

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



DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Mayor Pro-Tem
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 September 14, 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 Dee Spears, Fairmont Park Church.
3. **PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance will be led by Councilmember Danny Earp.
4. **PUBLIC COMMENTS** (Limited to five minutes per person.)
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 Regular City Council Meeting held on August 24, 2015 and Special Called Meeting held on September 3, 2015 - P. Fogarty
 - (b) Consider approval or other action adopting an Ordinance repealing Ordinance No. 2015-3592 concerning condemnation of structures located at 313 S. 7th Street - P. Fogarty
 - (c) Consider approval or other action regarding appointment of Lia Ferrell to the La Porte Police Reserve Force - K. Adcox
 - (d) Consider approval or other action regarding an Ordinance authorizing the execution by the City of La Porte of an Industrial District Agreement with Hydro-Fairmont Real Estate, LLC, for property located at 11802 Fairmont Parkway in the Bayport Industrial District, for the term commencing January 1, 2008 and ending December 31, 2019 - K. Powell
 - (e) Consider approval or other action authorizing the City Manager to execute a Water Service Agreement and a Sanitary Sewer Service Agreement with Hydro-Fairmont Real Estate, LLC for its development at 11802 Fairmont Parkway in the Bayport Industrial District - T. Tietjens

6. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- (a) Public Hearing to receive comments regarding a request to approve a Special Conditional Use Permit (SCUP) #15-91000005 to allow construction of an approximately 240,000 square foot warehouse/distribution facility at the southeastern corner of S. 16th Street and the W. M Street intersection; and consider an Ordinance amending Chapter 106, "Zoning" of the Code of Ordinances by approving SCUP #15-91000005, in accordance with Planning and Zoning Commission recommendation to approve subject to conditions - E. Ensey
- (b) Public Hearing to receive comments regarding the City of La Porte, Texas' Fiscal Year 2015-2016 Proposed Budget - M. Dolby
- (c) Consider approval or other action regarding an Ordinance approving and adopting the City of La Porte Texas' Fiscal Year 2015-2016 Proposed Budget - M. Dolby

7. ORDINANCES/RESOLUTIONS/AUTHORIZATIONS

- (a) Consider approval or other action ratifying property tax revenue increase reflected in 2015-2016 Fiscal Year Budget - M. Dolby
- (b) Consider approval or other action regarding a Resolution adopting the 2015 Appraisal Roll of the Harris County Appraisal District - M. Dolby
- (c) Consider approval or other action regarding an Ordinance establishing the tax rate for the current tax year (2015) for a total tax rate of \$0.71 per hundred dollar valuation - M. Dolby
- (d) Consider approval or other action regarding proposed salary adjustment for Civil Service Personnel, under terms of Meet and Confer Agreement - K. Adcox
- (e) Consider approval or other action authorizing the City Manager, as General Manager of the La Porte Area Water Authority to formally dispute portions of the FY 2016 budget for the Southeast Water Purification Plant, and to authorize a \$15,000.00 increase in the La Porte Area Water Authority budget for professional services - D. Mick

8. REPORTS

- (a) Receive report of the La Porte Development Corporation Board - Councilmember Engelken
- (b) Receive Strategic Plan Update - T. Leach

9. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, September 17, 2015
- Zoning Board of Adjustment Meeting, Thursday, September 24, 2015
- Fiscal Affairs Committee Meeting, Monday, September 28, 2015
- City Council Meeting, Monday, September 28, 2015

- 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 Earp, Clausen, J. Martin, Kaminski, Zemanek, Leonard, Engelken, K. Martin and Mayor Rigby

11. EXECUTIVE SESSION

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, in accordance with the authority contained in:

Texas Government Code, Section 551.072 - For the purpose of deliberating the purchase, exchange, lease or value of real property: former Parks and Wildlife Building and surrounding property.

12. **RECONVENE** into regular session and consider action, if any, on item(s) discussed in executive session.
13. **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 September 14, 2015, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on September 8, 2015.

Patrice Fogarty



Council Agenda Item September 14, 2015

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Council Agenda Item September 14, 2015

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MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE AUGUST 24, 2015

The City Council of the City of La Porte met in a regular meeting on **Monday August 24, 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 6:01 p.m. Members of Council present: Councilmembers Kaminski, Earp, Engelken, Martin and Clausen. Absent: Councilmembers Zemanek and Leonard. Also present were City Secretary Patrice Fogarty and City Manager Corby Alexander.

2. **INVOCATION** – The invocation was given by Windell Gill, First Baptist Church.

3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Chuck Engelken.

4. PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS

Mayor Rigby recognized the American Heritage Troop No. 1202 present at the meeting for working on their Citizenship and Government Badges.

(a) Proclamation – Harley's Angels Cruzin' to Cure Day – Mayor Rigby

Mayor Rigby presented a proclamation to Harley's Angels for Harley's Angels Cruzin' to Cure Day.

(d) Recognition – Employees of the Second Quarter 2015 – Sgt. Cameron Briscoe & Officer Michael Harness (City of La Porte Police Department) – Mayor Rigby.

Mayor Rigby recognized Sgt. Cameron Briscoe & Officer Michael Harness as Employees of the Second Quarter for the City of La Porte.

(e) Recognition – Retirement of Mike Moore (City of La Porte Police Department – Animal Control Officer) – Mayor Rigby

Mayor Rigby recognized Mike Moore on his retirement from the City of La Porte as an Animal Control Officer.

(b) Presentation – Steve Coycault, Representative from Texas Silver Hair Legislature – Proposal for Over 65 Tax Freeze.

Steve Coycault, Representative from Texas Silver Hair Legislature spoke and asked Council to consider providing seniors tax relief. Mayor Rigby advised Mr. Coycault the Over 65 Tax Freeze will be considered at a future meeting.

- (c) Presentation - – Port of Houston Executive Director Roger Guenther – Overview of the Port of Houston Authority.

Port of Houston Executive Director Roger Guenther provided an Overview of the Port of Houston Authority and commented the success in 2015 was enjoyed, and over 1 million jobs were created. Mr. Guenther spoke on future businesses at the terminal and encouraged Council to take a Port tour on the M/V SAM HOUSTON, which is typically a 90-minute cruise. Councilmember Engelken commented he would like to see the City of La Porte and the Port of Houston partner and facilitate the truck traffic issues on Fairmont Parkway.

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

Donna O’Conner, 217 Sylvan St., addressed Council in support of tax relief for senior citizens and thanked Council for the City services.

James Matteson, 105 Summer Winds, addressed Council in support of tax relief for disabled citizens.

Steve Coycault, 4315 Maidenhead Dr., Pasadena, addressed Council in support of tax relief for senior citizens and advised Council he will continue to support the citizens.

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 Regular Meeting, including a Budget Workshop Meeting held on August 10-11, 2015 – P. Fogarty
- (b) Consider approval or other action authorizing the Mayor to execute an Interlocal Agreement with the City of Morgan’s Point for municipal court services – D. Mitrano
- (c) Consider approval or other action authorizing the City Manager to execute an agreement with Bayside Terrace Civic Club for a Community Cooperation Project (New Neighborhood Entryway Sign) – T. Leach
- (d) Consider approval or other action regarding a Resolution authorizing publication of a notice of intent to issue certificates of obligation, distribution of a preliminary official statement, and other matters relating thereto – M. Dolby
- (e) Consider approval or other action authorizing an agreement with Patillo, Brown and Hill for auditing services for fiscal years 2015, 2016 and 2017 – M. Dolby
- (f) Consider approval or other action authorizing the Mayor to execute an Employment Agreement with City Manager Corby Alexander – Mayor Rigby

Regarding Consent Item D, Councilmember Earp questioned the \$4,000,000.00 of certificates of obligation for projects listed on the agenda request vs. the total obligation of \$8,000,000. Finance Director Michael Dolby responded \$4,000,000.00 for infrastructure this year, and the remaining \$4,000,000.00 in proceeds for the next year.

Regarding Consent Item C, Mayor Rigby questioned if the total contribution for the City is \$5,000.00. Assistant City Manager Traci Leach responded yes.

Councilmember Engelken moved to approve all Consent Agenda items pursuant to staff recommendations. Councilmember Clausen seconded. **MOTION PASSED.**

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

7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

(a) Public hearing to receive comments on Staff recommendation of condemnation of nine (9) substandard buildings; consider Ordinances for condemnation of buildings located at 204 N. Forrest Ave.; 402 S. 15 St.; 313 S. 7th St.; 203 Bay Oaks Dr.; 422 S. 2nd St.; 514 N. 5th St.; 302 N. 7th St.; 626 N. 1st St.; and 330 S. 5th St. – R. Davidson

The public hearing opened at 6:48 p.m.

Deputy Building Official R. J. Davidson presented a summary and advised 402 S. 15th St., and 201 N. 7th St., are voluntary condemnations; and he recommends 302 N. 7th be pulled from the agenda due to an ownership change.

Otis Wright, 203 Bay Oaks, advised Council he will be repairing sections of the house but needs time, and said he could use 120 days in which to show progress.

Councilmember Martin questioned the type of progress Mr. Wright will have available in 120 days. Mr. Wright responded he will have photos of the progress, and he has plans to begin repairs on the roof. Deputy Building Official R. J. Davidson advised he has received a scope of work with an estimated timeline, and Mr. Wright will be required to provide monthly updates.

Colleen Neal, P.O. Box 2233, League City, representing the owners of 422 S. 2nd St., addressed Council and asked the home not be condemned due to there being a potential buyer of the property contingent the home is not listed to be condemned.

Ian Horne, 10829 Linwood, addressed Council and requested 422 S. 2nd St., be removed from the dangerous building list due to the home being worth saving. Mr. Horne presented construction plans and requested 30 days to close on the home, and 90 days to complete repairs. Deputy Building Official R. J. Davidson advised Council the structure is completely salvageable and has good bones.

Mayor Rigby listed 330 S. 5th St., 626 N 1st St., 204 N. Forrest Ave., 514 N. 5th St., and 313 S. 7th St. to be condemned and 203 Bay Oaks and 422 S. 2nd to remain on the condemnation list.

Councilmember Clausen moved to condemn five (5) substandard buildings which are located at 330 S. 5th St.; 626 N. 1st St.; 204 N. Forrest Ave.; 514 N. 5th St.; and 313 S. 7th St., and continue the public hearing to December 14, 2015, for 422 S. 2nd St., and 203 Bay Oaks Dr. to allow additional time. Councilmember Kaminski seconded. **MOTION PASSED.**

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3591: AN ORDINANCE DECLARING BOTH THE ACCESSORY STORAGE BUILDING AND THE PRIMARY DWELLING LOCATED AT BLK. 5, LOT 8, SYLVAN BEACH FIRST SUBDIVISION, LA PORTE, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 204 N. FORREST AVE, TO BE IN FACT A NUISANCE;**

ORDERING SUCH BUILDING CONDEMNED; FINDING THAT ABR PROPERTIES, LLC IS THE RECORD OWNER OF SAID PROPERTY; ORDERING THE SAID OWNER TO ENTIRELY REMOVE OR TEAR DOWN SUCH BUILDING; ORDERING THE SAID OWNER TO COMMENCE SAID REMOVAL OR DEMOLITION WITHIN TEN (10) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO COMPLETE SAID REMOVAL OR DEMOLITION WITHIN FORTY-FIVE (45) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; ORDERING THE DANGEROUS BUILDING INSPECTION BOARD TO PLACE A NOTICE ON SAID BUILDING; ORDERING THE CITY SECRETARY TO FORWARD A COPY OF THIS ORDINANCE TO SAID OWNER; PROVIDING FOR THE REMOVAL OF SAID BUILDING BY THE CITY OF LA PORTE IF NOT REMOVED BY SAID OWNER IN THE MANNER PROVIDED HEREIN; PROVIDING AN EFFECTIVE DATE HEREOF; AND FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3592: AN ORDINANCE DECLARING BOTH THE ACCESSORY STORAGE BUILDING AND THE PRIMARY DWELLING LOCATED AT BLK. 19; SOUTH 10' OF LOT 6, AND ALL OF LOTS 7 AND 8, TOWN OF LA PORTE, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 313 S. 7TH STREET, TO BE IN FACT A NUISANCE; ORDERING SUCH BUILDING CONDEMNED; FINDING THAT GEORGE ALLEN IS THE RECORD OWNER OF SAID PROPERTY; ORDERING THE SAID OWNER TO ENTIRELY REMOVE OR TEAR DOWN SUCH BUILDING; ORDERING THE SAID OWNER TO COMMENCE SAID REMOVAL OR DEMOLITION WITHIN TEN (10) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO COMPLETE SAID REMOVAL OR DEMOLITION WITHIN FORTY-FIVE (45) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; ORDERING THE DANGEROUS BUILDING INSPECTION BOARD TO PLACE A NOTICE ON SAID BUILDING; ORDERING THE CITY SECRETARY TO FORWARD A COPY OF THIS ORDINANCE TO SAID OWNER; PROVIDING FOR THE REMOVAL OF SAID BUILDING BY THE CITY OF LA PORTE IF NOT REMOVED BY SAID OWNER IN THE MANNER PROVIDED HEREIN; PROVIDING AN EFFECTIVE DATE HEREOF; AND FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3593: AN ORDINANCE THE PRIMARY DWELLING LOCATED AT BLK. 104, LOTS 9 AND 10, TOWN OF LA PORTE, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 514 N. 5TH STREET, TO BE IN FACT A NUISANCE; ORDERING SUCH BUILDING CONDEMNED; FINDING THAT MILTON WALKER IS THE RECORD OWNER OF SAID PROPERTY; ORDERING THE SAID OWNER TO ENTIRELY REMOVE OR TEAR DOWN SUCH BUILDING; ORDERING THE SAID OWNER TO COMMENCE SAID REMOVAL OR DEMOLITION WITHIN TEN (10) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO COMPLETE SAID REMOVAL OR DEMOLITION WITHIN FORTY-FIVE (45) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; ORDERING THE DANGEROUS BUILDING INSPECTION BOARD TO PLACE A NOTICE ON SAID BUILDING; ORDERING THE CITY SECRETARY TO FORWARD A COPY OF THIS ORDINANCE TO SAID OWNER; PROVIDING FOR THE REMOVAL OF SAID BUILDING BY THE CITY OF LA PORTE IF NOT REMOVED BY SAID OWNER IN THE MANNER PROVIDED HEREIN; PROVIDING AN EFFECTIVE DATE HEREOF; AND FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3594: AN ORDINANCE DECLARING THE PRIMARY DWELLING LOCATED AT BLK. 327, LOTS 3 AND 4, TOWN OF LA PORTE, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 626 N. 1ST STREET, TO BE IN FACT A NUISANCE; ORDERING SUCH BUILDING CONDEMNED; FINDING THAT GENEVIA ROY AND MORRIS MANUEL ARE THE RECORD OWNERS OF SAID PROPERTY; ORDERING THE SAID OWNERS TO ENTIRELY REMOVE OR TEAR DOWN SUCH BUILDING; ORDERING THE SAID OWNERS TO COMMENCE SAID REMOVAL OR DEMOLITION WITHIN TEN (10) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO COMPLETE SAID REMOVAL OR DEMOLITION WITHIN FORTY-FIVE (45) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; ORDERING THE DANGEROUS BUILDING INSPECTION BOARD TO PLACE A NOTICE ON SAID BUILDING; ORDERING THE CITY SECRETARY TO FORWARD A COPY OF THIS ORDINANCE TO SAID OWNERS; PROVIDING FOR THE REMOVAL OF SAID BUILDING BY THE CITY OF LA PORTE IF NOT REMOVED BY SAID OWNER IN THE MANNER PROVIDED HEREIN; PROVIDING AN EFFECTIVE DATE HEREOF; AND FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3595: AN ORDINANCE DECLARING THE PRIMARY DWELLING LOCATED AT BLK. 18, LOTS 17, 18 AND 19 TOWN OF LA PORTE, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 330 S. 5TH STREET, TO BE IN FACT A NUISANCE; ORDERING SUCH BUILDING CONDEMNED; FINDING THAT MARK PHU IS THE RECORD OWNER OF SAID PROPERTY; ORDERING THE SAID OWNER TO ENTIRELY REMOVE OR TEAR DOWN SUCH BUILDING; ORDERING THE SAID OWNER TO COMMENCE SAID REMOVAL OR**

DEMOLITION WITHIN TEN (10) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO COMPLETE SAID REMOVAL OR DEMOLITION WITHIN FORTY-FIVE (45) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; ORDERING THE DANGEROUS BUILDING INSPECTION BOARD TO PLACE A NOTICE ON SAID BUILDING; ORDERING THE CITY SECRETARY TO FORWARD A COPY OF THIS ORDINANCE TO SAID OWNER; PROVIDING FOR THE REMOVAL OF SAID BUILDING BY THE CITY OF LA PORTE IF NOT REMOVED BY SAID OWNER IN THE MANNER PROVIDED HEREIN; PROVIDING AN EFFECTIVE DATE HEREOF; AND FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.

(b) Public hearing to receive comments regarding a request to approve an amendment to the City's Future land Use Plan for tracts of land located between Highway 146 and S. 16th Street and between W. M Street and McCabe Road; and consider an Ordinance amending the Future Land Use Map Component of the Comprehensive Plan of the City of La Porte, Texas, in accordance with the La Porte Planning and Zoning Commission's recommendation to approve the proposed modifications to the Future Land Use Plan – E. Ensey

The public hearing opened at 7:15 p.m.

City Planner Eric Ensey and James B. Harris, Attorney representing Port Crossing, presented a summary.

There being no public comments, the public hearing closed at 7:20 p.m.

Councilmember Earp moved to approve an amendment to the City's Future Land Use Plan for tracts of land located between Highway 146 and S. 16th Street and between W. M Street and McCabe Road; and an Ordinance amending the Future land Use Map Component of the Comprehensive Plan of the City of La Porte. Councilmember Engelken seconded. **MOTION PASSED.**

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3596: AN ORDINANCE ADOPTING AN UPDATE TO THE FUTURE LAND USE MAP COMPONENT OF THE COMPREHENSIVE PLAN OF THE CITY OF LA PORTE, TEXAS UPON RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF LA PORTE, TEXAS; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

(c) Public hearing to receive comments regarding a request to approval a Special Conditional Use Permit (SCUP) for purpose of establishing use and development requirements for Port Cross Business Park, located north and west of State Highway 146 and Wharton Weems including all property included in the Final Plat of Port Crossing and Reserve A, Block 1, Port Crossing Section 1; and Reserve A, Boncosky Trucking Terminal, and consider an Ordinance amending Chapter 106, "Zoning, " of the Code of Ordinances by approving proposed SCUP # 15-91000004, in accordance with the La Porte Planning and Zoning Commission's recommendation for approval, Applicant is Port Crossing Land, LP. - Ensey

The public hearing opened at 7:21 p.m.

City Planner Eric Ensey presented a summary.

Councilmember Martin asked if any additional conditions requested by City Council can be implemented tonight or at a future meeting. Mr. Ensey responded any additional conditions requested by City Council can be implemented tonight. Councilmember Martin asked if the new owner wanted to build on Hwy 146, is there any input required on behalf of City Council or are the owners allowed to proceed building according to the document. Mr. Ensey responded there will be

no future SCUP's required for individual development; and if a site development plan was presented on a piece of property above 10 acres in size, it would require review by the Planning and Zoning Commission but not come before City Council.

Councilmember Earp questioned if this is the same location near Wharton Weems where the owner would need to have a truck lane to exit. Mr. Ensey responded he has no recollection of a truck lane exit being required and advised the loading docks will be on the west side of Hwy 146.

James B. Harris, attorney representing Port Crossing Land, LP spoke and advised Council conditions were made to satisfy the SCUP as requested by the Planning and Zoning Commission before a building permit would be issued and a truck stop should not be on the location.

City Planner Eric Ensey advised if there are any deviations from the terms of the SCUP, it would have to go back to the Planning and Zoning Commission and City Council.

There being no public comments, the public hearing closed at 7:31 p.m.

Councilmember Martin moved to approval a Special Conditional Use Permit (SCUP) for purpose of establishing use and development requirements for Port Cross Business Park, located north and west of State Highway 146 and Wharton Weems including all property included in the Final Plat of Port Crossing and Reserve A, Block 1, Port Crossing Section 1; and Reserve A, Boncosky Trucking Terminal, and an Ordinance amending Chapter 106, "Zoning, "of the Code of Ordinances by approving SCUP # 15-91000004. Councilmember Earp seconded. **MOTION PASSED.**

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3597: 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. 15-91000004 FOR THAT CERTAIN PARCEL OF LAND HEREIN DESCRIBED, FOR THE PURPOSE OF ESTABLISHING USE AND DEVELOPMENT REQUIREMENTS FOR BUSINESS PARK, FOR 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.**

8. AUTHORIZATIONS

- (a) Consider approval or other action regarding recommendation by Planning and Zoning Commission to approve the Amended Development Agreement for the Port Crossing Business Park – E. Ensey

City Planner Eric Ensey presented a summary.

Councilmember Clausen moved to approve the Amended Development Agreement for the Port Crossing Business Park. Councilmember Engelken seconded. **MOTION PASSED.**

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

- (b) Consider approval or other action regarding an Ordinance amending Chapter 22 of the City of La Porte Code of Ordinances by establishing regulations and fees relating the operation of massage establishments – K. Adcox

Police Chief Ken Adcox presented a summary.

Councilmember Kaminski moved to approve an Ordinance amending Chapter 22 of the City of La Porte Code of Ordinances by establishing regulations and fees relating the operation of massage establishments. Councilmember Earp seconded. **MOTION PASSED.**

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3598***: AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS, BY ESTABLISHING REGULATIONS AND FEES RELATING TO OPERATION OF MASSAGE ESTABLISHMENTS IN THE CITY; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEAMEANOR AND UPON CONVICTION SHALL FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

9. DISCUSSION OR OTHER ACTION

(a) Discussion and possible action regarding appointments to various City of La Porte boards, committees and commissions – P. Fogarty

City Secretary Patrice Fogarty presented a summary.

Councilmember Engelken moved to table appointments to various City of La Porte boards, committees and commissions for a month so that the newly elected councilmember could have some input. Councilmember Martin seconded. **MOTION PASSED.**

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

(b) Discussion and possible action to adopt open riding rules and hourly rentals at Lomax Rodeo Arena – R. Epting

This item was postponed to a later meeting at the request of City Manager Corby Alexander.

10. REPORTS

(a) Receive report of the Fiscal Affairs Committee – Councilmember Engelken

Councilmember Engelken provided a report of the Fiscal Affairs Committee meeting held prior the City Council Meeting.

11. ADMINISTRATIVE REPORTS

City Manager Corby Alexander advised the second meeting in September is September 28, 2015, not September 24, 2015, as was listed.

12. 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, Kaminski, Zemanek, Leonard, Engelken, Earp, Clausen and Mayor Rigby

Councilmembers Engelken, Martin and Clausen congratulated Harley's Angels on their proclamation; thanked Steve Coycault and Roger Guenther for their presentations; congratulated Sgt. Cameron Briscoe & Officer Michael Harness as Employees of the Second Quarter, and wished Mike Moore a happy retirement; Councilmember Earp advised there will be a meeting at the Lomax Rodeo Arena to discuss the possibilities of the equestrian trail system and sent kudos to Pearland Little League; congratulated Harley's Angels on their proclamation; congratulated Sgt. Cameron Briscoe & Officer Michael Harness as Employees of the Second Quarter and wished Mike Moore a happy retirement; Councilmember Kaminski thanked everyone for attending the meeting and congratulated the American Heritage Girls for earning their badges; and Mayor Rigby thanked everyone that remained in attendance until the end of the meeting; thanked Harley's Angels for their work and commitments; thanked Steve Coycault for his support to the senior citizens; thanked Roger Guenther for his report; thanked Sgt. Cameron Briscoe & Officer Michael Harness for their services as officers; wished Mike Moore a happy retirement and mentioned the very nice ribbon cutting that was held for the Northside Splash Park.

11. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:48 p.m. Councilmember Martin seconded. Motion passed unanimously.

Patrice Fogarty, City Secretary

Passed and approved on September 14, 2015.

Mayor Louis R. Rigby

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



DARYL LEONARD
Councilmember District 3
VACANT
Councilmember District 4
JAY MARTIN
Councilmember District 5
Mayor Pro Tem
MIKE CLAUSEN
Councilmember District 6

**MINUTES OF THE SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
SEPTEMBER 3, 2015**

The City Council of the City of La Porte met in a special meeting on **Thursday, September 3, 2015**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **5:00 p.m.** to consider the following items of business:

1. CALL TO ORDER

Mayor Rigby called the meeting to order at 5:00 p.m. Members of Council present: Councilmembers Engelken, Kaminski, Martin, and Leonard. Absent: Councilmembers Clausen, Zemanek, and Earp. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander and Assistant City Attorney Clark Askins.

2. CANVASS OF 2015 SPECIAL ELECTION

Consider approval or other action regarding an Ordinance declaring the results of the Special Election – Mayor Rigby

Mayor Rigby addressed the canvassing of election results.

Councilmember Engelken moved to adopt **Ordinance 2015-3599** declaring the results of the Special Election. Councilmember Leonard seconded. **MOTION PASSED.**

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

Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3599: AN ORDINANCE DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD IN THE CITY OF LA PORTE ON AUGUST 29, 2015, FOR AN ELECTION TO FILL THE UNEXPIRED TERM FOR THE POSITION OF COUNCILPERSON—DISTRICT 4; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

3. PUBLIC COMMENTS (Limited to five minutes per person.) There were no public comments.

4. ADMINISTRATIVE REPORTS – There were no administrative reports.

5. 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 Clausen, Martin, Kaminski, Zemanek, Leonard, Engelken, Earp and Mayor Rigby.

All councilmembers congratulated Kristin Martin on winning the election, welcomed her to Council, and stated they look forward to working with her.

6. **ADJOURN**

There being no further business, Councilmember Engelken moved to adjourn the meeting at 5:03 p.m. Councilmember Martin seconded. **MOTION PASSED UNANIMOUSLY.**

Patrice Fogarty, City Secretary

Passed and approved on September 28, 2015.

Mayor Louis R. Rigby

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 14, 2015</u>
Requested By: <u>Patrice Fogarty, City Secretary</u>
Department: <u>City Secretary</u>
Report: <u> </u> Resolution: <u> </u> Ordinance: <u> X </u>

Exhibits: Ordinance

<u>Budget</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: YES NO

SUMMARY & RECOMMENDATION

At the regular City Council meeting on August 24, 2015, Council passed Ordinance No. 2015-3592 for the purpose of condemning and ordering the removal of an accessory storage building and primary dwelling building located at 313 S. 7th, La Porte.

Since that time, the owner of the property executed a Voluntary Consent to Demolish Form authorizing the demolition of both structures. Council is being asked to consider repealing Ordinance No. 2015-3592, the condemnation ordinance.

Action Required by Council:

Consider approval or other action to adopt an Ordinance repealing Ordinance No. 2015-3592.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE 2015-3592, CONCERNING CONDEMNATION OF BOTH THE ACCESSORY STORAGE BUILDING AND THE PRIMARY DWELLING LOCATED AT BLK 19; SOUTH 10' OF LOT 6, AND ALL OF LOTS 7 AND 8, TOWN OF LA PORTE, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 313 S.7th STREET; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Council of the City of La Porte, passed and approved Ordinance 2015-3592 on August 24, 2015, for the purpose of condemning and ordering the removal of an accessory storage building and primary dwelling building, both situated on real property commonly known as 313 S.7th Street, La Porte, Texas.

WHEREAS, subsequent to passage of Ordinance 2015-3592 by the La Porte City Council, GEORGE ALLEN, the owner of real property and the accessory storage building and primary dwelling building situated thereon, located at the said 313 S.7th Street, executed and delivered to the City of La Porte a Voluntary Consent to Demolish Form authorizing the demolition of both the said accessory storage building and primary dwelling building by the City of La Porte; NOW THEREFORE:

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

Section 1. Ordinance 2015-3592, passed by the La Porte City Council on August 24, 2015, is hereby repealed in its entirety.

Section 2. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality,

vividness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 3. The City Council officially finds, determines, and recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was 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 the Open Meetings Law, Chapter 551, Texas Government 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 4. This Ordinance shall take effect and be in force from and after its passage and approval.

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

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark T. Askins, Assist. City Attorney

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE 2015-3592, CONCERNING CONDEMNATION OF BOTH THE ACCESSORY STORAGE BUILDING AND THE PRIMARY DWELLING LOCATED AT BLK 19; SOUTH 10' OF LOT 6, AND ALL OF LOTS 7 AND 8, TOWN OF LA PORTE, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 313 S.7th STREET; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Council of the City of La Porte, passed and approved Ordinance 2015-3592 on August 24, 2015, for the purpose of condemning and ordering the removal of an accessory storage building and primary dwelling building, both situated on real property commonly known as 313 S.7th Street, La Porte, Texas.

WHEREAS, subsequent to passage of Ordinance 2015-3592 by the La Porte City Council, GEORGE ALLEN, the owner of real property and the accessory storage building and primary dwelling building situated thereon, located at the said 313 S.7th Street, executed and delivered to the City of La Porte a Voluntary Consent to Demolish Form authorizing the demolition of both the said accessory storage building and primary dwelling building by the City of La Porte; NOW THEREFORE:

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

Section 1. Ordinance 2015-3592, passed by the La Porte City Council on August 24, 2015, is hereby repealed in its entirety.

Section 2. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality,

vividness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 3. The City Council officially finds, determines, and recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was 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 the Open Meetings Law, Chapter 551, Texas Government 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 4. This Ordinance shall take effect and be in force from and after its passage and approval.

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

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark T. Askins, Assist. City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 14, 2015</u>	<u>Appropriation</u>
Requested By: <u>Kenith Adcox</u>	Source of Funds:
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:
	Budgeted Item: <input type="radio"/> YES <input type="radio"/> NO

Attachments :

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 Lia Ferrell to the Police Reserve Force. Ms. Ferrell holds current Peace Officers Licenses with the State of Texas and recently left her full-time position with the La Porte Police Department under honorable conditions.

Action Required of Council:

Consider approval or other action of the appointment of Lia Ferrell 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: September 14, 2015 Appropriation
Source of Funds: N/A
Requested By: Kathy Powell Account Number:
Department: Finance Amount Budgeted:
Report: Resolution: Ordinance: Amount Requested:
Other: Budgeted Item: YES NO

Attachments :

1. Ordinance
2. Industrial District Agreement

SUMMARY & RECOMMENDATIONS

The City and Industry have agreed to renew the provisions of the Industrial District Agreement for a twelve year period. The current agreements will expire on December 31, 2019, the common date for the Battleground and Bayport Industrial Districts.

Hydro-Fairmont Real Estate, LLC, located at 11802 Fairmont Parkway, has requested to execute an Industrial District Agreement with the City of La Porte. Property is being split out of 2007-IDA-002 – Kelly Fairmont.

Staff recommends City Council authorize the execution of Industrial District Agreement with Hydro-Fairmont Real Estate, LLC.

- Ordinance No. 2007-IDA-137 Hydro-Fairmont Real Estate, LLC

Action Required of Council:

Consider approval or other action of Ordinance 2007-IDA-137 authorizing the execution by the City of La Porte of Industrial District Agreement listed above.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2007-IDA-137

AN ORDINANCE AUTHORIZING THE EXECUTION BY THE CITY OF LA PORTE OF AN INDUSTRIAL DISTRICT AGREEMENT WITH HYDRO-FAIRMONT REAL ESTATE, LLC, FOR PROPERTY LOCATED AT 11802 FAIRMONT PARKWAY FOR THE TERM COMMENCING JANUARY 1, 2008, AND ENDING DECEMBER 31, 2019, MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT, FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW, AND PROVIDING AN EFFECTIVE DATE HEROF.

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

Section 1. Hydro-Fairmont Real Estate LLC, for property located at 11802 Fairmont Parkway has executed an industrial district agreement with the City of La Porte, for the term commencing January 1, 2008, and ending December 31, 2019, a copy of which is attached hereto, incorporated by reference herein, and made a part hereof for all purposes.

Section 2. The Mayor, the City Manager, the City Secretary, and the City attorney of the City of La Porte, be and they are hereby, authorized and empowered to execute and deliver on behalf of the City of La Porte, the industrial district agreement with the corporation named in Section 1 hereof.

Section 3. 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 was 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 the Open Meetings Law, Chapter 551, Texas Government 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 4. This Ordinance shall be effective from and after its passage and approval, and it is so ordered.

PASSED and APPROVED, this 14th day of September, 2015.

CITY OF LA PORTE

Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark Askins, Assistant City Attorney

NO. 2007-IDA-137
STATE OF TEXAS
COUNTY OF HARRIS

INDUSTRIAL DISTRICT AGREEMENT

This AGREEMENT made and entered into by and between the CITY OF LA PORTE, TEXAS, a municipal corporation of Harris County, Texas, hereinafter called "CITY", and Hydro-Fairmont Real Estate LLC 11802 Fairmont Parkway, a _____ corporation, hereinafter called "COMPANY",

W I T N E S S E T H:

WHEREAS, it is the established policy of the City Council of the City of La Porte, Texas, to adopt such reasonable measures from time to time as are permitted by law and which will tend to enhance the economic stability and growth of the City and its environs by attracting the location of new and the expansion of existing industries therein, and such policy is hereby reaffirmed and adopted by this City Council as being in the best interest of the City and its citizens; and

WHEREAS, pursuant to its policy, City has enacted Ordinance No. 729, designating portions of the area located in its extraterritorial jurisdiction as the "Battleground Industrial District of La Porte, Texas", and Ordinance No. 842A, designating portions of the area located in its extraterritorial jurisdiction as the "Bayport Industrial District of La Porte, Texas", hereinafter collectively called "District", such Ordinances being in compliance with the Municipal Annexation Act of Texas, codified as Section 42.044, Texas Local Government Code; and

WHEREAS, Company is the owner of land within a designated Industrial District of the City of La Porte, said land being legally described on the attached Exhibit "A" (hereinafter "Land"); and said Land being more particularly shown on a plat attached as Exhibit "B", which plat describes the ownership boundary lines; a site layout, showing all improvements, including pipelines and railroads, and also showing areas of the Land previously annexed by the City of La Porte; and

WHEREAS, City desires to encourage the expansion and growth of industrial plants within said Districts and for such purpose desires to enter into this Agreement with Company pursuant to Ordinance adopted by the City Council of said City and recorded in the official minutes of said City:

FINAL DRAFT: November 1, 2007

NOW, THEREFORE, in consideration of the premises and the mutual agreements of the parties contained herein and pursuant to the authority granted under the Municipal Annexation Act and the Ordinances of City referred to above, City and Company hereby agree with each other as follows:

I.

City covenants, agrees and guarantees that during the term of this Agreement, provided below, and subject to the terms and provisions of this Agreement, said District shall continue to retain its extraterritorial status as an industrial district, at least to the extent that the same covers the Land belonging to Company and its assigns, unless and until the status of said Land, or a portion or portions thereof, as an industrial district may be changed pursuant to the terms of this Agreement. Subject to the foregoing and to the later provisions of this Agreement, City does further covenant, agree and guarantee that such industrial district, to the extent that it covers said Land lying within said District and not now within the corporate limits of City, shall be immune from annexation by City during the term hereof (except as hereinafter provided) and shall have no right to have extended to it any services by City, and that all Land, including that which has been heretofore annexed, shall not have extended to it by ordinance any rules and regulations (a) governing plats and subdivisions of land, (b) prescribing any building, electrical, plumbing or inspection code or codes, or (c) attempting to exercise in any manner whatever control over the conduct of business thereon; provided, however, any portion of Land constituting a strip of land 100' wide and contiguous to either Fairmont Parkway, State Highway 225, or State Highway 146, shall be subject to the rules and regulations attached hereto as Exhibit "C" and made a part hereof; and provided, however, it is agreed that City shall have the right to institute or intervene in any administrative and/or judicial proceeding authorized by the Texas Water Code, the Texas Clean Air Act, the Texas Health & Safety Code, or other federal or state environmental laws, rules or regulations, to the same extent and to the same intent and effect as if all Land covered by this Agreement were not subject to the Agreement.

II.

In the event that any portion of the Land has heretofore been annexed by City, Company agrees to render and pay full City ad valorem taxes on such annexed Land and improvements, and tangible personal property.

Under the terms of the Texas Property Tax Code (S.B. 621, Acts of the 65th Texas Legislature, Regular Session, 1979, as amended), the appraised value for tax purposes of the annexed portion of Land, improvements, and tangible personal property shall be determined by the Harris County Appraisal District. The parties hereto recognize that said Appraisal District has no authority to appraise the Land, improvements, and tangible personal property in the unannexed area for the purpose of computing the "in lieu"

payments hereunder. Therefore, the parties agree that the appraisal of the Land, improvements, and tangible personal property in the unannexed area shall be conducted by City, at City's expense, by an independent appraiser of City's selection. The parties recognize that in making such appraisal for "in lieu" payment purposes, such appraiser must of necessity appraise the entire (annexed and unannexed) Land, improvements, and tangible personal property.

Nothing herein contained shall ever be interpreted as lessening the authority of the Harris County Appraisal District to establish the appraised value of Land, improvements, and tangible personal property in the annexed portion, for ad valorem tax purposes.

III.

A. The properties upon which the "in lieu of" taxes are assessed are more fully described in subsections 1, 2, and 3 of subsection C, of this Paragraph III (sometimes collectively called the "Property"); provided, however, pollution control equipment installed on the Land which is exempt from ad valorem taxation pursuant to the provisions of Sec. 11.31 of the Texas Property Tax Code is exempt from ad valorem taxation and "in lieu of taxes" hereunder. Property included in this Agreement shall not be entitled to an agricultural use exemption for purposes of computing "in lieu of taxes" hereunder.

B. On or before the later of December 31, 2008, or 30 days from mailing of tax bill and in like manner on or before each December 31st thereafter, through and including December 31, 2019, Company shall pay to City an amount of "in lieu of taxes" on Company's Property as of January 1st of the current calendar year ("Value Year").

