

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



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

## CITY COUNCIL MEETING AGENDA

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held February 23, 2015, beginning at 6:00 PM in the City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

1. **CALL TO ORDER**
2. **INVOCATION** – The invocation will be given by Dee Spears, Fairmont Park Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember John Zemanek.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
  - (a) Recognitions - Citizens Certificate of Merit - 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 of the minutes of the Council meeting held on February 9, 2015 - P. Fogarty
  - (b) Consider approval or other action regarding a Resolution opposing Senate Bill 343 and any other legislation which would erode the authority of a Home Rule Municipality - P. Fogarty
  - (c) Consider approval or other action authorizing the City of La Porte to convey a 30' wide easement to Dow Hydrocarbons and Resources, LLC, for future construction of a 12-inch Ethane Pipeline - T. Tietjens
  - (d) Consider approval or other action authorizing the purchase of chemicals and fertilizers from Helena Chemical utilizing BuyBoard contract 447-14 - A. Osmond
  - (e) Consider approval or other action regarding authorization for the La Porte Development Corporation to extend an enhancement grant amount not to exceed \$25,000 to Eagle Energy Resources, LLC, to be awarded at the completion of the project - S. Livingston
  - (f) Consider approval or other action authorizing the City Manager to execute an interlocal agreement with the City of Shoreacres for provision of Fire Protection Services - D. Ladd
  - (g) Consider approval or other action regarding a Resolution authorizing the resale of certain tax delinquent properties located in Block 200, Lots 19 & 20 and Block 76, Lots 27, 28 & 29, Town of La Porte - K. Powell

**7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES**

- (a) Public Hearing to receive comments regarding recommendations by the La Porte Planning and Zoning Commission to approve Special Conditional Use Permit Request #14-91000003, to allow construction of an off-site parking lot at the southeast corner of S. 16th Street and W. C Street in a General Commercial (GC) District - E. Ensey
- (b) Consider approval or other action regarding Special Conditional Use Permit Request #14-91000003, for the purpose of developing an off-site parking lot for Medders Construction at the southeast corner of S. 16th Street and W. C Street in a General Commercial (GC) District - E. Ensey

**8. DISCUSSION OR OTHER ACTION**

- (a) Discussion or other action regarding the 3rd Street Paving Project - Councilmembers Zemanek, Earp and Kaminski
- (b) Discussion or other action regarding furnishing effluent water to Enterprise Products - C. Alexander

**9. REPORTS**

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

**10. ADMINISTRATIVE REPORTS**

- La Porte Development Corporation Board Meeting, Monday, March 9, 2015
- City Council Meeting, Monday, March 9, 2015
- City Council Meeting, Monday, March 23, 2015
- Planning and Zoning Commission Meeting, Thursday, March 19, 2015
- Zoning Board of Adjustment Meeting, Thursday, March 26, 2015
- Citizens Forum on Code Enforcement for the Northside Neighborhood, Tuesday, March 31, 2015

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

**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 551.074** – Deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Patrice Fogarty, City Secretary and Corby Alexander, City Manager

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

**14. ADJOURN**

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

**Code (the Texas open meetings laws).**

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

**CERTIFICATION**

I certify that a copy of the February 23, 2015, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on February 17, 2015.

*Patrice Fogarty*



**Council Agenda Item  
February 23, 2015**

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

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City of La Porte

Established 1892

Police Department

Recognized as a Best Practices Agency by  
the Texas Association of Police Chiefs



01/28/2015

To: City Secretary's Office  
From: John Krueger (Sgt. LPPD)  
Re: Recommendation for citizen recognition

To whom it may concern:

On January 24<sup>th</sup>, the La Porte community experienced the unfortunate loss of life as a result of a motor vehicle accident along Fairmont Parkway. However, among the devastation, there were acts of bravery and heroism for which both I and LPPD Reconstructionist Officer Bennie Boles hereby make a formal request for recognition. Details are as follows:

On January 24<sup>th</sup>, 2015, a severe motor vehicle accident occurred at around 10 a.m., near the intersection of Fairmont Parkway at Canada Rd. which ultimately resulted in the death of one of the vehicle drivers. Nevertheless, it should be recognized that, in the immediate aftermath of the crash, one of the vehicles involved caught fire near the trunk area due to a ruptured fuel system. Contract construction workers aiding Sonoco service station staff near the intersection witnessed the event and immediately took action. The following eight men, Javier Hernandez; Jonathan Ruiz; Cristian Garcia; Elias Hernandez; Jose Hernandez; Justin Martinez; and Richard Cantu each secured fire extinguishers from the Sonoco job site and rushed to the vehicle to smother the fire. At the same time, their co-worker Carlos Moreno looked inside of the vehicle and observed a 4 year-old boy secured in a safety seat, yet pinned inside of the vehicle. As the eight brave men extinguished the fire, Moreno extracted the boy without any concern for his own personal safety. Had the nine men hesitated, or failed to act, the burning vehicle certainly would have evolved into a major fire, and, worse, the 4 year old boy would have lost his life. It is for this reason that these brave men are receiving the Citizens Certificate of Merit.

Sincerely,

John Krueger  
Sergeant  
La Porte Police Department



## Council Agenda Item February 23, 2015

6. **CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
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**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF LA PORTE  
FEBRUARY 9, 2015**

The City Council of the City of La Porte met in a regular meeting on **Monday, February 9, 2015**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **6:00 p.m.** to consider the following items of business:

**1. CALL TO ORDER**

Mayor Rigby called the meeting to order at 6:03 p.m. Members of Council present: Councilmembers Kaminski, Martin, Earp, Leonard, Clausen, Zemanek and Engelken. Also present were City Secretary Patrice Fogarty, and City Manager Corby Alexander. Councilmember Moser arrived at 6:08 p.m.

**2. INVOCATION** – The invocation will be given by Michael Thannisch, Congregation Benim Avraham.

**3. PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Dottie Kaminski.

**4. PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**

(a) Recognition – Employee of the (Fourth) Quarter – Charlene Fox (City of La Porte Telecommunications) – Mayor Rigby

Mayor Rigby recognized Charlene Fox for receiving Employee of the (Fourth) Quarter.

(b) Recognition – Employee of the Year – Brian Sterling (City of La Porte GIS Manager) – Mayor Rigby

Mayor Rigby recognized Brian Sterling for receiving Employee of the Year.

(c) Recognition – Manager of the Year – Cherell Daeumer (City of La Porte Purchasing Manager) – Mayor Rigby

Mayor Rigby recognized Cherelle Daeumer for receiving Manager of the Year.

(d) Recognition – Retirement of James Stark (City of La Porte Public Works Department) – Mayor Rigby

Mayor Rigby recognized the retirement of James Stark from the City of La Porte Public Works Department.

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

Chuck Rosa, 812 S. Virginia, addressed Council voicing opposition to the La Porte Development Corporation Board providing incentive grants.

Steve Gillett, 2601 S. Broadway #27, addressed Council in regards to the Industrial Waste surcharge fee and advised the surcharge is not a tax to generate revenue but to ensure compliance with the ordinance and an incentive to reduce grease and oil in the collection and treatment system. Mr. Gillett informed the city is currently under an administrative order with Texas Commission on Environmental Quality (TCEQ) to reduce overflow and to have an Industrial Waste Ordinance. In addition, Mr. Gillett advised the Waste Water Treatment Plant will be affected due to the design criteria being a 200 Biological Oxygen Demand (BOD).

Steve Coycault, Sr., 4315 Maidenhead Dr., addressed Council and asked them to consider freezing City taxes for the disabled and seniors 65 and older.

Russell Ybarra, 2601 Underwood (Gringo's Mexican Kitchen), addressed Council and advised the City of La Porte is the only city that classifies a restaurant as an industrial user and requested the City to consider reducing the surcharge by 50% and require all food establishments to mandate a quarterly grease pumping. Mr. Ybarra also informed he doesn't feel the ordinance is fair to include restaurants and nursing homes but not the school district.

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

- (a) Consider approval or other action regarding the minutes of the City Council Meeting held on January 26, 2015 – P. Fogarty
- (b) Consider approval or other action authorizing the City Manager to execute a contract with Port of Houston Authority for the provision of emergency medical services by the City of La Porte EMS for Barbour's Cut Terminal – P. Fogarty
- (c) Consider approval or other action to renew the 2013 contract with North Houston Pole Line for sanitary sewer repair, replacement and/or rehabilitation with an approved allocation of \$175,000.00 – D. Mick
- (d) Consider approval or other action awarding Vehicle Replacement for Fiscal Year 2014-2015 to Brookside Equipment through Texas BuyBoard and rescinding the approval at the January 12, 2015 City Council meeting for purchase of Golf Course and Parks equipment through HGAC – D. Mick
- (e) Consider approval or other action regarding Ordinance 2007-IDA-141, authorizing execution of an Industrial District Agreement between the City of La Porte and Almondwater LLC. – K. Powell
- (f) Consider approval or other action authorizing the Mayor to execute a Water Service Agreement and a Sanitary Service Agreement with Almondwater LLC. – T. Tietjens

Regarding Item c, Councilmember Earp questioned how much was actually billed on the last contract and if they are required to obtain a new bond. Public Works Director Dave Mick responded \$182,000 into the contingency and, yes, they are required to get new bonds.

Regarding Item d, Councilmember Martin questioned if the gator ATV truck is a new vehicle. Mr. Mick responded yes.

Councilmember Engelken moved to approve the Consent Agenda pursuant to staff recommendations. Councilmember Leonard seconded. **MOTION PASSED.**

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3569: AN ORDINANCE AUTHORIZING THE EXECUTION BY THE CITY OF LA PORTE OF AN INDUSTRIAL DISTRICT AGREEMENT WITH ALMONDWATER LLC., A TEXAS CORPORATION FOR THE TERM COMMENCING JANUARY 1, 2008, AND ENDING DECEMBER 31, 2019; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

## 7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

(a) Public hearing to receive comments regarding recommendations by the Planning and Zoning Commission to approve Rezone Request #14-9200000, rezoning property from split Low Density Residential (R-1) and General Commercial (GC), to exclusively General Commercial (GC) for a 1.6611 tract of land located at the southeast corner of Spencer Highway and Canada Road – E. Ensey

The public hearing was opened at 6:40 p.m.

City Planner Eric Ensey presented a summary.

Councilmember Earp questioned how has the developer agreed to work with the property owners at 3203 Canada Road to mitigate their concerns. Mr. Ensey responded the city will review the site plans and ensure the developer is in compliance with the code provisions which are property owner concerns.

There being no input from the public, the public hearing closed at 6:43 p.m.

(b) Consider approval or other action regarding an Ordinance amending Chapter 106 Zoning of the Code of Ordinances of the City of La Porte by changing the zoning classification from split Low Density Residential (R-1) and General Commercial (GC) to exclusively General Commercial (GC) for a 1.6611 tract of land located at the southeast corner of Spencer Highway and Canada Road – E. Ensey

Councilmember Engelken moved to approve an Ordinance amending Chapter 106 Zoning of the Code of Ordinances of the City of La Porte by changing the zoning classification from split Low Density Residential (R-1) and General Commercial (GC) to exclusively General Commercial (GC) for a 1.6611 tract of land located at the southeast corner of Spencer Highway and Canada Road. Councilmember Kaminski seconded. **MOTION PASSED.**

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3570: AN ORDINANCE AMENDING CHAPTER 106 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY CHANGING THE ZONING CLASSIFICATION FROM SPLIT LOW DENSITY RESIDENTIAL (R-1) AND GENERAL COMMERCIAL (GC) TO EXCLUSIVELY GENERAL COMMERCIAL (GC), FOR A 1.6611 ACRE TRACT OF LAND HEREIN DESCRIBED; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

**8. DISCUSSION OR OTHER ACTION**

**(a)** Discussion or other action regarding a request by Boone Exploration, Inc., for relief from 300' distance requirement from any dwelling or water well for a proposed Geophysical Mineral Exploration and Testing Permit – T. Tietjens

Planning and Development Director Tim Tietjens presented a summary; and Hoyt O'Neal with Boone Exploration and Hal Bozeman with Etoco, L.P., provided a presentation.

Councilmember Earp questioned would there be any damages from testing. Mr. O'Neal advised it is very minimal – maybe cause some potholes – but no broken slabs. Councilmember Earp commented it seems like a lot of risk.

Councilmember Zemanek questioned which company was requesting the proposed Geophysical Mineral Exploration and Testing Permit and for what reason. Mr. O'Neal responded Boone Exploration is contracted to conduct the seismic survey through Etoco L.P.; and they are exploring their mineral options. Councilmember Zemanek asked if the company has any idea which streets will be tested in the Lomax area. Mr. O'Neal responded no, the company is in the early stages and is trying to get the buffers reduced. Mr. O'Neal also advised the company can adjust accordingly to whatever needs to be done.

Councilmember Clausen questioned if the testing is conducted on streets. Mr. O'Neal responded yes, they try to stick to the main roads to avoid tearing up yards.

Councilmember Martin questioned the type of minerals the company is trying to find. Mr. O'Neal responded once the data is set, it will be sent to the processor to determine if there is oil or natural gas. Councilmember Martin then questioned at what depth will the reservoirs be determined. Mr. O'Neal responded up to 18,000 feet, depending on the shot points and locations.

Councilmember Martin asked what type of drilling will take place. Hal Bozeman, Land Manager with Etoco, L.P., advised the type of drilling is determined by the seismic testing; and 2-3 acres are needed for drilling, and 1 acre for the production site.

Hoyt O'Neal advised they are in the early stages; and if drilling were to take place, it will be 6-9 months later.

Brady Payne with VibraTech advised they will be with Boone Exploration during the surveying to keep them in the safe zone.

Councilmember Zemanek commented he wants to protect the homeowners and is against the entire process.

Mayor Rigby questioned if a survey was conducted 30 years ago, can a new survey show changes today. Mr. O'Neal responded the technology has changed since then and line spacing could have been off and today it is a more precise technology.

Councilmember Earp moved to deny relief from the 300-foot distance requirement from any dwelling or water well for a proposed Geophysical Mineral Exploration and Testing Permit. Councilmember Engelken seconded. **MOTION PASSED.**

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

- (b) Discussion or other action regarding the surcharge fee component of the City of La Porte Industrial Waste Ordinance (This item was tabled at the January 12, 2015 meeting) – D. Mick

Public Works Director Dave Mick presented a summary.

Councilmember Zemanek requested a breakdown for the program's approximate cost of \$95,000 a year. Public Works Director Dave Mick responded it is approximately \$82,000 in salary and benefits. Councilmember Zemanek asked what other cities are doing. Mr. Mick responded he does not know if other cities have a requirement like the City of La Porte for significant industrial users that is not a mandate from Texas Commission on Environmental Quality (TCEQ). Mr. Mick advised the user group is prompting the cost of the program. Councilmember Zemanek asked if Mr. Mick still thinks that reducing the formula by 50% will satisfy the requirements. Public Works Director Dave Mick responded he does not have a problem reducing the formula by 50%. Councilmember Zemanek asked if the City requires restaurants to pump their grease traps on a regular basis. Mr. Mick responded yes, but they are not required to pump the grease traps four times a year. Councilmember Zemanek asked if Mr. Ybarra emptied his grease traps more than quarterly will alleviate his situation of a high surcharge. Mr. Mick responded he recalls Mr. Ybarra's cost issue being a biological oxygen demand (BOD) loading issue and not a grease issue.

Councilmember Clausen asked if the City required everyone to pump grease traps quarterly, as suggested by Mr. Ybarra, will it reduce the total BOD going to the Waste Water Treatment Plant. Mr. Mick responded he is not sure because more than 2/3 of the restaurants are pumping grease traps quarterly.

Councilmember Leonard commented he does not believe the current penalty fee is fair and taking a measurement once a year is not an accurate picture of what a business is doing and the amount of waste that is going through the system. Councilmember Leonard then suggested to reduce the cost and put into effect a structure for testing and pumping grease traps.

Councilmember Engelken commented it will be a good idea to have Staff validate all of the situations and see what other cities are doing and take more time to evaluate the scope.

Councilmember Martin commented he would like more information on the effect of reducing the surcharge fee will have on the current system before making a decision.

Councilmember Moser questioned if grease actually is the cause for a high BOD. Public Works Director Dave Mick responded liquids without grease going down a drain can still have a high BOD. Councilmember Moser commented there are a lot of questions to be answered before he can make a decision.

Councilmember Earp asked if there is an impact on the water system at this time with everything that is going to the Waste Water Treatment Plant. Mr. Mike responded yes, and the BOD loading rates have been going down in the last few years and may be contributed to the current ordinance.

Councilmember Zemanek asked if the City is near capacity at the Waste Water Treatment Plant. Mr. Mick responded no.

Mayor Rigby advised City Council the item was placed on the agenda for discussion and to give Staff direction for a future meeting and not to change the existing ordinance. Mayor Rigby asked if any change for the restaurants will also apply to truck washes. Mr. Mick responded it would apply to industrial users and not 'significant industrial users' which truck washes fall under. Mayor Rigby asked Mr. Mick if he recalls when the item was first discussed and during Industrial Waste Inspector Pam Kroupa's comments regarding Gringo's Kitchen, she advised when the surcharges were issued, she advised the charges could be lowered if recommendations were undertaken by the restaurant. Ms. Kroupa advised the manager informed her they would pay the surcharges. Mr. Mick responded no corrective action has been taken, and he does recall the conversation. Mayor Rigby asked if the testing the City does is conducted by a contractor. Mr. Mick responded yes the testing

is done by a vendor. Mayor Rigby advised cost information for increasing the number of times testing should be done a year needs to be available the next time discussed. Mayor Rigby commented the concern is if the surcharge is reduced or eliminated, will the treatment plant be at risk in the future. Mr. Mick responded it is possible; but future tests results would have to be compared to previous test results in order to make the determination. Mayor Rigby asked if the surcharges were reduced and BOD's continue to rise and concern TCEQ, how easy it will be for the City to revert back to the original program. Mr. Mick responded the City would have enough information from the test results to justify going back to the old rates.

Councilmember Engelken moved to postpone the item pending additional information from Staff on recommendations moving forward. Councilmember Zemanek seconded. **MOTION PASSED.**

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

## 9. Reports

### (a) Receive report of La Porte Development Corporation Boar – Councilmember Engelken

Councilmember Engelken provided a report from the La Porte Development Corporation Board meeting held prior to this meeting and advised the next meeting will be held on February 23, 2015.

### (b) Receive 2014 City of La Porte Police Department Racial Profiling Report – K. Adcox

Police Chief Ken Adcox provided the City of La Porte Police Department Racial Profiling Report and advised there were no complaints of racial profiling.

Councilmember Zemanek commented the City of La Porte Police Department is doing an excellent job.

There were no questions.

### (c) Receive Planning Department Audit Report – T. Tietjens

Planning and Development Director Tim Tietjens provided a report and informed all immediate and short term goals are done and 10 of 17 long term goals are done.

Councilmember Martin asked if any of the quarterly forums with citizens and homeowners groups have been conducted. Planning and Development Director Tim Tietjens advised a map has been generated for code enforcement, and the first quarterly meeting will be held in March. Councilmember Martin requested City Council receive a copy of the Code Enforcement Map. Mr. Tietjens advised he will send it in the next couple of days.

### (d) Receive Drainage Report – B. Eng

City Engineer/Inspection Service Manager Bob Eng was present to accept questions.

Councilmember Moser questioned the delay on the D Street Connector. Mr. Eng informed it is being advertised and then a pre-bid meeting will be held.

Councilmember Martin asked when was the last time the Drainage Committee met. Mr. Eng responded not since he became employed at the City; and he will get with the City Secretary's Office to set up a meeting if the committee would like to meet.

## 10. ADMINISTRATIVE REPORTS

There were no Administrative Reports

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

Councilmembers Kaminski, Leonard, Earp, and Clausen congratulated Charlene Fox, Brian Sterling, and Cherell Daeumer for receiving awards and James Stark on his retirement; Councilmember Zemanek congratulated Charlene Fox, Brian Sterling, and Cherell Daeumer for receiving awards and James Stark on his retirement; reminded everyone of the Soul Food Cook-Off this coming Friday and congratulated Councilmember Earp on the birth of his first grandchild; Councilmember Engelken congratulated Charlene Fox, Brian Sterling, and Cherell Daeumer for receiving awards and James Stark on his retirement, and also congratulated Councilmember Earp on the birth of his first grandchild; Councilmember Martin congratulated Charlene Fox, Brian Sterling, and Cherell Daeumer for receiving awards and James Stark on his retirement; thanked Staff for their presentations tonight and reminded everyone of Valentine's Day this coming Saturday; Councilmember Moser congratulated Charlene Fox, Brian Sterling, and Cherell Daeumer for receiving awards and James Stark on his retirement and reminded everyone of the Soul Food Cook-Off this coming Friday; and Mayor Rigby recognized retired Reserve Officers, Pat O'Connor; Johnny Land and retired Police Officer Donna O'Connor at the meeting; recognized Charlene Fox, Brian Sterling, and Cherell Daeumer for receiving awards and James Stark on his retirement; and advised City Manager Corby Alexander and Finance Director Michael Dolby have been looking at into the seniors' tax freeze; and Council is waiting on the legislative session and not ignoring the issue.

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

**Texas Government Code, Section 551.074** – Deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Patrice Fogarty, City Secretary and Corby Alexander, City Manager.

**Texas Government Code, Section 551.071 (1) (A)** – Consultation with City Attorney: Pending or Contemplated Litigation – Meet with City Attorney to discuss contract with 65 La Porte, Ltd.

City Council recessed the regular Council meeting to convene an executive session at 8:12 p.m. to meet with the City Attorney and then with Patrice Fogarty, City Secretary, and Corby Alexander, City Manager.

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

Council reconvened into the regular Council meeting at 9:03 p.m.

Regarding the executive session pertaining to Section 551.074, for the deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Patrice Fogarty, City Secretary and Corby Alexander, City Manager, Mayor Rigby advised there were discrepancies on the evaluation number totals that need to be remedied before meeting for the evaluations.

Regarding the executive session pertaining to Section 551.071 (1) (A) – Consultation with City Attorney: Pending or Contemplated Litigation – Meet with City Attorney to discuss contract with 65 La Porte, Ltd.

Councilmember Engelken moved to direct Assistant City Attorney Clark Askins to send a demand letter requiring 65 La Porte, Ltd., to meet the requirements of the memorandum of understanding. Councilmember Zemanek seconded. **MOTION PASSED.**

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

#### 14. **ADJOURN**

There being no further business, Councilmember Engelken moved to adjourn the meeting at 9:05 p.m.

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Patrice Fogarty, City Secretary

Passed and approved on February 23, 2015.

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Mayor Louis R. Rigby

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: February 23, 2015 Appropriation  
Requested By: Patrice Fogarty Source of Funds: N/A  
Department: City Secretary's Office Account Number: N/A  
Report:  Resolution:  Ordinance:  Amount Budgeted: N/A  
Other:  Amount Requested: N/A  
Budgeted Item:  YES  NO

### Attachments :

1. TML White Paper
2. Language of SB 343
3. TML Letter to Senator Huffines
4. Resolution in opposition to SB 343

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### SUMMARY & RECOMMENDATIONS

Regarding the current legislative session, Senator Don Huffines (Dallas area) filed Senate Bill 343. Senate Bill 343 would have the effect of turning home rule cities into general law cities.

This bill absolutely erodes the powers of a home rule municipality to adopt ordinances affecting the City's ability to govern its citizens. Under the bill, city voters and locally-elected officials would have to get the state legislature's permission to enact any local ordinance, rule, or regulation.

The Texas Municipal League has written to Senator Huffines and also published a white paper regarding this bill. Both are attached for review.

Should Council adopt this Resolution, a copy will be sent to all elected representatives for the City and to Senator Huffines.

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### Action Required of Council:

Consider approval or other action of a Resolution opposing Senate Bill 343.

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### Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

## **S.B. 343**

# **Abolish Local Control. Centralize Power in Austin. Just like New York.**

**S.B. 343 would totally upend the relationship between Texas cities and state government, making Texas like the State of New York. City voters and locally-elected officials would have to get the state legislature's permission to enact any local ordinance.**

- In 1868, a federal judge named Dillon issued a ruling that cities can do only what their state government expressly authorizes them to do. The State of New York follows Dillon's Rule, and what's good for New York definitely isn't good for Texas.
- Shortly after that federal court decision, the people of Texas decided centralized government isn't the way to go and in 1912 adopted a constitutional amendment affirming Texas' commitment to local decision making. Cities, the government closest to the people, embody the idea that "We the People" should be in control.
- The Texas Constitution (in Article XI, Section 5) authorizes cities over 5,000 population to adopt – by election – a home rule charter. The charter grants the citizens of that city the power of self-government. Over 350 Texas cities have done so.
- S.B. 343 would make Texas revert to the rule created in Dillon's 1868 federal court decision and provide that a city may not enact an ordinance relating to anything governed by state law, unless expressly authorized to do so.
- The bill, effectively a "super-preemption bill" that adopts Dillon's Rule for Texas, would be another step in the centralization and consolidation of government power.

City councils often step up to the plate to protect the property values, the quality of life, and even save the lives, of Texans. In many cases, cities have to make decisions at the neighborhood level and not every neighborhood in a state of 26 million people is the same. That is why Texans recognize there is a proper role for state government and a role for local government.

**S.B. 343 would abolish Home Rule cities and end local control  
If you like the way New York operates, this is the bill for you**

# By: Huffines S.B. No. 343

A BILL TO BE ENTITLED

AN ACT relating to the conformity of local law with state law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1, Local Government Code, is amended by adding Section 1.006 to read as follows:

Sec.1.006. CONFORMITY WITH STATE LAW. (a) Where the state has passed a general statute or rule regulating a subject, a local government shall restrict its jurisdiction and the passage of its ordinances, rules, and regulations to and in conformity with the state statute or rule on the same subject, unless the local government is otherwise expressly authorized by statute.

(b) Unless expressly authorized by state statute, a local government shall not implement an ordinance, rule, or regulation that conflicts with or is more stringent than a state statute or rule regardless of when the state statute or rule takes effect.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.



TEXAS MUNICIPAL LEAGUE

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President **Nelda Martinez**, Mayor, Corpus Christi  
Executive Director **Bennett Sandlin**

February 29, 2015

The Honorable Don Huffines  
Texas Senate  
P.O. Box 12068  
Austin, Texas 78711-2068

Dear Senator Huffines:

I am writing on behalf of the Texas Municipal League to express our concerns with Senate Bill 343, which would upend the relationship between Texas cities and state government. Under the bill, city voters and locally-elected officials would have to get the state legislature's permission to enact any local ordinance, rule, or regulation.

Rather than pursue this legislation, we ask that you recognize that cities have to make decisions at the neighborhood level and not every neighborhood in a state of 26 million people is the same. That is why Texans recognize that there is a role for state government and a role for local government. Current law balances city authority to enact reasonable regulations to protect health and safety and property values with ensuring that the will of the local voters is heard and that our state's economy remains vibrant.

