

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 April 11, 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 Dee Spears, Fairmont Park Church.
- 3. PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember Dottie Kaminski.
- 4. PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Proclamation - Fair Housing Month in the City of La Porte - Mayor Rigby
 - (b) Proclamation - Sexual Assault Awareness Month - Mayor Rigby
 - (c) Proclamation - Rose Hall Day - Mayor Rigby
- 5. PUBLIC COMMENTS** (Limited to five minutes per person.)
- 6. CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
 - (a) Consider approval or other action regarding the minutes of the Special Called Meeting held on March 24, 2016 and the Regular City Council Meeting held on March 28, 2016 - P. Fogarty
 - (b) Consider approval or other action regarding Buy Board purchase for pre-fabricated restroom facility for installation at Dr. Martin Luther King Jr. Park - R. Epting
- 7. DISCUSSION AND POSSIBLE ACTION**
 - (a) Discussion and possible action regarding appointment to fill one vacancy on the La Porte Development Corporation Board of Directors - P. Fogarty
- 8. ADMINISTRATIVE REPORTS**
 - Planning and Zoning Commission Meeting, Thursday, April 21, 2016
 - La Porte Development Corporation Board Meeting, Monday, April 25, 2016
 - Zoning Board of Adjustment Meeting, Thursday, April 28, 2016
 - City Council Meeting, Monday, April 25, 2016
- 9. 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 Kaminski, Zemanek, Leonard, Engelken, Earp, Clausen, J. Martin, K. Martin and Mayor Rigby

10. 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 April 11, 2016, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on April 5, 2016.

Patrice Fogarty



**Council Agenda Item
April 11, 2016**

1. **CALL TO ORDER**
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 - (c) Proclamation - Rose Hall Day - Mayor Rigby
5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Office of the Mayor



Proclamation

WHEREAS, Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS, The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS, The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, I, Mayor Louis R. Rigby, along with members of the La Porte City Council, do hereby declare the month of April as the month to urge all citizens of this locality to become aware of and support the Fair Housing Law and therefore proclaim this month as

“Fair Housing Month in the City of La Porte”

In Witness Whereof: I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 11th day of April 2016.

CITY OF LA PORTE

Louis R. Rigby, Mayor

Office of the Mayor



Proclamation

WHEREAS, Sexual Assault Awareness Month calls attention to the fact that sexual violence is widespread and impacts every person in this community; and

WHEREAS, rape, sexual assault, and sexual harassment harm our community, with statistics showing 1 in 5 women and one in 71 men will be raped at some point in their lives; and

WHEREAS, child sexual abuse prevention must be a priority to confront the reality that 1 in 6 boys and 1 in 4 girls will experience a sexual assault before age 18; and

WHEREAS, we must work together to educate our community about sexual violence prevention, supporting survivors, and speaking out against harmful attitudes and actions; and

WHEREAS, prevention is possible when everyone gets involved. The first step is increasing education, awareness, and community involvement; and

WHEREAS, April is Sexual Assault Awareness Month, but each day of the year is an opportunity to create change for the future.

Now, Therefore, I, Mayor Louis R. Rigby, along with members of the La Porte City Council, proudly proclaim the month of April, 2016 as

“SEXUAL ASSAULT AWARENESS MONTH”

In the City of La Porte, and join with advocates and communities across the country in taking action to prevent sexual violence, by taking all opportunities to create change for the future.

IN WITNESS THEREOF, I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 11th day of April, 2016.

CITY OF LA PORTE

Louis R. Rigby, Mayor

Office of the Mayor



Proclamation

Whereas, Rose Hall began her employment with the City of La Porte in 1999; and

Whereas, Rose always had a hug for City staff members and friends, and more than one hug if you were willing to stand still long enough; and

Whereas, Rose genuinely cared for her fellow workers and considered everyone part of her family; and

Whereas, Rose received her Heavenly reward on January 26, 2016, but still lives in the hearts and minds of her friends and family.

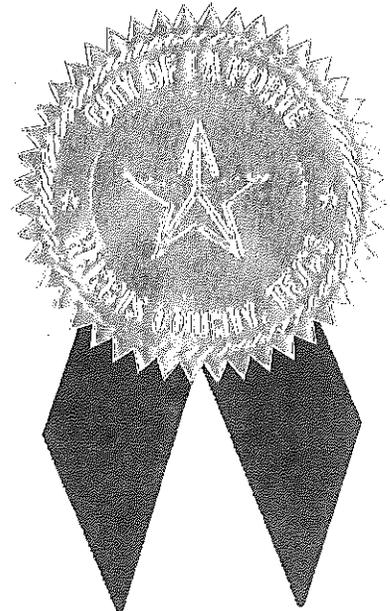
NOW, THEREFORE, I, Louis R. Rigby, Mayor, along with members of the La Porte City Council, do hereby proclaim April 12, 2016, as

“Rose Hall Day”

IN WITNESS THEREOF, I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 11th day of April, 2016.

