

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



CHUCK ENGELKEN
Councilmember District 2
DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Mayor Pro-Tem
Councilmember District 4
JAY MARTIN
Councilmember District 5
NANCY OJEDA
Councilmember District 6

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held July 24, 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 Assistant City Attorney Clark Askins.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember Kristin Martin.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Recognition - Employee of the Second Quarter 2017 - Jenny Lynn (Marketing Public Relations Specialist) City of La Porte Parks and Recreation Department - Mayor Rigby
5. **PUBLIC COMMENTS** (Limited to five minutes per person.)
6. **CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
 - (a) Consider approval or other action regarding minutes of the meeting held on July 10, 2017 - P. Fogarty
 - (b) Consider approval or other action regarding recommended date of September 11, 2017 for the Public Hearing on the City's Fiscal Year 2017-2018 Proposed Budget - S. Wolny
 - (c) Consider approval or other action regarding a Memorandum of Agreement with Bay Point Townhome Association for a community cooperation project providing for camera installation, new entryway sign and lighting for a total City contribution of \$2,492.82 - T. Leach
 - (d) Consider approval or other action regarding an Ordinance approving and authorizing the donation of Lots 19, 20, 21 & 22, Block 104 of the Town of La Porte; Lots 29 & 30, Block 105, of the Town of La Porte and Lots 23 & 24, Block 66, of the Town of La Porte, to Bay Area Habitat for Humanity-Houston, Inc., a Texas non-profit corporation for the construction of affordable housing - R. Mancilla
 - (e) Consider approval or other action regarding an Interlocal Agreement between the City of La Porte and the City of Morgan's Point for services including Fire Protection & Prevention, Emergency Medical Service, Dispatch, Animal Control and Jail - R. Nolen
7. **PUBLIC HEARINGS AND ASSOCIATED ORDINANCES**
 - (a) Public hearing to receive comments regarding the recommendation of the Planning and Zoning Commission to amend regulations related to the placement of carports on residential property; 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 placement of carports on residential property - I. Clowes

8. AUTHORIZATIONS

- (a) Consider approval or other regarding an Ordinance vacating, abandoning and closing the south one-half S. Holmes St., right-of-way in Blocks 27 & 28, Town of La Porte - I. Clowes

9. REPORTS

- (a) Receive report of the July 17, 2017 La Porte Development Corporation Board Meeting - Councilmember Ojeda

10. ADMINISTRATIVE REPORTS

- Zoning Board of Adjustment Meeting, Thursday, July 27, 2017
- La Porte Development Corporation Board Meeting, Monday, August 14, 2017
- City Council Meeting, Monday, August 14, 2017
- Budget Workshop Meetings, week of August 14th, 2017
- Planning and Zoning Commission Meeting, Thursday, August 17, 2017
- Zoning Board of Adjustment Meeting, Thursday, August 24, 2017
- City Council Meeting, Monday, August 28, 2017

- 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 K. Martin, Kaminski, Zemanek, Leonard, Engelken, Earp, Ojeda, J. Martin and Mayor Rigby.

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 July 24, 2017 , agenda of items to be considered by the City Council was posted on the City Hall bulletin board on July ____, 2017.

Patrice Fogarty



**Council Agenda Item
July 24, 2017**

1. **CALL TO ORDER**
2. **INVOCATION** – The invocation will be given by Assistant City Attorney Clark Askins.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember Kristin Martin.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Recognition - Employee of the Second Quarter 2017 - Jenny Lynn (Marketing Public Relations Specialist) City of La Porte Parks and Recreation Department - Mayor Rigby
5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Employee of the Quarter
2nd Quarter 2017
Jenny Lynn – Marketing and Special Events Specialist

Jenny Lynn joined the City of La Porte team in December of 2016 and immediately led the planning efforts for the City's 125th Anniversary Celebration. The celebration was a huge undertaking consisting of eight events (Kid's Rodeo; Concert featuring Cody Johnson; Dinner Gala featuring Mambo Jazz Kings; 5K Family Fun Run; Parade; Airplane & Car Show; Concert featuring Clay Walker and a Mother's Day Gospel Brunch) over the course of four days. Jenny had approximately 5 months to get acclimated with the City's processes; City Staff; and committee members of the 125th Anniversary Celebration in order to bring to life a series of events commemorating the significant community milestone. The 125th Anniversary Celebration was a rousing success that will be remembered for years to come.

Jenny had a great team of staff and volunteers behind her, but as one nominator stated, "Someone needed to be the captain of the ship and that was Jenny." Jenny's commitment to this project exemplified high level planning and coordination including the selection and ordering of supplies for each of the events. Throw in many critical behind the scenes tasks such as soliciting sponsors; creating marketing materials; developing safety, staffing and volunteer plans, all while staying within budget and you start to see the scope and scale of the project that Jenny successfully led. This type of workload would be overwhelming to anyone, but all three nominations raved of Jenny's positive attitude, grace, and determination to see this event through.

After leading a team to such an accomplishment, Jenny has quickly turned her attention to future events and the planning of Founder's Day in August.

In recognition of leadership, work efforts on the 125th Anniversary Celebration events and continued commitment to making memories and improving the quality of life for La Porte residents, please join me in congratulating Jenny Lynn as our Employee of the Second Quarter 2017.



**Council Agenda Item
July 24, 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.)*
- (a) Consider approval or other action regarding minutes of the meeting held on July 10, 2017 - P. Fogarty
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 - (e) Consider approval or other action regarding an Interlocal Agreement between the City of La Porte and the City of Morgan's Point for services including Fire Protection & Prevention, Emergency Medical Service, Dispatch, Animal Control and Jail - R. Nolen

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**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
JULY 10, 2017**

The City Council of the City of La Porte met in a regular meeting on **Monday, July 10, 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 Ojeda, J. Martin, K. Martin, Engelken, Kaminski, Zemanek, Leonard, and Earp. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.
2. **INVOCATION** – The invocation was given by a member of the Ministerial Alliance.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember J. Martin.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Proclamation – Parks and Recreation Month – Mayor Rigby

Mayor Rigby presented a proclamation to the Parks and Recreation Department, accepted by Director Rosalyn Epting, for Parks and Recreation Month.

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

Drue Adams, 200 Crescent View St., addressed Council and requested access to the bay remain accessible to the citizens in the community.

Don Belgau, 3342 Miramar, addressed Council regarding Holmes Street right-of-way and requested the property not be sold and remain accessible to the citizens of the community. In addition, Mr. Belgau suggested Council have a meeting with the citizens regarding the issue.

Chuck Rosa, 812 S. Virginia, addressed Council and thanked them for considering giving City employees a pay raise, but commented he is opposed to having spent \$50,000.00 on a compensation study.

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 Council Meeting held on June 26, 2017 – P. Fogarty

- (b) Consider approval or other action appointing Gideon Jones to fill a vacancy on the Airport Advisory Committee in Position 3, with a term expiring August 31, 2019 – P. Fogarty
- (c) Consider approval or other action appointing Thomas Deen to fill a vacancy on the Zoning Board of Adjustment in Position 2, with a term expiring on August 31, 2018 – P. Fogarty
- (d) Consider approval or other action of Pay Request No. 1, to Oakland Land and Development Co., in an amount not to exceed \$66,547.28 pursuant to Local Government Code Chapter 380 Agreement between Oakland Land and Development Co., and the City of La Porte dated March 27, 2017 – T. Leach
- (e) Consider approval or other action to reject bid for Bid #17019 Digester Aeration System Modification for Little Cedar Bayou Wastewater Treatment Plant, reduce the scope of work and re-bid project – D. Pennell
- (d) Consider approval or other action authorizing the City Manager to execute a construction contract with Greenscapes Six, LLC., for sidewalk repair and replacement for unit prices bid – D. Pennell

Councilmember Engelken made a motion to approve Consent Agenda Items pursuant to staff recommendations. Councilmember K. Martin seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

7. AUTHORIZATION

- (a) Consider approval or other action regarding an Ordinance amending “Appendix A Fees” of the Code of Ordinances of the City of La Porte, Texas, pertaining to EMS charges for services rendered in areas outside of corporate limits of La Porte, by increasing “Non-Member Fees (Per Event)” – R. Nolen

Emergency Medical Services Chief Ray Nolen presented a summary.

Councilmember Zemanek made a motion to increase the “Non-Member Fees (Per Event)” for EMS from \$1,500 per response to \$5,000 per response. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to Council action Assistant City Attorney Clark Askins read the caption of Ordinance 2017-3679: AN ORDINANCE AMENDING “APPENDIX A, FEES,” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS, PERTAINING TO CHARGES FOR SERVICES RENDERED IN AREAS OUTSIDE OF THE CORPORATE LIMITS OF LA PORTE BY INCREASING “NON-MEMBER FEE (PER EVENT);” CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

8. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding future options for expansion of the Recreation and Fitness Center, and provide staff direction for budgeting purposes – R. Epting

Parks and Recreation Director Rosalyn Epting presented a summary.

Council directed Staff to bring back costs for the three different options presented excluding additional equipment and staffing.

- (b) Discussion and possible action regarding options for additional lighting for Main Street and Broadway Street; and provide staff direction for budgeting purposes – R. Epting

Parks and Recreation Director Rosalyn Epting presented a summary.

Council directed Staff to bring back pricing for stages of lighting for all of Main Street, not just a small portion of it, and to look at different lamps which will illuminate larger areas.

- (c) Discussion and possible action regarding potential upgrades at Northwest Pool, and provide staff direction for budgeting purposes – R. Epting

Parks and Recreation Director Rosalyn Epting presented a summary.

Councilmember Zemanek made a motion to move forward with the recommendation of the Aquatics Staff, provided a portion of the funding is provided by the La Porte Development Corporation. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

- (d) Discussion and possible action to fill Alternate 2 position on the Zoning Board of Adjustment with a term expiring August 31, 2017 – P. Fogarty

Councilmember Leonard made a motion to appoint Phillip Hoot to fill the vacant Alternate 2 position on the Zoning Board of Adjustment with a term expiring August 31, 2017. Councilmember Kaminski seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

9. ADMINISTRATIVE REPORTS

City Manager Corby Alexander informed Council he and Assistant City Attorney Clark Askins are aware of the citizen's concern who spoke during the public comments regarding the right-of-way encroachment, and they are working to get it resolved.

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

Councilmembers K. Martin and Kaminski thanked Parks and Recreation Director Rosalyn Epting for the great job on the newsletter. Councilmember Zemanek thanked everyone involved in the preparation of the 4th of July Parade and advised that he has requested City Manager Corby Alexander reach out to Harris County regarding the potholes on the eastbound lane of Fairmont Parkway right before the railroad overpass. Councilmember Leonard commented he enjoyed the 4th of July festivities, congratulated Parks and Recreation for receiving the proclamation and thanked the department for the presentations presented during the meeting; Councilmember Engelken commented he enjoyed the 4th of July fireworks and suggested Staff contact the media in the future for recognition of our event; Councilmember Earp congratulated Parks and Recreation for receiving the proclamation and commented he enjoyed the 4th of July Parade; Councilmember Ojeda commented she attended the Habitat for Humanity Dedication on Saturday and was proud of the positive comments she received about the City, and she acknowledged the passing of La Porte resident Lou Richard; and Mayor Rigby thanked everyone involved in the preparation of the 4th of July festivities and suggested Staff take a look at the City of Baytown's two-day event during the 4th of July.

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

Texas Government Code, Section 551.071(1)(A) – Pending or Contemplated Litigation: Meet with City Attorney and City Manager to discuss Adapted Logistics, LLC, et al.vs. City of La Porte, Texas

City Council did not convene into an executive session.

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

There was no reconvening because there was no executive session.

13. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:15 p.m. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on July 24, 2017.

Mayor Louis R. Rigby

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 24, 2017
Requested By: Shelley Wolny, Treasurer
Department: Finance
Report: Resolution: Ordinance:
Other: _____

Appropriation

Source of Funds: N/A
Account Number: _____
Amount Budgeted: _____
Amount Requested: _____
Budgeted Item: YES NO

Attachments :

1. Budget Calendar

SUMMARY & RECOMMENDATIONS

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

Staff is recommending that a Public Hearing for the Fiscal Year 2017-2018 Proposed Budget be held on Monday, September 11, 2017, at a Regular Called meeting of the City Council to begin at 6:00 p.m.

Additionally, staff would like to discuss the proposed dates for the budget workshops. Staff recommends holding the budget workshops during the week of August 14th.

Action Required of Council:

Consider approval or other action to set dates for the budget workshop (week of August 14, 2017) and the public hearing (September 11, 2017) for the City's FY 2017-2018 proposed Budget.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

BUDGET CALENDAR FY 2017-2018

DAY	DATE	ACTIVITY
Saturday	April 22	Pre-Budget Workshop with Council
Monday	April 24	Budget Kickoff – Initial Discussion and Packet Distribution Begin Departmental Input of 2016-2017 Estimates (Level 150) Begin Departmental Input of 2017-2018 Projections (Level 200)
Friday	May 5	Overtime Projections due from Divisions for FY 2017 Estimates and FY 2018 Projections
Friday	May 12	Complete Input of All Capital Outlay Requests in Operational Budgets
Friday	May 19	Complete Departmental Input of 2016-2017 Estimates (Level 150) Complete Departmental Input of 2017-2018 Projections (Level 200) Revenue Estimates and Projections due to Finance Goals, Objectives and Performance Measures due to Finance
Wednesday	May 31	Proposed budgets to City Manager (Revenues & Expenditures)
Week	June 12-16	City Manager review with Departments
Thursday	June 22	Final Revenue Estimates Prepared
Friday	July 7	Budget review compilations by City Manager
Monday	July 24	City Council to determine place and time of Public Hearing
Monday	July 24	City Manager sends City Council Proposed Budget
Week	Aug 14-18	City Manager Budget Workshops with Council
Monday	Aug 14	City Council to decide on dates of Public Hearings on tax rate (if needed)
Thursday	Aug 24	Post Notice of Public Hearing and Notice of Property Tax Revenue Increase
Monday	Sep 11	City Council Adopts Budget/Public Hearing
Monday	Sep 25	City Council Adopts Tax Rate– <i>IF NOT ADOPTED WITH BUDGET</i>

15 days

30 days*

10 days

*30 days prior to setting the tax levy.

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 24, 2017
Requested By: Traci Leach
Department: Administration
Report: Resolution: Ordinance:
Other: _____

Appropriation

Source of Funds: General Fund CIP
Account Number: _____
Amount Budgeted: \$30,000
Amount Requested: \$2,492.82
Budgeted Item: YES NO

Attachments :

- 1. MOA for Bay Point Townhomes**
- 2. Project Quotes**

SUMMARY & RECOMMENDATIONS

As part of the FY 2017 budget, the Council approved funding for Community Co-op projects, where the City would partner with HOAs and other neighborhood groups to complete small beautification and quality of life projects. A total of \$30,000 was budgeted with a maximum City contribution per project of \$5,000, with \$10,000 of this funding coming from the La Porte Development Corporation to fund projects within City parks. All projects would be considered on a first come, first served basis. At this time, Shady River HOA and Fairmont Park HOA have completed projects and Bayside Terrace Civic Club has an approved project and agreement. Staff is working with several groups on potential projects.

Bay Point Townhome Association has obtained a quote for a security cameras, new entryway sign, and lighting for the neighborhood. The cameras are located at the neighborhood pool, playground, and parking lot and the new sign will be located along 8th Street.

The total project cost is \$4,985.64 based on the quote received. The City will contribute \$2,492.82 for the project. Pursuant to the attached Memorandum of Agreement, the HOA will handle the procurement. Installation of the improvements is included in the price of the camera and the sign. The City will provide a check to the HOA share of the project within 30 days of project completion.

As this would not be an addition to a City-owned and maintained facility, the on-going maintenance responsibility would lie with the HOA.

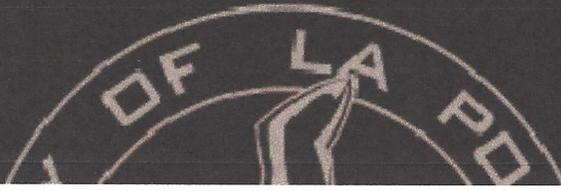
Action Required of Council:

Consider approval or other action of a Memorandum of Agreement with Bay Point Townhome Association for a community cooperation project (camera installation, new entryway sign, and lighting) for a total City contribution of \$2,492.82.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA) is made by and entered into this 6 day of July, 2017 (the "Effective Date") between the City of La Porte, a home-rule municipality under the laws of the State of Texas ("the City") and the Baypoint Townhome Homeowners Association ("BTHOA"), to establish each party's obligations under the Community Cooperation Project, as defined herein.

