

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



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

## **CITY COUNCIL MEETING AGENDA**

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held October 22, 2018, 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 John Zemanek.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
  - (a) Recognition - Employees of the 3rd Quarter 2018 - Officers Joshua Willhoite, Barrence Rodgers and Sergio Torre- City of La Porte Police Department - Mayor Rigby
5. **PUBLIC COMMENTS** (Limited to five minutes per person.)
6. **CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
  - (a) Consider approval or other action regarding minutes of the meeting held on October 8, 2018 - P. Fogarty
  - (b) Consider approval or other action regarding a Resolution confirming the appointment of Ron Parker as the department head and chief of police of the La Porte Police Department commencing October 8, 2018 - P. Fogarty
  - (c) Consider approval or other action to purchase Neptune meters and parts from Core and Main of Houston, as sole source provider - M. Dolby
  - (d) Consider approval or other action authorizing the purchase of Fiscal Year 2018-2019 Vehicle Replacements - under HGAC contract number AM10-18 and Texas BuyBoard contract numbers 515-16 and 529-17 - R. Mayo
  - (e) Consider approval or other action authorizing the purchase in the amount of \$73,725.00 for three (3) uSmart 3200T NexGen Ultrasound Tablet System devices from Terason, Division of Teratech Corporation, as sole source provider, in the amount of \$73,725.00 - R. Nolen
  - (f) Consider approval or other action authorizing the City Manager to execute a contract with Public Management, Inc., for Grant Administration Services and overall management of CDBG and HMGP funding, with a total authorization of \$245,030.00 - L. Wingate

- (g) Consider approval or other action regarding a Resolution approving a local commitment of \$125,000.00 to supplement the City's allocation of \$325,775.30 provided by the Texas General Land Office for the 2015 Floods and Storms (DR-4223 and DR-4245) Community Development Block Grant Disaster Recovery Program for the Northside Neighborhood Drainage Improvement Project - L. Wingate
- (h) Receive and review the City of La Porte, Texas Investment Policy - S. Wolny

## 7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- (a) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to deny an amendment to the City's Future Land Use Map Component of the Comprehensive Plan for a 1.0 acre tract of land located at 10410 N. L St., and legally described as Tract 441C, La Porte Outlots Subdivision, by changing from "Large Lot Residential" to "Low Density Residential"; consider approval or other action regarding an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan for a 1.0 acre tract of land located at 10410 N. L St., legally described as Tract 441C, La Porte Outlots Subdivision, from "Large Lot Residential" to "Low Density Residential" - I. Clowes
- (b) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to deny zone change request #18-92000009, for a change from Large Lot Residential (LLD) to Low Density Residential (R-1) for a 1.0 acre tract of land located at 10410 N. L St., legally described as Tract 441C, La Porte Outlots Subdivision; consider approval or other action regarding an Ordinance amending Chapter 106 "Zoning" of the Code of Ordinances by changing the zoning classification of a 1.0 acre tract of land located at 10410 N. L St., legally described as Tract 441C, La Porte Outlots Subdivision, from Large Lot Residential (LLD) to Low Density Residential (R-1) - I. Clowes
- (c) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny Special Conditional Use Permit #18-91000012 to allow for a commercial and industrial machinery and equipment rental and leasing use in the Planned Unit Development (PUD) Zoning District, on a 7.0-acre tract of land located on the south side of Spencer Hwy. east of S. 25th St., and legally described as +/- 7 Acres out of 133.93 Acre Tract in the R Pearsall Survey A-265; consider approval or other action regarding an Ordinance amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning", by granting Special Conditional Use Permit #18-91000012, to allow for the development of a commercial and industrial machinery and equipment rental and leasing use on a 7.0-acre tract of land located on the south side of Spencer Hwy., east of S. 25th St., and legally described as +/- 7 Acres out of 133.93 Acre Tract in the R Pearsall Survey A-265, in the Planned Unit Development (PUD) Zoning District - I. Clowes
- (d) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit #18-91000013 to allow for a Hotel/Motel use in the General Commercial (GC) Zoning District, on a 3.77-acre tract of land located at 1328 SH 146 South, and legally described as Reserve B, Block 1, M&K Development Amend; consider approval or other action regarding an Ordinance amending the Code of Ordinances of the City of La Porte, Chapter 106 'Zoning', by granting Special Conditional Use Permit #18-91000013, to allow for the development of a Hotel/Motel use in the General Commercial (GC) Zoning District on a 3.77-acre tract of land located at 1328 SH 146 South, and legally described as Reserve B, Block 1, M&K Development Amend. - I. Clowes
- (e) Public hearing to receive comments regarding a request by Burger Libre, LLC, for a variance to Section 6-2 of the Code of Ordinances of the City of La Porte, to allow the sale of alcoholic beverages for on-premise consumption at Burger Libre, located at 9709 Spencer Hwy., within 300 feet of a public school; consider approval or other action regarding an Ordinance authorizing a variance to Section 6-2 of the Code of Ordinances of the City of La Porte, by allowing the sale of alcoholic beverages for on-premise consumption at Burger Libre, located at 9709 Spencer Hwy., within 300 feet of a public school - I. Clowes

**8. DISCUSSION AND POSSIBLE ACTION**

- (a) Discussion and possible action regarding appointment of two Councilmembers to a Fitness Center Committee to study and make recommendations regarding the renovation of the current fitness center and/or a new fitness center - P. Fogarty
- (b) Discussion and possible action regarding City permitting process - Councilmember Ojeda, Councilmember J. Martin, Councilmember Bentley
- (c) Discussion and possible action regarding City sponsorships - Councilmember Ojeda, Councilmember Zemanek, Councilmember K. Martin

**9. ADMINISTRATIVE REPORTS**

- Zoning Board of Adjustment Meeting, Thursday, October 25, 2018
- City Council Meeting, Monday, November 12, 2018
- Planning and Zoning Meeting, Thursday, November 15, 2018

**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 or existing policies. Councilmembers Zemanek, Bentley, Engelken, Earp, Ojeda, J. Martin, K. Martin and Mayor Rigby

**11. 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 October 22, 2018 , agenda of items to be considered by the City Council was posted on the City Hall bulletin board on October 16, 2018.

*Patrice Fogarty*



**Council Agenda Item  
October 22, 2018**

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

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## **Employees of the 3<sup>rd</sup> Quarter 2018**

### **La Porte PD Officers**

#### **Joshua Willhoite, Barrence Rodgers, Sergio Torre**

On Thursday September 13<sup>th</sup> La Porte Dispatch received a call for service regarding capsized boat in Galveston Bay near Hazel Street and two people were in the water. La Porte Police, Fire, and EMS units were dispatched. Officers, Willhoite, Rodgers, and Torre were the first units to locate the boat, which was actually closer to South R Street.

Upon arrival, the officers discovered the capsized and adrift vessel and two individuals up against the rocky bank. One male was attempting to get a female, later determined to be his mother, out of the water. The female was unconscious, unresponsive, and her skin had developed a purplish skin tone.

The officers assisted the male with extricating the female from the water onto the steep embankment and immediately began CPR. The officers continued administrating lifesaving actions until the arrival of Fire and EMS units. At that point they shifted their focus to moving the patient to a better location, using a ladder to carry her up an incline to the EMS stretcher. Lifesaving efforts continued throughout this process.

Assistant EMS Chief Lisa Camp states, "These officers immediately sprang into action and worked as a team to save the woman's life. Without these lifesaving actions, this female victim would not be alive today."

Officers Willhoite, Rodgers, and Torre demonstrated the highest standard for La Porte first responders. Their commitment to protecting lives in the La Porte community is commendable and truly appreciated. Please join me in congratulating these officers as our Employees of the Quarter.



## Council Agenda Item October 22, 2018

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

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF LA PORTE  
OCTOBER 8, 2018**

The City Council of the City of La Porte met in a regular meeting on **Monday, October 8, 2018**, 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. All members of Council were present: Councilmembers Ojeda, Zemanek, J. Martin, K. Martin, Bentley, Engelken, and Earp. Staff present: City Secretary Patrice Fogarty, City Manager Corby Alexander, Assistant City Manager Jason Weeks, and Assistant City Attorney Clark Askins.

2. **INVOCATION** –The invocation was given by Michael Thannisch, St. Paul's Anglican Church.

3. **PLEDGE OF ALLEGIANCE** – The City of La Porte Fire Department honor Guard presented the Colors; the pledge of allegiance was led by Councilmember Kristin Martin; and Firefighter Destinee Rayburn sang the National Anthem.

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

(a) Proclamation – Fire Prevention Week – Mayor Rigby

Mayor Rigby presented a proclamation for Fire Prevention Week to members of the La Porte Fire Department, Fire Marshal Clif Meekins, and Assistant Fire Chief Donald Ladd.

(b) Proclamation – Domestic Violence Awareness Week – Mayor Rigby

Mayor Rigby presented a Domestic Violence Awareness Week proclamation to members of the La Porte Police Department Chief Ron Parker; Dispatch Supervisor Shaye Lister, and Lieutenant Tammy McBeath.

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

Head Commissioner of La Porte Baseball Association Kevin Manning, 210 S. Nugent, addressed Council requesting Council to get involved in negotiating a discounted price for the teams to play on the high school field.

Shawn Metcalf, 11127 Sunset Ridge St., addressed Council requesting Council to be supportive of funding for the La Porte TIFI football teams to play on the high school field.

Jason Smith, 10312 Apple Tree Circle South, addressed Council and agreed with everything that was said by Mr. Manning and Mr. Metcalf.

Thomas Schulte, 1402 Bayou Glen, addressed Council in support of the La Porte TIFI football teams and requested Council to support the teams playing on the high school field.

Lisa, Schulte, 1402 Bayou Glen, addressed Council in support of funding for La Porte TIFI football teams to play on high school fields and a new recreation center.

Tamera Driver, 8942 Defiance, addressed Council in support of funding for the La Porte TIFI football teams and requested Council to support the teams playing on the high school field and thanked Council for considering a new recreation center.

Christi Reynolds, 5222 Valleybrook Ct., addressed Council in support of funding for the La Porte TIFI football teams to play on the high school field and commented she looks forward to a new recreation center.

Jeff Yates, 606 Bay Colony Dr., addressed Council requesting the La Porte TIFI football teams to play on the high school field.

Ronda Weaver, 615 Primrose, addressed Council in agreement with everyone.

Kevin Reynolds, 5222 Valleybrook Ct., addressed Council in support of the La Porte TIFI football teams playing on the high school field.

Dolly Rosario, 822 6<sup>th</sup> St., addressed Council in support of the La Porte TIFI football teams playing on the high school field.

Amy Lott, 11011 Birch Dr., addressed Council in support of the La Porte TIFI football teams playing on the high school field.

Wyatt Smith, 10905 Spruce Dr. North, addressed Council and requested funding of \$2,900.00 for the La Porte TIFI football teams to play on the high school field and thanked late Councilmember Dottie Kaminski for being supportive of the organization.

President of La Porte Baseball Association Nicholas McCanless, 3807 Redbud Dr., addressed Council and thanked everyone for being supportive and honoring the late Councilmember Dottie Kaminski at her funeral services last Friday; commented the La Porte TIFI football teams should be allowed to play on the high school field, and it should be continued for years in honor of Dottie.

President of La Porte Cowboys and Cowgirls Dallas Lott, 11011 Birch Dr., addressed Council in support of the La Porte TIFI football teams playing on the high school field and requested it be done in honor of the late Councilmember Dottie Kaminski.

Matt Shipwash, 11727 N. Ave D. St., addressed Council in support of the final game of the season for the TIFI organization to be played on the high school field and is in support of a new recreation center.

Ray Rodriguez Jr., 3331 Luella Blvd., addressed Council in support of the La Porte TIFI football teams being allowed to play on the high school field and spoke of his years as a kid and playing football.

Phillip Hoot, 927 Seabreeze, addressed Council in support of a new recreation and fitness center.

Susan Williams, 215 Oakhurst, thanked the La Porte Police Department and commented the current fitness center should be improved and not rebuilt, and funds should be allocated where they are necessary.

Steve Gillett, 2601 S. Broadway, addressed Council and commented there is no reason to reduce merit raises; the fitness center should be repaired or expanded, and to consider the requested funding to the La Porte TIFI football organization.

Brian Mongiello, 920 S. Utah, addressed Council and commented it will be thrilling for the La Porte TIFI football teams to play on the high school field and requested they be allowed to play on a yearly basis.

**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 Regular City Council Meeting held on September 24, 2018 and amended minutes of the Special City Council meeting held on September 6, 2018 – P. Fogarty
- (b) Consider approval or other action regarding an Ordinance ordering a Special Election of the City of La Porte, Texas, for December 8, 2018, for the purpose of electing a city official to the position of Councilperson-at-large-Position B for the remainder of the unexpired term, which expires May 2, 2020 – P. Fogarty
- (c) Consider approval or other action regarding an Ordinance amending Chapter 50, Appendix A, “Fees” of the Code of Ordinances of the City of La Porte, by adjusting various golf course user fees for the La Porte Golf Course – A. Osmond
- (d) Consider approval or other action authorizing City staff to execute a Pipeline Permit issued to ExxonMobil Pipeline Company, for replacing approximately 750 feet of an existing 16-inch crude oil pipeline within the City of La Porte – L. Wingate
- (e) Consider approval or other action authorizing the purchase of Fiscal Year 2018-2019 Vehicle Replacements under Texas Buy Board Contract No. 512-16 and HGAC contracts numbers VE-11-15 and GR01-18 – D. Pennell
- (f) Consider approval or other action awarding Bid #18022 for Pool Renovation – R. Epting
- (g) Consider approval or other action regarding an Interlocal Agreement between the City of La Porte and Harris County Flood Control District for maintenance of pedestrian bridge of the La Porte Hike and Bike Trail System – R. Epting

Regarding Item A, it was noted a change to the September 6, 2018, minutes where Councilmember Earp was counted in the vote twice, and Councilmember Bentley was overlooked. City Secretary Fogarty stated it will be fixed. Councilmembers Ojeda and Zemanek had questions on Consent Item D. City Engineer Lorenzo Wingate answered the questions.

Councilmember J. Martin pulled Item C for a separate vote.

Councilmember Zemanek made a motion to approve Consent Agenda items A, B, D, E, F and G pursuant to staff recommendations. Councilmember Ojeda seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.**

Councilmember Engelken made a motion to approve Consent Agenda Item C pursuant to staff recommendation. Councilmember Zemanek seconded. **MOTION PASSED 6/2.**

Ayes: Mayor Rigby, Councilmembers K. Martin, Bentley, Zemanek, Earp, and Engelken  
Nays: Councilmembers Ojeda and J. Martin  
Absent: None

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3725 AN ORDINANCE ORDERING A SPECIAL ELECTION OF THE CITY OF LA PORTE TO FILL THE UNEXPIRED TERM OF COUNCILPERSON-AT-LARGE-POSITION B; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR THE USE OF VOTING MACHINES; APPOINTING ELECTION OFFICIALS; PROVIDING FOR FILING DEADLINE FOR CANDIDATES, PROVIDING FOR METHOD AND DATES OF EARLY VOTING; PROVIDING FOR AN EARLY VOTING BALLOT BOARD; PROVIDING FOR RETURN AND CANVASS OF VOTES OF SAID ELECTION; PROVIDING FOR NOTICE; PROVIDING FOR A SAVINGS CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3726 AN ORDINANCE AMENDING CHAPTER 50 "PARKS AND RECREATION" APPENDIX-A "FEES" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY ADJUSTING VARIOUS GREEN USER FEES; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

## 7. DISCUSSION AND POSSIBLE ACTION

(a) Discussion and possible action to provide direction to the City Manager regarding implementation of the 2018-2019 Fiscal Year employee merit pay increases – Mayor Rigby

Mayor Rigby spoke in regards to 2018-2019 Fiscal Year employee merit pay increases.

Councilmember Earp commented it was not his recommendation to reduce the amount budgeted for merit pay increases, it was actually City Manager Corby Alexander's recommendation. Councilmember Earp commented he challenged the City Manager to look at and make budget cuts, and he only asked for an understanding and justification on the budgeted and percentage amounts presented by Staff for merit increases.

Councilmember Engelken asked Assistant City Attorney Clark Askins if the City can have an EEOC claim filed for budgeting for merit raises for employees for half of the year and not have funding for merit increases for the other half of the year for employees. Mr. Askins responded he does not think there is a risk if there is justification. In addition, Councilmember Engelken also commented he is in favor of all merit increases moving to one time a year instead of being staggered throughout the year.

Councilmember Ojeda made a motion to return \$186,000.00 back to the merit program. Councilmember K. Martin seconded. **MOTION PASSED 8/0.**

Ayes: Mayor Rigby, Councilmembers Ojeda, J. Martin, K. Martin, Bentley, Zemanek, Earp, and Engelken  
Nays: None  
Absent: None

(b) Discussion and possible action regarding a new recreation and fitness facility – Mayor Rigby

Mayor Rigby spoke in regards to a new recreation and fitness facility.

Councilmember Zemanek commented he wants a new facility and to revamp the Senior Center in order to keep people in the City and to showcase the water on the bay.

Councilmember K. Martin commented there is no direction for a plan of a new recreation and fitness facility to be voted on by Council.

Councilmember Ojeda commented she voted to earmark funding toward a new recreation and fitness facility, and she wants to go back to the discussion phase for the facility.

Councilmember Bentley commented Council saw pictures of what need to be repaired at the existing facility and agrees with Councilmembers Ojeda and K. Martin to go back to the discussion phase and see what needs to be done and which direction does Council wants to go.

Councilmember J. Martin commented he is not opposed to a new facility but he does not have a consensus from his district and Council needs to determine the best use for the land at Klein Retreat. In addition, Councilmember J. Martin commented the item can be discussed at the April Retreat.

Councilmember Earp commented he would like to see a comparison on a new versus renovated fitness center.

Mayor Rigby reminded Council that not long ago Galveston Bay Foundation made an offer of more than twice what the City paid for the Klein Retreat property, and Council agreed that was not a good thing to do for two reasons, they would not be paying the same taxes, and the property was worth more. Councilmember Earp commented the land should be used for the citizens and not to sell or give away the last waterfront property.

Councilmember Earp made a motion to engage a subcommittee of two Councilmembers and Staff and bring back costs for facility on the water and renovations of the existing fitness center facility. Councilmember Ojeda seconded. **MOTION PASSED 8/0.**

## 8. **REPORTS**

- (a) Receive report of the Drainage and Flooding Committee Meeting – Councilmember Jay Martin

Councilmember Jay Martin provided an update of the Drainage and Flooding Committee Meeting held prior to the City Council Meeting.

## 9. **ADMINISTRATIVE REPORTS**

City Manager Corby Alexander advised Council that Christmas cards are at their seats for them to add words of encouragement and sign, and they will be mailed to soldiers overseas. Mr. Alexander also announced that Ron Parker has been chosen as the new Police Chief.

- 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 or existing policies – Councilmembers Engelken, Earp, Ojeda, J. Martin, K. Martin, Zemanek, Bentley and Mayor Rigby.

Councilmember K. Martin commented in regards to the La Porte TIFI football teams' request for funding to play at the high school field and advised La Porte Independent School District needs to step up and contribute as well; complimented Firefighter Destinee Rayburn who sang the National Anthem; and commented the late Councilmember Dottie Kaminski was amazing and will be greatly missed; Councilmember Zemanek congratulated Police Chief Ron Parker; thanked the City and community for the touching services for the late Councilmember Dottie Kaminski; Councilmember Bentley congratulated Police Chief Ron Parker; commented on the impact the late Councilmember Dottie Kaminski had on the community and her willingness to help people; and wished the City can support the La Porte TIFI football teams; Councilmember Engelken commented the Honor Guard did an outstanding job at the services for the late Councilmember Dottie Kaminski and commented she loved and worked for the City; congratulated Police Chief Ron Parker and commented the City

Manager and LPISD Superintendent should be able to get together and make something work for the La Porte TIFI football teams; Councilmember Earp congratulated Police Chief Ron Parker and thanked him and the Honor Guard for honoring the late Councilmember Dottie Kaminski; commented he would love to see and support the City making it possible for the La Porte TIFI football teams to play at the high school field in honor of Dottie; Councilmember Ojeda complimented Firefighter Destinee Rayburn who sang the National Anthem; congratulated Police Chief Ron Parker and Shaye Lister on her promotion as Victim's Assistance Liaison; commented she agrees the land by the bay should be for the citizens and not sold; thanked Tommy and Chad Kaminski for sharing their mother and commented the school district need to do their part by allowing the La Porte Texans and Cowboys football teams (future Bulldogs) to play at the high school field; Councilmember J. Martin congratulated Police Chief Ron Parker; complimented Firefighter Destinee Rayburn who sang the National Anthem; agreed with Councilmember Engelken that the City Manager and LPISD Superintendent should be able to get together and make something work for the La Porte TIFI football teams and agreed with Councilmember Ojeda that the school district should just make it happen since its their field; saluted the City, Police, Fire and EMS for their support during the services for the late Councilmember Kaminski; commented that he agrees that Dottie loved the Lord; has a family life; helped her community; therefore she had a great life and will be missed; and Mayor Rigby congratulated Chief Ron Parker; sent condolences to the late Councilmember Dottie Kaminski's family and thanked them for sharing her with the community; advised he attended and spoke at the Ribbon Cutting at the City of Deer Park City Hall Ribbon Cutting and let them know how impressed he is with the orange in the new carpet.

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 (2)** – Consultation with Attorney: Meet with City Attorney and City Manager to discuss legal issues related to status of employee benefits of former employee.

City Council recessed the regular Council meeting to convene an executive session at 8:00 p.m. regarding the item listed above.

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

Council reconvened the regular Council meeting at 8:40 p.m. Mayor Rigby gave direction to the City Manager on the status of handling benefits of former employees.

13. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 8:40 p.m. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0.**

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Patrice Fogarty, City Secretary

Passed and approved on October 22, 2018.

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Mayor Louis R. Rigby

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<b>Agenda Date Requested</b> <u>October 22, 2018</u>	<b><u>Appropriation</u></b>
<b>Requested By:</b> <u>Patrice Fogarty</u>	<b>Source of Funds:</b> <u>N/A</u>
<b>Department:</b> <u>City Secretary</u>	<b>Account Number:</b> <u>N/A</u>
<b>Report</b> <input type="checkbox"/> <b>Resolution:</b> <input checked="" type="checkbox"/> <b>Ordinance:</b> <input type="checkbox"/>	<b>Amount Budgeted:</b> <u>N/A</u>
<b>Exhibit:</b>	<b>Amount Requested:</b> <u>N/A</u>
	<b>Budgeted Item:</b> YES    NO

### SUMMARY & RECOMMENDATION

Section 143.013(a) of the Texas Local Government Code provides that the department head of the police department shall be appointed by the municipality's chief executive officer and confirmed by the municipality's governing body. Ron Parker was appointed by City Manager Corby Alexander to the position of Chief of Police for the La Porte Police Department on October 8, 2018. Pursuant to law, Council needs to confirm his appointment.

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#### **Action Required by Council:**

Consider approval or other action confirming the appointment of Ron Parker as the department head and chief of police of the La Porte Police Department commencing October 8, 2018.

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

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

\_\_\_\_\_  
Date

RESOLUTION NO. 2018-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, CONFIRMING THE APPOINTMENT OF RON PARKER AS CHIEF AND DEPARTMENT HEAD OF THE LA PORTE POLICE DEPARTMENT, IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE SEC. 143.013; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, Section 143.013(a)(1) of the Texas Local Government Code provides that the department head of the police department shall be appointed by the municipality's chief executive officer and confirmed by the municipality's governing body; and

**WHEREAS**, after a nationwide search and thorough assessment process, Ron Parker was identified by the City Manager as the top candidate for Chief of Police; and

**WHEREAS**, Ron Parker was appointed by the City Manager to the position of Chief of Police for the La Porte Police Department on October 8, 2018.

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

**Section 1.** That the City Council confirms the appointment of Ron Parker as Chief of Police and department head of the La Porte Police Department.

**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 is posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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

**PASSED and APPROVED** this the 22nd day of October, 2018.

**CITY OF LA PORTE, TEXAS**

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

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Clark T. Askins  
Assistant City Attorney

**REQUEST FOR CITY COUNCIL AGENDA**

<b>Agenda Date Requested:</b> <u>October 22, 2018</u>
<b>Requested By:</b> <u>Michael Dolby, Director of Finance</u>
<b>Department:</b> <u>Finance</u>
<b>Report:</b> <u>X</u> <b>Resolution:</b> <u>      </u> <b>Ordinance:</b> <u>      </u>

<u><b>Amount Budgeted</b></u>	
<b>Source of Funds:</b>	<u>002-003</u>
<b>Account Number:</b>	<u>00398906551100</u> <u>00261765154005</u> <u>00261765158026</u> <u>00370855334005</u>
<b>Amount Budgeted:</b>	<u>\$360,000</u>
<b>Amount Requested:</b>	<u>\$360,000</u>

**Exhibits:** Sole Source Letter

**Exhibits:** \_\_\_\_\_

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The City's Automated Meter Reading (AMR) system is comprised solely of Neptune water meters and parts. Components of other manufacturers are not compatible with the Neptune system. Core and Main of Houston is the only distributor in the Houston and Southeast Texas area for the Neptune meters and parts making them the sole source supplier for this area.

These parts and supplies are needed in order to maintain the City's water meters and to insure the accuracy of the AMR system through the replacement of residential and commercial meters, meter interface units, registers and antennas. These parts will be purchased as needed throughout FY 2019.

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**Action Required by Council:**

Consider approval or other action to purchase Neptune meters and parts from Core and Main.

**Approved for City Council Agenda**

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

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

October 5, 2018

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

Subject: Neptune Sole Source letter

Dear Ms. Lovercheck,  
Neptune Technology Group, Inc. has always valued the City of La Porte, Texas as a loyal customer. I want to clarify that Core & Main formerly HD Supply is the exclusive distributor of all Neptune products in the state of Texas & in Houston Texas area. As the sole source provider of all Neptune products, the City of La Porte can continue to depend on Core & Main for all your metering needs.



Regards,

Rex Baxter  
Senior Territory Manager  
Neptune Technology Group, Inc.

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>October 22, 2018</u>
Requested By: <u>Ray Mayo</u>
Department: <u>Public Works</u>
Report: <input checked="" type="checkbox"/> Resolution: <input type="checkbox"/> Ordinance: <input type="checkbox"/>

Source of Funds: <u>Motor Pool</u>
Account Number: <u>Various 009</u>
Amount Budgeted: \$ <u>128,695.00</u>
Amount Requested: \$ <u>122,932.00</u>
Budgeted Item: YES

Exhibits: Summary of Vehicle Replacement

Exhibits: HGAC & BuyBoard Price Sheets

### SUMMARY & RECOMMENDATION

Competitive quotes were received through the Texas BuyBoard and HGAC Cooperative Purchasing Programs for 1-utility truck, 1-small dump truck, and 4-zero turn mowers eligible for replacement in the FY18 - FY19 Vehicle Replacement Program. The equipment is utilized in Public Works, Parks, and the Golf Course.

VENDOR	BUDGET ITEM	BUDGETED	BID	USER
Chastang Ford	Utility Truck, Crew Cab	\$36,727	\$38,488	PW
Chastang Ford	Dump Truck, Crew Cab	\$39,968	\$37,988	PW
Lansdowne Moody	4 – Zero Turn Mowers	\$52,000	\$46,456	Parks, PW, GOLF
<b>TOTAL</b>		\$128,695	\$122,932	

**Miscellaneous:**

- The vehicles to be purchased with this agenda request will replace existing vehicles that are now at the end of their service lives with funding from the Vehicle Replacement Fund.
- The “Budgeted” amount listed in the table for vehicles/equipment are the funding amounts approved by Council for the FY 18-FY 19 budget for new purchases. The Division will pay lease fees over the life of the units to establish a “Budgeted” amount for future replacements.
- The Purchasing Division of the Finance Department has reviewed the recommendation for vehicle purchases and is in support of this recommendation. Pricing was checked on both BuyBoard Programs.

**Action Required by Council:**

1. Consider approval or other action to award purchase of one -crew cab truck with utility bed to Chastang Ford (\$38,488.00).
2. Consider approval or other action to award purchase of one -crew cab truck with dump bed to Chastang Ford (\$37,988.00).