CITY OF LA PORTE

Louis R. Rigby, Mayor





**Council Agenda Item
April 11, 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.)*
- (a)** Consider approval or other action regarding the minutes of the Special Called Meeting held on March 24, 2016 and the Regular City Council Meeting held on March 28, 2016 - P. Fogarty

 - (b)** Consider approval or other action regarding Buy Board purchase for pre-fabricated restroom facility for installation at Dr. Martin Luther King Jr. Park - R. Epting

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MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE MARCH 24, 2016

The City Council of the City of La Porte met in a special meeting on **Thursday March 24, 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, K. Martin, Leonard, Clausen, Kaminski and J. Martin. Also present were Assistant City Secretary Sharon Harris and City Manager Corby Alexander.

2. DISCUSSION AND POSSIBLE ACTION – The purpose of this meeting is to discuss and formulate City Council and staff plans, operations, policies, and/or future projects, including the following:

(a) Discussion or other action regarding plans for the upcoming 125th Anniversary Celebration.

City Manager Corby Alexander presented a summary for the upcoming 125th Anniversary Celebration for the City of La Porte.

Councilmember Clausen commented he would like input from the citizens of La Porte and suggested a planning committee as part of the planning process for the upcoming 125th Anniversary Celebration.

Councilmember J. Martin commented his idea of citizens as a part of a planning committee is to assist staff by presenting a schedule of activities for the celebration. In addition, Councilmember J. Martin questioned if the City will attempt to recoup any cost associated with the celebration by charging entry fees and who will be in charge of the planning committee from the City.

Councilmember Zemanek suggested Council decide the structure of the celebration before formulating a planning committee and commented he feels the responsibilities of the celebration should fall on City Council and Staff instead of a planning committee.

Councilmember Engelken commented his thoughts are to have a committee of citizens that will present options for a celebration before the Budget Workshop. In addition, Councilmember Engelken commented it should be okay for Council to serve on the planning committee, as well.

Councilmember Earp commented he agrees with a planning committee and suggested sponsorships for the celebration be allowed to save the City costs. In addition, Councilmember Earp suggested the celebration should be free to the public.

Mayor Rigby advised reservations for a well-known music entertainer need to be secured a year in advance for the celebration.

Councilmember Leonard commented he likes the idea of sponsorships and questioned the theme for promoting the 125th Anniversary Celebration.

Councilmember Zemanek commented he does not see the need for sponsorships when the cost for the celebration is not coming out of the General Fund.

Councilmember K. Martin commented she would like to have family involvement in the celebration.

Councilmember Clausen advised La Porte Independent School District is working and planning a 100th Year Celebration this coming fall and commented the City should celebrate its heritage. Mayor Rigby asked if there are citizens involved in the planning of the celebration. Councilmember Clausen responded yes.

Mayor Rigby commented Council can provide a basic list with direction for a planning committee to present options to the full Council for a 125th Anniversary Celebration.

Council agreed on a planning committee to consist of Councilmembers or a member appointed by a Councilmember; planned August 11-12, 2017, as the dates for the 125th Anniversary Celebration.

Councilmember Earp requested an agenda item be presented at future City Council meetings to provide a progress report on activities for the 125th Anniversary Celebration.

3. **COUNCIL COMMENTS** regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information.

There were no comments.

4. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 6:52 p.m. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY.**

Sharon Harris, Assistant City Secretary

Passed and approved on April 11, 2016.

Mayor Louis R. Rigby

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Councilmember District 6

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
MARCH 28, 2016**

The City Council of the City of La Porte met in a regular meeting on **Monday March 28, 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, Clausen, K. Martin, Leonard, Kaminski and J. Martin. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.

2. **INVOCATION** – The invocation was given by Barbara Norwine.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Kristin Martin.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Proclamation – La Porte Special Olympics Shrimp Boil Day – Mayor Rigby

Mayor Rigby presented a proclamation for the La Porte Special Olympics Shrimp Boil Day.

- (b) Recognition – Retirement of Keith Walker (City of La Porte Fire Department) – Mayor Rigby

Mayor Rigby recognized Keith Walker on his retirement from the City of La Porte Fire Department.

City Council recessed the meeting at 6:10 p.m. for a short break to allow ticket sales to the Shrimp Boil. He reconvened the meeting at 6:15 p.m.

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

Barbara Norwine, 202 S. Lobit, addressed Council and showed photos of code enforcement issues in her neighborhood.

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 March 14, 2016 – P. Fogarty

- (b) Consider approval or other action regarding a Resolution authorizing the sale of tax delinquent properties consisting of Tracts 5 &6, Block 1445 and Lot 1, Block 1125, Town of La Porte – K. Powell
- (c) Consider approval or other action regarding a Resolution authorizing the Harris County Constable’s Office to hold a second public hearing on the sale of tax delinquent property described as Block 85, Lots 29 and 30, Town of La Porte – K. Powell

Consent Item C was not considered and was moved to the April 25, 2016, City Council meeting.

Regarding the tax properties, Councilmember Earp questioned how the percentage of taxes due to each jurisdiction is calculated and is it based on each particular property only. Tax Manager Kathy Powell answered the percentages are based upon judgement, and the percentage is based on the particular property.

Councilmember Engelken moved to approve Consent Agenda items A and B pursuant to staff recommendations. Councilmember Clausen seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

7. RESOLUTION

- (a) Consider approval or other action regarding a Resolution Opposing Central Regional Alternative Design #2 (CR#2) Storm Suppression Alternative by Gulf Coast Community Protection and Recovery District (GCCPRD) – T. Tietjens

Planning and Development Director Tim Tietjens presented a summary.

