

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 February 8, 2016, 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 Thomas Park, Fairmont Park Church.
- 3. PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember Earp.
- 4. PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Recognition - Retirement of Sgt. Steven Ermel - (City of La Porte Police Department) - Mayor Rigby
 - (b) Recognition - Retirement of Lt. Gary Rice - (City of La Porte Police Department) - Mayor Rigby
- 5. PUBLIC COMMENTS** (Limited to five minutes per person.)
- 6. CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
 - (a) Consider approval or other action regarding the minutes of the City Council meeting held on January 25, 2016 - P. Fogarty
 - (b) Consider approval or other action awarding Bid No. 16006 for Tractors and Mowers - D. Pennell
 - (c) Consider approval or other action regarding an Ordinance vacating, abandoning and closing the West "N" Street Right-Of-Way and repealing Ordinance No. 2006-2890 - T. Tietjens
 - (d) Consider approval or other action regarding a Resolution adopting Civil Rights Policies and forms for the Historic Colored School - T. Tietjens
 - (e) Consider approval or other action regarding an Ordinance amending the City of La Porte Fiscal Year 2015-2016 Budget - M. Dolby
- 7. DISCUSSION AND POSSIBLE ACTION**
 - (a) Discussion and possible action regarding an Ordinance amending Chapter 70 "Traffic and Vehicles" of the City Code of Ordinances, to change speed limit change on S. Broadway from N. Forrest Avenue to Wharton Weems and on Wharton Weems to SH 146 - T. Leach
- 8. REPORTS**
 - (a) Receive report of the La Porte Development Corporation Board - Councilmember Engelken

9. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, February 18, 2016
- City Council Meeting, Monday, February 22, 2016
- Zoning Board of Adjustment Meeting, Thursday, February 25, 2016

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, K. Martin, Kaminski, Zemanek, Leonard, Engelken and Mayor Rigby

11. 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 February 8, 2016, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on February 2, 2016.

Patrice Fogarty



**Council Agenda Item
February 8, 2016**

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

Sgt. Steve Ermel

Steve Ermel began his career with the La Porte Police Department in 1993. Initially assigned to the Patrol Division, he attained the additional roles of Field Training Officer, S.W.A.T. team member, and Bicycle Patrol Officer. During his time as patrolman, Ermel received various awards and commendations to include the Department's Medal of Valor in 1997.

In 1998, Steve was assigned to the Criminal Investigations Division, where his primary duties included the investigation of Delinquent Juvenile Activities and a broad range of other investigate duties until his promotion to Sergeant in 2000.

Upon promoting, Sergeant Ermel was initially assigned to the Patrol Division where he began his supervisory career as a Relief Shift Patrol Sergeant. In addition to his primary patrol duties, he also assumed the additional responsibilities as one of the department's S.W.A.T. supervisors, Field Training Supervisor, Range officer, and was later designated as the department's first Taser Coordinator. Sergeant Ermel assisted in the development of the department's Physical Fitness program and was instrumental in preparing and presenting the inception of the Fitness Program to the La Porte Civil Service Commission for approval.

In 2008, Sergeant Ermel was appointed to lead the department's newly created Street Crimes Division. As the Street Crimes Sergeant, he supervised a select group of detectives who addressed the areas of Code Enforcement, Narcotic-related activities, Gang-related activities, Burglary-related activities, Asset Forfeiture/Seizure procedures, and various other covert Operations.

In 2014, Sergeant Ermel returned to the Patrol Division for his final tour-of-duty as a shift supervisor, while also re-assuming his role as Field Training Supervisor. Due to the development, implementation, and maintenance of the Physical Fitness Program, Sergeant Ermel was subsequently awarded the Department's Medal of Meritorious Service in 2015.

Ermel acquired a vast amount of Law Enforcement training experience in his career including certifications by the Texas Commission on Law Enforcement (T.C.O.L.E.) as a Police Firearms Instructor, Law Enforcement Academic Instructor, and Master Peace Officer.

Ermel will now enter the private business sector, while simultaneously completing a degree in Business Administration.

Lt Gary Rice

Gary Rice began his law enforcement career as a dispatcher for the City of Webster in 1969. A year later he attended police academy class number 1 at the Regional Law Enforcement Training Center in Texas City. Upon graduating from the academy, he was immediately assigned to patrol duties with the City of Webster. Gary remained with the City of Webster until 1973 when he accepted an offer to come to work for the La Porte Police Department.

As a new officer with La Porte, Gary was afforded an opportunity in 1974 to implement and charter the existing La Porte Police Officers Association. As founding father, charter member and past president of the association, he remains an active member of the association to this day.

Gary worked general Patrol Duties in La Porte until he was promoted to the rank of sergeant in 1979. As a sergeant, his duties varied from Patrol to Communications. Gary also worked as a Detective and a sergeant assigned to the Harris County Organized Crime and Narcotics Task Force for a number of years. He served as both Group 4's field supervisor as well as a K-9 handler until he was promoted to the rank of Lieutenant in 1999.

During the more than 15 years he has been a Lieutenant, Gary has served as a patrol commander for all-three of the department's patrol shifts and the Criminal Investigation Section. He finished his career as commander of day shift patrol, which also oversees DOT, traffic, jail operations and the department's fleet. Lt. Rice holds TCOLE certificates in telecommunications, firearms instructor, and is a master police officer. He also earned a Certificate of Technology in Law Enforcement from San Jacinto College.

Lt Rice already has plans in place for extensive travel, with hobbies including sport shooting and motorcycle riding. He remains affiliated with the Texas State Rifle Association, National Rifle Association, Blue Knights Law Enforcement Motorcycle Club, and Texas Masons.

Lt. Rice will also continue to donate his time to fund raising events, such as the annual "Ride for Kids" - benefiting children with brain tumors. The "Texas Honor Ride" - benefiting our wounded soldiers recovering from their injuries at Brooke Army Medical Center in San Antonio and "Warriors Weekend" - providing a weekend of fishing and fun for our wounded warriors from numerous military hospitals around the country.



Council Agenda Item February 8, 2016

- 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.)*
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**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
JANUARY 25, 2016**

The City Council of the City of La Porte met in a regular meeting on **Monday January 25, 2016**, 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:

Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Engelken, Earp, Zemanek, Kaminski, K. Martin, J. Martin and Leonard. Absent: Councilmember Clausen. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.

2. **INVOCATION** – The invocation was given by Clark Askins.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Chuck Engelken.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Recognition – Retirement of Burnett “Burnie” Willis (City of La Porte Finance Department) – Mayor Rigby.

Mayor Rigby recognized Burnett “Burnie” Willis for 30 years of services with the City of La Porte.

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

Chuck Rosa, 812 S. Virginia, addressed Council in favor of Item 8(b), adopting a policy regulating carrying of handguns by handgun license holders at government meetings in the City.

Claus Nielsen, 3101 S. Broadway St., addressed Council requesting options to purchase the Windsail Apartments instead of demolishing them in order for him to make renovations and continue an improved tax base for the City.

Bill Scott, 1722 Lomax School Rd., addressed Council with concerns regarding notices to abate he received from Code Enforcement. Mr. Scott presented photos of property he commented is in worse condition than his property.

5. **CONSENT AGENDA** (*All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.*)
 - (a) Consider approval or other action regarding the minutes of the City Council Meeting held on January 11, 2016 – P. Fogarty
 - (b) Consider approval or other action regarding a professional services agreement with HDR Engineering, Inc., for on-going GIS technical services – B. Sterling

- (c) Consider approval or other action authorizing expenditure by the La Porte Development Corporation for an enhancement grant in an amount not to exceed \$42,057.86, payable to Brotamonte Asset 1, LLC., for infrastructure improvements to apartment building complex located at 315 N. 2nd Street – S. Livingston
- (d) Consider approval or other action expenditure by the La Porte Development Corporation for an incentive grant in an amount not to exceed \$152,889.82, payable to Fischer's Hardware for infrastructure improvements to property located at 1010 S. Broadway Street – S. Livingston
- (e) Consider approval or other action regarding a Resolution requesting financial assistance from the Texas Water Development Board – D. Pennell
- (f) Consider approval or other action regarding a Resolution designating the City of La Porte as the management agency for wastewater collection and treatment – D. Pennell
- (g) Consider approval or other action regarding purchase of Neptune meters from HD Supply-Houston – M. Dolby
- (h) Consider approval or other action regarding a Resolution adopting an Anti-NIMBYism (Not in my Backyard) Action Plan for the City of La Porte – T. Tietjens
- (i) Consider approval or other action regarding an Ordinance amending Chapter 50 "Parks and Recreation," of the Code of Ordinances of the City of La Porte by adding rules for renters and open riding users utilizing the Livestock and Rodeo Arena – R. Epting

Regarding Item C, Councilmember Zemanek questioned how long the enhancement grant has been in discussion. Economic Development Coordinator Scott Livingston responded at least 2-3 months without looking at the actual application to be certain. City Manager Corby Alexander advised November 19, 2015. Councilmember Zemanek commented it will be hypocritical of City Council to support the enhancement grant while moving forward with condemnation of property in another part of town.

Regarding Item D, Councilmember K. Martin questioned when did the City begin giving incentive grants for the interior structure of businesses. Economic Development Coordinator Scott Livingston responded it is not an enhancement grant, it is an expansion of a business; and the City looks at the total capital expenditure that includes the interior.

Regarding Item D, Councilmember Engelken requested the item be voted on separately.

Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3620: AN ORDINANCE AMENDING CHAPTER 50 "PARKS AND RECREATION" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY ADDING RULES FOR RENTERS AND OPEN RIDING USERS UTILIZING THE LIVESTOCK AND RODEO ARENA; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINDED IN A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Engelken moved to approve Consent Agenda items A; B; E; F; G; H and I pursuant to staff recommendations. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Clausen was absent.**

Councilmember Engelken moved to approve Consent Agenda item C pursuant to staff recommendations. Councilmember K. Martin seconded. **MOTION FAILED.**

Ayes: Mayor Rigby, Councilmembers K. Martin and Engelken
Nays: Councilmembers Earp, Leonard, Zemanek, Kaminski and J. Martin
Absent: Councilmember Clausen

Councilmember Zemanek moved to authorize expenditure by the La Porte Development Corporation for an incentive grant in an amount not to exceed \$120,000.00, with an estimated 10-year payback period of multiple payments over time based on conditions per the development agreement, to Fischer's Hardware, Inc., for infrastructure improvements to property located at 1010 S. Broadway Street. Councilmember Leonard seconded. **MOTION PASSED.**

Ayes: Councilmembers K Martin, J. Martin, Kaminski, Zemanek and Leonard
Nays: Mayor Rigby, Councilmembers Earp and Engelken
Absent: Councilmember Clausen

7. AUTHORIZATIONS

(a) Consider approval or other action regarding a Resolution adopting proposed amendments made by the La Porte Development Corporation Board of Directors to the by-laws of the La Porte Development Corporation – S. Livingston

Economic Development Coordinator Scott Livingston presented a summary.

Mayor Rigby moved to approve a Resolution adopting amendments to the by-laws of the La Porte Development Corporation. Councilmember J. Martin seconded. **MOTION FAILED.**

Ayes: Mayor Rigby and Councilmember J. Martin,
Nays: Councilmembers Earp, K. Martin, Zemanek, Kaminski, Leonard and Engelken
Absent: Councilmember Clausen

(b) Consider approval or other action regarding an Ordinance authorizing and ordering the issuance, sale and delivery of City of La Porte, Texas, general obligation refunding bonds, series 2016 – M. Dolby

Finance Director Michael Dolby presented a summary and informed Council the City has an opportunity for refunding bonds.

Robert Henderson, Financial Advisor, spoke and presented a summary.

Councilmember Earp questioned if the new savings is for the City after all costs of transactions. Mr. Henderson responded yes.

Councilmember Earp moved to approve an Ordinance authorizing and ordering the issuance, sale and delivery of the City of La Porte, Texas general obligation refunding bonds, series 2016. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY. Councilmember Clausen was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3621: AN ORDINANCE AUTHORIZING AND ORDERING THE ISSUANCE, SALE AND DELIVERY OF CITY OF LA PORTE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016; DELEGATING TO AUTHORIZED REPRESENTATIVES THE AUTHORITY TO APPROVE THE AMOUNT, INTEREST RATES, PRICE AND TERMS THEREOF AND CERTIN OTHER PROCEDURES AND PROVISIONS RELATED THERETO; AUTHORIZING THE**

REDEMPTION PRIOR TO MATURITY OF CERTAIN OUTSTANDING OBLIGATIONS; AND MAKING OTHER PROVISIONS REGARDING THE BONDS AND MATTER INCIDENT THERETO.

