

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



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

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held May 8, 2017, 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 Don Hill, La Porte Interchurch Council.
- 3. PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Daryl Leonard.
- 4. PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Recognition - Wyatt Smith (City of La Porte Planning and Zoning Commission) - Texas Citizen Planner - Mayor Rigby
 - (b) Proclamation - National Police Week - Mayor Rigby
 - (c) Proclamation - Emergency Medical Services Week - Mayor Rigby
 - (d) Recognition - Councilmember Mike Clausen - Appreciation of Thirteen Years of Services to the City of La Porte - Mayor Rigby
- 5. PUBLIC COMMENTS** (Limited to five minutes per person.)
- 6. CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
 - (a) Consider approval or other action regarding the minutes of the Special Called City Council Meeting held on April 22, 2017 and Regular City Council Meeting held on April 24, 2017 - P. Fogarty
 - (b) Consider approval or other action regarding an appointment to the Animal Control Advisory Board - P. Fogarty
 - (c) Consider approval or other action authorizing the City Manager to execute any and all documents necessary to complete purchase of real property located at 1218 S. Broadway - C. Alexander
- 7. REPORTS**
 - (a) Receive report for ONE Solution program transition under contract with SunGard Public Sector, Inc. - M. Dolby
- 8. ADMINISTRATIVE REPORTS**
 - Planning and Zoning Commission Meeting, Thursday, May 18, 2017

- La Porte Development Corporation Board Meeting, Monday, May 22, 2017
- City Council Meeting, Monday, May 22, 2017
- Zoning Board of Adjustment Meeting, Thursday, May 25, 2017

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

10. **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 - Personnel Matter: Deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, unless the officer or employee requests a public hearing: Clark Askins, Assistant City Attorney, regarding prosecution of commercial motor vehicle cases in Municipal Court.

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

12. **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 May 8, 2017 , agenda of items to be considered by the City Council was posted on the City Hall bulletin board on May 2, 2017.

Patrice Fogarty



**Council Agenda Item
May 8, 2017**

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Certificate Of Completion

SCC
PRESENTED TO

Wyatt Smith

Texas Citizen Planner
Training Program for Local and Elected Officials

FOUNDATIONS COURSE

April 5, 2017



FEMA

Office of the Mayor



Proclamation

WHEREAS, The Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day, and the week in which May 15th falls as National Police Week; and

WHEREAS, the members of the law enforcement community of the City of La Porte play an essential role in safeguarding the rights and freedoms of La Porte; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the La Porte Police Department unceasingly provide a vital public service;

Now, Therefore, I, Louis R. Rigby, Mayor, along with members of the La Porte City Council, proudly proclaim May 14, 2017 to May 20, 2017, as

“NATIONAL POLICE WEEK”

I further call upon all citizens of the City of La Porte to observe Sunday, May 15th as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes..

IN WITNESS THEREOF, I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 8th day of May, 2017.

CITY OF LA PORTE

Louis R. Rigby, Mayor

EMS Week Proclamation

To designate the Week of May 21st – 27th, 2017, as Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW THEREFORE, *I, Louis R. Rigby, Mayor, La Porte, Texas in recognition of this event do hereby proclaim the week of May 21st – 27th, 2017 as*

EMERGENCY MEDICAL SERVICES WEEK

With the theme, EMS STRONG: “Always in Service”, I encourage the community to observe this week with appropriate programs, ceremonies and activities.

Louis R. Rigby, Mayor

Recognition to be presented
during City Council Meeting.



Council Agenda Item May 8, 2017

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 SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
APRIL 22, 2017**

The City Council of the City of La Porte met in a special meeting on Saturday, April 22, 2017, at 8:30 a.m., in the Council Chambers of City Hall, 604 West Fairmont Parkway, La Porte, Texas to consider the following items of business:

1. Call to Order

Mayor Rigby called the meeting to order at 8:30 a.m. Members of Council present: Councilmembers Engelken, Earp, K. Martin, Leonard, Zemanek, Kaminski and J. Martin. Absent: Councilmember Clausen

Members of City Executive Staff and City Employees Present:

City Manager's Office: Corby Alexander and Traci Leach
City Secretary's Office: Patrice Fogarty
Finance: Michael Dolby, Gay Collins and Shelley Wolny
Parks: Rosalyn Epting
Planning: Richard Mancilla
Police Department: Ken Adcox, Steve Deardorff and Matt Daeumer
Fire Department: Mike Boaze
Public Works Department: Don Pennell
Human Resources: Matt Hartleib
Municipal Court: Cathy Haney
I.T.: Rene Valdez

2. Discussion and possible action – The purpose of this meeting is to discuss and formulate City Council and staff plans, operations, policies, and future projects, including the following:

A. Financial Overview – Michael Dolby

Finance Director Michael Dolby presented a PowerPoint with a financial overview and reported revenues have increased.

Mayor Rigby requested items B, C, and D be presented all at once and asked if the City is authorized to spend money on private property. City Manager Corby Alexander responded the City can if there is a public good associated with the spending.

B. La Porte Cemetery Mowing – (Councilmembers Kaminski and K. Martin) – T. Leach

Assistant City Manager Traci Leach presented a summary and advised the City contractor estimated \$25,000.00 per year to mow the La Porte Cemetery.

Staff was directed to look for volunteers to level and mow it, and then turn it back over to the cemetery board.

C. Property donations to La Porte Cemetery (Councilmembers Kaminski and K. Martin) – T. Leach

Assistant City Manager Traci Leach presented a summary.

There were no objections to donating the property to the cemetery board with the understanding that the board maintains the property.

D. La Porte Cemetery Paving – (Councilmembers Kaminski and K. Martin) – T. Leach

Assistant City Manager Traci Leach presented a summary.

Mayor Rigby commented he wants the board to contribute to the cost.

Councilmember Zemanek commented he wants to see if the La Porte Development Corporation can provide funds.

Councilmember Kaminski made a motion to asphalt roads bearing entire cost. Councilmember K. Martin seconded the motion. **MOTION PASSED 7/1.**

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

E. Proposed Pedestrian and Bicycle Trail along E. Street from S. Broadway to S. Blackwell – (Councilmembers Kaminski and K. Martin) – T. Leach

Assistant City Manager Traci Leach presented a summary.

Councilmember K. Martin commented there is a lot of traffic and students walking to school on E. Main, and she would like a pedestrian and bicycle trail be considered in the future.

Staff was directed to earmark a 2-3 year prefunding plan for a pedestrian and bicycle trail.

F. Wave Pool Upgrades (Councilmembers Kaminski and K. Martin) – R. Epting

Parks and Recreation Director Rosalyn Epting presented a summary.

Councilmember K. Martin commented the Wave Pool needs to be upgraded and improved.

Staff was directed to begin with Option # 3: Multiple smaller improvements to add to the aesthetics on the Wave Pool at \$410,000.00, and to prefund for future improvements over four years at \$250,000.00 a year.

G. Main Street Decorations – (Councilmembers Kaminski and K. Martin) – E. Epting

Parks and Recreation Director Rosalyn Epting presented a summary.

Councilmember K. Martin commented a nice addition to Main Street would be stringing lights.

Councilmember J. Martin commented lights can run down Main Street to Virginia Street to include the Five Points area.

Staff was directed to get more information for lighting.

H. Tom Brown Park Improvements – (Councilmember K. Martin) – R. Epting

Parks and Recreation Director Rosalyn Epting presented a summary regarding whether to add a Basketball Court or a Splash Park.

Councilmember K. Martin commented she would like a Basketball Court at Tom Brown Park.

Council agreed on the idea of providing a Basketball Court.

I. Recreation & Fitness Center Options (Councilmembers Zemanek and Kaminski) – R. Epting

Parks and Recreation Director Rosalyn Epting presented a summary.

Councilmember Zemanek commented he would like a new facility of about 10,000 square feet, with ability to expand in the future.

City Manager Corby Alexander suggested designing the project in the upcoming budget year.

Mayor Rigby commented he does not have an issue expanding the current location to the west and keep the Senior Center where it is currently located.

Councilmember J. Martin agreed an expansion is a good idea.

Councilmember Earp suggested pricing the cost on a Recreation and Fitness Center on the bay where the City owns property and include a nice smaller type of conference center.

Councilmember Leonard likes the suggestion of using the Happy Harbor/Kline Retreat property for conventions, workouts and running.

Staff was directed to research different options for expanding the existing Recreation and Fitness Center to the west or building a new facility on the Kline Retreat property, with inclusion of a small convention center and the ability to expand for future use.

Mayor Rigby recessed for a break at 9:45 a.m. Mayor Rigby reconvened the workshop at 9:57 a.m.

J. Pecan Park Field Maintenance – (Councilmember Engelken) – R. Epting

Parks and Recreation Director Rosalyn Epting presented a summary.

Councilmember Engelken commented he expects the City management team to make sure the fields and restrooms are maintained per the contract with the La Porte Boys Baseball Association and ready for the kids in the community to use the fields and park.