3. Consider approval or other action to award purchase of four – zero turn mowers to Lansdowne Moody (\$46,456.00).

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**Approved for City Council Agenda**

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**Corby D. Alexander, City Manager**

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**Date**

85-47



**CONTRACT PRICING WORKSHEET**  
For MOTOR VEHICLES Only

Contract No.:

AM10-18

Date Prepared:

9/17/2018

*This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents **MUST** be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.*

Buying Agency:	CITY OF LAPORTE	Contractor:	CHASTANG FORD
Contact Person:	MILE COLINS	Prepared By:	ED MILLER
Phone:		Phone:	713-678-5007
Fax:		Fax:	713-678-5001
Email:	COLLINSM@LAPORTETX.GOV	Email:	emiller@chastangford.com

Product Code:	AM18JC04	Description:	2019 FORD RESPONSE UNIT
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**A. Product Item Base Unit Price Per Contractor's H-GAC Contract:** 39988

**B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.**  
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
6.2L V8	INCL		
CREW CAB	INCL		
SPARE TIRE/WHEEL	INCL		
TRAILER BRAKE CONTROLLER	INCL		
DUAL BATTERIES	INCL		
HD ALTERNATOR	INCL		
TRAILER TOW PKG	INCL		
KNAPHEIDE SERVICE BODY	INCL		
		Subtotal From Additional Sheet(s):	
		Subtotal B:	0

**C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.**  
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
		MULTI TRUCK DISCOUNT	-1500
		Subtotal From Additional Sheet(s):	0
		Subtotal C:	-1500

**Check:** Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction the percentage is: -4%

**D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C):**

Quantity Ordered:	1	X Subtotal of A + B + C:	38488	=	Subtotal D:	38488
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**E. H-GAC Order Processing Charge (Amount Per Current Policy):** Subtotal E: 0

**F. Trade-Ins / Other Allowances / Special Discounts / Freight / Installation**

Description	Cost	Description	Cost
		Subtotal F:	0

**Delivery Date:** 150-180 DAYS ARO **G. Total Purchase Price (D+E+F):** 38488

71-65



**CONTRACT PRICING WORKSHEET**  
For MOTOR VEHICLES Only

Contract No.:

AM10-18

Date Prepared:

9/17/2018

*This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents **MUST** be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.*

Buying Agency:	CITY OF LAPORTE	Contractor:	CHASTANG FORD
Contact Person:	MILE COLINS	Prepared By:	ED MILLER
Phone:		Phone:	713-678-5007
Fax:		Fax:	713-678-5001
Email:	COLLINSM@LAPORTETX.GOV	Email:	emiller@chastangford.com

Product Code:	AM18JC04	Description:	2019 FORD RESPONSE UNIT
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**A. Product Item Base Unit Price Per Contractor's H-GAC Contract:** 39988

**B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.**  
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
6.2L V8	INCL		
CREW CAB	INCL		
SPARE TIRE/WHEEL	INCL		
TRAILER BRAKE CONTROLLER	INCL		
DUAL BATTERIES	INCL		
HD ALTERNATOR	INCL		
TRAILER TOW PKG	INCL		
RUGBY EQUIPMENT	INCL		
		Subtotal From Additional Sheet(s):	
		Subtotal B:	0

**C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.**  
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
		MULTI TRUCK DISCOUNT	-3000
		Subtotal From Additional Sheet(s):	0
		Subtotal C:	-3000

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction the percentage is: -8%

**D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C):**

Quantity Ordered:	1	X Subtotal of A + B + C:	36988	=	Subtotal D:	36988
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**E. H-GAC Order Processing Charge (Amount Per Current Policy):** Subtotal E: 1000

**F. Trade-Ins / Other Allowances / Special Discounts / Freight / Installation**

Description	Cost	Description	Cost
		Subtotal F:	0

**Delivery Date:** 150-180 DAYS ARO **G. Total Purchase Price (D+E+F):** 37988



CE - #515-16, GM - #529-17

ZD1021-60 WEB QUOTE #1128751

Date: 8/22/2018 12:30:34 PM

-- Customer Information --

Collins, Mike

City of La Porte

collinsm@laportetx.gov

2814705116

Quote Provided By  
LANSLOWNE-MOODY COMPANY -  
EAST HOUS

Chris Stanley  
8445 EAST FWY  
HOUSTON, TX 77029  
email: cstanley@lmtractor.com  
phone: 7135399918

49-06, 80-11, 80-12, 84-01

-- Standard Features --

-- Custom Options --



ZD1000 Series ZD1021-60

\*\*\* EQUIPMENT IN STANDARD MACHINE \*\*\*

**DIESEL ENGINE**

3 Cylinder, Model # D902  
21.6 Gross HP @ 3200 rpm  
54.8 cu. in. Displacement  
12v 430 Amp Hr. Battery  
14 Amps Charging Output

**SAFETY EQUIPMENT**

Electric Key Shut Off  
Control Lever Safety Switch  
Parking Brake Safety Switch  
Foldable ROPS  
Seat Safety Switch

**TRANSMISSION**

Hydrostatic Drive  
(2) HST w/Gear Reduction  
Brake - Wet Multi Disks  
Forward Speeds 0 - 9 mph  
Reverse Speeds 0 - 5 mph

**DIMENSIONS**

Height 74.4"  
Length 88.6"  
Width Overall 73.8"  
Wheelbase 54.3"

**STEERING / MOTION CONTROL**

(2) Hand Levers, Adjustable  
Hydraulically Damped,  
Adjustable

**OPERATING FEATURES**

Zero Turn Radius  
Dual Element Air Filter  
Adj. Front Axle: Rigid/Oscillating  
Deluxe Suspension Seat  
Hands-free Hydraulic Deck Lift  
Hands-free Parking Brake  
Cup Holder

**POWER TAKE OFF**

Hydraulic Independent PTO  
Shaft Drive Mower Deck  
Wet Disk Clutch

**MOWER**

6" Deep, Pro Deck w/ACS  
1-5" Cut Height, Adjustable  
1/4" Increments  
Flexible Discharge Cover  
3 Blades  
ZD1021-60, 8 Gauge, 60" Cut

**FLUID CAPACITY**

Fuel Tank 5.8 gal  
Engine Coolant w/ Recovery  
Tank 3.11 qts  
Crankcase w/ Filter 3.7 qts  
Transmission Case and Axle  
Gear 7.9 qts

+ Manufacturer Estimate

**TIRES AND WHEELS**

Front 13 x 6.5 - 6 Rear 24 x 12 - 14 Turf, Low Profile

ZD1021-60 Base Price: \$14,300.00

Configured Price: \$14,300.00

BUY BOARD Discount: (\$3,146.00)

**SUBTOTAL: \$11,154.00**

Dealer Assembly: \$0.00

Freight Cost: \$210.00

PDI: \$250.00

Total Unit Price: \$11,614.00

Quantity Ordered: 4

Final Sales Price: \$46,456.00

**Purchase Order Must Reflect  
the Final Sales Price**

To order equipment - purchase orders must be made out and returned to:

Kubota Tractor Corporation  
Attn: National Accounts  
1000 Kubota Drive  
Grapevine, TX 76051  
or email NA.Support@kubota.com  
or call 817-756-1171 or fax 844-582-1581

\*All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.

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198.143.57.41

### FY 18-19 Replacement List

Account #	Unit	Description	Department	Amount Budgeted
009-6049-551-8050	49-01	2013 JOHN DEERE FIELD RAKE	GOLF COURSE	13,100
009-6049-551-8050	49-06	2014 KUBOTA Z-TURN	GOLF COURSE	13,000
009-6049-551-805	49-08	2015 JOHN DEERE GREENS MOWER 2500B	GOLF COURSE	36,629
009-6049-551-8050	49-12	2007 RYAN SOD CUTTER	GOLF COURSE	5,635
009-6049-551-8050	49-24	2006 FIFTH WHEEL TOP DRESSER	GOLF COURSE	15,458
009-6049-551-8050	49-31	2011 JOHN DEERE GATOR	GOLF COURSE	23639
009-6049-551-8050	49-38	JOHN DEERE 200 GALLON SPRAYER	GOLF COURSE	9,938
009-6049-551-8050	49-52	2013 JOHN DEERE ELECTRIC TRUCKSTER	GOLF COURSE	10,727
009-6049-551-8050	49-53	2013 JOHN DEERE TRUCKSTER	GOLF COURSE	24,688
<b>Total:</b>				<b>152,814</b>
009-5253-521-8050	53-07	2010 DODGE CHARGER INTERCEPTOR	POLICE PATROL	38,551
009-5253-521-8050	53-12	2010 FORD POLICE INTERCEPTOR	POLICE PATROL	38,551
009-5253-521-8050	53-17	2014 DODGE CHARGER INTERCEPTOR	POLICE PATROL	38,551
009-5253-521-8050	53-23	2013 DODGE CHARGER INTERCEPTOR	POLICE PATROL	38,551
009-5253-521-8050	53-25	2013 DODGE CHARGER INTERCEPTOR	POLICE PATROL	38,551
009-5253-521-8050	53-81	2011 FORD POLICE INTERCEPTOR	POLICE PATROL	38,551
<b>Total:</b>				<b>231,306</b>
009-5059-522-8050	59-41	2008 CHEVY IMPALA 4-DR	EMS	23,600
<b>Total:</b>				<b>23,600</b>
009-7071-531-8050	71-05	2013 172 RHINO MOWER DECK	STREETS	2,567
009-7071-531-8050	71-06	2014 172 RHINO MOWER DECK	STREETS	2,567
009-7071-531-8050	71-41	2008 BUSH HOG MOWER DECK	STREETS	3,355
009-7071-531-8050	71-65	2008 F350 W/DUMP BODY	STREETS	39,968
009-7071-531-8050	71-78	2005 FREIGHTLINER FC80	STREETS	99,087
<b>Total:</b>				<b>147,544</b>
009-7074-532-8050	74-21	2008 FORD F150 PICKUP	EQUIPMENT SERVICES	19,790
<b>Total:</b>				<b>19,790</b>
009-8080-551-8050	80-11	2012 KUBOTA ZD-1211-60	PARKS MAINTENANCE	13,000
009-8080-551-8050	80-12	2013 KUBOTA ZD-1211-60	PARKS MAINTENANCE	13,000
<b>Total:</b>				<b>26,000</b>
009-7084-533-8050	84-01	2011 KUBOTA ZD-3265-60	WATER PRODUCTION	13,000
<b>Total:</b>				<b>13,000</b>
009-7085-533-8050	85-39	2008 FORD F150 PICKUP	WATER DISTRIBUTION	19,790
009-7085-533-8050	85-47	2008 FORD F350 W/ UTILITY BODY	WATER DISTRIBUTION	36,727
<b>Total:</b>				<b>56,517</b>
009-7087-532-8050	87-15	2008 FORD F150 PICKUP	WASTEWATER TREATMENT	19,790
<b>Total:</b>				<b>19,790</b>
009-9092-524-8050	92-14	2008 FORD F150 PICKUP	INSPECTIONS	19,790
<b>Total:</b>				<b>19,790</b>
<b>Total Motor Pool</b>				<b>710,151</b>

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<p>Agenda Date Requested: <u>October 22, 2018</u></p> <p>Requested By: <u>Ray Nolen, EMS Chief</u></p> <p>Department: <u>EMS</u></p> <p>Report: <u>    </u> Resolution: <u>    </u> Ordinance: <u>    </u></p> <p>Exhibits: <u>Vendor Quote – Terason</u></p> <p>Exhibits: <u>Sole Source Provider Vendor Letter</u></p>	<p style="text-align: center;"><b><u>Budget</u></b></p> <p>Source of Funds: <u>ESD Fund (034)</u></p> <p>Account Numbers: <u>034-5059-522-8021</u></p> <p>Amount Budgeted: <u>\$75,000.00</u></p> <p>Amount Requested: <u>\$73,725.00</u></p> <p>Budgeted Item: YES</p>
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### **SUMMARY & RECOMMENDATION**

EMS requested funding during the FY2018-19 budget period to purchase the following medical treatment devices:

Fund – 034-8021

- 3 – Terason uSmart 3200T NexGen Ultrasound Tablet Systems with 2D Digital Imaging, Color Doppler, Pulsed Wave Doppler and SuperHarmonics - \$73,500.00
- 3 – Standard 60 Month Warranty
- 1 - Shipping & Handling - \$225.00

Total - \$73,725.00

The requested portable Ultrasound Tablet System and accessories will serve as new and additional equipment to be utilized by EMS personnel in the field to help assess and diagnose medical emergencies in the field such as a ruptured ectopic pregnancy, pneumothorax, fluid overload, heart failure, sepsis, pulmonary embolism, PEA versus hypotension in cardiac arrest, assist with difficult IVs and even spot a middle cerebral artery stroke.

The requested additional equipment will be placed on the three front-line ambulances operated by the EMS department.

Terason, Division of Teratech Corporation is the sole source provider in the Emergency Response Services for the following products:

- uSmart 3200T NexGen Ultrasound System

An annual maintenance service agreement will need to be secured upon the expiration of the sixty (60) month factory warranty.

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**Action Required by Council:**

Consider approval or other action authorizing the purchase in the amount of \$73,725.00 for three (3) uSmart 3200T NexGen Ultrasound Tablet System devices from a sole source provider.

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**Approved for City Council Agenda**

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

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





**Quotation/Purchase Agreement**  
**Company Confidential**

**Presented To:**  
 Ray Nolen,  
 Chief  
 LaPorte EMS  
 10428 Spencer  
 LaPorte, TX 77571  
 Tel: (281) 471-9244  
 Email: nolenr@laportetx.gov

**Ship To:**  
 LaPorte EMS  
 10428 Spencer  
 LaPorte, TX 77571

Date: 10/08/2018

**Presented By:** Greg George  
 Mobile: 414-559-4149  
 Email: ggeorge@terason.com

Item #	Qty.	Part #	Description	List Price	Sale Price	Total Price
1	3	21-0001_R200	The Terason uSmart® 3200T NexGen Ultrasound System with SuperHarmonics is a grab-and-go imaging solution featuring crystal clear images, frame rate stability, and an intuitive interface. Terason offers on-site training, easy upgrades, uConnect® remote capabilities, and technical support to protect your investment for years to come.  The uSmart 3200T NexGen Ultrasound System Package includes:			
	3	10-3232_R200	uSmart 3200T NexGen Ultrasound Tablet 2D Digital Imaging, M-Mode, Color Doppler, Pulsed Wave Doppler, Power Doppler, Directional Power Doppler, Continuous Wave Doppler, Tissue Doppler, Tissue Harmonic Imaging, SuperHarmonics™, Triplex, Dynamic Depth Resolution (DDR™), exclusive Enhanced Needle Visualization (ENV), 2D Electronic Beam Steering, TeraVision™ II, OmniBeam™, TeraScape™, Zoom, Split Screen, Full Screen, Post Processing, Auto-Optimization, touch screen with Smart Gestures, USB, Ethernet, and HDMI ports, Wireless and Ethernet connection, image format in still frame or dynamic clip (BMP, JPEG, AVI, and DICOM), 256GB Solid State hard drive, application-specific presets, high-resolution AHVA LCD monitor, stereo speakers, microphone, uConnect™, and an electronic User Guide. (*DICOM Network and Modality Worklist Software and DICOM Structured Reporting sold separately)			
	3	10-3230_R200	uSmart 3200T NexGen Accessories Kit Medical-grade power supply with AC cord, protective system cover, touch screen stylus, USB flash drive, uSmart 3200T shoulder bag, screen cloth, acoustic ultrasound gel, wireless keyboard			
	3	10-3293	Enhanced Needle Visualization (ENV)			
	3	10-3378	15L4A uSmart Linear Array Transducer with system			



**Quotation/Purchase Agreement  
Company Confidential**

Item #	Qty.	Part #	Description	List Price	Sale Price	Total Price
	3	WTY-60	Standard 60 month warranty on the Terason Ultrasound System			
2	1	10-3216	4V2 uSmart Phased Array Transducer			

**Total List Price: \$120,000.00**

**Special Package Price: \$73,500.00**

Shipping Charge: \$225.00

**Total Package Price\*: \$73,725.00**

**\*Total price also includes EMSPOCUS Training for 3 Super-users.**

<b>Terms of Delivery: Freight charges prepaid and added to invoice Est. Del. A.R.O.: 45-60 days</b>		<b>Payment Terms: 50% On Order, 50% Net Delivery</b>	
_____	_____	_____	_____
<b>Print Name</b>	<b>Title</b>	<b>Print Name</b>	<b>Title</b>
_____	_____	_____	_____
<b>Purchaser's Authorized Signature</b>	<b>Date</b>	<b>Terason Authorized Signature</b>	<b>Date</b>
<b>Purchase Order No.</b> _____			

**Fax acceptance to Terason Sales Administration at 781-272-2609**

Offer valid for 30 days after quotation date and subject to change prior to approval.

\*Sales Tax not included; to be added to invoice

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>October 22, 2018</u>
Requested By: <u>Lorenzo Wingate</u>
Department: <u>Public Works</u>
Report: _____ Resolution: _____ Ordinance: _____

<b><u>Budget</u></b>
Source of Funds: <u>019</u>
Account Number: <u>019-9881-690-1100</u>
Amount Budgeted: <u>019 \$665,000</u>
Amount Requested: <u>019 \$245,030</u>
Budgeted Item: <u>YES</u> NO

Exhibit: Public Management, Inc. Contract Proposal

Exhibit: Notified Vendors Lists

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### **SUMMARY & RECOMMENDATION**

Request for Proposal #180505 – Grant Administration Services was advertised on September 5, 2018, providing an opportunity for administration/management firm and/or professional service provider(s) to assist the City in preparing applications for and in the overall management of 1) Community Development Block Grant Disaster Recovery funding related to 2015 flooding and storms (DR-4223 and DR-4245) from the General Land Office; 2) Community Development Block Grant Disaster Recovery funding related to Hurricane Harvey CDBG-DR Round 1 Harris County Method of Distribution; and 3) the Texas Division of Emergency Management (TDEM) Hurricane Harvey DR-4332 Section 404 Hazard Mitigation Grant Program (HMGP) funding.

The potential award amount(s) for the CDBG 2015 DR-4223 and DR-4245, Hurricane Harvey CDBG-DR Round 1, and TDEM Hurricane Harvey DR-4332 Section 404 HMGP funding are \$325,800.00, \$3,472,757.00, and \$16,900,000.00, respectively.

Public Management, Inc. was selected as the top firm of the four (4) respondents to RFP #180505 – Grant Administration Services. The proposal submitted by Public Management, Inc. (attached) includes no fee for CDBG-DR application preparation services.

As reflected within the proposal (ref. exhibit), the grant administrator’s fees are based on the City’s CDBG-DR Grant award, which is consistent with the CDBG’s maximum fee schedule. Thus, a maximum of 9% of allocated grant funds (or fee of \$29,000) will be utilized for payment of proposed fees associated with Administrative Services related to the 2015 CDBG project(s).

At this time, Harris County has not confirmed that grant recipients would be allowed to utilize grant funds to pay for Administrative Services for the CDBG-DR HC Harvey MOD. As such local funds are intended to be utilized to pay fees associated with Grant Administration Services for this allocation. Public Management, Inc.’s proposed fee schedule is consistent with the fee schedule for the 2015 CDBG allocation. As such, Administrative Services fees shall not exceed a 6% of the allocated grant funds (fee of \$200,000)

A fee not to exceed 4.5% of the grant award amount is proposed for HMGP Administrative Services. Grant funds would be utilized for payment of proposed fees associated with Administrative Services related to HMGP project(s).

All payment of fees shall be contingent upon funding award. In the event that grant funds are not awarded, fees for Administrative Services shall not be paid.

**Benefits:**

A Grant Administrator provides level of staffing necessary to manage twelve (12) concurrent grant applications and processes, while promptly preparing necessary documentation and promptly responding to requests for information during the application phase. Additionally, a grant administrator would ensure that all requirements of the grant are met throughout each phase of the project.

Grant funds can be utilized to pay fees associated with Administration Services, as such, fees are limited to amounts prescribed by grant provider.

**Liabilities:**

Potential to miss application submittal deadlines due to extensive level of effort required to prepare each grant application, thereby forgoing opportunities to secure grant funding which would supplement funding of drainage improvement projects.

**Operating Costs:**

N/A

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**Action Required by Council:**

Consider approval or other action authorizing the City Manager to enter into contract with Public Management, Inc. for Grant Administration Services based on the proposal provided in response to RFP #180505 for grant application preparation and overall management of CDBG and HMGP funding, with a total authorization of \$245,030, including a \$229,000 base fee and 7% contingency of \$16,030.

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**Approved for City Council Agenda**

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Corby D. Alexander

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Date

**From:** [Lovercheck, Ashley](#)  
**Bcc:** "kay@howco.net"; "nblais@blaisassoc.com"; "cdragon2010@gmail.com"; "rudyr@ccaustin.com"; "davidjwaxman@sbcglobal.net"; "carl.esser@hotmail.com"; "jjohnson@gmjinc.com"; "gburrus@texasgrants.us"; "grantworks@grantworks.net"; "asmith@hanson-inc.com"; "hollis@rutledge-associates.com"; "judy@LCMSinc.com"; "nick.gallegos@mrqdc.org"; "valreethompson@hotmail.com"; "dmeyer@theprpc.org"; "aliceashley@provisionsr.com"; "pwiltshire@publicmgt.com"; "rvann@rkvtxas.com"; "charles@grant-consultant.com"; "franciscobriones38@yahoo.com"; "RGAinArroyoCity@aol.com"; "mark@grtraylor.com"; "marykay@amazinggrants.com"; "jane@h2opartnersusa.com"; "katy@ksbr-llc.com"; "lauren@lrjconsulting.com"; "shane.lucas@ldrconsulting.us"; "javoperez1@gmail.com"; "jose@totemstrategies.com"  
**Subject:** City of La Porte Invitation: RFP 18505-Administration Services  
**Date:** Thursday, August 16, 2018 4:44:00 PM  
**Attachments:** [RFP 18505 Grant Administration Services 081518.pdf](#)  
[image001.png](#)  
**Importance:** High

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Hello,

**Sealed RFP Due Date:** Wednesday, September 5, 2018 at 2:00 p.m.

The City of La Porte invites you to participate in RFP #18505 - Grant Administration Services.

Please see the attachment or click [RFP #18505 - Grant Administration Services](#) to view the solicitation.

Please register at [www.publicpurchase.com](http://www.publicpurchase.com) to receive future bid notifications and all updates on this solicitation. Detailed instructions can be found at [Vendor Registration Instructions](#) and attached to this invitation.



**Access Report**

Agency

City of La Porte (TX)

Bid Number

18505

Bid Title

Grant Administration Services

<b>Vendor Name</b>	<b>Accessed First Time</b>	<b>Documents</b>
IDS Engineering Group	2018-08-21 08:40 AM CDT	RFP 18505 Grant Administration Services 081518.pdf
Grand Cayon Minority Contractors As	2018-08-30 02:16 AM CDT	RFP 18505 Grant Administration Services 081518.pdf
Postlethwaite & Netterville, APAC	2018-08-17 09:28 AM CDT	RFP 18505 Grant Administration Services 081518.pdf
ICF International	2018-08-20 02:40 PM CDT	RFP 18505 Grant Administration Services 081518.pdf
Pape-Dawson Engineers	2018-08-17 03:59 PM CDT	RFP 18505 Grant Administration Services 081518.pdf
School Wholesale Supplies LLC	2018-08-16 11:37 PM CDT	RFP 18505 Grant Administration Services 081518.pdf
North America Procurement Council	2018-08-16 09:16 PM CDT	RFP 18505 Grant Administration Services 081518.pdf
Onvia	2018-08-16 06:01 PM CDT	RFP 18505 Grant Administration Services 081518.pdf
IEM, Inc	2018-08-17 08:38 AM CDT	RFP 18505 Grant Administration Services 081518.pdf
BidClerk	2018-08-30 02:35 AM CDT	RFP 18505 Grant Administration Services 081518.pdf
Witt O'Brien's LLC	2018-08-17 10:02 AM CDT	RFP 18505 Grant Administration Services 081518.pdf
Tetra Tech, Inc.	2018-08-17 02:51 PM CDT	RFP 18505 Grant Administration Services 081518.pdf
Perkens WS Corporation	2018-08-21 12:52 AM CDT	RFP 18505 Grant Administration Services 081518.pdf
Moss Adams LLP	2018-08-17 06:53 PM CDT	RFP 18505 Grant Administration Services 081518.pdf
Tegrity Homes	2018-08-21 04:02 PM CDT	RFP 18505 Grant Administration Services 081518.pdf
SmartProcure	2018-08-17 03:41 AM CDT	RFP 18505 Grant Administration Services 081518.pdf
DMS Disaster Consultants	2018-08-17 07:19 AM CDT	RFP 18505 Grant Administration Services 081518.pdf
Advanced Starlight International	2018-08-20 05:49 AM CDT	RFP 18505 Grant Administration Services 081518.pdf
Schaumburg & Polk, Inc.	2018-08-20 03:44 PM CDT	RFP 18505 Grant Administration Services 081518.pdf
Deloitte	2018-08-17 12:44 PM CDT	RFP 18505 Grant Administration Services 081518.pdf
Ninyo & Moore	2018-08-17 03:29 PM CDT	RFP 18505 Grant Administration Services 081518.pdf

**Pre-Approved\* Administrative Services for TxCDBG Program Year 2018 (PY 2018)**  
[Original RFQ documentation may be found HERE](#)

Firm Name	Application	Contact Information	Small Business	Woman Owned	Minority Owned
A & J Howco Services	<a href="#">Click HERE</a>	Kay Howard <a href="mailto:kay@howco.net">kay@howco.net</a>	X	X	
Blais & Associates, Inc.	<a href="#">Click HERE</a>	Neil Blais <a href="mailto:nblais@blaisassoc.com">nblais@blaisassoc.com</a>			
Business Service Company	<a href="#">Click HERE</a>	Carlos Mondragon <a href="mailto:cdragon2010@gmail.com">cdragon2010@gmail.com</a>	X		X
Community Development Management Co.	<a href="#">Click HERE</a>	Rudy Ruiz <a href="mailto:rudyr@ccaustin.com">rudyr@ccaustin.com</a>	X		X
David J Waxman, Inc.	<a href="#">Click HERE</a>	David Waxman <a href="mailto:davidjwaxman@sbcglobal.net">davidjwaxman@sbcglobal.net</a>	X	X	
Esser & Company Consulting, LLC.	<a href="#">Click HERE</a>	Carl Esser <a href="mailto:carl.esser@hotmail.com">carl.esser@hotmail.com</a>			
GMJ, Inc.	<a href="#">Click HERE</a>	John Johnson <a href="mailto:jjohnson@gmjinc.com">jjohnson@gmjinc.com</a>	X		
Grant Development Services, Inc.	<a href="#">Click HERE</a>	Gandolf Burrus <a href="mailto:gburrus@texasgrants.us">gburrus@texasgrants.us</a>	X		
GrantWorks, Inc.	<a href="#">Click HERE</a>	Brenna Minor <a href="mailto:grantworks@grantworks.net">grantworks@grantworks.net</a>	X		
Hanson Professional Services	<a href="#">Click HERE</a>	Anna A Smith <a href="mailto:asmith@hanson-inc.com">asmith@hanson-inc.com</a>			
Hollis Rutledge and Associates, Inc.	<a href="#">Click HERE</a>	Hollis Rutledge <a href="mailto:hollis@rutledge-associates.com">hollis@rutledge-associates.com</a>	X	X	X
Langford Community Management Services	<a href="#">Click HERE</a>	Judy Langford <a href="mailto:judy@LCMSinc.com">judy@LCMSinc.com</a>	X	X	
Middle Rio Grande Development Council	<a href="#">Click HERE</a>	Nick Gallegos <a href="mailto:nick.gallegos@mrgdc.org">nick.gallegos@mrgdc.org</a>			
Municipal Consulting Agency	<a href="#">Click HERE</a>	Valree Thompson <a href="mailto:valreethompson@hotmail.com">valreethompson@hotmail.com</a>	X	X	
Panhandle Regional Planning Commission	<a href="#">Click HERE</a>	Dustin Meyer <a href="mailto:dmeyer@theprpc.org">dmeyer@theprpc.org</a>			
Provision Specialized Resources, LLC	<a href="#">Click HERE</a>	Alice Ashley <a href="mailto:aliceashley@provisionsr.com">aliceashley@provisionsr.com</a>	X	X	
Public Management, Inc.	<a href="#">Click HERE</a>	Patrick Wiltshire <a href="mailto:pwiltshire@publicmgt.com">pwiltshire@publicmgt.com</a>	X		
Raymond K. Vann & Associates, LLC	<a href="#">Click HERE</a>	Raymond K Vann <a href="mailto:rvann@rkvtxas.com">rvann@rkvtxas.com</a>	X		
Resource Management & Consulting Co.	<a href="#">Click HERE</a>	Charles Edwards <a href="mailto:charles@grant-consultant.com">charles@grant-consultant.com</a>	X	X	
Resource Mobility Associates, Inc.	<a href="#">Click HERE</a>	Francisco Briones <a href="mailto:franciscobriones38@yahoo.com">franciscobriones38@yahoo.com</a>	X		X
Ricardo Gomez & Associates	<a href="#">Click HERE</a>	Ricardo Gomez <a href="mailto:RGainArroyoCity@aol.com">RGainArroyoCity@aol.com</a>	X	X	X
The Mineral Wells Industrial Foundation, Inc.	<a href="#">Click HERE</a>	Stephen Butcher <a href="mailto:sbutcher@mwed.org">sbutcher@mwed.org</a>	X		
Traylor & Associates, Inc.	<a href="#">Click HERE</a>	Mark Taylor <a href="mailto:mark@grtraylor.com">mark@grtraylor.com</a>	X		

\*Note: These administrators have been pre-approved for The Texas Department of Agriculture's State of Texas CDBG program. This list is not comprehensive and local governments are not required to select firms from this list.

Source: [https://www.texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrant\(CDBG\)/PrequalifiedProfessionalServices.aspx](https://www.texasagriculture.gov/GrantsServices/RuralEconomicDevelopment/RuralCommunityDevelopmentBlockGrant(CDBG)/PrequalifiedProfessionalServices.aspx)

This contract ("Contract") is made and entered effective \_\_\_\_\_, 2018 by and between **PUBLIC MANAGEMENT, INC.**, a Texas corporation, of Cleveland, Liberty County, Texas ("Consultant") and the **City of La Porte, Harris County**, ("Client") for the purpose of retaining Consultant to render **Application and Administration Services** to the Client for the federal, state or locally funded Disaster Recovery Programs.

Client and Consultant agree that Consultant will provide consulting services to Client on the terms and conditions outlined in this Contract.

I.

Consultant will provide Client with administrative services as follows:

**A) Application Preparation**

- Review of proposed project for program compliance and will work with city staff to provide an overview of damage assessment;
- Advise on important deadlines and procedures;
- Schedule project meetings with client staff to evaluate proposed project and timeframes.
- Prepare project description in conjunction with staff and project engineer;
- Evaluate project objective and develop timelines/milestones;
- Prepare project maps in ArcGIS and PDF format;
- Prepare necessary preliminary Environmental Compliance documentation;
- Conduct public hearings (as applicable) for application submission and attend Client meeting to address application development;
- Package complete application with all pertinent supplemental documentation for client to review prior to submission;
- Advise client on funding availability, anticipated scoring, selection and award process;
- Identify and document beneficiaries.