Councilmember J. Martin suggested one modification to paragraph one of the resolution to add the words “schools and churches.”

Councilmember Zemanek asked if there is any idea of funding for construction. Mr. Tietjens responded he does not know.

Councilmember Engelken suggested sending the resolution, if passed, to state elected officials and the White House.

Councilmember J. Martin moved to approve a resolution with adding the words “schools and churches” to the first WHEREAS, and opposing Central Region Alternative #2 (CR#2) of the Gulf Coast Community Protection and Recovery District (GCCPRD) Storm Suppression Study, and supporting Central Region Alternative #1 (CR#1). Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

8. ADMINISTRATIVE REPORTS

City Manager Corby Alexander advised Council that staff will reach out to Ms. Norwine to identify any possible code violations.

- 9. 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 K. Martin, Kaminski and Engelken congratulated the La Porte Special Olympics and Keith Walker; Councilmember Zemanek congratulated the La Porte Special Olympics and Keith Walker; and requested updates on meeting with the Heritage Society, the ordering of chaise lounges at

the Wave Pool, the lowering of the speed limit on Fairmont Parkway, the trash bag coupon issue, and how will the fill dirt work east of Willmont on Fairmont Parkway will be monitored; Councilmember Leonard commented he hopes everyone will purchase shrimp boil tickets and congratulated Keith Walker; Councilmember Earp congratulated the La Porte Special Olympics and Keith Walker; commented he walked the property east of Willmont on Fairmont Parkway and urged staff to go out there and take a look at the work on the west end of the property; Councilmember Clausen congratulated Keith Walker and commented he wishes everyone participates in the shrimp boil; Councilmember J. Martin congratulated Keith Walker; commented he wishes everyone will participate with the shrimp boil and advised he was informed by Assistant City Manager Traci Leach that TxDot has approved funds for beautification of the median on Wharton Weems Blvd and Hwy 146; and Mayor Rigby commented he appreciates the support for the shrimp boil; recalled a time when Keith Walker worked 30 days straight and congratulated him on his retirement, and advised Council did not receive an invite to the Senior Center Melodrama and Chili Cook-Off.

10. **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 551.074 – Personnel Matter: Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, unless the officer or employee requests a public hearing: City Manager Corby Alexander.

City Council recessed the regular Council meeting to convene an executive session at 6:41 p.m. regarding the item listed above.

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

Council reconvened into the regular Council meeting at 7:02 p.m. Regarding the evaluation of the City Manager, Corby Alexander, City Council received a report from City Manager Corby Alexander regarding personnel assignments.

12. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:03 p.m. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on April 11, 2016.

Mayor Louis R. Rigby

REQUEST FOR CITY COUNCIL AGENDA ITEM

| | | | |
|--|-----------------------------------|----------------------------------|---|
| Agenda Date Requested: | <u>April 11, 2016</u> | Appropriation | |
| Requested By: | <u>Rosalyn Epting</u> | Source of Funds: | <u>General Fund</u> |
| Department: | <u>Parks & Recreation</u> | Account Number: | <u>015-9892-691-1100</u> |
| Report: <input checked="" type="radio"/> | Resolution: <input type="radio"/> | Ordinance: <input type="radio"/> | Amount Budgeted: <u>\$550,000</u> |
| Other: <input type="radio"/> | | | Amount Requested: <u>\$83,188.30</u> |
| | | Budgeted Item: | <input checked="" type="radio"/> YES <input type="radio"/> NO |

Attachments :

1. Restroom Quote
2. Restroom Floor Plan
3. Image of Restroom
4. Aerial Layout of Park

SUMMARY & RECOMMENDATIONS

The next item budgeted for the Dr. Martin Luther King, Jr. Park Project is the restrooms. Staff is recommending a pre-fabricated building with one men's restroom (one urinal, one toilet, one sink) and one women's restroom (one toilet, one sink). A pre-fab building is a commercial structure in which one or more modules of the building are built offsite and then moved to the site location for installation.

Exhibit two has the floor plan of the restrooms. Note that the door in the middle of the front side of the building will be at the back of the building. In its place, staff will have a cutout that will house two water fountains. Staff would prepare the site as noted in the "client's scope of work" on the attached quote (exhibit one), which includes soil work, plumbing, and electrical work. This would be a Buy Board Purchase for \$83,188.30.

The current project balance is \$124,713. In addition to the Buy Board purchase of the restroom building, there is work outside of the scope of the restroom vendor's contract that is proposed to be performed by either in-house crews or contractors engaged by the City. This work includes dirt work and sidewalks, soil and compaction testing, electrical tie in, sod work when restroom installation is complete, and plumbing work. This work is estimated to cost approximately \$16,000 to \$20,000, depending on final quotes obtained. When combined with the restroom purchase, total cost for the final phases of this project will be \$99,188 to \$103,188.

Staff recommends approval of a contract to purchase a pre-fabricated building with one men's restroom (one urinal, one toilet, one sink) and one women's restroom (one toilet, one sink) via Buy Board contract 423-13 from Restroom Facilities Limited.