Many refer to current law by stating that "cities are creatures of the state." That's a true statement, but it's not entirely accurate. Without boring you with too many historical details, you should know that there are two types of cities in Texas: (1) general law; and (2) home rule. General law cities are purely creatures of the state legislature, but home rule cities are creatures of the Texas Constitution.

The approximately 800 general law cities might not be affected by your bill. These are cities under 5,000 inhabitants that can do only what the state legislature expressly authorizes them to do. In other words, your bill isn't needed to limit these cities because they already are limited.

The approximately 350 home rule cities would clearly be affected by your bill. Keep in mind that over 18 million Texans, which is approximately 75 percent of the state's population, live in these cities. The Texas Constitution (Article XI, Section 5) authorizes cities over 5,000 population to adopt – by election – a home rule charter. The charter grants the citizens of that city the power of self-government. These "home rule" cities can regulate however they choose, so long as not preempted by state or federal law from doing so. By approving the home rule amendment to the

Constitution in 1912, the voters of Texas approved the idea that larger cities don't need the state's "permission" to act.

Your bill would undo 100 years of home rule in Texas, and it is probably unconstitutional. That may indeed be the goal of your legislation, but please allow us to explain why eliminating home rule authority is bad public policy. Some might argue that home rule in Texas is a ruse because the state legislature so frequently preempts what home rule cities do. The status of home rule authority is academically debatable, but we posit a more practical need for it. That need relates to the checks and balances, the "process," that eventually leads to reasonable regulations. Rather than a blanket policy change, like S.B. 343 would enact, the home rule process leads to compromise.

Here are some examples of that compromise:

- In the 1960s, home rule cities could annex unilaterally, and some in the legislature believed that some cities were acting unreasonably. The Municipal Annexation Act was passed to limit how, when, and where home rule cities can annex. The authority wasn't simply taken away. It wasn't taken away because most legislators recognize that municipal annexation is crucial to the state's economy.
- In the 1980s, one home rule city adopted an ordinance prohibiting pit bulls in its city limits in response to a number of brutal incidents. The city was sued by dog owners, and the Texas Supreme Court upheld its home rule authority to prohibit specific breeds. The following legislative session, a law was passed to stop any city from banning specific breeds. However, the law also contains language expressly authorizing cities to regulate dogs that are actually a danger. That authority was granted because most legislators recognized the need to control dangerous animals in populated areas.
- In the 2000s, two home rule cities implemented red light photo enforcement systems. Over the next decade, several bills to preempt this authority were filed. As more cities expressed interest in the systems, the legislature compromised in 2007 and passed a law governing the how, when, and where of the systems, and filled state coffers with half of the civil penalty revenue from each violation. The authority was retained because most state legislators saw a way to fund state trauma care programs by revenue-sharing with cities.

The passage of S.B. 343 would also affect some *current* home rule regulations. In many cases, cities regulate when the Texas Legislature doesn't. City councils often step up to the plate to protect the quality of life, and even save the lives, of Texans. Here are just a few examples of cities moving ahead when the state won't:

- Sex offender residency restrictions
- Synthetic drug regulations
- Texting while driving limitations
- Payday lender regulations

- Oil and gas well ordinances
- Panhandling regulations

All of these would be wiped out by your bill. For example, the state has taken no action related to where child sex predators can live. If your bill passes, a sex offender in Lewisville will then be able to live right next door to an elementary school.

Preemption may indeed be your goal for some of the current regulations, like a fracking ban perhaps. But legislation has already been filed to deal with that specific example (and many others that legislators consider wrong). And we believe that it will result in a compromise that balances quality of life and the state's economy. One home rule city in Texas has adopted a resolution (rule) prohibiting the use of its staff or resources to house undocumented immigrants. Your bill would preempt that resolution as well.

You should also consider that S.B. 343 would also ban future regulations a city might pass. We obviously can't predict the future. We can't predict which political party will hold the majority, and we can't predict what cities may need to regulate to protect their citizens. That is why S.B. 343 – a blanket preemption that would completely alter the system of local decision making that's been in place for over 100 years – isn't needed. The unintended consequences and the uncertainty it would bring to the law are simply too great.

The League's position is that your bill is unnecessary. The bill, effectively a "super-preemption bill," would be another step in the centralization and consolidation of government power, which would seem contrary to your political ideals. Its passage would be akin to abolishing cities and centralizing government in Austin.

We hope you will instead consider working alongside us as we seek to protect city authority to enact reasonable regulations to protect health and safety and property values, while ensuring that the state's economy remains vibrant.

Thank you for your consideration and please do not hesitate to contact me if I can be of any assistance to you.

Sincerely,



Shanna Igo  
*Deputy Executive Director*

RESOLUTION NO. 2015-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, OPPOSING SENATE BILL 343 AND ANY OTHER LEGISLATION WHICH WOULD ERODE THE AUTHORITY OF A HOME RULE MUNICIPALITY; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

**WHEREAS**, in 1868 a federal judge named Dillon issued a ruling that cities can do only what their state government expressly authorizes them to do; and

**WHEREAS**, after that federal court decision, the people of Texas decided centralized government is not the way to go and in 1912 adopted a constitutional amendment affirming Texas' commitment to local decision making; and

**WHEREAS**, the Texas Constitution, in Article XI, Section 5, authorizes cities over 5,000 population to adopt by election a home rule charter, which charter grants the citizens of that city the power of self-government; and

**WHEREAS**, the City of La Porte adopted its Home Rule Charter in March 1949; and

**WHEREAS**, Senate Bill 343, filed by Senator Don Huffines during this the 84<sup>th</sup> Texas Legislative Session, would totally upend the relationship between Texas cities and state government by causing Texas to revert to the rule created in Dillon's 1868 federal court decision and would require City of La Porte voters and local elected officials to get the Texas state legislature's permission to enact any local ordinance.

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

**Section 1.** The City Council of the City of La Porte strongly opposes Senate Bill 343 and any legislation that would erode the authority of a home rule municipality.

**Section 2.** The City Council of the City of La Porte 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, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 3.** This Resolution shall be effective upon its passage and approval.

**PASSED AND APPROVED** this 23rd day of February, 2015.

CITY OF LA PORTE

By:

\_\_\_\_\_  
Louis R. Rigby  
Mayor

ATTEST:

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Patrice Fogarty  
City Secretary

APPROVED:

  
Clark T. Askins  
Assistant City Attorney

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: February 23, 2015 Appropriation  
Requested By: Tim Tietjens Source of Funds: N/A  
Department: Planning & Development Account Number:  
Report:  Resolution:  Ordinance:  Amount Budgeted:  
Other:  Amount Requested:  
Budgeted Item:  YES  NO

### Attachments :

1. Proposed Pipeline Easement to Dow Hydrocarbons & Resources, LLC.
2. Area Map

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### SUMMARY & RECOMMENDATIONS

Dow Hydrocarbons and Resources, LLC has approached the City to acquire an easement for future construction of a 12" Ethane Pipeline. Upon approval, the easement will be conveyed from two City-owned tracts located between the Union Pacific Railroad Right-of-Way and the City's Public Works and Fire Training facilities (see Area Map). The proposed easement is 30 feet in width and located within an existing 120' Houston Lighting & Power Company Easement containing 11 other existing pipelines.

The company has offered the City a purchase price of \$500 per rod for the subject easement. Based on a recent appraisal for the pipeline easement, Staff has determined that Dow's offer reflects fair market value of the easement as proposed. Payment for the easement has been received from Dow in the amount of \$32,555.00 pending final approval by City Council.

At this time, Dow Hydrocarbons and Resources, LLC desires to obtain only the pipeline easement from the City and will make application for a pipeline permit from the City at a future date.

### Action Required of Council:

Consider approval or other action authorizing the City to convey a 30' wide easement to Dow Hydrocarbons and Resources, LLC for future construction of a 12" Ethane Pipeline.

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**Approved for City Council Agenda**

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**Corby D. Alexander, City Manager**

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**Date**

**PIPELINE RIGHT-OF-WAY AND EASEMENT**

THE STATE OF TEXAS           §  
  §  
COUNTY OF                       §

This Pipeline Right-of-Way and Easement (“Agreement”) is between City of La Porte, a Municipal Corporation with an office and place of business in La Porte, Texas, whose mailing address is 604 W. Fairmont Parkway, La Porte, Texas, 77571 (“Grantor”) and Dow Hydrocarbons and Resources LLC, a Delaware Limited Liability Company (“Dow”), with an office and place of business in Houston, Texas, with a mailing address of P. O. Box 4286, Houston, Texas 77210-4286 (“Grantee”).

**Terms and Conditions**

1. **Purpose.** For \$10.00 and other good and valuable consideration, the sufficiency of which is acknowledged, Grantor grants, sells and conveys, with all lawful warranties and with substitution and subrogation to all rights and actions of warranty against all preceding owners and vendors, unto Dow, subject to the terms, provisions, restrictions and reservations provided in this Agreement, an underground pipeline right-of-way and easement (“Easement”) for the purpose of surveying, clearing, constructing, installing, operating, maintaining, testing, inspecting, repairing, removing, substituting, replacing, and abandoning in place a pipeline together with all necessary or desired above or below ground devices, equipment, and appurtenances, including cathodic protection systems, (the devices, equipment, and appurtenances together with the pipeline referred to as “Facilities”) to be used for the transporting of oil, gas, liquids, or other substances transportable by pipeline (“Products”) on, over, through and across those certain tract(s) or parcel(s) of land described by metes and bounds and as described on plats in Exhibits A and B (“Land”) which are attached and made a part of this Agreement. This Easement is granted to Dow, its successors and assigns expressly subject to all existing Grantor facilities, whether over, under, through or across this Easement; and all prior matters of record in the county or counties where the Easement is located. This Easement is made and accepted subject to an existing right-of-way easement to CenterPoint Energy Corporation.
2. **Term.** This Easement is perpetual and will be effective on \_\_\_\_\_, \_\_\_\_\_ (“Effective Date”).
3. **Easement’s Width.** During the Facilities’ initial construction and installation, the Easement will be 30 feet in width, with the Easement’s centerline located along the centerline route described in Exhibit A and Exhibit B (“Centerline”), and will include any temporary work space identified in Exhibit A and Exhibit B. After the Facilities’ initial construction and installation has been completed, the Easement will remain 30 feet in width, with the pipeline’s centerline as laid being the Easement’s centerline, plus any additional temporary work space as provided in Section 9 below.
4. **Pipeline Depth.** Dow's pipeline must be buried at a depth determined in accordance with all applicable governmental requirements and specifications, including without limitation, those imposed by the Texas Railroad Commission and the U.S. Department of Transportation.
5. **Termination.** Dow may terminate this Easement, by sending a written notice to the Grantor. Upon the Easement’s termination, Dow may, at its sole option, abandon the underground Facilities, but Dow must remove the Products and all of its above ground Facilities including fences and markers from the Land and restore the Easement’s surface area as close as reasonably practicable to its condition as of the Effective Date.

- 6. Product Change.** Dow can change the Products transported in the pipeline without prior notification to, or the consent of, the Grantor, its heirs, executors, administrators, successors and assigns.
- 7. Reservation of Rights.** Grantor, its successors and assigns, reserve the right to use the Land covered by this Easement in any manner that will not prevent or interfere with Dow's exercise of its rights. Grantor, however, may not construct nor permit to be constructed any house, building, improvement, or other above or below ground obstruction within the permanent Easement without Dow's prior written consent. In addition, Dow may, without compensation to Grantor, cut all trees, under-growth and overhanging branches and to remove other obstructions that in Dow's sole judgment may injure, endanger or interfere with the exercise of the rights granted to Dow.
- 8. Permits.** Dow will be responsible, at its cost and expense, for obtaining any necessary permits, including those permits required to cross any roads, railroads, canals and other private, public and quasi-public rights-of-way with its Facilities.
- 9. Dow's Rights.** Dow and its representatives will have ingress to and egress from the Easement, using convenient places on the Land and any adjacent property owned or leased by Grantor, to exercise the rights granted in this Agreement. After the Facilities' initial construction and installation, Dow may use a reasonable amount of Land as additional temporary work space to the extent reasonably necessary for the Facilities' maintenance, inspection, repair, removal or replacement, as determined by Dow. Dow is entitled to all other rights and benefits necessary or convenient for the full enjoyment or use of the rights granted in this Agreement.
- 10. Land Restoration.** Upon the completion of the Facilities' construction and installation or other operations, Dow will fill all excavations and level the areas affected by the operations and otherwise restore the ground surface affected by its operations to, as nearly as reasonably practicable, the same condition as existed prior to the beginning of the operations.
- 11. Drainage.** Dow will maintain necessary drainage during construction and return all drainage ditches disturbed during construction to, as nearly as reasonably practicable, the original location and depth.
- 12. Damages.** Dow must pay for any damage to fences on the Land, which may be caused by Dow in exercising the rights granted to it under this Agreement.
- 13. Indemnification.** Dow will indemnify, defend and hold the Grantor harmless against third-party claims (including the Dow's employees) for personal injury, death or loss of or damage to property caused by Dow's negligence in performing this Agreement. Dow's obligations under this clause are conditioned on receiving prompt notice of a claim from Grantor. Dow is exclusively entitled to control the defense. At Dow's expense, Grantor will provide reasonable assistance to defend the claim, including promptly furnishing Dow with all relevant information within its possession or control. Grantor may participate in the defense at its expense. Grantor may not enter into any settlement, assume any obligation or make any concession without Dow's prior written approval, which may not be unreasonably withheld. Dow's indemnity obligation does not apply if a claim is caused by the sole negligence, gross negligence or willful misconduct of Grantor. To the extent a claim is the result of joint negligence or misconduct of both parties, the parties will indemnify each other in proportion to their respective share of such joint negligence or misconduct.
- 14. Parties' Relationship.** Dow is not and will not be construed as Grantor's agent and will have no authority to pledge, mortgage, hypothecate or otherwise encumber any interest in the real property covered by the Easement.
- 15. Notices.** All notices and other communications required or permitted under this Agreement must be in writing and must be sent to the party at that party's address set forth above, or whatever other address the party specifies in writing. Any notice or communication mailed in the manner will be considered received by the other party upon the expiration of 5 days from the date of mailing (the 5 day period to include the date of the mailing).

- 16. Assignment.** Dow, its successors and assigns may assign, sublease, subpermit or otherwise transfer this Easement in whole or in part.
- 17. Waiver.** If either party fails to require the other to perform any terms of this Agreement, that failure does not prevent the party from later enforcing that term. If either party waives the other's breach of a term, that waiver is not treated as waving a later breach of the term.
- 18. Successor and Representatives.** This Agreement bind and inures to the benefit of the parties and their respective heirs, personal representatives, successors and (where permitted) assignees.
- 19. Applicable Law.** Texas law applies to this Agreement without regard for any choice-of-law rules that might direct the application of the laws of any other jurisdiction. Venue for any action hereon shall be in Harris County, Texas. The prevailing party shall be entitled to its reasonable attorney's fees and courts costs.
- 20. Severability.** If any part of this Agreement is, for any reason held to be unenforceable, the rest of it remains fully enforceable. The parties will replace any unenforceable provision with a new provision which will allow the parties to achieve the intended result in a legally valid and effective manner.
- 21. Headings.** Headings are for convenience only and do not affect the Agreement's interpretation.
- 22. Entire Agreement.** This Agreement contains the sole agreement between the parties with respect to its subject matter. It supersedes any prior written or oral agreements or communications between the parties. It may not be modified except in a writing signed by the parties.
- 23. Interpretation.** This Agreement is the result of open and extended negotiations between the parties, each party having contributed toward the drafting, directly or by counsel. To the greatest extent allowed by law, there will be no application of the rule of construction of documents against the drafter

Any signed copy of this Agreement will be considered the original.

City of La Porte

By: \_\_\_\_\_  
 Name: Corby D. Alexander  
 Title: City Manager  
 Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
 Patrice Fogarty, City Secretary

**RETURN RECORDED ORIGINAL TO:**  
**Wood Group Mustang**  
**17325 Park Row**  
**Houston, TX 77084**  
**ATTN: Paul Grandle**

**ACKNOWLEDGEMENT**

THE STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on \_\_\_\_\_, by Corby Alexander,  
City Manager of the City of La Porte, a Municipal corporation, on behalf of City of La Porte.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Typed or Printed Name)*

Notary Public

My commission expires \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_



## ***Doyle & Wachtstetter, Inc***

Surveying and Mapping • GPS/GIS

**DOW HYDROCARBONS & RESOURCES LLC 0.42 ACRE SURFACE EASEMENT  
OUT OF THE R. PEARSALL SURVEY, ABSTRACT 625  
HARRIS COUNTY, TEXAS**

**ALL THAT CERTAIN 0.42 ACRE** tract of land and being the centerline description of a 30 foot permanent easement lying and situated in Harris County, Texas and being out of the R. Pearsall Survey, Abstract No. 625 Harris County, Texas, and the herein described 0.42 acre surface easement is more particularly out of a called 18.378 tract conveyed to City of La Porte recorded in Clerks File Number G-092634 of the Harris County Official Records, Texas, the herein described 0.42 acre surface easement hereby conveyed being more particularly described by metes and bounds using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 1.000129918) as follows:

**COMMENCING** at the southeast corner of the said called 18.378 acre tract as recorded in Clerks File Number G-092634 of the Official Records of Harris County, Texas, said Point of Commencement being located at Texas State Plane Coordinate position X=3226058.43 and Y=13811477.23;

**THENCE** South 86°54'57"West along the southerly line of said 18.378 acre tract a distance of 83.82 feet to the **PLACE OF BEGINNING** of herein described easement at position X=3225974.73 and Y=13811472.72;

**THENCE** North 03°02'22"West, along the centerline of herein described 30 foot permanent easement a distance of 616.17 feet to **TERMINAL POINT** of herein described easement and being located at Texas State Plane Coordinate position X=3225942.06 and Y=13812088.02, said terminal point also being located South 86°54'57"West, 82.76 feet from said northeast corner of said called 18.378 acre tract;

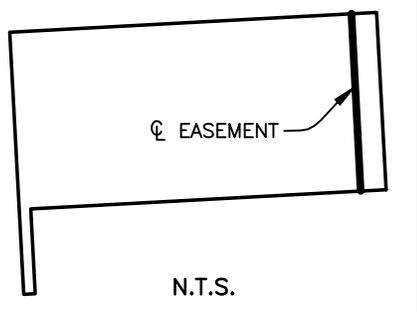
This centerline description contains 37.34 rods, more or less.

**Registered Professional Land Surveyor  
Texas Registered Number 4808  
August 11, 2014,**



*This description is based on a survey on file in the office of Doyle & Wachtstetter, Inc.  
Legal\terry\Dow Pipeline-Tx-Gv-msr-290.00 Acre Surface Easement.doc*

SITE:	DIVISION:	JOB NO:
LOCATION:		

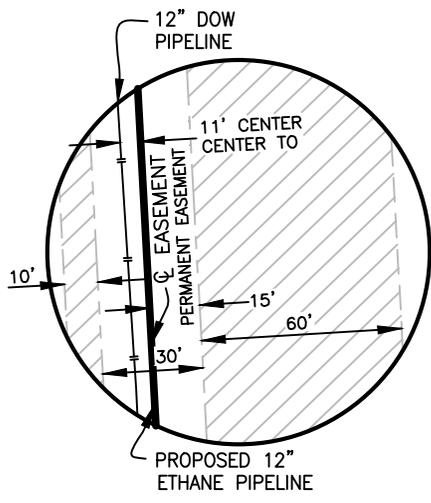
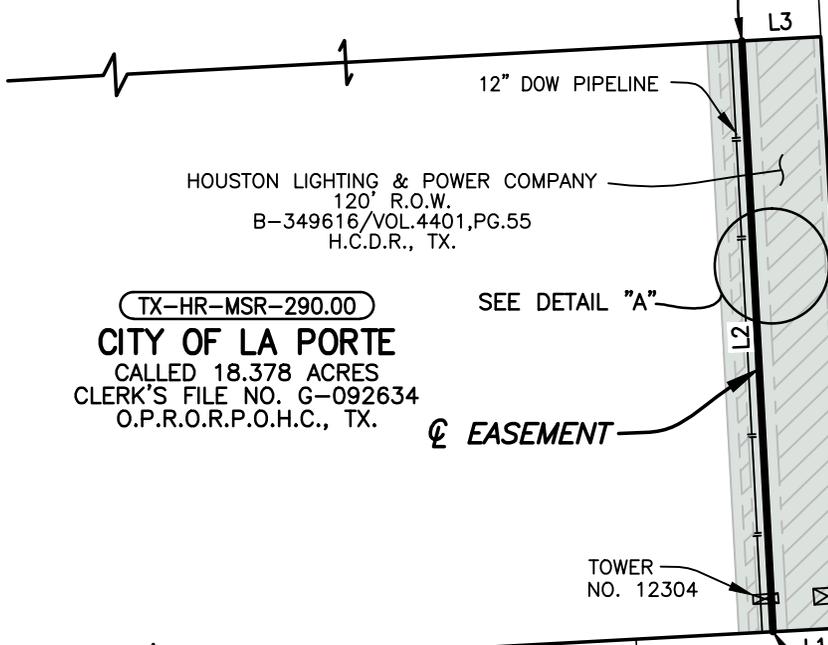


**HARRIS COUNTY, TX**  
**R. PEARSALL SURVEY, A-625**  
**EXHIBIT "A"**

**TX-HR-MSR-292.00**

CITY OF LA PORTE  
 CALLED 8.072 ACRES  
 CLERK'S FILE NO. K-867743  
 O.P.R.O.R.P.O.H.C., TX.

**TERMINAL POINT**  
 X=3225942.06  
 Y=13812088.02

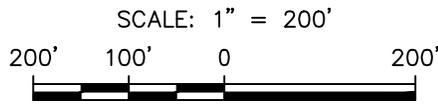


**DETAIL "A"**  
 N.T.S.

**TX-HR-MSR-290.00**  
**CITY OF LA PORTE**  
 CALLED 18.378 ACRES  
 CLERK'S FILE NO. G-092634  
 O.P.R.O.R.P.O.H.C., TX.

**TX-HR-MSR-289.00**  
 LAVACA PIPE LINE COMPANY  
 CALLED 3.3039 ACRES  
 CLERK'S FILE NO. U-514237  
 O.P.R.O.R.P.O.H.C., TX.

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S 86°54'57" W	83.82'
L2	N 03°02'22" W	616.17'
L3	N 86°54'57" E	82.76'



I, TERRY SINGLETARY, REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT THE ABOVE PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION, ON THE GROUND, AND THAT THERE ARE NO EXCESSES NOR INTRUSIONS ON THIS PROPERTY, EXCEPT AS SHOWN.  
 DATE SURVEYED: OCTOBER 2013.



*Terry Singletary*  
 TERRY SINGLETARY  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NUMBER 4808

**CENTERPOINT EASEMENT**  
 BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983 (NSRS 2007), SOUTH CENTRAL ZONE, US SURVEY FEET, ELEVATIONS BASED ON THE NAVD 88 DERIVED FROM GPS OBSERVATIONS.

ALL DISTANCES SHOWN ARE GRID AND MAY BE CONVERTED TO SURFACE BY MULTIPLYING BY AN AVERAGE COMBINED SCALE FACTOR OF 1.000129918

- TOTAL LENGTH BASELINE: 616.17 FEET = 37.34 RODS PERMANENT EASEMENT (0.42 AC.)
- TEMPORARY WORK SPACE (0.99 AC.)
- ADDITIONAL TEMPORARY WORK SPACE (0.00 AC.)

**Doyle & Wachtstetter, Inc.**  
 Surveying and Mapping GPS/GIS  
 151 COMMERCE STREET, CLUTE, TEXAS 77531  
 OFFICE: 979.265.3422 FAX: 979.265.9948

BY	DATE	<b>DOW HYDROCARBONS AND RESOURCES LLC</b> <b>PROPOSED 12" PIPELINE</b> <b>CITY OF LA PORTE</b> <b>GULFSTREAM MSP PROJECT</b>	<b>WoodGroup Mustang, Inc.</b> TEXAS REGISTERED ENGINEERING FIRM F-2006
SPEC MR	01/27/14		
CHKD LH	03/21/14		
APPD RR/TRS	04/23/14		
REV DATE	SCALE	1"=200'	PROJECT NO. 100502
			<b>TX-HR-MSR-290.00</b>
			SHEET:

FILE: G:\DGN\DOWN\DXO LHC Pipeline Project\Acad Finals\2014\TX-HR-MSR-290.00.dwg PLOT DATE: 4/23/2014 BY: RANDA ROBINSON

\$TIME \$DATE \$PERSON \$FILENAME



## ***Doyle & Wachtstetter, Inc***

Surveying and Mapping • GPS/GIS

**DOW HYDROCARBONS & RESOURCES LLC 0.32 ACRE SURFACE EASEMENT  
OUT OF THE R. PEARSALL SURVEY, ABSTRACT 625  
HARRIS COUNTY, TEXAS**

**ALL THAT CERTAIN 0.32 ACRE** tract of land and being the centerline description of a 30 foot permanent easement lying and situated in Harris County, Texas and being out of the R. Pearsall Survey, Abstract No. 625 Harris County, Texas, and the herein described 0.32 acre surface easement is more particularly out of a called 8.072 tract conveyed to City of La Porte recorded in Clerks File Number K-867743 of the Harris County Official Records, Texas, the herein described 0.32 acre surface easement hereby conveyed being more particularly described by metes and bounds using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 1.000129918) as follows:

**COMMENCING** at the southeast corner of the said called 8.072 acre tract as recorded in Clerks File Number G-092634 of the Official Records of Harris County, Texas, said Point of Commencement being located at Texas State Plane Coordinate position X=3226025.30 and Y=13812093.39;

**THENCE** South 86°54'58"West along the southerly line of said 8.072 acre tract a distance of 83.41 feet to the **PLACE OF BEGINNING** of herein described easement at position X=3225942.02 and Y=13812088.91;

**THENCE** North 03°02'22"West, along the centerline of herein described 30 foot permanent easement a distance of 458.27 feet to **TERMINAL POINT** of herein described easement and being located at Texas State Plane Coordinate position X=3225917.72 and Y=13812546.53, said terminal point also being located South 86°54'58"West, 83.05 feet from said northeast corner of said called 8.072 acre tract;

This centerline description contains 27.77 rods, more or less.

