

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  
Mayor Pro-Tem  
Councilmember District 3  
THOMAS GARZA  
Councilmember District 4  
JAY MARTIN  
Councilmember District 5  
NANCY OJEDA  
Councilmember District 6

## **CITY COUNCIL MEETING AGENDA**

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held July 13, 2020 , beginning at 6:00 PM in the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas , for the purpose of considering the following agenda items. All agenda items are subject to action. Social distancing protocols will be in effect in the Council Chambers. Remote participation is available, also. Attend via a screen using this link: <https://us02web.zoom.us/j/81308467354?pwd=elkwbHpNNWtsMhOS2RrRjFBak5QQT09>. Join by phone at 877-853-5257 or 888-475-4499. The meeting ID is 813 0846 7354. The password is 483415.

1. **CALL TO ORDER**
2. **INVOCATION** – The invocation will be given by Pastor Walter Brumley, La Porte River of God Church.  
**PLEDGES** – Will be led by Councilperson Bill Bentley.  
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) Proclamation in recognition of Parks and Recreation Month. [Mayor Rigby]
4. **CITIZEN COMMENT** *(Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.)*
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 June 22, 2020, City Council meeting. [Mayor Rigby]
  - (b) Award Bid #20017 to Android Construction, LLC, authorize the City Manager to execute a contract in the amount of \$59,286.00, and approve a project contingency of \$5,928.00, for a total authorization of \$65,214.00. [Ray Mayo, Public Works Director]
  - (c) Award Bid #20015 to Android Construction, LLC, authorize the City Manager to execute a contract in the amount of \$84,500.00, and approve a project contingency of \$8,450.00, for a total authorization of \$92,950.00. [Ray Mayo, Public Works Director]
  - (d) Adopt Ordinances 2020-IDA-139 through 2020-IDA-142, authorizing the execution of Industrial District Agreements with companies in the Battleground and Bayport Industrial Districts, for a twelve- (12-) year term beginning January 1, 2020. [Corby Alexander, City Manager]
  - (e) Adopt Resolution 2020-16 authorizing the resale of tax delinquent property described as Lots 25 and 26, Block 252 of the Town of La Porte. [Shelley Wolny, Treasurer]
  - (f) Adopt Resolution 2020-17 authorizing the resale of tax delinquent property described as Lots 21 and 22, Block 73, Bay Front Addition to the City of La Porte. [Shelley Wolny, Treasurer]

- (g) Adopt Resolution 2020-18 authorizing the resale of tax delinquent property described as Lot 1, 2, & 3, Block 1015, of the Town of La Porte. [Shelley Wolny, Treasurer]
- (h) Adopt Resolution 2020-19 authorizing the resale of tax delinquent property described as Lots 3 and 4, Block 67, Bay Front Addition to the Town of La Porte. [Shelley Wolny, Treasurer]
- (i) Adopt Resolution 2020-20 authorizing the resale of tax delinquent property described as Lots 17 and 18, Block 73, Bay Front Addition to the Town of La Porte. [Shelley Wolny, Treasurer]

## 6. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- (a) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3793 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #20-92000001, a change from High Density Residential (R-3) to Planned Unit Development (PUD) for a 5.798-acre tract of land located at the 1300 Blocks of South Broadway and Oregon Streets and legally described as the E 115' of Lots 1-16, Lots 17-32, and abandoned alley, Block 1159, Lots 4-29 and Tracts 3A and 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. rights-of-way; followed by discussion and possible action to consider adopting Ordinance 2020-3793 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #20-92000001, a change from High Density Residential (R-3) to Planned Unit Development (PUD) for a 5.798-acre tract of land located at the 1300 Blocks of South Broadway and Oregon Streets and legally described as R the E 115' of Lots 1-16, Lots 17-32, and abandoned alley, Block 1159, Lots 4-29 and Tracts 3A and 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. rights-of-way. [Ian Clowes, City Planner]
- (b) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3794 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #20-91000001, to allow for a zero lot line single family residential development on a 5.798-acre tract of land, located at the 1300 Blocks of South Broadway and Oregon Streets and legally described as the E 115' of Lots 1-16, Lots 17-32, and Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A and 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. rights-of-way in the Planned Unit Development (PUD) zoning district; followed by discussion, and possible action to consider adopting Ordinance 2020-3794 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #20-91000001 to allow for a zero lot line single family residential development on a 5.798-acre tract of land, located at the 1300 Blocks of South Broadway and Oregon Streets and legally described as the E 115' of Lots 1-16, Lots 17-32, and abandoned alley, Block 1159, Lots 4-29 and Tracts 3A and 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. rights-of-way in the Planned Unit Development (PUD) zoning district. [Ian Clowes, City Planner]

## 7. STATUTORY AGENDA

- (a) Presentation, discussion and possible action to adopt Ordinance 2020-3791 electing a Mayor Pro Tem. [Mayor Rigby]
- (b) Presentation, discussion, and possible action to approve Ordinance 2020-3795 to dedicate the City-owned property at 9801 Rustic Gate as a public park and amend Chapter 50 of the City Code of Ordinances to add said property to the City park system and set hours of operation. [Mayor Pro Tem Bentley and Councilpersons Ojeda and Lunsford]
- (c) Presentation, discussion, and possible action to approve a policy and procedures related to mandatory mask covering requirements for employees, elected officials, board and commission members, and public guests in City-owned buildings and facilities. [Corby Alexander, City Manager]

- (d) Presentation, discussion, and possible action regarding a recommended date for holding the public hearing on the City of La Porte's Fiscal Year 2020-2021 Proposed Budget. [Shelley Wolny, Treasurer]

**8. REPORTS**

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

**9. ADMINISTRATIVE REPORTS**

- Planning and Zoning Commission meeting, July 16
- La Porte Development Corporation Board meeting, July 27
- City Council meeting, July 27

**10. COUNCIL COMMENT** *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.*

**11. EXECUTIVE SESSION**

- (a). City Council will meet in closed session pursuant to Texas Government Code Section 551.074 - personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - regarding City Manager Corby Alexander.

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

**13. ADJOURN**

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.

Pursuant to Texas Government Code Sec. 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members will be physically present at the location noted above on this agenda.

**CERTIFICATE**

I, Lee Woodward, City Secretary, do hereby certify that a copy of the July 13, 2020, 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*

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



# Proclamation

## Office of the Mayor

**WHEREAS**, parks and recreation programs are an integral part of communities throughout this country, including in the City of La Porte; and

**WHEREAS**, our parks and recreation facilities and programming are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

**WHEREAS**, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

**WHEREAS**, the U.S. House of Representatives has designated July as National Parks and Recreation Month;

**NOW, THEREFORE**, I, Louis R. Rigby, Mayor, do hereby proclaim the month of July 2020, as

## Parks and Recreation Month

In Witness Whereof: I have hereto set my hand and caused the Seal of the City to be affixed hereto, this the 13<sup>th</sup> day of July, 2020.

City of La Porte

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Louis R. Rigby, Mayor

**LOUIS 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  
Mayor Pro-Tem  
**THOMAS GARZA**  
Councilmember District 4  
**JAY MARTIN**  
Councilmember District 5  
**NANCY OJEDA**  
Councilmember District 6

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF LA PORTE  
JUNE 22, 2020**

The City Council of the City of La Porte met in a regular meeting on Monday, June 22, 2020, 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:** Brandon Lunsford, Steve Gillett, Danny Earp, Chuck Engelken, Bill Bentley, Thomas Garza (6-6:19 p.m.), Jay Martin, Nancy Ojeda

**Councilpersons attending remotely:** Louis Rigby

**Councilpersons absent:** Thomas Garza left meeting at 6:19 p.m.

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

**CALL TO ORDER** – Mayor Pro Tem Bentley presided and called the meeting to order at 6:07 p.m.

Councilperson Gillett moved to require all persons attending the meeting to wear a mask. Councilperson Gillett amended his motion to only include those sitting at the dais; the motion was adopted, 7-2, Councilpersons Garza and Earp voting against. Mayor Pro Tem Bentley recessed the Council at 6:16 p.m. The Council reconvened at 6:19 p.m. and Mayor Pro Tem Bentley had the Sergeant at Arms to escort Councilperson Garza from the room.

**2. INVOCATION AND PLEDGES** - The invocation was given by Assistant City Attorney Clark Askins, and pledges were led by Councilperson Brandon Lunsford.

**3. CITIZEN COMMENT** *(Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.)*

Jami Rodriguez, Susy Smith, Carole Kimbel, Gene Sanchez, and Robert Guy spoke in support of reopening the Fairmont Park West pool. Chuck Rosa spoke against wearing masks. Randy Rowan asked questions about the Fairmont Park West pool and park.

**4. 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 June 8, 2020, City Council meeting. [Mayor Louis R. Rigby]

- b. **Accept a dedication deed from Bayway Homes, Inc. to the City of La Porte, Texas, of a public alley right-of-way to be situated in Block 103, Town of La Porte, located between N. 6th Street and Dr. Martin Luther King Jr. Drive. [Ian Clowes, City Planner]**
- c. **Approve BuyBoard Contract 610-20 for acquisition of EMS Medical Supplies. [Lisa Camp, EMS Chief]**
- d. **Award Bid #20011 for the Broadway Trail Lighting Project Phase 1 to Leggio Electric in the amount of \$349,000.00, and approve a project contingency of \$34,900.00, for a total authorization of \$383,900.00. [Rosalyn Epting, Director of Parks & Recreation]**
- e. **Authorize the City Manager to issue a letter of intent to Mac Haik Dodge Chrysler Jeep to purchase an Ambulance Module with a Dodge Ram 4500 Chassis in the 2020-2021 Fiscal Year under a BuyBoard contract. [Lisa Camp, EMS Chief]**
- f. **Approve an interlocal agreement between Harris County and the City of La Porte for local bus transit services for twelve (12) month term. [Jason Weeks, Assistant City Manager]**

Councilperson Martin moved to approve the consent agenda; the motion was adopted, 8-0.