The terms acceptable to both Parties to begin the Community Cooperation Project are as follows:

The City and BTHOA agree that the Community Cooperation Project shall consist of complete rehabilitation of the playground area (hereinafter defined as "the Improvements").

- Installation of a new entryway sign at 8th Street (including solar lights)
- Installation of a security cameras at the HOA swimming pool, playground, and parking lot
- Installation of solar lights for the new sign

The HOA shall be responsible for the procurement of the Improvements and the contractor will include installation of the Improvements in the submitted pricing.

The City agrees to fund a sum not to exceed \$2,492.82 for construction and installation of the Improvements.

As these improvements are not in a City park, the City shall not be responsible for all future maintenance or monitoring of the Improvements.

This MOA constitutes the complete understanding between the parties in order to begin the procurement and installation process for the Improvements.

For the City of La Porte:

Corby D. Alexander
City Manager

Attest: Patrice Fogarty, City Secretary

For the Baypoint Townhome Homeowners Association:


Margaret Anderson, President

RECEIVED

JUN 26 2017

CITY MANAGER'S
OFFICE

June 23, 2017

Traci,

Enclosed are bids for the coop project.

1) Humble Sign Co.

This bid is for a smaller sign to be installed on the 8th St. entrance.
Bid includes installation.

2) S & S Investigations

Security cameras that cover our pool, parking lot and play ground.
Cameras have been installed and invoice paid in full.

3) Amazon

Solar lights for signs. These are the same lights you sent info on – I
got a better price on Amazon. Waiting on delivery – invoice paid in
full. We will install.

If you have any questions please call.

Thank you

Martha

HUMBLE SIGN CO

3435 FM 1960 East, Suite A, Humble, Texas, 77338

Primary Email: barbara@humblesignco.com

Primary Phone: 281-812-2100

License #: TECL - 18688

HumbleSignCo.com



Quote 16940

Baypoint Towne Homes Sandblasted Sign Project

SALES REP INFO
Collin Cantrell
collin@humblesignco.com

QUOTE DATE
04/07/2017
QUOTE EXPIRY DATE
08/05/2017

TERMS
Due at completion

PAYMENT METHOD

ORDERED BY
Baypoint Towne Homes
1501 Poplar Cove
Laporte, Texas, 77571

SHIPPING ADDRESS
Baypoint Towne Homes
1501 Poplar Cove
Laporte, Texas, 77571

CONTACT INFO
Martha Sanders
bpthoa@aol.com
281-470-0800
Mobile: 281-470-0800

#	ITEM	QTY	UOM	UNIT PRICE	TOTAL (EXCL. TAX)
1	HDU Sign Panel (4' tall x 8' wide - Installed)	1.0	Each	\$2,054.47	\$2,054.47

Design, fabricate and install one (1) 24" tall x 48" wide custom routed high density urethane foam sign to include:

- Custom art design with 1 revision
- 1.5" thick HDU panels
- Precision routed to custom design
- Sandblasted to mimic real wood (if applicable)
- Custom paint applied (4 colors)
- Includes non-painted aluminum mounting backer plate and hardware
- Two (2) 4" x 4" painted, wood posts set in concrete.

Payment Terms:

- 50% deposit due prior to work commencing
- 50% balance due at installation

CLIENT IS RESPONSIBLE FOR EXACT LOCATION. MUST BE FLAGGED BY CLIENT. OTHERWISE, IT IS THE INSTALLER'S DISCRETION.

Humble Sign Co is licensed with the state of Texas as an Electrical Sign Contractor. Our license number is TECL-18688. We will be happy to also provide you a copy of our comprehensive liability insurance. Be sure to ask All your contractors for these two items.

Final payment is due upon delivery of signage unless a written agreement is established in advance. All products installed and/or fabricated by Humble Texas Signs, dba Humble Sign Co, remain the property of Humble Sign Co until payment has been made in full. Humble Sign Co reserves the right to repossess signage not paid for in full. If not paid in full by the due date, the invoice will accrue \$300 on the 31st day, and \$10 will be added each day following thereafter, or 2.0% monthly, which ever is greater.

Shipping: \$0
 Finance: \$0
 Misc. Charges: \$0
 Subtotal: \$2,054.47
 Sales Tax (8.25%): \$169.49
 Total: \$2,223.96

2054.47

\$1,114.98 1027.24

Downpayment (50.0 %)

SIGNATURE:

DATE:

S&S INVESTIGATIONS & SECURITY, INC

Invoice

P.O. Box 767
 La Porte, Texas 77572
 281-471-0102
 ssinve@swbell.net
 C-08804

Date	Invoice #
3/23/2017	304617-1

Bill To
Baypointe Town Homes 1501 Poplar Cove St. La Porte, TX 77571

P.O. No.	Terms	Project
		3046-17

Description	Qty	Rate	Amount
3MP Single Matrix IR IP Cameras	2	249.99	499.98
8 CH NVR 30FPS Playback	1	525.00	525.00
2TB HDD For Storage	1	129.99	129.99
Conduit and accessories needed	1	250.00	250.00
Varifocal Lense 2 MP IPI Camera (Playground Zoom)	1	299.99	299.99
Labor Installation	1	750.00	750.00
Network Configurations and DDNS Setup for Remote Access	1	200.00	200.00
Sales Tax Group		8.25%	219.04

Balance Due \$2,874.00



Details for Order #114-5183286-6889000
Print this page for your records.

Order Placed: June 23, 2017
Amazon.com order number: 114-5183286-6889000
Order Total: \$309.45

Preparing for Shipment

Items Ordered

2 of: *Maxsa 40330 Solar-Powered 10 Hour Floodlight*
Sold by: Amazon.com LLC

Price
\$57.17

Condition: New

Shipping Address:

Martha Sanders
807 GARDEN WALK DR
LA PORTE, TX 77571-6226
United States

Item(s) Subtotal: \$114.34
Shipping & Handling: \$0.00

Total before tax: \$114.34
Sales Tax: \$9.44

Shipping Speed:
Two-Day Shipping

Total for This Shipment: \$123.78

Preparing for Shipment

Items Ordered

3 of: *Maxsa 40330 Solar-Powered 10 Hour Floodlight*
Sold by: Amazon.com LLC

Price
\$57.17

Condition: New

Shipping Address:

Martha Sanders
807 GARDEN WALK DR
LA PORTE, TX 77571-6226
United States

Item(s) Subtotal: \$171.51
Shipping & Handling: \$0.00

Total before tax: \$171.51
Sales Tax: \$14.16

Shipping Speed:
Two-Day Shipping

Total for This Shipment: \$185.67

Payment information

Payment Method:

Visa | Last digits: 9575

Item(s) Subtotal: \$285.85
Shipping & Handling: \$0.00

Billing address

Martha Sanders
1501 Poplar Cove St
La Porte, TX 77571-6232
United States

Total before tax: \$285.85
Estimated tax to be collected: \$23.60

Grand Total: \$309.45

Credit Card transactions

Visa ending in 9575: June 23, 2017: \$0.00

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 24, 2017
Requested By: Richard Mancilla, P.E.
Department: Planning & Development
Report: Resolution: Ordinance:
Other: _____

Appropriation

Source of Funds: GEN611
Account Number: 015-9892-611-1100
Amount Budgeted: \$61,843.00
Amount Requested: \$30,000.00
Budgeted Item: YES NO

Attachments :

- 1. Area Map**
- 2. Special Warranty Deed**
- 3. Ordinance**
- 4. Tax Resale Deeds**
- 5. BAHFH Funding Participation Acknowledgement**

SUMMARY & RECOMMENDATIONS

CIP Project GEN611-Northside Housing Project is for the acquisition of buildable lots on the City's north side for in-fill housing construction. Lots are identified from a list of delinquent properties that did not sell at sheriff's auction.

Over the years, the City has assisted Bay Area Habitat for Humanity (BAHFH) by donating numerous tax foreclosure properties or other properties owned by the City, for the purpose of providing qualified families meeting specific income requirements, the opportunity to fulfill the dream of home ownership.

At this time, BAHFH has requested the City provide four (4) building sites to facilitate construction of four more homes over the next program year. The Habitat for Humanity program utilizes sweat equity of the recipient families and volunteer labor for construction of the homes.

If approved, the Mayor would be authorized to execute Tax Resale Deeds conveying all rights, title, and interest of the taxing entities in three properties (one of the three properties includes four lots that will provide two building sites) to the City of La Porte, requiring expenditure of \$35,540.59 to clear the properties of delinquent taxes, penalties, and interest and \$2,845.86 for post-judgment taxes due. In turn, the Mayor would be authorized to execute a Special Warranty Deed to donate the three properties (four building sites) to BAHFH.

The City's participation would include release of all liens assessed on the properties and payment of judgments up to \$10,000.00 per property (\$30,000.00). BAHFH has committed to payment to the City in the amount of \$8,386.45, which represents \$5,540.59 for judgments (amount exceeding \$30,000.00) and all post-judgment taxes due, which total \$2,845.86.

Action Required of Council:

Consider approval or other action of an ordinance authorizing the Mayor to execute all documents required to convey the three properties from the City to Bay Area Habitat for Humanity-Houston, Inc., legally described as: Lots 29-30, Block 105, Town of La Porte; Lots 23-24, Block 66, Town of La Porte; and Lots 19-22, Block 104, Town of La Porte.

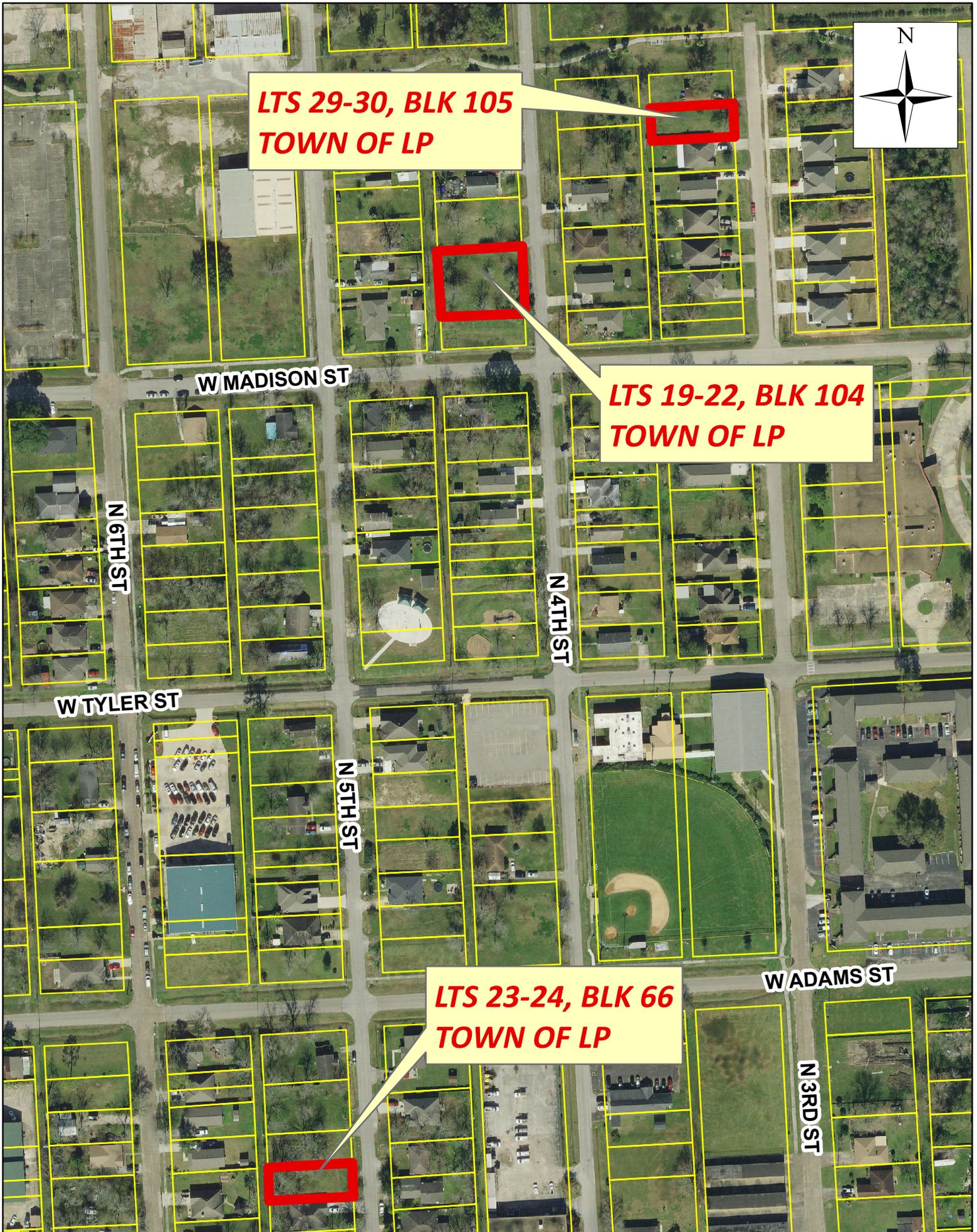
Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

AREA MAP

SUMMER 2017 - BAY AREA HABITAT FOR HUMANITY BUILDING SITES



SPECIAL WARRANTY DEED

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

Date: _____, 2017

Grantor: CITY OF LA PORTE, TEXAS, a municipal corporation

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

Grantee: BAY AREA HABITAT FOR HUMANITY – HOUSTON, INC., a Texas non-profit corporation

Mailing Address: P. O. Box 1284, Dickinson, Texas 77539

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

Property (including any improvements):

Lots Twenty-three (23) and Twenty-four (24), in Block Sixty-six (66), Town of La Porte, a subdivision in Harris County, Texas, more particularly described in a deed file in the real property records of Harris County, Texas, under Harris County Clerk's File Number L326438 (Account No. 023-197-066-0023)

Reservations from and Exception to Conveyance and Warranty: Taxes for the current year, if applicable, are assumed by Grantee. This conveyance is made subject to all and singular the restrictions, conditions, oil, gas, and other mineral reservations, easements, and covenants, if any, application to enforcement against the above described property as reflected by the records of the County Clerk of the aforesaid county.

Grantor for the consideration and subject to the reservation from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim to the or any part thereof, by, through, or under Grantor, but not otherwise, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns may include the plural.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on _____ day of _____, 2017, by Louis R. Rigby, Mayor of the City of La Porte, a municipal corporation.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:
Askins & Askins, P.C.
P.O. Box 1218
La Porte, TX 77572-1218

PREPARED IN THE LAW OFFICE OF:
Askins & Askins, P.C.
P.O. Box 1218
La Porte, TX 77572-1218

SPECIAL WARRANTY DEED

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

Date: _____, 2017

Grantor: CITY OF LA PORTE, TEXAS, a municipal corporation

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

Grantee: BAY AREA HABITAT FOR HUMANITY – HOUSTON, INC., a Texas non-profit corporation

Mailing Address: P. O. Box 1284, Dickinson, Texas 77539

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

Property (including any improvements):

Lots Nineteen (19), Twenty (20), Twenty-one (21), and Twenty-two (22), in Block One Hundred Four (104), Town of La Porte, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 58, Page 462 of the deed records of Harris County, Texas (Account No. 023-216-004-0019)

Reservations from and Exception to Conveyance and Warranty: Taxes for the current year, if applicable, are assumed by Grantee. This conveyance is made subject to all and singular the restrictions, conditions, oil, gas, and other mineral reservations, easements, and covenants, if any, application to enforcement against the above described property as reflected by the records of the County Clerk of the aforesaid county.

Grantor for the consideration and subject to the reservation from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim to the or any part thereof, by, through, or under Grantor, but not otherwise, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns may include the plural.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on _____ day of _____, 2017, by Louis R. Rigby, Mayor of the City of La Porte, a municipal corporation.