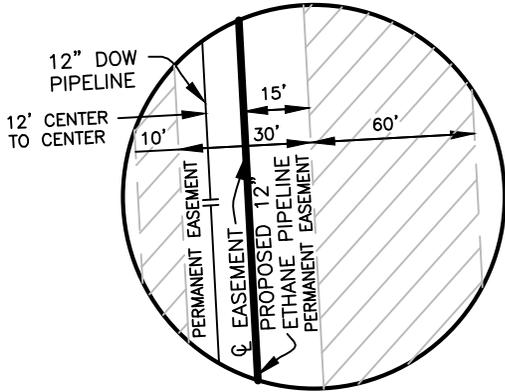
**Registered Professional Land Surveyor  
Texas Registered Number 4808  
August 11, 2014,**



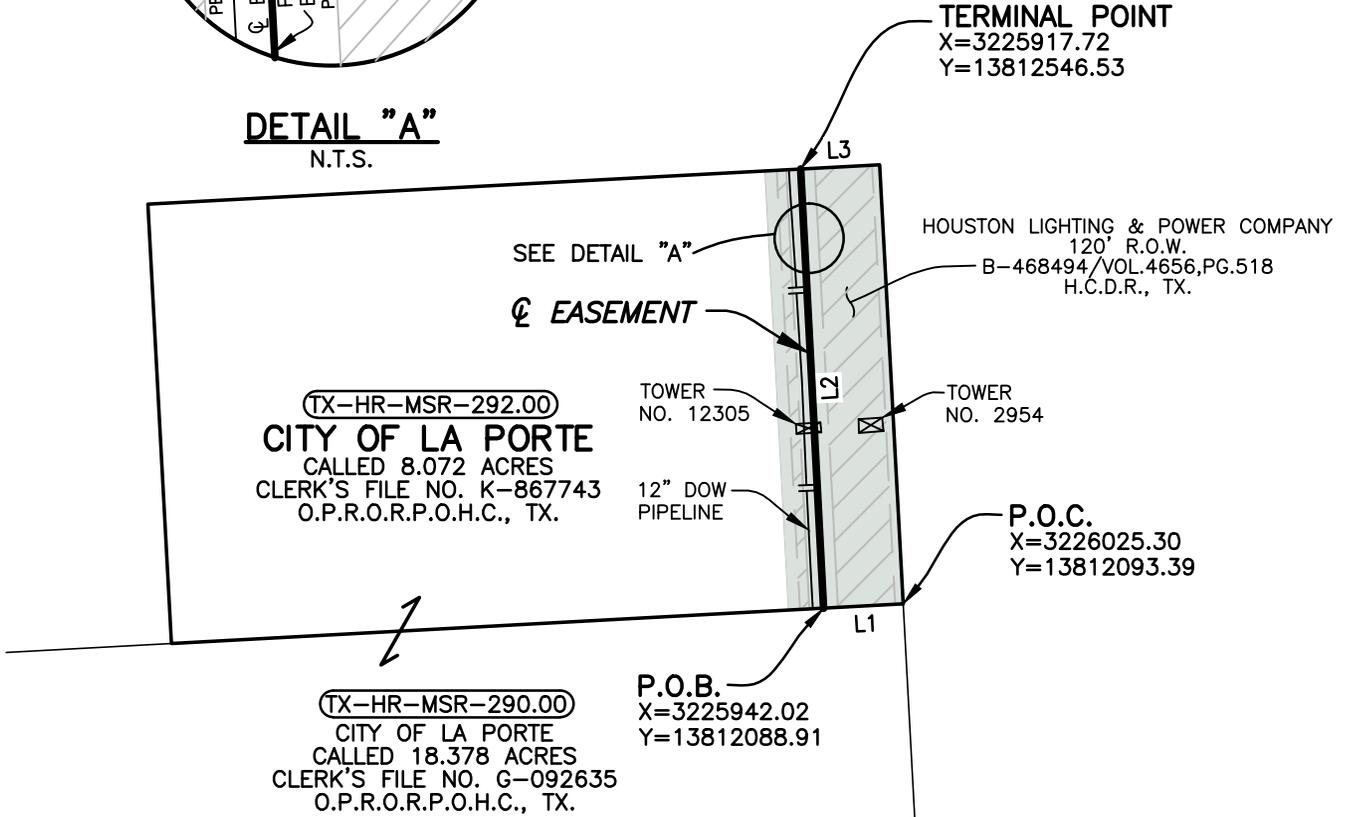
*This description is based on a survey on file in the office of Doyle & Wachtstetter, Inc.  
Legal\terry\Dow Pipeline-Tx-Gv-msr-292.00 Acre Surface Easement.doc*

SITE:	DIVISION:	JOB NO:
LOCATION:		

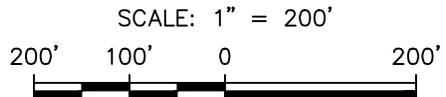
**HARRIS COUNTY, TX**  
**R. PEARSHALL SURVEY, A-625**  
**EXHIBIT "B"**



**DETAIL "A"**  
N.T.S.



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S 86°54'58" W	83.41'
L2	N 03°02'22" W	458.27'
L3	N 86°54'58" E	83.05'



I, TERRY SINGLETARY, REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT THE ABOVE PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION, ON THE GROUND, AND THAT THERE ARE NO EXCESSES NOR INTRUSIONS ON THIS PROPERTY, EXCEPT AS SHOWN.  
 DATE SURVEYED: OCTOBER 2013.



*Terry Singletary*  
 TERRY SINGLETARY  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NUMBER 4808

**CENTERPOINT EASEMENT**  
 BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983 (NSRS 2007), SOUTH CENTRAL ZONE, US SURVEY FEET, ELEVATIONS BASED ON THE NAVD 88 DERIVED FROM GPS OBSERVATIONS.

ALL DISTANCES SHOWN ARE GRID AND MAY BE CONVERTED TO SURFACE BY MULTIPLYING BY AN AVERAGE COMBINED SCALE FACTOR OF 1.000129918

- TOTAL LENGTH BASELINE: 458.27 FEET = 27.77 RODS
- PERMANENT EASEMENT (0.32 AC.)
- TEMPORARY WORK SPACE (0.74 AC.)
- ADDITIONAL TEMPORARY WORK SPACE (0.00 AC.)

**Doyle & Wachtstetter, Inc.**  
 Surveying and Mapping GPS/GIS  
 131 COMMERCE STREET, CLUTE, TEXAS 77531  
 OFFICE: 979.265.3422 FAX: 979.265.9948

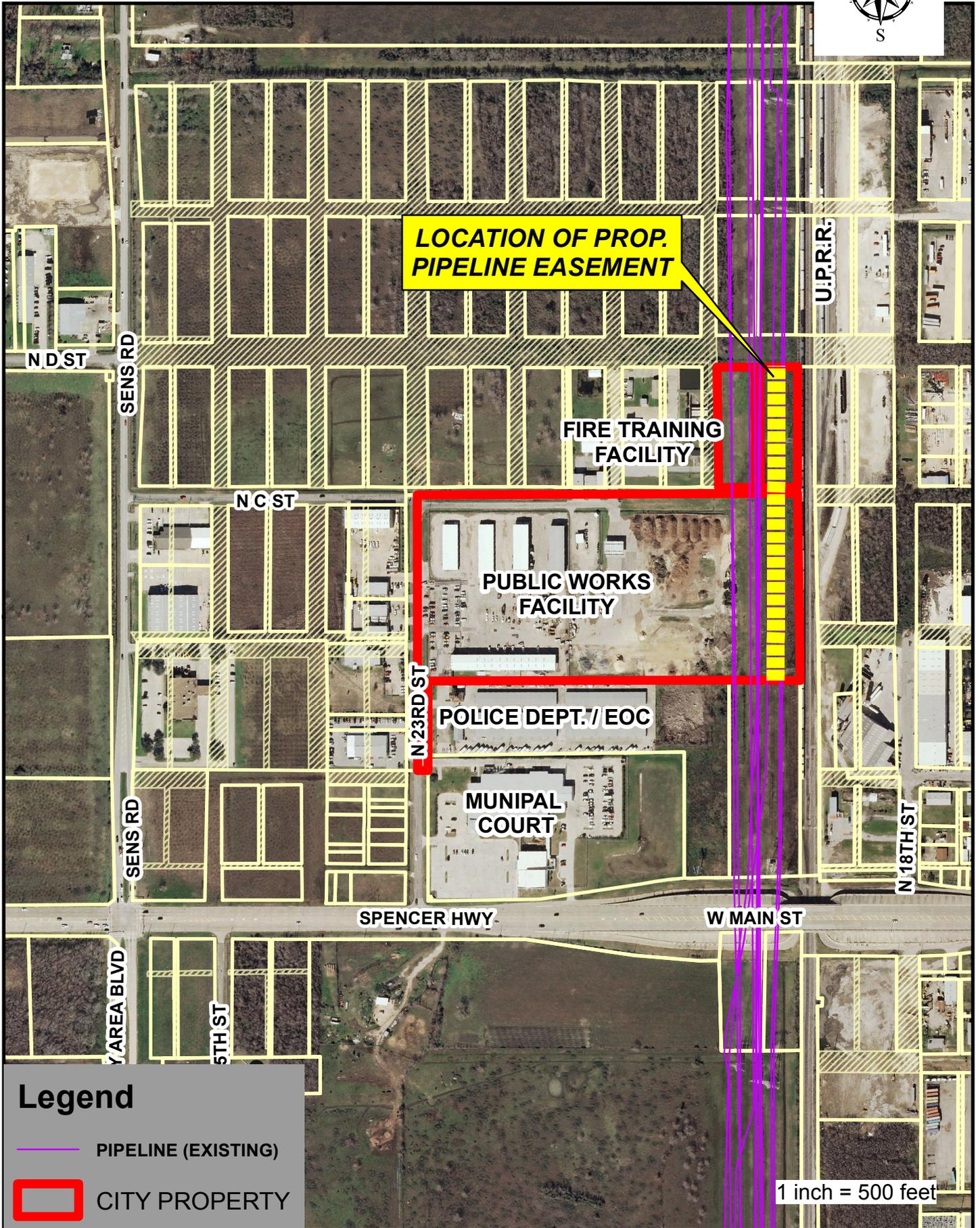
BY	DATE	<b>DOW HYDROCARBONS AND RESOURCES LLC</b> <b>PROPOSED 12" PIPELINE</b> <b>CITY OF LA PORTE</b> <b>GULFSTREAM MSP PROJECT</b>	<b>WoodGroup Mustang, Inc.</b> TEXAS REGISTERED ENGINEERING FIRM F-2009
SPEC JS	03/26/14		
CHKD LH	03/26/14		
APPD RR/TRS	04/23/14		
REV DATE	SCALE	1"=200'	PROJECT NO. 100502
			<b>TX-HR-MSR-292.00</b>
SHEET:			STATUS
VER.			

FILE: G:\DGN\DOWN\DXL\TXO LHC Pipeline Project\Acad Finals\2014\TX-HR-MSR-292.00.dwg PLOT DATE: 4/23/2014 BY: RANDA ROBINSON

\$TIME \$DATE \$PERSON \$FILENAME

\$INSTRUCTIONS

# AREA MAP



## Legend

-  PIPELINE (EXISTING)
-  CITY PROPERTY

1 inch = 500 feet

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 23, 2015</u>	<u>Appropriation</u>
Requested By: <u>Alex Osmond</u>	Source of Funds: <u>General</u>
Department: <u>Golf Course</u>	Account Number: <u>00160495512007</u>
Report: <input checked="" type="radio"/> Resolution: <input type="radio"/> Ordinance: <input type="radio"/>	Amount Budgeted: <u>71,000</u>
Other: <input type="radio"/>	Amount Requested: <u>65,000</u>
<b>Attachments :</b>	Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO

- 1. Helena Contract Information**
- 2. BuyBoard Pricing**

---

### SUMMARY & RECOMMENDATIONS

The contract for Chemicals and Fertilizer for the Golf Course expired January 31, 2015. Staff recommends the utilization of BuyBoard contract 447-14 with Helena Chemical for the purchase of Chemicals and Fertilizers. The contract includes Insecticides, Herbicides, Fungicides and Fertilizers needed to maintain the Golf Course. The City has received good product as well as good customer service from Helena in the past.

Compared to the last contract bid out in 2013, the current BuyBoard price is less than a 2% increase. The estimated expenditure for this contract is \$65,000. The BuyBoard contract is in effect until May 31, 2017.

---

#### **Action Required of Council:**

Consider approval or other action to authorize the purchase of chemicals and fertilizers from Helena Chemical utilizing BuyBoard contract 447-14.

---

#### **Approved for City Council Agenda**

\_\_\_\_\_  
**Corby D. Alexander, City Manager**

\_\_\_\_\_  
**Date**



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

Welcome **Cherell** [ Log Off ]

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[RFQ](#)

[Purchase Order](#)

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### Vendor Contract Information

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- Catalog Pricing Only

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[Browse Contracts](#)

[Instructional Materials](#)

#### Additional Resources

**Vendor Name:** Helena Chemical Company

**Address:** 6801 Highway 66 West  
Greenville, TX 75402

**Phone Number:** (210) 326-7091

**Email:** whitec@helenachemical.com

**Federal ID:** 71-0293688

**Contact:** Crystal White

**Accepts RFQs:** Yes

**Minority Owned Vendor:** No

**Women Owned Vendor:** No

**Contract Name:** Grounds Maintenance Equip. & Irrigation Parts, Supplies & Installation

**Contract#:** 447-14

**Effective Date:** 06/01/2014

**Expiration Date:** 05/31/2017

**Payment Terms:** Net 30 days

**Delivery Days:** 7

**Shipping Terms:** Pre-paid and added to invoice

**Freight Terms:** FOB Destination

**Ship Via:** Common Carrier

**Region Served:** All Texas Regions

**States Served:** Texas

**Quote Reference Number:** 447-14

**Return Policy:** Any item not opened or damaged can be returned with no restocking fee

**Additional Dealers:** Helena Chemical - Greenville Specialty, Greenville TX; Helena Chemical - Houston Specialt  
Waller TX; Helena Chemical - South Texas T&O, Schertz TX

#### Contract Documents

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

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

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

Contact us 800-695-2919

## Buy Board Pricing

### Section I Insecticides

Item No.	Description	Preferred Packaging	QTY	UOM	Buy Board Unit Price
Item 1	Acephate WSB	1 lb. bags	5	Bag	10.74/lb
Item 2	Chipco Top Choice	50 lb. bags	100	Bag	2.50/lb
Item 3	Sevin SL	2.5 gal container	2	Containers	34.00/gal

### Section II – Herbicides

Item No.	Description	Preferred Packaging	QTY	UOM	Buy Board Unit Price
Item 1	Target MSMA 6 lb. material	2.5 gal containers	12	Containers	24.38/gal
Item 2	Weedar 64	2.5 gal containers	6	Containers	19.00/gal
Item 3	Touch Down	2.5 gal containers	20	Containers	13.00/gal
Item 4	Revolver	87 oz. containers	20	Containers	6.2068/oz
Item 5	Surflan	2.5 gal containers	20	Containers	48.50/gal
Item 6	Illoxan	1 gal containers	4	Gal	221.05/gal
Item 7	Celcius	10 oz. bottles	8	Bottles	9.07/oz
Item 8	Kerb SC	3 lb. package	60	Packages	285.00/gal
Item 9	Monument	25 gram package	10	package	9.60/gram
Item 10	Injector Penetrant	Gal	15	Gal	18.00/gal
Item 11	Polaris	2.5 gal containers	8	Containers	72.12/gal
Item 12	Ranger Pro	2.5 gal containers	40	Containers	15.00/gal
Item 13	Imazapyr	2.5 gal containers	20	Containers	53.35/gal
Item 14	Spray Indicator, Blue	1 gal containers	10	Gal	25.90/gal

### Section III Fungicides

Item No.	Description	Preferred Packaging	QTY	UOM	BuyBoard Unit Price
Item 1	Chipco Flowable	2.5 gal containers	4	Containers	45.56/gal
Item 2	Banol	1 gal container	10	Gal	286.25/gal
Item 3	Daconil Weather Stik	2.5 gal containers	4	Containers	58.50/gal
Item 4	Subdue MAXX	1 gal containers	4	Gal	510.00/gal
Item 5	Fore 80 WP Rainshield	Lb	200	Lb	7.69/lb
Item 6	Rubigan A.S.	1 gal containers	10	Gal	No Bid/gal
Item 7	T-Methyl	2.5 gal containers	4	Containers	72.00/gal
Item 8	Heritage	1 lb containers	8	Lb	317.00/lb
Item 9	Junction	6 lb containers	12	Containers	13.76/lb
Item 10	Prostar 70 WSB	1 lb container	20	Lb	54.89/lb

### Section IV Greens Grade Fertilizer

Item No.	Description	Preferred Packaging	QTY	UOM	BuyBoard Unit Price
Item 1	Promate 18 w/65% Nutralene	50 lb bags	80	Bags	.68/lb
Item 2	Howard Johnson 10-20-20 w/50% Promate	50 lb bags	80	Bags	.67/lb

### Section V – Fairway Fertilizer

Item No.	Description	Preferred Packaging	QTY	UOM	BuyBoard Unit Price
Item 1	Bonus Crop 18-6-12 w/50% SCU Houactinite, 5% FE	50 lb bags	320	Bags	No bid

## Section VI – Other Products

Item No.	Description	Preferred Packaging	QTY	UOM	BuyBoard Unit Price
Item 1	Wipe Out tank cleaner	1 qt containers	10	Quart	9.00/qt
Item 2	Promate spray Indicator	1 gal containers	30	Gal	25.90/gal
Item 3	Add Spray 80 sticker/spreader	2.5 gal containers	4	Container	13.64/gal
Item 4	Promate lake dye	1 gal containers	25	Gal	28.72/gal
Item 5	Primo Maxx	1 gal containers	4	Gal	283.00/gal

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: February 23, 2015 Appropriation  
Requested By: Scott D. Livingston Source of Funds: CIP#0159892993  
Department: Economic Development/Tourism Account Number:  
Report:  Resolution:  Ordinance:  Amount Budgeted:  
Other:  Amount Requested: 25,000  
Budgeted Item:  YES  NO

### Attachments :

1. Project Presentation
2. Bid Sheet Summary
3. Enhancement Grant Application
4. Enhancement Grant Evaluation Summary
5. La Porte Enhancement Grant Guidelines & Map

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### SUMMARY & RECOMMENDATIONS

The Enhancement Grant Review Committee reviewed an Enhancement Grant Application from Eagle Energy Resources, LLC, which is the new owner of the "Alamo building" at 153 S. Broadway. The applicant is planning to enhance all four (4) sides of the building's exterior.

The applicant collected three bids from general contractors to complete five primary projects only on the west side (front facing S. Broadway) and south side (facing East Street/San Jacinto Ave.) of the building. The five primary projects are:

- (1) Stucco Work/Façade Repair
- (2) Painting
- (3) Doors
- (4) Canopy Work
- (5) Exterior Lighting

The applicant secured three additional bids for ornamental "Texas Stars" that will be installed on the building's exterior.

The general contractor offering the lowest bid for the five primary projects is CLS Builders, Inc. for \$48,257. The lowest bid to manufacture and ship the "Texas Stars" is Iron Designs and Signs for \$2,368.90.

The sum total of these two lowest bids is \$50,625.90, and 50 percent of this sum is \$25,312.95. Please see the "Bid Sheet Summary" for details. The maximum amount allowed per property owner through the La Porte Enhancement Grant Program is \$25,000. Therefore, the maximum amount to be reimbursed for this project would be \$25,000.

The Enhancement Grant Evaluation Committee reviewed this enhancement project and believes this project will

encourage similar re-development throughout the community of La Porte. The Enhancement Grant Evaluation Committee gave this project a score of 4.75 out of a maximum possible score of 5.0. Please see the enclosed "Evaluation Summary" for additional detail.

The City of La Porte Development Corporation Board approved this enhancement grant application on February 9, 2015, for an amount not to exceed \$25,000.

The applicant will be available at the meeting to address any questions the City Council might have about the proposed project.

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**Action Required of Council:**

Consider approval or other action regarding an enhancement grant amount not to exceed **\$25,000** to **Eagle Energy Resources, LLC**, to be awarded at the completion of the project, conditional upon receipts and the completion of work as indicated.

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**Approved for City Council Agenda**

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**Corby D. Alexander, City Manager**

---

**Date**



# Eagle Energy Resources, LLC

153 S. Broadway Street



[www.eagleenergy.us](http://www.eagleenergy.us)

# Company Introduction

Eagle Energy was founded in 1988. Our principle objective is to grow the company through acquisition, development, and exploration principally along the Gulf Coast Basin and in Southeast Texas and Louisiana. The tenure and experience of our professional staff is focused on a multi-discipline approach to identifying, evaluating, and acquiring undervalued assets. Our efficient field-to-office operational management style immediately adds value to acquired operated properties by minimizing expenses and streamlining procedures. Our technical analysis and experience in a diverse number of operating environments results in the application of more efficient recovery and production methods, improved facility engineering and lower overhead.

# Project Summary

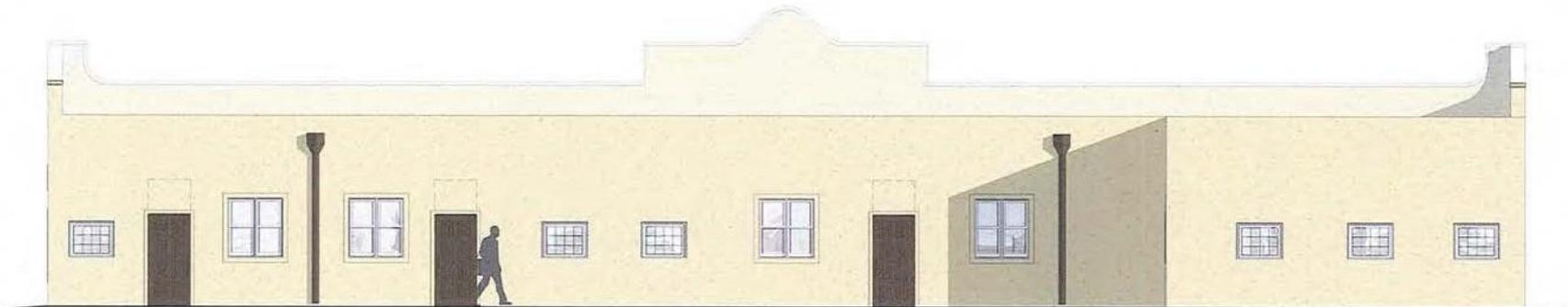
Although the applicant is planning to enhance all four (4) sides of the building's exterior, they collected three (3) bids from general contractors to complete each of the five (5) primary projects on **only the west** (i.e. the front side facing S. Broadway) **and south** (i.e. the side facing East Street/San Jacinto Ave.) **sides** of the building: (1) "Stucco Work/Façade Repair", (2) "Painting", (3) "Doors", (4) "Canopy Work", and (5) "Exterior Lighting". The applicant secured three (3) additional bids for ornamental "Texas Stars" that will be installed on the building's exterior.

**CLS Builders, Inc.** offered the lowest bid of **\$48,257** to complete the five (5) primary projects, while **Iron Designs and Signs** offered the lowest bid of **\$2,368.90** to manufacture and ship the "Texas Stars".

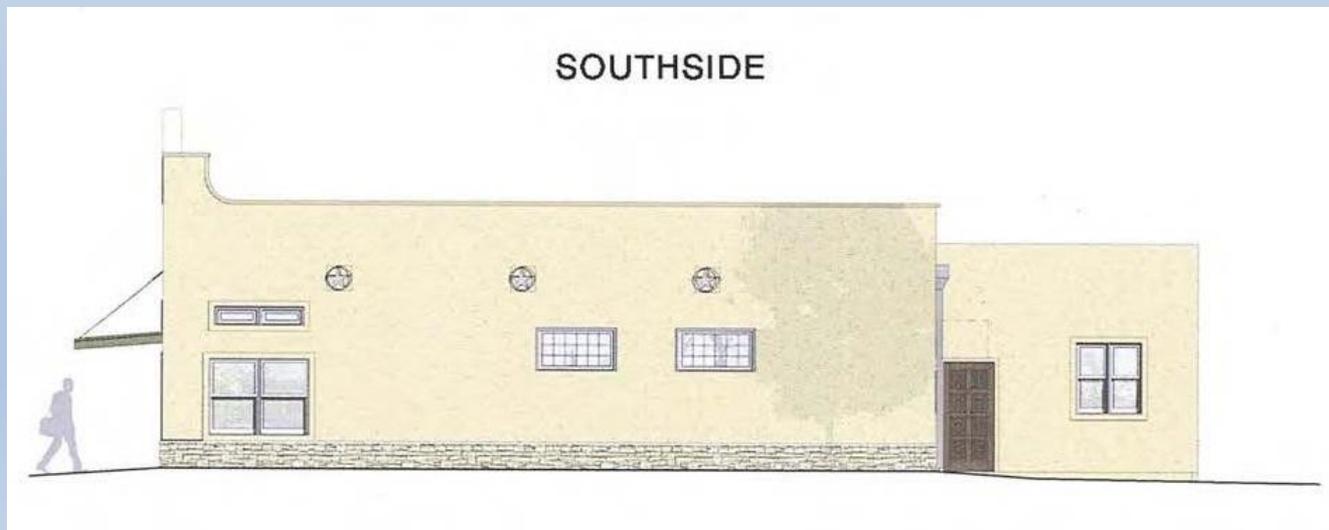
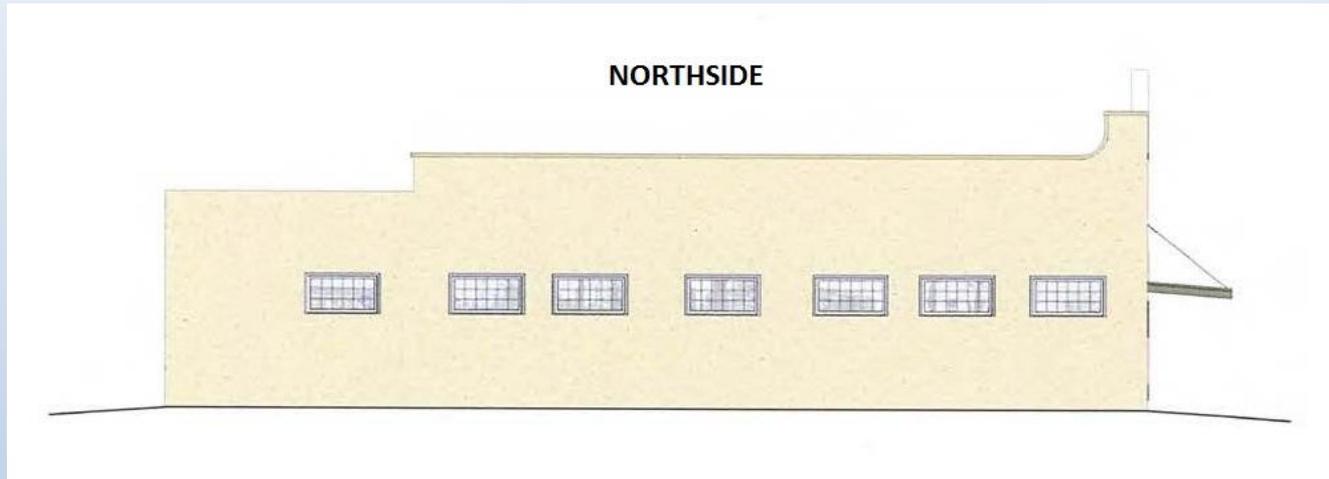
The sum total of these two, lowest bids is **\$50,625.90**, and 50% of this sum is **\$25,312.95**. The maximum amount allowed per property owner through the La Porte Enhancement Grant Program is **\$25,000**.

