closed in any drilling or production operation except by special permit by order of the city council, and then only temporarily.

(Code 1970, § 16-1; Ord. No. 1659, § 1(16-3), 8-14-89)

Sec. 102-183. - Deeper drilling.

If the city is satisfied that the well may be deepened with the same degree of safety as existed with the original well, a permit may be issued, in an amount established by the city and listed in appendix A of this Code, to the permittee, authorizing the deepening and operation of the well to such specified depth as applied for. In any deeper drilling or any deeper completion or any deeper production operations, the permittee shall comply with all other provisions contained in this article and applicable to the drilling, completion and operation of a well.

(Ord. No. 1659, § 1(16-10), 8-14-89)

Sec. 102-184. - Derrick and rig.

- (a) It shall be unlawful and an offense for any person to use or operate in connection with the drilling or reworking of any well within the city limits, any wooden derrick, and all engines shall be equipped with adequate mufflers approved by the city council; or to permit any drilling rig or derrick to remain on the premises or drilling site for a period longer than 60 days after completion or abandonment of the well. At all times from the start of erection of a derrick, mast or gin-pole, until the well is abandoned and plugged or completed as a producer and enclosed with a fence as provided in this division, the permittee shall keep a watchman on duty on the premises at all times; provided, however, that it shall not be necessary to keep an extra watchman on duty on the premises when other workers of the permittee are on the premises.
- (b) No electric lighting generator shall be placed or remain nearer than 150 feet to any producing well or oil tank.
- (c) Any rubbish or debris which may constitute a fire hazard shall be removed to a distance of at least 100 feet from the vicinity of the wells, tanks and pump stations. All waste shall be disposed of in such manner as to avoid creating a fire hazard or polluting fresh water streams or underground strata. All waste disposal plans shall be approved by the planning director.
- (d) No open flame or arc welding shall be allowed inside the derrick substructure of a well prior to installation of the well head.
- (e) All temporary oil and gas flow lines laid upon or across a public road or highway must be buried to the depth required by permits issued under section 102-262.
- (f) An electric powered rig shall be utilized when available.

(Ord. No. 1659, § 1(16-11), 8-14-89)

Sec. 102-185. - Pits.

Either earthen or steel slush pits shall be permitted in connection with the drilling operation. If a steel pit is used, the pit and its contents shall be removed from the premises and the drilling site within 60 days after completion of the well. If an earthen slush pit is used, the slush pit shall be filled and leveled within

60 days after completion of the well. All drilling mud must be removed from the earthen pit prior to backfilling.

(Ord. No. 1659, § 1(16-12), 8-14-89)

Sec. 102-186. - Casing.

All casing, including surface protection and production strings, shall be new seamless steel, or equivalent quality oil well casing. Each joint and length of each particular casing string shall have, prior to setting, unconditionally passed a hydraulic test to ensure physical integrity at design working pressure.

(Ord. No. 1659, § 1(16-13), 8-14-89)

Sec. 102-187. - Setting and cementing casing.

No well shall be drilled within the city limits without properly setting surface casing to a depth as approved by the state department of water resources. The surface casing must be driven or cemented by the pump and plug method. All other casing strings must be cemented by the pump and plug method with sufficient cement to completely fill all of annular space behind the casing string to the surface. No well shall be drilled within the city limits without properly setting surface casing a depth sufficient to protect producing fresh water sands.

(Ord. No. 1659, § 1(16-14), 8-14-89)

Sec. 102-188. - Valves and blowout preventers.

No well shall be drilled within the city limits without equipping the intermediate protective casing with at least one master valve and one fluid-operated ram type blowout preventer with mechanical operating backup; and without properly equipping the production casing during completion operations and workover operations with at least one master valve and at least one fluid-operated ram type blowout preventer. Each blowout preventer shall test 5,000 pounds, and its mechanical operation shall be tested daily. All control equipment shall be in good working condition and order at all times.

(Ord. No. 1659, § 1(16-15), 8-14-89)

Sec. 102-189. - Drilling fluid.

No well shall be drilled within the city limits without using mud as the drilling fluid after the setting of surface casing as provided in section 102-187. The weight of the mud laden drilling fluid shall be at all times maintained at such weight as will provide a hydrostatic head of not less than 500 pounds per square inch in excess of the formation encountered by the well. In reworking a well, a drilling fluid shall be at all times maintained at such weight as will provide a hydrostatic head of not less than 500 pounds per square inch in excess of the pressure, of the formation penetrated by the well and open for production.

(Ord. No. 1659, § 1(16-16), 8-14-89)

Sec. 102-190. - Drill stem tests.

It shall be unlawful and an offense for any person in connection with the drilling or reworking operations of any well within the city limits to take and to complete any drill stem test except during daylight hours, and then only if the well effluent during the test is produced through an adequate oil and gas separator to storage tanks, and the effluent remaining in the drill pipe at the time the tool is closed is flushed to the surface by circulating drilling fluid down the annulus and up the drill pipe.

(Ord. No. 1659, § 1(16-17), 8-14-89)

Sec. 102-191. - Bradenhead.

Each well drilled within the city limits shall be equipped with a bradenhead with a working pressure of not less than 3,000 pounds per square inch. Bradenheads shall be cast iron steel premanufactured and

welded to the well casing. The bradenhead installed on the surface casing shall be set above the ground level and shall be equipped with fittings having a working pressure rating of not less than 3,000 pounds per square inch. The bradenhead pressure shall be checked at least once each calendar month, and, if pressure is found to exist, proper remedial measures shall be taken immediately to eliminate the source and the existence of the pressure.

(Ord. No. 1659, § 1(16-18), 8-14-89)

Sec. 102-192. - Christmas tree and well head connections.

The Christmas tree and all well head connections on each well drilled within the city limits shall have at least a minimum working pressure of 3,000 pounds per square inch, and on all wells completed below a depth of 7,000 feet, the Christmas tree and well head connections shall have at least a minimum working pressure of 3,000 pounds per square inch and a minimum test pressure of at least 5,000 pounds per square inch. All piping and fittings connecting the well head to an oil and gas separator shall have at least the same working pressure as specified for Christmas tree and well head connections in this section. All wells shall be equipped with an automatic closing safety valve located adjacent to the wing valve in addition to the regular control valves.

(Ord. No. 1659, § 1(16-19), 8-14-89)

Sec. 102-193. - Premises to be kept clean and sanitary.

The premises shall be kept in a clean and sanitary condition, free from rubbish of every character, to the satisfaction of the city at all times drilling operations or reworking are being conducted, and as long thereafter as oil and/or gas is being produced therefrom. Any spill, oil or salt water must be reported immediately to the city and cleanup commenced promptly.

(Ord. No. 1659, § 1(16-20), 8-14-89)

Sec. 102-194. - Mufflers required.

Motive power for all operations after completion of drilling operations shall be electricity or properly muffled gas, gasoline, or diesel engines. Such mufflers are to be approved by the chief building official prior to their use.

(Ord. No. 1659, § 1(16-21), 8-14-89)

Sec. 102-195. - Storage tanks and separators.

It shall be unlawful and an offense for any person to use, construct or operate in connection with any producing well within the city limits, any crude oil well storage tanks except to the extent of two steel tanks for oil storage, not exceeding 500 barrels capacity each and so constructed and maintained as to be vaportight, with pressure release valves set below tank design pressure, and each surrounded with an earthen firewall at such distance from the tank as will, under any circumstances, hold and retain at least 1½ times the maximum capacity of such tank. A permittee shall operate a conventional steel separator, and such other steel tanks and appurtenances as are necessary for separating oil and gas with each of such facilities to be so constructed and maintained as to be vaportight. Each oil and gas separator shall be equipped with both a regulation pressure relief safety valve and a bursting head.

(Ord. No. 1659, § 1(16-22), 8-14-89)

Sec. 102-196. - Fence.

Any person who completes any well as a producer shall have the obligation to enclose the well, together with its surface facilities and storage tanks, by a substantial smooth net wire fence sufficiently high and properly built so as to ordinarily keep persons and animals out of the enclosure with all gates thereto to be kept locked when the permittee or his employees are not within the enclosure. It is provided,

however, that in noncongested areas the city, at its discretion, may waive the requirement of any fence, or may designate the type of fence to be erected.

(Ord. No. 1659, § 1(16-23), 8-14-89)

Sec. 102-197. - Venting and flaring of gas.

No person engaged in drilling or operating any well shall permit gas to escape or be vented into the air unless the gas is flared and burned as permitted by the state railroad commission.

(Ord. No. 1659, § 1(16-24), 8-14-89)

Sec. 102-198. - Abandonment and plugging.

Whenever any well is abandoned it shall be the obligation of the permittee and the operator of the well to plug the well in accordance with regulations of the state railroad commission. No surface or conductor string of casing may be pulled or removed from a well. During initial abandonment operations it will be the obligation of the permittee or the operator of the well to flood the well with mud-laden fluid weighing not less than ten pounds per gallon or sufficient mud weight to yield a hydrostatic pressure 500 pounds above the maximum formation pressure encountered by the well. The well will be kept filled to the top with the mud-laden fluid at all times, and the mud-laden fluid of the above specifications will be left in the well bore below and between cement plugs.

(Ord. No. 1659, § 1(16-25), 8-14-89)

Sec. 102-199. - Disposal of salt water.

The permittee shall make adequate provisions for the disposal of all salt water or other impurities which he may bring to the surface, and disposal to be made in such manner as to not contaminate the underground water strata or to injure surface vegetation. The disposal process shall be approved by the city, prior to disposal for the protection of public health, safety and well-being.

(Ord. No. 1659, § 1(16-26), 8-14-89)

Sec. 102-200. - Use of explosives.

Explosives may be used with the prior express written consent of the city council.

(Ord. No. 1659, § 1(16-29), 8-14-89; Ord. No. 1659-A, § 1, 1-8-90)

Secs. 102-201—102-230. - Reserved.

ARTICLE IV. - PIPELINE TRANSPORTATION

FOOTNOTE(S):

--- (4) ---

Editor's note— Ordinance No. 2004-2755, § 1, adopted July 12, 2004, repealed the former Art. IV, §§ 102-231—102-237, 102-261—102-265, and enacted a new Art. IV as set out herein. The former Art. IV pertained to similar subject matter and derived from Ord. No. 915, § 1(18-A-1)—(18-A-12), 3-6-72.

Cross reference— Businesses, ch. 22. [\(Back\)](#)

State Law reference— Transportation of gas and gas pipeline facilities, safety standards, preemption, Vernon's Ann. Civ. St. art. 6053-1. [\(Back\)](#)

Sec. 102-231. - Declaration of policy.

The city council declares that the policy of the city in the manner of granting to any person the privilege to construct, operate and maintain any pipe or pipeline within the jurisdiction of the city for the purpose of thereby transporting oil, gas, brine or any other liquid or gaseous substance whatsoever shall be stated in this article. The provision of this article shall be administered by the director of planning or his designee.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-232. - Definition of terms.

All terms used herein shall be taken in their ordinary signification except the following:

City shall mean the City of La Porte now incorporated and as hereafter expanded by annexation or consolidation.

Commodity shall mean any liquid or gaseous substance or other product capable of being transported through a pipeline and which is, or may become, flammable, toxic or otherwise hazardous to human, animal or plant health and/or life.

Director shall mean the director of planning or his designee.

Operational boundary shall mean the prime property and location of the offices and operational facilities of a person within the city. The term is not intended to extend to rights-of-way, easements, licenses or privileges owned or utilized by a person incidental to a pipeline and which radiate or depart from such primary property, offices and operational facilities.

Permittee shall mean the person to whom a permit is issued under the provisions of this ordinance.

Person shall mean an individual, corporation, partnership, association or any other entity, however organized.

Pipeline shall mean any pipeline or part thereof, including pipe, valves and any appurtenances thereto, which is used for the transportation of a commodity into, across, under or over the city. "Pipeline" shall include any pipe, valve, appurtenance or portion of any pipeline crossing the operational boundary of any industry operating, in whole or part, in the city. "Pipeline" shall not include any pipeline, pipe, valve or appurtenance when located entirely on, within or under a person's operational boundary.

Relocation shall mean the horizontal or vertical movement of a pipeline.

Reposition shall mean the movement of a pipeline when such movement is necessary for the public construction or public improvement: construction, maintenance and improvement of streets, water lines, sanitary sewer lines, storm sewers, ditches and public utilities.

(Ord. No. 2004-2755, § 1, 7-12-04)

Cross reference— Definitions generally, § 1-2.