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

- a. **The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3790 amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning“ by granting Special Conditional Use Permit #20-91000002, to allow for a floral shop and tea room use to locate on a 0.75-acre tract of land, legally described as a portion of Lots 3 & 4, and a portion of Tract 5, Block 2, Payne W J Survey in the Planned Unit Development (PUD) zoning district; followed by discussion and possible action to consider adopting Ordinance 2020-3790 amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning“ by granting Special Conditional Use Permit #20-91000002 to allow for a floral shop and tea room use to locate on a 0.75-acre tract of land, legally described as a portion of Lots 3 & 4, and a portion of Tract 5, Block 2, Payne W J Survey in the Planned Unit Development (PUD) zoning district. [Ian Clowes, City Planner]**

*(Councilperson Lunsford signed a Conflict of Interest affidavit and did not participate in the discussion or vote on this item.)* Mayor Pro Tem Bentley opened the public hearing at 6:46 p.m. Ian Clowes, City Planner gave a brief presentation. Mayor Pro Tem Bentley closed the public hearing at 6:50 p.m. Councilperson Ojeda moved to uphold the Planning and Zoning Commission approval and adopt Ordinance 2020-3790 amending the Code of Ordinances of the City of La Porte, Chapter 106 “Zoning” by granting Special Conditional Use Permit #20-91000002 to allow for a floral shop and tea room use to locate on a 0.75-acre tract of land, legally described as a portion of Lots 3 & 4, and a portion of Tract 5, Block 2, Payne W J Survey in the Planned Unit Development (PUD) zoning district; the motion was adopted, 7-0.

## **6. STATUTORY AGENDA**

- a. **Receive an Annual Presentation from the Economic Alliance Houston Port Region. [Ryan Cramer, Economic Development Coordinator]**

Chad Burke, President and CEO, provided an annual presentation from the Economic Alliance Houston Port Region.

- b. **Presentation, discussion, and possible approval of a Sublease Agreement between Tri-Star Aviation Inc. and Brandon Lunsford/Garden of Eden for the operation of a restaurant/flower shop on the La Porte Municipal Airport. [Corby Alexander, City Manager]**

*(Councilperson Lunsford signed a Conflict of Interest affidavit and did not participate in the discussion or vote on this item.)* Councilperson Ojeda moved to approve the sublease agreement between Tri-Star Aviation, Inc. and Brandon Lunsford/Garden of Eden for the operation of a restaurant/flower shop at the La Porte Municipal Airport; the motion was adopted, 7-0.

**c. Presentation, discussion, and possible action to provide staff direction on the Parks, Recreation, and Open Space Master Plan. [Rosalyn Epting, Director of Parks & Recreation]**

Aaron Tuley of Half Associates, Inc. presented the work accomplished in creating the master plan.

**d. Presentation, discussion, and possible action regarding Ordinance 2020-3791, authorizing the Mayor to enter into an agreement with Fairmont Park West HOA for the lease of swimming pool at Fairmont Park West, from June 22, 2020, to December 31, 2020. [Corby Alexander, City Manager]**

No action was taken.

**7. ADMINISTRATIVE REPORTS**

- Drainage and Flooding Committee meeting, July 13
- City Council meeting, July 13
- Planning and Zoning Commission meeting, July 16
- Zoning Board of Adjustment meeting, July 23

City Manager Corby Alexander said Ryan Cramer was leaving to go to graduate school at the University of Texas. Councilperson Gillett asked for a copy of the ESD budget before the meeting was held.

**8. COUNCIL COMMENT 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.**

Councilpersons mused on why some are unwilling to wear masks in public and every person's right to be safe; thanked the La Porte Police Department for their service; reminded others that not all neighborhoods have pools or parks; shared that regional politicians from both major parties have asked that mask wearing not be politicized during a public health emergency; thanked Mayor Pro Tem Bentley for presiding; asked all to teach their children respect; wished everyone a Happy Father's Day; expressed appreciation for the opportunity to serve; shared disappointment over how the issue of Fairmont Park West had turned out; congratulated all the year's seniors.

**10. ADJOURN – Without objection, Mayor Pro Tem Bentley adjourned the meeting at 9:05 p.m.**

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Lee Woodward, City Secretary



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>July 13, 2020</u>
Requested By: <u>Ray Mayo, Director</u>
Department: <u>Public Works</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>003 – Utility CIP</u>
Account Number:	<u>003-7071-531-1100</u>
Amount Budgeted:	<u>\$202,084.00</u>
Amount Requested:	<u>\$65,214.00</u>
Budgeted Item:	<input checked="" type="radio"/> Yes <input type="radio"/> No

**Exhibits:** Bid #20017 Bid Notification and Access Report, Bid Tabulation, Project Area Map and Bid from Android Construction, LLC

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### SUMMARY

Bids were opened on June 16, 2020 for 8<sup>th</sup> Street Aerial Crossing Water Line Replacement - CLP Bid #20017. The general scope of work consists of replacing approximately two-hundred (200) linear feet of existing ductile iron water main and two (2) 45 degree bends, and multiple pipe supports attached to the S. 8<sup>th</sup> Street bridge. Fifty-seven (57) bidders were notified of the bid opportunity, with thirty-three (33) downloading the bid documents, and two (2) bidders responding.

The low bid was submitted by Android Construction Services, LLC in the amount of fifty-nine thousand, two hundred eighty-six dollars (\$59,286.00). The bid is secured by a bid bond. Android Construction has performed a similar project for La Porte with excellent results. Staff recommends approval of this bid with an added project contingency of \$5,928.00 (10%) for a total authorization of \$65,214.00.

#### **Benefits:**

- Replacement of the aging water main will reduce potential leaks and improve the appearance of the aerial pipe crossing. Structural integrity will be improved with new bridge-mounted pipe supports.

#### **Liabilities:**

- The potential for pipe failure will likely increase if work is deferred for an extended period of time.

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### RECOMMENDED MOTION

***I move to award Bid #20017 to Android Construction Services, LLC and authorize the City Manager to execute a contract with Android Construction Services, LLC in the amount of \$59,286.00, and approve a project contingency of \$5,928.00, for a total authorization of \$65,214.00.***

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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

 ORIGINAL

06-15-20 A08:16

06-15-20 A08:15 11  
06-15-20 A08:13 11

**SEALED BID**

**Sealed Bid #20017 – 8th Street  
Aerial Crossing Water Line  
Replacement**

**Information Desk  
Attention: Purchasing Division  
City of La Porte  
Purchasing Manager  
604 W. Fairmont Parkway  
La Porte, Texas 77571**

**Tuesday, June 21, 2020 2:00 p.m.  
Android Construction Services,  
LLC  
16195 S. HWY 288 B  
Angleton, TX 77515**



City of La Porte

Established 1892

Purchasing Department

Cherell Daeumer, Purchasing Manager

Pricing Offer Form to Sealed Bid #20017

<b>Item</b>	<b>1</b>
<b>Quantity/UOM</b>	<b>Lump Sum</b>
<b>Lump Sum Price</b>	<b>59,286.00</b>
<b>Delivery Location</b>	<b>City of La Porte Utilities Department</b>

Description: All materials, equipment, parts, labor, on site supervision, clean-up as specified to complete the 8<sup>th</sup> Street Aerial Crossing Water Line Replacement Project.

Delivered \_\_\_\_\_ days after receipt of order.

Do you allow for payments using the City's Procurement Card Provider, CitiBank (this is the preferred payment method in many instances)? \_\_\_\_\_ If "yes", discount offered \_\_\_\_\_ %

PLEASE INDICATE IF A CERTIFIED HUB VENDOR: Yes \_\_\_\_\_ No

Company Name: Android Construction Services, LLC Authorized Signer: Monique Gordin  
(Printed Name)

Telephone No: 713-236-0600 Authorized Signer:   
(Signature)

E-mail: mgordin@androidcs.net



Reserves the right to select the method in the best interest of the City, as determined by the Purchasing Manager.

Best value criteria includes, but may not be limited to:

- All costs including installation, warranty, maintenance, overall life cycle;
- Quality of the goods or services;
- Reputation of the bidder or bidder's goods and services;
- Extent to which the goods or services meet the City's needs;
- The bidders' past relationship with the municipality;
- The impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;
- Any relevant criteria specifically listed in the request for bids or proposals

The city reserves the right to accept any item or group of items on this bid, unless the bidder qualifies their bid by specific limitations.

#### GENERAL STANDARD TERMS AND CONDITIONS

The City of La Porte General Terms and Conditions for Bidding and Contracts are posted on the City's website: <http://laportetx.gov/515/Purchasing> and are incorporated into this document by reference. An electronic PDF copy may be requested by calling 281-470-05126 or e-mailing [purchasing@laportetx.gov](mailto:purchasing@laportetx.gov).

