

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



CHUCK ENGELKEN
Councilmember District 2
DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Councilmember District 5
MIKE CLAUSEN
Councilmember District 6

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held July 25, 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 - Broadway.
- 3. PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember Dottie Kaminski.
- 4. PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a)** Recognition - Float Entry Winners for the 4th of July Parade - Mayor Rigby
 - (b)** Recognition - Retirement of K-9 Lodka (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 minutes of meeting held on July 11, 2016 - P. Fogarty
 - (b)** Consider approval or other action regarding recommended date of September 12, 2016 for the Public Hearing on the City's Fiscal Year 2016-2017 Proposed Budget - M. Dolby
 - (c)** Consider approval or other action authorizing expenditure by the La Porte Development Corporation Board in an amount not to exceed \$230,000.00 in connection with project for economic incentive to Northern Safety Company Inc., for development of new business site in La Porte - T. Leach
 - (d)** Consider approval or other action awarding Bid #16011 for Scotch Moss Lane Rehabilitation Project - S. Valiante
 - (e)** Consider approval or other action authorizing the City Manager to enter into a Professional Service Agreement with HDR Engineering to design Phase II of the Hillridge Water Plant Improvements including new booster pumps and building - S. Valiante

7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- (a) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve an amendment to the Future Land Use Map Component of the La Porte Comprehensive Plan to change the tract of land legally described as Lots 11-24, Block 1114, Town of La Porte Subdivision, from "Commercial" Use and "Mid-to High-Density Residential" Use to "Low Density Residential" Use; consider approval or other action regarding an Ordinance amending the Future Land Use Map component of the La Porte Comprehensive Plan to change the tract of land legally described as Lots 11-24, Block 1114, Town of La Porte Subdivision, from "Commercial" Use and "Mid-to High-Density Residential" Use to "Low Density Residential" Use - E. Ensey
- (b) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to rezone a tract of land legally described as Lots 11-24, Block 1114, Town of La Porte Subdivision, from General Commercial (GC) and High Density Residential (R-3) to Low Density Residential (R-1); consider approval or other action regarding an Ordinance to approve zone change request #16-92000003, for a tract of land legally described as Lots 11-24, Block 1114, Town of La Porte Subdivision, from General Commercial (GC) and High Density Residential (R-3) to Low Density Residential (R-1) - E. Ensey
- (c) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve a Special Conditional Use Permit (SCUP) for the development of nine single family attached duplexes on Lots 7-17, 20-21 and 22-27, of Block 32, Beach Park Subdivision; consider approval or other action regarding an Ordinance to approve SCUP #16-91000001, to allow for the development of nine single family attached duplexes on Lots 7-17, 20-21 and 22-27, of Block 32, Beach Park Subdivision - E. Ensey

8. AUTHORIZATIONS

- (a) Consider approval or other action regarding installation of Traffic Control Devices to establish 1st Street as a One-Way thoroughfare between H Street and Fairmont Parkway and authorizing the Mayor to execute an Interlocal Agreement for the construction of additional parking spaces on 1st Street and the public right-of-way between 1st and 2nd Streets - S. Valiante

9. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding the future operation of the La Porte Boys Baseball Association - Councilmembers Zemanek; Kaminski and Engelken

10. REPORTS

- (a) Receive report of the La Porte Development Corporation Board - Councilmember Engelken

11. ADMINISTRATIVE REPORTS

- Zoning Board of Adjustment Meeting, Thursday, July 28, 2016
- Fiscal Affairs Committee Meeting, Monday, August 8, 2016
- City Council Meeting, Monday, August 8, 2016
- Budget Meetings, Monday; Tuesday and Wednesday, August 15-17, 2016
- City Council Meeting, Monday, August 22, 2016

12. EXECUTIVE SESSION

The City Council reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code, in accordance with the authority contained in:

Texas Government Code, Section 551.071(2) – Consultations with Attorney: Meet with City Attorney to discuss legal issues associated with adoption of fueling regulations under City truck route ordinance.

13. **RECONVENE** into regular session and consider action, if any, on item(s) discussed in executive session.
14. **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
15. **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 July 25, 2016, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on July 19, 2016.

Patrice Fogarty



**Council Agenda Item
July 25, 2016**

1. **CALL TO ORDER**
2. **INVOCATION** – The invocation will be given by Thomas Park, Fairmont Park Church - Broadway.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember Dottie Kaminski.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Recognition - Float Entry Winners for the 4th of July Parade - Mayor Rigby
 - (b) Recognition - Retirement of K-9 Lodka (City of La Porte Police Department) - Mayor Rigby
5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

George Watkins, in conjunction with The La Porte Rotary Club, once again hosted an impressive and very successful Fourth of July Parade. This annual tradition has grown throughout the years and this year, awards were given to the best floats.

Over 16 floats competed, and we are pleased to recognize this year's winners:

1st Place La Porte Families - "The Miss Allison 4th of July Boat-float"

2nd Place Ken Pridgeon and Cliff Willson - "Portrait of a Warrior"

3rd Place First Assembly of God/White Team - "U.S.A."

Most Original Float went to the First Assembly of God/Red Team- "Celebrating Freedom."

We hope to see these floats back next year, even bigger and better!

We also give heartfelt thanks to George Watkins, who has invested so much of his personal time and effort into making the July 4th Parade something the citizens of La Porte are very proud of. Thank you, George, and thanks to everyone in connection with the event. It is something we look forward to every year, and are very proud to have in our City.



City of La Porte

Established 1892

Police Department

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the Texas Association of Police Chiefs



LPPD K-9 Lodka Retirement

Lodka, a Belgian Malinois, joined the ranks of the LPPD in 2009. Since then, the K-9 team of “Lodka” and handler Officer Jesse Arenivas have been instrumental in the seizure of vast quantities of both narcotics and their cash-related proceeds. Over the last seven years, the duo has also competed exceptionally in several State and regional drug-dog competitions, including the National Narcotic Detector Dog Association’s (NNDDA) narcotic detection competition. Lodka and Arenivas consistently placed in the top 10 of all K-9 teams represented at the annual NNDDA training conferences, with a 1st place national win in 2010.

While the police department would love to have the team remain active indefinitely, Lodka, now 10 years old, will now live with Arenivas as a retiree. In April of 2013, Lodka was diagnosed with a degenerative arthritic condition in the right elbow, as well as both hip joints. Lodka was allowed to continue her K-9 duties, but was restricted to drug interdiction and barred from activities involving running, such as suspect tracking. At the time the department veterinarian estimated Lodka’s remaining useful work life to be approximately 2 years. With the assistance of specialized treatment and medication, the prediction of a 2-year remaining work life was extended an additional year.

Although Lodka remains of major value to her partner Arenivas, fighting crime is no longer feasible for the canine. As such, the City has officially retired Lodka and the Arenivas’ residence will serve as a permanent retirement villa for one of the agency’s hardest workers in history.

Both the La Porte Police Department and her entire community are in debt to Lodka.

Please join me in congratulating Lodka on her retirement and thanking the K-9 Team of Lodka and Arenivas for their many years of dedicated service.



Council Agenda Item July 25, 2016

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MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE JULY 11, 2016

The City Council of the City of La Porte met in a regular meeting on **Monday, July 11, 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 and Kaminski. Absent: Councilmembers J. Martin and Leonard. 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 Kristin Martin.
4. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Chuck Rosa, 812 S. Virginia, addressed Council and expressed that he would like to see the Yellow Rose of Texas as the artwork on the Main Street Water Tank.

5. **AUTHORIZATION**

- (a) Consider approval or other action regarding minutes of the meeting held on June 27, 2016 – P. Fogarty

Councilmember Engelken moved to approve the minutes of the meeting held on June 27, 2016. Councilmember Zemanek seconded. **MOTION PASSED UNANIMOUSLY 7/0. Councilmembers J. Martin and Leonard were absent.**

6. **DISCUSSION AND POSSIBLE ACTION**

- (a) Discussion and possible action regarding pricing structure for events for the City of La Porte 125th Anniversary Celebration – T. Leach

Assistant City Manager Traci Leach presented a summary. Ms. Leach informed that the committee recommended transitioning away from a black tie event on Friday night to having a nice buffet dinner and dancing at \$50.00 per couple. Ms. Leach reported the committee suggested a presale of tickets for La Porte residents at \$10.00 per ticket with no limit to the amount of tickets purchased to each person with a water bill as proof of residence. Beyond the presale, at the gate tickets are suggested \$20.00 per person even if you are not a resident. The committee suggested the Gospel Brunch for \$30.00 per person.

Councilmember Zemanek moved to go forward with the committee's recommendation. Councilmember Earp seconded. **MOTION PASSED UNANIMOUSLY 7/0. Councilmembers J. Martin and Leonard were absent.**

7. ADMINISTRATIVE REPORTS

There were no additional comments.

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

Councilmember K. Martin thanked Assistant City Manager Traci Leach for her work with the committee; Councilmember Kaminski thanked Assistant City Manager Traci Leach and Marketing/ Public Relations Specialist Jaree Hefner for their work with the committee and George Watkins for the 4th of July Parade; Councilmember Zemanek thanked the committee for their work and expressed his disappointment in not receiving the financial report from the La Porte Boys Baseball Association; Councilmember Engelken reiterated everything that was mentioned; Councilmember Earp thanked George Watkins for the 4th of July Parade; suggested recognizing three time 400-meter Hurdles Olympian winner Kerron Clemment; recognized Marketing/ Public Relations Specialist Jaree Hefner and Patrol Officer Benny Boles for cleaning up after the storm came through during the last Sip and Stroll; Councilmember Clausen thanked Assistant City Manager Traci Leach and the committee; and Mayor Rigby apologized for missing the 4th of July Parade due to attending a ceremony at the Battleship of Texas; advised of the groundbreaking for the La Porte Town Center and commented on the great fireworks for the 4th of July celebration.

9. ADJOURN - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 6:18 p.m. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 7/0. Councilmembers J. Martin and Leonard were absent.**

Patrice Fogarty, City Secretary

Passed and approved on July 25, 2016.

Mayor Louis R. Rigby

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 25, 2016 Appropriation
Requested By: Michael Dolby Source of Funds: N/A
Department: Finance Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

1. Budget Calendar

SUMMARY & RECOMMENDATIONS

In accordance with Article IV, Section 4.03 of the City's Charter and Section 102 of the Local Government Code, Council shall determine the place and time of the Public Hearing on the proposed budget, and shall cause to be published a notice of the place and time. Not less than ten (10) days after date of publication, Council will hold a Public Hearing on the proposed budget.

Staff is recommending that a Public Hearing for the Fiscal Year 2016-2017 Proposed Budget be held on Monday, September 12, 2016, at a Regular Called meeting of the City Council to begin at 6:00 p.m.

Additionally, staff would like to discuss the proposed dates for the budget workshops. Staff recommends holding the budget workshops during the week of August 8th.

Action Required of Council:

Approve the recommended date of September 12, 2016, for the Public Hearing on the City's FY 2016-2017 Proposed Budget.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

TENTATIVE

BUDGET CALENDAR FY 2016-2017

DAY	DATE	ACTIVITY
Saturday	April 16	Pre-Budget Workshop with Council
Monday	April 18	Budget Kickoff – Initial Discussion and Packet Distribution Begin Departmental Input of 2015-2016 Estimates (Level 150) Begin Departmental Input of 2016-2017 Projections (Level 200)
Friday	April 29	Overtime Projections due from Divisions for FY 2015 Estimates and FY 2016 Projections
Friday	May 6	Complete Input of All Capital Outlay Requests in Operational Budgets
Friday	May 13	Complete Departmental Input of 2015-2016 Estimates (Level 150) Complete Departmental Input of 2016-2017 Projections (Level 200) Revenue Estimates and Projections due to Finance Goals, Objectives and Performance Measures due to Finance
Thursday	May 26	Proposed budgets to City Manager (Revenues & Expenditures)
Week	June 13-17	City Manager review with Departments
Thursday	June 23	Final Revenue Estimates Prepared
Friday	July 8	Budget review compilations by City Manager
Monday	July 11	City Council to determine place and time of Public Hearing
Monday	July 25	City Manager sends City Council Proposed Budget
Week	Aug 8-10	City Manager Budget Workshops with Council
Monday	Aug 8	City Council to decide on dates of Public Hearings on tax rate (if needed)
Thursday	Aug 25	Post Notice of Public Hearing and Notice of Property Tax Revenue Increase
Monday	Sep 12	City Council Adopts Budget/Public Hearing
Monday	Sep 26	City Council Adopts Tax Rate– <i>IF NOT ADOPTED WITH BUDGET</i>

15 days
30 days*
10 days

*30 days prior to setting the tax levy.

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 25, 2016 Appropriation
Requested By: Traci Leach Source of Funds: N/A
Department: Administration Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

1. Notice of published Public Hearing Notice
2. Development Agreement
3. Project Scorecard

SUMMARY & RECOMMENDATIONS

Founded in 1983 by Salvatore Longo, Northern Safety and Industrial (Northern Safety), headquartered in Frankfort, NY, is a national distributor of top quality safety and industrial supplies. Northern Safety distributes a wide variety of brand-name products, including 3M, Honeywell, DeWalt, Moldex, MSA, Ansell Healthcare, Von Drehle Paper, Manulutex, Dexter-Russell Cutlery and countless others. The company also developed its own line of safety and industrial products under the NS Brand name, which include its flagship brand, N-Specs Safety Eyewear, Gloves, ActivGARD Protective Apparel, NS Respiratory Protection, Head & Face Protection, ActivFlex Ergonomics, Fall Protection and several others. Northern Safety distributes its products through multiple catalog mailings and its inside and outside sales force, as well as its fully interactive website. Northern Safety proposes to consolidate an existing facility in La Porte, TX, which has 18 employees, with an existing facility in Pasadena, TX that has 36 employees.

On April 25, 2016, the La Porte Development Corporation Board authorized staff to publish a public hearing notice for an economic development incentive in an amount not to exceed \$300,000 for Northern Safety Company, Inc. Since that time, staff has been communicating with Northern Safety's representatives to finalize the scope of the project and draft a development agreement.

Initial estimates indicated that this project would generate sales tax revenues and taxable business personal/inventory property in amounts that would yield a 2.2 year payback on a \$300,000 LPDC incentive. As discussions progressed, estimates regarding revenue were revised by the company. Based on the revised project estimates, staff is recommending, and the Company has agreed to, a modified LPDC incentive of \$230,000. The project includes an economic development incentive in an amount not to exceed \$230,000 within a five-year period and allocated according to the following terms:

- Payments of \$50,000 (Payment #1 of 5), \$50,000 (#2 of 5), \$40,000 (#3 of 5), \$40,000 (#4 of 5), and \$50,000 (#5 of 5); and
- 120 full employment, rather than 140, phased in over time; and
- Added business personal property and inventory taxable value of \$1.25 million, as opposed to \$2.5 million; and

- New, annual taxable retail sales of \$1.5 million for payment #3 and \$2.5 million for payments #4 and 5; and
- Minimum five (5) year lease, and
- The City will support the company's application to the Texas Enterprise Zone Program, Texas Skills Development Fund, and any other State-sponsored incentive programs.

Each payment identified above is contingent upon Northern Safety meeting specific performance benchmarks and providing evidence of such performance to the Board. With the revised project estimates, the payback period is 4.65 years.

The La Porte Development Corporation approved the development agreement with Northern Safety Company, Inc in an amount not to exceed \$230,000.

Action Required of Council:

Consider approval or other action of the La Porte Development Corporation Board's execution of a Development Agreement with Northern Safety Company, Inc. for an economic development incentive in an amount not to exceed \$230,000.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

Classifieds

LEGAL/PUBLIC NOTICES
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City of La Porte Solicitation:

The City of La Porte RFP #16508 Parks and Recreation Department Operations Assessment will be accepted until 2:00 p.m. on Tuesday, May 24, 2016 at the City Hall Information Desk located at 604 W. Fairmont Pkwy., La Porte TX, 77571. Solicitations will be opened and read immediately following the closing hour. For information to register and bid visit: www.publicpurchase.com. For questions, contact purchasing@laportetx.gov.

City of La Porte Solicitation:

The City of La Porte Sealed Bid #16016- Concrete Sidewalk Repair will be accepted until 2:00 p.m. on Tuesday, May 24, 2016 at the City Hall Information Desk located at 604 W. Fairmont Pkwy., La Porte TX, 77571. Solicitations will be opened and read immediately following the closing hour. For information to register and bid visit: www.publicpurchase.com. For questions, contact purchasing@laportetx.gov.

NOTICE OF PUBLIC HEARING

LA PORTE DEVELOPMENT CORPORATION BOARD (TYPE B BOARD)

Notice is hereby given that the La Porte Development Corporation Board (Type B Board) of the City of La Porte, Texas will conduct a public hearing at 5:00 p.m. on the 27th day of June, 2016, in the Council Chambers at City Hall, 604 West Fairmont Parkway, La Porte, Texas. The purpose of the public hearing is to receive public input on a proposed project by the La Porte Development Corporation in an amount not to exceed \$300,000.00, benefiting Northern Safety Company, Inc., to promote and develop an expanded business enterprise, specifically to facilitate the consolidation and construction of the company's proposed facility at 359 Pike Court, La Porte, TX 77571.

Persons wishing to address the Board pro or con shall be required to sign in before the meeting is convened.

CITY OF LA PORTE
Patrice Fogarty, TRMC
City Secretary

A quorum of City Council members may be present and participate in discussions during this meeting, however, no action will be taken by Council.

This facility has disability accommodations available. Requests for accommodations or interpretive services at meetings should be made 48 hours prior to the meeting. Please contact the City Secretary's office at (281) 471-5020 or TDD Line (281) 471-5030 for further information.

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ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE LA PORTE DEVELOPMENT CORPORATION, AND NORTHERN SAFETY COMPANY, INC., A NEW YORK CORPORATION, FOR USE OF TYPE B DEVELOPMENT CORPORATION SALES TAX FUNDS

THIS AGREEMENT made by and entered into this 27th day of June 2016 between the La Porte Development Corporation, a Type B non-profit corporation operating under authority of Texas Local Government Code Chapters 501 and 505, hereinafter "LPDC", and Northern Safety Company, Inc., a New York Corporation, hereinafter referred to as "Recipient".

WITNESSETH:

WHEREAS, the voters of the City of La Porte authorized the levying of additional sales tax within the City for promotion of economic development and the LPDC is authorized to use such tax revenues for certain qualifying projects and other economic development related purposes; and

WHEREAS, Recipient is a New York based corporation, which is a national distributor of top quality safety and industrial supplies, and which employs positions classified as primary jobs, as the term "primary jobs" is defined in Chapter 501 of the Texas Local Government Code; and

WHEREAS, Recipient is currently identified in the Sales Tax Analysis and Reporting Service ("STARS Report") for Quarter #4 of 2015 as the "Northern Safety Company" at 301 E. Main Street in La Porte, TX; and

WHEREAS, Recipient currently utilizes facilities for its business operations at 301 E. Main Street in La Porte, Texas and at 1475 Sam Houston Parkway, Pasadena, Texas; and

WHEREAS, Recipient wishes to relocate and consolidate its current business operations in Pasadena and La Porte to a new site at 359 Pike Court, La Porte, Texas ("Business Site"), where it will make improvements of at least **\$140,000.00** to the Business Site, which it will lease for a minimum of **five (5) years**, to accommodate increasing business demand, creating an estimated increase to the business personal property tax base valuation in La Porte of **\$1,25,000.00**, generating a minimum of **\$2,500,000.00** in new, annual taxable sales at site, and which operation is anticipated to employ an estimated **one hundred and twenty (120)** full time employees; and

WHEREAS, Recipient has requested that LPDC provide financial incentives towards the proposed consolidation of Recipient's business operations to the Business Site, under a qualifying project of the LPDC for the creation and retention of primary jobs, as authorized by Texas Local Government Code Chapters 501 and 505, and it is the desire of LPDC to assist in the funding of same, finding that such expenditures will contribute to 1) the creation or retention of primary jobs, and 2) will be suitable for the development, retention, or expansion of manufacturing and industrial facilities, as well as regional or national corporate headquarters facilities.

WHEREAS, Texas law and the by-laws of the LPDC require that certain expenditures and projects by the LPDC be approved by the governing body of the City; and whereas the LPDC Board has duly approved such project and the expenditures for same have been authorized by the La Porte City Council; and

NOW THEREFORE, in consideration of the covenants and conditions stated herein, and in consideration of the mutual benefits that will accrue to each of the parties hereof, as well as to the citizens of the City of La Porte, Texas, the parties have agreed and do hereby agree as follows:

ARTICLE I

In consideration of Recipient consolidating its business operations at the Business Site, which proposal was considered in that certain public hearing authorizing a proposed project for the expenditure of LPDC funds for the creation and retention of primary jobs and the development, retention, or expansion of manufacturing and industrial facilities, held before the LPDC on 27 June 2016, LPDC agrees to provide Recipient an incentive package consisting of cash payments in a total sum not to exceed \$230,000.00, to be distributed in five increments of **\$50,000.00**, **\$50,000.00**, **\$40,000.00**, **\$40,000.00**, and **\$50,000.00**, with each distribution conditioned on the attainment of certain performance thresholds, more specifically outlined as follows:

- A. A cash incentive payment in an amount equal to **\$50,000.00** will be distributed to Recipient by LPDC, upon receipt by LPDC of all of the following items by **31 January 2017**:
- (1) Copy of a properly executed commercial lease agreement for Recipient's lease of at least 100,000 square feet of space at 359 Pike Court, La Porte, Texas for a minimum **five (5) year** primary term.
 - (2) Proof of Certificate of Occupancy issued by the City of La Porte, Texas to Recipient for completion of improvements at the Business Site.
 - (3) Proof of minimum capital investment in the amount of at least **\$140,000.00** toward real and/or business personal property improvements of the Business Site, which shall be verified by submission of proof of all of the following:
 - a) Copies all applicable invoices and receipts of payment;
 - b) Pictures showing proof of completed improvements;
 - c) Copies of all applicable certificates, permits, and final inspection reports required by the City of La Porte, Texas; and
 - (4) Proof of employment of at least **fifty-five (55)** full time employees at the Business Site, which shall be established by submission to LPDC, by the said deadline, of the following:

- a) Copies of Recipient's 941 Report to the Internal Revenue Service and C3 Report to the Texas Workforce Commission for each employee (but with social security numbers of each employee redacted), and
- b) A signed and notarized statement executed by any authorized officer or director of Recipient affirming that **fifty-five (55)** full time employees are employed by Recipient for positions permanently located at the Business Site.

In no case will the **\$50,000.00** payment be made by LPDC if written proof of all aforementioned items are not delivered to and received by the LPDC by **31 January 2017**. In the case that written proof of all aforementioned items are presented to LPDC on or before said **31 January 2017** deadline, the LPDC shall convene a meeting of the LPDC Board of Directors for a date no later than forty-five (45) days after receipt of proof of said items outlined in this Section A, from Recipient. Upon verification of the completion of all three aforementioned items, as reflected by formal vote of the LPDC Board of Directors that Recipient has satisfied the requirements of this paragraph, LPDC will then remit the **\$50,000.00** to Recipient within a period not to exceed thirty (30) days.

B. A cash incentive payment in an amount equal to **\$50,000.00** will be distributed to Recipient by LPDC, upon receipt by LPDC of each of the following items by **31 October 2017**:

- (1) Receipt of documentation evidencing that the total taxable value of all property of Recipient, at the conclusion of Recipient's consolidation of its business operations at the Business Site, including interests in all business personal property owned by the Recipient, as well as equipment and inventory, is assessed at a minimum value of one and a quarter million dollars (**\$1,250,000.00**) by the Harris County Appraisal District for tax year 2017.
- (2) Proof of employment of at least **sixty-five (65)** full-time employees at the Business Site, which shall be established by submission to LPDC by the said deadline, of the following:
 - a) Copies of Recipient's 941 Report to the Internal Revenue Service and C3 Report to the Texas Workforce Commission for each employee (but with social security numbers of each employee redacted); and
 - b) A signed and notarized statement executed by any authorized officer or director of Recipient affirming that **sixty-five (65)** full time employees are employed by Recipient for positions permanently located at the Business Site.

In no case will the **\$50,000.00** payment be made by LPDC if written proof of all

aforementioned items is not delivered to and received by LPDC by **31 October 2017**. In the case that written proof of all aforementioned items is presented to LPDC on or before said **31 October 2017** deadline, the LPDC shall convene a meeting of the LPDC Board of Directors for a date no later than forty-five (45) days after receipt of proof of said items outlined in this Section B, by LPDC from Recipient. Upon verification of the completion of all aforementioned items, as reflected by formal vote of the LPDC Board of Directors that Recipient has satisfied the requirements of this paragraph, LPDC will then remit the **\$50,000.00** to Recipient within a period not to exceed thirty (30) days.

C. A cash incentive payment in an amount equal to **\$130,000.00** will be distributed to the Recipient by the LPDC, in three annual installments of **\$40,000.00**, **\$40,000.00** and **\$50,000.00**, based on the following criteria:

(1) For the twelve (12) month period beginning 1 July 2017 and ending 30 June 2018, (Year #1 of Operation), the first annual installment of **\$40,000.00** will be distributed to the Recipient by the LPDC, upon receipt by the LPDC of all required items as outlined below, by **31 October 2018**:

a) Documentation evidencing that the total taxable value of all property of the Recipient, at the Business Site, including interests in all business personal property owned by the Recipient, -as well as equipment and inventory, is assessed at a minimum value of one and a quarter million dollars (**\$1,250,000.00**) by the Harris County Appraisal District for tax year 2018; and

b) Proof of employment of at least **seventy-five (75)** full-time employees at the Business Site, which shall be established by submission to LPDC, by the said deadline, of the following:

i. Copies of Recipient's 941 Report to the Internal Revenue Service and C3 Report to the Texas Workforce Commission for each employee (but with social security numbers of each employee redacted), and

A signed and notarized statement executed by any authorized officer or director of the Recipient affirming that **seventy-five(75)** full time employees are employed by Recipient for positions permanently located at the Business Site; and

c) Documentation evidencing that the Recipient generates taxable sales from the Business Site that is at least **\$1,500,000.00** more than the amount of taxable sales generated from the

beginning of the 1st Quarter of 2015 through and including the 4th Quarter of 2015 for activity at Recipient's business at 301 E. Main Street in La Porte, Texas ("Baseline Sales Tax Revenue Amount" herein) as reflected in the Sales Tax Analysis and Reporting Service (STARS Report for Quarter #4 of 2015).