**B) Administrative Duties**

- Oversee the project and achieve all of the project goals within the constraints given by the funding agency;
- Develop and implement project phases to plan, budget, oversee, and document all aspects of the specific project;
- Coordinate all activities related to the project's successful completion with all other professionals and organizations associated with this project;
- Act as the Client's liaison to the funding agency in all matters concerning the project;
- Coordinate communication via email, conference call, facsimile, and direct meetings to ensure the project is on schedule and all parties are properly informed;
- Prepare and submit any necessary reports required by the funding agency during the course of the project (i.e. Quarterly Progress Reports, Project Monitoring Reports, Project Completion Reports, etc.);
- Provide Client staff specific instructions on the necessary administrative procedures that will assure a successful project;

- Establish and maintain record keeping systems;
- Assist with resolving monitoring and audit findings;

### C) Recordkeeping

- Complete filing system will be developed and maintained at Client's office;
- Both physical and electronic form of records will be developed and accessible;
- Records will be updated as necessary to ensure compliance with funding source and administrative agency;
- Records will be retained for the appropriate period of time as dictated by the funding agency, with electronic records available for perpetuity.

### D) Financial Management

- Utilize and assist with the agency's system of record to complete milestones, submit documentation, reports, draws, change requests, etc.;
- Requested fund expenditure in-line with project milestones;
- Develop a detailed Contract Ledger;
- Establish a filing system that accurately and completely reflects the financial expenditures of the program and project(s).

### E) Construction Management

- Assist the Client in submitting/setting up project applications in the Agency's system of record;
- Coordinate the development, completion, and execution of contract documents to ensure supporting documentation is in order;
- Conduct regular on-site visitations and assessments;
- Development and maintenance of construction management status log;
- Recommendation and development of scope realignments as prescribed by the projects complexities.

### F) Economic Revitalization (as applicable)

- Develop a contract for compliance with the private enterprise partner;
- Monitor compliance with the contract throughout the course of the project;
- Coordinate job creation and/or retention reporting;
- Document and track economic impact and revitalization activities.

### G) Flood Protection Planning (as applicable)

- Assist Client with establishing formal and direct contact with appropriate entities affected by the project and in coordinating with existing flood protection planning activities in the watershed;
- Develop detailed budgets for subcontracts;
- Schedule and assist facilitating at minimum three (3) required public meetings;
- Submit planning studies for review.

### H) Real Property Acquisition Procedures (as applicable)

- Perform initial acquisition assessment;
- *If it is determined that property needs to be acquired, Public Management will perform the following services according to the Uniform Relocation Act for an additional fee;*
- Compliance with performance standards for citizen participation;

- Obtain the proposed easement alignments and meets and bounds from the City;
- Conduct applicable ownership research;
- Prepare easement price valuations;
- Obtain a title opinion and/or a property appraisal when necessary;
- Complete necessary correspondence and negotiation with property owner;
- Draft easement agreements and file executed agreements with County;
- Implement and document initial real property acquisition and relocation assistance activities;
- Assist in other measures and matters incidental to and necessary in carrying the services;
- Advise Client concerning Program requirements and regulations;
- Prepare necessary reports about the Program, including the performance report to comply with URA and TWDB, the Mayor, City Council and citizens' groups.

### I) Environmental Services

- Review each project description to ascertain and/or verify the level of environmental review required: Exempt, Categorical Exclusion not Subject to 58.5, Categorical Exclusion Subject to 58.5, Environmental Assessment, and Environmental Impact Statements;
- Prepare and maintain a written environmental review record;
- Consult and coordinate with oversight/regulatory agencies to facilitate environmental clearance;
- Conduct site-visits as necessary to ensure environmental compliance;
- Prepare all responses to comments received during comment phase of the environmental review, including State/Federal Agency requiring further studies and/or comments from public or private entities during public comment period;
- Provide documentation of clearance for Parties Known to be Interested as required by 24 CFR 58.43;
- Advise and complete environmental re-evaluations per 24 CFR 58.47 when evidence of further clearance or assessment is required;
- Assist in compliance with flood plain and wetlands management review guidelines;
- *Not included in this service are archeological, engineering or other special services costs mandated by environmental review record compliance agencies.*

### J) Civil Rights Requirements

- Set up Civil Rights & Citizen Participation File;
- Designate a Civil Rights Officer (CRO);
- Adopt policies and grievance procedures regarding Citizen Participation;
- Adopt Policies and Pass Resolution/Proclamation/Ordinances regarding Civil Rights;
- Publish Citizen Participation and Civil Rights Notices;
- Place necessary documentation in Bid Packets for Contractors;
- Include required clauses in Construction Contracts between Grant Recipient and Contractor;
- Take action to Affirmatively Further Fair Housing;
- The Team will be diligent and consistent in implementing the project's civil rights responsibilities and will undertake further action and reporting requirements.

### K) Procurement/Bidding/Contracting

- Provide assistance to ensure compliance with Local Government Code Chapter 252 as applicable to goods and services;

- Provide assistance to ensure compliance with 2 CFR 200.320 (Methods of Procurement to be Followed).

#### L) Labor Standards Monitoring

- Davis-Bacon Act (40 USC Chapter 31, Subchapter IV);
- Contract Work Hours & Safety Standards Act (CWHSSA);
- Copeland (Anti-Kickback) Act (18 USC 874; 40 USC 3145);
- Fair Labor Standards Act.

#### M) Force Account (as applicable)

- Develop and maintain documentation of all associated costs;
- Using appropriate recordkeeping forms required by funding agency;
- Submit documentation upon completion of necessary milestones.

#### N) Mitigation Projects (as applicable)

- Develop and implement local criteria to prioritize applicants;
- Coordinate and conduct public meetings to solicit homeowners to volunteer to participate in grant programs;
- Respond to verbal, email and written inquiries from the public regarding participation in grant programs;
- Collect homeowner information as needed to facilitate development of grant application;
- Identify and evaluate candidate projects suitable for grant funding;
- Provide written overview of drainage project evaluations to include list of data needs;
- Conduct water surface reduction analysis for potential drainage project areas;
- Provide written report summarizing results of water surface reduction analysis with estimated benefit calculations for each reduction scenario;
- Complete Benefit Cost Analysis per FEMA's Guidance for candidate drainage projects;
- Complete project scope of work, cost estimate, schedule and justifications and all other elements of grant application;
- Complete Benefit Cost Analysis calculations per FEMA guidance for properties to be included in grant application;
- Provide recommendation to City of which properties or drainage projects to include in grant application based on HMA guidance and Benefit Cost Analysis calculations;
- Conduct review and analysis of FEMA and other data to validate property classification and cost estimates;
- Assist City with execution of required certifications and other documents;
- Assist City with the completion and submittal of grant applications;
- Respond to any State or FEMA requests for information post-application submittal (RFIs);
- Report to local officials on the grant process;
- Prepare required reports to the State;
- Assist the City in evaluating options for procurement of qualified contractors in accordance with 2 CFR Part 200 and State of Texas procurement standards;
- Prepare reconciliation with State on all grant funds;
- Prepare all reports and forms required for grant closeout;

- Participate in any review or audit of the grant by TWDB, FEMA or their assignee, and address any questions, findings, or deficiencies noted.

**O) Buyout and Mitigation Projects (as applicable):**

- Prepare requests for payment from the City to the property owners or contractor involved in the buyout program;
- Prepare requests for reimbursement from the City to the State;
- Assist the City in developing an agreement between the City and the Homeowners for buyout that passes along the relevant terms of the grant. This agreement will also establish Homeowner obligations that must be followed during the elevation of their home;
- Coordination of inspection, structure requirement, and bid/contract process for elevation contractor procurement;
- Coordinate and facilitate meetings with Homeowners to outline the project's scope of work requirements. Work closely with the Homeowners throughout the duration of the project and respond to their questions in a timely manner.

**P) Contract Close-out Assistance**

- Ensure project outcomes are in line with contract documents and funding agency's goals and objectives;
- Ensure project beneficiaries are appropriately documented and reported;
- Develop, complete, and submit project completion report(s) and any other necessary administrative completion documents.

It is specifically agreed and understood that Consultant will not provide either personally or by contract any professional or technical services requiring a license by the State of Texas in any phase or aspect of the foregoing. Rather, Consultant will advise Client of the need of such services in furtherance of the planned objectives of Client's Program.

Client acknowledges that Consultant is providing Administrative Services only to Client and that Consultant is not responsible for any procurement activities for or on behalf of the Client. That is, Client, not Consultant, will advertise for and procure the services of any third party required to fulfill Program requirements. By way of example only, Client, not Consultant, must timely and properly post any advertisements necessary to fulfill Program requirements and Client, not Consultant, will enter into any required contracts with third parties necessary to fulfill Program requirements.

Client Initials \_\_\_\_\_

Consultant Initials \_\_\_\_\_

II.

Consultant hereby agrees that in the implementation of this Contract, Consultant will comply with the terms and conditions of **Attachment II**, which document is attached hereto and incorporated herein for all purposes, as if set out herein verbatim.

III.

Client is awarding this contract in accordance with the State of Texas Government Code 2254, Professional and Consulting Services.

IV.

It is agreed by the parties hereto that Consultant will, in the discharge of services herein, be considered as an Independent Contractor as that term is used and understood under the laws of the State of Texas and further for the purposes of governing Consultant's fees under the Procurement Standards of Title 2 CFR Part 200.

V.

For work associated to **Community Development Block Grant – Disaster Recovery (CDBG-DR)** and in consideration of the foregoing, Client agrees to pay Consultant a fee not to exceed **ZERO DOLLARS (\$0.00)** for **Application Preparation Services**:

*Milestone/Task*

Application Preparation Services .....	\$0.00
<b>TOTAL:</b>	<b>\$0.00</b>

For work associated to **Community Development Block Grant – Disaster Recovery (CDBG-DR)** and in consideration of the foregoing, **Client agrees to pay Consultant a fee not to exceed the maximum percentage on the table below for Administrative Services.** *The fee will be based on final grant award amount. Consultant reserves the right to renegotiate fees based on the type of project being pursued.*

<i>CDBG-DR Grant Amount</i>	<i>Percentage Factor</i>	<i>Fee Not to Exceed</i>
\$0 - \$249,999	11.00%	\$ 27,499.89
\$250,000 - \$749,999	9.00%	\$ 67,499.91
\$750,000 - 999,999	8.00%	\$ 79,999.92
\$1,000,001 - \$2,000,000	6.00%	\$ 120,000.00
\$2,000,001 - \$4,000,000	6.00%	\$ 240,000.00
\$4,000,001 - \$6,000,000	5.75%	\$ 345,000.00
\$6,000,001 - \$8,000,000	5.50%	\$ 440,000.00
\$8,000,001 - \$10,000,000	4.25%	\$ 425,000.00
\$10,000,001 - \$15,000,000	4.00%	\$ 600,000.00
\$15,000,001 - \$20,000,000	3.75%	\$ 750,000.00
\$20,000,001 - \$30,000,000	3.50%	\$ 1,050,000.00
\$30,000,001 - \$40,000,000	3.00%	\$ 1,200,000.00
\$40,000,001 - \$50,000,000	3.00%	\$ 1,500,000.00
\$50,000,001 - \$75,000,000	2.75%	\$ 2,062,500.00
\$75,000,001 - \$100,000,000	2.50%	\$ 2,500,000.00

It is agreed that upon determination of total funding request amount Consultant and Client will execute the **Work Authorization (Attachment I)** that will detail final contract amount and cost for services. It is also agreed that payments to such Consultant shall be subject to adjustment where monitoring reviews or audits by the agency indicate that personal services were compensated at greater than reasonable rates.

#### VI.

For work associated to **Hazard Mitigation Assistance (HMA)** and in consideration of the foregoing, Client agrees to pay Consultant a fee based on the table below for **Application Preparation Services**:

<i>Applications for Acquisition or Elevation of Homes</i>	
Applications with 1-25 homes	\$5,000.00
Applications with 26 to 50 homes	\$6,000.00
Applications with 51 to 75 homes	\$7,000.00
Applications with 76 to 100 homes	\$8,000.00
Applications with greater than 100	\$9,000.00
<i>Applications for Minor Flood Control Projects</i>	
Applications with BCAs on < 25 homes	\$8,000.00 (\$2,500 is BCA related)
Applications with BCAs on 26 to 100 homes	\$9,000.00 (\$3,500 is BCA related)
Applications with BCAs on 101 to 200 homes	\$10,000.00 (\$4,000 is BCA related)
Applications with BCAs on 201 to 300 homes	\$11,000.00 (\$5,000 is BCA related)
Applications with BCAs on > 300 homes	\$12,000.00 (\$6,000 is BCA related)

For work associated to **Hazard Mitigation Assistance (HMA)** and in consideration of the foregoing, **Client agrees to pay Consultant a fee not to exceed 4.5 % of the grant award amount for Administrative Services.** *The fee will be based on final grant award amount. Consultant reserves the right to renegotiate fees based on the type of project being pursued.*

It is agreed that upon determination of total funding request amount Consultant and Client will execute the **Work Authorization (Attachment I)** that will detail final contract amount and cost for services. It is also agreed that payments to such Consultant shall be subject to adjustment where monitoring reviews or audits by the agency indicate that personal services were compensated at greater than reasonable rates.

## VII.

Payment of the fees associated with (“**Part V. and VI.**”) - Payment Schedule of this Agreement – shall be contingent upon funding award. In the event that grant funds are not awarded to the Client this agreement shall be terminated by the Client.

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### VIII.

For purposes of this Contract, the Mayor or equivalent authorized person will serve as the Local Program Liaison and primary point of contact for Consultant. All required progress reports and communication regarding the project shall be directed to this liaison and other local personnel as appropriate.

### IX.

This Contract shall extend and be in full force until the Program has been fully closed out by the agency. Notwithstanding the foregoing, this Contract may be terminated by Consultant, with or without cause, on forty-five (45) days' written notice to Client.

### X.

Termination for Cause by Client: If Consultant fails to fulfill in a timely and proper manner its obligations under this Contract, or if Consultant violates any of the covenants, conditions, contracts, or stipulations of this Contract, Client shall have the right to terminate this Contract by giving written notice to Consultant of such termination and specifying the effective date thereof, which shall be at least five (5) days before the effective date of such termination. In the event of termination for cause, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by Consultant pursuant to this Contract shall, at the option of Client, be turned over to Client and become the property of Client. In the event of termination for cause, Consultant shall be entitled to receive reasonable compensation for any necessary services actually and satisfactorily performed prior to the date of termination.

Termination for Convenience by Client: Client may at any time and for any reason terminate Consultant's services and work at Client's convenience upon providing written notice to the Consultant specifying the extent of termination and the effective date. Upon receipt of such notice, Consultant shall, unless the notice directs otherwise, immediately discontinue the work and placing of orders for materials, facilities and supplies in connection with the performance of this Agreement. Upon such termination, Consultant shall be entitled to payment only as follows: (1) the actual cost of the work completed in conformity with this Agreement; plus, (2) such other costs actually incurred by Consultant as are permitted by the prime contract and approved by Client; (3) plus ten percent (10%) of the cost of the work referred to in subparagraph above for overhead and profit. There shall be deducted from such sums as provided in this subparagraph the amount of any payments made to Consultant prior to the date of the termination of this Agreement. Consultant shall not be entitled to any claim or claim of lien against Client for any additional compensation or damages in the event of such termination and payment.

Resolution of Program Non-Compliance and Disallowed Costs: In the event of any dispute, claim, question, or disagreement arising from or relating to this Contract, or the breach thereof, including determination of responsibility for any costs disallowed as a result of non-compliance with federal, state or Program requirements, the parties hereto shall use their best efforts to settle the dispute, claim, question or disagreement. To this effect, the parties shall consult and negotiate with each other in good faith within thirty (30) days of receipt of a written notice of the dispute or invitation to negotiate, and attempt to reach a just and equitable solution satisfactory to both parties. If the matter is not resolved by negotiation within thirty (30) days of receipt of written notice or invitation to negotiate, the parties agree first to try in good faith to settle the matter by mediation administered by the American Arbitration Association under its Commercial Mediation Procedures before resorting to arbitration, litigation, or some other dispute resolution procedure. The parties may enter into a written amendment to this Contract and choose a mediator that is not affiliated with the American Arbitration Association. The parties shall bear the costs of such mediation equally. If the matter is not resolved through such mediation within sixty (60) days of the initiation of that procedure, either party may proceed to file suit.

#### XI.

Client, the agency, the U.S. Department of Housing and Urban Development (HUD), Inspectors General, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of Consultant which are directly pertinent to this Program, for the purpose of making audit, examination, excerpts, and transcriptions, and to close out the Client's contract. Consultant agrees hereby to maintain all records made in connection with the Program for a period of three (3) years after Client makes final payment and all other pending matters are closed. All subcontracts of Consultant shall contain a provision that Client, the agency, and the Texas State Auditor's Office, or any successor agency or representative, shall have access to all books, documents, papers and records relating to subcontractor's contract with Consultant for the administration, construction, engineering or implementation of the Program between the agency and Client.

#### XII.

If, by reason of force majeure, either party hereto shall be rendered unable, wholly or in part, to carry out its obligations under this Contract, then if such party shall give notice and full particulars of such force majeure in writing to the other party within a reasonable time after the occurrence of the event or cause relied on, the obligation of the party giving such notice, so far as it is affected by such force majeure, shall be suspended during the continuance of the inability then claimed, but for no longer period, and such party shall endeavor to remove or overcome such inability with all reasonable dispatch.

The term "force majeure" as employed herein shall mean acts of God, acts of public enemy, orders of any governmental entity of the United States or of the State of Texas, or any civil or military authority, and any other cause not reasonably within the control of the party claiming such inability.

**XIII.**

This document embodies the entire Contract between Consultant and Client. Client may, from time to time, request changes in the services Consultant will perform under this Contract. Such changes, including any increase or decrease in the amount of Consultant's compensation, must be agreed to by all parties and finalized through a signed, written amendment to this Contract.

**XIV.**

If a portion of this Contract is illegal or is declared illegal, the validity of the remainder and balance of the Contract will not be affected thereby.

**XV.**

Any provision of this Contract which imposes upon Consultant or Client an obligation after termination or expiration of this Contract will survive termination or expiration of this Contract and be binding on Consultant or Client.

**XVI.**

No waiver of any provision of this Contract will be deemed, or will constitute, a waiver of any other provision, whether or not similar, nor will any waiver constitute a continuing waiver. No waiver will be binding unless executed in writing by the party making the waiver.

**XVII.**

This Contract will be governed by and construed in accordance with the laws of the State of Texas.

**XVIII.**

Any dispute between Consultant and Client related to this contract which is not resolved through informal discussion will be submitted to a mutually agreeable mediation service or provider. The parties to the mediation shall bear the mediation costs equally. This paragraph does not preclude a party from seeking equitable relief from a court of competent jurisdiction.

XIX.

The party who prevails in any legal proceeding related to this contract is entitled to recover reasonable attorney fees and all costs of such proceeding.

XX.

Consultant and Client, each after consultation with an attorney of its own selection (which counsel was not directly or indirectly identified, suggested, or selected by the other party), both voluntarily waive a trial by jury of any issue arising in an action or proceeding between the parties or their successors, under or connected with this contract or its provisions. Consultant and Client acknowledge to each other that Consultant and Client are not in significantly disparate bargaining positions.

---

PATRICK K. WILTSHIRE  
President/CEO

*Client*

---

Chief Elected Official

ATTEST:

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ATTACHMENT I  
WORK AUTHORIZATION

For work associated to 2015 GLO Flood and Storm Program Implementation and in consideration of the foregoing, Client agrees to pay Consultant a fee not to exceed:

Twenty-Nine Thousand Dollars and Zero Cents (\$ 29,000.00 ) for  
Grant Administration Services

***Grant Administration***

Preliminary Administrative Requirements.....	\$ <u>7,250.00</u>
Environmental Review.....	\$ <u>7,250.00</u>
Start of Construction.....	\$ <u>5,800.00</u>
Construction Completion.....	\$ <u>5,800.00</u>
Close-Out.....	\$ <u>2,900.00</u>
<b>Total:</b>	\$ <u>29,000.00</u>

**City of La Porte**

\_\_\_\_\_  
PATRICK K. WILTSHIRE  
President/CEO

\_\_\_\_\_  
Chief Elected Official

ATTEST:

\_\_\_\_\_

ATTACHMENT I  
WORK AUTHORIZATION

For work associated to Harris County Hurricane Harvey MOD Program Implementation  
and in consideration of the foregoing, Client agrees to pay Consultant a fee not to exceed:

Zero Dollars (\$ 0.00 ) for  
Application Preparation Services

Two-Hundred Thousand Dollars and Zero Cents (\$ 200,000.00 ) for  
Grant Administration Services

***Grant Administration***

Preliminary Administrative Requirements.....	\$ <u>30,000.00</u>
Environmental Review.....	\$ <u>30,000.00</u>
Start of Construction.....	\$ <u>60,000.00</u>
Construction Completion.....	\$ <u>60,000.00</u>
Close-Out.....	\$ <u>20,000.00</u>
<b>Total:</b>	\$ <u>200,000.00</u>

*\*The fee schedule is subject to modification based on number and type of projects as well as Harris County or GLO imposed Administrative Thresholds*

**City of La Porte**

\_\_\_\_\_  
PATRICK K. WILTSHIRE  
President/CEO

\_\_\_\_\_  
Chief Elected Official

ATTEST:

\_\_\_\_\_

**ATTACHMENT II**  
**TERMS AND CONDITIONS**

I.

Equal Employment Opportunity

During the performance of this Contract, Consultant agrees as follows:

- a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor; state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
- c) The Contractor will not discourage or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employees essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.
- d) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- e) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, "Equal Employment Opportunity" and of the rules, regulations, and relevant orders of the Secretary of Labor.
- f) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- g) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- h) The Contractor will include the portion of the sentence immediately preceding paragraph (a) and the provisions of paragraphs (a) through (h) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

II.

Civil Rights Act of 1964

Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, religion, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

III.

Section 109 of the Housing and Community Development Act of 1974

The Contractor shall comply with the provisions of Section 109 of the Housing and Community Development Act of 1974. No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

IV.

Section 504 Rehabilitation Act of 1973, as Amended

The Contractor agrees that no otherwise qualified individual with disabilities shall, solely by reason of his/her disability, be denied the benefits of, or be subjected to discrimination, including discrimination in employment, under any program or activity receiving federal financial assistance.

V.

Age Discrimination Act of 1975

The Contractor shall comply with the Age Discrimination Act of 1975 which provides that no person in the United States shall on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

VI.

"Section 3" Compliance in the Provision of Training, Employment and Business Opportunities (Limited to contracts greater than \$100,000)

- a) The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated

by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

- b) The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

- c) The Contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

- d) The Contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The Contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

- e) The Contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the Contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

- f) Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this Agreement for default, and debarment or suspension from future HUD assisted contracts.

- g) With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this Agreement. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this Agreement that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

VII.

Section 503 of the Rehabilitation Act (the "Act") -  
Handicapped Affirmative Action for Handicapped Workers

- a) Consultant will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. Consultant agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: Employment, upgrading, demotion or transfer, recruitment, advertising layoff or termination rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- b) Consultant agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.
- c) In the event of Consultant's non-compliance with requirements of this clause, actions for non-compliance may be taken in accordance with rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.
- d) Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the director, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.
- e) Consultant will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of Section 503 of the Rehabilitation Act of 1973 and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.
- f) Consultant will include the provisions of this clause in every subcontract or purchase order of \$2,500 or more unless exempted by rules, regulations, or orders of the Secretary Issued pursuant to Section 503 of the Act, so that such provisions will be binding upon each subcontractor with respect to any subcontract or purchase order as the director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for non-compliance.

VIII.

Interest of Members of Client

No member of the governing body of Client and no other officer, employee, or agent of Client who exercises any functions or responsibilities in connection with the planning and carrying out of the Program, shall have any personal financial interest, direct or indirect, in this Contract and Consultant shall take reasonably appropriate steps to assure compliance.

IX.

Interest of Other Local Public Officials

No member of the governing body of the locality and no other public official of such locality, who exercises any functions or responsibilities in connections with the planning and carrying out of the Program, shall have any personal financial interest, direct or indirect, in this Contract; and Consultant shall take appropriate steps to assure compliance.

X.

Interest of Consultant and Employees

Consultant covenants that he presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of its services hereunder. Consultant further covenants that in the performance of this Contract, no person having any such interest shall be employed.

XI.

Debarment and Suspension (Executive Orders 12549 and 12689)

The Consultant certifies, by entering into this Agreement, that neither it nor its principals are presently debarred, suspended, or otherwise excluded from or ineligible for participation in federally-assisted programs under Executive Orders 12549 (1986) and 12689 (1989). The term "principal" for purposes of this Agreement is defined as an officer, director, owner, partner, key employee, or other person with primary management or supervisory responsibilities, or a person who has a critical influence on or substantive control over the operations of the Consultant. The Consultant understands that it must not make any award or permit any award (or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension."

## XII.

## Copyrights and Rights in Data

HUD has no regulations pertaining to copyrights or rights in data as provided in 24 CFR 85.36. HUD requirements, Article 45 of the General Conditions to the Contract for Construction (form HUD-5370) requires that contractors pay all royalties and license fees. All drawings and specifications prepared by the Design Professional pursuant to this contract will identify any applicable patents to enable the general contractor to fulfill the requirements of the construction contract.

## XIII.

## Clean Air and Water.

(Applicable to contracts in excess of \$100,000)

Due to 24 CFR 85.36(i)(12) and federal law, the Design Professional shall comply with applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. § 1857h-4 transferred to 42 USC § 7607, section 508 of the Clean Water Act (33 U.S.C. § 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15), on all contracts, subcontracts, and sub grants of amounts in excess of \$100,000.

## XIV.

## Energy Efficiency

Pursuant to Federal regulations (24 C.F.R. 85.36(i)(13)) and Federal law, except when working on an Indian housing authority Project on an Indian reservation, the Design Professional shall comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163 codified at 42 U.S.C.A. § 6321 et. seq.).

## XV.

## Retention and Inspection of Records

Pursuant to 24 CFR 85.26(i)(10) and (11), access shall be given by the Design Professional to the Owner, HUD, the Comptroller General of the United States, or any of their duly authorized representatives, to any books, documents, papers, and records of the Design Professional which are directly pertinent to that specific Contract for the purpose of making an audit, examination, excerpts, and transcriptions. All required records shall be retained for three years after the Owner or Design Professional and other sub grantees make final payments and all other pending matters are closed.

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>October 22, 2018</u>
Requested By: <u>Lorenzo Wingate</u>
Department: <u>Public Works</u>
Report: <u>    </u> Resolution: <u>X</u> Ordinance: <u>    </u>

<u>Budget</u>
Source of Funds: <u>003 / 050</u>
Account Number: <u>050-7071-531-1100</u> <u>003-7071-531-1100</u>
Amount Budgeted: <u>\$950,000</u> <u>\$40,000</u>
Amount Requested: <u>\$125,000</u>
Budgeted Item: <u>YES</u> NO

Exhibit: Resolution Approving Local Commitment of Funds  
Exhibit: Table 1  
Exhibit: Table 2

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### SUMMARY & RECOMMENDATION

On June 17, 2016, the U.S. Department of Housing and Urban Development (HUD) allocated \$22 million in Community Development Block Grant Disaster Recovery (CDBG-DR) Program funds to the State of Texas to operate the CDBG-DR Program related to relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas (including Harris County) resulting from Presidentially declared Federal Emergency Management Agency (FEMA) 4223-DR-TX (2015 Memorial Day) and FEMA 4245-DR-TX (2015 Halloween) disasters.

The GLO-CDR has allocated \$325,775.30 to the City of La Porte through Harris County’s initial MOD and MOD Amendments No. 1 and 2 from the 2015 Floods CDBG-DR funds. On August 27, 2018, Staff submitted a Non-Housing Project Application, to the GLO, detailing the City’s proposed non-housing project to repair or mitigate damage that occurred during the Presidentially declared Federal Emergency Management Agency (FEMA) 4223-DR-TX (2015 Memorial Day) and FEMA 4245-DR-TX (2015 Halloween) disasters.

Staff received a “Request for Information” (RFI) on September 20, 2018 stating that the GLO reviewed the 2015 Non-Housing Project Application and is in the process of making an eligibility determination. The correspondence also stated the GLO requires copy of the City Council Minutes or Resolution approving any local commitment of funds and how it will be utilized for construction, engineering, administration, environmental or acquisition.

The estimated project construction cost is \$361,000; estimated Engineering cost is \$39,000; estimated Environmental and Grant Administration cost is \$36,300; for a total estimated project cost of \$436,300, which exceeds the City’s GLO allocation by approximately \$110,525.

Since these funding for these improvements has been previously approved within the FY18 Budget as part of the North 6<sup>th</sup> Street Drainage Improvements Project, Staff recommends commitment \$125,000 of these budgeted funds to supplement the \$325,775.30 of potential grant funding, for a total project GLO project budget of \$450,775.30.

**Benefits:**

Drainage improvements within the Northside Neighborhood, within the Little Cedar Bayou Watershed are intended for this allocation.

The storm water collection system from the 6th street area is ultimately conveyed to an outfall point within the bayou on the west side of SH 146. As part of an initial phase of drainage improvements for this area, utilization of the allocated grant funding would allow for drainage improvements to be made at the most downstream end of the storm water collection system to provide additional conveyance capacity within the system.

Fulfills application requirement(s) of providing a resolution approving a local commitment of funds.

**Liabilities:**

6th Street, from W. Madison Street to W. Main Street., has significant ponding in storm events as low as 5-year event; the storm sewer collection system becomes surcharged and flows backward/upstream and bubble out of the inlets along 6th Street. The area is very flat with no room for the water to leave the street, causing ponding in the street and the adjacent yards until water levels within the collection systems recede and there is volume available for the ponded water to gravity drain dry.

Lack of resolution would not fulfill GLO CDBG-DR application submittal requirement(s), causing the application to be rendered deficient, leading to potential failure to secure funding.

**Operating Costs:**

No Impact.

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**Action Required by Council:**

Consider approval of a Resolution approving a local commitment of \$125,000 to supplement the City's allocation of \$325,775.30 provided by the Texas General Land Office for the 2015 Floods and Storms (DR-4223 and DR-4245) Community Development Block Grant Disaster Recovery Program for the Northside Neighborhood Drainage Improvement Project – Phase I.