Sec. 102-233. - Exemption.

This article shall not extend to:

- (1) Any person now or hereafter providing natural gas service for residential and business use only within the city pursuant to a franchise from the city as a gas distribution utility;
- (2) Raw or potable water pipelines, valves and appurtenances; or
- (3) City, county or state agencies for storm drainage or sanitary sewer service pipelines, valves and appurtenances, except industrial wastes transported by pipeline to treatment facilities outside the corporate city limits.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-234. - Permit required.

No person shall commence the construction, relocation or reposition of a pipeline within the city without a permit being obtained from the city for such pipeline under the terms of this chapter.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-235. - Application for permit

A person desiring a permit shall submit a written application to the director and concurrently therewith shall pay a non-refundable fee to the city. The application form, which can be obtained from the director, shall be submitted to the director, in duplicate, with the following information contained thereon:

- (1) The name, business address and telephone number of the pipeline owner and operator;
- (2) The names, titles and telephone numbers of the following persons:
 - a. The person submitting the information;
 - b. The principal contact for submittal of information; and
 - c. The 24-hour emergency contact (and an alternate 24-hour contact), who
 1. Can initiate appropriate actions to respond to a pipeline emergency;
 2. Has access to information on the location of the closest shutoff valve to any specific point in the city or its jurisdiction; and
 3. Can furnish the common name of the material then being carried by the pipeline.
- (3) The origin point and destination of the pipeline being constructed, adjusted, relocated, replaced, repositioned or repaired.
- (4) A description of the commodity(s) to be transported through the pipeline. A copy of the material safety data sheets for the commodity(s) shall be included with the submittal if the owner or operator is required by federal or state law to have material safety data sheets available;
- (5) The maximum allowable operating pressure on the pipeline as determined according to the U.S. Department of Transportation and State Railroad Commission procedures or the maximum design strength for unregulated pipelines, if applicable;
- (6) The normal operating pressure range of the pipeline;
- (7) The maximum allowable temperature under which the substance or product may be pumped or otherwise caused or permitted to flow through any and all of the particular portions of the pipeline, if applicable;
- (8) Engineering plans, drawings, maps with summarized specifications showing the horizontal pipeline location, the pipeline covering depths and location of shutoff valves within the corporate limits and ETJ of the city. The location of shutoff valves must be known in order for emergency responders to clear the area for access to the valves. To the extent that information can be reasonably obtained, drawings shall show the location of other pipelines and utilities that will be crossed or paralleled within five feet;
- (9) A summary description of the time, location, manner, means and methods of the proposed construction, including but not limited to the following:
 - a. Detailed cross section/profile drawings for all public way crossings if requested by the Director;
 - b. A plan accurately showing the location, course and alignment of the proposed pipeline, including valve locations (existing and proposed), and all public ways in which the proposed pipeline shall be laid, provided that the degree of accuracy shall not be required

to exceed the accuracy which can be practicably achieved by using United States Geological Survey (USGS) maps.

- (10) A statement that the pipeline will comply with the applicable standards required by this article as well as all applicable federal, state and local laws and regulations; and
- (11) A statement that the permittee shall, at any time in the future, where such pipeline or portion thereof crosses or is laid within, under or across any street, road or utility right-of-way, drainage way or public way existing or projected at the time the permit is issued, reposition such pipeline (which shall include lowering or raising the pipeline, as well as casing it, if required) at the permittee's sole expense, when the city reasonably requires such action incidental to public construction or public improvement: Construction, maintenance and improvement of streets, water lines, sanitary sewer lines, storm sewers, ditches and public utilities. The city shall give the permittee prior written notice of the need for repositioning location, and such notice shall be mailed certified mail, return receipt requested, to the permittee as designated in the application. The permittee shall have six months to complete such repositioning.
- (12) A statement that the permittee shall notify the director at least 48 hours prior to performing any scheduled repairs or maintenance on the pipeline. For unscheduled emergency repairs or maintenance, taken to protect the public health, safety or welfare, the permittee shall notify the city police department dispatcher as soon as practical but no later than one hour after commencing repairs or maintenance.

The director expressly reserves the right to require the submission of additional information if the director reasonably deems the information necessary to meet the requirements of this article. Such supplemental information shall be submitted by the permittee to the director within ten days, excluding weekends and city holidays, of the permittee's receipt of the director's written request. While awaiting the requested information, the period in which the city must process the application shall be suspended.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-236. - City council consideration.

- (a) Within 60 days from the date on which the official application is received at the official address for the director, the director shall advise the applicant whether, based on the director's professional judgment, the contemplated construction, relocation, replacement or reposition is in compliance with this article. If the director does not deem the contemplated construction to be in compliance with this article, the director shall notify the applicant, in writing, of any deficiencies found.
- (b) After the notice described in subsection (a) of this section is given to the applicant, the director, based upon the assessment of the director and other city personnel, shall report to the city council upon his examination of such application and plans, including such changes in the plans as the applicant may have made upon his suggestion, with his recommendation as to the granting or denying of the permit application, based upon compliance or noncompliance with this article, at the next regularly scheduled city council meeting for which adequate notice may be given. The director shall in such report and recommendation state whether the proposed course or alignment of the pipeline and depth at which it is proposed to be laid thorough undeveloped or unplatted areas is, to the extent economically feasible, consistent with the probable future development of such areas, location and opening of future streets, and laying of water, sanitary sewer, storm sewer lines, ditches and public utilities incident to such probable future development.
- (c) After the report and recommendation is made to the city council, the city council shall consider approval or denial of the permit.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-237. - Permits.

Upon approval, permits shall be executed in duplicate originals by the director. One duplicate original shall be delivered to the permittee and the other shall be retained by the city. A copy of the permit shall be conspicuously displayed at each point where the pipeline construction, relocation or repositioning intersects any public street, right-of-way, easement or public property within the corporate limits of the city.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-238. - Permit transference.

Permits may be transferred after prior written notice to the director, on a form provided by the director, which notice shall set forth the full name and address of the transferee, the full name and address of the transferee's registered agent or owner (if an unincorporated entity) and an agreement that the transferee shall be bound by all provisions of the application and permit as originally acted upon and granted by the city. The transfer application shall be signed by an authorized officer, owner or representative of both the transferor and transferee and shall be accompanied by a non-refundable transfer fee.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-239. - Permit fees.

- (a) Every permit requested under the terms and conditions of this article, with the exception of those permits necessitated due to a repositioning of a pipeline at the request or required by the city or another governmental entity, shall provide for the payment by the applicant to the city of a non-refundable application fee of \$1,000.00 per pipeline.
- (b) Every permit granted under the terms and conditions of this article shall provide for the payment of an annual fee thereafter in the amount of \$800.00 per pipeline per year, payable annually in advance on or before July 1 of each year.
- (c) Every permit transfer shall be accompanied by a non-refundable transfer fee of \$300.00.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-240. - Permit expiration.

- (a) If construction, relocation or reposition of the pipeline does not commence within one year from the date of the permit, the permit shall be void unless the permittee makes written application for an extension. The city council may grant an extension for one additional year only.
- (b) Pipelines abandoned after the date of this article shall have their permit voided and shall not thereafter be subject to the terms of this article except as follows:
 - (1) The owner or operator shall report to the director, in writing, the abandonment of a pipeline that has been permitted in accordance with this article.
 - (2) All known abandoned pipelines shall be purged, disconnected from all sources or suppliers of gas, hazardous liquids and chemicals and shall be capped or sealed at each end within the city limits.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-241. - Construction requirements.

All pipelines shall be constructed in accordance with the following guidelines:

- (1) All pipelines shall be constructed in accordance with the latest applicable minimum standards, if applicable, established by the United States Department of Transportation, Texas Railroad Commission, or any other entity having regulatory authority over pipeline safety and construction matters.

- (2) All pipelines shall be buried to specified depths, as follows:
- a. Pipelines which run under or within 20 feet of any street or streets and/or any proposed street which has been designated on the master plan for the city or the official city map of the city, shall be buried to a depth of at least six feet measured between the top of the pipeline and the natural surface of the ground.
 - b. Pipelines which run under any ditch and/or drainage area or structure shall be buried to a depth of at least five feet measured between the top of the pipeline and the ultimate channel or structure depth. Permittee is responsible for determining the ultimate depths from the appropriate agency and reporting said information with permit application.
 - c. Pipelines for areas not mentioned in a. or b. above shall be buried to a minimum depth of four feet measured between the top of the pipeline and the natural surface of the ground.

Provided further, if at any particular point or points the director determines that a greater or lesser depth be required, such permit shall not be granted except upon agreement by the permittee to comply with such depth requirement.

- (3) All pipelines shall cross public streets, public properties and public rights-of-way as closely as possible to a right (90°) angle.
- (4) All public streets, roads and ways in existence at the time of construction of a pipeline shall be bored under and shall not be cut for the purpose of constructing, relocating or repositioning a pipeline.
- (5) All pipeline related excavations in any public right-of-way shall be backfilled in a manner satisfactory to the city; and if after once refilling such excavation the earth within the excavated area settles so as to leave a depression, the permittee shall be required to make further necessary fills as ordered by the city. All areas shall be graded and maintained so as to provide drainage of the area.
- (6) The permittee shall be required to repair all portions of any street across or along and under which pipelines are laid and place the same in as good a state of repair and condition as they were at the time the construction, repair or removal was commenced, such repairs to be to the satisfaction of the city.
- (7) Upon completion of the pipeline, the permittee shall provide the director with three as-built (or record) drawings of the pipeline, showing the route, distances and shut-off valve locations. These drawings shall be submitted in digital format acceptable to the city.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-242. - Pipeline location.

- (a) Where feasible, a new pipeline shall be located within existing pipeline corridors. The feasibility of locating new pipelines in established corridors in the city shall be considered from the perspective of the pipeline owner or operator, taking into consideration the following:
 - (1) The availability and cost of corridor space;
 - (2) The availability and cost of right-of-way to and from the corridor;
 - (3) Technical, environmental, safety, efficiency and cost issues related to building, operating and maintaining both the portion of the pipeline that would be located in the corridor and the lengths of pipeline required to gain access to and from routing through a corridor;
 - (4) Any delays in right-of-way acquisition or pipeline construction that may result from routing through a corridor;
 - (5) The availability of an alternative right-of-way to the owner or operator; and

- (6) All other matters that a prudent pipeline owner or operator would consider in selecting the route for a new pipeline.

Provided that the owner or operator has considered in good faith the use of existing corridors within the city, the determination of the owner or operator as to the feasibility shall be determinative, unless there is clear and convincing evidence that contradicts the conclusion of the owner or operator.

- (b) When it is not feasible for a new pipeline to be located within an existing corridor, the pipeline should, to the extent practical:
 - (1) Follow property boundaries of fee parcels or existing easements to avoid unnecessary fragmentation of land and avoid diagonal routes that would create slivers of land between public ways, except if following:
 - a. Manmade or topographical features is in the public interest;
 - b. Boundary lines or existing easements is impractical under the circumstances;
 - c. Boundary lines or existing easements poses safety concerns; or
 - d. Boundary lines or existing easements would not be feasible.
 - (2) Avoid areas of unique recreational or aesthetic importance, environmentally sensitive areas and areas of historical or cultural significance, unless appropriate mitigation measures are undertaken to the satisfaction of the director; and
 - (3) Avoid conflict with existing or planned urban developments as well as the location of planned future streets and laying of planned water, sanitary sewer and storm sewer lines, structures and ditches incident to such future development.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-243. - Liability.

A condition of granting any permit shall require the permittee to save the city harmless from liability for injury or damage to any person or person's property caused by the construction, relocation, repositioning, maintenance, operation, repair or removal of any part or all of such pipeline within any public right-of-way or easement; and shall require the permittee to pay to the city all damages caused to the city by construction relocation, repositioning, maintenance, operation, repair or removal of such pipeline or any part thereof.

- (1) Except in an emergency, the permittee shall notify the director 48 hours before commencing at any time excavation in any portion of any said unpaved or unimproved street, and not wholly close any street, but shall at all times maintain a route of travel along and within such roadway area, to the extent such travel was allowed prior to the excavation.
- (2) In the event of an emergency, it being evident that immediate action is necessary for the protection of the public and to minimize property damage and loss of investment, permittee may, at its own responsibility and risk make necessary emergency repairs, notifying the city police dispatch of this action as soon as practical, but not later than one hour after commencing repairs or maintenance.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-244. - Insurance and bonding requirements.