Councilmember Leonard asked if there is additional training for baseball field maintenance for employees to attend. Ms. Epting advised employees attended training a little over a month ago and there are training classes available and employees do attend.

Councilmember Zemanek commented the only way to help with drainage is to laser shoot the fields and suggested Staff let Council know what is needed to help with maintaining the fields.

Council agreed to budget \$63,000.00 and directed Staff to determine the best time to reconstruct the fields.

K. Maintenance of former Happy Harbor property – (Councilmember J. Martin) – T. Leach

Assistant City Manager Traci Leach presented a summary.

Councilmember J. Martin commented the property is rutted from individuals mudding and advised he received a complaint from a citizen regarding the mudding issues. Councilmember J. Martin suggested grading; elevating; completing the bulk head; and adding signage restricting motorized vehicles on the property.

Mayor Rigby asked Council if there were objections to an Ordinance restricting motorized vehicles on the property. There were no objections from Council.

L. City of La Porte Electronic Records Management – P. Fogarty

City Secretary Patrice Fogarty presented a summary.

Council directed Staff to research the cost for a temporary employee or a temporary service with an estimated time of completion of scanning documents and training for departments to scan records.

M. Medical Insurance – M. Hartleib

Human Resources Manager Matt Hartleib presented a summary for employee participation in a wellness program.

Councilmember Earp suggested establishing an employer funding limit for the Medical fund of, perhaps, 10 percent of the prior year's total revenues.

Councilmember Leonard commented something needs to be done to control the amount of funding that goes into the Medical Insurance Fund.

Council directed Staff to look at the cost for insurance premiums for new employees after a specific date.

Mayor Rigby recessed for a lunch break at 11:43 a.m. Mayor Rigby reconvened the special meeting at 12:20 a.m.

N. La Porte Police Department Staffing – K. Adcox

Police Chief Ken Adcox presented a summary.

Mayor Rigby asked the Chief that if Council agreed to two new officers but wanted them assigned to DOT, will it be possible to have the officers assigned strictly to truck traffic. Chief Adcox responded he would like to have more DOT officers.

Councilmember Leonard asked if two officers are trained and ready for DOT duties. Chief Adcox responded one officer is ready, and the other one needs to go to DOT school.

Councilmember Zemanek asked how many officers take home a car. Assistant Chief Deardorff responded 55-60 officers take home a car.

Mayor Rigby asked if two additional officers are hired as DOT officers, will they require a vehicle. Chief Adcox responded yes.

Councilmember J. Martin asked if there are state guidelines for the number of DOT officers per number of trucks on our roadways. Chief Adcox responded no, he is not aware of any state guidelines.

Councilmember Leonard commented it is not a bad idea to have more officers on the street.

Councilmember Engelken commented he is fine adding officers, but the DOT issues need to be addressed at some point.

Councilmember Zemanek commented he is convinced two officers are needed.

Councilmember Leonard left the meeting at 1:03 p.m.

Staff was directed to provide cost information for two patrol and DOT officers.

O. La Porte Police Department Fleet Vehicles – K. Adcox

Assistant Chief Deardorff presented a summary.

Councilmember J. Martin made a motion to move forward with the purchase of Ford Explorers to give them a try as opposed to Tahoes. Councilmember Zemanek seconded the motion.
MOTION PASSED 4/3.

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

P. City-Wide Camera Project – K. Adcox/M. Daeumer

Lieutenant Matt Daeumer presented a summary.

Mayor Rigby left the table at 1:20 p.m. and returned at 1:21 p.m.

Councilmember Engelken suggested exploring grant funds and then revisit a city-wide camera project.

Staff was directed to get cost estimates for the smaller systems where they are needed.

Q. Northwest Pool Upgrades – R. Epting

Parks and Recreation Director Rosalyn Epting presented a summary.

Councilmember Earp suggested repairing the pool and to put in a walking track.

Staff was directed to repair and update the existing pool and to come back with close to actual numbers for a prefabricated building and no design cost.

R. Part-time Basketball Staff – R. Epting

Parks and Recreation Director Rosalyn Epting presented a summary.

Council had no objections to utilizing seasonal workers.

3. Council Comments

Councilmembers Kaminski, Engelken, Earp, J. Martin and K. Martin thanked Staff for the Budget Retreat Presentations;

Councilmember Zemanek thanked Staff for the Budget Retreat Presentations and Special Olympics for the boiled shrimp lunch; and

Mayor Rigby thanked Staff for the Budget Presentations; advised and reported on three bills (annexation; revenue caps and heavy haul) in the legislature that are being observed closely.

4. Adjourn

There being no further business, Councilmember Engelken moved to adjourn the meeting at 2:09 p.m. Councilmember Zemanek seconded. **MOTION PASSED.**

Respectfully submitted,

Patrice Fogarty, City Secretary

Passed and approved on May 8, 2017.

Mayor Louis R. Rigby

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**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
APRIL 24, 2017**

The City Council of the City of La Porte met in a regular meeting on **Monday, April 24, 2017**, 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 6:00 p.m. Members of Council present: Councilmembers Engelken, J. Martin, K. Martin, Earp, Clausen, Leonard, Zemanek, and Kaminski. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.
2. **INVOCATION** – The invocation was given by Assistant City Attorney Clark Askins.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember John Zemanek.
4. **PRESENTATIONS, PROCLAMATIONS and RECOGNITIONS**
 - (a) Proclamation – National Volunteer Week – Mayor Rigby

Mayor Rigby presented a proclamation to the many volunteers for the La Porte Police Department in recognition of National Volunteer Week.
 - (b) Recognition – Certificate of Appreciation to John Samuel Gianukos – Mayor Rigby

Mayor Rigby presented a Certificate of Appreciation to John Samuel Gianukos for his heroic act in the community.
5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

There were no comments from the public.
6. **AUTHORIZATIONS**
 - (a) Consider approval or other action regarding minutes of the Council meeting held on April 10, 2017 – P. Fogarty

Councilmember Engelken made a motion to approve minutes of the Council meeting held on April 10, 2017. Councilmember Kristin Martin seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**
7. **PUBLIC HEARING AND ASSOCIATED ORDINANCES**
 - (a) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approval amendments to regulations related to the parking of commercial motor vehicles retail parking lot businesses in commercial and industrial zones; consider approval or other action regarding an Ordinance amending Chapter 106 “Zoning”

of the Code of Ordinances of the City of La Porte by amending regulations related to the parking of commercial motor vehicles at retail parking lot businesses in commercial and industrial zones – I. Clowes

City Planner Ian Clowes presented a summary. This item is proposing two amendments to Chapter 70 in the Code of Ordinances in correlation to NAICS Code 812930 – Parking Lot and Garages use. Currently this is a permitted use in the general commercial and all the industrial zones. Mr. Clowes informed Council there have been some issues in the past with applicants who were looking to develop paved parking lots to let trucks be parked on them. After checking with NAICS, this is an allowed use according to NAICS Code 812930. What staff is proposing to add is Footnote 16 to this specific use, “prohibiting the parking of commercial motor vehicles, including truck tractors not in combination with trailers is prohibited.” In addition, Mr. Clowes informed of redefining or adding to the definition of “Commercial motor vehicles” to the recently updated definition of “commercial motor vehicles” in Chapter 70 of the Code of Ordinances. The Planning and Zoning Commission met on March 16, 2017, and voted unanimously to recommend approval of both amendments.

There being no public comments, the public hearing closed at 6:11 p.m.

Councilmember Daryl Leonard made a motion to approve an Ordinance amending Chapter 106 “Zoning” of the Code of Ordinances of the City of La Porte by amending regulations related to the parking of commercial motor vehicles at retail parking lot businesses in commercial and industrial zones. Councilmember Dottie Kaminski seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3674: AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY AMENDING REGULATIONS RELATED TO THE PARKING OF COMMERCIAL MOTOR VEHICLES AT RENTAL PARKING LOT BUSINESSES IN COMMERCIAL AND INDUSTRIAL ZONES, PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

Councilmember Zemanek asked if the City is now going to prohibit truck parking, does that mean in all parking lots. Ian Clowes responded, only parking lots that fall under NAICS 812930, if parking lots are accessory to a business, it would not fall under this category. This would only be for the pure and only use for zoning permit for parking - liking this to a park and ride type use. The sole use of the parking lot is to park vehicles, not accessory to any business onsite. Councilmember Zemanek asked if we will continue to allow trucks parked at hotels as long as they are striped properly. Mr. Clowes responded that is correct. Councilmember Zemanek asked for an example where we would not allow them to park. Mr. Clowes responded, an example is the old police station where the City did allow companies to come in under NAICS 812930, essentially to rent the parking lot to park cabs in the evening hours. Councilmember Zemanek asked will it change what we currently have now. Mr. Clowes responded, no.

Mayor Rigby asked, it will not affect the truck stop but will it affect the Kroger’s parking lot? Mr. Clowes responded, parking of trucks at that point are accessory to the uses already permitted onsite.