C. Company and City agree that the following percentages ("Percentage Amount") shall apply during each of the Value Years:

Value Year 2008:	62%
Value Year 2009:	62%
Value Year 2010:	62%
Value Year 2011:	62%
Value Year 2012:	62%
Value Year 2013:	62%
Value Year 2014:	63%
Value Year 2015:	63%
Value Year 2016:	63%
Value Year 2017:	63%
Value Year 2018:	63%
Value Year 2019:	63%

Company agrees to pay to City an amount of "in lieu of taxes" on Company's land, improvements and tangible personal property in the unannexed area equal to the sum of:

1. Percentage Amount of the amount of ad valorem taxes which would be payable to City if all of the Company's Land and improvements which existed on January 1, 2008, and each January 1 thereafter of the applicable Value Year during the term of this Agreement, (excluding amounts which would be so payable with respect to any Substantial Increase in value of such Land and improvements to which subparagraph 2, below applies), had been within the corporate limits of City and appraised each year by City's independent appraiser, in accordance with the applicable provisions of the Texas Property Tax Code; and
2. (a) On any Substantial Increase in value of the Land, improvements, and tangible personal property (excluding inventory) dedicated to new construction, in excess of the appraised value of same on January 1, 2007, resulting from new construction (exclusive of construction in progress, which shall be exempt from taxation), for each Value Years following completion of construction in progress, an amount equal to Twenty-five percent (25%), if construction is completed in Value years 2008 through 2013; and Twenty percent (20%), if construction is completed in Value years 2014 through 2019, of the amount of ad valorem taxes which would be payable to City if all of said new construction had been within the corporate limits of City and appraised by City's independent appraiser, in accordance with the applicable provisions of the Texas Property Tax Code.

In the case of new construction which is completed in Value Year 2016 or later, and provided, further, that City and Company enter into an Industrial District Agreement after the expiration of this Industrial District Agreement, then, and in such events, such new construction shall be entitled to additional Value Years under the new Agreement at a Twenty percent (20%) valuation under this subparagraph (a), for a total of six (6) Value Years, but not extending beyond Value Year 2022.

- (b) A Substantial Increase in value of the Land, improvements, and tangible personal property (excluding inventory) as used in subparagraph 2(a) above, is defined as an increase in value that is the lesser of either:
 - i. at least Five percent (5%) of the total appraised value of Land and improvements, on January 1, 2007; or
 - ii. a cumulative value of at least \$3,500,000.00.

For the purposes of this Agreement, multiple projects that are completed in a Value Year can be cumulated to arrive at the amount for the increase in value.

- (c) If existing Property values have depreciated below the Property value established on January 1, 2007, an amount equal to the amount of the depreciation will be removed from the calculation under this subparagraph 2 to restore the value to the January 1, 2007, value; and
3. Percentage Amount of the amount of ad valorem taxes which would be payable to City on all of the Company's tangible personal property of every description, located in an industrial district of City, including, without limitation, inventory, (including inventory in a federal Foreign Trade Zone and including Freeport exempted inventory), oil, gas, and mineral interests, items of leased equipment, railroads, pipelines, and products in storage located on the Land, if all of said tangible personal property which existed on January 1, 2008, and each January 1 thereafter of the applicable Value Year during the term of this Agreement, (excluding amounts which would be so payable with respect to any Substantial Increase in value of such tangible personal property to which subparagraph 2, above applies), had been within the corporate limits of City and appraised each year by the City's independent appraiser, in accordance with the applicable provisions of the Texas Property Tax Code.

with the sum of 1, 2 and 3 reduced by the amount of City's ad valorem taxes on the annexed portion thereof as determined by appraisal by the Harris County Appraisal District.

4. Notwithstanding the above, should City elect to grant the freeport inventory exemption authorized by Article VIII, Section 1-j of the Texas Constitution and Section 11.251 of the Texas Property Tax Code to taxpayers within the City limits, then the freeport inventory exemption shall apply to parties to this Agreement. Further, should inventory or any other class or type of property become exempt from taxation by constitutional amendment or act of the Texas Legislature (including, but not limited to, Article VIII, Section 1-n, of the Texas Constitution and Section 11.253 of the Texas Property Tax Code), such class or type of property shall be exempt for purposes of this Agreement, unless the City Council of the City of La Porte shall by Ordinance provide for the continued taxation of such property under the authority of any applicable provisions of the Texas Constitution and Texas Statutes.

5. City and Company acknowledge circumstances might require the City to provide emergency services to Company's Property described on Exhibit "A" attached hereto. Emergency services are limited to fire, police, and public works emergency services. If Company is not a member of Channel Industries Mutual Aid Association (CIMA), Company agrees to reimburse City for its costs arising out of any emergency response requested by Company to Company's property, and to which City agrees to respond. If Company is a member of CIMA, the obligations of Company and City shall be governed by the CIMA agreement, to which agreement City is a party.

IV.

This Agreement shall extend for a period beginning on the 1st day of January, 2008, and continuing thereafter until December 31, 2019, unless extended for an additional period or periods of time upon mutual consent of Company and City as provided by the Municipal Annexation Act; provided, however, that in the event this Agreement is not so extended for an additional period or periods of time on or before August 31, 2019, the agreement of City not to annex property of Company within the District shall terminate. In that event, City shall have the right to commence immediate annexation proceedings as to all of Company's property covered by this Agreement, notwithstanding any of the terms and provisions of this Agreement.

Company agrees that if the Texas Municipal Act, Section 42.044, Texas Local Government Code, is amended after January 1, 1994, or any new legislation is thereafter enacted by the Legislature of the State of Texas which imposes greater restrictions on the right of City to annex land belonging to Company or imposes further obligations on City in connection therewith after the annexation of such land, Company will waive the right to require City to comply with any such additional restrictions or obligations and the rights of the parties shall be then determined in accordance with the provisions of said Texas Municipal Annexation Act as the same existed January 1, 1994.

V.

This Agreement may be extended for an additional period or periods by agreement between City and Company and/or its assigns even though it is not extended by agreement between City and all of the owners of all land within the District of which it is a part.

VI.

A. In the event Company elects to protest the valuation for tax purposes set on its said properties by City or by the Harris County Appraisal District for any year or years during the terms hereof, nothing in this Agreement shall preclude such protest and

Company shall have the right to take all legal steps desired by it to reduce the same.

Notwithstanding such protest by Company, and except as otherwise provided in Article VI(B), Company agrees to pay to City on or before the date therefore hereinabove provided, at least the total of (a) the total amount of ad valorem taxes on the annexed portions, plus (b) the total amount of the "in lieu of taxes" on the unannexed portions of Company's hereinabove described property which would be due to City in accordance with the foregoing provisions of this Agreement on the basis of renditions which shall be filed by Company.

When the City or Harris County Appraisal District (as the case may be) valuation on said property of Company has been so finally determined, either as the result of final judgment of a court of competent jurisdiction or as the result of other final conclusion of the controversy, then within thirty (30) days thereafter Company shall make payment to City of any additional payment due hereunder, or City shall make payment to Company of any refund due, as the case may be, based on such final valuation, together with applicable penalties, interests, and costs.

B. Should Company disagree with any appraisal made by the independent appraiser selected by City pursuant to Article II above (which shall be given in writing to Company), Company shall, within twenty (20) calendar days of receiving City's invoice, give written notice to the City of such disagreement. In the event Company does not give such written notice of disagreement within such time period, the appraisal made by said independent appraiser shall be final and controlling for purposes of the determination of "in lieu of taxes" payments to be made under this Agreement.

Should Company give such notice of disagreement, Company shall also submit to the City with such notice a written statement setting forth what Company believes to be the market value of Company's hereinabove described property. Both parties agree to thereupon enter into good faith negotiations in an attempt to reach an agreement as to the market value of Company's property for "in lieu" purposes hereunder. If, after the expiration of thirty (30) days from the date the notice of disagreement was received by City, the parties have not reached agreement as to such market value, the parties agree to submit the dispute to final arbitration as provided in subparagraph 1 of this Article VI(B).

Notwithstanding any such disagreement by Company, Company agrees to pay to City on or before December 31 of each year during the term hereof, at least the total of (a) the ad valorem taxes on the annexed portions, plus (b) the total amount of the "in lieu" payments which would be due hereunder on the basis of Company's written valuations statement submitted to City by Company hereunder, or the total assessment and "in lieu of taxes" thereon for the last preceding year, whichever is higher.

1. A Board of Arbitrators shall be created composed of one person named by Company, one by City, and a third to be named by those two. In case of no agreement on this arbitrator in 10 days, the parties will join in a written request that the Chief Judge of the U.S. District Court for the Southern District of Texas appoint the third arbitrator who, (as the "Impartial Arbitrator") shall preside over the arbitration proceeding. The sole issue to be determined in the arbitration shall be resolution of the difference between the parties as to the fair market value of Company's property for calculation of the "in lieu" payment and total payment hereunder for the year in question. The Board shall hear and consider all relevant and material evidence on that issue including expert opinion, and shall render its written decision as promptly as practicable. That decision shall then be final and binding upon the parties, subject only to judicial review as may be available under the Texas General Arbitration Act (Chapter 171, "General Arbitration", Texas Civil Practice and Remedies Code). Costs of the arbitration shall be shared equally by the Company and the city, provided that each party shall bear its own attorneys fees.

VII.

City shall be entitled to a tax lien on Company's above described property, all improvements thereon, and all tangible personal property thereon, in the event of default in payment of "in lieu of taxes" payments hereunder, which shall accrue penalty and interest in like manner as delinquent taxes, and which shall be collectible by City in the same manner as provided by law for delinquent taxes.

VIII.

This Agreement shall inure to the benefit of and be binding upon City and Company, and upon Company's successors and assigns, affiliates and subsidiaries, and shall remain in force whether Company sells, assigns, or in any other manner disposes of, either voluntarily or by operation of law, all or any part of the property belonging to it within the territory hereinabove described, and the agreements herein contained shall be held to be covenants running with the land owned by Company situated within said territory, for so long as this Agreement or any extension thereof remains in force. Company shall give City written notice within ninety (90) days, with full particulars as to property assigned and identity of assignee, of any disposition of the Land, and assignment of this Agreement.

IX.

If City enters into an Agreement with any other landowner with respect to an industrial district or enters into a renewal of any

existing industrial district agreements after the effective date hereof and while this Agreement is in effect, which contains terms and provisions more favorable to the landowner than those in this Agreement, Company and its assigns shall have the right to amend this Agreement and City agrees to amend same to embrace the more favorable terms of such agreement or renewal agreement.

X.

The parties agree that this Agreement complies with existing laws pertaining to the subject and that all terms, considerations and conditions set forth herein are lawful, reasonable, appropriate, and not unduly restrictive of Company's business activities. Without such agreement neither party hereto would enter into this Agreement. In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, articles or other parts of this Agreement or the application thereof to any person, firm, corporation or circumstances shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrase, clause, sentence, paragraph, section, article or other part of the Agreement shall be deemed to be independent of and separable from the remainder of this Agreement and the validity of the remaining parts of this Agreement shall not be affected thereby.

XI.

Upon the commencement of the term of this Agreement, all other previously existing industrial district agreements with respect to said Land shall terminate.

XII.

Notices by a party to the other party hereto, shall be mailed or delivered as follows:

To the City of La Porte:

City Manager
City of La Porte
604 West Fairmont Parkway
La Porte, TX 77571

To Company:

Attention:

Hydro-Fairmont Real Estate LLC
(COMPANY)
Bill Cronmer Department
6520 Cunningham Rd
Houston, TX 77041

Company shall promptly notify City of any change of ownership of Property, any assignment of this Agreement, and of any change of billing address.

Company shall notify City annually, on or before June 1, of any changes to the following information:

Plant Manager

Name: Bill Cronauer
Address: 6320 Cunningham Rd.
Houston TX 77041
Phone: 713-937-9001
Fax: 713 937 7319
Email: b.cronauer@hydro-tex.com

Tax Agent/Billing Contact

Name: Cynthia Spencer
Address: 6320 Cunningham Rd.
Houston TX 77041
Phone: 713-937-9001
Fax: 713-937-7319
Email: cspencer@hydro-tex.com

ENTERED INTO effective the 1st day of January, 2008.

Hydro-Fairmont Real Estate LLC, Texas
(COMPANY)

By: [Signature]
Name: Bill Cronauer
Title: Manager
Address: 6320 Cunningham Rd
Houston TX 77041

ATTEST:

CITY OF LA PORTE

City Secretary

By: _____
Louis R. Rigby
Mayor

APPROVED:

[Signature]
Knox W. Askins
City Attorney
City of La Porte

By: _____
Corby D Alexander
City Manager

P.O. Box 1218
La Porte, TX 77572-1218
281.471.1886
281.471.2047 fax
knoxaskins@comcast.net

CITY OF LA PORTE
604 West Fairmont Parkway
La Porte, TX 77571

STATE OF TEXAS :
:
COUNTY OF HARRIS :

This instrument was acknowledged before me on the 13 day of August, 2015, by Bill Cronauer of Hughes-Farmort Real Estate LLC corporation, a _____ corporation, on behalf of said entity.

Cynthia J. Spencer
Notary Public, State of Texas



STATE OF TEXAS :
:
COUNTY OF HARRIS :

This instrument was acknowledged before me on the 13 day of August, 2015, by Louis R. Rigby, Mayor of the City of La Porte, a municipal corporation, on behalf of said entity.

Notary Public, State of Texas

Vlgavi Realty, LLC
Fairmont Parkway Combined Lots 2 and 4
3.127 Acres

Richard Pearsall 1/3 League
Abstract No. 625

STATE OF TEXAS §

COUNTY OF HARRIS §

A **METES & BOUNDS** description of a certain 3.127-acre tract of land situated in the Richard Pearsall 1/3 League, Abstract No. 625 in Harris County, Texas, being out of Restricted Reserve "C", Block 2 of Amending Plat, Goodyear Bayport 2003 Partial Replat as recorded in Film Code No. 631010 of the Harris County Map Records conveyed to Vlgavi Realty, LLC by Special Warranty Deed recorded in Clerk's File No. 20110428824 of the Harris County Official Public Records of Real Property; said 3.127-acre tract being more particularly described as follows with all bearings being based on a call of North 86°52'36" East along the north line of said Restricted Reserve "C";

COMMENCING at a found 5/8-inch iron rod being the northwest corner of said Reserve, being in the south right-of-way line of Fairmont Parkway;

THENCE, South 01°00'42" East, along the west line of said Reserve, 339.00 feet to a 5/8-inch iron rod (with cap stamped "Cotton Surveying") set for the **POINT OF BEGINNING** of the herein described tract, from which the southwest corner of said Reserve bears South 01°00'42" East, 489.00 feet, and from said southwest corner a found 5/8-inch iron rod bears South 62° East, 0.14 feet;

THENCE, North 88°59'18" East, 551.47 feet to a 5/8-inch iron rod (with cap stamped "Cotton Surveying") set for corner;

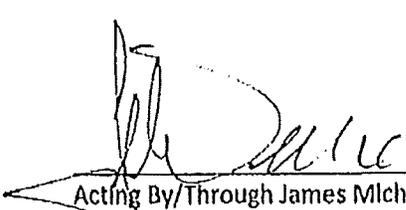
THENCE, South 01°00'21" East, 247.00 feet to a 5/8-inch iron rod (with cap stamped "Cotton Surveying") set for corner;

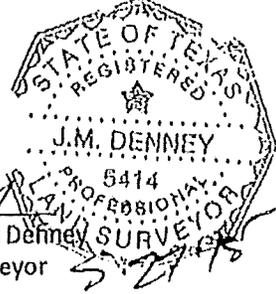
THENCE, South 88°59'18" West, 551.45 feet to a 5/8-inch iron rod (with cap stamped "Cotton Surveying") set for corner in the west line of said Reserve, from which the southwest corner of said Reserve bears South 01°00'42" East, 242.00 feet

THENCE, North 01°00'42" West, along said west line, 247.00 feet to the **POINT OF BEGINNING**, **CONTAINING** 3.127 acres of land in Harris County, Texas as shown on Drawing No. 9117 in the offices of Cotton Surveying, Houston, Texas.

Cotton Surveying Company
6335 Gulfton, Suite 100
Houston, TX 77081-1169
(713) 981-0275

*Texas Board of Professional Land Surveying
Registration No. 10046100*


Acting By/Through James Michael Denney
Registered Professional Land Surveyor
No. 5414
MDenney@Jonescarter.com



"EXHIBIT C"

Page 1 of 3

RULES AND REGULATIONS

Any portion of Land constituting a strip of land 100' wide and contiguous to either Fairmont Parkway, State Highway 225, or State Highway 146 shall be subject to the following rules and regulations pertaining to new signage, screening, driveways and median crossovers. These rules and regulations shall apply after the effective date of this Agreement when Company develops or constructs improvements on vacant Land described in Exhibit "A" which is adjacent to Fairmont Parkway, State Highway 225, or State Highway 146.

1. Any sign erected in said 100' strip of land shall be subject to the following provisions:

- ☒ One freestanding identification sign shall be permitted for each side of an industrial establishment that fronts on an improved public right-of-way.
- ☒ Freestanding identification signs for single tenant buildings shall not exceed 150 square feet in area.
- ☒ One freestanding identification sign for identifying multiple businesses is allowable at the intersection of improved public rights-of-way.
- ☒ Freestanding identification signs for multiple businesses shall not exceed 350 square feet.
- ☒ Freestanding identification signs shall not exceed 45 feet in height.
- ☒ Minimum setback for sign construction shall be ten (10) feet from property lines.

2. When Land adjacent to said 100' strip is developed, the initial 50' of said strip beyond any existing pipeline easement contiguous to either Fairmont Parkway, State Highway 225, or State Highway 146 shall be screened by one of the following techniques:

- a) Leaving in place existing trees, vegetation, underbrush, etc. to provide a thorough and effective visual screening of the development. Existing trees shall, together with other vegetation and underbrush, create a continuous visual screen.

"EXHIBIT C"

Page 2 of 3

- b) The use of earthen berms with approximately 3:1 side slopes, 50' wide at the base and 8' high. The berms may be landscaped with a combination of trees, shrubs, and ground cover. All berms and landscaping will be maintained by the property owners.
- c) A screening plan, to be approved by the City, that includes a combination of trees, shrubs, and ground cover that after 5 years growth will be at least 20 feet in height and shall, together with shrubs and ground cover, create a continuous visual screen. Provided, however, in public utility easements or rights-of-way, the vegetation shall be installed and maintained in a manner which is acceptable to the public utility company, and does not interfere with the operation and maintenance of the public utility facilities.

For items b and c above, the actual length of required screening along the roadway will be equal to the length of the new development that is parallel to the roadway. Screening shall not be required for new development that is to the rear of or behind existing facilities.

In all cases the 50' strip, along the entire roadway frontage, shall be dedicated as a landscape easement and shall be kept free from any improvements except for approved driveway access and identification signs.

For cases of new development or improvements where a 50' landscape easement is not available or practical, Company shall meet with City to determine a suitable landscaping alternative.

- d) In the case of land contiguous to Fairmont Parkway, in addition to the other requirements of these Rules and Regulations, Company shall dedicate to City by Plat a ten foot (10') wide pedestrian and bicycle easement, extending along Company's Fairmont Parkway boundary, within the fifty foot (50') landscape easement. The pedestrian easement shall not be within any pipeline facility, except for necessary crossings.
3. Driveways opening from said strip of land onto State Highway 225 or State Highway 146 shall be subject to the rules and regulations of the Texas Department of Transportation and provisions of the City's Code of Ordinances, whichever is more restrictive.

Driveways opening from said strip of land onto Fairmont Parkway shall be subject to the rules and regulations of Harris County and provisions of the City's Code of Ordinances, whichever is more restrictive.

"EXHIBIT C"
Page 3 of 3

4. Driveways opening from said strip of land onto Fairmont Parkway shall be approved by the City and may require the installation of separate acceleration/deceleration lanes.
5. Installation of a median crossover on Fairmont Parkway shall be subject to the approval of both Harris County and City.

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 14, 2015

Requested By: Tim Tietjens

Department: Planning

Report: ___ Resolution: ___ Ordinance: X

Appropriation

Source of Funds: N/A

Account Number: N/A

Amount Budgeted: N/A

Amount Requested: N/A

Budgeted Item: ___ YES X NO

Exhibits:

1. Water Service Agreement
2. Sanitary Sewer Service Agreement
3. Area Map

SUMMARY & RECOMMENDATION

Hydro-Fairmont Real Estate, LLC has approached the City for water and sanitary sewer service to its development at 11802 Fairmont Parkway in the Bayport Industrial District (see Area Map). The company plans to construct a new facility at this site which will employ up to 30 full-time positions.

Council has approved a policy to provide water and sanitary sewer service to companies located outside the city limits and within the City's industrial districts (ETJ). These companies are required by the policy to maintain a current Industrial District Agreement (IDA) with the City. Hydro-Fairmont Real Estate, LLC has an IDA for the site (2007-IDA-137), which was considered by the Council earlier this evening. Administrative fees in the amount of \$5,000 for each agreement have been subsequently received from the company.

Based on Hydro-Fairmont Real Estate, LLC's stated demand for domestic uses, the average daily volume for potable water and sanitary sewer is 1,500 gallons. Under the terms of the policy, the company will pay one and one-half (1-1/2) times the City's current utility rate for service.

The terms of the Water Service Agreement and Sanitary Sewer Service Agreement will expire on December 31, 2019, plus any renewals or extensions thereof. However, these agreements will automatically expire at such time as there is no effective Industrial District Agreement between the parties, or if the City exercises its right of termination.

Action Required by Council:

Consider approval or other action, authorizing the City Manager to execute a Water Service Agreement and a Sanitary Sewer Service Agreement with Hydro-Fairmont Real Estate, LLC for its development at 11802 Fairmont Parkway in the Bayport Industrial District.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

STATE OF TEXAS §

COUNTY OF HARRIS §

**CITY OF LA PORTE
WATER SERVICE AGREEMENT**

This AGREEMENT made and entered into by and between the CITY OF LA PORTE, TEXAS, a municipal corporation of Harris County, Texas, hereinafter called "CITY", and **HYDRO-FAIRMONT REAL ESTATE, LLC** located at **11802 FAIRMONT PARKWAY** hereinafter called "COMPANY".

I.

COMPANY is the owner of certain real property which is situated within the CITY'S Battleground or Bayport Industrial District and not within the corporate limits of the CITY. CITY and COMPANY are parties to a current Industrial District Agreement.

II.

COMPANY is desirous of purchasing potable water from CITY for usual human domestic uses. Previous planning considerations for the long-range potable water supply of CITY did not include the needs of properties located outside the corporate limits of CITY. COMPANY recognizes that CITY cannot at this time provide permanent and unlimited water service. CITY agrees, however, to provide limited potable water service to COMPANY. For and in consideration of furnishing domestic potable water by CITY, the parties hereto agree as follows, to-wit:

III.

COMPANY has made certain representations to CITY as to the number of employees that will be located at the COMPANY'S property as of the date of this agreement, upon which representations CITY has relied in entering into this Agreement.

Upon review of these representations, the City has determined the following:

Number of Full-Time Employees on site	25
+ Number of Full-Time Contract Employees on site	5
= Total On-Site Full-Time Employees	30
Potable Water Approved for Domestic Use (Total on-site Employees times 50 gpd per employee)	1,500
Total Amount of Potable Water Approved for COMPANY (Average Daily Volume, gpd)	1,500

IV.

CITY has determined that adequate resources are available to CITY to furnish potable water to COMPANY based on the following terms and conditions, to-wit:

- (A) COMPANY shall pay to CITY a one-time administrative fee of **\$5,000.**
- (B) The total amount of potable water approved to COMPANY is established at **ONE THOUSAND FIVE HUNDRED (1,500)** gallons per day. This number is based on an average of fifty (50) gallons per employee per day as established by CITY.
- (C) The average monthly volume of **FORTY FIVE THOUSAND SEVEN HUNDRED FIFTY (45,750)** gallons is established by multiplying the average daily volume by a factor of 30.5, which shall be used to facilitate CITY'S utility service billings.
- (D) Nothing contained in this Agreement shall obligate CITY to furnish more than the average monthly volume of **FORTY FIVE THOUSAND SEVEN HUNDRED FIFTY (45,750)** gallons. Repeated consumption greater than the established average monthly volume may result in termination of service.
- (E) COMPANY shall pay the standard water tap/meter fee based on CITY'S current tap/meter fee schedule. Upon final approval of COMPANY'S on-site and/or off-site utility construction by CITY, COMPANY shall pay the CITY'S standard water deposit fee through CITY'S Utility Billing Division prior to receiving water service from CITY.
- (F) The cost of water up to the average monthly volume of **FORTY FIVE THOUSAND SEVEN HUNDRED FIFTY (45,750)** gallons shall be billed at one hundred fifty percent (150%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (G) The cost of water for amounts used in excess of the established average monthly volume shall be billed at two hundred percent (200%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (H) COMPANY shall submit a preliminary site plan showing the total acreage of the tract including present and proposed improvements and a suitable location map of the site. COMPANY'S development may be subject to certain additional requirements as described in Exhibit A. These requirements shall be shown on the final site plan and approved by City.
- (I) COMPANY'S site design and site development will, in certain cases, be subject to specific "Rules and Regulations" as defined in Exhibit "C" of COMPANY'S Industrial District Agreement with CITY.
- (J) All plumbing installed by COMPANY connected to the domestic water line from CITY, shall meet all applicable State of Texas and CITY plumbing code requirements.
- (K) A reduced pressure zone backflow preventer shall be installed and maintained by COMPANY to protect CITY from any possible cross-connections.

- (L) COMPANY'S potable water supply system will be segregated from any existing and future fire protection system.
- (M) The total cost for the engineering design and construction of any potable water main, service line, back flow preventer, meter or other required appurtenances will be the responsibility of COMPANY.
- (N) COMPANY agrees to be bound by all applicable ordinances of CITY, relative to the furnishing of potable water to customers within the corporate limits of CITY.
- (O) There shall be no resale of water provided by CITY, nor any extension of service lines by COMPANY to serve other parties.
- (P) CITY'S personnel shall have the right of prior review and approval of COMPANY'S plans and specifications for the plumbing system(s). CITY shall have the right to inspect any and all work related to the furnishing of potable water to COMPANY.
- (Q) CITY shall have the right to interrupt or temporarily suspend said water service to COMPANY if an emergency arises and there is not an adequate water supply to meet the needs of the citizens of La Porte.
- (R) CITY reserves the right to enforce its drought contingency plan on all water customers at CITY'S sole discretion.
- (S) CITY does not guarantee its water system to provide specific water pressure and/or water volume requirements of COMPANY.

V.

All expenses of the installation of the meter; service lines from the main to the meter; and from the meter to COMPANY'S facilities, shall be solely at the expense of COMPANY. COMPANY shall own and maintain all service lines and plumbing facilities beyond the meter. CITY shall own the meter.

VI.

In the event a State or Harris County license, permit, or permission to install the water main is revoked, or relocation or adjustment is required, CITY will not be responsible for the expense of such relocation, adjustment, or replacement.

VII.

CITY reserves the right of entry at all reasonable times for the purpose of inspection of COMPANY'S water facilities, reading its water meter(s) and to observe compliance with the terms and conditions of this Agreement. When exercising its right of entry, CITY shall notify COMPANY in advance. CITY also agrees to follow established health and safety policies in effect at COMPANY'S facility.

VIII.

CITY reserves the right to terminate this agreement in the event of violation of the terms and provisions hereof by COMPANY. CITY will provide COMPANY with written notice of any defects and COMPANY shall have the opportunity to cure any defects. Failure to correct defects within ten (10) calendar days from date of written notice by CITY may result in termination of Agreement. CITY shall have the right to summarily correct, at COMPANY'S expense, any defect or deficiency, when in its opinion the integrity of the public water supply is threatened.

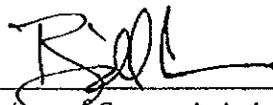
IX.

Upon receipt of written notice of termination, COMPANY shall have up to six (6) months to prepare for transition to another water supply. If the transition is not complete within said six-month period, CITY shall have the right to terminate water service at its sole discretion.

X.

In the event of any conflict between the terms and provisions of this Water Service Agreement and the terms and provisions of the Industrial District Agreement between the parties, the terms and provisions of the Water Service Agreement shall control, to the extent of such conflict. The term of this Agreement shall expire on **DECEMBER 31, 2019** plus any renewals and extensions thereof. However, this Agreement shall automatically expire at such time as there is no effective Industrial District Agreement between the parties or if CITY exercises its right of termination.

ENTERED INTO effective the _____ day of _____, _____.



Signature of Company's Authorized Representative

Printed Name: Bill Cronan

Company Representative's Title: Manager

Company's Address:
6320 Cunningham Rd.
Houston, TX 77041

ATTEST:

CITY OF LA PORTE

Patrice Fogarty
City Secretary

Louis R. Rigby
Mayor

By: _____

Corby D. Alexander
City Manager

EXHIBIT “A”
to Water Service Agreement

The Water Service Agreement is hereby amended and supplemented to include the following additional requirements agreed to by CITY and COMPANY. These requirements represent contractual obligations of COMPANY to receive water service from CITY per the terms of the Water Service Agreement and this addendum. COMPANY shall fulfill each of the following additional requirements as set forth below.

Additional Requirements of COMPANY:

N/A

Initial for Approval:

CITY APPROVAL: N/A

COMPANY APPROVAL: N/A

STATE OF TEXAS §

COUNTY OF HARRIS §

**CITY OF LA PORTE
SANITARY SEWER SERVICE AGREEMENT**

This AGREEMENT made and entered into by and between the CITY OF LA PORTE, TEXAS, a municipal corporation of Harris County, Texas, hereinafter called "CITY", and **HYDRO-FAIRMONT REAL ESTATE, LLC** located at **11802 FAIRMONT PARKWAY**, hereinafter called "COMPANY".

I.

COMPANY is the COMPANY of certain real property, which is situated in CITY'S Battleground or Bayport Industrial District and not within the corporate limits of the CITY. CITY and COMPANY are parties to a current Industrial District Agreement.

II.

COMPANY is desirous of purchasing sanitary sewer service from CITY for usual human domestic uses. COMPANY recognizes that CITY cannot at this time provide permanent and unlimited sanitary sewer service. CITY agrees, however, to provide limited sanitary sewer service to COMPANY. For and in consideration of furnishing sanitary sewer service by CITY, the parties hereto agree as follows, to-wit:

III.

COMPANY has made certain representations to CITY as to the number of employees, as of the date of this agreement, upon which representations CITY has relied in entering into this Agreement.

Upon review of these representations, the City has determined the following:

Number of Employees on-site	25
Number of Contract Employees	5
Total on-site Employees	30
Sanitary Sewer Desired for Domestic Use (Total on-site x 50 gpd per employee)	1,500
Total Amount of Sanitary Sewer Approved For COMPANY (Average Daily Volume, gpd)	1,500

IV.

CITY has determined that adequate facilities are available to allow CITY to furnish sanitary sewer to COMPANY based on the following terms and conditions, to-wit:

- (A). COMPANY shall pay to CITY a one-time administrative connection charge of **\$5,000.**
- (B). COMPANY shall pay the standard sewer tap fee based on CITY'S current sewer tap fee schedule. Upon final approval of COMPANY'S on-site and/or off-site utility construction by CITY, COMPANY shall pay the CITY'S standard sewer deposit fee through CITY'S Utility Billing Division prior to receiving sewer service from CITY.
- (C). The average daily volume is established at **ONE THOUSAND FIVE HUNDRED (1,500)** gallons per day. This number is based on an average of fifty (50) gallons per employee per day established by CITY.
- (D). The average monthly volume is calculated to be eighty-five percent (85%) of the average daily volume multiplied by a factor of 30.5, which shall be used to facilitate service billings.
- (E). The cost of sanitary sewer service up to the average monthly volume of **THIRTY EIGHT THOUSAND EIGHT HUNDRED EIGHTY EIGHT (38,888)** gallons shall be one hundred fifty percent (150%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (F). The cost of sanitary sewer service for amounts in excess of the established average monthly volume shall be two hundred percent (200%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (G). Nothing contained in this Agreement shall obligate CITY to furnish more than the average monthly volume of **THIRTY EIGHT THOUSAND EIGHT HUNDRED EIGHTY EIGHT (38,888)**. Repeated sanitary sewer delivery greater than the established average monthly volume may result in termination of service.
- (H). COMPANY agrees that during periods when the CITY'S collection system is surcharged, the CITY may require the suspension of use of the sanitary sewer system for periods not to exceed thirty-six hours.
- (I). CITY shall have the right to interrupt or temporarily suspend said sanitary sewer service to COMPANY if an emergency arises and there is not an adequate sewer collection or treatment capacity to meet the needs of the citizens of La Porte.
- (J). COMPANY shall file application with CITY for an Industrial Waste Permit and hereby agrees to be bound by CITY'S Industrial Waste Ordinance (Chapter 74, Article II of the Code of Ordinances) and any subsequent amendments or revisions.
- (K). Owner shall install a sanitary sewer sampling well in accordance with CITY'S standards to ensure no sewer waste, other than domestic waste enters its sanitary sewer system.

- (L). The total cost for the engineering design and construction of any sanitary sewer main, service line, lift station, meter or other required appurtenances will be the responsibility of COMPANY.
- (M). COMPANY agrees that it shall be bound by all applicable ordinances of CITY, relative to the furnishing of sanitary sewer service to customers within the corporate limits of CITY.
- (N). COMPANY shall install a sanitary sewer sampling well in accordance with CITY's standards.
- (O). All plumbing installed by COMPANY connected to the sanitary sewer line from CITY, shall meet all applicable State of Texas and CITY plumbing code requirements. CITY'S engineering and code enforcement personnel shall have the right of prior review and approval of COMPANY'S plans and specifications for the plumbing system(s). CITY plumbing inspectors shall have the right to inspect any and all work related to the furnishing of sanitary sewer service to COMPANY.
- (P). There shall be no resale of the sanitary sewer service provided by CITY, nor any extension of service lines by COMPANY to serve other parties.
- (Q). COMPANY shall submit a certified site plan showing the total acreage of the tract including present and proposed improvements and a suitable location map of the site. COMPANY'S development project may be subject to certain additional requirements as described in Exhibit "A", attached. These requirements shall be shown on the site plan and approved by City.

V.

All expenses of the installation of service lines from the main to the COMPANY'S facilities shall be solely at the expense of COMPANY. COMPANY shall own and maintain all service lines and plumbing facilities.

VI.

In the event a State or Harris County license, permit, or permission to install the sanitary sewer main is revoked, or relocation or adjustment is required, CITY will not be responsible for the expense of such relocation, adjustment, or replacement.

VII.

CITY reserves the right of entry at all reasonable times for the purpose of inspection of COMPANY'S sanitary sewer facilities, and to observe compliance with the terms and conditions of this Agreement. When exercising its right of entry, CITY shall notify COMPANY in advance. CITY also agrees to follow established health and safety policies in effect at COMPANY'S facility.

VIII.

CITY reserves the right to terminate this agreement in the event of violation of the terms and provisions hereof by COMPANY. CITY will provide COMPANY with written notice of any defects and COMPANY shall have the opportunity to cure any defects. Failure to correct defects within ten (10) days may result in termination of Agreement. CITY shall have the right to

summarily correct, at COMPANY'S expense, any defect or deficiency, when in its opinion the integrity of the public sanitary sewer system is threatened.

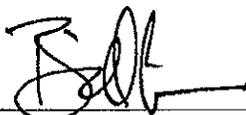
IX.

Upon receipt of written notice of termination, COMPANY shall have up to six (6) months to prepare for transition to another sanitary sewer service provider. If the transition is not complete within said six-month period, CITY shall have the right to terminate sanitary sewer service at its sole discretion.

X.

In the event of any conflict between the terms and provisions of this Sanitary Sewer Service Agreement and the terms and provisions of the Industrial District Agreement between the parties, the terms and provisions of the Sanitary Sewer Service Agreement shall control, to the extent of such conflict. The term of this Agreement shall terminate on December 31, 2019. However, this Agreement shall automatically expire at such time as there is no effective Industrial District Agreement between the parties or if CITY exercises its right of termination.

ENTERED INTO effective the _____ day of _____, _____.



Signature of Company's Authorized Representative

Printed Name: Bill Cronan

Company Representative's Title: Manager

Company's Address:

6320 Cunningham Rd.
Houston, TX 77041

ATTEST:

CITY OF LA PORTE

Patrice Fogarty
City Secretary

Louis R. Rigby
Mayor

Corby D. Alexander
City Manager

EXHIBIT “A”
to Sanitary Sewer Service Agreement

The Sanitary Service Agreement is hereby amended and supplemented to include the following additional requirements agreed to by CITY and COMPANY. These requirements represent contractual obligations of COMPANY to receive sewer service from CITY per the terms of the Sanitary Service Agreement and this addendum. COMPANY shall fulfill each of the following additional requirements as set forth below.