Notary Public, State of Texas

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SPECIAL WARRANTY DEED

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Date: _____, 2017

Grantor: CITY OF LA PORTE, TEXAS, a municipal corporation

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

Grantee: BAY AREA HABITAT FOR HUMANITY – HOUSTON, INC., a Texas non-profit corporation

Mailing Address: P. O. Box 1284, Dickinson, Texas 77539

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

Property (including any improvements):

Lots Twenty-nine (29) and Thirty (30), in Block One Hundred Five (105), Town of La Porte, according to the map or plat thereof recorded in the Map Records of Harris County, Texas, and commonly known as 525 North 3rd Street, La Porte, Texas 77571 (Account No. 023-217-005-0024)

Reservations from and Exception to Conveyance and Warranty: Taxes for the current year, if applicable, are assumed by Grantee. This conveyance is made subject to all and singular the restrictions, conditions, oil, gas, and other mineral reservations, easements, and covenants, if any, application to enforcement against the above described property as reflected by the records of the County Clerk of the aforesaid county.

Grantor for the consideration and subject to the reservation from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim to the or any part thereof, by, through, or under Grantor, but not otherwise, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns may include the plural.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on ____ day of _____, 2017, by Louis R. Rigby, Mayor of the City of La Porte, a municipal corporation.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:
Askins & Askins, P.C.
P.O. Box 1218
La Porte, TX 77572-1218

PREPARED IN THE LAW OFFICE OF:
Askins & Askins, P.C.
P.O. Box 1218
La Porte, TX 77572-1218

ORDINANCE NO. 2017-_____

AN ORDINANCE APPROVING AND AUTHORIZING THE DONATION OF LOTS 19, 20, 21, and 22, BLOCK 104 OF THE TOWN OF LA PORTE; LOTS 29 AND 30, BLOCK 105, OF THE TOWN OF LA PORTE; and LOTS 23 AND 24, BLOCK 66, OF THE TOWN OF LA PORTE; TO BAY AREA HABITAT FOR HUMANITY-HOUSTON, INC., A TEXAS NON-PROFIT CORPORATION, FOR THE CONSTRUCTION OF AFFORDABLE HOUSING; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

Section 1. The City Council hereby approves and authorizes the contract, agreement or other undertaking described in the title of this ordinance. The Mayor is hereby authorized to execute all related documents on behalf of the City of La Porte. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

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

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

PASSED AND APPROVED this the _____ day of July, 2017.

CITY OF LA PORTE, TEXAS

By: _____

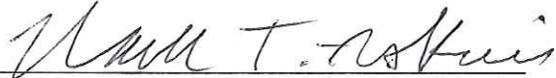
Louis R. Rigby, Mayor

ATTEST:

By: _____

Patrice Fogarty, City Secretary

APPROVED:

By: 

Clark T. Askins, Assistant City Attorney

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.

IN TESTIMONY, WHEREOF, THE CITY OF LA PORTE, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 2007-09073 has caused these presents to be executed this _____ day of _____ 2017.

CITY OF LA PORTE, TRUSTEE

LOUIS R. RIGBY, MAYOR

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 _____, 2017.

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

After Recording Return To:
City of La Porte
Summer 2017 HSH
604 W. Fairmont
La Porte, TX 77571

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.

IN TESTIMONY, WHEREOF, THE CITY OF LA PORTE, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 2012-36333 has caused these presents to be executed this _____ day of _____ 2017.

CITY OF LA PORTE, TRUSTEE

LOUIS R. RIGBY, MAYOR

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 _____, 2017.

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

After Recording Return To:
City of La Porte
Summer 2017 HSH
604 W. Fairmont
La Porte, TX 77571

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.

IN TESTIMONY, WHEREOF, THE CITY OF LA PORTE, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 2012-71691 has caused these presents to be executed this _____ day of _____ 2017.

CITY OF LA PORTE, TRUSTEE

LOUIS R. RIGBY, MAYOR

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 _____, 2017.

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

After Recording Return To:
City of La Porte
Summer 2017 HSH
604 W. Fairmont
La Porte, TX 77571

From: [Marco Maina](#)
To: [Lee, Peggy](#)
Cc: [Mancilla, Richard](#); rnylin@comcast.net; edfendell@comcast.net
Subject: RE: City of La Porte Tax Resale Properties
Date: Tuesday, June 13, 2017 12:46:47 PM
Attachments: [image001.png](#)

Peggy,

I'm sending this message to confirm that Bay Area Habitat for Humanity – Houston, Inc. will assume responsibility for the payment of \$8,386.45 to the City of La Porte.

Thank you for this outstanding opportunity.

Marco

From: Lee, Peggy [mailto:LeeP@laportetx.gov]
Sent: Tuesday, June 13, 2017 9:59 AM
To: Marco Maina; rnylin@comcast.net; 'edfendell@comcast.net'
Cc: Mancilla, Richard
Subject: City of La Porte Tax Resale Properties

Gentlemen,

Please disregard my email from yesterday. To follow-up:

The City has received summaries of foreclosure/sale activity and tax statements showing judgment amounts for each of the properties selected for future Habitat home sites totaling \$35,540.59. If City Council approves the conveyance, the City will assume responsibility for payment of judgment amounts on the properties up to \$30,000, as well as releasing all liens assessed by the City. Your organization would be required to pay the remainder judgment amount of \$5,540.59 along with all post-judgment taxes due, which total \$2,845.86 (this amount increases slightly if paid after August 31st). Post-judgment taxes were slightly higher than expected, assumedly due to the period of time that has passed since the properties were struck-off (ranging from 2008 -2015).

Prior to City Council's consideration on this matter, please submit written confirmation that Bay Area Habitat for Humanity assumes responsibility for remitting payment to the City in the amount of \$8,386.45. This amount represents \$5,540.59 (judgment amount owed over \$30,000) and \$2,845.86 for post-judgment taxes. An affirmative response to this email stating such should be sufficient.

Please let me know if you have any questions.

Peggy Lee, Office Coordinator
City of La Porte Planning & Development
604 W. Fairmont Parkway, La Porte, TX 77571
Phone: 281-470-5057 Fax: 281-470-5005
leep@laportetx.gov

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 24, 2017
Requested By: Ray Nolen
Department: Emergency Medical Services
Report: Resolution: Ordinance:
Other: _____

Appropriation

Source of Funds: N/A
Account Number: _____
Amount Budgeted: _____
Amount Requested: _____
Budgeted Item: YES NO

Attachments :

1. Agreement Renewal

SUMMARY & RECOMMENDATIONS

This agreement renewal allows the City of La Porte to provide and charge reasonable and customary charges and fees for City Emergency 911 Dispatch, Animal Control and Jail services, Fire Protection, and Emergency Medical Services provided. The agreement has been updated to include up-to-date costs upon which to base the per capita share and now includes fire prevention services. In consideration for the services provided by the City of La Porte, the City of Morgan's Point will pay a total monthly service fee of \$7,743.00 which is up \$1,197.00 from the current monthly agreement fee of \$6,546.00. This amount represents the per-capital share of costs for Morgan's Point, based on the City of La Porte's total cost of providing the services of a Jail, 911 Dispatch Center, Fire Protection & Prevention, Animal Control, and Emergency Medical Services.

The agreement will be in effect for the term of three years (October 1, 2017 through September 30, 2020), with a cancellation clause allowing either party to withdraw from the contract upon one-hundred-twenty (120) days written notice to the other party.

Action Required of Council:

Consider approval or other action of an agreement between the City of La Porte and the City of Morgan's Point for services including Fire Protection & Prevention, Emergency Medical Service, Dispatch, Animal Control and Jail.

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 MORGAN’S POINT, 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 three years beginning on the 1st day of October, 2017, and ending on the 30th day of September, 2020 (“Primary Term”), LA PORTE agrees to furnish CITY, the governmental services hereinafter more specifically described in sections B, C, D, E, F, and G of this agreement. Either party may cancel this agreement by providing one hundred twenty (120) days advance notice, as provided in Paragraph A-IV. This agreement will automatically renew on a month-to-month basis if not previously canceled by either party before the end of the Primary Term in accordance with Paragraph A-IV. Either party may cancel this agreement during any month-to-month renewal term by giving thirty (30) days 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 on a monthly basis, regardless of whether LA PORTE Fire or EMS equipment or personnel respond to a call in CITY, as follows, to wit:

(1) Monthly base charge as follows:

Emergency 911 Dispatch and Jail Service	\$1,068.00
Fire Protection & Prevention Service	\$3,842.00
Emergency Medical Service	\$2,490.00
Animal Control	\$343.00
Total	\$7,743.00

(2) The total of such base charges will be paid in full by CITY to LA PORTE, on or before the tenth (10th) day of the month following the month in which such services were available or rendered to CITY. Payments by CITY will be made from current revenues available to CITY.

III.

To the extent allowable under law, each party agrees to indemnify and hold harmless the other party from any and all claims, damages, costs of court, attorney's fees and related expenses incurred in the performance of its obligations under this agreement and occurring as a result of an act or omission of any officer, agent, employee or volunteer of either party.

IV.

Either party to this agreement may cancel during the Primary Term by giving one hundred twenty (120) days written notice to the other party. Such notice will be effective as of midnight of the sixtieth (60th) day following the day notice is received by CITY or LA PORTE. The cancelling party may unilaterally withdraw its notice of cancellation before said 60th day following the day notice is received by the non-cancelling party, but after such date the cancellation notice may be withdrawn only by mutual consent of the parties.

V.

CITY personnel will 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. EMERGENCY 911 DISPATCH SERVICES

I.

LA PORTE agrees to receive telephone calls and to dispatch radio calls to CITY Law Enforcement, and to LA PORTE Fire and EMS units.

II.

LA PORTE further agrees that a dispatcher will be available at the LA PORTE Police Department to render this service twenty-four (24) hours a day for the duration of this agreement.

C. JAIL

I.

LA PORTE agrees to allow CITY to temporarily confine persons arrested by CITY'S law enforcement officers in the LA PORTE City Jail until such time as they can be properly released or conveniently moved by the proper authorities to the Harris County Jail or other facility.

II.

CITY agrees to keep certifications current for all CITY law enforcement officers, as required by the Texas Commission on Law Enforcement, or other appropriate regulatory authority having jurisdiction, and will provide copies of same to LA PORTE, if requested.

III.

CITY will be solely responsible for the security of, medical care for, and all transportation of arrestees brought to or being taken from the LA PORTE jail, during transit only. Once the arrestee is booked into the LA PORTE jail, LA PORTE will have sole responsibility for the security of and medical care for arrestees. Costs for medical care

provided during transit, or while at the LA PORTE jail will be billed to the arrestee and/or their medical insurance provider.

IV.

LA PORTE may suspend service and may refuse to accept an arrestee from CITY, in its sole discretion.

D. FIRE PROTECTION

I.

LA PORTE agrees to provide fire protection for real and personal property situated within CITY, for the term of this agreement, upon the following terms and conditions.

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). However, in all cases the dispatch of fire fighters and equipment to protect property within CITY will be subordinate to requests for, and rendering of, fire protection within LA PORTE.

E. FIRE PREVENTION

I.

As part of this agreement, LA PORTE agrees to provide CITY with Fire Marshal Services to include plan review for compliance with the 2015 International Fire Code (2015 IFC) and all applicable National Fire Protection Association (NFPA), 2015 IFC Inspections, Fire Investigations and Response for fire and life safety complaints.

II.

Plan Review provided by LA PORTE within CITY will consist of received applications and plans from the design professional for each project to be forwarded to LA PORTE for review.

Plan reviews will be performed by LA PORTE for all non-residential construction projects initiated in the CITY. Turnaround time for plan reviews will be fifteen (15) days from the time the plans are received by LA PORTE.

The LA PORTE plan reviewer will document comments on the plans and submit a report to the design professional noting required corrections, clarifications, and resubmission of final draft. The plan reviewer will generate documentation for the CITY and review the submitted plans to document for compliance with all applicable codes.

Upon completion of the final review of the plans, the reviewer will generate a Fire Marshal's Office Plan Review Comment Approval Sheet, seal the plans, and submit the file to the CITY.

The CITY will be responsible for all communication of final approval between the CITY and the design professional.

LA PORTE will have final say on approval for all Fire Code construction permit reviews within the CITY. Any disputes between LA PORTE and the CITY pertaining to reviews for compliance with the 2015 International Fire Code (2015 IFC) and findings during 2015 IFC Fire Inspections will be resolved by the International Code Council Plan Review Services at the expense of the CITY.

III.

LA PORTE will conduct all new business inspections within the CITY on an as needed basis with a copy of the completed inspection report being forwarded to the CITY.

The CITY will be notified when new businesses have been inspected by LA PORTE that are found to be in compliance or a fire protection system is completed thereby enabling

the CITY to issue the business owner a Certificate of Inspection and/or a Certificate of Occupancy.

CITY will issue all Certificates of Compliance and Certificates of Completion.

IV.

LA PORTE will conduct all Fire and Life Safety Complaint inspections within the CITY on an as needed basis and will forward a copy of the inspection to the CITY.

V.

LA PORTE will respond and provide fire ground investigations within the CITY only to determine the origin and cause of the fire. Any follow-up investigative assistance will be at the request of the CITY. All fire investigations resulting in the determination of an incendiary cause will have a full origin and cause report provided to the CITY.

LA PORTE resources, policies and procedures will be utilized for all investigations conducted within the CITY.

The CITY will provide a licensed peace officer to assist LA PORTE at the fire scene at all times to perform case development along side of the LA PORTE Fire Marshal's Office Investigator. Fire ground investigations conducted by LA PORTE that determine a criminal act has occurred will be the responsibility of the CITY to file any and all criminal charges involving the fire ground investigation with the Harris County District Attorney's Office.

Fire investigations resulting in criminal charges within the CITY will have a case file generated and copies submitted to LA PORTE prior to charges being filed with the Harris County District Attorney's Office.

LA PORTE will not respond to, nor investigate any, fire related offenses which are only regulated by CITY ordinances, including but not limited to Open Burning, Fire Work Complaints and Fire Lane Parking Violations.

F. EMERGENCY MEDICAL SERVICE

I.

As part of the consideration expressed herein, LA PORTE agrees to provide emergency medical services within CITY. LA PORTE will transport patients to one of the nearest hospitals that provide emergency services as defined by the Transport Policy of the LA PORTE Emergency Medical Services, a copy of which is available at the LA PORTE EMS headquarters. LA PORTE will be permitted to charge, directly to each patient or patient representative, the patient's insurance carrier, or other responsible party, its most current and customary Emergency Medical Service charges as adopted by City Council, and codified in the La Porte Code of Ordinances Chapter 30, Appendix A.

II.

Sole discretion will rest with the LA PORTE EMS Chief, or his duly authorized assistants, as to the personnel and equipment that will answer each emergency medical services request, provided, emergency medical services protection will be adequate (meaning reasonable protection, considering available personnel and equipment of LA PORTE's Emergency Medical Services). However, in all cases the dispatch of paramedics and equipment to provide emergency medical services within CITY will be subordinate to requests for, and rendering of, emergency medical services within LA PORTE.

III.

LA PORTE agrees to operate the ambulances in accordance with the requirements of the State and Federal Law, and applicable ordinances of CITY, as now exist, and as may be amended from time to time hereafter.

G. ANIMAL CONTROL

I.

As part of the consideration expressed herein, LA PORTE agrees to provide animal control services within CITY. LA PORTE agrees to provide animal control services on a space available basis. LA PORTE reserves the right to refuse the service at any time to

accommodate its own needs. LA PORTE may respond at the request of the Morgan's Point Police Department during LA PORTE'S normal operating hours. Animals picked up in CITY will be subject to the same rules, regulations, and policies, as they now exist, or may be amended hereafter, relating to animals placed in the facility owned by LA PORTE.

II.

In addition to the consideration expressed herein, CITY agrees to pay LA PORTE the reasonable and customary fees as established by LA PORTE for the same services rendered to residents of LA PORTE, including, but not limited to daily impound fees, feeding and euthanasia. CITY will pay such amount as may be outstanding and unpaid by the animal owner or other who may claim the animal, if any. LA PORTE agrees not to release any impounded animal without receiving payment in full for all services rendered by LA PORTE from the animal owner or other person who may claim the animal.

III.

LA PORTE agrees to make a minimum of two trips weekly through CITY with LA PORTE'S equipment and personnel. Such trips will be at the convenience of LA PORTE.

IV.

LA PORTE agrees to respond to CITY on a space and time available basis to animal control emergencies during normal operating hours as requested by CITY.

V.

LA PORTE will not be liable for loss or damage to person or property arising from or caused by or resulting from alleged negligence of LA PORTE, its officers or employees or volunteers in carrying out the terms of this agreement. CITY agrees to indemnify, to the extent allowed by law, 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.