- (c) Consider approval or other action regarding RFP No. 16503 for Lifeguard services at City pools/recreation facilities – R. Epting

Parks and Recreation Director Rosalyn Epting presented a summary.

Councilmember Earp moved to approve a contract with Pool Management Inc., and increase the budget by \$55,750.00 for Lifeguard services at City pools/recreation facilities. Councilmember Kaminski seconded. **MOTION PASSED UNANIMOUSLY. Councilmember Clausen was absent.**

8. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding designs for Main Street and Fairmont elevated water tanks – T. Leach

Assistant City Manager Traci Leach presented a summary.

Councilmember Zemanek moved to approve funding for design Option No. 2, the “orange” one, La Porte Life by the Bay for both water towers. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY. Councilmember Clausen was absent.**

- (b) Discussion and possible action regarding adoption of policy regulating carrying of handguns by handgun license holders at government meetings in city – C. Alexander

City Manager Corby Alexander presented a summary.

Councilmember Leonard commented people should be able carry weapons if it is legal in the state.

Councilmember Leonard moved that both open and concealed carry not be prohibited. **MOTION FAILED FOR LACK OF A SECOND.**

Councilmember Earp moved to allow concealed carry but not open carry in any meeting where the Open Meeting Act applies. Councilmember Engelken seconded. **MOTION PASSED.**

Ayes:	Mayor Rigby and Councilmembers K. Martin, Earp, Engelken, Leonard, Kaminski and Zemanek
Nays:	Councilmember J. Martin
Absent:	Councilmember Clausen

Councilmember Earp moved to exclude any weapons at all City of La Porte Election Polling Locations where voting is taking place. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY. Councilmember Clausen was absent.**

9. ADMINISTRATIVE REPORTS

City Manager Corby Alexander reminded City Council of the Retirement Party for Lieutenant Gary Rice and Sergeant Steven Ermel from the City of La Porte Police Department.

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.

Councilmembers Engelken, Earp and Kaminski congratulated Burnie Willis; Bonnie Garrison; Gary Rice and Steven Ermel on their retirement from the City and thanked the Finance Department for the refunding of bonds; Councilmember Martin commented he appreciates the improvements at Delta Courts made by Mr. Nielsen, and the City has made a commitment to the community and encouraged Council to move forward with the condemnation plan at Windsail Apartments;

Councilmember K. Martin congratulated Burnie Willis; Bonnie Garrison; Gary Rice and Steven Ermel on their retirements from the City and thanked them for their service; Councilmember Zemanek congratulated Burnie Willis; Bonnie Garrison; Gary Rice and Steven Ermel on their retirement from the City; agreed with Councilmember J. Martin to move forward with condemnation and commented how proud he was to attend the Martin Luther King, Jr., Celebration where Tommy Moser was also well honored; Councilmember Leonard congratulated Burnie Willis; Bonnie Garrison; Gary Rice and Steven Ermel on their retirement from the City; welcomed Councilmember Earp back and thanked everyone for their phone calls and well wishes during his recovery from surgery and Mayor Rigby congratulated Burnie Willis; Bonnie Garrison; Gary Rice and Steven Ermel on their retirement from the City and commented how nice it was for the La Porte Civic Club to honor Tommy Moser during the Martin Luther King Jr., Celebration.

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

Texas Government Code, Section 551.072 – For the purpose of deliberating the purchase, exchange, lease or value of real property: Meet with City Manager and City Attorney to discuss a Joint Ordinance and Boundary Adjustment Agreement and Joint Ordinance and Revenue Sharing Agreement with the City of Morgan’s Point regarding a 4.42 acre tract of land currently.

Texas Government Code, Section 551.071 (2) – Consultation with City Attorney: Meet with City Attorney to discuss Joint Ordinance and Boundary Adjustment Agreement and Joint Ordinance and Revenue Sharing Agreement with the City of Morgan’s Point regarding a 4.42 acre tract of land currently within the City of La Porte’s corporate boundary and proposed to be annexed within the City of Morgan’s Point corporate boundary.

City Council recessed the regular Council meeting to convene an executive session at 7:26 p.m. regarding the items listed above.

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

Council reconvened into the regular Council meeting at 7:43 p.m.

Regarding Texas Government Code, Section 551.072 – For the purpose of deliberating the purchase, exchange, lease or value of real property: Meet with City Manager and City Attorney to discuss a Joint Ordinance and Boundary Adjustment Agreement and Joint Ordinance and Revenue Sharing Agreement with the City of Morgan’s Point regarding a 4.42 acre tract of land currently.

Councilmember Leonard moved to decline any exchange of property with the City of Morgan’s Point. Councilmember Earp seconded. **MOTION PASSED.**

Ayes:	Councilmembers K. Martin, Earp, Engelken, Leonard, Kaminski and Zemanek
Nays:	Mayor Rigby and Councilmember J. Martin
Absent:	Councilmember Clausen

Regarding Texas Government Code, Section 551.071 (2) – Consultation with City Attorney: Meet with City Attorney to discuss Joint Ordinance and Boundary Adjustment Agreement and Joint Ordinance and Revenue Sharing Agreement with the City of Morgan’s Point regarding a 4.42 acre tract of land currently within the City of La Porte’s corporate boundary and proposed to be annexed within the City of Morgan’s Point corporate boundary.

No action was taken.

13. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:45 p.m. Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY. Councilmember Clausen was absent.**

Patrice Fogarty, City Secretary

Passed and approved on February 8, 2016.

Mayor Louis R. Rigby

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 8, 2016</u>
Requested By: <u>Don Pennell</u>
Department: <u>Public Works</u>
Report: <input checked="" type="checkbox"/> Resolution: <input type="checkbox"/> Ordinance: <input type="checkbox"/>

Exhibits: Summary of Vehicle Replacement

Exhibits: Bid Tabulation

Exhibits _____

<u>Budget</u>	
Source of Funds: <u>Motor Pool</u>	
	<u>009-8080-552-8050</u>
	009-7077-533-8050
Account Number: 009-7071-531-8050	<u>009-6049-551-8050</u>
	\$ 38,997.00
Amount Budgeted:	\$ 36,816.00
	\$ 31,760.00
	<u>\$ 13,095.00</u>
Amount Requested	\$ 36,357.00
	\$ 37,602.00
	\$ 37,123.00
	<u>\$ 10,965.00</u>
Budgeted Item: YES	

SUMMARY & RECOMMENDATION

The FY 2016 budget includes funding for the replacement of three (3) Tractors 80-40, 71-76, 77-55 and one (1) zero turn mower 49-09. Two Divisions requested that the tractors 80-40 and 77-55 be upgraded to cab with A/C. 71-76 is being upgraded to a larger tractor for routine right-of-way mowing and to serve as back up to the larger tractors in the fleet.

Sealed Bid #16006 was opened and read on Tuesday, January 12, 2:00 p.m. The bid was advertised in the Bay Area Observer and posted to PublicPurchase.com. Twenty three vendors were notified of the bid and eleven downloaded the documents. Four vendors responded with bids Successful bid with trade-in allowance where possible is Lansdowne Moody for the tractors and Wowco for the zero turn mower as follows:

BUDGET ITEM	BUDGETED	BID	USER
#1 Utility Tractor 80-40	38,997.00	36,357.00	Parks
#2 Utility Tractor 77-55	36,816.00	37,602.00 ¹	Airport
#3 Utility Tractor 71-76	31,760.00	37,123.00	Street
#4 Zero Turn Mower 49-09	13,095.00	10,965.00 ²	Golf
TOTAL	120,668.00	122,047.00	

¹ with \$4,000 trade-in allowance deducted.

² with optional \$1,750 trade-in allowance

All units were included in the 2015-16 budget that was approved by the Council in September 2015. The budget shortfall for 77-55 is made up from unit 77-61 Bushhog purchase \$3,407.00 under budget. The budget shortfall for 71-76 is made up from 71-36 Tractor and slope mower purchase \$36,033.84 under budget.

Action Required by Council:

Consider approval or other action to award Bid No. 16006 to Lansdowne Moody for the purchase of three (3) tractors in the amount of \$111,082.00 including the trade-in allowance.

Consider approval or other action to award Bid No. 16006 to Wowco for the purchase of one (1) zero turn mower in the amount of \$10,965.00 including the trade-in allowance.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

**CITY OF LA PORTE
SUMMARY OF VEHICLE REPLACEMENTS
FISCAL YEAR 2015-16**

Account Number	Amount	Unit	Description
009-5051-522-8050	\$ 47,394	51-20	2003 Ford F-350 Crew 4X4
009-5253-521-8050	20,545	53-05	1998 Radar Trailer
009-5253-521-8050	37,987	53-10	2009 Ford Police Interceptor
009-5253-521-8050	37,987	53-13	2010 Ford Police Interceptor
009-5253-521-8050	37,987	53-19	2010 Ford Police Interceptor
009-5253-521-8050	37,987	53-20	2010 Ford Police Interceptor
009-5253-521-8050	37,987	53-26	2010 Dodge Charger Interceptor
009-5253-521-8050	37,987	53-32	2008 Ford Police Interceptor
009-5253-521-8050	37,987	53-60	2007 Chevy Impala Interceptor
009-5253-521-8050	37,987	53-67	2008 Chevy Impala Interceptor
009-5253-521-8050	37,987	53-79	2011 Ford Police Interceptor
009-6049-551-8050	13,095	ψ 49-09 ✕	2010 Zero Turn Mower
009-6049-551-8050	26,243	49-10	2010 Tri-Plex Mower
009-6049-551-8050	30,124	49-30	2011 Greens Mower
009-6049-551-8050	23,532	49-33	2003 Ford F150 Pickup
009-5059-522-8050	94,789	59-34	2011 Ford F450 Ambulance
009-7071-531-8050	50,733	71-09	2003 Underground Pipehunter
009-7071-531-8050	31,760	71-23	2003 John Deere 5420 Tractor
009-7071-531-8050	44,051	71-29	2004 Crafoo Crack Sealer
009-7071-531-8050	147,466	71-36	2001 New Holland Tractor
009-7071-531-8050	42,203	71-46	2004 Chevy 3500 Flatbed Truck
009-7071-531-8050	31,760	* 71-76 ✕	2005 John Deere Tractor
009-7072-532-8050	152,168	72-42	2006 GMC Topkick W/Picker
009-7072-532-8050	158,579	72-43	2006 Sterling LT9500 Rearloader
009-7072-532-8050	158,579	72-44	2006 Sterling LT9500 Rearloader
009-7074-532-8050	18,437	74-17	2005 Ford F150 Pickup
009-7074-532-8050	18,437	74-20	2004 Chevy 150 Pickup
009-7077-533-8050	36,816	* 77-55 ✕	2003 Ford New Holland
009-7077-533-8050	13,685	77-61	2007 Bushhog Mower
009-8080-552-8050	38,997	* 80-40 ✕	2002 John Deere Tractor
009-8081-552-8050	18,437	81-10	2004 Chevy 1500 Pickup
009-7084-533-8050	18,437	84-22	2003 Chevy 1500 Pickup
009-7085-533-8050	18,437	85-03	2004 Chevy 1500 Pickup
009-7085-533-8050	35,375	85-37	2005 Ford F350 W/Utility Body
009-7086-533-8050	35,375	86-37	2005 Ford F350 W/Utility Body
	\$ 1,667,337		

Bid Tabulation to Sealed Bid #16006 Tractors and Mowers

		League City Outdoor Power Equipment			Lansdowne Moody			WOWCO Equipment Company			Brookside Equipment				
Item	Description	QTY	Make/Model	Unit Price	Extended Price	Make/Model	Unit Price	Extended Price	Make/Model	Unit Price	Extended Price	Make/Model	Unit Price	Extended Price	
1	Utility Tractor - Diesel Powered	1	NO BID			Kubota M7060	36357	36357	Kubota M7060H	33750	33750	J Deere 5085; H240 Loader	46644	46644	
2	Utility Tractor - Diesel Powered	1	NO BID			Kubota M5-091	41602	41602	Kubota M5-091 HFC	44845	44845	J Deer 5100E	50014	50014	
3	Utility Tractor - Diesel Powered	1	NO BID			Kubota M5-091	37123	37123	Kubota M5-091HF	38650	38650	J Deere 5085E	40677	40677	
4	Zero turning radius riding mower "ZD326P0-60" diesel powered	1	Exmark LZD S 902K605	13999	13999	2D326P-60	11815	11815	ZD326P-60	12715	12715	J Deer 2997R	15969	15969	
5	Option trade-in allowance for 2010 Kubota 323 zero turn mower	1			300			NA			1750			1500	
6	Optional trade-in allowance for 2003 TL90 New Holland Tractor	1			NA			4000			5000			8000	
Sub Total			Tractors			0	Tractors		115082	Tractors		117245	Tractors		137335
Sub Total			Mower			13999	Mower		11815	Mower		12715	Mower		15969
Proposed Allowance						-300			-4000			-6750			-9500
Total after allowance			\$13,699.00				\$122,897.00			\$123,210.00		\$143,804.00			

Bid Tabulations are not final and may not be indication of final award

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: February 8, 2016

Appropriation

Requested By: Tim Tietjens

Source of Funds:

Department: Planning & Development

Account Number:

Report: Resolution: Ordinance:

Amount Budgeted:

Other:

Amount Requested:

Budgeted Item: YES NO

Attachments :

1. Ordinance No. 2006-2890
2. Revised Ordinance
3. Revised Deed
4. Area Map

SUMMARY & RECOMMENDATIONS

At its June 12, 2006 meeting, City Council passed and approved Ordinance No. 2006-2890, which vacated, abandoned, and closed the West "N" Street Right-of-Way as shown on the attached exhibit. The description of the right-of-way originally provided in this ordinance was not in a metes & bounds format, thereby creating conflicts with a deed to the right-of-way provided to the owner in 2012.