Action Required of Council:

Approval or other action the Buy Board purchase of \$83,188.30 for the restroom facility at Dr. Martin Luther King, Jr. Park.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



TURNKEY QUOTATION

PROJECT NAME: MARTIN L. KING SPLASH PARK
OWNER: CITY OF LA PORTE, TEXAS
DATE: 2/29/2016

Restroom Facilities Limited (RFL), the Nation's leading specialized restroom design/build firm since 1988, offers to furnish and install, per plans and specifications, subject to our attached Scope of Work, and the Standard Terms and Conditions of Sale, which become part of our offer to sell.

BUYBOARD CONTRACT 423-13

| | | |
|--|----------|---------------------|
| RFL BASE MODEL #AB212DF | @ | \$ 65,265.30 |
| INSTALL | @ | \$ 9,000.00 |
| TOTAL WITH BUYBOARD DISCOUNT | @ | \$ 74,265.30 |
| | | |
| FREIGHT, CRANE, BOND | @ | \$ 8,923.00 |
| TOTAL BUYBOARD W/ FREIGHT AND CRANE | @ | \$ 83,188.30 |

Note: You must itemize your purchasing document as shown in this quote.
 Payment terms: 50% installment with order; 40% in progress billings during construction; and balance of 10% upon completion of delivery and installation, no retention. Payment of 90% must be received by RFL prior to scheduling of delivery and installation. Thank you for considering RFL as your restroom specialist for this project.

HOW WE WORK

If you are the apparent low just simply send us a letter of intent and we will begin the construction drawings. Once plans have been approved and engineer stamped, the manufacturing process begins. Typically, the construction time frame is approximately 90-120 days and begins with execution of sales order and receipt of approved submittals, color selections and progress payments. In-plant inspection reports and certifications will be provided by an independent inspection agency. The client must prepare the site in accordance with the "Scope of Work by Client" attached and coordinate any required on site inspections. After the site prep has been completed, our crew arrives to perform the installation. They will verify elevation, offsets, location, and access.

Exclusions:

- A. Sidewalks beyond building slab.

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- B. Site issues beyond the control of RFL.
- C. Damage to existing improvements.
- D. Protection of existing utilities, landscaping, and improvements.
- E. If required per geotech report, footing, piers, and/or select fill labor and materials to be provided by others.
- F. Excavation and backfill.

CLIENT'S SCOPE OF WORK

TURNKEY INSTALLATION OF RESTROOM BUILDING WITH ATTACHED SLAB

1. SURVEY STAKES:

Provide ten foot offset stakes and locate front corners of building, existing utilities, and inverts within the area of construction. Locate and mark final slab elevation.

2. SUBGRADE PAD:

Preparing the site is fairly simple. Detailed instructions to prepare the building site are as follows:

- 2.1. Excavate down ten inches below the finish floor elevation (the slab is eight inches thick on top of a two inch sand bed).
- 2.2. If soils are poor, it may be necessary to import six inches of Class II base rock, and pour for a footing and/or piers. (This is not necessary if native soils will compact)
- 2.3. Compact to 95%, or to local code requirement.
- 2.4. Compact one foot over in all directions (over build).
- 2.5. Supply approximately five cubic yards of clean sand, on side of site, for fine grading.
- 2.6. Excavate and backfill trenches up to and within building pad for RFL supplied underground utility service kits.
- 2.7. Provide water and inspection for RFL supplied underground sewer kit.
- 2.8. Depending on weather, all irrigation should be turned off prior to delivery to allow the surrounding soils to dry and bear the weight of the truck and crane.
- 2.9. Check corner locations against plans for proper sizing.
- 2.10. Verify finish floor elevation for concrete slab (shipped fully attached to the building.)
- 2.11. Excavate one foot perimeter footing if required by local code to specified depth.

3. SITE ACCESS AND STORAGE:

Provide suitable safe clear access to allow a crane (up to 110 tons), and the building on a semi-trailer (up to 40 tons) to reach site (14' width, 70' length, and 14' in height). If path to site is over existing utilities, sidewalks, or other damageable areas, proper marking, plating or other appropriate protection must be provided by CLIENT. CLIENT is responsible for removing any overhead obstructions (i.e. power lines, trees). This proposal provides for a 110 ton crane with access to within 25' of the building pad. The

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proposal is based on four (4) hours of crane time. If access is limited a larger crane may be required. All additional crane costs shall be borne by the CLIENT. A direct route to the project site is assumed. Should routes be altered due to road closures or restrictions, additional fees may apply.

4. UTILITIES:

Bring water, sewer, and power (if applicable) utilities into point of connection Christy boxes (supplied by RFL), within six feet of the building line at the location shown on our plan.

- 4.1. Water: RFL will furnish and install a water point of connection (isolation valve), from mechanical chase to a Christy box six feet from the building line. CLIENT must connect service to valve.
- 4.2. Sewer: RFL will furnish and install a sewer point of connection from mechanical chase to a Christy box six feet from the building line. CLIENT must connect service.
- 4.3. Electrical: (when this option is chosen) RFL will furnish and install a PVC conduit and a Christy box to the point of connection six feet from the building line. CLIENT to pull the electrical service line through the conduit and connect to the main panel lugs inside the building. All electrical inside the building will be furnished and installed by RFL, except as noted above in exclusions.
- 4.4. If the utilities are not available when we depart the site, testing and minor leaks will be the responsibility of the CLIENT.
- 4.5. A minimum 1½" line with 25 gpm at 60 psi pressure minimum is required to ensure that water closets will operate as designed. If this is not available an auxiliary holding tank may be required.