Additional Requirements of COMPANY:

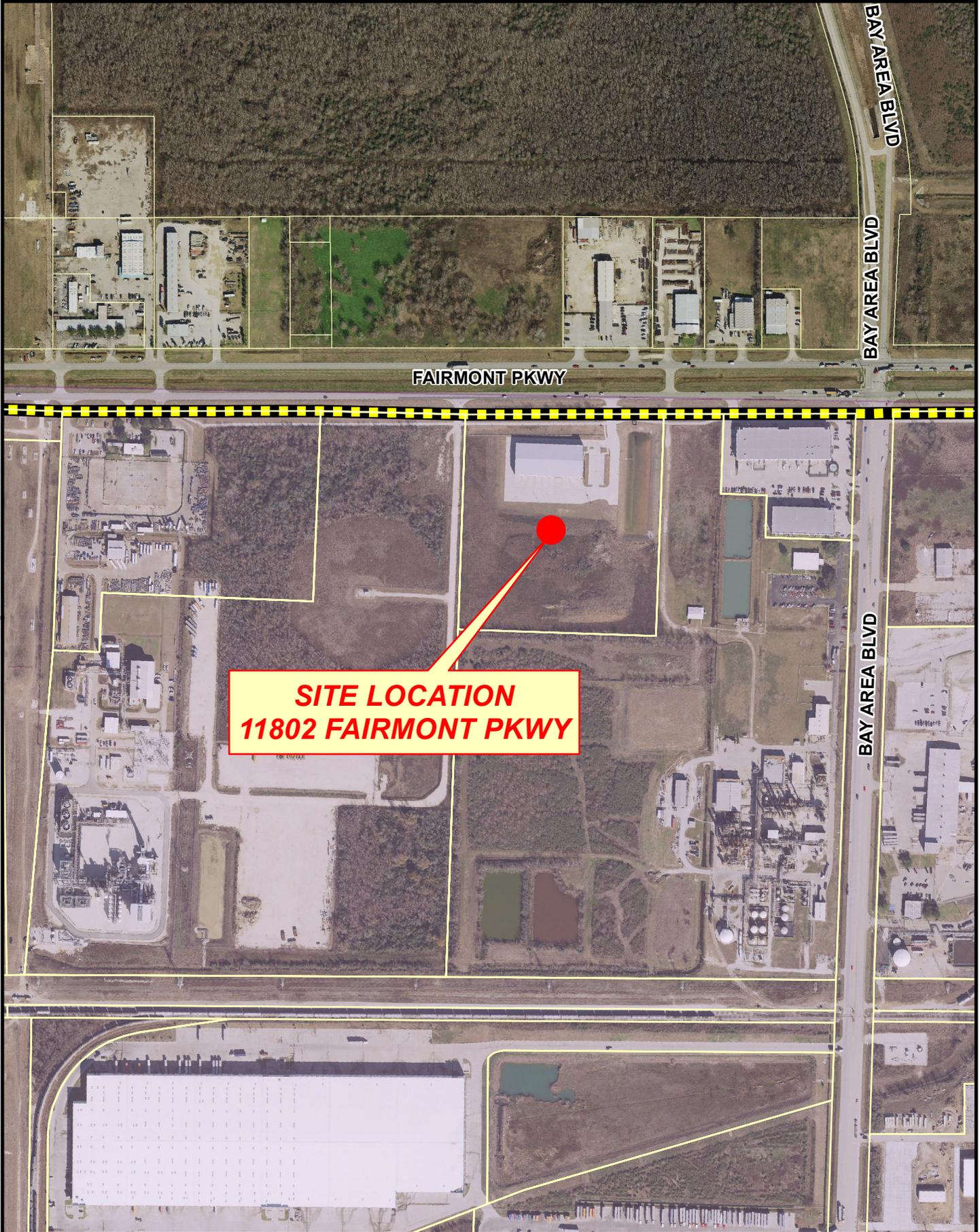
N/A

Initial for Approval:

CITY APPROVAL: N/A

COMPANY APPROVAL: N/A

AREA MAP



**SITE LOCATION
11802 FAIRMONT PKWY**

FAIRMONT PKWY

BAY AREA BLVD

BAY AREA BLVD

BAY AREA BLVD

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 14, 2015 Appropriation
Source of Funds: N/A
Requested By: Eric Ensey Account Number:
Department: Planning & Development Amount Budgeted:
Report: Resolution: Ordinance: Amount Requested:
Other: Budgeted Item: YES NO

Attachments :

1. Ordinance and SCUP
2. P&Z Recommendation Letter
3. Applicant Information and Request
4. Area Map
5. Land Use Plan
6. Zoning Map

SUMMARY & RECOMMENDATIONS

The applicant (Generational Commercial Properties) is seeking approval of a Special Conditional Use Permit (SCUP) to allow construction of an approximately 240,100 square foot warehouse facility on a 12.6 acre tract of land further described as Tracts 1B-3, Abstract 35, Johnson Hunter Survey. This SCUP application is for consideration of the development of the site as a shell warehouse facility, meaning no tenant has been lined up at this time.

The site is zoned Planned Unit Development (PUD), which requires approval of a SCUP as consideration for the proposed use of the site. The property is located on S. 16th Street southeast of the W. M Street unimproved right-of-way and is currently an undeveloped tract of land. 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 "Light Industrial" uses, similar to those uses established for the Port Crossing Business Park and is part of the of the overall Port Crossing area PUD zoning.

The proposed SCUP outlining those uses identified in the city's Zoning Ordinance as LI, Light Industrial, as permitted uses for this site for future tenants, subject to a number of conditions. The use limitations being recommended in the attached SCUP are consistent with those of the adjacent parcel to the north which is part of the Port Crossing SCUP.

The Planning and Zoning Commission conducted a public hearing at the August 20, 2015, meeting concerning this request. 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. All uses permitted in the City of La Porte Zoning Ordinance Use Chart under LI, as may be amended from time to time, are permitted except as limited in this SCUP. For uses not authorized by this SCUP, approval pursuant to Section 106-216 & 106-217 of the City of La Porte Code of Ordinances, as it now exists or may be amended from time to time, shall be required.
4. The following uses shall not be permitted on the subject property: (a) any distilling, refining, smelting, meat, poultry or fish processing plant, agricultural or mining operation; (b) any mobile home park, trailer park, labor camp, or stockyard (except this provision shall not prohibit the temporary use of construction trailers during periods of construction or reconstruction); (c) junk yard, scrap metal yard or waste material business, sales in bulk of junk, automobile wrecking yard, salvage yard, asphalt plant, any storage, dumping disposal, incineration or reduction of hazardous waste, garbage or refuse, any fire or bankruptcy sale or auction house operation, or as an airport; (d) any mortuary or funeral home; (e) school, church or governmental office (other than a research or development or business office that does not have customers); (f) any drilling, refining, quarrying or mining operations of any kind; (g) any establishment whose primary business is the sale or rental or display of sexual materials or drug related paraphernalia or whose primary business is providing any adult only sexually oriented service or product including, but not limited to, massage parlors, topless establishments, any "adult" bookstore or "adult movie theater; (h) any flea market, bowling alley, nightclub, bar, lounge, tavern, theater, amusement park or video arcade; provided, however, that this prohibition shall not prohibit placement of video machines that are incidental to the conduct of a permitted business at the subject property; (i) any outdoor sales as a primary or accessory use; (j) any outdoor storage, as defined in the Code of Ordinances, as a primary or accessory use, including any storage of shipping containers; and (k) any gaming facility or operation including, but not limited to, off-track or sports betting parlor, table games such as blackjack, keno machines or similar devices or bingo hall. Notwithstanding the foregoing, this prohibition shall not apply to any government-sponsored gaming activities or charitable gaming activities so long as such governmental or charitable activities are incidental to the business being conducted by the occupant of that portion of the subject property and do not occur regularly.
5. No use shall be permitted which (a) is offensive by reason of odor, fumes, dust, smoke, noise, vibrations, radiation, radio influence or pollution, (b) is hazardous by reason of excessive danger of fire or explosion, (c) otherwise constitutes a nuisance, (d) is dangerous or unsafe, or (e) is in violation of any city, county, state or federal law, regulation or ordinance.
6. 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 based on the development's proportionate traffic impact. All contributions would be subject to reimbursement through the TIRZ, pursuant to approval by the TIRZ Board.
7. The subject property will need to be replatted in accordance with the requirements outlined in the City of La Porte's Development Ordinance, prior to the issuance of a building permit. 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.

8. The applicant shall install all of the required street trees and shrubs as part of the development as required by Section 106-800 of the city's Code of Ordinances along S. 16th Street and W. M Street.
9. 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.
10. 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.
11. 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 #15-91000005, to allow construction of warehouse facility on 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. 15-9100005 FOR THAT CERTAIN PARCEL OF LAND HEREIN DESCRIBED, FOR THE PURPOSE OF CONSTRUCTING A WAREHOUSE/DISTRIBUTION 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 #15-9100005, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for the construction of an approximately 240,000 square foot warehouse/distribution facility on property located at southeast corner of South 16th Street and West M Street intersection, said facility to be located on a 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 SEPTEMBER, 2015.

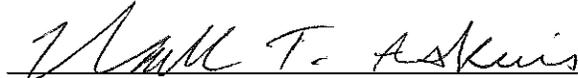
CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark Askins, Assistant City Attorney

City of La Porte
Special Conditional Use Permit #15-9100005

This permit is issued to: Generational Commercial Properties
Owner or Agent

1503 Ridgecrest Drive, Austin, TX 78746
Address

For Development of: Generational Commercial Properties Warehouse/Distribution Facility
Shell Building
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: 12.6 acre tract of land legally described as Tracts 1B-3, Abstract 35,
Johnson Hunter Survey

Zoning: PUD, Planned Unit Development

Use: Warehouse/Distribution

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. All uses permitted in the City of La Porte Zoning Ordinance Use Chart under LI, as may be amended from time to time, are permitted except as limited in this SCUP. For uses not authorized by this SCUP, approval pursuant to Section 106-216 & 106-217 of the City of La Porte Code of Ordinances, as it now exists or may be amended from time to time, shall be required.
4. The following uses shall not be permitted on the subject property: (a) any distilling, refining, smelting, meat, poultry or fish processing plant, agricultural or mining operation; (b) any mobile home park, trailer park, labor camp, or stockyard (except this provision shall not prohibit the temporary use of construction trailers during periods of construction or reconstruction); (c) junk yard, scrap metal yard or waste material business, sales in bulk of junk, automobile wrecking yard, salvage yard, asphalt plant, any storage, dumping disposal, incineration or reduction of hazardous waste, garbage or refuse, any fire or bankruptcy sale or auction house operation, or as an airport; (d) any mortuary or funeral home; (e) school, church or governmental office (other

than a research or development or business office that does not have customers); (f) any drilling, refining, quarrying or mining operations of any kind; (g) any establishment whose primary business is the sale or rental or display of sexual materials or drug related paraphernalia or whose primary business is providing any adult only sexually oriented service or product including, but not limited to, massage parlors, topless establishments, any “adult” bookstore or “adult movie theater; (h) any flea market, bowling alley, nightclub, bar, lounge, tavern, theater, amusement park or video arcade; provided, however, that this prohibition shall not prohibit placement of video machines that are incidental to the conduct of a permitted business at the subject property; (i) any outdoor sales as a primary or accessory use; (j) any outdoor storage, as defined in the Code of Ordinances, as a primary or accessory use, including any storage of shipping containers; and (k) any gaming facility or operation including, but not limited to, off-track or sports betting parlor, table games such as blackjack, keno machines or similar devices or bingo hall. Notwithstanding the foregoing, this prohibition shall not apply to any government-sponsored gaming activities or charitable gaming activities so long as such governmental or charitable activities are incidental to the business being conducted by the occupant of that portion of the subject property and do not occur regularly.

5. No use shall be permitted which (a) is offensive by reason of odor, fumes, dust, smoke, noise, vibrations, radiation, radio influence or pollution, (b) is hazardous by reason of excessive danger of fire or explosion, (c) otherwise constitutes a nuisance, (d) is dangerous or unsafe, or (e) is in violation of any city, county, state or federal law, regulation or ordinance.
6. 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 based on the development’s proportionate traffic impact. All contributions would be subject to reimbursement through the TIRZ, pursuant to approval by the TIRZ Board.
7. The subject property will need to be replatted in accordance with the requirements outlined in the City of La Porte’s Development Ordinance, prior to the issuance of a building permit. 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.
8. The applicant shall install all of the required street trees and shrubs as part of the development as required by Section 106-800 of the city’s Code of Ordinances along S. 16th Street and W. M Street.
9. 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.
10. 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.
11. 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 start construction of 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



August 26, 2015

Honorable Mayor Rigby and City Council
City of La Porte

RE: Special Conditional Use Permit Request #15-91000005

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the August 20, 2015 meeting on a Special Conditional Use Permit request by Generational Commercial Properties to allow construction of an approximately 240,000 square foot warehouse/distribution facility on a 12.6 acre tract described as Tracts 1B-3, Abstract 35, Johnson 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



GENERATIONAL
COMMERCIAL PROPERTIES

July 14, 2015

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

RE: 16th & M Street Special Conditional Use Permit Application (“SCUP”)

Dear Mr. Ensey:

I am pleased to provide details pertaining to my firm's intent to develop a 240,000 SF institutional quality industrial building in LaPorte Texas. Enclosed is the completed SCUP form, a proposed site & conceptual plan, 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 the property into a single parcel. Generational will develop a 240,000 SF tiltwall industrial building on a speculative basis while pursuing tenants for the space.

Generational Commercial Properties is requesting approval for the development of the parcel with all codified NAICS Codes available under the LI zoning.

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

Joseph Llamas
President

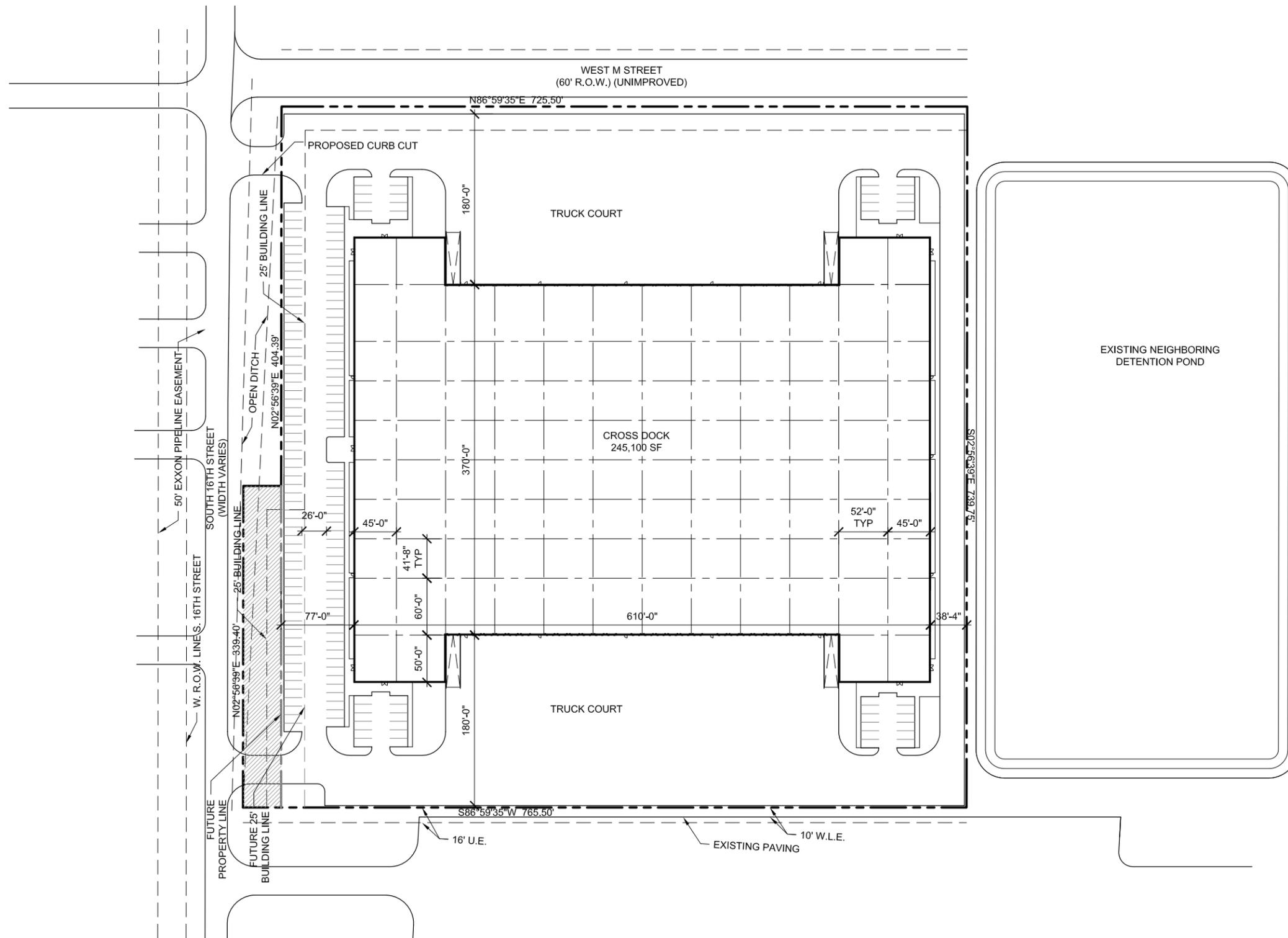
SITE PLAN

TOTAL SITE AREA = 12.6 ACRES (550,263.5 SF)

BUILDING AREA = 245,100 SF

COVERAGE = 44.5%

PARKING = 164 SPACES @ 0.67/1000 SF



CONFIDENTIAL
a project for
GCP

LA PORTE

02 JULY 2015

TEXAS

151045

powers
brown
architect
ecture

Planning & Development Department
SPECIAL CONDITIONAL USE
PERMIT APPLICATION

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER NAME: Generational Commercial Properties PHONE 1: (512) 784-8891
PHONE 2: _____ FAX #: _____
E-MAIL: JLLAMAS@GCPRE.COM
MAILING ADDRESS: 1503 Ridgecrest Dr. Austin, TX 78746

2. BUSINESS INFORMATION:

BUSINESS NAME: Unknown at this time BUSINESS TYPE: _____
CONTACT NAME: _____ PHONE #: _____
E-MAIL: _____ FAX #: _____
MAILING ADDRESS: _____

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: 07/15/2015

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: _____

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.

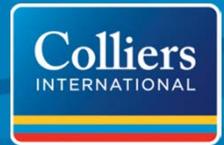
Regards,



Vince Marino

President

FOR LEASE > INDUSTRIAL



Airtex Commerce Center

431 EAST AIRTEX DRIVE, HOUSTON, TX 77073

Ready for Occupancy



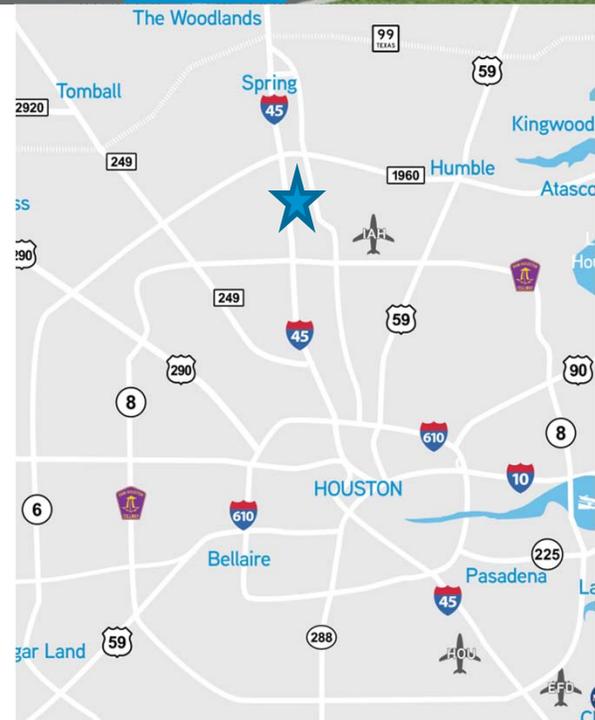
40,000 - 340,000 SF Available

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

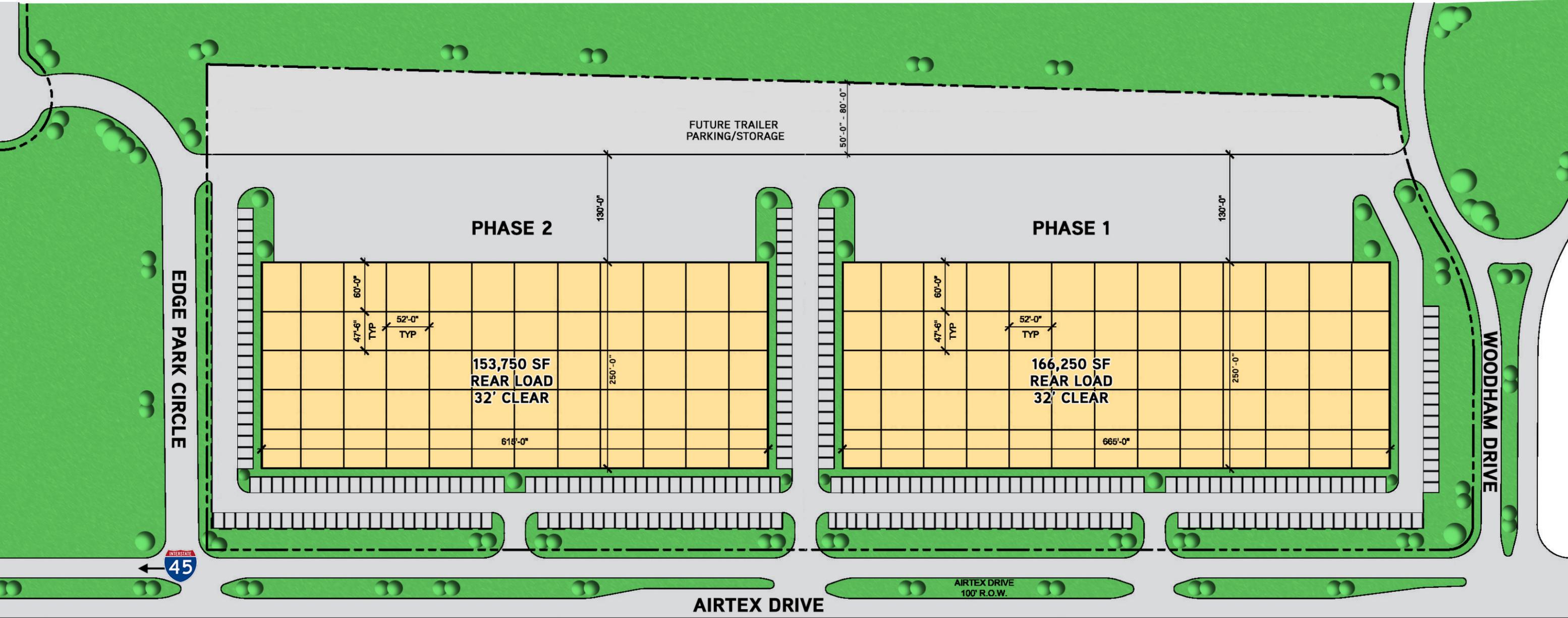
RYAN BYRD
713 830 2171
ryan.byrd@colliers.com

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

FOR LEASE > INDUSTRIAL

Airtex Commerce Center

431 EAST AIRTEX DRIVE, HOUSTON, TX 77073



- > Up to 340,000 SF
- > Phase I – 166,250 SF
- > 3 Miles from Beltway 8
- > Occupancy 1Q 2015

Airtex Commerce Center

China Bear
PAPPASITOS
Cantina

- Wendy's
- Waffle House
- Golden Corral
- Holiday Inn Express
- Best Western
- Stripes
- Valero
- Popeyes
- Sleep Inn
- Joe's Crab Shack
- Saltgrass Steak House
- Zio's Italian Kitchen
- Lupe Tortilla Mexican Restaurants

Contact Us

MIKE TAETZ, SIOR

713 830 2107

mike.taetz@colliers.com

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RYAN BYRD

713 830 2171

ryan.byrd@colliers.com

JOE LLAMAS

512 853 9650

jllamas@gcpre.com

A Co-development of Molto Properties and Generational Commercial Properties.
Exclusively Listed by Colliers International



GENERATIONAL
COMMERCIAL PROPERTIES

Colliers International is a worldwide affiliation of independently owned and operated companies. The information contained herein has, we believe, been obtained from reliable sources and we have no reason to doubt the accuracy thereof. All such information is submitted, subject to errors, omissions or changes in condition prior to sale, lease or withdrawal without notice. All information contained herein should be verified by the person relying thereon. We have not made and will not make any warranty or representation as to the condition of the property nor the presence of any hazardous substances or any environmental or other conditions that may affect the value or suitability of the property.



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.

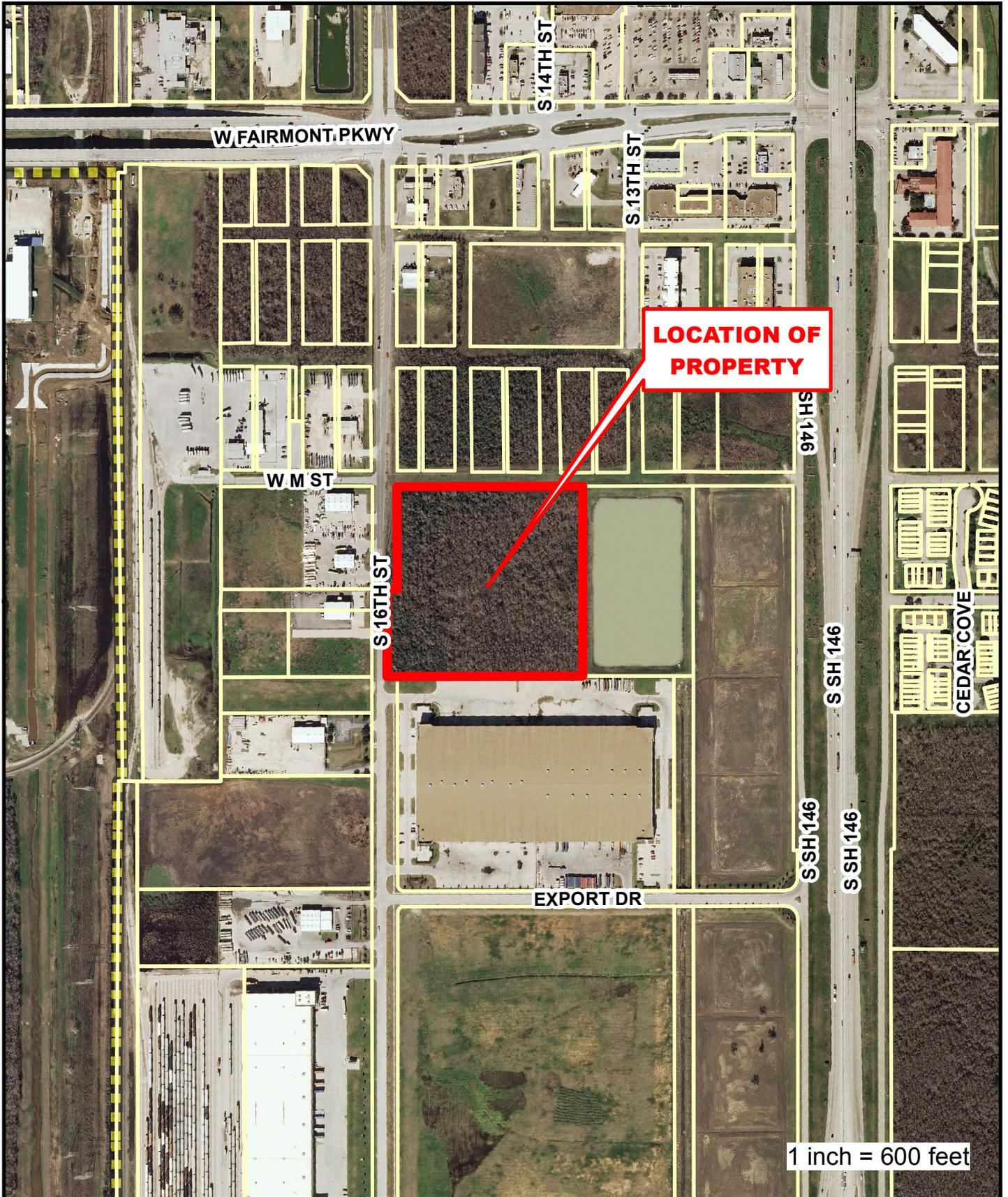
Buyer, Seller, Landlord or Tenant

Date

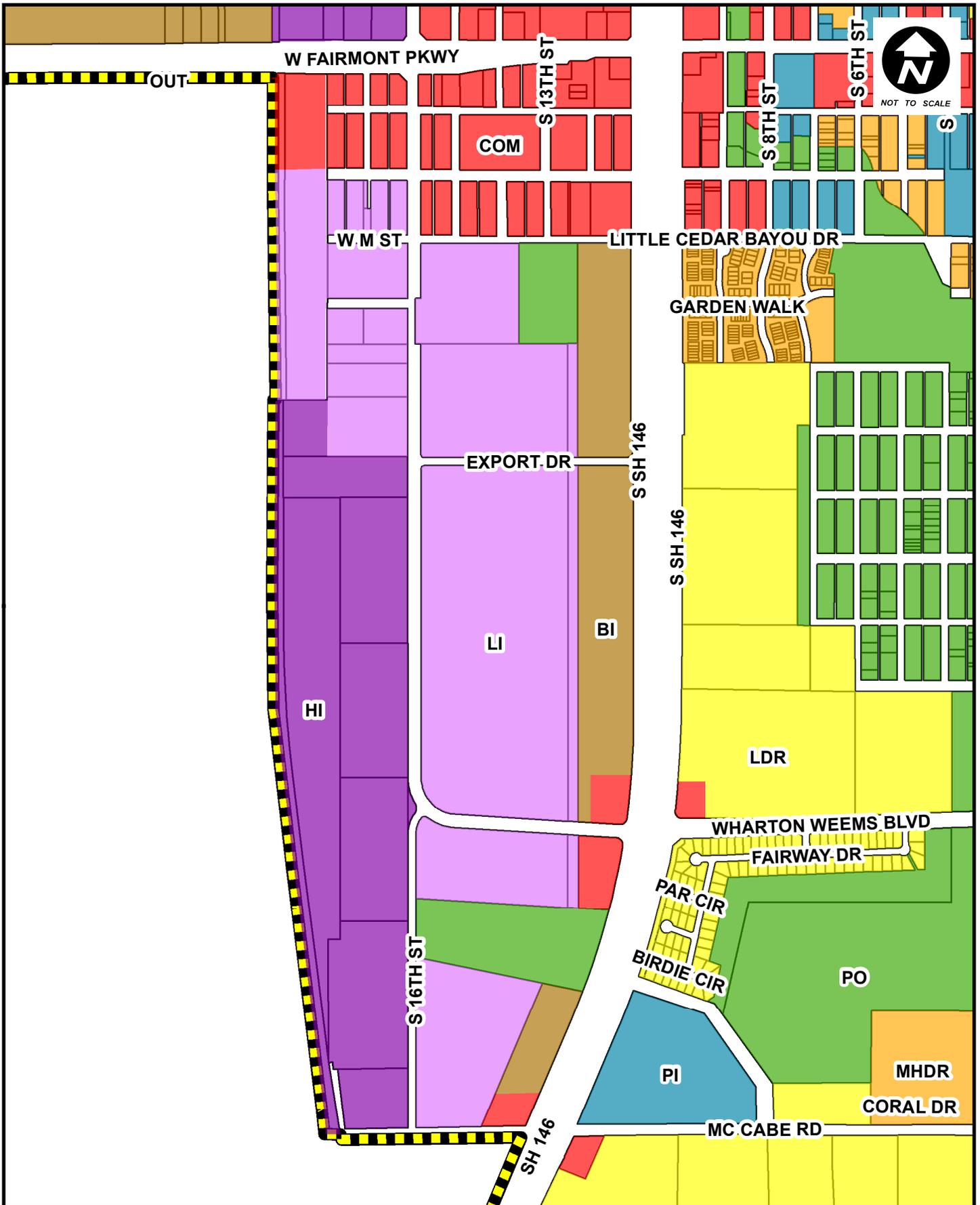


AREA MAP

15-91000005

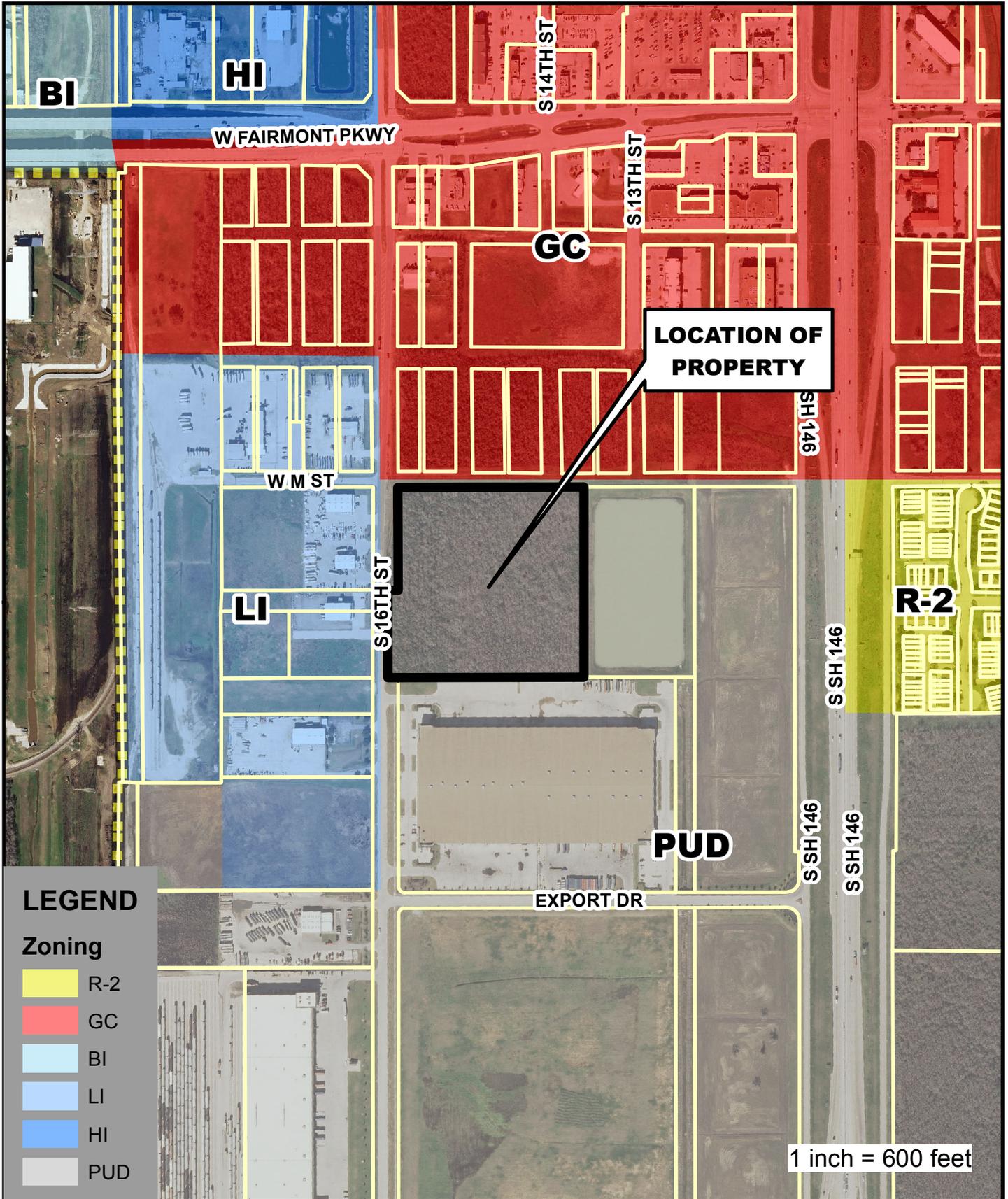


FUTURE LAND USE PLAN



ZONING MAP

15-91000005



LEGEND

Zoning

-  R-2
-  GC
-  BI
-  LI
-  HI
-  PUD

1 inch = 600 feet

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 14, 2015 Appropriation
Requested By: Michael G. Dolby, CPA Source of Funds: N/A
Department: Finance Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: Amount Requested: _____
Budgeted Item: YES NO

Attachments :

1. Notice of Public Hearing
2. Presentation

SUMMARY & RECOMMENDATIONS

On July 27th, Council approved that a Public Hearing for the Fiscal Year 2015-2016 Proposed Budget be held on Monday, September 14, 2015, at the regularly scheduled Council meeting, which begins at 6:00 p.m.

The City Council held budget workshops on August 10 through August 11, 2015 to discuss proposed budgets for the fiscal year beginning October 1, 2014 and ending September 30, 2015.

The following presentation summarizes the result of the workshops held with City Council. All changes made by Council were incorporated into the various budgets. These changes include:

- Equestrian trail – delete project \$169,000
- L Street Proposed Safe Sidewalk Design – add \$169,000
- Lifeguards – reduce request by \$45,000
- Covert cameras (2) – add \$16,000
- Pool lounge chairs (approx. 150) – add \$8,000
- Department audit (perform in current year) – cut \$20,000
- Tuition reimbursement for HR Manager – cut \$3,500
- Equipment Operator I – cut \$44,028
- Enhancement Grants – add \$107,669

- LPAWA Debt Payoff – cut \$593,495
- Vehicle Replacement delayed replacement – cut \$37,987

Virtual Server – add \$18,000

Action Required of Council:

Conduct the Public Hearing on the City's FY 2015-2016 Proposed Budget.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

THE STATE OF TEXAS)

COUNTY OF HARRIS)

CITY OF LA PORTE)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of La Porte will hold a Public Hearing on the 14th day of September 2015, in the Council Chambers of the City Hall, 604 West Fairmont Parkway, La Porte, Texas, beginning at 6:00 P.M. The purpose of this hearing is to provide citizens the opportunity to comment on the overall budget.

This budget will raise more total property taxes than last year's budget by \$1,209,600.00, or 7.08% and of that amount \$167,401.27 is tax revenue to be raised from new property added to the tax roll this year.

The City of La Porte, must, by Charter requirement, adopt its fiscal budget by September 30, 2015. Copies of the adopted budget will be available for public inspection and copying at the office of the City Secretary, City Hall, 604 West Fairmont Parkway, La Porte, Texas, and the La Porte Community Library, 600 South Broadway, La Porte, Texas, during normal business hours. Copies will also be made available on the City's website.

