

LOUIS R. RIGBY  
Mayor  
BRANDON LUNSFORD  
Councilmember At Large A  
STEVE GILLETT  
Councilmember At Large B  
DANNY EARP  
Councilmember District 1



CHUCK ENGELKEN  
Councilmember District 2  
BILL BENTLEY  
Councilmember District 3  
THOMAS GARZA  
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 June 10, 2019, 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 Rev. Alan Neel, Life Community Church.  
**PLEDGES** – Will be led by Councilmember Jay Martin.  
U.S. Flag  
Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.
- 3. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS**
  - (a) Presentation of Oath of Office and Certificate of Election to newly elected Councilperson Jay Martin. [Mayor Rigby]
  - (b) Proclamation in recognition of June as Fair Housing Month in the City of La Porte. [Mayor Rigby]
  - (c) Proclamation in recognition of Ryan Schoppe Day. [Mayor Rigby]
- 4. PUBLIC COMMENTS** (Limited to five minutes per person.)
- 5. CONSENT AGENDA** *(Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.)*
  - (a) Approve the minutes of the special meeting held on May 10, 2019, and the regular meeting held on May 13, 2019. [Mayor Rigby]
  - (b) Award Bid #19010 to Greenscapes Six, LLC for the Annual Concrete Sidewalk Replacement Project and authorize the City Manager to execute a construction contract, based on unit prices bid, in the amount of annual budget amounts approved by City Council for sidewalk replacement and infill. [Don Pennell, Public Works Director; Lorenzo Wingate, P.E., City Engineer]
  - (c) Adopt Resolution 2019-09 indicating the City's agreement to adopt the policies outlined within the proposed resolution, in connection with the City's participation in federally funded Community Development Block Grant (CDBG) Projects. [Lorenzo Wingate, P.E., City Engineer]
  - (d) Approve the nomination of Pat McCabe to an open position on the La Porte Zoning Board of Adjustment. [Mayor Rigby and Councilperson Bentley]
  - (e) Approve the nomination of Mark Goodwin to an open position on the La Porte Tax Increment Reinvestment Zone Number One (TIRZ) Board of Directors/ La Porte Redevelopment Authority Board of Directors. [Mayor Rigby]

## 6. STATUTORY AGENDA

- (a) Presentation, discussion, and possible action to include the South 7th Street Improvements in the 2019-2020 Capital Improvement Budget and authorize the City Manager to execute a contract with Cobb Fendley for the survey phase of work at \$45,770 and the preliminary engineering report phase at \$93,570. [Don Pennell, Public Works Director]
- (b) Presentation, discussion, and possible action to adopt Ordinance 2019-3745 electing a Mayor Pro Tem. [Mayor Rigby]
- (c) Presentation, discussion, and possible action to appoint a Councilperson to serve on each of the La Porte Animal Shelter Advisory Committee, the La Porte Drainage and Flooding Committee, and the Fiscal Affairs Committee. [Mayor Louis Rigby]
- (d) Presentation, discussion, and possible action regarding the nomination of Councilmember Gillett to an open position on the La Porte Fire Control, Prevention, and Emergency Medical Services District Board of Directors. [Councilpersons Martin, Gillett, and Bentley]
- (e) Presentation, discussion, and possible action on proposed changes to city regulations pertaining to construction of new warehouses and distribution centers in the City of La Porte. [Councilpersons Garza, Lunsford, and Bentley]
- (f) Presentation, discussion, and possible action regarding a joint workshop between the La Porte City Council and the LPISD Board of Trustees. [Councilpersons Garza, Lunsford, and Bentley]
- (g) Presentation, discussion, and possible action regarding proposed amendments to city massage business regulations. [Councilpersons Garza, Lunsford, and Bentley]
- (h) Presentation, discussion, and possible action regarding compensation rates for election judges and clerks for elections conducted by the City of La Porte. [Lee Woodward, City Secretary]

## 7. REPORTS

- (a) Receive a report on the Drainage and Flooding Committee meeting. [Councilperson Martin]

## 8. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, June 20, 2019
- City Council Meeting, Monday, June 24, 2019
- Zoning Board of Adjustment Meeting, Thursday, June 27, 2019

## 9. COUNCIL COMMENTS *Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existing policy from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.*

## 10. EXECUTIVE SESSION

City Council will meet in Executive Session pursuant to Texas Government Code, Section 551.072 - consultation with counsel on legal matters - concerning value of real property in industrial districts and negotiations with industry representatives for terms of new Industrial District Agreements.

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

## 12. ADJOURNMENT

If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive Session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 - consultation with counsel on legal matters; Section 551.072 - deliberation regarding purchase, exchange, lease or value of real property; Section 551.073 - deliberation regarding a prospective gift; Section 551.074 - personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; Section 551.076 - implementation of security personnel or devices; Section 551.087 - deliberation regarding economic development negotiation; Section 551.089 - deliberation regarding security devices or security audits, and/or other matters as authorized under the Texas Government Code. If a Closed or Executive Session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (281-470-5019), two working days prior to the meeting for appropriate arrangements.

**CERTIFICATE**

I, Lee Woodward, City Secretary, do hereby certify that a copy of the June 10, 2019, City Council agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.LaPorteTX.gov](http://www.LaPorteTX.gov), in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING \_\_\_\_\_  
TIME OF POSTING \_\_\_\_\_  
TAKEN DOWN \_\_\_\_\_  
\_\_\_\_\_

Lee Woodward, City Secretary



**Council Agenda Item  
June 10, 2019**

**1. CALL TO ORDER**

**2. INVOCATION** – The invocation will be given by Rev. Alan Neel, Life Community Church.

**PLEDGES** – Will be led by Councilmember Jay Martin.

U.S. Flag

Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.

**3. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS**

(a) Presentation of Oath of Office and Certificate of Election to newly elected Councilperson Jay Martin. [Mayor Rigby]

(b) Proclamation in recognition of June as Fair Housing Month in the City of La Porte. [Mayor Rigby]

(c) Proclamation in recognition of Ryan Schoppe Day. [Mayor Rigby]

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

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**Presentation to be made at the meeting**



# Proclamation

## Office of the Mayor

**WHEREAS**, Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

**WHEREAS**, the principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

**WHEREAS**, the National Fair Housing Law recognizes that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

**NOW, THEREFORE**, I, Mayor Louis R. Rigby do hereby urge all citizens of this locality to become aware of and support the Fair Housing Law, and therefore proclaim the month of June as:

### Fair Housing Month

In Witness Whereof: I have hereto set my hand and caused the Seal of the City to be affixed hereto, this, the 10<sup>th</sup> day of June, 2019.

City of La Porte

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Louis R. Rigby, Mayor



# Proclamation

## Office of the Mayor

**WHEREAS**, La Porte Bulldog Ryan Schoppe, as a freshman, qualified for both the state cross country meet and the state track meet, where he was recognized as one of the top young runners in Texas; and

**WHEREAS**, on Saturday, May 12, 2018, sophomore Ryan Schoppe dominated the Class 6A boys 3,200-meter run during the UIL State Track & Field Championships in Austin, Texas, earning the state crown and ending a 15-year drought at La Porte High School for a state champion in track and field; and

**WHEREAS**, as a junior, Ryan Schoppe has won the title again in the Class 6A 3200-meter run, with the third fastest time ever in the state of Texas; and

**WHEREAS**, Ryan Schoppe has been invited to participate in the *Adidas Boost Dream Mile* in Boston on June 14, an invitational race for the top milers in the country, and a huge honor offered to only about ten athletes from all over the country; and

**WHEREAS**, the City of La Porte salutes and honors Ryan Schoppe for his hard work, dedication, and special achievement as the top Class 6A 3,200-meter runner in the state of Texas and extends best wishes to Ryan for continued success in his athletic career.

**NOW, THEREFORE**, I, Louis R. Rigby, Mayor of the City of La Porte, do hereby proclaim Tuesday, June 10, 2019, as

## Ryan Schoppe Day

In Witness Whereof: I have hereto set my hand and caused the Seal of the City to be affixed hereto, this, the 10<sup>th</sup> day of June, 2019.

City of La Porte

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Louis R. Rigby, Mayor



**Council Agenda Item  
June 10, 2019**

5. **CONSENT AGENDA** *(Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.)*
- (a) Approve the minutes of the special meeting held on May 10, 2019, and the regular meeting held on May 13, 2019. [Mayor Rigby]
  - (b) Award Bid #19010 to Greenscapes Six, LLC for the Annual Concrete Sidewalk Replacement Project and authorize the City Manager to execute a construction contract, based on unit prices bid, in the amount of annual budget amounts approved by City Council for sidewalk replacement and infill. [Don Pennell, Public Works Director; Lorenzo Wingate, P.E., City Engineer]
  - (c) Adopt Resolution 2019-09 indicating the City's agreement to adopt the policies outlined within the proposed resolution, in connection with the City's participation in federally funded Community Development Block Grant (CDBG) Projects. [Lorenzo Wingate, P.E., City Engineer]
  - (d) Approve the nomination of Pat McCabe to an open position on the La Porte Zoning Board of Adjustment. [Mayor Rigby and Councilperson Bentley]
  - (e) Approve the nomination of Mark Goodwin to an open position on the La Porte Tax Increment Reinvestment Zone Number One (TIRZ) Board of Directors/ La Porte Redevelopment Authority Board of Directors. [Mayor Rigby]

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**LOUIS RIGBY**  
Mayor  
**JOHN ZEMANEK**  
Councilmember At Large A  
**STEVE GILLETT**  
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**  
Councilmember District 6  
Mayor Pro-Tem

## **MINUTES OF THE SPECIAL SESSION OF THE CITY COUNCIL OF THE CITY OF LA PORTE MAY 10, 2019**

The City Council of the City of La Porte met in a special session on Friday, May 10, 2019, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 9:00 a.m., with the following in attendance:

**Councilmembers present:** Louis Rigby, Steve Gillett, Danny Earp, Bill Bentley, Jay Martin

**Councilmembers absent:** Kristin Martin, John Zemanek, Nancy Ojeda, Chuck Engelken

**Council-appointed officers present:** Corby Alexander, City Manager; Lee Woodward, City Secretary; Clark Askins, Assistant City Attorney

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 9:00 a.m.
2. **ELECTION MATTERS**
  - (a) **Presentation, discussion, and possible action to adopt Ordinance 2019-3738 to canvass the returns of the general election held on May 4, 2019, for the purpose of electing Councilperson-At-Large-Position A and a Councilperson-District 4. [Lee Woodward, City Secretary]**

Councilmember Martin moved to adopt Ordinance 2019-3738; the motion was adopted, 5-0.
3. **STATUTORY AGENDA**
  - (a) **Presentation, discussion, and possible action to adopt Ordinance 2019-3739 suspending new retail electric rates proposed by CenterPoint Energy Houston Electric, LLC for customers within the City of La Porte. [Corby Alexander, City Manager]**

Councilmember Earp moved to adopt Ordinance 2019-3739; the motion was adopted, 5-0.
4. **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.
5. **ADJOURN** – Without objection, Mayor Rigby adjourned the meeting at 9:08 a.m.

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Lee Woodward, City Secretary

**LOUIS RIGBY**  
Mayor  
**BRANDON LUNS福德**  
Councilperson At Large A  
**STEVE GILLETT**  
Councilperson At Large B  
**DANNY EARP**  
Councilperson District 1  
**CHUCK ENGELKEN**  
Councilperson District 2



**BILL BENTLEY**  
Councilperson District 3  
**THOMAS GARZA**  
Councilperson District 4  
**JAY MARTIN**  
Councilperson District 5  
**NANCY OJEDA**  
Councilperson District 6  
Mayor Pro-Tem

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF LA PORTE  
MAY 13, 2019**

The City Council of the City of La Porte met in a regular meeting on Monday, May 13, 2019, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

**Councilpersons present:** Louis Rigby, Thomas Garza, Steve Gillett, Danny Earp, Chuck Engelken, Bill Bentley, Brandon Lunsford, Jay Martin, Nancy Ojeda

**Councilpersons absent:** None

**Council-appointed officers present:** Corby Alexander, City Manager; Lee Woodward, City Secretary; Clark Askins, Assistant City Attorney

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m.

2. **INVOCATION** – The invocation was given by Mayor Pro Tem Nancy Ojeda.

**PLEDGES** – The pledges of allegiance to the U.S. and Texas flags were led by Mayor Pro Tem Nancy Ojeda.

3. **ELECTION MATTERS**

(a) **Presentation, discussion, and possible action to adopt Ordinance 2019-3744 to canvass the returns of the general election held on May 4, 2019, for the purpose of electing a Councilperson-District 5. [Lee Woodward, City Secretary]**

Councilperson Engelken moved to adopt Ordinance 2019-3744; the motion was adopted, 7-0

4. **PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS**

(a) Presentation of Oaths of Office and Certificates of Election to newly elected officials Brandon Lunsford and Thomas Garza. [Mayor Rigby]

(b) Proclamation in recognition of National Police Week. [Mayor Rigby]

(c) Proclamation in recognition of Emergency Medical Services Week. [Mayor Rigby]

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

Chuck Rosa gave public comment on his dissatisfaction with the results of his race in the May 4 election. Sarah Medearis spoke in support of the Fire Department raise approved at the last meeting and John Dunham encouraged the Council to postpone a vote on item 8c. Jana Pellusch, Colin Cline, Jack Hughes, and Cleveland Griffin asked for help with the lockout at the DOW Deer Park plant of union employees.

6. **CONSENT AGENDA** (*Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting*)

(a) **Approve the minutes of the meeting held on April 22, 2019. [Lee Woodward, City Secretary]**

(b) **Adopt Resolution 2019-07 joining the Houston Coalition of Cities for intervening into the CenterPoint Energy new rate case. [Corby Alexander, City Manager]**

(c) **Approve award of Bid #19012 for the Spencer Highway Fence and Sidewalk Project. [Don Pennell, Public Works Director]**

(d) **Approve award of Bid #19013 for the FY 2019 Asphalt Reconstruction and Overlay Project. [Don Pennell, Public Works Director]**

- (e) **Adopt Resolution 2019-08 designating authorized signatories for contractual documents and documents requesting funds pertaining to the Texas General land Office 2015 Floods and Storms (DR-4223 and DR-4245) Community Development Block Grant Disaster Recovery Program. [Lorenzo Wingate, P.E., City Engineer]**

Councilperson Engelken moved to approve consent agenda items a, d, and e; the motion was adopted, 9-0.

*(Councilperson Engelken signed a conflict of interest affidavit for item b and did not vote on the item.)*  
Councilperson Gillett moved to approve consent agenda item b; the motion was adopted, 8-0.

Councilperson Earp moved to approve consent agenda item c; the motion was adopted, 8-1, Councilperson Garza voting against.

## **7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES**

- (a) **The City will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3740 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 5.051 acre tract of land located at the NE corner of S. 16<sup>th</sup> St. and the W. M St. ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision, by changing the land use designation from "Commercial" to "Light Industrial"; Discussion, and possible action regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3740 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 5.051 acre tract of land located at the NE corner of S. 16<sup>th</sup> St. and the W. M St. ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision, by changing the land use designation from "Commercial" to "Light Industrial."** [Ian Clowes, City Planner]

Mayor Rigby opened the public hearing at 6:54 p.m. The applicant/developer Justin Bennet, provided a presentation on behalf of owner Carrington F. Weems. Teresa Nowetner offered comments of concern over more truck traffic and supervision of what is stored in local warehouses. The Mayor closed the public hearing at 7:10 p.m.

Councilperson Engelken moved to adopt Ordinance 2019-3740 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 5.051 acre tract of land located at the NE corner of South 16th Street and the West M Street ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision, by changing the land use designation from "Commercial" to "Light Industrial." The motion failed, 4-5, Mayor Pro Tem Ojeda, and Councilpersons Bentley, Lunsford, Gillett, and Garza voting against.

- (b) **The City will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3741 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000001, a change from General Commercial (GC) to Planned Unit Development (PUD) for 5.051 acre tract of land located at the NE corner of S. 16<sup>th</sup> St. and the W. M St. ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision; Discussion, and possible action to consider adopting Ordinance 2019-3741 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000001, a change from General Commercial (GC) to Planned Unit Development (PUD) for 5.051 acre tract of land located at the NE corner of S. 16<sup>th</sup> St. and the W. M St. ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision.** [Ian Clowes, City Planner]

Mayor Rigby opened the public hearing at 7:22 p.m. The applicant/developer Justin Bennet, provided in support of the use. Chuck Rosa asked a question about parliamentary procedure. Colin Cline spoke in opposition to the ordinance. The Mayor closed the public hearing at 7:42 p.m.

Mayor Pro Tem Ojeda moved to deny the recommendation of the Planning and Zoning Commission to adopt Ordinance 2019-3741 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000001, a change from General Commercial (GC) to Planned Unit Development (PUD) for 5.051 acre tract of land located at the NE corner of South 16th Street and the West M Street ROW, legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision; the motion to deny the Planning and Zoning Commission's recommendation was adopted, 6-3, Mayor Rigby and Councilpersons Engelken and Earp voting against.

- (c) The City will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2019-3742 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #19-92000002, to allow for an industrial office/warehouse facility on a 5.051 acre tract of land legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision in the Planned Unit Development (PUD) zoning district; Discussion, and possible action to consider adopting Ordinance 2019-3742 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #19-92000002, to allow for an industrial office/warehouse facility on a 5.051 acre tract of land legally described as Lots 1-32, Block 1144 and Lots 1-32, Block 11433, La Porte Subdivision in the Planned Unit Development (PUD) zoning district. [Ian Clowes, City Planner]

*This item was declared moot due to the denial in item 7b and was not considered by the Council.*

## 8. STATUTORY AGENDA

- (a) Presentation, discussion, and possible action rejecting or approving Bid #19501 to CMC Development & Construction Corporation, LLC for the Five Points Plaza Improvements in the amount of \$350,000.00 [Lorenzo Wingate, P.E., City Engineer]

Councilperson Gillett moved to reject Bid #19501 and direct staff to bring a new proposal for design; the motion was adopted, 9-0.

- (b) Presentation, discussion and possible action regarding Ordinance 2019-3743, for authorization to enter into an agreement with Fairmont Park West HOA for the lease of swimming pool and park space at Fairmont Park West, from June 1, 2019 to December 31, 2019. [Corby Alexander, City Manager]

Councilperson Garza moved to reject the proposal, stop negotiations with the HOA, and continue the discussion when the Parks Master Plan is complete; the motion failed, 2-7, Councilpersons Bentley and Garza voting in support.

Councilperson Earp moved to adopt Ordinance 2019-3743, for authorization to enter into an agreement with Fairmont Park West HOA for the lease of swimming pool and park space at Fairmont Park West, from June 1, 2019 to December 31, 2019. Councilperson Garza moved to amend the lease to require that the HOA repay the City for the funds spent to date. The amendment was lost for lack of a second. The motion for the ordinance and lease was adopted, 7-2, Councilpersons Bentley and Garza voting against.

- (c) Presentation, discussion and possible action implementing the salary increase for the City of La Porte Emergency Medical Services and the City of La Porte Fire Department. [Mayor Rigby]

Councilperson Bentley moved to implement the salary increases [adopted in April to begin June 1] for the City of La Porte Emergency Medical Services and the La Porte Fire Department for the positions listed in the agenda request (i.e. EMS Paramedics I and II, Captain and Lieutenant, and Fire Engineers); the motion was adopted, 9-0.

## 9. REPORTS

- (a) Receive a report on the Fiscal Affairs Committee Meeting. [Councilperson Engelken]

Councilperson Engelken reported on the Fiscal Affairs Committee meeting held at 4:30 p.m., relaying that the purchasing and investment reports were received.

- (b) Receive report of the Drainage and Flooding Committee Meeting. [Councilperson J. Martin]

Councilperson J. Martin reported on the Drainage and Flooding Committee meeting held at 4:30 p.m., saying the Harris County Flood Control District was in attendance and updates were provided from its representative and City Engineer Lorenzo Wingate.

## 10. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, May 16, 2019
- City Council Meeting, Monday, June 10, 2019
- City Council Meeting, Monday, June 14, 2019

City Manager Corby Alexander offered no report.

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

Councilpersons recognized the new members on the dais; lauded the Public Employee Appreciation Luncheon, Sylvan Beach Day, and Special Olympics events; expressed sympathy for DOW employees who were attending; thanked the Fire and EMS staff for their work; noted the celebrations of Police Week and EMS Week; requested review of the construction on Somerton; gave appreciation to the City Manager and Public Works Director Don Pennell for cleanup in the Lomax area ditches ahead of the recent rains; offered sincere gratitude to Councilpersons Kristin Martin and John Zemanek for their many years of service; and the new Councilpersons thanked the public and their fellow Councilpersons.

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

**Texas Government Code – Section 551.072 – Deliberation regarding purchase, exchange, lease, or value of real property: Meet with City Manager and City Attorney to discuss value of real property in industrial districts, concerning negotiations with industry representatives for terms of new Industrial District Agreements.**

**Texas Government Code – Section 551.074 – Personnel Matter: Deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, unless the officer requests a public hearing: Denise Mitrano, Municipal Court Judge.**

*(Councilperson Earp has a conflict of interest affidavit on file for the IDA item, did not participate in the deliberation for it, and left the meeting after the Council handled Judge Mitrano's item first in executive session.)*  
The Council adjourned into executive session at 9:09 p.m.

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

The Council reconvened into open session at 9:53 p.m. Councilperson Martin moved to approve a 5% increase for Judge Mitrano. The motion was adopted, 8-0, Councilperson Garza abstaining.

The Council re-adjourned into executive session at 9:54 p.m. and reconvened at 10:29 p.m.