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**Approved for City Council Agenda**

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**Corby D. Alexander**

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**Date**

RESOLUTION NO. 2018 - \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, APPROVING A LOCAL COMMITMENT OF \$125,000 TO SUPPLEMENT THE CITY'S ALLOCATION OF \$325,775.30 PROVIDED BY THE TEXAS GENERAL LAND OFFICE FOR THE 2015 FLOODS AND STORMS (DR-4223 AND DR-4245) COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM FOR THE NORTHSIDE NEIGHBORHOOD DRAINAGE IMPROVEMENT PROJECT – PHASE I; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAWS; AND PROVIDING AN EFFECTIVE DATE HEREOF.

**WHEREAS**, participation in the 2015 GLO CDBG-DR Program requires the City to provide proof of a resolution approving a local commitment of \$125,000 and how it will be utilized for construction, engineering, administration, environmental or acquisition;

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

**Section 1.** The City Council approves this resolution, approving a local commitment of \$125,000 to be utilized as necessary for construction, engineering, administration, environmental or acquisition related to Northside Neighborhood Drainage Improvement Project – Phase I

**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 is posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2018 .

CITY OF LA PORTE

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

ATTEST:

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

**TABLE 1 - BUDGET** Complete a separate table for each activity or target area.

Identify the target area for this project. Only one Table 1 is needed if the same target area, beneficiaries, and national objective apply. If any of these are different, add a new Table 1. Refer to the Application Guide for instructions.

Project Title/Target Area: Northside Neighborhood Drainage Improvement Project - Phase I Construction Completion Type: Contract

Activity Description	Act #	Total Benes	LMI Benes	LMI %	CDBG-DR Construction	CDBG-DR Engineering	CDBG-DR Acquisition	CDBG-DR Environmental	CDBG-DR Admin	Other	Activity Total
Flood and Drainage Facilities	5	1,200	795	66.25%	361,000	39,000	0	7,000	29,300	125,000	561,300
ACTIVITY TOTALS:		1,200	795	66.25%	361,000	39,000	0	7,000	29,300	125,000	561,300

Race	# Non-Hispanic Beneficiaries	# Hispanic Beneficiaries	Total Activity Beneficiaries
White	27,063	0	27,063
Black African American	2,100	0	2,100
Asian	411	0	411
Asian/White	103	0	103
Black African American/White	177	0	177
Native Hawaiian / Other Pacific Islander	37	0	37
American Indian/Alaskan native	211	0	211
	0	0	0
<b>TOTALS:</b>	30,102	0	30,102

Gender	Total Males	Total Females	Total Benes
	16781	17019	33800

REQUIRED - Census Geographic Area Data										County Code		
Identify the census tract and block group(s) in which the project will take place										201		
Census Tract (6-digit)	01	02	03	04	05	06	07	08	09	10		
3437.00	<input checked="" type="checkbox"/>	<input type="checkbox"/>										

HUD National Objective Benefiting low- and moderate- (L/M) income persons

- City-wide Benefit
- County-wide Benefit
- Area Benefit
- Direct Benefit

Beneficiary Identification Method(s)

- An approved TxCDBG survey was used to identify the beneficiaries for this activity.
- 2016 HUD LMISD information was used to identify the beneficiaries for this activity.
- The required Census or Texas State Data Center map has been provided if required.

Provide the number of beneficiaries identified through each of the following methods for this activity:

TxCDBG Survey: 0 2016 HUD LMISD:                      Area Benefit: 0 Housing Activity: 0 Limited Clientele: 0

**TABLE 2 - BUDGET JUSTIFICATION OF RETAIL COSTS**

Project Title/Target Area:

**Northside Neighborhood Drainage Improvement Project - Phase I**

Activity Description	Act #	Materials/Facilities/Services	\$/Unit	Unit	Quantity	Construction	Acquisition	Total
Flood and Drainage Facilities	5	Mobilization (Max 5% of Bid Price)	\$17,000.00	LS	1	\$17,000	\$0	\$17,000
Flood and Drainage Facilities	5	SWPPP (incl. permitting & implementation)	\$6,500.00	LS	1	\$6,500	\$0	\$6,500
Flood and Drainage Facilities	5	Traffic Control Plan (incl. implementation)	\$5,500.00	LS	1	\$5,500	\$0	\$5,500
Flood and Drainage Facilities	5	Removal of existing RCP	\$50.00	LF	200	\$10,000	\$0	\$10,000
Flood and Drainage Facilities	5	Installation of 6' x 5' Conc. Box Culvert	\$450.00	LF	450	\$202,500	\$0	\$202,500
Flood and Drainage Facilities	5	Installation of Junction Box	\$6,000.00	EA	3	\$18,000	\$0	\$18,000
Flood and Drainage Facilities	5	18" Riprap (Stone Protection)	\$80.00	SY	175	\$14,000	\$0	\$14,000
Flood and Drainage Facilities	5	Driveway Repair	\$75.00	SY	300	\$22,500	\$0	\$22,500
Flood and Drainage Facilities	5	Site Restoration	\$50.00	SY	1,300	\$65,000	\$0	\$65,000
						<b>\$361,000</b>	<b>\$0</b>	<b>\$361,000</b>

1. Identify and explain the annual projected operation and maintenance costs associated with the proposed activities.

Annual operation and maintenance costs considered negligible.

2. Identify and explain any special engineering activities.

N/A



*Lorenzo J. Wingate*

**Signature of Registered Engineer/Architect Responsible For Budget Justification:**

*8-22-18*

**Date:**

+1 (281) 470-5058

**Phone Number**

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<b>Agenda Date Requested:</b> <u>October 22, 2018</u>
<b>Requested By:</b> <u>Shelley Wolny, Treasurer</u>
<b>Department:</b> <u>Finance</u>

<b><u>Appropriation</u></b>
<b>Source of Funds:</b> _____
<b>Account Number:</b> _____
<b>Amount Budgeted:</b> _____
<b>Amount Requested:</b> _____
<b>Budgeted Item:</b> YES      NO

**Report:** \_\_\_\_\_ **Resolution:** \_\_\_\_\_ **Ordinance:** \_\_\_\_\_

**Exhibits:** Investment Policy

**Exhibits:** \_\_\_\_\_

**Exhibits:** \_\_\_\_\_

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### SUMMARY & RECOMMENDATION

The City Council of the City of La Porte originally adopted an Investment Policy on January 13, 1992, by Ordinance No. 1802. The Investment Policy governs how the City will invest the City's funds and outlines administrative and legal guidelines for the Investment Officers to follow for the preservation of capital. The Public Funds Investment Act requires that a City must present the Investment Policy to Council annually for review or amendment. The policy was last amended on November 13, 2017.

On September 24, 2018, the Finance Department presented the Investment Policy to the Fiscal Affairs Committee for review. No changes to the actual policy are recommended at this time.

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#### **Action Required by Council:**

Recommend that the Council receive and review the City of La Porte Investment Policy.

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

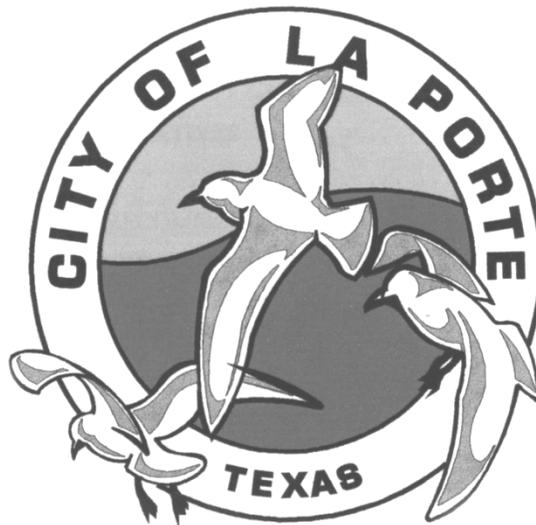
\_\_\_\_\_  
Corby D. Alexander, City Manager

\_\_\_\_\_  
Date

# City of La Porte, Texas Investment Policy

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Adopted by the City Council  
Of the City of La Porte  
On January 13, 1992, by  
Ordinance No. 1802



Amended:

*November 1995*  
*August 1997*  
*November 2000*  
*February 2003*  
*February 2005*  
*October 2005*  
*July 2009*  
*May 2011*  
*October 2013*  
*October 2014*  
*November 2017*

**City of La Porte, Texas**

*Michael G. Dolby, CPA*  
*Director of Finance*

*Shelley Wolny*  
*Treasurer*

I. **POLICY**

It is the policy of the City of La Porte, Texas (the "City") to administer and invest its funds in a manner which will preserve the principal and maintain the liquidity through limitations and diversification while meeting the daily cash flow requirements of the City. The City will invest all available funds in conformance with legal and administrative guidelines, seeking to optimize interest earnings to the maximum extent possible.

The purpose of this investment policy is to comply with all statutes governing the investment of the City's funds, including the Public Funds Investment Act, Chapter 2256 of the Texas Government Code (the " Act"), which requires the City to adopt a written investment policy regarding the investment of its funds and funds under its control. The Investment Policy addresses the methods, procedures and practices that must be exercised to ensure effective and judicious fiscal management of the City's funds.

II. **SCOPE**

The City will strive to earn a return on funds invested at the highest investment return possible after taking in consideration the primary goals of preservation of principal and liquidity of funds invested, consistent with the policy objectives described below. This investment policy applies to the investment activities of the government of the City of La Porte, Texas.

FUNDS INCLUDED The City's funds, which are pooled together and constitute the investment portfolio, include all financial assets of all funds managed by the City, including but not limited to receipts of tax revenues, charges for services, bond proceeds, interest incomes, loans and funds received by the City where the City performs a custodial function. These funds are accounted for in the City's Comprehensive Annual Financial Report (CAFR) and include:

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Projects Funds
- Enterprise Funds
- Internal Service Funds

Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

III. **OBJECTIVES**

SAFETY The primary objective of the City's investment activity is the preservation of capital and the protection of investment principal in the overall portfolio. Each investment transaction shall seek first to ensure that capital losses are avoided, whether they are from securities defaults or erosion of market value. The City will strive to minimize credit risk by limiting investments to the safest types of investments, prequalifying the financial institutions and broker/dealers with which the City conducts business, and diversify the investment portfolio so that potential losses on individual issuers will be minimized. To minimize interest rate risk, the City will ladder the

portfolio and match investments with future cash requirements and invest operating funds in shorter, more liquid securities and investments.

LIQUIDITY The City's investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity shall be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets. Because all possible cash demands cannot be anticipated, a portion of the portfolio will be invested in shares of money market mutual funds or local government investment pools that offer same day liquidity.

PUBLIC TRUST All participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment Officials shall avoid any transaction that might impair public confidence in the City's ability to govern effectively. The governing body recognizes that in a diversified portfolio, occasional measured losses due to market volatility are inevitable, and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.

YIELD (Optimization of Interest Earnings) The City's cash management portfolio shall be designed with the objective of regularly meeting or exceeding the average rate of return on U.S. Treasury Bills at a maturity level comparable to the City's weighted average maturity in days. The investment program shall seek to augment returns above this threshold consistent with risk limitations identified herein and prudent investment principles.

INVESTMENT STRATEGY The City maintains a commingled portfolio for investment purposes which incorporates the specific uses and the unique characteristics of the funds in the portfolio. The investment strategy has as its primary objective assurance that anticipated liabilities are matched and adequate investment liquidity provided. The City shall pursue conservative portfolio management strategy. This may be accomplished by creating a laddered maturity structure with some extension for yield enhancement. The maximum dollar weighted average maturity of 2 years or less will be calculated using the stated final maturity date of each security.

#### IV. **RESPONSIBILITY AND CONTROL**

Oversight Responsibility for the investment activity of the City of La Porte shall rest with the Fiscal Affairs Committee and the City Manager. They will designate investment officer(s), receive and review quarterly reporting, approve and provide for investment officer training, approve broker/dealers, and review and adopt the Investment Policy and Strategy at least annually.

DELEGATION Management responsibility for the investment program is hereby delegated to the Director of Finance, who shall establish written procedures for the operation of the investment program, consistent with this investment policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions.

SUBORDINATES All persons involved in investment activities will be referred to as "Investment Officers." No person shall engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Director of Finance. The Director of Finance shall be responsible for all transactions undertaken, and shall establish a system of controls to regulate the activities of Subordinate Investment Officers. All investment officers,

including the Director of Finance, will demonstrate competence in the execution of the city's investments. All Investment Officers will insure compliance with the investment program with ongoing training and evaluation by management.

PRUDENCE Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment Officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

INDEMNIFICATION The Director of Finance and the Investment Officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific investment's credit risk or market price changes, provided that these deviations are reported immediately and the appropriate action is taken to control adverse developments.

ETHICS DISCLOSURE AND CONFLICTS OF INTEREST Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution and management of the investment program, or which could impair their ability to make impartial investment decisions. Employees and Investment Officers shall disclose to the City Manager any material interests in financial institutions that conduct business with the City of La Porte, and shall further disclose any personal financial or investment positions that could be related to the performance of the City's investment portfolio. Employees and Investment Officers shall refrain from undertaking personal investment transactions with the same individual with which business is conducted on behalf of the City of La Porte.

An Investment Officer of the City of La Porte who has a personal business relationship with an organization seeking to sell an investment to the City of La Porte shall file a statement disclosing that personal business interest. An Investment Officer who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City of La Porte shall file a statement disclosing that relationship. A statement required under subsection 2256.005(i) of the Act must be filed with the Texas Ethics Commission and the governing body of the City of La Porte.

TRAINING Investment Officers shall attend 10 hours of investment training within 12 months after taking office or assuming duties, and 10 hours every succeeding two years that begins on the first day of the fiscal year, which is October 1<sup>st</sup>, and consists of the two consecutive fiscal years after that date. The investments training shall be provided from an independent source approved by the Fiscal Affairs Committee to insure the quality and capability of investment management in compliance with the Act. For the purposes of this policy, an "independent source" is defined as a professional organization, an institute of higher learning or any other sponsor other than a Business Organization with whom the City may engage in investment transactions. Training shall be in accordance with the Act and shall include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with statutes governing the investment of public funds.

## V. **REPORTING**

Investment reports shall be prepared quarterly and be signed and submitted by the Investment Officers, in a timely manner. These reports will be submitted to the City Manager and City Council. This report shall describe in detail the investment position of the City, disclose the market value and book value of each fund group as well as each separate investment, and state the maturity date of each security and accrued interest for the reporting period. The report shall include all information as required by Section 2256.023 of the Act. It must also express compliance of the portfolio to the investment strategy contained in the City's Investment Policy and the Act.

MONITORING The market price of each investment shall be obtained monthly from a source such as the Wall Street Journal newspaper, the City's custodial bank, a reputable brokerage firm or security pricing service and reported on the investment reports. Investments with minimum rating requirements will be monitored for rate changes and liquidation of such investments will be determined at such time.

Monitoring credit ratings – The Investment Officer shall monitor, on no less than a monthly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer shall notify the City Manager of the loss of rating, and liquidate the investment within one week.

Monitoring FDIC Status for Mergers and Acquisitions – The Investment Officer shall monitor, on no less than a weekly basis, the status and ownership of all banks issuing brokered CDs owned by the City based upon information from the FDIC. If any bank has been acquired or merged with another bank in which brokered CDs are owned, the Investment Officer or Advisor shall immediately liquidate any brokered CD which places the City above the FDIC insurance level.

## VI. **INVESTMENTS**

ACTIVE PORTFOLIO MANAGEMENT The City intends to pursue active versus passive portfolio management philosophy. That is, securities may be sold before they mature if market conditions present an opportunity for the City to benefit from the trade.

AUTHORIZED INVESTMENTS The following are authorized investments for the City and all are authorized and further defined by the Act. Only those investments listed in this section are authorized.

- A. Obligations, including letters of credit, of the United States or its agencies and instrumentalities; direct obligations of this state or its agencies and instrumentalities; other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States; obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and interest-bearing banking deposits that are guaranteed or insured

by: the Federal Deposit Insurance Corporation or its successor; or the National Credit Union Share Insurance Fund or its successor. (Section 2256.009 (a) of the Act)

The following are not authorized investments under Section 2256.009 (b) of the Act:

- obligations whose payment represents the coupon payment on the outstanding principal balance of the underlying mortgage-backed security collateral and pays not principal (Interest only bonded);
  - obligations whose payment represents the principal stream of cash from the underlying mortgage-backed security collateral and pays no interest (Principal only bonds);
  - collateralized mortgage obligations that have a final stated maturity date of greater than 10 years; and
  - collateralized mortgage obligations, the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.
- B. Fully collateralized certificates of deposit issued by a depository institution or an approved broker that has its main office or branch office in Texas, selected from a list adopted by the City, and guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor; secured by obligations authorized by this subchapter, or secured in any other manner and amount provided by law for deposits of the City. (Section 2256.010 of the Act)
- C. FDIC insured, brokered certificates of deposit securities from a depository institution that has its main office or a branch office in Texas, delivered versus payment to the City safekeeping agent, not to exceed one year to maturity. Before purchase, the Investment Officer must verify the FDIC status of the bank on [www.fdic.gov](http://www.fdic.gov) to assure that the bank is FDIC insured.
- D. A no-load money market mutual fund is permitted as an authorized investment if it is registered with and regulated by the Securities and Exchange Commission; and complies with federal Securities and Exchange Commission Rule 2a-7 (17 C.F.R. Section 270.2a-7), promulgated under the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.). The Fund must provide the City with a prospectus and other information required by the Securities and Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.);

In addition to a no-load money market mutual fund permitted as an authorized investment as described above, a no-load mutual fund is an authorized investment if the mutual fund is registered with the Securities and Exchange Commission; has an average weighted average maturity of less than two years; and either (1) has a duration of one year or more and is invested exclusively in obligations approved in Subchapter A of the Act, or (2) has a duration of less than one year and the investment portfolio is limited to investment grade securities, excluding asset-backed securities.

The City is not authorized by Section 2256.014 (c) of the Act to:

- invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves in other funds held for debt service, in mutual funds described in the Act (Section 2256.014);
  - invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in the Act (Section 2256.014); or
  - invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in the Act (Section 2256.014) in an amount that exceeds 10 percent of the total assets of the mutual fund.
- E. Investment pools, as authorized by the City Council, must be AAA or AAA-M rated, or an equivalent rating by at least one nationally recognized rating service. A public funds investment pool that uses amortized cost or fair value accounting must mark its portfolio to market daily, and to the extent reasonably possible, stabilize at a \$1.00 net asset value, when rounded and expressed to two decimal places. To maintain eligibility to receive funds from and invest on behalf of the City, an investment pool must adhere to reporting and investment requirements defined by Section 2256.016 of the Act.

EXISTING INVESTMENTS The Investment Officer is not required to liquidate investments that were authorized investments at the time of purchase. Any investments currently held that do not meet the guidelines of this policy shall be reviewed to determine the ability to liquidate. An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not have the minimum rating. An entity shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating. If the investment cannot be liquidated because of material adverse change in the value since the time of purchase, and holding the investment to maturity does not negatively affect disbursements or cash flow, a recommendation of holding said investment to maturity is acceptable.

MAXIMUM MATURITIES The maximum stated maturity, from the date of purchase, for any individual investment may not exceed 5 years and the maximum dollar-weighted average maturity for the pooled fund group (investment portfolio) may not exceed 2 years.

DIVERSIFICATION It is the policy of the City to diversify its investment portfolios. Assets held in the pooled investment portfolio shall be diversified to eliminate the risk of loss resulting from over-concentration of assets in a specific maturity, specific issuer or specific class of securities. Diversification strategies shall be determined and revised periodically by the Fiscal Affairs Committee.

FINANCIAL INSTRUMENTS Maximum allowable percentages of the total portfolio for investments are stated as follows:

	Investment Type	Maximum Limit
1.	Investment Pools	100%
2.	Money Market Accounts	10%
3.	Certificates of Deposit	60%
4.	U.S. Government Securities	80%
5.	U.S. Agency Securities	80%

## VII. **SELECTION OF FINANCIAL INSTITUTIONS AND BROKER DEALERS**

SELECTION OF FINANCIAL INSTITUTIONS Depositories shall be selected through the City's banking services procurement process, which shall include a formal request for proposal (RFP) issued every five (5) years. In selecting depositories, the services available, service costs, and credit worthiness of institutions shall be considered, and the Director of Finance shall conduct a comprehensive review of prospective depositories' credit characteristics and financial history. The depository contract will provide for collateral if balance exceeds FDIC Insurance amounts.

The City shall select financial institutions from which the City may purchase certificates of deposit in accordance with the Act and this policy and will have a written depository agreement with the selected institution, which was approved by resolution of the Bank's Board if collateral is required. The Investment Officer shall monitor the fiscal condition of financial institutions where certificates of deposit are held.

AUTHORIZED FINANCIAL BROKER/DEALERS AND INSTITUTIONS The Investment Officer shall maintain a list of broker/dealers and financial institutions authorized to provide investment services. These may include primary dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule). All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must submit: audited financial statements, proof of Financial Industry Regulatory Authority (FINRA) certification, and proof of state registration.

Before engaging in investment transactions with a financial institutions or broker/dealers, the Investment Officer shall have received, from a Qualified Representative of said firm, a signed Certification Form. (Exhibit B) This form shall attest that the individual responsible for the City's account with that firm has (1) received and reviewed the investment policy of the City; and (2) acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the organization that are not authorized by the City's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards. Investment Officers of the City may not acquire or otherwise obtain any authorized investment described in the investment policy from a person who has not delivered a signed Certification Form. The Fiscal Affairs Committee shall at least annually review, revise, and adopt a list of qualified broker/dealers and other financial institutions that are authorized to engage in investment transactions with the City. (Exhibit A)

COMPETITIVE BIDDING All investment transactions must be competitively transacted and executed with broker/dealers or financial institutions that have been authorized by the City. The City will obtain at least three competitive offers. Exception: New issues will not be required to be competitively transacted as all broker/dealers would show the same price and yield.

## VIII. **COLLATERAL**

COLLATERALIZATION OF PUBLIC DEPOSITS Collateralization requirements are governed by the Texas Government Code Chapter 2257 (Public Funds Collateral Act). All bank deposits, certificates of deposit, and repurchase agreements shall be secured by pledged collateral. In order to anticipate market changes and provide a level of security for all funds, the required minimum collateral level will be a market value equal to no less than 102% of the deposits. Collateral levels should be monitored and maintained by the financial institution. Repurchase agreements shall be documented by specific agreement noting the collateral pledged in each agreement and should be monitored daily. Collateral shall be reviewed monthly to assure the market value of the securities pledged equals or exceeds the related bank balances.

Collateral shall always be held in the City's name by an independent third party with whom the City of La Porte has a current custodial agreement. Evidence of the pledged collateral shall be maintained by a written agreement. A safekeeping receipt must be supplied to the City of La Porte for any transaction involving sales/purchases/maturities of securities and/or underlying collateral, which the City of La Porte will retain. The right of collateral substitution is granted provided the substitution has prior approval of the City and is followed by the delivery of an original safekeeping receipt to the City, and replacement collateral is received prior to the release of original collateral.

COLLATERAL DEFINED The City shall accept only the following securities as collateral:

- A. FDIC insurance coverage;
- B. United States Treasuries and Agencies;
- C. Obligations, including letters of credit, of the United States or its agencies and instrumentalities.
- D. Other securities as approved by the Fiscal Affairs Committee.

SUBJECT TO AUDIT All collateral shall be subject to inspection and audit by the Director of Finance or the City's independent auditors.

## IX. **SAFEKEEPING AND CUSTODY**

SAFEKEEPING AGREEMENT All securities owned by the City shall be held in the City's designated third party safekeeping. The third party custodian shall be required to issue safekeeping receipts to the City listing each specific security, description, maturity, cusip number yield and/or coupon, market value and other pertinent information. Each safekeeping receipt shall clearly indicate that the instrument is held for the City of La Porte. All safekeeping arrangements shall be documented by the Investment Officer.

DELIVERY VERSUS PAYMENT All investment transactions shall be executed on a delivery versus payment basis. That is, funds shall not be wired or paid until verification has been made that the collateral was received by the Trustee. The collateral shall be held in the name of the City. The Trustee's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City.

X. **MANAGEMENT AND INTERNAL CONTROLS**

The Director of Finance shall establish a system of internal controls, which shall be reviewed by an independent auditor. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees or Investment Officers of the City.

Controls and managerial emphasis deemed most important that shall be employed where practical are:

- A. Control of collusion
- B. Separation of duties
- C. Separation of transaction authority from accounting and record keeping
- D. Custodian safekeeping receipts records management
- E. Avoidance of physical delivery securities
- F. Clear delegation of authority to subordinate staff members
- G. Documentation on investment bidding events
- H. Written confirmation of transactions for investments and wire transfers
- I. Reconciliation and comparisons of security receipts with the investment subsidiary records
- J. Compliance with investment policies
- K. Accurate and timely reports
- L. Validation of investment maturity decisions with supporting cash flow data
- M. Adequate training and development of Investment Officers
- O. Review of financial condition of all brokers, dealers and financial institutions
- P. Staying informed about market conditions, changes, and trends that require adjustments in investment strategies
- Q. Monitor credit ratings
- R. Monitor FDIC status for mergers and acquisitions for brokered CD's

COMPLIANCE AUDIT The City shall perform, in conjunction with its annual financial audit, a compliance audit of management controls on investments and adherence to the entity's established investment policies. The audit shall include a formal review of the quarterly investment reports by an independent auditor and the results reported to the governing body by the independent auditor. Also, the governing body shall review its investment policy and investment strategy not less than annually and adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and strategy, and recorded any changes made to them.

**City of La Porte  
Approved List of Brokers/Dealers and Investment Pools**

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**Brokers/Dealers**

Coastal Securities

Wells Fargo

Cantor Fitzgerald

FTN Financial

Amegy Bank

**Investment Pools**

TexPool

LOGIC Investment Pool

Texas Class

**TEXAS PUBLIC FUNDS INVESTMENT ACT CERTIFICATION FORM**  
**As required by Texas Government Code 2256.005 (k-l)**

**CITY OF LA PORTE, TEXAS**

This certification is executed on behalf of the City of La Porte, Texas (the Investor) and \_\_\_\_\_ (the Seller) pursuant to the Public Funds Investment Act, Chapter 2256, Government Code, Texas Codes Annotated (the Act) in connection with investment transactions conducted between the Investor and Dealer.

The Undersigned Qualified Representative of the Seller hereby certifies on behalf of the Seller that:

1. The Qualified Representative is duly authorized to execute this Certification on behalf of the Seller, and
2. The Qualified Representative has received and reviewed the Investment Policy furnished by the Investor, and
3. The Seller has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the Seller and the Investor that are not authorized by the entity's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

**Qualified Representative**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed):

\_\_\_\_\_  
Title:

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

**City of La Porte, Texas  
Investment Strategy Statement**

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The City of La Porte, Texas (the "City") will strive to administer and invest its pooled funds at the highest investment return possible while always taking into account the primary goals of preservation of principal and liquidity of funds invested consistent with the City's investment policy.

The City's funds, which are pooled together and constitute the investment portfolio, include all financial assets of all funds managed by the City, including but not limited to receipts of tax revenues, charges for services, bond proceeds, interest incomes, loans and funds received by the City where the City performs a custodial function.

The City will never invest its funds in a security that is deemed unsuitable to the financial requirements of the City. Maturities will be staggered in a manner that meets the cash flow needs of the City.

The primary investment objective is the preservation and safety of principal. Each investment transaction shall seek first to ensure that principal losses are avoided, whether they are from security defaults or erosion of market value.

The City's investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity shall be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets.

The City shall always maintain a highly diversified investment portfolio in order to reduce the amount of credit and market risk exposed to the City's portfolio.

After first considering safety and liquidity, the City's investment portfolio shall be designed with the objective of regularly exceeding the average rate of return on U.S. Treasury Bills at a maturity level comparable to the City's weighted average maturity in days. The City shall seek to augment returns above this threshold consistent with risk limitations identified in the City's investment policy and prudent investment principles.

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<b>Agenda Date Requested:</b> <u>October 22, 2018</u>
<b>Requested By:</b> <u>Ian Clowes, City Planner</u>
<b>Department:</b> <u>Planning and Development</u>
<b>Report:</b> <u> X </u> <b>Resolution:</b> <u>    </u> <b>Ordinance:</b> <u> X </u>

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

- Exhibits:**
- Ordinance**
  - P&Z Recommendation Letter**
  - Existing Land Use Map**
  - Proposed Land Use Map**

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### SUMMARY & RECOMMENDATION

This item is a request for consideration to amend the city’s Future Land Use Plan in conjunction with a request by Adrienne Feller, applicant; on behalf of Victor G. Rocha, owner; who is seeking approval of a Zone Change from the Large Lot Residential (LLD) zoning district to the Low Density Residential (R-1) zoning district. The proposed zone change would allow for the property owner to subdivide his 1.0 acre parcel into two half acre parcels, allowing his daughter to build a separate home. The property in question is located at the 10410 N. L St., and is legally described as Tract 441C, La Porte Outlots Subdivision.

The city’s Future Land Use Plan (FLUP) identifies the subject property as “Large Lot Residential”. In order to accommodate the proposed zone change, the FLUP would need to be amended to show the property as “Low Density Residential”.

The Planning and Zoning Commission, at their September 20, 2018 regular meeting, voted 7-0 to recommend denial of the proposed Future Land Use Amendment. Commissioners Tschappat and Barrera abstained.

**Action Required by Council:**

1. Conduct public hearing.
2. Consider action on a recommendation by the Planning and Zoning Commission to deny an Ordinance amending the City’s Future Land Use Plan for a 1.0 acre tract of land known as Tract 441C, La Porte Outlots Subdivision, located at 10410 N. L St., and as depicted in the attached exhibit.