The owner has requested the City issue a revised ordinance and deed with matching metes & bounds descriptions of the subject right-of-way in order to facilitate clear title to the West "N" Street Right-of-Way from the owner's title company.

Action Required of Council:

Consider approval or other action repealing original Ordinance No. 2006-2890 as passed by Council on June 12, 2006; and

Consider approval or other action of an ordinance containing a metes and bounds description of the previously-abandoned West "N" Street Right-of-Way and a corresponding deed issued to the adjacent owner for the subject right-of-way.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2006- 2890

AN ORDINANCE VACATING, ABANDONING AND CLOSING THE WEST "N" STREET RIGHT-OF-WAY, TOWN OF LA PORTE, HARRIS COUNTY, TEXAS; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Council of the City of La Porte has been requested by the record owner of all of the property abutting the hereinafter described West "N" Street Right-Of-Way, Town of La Porte, Harris County, Texas, to vacate, abandon, and permanently close the hereinafter described West "N" Street Right-Of-Way, Town of La Porte, Town of La Porte, Harris County, Texas; and

WHEREAS, the City Council of the City of La Porte has determined and does hereby find, determine, and declare that the hereinafter described West "N" Street Right-of-Way, Town of La Porte, Harris County, Texas, is not suitable, needed, or beneficial to the public as a public road, street, or alley, and the closing of hereinafter described West "N" Street Right-of-Way, Town of La Porte, Harris County, Texas, is for the protection of the public and for the public interest and benefit, and that the hereinafter described West "N" Street Right-of-Way, Town of La Porte, Harris County, Texas, should be vacated, abandoned, and permanently closed.

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

Section 1. Under and by virtue of the power granted to the City of La Porte under its home rule charter and Chapter 253, Section 253.001, Texas Local Government Code, the hereinafter described West "N" Street Right-of-Way, Town of La Porte, Harris County, Texas, is hereby permanently vacated, abandoned, and closed by the City of La Porte, to wit:

The portion of the West "N" Street Right-of-Way situated between Blocks 1175, 1176, 1177, and 1178, Town of La Porte, bounded by Powell Road (A.K.A. South 16th Street) to the East and the 18.92835 Acre Tract owned by Southern Pacific Railroad to the West, containing forty-seven thousand three-hundred and sixty (47,360) square feet as generally illustrated on Exhibit "A" attached hereto and made part of herein.

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 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.

PASSED AND APPROVED THIS 12th DAY OF June 2006.

CITY OF LA PORTE

By: Alton E. Porter
Alton Porter, Mayor

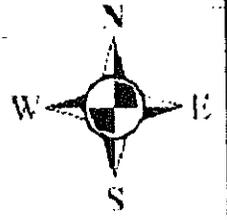
ATTEST:

Martha Gillett
Martha Gillett, City Secretary

APPROVED:

Knox W. Askins
Knox W. Askins, City Attorney

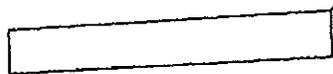
FAIRMONT



M

16TH

SUBJECT TRACT



POWELL

EXHIBIT "A" TO
ORDINANCE 2006-_____

ORDINANCE NO. 2016-_____

AN ORDINANCE VACATING, ABANDONING AND CLOSING THE WEST "N" STREET RIGHT-OF-WAY, TOWN OF LA PORTE, HARRIS COUNTY, TEXAS; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Whereas, the City Council of the City of La Porte has been requested by the record owner of all of the property abutting the hereinafter described West "N" Street Right-of-Way, Town of La Porte, Harris County, Texas, to vacate, abandon, and permanently close the hereinafter described West "N" Street Right-of-Way, Town of La Porte, Harris County, Texas; and

Whereas, the City Council of the City of La Porte has determined and does hereby find, determine, and declare that the hereinafter described West "N" Street Right-of-Way, Town of La Porte, Harris County, Texas, is not suitable, needed, or beneficial to the public as a public road, street, or alley, and the closing of the hereinafter described West "N" Street Right-of-Way, Town of La Porte, Harris County, Texas, is for the protection of the public and for the public interest and benefit, and that the hereinafter described West "N" Street Right-of-Way, Town of La Porte, Harris County, Texas should be vacated, abandoned, and permanently closed.

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

Section 1. Under and by virtue of the power granted to the City of La Porte under its home rule charter and Chapter 253, Section 253.001, Texas Local Government Code, the herein described West "N" Street Right-of-Way, Town of La Porte, Harris County, Texas, is hereby permanently vacated, abandoned, and closed by the City of La Porte as generally illustrated on Exhibit "A", attached hereto and further described to wit:

BEGINNING at a point marking the northeast corner of Lot 32, Block 1178, Town of La Porte, said point being located on the west line of the South 16th Street Right-of-Way and the south line of the West "N" Street Right-of-Way;

THENCE South 86 degrees, 59 minutes, 35 seconds West, a distance of 592.00 feet to the northwest corner of Lot 1, Block 1177, Town of La Porte, said point being located at the

intersection of the south line of the West "N" Street Right-of-Way and the east line of a Southern Pacific Railroad 18.93 acre tract;

THENCE North 02 degrees, 56 minutes, 39 seconds West, a distance of 80.00 feet to a point located at the southwest corner of Lot 16, Block 1176, Town of La Porte, said point being the intersection of the north line of the West "N" Street Right-of-Way and the east line of the aforementioned Southern Pacific Railroad 18.93 acre tract;

THENCE North 86 degrees, 59 minutes, 35 seconds East, a distance of 592.00 feet to a point located at the southeast corner of Lot 17, Block 1175, Town of La Porte, said point being the intersection of the north line of the West "N" Street Right-of-Way and the west line of the South 16th Street Right-of-Way;

THENCE South 02 degrees, 56 minutes, 39 seconds West, a distance of 80.00 feet along the west line of the South 16th Street Right-of-Way to the POINT OF BEGINNING of the herein described tract.

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 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 3. City of La Porte Ordinance No. 2006-2890 is hereby repealed.

Section 4. This ordinance shall be effective from and after its passage and approval, and it is so ordered.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

CITY OF LA PORTE

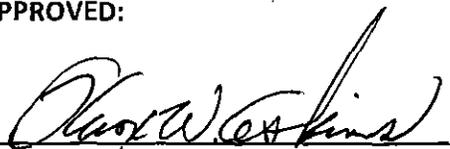
BY: _____

Louis R. Rigby, Mayor

ATTEST:

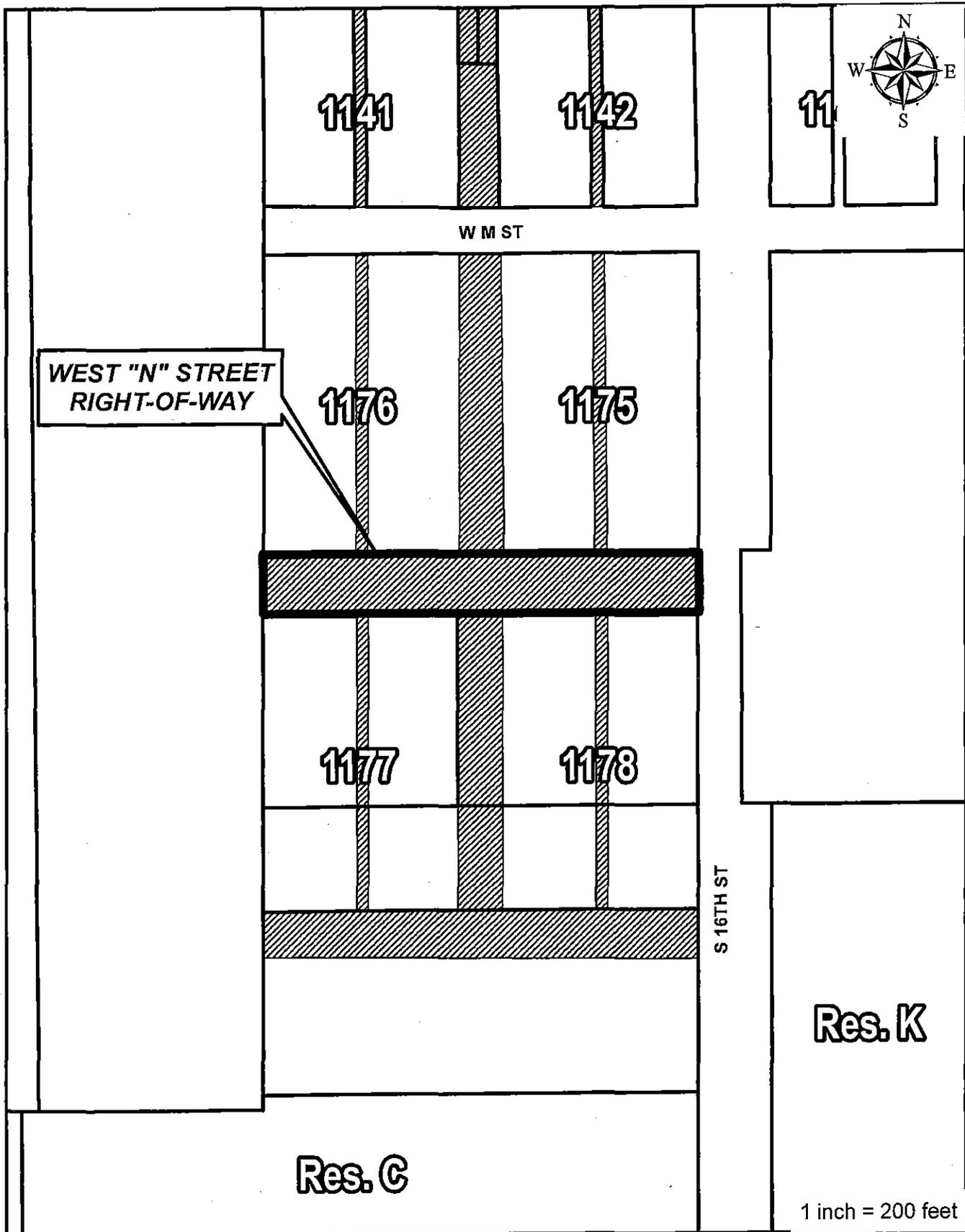
Patrice Fogarty, City Secretary

APPROVED:



Knox W. Askins, City Attorney

EXHIBIT 'A' to ORDINANCE



askins & askins P.C.

ATTORNEYS *and* COUNSELORS

Knox W. Askins

Clark T. Askins

January 28, 2016

Mr. Brian Sterling
GIS Manager
sterlingb@laportetx.gov

Patrice Fogarty
City Secretary
fogartyp@laportetx.gov

Re: Deed Without Warranty for February 8, 2016 agenda

Dear Brian and Patrice:

I enclose copy of Deed Without Warranty for the February 8, 2016 agenda item for the closing of a portion of West "N" Street.