In no case will the **\$40,000.00** payment be made by LPDC if written proof of all aforementioned items is not delivered to and received by LPDC by **31 October 2018**. In the case that written proof of all aforementioned items is presented to LPDC on or before said **31 October 2018** deadline, the LPDC shall convene a meeting of the LPDC Board of Directors for a date no later than forty-five (45) days after receipt of proof by LPDC from Recipient. Upon verification of the completion of all aforementioned items, as reflected by formal vote of the LPDC Board of Directors that Recipient has satisfied the requirements of this paragraph, LPDC will then remit the **\$40,000.00** to Recipient within a period not to exceed thirty (30) days.

(2) For the twelve (12) month period beginning 1 July 2018 and ending 30 June 2019 (Year #2 of Operation) the second annual installment of **\$40,000.00** will be distributed to the Recipient by the LPDC, upon receipt by the LPDC of all required items as outlined below, by **31 October 2019**:

- a) Documentation evidencing that the total taxable value of all property of the Recipient at the Business Site, including interests in all business personal property owned by the Recipient, as well as equipment and inventory, is assessed at a minimum value of one and a quarter million dollars (**\$1,250,000.00**) by the Harris County Appraisal District for tax year 2019; and
- b) Proof of employment of at least **one hundred (100)** full-time employees at the Business Site, which shall be established by submission to LPDC, by the said deadline, of the following:
 - i. Copies of Recipient's 941 Report to the Internal Revenue Service and C3 Report to the Texas Workforce Commission for each employee (but with social security numbers of each employee redacted), and
 - ii. A signed and notarized statement executed by and authorized officer or director of the Recipient affirming that **one hundred and forty (140)** full time employees are employed by Recipient for positions permanently located at the Business Site; and

- c) Documentation evidencing that the Recipient generates taxable sales from the Business Site that is at least **\$2, 500,000.00** -more than the amount of taxable sales generated from the beginning of the 1st Quarter of 2015 through and including the 4th Quarter of 2015 for activity at Recipient's business at 301 E. Main Street in La Porte, Texas ("Baseline Sales Tax Revenue Amount" herein) as reflected in the Sales Tax Analysis and Reporting Service (STARS Report for Quarter #4 of 2015).

In no case will the **\$40,000.00** payment be made by LPDC if written proof of all aforementioned items is not delivered to and received by LPDC by **31 October 2019**. In the case that written proof of all aforementioned items is presented to LPDC on or before said **31 October 2019** deadline, the LPDC shall convene a meeting of the LPDC Board of Directors for a date no later than forty-five (45) days after receipt of proof by LPDC from Recipient. Upon verification of the completion of all aforementioned items, as reflected by formal vote of the LPDC Board of Directors that Recipient has satisfied the requirements of this paragraph, LPDC will then remit the **\$40,000.00** to Recipient within a period not to exceed thirty (30) days.

- 3) For the twelve (12) month period beginning 1 July 2019 and ending 30 June 2020 (Year #3 of Operation), the final annual installment of **\$50,000.00** will be distributed to the Recipient by the LPDC, upon receipt by the LPDC of all required items as outlined below, by **31 October 2020**:
 - a) Documentation evidencing that the total taxable value of all property of the Recipient at the Business Site, including interests in all business personal property owned by the Recipient, as well as equipment and inventory, is assessed at a minimum value of one and a quarter million dollars (**\$1,250,000.00**) by the Harris County Appraisal District for tax year 2020; and
 - b) Proof of employment of at least **one hundred and twenty (120)** full-time employees at the Business Site, which shall be established by submission to LPDC, by the said deadline, of the following:
 - i. Copies of Recipient's 941 Report to the Internal Revenue Service and C3 Report to the Texas Workforce Commission for each employee (but with social security numbers of each employee redacted), and
 - ii. A signed and notarized statement executed by an authorized officer or director of the Recipient affirming that **one hundred and twenty (120)** full time

employees are employed by Recipient for positions permanently located at the Business Site; and

- c) Documentation evidencing that the Recipient generates taxable sales from the Business Site that is at least **\$2,500,000.00**
-more than the amount of taxable sales generated from the beginning of the 1st Quarter of 2015 through and including the 4th Quarter of 2015 for activity at Recipient's business at 301 E. Main Street in La Porte, Texas ("Baseline Sales Tax Revenue Amount" herein) as reflected in the Sales Tax Analysis and Reporting Service (STARS Report for Quarter #4 of 2015).

In no case will the **\$50,000.00** payment be made by LPDC if written proof of all aforementioned items is not delivered to and received by LPDC by **31st October 2020**. In the case that written proof of all aforementioned items is presented to LPDC on or before said **31st October 2020**, the LPDC shall convene a meeting of the LPDC Board of Directors for a date no later than forty-five (45) days after receipt of proof by LPDC from Recipient. Upon verification of the completion of all aforementioned items, as reflected by formal vote of the LPDC Board of Directors that Recipient has satisfied the requirements of this paragraph, LPDC will then remit the **\$50,000.00** to Recipient within a period not to exceed thirty (30) days.

- D. Notwithstanding the foregoing, if for any Year of Operation, as that term is defined in this Section, Recipient provides proof that all business personal property owned by the Recipient at the Business Site, including equipment and inventory, is assessed at a minimum value of one and a quarter million dollars (**\$1,250,000.00**) by the Harris County Appraisal District for the given tax year; and Recipient employs at least **minimum employees as laid out above of 55 year one, 65 year two, 75 year three, 100 year four and 120 in the final year** of full-time employees at the Business Site; and the Recipient generates taxable sales that do not meet or exceed the Baseline Sales Tax Revenue Amount by **\$2,500,000.00**, then the Recipient will only be eligible for a pro rata share of the proposed annual payment based on the percentage of the achieved sales tax. but the Recipient's annual taxable sales do meet or exceed the Baseline Sales Tax Revenue Amount by at least **80% of the taxable sales identified in each payment under this Section**, then in that case Recipient shall be entitled to a pro rata share of the installment payment made at the end of the applicable Year of Operation. However, in the case that Recipient fails to meet or exceed the Baseline Sales Tax Revenue Amount by at least **80%** in a given Year of Operation, then Recipient shall be entitled to no portion of the installment, for that Year of Operation.

In accordance with the preceding paragraph, if after the conclusion of a Year of Operation, but no later than 120 days after the conclusion of the Year of Operation, the Recipient submits proof that it exceeded the Baseline Sales Tax Revenue Amount as reflected in the Sales Tax Analysis and Reporting Service (STARS Report for Quarter #4 of 2015) by at least **\$2,000,000.00**, but less than **\$2,500,000.00**, then in that event the LPDC shall convene a meeting of the

LPDC Board of Directors for a date no later than forty-five (45) days after receipt of proof of such sales tax revenue data. Upon verification of same, for qualification of pro rata payment, as reflected by formal vote of the LPDC Board of Directors that Recipient has satisfied the requirements of this paragraph, LPDC will then remit a pro rata share of the **proposed payment for that year** an amount as applicable, to Recipient within a period not to exceed thirty (30) days.

ARTICLE II

All funds received as herein provided shall be solely for the purpose of reimbursing Recipient in the consolidation of its business operations at its La Porte site, and Recipient further acknowledges that the incentive grant provided for herein is tied to a project of the LPDC for the creation and retention of primary jobs, and that Recipient's proposed expansion at its La Porte site will be suitable for the development, retention, or expansion of manufacturing and industrial facilities, as authorized by Texas Local Government Code chapters 501 and 505.

ARTICLE III

Disbursement and/or retention of the cash incentive identified in Article I of this Agreement shall be made as follows:

- A. Disbursement shall be made to Recipient, subject to the satisfaction of the conditions precedent or conditions subsequent contained within Article I of this Agreement.
- B. LPDC's obligation to Recipient shall not exceed **\$230,000.00**, nor shall LPDC be obligated to reimburse Recipient for requests delivered to LPDC after the termination of this Agreement.

ARTICLE IV

Recipient understands that the funds paid to Recipient by the LPDC are derived from tax revenues collected under Texas Local Government Code 505.252, and that LPDC has estimated the tax revenues to be collected during the term of this Agreement. Recipient further understands, acknowledges, and agrees that if the tax revenue actually collected is less than 90% of the estimated tax revenues to be collected in any fiscal year during the term of this Agreement, LPDC will be under no obligation to provide funding to Recipient for any payment or payments during or after the fiscal year for which there is a revenue shortfall. Upon execution of the Agreement, funds will be placed in a City of La Porte designated commitment account for purposes of this Agreement.

ARTICLE V

In the event of any default by Recipient hereunder, including, but not limited to, use of the funds provided herein for purposes other than those stated in Article I of this Agreement, LPDC may cease all future payments hereunder and terminate this

Agreement. In addition, LPDC shall have the right to reclaim and recapture, and Recipient shall refund, any funds that are not spent in accordance with the terms of this Agreement, including 1) LPDC funds spent by Recipient in contravention of this Agreement and 2) any unspent and unobligated LPDC funds previously paid to Recipient. In each such case, the previously paid cash payment or payments shall be remitted to the LPDC within sixty (60) of receipt of written demand for same.

Any breach of this covenant shall be grounds for immediate termination of the distribution of funds.

ARTICLE VI

The term of this Agreement is for a period beginning on the date of approval by LPDC and ending **five (5) years** later.

ARTICLE VII

All funds provided by the LPDC pursuant to this Agreement may be used only for the purposes authorized by this Agreement. Notwithstanding Article I, above, City shall be under no obligation to make any fund disbursements if the reports required under this Article have not been delivered to the LPDC.

ARTICLE VIII

This Agreement does not create any joint venture, partnership, or agency relationship between the LPDC and Recipient. Recipient shall have exclusive control of, and the exclusive right to control the details of the work to be performed by Recipient hereunder and all personnel performing same, and shall be solely responsible for the acts and omissions of its officers, members, agents, servants, employees, subcontractors, program participants, volunteers, licensees, and invitees. In no event shall any person participating in or performing any of Recipient's duties or responsibilities hereunder be considered an officer, agent, servant, or employee of the LPDC.

ARTICLE IX

Recipient agrees to assume and does hereby assume all responsibility and liability for damages sustained by persons or property, whether real or asserted, by or from the

carrying on of work by Recipient or in the performance of services performed and to be performed by Recipient hereunder. Recipient covenants and agrees to, and does hereby indemnify, defend, and hold harmless LPDC and all their respective officers, agents, and employees from all suits, actions, claims, and expenses of any character, including attorney's fees, brought for or incurred on account of any injuries or damages, whether real or asserted, sustained by any person or property by or in consequence of any intentional or negligent act, omission, or conduct of Recipient, its agents, servants or employees.

ARTICLE X

This Agreement may be amended by the mutual agreement of the Parties hereto in writing to be attached to and incorporated into this Agreement.

ARTICLE XI

Recipient shall adhere to all local, state, and federal laws and regulations that may affect its actions made pursuant to this Agreement, and shall maintain in effect during the term of this Agreement any and all federal, state, and local licenses and permits which may be required of Recipients generally.

ARTICLE XII

Recipient may not assign this Agreement without the written consent of LPDC.

ARTICLE XIII

The waiver by LPDC of any breach of any term, condition, or covenant herein contained shall not be deemed a waiver of any subsequent breach of the same, or any other term, condition, or covenant.

ARTICLE XIV

The obligations of the Parties to this Agreement are performable in Harris County, Texas and if legal action is necessary to enforce same, venue shall lie in Harris County, Texas.

ARTICLE XV

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

ARTICLE XVI

This Agreement may be executed in triplicate, each of which shall be deemed an original and constitute one and the same instrument.

ARTICLE XVII

Neither LPDC nor Participant shall be required to perform any term, condition, or covenant in this Agreement so long as such performance is delayed or prevented by force majeure, which shall mean Acts of God, civil riots, floods, and any other cause not reasonably within the control of LPDC or Recipient except as herein provided, and which by the exercise of due diligence LPDC or Recipient is unable, wholly or in part, to prevent or overcome.

ARTICLE XVIII

In submitting this application, the applicant whose signature appears below affirms its intent and commitment to comply in full with Section 2264.052 of the Government Code and certifies that it does not and will not knowingly employ an undocumented worker during any time period associated with the public subsidy for which the application is being submitted. The applicant further certifies its understanding and agreement that if it is convicted of a violation of 8 U.S.C. Section 1324a(f), providing for civil and/or criminal penalties for engaging in a pattern or practice of knowingly hiring or continuing to employ unauthorized aliens, it shall repay the amount of the public subsidy with interest, at the rate and according to the terms of the agreement signed under Section 2264.053 of the Government Code, not later than the 120th day after the date the city notifies the business of the violation.

ARTICLE XIX

The Agreement embodies the complete agreement of the parties hereto, superceding all oral or written pervious and contemporary agreements between the Parties, which relate to matters in this Agreement.

SIGNED AND AGREED to by LPDC and Recipient on the dates indicated below.

LA PORTE DEVELOPMENT CORPORTION

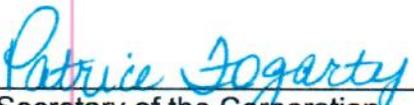


Richard Warren, President

6-27-16

Date

ATTEST



Secretary of the Corporation

NORTHERN SAFETY COMPANY, INC., a New York Corporation

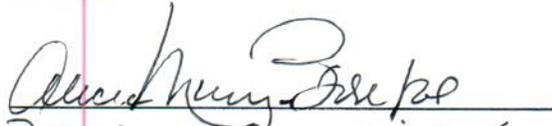
By: 

Luis Garcia, President of Gulf Coast Region

Date

7/5/2016

ATTEST

A handwritten signature in cursive script, appearing to read "Alicia Murray".

Director of Operations - Gulf Coast

La Porte Development Corporation Project Score Card

<u>Project Name</u>	<u>Added Taxable Value</u>	<u>10 Year PILOT or Tax Revenue</u>	<u># of Full Time Jobs</u>	<u># of Part Time/Coop Positions</u>	<u>Actual or Est. Grant Award</u>	<u>Raw Payback Period (Years)</u>	<u>Adj. Payback Period for # of Jobs (Years)</u>
InterGulf Corporation	\$2.1 million	\$149,100	30	0	\$450,000	30.18	25.68 ⁸
Rob Johnson	\$6 million	\$843,750 ²	10	0	\$106,000	1.26	1.26 ⁷
Pipeline Grill	\$656,728	\$846,628 ³	100	0	\$300,000	3.54	3.54
Fischer's Hardware	\$600,000	\$116,600 ⁴	4	3	\$120,000	10.29	9.89
Richard Industrial Group	\$500,000	\$10,650 ⁵	75	0	\$15,000	4.23	-7.02 ⁸
ACT Independent Turbo	\$6 million	\$426,000	60	5	\$426,000	10.00	0.25 ⁸
Northern Safety and Industrial	\$1.25 million ¹	\$145,500 ⁶	120	0	\$230,000	7.90	4.65 ⁹

Notes:

1. Investment of \$1.25 million in new business personal property and inventory.
2. Estimated sales of \$2 million x 2%, plus the annual tax revenue from the improved property.
3. Estimated sales of \$4 million x 2%, plus the annual tax revenue from the improved property.
4. Estimated increase in annual taxable sales by 20%, plus the annual tax revenue from the improved property.
5. Estimated increase in annual tax revenue from improved property, and the term for this project is three (3) years.
6. Estimated, annual taxable retail sales for years #3 and #4 of \$1.5 million and year #4 of \$2.5 million. **Five Year Project.**
7. Grant Award/Annual PILOT or Tax Revenue - (# of Full Time Positions x 0) - (# of Coop Positions x 0).
8. Grant Award/Annual PILOT or Tax Revenue - (# of Full Time Positions x 0.15) - (# of Coop Positions x 0.15).
9. Grant Award/Annual Tax Revenue - (3*0.15)-(13*0.1)-(20*0.075)-(0*0.075)

\$35,500	Property Tax for \$1.25 million over 4 years.
\$60,000	New retail sale tax revenue for years #3 and 4 of agreement.
\$50,000	New retail sale tax revenue for year #5 of agreement.
\$145,500	

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested:	<u>July 25, 2016</u>	Appropriation	
Requested By:	<u>Sharon Valiante</u>	Source of Funds:	<u>051</u>
Department:	<u>Public Works</u>	Account Number:	<u>051-7071-531-1100</u>
Report: <input checked="" type="radio"/>	Resolution: <input type="radio"/>	Ordinance: <input type="radio"/>	Amount Budgeted: <u>\$1,100,000.00</u>
Other: <input type="radio"/>			Amount Requested: <u>\$714,129.30</u>
Attachments :		Budgeted Item:	<input checked="" type="radio"/> YES <input type="radio"/> NO

1. Bid Recommendation and Tabulation
2. Tolunay-Wong Proposal for Materials Testing
3. Access Report

SUMMARY & RECOMMENDATIONS

City Council authorized a design services contract with LJA Engineering in the amount of \$79,500 with a \$3,450 contingency on March 10, 2014 for the design of the Scotchmoss Lane roadway improvements. Staff provided Council with a construction estimate equal to \$950,000 with the 2014 design services agenda request. Tonight's request is to authorize project construction with a total funding allocation equal to \$714,129.30.

Bid #16011 for the Scotchmoss Lane Rehabilitation was opened and read on June 21, 2016. The bid was advertised in the Bay Area Observer on May 26 & June 2, posted on Public Purchase and the City's website. Fourteen vendors accessed the bid, and 1 bid was received. Mar-Con Construction submitted the bid at \$673,974.30, which includes the base bid (\$619,916.30) and Supplementary Bid Items (\$54,058.00). Mar-Con has successfully completed construction projects for the City of La Porte in the past.

The Supplementary Work Items are typical construction materials (cement stabilized sand and 7 sack concrete) that would expect to see an "over-run" or in place of another material and will be used only if necessary to expedite construction.

Contingency: Staff is requesting a \$33,700 contingency equal to 5.0%.

Materials Testing: Tolunay-Wong Engineers, Inc. submitted a price proposal for subgrade and concrete testing in the amount of \$6,455.00. As professional engineers, Tolunay-Wong Engineers, Inc. falls within the purchasing category of Professional Services. Selection of this firm was conducted via separate RFQ process as part of the 3rd Street project.

Final Project Cost: \$673,974.30 total bid + \$33,700.00 contingency + \$6,455.00 materials testing = \$714,129.30.

Benefits:

The project will address several of the lowest rated concrete street segments identified in the 2013 comprehensive street inspection report.

Liabilities:

Deferring the project construction would add to future year maintenance responsibilities. The street included in this project were constructed over 50-years ago. Two-thirds of the City's concrete streets, with an estimated value of over \$75-million for roadway pavement alone, were constructed more than 40-years ago.

Operating Costs:

Slight decrease in operating/maintenance costs.

Action Required of Council:

Consider approval or other action to award Bid #16011 to Mar-Con Construction, for the improvement of sections of Scotchmoss Lane and authorize the City Manager to enter into a construction contract in the amount of \$673,934.30 with a total project funding allocation equal to \$714,129.30 including a \$33,700.00 construction contingency and materials testing expense of \$6,455.00.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

LJA Engineering, Inc.



11821 East Freeway Phone 713.450.1300
Suite 360 Fax 713.450.1385
Houston, Texas 77029 www.ljaengineering.com
TBPE № F-1386

June 21, 2016

Honorable Mayor and City Council
City of La Porte
City Hall
604 W. Fairmont Parkway
La Porte, TX 77571

RE: Bid Tabulation and Recommendation for Award
for Construction of Scotch Moss Lane Rehabilitation
LJA Project No. E170-0150

Honorable Mayor and Council:

Bids for construction of the reference project were received at 2:00 P.M., Tuesday, June 21, 2016 at the City Hall Information Desk, 604 W. Fairmont Parkway, TX, 77571 and subsequently read in public in the Council Chambers. One (1) contracting firm submitted a bid for the project. No errors were found in the bid.

The bidder and the correct total amount bid is as follows:

<u>Contractor</u>	<u>Location</u>	<u>Contract Amount</u>
MAR-CON Services, LLC	Pasadena, TX	\$673,974.30

A copy of the Bid Tabulation is attached.

The bidding documents of the bidder were examined and found to be in order. A Qualification Statement of the bidder is submitted for your review.

Our investigation of MAR-CON Services, LLC, of Pasadena, TX, included a review of their financial statement, surety, and references of previous projects. Based on our investigation, we recommend awarding the Contract to MAR-CON Services, LLC. The total amount bid was \$673,974.30 and is within available funds.

If you have any questions or need additional information, please advise.

Sincerely,

Mark Havran, PE
Project Manager

Attachment

Bid Tabulation - Bid Opening, June 21, 2016 @2:00 PM
 CITY OF LA PORTE
 SCOTCH MOSS LANE REHABILITATION
 LJA Project No. E170-0150
 FRN F-1386

MAR-CON SERVICES, LLC
 1410 Preston Rd.,
 Bldg H
 Pasadena TX 77503
 PH# 713-473-1800
 Email: mario@marconllc.com

ITEM NO.	DESCRIPTION	EST. QTY.	UNITS	UNIT PRICE	TOTAL PRICE PER ITEM
1	Existing Concrete Roadway Excavation, Including Approx. 5.5-Inch Thick Base Material, Complete in Place	765	CY	\$26.40	\$20,196.00
2	Lime for 8-Inch Stabilized Sub-Grade (7% by Dryweight), Complete in Place	54	TON	\$165.80	\$8,953.20
3	8-Inch Stabilized Sub-Grade (Manipulation), Complete in Place	3,935	SY	\$4.10	\$16,133.50
4	7-Inch Reinforced Concrete Pavement (Minimum 5 Sacks per Cubic Yard), Complete in Place	3,445	SY	\$43.50	\$149,857.50
5	Remove and Replace Existing Concrete Driveway with 6-Inch Thick Concrete Driveway and 6-Inch Thick Concrete Sidewalk, Including Cement Stabilized Sand as Required, Complete in Place	1,510	SY	\$59.80	\$90,298.00
6	Remove and Replace Existing Concrete Sidewalk with 4-Foot Wide, 4-Inch Thick Concrete Sidewalk, Including Cement Stabilized Sand as Required, Complete in Place	365	SY	\$52.20	\$19,053.00
7	HCPID Type 12 Directional Curb Ramp with Detectable Warnings (Concrete Paver with Truncated Dome Surface) and 5-Foot x 5-Foot Concrete Landing, Complete in Place	2	EA	\$1,924.20	\$3,848.40
8	4-Inch by 12-Inch Transion Curb, Complete in Place	1,860	LF	\$2.90	\$5,394.00
9	8-Inch Waterline (PVC, AWWA C-900, DR-18) with Ductile Iron Fittings, Open Cut, Joint Restraints (as necessary), All Depths, Complete in Place	280	LF	\$68.50	\$19,180.00
10	8-Inch Waterline, Augered Construction (PVC, AWWA C-900, DR-18) All Depths, Complete in Place	1,730	LF	\$30.60	\$52,938.00
11	8-Inch x 8-Inch Tapping Sleeve and Valve (AWWA) Full Body with Adjustable Box, Joint Restraint (as necessary), Accessories, Concrete Collar, Complete in Place	4	EA	\$4,444.50	\$17,778.00
12	8" Gate Valve (AWWA) with Adjustable Box, Joint Restraint (as necessary), Accessories, Concrete Collar, Complete in Place	2	EA	\$1,390.90	\$2,781.80
13	Fire Hydrant Assembly, With Restrained Joints, 4-Foot Bury, Concrete Collar, Complete in Place	4	EA	\$3,880.30	\$15,521.20
14	Extra Depth Bury for Fire Hydrant, Complete in Place	8	VF	\$257.30	\$2,058.40
15	Cut and Plug Existing Waterline (Open Cut & Backfill), Complete in Place	4	EA	\$611.60	\$2,446.40
16	Remove and Salvage Existing Fire Hydrant (Open Cut & Backfill), Complete in Place	2	EA	\$310.20	\$620.40
17	Close Existing Valve, Remove Box, Plug Valve Operator (Open Cut & Backfill), Complete in Place	5	EA	\$312.60	\$1,563.00
18	Construct New Polyethylene Tubing Service Connection (3/4-Inch to 1-Inch), Short Side, Including Tap, Pipe, Valves, and Connection to Existing Meter with New Box, Complete in Place	28	EA	\$453.30	\$12,692.40
19	Construct New Polyethylene Tubing Service Connection (3/4-Inch to 1-Inch), Long Side, Auger Beneath Road, Including Tap, Pipe, Valves, and Connection to Existing Meter with New Box, Complete in Place	19	EA	\$810.00	\$15,390.00

20	24" RCP Pipe, Complete in Place	300	LF	\$79.50	\$23,850.00
21	Remove and Replace Type "B-B" Inlet, Complete in Place	6	EA	\$2,508.10	\$15,048.60
22	Type "B-B" Inlet, Complete in Place	2	EA	\$2,220.10	\$4,440.20
23	Standard Storm Manhole, Complete in Place	3	EA	\$2,365.70	\$7,097.10
24	Sanitary Manhole Reconstruction, Frame and Rings Replaced with Cement Grout, Complete in Place	2	EA	\$386.90	\$773.80
25	Traffic Control Plan for Scotch Moss Lane, Complete in Place	4	MO	\$27,198.10	\$108,792.40
26	Turf Establishment, Full Sodding, Complete in Place	450	SY	\$3.40	\$1,530.00
27	Turf Establishment, Hydromulch Seeding, Complete in Place	0.35	AC	\$3,200.00	\$1,120.00
28	Traffic Markings, Prep and Paint, 24" Solid White Stop Bar, Complete in Place, As Directed by Engineer	30	LF	\$18.70	\$561.00

TOTAL AMOUNT SCOTCH MOSS LANE ITEMS (Items 1 thru 28)

\$619,916.30

SUPPLEMENTARY ITEMS					
29	Reinforced Filter Fabric Fence, As Directed by Owner's Representative, Complete in Place	3000	LF	\$1.00	\$3,000.00
30	Rock Filter Dam, As Directed by Owner's Representative, Complete in Place	50	LF	\$15.00	\$750.00
31	Inlet Silt Sack, As Directed by Owner's Representative, Complete in Place	20	EA	\$15.00	\$300.00
32	"Extra" Cement Stabilized Sand, As Directed by Owner's Representative, Complete in Place	200	TON	\$30.00	\$6,000.00
33	"Extra" Class A Concrete, As Directed by Owner's Representative, Complete in Place	100	CY	\$100.00	\$10,000.00
34	Select Fill, Compacted per ASTM D698, As Directed by Owner's Representative, Complete in Place	300	CY	\$10.00	\$3,000.00
35	24-Inch Reinforced Concrete Pipe, ASTM C-76, Class III, As Directed by Owner's Representative, Complete in Place	60	LF	\$79.30	\$4,758.00
36	Stabilized Construction Exit, As Directed by Owner's Representative, Complete in Place	2	LS	\$750.00	\$1,500.00
37	7-Inch Reinforced Concrete Pavement (Minimum 7 Sacks per Cubic Yard), Complete in Place	450	SY	\$55.00	\$24,750.00

TOTAL AMOUNT SUPPLEMENTARY ITEMS (Items 29 thru 37)

\$54,058.00

TOTAL AMOUNT SCOTCH MOSS LANE ITEMS (Items 1 thru 28)

\$619,916.30

TOTAL AMOUNT SUPPLEMENTARY ITEMS (Items 29 thru 37)

\$54,058.00

TOTAL AMOUNT SCOTCHMOSS LANE & SUPPLEMENTARY ITEMS (Items 1 thru 37)

\$673,974.30

7-5-2016

City of La Porte
2963 North 23rd Street
La Porte, Texas
(Via e-Mail: pennelld@laportetx.gov)

Attn: Mr. Don Pennell

**Re: Construction Materials Testing Services For:
Scotch Moss Lane Rehabilitation
TWE Proposal No. P16-L052**

Mr.: Pennell

Tolunay-Wong Engineers (TWE) appreciates the opportunity to submit our detailed proposal to provide construction materials testing and inspection services for the above referenced project.