**ADJOURN – Without objection, Mayor Rigby adjourned the meeting at 10:31 p.m.**

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Lee Woodward, City Secretary



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>June 10, 2019</u>
Requested By: <u>Lorenzo Wingate</u>
Department: <u>Public Works</u>
<input type="radio"/> Report <input checked="" type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>033</u>
Account Number:	<u>033-9892-927-1100</u>
Amount Budgeted:	<u>\$244,491.00</u>
Amount Requested:	<u>Annual budget amounts.</u>
Budgeted Item:	<input checked="" type="radio"/> Yes <input type="radio"/> No

**Exhibits:**      Bid tabulation  
                    Vendor list  
                    Qualification statement and bid

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### SUMMARY & RECOMMENDATION

Sealed Bid #19010 Annual Concrete Sidewalk Replacement Project was opened and read on Thursday, May 2, at 2:00 p.m. The bid was advertised in the Bay Area Observer on April 11 and 18, 2019. Seventy-four (74) vendors were notified, with twenty-three (23) accessing the bid and fifteen (15) downloading the documents. Two (2) bidders responded. The bid tabulation and Notification and Access Report are attached.

For FY 19, the available funding balance is \$244,491 from the Street Maintenance Fund (033). The initial work orders for the project will be approximately 16,000sf of sidewalk removal and replacement and the construction of 27 ADA ramps. Additional work will be issued as funding allows. Infill work can also be issued with this contract and other funding sources.

Staff's recommendation is to enter into a contract to construct the 2018-19 Citywide Sidewalk Replacement Project with Greenscapes Six, LLC in the amount of the annual budgeted amounts for sidewalk replacement and infill for the unit prices bid. Greenscapes Six has completed previous sidewalk replacement for the City of La Porte.

Upon contract award and initiation of the work, the contractor will receive work orders with identified locations and will have a minimum estimated construction cost of \$25,000. This is in compliance with the bid document and provides for greater cost effectiveness, construction efficiency, and quality control utilizing City staff.

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### ACTION REQUIRED BY COUNCIL

Move to award Bid #19010 to Greenscapes Six, LLC. for the Annual Concrete Sidewalk Replacement Project and authorize the City Manager to enter into a construction contract, based on unit prices bid, in the amount of annual budget amounts approved by Council for sidewalk replacement and infill.

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**Approved for the City Council meeting agenda**

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**Corby D. Alexander, City Manager**

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**Date**

### Bid Tabulation to Sealed Bid #19010 - Annual Concrete Sidewalk Replacement Project

Item No.	Description	UOM	QTY	Brooks Concrete		Greenscapes Six	
				Unit Price	Extended Price	Unit Price	Extended Price
1	Concrete Sidewalk and Curb Removal and Disposal	SF	16,000	\$1.55	\$24,800.00	\$0.85	\$13,600.00
2	Concrete Driveway Removal and Disposal	SF	1,000	\$1.55	\$1,550.00	\$1.40	\$1,400.00
3	Concrete Curb Replacement (Including extended curb heights	LF	200	\$15.45	\$3,090.00	\$30.00	\$6,000.00
4	4.0" Concrete Sidewalk Replacement	SF	16,000	\$7.73	\$123,680.00	\$3.50	\$56,000.00
5	6" Concrete Driveway Replacement	SF	1,000	\$8.76	\$8,760.00	\$7.00	\$7,000.00
6	Curb ramp (TYPE 7) complete and in place with detectable warning	EA	25	\$1,030.00	\$25,750.00	\$800.00	\$20,000.00
7	Curb Ramp (TYPE 12) complete and in place with detetable warning	EA	2	\$1,287.50	\$2,575.00	\$1,500.00	\$3,000.00
8	Sawcut all depth	LF	2,000	\$10.30	\$20,600.00	\$12.00	\$24,000.00
9	Adjust valve boxes/water meters to grade	EA	8	\$51.50	\$412.00	\$100.00	\$800.00
10	Additional regrading	SY	1,500	\$9.27	\$13,905.00	\$1.00	\$1,500.00
11	Additional Excavation, incl Bank sand per city	SY	1,500	\$10.30	\$15,450.00	\$6.00	\$9,000.00
12	Block sodidng (16" wide)	SY	3,000	\$9.27	\$27,810.00	\$6.00	\$18,000.00
13	Mailbox removal/replacement	EA	10	\$257.50	\$2,575.00	\$150.00	\$1,500.00
14	Manhole adjustments	EA	12	\$515.00	\$6,180.00	\$350.00	\$4,200.00
					<b>\$277,137.00</b>		<b>\$166,000.00</b>

**Bid results are preliminary and do not indicate any type of award. Other considerations may apply.**

## Notifications and Access Report for Sealed Bid 19010 - Annual Concrete Sidewalk Replacement Project

### Notifications:

Vendor Name	Reason
3J Ryan, Inc.+48:4:73	Bid Notification
A1 Construction Services	Bid Notification
AAA Asphalt Paving Inc	Bid Notification
Advanced Facility Maintenance	Bid Notification
Advanced Starlight Internationa	Bid Notification
AHRG, Corporation	Bid Notification
All Pro General Construction, I	Bid Notification
American Pavement Solutions	Bid Notification
Angel Brothers Enterprises, Ltc	Bid Notification
aztec remodeling &landscaping	Bid Notification
BATTERY WAREHOUSE	Bid Notification
Baukus Electric	Bid Notification
Bergeron Emergency Services,	Bid Notification
BidClerk	Bid Notification
Brooks Concrete Inc	Bid Notification
CDC News	Bid Notification
Ceres Environmental Services,	Bid Notification
Civil Concepts	Bid Notification
Concrete Raising Corporation	Bid Notification
ConstructConnect	Bid Notification
D & W Contractors Inc.	Bid Notification
D Davila	Bid Notification
derk harmsen const. co inc	Bid Notification
Dodge Data & Analytics	Bid Notification
Dort & O'Connor Contractors	Bid Notification
Durwood Greene Construction	Bid Notification
El Dorado Services Inc.	Bid Notification
ERS, Inc.	Bid Notification
FINAL DESIGN	Bid Notification
Florida Traffic Control Devices,	Bid Notification
Forde Construction Company,	Bid Notification
Graham County Land Compan	Bid Notification
Greenscapes Six, LLC	Bid Notification
GW Phillips Construction, INC.	Bid Notification
HARRIS CONSTRUCTION CC	Bid Notification
Hayden Paving, Inc.	Bid Notification

74 notified

HDR Engineering, Inc.	Bid Notification
Hearn Company	Bid Notification
Houston Concrete Raising	Bid Notification
ISC Global Services, Inc.	Bid Notification
ISI Contracting, Inc.	Bid Notification
J&G Concrete Products	Bid Notification
JDC Services	Bid Notification
JERDON ENTERPRISE, L.P.	Bid Notification
Kessler Painting	Bid Notification
LAYNE INLINER, LLC	Bid Notification
LEMCO	Bid Notification
Locus Construction	Bid Notification
MAR-CON SERVICES, LLC	Bid Notification
MHB Construction, Inc.	Bid Notification
Onvia	Bid Notification
Patak Construction, Inc.	Bid Notification
Perkens WS Corporation	Bid Notification
Pfeiffer & Son, Ltd.	Bid Notification
QC Laboratoires, Inc.	Bid Notification
R J Construction Company, Inc	Bid Notification
R.H. Shackelford, Inc.	Bid Notification
RAC Industries, LLC	Bid Notification
Reliance Construction	Bid Notification
Royal Media Network Inc.	Bid Notification
Sixth Man Construction	Bid Notification
SJ&J CONSTRUCTION, LLC	Bid Notification
SmartProcure	Bid Notification
South Ranger Construction Inc	Bid Notification
Southern Road & Bridge	Bid Notification
Stone Castle Industries	Bid Notification
T & A Turf and Irrigation, LLC.	Bid Notification
T&T	Bid Notification
Taylor & Taylor Construction	Bid Notification
Teamwork Construction Service	Bid Notification
Texas concrete and remodeling	Bid Notification
TFR Enterprises, Inc	Bid Notification
THE DRC GROUP	Bid Notification
TLC Trucking & Contracting, Inc	Bid Notification
Webber, LLC	Bid Notification

**Access:**

<b>Vendor Name</b>	<b>Documents</b>
aztec remodeling & landscaping	#19010 Annual Sidewalk Repair
Acme Inc	
Advanced Starlight International	#19010 - Annual Sidewalk Repair.pdf
BidClerk	#19010 - Annual Sidewalk Repair.pdf
Brooks Concrete Inc	#19010 Annual Sidewalk Repair
CMS	
Concrete Raising Corporation	#19010 Annual Sidewalk Repair
ConstructConnect	#19010 - Annual Sidewalk Repair.pdf
Construction Journal	
El Dorado Services Inc.	#19010 Annual Sidewalk Repair
GC Engineering	
Greenscapes 6	#19010 Annual Sidewalk Repair
Hearn Company	#19010 Annual Sidewalk Repair
Highlander Contracting, LLC	#19010 Annual Sidewalk Repair
North America Procurement Council	
Onvia	#19010 Annual Sidewalk Repair
Perkens WS Corporation	#19010 Annual Sidewalk Repair
School Wholesale Supplies LLC	
SmartProcure	#19010 Annual Sidewalk Repair
SO	
Swantner & Gordon Insurance	#19010 Annual Sidewalk Repair
Tukmol General Contractor	
Wayne Enterprises	
Dodge Data & Analytics	#19010 Annual Sidewalk Repair

23 accessed 15 downloaded



## GREENSCAPES SIX

GOLF | CONCRETE | ATHLETIC | IRRIGATION | LANDSCAPE | OIL FIELD

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CITY OF LA PORTE

JOB #19010  
ANNUAL SIDEWALK REPAIR PROJECT PROPOSAL

GREENSCAPES SIX, LLC  
7020 FM 3180  
BAYTOWN, TX 77523  
(713) 714-3500

Mike Archer  
Managing Partner  
(713) 501-7 456  
[marcher@greenscapes6.com](mailto:marcher@greenscapes6.com)

Joey Taylor  
Managing Partner  
(832) 264-1213  
[jtaylor@greenscapes6.com](mailto:jtaylor@greenscapes6.com)

**BID FORM**  
**Sealed Bid #19010 Annual Concrete Sidewalk Replacement Project**

DATE: 5/1/2019

Bid of GREENSCAPES SIX, LLC (*insert complete legal name*), (*mark through any of the following that do not apply*) an ~~individual proprietorship, a corporation organized and existing under laws of the State of Texas,~~ a partnership consisting of Managing Partners for Construction of Annual Concrete Sidewalk Replacement, for the City of La Porte, Harris County, Texas.

Gentlemen:

The undersigned bidder has carefully examined the Instructions to Bidders, this Proposal, the General Conditions of Agreement, the Technical Specifications and the drawings for the work herein above described and referred to in the Invitation to Bid and has carefully examined the site of the work and will provide all necessary labor, superintendence, machinery, equipment, tools, materials, services and other means of construction to complete all the work upon which he bids, as called for in the Contract, the Specifications and shown on the drawings, and in the manner prescribed therein and according to the requirements of the City of La Porte.

TOTAL BID \$ 166,000.00Written One hundred sixty six thousand dollars and zero cents.

No.	Item Description	UOM	QTY	Unit Price	Total Price
1	Concrete Sidewalk and Curb Removal and Disposal	SF	16,000	\$0.85	\$ 13,600.00
2	Concrete Driveway Removal and Disposal	SF	1,000	\$1.40	\$ 1,400.00 -
3	Concrete Curb Replacement (Including extended curb heights)	LF	200	\$30.00	\$ 6,000.00 -
4	4.0" Concrete Sidewalk Replacement	SF	16,000	\$3.50	\$56,000.00 -
5	6" Concrete Driveway Replacement	SF	1000	\$7.00	\$ 7,000.00 -
6	Curb Ramp (TYPE 7) Complete in Place with Detectable Warning	EA	25	\$800.00	\$20,000.00 -
7	Curb Ramp (TYPE 12) Complete in Place with Detecable Warning	EA	2	\$1,500.00	\$ 3,000.00 -
8	Sawcut all Depth	LF	2000	\$12.00	\$ 24,000.00 -
9	Adjust Valve Boxes/ Water Meters to Grade	EA	8	\$100.00	\$ 800.00 -
10	Additional Regrading	SY	1500	\$1.00	\$ 1,500.00 -
11	Additional Excavation, incl Bank Sand Per City	SY	1500	\$6.00	\$ 9,000.00 -
12	Block Sodding (16" Wide)	SY	3000	\$6.00	\$ 18,000.00 -
13	Mailbox Removal/Replacement	EA	10	\$150.00	\$ 1,500.00 -
14	Manhole Adjustments	EA	12	\$350.00	\$ 4,200.00 -

**Total Bid Price**      \$ 166,000.00 

**Notes:**

The Unit Bid prices for the Base Bid Items include the cost of all associated work Items and materials including, but not limited to mobilization and maintenance of traffic in accordance with Texas MUTCD standards.

The initial term of this Contract is for a one-year period from the date of Council approval. This contract will automatically renew pursuant to the discretion of and approval by the City and the availability of funds on the anniversary date unless either party notifies the other of intent to non-renew in writing prior to the anniversary date. Each such renewal shall be in writing and approved by the appropriate authorities of each party on 1-year increments, with a total contract duration of 3 years. An option to extend will not be considered if funding is unavailable or Contractor's past performance is not satisfactory as determined by the City. Said renewal shall be for the same compensation, terms and conditions set forth in the original solicitation document.

Additionally, Contractor understands and agrees that upon the City's written request, this Contract may be extended for a period of time, not to exceed 120 calendar days after expiration of the initial term or any renewal thereof, for the same compensation as the Contractor was receiving for the services during the expired term immediately preceding the extension. The City may terminate such extension at any time for any reason without prior notice.

The amounts set forth above are current estimates by Contractor of the amounts that will be determined during the progress of the Work. The separated progress billings from Contractor to the Owner shall reflect the actual amounts expended for the items enumerated in (a), (b), and (c), above.

**SUBSTITUTIONS:** If necessary, attach detailed explanation to proposal.

1.

\_\_\_\_\_ (Add) (Deduct)            \$ \_\_\_\_\_

2.

\_\_\_\_\_ (Add) (Deduct)            \$ \_\_\_\_\_

It is understood and agreed that the work shall be complete in full as agreed for each work order issued by the City and after the date on which work is to be commenced as established by the Contract Documents.

It is agreed that the contract price may be increased or decreased to cover work added or deleted by order of the Engineer, in accordance with the provisions of the General Conditions of Agreement.

The award may be made on the Base Bid alone or the Base Bid and any or all of the Items listed under Alternates or Substitutions, if any.

The undersigned agrees that the amounts bid in this proposal will not be withdrawn or modified for sixty (60) days following date of bid opening.

It is understood that the bid security accompanying this proposal shall be returned to the undersigned unless, in case of the acceptance of this proposal the undersigned should fail to enter into a construction contract and execute bonds as provided in the specifications. In the event the undersigned should fail to enter into a construction contract and execute bonds as required within 14 calendar days after the Engineer has given unsigned contracts to the Contractor, it is understood and agreed that the bid security shall be forfeited to the Owner and shall be considered as payment for damages due to delay and other inconveniences suffered by the Owner as a result of such failure on the part of the undersigned.

It is understood that the Owner reserves the right to reject any and all bids.

In the event of Award of the Contract to the undersigned, the undersigned agrees to furnish Performance and Payment Bonds as provided in the Specifications.

The undersigned certifies that the bid prices contained in this proposal have been carefully checked and are submitted as

correct and final Date 5/1/2019  
GREENSCAPES SIX, LLC  
(Company)

Signed

By MIKE ARHER

(Printed name)  
MANAGING PARTNER

(Printed title)  
7020 FM 3180 BAYTOWN, TX 77523

(Complete address)

713-501-7456

(Telephone Number)



Witness \_\_\_\_\_

SEAL (if Bidder is a Corporation, if none insert "NONE")

Acknowledge receipt of Addenda Below:

Addendum No. 1 \_\_\_\_\_

Date Received 4-22-2019 \_\_\_\_\_

**BID BOND**

STATE OF TEXAS     §  
                              §  
COUNTY OF HARRIS §

SURETY'S NO. \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS, THAT Greenscapes Six, LLC

\_\_\_\_\_  
\_\_\_\_\_  
(hereinafter called the Principal), as Principal and Philadelphia Indemnity Insurance Company

\_\_\_\_\_  
(hereinafter called the Surety), as Surety, are bound unto the City of La Porte, Texas, a home rule municipal corporation of Harris County, Texas (hereinafter called Obligee) in the amount of Five Percent of Greatest Amount Bid\*\*\* Dollars (\$5% G.A.B.\*\*\*), for the payment whereof said Principal and Surety bind themselves, and their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a Bid to enter into a certain written Contract with Obligee for Sealed Bid #19010 - Annual Sidewalk Repair

\_\_\_\_\_  
\_\_\_\_\_  
NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall faithfully, enter into such written Contract, then this obligation shall be void; otherwise to remain in full force and effect.

IT IS EXPRESSLY UNDERSTOOD AND AGREED that if said Principal should withdraw its Bid anytime after such Bid is opened and before this Bid Bond is returned or before official rejection of such Bid; or, if successful in securing the award thereof, said Principal should fail to enter into the Contract and furnish satisfactory Performance Bond and Payment Bond, and other required contract documents, the Obligee, in either of such events, shall be entitled and is hereby given the right to collect the full amount of this Bid Bond as liquidated damages.

PROVIDED, further that if any legal action be filed upon this Bond, venue shall lie in Harris County, Texas.

IN WITNESS WHEREOF, the said Principal and Surety do sign and seal this instrument this 2nd  
day of May, 2019.

Greenscapes Six, LLC  
Legal Name Principal/Contractor

Philadelphia Indemnity Insurance Company  
Legal Name Surety

By: 

By: 

MIKE ARCHER, MANAGING PARTNER  
(Printed name and title)

Mark Smith, Attorney-in-Fact  
(Printed name and Title)

Address: 7020 FM 3180 Road

Address: One Bala Plaza, Suite 100

Baytown, Texas 77523

Bala Cynwyd, Philadelphia 19004

NOTE: Attach Power of Attorney

PHILADELPHIA INDEMNITY INSURANCE COMPANY  
One Bala Plaza, Suite 100  
Bala Cynwyd, PA 19004-0950

Power of Attorney

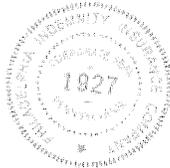
KNOW ALL PERSONS BY THESE PRESENTS: That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint G. C. Blystone, Jr., Betty A. Bush, Joseph Blackshear, Mark Smith, and/or Donna Weinel of Rust, Ewing, Watt & Haney, Inc., its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$50,000,000.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14<sup>th</sup> of November, 2016.

**RESOLVED:** That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER RESOLVED:** That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

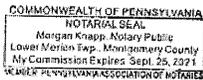
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 27<sup>TH</sup> DAY OF OCTOBER, 2017.



(Seal)

Robert D. O'Leary Jr., President & CEO  
Philadelphia Indemnity Insurance Company

On this 27<sup>th</sup> day of October, 2017, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the PHILADELPHIA INDEMNITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



(Notary Seal)

Notary Public:

residing at:

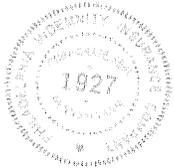
Bala Cynwyd, PA

My commission expires:

September 25, 2021

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 27<sup>th</sup> day of October, 2017 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 2nd day of May, 2019.



Edward Sayago, Corporate Secretary  
PHILADELPHIA INDEMNITY INSURANCE COMPANY

**CITY OF LA PORTE  
RESPONDENT AFFIDAVIT**

The foregoing prices shall include all labor, materials, equipment, removal, overhead, profit, freight, insurance, etc., to cover the finished work specified in this bid.

All items bid and installed under this procurement must be new and unused and in undamaged condition.

The City of La Porte is tax exempt and no taxes shall be included in the pricing of this solicitation.

Respondent understands that the Owner reserves the right to reject any or all bids and to waive any informalities in the solicitation.

The respondent agrees that this solicitation shall be good and may not be withdrawn for a period of sixty (60) calendar days after the scheduled closing time for receiving submittals.

The undersigned affirms they are duly authorized to represent this firm, that this proposal has not been prepared in collusion with any other firm, and that the contents contained herein have not been communicated to any other firm prior to the official opening.

Respectfully submitted:

Business Name: GREENSCAPES SIX, LLC

Address: 7020 FM 3180  
BAYTOWN TX, 77523

Printed Name: MIKE ARCHER

Authorized Signature: 

Date: 5-1-2019

**CITY OF LA PORTE  
CERTIFICATION OF RESPONDENT**

City of La Porte Ordinance #98-2217 prohibits any expenditure for goods or services by the City of La Porte from any person, firm, or corporation owing any delinquent indebtedness to the City. The undersigned respondent further certifies that it is in compliance with the requirements of said ordinance. A copy of the ordinance may be obtained by contacting the City of La Porte Purchasing Division at 281-470-5126.

If undersigned bidder is not in compliance with Ordinance 98-2217, it hereby assigns to the City of La Porte, the amount of its delinquent indebtedness to the City of La Porte, to be deducted by the City of La Porte from the amounts due the undersigned.

Failure to remit this certification with the response or non-compliance with said ordinance shall be just cause for rejection or disqualification of submitted proposal.

The undersigned hereby certifies that it is in compliance with Ordinance 98-2217.

Or

The undersigned assigns to the City of La Porte, the amount of its delinquent indebtedness, to be deducted by the City of La Porte from the amounts due the undersigned.