- (a) Under this article, a permittee must furnish, prior to any construction, repair, adjustment, relocation, reposition or replacement, and shall further maintain at all times during the life of the permit, commercial general liability insurance for bodily injury and property damage, including explosion, collapse and underground hazard, coverage in the minimum combined single limit amount of \$1,000,000.00 as it pertains to all pipelines or other facilities owned by the permittee in the public

way in the jurisdiction. Such policy shall name the city, its officers, agents and employees as additional insureds.

- (b) A certificate of insurance specifying the coverage required in subsection (b) of this section with an insurance company having acceptable insurance rating shall be furnished to the director prior to the issuance of any permit. Such certificates of insurance shall provide that at least 30 days prior written notice for the termination or modification of the required insurance shall be given to the city.
- (c) In lieu of liability insurance, a permit applicant shall furnish evidence of financial responsibility which demonstrates the applicant's qualifications as a self-insurer. Such evidence may take the form of the most recent corporate financial report which is acceptable to the city council as giving assurance of the applicant's financial ability to comply with the requirements of this section.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-245. - Pipeline permit updates.

It shall be the responsibility of the permittee to provide, in writing, updated information on the following aspects of each permit:

- (1) Name and mailing address of the pipeline owner.
- (2) Name and telephone number of two officers or persons available on a 24-hour basis who can furnish or obtain immediately, information as to the pressure at the point or points of input nearest to the city and the common name of the commodity carried by the pipeline.
- (3) A description of the commodity(s) being transported through the pipeline. A copy of the material safety data sheets for the commodity(s) shall be included with the update if the owner or operator is required by federal or state law to have material safety data sheets available.

This information will be provided with the annual update or upon transference or any change in ownership.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-246. - Pipeline signs.

Every pipeline, new or existing, within the corporate limits of the city shall bear at all times, in plain, indelible lettering, signs denoting the ownership of said pipeline, permanently affixed in the pipeline right-of-way where said pipeline rights-of-way cross public streets, public properties or public rights-of-way.

(Ord. No. 2004-2755, § 1, 7-12-04)

Sec. 102-247. - Penalties.

Any violation of any section, subsection or part of this article shall be deemed a misdemeanor and such violation thereof during all or any portion of any day shall be a separate offense and misdemeanor; and upon final conviction, every person, firm, association, corporation or partnership guilty of such violation shall be fined in a sum not more than \$2,000.00 per each day of violation.

(Ord. No. 2004-2755, § 1, 7-12-04)



RECEIVED

JAN 20 2015

CITY SECRETARY'S
OFFICE

21 Wire Road • Huntsville, TX 77320
P.O. Box 8660 • Huntsville, TX 77340-0011
Telephone: (936) 295-4066 • FAX: (936) 295-4042

City of La Porte
604 W. Fairmont Parkway
La Porte, TX 77571
281-471-5020

January 21, 2015

Re: Request for Geophysical Permit

To Whom It May Concern:

Boone Exploration Inc. is requesting permission to conduct a Seismic Survey within the city limits of La Porte, TX on behalf of Etoco, L.P. The primary source of energy would be the utilization of Vibe Trucks known as Vibroseis. The vibroseis method is used to acquire seismic information for oil & gas exploration usually in urban areas. This method involves laying out sensors on top of the ground that will record the energy that is put into the ground by vibroseis trucks. A vibroseis truck has a large metal plate that is placed on the ground and caused to vibrate to create seismic waves into the ground. These seismic waves are recorded by the sensors and this data is collected and processed for oil & gas exploration. Before the seismic survey begins, a hazard survey is completed to identify every structure within the survey area. Special care is taken so that the source points are a safe distance away from houses, water wells, pipelines, etc. Once the hazard survey is completed, the vibroseis operation will begin. A vibration monitoring company will be retained during the vibroseis operations to ensure that peak particle velocity does not exceed 0.15/inches per second at any structure within the survey. The monitor people will move around with the vibroseis trucks and monitor the structures closest to the vibroseis trucks. If and when a high reading is measured by the monitors, the vibroseis operation will cease at that particular location and the trucks will move on to the next source point. This does not negatively impact the seismic survey because there will be multiple source point locations throughout the survey.

Field operations to complete the seismic survey will include using existing roads, trails and gates for vehicle access within the seismic survey area. Flagging will be placed throughout the survey to identify source and receiver points. All flagging will be removed when the seismic survey is complete.

While conducting the proposed survey, every effort will be made to carry out the work without inconvenience to landowners or tenants and without damage to the property. It is unusual for appreciable damage to result from our operations, however, we will assume full responsibility for any physical damage resulting from this survey.



21 Wire Road • Huntsville, TX 77320
P.O. Box 8660 • Huntsville, TX 77340-0011
Telephone: (936) 295-4066 • FAX: (936) 295-4042

Re: Request for Geophysical Permit

It is understood that your permission is granted only as you have the right to grant such permission under the interest you hold in such property. We agree to hold you harmless from any and all liabilities, claims and damages which may be asserted against you as a result of our operations.

Kind Regards,

A handwritten signature in blue ink, which appears to read "Jerry Blankenship".

Jerry Blankenship
Operations Supervisor

Boone  **Exploration, Inc.**

21 Wire Road • Huntsville, TX 77320
P.O. Box 8660 • Huntsville, TX 77340-0011
Telephone: (936) 295-4066 • FAX: (936) 295-4042

March 19, 2015

City of La Porte
City Hall
604 W. Fairmont Parkway
La Porte, Texas 77571

RE: City Ordinance Requirement 1659; (B-C-D)
VIA: Email

To Whom It May Concern,

This is to inform you that the below requirements will be adhered too in accordance with Ordinance 1659 sub. 5 (b-c-d);

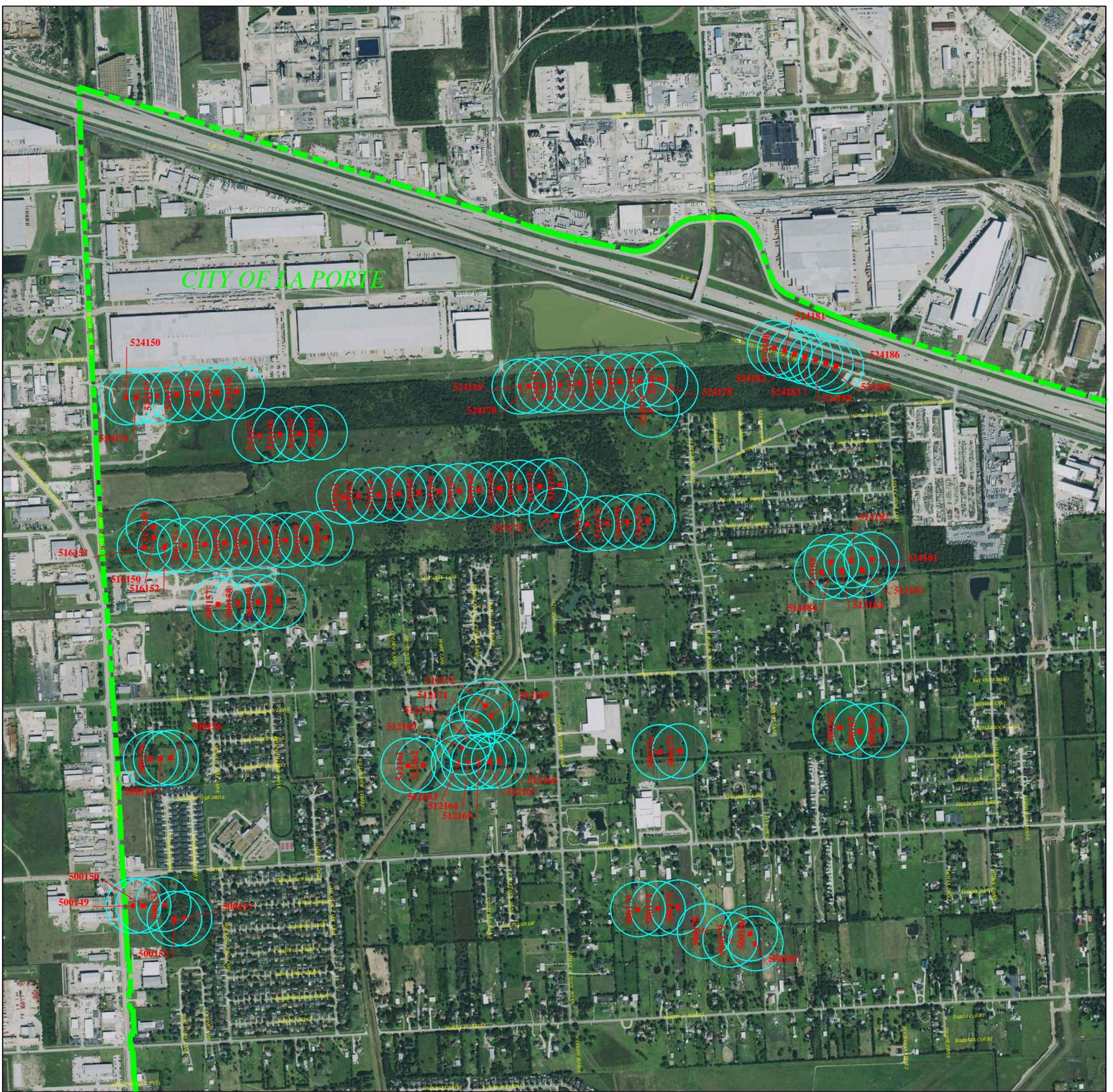
- B. Agree to cover any water well damage effective for ninety (90) days after the completion of work.
- C. We will employ at least one (1) La Porte police officer (off duty) to accompany the work crew while testing on the City right-of-way, and provide 24-hours notice to the Chief of Police.
- D. We will obtain written permission from citizens to enter their property.

If any more information is needed, please let us know.

Sincerely,



Lynn D. Boone
President



PLAT SHOWING PROPOSED SEISMIC VIBROSEIS POINTS
 WITHIN THE CITY OF LA PORTE LIMITS
 HARRIS COUNTY, TEXAS



LEGEND

These standard symbols will be found in the drawing.

- VIBROSEIS POINT
- 300 FOOT RADIUS
- CITY LIMITS



Map prepared by the office of:
 G&G SURVEY AND CONSULTING, INC.
 9226 NEEDVILLE FAIRCHILDS ROAD
 NEEDVILLE, TEXAS 77461 (GPS01@COMCAST.NET)

PREPARED 04/23/2015

NOTE: ALL THE HORIZONTAL CONTROL IS REFERRED TO THE TEXAS PLANE COORDINATE SYSTEM, LAMBERT PROJECTION, SOUTH CENTRAL ZONE, NAD 27.