Upon your favorable review, we would appreciate the opportunity to meet with you to discuss the details of our proposal, as well as answer any questions you may have regarding its content. As always, our proposed scope of services and estimated quantities are negotiable as they are based upon information available to us at this time.

We appreciate your consideration for this project. If we may be of immediate assistance, please do not hesitate to contact this office.

Respectfully submitted,

Tolunay-Wong Engineers, Inc.



Michael Melendez
Project Manager – Houston Area Industrial
mmelendez@tweinc.com

INTRODUCTION

TWE understands the importance of this project to your company and the special needs associated with construction of a project of this type. Of particular importance is for the overall project team to be comprised of experienced professionals working together toward a common objective. This objective is to obtain a quality project, meeting the intent of the project specifications, as well as completion on schedule and within budget.

From our laboratory facility, we will provide experienced engineering technicians to perform the on-site testing and inspection services. Additionally, we meet the requirements of ASTM E-329 “Standard Practice for Inspection and Testing Agencies for Concrete, Steel and Bituminous Materials Used in Construction” regarding qualifications of the testing laboratory.

WORK PLAN

TWE’s approach to providing materials testing services is to assign qualified engineering technicians, directed by Senior Professional Engineers, experienced in their respective disciplines. Our assigned Project Manager will provide communication, service direction, and overall project coordination. It is presumed that the contractor and ready-mixed concrete producer will be encouraged to provide their own formalized quality control program separate and apart from our acceptance inspection/testing program stated herein.

We anticipate providing the majority of the required testing services for this particular project on a **“Call-Out”** basis. The anticipated services required on this project are as follows:

- A. In-Place Soil Compaction (nuclear method)
- B. Cast In-Place Concrete Inspection/Testing

All reports of materials tests and inspection services provided will be issued to appropriate members of the project team. In the event individual reports indicate potential problems or items of non-conformance to the project specifications, you will be contacted as soon as possible.

COST ESTIMATE & GENERAL NOTES

In this section of the proposal you will find our cost estimate. Additional services or tests requested and not specifically addressed in Section III of this proposal will be invoiced per the standard fees set forth in our 2016 Fee Schedule.

Based on information provided to us at this time and an estimated construction schedule, we have established what we believe is the most realistic cost estimate for this project. Please remember that the units stated are only an **estimate**. Due to factors beyond our control such as weather, unforeseen conditions, subcontractor expertise, subcontractor scheduling, etc., the cost of our services may vary from the estimated amount.

We estimate the cost of the construction materials testing for our proposed Scope of Services will be **\$6,455.00** as detailed in the following section, although all services will be invoiced on a time and materials basis.

A minimum 4-hour labor equivalent charge is applicable for all field testing and inspection services. Overtime rates for field personnel are applicable for all hours worked in excess of 8 hours per day, weekends, and holidays and are assessed at 1.5 times the standard rates. All field hours will be charged portal to portal from our laboratory facility. All sample pick-ups will be charged travel time from portal to portal and will include associated vehicle charges. Engineering consultation and evaluation in connection with any laboratory testing service will be charged at a rate of approximately one hour for each 20 hours of field work performed.

Our prices include copies of the reports distributed via e-mail in accordance with your instructions. Additional copies can be mailed at \$0.50 per page. Direct expenses incurred in connection with the project will be invoiced at cost plus 15% for handling. Travel and lodging expenses for out of town assignments will be invoiced at cost plus 15% or \$150.00 per day, whichever is greater. Our terms are net 30 days upon receipt of invoice. Invoices will be submitted on a monthly basis.

COST SETIMATE SUMMARY

SERVICE DESCRIPTION	UNITS	UNIT RATE	COST
Construction Materials Technician , Hr. ^{1,2}	80	\$40.00	\$3,200.00
Nuclear Gauge, day	3	\$50.00	\$150.00
Vehicle charge, day	10	\$50.00	\$500.00
Proctors, Ea.	2	\$155.00	\$310.00
Comp. Strength of Concrete Test Cylinders, Ea. ^{3,4}	36	\$20.00	\$720.00
Sample Pick Up, trip	3	\$125.00	\$375.00
Lime Determination, Ea.	1	\$200.00	\$200.00
Cores, Ea. Min 4	4	\$90.00	\$360.00
Core Measurement, Ea.	4	\$10.00	\$40.00
Project Manager, Hr. ⁵	4.0	\$100.00	\$400.00
Admin, Hr. ⁵	4.0	\$50.00	\$200.00
TOTAL ESTIMATE			\$6,455.00

ASSUMPTIONS

The cost estimate is based on the following unit rates, our experience on similar projects and the following assumptions:

1. 3 days of Soil testing at 8.0 hours
2. 7 days of Concrete testing at 8.0 hours
3. Cylinders - Paving / 7 sets of 4 (28 total)
4. Cylinders – Sidewalk / 2 sets of 4 (8 total)
5. 1 hr. for every 20 hrs. worked

CLOSING

Tolunay-Wong Engineers has established a reputation for excellence in the materials engineering field through a business philosophy based on quality professional services responsive to the needs of our clients. We thank you for the opportunity to serve you with this philosophy.

Accepted by: _____

Name: _____

Date: _____

PO/Authorization: _____

Access Report

Agency

Bid Number

Bid Title

City of La Porte (TX)

16011

Scotch Moss Lane Rehabilitation

Vendor Name	Accessed First Time	Documents
Hayden Paving, Inc.	2016-05-25 02:54 PM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
A-1 Construction	2016-06-01 10:28 AM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
Perkens WS Corporation	2016-05-30 12:04 AM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
CMD Group	2016-06-06 11:23 AM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
North America Procurement Council	2016-05-27 06:03 AM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
aztec remodeling &landscaping compan	2016-05-31 07:40 AM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
Onvia	2016-05-24 06:12 PM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
Paskey Incorporated	2016-05-24 03:28 PM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
Angel Brothers Enterprises, Ltd.	2016-05-31 08:36 AM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
I Sqft Plan Room	2016-06-02 06:02 AM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
J&G Concrete Products	2016-05-24 03:22 PM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
MAR-CON SERVICES, LLC	2016-05-27 01:29 PM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
Taylor & Taylor Construction	2016-05-24 12:49 PM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
Hearn Company	2016-05-24 01:48 PM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
GW Phillips Construction, INC.	2016-05-25 04:39 PM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf
KING SOLUTION SERVICES LLC	2016-05-24 01:01 PM CDT	Bid #16011 Scotch Moss Lane Rehabilitation Final.pdf

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested:	<u>July 25, 2016</u>	Appropriation
Requested By:	<u>Sharon Valiante</u>	Source of Funds: <u>Utility Fund (003)</u>
Department:	<u>Public Works</u>	Account Number: <u>003.7085.533.1100</u>
Report: <input checked="" type="radio"/>	Resolution: <input type="radio"/> Ordinance: <input type="radio"/>	Amount Budgeted: <u>\$100,00 (FY16)</u>
Other: <input type="radio"/>		Amount Requested: <u>\$93,895 (FY16)</u>
Attachments :		Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO

- 1. Consultant Evaluation**
- 2. Excerpt from 2009 Water Master Plan**
- 3. Engineering Proposal**

SUMMARY & RECOMMENDATIONS

In October 2009, the City of La Porte commissioned a Water Master Plan that presented recommended water system improvements. Through the years, the City has incorporated these recommendations within its CIP. As certain projects near their funded timeline, it is necessary to perform additional evaluations to ensure the project design contains all the necessary aspects to implement the proposed project. To prepare for the Hillridge Booster Pumps and Plant Improvements Project, staff commissioned an electrical evaluation of the Hillridge Water Plant in June 2014. The evaluation provided several options for the necessary electrical improvements. The option that best fit the needed improvements is outlined on page 4 of the Consultant Evaluation exhibit under Option 2, Phase 2 – Plant Site.

The FY 16 budget includes a Utility Fund Capital Improvement project to design booster pumps to replace the existing, a building replacement, and the infrastructure that will provide for a future proposed third booster pump, located at the Hillridge Water Plant (north end of Fairmont Park). The design project is funded at \$100,000. The components of this project are described on page 4 Option 2, Phase 2 of the Consultant Evaluation, and are based on staff evaluation of the current condition of the existing pumps.

Staff selected HDR Engineering, the firm that prepared the 2009 Water Master Plan, to design the replacement of the booster pumps and building at the Hillridge Water Plant. HDR designed the replacement of the 25th Street Water Plant water tank, booster pumps and controls for the City and have been in the top three firms for recent RSQ's. Shrader Engineering, the firm that performed the 2014 Electrical Evaluation for the Hillridge Plant, will be the Electrical Engineering sub-consultant on this Phase of the project. The design fees to be considered for this project are \$93,895. The design fees are based on the level of effort it will take to perform all the tasks outlined in the scope. (Note: The estimated construction cost at this time is \$715,000.)

Staff recommends proceeding with the design of the Hillridge Plant improvements as outlined and referenced in both the 2009 Water Master Plan and the 2014 Electrical Evaluation.

Benefits:

Phased improvements to the Hillridge Water Plant will ensure the city's ability to maintain water

pressure in the system and provide ground water as needed for normal operations and during emergency outages.

Liabilities:

Current Request: The building is obsolete and not up to current codes. The booster pumps are over 50 years old and at the end of their useful service life. The 2009 Water Master Plan for the city identified a need for expanded booster pump capacity at this location around 2020. The age and condition of the existing plant infrastructure dictate a need for improvements.

Operating Costs:

No significant change in operating costs associated with the Phase II improvements. The operating costs will both reduce (due to new equipment) and increase (due to more equipment) with upgrades necessary either way to maintain the water plant.

Action Required of Council:

Consider approval or other action authorizing the City Manager to enter into a professional services agreement with HDR Engineering in the amount of \$93,895 to design Phase II of the Hillridge Water Plant Improvements including new booster pumps and building.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

City of La Porte
Hillridge Water Plant

Electrical Evaluation

Prepared for: City of La Porte

Revision: 1



Prepared by:



TBPE No. F-527

June 6, 2014

SEI No. 4324-CLP

Introduction

The City of La Porte has requested an electrical evaluation of the Hillridge Water Plant at 10220 Hillridge Road La Porte, Texas 77571. The purpose of this evaluation is to provide options and recommendations for replacing the pump building and electrical equipment serving the two wells. In addition, a rough order of magnitude cost estimate is provided for each option as well as recommendations for phasing construction to meet the City's budgetary requirements.

Analysis

Due to the deteriorated state of the pump building and electrical equipment, it is recommended that the pump building, all electrical equipment inside the pump building, and the electrical equipment serving the wells be replaced. This will allow the facility to be brought up to Code and current safety standards. The options listed below detail the various solutions to accomplish this task.

Option 1

This option consists of constructing a new concrete masonry unit building that includes a control room, pump room and chlorine room. The new building will be constructed to the east of the existing 100HP well site. The new building will contain all electrical equipment to run the booster pumps and two wells. Construction will be split into three phases as follows:

Phase 1 – Control Room and Well Equipment

- Construct ductbank from proposed control room location to each well site.
- Stub-out conduits for future pump room, chlorine room, generator, and controls to existing ground storage tank.
- Construct control room with provisions for future expansion.
- New 800A electrical service sized to run full load of water plant.
- Install motor control center inside control room with main circuit breaker, surge protector, phase fail relay, power monitor, automatic transfer switch, solid state reduced voltage starters (soft starts) for well motors, and motor protection unit (Multilin).
- Install 480:120/208V low voltage transformer and panelboard.
- Temporarily re-route well call signals from existing well starters to new starters.
- Install NEMA 4X stainless steel terminal boxes and surge protectors at each well.
- Demolish existing well starters and service rack at 250HP well site.

Phase 2 – Pump Room, Chlorine Room, and Booster Pump Equipment

- Complete ductbank to booster pumps and chlorine room.
- Complete ductbank to water plant site for ground storage tank power and controls.
- Construct pump room and chlorine room next to control room.
- Install additional sections to motor control center with full voltage non-reversing starter for one (1) 40HP booster pump, full voltage non-reversing starters for two (2) 60HP booster pumps, and autosensory panel.
- Install solid state controller and backup controls.
- Install mini-power zone, level transmitter, backup level pressure switches in enclosure at ground storage tank.
- Demolish existing building and electrical equipment. If equipment is in good condition, it may be salvaged.

Phase 3 - Generator

- Complete ductbank to automatic transfer switch from generator.
- Install 600KW natural gas generator with sound attenuation level 2 enclosure just north of the 100HP well site next to new building. Generator is sized to carry full load of water plant.

Option 2

This option consists of constructing a new concrete masonry unit building that includes a control room, pump room and chlorine room. The new building will be constructed across the driveway from the ground storage tank at the water plant site. The electrical equipment that serves the two wells will be replaced at the 250Hp well site. Construction will be split into four phases as follows:

Phase 1 – Remote Well Site

- Install new service pole with power company meter and 600A disconnect. Service is sized to run both wells simultaneously.
- Install new motor control center at 250HP well site with main circuit breaker, surge protector, phase fail relay, power monitor, automatic transfer switch, 480V:120/208V low voltage transformer, low voltage panelboard, autosensory panel, solid state reduced voltage starters (soft starts) for well motors, and motor protection unit (Multilin).
- The motor control center will be housed in a NEMA 3R drop over, non-walk in enclosure.
- Install solid state controller and controls.

- Install NEMA 4X stainless steel terminal boxes and surge protectors at each well.
- Re-route well call signals from existing well starters to new starters.
- Demolish existing well starters and service rack at 250HP well site.

Phase 2 – Plant Site

Phase 2 may be divided into two separate phases upon request. The current proposed construction phasing is determined to minimize coordination pitfalls and to be the most cost effective solution overall.

- Install ductbank for fiber optic connection between solid state controller at 250HP well site and water plant solid state controller.
- Construct building with control room, pump room, and chlorine room across the driveway, east of the ground storage tank.
- Install new service pole with power company meter and 300A disconnect. Service is sized to run all booster pumps and miscellaneous electrical equipment.
- Install motor control center with main circuit breaker, surge protector, phase fail monitor, power monitor, automatic transfer switch, full voltage non-reversing starter for one (1) 40HP booster pump, full voltage non-reversing starters for two (2) 60HP booster pumps, and autosensory panel.
- Install 480V:120/208V low voltage transformer and panelboard.
- Install solid state controller and backup controls.
- Install ground storage tank level transmitter and backup level pressure switches in autosensory panel.
- Demolish existing building and electrical equipment. Any equipment may be salvaged at City request, and will be turned over to City by contractor during construction.

Phase 3 – Generator at Remote Well Site

- Install ductbank from automatic transfer switch to generator.
- Install 400KW natural gas generator with sound attenuation level 2 enclosure at 250HP well site. Generator is sized to carry both wells.

Phase 4 – Generator at Plant Site

- Complete ductbank from automatic transfer switch to generator.
- Install 250KW natural gas generator with sound attenuation level 2 enclosure at water plant site. Generator is sized to carry full load of water plant site.

Option 3

This option consists of constructing a new concrete masonry unit building that includes a control room, pump room and chlorine room. The new building will be constructed in stages to replace the existing building where it is currently located. The electrical equipment that serves the two wells will be replaced at the 250Hp well site. Construction will be split into four phases as follows:

Phase 1 – Remote Well Site

- Install new service pole with power company meter and 600A disconnect. Service is sized to run both wells simultaneously.
- Install new motor control center at 250HP well site with main circuit breaker, surge protector, phase fail relay, power monitor, automatic transfer switch, 480V:120/208V low voltage transformer, low voltage panelboard, autosensory panel, solid state reduced voltage starters (soft starts) for well motors, and motor protection unit (Multilin).
- The motor control center will be housed in a NEMA 3R drop over, non-walk in enclosure.
- Install solid state controller and controls.
- Install NEMA 4X stainless steel terminal boxes and surge protectors at each well.
- Re-route well call signals from existing well starters to new starters.
- Demolish existing well starters and service rack at 250HP well site.

Phase 2 – Plant Site

Phase 2 may be divided into two separate phases upon request. The current proposed construction phasing is determined to minimize coordination pitfalls and to be the most cost effective solution overall.

- Install ductbank for fiber optic connection between solid state controller at 250HP well site and water plant solid state controller.
- Demolish existing building and construct new building in stages so as to have minimal plant down time.
- Install new service pole with power company meter and 300A disconnect. Service is sized to run three all booster pumps and miscellaneous electrical equipment.
- Install motor control center with main circuit breaker, surge protector, phase fail monitor, power monitor, automatic transfer switch, full voltage non-reversing starter for one (1) 40HP booster pump, full voltage non-reversing starters for two (2) 60HP booster pumps, and autosensory panel.
- Install 480V:120/208V low voltage transformer and panelboard.

- Install solid state controller and backup controls.
- Install ground storage tank level transmitter and backup level pressure switches in autosensory panel.
- Complete demolition of existing building and electrical equipment. If equipment is in good condition, it may be salvaged.

Phase 3 – Generator at Remote Well Site

- Install ductbank from automatic transfer switch to generator.
- Install 400KW natural gas generator with sound attenuation level 2 enclosure at 250HP well site. Generator is sized to carry both wells.

Phase 4 – Generator at Plant Site

- Complete ductbank from automatic transfer switch to generator.
- Install 250KW natural gas generator with sound attenuation level 2 enclosure at water plant site. Generator is sized to carry full load of water plant site.

Probable Cost of Construction

The following are rough order of magnitude estimates for the cost of construction as described in this evaluation. Rough order of magnitude cost is defined as ±35% as installed through a competitively bid contract. Estimates can be refined during detailed design.

Option 1

Phase 1	\$299,200.00 - \$321,900.00
Phase 2	\$618,500.00 - \$665,400.00
Phase 3*	<u>\$677,300.00 - \$731,500.00</u>
Total	\$1,595,000.00 - \$1,718,800.00

*Phase 3 with diesel generator and 24 hour sub-base tank: \$435,000.00 - \$469,800.00

Option 2

Phase 1	\$263,300.00 - \$282,400.00
Phase 2	\$679,900.00 - \$731,800.00
Phase 3*	\$481,100.00 - \$519,600.00
Phase 4**	<u>\$334,500.00 - \$361,600.00</u>
Total	\$1,758,800.00 - \$1,895,400.00

*Phase 3 with diesel generator and 24 hour sub-base tank: \$250,700.00 - \$270,800.00

**Phase 4 with diesel generator and 24 hour sub-base tank: \$208,800.00 - \$225,500.00

Option 3

Phase 1\$263,300.00 - \$282,400.00

Phase 2\$742,400.00 - \$799,300.00

Phase 3*\$481,100.00 - \$519,600.00

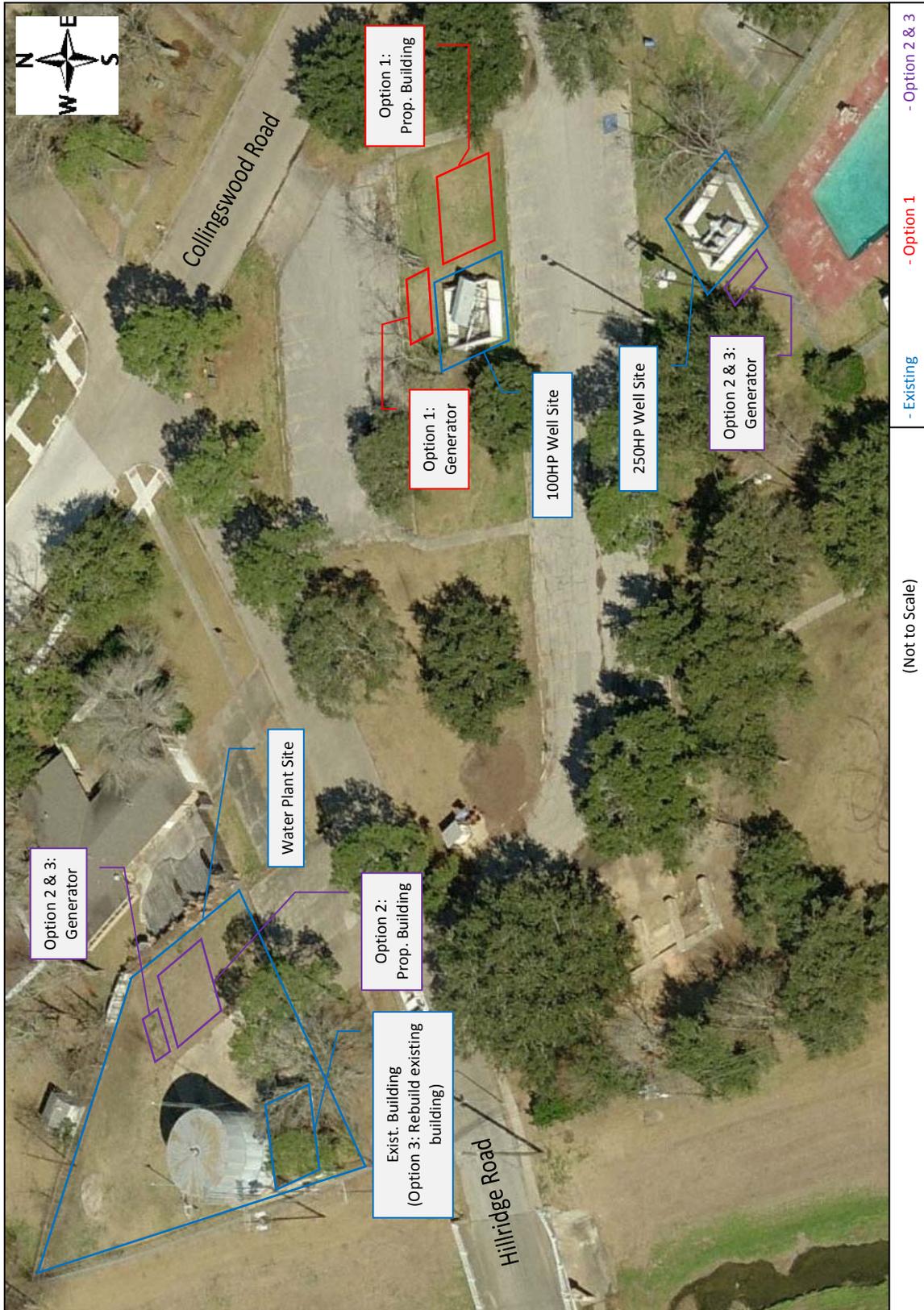
Phase 4**\$334,500.00 - \$361,600.00

Total**\$1,821,300.00 - \$1,962,900.00**

*Phase 3 with diesel generator and 24 hour sub-base tank: \$250,700.00 - \$270,800.00

**Phase 4 with diesel generator and 24 hour sub-base tank: \$208,800.00 - \$225,500.00

Site Map



The Phase I improvements should be planned for year 2010. The Phase II improvements will need to occur before the City reaches a connection count of 14,885, estimated to occur in 2015. After these improvements are completed, the City's booster pump capacity will be sufficient for the City until the connection count reaches approximately 15,584 connections [The present connection count is 14,187 connections]. Based on the population projections for the City, this would take place in or about the year 2020.

b. Phase III – Hillridge Water Plant

In or about the year 2020, it is anticipated that further booster pump upgrades will be needed. It is recommended that the Phase III improvements occur at the Hillridge Water Plant. During Phase III, it is recommended to increase the booster pump capacity as follows:

Existing Pump 1 – rated at 650 gpm

Existing Pump 2 – rated at 990 gpm

Proposed Pump 3 – 1,000 gpm

The Phase III improvements will need to occur before the City reaches a connection count of 15,584. After these improvements are completed, the City's booster pump capacity will be sufficient for the City until the connection count reaches approximately 16,958 connections [The present connection count is 14,187 connections]. Based on the population projections for the City, this would take place in or about the year 2030.

c. Phase IV – Fairmont / 4th Street Water Plant

In or about the year 2030, it is anticipated that further booster pump upgrades will be needed. It is recommended that the Phase IV improvements occur at the Fairmont / 4th Street Water Plant. During Phase IV, it is recommended to increase the booster pump capacity as follows:

Existing Pump 1 – rated at 975 gpm

Proposed Pump 2 – 1,000 gpm

The Phase IV improvements will need to occur before the City reaches a connection count of 16,958. After these improvements are completed, the City's booster pump capacity will be sufficient for the City until the connection count reaches approximately 18,182 connections [The present connection count is 14,187 connections]. Based on the population projections for the City, this would take place in or about the year 2040.