*(Initial one of the above)*

**Business Name:** GREENSCAPES SIX, LLC

**Address:** 7020 FM 3180

BAYTOWN, TX 77523

**Printed Name:** MIKE ARCHER

**Authorized Signature:** 

**Date:** 5-1-2019

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**CITY OF LA PORTE  
PROTECTION OF RESIDENT WORKERS COMPLIANCE**

The City of La Porte, Texas actively supports the Immigration and Nationality Act (INA) which includes provisions addressing employment eligibility, employment verification, and nondiscrimination. Under the INA, employers may hire only persons who may legally work in the United States (i.e., citizens and nationals of the U.S.) and aliens authorized to work in the U.S.

The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9).

The Contractor shall establish appropriate procedures and controls so no services or products under the Contract Documents will be performed or manufactured by any worker who is not legally eligible to perform such services or employment.

**Business Name:** GREENSCAPES SIX, LLC

**Address:** 7020 FM 3180  
BAYTOWN, TX 77523

**Printed Name:** MIKE ARCHER

**Authorized Signature:** 

**Date:** 5-1-2019

**CITY OF LA PORTE  
INDEMNITY HOLD HARMLESS AGREEMENT**

To the fullest extent permitted by law, Contractor, its successors, assigns and guarantors, shall pay, defend, indemnify and hold harmless the City of La Porte, its agents, representatives, officers, directors, officials and employees from and against all allegations, demands, proceedings, suits, actions, claims, including claims of patent or copyright infringement, damages, losses, expenses, including but not limited to, attorney's fees, court costs, and the cost of appellate proceedings, and all claim adjusting and handling expenses, related to, arising from or out of or resulting from any actions, acts, errors, mistakes or omissions caused in whole or part by Contractor relating to work, services and/or products provided in the performance of this Contract, including but not limited to, any Subcontractor or anyone directly or indirectly employed by or working as an independent contractor for Contractor or said Subcontractors or anyone for whose acts any of them may be liable and any injury or damages claimed by any of Contractor's and Subcontractor's employees or independent contractors.

The Contractor expressly understands and agrees that any insurance policies required by this contract, or otherwise provided by the Contractor, shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City of La Porte, its Council members, officers, agents and employees and herein provided.

**Business Name:** GREENSCAPES SIX, LLC

**Address:** 7020 FM 3180  
BAYTOWN, TX 77523

**Printed Name:** MIKE ARCHER

**Authorized Signature:** 

**Date:** 5-1-2019



# City of La Porte

Established 1892

# Purchasing Department

Cherell Daeumer, Purchasing Manager

### References:

Please PRINT or TYPE here, the names, addresses and other contact information of persons in a management capacity where other similar work has been provided within the last five (5) years, or is currently being provided that may be willing to provide a reference and recommendation for your company. Failure to complete and submit this form may be cause to disqualify your proposal. References provided must be for similar rehabilitation projects.

At least 2 references should be current and of a similar size and scope. Contractor shall also indicate the date services were performed and a brief description of the type of disaster-generated event, and quantity/type of debris involved for each reference provided.

Company Name	Contact	Address	Telephone	E-mail
City of La Porte	Kennard Givens		281-471-5020	givensk@laportetx.gov
Concrete Construction Project		604 West Fairmont La Porte, TX 77571		

Company Name	Contact	Address	Telephone	E-mail
City of Tomball	Justin Pruitt, Construction Manager		(832) 948-2840	jpruitt@tomballtx.gov
Concrete Construction Project		401 Market Street Tomball, TX 77375		

Company Name	Contact	Address	Telephone	E-mail
City of Port Arthur	Adam, City Inspector		(409) 853-7471	
Concrete Construction Project		444 4th Street Port Arthur, TX 77640		

Company Name	Contact	Address	Telephone	E-mail
City of Pearland	Mark Graham, Public Works Superintendent		(281) 652-1797	
Concrete Construction Project		3519 Liberty Dr Pearland, TX 77581	megraham@pearlandtx.gov	

Company Name	Contact	Address	Telephone	E-mail
Houston Astros Foundation	Twila Carter		281-703-3641	tcarter@astros.com
Athletic Field Construction Project		501 Crawford St Houston, TX 77002		

Company Name	Contact	Address	Telephone	E-mail
City of Conroe	Todd Traylor		936-520-7100	
Concrete Construction Project		300 W. Davis Conroe, TX 77304		

House Bill 89 VERIFICATION

I, MIKE ARCHER (Person name), the undersigned representative of GREENSCAPES SIX, LLC

(hereafter referred to as company) being an adult over the age of eighteen (18) years of age, after being duly sworn by the undersigned notary, do hereby depose and verify under oath that the company named-above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2270::

- 1. Does not boycott Israel currently; and
- 2. Will not boycott Israel during the term of the contract the above-named Company, business or individual with Bastrop County, Texas.

Pursuant to Section 2270.001, Texas Government Code:

- 1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and
- 2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.

5-1-2019

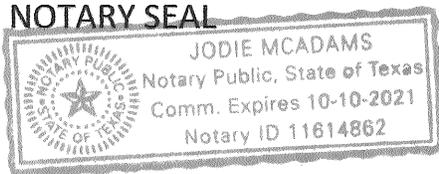
*Mike Archer*

DATE

SIGNATURE OF COMPANY REPRESENTATIVE

ON THIS THE 5 day of MAY, 2019, personally appeared MIKE ARCHER, the above-named person, who after by me being duly sworn, did swear and confirm that the above is true and correct.

NOTARY SEAL



*Jodie McAdams*

NOTARY SIGNATURE



## GREENSCAPES SIX

GOLF | CONCRETE | ATHLETIC | IRRIGATION | LANDSCAPE | OIL FIELD

---

### Bidder's Qualification Statement

1. Greenscapes Six, LLC  
(713) 714-3500  
7020 FM 3180  
Baytown, TX 77523
2. Greenscapes Six, LLC has been in business 4 years and is registered in the state of Texas. Please reference the Executive Summary section for principal's work history.
3. Greenscapes Six, LLC has an extensive inventory of equipment available for the job. Relevant inventory includes:

Mini Excavator  
Skid Track Loader  
John Deere Tractors  
Dump Trailers  
Utility Carts  
Back Hoe w/ Hammer

4. Please reference the document entitled "References" for a performance record and contacts.
5. Current Contracts:

**City of Bay City**

\$262,653.00

33% Complete

**City of Port Arthur**

\$193,000.00

85% Complete

**Jersey Meadows**

\$45,000.00

50% Complete

**University of Houston**

100,000.00

50% Complete

**Conroe Country Club**

20,000.00

75% Complete

6. Greenscapes Six, LLC has never been involved in a law suit.
7. Greenscapes Six, LLC has never defaulted on a contract.
8. Greenscapes Six, LLC has never filed bankruptcy.
9. Greenscapes Six, LLC officers have not ever been associated with any lawsuit.
10. Please reference the Resume section for information on technical experience.
11. Please reference the Executive Summary section for further qualifications.



## GREENSCAPES SIX

GOLF | CONCRETE | ATHLETIC | IRRIGATION | LANDSCAPE | OIL FIELD

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### EXECUTIVE SUMMARY

#### CONTACT

Mike Archer  
Managing Partner  
(713) 501-7456  
marcher@greenscapes6.com

#### COMPANY HISTORY

Greenscapes Six, LLC registered with the State of Georgia May 22, 2015 and then the State of Texas soon after. With a hand-full of exceptions, all projects have been performed in Texas. The Greenscapes Six team, led by industry veterans Mike Archer and Joey Taylor, has performed construction projects for over three decades, completing over \$200 million of projects including recent assignments at City of Pearland, City of Conroe, and City of Tomball.

Greenscapes Six offers a platform of solution-based resources transferable across the concrete, construction, and commercial maintenance industries including concrete construction, repair, and replacement. Many clients, including municipalities, seek skilled teams to perform concrete repair and replacement, paver installation, curb and gutter, street panels, and more, all of which are in the wheel-house of Greenscapes Six.

#### QUALIFICATIONS

Greenscapes Six holds annual concrete contracts with a number of municipalities as well as project-specific contracts on concrete services. These include a \$966,000 concrete construction contract with the City of Pearland, a \$262,000 sidewalk construction contract with the City of Tomball, a \$266,000 contract with the City of La Porte, and annual concrete service contracts with the City of Alvin and the City of Port Arthur among others.



## GREENSCAPES SIX

GOLF | CONCRETE | ATHLETIC | IRRIGATION | LANDSCAPE | OIL FIELD

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### RESUMES

#### **MIKE ARCHER**

##### **MANAGING PARTNER/FOUNDER**

Mike has over 25 years of experience in golf, landscape, and commercial development/construction. His experience includes a diversified range of projects for a variety of clients. Mike received his B.S. Degree from Texas A&M University in Agronomy-Turfgrass Management with a specialization in Business Administration.

Mike began his career as a project superintendent for Landscapes Unlimited overseeing both renovation and new construction projects across the United States. While at Landscapes Unlimited, Mike was promoted to Regional Project Manager which included a wide range of projects in Arkansas, Texas, Oklahoma, and Louisiana. Mike grew this to be one of the largest regions producing \$15 million to \$25 million per year.

In 2003 Mike went on to project manage residential and commercial development in Austin, Texas including the site development for Wolf Creek Commercial Park. In 2007, Mike joined the Sequoia Golf team and was selected to oversee all capital improvement projects for all golf courses in Texas and Colorado. Under Mike's leadership, Sequoia expanded Sequoia's in-house construction operations by developing a specialized division to service third-party clients on schedule and within budget. Mike is a strong construction executive who is dedicated to client satisfaction as well as helping co-workers and employees achieve their highest performance and overall company performance.

#### **JOEY TAYLOR**

##### **MANAGING PARTNER/FOUNDER**

Joey has over 10 years of experience in landscapes construction and maintenance for parks, recreational areas and golf course construction/development both nationally and internationally. Joey graduated from Lamar University in Beaumont, TX with a BS in Business Administration.

Joey started his career as a principal in his own landscape, construction and maintenance company. He then became a project superintendent for Landscapes Unlimited overseeing a wide range of projects from \$20,000 to \$21 million. Prior to forming Greenscapes Six, Joey was responsible for completing all capital improvement projects for Sequoia Golf, the second largest golf course owner/operator with over 50 courses.

Joey takes a collaborative team approach to every project while maintaining the upmost level of professionalism and integrity to ensure a quality product and good working relationship between his crew and client.



## GREENSCAPES SIX

GOLF | CONCRETE | ATHLETIC | IRRIGATION | LANDSCAPE | OIL FIELD

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### **LUKE KINCAID**

#### **PROJECT SUPERINTENDENT**

Luke Kincaid has over 5 years' experience on a number of projects ranging from municipal concrete work to golf course construction projects. His duties have included supervising concrete crews for the removal and replacement of city sidewalks, tracking daily totals of all contract work performed, moving and directing labor and equipment resources to perform all work and ordering and receiving material and deliveries.

Luke has worked on numerous notable concrete projects for clients including the City of Conroe, City of Pearland, City of Alvin, City of Tomball, City of Port Arthur, and more. Luke is an experienced superintendent able to direct crews and operations in a time and cost efficient manner while ensuring optimal project quality.



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>June 10, 2019</u>
Requested By: <u>Lorenzo Wingate</u>
Department: <u>Public Works</u>
<input type="radio"/> Report <input checked="" type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

**Exhibits:**        Civil rights resolution and policies

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### SUMMARY & RECOMMENDATION

On November 15, 2016, the Harris County Commissioners Court approved a Method of Distribution developed by the Harris County Community Services Department, recommending allocations for housing and non-housing CDBG-DRs. The Method of Distribution (MOD) was submitted to the Texas General Land Office (GLO) on November 16, 2016, and has been approved by the GLO.

The GLO-CDR 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. To access the funding allocated to the City of La Porte, GLO required submission of a Non-Housing Project Application detailing the City's proposed non-housing projects to principally benefit those of low and moderate income areas by repairing or mitigating 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. Thus, drainage improvements benefiting the northside neighborhood were identified within the City's application for funding. The City's application was accepted by the GLO and GLO provided the City an executed contract for the allocation of \$325,775.30, effective March 9, 2019, through August 5, 2021.

Grant recipients using Texas GLO CDBG-DR funding for housing or non-housing projects are required to provide proof of a resolution agreeing to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections.

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### ACTION REQUIRED BY COUNCIL

Move to adopt Resolution 2019-09 indicating the City's agreement to adopt the policies outlined within the proposed resolution, in connection with the City's participation in federally funded Community Development Block Grant (CDBG) Projects.

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**Approved for the City Council meeting agenda**

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**Corby D. Alexander, City Manager**

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**Date**

## **RESOLUTION 2019-09**

### **A RESOLUTION ADOPTING THE ATTACHED POLICIES IN CONNECTION WITH THE CITY OF LA PORTE, TEXAS PARTICIPATION IN FEDERALLY FUNDED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS AND ADHERENCE TO THE REGULATIONS DESCRIBED THEREIN.**

Whereas, the City of La Porte, Texas, (hereinafter referred to as “City”) has been awarded federal funding through a Community Development Block Grant (CDBG);

Whereas, the City, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the City, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, the City, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG project area;

Whereas, the City, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State’s certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the City, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each CDBG project;

Whereas, the City, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, the City, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the CDBG contract, to affirmatively further fair housing;

Whereas, the City, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, THAT THE CITY OF LA PORTE ADOPTS THE FOLLOWING:**

1. Citizen Participation Plan and Grievance Procedures;
2. Section 3 Policy;
3. Excessive Force Policy;
4. Section 504 Policy and Grievance Procedures;
5. Limited English Proficiency Plan;
6. Fair Housing Policy; and
7. Code of Conduct Policy

**Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

CITY OF LA PORTE

\_\_\_\_\_  
Louis Rigby, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee Woodward, City Secretary

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

## **RESOLUCIÓN 2019-09**

### **UNA RESOLUCIÓN ADOPTANDO LAS POLÍTICAS ADJUNTAS EN RELACIÓN CON LA CIUDAD DE LA PORTE, LA PARTICIPACIÓN DE TEXAS EN LOS PROYECTOS DE LA SUBVENCIÓN DE BLOQUES DE DESARROLLO COMUNITARIO FEDERALMENTE FINANCIADOS (CDBG) Y LA ADHESIÓN A LOS REGLAMENTOS DESCRITOS EN ESTE DOCUMENTO.**

Mientras que, Ciudad de La Porte, Texas, (en lo sucesivo "Ciudad") ha sido galardonado con CDBG financiación a través de una subvención de CDBG;

Considerando que, Ciudad, según sección 109 del título I de la ley de desarrollo comunitario y vivienda. (24 CFR 6); la ley de discriminación de edad de 1975 (42 U.S.C. 6101-6107); y la sección 504 de la ley de rehabilitación de 1973 (29 U.S.C. 794) y contratos de construcción superior a \$10.000, debe tomar medidas para garantizar que ninguna persona o grupo es negado beneficios como empleo, formación, vivienda y contratos generados por el CDBG actividad, sobre la base de raza, color, religión, sexo, origen nacional, edad o discapacidad;

Considerando que, Ciudad, en la consideración para la recepción y aceptación de fondos federales, se compromete a cumplir con normas federales y reglamentos incluyendo las normas y reglamentos de participación ciudadana y protección de los derechos civiles;

Mientras que, la Ciudad, conformidad con el artículo 3 de la ley de vivienda y desarrollo urbano de 1968, como enmendada y 24 CFR parte 135, se requiere, en la mayor medida posible, para proporcionar oportunidades de formación y empleo para bajar los residentes de ingreso y contrato de oportunidades de negocios en el área del proyecto CDBG;

Considerando que, la Ciudad, según 104(1) de la sección de vivienda y ley de desarrollo de comunidad, enmendado, y requisitos para la certificación del estado en 24 CFR 91.325(b)(6), deben adoptar una política de fuerza excesiva prohíbe el uso de fuerza excesiva contra manifestaciones derechos civiles no violentas;

Considerando que la Ciudad, de acuerdo con la Orden Ejecutiva 13166, debe tomar medidas razonables para garantizar el acceso significativo a los servicios en programas y actividades con asistencia federal por personas con dominio limitado del inglés (LEP) y debe tener un plan LEP específico de la localidad y beneficiarios para cada proyecto CDBG;

Mientras que la Ciudad, según la sección 504 de la Rehabilitation Act de 1973, no discrimina por motivos de discapacidad y se compromete a asegurar que personas calificadas con discapacidades tengan acceso a programas y actividades que reciben fondos federales; y

Considerando que, la Ciudad, según la sección 808(e)(5) de la ley de vivienda justa (42 3608(e)(5)) USC que requiere programas de HUD y actividades administrar en forma afirmativamente a más de las políticas de la ley de vivienda equitativa, se compromete a realizar al menos una actividad durante el período del contrato del contrato CDBG, afirmativamente para equidad de vivienda;

Mientras que la Ciudad, se compromete a mantener escritas normas de conducta que cubre conflictos de interés y que rigen las acciones de sus empleados participan en la selección, concesión y administración de contratos.

**AHORA, POR LO TANTO, SER RESUELTO POR EL CONCEJALES DE LA CIUDAD DE LA PORTE, TEXAS, QUE LA CIUDAD DE LA PORTE ADOPTA LO SIGUIENTE:**

1. Plan de Participación Ciudadana y Procedimientos de Quejas;
2. Política de la Sección 3;
3. Política de fuerza excesiva;
4. Política de la Sección 504 y Procedimientos de Quejas;
5. Plan de dominio limitado del inglés;
6. Política de Vivienda Justa; y
7. Política del Código de Conducta

**Pasado y aprobado el día \_\_\_\_\_ de \_\_\_\_\_, 2019.**

CIUDAD DE LA PORTE

\_\_\_\_\_  
Louis Rigby, Alcalde

ATESTIGUAR:

APROVADO POR:

\_\_\_\_\_  
Lee Woodward, Secretario de la Ciudad

\_\_\_\_\_  
Clark Askins, Abogado Asistente de la Ciudad

**THE CITY OF LA PORTE**  
**CITIZEN PARTICIPATION PLAN**  
**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Community Development Block Grant (CDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of La Porte, 604 W. Fairmont Pkwy, La Porte, Texas 77571, 281-471-5020, during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the CDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG project, whether it is a proposed, ongoing, or completed CDBG project, may during regular business hours submit such complaint or grievance, in writing to the City, at City of La Porte, 604 W. Fairmont Pkwy, La Porte, Texas 77571, or may call 281-471-5020.
2. A copy of the complaint or grievance shall be transmitted by the City Administrator to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The City shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the CDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of CDBG funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the CDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a CDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a CDBG project:

1. At a minimum, the City shall hold at least one (1) public hearing to prior to submitting the application
2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable CDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the CDBG program, and the use of past CDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the CDBG program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by CDBG, proposed to be made in the use of CDBG funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the CDBG project, the City shall hold a public hearing and review its program performance including the actual use of the CDBG funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the CDBG project or for the closeout of the CDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
4. The City shall retain documentation of the CDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

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Louis Rigby, Mayor

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Date

**LA CIUDAD DE LA PORTE**  
**PLAN DE PARTICIPACIÓN CIUDADANA**  
**PROGRAMA DE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**PROCEDIMIENTOS DE QUEJA**

Estos procedimientos de queja cumplen con los requisitos del Community Development Block Grant (CDBG) y los requisitos del gobierno local de Texas se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en la Ciudad de La Porte, 604 W. Fairmont Pkwy, La Porte, Texas 77571, 281-471-5020 en horario de oficina.

A continuación se presentan los procedimientos formales de quejas y quejas relativas a los servicios prestados en el marco del proyecto CDBG.

1. Una persona que tiene una queja o reclamación sobre cualquiera de los servicios o actividades en relación con el proyecto CDBG, o si se trata de una propuesta, en curso o determinado proyecto CDBG, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito a la ciudad, a 604 W. Fairmont Pkwy, La Porte, Texas 77571, o puede llamar a 281-471-5020.
2. Una copia de la queja o reclamación se transmitirá por el Administrado de la Ciudad a la entidad que es encargada de la queja o reclamación y al Abogado de la Ciudad dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que la reclamación fue recibida.
3. La ciudad deberá complir una investigación de la queja o reclamación, si es posible, y dara una respuesta oportuna por escrito a la persona que hizo la denuncia o queja dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de los diez (10) días hábiles anteriormente, la persona que hizo la queja o denuncia sera notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o quejas y detallará cuando se debera completar la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la CDBG para su posterior revisión y comentarios.
6. Se proporcionara copias de los procedimientos de queja y las respuestas a las quejas, tanto en Inglés y Español, u otro lenguaje apropiado.