# **Stucco Work/Façade Repair**

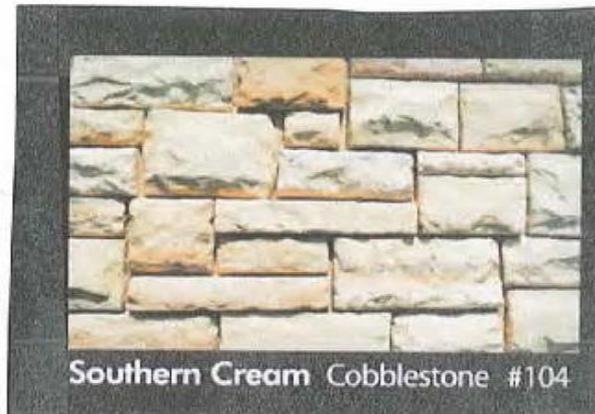
# Front and Rear Elevation Renderings



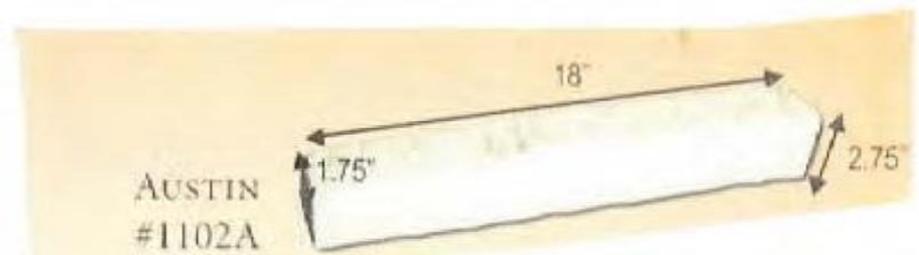
# Side Elevation Renderings



**STONE VENEER TRIM LOWER 3' WEST & SOUTH WALLS**  
**SOUTHERN CREAM COBBLESTONE #104**



**ACCENT CAP AUSTIN #1102A**



# Painting

# EXTERIOR STUCCO COLOR

The screenshot shows a web browser window displaying the BEHR website. The address bar shows the URL [www.behr.com/consumer/ColorDetails.aspx?W-B-720](http://www.behr.com/consumer/ColorDetails.aspx?W-B-720). The page title is "Oyster W-B-720". The navigation menu includes "Colors", "Inspiration", "Products", "How-To", and "Buy Online". The BEHR logo is prominently displayed. Below the navigation, there are social media icons for Facebook, Twitter, and YouTube. The main content area features a large image of a room with white walls and a fireplace, with a red button that says "Preview Color in a Room". Above this image are three red buttons: "Buy Paint", "Save to My BEHR", and "Email". Below the room image are two buttons: "Color Palettes" and "Similar Colors". At the bottom right, there is a "Find a Store" button and a small icon with the text "If the color you're looking for isn't here, let us know!".

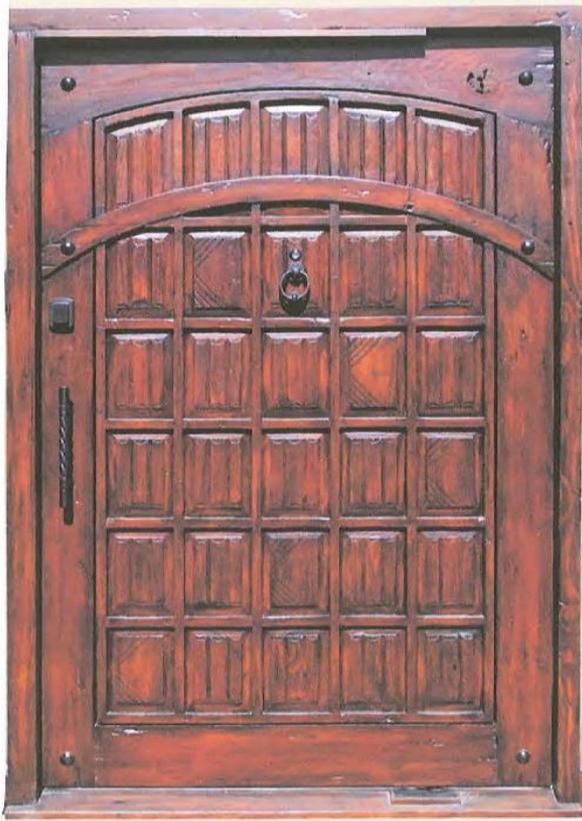
# EXTERIOR TRIM

The screenshot shows a web browser window displaying the BEHR website. The address bar shows the URL <http://www.behr.com/Consumer/ColorData/View/760B-5>. The browser's menu bar includes File, Edit, View, Favorites, Tools, and Help. The website header features the BEHR logo, navigation links for Colors, Inspiration, Products, How-To, and Buy Online, and a search bar. The main content area is titled "Blanket Brown 760B-5" and includes a "Color Palette" section with a "Similar Colors" button. A "Preview Color in a Room" button is also visible. The background image shows a room with a fireplace and a window, with the paint color applied to the walls. The browser's status bar at the bottom right shows "100%".

**Doors**

**FOUR EXTERIOR PRE-HUNG MAHOGANY DOORS/JAMBS**

**CUSTOM SAMPLE**



**25279885 MODEL #**

**BUILDERS FIRSTSOURCE FORMERLY SLOAN LUMBER**



**Canopy**

The underside of the canopy, which runs the full length of the front of the building, will be covered with a vinyl soffit material to resemble wood. The color of the material will match the color of the mahogany doors on the building's exterior. The canopy's rods will be painted to match the exterior color of paint on the building's exterior.

# Exterior Lighting



**Bronze Three-Light 7 1/4" High Motion Sensor LED Floodlight** Style # 3H840



# Texas Stars

## Huge 5 ft. diameter 3d star Personalized



## Custom 36" Double Ring 3D Star Personalized



For additional information please contact:

**Doug Shows**

President & CEO

Eagle Energy Resources, LLC

1909 Marvin Circle, Suite A

Seabrook, Texas 77586

(281) 474-3379 x 302

[Dshows@eagleenergy.us](mailto:Dshows@eagleenergy.us)

**Bidder Sheet Summary -- Eagle Energy Resources, LLC**

153 S. Broadway; La Porte, Texas 77571

	<u>General Project Bid</u> <sup>1</sup>	<u>Texas Stars</u>	<u>Project Total</u>
Redfield Custom Building	\$66,176.00		
Rasa Construction Co., Inc.	\$58,650.00		
<b>CLS Builders, Inc.</b>	<b>\$48,257.00</b>		
Stars Over Texas		\$2,899.88	
Nailhead Spur Company		\$2,872.81	
<b>Iron Designs and Signs</b>		<b>\$2,368.90</b>	
<b>LPDC's 50% Contribution:</b>			<b>\$25,312.95</b>

Notes: <sup>1</sup> "General Project Bid" includes five (5) primary projects: (1) "Stucco Work/Façade Repair", (2) "Painting", (3) "Doors", (4) "Canopy Work", and (5) "Exterior Lighting".



**153 South Broadway Street**

**La Porte Enhancement  
Grant Application**

**January 9, 2015**

**Eagle Energy Resources, LLC**



Eagle Energy Resources, LLC  
1909 Marvin Circle, Suite A  
Seabrook, TX 77586

Phone: (281) 474-3379  
Fax: (281) 474-7118

**EAGLE**

January 9, 2015

Mr. Scott D. Livingston  
Economic Development Coordinator  
City of La Porte  
604 W. Fairmont Parkway  
La Porte, TX 77571

Re: Enhancement Grant Application  
153 South Broadway, La Porte, TX 77571

Dear Mr. Livingston,

Enclosed in our application for an Enhancement Grant for the location show above also known as the "Alamo Building" by locals in La Porte. Our hope is to restore this building to reflect the historical value of the area and keep with the theme of "The Alamo". We plan to finish the building to reflect the Spanish style which includes the Spanish style doors, hardware, stucco and trim.

The application is for the West Side (Front) of the building on South Broadway facing the Five Points Park and the South Side of the building (Facing Avenue A) as previously discussed with you in our meeting.

Doug Shows will be presenting the application formerly to the 4B Review Board on February 9, 2015. Please let us know as soon as possible if this date changes.

Thank you for your assistance in getting this package together and we look forward to our relocation to La Porte.

Sincerely,

Teri Goebel  
Manager

## La Porte Enhancement Grant Application

Please print clearly. Please submit a completed application to:

Scott D. Livingston  
Economic Development Coordinator  
City of La Porte  
604 W. Fairmont Pkwy  
La Porte, TX 77571

### APPLICANT INFORMATION:

APPLICATION DATE: 1/9/2015

DOUG SHOWS  
Applicant Name

EAGLE ENERGY RESOURCES, LLC  
Business Name

153 S BROADWAY, LA PORTE, TX. 77571  
Physical Business Address

Business Owner (if different from applicant)  
1909 MARVIN CIRCLE, SUITE A, SEABROOK, TX 77586  
Mailing Address

281-474-3379 x 302      Dshows@eagleenergy.us  
Contact Phone      Email Address

### TYPE OF WORK (check all that apply):

- Façade Rehabilitation/Enhancement       Awnings/Signage  
 Beautification       Other (describe): \_\_\_\_\_

### DETAILS OF PLANNED IMPROVEMENTS (attach additional pages if necessary):

THE SUBJECT BUILDING IS A CINDER BLOCK BUILDING WITH A STUCCO EXTERIOR THAT WAS BUILT IN THE LATE 1940'S. THE EXTERIOR OF THE BUILDING THAT IS TO BE UPGRADED AND REPAIRED FOR THE GRANT APPLICATION PROCESS IS THE WEST SIDE (FRONT OF BUILDING) AND THE SOUTH SIDE (SIDE OF BUILDING FACING AVENUE A).

- STUCCO: THE EXTERIOR WALLS ARE TO BE CLEANED, REPAIRED OR REPLACED. THE WINDOW TRIM ON THESE WALLS IS A STYROFOAM PRODUCT KNOWN AS EFFIS. THE WINDOW TRIM IS TO BE REMOVED AND

(CONTINUE ON ATTACHED SHEET)

### Continued Details of Planned Improvements:

REPLACED WITH STUCCO TRIM. THE CURRENT STUCCO IS WHITE, BUT THE NEW STUCCO IS TO BE A LIGHT BROWN CALLED OYSTER W-B-270 BEHR PAINT AND THE TRIM IS TO BE BLANKET BROWN 7605-5 BEHR PAINT. A STONE VENEER ACCENT IS TO BE ADDED TO THE BOTTOM 3 FEET. THE STONE PRODUCT IS SOUTHERN CREAM COBBLESTONE #104 CAPPED BY A BULLNOSE SILL TRANSITION AUSTIN #1102A. THE MANUFACTURER IS COLORSTONEMFG.COM.

- DOORS: THERE ARE 4 EXTERIOR DOORS ON THE WEST WALL. THESE DOORS ARE BLANK STEEL DOORS TO BE REPLACED WITH PANELED MAHOGHANY DOORS WITH MAHOGHANY JAMBS, HANDICAPPED SILLS AND STAINLESS STEEL HINGES. THIS WILL INCLUDE TRIM AROUND THE DOORS WHICH WILL BE MAHOGHANY AND LOCKSETS FOR ALL DOORS.
- CANOPY: THERE IS A CANOPY RUNNING THE FULL LENGTH OF THE WEST WALL. THE UNDERSIDE OF THE CANOPY IS TO BE COVERED WITH A VINYL SOFFIT MATERIAL TO RESEMBLE WOOD IN A COLOR MATCHING THE EXTERIOR MAHOGHANY DOORS. THE CANOPY RODS WILL BE PAINTED TO MATCH THE EXTERIOR PAINT OYSTER W-B-720 BEHR PAINT NOTED ABOVE.
- EXTERIOR LIGHTING: EXTERIOR LIGHTS WILL BE MOUNTED ON EITHER SIDE OF THE MAIN ENTRANCE DOORS AND ON THE NORTH AND SOUTH CORNERS OF THE WEST WALL AND THE SOUTHEAST CORNER OF THE SOUTH WALL.
- TEXAS STARS PLACED ON STUCCO PER SITE DRAWINGS.

**BUSINESS. BY THE DAY.**

Please list the name of each Contractor and/or Project Architect and the Total Amount of each bid. Please, also, attach the original proposals and work estimates:

CONTRACTOR/PROJECT ARCHITECT	TOTAL AMOUNT
1. REDFIELD CUSTOM BUILDING	\$ 66,176.00
2. RASA CONSTRUCTION CO. INC.	\$ 58,650.00
3. CLS BUILDERS, INC.	\$ 48,257.00
4.	\$
5.	\$

**BUDGET DETAIL**

PROJECT EXPENDITURES	FUNDS REQUESTED	FUNDS APPLIED	TOTAL
Façade Rehab	\$	\$	\$
Awnings/Signage	\$	\$	\$
Beautification	\$	\$	\$
Other (list):	\$	\$	\$
Other (list):	\$	\$	\$
<b>TOTALS</b>	\$	\$	\$

Total estimated cost of proposed project: \$ \_\_\_\_\_

Amount requested (up to 50% of total cost, \$2,500 to \$25,000): \$ \_\_\_\_\_

*Please attach color samples, model numbers (for windows, doors, etc.), photos, scale drawing, and other illustrations of work to be completed. Please include as much detail as possible.*

Your signature on this application certifies that you understand and agree with the following statements:  
 I have met with the EGEC and I fully understand the Enhancement Grant procedures and details established. I intend to use these grant funds for the renovation projects, as spelled out in the application. I have not received, nor will I receive insurance monies for this revitalization project OR I have disclosed all pertinent insurance information.

I understand that if I am awarded an Enhancement Grant, any deviation from the approved project may result in the partial or total withdrawal of the grant funds. If I am awarded a reimbursement grant for façade, awning, signage, beautification, or other approved work, alterations should not be made within five (5) years from construction; otherwise I may be required to reimburse the La Porte Development Corporation immediately for the full amount of the grant.

  
 \_\_\_\_\_  
 APPLICANT SIGNATURE

1/8/2015  
 \_\_\_\_\_  
 DATE

# WESTSIDE



**1 FRONT ELEVATION**  
1/8" = 1'-0"



**2 REAR ELEVATION**  
1/8" = 1'-0"

## SHOW STUDIO

3222 Cloverdale Rd  
Montgomery, AL 36106  
334.690.0635  
mshowe@gmail.com



AN OFFICE RENOVATION FOR  
**EAGLE ENERGY**  
INDUSTRIAL  
East A Street | La Porte, TX

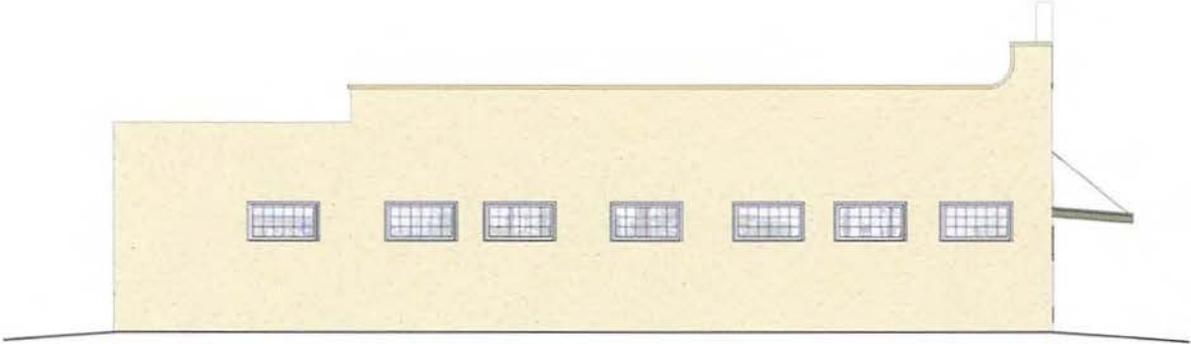
ISSUE DATE:  
11/29/14

PROJECT NAME:  
EXTERIOR  
ELEVATIONS

PROJECT NO.:  
**A501**

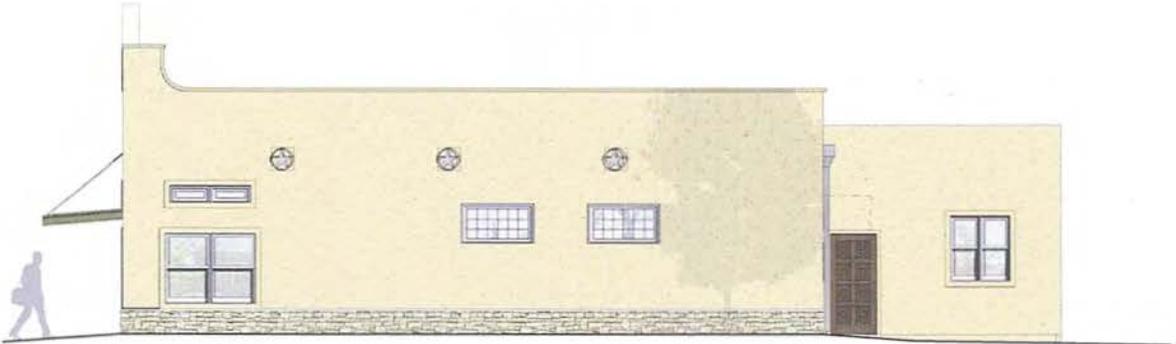
**SHOW  
STUDIO**

3222 Cloverdale Rd  
Montgomery, AL 36106  
334 590 0635  
mshowstudio@gmail.com



**1** SIDE ELEVATION  
1/8" = 1'-0"

**SOUTHSIDE**



**2** SIDE ELEVATION  
1/8" = 1'-0"



AN OFFICE RENOVATION FOR  
**EAGLE ENERGY**  
PROJECT # 14  
East 4 Street | La Porte, TX

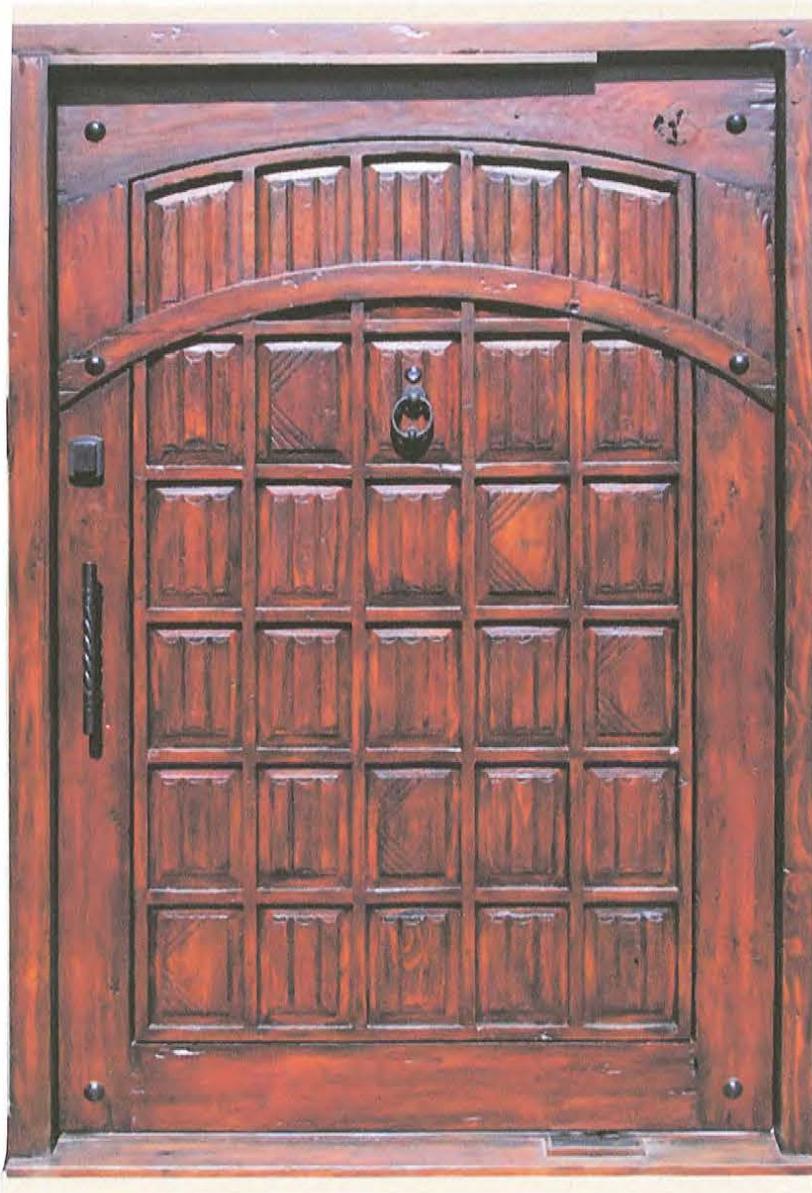
DATE PREPARED:  
11/29/14

PROJECT NAME:  
EXTERIOR  
ELEVATIONS

NO. IN  
**A502**

**FOUR EXTERIOR PRE-HUNG MAHOGANY DOORS/JAMBS**

**CUSTOM SAMPLE**



25279885 MODEL #

BUILDERS FIRSTSOURCE FORMERLY SLOAN LUMBER

# EXTERIOR STUCCO COLOR

The screenshot shows a web browser window displaying the BEHR website. The address bar shows the URL <http://www.behr.com/consumer/ColorDetailsView/Oyster-W-B-720>. The page title is "Oyster W-B-720". The navigation menu includes "Customer Service", "Store Locator", "Search", "Colors", "Inspiration", "Products", "How-To", and "Buy Online". The BEHR logo is prominently displayed. Below the navigation, there are social media icons for Facebook, Twitter, and YouTube. The main content area features a large image of a room with white walls and a fireplace, with a red button that says "Preview Color in a Room". Below the image, there are buttons for "Color Palettes", "Similar Colors", and "Find a Store". The page is viewed at 100% zoom.

# EXTERIOR TRIM

The screenshot shows a web browser window displaying the BEHR website. The address bar shows the URL <http://www.behr.com/content/ColorDetailView/760B-5>. The page title is "Blanket Brown 760B-5". The navigation menu includes "Consumer", "Professional", "Customer Service", "Store Locator", "Search", "Colors", "Inspiration", "Products", "How-To", "Buy Online", and "myBEHR". The main content area features the BEHR logo, the product name "Blanket Brown 760B-5", and a large image of a room with the paint color applied to the walls. Below the image are buttons for "Buy Paint", "Save to My BEHR", and "Email". There are also sections for "Color Palettes", "Similar Colors", and "Find a Store".

Consumer Professional

Customer Service | Store Locator Search

BEHR Colors Inspiration Products How-To Buy Online myBEHR

Consumer > Paint & stain colors > BEHR® Paint Colors

## Blanket Brown 760B-5

Buy Paint Save to My BEHR Email

Preview Color in a Room

Color Palettes Similar Colors Find a Store

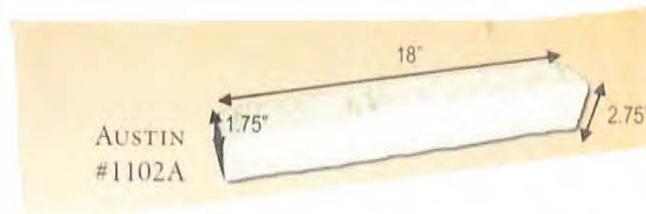
Enter your zip/postal code to find the nearest Home Depot

100%

**STONE VENEER TRIM LOWER 3' WEST & SOUTH WALLS  
SOUTHERN CREAM COBBLESTONE #104**



**ACCENT CAP AUSTIN #1102A**



# Iron Designs and Signs



[Home](#) [Personalized Texas 3D Stars, Rustic Star, Barn Star - Great Gifts!](#) >

[Photo Album](#) **Huge 5 ft. diameter 3d star Personalized**

[Bargain of the Month](#)

[Custom Texas Barn Stars](#)

[Metal Art Signs](#)

[Ranch Signs and Gates](#)

[Branding Irons](#)

[Metal Art Home Garden](#)

[Customer Feedback](#)

[WaveWalk Kayaks](#)

**Huge 5 ft. diameter 3d star Personalized**



[View Images](#)

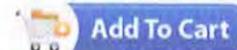
**Price:** \$455.00  
**Availability:** Local pick up only. No free shipping. Custom order

3D Star on a 60" (5ft.) Flat Ring personalized with name. 3d star made with 14 ga steel. The 4" wide flat ring really adds a great accent to the star. The flat outer ring can be personalized on the top and/or bottom with your name, ranch, brand or business. Looks great on gates, fences, barns, or inside the house! These are not the flimsy tin stars made in Mexico or Sheetmetal shop. The seams on the back side are fully welded and there is a rod for hanging. These are handmade in our shop. This star is so large that we have local pickup only. Sorry but there is no free shipping on this item. **Local pickup only.** When you check out of our secure Shopping Cart with PayPal, you will be prompted to leave a message. This is where you should leave the name or custom wording that you would like on this item. Call or email to discuss your custom order.

[View Cart \(0\)](#) | [Checkout](#)

Please type your custom lettering and whether you want it on the top or bottom of the ring.

You have 1000 characters left.



**Most items are made and shipped in about a week!**

**Made in Texas!**

FRONT OF BUILDING

X 1

# Iron Designs and Signs



[Home](#) [Personalized Texas 3D Stars, Rustic Star, Barn Star - Great Gifts!](#) >

[Photo Album](#)

## Custom 36" Double Ring 3D Star Personalized

[View Cart \(0\)](#) | [Checkout](#)

[Bargain of the Month](#)

Price: **\$275.00**

[Custom Texas Barn Stars](#)



Please type your text here and any special instructions for placement.

[Metal Art Signs](#)

[View Images](#)

[Ranch Signs and Gates](#)

You have **1000** characters left.

[Branding Irons](#)

Custom 3D Texas Star with Double Rings. Personalized with your text. Rustic Finish. Free shipping in US lower 48 states.

[Metal Art Home Garden](#)



[Customer Feedback](#)



[WaveWalk Kayaks](#)

**Most items are made and shipped in about a week!**

**Made in Texas!**

SOUTH SIDE OF BUILDING

X 3

# REDFIELD CUSTOM BUILDING

5007 WEST BAYSHORE DRIVE

BACLIFF, TEXAS 77518

713-898-2763

## PROPOSAL

January 8, 2015

To: Jack Fryday  
Project Manager  
Remodel  
153 South Broadway  
La Porte, Texas

For the Sum of SIXTY SIX THOUSAND ONE HUNDRED SEVENTY SIX DOLLARS AND 00/100, (\$66,176.00) the Undersigned proposes to furnish all labor and material as required to perform all Work in accordance with the following:

### A. CARPENTRY:

1. Remove and replace Facia west and south sides,
2. Furnish and install 4'X8'X5/8" plywood soffit @ canopy to receive vinyl,
3. Install 4 pre-hung (Owner Furnished) door units with hardware,
4. Owner furnished door units cost allowance \$14,000.00 included.