**The undersigned certifies by initialing:**

1. To comply with all instructions, provision of required documents, specifications

*Initials*



# City of La Porte

Established 1892

# Purchasing Department

Cherell Daeumer, Purchasing Manager

2. That they have not conspired with any other potential supplier or person Or official in any manner to attempt to control competitive pricing
3. That they are duly qualified, capable and bondable business entity not in receivership or contemplating same, and has not filed for bankruptcy
4. Affirms that they will not discriminate against any employee or applicant as prohibited by law. Failure to comply may result in termination of contract.
5. Bidder has read and understands the General Terms and Conditions for Bidding and Contracts.

mb  
mb  
mb  
mb

Authorized Signature: Monique Gordin (same as initials, above)

Printed Name: Monique Gordin

Date: 6/15/2020

**CONFLICT OF INTEREST QUESTIONNAIRE**  
For vendor doing business with local governmental entity

**FORM CIQ**

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

**OFFICE USE ONLY**

Date Received

**1 Name of vendor who has a business relationship with local governmental entity.**

N/A

**2**  Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

**3 Name of local government officer about whom the information is being disclosed.**

N/A

Name of Officer

**4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.**

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes  No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes  No

**5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.**

**6**  Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

**7** Margie K  
Signature of vendor doing business with the governmental entity

6-12-20  
Date

## CONFLICT OF INTEREST QUESTIONNAIRE

### For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

**Local Government Code § 176.001(1-a):** "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

**Local Government Code § 176.003(a)(2)(A) and (B):**

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed;
- or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

**Local Government Code § 176.006(a) and (a-1)**

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

House Bill 89 VERIFICATION

I, Monique Gordin (Person name), the undersigned

representative of (Company or Business name)

Android Construction Services, LLC

(hereafter referred to as company) being an adult over the age of eighteen (18) years of age, do hereby verify 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 City of La Porte, Texas.

This statement is exempt for sole proprietorship vendors, vendors who have less than 10 full time employees and contracts that are under \$100,000 of public funds.

*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.

6-12-20

DATE

  
SIGNATURE OF COMPANY REPRESENTATIVE



**REFERENCES**

Please provide the following information. Include both current and previous references where these similar types of services have been provided. Contact names must be that of a responsible party with the authority to approve such services. Failure to complete and submit this form may be cause to disqualify your proposal.

<u>COMPANY NAME</u>	<u>CONTACT NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>	<u>EMAIL ADDRESS</u>
Gulf Coast Authority Emergency Force Main Repair	Brianna Morales	3902 W Bay Area Blvd. Friendswood, Tx 77546	281-226-0191	<a href="mailto:bmorales@gcatx.org">bmorales@gcatx.org</a>

<u>COMPANY NAME</u>	<u>CONTACT NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>	<u>EMAIL ADDRESS</u>
Harris County W.C. & I.D. No. 21	Ronny Daniels	15808 Avenue C Channelview, Tx 77530	281-734-9470	<a href="mailto:wcid21@yahoo.com">wcid21@yahoo.com</a>

<u>COMPANY NAME</u>	<u>CONTACT NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>	<u>EMAIL ADDRESS</u>
ARKK ENGINEERING	Madhu Kilambi	7322 Southwest Fwy. Ste 1040 Houston, Tx 77074	713-400-2755	<a href="mailto:madhu.kilambi@arkkengineers.com">madhu.kilambi@arkkengineers.com</a>

<u>COMPANY NAME</u>	<u>CONTACT NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>	<u>EMAIL ADDRESS</u>
Harris County W.C.I.D. No. 74	Melissa Gonzalez	4901 Sandydale Lane Houston, Texas 77039	281-442-9072	<a href="mailto:melissag@harriscowcid74.org">melissag@harriscowcid74.org</a>

<u>COMPANY NAME</u>	<u>CONTACT NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>	<u>EMAIL ADDRESS</u>
City of Bay City	Barry Calhoun	Bay City, Tx 77414 Director of Public Works	(979) 245-7236	<a href="mailto:bcalhoun@cityofbaycity.org">bcalhoun@cityofbaycity.org</a>

16195 S. Hwy. 288B

Angleton, TX 77515

Office: 713-236-0600 Fax: 713-456-2658

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### Company Manpower Availability

Name	Job Description	Years of Experience
Joseph Acuna	Pipe Layer	1
Lucio Alguilera	Pipe layer	3
Joseph M Barr	Superintendent Boring Subject Matter Expert	14
Eduardo A Becerra	Supervisor Heavy Equipment Operator	7
Gerardo Becerra	Laborer	1
Raul Becerra	Heavy Equipment SME Superintendent Estimator	18
John T Buice	Heavy Equipment Operator	9
Oscar Cabrera	Pipe Layer	1
Roberto Enriquez	Pipe Layer	4
Jonathan Garcia	Pipe Layer Heavy Equipment Operator	5
Roberto Gonzalez	Pipe Layer	4
Joe W. Gordin III	Superintendent	10
Joe Gordin Jr.	VP Operations Manager	30+
Gilbert Leal	Certified Plumber Supervisor	25
Michael Lentz	Laborer	1
Cameron O'Donnell	Laborer	1
Jorge Rodriguez	Pipe Layer	5
Mitchell Sutterfield	Insert a Valve & Line Stop SME Project Manager	6
Francisco Villalobos	Pipe Layer	2

16195 S. Hwy. 288B

Angleton, TX 77515

Office: 713-236-0600 Fax: 713-456-2658

## Equipment Resources

Logistics Trailer	Heavy Equipment
<ul style="list-style-type: none"><li>• 2012 Flatbed</li><li>• 2016 Kear Utility</li></ul>	<ul style="list-style-type: none"><li>• 2017 Vermer Boring Machine D24x40s3</li><li>• conventional boring machine 224D</li></ul>
<ul style="list-style-type: none"><li>• 2016 Kear Utility 18' Double axle</li><li>• 2016 Kear Utility</li></ul>	<ul style="list-style-type: none"><li>• 2016 Yanmar VIO25</li><li>• 2015 Caterpillar Excavator 308E2</li></ul>
<ul style="list-style-type: none"><li>• 1995 Water Trailer 20' Triple Axle</li><li>• 2008 Temt FB Boring Trailer 20' Duel Axel</li></ul>	<ul style="list-style-type: none"><li>• Kubota KX080-3</li><li>• 2007 John Deer Dozer 450J</li></ul>
<ul style="list-style-type: none"><li>• 2006 CM Flatbed Compressor</li></ul>	<ul style="list-style-type: none"><li>• DCI SE Locator</li></ul>
<ul style="list-style-type: none"><li>• 2000 TFI UT Gooseneck Duel Axel</li></ul>	<ul style="list-style-type: none"><li>• 2017 Vermeer MX240 Mixing system</li></ul>
<ul style="list-style-type: none"><li>• 2012 CAND FB Tapping trl Single Axel</li></ul>	<ul style="list-style-type: none"><li>• 2017 DCI F2 Falcon Locator</li></ul>
<ul style="list-style-type: none"><li>• 2016 Spartan Cargo Trailer Duel Axel</li><li>• 2009 AMER Gooseneck Directional Bore Trailer</li></ul>	<ul style="list-style-type: none"><li>• 2006 Bobcat 435</li></ul>
<ul style="list-style-type: none"><li>• 2016 AMER Gooseneck Duel Axel</li><li>• 2016 Kear Utility 20' Double Axel car hauler</li></ul>	
<ul style="list-style-type: none"><li>• 2017 Jennings 32' G31 gooseneck</li><li>• 2018 CAND Flatbed 16' Duel Axel lowboy</li></ul>	

**BID BOND**

STATE OF TEXAS

§  
§

SURETY'S NO. N/A

COUNTY OF HARRIS §

KNOW ALL MEN BY THESE PRESENTS, THAT Android Construction Services, LLC

(hereinafter called the Principal), as Principal and Harco National 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 Amount Bid Dollars (\$ 5% AMT BID), 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 8th Street Aerial Crossing Water Line Replacement

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.

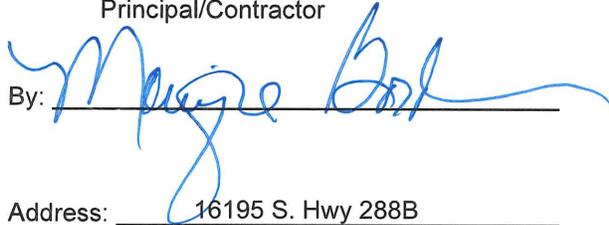
IT IS EXPRESSLY UNDERSTOOD AND AGREED that if said Principal should withdraw its Bid anytime after such Bid is opened and before this Bid Bond is returned or before official rejection of such Bid; or, if successful in securing the award thereof, said Principal should fail to enter into the Contract and 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 16th  
day of June, 2020.

Android Construction Services, LLC  
Principal/Contractor

By:



Address: 16195 S. Hwy 288B  
Angleton, TX 77515

Harco National Insurance Company  
Surety

By:



Jillian O'Neal, Attorney-in-Fact

Address: 28420 Hardy Toll Road, Suite 200  
Houston, TX 77056

NOTE: Attach Power of Attorney

# POWER OF ATTORNEY

Bond # N/A

## HARCO NATIONAL INSURANCE COMPANY INTERNATIONAL FIDELITY INSURANCE COMPANY

Member companies of IAT Insurance Group, Headquartered: 702 Oberlin Road, Raleigh, North Carolina 27605

**KNOW ALL MEN BY THESE PRESENTS:** That **HARCO NATIONAL INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of Illinois, and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and having their principal offices located respectively in the cities of Rolling Meadows, Illinois and Newark, New Jersey, do hereby constitute and appoint

EDWARD ARENS, PHILIP BAKER, JILLIAN O'NEAL, ERICA ANNE COX, REBECCA GARZA, MICHELE BONNIN

The Woodlands, TX

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** and is granted under and by authority of the following resolution adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting duly held on the 13th day of December, 2018 and by the Board of Directors of **HARCO NATIONAL INSURANCE COMPANY** at a meeting held on the 13th day of December, 2018.