**ASISTENCIA TÉCNICA**

Cuando lo solicite, la Ciudad proporcionará asistencia técnica a los grupos que son representantes de las personas de bajos y moderados ingresos en el desarrollo de propuestas para el uso de los fondos CDBG. La Ciudad, en base a las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

## DISPOSICIONES AUDIENCIA PÚBLICA

Para cada audiencia pública programada y llevada a cabo por la Ciudad, se observarán las disposiciones siguientes de audiencias públicas:

1. Aviso público de todas las audiencias deberá publicarse al menos setenta y dos (72) horas antes de la audiencia programada. El aviso público deberá publicarse en un periódico local. Cada aviso público debe incluir la fecha, hora, lugar y temas a considerar en la audiencia pública. Un artículo periodístico publicado también puede utilizarse para cumplir con este requisito, siempre y cuando cumpla con todos los requisitos de contenido y temporización. Los avisos también deben ser un lugar prominente en los edificios públicos y se distribuyen a las autoridades locales de vivienda pública y otros grupos interesados de la comunidad.
2. Cuando se tenga un número significativo de residentes que no hablan inglés serán una parte de la zona de servicio potencial del proyecto CDBG, documentos vitales como las comunicaciones deben ser publicados en el idioma predominante de estos ciudadanos que no hablan inglés.
3. Cada audiencia pública se llevará a cabo en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidad. Las personas con discapacidad deben poder asistir a las audiencias y la Ciudad debe hacer los arreglos para las personas que requieren ayudas o servicios auxiliares en caso de necesitarlo por lo menos dos días antes de la audiencia será pública.
4. Una audiencia pública celebrada antes de la presentación de una solicitud CDBG debe hacerse después de las 5:00 pm en un día de semana o en un momento conveniente en sábado o domingo.
5. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad deberá cumplir con los siguientes requisitos de participación ciudadana para la elaboración y presentación de una solicitud para un proyecto CDBG:

1. Como mínimo, la Ciudad deberá tener por lo menos un (1) audiencia pública antes de presentar la solicitud.
2. La Ciudad conservará la documentación de la convocatoria(s) audiencia, un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otra documentación relativa a la propuesta de utilizar los fondos para tres (3) años a partir de la liquidación de la subvención para el Estado. Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.
3. La audiencia pública deberá incluir una discusión con los ciudadanos como se indica en el manual correspondiente de aplicación CDBG, pero no se limita a, el desarrollo de las necesidades de vivienda y desarrollo comunitario, la cantidad de fondos disponibles, todas las actividades elegibles bajo el programa CDBG y el uso de fondos últimos contratos CDBG, en su caso. Los

ciudadanos, con especial énfasis en las personas de bajos y moderados ingresos que son residentes de las zonas de tugurios y tizón, se fomentará a presentar sus opiniones y propuestas sobre el desarrollo de la comunidad y las necesidades de vivienda. Los ciudadanos deben ser conscientes de la ubicación en la que podrán presentar sus puntos de vista y propuestas en caso de que no pueda asistir a la audiencia pública.

4. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad debe cumplir con los siguientes requisitos de participación ciudadana en el caso de que la Ciudad recibe fondos del programa CDBG:

1. La Ciudad celebrará una audiencia pública sobre cualquier cambio sustancial, según lo determinado por CDBG, se propuso que se hará con el uso de fondos CDBG de una actividad elegible a otro utilizando de nuevo los requisitos de notificación
2. Una vez finalizado el proyecto CDBG, la Ciudad celebrará una audiencia pública y revisara el desempeño del programa incluyendo el uso real de los fondos CDBG.
3. Cuando un número significativo de residentes que no hablan inglés se puede registra para participar en una audiencia pública, ya sea para una audiencia pública sobre el cambio sustancial del proyecto CDBG o para la liquidación del proyecto CDBG, publicará un aviso en Inglés y Español u otro idioma apropiado y se proporcionara un intérprete en la audiencia para dar cabida a las necesidades de los residentes.
4. La Ciudad conservará la documentación del proyecto CDBG, incluyendo aviso de audiencia(s), un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otro registro concerniente al uso real de los fondos por un período de a tres (3) años a partir de la liquidación del proyecto al estado.

Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de

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Louis Rigby, Alcalde

---

Fecha

## **SECTION 3 POLICY**

In accordance with 12 U.S.C. 1701u the City of La Porte agrees to implement the following steps, which, to *the greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Civil Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by CDBG grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in CDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD to the Grant Recipient.
- G. Submit reports as required by HUD regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of the federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of the City of La Porte, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

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Louis Rigby, Mayor

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Date

## **POLÍTICA DE LA SECCIÓN 3**

Según 12 U.S.C. 1701u Ciudad de La Porte se compromete a implementar los siguientes pasos, que, en *la mayor medida posible*, proporcionará capacitación, empleo y oportunidades de contratación para los residentes de la sección 3 y sección 3 empresas de las zonas en que el proyecto lleva a cabo.

- A. Introducción y pase una resolución adoptando este plan como una política de esforzarse por alcanzar metas para el cumplimiento de las normas de la sección 3 por aumentar las oportunidades de empleo y contratación para empresas y residentes de la sección 3.
- B. Asignación de tareas relacionadas con la implementación de este plan al oficial designado de los derechos civiles.
- C. Notificar a sección 3 residentes y preocupaciones de negocio de potenciales nuevos empleos y oportunidades de contratación ya que se desencadenan por CDBG conceden premios mediante el uso de: audiencias públicas relacionadas con los anuncios, avisos públicos, anuncios de licitación y oferta documentos; notificación a organizaciones locales como las cámaras de comercio o la Liga Urbana; medios de publicidad local incluyendo señalización pública; proyecto área comités y consejos ciudadanos, las oficinas locales de HUD; organismos de planificación regionales; y todas las demás fuentes de referencia apropiadas. Incluir cláusulas de la sección 3 en todo cubierto las solicitudes y contratos.
- D. Mantener una lista de las empresas que se han identificado como sección 3 empresas para la utilización en las compras de CDBG financiado, notificar a las empresas de espera oportunidades contractuales y hacer esta lista disponible para las necesidades de adquisición de receptor de la beca general.
- E. Mantener una lista de aquellas personas que se identificaron como residentes de la sección 3 y en contacto con las personas cuando oportunidades de contratación y capacitación están disponibles a través del receptor de la beca o contratistas.
- F. Requiere que todos los primeros contratistas y subcontratistas con contratos sobre \$100.000 comprometen este plan como parte de su contrato de trabajo. Monitorear el desempeño de los contratistas con respecto a los requerimientos de la sección 3 y requieren que presenten informes que se requieran por HUD al destinatario de la subvención.
- G. Presentar informes según los requisitos de HUD con respecto a la contratación con empresas de la sección 3 o empleo que se producen; y presentar informes dentro de 20 días del final del año fiscal federal (por el 20 de octubre) que identificar y cuantificar sección 3 empresas y empleados.
- H. Mantener los registros, incluyendo copias de correspondencia, memorandos, etc., que documentan todas las acciones adoptadas para cumplir con las normas de la sección 3.

Como funcionarios y representantes de la Ciudad de La Porte, los abajo firmantes han leído completamente de acuerdo a este plan y ser parte de la plena aplicación de este programa.

\_\_\_\_\_  
Louis Rigby, Alcalde

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Fecha

## **EXCESSIVE FORCE POLICY**

In accordance with 24 CFR 91.325(b)(6), the City of La Porte hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of City of La Porte to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of City of La Porte to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. City of La Porte will introduce and pass a resolution adopting this policy.

As officers and representatives of City of La Porte, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

\_\_\_\_\_  
Louis Rigby, Mayor

\_\_\_\_\_  
Date

## **EXCESIVO DE LA FUERZA POLÍTICA**

Según 24 CFR 91.325(b)(6), la Ciudad de La Porte presente adopta y aplicará la siguiente política con respecto al uso de fuerza excesiva:

1. Es la política de la Ciudad de La Porte para prohibir el uso de fuerza excesiva por las agencias del orden público dentro de su jurisdicción contra cualquier individuo en manifestaciones de los derechos civiles no violentas;
2. También es la política de la Ciudad de La Porte para hacer cumplir leyes estatales y locales aplicables contra físicamente restricción de entrada o salida de un centro o un lugar que es objeto de estas manifestaciones de los derechos civiles no violentas dentro de su jurisdicción.
3. La Ciudad de La Porte a presentar y aprobar una resolución la adopción de esta política.

Como funcionarios y representantes de Ciudad de La Porte, los abajo firmantes han leído completamente de acuerdo a este plan y ser parte de la plena aplicación de este programa.

\_\_\_\_\_  
Louis Rigby, Alcalde

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Fecha

## **SECTION 504 POLICY AGAINST DISCRIMINATION BASED ON HANDICAP AND GRIEVANCE PROCEDURES**

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of La Porte hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).

2. The City of La Porte does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.

3. The City of La Porte recruitment materials or publications shall include a statement of this policy in 1. above.

4. The City of La Porte shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.

5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the CDBG program, City of La Porte shall ensure that they are provided with the information necessary to understand and participate in the CDBG program.

### 6. Grievances and Complaints

- a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of La Porte to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
- b. Complaints should be addressed to: Lorenzo Wingate, City of La Porte, 604 W. Fairmont Pkwy, La Porte, Texas 77571, 281-471-5020, who has been designated to coordinate Section 504 compliance efforts.
- c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
- e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by City Administrator. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

- f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by City Administrator, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
- g. The Section 504 coordinator shall maintain the files and records of the City of La Porte relating to the complaints files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of La Porte within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of La Porte complies with Section 504 and HUD regulations.

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Louis Rigby, Mayor

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Date

## **SECCIÓN 504 POLÍTICA CONTRA LA DISCRIMINACIÓN BASADA EN DISCAPACIDAD Y PROCEDIMIENTO DE QUERELLAS**

Apartado 24 CFR 8, no discriminación basada en discapacidad en federalmente asistidos programas y actividades del Departamento de vivienda y desarrollo urbano, sección 504 de la Rehabilitation Act de 1973, enmendada (29 U.S.C. 794) y 109 de la sección de la vivienda y el acto de desarrollo comunitario de 1974, según enmendada (42 U.S.C. 5309), la Ciudad de La Porte se adopta los procedimientos de política y quejas:

1. Discriminación prohibida. De lo contrario no individuo calificado con discapacidad en los Estados Unidos, únicamente por razón de su discapacidad, se excluirá de la participación en, ser negado los beneficios de o ser sujeto a discriminación bajo cualquier programa o actividad recibir Asistencia financiera federal del Departamento de vivienda y desarrollo urbano (HUD).

2. La Ciudad de La Porte no discrimina por discapacidad en la admisión o acceso a, o tratamiento o empleo en, sus programas federalmente asistidos y actividades.

3. La Ciudad de La Porte publicaciones o materiales de reclutamiento incluirá una declaración de esta política en 1. encima de.

4. La Ciudad de La Porte tendrá seguir pasos para notificar a los participantes, beneficiarios, solicitantes y empleados, incluyendo aquellos con deterioro de la visión o audición y sindicatos u organizaciones profesionales tenencia colectiva acuerdos de negociación o profesionales con los destinatarios que no discrimina sobre la base de discapacidad en violación de 24 CFR parte 8.

5. Para personas con discapacidad visual y auditivos individuos elegibles que sirve o que puedan verse afectadas por el programa CDBG, la Ciudad de La Porte se asegurará de que cuentan con la información necesaria para entender y participar en el programa CDBG.

### 6. Quejas y denuncias

a. Cualquier persona que cree que él o ella ha sido víctima de discriminación por discapacidad puede presentar una queja bajo este procedimiento. Es contra la ley de la Ciudad de La Porte para tomar represalias contra cualquier persona que presenta una queja o coopera en la investigación de una queja.

b. Las quejas deben ser dirigidas a: Lorenzo Wingate, Ciudad de La Porte, 604 W. Fairmont Pkwy, La Porte, Texas 77571, 281-471-5020 que ha sido designado para coordinar los esfuerzos de cumplimiento de la sección 504.

c. Una queja debe ser presentado por escrito o verbalmente, contener el nombre y dirección de la persona que lo presenta y describir brevemente la supuesta violación de las normas.

d. Una queja debe presentarse dentro de treinta 30 días hábiles después de que el denunciante tenga conocimiento de la presunta violación.

- e. Una investigación, como puede ser apropiado, deberá seguir una presentación de una queja. La investigación será conducida por Administrador de la Ciudad. Investigaciones informales pero minuciosa brindará todas las personas interesadas y sus representantes, si los hubiere, una oportunidad de presentar pruebas pertinentes a una queja.
- f. Una determinación escrita en cuanto a la validez de la denuncia y la descripción de la resolución, si los hubiere, se expedirá por Administrador de la Ciudad y una copia enviada al demandante con quince 15 días de trabajo después de la presentación de la queja siempre que sea posible.
- g. Coordinador de la sección 504 deberá mantener los archivos y registros de la Ciudad de La Porte relativas a los archivos de quejas.
- h. El demandante puede solicitar una reconsideración del caso en instancias donde él o ella está insatisfecha con la resolución determinación como se describe en f. anterior. La solicitud de reconsideración debe hacerse a las Ciudad de La Porte dentro de diez días hábiles después de la recepción de la determinación y resolución escrito.
- i. El derecho de una persona a una resolución rápida y equitativa de la denuncia presentada a continuación no deberá ser deteriorada por la búsqueda de la persona de otros remedios como la presentación de una queja con el Departamento de vivienda y desarrollo urbano de los Estados Unidos de la sección 504. Utilización de este procedimiento de quejas no es un requisito previo para la búsqueda de otros remedios.
- j. Estos procedimientos se interpretará para proteger los derechos sustantivos de las personas interesadas, para cumplir con normas de proceso debido apropiado y asegurar que la Ciudad de La Porte cumple con las regulaciones de la sección 504 y HUD.

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Louis Rigby, Alcalde

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Fecha

**LIMITED ENGLISH PROFICIENCY SAMPLE PLAN**

Name Grantee:	City of La Porte
Community Population:	33,080
LEP population:	7,751 (23.4%)
Languages spoken: 1) by more than 5% of the eligible population or beneficiaries and has more than 50 in number; or 2) By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries	English Spanish

<b>Program activities to be accessible to LEP persons:</b>	
<input checked="" type="checkbox"/>	Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project
<input checked="" type="checkbox"/>	Publications regarding CDBG application, grievance procedures, complaint procedures, complaint procedures, answers to complaints, notices, notices of rights and disciplinary action, and other vital hearings, documents, and program requirements
<input type="checkbox"/>	Other program documents:

<b>Resources available to Grant Recipient:</b>	
<input checked="" type="checkbox"/>	Translation services: <u>City will retain translation services upon request</u>
<input checked="" type="checkbox"/>	Interpreter services: <u>City will retain translation services upon request</u>
<input type="checkbox"/>	Other resources: _____

<b>Language Assistance to be provided:</b>	
<input checked="" type="checkbox"/>	Translation (oral and/or written) of advertised notices and vital documents for: <u>City will provide translated documents upon request and retain services to accommodate populations with limited English proficiency.</u>
<input checked="" type="checkbox"/>	Referrals to community liaisons proficient in the language of LEP persons <u>City will coordinate with Spanish-speaking community liaisons as appropriate</u>
<input checked="" type="checkbox"/>	Public meetings conducted in multiple languages: <u>City will conduct public meetings in multiple languages upon request.</u>
<input checked="" type="checkbox"/>	Notices to recipients of the availability of LEP services: <u>City will reference the availability of accommodations in public notices and post documents to accommodate LEP person in public buildings</u>
<input type="checkbox"/>	Other services: _____

\_\_\_\_\_  
Louis Rigby, Mayor

\_\_\_\_\_  
Date

**PLAN DE MUESTRA DE DOMINIO LIMITADO DEL INGLÉS**

Nombre Grante:	Ciudad de La Porte
Población de la Comunidad:	33,080
LEP Población:	7,751 (23.4%)
Idiomas Hablados: 3) En más del 5% de la población elegible o beneficiarios y tiene más de 50 en número; o 4) Por más de 1,000 individuos en la población elegible en el área del mercado o entre los beneficiarios actuales	Inglés Español

<b>Las actividades del programa deben ser accesibles para las personas LEP:</b>	
<input checked="" type="checkbox"/>	Avisos públicos y audiencias con respecto a las solicitudes de fondos de la subvención, enmiendas a las actividades del proyecto y finalización del proyecto financiado mediante donaciones
<input checked="" type="checkbox"/>	Publicaciones sobre la solicitud de CDBG, procedimientos de quejas, procedimientos de quejas, procedimientos de quejas, respuestas a reclamos, avisos, avisos de derechos y medidas disciplinarias, y otras audiencias vitales, documentos y requisitos del programa
<input type="checkbox"/>	Otros Documentos del Programa: _____

<b>Recursos disponibles para el beneficiario de subvención:</b>	
<input checked="" type="checkbox"/>	Servicios de Traducción: <u>La Ciudad retendrá servicios de traducción a pedido</u>
<input checked="" type="checkbox"/>	Servicios de intérprete: <u>La Ciudad retendrá servicios de intérprete a pedido</u>
<input type="checkbox"/>	Otros recursos: _____

<b>Asistencia de idiomas a ser proporcionada:</b>	
<input checked="" type="checkbox"/>	Traducción (oral y/o escrita) de anuncios publicados y documentos vitales para: <u>La ciudad proporcionará documentos traducidos previa solicitud y retendrá los servicios para acomodar a las poblaciones con dominio limitado del inglés</u>
<input checked="" type="checkbox"/>	Referencias a enlaces comunitarios competentes en el lenguaje de personas con LEP: <u>La ciudad coordinará con los enlaces de la comunidad hispanohablante según corresponda</u>
<input checked="" type="checkbox"/>	Reuniones públicas realizadas en múltiples idiomas <u>La ciudad conducirá reuniones públicas en múltiples idiomas a pedido</u>
<input checked="" type="checkbox"/>	Avisos a los destinatarios de la disponibilidad de los servicios LEP: <u>La Ciudad hará referencia a la disponibilidad de acomodaciones en avisos públicos y documentos postales para acomodar a personas con LEP en edificios públicos</u>
<input type="checkbox"/>	Otros Servicios: _____

\_\_\_\_\_  
Louis Rigby, Alcalde

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Fecha

## **FAIR HOUSING POLICY**

In accordance with Fair Housing Act, the City of La Porte hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. City of La Porte agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. City of La Porte agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. City of La Porte will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of La Porte, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

\_\_\_\_\_  
Louis Rigby, Mayor

\_\_\_\_\_  
Date

## **POLÍTICA DE EQUIDAD DE VIVIENDA**

Conformidad con la ley de vivienda equitativa, Ciudad de La Porte presente adopta la siguiente política con respecto al afirmativo promover FERIA de vivienda:

1. Ciudad de La Porte se compromete a afirmativamente más opción de vivienda para todas las clases protegidas siete (raza, color, religión, sexo, discapacidad, estatus familiar y origen nacional).
2. Ciudad de La Porte se compromete a plan de al menos una actividad durante la vigencia del contrato a afirmativamente más vivienda.
3. Ciudad de La Porte a presentar y aprobar una resolución la adopción de esta política.

Como funcionarios y representantes de Ciudad de La Porte, los abajo firmantes han leído completamente de acuerdo a este plan y ser parte de la plena aplicación de este programa.

\_\_\_\_\_  
Louis Rigby, Alcalde

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Fecha

**CODE OF CONDUCT/PROGRAM PROCUREMENT POLICY**  
**CITY OF LA PORTE, ADOPTED:**

**CODE OF CONDUCT**

As a Grant Recipient of a federal or state grant contract (including CDBG), the City of La Porte shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the federal or state grant contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City of La Porte shall participate in the selection, award, or administration of a contract supported by federal or state grant funds (including CDBG) if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City of La Porte shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving federal or state grant funds (including CDBG), that has any grant-related function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the federal or state grant activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a federal or state grant contract or award, or that is required to complete some or all work under the federal or state grant contract in order to meet any National Program Objectives.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a federal or state grant contract or award (including CDBG), or that is required to complete some or all work under the federal or state grant contract in order to meet a National Program Objective, that might potentially receive benefits from the federal or state grant award may not participate in the selection, award, or administration of a contract supported by federal or state grant funding.

Any alleged violations of these standards of conduct shall be referred to the City of La Porte's Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

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Louis Rigby, Mayor

\_\_\_\_\_  
Date

**CÓDIGO DE CONDUCTA / POLÍTICA DE ADQUISICIÓN  
DE PROGRAMAS CIUDAD DE LA PORTE,  
ADOPTADO:**

**CÓDIGO DE CONDUCTA**

Como beneficiario de una subvención de un contrato de subvención federal o estatal (incluido CDBG), la Ciudad de La Porte evitará, neutralizará o mitigará los conflictos de interés reales o potenciales a fin de evitar una ventaja competitiva desleal o la existencia de roles contradictorios que puedan perjudicar la el rendimiento del contrato de subvención federal o estatal o afecta la integridad del proceso de adquisición.

Para la adquisición de bienes y servicios, ningún empleado, funcionario o agente de la Ciudad de La Porte participará en la selección, adjudicación o administración de un contrato respaldado por fondos de subvención federales o estatales (incluido CDBG) si él o ella tiene un real o aparente conflicto de intereses. Tal conflicto podría surgir si el empleado, oficial o agente; cualquier miembro de su familia inmediata; su compañero; o una organización que emplea o está a punto de emplear a cualquiera de las partes indicadas en este documento, tiene un interés financiero o de otra índole o un beneficio personal tangible de una empresa considerada para un contrato.

Ningún funcionario, empleado o agente de la Ciudad de La Porte solicitará o aceptará propinas, favores o cualquier cosa de valor monetario de contratistas o empresas, posibles contratistas o empresas, o partes de sub-acuerdos, excepto cuando el interés financiero no sea sustancial o el regalo es un artículo no solicitado de valor intrínseco nominal.

Los contratistas que desarrollan o redactan especificaciones, requisitos, declaraciones de trabajo o invitaciones para presentar ofertas o solicitudes de propuestas deben ser excluidos de la competencia para tales adquisiciones.

Para todos los demás casos, ningún empleado, agente, consultor, funcionario o funcionario elegido o designado del estado, o de una unidad del gobierno local general, o de cualquier agencia pública designada, o subbeneficiarios que reciben fondos de subvención federales o estatales (incluyendo CDBG), que tiene cualquier función / responsabilidad relacionada con las subvenciones, o que está en condiciones de participar en un proceso de toma de decisiones o de obtener información interna, puede obtener un interés o beneficio financiero de la actividad de subvención federal o estatal.