5. SPECIAL CONDITIONS AND COSTS:

If specifications by owner require any testing or special inspections, costs, if any, shall be borne by CLIENT.

6. PERMITS AND FEES:

All building permits and fees shall be borne by CLIENT.

7. INSPECTIONS:

It is very important that the CLIENT understand that our costs are based upon fast track construction and that delays for inspection are an impediment to the timely completion of the project. We seek the full cooperation of the CLIENT and local building officials or project inspectors in accomplishing this end. We require that all inspections be scheduled with adequate notice to ensure that the underground plumbing and electrical work is approved prior to placement of building. We require that final inspection and acceptance by owner and building officials be performed immediately following RFL's completion of installation. We also require final inspection and acceptance immediately following RFL's conclusion of any correction items.

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8. SITE CLEANUP AND DEBRIS REMOVAL:

CLIENT shall provide an on-site trash bin for disposal of one pick up load of debris. All excess spoils shall be responsibility of CLIENT. All rough and final grading shall be by CLIENT.

9. SOILS INFORMATION:

Even though the building department may not require an official soils report, it is always a good idea to obtain one. Our slab requires a minimum allowable soil bearing pressure of 1,000 psf. This value needs to be confirmed, on site, by the owner, or through the owner's contractor, and not by RFL. The need to obtain a soils report is only a recommendation by RFL. Ultimately, it is up to the owner and the local jurisdiction to decide whether or not to pursue evaluating the soils beyond the generally conservative assumptions given in current applicable codes.

STANDARD TERMS AND CONDITIONS OF SALE

1. LINKAGE:

These Terms and Conditions of Sale shall apply and form a part of the Company's Offer to Sell and supersede all other expressed or implied terms and be linked to our Agreement for work whether or not signed by the Purchaser.

2. ACCEPTANCE:

Unless otherwise expressly stated herein, the Company's Offer supersedes all previous quotations and expires, unless accepted by purchaser, within thirty (30) days from date of Offer. None of the Terms and Conditions contained in this quotation may be added to, modified, superseded or otherwise altered except by a written instrument signed by the President of the Company. Each shipment to buyer from the Company shall be deemed to be only under these Terms and Conditions of Sale, which shall become part of our Offer to Sell, notwithstanding any Terms and Conditions that may be contained in any purchase order or other form of the buyer, notwithstanding the shipment, acceptance of payment or similar act of the Company. All Purchase Orders when accepted by the Company at 1707 Colt Circle, Marble Falls, Texas 78654, will be in accordance with the Laws of the State of Texas. All orders are subject to review by the Company in accordance with the Company's Offer to Sell before final acceptance is authorized. All disputes shall be governed by applicable Texas Law and all claims shall be filed and litigated in Burnet County, Texas, with the prevailing party recovering attorney's fees.

3. PRICES:

Sales tax is not required provided the structure is installed by RFL. All Use taxes, and applicable in plant taxes, permits and fees are paid for by RFL. If payment is not made by client in accordance with the Contract Terms, interest will be charged at the rate of

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1-1/2% (one and one-half percent) per month until paid. If an order is accepted by the Company, and a delivery date is accepted by the Client, and delivery is delayed by the Client, payment of all but 10% is due upon completion at the Point of Manufacture. A 1-1/2% (one and one-half percent) per month added fee shall be due for each month the shipment is delayed.

4. **TERMINATION:**

Purchaser shall be responsible for costs of work performed which will include overhead and profit. Contract may not be cancelled once production has commenced.

5. **TITLE AND LIEN RIGHTS:**

All Products remain the personal property of the Company, whether or not affixed to any other real property or structure, until the price (including any notes given therefore) of the equipment has been fully paid in cash. The Company shall, in the event of the purchaser's default, have the right to enter upon any premises and repossess such structures and equipment wherever it may be located.

6. **LACHES:**

Failure of the Company to exercise any right or remedy under this contract shall not be deemed a waiver of such right, nor shall any lien or other right of the Company be lost or impaired by laches or in any manner or by any act or failure to act.

7. **LIMITATION OF LIABILITY:**

Under no circumstances, unless stated in our Offer to Sell or bid, shall the Company have any liability for liquidated damages, for collateral, consequential special damages, loss of profits, loss of production, delay in the progress of construction, whether resulting from delays in delivery, performance, breach of warranty, due to lack of timely performance in reviewing and approving shop drawings, completing site preparation or lack of payment in accordance with the terms set forth herein. The aggregate total liability of the Company under the contract, whether for breach of warranty or otherwise shall in no event exceed the contract price. Buyer agrees to indemnify and holds harmless the Company from all claims by third parties which extend beyond the foregoing limitations on the Company's liability.