WITNESS OUR HANDS and the seals of our respective Cities, effective as of the 1st day of October, 2017.

PASSED AND APPROVED by the City Council of the City of La Porte, by Ordinance No. _____, on the _____ day of _____, 2017.

CITY OF LA PORTE, TEXAS

By: _____
City Manager

ATTEST:

City Secretary

APPROVED:

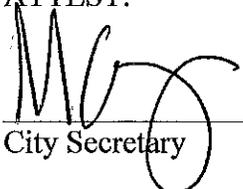
City Attorney

PASSED AND APPROVED by the City Council of the City of Morgan's Point, by on the 11th day of May, 2017.

CITY OF MORGAN'S POINT, TEXAS

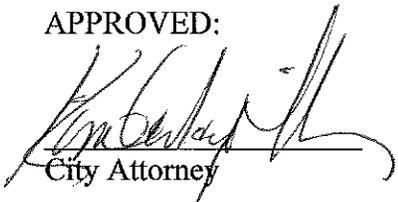
By: 
Mayor

ATTEST:



City Secretary

APPROVED:



City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>July 24, 2017</u>
Requested By: <u>Ian Clowes</u>
Department: <u>Planning and Development</u>
Report: <u> X </u> Resolution: <u> </u> Ordinance: <u> X </u>

<u>Appropriation:</u>	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<u>N/A</u>

Exhibits:

- Ordinance – Clean Version
- Ordinance – Showing Changes Version
- P&Z Recommendation Letter
- Pictorial Examples

SUMMARY & RECOMMENDATION

At the April 20, 2017 Planning and Zoning Commission meeting, the Commission directed staff to draft an ordinance for consideration on items that deal with the location and construction of residential carports.

The draft proposal was presented as a discussion item at the May 18, 2017 Planning and Zoning Commission meeting. The commission asked for additional language and clarification in the wording of the proposed amendments. The final ordinance amendments were presented to the Planning and Zoning Commission as a public hearing at the June 15, 2017 meeting. At that meeting the Planning and Zoning Commission recommended to approve the proposed amendments as listed below.

Attached is the draft version of the proposed modifications to the Zoning Ordinance in a “clean” version as well as a “showing changes” version. In the “showing changes” version, those areas highlighted in yellow indicate new language as part of the proposed modification to Chapter 106. The ~~strike through's~~ indicate where language is proposed to be removed.

The following is a summary of the proposed modifications:

1.) Accessory Buildings - General Provisions (Section 106-741).

This amendment to the General Provisions section under Accessory Buildings will now require detached carports to be located behind the front face of the house/primary structure. Current regulations permit carports to be located within the required front yard, allowing them to be placed as close as five feet from the front property line. Additionally, the proposed amendment will separate large lot residential by allowing

more flexibility with regards to locations for carports, on lots that are one acre or larger in size.

Sec. 106-741. - General provisions

No accessory buildings, uses or structures shall be erected or located in any required yard other than the rear yard except:

(1) A detached private garage as defined, may be permitted in side yards, provided:

- a. It complies with all the requirements of this section;
- b. It shall be five feet or more from side lot lines; and
- c. The side yard does not abut a street right-of-way.

(2) Carports as defined, may be permitted in side yards on property less than one (1) acre in size and zoned or utilized for residential use as long as the carport is located entirely behind the front most face of the principal building, but in no case may a carport encroach the required front yard building line. All carports located within a side yard shall comply with the side setback requirements applicable to the principal building.

(3) Accessory structures, including carports, shall be permitted anywhere on property one (1) acre or greater in size and zoned or utilized for residential use, so long as such accessory structures: (1) are set back at least one hundred (100) feet from the front property line or located entirely behind the front most face of the principal building, whichever distance is less; (2) are no closer than five feet (5') to a common property line; and (3) do not encroach on any dedicated easements.

2.) Area Requirements – Yard Requirements (Section 106-771).

Under this section, the proposed amendments remove the majority of the language referring to carports being allowed in the front yard, and refers readers back to Section 106-741 for more details.

Section 106-771. - Yard requirements.

The following shall not be considered as encroachments on yard setback requirements:

(1) Chimneys, flues, belt courses, etc. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, steps, stoops, and similar features, provided they do not project more than four feet into any front or rear setback line, and two feet into any side setback line.

(2) Terraces, decks, patios, etc. Terraces, decks, patios, or similar features, provided they do not extend more than one foot above the height of the exterior finish grade elevation, or to a distance less than two feet from any lot line, or encroach upon any utility easement. Further, pools shall not be considered as an encroachment on or in a front yard, provided that such pools are located in a front yard adjacent to Galveston

Bay, and provided further that such pool does not extend more than one foot above the exterior finish grade elevation, or to a distance less than two feet from any lot line or encroach upon any utility easement.

(3) Rear yards only. An unenclosed, attached patio cover, awning, or canopy, provided that no portion of such patio covers, awnings, or canopies shall encroach into any utility easements, or any vertical projection thereof, and provided further that no portion of such patio covers, awnings, or canopies shall be located at a distance less than five feet from the side property line or three feet from the rear property line, or any vertical projection thereof.

(4) Side yard carports. Side yard carports shall be permitted for single-family detached homes subject to the requirements of Sec. 106-741 of this Chapter.

(5) Recreational areas, facilities and open space. Trails, playgrounds and detention areas located within multi-family residential developments are permitted provided they do not encroach into any utility easement.

Action Required by Council:

1. Conduct public hearing.
2. Consider approval or other action of a recommendation by the Planning and Zoning Commission to approve an ordinance amending 106 "Zoning" of the Code of Ordinances of the City of La Porte by amending sections 106-741 and 106-771 regarding carports.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS RELATED TO THE PLACEMENT OF CARPORTS ON RESIDENTIAL PROPERTY; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

Section 1: That Chapter 106, "Zoning," Article V. "Supplementary District Regulations", Division 2 "Accessory Buildings, Uses and Equipment", Section 106-741 "General Provisions", of the Code of Ordinances of the City of La Porte, Texas, is hereby amended to read as follows:

"Sec. 106-741. - General provisions

- (a) No accessory buildings, uses or structures shall be erected or located in any required yard other than the rear yard except:
 - (1) A detached private garage as defined, may be permitted in side yards, provided:
 - a. It complies with all the requirements of this section;
 - b. It shall be five feet or more from side lot lines; and
 - c. The side yard does not abut a street right-of-way.
 - (2) Carports as defined, may be permitted in side yards on property less than one (1) acre in size and zoned or utilized for residential use as long as the carport is located entirely behind the front most face of the principal building, but in no case may a carport encroach the required front yard building line. All carports located within a side yard shall comply with the side setback requirements applicable to the principal building.
 - (3) Accessory structures, including carports, shall be permitted anywhere on property one (1) acre or greater in size and zoned or utilized for residential use, so long as such accessory structures: (1) are set back at least one hundred (100) feet from the front property line or located entirely behind the front most face of the principal building, whichever distance is less; (2) are no closer than five feet (5') to a common property line; and (3) do not encroach on any dedicated easements.
 - (4) Accessory buildings built on a skid foundation, no larger than 120 square feet and no more than one story in height may be located in utility easements in required rear yards, except that they may not be located closer than three feet from a side or rear property line or closer than six feet from any other structure.
- (b) Accessory buildings, uses and structures, with the exception of those on residential large lots, shall not exceed 15 feet in height, shall be three feet or more from all lot lines, shall be six feet or more from any other building or structure on the same lot, and shall not be located upon any utility easement.
- (c) Private garage structures with vehicular access doors facing public alleys, as defined in the public improvement construction policy and standards, shall be 20 feet or more from the alley right-of-way. Detached garages located in rear yards of corner lots shall be set back a minimum ten feet from the property line abutting the side street right-of-way.

- (d) Detached private garages, as defined, may be 20 feet in height, or the height of the principal structure, whichever is less.
- (e) *Floor area.* See section 106-416 (Special regulations).
 - (1) *Generally.* No accessory building, or carport garage for single-family dwellings shall occupy more than 25 percent of a rear yard, nor exceed 1,000 square feet of floor area.
 - (2) *Large lot residential only.* Accessory buildings in single-family residential large lots with one acre or more may not exceed 5,000 square feet of floor area. Accessory buildings with a floor area in excess of 1,000 square feet must be located at least 10 feet from any property line and 20 feet from other structures. All accessory buildings on lots less than one acre - all provisions of this section apply.
- (f) No more than one detached private garage or carport structure on lots less than one acre with single family dwelling.
- (g) Wind generators, for producing electricity or other forms of energy shall not be located in any yards other than the rear yard and must be set back 150 feet from all property lines or the height of the structure, whichever is greater unless a special conditional use permit (SCUP) is granted. Provisions of SCUP should take into consideration size, height, noise, location to adjacent properties, etc.
- (h) Reserved.
- (i) No accessory uses or equipment except for air conditioning structures or condensers may be located in a required side yard except for side yards abutting streets where equipment is fully screened from view.
- (j) *Large lot district.* The property owner of a toolhouse, barn, shed, storage building and/or livestock in the large lot district on a tract one acre in size or larger authorized without a principal structure on the property, shall be responsible for ensuring no one lives in the toolhouse, barn, shed, or storage building without properly permitting the structure for residential habitation, the property is kept in a sanitary condition and the property complies with all applicable city regulations.”

Section 2: That Chapter 106, “Zoning,” Article V. “Supplementary District Regulations”, Division 3 “Area Requirements”, Section 106-771 “Yard Requirements”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended to read as follows:

“Section 106-771. - Yard requirements.

The following shall not be considered as encroachments on yard setback requirements:

- (1) *Chimneys, flues, belt courses, etc.* Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, steps, stoops, and similar features, provided they do not project more than four feet into any front or rear setback line, and two feet into any side setback line.
- (2) *Terraces, decks, patios, etc.* Terraces, decks, patios, or similar features, provided they do not extend more than one foot above the height of the exterior finish grade elevation, or to a distance less than two feet from any lot line, or encroach upon any utility easement. Further, pools shall not be considered as an encroachment on or in a front yard. provided that such pools are located in a front yard adjacent to Galveston Bay, and provided further that such pool does not extend more than one foot above the exterior finish grade elevation, or to a distance less than two feet from any lot line or encroach upon any utility easement.
- (3) *Rear yards only.* An unenclosed, attached patio cover, awning, or canopy, provided that no portion of such patio covers, awnings, or canopies shall encroach into any utility easements, or any vertical

projection thereof, and provided further that no portion of such patio covers, awnings, or canopies shall be located at a distance less than five feet from the side property line or three feet from the rear property line, or any vertical projection thereof.

- (4) *Side yard carports.* Side yard carports shall be permitted for single-family detached homes subject to the requirements of Sec. 106-741 of this Chapter.
- (5) *Recreational areas, facilities and open space.* Trails, playgrounds, and detention areas located within multi-family residential developments are permitted provided they do not encroach into any utility easement.”

Section 3. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00).

Section 4. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 6. 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 7. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the 24th day of JULY, 2017.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:

Clark T. Askins

Clark T. Askins, Assist. City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS RELATED TO THE PLACEMENT OF CARPORTS ON RESIDENTIAL PROPERTY; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

Section 1: That Chapter 106, “Zoning,” Article V. “Supplementary District Regulations”, Division 2 “Accessory Buildings, Uses and Equipment”, Section 106-741 “General Provisions”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended to read as follows:

“Sec. 106-741. - General provisions

- (a) No accessory buildings, uses or structures shall be erected or located in any required yard other than the rear yard except:
 - (1) A detached private garage as defined, may be permitted in side yards, provided:
 - a. It complies with all the requirements of this section;
 - b. It shall be five feet or more from side lot lines; and
 - c. The side yard does not abut a street right-of-way.
 - (2) Carports as defined, may be permitted in side yards on property less than one (1) acre in size and zoned or utilized for residential use as long as the carport is located entirely behind the front most face of the principal building, but in no case may a carport encroach the required front yard building line. All carports located within a side yard shall comply with the side setback requirements applicable to the principal building.
 - (3) Accessory structures, including carports, shall be permitted anywhere on property one (1) acre or greater in size and zoned or utilized for residential use, so long as such accessory structures: (1) are set back at least one hundred (100) feet from the front property line or located entirely behind the front most face of the principal building, whichever distance is less; (2) are no closer than five feet (5’) to a common property line; and (3) do not encroach on any dedicated easements.
 - (4) Accessory buildings built on a skid foundation, no larger than 120 square feet and no more than one story in height may be located in utility easements in required rear yards, except that they may not be located closer than three feet from a side or rear property line or closer than six feet from any other structure.
- (b) Accessory buildings, uses and structures, with the exception of those on residential large lots, shall not exceed 15 feet in height, shall be three feet or more from all lot lines, shall be six feet or more from any other building or structure on the same lot, and shall not be located upon any utility easement.
- (c) Private garage structures with vehicular access doors facing public alleys, as defined in the public improvement construction policy and standards, shall be 20 feet or more from the alley right-of-way. Detached garages located in rear yards of corner lots shall be set back a minimum ten feet from the property line abutting the side street right-of-way.

- (d) Detached private garages, as defined, may be 20 feet in height, or the height of the principal structure, whichever is less.
- (e) *Floor area.* See [section 106-416](#) (Special regulations).
 - (1) *Generally.* No accessory building, or carport garage for single-family dwellings shall occupy more than 25 percent of a rear yard, nor exceed 1,000 square feet of floor area.
 - (2) *Large lot residential only.* Accessory buildings in single-family residential large lots with one acre or more may not exceed 5,000 square feet of floor area. Accessory buildings with a floor area in excess of 1,000 square feet must be located at least 10 feet from any property line and 20 feet from other structures. All accessory buildings on lots less than one acre - all provisions of this section apply.
- (f) No more than one detached private garage or carport structure on lots less than one acre with single family dwelling.
- (g) Wind generators, for producing electricity or other forms of energy shall not be located in any yards other than the rear yard and must be set back 150 feet from all property lines or the height of the structure, whichever is greater unless a special conditional use permit (SCUP) is granted. Provisions of SCUP should take into consideration size, height, noise, location to adjacent properties, etc.
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- (i) No accessory uses or equipment except for air conditioning structures or condensers may be located in a required side yard except for side yards abutting streets where equipment is fully screened from view.
- (j) *Large lot district.* The property owner of a toolhouse, barn, shed, storage building and/or livestock in the large lot district on a tract one acre in size or larger authorized without a principal structure on the property, shall be responsible for ensuring no one lives in the toolhouse, barn, shed, or storage building without properly permitting the structure for residential habitation, the property is kept in a sanitary condition and the property complies with all applicable city regulations.”

Section 2: That Chapter 106, “Zoning,” Article V. “Supplementary District Regulations”, Division 3 “Area Requirements”, Section 106-771 “Yard Requirements”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended to read as follows:

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- (3) *Rear yards only.* An unenclosed, attached patio cover, awning, or canopy, provided that no portion of such patio covers, awnings, or canopies shall encroach into any utility easements, or any vertical

projection thereof, and provided further that no portion of such patio covers, awnings, or canopies shall be located at a distance less than five feet from the side property line or three feet from the rear property line, or any vertical projection thereof.

- (4) ~~Front and Side yard carports.~~ **Side yard carports** shall be permitted for single-family detached homes subject to the following requirements **of Sec. 106-741 of this Chapter.**
- a. ~~Carports in a required front or side yard shall not be located closer than five feet from any front or side property line.~~
 - b. ~~Carports located on corner lots shall not be located closer than 25 feet from an intersection. This distance shall be measured from the intersection of property lines common with street right of way lines.~~
 - e. ~~The maximum width of a carport located in a required front or side yard shall be 25 feet.~~
- (5) *Recreational areas, facilities and open space.* Trails, playgrounds, and detention areas located within multi-family residential developments are permitted provided they do not encroach into any utility easement.”

Section 3. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00).

Section 4. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 6. 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 7. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the _____ day of JULY, 2017.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:

Clark T. Askins, Assist. City Attorney



June 16, 2017

Honorable Mayor Rigby and City Council
City of La Porte

RE: Proposed Ordinance Amending Chapter 106 "Zoning"

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the June 15, 2017 meeting to consider approval of an ordinance amending certain provisions of Chapter 106 (Zoning) of the City of La Porte's Code of Ordinances. The subject matter of the proposed modifications to Chapter 106 (Zoning) include:

- 1) Proposed changes to the permitted locations of carports for residential use.