Las restricciones de conflicto de intereses y los requisitos de adquisición identificados en este documento se aplicarán a un negocio beneficiario, proveedor de servicios u otra entidad externa que esté recibiendo asistencia, directa o indirectamente, bajo un contrato o adjudicación de subvención federal o estatal, o que se requiera para completar algunos o todos trabajan bajo el contrato de subvención federal o estatal para cumplir con los Objetivos del Programa Nacional.

Cualquier persona o entidad incluyendo cualquier empresa beneficiaria, proveedor de servicios públicos u otra entidad externa que esté recibiendo asistencia, directa o indirectamente, bajo un contrato o adjudicación de subvención federal o estatal (incluido CDBG), o que se requiera para completar una parte o todo el trabajo en virtud del contrato de subvención federal o estatal para cumplir un objetivo del programa nacional, que podría recibir beneficios de la subvención federal o estatal no puede participar en la selección, adjudicación o administración de un contrato respaldado por fondos federales o estatales.

Cualquier presunta violación de estas normas de conducta se remitirá a la Fiscalía de la Ciudad de La Porte. Cuando aparezcan violaciones, el empleado, agente o agente infractor estará sujeto a medidas disciplinarias, que incluyen, entre otros, el despido o la transferencia; cuando las infracciones o infracciones parecen ser de naturaleza sustancial, el asunto puede remitirse a los funcionarios apropiados para su investigación penal y posible enjuiciamiento.

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Louis Rigby, Alcalde

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Fecha



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>June 10, 2019</u>
Requested By: <u>Mayor Rigby &amp; Councilperson Bill Bentley</u>
Department: <u>City Council</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

Exhibits: N/A

### SUMMARY & RECOMMENDATION

Mayor Rigby has brought forward Councilperson Bentley's nomination of Pat McCabe to fill an open position as Alternate 2 on the La Porte Zoning Board of Adjustment left vacant by the resignation of Charles Crittenden in April. The Council received Mr. McCabe's application on May 1.

The unexpired term ends August 31, 2019. The Board has seven members filling two-year terms; two additional appointments have terms ending this August and the other four end in even-numbered years.

La Porte Zoning Board of Adjustment – 7 appts. – 2-yr. terms

- Pos. 1 – Chester Pool – through 8/31/2020
- Pos. 2 – Thomas Deen – through 8/31/2020
- Pos. 3 – Rod Rothermel – through 8/31/2020
- Pos. 4 – Dennis Oian – through 8/31/2020
- Pos. 5 – Nettie Warren – through 8/31/2019
- Alt. 1 – Phillip Hoot– through 8/31/2019
- Alt. 2 - *Open* – through 8/31/2019

#### From the City's Development Code

- *Sec. 106-86. - Organization. Modified*  
*There is hereby created a board of adjustment consisting of five regular members and two alternates (alternate position 1 and alternate position 2) who are citizens of the city and who are not members of the city council or the city planning and zoning commission, each to be appointed by the city council for a term of two years and removable for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant for any cause, in the same manner*

*as the original appointment was made. All cases to be heard by the zoning board of adjustment shall be heard by a minimum of four members.*

*The two alternate members are required to attend all meetings in the same manner as the regular members of the board. Alternate members shall not vote unless filling an absence of a regular member or the chairman. If a regular member or the chairman is absent from a meeting, alternate position 1 shall take his place. If a second regular member and/or the chairman is absent from a meeting, alternate position 2 shall take his place.*

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### **ACTION REQUIRED BY COUNCIL**

Move the nomination of Pat McCabe to an open position as Alternate 2 on the La Porte Zoning Board of Adjustment. *[A nomination does not require a second.]*

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## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>June 10, 2019</u>
Requested By: <u>Mayor Rigby</u>
Department: <u>City Council</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Exhibits: N/A

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

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### SUMMARY & RECOMMENDATION

Mayor Rigby has brought forward the nomination of Mark Goodwin to fill an open position on the La Porte Tax Increment Reinvestment Zone Number One (TIRZ #1) Board of Directors/La Porte Redevelopment Authority Board of Directors left vacant by the passing of J. J. Meza. The Council received Mr. Goodwin's application on May 10.

The unexpired term ends August 31, 2019. The TIRZ #1 Board has seven City-appointed members filling two-year terms (all TIRZ appointments are appointed to the Authority in the same positions, per Ord. 2000-2457); three additional City appointments have terms ending this August and the other three end in even-numbered years.

La Porte Tax Increment Reinvestment Zone Number One (TIRZ #1) Board of Directors – 7 City appts. (1 ea. LPISD & Harris County) – 2-yr. terms

- Pos. 1 - Peggy Antone – through 8/31/2019
- Pos. 2 - Barry Beasley – through 8/31/2020
- Pos. 3 - Alton Porter – through 8/31/2019
- Pos. 4 - Horace Leopard – through 8/31/2020
- Pos. 5 - Doug Martin – through 8/31/2019
- Pos. 6 – open (*Meza*)– through 8/31/2019
- Pos. 7 - Chester Pool – through 8/31/2020
- Pos. 8 - David Janda - LPISD appt.
- Pos. 9 -            - Harris County appt.

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### ACTION REQUIRED BY COUNCIL

Move the nomination of Mark Goodwin to an open position on the La Porte Tax Increment Reinvestment Zone Number One (TIRZ #1) Board of Directors/La Porte Redevelopment Authority Board of Directors. [*A nomination does not require a second.*]

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## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>June 10, 2019</u>
Requested By: <u>Don Pennell</u>
Department: <u>Public Works</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>015/033</u>
	<u>01598927009150</u>
Account Number:	<u>03370715319150</u>
	<u>\$100,000</u>
Amount Budgeted:	<u>\$ 50,000</u>
	<u>\$93,570</u>
Amount Requested:	<u>\$ 45,770</u>
Budgeted Item:	<input checked="" type="radio"/> Yes <input type="radio"/> No

**Exhibits:** Engineers Proposal with Opinion of Probable Construction Cost

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### SUMMARY & RECOMMENDATION

At the March 23, 2019, Council meeting, an engineer's estimate of probable cost to construct and a proposal for design was requested for the 7<sup>th</sup> Street Widening-Concrete Pavement and Sidewalk construction, to confirm staff's preliminary estimate.

Two recent projects similar in scope that were successfully completed are Pine Bluff and 3<sup>rd</sup> Street Paving and Drainage. Both were designed by Cobb Fendley. Staff requested Cobb Fendley provide an engineer's opinion of probable construction cost and proposal for design. The proposal and estimate of probable cost in this agenda packet are in range with staff's original estimate of **\$5,290,000**.

The engineer's estimate of probable cost to construct is \$4,584,260.13; engineering services for design proposal are \$505,363.00; and it will be \$82,735.00 for construction materials testing; totaling **\$5,172,358.13** for the estimated project cost. The materials testing was derived from the 3<sup>rd</sup> Street Project proposal plus 10 percent. Actual spent for materials testing during the 3<sup>rd</sup> Street project was \$39,583.00.

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### ACTION REQUIRED BY COUNCIL

Move to include the South 7<sup>th</sup> Street Improvements in the 2019-20 Capital Improvement Budget and authorize the City Manager to enter into a contract with Cobb Fendley for the survey phase of work at \$45,770 and preliminary engineering report phase at \$93,570.

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**Approved for the City Council meeting agenda**

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

\_\_\_\_\_  
Date



May 22, 2019

Mr. Don Pennell  
Public Works Director  
City of La Porte  
2963 North 23<sup>rd</sup> Street  
La Porte, Texas 77571

Re: Proposal for Professional Engineering Services for  
7<sup>th</sup> Street Paving and Drainage Improvements - Revision 1

Dear Mr. Pennell:

Cobb, Fendley & Associates, Inc. (CobbFendley) is pleased to submit this proposal to provide Professional Engineering Services for 7<sup>th</sup> Street Paving and Drainage Improvements in La Porte, Texas. CobbFendley proposes to provide the Scope of Services and Compensation as outlined in the attached Exhibit A and B.

If this proposal is agreeable to you, please indicate your acceptance by signing in the space provided below and return one copy to us for our file. The opportunity to propose professional survey and engineering service to the City of La Porte is appreciated and we look forward to serving you on this project. Please advise if you have any questions or require additional information.

Sincerely,

This proposal accepted by:

COBB, FENDLEY & ASSOCIATES, INC.

CITY OF LA PORTE, TEXAS

Charles M. Eastland, P.E.  
Vice President – Regional Manager

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Attachments

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date of Authorization

**EXHIBIT A**  
**SCOPE OF SERVICES & COMPENSATION**  
Cobb, Fendley & Associates, Inc.  
Proposal for Professional Engineering Services for  
7<sup>th</sup> Street Paving and Drainage Improvements

**Project/Limits**

7<sup>th</sup> Street Paving and Drainage Improvements project includes the reconstruction of streets and storm facilities along 7<sup>th</sup> Street from Main Street to Fairmont Parkway. The design will consist of replacing existing 20-ft wide asphalt roads with roadside ditches with 28-ft concrete curb and gutter road with underground storm system. The new roadway will have 5-ft wide sidewalks on both sides of the road. The new storm system will connect to existing storm systems at D Street and Fairmont Parkway while a new outfall will be constructed outfalling into Harris County Drainage Channel (F216-00-00) on H Street just west of 8<sup>th</sup> Street. New storm system will be placed along 8<sup>th</sup> Street from G Street to H Street and G and H Streets from 8<sup>th</sup> to 7<sup>th</sup>.

See *Exhibit D – Project Limits*

**General**

Cobb, Fendley & Associates, Inc. (CobbFendley) will perform professional engineering services as follows: provide topographic survey, drainage study and civil design drawings for construction.

**Sub Consultants**

CobbFendley shall subcontract the geotechnical investigation and any other services not specifically offered by CobbFendley to perform the tasks described in this scope of service. Below is a list of the consultants that we anticipate on using for this project:

- Geotechnical Investigation – Geotest Engineering, Inc.
- Environmental - Bio-West, Inc. (Wetland Investigation required for Harris County Express Review Sheet)
- ADA Compliance - Otten Consultant Group, Inc. (TDLR Sidewalk Review/Inspection)

**Construction Estimate**

The preliminary Opinion of Probable Construction Cost for this project are attached as Exhibit C.

## **BASIC SERVICES**

CobbFendley will provide the following engineering services as part of its basic service. The specific items of service include:

### ***Preliminary Engineering Report:***

1. Data collection, including “as-built plans”, existing schematics, right-of-way maps, flood plain information, existing channel and drainage easement data, special specifications, and standard drawings.
2. Data collection, including “as-built plans”, existing schematics, right-of-way maps, flood plain information, existing channel and drainage easement data, special specifications, and standard drawings.
3. Conduct field reconnaissance and collect data including a photographic record of notable existing features.
4. Update (as necessary) drainage area boundaries, hydrologic runoff rates and resultant flows for the system(s) located along 7<sup>th</sup> street.
5. Perform an addendum to the previously prepared studies “*2010 Concrete Street Program for the City of La Porte – Drainage Study*” and “*Concrete Street Program Study – July 2011*” with present day conditions. This addendum will be submitted to HCFCD to serve as a notification for the construction of a new outfall (System B) into F216-00-00 as identified in the previous reports.
6. The existing roadside drainage ditches along 7<sup>th</sup> Street will be replaced with an enclosed storm sewer system.
7. Prepare topographic drawings from survey data of the proposed alignment. (see Surveying in additional services)
8. Prepare Survey Control Sheet(s) based on information provided by Project Surveyor.
9. Perform the utility and investigation work involving the research and identification of all private and public utilities within the projects limits.
  - a. Research the existence of public utilities such as sanitary, storm sewer and waterlines.
  - b. Request any additional information from private utilities (CenterPoint Gas, CenterPoint Electric, AT&T and Others) and pipeline.
  - c. Identify potential conflicts between the existing utilities and the proposed project improvements.
  - d. Coordinate with Utility Company’s on plans for relocations and provide updated project design information.

10. Size proposed storm sewer to meet City's 5-year & 100-year rainfall event. Size storm sewer leads for future projects on adjacent streets.
11. Prepare preliminary roadway alignment and grades.
12. Prepare preliminary storm sewer plan and profile sheets showing inlets, laterals, trunk line(s) and outfall(s) *Note: Storm Sewer Plan and Profiles and Roadway Plan and Profiles will be included on the same Sheet.*

**Final Design:**

1. CobbFendley will provide typical sections sheets prepared for the existing and proposed roadway. Typical section information will include:
  - a. Station Limits
  - b. Profile Grade Line Location
  - c. Centerline and Baseline Locations
  - d. Pavement Section
  - e. Pavement Cross Slopes
  - f. Curbs
  - g. Sidewalks
  - h. Green Space (Mow Strips)
2. CobbFendley will provide roadway plan and profile drawings using CADD standards as required by the City. The drawings will consist of a plan and profile view of existing features and proposed improvements.

Plan view will include:

- a. Roadway centerlines and baselines
- b. Pavement edges for all improvements
- c. Lane and pavement width dimensions
- d. 5-ft wide sidewalks (both sides)
- e. Proposed structure locations
- f. Direction of traffic flow on all roadway, and arrows indicating the number of lanes
- g. Existing utilities and structures
- h. Benchmark information
- i. Radius callouts
- j. Curb locations
- k. Pavement Details

Profile view will include:

- a. Existing and proposed profiles along the proposed centerline
- b. Existing and Proposed Grade Lines for pavement and natural ground along the project centerline.

**Notes:** Storm Sewer Plan and Profiles and Roadway Plan and Profiles will be included on the same Sheet. Plan and Profile sheets will be prepared on 22"x34" format sheets.

3. Finalize storm sewer design based on preliminary engineering comments.
4. Review Environmental Requirements to design drainage outfall to Harris County Flood Control drainage channel.
5. Prepare final storm sewer plan and profile sheets showing inlets, laterals, trunk line(s) and outfall(s) *Note: Storm Sewer Plan and Profiles and Roadway Plan and Profiles will be included on the same Sheet.*
6. Coordinate with Harris County regarding possible modification to traffic loop detector at the intersection of 7<sup>th</sup> Street and Fairmont Parkway.
7. Coordinate with Harris County regarding improvements to roadside drainage along 8<sup>th</sup> Street for proposed improvements.
8. Develop an earthwork analysis to determine cut and fill quantities and provide design cross sections at 100-ft intervals.
9. Review Geotechnical Report and incorporate the pavement design as recommended.
10. Coordinate with Harris County Flood Control (HCFCD) for work performed within Drainage Channel F216-00-00 and obtain approvals.
11. Provide construction plan drawings. The plans will include, at a minimum, the following.
  - Cover Sheet
  - Overall Project Layout
  - Typical Cross Sections
  - SWPP Plan
  - Demolition Plan
  - General Notes and Details
  - Drainage Area Map
  - Storm Sewer Layout
  - Survey Control Map
  - Plan and Profiles Sheets
  - Traffic Control Plan
  - Harris County ERS
12. CobbFendley will prepare Storm Water Pollution Prevention Plan (SW3P) sheets and details based on the latest NPDES, Harris County Stormwater Quality Standards and City standards to minimize the potential impact to receiving waterways. The SW3P sheets will include:
  - a. Erosion control measures to be used
  - b. Locations of erosion control devices
  - c. Phasing of erosion control measures
  - d. Permanent erosion control measures
  - e. Erosion control measure detail sheet(s)

13. CobbFendley will prepare Traffic Control Plan (TCP) sheets in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD) for Streets and Highways (latest edition). Plans sheets will include the following:
  - a. Written narrative of the construction sequencing and work activities per phase.
  - b. Existing and proposed traffic control devices (regulatory signs, warning signs, guide signs, route markers, construction pavement markings, barricades, flag personnel, temporary traffic signals, etc.) to be used to handle traffic during each construction sequence.
  - c. Typical sections for each phase
  - d. Proposed traffic control devices at grade intersections during each construction phase (stop signs, flagperson, signals, etc.).
  - e. Temporary roadways, structures and detours required to maintain lane continuity throughout the construction phasing.
  - f. Continuous, safe access to each adjacent property during all phases of construction and to preserve existing access.
  - g. Temporary drainage to replace existing drainage disturbed by construction activities or to drain detour pavement.
  - h. Interim signing for every phase of construction. Interim signing must include regulatory, warning, construction, route, and guide signs.
  - i. Maintain continuous access to abutting properties during all phases of the TCP.
  - j. Coordinate with Harris County for work within Harris County right-of-way at the intersection of 7<sup>th</sup> Street and Fairmont Parkway.
14. Coordinate and submit plans to Harris County and Harris County Flood Control District for Approval. (Express Review Sheet)
15. Prepare contract bidding documents consisting of technical specifications and contract documents outlining the construction contract requirements.
16. CobbFendley will provide construction documents based on the milestone submittals below:
  - a. 60% Milestone Submittal:
    - i. 1 set of 22"x34" plan sheets for City review.
    - ii. Opinion of Probable Construction Cost
    - iii. Digital Copy of the previous items in .pdf format
  - b. 90% Milestone Submittal:

- i. 2 sets of 22"x34 plan sheets for City review.
- ii. 1 project manual with specifications for City Review.
- iii. Opinion of Probable Construction Cost
- iv. Digital Copy of the previous items in .pdf format

c. Final Milestone Submittal:

- i. 2 sets of 22"x34" plan sheets for City review.
- ii. 1 project manual with specifications for City Review.
- iii. Opinion of Probable Construction Cost
- iv. Construction schedule.
- v. Digital Copy of the previous items in .pdf format

17. Once all comments are received by all entities involved, CobbFendley will finalize the construction documents for bidding.

***Bid Phase Services:***

1. Distribute digital plans and specifications to City for placement in PublicPurchase.com.
2. Respond in writing to questions from Bidders and prepare Addenda as necessary.
3. Conduct Pre-Bid and attend the Bid Opening.
4. Prepare Engineer's Recommendation of Award Letter that includes the following required content:
  - a. Check for math errors and reconcile any mathematical discrepancies
  - b. Review for unbalance bid items and determine responsiveness and responsibility of low bidders.
  - c. Certify Bid Tabulation including Engineer's estimate
  - d. Review of Bidder's financial standing and references provided
  - e. Explanation of discrepancies between the Engineer's estimate and bids
  - f. Recommendation to award
5. Prepare and provide the City with three (3) sets of hard copy award documents and plans.

***Construction Administration Services:***

1. Attend and conduct preconstruction conference.
2. Calculate quantities and assist in preparing change orders as necessary.
3. Review and approval of submittals and shop drawings.
4. Respond to request for information (RFI's) regarding the project improvements.

5. Attend field meetings and make visits to the site. Site visits will be various stages of construction to observe the progress and quality of executed work and to determine in general if such work is proceeding in accordance with the contract documents. Estimated based on the information provided below:
  - a. Construction Contract Estimate – 15 months
  - b. Senior PM – 2 Visits per month
  - c. Project Engineer – 2 Visits per month
  - d. Estimate 4hrs per Visit
6. Prepare Pay Applications for Approval.
7. Attend a Substantial Completion Inspection and prepare one Punch List.
8. Attend and conduct Final Acceptance Inspection of the project and prepare punch list as necessary.
9. Prepare Record Drawings based on Contractor Mark-up.
10. Provide City with necessary close out documents, including certificate of completion, record drawings, and contractor warranty documents on the project.

### **ADDITIONAL SERVICES**

#### **Surveying**

CobbFendley, as the project surveyor shall:

1. Establish horizontal and vertical project control throughout the site. Vertical control will be tied to current TSARP datum.
2. Perform a Category 6, Condition II topographical survey of the project area in accordance with the requirements of the Texas Society of Professional Surveyors to locate existing utilities, appurtenances and pavement providing cross sections of the following existing features: natural ground, concrete curbs and pavement. Elevations will be obtained at a maximum of 50-ft intervals, right-of-way to right-of-way, plus 10 feet on each side.
3. Prepare a survey drawing on a plan style sheet at a scale of 1"=20' horizontally or at the direction of the engineer. The drawing will depict the obtained field information and any record information provided by outside sources.

#### **Geotechnical Investigation**

1. The geotechnical investigation will be performed by Geotest in accordance with the attached proposal. A geotechnical report will include geotechnical engineering recommendations on subgrade preparation, pavement design for concrete streets and storm sewer construction considerations.

**TDLR Sidewalk Review**

1. Perform design and post-construction review of sidewalk in accordance with TAS requirements. Notify the contractor of any ADA compliancy deficiencies.

**Construction QC Inspection**

1. Provide increased support to the City's personnel as needed. Provide engineering and technical office personnel support throughout construction. These personnel, consisting of professional engineers and design staff, provide on-site support to address City Inspector's concerns and conflicts uncovered in the field.
2. Coordinate with City Construction Managers. Assist with providing construction inspection QC. It is estimated that the duration of construction will be 15 months.

**Exclusions for the Scope of Services:**

The services described above are the identified **BASIC AND ADDITIONAL SERVICES** for this assignment. Other items that may arise during the course of the project that the City may wish to add to the scope of services shall be deemed as **SUPPLEMENTAL ADDITIONAL SERVICES**. CobbFendley shall undertake such supplemental additional services as assigned by the City upon written direction from the City. Examples of such items are as follows:

1. Quality Control (QC) inspections, full or part time, during the construction phase of the project.
2. Preparing Construction Pay Estimates
3. Materials Testing Services
4. Public Meetings
5. Obtaining Construction Permits
6. Right-of-way Acquisition
7. Bidding project more than once
8. Urban Forestry Services – Tree Preservation Plan
9. Any other services not specifically included within the description of the Basic Services and Additional Services as described above.