8. **REPORTS AND POSSIBLE ACTION**

(a) Receive report on the 125TH Celebration and planned activities; and take possible action, if necessary – C. Alexander

Mayor Rigby asked City Manager Corby Alexander to add this item to the agenda. Mayor Rigby expressed his concern over the number of ticket sold at some events. He stated he just wanted to get an update and perhaps possible options since the event is only two and a half weeks away.

Mr. Alexander presented a summary. As for ticket sales he provided an update of participation in the Friday, April 21, 2017, memo. Mr. Alexander requested Marketing & Special Events Specialist Jenny Lynn approach the podium to give Council an update on the latest ticket sales for the 125th.

Ms. Lynn presented a summary in the order of events scheduled on Friday: the Kids Rodeo Event sold out; Cody Johnson sold out; the Gala has only sold 81 tickets, this does not include VIP tickets for the night; currently have RSVP's for 24, which includes Council tickets and other VIP tickets, in addition to sponsorship tickets totaling 12; anticipated ticket number sold 117. Events scheduled for Saturday: The 5K updated tickets reservation is 71 and have 20 registration sponsors for the event; total registration for the 5k is 91. As for the Parade, 16 floats/16 companies have confirmed. Air and Car Show: There is a verbal commitment for 20 planes and approximately 50 or so cars. Clay Walker tickets sold: 1,652; 58 VIP tickets, and 62 sponsor tickets, totaling to 1,772 tickets sold. Last event on the docket is the Mother's Day Brunch: tickets sold 46, 20 VIP, 2 sponsor tickets, totaling to 58. These numbers are as of April 24, 2017.

Mayor Rigby asked Ms. Lynn that with Cody Johnson selling out immediately, are we expecting more ticket sales for Clay Walker and the Gospel Brunch? He asked if she recalls, when the committee first started planning, what the anticipated crowd would be for both events. Jenny Lynn responded, the anticipated crowd for Clay Walker would be 10,000, and we are close to 2,000; however, we are seeing the marketing traffic numbers when looking at the campaigns we have out there, and we could be on track to hitting nearly 5,000 to 6,000. We have options that we can entertain such as a discount code as an added promotion; at this point it could make a big difference. Mayor Rigby asked regarding the Gospel Brunch, what is the anticipated number; Jenny Lynn responded that 300 would be a sellout, which is what is anticipated. Mayor Rigby asked if we were to have Clay Walker and the Gospel Bruch as free events, with a reimbursement for tickets already sold, does she think it would make a difference. Jenny Lynn responded, regarding the Gospel Brunch, her gut feeling is she anticipates the Gospel brunch to sell out because part of that is timing, people are starting to make their plans for Mother's Day. The committee talked about possibly giving a discount code to some of the local churches, and she feels they can get to 300. As for Clay Walker, there are a lot of factors to consider. There are a lot of opportunities to provide a discount code and promotions. Mayor Rigby said he understands that a lot of work goes into planning all events and doing it all in one weekend is mind boggling, but he does not want the numbers to reflect as a failure. Mayor Rigby opened the floor for Council to make comments or ask questions.

Councilmember Earp asked what are the producer's thought about Clay Walker at this point. Ms. Lynn answered she has not spoken to him in a couple of weeks. The last conversation she had with him he was surprised ticket sales were a little slower than he anticipated, but did not offer any guidance as far as ways to make changes.

Mayor Rigby stated the producer's fees were set for all the events where he brings in entertainment, regardless of the number of ticket sales? Jenny's responded, correct.

Councilmember Zemanek commended the committee for all they have done and to let it run its course.

Councilmember Engelken stated this is the first time the City has done something like this, and we should stay the course. At the end of the day, La Porte is proud and will make it happen.

Councilmember Kaminski stated any time we increase the budget, we have to cut something; and we have already made cuts in order to make this event fabulous for the City of La Porte.

Councilmember K. Martin stated she is not worried about it. With Sylvan Beach next weekend, she thinks everyone is preparing for that and once it ends, we will be good after that, and will see a big change in ticket sales. She believes making the Brunch free would be a nightmare because the maximum capacity of people allowed in would require we turn people away. She would rather see

less than maximum tickets sold and it be comfortable and fun for those who paid and want to be there.

Councilmember Kaminski added they are having a campaign for the Mother's Day Brunch and will take flyers to 12 churches to get the mothers and grandmothers to come to the event.

Mayor Rigby remarked that in the list of expenses, he does not see a line item for event insurance. Jenny answered, we did not buy event insurance because it is covered by the City's insurance. Assistant City Manager Traci Leach approached the podium to answer Mayor Rigby's question. Ms. Leach responded, she has been working with Texas Municipal League (TML) in terms of what we are planning and whether it is covered under the umbrella we currently have. Mayor Rigby said, in case of a monsoon coming in, we would have to cancel everything; but we still have to pay the entertainers. The event insurance would allow for not having to spend City money. Ms. Leach responded, yes; however, the challenge here is the City does not have a contract with the entertainers. The City has a contract with the promotor who has a contract with the entertainers. Mr. Alexander suggested that we look into a policy and a quote on rain, but we would need to verify what it would actually cover. Mayor Rigby asked what the Chamber of Commerce does on Sylvan Beach Day. Councilmember Kaminski responded they buy the insurance, and Mark books the entertainment. She remembers it was approximately \$7,000.00 when she was there two years ago. Mayor Rigby asked Mr. Alexander and Ms. Leach to take a look at the insurance.

Mr. Alexander introduced Jenny Lynn to Mayor and Council, explaining this is the first opportunity to do so in a council meeting.

9. ADMINISTRATIVE REPORTS

There were no additional reports.

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

Councilmember Zemanek acknowledged the newest member of the Earp family as they welcomed a new grandson; voting has already started and he urged everyone to get out to vote; and he hopes for a very successful Sylvan Beach weekend.

Councilmember Leonard thanked the La Porte Police Citizens Academy for all the work they do, which many are behind the scenes that people do not see, and they really are appreciated; and congratulated the certificate of appreciation winner John Gianukos. He also wished good luck to all the candidates in the election.

Councilmember Engelken congratulated Mr. Earp and his wife Jeannie; he also congratulated the volunteers, stated they are the back bone of many events in the city, and we ought to offer more appreciation to our volunteers; and he expressed appreciate to John Gianukos for his valor and stated he bet the Chief was surprised when Mr. Gianukos presented a gift to the Department to display at the police station.

Councilmember Earp congratulated John Gianukos and all the volunteers for all they do; he also congratulated the 125th Committee on doing a good job and stated everything will be fine once we get past Sylvan Beach weekend; he also thanked everyone on Council for the congratulating him on his new grandson.

Councilmember Clausen congratulated John Gianukos and thanked him for his actions; and stated he appreciates all the volunteers who work really hard to run big events; and congratulated the Earps on their new grandson, stating 'grandkids are great.'

Councilmember J. Martin congratulated Mr. Gianukos, for his valor, stating it takes a lot to be that guy who stands up for another; he also stated the Citizens Academy is a great program, and he appreciates all the hard work; he stated Special Olympics had their shrimp boil this past Saturday, and the food was very good; and he hopes the weather holds for Sylvan Beach Day.

Councilmember K. Martin congratulated and thanked all the volunteers; she stated she knows many have stepped up for the 125th celebration and a lot of other things that go on in the city, and it is really appreciated; and to John Gianukos, she said she wished more people stood up to protect their neighbors; so, thank you.

Councilmember Kaminski congratulated the volunteers, stated it was wonderful to see how many hours they put in and they work so hard; and to John Gianukos, she said thank you for helping our citizen; she did eat the Special Olympics shrimp boil food on Saturday, and it was wonderful; and the regarding the 125th Committee she stated she thanks all of them, and George Watkins and everyone on the Committee, that it has been great working with them.

Mayor Rigby congratulated the Citizens Academy Alumni Association, and stated that although they are the most visible of all the volunteers we have in the city, we have others; he stated it is National Volunteer Week, and volunteers includes most of us sitting at this table on the second and fourth Monday of each month; he said to John Gianukos, you did a brave thing getting out of your car without knowing if the other person had a weapon other than his fists, but it takes a certain type of person to do that, and we are thankful to have you in our city; again to the 125th Committee, the comments made tonight about ticket sales, etc., were not as a detriment to the things the Committee has done, and appreciates all they have done; he just wants to make sure these are great events that will be remembered by all.

11. **ADJOURN** - There being no further business, Councilmember Chuck Engelken made a motion to adjourn the meeting at 6:36 p.m. Councilmember Daryl Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on May 8, 2017.

Mayor Louis R. Rigby

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: May 8, 2017 Appropriation
Requested By: Patrice Fogarty Source of Funds: N/A
Department: City Secretary's Office Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: _____ Amount Requested: _____
Attachments : Budgeted Item: YES NO

SUMMARY & RECOMMENDATIONS

The City of La Porte Animal Shelter Advisory Committee has a vacancy in the council member position. Councilmember John Zemanek would like to be appointed to that Committee. This position serves without term.