**Approved for City Council Agenda**

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**Corby D. Alexander, City Manager**

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**Date**

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

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

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

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

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

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

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

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

WHEREAS, at the La Porte Planning and Zoning Commission meeting which occurred on September 20, 2018, the La Porte Planning and Zoning Commission reviewed the Future Land Use Map component of the Comprehensive Plan for the purpose of considering proposed amendments thereto, to change the designation for that 1.0 acre tract of land located at 10410 N. L Street, and legally described as follows: Tract 441C, La Porte Outlots Subdivision, City of La Porte, Harris County, Texas, from its present designation of "Large Lot Residential", to "Low Density Residential", and at the conclusion of such review the La Porte Planning and Zoning Commission voted to recommend against the adoption of said proposed amendments to the Future Land Use Plan component of the Comprehensive Plan, to the La Porte City Council;

NOW, THEREFORE, BE IT RESOLVED BY

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

Section 1 That an amendment to the Future Land Use Map component of the Comprehensive Plan of the City of La Porte, Texas, which is incorporated to this ordinance by reference herein and attached hereto as Exhibit A, be and is hereby authorized, approved, and adopted by the City Council of the City of La Porte, Texas, after duly noticed public hearing held at its October 22, 2018 meeting, and receipt of the recommendations of the Planning and Zoning Commission of the City of La Porte, Texas.

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

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

The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 4 This Ordinance shall be in effect from and after its passage and approval.  
Passed and approved this the 22<sup>nd</sup> day of OCTOBER, 2018.

CITY OF LA PORTE, TEXAS

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

Louis R. Rigby, Mayor

ATTEST:

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

Patrice Fogarty, City Secretary

APPROVED:

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

Clark Askins, Assistant City Attorney



September 21, 2018

Honorable Mayor Rigby and City Council  
City of La Porte

RE: Request #18-92000009 to Amend the Future Land Use Map

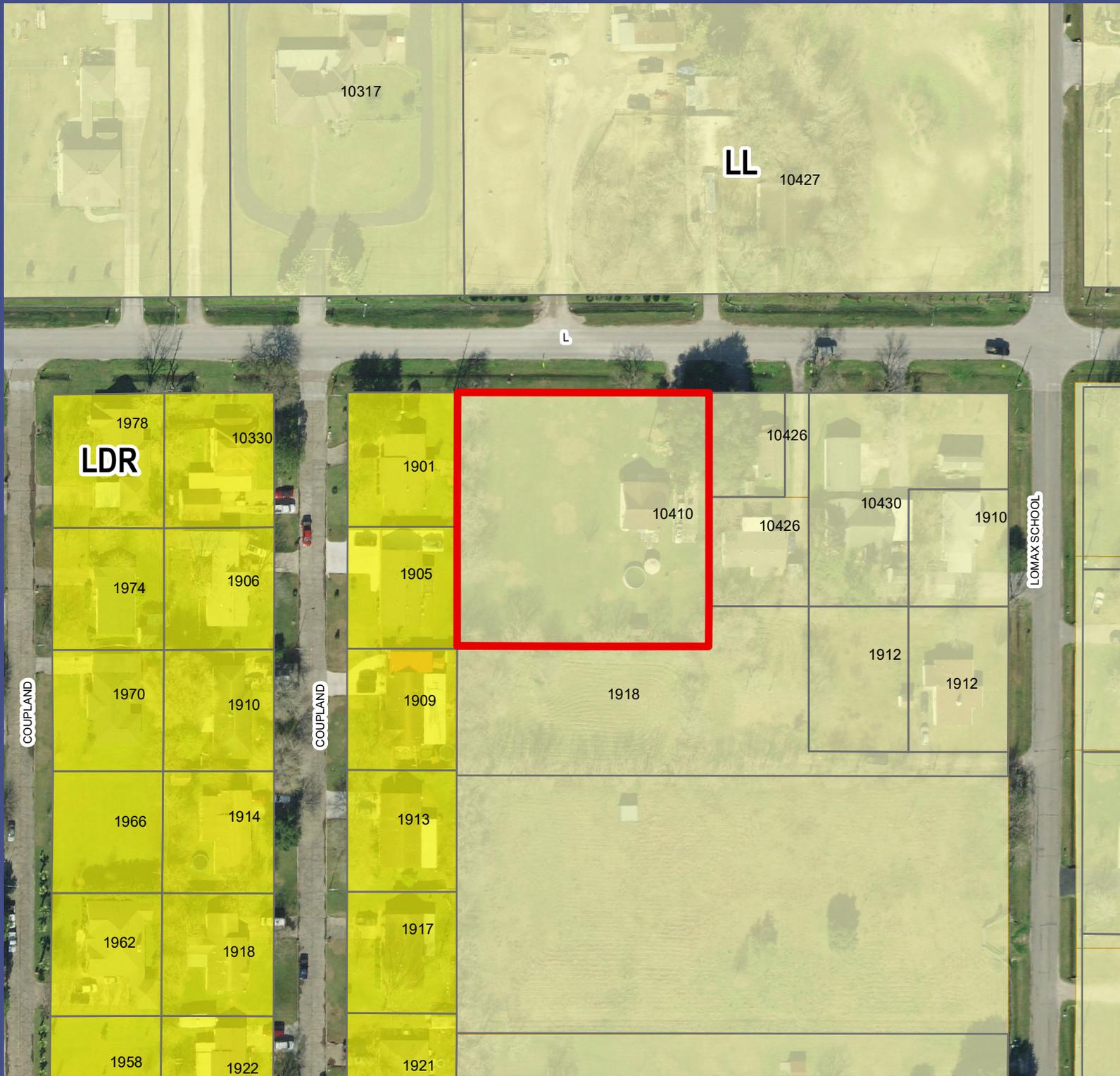
Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a meeting on September 20, 2018 for a request to amend the City's Future Land Use Plan as adopted in the Comprehensive Plan for a 1.0 acre tract of land located at 10410 N. L St., and is legally described as Tract 441C, La Porte Outlots Subdivision. The request was for approval of a change of the future land use designation from "Large Lot Residential" use to "Low Density Residential" use

The Commission voted 7-0 to recommend denial of the proposed amendments to the City's Future Land Use Map. Commissioners Tschappat and Barrera abstained.

Respectfully submitted,

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



# FLUP MAP

**Zone Change  
18-9200009**

**10410 N. L St.**

## Legend

 Subject Parcel

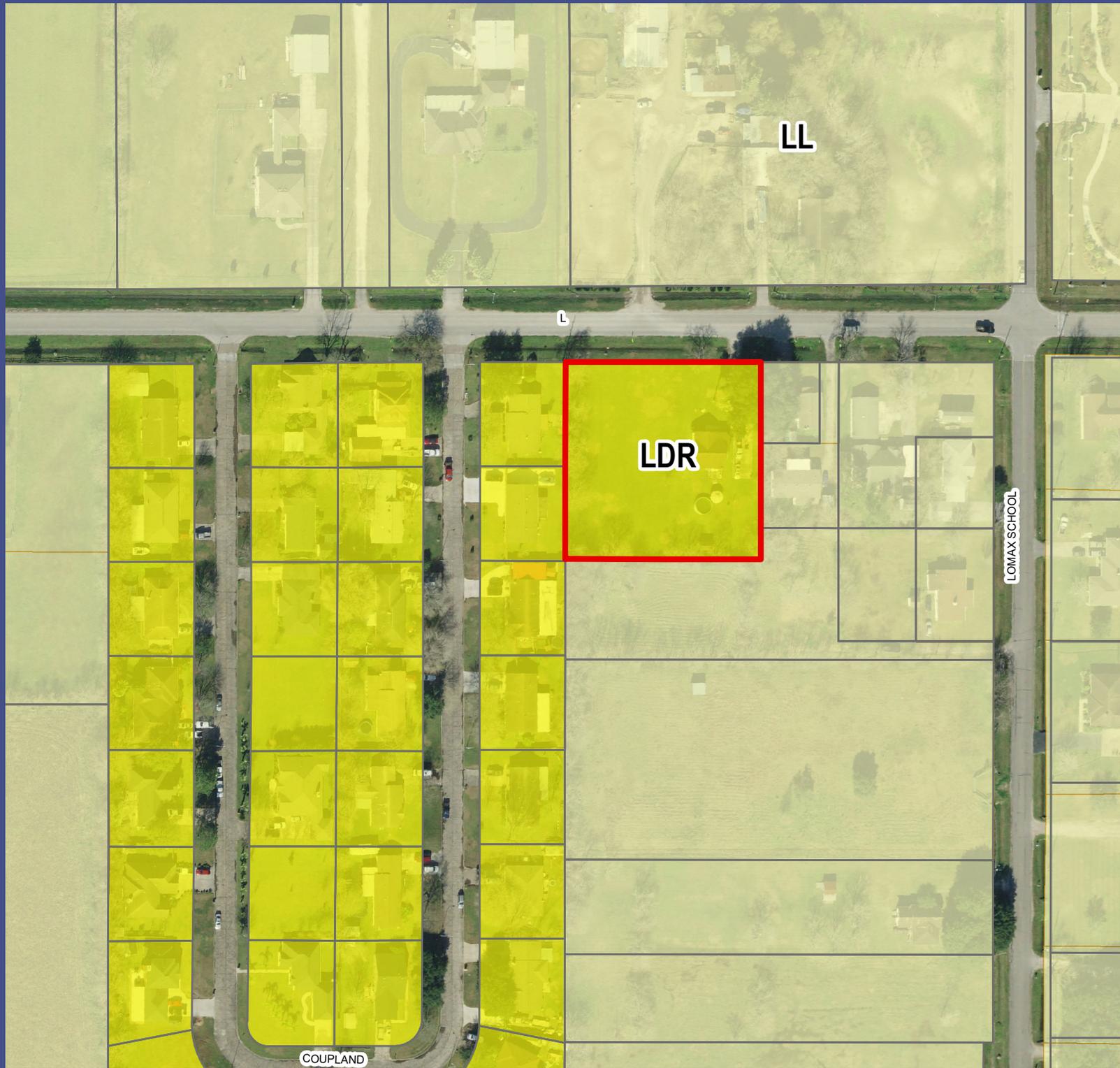


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 112 feet



SEPTEMBER 2018  
PLANNING DEPARTMENT



# PROPOSED FLUP MAP

**Zone Change  
18-9200009**

**10410 N. L St.**

## Legend

 Subject Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 143 feet



SEPTEMBER 2018  
PLANNING DEPARTMENT

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<b>Agenda Date Requested:</b> <u>October 22, 2018</u>
<b>Requested By:</b> <u>Ian Clowes, City Planner</u>
<b>Department:</b> <u>Planning and Development</u>
<b>Report:</b> <input checked="" type="checkbox"/> Resolution: <input type="checkbox"/> Ordinance: <input checked="" type="checkbox"/>

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

- Exhibits:**
- Ordinance**
  - P&Z Recommendation Letter**
  - Aerial Map**
  - Zoning Map**
  - Land Use Map**
  - Applicant Information and Request**

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### SUMMARY & RECOMMENDATION

Adrienne Feller, applicant; on behalf of Victor G. Rocha, owner; is seeking approval of a Zone Change from the Large Lot Residential (LLD) zoning district to the Low Density Residential (R-1) zoning district. The property in question is located at 10410 N. L St., and is legally described as Tract 441C, La Porte Outlots Subdivision.

The property is currently partially developed with a single family home. The home is located on the eastern edge of the 1.00 acre parcel. The owner would like to gift a half acre of his lot to his daughter allowing her to construct a new home. In order for the property to be legally split into two half acre lots, a zone change is required. The current zoning district, LLD, requires a minimum lot area of 1 acre. The current city code does not permit more than 1 primary dwelling on a single lot, thus requiring the legal subdivision of the lot.

If the City Council decides to deny the zone change request, the applicant could apply for a Special Exception to the ZBOA, under Sec. 106-191 of the City Code of Ordinances. This section state that a Special Exception may be granted by the ZBOA allowing a property owner to deviate from the minimum lot size or width requirements for property within the large lot district. There are three criteria that need to be met in order for the ZBOA to approve:

- a. One or more lots located in the same block as the subject property are not uniform in terms of shape and/or size so that any further subdivision of the subject property cannot be in accordance with the regulations governing the district;
- b. It can be demonstrated that the subdivision will not circumvent the spirit of the district regulations, or particularly, the rural character of the district; and,

- c. Granting the special exception will not be injurious to the value or enjoyment of adjacent properties within the district.

Staff believes that the applicants request would meet these criteria, but final determination would be left up to the ZBOA.

This option, if approved by the ZBOA, would allow the applicant to achieve their desired outcome of splitting the property into 2 half acre lots, without changing the zoning classification. The Planning and Zoning Commission was not opposed to the idea of allowing the property owner to construct a second home on the 1 acre parcel, but had concerns about down zoning it to R-1. If Council has these same concerns, the Special Exception route should be able to alleviate the concern of rezoning, while still allowing for the construction of a second dwelling on the 1 acre parcel.

Staff received 2 comment sheet from adjoining neighbors, both in favor of the proposed zone change. At the meeting, 1 residents spoke in favor of the proposal, stating that the property owner has been there prior to annexation and zoning and should have been “grandfathered” in.

The Planning and Zoning Commission, at their September 20, 2018 regular meeting, voted 7-2 to recommend denial of the proposed Zone Change. Commissioner Tschappat and Barrera were the dissenting votes.

**Action Required by Council:**

1. Conduct public hearing.
2. Consider action on a recommendation by the Planning and Zoning Commission to deny an Ordinance for zone change request #18-92000009, for a 1.0 acre tract of land located at 10410 N. L St., and is legally described as Tract 441C, La Porte Outlots Subdivision.

**Approved for City Council Agenda**

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

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

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

**AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY CHANGING THE ZONING CLASSIFICATION OF A 1.0 ACRE TRACT OF LAND LOCATED AT 10410 NORTH L STREET AND LEGALLY DESCRIBED AS TRACT 441C, LA PORTE OUTLOTS SUBDIVISION, FROM LARGE LOT RESIDENTIAL (LLD) TO LOW DENSITY RESIDENTIAL (R-1); MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;**

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

**Section 1.** Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by changing the zoning classification of the following described property, to wit: a 1.0 acre tract of land located at 10410 N. L St. and legally described Tract 441C, La Porte Outlots Subdivision, Harris County, Texas, from Large Lot Residential (LLD) to Low Density Residential (R-1).

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

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

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

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

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

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

**Section 8.** This ordinance shall be effective after its passage and approval.

PASSED AND APPROVED this the 22<sup>nd</sup> day of OCTOBER, 2018.

CITY OF LA PORTE, TEXAS

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

ATTEST:

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

APPROVED:

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



September 21, 2018

Honorable Mayor Rigby and City Council  
City of La Porte

RE: Zone Change Request #18-92000009

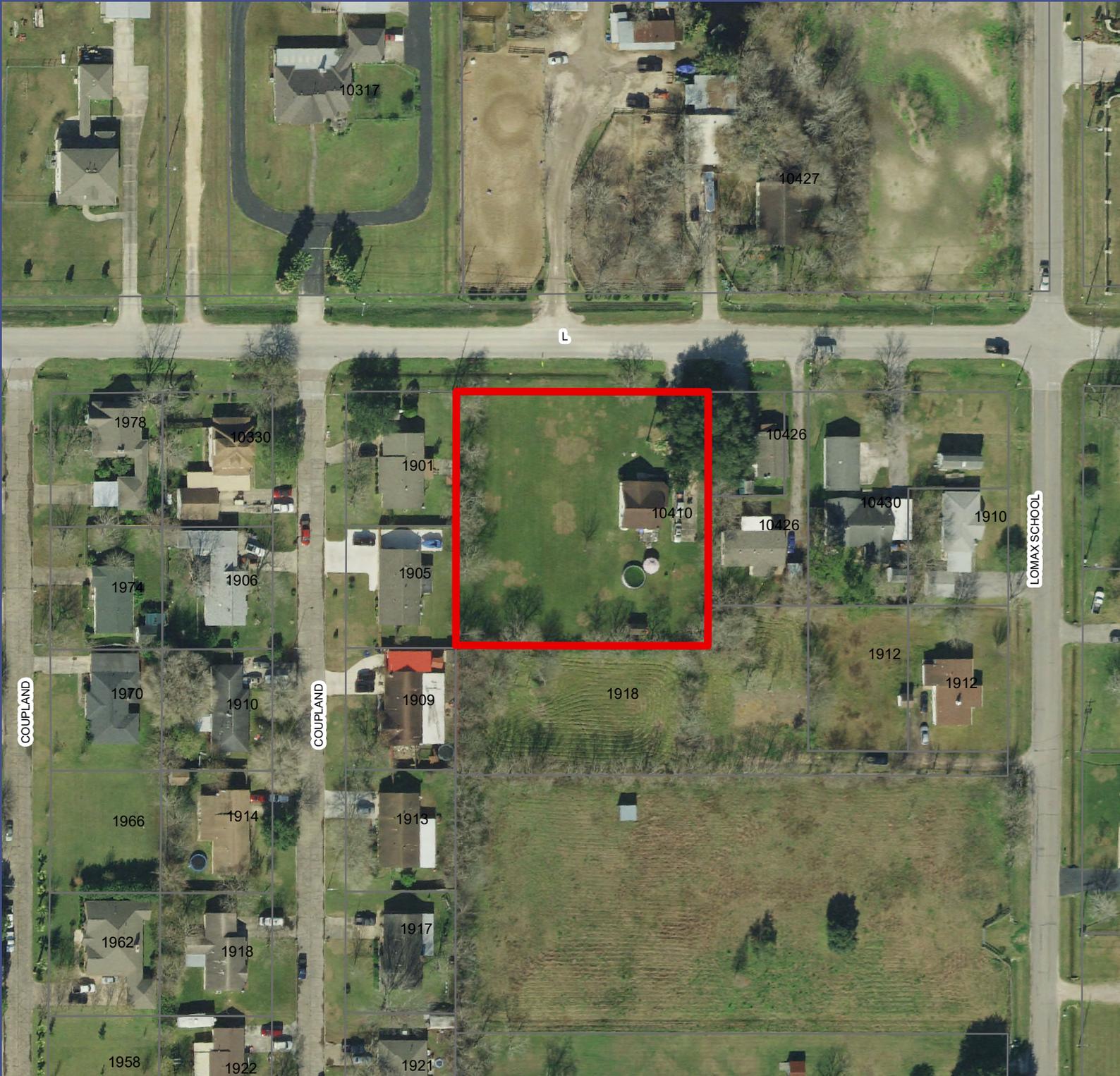
Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the September 20, 2018 meeting on a zone change request by Adrienne Feller, applicant; on behalf of Victor G. Rocha, owner; for a zone change of property legally described as Tract 441C, La Porte Outlots Subdivision, from Large Lot Residential (LLD) to Low Density Residential (R-1). The site is a 1.0 acre tract of land located 10410 N. L St.

The Commission voted 7-2 to recommend denial of the proposed zone change. Commissioners Tschappat and Barrera were the dissenting votes.

Respectfully submitted,

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



# AERIAL MAP

**Zone Change  
18-92000009**

**10410 N. L St.**

## Legend

 Subject Parcel

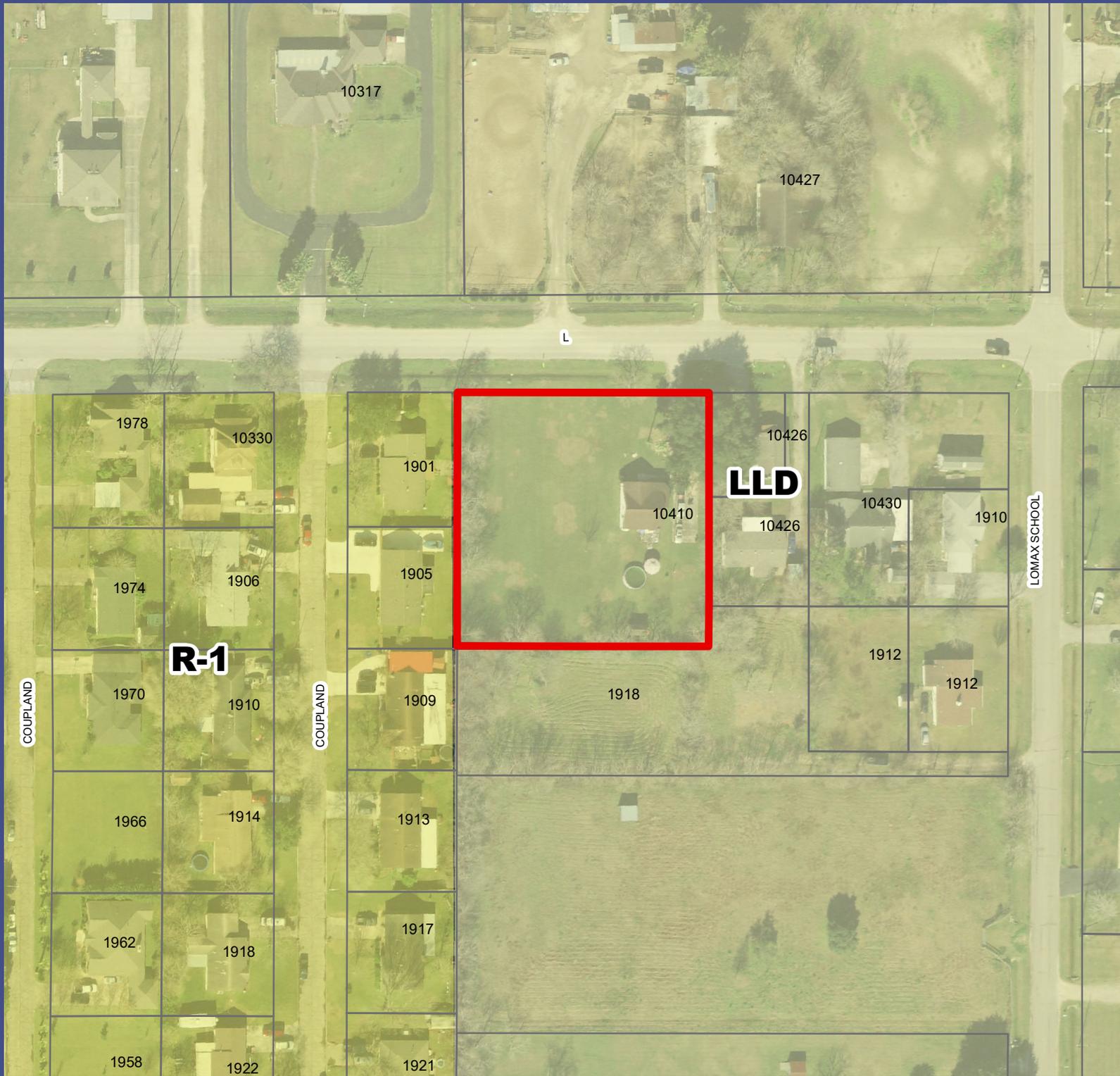


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1 inch = 112 feet



SEPTEMBER 2018  
PLANNING DEPARTMENT



# ZONING MAP

**Zone Change  
18-9200009**

**10410 N. L St.**

## Legend

 Subject Parcel

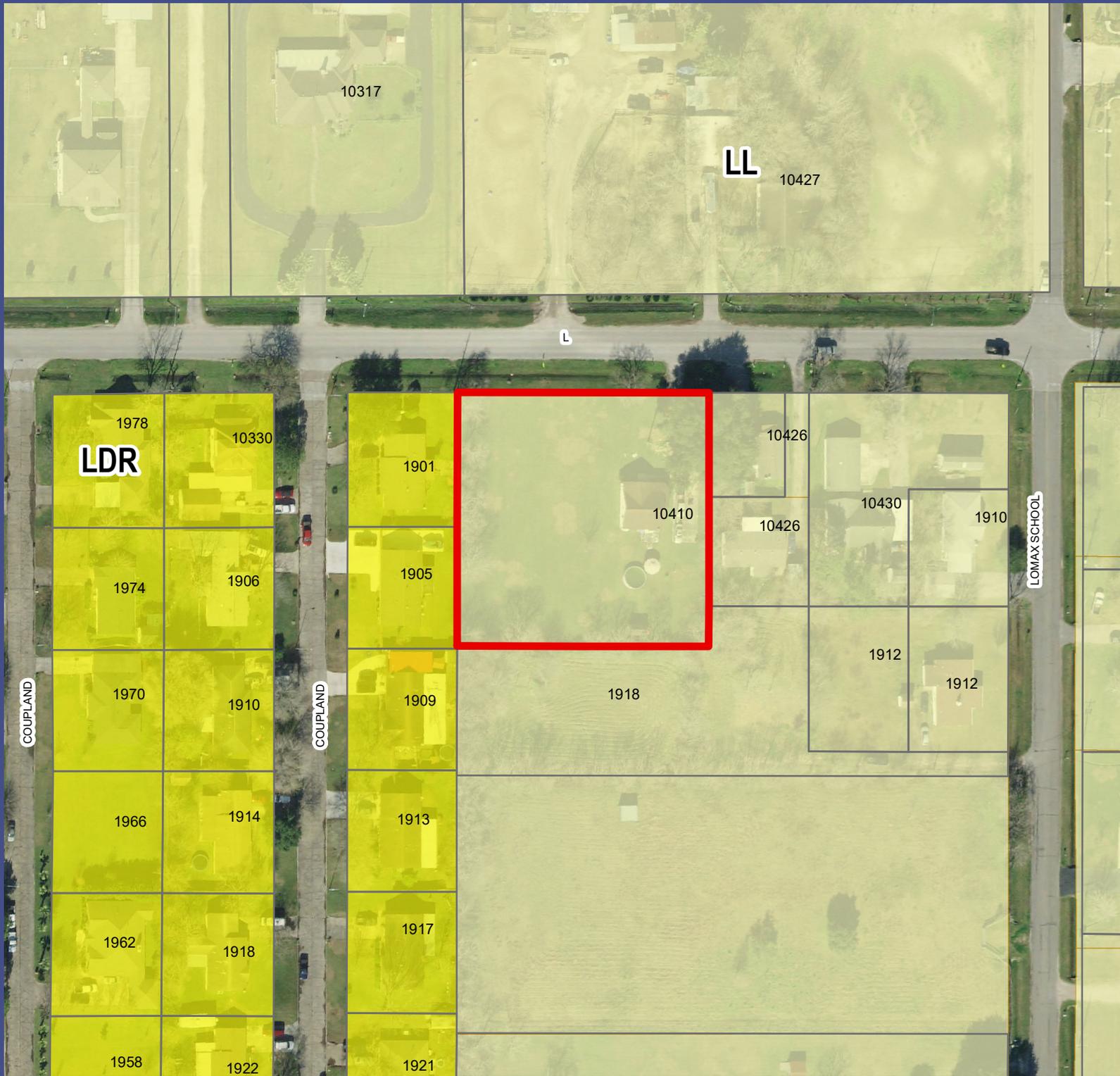


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1 inch = 112 feet



**SEPTEMBER 2018  
PLANNING DEPARTMENT**



# FLUP MAP

**Zone Change  
18-9200009**

**10410 N. L St.**

## Legend

 Subject Parcel



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1 inch = 112 feet



SEPTEMBER 2018  
PLANNING DEPARTMENT



# Zone Change Application

Planning and Development Department

### PROJECT INFORMATION

Address where zone change is being requested: 10410 North L. La Porte, TX 77571

Legal description where zone change is being requested: TR441C La Porte Outlots

HCAD Parcel Number where zone change is being requested: 0231410000519

Zoning District: Large lot Lot area: 1 acre

A request for approval of a zone change is hereby made to the City of La Porte.

Description of Request: Rezone to R1

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

### PROPERTY OWNER(S) INFORMATION

Name: Victor G. Rocha

Company (if applicable): \_\_\_\_\_

Address: 10410 North L.

City: La Porte State: TX Zip: 77571

Phone: 281 713 637-9452 Email: \_\_\_\_\_

### AUTHORIZED AGENT (If other than owner)

Name: Adrienne Fuller

Company (if applicable): \_\_\_\_\_

Address: 8900 Red Bluff Rd

City: Pasadena State: TX Zip: 77507

Phone: 281 960 6365 Email: \_\_\_\_\_

### OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: [Signature] Date: 7/27/18

Owner(s)' Signature(s): [Signature] Date: 7/27/18

#### STAFF USE ONLY:

Case Number:  
18-92000009

Date Application Received:  
7.27.18



**Zone Change Application**  
Planning and Development Department

**AFFIDAVIT OF POSTING**  
*PLANNING AND ZONING COMMISSION PUBLIC HEARING*

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

- 1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: 10410 North L. LaPorte, TX 77571

LEGAL DESCRIPTION: TR441C LaPorte Outlots

- 2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: \_\_\_\_\_.
- 3. Said sign shall be placed on the property within 20 feet of the abutting street.
- 4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

Adrienne Feller  
Applicant's Signature

Adrienne Feller  
Applicant's Printed Name

Subscribed and sworn before me this 27 day of July, 2018, by \_\_\_\_\_  
(Print Applicant's Name).

\_\_\_\_\_  
Notary Public

(Seal)

My commission expires: \_\_\_\_\_

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<b>Agenda Date Requested:</b> <u>October 22, 2018</u>
<b>Requested By:</b> <u>Ian Clowes, City Planner</u>
<b>Department:</b> <u>Planning and Development</u>
<b>Report:</b> <u> X </u> <b>Resolution:</b> <u> </u> <b>Ordinance:</b> <u> X </u>

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

- Exhibits:**
- Ordinance**
  - Proposed SCUP**
  - P&Z Recommendation Letter**
  - Aerial Map**
  - Zoning Map**
  - Land Use Map**
  - Applicant Information and Request**

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### SUMMARY & RECOMMENDATION

Applicant, Larry Wiedemann of Atlas Copco Rental, LLC, applicant; on behalf of Rick Kight of ODIA Fairmont, LLC, owner; is seeking approval of a SCUP to allow for an Equipment Rental use to locate in the Planned Unit Development (PUD) Zoning District. The property in question is a 7.0 acre tract of land located on the south side of Spencer Hwy. across from the City of La Porte Police Station and is legally described as +/- 7 Acres out of 133.93 Acre Tract in the R Pearsall Survey, A-265.