CITY OF LA PORTE

Patrice Fogarty, TRMC, MMC
City Secretary

City of La Porte
FY 2015-16 Budget
Public Hearing

September 14, 2015





Budget Summary for Fiscal Year 2016

- No increase in property tax rate
- No utility fund rate increase
- Merit increases for employees
- Capital projects of approximately \$9.5 million
(Including \$1.9 million from Street Maintenance Sales Tax Funding and \$4.5 million from proposed \$8 million new debt issue)
- Vehicle replacement of \$1.7 million
- \$4 million commitment in the General Fund for future utility capital improvements



Changes from Published Proposed Budget

- Equestrian trail – delete project \$169,000
- L Street Proposed Safe Sidewalk Design – add \$169,000
- Lifeguards – reduce request by \$45,000
- Covert cameras (2) – add \$16,000
- Pool lounge chairs (approx. 150) – add \$8,000
- Department audit (perform in current year) – cut \$20,000
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- Virtual Server – add \$18,000



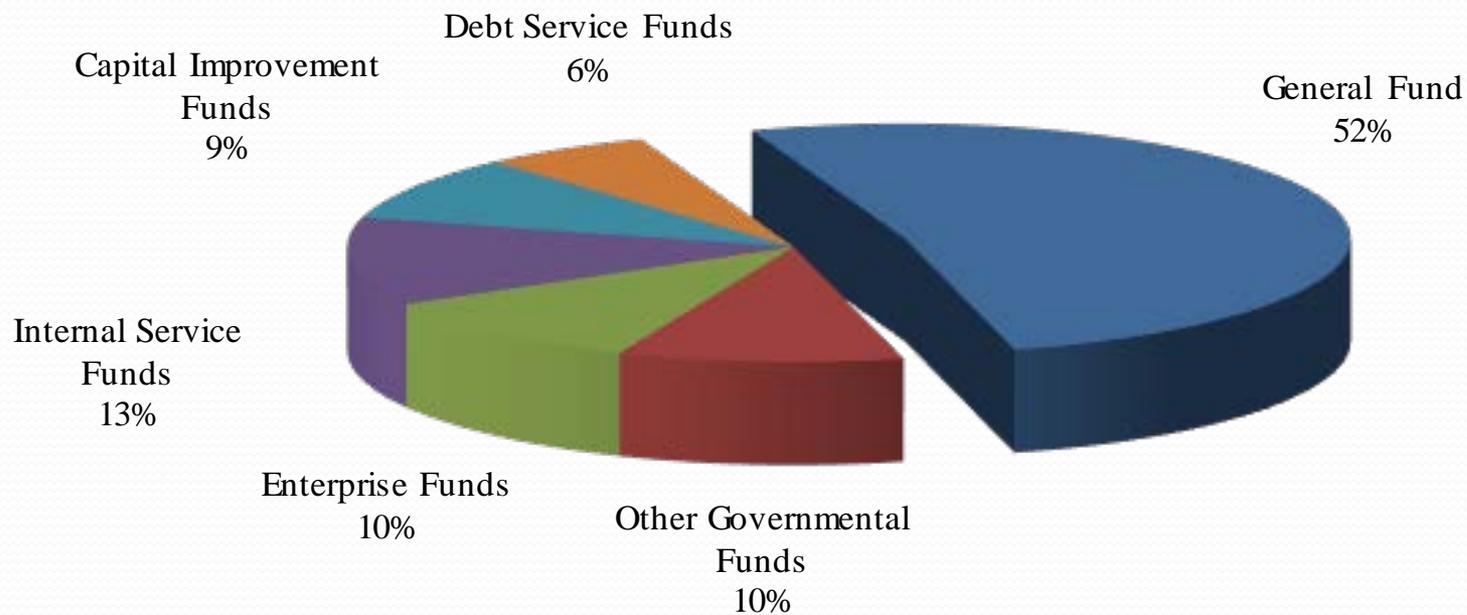
Expenditure Assumptions

- Changes to Employee Health Insurance for tobacco users
- TMRS rate – 16.28%
- Fuel – 4% increase over current year estimate
- Electrical - <2% increase over current year estimate
- Vehicle Lease Fees – 25% increase
- Technology Lease Fees – 10% average increase
(Approximately a \$200 increase in per unit fee for networks affecting all divisions)

■



Expenditures - All Funds





Consolidated Summary of All Funds

(In millions)

	Working Capital 09/30/15	FY 15-16 Revenues	FY 15-16 Expenses	Working Capital 09/30/16
General Fund	23.42	43.33	43.19	23.56
Special Revenue	9.20	8.67	8.63	9.24
Enterprise	3.81	9.96	8.65	5.11
Internal Service	4.98	9.41	10.42	3.98
Capital Improvement	10.45	2.29	7.66	5.07
Debt Service	3.16	3.92	5.15	1.93
Total All Funds	55.02	77.58	83.70	48.90

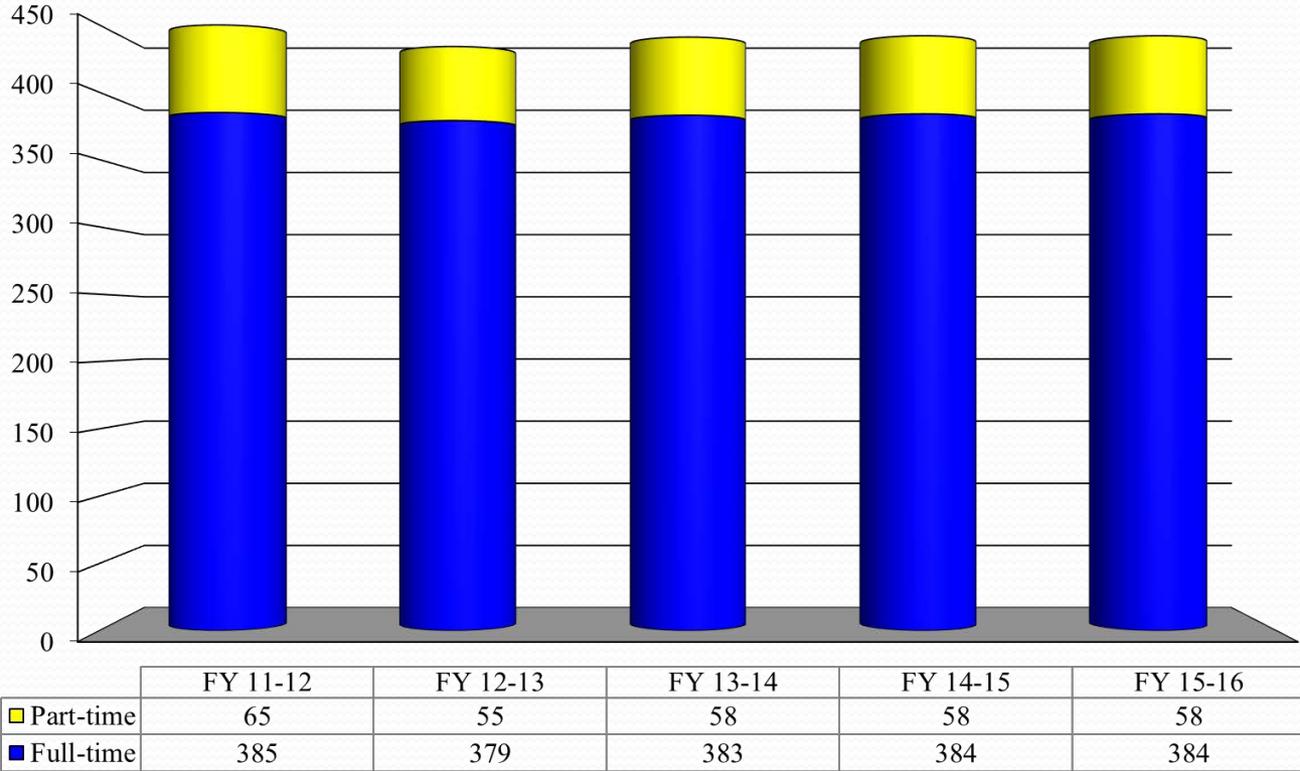


Revenues - All Funds

<i>(In millions)</i>	Actual	Budget	Revised	Projected	Percent
Description	2013-14	2014-15	2014-15	2015-16	Change
General Property Taxes	17.77	17.35	18.74	21.06	21.36%
Franchise Fees	2.25	2.16	2.18	2.20	1.71%
Sales Taxes	9.32	8.83	9.50	9.74	10.22%
Industrial Payments	11.55	12.05	12.19	12.44	3.17%
Other Taxes	0.79	0.64	0.74	0.74	16.54%
License & Permits	0.50	0.39	0.66	0.45	15.07%
Fines & Forfeits	1.79	1.59	1.71	1.71	7.88%
Charges for Services	8.90	8.60	9.19	9.11	6.00%
Parks & Recreation	0.21	0.23	0.22	0.22	-6.52%
Recreation & Fitness Center	0.28	0.20	0.19	0.22	9.71%
Employee Health Service	5.33	5.30	5.30	5.12	-3.46%
Water Revenue	5.34	5.80	5.50	5.65	-2.67%
Wastewater Revenue	3.42	3.55	3.16	3.24	-8.71%
Intergovernmental	1.57	0.28	0.28	0.53	90.24%
Miscellaneous	0.39	0.04	0.11	0.04	-4.90%
Operating Transfers	5.02	3.80	5.37	4.91	29.47%
Other Financing Sources	0.78	0.79	0.79	0.10	-87.86%
Interest	0.11	0.11	0.12	0.12	8.18%
Grand Total All Revenue	75.33	71.71	75.92	77.58	8.19%

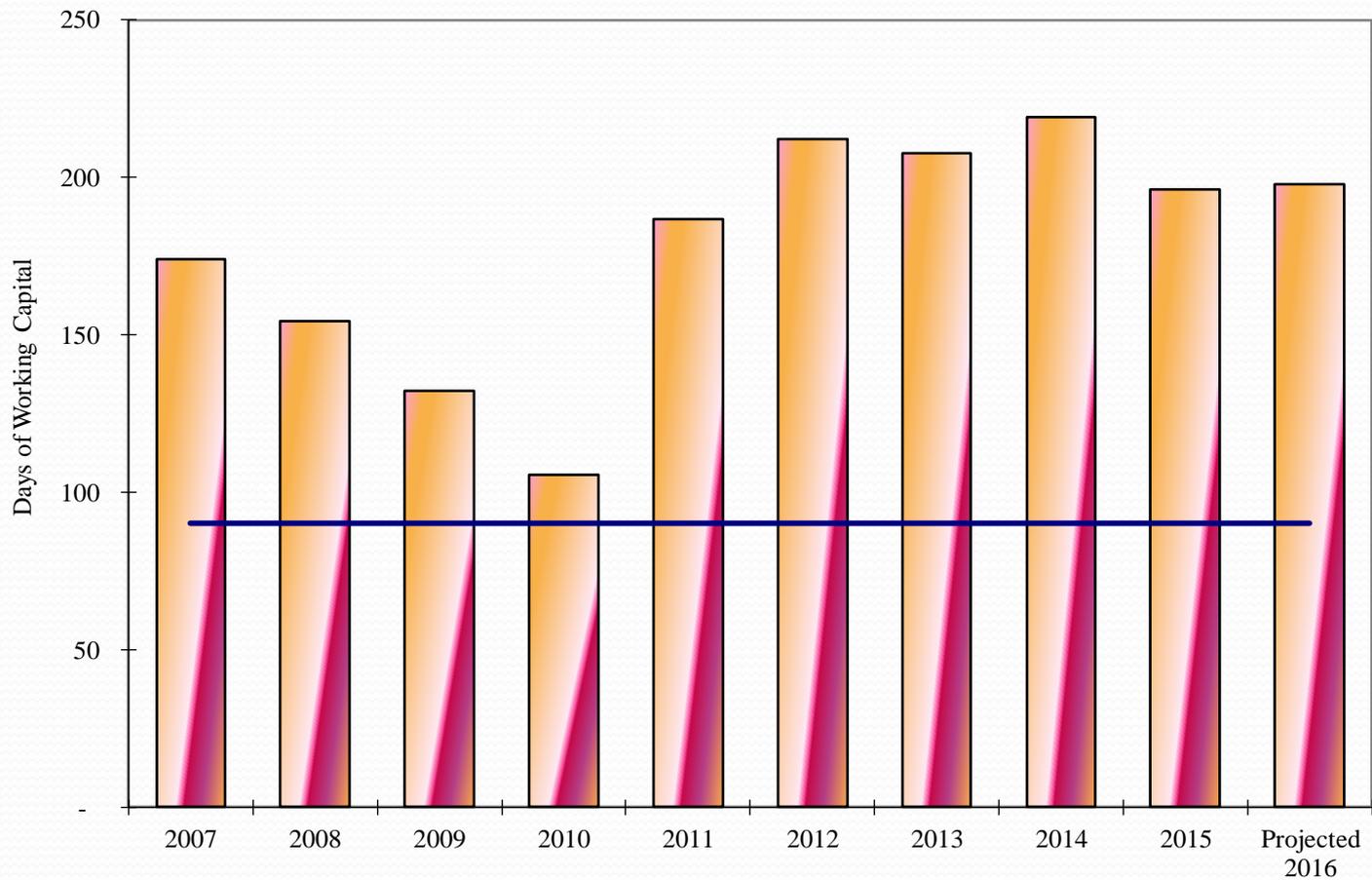


Employee Positions Citywide





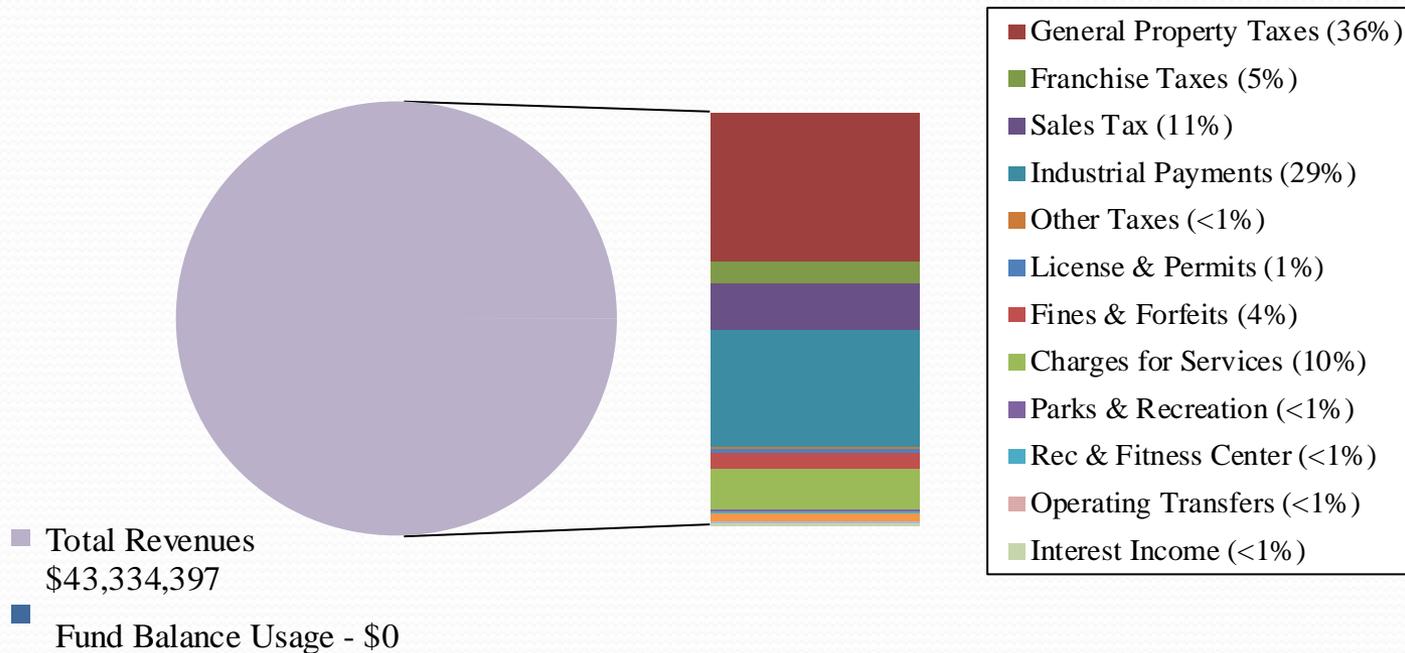
General Fund Days of Working Capital





General Fund Revenue Sources

Where the Money Comes From



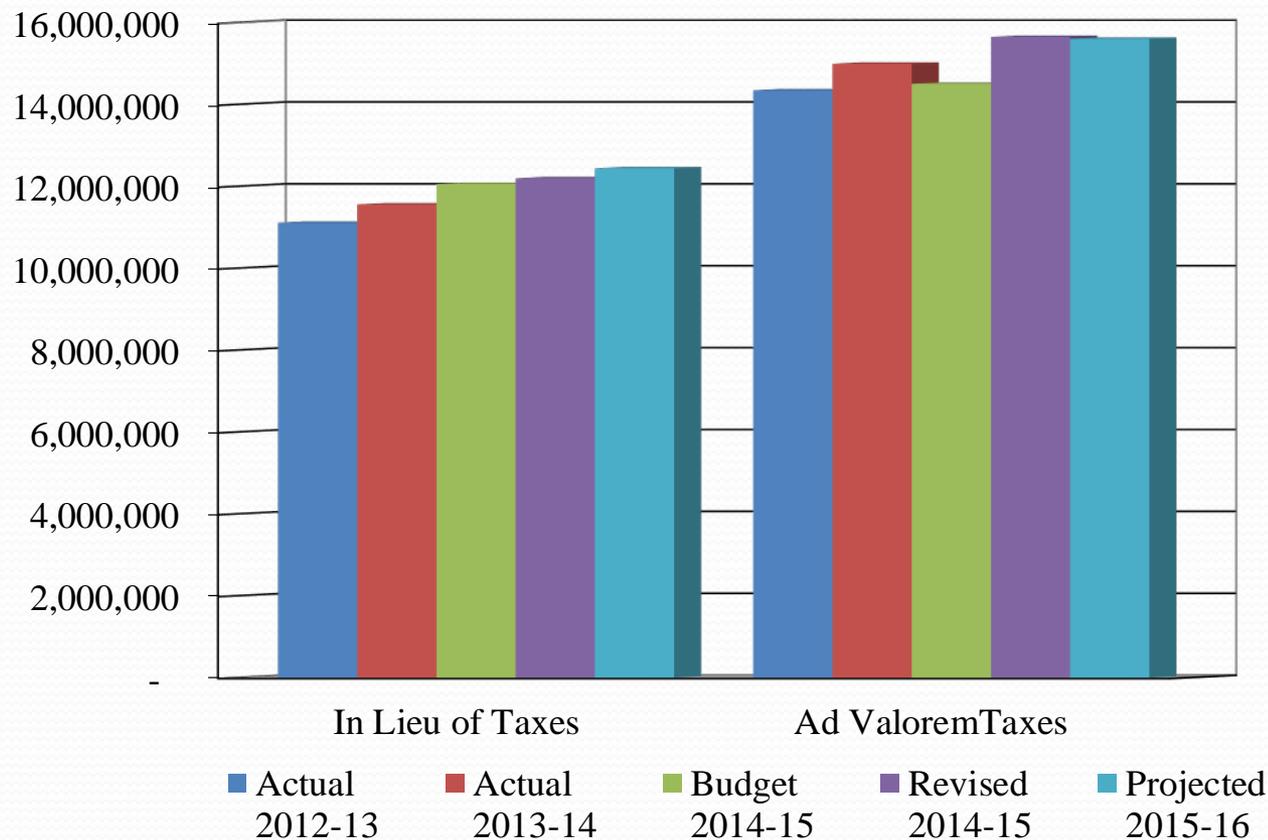


General Fund Revenues

Revenues:	Actual 2013-14	Budget 2014-15	Estimated 2014-15	Projected 2015-16	Percent Change
General Property Taxes	\$ 15,286,420	\$ 14,728,500	\$ 15,873,500	\$ 15,828,500	7.47%
Franchise Fees	2,252,404	2,158,666	2,175,408	2,195,624	1.71%
Sales Taxes	4,686,476	4,417,259	4,750,000	4,868,750	10.22%
Industrial Payments	11,554,949	12,054,598	12,192,816	12,436,672	3.17%
Other Taxes	87,074	60,000	90,000	90,000	50.00%
Licenses & Permits	497,756	388,050	657,005	446,525	15.07%
Fines Forfeits	1,594,391	1,461,800	1,606,823	1,603,823	9.72%
Charges for Services	4,110,143	4,090,650	4,130,213	4,184,144	2.29%
Parks & Recreation	207,529	230,000	215,000	215,000	-6.52%
Recreation & Fitness	276,144	200,900	186,500	220,400	9.71%
Golf Course	1,025,739	1,031,543	940,425	1,002,585	-2.81%
Miscellaneous	256,879	40,000	113,000	38,000	-5.00%
Operating Transfers	107,839	124,507	124,507	124,374	-0.11%
Interest	67,519	71,000	80,000	80,000	12.68%
Total Revenues	\$ 42,011,262	\$ 41,057,473	\$ 43,135,197	\$ 43,334,397	5.55%

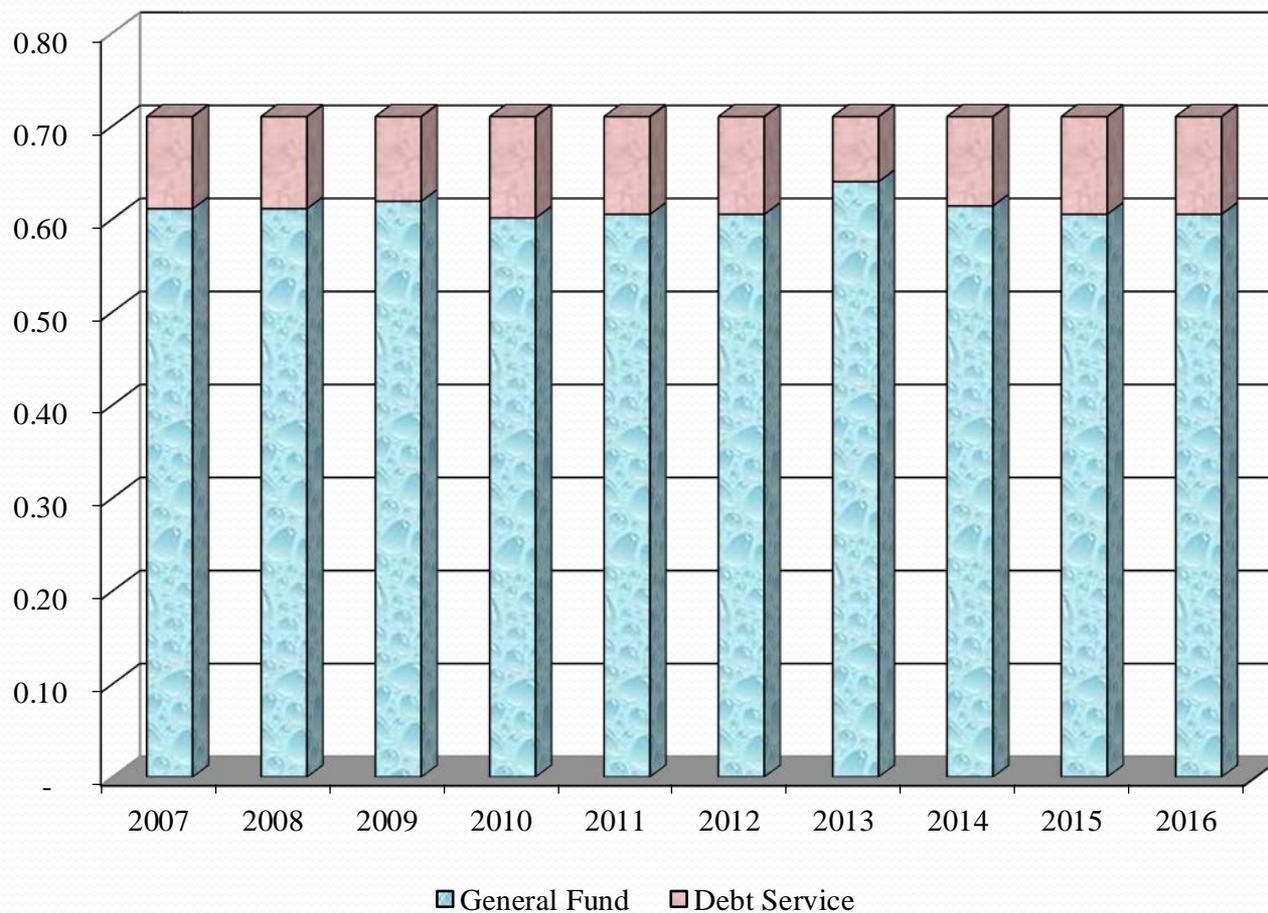


General Fund Revenues In Lieu of Taxes & Ad Valorem Taxes





Property Tax Rate* Last Ten Fiscal Years



*Council has not raised in 27 years



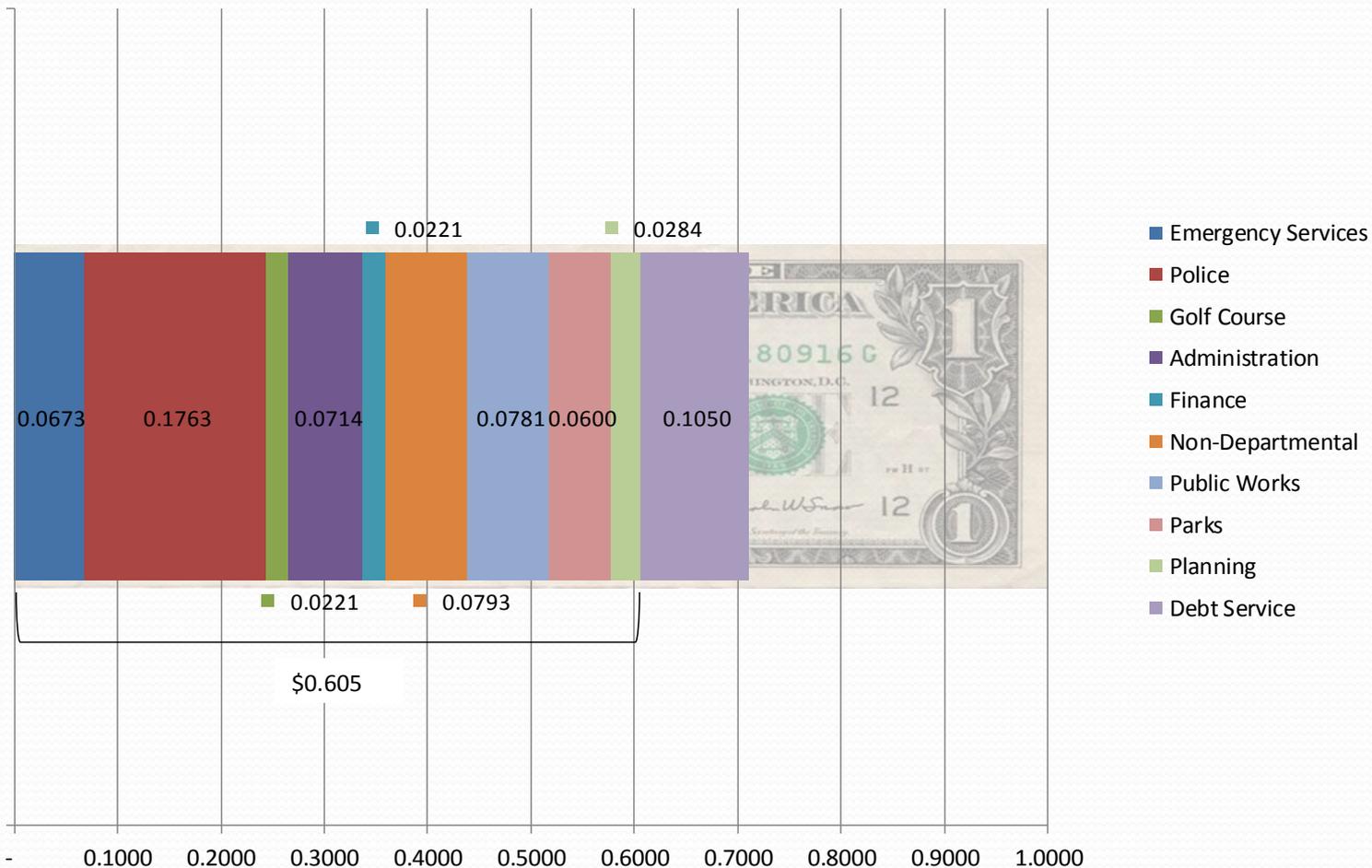
What you get for your tax dollars

- Average Home Value - \$137,862*
- City taxes paid by average household per year - \$783.06
- Per month - \$62.25 to support these city services:
 - 24 hour Police Protection
 - 24 hour Emergency Medical Services
 - 24 hour Fire Protection
 - Animal Control services
 - Maintenance of all public streets
 - Park facilities, including softball fields
 - Recreational facilities & activities
 - Building Inspections & permitting services
 - Code Enforcement Services

*Based on 2015 average home value with 20% homestead exemption.
(\$0.71/\$100 Valuation)



Tax Rate Breakdown by Department





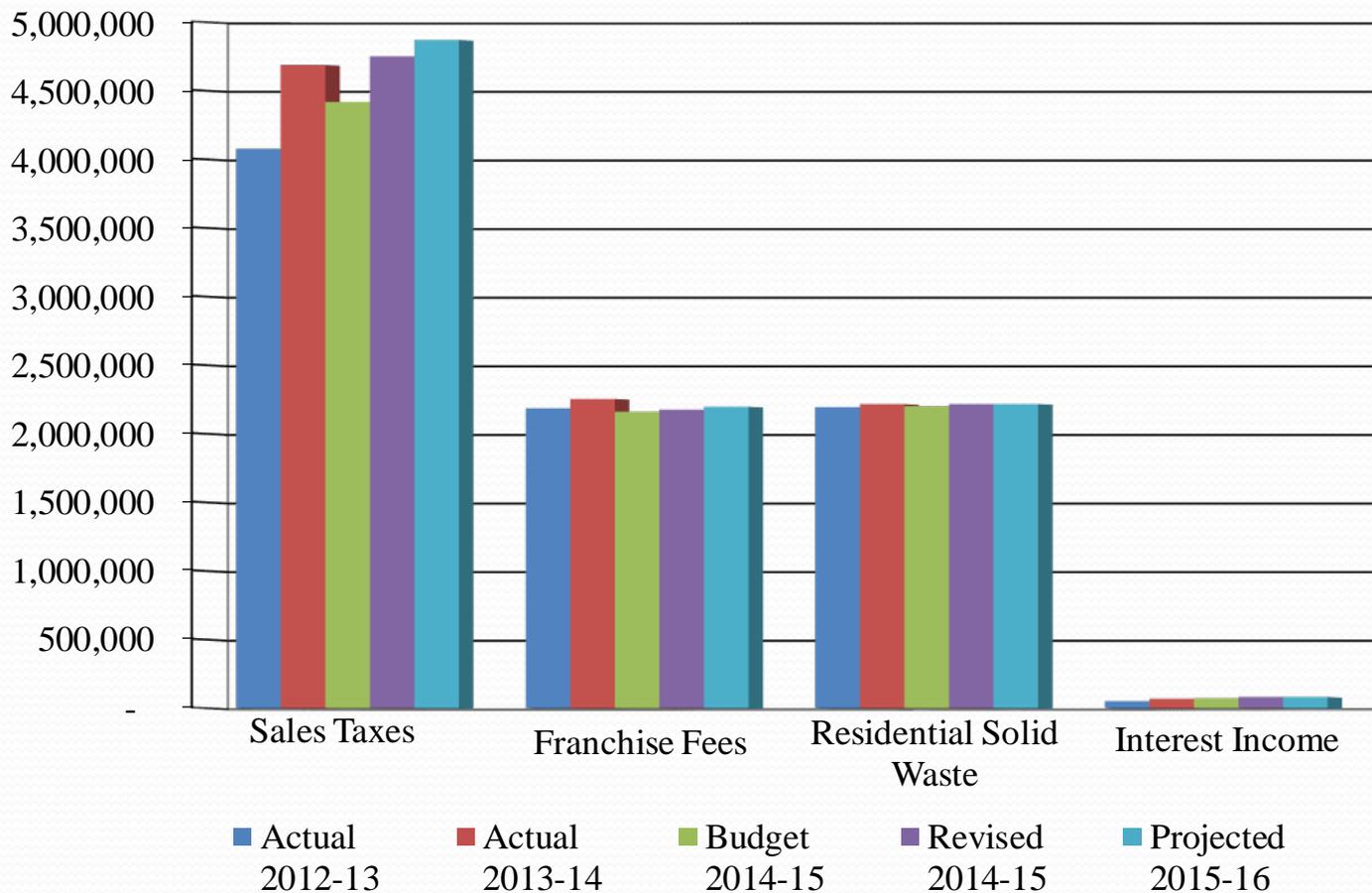
Industrial Payments Historical Trends

	Budget Projection	Actual	Variance
2006	6,534,372	7,371,287	836,915
2007	6,836,257	7,987,846	1,151,589
2008	7,500,000	7,759,647	259,647
2009	9,860,078	10,181,383	321,305
2010	8,718,883	10,464,176	1,745,293
2011	10,000,000	9,937,767	(62,233)
2012	9,900,000	10,471,444	571,444
2013	10,530,376	11,086,500	556,124
2014	11,086,500	11,554,949	468,449
2015	12,054,598	12,192,816	138,218



General Fund Revenues

Sales Tax, Franchise Taxes, Residential Solid Waste and Interest



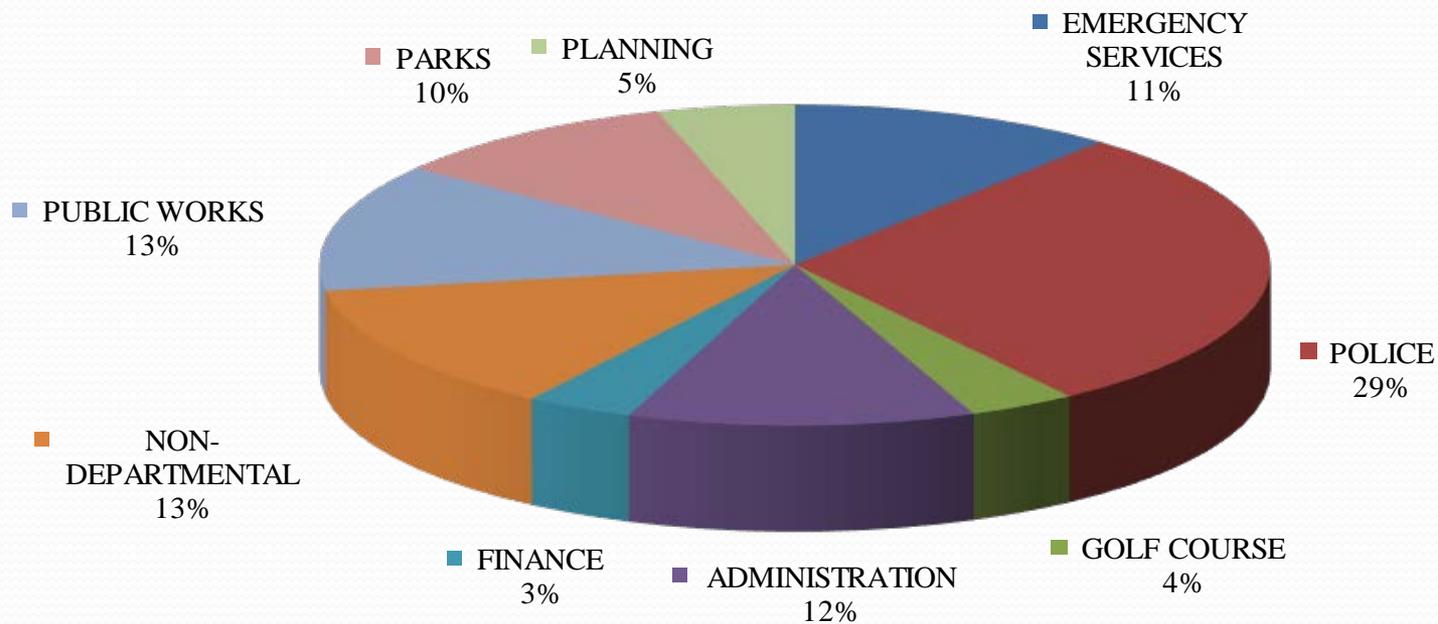


General Fund

- Emergency Services
- Police
- Golf Course
- Administration
- Finance
- Public Works
- Parks & Recreation
- Planning & Engineering



Expenditures by Activity





General Fund Expenditures

Expenditures: <i>(in millions)</i>	Actual 2013-14	Budget 2014-15	Estimated 2014-15	Projected 2015-16	Percent * Change
Emergency Services	4.41	4.74	4.69	4.80	1.33%
Police	11.62	12.02	11.85	12.59	4.72%
Golf Course	1.45	1.53	1.50	1.58	2.94%
Administration	4.57	5.33	5.27	5.10	-4.37%
Finance	1.47	1.57	1.54	1.58	0.32%
Non-Departmental	5.37	5.79	7.06	5.66	-2.20%
Public Works	5.25	5.55	5.43	5.57	0.46%
Parks	3.93	4.00	4.21	4.29	7.25%
Planning	1.55	2.08	1.92	2.03	-2.62%
Total Expenditures	39.63	42.61	43.47	43.19	1.36%

**Budget to Budget*

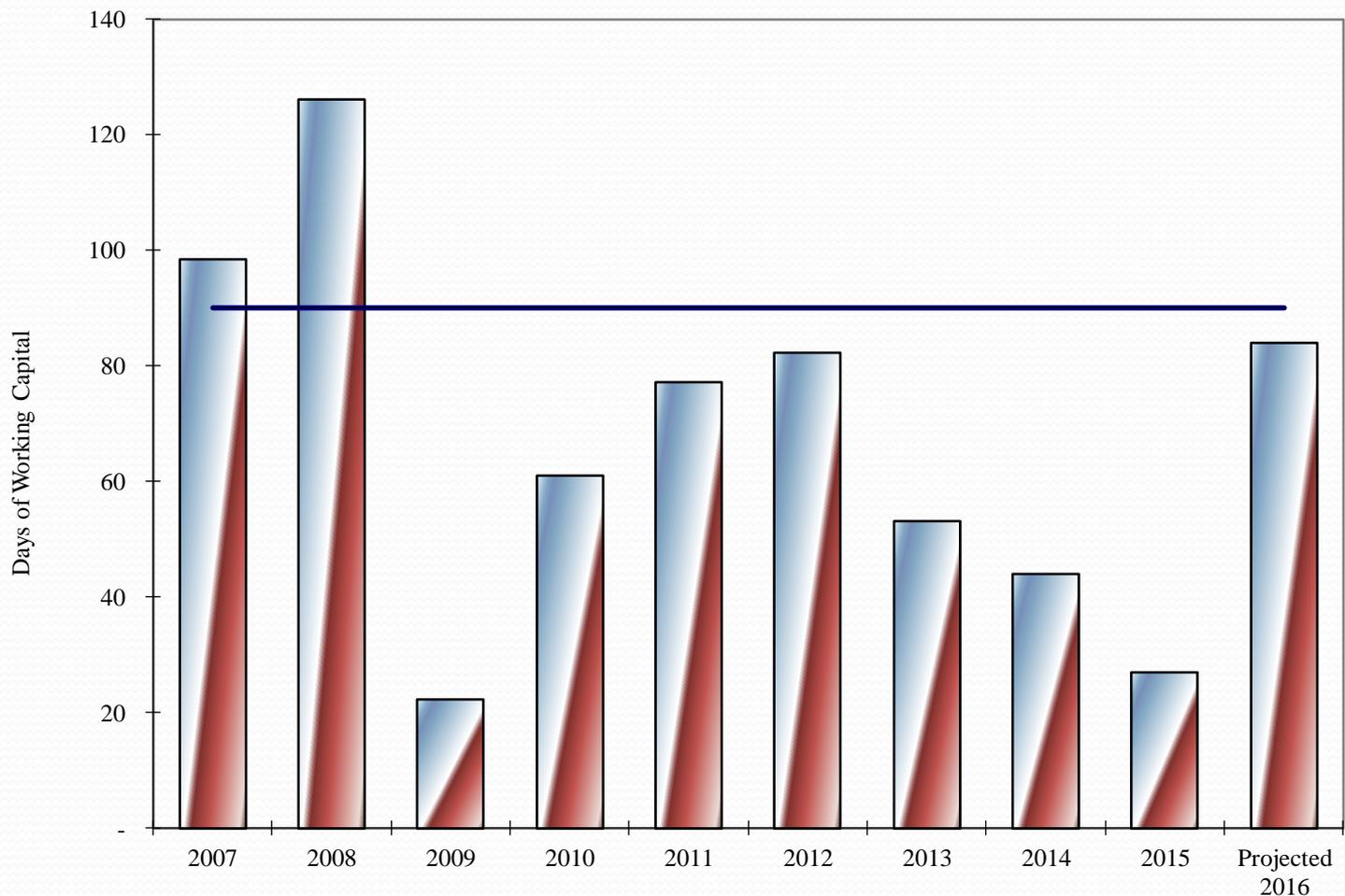


Utility Fund

- Water Production
- Water Distribution
- Wastewater Collection
- Wastewater Treatment
- Utility Billing
- Non-Departmental