Action Required of Council:

Consider appointing Councilmember John Zemanek to fill the Council position vacancy on the Animal Shelter Advisory Committee.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: May 8, 2017 Appropriation
Requested By: Corby D. Alexander Source of Funds: Various
Department: Administration Account Number: N/A
Report: Resolution: Ordinance: Amount Budgeted: N/A
Other: Amount Requested: \$172,000.00
Attachments : Budgeted Item: YES NO

1. Minutes form January 9, 2017 Meeting
2. Sales Contract

SUMMARY & RECOMMENDATIONS

At the January 9, 2017 Council meeting, staff received direction to negotiate a contract to purchase 1218 S. Broadway. Subsequent to that meeting, the City and the trustee of the property agreed to terms and a sales contract was signed for a purchase price of \$172,000.

This item has been placed on the agenda at the request of the title company. The title company has requested that the Council formally vote to approve the sale of the property.

Staff recommends approval of the sale of 1218 S. Broadway.

Action Required of Council:

Consider approval or other action authorizing the City Manager to execute any and all documents necessary to purchase 1218 S. Broadway in an amount not to exceed \$177,000.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

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



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

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE JANUARY 9, 2017

The City Council of the City of La Porte met in a regular meeting on **Monday, January 9, 2017**, 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. Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Engelken, K. Martin, Leonard, Earp, Zemanek, Clausen, and Kaminski. Absent: Councilmember J. Martin. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.

2. **INVOCATION** – The invocation was given by Clark Askins, Assistant City Attorney.

3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember John Zemanek.

4. PRESENTATIONS, PROCLAMATIONS and RECOGNITIONS

(a) Recognition – Winners of the 2016 Christmas Parade – Mayor Rigby

Mayor Rigby recognized Best Organization: Ana's Dance Studio and Best of Show; The Graham Family "Snowgies" as the winners of the 2016 Christmas Parade.

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

Catherine Focke, 111 South Y St., addressed Council with concerns of tenants residing at 202 South Y St., and not abiding by City ordinances. She requested Council address these issues.

Charlotte Mahoney, 227 South Y St., addressed Council with concerns of the tenants residing at 202 South Y St., and not abiding City ordinances. She requested Council address these issues.

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

(a) Consider approval or other action regarding minutes of meeting held on December 12, 2016 – P. Fogarty

(b) Consider approval or other action regarding an Ordinance ordering the May 6, 2017, General Election of the City of La Porte – P. Fogarty

- (c) Consider approval or other action regarding a Resolution of the City Council of the City of La Porte, Texas opposing any legislation that increases the maximum transport haul weights over roadways in the City of La Porte, to include heavy haul corridor(s) – T. Leach
- (d) Consider approval or other action authorizing the Mayor to sign a letter advocating the Texas Legislature to change language of Section 505.258(1), Local Government Code to allow the La Porte Development Corporation to continue to collect sales tax as long as bonds, projects, or other obligations of the Corporation exists – T. Leach
- (e) Consider approval or other action regarding an amendment to the bus service agreement between Harris County and the City of La Porte for local bus service for the period of twelve (12) months with the approval of Harris County – T. Leach
- (f) Consider approval or other action awarding Bid # 17006 for Water and Sewer Supplies – D. Pennell
- (g) Consider approval or other action awarding Bid # 17001 for Browning and Golden Drainage Improvements Project – D. Pennell
- (h) Consider approval or other action awarding Bid # 17008 for Clarifier Rehabilitation at the City of La Porte Wastewater Treatment Facility – D. Pennell
- (i) Consider approval or other action regarding an Ordinance amending Chapter 2, “Administration” of the Code of Ordinances of the City of La Porte, by adopting rules for electronic submission of bids and proposals in accordance with Section 252.0415, Texas Local Government Code – C. Daeumer
- (j) Consider approval or other action regarding a professional services agreement with HDR Engineering, Inc., for on-going GIS technical services – B. Sterling

Consent Item D, was removed from consideration at the request of City Manager Corby Alexander.

Councilmember Earp asked questions regarding Consent Items E, G, H, I and J.

Regarding Item E, Councilmember Earp asked how many citizens used the services last year. Assistant City Manager Traci Leach advised 7,896 for October-June 2016; 8,848 for Fiscal Year 2015; 8447 for Fiscal Year 2014 and 6,913 for Fiscal Year 2013.

Regarding Item G, Councilmember Earp asked if points were given to the locally owned business. Assistant Director of Public Works Don Pennell responded they did not meet the criteria for designation as a local vendor.

Regarding Item H, Councilmember Earp asked if the sole source vendor’s bid is in line with the previous three that were replaced. Assistant Director of Public Works Don Pennell responded yes.

Regarding Item I, Councilmember Earp asked if the City currently uses the service and will there be an increase in cost. Purchasing Manager Cherell Daeumer advised the City is currently using the service, and there will not be an increase for the City or vendors.

Regarding Item J, Councilmember Earp asked if the item goes out for bid. GIS Manager Brian Sterling responded no. Councilmember Earp asked if another company provides the service. Mr. Sterling responded there may be others that provide the service; but HDR Engineering, Inc., is used because of their municipal experience.

Councilmember Engelken made a motion to approve Consent Agenda Items 6 a, b, c, e-j pursuant to staff recommendations. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember J. Martin was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3661**: AN ORDINANCE ORDERING THE REGULAR ANNUAL ELECTION OF THE CITY OF LA PORTE, TEXAS; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR A JOINT ELECTION WITH THE LA PORTE INDEPENDENT SCHOOL DISTRICT AND SAN JACINTO COLLEGE DISTRICT; PROVIDING FOR THE USE OF VOTING MACHINES; APPOINTING ELECTION OFFICIALS; PROVIDING FOR METHOD, LOCATIONS AND DATES OF EARLY VOTING; PROVIDING FOR AN EARLY VOTING BALLOT BOARD; PROVIDING FOR RETURN AND CANVASS OF VOTES OF SAID ELECTION; PROVIDING FOR A RUN-OFF ELECTION IF NECESSARY, ON THE SECOND SATURDAY IN JUNE; PROVIDING FOR NOTICE; PROVIDING A SAVINGS CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETING LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3662**: AN ORDINANCE AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS BY ADOPTING RULES FOR ELECTRONIC SUBMISSION OF BIDS AND PROPOSALS IN ACCORDANCE WITH SECTION 252.0415, TEXAS LOCAL GOVERNMENT CODE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

7. PUBLIC HEARING AND ASSOCIATED ORDINANCES

(a) Public hearing to receive comments on the recommendation of the Dangerous Building Inspection Board for condemnation of dangerous/substandard buildings located at 403 Arizona; 223 Bayside Dr.; 2823 S. Broadway #1 and 211 N. Forrest; consider approval or other action regarding Ordinances for condemnation of dangerous/substandard buildings located at 403 Arizona; 223 Bayside Dr.; 2823 S. Broadway #1 and 211 N. Forrest – M. Collier

The public hearing opened at 6:20 p.m.

Deputy Building Official Mike Collier presented a summary of four structures, 403 Arizona; 223 Bayside Dr.; 2823 S. Broadway #1; and 211 N. Forrest, which were discussed at the September 12, 2016, council meeting, and given a 120-day extension to either complete or substantially complete repairs or be demolished.

Mr. Collier recommended 223 Bayside be removed from the dangerous building list, requested an additional 30-45 days to conduct a complete evaluation of 211 N. Forrest and recommended 2823 S. Broadway #1 and 403 Arizona be demolished due to no improvements.

Rand Nicols, 223 Bayside Dr., addressed Council and provided an update on the improvements made to his property.

Abe Castaneda, 2823 S. Broadway #1, addressed Council requesting not to tear down the entire building.

John Braniff, 3135 Fondren, addressed Council regarding 2823 S. Broadway #1 and requested the building be demolished.

Nancy Doize, 211 N. Forrest, addressed Council with an update on the improvements being made on her property and requested additional time for repairs before selling the home.

Randall Sexton, 403 Arizona, addressed Council and requested additional time to retrieve personal belongings from the property.

The public hearing was held open until February 13, 2017.