The Commission voted 5-0 to recommend approval of the provisions as included in the drafted ordinance presented in the Request for City Council Agenda Item.

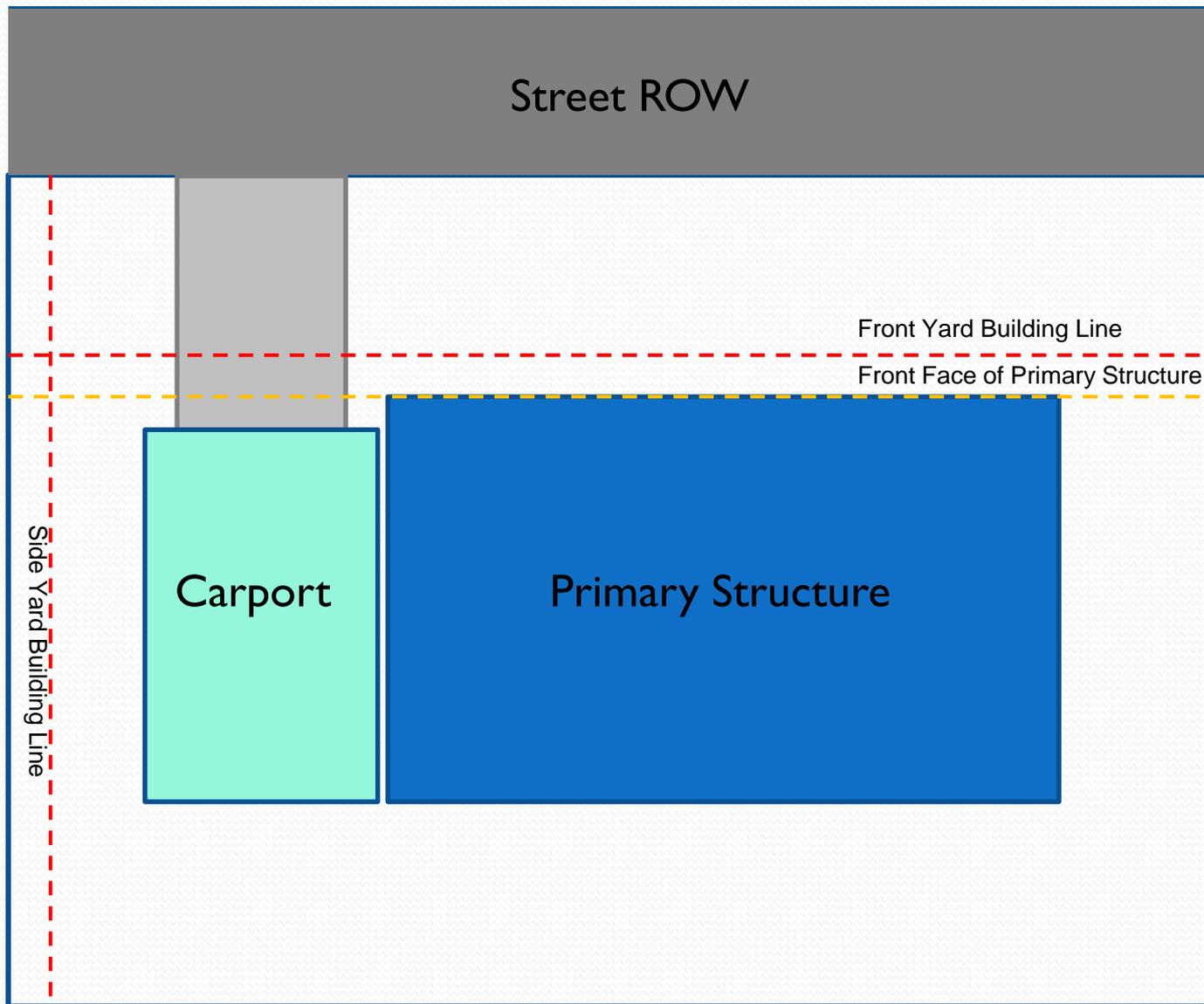
Respectfully submitted,

Ian Clowes, City Planner
On behalf of the Planning and Zoning Commission

cc: Richard Mancilla, Director of Planning and Development
Department File

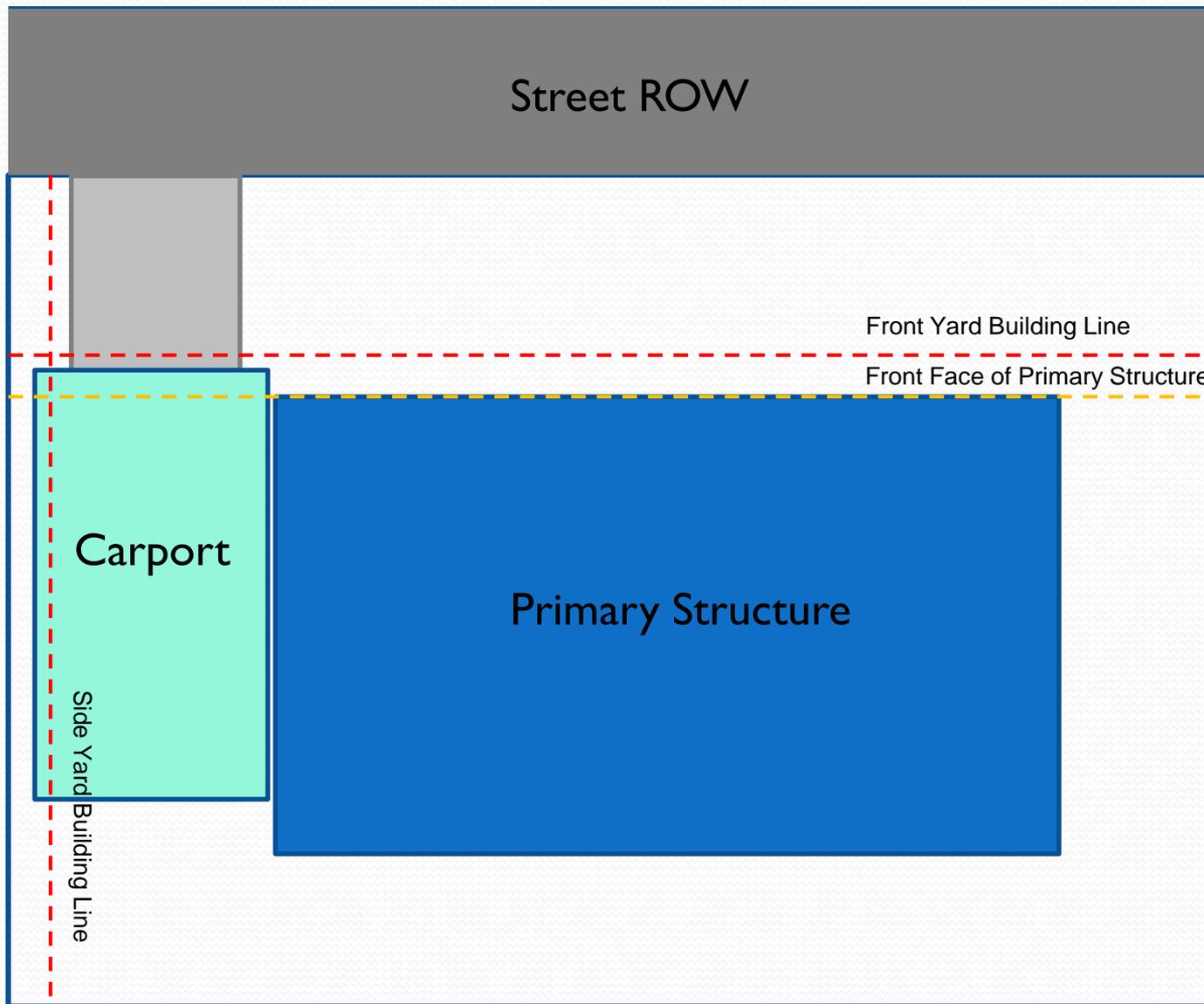


PERMITTED





NOT PERMITTED

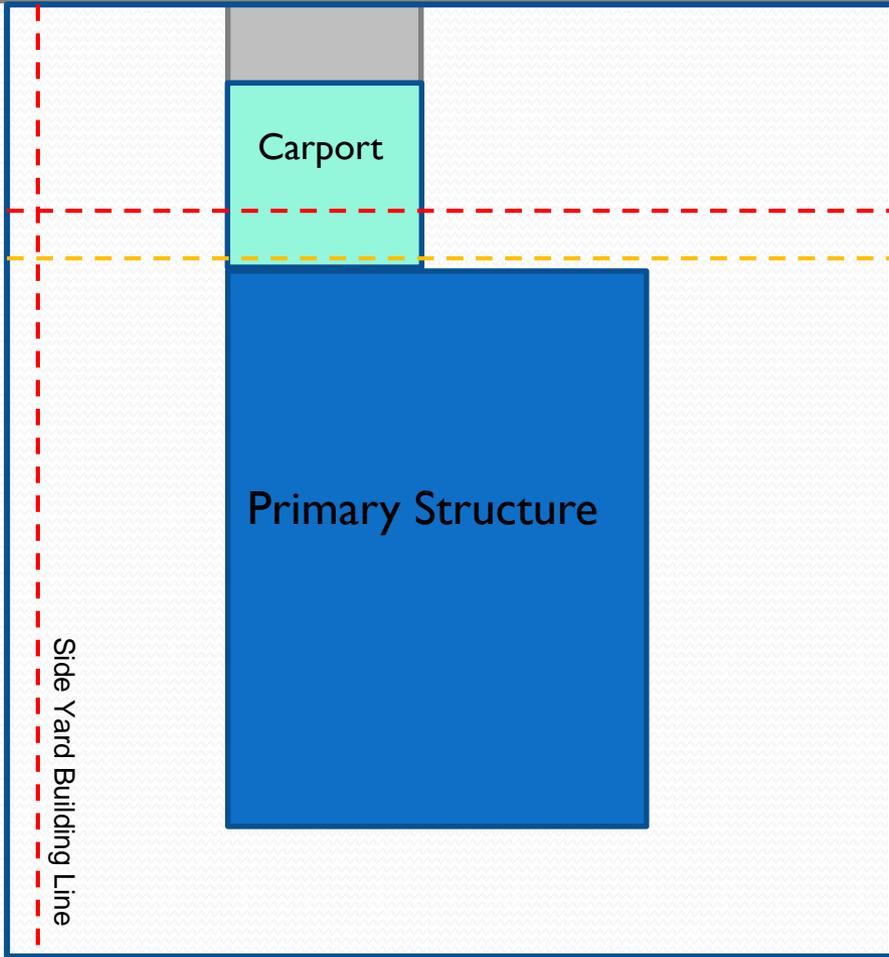




NOT PERMITTED



Street ROW



Carport

Primary Structure

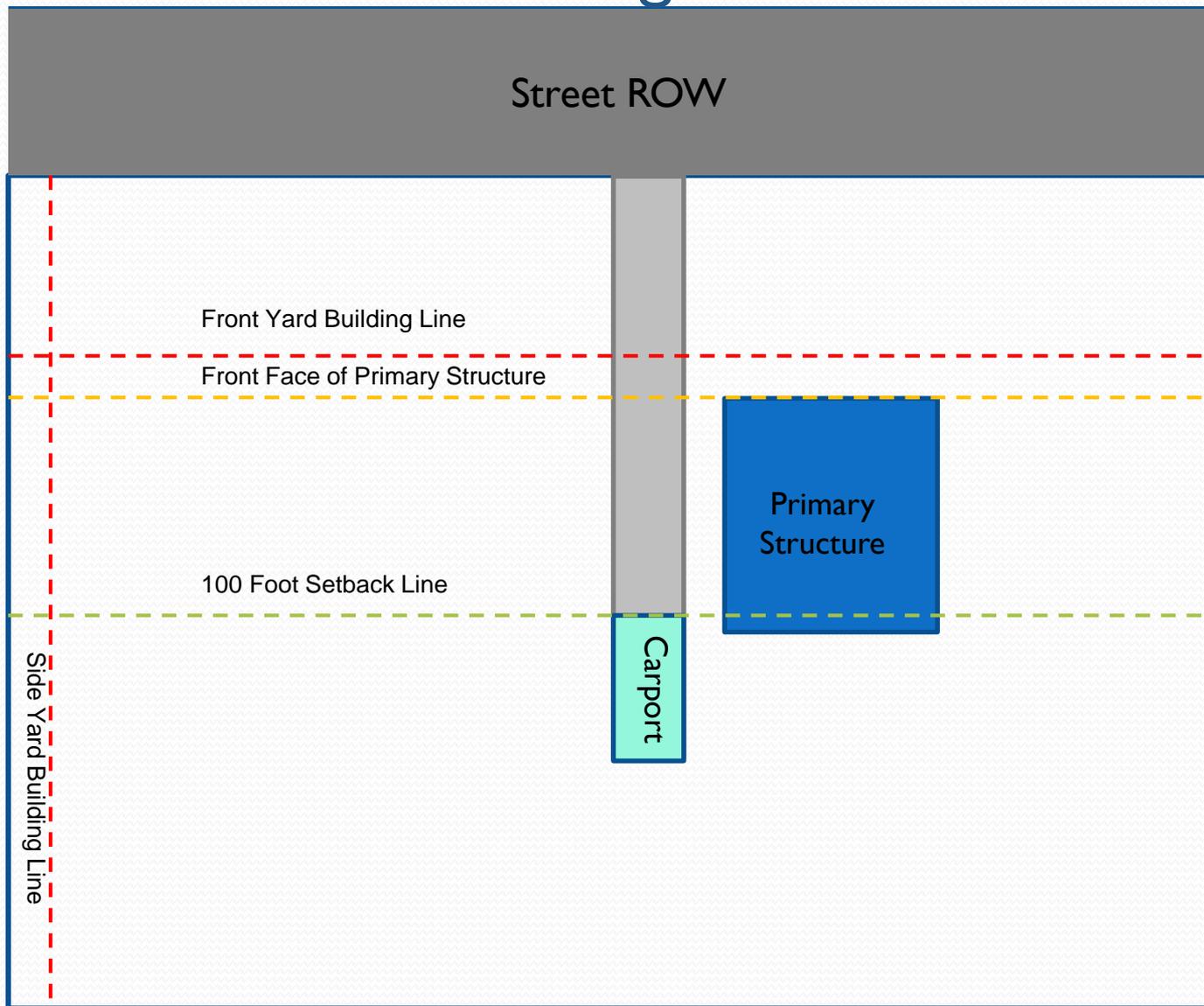
Side Yard Building Line

Front Yard Building Line

Front Face of Primary Structure

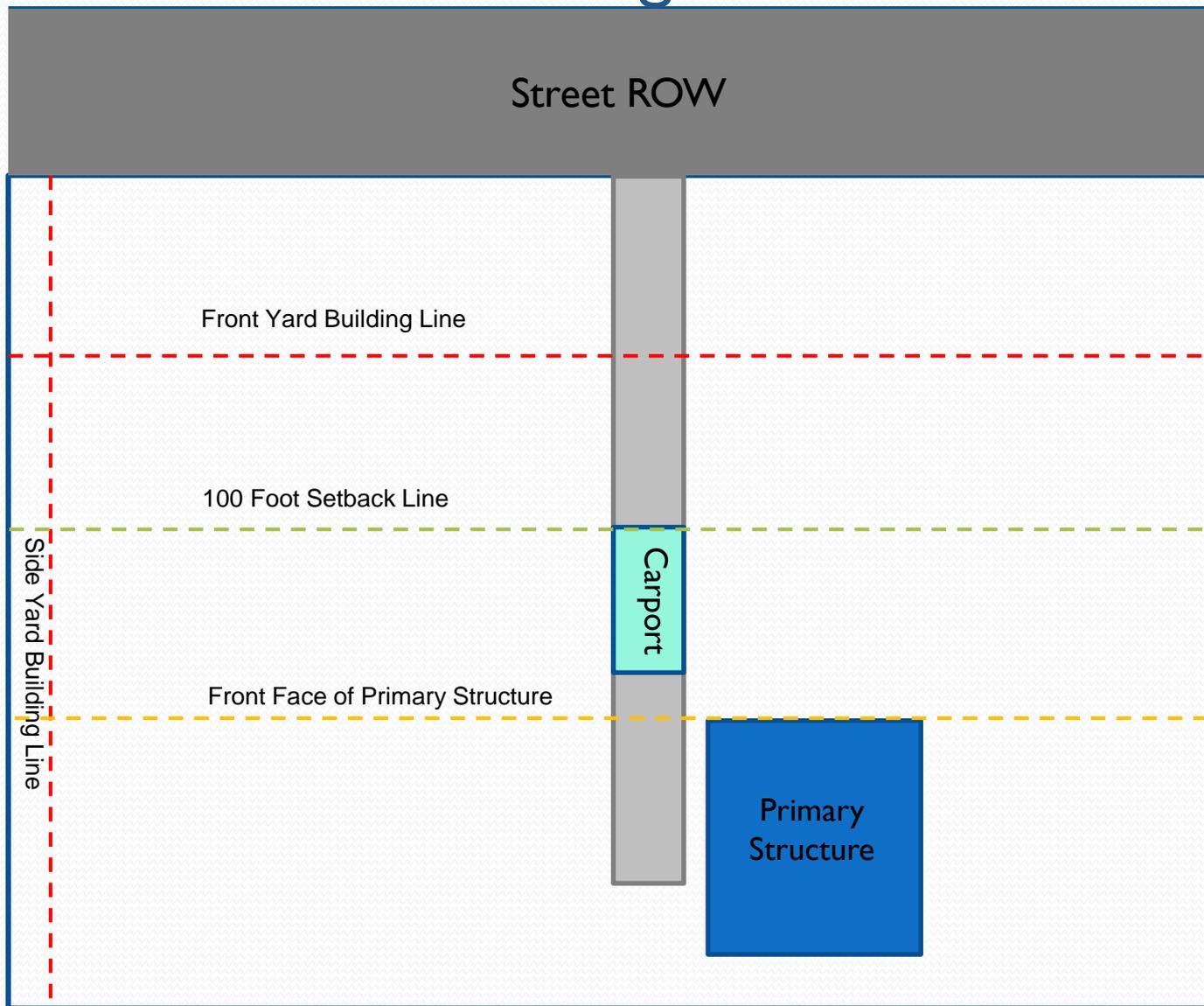


PERMITTED – Large Lot



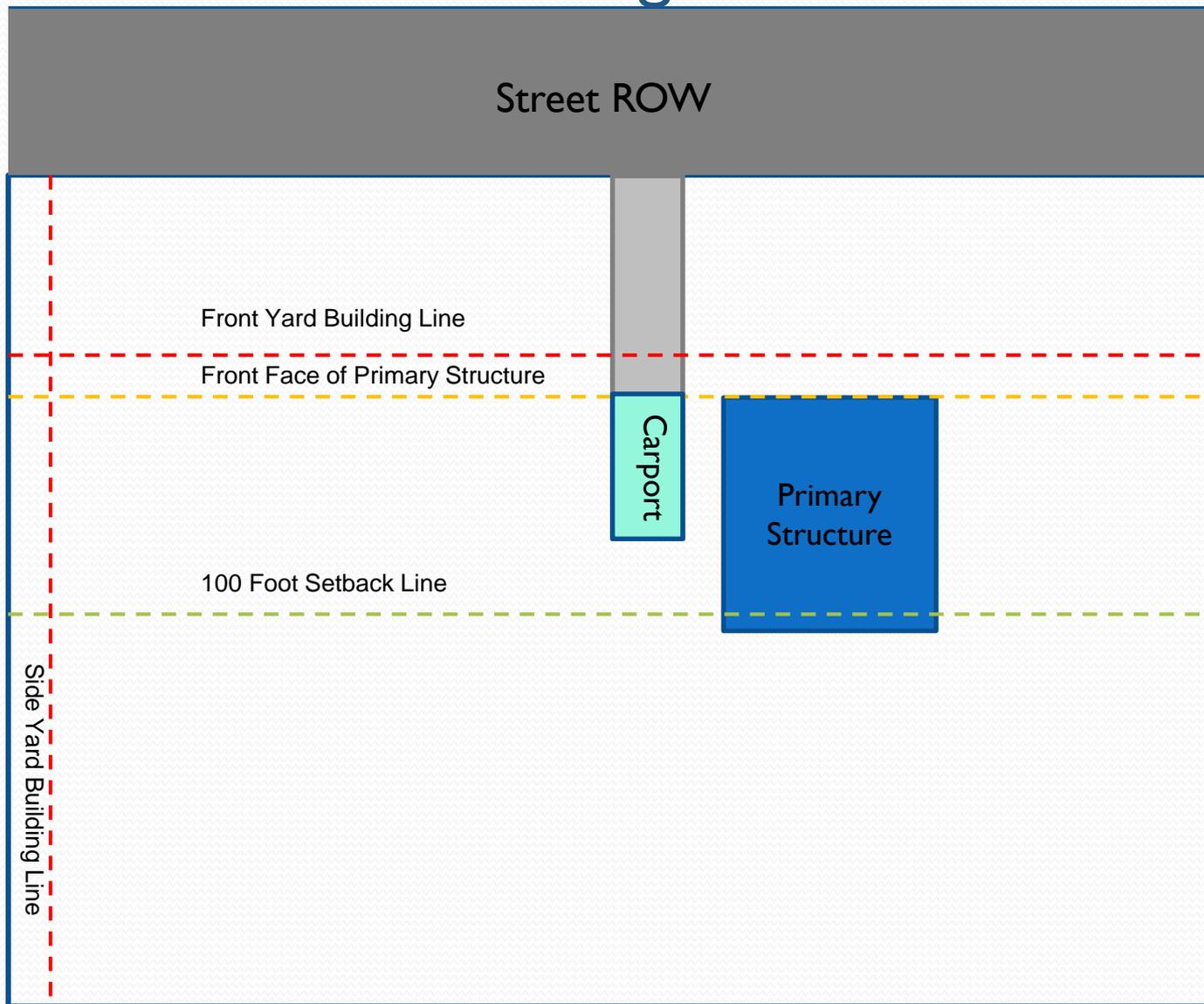


PERMITTED – Large Lot



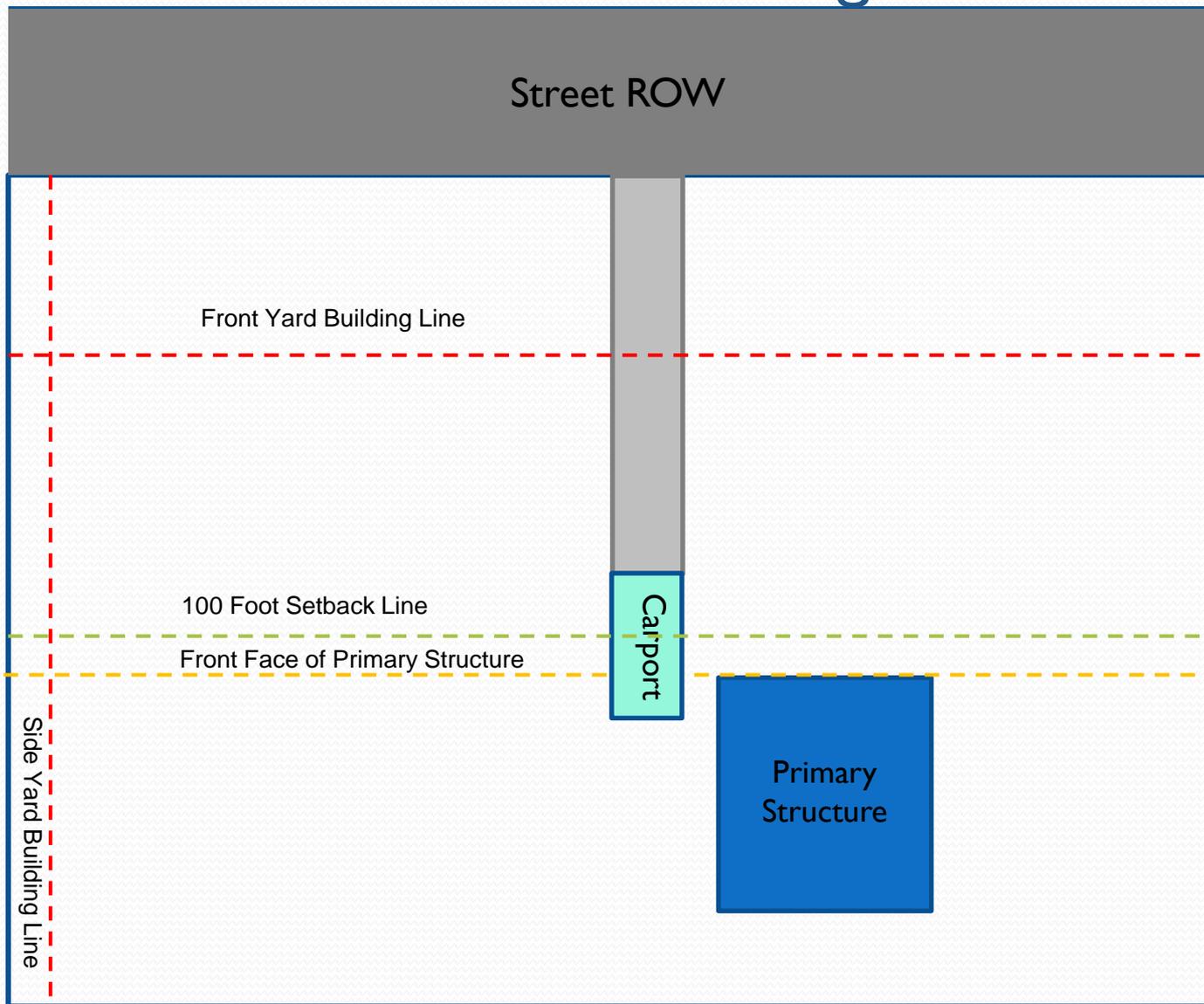


PERMITTED – Large Lot





NOT PERMITTED – Large Lot



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: July 24, 2017
Requested By: Ian Clowes
Department: Planning & Development
Report: Resolution: Ordinance:
Other: _____

Appropriation

Source of Funds: N/A
Account Number: _____
Amount Budgeted: _____
Amount Requested: _____
Budgeted Item: YES NO

Attachments :

- 1. Ordinance**
- 2. Deed**
- 3. Appraisal Summary**
- 4. Centerpoint Energy Response**
- 5. AT&T Response**
- 6. Comcast Response**
- 7. Comment Sheets (Opposed and In favor)**
- 8. Area Map**

SUMMARY & RECOMMENDATIONS

The City has received and processed an application from Joseph and Evangelica Bertuglia to vacate, abandon and close a portion of the S. Holmes Avenue right-of-way, more specifically 30' of the existing 60' between Blocks 27 and 28, adjacent to lot 23, Town of La Porte. Staff's review of the application has determined no City or franchised utilities exist within the closing area.

In accordance with Sections 62-32 of the City's Code of Ordinances, an appraisal of the subject right-of-way has been obtained by the City in order to establish fair market value. The appraisal report has established a value of \$23.62 per square foot. The total closing fees for the property, based on the appraisal and after the 25% discount, would come to \$79,717.50. Based on the policy regarding proposed street closures for property along Galveston Bay, notifications were sent to property owners within 500' of the subject property. The responses are included in this packet.

Action Required of Council:

Consider approval of an ordinance or other action vacating, abandoning, and closing a portion of the S. Holmes Avenue right-of-way, between Blocks 27 and 28, Town of La Porte, and authorize the City Manager to execute a deed to the applicant for the subject ROW.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2017-_____