If supplemental services are requested by the City, CobbFendley will provide the City with a separate proposal for the supplemental work.

**EXHIBIT B**

**BASIS OF COMPENSATION**

**BASIC SERVICES**

The Compensation to be paid to CobbFendley for providing the BASIC SERVICES rendered under this agreement shall be based on Lump sum fees for overall phases of the work as shown below. Reimbursable items and subconsultant invoices will be subject to a 5% administration charge.

1.	Preliminary Engineering Report (Lump Sum).....	\$93,570
2.	Final Design (Lump Sum).....	\$278,845
3.	Bid Phase Services (Lump Sum) .....	\$7,965
4.	Construction Administration Services (Lump Sum).....	\$51,430

**ADDITIONAL SERVICES**

5.	Surveying (Lump Sum).....	\$45,770
6.	Geotechnical Investigation (including 5% markup).....	\$17,395
7.	Environmental Services (including 5% markup).....	\$2,888
8.	TDLR Sidewalk Review (Pre and Post Construction, incl. 5% Markup).....	\$3,000

**Reimbursable Expenses**

1.	Reproduction, mileage, delivery charges, etc. ....	\$4,500
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**TOTAL, Basic & Additional Services incl. Reimbursables ..... \$505,363**

**ADDITIONAL SERVICES**

The Compensation to be paid to CobbFendley for providing any ADDITIONAL SERVICES under this agreement shall be based on the rate schedule included in the Agreement. Reimbursable items and subconsultant invoices will be subject to a 5% administration charge. Services will be charged according to those personnel directly involved in providing the service, and will be rounded to the nearest half hour.

Lump sum fees will be negotiated for particular, defined assignments at the request of the City. When an occasion arises which the City desires to be covered by a lump sum fee, CobbFendley will negotiate an acceptable fee with the City and prepare an addendum to this Agreement which describes the scope of services to be provided and the fee. The addendum will be effective only after its signature by both parties.

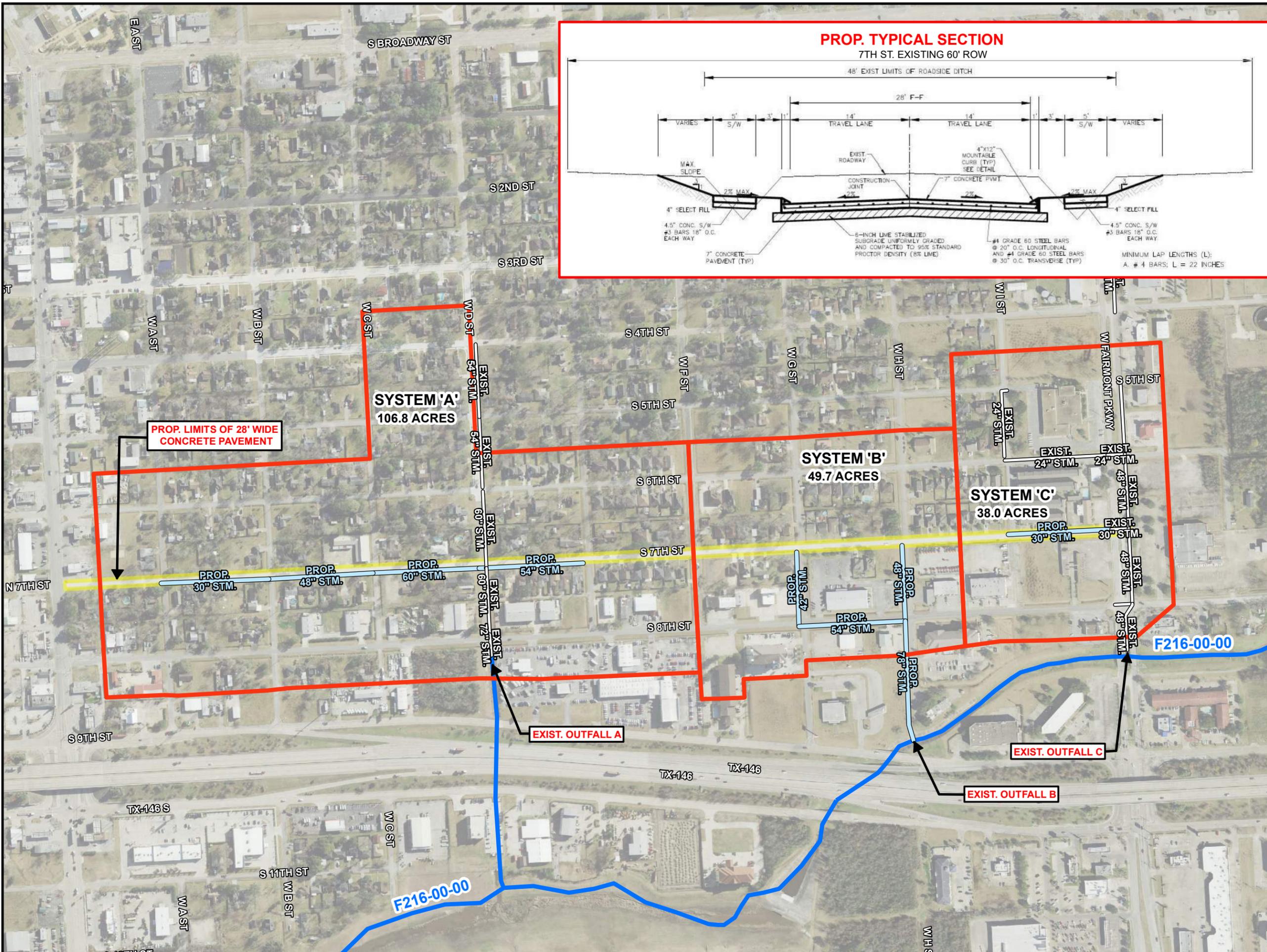
Direct Personnel Expense means salaries and wages paid to CobbFendley's employees plus payroll related costs and benefits such as payroll taxes, worker's compensation, health and retirement benefits, bonuses, sick leave, vacation, and holiday pay applicable hereto. Reimbursable Direct Expenses shall be those costs incurred on or directly for the CLIENT'S project, including but not limited to necessary transportation costs including mileage at the current IRS rate, meals and lodging, laboratory tests and analyses, and printing and binding charges.

**EXHIBIT C**

Client: City of La Porte  
 Project Name: 7th Street Paving and Drainage

**Opinion of Probable Construction Cost**

Item No.	Item Description	Unit	Quantity	Unit Price	Extended Price
<b>BASE BID</b>					
<b>SECTION 1 - SITE PREPARATION FOR EARTH WORK</b>					
1	Mobilization (5%)	LS	1	\$ 200,000.00	\$ 200,000.00
2	Remove and Dispose of Pavement, Including Excavation	SY	13,078	\$ 20.00	\$ 261,555.56
3	Remove and Dispose of Driveways/Walkways	SY	2,003	\$ 6.00	\$ 12,019.00
4	Tree and Plant Protection, Clearing and Grubbing	LS	1	\$ 10,000.00	\$ 10,000.00
<b>SUBTOTAL SECTION 1</b>					<b>\$ 483,574.56</b>
<b>SECTION 2 - PAVING</b>					
5	7-inch Concrete Pavement, Including Stabilized Subgrade	SY	15,000	\$ 68.00	\$ 1,020,000.00
6	2-inch Asphalt with 6-inch Black Base, Including Stabilized Subgrade (Cross Street Transitions)	SY	1,660	\$ 80.00	\$ 132,800.00
7	Concrete Curb	LF	7,900	\$ 4.00	\$ 31,600.00
8	Concrete Sidewalks	SF	7,650	\$ 6.00	\$ 45,900.00
9	Concrete Curb Ramps	EA	38	\$ 1,500.00	\$ 57,000.00
10	Concrete Driveways	SF	21,210	\$ 8.00	\$ 169,680.00
11	Temporary Pavement, 5' Asphalt Extension	SY	2,594	\$ 50.00	\$ 129,722.22
12	Temporary Driveways, Recycled Asphalt Millings	SF	19,770	\$ 2.00	\$ 39,540.00
<b>SUBTOTAL SECTION 2</b>					<b>\$ 1,626,242.22</b>
<b>SECTION 3 - STORM SEWER</b>					
13	Demo Existing Culverts, All Sizes	LF	1,870	\$ 15.00	\$ 28,050.00
14	H Street Outfall, 7'x4' RCB and inc. slope paving	EA	1	\$ 25,000.00	\$ 25,000.00
15	Fairmont Street Storm Manhole Reconstruction	LS	1	\$ 15,000.00	\$ 15,000.00
16	24" RCP Leads	LF	320	\$ 110.00	\$ 35,200.00
17	30" RCP	LF	870	\$ 125.00	\$ 108,750.00
18	36" RCP	LF	800	\$ 140.00	\$ 112,000.00
19	42" RCP	LF	365	\$ 160.00	\$ 58,400.00
20	48" RCP	LF	820	\$ 220.00	\$ 180,400.00
21	54" RCP	LF	490	\$ 280.00	\$ 137,200.00
22	60" RCP	LF	980	\$ 380.00	\$ 372,400.00
23	78" RCB	LF	560	\$ 450.00	\$ 252,000.00
24	Type C Manhole	EA	12	\$ 3,500.00	\$ 42,000.00
25	Junction Box	EA	7	\$ 7,500.00	\$ 52,500.00
26	Type C-1 Inlet	EA	20	\$ 3,200.00	\$ 64,000.00
27	12" Area Inlet (including PVC lead)	EA	5	\$ 1,200.00	\$ 6,000.00
28	24" S.E.T.	EA	6	\$ 2,500.00	\$ 15,000.00
29	Type A Inlet	EA	8	\$ 2,500.00	\$ 20,000.00
30	Ditch Regrading	LF	200	\$ 10.00	\$ 2,000.00
<b>SUBTOTAL SECTION 3</b>					<b>\$ 1,525,900.00</b>
<b>SECTION 4 - WATER ITEMS</b>					
31	Water Line Offset	EA	8	\$ 8,000.00	\$ 64,000.00
<b>SUBTOTAL SECTION 4</b>					<b>\$ 64,000.00</b>
<b>SECTION 5 - SWPPP</b>					
32	Erosion/Sediment Control in Accordance with TPDES Requirements, Including Notice of Intent (NOI) and Notice of Termination (NOT)	LS	1	\$ 1,000.00	\$ 1,000.00
33	SWPPP Inspection and Maintenance, and Reporting	LS	1	\$ 2,500.00	\$ 2,500.00
34	Reinforced Filter Fabric Fence	LF	1200	\$ 2.00	\$ 2,400.00
35	Gravel Bag Barriers	LF	240	\$ 5.00	\$ 1,200.00
36	Sodding for Erosion Control (Block Sodding), St. Augustine, Complete in Place	SY	9,500	\$ 5.00	\$ 47,500.00
<b>SUBTOTAL SECTION 6</b>					<b>\$ 54,600.00</b>
<b>SECTION 6 - TRAFFIC CONTROL AND REGULATION</b>					
37	Traffic Control and Regulation, in Accordance with Drawings and Specifications	LS	1	\$ 50,000.00	\$ 50,000.00
38	Relocate Street Signs	EA	26	\$ 300.00	\$ 7,800.00
	Relocate Mailboxes	EA	56	\$ 100.00	\$ 5,600.00
39	Pavement Markings	LS	1	\$ 2,500.00	\$ 2,500.00
<b>SUBTOTAL SECTION 7</b>					<b>\$ 65,900.00</b>
<b>TOTAL SECTIONS 1-7</b>					<b>\$ 3,820,216.78</b>
<b>20% CONTINGENCY</b>					<b>\$ 764,043.36</b>
<b>TOTAL BASE BID PRICE</b>					<b>\$ 4,584,260.13</b>



- LEGEND**
- PROPOSED DRAINAGE AREA
  - EXISTING STORM SEWER
  - PROPOSED STORM SEWER
  - HCFC D CHANNELS
  - PROPOSED LIMITS OF 28' WIDE CONCRETE PAVEMENT



PROP. LIMITS OF 28' WIDE CONCRETE PAVEMENT

**SYSTEM 'A'**  
106.8 ACRES

**SYSTEM 'B'**  
49.7 ACRES

**SYSTEM 'C'**  
38.0 ACRES

PROP. 30" STM.

PROP. 48" STM.

PROP. 60" STM.

PROP. 54" STM.

PROP. 42" STM.

PROP. 48" STM.

PROP. 30" STM.

PROP. 30" STM.

PROP. 54" STM.

PROP. 48" STM.

PROP. 78" STM.

EXIST. 24" STM.

EXIST. 24" STM.

EXIST. 48" STM.

EXIST. OUTFALL A

EXIST. OUTFALL C

EXIST. OUTFALL B

F216-00-00

F216-00-00

**CobbFendley**  
Texas Registration No. 274  
13430 Northwest Freeway, Suite 1100  
Houston, Texas 77040  
713.462.3242 | fax 713.462.3262 | www.cobfen.com

CITY OF LAPORTE  
LAPORTE, TEXAS

**EXHIBIT D**

**7TH STREET PAVING  
& DRAINAGE**

SUBMITTED:	DESIGNED BY:
SCALE: 1"=400'	DRAWN BY:
DATE: 4/9/19	SHEET No.: 1 OF 1
SURVEY BY:	DWG. NO.:
F B NO.:	



# GEOTEST ENGINEERING, INC.

*Geotechnical Engineers & Materials Testing*

5600 Bintliff Drive

Houston, Texas 77036

Telephone: (713) 266-0588

Fax: (713) 266-2977

**Proposal No. 1140452699**

April 8, 2019

Mr. Kerry Lackey, P.E.  
Senior Project Manager | Senior Associate  
Cobb, Fendley & Associates, Inc.  
1920 Country Place Parkway, Suite 310  
Pearland, Texas 77584

**Re: Proposal for Geotechnical Investigation  
7<sup>th</sup> Street Drainage and Pavement Improvements  
City of La Porte, Texas**

Dear Mr. Lackey.:

In accordance with your request on April 4, 2019, Geotest Engineering, Inc. is pleased to submit this proposal for the referenced project. The project includes removal and replacement of the existing pavement and storm sewer system along 7<sup>th</sup> Street in the City of La Porte, from West Main Street to Fairmont Parkway for approximately 5,000 linear feet (LF). The existing pavement along 7<sup>th</sup> Street is primarily asphalt pavement and roadside ditches, with some concrete pavement. The proposed improvements include concrete pavement with underground storm sewer ranging from 30-inch to 78-inch RCP, and 7' x 5' RCB and it will be placed at depths ranging from 9 to 14 feet. The scope of the project will include replacement of concrete driveways and adjustments to existing utilities in conflict. The project will also include demolition and construction of a new outfall at Harris County Drainage Channel F216-00-00.

## Purpose and Scope

The purposes of this investigation are to evaluate the soil and water level conditions along 7<sup>th</sup> Street to provide geotechnical recommendations for the proposed Drainage and Pavement Improvements project. Based on the information provided to us on April 4, 2019, the scope of this study will consist of the following:

- Calling Lonestar 811 and coordinating with utility locators to get areas for the proposed borings cleared.
- Coring existing pavement along 7<sup>th</sup> Street to determine the existing pavement thickness and for boring access.
- Drilling and sampling five (5) soil borings each to a depth of 20 feet for storm sewer and roadway reconstruction along the project alignment, and one (1) 30-foot boring at the proposed outfall location.

*The number and depth of borings are as suggested by CobbFendley, and are presented on Plan of Borings, Figure 1.*

- Grouting all boreholes using non-shrink cement bentonite grout after completion of drilling and water level measurements. The use of cement bentonite grout will eliminate the potential problems and safety hazards associated with surface settlements that might occur if boreholes are backfilled with soil cuttings.
- Performing appropriate laboratory tests, including CU test, on selected representative samples to develop the engineering properties of the soil.
- Perform engineering analyses to develop geotechnical recommendations for pavement thickness including subgrade stabilization for the pavement reconstruction, bedding and backfill, trench (excavation) stability and groundwater control for utilities replacement, slope paving recommendation for the new Outfall location, and construction considerations.
- Submit a geotechnical investigation report containing a plan showing the locations of the borings and recommendations as outlined above.
- Submit the boring logs in gINT format.

Schedule and Fees

We should be able to start the fieldwork within one (1) week after receiving your written authorization. It is estimated that the fieldwork will be completed in about one (1) week barring bad weather. The laboratory tests will be completed in about four (4) weeks. The complete geotechnical report, which will include field and laboratory data and geotechnical recommendations, will be submitted in about ten (10) weeks after receiving your notice to proceed.

Based on the scope of work outlined above, the cost of the field investigation, laboratory testing, engineering analyses and geotechnical report will be lump sum amount of \$16,567.00. The cost breakdown given in Attachment No. 1 is for additional information only. The invoices will be billed on Lump Sum basis based on percent completion. This cost is based on the assumption that the site is accessible to a truck mounted drilling rig and no site clearance will be required.

We appreciate the opportunity to submit this proposal. Formal authorization is required for our services. This may be provided by signing in the space provided below and returning one copy for our files.

Sincerely,  
**GEOTEST ENGINEERING, INC.**



Naresh Kolli, P.E.  
Project Manager

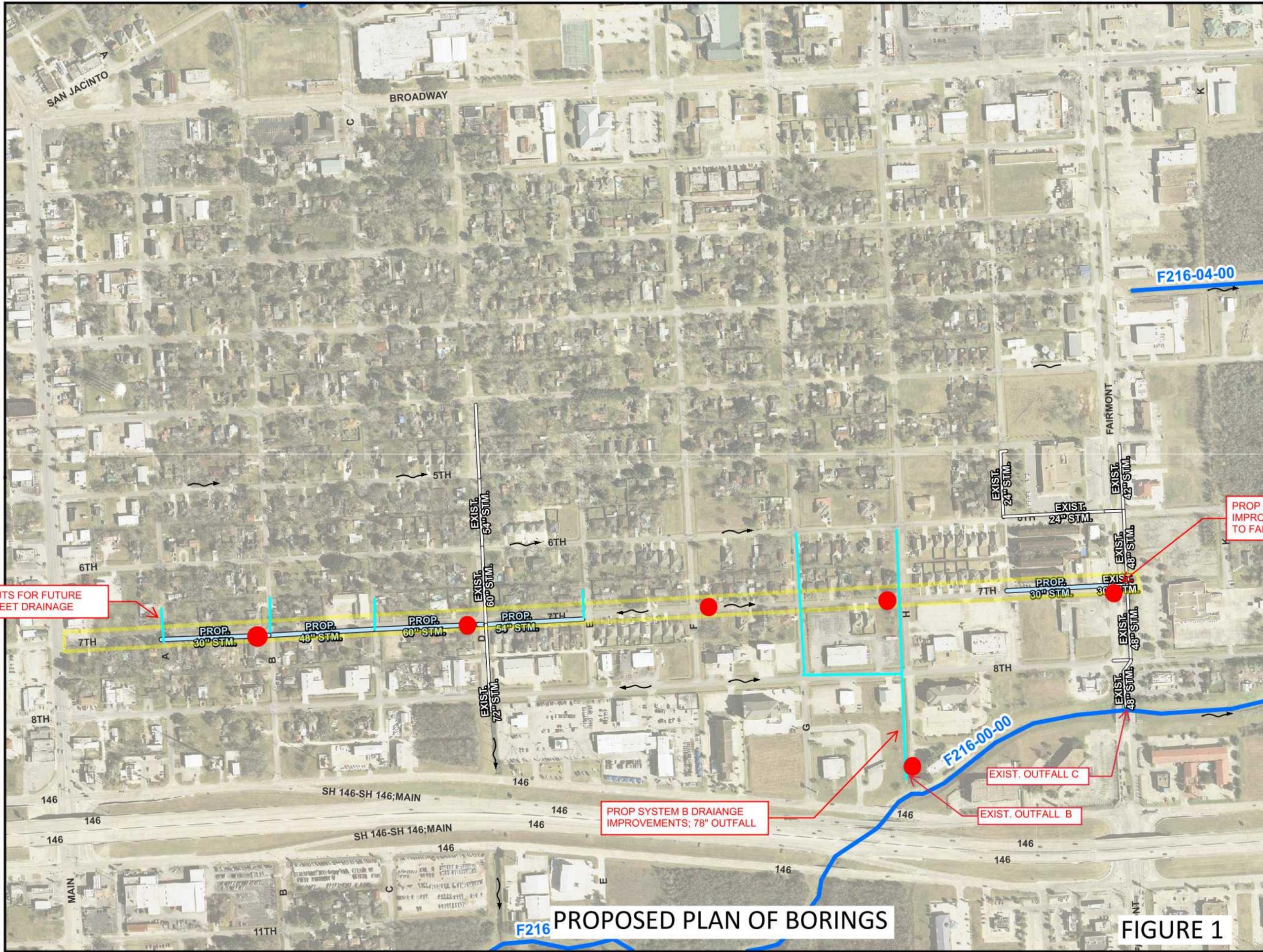
NK\kmp\ego  
Copies Submitted: (1-PDF)  
Enclosure: Figure 1- Proposed Plan of Borings  
Attachment No. 1 – Cost Breakdown  
PC38\Geotechnical\Proposals\40452699.DOC