"**RESOLVED**, that (1) the Chief Executive Officer, President, Executive Vice President, Senior Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** have each executed and attested these presents on this 31st day of December, 2018



STATE OF NEW JERSEY  
County of Essex

Kenneth Chapman  
Executive Vice President, Harco National Insurance Company  
and International Fidelity Insurance Company

STATE OF ILLINOIS  
County of Cook



On this 31st day of December, 2018, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

Shirelle A. Outley a Notary Public of New Jersey  
My Commission Expires April 4, 2023

### CERTIFICATION

I, the undersigned officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, **June 16, 2020**

Irene Martins, Assistant Secretary

## IMPORTANT NOTICE

To obtain information or make a complaint:

You may contact your Harco National Insurance Company at:

1-800-333-4167

You may also write to: Harco National Insurance Company c/o IFIC Surety Group at:

Attn: Claims Department  
One Newark Center, 20<sup>th</sup> Floor  
Newark, NJ 07102

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

1-800-252-3439

You may write the Texas Department of Insurance:

P. O. Box 149104  
Austin, TX 78714-9104  
Fax: (512) 490-1007  
Web: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

### PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim you should contact the agent or the company first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

### ATTACH THIS NOTICE TO YOUR BOND:

This notice is for information only and does not become a part or condition of the attached document.

## AVISO IMPORTANTE

Para obtener información o para presentar una queja:

Usted puede comunicarse con su Harco National Insurance Company al:

1-800-333-4167

Usted también puede escribir a Harco National Insurance Company c/o IFIC Surety Group at:

Attn: Claims Department  
One Newark Center, 20<sup>th</sup> Floor  
Newark, NJ 07102

Puede comunicarse con el Departamento de Seguros de Texas para obtener información acerca de compañías, coberturas, derechos o quejas al:

1-800-252-3439

Puede escribir al Departamento de Seguros de Texas:

P. O. Box 149104  
Austin, TX 78714-9104  
Fax: (512) 490-1007  
Web: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

### DISPUTAS SOBRE PRIMAS O RECLAMOS:

Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el agente o la compañía primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

### UNA ESTE AVISO A SU FIANZA DE GARANTIA:

Este aviso es solo para propósito de información y no se convierte en parte o condición del documento adjunto.

PLEASE SELECT AND COMPLETE ONLY ONE OF THE BID EXECUTION FORMS THAT FOLLOW. COMPLETE ONLY THE FORM THAT APPLIES TO YOUR BUSINESS TYPE

1.A Bid Execution By a Corporation

The undersigned, hereby acknowledges having received Solicitation Number 20017 containing a full set of Contract Documents, including but not limited to, 1) Requirements for Bidding and Instructions to Bidders, @) Standard Terms and Conditions - General Conditions, 3) Special Conditions, 4) Contract Plans or Drawings (if applicable), 5) Detailed Specifications, 6) Proposal Pages, 7) Certifications and 8) Addenda Nos. (none unless indicated here)

and affirms that the corporation shall be bound by all the terms and conditions contained in the Contract Documents regardless of whether a complete set thereof it attached to this proposal or bid, except only to the extent that the corporation has taken express written exception thereto in the sections of this solicitation designated for that purpose.

Under penalty of perjury, the undersigned: (1) warrants that he/she was authorized to submit this execution page on behalf of the Disclosing party; (2) warrants that all certifications and statements contained in the execution pages are true, accurate and complete as of the date the execution page was submitted; and (3) further warrants that, as of the date of submission of this solicitation there have been no changes in circumstances since the date that the Execution page was submitted that would render any certification in the execution page false, inaccurate or incomplete.

Furthermore, the undersigned being duly sworn, deposes and says on oath that no disclosures of ownership interests have been withheld and the information provided therein to the best of its knowledge is current and the undersigned has not entered into any agreement with any other Bidder (proposer) or prospective Bidder (proposer) or with any other person, firm or corporation relating to the price named in this proposal or any other proposal, nor any agreement or arrangement under which any act or omission in restraint of freedom of competition among Bidders (proposers) and has not disclosed to any person, firm or corporation the terms of this bid (proposal) or the price named herein.

Proposals must be submitted with original signatures in the space provided. Proposals not properly signed will be rejected.

Monique Gordin

(Print or Type)

*Monique Gordin*

SIGNATURE OF PRESIDENT\*:  
(Or Authorized Officer)

(Signature)

TITLE OF SIGNATORY:

President

BUSINESS ADDRESS:

16195 S Hwy 288B Angleton, Texas 77515

(Print or Type)

\*Note: In the event that this bid (proposal) is signed by other than the President, attach hereto a certified copy of that section of Corporate By-Laws or other authorization, such as a resolution by the Board of Directors, which permits the person to sign the offer for the Corporation.

ATTEST:

*Barbara Jenkins*

(Corporate Secretary Signature)

(Affix Corporate Seal)

State of Texas

County of Brazoria

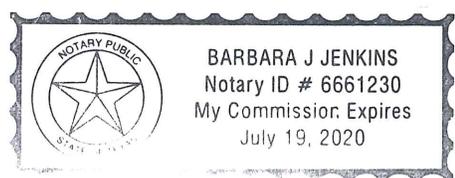
This instrument was acknowledged before me on this 12 day of June, 2020 by Monique Gordin as President

(or other authorized officer) and *Barbara Jenkins* as Secretary of *Android Construction Services* (Corporation Name).

(Seal)

*Barbara J Jenkins*  
Notary Public Signature

Commission Expires: July 19, 2020



**Notification & Access Report to Sealed Bid #20017 -  
8th Street Aerial Crossing Water Line Replacement**

**Notification Report:**

<b>Vendor Name</b>	<b>Reason</b>
AAA Asphalt Paving Inc.	Bid Notification
AAA Flexible Pipe Cleaning Co. Inc	Bid Notification
All Pro General Construction, Inc.	Bid Notification
Anderson Pollution Control, Inc.	Bid Notification
Android Construction Services LLC	Bid Notification
Angel Brothers Enterprises, Ltd.	Bid Notification
AR TurnKee Construction Company, Inc.	Bid Notification
Baukus Electric	Bid Notification
Blastco Texas, Inc.	Bid Notification
Boyer, Inc.	Bid Notification
Calco Contracting, Ltd.	Bid Notification
CDC News	Bid Notification
Chief Solutions, Inc.	Bid Notification
Crescent Engineering Co Inc	Bid Notification
D Davila	Bid Notification
F&L Coatings and Concrete, LLC	Bid Notification
Florida Traffic Control Devices, Inc.	Bid Notification
Forde Construction Company, Inc.	Bid Notification
Granite Inliner	Bid Notification
Greenlee Plumbing Services, Inc.	Bid Notification
GRZ Mechanical LLC	Bid Notification
GW Phillips Construction, INC.	Bid Notification
HDR Engineering, Inc.	Bid Notification
Horseshoe Construction, Inc	Bid Notification
HR Green, Inc.	Bid Notification
HVJ Associates, Inc.	Bid Notification
inCon-trol Water Systems	Bid Notification
IPR South Central LLC	Bid Notification
ISI Contracting, Inc.	Bid Notification
J&G Concrete Products	Bid Notification
K2 Services, LLC	Bid Notification
KING SOLUTION SERVICES LLC	Bid Notification
L&L Supplies	Bid Notification
NEC Construction, Ltd	Bid Notification
Paskey Incorporated	Bid Notification
Paskey Incorporated	Bid Notification
Pfeiffer & Son, Ltd.	Bid Notification
PLW Waterworks, LLC	Bid Notification
Polston Applied Technologies CA-TX	Bid Notification
R J Construction Company, Inc	Bid Notification
R. L. Utilities	Bid Notification
R.H. Shackelford, Inc.	Bid Notification
RAC Industries, LLC	Bid Notification
Royal Media Network Inc.	Bid Notification
Sabre Communications Corporation	Bid Notification
SAK Construction, LLC	Bid Notification

SJ&J CONSTRUCTION, LLC	Bid Notification
Southern Road & Bridge	Bid Notification
TCH Directional Drilling	Bid Notification
texas pride utilities, llc	Bid Notification
TLC Trucking & Contracting, Inc.	Bid Notification
TMI Coatings, Inc.	Bid Notification
Trigon Associates, llc	Bid Notification
Utility Service Co Inc	Bid Notification
W.W. Payton Corportion	Bid Notification
Webber, LLC	Bid Notification
Windrose Land Services	Bid Notification