AN ORDINANCE VACATING, ABANDONING AND CLOSING THE S. HOLMES RIGHT-OF-WAY IN BLOCKS 27 AND 28, TOWN OF LA PORTE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED TO THE ADJOINING LANDOWNERS, FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Council of the City of La Porte has been requested by the record owner of the property abutting the hereinafter described portion of the S. Holmes right-of-way, blocks 27 and 28, Town of La Porte, and;

WHEREAS, the City Council of the City of La Porte has determined and does hereby find, determine, and declare that the hereinafter described portion of the S. Holmes right-of-way, blocks 27 and 28, Town of La Porte is not suitable, needed, or beneficial to the public as a public road, street, or alley, and the closing of hereinafter described portion of the S. Holmes right-of-way, blocks 27 and 28, Town of La Porte is for the protection of the public and for the public interest and benefit, and that the hereinafter described portion of the S. Holmes right-of-way, blocks 27 and 28, Town of La Porte should be vacated, abandoned, and permanently closed.

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

Section 1. Under and by virtue of the power granted to the City of La Porte under its home rule charter and Chapter 253, Section 253.001, Texas Local Government Code, the hereinafter described portion of the S. Holmes right-of-way, blocks 27 and 28, Town of La Porte is hereby permanently vacated, abandoned, and closed by the City of La Porte, being generally illustrated on Exhibit "A" incorporated herein, and further described to wit:

Being the southwesterly ½ of Holmes Avenue between blocks 27 and 28, Bayfront Addition to the City of La Porte, Harris County, Texas, according to the plat as recorded in Volume 85, Page 441, Harris County Deed Records, being more particularly described by metes and bounds as follows:

BEGINNING at the most northerly corner of said Block 28, also the most northerly corner of Lot 23 in said Block 28 located at the intersection of the southwesterly line of Holmes Avenue (60' wide) and the southeasterly line of Roscoe Avenue (40' wide);

THENCE N 37° 45' E 30.00 feet to a cotton spindle set in the centerline of Holmes Avenue;

THENCE S 52° 15' E, along the centerline of Holmes Avenue, a distance of 150.00 feet to a ½" square bar set at the most easterly corner of this tract;

THENCE S 37° 45' W 30.00 feet to the most easterly corner of said block 28 and the most easterly corner of said lot 23;

THENCE N 52° 15' W, along the southwesterly line of Holmes Avenue, a distance of 150.00 feet to the point of beginning and containing 4,500 square feet or 0.1033 acre of land.

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

Section 3. This ordinance shall be effective from and after its passage and approval, and it is so ordered.

PASSED AND APPROVED THIS _____ DAY OF _____ 2017.