Councilmember Zemanek made a motion to remove 223 Bayside Dr., from the dangerous building list; continue the public hearing until February 13, 2017, for 211 N. Forrest; and follow Staff's recommendation to demolish 2823 S. Broadway #1 and 403 Arizona. Councilmember Engelken seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember J. Martin was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3663**: AN ORDINANCE DECLARING THE COMMERCIAL BUILDING LOCATED AT 0.138 ACRE TRACT DESCRIBED AS TRACTS 33B AND 34D, ABSTRACT 30, W.P., HARRIS, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 2823 S. BROADWAY ST. #1, TO BE IN FACT A NUISANCE; ORDERING SUCH BUILDING CONDEMNED; FINDING THAT BRETT COE, EDWARD SOLIZ, AND ABRAHAM CASTANEDA ARE THE RECORD OWNERS OF SAID PROPERTY; ORDERING THE SAID OWNERS TO ENTIRELY REMOVE OR TEAR DOWN SUCH BUILDING; ORDERING THE SAID OWNERS TO COMMENCE SAID REMOVAL OR DEMOLITION WITHIN TEN (10) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO COMPLETE SAID REMOVAL OR DEMOLITION WITHIN FORTY-FIVE (45) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; ORDERING THE DANGEROUS BUILDING INSPECTION BOARD TO PLACE A NOTICE ON SAID BUILDING; ORDERING THE CITY SECRETARY TO FORWARD A COPY OF THIS ORDINANCE TO SAID OWNERS; PROVIDING FOR THE REMOVAL OF SAID BUILDING BY THE CITY OF LA PORTE IF NOT REMOVED BY SAID OWNERS IN THE MANNER PROVIDED HEREIN; PROVIDING AN EFFECTIVE DATE HEREOF; AND FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3664**: AN ORDINANCE DECLARING THE PRIMARY RESIDENTIAL DWELLING LOCATED AT LOTS FOUR (4) AND FIVE (5) AND SOUTH ½ OF LOT THREE (3), BLOCK 223, CITY OF LA PORTE, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 403 ARIZONA ST. TO BE IN FACT A NUISANCE; ORDERING SUCH BUILDING CONDEMNED; FINDING THAT RANDALL E. SEXTON IS THE RECORD OWNER OF SAID PROPERTY; ORDERING THE SAID OWNER TO ENTIRELY REMOVE OR TEAR DOWN SUCH BUILDING; ORDERING THE SAID OWNER TO COMMENCE SAID REMOVAL OR DEMOLITION WITHIN TEN (10) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO COMPLETE SAID REMOVAL OR DEMOLITION WITHIN FORTY-FIVE (45) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; ORDERING THE DANGEROUS BUILDING INSPECTION BOARD TO PLACE A NOTICE ON SAID BUILDING; ORDERING THE CITY SECRETARY TO FORWARD A COPY OF THIS ORDINANCE TO SAID OWNER; PROVIDING FOR THE REMOVAL OF SAID BUILDING BY THE CITY OF LA PORTE IF NOT REMOVED BY SAID OWNERS IN THE MANNER PROVIDED HEREIN; PROVIDING AN EFFECTIVE DATE HEREOF; AND FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.

8. AUTHORIZATIONS

- (a) Consider approval or other action authorizing the purchase of one horizontal grinder from RotoChopper for a total amount of \$270,158.00 – D. Pennell

Assistant Public Works Director Don Pennell presented a summary.

Councilmember Zemanek made a motion to authorize the purchase of one horizontal grinder from RotoChopper for a total amount of \$270,158.00. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember J. Martin was absent.**

9. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding appointments to fill vacancies on the City of La Porte Zoning Board of Adjustment – P. Fogarty

City Secretary Patrice Fogarty presented a summary.

Councilmember Kaminski made a motion to move Dennis Oian from Alternate 2 position to Position 4; Shelley Fuller to Alternate 1 position and Thomas Deen to Alternate 2 position, on the Zoning Board of Adjustment. Councilmember Engelken seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember J. Martin was absent.**

10. REPORTS

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

No report was provided.

11. ADMINISTRATIVE REPORTS

City Manager Corby Alexander advised Council that Staff will reach out to the citizens who addressed Council with concerns of potential code violations and animal control issues at 202 South Y St.

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

Councilmember Zemanek welcomed everyone back and hoped everyone had a happy and safe holiday;

Councilmember Leonard wished everyone a Happy New Year;

Councilmember Engelken wished everyone a Happy New Year and commented the meeting was good;

Councilmember Earp passed on making comments;

Councilmember Clausen wished everyone a Happy New Year;

Councilmember K. Martin wished everyone a Happy New Year and congratulated the parade winners;

Councilmember Kaminski Martin wished everyone a Happy New Year; and congratulated the parade winners;

Mayor Rigby wished everyone a Happy New Year and best wishes for 2017.

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

Texas Government Code, Section 551.072 – Deliberation regarding Real Property: Meet with City Manager and City Attorney to discuss acquisition of real property adjacent to the Fitness Center.

City Council recessed the regular Council meeting to convene an executive session at 7:09 p.m. regarding the item listed above.

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

City Council reconvened into the regular Council meeting at 7:23 p.m.

Regarding the discussion acquisition of real property adjacent to the Fitness Center, Councilmember Engelken made a motion to direct Staff to negotiate the property adjacent to the Fitness Center. Councilmember Zemanek seconded. **MOTION PASSED 8/0. Councilmember J. Martin was absent.**

15. ADJOURN - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:24 p.m. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember J. Martin was absent.**

Passed and approved on January 23, 2017.

Mayor Louis R. Rigby



UNIMPROVED PROPERTY CONTRACT

NOTICE: Not For Use For Condominium Transactions



TRUSTEE
sh
or

1. PARTIES: The parties to this contract are SANDRA HILLBURN KIBLER, (Seller) and CITY OF LA PORTE, TEXAS (Buyer). Seller agrees to sell and convey to Buyer and Buyer agrees to buy from Seller the Property defined below.

2. PROPERTY: Lot 9-24, Block 1123, TOWN OF LA PORTE (INCLUDING SOUTH 200 FT. OF ALLEY) Addition, City of LA PORTE, County of HARRIS, Texas, known as 1218 S. BROADWAY ST. (address/zip code), or as described on attached exhibit together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights, claims, permits, strips and gores, easements, and cooperative or association memberships (the Property).

3. SALES PRICE:

- A. Cash portion of Sales Price payable by Buyer at closing \$ 172,000⁰⁰
- B. Sum of all financing described in the attached: Third Party Financing Addendum, Loan Assumption Addendum, Seller Financing Addendum \$ _____
- C. Sales Price (Sum of A and B) \$ 172,000⁰⁰

4. LICENSE HOLDER DISCLOSURE: Texas law requires a real estate license holder who is a party to a transaction or acting on behalf of a spouse, parent, child, business entity in which the license holder owns more than 10%, or a trust for which the license holder acts as trustee or of which the license holder or the license holder's spouse, parent or child is a beneficiary, to notify the other party in writing before entering into a contract of sale. Disclose if applicable: _____

5. EARNEST MONEY: Upon execution of contract by all parties, Buyer shall deposit \$ 5000⁰⁰ as earnest money with AMERICAN TITLE CO. as escrow agent, at 5003 COLLEGE PARK DR., DEER PARK TX. 77536 (address). Buyer shall deposit additional earnest money of \$ 0 with escrow agent within 0 days after the effective date of this contract. If Buyer fails to deposit the earnest money as required by this contract, Buyer will be in default.

6. TITLE POLICY AND SURVEY:

- A. TITLE POLICY: Seller shall furnish to Buyer at Seller's Buyer's expense an owner's policy of title insurance (Title Policy) issued by AMERICAN TITLE CO. (Title Company) in the amount of the Sales Price, dated at or after closing, insuring Buyer against loss under the provisions of the Title Policy, subject to the promulgated exclusions (including existing building and zoning ordinances) and the following exceptions:
 - (1) Restrictive covenants common to the platted subdivision in which the Property is located.
 - (2) The standard printed exception for standby fees, taxes and assessments.
 - (3) Liens created as part of the financing described in Paragraph 3.
 - (4) Utility easements created by the dedication deed or plat of the subdivision in which the Property is located.
 - (5) Reservations or exceptions otherwise permitted by this contract or as may be approved by Buyer in writing.
 - (6) The standard printed exception as to marital rights.
 - (7) The standard printed exception as to waters, tidelands, beaches, streams, and related matters.
 - (8) The standard printed exception as to discrepancies, conflicts, shortages in area or boundary lines, encroachments or protrusions, or overlapping improvements: (i) will not be amended or deleted from the title policy; or (ii) will be amended to read, "shortages in area" at the expense of Buyer Seller.

B. COMMITMENT: Within 20 days after the Title Company receives a copy of this contract, Seller shall furnish to Buyer a commitment for title insurance (Commitment) and, at Buyer's expense, legible copies of restrictive covenants and documents evidencing exceptions in the Commitment (Exception Documents) other than the standard printed exceptions. Seller authorizes the Title Company to deliver the Commitment and Exception Documents to Buyer at Buyer's address shown in Paragraph 21. If the Commitment and Exception Documents are not delivered to Buyer within the specified time, the time for delivery will be automatically extended up to 15 days or 3 days before the Closing Date, whichever is earlier. If, due to factors beyond Seller's control, the Commitment and Exception Documents are not delivered within the time required, Buyer may terminate this contract and the earnest money will be refunded to Buyer.