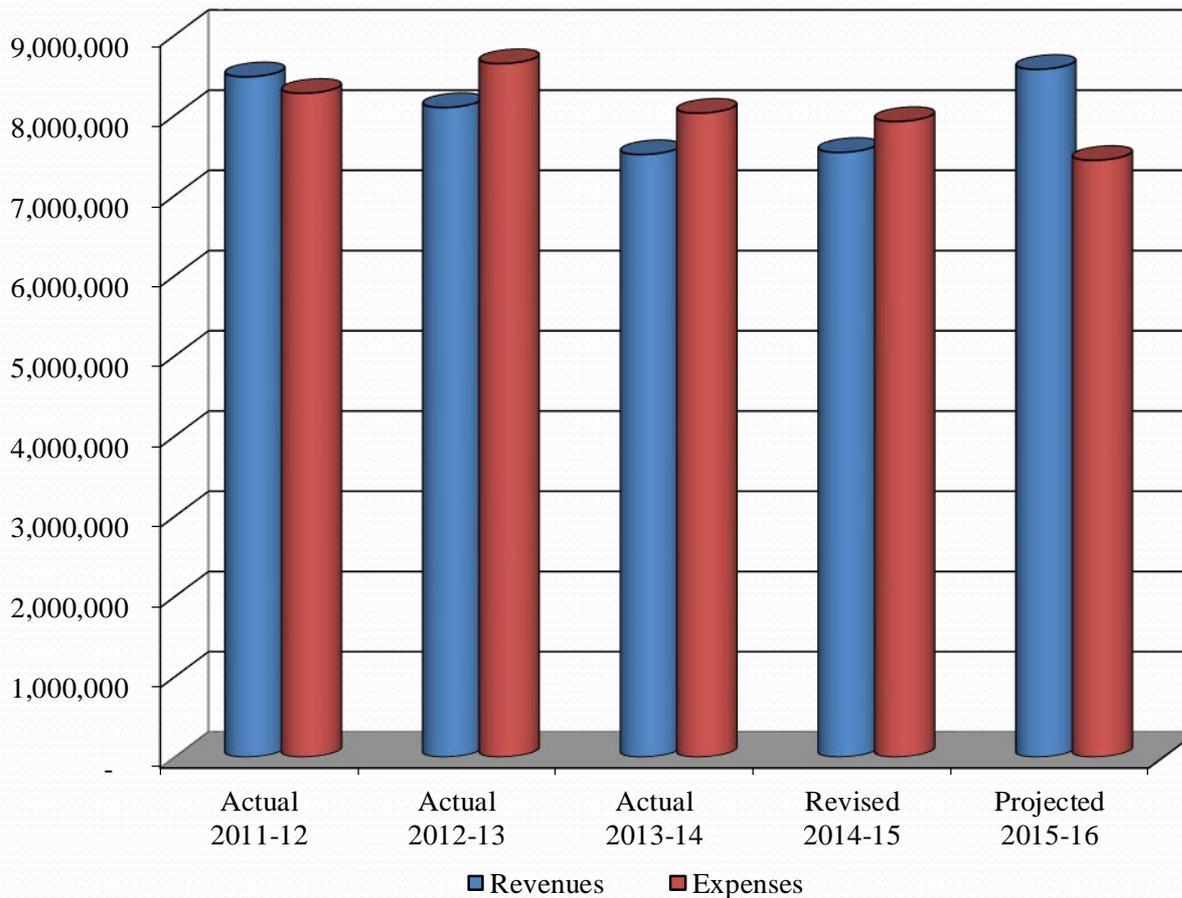


Utility Fund Days of Working Capital



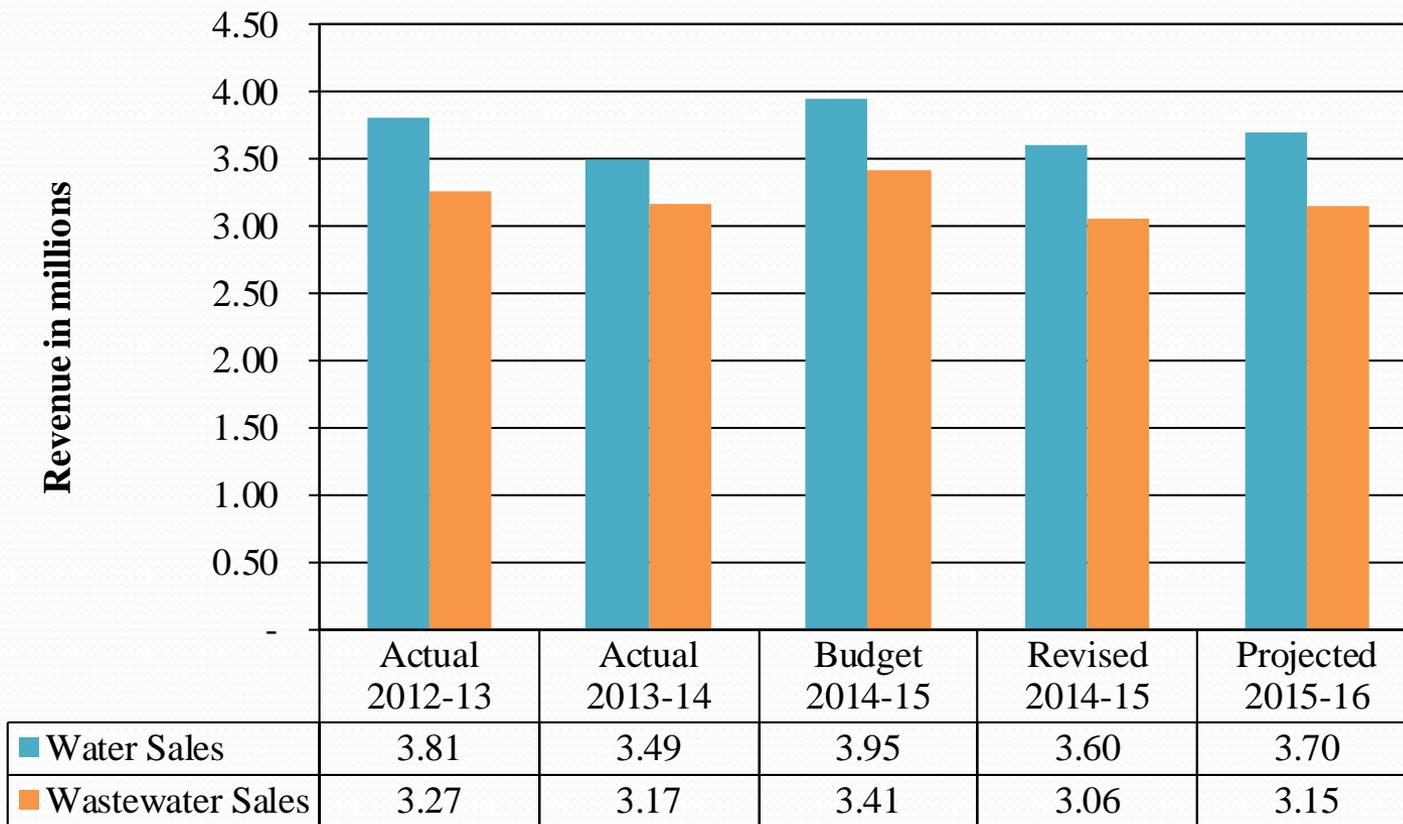


Utility Fund Comparison Revenues vs. Expenses





Water & Sewer Sales Trends



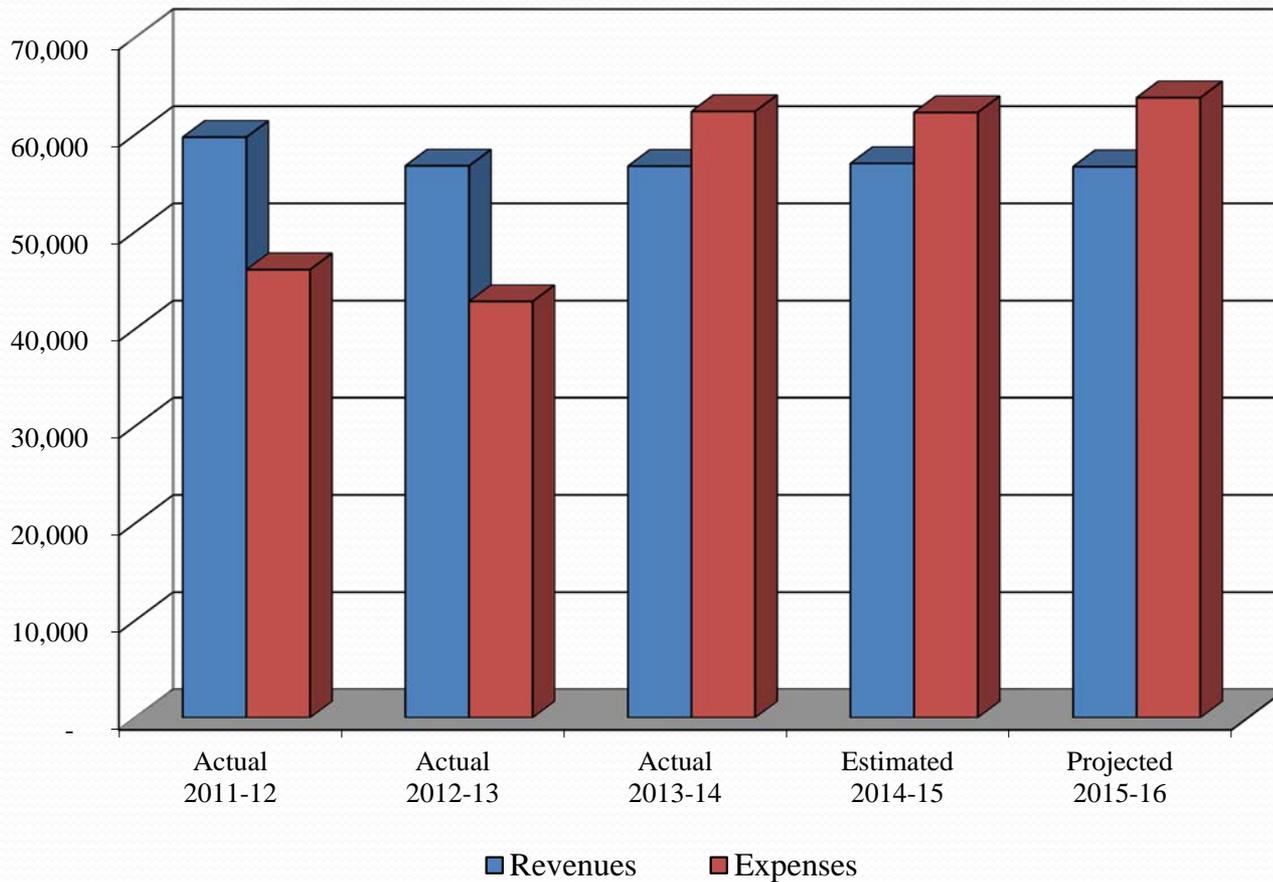


Other Enterprise Funds

- Airport Fund
- La Porte Area Water Authority



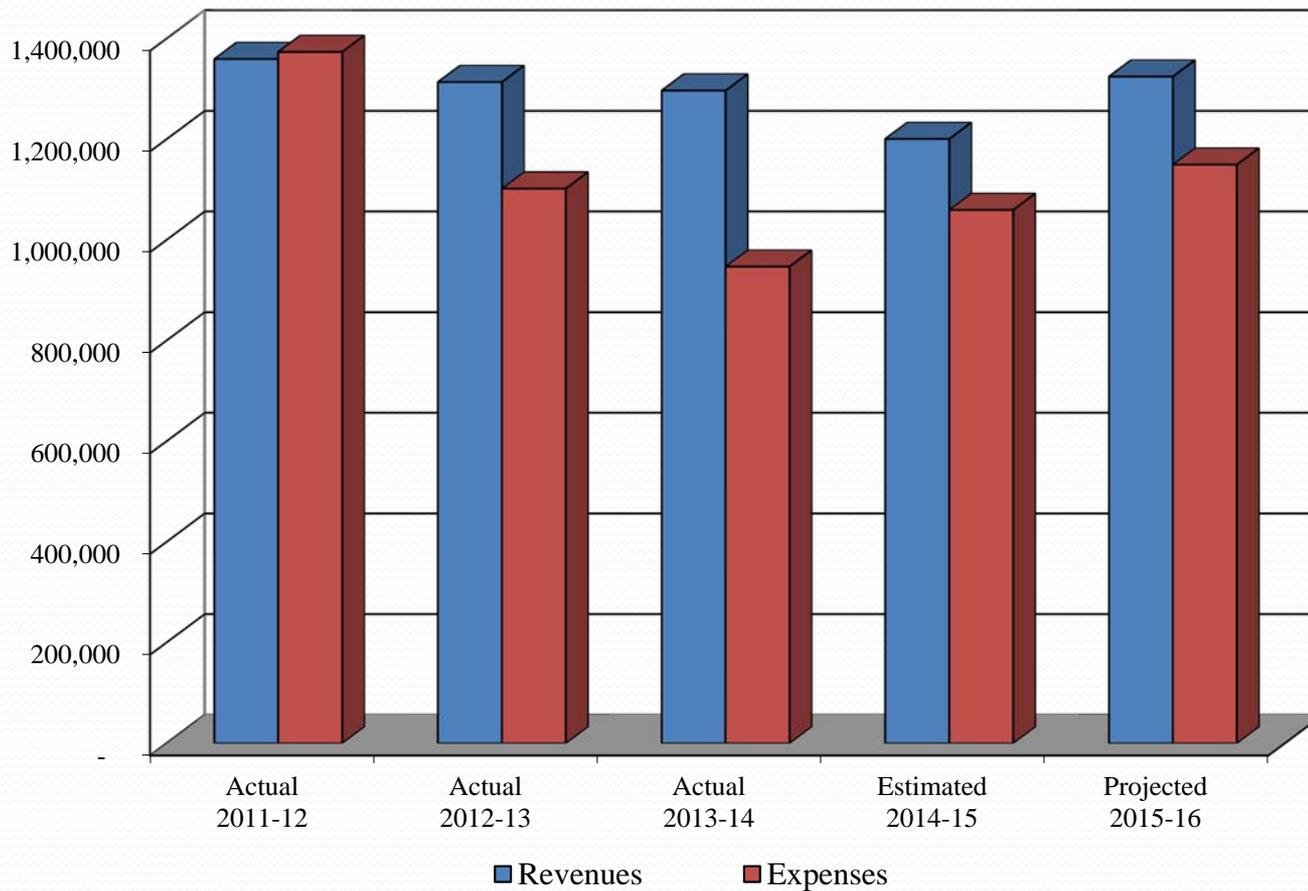
Airport Fund Comparison Revenues vs. Expenses





La Porte Area Water Authority Comparison

Revenues vs. Expenses





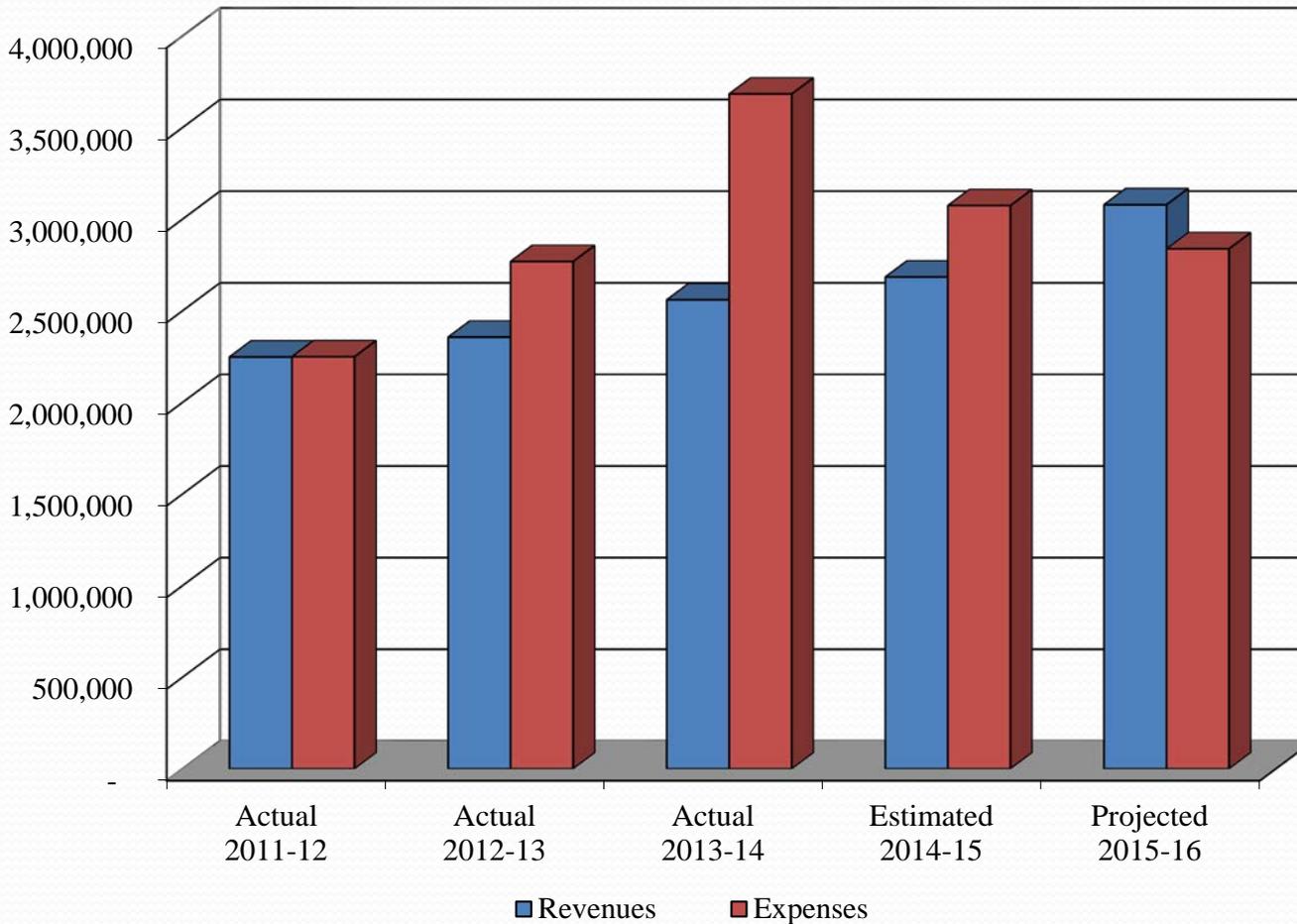
Internal Service Funds

- Motor Pool Fund
 - Maintenance
 - Replacement
- Insurance Fund
 - Employee Health Services
 - Risk Division
- Technology Fund
 - Replacement



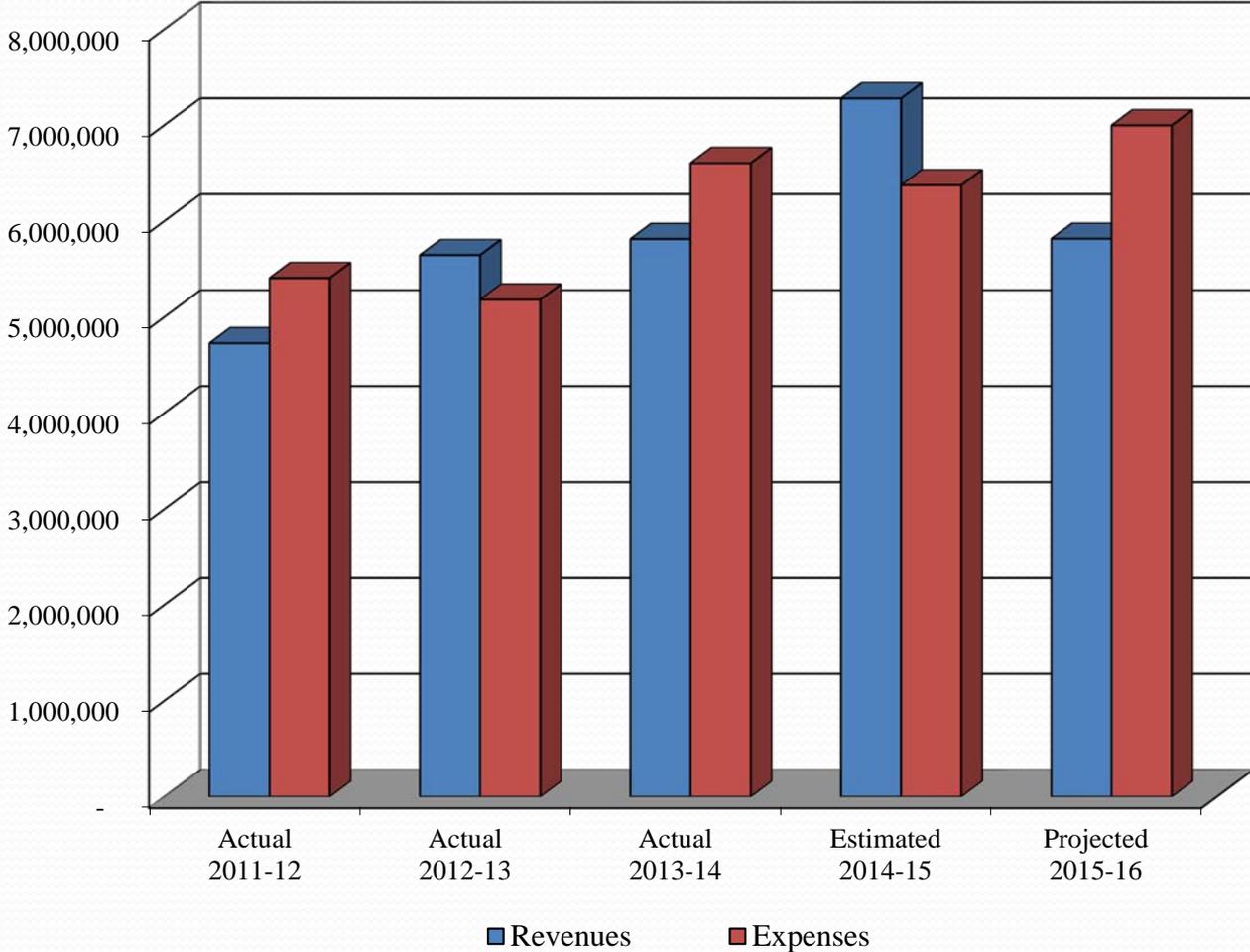
Motor Pool Fund Comparison

Revenues vs. Expenses





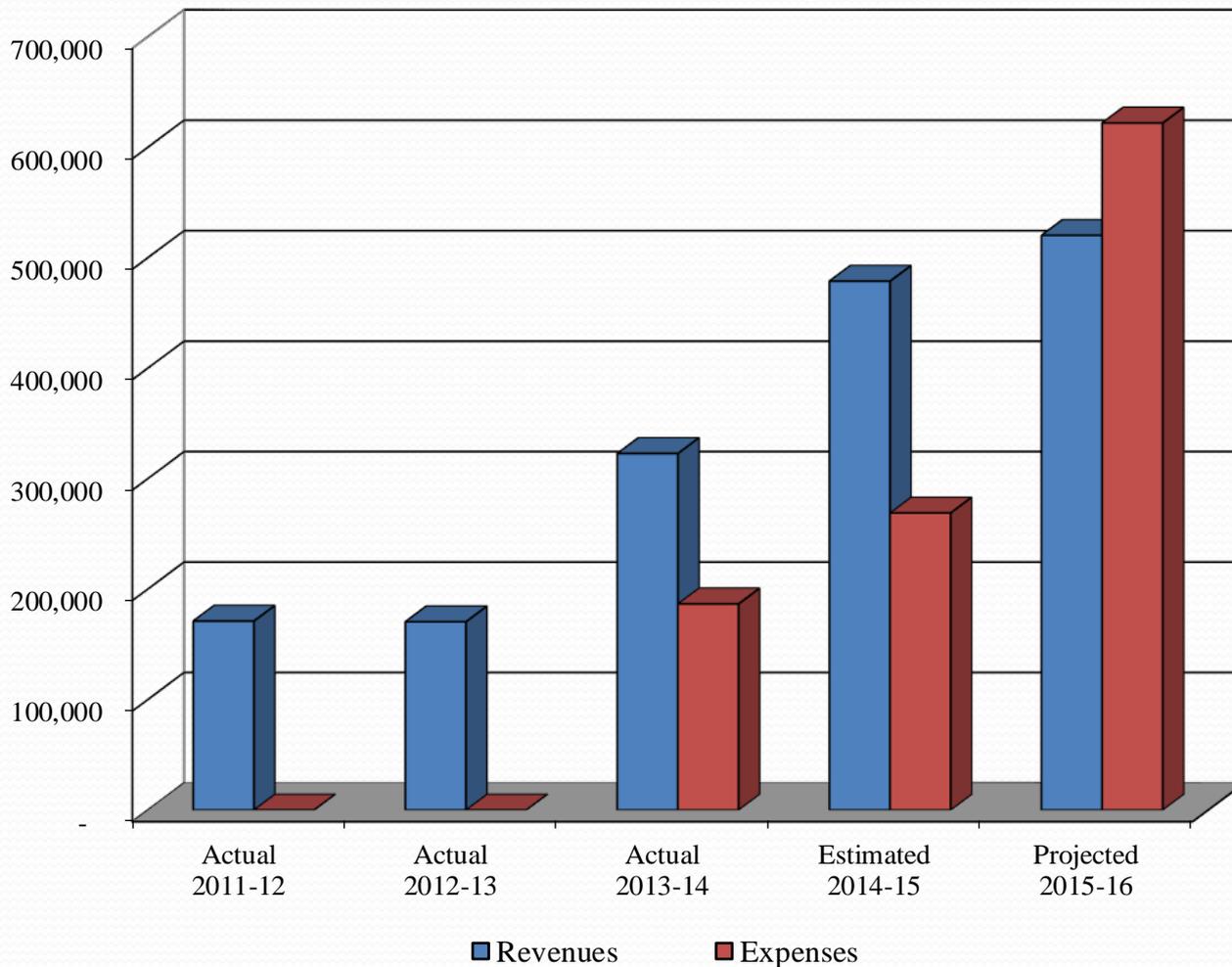
Insurance Fund Comparison Revenues vs. Expenses





Technology Fund Comparison

Revenues vs. Expenses



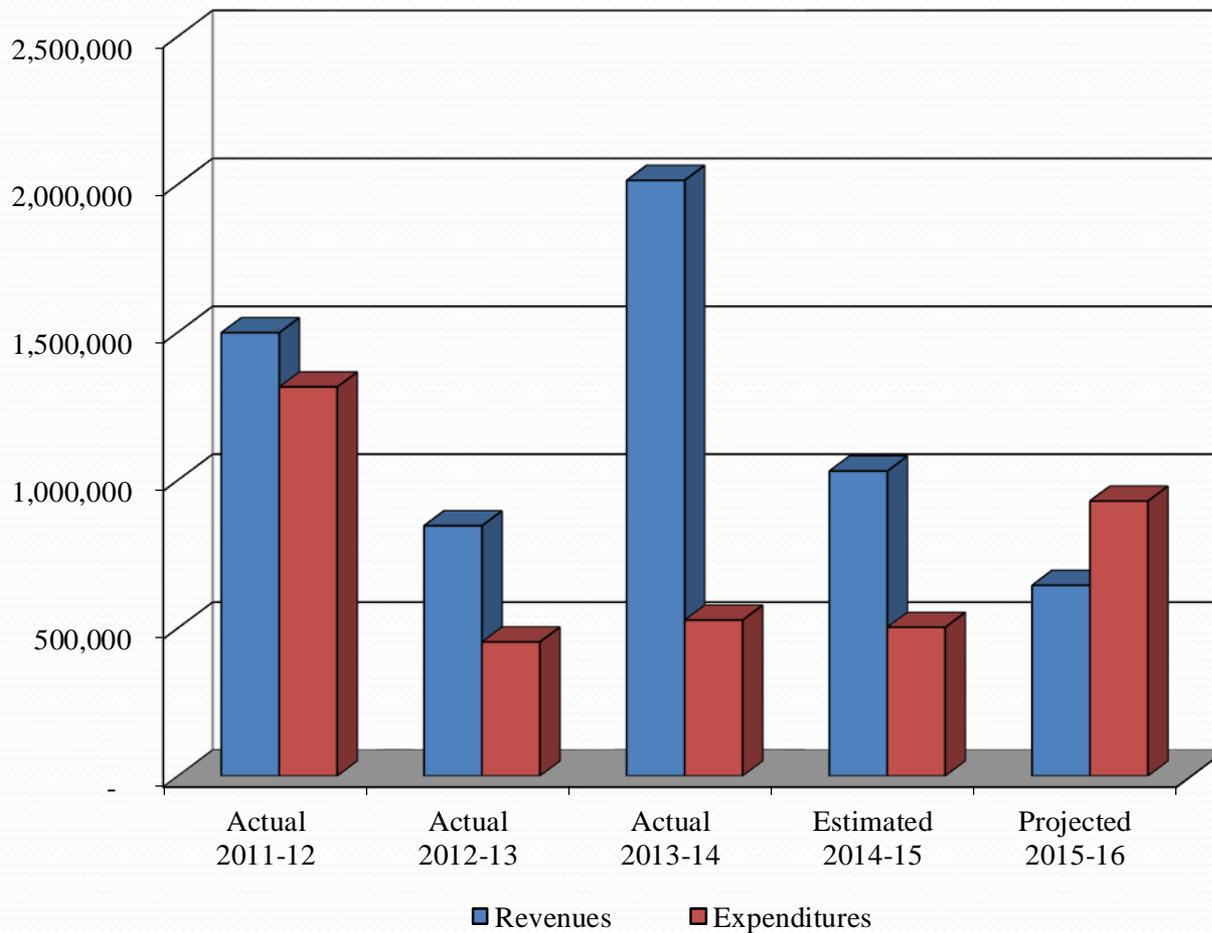


Special Revenue Funds

- Grant Fund
- Street Maintenance Sales Tax Fund
- Emergency Services District Fund
- Hotel/Motel Occupancy Tax
- Economic Development Fund
- TIRZ Fund



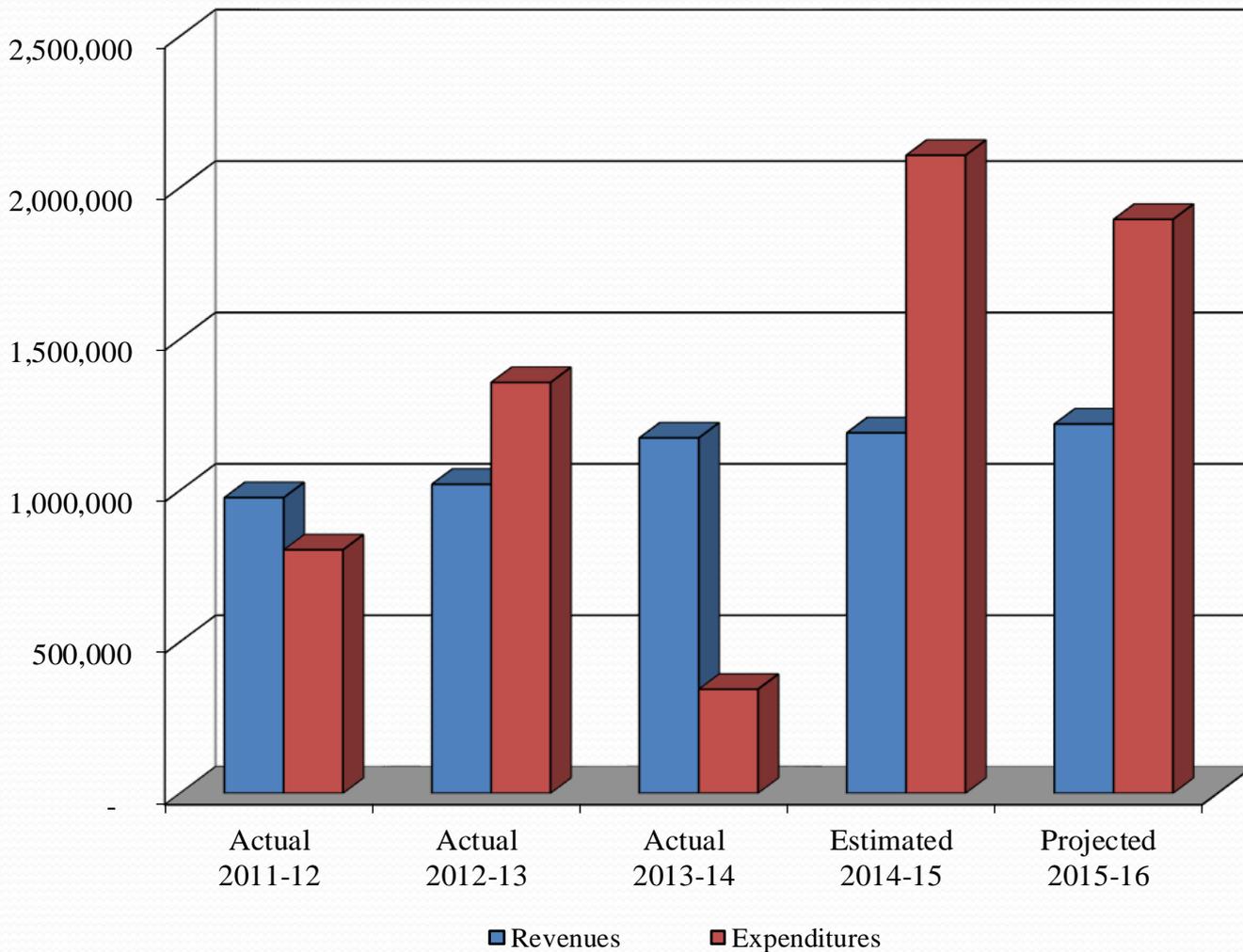
Grant Fund Comparison Revenues vs. Expenditures





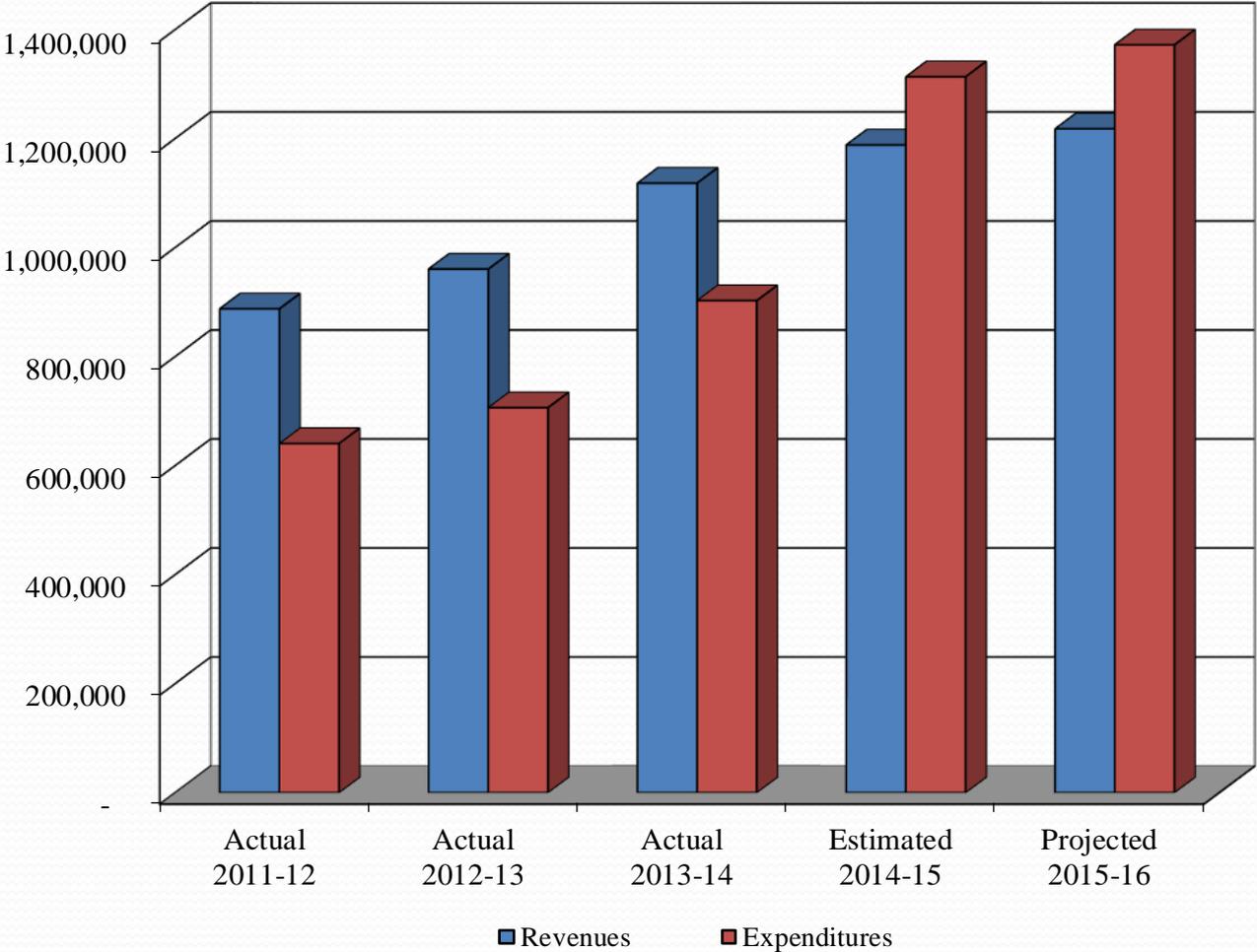
Street Maintenance Sales Tax Fund Comparison