Future Water Usage Projection Tables

Year	TWDB Projected Population	Projected Connections by Year	Projected Average Annual Water Use, MGD, 300 gpdpc	Projected Total Water Use, MGD, 400 gpdpc	Total Water Supply - to Maintain 0.6 gpm per Connection, gpm (TCEQ Requirements)	Water Supply - to Maintain 90% Surface Water, gpm (HGCS Requirements) 300 gallon per day pc	Water Supply - to Maintain 90% Surface Water, gpm (HGCS Requirements) 400 gallon per day pc	Total Storage Required by TCEQ - 200 gallons per Connection	Elevated Storage Required by TCEQ - 100 gallons per Connection	Booster Pumps Required by TCEQ - Peak Hour w/ Largest Pump out of Services	
2010	35,467	14,187	4,256	5,675	8,512	2,660	3,547	Install 1500 gpm booster pump - S. 25th Street (Phase I)	1,432,652	6,335	
2011		14,327	4,298	5,731	8,596	2,686	3,582				
2012		14,466	4,340	5,786	8,680	2,712	3,617				
2013		14,606	4,382	5,842	8,764	2,739	3,651				
2014		14,746	4,424	5,898	8,847	2,765	3,686				
2015		14,885	4,466	5,954	8,931	2,791	3,721				
2016		15,025	4,508	6,010	9,015	2,817	3,756				
2017		15,165	4,549	6,066	9,099	2,843	3,791				
2018		15,305	4,591	6,122	9,183	2,870	3,826				
2019		15,444	4,633	6,178	9,267	2,896	3,861				
2020	38,960	15,584	4,675	6,234	Upgrade SW Water Supply Contract		Install 1,000 gpm booster pump - Hillridge (Phase III)	1,502,512	1,516,484	7,034	
2021		15,721	4,716	6,289	9,433	2,948					3,930
2022		15,859	4,758	6,343	9,515	2,974					3,965
2023		15,996	4,799	6,398	9,598	2,999					3,999
2024		16,133	4,840	6,453	9,680	3,025					4,033
2025		16,271	4,881	6,508	9,762	3,051					4,068
2026		16,408	4,922	6,563	9,845	3,077					4,102
2027		16,546	4,964	6,618	9,927	3,102					4,136
2028		16,683	5,005	6,673	10,010	3,128					4,171
2029		16,820	5,046	6,728	10,092	3,154					4,205
2030	42,394	16,958	5,087	6,783	10,175	3,180	4,239	Install 1,000 gpm booster pump - Fairmont (Phase IV)	1,682,024	8,413	
2031		17,094	5,128	6,837	10,256	3,205	4,273				
2032		17,230	5,169	6,892	10,338	3,231	4,307				
2033		17,366	5,210	6,946	10,419	3,256	4,341				
2034		17,502	5,250	7,001	10,501	3,282	4,375				
2035		17,638	5,291	7,055	10,583	3,307	4,409				
2036		17,774	5,332	7,109	10,664	3,333	4,443				
2037		17,910	5,373	7,164	10,746	3,358	4,477				
2038		18,046	5,414	7,218	10,827	3,384	4,511				
2039		18,182	5,454	7,273	10,909	3,409	4,545				
2040	45,794	18,318	5,495	7,327	10,991	3,435	4,579	Install 1,000 gpm booster pump - Broadway (Phase V)	1,831,760	9,661	
2041		18,453	5,536	7,381	11,072	3,460	4,613				
2042		18,588	5,576	7,435	11,153	3,485	4,647				
2043		18,723	5,617	7,489	11,234	3,511	4,681				
2044		18,858	5,657	7,543	11,315	3,536	4,715				
2045		18,993	5,698	7,597	11,396	3,561	4,748				
2046		19,129	5,739	7,651	11,477	3,587	4,782				
2047		19,264	5,779	7,705	11,558	3,612	4,816				
2048		19,399	5,820	7,760	11,639	3,637	4,850				
2049		19,534	5,860	7,814	11,720	3,663	4,884				
2050	49,173	19,669	5,901	7,868	11,802	3,688	4,917	Install 1,000 gpm booster pump - S. 25th Street (Phase VI)	1,926,372	10,450	
2051		19,804	5,941	7,922	11,882	3,713	4,951				
2052		19,938	5,982	7,975	11,963	3,738	4,985				
2053		20,073	6,022	8,029	12,044	3,764	5,018				
2054		20,208	6,062	8,083	12,125	3,789	5,052				
2055		20,342	6,103	8,137	12,205	3,814	5,086				
2056		20,477	6,143	8,191	12,286	3,839	5,119				
2057		20,612	6,184	8,245	12,367	3,865	5,153				
2058		20,746	6,224	8,299	12,448	3,890	5,187				
2059		20,881	6,264	8,352	12,529	3,915	5,220				
2060	52,539	21,016	6,305	8,406	12,609	3,940	5,254				
Ultimate Connections:		21,746	6,524	8,698	13,047	4,077		4,349,160	2,174,580	12,518	



ATTACHMENT "A"

June 28, 2016

Ms. Sharon Valiante, P.E.
Director of Public Works
City of La Porte
2963 23rd Street
La Porte, Texas 77571

Re: Proposal for Engineering and Construction Phase Services
For Hillridge Water Plant Improvements

Dear Ms. Valiante:

HDR Engineering, Inc. (HDR) is pleased to submit this proposal for performing design phase services for the above referenced project. Bid and construction phase services are not included in the scope of this proposal, but can be provided under a separate authorization. The proposal is based on our understanding of the project provided in the Hillridge Water Plant Electrical Evaluation performed by Shrader Engineering (June 2014), conversations with staff, and our site visit to the plant with City Staff. For your convenience this proposal consists of General Overview, Scope of Services, and Additional Services.

GENERAL OVERVIEW

The City has requested HDR to provide a proposal for design phase services for the above referenced project. From the provided information and conversations held with City Staff, this project will consist of the following:

1. Design the proposed Booster Pump Building with Motor Control Center (MCC) room, pump room, and chlorine room with outside lighting across the driveway, east of the ground storage tank.
2. Building will be designed with ventilation for the chlorine and pump rooms (no climate control).
3. The existing building and its contents are to remain as-is and will be abandoned without modification.
4. Design two (2) 40 HP booster pumps and one (1) 60 HP booster pump

hdrinc.com

4828 Loop Central Drive, Suite 800,
Houston, TX 77081-2220
(713) 622-9264

Page 1 of 6

5. Design new service pole with power company meter and 300A disconnect along the north property line (along property line of 3426 and 3422 Valley Brook Drive). Service is sized to run all booster pumps and miscellaneous electrical equipment.
6. Design motor control center with main circuit breaker, surge protector, phase fail monitor, power monitor, automatic transfer switch with generator connector, full voltage non-reversing starter for two (2) 40HP booster pumps, full voltage non-reversing starter for one (1) 60HP booster pump, and autosensory panel.
7. Provide for 480V:120/208V low voltage transformer and panelboard.
8. Provide for solid state controller and backup controls.
9. Provide for ground storage tank level transmitter and backup level pressure switches in autosensory panel.
10. Provide for Contractor to relocate and reinstall existing SCADA equipment and controls to the proposed building.
11. Design of paving and walkways to connect existing pavement to the proposed building.
12. Layout and design of pre-engineered concrete building with structural design to be provided by the building manufacturer.
13. Provide for removal of existing chain link fence and installation of a new 8-foot tall chain link fence at site.
14. Provide for replacement in kind of light by surface water line by storage tank.
15. Design new piping from ground storage tank to the booster pumps and from the booster pumps to the distribution system.
16. Provide for removal of 1-ton scale and trunion at old building and install new 1-ton scale and trunion outside the proposed chlorine room.

The engineer's opinion of probable construction cost for these improvements is **\$715,000**. This cost will be evaluated and updated as the project progresses.

This proposal addresses the engineering services that HDR will provide the City of La Porte during the design phase. HDR will utilize an electrical subconsultant, geotechnical subconsultant, and survey subconsultant.

SCOPE OF SERVICES

I. DESIGN ENGINEERING PHASE

Basic Design Phase Services

- A. Perform field reconnaissance of the site and immediate vicinity to obtain and document information on features that would impact construction.
- B. Research and gather existing relevant data on the project such as existing utility information.
- C. Proposed pumps and motors will be designed to match the duty point and horsepower of the existing pumps. All installations of equipment shall be in accordance with the Hillridge Water Plant Electrical Evaluation performed by Shrader Engineering.
- D. Booster pump station mechanical piping will be described in the technical specifications and shown in the process flow schematic. Detailed mechanical layout of piping, valves, and appurtenances inside the booster pump room will be submitted by the Contractor as fabrication drawings for approval by the Engineer during the construction phase.
- E. Location of stormwater pollution prevention features will be shown on the site grading and drainage plan.
- F. Verify floodplain elevations at or around site and incorporate appropriate design consideration to meet TCEQ regulations.
- G. Prepare project specifications, drawings, bid documents and construction drawings based on the anticipated improvements.
- H. Coordinate with the City of La Porte and apprise the City of findings and analysis.
- I. Incorporate obtained information from the City into Contract Documents.
- J. Prepare Contract Documents suitable for bidding the proposed improvements.
- K. Prepare an opinion of probable construction cost.
- L. Complete coordination with other governmental entities or utility agencies in regard to the project. Assist the City in obtaining and/or securing approvals required by all governmental authorities with jurisdiction over the design and/or the operation of the project and all public and private utilities including pipeline transmission companies affected by this project. This assistance will involve the usual expected coordination and approval process. When the process involves work beyond the expected, such as special submittals, designs, appearances at special meetings, coordination of utility/pipeline

excavation efforts, permitting applications, coordination with the power utility etc., such work would be considered under the Additional Services portion of this proposal.

- M. Coordinate with Texas Commission on Environmental Quality (TCEQ) during the design phase. Furnish necessary documentation to TCEQ for their review and approval.
- N. Incorporate appropriate comments into the final Contract Documents.
- O. Furnish five (5) sets of Contract Documents to the City.

Special Design Phase Services

1. Survey Subconsultant

A survey of the project site and existing improvements will be performed and will extend from the back of curb to the north property line of 10216 Hillridge Road. Survey will identify surface features and collect water line and storm sewer line locations identified in the field by City Staff.

2. Geotechnical Subconsultant

One twenty foot (20-foot) deep boring will be performed to evaluate the subsurface soil and ground water conditions. Recommendations will be provided for foundation design and foundation settlement. City Staff will be expected to clear the location for the boring.

3. Electrical Subconsultant

Electrical design will be performed for the proposed improvement to the water Plant. The design will include power distribution system, instrumentation and control system, water plant controls, lighting system, temporary facilities, and load analysis.

II. BID PHASE SERVICES – (Not Used)

III. CONTRUSTION PHASE SERVICES – (Not Used)

ADDITIONAL SERVICES

Additional services are those services that are beyond the services provided for in the scope portion of this proposal defined in Section I above. The following is a partial list of items that would be considered additional services. These items will only be provided when authorized by the City.

- A. Right-of-way research, deed research, and abstracting.

- B. Site Easement and Right of Way Acquisition work such as: preparation of metes and bounds; verification of ownership of property; preparation and submittal of title report or title commitment; initial contact with property owner(s) to gain right-of-way entry in order to conduct field surveys and geotechnical testing.
- C. Environmental Site Assessment – This proposal assumes that no lead, asbestos, contaminated soil / water or other environmental contaminants requiring action are present.
- D. Traffic Control Planning and Design.
- E. Development of a Risk Management Plan for chlorine and other hazardous chemicals on-site.
- F. Printing of Final Plans, Specifications, and Reports beyond those copies to be provided to the client as noted in the scope of services. Cost of plans and specifications, and bid documents for use by potential bidders will be charged to the potential bidder and not to the City.
- G. Assist the City as an expert witness or factual witness in any legal proceedings, dispute resolution, or litigation arising from the development, permitting or construction of the Project.
- H. Provide any other services related to the project not otherwise indicated in the Scope of Services and not customarily furnished in accordance with generally accepted engineering practices.
- I. Re-packaging of bid documents to provide multiple bid packages and/or rebidding the project.

IV. FEE

The Design Phase fee will be a Lump Sum fee payable monthly based on the percent complete of the Contract Documents. Any Additional Services requested by the City will be invoiced and paid for at the direct cost plus 10% and HDR labor costs at raw labor cost times a factor of 3.05 plus a technology charge of \$3.70 per hour. Such tasks and costs will only be performed upon authorization from the City. The design phase will be completed within 4 months of the Notice to Proceed.

DESIGN ENGINEERING PHASE

HDR Design Phase Services:	The lump sum cost of:	\$65,405
Survey Subconsultant:	The lump sum cost of:	\$ 2,475
Electrical Subconsultant:	The lump sum cost of:	\$23,320
Geotechnical Subconsultant:	The lump sum cost of:	\$ 2,695

Total of Design Engineering phase: \$93,895

HDR appreciates the opportunity to submit this proposal and we look forward to working with the City of La Porte on this very important project.

Sincerely,

HDR Engineering, Inc.



David Weston
Vice President/Department Manager

c: John Peterson - HDR

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 25, 2016 Appropriation
Requested By: Eric Ensey Source of Funds: N/A
Department: Planning & Development Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

1. Ordinance
2. Exhibit A-Future Land Use Map
3. P&Z Recommendation Letter

SUMMARY & RECOMMENDATIONS

This item is a request for consideration to amend the city's Future Land Use Plan (FLUP) in conjunction with zone change request #16-92000003 by Follis Construction and the City of La Porte for the tract of land legally described as Lots 11-24, Block 1114, Town of La Porte Subdivision.

The City's FLUP identifies the subject property as a split "Commercial" and "Mid- to High-Density Residential" land uses. In order to accommodate the proposed zone change request and allow the subject site to be developed as single family residential houses, the FLUP would need to be amended to allow for "Low Density Residential" use. The City's FLUP is an element of the Comprehensive Plan. The City may elect, from time to time, to amend the FLUP following public hearing by the City Council.

The Planning and Zoning Commission reviewed this request at the June 16, 2016, meeting and voted to recommend approval of the proposed modifications to the Future Land Use Plan.

Action Required of Council:

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve an Ordinance amending the City's Future Land Use Plan for the tract of land legally described as Lots 11-24, Block 1114, Town of La Porte Subdivision, from "Commercial" use and "Mid- to High-Density Residential" use to "Low Density Residential" use.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AN UPDATE TO THE FUTURE LAND USE PLAN COMPONENT OF THE COMPREHENSIVE PLAN OF THE CITY OF LA PORTE, TEXAS UPON RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF LA PORTE, TEXAS; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Section 211.004 of the Texas Local Government Code provides that zoning regulations must be adopted in accordance with a Comprehensive Plan;

WHEREAS, Section 213.003 of the Texas Local Government Code provides that a municipality may amend a Comprehensive Plan by ordinance, after public hearing and review by the municipality's planning commission or department; and

WHEREAS, Section 213.003 of the Texas Local Government Code also provides that a municipality may establish, in its charter or by ordinance, procedures for adopting and amending a Comprehensive Plan; and

WHEREAS, Chapter 106, "Zoning" Article I, Section 106-3, and Article II, Section 106-65 of the Code of Ordinances of the City of La Porte, delegates to the Planning and Zoning Commission the duty to review and make recommendations relevant to modifications of the Comprehensive Plan and Zoning Ordinance; and

WHEREAS, the City of La Porte has a Comprehensive Plan, which Plan was adopted by the City Council of the City of La Porte, Texas in 1986, and which Plan has been the subject of multiple amendments since its adoption;

WHEREAS, pursuant to mandate of Chapter 106, "Zoning" of the Code of Ordinances of the City of La Porte, the Planning and Zoning Commission of the City of La Porte has reviewed all elements of the Comprehensive Plan, and as duly approved by the City Council of the City of La Porte, to consider possible amendments thereto; and

WHEREAS, at the La Porte Planning and Zoning Commission meeting which occurred on June 16, 2016, the La Porte Planning and Zoning Commission reviewed the Future Land Use Plan component of the Comprehensive Plan for the purpose of considering proposed amendments thereto, to change the designation for Lots 11-24, Block 1114, Town of La Porte Subdivision, Harris County, Texas, as depicted in Exhibit A attached hereto, from “Commercial” and “Mid-to-High Density Residential” to “Low-Density Residential”, and at the conclusion of such review the La Porte Planning and Zoning Commission voted to recommend to the La Porte City Council such amendments be made to the Future Land Use Plan component of the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED BY

THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, THAT:

Section 1 That an amendment to the Future Land Use Plan component of the Comprehensive Plan of the City of La Porte, Texas, which is incorporated to this ordinance by reference herein and attached hereto as Exhibit A, be and is hereby authorized, approved, and adopted by the City Council of the City of La Porte, Texas, after duly noticed public hearing held at its July 25, 2016 meeting, pursuant to the recommendations of the Planning and Zoning Commission of the City of La Porte, Texas.

Section 2 The City Secretary of the City of La Porte or her designated representative shall be required to make this amendment to the Comprehensive Plan available to the public and duly mark and note the updated reference on the Future Land Use Plan component of the Comprehensive Plan of the City of La Porte, Texas.

Section 3 The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject to this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 4 This Ordinance shall be in effect from and after its passage and approval.
Passed and approved this the ____ day of JULY, 2016.

CITY OF LA PORTE, TEXAS

By: _____

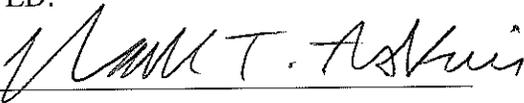
Louis R. Rigby, Mayor

ATTEST:

By: _____

Patrice Fogarty, City Secretary

APPROVED:

By: 

Clark Askins, Assistant City Attorney

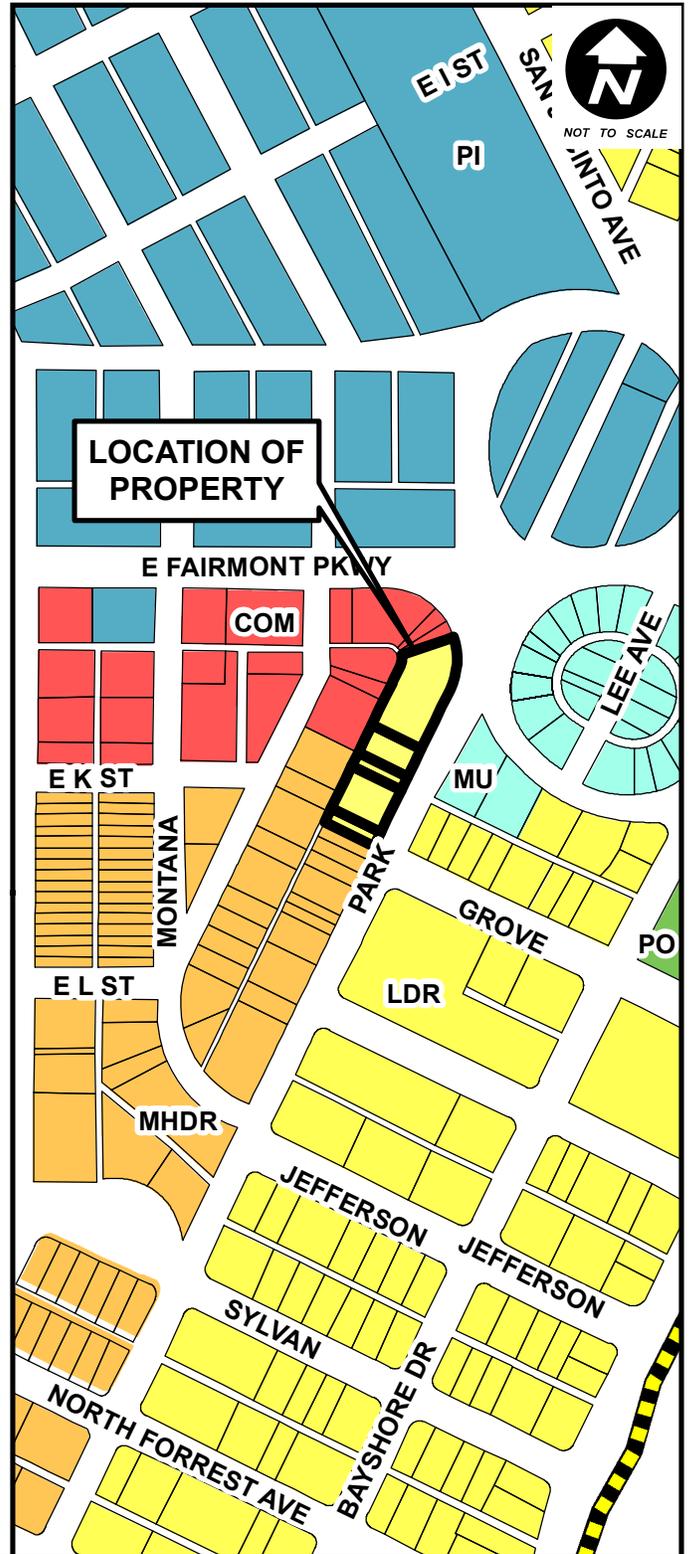
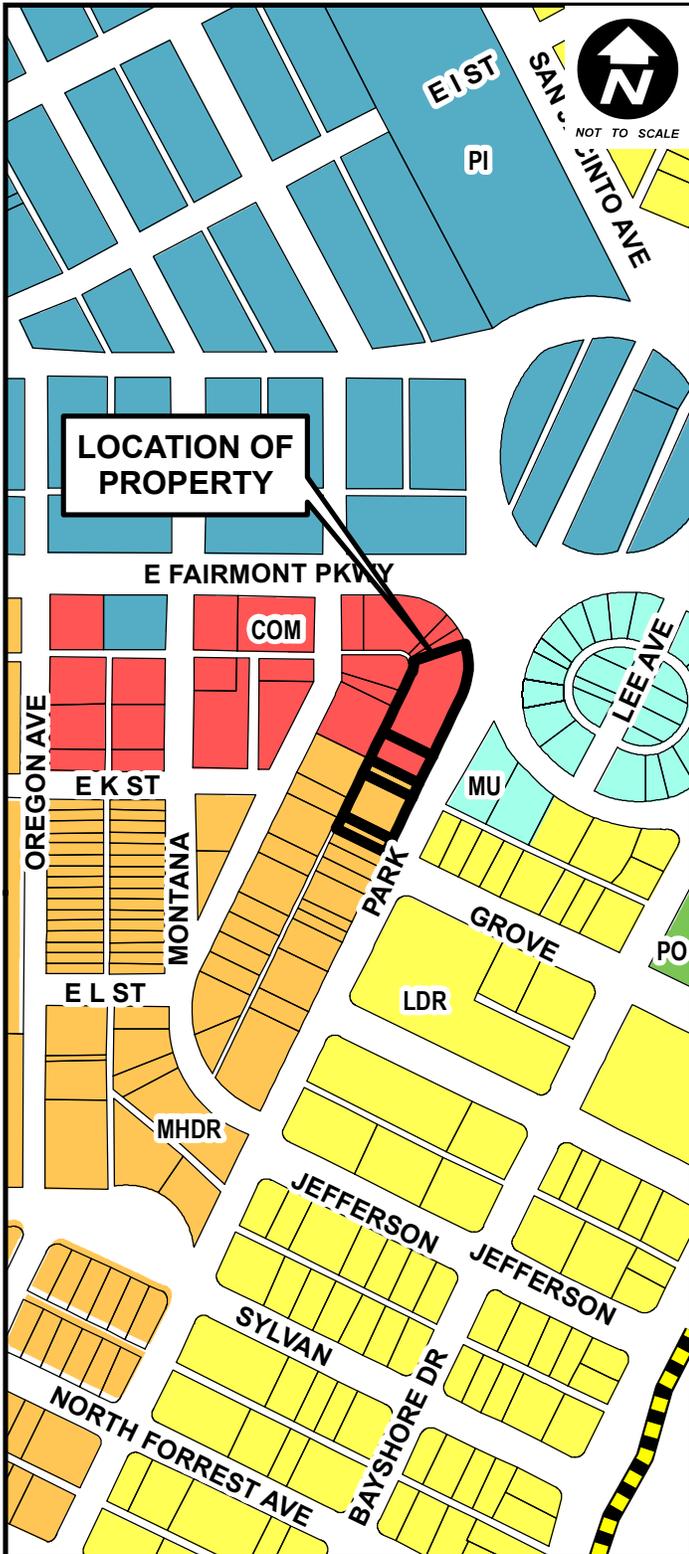
LAND USE EXHIBIT

EXHIBIT A

REZONE #16-9200003

EXISTING FUTURE LAND USE

PROPOSED FUTURE LAND USE



LAND USE LEGEND

- | | | |
|--|--|--|
|  LOW-DENSITY RESIDENTIAL |  MIXED USE |  PARKS AND OPEN SPACE |
|  MID-HIGH DENSITY RESIDENTIAL |  COMMERCIAL |  PUBLIC / INSTITUTIONAL |



July 6, 2016

Honorable Mayor Rigby and City Council
City of La Porte

RE: Amendment to the City's Future Land Use Plan

Dear Mayor Rigby and City Council:

On June 16, 2016, the La Porte Planning and Zoning Commission reviewed a request for a proposed amendment to the city's Future Land Use Plan. The proposed amendment includes revising the land use designation the tract of land legally described as Lots 11-24, Block 1114, Town of La Porte Subdivision, City of La Porte, Harris County, Texas. The proposed Future Land Use Plan Amendment would change the land use of the site from "Commercial" and "Mid-to High-Density use to "Low Density Residential" use. This request is in conjunction with zone change case #16-92000003, which is a request by Follis Construction and the City of La Porte to rezone the subject property from General Commercial (GC) and High Density Residential (R-3) to Low Density Residential (R-1) to allow for construction of single family detached residential homes.

The Commission voted unanimously to recommend approval of the proposed amendment to the city's Future Land Use Plan.

Respectfully submitted,

Hal Lawler
Chairman, Planning and Zoning Commission

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

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 25, 2016 Appropriation
Requested By: Eric Ensey Source of Funds: N/A
Department: Planning & Development Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

1. Ordinance
2. P&Z Recommendation Letter
3. Applicant Information and Request
4. Zoning Map
5. Land Use Map
6. Neighborhood Response Letters

SUMMARY & RECOMMENDATIONS

This is a request by Follis Construction to rezone Lots 11-17, Block 1114, Town of La Porte Subdivision from General Commercial (GC) to Low Density Residential (R-1) in order to develop the property with single family detached houses. In order to continue the low density residential use on that portion of Park Avenue, staff is recommending the City rezone the lots under its ownership (Lots 18-23) and initiate the rezoning of Lot 24, owned by Emmeline Renis, to R-1 as well. This will maintain a consistent residential land use along Park Avenue in the area. Staff has sent notice to Ms. Renis of the proposed zone change, but has not received any response.

The Planning and Zoning Commission conducted a public hearing at the June 16, 2016, meeting concerning this request. There was one response letter received from Ryan Taylor of 204 Preston Avenue (Pasadena) in support of the request. After conducting a public hearing on the matter, the Commission voted to recommend approval of the proposed zone change.