Yours very truly,



Knox W. Askins

KWA/am
Enclosure

cc: Mr. Jeff Burkhalter
jburkhalter@cableone.net

Ms. Leslie Hairston
leslie@atcdp.com

Ms. Staci Gay
stacig@atcdp.com

DEED WITHOUT WARRANTY

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date: February 8, 2016

Grantor: City of La Porte, Texas, a municipal corporation

Mailing Address: 604 West Fairmont Parkway, La Porte, TX 77571

Grantee: Oakland Land & Development, LLC

Mailing Address: P.O. Box 952, Natchez, MS 39121

Consideration: Ten and No/100 Dollars (\$10.00) cash
and other good and valuable considerations

Property (including any improvements):

That portion of the West "N" Street right-of-way situated between Blocks 1175, 1176, 1177, and 1178, Town of La Porte, Harris County, Texas, being further described by metes and bounds on Exhibit "A" attached hereto and as shown on a plat attached hereto as Exhibit "B", reference to which is made for all purposes, which was vacated, abandoned and closed by City of La Porte Ordinance No. 2016-_____ passed and approved by the City Council of the City of La Porte on the 8th day of February, 2016.

Reservations from and Exception to Conveyance and Warranty: This conveyance is made subject to all and singular the restrictions, conditions, oil, gas, and other mineral reservations, easements, and covenants, if any, applicable to and enforceable against the above described property as reflected by the records of the county clerk of the aforesaid county.

Grantor for the consideration and subject to the reservations from and exceptions to conveyance, conveys to Grantee the property without express or implied warranty, and all warranties that might arise by common law and the warranties in §5.023 of the Texas Property Code (or its successor) are excluded.

Attest:

City of La Porte

Patrice Fogarty
City Secretary

By: _____
Corby D. Alexander
City Manager

Approved:



Knox W. Askins
City Attorney

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on ____ day of February, 2016, by Corby D. Alexander, City Manager of the City of La Porte, a municipal corporation.

Notary Public, State of Texas

**AFTER RECORDING RETURN TO:
OF:**

ASKINS & ASKINS, P.C.
P.O. Box 1218
La Porte, TX 77572-1218

PREPARED IN THE LAW OFFICE

ASKINS & ASKINS, P.C.
P.O. Box 1218
La Porte, TX 77572-1218

EXHIBIT "A"

BEGINNING at a point marking the northeast corner of Lot 32, Block 1178, Town of La Porte, said point being located on the west line of the South 16th Street Right-of-Way and the south line of the West "N" Street Right-of-Way;

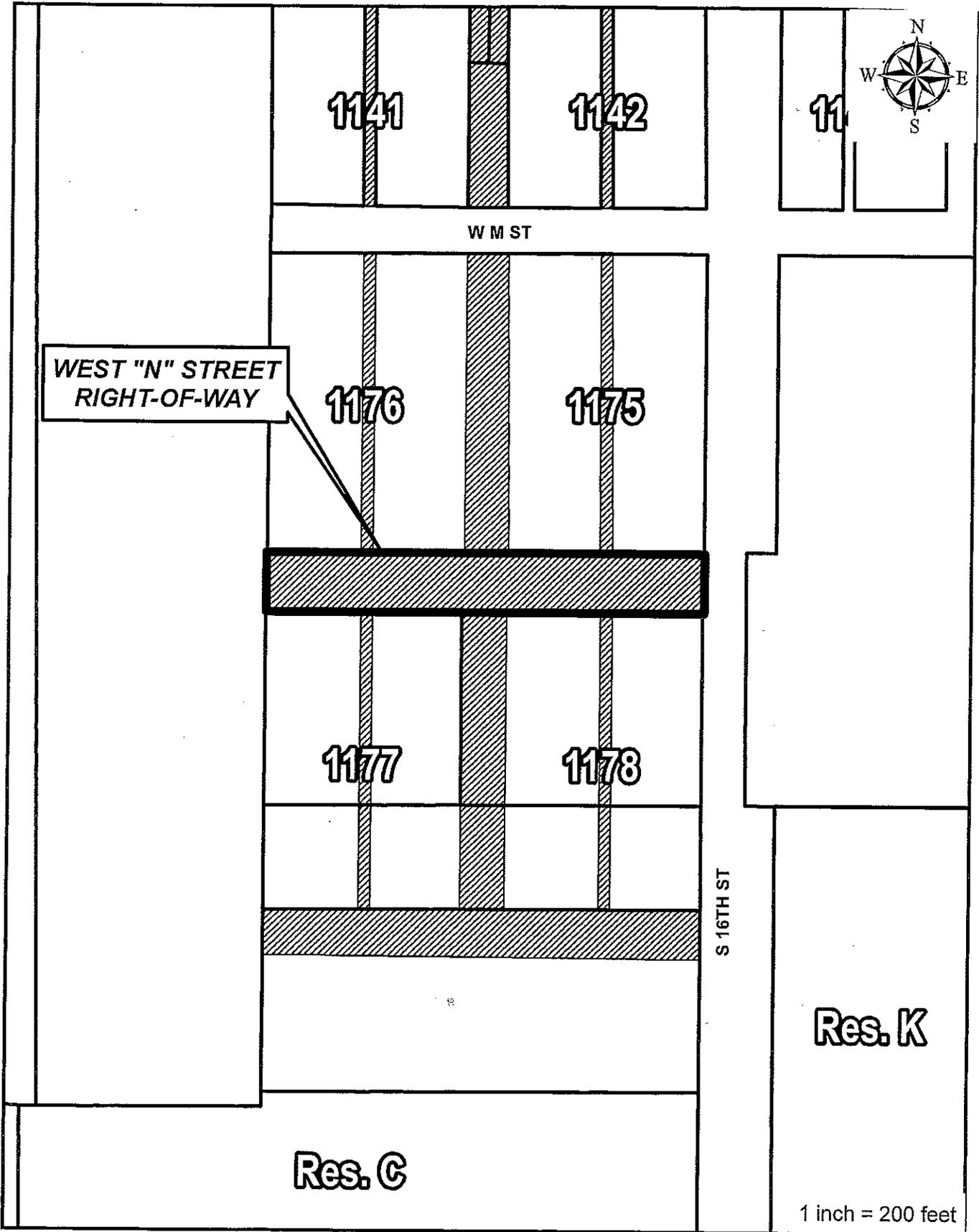
THENCE South 86 degrees, 59 minutes, 35 seconds West, a distance of 592.00 feet to the northwest corner of Lot 1, Block 1177, Town of La Porte, said point being located at the intersection of the south line of the West "N" Street Right-of-Way and the east line of a Southern Pacific Railroad 18.93 acre tract;

THENCE North 02 degrees, 56 minutes, 39 seconds West, a distance of 80.00 feet to a point located at the southwest corner of Lot 16, Block 1176, Town of La Porte, said point being the intersection of the north line of the West "N" Street Right-of-Way and the east line of the aforementioned Southern Pacific Railroad 18.93 acre tract;

THENCE North 86 degrees, 59 minutes, 35 seconds East, a distance of 592.00 feet to a point located at the southeast corner of Lot 17, Block 1175, Town of La Porte, said point being the intersection of the north line of the West "N" Street Right-of-Way and the west line of the South 16th Street Right-of-Way;

THENCE South 02 degrees, 56 minutes, 39 seconds West, a distance of 80.00 feet along the west line of the South 16th Street Right-of-Way to the POINT OF BEGINNING of the herein described tract.

EXHIBIT "B" TO DEED WITHOUT WARRANTY



WEST "N" STREET
RIGHT-OF-WAY

1141

1142

11

WM ST

1176

1175

1177

1178

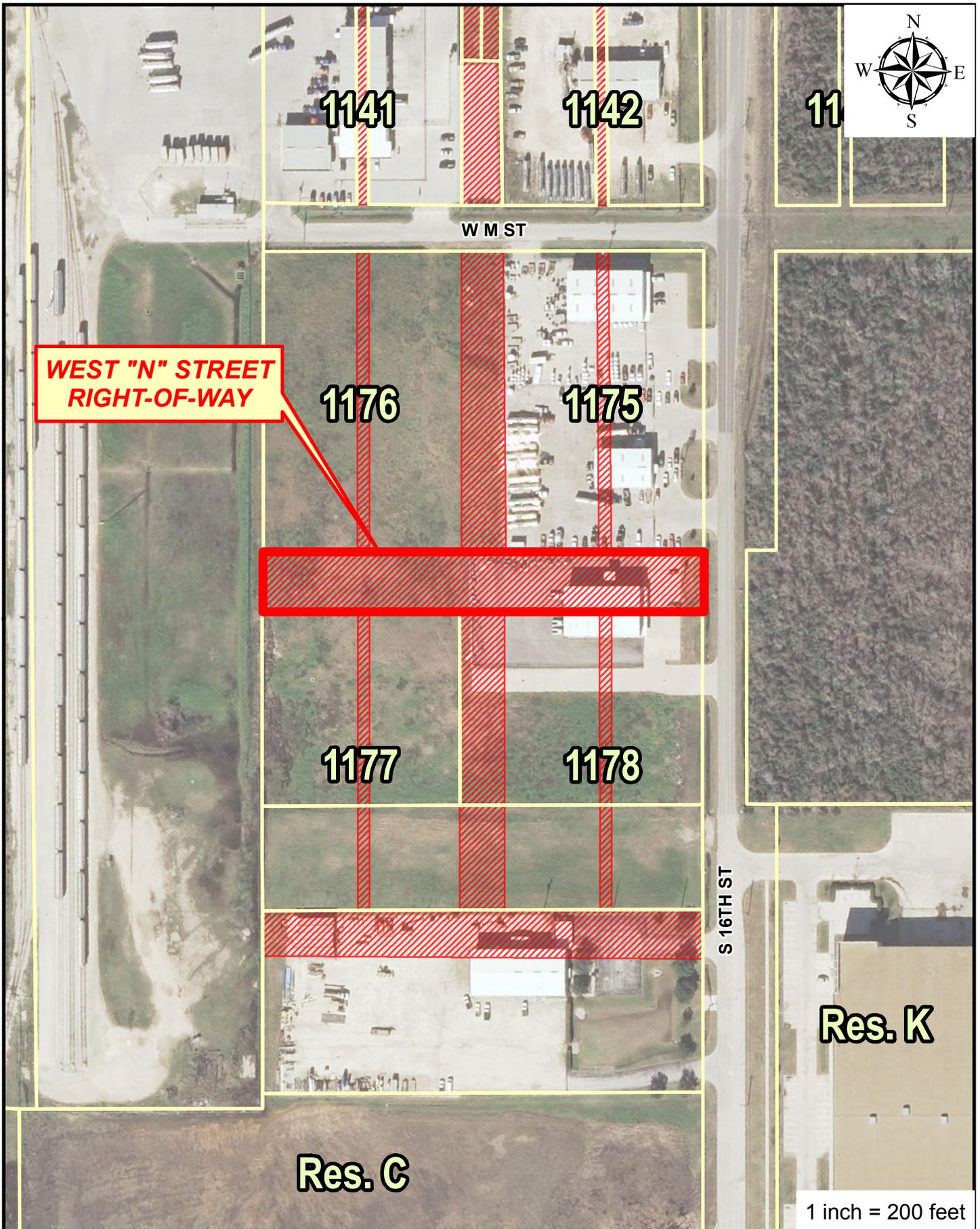
S 16TH ST

Res. K

Res. C

1 inch = 200 feet

AREA MAP



**WEST "N" STREET
RIGHT-OF-WAY**

1141

1142

11

W M ST

1176

1175

1177

1178

S 16TH ST

Res. K

Res. C

1 inch = 200 feet

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: February 8, 2016

Appropriation

Requested By: Tim Tietjens

Source of Funds:

Department: Planning & Development

Account Number:

Report: Resolution: Ordinance:

Amount Budgeted:

Other:

Amount Requested:

Budgeted Item: YES NO

Attachments :

1. Civil Rights Resolution
2. Compliance Documents

SUMMARY & RECOMMENDATIONS

In order to be eligible for the federal Community Development Block Grant (CDBG) funding being utilized for the Historic Colored School project as recently approved By Harris County Community Services Department, a series of required administrative forms/documents need to be approved by resolution. If the documents look familiar to you, it is because a resolution for the documents as well as the Fair Housing Activity Statement (FHA) was passed as part of the Hurricane Ike Recovery projects.