The property is currently undeveloped and is part of a larger 134 acre undeveloped tract. The site was previously owned by PPG and is currently zoned Planned Unit Development (PUD). Atlas Copco Rental would like to purchase the property and develop it for a new headquarters. The applicant currently operates out of a facility in Deer Park. They would like to relocate to this site, allowing them to continue to grow their business.

The newly proposed facility would include a 32,400 square foot building housing Atlas Copco North America Headquarters and would be a combination of office (16,800 sf.), workshop (10,800sf.), and storage for parts (4,800 sf.) Additionally, there will be a 28,800 sf. storage yard for compressors to the south with a 2,400 sf. wash and test building. The wash building and storage yard will be screened from view of Spencer by the proposed office/workshop building

To date, staff has not received any notices in opposition or in favor of the proposed SCUP application.

The Planning and Zoning Commission, at their September 20, 2018 regular meeting, voted 6-3 to recommend denial of the proposed SCUP, as presented. Commissioners Warren, Kendrick and Chairman Lawler were the dissenting votes.

If the City Council decides to approve the request, staff has suggested a number of conditions of approval. Below is a list of all included conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. Permitted use on site is listed as Other Commercial and Industrial Machinery and Equipment Rental and Leasing (NAICS # 532490). No other uses are permitted via this SCUP.
3. Permitted use shall only be allowed on the described 7.00 acre tract, and nowhere else within the 134 acre parent tract.
4. The underlying zoning is LI. All LI requirements will need to be met.
5. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process for any proposed building improvements.
6. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

**Action Required by Council:**

1. Conduct public hearing.
2. Consider action on a recommendation by the Planning and Zoning Commission to deny an Ordinance for SCUP #18-91000012, allowing for an equipment rental business to locate on a 7.0 acre tract of land located on the south side of Spencer Hwy. across from the City of La Porte Police Station and is legally described as +/- 7 Acres out of 133.93 Acre Tract in the R Pearsall Survey A-265

**Approved for City Council Agenda**

---

**Corby D. Alexander, City Manager**

---

**Date**

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

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 18-9100012, TO ALLOW FOR A COMMERCIAL AND INDUSTRIAL MACHINERY AND EQUIPMENT RENTAL AND LEASING USE IN A PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT, ON A 7.0 ACRE TRACT OF LAND AND BEING LEGALLY DESCRIBED AS +/- 7 ACRES OUT OF 133.93 ACRE TRACT IN THE R PEARSALL SURVEY A-265, LA PORTE, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;**

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

**Section 1.** Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #18-9100012, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for a commercial and industrial machinery and equipment rental and leasing use on a 7.0 acre tract of land, said tract being legally described as +/- 7 Acres out of 133.93 Acre Tract in the R Pearsall Survey A-265, La Porte, Harris County, Texas, and situated within the Planned Unit Development (PUD) zoning district.

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

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

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

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

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

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

PASSED AND APPROVED this the 22<sup>nd</sup> day of OCTOBER, 2018.

CITY OF LA PORTE, TEXAS

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

ATTEST:

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

APPROVED:

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

**EXHIBIT A**

**City of La Porte**  
**Special Conditional Use Permit #18-91000012**

**This permit is issued to:** Larry Wiedemann – Atlas Copco Rental, LLC  
**Owner or Agent**

2606 Battleground Rd. Deer Park, TX 77571  
**Address**

**For Development of:** Atlas Copco Rental, LLC – Equipment Rental  
**Development Name**

N/A  
**Address**

**Legal Description:** +/- 7 Acres out of 133.93 Acre Tract in the R Pearsall Survey, A-265

**Zoning:** PUD, Planned Unit Development

**Use:** Other Commercial and Industrial Machinery and Equipment Rental and Leasing

Permit Conditions:

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

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte’s Development Ordinance and shall comply with all provisions of Chapter 106, “Zoning” of the City’s Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. Permitted use on site is listed as Other Commercial and Industrial Machinery and Equipment Rental and Leasing (NAICS # 532490). No other uses are permitted via this SCUP.
3. Permitted use shall only be allowed on the described 7.00 acre tract, and nowhere else within the 134 acre parent tract.
4. The underlying zoning is LI. All LI requirements will need to be met.
5. All necessary documentation for building permit review must be submitted in conjunction with the city’s building permit application process for any proposed building improvements.
6. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, “Zoning” of the City’s Code of Ordinances.

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

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

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

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

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



September 21, 2018

Honorable Mayor Rigby and City Council  
City of La Porte

RE: Special Conditional Use Permit Request #18-91000012

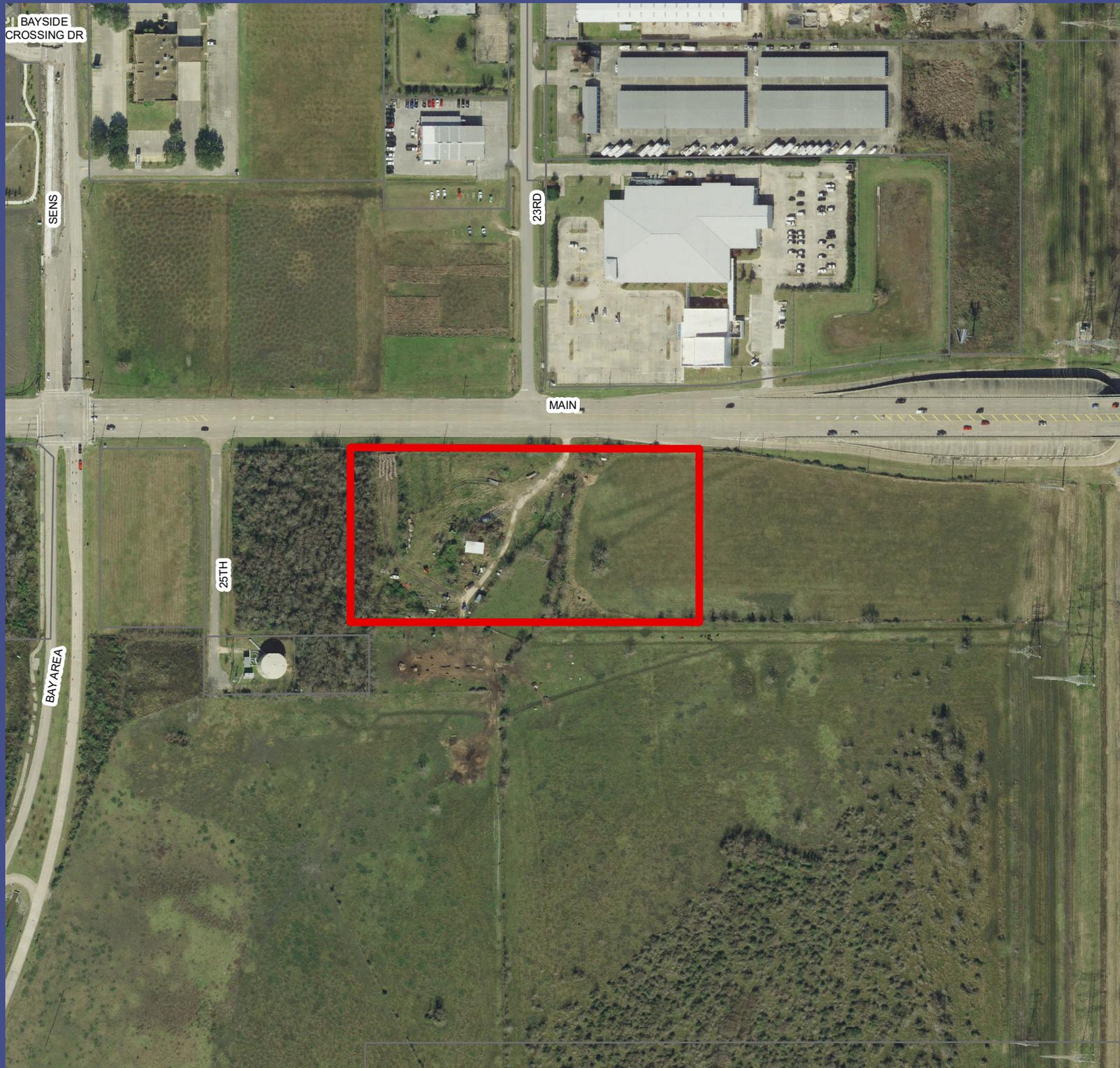
Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a regular meeting on September 20, 2018 to hear a Special Conditional Use Permit request by, Larry Wiedemann of Atlas Copco Rental, LLC, applicant; on behalf of Rick Kight of ODIA Fairmont, LLC, owner; for a Special Conditional Use Permit to allow for an Equipment Rental Company use. The subject site is located on the south side of Spencer Hwy. across from the City of La Porte Police Station and is legally described as +/- 7 Acres out of 133.93 Acre Tract in the R Pearsall Survey, A-265. The subject site is zoned Planned Unit Development (PUD).

The Commission voted 6-3 to recommend denial of the proposed SCUP. Commissioners Warren, Kendrick and Chairman Lawler were the dissenting votes.

Respectfully submitted

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



# AERIAL MAP

SCUP  
18-91000012

Spencer Blvd.  
@ N. 23rd St.

## Legend

 Subject Parcel

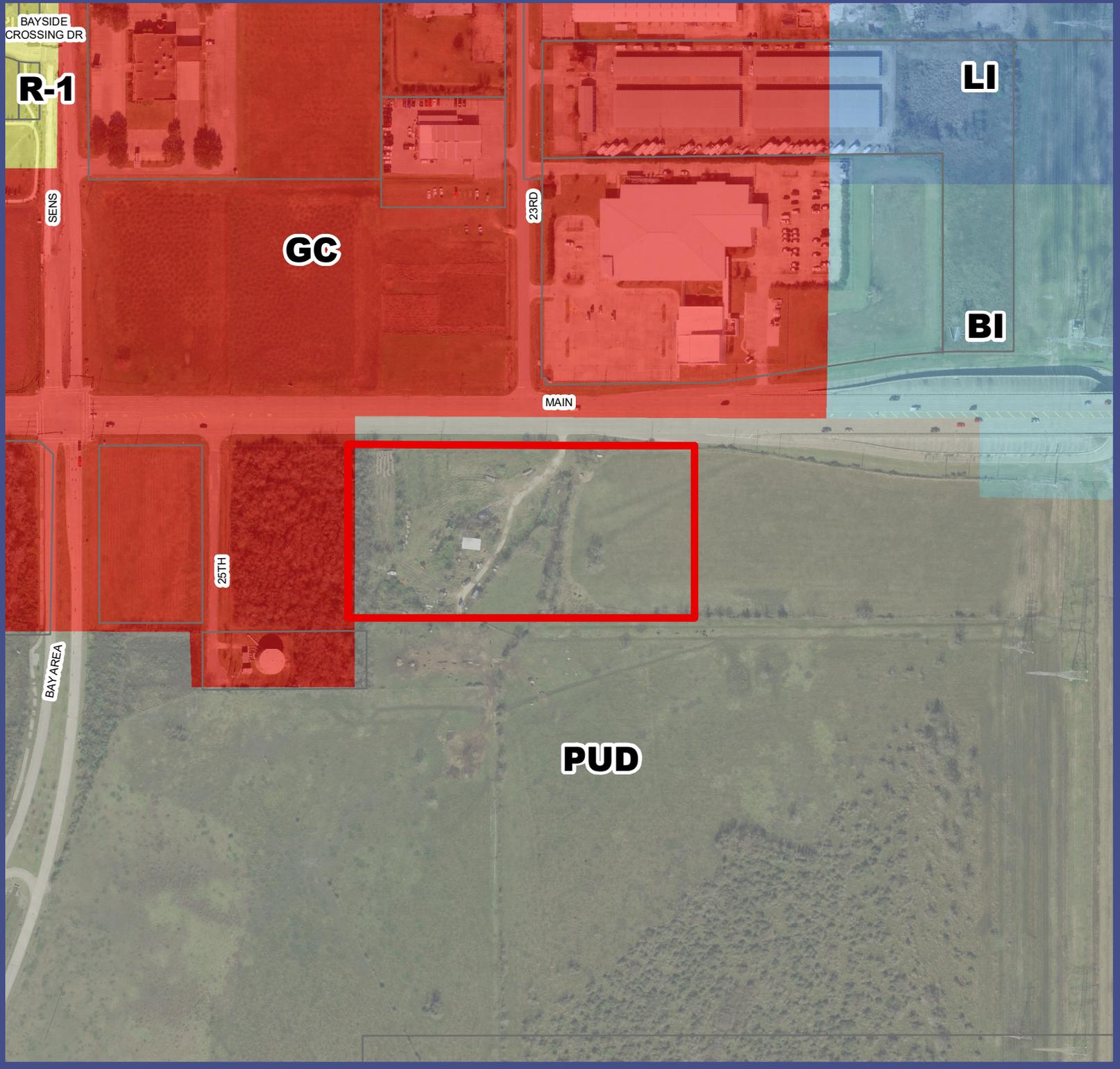


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1 inch = 285 feet

SEPTEMBER 2018  
PLANNING DEPARTMENT





# ZONING MAP

**SCUP**  
**18-91000012**

**Spencer Blvd.**  
**@ N. 23rd St.**

## Legend

 Subject Parcel



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1 inch = 285 feet



**SEPTEMBER 2018**  
**PLANNING DEPARTMENT**

BAYSIDE  
CROSSING DR

SENS

Out

COM

OUT

PI

PO

23RD

MAIN

25TH

BAY AREA

MHDR

BI

LI

# FLUP MAP

SCUP  
18-91000012

Spencer Blvd.  
@ N. 23rd St.

## Legend

 Subject Parcel



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1 inch = 285 feet



SEPTEMBER 2018  
PLANNING DEPARTMENT



# Special Conditional Use Permit Application

Planning and Development Department

### PROJECT INFORMATION

Address where SCUP is being requested: 0 W Fairmont Pkwy (South Side of Spencer approx 650 from SEC of Spencer and Bay Area Blvd)

Legal description where SCUP is being requested: +/- 7 Acres out of 133.93 Acre Tract in the R Pearsall Survey A-625

HCAD Parcel Number where SCUP is being requested: 0440510000100

Zoning District: PUD Lot area: +/- 7 Acres

*A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.*

Description of Request: Atlas Copco Rental - North American Headquarters

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

### PROPERTY OWNER(S) INFORMATION

Name: Rick Kight

Company (if applicable): ODIA Fairmont, LLC

Address: 7880 San Felipe, Suite 250

City: Houston State: TX Zip: 77063

Phone: 713-783-9600 Email: rkight@averacompanies.com

### AUTHORIZED AGENT (If other than owner)

Name: Larry Wiedemann

Company (if applicable): Atlas Copco Rental LLC

Address: 2306 S. Battleground Road

City: La Porte State: TX Zip: 77571

Phone: 281-542-2504 Email: Larry.Wiedemann@us.atlascopco.com

### OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: *L. R. Wiedemann* Date: 08/14/18

Owner(s)' Signature(s): *R. Kight* Date: 08/16/18

#### STAFF USE ONLY:

Case Number:

Date Application Received:



# Special Conditional Use Permit Application

Planning and Development Department

## AFFIDAVIT OF POSTING PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: 0 W Fairmont Pkwy (South side of Spencer approx 650' from SEC of Spencer/Bay Area Blvd)

LEGAL DESCRIPTION: +/- 7 acres out of 133.93 acre tract in the R Pearsall survey A-625

2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: September 1, 2018.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

\_\_\_\_\_  
*Applicant's Signature*

\_\_\_\_\_  
*Applicant's Printed Name*

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by

\_\_\_\_\_  
(Print Applicant's Name).

\_\_\_\_\_  
*Notary Public*

(Seal)

My commission expires: \_\_\_\_\_

La Porte Planning and Zoning Commission/City Council  
604 West Fairmont Parkway  
La Porte, TX 77571

RE: Project Description/Justification Letter

Dear La Porte Planning and Zoning Commission/City Council:

Atlas Copco Rental LLC desires to purchase approximately 7 acres of property along Spencer Highway and construct a building to house the Atlas Copco Rental North America Headquarters, as well as an equipment rental operation. We understand this property is currently located within a Planned Unit Development (PUD), and therefore is required to go through the Special Conditional Use Permit (SCUP) process.

Founded in 1873, Atlas Copco has more than 145 years of experience of innovating for sustainable productivity, with a global reach spanning 180 countries. Atlas Copco Rental North America has had a presence in the La Porte area for more than eighteen years and has been operating at our S. Battleground Road site in La Porte for more than ten years.

We anticipate a building fronting along Spencer Highway that is approximately 32,000 SF, which includes a 2-story office component. The site will also house a separate wash bay and test bay located behind the building, along with equipment storage. We currently employ seventy employees at our current location and anticipate some growth to this number. Daily truck traffic either delivering or returning rental equipment (comprised of mainly electric and diesel driven oil-free air compressors) is approximately 5 trucks per day. We do anticipate seeking LEED certification for this facility, and our triple ISO certification allows us to give the strictest quality, environmental, health and safety assurance.

Atlas Copco Rental LLC requests that you grant approval to allow our project to move forward. We are excited to remain a great corporate citizen for the City of La Porte, and happy to provide any additional information requested, as well as offer a tour of our existing operation if desired.

Respectfully,



Larry Wiedemann, PHR, SPHR-CP  
Vice President Human Resources

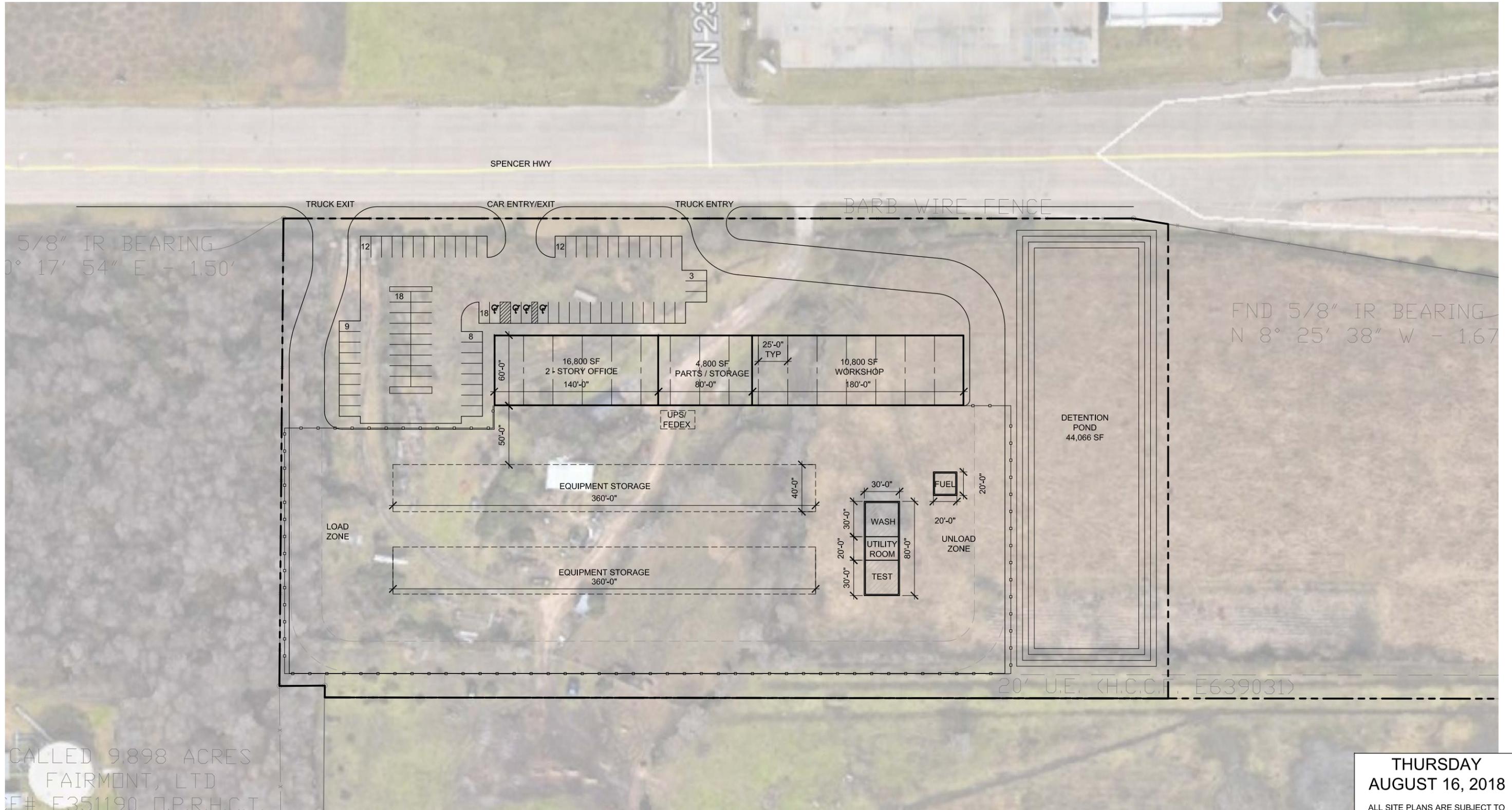
# SITE SCHEME 02

SITE AREA USED: 7.0 ACRES (307,065.7 SF)

MAIN BUILDING AREA = 32,400 SF

COVERAGE: 10.5%

TOTAL PARKING = 80 SPACES



THURSDAY  
AUGUST 16, 2018

ALL SITE PLANS ARE SUBJECT TO  
LOCAL CODES AND APPROVALS



ATLAS COPCO  
a project for  
AVERA

powers  
brown  
archit  
ecture

# OVERALL BUILDING ELEVATIONS

## OVERALL

SCALE: 1/16" = 1'-0"

TOTAL ELEVATION SF (NOT INCLUDING OPENINGS OR SOUTH ELEVATION):  
15,694 SF

TOTAL STONE SF PROVIDED:  
3,801 SF

TOTAL PERCENTAGE OF STONE:  
24.2%

NORTH ELEVATION  
ELEVATION SF (NOT INCLUDING OPENINGS):  
15,694 SF

TOTAL STONE SF PROVIDED:  
3,801 SF

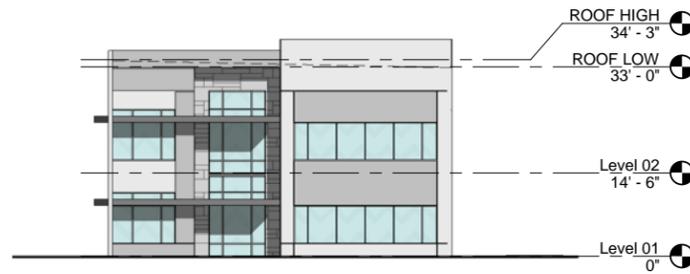


OVERALL NORTH ELEVATION

SCALE: 1/16" = 1'-0"

WEST ELEVATION  
ELEVATION SF (NOT INCLUDING OPENINGS):  
1,394 SF

TOTAL STONE SF PROVIDED:  
250 SF

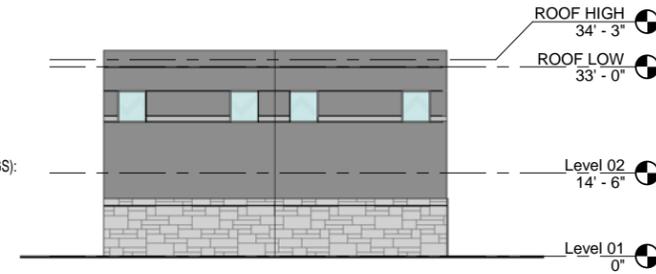


OVERALL WEST ELEVATION

SCALE: 1/16" = 1'-0"

EAST ELEVATION  
ELEVATION SF (NOT INCLUDING OPENINGS):  
2,050 SF

TOTAL STONE SF PROVIDED:  
609 SF



OVERALL EAST ELEVATION

SCALE: 1/16" = 1'-0"



OVERALL SOUTH ELEVATION

SCALE: 1/16" = 1'-0"

RENDERING IS REPRESENTATIVE OF DESIGN INTENT ONLY. IT IS NOT A PHOTOREALISTIC REPRESENTATION OF ACTUAL MATERIALS PROPOSED AND AS SUCH SHOULD BE CONSIDERED PRELIMINARY AT ALL STAGES.

# BUILDING IMAGE

VIEW FROM NORTHWEST CORNER



RENDERING IS REPRESENTATIVE OF DESIGN INTENT ONLY. IT IS NOT A PHOTOREALISTIC REPRESENTATION OF ACTUAL MATERIALS PROPOSED AND AS SUCH SHOULD BE CONSIDERED PRELIMINARY AT ALL STAGES.

**AVERA ATLAS COPCO**  
A PROJECT FOR  
**AVERA**

HOUSTON

08/15/18

powers  
brown  
archit  
ecture

TEXAS Author 181190

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<b>Agenda Date Requested:</b> <u>October 22, 2018</u>
<b>Requested By:</b> <u>Ian Clowes, City Planner</u>
<b>Department:</b> <u>Planning and Development</u>
<b>Report:</b> <u> X </u> <b>Resolution:</b> <u>     </u> <b>Ordinance:</b> <u> X </u>

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

- Exhibits:**
- Ordinance**
  - Proposed SCUP**
  - P&Z Recommendation Letter**
  - Aerial Map**
  - Zoning Map**
  - Land Use Map**
  - Applicant Information and Request**

---

### **SUMMARY & RECOMMENDATION**

Timothy Nguyen, applicant; on behalf of Yoheh Manesia, owner; is seeking approval of a SCUP to allow for a Hotel/Motel Use to locate in the General Commercial (GC) Zoning District. The property in question is a 3.77 acre tract of land located at 1328 SH 146, and is legally described as Reserve B, Block 1, M&K Development Amend.

The property is currently undeveloped and zoned General Commercial (GC). The applicant is interested in clearing the property to develop a new hotel. Current plans call for a 4 story, 97 room Staybridge Suites hotel to occupy the eastern portion of the property, roughly 1.9 acres in total. The hotel will include a food and beverage service area, outdoor pool, fitness center, and meeting/conference rooms. The owner is also the current owner of the Hampton Inn and Suites, located adjacent to the southern property line of the proposed Staybridge Hotel.

To date, staff has not received any notices in opposition or in favor of the proposed SCUP application.

The Planning and Zoning Commission, at their September 20, 2018 regular meeting, voted 7-2 to table the proposed SCUP until the next Planning and Zoning Commission meeting. Commissioners Kendrick and Warren were the dissenting votes. At a Special Meeting of the Planning and Zoning Commission held on October 11, 2018, the commission voted, 7-0, to recommend approval of the proposed SCUP as presented, with the addition of a number of conditions regarding required amenities, minimum size, and truck parking. These conditions have been included to the original list of conditions recommended by staff. Below is a list of all included conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. Permitted use on site will be described as Hotel. A facility with exterior corridors and drive up parking, usually defined as "Motel" shall not be permitted.
3. Hotel use shall only be permitted on the western 2.25 acres of the larger 3.77 acre parcel.
4. The underlying zoning is GC. All GC requirements will need to be met.
5. Hotel must have a minimum of 97 hotel rooms.
6. Hotel amenities must include at minimum, a fitness center, pool, and meeting/conference rooms.
7. No truck parking shall be permitted on site. Additionally, no future truck parking plans shall be approved for the site.
8. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process for any proposed building improvements.
9. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

**Action Required by Council:**

1. Conduct public hearing.
2. Consider action on a recommendation by the Planning and Zoning Commission to approve an Ordinance for SCUP #18-91000013, allowing for Hotel/Motel use to locate on a 3.77 acre tract of land located at 1328 SH 146, and is legally described as Reserve B, Block 1, M&K Development Amend

**Approved for City Council Agenda**

---

**Corby D. Alexander, City Manager**

---

**Date**

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

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 18-91000013, TO ALLOW FOR A HOTEL (EXCEPT CASINO HOTELS) AND MOTEL USE IN A GENERAL COMMERCIAL (GC) ZONING DISTRICT, ON A 3.77 ACRE TRACT OF LAND AND BEING LEGALLY DESCRIBED AS RESERVE B, BLOCK 1, M&K DEVELOPMENT AMEND, LA PORTE, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;**

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

**Section 1.** Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #18-91000013, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for a Hotel (except Casino Hotels) and Motel use on a 3.77 acre tract of land, said tract being legally described as Reserve B, Block 1, M&K Development Amend, LaPorte, Harris County, Texas, and situated within a General Commercial (GC) zoning district.

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

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

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

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

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

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

PASSED AND APPROVED this the 22<sup>nd</sup> day of OCTOBER, 2018.

CITY OF LA PORTE, TEXAS

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

ATTEST:

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

APPROVED:

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

**EXHIBIT A**

**City of La Porte**  
**Special Conditional Use Permit #18-91000013**

**This permit is issued to:** Zoheh Manesia  
**Owner or Agent**

19 Pecan Gorge Ct. Sugar Land, TX 77479  
**Address**

**For Development of:** Staybridge Suites Hotel  
**Development Name**

1328 SH 146  
**Address**

**Legal Description:** Reserve B, Block 1, M&K Development Amend

**Zoning:** GC, General Commercial

**Use:** Hotel (except Casino Hotels) and Motels

Permit Conditions:

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

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte’s Development Ordinance and shall comply with all provisions of Chapter 106, “Zoning” of the City’s Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. Permitted use on site will be described as Hotel. A facility with exterior corridors and drive up parking, usually defined as “Motel” shall not be permitted.
3. Hotel use shall only be permitted on the western 2.25 acres of the larger 3.77 acre parcel.
4. The underlying zoning is GC. All GC requirements will need to be met.
5. Hotel must have a minimum of 97 hotel rooms.
6. Hotel amenities must include at minimum: restaurant/bar, fitness center, pool, and meeting/conference rooms.
7. No truck parking shall be permitted on site. Additionally, no future truck parking plans shall be approved for the site.
8. All necessary documentation for building permit review must be submitted in conjunction with the city’s building permit application process for any proposed building improvements.

9. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances

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

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

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

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

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



October 12, 2018

Honorable Mayor Rigby and City Council  
City of La Porte

RE: Special Conditional Use Permit Request #18-91000013

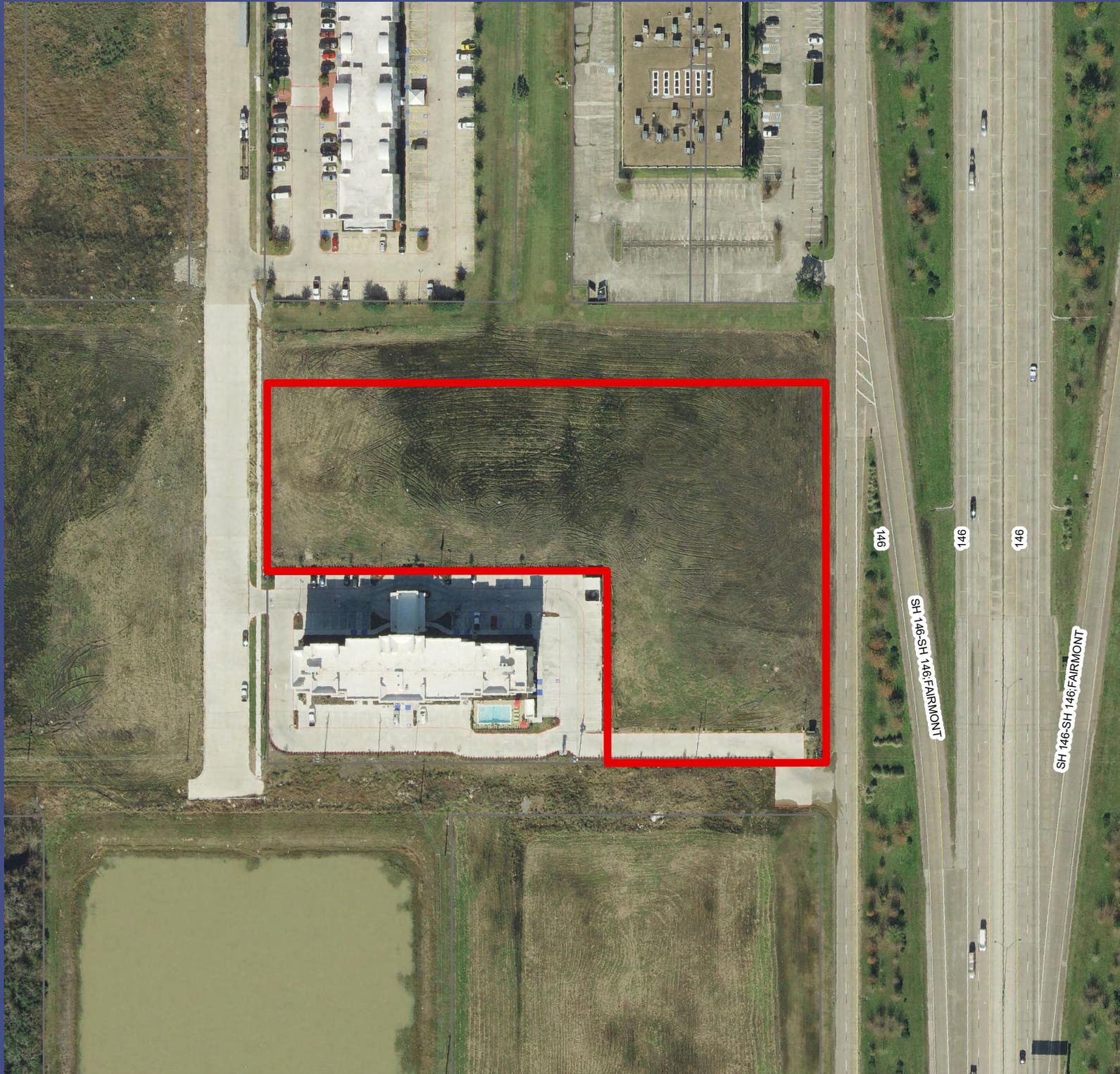
Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a regular meeting on September 20, 2018 to hear a Special Conditional Use Permit request by Timothy Nguyen, on behalf of Yoheh Manesia, owner; for a Special Conditional Use Permit to allow for a Hotel/Motel Use. The subject site is located at 1328 SH 146 and is legally described as Reserve B, Block 1, M&K Development Amend. The subject site is zoned General Commercial (GC) and Section 106-310 of the Code of Ordinances requires a Special Conditional Use Permit in order for the above referenced use to be permitted within the GC zoning district.

The Commission voted 7-2 to table the proposed SCUP until the next Planning and Zoning Commission meeting. Commissioners Kendrick and Warren were the dissenting votes. At a Special Meeting of the Planning and Zoning Commission held on October 11, 2018, the commission voted, 7-0, to recommend approval of the proposed SCUP as presented, with the addition of a number of conditions regarding required amenities, minimum size, and truck parking. These conditions have been included in the final SCUP document attached to the Ordinance.

Respectfully submitted

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



# AERIAL MAP

SCUP  
18-91000013

1328 SH 146 S.

## Legend

 Subject Parcel

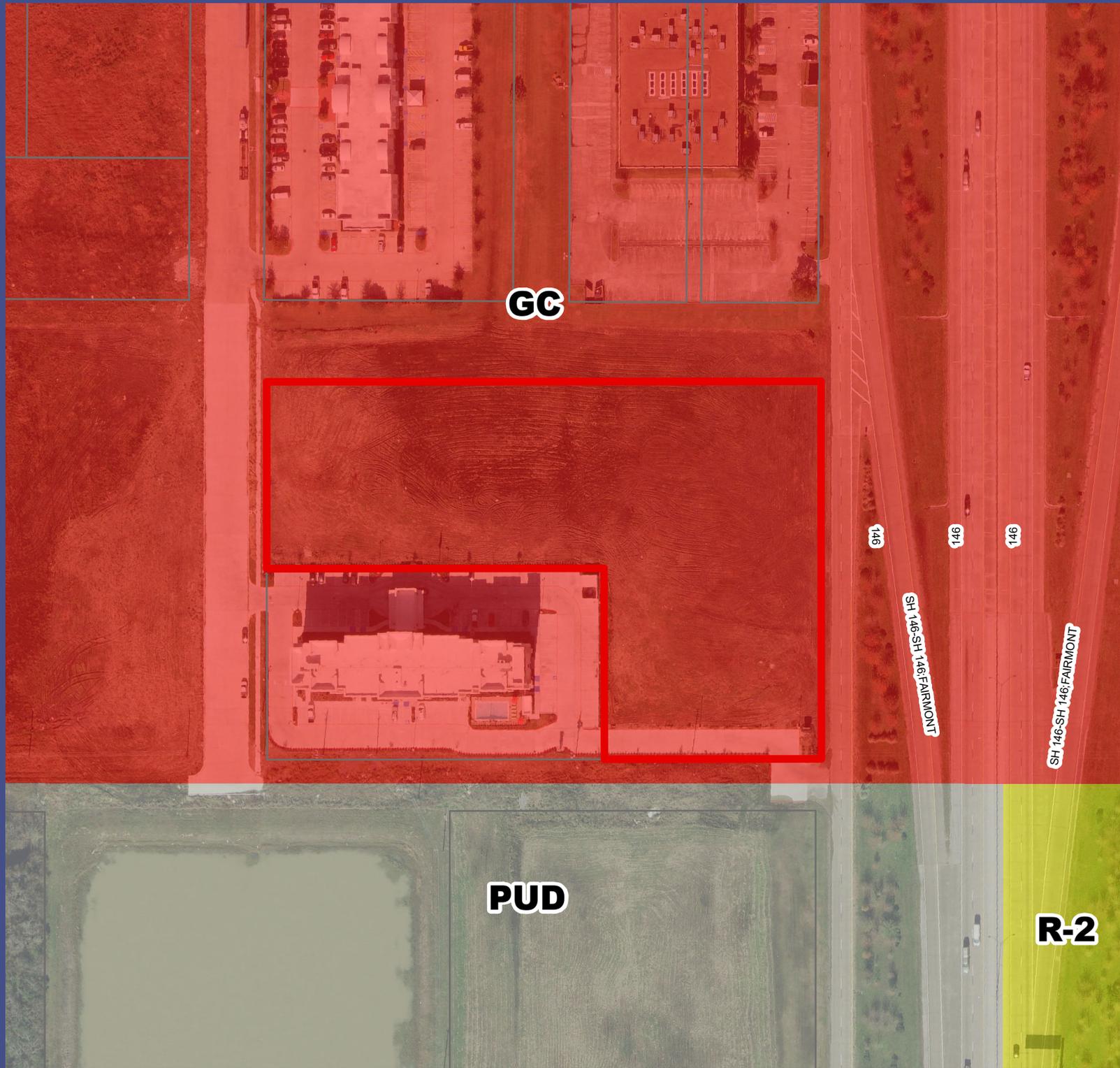


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1 inch = 143 feet

SEPTEMBER 2018  
PLANNING DEPARTMENT





# ZONING MAP

SCUP  
18-91000013

1328 SH 146 S.

## Legend

 Subject Parcel

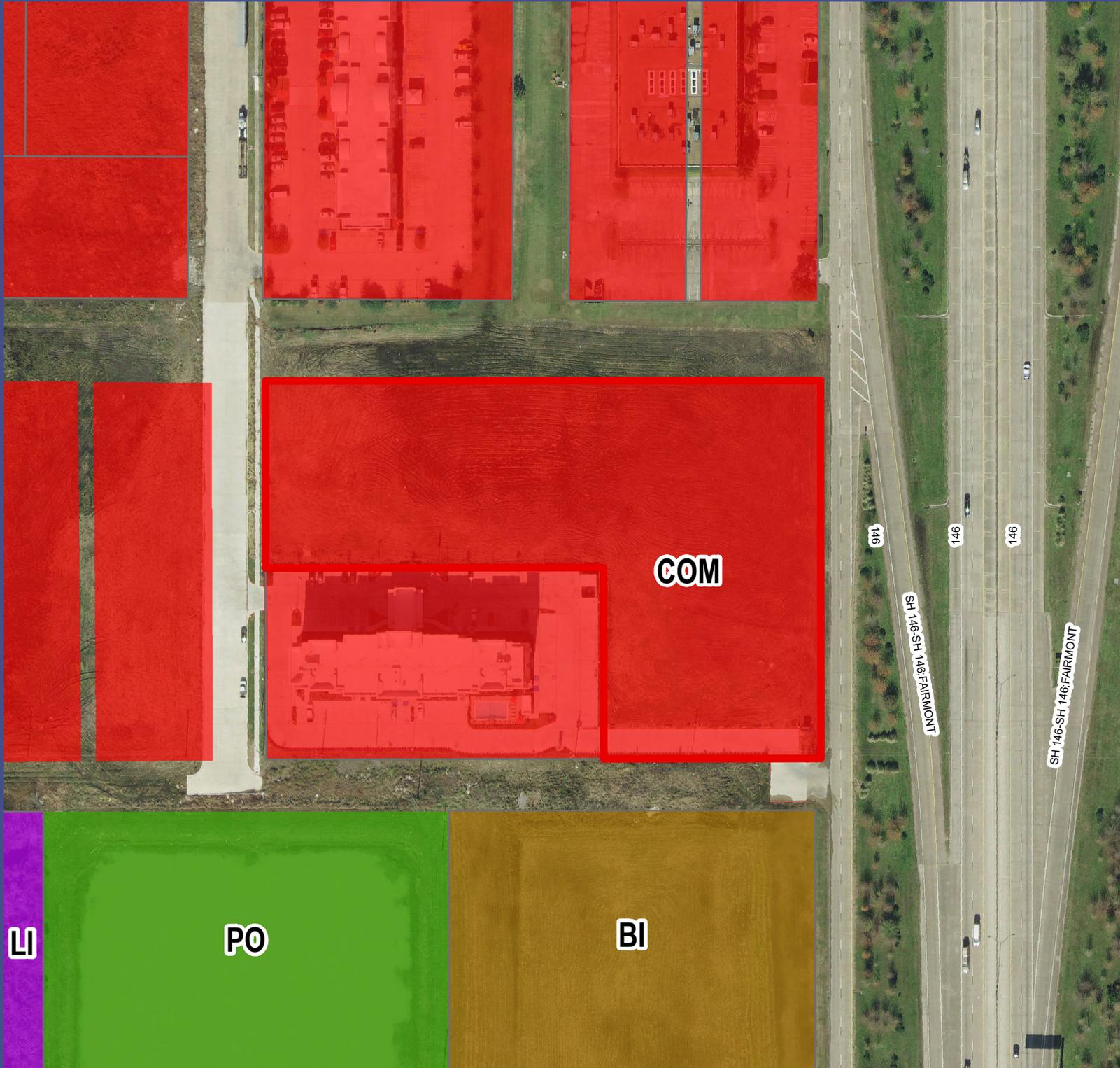


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1 inch = 143 feet



SEPTEMBER 2018  
PLANNING DEPARTMENT



# FLUP MAP

SCUP  
18-91000013

1328 SH 146 S.

## Legend

 Subject Parcel



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1 inch = 143 feet



SEPTEMBER 2018  
PLANNING DEPARTMENT



# Special Conditional Use Permit Application

Planning and Development Department

### PROJECT INFORMATION

Address where SCUP is being requested: The property to the North of Hampton Inn La Porte. On 13th Street. The Hampton's address is 1328 Highway 146 S, La Porte, TX 77571.

Legal description where SCUP is being requested: LTS 17 THRU 32 BLK 11AS LA PORTE

HCAD Parcel Number where SCUP is being requested: 134-948-001-0002 3.7667 AC

Zoning District: \_\_\_\_\_ Lot area: \_\_\_\_\_

A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.

Description of Request: To develop a Staybridge Suites Hotel. It is a hotel flag franchised by IHG (they also franchise hotels such as Crowne Plaza and Holiday Inn).

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

### PROPERTY OWNER(S) INFORMATION

Name: Zohreh Manesia

Company (if applicable): \_\_\_\_\_

Address: 19 Pecan Grove Ct.

City: Sugar Land State: TX Zip: 77479

Phone: 832-296-4688 Email: Zohrehmanesia@gmail.com

### AUTHORIZED AGENT (If other than owner)

Name: TIMOTHY NGUYEN

Company (if applicable): TDCK ARCHITECTS

Address: 5855 SOVEREIGN DRIVE

City: HOUSTON State: TX Zip: 77036

Phone: 8713 636 9970 Email: THIEN@TDCKARCHITECTS.COM

### OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: \_\_\_\_\_ Date: 8/13/18

Owner(s)' Signature(s): \_\_\_\_\_ Date: 8/13/18

#### STAFF USE ONLY:

Case Number: 18-91000013

Date Application Received: 8/14



# Special Conditional Use Permit Application

Planning and Development Department

## AFFIDAVIT OF POSTING

### PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: The property to the North of Hampton Inn La Porte. Hampton's address 1328 Highway 146

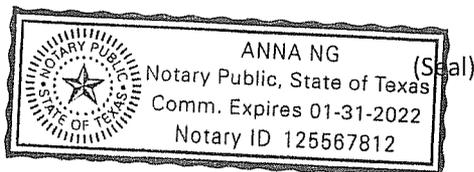
LEGAL DESCRIPTION: La Porte, TX 77571. The new hotel will be on 13th Street.

2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: September 5th, 2018.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

Applicant's Signature

Applicant's Printed Name

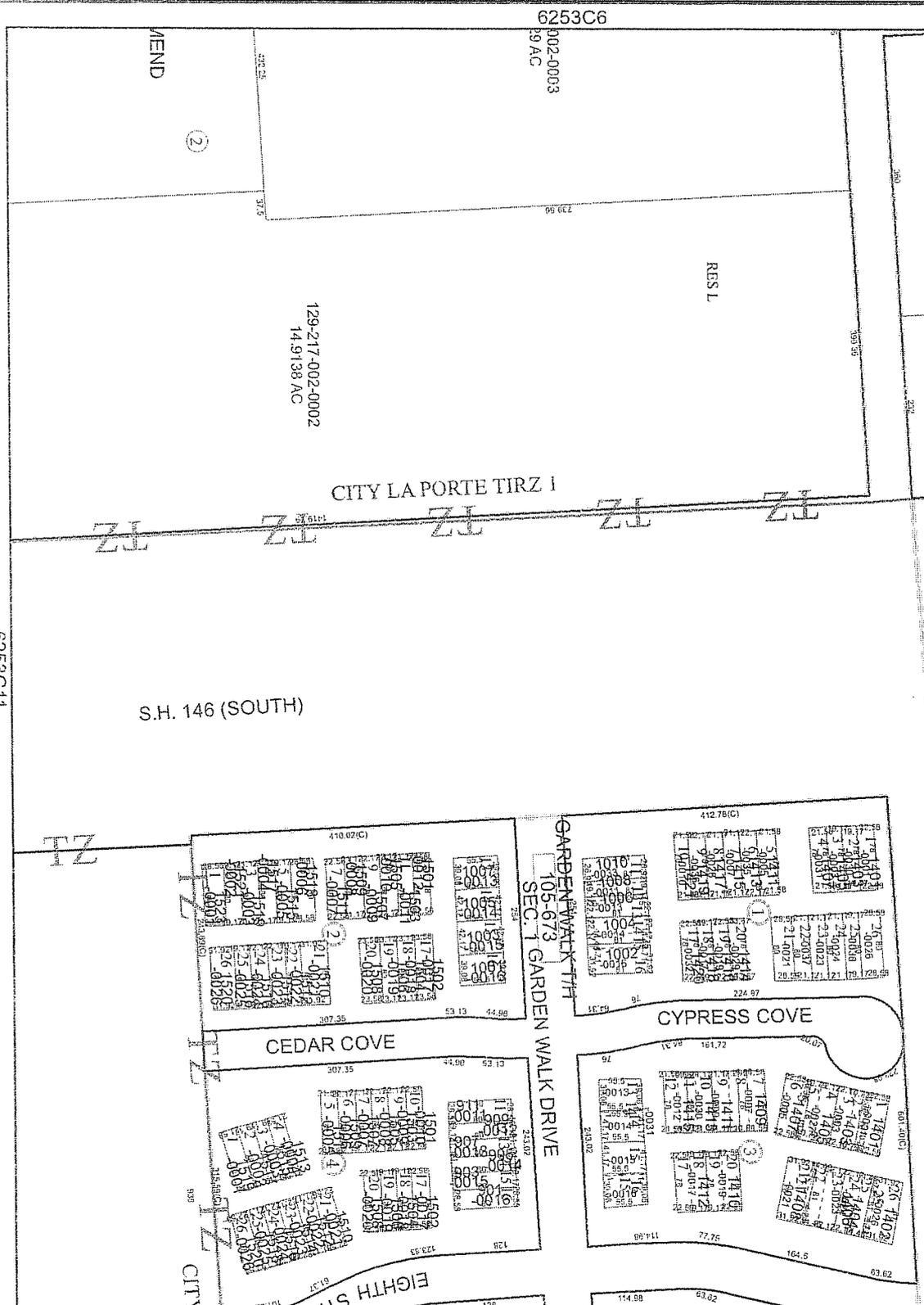
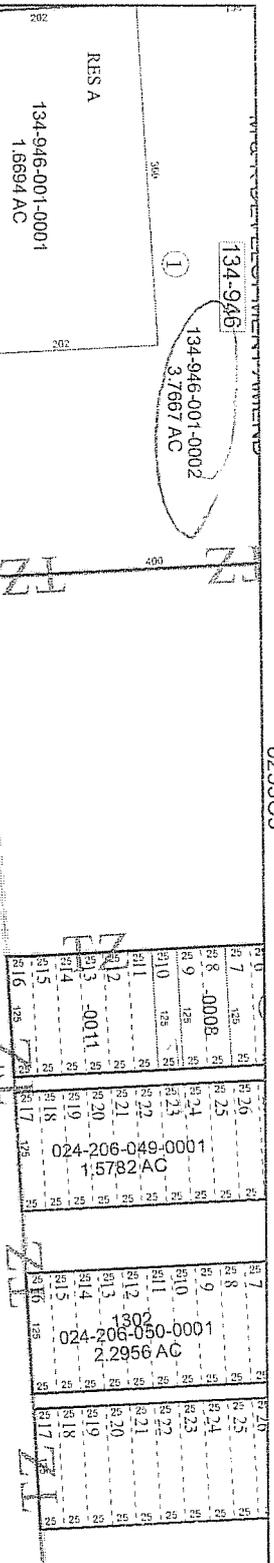
Subscribed and sworn before me this 13 day of August, 2018, by Manesia Zoheh Nizarli (Print Applicant's Name).



Notary Public

My commission expires:

January 31, 2022

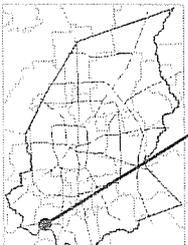


**Harris County Appraisal District**



0 100 200  
 PUBLICATION DATE:  
 12/27/2017

6253C8  
 Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.  
**MAP LOCATION**

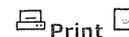


**FACET 6253C**

1	2	3	4
5	6	7	8
9	10	11	12

Tax Year: 2018

HARRIS COUNTY APPRAISAL DISTRICT  
 REAL PROPERTY ACCOUNT INFORMATION  
 0242040450017



Owner Services | Similar Owner Name | Nearby Addresses | Same Street Name | Related Map 6253C

**Ownership History | Fiduciary Information**

Owner and Property Information

Owner Name & Mailing Address: **TELEPHONE INVESTMENTS INC  
 19 PECAN GORGE CT  
 SUGAR LAND TX 77479-5939**

Legal Description: **LTS 17 THRU 32 BLK 1145  
 LA PORTE**

Property Address: **0 STATE HIGHWAY 146  
 LA PORTE TX 77571**

State Class Code	Land Use Code	Building Class
C2 -- Real, Vacant Commercial	8001 -- Land Neighborhood Section 1	
Land Area	Building Area	Net Rentable Area
50,000 SF	0	0
	Neighborhood	Market Area
	5980.29	351 -- ISD 20 - East of Bay Area Blvd
		Map Fac
		6253C

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	04/06/2018	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2017 Rate	2018
None	020	LA PORTE ISD		Certified: 08/10/2018	1.380000	
	040	HARRIS COUNTY		Certified: 08/10/2018	0.418010	
	041	HARRIS CO FLOOD CNTRL		Certified: 08/10/2018	0.028310	
	042	PORT OF HOUSTON AUTHY		Certified: 08/10/2018	0.012560	
	043	HARRIS CO HOSP DIST		Certified: 08/10/2018	0.171100	
	044	HARRIS CO EDUC DEPT		Certified: 08/10/2018	0.005195	
	047	SAN JACINTO COM COL D		Certified: 08/10/2018	0.183335	
	071	CITY OF LAPORTE		Certified: 08/10/2018	0.710000	
	283	CTY OF LAPORTE TIRZ 1 (040)		Certified: 08/10/2018		
	889	CITY OF LAPORTE TIRZ 1 (071)		Certified: 08/10/2018		
	940	CTY OF LAPORTE TIRZ 1 (020)		Certified: 08/10/2018		

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of owner on our website. You can inspect this information or get a copy at **HCAD's information center at 13013 NW**

Valuations

	Value as of January 1, 2017		Value as of January 1, 2018
	Market	Appraised	Market
Land	200,000	Land	200,000
Improvement	0	Improvement	0
Total	200,000	Total	200,000

5-Year Value History

Land

<

>



1328 Highway 146 South, La Porte, Texas, 77571

t: +1-281-842-9566 f: +1-281-842-9579

[www.laportesuites.hamptoninn.com](http://www.laportesuites.hamptoninn.com)

welcome to hampton inn & suites La Porte, TX.

*August 13, 2018*

*To Whom It May Concern;*

*During the 3 years I have been part of this property and also a member of the La Porte community, I have witness the need for an Extended Stay Hotel.*

*Staybridge is a National Chain, well recognized for their amenities and service, this brand caters to those travelers seeking a place to settle down for their new assignment without having to enter into any home or apartment lease.*

*Based on my professional experience, Staybridge will be an asset to the city of La Porte, attracting more travelers to stay in this area instead of going to Pasadena and other surrounding areas.*

*I remain at your service;*

*Johanna Rinze-Blissit  
General Manager*



1328 Highway 146 South, La Porte, Texas, 77571

t: +1-281-842-9566 f: +1-281-842-9579

[www.laportesuites.hamptoninn.com](http://www.laportesuites.hamptoninn.com)

welcome to **hampton inn & suites** La Porte, TX.

ISSUE

NO.	DATE	DESCRIPTION
		PRELIMINARY DESIGN REVIEW

PRELIMINARY DESIGN REVIEW

PROJECT INFORMATION

SITE: RES B, BLK 1, M & K DEVELOPMENT AMEND  
 SITE AREA: 164,080 S.F. (3.767 ACRES)  
 ZONING: GENERAL COMMERCIAL  
 BUILDING INFORMATION: 4 STORIES, 97 GUEST ROOMS  
 BUILDING HEIGHT: 55'-5"  
 OCCUPANCY TYPE: R1 (HOTEL)  
 CONSTRUCTION TYPE: V-A  
 BUILDING AREA:  
 GROUND FLOOR 18,226 S.F.  
 SECOND FLOOR 17,282 S.F.  
 THIRD FLOOR 18,022 S.F.  
 FOURTH FLOOR 18,022 S.F.  
 TOTAL 71,552 S.F.

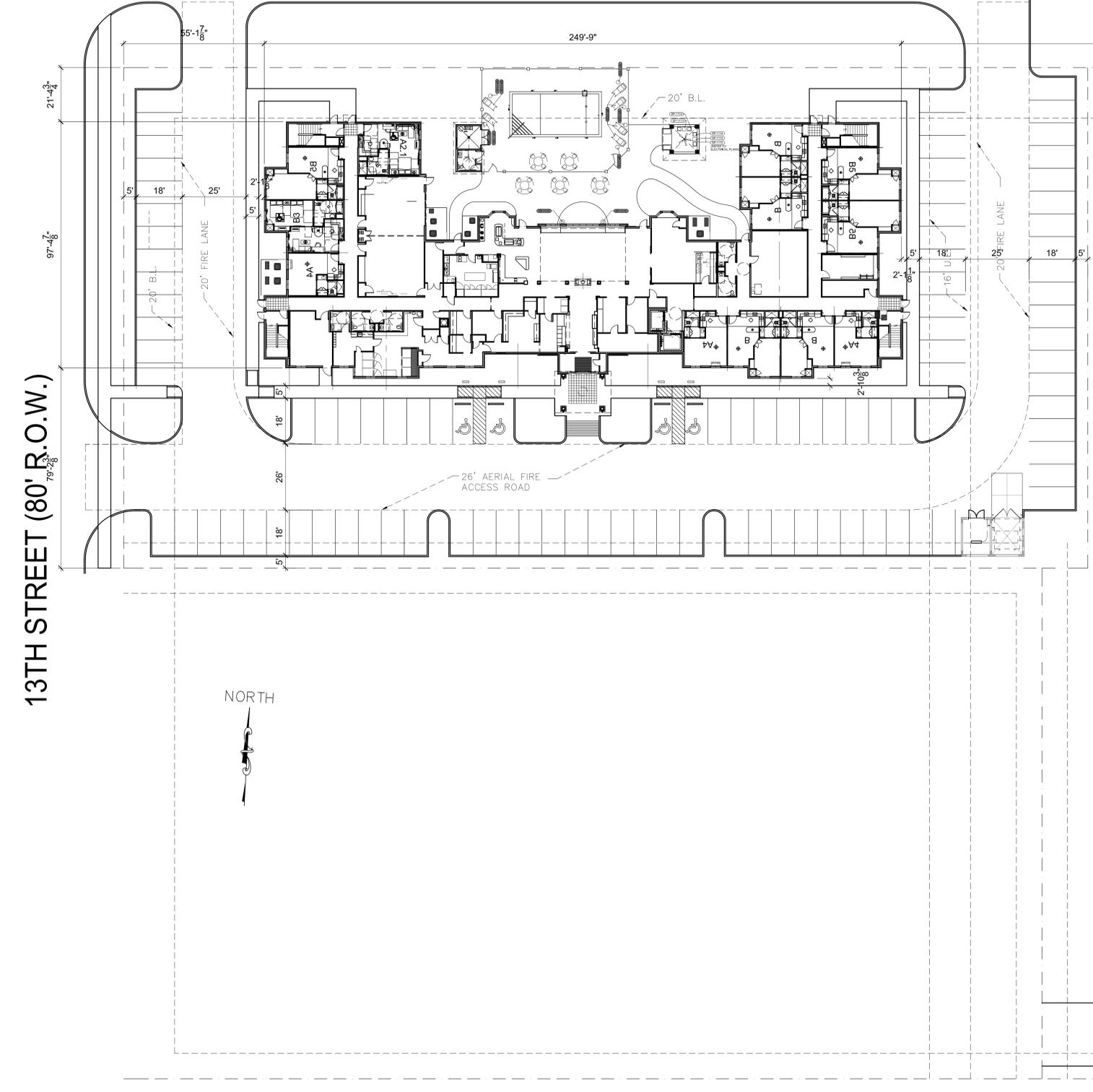
NOTE:  
 1. ALL RAMPS SHALL HAVE MAXIMUM SLOPE OF 1:12 FRONT TO BACK AND 1:10 MAXIMUM SIDE FLARE SLOPES  
 ALL RAMPS SHALL COMPLY WITH TITLE III OF THE AMERICANS WITH DISABILITIES ACT OF 1990 AND ADA STANDARDS FOR ACCESSIBLE DESIGN AT 28 CFR PART 36 (1994)  
 2. HANDICAP ACCESS SHALL CONFORM TO ADA STANDARDS IN RELATIONSHIP TO % SLOPE ON PAVING.  
 3. ALL DOWNSPOUTS SHALL TYPICALLY CONNECT TO UNDERGROUND SYSTEM & CONNECT TO MAIN STORM WATER LINE - REFER TO CIVIL DRAWINGS AND DETAIL 2/SA2.  
 4. SITE PARKING IS BASED ON A 1.1 RATIO PER GUEST ROOMS TO ACCOMMODATE STAFF, GUESTS, AND VISITORS.