8. **DELIVERY:**

Except as may be otherwise specified in the attached Offer, delivery will be F.O.B. point of manufacture. Time of delivery is an estimate only. The Company shall in no event be liable for delays caused by fires, acts of God, strikes, labor difficulties, acts of Government or military, delays in transportation or procurement of materials or causes of any kind beyond the Company's immediate control. If building is ready for shipment and Customer delays said shipment, Company shall store the facility at the point of manufacturing and charge 1-1/2% (one and one-half percent) per month as a storage

____ Initial ____ Initial

charge. If shipment arrives and site is not ready, Owner shall pay any off-site storage fees as applicable.

9. **WARRANTY:**

All Products produced by the company are warranted to the purchaser to be free from defects in material, workmanship and title. The Company will replace or repair, at its option, defects in workmanship or any part which is proven defective within one year from delivery. This warranty applies only where the Company has been notified in writing of the defect within the warranty period and where any equipment has been properly operated and maintained in accordance with the Company's instructions: the Company having no responsibility for abuse, neglect or improper storage. Should any issues arise where additional work must be performed RFL retains the right to perform this work at the earliest opportunity. Should it be necessary to have this work performed by others due to the nature of the work or a conflict in scheduling, RFL must be notified 48 hours in advance in writing and given the opportunity to perform said work. Should it be necessary to have this work performed by others a written estimate must be approved by RFL in advance of any work being undertaken. The Company assigns any and all warranties for fixtures, appliances, and other equipment manufactured by others to said other manufacturer. Due to its nature, concrete is prone to settling and cracking. Minor cracking in the concrete is normal and is not the responsibility of RFL. We use high quality 304 stainless steel in our products and under certain conditions and/or improper maintenance stainless steel may rust. Minor rust spots or discoloration are not the responsibility of RFL. The foregoing shall constitute the said liability of the Company and the sole remedy to the purchaser. Company's warranties as set forth in this paragraph are exclusive and are in lieu of, and purchaser hereby waives all other warranties, expressed or implied, including without limitation, any implied warranties or merchantability and fitness. This warranty shall be void if payment in full for the project is not received by the Company in accordance with these Terms and Conditions of Sale.

10. **CREDIT:**

(Deposit and Progress Payments)

11. **MUNICIPAL AND FEDERAL GOVERNMENT AGENCIES:**

Orders may require deposits or progress payments. If buyer's financial situation justifies such action, the Company may at its election require payment in advance or cancel the order as to any unshipped item and require payment of its reasonable cancellation charges. If the buyer delays completion of manufacture or a delay in shipment, the Company shall require payment according to the percentage of completion. In the event of the default of the buyer, the Company is entitled to the full amount due including reasonable attorneys fees, costs, storage, expenses of physical recovery, and interest at 1-1/2% (one and one-half percent) per month.

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Page 6 of 8

12. **CLIENTS AND NON-GOVERNMENT AGENCIES:**

Orders may require deposits or advance payment as well as progress payments subject to the buyer's credit worthiness in accordance with the Company's applicable credit policies. Breach of any payment terms shall accelerate full payment which shall be due the balance of the contract amount including change orders.

____ Initial ____ Initial

Restroom Facilities Limited

John Putman, President

Date

Client Name

Name and Title

Date

____Initial ____Initial



Phone: 800-695-2919
 Fax: 800-211-5454
 Email: info@buyboard.com

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Vendor Contract Information

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Search:

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None Selected

Price Range

Show all prices

Category

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Contract

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Additional Searches:

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Additional Resources

Vendor Name: Restroom Facilities Ltd.

Address: 1707 Colt Cir.
 Marble Falls, TX 78654

Phone Number: (512) 222-5454

Extension: 106

Email: hector@corworth.com

Federal ID: 88-0243514

Contact: Hector Garcia

Accepts RFQs: Yes

Minority Owned Vendor: No

Women Owned Vendor: No

Contract Name: Parks & Recreation Equipment, Field Lighting Products & Installation