C. SURVEY: The survey must be made by a registered professional land surveyor acceptable to the Title Company and Buyer's lender(s). (Check one box only)
 (1) Within 21 days after the effective date of this contract, Seller shall furnish to Buyer and Title Company Seller's existing survey of the Property and a Residential Real Property

Affidavit promulgated by the Texas Department of Insurance (T-47 Affidavit). **If Seller fails to furnish the existing survey or affidavit within the time prescribed, Buyer shall obtain a new survey at Seller's expense no later than 3 days prior to Closing Date.** If the existing survey or affidavit is not acceptable to Title Company or Buyer's lender(s), Buyer shall obtain a new survey at Seller's Buyer's expense no later than 3 days prior to Closing Date.

- (2) Within _____ days after the effective date of this contract, Buyer shall obtain a new survey at Buyer's expense. Buyer is deemed to receive the survey on the date of actual receipt or the date specified in this paragraph, whichever is earlier.
- (3) Within _____ days after the effective date of this contract, Seller, at Seller's expense shall furnish a new survey to Buyer.

D. OBJECTIONS: Buyer may object in writing to (i) defects, exceptions, or encumbrances to title: disclosed on the survey other than Items 6A(1) through (7) above; or disclosed in the Commitment other than Items 6A(1) through (8) above; (ii) any portion of the Property lying in a special flood hazard area (Zone V or A) as shown on the current Federal Emergency Management Agency map; or (iii) any exceptions which prohibit the following use or activity:

Buyer must object the earlier of (i) the Closing Date or (ii) N/A days after Buyer receives the Commitment, Exception Documents, and the survey. Buyer's failure to object within the time allowed will constitute a waiver of Buyer's right to object; except that the requirements in Schedule C of the Commitment are not waived. Provided Seller is not obligated to incur any expense, Seller shall cure the timely objections of Buyer or any third party lender within 15 days after Seller receives the objections and the Closing Date will be extended as necessary. If objections are not cured within such 15 day period, this contract will terminate and the earnest money will be refunded to Buyer unless Buyer waives the objections.

E. TITLE NOTICES:

(1) ABSTRACT OR TITLE POLICY: Broker advises Buyer to have an abstract of title covering the Property examined by an attorney of Buyer's selection, or Buyer should be furnished with or obtain a Title Policy. If a Title Policy is furnished, the Commitment should be promptly reviewed by an attorney of Buyer's choice due to the time limitations on Buyer's right to object.

(2) MEMBERSHIP IN PROPERTY OWNERS ASSOCIATION(S): The Property is is not subject to mandatory membership in a property owners association(s). If the Property is subject to mandatory membership in a property owners association(s), Seller notifies Buyer under §5.012, Texas Property Code, that, as a purchaser of property in the residential community identified in Paragraph 2 in which the Property is located, you are obligated to be a member of the property owners association(s). Restrictive covenants governing the use and occupancy of the Property and all dedicatory instruments governing the establishment, maintenance, and operation of this residential community have been or will be recorded in the Real Property Records of the county in which the Property is located. Copies of the restrictive covenants and dedicatory instruments may be obtained from the county clerk. **You are obligated to pay assessments to the property owners association(s). The amount of the assessments is subject to change. Your failure to pay the assessments could result in enforcement of the association's lien on and the foreclosure of the Property.**

Section 207.003, Property Code, entitles an owner to receive copies of any document that governs the establishment, maintenance, or operation of a subdivision, including, but not limited to, restrictions, bylaws, rules and regulations, and a resale certificate from a property owners' association. A resale certificate contains information including, but not limited to, statements specifying the amount and frequency of regular assessments and the style and cause number of lawsuits to which the property owners' association is a party, other than lawsuits relating to unpaid ad valorem taxes of an individual member of the association. These documents must be made available to you by the property owners' association or the association's agent on your request.

If Buyer is concerned about these matters, the TREC promulgated Addendum for Property Subject to Mandatory Membership in a Property Owners Association should be used.

- (3) STATUTORY TAX DISTRICTS: If the Property is situated in a utility or other statutorily created district providing water, sewer, drainage, or flood control facilities and services, Chapter 49, Texas Water Code, requires Seller to deliver and Buyer to sign the statutory notice relating to the tax rate, bonded indebtedness, or standby fee of the district prior to final execution of this contract.
- (4) TIDE WATERS: If the Property abuts the tidally influenced waters of the state, §33.135, Texas Natural Resources Code, requires a notice regarding coastal area property to be included in the contract. An addendum containing the notice promulgated by TREC or required by the parties must be used.
- (5) ANNEXATION: If the Property is located outside the limits of a municipality, Seller notifies Buyer under §5.011, Texas Property Code, that the Property may now or later be included in

the extraterritorial jurisdiction of a municipality and may now or later be subject to annexation by the municipality. Each municipality maintains a map that depicts its boundaries and extraterritorial jurisdiction. To determine if the Property is located within a municipality's extraterritorial jurisdiction or is likely to be located within a municipality's extraterritorial jurisdiction, contact all municipalities located in the general proximity of the Property for further information.

- (6) **PROPERTY LOCATED IN A CERTIFICATED SERVICE AREA OF A UTILITY SERVICE PROVIDER:** Notice required by §13.257, Water Code: The real property, described in Paragraph 2, that you are about to purchase may be located in a certificated water or sewer service area, which is authorized by law to provide water or sewer service to the properties in the certificated area. If your property is located in a certificated area there may be special costs or charges that you will be required to pay before you can receive water or sewer service. There may be a period required to construct lines or other facilities necessary to provide water or sewer service to your property. You are advised to determine if the property is in a certificated area and contact the utility service provider to determine the cost that you will be required to pay and the period, if any, that is required to provide water or sewer service to your property. The undersigned Buyer hereby acknowledges receipt of the foregoing notice at or before the execution of a binding contract for the purchase of the real property described in Paragraph 2 or at closing of purchase of the real property.
- (7) **PUBLIC IMPROVEMENT DISTRICTS:** If the Property is in a public improvement district, §5.014, Property Code, requires Seller to notify Buyer as follows: As a purchaser of this parcel of real property you are obligated to pay an assessment to a municipality or county for an improvement project undertaken by a public improvement district under Chapter 372, Local Government Code. The assessment may be due annually or in periodic installments. More information concerning the amount of the assessment and the due dates of that assessment may be obtained from the municipality or county levying the assessment. The amount of the assessments is subject to change. Your failure to pay the assessments could result in a lien on and the foreclosure of your property.
- (8) **TEXAS AGRICULTURAL DEVELOPMENT DISTRICT:** The Property is is not located in a Texas Agricultural Development District. For additional information, contact the Texas Department of Agriculture.
- (9) **TRANSFER FEES:** If the Property is subject to a private transfer fee obligation, §5.205, Property Code requires Seller to notify Buyer as follows: The private transfer fee obligation may be governed by Chapter 5, Subchapter G of the Texas Property Code.
- (10) **PROPANE GAS SYSTEM SERVICE AREA:** If the Property is located in a propane gas system service area owned by a distribution system retailer, Seller must give Buyer written notice as required by §141.010, Texas Utilities Code. An addendum containing the notice approved by TREC or required by the parties should be used.
- (11) **NOTICE OF WATER LEVEL FLUCTUATIONS:** If the Property adjoins an impoundment of water, including a reservoir or lake, constructed and maintained under Chapter 11, Water Code, that has a storage capacity of at least 5,000 acre-feet at the impoundment's normal operating level, Seller hereby notifies Buyer: "The water level of the impoundment of water adjoining the Property fluctuates for various reasons, including as a result of: (1) an entity lawfully exercising its right to use the water stored in the impoundment; or (2) drought or flood conditions."

7. PROPERTY CONDITION:

A. ACCESS, INSPECTIONS AND UTILITIES: Seller shall permit Buyer and Buyer's agents access to the Property at reasonable times. Buyer may have the Property inspected by inspectors selected by Buyer and licensed by TREC or otherwise permitted by law to make inspections. Seller at Seller's expense shall immediately cause existing utilities to be turned on and shall keep the utilities on during the time this contract is in effect.

NOTICE: Buyer should determine the availability of utilities to the Property suitable to satisfy Buyer's needs.

B. ACCEPTANCE OF PROPERTY CONDITION: "As Is" means the present condition of the Property with any and all defects and without warranty except for the warranties of title and the warranties in this contract. Buyer's agreement to accept the Property As Is under Paragraph 7B (1) or (2) does not preclude Buyer from inspecting the Property under Paragraph 7A, from negotiating repairs or treatments in a subsequent amendment, or from terminating this contract during the Option Period, if any.

(Check one box only)

- (1) Buyer accepts the Property As Is.
- (2) Buyer accepts the Property As Is provided Seller, at Seller's expense, shall complete the following specific repairs and treatments: _____

(Do not insert general phrases, such as "subject to inspections" that do not identify specific repairs and treatments.)