The required forms/documents relate to the following civil rights areas:

- Citizen Participation and Grievance Procedures documenting the City's Civil Rights Officer
- Section 3 Employment Plan for Minority and Women- Owned Business
- Excessive Force Policy
- Section 504 self-evaluation form for project monitoring
- Fair Housing Policy as previously approved globally in FHA documentation

Staff will have our Grant Administrator (Grantworks) available to answer any questions.

Action Required of Council:

Consider approval or other action of a resolution adopting civil rights policies and forms for the Historic Colored School CDBG Project # C2014-0043.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, REGARDING CIVIL RIGHTS FOR CDBG PROJECT NUMBER C2014-0043; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Whereas, the City of La Porte, Texas, (hereinafter referred to as "City") has been awarded CDBG funding through a CDBG grant from Harris County Community Services Department (hereinafter referred to as "HCCSD") Project Number C2014-0043;

Whereas, the City of La Porte, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the City of La Porte, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, the City of La Porte, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG project area;

Whereas, the City of La Porte, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the City of La Porte, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, the City of La Porte, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period, to affirmatively further fair housing;

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

1. Citizen Participation Plan and Grievance Procedures;
2. Section 3 Policy;
3. Excessive Force Policy
4. Section 504 Policy and Grievance Procedures; and
5. Fair Housing Policy.

Passed and approved this _____ day of _____, 2016.

Attest: _____
City Secretary

By: _____
Louis R. Rigby, Mayor

APPROVED: Mark T. Askins
City Attorney

CITIZEN PARTICIPATION PLAN
CITY OF LA PORTE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Harris County Community Development Block Grant (CDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at City Hall, 604 W Fairmont Parkway, La Porte, TX 77571-6215, (281) 470-5011 during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the CDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG project, whether it is a proposed, ongoing, or completed CDBG project, may during regular business hours submit such complaint or grievance, in writing to the City Manager at 604 W Fairmont Parkway, La Porte, TX 77571-6215 or may call (281) 470-5011.
2. A copy of the complaint or grievance shall be transmitted by the City Manager to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The City Manager shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3. above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the CDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of CDBG funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all

content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.

2. When a significant number of non-English speaking residents are a part of the potential service area of the CDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a CDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

Corby D. Alexander, City Manager

Date

SECTION 3 POLICY

In accordance with 12 U.S.C. 1701u, (Section 3), the City of La Porte agrees to implement the following steps, which, to the *greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Civil Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in grant funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or HCCSD to the Grant Recipient.
- G. Submit reports as required by HUD or HCCSD regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of calendar year end which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of the City of La Porte, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Corby D. Alexander, City Manager

Date

Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the City of La Porte hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of La Porte to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of the City of La Porte to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. The City of La Porte will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of La Porte, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Corby D. Alexander, City Manager

Date

Section 504 Policy against Discrimination based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of La Porte hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. City of La Porte does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. City of La Porte's recruitment materials or publications shall include a statement of this policy in 1. above.
4. City of La Porte shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the CDBG program, City of La Porte shall ensure that they are provided with the information necessary to understand and participate in the CDBG program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of La Porte to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to the City Manager at 604 W Fairmont Parkway, La Porte, TX 77571-6215 or call (281) 470-5011, who has been designated to coordinate Section 504 compliance efforts.
 - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
 - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the «Official_Title». Informal but thorough investigations will afford all

interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

- f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the City Manager, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
- g. The Section 504 coordinator shall maintain the files and records of the City of La Porte relating to the complaints files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of La Porte within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of La Porte complies with Section 504 and HUD regulations.

Corby D. Alexander, City Manager

Date

Fair Housing Policy

In accordance with Fair Housing Act, the City of La Porte hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. City of La Porte agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. City of La Porte agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. City of La Porte will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of La Porte, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Corby D. Alexander, City Manager

Date

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 8, 2016</u>
Requested By: <u>Michael Dolby, CPA</u>
Department: <u>Finance</u>
Report: <u> </u> Resolution: <u> </u> Ordinance: <u>XX</u>

<u>Appropriation</u>	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	YES NO

Exhibits: Ordinance

Exhibits: Excerpt from FY 2016 Adopted Budget & Amended Budget (Exhibit A & B)

Exhibits: Explanations / Backup for Amendment

SUMMARY & RECOMMENDATION

The City Council adopted the Fiscal Year 2015-16 Budget on September 14, 2015.

The Summary of Funds, which is shown below, represents the amendments which council previously approved to the FY 2015-16 Budget. (*denotes funds with current changes)

	Original Budget	Proposed Amended Budget
General Fund	\$ 43,193,303	\$ 43,335,826 *
Grant Fund	929,342	929,342
Street Maintenance Sales Tax Fund	1,895,000	1,895,000
Emergency Services District Sales Tax Fund	1,372,053	1,387,341 *
Hotel/Motel Occupancy Tax	773,071	773,071
Economic Development Corporation	1,147,143	1,147,143
Tax Increment Reinvestment Zone	2,514,956	2,514,956
Utility	7,439,169	7,439,169
Airport	63,806	63,806
La Porte Area Water Authority	1,149,726	1,149,726
Motor Pool	2,800,017	2,964,963 *
Insurance Fund	6,997,143	6,997,143
Technology Fund	622,000	622,000
General Capital Improvement	1,067,669	1,067,669
Utility Capital Improvement	1,080,000	1,080,000
Sewer Rehabilitation Capital Improvement	350,000	350,000
Drainage Improvement Fund	470,000	470,000
2015 Certificates of Obligation Bond Fund	4,520,000	4,520,000
General Debt Service	4,190,493	4,190,493
Utility Debt Service	267,409	267,409
La Porte Area Water Authority Debt Service	692,850	692,850
	\$83,535,150	\$83,857,907

Action Required by Council:

Adopt Ordinance Amending Fiscal Year 2015-16 Budget for the following items:

- A. \$15,288 in the Emergency Services District Fund for EKG monitor maintenance. Funding has already been approved by the ESD Board.
- B. \$15,000 in the General Fund for repairs to the City Hall water line.
- C. \$67,430 in the General Fund for demolition costs for Windsail Apartments.
- D. \$33,971 in the Vehicle Replacement Fund for replacement of a vehicle involved in an accident. The Motor Pool will be reimbursed once funding from the insurance company is received.
- E. \$130,975 in the Vehicle Replacement Fund for replacement of a wrecked ambulance. The Motor Pool will be reimbursed once funding from the insurance company is received.
- F. \$4,343 in the General Fund for EMS modems.
- G. \$55,750 in the General Fund for the Lifeguard Contract.

ORDINANCE _____

AN ORDINANCE APPROVING AN AMENDMENT TO 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, and said Budget was finally approved by ordinance on September 14, 2015;

WHEREAS, Subsection (b) of Section 102.009 of the Texas Local Government Code provides that, after final adoption of the budget, the governing body of the municipality may spend municipal funds only in strict compliance with the budget, except in emergency, where in such cases the governing body of the municipality may authorize an emergency expenditure as an amendment to the original budget only in the case of grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent thought and attention;

WHEREAS, Section 102.010 of the Texas Local Government Code provides that the governing body of a municipality may make changes to its budget for municipal purposes;

WHEREAS, the adoption of this ordinance and the amendment of the Budget is necessary for and in the best interest of the health, safety and general welfare of the inhabitants of the City;

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

SECTION 1. A grave public necessity exists and to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent thought and attention, the Budget must be amended and revised with respect to those appropriations set forth in Exhibit B, attached hereto by reference and made part hereof.

SECTION 2: 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 a summary of which is attached hereto by reference as Exhibit "A", is hereby amended as reflected on the amended budget summary document, attached hereto by reference as Exhibit "B", as the Budget for the said City of La Porte, Texas, for the period of October 1, 2015, through September 30, 2016.

SECTION 3. The several amounts stated in Exhibit B as the amended expenditures are hereby appropriated to and for the objects and purposes therein named, and are found to be for municipal purposes.

SECTION 4. The amended and revised expenditures of the general fund and the debt service fund contained in the Budget, do not exceed the resources of each fund, as so amended and revised.

SECTION 5: The City Council finds that all things requisite and necessary to the adoption of said Budget and the amendments made hereto have been performed as required by charter or statute.

SECTION 6. Upon the passage and adoption of this ordinance, a copy of the ordinance shall be filed with the City Secretary, who shall attach a copy of same to the original budget.

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 by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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

PASSED AND APPROVED this the 8th day of February, 2016.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark Askins, Assistant City Attorney

EXHIBIT A
(ORIGINAL BUDGET)

City of La Porte
Consolidated Summary of All Funds

	FY 15-16 Revenues	FY 15-16 Expenses
Governmental Fund Types:		
General Fund	\$ 43,334,397	\$ 43,193,303
Grant Fund	644,443	929,342
Street Maintenance Sales Tax	1,219,188	1,895,000
Emergency Services District	1,217,988	1,372,053
Hotel/Motel Occupancy Tax	651,500	773,071
Economic Development Corporat	2,438,875	1,147,143
Tax Increment Reinvestment	2,499,331	2,514,956
Total Governmental Types	<u>52,005,722</u>	<u>51,824,868</u>
Enterprise:		
Utility	8,574,200	7,439,169
Airport	56,700	63,806
La Porte Area Water Authority	1,324,727	1,149,726
Total Enterprise	<u>9,955,627</u>	<u>8,652,701</u>
Internal Service		
Motor Pool	3,078,289	2,800,017
Insurance Fund	5,804,881	6,997,143
Technology Fund	520,240	622,000
Total Internal Service	<u>9,403,410</u>	<u>10,419,160</u>
Capital Improvement:		
General	1,612,669	1,067,669
Utility	101,000	1,080,000
Sewer Rehabilitation	300,500	350,000
Drainage Improvement Fund	271,000	470,000
2015 C/O Bond Fund	-	4,520,000
Total Capital Improvement	<u>2,285,169</u>	<u>7,487,669</u>
Debt Service:		
General	3,920,455	4,190,493
Utility	250	267,409
La Porte Area Water Authority	-	692,850
Total Debt Service	<u>3,920,705</u>	<u>5,150,752</u>
Total All Funds	\$ 77,570,633	\$ 83,535,150

EXHIBIT B
(AMENDED BUDGET)

City of La Porte
Consolidated Summary of All Funds

	FY 15-16 Revenues	FY 15-16 Expenses
Governmental Fund Types:		
General Fund	\$ 43,334,397	\$ 43,335,826
Grant Fund	644,443	929,342
Street Maintenance Sales Tax	1,219,188	1,895,000
Emergency Services District	1,217,988	1,387,341
Hotel/Motel Occupancy Tax	651,500	773,071
Economic Development Corporat	2,438,875	1,147,143
Tax Increment Reinvestment	2,499,331	2,514,956
Total Governmental Types	<u>52,005,722</u>	<u>51,982,679</u>
Enterprise:		
Utility	8,574,200	7,439,169
Airport	56,700	63,806
La Porte Area Water Authority	1,324,727	1,149,726
Total Enterprise	<u>9,955,627</u>	<u>8,652,701</u>
Internal Service		
Motor Pool	3,078,289	2,964,963
Insurance Fund	5,804,881	6,997,143
Technology Fund	520,240	622,000
Total Internal Service	<u>9,403,410</u>	<u>10,584,106</u>
Capital Improvement:		
General	1,612,669	1,067,669
Utility	101,000	1,080,000
Sewer Rehabilitation	300,500	350,000
Drainage Improvement Fund	271,000	470,000
2015 C/O Bond Fund	-	4,520,000
Total Capital Improvement	<u>2,285,169</u>	<u>7,487,669</u>
Debt Service:		
General	3,920,455	4,190,493
Utility	250	267,409
La Porte Area Water Authority	-	692,850
Total Debt Service	<u>3,920,705</u>	<u>5,150,752</u>
Total All Funds	\$ 77,570,633	\$ 83,857,907

**La Porte Fire Control, Prevention, and Emergency Medical Services District
Minutes from August 27, 2015**

Meeting held at Fire Admin – 125 South 3rd St., La Porte, Texas.

Meeting called to order @ 5:55pm by Johnny Jones

Members present – Johnny Jones, Robert Eldridge, Tom Dye, Dottie Kaminski, Ron Nowetner, Rick Guzman, Danny Campise

Also present- Donald Ladd, Kaitlyn Hartis, Ray Nolen

Minutes from May 26, 2015 were read with a motion to approve minutes by Johnny Jones, second by Tom Dye. Minutes accepted.