Revenues vs. Expenditures



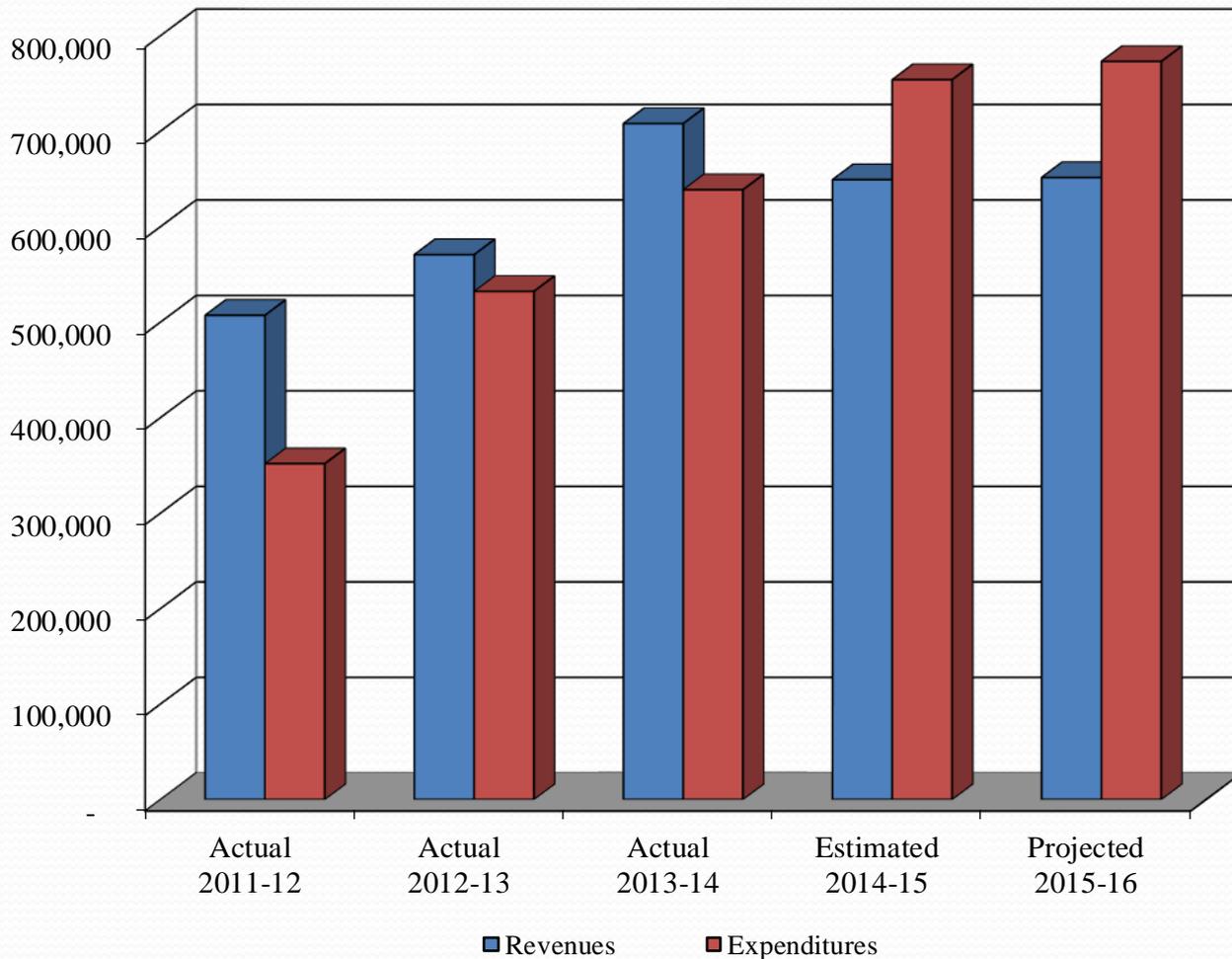


Emergency Services District Fund Comparison Revenues vs. Expenditures





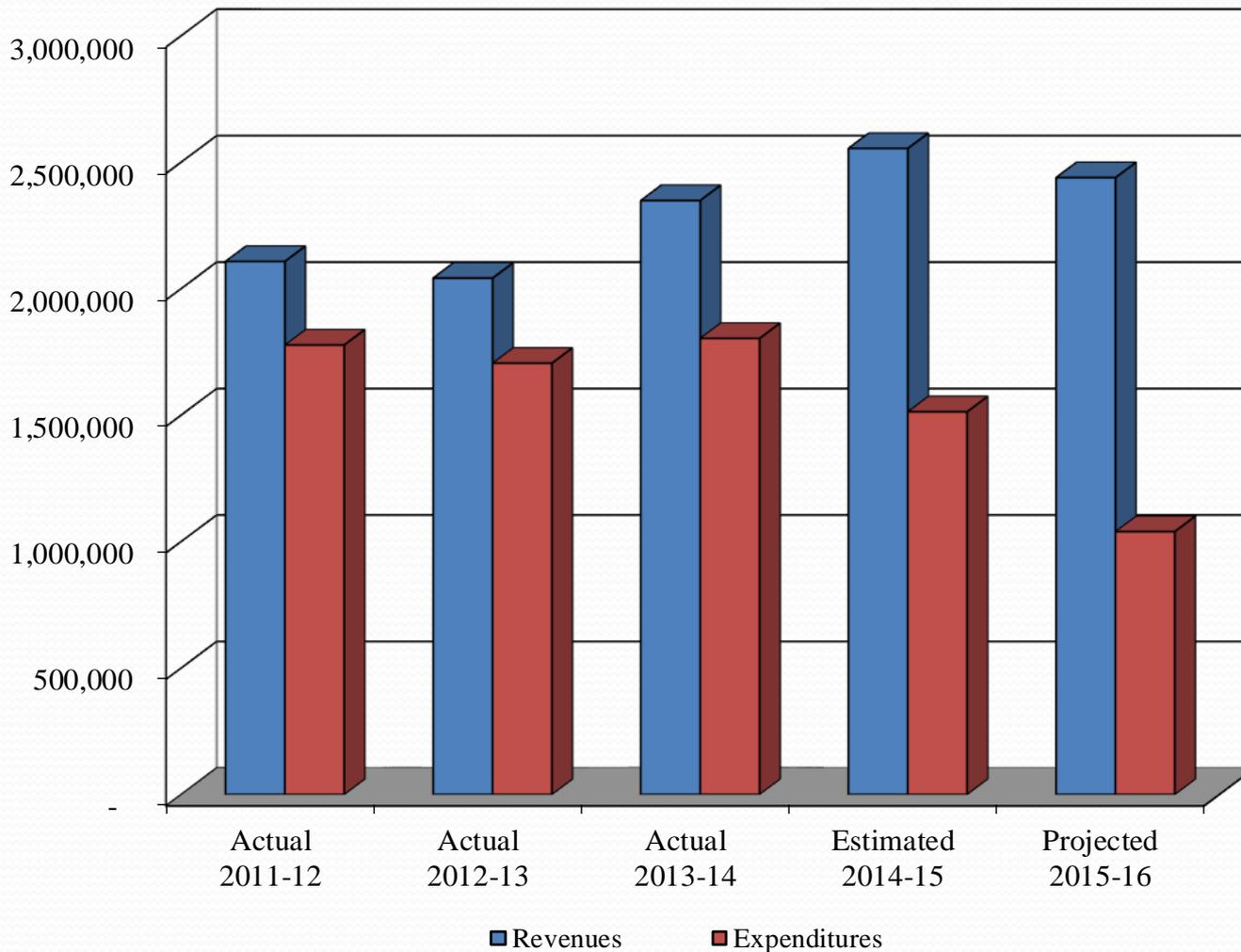
Hotel/Motel Occupancy Tax Fund Comparison Revenues vs. Expenditures





Economic Development Fund Comparison

Revenues vs. Expenditures





TIRZ Fund

Fiscal Year 2015-16 Proposed Budget

Estimated Balance 9/30/15:	\$ 544,505
Revenues	2,499,332
Expenditures	<u>2,514,956</u>
Ending Balance 9/30/16:	\$ 528,881



Capital Improvement Projects Summary

(In millions)

	Working Capital 09/30/15	FY 15-16 Revenues	FY 15-16 Expenses	Working Capital 09/30/16
Capital Improvement:				
General CIP Fund	(0.26)	1.61	1.24	0.12
Utility CIP Fund	1.45	0.10	1.08	0.47
Sewer Rehabilitation	0.29	0.30	0.35	0.24
Drainage Improvement Fund	0.27	0.27	0.47	0.07
2010 C/O Bond Fund	0.70	-	-	0.70
2015 C/O Bond Fund	8.00	-	4.52	3.48
Total Capital Improvement	10.45	2.29	7.66	5.07

*Includes CIP contingencies.



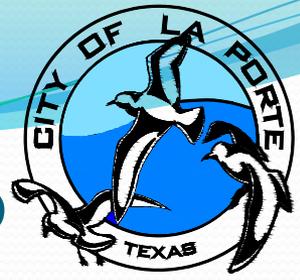
General Fund CIP

Project Name	Project Budget
Park Street Sidewalk	\$ 357,000
Sidewalk to Lomax Junior High	420,000
Council Chamber Dais Renovation	10,000
Wharton Weems Entryway Monument	75,000
Park Replacement	35,000
Community Cooperation Program	20,000
Golf Cart Building Improvements	43,000
Enhancement Grants	107,669
L Street Proposed Safe Sidewalk Design	169,000
Total	\$ 1,236,669



Utility Fund CIP

Project Name	Project Budget
Construct W. D Street (S. 6 th to S. 3 rd) and S. 4 th Street (W. B Street to W. D Street)	\$ 100,000
Pinebluff Subdivision Improvements	70,000
Design and Replacement for Hillridge Booster Pump	100,000
In House Water Line Replacement	45,000
Valve Replacement Program (in-house)	25,000
Headworks Improvements at the WWTP	300,000
Lift Pump Replacement	60,000
Lift Station Improvements	35,000
Water Meter Replacement	180,000
146 South Bound Access Water Main Extension Design & Construction	165,000
Total	\$1,080,000



Sewer Rehabilitation Fund CIP

Project Name	Project Budget
Sanitary Sewer Rehabilitation	\$ 350,000
Total	\$ 350,000



Drainage Fund CIP

Project Name	Project Budget
Construct W. D Street (S. 6 th to S. 3 rd) and S. 4 th Street (W. B Street to W. D Street)	\$ 200,000
Coupland Drive Improvements	100,000
Pinebluff Subdivision Improvements	50,000
Construct Mission Estates Storm Sewer Rehabilitation	50,000
Drainage Materials for In-house Work	50,000
TV Inspection of Storm Sewer System	20,000
Total	\$470,000



Street Maintenance Fund CIP

Project Name	Project Budget
Handicap Ramp	\$ 150,000
Asphalt Street Surfacing	1,000,000
Street Materials (In-house)	225,000
Concrete Repair (Small Sections)	200,000
Concrete Repair (Slab Jacking)	50,000
Design Coupland Drive Improvements	100,000
Design Pinebluff Subdivision Improvements	80,000
Street Markings	80,000
Streets / Drainage Contingency	10,000
Total	\$ 1,895,000



Infrastructure Bond Fund CIP

Project Name	Project Budget
Construct Catlett/Belfast/Piney Brook/Carlow Street and Utility Improvement	\$ 1,750,000
Fairmont Elevated Tank Interior Re-Coating	140,000
Construct Scotchmoss Utility Improvements	1,100,000
Lomax Lift Station Consolidation Design	195,000
Painting Elevated Water Tanks	685,000
Construct W. D Street (S. 6 th to S. 3 rd) and S. 4 th Street (W. B Street to W. D Street)	650,000
Total	\$4,520,000



Debt Service Summary

(In millions)

	Working Capital 09/30/15	FY 15-16 Revenues	FY 15-16 Expenses	Working Capital 09/30/16
Debt Service:				
General	2.87	3.92	4.19	2.60
Utility	0.29	0.00	0.27	0.02
La Porte Area Water Authority	-	-	0.69	(0.69)
Total Debt Service	<u>3.16</u>	<u>3.92</u>	<u>5.15</u>	<u>1.93</u>

Questions?



ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE BUDGET FOR THE CITY OF LA PORTE, TEXAS, FOR THE PERIOD OF OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016; FINDING THAT ALL THINGS REQUISITE AND NECESSARY HAVE BEEN DONE IN PREPARATION AND PRESENTMENT OF SAID BUDGET; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the Charter of the City of La Porte, Texas, and the Statutes of the State of Texas, require that an annual budget be prepared and presented to the City Council of the City of La Porte, Texas, prior to the beginning of the fiscal year of said City, and that a public hearing be held prior to the adoption of said Budget; and

WHEREAS, the Budget for the fiscal year October 1, 2015, through September 30, 2016, has heretofore been presented to the City Council and due deliberation had thereon, was filed in the office of the City Secretary on July 29, 2015, and a public hearing scheduled for September 14, 2015 was duly advertised and held.

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

SECTION 1: That the Budget for the City of La Porte, Texas, now before the said City Council for consideration, a complete copy of which is on file with the City Secretary and incorporated hereto by reference, is hereby adopted as the Budget for the said City of La Porte, Texas, for the period of October 1, 2015, through September 30, 2016.

SECTION 2: Be it FURTHER ORDAINED, that the said City Council finds that all things requisite and necessary to the adoption of said Budget have been performed as required by charter or statute.

SECTION 3: 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 was 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 the Open Meetings Law, Chapter 551, Texas Government 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 4: This Ordinance shall be in effect from and after its passage and approval.

PASSED AND APPROVED this the 14th day of September, 2015.

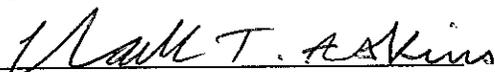
CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark T. Askins, Assistant City Attorney

THE STATE OF TEXAS)

COUNTY OF HARRIS)

CITY OF LA PORTE)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of La Porte will hold a Public Hearing on the 14th day of September 2015, in the Council Chambers of the City Hall, 604 West Fairmont Parkway, La Porte, Texas, beginning at 6:00 P.M. The purpose of this hearing is to provide citizens the opportunity to comment on the overall budget.

This budget will raise more total property taxes than last year's budget by \$1,209,600.00, or 7.08% and of that amount \$167,401.27 is tax revenue to be raised from new property added to the tax roll this year.

The City of La Porte, must, by Charter requirement, adopt its fiscal budget by September 30, 2015. Copies of the adopted budget will be available for public inspection and copying at the office of the City Secretary, City Hall, 604 West Fairmont Parkway, La Porte, Texas, and the La Porte Community Library, 600 South Broadway, La Porte, Texas, during normal business hours. Copies will also be made available on the City's website.

CITY OF LA PORTE

Patrice Fogarty, TRMC, MMC
City Secretary

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 14, 2015 Appropriation
Source of Funds: N/A
Requested By: Michael G. Dolby, CPA Account Number:
Department: Finance Amount Budgeted:
Report: Resolution: Ordinance: Amount Requested:
Other: Budgeted Item: YES NO

Attachments :

SUMMARY & RECOMMENDATIONS

House Bill 3195, passed by the Texas Legislature in 2007, amends Section 102.007 of the Texas Local Government Code, requires that the Council must take a separate vote to ratify increased property tax revenues that are reflected in the budget. The FY 2015-16 budget is projected to raise more property tax revenues than in FY 2014-15; therefore, the Council is required to take a separate vote to ratify the property tax revenue increase. The projected increase in revenues from property taxes is reflected in the budget, as presented.

The budget for FY 2015-16 includes projected revenues from property taxes that are greater than the revenues from property taxes in the FY 2014-15 budget by \$1,209,600.00 and of that amount \$167,401.27 is tax revenue to be raised from new property added to the tax roll this year.

Action Required of Council:

Consider approval or other action to ratify the property tax revenue increase for FY 2015-16.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 14, 2015 Appropriation
Source of Funds: N/A
Requested By: Michael G. Dolby, CPA Account Number:
Department: Finance Amount Budgeted:
Report: Resolution: Ordinance: Amount Requested:
Other: Budgeted Item: YES NO

Attachments :

1. Resolution
2. Certification from HCAD

SUMMARY & RECOMMENDATIONS

On August 26, 2015, the City of La Porte received the Certified Appraisal Roll from the Harris County Appraisal District.

Section 26.04 of the State Property Tax Code requires the submission of the Appraisal Roll to the Governing Body.

The 2015 Certified Tax Roll for the City of La Porte, as received from the Harris County Appraisal District (HCAD), shows a total appraised value of \$2,974,144,954 and a total taxable value of \$2,412,606,162.

Action Required of Council:

Approve Resolution for acceptance of the appraisal roll.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, ADOPTING THE 2015 APPRAISAL ROLL OF THE HARRIS COUNTY APPRAISAL DISTRICT.

WHEREAS, the Harris County Appraisal District has submitted to the City Council of the City of La Porte, for approval, the 2015 tax appraisal roll; and

WHEREAS, the City Council is of the opinion that the 2015 appraisal roll with the amounts shown therein should be adopted;

WHEREAS, the Harris County Appraisal District has certified to the City Council that there was situated in the City of La Porte, as of January 1, 2015, property with a total appraised value of \$2,974,144,954.00 and a total taxable value of \$2,412,606,162.00.

WHEREAS, new personal property added to the appraisal roll had a total taxable value of \$498,814.00 as of January 1, 2015;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, THAT:

Section 1. the 2015 taxable roll in the amount of \$2,412,606,162.00, as submitted by the Harris County Appraisal District is hereby adopted;

Section 2. 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 was posted at a place convenient to the public at the offices of City of La Porte for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this resolution 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.

PASSED AND APPROVED this the 14th day of September, 2015.

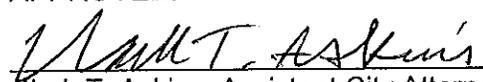
CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark T. Askins, Assistant City Attorney

071

Mailing Address:
Office of the Chief Appraiser
P.O. Box 920975
Houston, TX 77292-0975



Harris County Appraisal District
13013 Northwest Fwy, Houston, Texas
Information Center: (713)957-7800

August 28, 2015

Ms Katherine Powell
Assessor Collector
City of La Porte
604 W. Fairmont Pkwy
La Porte TX 77571

RECEIVED

AUG 26 2015

La Porte Tax Office

Dear Ms. Powell:

On August 14, 2015, the Appraisal Review Board of Harris County approved the 2015 appraisal records under Sec. 41.12, Tax Code. Accordingly, I am certifying this year's appraisal roll to each taxing unit

Approved & Certified Accounts

Accounts on your certified roll include accounts on which no protest was filed, as well as accounts for which the ARB has completed the protest process.

Uncertified Accounts

We have also included a report listing accounts that are still under protest and those which we believe to be taxable in your jurisdiction but which are not yet included on your certified roll. Estimated values for these properties are summarized in the enclosed reports. Final certified values for these properties will be provided on later supplemental rolls.

Other Information

Also included in your certification packet is a sheet titled "WHERE TO FIND." This sheet notes where to find information you will need to calculate your effective and rollback tax rates. The certified residential homestead report includes a summary of average residential values in your unit, which is information required for your tax rate hearing notices.

Please review the homestead exemption data in your printouts to ensure that we used the most current information on your exemption rates. Also, remember that homestead exemptions may be claimed up to one year after the delinquency date for the taxes on the homestead. This means that your tax base will be reduced by late applications filed during this extended application period.

Additional value loss may result from provisions in the Tax Code that allow for district court, SOAH, or arbitration appeal of ARB decisions; late protests; and corrections.

Sincerely,

A handwritten signature in cursive script that reads "Sands L. Stiefer".

Sands L. Stiefer, RPA
Chief Appraiser

Enclosures

HARRIS COUNTY APPRAISAL DISTRICT
HOUSTON, TEXAS

THE STATE OF TEXAS, }
COUNTY OF HARRIS. }

2015
CERTIFICATION OF APPRAISAL ROLL AND
LISTING OF PROPERTIES UNDER SECS. 26.01(c) AND (d)
FOR
City of Laporte

Pursuant to Section 26.01(a), Texas Tax Code, I hereby certify the 2015 appraisal roll of properties taxable by City of Laporte. The roll is delivered in printed and electronic forms.

The total appraised value now on the appraisal roll for this unit is: \$2,974,144,954

The taxable value now on the appraisal roll for this unit is: \$2,412,606,162

As required by Section 26.01(c), Texas Tax Code, I have included with your roll a listing of those properties which are taxable by the unit but which are under protest and are therefore not included in the appraisal roll values approved by the appraisal review board and certified above. My estimate of the total taxable value which will be assigned to such properties if the owners' claims are upheld by the appraisal review board is: \$216,647,121

Pursuant to Section 26.01(d), Texas Tax code, the estimated value of taxable property not under protest and not yet included on the certified appraisal roll, after hearing loss, is \$398,422,242

Signed this 28th day of August, 2015

 *Sands L. Stiefer*

Sands L. Stiefer, RPA
Chief Appraiser

ASSESSOR'S ACKNOWLEDGEMENT

As tax assessor/collector of the above-named taxing unit, I hereby acknowledge receipt of the certified 2015 appraisal roll on this the _____ day of _____, 2015

071 CITY OF LAPORTE
 TAX YEAR: 2015

HARRIS COUNTY APPRAISAL DISTRICT
 PROPERTY USE CATEGORY RECAP
 CERTIFIED ROLL 00

LAST UPDATED: 08/14/2015
 DELV DATE: 08/28/2015

PROPERTY USE CATEGORY	UNITS	ACREAGE	MARKET	APPRAISED	PRODUCTIVITY	EXEMPTIONS	TAXABLE VALUE
A1 Real, Residential, Single-Family	9,216	2,356.5387	1,261,398,864	1,221,402,847	0	318,438,274	902,964,573
A2 Real, Residential, Mobile Homes	78	23.0383	2,650,569	2,599,502	0	391,148	2,208,354
B1 Real, Residential, Multi-Family	20	65.0763	51,901,868	51,899,481	0	53,947	51,845,534
B2 Real, Residential, Two-Family	63	11.0917	6,299,017	6,299,017	0	94,643	6,204,374
B3 Real, Residential, Three-Family	0	0.0000	0	0	0	0	0
B4 Real, Residential, Four- or More-Family	0	0.0000	0	0	0	0	0
C1 Real, Vacant Lots/Tracts	951	241.4853	16,939,499	16,022,426	0	307,359	15,715,067
C2 Real, Vacant Commercial	504	595.4234	45,751,061	45,751,061	0	66,909	45,684,152
C3 Real, Vacant	13	11.4832	374,654	374,654	0	0	374,654
D1 Real, Qualified Agricultural Land	40	689.2081	13,295,808	0	62,261	0	62,261
D2 Real, Unqualified Agricultural Land	52	639.1795	20,683,391	20,683,391	0	0	20,683,391
E1 Real, Farm & Ranch Improved	2	1.8360	688,147	626,623	0	245,325	381,298
F1 Real, Commercial	557	902.0534	434,176,985	432,927,128	0	165,874	432,761,254
F2 Real, Industrial	49	459.6714	248,630,420	248,630,420	0	2,401,244	246,229,176
G1 Oil and Mineral Gas Reserves	0	0.0000	0	0	0	0	0
G2 Real Property Other Mineral Reserves	0	0.0000	0	0	0	0	0
H1 Tangible, Vehicles	0	0.0000	0	0	0	0	0
H2 Tangible, Goods In Transit	0	0.0000	0	0	0	0	0
I1 Real, Banks	0	0.0000	0	0	0	0	0
J1 Real & Tangible Personal, Utility Water	0	0.0000	0	0	0	0	0

071 CITY OF LAPORTE
 TAX YEAR: 2015

HARRIS COUNTY APPRAISAL DISTRICT
 PROPERTY USE CATEGORY RECAP
 CERTIFIED ROLL 00

LAST UPDATED: 08/14/2015
 DELV DATE: 08/28/2015

PROPERTY USE CATEGORY	UNITS	ACREAGE	MARKET	APPRAISED	PRODUCTIVITY	EXEMPTIONS	TAXABLE VALUE
J2 Gas Companies	0	0.0000	0	0	0	0	0
J3 Electric Companies	26	92.3902	20,606,270	20,606,270	0	0	20,606,270
J4 Telephone Companies	5	1.1478	3,497,751	3,497,751	0	420	3,497,331
J5 Railroads	24	186.4030	5,622,170	5,622,170	0	0	5,622,170
J6 Pipelines	138	3.7460	18,795,925	18,795,925	0	166,912	18,629,013
J7 Major Cable Television Systems	2	0.0000	5,513,090	5,513,090	0	0	5,513,090
L1 Tangible, Commercial	685	0.0000	206,588,733	206,588,733	0	121,485	206,467,248
L2 Tangible, Industrial	257	0.0000	417,616,938	417,616,938	0	3,036,689	414,580,249
M1 Tangible, Nonbusiness Watercraft	0	0.0000	0	0	0	0	0
M2 Tangible, Nonbusiness Aircraft	0	0.0000	0	0	0	0	0
M3 Tangible, Mobile Homes	494	0.0000	6,036,890	6,027,668	0	939,691	5,087,977
M4 Tangible, Miscellaneous	0	0.0000	0	0	0	0	0
N1 Intangibles	0	0.0000	0	0	0	0	0
O1 Inventory	0	0.0000	0	0	0	0	0
O2 Inventory	10	0.0000	1,211,697	1,211,697	0	0	1,211,697
S1 Dealer Inventory	23	0.0000	6,277,029	6,277,029	0	0	6,277,029
U0 Unknown	0	0.0000	0	0	0	0	0
XA Public Property for Housing Indigent Persons	0	0.0000	0	0	0	0	0
XB Income Producing Tangible Personal Property Valued Under \$500	0	0.0000	0	0	0	0	0
XC Mineral Interest Property Valued Under \$500	0	0.0000	0	0	0	0	0

071 CITY OF LAPORTE
 TAX YEAR: 2015

HARRIS COUNTY APPRAISAL DISTRICT
 PROPERTY USE CATEGORY RECAP
 CERTIFIED ROLL 00

LAST UPDATED: 08/14/2015
 DELV DATE: 08/28/2015

PROPERTY USE CATEGORY	UNITS	ACREAGE	MARKET	APPRAISED	PRODUCTIVITY	EXEMPTIONS	TAXABLE VALUE
XD Improving Property for Housing w/ Volunteer Labor	4	0.0000	122,527	122,527	0	122,527	0
XE Community Housing Development Organizations	0	0.0000	0	0	0	0	0
XF Assisting Ambulatory Health Care Centers	0	0.0000	0	0	0	0	0
XG Primarily Performing Charitable Functions	2	2.0088	667,176	667,176	0	667,176	0
XH Developing Model Colonia Subdivisions	0	0.0000	0	0	0	0	0
XI Youth Spiritual, Mental and Physical Development	0	0.0000	0	0	0	0	0
XJ Private Schools	0	0.0000	0	0	0	0	0
XL Economic Development Services to Local Community	0	0.0000	0	0	0	0	0
XM Marine Cargo Containers	0	0.0000	0	0	0	0	0
XN Motor Vehicles Leased for Personal Use	0	0.0000	0	0	0	0	0
XO Motor Vehicles for Income Production and Personal Use	0	0.0000	0	0	0	0	0
XP Offshore Drilling Equipment Not In Use	0	0.0000	0	0	0	0	0
XQ Intracoastal Waterway Dredge Disposal Site	0	0.0000	0	0	0	0	0
XR Nonprofit Water or Wastewater Corporations	0	0.0000	0	0	0	0	0
XS Raw Cocoa and Green Coffee held in Harris County	0	0.0000	0	0	0	0	0
XT Limitation on Taxes in Certain Municipalities	0	0.0000	0	0	0	0	0
XU Miscellaneous Exemptions	0	0.0000	0	0	0	0	0
XV Other Exempt (Incl Public, Religious, Charitable)	935	1,529.1856	234,319,169	234,319,169	0	234,319,169	0
JURISDICTION TOTALS:	14,150	7,810.9667	\$3,029,665,648	\$2,974,082,693	\$62,261	\$561,538,792	\$2,412,606,162

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 14, 2015</u>	<u>Appropriation</u>
Requested By: <u>Michael G. Dolby, CPA</u>	Source of Funds: <u>N/A</u>
Department: <u>Finance</u>	Account Number: <u>N/A</u>
Report: <u> </u> Resolution: <u> </u> Ordinance: <u>XX</u>	Amount Budgeted: <u>N/A</u>
Exhibits: <u>Ordinance</u>	Amount Requested: <u>N/A</u>
Exhibits: <u>Effective Tax Rate Calculation</u>	Budgeted Item: YES NO
Exhibits: _____	

SUMMARY & RECOMMENDATION

The Fiscal Year 2015-16 Budget was built around a tax rate of .71 cents per hundred dollar valuation.

A breakdown of the tax rate is as follows:

General Fund = .605 cents per hundred dollar valuation

Debt Service = .105 cents per hundred dollar valuation

The tax rate of .71 cents is the same rate that has been adopted for the last twenty-seven years.

The Effective Tax Rate = 0.717 cents per hundred dollar valuation, which is the maximum rate without advertisements and a public hearing.

Action Required by Council:

Approve Ordinance establishing the tax rate for Fiscal Year 2015-16 at 71 cents per hundred dollar valuation.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE LEVYING TAXES UPON TAXABLE PROPERTY LOCATED WITHIN AND SUBJECT TO TAXATION IN THE CITY OF LA PORTE, TEXAS; MAKING APPROPRIATIONS FOR SUPPORT, MAINTENANCE, AND IMPROVEMENT OF THE CITY GOVERNMENT OF SAID CITY OF LA PORTE; FINDING THAT ALL REQUIRED NOTICES HAVE BEEN PUBLISHED AND ALL REQUIRED HEARINGS HELD; CONTAINING A REPEALING CLAUSE; 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

Section 1. That there is hereby levied for the fiscal year beginning October 1, 2015, and ending September 30, 2016, on all real property situated and all personal property owned within the taxable limits of the said City of La Porte, on the first day of January, 2015, except so much as may be exempt under the constitution and laws of the United States, this State, and the City of La Porte, the following taxes:

- (1) An Ad Valorem Tax of and at the rate of sixty and five tenths cents (\$.605) on the one hundred dollars (\$100.00) cash value thereof, estimated in lawful currency of the United States for the current expenses for the support, maintenance, and improvement of the City Government of said City of La Porte; and
- (2) An Ad Valorem Tax of and at the rate of ten and five tenths cents (\$.105) on the one hundred dollars (\$100.00) cash value thereof, estimated in lawful currency of the United States, to pay current interest on and provide one year's sinking fund and to pay all of the Principal and Interest accruing on all outstanding general obligation bonds and certificates of obligation lawfully issued by the City of La Porte.

That this provides the sum of total Ad Valorem tax at the rate of seventy-one cents (\$.71) on the one hundred dollars (\$100.00) cash value thereof, estimated in lawful currency of the United States.

Section 2. All property upon which a rate of taxation is hereinabove levied shall be assessed on a ratio of one hundred percent (100%) of the estimated market value thereof.

Section 3. That the sums hereinafter accruing and collected from the hereinabove taxes so levied be and the same are hereby appropriated for the support, maintenance, and improvement of the City Government of the City of La Porte.

Section 4. The City Council officially finds, determines, recites and declares that all notices required by law have been published, and that a public hearing as required by law was duly called and held, and that all matters prerequisite to the establishment and levy of an ad valorem tax have been accomplished, all as required by the laws of the State of Texas, and the Home Rule Charter of the City of La Porte.

Section 5. If any section, sentence, phrase, clause, or any part of any section, sentence, phrase, or clause, of this Ordinance shall, for any reason, be held invalid, such invalidity shall not affect the remaining portions of this Ordinance, and it is hereby declared to be the intention of this City Council to have passed each section, sentence, phrase, or clause, or part thereof, irrespective of the fact that any other section, sentence, phrase, or clause, or part thereof, may be declared invalid.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

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 was 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 the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required.

Section 8. This Ordinance shall be in effect from and after its passage and approval.

PASSED AND APPROVED this the 14th day of September, 2015.

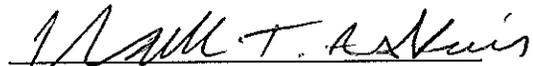
CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark T. Askins, Assistant City Attorney

2015 Property Tax Rates in City of La Porte

This notice concerns the 2015 property tax rates for City of La Porte. It presents information about three tax rates. Last year's tax rate is the actual tax rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers start rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:

Last year's operating taxes	\$16,998,818
Last year's debt taxes	\$2,950,208
Last year's total taxes	\$19,949,026
Last year's tax base	\$2,809,721,972
Last year's total tax rate	\$0.710/\$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$19,160,191
÷ This year's adjusted tax base (after subtracting value of new property)	\$2,668,921,930
=This year's effective tax rate	\$0.717/\$100

(Maximum rate unless unit publishes notices and holds hearings.)

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhanced indigent healthcare expenditures)	\$16,158,055
÷ This year's adjusted tax base	\$2,668,921,930
=This year's effective operating rate	\$0.605/\$100
x 1.08 =this year's maximum operating rate	\$0.653/\$100
+ This year's debt rate	\$0.105/\$100
= This year's total rollback rate	\$0.758/\$100

Statement of Increase/Decrease

If City of La Porte adopts a 2015 tax rate equal to the effective tax rate of \$0.717 per \$100 of value, taxes would decrease compared to 2014 taxes by \$-812,856.

Schedule A - Unencumbered Fund Balance

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
General Fund	23,417,069
Debit Fund	2,874,001

Schedule B - 2015 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
2016 Certificate of Obligation Bonds	335,000	233,336	0	568,336
2014 General Obligation Refunding Bonds	275,000	259,850	0	534,850
2012 General Obligation Refunding Bonds	80,000	261,340	0	341,340
2010 Certificat of Obligation Bonds	370,000	179,619	0	549,619
2010 General Obligation Refunding Bonds	470,000	67,163	0	537,163
2007 Certificate of Obligation Bonds	340,000	148,232	0	488,232
2006 Certificate of Obligation Bonds	300,000	22,875	0	322,875
2006 General Obligation Bonds	65,000	7,365	0	72,365
2005 General Obligation Bonds	380,000	24,338	0	404,338

2005 Certificate of Obligation Bonds	90,000	5,569	0	95,569
2002 General Obligation Bonds	270,000	5,805	0	275,805

Total required for 2015 debt service	\$4,190,492
- Amount (if any) paid from Schedule A	\$200,000
- Amount (if any) paid from other resources	\$1,185,955
- Excess collections last year	\$0
= Total to be paid from taxes in 2015	\$2,804,537
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2015	\$0
= Total debt levy	\$2,804,537

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 604 West Fairmont Parkway, La Porte, Texas 77571.