Contract#: 423-13

Effective Date: 10/01/2013

Expiration Date: 09/30/2016

Payment Terms: Net 30 days

Delivery Days: 120

Shipping Terms: Pre-paid and added to invoice

Freight Terms: FOB Destination

Ship Via: Common Carrier

Region Served: All Texas Regions

States Served: All States

Quote Reference Number: 423-13

Return Policy: No returns

Contract Documents

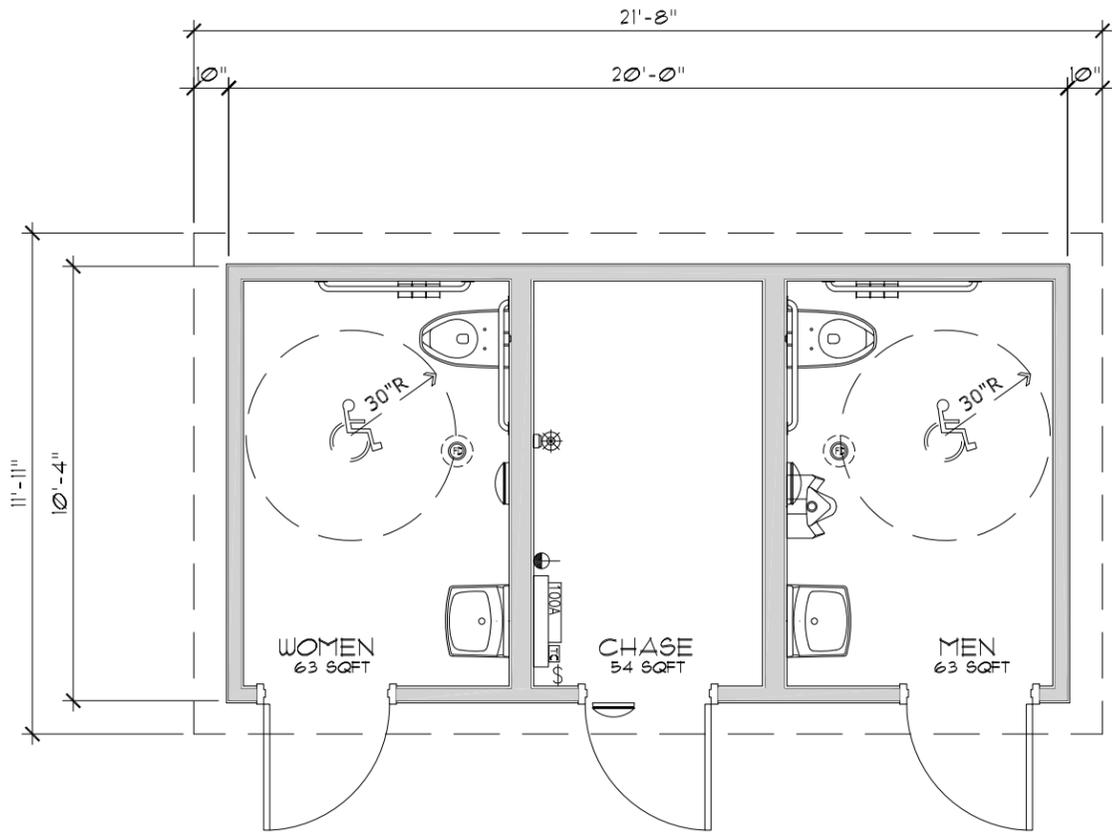
Proposal Documents: [Click to view BuyBoard Proposal Documents](#)

Regulatory Notice: [Click to view Bonding Regulatory Notice](#)

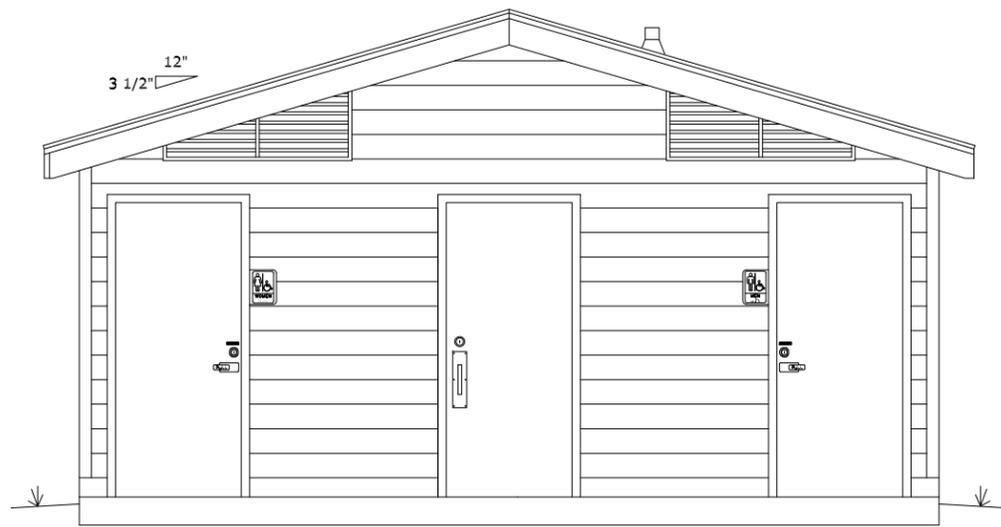
Construction Services Advisory: [Click to view the Construction Related Goods and Services Advisory](#)