### B. Vinyl:

1. Canopy Soffit West Wall

### C. STUCCO:

1. Remove existing soffit band and window trim (EIFS),
2. Furnish and install new band and window trim,
3. Furnish and install 2.5 Galvanized Lath,
4. Furnish and install 3/4" conventional hard coat stucco (color per bid specs),
5. Furnish and install bid specified stone with cap.

### D. PAINTING:

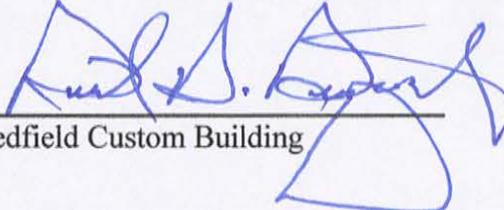
1. Stain/Paint 4 new door units

### E. MISCELLANEOUS:

1. **Permit: Owner furnished**
2. **Insurance:**
  - a. Builder shall carry General Liability and Builders Risk Insurance.

The undersigned Owner has reviewed the attached Estimate of Costs and hereby authorizes the undersigned Contractor to begin Work. **Progress Payments due and payable weekly - balance upon completion of the Work.**

All Work will be performed in a Good and Workmanlike Manner in accordance with Standard Practices for such Work.

  
\_\_\_\_\_  
Redfield Custom Building

January 8, 2015

\_\_\_\_\_  
Accepted: Jack Fryday

\_\_\_\_\_  
Date

## **RASA CONSTRUCTION CO. INC**

**11119 Sageheather Dr.  
Houston, TX. 77089**

Date: January 8, 2015

Subject: 153 S. Broadway La Porte, Tx.

Stucco: The exterior wall are to have the stucco cleaned, repaired, or replaced.  
The window trim is to be removed and replaced with stucco trim.

The new stucco color is to be a light brown.

Also a stone accent is to be added to the bottom up 3 feet.

The stone product is Southern Cream cobblestone #104 capped by a bullnose sill transition

Austin #1102A.

\$ 25,500.00

Doors: There are 4 doors on the west wall. These doors are to be replaced with paneled Mahogany

jambs, handicapped sills and stainless steel hinges. Installation and hardware.

\$28,200.00

Canopy: The underside of the canopy is to be covered with a vinyl soffit material

\$4,950.00

Kind Regards,

**Rodolfo Jiménez**  
General Contractor

**RASA CONSTRUCTION CO INC**

713 875 1689 cell

281 922 1820 fax

[jim1985rasa@yahoo.com](mailto:jim1985rasa@yahoo.com)

# CLS BUILDERS, INC.

515 Pine Rd. Clear Lake Shores Texas 77565

281.330.8343

TO: Eagle Energy Resources, LLC

DATE: December 23, 2014

153 South Broadway

LA Porte, TX 77539

CLS Builders, Inc. would like to thank you for considering us for your upcoming construction needs. The following is a quote for stucco and stone veneer, installation of 4 exterior doors, and the installation of vinyl soffit at the front canopy to the building located at 153 South Broadway in La Porte, TX. No permit fees or windstorm fees are included in this quote. Certificate of insurance is available upon request.

## SCOPE OF WORK:

West and south elevations – Removal of effis trim at all windows and doors and replacing the trim with real stucco. Cover the wall shelf. Repair the bottom area of west wall elevation and install weep screed at west wall. Install 2.5 metal lath on west and south elevations. Apply base coat and acrylic texture to west and south walls. Install stone veneer to lower 3 feet of west and south walls. Stone veneer to be Southern Cream Cobblestone, #104. Accent cap to be Austin, #1102A. Details made of stucco and bid includes stone and labor.

All stucco construction debris to be left at jobsite at a designated area.

Install framing for vinyl soffit at canopy at west wall.

Install vinyl soffit (triple 4" panel) and Hardie fascia at canopy of west wall. Vinyl to run parallel to exterior wall. Paint Hardie fascia to owner's colors specifications.

Supply and install 4 exterior pre-hung mahogany doors/jambs, with stainless butts and handicapped sills. No interior trim is included in this quote. Locksets are by owner.

CLS Builders, Inc. is pleased to provide all material and labor for the above specified construction for a sum of,

West and south walls - \$21,079.00

Pre-hung mahogany doors (total 4), and fascia/vinyl soffit at canopy of west wall - \$27,178.00

# CLS BUILDERS, INC.

515 Pine Rd. Clear Lake Shores Texas 77565

281.330.8343

All work to be completed in a timely workmanlike manner in accordance to standard building practices. All work carries a 1 yr. warranty free from defects beginning at time of completion. Any alteration from the above specified construction resulting in increased costs will be executed upon written/verbal orders and will become an additional charge above this quote.

## TERMS:

50% due at time of scaffold and lath, 35% due at completion of exterior door and soffit installs, with remainder due at time of completion.

I would like to thank you again for the opportunity to enhance your office, and hope you choose CLS Builders, Inc. as your builder.

Thanks,

Rob Scherer

CLS Builders, Inc.

AGREED TO: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/2014

STAR QUOTE FULL ENHANCEMENT GRANT

STAR QUOTES:	VENDOR	DESCRIPTION	QUANTITY	AMOUNT	SUBTOTAL	TAX RATE	TAX	SHIPPING	TOTAL COST
QUOTE 1	Nailhead Spur Company Located in Llano Texas 268 miles away	55" 3D Star w/ 4" outer ring with lettering	1	\$ 650.00	\$ 650.00	8.25%	\$ 53.63		
		36" 3D Star w/ 4" outer ring with lettering	3	\$ 425.00	\$ 1,275.00	8.25%	\$ 105.19		
					\$ 1,925.00		\$ 158.81	\$ 789.00	<u>\$ 2,872.81</u>
								local pick up only in Weatherford TX - I added Estimate for having picked up and shipped I do not know weight etc...	
QUOTE 2	Iron Designs and Signs  Located in between Weatherford & Millsap TX  *Standard Finish rust patina - did not want black paint!!! Only good for quote purposes 319 miles away	5' 3D Star personalized	1	\$ 455.00	\$ 455.00	6.75%	\$ 30.71		
		Extra charge for rustoleam primer and black paint	1	\$ 50.00	\$ 50.00	6.75%	\$ 3.38		
		36" Double Ring 3D Star Personalized	3	\$ 275.00	\$ 825.00	6.75%	\$ 55.69		
		Extra charge for rustoleam primer and black paint	3	\$ 50.00	\$ 150.00	6.75%	\$ 10.13		
					\$ 1,480.00		\$ 99.90	\$ 789.00	<u>\$ 2,368.90</u>
								local pick up only in Crawford TX - I added Estimate for having picked up and shipped I do not know weight etc...	
QUOTE 3	Stars Over Texas Located in Crawford, Texas Recommended picking up no quote for shipping 235 miles away	5' 3D Texas Star Dark Bronze double ring with verbage	1	\$ 675.00	\$ 675.00				
		36" 3D Texas Star Dark Bronze double ring with verbage	3	\$ 425.00	\$ 1,275.00				
					\$ 1,950.00		\$ 160.88	\$ 789.00	<u>\$ 2,899.88</u>



## Livingston, Scott

---

**From:** Teri Goebel <tgoebel@eagleenergy.us>  
**ent:** Monday, January 19, 2015 8:42 AM  
**To:** Livingston, Scott  
**Cc:** cfrohling@eagleenergy.us; Doug Shows; Jack Fryday  
**Subject:** Star Quotes  
**Attachments:** Star Quote Cover sheet.pdf; Star Quote #1.pdf; Star Quote #2.pdf; Star Quote #3.pdf

Scott,  
Please see the attached star quotes as you requested to add to our Enhancement Grant application.

***Teri Goebel***  
***Manager***  
***Eagle Energy Resources, LLC***  
***PH 281-474-3379 x306***  
***FAX 281-474-7118***

# QUOTE #1

**Teri Goebel**

---

**From:** Nailhead Spur Company <nailhead@ctesc.net>  
**Sent:** Wednesday, January 14, 2015 4:57 PM  
**To:** 'Teri Goebel'  
**Subject:** RE: 3D Star Quotes

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I did not include. As was not sure if was applicable.  
If to be tax exempt, we would need a tax exempt form to file.  
Otherwise, would be 8.25% tax calculated at end figure.  
Madelyn

---

**From:** Teri Goebel [<mailto:tgoebel@eagleenergy.us>]  
**Sent:** Wednesday, January 14, 2015 4:03 PM  
**To:** [nailhead@ctesc.net](mailto:nailhead@ctesc.net)  
**Subject:** RE: 3D Star Quotes

Madelyn,  
Was there sales tax to be calculated on this?

*Teri Goebel*  
*Manager*  
*Eagle Energy Development Company*  
*PH 281-474-3379 x306*  
*FAX 281-474-7118*

---

**From:** Nailhead Spur Company [<mailto:nailhead@ctesc.net>]  
**Sent:** Monday, January 12, 2015 4:52 PM  
**To:** [tgoebel@eagleenergy.us](mailto:tgoebel@eagleenergy.us)  
**Subject:** 3D Star Quotes

Teri,  
Please find attached the quotes per your request today.  
If you have any questions, please don't hesitate to call.

Thank you,  
Madelyn

# Nailhead Spur Company, Inc.

701 Ford Street Llano, Texas 78643

Phone 325-247-2589 Fax 325-247-1619

Eagle Energy Resources LLC

3D Star Quote

Stars will be complete with a backer plate, finished Bronze.

Art lettering design if decided on, would be emailed for approval to proceed.

Quote #1 Option

55" 3D Star w/2" outer ring, no lettering \$575.00. ea

**55" 3D Star w/4" outer ring with lettering \$650. ea**

36" 3D Star w/2" outer ring, no lettering \$350.00 ea

**36" 3D Star w/4" outer ring with lettering \$425.00 ea**

Quote #2 Option

36" 3D Star w/2" outer ring, no lettering \$350.00 ea

36" 3D Star w/4" outer ring with lettering \$425.00 ea

26" 3D Star w/2" outer ring, no lettering \$225.00 ea

26" 3D Star w/4" outer ring with lettering \$300.00 ea

Tax not included in above, if applicable.

At this time the current shipping cost is approximately \$789.00 via big truck.

Our policy is 50% deposit to proceed, balance due at completion.

Thank you for the opportunity to quote this for your company.

Madelyn Sauveur

## QUOTE #2

**Teri Goebel**

---

**From:** Jim Taylor <jimtaylor.irondesigns@gmail.com>  
**Sent:** Thursday, January 15, 2015 9:29 AM  
**To:** Teri Goebel  
**Subject:** Re: FW: Texas Star Quotes

The standard finish is the rust patina. We charge \$50 each for rustoleum primer and black paint.

Thanks  
Jim

On Thu, Jan 15, 2015 at 8:32 AM, Teri Goebel <[tgoebel@eagleenergy.us](mailto:tgoebel@eagleenergy.us)> wrote:

Thank you.

Will these stars rust? Important we don't have rust issues on our stucco.

*Teri Goebel*

*Manager*

*Eagle Energy Development Company*

*PH [281-474-3379](tel:281-474-3379) x306*

*FAX [281-474-7118](tel:281-474-7118)*

**From:** Jim Taylor [mailto:[jimtaylor.irondesigns@gmail.com](mailto:jimtaylor.irondesigns@gmail.com)]  
**Sent:** Wednesday, January 14, 2015 7:23 PM

**To:** Teri Goebel  
**Subject:** Re: FW: Texas Star Quotes

Texas sales tax is 6-3/4%.

We can usually fit in most customer's personalized text but it helps to know what it is ahead of time. There is a limit on how many characters we can fit around the small sizes but if you don't know what you want yet, we can deal with that later.

We also charge \$50 extra for painting.

Thanks

Jim

On Wed, Jan 14, 2015 at 4:27 PM, Teri Goebel <[tgoebel@eagleenergy.us](mailto:tgoebel@eagleenergy.us)> wrote:

Is there any tax and is the personalization of wording included in the prices?

*Teri Goebel*

*Manager*

*Eagle Energy Development Company*

*PH [281-474-3379](tel:281-474-3379) x306*

*FAX [281-474-7118](tel:281-474-7118)*

**From:** Jim Taylor [mailto:[jimtaylor.irondesigns@gmail.com](mailto:jimtaylor.irondesigns@gmail.com)]

**Sent:** Wednesday, January 14, 2015 4:27 PM

**To:** Teri Goebel

**Subject:** Re: FW: Texas Star Quotes

Sorry...I've been in the shop all day. Prices for our standard double ring Texas Stars are here:

<http://www.irondesignsandsigns.com/texasstars.html>

Shipping is included in the price of all sizes 36" diameter and smaller. The large stars are available for local pickup here at the shop. Let me know if you have any other questions.

Thanks

Jim

On Wed, Jan 14, 2015 at 3:40 PM, Teri Goebel <[tgoebel@eagleenergy.us](mailto:tgoebel@eagleenergy.us)> wrote:

Jim,

Do you all have a phone number? I need to get a quote today if possible.

# Iron Designs and Signs



[Home](#) [Personalized Texas 3D Stars, Rustic Star, Barn Star - Great Gifts!](#) >

[Photo Album](#) **Huge 5 ft. diameter 3d star Personalized**

[View Cart \(0\)](#) | [Checkout](#)

[Bargain of the Month](#)

[Custom Texas Barn Stars](#)

[Metal Art Signs](#)

[Ranch Signs and Gates](#)

[Branding Irons](#)

[Metal Art Home Garden](#)

[Customer Feedback](#)

[WaveWalk Kayaks](#)



[View Images](#)

**Price:** \$455.00  
**Availability:** Local pick up only. No free shipping. Custom order

Please type your custom lettering and whether you want it on the top or bottom of the ring.

You have 1000 characters left.



3D Star on a 60" (5ft.) Flat Ring personalized with name. 3d star made with 14 ga steel. The 4" wide flat ring really adds a great accent to the star. The flat outer ring can be personalized on the top and/or bottom with your name, ranch, brand or business. Looks great on gates, fences, barns, or inside the house! These are not the flimsy tin stars made in Mexico or Sheetmetal shop. The seams on the back side are fully welded and there is a rod for hanging. These are handmade in our shop. This star is so large that we have local pickup only. Sorry but there is no free shipping on this item. **Local pickup only.** When you check out of our secure Shopping Cart with PayPal, you will be prompted to leave a message. This is where you should leave the name or custom wording that you would like on this item. Call or email to discuss your custom order.

**Most items are made and shipped in about a week!**

**Made in Texas!**

FRONT OF BUILDING

X 1

# Iron Designs and Signs



[Home](#) [Personalized Texas 3D Stars, Rustic Star, Barn Star - Great Gifts!](#) >

[Photo Album](#) **Custom 36" Double Ring 3D Star Personalized**

[View Cart \(0\)](#) | [Checkout](#)

[Bargain of the Month](#)

[Custom Texas Barn Stars](#)

[Metal Art Signs](#)

[Ranch Signs and Gates](#)

[Branding Irons](#)

[Metal Art Home Garden](#)

[Customer Feedback](#)

[WaveWalk Kayaks](#)



Price: **\$275.00**

[View Images](#)

Custom 3D Texas Star with Double Rings. Personalized with your text. Rustic Finish. Free shipping in US lower 48 states.

Please type your text here and any special instructions for placement.

You have **1000** characters left.



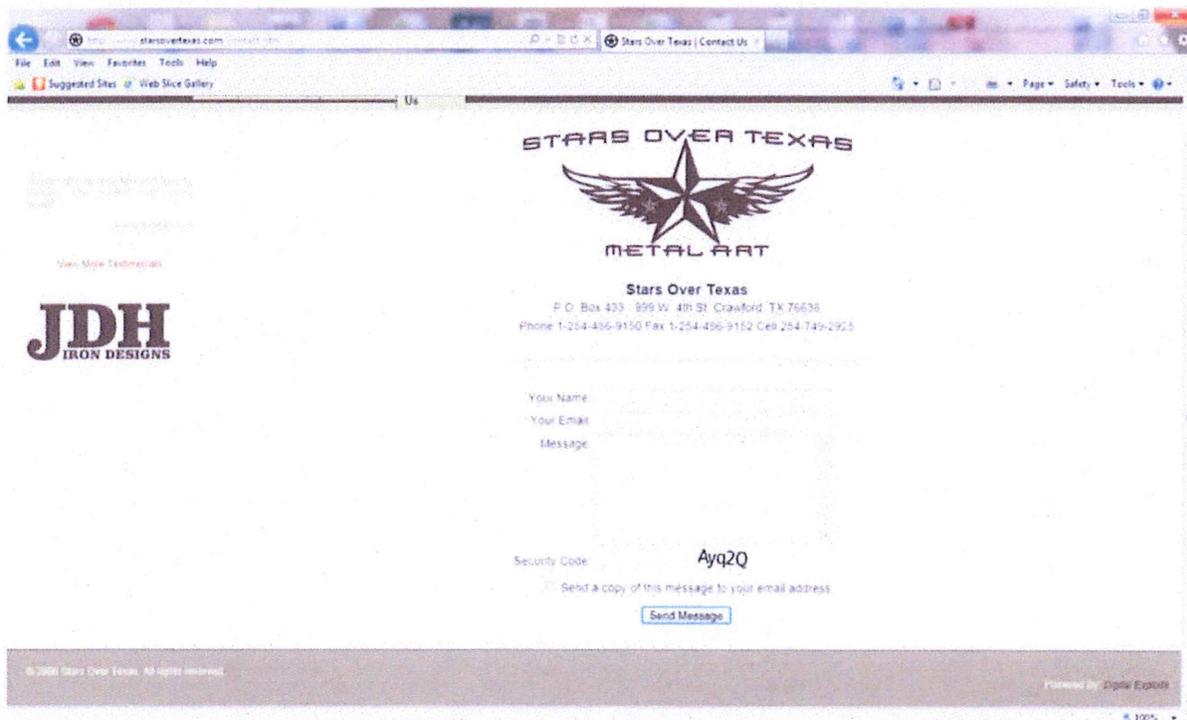
**Most items are made and shipped in about a week!**

**Made in Texas!**

SOUTH SIDE OF BUILDING

X 3

# QUOTE #3



## Teri Goebel

---

**From:** Jimmy Don <jimmydon@starsovertexas.com>  
**Sent:** Wednesday, January 14, 2015 3:03 PM  
**To:** Teri Goebel  
**Subject:** Re: Texas Stars Quote

Qty 1 - 5' in diameter 3 D Texas star dark bronze in color with a double ring – personalized unsure of verbage yet. \$675.00

Qty 3 – 36" in diameter 3 D Texas stars dark bronze in color with double ring – personalize unsure of verbage yet. \$425.00 each

**\$1950.00**

**\$160.88 tax**

**Total \$2110.88**

Jimmy Don Holmes

\*Stars Over Texas\*

JDH~Iron Designs

[999 W. 4th St.](#)

[Crawford, Texas 76638](#)

[www.starsovertexas.com](http://www.starsovertexas.com)

[jimmydon@starsovertexas.com](mailto:jimmydon@starsovertexas.com)

Call or Text

[254 749 2925](tel:2547492925)

Sent from my iPad

On Jan 12, 2015, at 12:34 PM, Teri Goebel <[tgoebel@eagleenergy.us](mailto:tgoebel@eagleenergy.us)> wrote:

Qty 1 - 5' in diameter 3 D Texas star dark bronze in color with a double ring – personalized unsure of verbage yet

Qty 3 – 36" in diameter 3 D Texas stars dark bronze in color with double ring – personalize unsure of verbage yet

*I need to get this quote with tax and shipping. We are located in Seabrook TX zip 77586 and this is an office.*

La Porte Enhancement Grant Program  
Application Evaluation Summary

Application Date: 1/9/2015 Initial Review Date: 1/12/2015  
 Business Name: **Eagle Energy Resources, LLC**  
 Contact Name: Doug Shows  
 Business Address: 1909 Marvin Circle, Suite A; Seabrook, Texas 77586  
 Phone: 281-474-3379 x 302 E-Mail: [DougS@eagleenergy.us](mailto:DougS@eagleenergy.us)  
 Recommendation: Grant to be awarded in an amount not to exceed **\$25,000**, based on receipts and completion of work as indicated.

Following is a summary of the evaluations of the La Porte Enhancement Grant Evaluating Committee (EGEC). If you have any questions about the items listed below, please call the Economic Development Office at **(281) 470-5016**.

Criteria	Total Score	# of Evaluators	Average
Project Demonstrates a significant improvement over the existing situation.	20	4	5
Project will add to the beautification of Main Street.	20	4	5
Project will enhance Main Street's appeal to new businesses and visitors.	19	4	4.75
Project will complement the surrounding buildings.	17	4	4.25
Project adds value to the City of La Porte.	19	4	4.75
<b>Total Average Score (out of 25)</b>			<b>4.75</b>

**Evaluating Committee Members:**

Name	Title
Tim Tietjens	Director of Planning
Scott D. Livingston	Economic Development Coordinator
Monica Rogers	Owner, Bay Port Animal Clinic
Cris Santiago	Resident, employee of La Car Porte



## LA PORTE ENHANCEMENT GRANT PROGRAM

The La Porte Enhancement Grant Program, which is sponsored by the La Porte Development Corporation, offers matching grants to businesses which are located in the La Porte Enhancement Grant District. A map of the La Porte Enhancement Grant District is provided in the full explanation of the program.

Eligible improvements of the EGP include facade renovation, beautification projects, and new awnings, canopies, porches, and signage. A single owner of multiple properties may apply for grant funds for each property owned, but each matching grant must be for more than \$2,500 and less than \$25,000 per property. Each program application will be evaluated on a case-by-case basis.

Interested business owners are welcome to complete the enclosed application form. Please deliver applications to the following address:

**Scott D. Livingston**  
Economic Development Coordinator  
City of La Porte  
604 W. Fairmont Parkway  
La Porte, TX 77571

Please contact Scott D. Livingston at [livingstons@laportetx.gov](mailto:livingstons@laportetx.gov) or 281/470-5016, if you have any questions about the La Porte Enhancement Grant Program.

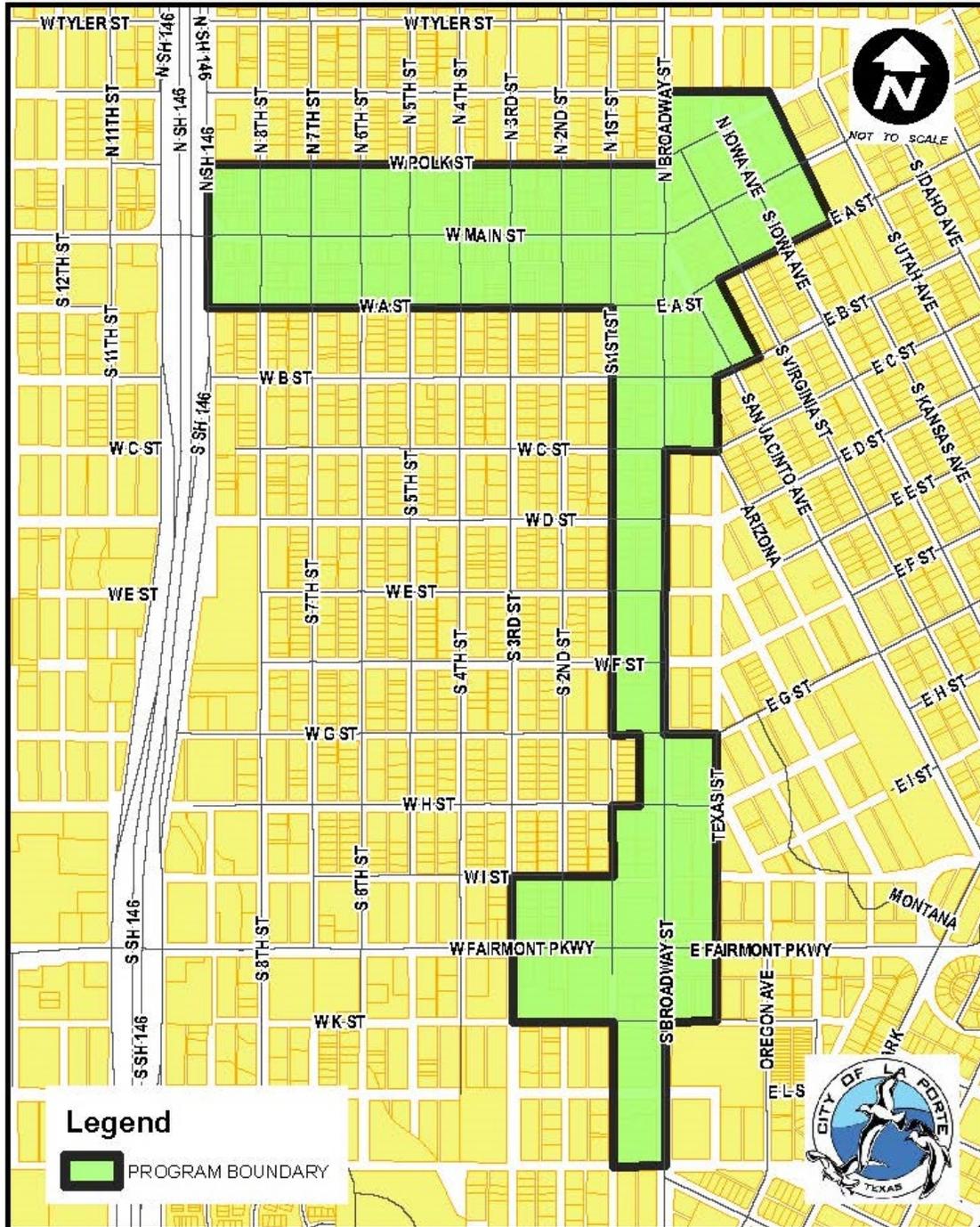
Sincerely,

A handwritten signature in blue ink that reads "Scott D. Livingston".

Scott D. Livingston  
Economic Development Coordinator  
City of La Porte

## La Porte Enhancement Grant Program

The La Porte Enhancement Grant Program provides matching funds to enhance and/or beautify businesses in the La Porte Enhancement Grant District which is outlined with a **bold black line** below.



## ELIGIBLE PROJECTS

Business owners may be eligible for a reimbursement grant of funds used to enhance and/or beautify their businesses. The following types of projects are eligible for reimbursement grants:

- **Façade Rehabilitation/Enhancement**  
This includes work done on existing structures, such as removing non-historic/added facades, re-pointing brick or replacing mortar joints, replacing or restoring cornices, removing paint from brick, replacing windows, restoring transom windows, repairing facades, etc.
- **New Awnings, Canopies, Porches and Signage**  
This includes replacing, adding, or repairing awnings, canopies, porches and signs. Signs may include signboards, projecting signs, pedestrian signage, window signs, hanging signs, and awning/canopy signs.
- **Beautification Projects**  
This may include public art, landscaping, and other beautification projects as approved by the Enhancement Grant Evaluation Committee (EGEC).