ACCEPTED BY: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

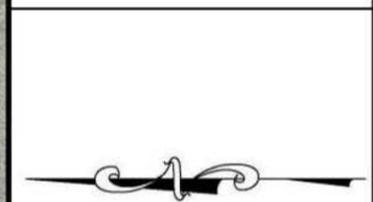
TITLE: \_\_\_\_\_

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



**LEGEND**

- EXISTING STORM SEWER!
- PROPOSED STORM SEWER!
- HCFCD CHANNELS
- ~ FLOW DIRECTION



PROP SYSTEM C DRAINAGE IMPROVEMENTS; TO CONNECT TO FAIRMONT SYSTEM

**GEOTECH BORE LOCATIONS**

**CobbFendley**  
 Texas Registration No. 274  
 13430 Northwest Freeway, Suite 1100  
 Houston, Texas 77040  
 713.462.3242 | fax 713.462.3262 | www.cobfen.com  
 JOB NO. 1012056

CITY OF LAPORTE  
 LAPORTE, TEXAS

**7TH STREET PAVING AND DRAINAGE PROJECT**

SUBMITTED:	DESIGNED BY:
SCALE: 1" = 400'	DRAWN BY:
DATE:	SHEET No.: 1 OF 1
SURVEY BY:	DWG. NO.:
F B NO.:	

**PROPOSED PLAN OF BORINGS**

**FIGURE 1**

**Attachment No. 1  
 COST BREAKDOWN**

	<u>QUANTITY</u>	<u>UNIT RATE</u>	<u>COST</u>
<b>Engineering Services</b>			
Sr Project Manager	2 hrs.	\$206.00	\$412.00
Sr Engineer	6 hrs.	\$150.00	\$900.00
Project Engineer	12 hrs.	\$105.00	\$1,260.00
Staff Engineer	32 hrs.	\$83.00	\$2,656.00
Support Personnel (Drafting, Word Processing)	6 hrs.	\$60.00	\$360.00
		Subtotal	<b>\$5,588.00</b>
<b>Direct Expenses</b>			
<b>Subsurface Field Investigation</b>			
Mobilization/Demobilization of Truck Mounted Drill Rig and Crew	1 ea.	\$340.00	\$340.00
Drilling and Continuous Sampling, Truck Mounted Rig, from 0 to 20 feet	120 ft.	\$21.00	\$2,520.00
Drilling and Intermittent Sampling, Truck Mounted Rig, from 20 to 50 feet	10 ft.	\$18.00	\$180.00
Grouting of Completed Bore Holes	130 ft.	\$7.00	\$910.00
Utility Clearance, Marking Borings, Drilling and Field Coordination	8 hrs.	\$65.00	\$520.00
Asphalt Coring (4" Diameter and upto 6" Thickness)	6 ea.	\$80.00	\$480.00
Additional thickness (over 6" Thickness)	18 in.	\$7.00	\$126.00
Vehicle Charge (field coordination)	8 hrs.	\$10.00	\$80.00
Traffic Control Cost	2 day	\$600.00	\$1,200.00
		Subtotal	<b>\$6,356.00</b>
<b>Laboratory Tests</b>			
Liquid and Plastic Limits	13 ea.	\$60.00	\$780.00
Moisture Content	47 ea.	\$9.00	\$423.00
Percent Passing No. 200 Sieve	12 ea.	\$46.00	\$552.00
Unconsolidated-Undrained Triaxial Compressive Strength, per Specimen or Stage	13 ea.	\$61.00	\$793.00
<i>Specific Gravity of Soils</i>	1 ea.	\$60.00	\$60.00
<i>Consolidated Undrained Triaxial Compressive Strength Test (3 Specimens)</i>	1 ea.	\$1,800.00	\$1,800.00
<i>Crumb Test (to detmine erosion characteristics of channel embankment soils)</i>	1 ea.	\$38.00	\$38.00
<i>Double Hydrometer</i>	1 ea.	\$177.00	\$177.00
		Subtotal	<b>\$4,623.00</b>
	<b>Total</b>		<b>\$16,567.00</b>



April 4, 2019

Kerry Lackey  
CobbFendley & Associates, Inc.  
1920 Country Place Parkway, Suite 310  
Pearland, Texas 77584

Re: Request for Environmental Services – Preliminary Wetlands Investigation  
7<sup>th</sup> Street Paving and Drainage Project – La Porte, Texas

Dear Mr. Lackey:

Thank you for allowing BIO-WEST, Inc. (BIO-WEST) the opportunity to provide you with a cost estimate for the following environmental services: a preliminary wetland investigation and review for the 7<sup>th</sup> Street Paving and Drainage Project located in La Porte, Texas.

**Preliminary Wetland Investigation and Review**

BIO-WEST scientists will visit the subject property and review available historical topographic maps, National Wetland Inventory maps, soil data maps, color and infra-red aerial photography, and current floodplain maps to estimate the extent of any potential waters of the U.S. which may exist on the subject property.

The purpose of the study is to determine the approximate sizes and locations of any areas that may potentially be classified as waters of the United States, which includes, but is not limited to, wetlands.

**Deliverables**

After the site visit has occurred and all available data has been reviewed, a **letter report** will be generated which details the findings of the preliminary study and associated maps will be included as an appendix to the report.

**Estimated Costs**

The estimated cost associated with this investigation is noted below. This project will be conducted and billed on a lump sum basis.

**Preliminary Wetland Investigation and Review .....\$2,750.00**  
**TOTAL ..... \$2,750.00**

You may authorize BIO-WEST to begin the work as proposed by signing the attached form of Professional Services Agreement and returning a copy to BIO-WEST. BIO-WEST will begin the work immediately after receiving notice to proceed. The letter report will be complete within 15 working days from the notice to proceed.

To accept this cost estimate, please sign and date on the attached Agreement of Services or please supply your company's contract. Acceptance of this proposal entails acceptance of BIO-WEST's standard terms and conditions. This proposal is valid for 60 days from the date above.

BIO-WEST greatly appreciates the opportunity to provide this scope of services and cost estimate. If you have any questions or comments, please call the BIO-WEST office at (832) 595-9064.

Sincerely,



Andy Boswell  
Project Manager & Senior Ecologist



Colleen Moss  
Environmental Scientist

Attachment 1: Contract Documents



Otten Consulting Group, Inc.
www.statereview.com

TAS Review/Inspection Order Form

810 Highway 6 S, Suite 111
Houston, TX 77079
Tele (713) 975-1029
Fax (713) 785-7769
admin@statereview.com

Project Name: La Porte 7th Street

Project AB Number: (if registered with TDLR)

TDLR Filing Fee may be paid directly online or by combined fee when submitting to OCG.

Table with columns: Construction Cost, TDLR Filing Fee, Review Fee, Inspection Fee, Periodic Inspection, Total. Includes rows for various cost ranges and a total row of \$1,000.

Please include the following:

- AB Project Registration form – If project has been registered online include one copy of Registration Confirmation page.
•One complete set of construction documents - submitted within (20) twenty days of issuing project along with proof of submission form (for licensed design professionals only).
•Payment in full for requested services. Please include TDLR filing Fee for projects not yet registered. Please make checks payable to: Otten Consulting Group, Inc.

Reduce or eliminate costly TAS violations. Contact OCG for the following essential compliance services:

Pre-Project Inspection: OCG survey of existing facilities prior to finalizing intended scope of work. TAS requirements for alterations typically increase scope of work. Identify these requirements and locations of accessibility compliance with a Pre-Project Inspection. Contact OCG to schedule a Pre-Project Inspection.

Preliminary Reviews: Prior to final construction documents, email your project to techinfo@statereview.com for preliminary reviews, or contact OCG for hardcopy pickup – no charge.

Periodic Inspections: Elements such as noncompliant plumbing and surface slopes that are commonly overlooked during the construction phase add unnecessary costs to a building or facility budget. With a periodic inspection, potential violations may be identified and corrected before a final inspection. Avoid having to redo newly constructed areas for TAS violations that could have been addressed before project completion. Periodic inspections offer peace of mind.

Responsibility for compliance with Texas Government Code Chapter 469 is placed upon the design professional with overall responsibility for a project, and/or the Owner of a facility. Plan Reviews shall not be construed as acceptance of responsibility for such compliance by Otten Consulting Group, Inc., or any of its accessibility specialists or employees. Otten Consulting Group's financial liability is limited to fees paid for Plan Reviews and Inspections. All fees are non-refundable. Reports cannot be released until all fees are paid in full.

I hereby Authorize Otten Consulting Group, Inc., to perform requested services for the referenced project.

Owner / Agent Design Professional

Authorized Signature Date Telephone Fax



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>June 10, 2019</u>
Requested By: <u>Mayor Louis R. Rigby</u>
Department: <u>City Council</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	_____
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

**Exhibits:** Ordinance 2019-3745

---

### SUMMARY & RECOMMENDATION

Canvassing of the May 4, 2019, general election races occurred at the May 10 and 13, 2019 meetings.

Section 2.08 of the City Charter provides that at the first meeting of the Council after canvassing the general election, City Council shall select one of its members to serve as Mayor Pro Tem for a one-year term or until a successor is appointed and has qualified. If a vacancy occurs in the office of Mayor, or in the case of a mayor's absence or disability, the Mayor Pro Tem shall act as Mayor until a successor is elected and has qualified or until the Mayor is again able to assume the duties of the office.

The Council's custom has been to elect successive Mayors Pro Tem in the order the Councilpersons have joined the Council. Councilperson Nancy Ojeda has served as Mayor Pro Tem for the 2018-2019 year and Councilperson Bill Bentley was the next new member to join the Council after her.

It is the Council's practice to adopt an ordinance naming the member elected.

---

### ACTION REQUIRED BY COUNCIL

Move the nomination of \_\_\_\_\_ to serve as the Council's Mayor Pro Tem and adoption of Ordinance 2019-3745 in support of same. *[A nomination does not require a second.]*

---

**ORDINANCE NO. 2019-3745**

**AN ORDINANCE PROVIDING FOR THE ELECTION OF A MEMBER OF THE CITY COUNCIL TO SERVE AS MAYOR PRO TEM OF THE CITY OF LA PORTE, TEXAS, FOR THE PERIOD JUNE 1, 2019, THROUGH MAY 31, 2020, OR UNTIL A SUCCESSOR HAS BEEN APPOINTED AND HAS QUALIFIED; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

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

**Section 1.** The City Council of the City of La Porte hereby elects \_\_\_\_\_ to serve as Mayor Pro Tem of the City of La Porte, Texas, for the period June 1, 2019, through May 31, 2020, or until a successor has been appointed and has qualified.

**Section 2.** The Mayor Pro Tem shall serve in such office during said term, and pursuant to the Charter of the City of La Porte shall during the vacancy, absence or disability of the Mayor have all powers and duties of the Mayor of the City of La Porte during such vacancy, absence or disability of the Mayor. The Mayor Pro Tem shall act as Mayor until a successor is elected and has qualified or until the Mayor is again able to assume his duties of office, as the case may be.

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

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

**PASSED AND APPROVED** this, the 10th day of June, 2019.

CITY OF LA PORTE, TEXAS

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee Woodward, City Secretary

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



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>June 10, 2019</u>
Requested By: <u>Mayor Rigby</u>
Department: <u>City Council</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

Exhibits: N/A

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### SUMMARY & RECOMMENDATION

Following the May 4 election, there is one position for a Councilperson to be appointed to each of the Animal Shelter Advisory Committee and the Fiscal Affairs Committee, and as an alternate to the Drainage and Flooding Committee.

For the Fiscal Affairs Committee, Councilperson Nancy Ojeda is currently serving as the Alternate. It is the Council's custom to allow the Alternate to move to the open position and then to select a new Alternate. The draft motion below is worded to reflect that. Should a Councilperson object to this, they may wish to visit with the Mayor in advance of the meeting, or could move to amend the motion.

These positions serve at the Council's pleasure or until the member is no longer a Councilperson. For each position in turn, the Mayor will accept nominations and then take a vote or accept a nominee by unanimous consent.

---

### ACTION REQUIRED BY COUNCIL

Move the nomination of Councilperson \_\_\_\_\_ to an open position on the La Porte Animal Shelter Advisory Committee. [*A nomination does not require a second.*]

Move the nomination of Councilperson \_\_\_\_\_ to the Alternate position on the La Porte Drainage and Flooding Committee. [*A nomination does not require a second.*]

Move the nomination of Councilperson \_\_\_\_\_ to the Alternate position on the La Porte Fiscal Affairs Committee. [*A nomination does not require a second.*]

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## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>June 10, 2019</u>
Requested By: <u>Councilpersons Martin, Gillett, &amp; Bentley</u>
Department: <u>City Council</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

Exhibits: N/A

---

### SUMMARY & RECOMMENDATION

Councilperson Martin has brought forward the nomination of Councilperson Gillett to fill an open position on the La Porte Fire Control, Prevention, and Emergency Medical Services District Board. The unexpired term ends August 31, 2019. The Board has seven members filling two-year terms; three additional positions have terms ending this August and the other three end in even-numbered years.

Fire Control, Prevention & Emergency Medical Services District Board – 7 appts. - 2-yr. terms

Patrick McElroy – through 8/31/2019  
Open (*Eldridge*) – through 8/31/2019  
Danny Campise – through 8/31/2020  
Thomas Dye, III – through 8/31/2020  
Johnny Jones – through 8/31/2020  
Ronald Nowetner – through 8/31/2019  
Dewey Walls, Jr. – through 8/31/2019

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### ACTION REQUIRED BY COUNCIL

Move the nomination of Steve Gillett to an open position on the La Porte Fire Control, Prevention, and Emergency Medical Services District Board. [*A nomination does not require a second.*]

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## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>June 10, 2019</u>
Councilmembers Garza, Requested By: <u>Lunsford, and Bentley</u>
Department: <u>City Council</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

**Exhibits:**

---

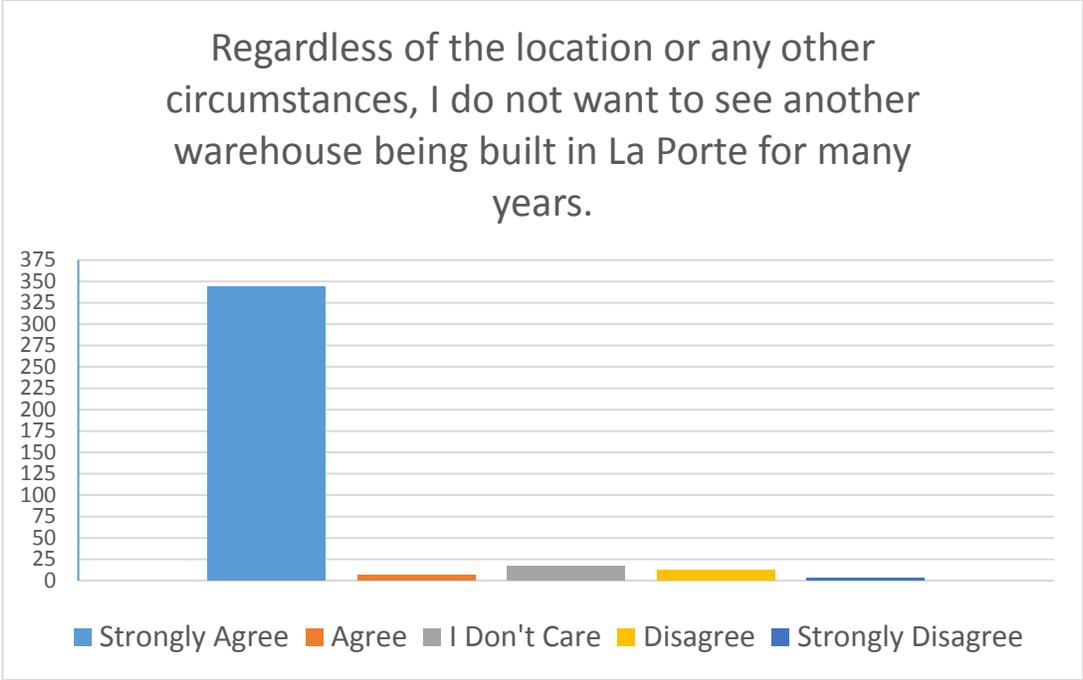
### SUMMARY & RECOMMENDATION

This item is placed on the agenda by Councilmembers Garza, Lunsford, and Bentley.

This agenda item is to discuss ways to modify all ordinances and zoning categories to regulate any new warehouse and/or distribution center establishment in La Porte. One option would be to require a Conditional Use Permit for any new warehouse. This option would mean that each warehouse proposal would need to be reviewed and voted on by both the Planning and Zoning Commission and the City Council.

Any ordinance amending the Code of Ordinances would first need to be presented to the Planning and Zoning Commission and would require final approval from City Council.

The graph below is the results a Facebook survey conducted by Councilmember Garza. City staff was not involved in the preparation on this survey and cannot attest to the survey design or method of distribution.



Councilpersons Lunsford and Bentley are co-sponsors for the item.

---

**ACTION REQUIRED BY COUNCIL**

Provide direction on possible option(s) for amending the Code Ordinances regulating establishing new warehouses and/or distribution centers in La Porte.

---

**Approved for the City Council meeting agenda**

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

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



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: June 10, 2019
Councilpersons Garza, Lunsford
Requested By: _____ and Bentley
Department: City Council
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

**Exhibits:** None

Appropriation	
Source of Funds:	_____
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

---

### SUMMARY & RECOMMENDATION

Councilperson Garza provided an agenda request in writing for the following,

“It is our belief that our constituents would be better served if we fostered an improved working relationship with the LPISD Board of Trustees. We would like to ask city staff to be speaking with representatives from LPISD in order to arrange for a joint workshop between the City Council and the LPISD Board of Trustees in order to discuss items of mutual concern.

We ask that city staff specifically provide us with suggested times and places for such a workshop, in addition to a list of agenda items that the LPISD Trustees would like included in the meeting.”

Councilpersons Lunsford and Bentley are co-sponsors for the item.

---

### ACTION REQUIRED BY COUNCIL

---

**Approved for the City Council meeting agenda**

---

Corby D. Alexander, City Manager

---

Date



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>June 10, 2019</u>
Councilmembers Garza, Requested By: <u>Lunsford, and Bentley</u>
Department: <u>City Council</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

**Exhibits:** Current Massage Parlor Ordinance  
Current Massage Parlor Application

---

### SUMMARY & RECOMMENDATION

Councilperson Garza provided an agenda request in writing for the following [proposed changes or additions are in red and underlined],

“This petition is intended to make it harder to operate a brothel under the guise of a legitimate business by amending Ord. No. 2015-3598 Sec. 22-418 to convert the permit issued to a conditional use permit. The original language of Ord. No. 2015-3598 Sec. 22-418 is listed below, with amendments notated.

Ord. No. 2015-3598

Sec. 22-418. - Issuance of conditional massage business permits.

The director of planning and development shall issue a massage business permit within 30 days of receipt of the application unless he finds that:

(1) The correct permit fee has not been tendered to the city, and in the case of check or bank draft, honored with payment upon presentation;

(2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including but not limited to the city's building, zoning and health regulations;

(3) The applicant, if an individual, or any of the stockholders holding more than ten percent of the stock of the corporation, or any of the officers and directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, or the holder of any lien of any nature on the business and/or equipment used therein; and the manager or other person principally in charge of the operation and affairs of the business, or any

employees, have been convicted of a felony or misdemeanor involving moral turpitude, or was placed on deferred adjudication for such offense, unless such conviction occurred at least five years prior to the date of the application;

(4) The applicant has knowingly made any false, misleading or fraudulent statements of fact in the permit application or in any document required by the city in conjunction therewith;

(5) The applicant has had a massage business, masseur or other similar permit or license denied, revoked or suspended by the city or any other state or local agency within five years prior to the date of application;

(6) The applicant, if an individual, or any of the officers and directors if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, and the manager or other person principally in charge of the operation of the business, is not over the age of 18 years.

(7) Before any permit shall be issued under this article by the director of planning and development, the chief of police shall first sign his approval for the application.

Please reference Ord. No. 2019-xxxx Sec. xx-xxx for the conditions imposed on any business applying for this permit.

Ord. No. 2019-xxxx  
Sec. xx-xxx – Conditions for Conditional Massage Business Permit

Any permit issued under this section can be revoked at any time for violations including, but not limited to the following:

(1) Failure to adhere to and meet all the requirements necessary to apply for the permit initially.

(2) Failure to adhere to the following operational requirements:

- a) A massage establishment may only operate between the hours of 8:00 A.M to 9:00 P. M. each day.
- b) Outside windows of a massage establishment shall be transparent and the view from the outside into the lobby/waiting area shall be unobstructed.
- c) All doors shall remain unlocked during normal business hours.
  - 1) A place of business where a licensed massage therapist practices as a solo practitioner in a manner consistent with the applicable provisions of Section 455. 155 of the Texas Occupations Code, as amended, is exempt from this regulation.
- d) Signage which provides a hotline number for sex trafficking victims must be displayed.
- e) At no time shall a massage establishment provide a residence or dwelling to accompany this occupancy.
- f) Licenses issued by the State for the establishment and the people working in it who are required to have a State license must be displayed and easily viewable with the lobby or waiting area.
- g) A peace officer appointed or employed by a law enforcement agency of this state, or a licensed Code Enforcement Officer employed by the City, may enter without delay the premises of a massage establishment pursuant to Sections 455. 104 and 455.353 of the Texas Occupations Code.

- 1) If entry and access to the premises of the massage establishment is denied or delayed, entry shall be made under authority of a warrant to inspect the massage establishment.
- h) All customer access to the business must occur at the business' clear and obvious front door.
- i) A massage establishment may not have an ATM located inside the business structure.
- j) A massage establishment may not have a sign which is visible from the outside of the building which flashes or changes colors.”

Councilpersons Lunsford and Bentley are co-sponsors for the item.