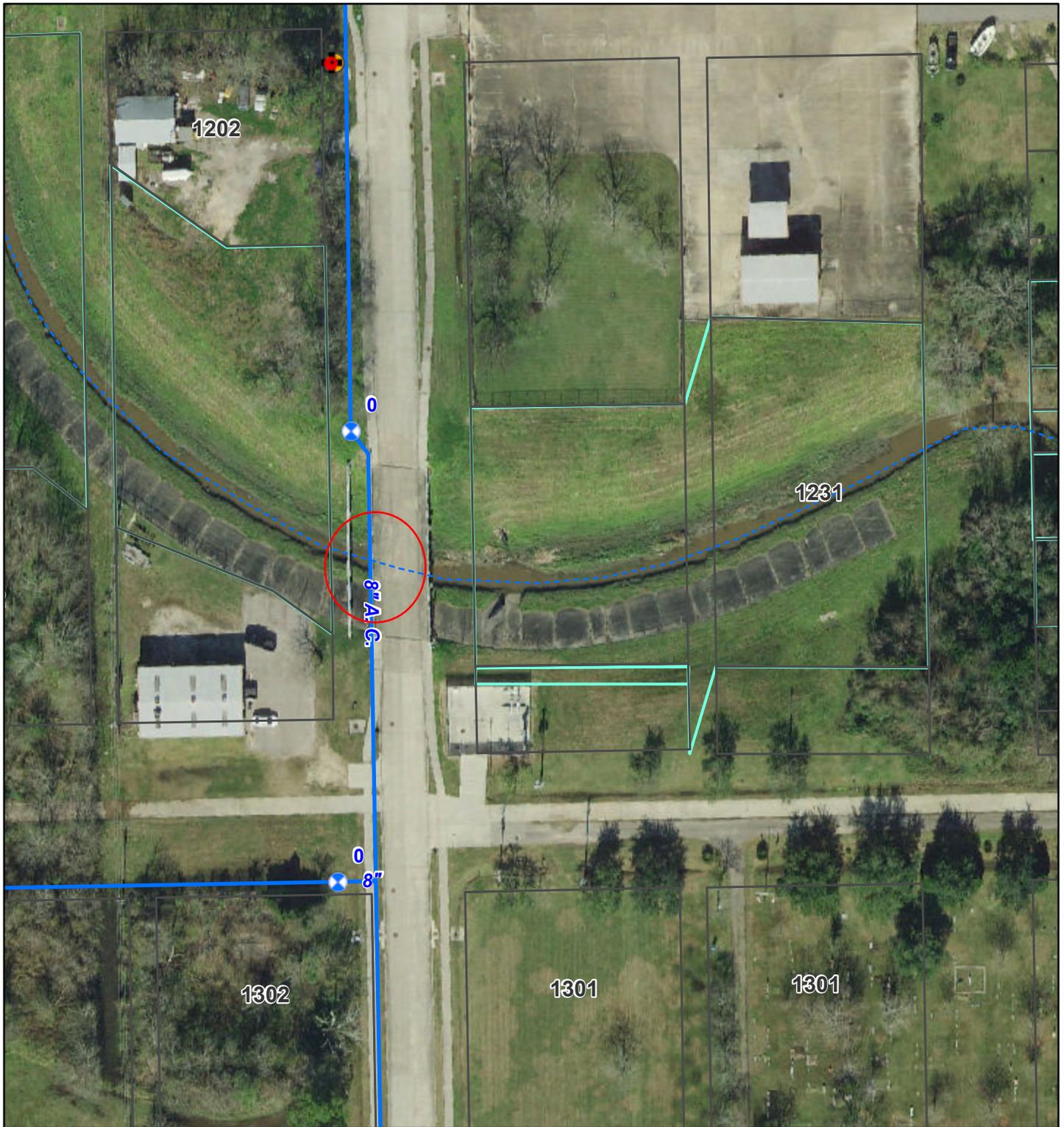
## Access Report:

Vendor Name	Documents
Alpha Testing, Inc.	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
Android Construction Services LLC	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
AR TurnKey Construction Company, Inc.	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
BidClerk	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
CMD	
CMS	
ConstructConnect	
Construction Bid Source	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
Construction Journal	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
Construction Software Technologies	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
Dale Dobbins	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
Dodge Data & Analytics	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
Engineering Consultatnt Services, Ltd.	
G&A Boring	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
Granite Inliner	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
Hearn Company	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
HR Green, Inc.	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
HVJ Associates, Inc.	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
IMS	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
Lindsay Circle, LLC	
North America Procurement Council	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
Odyssey Engineering Group	
Onvia	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
Paradigm Consultants	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
Perkens WS Corporation	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
School Wholesale Supplies LLC	
SmartProcure	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
SO	
TCH Directional Drilling	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
The Blue Book Building & Construction Network	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
Tukmol General Contractor	
WadeCon, LLC	#20017 8th Street Aerial Waterline Crossing Replacement.pdf
Wayne Enterprises	

<b>Bid Tabulation to Sealed Bid #20017 - 8th Street Aerial Crossing Water Line Replacement</b>			
		<b>WadeCon, LLC</b>	<b>Android Construction Services, LLC</b>
Item No.	Description	Lump Sum Price	Lump Sum Price
1	All materials, equipment, parts, labor , on site supervision and clean-up as specified to complete the 8th Street Aerial Crossing water line replacement project.	<b>\$125,000.00</b>	<b>\$59,286.00</b>
Bid Bond Received		Yes	Yes

Bid Tabulation is preliminary and not an indication of award. Other factors may apply.

# Web AppBuilder for ArcGIS



10/23/2018 10:36:51 AM

 Base Map Layer - City Limits

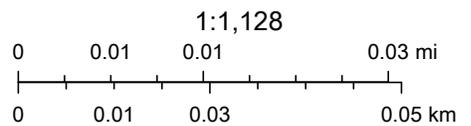
 Water System - Water Mains

Water System - Gate Valves

 Yes

 Water System - Fire Hydrants

 Water System - Fire Hydrant Gate Valves





## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>July 13, 2020</u>
Requested By: <u>Ray Mayo, Director</u>
Department: <u>Public Works</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>016- LPAWA</u>
Account Number:	<u>016-7075-533-8021</u>
Amount Budgeted:	<u>\$102,000.00</u>
Amount Requested:	<u>\$92,950.00</u>
Budgeted Item:	<input checked="" type="radio"/> Yes <input type="radio"/> No

**Exhibits:** Bid #20015 Bid Notification and Access Report, Bid Tabulation, Project Area Map and Bid from Android Construction, LLC

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### SUMMARY

The La Porte Area Water Authority (LPAWA) owns and maintains a transmission main from the City of Houston Southeast Water Plant to each of the delivery points in La Porte, Shoreacres and Morgan's Point. An item for valve replacement was approved by LPAWA Board and City Council in the FY 2019-20 Budget.

Bids were opened on May 21, 2020 for LPAWA Transmission Valve Replacement project - CLP Bid #20015. The general scope of work consists of replacing three (3) gate valves, ranging from 6 inch to 20 inch diameter, flush valve, associated fittings and restraints with thrust blocking. The valves and all fittings are "250 pressure class". The depth of the work and site conditions exceed capabilities of city-owned equipment. This work will require a temporary shutdown of the transmission system and will be coordinated with customers during a low-demand period.

Fifty-seven (57) bidders were notified of the bid opportunity, with thirty-three (33) downloading the bid documents, and one (1) bidder responding. The bid was submitted by Android Construction Services, LLC in the amount of eighty-four thousand, five-hundred dollars (\$84,500.00). Android Construction performed a similar project of this type, earlier this year for the La Porte Area Authority with excellent results. The bid costs are also consistent with the previous work performed. Staff recommends approval of this bid with an added project contingency of \$8,450 (10%), for a total authorization amount of \$92,950.00.

#### **Benefits:**

- Replacement of the aging water valves will improve reliability in operation of the transmission system. Proper and complete isolation of the system is required for leak testing and maintenance tasks.

#### **Liabilities:**

- The possibility of valve failure will likely increase if work is deferred for an extended period of time. Unscheduled, emergency work of this type is not preferred and would be more costly.

---

**RECOMMENDED MOTION**

***I move to award Bid #20015 to Android Construction Services, LLC and authorize the City Manager to execute a contract with Android Construction Services, LLC in the amount of \$84,500.00, and approve a project contingency of \$8,450.00, for a total authorization of \$92,950.00.***

---

**Approved for the City Council meeting agenda**

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

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

**SEALED BID**

**Sealed Bid #20015 – LPAWA  
Transmission Valve Replacement at  
Farrington  
Intersection near Big Island Slough  
Water Shed**

**City of La Porte  
Purchasing Manager  
604 W. Fairmont Parkway  
La Porte, Texas 77571**

**Thursday, May 21, 2020 2:00 p.m.  
Android Construction Services,  
LLC**

**16195 S. HWY 288 B  
Angleton, TX 77515**

*Received  
5-21-2020  
9:29 am  
A*



City of La Porte

Established 1892

Purchasing Department

Cherell Daeumer, Purchasing Manager

Pricing Offer Form to Sealed Bid #20015

Item 1

Quantity/UOM Lump Sum

Extended Price 68,000

Delivery Location City of La Porte Public Works Department

Site Location Fairmont and

Description All materials, tools and equipment required to complete the work, as specified

Item 2

Quantity/UOM Lump Sum

Extended Price 16,500

Delivery Location City of La Porte Public Works Department

Description All labor and supervision required to complete the work, as specified.