CITY OF LA PORTE

By:

Louis R. Rigby, Mayor

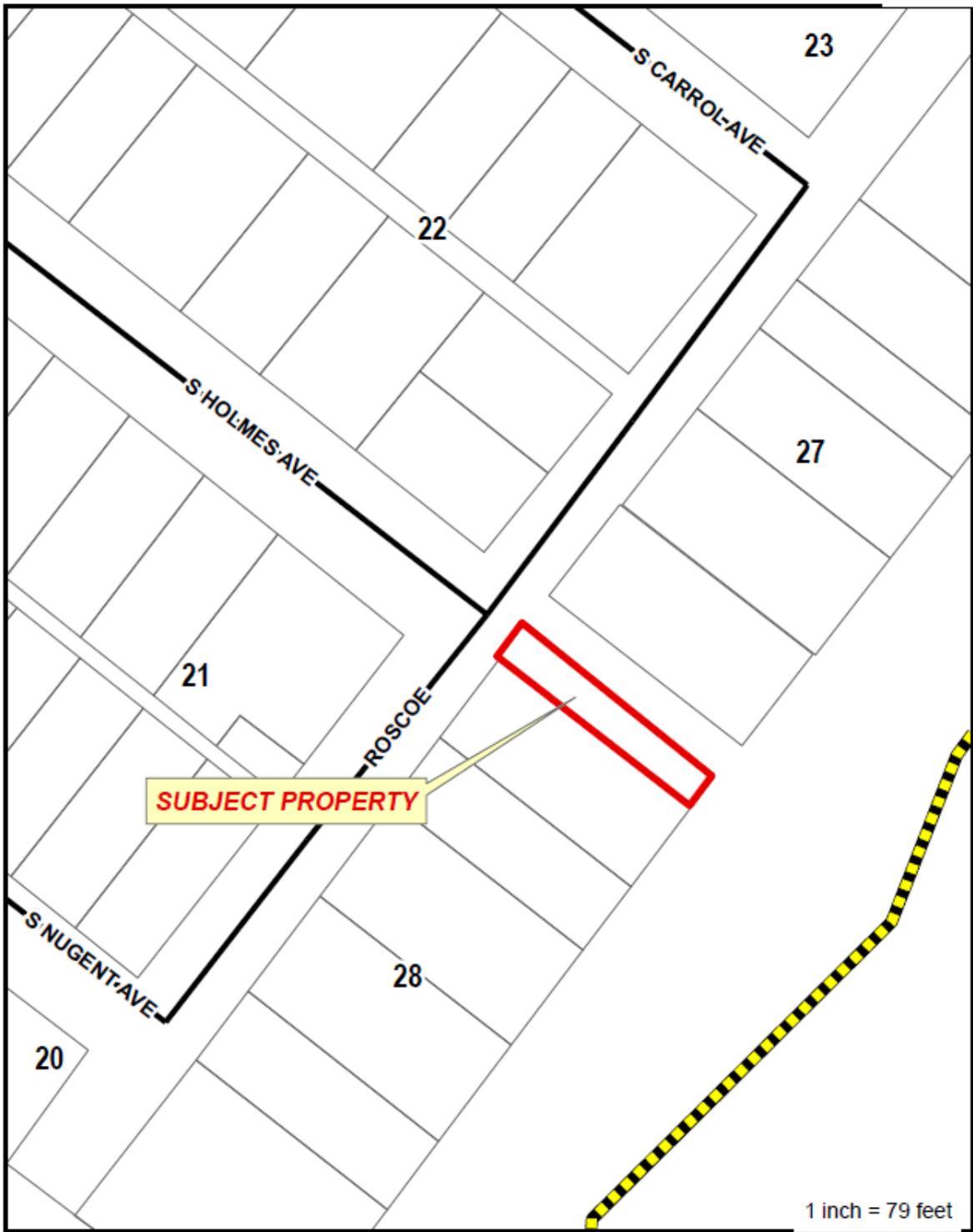
ATTEST:

Patrice Fogarty, City Secretary

APPROVED:

Knox W. Askins, City Attorney

EXHIBIT "A" TO ORDINANCE



DEED WITHOUT WARRANTY

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

Date: _____, 2017

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

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

Grantee: Joseph Bertuglia and Evangelica Bertuglia

Mailing Address: 1614 Roscoe, La Porte, TX. 77571

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

Property: (including any improvements):

Being the southwesterly ½ of S. Holmes Avenue between Blocks 27 and 28, Bayfront Addition to the City of La Porte, Harris County, Texas, according to the plat as recorded in Volume 85, Page 441, Harris County Deed Records, being more particularly described by metes and bounds as follows:

BEGINNING at the most northerly corner of said Block 28, also the most northerly corner of Lot 23 in said Block 28 located at the intersection of the southwesterly line of S. Holmes Avenue (60' wide) and the southeasterly line of Roscoe Avenue (40' wide);

THENCE N 37° 45' E 30.00 feet to a cotton spindle set in the centerline of S. Holmes Avenue;

THENCE S 52° 15' E, along the centerline of S. Holmes Avenue, a distance of 150.00 feet to a ½" square bar set at the most easterly corner of this tract;

THENCE S 37° 45' W 30.00 feet to the most easterly corner of said Block 28 and the most easterly corner of said Lot 23;

THENCE N 52° 15' W, along the southwesterly line of S. Holmes Avenue, a distance of 150.00 feet to the point of beginning and containing 4,500 square feet or 0.1033 acre of land, which tract was vacated, abandoned and closed by City of La Porte Ordinance No. 2017-_____ passed and approved by the City Council of the City of La Porte on the _____ day of _____, 2017.

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

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

Attest:

City of La Porte, Texas

Patrice Fogarty
City Secretary

By: _____
Corby D. Alexander
City Manager

Approved:



Clark T. Askins
Assistant City Attorney

STATE OF TEXAS

§

COUNTY OF HARRIS

§

§

This instrument was acknowledged before me on _____ day of _____, 2017, by Corby D. Alexander, City Manager of the City of La Porte, Texas, a municipal corporation.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

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

PREPARED IN THE LAW OFFICE OF:

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

R.C. Chuoke & Associates, Inc.
Appraisers & Consultants

P.O. Box 1447
League City, Texas 77574

Office- 281-338-9633
Fax- 281-338-9533

March 7, 2017

City of La Porte
P.O. Box 1115
La Porte, Texas 77572

RE: Restricted Appraisal regarding the estimated **Market Value** of a portion of South Holmes Avenue between Galveston Bay and Roscoe Street in the Town of La Porte, Harris County, Texas.

Dear Sirs:

In accordance with your request, I have inspected the following described property for the purpose of estimating the **Market Value** following described property as of the date of this Restricted Appraisal. As per our agreement, the data and analysis is presented in a Restricted Appraisal format and this format is not intended to contain the full analysis.

BRIEF LEGAL DESCRIPTION OF PROPERTY

Known as +/-4,500 square feet out of the existing South Holmes Avenue right of way, between Galveston Bay and Roscoe Street in the Town of La Porte, Harris County, Texas Harris County, Texas. (See site plan in addenda).

I hereby certify that I have personally inspected the property described via a street inspection and that all data gathered by my investigation is from sources believed reliable and true. In preparing this Restricted Appraisal, a study of comparable sales and other related market data was performed.

It should clearly be understood that this letter only constitutes only a statement of the final value and that does not presume to be the complete analysis of the subject property nor a complete appraisal format and is subject to the preparation of a detailed appraisal report.

.....Page 2 Continued.....

The market values in the general subject neighborhood for waterfront properties appear to vary generally from +-\$20.00 PSF to over \$30.00 PSF. The area has general access public utilities. The subject site appears to be generally flat and level with a slope to the water's edge on its eastern end. The site has rip/rap bulkheading along its frontage with Galveston Bay which is similar to adjacent properties. The subject property is partially located in the 100 year flood plain with portions of the site appearing to be out of the 100 year floodplain. The Highest and Best Use of the subject property is determined to be for use as an alleyways and street right of ways or for use by adjacent property owners due to its configuration. Adjacent property uses are residential in nature with single family homes located on adjacent tracts. The client and intended user of this appraisal is the City of La Porte only. The intended use is to estimate the current market value of the subject property of this analysis as described above for use by the client in right of way abandonment procedures. There has been no transfer of the subject property noted for the past 36 months per appraisal district records. The effective date of the appraisal is October 19, 2016 (date of inspection). The date of the report is March 7, 2017. The estimated exposure time is up to 24 months.

After a review of the comparable sales it is my opinion the estimated unit value range of generally between **\$20.00 PSF to \$30.00 PSF** would be placed on the subject property with a mid-range value of **\$25.00 PSF** being indicated for the subject property before any discounting. Therefore the unit market value of the subject tract is estimated at **\$25.00 PSF which is based on 100% fee simple ownership with no discounting applied.**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Chris Chuoke". The signature is written in a cursive style with a horizontal line underneath it.

Chris Chuoke, President
R.C. CHUOKE & ASSOCIATES, INC.

Joseph and Eva Bertuglia
1614 Roscoe Street
La Porte, Texas 77571

Re: Street & Alley Closure a portion of S. Holmes Ave, La Porte, Tx
R/W File #95071

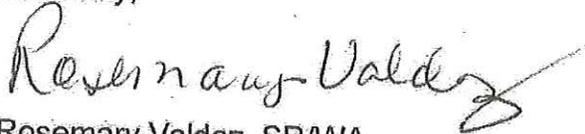
Dear Mr. & Mrs. Bertuglia:

The City of La Porte, Texas has been asked to close and abandon a portion of S. Holmes Avenue.

CenterPoint Energy Houston Electric, LLC, CenterPoint Energy Resources Corporation, d/b/a CenterPoint Energy Texas Gas Operations and CenterPoint Energy Intrastate Pipelines, Inc., herein collectively called "CenterPoint Energy", has investigated the request and determined that there are facilities located within a portion of the area to be abandoned. However, an easement to accommodate these facilities has been granted as shown on the attached CenterPoint Energy sketch, Exhibit "A", made a part hereof. Therefore, CenterPoint Energy will interpose no objection to the closure and abandonment of that portion of S. Holmes Ave., as shown on the attached area map, Exhibit "B", made a part hereof.

This letter of concurrence shall become null and void in the event two (2) years has transpired from the above date and this street/alley closure has not been completed. CenterPoint Energy respectfully requests that the City of La Porte, Texas forward a copy of the final abandonment ordinance to CenterPoint Energy in order to complete our files and to update our map records.

Sincerely,



Rosemary Valdez, SRWA
Right of Way Agent
713-207-6027

Enclosures - Exhibit A & B



AT&T Texas
7602 Spring Cypress Drive
Room 226
Spring, TX 77379-3113

T: 281.379.7524
F: 281.374.3318

September 8, 2016

Joseph and Eva Bertuglia
1614 Roscoe Street
LaPorte, Texas 77571

RE: "No Objection" to the abandonment of a portion of the S. Holmes Avenue Right-of-Way, LaPorte, Harris County, Texas (R.O.W. Job # LP 00316-M)

Dear Mr. and Mrs. Bertuglia

Southwestern Bell Telephone Company (SWBT) offers "**NO OBJECTION**" to the abandonment of a 60' wide by 150' long portion of S. Holmes Avenue Right-of-Way, from Roscoe Street Right-of-way to its terminus, Harris County, Texas, as shown on Closing-Area Map, and as described in your Acceptance Letter dated August 2nd, 2016

If you have any questions, please email me at sm8285@att.com

Sincerely,

Sonya Merrill
Manager-Engineering Design
Right-of-Way

August 15, 2016

Mr. Joseph and Ms. Eva Bertuglia
1614 Roscoe Street
La Porte, Texas 77571

To Whom It May Concern:

Re: Comcast "No Objection" to the closure of a portion South Holmes Avenue from the south most right of way boundary of Roscoe Street, running southeast for a distance of 150 feet long by 60 feet wide.

Please accept this letter as notification that Comcast of Houston LLC, herein referred to as Comcast has no objection to the closure of a portion of South Holmes Avenue from the south most right of way boundary of Roscoe Street, running southeast for a distance of 150 feet by 60 feet wide; as Comcast has no facilities within said alleyway. Please reference the attached hereto survey as exhibit "A" as a pictorial depiction of the referenced right of way to be closed.

Please feel free to contact me at 713-637-5025 with any questions that you may have.

Sincerely,



Chris Grey
Construction Supervisor, Design and Serviceability



City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

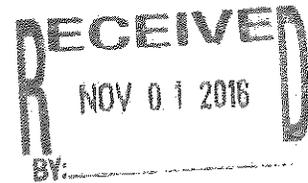
The City of La Porte has received an application from Joseph & Evangelia Bertuglia to vacate, abandon and close the S. Holmes Ave. Right-of-Way located between Lot 23, Block 28 and Lot 1, Block 27 of the Bayfront Addition to La Porte in order to facilitate the construction of a home (see attached exhibit).

City policy requires all owners of property located within a 500' radius of the right-of-way be notified that a formal application has been filed with the City for the right-of-way closing and to provide these property owners an opportunity to state their position in regard to the proposed closing.

The City of La Porte welcomes your opinion on this matter and will include a tally of all responses in staff's presentation to City Council for consideration and final action. An exhibit illustrating the subject right-of-way is attached for your reference.

Please check the appropriate box (below) indicating your position to the closing of the S. Holmes Ave. Right-of-Way as described above and return this letter to:

City of La Porte
Planning & Development Department
604 W. Fairmont Parkway
La Porte, TX 77571
Attn: Brian Sterling/GIS Manager



Responses will be accepted by the City until Friday, November 11th, 2016 at 5:00 p.m.

I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

It is pretty shady when the map indicates the lots in question was left out of our letter. I guess the city must have a vested interest in this being approved.

Printed Name: *Janet Cunningham* Signature: *Janet Cunningham*
JACKIE CUNNINGHAM
Address: *716 South Holmes La Porte, TX 77571*



City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

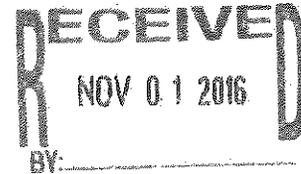
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Planning & Development Department
604 W. Fairmont Parkway
La Porte, TX 77571
Attn: Brian Sterling/GIS Manager



Responses will be accepted by the City until Friday, November 11th, 2016 at 5:00 p.m.

I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Printed Name: DEBRA CARVER TODD Signature: Debra Carver Todd

Address: 714 S. Holmes St.
LL. 281-470-1055



City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

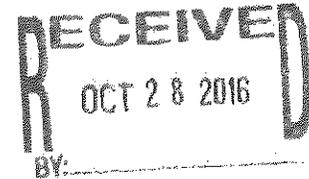
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Please check the appropriate box (below) indicating your position to the closing of the S. Holmes Ave. Right-of-Way as described above and return this letter to:

City of La Porte
Planning & Development Department
604 W. Fairmont Parkway
La Porte, TX 77571
Attn: Brian Sterling/GIS Manager



Responses will be accepted by the City until Friday, November 11th, 2016 at 5:00 p.m.

- I have no objection to the closing of the S. Holmes St. Right-of-Way as described above
I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Three horizontal lines for additional comments.

Printed Name: Krystalle Martinez Signature: Krystalle Martinez 10.31.16

Address: 717 South Holmes St. La Porte TX 77571



City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

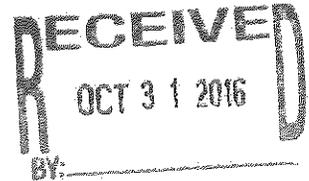
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City of La Porte
Planning & Development Department
604 W. Fairmont Parkway
La Porte, TX 77571
Attn: Brian Sterling/GIS Manager



Responses will be accepted by the City until Friday, November 11th, 2016 at 5:00 p.m.

- I have no objection to the closing of the S. Holmes St. Right-of-Way as described above
I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

As a property owner, I enjoy this right of way near me. I feel the right of way should remain open for myself and other nearby residents.

Printed Name: Richard Resch Signature: [Handwritten Signature]

Address: 719 S. Nugent LaPorte TX 77571



City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

The City of La Porte has received an application from Joseph & Evangelia Bertuglia to vacate, abandon and close the S. Holmes Ave. Right-of-Way located between Lot 23, Block 28 and Lot 1, Block 27 of the Bayfront Addition to La Porte in order to facilitate the construction of a home (see attached exhibit).

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City of La Porte
Planning & Development Department
604 W. Fairmont Parkway
La Porte, TX 77571
Attn: Brian Sterling/GIS Manager

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[] I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

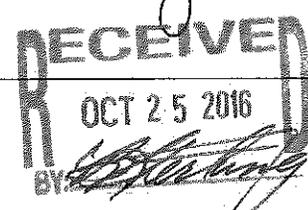
[x] I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Three horizontal lines for additional comments.

Printed Name: Terry Ann Lutz Signature: Ms. Terry Ann Lutz

Address: 718 S. Holmes





City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

The City of La Porte has received an application from Joseph & Evangelia Bertuglia to vacate, abandon and close the S. Holmes Ave. Right-of-Way located between Lot 23, Block 28 and Lot 1, Block 27 of the Bayfront Addition to La Porte in order to facilitate the construction of a home (see attached exhibit).

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Planning & Development Department
604 W. Fairmont Parkway
La Porte, TX 77571
Attn: Brian Sterling/GIS Manager



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I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Sorry but my family uses that 1/2 street when we have the 4th of July fireworks display. Under no circumstance is that 1/2 street to be closed ever. Lots of people look forward to seeing the ships come thru + gaze at the moon when it comes up.

Printed Name: Sylvia Tucker Signature: [Handwritten Signature]

Address: 717 S. NUGENT ST., LaPorte, TX 77571



City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

The City of La Porte has received an application from Joseph & Evangelia Bertuglia to vacate, abandon and close the S. Holmes Ave. Right-of-Way located between Lot 23, Block 28 and Lot 1, Block 27 of the Bayfront Addition to La Porte in order to facilitate the construction of a home (see attached exhibit).

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City of La Porte
Planning & Development Department
604 W. Fairmont Parkway
La Porte, TX 77571
Attn: Brian Sterling/GIS Manager

RECEIVED
OCT 28 2016
BY: _____

Responses will be accepted by the City until Friday, November 11th, 2016 at 5:00 p.m.

- I have no objection to the closing of the S. Holmes St. Right-of-Way as described above
- I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

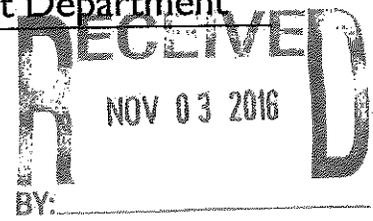
This will limit access to the bay. For the citizens of La Porte - there is already limited supply of access. This would be a great injustice to citizens.