Considered approval for additional funding in amount of 15,287.62 to provide for EKG monitor maintenance.

Questions from board were addressed by Ladd and Nolen. Additional funding was approved.

Second agenda item in regards to command vehicle was tabled until numbers for cost are received by Ladd.

A motion to adjourn the meeting was made by Dottie Kaminski and seconded by Danny Campise. The motion carried, meeting adjourned @ 6:04pm.

Approved:

Signed: _____

Signed: _____

Title: _____

Title: _____

Date: _____

Date: _____

Wolny, Shelley

From: Leach, Traci
Sent: Thursday, December 03, 2015 11:20 AM
To: Wolny, Shelley
Cc: Alexander, Corby; Dolby, Michael
Subject: RE: Budget amendment information

TPW Roof Repair: I am waiting on Scott to give me a firm number. I am thinking it will be about \$40,000

City Hall Water Line repair: \$15,000

Access System for WWTP: \$10,000 (Michael- can Utility Fund pay for this? I believe it is necessary to ensure that the plant is secure.)

From: Wolny, Shelley
Sent: Tuesday, December 01, 2015 8:04 AM
To: Leach, Traci <LeachT@laportetx.gov>
Subject: RE: Budget amendment information

I probably have them, but just in case, can you send them to me? I don't want to miss anything.

Thanks,
Shelley

From: Leach, Traci
Sent: Tuesday, December 01, 2015 7:01 AM
To: Wolny, Shelley <WolnyS@laportetx.gov>
Subject: Budget amendment information

Have I sent you my two projects that need to be included for the next quarterly amendment?

Traci Leach
Assistant City Manager
281-470-5012 (office)
281-813-6094 (mobile)
leacht@laportetx.gov

["The City of La Porte embraces its heritage, community values, and opportunities, while improving the quality of life for our residents."](#)

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>January 11, 2016</u>
Requested By: <u>R.J. Davidson</u>
Department: <u>Planning</u>
Report: <input checked="" type="checkbox"/> Resolution: <input type="checkbox"/> Ordinance: <input type="checkbox"/>

<u>Budget</u>
Source of Funds: <u>Contingency Funds</u>
Account Number: <u>#001-6146-515-9050</u>
Amount Budgeted: <u>\$0.00</u>
Amount Requested: <u>\$67,430.00</u>
Budgeted Item: YES <input checked="" type="checkbox"/> NO

Exhibits: Bid Tabulation

Exhibits: Bid Proposals

Exhibits: _____

SUMMARY & RECOMMENDATION

Staff is presenting 330 Bayside Dr. apartments, also known as Windsail Apartments, for awarding of bid to JTB Services in the amount of \$67,430.00 to demolish the dangerous structure. Currently the Dangerous Structure budget currently has \$48,000.00 in the account. Staff has work in progress that will utilize most of that budget throughout the 2016 budget year. Staff request to use contingency funding from account 001-6146-515-9050 in the amount of \$67,430.00. The request to utilize this money will formally come from the Finance Department at the January 25, 2016 Council meeting.

Action Required by Council:

Staff is requesting approval to award the bid in the amount of \$67,430.00 to JTB Services for demolition of the structure at 330 Bayside Dr.

Approved for City Council Agenda

Corby Alexander, City Manager

Date

C

Wolny, Shelley

From: Daeumer, Cherell
Sent: Monday, January 04, 2016 4:32 PM
To: Wolny, Shelley; Dolby, Michael; Pennell, Don
Cc: Collins, Mike
Subject: RE: PD Vehicle

If it was for the Police Charger, the Charger was \$26,185.00, equipment \$7,785.81.

Cherell Daeumer, CPPB
City of La Porte
Purchasing Manager
604 West Fairmont Pkwy.
La Porte, TX 77571
281-470-5123
daeumerc@laportetx.gov

From: Wolny, Shelley
Sent: Monday, January 04, 2016 3:59 PM
To: Dolby, Michael <DolbyM@laportetx.gov>; Pennell, Don <PennellD@laportetx.gov>
Cc: Daeumer, Cherell <DaeumerC@laportetx.gov>; Collins, Mike <CollinsM@laportetx.gov>
Subject: RE: PD Vehicle

Can you tell me the amount that needs to be included in the budget amendment? I was on vacation when I spoke with Mike, and can't locate the paper that I used to take notes.

Thanks,
Shelley

From: Dolby, Michael
Sent: Monday, December 21, 2015 4:13 PM
To: Pennell, Don <PennellD@laportetx.gov>
Cc: Daeumer, Cherell <DaeumerC@laportetx.gov>; Collins, Mike <CollinsM@laportetx.gov>; Wolny, Shelley <WolnyS@laportetx.gov>
Subject: PD Vehicle

Don,

Override the budget to approve the purchase of the vehicle and we will do a budget amendment at the end of the month to correct any overages.

Thanks

Michael

Wolny, Shelley

From: Nolen, Ray
Sent: Wednesday, January 27, 2016 9:44 AM
To: Wolny, Shelley
Cc: Alexander, Corby; Dolby, Michael; Hartleib, Matthew
Subject: RE: Unit #59-40

Importance: High
Sensitivity: Confidential

Shelley,

The final quote for the ambulance remount just came in from Frazer resulting in a final cost tabulation for replacement costs of unit #59-40.

\$46,700 – 2015 Dodge 4500 Chassis (budget adjustment completed and equipment already purchased)
\$47,175 – Frazer Modular Repair & Remount (purchase order request needs to be entered by EMS)
\$35,900 – Stryker Power Load System and Power Cot (purchase order needs to be entered by EMS)
\$1,200 – Microsoft Surface Pro 3 Computer Tablet 9 purchase order needs to be entered by EMS)

Total - \$130,975

Ray Nolen
Chief of EMS
City of La Porte
281.471.9244 (office)
281.471.0688 (fax)
Website: <http://www.lpems.org>
"Proud of our Past, Committed to our Future"

HIPAA NOTICE: Should this e-mail communication include any Protected Health Information (PHI), it is being emailed to you after securing the appropriate authorization from the patient or under circumstances that do not require patient authorization. You, the recipient, are obligated to maintain it in a safe, secure and confidential manner. Re-disclosure without additional patient consent or as permitted by law is prohibited. Unauthorized re-disclosure or failure to maintain confidentiality could subject you to penalties described in federal and state law.

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Wolny, Shelley

From: Nolen, Ray
Sent: Monday, November 09, 2015 12:38 PM
To: Valdez, Rene; Kominek, Shawn; Wolny, Shelley
Cc: Alexander, Corby
Subject: RE: Hardware request form
Attachments: EMS-modems2015.pdf

Importance: High

Valdez/Kominek- See attached updated documentation. Capt. Kominek will submit printed request form with live signatures to IT and Finance.

Wolny- See attached request with invoice. Per city manager, please include in the January Budget Amendment.

Thank you all very much,

Ray Nolen
Chief of EMS
City of La Porte
281.471.9244 (office)
281.471.0688 (fax)
Website: <http://www.lpems.org>
"Proud of our Past, Committed to our Future"

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From: Valdez, Rene
Sent: Friday, November 06, 2015 3:44 PM
To: Nolen, Ray <NolenR@laportetx.gov>; Kominek, Shawn <KominekS@laportetx.gov>
Subject: Hardware request form

Please see attachment

Rene Valdez
City of Laporte
Office 281-470-5030
Cell 832-291-4283



Physio-Control, Inc
 11811 Willows Road NE
 P.O. Box 97006
 Redmond, WA 98073-9706 U.S.A.
 www.physio-control.com
 tel 800.442.1142
 fax 800.732.0956

To IT Rene Valdez
 CITY OF LA PORTE EMS
 10428 SPENCER HWY
 LA PORTE, TX 77571
 (281) 470-5030
valdezr@laportetx.gov

Quote Number 00014839
 Revision # 1
 Created Date 10/26/2015
 Sales Consultant Carlos Graubard
 FOB Redmond, WA
 Terms All quotes subject to credit approval and the following terms and conditions
 NET Terms NET 30

Promotion (RP-2GUP) – 2G Gateway Trade-in Expiration Date 1/24/2016

Product	Product Description	Quantity	List Price	Unit Discount	Unit Sales Price	Total Price
21996-000081	3G Modem (AT&T, customer has own data plan)	6.00	1,101.00	-440.40	660.60	3,963.60
99428-000306	Gateway Provisioning Fee (For non Physio Data Plans) Per Install Site	1.00	314.00	0.00	314.00	314.00

Subtotal USD 4,277.60
 Estimated Tax USD 0.00
 Estimated Shipping & Handling USD 65.00

 Grand Total USD 4,342.60

Pricing Summary Totals
 List Price Total USD 6,920.00
 Total Contract Discounts Amount USD 0.00
 Total Discount USD -2,642.40
 Trade In Discounts USD 0.00
 Tax + S&H USD 65.00

GRAND TOTAL FOR THIS QUOTE
 USD 4,342.60

TO PLACE AN ORDER, PLEASE FAX A COPY OF THE QUOTE AND PURCHASE ORDER TO: # 800-732-0956, ATTN: REP SUPPORT

PHYSIO-CONTROL, INC. REQUIRES WRITTEN VERIFICATION OF THIS ORDER. A PURCHASE ORDER IS REQUIRED ON ALL ORDERS \$10,000 OR GREATER BEFORE APPLICABLE FREIGHT AND TAXES. THE UNDERSIGNED IS AUTHORIZED TO ACCEPT THIS ORDER IN ACCORDANCE WITH THE TERMS AND PRICES DENOTED HEREIN.

CUSTOMER APPROVAL (AUTHORIZED SIGNATURE)

NAME

TITLE

DATE

BV/00278206/74996

Notes:

Taxes, shipping and handling fees are estimates only and are subject to change at the time of order. Shipping and handling applies to ground transport only. Physio-Control will assess a \$10 handling fee on any order less than \$200.00.

Above pricing valid only if all items in quote are purchased (optional items not required).

To receive a trade-in credit, Buyer agrees to return the trade-in device(s) within 30 days of receipt of the replacement device(s) to Physio-Control's place of business or to an authorized Physio-Control representative. Physio-Control will provide instructions for returning the device(s) and will pay for the associated shipping cost.

In the event that trade-in device(s) are not received by Physio-Control within the 30-day window, Buyer acknowledges that this quote shall constitute a purchase order and agrees to be invoiced for the amount of the trade-in discount. Invoice shall be payable upon receipt.

Items listed above at no charge are included as part of a package discount that involves the purchase of a bundle of items. Buyer is solely responsible for appropriately allocating the discount extended on the bundle when fulfilling any reporting obligations it might have.

If Buyer is ordering service, Buyer affirms reading and accepts the terms of the Physio-Control, Inc. Technical Service Support Agreement which is available from your sales representative or <http://www.physio-control.com/uploadedFiles/products/serviceplans/TechnicalServiceAgreement.pdf>

SN: 1246, 1247, 1248, 1249, 1250 and 15749689

TERMS OF SALE

General Terms

Physio-Control, Inc.'s acceptance of the Buyer's order is expressly conditioned on product availability and the Buyer's assent to the terms set forth in this document and its attachments. Physio-Control, Inc. agrees to furnish the goods and services ordered by the Buyer only on these terms, and the Buyer's acceptance of any portion of the goods and services covered by this document shall confirm their acceptance by the Buyer. These terms constitute the complete agreement between the parties and they shall govern any conflicting or ambiguous terms on the Buyer's purchase order or on other documents submitted to Physio-Control, Inc. by the Buyer. These terms may only be revised or amended by a written agreement signed by an authorized representative of both parties.

Pricing

Unless otherwise indicated in this document, prices of goods and services covered by this document shall be Physio-Control, Inc. standard prices in effect at the time of delivery. Prices do not include freight insurance, freight forwarding fees, taxes, duties, import or export permit fees, or any other similar charge of any kind applicable to the goods and services covered by this document. Sales or use taxes on domestic (USA) deliveries will be invoiced in addition to the price of the goods and services covered by this document unless Physio-Control, Inc. receives a copy of a valid exemption certificate prior to delivery. Please forward your tax exemption certificate to the Physio-Control, Inc. Tax Department P.O. Box 97006, Redmond, Washington 98073-9706.

Payment

Unless otherwise indicated in this document or otherwise confirmed by Physio-Control, Inc. in writing, payment for goods and services supplied by Physio-Control, Inc. shall be subject to the following terms:

- Domestic (USA) Sales - Upon approval of credit by Physio-Control, Inc., 100% of invoice due thirty (30) days after invoice date.
- International Sales - Sight draft or acceptable (confirmed) irrevocable letter of credit.