The Commission's recommendation was based on the finding that allowing for single family detached houses to be constructed on this site is consistent with the land use pattern of the area. There are currently houses located to the south of Park. General Commercial is a reasonable use along Fairmont Parkway; however, the City's hike and bike trail, located at the intersection of Fairmont Parkway and Park Drive, is a reasonable transition line to single family detached residential development to the south.

The subject site is currently identified in the City's adopted Future Land Use Map as "Commercial" use and "Mid- to High-Density Residential" use. The proposed use of "Low Density Residential" use requires an amendment to the city's Future Land Use Plan, which is also presented on this agenda.

Action Required of Council:

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve an ordinance to approve zone change request #16-92000003, to rezone a tract of land legally described as Lots 11-24, Block 1114, Town of La Porte Subdivision, from General Commercial (GC) and High Density Residential (R-3) to Low Density Residential (R-1).

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY CHANGING THE ZONING CLASSIFICATION OF LOTS 11-23, BLOCK 1114, TOWN OF LA PORTE SUBDIVISION FROM GENERAL COMMERCIAL (GC) TO LOW DENSITY RESIDENTIAL (R-1), AND BY CHANGING THE ZONING CLASSIFICATION OF LOT 24, BLOCK 1114, TOWN OF LA PORTE SUBDIVISION FROM SPLIT-ZONE GENERAL COMMERCIAL (GC) AND HIGH DENSITY RESIDENTIAL (R-3) TO LOW DENSITY RESIDENTIAL (R-1); MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;

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

Section 1: Chapter 106 "Zoning" of the Code of Ordinances is hereby amended by changing the zoning classification of the following described property, to wit: Lots 11-23, Block 1114, Town of La Porte Subdivision, Harris County, Texas, from General Commercial (GC) to Low Density Residential (R-1), and Lot 24, Block 1114, Town of La Porte Subdivision, Harris County, Texas, from split zone General Commercial (GC) and High Density Residential (R-3) to Low Density Residential (R-1).

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

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

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

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

Section 6: It is directed that the Official Zoning Map of the City of La Porte, Texas be changed to reflect the zoning classification established by this ordinance.

Section 7. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Map and Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

Section 8. This Ordinance shall be effective upon its passage and approval.

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

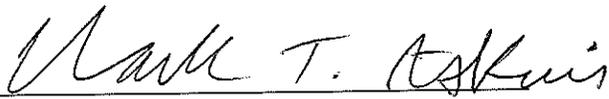
CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark T. Askins, Assistant City Attorney



July 6, 2016

Honorable Mayor Rigby and City Council
City of La Porte

RE: Rezone Request #16-92000003

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the June 16, 2016 meeting on a zone change request by Follis Construction to rezone Lots 11-17, Block 1114, Town of La Porte Subdivision from General Commercial (GC) to Low Density Residential (R-1) to develop the property with single family detached houses. In order to continue the low density residential use on that portion of Park adjacent to the south, the Planning and Zoning Commission also recommends rezoning the lots under its ownership (Lots 18-23) and initiate the rezoning of Lot 24, owned by Emmeline Renis, from GC and R-3 to R-1.

The Commission unanimously (7-0) voted to recommend approval of the proposed rezone.

Respectfully submitted,

Hal Lawler
Chairman, Planning and Zoning Commission

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

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

Planning & Development Department
ZONE CHANGE PERMIT APPLICATION

Phone: 281.470.5073
Fax: 281.470.5005
www.laportetx.gov

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER'S NAME: Mark Follis PHONE 1: 713-254-8358
PHONE 2: 281-471-6881 FAX #: _____
E-MAIL: _____
MAILING ADDRESS: mfollis@follisconstruction.com

2. AGENT REPRESENTING PROPERTY OWNER (If Applicable):

AGENT / CONTRACTOR COMPANY: Follis Construction, Inc.
PHONE 1: 281-471-6881 PHONE 2: _____
E-MAIL: mfollis@follisconstruction.com FAX #: _____
MAILING ADDRESS: 111 N. Broadway, La Porte, Tx 77571
CONTACT PERSON'S NAME: Mark Follis PHONE: 713-254-8358

3. PROPERTY DESCRIPTION:

HCAD PARCEL NO(s) 13-digit Tax ID(s):
1.) 0241910000011
2.) _____
3.) _____
PROPERTY ADDRESS (If existing): _____
PROPERTY LEGAL DESCRIPTION: Lts 11 thru 17 Blk 1114

4. ZONING INFORMATION OF PROPERTY:

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

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

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

PRINTED NAME: _____ SIGNATURE: _____ DATE: _____

(STAFF USE ONLY):

APPLICATION NO: _____

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



Follis Construction, Inc.

111 N Broadway • La Porte, Texas 77571 • Ph. 281-471-6881 • Fax 281-471-6038

May 18, 2016

Eric J Ensey
City Planner
City of La Porte
Planning & Development Department
604 W Fairmont Parkway
La Porte TX 77571-6215

RE: Zone Change Request for Follis – (Lots 11-24, Block 1114)

Mr. Ensey:

This is a request for a Zone Change for (Lots 11-24, Block 1114) currently zoned (GC) General Commercial to rezone to (R1) Low Density Residential.

The vision for all these properties is to build single family homes starting south of the bike trail located at Fairmont and Park Avenue heading south on Park Avenue from lots 11-17 but also to maintain (R1) Low Density Residential through lots 19-24.

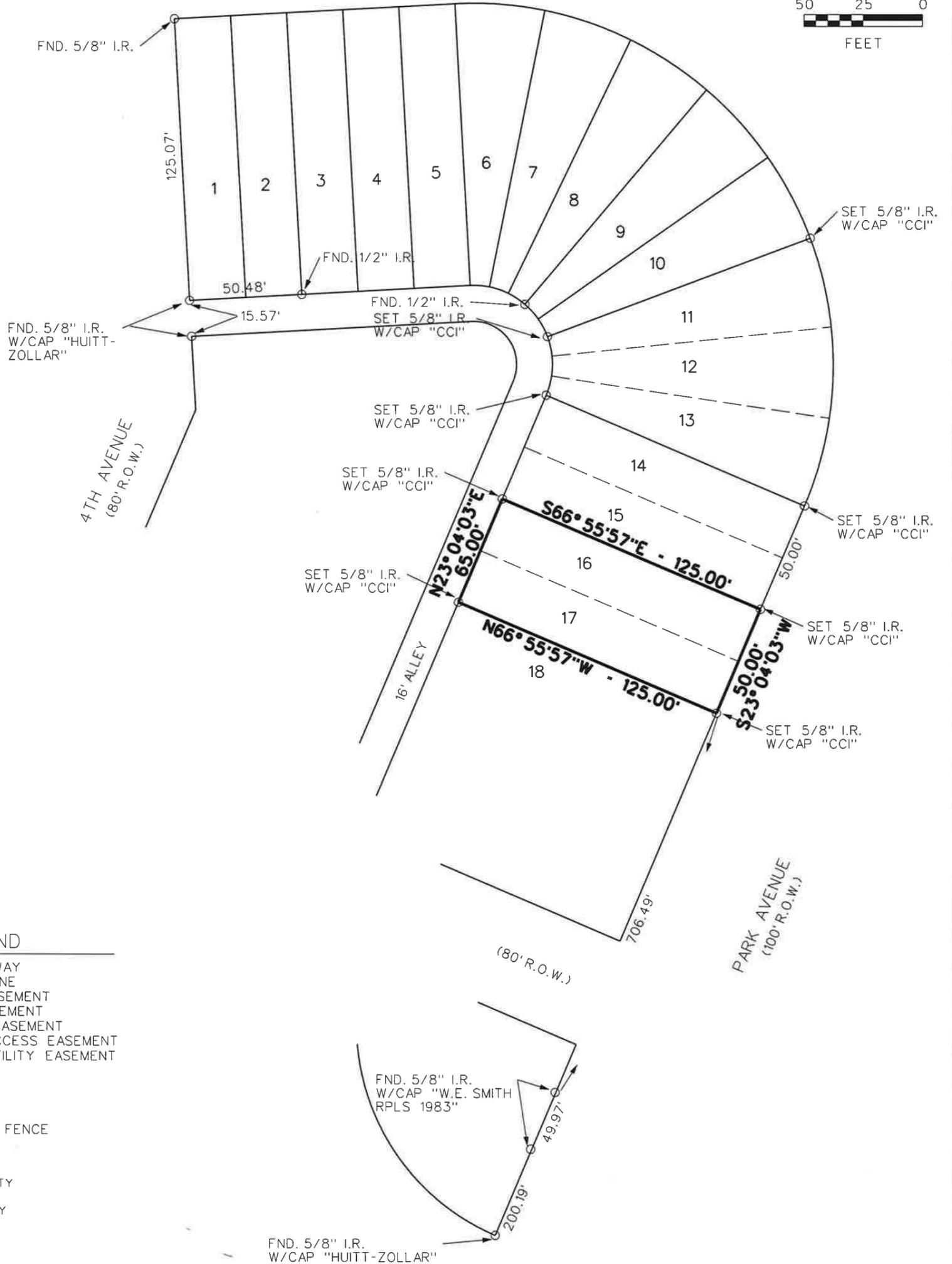
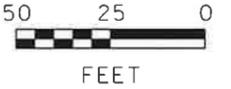
Sincerely,

Mark Follis

Attachments

NOTES:

1. THE LOCATION OF THE SUBJECT TRACT ON THE FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 485487-0945-L, EFFECTIVE DATE OF JUNE 18, 2007, INDICATES THAT THE SUBJECT TRACT IS WITHIN ZONE "AE". BASE FLOOD ELEVATION TO BE DETERMINED. THIS STATEMENT IS BASED ON SCALING THE LOCATION OF SAID SURVEY ON THE ABOVE REFERENCE MAP. THIS INFORMATION IS TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS.
2. BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD 83. ALL COORDINATES HEREON WERE CALCULATED USING HORIZONTAL SURFACE DISTANCES.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE EASEMENTS AND OTHER INSTRUMENTS MAY EXIST THAT ARE NOT SHOWN HEREON. NO FURTHER RESEARCH OF THE HARRIS COUNTY DEED RECORDS WAS PERFORMED BY CIVIL CONCEPTS, INC. REGARDING THESE EASEMENTS.



LEGEND

R.O.W.	RIGHT-OF-WAY
B.L.	BUILDING LINE
U.E.	UTILITY EASEMENT
A.E.	AERIAL EASEMENT
D.E.	DRAINAGE EASEMENT
P.A.E.	PRIVATE ACCESS EASEMENT
P.U.E.	PRIVATE UTILITY EASEMENT
FND.	FOUND
I.R.	IRON ROD
FNC.	FENCE
WD.	WOOD
C.L.F.	CHAIN LINK FENCE
CONC.	CONCRETE
S/W	SIDEWALK
0.5'	OFF PROPERTY
0.5'	ON PROPERTY

I, DAVID C. NEWELL, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY.



David C. Newell
 DAVID C. NEWELL
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 4085

PURCHASER: N/A
 ADDRESS: PARK AVENUE, LA PORTE, TEXAS

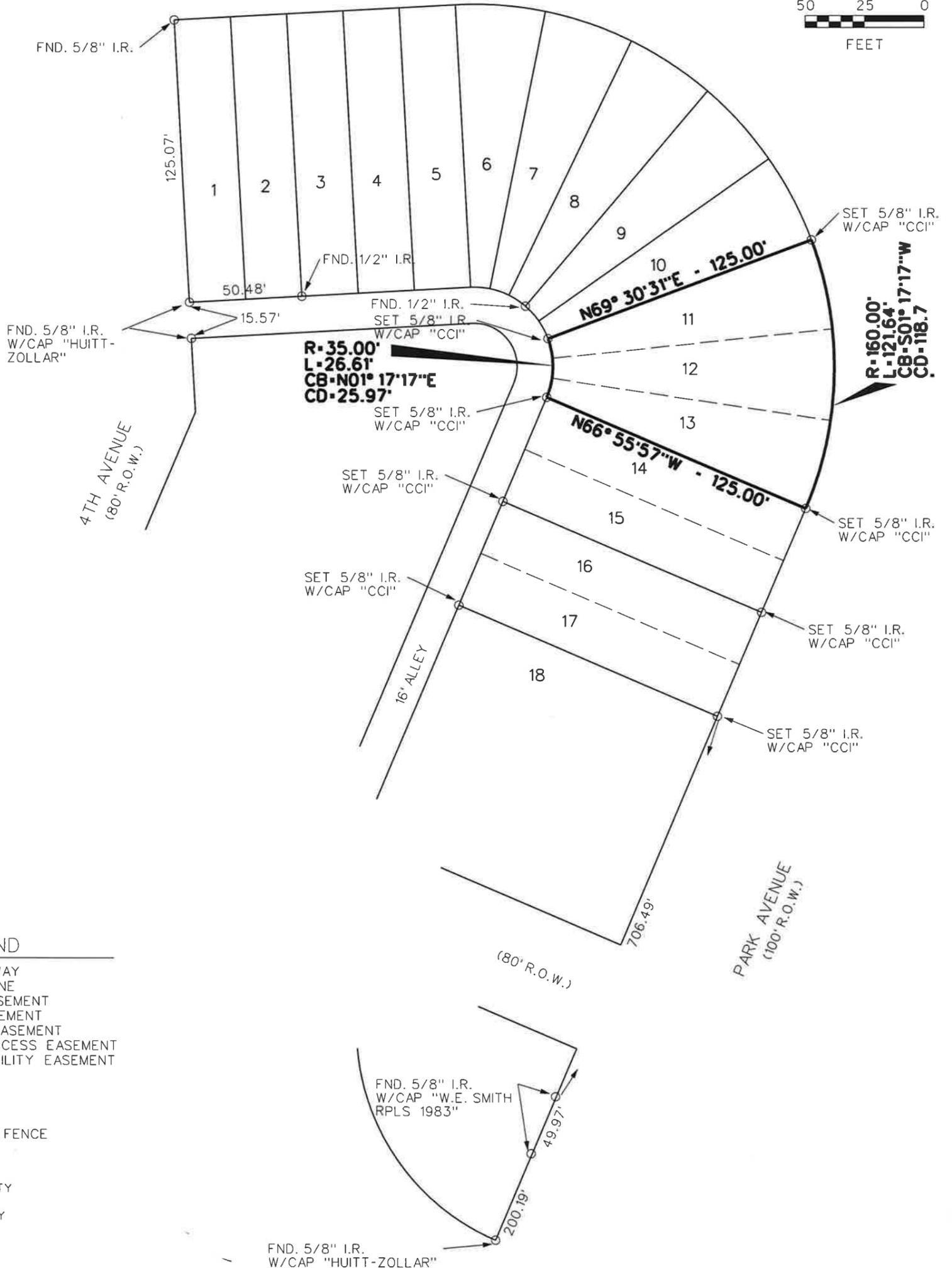
LEGAL DESCRIPTION:
 LOTS 16 & 17, BLOCK 1114, TOWN OF LA PORTE, RECORDED IN VOLUME 60, PAGE 112, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS.

DATE: 04-03-16
 SCALE: 1" = 50'
 GF. NO: N/A

Civil Concepts, Inc.
 3425 Federal Street
 Pasadena, Texas 77504
 Phone: 713.947.6606
 SURVEYING & MAPPING
 CIVIL ENGINEERING
 T.B.P.L.S. FIRM REG. NO. 10039400
 T.B.P.E. FIRM REG. NO. F-004636

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David C. Newell

DAVID C. NEWELL
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4085

PURCHASER: N/A

ADDRESS: PARK AVENUE, LA PORTE, TEXAS

LEGAL DESCRIPTION:

LOTS 11, 12 & 13, BLOCK 1114, TOWN OF LA PORTE, RECORDED IN VOLUME 60, PAGE 112, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS.

DATE: 04-03-16

SCALE: 1" = 50'

GF. NO: N/A



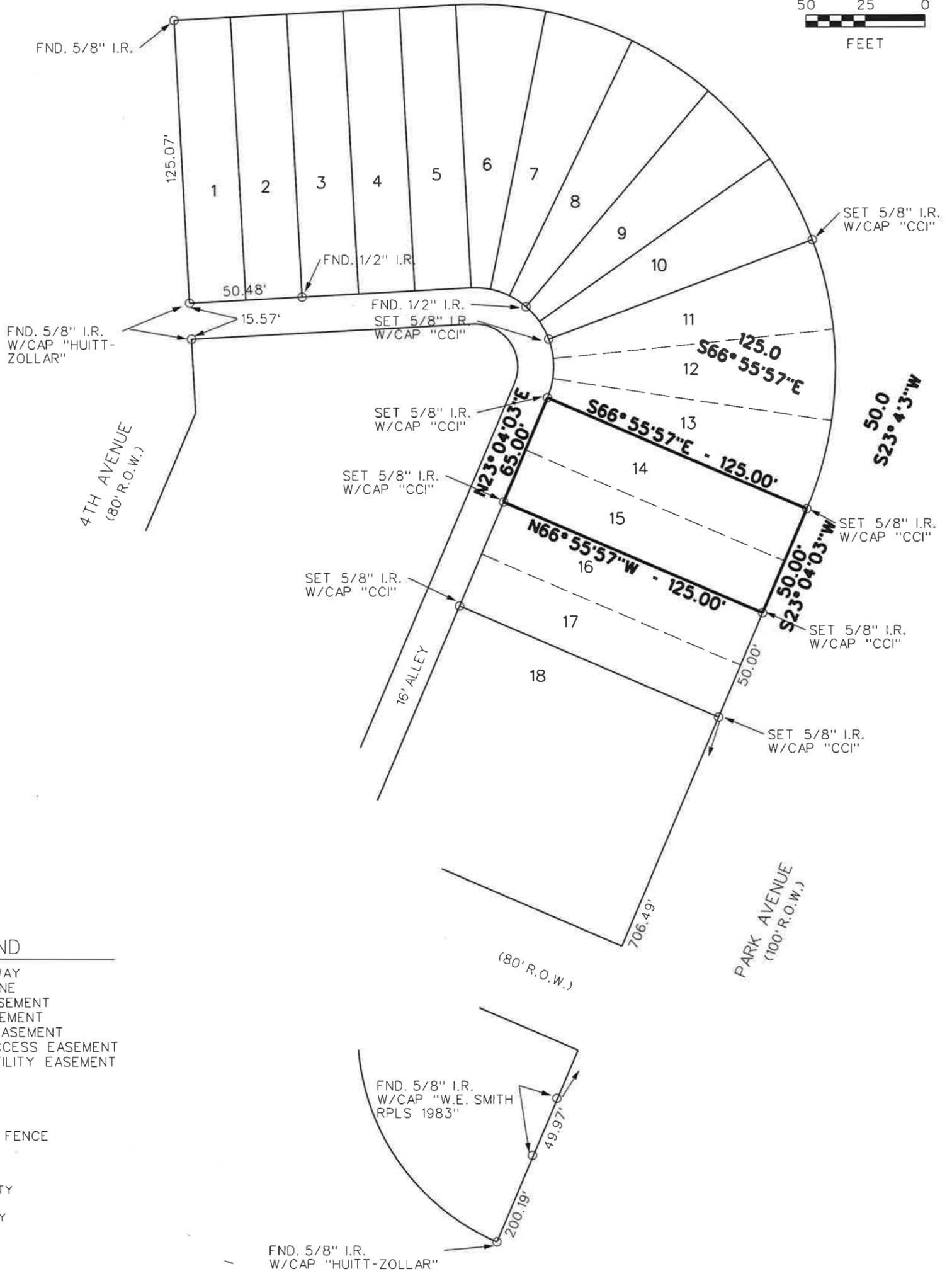
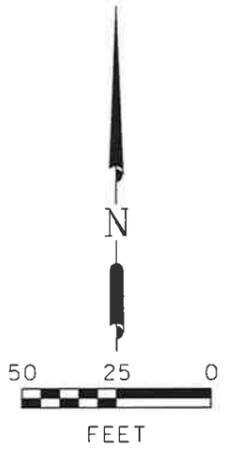
Civil Concepts, Inc.

3425 Federal Street
Pasadena, Texas 77504
Phone: 713.947.6606
SURVEYING & MAPPING
CIVIL ENGINEERING

T.B.P.L.S. FIRM REG. NO. 10039400
T.B.P.E. FIRM REG. NO. F-004636

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D.E.	DRAINAGE EASEMENT
P.A.E.	PRIVATE ACCESS EASEMENT
P.U.E.	PRIVATE UTILITY EASEMENT
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CONC.	CONCRETE
S/W	SIDEWALK
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[Signature]
 DAVID C. NEWELL
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 4085

PURCHASER: N/A
 ADDRESS: PARK AVENUE, LA PORTE, TEXAS

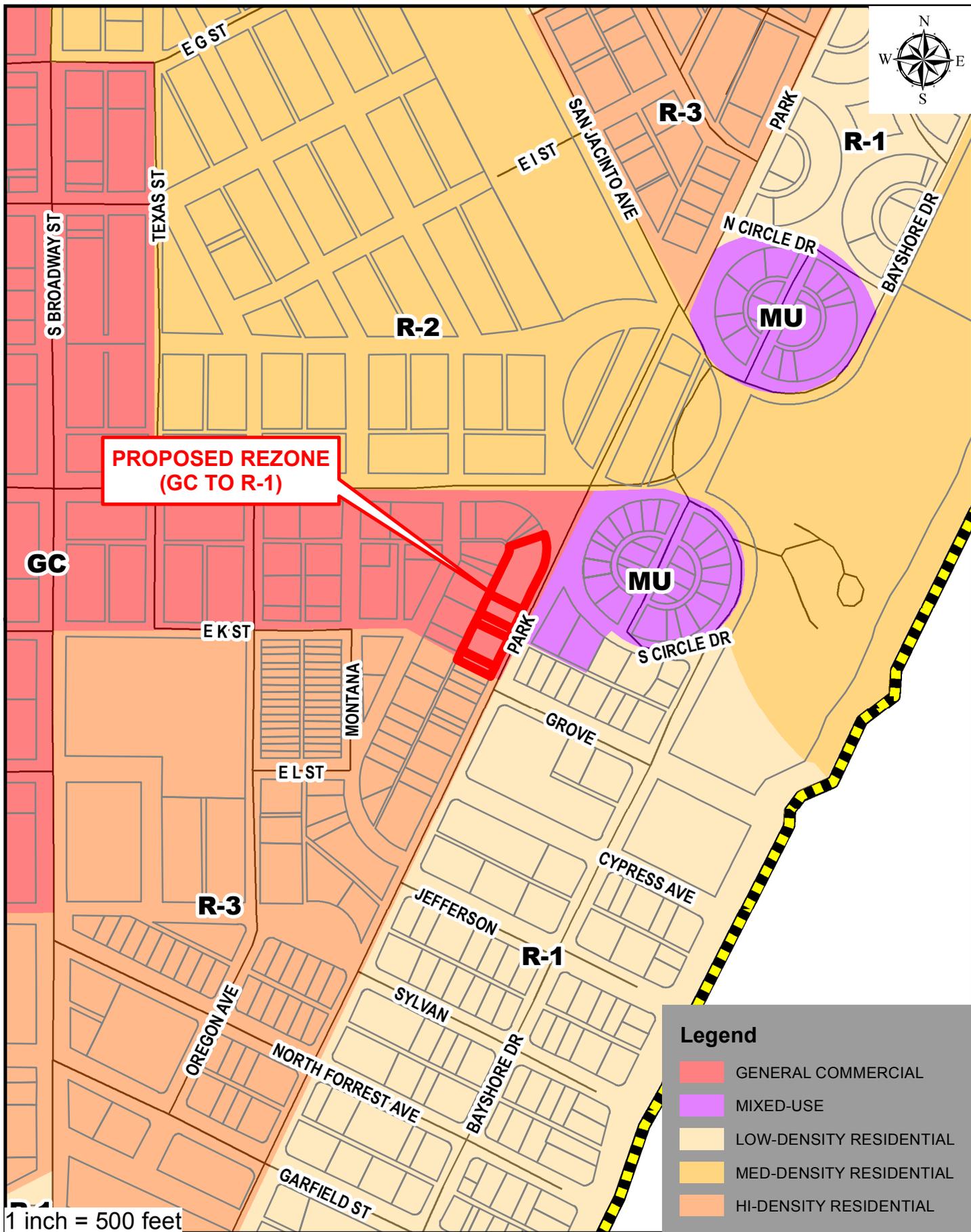
LEGAL DESCRIPTION:
 LOTS 14 & 15, BLOCK 1114, TOWN OF LA PORTE, RECORDED IN VOLUME 60, PAGE 112, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS.