Printed Name: MAURY RUBENSTEIN Signature: *Maury Rubenstein*

Address: 1718 Roscoe



City of La Porte Planning and Development Department



October 19, 2016

Dear Property Owner,

The City of La Porte has received an application from Joseph & Evangelia Bertuglia to vacate, abandon and close the S. Holmes Ave. Right-of-Way located between Lot 23, Block 28 and Lot 1, Block 27 of the Bayfront Addition to La Porte in order to facilitate the construction of a home (see attached exhibit).

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Planning & Development Department
604 W. Fairmont Parkway
La Porte, TX 77571
Attn: Brian Sterling/GIS Manager

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I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional): *objection because public*
this would close off access to the beach area.

what I liked most about this house (when I bought it in 2013) was the view and closeness of access to the water. I love the value that it provides to the neighborhood, which otherwise would be a dull place to live. The breeze, view and access to the water make the neighborhood a nice place to live, relaxing and "beach" feel.

Printed Name: Regina Burg Signature: Regina Burg *over*

Address: 720 S Holmes LPTX 77571 / 10310 N H



City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

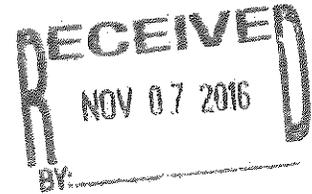
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City policy requires all owners of property located within a 500' radius of the right-of-way be notified that a formal application has been filed with the City for the right-of-way closing and to provide these property owners an opportunity to state their position in regard to the proposed closing.

The City of La Porte welcomes your opinion on this matter and will include a tally of all responses in staff's presentation to City Council for consideration and final action. An exhibit illustrating the subject right-of-way is attached for your reference.

Please check the appropriate box (below) indicating your position to the closing of the S. Holmes Ave. Right-of-Way as described above and return this letter to:

City of La Porte
Planning & Development Department
604 W. Fairmont Parkway
La Porte, TX 77571
Attn: Brian Sterling/GIS Manager



Responses will be accepted by the City until Friday, November 11th, 2016 at 5:00 p.m.

- I have no objection to the closing of the S. Holmes St. Right-of-Way as described above
I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

People would not have a place to sit and enjoy the water view.
JUST KEEP THIS IN MIND. NOT EVERYONE CAN AFFORD TO LIVE ON THE BAY.

Printed Name: Wayne Hamilton Signature: [Handwritten Signature]

Address: 727 South Carroll St. La Porte TX 77571



City of La Porte Planning and Development Department

RECEIVED
NOV 03 2016
BY: _____

October 19, 2016

Dear Property Owner,

The City of La Porte has received an application from Joseph & Evangelia Bertuglia to vacate, abandon and close the S. Holmes Ave. Right-of-Way located between Lot 23, Block 28 and Lot 1, Block 27 of the Bayfront Addition to La Porte in order to facilitate the construction of a home (see attached exhibit).

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Planning & Development Department
604 W. Fairmont Parkway
La Porte, TX 77571
Attn: Brian Sterling/GIS Manager

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- I have no objection to the closing of the S. Holmes St. Right-of-Way as described above
- I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

This would reduce the view of the Bay and the value of the homes on S. Holmes street

Printed Name: for NATHAN MACLAY Signature: by Kacey Ezell

Address: 712 South Holmes Street



City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

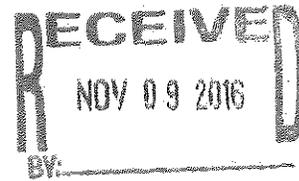
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Planning & Development Department
604 W. Fairmont Parkway
La Porte, TX 77571
Attn: Brian Sterling/GIS Manager



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[] I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

[x] I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Four horizontal lines for additional comments.

Printed Name: Kate H. Baker Signature: Kate Hayley Baker
William Baker Wm C Baker

Address: 1708 Roscoe La Porte TX.



City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

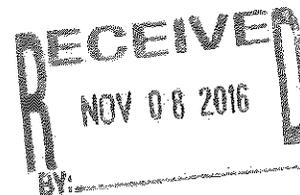
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Planning & Development Department
604 W. Fairmont Parkway
La Porte, TX 77571
Attn: Brian Sterling/GIS Manager



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I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Do not want it closed because that is the only way we can see the bay.

Printed Name: Lori & Pete Church Signature: [Handwritten Signature]

Address: 713 South Nugent St.
La Porte, TX 77571



City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

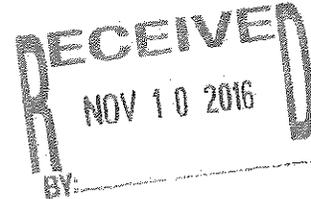
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Planning & Development Department
604 W. Fairmont Parkway
La Porte, TX 77571
Attn: Brian Sterling/GIS Manager



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I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

I object to the closing of the S. Holmes St. Right-of-Way as described above

BECAUSE

Additional Comments (optional):

This S. Holmes St Right of Way was designed to give this area a free access to the bay for the residents to enjoy the bay - watch birds, the ship traffic, sail boat races; 4th July, flood water, ebb & flow of water swim fish, sun rise & set, bay breeze on a hot day - ect

Printed Name: Shirley Belgau Signature: Shirley Belgau

Address: 7408 Admiral



City of La Porte Planning and Development Department

RECEIVED
NOV 14 2016
BY:

October 19, 2016

Dear Property Owner,

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Planning & Development Department
604 W. Fairmont Parkway
La Porte, TX 77571
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I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Printed Name: Keystalle Martinez Signature: Keystalle Martinez

Address: 717 South Holmes La Porte, TX 77571



City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

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La Porte, TX 77571
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I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Printed Name: David Douglass Signature: David Douglass

Address: 751 S. Nugent St La Porte, TX 77571



City of La Porte Planning and Development Department

RECEIVED
NOV 08 2016
BY: _____

October 19, 2016

Dear Property Owner,

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Attn: Brian Sterling/GIS Manager

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I have no objection to the closing of the S. Holmes St. Right-of-Way as described above



I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Printed Name: GUO FANG YANG Signature: [Handwritten Signature]

Address: 17322 Canton Forest Richmond TX 77407

Tel: 832-419-9679
281-235-3031



City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

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Attn: Brian Sterling/GIS Manager

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I have no objection to the closing of the S. Holmes St. Right-of-Way as described above



I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Please see attached comments.

Printed Name:

Carlos and Stephanie Cardenas

Signature:

[Handwritten Signature]

Address:

1612 Roscoe Street La Porte, TX 77571

Carlos and Stephanie Cardenas
1612 Roscoe Street
La Porte, Texas 77571

10 November 2016

City of La Porte
Planning and Development Department
604 W. Fairmont Parkway
La Porte, Texas 77571
Attn: Brian Sterling/GIS Manager

re: Abandoning and Closing the S. Holmes Right-of-Way

Dear Brian,

It is in our strong opinion that Joseph and Evangelia Bertuglia should be allowed to jointly purchase the aforementioned right-of-way with their neighbors, Robert Kimmons and Maisie Barringer. For many years the waterfront residents have been faced and forced to maintain both the waterfront and the access after other individuals, not residing along the bayfront have utilized the right-of-way to gain access to the waterfront and misuse its resources. While all neighboring residents have not entered with malicious or neglectful intentions this does not dismiss or forgive those that have. On many occasions we have witnessed children, absent adult supervision that have trespassed on private property to gain access to private piers, we have witnessed individuals "receiving services" of a publicly inappropriate nature. We have also witnessed older children utilizing lawns as their only personal restrooms in broad daylight. On numerous occasions we have personally cleaned up the bayfront after it was left littered with trash, dead fish that were caught but not released and fishing line that was left along the bayfront haphazardly and certainly capable of endangering native wildlife.

Many properties that are on the streets perpendicular to the waterfront are utilized as rental homes whose owners may be unaware of the indiscretions of their renters and their guests. The city of La Porte provides many city and county funded recreational areas that allow its tenants and guests a safe and wonderful opportunity to enjoy life by the bay. These facilities boast public piers that are adequately maintained for the safety of the residents of La Porte and additionally offer restroom access, beach access and trash receptacles. Furthermore there are patrols and/or designated Sheriffs who maintain order in these settings. The public access that is requested for purchase lacks proper lighting, safety patrol and maintenance and proper signage regarding the limitations of this access. We have had to redirect locals who were walking on the unstable, algae covered rocks because they were misled in their notion that the rocks led to Sylvan Beach.

One of our chief concerns as to why some of the residents within the 500 foot radius may have opposing ideas to the closing of the right-of-way is that many of them were potentially misled in the wording or lack of in the original letter sent to residents. The letter does not detail that the

land will be surveyed and purchased rather than the potential assumption that the land is being divided and absorbed by the two neighboring properties at no cost. It is also our strong opinion that many residents who do not reside along the bayfront are subsequently unaware of the amount of foot traffic and incidences that occur and are dealt with by the residents. It is simply a misuse of the time of first responders to call law enforcement officers to deal with the many indiscretions that we have been faced with.

Regards,

Carlos Cardenas

A handwritten signature in black ink, appearing to read 'Carlos Cardenas', with a large, sweeping flourish extending to the right.

Stephanie Cardenas

A handwritten signature in black ink, appearing to read 'Stephanie Cardenas', with a large, circular flourish that loops around the name.

cc: Joseph and Evangelia Bertuglia
Robert Kimmons
Maisie Barringer



City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

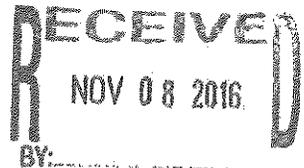
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La Porte, TX 77571
Attn: Brian Sterling/GIS Manager



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I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Printed Name: Judy Morrente Signature: Judy Morrente

Address: 1604 Roscoe La Porte TX 77571



City of La Porte Planning and Development Department

October 19, 2016

Dear Property Owner,

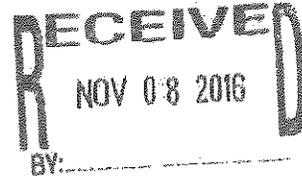
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Attn: Brian Sterling/GIS Manager



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[X] I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

[] I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Three horizontal lines for additional comments.

Printed Name: Robert Britt Signature: [Handwritten Signature]

Address: 730 S. Carroll



City of La Porte Planning and Development Department

RECEIVED
NOV 03 2016
BY: _____

October 19, 2016

Dear Property Owner,

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La Porte, TX 77571
Attn: Brian Sterling/GIS Manager

RECEIVED
NOV 03 2016
BY: _____

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I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Printed Name: April Zaidi Signature: [Handwritten Signature]

Address: 722 S. Holmes St.



City of La Porte Planning and Development Department

RECEIVED
OCT 27 2016
BY: _____

October 19, 2016

Dear Property Owner,

The City of La Porte has received an application from Joseph & Evangella Bertuglia to vacate, abandon and close the S. Holmes Ave. Right-of-Way located between Lot 23, Block 28 and Lot 1, Block 27 of the Bayfront Addition to La Porte in order to facilitate the construction of a home (see attached exhibit).

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Attn: Brian Sterling/GIS Manager

RECEIVED
OCT 27 2016
BY: _____

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I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Printed Name: FRANK L. GLASS Signature: Frank L. Glass

Address: 730 S. HOLMES LA PORTE, TX



City of La Porte Planning and Development Department

RECEIVED
NOV 14 2016
BY: _____

October 19, 2016

Dear Property Owner,

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I have no objection to the closing of the S. Holmes St. Right-of-Way as described above

I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Printed Name: Christopher Thebeau Signature:

Address: 1704 Roscoe St., La Porte, TX 77571



City of La Porte Planning and Development Department

RECEIVED
NOV 14 2016
BY: _____

October 19, 2016

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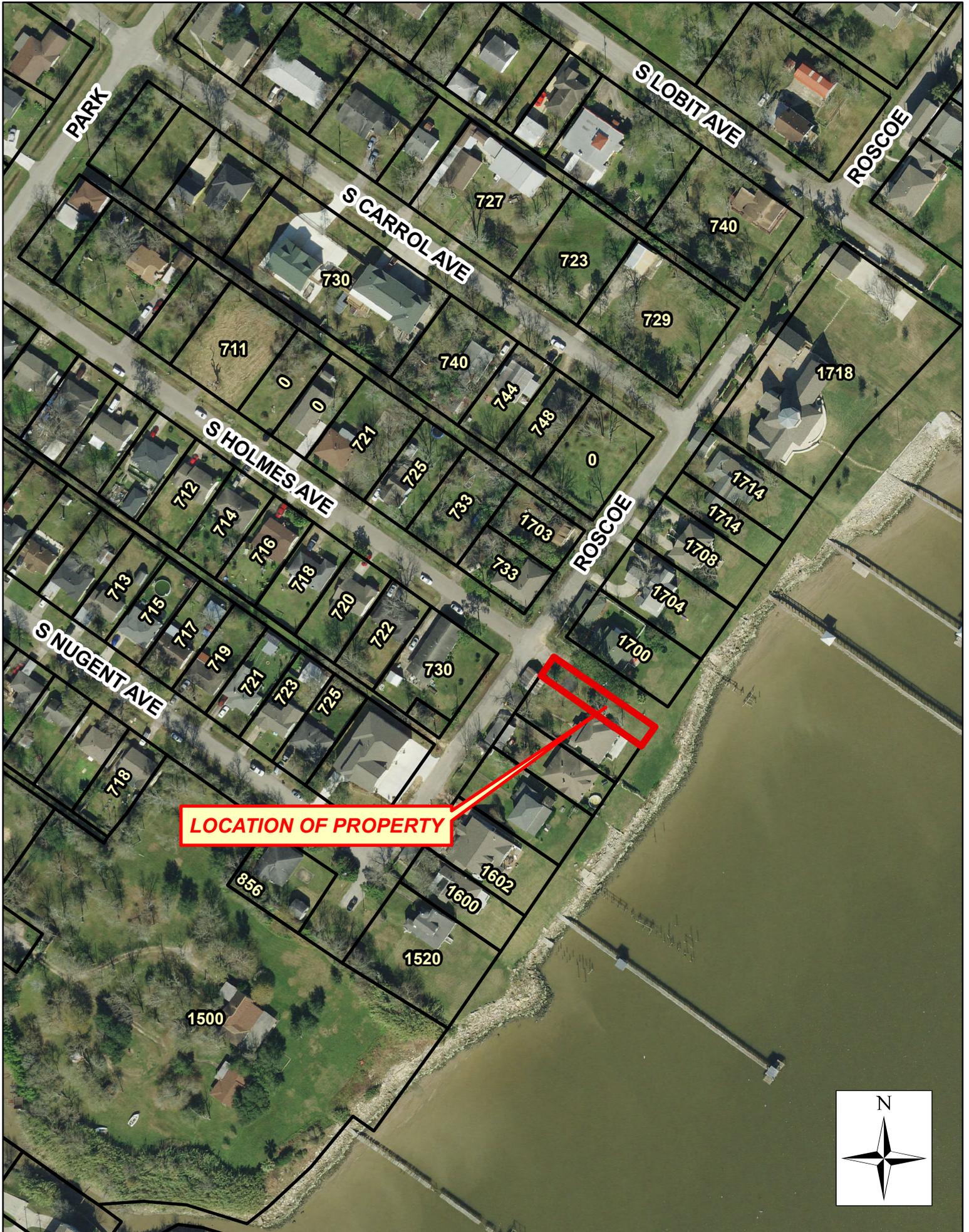
I object to the closing of the S. Holmes St. Right-of-Way as described above

Additional Comments (optional):

Printed Name: Jessica Newman Signature: [Handwritten Signature]

Address: 1704 Roscoe St. La Porte TX 77571

AREA MAP - S. HOLMES CLOSURE





**Council Agenda Item
July 24, 2017**

**9 (a) Receive report of the La Porte Development Corporation Board Meeting –
Councilmember Ojeda**



Council Agenda Item July 24, 2017

10. **ADMINISTRATIVE REPORTS**

- Zoning Board of Adjustment Meeting, Thursday, July 27, 2017
- La Porte Development Corporation Board Meeting, Monday, August 14, 2017
- City Council Meeting, Monday, August 14, 2017
- Budget Workshop Meetings, week of August 14th, 2017
- Planning and Zoning Commission Meeting, Thursday, August 17, 2017
- Zoning Board of Adjustment Meeting, Thursday, August 24, 2017
- City Council Meeting, Monday, August 28, 2017

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

12. **ADJOURN**