SCALE: 1" = 1500'

VIBROSEIS POINT	X (EASTING)	Y (NORTHING)
500149	3242246.57	691713.76
500150	3242356.42	691719.58
500151	3242576.11	691731.23
500152	3242694.69	691572.28
500153	3242804.53	691578.10
500154	3242436.75	693321.08
500155	3242546.60	693326.90
500156	3242656.44	693332.72
500157	3243173.25	695012.44
500158	3243392.94	695024.08
500159	3243612.63	695035.73
500160	3243832.32	695047.38
500173	3247756.33	691675.37
500174	3247976.02	691687.02
500175	3248195.71	691698.66
500176	3247995.61	693395.45
500177	3248215.30	693407.09
500178	3248484.88	691438.61
500179	3248765.32	691343.32
500180	3248982.10	691409.89
500181	3249042.84	691302.95
500182	3249964.10	693665.03
500183	3250186.70	693621.75
500184	3250406.39	693633.40
512161	3245249.54	693248.47
512162	3245414.31	693257.20
512163	3245798.77	693277.58
512164	3245908.61	693283.41
512165	3246018.46	693289.23
512166	3246238.15	693300.88
512167	3246128.30	693295.05
512168	3246157.02	693792.27
512169	3245844.96	693445.26
512170	3245894.05	693558.02
512171	3245995.17	693728.61
512172	3246096.28	693899.21
513183	3250203.38	695385.11
513184	3249983.69	695373.46
513185	3249763.99	695361.82
514181	3250307.40	695500.78
514182	3250087.71	695489.13
514184	3249868.02	695477.49
516150	3242473.41	695746.42

516151	3242369.39	695630.75
516152	3242589.08	695642.40
516153	3242808.77	695654.04
516154	3243028.46	695665.69
516155	3243248.16	695677.34
516156	3243467.85	695688.98
516157	3243687.54	695700.63
516158	3243907.23	695712.27
516159	3244126.92	695723.92
516160	3244346.61	695735.57
516173	3247202.60	695886.96
516174	3247422.30	695898.61
516175	3247641.99	695910.26
516176	3247861.68	695921.90
517149	3242467.59	695856.27
517172	3246867.24	695979.34
518161	3244543.01	696186.59
518162	3244707.78	696195.33
518163	3244927.47	696206.97
518164	3245147.17	696218.62
518165	3245366.86	696230.27
518166	3245586.55	696241.91
518167	3245806.24	696253.56
518168	3246025.93	696265.20
518169	3246245.62	696276.85
518170	3246465.31	696288.50
518171	3246685.01	696300.14
518172	3246904.70	696311.79
524150	3242172.20	697272.62
524151	3242282.05	697278.44
524152	3242501.74	697290.08
524153	3242721.43	697301.73
524154	3242941.12	697313.38
524155	3243160.81	697325.02
524156	3243380.50	697336.67
524157	3243626.40	696854.01
524158	3243846.09	696865.65
524159	3244065.78	696877.30
524160	3244285.47	696888.95
524169	3246462.01	697389.87
524170	3246571.85	697395.69
524171	3246736.62	697404.42
524172	3246901.39	697413.16
524173	3247121.08	697424.80

524174	3247340.77	697436.45
524175	3247560.47	697448.10
524176	3247780.16	697459.74
524177	3247999.85	697471.39
524178	3248115.52	697367.37
524179	3247907.47	697136.03
524180	3249248.51	697813.07
524181	3249360.46	697779.26
524182	3249472.10	697751.19
524183	3249584.12	697715.94
524184	3249695.99	697683.57
524185	3249808.25	697643.91
524186	3249920.00	697613.89

Findings Report regarding conformance of the Boone Exploration Permit Request being presented to La Porte City Council May 11, 2015

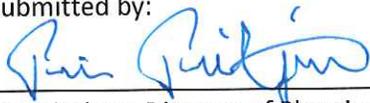
This report is issued in response to the requirements of Chapter 102, Section 102-51 through 102-77 of the La Porte Code of Ordinances. I hereby find that the application for the proposed testing of potential natural resources is compliant with the provisions of said Chapter 102 and is administratively complete. After a thorough review of the material submitted by applicant Boone Exploration, the necessary components of application specified in Chapter 102 to conduct mineral exploration have been provided as follows: name of applicant; address of applicant; geophysical methods of mineral exploration to be used; purpose therefore; and location maps designating points of use with appropriate X, Y coordinates for each location verifying a minimum 300 foot distance from any dwelling unit or water well;

I also find that Boone Exploration has submitted confirmation that, upon approval of the requested permit but prior to its issuance, the necessary items specified in Chapter 102 will be produced as follows: Insurance certificate showing coverage of the applicant for general liability coverage in amounts required and a cash bond as required to ensure that the permittee will comply with the terms of Chapter 102.

In addition, I find that Boone Exploration has agreed in writing to the following terms: will cover any water well damage effective for 90 days after completion of work; will employ at least one La Porte police officer to accompany the work crew for any testing on city right of way, and will provide 24 hours' notice to the Chief of Police; will obtain written permission from citizens to enter their property and occupants of all dwellings within 2000 feet of a test site will receive written notice at least 24 hours prior to testing.

Should such permit be approved by City Council, the Department of Planning and Development will refrain from issuing the requested permit until receipt of all conditions/documentation required for its issuance have been received in accordance with all applicable sections of Chapter 102, La Porte Code of Ordinances.

Submitted by:



Tim Tietjens, Director of Planning and Development

Approved:



Corby Alexander, City Manager

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: May 11, 2015 Appropriation
Requested By: Rosalyn Epting Source of Funds: Park Zone
Department: Parks & Recreation Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: Amount Requested: 66,400
Budgeted Item: YES NO

Attachments :

1. MOA with La Porte Boys Baseball Association
2. Representative Drawing of Shade Canopy
3. Shade Structure Estimate

SUMMARY & RECOMMENDATIONS

Staff has been working with La Porte Boys Baseball on a joint project to install shade canopies over 20 bleachers at Pecan Park. These bleachers will provide much needed cover for patrons at the Park.

The total estimated cost of the canopies is \$110,000, which includes design services (for wind load rating), construction, and installation. The original proposal from the Association, which would not have satisfied the City's current wind load requirements, called for a total cost of \$43,600. The Association was willing to fund the entire cost of this proposal. However, once the structure was re-evaluated with the wind load in mind, the cost for the structures increased dramatically and was no longer feasible without an additional funding source. New estimates for the same number of structures was approximately \$100,000, which included the design services.

Staff is recommending approval of the attached Memorandum of Agreement with the Association to help fund this project. The Agreement is structured to cap the City contribution at \$66,400. When combined with the Association's contribution of \$43,600 and accounting for a 10% contingency, the total estimated cost is \$110,000.

The Park Zone Fund for this zone has a balance of \$243,082.

Action Required of Council:

Consider approval or other action authorizing the City Manager to execute a Memorandum of Agreement between the City of La Porte and the La Porte Boys Baseball Association.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA) is made by and entered into this ____ day of _____, 2015 (the "Effective Date") between the City of La Porte, Texas, a home-rule municipality under the laws of the State of Texas ("the City") and the La Porte Boys Baseball Association, Inc., a Texas nonprofit corporation, ("LPBBA"), to establish each party's obligations to complete design, construction, and installation of shade canopies at Pecan Park Baseball Complex (the "Project").

The terms acceptable to both Parties to begin the Project are as follows:

The City and LPBBA agree that the Project shall consist of design, procurement of materials, and installation of 20 steel shade canopies (hereinafter defined as "the Improvements") to cover the existing bleachers that are owned and maintained by the City, at the Pecan Park Baseball Complex. The LPBBA will ensure that Improvements comply with all City requirements, codes, and state laws, which includes, but is not limited to:

- Engineered, stamped Plans
- Wind-load requirement of 150 mph – 3 second gust.
- Site Plan – layout of each structure on the plot.

LPBBA shall submit completed design plans and Site Plan as described above to City for review, and shall be subject to City approval. After City approval of said design plans and Site Plan, City agrees that it will process all necessary permits at no cost to LPBBA.

The LPBBA shall be responsible for the coordination of all aspects of the Project, which includes procuring design services, procurement of quotes, and oversight of installation. In order to ensure that all resources are spent in the most efficient manner, the LPBBA will obtain three quotes for the work and select the contractor with the lowest, qualified quote.

The total cost of the project is estimated to be no more than \$110,000.00. City agrees to pay an amount not to exceed \$66,400.00 towards the cost of the project. LPBBA agrees to pay \$43,600.00 toward the cost of the project, and as necessary, any additional costs to the extent the total project cost exceeds \$110,000.00.

The City's \$66,400.00 portion of the Project cost shall be allocated as follows: 1) a maximum amount of \$49,999.00 is eligible to be applied towards the cost of materials, labor, and related construction expenses; 2) a maximum amount of \$16,401 is eligible to be applied towards the costs of design/engineering services.

The City will assume ongoing maintenance responsibility for the Improvements once completed. It is agreed that the 20 shade canopies will be jointly owned by City and LPBBA, and that neither party may

remove or relocate any of the said 20 shade canopies after installation at the Pecan Park Baseball Complex, without the express, written permission of the other party.

This MOA constitutes the complete understanding between the parties in order to begin the procurement and installation process for the Improvements.

For the City of La Porte, Texas:

Corby D. Alexander
City Manager

Attest: Patrice Fogarty, City Secretary

For the La Porte Boys Baseball Association:

Dean Bieber, President

Approved as to Form:

Clark T. Askins
Assistant City Attorney



**TEXAS FEED
STOP**
Proud
Purina Mills
Dealer
281 385 6068





CHERRY HILL
281-385-1114
www.cherryhill.com

Boy's Baseball

Bobby Nash Services, LLC

6720 Bracknell St.
Houston, TX 77017

Estimate

Date	Estimate #
2/4/2015	7

Name / Address
Dean Tieber LaPorte Baseball Association

Terms	Project

Description	Total
<p>Provide Materials and Erect (20) 10ft. x 18ft. Whirlwind Steel Inc. Engineered Steel Shade Canopies , Structures to be 5/8" wedge anchored with epoxy to existing slab. Structures to be galvanized framing with Blue 26 Gauge R Panel roof sheets and Blue Trim to match existing trim on site. Roof pitch to be 1" on 12". Rear of Structures to be 10ft. in height to have max headroom on top row of existing seating.</p> <p>Structures Engineered Stamped Drawings Included.</p> <p>LPBBA to provide City required site plan showing where each structure will located.</p> <p>EXCLUSIONS: Engineering cost for any required existing slab attachment detail. Anything else not listed above.</p>	85,710.00
THANKS	Total \$85,710.00

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda	Date Requested <u>May 11, 2015</u>	
Requested By: <u>Corby Alexander</u>		
Department: <u>City Manager</u>		
Report _____	Resolution: _____	Ordinance: <u>X</u>

<u>Appropriation</u>	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<u>YES NO</u>

Exhibit: Ordinance

Exhibit: Draft Ordinance

Exhibit: Fairmont Parkway Improvements

SUMMARY & RECOMMENDATION

Approximately, 10 months ago the City Council commissioned an ad hoc committee to review issues related to truck traffic within the City of La Porte. The goal was to assemble a group of community folks with varying points of view to take a comprehensive look at the manner/extent to which the City should regulate trucks in the community.

In doing so, the committee took a very close look at both the City’s truck route ordinance as well as the City’s parking ordinance as both have significant truck regulations. Below are some of the key recommended changes that I would like to call to your attention.

1. The committee recommends replacing references to heavy trucks with the term commercial vehicles.
2. The committee recommends defining commercial vehicle as “1) a vehicle or combination of vehicles with an actual gross weight, a registered gross weight, a gross weight rating or any combination in excess of 26,000 pounds; 2) a farm vehicle or combination of farm vehicles with an actual gross weight, a registered gross weight, or a gross weight rating of 48,000 pounds or more when operating intrastate; 3) a vehicle transporting hazardous materials requiring a placard; 4) a motor carrier transporting household goods for compensation in commerce in a vehicle not defined in Texas Transportation Code, Sec. 548.001(1); 5) a foreign commercial motor vehicle that is owned or controlled by a person or entity that is domiciled in or a citizen of a country other than the United States; or 6) a contract carrier transporting the operating employees of a railroad on a road or highway of the State of Texas in a vehicle designed to carry 15 or fewer passengers.

This definition is intended to mirror the definition of commercial motor vehicle found in the Texas Transportation Code. The term heavy trucks included in the current ordinance could be interpreted to include vehicles much smaller than 18 wheeler, yet imposed the same restrictions.

3. The committee recommends better defining what a property owner's options are related to creating a parking lot that would be authorized to accommodate commercial motor vehicles. The committee recommends the following language be added (**Sec. 70-237**) "The owner or operator of any existing or proposed site in which parking is sought for accommodation of customer commercial motor vehicles, including combination commercial motor vehicles, where the site is physically capable of safely accommodating such vehicles, shall be required to submit to the Planning Department for approval a parking facility striping plan as a component of a proposed site plan, or as an amending document to a previously approved (if one exists) site plan. The applicant for the site plan or amended site plan shall be allowed the option of striping up to 15% of the required automobile parking as dual use parking spots for the accommodation of commercial motor vehicle parking, and shall be so striped and labeled. Such allocation shall generally be located within the parking spaces least used.

4. The committee recommends adding the follow clause (Sec 70-232C) "Commercial motor vehicles not in combination with a trailer or transporting a placarded load of hazardous materials may travel to and park at locations off a designated truck route by taking the most direct route possible, regardless of whether the operator of the commercial motor vehicle is loading or unloading cargo, providing services, or seeking repairs at a legitimate repair facility, provided that the location is not in a residentially zoned area and is at a site physically capable of accommodating customer commercial motor vehicle parking by means of a parking facility striping plan 1) configured to allow for the safe parking of commercial motor vehicles, and 2) approved by the Planning Department of the City in accordance with the requirements of Section 70-237 of this Chapter."

This clause would allow businesses that are not located on the designated truck route to go thru a formal process to get their parking lot approved to accommodate commercial motor vehicles not in combinations, or "bobtails". Presently, the ordinance only allows for parking lots to accommodate truck at location along the truck route.