## PROGRAM GUIDELINES

1. Grant funds are available only for exterior work on commercial property and building facades that are visible from public streets in the La Porte Enhancement Grant District.
2. In general, grants offered to businesses are intended to support project to renovate or convert existing structures to their original historic condition.
3. Grants will be processed and considered for award on a first-come, first-served basis until funds are depleted or until the program ends, whichever comes first.
4. Grants will **not** be awarded for work that has already been started or completed, or for work that is covered by insurance. If desired work is above and beyond what insurance will pay, and is, therefore, considered an upgrade and enhancement in the opinion of the EGEC, it may be eligible for grant funds.
5. Grants will **not** be awarded to any Applicant that owes any delinquent indebtedness\* to the City of La Porte or the La Porte Development Corporation (LPDC).

*\*\*“Delinquent Indebtedness” shall mean any indebtedness due and owing to the City of La Porte or the La Porte Development Corporation, including but not limited to, ad valorem taxes on real and personal property, which property is in fact owned by and is legally subject to taxation, whether or not the same may have been properly rendered to the tax assessor-collector by any person. Such term shall also include, but not be limited to, charges for penalties, interest and costs on any such ad valorem taxes; charges for water, sewer, garbage and other services rendered or goods furnished by the City of La Porte or the La Porte Development Corporation to any person; and any other manner of indebtedness to the City of La Porte or the La Porte Development Corporation, now existing or which may hereafter be created by any person. No such indebtedness shall be considered “delinquent” until the time for its current payment under the various ordinances of the City of La Porte, or state statutes, or contractual agreement, shall have expired, without payment having been made.*

6. Each grant will be awarded on a reimbursement basis once completed work has been verified by the EGEC to be compliant with the plans proposed in the approved application. Any deviation from the approved project may result in the total or partial withdrawal of the grant.
7. Each enhancement grant application will be subject to review by the EGEC, and approval from the LPDC. The review criteria include the following:
  - The project demonstrates a significant improvement over the existing situation,
  - The project will add to the beautification of Main Street and/or Broadway,
  - The project will enhance Main Street and/or Broadway's appeal to new businesses and visitors,
  - The project will complement the surrounding buildings, and
  - The project will add value to the City of La Porte.
8. Grant applications and awards may be made in any of the reimbursable activities described above and may be combined for any single property or project.
9. An applicant is defined as an owner, tenant, or combination thereof, who occupies space in an eligible property within the La Porte Enhancement Grant District. A single owner of multiple properties may apply for grant funds for each property owned, but the matching grant must be for more than \$2,500 and less than \$25,000 per property in a three (3) year period.

## **APPLICATION PROCESS**

1. Determine eligibility: Discuss project plans with the Economic Development Coordinator, and the Coordinator will set up a pre-development meeting with the EGEC.
2. Complete the application and sign the agreement form. Each grant application must include the following:
  - a. A **scale drawing** by the project architect or design professional of all the work to be completed.
  - b. **Samples** -- i.e. paint samples, fabric swatches, sign material, etc. -- that will enable the EGEC to envision the finished project.
  - c. **Three (3) itemized work estimates** on all project work from contractors or project architects. Self-contracted work will be reimbursed for actual legitimate expenses, excluding labor.

- d. **Photographs** of the building's exterior. The Applicant shall be required to provide before and after photographs of the building before the reimbursement grant can be awarded. For the initial application, "before" photographs will suffice, but "after" photographs of the completed project must be submitted before the grant may be considered for reimbursement.
3. Return the completed application form, with all applicable items, to:

**Scott D. Livingston**  
Economic Development Coordinator  
City of La Porte  
604 W. Fairmont Parkway  
La Porte, TX 77571

4. The application will undergo an approval process, which includes but is not limited to the following:
  - a. Each project must meet current building standards and codes, as well as building permit requirements.
  - b. The EGEC will only consider applications that have been properly and fully completed, and which contain all information requested in the application and/or by the committee.
  - c. All itemized work estimates submitted by the Applicant must be dated no earlier than ninety (90) days prior to the Application request. Bids shall be submitted on the contractor's or project architect's letterhead and shall contain the contractor's name, address, and telephone number and shall itemize the bid in a manner that allows the EGEC to determine the bid components and authenticity of the bid.
  - d. Applications receiving approval by the EGEC shall commence construction described in the application within ninety (90) days from the date that the enhancement grant is approved. Each Applicant must complete the construction described in the Application within one (1) year from the date that the grant is approved. If the Applicant cannot meet this timeline, then the Applicant may submit a written request for an extension of the commencement date or completion date provided the extension request is made prior to the ninety (90) day or one (1) year time limit. The EGEC shall not be obligated to grant an extension, but it may do so for good cause determined solely by the members of the Committee. The extensions, if granted, shall be for the term and for the conditions determined exclusively by the EGEC. Denial of an extension request may not be appealed.
  - e. As a condition of this grant Application, the Applicant consents, and shall allow, the EGEC to request city inspections to determine that the grant, if awarded, will not be used for construction on any building that is not in compliance with the City Municipal

Codes and Ordinances that are applicable to the construction contemplated in the application.

- f. The EGEC and LPDC shall have sole discretion in awarding grants. They shall award grants considering the amount requested, grant funds available, the guidelines of the grant program, condition of the building in which the grant funds will be used, economic impact, other grant requests, the type and nature of the construction, and the proposed construction results considering the grant program.
  - g. No Applicant has a proprietary right to receive grant funds. The EGEC shall consider any application within its discretionary authority to determine what grant amount would be in the best interest of the grant program.
  - h. The Applicant shall be required to furnish “before” photographs of the building’s exterior, and any other site locations that are included as part of the application request. The applicant shall also provide “after” photographs once the construction has been completed, as a condition of final grant disbursement.
  - i. The EGEC has the final discretion with regard to funding and reserves the right to recommend modifications or reject any project or elements of any project.
5. Reimbursement. When the entire enhancement grant project has been completed, the Applicant shall present the Economic Development Office with the following:
    - a. Copies of all paid invoices, including copies of cancelled checks and/or credit card receipts for a single payment reimbursement of the approved funding, and
    - b. Photographs of all completed work.
  6. When the project has been reviewed and signed off by the EGEC and their recommendations have been presented and approved by the LPDC, a reimbursement check will be issued.

## La Porte Enhancement Grant Application

*Please print clearly. Please submit a completed application to:*

**Scott D. Livingston**  
**Economic Development Coordinator**  
**City of La Porte**  
**604 W. Fairmont Pkwy**  
**La Porte, TX 77571**

### APPLICANT INFORMATION:

APPLICATION DATE: \_\_\_\_\_

\_\_\_\_\_  
Applicant Name

\_\_\_\_\_  
Business Name

\_\_\_\_\_  
Physical Business Address

\_\_\_\_\_  
Business Owner (if different from applicant)

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Contact Phone

\_\_\_\_\_  
Email Address

### TYPE OF WORK (*check all that apply*):

- Façade Rehabilitation/Enhancement       Awnings/Signage  
 Beautification       Other (*describe*): \_\_\_\_\_

### DETAILS OF PLANNED IMPROVEMENTS (*attach additional pages if necessary*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please list the name of each Contractor and/or Project Architect and the Total Amount of each bid. Please, also, attach the original proposals and work estimates:

CONTRACTOR/PROJECT ARCHITECT	TOTAL AMOUNT
1. _____	\$ _____
2. _____	\$ _____
3. _____	\$ _____
4. _____	\$ _____
5. _____	\$ _____

**BUDGET DETAIL**

PROJECT EXPENDITURES	FUNDS REQUESTED	FUNDS APPLIED	TOTAL
Façade Rehab	\$ _____	\$ _____	\$ _____
Awnings/Signage	\$ _____	\$ _____	\$ _____
Beautification	\$ _____	\$ _____	\$ _____
Other (list):	\$ _____	\$ _____	\$ _____
Other (list):	\$ _____	\$ _____	\$ _____
<b>TOTALS</b>	\$ _____	\$ _____	\$ _____

Total estimated cost of proposed project: \$ \_\_\_\_\_

Amount requested (up to 50% of total cost, \$2,500 to \$25,000): \$ \_\_\_\_\_

*Please attach color samples, model numbers (for windows, doors, etc.), photos, scale drawing, and other illustrations of work to be completed. Please include as much detail as possible.*

---

*Your signature on this application certifies that you understand and agree with the following statements:*  
 I have met with the EGE and I fully understand the Enhancement Grant procedures and details established. I intend to use these grant funds for the renovation projects, as spelled out in the application. I have not received, nor will I receive insurance monies for this revitalization project OR I have disclosed all pertinent insurance information.

I understand that if I am awarded an Enhancement Grant, any deviation from the approved project may result in the partial or total withdrawal of the grant funds. If I am awarded a reimbursement grant for façade, awning, signage, beautification, or other approved work, alterations should not be made within five (5) years from construction; otherwise I may be required to reimburse the La Porte Development Corporation immediately for the full amount of the grant.

---

APPLICANT SIGNATURE \_\_\_\_\_

---

DATE \_\_\_\_\_

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: February 23, 2015

Appropriation

Requested By: Donald Ladd

Source of Funds:

Department: Fire

Account Number:

Report:  Resolution:  Ordinance:

Amount Budgeted:

Other:  N/A

Amount Requested:

Budgeted Item:  YES  NO

**Attachments :**

- 1. Copy of Shoreacres Agreement**
- 2. Cost Sheet**

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### SUMMARY & RECOMMENDATIONS

The City has negotiated a new contract with the City of Shoreacres for Fire Protection Service for a period of 60 months, in the amount of \$11,126.81 monthly. This is an increase of \$1,551 per month. Monthly payment was based on yearly budget, debt services, and current CIP projects for a percent by population calculation. This new agreement is for fire suppression services and does not include first responder or any medical response. The agreement is for the period starting March 1, 2015 and runs through February 28, 2020.

The current contract expired on October 1, 2014 and has been renewing monthly.

Recommend that City Council approve the City Manager to execute the new agreement.

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#### **Action Required of Council:**

Consider approval or other action authorizing the City Manager to execute the agreement with the City of Shoreacres for Fire Protection Services.

---

**Approved for City Council Agenda**

---

**Corby D. Alexander, City Manager**

---

**Date**

AGREEMENT

THE STATE OF TEXAS X

COUNTY OF HARRIS X

This Agreement made and entered into by and between the CITY OF LA PORTE, a municipal corporation of Harris County, Texas hereinafter referred to as "**LA PORTE**" and the CITY OF SHOREACRES, a municipal corporation of Harris County, Texas, hereinafter referred to as "**CITY**",

WITNESSETH

WHEREAS, CITY is in need of certain governmental services for the benefit of the people and property within its city limits, and

WHEREAS, LA PORTE is able and willing to provide said governmental services to CITY, upon the terms, conditions, and covenants herein contained:

NOW, THEREFORE, PURSUANT TO THE AUTHORITY GRANTED BY Chapter 791, "Interlocal Cooperation Contracts", Texas Government Code, and in consideration of the mutual covenants, agreements, and benefits to both cities, it is hereby agreed as follows:

A. GENERAL PROVISIONS

I.

For and during the sixty months (60) beginning on the 1st day of March 2015, and ending on the 28th day of February, 2020, LA PORTE agrees to furnish CITY, the governmental services hereinafter more specifically described. This agreement shall remain in effect during said sixty (60) month term unless canceled by either party as provided in Paragraph A-IV hereof. Furthermore, this agreement shall automatically continue on a month-to-month basis, starting March 1, 2020, until cancelled by either party by the giving of thirty (30) days advance written notice to the other party. This agreement supersedes any prior agreement between the parties on the subject matter hereof.

II.

For and in consideration of the governmental services to be provided by LA PORTE to CITY, CITY agrees to pay LA PORTE as follows, to wit:

(1) Monthly base charge for Fire Protection: \$11,126.81

(2) The total of such base charges to be paid in full by CITY to LA PORTE, on or before the tenth day of the month following the month in which such services were rendered. Payments by CITY shall be made from current revenues available to CITY.

III.

LA PORTE will not be liable for loss or damage to person or property arising from, caused by, or resulting from alleged negligence of LA PORTE, its employees or volunteers in carrying out the terms of this agreement. CITY agrees to indemnify, and save and hold LA PORTE harmless, from any such claim for loss or damage by itself, or by any person, firm, corporation, or association, in connection with this agreement.

IV.

Either party to this agreement may cancel by giving sixty (60) days written notice to the other party. Such notice will be effective as of midnight of the last day of the expiration of such sixty (60) days notice.

V.

CITY personnel shall abide by all LA PORTE rules, regulations, and policies, as they now exist, or may be amended hereafter, relating to the services rendered including the use of facilities made available to the CITY under the terms of this agreement.

B. FIRE PROTECTION

I.

LA PORTE agrees to provide fire protection, limited to fire suppression services only, and specifically excluding emergency medical services, for real and personal property situated within CITY, for the term of this agreement, upon the terms and conditions herein contained.

II.

Sole discretion will rest with the LA PORTE Fire Chief, or his duly authorized assistants, as to the fire fighters and equipment that will answer each fire alarm, provided that protection will be adequate (meaning reasonable protection, considering available fire fighters and equipment of LAPORTE'S Fire Department) and sending of fire fighters and equipment to protect property within CTIY will be subordinate to requests for, and rendering of, fire protection within LA PORTE.

III.

City agrees to pay LA PORTE for fire protection services, the amounts, and in manner, hereinabove specified.

WITNESS OUR HANDS and the seals of our respective Cities, effective as of the 1ST day of March, 2015.

PASSED AND APPROVED by the City Council of the City of La Porte, by its Ordinance No. \_\_\_\_\_, on the \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF LA PORTE, TEXAS

City Secretary

\_\_\_\_\_

City Manager

\_\_\_\_\_

Assist. City Attorney

\_\_\_\_\_

PASSED AND APPROVED by the City Council of the City of Shoreacres, by its Ordinance  
No. \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

CITY OF SHOREACRES

City Secretary

\_\_\_\_\_

City Manager

\_\_\_\_\_

City Attorney

\_\_\_\_\_

	<b>FIRE</b>
2014 Budget	2,496,132.00
Debt Service	170,000.00
CIP Projects ( 20 year prorated)	180,000.00
<b>TOTAL</b>	<b>2,846,132.00</b>

Population for Cities		% of Population				Monthly
La Porte	34,469	0.9478	2,697,591.88	269759.188	2,967,351.07	
Shoreacres	1,551	0.0426	121,383.42	12138.34172	133,521.76	\$ 11,126.81
Morgan's Point	347	0.0095	27,156.70	2715.670262	29,872.37	\$ 2,489.36
<b>Total Population</b>	<b>36,367</b>	<b>1.0000</b>	<b>2,846,132.00</b>	<b>284,613.20</b>	<b>3,130,745.20</b>	

Debt Service		<u>CIP Projects</u>	
Fire Station 2	1,900,000	Fire station 1	3,200,000
Fire Station 3	750,000	SCBA	400,000
Fire Station 4	750,000	Total CIP	<u>3,600,000</u>
Total Fire Debt	<u>3,400,000</u>	divided by 20 =	180,000
divided by 20 =	170,000		

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: February 23, 2015

Appropriation

Requested By: Kathy Powell

Source of Funds:

Department: Finance

Account Number:

Report:  Resolution:  Ordinance:

Amount Budgeted:

Other:

Amount Requested:

Budgeted Item:  YES  NO

**Attachments :**

**1. Resolution**

**2. Deeds, Bids and Map**

---

### SUMMARY & RECOMMENDATIONS

If a property is sold or struck off to a taxing unit that is party to a judgment, the taxing unit may sell the property at any time by public or private sale. The City of La Porte has had these properties on our public resale list for more than an adequate amount of time and has received a bid for the minimum bid amount set by the judgment or higher. At this time we are asking the city council to pass a resolution to approve the sale of these properties for the amount that has been offered.

P213(2) – Lots 19 & 20 Block 200 Town of La Porte– Offer \$6,250.00

(Adjudged Value \$6,250.00 Taxes+Cost \$4,961.40)

P140 – Lot 27, 28 & 29 Block 76 Bayfront to La Porte – Offer \$7,500.00

(Adjudged Value \$5,300.00 Taxes+Costs \$9,279.12)

---

#### **Action Required of Council:**

Consider approval or other action regarding a Resolution authorizing the sale of the properties listed above.

---

**Approved for City Council Agenda**

---

**Corby D. Alexander, City Manager**

---

**Date**

**RESOLUTION 15- .**

**RESOLUTION AUTHORIZING THE RESALE OF CERTAIN PROPERTY**

**WHEREAS** the City of La Porte (City), in the course of its function as a taxing entity in the State of Texas, obtains title to real property in the capacity as Trustee for itself and other taxing units that tax the property; and

**WHEREAS** it is necessary for various reasons that some of the property so obtained must be resold by the taxing units for less than the aggregate amounts of taxes, penalties, interest and costs; and

**WHEREAS** Section 34.05 of the Texas Property Tax Code requires that when real property is sold for less than the aggregate amount of taxes, penalties, interest and costs, the sale must be approved by all taxing units that tax the property; and

**WHEREAS** the City has adopted procedures designed to provide all parties the opportunity to submit offers to purchase such real property and to secure the best offer for such property that is sufficient to pay at least the costs of suit and sale of such property; and

**WHEREAS** it is desirable that resale of the property be free and clear of all claims of the taxing units, for all taxes, penalties interest and costs that have accrued up to the date of resale

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA PORTE,**

Section 1. That the City of La Porte, as Trustee, resells the real properties described in the attached Exhibit "A", for the amounts set for on said Exhibit "A", in full satisfaction of taxes, penalties, interest and costs that have accrued on the property up to the date of sale.

Section 2. That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the offices of City of La Porte for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSED AND APPROVED this the 23rd day of February 2015.

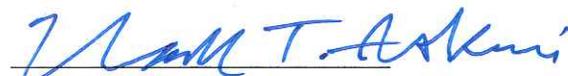
CITY OF LA PORTE, TEXAS

\_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

\_\_\_\_\_  
Patrice Fogarty, City Secretary

APPROVED:

  
\_\_\_\_\_  
Clark Askins, City Attorney

## EXHIBIT A

### TAX RESALE PROPERTY TO BE SOLD

- TRACT 1: Resale Property P213(2)  
Legal Description: Lots 19 & 20 Block 200 Town of La Porte  
HCAD #024-005-000-0019  
Offer Amount: \$6,250.00
- TRACT 2: Resale Property P140  
Legal Description: Lot 27, 28 & 29 Block 724 Town of La Porte  
HCAD #024-091-024-0021  
Offer Amount: \$4,690.00



OF HOUSTON AUTHORITY OF HARRIS COUNTY, HARRIS COUNTY HOSPITAL DISTRICT and the SAN JACINTO COMMUNITY COLLEGE DISTRICT nor any person claiming under it shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Grantee accepts the property in "AS IS, WHERE IS" condition and subject to any environmental conditions that might have or still exist on said property, and subject to any title defects and deficiencies, and subject to the right of redemption, if any, provided under the Texas Property Tax Code. Grantee acknowledges and agrees that this conveyance is expressly made without warranty.

This transaction is in full satisfaction of all taxes, penalties, interest, and costs that have accrued until the date hereof.

Pro rata taxes for the current year are assumed by Grantee.

IN TESTIMONY WHEREOF, CITY OF LA PORTE, TRUSTEE, for the use and benefit of itself, LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, HARRIS COUNTY FLOOD CONTROL DISTRICT, PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, HARRIS COUNTY HOSPITAL DISTRICT and the SAN JACINTO COMMUNITY COLLEGE DISTRICT has caused these presents to be executed this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

CITY OF LA PORTE, TRUSTEE

\_\_\_\_\_  
LOUIS R. RIGBY, MAYOR,  
CITY OF LA PORTE

ACCEPTED:

\_\_\_\_\_  
MARTIN VASQUEZ



**SUMMARY OF FORECLOSURE ACTIVITY**

HCAD ACCOUNT NO:	024-005-000-0019	Property Struck off for:	Taxes
CAUSE NO:	2004-48872		
PLAINTIFF(S):	City of La Porte & La Porte Independent School District		
JUDGMENT AGAINST:	Charles W.F. Compton		
JUDGMENT DATE:	June 20, 2005	STRUCK OFF DATE:	October 4, 2005
ORDER OF SALE:	July 25, 2005		
DEED RECORDED DATE:	November 5, 2005	STRUCK OFF TO:	City of La Porte
CONSTABLE:	Bill Bailey, Constable Precint No 8		
PROPERTY ADDRESS:	San Jacinto Street		
LEGAL DESCRIPTION:	Lots 19 and 20 Block 200 Town of La Porte		
ADJUDGED VALUE ( IN JUDGMENT):	\$ 6,250.00		
SQUARE FOOTAGE:	6,250		

**SUMMARY OF SALE ACTIVITY**

BIDDER:	Martin Vasquez	BIDDER'S ADDRESS:	321 S Fifteenth Street La Porte, TX 77571
AMOUNT OF BID:	\$6,250.00		
AMOUNT OF DEPOSIT:	\$625.00		
AMOUNT DUE:	\$5,625.00	BIDDER'S PHONE NO:	832-693-3593

**PRORATED PERCENTAGED OF TAXES DUE TO EACH JURISDICTION BASED UPON JUDGMENT**

JUDGMENT TO	COUNTY, ET AL.	%	SCHOOL	%	CITY	%	TOTAL
AMOUNT DUE	\$503.39	24.69%	\$1,076.12	52.78%	\$459.29	22.53%	\$2,038.80

**ASSOCIATED COSTS ON ORIGINAL AND SEALED BID SALES**

AMOUNT OF BID	COURT COST	CONSTABLE/ PUBLICATION FEE (TISD)	AD LITEM FEE	RESEARCH FEE & DEED RECORDING FEE	ESTIMATED AMOUNT TO BE PRORATED TO TAXES
\$6,250.00	\$0.00	\$175.00	\$0.00	\$250.00	\$5,825.00

**PRORATED TAX AMOUNTS TO EACH JURISDICTION**

OWED TO	COUNTY	%	SCHOOL	%	CITY	%	TOTAL
PRORATED AMOUNT	\$1,438.22	24.69%	\$3,074.55	52.78%	\$1,312.22	22.53%	\$5,825.00

Amount of Bid:	\$6,250.00	
Costs:		
-District Clerk	\$0.00	
-Tax Master	\$0.00	
-Constable Fee	\$0.00	
-Publication	\$175.00	
-Abstract Fee	\$250.00	
-Cost	\$2,497.60	Mowing/Demolition Liens
-Ad Litem Fee	\$0.00	
<b>Total:</b>	<b>\$3,327.40</b>	

Taxing Jurisdictions:	Amount in Judgment:	%	Amount Received
City of La Porte	\$459.29	22.53%	\$749.58
La Porte ISD	\$1,076.12	52.78%	\$1,756.27
Harris County	\$421.53	20.68%	\$687.95
San Jacinto CCD	\$81.86	4.02%	\$133.60
State of Texas	\$0.00	0.00%	\$0.00
	<b>\$2,038.80</b>	<b>100.00%</b>	<b>\$3,327.40</b>

Costs + Taxes     \$4,961.40  
 Adjudged Value   \$ 6,250.00

# AREA MAP P213(2)





INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, HARRIS COUNTY FLOOD CONTROL DISTRICT, PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, HARRIS COUNTY HOSPITAL DISTRICT and the SAN JACINTO COMMUNITY COLLEGE DISTRICT nor any person claiming under it shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Grantee accepts the property in "AS IS, WHERE IS" condition and subject to any environmental conditions that might have or still exist on said property, and subject to any title defects and deficiencies, and subject to the right of redemption, if any, provided under the Texas Property Tax Code. Grantee acknowledges and agrees that this conveyance is expressly made without warranty.

This transaction is in full satisfaction of all taxes, penalties, interest, and costs that have accrued until the date hereof.

Pro rata taxes for the current year are assumed by Grantee.

IN TESTIMONY WHEREOF, CITY OF LA PORTE, TRUSTEE, for the use and benefit of itself, LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, HARRIS COUNTY FLOOD CONTROL DISTRICT, PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, HARRIS COUNTY HOSPITAL DISTRICT and the SAN JACINTO COMMUNITY COLLEGE DISTRICT has caused these presents to be executed this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

CITY OF LA PORTE, TRUSTEE

\_\_\_\_\_  
LOUIS R. RIGBY, MAYOR,  
CITY OF LA PORTE

ACCEPTED:

\_\_\_\_\_  
ROY HUNTER

THE STATE OF TEXAS                   §  
  §  
COUNTY OF HARRIS                   §

**BEFORE ME**, the undersigned authority, on this day personally appeared LOUIS R. RIGBY, Mayor, City of La Porte, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed, in the capacity therein stated, and with the conditions and the limitations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
NOTARY PUBLIC, in and for the  
STATE OF TEXAS  
My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS                   §  
  §  
COUNTY OF HARRIS                   §

**BEFORE ME**, the undersigned authority, on this day personally appeared ROY HUNTER known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed, in the capacity therein stated, and with the conditions and the limitations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
NOTARY PUBLIC, in and for the  
STATE OF TEXAS  
My Commission Expires: \_\_\_\_\_

After Recording  
Return To:   ROY HUNTER  
                  2829 TEXAS AVENUE  
                  TEXAS CITY, TX 77590

**SUMMARY OF FORECLOSURE ACTIVITY**

HCAD ACCOUNT NO:	006-166-000-0027	Property Struck off for:	Value
CAUSE NO:	2000-18753		
PLAINTIFF(S):	City of La Porte & La Porte Independent School District		
JUDGMENT AGAINST:	Francis F Sneiger		
JUDGMENT DATE:	May 2, 2001	STRUCK OFF DATE:	October 2, 2001
ORDER OF SALE:	June 15, 2001		
DEED RECORDED DATE:	October 25, 2001	STRUCK OFF TO:	City of La Porte
CONSTABLE:	Bill Bailey, Constable Precint No 8		
PROPERTY ADDRESS:	S Donaldson Ave		
LEGAL DESCRIPTION:	Lots 27-29 Block 76 Bayfront to La Porte		
ADJUDGED VALUE ( IN JUDGMENT):	\$ 5,300.00		
SQUARE FOOTAGE:	9,375		

**SUMMARY OF SALE ACTIVITY**

BIDDER:	Roy Hunter	BIDDER'S ADDRESS:	2829 Texas Avenue
AMOUNT OF BID:	\$7,500.00		Texas City, TX 77590
AMOUNT OF DEPOSIT:	\$600.00		
AMOUNT DUE:	\$6,900.00	BIDDER'S PHONE NO:	713--824-4167

**PRORATED PERCENTAGED OF TAXES DUE TO EACH JURISDICTION BASED UPON JUDGMENT**

JUDGMENT TO	COUNTY, ET AL.	%	SCHOOL	%	CITY	%	TOTAL
AMOUNT DUE	\$1,595.79	26.26%	\$2,989.57	49.19%	\$1,491.76	24.55%	\$6,077.12

**ASSOCIATED COSTS ON ORIGINAL AND SEALED BID SALES**

AMOUNT OF BID	COURT COST	CONSTABLE/PUBLICA TION FEE (TISD)	AD LITEM FEE	RESEARCH FEE & DEED RECORDING FEE	ESTIMATED AMOUNT TO BE PRORATED TO TAXES
\$7,500.00	\$777.00	\$175.00	\$2,000.00	\$250.00	\$4,298.00

**PRORATED TAX AMOUNTS TO EACH JURISDICTION**

OWED TO	COUNTY	%	SCHOOL	%	CITY	%	TOTAL
PRORATED AMOUNT	\$1,128.61	26.26%	\$2,114.35	49.19%	\$1,055.04	24.55%	\$4,298.00

Amount of Bid:	\$7,500.00	
Costs:		
-District Clerk	\$727.00	
-Tax Master	\$50.00	Chris Stacey
-Constable Fee	\$0.00	
-Publication	\$175.00	
-Abstract Fee	\$250.00	
-Ad Litem Fee	\$2,000.00	Lauine L Quast
<b>Total:</b>	<b>\$4,298.00</b>	

Taxing Jurisdictions:	Amount in Judgment:	%	Amount Received
City of La Porte	\$1,491.76	24.55%	\$1,055.04
La Porte ISD	\$2,989.57	49.19%	\$2,114.35
Harris County	\$1,374.09	22.61%	\$971.82
San Jacinto CCD	\$221.70	3.65%	\$156.80
State of Texas	\$0.00	0.00%	\$0.00
	<b>\$6,077.12</b>	<b>100.00%</b>	<b>\$4,298.00</b>

Costs + Taxes	\$9,279.12
Adjudged Value	\$ 5,300.00

# AREA MAP P140



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 23, 2015</u>	<u>Appropriation</u>
Requested By: <u>Eric Ensey</u>	Source of Funds: <u>N/A</u>
Department: <u>Planning &amp; Development</u>	Account Number:
Report: <input type="radio"/> Resolution: <input type="radio"/> Ordinance: <input checked="" type="radio"/>	Amount Budgeted:
Other: <input type="radio"/>	Amount Requested:
<b>Attachments :</b>	Budgeted Item: <input type="radio"/> YES <input type="radio"/> NO

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### SUMMARY & RECOMMENDATIONS

The applicant (Medders Construction) is seeking approval of a Special Conditional Use Permit (SCUP) to allow construction of an off-site parking lot with covered parking on the property located at the southeast corner of S. 16<sup>th</sup> Street and W. C Street also described as Lots 1 & 2, Block 789, Town of La Porte as described in the attached ordinance.