DATE: 04-03-16
 SCALE: 1" = 50'
 GF. NO: N/A

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 T.B.P.L.S. FIRM REG. NO. 10039400
 T.B.P.E. FIRM REG. NO. F-004636

ZONING EXHIBIT

REZONE #16-9200003

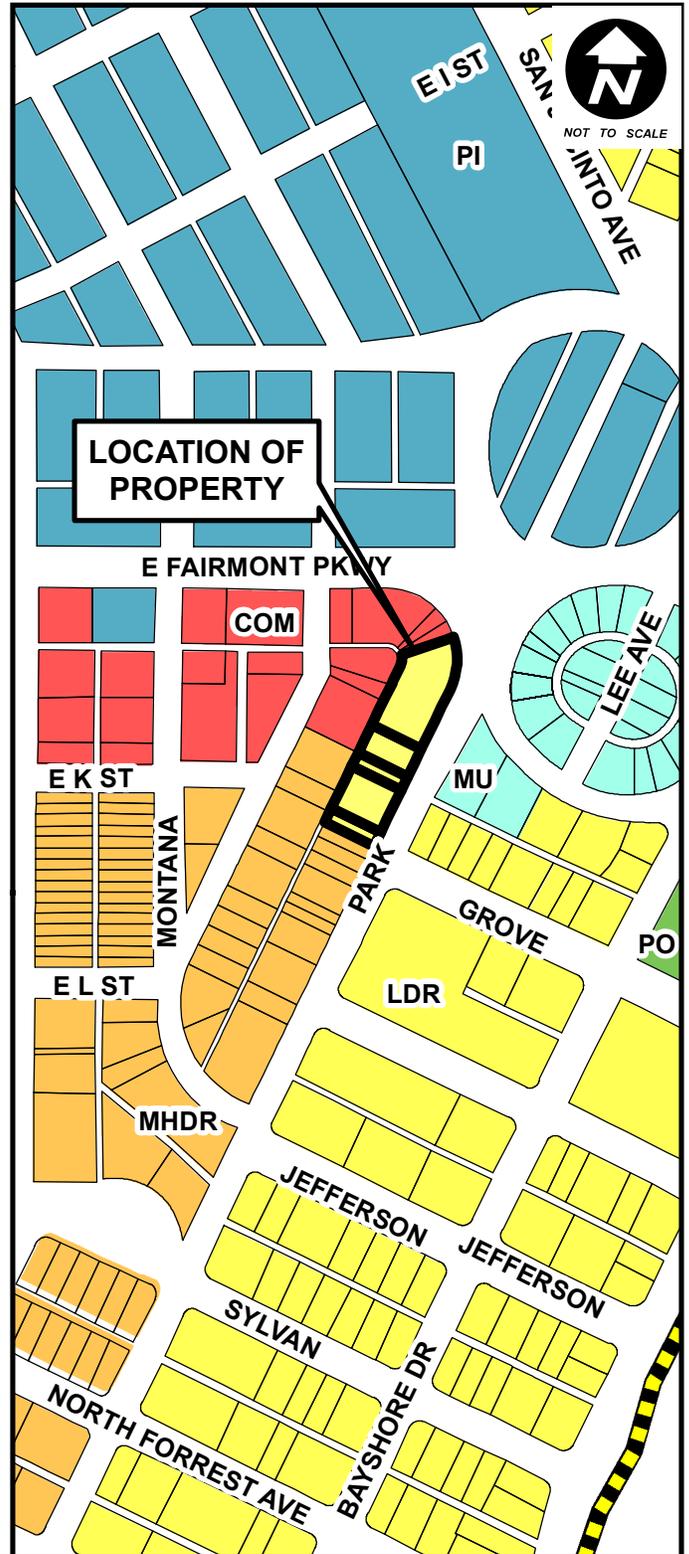
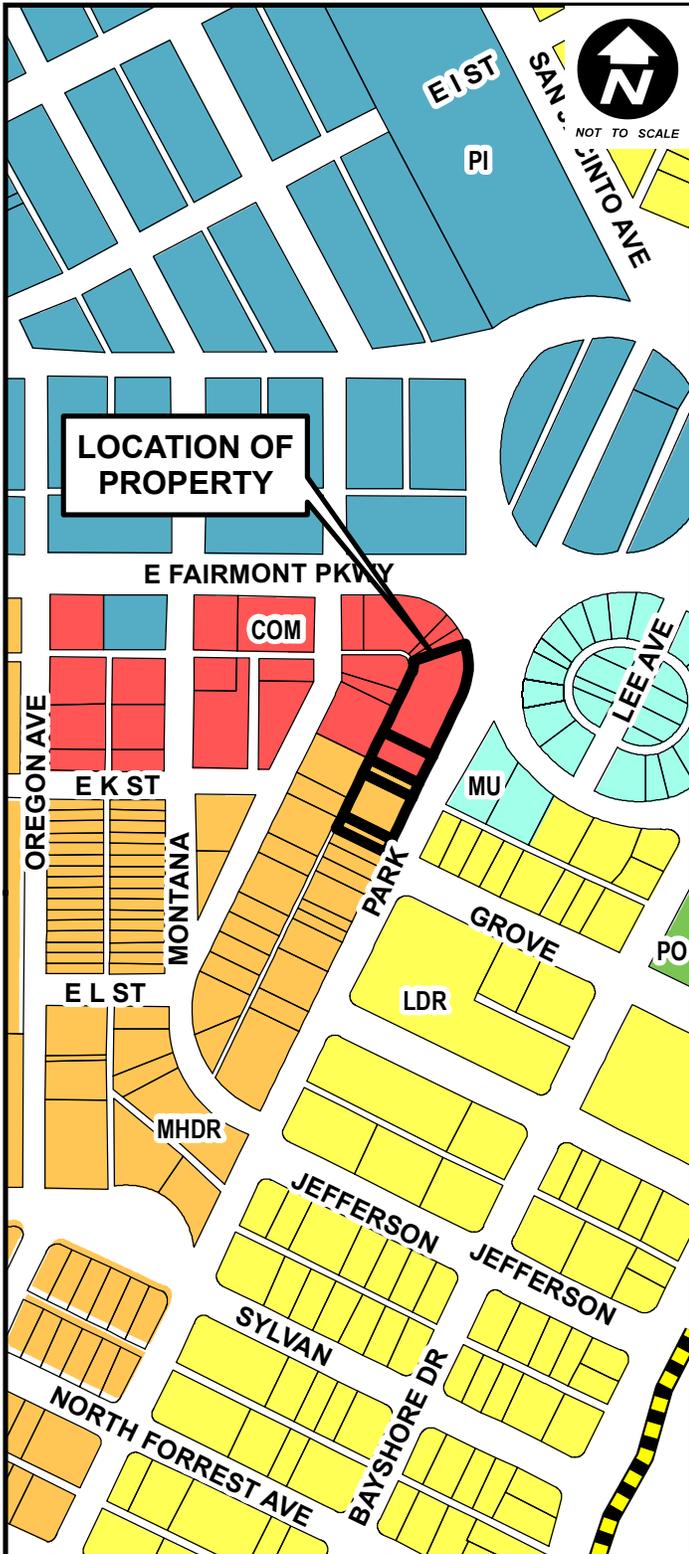


LAND USE EXHIBIT

REZONE #16-9200003

EXISTING FUTURE LAND USE

PROPOSED FUTURE LAND USE



LAND USE LEGEND

- | | | |
|--|--|--|
|  LOW-DENSITY RESIDENTIAL |  MIXED USE |  PARKS AND OPEN SPACE |
|  MID-HIGH DENSITY RESIDENTIAL |  COMMERCIAL |  PUBLIC / INSTITUTIONAL |

A Meeting of the La Porte

Planning & Zoning Commission

(Type of Meeting)

Scheduled for

June 16, 2016

(Date of Meeting)

to Consider

Zone Change Request #16-92000003

(Type of Request)

I have received notice of the above referenced public hearing.

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

IT IS THE HIGHEST & BEST USE OF THE PROPERTY

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

RYAN TAYLOR

Name (please print)

[Handwritten Signature]

Signature

204 PREGGON AVE

Address

PASADENA, TX 77503

City, State, Zip

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 25, 2016 Appropriation
Requested By: Eric Ensey Source of Funds: N/A
Department: Planning & Development Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

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

SUMMARY & RECOMMENDATIONS

The applicant (Bayway Homes) is seeking approval of this SCUP to allow for development of nine single family attached duplexes on various lots located on the northern-most "Circle" near Sylvan Beach Park and legally described as Lots 7-17, 20-21 and 22-27, of Block 32, Beach Park Subdivision. The applicant is under contract for the subject parcels.

The lots are zoned MU, Mixed Use, and are currently undeveloped. Section 106-310 of the City's Code of Ordinances allows for single family detached residential as a permitted use in the Mixed Use (MU) zone district, however the code does not address single family attached duplex units. As a result, the use table allows for consideration of the use only with approval of a SCUP.

The Planning and Zoning Commission conducted a public hearing at the June 16, 2016, meeting concerning this request. There was one response letter received from Jose and Anna Canizales in opposition to the request. Additionally, the occupants of 707 Bayshore spoke in opposition to the request. Following the public hearing, the Commission voted unanimously (8-0) to recommend approval of the proposed SCUP subject to the following conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. One single family attached duplex unit is permitted on two platted lots within the development area.
3. A fire wall is required along the shared property line separating each unit in accordance with applicable residential building and fire codes.
4. A 0' setback is permitted on the shared property line separating the two units of each duplex. Perimeter setbacks are 15' minimum to 25' maximum from the front property line, a minimum of

5' from the side property lines and a minimum of 10' from the rear property line. Special allowance should be given to the setback for Lot 22 due to the irregular shape of the lot. The side/rear setback adjacent to the alley should be permitted at 0'.

5. A minimum of two off-street parking spaces shall be included for each individual unit.
6. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
7. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

There were a number of different considerations the Commission evaluated during the review of this request, including the following:

House design.

The applicant is proposing to construct homes that are on stilts with cementitious fibrous materials for the façade. The homes will be approximately 2,300 square feet in area. The applicant is proposing four different buildings with different house sizes based on the irregular shape of the lots. The applicant has provided project description letter, proposed layout, and example building elevations to further lay-out the proposed development.

Setbacks.

Section 106-443 outlines area requirements for development in the MU district. The Commission is recommending that the proposed development provide setbacks consistent with the MU district requirements for single family detached development with the exception of the shared property line between each duplex unit. In the case of the shared property line a setback of 0' shall be permitted. The front setback requirement is a 15' minimum to 25' maximum from the property line, the side setback is 5' and the rear setback is 10'. There is one lot that is significantly smaller and more irregular than most of the lots. In this case, the Commission is recommending that consideration be given to a 0' setback from the side/rear setback adjacent to the unimproved alley on the perimeter of the lot due to the irregularity of the curve of the lot.

Land Use.

Section 106-310 of the city's Code of Ordinances outlines "Commercial and Industrial Uses" permitted in the various zone districts, including the Mixed Use (MU) district. The MU district was recently adopted by the City Council in 2014 and allows for single family detached residential as a permitted use in the MU district. Although single family detached use is permitted in the MU district, the district is categorized under the commercial uses. The applicant is proposing a single family attached product on the various parcels. The proposal includes a single family attached duplex home on two of the platted lots – each unit of the duplex will be sold separately. Although the "single family attached" use is not expressly permitted in the use table for the MU district, it is similar in nature to the permitted "single family detached" units in that each will be sold individually and will have ownership of the lot on which the unit sits. The proposed single family attached product provides a unique use and innovative development consistent with the goal of the MU district to "accommodate, encourage and promote innovatively designed development."

Site Plan.

No site plan is required for single family residential. The applicant will be required to submit for a building permit consistent with the requirements of the City's residential building codes, fire codes and zoning ordinance. Because the proposed development includes attached units on a property line, the proposed attached units will require a fire wall in compliance with code standards.

Off-street Parking.

In conformance with code requirements, the applicant is proposing two car parking spaces or garages under the units. The proposal includes the required parking.

Action Required of Council:

1. Conduct public hearing.
2. Consider approval or other action of a recommendation by the Planning and Zoning Commission to approve an ordinance approving Special Conditional Use Permit Request #16-91000001, to allow for development of nine single family attached duplexes on Lots 7-17, 20-21 and 22-27, of Block 32, Beach Park Subdivision.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

A Meeting of the La Porte

Planning & Zoning Commission

(Type of Meeting)

Scheduled for

June 16, 2016

(Date of Meeting)

to Consider

~~Zoning Change~~ Request #16-91000001

SCUP

(Type of Request)

I have received notice of the above referenced public hearing.

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

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

As we all know and have seen recently, many times development means flooding. I know in the past forty years that I've lived here it has never flooded. I am in fear that new construction will lead to

Jose & Anna Canizales

Name (please print)

731 Circle Drive

Address

Joe S
Signature

La Porte, TX 77571
City, State, Zip

drainage issues and flooding. I am also concerned that new construction will take away from the "historic" feel of the neighborhood.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 16-91000001 FOR THOSE CERTAIN TRACTS OF LAND HEREIN DESCRIBED, FOR THE PURPOSE OF ALLOWING DEVELOPMENT OF NINE (9) SINGLE FAMILY ATTACHED DUPLEX HOMES; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;

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

Section 1. Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #16-91000001, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for the development of nine (9) single family attached duplex homes on property generally located adjacent to Sylvan Beach Park and Bayshore Drive, said property being legally described as Lots 7-17, 20-21, and 22-27, Block 32, Beach Park Subdivision, City of La Porte, Harris County, Texas, within a Mixed Use (MU) zoning district.

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

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

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

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

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

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

PASSED AND APPROVED this the _____ day of JULY 2016.

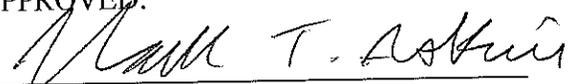
CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark Askins, Assistant City Attorney

City of La Porte
Special Conditional Use Permit #16-9100001

This permit is issued to: Bayway Homes
Owner or Agent

P.O. Box 1244, Friendswood, Texas, 77549
Address

For Development of: Bayway Homes Circles Single Family Attached Development
Development Name

9 single family attached duplex homes on Lots 7-17, 20-21, 22-27, Block 32, Beach Park Subdivision; generally located on the northern-most of the "Circles" across from Sylvan Beach Park.
Address

Legal Description: Lots 7-17, 20-21, 22-27, of Block 32, Beach Park Subdivision

Zoning: MU, Mixed Use

Use: Single family attached duplex homes

Permit Conditions:

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

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. One single family attached duplex unit is permitted on two platted lots within the development area.
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5. A minimum of two off-street parking spaces shall be included for each individual unit.
6. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
7. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

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

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

Validation Date: _____

Director of Planning and Development

City Secretary



July 6, 2016

Honorable Mayor Rigby and City Council
City of La Porte

RE: Special Conditional Use Permit Request #16-91000001

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a meeting on June 16, 2016 to hear a Special Conditional Use Permit request by Bayway Homes Inc. for a Special Conditional Use Permit to allow for development of to allow for development of nine single family attached duplex on various lots located on the northern-most "Circle" near Sylvan Beach Park and legally described as Lots 7-17, 20-21 and 22-27, of Block 32, Beach Park Subdivision.

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The Commission voted unanimously (8-0) to recommend approval of the proposed SCUP.

Respectfully submitted,

Hal Lawler
Chairman, Planning and Zoning Commission

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

Planning & Development Department
SPECIAL CONDITIONAL USE
PERMIT APPLICATION

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER NAME: CR Lofstedt/Bayway Homes PHONE 1: 832 276 9609
PHONE 2: 832 818 4021 FAX #: 281 648 2462
E-MAIL: jskeele@baywayhomes.com
MAILING ADDRESS: PO Box 1244, Friendswood, Texas 77549

2. BUSINESS INFORMATION:

BUSINESS NAME: Bayway Homes BUSINESS TYPE: Home Builder
CONTACT NAME: Charles Anders PHONE #: 832 276 9609
E-MAIL: canders@baywayhomes.com FAX #: 281 648 2462
MAILING ADDRESS: PO Box 1244, Friendswood, Texas 77549

3. PROPERTY DESCRIPTION:

PARCEL NO(s) (13-digit HCAD Tax ID #): 0070040000007 0070040000020
PROPERTY ADDRESS (If existing): Circle Drive and Lee Avenue
PROPERTY LEGAL DESCRIPTION: Lots 7 to 17 and 20 to 27, Block 32, Beach Park

4. SUPPORTING DOCUMENTATION (Check Applicable):



GENERAL PLAN

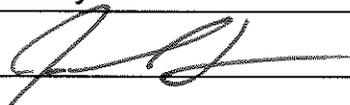


SITE PLAN



PLAT

REASON FOR REQUEST?: to permit Single Family Attached in the MU zone

OWNER or AUTHORIZED AGENT'S SIGNATURE: 

PRINTED NAME: Jon Skeele DATE: 5/19/2016

5. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION:



COMPLETE ITEMS 1 THRU 4 OF APPLICATION



ATTACH APPLICABLE PLAN(S)



SUBMIT \$300.00 NON-REFUNDABLE APPLICATION FEE

(STAFF USE ONLY):

DATE RECEIVED: _____ RECEIVED BY: _____

PROJECT NUMBER: _____ - _____

SCHEDULED DATE FOR PLANNING & ZONING COMMISSION AGENDA: _____

Beach Park Special Conditional Use Permit

This application is for a Special Conditional Use Permit (SCUP) for Lots 7 to 17 and 20 to 27, Block 32, Beach Park, La Porte, Texas located in the Mixed Use (MU) zoning classification, more commonly known as the Sylvan Beach Circles.

The intended use is Single Family Attached which the Mixed Use district standards do not address. The ordinance does make provision for single family attached as it defines , "*Single Family residential development* means a grouping of single-family dwelling units (attached or detached)" and , "*Dwelling, attached* means a dwelling which is joined to another dwelling at one or more sides by party wall or wall." The ordinance provides that "Unlisted Uses" be permitted as long as they receive a Special Conditional Use Permit. Mixed Use district does specifically permit Single Family Detached. On a typical lot a Single Family Detached home could be around 1,700 square feet, with a Single Family Attached home the square feet could be around 2,300, or an increase of 600 square feet, a 35 % increase in living space. The additional square feet allow for a more livable home, with more design options. The larger the home the higher the property value, as well.

The Mixed Use District was specifically set up to "accommodate, encourage and promote innovatively designed developments" and "The district regulations allow flexibility and encourage more creative, efficient and aesthetically desirable design." We believe that we have created a development that is attractive, innovative and will "contribute to the surrounding residential neighborhood and maintain a residential character."

The proposed homes are stilt-homes clad in cement fibrous materials. The typical home will most likely include front and rear decks designed for viewing Sylvan Beach Park, Galveston Bay and enjoying the outdoors. The first living floor will be raised nine (9) feet or more feet above the concrete parking area with parking under the structure. The first living floor will probably have a kitchen and living room and ten (10) feet high ceilings. The second living floor most likely will contain the master bedroom and master bath and a secondary bedroom and bathroom and most likely be nine (9) feet high ceilings. By building the homes on pilings, we will build the homes out of the proposed flood zones being proposed by the Army Corp of Engineers. This will also allow homeowners a better view of Sylvan Beach Park and Galveston Bay. Homeowners will be allowed to store their recreational equipment, be it cars, boats, golf carts, etc.. under their homes. The heights of each floor will depend upon meeting the 35 feet height average roof limit which will be calculated from the concrete parking area under the structure. They may have three bedrooms and three full baths, and three decks. Attached is a sample floor plan and elevation to demonstrate what a home will look like.

The second attached plan is the lot layout. At a minimum we will have five different floor plans in the Beach Park SCUP. The current use of the lots is undeveloped except for a single story home that is in poor condition.

Lot 22 has a special shape and dimensions and only a front building line of 15 feet is appropriate with no other building setbacks. The right side/rear property line of the lot is an arc. The buildable area of this lot is very small, less than 600 square feet when there is a 10 feet building line next to the arc. The adjacent property to the arc is an unpaved sixteen (16) feet alleyway. The two houses on the same street with the same shaped lots appear to have built to the property line because of the limited building area of the lots.

Construction will start after receiving building permits and continue building as the market will absorb the homes. To be conservative, from granting the application to completion of the project could take 4 years. In addition to building homes, we will create a homeowners' association.

We have built homes in La Porte for many years, both in the North Side and in Sylvan Beach and believe this project will make a significant positive impact on the Sylvan Beach neighborhood.

Attachments:

- 1) Park Beach Special Conditional Use Permit Development Standards
- 2) Floor Plans and Elevation
- 3) Lot Layout
- 4) Lots and homes superimposed on the neighborhood

Park Beach Special Conditional Use Permit Development Standards

Beach Park Special Conditional Use Permit (SCUP) is intended to to accommodate land use activity within the Mixed Use (MU) zoning district. The SCUP is designed to enhance the special charastics of La Porte, small town character and create a "unique" place. Beach Park SCUP will be served by public utilities and public streets. Beach Park SCUP is intended for sale single family homes that are attached on one wall.

Below is a table for the Mixed Use zoning and the Park Beach SCUP.

	Mixed Uses Zoning Single Family Detached	Park Beach SCUP Single Family Attached
1. Density	One dwelling unit per lot	One dwelling unit per lot
2. Front Yard	min 15, max 25 feet	min 15, max 25 feet
3. Rear Yard	10 feet	10 feet
4. Side Yard	5 feet	5 feet
5. Maximum Height	35 feet, average height	35 Feet, average height
6. Building Area	60% Lot coverage	60% Lot coverage
7. Boats and Recreational vehicle storage	Allowed	Allowed
8. Office Street Parking	2 per dwelling unit	2 per dwelling unit under dwelling unit
9. Dominant Color	Muted shades of color	Muted shades of color
10. Terraces, Decks, Patios	one foot above finished grade	same height as adjacent floor

Plan Number	Single Family Detached			
	Area	1st flr	2nd flr	TOTAL
	Living	1151 #	1119 #	2270 #
	Lot Coverage			58.3 %

Date 5-17-2016

Title
BEACH PARK SCUP
LOTS 7-17 AND 20-27

Buyer Signature

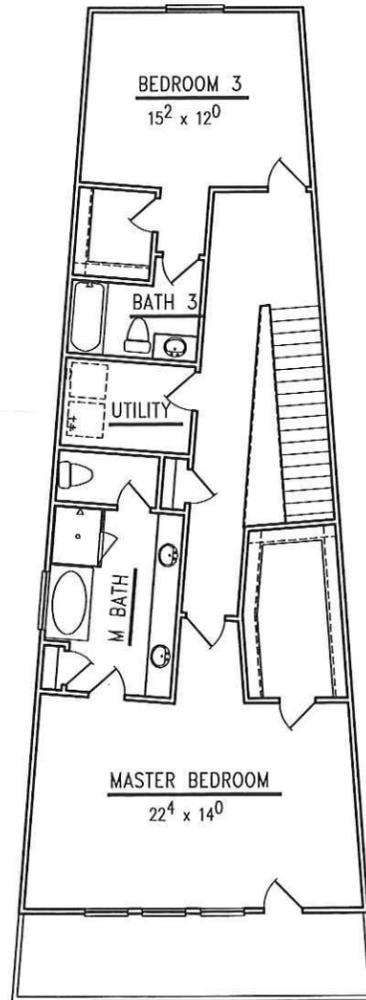
Subdivision
Beach Park
City/Jurisdiction
La Porte, TX