Contact us 800-695-2919

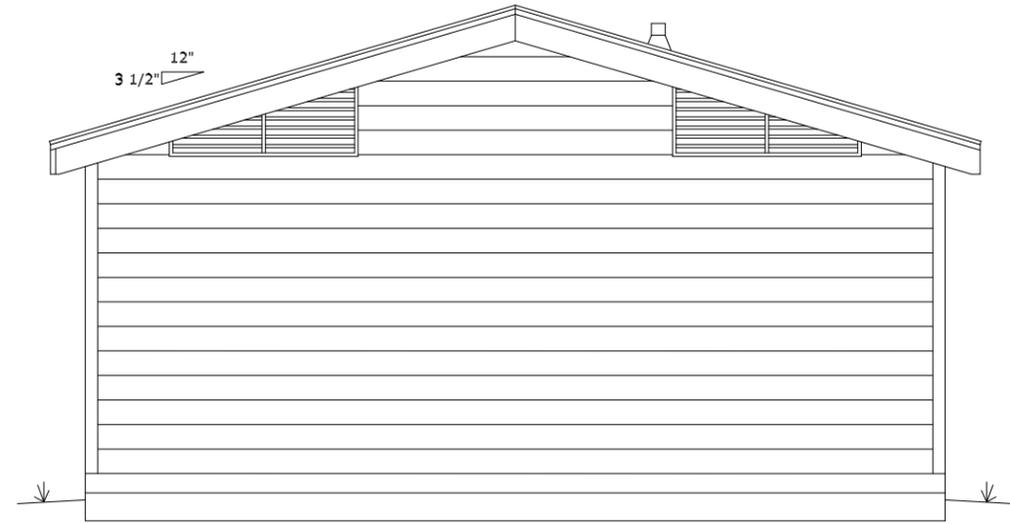
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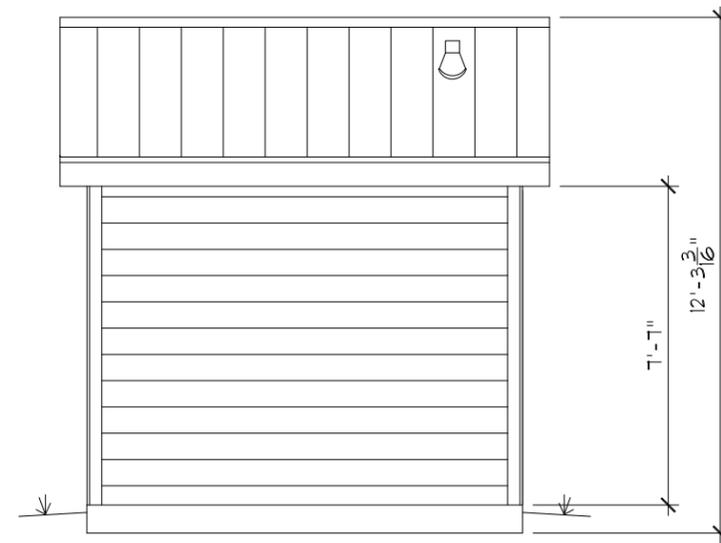
FLOOR PLAN



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION

RFL Restroom
Facilities
Limited

1707 COLT CIRCLE
MARBLE FALLS, TX 78654
512-222-5454

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PROJECT #:
RFL MODEL #: W212
PROJECT:
**WOOD FRAME BUILDING
90 PEOPLE / HR USAGE**

| | |
|------------|------------|
| DRAWN BY: | CRH |
| DATE: | 2013-08-01 |
| REVISIONS: | |
| DATE: | |
| REVISIONS: | |
| DATE: | |
| REVISIONS: | |
| DATE: | |
| REVISIONS: | |

SHEET DESCRIPTION:
**FLOOR PLAN
ELEVATIONS**







MLK Splash Park & School House Project

Refurbished School House



Control Room

Splash Park

New Play Ground

Rest Rooms

N 4th St, La Porte, TX 77571

= Picnic Tables

Google earth

REQUEST FOR CITY COUNCIL AGENDA ITEM

| | |
|--|-------------------------------------|
| Agenda Date Requested <u>April 11, 2016</u> | <u>Appropriation</u> |
| Requested By: <u>Patrice Fogarty</u> | Source of Funds: <u>N/A</u> |
| Department: <u>City Secretary</u> | Account Number: <u>N/A</u> |
| Report <input checked="" type="checkbox"/> Resolution: <input type="checkbox"/> Ordinance: <input type="checkbox"/> | Amount Budgeted: <u>N/A</u> |
| Exhibit: _____ | Amount Requested: <u>N/A</u> |
| | Budgeted Item: YES NO |

SUMMARY & RECOMMENDATION

The La Porte City Council is authorized to make appointments to boards, commissions and committees.

Mike Cooksley has resigned as a board member of the La Porte Development Corporation, which has resulted in a vacancy. The vacant term expires August 31, 2016. This position will again be before Council for consideration at the usual time Board appointments are made later this summer. Members of the Board of Directors for the La Porte Development Corporation Board serve for a two-year term or until their successor has been appointed and qualified.

The Board of Directors consist of seven (7) members appointed by the City Council for staggered two-year terms. Councilmembers serve as directors on the Board; but not less than three (3) directors must be persons who are not employees, officers or members of the governing body. Each director must reside within the City of La Porte, Texas. At the time of the vacancy, the makeup of the Board was four citizens and three councilmembers.

The Board of Directors appoints the President and Vice-President by October 1 of each year. The President shall be the presiding officer for meetings, and the Vice-President shall act in the President's absence. Mike Cooksley was the Vice-President. However, the newly appointed person does not automatically become the Vice-President. The Board will appoint a Vice-President when next it meets.

This Board meets quite frequently, and a timely appointment by Council to fill the vacancy is needed. Two applicants have shown an interest in serving on the Board. Their information for consideration will be at each Councilmember's place on the dais and will have also been sent via email prior to this meeting.

Action Required by Council:

Consider making an appointment to fill a vacancy on the La Porte Development Corporation Board for a term ending August 31, 2016.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



Council Agenda Item April 11, 2016

8. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, April 21, 2016
- La Porte Development Corporation Board Meeting, Monday, April 25, 2016
- Zoning Board of Adjustment Meeting, Thursday, April 28, 2016
- City Council Meeting, Monday, April 25, 2016

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

10. ADJOURN