C. COMPLETION OF REPAIRS: Unless otherwise agreed in writing: (i) Seller shall complete all agreed repairs and treatments prior to the Closing Date; and (ii) all required permits must be obtained, and repairs and treatments must be performed by persons who are licensed to

provide such repairs or treatments or, if no license is required by law, are commercially engaged in the trade of providing such repairs or treatments. At Buyer's election, any transferable warranties received by Seller with respect to the repairs and treatments will be transferred to Buyer at Buyer's expense. If Seller fails to complete any agreed repairs and treatments prior to the Closing Date, Buyer may exercise remedies under Paragraph 15 or extend the Closing Date up to 5 days, if necessary, for Seller to complete repairs and treatments.

- D. **ENVIRONMENTAL MATTERS:** Buyer is advised that the presence of wetlands, toxic substances, including asbestos and wastes or other environmental hazards, or the presence of a threatened or endangered species or its habitat may affect Buyer's intended use of the Property. If Buyer is concerned about these matters, an addendum promulgated by TREC or required by the parties should be used.
- E. **SELLER'S DISCLOSURES:** Except as otherwise disclosed in this contract, Seller has no knowledge of the following:
- (1) any flooding of the Property which has had a material adverse effect on the use of the Property;
 - (2) any pending or threatened litigation, condemnation, or special assessment affecting the Property;
 - (3) any environmental hazards that materially and adversely affect the Property;
 - (4) any dumpsite, landfill, or underground tanks or containers now or previously located on the Property;
 - (5) any wetlands, as defined by federal or state law or regulation, affecting the Property; or
 - (6) any threatened or endangered species or their habitat affecting the Property.

8. BROKERS' FEES: All obligations of the parties for payment of brokers' fees are contained in separate written agreements.

9. CLOSING:

A. The closing of the sale will be on or before MAY 31, 2017, or within 7 days after objections made under Paragraph 6D have been cured or waived, whichever date is later (Closing Date). If either party fails to close the sale by the Closing Date, the non-defaulting party may exercise the remedies contained in Paragraph 15.

B. At closing:

- (1) Seller shall execute and deliver a general warranty deed conveying title to the Property to Buyer and showing no additional exceptions to those permitted in Paragraph 6 and furnish tax statements or certificates showing no delinquent taxes on the Property.
- (2) Buyer shall pay the Sales Price in good funds acceptable to the escrow agent.
- (3) Seller and Buyer shall execute and deliver any notices, statements, certificates, affidavits, releases, loan documents and other documents reasonably required for the closing of the sale and the issuance of the Title Policy.
- (4) There will be no liens, assessments, or security interests against the Property which will not be satisfied out of the sales proceeds unless securing the payment of any loans assumed by Buyer and assumed loans will not be in default.

10. POSSESSION:

A. **Buyer's Possession:** Seller shall deliver to Buyer possession of the Property in its present or required condition upon closing and funding.

B. **Leases:**

- (1) After the Effective Date, Seller may not execute any lease (including but not limited to mineral leases) or convey any interest in the Property without Buyer's written consent.
- (2) If the Property is subject to any lease to which Seller is a party, Seller shall deliver to Buyer copies of the lease(s) and any move-in condition form signed by the tenant within 7 days after the Effective Date of the contract.

11. SPECIAL PROVISIONS: (Insert only factual statements and business details applicable to the sale. TREC rules prohibit license holders from adding factual statements or business details for which a contract addendum or other form has been promulgated by TREC for mandatory use.)

① PURCHASE BY BUYER SUBJECT TO FINAL APPROVAL BY LA PORTE CITY COUNCIL

② PURCHASE BY BUYER SUBJECT TO FINDINGS OF PHASE 1 REPORT

12. SETTLEMENT AND OTHER EXPENSES:

A. The following expenses must be paid at or prior to closing:

- (1) Expenses payable by Seller (Seller's Expenses):
 - (a) Releases of existing liens, including prepayment penalties and recording fees; release of Seller's loan liability; tax statements or certificates; preparation of deed; one-half of escrow fee; and other expenses payable by Seller under this contract.
 - (b) Seller shall also pay an amount not to exceed \$ _____ to be applied in the following order: Buyer's Expenses which Buyer is prohibited from paying by FHA, VA, Texas Veterans Land Board or other governmental loan programs, and then to other Buyer's Expenses as allowed by the lender.

(2) Expenses payable by Buyer (Buyer's Expenses): Appraisal fees; loan application fees; origination charges; credit reports; preparation of loan documents; interest on the notes from date of disbursement to one month prior to dates of first monthly payments; recording fees; copies of easements and restrictions; loan title policy with endorsements required by lender; loan-related inspection fees; photos; amortization schedules; one-half of escrow fee; all prepaid items, including required premiums for flood and hazard insurance, reserve deposits for insurance, ad valorem taxes and special governmental assessments; final compliance inspection; courier fee; repair inspection; underwriting fee; wire transfer fee; expenses incident to any loan; Private Mortgage Insurance Premium (PMI), VA Loan Funding Fee, or FHA Mortgage Insurance Premium (MIP) as required by the lender; and other expenses payable by Buyer under this contract.

B. If any expense exceeds an amount expressly stated in this contract for such expense to be paid by a party, that party may terminate this contract unless the other party agrees to pay such excess. Buyer may not pay charges and fees expressly prohibited by FHA, VA, Texas Veterans Land Board or other governmental loan program regulations.

13. PRORATIONS AND ROLLBACK TAXES:

A. PRORATIONS: Taxes for the current year, interest, maintenance fees, assessments, dues and rents will be prorated through the Closing Date. The tax proration may be calculated taking into consideration any change in exemptions that will affect the current year's taxes. If taxes for the current year vary from the amount prorated at closing, the parties shall adjust the prorations when tax statements for the current year are available. If taxes are not paid at or prior to closing, Buyer shall pay taxes for the current year.

B. ROLLBACK TAXES: If this sale or Buyer's use of the Property after closing results in the assessment of additional taxes, penalties or interest (Assessments) for periods prior to closing, the Assessments will be the obligation of Buyer. If Assessments are imposed because of Seller's use or change in use of the Property prior to closing, the Assessments will be the obligation of Seller. Obligations imposed by this paragraph will survive closing.

14. CASUALTY LOSS: If any part of the Property is damaged or destroyed by fire or other casualty after the effective date of this contract, Seller shall restore the Property to its previous condition as soon as reasonably possible, but in any event by the Closing Date. If Seller fails to do so due to factors beyond Seller's control, Buyer may (a) terminate this contract and the earnest money will be refunded to Buyer (b) extend the time for performance up to 15 days and the Closing Date will be extended as necessary or (c) accept the Property in its damaged condition with an assignment of insurance proceeds, if permitted by Seller's insurance carrier, and receive credit from Seller at closing in the amount of the deductible under the insurance policy. Seller's obligations under this paragraph are independent of any other obligations of Seller under this contract.

15. DEFAULT: If Buyer fails to comply with this contract, Buyer will be in default, and Seller may (a) enforce specific performance, seek such other relief as may be provided by law, or both, or (b) terminate this contract and receive the earnest money as liquidated damages, thereby releasing both parties from this contract. If Seller fails to comply with this contract, Seller will be in default and Buyer may (a) enforce specific performance, seek such other relief as may be provided by law, or both, or (b) terminate this contract and receive the earnest money, thereby releasing both parties from this contract.

16. MEDIATION: It is the policy of the State of Texas to encourage resolution of disputes through alternative dispute resolution procedures such as mediation. Any dispute between Seller and Buyer related to this contract which is not resolved through informal discussion will be submitted to a mutually acceptable mediation service or provider. The parties to the mediation shall bear the mediation costs equally. This paragraph does not preclude a party from seeking equitable relief from a court of competent jurisdiction.

17. ATTORNEY'S FEES: A Buyer, Seller, Listing Broker, Other Broker, or escrow agent who prevails in any legal proceeding related to this contract is entitled to recover reasonable attorney's fees and all costs of such proceeding.

18. ESCROW:

A. ESCROW: The escrow agent is not (i) a party to this contract and does not have liability for the performance or nonperformance of any party to this contract, (ii) liable for interest on the earnest money and (iii) liable for the loss of any earnest money caused by the failure of any financial institution in which the earnest money has been deposited unless the financial institution is acting as escrow agent.

B. EXPENSES: At closing, the earnest money must be applied first to any cash down payment, then to Buyer's Expenses and any excess refunded to Buyer. If no closing occurs, escrow agent may: (i) require a written release of liability of the escrow agent from all parties, (ii) require payment of unpaid expenses incurred on behalf of a party, and (iii) only deduct from the earnest money the amount of unpaid expenses incurred on behalf of the party receiving the earnest money.

C. DEMAND: Upon termination of this contract, either party or the escrow agent may send a release of earnest money to each party and the parties shall execute counterparts of the release and deliver same to the escrow agent. If either party fails to execute the release, either party may make a written demand to the escrow agent for the earnest money. If only one party makes written demand for the earnest money, escrow agent shall promptly provide

a copy of the demand to the other party. If escrow agent does not receive written objection to the demand from the other party within 15 days, escrow agent may disburse the earnest money to the party making demand reduced by the amount of unpaid expenses incurred on behalf of the party receiving the earnest money and escrow agent may pay the same to the creditors. If escrow agent complies with the provisions of this paragraph, each party hereby releases escrow agent from all adverse claims related to the disbursement of the earnest money.