Physio-Control, Inc. may change the terms of payment at any time prior to delivery by providing written notice to the Buyer.

Delivery

Unless otherwise indicated in this document, delivery shall be FOB Physio-Control, Inc. point of shipment and title and risk of loss shall pass to the Buyer at that point. Partial deliveries may be made and partial invoices shall be permitted and shall become due in accordance with the payment terms. In the absence of shipping instructions from the Buyer, Physio-Control, Inc. will obtain transportation on the Buyer's behalf and for the Buyer's account.

Delays

Delivery dates are approximate. Physio-Control, Inc. will not be liable for any loss or damage of any kind due to delays in delivery or nondelivery

Quote Number: 00014839

resulting from any cause beyond its reasonable control, including but not limited to, acts of God, labor disputes, the requirements of any governmental authority, war, civil unrest, terrorist acts, delays in manufacture, obtaining any required license or permit, and Physio-Control, Inc. inability to obtain goods from its usual sources. Any such delay shall not be considered a breach of Physio-Control, Inc. and the Buyer's agreement and the delivery dates shall be extended for the length of such delay.

Inspections and Returns

Claims by the Buyer for damage to or shortages of goods delivered shall be made within thirty (30) days after shipment by providing Physio-Control, Inc. with written notice of any deficiency. Payment is not contingent upon immediate correction of any deficiencies and Physio-Control, Inc. prior approval is required before the return of any goods to Physio-Control, Inc. Physio-Control, Inc. reserves the right to charge a 15% restocking fee for returns. The Physio-Control Returned Product Policy is located at http://www.physio-control.com/uploadedFiles/support/ReturnPolicy_3308529_A.pdf.

Service Terms

All device service will be governed by the Physio-Control, Inc. Technical Services Support Agreement which is available from your sales representative or <http://www.physio-control.com/uploadedFiles/products/service-plans/TechnicalServiceAgreement.pdf>. All devices that are not under Physio-Control Limited Warranty or a current Technical Service Support Agreement must be inspected and repaired (if necessary) to meet original specifications at then-current list prices prior to being covered under a Technical Service Support Agreement. If Buyer is ordering service, Buyer affirms reading and accepts the terms of the Technical Service Support Agreement.

Warranty

Physio-Control, Inc. warrants its products in accordance with the terms of the standard Physio-Control, Inc. product warranty applicable to the product to be supplied. Physio-Control, Inc. warrants services and replacement parts provided in performing such services against defects in accordance with the terms of the Physio-Control, Inc. service warranty set forth in the Technical Service Support Agreement. The remedies provided under such warranties shall be the Buyer's sole and exclusive remedies. Physio-Control, Inc. makes no other warranties, express or implied, including, without limitation, NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND IN NO EVENT SHALL PHYSIO-CONTROL, INC. BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, SPECIAL OR OTHER DAMAGES.

Patent & Indemnity

Upon receipt of prompt notice from the Buyer and with the Buyer's authority and assistance, Physio-Control, Inc. agrees to defend, indemnify and hold the Buyer harmless against any claim that the Physio-Control, Inc. products covered by this document directly infringe any United States of America patent.

Miscellaneous

a) The Buyer agrees that products purchased hereunder will not be reshipped or resold to any persons or places prohibited by the laws of the United States of America. b) Through the purchase of Physio-Control, Inc. products, the Buyer does not acquire any interest in any tooling, drawings, design information, computer programming, patents or copyrighted or confidential information related to said products, and the Buyer expressly agrees not to reverse engineer or decompile such products or related software and information. c) The rights and obligations of Physio-Control, Inc. and the Buyer related to the purchase and sale of products and services described in this document shall be governed by the laws of the State of Washington, United States of America. All costs and expenses incurred by the prevailing party related to enforcement of its rights under this document, including reasonable attorneys fees, shall be reimbursed by the other party.



Physio-Control, Inc. | Lifesaving starts here.™

ADDRESS

11811 Willows Road NE
Redmond, WA 98052

PHONE

GENERAL
425 867 4000
TOLL-FREE
800 442 1142

www.physio-control.com

September 2015

Subject: 2G to 3G modem technology transition

Dear Valued Customer,

As you may already know, 2G cellular technology is nearing end-of-life and is actively being replaced by 3G technology across the telecommunications industry. Though different mobile carriers may have different dates for discontinuation of 2G service, the industry as a whole will end 2G support within a relatively short timeframe.

You are receiving this notice because our records indicate your account has purchased 2G modems for your LIFEPAK® monitor/defibrillators. We are writing to inform you that Physio-Control has ended support for 2G modem technology and is no longer able to repair or replace 2G modems that are beyond the original warranty period. In addition, we want to inform you that, due to a Microsoft policy change, we will be updating our Microsoft server certificate on **February 14, 2016**. Any currently deployed 2G modems will no longer be able to communicate with the LIFENET System after this date.

Due to this industry-wide technology shift and the need to consistently update our server certificates to keep your sensitive data secure, we are encouraging all of our customers to transition to 3G modem technology as soon as possible.

We know our customers depend on their LIFEPAK devices and any technology change can be challenging. To help ease the transition, we are pleased to offer our loyal customers promotional pricing on 3G modems when you trade in your 2G models. Please contact your local sales representative for further information about the cellular technology transition and to learn more about this trade-in offer and to place an order.

If you don't have your sales representative's number you can find it by going to: www.physio-control.com/FindaSalesRep.aspx, then enter your zip code. You can also call 800.442.1142 and select option 2 and our Customer Support Team will assist you.

Sincerely,

PHYSIO-CONTROL, INC.

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: January 25, 2016 Appropriation
Requested By: Rosalyn Epting Source of Funds: General Fund
Department: Parks & Recreation Account Number: 001.8081.551.5007
Report: Resolution: Ordinance: Amount Budgeted: \$230,000.00
Other: Amount Requested:
Attachments : Budgeted Item: YES NO

1. Lifeguard Services Bid Tabulation

SUMMARY & RECOMMENDATIONS

During the Budget Workshop, Council discussed the budget for the lifeguarding contract at the City Pools. Staff was instructed to determine how much it would cost to run all lifeguard operations in house. Staff determined that the City could run lifeguard operations for a total of \$230,000. Staff also reported that bids would still be advertised to determine if the services could be contracted out at a lower amount.

Staff went out to bid for the 2016 summer pool season lifeguard services. The City received bids from three companies. The lowest bidder is Pool Management Inc. (PMI) with a bid of \$285,750. The bid tabulation is attached as an exhibit.

If Council approves the bid, there would be an increase of \$55,750 to the budget, which would require a budget amendment. PMI offers some additional items in the bid that the City was not going to provide if pools were run in house. Those items are programming of classes and additional marketing. PMI would have a full time Program Director that would offer a programming plan for the pools. Some of the possible programs offered would be swimming lessons, aerobics, CPR & First Aid, kayak instruction, etc. PMI is willing to pay the City 75% of the net profit for all programming. The programs PMI offer would be an added benefit to the community. Staff asked PMI what the savings would be if we removed the services of the Program Director. PMI's response was as follows, "The Program Director is an integral person in our senior management team. Given the level of programs you may elect to have, this individual is there to serve you. There is no extra cost to have them, nor is there a discount if you do not. Should your city elect to have PMI teach lessons for example, the regional Program Director is there to assist."

There are pros and cons to running lifeguard services in house or contractually. Some of the main pros and cons are listed below.

- When lifeguards are all employees of the City, they are under complete control of the City in terms of scheduling and discipline. With contracted services the company controls all discipline, the City only tell the Company how many guards are required and at what time.
- The contractor provides the City a certificate of insurance and has liability coverage if something were to occur. This provides one additional layer of liability protection.
- In House operations take a lot of time for training. This takes management staff away from other

regular duties during the busiest season of the year. Not to mention, the HR Department time that is required to process approximately 50 employees with background checks, drug screens, and orientations.

- Retention of lifeguards in house is a recurring issue. With contracting out, the contractor usually has a bigger lifeguard base and is able to fill shifts as summer begins to come to an end.
- If the City were to contract out, the Contractor would be providing classes that the City was not providing. This would become an extra revenue stream and service to the community.

Action Required of Council:

1. Consider approval or other action of a contract with Pool Management Inc. and include the budget increase of \$55,750 in the upcoming budget amendment; or
2. Direct staff to begin the recruitment process for lifeguard services to be managed in house.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 8, 2016</u>	<u>Appropriation</u>
Requested By: <u>Traci E. Leach</u>	Source of Funds: <u>NA</u>
Department: <u>Administration</u>	Account Number: <u>NA</u>
Report: <input type="radio"/> Resolution: <input type="radio"/> Ordinance: <input checked="" type="radio"/>	Amount Budgeted: <u>NA</u>
Other: <input type="radio"/>	Amount Requested: <u>NA</u>
	Budgeted Item: <input type="radio"/> YES <input type="radio"/> NO

Attachments :

- 1. TXDOT Speed Study**
- 2. Redline Ordinance**
- 3. Clean Ordinance**

SUMMARY & RECOMMENDATIONS

On August 25, 2014, staff presented information to the City Council regarding several changes to Wharton Weems Boulevard from SH 146 to S. Broadway- changing the lane configurations for traffic turning eastbound onto Wharton Weems from SH 146 and reduction in the speed limit.

At this meeting, staff was directed to work with TXDOT to identify a solution to the dangerous merging at the intersection of SH 146 and Wharton Weems. The new striping layout has been installed and there is now a single turn lane from the southbound lanes onto Wharton Weems, which eliminated the need for vehicles to merge from two turn lanes once on Wharton Weems.

At this time, staff is bringing the proposal to reduce the speed to the Council for consideration. TXDOT had completed a speed study, which resulted in two recommendations:

1. Decrease the speed limit from 55 mph to 45 mph on Wharton Weems from SH 146 to Broadway. With increased residential traffic along Wharton Weems, the lower speed limit will improve the safety of those vehicles entering and exiting the Lakes at Fairmont Green.
2. Increase the speed limit on S. Broadway from approximately 538 feet north of N. Forrest Avenue to Wharton Weems Blvd from 40 mph to 45 mph.

Staff is recommending approval of an ordinance amending Chapter 70 of the Code of Ordinances to reduce the speed limit on Wharton Weems Blvd from 55 mph to 45 mph and increase the speed limit on S. Broadway from approximately 538 feet north of N. Forrest Avenue to Wharton Weems from 40 mph to 45 mph.

Action Required of Council:

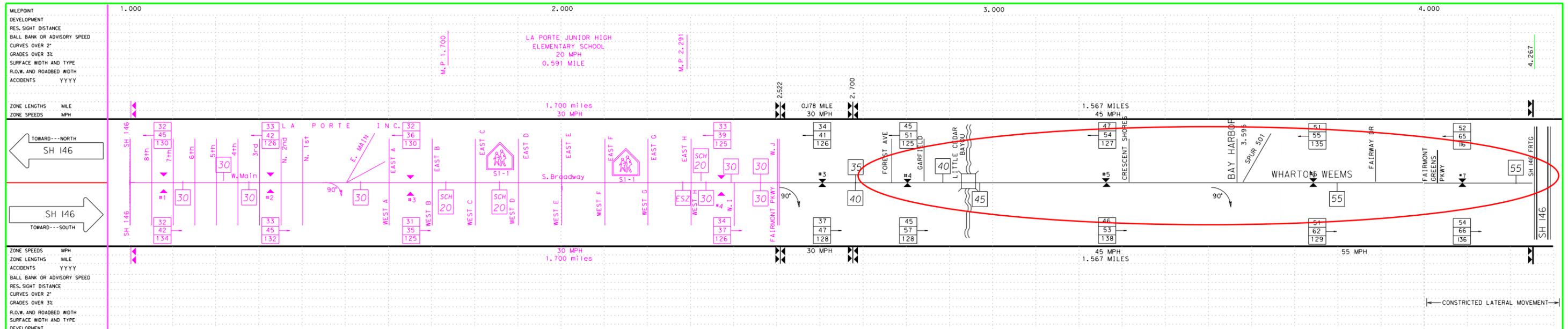
Consider approval or other action of an Ordinance amending Chapter 70 "Traffic and Vehicles" of the Code of Ordinances by altering the prima facie speed limits established for vehicles under the provisions of Sec. 545.356, Texas Transportation Code, upon certain street and highways, or parts thereof, within the corporate limits of the City of La Porte.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