5. Section 70-232D: "Combination commercial motor vehicles, other than vehicles transporting a placarded load of hazardous cargo, may travel to and park at locations contiguous to and fronting a designated truck route, regardless of whether the operator of the commercial motor vehicle is loading or unloading cargo, or seeking repairs at a legitimate repair facility, provided that the location is at a site physically capable of accommodating customer commercial motor vehicle parking specific to commercial motor vehicles in combination with a trailer, by means of a parking striping plan 1) configured to allow for the safe parking of combination commercial motor vehicles, and 2) approved by the Planning Department of the City in accordance with the requirements of Section 70-237 of this Chapter.

This clause would allow truck and trailer parking at locations along the truck route, provided that the property owner goes the required process to have a parking lot approved to accommodate commercial motor vehicles.

6. The committee also recommends that Powell Road and Bay Area (between Fairmont and Spencer) to the truck route.
7. The committee recommends adding Fairmont back to Hazardous Cargo Route.
8. The committee also recommended that the City support the County's proposed improvements to Fairmont Parkway. The County have submitted a grant for funding signal synchronization and intersection reconfiguration of all lights on along Fairmont (from Canada to Hwy 146). The goal would be enhance mobility by making the signals communicate. The project would also adding a traffic signal at the entrance to Pecan Crossing. I have included more detailed information regarding the grant application as an exhibit to this agenda item. Please, note that should the grant application be successful, the County will seek financial assistance with the local match requirements. If needed, staff anticipates incorporating any local match into the 5 Year CIP.
9. The committee also suggested more "No Truck" signage throughout the community.
10. The committee also recommends that the City work appropriate entities to push for the widening of South 16th Street and Choate Road.

Members of the committee will be present to discuss any and all of the recommendations should the Council so desire.

Action Required by Council:

Council may choose to accept all or none (or any combination thereof) of the recommendations from the committee.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2015 - _____

AN ORDINANCE AMENDING CHAPTER 70 "TRAFFIC AND VEHICLES" OF THE CODE OF ORDINANCES IN CONNECTION WITH COMPREHENSIVE REVIEW AND UPDATE TO TRUCK ROUTE REGULATIONS; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 70, "Traffic and Vehicles," Article V "Stopping, Standing and Parking," Section 70-179 "Parking time limit for trailers, semitrailers and other types of trailers", of the La Porte, Texas Code of Ordinances is hereby amended to read as follows:

"Sec. 70-179. - Parking time limit for trailers, semitrailers and other types of trailers.

It shall be unlawful for any person to leave, stand or park a trailer, boat, or commercial motor vehicle, either attached or unattached to a motor vehicle, in the main traveled portion of a roadway, or any portion of a residential street, for any period of time.

Section 2: That Chapter 70, "Traffic and Vehicles," Article VI "Truck Routes and Gross Weight Limits," Division 1. "Generally", of the La Porte, Texas Code of Ordinances is hereby amended to read as follows:

"Sec. 70-211. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat means a watercraft not more than 25 feet in length, measured from end to end, over the deck, excluding shear, and manufactured or used primarily for noncommercial use. For purposes of this article only, the term "boat" shall also include the trailer designed and used for the transportation of the boat over the public streets and highways.

Commerce means an interchange of goods, commodities and/or services especially on a large scale between countries (foreign trade) or between different parts of the same county for compensation.

Commercial motor vehicle means 1) a vehicle or combination of vehicles with an actual gross weight, a registered gross weight, a gross weight rating or any combination in excess of 26,000 pounds; 2) a farm vehicle or combination of farm vehicles with an actual gross weight, a registered gross weight, or a gross weight rating of 48,000 pounds or more when operating intrastate; 3) a vehicle transporting hazardous materials requiring a placard; 4) a motor

carrier transporting household goods for compensation in commerce in a vehicle not defined in Texas Transportation Code, Sec. 548.001(1); 5) a foreign commercial motor vehicle that is owned or controlled by a person or entity that is domiciled in or a citizen of a country other than the United States; or 6) a contract carrier transporting the operating employees of a railroad on a road or highway of the State of Texas in a vehicle designed to carry 15 or fewer passengers.

Daytime means one-half hour before sunrise to one-half hour after sunset.

Gross Combination Weight Rating (GCWR) means the greater of 1) A value specified by the manufacturer of the power unit, if such value is displayed on the Federal Motor Vehicle Safety Standard (FMVSS) certification label required by the National Highway Traffic Safety Administration, or 2) the sum of the gross vehicle weight rating (GVWR) or the gross vehicle weight (GVW) of the power unit and the towed unit(s), or any combination thereof, that produces the highest value. As an exception to application of this definition, the GCWR of the power unit will not be used to define a commercial motor vehicle when the power unit is not towing another vehicle.

Gross Vehicle Weight Rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

Hazardous material is a substance or material which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

Legitimate repair facility means a commercial facility operated principally for the repair of motor vehicles.

Nighttime means any time period other than daytime.

Registered Gross Weight Vehicle Weight Rating (RGVWR) means the value specified on the registration receipt as the loaded weight of a single motor vehicle.

Shipping containers means sealable shipping containers, designed for intermodal transportation, either with or without a permanent affixed chassis, used in interstate and international commerce for the shipment of goods and merchandise.

Shipping containers storage yards means a facility for the storage, handling and repair of shipping containers.

Trailer means: a) Full Trailer, which is any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing motor vehicle. A semitrailer equipped with an auxiliary front axel (converter dolly) shall be considered a full trailer; b) Pole Trailer, which is any motor vehicle which is designed to be drawn by another motor vehicle and attached to the towing motor vehicle by means of a “reach” or “pole”, or by being “boomed” or otherwise secured to the towing motor vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between the supporting connections; or c)

Semitrailer, which is any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing motor vehicle.

Truck means any self-propelled commercial motor vehicle except a truck tractor, designed and/or used for the transportation of property.

Truck routes means those routes which are designated by this article for the use of commercial motor vehicles.

Truck tractor means a self-propelled commercial motor vehicle designed and/or used primarily for drawing other vehicles.

Weight enforcement officer means 1) a license and weight inspector of the Texas Department of Public Safety; 2) a highway patrol officer, sheriff or sheriff's deputy; 3) a municipal police officer in a municipality with a population of 100,000 or more or 74,000 or more in a county with a population of more than 1.5 million; or 4) a police officer certified under Texas Transportation Code Section 644.101.

Sec. 70-212. - Penalty for violation of article; culpable mental state not required in prosecution.

Except as otherwise provided in the article, the driver, owner, operator or other person operating or driving any commercial motor vehicle over, on or upon city streets or public highways within the limits of the city who fails to comply with the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum in an amount established by the city and listed in Appendix B of this Code. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined in this article.

Secs. 70-213—70-230. - Reserved.”

Section 3: That Chapter 70, “Traffic and Vehicles,” Article VI “Truck Routes and Gross Weight Limits,” Division 2. “Truck Routes”, of the La Porte, Texas Code of Ordinances is hereby amended to read as follows:

Sec. 70-231. - Designation.

For the purposes of this division, those streets and thoroughfares within the corporate limits of the city which are enumerated as follows are hereby designated as truck routes:

Route	Extent
State Highway 225 (including frontage roads)	Entire extent within corporate limits

New State Highway 146 (including frontage roads)	Entire extent within corporate limits
Barbours Cut Boulevard	New State Highway 146 east to corporate limits
16th Street	Barbour's Cut Boulevard south to Fairmont Parkway
Fairmont Parkway	New State Highway 146 to west corporate limits
West Main Street	New State Highway 146 to west corporate limits
Underwood Road	Entire extent within corporate limits
Powell Road (S. 16 th Street)	Fairmont Parkway south to 1700 block of Powell Road
Bay Area Blvd.	Fairmont Parkway to Spencer Highway
Export Drive	From South 16 th Street to State Highway 146
South 16 th Street	From south of Export Drive to Wharton Weems Blvd. and McCabe Road connecting with State Highway 146.
North Broadway	From north of Barbours Cut Blvd. to North "L" Street.
North "L" Street	From west of North Broadway to North 6 th Street
North "J" Street	From North 6 th Street to west connecting with State Highway 146.
North 8th Street	Barbours Cut Boulevard to a point 300 feet north of the north right-of-way line of Barbours Cut Boulevard

Sec. 70-232. - Use required generally.

No person shall operate a commercial motor vehicle upon any roads, avenues, streets or thoroughfares within the corporate limits of the city except on those which are designated as truck routes in Section 70-231 of this Code, and subject to the gross weight limits established by Division 3 of this article.

Sec. 70-233. - Exception to Section 70-232: point of origin; parking of commercial motor vehicles.

- (a) The provisions of Section 70-232 of this Code notwithstanding, in those instances where any commercial motor vehicles originating within the corporate limits of the city, shall have as its point of origin a point located off a designated truck route, it shall proceed to the nearest point on a designated truck route by the most direct route possible. If such commercial motor vehicles shall originate outside the corporate limits of the city and enter the city at a point which is not on a designated truck route, it shall proceed to the nearest point on a designated truck route by the most direct route possible.
- (b) In those cases where commercial motor vehicles originate off a designated truck route, whether inside or outside the corporate limits of the city, and the destination of the commercial motor vehicle is nearer the origin or point of entering the corporate limits of the city than is the nearest point on a designated truck route by the most direct route possible, it shall not be necessary to proceed to the nearest designated truck route.
- (c) Commercial motor vehicles not in combination with a trailer or transporting a placarded load of hazardous materials may travel to and park at locations off a designated truck route by taking the most direct route possible, regardless of whether the operator of the commercial motor vehicle is loading or unloading cargo, providing services, or seeking repairs at a legitimate repair facility, provided that the location is not in a residentially zoned area and is at a site physically capable of accommodating customer commercial motor vehicle parking by means of a parking facility striping plan 1) configured to allow for the safe parking of commercial motor vehicles, and 2) approved by the Planning Department of the City in accordance with the requirements of Section 70-237 of this Chapter.
- (d) Combination commercial motor vehicles, other than vehicles transporting a placarded load of hazardous cargo, may travel to and park at locations contiguous to and fronting a designated truck route, regardless of whether the operator of the commercial motor vehicle is loading or unloading cargo, or seeking repairs at a legitimate repair facility, provided that the location is at a site physically capable of accommodating customer commercial motor vehicle parking specific to commercial motor vehicles in combination with a trailer, by means of a parking striping plan 1) configured to allow for the safe parking of combination commercial motor vehicles, and 2) approved by the Planning Department of the City in accordance with the requirements of Section 70-237 of this Chapter.

Sec. 70-234. – Exception to Section 70-232: loading, unloading and repair of trucks.

Commercial motor vehicles restricted to the streets designated as truck routes under Section 70-232 of this Code may depart such truck routes when it is necessary to load or unload cargo, provide services, or seek repairs for the commercial motor vehicle at a legitimate repair facility, at a location situated off designated truck routes; provided, however, that such commercial motor vehicles shall not leave any designated truck route until such commercial motor vehicle has reached a point on some designated truck route which is nearest the applicable place of loading, unloading or servicing by the most direct route possible. All required loading berths and facilities for truck repair shall be off-street and located on the same lots as the building or use to be served. After leaving a designated truck route to load or unload, commercial motor vehicles may continue off truck routes to as many points of destination as necessary. If, in the course of making the necessary stops for loading and unloading, the commercial motor vehicles shall cross a designated truck route, then, in that event, such commercial motor vehicle shall not again leave any designated truck routes until it has reached a point on some designated truck route which is nearest to the next place of loading and unloading by the most direct route possible.

Sec. 70-235. – Hazardous material routes; designation.

- (a) For the purpose of this division, those streets and thoroughfares within the corporate limits of the city which are enumerated as follows are hereby designated as hazardous material routes:

Route	Extent
State Highway 225 (excluding frontage roads)	Entire extent within corporate limits
New State Highway 146 (excluding frontage roads)	Entire extent within corporate limits
Fairmont Parkway	From Underwood Rd. to South 16 th Street
South 16 th Street	From Fairmont Parkway to Wharton Weems Blvd.
Wharton Weems Blvd.	From South 16 th Street to New State Highway 146

- (a) Commercial motor vehicles transporting hazardous materials shall not depart off the hazardous material route, except to pick up or deliver hazardous material, provide services, or to seek repairs for the commercial motor vehicle at a legitimate repair facility. In such cases, the vehicle shall not depart the hazardous material route until such vehicle has reached a point which is nearest the applicable place of loading or unloading, provision of services, or legitimate repair facility, and shall return to the hazardous material route by the most direct route. Additionally, said commercial motor vehicles transporting hazardous materials may not park at or travel to any location, including locations contiguous to and fronting the hazardous material route, for any period of time except to pick up or deliver hazardous material, provide services, or seek repairs for the commercial motor vehicle at a legitimate repair facility.