D. DAMAGES: Any party who wrongfully fails or refuses to sign a release acceptable to the escrow agent within 7 days of receipt of the request will be liable to the other party for (i) damages; (ii) the earnest money; (iii) reasonable attorney's fees; and (iv) all costs of suit.

E. NOTICES: Escrow agent's notices will be effective when sent in compliance with Paragraph 21. Notice of objection to the demand will be deemed effective upon receipt by escrow agent.

19. REPRESENTATIONS: All covenants, representations and warranties in this contract survive closing. If any representation of Seller in this contract is untrue on the Closing Date, Seller will be in default. Unless expressly prohibited by written agreement, Seller may continue to show the Property and receive, negotiate and accept back up offers.

20. FEDERAL TAX REQUIREMENTS: If Seller is a "foreign person," as defined by applicable law, or if Seller fails to deliver an affidavit to Buyer that Seller is not a "foreign person," then Buyer shall withhold from the sales proceeds an amount sufficient to comply with applicable tax law and deliver the same to the Internal Revenue Service together with appropriate tax forms. Internal Revenue Service regulations require filing written reports if currency in excess of specified amounts is received in the transaction.

21. NOTICES: All notices from one party to the other must be in writing and are effective when mailed to, hand-delivered at, or transmitted by fax or electronic transmission as follows:

To Buyer

at: CORBY ALEXANDER
CITY MANAGER
CITY OF LA PORTE
604 W. FAIRMONT PKWY.

To Seller

at: SANDRA HILLBURN KIIBLER
P.O. BOX 956, LA PORTE, TX 77572

Phone: (281) 471-5020

Phone: (281) 830-4463

Fax: ()

Fax: ()

E-mail: _____

E-mail: sandra.hillburn@gmail.com

22. AGREEMENT OF PARTIES: This contract contains the entire agreement of the parties and cannot be changed except by their written agreement. Addenda which are a part of this contract are (check all applicable boxes):

- Third Party Financing Addendum
- Seller Financing Addendum
- Addendum for Property Subject to Mandatory Membership in a Property Owners Association
- Buyer's Temporary Residential Lease
- Seller's Temporary Residential Lease
- Addendum for Reservation of Oil, Gas and Other Minerals
- Addendum for "Back-Up" Contract
- Addendum for Coastal Area Property
- Environmental Assessment, Threatened or Endangered Species and Wetlands Addendum
- Addendum for Property Located Seaward of the Gulf Intracoastal Waterway
- Addendum for Sale of Other Property by Buyer
- Addendum for Property In a Propane Gas System Service Area
- Other (list): _____

23. TERMINATION OPTION: For nominal consideration, the receipt of which is hereby acknowledged by Seller, and Buyer's agreement to pay Seller \$_____ (Option Fee) within 3 days after the effective date of this contract, Seller grants Buyer the unrestricted right to terminate this contract by giving notice of termination to Seller within _____ days after the effective date of this contract (Option Period). Notices under this paragraph must be given by 5:00 p.m. (local time where the Property is located) by the date specified. If no dollar amount is stated as the Option Fee or if Buyer fails to pay the Option Fee to Seller within the time prescribed, this paragraph will not be a part of this contract and Buyer shall not have the unrestricted right to terminate this contract. If Buyer gives notice of termination within the time prescribed, the Option Fee will not be refunded; however, any earnest money will be refunded to Buyer. The Option Fee will will not be credited to the Sales Price at closing. **Time is of the essence for this paragraph and strict compliance with the time for performance is required.**

24. CONSULT AN ATTORNEY BEFORE SIGNING: TREC rules prohibit real estate license holders from giving legal advice. READ THIS CONTRACT CAREFULLY.

Buyer's Attorney is: CLARK T. ASKINS Seller's Attorney is: N/A
702 W. FAIRMONT PKWY
LA PORTE, TX 77571

Phone: 281 471-1886 Phone: ()

Fax: 281 471-2047 Fax: ()

E-mail: ctaskins@swbell.net E-mail: _____

EXECUTED the _____ day of _____, 2017 (EFFECTIVE DATE).
(BROKER: FILL IN THE DATE OF FINAL ACCEPTANCE.)

[Signature]
Buyer

[Signature]
Seller

Buyer

Seller



The form of this contract has been approved by the Texas Real Estate Commission. TREC forms are intended for use only by trained real estate license holders. No representation is made as to the legal validity or adequacy of any provision in any specific transactions. It is not intended for complex transactions. Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, (512) 936-3000 (<http://www.trec.texas.gov>) TREC NO. 9-12. This form replaces TREC NO. 9-11.

Contract Concerning

1218 S. BROADWAY ST.
(Address of Property)

Page 8 of 8 11-2-2015

BROKER INFORMATION
(Print name(s) only. Do not sign)

Other Broker Firm _____ License No. _____

represents Buyer only as Buyer's agent
 Seller as Listing Broker's subagent

Listing Broker Firm _____ License No. _____

represents Seller and Buyer as an Intermediary
 Seller only as Seller's agent

Associate's Name _____ License No. _____

Listing Associate's Name _____ License No. _____

Licensed Supervisor of Associate _____ License No. _____

Licensed Supervisor of Listing Associate _____ License No. _____

Other Broker's Address _____ Fax _____

Listing Broker's Office Address _____ Fax _____

City _____ State _____ Zip _____

City _____ State _____ Zip _____

Associate's Email Address _____ Phone _____

Listing Associate's Email Address _____ Phone _____

Selling Associate's Name _____ License No. _____

Licensed Supervisor of Selling Associate _____ License No. _____

Selling Associate's Office Address _____ Fax _____

City _____ State _____ Zip _____

Selling Associate's Email Address _____ Phone _____

Listing Broker has agreed to pay Other Broker _____ of the total sales price when the Listing Broker's fee is received. Escrow agent is authorized and directed to pay other Broker from Listing Broker's fee at closing.

OPTION FEE RECEIPT

Receipt of \$ _____ (Option Fee) in the form of _____ is acknowledged.

Seller or Listing Broker _____

Date _____

CONTRACT AND EARNEST MONEY RECEIPT

Receipt of Contract and \$ _____ Earnest Money in the form of _____ is acknowledged.

Escrow Agent: _____ Date: _____

By: _____

Email Address _____

Phone: (_____) _____

Address _____

Fax: (_____) _____

City _____ State _____ Zip _____



PROMULGATED BY THE TEXAS REAL ESTATE COMMISSION (TREC)

12-05-11



ENVIRONMENTAL ASSESSMENT, THREATENED OR ENDANGERED SPECIES, AND WETLANDS ADDENDUM

TO CONTRACT CONCERNING THE PROPERTY AT

1718 S. BROADWAY ST., LA PORTE, TX
(Address of Property)

- A. ENVIRONMENTAL ASSESSMENT: Buyer, at Buyer's expense, may obtain an environmental assessment report prepared by an environmental specialist.
- B. THREATENED OR ENDANGERED SPECIES: Buyer, at Buyer's expense, may obtain a report from a natural resources professional to determine if there are any threatened or endangered species or their habitats as defined by the Texas Parks and Wildlife Department or the U.S. Fish and Wildlife Service.
- C. WETLANDS: Buyer, at Buyer's expense, may obtain a report from an environmental specialist to determine if there are wetlands, as defined by federal or state law or regulation.

Within 30 days after the effective date of the contract, Buyer may terminate the contract by furnishing Seller a copy of any report noted above that adversely affects the use of the Property and a notice of termination of the contract. Upon termination, the earnest money will be refunded to Buyer.

Buyer

Seller

Buyer

Seller



This form has been approved by the Texas Real Estate Commission for use with similarly approved or promulgated contract forms. Such approval relates to this form only. TREC forms are intended for use only by trained real estate licensees. No representation is made as to the legal validity or adequacy of any provision in any specific transactions. It is not suitable for complex transactions. Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, 512-936-3000 (<http://www.trec.texas.gov>) TREC No. 28-2. This form replaces TREC No. 28-1.

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>May 8, 2017</u>	<u>Appropriation</u>
Requested By: <u>Michael Dolby</u>	Source of Funds: _____
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: _____
Attachments :	Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO

SUMMARY & RECOMMENDATIONS

Staff will be present to update council on status and issues regarding the One Solution Software Project.

Action Required of Council:

Receive report on One Solution and take appropriate action.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



Council Agenda Item May 8, 2017

8. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, May 18, 2017
- La Porte Development Corporation Board Meeting, Monday, May 22, 2017
- City Council Meeting, Monday, May 22, 2017
- Zoning Board of Adjustment Meeting, Thursday, May 25, 2017

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

10. 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 - Personnel Matter: Deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, unless the officer or employee requests a public hearing: Clark Askins, Assistant City Attorney, regarding prosecution of commercial motor vehicle cases in Municipal Court.

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

12. ADJOURN