Name of person preparing this notice: Katherine R Powell

Title: Revenue Manager

Date Prepared: 09/03/2015

2015 Effective Tax Rate Worksheet

City of La Porte

Date: 09/03/2015 01:09 PM

1. 2014 total taxable value. Enter the amount of 2014 taxable value on the 2014 tax roll today. Include any adjustments since last year's certification; exclude Tax Code Section 25.25(d) one-third over-appraisal corrections from these adjustments. This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2) and the captured value for tax increment financing (will deduct taxes in Line 14). ¹	\$2,754,541,179
2. 2014 tax ceilings. Counties, cities and junior college districts. Enter 2014 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing units adopted the tax ceiling provision in 2014 or a prior year for homeowners age 65 or older or disabled, use this step. ²	\$0
3. Preliminary 2014 adjusted taxable value. Subtract Line 2 from Line 1.	\$2,754,541,179
4. 2014 total adopted tax rate.	\$0.710/\$100
5. 2014 taxable value lost because court appeals of ARB decisions reduced 2014 appraised value. A. Original 2014 ARB Values.	\$255,357,790
B. 2014 values resulting from final court decisions.	\$219,433,758
C. 2014 value loss. Subtract B from A. ³	\$35,924,032
6. 2014 taxable value, adjusted for court-ordered reductions. Add Line 3 and Line 5C.	\$2,790,465,211
7. 2014 taxable value of property in territory the taxing unit deannexed after Jan. 1, 2014. Enter the 2014 value of property in deannexed territory. ⁴	\$0
8. 2014 taxable value lost because property first qualified for an exemption in 2015. Note that lowering the amount or percentage of an existing exemption does not create a new exemption or reduce taxable value. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost to freeport or goods-in-transit exemptions.	
A. Absolute exemptions. Use 2014 market value:	\$172,279
B. Partial exemptions. 2015 exemption amount or 2015 percentage exemption times 2014 value:	\$6,858,797
C. Value loss. Add A and B. ⁵	\$7,031,076
9. 2014 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2015. Use only properties that qualified in 2015 for the first time; do not use properties that qualified in 2014.	
A. 2014 market value:	\$0
B. 2015 productivity or special appraised value:	\$0

C. Value loss. Subtract B from A. ⁶	\$0
10. Total adjustments for lost value. Add lines 7, 8C and 9C.	\$7,031,076
11. 2014 adjusted taxable value. Subtract Line 10 from Line 6.	\$2,783,434,135
12. Adjusted 2014 taxes. Multiply Line 4 by Line 11 and divide by \$100.	\$19,762,382
13. Taxes refunded for years preceding tax year 2014. Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2014. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2014. This line applies only to tax years preceding tax year 2014. ⁷	\$136,724
14. Taxes in tax increment financing (TIF) for tax year 2014. Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2015 captured appraised value in Line 16D, enter 0. ⁸	\$738,915
15. Adjusted 2014 taxes with refunds and TIF adjustment. Add Lines 12 and 13, subtract Line 14. ⁹	\$19,160,191
16. Total 2015 taxable value on the 2015 certified appraisal roll today. This value includes only certified values and includes the total taxable value of homesteads with tax ceilings (will deduct in Line 18). These homesteads include homeowners age 65 or older or disabled. ¹⁰	
A. Certified values:	\$2,412,606,162
B. Counties: Include railroad rolling stock values certified by the Comptroller's office:	\$0
C. Pollution control exemption: Deduct the value of property exempted for the current tax year for the first time as pollution control property:	\$0
D. Tax increment financing: Deduct the 2015 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2015 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 21 below. ¹¹	\$140,344,265
E. Total 2015 value. Add A and B, then subtract C and D.	\$2,272,261,897
17. Total value of properties under protest or not included on certified appraisal roll. ¹²	
A. 2015 taxable value of properties under protest. The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value. ¹³	\$216,647,121
B. 2015 value of properties not under protest or included on certified appraisal roll. The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about, but are not included in the appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value. ¹⁴	\$180,012,912

C. Total value under protest or not certified: Add A and B.	\$396,660,033
18. 2015 tax ceilings. Counties, cities and junior colleges enter 2015 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing units adopted the tax ceiling provision in 2014 or a prior year for homeowners age 65 or older or disabled, use this step. ¹⁵	\$0
19. 2015 total taxable value. Add Lines 16E and 17C. Subtract Line 18.	\$2,668,921,930
20. Total 2015 taxable value of properties in territory annexed after Jan. 1, 2014. Include both real and personal property. Enter the 2015 value of property in territory annexed. ¹⁶	\$0
21. Total 2015 taxable value of new improvements and new personal property located in new improvements. New means the item was not on the appraisal roll in 2014. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after Jan. 1, 2014, and be located in a new improvement. New improvements do include property on which a tax abatement agreement has expired for 2015. ¹⁷	\$0
22. Total adjustments to the 2015 taxable value. Add Lines 20 and 21.	\$0
23. 2015 adjusted taxable value. Subtract Line 22 from Line 19.	\$2,668,921,930
24. 2015 effective tax rate. Divide Line 15 by Line 23 and multiply by \$100. ¹⁸	\$0.717/\$100
25. COUNTIES ONLY. Add together the effective tax rates for each type of tax the county levies. The total is the 2015 county effective tax rate. ¹⁹	

A county, city or hospital district that adopted the additional sales tax in November 2014 or in May 2015 must adjust its effective tax rate. The Additional Sales Tax Rate Worksheet sets out this adjustment. Do not forget to complete the Additional Sales Tax Rate Worksheet if the taxing unit adopted the additional sales tax on these dates.

¹Tex. Tax Code Section 26.012(14)

²Tex. Tax Code Section 26.012(14)

³Tex. Tax Code Section 26.012(13)

⁴Tex. Tax Code Section 26.012(15)

⁵Tex. Tax Code Section 26.012(15)

⁶Tex. Tax Code Section 26.012(15)

⁷Tex. Tax Code Section 26.012(13)

⁸Tex. Tax Code Section 26.03(c)

⁹Tex. Tax Code Section 26.012(13)

¹⁰Tex. Tax Code Section 26.012(15)

¹¹Tex. Tax Code Section 26.03(c)

¹²Tex. Tax Code Section 26.01(c)

¹³Tex. Tax Code Section 26.04 and 26.041

¹⁴Tex. Tax Code Section 26.04 and 26.041

¹⁵Tex. Tax Code Section 26.012(6)

¹⁶Tex. Tax Code Section 26.012(17)

¹⁷Tex. Tax Code Section 26.012(17)

¹⁸Tex. Tax Code Section 26.04(c)

¹⁹Tex. Tax Code Section 26.04(d)

2015 Rollback Tax Rate Worksheet

City of La Porte

Date: 09/03/2015

26. 2014 maintenance and operations (M&O) tax rate.	\$0.605/\$100
27. 2014 adjusted taxable value. Enter the amount from Line 11.	\$2,783,434,135
28. 2014 M&O taxes.	
A. Multiply Line 26 by Line 27 and divide by \$100.	\$16,839,776
B. Cities, counties and hospital districts with additional sales tax: Amount of additional sales tax collected and spent on M&O expenses in 2014. Enter amount from full year's sales tax revenue spent for M&O in 2014 fiscal year, if any. Other taxing units enter 0. Counties exclude any amount that was spent for economic development grants from the amount of sales tax spent.	\$0
C. Counties: Enter the amount for the state criminal justice mandate. If second or later year, the amount is for increased cost above last year's amount. Other taxing units enter 0.	\$0
D. Transferring function: If discontinuing all of a department, function or activity and transferring it to another taxing unit by written contract, enter the amount spent by the taxing unit discontinuing the function in the 12 months preceding the month of this calculation. If the taxing unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the taxing unit operated the function. The taxing unit discontinuing the function will subtract this amount in H below. The taxing unit receiving the function will add this amount in H below. Other taxing units enter 0.	\$0
E. Taxes refunded for years preceding tax year 2014: Enter the amount of M&O taxes refunded in the preceding year for taxes before that year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2014. This line applies only to tax years preceding tax year 2014.	\$118,279
F. Enhanced indigent health care expenditures: Enter the increased amount for the current year's enhanced indigent health care expenditures above the preceding tax year's enhanced indigent health care expenditures, less any state assistance.	\$0
G. Taxes in TIF: Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2015 captured appraised value in Line 16D, enter 0.	\$800,000
H. Adjusted M&O Taxes. Add A, B, C, E and F. For unit with D, subtract if discontinuing function and add if receiving function. Subtract G.	\$16,158,055
29. 2015 adjusted taxable value. Enter Line 23 from the Effective Tax Rate Worksheet.	\$2,668,921,930
30. 2015 effective maintenance and operations rate. Divide Line 28H by Line 29 and multiply by \$100.	\$0.605/\$100
31. 2015 rollback maintenance and operation rate. Multiply Line 30 by 1.08.	\$0.653/\$100

<p>32. Total 2015 debt to be paid with property taxes and additional sales tax revenue. "Debt" means the interest and principal that will be paid on debts that:</p> <ul style="list-style-type: none"> (1) are paid by property taxes, (2) are secured by property taxes, (3) are scheduled for payment over a period longer than one year and (4) are not classified in the taxing unit's budget as M&O expenses. <p>A. Debt also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. List the debt in Schedule B: Debt Service.</p> <p>B. Subtract unencumbered fund amount used to reduce total debt.</p> <p>C. Subtract amount paid from other resources.</p> <p>D. Adjusted debt. Subtract B and C from A.</p>	<p>\$4,190,492</p> <p>\$200,000</p> <p>\$1,185,955</p> <p>\$2,804,537</p>
33. Certified 2014 excess debt collections. Enter the amount certified by the collector.	\$0
34. Adjusted 2015 debt. Subtract Line 33 from Line 32D.	\$2,804,537
35. Certified 2015 anticipated collection rate. Enter the rate certified by the collector. If the rate is 100 percent or greater, enter 100 percent.	100.00%
36. 2015 debt adjusted for collections. Divide Line 34 by Line 35	\$2,804,537
37. 2015 total taxable value. Enter the amount on Line 19.	\$2,668,921,930
38. 2015 debt tax rate. Divide Line 36 by Line 37 and multiply by \$100.	\$0.105/\$100
39. 2015 rollback tax rate. Add Lines 31 and 38.	\$0.758/\$100
40. COUNTIES ONLY. Add together the rollback tax rates for each type of tax the county levies. The total is the 2015 county rollback tax rate.	

A taxing unit that adopted the additional sales tax must complete the lines for the Additional Sales Tax Rate. A taxing unit seeking additional rollback protection for pollution control expenses completes the Additional Rollback Protection for Pollution Control.

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>9-14-15</u>
Requested By: <u>Ken Adcox</u>
Department: <u>Police</u>
Report: <u> </u> Resolution: <u> </u> Ordinance: <u> </u>

<u>Budget</u>
Source of Funds: _____
Account Number: _____
Amount Budgeted: _____
Amount Requested: _____
Budgeted Item: YES NO

Exhibits: 2013 Meet and Confer Agreement

Exhibits: 2014 Amendment to Meet and Confer Agreement

Exhibits: Proposed 2015 Civil Service Pay Schedule

Exhibits: Email & Ballot Letter

SUMMARY & RECOMMENDATION

As previously set-out in the approved City of La Porte/ La Porte Police Officer Association multi-year Meet and Confer Agreement, management representatives of the City of La Porte and representatives of La Porte Police Officers' Association recently met to review median salary adjustments for civil service employees, which will take effect October 1, 2015. The salary adjustments have been reviewed by both the City and the Association and meet all provisions agreed upon regarding salary adjustments within the Agreement and Amendment. Members of the Police Association have also affirmatively voted to accept the newly proposed rate schedule.

The Agreement and Amendment are pursuant to the provisions of the Texas Local Government Code, Chapter 142 et. seq., Subsection B and will be in effect until September 30, 2016.

Action Required by Council:

Consider approval or other action of the proposed salary adjustment for civil service personnel based on the existing Meet and Confer agreement and the attached amended pay scale.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

Meet and Confer Agreement
Between
The City of La Porte
And
The La Porte Police Officers' Association

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Definitions

For the purposes of this agreement, the following definitions shall apply:

- A) "Accredited College or University" means one that is listed by an accrediting agency approved by the United States Department of Education, and as of result of that accreditation, offers courses that are "accredited"
- B) "Chief" means the Chief of Police of the La Porte Police Department or his designee.
- C) "City" means the City of La Porte, Texas.
- D) "Coveted position" as used in this Agreement means any position in the Department to which more than one sworn employee has expressed an interest in being assigned by the Chief.
- E) "Department" means the La Porte Police Department.
- F) "Employee" means a sworn Police Officer who is a member of the bargaining unit.
- G) "Employer" means the City of La Porte.
- H) "Officer" means any sworn Police Officer who is a covered by this Agreement.
- I) "Association" means the La Porte Police Officers' Association
- J) "TCLEOSE" means the Texas Commission on Law Enforcement Officers Standards and Education.
- K) "TLGC" means the Texas Local Government Code.

Unless otherwise stated, it is understood and mutually agreed that masculine and feminine pronouns refer to, and include, both genders equally.

Article I

Authority and Recognition

- 1) The City of La Porte and the La Porte Police Officers' Association have voluntarily met and reached agreement on the conditions set out in this agreement pursuant to the provisions of the Texas Local Government Code, Chapter 142 et. seq., Subsection B. To the extent that this Agreement is in conflict with or changes Chapter 143, TLGC or any other statute, executive order, local ordinance, or rule, this Agreement shall supersede such provision, as authorized by Section 142.067 of the TLGC.

- 2) The City recognizes the La Porte Police Officers' Association as the sole and exclusive bargaining agent for all non-probationary Police Officers in the La Porte Police Department, excluding the Chief of Police and the Assistant Chiefs of Police.

Article II

Hiring Preemptions

- 1) In adopting this Agreement, the parties recognize the need for more flexibility in the hiring process to meet the needs of the Department and believe it improves the selection process by allowing for the lateral hiring of experienced Police Officers, Certified Texas State Peace Officers, and/or otherwise qualified mature applicants.

- 2) Effective with the ratification of this Agreement, the City shall be allowed to fill vacancies in the entry level Police Officer classification by hiring experienced police officers and/or peace officers certified by TCLEOSE without requiring these applicants to take a civil service exam. An applicant hired pursuant to this Article may be appointed directly to a pay grade/step commensurate with his/her level of experience; however applicants hired in this manner shall not receive any sort of longevity or seniority relating to promotional eligibility, shift bidding, pay or other privileges of employment. Once a newly-hired Police Officer is placed in the appropriate pay grade/step, the Officer shall progress through the remaining steps of the pay scale on each anniversary date, so long as all eligibility requirements contained in this Agreement are met.

To qualify for the lateral entry program, applicants must pass a physical fitness exam, a comprehensive background investigation, to include psychological, polygraph, medical exam, drug screening and a 12 month probationary period. Applicants must additionally meet the following criteria:

Education and Experience: Graduation from an accredited Police Academy.

Licenses and Certificates: Possess a Basic Peace Officer license issued by TCLEOSE by the time of appointment.

- 3) Police Officers hired pursuant to this Article shall be compensated according to his or her total number of years of full time experience in law enforcement, up to a maximum of seven (7) years. The Chief of Police shall make the final determination of whether an applicant meets the criteria of the Lateral Entry Program, and his decision shall be final and non-appealable to the Civil Service Commission or to any court. No rank will transfer.

- 4) Specifically, this Article preempts, to the extent of any conflict, all contrary State statutes, local ordinances, executive orders or civil service provisions as they relate to the hiring of the classification of Police Officer. More specifically, this Article pre-empts TLGC, Section 143.023 (c), and permits the Department to hire persons 45 years of age and above, provided that the person has five (5) years of cumulative active military service, or five (5) years of continuous service as a certified peace officer in the State of Texas by the estimated date of hire and can meet all other hiring criteria required for employment as a Police Officer with the City of La Porte. A person is not eligible to apply for a position as a Police Officer in the Department unless the person will be at least 21 years of age at the time of commission and meets minimum eligibility requirements for a Police officer as outlined in local civil service and TCLEOSE rules.

- 5) To the extent that any of these provisions differ from Chapter 143 of the Texas Local Government Code, this Article supersedes and pre-empts those provisions as permitted by Chapter 142.067 of the Texas Local Government Code. In addition to the pre-emption noted in Subsection 4 above, this Article also pre-empts Sections 143.024, 143.025, and 143.026 of the Texas Local Government Code.

Article III

Wages

- 1) The City of La Porte and the La Porte Police Officers' Association hereto agree that a "market approach" philosophy has been used as a guideline to determine appropriate wage scales for Officers of the Department. The definition of "market" is the median salary for each pay grade for the Cities surveyed. In implementing this approach, the parties agreed to compare wage rates with Police Officers in comparative cities within the region. The parties agree that Police Officers covered by this Agreement shall be compensated at the salary rates included in Attachment "A", which is incorporated into this Agreement. Except as provided in Article III, Section 4, the wage scale shall be effective upon ratification by the Association and the City Council and remain in effect until September 30, 2014.
- 2) The City and Association further agree that the aforementioned market survey will be renewed in April of each year during the term of this Agreement and that median level salary rates for Police Officers covered in this Agreement shall be revised to reflect the current market, as determined from the results of the market survey. Any annual increase will reflect the market survey up to, but not to exceed, 3% of the collective salary budget for police officers as compared to the immediately preceding fiscal year. Additionally, effective starting in year two of this Agreement (October 1, 2014) the City agrees to compress the pay scale for the rank of Lieutenant from its current 0 – 10 to 0 – 3 steps and implement an additional 20-year (CS1-20) step, which shall be 75 cents more per hour than the 15-year (CS1-15) step. It is agreed that officers must serve 15 full years before being eligible to receive the CS1-15 step and 20 full years before being eligible to receive the CS1-20 step.
- 3) Once proposed pay scales have been created by the City Finance and Human Resources Departments each April, the City and Association

bargaining team members will meet to review the proposed pay scales revisions and ensure that same are accurate. Once agreed upon, the new rates will take effect on October 1st of each year, i.e. October 1, 2014, for the life of this Agreement subject to the approval of City Council and the Association.

- 4) Employees shall receive step increases on the anniversary of their appointment to their current rank. If an employee receives a less than satisfactory performance evaluation (anything below a 3), the employee will not receive a pay increase of any type (including lump sum payments referenced in Article III Subsection (4) and the current step increase will be held until the employee earns a satisfactory evaluation (3 or above). Once the employee's performance evaluation has been improved to a satisfactory rating, the employee shall be placed at the then-current step for his/her time in grade. If an employee receives an "exceptional" evaluation (above a 4), the employee will be moved up two steps on his/her anniversary date. Upon receiving the next evaluation, that employee shall be placed at the then-current step for his/her time in grade. This Section will not apply to any cost of living raises or pay scale adjustments.

- 5) If an employee receives a less than satisfactory performance evaluation, as outlined in this Article, the employee may appeal the performance evaluation according to the following process:
 - A) All performance evaluation appeals shall be submitted by the affected employee to the Chief of Police in writing within seven (7) calendar days from the date that the employee receives the evaluation.

 - B) The Chief of Police shall render a written decision to the affected employee within seven (7) calendar days of the date the appeal was received by the Chief of Police.

- C) If the Chief of Police upholds the performance evaluation, the employee may submit such evaluation appeal to the City Manager. Such appeal must be filed within seven (7) calendar days of the date the Chief of Police rendered or should have rendered a written decision.
 - D) The City Manager shall render a written decision to the affected employee within seven (7) calendar days of the date the employee filed the appeal with the City manager.
 - E) If the appeal remains unresolved, the employee or his/her representative may file the appeal to the civil service commission. The commission shall hear the appeal at their next regular scheduled civil service meeting. The City of La Porte and the affected employee or his/her representative may present witnesses, evidence and other relevant information to the civil service commission. The civil service commission shall render a decision as to the validity of the performance evaluation and such decision shall be final and binding upon all parties.
 - F) The time limitations described herein may be waived by mutual agreement in writing by the City of La Porte and the affected employee.
 - G) It is the intent of all parties subject to this agreement that any aforementioned evaluation appeal be resolved at the lowest level possible.
- 6) Employees who have reached the last step of the wage scale and who have received a "satisfactory" performance evaluation of 3 or above shall be paid a lump sum of one thousand dollars (\$1,000.00) each year on the anniversary of appointment to their current rank. Employees who have reached the last step of the wage scale and who have received an "exceptional" evaluation (above a 4), shall be paid an additional one

thousand dollar (\$1,000) bonus, for a total lump sum payment of two thousand dollars (\$2,000), on the anniversary of appointment to their current rank. As is the case with other exceptional employees receiving additional performance based wage step incentives, the additional bonus provided to employees who have already reached the last step of the wage scale will be available to the employees a maximum of once every other year.

- 7) To the extent that any of these provisions differ from Chapter 143 of the Texas Local Government Code, this Article supersedes and pre-empts those provisions as permitted by Chapter 142.067 of the Texas Local Government Code. This Article specifically pre-empts Sections 143.041(b) of the Texas Local Government Code.
- 8) The City and the Association agree that all provisions of the City of La Porte Emergency Pay Policy, as adopted by the La Porte City Council on July 23, 2012, shall apply to all officers covered under this Agreement.

Article IV

Incentive Pay

- 1) The City shall pay each employee holding a Masters Certificate granted by TCLEOSE the sum of \$150.00 per month. The City shall pay each employee holding an Advanced Certificate granted by TCLEOSE the sum of \$125.00 per month. The City shall pay each employee holding an Intermediate certificate granted by TCLEOSE the sum of \$100.00 per month.
- 2) The City shall pay each employee holding a Masters Degree obtained from an accredited university the sum of \$150.00 per month. The City shall pay each employee holding a Bachelors Degree obtained from an accredited university the sum of \$125.00 per month. The City shall pay each employee holding an Associate Degree obtained from an accredited university the sum of \$100.00 per month.
- 3) In an effort to encourage Police Officers to continue their college education, effective with the signing of this agreement, Police Officers are entitled to receive both certificate and educational incentive pay, up to a maximum of three hundred (\$300.00) per month. Employees shall not be permitted to earn monthly incentive pay for more than one TCLEOSE certificate and/or for more than one college degree.
- 4) To ensure that records are accurate and incentive pay is issued in a timely manner, Police Officers are solely responsible for reporting and providing proper documentation to the Chief of Police or his/her designee to show that the Police Officer has completed training and/or education outside the Department. Police Officers are not entitled to retroactive incentive pay. Incentive pay shall begin at the beginning of the next pay period after the date on which the Police Officer provides proof of certification and/or receipt of a college degree in accordance with this Article.

- 5) To the extent that any of these provisions differ from Chapter 143 of the Texas Local Government Code, this Article supersedes and pre-empts those provisions as permitted by Chapter 142.067 of the Texas Local Government Code. Specifically, this Article pre-empts Section 143.044(b) and (c).

Article V

Education

- 1) In order to be eligible for voluntary transfer into a coveted position, as that term is defined in this Agreement, within the Police Department, all Officers hired after 13 July 2009 must have completed a minimum of 20 college hours from an accredited college or university.
- 2) Except as provided in Section 3 below, in order to be eligible to participate in promotional examinations for Sergeant or Lieutenant, Officers must have completed a minimum of 60 college hours from an accredited college or university or have a combination of a minimum of 20 college hours from an accredited college or university and 40 TCLEOSE training credits calculated at the rate of 20 training hours equal to 1 training credit, for a total of 60 hours.
- 3) The 60 hour college requirement established in Section 2 above shall be waived for officers wishing to take the promotional examination for Sergeant if the officer is able to provide appropriate evidence, namely a federal form DD214, showing that they honorably served four (4) or more full years in one or more branches of the U.S. military.
- 4) To the extent that any of these provisions differ from Chapter 143 of the Texas Local Government Code, this Article supersedes and pre-empts those provisions as permitted by Chapter 142.067 of the Texas Local Government Code. Specifically, this Article pre-empts Section 143.028(b), and 143.031.

Article VI

Promotion to the Ranks of Sergeant and Lieutenant

- 1) With the exception of the below provisions, promotions to the rank of Sergeant and Lieutenant shall be in accordance with applicable Civil Service Law as established in Texas Local Government Code Chapter 143. Each promotional candidate from the police department who receives a grade of at least 70 points on a promotional examination will be considered as having passed the examination.
- 2) Seniority points will only be added to the promotional candidate's score if the applicant scores 70 or more points on the written examination. Candidates eligible to receive seniority points will have 1 seniority point added to their test score for every full year they have served in their current classification (grade), up to a maximum of 10 seniority points. For example, Sergeants who take, and pass, the Lieutenant promotional exam will only receive seniority points for each full year they have served as a sergeant. Cut off for seniority point calculations will be the date of the candidate's written examination.
- 3) In order to be eligible to take the Sergeant's test, officers and/or detectives must have served with the La Porte Police Department at least four (4) continuous years as a commissioned peace officer preceding the date of such promotional examination.
- 4) In addition to any seniority points a promotional candidate is eligible to receive, promotional candidates who successfully pass a Sergeant or Lieutenant promotional examination and who have participated in the La Porte Police Department's Leadership Mentoring Program for at least six (6) full months prior to the date of the promotional examination, shall have an additional 2.5 points added to their written exam score.
- 5) Police Officers promoted to Sergeant and Lieutenant must serve a probationary period within the new classification. The probationary period

is completed following six (6) months of continuous service in the new classification. Should a police officer fail to successfully complete their probationary period, they shall be returned to the rank they held immediately prior to the promotion.

6) In accordance with applicable Civil Service Law as established in Texas Local Government Code Chapter 143, Section 143.035, an alternative promotional testing system may be used. The City and the Association agree that an alternative promotional testing system will only be used if it is (1) proposed by the Chief prior to a promotional test notification from the City AND (2) accepted by a majority of the candidates for promotion who submit the required letter of interest in participating in the promotional process. This process must be repeated with each promotional test the City intends to administer and shall not carry over from one promotional test to the other. If an Assessment Center is selected as part of the alternative testing system, it shall be administered following the below procedures:

A) Positions in the rank of Sergeants and Lieutenants shall be filled from an eligibility list created by a promotional procedure consisting of a written examination and an Assessment Center conducted in accordance with this Agreement.

B) Officers who pass the Sergeant's or Lieutenant's written promotional examination with a score of seventy percent (70%) or higher will proceed to the next step of the examination process, which is an Assessment Center.

C) The score for the Written Examination and the Assessment Center shall be between 0 and 100 points each. As such, after the Assessment Center scoring has been completed for the rank of Sergeant and/or Lieutenant, the eligibility list shall be calculated as follows:

- | | |
|-----------------------------|----------------|
| 1. Written examination | 0- 100 points |
| 2. Assessment Center | 0- 100 points |
| 3. Seniority Points | 2 – 10 points |
| 4. LMP Participation Points | 0 – 2.5 points |

- D) Prior to the written test being administered, the Human Resources Department will generate a list of potential assessment center consultants. The Chief shall then appoint two (2) members to serve on an Assessment Center Review Committee (ACRC). The ASSOCIATION shall also select two (2) individuals to serve on the ACRC. ACRC members must not be officers who are participating in any of the current year's promotional examinations. Consulting with the Chief and other supervisors/managers of the department, ACRC members shall establish assessment criteria based on job content and responsibility. Once assessment criteria have been established, the ACRC shall meet to consider the list of consultants provided by the Human Resources Department and select the Assessment Center Consultant from the list (which may be subject to City purchasing policies and procedures).
- E) After the Assessment Center Consultant has been selected, the Consultant will orient the ACRC. The Consultant will collectively confer with both the Chief and the ACRC on the needs or issues affecting the design of the Assessment Center. Any input from the ASSOCIATION will be summarized by the ACRC and made available to anyone who requests it. The Consultant shall make all final decisions concerning the design and implementation of the Assessment Center.
- F) The Consultant designs the Assessment Center and also selects the assessors; however, all assessors must meet the following criteria:
1. Active duty or retired, sworn officers of similar rank to the one being assessed for promotion, or above, from cities with a population of 25,000 or greater;
 2. Shall not reside in La Porte or any city contiguous to La Porte;
 3. Shall not be related, by blood or marriage, to any candidates for promotion;
 4. Shall not personally know or be an acquaintance of any candidate for promotion;
 5. Shall have two (2) years of experience in the promoted or equivalent rank; and

6. Shall not be a current or former employee of the City of La Porte.

G) The assessors selected by the Consultant will assess the candidates for the rank. The assessors shall award up to one hundred (100) points to each candidate participating in the assessment center. The assessment sessions will be videotaped, and candidates may review their own session by making an appointment with the Human Resources Department during normal business hours. Examination reviews will be conducted on the officer's off-duty time and copies of the videotapes will not be distributed. Except for specific violations of any of the aforementioned criteria, or as provided by law, assessment center scores shall be deemed final and are not subject to appeal.

Article VII

Physical Fitness

- 1) Officers hired after 13 July 2009, shall be required to pass an annual physical fitness assessment in order to be eligible for voluntary transfer to a coveted position, as defined in this Agreement, or to participate in promotional exams. The physical fitness assessment will be the same as the assessment required by the City of La Porte Civil Service Rule for Police applicants.
- 2) All Police Officers employed by the La Porte Police Department are encouraged to voluntarily participate in a quarterly physical fitness assessment. The physical fitness assessment will be the same as the assessment required by the City of La Porte Civil Service Rule for police applicants. Employees may, at their option, instead choose to voluntarily participate in the general City-employee wellness program.
- 3) Employees participating in Police Department's physical fitness program or the City's general employee wellness program shall not be paid for time spent preparing for assessments, personal conditioning, or engaging in any work-out related activities. When on-duty, police officers will, however, be allowed to participate in quarterly assessments during their work hours. Under no circumstances will participating Police Officers be eligible to simultaneously receive the cash bonus under both the general City-employee wellness program and the Police Department's physical fitness program.
- 4) All Police Officers who pass the physical fitness assessment will be authorized to wear a special "physical fitness award ribbon" on their uniform and will receive a physical fitness cash bonus of \$250.00 for each quarterly physical fitness assessment successfully passed to be paid at the

end of the calendar year. At no time shall such fitness bonus exceed \$1000.00 annually.

- 5) To the extent that any of these provisions differ from Chapter 143 of the Texas Local Government Code, this Article supersedes and pre-empts those provisions as permitted by Chapter 142.067 of the Texas Local Government Code. Specifically, this Article pre-empts Section 143.044(d).

Article VIII

Compensatory Time

- 1) All sworn Police Officers shall be eligible to accumulate and accrue compensatory time at a rate of time and one-half the hours actually worked, up to a maximum of 40 hours. All compensatory time provisions of the Fair Labor Standards Act shall be adhered to by the City of La Porte and the Police Officers covered under this agreement.

- 2) As with other forms of leave, compensatory time may be accrued and taken only after the employee submits a written request and receives approval by his or her immediate supervisor. Compensatory time off shall be granted at the sole discretion of the Department, and will not be granted if overtime is required to achieve minimum staffing levels. The City may opt to pay employees for accrued compensatory time at any time.

Article IX

Association Leave

- 1) Except as provided for under Section 2 below, during the term of this Agreement, each year on or before December 31 the City shall assess from each Association member two (2) hours of accrued vacation leave time to be placed in an Association business leave pool. Association members, with the approval of the Association Board of Directors, shall be allowed to debit the pool during the calendar year when attending to Association related business, including, but not limited to, time spent representing the Association at meetings or events; representing members at disciplinary hearings, grievances or on other job-related matters; attending seminars or training programs; and attending to business associated with the "meet and confer" process.

- 2) Any Association member shall have the option to opt out of participating in the Association Leave Pool and avoid the aforementioned vacation leave assessment by notifying the Human Resources Department prior to January 1st of any applicable year, during the term of this Agreement. Such notice shall be in writing and the Human Resources Department shall thereafter send a copy of it said notice to the Association within thirty (30) days. Should any officer willingly and voluntarily give or provide additional minutes of credited leave time to the pool, he/she may do so by delivering by proving written notice to the Human Resources Department, who then will furnish a copy of same to the Association within thirty (30) days. The Human Resources Department shall provide the Association with a statement as to the leave balance in this pool every ninety (90) days.

- 3) The Association shall request Association Leave off for eligible members at least forty-eight (48) hours in advance, by delivering written notice to the Chief. Association Leave shall be viewed the same as requests for regular

vacation and will be subject to supervisory approval, with staffing and other considerations taken into account. As with all other forms of leave, if the Chief of Police deems it necessary, he/she may order Association members on Association Leave to immediately report back to work.

- 4) The pool shall be cumulative during the term of this Agreement. The City is only required to make an individual assessment from Association members who have at least two (2) hours of accrued vacation time at the time the City makes the assessment.
- 5) The Chief will consider requests for additional time off without pay to attend to other Association business. Any such request shall be in writing and delivered to the Chief at least forty-eight (48) hours in advance of the requested leave.

Article X

Grievance Procedure

- 1) The purpose of this grievance procedure is to establish effective machinery for the fair, expeditious and orderly adjustment of grievances. A grievance involving the interpretation, application or enforcement of a specific clause of this agreement by one or more employees shall be brought to the attention of the Association Grievance Committee in writing within fifteen (15) calendar days of when the employee knew or should have known of the occurrence or occurrences that gave rise to the grievance. The Association may bring a grievance that is an on-going practice by the City which affects the bargaining unit as a whole "Class Action" within fifteen (15) calendar days of when the Association knew or should have known of the grievance.

Within fifteen (15) calendar days of the receipt of the grievance, the grievance committee shall determine if a valid grievance exists. If, in the opinion of the Association Grievance Committee, no grievance exists or the Association denies the grievance, the Association Grievance Committee shall notify the employee. If the Association Grievance Committee accepts the grievance, the Association shall, within seven (7) calendar days of accepting the grievance, present written notice of the grievance to the Chief of Police.

- 2) The Chief of Police shall render a written decision to the Association Grievance Committee within seven (7) calendar days of the date the Association Grievance Committee filed such grievance with the Chief of Police.
- 3) If the grievance remains unresolved, the Association Grievance Committee or its representative may submit said grievance to the office of the City Manager. Said grievance, if submitted, must be filed within seven (7)

calendar days of the date the Chief of Police rendered or should have rendered a written decision.

- 4) The City Manager shall render a written decision within seven (7) calendar days of the date the Association Grievance Committee filed said grievance with the City Manager.
- 5) If the grievance remains unresolved, the Association Grievance Committee or its representative may request that the grievance be submitted for grievance mediation through an independent third-party such as the Federal Mediation and Conciliation Services (FMCS). The parties hereto agree that any fees and expenses associated with mediation shall be shared equally by the submitting Police Officer and by the City. The costs of a witness are paid by the party who calls the witness. The costs of an attorney are paid by the party that retains the attorney's services.
- 6) If the grievance remains unresolved following mediation, the Association Grievance Committee or its representatives may the request that the grievance be submitted to arbitration, said request must be submitted in writing to the office of the City manager within seven (7) calendar days from the date an official impasse is declared relating to mediation.
- 7) Either party may request the Federal Mediation and Conciliation Services (FMCS) or American Arbitration Association (AAA) to provide a list of arbitrators in accordance with its selection rules. Either party shall have the right to reject the list submitted by FMCS or AAA. In that event, the FMCS or AAA will be requested to submit another list. The Parties shall select an arbitrator from the list. The parties, by mutual agreement, may select to use AAA expedited rules.
 - A) The powers of the arbitrator shall be limited as follows:
 - 1) He shall have no power to add, to subtract from, or modify any of the terms of this agreement.

- 2) The arbitrator shall deal only with the grievances that occasioned the arbitrator's appointment.
 - 3) The decision of the arbitrator, if within the scope of the arbitrator's authority, shall be final and binding upon the parties.
 - 4) The arbitrator shall be empowered to determine whether an issue is subject to arbitration pursuant to this agreement.
- 8) The parties hereto agree that the Arbitrator's fees and expenses are shared equally by the appealing Police Officer and by the City. The costs of a witness are paid by the party who calls the witness. The costs of an attorney are paid by the party that retains the attorney's services.
- 9) A grievance not filed within any of the time limitations specified herein shall not be considered timely and shall be void. The time limitations described herein may be waived by mutual agreement in writing by the Association Grievance Committee and the appropriate management official.

Article XI

Duration

- 1) The provisions covered under this agreement will be effective upon ratification by the La Porte Police Officers' Association and approval by the La Porte City Council, in accordance with Chapter 142 of the Texas Local Government Code. This Agreement shall expire at midnight September 30, 2016. In the event that a new Agreement has not been reached by that date, the parties may mutually agree to extend this Agreement.

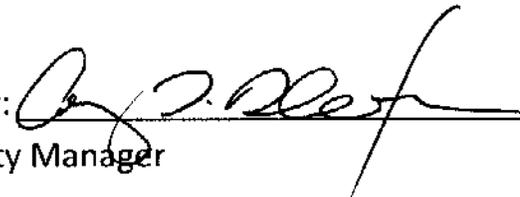
- 2) The City of La Porte and the La Porte Police Officers' Association shall begin the "meet and confer" process no later than May 1, 2016, unless the parties mutually agree in writing to defer the start of the process to a later date.

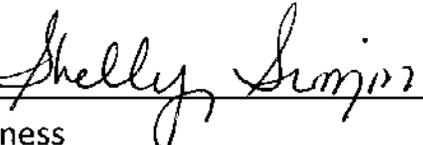
Agreement to be signed by its Association President, by order of its membership, and the City of La Porte has caused this agreement to be signed by its City Manager on the 24 day of June, 2013.

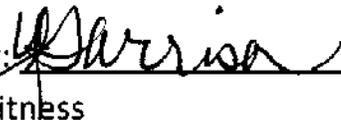
**La Porte Police Officers'
Association**

City of La Porte, Texas

By: 
President

By: 
City Manager

By: 
Witness

By: 
Witness

ATTACHMENT "A"

**LPPD Civil Service Pay Scale
(Effective October 1, 2013)**

Police Officer	CS1-0	CS1-1	CS1-2	CS1-3	CS1-4	CS1-5	CS1-6	CS1-7	CS1-8	CS1-9	CS1-10	CS1-11	CS1-12	CS1-15
	22.55	23.29	24.03	24.77	25.51	26.25	26.99	27.73	28.47	29.21	29.95	30.69	31.42	32.17

Sergeant	CS2-0	CS2-1	CS2-2	CS2-3	CS2-4	CS2-5	CS2-6
	32.36	33.19	34.02	34.85	35.68	36.51	37.32

Lieutenant	CS3-0	CS3-1	CS3-2	CS3-3	CS3-4	CS3-5	CS3-6	CS3-7	CS3-8	CS3-9	CS3-10
	38.44	38.73	39.02	39.31	39.6	39.89	40.18	40.47	40.76	41.05	41.29

AMENDMENT TO MEET AND CONFER AGREEMENT

THIS AMENDMENT TO THE MEET AND CONFER AGREEMENT BETWEEN THE CITY OF LA PORTE, TEXAS AND THE LA PORTE POLICE OFFICERS' ASSOCIATION effective the 27th day of October, 2014, is by and between The La Porte Police Officers' Association and the City of La Porte, Texas, a Texas municipal corporation, collectively referred to as the "Parties" herein.

RECITALS

WHEREAS the Parties entered a Meet and Confer Agreement effective October 1, 2013 and herein referred to as the "Base Agreement" which continues in effect until its expiration date of September 30, 2016 and continues to reflect the intent and desire of Parties;

WHEREAS the Parties desire to amend the Base Agreement to add salary survey and adjusted pay scale methodology;

WHEREAS the Parties mutually intend to amend and hereby mutually agree to amend the Base Agreement as follows:

TERMS of AGREEMENT

SECTION 1. Article III "Wages", Paragraph 2 of the Base Agreement is hereby amended to read as follows:

"(2) The City and Association further agree that the aforementioned market survey will be renewed in April of each year during the term of this Agreement and that median level salary rates for Police Officers covered in this Agreement shall be revised to reflect the current market, as determined from the results of the market survey. Any annual increase will reflect the market survey up to, but not to exceed, 3% of the collective salary budget for police officers as compared to the immediately preceding fiscal year. Additionally, effective starting in year two of this Agreement (October 1, 2014) the City agrees to compress the pay scale for the rank of Lieutenant from its current 0 – 10 to 0 – 3 steps and implement an additional 20-year (CS1-20) step, which shall be 75 cents more per hour than the 15-year (CS1-15) step. It is agreed that officers must serve 15 full years before being

eligible to receive the CS1-15 step and 20 full years before being eligible to receive the CS1-20 step.