TOTAL BID – Lump Sum (Items 1 + 2) \$ 84,500

PLEASE INDICATE IF A CERTIFIED HUB VENDOR: Yes \_\_\_\_\_ No

Company Name: Android Construction Services, LLC Authorized Signer: Monique Gordin  
(Printed Name)

Telephone No: 713-236-0600 Authorized Signer: *Monique Gordin*  
(Signature)

E-mail: mgordin@androidcs.net Accept City's P-card Yes  No

**PLEASE SELECT AND COMPLETE ONLY ONE OF THE BID EXECUTION FORMS THAT FOLLOW. COMPLETE ONLY THE FORM THAT APPLIES TO YOUR BUSINESS TYPE**

**1.A Bid Execution By a Corporation**

The undersigned, hereby acknowledges having received Solicitation Number 20015 containing a full set of Contract Documents, including but not limited to, 1) Requirements for Bidding and Instructions to Bidders, 2) Standard Terms and Conditions - General Conditions, 3) Special Conditions, 4) Contract Plans or Drawings (if applicable), 5) Detailed Specifications, 6) Proposal Pages, 7) Certifications and 8) Addenda Nos. (none unless indicated here)

and affirms that the corporation shall be bound by all the terms and conditions contained in the Contract Documents regardless of whether a complete set thereof is attached to this proposal or bid, except only to the extent that the corporation has taken express written exception thereto in the sections of this solicitation designated for that purpose.

Under penalty of perjury, the undersigned: (1) warrants that he/she was authorized to submit this execution page on behalf of the Disclosing party; (2) warrants that all certifications and statements contained in the execution pages are true, accurate and complete as of the date the execution page was submitted; and (3) further warrants that, as of the date of submission of this solicitation there have been no changes in circumstances since the date that the Execution page was submitted that would render any certification in the execution page false, inaccurate or incomplete.

Furthermore, the undersigned being duly sworn, deposes and says on oath that no disclosures of ownership interests have been withheld and the information provided therein to the best of its knowledge is current and the undersigned has not entered into any agreement with any other Bidder (proposer) or prospective Bidder (proposer) or with any other person, firm or corporation relating to the price named in this proposal or any other proposal, nor any agreement or arrangement under which any act or omission in restraint of freedom of competition among Bidders (proposers) and has not disclosed to any person, firm or corporation the terms of this bid (proposal) or the price named herein.

Proposals must be submitted with original signatures in the space provided. Proposals not properly signed will be rejected.

**Monique Gordin**

(Print or Type)

SIGNATURE OF PRESIDENT\*:  
(Or Authorized Officer)

*Monique Gordin*  
(Signature)

TITLE OF SIGNATORY:

**President**

BUSINESS ADDRESS:

**16195 South Hwy 288 B Angleton, Texas 77515**

(Print or Type)

\*Note: In the event that this bid (proposal) is signed by other than the President, attach hereto a certified copy of that section of Corporate By-Laws or other authorization, such as a resolution by the Board of Directors, which permits the person to sign the offer for the Corporation.

ATTEST:

*Jennifer Sutterfield*  
(Corporate Secretary Signature)

(Affix Corporate Seal)

State of **Texas**

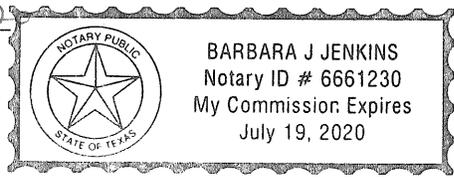
County of **Brazoria**

This instrument was acknowledged before me on this 20 day of May, 2020 by Monique Gordin as President

(or other authorized officer) and Jennifer Sutterfield as Secretary of Android Construction Services, LLC (Corporation Name).  
(Seal)

*Barbara J. Jenkins*  
Notary Public Signature

Commission Expires: July 19, 2020





City of La Porte

Established 1892

Purchasing Department

Cherell Daeumer, Purchasing Manager

The undersigned certifies by initialing:

Initials

1. To comply with all instructions, provision of required documents, specifications
2. That they have not conspired with any other potential supplier or person or official in any manner to attempt to control competitive pricing
3. That they are duly qualified, capable and bondable business entity not in receivership or contemplating same, and has not filed for bankruptcy
4. Affirms that they will not discriminate against any employee or applicant as prohibited by law. Failure to comply may result in termination of contract
5. Bidder has read and understands the General Standard Terms and Conditions for Bidding and Contracts

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

Authorized Signature:

*Monique Gordin*  
 \_\_\_\_\_

(same as initials)

Printed Name: Monique Gordin

Date:

*5/20/20*  
 \_\_\_\_\_

# CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

## FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

### OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

N/A

2  Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

N/A

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes  No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes  No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6  Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7  Signature of vendor doing business with the governmental entity  
5/20/20 Date

House Bill 89 VERIFICATION

I, Monique Gordin (Person name), the undersigned

representative of (Company or Business name)

Android Construction Services, LLC

(hereafter referred to as company) being an adult over the age of eighteen (18) years of age, do hereby verify 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 City of La Porte, Texas.

This statement is exempt for sole proprietorship vendors, vendors who have less than 10 full time employees and contracts that are under \$100,000 of public funds.

*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.

5/20/20

DATE

  
\_\_\_\_\_  
SIGNATURE OF COMPANY REPRESENTATIVE



REFERENCES

Please provide the following information. Include both current and previous references where these similar types of services have been provided. Contact names must be that of a responsible party with the authority to approve such services. Failure to complete and submit this form may be cause to disqualify your proposal.

<u>COMPANY NAME</u>	<u>CONTACT NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>	<u>EMAIL ADDRESS</u>
Gulf Coast Authority Emergency Force Main Repair	Brianna Morales	3902 W Bay Area Blvd. Friendswood, Tx 77546	281-226-0191	bmorales@gcatx.org

<u>COMPANY NAME</u>	<u>CONTACT NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>	<u>EMAIL ADDRESS</u>
Harris County W.C. & I.D. No. 21	Ronny Daniels	15808 Avenue C Channelview, Tx 77530	281-734-9470	wcid21@yahoo.com

<u>COMPANY NAME</u>	<u>CONTACT NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>	<u>EMAIL ADDRESS</u>
ARKK ENGINEERING	Madhu Kilambi	7322 Southwest Fwy. Ste 1040 Houston, Tx 77074	713-400-2755	madhu.kilambi@arkkengineers.com

<u>COMPANY NAME</u>	<u>CONTACT NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>	<u>EMAIL ADDRESS</u>
Harris County W.C.I.D. No. 74	Melissa Gonzalez	4901 Sandydale Lane Houston, Texas 77039	281-442-9072	melissag@harriscowcid74.org

<u>COMPANY NAME</u>	<u>CONTACT NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>	<u>EMAIL ADDRESS</u>
City of Bay City	Barry Calhoun	Bay City, Tx 77414 Director of Public Works	(979) 245-7236	bcalhoun@cityofbaycity.org

16195 S. Hwy. 288B

Angleton, TX 77515

Office: 713-236-0600 Fax: 713-456-2658

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### Company Manpower Availability

Name	Job Description	Years of Experience
Joseph Acuna	Pipe Layer	1
Lucio Alguilera	Pipe layer	3
Joseph M Barr	Superintendent Boring Subject Matter Expert	14
Eduardo A Becerra	Supervisor Heavy Equipment Operator	7
Gerardo Becerra	Laborer	1
Raul Becerra	Heavy Equipment SME Superintendent Estimator	18
John T Buice	Heavy Equipment Operator	9
Oscar Cabrera	Pipe Layer	1
Roberto Enriquez	Pipe Layer	4
Jonathan Garcia	Pipe Layer Heavy Equipment Operator	5
Roberto Gonzalez	Pipe Layer	4
Joe W. Gordin III	Superintendent	10
Joe Gordin Jr.	VP Operations Manager	30+
Gilbert Leal	Certified Plumber Supervisor	25
Michael Lentz	Laborer	1
Cameron O'Donnell	Laborer	1
Jorge Rodriguez	Pipe Layer	5
Mitchell Sutterfield	Insert a Valve & Line Stop SME Project Manager	6
Francisco Villalobos	Pipe Layer	2

16195 S. Hwy. 288B

Angleton, TX 77515

Office: 713-236-0600 Fax: 713-456-2658

## Equipment Resources

Logistics Trailer	Heavy Equipment
<ul style="list-style-type: none"><li>• 2012 Flatbed</li><li>• 2016 Kear Utility</li></ul>	<ul style="list-style-type: none"><li>• 2017 Vermer Boring Machine D24x40s3</li><li>• conventional boring machine 224D</li></ul>
<ul style="list-style-type: none"><li>• 2016 Kear Utility 18' Double axle</li><li>• 2016 Kear Utility</li></ul>	<ul style="list-style-type: none"><li>• 2016 Yanmar VIO25</li><li>• 2015 Caterpillar Excavator 308E2</li></ul>
<ul style="list-style-type: none"><li>• 1995 Water Trailer 20' Triple Axle</li><li>• 2008 Temt FB Boring Trailer 20' Duel Axel</li></ul>	<ul style="list-style-type: none"><li>• Kubota KX080-3</li><li>• 2007 John Deer Dozer 450J</li></ul>
<ul style="list-style-type: none"><li>• 2006 CM Flatbed Compressor</li></ul>	<ul style="list-style-type: none"><li>• DCI SE Locator</li></ul>
<ul style="list-style-type: none"><li>• 2000 TFI UT Gooseneck Duel Axel</li></ul>	<ul style="list-style-type: none"><li>• 2017 Vermeer MX240 Mixing system</li></ul>
<ul style="list-style-type: none"><li>• 2012 CAND FB Tapping trl Single Axel</li></ul>	<ul style="list-style-type: none"><li>• 2017 DCI F2 Falcon Locator</li></ul>
<ul style="list-style-type: none"><li>• 2016 Spartan Cargo Trailer Duel Axel</li><li>• 2009 AMER Gooseneck Directional Bore Trailer</li></ul>	<ul style="list-style-type: none"><li>• 2006 Bobcat 435</li></ul>
<ul style="list-style-type: none"><li>• 2016 AMER Gooseneck Duel Axel</li></ul>	
<ul style="list-style-type: none"><li>• 2016 Kear Utility 20' Double Axel car hauler</li></ul>	
<ul style="list-style-type: none"><li>• 2017 Jennings 32' G31 gooseneck</li><li>• 2018 CAND Flatbed 16' Duel Axel lowboy</li></ul>	

**BID BOND**

STATE OF TEXAS                    §  
   §  
COUNTY OF HARRIS §                    SURETY'S NO. N/A

KNOW ALL MEN BY THESE PRESENTS, THAT Android Construction Services, LLC

(hereinafter called the Principal), as Principal and Harco National 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 Amount Bid Dollars (\$ 5% AMT BID), 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 LPAWA Transmission Valve Replacement at Farrington Intersection near Big Island Slough  
Water Shed - Project, Bid No. 20015

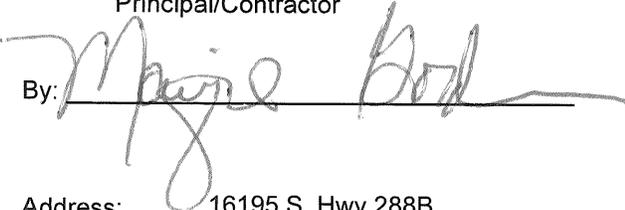
NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall faithfully, enter into such written Contract, then this obligation shall be void; otherwise to remain in full force and effect.