Sec. 70-236. - Alternate routes.

Whenever any street or roadway designated as a truck route is under repair, or otherwise temporarily out of use, the chief of police shall be authorized to designate alternate truck routes.

Sec. 70-237. Parking Plan for Accommodation of Commercial Motor Vehicles.

The owner or operator of any existing or proposed site in which parking is sought for accommodation of customer commercial motor vehicles, including combination commercial motor vehicles, where the site is physically capable of safely accommodating such vehicles, shall be required to submit to the Planning Department for approval a parking facility striping plan as a component of a proposed site plan, or as an amending document to a previously approved (if one exists) site plan. The

applicant for the site plan or amended site plan shall be allowed the option of striping up to 15% of the required automobile parking as dual use parking spots for the accommodation of commercial motor vehicle parking, and shall be so striped and labeled. Such allocation shall generally be located within the parking spaces least used.

Sec. 70-238. - Lane use restrictions for trucks on portions of State Highway 225.

(a) That the findings contained in the preamble of Ordinance No. 2003-2618 are determined to be true and correct. As evidence thereof, documents establishing the approval described in the preamble of Ordinance No. 2003-2618 have been incorporated into this section and made a part hereof as exhibit A.

(b) That, as used in this section, the following terms shall have the meanings ascribed in this section:

Authorized lanes means the two controlled access lanes on each side of the State Highway 225 (eastbound side and westbound side) that are most immediately to the right of the left-hand (or inner) controlled access lane.

Designated portion of State Highway 225 means that portion of State Highway 225 between the point at which the corporate limits of the Cities of Deer Park and La Porte abut on the west and the intersection of Sens Road overpass on the East.

Peak traffic hours means the hours between 6:00 a.m. and 8:00 p.m.

Truck means a "truck" as defined in Section 541.201 of the Texas Transportation Code that has three or more axles or a "truck tractor" as defined in Section 541.201 of the Texas Transportation Code, regardless of whether the truck tractor is drawing another vehicle or trailer.

Workday means Monday through Friday, holidays observed by the closure of City of La Porte offices excepted.

(c) Any person driving or operating a truck on the designated portion of State Highway 225 during peak traffic hours on any workday shall not utilize any controlled access lane other than the authorized lanes.

(d) That enforcement of this section is subject to Section 545.0651 of the Texas Transportation Code, and the prohibition established in subsection (c) of this section shall not be effective during any period of suspension or revision of approval by the Executive Director of the Texas Department of Transportation or the director's designee as provided in subsection (f) of Section 545.0651 or during any period when traffic control devices that are required to be erected and maintained by the Texas Department of Transportation pursuant to Section 545.0651 are not in place, nor shall the provisions of this section be construed to prohibit operation of a truck in a lane other than an authorized lane for the purpose of passing another vehicle or for the purpose of entering and exiting the highway. The provisions established under subsection (d) shall constitute defenses to prosecution under this section.

(e) Any person, as provided in Subchapter D of Chapter 542 of the Texas Transportation Code, who shall violate any provision of this section, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$200.00.

Secs. 70-239 —70-255. - Reserved.”

Section 4: That Chapter 70, “Traffic and Vehicles,” Article VI “Truck Routes and Gross Weight Limits,” Division 3. “Weight Limits”, of the La Porte, Texas Code of Ordinances is hereby amended to read as follows:

Sec. 70-256. - Enumeration.

Except as otherwise provided by law, no commercial motor vehicle shall be operated over, on or upon the public streets and highways within the corporate limits, having a weight in excess of one or more of the following limitations:

- (1) No commercial motor vehicle shall have a greater weight than 20,000 pounds carried on any one axle, including all enforcement tolerances; or a tandem axle weight in excess of 34,000 pounds, including all enforcement tolerances; or an overall gross weight on a group of two or more consecutive axles in excess of that produced by application of the following formula:

$W = 500$	$\left(\frac{LN}{N-1} \right)$	$+ 12N \times 36$
-----------	---------------------------------	-------------------

where W equals overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, however, that such overall gross weight may not exceed 80,000 pounds, including all enforcement tolerances.

- (2) No commercial motor vehicle shall have a greater weight than 600 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using high-pressure tires, and a greater weight than 650 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using low-pressure tires, and no wheel shall carry a load in excess of 8,000 pounds on high-pressure tires and 10,000 pounds on low-pressure tires, nor any axle a load in excess of 16,000 pounds on high-pressure tires, and 20,000 pounds on low-pressure tires.
- (3) Nothing in this section shall be construed as permitting size or weight limits on the national system of interstate and defense highways within the corporate limits of the city in excess of those permitted under 23 USC 127. If the federal government prescribes or adopts vehicle size or weight limits greater than those prescribed by 23 USC 127 for the national system of interstate and defense highways, the increased limits shall become effective on the national system of interstate and defense highways within the corporate limits of the city.
- (4) In this section, an axle load is defined as the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle. Tandem axle group is defined as two or more axles spaced 40 or more inches apart from center to center, having at least one common point of weight suspension.
- (5) Any weight enforcement officer, having reason to believe that the gross weight or axle load of a loaded motor vehicle is unlawful, is authorized to weigh the vehicle by means of portable or stationary scales approved by the police department of the city for such use, or the weight enforcement officer may cause the loaded motor vehicle to be weighed by any public weigher and may require such vehicle to be driven to the nearest available scales for the purpose of weighing. If the gross weight of a vehicle weighed pursuant to this subsection, is found to exceed the maximum gross weight authorized by law, plus a tolerance allowance of five percent of the gross weight authorized by law, such weight enforcement officer shall demand and require the operator or

owner of the motor vehicle to unload, or cause to be unloaded, such portion of the load as is necessary to decrease the gross weight of such vehicle to the maximum permitted by law, plus such tolerance allowance. Such vehicle may not be operated further over the public streets and highways within the city until the gross weight of the vehicle has been reduced to a weight not in excess of the maximum authorized by law plus such tolerance allowance, except as authorized under this subsection. If the axle load of a vehicle weighed pursuant to this subsection, is found to exceed the maximum authorized by law, plus a tolerance allowance of five percent of the axle load authorized by law, such weight enforcement officer shall demand and require the operator or owner of the motor vehicle to decrease the axle load to the maximum authorized by law plus such tolerance allowance. The owner or operator may reduce such load by rearranging the cargo, if possible, or by unloading or having others to unload such portion of the cargo as is necessary to decrease the axle load to the maximum authorized by law, plus such tolerance allowance. Such vehicle may not be operated further over the public streets and highways within the city so long as any axle load exceeds the maximum authorized by law plus such tolerance allowance except as authorized under this subsection. If the load of a motor vehicle consists of livestock, the operator shall be permitted to proceed to the destination without unloading providing the destination is within the state. If the gross weight of a motor vehicle or an axle load exceeds the maximum permitted by law, plus a tolerance of five percent of the gross weight authorized by law, but the weight enforcement officer believes that the cargo cannot be unloaded or rearranged safely at the place where such vehicle was weighed, or the weight enforcement officer believes that the unloading or rearranging of the cargo at such place would create an unreasonable disruption of traffic, he shall require the operator to proceed to a location where the cargo can be unloaded or rearranged safely without causing disruption to traffic. Such location shall be the nearest such place on city property, or property under the control of the driver or his principal, or on property where consent has been given for such loading and where it is feasible to unload or rearrange such cargo.

Section 5. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00).

Section 6. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 8. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by

law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 9. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the _____ day of _____, 2015.

CITY OF LA PORTE

By: _____
Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:

Assistant City Attorney

ORDINANCE NO. 2015 - _____

AN ORDINANCE AMENDING CHAPTER 70 "TRAFFIC AND VEHICLES" OF THE CODE OF ORDINANCES IN CONNECTION WITH COMPREHENSIVE REVIEW AND UPDATE TO TRUCK ROUTE REGULATIONS; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 70, "Traffic and Vehicles," Article V "Stopping, Standing and Parking," Section 70-179 "Parking time limit for trailers, semitrailers and other types of trailers", of the La Porte, Texas Code of Ordinances is hereby amended to read as follows:

"Sec. 70-179. - Parking time limit for trailers, semitrailers and other types of trailers.

It shall be unlawful for any person to leave, stand or park a trailer, ~~semitrailer, pole trailer, ranch trailer,~~ boat, ~~house trailer, utility trailer~~ or ~~truck tractor~~ commercial motor vehicle, either attached or unattached to a motor vehicle, ~~in a moving lane of traffic in the main traveled portion of a roadway, or any portion of a residential street,~~ for any period of time. It shall be unlawful for any person to knowingly leave, stand or park said vehicles at any location along the truck route for any period of time, except at locations authorized to accommodate truck parking. ~~The vehicle must only enter and exit the parking location via the truck route. In addition, it shall be unlawful for any said vehicle to be parked at a location off the truck route for any period of time with the exception of the point of origin and point of destination as described under the provisions of section 70-233, of the chapter. Trucks bearing a department of transportation (DOT) placard shall not be parked on any street for a period of time in excess of one hour. A placard vehicle shall not be parked within 2,000 feet of a school campus."~~

Section 2: That Chapter 70, "Traffic and Vehicles," Article VI "Truck Routes and Gross Weight Limits," Division 1. "Generally", of the La Porte, Texas Code of Ordinances is hereby amended to read as follows:

"Sec. 70-211. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat means a watercraft not more than 25 feet in length, measured from end to end, over the deck, excluding shear, and manufactured or used primarily for noncommercial use. For purposes of this article only, the term "boat" shall also include the trailer designed and used for the transportation of the boat over the public streets and highways.

Commerce means an interchange of goods, commodities and/or services especially on a large scale between countries (foreign trade) or between different parts of the same county for compensation.

~~Commercial motor vehicle means any motor vehicle other than a motorcycle, designed or used for the transportation of property, including certain vehicles used for delivery purposes.~~ means 1) a vehicle or combination of vehicles with an actual gross weight, a registered gross weight, a gross weight rating or any combination in excess of 26,000 pounds; 2) a farm vehicle or combination of farm vehicles with an actual gross weight, a registered gross weight, or a gross weight rating of 48,000 pounds or more when operating intrastate; 3) a vehicle transporting hazardous materials requiring a placard; 4) a motor carrier transporting household goods for compensation in commerce in a vehicle not defined in Texas Transportation Code, Sec. 548.001(1); 5) a foreign commercial motor vehicle that is owned or controlled by a person or entity that is domiciled in or a citizen of a country other than the United States; or 6) a contract carrier transporting the operating employees of a railroad on a road or highway of the State of Texas in a vehicle designed to carry 15 or fewer passengers.

Daytime means one-half hour before sunrise to one-half hour after sunset.

~~Gross weight means the weight of a vehicle without load, plus the weight of any load thereon.~~

Gross Combination Weight Rating (GCWR) means the greater of 1) A value specified by the manufacturer of the power unit, if such value is displayed on the Federal Motor Vehicle Safety Standard (FMVSS) certification label required by the National Highway Traffic Safety Administration, or 2) the sum of the gross vehicle weight rating (GVWR) or the gross vehicle weight (GVW) of the power unit and the towed unit(s), or any combination thereof, that produces the highest value. As an exception to application of this definition, the GCWR of the power unit will not be used to define a commercial motor vehicle when the power unit is not towing another vehicle.

Gross Vehicle Weight Rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

~~Hazardous material means any material that requires a federal department of transportation placard to be transported pursuant to 49 CFR 177.823, as adopted in state law.~~ a substance or material which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

~~Heavy truck means a truck with a gross vehicle weight more than, or equal to 33,000 lbs. The gross vehicle weight is the weight of the empty vehicle plus the maximum anticipated weight.~~

~~House trailer means a recreational vehicle, trailer or semitrailer, which is designed, constructed and equipped as a temporary dwelling place, living abode or sleeping place, and is equipped for use as a conveyance on streets and highways.~~

Legitimate repair facility means a commercial facility operated principally for the repair of motor vehicles.