The subject site is a vacant parcel of land with 6,250 square feet (.143 acres) in an area zoned GC, General Commercial. The City's commercial use table (Section 106-441) allows for off-site parking through consideration of a Special Conditional Use Permit in the GC district. The applicant owns and operates a general contractor construction company across the street from this site at 311 S. 16<sup>th</sup> Street. The use of the site is intended to provide additional parking of vehicles and flat-bed trailers (wheeled stock). The applicant's existing facility does not have sufficient parking for their fleet.

The ordinance contains a number of conditions intended to ensure that the proposed parking lot is compatible with surrounding uses, including the residential development to the east (across the alley). Additionally, the applicant will be required to submit application of a site development plan that will be reviewed by staff for compliance with all applicable requirements outlined in Chapter 106 (Zoning) of the City's Code of Ordinances.

The Planning and Zoning Commission conducted a public hearing at the January 29, 2015, meeting concerning this request. Two public hearing notice responses were received by the City for the P&Z public hearing; one in favor from Eugene Ybarra (11022 N. P Street and owners of property in the vicinity) and one in opposition from Martha Vega (326 S. 15<sup>th</sup> Street). The Commission voted unanimously to recommend approval of the proposed SCUP.

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**Action Required of Council:**

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit Request #14-91000003, to allow construction of an off-site parking lot in the GC, General Commercial, district.

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**Approved for City Council Agenda**

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**Corby D. Alexander, City Manager**

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**Date**

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 23, 2015</u>	<u>Appropriation</u>
Requested By: <u>Eric Ensey</u>	Source of Funds: <u>N/A</u>
Department: <u>Planning &amp; Development</u>	Account Number:
Report: <input type="radio"/> Resolution: <input type="radio"/> Ordinance: <input checked="" type="radio"/>	Amount Budgeted:
Other: <input type="radio"/>	Amount Requested:
	Budgeted Item: <input type="radio"/> YES <input type="radio"/> NO

**Attachments :**

- 1. Ordinance**
- 2. P&Z Recommendation Letter**
- 3. SCUP Application**
- 4. Area Map**
- 5. Land Use and Zoning Map**
- 6. Public Response Letters**

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### SUMMARY & RECOMMENDATIONS

The applicant (Medders Construction) is seeking approval of a Special Conditional Use Permit (SCUP) to allow construction of an off-site parking lot with covered parking on the property located at the southeast corner of S. 16<sup>th</sup> Street and W. C Street also described as Lots 1 & 2, Block 789, Town of La Porte as described in the attached ordinance.

The subject site is a vacant parcel of land with 6,250 square feet (.143 acres) in an area zoned GC, General Commercial. The City's commercial use table (Section 106-441) allows for off-site parking through consideration of a Special Conditional Use Permit in the GC district. The applicant owns and operates a general contractor construction company across the street from this site at 311 S. 16<sup>th</sup> Street. The use of the site is intended to provide additional parking of vehicles and flat-bed trailers (wheeled stock). The applicant's existing facility does not have sufficient parking for their fleet.

The ordinance contains a number of conditions intended to ensure that the proposed parking lot is compatible with surrounding uses, including the residential development to the east (across the alley). Additionally, the applicant will be required to submit application of a site development plan that will be reviewed by staff for compliance with all applicable requirements outlined in Chapter 106 (Zoning) of the City's Code of Ordinances.

The Planning and Zoning Commission conducted a public hearing at the January 29, 2015, meeting concerning this request. Two public hearing notice responses were received by the City for the P&Z public hearing; one in favor from Eugene Ybarra (11022 N. P Street and owners of property in the vicinity) and one in opposition from Martha Vega (326 S. 15<sup>th</sup> Street). The Commission voted unanimously to recommend approval of the proposed SCUP.

---

---

**Action Required of Council:**

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit Request #14-91000003, to allow construction of an off-site parking lot in the GC, General Commercial, district.

---

**Approved for City Council Agenda**

---

**Corby D. Alexander, City Manager**

---

**Date**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 14-91000003 FOR THAT CERTAIN PARCEL OF LAND HEREIN DESCRIBED, FOR THE PURPOSE OF DEVELOPING AN OFF-SITE PARKING LOT FOR MEDDERS CONSTRUCTION CO., INC. AT THE SOUTHEAST CORNER OF S. 16<sup>TH</sup> STREET AND W. C STREET; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;**

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

**Section 1.** Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #14-91000003, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for the development of an off-site parking lot for Medders Construction Co., Inc., at the following described property, to wit: .143 acre tract further described as Lots 1 & 2, Block 789, Town of La Porte, City of La Porte, Harris County, Texas, within a General Commercial (GC) 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 \_\_\_\_\_, 2015.

CITY OF LA PORTE

By: \_\_\_\_\_  
Louis R. Rigby, Mayor

ATTEST:

\_\_\_\_\_  
Patrice Fogarty, City Secretary

APPROVED:

  
\_\_\_\_\_  
Clark Askins, Assistant City Attorney

EXHIBIT A

**City of La Porte**  
**Special Conditional Use Permit #14-9100003**

This permit is issued to: Medders Construction Co, Inc.  
Owner or Agent

311 S. 16<sup>th</sup> Street, La Porte, Texas 77571  
Address

For Development of: Off-Site Parking Lot  
Development Name

Vacant Parcel located at the Southeast Corner of S. 16<sup>th</sup> St. and W. C St.  
La Porte, TX 77571  
Address

Legal Description: Lot 1 & 2, Block 789, Town of La Porte, City of La Porte, Harris  
County, Texas

Zoning: General Commercial (GC)

Use: Off-Site Parking for a Construction Company

Permit Conditions:

This Special Conditional Use Permit is applicable for the subject property and subsequent plan received November 11, 2014, but not yet approved, a copy of which shall be maintained in the files of the City's Planning and Development Department upon approval. Project development shall be consistent with such approved plan, except as otherwise specified in these conditions of approval:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance.
2. The plan shall comply with all other provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
3. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
4. The applicant shall provide screening in accordance with the provision of Section 106-444(a) on the east property line to mitigate impacts of the proposed parking lot on the residential properties to the east.
5. Driveway access shall only be permitted on S. 16th Street, or alternatively, on West C Street at 40' from the eastern right-of-way line of S. 16th Street at its point of intersection with W. C Street.
6. No outside storage of materials is permitted on site.
7. Parking shall be only for Medders Construction Co., Inc. or subsequent owner of the property at 311 S. 16<sup>th</sup> Street.

8. The paved surface shall be either asphalt or concrete.
9. The pavement shall remain in good, operable, dust free condition over time, and that repairs shall be made as necessary, or upon written notification by the city.
10. No storage of placard hazardous materials permitted on-site.
11. Minor amendments to the plans shall be subject to approval by the Director of Planning and Development. A significant change in the approved concept shall be subject to the Planning and Zoning Commission's review.

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

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

Validation Date: \_\_\_\_\_

\_\_\_\_\_  
Director of Planning and Development

\_\_\_\_\_  
City Secretary



February 4, 2015

Honorable Mayor Rigby and City Council  
City of La Porte

RE: Special Conditional Use Permit Request #14-91000003

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the January 29, 2015 meeting on a request by Medders Construction for approval of a Special Conditional Use Permit to allow for construction of an off-site parking lot with covered parking on the property known as Lots 1 & 2, Block 789, Town of La Porte Plat, La Porte, Harris County, Texas; located at the southeast corner of S. 16<sup>th</sup> Street and W. C Street. The Commission voted unanimously to recommend approval of the proposed SCUP as outlined in the proposed ordinance presented in the Request for City Council Agenda Item. Said ordinance outlines various conditions intended to ensure the proposed use is compatible with surrounding development.

Respectfully submitted,

Hal Lawler  
Chairman, Planning and Zoning Commission

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

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

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

Phone: 281.470.5073  
Fax: 281.470.5005  
www.laportetx.gov

**1. PROPERTY OWNER CONTACT INFORMATION:**

OWNER NAME: Terry Medders PHONE 1: 281-930-1872  
PHONE 2: 281-898-0429 FAX #: 281-478-5180  
E-MAIL: twmedders@sbcglobal.net  
MAILING ADDRESS: 311 S. 16th Laporte Tx 77571

**2. BUSINESS INFORMATION:**

BUSINESS NAME: N/A BUSINESS TYPE: N/A  
CONTACT NAME: Terry Medders PHONE #: 281-898-0429  
E-MAIL: twmedders@sbcglobal.net FAX #: 281-478-5180  
MAILING ADDRESS: 311 S 16th Laporte Tx

**3. PROPERTY DESCRIPTION:**

PARCEL NO(s) (13-digit HCAD Tax ID #): \_\_\_\_\_  
PROPERTY ADDRESS (if existing): 401 S. 16th  
PROPERTY LEGAL DESCRIPTION \_\_\_\_\_

**4. SUPPORTING DOCUMENTATION (Check Applicable):**

GENERAL PLAN       SITE PLAN       PLAT

REASON FOR REQUEST?: Parking Area  
OWNER or AUTHORIZED AGENT'S SIGNATURE: \_\_\_\_\_  
PRINTED NAME: Terry Medders DATE: 11-20-2014

**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: 11/21/2014 RECEIVED BY: *G. L...*  
PROJECT NUMBER: \_\_\_\_\_  
SCHEDULED DATE FOR PLANNING & ZONING COMMISSION AGENDA: \_\_\_\_\_

**LEGEND** \* ITEMS THAT MAY APPEAR IN DRAWING BELOW

M.U.E. = MUNICIPAL UTILITY EASEMENT  
 U.E. = UTILITY EASEMENT  
 A.E. = AERIAL EASEMENT  
 D.E. = DRAINAGE EASEMENT  
 S.S.E. = SANITARY SEWER EASEMENT  
 S.T.S.E. = STORM SEWER EASEMENT  
 R.L.E. = WATER LINE EASEMENT

F.I.R. = FOUND IRON ROD  
 F.I.P. = FOUND IRON PIPE  
 S.I.R. = SET IRON ROD  
 W.P. = WOODEN POST  
 M.P. = METAL POST  
 C.P.F. = CURB'S FILE NUMBER  
 P.O.C. = POINT OF COMMENCING  
 P.O.B. = POINT OF BEGINNING  
 B.L. = BUILDING LINE  
 F.P.S. = FOUND  
 B.S. = BEARS

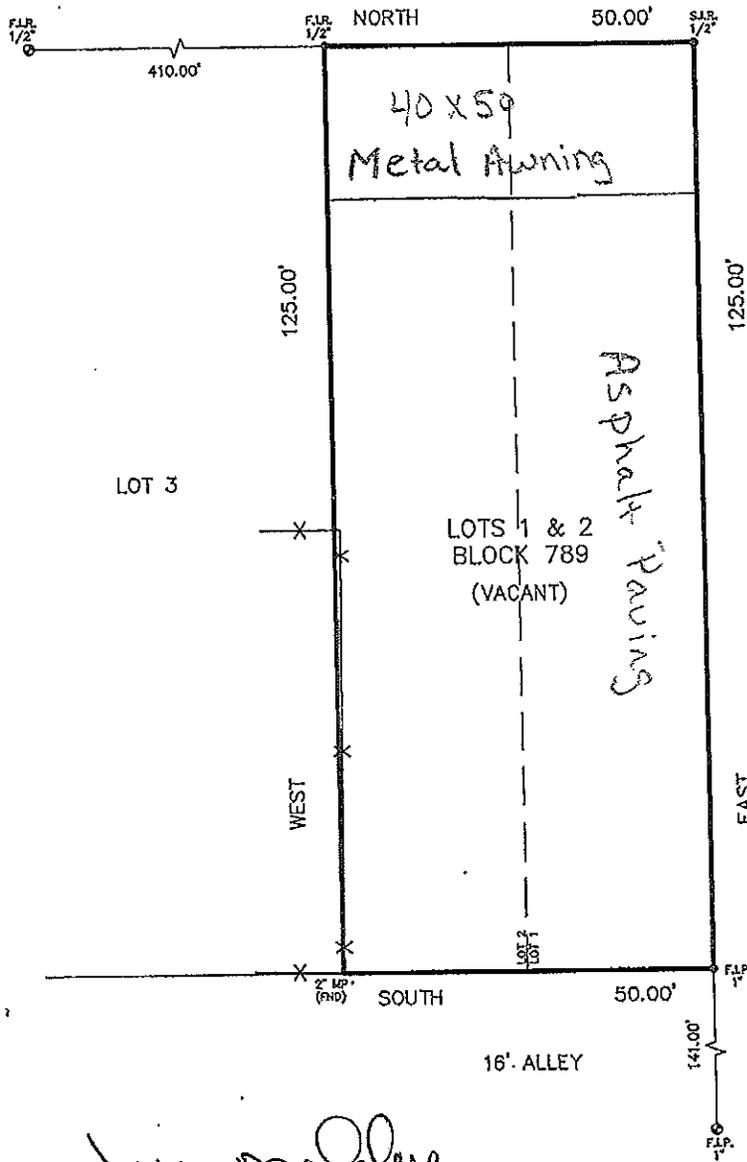
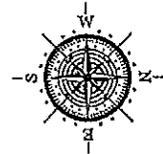
P.A.E. = PERMANENT ACCESS EASEMENT  
 P.U.E. = PUBLIC UTILITY EASEMENT  
 W.E. = WATER SEWER EASEMENT  
 E.E. = ELECTRIC EASEMENT  
 P.C. = POINT OF CURVATURE  
 P.T. = POINT OF TANGENCY  
 P.R.C. = POINT OF REVERSE CURVATURE  
 P.C.C. = POINT OF COMPOUND CURVATURE  
 P.S. = PAPER FILE  
 S.S.A.P. = SEARCHED FOR, NOT FOUND  
 U.S. = UNABLE TO SET

⊙ CONTROL MONUMENT  
 ———— PROPERTY LINE  
 ———— EASEMENT LINE  
 ———— BUILDING SETBACK LINE  
 ———— BUILDING WALL

—//— WOODEN FENCE  
 —X— CHAIN LINK FENCE  
 ⊙ METAL FENCE  
 —/— WIRE FENCE  
 —V— VINYL FENCE

SCALE  
 1"=20'

SOUTH 16th STREET



Reviewed & Accepted by: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**LEGAL DESCRIPTION**

LOTS 1 & 2 OF BLOCK 789 IN THE TOWN OF LA PORTE, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 58, PAGE 460 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS

CLIENT

TERRY L MEDDERS

ADDRESS

SOUTH 16th STREET

JOB # 1408286

DATE 08/25/2014

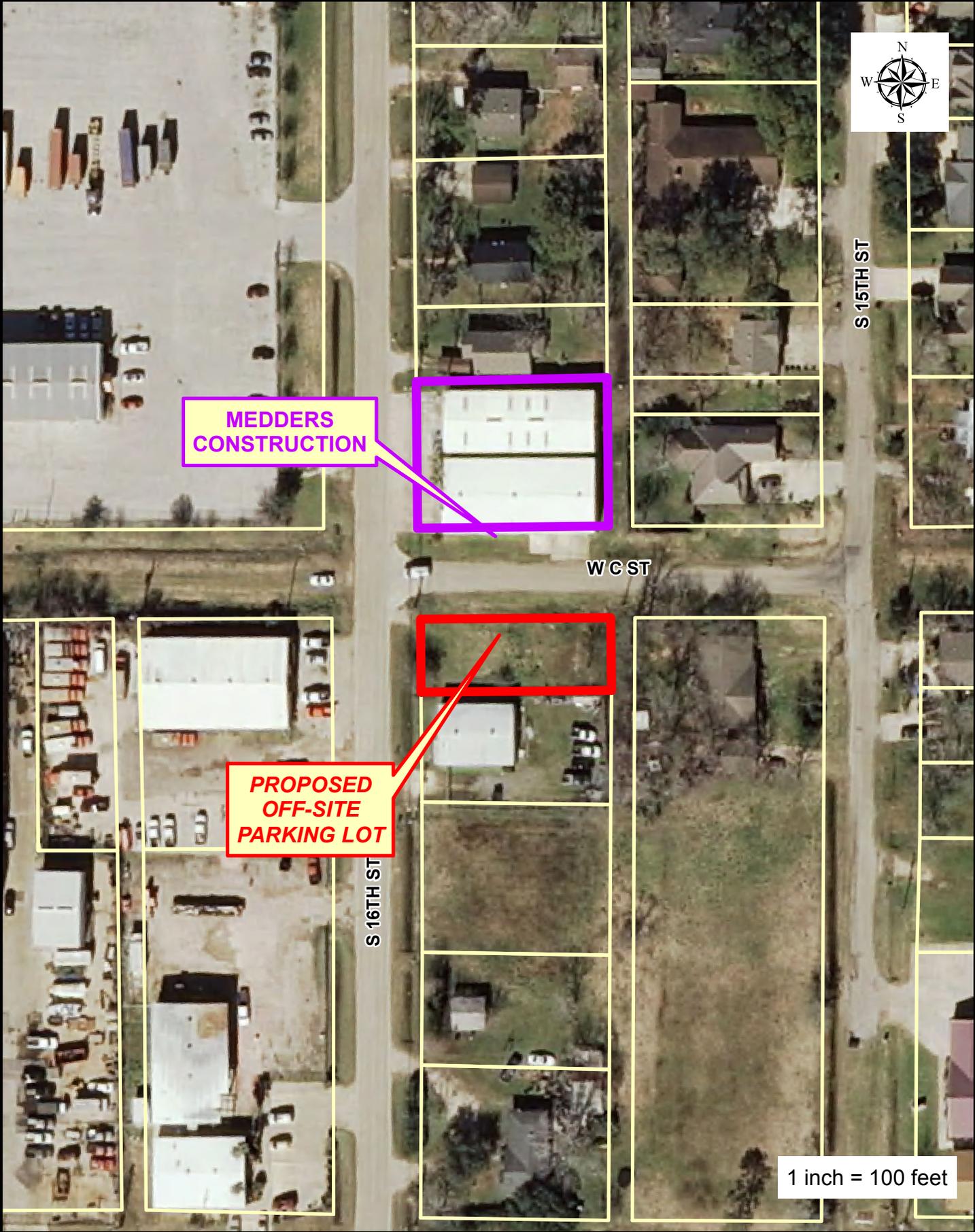
CF# 1420186726



**NOTES:**  
 - BEARING BASIS: PLAT  
 - SUBJECT TO ANY AND ALL RECORDED AND UNRECORDED EASEMENTS  
 - SURVEYOR HAS NOT INDEPENDENTLY ABSTRACTED PROPERTY  
 - UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND IMPROVEMENTS, FOUNDATIONS AND/OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED BY THIS SURVEY  
 - THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUCCESSOR OWNERS  
 - SUBJECT TO RESTRICTIVE COVENANTS AS PER TITLE COMMITMENT  
 - SUBJECT TO ZONING AND BUILDING ORDINANCES ENFORCED BY LOCAL MUNICIPALITIES

# AREA MAP

# 14-91000003



**MEDDERS  
CONSTRUCTION**

**PROPOSED  
OFF-SITE  
PARKING LOT**



S 15TH ST

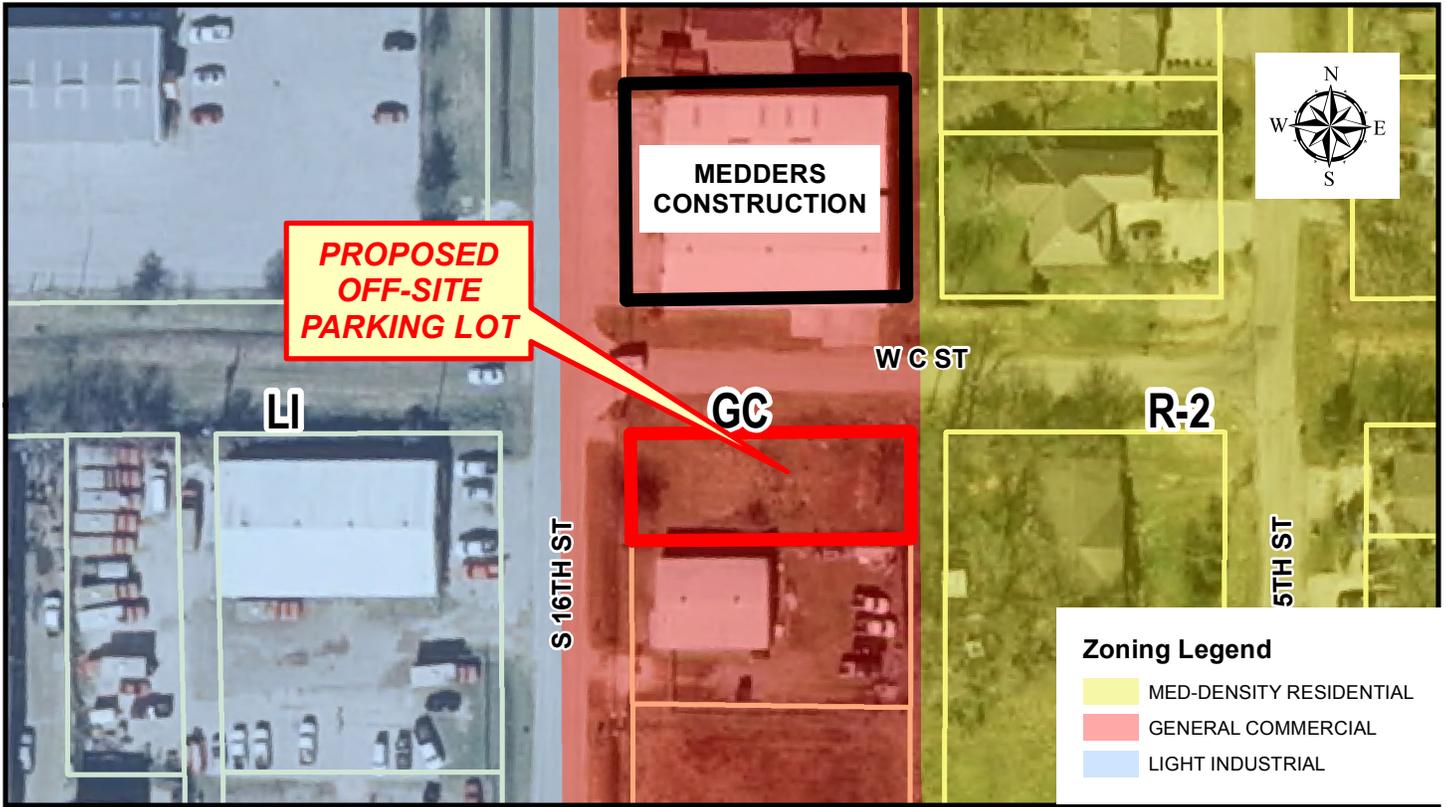
W C ST

S 16TH ST

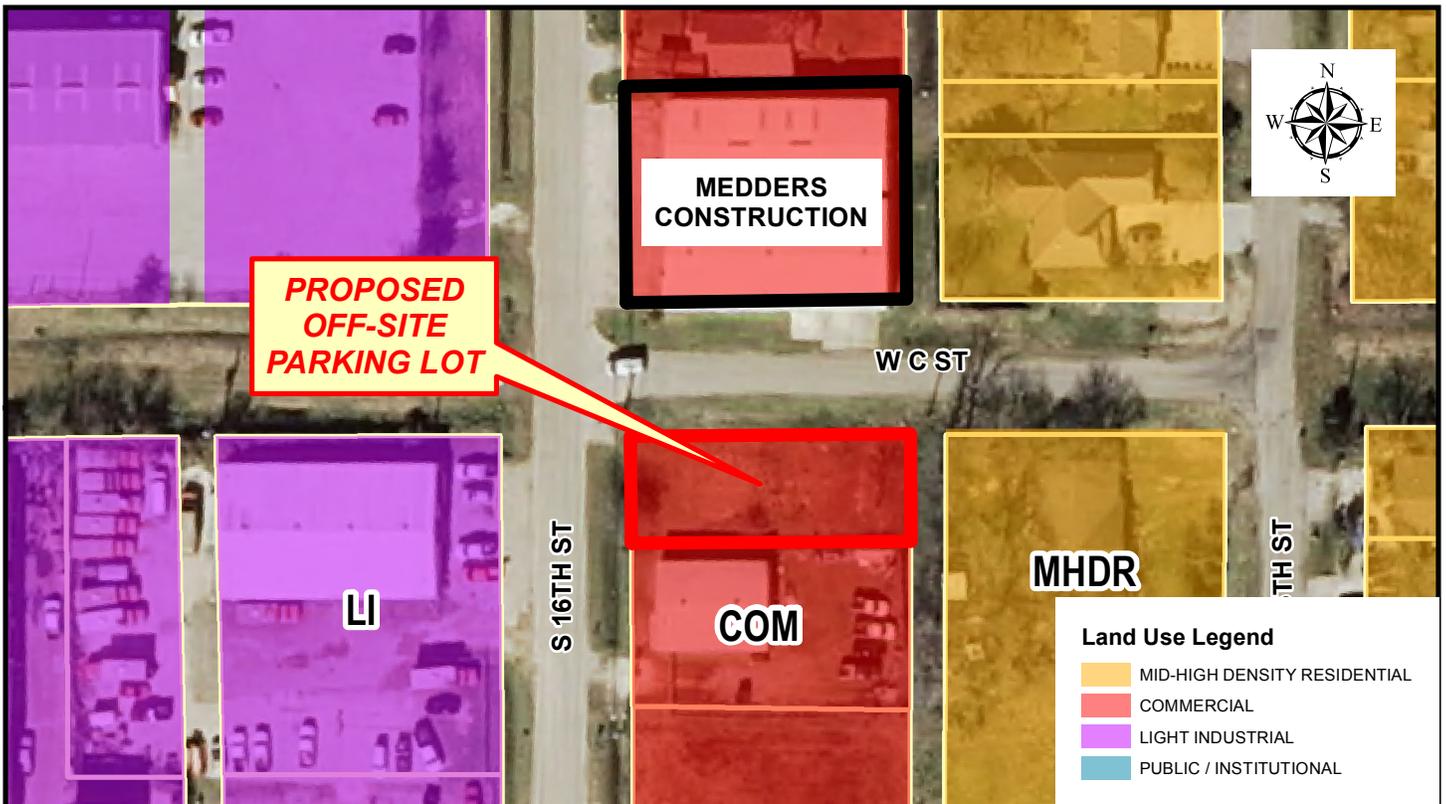
1 inch = 100 feet

# AREA MAP

# 14-91000003



## ZONING



## LAND USE

A Meeting of the La Porte

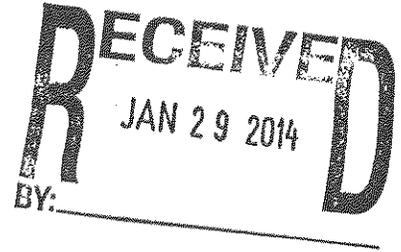
Planning & Zoning Commission  
(Type of Meeting)

Scheduled for

January 29, 2015  
(Date of Meeting)

to Consider

Special Conditional Use Permit Request #14-9100003  
(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:

1. Amount of traffic, that's speeding thru 15<sup>th</sup> to avoid the light @ 16<sup>th</sup> street.
2. The noise @ all hours of the day.
3. My home value will come down.