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.

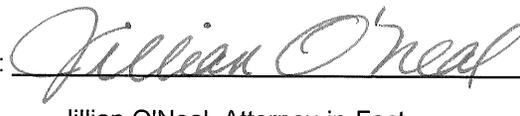
IN WITNESS WHEREOF, the said Principal and Surety do sign and seal this instrument this 21st  
day of May, 2020.

Android Construction Services, LLC  
Principal/Contractor

By: 

Address: 16195 S. Hwy 288B  
Angleton, TX 77515

Harco National Insurance Company  
Surety

By:   
Jillian O'Neal, Attorney-in-Fact

Address: 28420 Hardy Toll Road, Suite 200  
Houston, TX 77056

NOTE: Attach Power of Attorney

**POWER OF ATTORNEY**

Bond # N/A

**HARCO NATIONAL INSURANCE COMPANY  
INTERNATIONAL FIDELITY INSURANCE COMPANY**

Member companies of IAT Insurance Group, Headquartered: 702 Oberlin Road, Raleigh, North Carolina 27605

KNOW ALL MEN BY THESE PRESENTS: That HARCO NATIONAL INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Illinois, and INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of New Jersey, and having their principal offices located respectively in the cities of Rolling Meadows, Illinois and Newark, New Jersey, do hereby constitute and appoint

EDWARD ARENS, PHILIP BAKER, JILLIAN O'NEAL, ERICA ANNE COX, REBECCA GARZA, MICHELE BONNIN

The Woodlands, TX

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY and is granted under and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 13th day of December, 2018 and by the Board of Directors of HARCO NATIONAL INSURANCE COMPANY at a meeting held on the 13th day of December, 2018.

"RESOLVED, that (1) the Chief Executive Officer, President, Executive Vice President, Senior Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY have each executed and attested these presents on this 31st day of December, 2018



STATE OF NEW JERSEY  
County of Essex

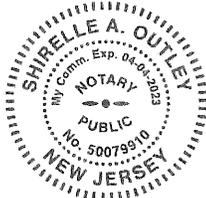
Kenneth Chapman

Executive Vice President, Harco National Insurance Company  
and International Fidelity Insurance Company

STATE OF ILLINOIS  
County of Cook



On this 31st day of December, 2018, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

Shirelle A. Outley a Notary Public of New Jersey  
My Commission Expires April 4, 2023

**CERTIFICATION**

I, the undersigned officer of HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, **MAY 21, 2020**

Irene Martins, Assistant Secretary

## IMPORTANT NOTICE

To obtain information or make a complaint:

You may contact your Harco National Insurance Company at:

1-800-333-4167

You may also write to: Harco National Insurance Company c/o IFIC Surety Group at:

Attn: Claims Department  
One Newark Center, 20<sup>th</sup> Floor  
Newark, NJ 07102

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

1-800-252-3439

You may write the Texas Department of Insurance:

P. O. Box 149104  
Austin, TX 78714-9104  
Fax: (512) 490-1007  
Web: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

### PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim you should contact the agent or the company first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

### ATTACH THIS NOTICE TO YOUR BOND:

This notice is for information only and does not become a part or condition of the attached document.

## AVISO IMPORTANTE

Para obtener información o para presentar una queja:

Usted puede comunicarse con su Harco National Insurance Company al:

1-800-333-4167

Usted también puede escribir a Harco National Insurance Company c/o IFIC Surety Group at:

Attn: Claims Department  
One Newark Center, 20<sup>th</sup> Floor  
Newark, NJ 07102

Puede comunicarse con el Departamento de Seguros de Texas para obtener información acerca de compañías, coberturas, derechos o quejas al:

1-800-252-3439

Puede escribir al Departamento de Seguros de Texas:

P. O. Box 149104  
Austin, TX 78714-9104  
Fax: (512) 490-1007  
Web: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

### DISPUTAS SOBRE PRIMAS O RECLAMOS:

Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el agente o la compañía primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

### UNA ESTE AVISO A SU FIANZA DE GARANTIA:

Este aviso es solo para propósito de información y no se convierte en parte o condición del documento adjunto.

## Notification and Access Report to Sealed Bid #20015

### Notifications: Reason

3J Ryan, Inc.	Bid Notification
AAA Asphalt Paving Inc.	Bid Notification
Advanced Facility Maintenance	Bid Notification
AGR CONSTRUCTION,LLC	Bid Notification
AHRG, Corporation	Bid Notification
All Pro General Construction, Ir	Bid Notification
Anderson Pollution Control, Inc.	Bid Notification
Angel Brothers Enterprises, Ltd	Bid Notification
Baukus Electric	Bid Notification
Bergeron Emergency Services,	Bid Notification
Blastco Texas, Inc.	Bid Notification
Boyer, Inc.	Bid Notification
Calco Contracting, Ltd.	Bid Notification
CDC News	Bid Notification
Chief Solutions, Inc.	Bid Notification
Construction Journal	Bid Notification
Crescent Engineering Co Inc	Bid Notification
D Davila	Bid Notification
D.H. Griffin of Texas,Inc	Bid Notification
derk harmsen const. co inc	Bid Notification
DM Construction LLC	Bid Notification
Dort & O'Connor Contractors	Bid Notification
DRC Emergency Services	Bid Notification
El Dorado Services Inc.	Bid Notification
ERS, Inc.	Bid Notification
F&L Coatings and Concrete, LL	Bid Notification
Fielder's Choice Inc	Bid Notification
Florida Traffic Control Devices,	Bid Notification
Follis Construction	Bid Notification
Forde Construction Company, I	Bid Notification
G&A Boring	Bid Notification
General Contractor Services, In	Bid Notification
Graham County Land Company	Bid Notification
Granite Inliner	Bid Notification
Greenlee Plumbing Services, Ir	Bid Notification
Greenscapes Six, LLC	Bid Notification
GRZ Mechanical LLC	Bid Notification
GW Phillips Construction, INC.	Bid Notification
HDR Engineering, Inc.	Bid Notification
Horseshoe Construction, Inc	Bid Notification
inCon-trol Water Systems	Bid Notification
IPR South Central LLC	Bid Notification
ISC Global Services, Inc.	Bid Notification
ISI Contracting, Inc.	Bid Notification
iSqFt / AGC Houston	Bid Notification
J&G Concrete Products	Bid Notification
JDC Services	Bid Notification
JERDON ENTERPRISE, L.P.	Bid Notification
JIm Kodam Inc.	Bid Notification
K2 Services, LLC	Bid Notification

Kessler Painting	Bid Notification
KING SOLUTION SERVICES L	Bid Notification
Locus Construction	Bid Notification
MHB Construction, Inc.	Bid Notification
Mid Plains Power	Bid Notification
Midwest Energy Solutions, Inc.	Bid Notification
NEC Construction, Ltd	Bid Notification
Onvia	Bid Notification
Paskey Incorporated	Bid Notification
Pfeiffer & Son, Ltd.	Bid Notification
PLW Waterworks, LLC	Bid Notification
Polston Applied Technologies C	Bid Notification
R J Construction Company, Inc	Bid Notification
R. L. Utilities	Bid Notification
R.H. Shackelford, Inc.	Bid Notification
RAC Industries, LLC	Bid Notification
Royal Media Network Inc.	Bid Notification
SAK Construction, LLC	Bid Notification
SJ&J CONSTRUCTION, LLC	Bid Notification
Southern Road & Bridge	Bid Notification
Stone Castle Industries	Bid Notification
T & A Turf and Irrigation, LLC.	Bid Notification
TCH Directional Drilling	Bid Notification
Teamwork Construction Service	Bid Notification
texas pride utilities, llc	Bid Notification
THE DRC GROUP	Bid Notification
TLC Trucking & Contracting, Inc	Bid Notification
TMI Coatings, Inc.	Bid Notification
TROJAN WORLDWIDE INC,	Bid Notification
Utility Service Co Inc	Bid Notification
W.W. Payton Corportion	Bid Notification
Webber, LLC	Bid Notification