NOT TXDOT ROW



DISTRICT	HOUSTON	COUNTY	HARRIS	MINUTE NO.	DATE	✓/✓
HIGHWAY	BS 146 D	CITY	LA PORTE	REPLACES	DATE	✓/✓
DATE OF SURVEY	5/2013	SCALE	5" = 1 MILE	REPLACED BY	DATE	✓/✓
				CANCELED BY	DATE	✓/✓

LIMITS OF ZONE					
SECTION ONE			SECTION TWO		
STA. OR M.P.	CONT. & SECT.	PROJECT	STA. OR M.P.	CONT. & SECT.	PROJECT
BEGNS	389-15		BEGNS		
ENDS	389-15		ENDS		

LIMITS OF ZONE			
SECTION THREE		SECTION FOUR	
STA. OR M.P.	LENGTH	STA. OR M.P.	LENGTH
BEGNS		BEGNS	
ENDS		ENDS	

SPEED CHECK BLOCK:

- 68 - 85 PERCENTILE SPEED
- 74 - TOP SPEED MEASURED
- 85 - NUMBER OF CARS CHECKED
- 65 - TRIAL RUN CONDUCTED
- - FATAL ACCIDENT
- - PERSONAL INJURY ACCIDENT
- ⊖ - PROPERTY DAMAGE ACCIDENT
- ★ - EXCEEDED STATEWIDE AVERAGE ACCIDENT

SECTION ZONED BY COMMISSION MINUTE ORDER

SECTION ZONED BY CITY ORDINANCE

- 55 - EXISTING SPEED LIMIT SIGN
- #N - SPEED CHECK STATION

EXISTING SIGNAL

EXISTING FLASHING BECON

EXISTING POLE

PROPOSED SIGN

- PC - POINT OF CURVE
- PT - POINT OF TANGENT

S5-1

R2-1

PROPOSED SPEED LIMIT SIGN (TYP)

PROPOSED SCHOOL ZONE WHEN FLASHING WITH BEACONS (TYP)

PROPOSED REDUCED SPEED AHEAD SIGN (TYP)

W3-5

TEXAS DEPARTMENT OF TRANSPORTATION

SPEED ZONE

STRIP MAP 5720

ORDINANCE NO. 2016 - _____

AN ORDINANCE AMENDING CHAPTER 70 "TRAFFIC AND VEHICLES" OF THE CODE OF ORDINANCES BY ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SEC. 545.356, TEXAS TRANSPORTATION CODE, UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF LA PORTE; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Whereas, Sec. 545.356 of the Texas Transportation Code provides that whenever the governing body of a municipality shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the city, taking into consideration the width and condition of the pavement and other circumstances on such portion of the street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway;

Now Therefore, upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of §545.356, Texas Transportation Code, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof:

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

Section 1: That Chapter 70, "Traffic and Vehicles," Article III, "Operation of Vehicles," Division 2. "Speed Limits", Section 70-103 "Forty mile per hour zones," of the Code of Ordinances, La Porte, Texas, is hereby amended to read as follows:

"Sec. 70-103. - Forty mile per hour zones.

The following streets or portions of such streets shall constitute special speed zones, and it shall be unlawful for any person to operate any motor vehicle at a rate of speed in excess of 40 miles per hour in any such zone:

- (1) Along West Main from Luella Boulevard to a point 2,000 feet west of Luella Boulevard, a distance of 2,000 feet, 0.38 miles;

- (2) Along North H Street from Lomax School Road to 26th Street, a distance of 8,300 feet, 1.57 miles;
- (3) Along North L Street, from a point 2,750 feet east of Lomax School Road to 26th Street, a distance of 5,500 feet, 1.04 miles;
- (4) Along North P Street from Underwood Road to 26th Street, a distance of 13,100 feet, 2.48 miles;
- (5) Along 26th Street from State Highway 225 to West Main, a distance of 9,300 feet, 1.76 miles;
- (6) Along North 16th Street from Barbours Cut Boulevard to West Main, a distance of 2,850 feet, 0.54 miles;
- (7) Along South 16th Street, from a point 1,500 feet south of West Main to Fairmont Parkway, a distance of 3,300 feet, 0.63 miles; and
- (8) Along Barbours Cut Boulevard from North 16th Street to State Highway 146, a distance of 2,050 feet, 0.39 miles."
- (9) Along SS 501 from BS 146 D (Wharton Weems Blvd) to Fairfield, a distance of 0.873 miles.
- (10) Along SS 501 from 272 feet north of North Shady Lane to the South City of La Porte Limit, a distance of approximately 0.144 miles.
- ~~(11) Along BS 146 D from 540 feet north of Forest Avenue to 1,596 feet south of Forest Avenue, a distance of 0.200 miles.~~
- (11)** ~~(12)~~ Along SH 146 northbound and southbound frontage roads, from the intersection of Barbours Cut Blvd. to the intersection of McCabe road, a distance of approximately 2.966 miles."

Section 2: That Chapter 70, "Traffic and Vehicles," Article III, "Operation of Vehicles," Division 2. "Speed Limits", Section 70-104 "Forty-five mile per hour zones," of the Code of Ordinances, La Porte, Texas, is hereby amended to read as follows:

Sec. 70-104. - Forty-five mile per hour zones.

The following streets or portions of such streets shall constitute special speed zones, and it shall be unlawful for any person to operate any motor vehicle at a rate of speed in excess of 45 miles per hour in any such zone:

- (1) Along Underwood Road from North P Street to a point 650 feet north of West Main, a distance of 6,900 feet, 1.31 miles;
- (2) Along Underwood Road, from a point 2,350 feet south of West Main to Fairmont Parkway, a distance of 2,400 feet, 0.45 miles;
- (3) Along West Main Street, from a point 1,900 feet west of South 16th Street to the western corporate limits;
- (4) Along West Fairmont Parkway, from a point 2,400 feet east of Bay Area Boulevard to a point 550 feet west of State Highway 146, a distance of 2,500 feet, 0.47 miles;
- ~~(5) Along BS 146 D from 1,596 feet south of Forest Avenue to Wharton Weems Blvd, a distance of approximately 0.695 miles;~~

- (5) (6) Along Bay Area Blvd. from Fairmont Parkway to West Main Street, a distance of 4,850 feet, 0.92 miles;
- (6) (7) Along Canada Road from Defiance Street to Fairmont Parkway, a distance of 2,920 feet, 0.55 miles;
- (7) Along BS146 D from a point 538 feet north of N. Forrest Avenue to SH 146, a distance of approximately 1.567 miles.”

Section 3: That Chapter 70, “Traffic and Vehicles,” Article III, “Operation of Vehicles,” Division 2. “Speed Limits”, Section 70-106 “Fifty-five mile per hour zones,” of the Code of Ordinances, La Porte, Texas, is hereby amended to read as follows:

“Sec. 70-106. - Fifty-five mile per hour zones.

The following streets or portions of such streets shall constitute special speed zones, and it shall be unlawful for any person to operate any motor vehicle at a rate of speed in excess of 55 miles per hour in any such zone:

- (1) Fairmont Parkway, from a point 2,400 feet east of Bay Area Boulevard to Luella Boulevard, a distance of 22,800 feet, 4.318 miles.”
- (2) ~~Along BS 146 D from Wharton Weems Blvd. to SH 146, a distance of approximately 0.672 miles.~~

Section 4. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO HUNDRED DOLLARS (\$200.00).

Section 5. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

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

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

PASSED AND APPROVED this the _____ day of _____, 2016.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:

Assistant City Attorney

ORDINANCE NO. 2016 -

AN ORDINANCE AMENDING CHAPTER 70 "TRAFFIC AND VEHICLES" OF THE CODE OF ORDINANCES BY ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SEC. 545.356, TEXAS TRANSPORTATION CODE, UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF LA PORTE; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Whereas, Sec. 545.356 of the Texas Transportation Code provides that whenever the governing body of a municipality shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the city, taking into consideration the width and condition of the pavement and other circumstances on such portion of the street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway;

Now Therefore, upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of §545.356, Texas Transportation Code, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof:

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

Section 1: That Chapter 70, "Traffic and Vehicles," Article III, "Operation of Vehicles," Division 2. "Speed Limits", Section 70-103 "Forty mile per hour zones," of the Code of Ordinances, La Porte, Texas, is hereby amended to read as follows:

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- (3) Along North L Street, from a point 2,750 feet east of Lomax School Road to 26th Street, a distance of 5,500 feet, 1.04 miles;
- (4) Along North P Street from Underwood Road to 26th Street, a distance of 13,100 feet, 2.48 miles;
- (5) Along 26th Street from State Highway 225 to West Main, a distance of 9,300 feet, 1.76 miles;
- (6) Along North 16th Street from Barbours Cut Boulevard to West Main, a distance of 2,850 feet, 0.54 miles;
- (7) Along South 16th Street, from a point 1,500 feet south of West Main to Fairmont Parkway, a distance of 3,300 feet, 0.63 miles; and
- (8) Along Barbours Cut Boulevard from North 16th Street to State Highway 146, a distance of 2,050 feet, 0.39 miles."
- (9) Along SS 501 from BS 146 D (Wharton Weems Blvd) to Fairfield, a distance of 0.873 miles.
- (10) Along SS 501 from 272 feet north of North Shady Lane to the South City of La Porte Limit, a distance of approximately 0.144 miles.
- (11) Along SH 146 northbound and southbound frontage roads, from the intersection of Barbours Cut Blvd. to the intersection of McCabe road, a distance of approximately 2.966 miles."

Section 2: That Chapter 70, "Traffic and Vehicles," Article III, "Operation of Vehicles," Division 2. "Speed Limits", Section 70-104 "Forty-five mile per hour zones," of the Code of Ordinances, La Porte, Texas, is hereby amended to read as follows:

"Sec. 70-104. - Forty-five mile per hour zones.

The following streets or portions of such streets shall constitute special speed zones, and it shall be unlawful for any person to operate any motor vehicle at a rate of speed in excess of 45 miles per hour in any such zone:

- (1) Along Underwood Road from North P Street to a point 650 feet north of West Main, a distance of 6,900 feet, 1.31 miles;
- (2) Along Underwood Road, from a point 2,350 feet south of West Main to Fairmont Parkway, a distance of 2,400 feet, 0.45 miles;
- (3) Along West Main Street, from a point 1,900 feet west of South 16th Street to the western corporate limits;
- (4) Along West Fairmont Parkway, from a point 2,400 feet east of Bay Area Boulevard to a point 550 feet west of State Highway 146, a distance of 2,500 feet, 0.47 miles;
- (5) Along Bay Area Blvd. from Fairmont Parkway to West Main Street, a distance of 4,850 feet, 0.92 miles;
- (6) Along Canada Road from Defiance Street to Fairmont Parkway, a distance of 2,920 feet, 0.55 miles;

(7) Along BS146 D from a point 538 feet north of N. Forrest Avenue to SH 146, a distance of approximately 1.567 miles.”

Section 3: That Chapter 70, “Traffic and Vehicles,” Article III, “Operation of Vehicles,” Division 2. “Speed Limits”, Section 70-106 “Fifty-five mile per hour zones,” of the Code of Ordinances, La Porte, Texas, is hereby amended to read as follows:

“Sec. 70-106. - Fifty-five mile per hour zones.

The following streets or portions of such streets shall constitute special speed zones, and it shall be unlawful for any person to operate any motor vehicle at a rate of speed in excess of 55 miles per hour in any such zone:

(1) Fairmont Parkway, from a point 2,400 feet east of Bay Area Boulevard to Luella Boulevard, a distance of 22,800 feet, 4.318 miles.”

Section 4. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO HUNDRED DOLLARS (\$200.00).

Section 5. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

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

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

PASSED AND APPROVED this the _____ day of _____, 2016.

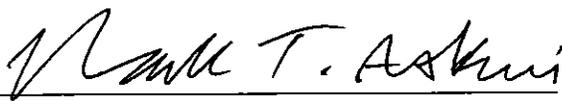
CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:



Assistant City Attorney



**Council Agenda Item
February 8, 2016**

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



Council Agenda Item February 8, 2016

9. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, February 18, 2016
- City Council Meeting, Monday, February 22, 2016
- Zoning Board of Adjustment Meeting, Thursday, February 25, 2016

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, K. Martin, Kaminski, Zemanek, Leonard, Engelken and Mayor Rigby

11. ADJOURN