~~Light truck means any truck with a limited manufacturer's rated carrying capacity. This definition is intended to include those trucks commonly known as one-ton trucks, pickup trucks, panel delivery trucks and carryall trucks.~~

Nighttime means any time period other than daytime.

Pole trailer means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Ranch trailer means a vehicle, with or without motive power, other than a pole trailer, designed for carrying livestock, ranch implements or other moveable personal property attendant to the business and recreational use of the raising of livestock or crops.

Registered Gross Weight Vehicle Weight Rating (RGVWR) means the value specified on the registration receipt as the loaded weight of a single motor vehicle.

Semitrailer means every vehicle, with or without motive power, other than a pole trailer or ranch trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Shipping containers means sealable shipping containers, designed for intermodal transportation, either with or without a permanent affixed chassis, used in interstate and international commerce for the shipment of goods and merchandise.

Shipping containers storage yards means a facility for the storage, handling and repair of shipping containers.

Trailer mean every vehicle, with or without motive power, other than a pole trailer or ranch trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. means: a) Full Trailer, which is any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing motor vehicle. A semitrailer equipped with an auxiliary front axel (converter dolly) shall be considered a full trailer; b) Pole Trailer, which is any motor vehicle which is designed to be drawn by another motor vehicle and attached to the towing motor vehicle by means of a “reach” or “pole”, or by being “boomed” or otherwise secured to the towing motor vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between the supporting connections; or c) Semitrailer, which is any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing motor vehicle.

Truck means any motor vehicle designed, used or maintained primarily for transportation of commodities. any self-propelled commercial motor vehicle except a truck tractor, designed and/or used for the transportation of property.

Truck routes means those routes which are designated by this article for the use of truck traffic commercial motor vehicles.

~~Truck terminal means a commercial facility operated principally for the loading, unloading, storage, handling, maintenance or repair of trucks, truck tractors, trailers, semitrailers, pole trailers, ranch trailers, shipping containers or similar commercial motor vehicles capable of transporting freight.~~

~~Truck tractor means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.~~ a self-propelled commercial motor vehicle designed and/or used primarily for drawing other vehicles.

~~Truck traffic means the operation of any truck tractor, or any combination of a truck tractor, trailer, semitrailer, pole trailer, shipping container or a commercial motor vehicle, but not including light trucks, boats, house trailers, ranch trailers and utility trailers.~~

~~Utility trailer means a trailer without motive power, less than 25 feet in length.~~

Weight enforcement officer means 1) a license and weight inspector of the Texas Department of Public Safety; 2) a highway patrol officer, sheriff or sheriff's deputy; 3) a municipal police officer in a municipality with a population of 100,000 or more or 74,000 or more in a county with a population of more than 1.5 million; or 4) a police officer certified under Texas Transportation Code Section 644.101.

Sec. 70-212. - Penalty for violation of article; culpable mental state not required in prosecution.

Except as otherwise provided in the article, the driver, owner, operator or other person operating or driving any commercial motor vehicle ~~truck, tractor, trailer or semitrailer, or combination of such vehicles,~~ over, on or upon city streets or public highways within the limits of the city who fails to comply with the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum in an amount established by the city and listed in Appendix B of this Code. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined in this article.

Secs. 70-213—70-230. - Reserved.”

Section 3: That Chapter 70, “Traffic and Vehicles,” Article VI “Truck Routes and Gross Weight Limits,” Division 2. “Truck Routes”, of the La Porte, Texas Code of Ordinances is hereby amended to read as follows:

Sec. 70-231. - Designation.

For the purposes of this division, those streets and thoroughfares within the corporate limits of the city which are enumerated as follows are hereby designated as truck routes:

Route	Extent

State Highway 225 (including frontage roads)	Entire extent within corporate limits
New State Highway 146 (including frontage roads)	Entire extent within corporate limits
Barbours Cut Boulevard	New State Highway 146 east to corporate limits
16th Street	Barbour's Cut Boulevard south to Fairmont Parkway
Fairmont Parkway	New State Highway 146 to west corporate limits
West Main Street	New State Highway 146 to west corporate limits
North 23rd Street	North Avenue C to West Main Street
Underwood Road	Entire extent within corporate limits
Powell Road (S. 16 th Street) Bay Area Blvd.	Fairmont Parkway south to 1700 block of Powell Road Fairmont Parkway to Spencer Highway
Export Drive	From South 16 th Street to State Highway 146
South 16 th Street	From south of Export Drive to Wharton Weems Blvd. and McCabe Road connecting with State Highway 146.
North Broadway	From north of Barbours Cut Blvd. to North "L" Street.
North "L" Street	From west of North Broadway to North 6 th Street
North "J" Street	From North 6 th Street to west connecting with State Highway 146.
North E Street	From North 16 th Street to eastern ROW of U.P.R.R.
North 8th Street	Barbours Cut Boulevard to a point 300 feet north of the north right-of-way line of Barbours Cut Boulevard

Sec. 70-232. - Use required generally.

No person shall operate a ~~truck, truck tractor, semitrailer or container~~ commercial motor vehicle upon any roads, avenues, streets or thoroughfares within the corporate limits of the city except on those which are designated as truck routes in Section 70-231 of this Code, and subject to the gross weight limits established by Division 3 of this article. ~~Neither shall any person operate a heavy truck traveling through the city, with no origin or destination within the city, except on limited access state highways, i.e. State Highway 225 and State Highway 146.~~

Sec. 70-233. - Exception to Section 70-232: point of origin; parking of commercial motor vehicles.

- (a) The provisions of Section 70-232 of this Code notwithstanding, in those instances where any ~~truck traffic~~ commercial motor vehicles originating within the corporate limits of the city, shall have as its point of origin a point located off a designated truck route, it shall proceed to the nearest point on a designated truck route by the most direct route possible. If such ~~truck traffic~~ commercial motor vehicles shall originate outside the corporate limits of the city and enter the city at a point which is not on a designated truck route, it shall proceed to the nearest point on a designated truck route by the most direct route possible.
- (b) In those cases where ~~truck traffic~~ commercial motor vehicles originates originate off a designated truck route, whether inside or outside the corporate limits of the city, and the destination of the ~~truck traffic~~ commercial motor vehicle is nearer the origin or point of entering the corporate limits of the city than is the nearest point on a designated truck route by the most direct route possible, it shall not be necessary to proceed to the nearest designated truck route.
- ~~(c) In those instances where the truck traffic has neither its point of origin or destination within the corporate limits of the City of La Porte, its extraterritorial jurisdiction, or the corporate limits of any city adjacent to La Porte, then such truck traffic shall only be allowed on a limited access State Highway, i.e. State Highway 225 and State Highway 146.~~
- (c) Commercial motor vehicles not in combination with a trailer or transporting a placarded load of hazardous materials may travel to and park at locations off a designated truck route by taking the most direct route possible, regardless of whether the operator of the commercial motor vehicle is loading or unloading cargo, providing services, or seeking repairs at a legitimate repair facility, provided that the location is not in a residentially zoned area and is at a site physically capable of accommodating customer commercial motor vehicle parking by means of a parking facility striping plan 1) configured to allow for the safe parking of commercial motor vehicles, and 2) approved by the Planning Department of the City in accordance with the requirements of Section 70-237 of this Chapter.
- (d) Combination commercial motor vehicles, other than vehicles transporting a placarded load of hazardous cargo, may travel to and park at locations contiguous to and fronting a designated truck route, regardless of whether the operator of the commercial motor vehicle is loading or unloading cargo, or seeking repairs at a legitimate repair facility, provided that the location is at a site physically capable of accommodating customer commercial motor vehicle parking specific to commercial motor vehicles in combination with a trailer, by means of a parking striping plan 1) configured to allow for the safe parking of combination commercial motor vehicles, and 2) approved by the Planning Department of the City in accordance with the requirements of Section 70-237 of this Chapter.

Sec. 70-234. - Exception to Section 70-232: loading, unloading and repair of trucks.

Truck traffic Commercial motor vehicles restricted to the streets designated as truck routes under Section 70-232 of this Code may depart such truck routes when it is necessary to load or unload cargo, provide services, or seek repairs for the commercial motor vehicle at a legitimate repair facility, at a location situated off designated truck routes; provided, however, that such truck traffic commercial motor vehicles shall not leave any designated truck route until such truck traffic commercial motor vehicle has reached a point on some designated truck route which is nearest the applicable place of loading, unloading or servicing by the most direct route possible. All required loading berths and facilities for truck repair shall be off-street and located on the same lots as the building or use to be served. After leaving a designated truck route to load or unload, truck traffic commercial motor vehicles may continue off truck routes to as many points of destination as necessary. If, in the course of making the necessary stops for loading and unloading, the truck traffic commercial motor vehicles shall cross a designated truck route, then, in that event, such truck commercial motor vehicle shall not again leave any designated truck routes until it has reached a point on some designated truck route which is nearest to the next place of loading and unloading by the most direct route possible.

Sec. 70-235. – Hazardous cargo material routes; designation.

- (a) For the purpose of this division, those streets and thoroughfares within the corporate limits of the city which are enumerated as follows are hereby designated as hazardous cargo material routes:

Route	Extent
State Highway 225 (excluding frontage roads)	Entire extent within corporate limits
New State Highway 146 (excluding frontage roads)	Entire extent within corporate limits
Fairmont Parkway	From Underwood Rd. to South 16 th Street
South 16 th Street	From Fairmont Parkway to Wharton Weems Blvd.
Wharton Weems Blvd.	From South 16 th Street to New State Highway 146

- (a) Vehicles Commercial motor vehicles transporting hazardous materials shall not depart leave and/or park off the hazardous cargo material route, except to pick up or deliver hazardous material, provide services, or to seek repairs for the commercial motor vehicle at a legitimate repair facility. In such cases, the vehicle shall not leave depart the hazardous cargo material route until such vehicle has reached a point which is nearest the applicable place of loading or unloading, provision of services, or legitimate repair facility, and shall return to the hazardous cargo material route by the most direct route. Additionally, said vehicles commercial motor vehicles transporting hazardous materials may not park at or travel to any location, alongside, or adjacent including locations contiguous

to and fronting the ~~truck route~~ hazardous material route, for any period of time except to pick up or deliver hazardous material, provide services, or seek repairs for the commercial motor vehicle at a legitimate repair facility.

Sec. 70-236. - Alternate routes.

Whenever any street or roadway designated as a truck route is under repair, or otherwise temporarily out of use, the chief of police shall be authorized to designate alternate truck routes.

~~**Sec. 70-237. - Location of truck terminals.**~~

~~Truck terminals, as defined in Section 70-211 of this Code, shall only be located in areas directly abutting the right of way of the truck routes specifically designated in Section 70-231 of this Code.~~

Sec. 70-237. Parking Plan for Accommodation of Commercial Motor Vehicles.

The owner or operator of any existing or proposed site in which parking is sought for accommodation of customer commercial motor vehicles, including combination commercial motor vehicles, where the site is physically capable of safely accommodating such vehicles, shall be required to submit to the Planning Department for approval a parking facility striping plan as a component of a proposed site plan, or as an amending document to a previously approved (if one exists) site plan. The applicant for the site plan or amended site plan shall be allowed the option of striping up to 15% of the required automobile parking as dual use parking spots for the accommodation of commercial motor vehicle parking, and shall be so striped and labeled. Such allocation shall generally be located within the parking spaces least used.

Sec. 70-238. - Lane use restrictions for trucks on portions of State Highway 225.

(a) That the findings contained in the preamble of Ordinance No. 2003-2618 are determined to be true and correct. As evidence thereof, documents establishing the approval described in the preamble of Ordinance No. 2003-2618 have been incorporated into this section and made a part hereof as exhibit A.

(b) That, as used in this section, the following terms shall have the meanings ascribed in this section:

Authorized lanes means the two controlled access lanes on each side of the State Highway 225 (eastbound side and westbound side) that are most immediately to the right of the left-hand (or inner) controlled access lane.

Designated portion of State Highway 225 means that portion of State Highway 225 between the point at which the corporate limits of the Cities of Deer Park and La Porte abut on the west and the intersection of Sens Road overpass on the East.

Peak traffic hours means the hours between 6:00 a.m. and 8:00 p.m.

Truck means a "truck" as defined in Section 541.201 of the Texas Transportation Code that has three or more axles or a "truck tractor" as defined in Section 541.201 of the Texas Transportation Code, regardless of whether the truck tractor is drawing another vehicle or trailer.

Workday means Monday through Friday, holidays observed by the closure of City of La Porte offices excepted.