Bayway Homes

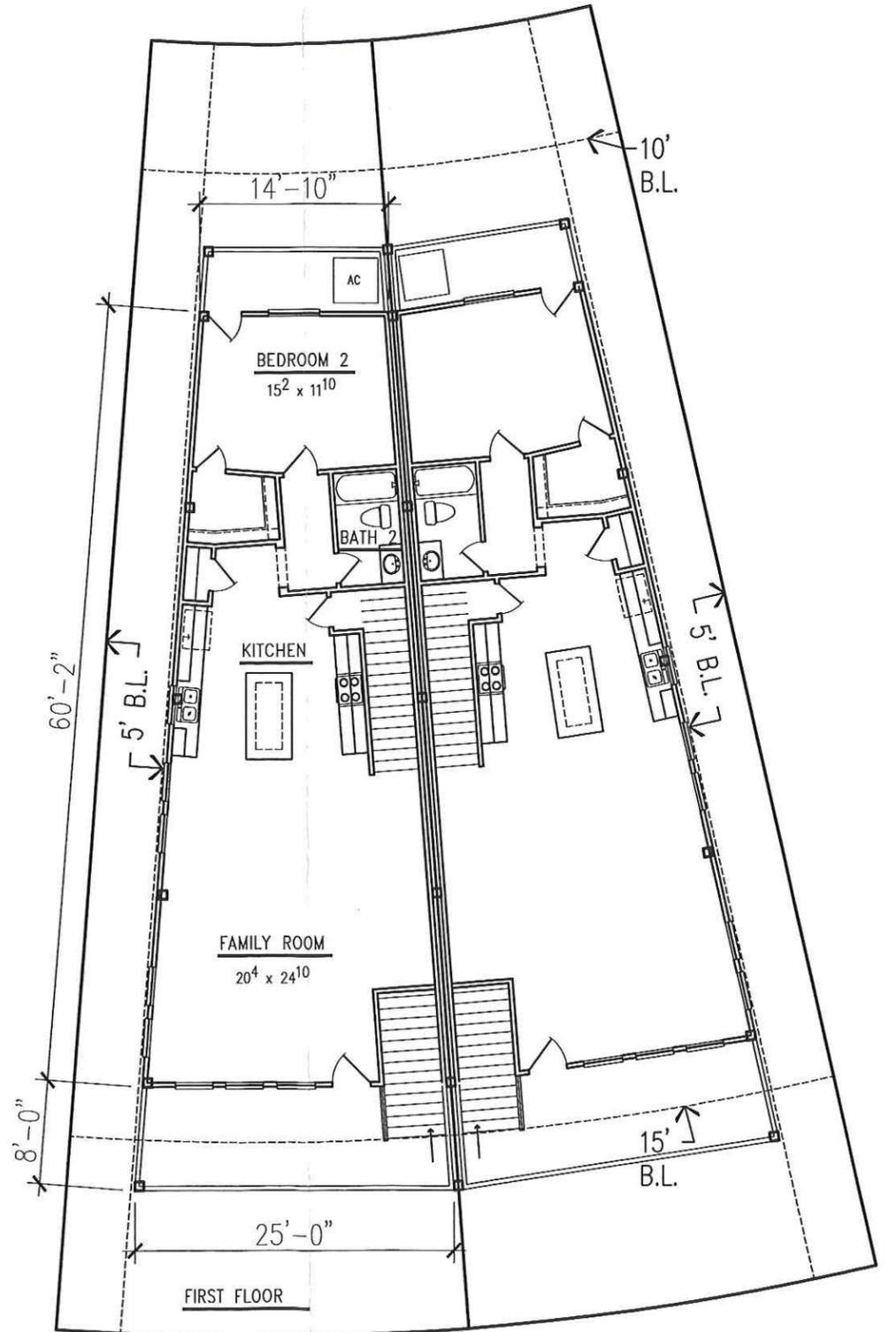
© COPYRIGHT 2016



FRONT ELEVATION



SECOND FLOOR



FIRST FLOOR

TYPICAL "A" UNIT

Bayway Homes

Subdivision
Beach Park
City/Jurisdiction
La Porte, TX

Title
BEACH PARK SCUP
LOTS 7-17 AND 20-27
Buyer Signature

Plan Number

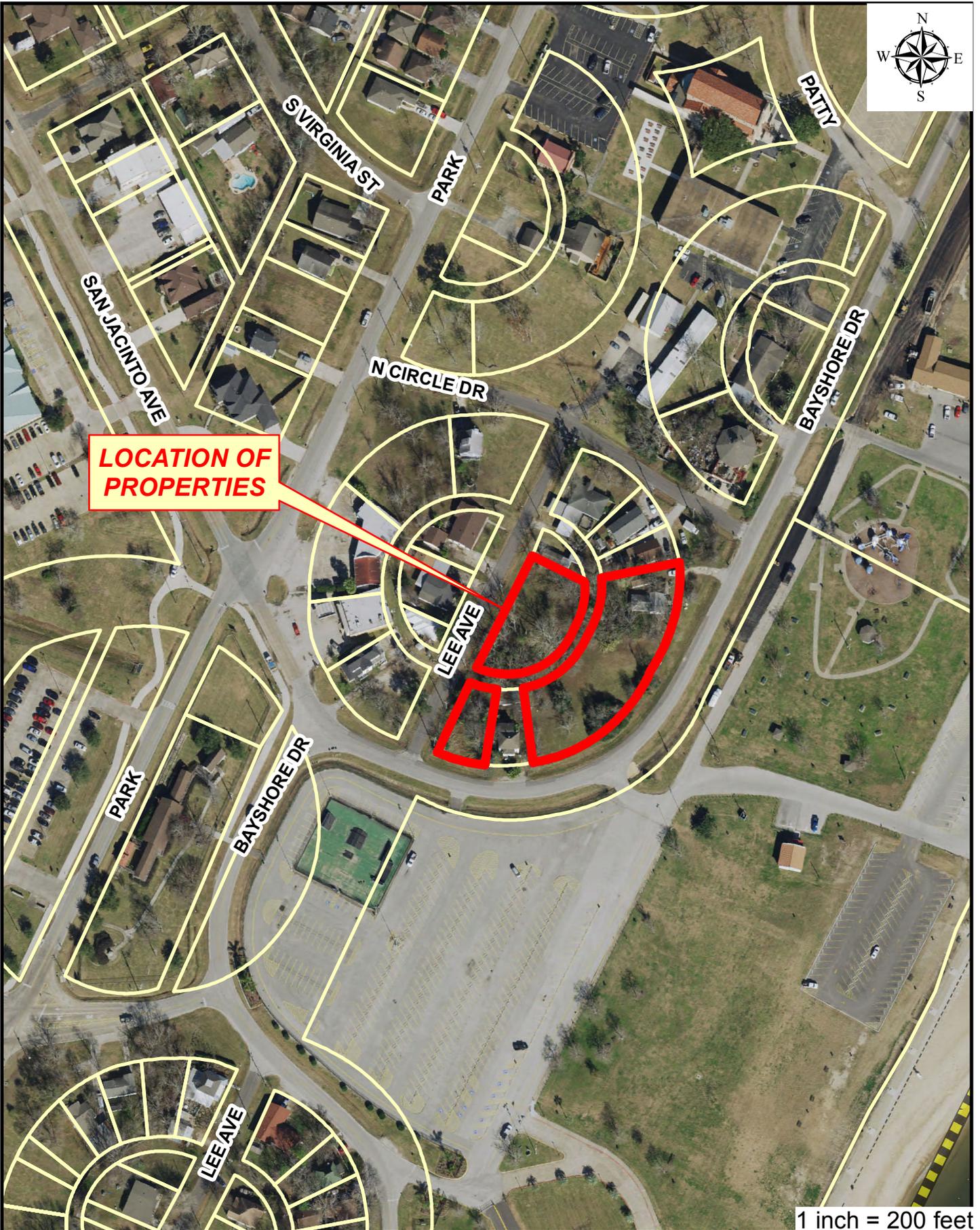
Date 5-17-2016

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AREA MAP

SCUP REQ. #16-91000001

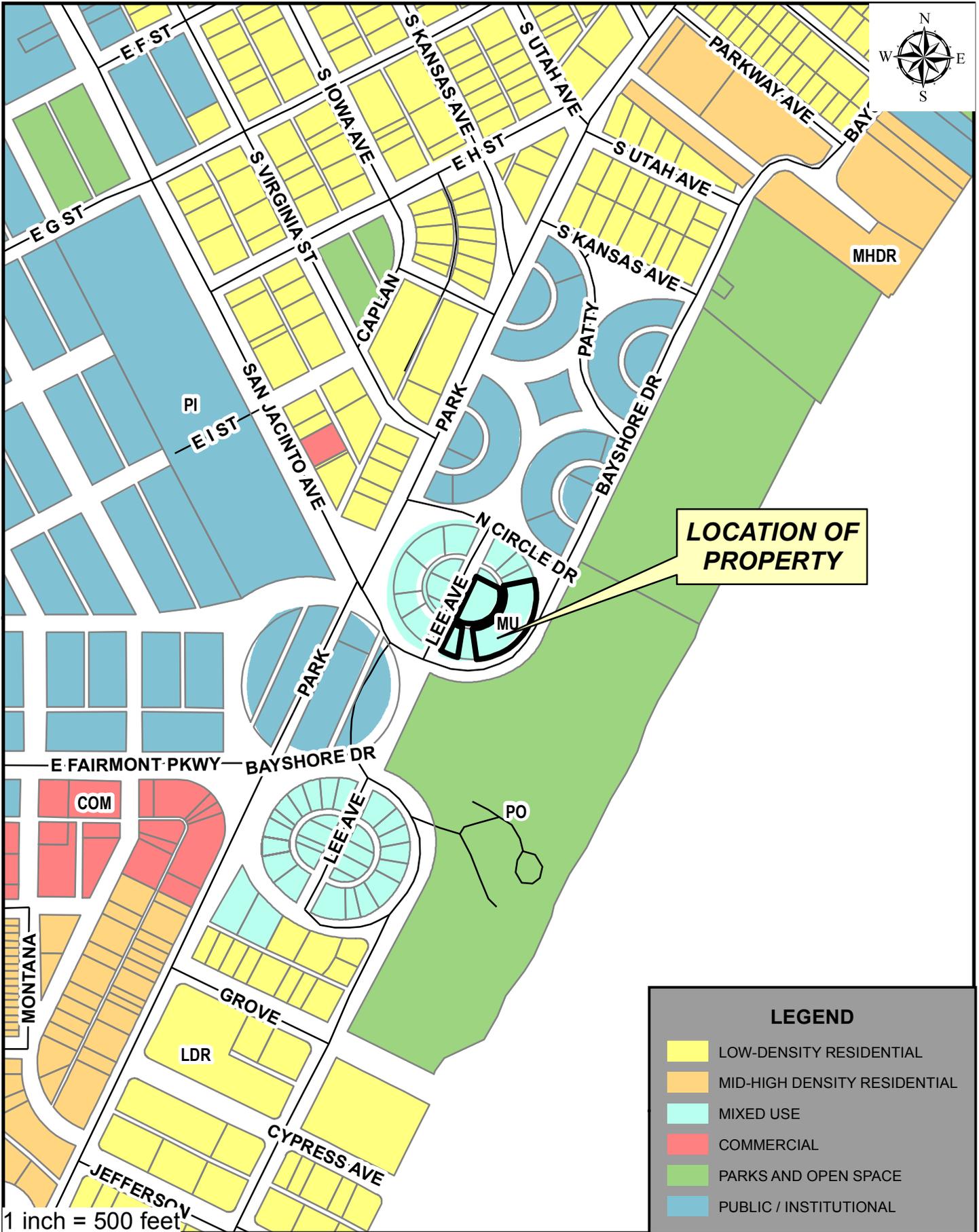


LOCATION OF PROPERTIES

1 inch = 200 feet

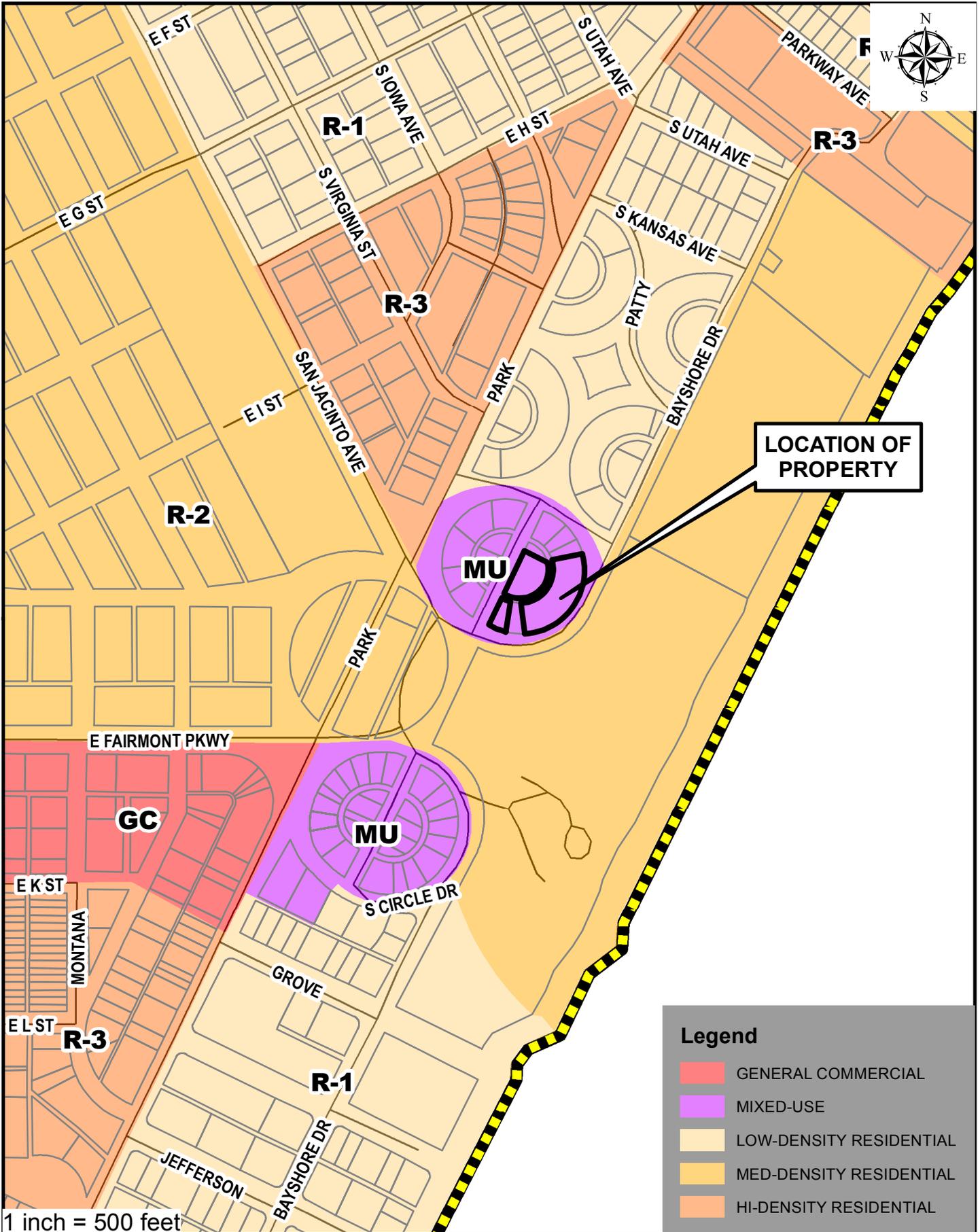
LAND USE EXHIBIT

SCUP #16-9100001



ZONING EXHIBIT

REZONE #16-9100001



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 25, 2016 Appropriation
Requested By: Sharon Valiante Source of Funds: N/A
Department: Public Works Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: Amount Requested: \$0
Budgeted Item: YES NO

Attachments :

1. 1st Street Location Map
2. TMUTCD Traffic Control Devices Layout
3. Head Start Facility Memo
4. Picture 1
5. Picture 2
6. Picture 3
7. Head Start Facility Traffic & Parking Improvements
8. Head Start Interlocal Agreement

SUMMARY & RECOMMENDATIONS

Background:

The Head Start Program, a Division of Harris County Education, is located on South 1st Street in La Porte between Fairmont Parkway and H St. The school incorporated a breakfast program for the children that are enrolled in the school a few years ago and recently promoted it in hopes of increasing enrollment. The school did experience an increase in enrollment and, as a result, has experienced issues with traffic congestion during the morning and afternoon drop-off times.

The school requires the children to be signed in and out, thus requiring parents/designated individuals to park and drop-off/pick-up the children. Because of the limited parking capacity onsite, the number of cars that park on H Street has increased. First Street is a narrow two-way, mostly open ditch roadway with no shoulder. When cars park on the roadway, the two-way movement is very limited thus causing congestion issues. Head Start reached out to City staff requesting assistance with the traffic congestion.

Therefore, staff evaluated the situation with an on-site investigation and considered the options:

1. Establishing a route for pick-up and drop-offs – difficult to enforce
2. Establish a one-way roadway with the ability for short term parking when needed and a thru lane – best option

To convert or change the direction of flow on public roadways, it is prudent to conduct an analysis taking into consideration the function, the geometrics, the traffic patterns, and any observations relating to traffic issues. In addition, it is advisable to look for other options/recommendations as part of the analysis to provide a comprehensive look at the solution.

The analysis was performed by a professional engineer, using the Texas Manual of Uniform Traffic

Control Devices (TMUTCD) and sound engineering principles as a basis for the analysis and recommendations.

The study is complete and recommends these options:

1. Leave as existing – No cost, but impacts to traffic congestion and potential pedestrian to vehicle accidents remain high
2. Convert the two-way street to a one-way street in a northerly direction – improves the potential impacts to mobility and pedestrian safety significantly
3. Provide for on-street parking and additional parking in public rights-of-way where identified – 56 potential parking spaces with pedestrian walkways (Very conservative Estimated cost \$160,000; includes minor storm sewer installation) will improve pedestrian safety significantly and should reduce traffic congestion.

Finding a solution to traffic and pedestrian safety concerns in an area with limited space available is always challenging. However, there are ways to balance this with solutions that will help, and in some cases alleviate, the majority of the concerns. So, in the interest of public safety, both pedestrian and vehicle, staff visited with the Head Start group (included representatives from Harris County Education) and presented the results of the study analysis, hoping to encourage the group to take an active part in the improvements recommended. After discussion, staff were successful in generating an interest from the Head Start group to establish a partnership to provide for the means necessary to install the additional parking. The Head Start group indicated it would cost participate at \$120,000. Staff believe the additional parking spaces and the traffic control devices necessary to implement the improvements can be installed at a cost that would be fairly close to the amount of the cost participation. To support this effort, City staff will manage the project and provide in-house support where necessary to keep the construction cost at or near the commitment from Head Start.

Therefore, staff recommends establishing a one-way northerly movement for South 1st Street between H St and Fairmont Parkway. In addition, staff recommends execution of the Interlocal Agreement with Head Start to facilitate a partnership for the construction of the additional parking.

Action Required of Council:

1. Consider approval or other action of the installation of Traffic Control Devices to establish 1st Street as One-Way between H Street and Fairmont Parkway, and
2. Consider approval or other action to authorize the Mayor to execute an Interlocal Agreement with Head Start for the construction of the additional parking spaces on 1st Street and the public right-of-way between 1st and 2nd Streets.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date





Fairmont Parkway

© 2016 Google

Google earth

1978

29°39'12.66" N 95°01'12.15" W elev 18 ft eye alt 1061 ft

2009 Edition Part 2 Figure 2B-14. Locations of ONE WAY Signs

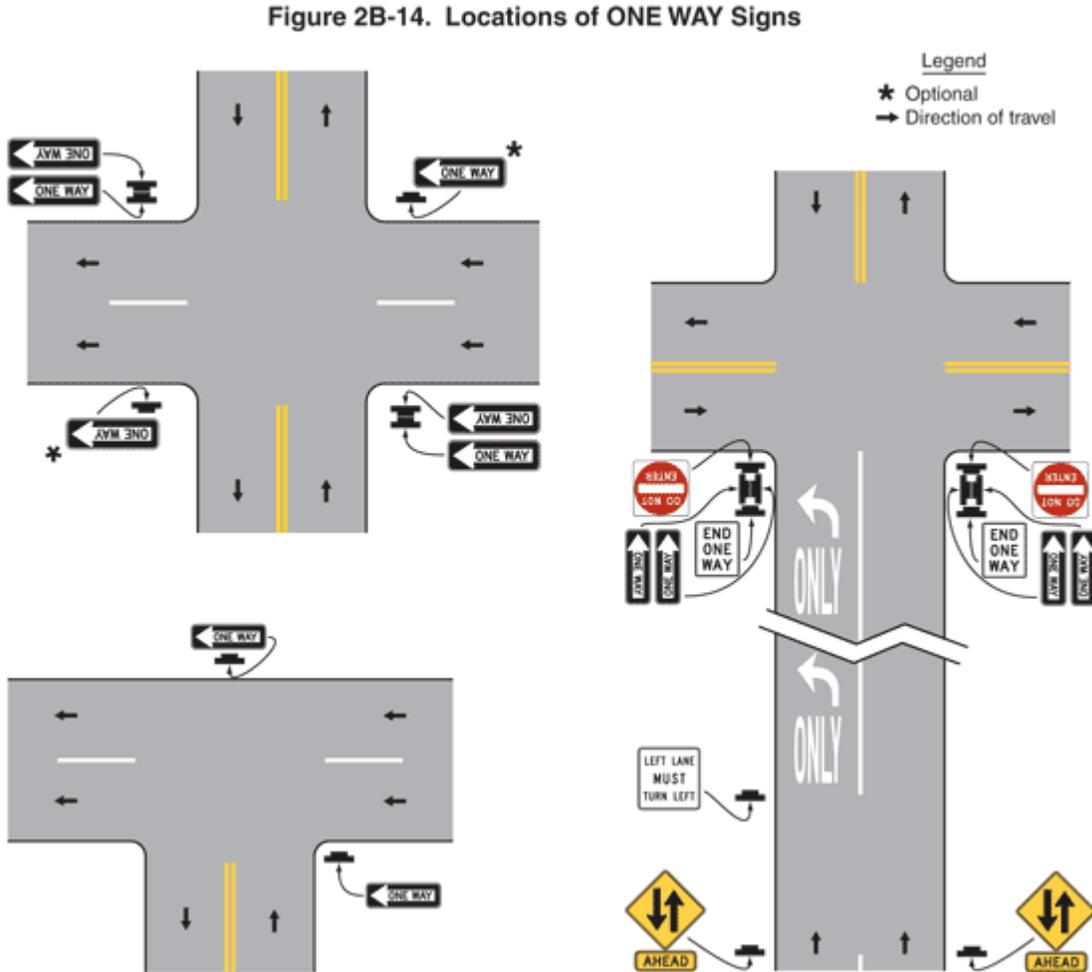


Figure 2B-14. Locations of ONE WAY Signs

This figure shows three locations of ONE WAY signs.

Black inverted "Ts" denote signs. A legend shows an asterisk indicating optional use and a black arrow indicating the direction of travel in the lanes.

The first illustration shows an intersection of a vertical two-lane roadway with a horizontal two-lane roadway. Black arrows on the vertical roadway indicate that the direction of travel is one lane in each direction, and a solid double yellow line is shown separating the opposing direction lanes, except through the intersection. On the horizontal roadway, black arrows indicate that the direction of travel for both lanes is east to west. A broken white line separates the two westbound lanes, except through the intersection. On the vertical roadway, to the right of the northbound lane in advance of the intersection, two ONE WAY signs are shown mounted back-to-back. One is shown pointing west (to the left) and facing south, and the other is shown pointing west (to the right) and facing north. To the right of the northbound lane in advance of the intersection, a ONE WAY sign pointing west (to the right) is shown

facing south. To the left of the southbound lane in advance of the intersection, a ONE WAY sign marked with an asterisk is shown pointing west (to the left) and facing north. To the right of the northbound lane on the north side of the intersection, a ONE WAY sign marked with an asterisk is shown pointing west (to the left). To the left of the southbound lane on the north side of the intersection, two ONE WAY signs are shown mounted back-to-back. One is shown pointing west (to the left) and facing south, and the other is shown pointing west (to the left) and facing north.

The second illustration shows a T-shaped intersection of a vertical two-lane roadway with a horizontal two-lane roadway. Black arrows on the vertical roadway indicate that the direction of travel is one lane in each direction, and a solid double yellow line is shown separating the opposing direction lanes, except through the intersection. Black arrows on the horizontal roadway indicate that the direction of travel is one way east to west. A broken white line separates the two lanes of the horizontal roadway. To the right of the northbound travel lane in advance of the intersection with the horizontal roadway, a ONE WAY sign is shown pointing west (to the left) and facing south. On the far side of the intersection directly opposite the vertical roadway, another ONE WAY sign pointing west (to the left) and facing south is shown to the north side of the horizontal roadway.

The third illustration shows an intersection of a segment of a vertical two-lane roadway with a horizontal two-lane roadway. Black arrows on the horizontal roadway indicate that the direction of travel is one lane in each direction, and a solid double yellow line is shown separating the opposing direction lanes, except through the intersection. Black arrows on the vertical roadway indicate that the direction of travel for both lanes is south to north in advance of the intersection, and that on the far side of the intersection, the direction of travel is one lane in each direction. In advance of the intersection, a solid white line is shown separating the two northbound lanes, and in the left lane, the pavement is shown marked with a vertical white arrow curving up and to the left over the word "ONLY" in white, followed by another closer to the intersection. At the bottom of the illustration to both the left and right of the vertical roadway, a sign assembly is shown. It is shown as a Two-Way Traffic symbol sign above a horizontal orange plaque with the word "AHEAD" in black and is facing south. To the left of the roadway opposite the first turn arrow on the pavement, a square white sign with a black border and legend is shown with the words "LEFT LANE MUST TURN LEFT." To the right of the right northbound lane in advance of the intersection, a four-piece sign assembly is shown. It is shown composed of two ONE WAY signs mounted back-to-back, one pointing north (to the left) and facing west and the other pointing north (to the right) and facing east. Mounted perpendicular and to the south side of these two signs is a vertical rectangular white sign with the words "END ONE WAY" facing south. On the north side of this sign assembly is mounted a Do Not enter sign facing north. This same sign assembly is shown to the left of the left northbound lane in advance of the intersection

HEAD START FACILITY MEMORANDUM FOR TRAFFIC & STORAGE CONDITIONS ASSESSMENT & RECOMMENDATIONS



City of La Porte, Texas



**LYLE & PEROSSA
ENGINEERING**

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ALT. PH. (713) 859-3392
HOUSTON, TEXAS
www.lyleperossaengineering.com



Heath R. Lyle

5/25/16

HEAD START FACILITY EXISTING TRAFFIC & STORAGE CONDITIONS

BACKGROUND:

The Head Start Program, a Division of Harris County Education, is located on 1st Street in La Porte (**See Exhibit 1**). The school incorporated a breakfast program for the children that are enrolled in the school a few years ago and recently promoted it in hopes of increasing enrollment. The school did experience an increase in enrollment and as a result have experienced issues with traffic congestion during the morning and afternoon drop-off times. The school requires the children to be signed in and out, thus requiring parents or designated individuals to park and drop-off/pick-up the children. The current facility parking onsite capacity is inadequate to accommodate the number of vehicles that travel to and from the facility, so the number of vehicles that park on 1st Street and H Street has increased.

1st Street is a narrow two-way street that is mostly open ditch roadway with no shoulder. When a vehicle parks on a narrow street, the two-way movement is very limited which causes congestion issues that needs to be mitigated to improve traffic functionality and pedestrian safety.

Head Start reached out to city staff requesting assistance with traffic congestion. City staff has investigated the site and determined that some interim measures would help, but would not solve the parking and pedestrian conflict concerns. City staff implemented the following measures:

- School Zone
- Temporary One Way
- No Parking Zone

Before taking additional measures city staff believed it necessary to do a traffic analysis to determine what other measures should be implemented to improve traffic flow & reduce pedestrian/vehicle conflicts.

CONSIDERATIONS:

1 - ONE WAY STREET CONVERSION

Converting two-way streets to one-way streets can help reduce cut-through traffic when there is a dominant direction in traffic flow and improve pedestrian safety.

ADVANTAGES

- Reduces high volume of non-local traffic that uses the street as a shortcut
- Improves safety by creating more travel space for vehicles and pedestrians so they don't have to share space
- Simplifies the traffic pattern in one direction to improve safety for very young pedestrians
- Increased street space per lane may create less need for new pedestrian sidewalk facilities

DISADVANTAGES

- Residents may be inconvenienced by the one-way flow
- The cut-through traffic may be diverted to parallel streets
- Drivers unfamiliar with the conversion may disregard the one-way sign and drive into oncoming traffic
- Existing property owners and uses may change over time that diminishes the usefulness of the one-way conversion (Head Start Facility moves out, new property owners with conflicting needs move in, etc.)

ELIGIBILITY CONSIDERATIONS

- Review and consideration by the City Police and Fire Departments
- The city should seek a high approval percentage from adjacent property owners (90% or as agreed by city officials)
- Review and consideration by City Council

2 - MAINTAIN EXISTING TWO WAY STREET TRAFFIC PATTERN

Two way streets provide residents with more access to and from the facilities adjacent to the street.

ADVANTAGES

- Maintains a familiar traffic pattern for drivers
- Maintains the highest accessibility and convenience for all residents

DISADVANTAGES

- Drivers have less space to maneuver
- Difficult to provide safe pedestrian routes due to more space occupied by vehicles
- Pedestrian safety may be lessened with young distracted pedestrians being forced to navigate across vehicular traffic from two directions
- Cut through traffic is more likely which will increase congestion
- Traffic moves slower on a narrow street with movements in two directions
- More pedestrian sidewalk accommodations may be required since there is less street space per driving lane

ELIGIBILITY CONSIDERATIONS

None - Existing conditions

3-ADDITIONAL PARKING

Additional storage/parking capacity should be looked at in either of the two considerations above. Approximately fifty-six potential off-street parking spots have been identified (**See Exhibit 1 & 2**) which could dramatically improve the safety and congestion issues related to the Head Start Facility. It appears that the additional fifty-six parking spots would likely more than double the existing parking accommodations currently offered by the facility. However, it appears that 19 new parking spaces are adjacent to private property which will also need to be taken into consideration (**See Exhibit 3-Parcel Map**).

4-PEDESTRIAN ACTIVITY

Interactions of pedestrians with traffic are a major consideration in street and sidewalk planning and design. The vehicular traffic in congested city areas can make it difficult to provide adequate accommodations for pedestrians. Yet provisions should be made, because pedestrians are the lifeblood of the city's commercial areas. In general, the most successful commercial areas are those that provide the most comfort and pleasure for pedestrians. Pedestrian facilities include sidewalks, crosswalks, traffic control features, and ramps for persons with mobility impairments. A pedestrian's age is an important factor that may explain behavior that leads to collisions between motor vehicles and pedestrians. Very young pedestrians are often careless in traffic from either ignorance or exuberance, whereas older pedestrians are more sensitive to their surroundings. Pedestrian collisions can also be related to the lack of sidewalks, which may force pedestrians to share the traveled way with motorists.