Each year, the Association will appoint a representative to work with the City's HR Manager in conducting a salary survey from Texas City, Galveston, Baytown, League City, Pasadena, Pearland, Friendswood, Sugarland, Missouri City and Deer Park. The salary survey will reflect employee salaries as of April 1 of the current year. The Association will provide the name of their appointed representative to the City's HR Manager no later than April 1 of the current year. The City's HR Manager shall coordinate the survey, with the assistance of the City's Finance Department and the Association's appointed representative, and will have the information collected and the proposed adjusted pay scales completed and presented to the Association and City Bargaining Team members no later than May 31 of the current year. Once the above mentioned salary survey has been completed, the proposed adjusted pay scales will be created by:

- (a) Determining both the median minimum and maximum salary range for each of Police Officer, Sergeant and Lieutenant for the above ten (10) listed cities using the Median Salary Worksheet. Salaries for the City of La Porte are not included when determining the median salary ranges.
- (b) For Police Officer, the minimum median salary will be set as the new La Porte CS1-0 salary. The maximum median salary will be set as the new La Porte CS1-12 salary. CS1-0 will then be subtracted from CS1-12 and that amount will then be evenly distributed across the range. CS1-15 is then 75 cents above CS1-12 and CS1-20 is then 75 cents above CS1-15.
- (c) For Sergeant, CS2-0 is 3% above CS1-12. The maximum median is then CS2-6. Subtract CS2-0 from CS2-6, then evenly distribute across the range.
- (d) For Lieutenant, CS3-0 is 3% above CS2-6. The maximum median is then CS3-3. Subtract CS3-0 from CS3-3 and evenly distribute across the range.
- (e) The new step pay rates will be become effective on October 1 (the first day of the fiscal year following the current fiscal year), so long as

the proposed annual increase does not exceed 3% of the approved collective salary budget for police officers for the current fiscal year.

- (f) Should the new step pay rates be projected (based on the police Department's April 1 employee roster) to exceed 3% of the collective salary budget for police officers for the current fiscal year, the proposed increase for each individual step will be reduced by the same percentage in order to meet the 3% cap. This will be accomplished by first determining the percentage that the proposed collective salary budget exceeds 3% of the actual collective salary budget for the current fiscal year and then reducing each individual step by that same percentage."

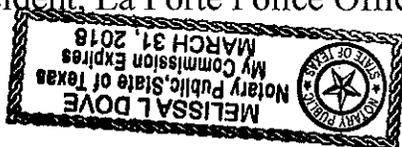
SECTION 2. Except as specifically modified and amended by Section 1 herein, all of the terms, provisions, requirements and specifications contained in the Base Agreement remain in full force and effect. The La Porte Police Officers' Association and the City of La Porte, Texas do not intend to, and the execution of this Amendment to Meet and Confer Agreement shall not, in any manner impair the Base Agreement, the purpose of this Amendment to Meet and Confer Agreement being simply to amend and ratify the Base Agreement, as hereby amended and ratified, and to confirm and carry forward the Base Agreement as hereby amended.

The foregoing instrument has been negotiated, reviewed and approved by each of the signatories indicated below:

LA PORTE POLICE OFFICERS' ASSOCIATION

Ratified by La Porte Police Officers' Association Membership on 4th day of November, 2014.

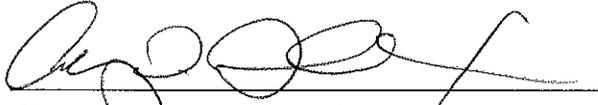
By: [Signature]
President, La Porte Police Officers' Association

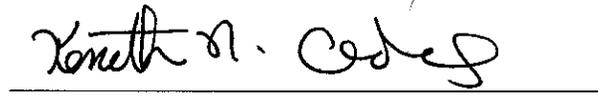


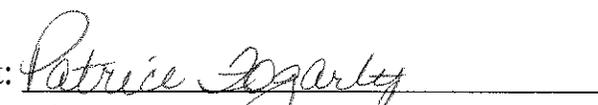
Attest: [Signature]

Secretary, La Porte Police Officers' Association
CITY OF LA PORTE, TEXAS

Approved by La Porte City Council on 27th day of October 2014.

By: 
City Manager, City of La Porte, Texas

By: 
Chief of Police, City of La Porte, Texas

Attest: 
City Secretary, City of La Porte, Texas

ATTACHMENT "A"

LPPD Civil Service Pay Scale (Effective October 1, 2014)

Police Officer	CS1	CS1-0	CS1-1	CS1-2	CS1-3	CS1-4	CS1-5	CS1-6	CS1-7	CS1-8	CS1-9	CS1-10	CS1-11	CS1-12	CS1-15	CS1-20
		0	1	2	3	4	5	6	7	8	9	10	11	12	15	20
		22.98	23.77	24.56	25.35	26.14	26.93	27.72	28.51	29.30	30.09	30.88	31.67	32.47	33.22	33.97

Sergeant	CS2	CS2-0	CS2-1	CS2-2	CS2-3	CS2-4	CS2-5	CS2-6
		0	1	2	3	4	5	6
		33.44	34.22	35.00	35.78	36.56	37.34	38.16

Lieutenant	CS3	CS3-0	CS3-1	CS3-2	CS3-3
		0	1	2	3
		39.31	40.01	40.80	41.70

Requested for
10/1/2014

20 Year Step	0.00	1.00	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	12.00	15.00	20.00
CS1	22.55	23.29	24.03	24.77	25.51	26.25	26.99	27.73	28.47	29.21	29.95	30.69	31.42	32.17	33.97
PD Requested	22.98	23.77	24.56	25.35	26.14	26.93	27.72	28.51	29.30	30.09	30.88	31.67	32.47	33.22	33.97
CS2	32.36	33.19	34.02	34.85	35.68	36.51	37.32	38.16	39.01	39.86	40.71	41.56	42.41	43.26	44.11
PD Requested	33.44	34.22	35.00	35.78	36.56	37.34	38.16	39.01	39.86	40.71	41.56	42.41	43.26	44.11	44.96
CS3	38.44	38.73	39.02	39.31	39.60	39.89	40.18	40.47	40.76	41.05	41.29	41.58	41.87	42.16	42.45
PD Requested	39.31	40.01	40.80	41.70											

Current
Requested

Current
Requested

Civil Service Median Salary Schedule 2015

Police Officer	CS1	CS1-0	CS1-1	CS1-2	CS1-3	CS1-4	CS1-5	CS1-6	CS1-7	CS1-8	CS1-9	CS1-10	CS1-11	CS1-12	CS1-15	CS1-20
		0	1	2	3	4	5	6	7	8	9	10	11	12	15	20
	Current	22.98	23.77	24.56	25.35	26.14	26.93	27.72	28.51	29.3	30.09	30.88	31.67	32.47	33.22	33.97
New	23.77	24.57	25.37	26.17	26.98	27.78	28.58	29.39	30.19	30.99	31.80	32.60	33.40	34.15	34.90	

Sergeant	CS2	CS2-0	CS2-1	CS2-2	CS2-3	CS2-4	CS2-5	CS2-6
		0	1	2	3	4	5	6
	Current	33.44	34.22	35.00	35.78	36.56	37.34	38.16
New	34.40	35.17	35.95	36.72	37.50	38.27	39.06	

Lieutenant	CS3	CS3-0	CS3-1	CS3-2	CS3-3
		0	1	2	3
	Current	39.31	40.01	40.80	41.70
New	40.23	41.34	42.47	43.64	

Harris, Sharon

From: Adcox, Kenith
Sent: Tuesday, September 08, 2015 9:42 AM
To: Harris, Sharon
Subject: Fwd: Meet and Confer Pay Annual Step Pay Adjustment

Begin forwarded message:

From: "Adcox, Kenith" <AdcoxK@laportetx.gov>
Date: August 26, 2015 at 11:31:30 AM CDT
To: "Alexander, Corby" <AlexanderC@laportetx.gov>, "Dolby, Michael" <DolbyM@laportetx.gov>, "Leach, Traci" <LeachT@laportetx.gov>
Cc: "Novosad, Matthew" <NovosadM@laportetx.gov>, "Adcox, Kenith" <AdcoxK@laportetx.gov>, "Bedford, Michelle" <BedfordM@laportetx.gov>
Subject: Meet and Confer Pay Annual Step Pay Adjustment

I received notice this morning from the LPPOA Association President Matthew Novosad that the Association membership affirmatively voted to accept the proposed Meet and Confer Contract step pay adjustments, to become effective October 1, 2015. Fifty seven officers casts ballots, 56 voting yes and 1 voting no. This item has been placed on the Council Agenda for September 14, 2015. Thank you

Ken Adcox, Chief of Police
La Porte Police Department
3001 North 23rd St.
La Porte, TX 77571
Off: 281-842-3101, Fax: 281-470-1590

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La Porte Police Officers Association

President:
Matt Novosad

Vice President:
Brian Larkey

Treasurer:
Marcus Upchurch

Secretary:
Chad Burnett

LPPOA
P.O. Box 575
La Porte, TX 77572

To whom it may concern,

The La Porte Police Officers Association conducted a vote on the new pay scale brought forth by the City of La Porte and the Meet and Confer Committee. All members received a ballot and 57 were tuned in by the deadline date of August 21st 2015. Out of the 57 ballots 56 voted yes and 1 voted no. These numbers reflect the majority of the LPPOA.

Sincerely,

Matthew Novosad
President
LPPOA

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 14, 2015 Appropriation
Requested By: David Mick Source of Funds:
Department: Public Works Account Number:
Report: Resolution: Ordinance: Amount Budgeted: \$10,000.00
Other: Amount Requested: \$25,000.00
Budgeted Item: YES NO

Attachments :

1. Summary of Contested Budget Line Items

SUMMARY & RECOMMENDATIONS

On average the City of La Porte, through the La Porte Area Water Authority (LPAWA), purchases 1.3-billion gallons of water each year from the Southeast Houston Water Purification Plant (SEWPP). The LPAWA owns 3.9% of the plant. As the Managing Owner, the City of Houston prepares the annual budget for the SEWPP. The contract between the co-owners provides a process for disputing portions of the annual budget provided that: 1) more than 50% of the plant co-owners, with the vote weighted by the percentage of water consumed over a 12-month period, are in agreement with the dispute, and 2) the disputed line items are not necessary for the regulatory compliance, health, safety or security.

Attached is summary of budget line items likely to be contested by a majority of the co-owners. The disputed amount may be as high as \$0.1102/1000 gallons pending further information from the City of Houston.

Staff will present this item to the LPAWA Board the week of September 7.

The FY 2016 LPAWA budget includes \$10,000 for consulting and legal fees associated with this consideration. Staff requests that this allowance be increased to \$25,000 at this time. Staff's best estimate of the worst-case cost exposure to the LPAWA in terms of legal and consulting fees is \$75,000 in the event that the dispute might eventually involve litigation.

Staff's recommendation is that City Council authorize the City Manager to dispute the FY 2016 budget for the SEWPP. Mediation would be the next step provided that more than 50% of the co-owners, weighted by water consumption, all agree to the budget dispute. While unlikely, there is a potential for litigation if mediation proves to be unsuccessful.

Action Required of Council:

Consider approval or other action to authorize the City Manager, as General Manager of the La Porte Area Water Authority, to formally dispute portions of the FY 2016 budget for the Southeast Water Purification Plant, and to authorize a \$15,000 increase in the La Porte Area Water Authority budget for professional services as needed for the budget dispute consideration.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

COH Adopted Budget and SEWPP Contested and Un-Contested Budgets

Item	COH Budget	COH's SEWPP Factor	COH SEWPP Budget	Questioned Amount	Uncontested Amount	Comment
Personnel	2,634,769		2,634,769		2,634,769	
Supplies	3,003,800		3,003,800		3,003,800	
Other Services	4,587,600		4,587,600		4,587,600	
40017 SEWPP						
Mgmt Initiative/Cons			-	21,400	(21,400)	Need more information
Generator Equip't Svcs		100.00%	-	578,900	(578,900)	Need more information
Non-Cap	83,000		83,000		83,000	
Capital	8,300		8,300		8,300	
Add'l Serv & Charges	476,653		476,653	-	476,653	
Sub Total	10,794,122		10,794,122	600,300	10,193,822	
Personnel	3,224,613		696,781			
40012 Supplies	273,511		59,101			
DWO Other Services	1,644,400	21.6082%	355,325			Based on 2 full-time lab staff at SEWPP + proportional expenses
Water Non-Cap	60,600		13,095			
Quality Capital	33,000		7,131	-	-	
Sub Total	5,236,124		1,131,432	831,432	300,000	
Personnel	129,291		27,937	27,937	-	Need confirmation that all charges are 3rd party services for SEWPP only, so amount is truly a budget for as-needed services
40016 Supplies	-		-		-	
DWO Other Services	5,119,500	21.6082%	1,106,232	106,232	1,000,000	
Maint Non-Cap	-		-		-	
Capital	-		-		-	
Sub Total	5,248,791		1,134,169	134,169	1,000,000	
Personnel	3,278,862		708,503			Based on 1 full-time, experienced engr + proportional expenses
40015 Supplies	324,400		70,097			
DWO Other Services	539,300	21.6082%	116,533			
Engr'g Non-Cap	-		-		-	
Capital	19,600		4,235	-	-	
Sub Total	4,162,162		899,368	739,368	160,000	
Meter Equivalency	16,348,900	0.0360%	5,878		0	
50025 UCS Billings	16,348,900	0.0012%	200			
Sub Total			6,078		6,078	

COH Adopted Budget and SEWPP Contested and Un-Contested Budgets

Item	COH Budget	COH's SEWPP Factor	COH SEWPP Budget	Questioned Amount	Uncontested Amount	Comment
40021 PUD Personnel	2,275,507		262,664			
40021 PUD Supplies	97,400		11,243			
Finance Svcs Other Services	699,900	11.5431%	80,790			Not per Agreement
Non-Cap	23,000		2,655	-	-	
Sub Total	3,095,807		357,352	357,352	-	
40021 PUD Personnel	2,181,347		251,795			
40021 PUD GIS Supplies	13,800		1,593			
Other Services	1,036,900	11.5431%	119,690			Not per Agreement
Non-Cap	17,100		1,974	-	-	
Sub Total	3,249,147		375,052	375,052	-	
40021 PUD Personnel	1,148,722		132,598			
40021 PUD Exec Support Supplies	9,700		1,120			
Other Services	1,940,600	11.5431%	224,005			Not per Agreement
Non-Cap	-		-	-	-	
Sub Total	3,099,022		357,723	357,723	-	
40021 Non-Exec Support Personnel	1,074,551		124,037			
Supplies	42,400		4,894			
Other Services	571,000	11.5431%	65,911			Not per Agreement
Non-Cap	137,400		15,860	-	-	
Sub Total	1,825,351		210,702	210,702	-	
40011 DWO Exec Support Personnel	1,718,921		371,428			
Supplies	16,500		3,565			
Other Services	526,800	21.6082%	113,832			Not per Agreement
Non-Cap	11,900		2,571	-	-	
Sub Total	2,274,121		491,397	491,397	-	
Admin	705,551	100.00%	705,551	-	705,551	Per Agreement
TOTAL O&M			16,456,870	4,097,496	12,359,374	

40021



**Council Agenda Item
September 14, 2015**

8. (a) Receive report of the La Porte Development Corporation Board – Councilmember Engelken

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 14, 2015 Appropriation
Source of Funds: N/A
Requested By: Traci Leach Account Number:
Department: Administration Amount Budgeted:
Report: Resolution: Ordinance: Amount Requested:
Other: Budgeted Item: YES NO

Attachments :

1. Strategic Plan Update

SUMMARY & RECOMMENDATIONS

At the April 8, 2013 meeting of City Council, the final version of the Strategic Plan was presented, which included a more detailed listing of action items associated with each goal and objective, plus the addition of four additional goals incorporated by staff.

In order to provide Council with timely updates, staff will be providing a quarterly update outlining the progress made towards the stated goals and objectives. The updated status report is attached as an exhibit. Any objective that is shown in grey has been completed in a previous quarter.

Staff will be available to respond to questions.

Action Required of Council:

Receive report.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

**City of La Porte Strategic Plan
Quarterly Update: Q4 FY 2015**

	STRATEGIC PLAN GOALS AND OBJECTIVES	DURATION	REPORTING FREQUENCY	START	FINISH	LEAD DOG	CURRENT STATUS
COUNCIL GOAL NO. 1: IMPROVE INFRASTRUCTURE							
1a	Street repair at 5.5 to 6 miles per year (staff recommends 30,000 feet per year)						
	Evaluate conditions	3 months	Quarterly	Q4 each year	Q1 each year	D. MICK	5 year CIP developed. 2015-16 priorities included in the Fiscal 16 budget.
	Prioritize work and ID miles to be rehabbed	3 months	Annually	Q2 each year	Q3 each year	D. MICK	
	Re-evaluate needs annually		Annually	Q4 each year	-	D. MICK	
1b	Replace 3 miles of water main per year (staff recommends 15,000 linear feet per year)						
	Evaluate conditions	3 months	Quarterly	Q4 each year	Q1 each year	D. MICK	5 year CIP developed. 2015-16 priorities included in the Fiscal 16 budget.
	Prioritize work and ID miles to be rehabbed	3 months	Annually	Q2 each year	Q3 each year	D. MICK	
	Re-evaluate needs annually		Annually	Q4 each year	-	D. MICK	
1c	Continue sanitary sewer I & I program						
	Smoke testing and televising lines	Continuous	Quarterly	Q2 each year	Q4 each year	D. MICK	Testing locations identified in weekly department update as they occur.
	Prioritize lines to be rehabbed based on testing	3 months	Annually	Q2 each year	Q3 each year	D. MICK	
	Re-evaluate needs annually		Annually	Q4 each year	-	D. MICK	
1d	Complete \$300,000 in smaller, isolated drainage repairs per year						
	Televising storm sewer lines, outfall inspections, and observation after rain events	Continuous	Quarterly	All Year	All Year	D. MICK	Testing locations identified in weekly department update as they occur.
	Prioritize drainage repairs based on evaluation	3 months	Annually	Q2 each year	Q3 each year	D. MICK	
	Re-evaluate needs annually		Annually	Q4 each year	-	D. MICK	
ASSOCIATED PERFORMANCE METRICS							
	Total miles street repaired	Output measure of whether we are hitting the target of 5.5-6 miles of street repair per year 2.0 mile Asphalt; 1.04 mile concrete (3rd Street Primarily) in FY 14					
	Total miles water main replaced	Output measure of whether we are hitting the target of 3 miles of water main replaced per year <1.0 Mile budgeted in FY 14					
	Total Cost/mile for street repairs	Efficiency Measure of whether we are completing as much work as possible given the dollars available; includes in-house & contract work, personnel for in-house work, materials					
	Total Cost/mile water main replaced	Efficiency Measure of whether we are completing as much work as possible given the dollars available; includes in-house & contract work, personnel for in-house work, materials					
	Number of reportable SS overflows	Effectiveness Measure of the I & I program; the more successful the program, the lower number of reportable overflows					
COUNCIL GOAL NO. 2: PRESERVE HERITAGE							
2a	Promote historical structures to the public that reflect La Porte's history						
	Northside Schoolhouse:						
	Secure title	Dependent on state of title	Quarterly	Q4 2013		C. ASKINS/C. ALEXANDER	Completed
	Complete a feasibility assessment to determine the scope and cost for restoration and utilization as a tourist attraction (including furniture and accessories)					R. DAVIDSON	
	Secure historical designation from the State	Dependent on THC process	Quarterly	Q7 2014		C. ALEXANDER	Completed
	Identify funding for renovation/rehabilitation (public and private entities)	3 months	Quarterly	Q2 2014	Q3 2014	C. ALEXANDER	Completed
	Begin rehabilitation/renovation work	12 months	Quarterly	Q3 2014	Q3 2015	R. DAVIDSON	Specifications for the first phase (disassembly) of the Historic Colored School are being generated. The second phase (design for reconstruction) is estimated to be complete for review by end of September.
	Develop agreement with LPBHS to operate it as part of the Museum		Annually	TBD	TBD	C. ALEXANDER	
2b	Optimize Main Street in a way that encourages small business development						
	Continue to promote the Enhancement Grant Program		Annually	Q1 2013	Q4 2017	S. LIVINGSTON	Working with the EDC Board to revise the Enhancement Grant Program to expand the limits of the program to include the entire City. Additional funding was appropriated for the FY16 budget.
	Review existing zoning with a goal to encourage small business growth	12 month	Annually	Q2 2013	Q2 2014	E. ENNET	
	Review appropriate financial incentives to attract Main St development			Q1 2014	Q4 2014	S. LIVINGSTON	Completed
	Identify additional historic structures that may be eligible for inclusion in Heritage Park or other locations		Annually	Q4 2013	Q4 2017	TBD	
ASSOCIATED PERFORMANCE METRICS							
	% of Main Street Business Owners personally contacted about the EGP.	Input measure to demonstrate attention to Main Street.					
	# of Leads worked for the Main Street Enhancement Program.	Input measure to demonstrate attention to Main Street.					
	\$ of Added Value Improvements to Main Street as a result of the EGP.	Output measure to demonstrate effectiveness of Main Street re-development.					
	# of Zoning Permits for new commercial businesses on Main Street.	Output measure to demonstrate effectiveness of commercial recruitment to Main Street.					

	STRATEGIC PLAN GOALS AND OBJECTIVES	DURATION	REPORTING FREQUENCY	START	FINISH	LEAD DOG	CURRENT STATUS
COUNCIL GOAL NO. 3: DISASTER PREPAREDNESS							
3a	Ensure that emergency plans are up-to-date						
	Distribute emergency plans to departments to review, revise, and update by May 1 of each year	3 months	Annually	Q2 each year	Q3 each year	K. GAUTHIER	Completed for FY 15
	Assign a department emergency coordinator the responsibility of training new employees in their respective roles	Ongoing	Annually	Ongoing		EACH DEPT	On-going
	Ensure HR has proper information to provide to new employees regarding their roles/responsibilities during disasters	Ongoing	Annually	Ongoing		K. GAUTHIER/HR MGR	All OEM procedures under review with new Emergency Management Coordinator.
3b Conduct city-wide drill simulating a specific emergency event or disaster on an annual basis							
	Conduct an annual drill to include EOC staff and critical personnel from all departments	12 months	Annually	Q1 each year	Q4 each year	K. GAUTHIER	Shelter in Place drill completed this past quarter
	Conduct an annual drill to include EOC staff, LEPC members, LPIPD, and critical personnel from all departments	12 months	Annually	Q1 each year	Q4 each year	K. GAUTHIER	Completed on August 27, 2015
	Add new facility preparation (generators, window treatments, recovery systems)	12 months	Quarterly	Q2 2013	Q2 2014	K. GAUTHIER/D. MICK/D. PENNELL	Completed
ASSOCIATED PERFORMANCE METRICS							
	Number of drills performed	Output measure demonstrating that we are hitting the target for the year					
COUNCIL GOAL NO. 4: ENCOURAGE ECONOMIC/RETAIL DEVELOPMENT							
4a	Increase retail business						
	Offer incentives to retail similar to those offered to industrial (retail zones)	Continuous	Annually	Q3 2013	Q2 2014	S. LIVINGSTON	On-going efforts to actively recruit and attract retail development to La Porte.
	Dress up facades on Broadway shopping centers					S. LIVINGSTON	Currently working with several business owners on Broadway to improve their buildings
	Remove obstacles to building permits/site inspections for business improvement/new business		Quarterly	Q3 2013	Q4 2017	T. TIETJENS	On-going, as per the quarterly updates to the Council.
4b Incorporate the Airport as a revenue generating property							
	Explore lease options on properties to reduce vacancies	Continuous	Annually	Q1 2014	Q4 2014	S. LIVINGSTON	Staff recently attended Retail Live! in Dallas this quarter and distributed flash drives with all available space in La Porte. Additionally, upon returning, staff sent contact listings for various retailers to the current broker network.
	Promote opportunities for retail on Spencer	Continuous	Annually	Q3 2013	Q4 2017	S. LIVINGSTON	Staff recently attended Retail Live! in Dallas this quarter and distributed flash drives with all available space in La Porte. Additionally, upon returning, staff sent contact listings for various retailers to the current broker network.
4c Utilize Bay Frontage for possible economic development							
	Breakwater Marina with waterfront restaurant	Continuous	Annually	Q3 2013	Q4 2017	S. LIVINGSTON	On-going
	Encourage other private development/investment	Continuous	Annually	Q3 2013	Q4 2017	S. LIVINGSTON	Currently, staff is working on a RFP for a market/financial feasibility analysis for a proposed convention center located north of Sylvan Beach Park. Staff will be bringing draft RFP back to the Development Corporation Board in the upcoming months.
ASSOCIATED PERFORMANCE METRICS							
	% Growth in City Sales Tax Revenue from the Prior Year	Output measure to demonstrate effectiveness of commercial recruitment throughout the City.					
	\$ of Added Taxable Value to the City as a result of commercial recruitment.	Output measure to demonstrate effectiveness of commercial recruitment throughout the City.					

	STRATEGIC PLAN GOALS AND OBJECTIVES	DURATION	REPORTING FREQUENCY	START	FINISH	LEAD DOG	CURRENT STATUS
COUNCIL GOAL NO. 5: PROVIDE SUPERIOR CUSTOMER SERVICE							
5a	Implement 100% employee customer service training by the end of 2013		Quarterly	Q3 2013	Q4 2013	C. ALEXANDER	
5b	Conduct audit on 100% of processes of all City departments		Annually	Q3 each year	-	C. ALEXANDER/T. LEACH	Narrowed scope of PW audit to include utilities. Staff is bringing a water loss audit proposal to the Council in September.
5c	Conduct quality professional development to ensure that all employees are properly trained		Annually	Q3 2014	Q2 2015	HR MGR	Absence of HR Manager has delayed the completion of this item.
ASSOCIATED PERFORMANCE METRICS							
	% Employees receiving customer service training in each Fiscal Year	Output measure demonstrating commitment to making sure every employee is properly trained					
	% existing supervisors receiving Supervisory Training each Fiscal Year	Output measure demonstrating commitment to making sure every supervisor is properly trained					
	% of residents rating employee Customer Service as "Excellent" (based on community survey every other year)	Outcome measure demonstrating effectiveness of customer service training and follow through by staff					
COUNCIL GOAL NO. 6: REVITALIZE SH 146 & ELIMINATE BLIGHT							
6a	Promote greenfield tract development along SH 146 by facilitating contact, providing information, and offering incentives to development types consistent with our industry/market						
	Target retail & office users that cater to our industry types for a campus-style development park		Annually	Q3 2013	Q4 2017	S. LIVINGSTON	On going effort for retail recruitment. However, the focus has shifted from national retail chain recruitment to smaller, niche retail, such as successful small businesses that are looking to expand.
	Create abatement programs/EDC incentives and infrastructure inputs consistent with needs of applicants		Annually	Q1 2014	Q4 2017	S. LIVINGSTON	Staff has been engaged with an on-going dialogue with the EDC Board regarding incentives and project evaluation for economic incentives. At this time, the EDC Board has asked for a revised set of "guide posts" to help them better evaluate the merits of projects brought before them.
	Production of data (census, current demographic stats, BDG, etc) for use of customers in decision-making process	3 months	Annually	Q3 2013	Q4 2017	B. STERLING/S. LIVINGSTON	All these materials were created in 2013, but staff continues to regularly supplement these materials with current news articles and other information to attract new development to the City.
	Market our City to ICSC and site selector consultants	Continuous	Annually	Q3 2013	Q4 2017	S. LIVINGSTON	Completed.
6b	Promote revitalization and development (where appropriate) along SH 146, Main Street, and Broadway by facilitating contact, providing information, and offering incentives to development types consistent with our industry/market						
	Target code enforcement on said thoroughfares through a "carrot versus stick" approach to blight	Continuous	Quarterly	Q1 2014	Q4 2017	T. TIETJENS/B. ENG	Currently conducting pro-active junk vehicle sweeps. The expanded Enhancement Grant Program will be another tool that La Porte businesses can use to address exterior poroperty maintenance issues.
	Create abatement program/ED incentives and infrastructure inputs consistent with needs of applicants	Continuous	Quarterly	Q1 2014	Q4 2017	S. LIVINGSTON	Staff is evaluating requests and presenting incentive options to the La porte Development Corporation as they are received.
	Market the City at ICSC and Site Selector Consultants	Continuous	Quarterly	Q3 2013	Q4 2017	S. LIVINGSTON	Completed.
ASSOCIATED PERFORMANCE METRICS							
	# of New Zoning Permits for new commercial businesses on SH 146, Main Street, and Broadway.	Output measure to show emphasis of commercial recruitment to SH 146, Main Street, and Broadway.					
	# of Leads worked for new commercial development on SH 146, Main Street, and Broadway.	Output measure to show emphasis of commercial recruitment to SH 146, Main Street, and Broadway.					
STAFF GOAL NO. 7: Provide and maintain superior public safety							
7a	Enhance communications infrastructure and promote interoperability						
	Ensure all radio systems meet current and future standards (when known)	6 months	Annually	Q1 2013	Q3 2013	K. ADCOX/M. BOAZE	The police department will be issuing its new narrow band radio's over the next two weeks (expects to be completed by May 1, 2014). The above improvements will make the police department compliant with all Y2016 FCC mandates.
	Identify current deficiencies within all communications systems and work to correct them	36 months	Annually	Q1 2013	Q4 2016	K. ADCOX/M. BOAZE	Installation of dispatch consoles have been completed.
	Put a system in place to ensure proper system maintenance and replacement when needed	3 months	Annually	Q2 2013	Q3 2013	K. ADCOX/M. BOAZE	Multi-year maintenance contracts have been procured for all of the City's new emergency communications and radio equipment. Additionally, during the FY 2013/2014 budget, the City created a technology replacement fund. Money will be placed in this fund each year, from which future large technology replacement costs may be drawn.
7b	Maintain appropriate staffing level in all emergency services departments for both paid employees and volunteer members						
	Identify national standards relating to recommended staffing level for each emergency service department	Completed		Q3 2013	Q3 2013	K. ADCOX/M. BOAZE	According to the FBI, the accepted standard police to citizen ratio in the U.S. is 2.2 officers per 1000 citizens. The La Porte Police Department currently employs 75 commissioned officers. With an estimated population of 35,000, La Porte's ratio of police officers to citizens is very close to the national standard at 2.14.
	Work to attract and hire the most qualified candidates by developing a comprehensive recruitment program	Ongoing	Annually	Ongoing		K. ADCOX/J. HEFNER	Completed.
	Develop retention incentives	9 months	Annually	Q4 2013	Q3 2014	K. ADCOX/M. BOAZE	The Police Department's retention incentives include the maintenance of competitive salaries and benefits, which was established and adjusted annually based on a market approach.
	Create and maintain an employee development program for existing employees at all levels within the organization	9 months	Annually	Q4 2013	Q3 2014	K. ADCOX/M. BOAZE/HR MGR	The Police Department maintains a comprehensive employee development program at all levels of the organization, which includes formal leadership training, staff mentoring, and a career ladder program.

	STRATEGIC PLAN GOALS AND OBJECTIVES	DURATION	REPORTING FREQUENCY	START	FINISH	LEAD DOG	CURRENT STATUS
7c	Identify and capitalize on advanced technologies as force multipliers						
	Develop a response safety program	6 months	Annually	Q1 2014	Q3 2014	M. BOAZE/K. GAUTHIER	Training has been conducted with OEM/FD for our chemical plant worst case scenarios. Ongoing training will continue. Currently looking at a new system for tracking employee accountability. Hope system will be implemented and employees trained by end of Q3.
	Improve the community warning system	3 months	Annually	Q1 2014	Q2 2014	K. GAUTHIER/K. ADCOX	Maintenance continues of outdoor warning sirens as needed with the LEPC funding a portion of the repairs. Indoor warning beacons and notification devices have been installed at additional public buildings. We continue to promote multiple communications tools for the public to use during an emergency (Call system, social media, website, etc.)
	Develop crime prevention measures, such as cameras, air monitors, LPRs	6 months	Annually	Q4 2013	Q2 2014	K. GAUTHIER/K. ADCOX	Completed.
	Focus on trend/pattern analysis using incident geo-mapping in order to target resources	Ongoing	Annually	Q1 2013	Q4 2017	K. ADCOX	The PD utilizes a CompStat system, in which staff reviews geographical crime patterns on a daily and weekly basis. A Hot Spots program is also in place and allows for additional resources to be deployed ad-hoc in response to any developing concerns.
7d	Identify and employ best strategies, management practices, policies and procedures, and organizational systems that promote accountability, open communication, collective responsibility, visionary leadership, fiscal responsibility, and organizational effectiveness.						
	Seek out and attain available state and national "best-practices" organizational certifications and accreditations.	Ongoing	Quarterly	Q3 2013	-	K. ADCOX/M. BOAZE	The Police Department is one of only a handful of Texas Police Department's that is certified by the Texas Police Chief's Association. The Department underwent its first tri-annual on-site inspection/ review in October, 2013 and was found to be in compliance with all best practices standards. Recertification was granted.
	Create appropriate inspection and auditing systems	Ongoing	Quarterly	Q3 2013	-	K. ADCOX/M. BOAZE	To date this fiscal year, there have been 46 Police Department audits completed. The Fire Department completed 8 revisions to SOPs and added 2 new SOP.
ASSOCIATED PERFORMANCE METRICS							
	Comparison to Department of Justice ratio of 2.2 Police Officers employees/1,000 residents and 3.2 Police Dept employees per 1,000 residents	Input measure indicating achievement of stated staffing levels for the Police Department					
	Turnover rate (excluding retirements)	Effectiveness measure of retention program and employee development					
	% Residents rating safety in their neighborhood Excellent	Outcome measure of all public safety efforts and initiatives (completed every other year if community survey; every year if based on CPA survey)					
STAFF GOAL NO. 8: CONTINUE TO IMPROVE THE QUALITY OF LIFE THROUGH RECREATIONAL AMENITIES							
8a	Continue trail system implementation						
	Complete/pedestrian trail in Lomas	12 months	Quarterly	Q1 2015	Q4 2015	R. EPTING	On hold
	Continue paving sections of various sections of infill trail	Ongoing	Annually	Q1 2015	Q4 2017	R. EPTING	As budget allows, staff will add infill trail sections
8b	Maintain and improve sports field infrastructure						
	Replacing lighting system at 9 soccer fields at Northwest Park	12 months	Quarterly	Q1 2014	Q4 2014	R. EPTING	Project was not funded in the FY 15 budget
8c	Continue to offer modern and cost-effective aquatic facilities						
	Evaluate options and cost-benefit analysis for potential locations of future spray parks and make recommendations for implementation at next Pre-Budget retreat	3 months	Quarterly	Q4 2013	Q3 2014	R. EPTING	Done.
	Include recommended location(s) into the City's Capital Improvement Plan for upcoming FY 2014 budget	3 months	Quarterly	Q3 2014	Q4 2014	R. EPTING	Done.
	Installation of spray park	12 months	Quarterly	Q4 2014	Q2 2015	R. EPTING	MLK Spray Park was officially opened on August 14. The Fairmont Spray Park is scheduled to be opened by Labor Day.
STAFF GOAL NO. 9: CREATE A NEIGHBORHOOD PRESERVATION PROGRAM							
9a	Create an environment of open communication and cooperation with existing neighborhood groups						
	Create centralized database of neighborhood/HOA and leaders with contact information and update at least annually	1 month	Annually	Q3 2013	Q3 2013		Done
	Establish regular communications with neighborhood groups regarding important City matters and issues affecting neighborhoods, such as new code enforcement regulations	On-going	Annually	Q1 2014	-	T. LEACH	Working with neighborhoods now on Community Cooperation projects
	Actively seek neighborhood input and comments regarding issues impacting them	On-going	Annually	Q4 2013	-	ALL	
	Create education/outreach program (Neighborhood University)	12 months	Annually	Q 1 2014	Q4 2014	M. MAINER	Registration for the 2nd Class of City U is underway.
9b	Improve City coordination to respond to neighborhood issues and concerns						
	Create a cross departmental team, including engineering, inspecting, planning and police, to comprehensively address neighborhood issues	On-going	Annually	Q2 2014	-	T. TIETJENS/T. LEACH	

	STRATEGIC PLAN GOALS AND OBJECTIVES	DURATION	REPORTING FREQUENCY	START	FINISH	LEAD DOG	CURRENT STATUS
9c	Continue investing in neighborhood improvement initiatives Create a neighborhood matching grant program for community improvements	On-going	Annually	Q3 2014	-	T. LEACH	
ASSOCIATED PERFORMANCE METRICS							
	# communications sent to HOA and neighborhood groups	Output measure demonstrating level of consistent communication with neighborhood groups					
STAFF GOAL NO. 10: PROVIDE DIVERSE AND TIMELY COMMUNICATIONS THAT PROMOTE AND INFLUENCE A POSITIVE PUBLIC PERCEPTION OF LA PORTE							
10a	Identify scope and job description for Marketing/PR position Recruit and hire individual to fill communications, marketing, and public relations needs	3 months	Annually	Q4 2013	Q4 2013	T. LEACH	Done
	Develop a communication strategy that ensures that information about the City is disseminated in a timely and professional manner and meets the needs of the various audiences within and outside of the City	2 months	Quarterly	Q2 2014	Q2 2014	T. LEACH	Done
10b	Engage development partners to positively promote the city Create effective methods for utilizing development partners to help promote the City	2 months	Quarterly	Q2 2014	Q2 2014	S. LIVINGSTON	A broker network has been cultivated by the ED Coordinator that has effectively been a "force multiplier" to provide additional resources to promote development in La Porte.
ASSOCIATED PERFORMANCE METRICS							
	TBD based on the communication strategy and specific goals outlined therein						



Council Agenda Item September 14, 2015

9. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, September 17, 2015
- Zoning Board of Adjustment Meeting, Thursday, September 24, 2015
- Fiscal Affairs Committee Meeting, Monday, September 28, 2015
- City Council Meeting, Monday, September 28, 2015

- 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 Earp, Clausen, J. Martin, Kaminski, Zemanek, Leonard, Engelken, K. Martin and Mayor Rigby

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, in accordance with the authority contained in:

Texas Government Code, Section 551.072 – For the purpose of deliberating the purchase, exchange, lease or value of real property: former Parks and Wildlife Building and surrounding property.

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

13. ADJOURN