(c) Any person driving or operating a truck on the designated portion of State Highway 225 during peak traffic hours on any workday shall not utilize any controlled access lane other than the authorized lanes.

(d) That enforcement of this section is subject to Section 545.0651 of the Texas Transportation Code, and the prohibition established in subsection (c) of this section shall not be effective during any period of suspension or revision of approval by the Executive Director of the Texas Department of Transportation or the director's designee as provided in subsection (f) of Section 545.0651 or during any period when traffic control devices that are required to be erected and maintained by the Texas Department of Transportation pursuant to Section 545.0651 are not in place, nor shall the provisions of this section be construed to prohibit operation of a truck in a lane other than an authorized lane for the purpose of passing another vehicle or for the purpose of entering and exiting the highway. The provisions established under subsection (d) shall constitute defenses to prosecution under this section.

(e) Any person, as provided in Subchapter D of Chapter 542 of the Texas Transportation Code, who shall violate any provision of this section, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$200.00.

Secs. 70-239 —70-255. - Reserved.”

Section 4: That Chapter 70, “Traffic and Vehicles,” Article VI “Truck Routes and Gross Weight Limits,” Division 3. “Weight Limits”, of the La Porte, Texas Code of Ordinances is hereby amended to read as follows:

Sec. 70-256. - Enumeration.

Except as otherwise provided by law, no commercial motor vehicle—~~truck trailer, trailer or semitrailer, nor combination of such vehicles~~ shall be operated over, on or upon the public streets and highways within the corporate limits, having a weight in excess of one or more of the following limitations:

- (1) No ~~such vehicle nor combination of vehicles~~ **commercial motor vehicle** shall have a greater weight than 20,000 pounds carried on any one axle, including all enforcement tolerances; or a tandem axle weight in excess of 34,000 pounds, including all enforcement tolerances; or an overall gross weight on a group of two or more consecutive axles in excess of that produced by application of the following formula:

$W = 500$	$\left(\frac{LN}{N-1} \right)$	$+ 12N \text{ } ^\circ \text{ } 36$
-----------	---------------------------------	-------------------------------------

where W equals overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, however, that such overall gross weight may not exceed 80,000 pounds, including all enforcement tolerances.

- (2) No ~~such vehicle nor combination of vehicles~~ **commercial motor vehicle** shall have a greater weight than 600 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using high-pressure tires, and a greater weight than 650 pounds per inch width of tire upon any wheel concentrated upon

the surface of the highway and using low-pressure tires, and no wheel shall carry a load in excess of 8,000 pounds on high-pressure tires and 10,000 pounds on low-pressure tires, nor any axle a load in excess of 16,000 pounds on high-pressure tires, and 20,000 pounds on low-pressure tires.

- (3) Nothing in this section shall be construed as permitting size or weight limits on the national system of interstate and defense highways within the corporate limits of the city in excess of those permitted under 23 USC 127. If the federal government prescribes or adopts vehicle size or weight limits greater than those prescribed by 23 USC 127 for the national system of interstate and defense highways, the increased limits shall become effective on the national system of interstate and defense highways within the corporate limits of the city.
- (4) In this section, an axle load is defined as the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle. Tandem axle group is defined as two or more axles spaced 40 or more inches apart from center to center, having at least one common point of weight suspension.
- (5) Any police weight enforcement officer, having reason to believe that the gross weight or axle load of a loaded motor vehicle is unlawful, is authorized to weigh the vehicle by means of portable or stationary scales approved by the police department of the city for such use, or the police weight enforcement officer may cause the loaded motor vehicle to be weighed by any public weigher and may require such vehicle to be driven to the nearest available scales for the purpose of weighing. If the gross weight of a vehicle weighed pursuant to this subsection, is found to exceed the maximum gross weight authorized by law, plus a tolerance allowance of five percent of the gross weight authorized by law, such police weight enforcement officer shall demand and require the operator or owner of the motor vehicle to unload, or cause to be unloaded, such portion of the load as is necessary to decrease the gross weight of such vehicle to the maximum permitted by law, plus such tolerance allowance. Such vehicle may not be operated further over the public streets and highways within the city until the gross weight of the vehicle has been reduced to a weight not in excess of the maximum authorized by law plus such tolerance allowance, except as authorized under this subsection. If the axle load of a vehicle weighed pursuant to this subsection, is found to exceed the maximum authorized by law, plus a tolerance allowance of five percent of the axle load authorized by law, such police weight enforcement officer shall demand and require the operator or owner of the motor vehicle to decrease the axle load to the maximum authorized by law plus such tolerance allowance. The owner or operator may reduce such load by rearranging the cargo, if possible, or by unloading or having others to unload such portion of the cargo as is necessary to decrease the axle load to the maximum authorized by law, plus such tolerance allowance. Such vehicle may not be operated further over the public streets and highways within the city so long as any axle load exceeds the maximum authorized by law plus such tolerance allowance except as authorized under this subsection. If the load of a motor vehicle consists of livestock, the operator shall be permitted to proceed to the destination without unloading providing the destination is within the state. If the gross weight of a motor vehicle or an axle load exceeds the maximum permitted by law, plus a tolerance of five percent of the gross weight authorized by law, but the police weight enforcement officer believes that the cargo cannot be unloaded or rearranged safely at the place where such vehicle was weighed, or the police weight enforcement officer believes that the unloading or rearranging of the cargo at such place would create an unreasonable disruption of traffic, he shall require the operator to proceed to a location where the cargo can be unloaded or rearranged safely without causing disruption to traffic. Such location shall be the nearest such place on city property, or property under

the control of the driver or his principal, or on property where consent has been given for such loading and where it is feasible to unload or rearrange such cargo.

Section 5. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00).

Section 6. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 8. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 9. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the _____ day of _____, 2015.

CITY OF LA PORTE

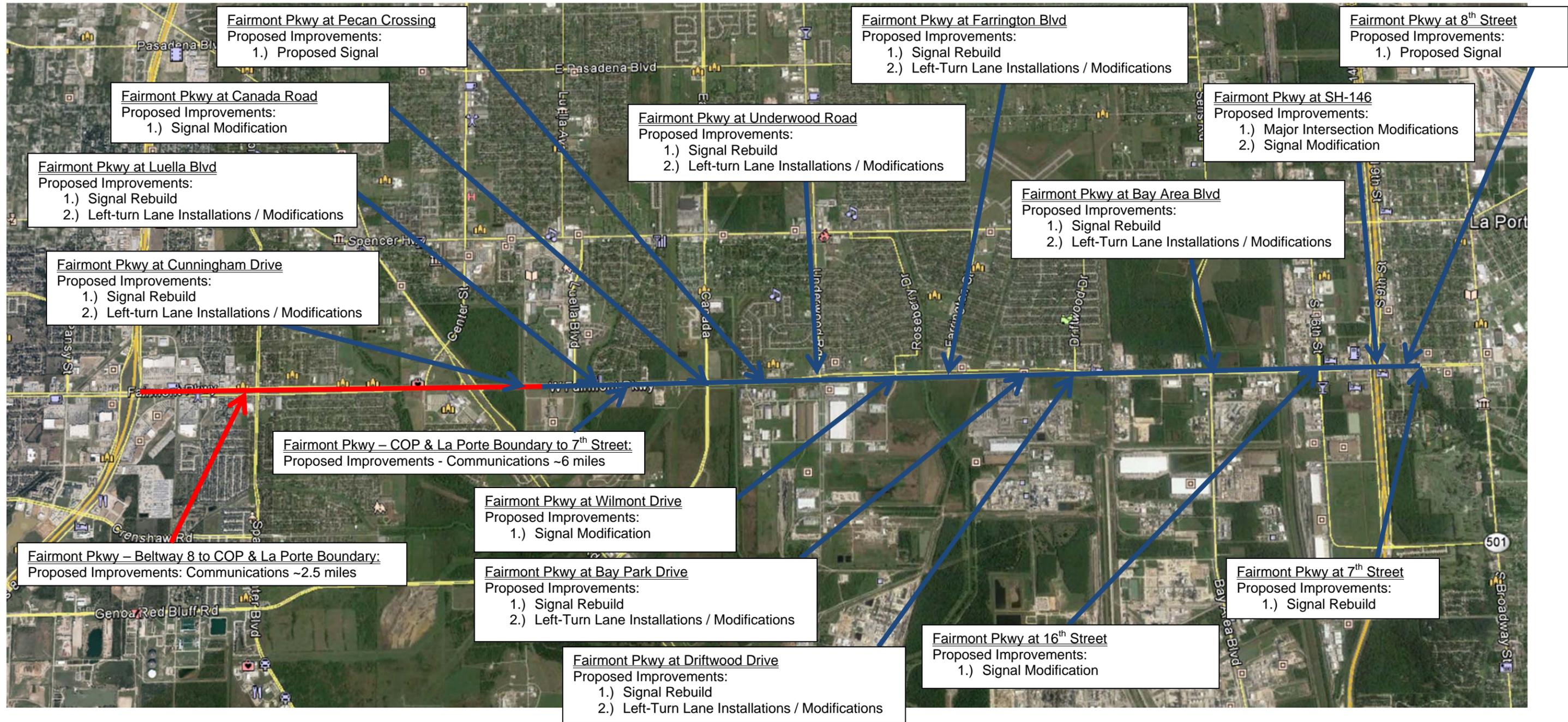
By: _____
Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:

Assistant City Attorney



Proposed CMAQ and Roadway Improvements – Fairmont Parkway

Scope of Work: The project includes the installation of 8.5 miles of fiber optic cable providing communication across various traffic devices along Fairmont Parkway from Beltway 8 to 7th Street. There will be a total of (2) two proposed signal installation, (8) eight signal rebuilds, (4) four signal modifications, (14) fourteen left-turn lane installations / modifications, various signal timing changes, and (1) one major intersection modification at SH 146 @ Fairmont Parkway. These improvements will improve the efficiency and relieve congestion at critical intersections, add capacity in much needed areas and improve air quality.

If both County and City agree upon a funding cap and de-scoping is required, then priority will be placed on roadway, communication, and signal improvements at intersections between the railroad grade separation and 7th Street (the eastern portions of the proposed project).

Funding:

The project will be funded through two mechanisms:

- 1) Federally-funded effort with 80/20 Local Participation of Construction
- 2) Roadway Improvements that are 100% Local Participation

	HGAC Federal Portion		Roadway	Total Local Share
	Total Federal Project	Local Share	100% Local	
Design	\$706,000	\$706,000	\$250,000	\$956,000
Construction	\$4,334,550	\$866,910	\$1,565,000	\$2,431,910
				\$3,387,910

Total Project Value Federal \$5,040,550

Total Project Value Roadway Work \$1,815,000

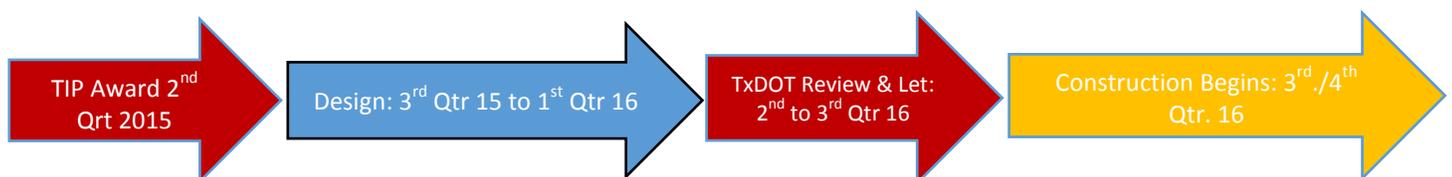
Total Value of Improvements \$6,855,550

Total Local Share \$3,387,910

Proposed La Porte Share \$1,000,000 minimum or 40% of Local Share of Construction

Proposed Harris County Share \$2,387,910

Conceptual Timeline





**Council Agenda Item
May 11, 2015**

10. ADMINISTRATIVE REPORTS

- La Porte Development Corporation Board Meeting, Wednesday, May 13, 2015
- Memorial Day Observed, Monday, May 25, 2015
- Planning and Zoning Commission Meeting, Thursday, May 21, 2015
- Zoning Board of Adjustment Meeting, Thursday, May 28, 2015

11. COUNCIL COMMENTS regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies – Councilmembers Moser, Kaminski, Zemanek, Leonard, Engelken, Earp, Clausen, Martin and Mayor Rigby

12. ADJOURN

The City Council reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code (the Texas open meetings laws).