RECOMMENDATIONS

Finding a solution to the traffic congestion and pedestrian safety concerns in an area where there is limited space for vehicular and pedestrian interaction is always difficult. However, there are ways to balance this with solutions that would help alleviate the concerns and mitigate traffic congestion. To address the considerations taken into account with this analysis, the following options are recommended:

1. Create parking improvements that satisfy the existing parking needs and provide adequate pedestrian facilities (sidewalks and traffic control markings) to provide safe access to the site. Since the City has already reached out to the Head Start Program group to initiate a partnership in the improvements, this option rates as a higher preference because the preliminary notion is that there would be little to no cost to the City for providing the improvements. . The preliminary cost estimate for the parking improvements is approximately \$160,000 (**See Attachment A**).
2. Create a One-Way section on 1st Street between Fairmont Parkway and H Street in the northbound direction. Direct costs to the City would be signage and pavement markings. Indirect costs would require police patrol to ensure compliance with the implementation.
3. Maintain the existing two-way street condition. Status Quo – no added costs

However, the best option is to create satisfactory parking and pedestrian access improvements to meet the facility needs in conjunction with a one-way street conversion which will reduce high volume of non-local traffic, improve safety by creating more travel space, and simplify the traffic pattern to improve safety for young pedestrians.

ATTACHMENT "A"

PRELIMINARY PROJECT COST ESTIMATE +/- 20%

Project: HEADSTART FACILITY PARKING IMPROVEMENTS (See Exhibit 2)

Date: 5/16/2016

ITEM NO.	ITEM DESCRIPTION	Qty	Unit	Unit Price	Total Price
1	Mobilization	1	LUMP SUM	\$10,000	\$10,000
2	Traffic Control and Regulation	1	LUMP SUM	\$5,000	\$5,000
3	10" Recycled Crushed Concrete Base	845	TON	\$45	\$38,025
4	3" HMAC, Type D Asphalt	296	TON	\$95	\$28,120
5	6" Lime Stabilized Subgrade	1765	SY	\$4	\$7,060
6	Lime 8%	40	TON	\$175	\$7,000
7	18" RCP	340	LF	\$60	\$20,400
8	Excavation and Borrow	700	CY	\$10	\$7,000
9	Thermoplastic Pavement Markings	1	LS	\$10,000	\$10,000

Subtotal	\$132,605
20% Contingency	\$26,521
Total Cost Est.	<u>\$159,126</u>



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 DOCUMENTS NOT INTENDED FOR BIDDING OR
 CONSTRUCTION PURPOSES. ISSUED FOR
 INFORMATIONAL PURPOSES ONLY VIA
 HEATH R. LYLE, PE
 LICENSE NO. 102946
 DATE: 5/18/16

CITY OF LA PORTE
 HEAD START FACILITY
 TRAFFIC & PARKING
 IMPROVEMENT PROJECT

EXHIBIT 1 - 1ST STREET
 ONE-WAY WITH PARKING

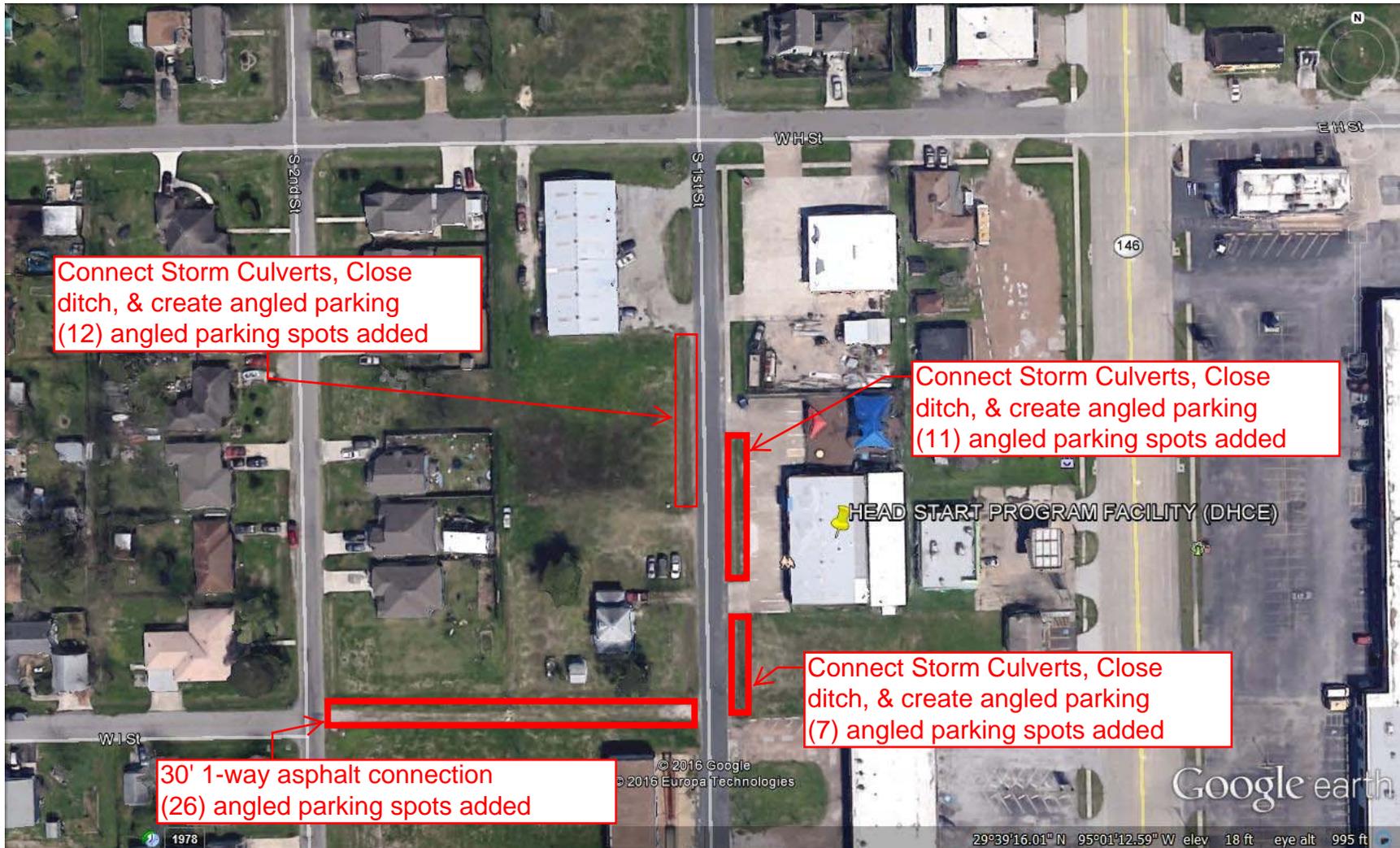
DRAWING SCALE	AERIAL BACKGROUND
NTS	GOOGLE

PN: 001-15-001-04

- NOTES:**
1. PROPOSED SIDEWALKS AND ACCESSIBLE PARKING SPACES SHALL BE INCLUDED DURING THE DESIGN STAGE TO PROVIDE ACCESSIBLE ROUTES AND SPACES PER STATE AND FEDERAL ADA REQUIREMENTS.
 2. THE POTENTIAL ONE-WAY CONVERSION WOULD BE ON 1ST STREET FROM FAIRMONT PARKWAY TO "H" STREET.
 3. IN LIEU OF THE ONE-WAY CONVERSION, THE LAYOUT FOR 12 SPACES ON THE WEST SIDE OF 1ST STREET COULD BE FLIPPED TO MAINTAIN THE EXISTING TWO-WAY TRAVEL CONDITION.

EXHIBIT 2

ALTERNATIVE TRAFFIC CONGESTION RELIEF OPTIONS





Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of La Porte makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of La Porte from any damage, loss, or liability arising from such use.



City of La Porte
 604 W. Fairmont Parkway
 La Porte, TX 77571
 (281) 471-5020
 www.laportetx.gov

La Porte GIS Mapping

EXHIBIT 3 - PARCEL MAP

1" = 144'





MAY 16 2012

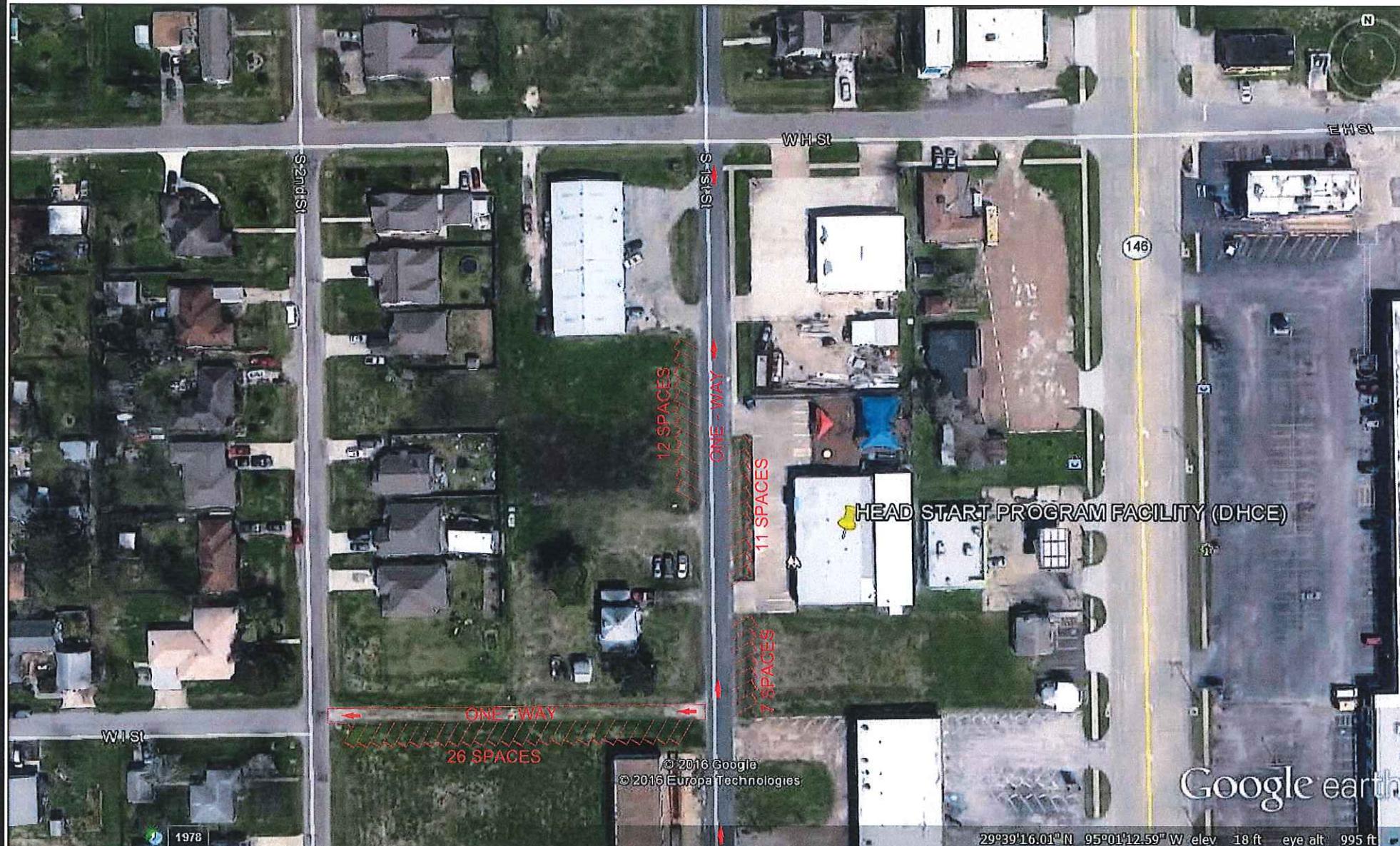


DIAMONDBACK WORKS
General Contractors
281-471-2597

MAY 16 2012



MAY 14 2012



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 HEATH R. LYLE, PE
 LICENSE NO. 162946
 DATE: 5/18/16

CITY OF LA PORTE
 HEAD START FACILITY
 TRAFFIC & PARKING
 IMPROVEMENT PROJECT
 EXHIBIT 1 - 1ST STREET
 ONE-WAY WITH PARKING

DRAWING SCALE	AERIAL BACKGROUND
NTS	GOOGLE
PN: 001-15-001-04	

NOTES:
 1. PROPOSED SIDEWALKS AND ACCESSIBLE PARKING SPACES SHALL BE INCLUDED DURING THE DESIGN STAGE TO PROVIDE ACCESSIBLE ROUTES AND SPACES PER STATE AND FEDERAL ADA REQUIREMENTS.
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 3. IN LIEU OF THE ONE-WAY CONVERSION, THE LAYOUT FOR 12 SPACES ON THE WEST SIDE OF 1ST STREET COULD BE FLIPPED TO MAINTAIN THE EXISTING TWO-WAY TRAVEL CONDITION.

STATE OF TEXAS

COUNTY OF HARRIS

INTERLOCAL AGREEMENT FOR IMPROVEMENTS TO HEAD START FACILITY

On this the ____ day of July, 2016, City of La Porte, Texas, located in Harris County, Texas, hereafter called the "the City," and Harris County Department of Education, located in Harris County, Texas, hereinafter called "HCDE," enter into the following agreement (the "Agreement") pursuant to the authority granted by Chapter 791 of the Texas Government Code. The City and HCDE are herein collectively referred to as the "Parties," and individually as a "Party."

WITNESSETH

WHEREAS, the City and HCDE are local political subdivisions established and existing under the constitution and laws of the State of Texas and are governed by duly elected/appointed boards or councils who are authorized to enter into interlocal agreements; and

WHEREAS, HCDE operates a Head Start center located at 927 S. 1st street, La Porte, Texas 77571 (the "Head Start Facility");

WHEREAS, the City and HCDE wish to work together to ensure the safety of HCDE students, parents, and staff;

WHEREAS, the Parties desire to enter into this Interlocal Agreement to collaborate to construct various site improvements to enhance safety for student drop-off and pick-up the Head Start Facility.

NOW THEREFORE, for and in consideration of the mutual covenants, agreements and benefits to the Parties hereto, the Parties do hereby agree as follows:

I.
TERM

1.01 The term of this Agreement shall commence when approved by the appropriate governing bodies of the City and HCDE, and executed by an authorized representative of each of the Parties, and conclude when the Project has been completed and certified by the City, except for provisions of this Agreement that expressly survive the termination or expiration thereof.

1.02 Either Party may terminate this Agreement without cause by giving thirty (30) days' written notice of termination to the other Party. In the event that this Agreement is terminated prior to the completion of the Project, the City shall reimburse to HCDE an amount equal to the difference between the costs actually incurred by the City in connection with the Project through the termination date, and the amount of the HCDE Contribution (as defined below).

II.
SERVICES TO BE PERFORMED

2.01 The City agrees to manage and oversee the design and construction of paving and related improvements benefitting HCDE and the Head Start Facility, which improvements are described in more detail in Exhibit "A," attached hereto and incorporated herein by reference (the "Project"), which shall include, without limitation, the following:

- a. Enclosure of drainage ditch and construction of sidewalk within South 1st Street right-of-way, between north and south driveway access points, in front of the Head Start Facility;
- b. Paving improvement to street right-of-way standards of currently un-improved section of West I Street between First Street and Second Street;
- c. The City shall work closely with HCDE to minimize design and construction costs;
- d. Require all of the City's contractors engaged in the construction of the Project to maintain, for the duration of the construction of the Project, insurance policies with minimum coverage reasonably acceptable to HCDE, and naming HCDE as an additional insured. The City shall provide to HCDE, prior to the commencement of such construction, copies of insurance certificates evidencing the requirements set forth in the preceding sentence; and
- e. The plans and specifications for the Project shall be subject to HCDE's reasonable approval prior to the commencement of construction.

2.02 The City shall cause the Project to be completed no later than April, 2017.

2.03 HCDE agrees to provide funding, in an amount not to exceed \$120,000.00 (the "HCDE Contribution") to cover the cost of design and construction of the Project. The estimated cost of the design and construction of the Project is described in more detail in Exhibit B, attached hereto and incorporated herein by reference.

III.
ACCOUNTING

3.01 The CITY shall provide to HCDE an accounting of all costs incurred directly related to design and construction of the Project.

IV.
PAYMENT AND REIMBURSEMENT

4.01 The City will require payment of the HCDE Contribution prior to initiating final Project design.

4.02 In the event that the costs incurred by the City in connection with the design and construction of the Project are less than the HCDE Contribution amount set forth above, the City shall refund to HCDE an amount equal to the difference between the costs actually incurred by

the City in connection with the Project, and the HCDE Contribution amount, no later than thirty (30) days following completion of construction of the Project.

4.03 The Parties hereby agree that each Party paying for the performance of governmental functions or services must make those payment from current revenues available to the paying Party.

V.

MISCELLANEOUS PROVISIONS

5.01 For as long as the Head Start Facility is utilized for the operation of a Head Start Program, or other public purpose, HCDE shall have the right to use the improvements constructed in connection with the Project. The provision set forth in this Section 5.01 shall survive termination or expiration of this Agreement.

5.02 This instrument contains the entire Agreement between the parties relating to the rights hereunder granted and the obligations herein assumed. Any oral representation or modifications concerning this Agreement shall be of no force or effect, excepting a subsequent modification in writing signed by all Parties hereto.

5.03 The City and HCDE shall comply with all applicable rules, regulations, and laws of the United States of America, the State of Texas, and all laws, policies, regulations, and ordinances of the City, as they now exist or may hereafter be enacted or amended.

5.04 Except as otherwise provided herein, all notices required to be given hereunder shall be given in writing either by overnight mail, facsimile transmission, or certified or registered mail at the respective addresses of the parties set forth herein or at such other address as may be designated in writing by either Party. Notice given by mail shall be deemed received five (5) days after the date of mailing thereof to the following addresses:

HARRIS COUNTY DEPARTMENT OF EDUCATION

Head Start

Attn: Senior Director
HCDE Administration
6300 Irvington Boulevard
Houston, Texas 77022
Phone: (713)694-6300

THE CITY

City of La Porte, Texas
Attn: City Manager
604 E. Fairmont Parkway
La Porte, TX 77571
Fax No. (281) 842-1259

5.05 Failure of either Party hereto to insist on the strict performance of any of the agreements herein or to exercise any rights or remedies accruing thereunder upon default or failure of performance shall not be considered a waiver of the right to insist on and to enforce by an appropriate remedy, strict compliance with any other obligation hereunder to exercise any right or remedy occurring as a result of any future default or failure of performance. The rights and remedies contained in this Agreement shall not be exclusive but shall be cumulative of all other rights and remedies, now or hereinafter existing, whether by statute, at law, or in equity; provided that the Parties shall not terminate this Agreement except in accordance with the provisions hereof.

5.06 This Agreement shall in all respects be interpreted and construed in accordance with and governed by the laws of the State of Texas. The place of making and the place of performance for all purposes shall be La Porte, Harris County, Texas, and the exclusive venue for any legal proceeding relating to this Agreement shall be in Harris County, Texas.

5.07 All Parties agree that should any provision of this Agreement be determined to be invalid or unenforceable, such determination shall not affect any other term of this Agreement, which shall continue in full force and effect.

5.08 This Agreement shall not bestow any rights upon any third party, but rather, shall bind and benefit the City and HCDE only.

5.09 The article and section headings are used in this Agreement for convenience and reference purposes only and are not intended to define, limit or describe the scope or intent of any provision of this Agreement and shall have no meaning or effect upon its interpretation.

8.10 In the event of any ambiguity in any of the terms of this Agreement, it shall not be construed for or against any Party hereto on the basis that such Party did or did not author the same.

5.11 The Parties acknowledge that they have read, understand and intend to be bound by the terms and conditions of this Agreement.

5.12 The officers executing this Agreement on behalf of the Parties hereby represent that such officers have full authority to execute this Agreement and to bind the Party he/she represents.

5.13 Nothing in this Agreement waives or alters any immunities provided to the Parties, their officers, employees, or agents under Texas or federal law.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in multiple copies, each of which shall be deemed to be an original, but all of which shall constitute but one and the same Agreement on this ____ day of July, 2016, the date of execution by the Mayor of City of La Porte.

HARRIS COUNTY DEPARTMENT OF EDUCATION

Venetia L. Peacock

HCDE Senior Director of Head Start

Date: _____

Jesus Amezcua, RTSBA, CPA, Ph.D.

HCDE Assistant Superintendent Business Services

Date: _____

CITY OF LA PORTE, TEXAS

Mayor

ATTEST

City Secretary

EXHIBIT A

ALTERNATIVE TRAFFIC CONGESTION RELIEF OPTIONS

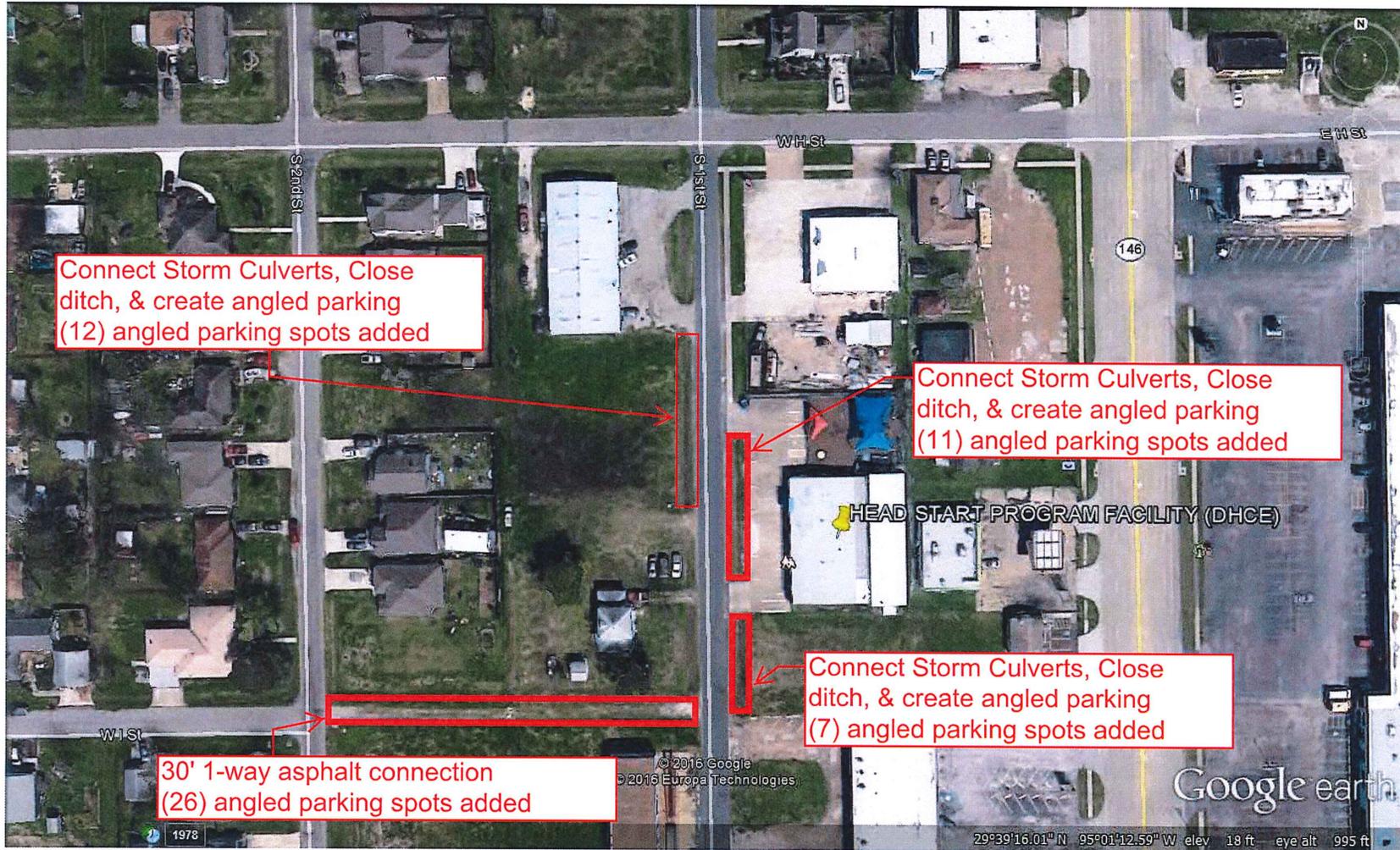


EXHIBIT B

PRELIMINARY PROJECT COST ESTIMATE +/- 20%

Project: HEADSTART FACILITY PARKING IMPROVEMENTS (See Exhibit 2)

Date: 5/16/2016

ITEM NO.	ITEM DESCRIPTION	Qty	Unit	Unit Price	Total Price
1	Mobilization	1	LUMP SUM	\$10,000	\$10,000
2	Traffic Control and Regulation	1	LUMP SUM	\$5,000	\$5,000
3	10" Recycled Crushed Concrete Base	845	TON	\$45	\$38,025
4	3" HMAC, Type D Asphalt	296	TON	\$95	\$28,120
5	6" Lime Stabilized Subgrade	1765	SY	\$4	\$7,060
6	Lime 8%	40	TON	\$175	\$7,000
7	18" RCP	340	LF	\$60	\$20,400
8	Excavation and Borrow	700	CY	\$10	\$7,000
9	Thermoplastic Pavement Markings	1	LS	\$10,000	\$10,000

Subtotal \$132,605
20% Contingency \$26,521
Total Cost Est. \$159,126

* Some of this work will be completed by Public Works crews to reduce the cost, as outlined here.

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 25, 2016 Appropriation
Requested By: Corby D. Alexander Source of Funds: N/A
Department: Administration Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: Amount Requested: _____
Attachments : Budgeted Item: YES NO

SUMMARY & RECOMMENDATIONS

This item has been placed on the Council agenda by Councilmembers Zemanek, Kaminski, and Engelken. The following concerns regarding La Porte Boys' Baseball Association's use of Pecan Park Complex will be discussed:

1. Financial Records
2. Maintenance of Fields
3. Use of Fields

Action Required of Council:

Provide direction to staff regarding future operation of La Porte Boys Baseball Association.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



**Council Agenda Item
July 25, 2016**

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



Council Agenda Item July 25, 2016

11. ADMINISTRATIVE REPORTS

- Zoning Board of Adjustment Meeting, Thursday, July 28, 2016
- Fiscal Affairs Committee Meeting, Monday, August 8, 2016
- City Council Meeting, Monday, August 8, 2016
- Budget Meetings, Monday; Tuesday and Wednesday, August 15-17, 2016
- City Council Meeting, Monday, August 22, 2016

12. EXECUTIVE SESSION

The City Council reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code, in accordance with the authority contained in:

Texas Government Code, Section 551.071(2) – Consultations with Attorney: Meet with City Attorney to discuss legal issues associated with adoption of fueling regulations under City truck route ordinance.

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

14. 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

15. ADJOURN