Orlando Vega  
Name (please print)  
[Signature]  
Signature

326 south 15<sup>th</sup>  
Address  
La Porte TX 77571  
City, State, Zip



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: February 23, 2015 Appropriation  
Requested By: Councilmembers Zemanek, Earp Source of Funds: N/A  
                  and Kaminski Account Number: \_\_\_\_\_  
Department: City Council Amount Budgeted: \_\_\_\_\_  
Report:  Resolution:  Ordinance:  Amount Requested: \_\_\_\_\_  
Other:  Budgeted Item:  YES  NO

### Attachments :

1. Email Supporting Documentation
2. Latest Approved Payment Request

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### SUMMARY & RECOMMENDATIONS

This item has been added to discuss: design; change orders, and receive progress update relative to the 3rd Street Paving Project.

In round numbers, the anticipated final project cost is \$4,000,000. Staff has authorized payment for \$2,000,000 to date including a total change order amount to date equal to \$11,550 (0.6% of the billed amount). The latest approved payment request is attached.

The contractor is now working between the E Street and F Street intersections. E Street is the 50% point in terms of linear footage. The cost of the completed portion of the project is higher per linear foot due to the larger drainage structures located in the first half (also the downstream half) of the project.

Paskey Inc., will be present during the discussion.

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### Action Required of Council:

Discussion or other action regarding the 3rd Street Paving Project.

---

### Approved for City Council Agenda

\_\_\_\_\_  
Corby D. Alexander, City Manager

\_\_\_\_\_  
Date

## Fogarty, Patrice

---

**From:** Danny Earp <dannyearp@oatesinc.com>  
**Sent:** Monday, February 16, 2015 8:52 AM  
**To:** Zemanek, John P.; Fogarty, Patrice  
**Cc:** Moser, Tommy; Kaminski, Dottie  
**Subject:** RE: Agenda Item - February 23 meeting

Ok by me also.

Thanks,

Danny Earp



Danny Earp | Vice President  
Work: (281)-930-9305 | Cell: (713)-412-1307 | Email: [Dannyearp@oatesinc.com](mailto:Dannyearp@oatesinc.com)  
2900 East X Street | La Porte, TX 77571  
[www.oatesinc.com](http://www.oatesinc.com)

**From:** John Zemanek [<mailto:jzemanek@zemanekmarine.com>]  
**Sent:** Monday, February 16, 2015 8:23 AM  
**To:** La Porte - Patrice Fogarty  
**Cc:** La Porte - Tommy Moser ; La Porte - Dottie Kaminski; Danny Earp  
**Subject:** Agenda Item - February 23 meeting

### Discussion or Other Action

Discussion relative to the 3<sup>rd</sup> Street Paving Project

Items to Discuss:

1. Design
2. Change Orders
3. Progress Update

Please extend invitation to Mr. Paskey for discussion.

I will have two council members sign to put this item on the agenda.

Best Regards,

John Zemanek  
Zemanek Marine Services  
PO Box 1744  
La Porte, TX 77572  
281-471-5100 (office)  
281-960-6858 (mobile)  
[jzemanek@zemanekmarine.com](mailto:jzemanek@zemanekmarine.com)

## Harris, Sharon

---

**From:** Kaminski, Dottie  
**Sent:** Monday, February 16, 2015 10:32 AM  
**To:** Harris, Sharon  
**Subject:** Fwd: Agenda Item - February 23 meeting

Yes me to

Dottie Kaminski

Begin forwarded message:

**From:** John Zemanek <[jzemanek@zemanekmarine.com](mailto:jzemanek@zemanekmarine.com)>  
**Date:** February 16, 2015 at 8:22:48 AM CST  
**To:** "La Porte - Patrice Fogarty " <[FogartyP@laportetx.gov](mailto:FogartyP@laportetx.gov)>  
**Cc:** "La Porte - Tommy Moser " <[mosert@laportetx.gov](mailto:mosert@laportetx.gov)>, "La Porte - Dottie Kaminski" <[kaminskid@laportetx.gov](mailto:kaminskid@laportetx.gov)>, Danny Earp <[dannyearp@oatesinc.com](mailto:dannyearp@oatesinc.com)>  
**Subject:** Agenda Item - February 23 meeting

### Discussion or Other Action

Discussion relative to the 3<sup>rd</sup> Street Paving Project

Items to Discuss:

1. Design
2. Change Orders
3. Progress Update

Please extend invitation to Mr. Paskey for discussion.

I will have two council members sign to put this item on the agenda.

Best Regards,

John Zemanek  
Zemanek Marine Services  
PO Box 1744  
La Porte, TX 77572  
281-471-5100 (office)  
281-960-6858 (mobile)  
[jzemanek@zemanekmarine.com](mailto:jzemanek@zemanekmarine.com)



**PASKEY**

i n c o r p o r a t e d

City of La Porte

Project: 3<sup>rd</sup> Street Paving and Drainage  
Improvements

Invoice # 6

December 31, 2014

# Application and Certificate for Payment

To Owner :

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

Project: 3rd Street Paving & Drainage Improvements

Application No.: 6  
Period To: 12/31/14  
Project Nos.: 1128

Distribution To:  
Owner

From Contractor:

Paskey Incorporated  
128 S. 8th Street  
La Porte, Texas 77571

Contract Date:

Engineer   
Contractor

Contract For:

## Contractor's Application for Payment

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

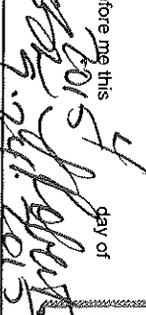
1. Original Contract Sum \$3,953,472.04
2. Net change by Change Orders and Requests \$11,550.77
3. Additional Work Requested & Paid by La Porte \$4,427.89
3. Contract Sum to Date \$3,965,022.81
4. Completed & Stored to Date \$1,999,334.00
5. Retainage
  - a. 10.0% of Completed Work 199,933.40
  - Total Retainage \$199,933.40
6. Total Earned Less Retainage \$1,799,400.60
7. Less Previous Certificates for Payment \$1,657,285.72
8. Current Payment Due \$142,114.88
9. Balance to Finish, including retainage \$1,965,688.81

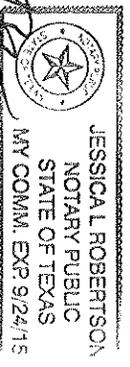
Change Order Summary	Additions	Deductions
Total changes approved in previous months by Owner		
Total approved this Month		

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

Contractor: **Paskey Incorporated**

By:  Date: 2.4.15

State of: **Texas**  
County of: **Harris**  
Subscribed and sworn to before me this 4 day of February 2015  
Notary Public:   
My Commission expires: 9.24.15



## Engineer's Certificate for Payment

In accordance with the contract documents, based on on site observations and the data comprising this application, the Architect certifies to the Owner to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the Amount Certified.

Amount Certified \$142,114.88

(Attach explanation if amount differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

Architect:

By: \_\_\_\_\_ Date: \_\_\_\_\_

This certificate is not negotiable, the Amount Certified is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to

**3rd Street Paving & Drainage Improvements**

Application Number: 6  
 Application Date: 12/31/14  
 Period To Date: 12/31/14  
 Architect's Project No.: 1128

Item No	Description of work	Plan Unit Quantity	Unit Price	Scheduled Value	Previous Period Units	Current Period Units	Current Period Completed Value	Total Completed Units	Total Completed Value to Date	Balance to Complete	Retainage
1	Mobilization	1.00	\$78,299.70	\$78,299.70	1.00		\$0.00	1.00	\$78,299.70	\$0.00	\$7,829.97
2	Traffic Control & Regulations	1.00	\$17,300.00	\$17,300.00	0.80		\$0.00	0.80	\$13,840.00	\$3,460.00	\$1,384.00
3	Remove & Replace all signage	1.00	\$4,771.00	\$4,771.00	0.30	0.10	\$477.10	0.40	\$1,908.40	\$2,862.60	\$190.84
4	Clearing & Grubbing	1.00	\$10.00	\$10.00	1.00		\$0.00	1.00	\$10.00	\$0.00	\$1.00
5	SWPPP Protection	1.00	\$5,425.00	\$5,425.00	0.70		\$0.00	0.70	\$3,797.50	\$1,627.50	\$379.75
6	Adjust Existing Inlets, Manholes & Valve Boxes to Grade	1.00	\$4,511.00	\$4,511.00	0.40	0.10	\$451.10	0.50	\$2,255.50	\$2,255.50	\$225.55
7	Trench Safety	7,293.00	\$0.09	\$656.37	1,688.00		\$0.00	1,688.00	\$151.92	\$504.45	\$15.19
8	Sodding	13,055.00	\$4.39	\$57,311.45		2,000.00	\$8,780.00	2,000.00	\$8,780.00	\$48,531.45	\$878.00
<b>Paving</b>											
9	Roadway Excavation	12,770.00	\$9.17	\$117,100.90	5,169.00	900.00	\$8,253.00	6,069.00	\$55,652.73	\$61,448.17	\$5,565.27
10	7" Reinforced Concrete Pavement	19,300.00	\$38.38	\$740,734.00	5,168.00	1,983.00	\$76,107.54	7,151.00	\$274,455.38	\$466,278.62	\$27,445.54
11	8" Reinforced Concrete Pavement	583.00	\$48.76	\$28,427.08			\$0.00	0.00	\$0.00	\$28,427.08	\$0.00
12	HMAC Type D Surface Course, 2" thick	170.00	\$137.50	\$23,375.00			\$0.00	0.00	\$0.00	\$23,375.00	\$0.00
13	Crushed Concrete/Limestone Base Course, RCCB	670.00	\$31.00	\$20,770.00			\$0.00	0.00	\$0.00	\$20,770.00	\$0.00
14	6" Lime Stabilized Subgrade	25,000.00	\$2.13	\$52,750.00	6,235.00	2,461.00	\$5,241.93	8,696.00	\$18,522.48	\$34,727.52	\$1,852.25
15	4x12 Reinforced Concrete Curb	7,785.00	\$2.87	\$22,342.95	2,070.00	550.00	\$1,578.50	2,620.00	\$7,519.48	\$14,823.55	\$751.94
16	6" Reinforced Concrete Curb	890.00	\$2.87	\$2,554.30	260.00		\$0.00	260.00	\$746.20	\$1,808.10	\$74.62
17	Lime (8%)	570.00	\$164.57	\$93,804.90	169.50	32.00	\$5,266.24	201.50	\$33,160.86	\$60,644.05	\$3,316.09
18	6" Reinforced Concrete Driveways	3,400.00	\$47.77	\$162,180.00	1,088.20	293.00	\$13,976.10	1,381.20	\$65,883.24	\$96,296.76	\$6,588.32
19	4.5" Concrete Sidewalk	31,910.00	\$4.77	\$152,210.70	8,738.00	4,963.00	\$23,673.51	13,701.00	\$65,353.77	\$86,856.93	\$6,535.38
20	Curb Ramps	43.00	\$1,325.00	\$56,975.00	7.00		\$0.00	7.00	\$9,275.00	\$47,700.00	\$927.50
<b>Demolition</b>											
21	Remove & Dispose of Pavement, Street, Drives, & Sidewalk, All Thicknesses	22,200.00	\$2.90	\$64,380.00	12,604.00	1,276.00	\$3,700.40	13,880.00	\$40,252.00	\$24,128.00	\$4,025.20
22	Remove & Dispose of Storm Sewer Pipe & Structures	1.00	\$27,500.00	\$27,500.00	0.60	0.10	\$2,750.00	0.70	\$19,250.00	\$8,250.00	\$1,925.00
<b>Storm Sewer</b>											
23	Type C Concrete Manhole	6.00	\$2,063.00	\$12,378.00	2.00		\$0.00	2.00	\$4,126.00	\$8,252.00	\$412.60
24	Concrete Junction Box Structure	10.00	\$6,187.00	\$61,870.00	5.00		\$0.00	5.00	\$30,935.00	\$30,935.00	\$3,093.50
25	Type C1 Inlet	32.00	\$2,380.50	\$76,176.00	8.00		\$0.00	8.00	\$19,044.00	\$57,132.00	\$1,904.40
26	Type BB Inlet	3.00	\$2,167.75	\$6,503.25	1.00		\$0.00	1.00	\$2,167.75	\$4,335.50	\$216.78
27	Type A Inlet	33.00	\$1,368.00	\$45,144.00	8.00		\$0.00	8.00	\$10,944.00	\$34,200.00	\$1,094.40
28	24" RCP Storm Sewer	866.00	\$40.79	\$35,324.14	152.00		\$0.00	152.00	\$6,200.08	\$29,124.06	\$620.01
29	30" RCP Storm Sewer	645.00	\$57.89	\$37,339.05	205.00		\$0.00	205.00	\$11,867.45	\$25,471.60	\$1,186.75
30	36" RCP Storm Sewer	689.00	\$77.00	\$53,053.00	118.00		\$0.00	118.00	\$9,172.86	\$43,880.14	\$4,388.01
31	42" RCP Storm Sewer	154.00	\$90.92	\$14,001.68			\$0.00		\$0.00	\$14,001.68	\$1,400.17
32	48" RCP Storm Sewer	562.00	\$113.53	\$63,803.86			\$0.00	0.00	\$0.00	\$63,803.86	\$6,380.39
33	72" RCP Storm Sewer	939.00	\$249.28	\$234,073.92			\$0.00	0.00	\$0.00	\$234,073.92	\$23,407.39
34	84" RCP Storm Sewer	471.00	\$322.68	\$151,982.28			\$0.00	0.00	\$0.00	\$151,982.28	\$15,198.23
35	10x5 RCB Storm Sewer	1,876.00	\$528.70	\$991,841.20	1,432.00		\$0.00	1,432.00	\$757,098.40	\$234,742.80	\$23,474.28
36	12x5 RCB Storm Sewer	577.00	\$678.95	\$391,754.15	577.00		\$0.00	577.00	\$391,754.15	\$0.00	\$39,175.42
<b>Utility Items</b>											
37	12" Water Line Offset	130.00	\$49.28	\$6,406.40			\$0.00	0.00	\$0.00	\$6,406.40	\$0.00
38	10" Water Line Offset	54.00	\$46.94	\$2,534.76			\$0.00	0.00	\$0.00	\$2,534.76	\$0.00
39	8" Water Line Offset	280.00	\$39.40	\$11,032.00	52.00		\$0.00	52.00	\$2,048.80	\$8,983.20	\$898.32
40	6" Water Line Offset	50.00	\$37.50	\$1,875.00	40.00		\$0.00	40.00	\$1,500.00	\$375.00	\$37.50

10.0%

Item No	Description of work	Plan Unit Quantity	Unit Price	Scheduled Value	Previous Period Units	Current Period Units	Current Period Completed Value	Total Completed Units	Total Completed Value to Date	Balance to Complete	Retainage
41	Sanitary Sewer Conflict, Structures & Pipes	1.00	\$8,500.00	\$8,500.00	0.10	0.90	\$7,650.00	1.00	\$8,500.00	\$0.00	\$850.00
42	8" Sanitary Sewer Ductile Iron Pipe	20.00	\$75.00	\$1,500.00			\$0.00	0.00	\$0.00	\$1,500.00	\$0.00
<b>Extra Items</b>											
1	12" Storm Sewer Yard Inlet	2.00	\$1,250.00	\$2,500.00			\$0.00	0.00	\$0.00	\$2,500.00	\$0.00
2	8" Storm Sewer PVC	100.00	\$30.00	\$3,000.00			\$0.00	0.00	\$0.00	\$3,000.00	\$0.00
3	Concrete Slope Paving - 4" Ticket with #3 Bars 18" O.C. EA. Way	100.00	\$65.00	\$6,500.00			\$0.00	0.00	\$0.00	\$6,500.00	\$0.00
4	Dewatering	100.00	\$4.90	\$490.00			\$0.00	0.00	\$0.00	\$490.00	\$0.00
				<b>\$3,953,472.04</b>			<b>\$157,905.42</b>	<b>\$1,956,028.27</b>		<b>\$1,997,443.78</b>	<b>\$195,602.83</b>

**Change Orders**

Item No	Description of work	Plan Unit Quantity	Unit Price	Scheduled Value	Previous Period Units	Current Period Units	Current Period Completed Value	Total Completed Units	Total Completed Value to Date	Balance to Complete	Retainage
<b>Additional work requested by City of La Porte</b>											
1	6" Reinforced Concrete Driveways	47.80	\$47.70	\$2,280.06	47.80		\$0.00	47.80	\$2,280.06	\$0.00	\$228.01
18	6" Reinforced Concrete Driveways	5.25	\$47.70	\$250.43	5.25		\$0.00	5.25	\$250.43	\$0.00	\$25.04
19	4.5" Concrete Sidewalk	120.00	\$4.77	\$572.40	120.00		\$0.00	120.00	\$572.40	\$0.00	\$57.24
20	Curb Ramps	1.00	\$1,325.00	\$1,325.00	1.00		\$0.00	1.00	\$1,325.00	\$0.00	\$132.50
				<b>\$4,427.89</b>			<b>\$0.00</b>	<b>\$4,427.89</b>		<b>\$0.00</b>	<b>\$442.79</b>
<b>Change Orders</b>											
1A	10" Reinforced Concrete Pavement	583.00	\$60.95	\$35,533.85	583.00		\$0.00	583.00	\$35,533.85	\$0.00	\$3,553.39
1A	8" Reinforced Concrete Pavement	(583.00)	\$48.76	-\$28,427.08			\$0.00	0.00	\$0.00	-\$28,427.08	\$0.00
1B	Stabilized Sand Subgrade	100.00	\$25.00	\$2,500.00	56.00		\$0.00	56.00	\$1,400.00	\$1,100.00	\$140.00
1C	66" RCP	8.00	\$243.00	\$1,944.00	8.00		\$0.00	8.00	\$1,944.00	\$0.00	\$194.40
				<b>\$0.00</b>			<b>\$0.00</b>	<b>\$0.00</b>		<b>\$0.00</b>	<b>\$0.00</b>
				<b>\$11,550.77</b>			<b>\$0.00</b>	<b>\$38,877.85</b>		<b>-\$27,327.08</b>	<b>\$3,887.79</b>

\$3,965,022.81

\$157,905.42

\$1,999,334.00

\$1,970,116.70

\$199,933.40

# WAIVER AND LIEN RELEASE UPON PARTIAL PAYMENT

THE STATE OF TEXAS

COUNTY OF HARRIS

THE UNDERSIGNED was contracted or hired by City of La Porte to furnish labor and/or materials in connection with certain improvements to real property described as follows:

Contractor: **Paskey Incorporated**

Job Name: **3<sup>rd</sup> Street Paving and Drainage Improvements**

Contract Date: **3/26/14**

Job Description: **Paving and drainage improvements.**

Payment: **\$142,114.88** For Work Performed Through: **December 31, 2014**

Job Location: **3<sup>rd</sup> Street & Fairmont** within  
the City of La Porte

Upon receipt of this payment and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned does hereby waive and release any mechanic's lien or materialman's lien or claims of lien, including any constitutional lien or claim thereto, that the undersigned has or hereafter has on the above mentioned real property and/or improvements thereon on account of any Work furnished or to be furnished by the undersigned whether pursuant to the above mentioned Contract or otherwise.

The undersigned further certified and warrants that there are no known mechanic's or materialman's liens outstanding as of the date hereof, that all bills incurred by it with respect to the Work will be paid within 10 days of the receipt of the above amount or sooner, and that there is no known basis for the filing of any mechanic's or materialman's lien on the property and/or improvements above described by any person or entity performing work on behalf of the undersigned; and to the extent permitted by applicable law, the undersigned does hereby waive and release any mechanic's or materialman's lien or claims of lien of any other such person or entity, and further agrees to indemnify and hold owner harmless from any said lien or claim including the payment of related costs, expenses and reasonable attorney's fees.

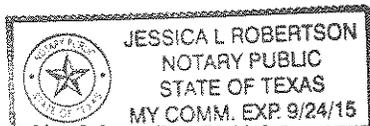
**Paskey Incorporated**  
Contractor or Materialman

Signature

**Curtis W. Paskey, President**

6 SUBSCRIBED AND SWORN to before me, the undersigned, on this the  
day of January, 2015.

(NOTARY SEAL)



  
NOTARY PUBLIC FOR THE  
STATE OF TEXAS

**AFFIDAVIT OF BILLS PAID**

THE STATE OF TEXAS  
COUNTY OF HARRIS

Curtis W. Paskey, being duly sworn that he is President of Paskey Incorporated, of Harris County, Texas (hereinafter called "Company"); and

That said Company has performed work and/or furnished material for City of La Porte (hereinafter called "Owner"), pursuant to a contract, (hereinafter called "Contract") for the construction of:

**3<sup>rd</sup> Street Paving and Drainage Improvements**

That all just and lawful invoices against the Company for labor, materials and expendable equipment employed in the performance of the Contract have been paid in full prior to acceptance of payments for the Owner; and

That no mechanic's or materialman's liens have been filed upon the property of the Owner or materials incorporated into the Facilities.

Paskey Incorporated

By:

Curtis W. Paskey

Title: President

THE STATE OF TEXAS  
COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared, Curtis W. Paskey, President of Paskey Incorporated, a Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same as the act and deed of such Corporation, for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the 6 day of January, 2015:

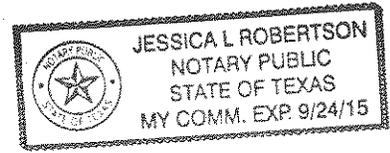
Jessica L Robertson

Notary Public in and for the  
State of T E X A S

(NOTARY SEAL)

Name: Jessica L Robertson

Commission Expires: 9.24.2015



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 23, 2015</u>	<u>Appropriation</u>
Requested By: <u>Corby Alexander</u>	Source of Funds: <u>N/A</u>
Department: <u>Administration</u>	Account Number:
Report: <input checked="" type="radio"/> Resolution: <input type="radio"/> Ordinance: <input type="radio"/>	Amount Budgeted:
Other: <input type="radio"/>	Amount Requested:
<b>Attachments :</b>	Budgeted Item: <input type="radio"/> YES <input type="radio"/> NO

---

### SUMMARY & RECOMMENDATIONS

Enterprise Products is in the process of building a plant/facility in Morgan's Point. The electrical substation that will support the new facility is being constructed in La Porte. The facility will, on average, require over 1 million gallons of water per day. Neither the City of Morgan's Point nor the City of La Porte has the capacity furnish 1million plus gallons of potable water per day on average.

Consequently, the City has been in discussions with Enterprise Production to provide effluent from the City's wastewater treatment plant. Staff has been working closely with Enterprise to ensure that we would be able to provide a sufficient flow. This item is placed on the agenda to determine if Council has an interest in moving forward with this project at this time.

Should Council choose to move forward staff will work to hammer out a service agreement for Council consideration prior any actual commitment being made to Enterprise. This agreement would require that Enterprise take the water from the outfall at the plant and be responsible for transporting the water to their location in Morgan's Point. All of the infrastructure associated with the effluent transport would be Enterprise's responsibility. The agreement would also need to spell out the unit cost for the water.

---

#### **Action Required of Council:**

Provide direction to staff on whether to move forward with this project to furnish effluent water to Enterprise Products.

---

#### **Approved for City Council Agenda**

---

**Corby D. Alexander, City Manager**

---

**Date**



**Council Agenda Item  
February 23, 2015**

**9. (a) Receive report of La Porte Development Corporation Board – Councilmember Engelken**

\*\*\*\*\*



## Council Agenda Item February 23, 2015

### 10. ADMINISTRATIVE REPORTS

- La Porte Development Corporation Board Meeting, Monday, March 9, 2015
- City Council Meeting, Monday, March 9, 2015
- City Council Meeting, Monday, March 23, 2015
- Planning and Zoning Commission Meeting, Thursday, March 19, 2015
- Zoning Board of Adjustment Meeting, Thursday, March 26, 2015
- Citizens Forum on Code Enforcement for the Northside Neighborhood, Tuesday, March 31, 2015

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

### 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 551.074** – Deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Patrice Fogarty, City Secretary and Corby Alexander, City Manager

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

### 14. ADJOURN

\*\*\*\*\*