PARKING REQUIREMENT:  
 GUESTROOM: ONE CAR PER GUESTROOMS = 97 CARS  
 TOTAL PARKING REQUIRED: 97 CARS  
 PARKING PROVIDED:  
 REGULAR PARKING: 93 CARS  
 H.C. PARKING: 4 CARS  
 TOTAL PARKING PROVIDED: 97 CARS



WEST L STREET (80' R.O.W.)

13TH STREET (80' R.O.W.)



**SUITE TYPE MATRIX**

SUITE DATA	STUDIO SHOWER A4	STUDIO TUB A	STUDIO TUB A1	STUDIO ADA TUB A2	STUDIO ADA SHOWER A-2.1	1 BR K SHOWER B	1 BR K SHOWER B7	1 BR DQ TUB B5	1 BR DQ ADA TUB B3	1 BR BY CHUTE B6	TOTAL
1ST LEVEL	3	0	0	0	1	4	0	3	1	0	12
2ND LEVEL	6	4	2	1	0	7	2	4	0	1	27
3RD LEVEL	6	6	2	1	0	7	2	4	0	1	29
4TH LEVEL	6	6	2	1	0	7	2	4	0	1	29
TOTAL	21	16	6	3	1	25	6	15	1	3	97
PERCENTAGE	21.65%	16.49%	6.18%	3.1%	1.03%	31.96%		15.46%	1.03%	3.1%	=100%
UNIT PERCENTAGE	STUDIO SHOWER = 21.65%	STUDIO TUB = 22.67%	STUDIO ADA TUB = 3.1%	STUDIO ADA SH = 1.03%	1 BR K SHOWER = 31.96%	1 BR DQ TUB = 15.46%	1 BR DQ ADA TUB = 1.03%	1 BR BY CHUTE = 3.1%			=100%
TOTAL UNIT PERCENTAGE	STUDIO UNITS 47 = 48.45%					1 BR UNITS 50 = 51.55%					=100%

LEGEND:  
 DR DOOR NUMBER - SEE SHEET A5.01  
 RM # ROOM NAME AND NUMBER SEE FINISH PLANS SHT. A4.04 - A4.10  
 WINDOW TYPE REF. SHEET A5.01  
 "DQ" REPRESENTS DOUBLE QUEEN BED UNIT  
 "Q" REPRESENTS QUEEN BED UNIT  
 "K" REPRESENTS KING BED UNIT  
 AU-1 ACCESSIBLE UNITS W/ TUB (4) ROOMS S132, S200, S300, S400  
 AU-2 ACCESSIBLE UNITS W/ SHOWER (1) S100, S100  
 HI-3 HEARING IMPAIRED (3) S100, S127, S129, S221, S223, S321, S323, S421, S423

GENERAL NOTES  
 ROOM PLANS: SHEET A4.01 - A4.10  
 1. SEE ENLARGED SCALE  
 2. SEE BUILDING ELEVATION: SHEETS A2.01, A2.02 & A2.03

STATE HIGHWAY 146 SERVICE ROAD



WEST M STREET (60' R.O.W.)

1 SITE AND LANDSCAPE PLAN  
 SCALE: 1"=20'-0"  
 PLAN NORTH

**STAYBRIDGE SUITES**  
 La Porte, TX - Location No. 1328  
 STATE HIGHWAY 146 S.  
 La Porte, Texas 77571

**TDCK ARCHITECTS, INC.**  
 5855 Sovereign Dr., Suite B Houston, TX 77036  
 Tel: 713 636-9970 Fax: 713 977-1311  
 email: pkao@tdckarchitects.com  
 PROPRIETARY INFORMATION  
 DESIGN INFORMATION CONTAINED HEREIN IS THE EXCLUSIVE PROPERTY OF TDCK ARCHITECTS, INC. NO PORTION OF ANY DESIGN INFORMATION CONTAINED HEREIN MAY BE USED BY OR DISCLOSED TO ANY THIRD PARTY WITHOUT WRITTEN CONSENT.



Project No. 18023 Date 07/24/2018

Drawing Title: SITE PLAN

Drawing Number: A100

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<b>Agenda Date Requested:</b> <u>October 22, 2018</u>
<b>Requested By:</b> <u>Ian Clowes, City Planner</u>
<b>Department:</b> <u>Planning and Development</u>
<b>Report:</b> <u> X </u> <b>Resolution:</b> <u>    </u> <b>Ordinance:</b> <u> X </u>

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

**Exhibits:**        **Ordinance**  
                      **Application/TABC Prequalification Packet**  
                      **Aerial Map**  
                      **Letter from PISD Board**

---

### SUMMARY & RECOMMENDATION

The owner of Burger Libre, LLC, Gilbert Ybara, located at 9709 Spencer Hwy., has applied for a permit to serve alcohol, specifically beer and wine, to patrons of the restaurant on site. The Alcohol Sales Chapter (Chapter 6) of the La Porte Code of Ordinances specifies distance requirements to certain land uses for establishments selling alcohol. The distances required to sell alcohol are 300 feet to a public school as measured from nearest property line to nearest property line. The property, on which the restaurant is located, is within 140 feet of LPISD property containing the James H. Baker 6<sup>th</sup> Grade Campus. A subsequent request for a variance has been received by the City Secretary and is before City Council for consideration.

The following additional findings are applicable to this application:

1. Burger Libre is located within a small strip center, which faces south toward Spencer Hwy. and is diagonally across from the James H. Baker 6<sup>th</sup> Grade campus.
2. The distance from the front door of the restaurant to the school property line is approximately 230 feet, while the distance to the nearest entrance to the school facility is approximately 610 feet.
3. St. James Presbyterian Church is located to the east of Burger Libre. Similar to schools, establishments that serve alcohol, must be at least 300 feet away from Churches. The method of measurement for Churches is slightly different and less restrictive than the method used for schools. Applying the method for Churches, places St. James roughly 500 feet from Burger Libre, comfortably outside the 300 foot threshold.

The proposed ordinance attached hereto allows a variance for Burger Libre to sell alcohol.

In anticipation of a variance request Mr. Ybara submitted a request for consideration to the LPISD School Board who then took up the issue on September 11, 2018. A letter from LPISD was received by the City Secretary (attached) deferring the decision to the city without objection to the application.

Pursuant to Section 109.33(e) of the Texas Alcohol Beverage Code, the City Council may, upon application of a business subject to the distance requirements established in this section, allow a variance to the regulation if the City Council determined that enforcement of the distance requirements in a particular instance (for any of the six reasons listed)

1. Is not in the best interest of the public;
2. Constitutes waste or inefficient use of land or other resources;
3. Creates an undue hardship on an applicant for a license or permit;
4. Does not serve its intended purpose;
5. As not effective or necessary; or
6. For any other reason, the City Council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines that the variance is in the best interest of the community.

**Action Required by Council:**

1. Conduct public hearing.
2. Consider approval or other action of an ordinance authorizing and approving a variance to Chapter 6 of the La Porte Code of Ordinances by allowing for alcohol sales within Burger Libre, located at 9709 Spencer Hwy., La Porte, TX.

**Approved for City Council Agenda**

---

**Corby D. Alexander, City Manager**

---

**Date**

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

**AN ORDINANCE WAIVING THE REQUIREMENTS OF SECTION 6-2 OF THE LA PORTE CODE OF ORDINANCES AND AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR BURGER LIBRE, L.L.C, D/B/A BURGER LIBRE, LOCATED AT 9709 SPENCER HWY., FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THREE-HUNDRED FEET OF JAMES H. BAKER 6<sup>th</sup> GRADE CAMPUS, A PUBLIC SCHOOL; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

WHEREAS, Section 109.33 of the Texas Alcoholic Beverage Code authorizes the governing board of an incorporated city to enact regulations prohibiting the sale of alcoholic beverages if the place of business is within three hundred feet of any church, public school or public hospital; and

WHEREAS, Chapter 6, Section 6-2 of the City Code of the City of La Porte prohibits the sale of alcoholic beverages if the place of business is within three hundred feet of any church, public school or public hospital; and

WHEREAS, Section 109.33 of the Texas Alcoholic Beverage Code also authorizes the governing body of an incorporated city to allow variances to the regulation if the governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community; and

WHEREAS, the La Porte City Council has previously passed and approved an ordinance amending Chapter 6 of the La Porte Code of Ordinance, which ordinance established procedures and guidelines for the granting of a variance to the prohibition; and

WHEREAS, the business premises at 9709 Spencer Hwy. is situated within three hundred (300) feet of the nearest property line of James H. Baker 6<sup>th</sup> Grade Campus, a public school, thus making the sale of alcoholic beverages a violation contrary to Section 6-2 of the City Code of Ordinances, and Burger Libre, LLC, d/b/a Burger Libre has filed an application with the City of La Porte for a variance to the prohibition;

WHEREAS, a public hearing to receive input from the public concerning Burger Libre, LLC, d/b/a Burger Libre's application for a variance to the prohibition was held during the La Porte City Council's regular meeting on October 22, 2018, and that notice of such public hearing was published in the City's official newspaper at least ten (10) days before the public hearing date; and, that written notice of such public hearing was sent to the owners of real property within 300 feet of the premises at 9709 Spencer Hwy., and that separate notices were sent to each church,

child care facility, daycare center, public or private school, or public hospital located within 300 feet of the premises at 9709 Spencer Hwy., as well as to the superintendent of the La Porte I.S.D.

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

**Section 1.** The requirements of Section 6-2 of the City Code of Ordinances prohibiting the sale of alcoholic beverages if the place of business is within three hundred feet of any church, public school or public hospital are waived for the purposes of the variance request filed by Burger Libre, LLC, d/b/a Burger Libre for the property located at 9709 Spencer Hwy., legally described as Reserve D, Underwood Retail Center Replat, and which premises is located within 300 feet of the property line of the James H. Baker 6<sup>th</sup> Grade Campus, a public school, and such variance application is hereby granted, but subject to the following conditions:

- (a) This variance shall be applicable only to applicant Burger Libre, LLC, d/b/a Burger Libre and the premises located at 9709 Spencer Hwy. and shall not transfer to any successor company or entity.
- (b) The sale of alcohol beverages shall be limited to on-premises consumption.
- (c) This variance shall not be transferable to a land use other than a restaurant.
- (d) This variance shall terminate in the event of non-operation or non-use of a restaurant by Burger Libre, LLC, d/b/a Burger Libre on the premises of 9709 Spencer Hwy. for a period of twelve or more successive calendar months.

**Section 2:** The La Porte City Council determines that enforcement of the distance requirements in the case of Burger Libre, LLC, d/b/a Burger Libre, located at 9709 Spencer Hwy. is 1) is not in the best interest of the public; 2) constitutes waste or inefficient use of land or other resources; 3) creates an undue hardship on an applicant for a license or permit; 4) does not serve its intended purpose; 5) is not effective or necessary; and 6) after consideration of the health, safety and welfare of the public and the equities of the situation, is not in the best interest of the community; and in consideration of these factors, that the granting of the variance applied for by Burger Libre, LLC, d/b/a Burger Libre, with the conditions described herein, should be granted.

**Section 3:** 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 4:** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion

or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 5.** 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 6.** This Ordinance shall be effective immediately upon passage its passage and approval.

PASSED AND APPROVED this the 22nd day of OCTOBER, 2018.

CITY OF LA PORTE, TEXAS

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

ATTEST:

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

APPROVED:

\_\_\_\_\_  
City Attorney

City Secretary's Office  
**Alcohol Permit Request for Approval Form**

**Permit Information**

***DUE BACK TO THE CITY SECRETARY'S OFFICE WITHIN 5 BUSINESS DAYS***

Today's Date: \_\_\_\_\_ Due On: \_\_\_\_\_ HCAD #: \_\_\_\_\_

Name of Business: \_\_\_\_\_ Initial TABC Prequal App:  Yes  No

Type of Permit: \_\_\_\_\_

Address of Business: \_\_\_\_\_

Full Name: \_\_\_\_\_  
*Last* *First* *M.I.*

Title *(select all that apply)*:  Property Owner  Business Owner  Other: \_\_\_\_\_

Company: \_\_\_\_\_

Additional Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Approval Section**

This application **does** meet specifications for approval

This application **does not** meet specifications for approval  
*If it does not meet specifications please state reason*

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Department:  Tax  Inspections

Information Attached:  Yes  No

Reviewed by City Attorney for approval after meeting specifications:  Yes  No

**Inspections Department Use Only *(not required for initial applications)***

Zoning Permit:  Yes  No      Zoning Permit #: \_\_\_\_\_



**ON-PREMISE PREQUALIFICATION PACKET**

L-ON  
(12/2017)

Submit this packet to the proper governmental entities to obtain certification for the type of license/permit for which you are applying as required by Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13

Contact your local TABC office to verify requirements of Sections 11.391 and 61.381 as you may be required to post a sign at your proposed location 60-days prior to the issuance of your license/permit.

All statutory and rule references mentioned in this application refer to and can be found in the Texas Alcoholic Beverage Code or Rules located on our website. [www.tabc.texas.gov/laws/code\\_and\\_rules.asp](http://www.tabc.texas.gov/laws/code_and_rules.asp)

**LOCATION INFORMATION**

1. Application for:  Original       Add Late Hours Only      License/Permit Number
- Reinstatement      License/Permit Number
- Change of Licensed Location      License/Permit Number

2. Type of On-Premise License/Permit

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <b>BG</b> Wine and Beer Retailer's Permit                 | <input type="checkbox"/> <b>LB</b> Mixed Beverage Late Hours Permit         |
| <input type="checkbox"/> <b>BE</b> Beer Retail Dealer's On-Premise License                    | <input type="checkbox"/> <b>MI</b> Minibar Permit                           |
| <input type="checkbox"/> <b>BL</b> Retail Dealer's On-Premise Late Hours License              | <input type="checkbox"/> <b>CB</b> Caterer's Permit                         |
| <input type="checkbox"/> <b>BP</b> Brewpub License  | <input checked="" type="checkbox"/> <b>FB</b> Food and Beverage Certificate |
| <input type="checkbox"/> <b>V</b> Wine & Beer Retailer's Permit for Excursion Boats           | <input type="checkbox"/> <b>PE</b> Beverage Cartage Permit                  |
| <input type="checkbox"/> <b>Y</b> Wine & Beer Retailer's Permit for Railway Dining Car        | <input type="checkbox"/> <b>RM</b> Mixed Beverage Restaurant Permit with FB |
| <input type="checkbox"/> <b>MB</b> Mixed Beverage Permit                                      |   |
| <input type="checkbox"/> <b>O</b> Private Carrier's Permit - For Brewpubs (BP) with a BG only |   |

3. Indicate Primary Business at this Location

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Restaurant | <input type="checkbox"/> Sporting Arena, Civic Center, Hotel | <input type="checkbox"/> Bar                 |
| <input type="checkbox"/> Grocery/Market        | <input type="checkbox"/> Sexually Oriented                   | <input type="checkbox"/> Miscellaneous _____ |

4. Trade Name of Location

Burger Libre

5. Location Address

9709 Spencer Hwy Ste C

City La Porte	County Harris	State Tx	Zip Code 77571
------------------	------------------	-------------	-------------------

6. Mailing Address 2601 Underwood Rd.	City La Porte	State Tx	Zip Code 77571
--	------------------	-------------	-------------------

7. Business Phone No. 281-470-7900	Alternate Phone No. 281-470-7900	E-mail Address kelly@gringostexmex.com
---------------------------------------	-------------------------------------	---

**OWNER INFORMATION**

8. Type of Owner

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Individual                    | <input type="checkbox"/> Corporation                          | <input type="checkbox"/> City/County/University |
| <input type="checkbox"/> Partnership                   | <input checked="" type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> Limited Partnership           | <input type="checkbox"/> Joint Venture                        |   |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Trust                                |   |

9. Business Owner/Applicant

Burger Libre, LLC

10. Are you, the applicant a veteran-owned business?  Yes  No

11. Are you, the applicant a Historically Underutilized Business (HUB)?  Yes  No

**12. As indicated on the chart, enter the individuals that pertain to your business type:**  
*(For additional space, use Form L-OIC)*

Individual/Individual Owner	Limited Liability Company/All Officers or Managers
Partnership/All Partners	Joint Venture/Venturers
Limited Partnership/All General Partners	Trust/Trustee(s)
Corporation/All Officers	City, County, University/Official

Last Name Ybarra Franchising Group, LLC	First Name	MI	Title Managing Member
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title

**MEASUREMENT INFORMATION**

Section 109.31 et seq.

13. Will your business be located within 300 feet of a church or public hospital?  Yes  No

**NOTE:** For churches or public hospitals measure from front door to front door, along the property lines of the street fronts and in a direct line across intersections.

14. Will your business be located within 300 feet of any private/public school, day care center or child care facility?  Yes  No

If "YES," are the facilities located on different floors or stories of the building?  Yes  No

**NOTE:** For private/public schools, day care centers and child care facilities measure in a direct line from the nearest property line of the school, day care center or child care facility to the nearest property line of the place of business, and in a direct line across intersections.

**NOTE:** For multistory building: businesses may be within 300 feet of a day care center or child care facility as long as the facilities are located on different floors of the building.

**NOTE:** If located on or above the fifth story of a multistory building: measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.

15. Will your business be located within 1,000 feet of a private school?  Yes  No

16. Will your business be located within 1,000 feet of a public school?  Yes  No

**60-DAY SIGN**

17. As required under Section 11.391 and 61.381, enter the exact date the 60-Day sign was posted at your location.	Exact Date (MM/DD/YYYY) 5/15/18
--	------------------------------------

**ALL APPLICANTS**

18. IF YOUR LOCATION IS NOT WITHIN THE CITY LIMITS, CHECK HERE   
 I, the applicant, have confirmed I am not located in the city limits of any city and therefore all city certificates are not required.

**WARNING AND SIGNATURE**

**IF APPLICANT IS SHOWN AS:**

- Proprietorship
- Partnership
- Corporation
- Limited Partnership
- Limited Liability Partnership
- Limited Liability Company

**WHO MUST SIGN:**

- Individual Owner
- Partner
- Officer
- General Partner
- General Partner
- Officer/Manager

**WARNING:** Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the Texas Department of Criminal Justice for not less than 2 nor more than 10 years."

I, UNDER PENALTY OF LAW, HEREBY SWEAR THAT I HAVE READ ALL THE INFORMATION PROVIDED IN THE APPLICATION AND ANY ATTACHMENTS AND THE INFORMATION IS TRUE AND CORRECT. I ALSO UNDERSTAND ANY FALSE STATEMENT OR REPRESENTATION IN THIS APPLICATION CAN RESULT IN MY APPLICATION BEING DENIED AND/OR CRIMINAL CHARGES FILED AGAINST ME. I ALSO AUTHORIZE THE TEXAS ALCOHOLIC BEVERAGE COMMISSION TO USE ALL LEGAL MEANS TO VERIFY THE INFORMATION PROVIDED.

PRINT NAME

Gilbert Ybarra

SIGN HERE

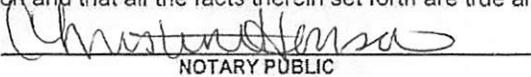


TITLE

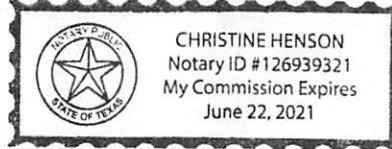
Pres/Secy/Dir of Ybarra Investments, Inc.

Before me, the undersigned authority, on this 31 day of May, 2018, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE



NOTARY PUBLIC



SEAL

**CERTIFICATE OF CITY SECRETARY (FOR MB, RM, V & Y)**

Section 11.37

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

SIGN

HERE

\_\_\_\_\_  
City Secretary/Clerk

\_\_\_\_\_, TEXAS  
City

SEAL

**CERTIFICATE OF CITY SECRETARY (FOR BG & BE)**

Section 11.37 & 61.37

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 2018, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

**Election for given location was held for:**

- legal sale of all alcoholic beverages
- legal sale of all alcoholic beverages except mixed beverages
- legal sale of all alcoholic beverages including mixed beverages
- legal sale of beer/wine (17%) on-premise **AFTER** Sept. 1, 1999
- legal sale of beer/wine (14%) on-premise **BEFORE** Sept. 1, 1999

**OR IF ABOVE DOES NOT APPLY:**

Be advised the location must have had two election passages per Section 25.14 or Section 69.17 of the TABC Code. One for beer and wine off-premise and one for mixed beverage.

- legal sale of beer and wine for off-premise consumption only
- AND EITHER:**
- legal sale of mixed beverages
- OR**
- legal sale of mixed beverages in restaurants by food and beverage certificate holders (applicant must apply for FB with BG or BE)

SIGN

HERE

\_\_\_\_\_  
City Secretary/Clerk

La Porte

\_\_\_\_\_, TEXAS  
City

SEAL

**CERTIFICATE OF CITY SECRETARY FOR LATE HOURS LICENSE/PERMIT  
(LB & BL)**

Chapters 29 & 70 et seq.

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that one of the below is correct:

- The governing body of this city has by ordinance authorized the sale of **mixed beverages** between midnight and 2:00 A.M.; or
- The governing body of this city has by ordinance authorized the sale of **beer** between midnight and \_\_\_\_\_ A.M.; or
- The population of the city or county where premises are located was 500,000 or more according to the 22<sup>nd</sup> Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN

HERE \_\_\_\_\_, TEXAS

City Secretary/Clerk

City

**S E A L**

**CERTIFICATE OF COUNTY CLERK (FOR MB, RM, V & Y)**

Section 11.37

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location for which the license/permit is sought is in a "wet" area for such license/permit, and is not prohibited by any valid order of the Commissioner's Court.

SIGN

HERE \_\_\_\_\_ COUNTY

County Clerk

**S E A L**

**CERTIFICATE OF COUNTY CLERK (FOR BG & BE)**

Section 11.37 & 61.37

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location for which the license/permit is sought is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court.

**Election for given location was held for:**

- legal sale of all alcoholic beverages
- legal sale of all alcoholic beverages except mixed beverages
- legal sale of all alcoholic beverages including mixed beverages
- legal sale of beer/wine (17%) on-premise **AFTER** Sept. 1, 1999
- legal sale of beer/wine (14%) on-premise **BEFORE** Sept. 1, 1999

**OR IF ABOVE DOES NOT APPLY:**

Be advised the location must have had two election passages per 25.14 or 69.17 of the TAB Code. One for beer and wine off-premise and one for mixed beverage.

- legal sale of beer and wine for off-premise consumption only

**AND EITHER:**

- legal sale of mixed beverages

**OR**

- legal sale of mixed beverages in restaurants by food and beverage certificate holders  
(applicant must apply for FB with BG or BE)

SIGN

HERE \_\_\_\_\_ COUNTY

County Clerk

**S E A L**

**CERTIFICATE OF COUNTY CLERK FOR LATE HOURS LICENSE/PERMIT (LB & BL)**

Chapters 29 & 70 et seq

- I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that one of the below are correct:
- The Commissioner's Court of the county has by order authorized the sale of **mixed beverages** between midnight and 2:00 A.M.; or
  - The Commissioner's Court of the county has by order authorized the sale of **beer** between midnight and \_\_\_\_\_ A.M.; or
  - The population of the city or county where premises are located was 500,000 or more according to the 22<sup>nd</sup> Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
  - The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN HERE \_\_\_\_\_ COUNTY  
County Clerk

SEAL

**COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE**

Section 11.46 (b) & 61.42 (b)

This is to certify on this 23<sup>rd</sup> day of July, 2018, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit.

Sales Tax Permit Number 32065228903 Outlet Number 00001

Print Name of Comptroller Employee JESSICA PALACIOS

Print Title of Comptroller Employee ENFORCEMENT OFFICER

SIGN HERE \_\_\_\_\_ FIELD OFFICE 2A31

SEAL

**PUBLISHER'S AFFIDAVIT (FOR MB, LB, RM, BP, BG, BE, BL, V & Y)**

Section 11.39 and 61.38

Name of newspaper		ATTACH PRINTED COPY OF THE NOTICE HERE
City, County		
Dates notice published in daily/weekly newspaper (MM/DD/YYYY)		
<i>Publisher or designee certifies attached notice was published in newspaper stated on dates shown.</i>		
Signature of publisher or designee Sworn to and subscribed before me on this date (MM/DD/YYYY)		
Signature of Notary Public		
SEAL		

# ALCOHOL VARIANCE

Burger Libre, LLC  
9709 Spencer Hwy.



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 178 feet

OCTOBER 2018  
PLANNING DEPARTMENT





# La Porte Independent School District

1002 San Jacinto Street  
La Porte, Texas 77571

Lloyd W. Graham  
Superintendent of Schools

(281) 604-7001  
Fax (281) 604-7010  
www.lpsid.org

*Via email and U. S. Postal Service*

September 12, 2018

Mr. Ian Clowes  
City of La Porte  
Planning and Development  
604 W. Fairmont Parkway  
La Porte, TX 77571

Dear Mr. Clowes:

La Porte ISD received a letter from the City of La Porte informing us that Mr. Gilbert Ybarra, of Burger Libre restaurant located at 9709 Spencer Hwy, Ste. C., recently filed an on-premise permit application to serve wine and beer onsite.

Our Board of Trustees voted unanimously at its meeting on September 11, 2018, to defer judgement to the City with regard to the issuance of a wine and beer permit at Burger Libre restaurant.

Please let me know if you have any questions.

Sincerely,

Lloyd W. Graham  
Superintendent of Schools

The La Porte Independent School District does not discriminate on the basis of age, race, religion, color, national origin, sex or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, as amended; and Title II of the Americans with Disabilities Act. The Title IX Coordinator is Angela Garza-Viator, Executive Director of Human Resources, 1002 San Jacinto, La Porte, Texas 77571, Telephone (281) 604-7113. The Section 504 Coordinator is Cynthia Anderson, Executive Director of Special Programs, 1002 San Jacinto, La Porte, Texas 77571, Telephone (281) 604-7034.

El Distrito Independiente Escolar de La Porte no discrimina sobre la base de edad, raza, religión, color, origen nacional, sexo u discapacidad para proveer servicios educacionales, actividades y programas, incluyendo programas vocacionales, de acuerdo con el Título VI del Acta de Derechos Civiles de 1964, como fue enmendada; Título IX de las Enmiendas Educcionales de 1972; Sección 504 del Acta de Rehabilitación de 1973, como fue enmendada; y el Título II del Acta de Americanos con Discapacidades. La Coordinadora del Título IX es Angela Garza-Viator, Directora Ejecutiva de Recursos Humanos, 1002 San Jacinto, La Porte, Texas 77571, Teléfono (281) 604-7113. La Coordinadora de la Sección 504 es Cynthia Anderson, Directora Ejecutiva de Programas Especiales, 1002 San Jacinto, La Porte, Texas 77571, Teléfono (281) 604-7034.

## REQUEST FOR CITY COUNCIL AGENDA ITEM

<b>Agenda Date Requested</b> <u>October 22, 2018</u>	<b><u>Appropriation</u></b>
<b>Requested By:</b> <u>Patrice Fogarty</u>	<b>Source of Funds:</b> <u>N/A</u>
<b>Department:</b> <u>City Secretary</u>	<b>Account Number:</b> <u>N/A</u>
<b>Report</b> <input checked="" type="checkbox"/> <b>Resolution:</b> <input type="checkbox"/> <b>Ordinance:</b> <input type="checkbox"/>	<b>Amount Budgeted:</b> <u>N/A</u>
<b>Exhibit:</b> _____	<b>Amount Requested:</b> <u>N/A</u>
	<b>Budgeted Item:</b> YES    NO

### SUMMARY & RECOMMENDATION

At the October 8, 2018, council meeting, Council discussed establishing a committee made up of two councilmembers and staff to study and make recommendations regarding the renovation of the current fitness center and/or a new fitness center.

---

#### Action Required by Council:

Discussion and possible action to appoint two Councilmembers to a Fitness Center Committee to study and make recommendations regarding the renovation of the current fitness center and/or a new fitness center. Members serve without terms.

---

#### Approved for City Council Agenda

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

\_\_\_\_\_  
Date

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: October 22, 2018

Appropriation

Requested By: Councilmembers Ojeda, J.  
Martin and Bentley

Source of Funds: \_\_\_\_\_

Account Number: \_\_\_\_\_

Department: City Council

Amount Budgeted: \_\_\_\_\_

Report:  Resolution:  Ordinance:

Amount Requested: \_\_\_\_\_

Other:  \_\_\_\_\_

Budgeted Item:  YES  NO

**Attachments :**

---

### SUMMARY & RECOMMENDATIONS

This item has been added by Councilmembers Ojeda, J. Martin and Bentley to discuss the City permitting process.

---

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

Discuss the City permitting process.

---

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

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**Corby D. Alexander, City Manager**

**Date**

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: October 22, 2018

Appropriation

Requested By: Councilmembers Ojeda,  
Zemanek and K. Martin

Source of Funds: \_\_\_\_\_

Account Number: \_\_\_\_\_

Department: City Council

Amount Budgeted: \_\_\_\_\_

Report:  Resolution:  Ordinance:

Amount Requested: \_\_\_\_\_

Other:  \_\_\_\_\_

Budgeted Item:  YES  NO

**Attachments :**

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### SUMMARY & RECOMMENDATIONS

This item has been added by Councilmembers Ojeda, Zemanek and K. Martin to discuss City Sponsorships

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

Discuss City Sponsorships.

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

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**Corby D. Alexander, City Manager**

**Date**



## **Council Agenda Item October 22, 2018**

**9. ADMINISTRATIVE REPORTS**

- Zoning Board of Adjustment Meeting, Thursday, October 25, 2018
- City Council Meeting, Monday, November 12, 2018
- Planning and Zoning Meeting, Thursday, November 15, 2018

**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 or existing policies. Councilmembers Zemanek, Bentley, Engelken, Earp, Ojeda, J. Martin, K. Martin and Mayor Rigby

**11. ADJOURN**

\*\*\*\*\*