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**ACTION REQUIRED BY COUNCIL**

Move to direct the City Manager and City Attorney to draft an ordinance amending Section 22.418 of Ordinance 2015-3598, concerning issuance of conditional massage business permits.

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**Approved for the City Council meeting agenda**

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**Corby D. Alexander, City Manager**

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**Date**

AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS, BY ESTABLISHING REGULATIONS AND FEES RELATING TO OPERATION OF MASSAGE ESTABLISHMENTS IN THE CITY; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1.** Chapter 22, "Businesses," of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding new Article VII "Massage Businesses", which shall hereinafter read as follows, to wit:

**"ARTICLE VII. – MASSAGE BUSINESSES**

**DIVISION 1. – GENERALLY**

**Sec. 22-400. - Definitions.**

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this article.

*Employee* shall mean any person over eighteen (18) years of age, other than a masseur, who renders any service in connection with the operation of a massage business and who receives compensation from the operator of the business or from patrons.

*Massage* means any method of treating the superficial parts of a patron for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands, feet or any instrument.

*Masseur* means any person who engages in the practice of massage as herein defined and who is licensed therefor by the state. The use of the masculine gender in this article shall include in all cases the feminine gender as well.

*Patron* means any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

**Sec. 22-401 - Penalty.**

Any person who shall intentionally or knowingly violate any provision of this article shall be deemed to be guilty of a misdemeanor and shall upon conviction be punished by a fine not to exceed two thousand dollars (\$2000.00).

**Secs. 22-402—22-414. - Reserved.**

**DIVISION 2. - PERMITS**

**Sec. 22-415. - Business permit required.**

No person shall engage in or carry out the business of providing massages unless he has a valid massage business permit issued by the City of La Porte pursuant to the provisions of this article for each and every separate office or place of business conducted by such person.

**Sec. 22-416. - Application for permit.**

Any person desiring a massage business permit shall file a written application with the Director of Planning on a form to be furnished by the Planning and Development Department. The applicant shall accompany the application with a tender of the permit fee required by this article, and shall, in addition, furnish the following:

- (1) The type of ownership of the business, i.e. whether individual, partnership, corporation or otherwise;
- (2) The name, style and designation under which the business or practice is to be conducted;
- (3) The business address and all telephone numbers where the business is to be conducted;
- (4) Such other information, identification and physical examination of the person as shall be deemed necessary by the Director of Planning or the Chief of Police to discover the truth of the matters hereinabove required to be set forth in the application;
- (5) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit;
- (6) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the city.

**Sec. 22-417. - Investigation by the Director of Planning and the Chief of Police.**

- (a) Upon receiving the application for a massage business permit, the Director of Planning and Development shall forward the application to the Chief of Police to conduct an investigation into the applicant's moral character and personal and criminal history. The Chief of Police may in his discretion require a personal interview of the applicant, and such further information, identification and physical examination of the person as shall bear on the investigation. In addition, the following information shall be provided to the Chief of Police, as follows:
  - (1) A complete list of the names and the residence addresses of all masseurs and employees in the business and the name and residence address of the manager or other person principally in charge of the operation of the business, as well as copies of all current

licenses issued by Department of State Health Services for each masseur to be employed at any permitted location.

- (2) The following personal information concerning the applicant, if an individual; and concerning each stockholder holding more than ten (10) percent of the stock of the corporation, and each officer and director, if the applicant is a corporation; and concerning the partners, including limited partners, if the applicant is a partnership; and the holder of any lien, of any nature, upon the business and/or the equipment used therein; and concerning the manager or other person principally in charge of the operation of the business:
    - (a) The names, complete residence addresses and residence telephone numbers;
    - (b) The two (2) previous addresses immediately prior to the present address of the applicant;
    - (c) Written proof of age;
    - (d) Height, weight, color of hair and eyes, and sex;
    - (e) Two (2) front face portrait photographs taken within thirty (30) days of the date of application and at least two (2) by two (2) inches in size;
    - (f) The massage or similar business history and experience ten (10) years prior to the date of application, including but not limited to whether or not such person in previously operating in this or another city or state under license or permit has had such license or permit denied, revoked or suspended and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation;
    - (g) All criminal arrests other than misdemeanor traffic violations, fully disclosing the jurisdiction in which arrested and the disposition thereof,
    - (h) A complete set of fingerprints taken and to be retained on file by the chief of police or his authorized representatives;
  - (3) The names and addresses of three (3) adult residents of Harris County who will serve as character references. The references must be persons other than relatives and business associates;
- (b) In addition to the requirements of subsection (a) of this section, the Director of Planning and Development shall cause to be conducted an investigation of the premises where the massage business is to be carried on, for the purposes of assuring that such premises comply with all sanitation requirements as set forth in this article and by the state, and with the regulations of public health, safety and welfare.

**Sec. 22-418. - Issuance of massage business permits.**

The Director of Planning and Development shall issue a massage business permit within thirty (30) days of receipt of the application unless he finds that:

- (1) The correct permit fee has not been tendered to the city, and in the case of check or bank draft, honored with payment upon presentation;
- (2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including but not limited to the city's building, zoning and health regulations;
- (3) The applicant, if an individual, or any of the stockholders holding more than ten (10) percent of the stock of the corporation, or any of the officers and directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, or the holder of any lien of any nature on the business and/or equipment used therein; and the manager or other person principally in charge of the operation and affairs of the business, or any employees, have been convicted of a felony or misdemeanor involving moral turpitude, or was placed on deferred adjudication for such offense, unless such conviction occurred at least five (5) years prior to the date of the application;
- (4) The applicant has knowingly made any false, misleading or fraudulent statements of fact in the permit application or in any document required by the city in conjunction therewith;
- (5) The applicant has had a massage business, masseur or other similar permit or license denied, revoked or suspended by the city or any other state or local agency within five (5) years prior to the date of application;
- (6) The applicant, if an individual, or any of the officers and directors if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, and the manager or other person principally in charge of the operation of the business, is not over the age of eighteen (18) years.
- (7) Before any permit shall be issued under this article by the Director of Planning and Development, the Chief of Police shall first sign his approval for the application.

**Sec. 22-419. - Display of permits.**

The massage business permittee shall display his permit in an open and conspicuous place on the premises of the massage business.

**Sec. 22-420. - Fees generally.**

The permit fee for a massage business shall be seventy-five dollars (\$75.00) per calendar year. Permit fees shall not be prorated.

**Sec. 22-421. - Additional locations.**

Should any massage business have more than one location where the massage services are to be provided, a separate permit, issued in accordance with this article, is required for each massage business location.

**Sec. 22-422. - Return of fee.**

No portion of any fee collected under this article shall be returned after a permit has been issued.

**Sec. 22-423. - Denial, Suspension and revocation of permits.**

- (a) A massage business permit may be revoked or suspended in any case where any of the provisions of this article are violated, or where any licensee or employee of the licensee is engaged in any conduct which violates any of the state laws or city ordinances at the permittee's place of business, including but not limited to, working without a state license, engaging in sexual contact with customers, or working in the nude, and the permittee has actual or constructive knowledge thereof by due diligence. The revocation proceedings shall be as prescribed by subsection (b) of this section.
- (b) A massage business permit may be revoked or suspended by the City Council after notice and hearing for any cause set forth in this section. The Director of Planning and Development or his authorized agent shall initiate such proceedings by petition to the city secretary in writing setting forth specifically the grounds for revocation or suspension, and if a suspension, the length of time for which such suspension is requested. A copy of such petition shall be mailed to the last known address of the permit holder. Notice of the time and date of the hearing, again setting forth the specific grounds upon which the Director of Planning and Development's petition is based, shall be given in writing by the city secretary through certified United States mail to the permittee at his last known address at least five (5) days prior to the date set for such hearing. The City Council shall, by a majority vote, determine whether or not such permit shall be revoked or suspended, and such action shall be final and conclusive.
- (c) Any applicant denied a permit shall have the right of appeal to City Council. Such appeal shall be taken by filing with the city secretary within ten (10) days after notice of the denial has been mailed to such person's address as set forth in the application, a written statement setting forth fully the grounds for the appeal. The city secretary shall provide for a council hearing on such appeal at the earliest convenient regular city council meeting, and shall notify the appellant and Director of Planning of the date and time of such city council hearing in the same manner as provided in subsection (b). The council shall by a majority vote either sustain the action of the Director of Planning and Development or issue the permit.

**Sec. 22-424. - Transfer of permit prohibited.**

No massage business permit is transferable, severable or divisible, and such authority as a permit confers shall be conferred only upon the permittee named therein.

**Sec. 22-425. – Notice to City of changes in employment.**

Every permitted massage business shall immediately inform the city of any changes to the list provided in accordance with Section 22-416(4) of this article concerning the names and the residence addresses of all masseurs and employees in the business and the name and residence address of the manager or other person principally in charge of the operation of the business.

**Secs. 22-426—22-429. - Reserved.**

**DIVISION 3. - OPERATION REGULATIONS**

**Sec. 22-430. - Hours.**

No massage business shall be kept open for any purpose between the hours of 10:00 p.m. and 8:00 a.m. on any day of the week.

**Sec. 22-431. - Alcoholic beverages prohibited.**

No person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage business.

**Sec. 22-432. - Entrances, exits.**

No massage business shall have any entrance or any exit way providing a direct passageway to any, residence or living quarters.

**Sec. 22-433. – Access; open to public.**

- (a) All massage establishments operating under the authority of this chapter are declared to be public places, and shall not, during business hours, have the doors to the entrances or exits of such establishments locked or obstructed in any way so as to prevent free ingress and egress of persons; provided, however, such doors may be closed. A massage business is prohibited from operating as a private, member only enterprise.
- (b) Any law enforcement officer may inspect a massage business establishment at any time during business hours to determine whether the establishment is in compliance with this chapter and state law.

**Sec. 22-434. - Sanitation.**

- (a) All premises used pursuant to this chapter shall be periodically inspected during regular business hours by the Director of Planning and Development or his authorized representative for safety of structure and adequacy of plumbing ventilation, heating and illumination.
- (b) Floors shall be free from any accumulation of dust, dirt and refuse. Well marked toilet and handwashing facilities for permittees, employees and patrons shall be provided. All walls, ceilings, windows and doors shall be free of dust, dirt, refuse and mold. In high humidity areas, including toilet rooms, shower rooms, steam rooms, locker rooms, and other such rooms, the walls, ceilings and floors shall be constructed or covered with a material that is smooth, nonabsorbent and easily cleaned.

**Sec. 22-435. - Sheets, towels, etc.**

Towels, cloths and sheets shall not be used for more than one (1) patron. Heavy white paper may be substituted for sheets provided that such paper is changed for every patron. Soiled linens and towels shall be stored in a clearly marked receptacle and shall not be reused prior to laundering.

**Sec. 22-436. - Animals prohibited.**

No animals shall be permitted within a massage business at any time.

**Sec. 22-437. - Equipment.**

All equipment used for the treatment of patrons at establishments regulated by this article shall be kept in a clean and sanitary condition, and the equipment shall be kept in a good and safe state of repair at all times."

**Section 2.** If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be

unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, vividness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

**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.** Any person who violates a provision of this ordinance, upon conviction in the municipal court of the City of La Porte shall be subject to fine not to exceed two thousand dollars (\$2000.00). Each day of violation shall be considered a separate offense.

**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 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, 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 contacts and posting thereof.

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

PASSED AND APPROVED, this the 24<sup>th</sup> day of August, 2015.

CITY OF LA PORTE, TEXAS

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

Louis R. Rigby, Mayor

**ATTEST:**

Patrice Fogarty

Patrice Fogarty  
City Secretary

**APPROVED:**

Clark T. Askins

Clark T. Askins  
Assistant City Attorney

**1. BUSINESS INFORMATION:**

DATE OF SUBMITTAL: \_\_\_\_\_

ADDRESS WHERE BUSINESS IS TO BE CONDUCTED: \_\_\_\_\_

PHONE NUMBERS (ALL) WHERE BUSINESS IS TO BE CONDUCTED:

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

HCAD PARCEL NO(s) 13-digit Tax ID(s): \_\_\_\_\_

PROPERTY LEGAL DESCRIPTION: \_\_\_\_\_

NEW BUILDING       EXISTING BUILDING      BUSINESS NAME: \_\_\_\_\_

STYLE/ TYPE OF MESSAGE: \_\_\_\_\_

PROPOSED USE OF BUILDING: \_\_\_\_\_

**2. BUILDING OWNER INFORMATION:**

BUILDING OWNER'S NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

MAILING ADDRESS OF BUILDING OWNER: \_\_\_\_\_

**3. BUSINESS OWNER CONTACT INFORMATION:**

BUSINESS OWNERSHIP:  INDIVIDUAL     PARTNERSHIP     CORPORATION

OWNER'S NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

PHONE 1: \_\_\_\_\_ PHONE 2: \_\_\_\_\_

FAX: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

**NOTES TO APPLICANT:**

*NOT A VALID PERMIT UNTIL BUSINESS OWNER IS NOTIFIED OF APPROVAL AND ALL APPLICABLE FEES ARE PAID IN FULL.  
PERMIT FEE \$75.00 (NON-REFUNDABLE)*

I HEREBY CONSENT TO UNRESTRICTED ACCESS/ INSPECTION DURING BUSINESS HOURS BY CITY PERSONNEL.

AUTHORIZED SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

I HEREBY SWEAR, UNDER PENALTY OF PERJURY, THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE & CORRECT.

ATHORIZED SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**NAME OF EMPLOYEE:** \_\_\_\_\_ **BUSINESS NAME:** \_\_\_\_\_

\*Planning Department is responsible for document collection. All paperwork will be verified by Police Department.

**4. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION (MUST COMPLETE FOR EVERY EMPLOYEE):**

COMPLETE ITEMS 1 THRU 3 OF APPLICATION

ALL STATEMENTS SIGNED & DATED

COPY OF ALL MASSAGE THERAPIST'S LICENSE, MASSAGE THERAPY ESTABLISHMENT LICENSE, AND NAMES AND RESIDENCE ADDRESSES FOR MANAGER OR OTHER PERSONS PRINCIPALLY IN CHARGE OF OPERATION OF THE BUSINESS, AND FOR ALL MASSEURS AND EMPLOYEES IN THE BUSINESS.

PERSONAL INFORMATION CONCERNING THE APPLICANT, IF AN INDIVIDUAL; AND CONCERNING EACH STOCKHOLDER HOLDING MORE THAN 10% OF THE STOCK OF THE CORPORATION, AND EACH OFFICER AND DIRECTOR, IF APPLICANT IS A CORPORATION, AND CONCERNING THE PARTNERS, INCLUDING LIMITED PARTNERS, IF THE APPLICANT IS A PARTNERSHIP; AND THE HOLDER OF ANY LIEN, OF ANY NATURE, UPON THE BUSINESS AND/OR THE EQUIPMENT USED THEREIN; AND CONCERNING THE MANAGER OR OTHER PERSON PRINCIPALLY IN CHARGE OF THE OPERATION OF THE BUSINESS.  NOT APPLICABLE

COPY OF VALID TEXAS ISSUED I.D. & (2) FRONT FACING 2"X 2" PHOTOGRAPHS

WRITTEN 10 YEAR HISTORY OF BUSINESS OWNER INCLUDING ANY AND ALL LICENSES, DENIED PERMITS, REVOKED & SUSPENDED LICENSES, ETC.

COPY OF ALL CRIMINAL ARRESTS, FULLY DISCLOSEING THE JURISDICTION IN WHICH ARRESTED OR  NOT APPLICABLE.

COMPLETE SET OF FINGER PRINTS (LA PORTE POLICE DEPARTMENT; 3001 N. 23<sup>RD</sup> ST.; LA PORTE TX 77571)

LIST NAME, ADDRESS, PHONE # OF 3 HARRIS COUNTY RESIDENTS 18 OR OLDER TO SERVE AS CHARACTER REFERENCES.  
(NO RELATIVES OR BUSINESS ASSOCIATES)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

FURNISH COPY OF TEXAS SALES & USE TAX CERTIFICATE

**City of La Porte Office use only:**

COMPLETE APPLICATION & DOCUMENTS RECEIVED BY: \_\_\_\_\_

CURRENT ZONING PERMIT FOR THIS ESTABLISHMENT: PERMIT # \_\_\_\_\_

**La Porte Police Department to verify all documents to be true and correct.**

APPROVED  DENIED BY: CHIEF OF POLICE: \_\_\_\_\_ DATE: \_\_\_\_\_

APPROVED  DENIED BY: BUILDING OFFICIAL: \_\_\_\_\_ DATE: \_\_\_\_\_

APPROVED  DENIED BY PLANNING DIRECTOR: \_\_\_\_\_ DATE: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

**POLICE DEPARTMENT LICENSE NO.** \_\_\_\_\_

**PLANNING DEPARTMENT BUSINESS LICENSE NO.** \_\_\_\_\_



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>June 10, 2019</u>
Requested By: <u>CSO through Mayor Rigby</u>
Department: <u>City Secretary's office</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>Gen. fund/election budget</u>
Account Number:	<u>001-6067-510-6004</u>
Amount Budgeted:	<u>\$30,000</u>
Amount Requested:	_____
Budgeted Item:	<input checked="" type="radio"/> Yes <input type="radio"/> No

**Exhibits:** None

### SUMMARY & RECOMMENDATION

Per Section 32.093 of the Texas Election Code, compensation of election judges and clerks shall be fixed by the governing body of a political subdivision. In the past, election workers were compensated at rates ranging from \$10.00-\$15.00 per hour based on title of position. (Election judges are compensated an additional \$25.00 for delivery of equipment on election night per Section 32.092(a).)

All election workers are trained on all aspects of their election duties. Should an election judge not be able to perform their duties, the alternate judge is required to do so. If an alternate judge is not able to perform their duties, an election clerk will be named as the alternate judge. Election workers are notified of the rate of pay at the time of their appointment. Staff believes they all perform essential functions and must conduct the elections with the highest possible integrity and attention to detail.

Current per hour rates (there is no additional amount paid to or change in normal pay rate for a City of La Porte employee performing election duties):

- Early Voting Deputy Clerk, City Hall or ITC - \$10.00
- Election Day Judge, City Hall or ITC - \$14.00
- Election Day Alternate Judge, City Hall or ITC - \$12.00
- Election Day Clerks, City Hall or ITC - \$10.00
- Early Voting Ballot Board Judge - \$14.00
- Early Voting Ballot Board clerk - \$14.00
- Central Counting Judge - \$15.00

For consistency and impartiality to all of the election workers, staff requests that compensation be fixed at a rate of \$15.00 per hour for all hourly payments to election workers for elections conducted by the City of La Porte, whether for La Porte only or for joint elections handled with or for other entities.

ELECTION CODE  
TITLE 3. ELECTION OFFICERS AND OBSERVERS  
CHAPTER 32. ELECTION JUDGES AND CLERKS  
SUBCHAPTER E. COMPENSATION

**Sec. 32.091. COMPENSATION FOR SERVICES AT POLLING PLACE.**

(a) Except as provided by Subsection (c), an election judge or clerk is entitled to compensation for services rendered at a precinct polling place at an hourly rate not to exceed the amount fixed by the appropriate authority, which amount must be at least the federal minimum hourly wage. A judge or clerk may be compensated at that rate for services rendered under Section 62.014(c).

(b) A judge or clerk may not be paid for more than one hour of work before the polls open, except for payment made for work under Section 62.014(c). In a precinct in which voting machines are used, a judge or clerk may not be paid for more than two hours of work after the time for closing the polls or after the last voter has voted, whichever is later.

(c) For a primary or runoff primary election, the minimum hourly rate is the greater of the maximum rate provided by Subsection (a) or, if the election officer attended a training program as provided by Subchapter F, \$7.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1993, 73rd Leg., ch. 728, Sec. 7, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1349, Sec. 13, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 260, Sec. 1, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1316, Sec. 12, eff. Sept. 1, 2003.

**Sec. 32.092. COMPENSATION FOR DELIVERING ELECTION RECORDS AND SUPPLIES.**

(a) The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

(b) If more than one election officer delivers the records, keys, and unused supplies, the presiding judge shall determine how the amount fixed for the service is to be allocated among the officers.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

**Sec. 32.093. AUTHORITY FIXING COMPENSATION.** The compensation of election judges and clerks shall be fixed by the following authority:

- (1) for an election ordered by the governor or a county authority, the commissioners court;
- (2) for an election ordered by an authority of a political subdivision other than a county, the political subdivision's governing body; and**
- (3) for a primary election, the county executive committee of the political party holding the primary.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

**Sec. 127.005. PRESIDING JUDGE OF COUNTING STATION.** d) The presiding judge is entitled to compensation at the same rate as a precinct presiding judge, except that the counting station judge is entitled to a minimum compensation of five hours' pay regardless of the amount of time worked.

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**ACTION REQUIRED BY COUNCIL**

Move to fix the hourly rate of election workers at \$15.00.

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**Approved for the City Council meeting agenda**

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**Corby D. Alexander, City Manager**

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**Date**



**Council Agenda Item  
June 10, 2019**

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

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## Council Agenda Item June 10, 2019

### 8. **ADMINISTRATIVE REPORTS**

- Planning and Zoning Commission Meeting, Thursday, June 20, 2019
- City Council Meeting, Monday, June 24, 2019
- Zoning Board of Adjustment Meeting, Thursday, June 27, 2019

### 9. **COUNCIL COMMENTS** *Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existing policy from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.*

### 10. **EXECUTIVE SESSION**

City Council will meet in Executive Session pursuant to Texas Government Code, Section 551.072 - consultation with counsel on legal matters - concerning value of real property in industrial districts and negotiations with industry representatives for terms of new Industrial District Agreements.

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

### 12. **ADJOURNMENT**

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