**Access:**

**Documents**

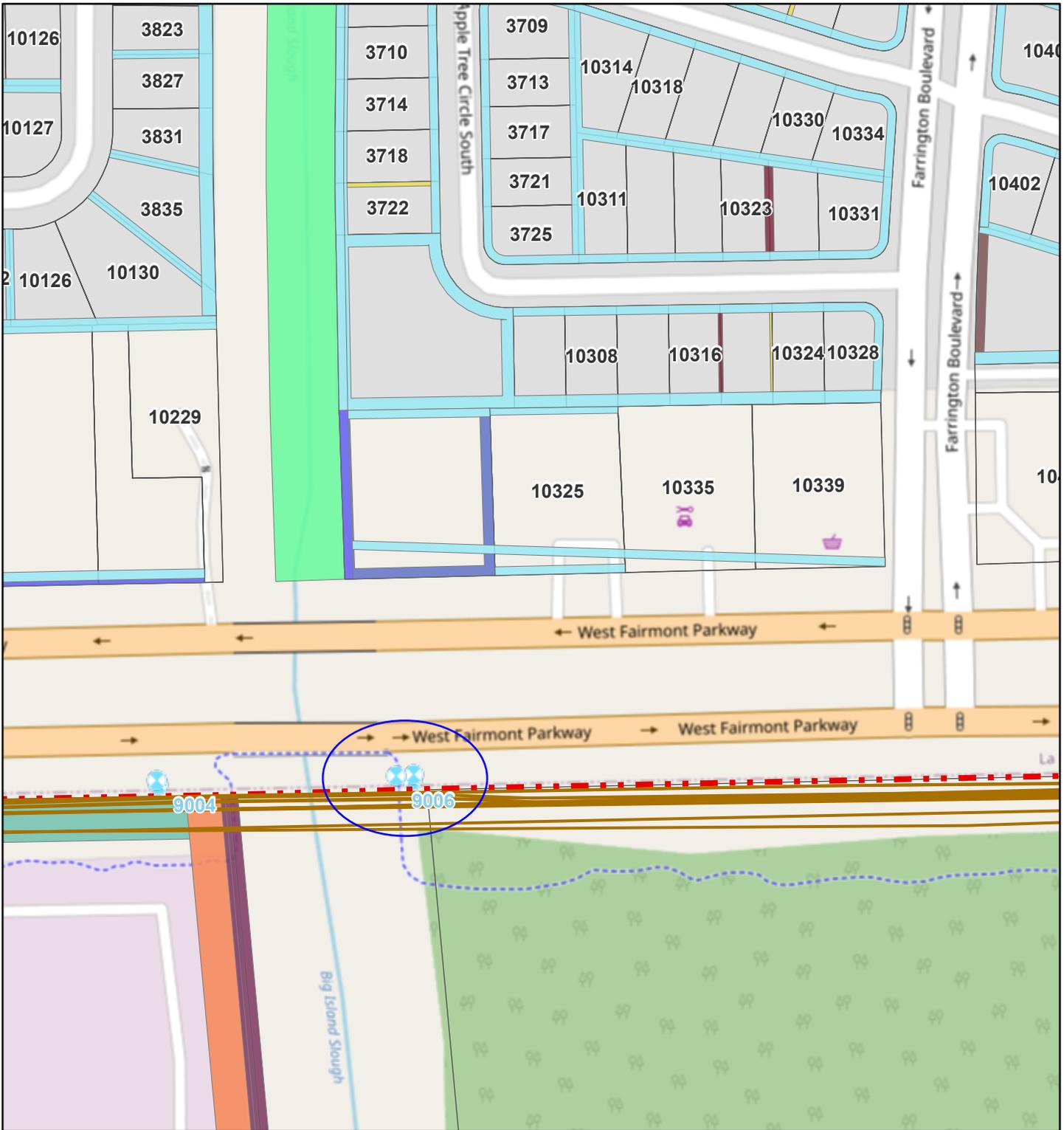
54 Construction	Sealed Bid #20015.pdf	<input type="checkbox"/>
Android Construction Services I	Sealed Bid #20015.pdf	
AR TurnKee Construction Com	Sealed Bid #20015.pdf	
Arceneaux Wilson & Cole LLC	Sealed Bid #20015.pdf	
BidClerk	Sealed Bid #20015.pdf	
Boyer, Inc.		
CMD		
CMS		
ConstructConnect		
Construction Journal	Sealed Bid #20015.pdf	
D.H. Griffin of Texas, Inc	Sealed Bid #20015.pdf	<input type="checkbox"/>
Dale Dobbins	Sealed Bid #20015.pdf.	
Dodge Data & Analytics	Sealed Bid #20015.pdf	
G&A Boring	Sealed Bid #20015.pdf	
Hearn Company	Sealed Bid #20015.pdf	
Horseshoe Construction, Inc		
L&L Supplies	Sealed Bid #20015.pdf	
North America Procurement Co	Sealed Bid #20015.pdf	<input type="checkbox"/>

Onvia	Sealed Bid #20015.pdf
Perkens WS Corporation	Sealed Bid #20015.pdf
School Wholesale Supplies LLC	
SmartProcure	Sealed Bid #20015.pdf
SO	
Tukmol General Contractor	
Wayne Enterprises	
Webtech	Sealed Bid #20015.pdf

Bid Tabulation to Sealed Bid #20015 - LPAWA Transmission Valve Replacement @ Farrington Near Big  
Island Slough ater Shed

		<b>Android Construction Services, LLC</b>	
<b>Item</b>	<b>Description</b>	<b>Lump Sum Price</b>	
1	Materials, tools and equipment, as specified	\$68,000.00	
2	Labor and supervision, as specified	\$16,500	
	Total Bid	<b>\$84,500.00</b>	

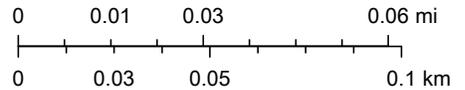
# Web AppBuilder for ArcGIS



6/23/2020 9:41:45 AM

1:2,257

- Base Map Layer - Pipelines
- Base Map Layer - City Limits
- Water System - LAPWA Gate Valves
- Easements**
- Drainage
- HCFCF
- Maintenance
- Pipeline
- Private
- Railroad
- Sanitary Sewer
- Storm Sewer
- Utility
- Utility w/ Aerial
- Water
- Parcel Layer - All Parcels
- Parcel Layer - Address Parcels



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## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>July 13, 2020</u>
Requested By: <u>Corby Alexander, City Manager</u>
Department: <u>CMO/Administration</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" 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:** Ordinance and 2019 Industrial District Agreement

### SUMMARY

The City of La Porte and Industry have agreed to renew the provisions of the Industrial District Agreement for a twelve (12) year period. The current agreements expired on December 31, 2019, the common date for the Battleground and Bayport Industrial Districts.

The City mailed 171 Industrial District Agreements on September 20, 2019. City Council has approved a total of 138 agreements. After removing duplicate accounts and working with legal, staff has reduced the outstanding agreements to 17. The City's legal department is coordinating the completion of the remaining contracts.

Staff recommends City Council authorize the execution of Industrial District Agreements with the following industries:

#### **Ordinance Number**

2020-IDA-139  
2020-IDA-140  
2020-IDA-141  
2020-IDA-142

#### **Industrial Company**

Houston Petrochemicals, Inc.  
Houston Petrochemicals, Inc.  
Schutz Container Systems, Inc.  
Baker Petrolite, LLC

### RECOMMENDED MOTION

I move to for approval of Ordinances 2020-IDA-139 through 2020-IDA-142 authorizing the execution by the City of La Porte of Industrial District Agreements listed above.

Approved for the City Council meeting agenda

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**Corby D. Alexander, City Manager**

---

**Date**

**ORDINANCE NO. 2020-IDA-01**

**AN ORDINANCE AUTHORIZING THE EXECUTION BY THE CITY OF LA PORTE, TEXAS OF AN INDUSTRIAL DISTRICT AGREEMENT WITH \_\_\_\_\_, INC, A \_\_\_\_\_ CORPORATION, FOR THE TERM COMMENCING JANUARY 1, 2020, AND ENDING DECEMBER 31, 2031; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF**

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

Section 1. \_\_\_\_\_, Inc, a \_\_\_\_\_ Corporation has executed an industrial district agreement with the City of La Porte, Texas, for the term commencing January 1, 2020, and ending December 31, 2031, a copy of which is attached hereto, incorporated by reference herein, and made a part hereof for all purposes.

Section 2. The Mayor, the City Manager, the City Secretary, and the City Attorney of the City of La Porte, Texas, be and they are hereby, authorized and empowered to execute and deliver on behalf of the City of La Porte, Texas, the industrial district agreement with the corporation named in Section 1 hereof.

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 \_\_\_\_\_ day of \_\_\_\_\_, 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

NO. 2020 IDA-\_\_\_ ,  
STATE OF TEXAS ,  
COUNTY OF HARRIS ,

**INDUSTRIAL DISTRICT AGREEMENT**

This AGREEMENT made and entered into by and between the CITY OF LA PORTE, TEXAS, a municipal corporation of Harris County, Texas, hereinafter called "CITY", and \_\_\_\_\_, a \_\_\_\_\_ corporation, hereinafter called "COMPANY",

W I T N E S S E T H:

WHEREAS, it is the established policy of the City Council of the City of La Porte, Texas, to adopt such reasonable measures from time to time as are permitted by law and which will tend to enhance the economic stability and growth of the City and its environs by attracting the location of new and the expansion of existing industries therein, and such policy is hereby reaffirmed and adopted by this City Council as being in the best interest of the City and its citizens; and

WHEREAS, pursuant to its policy, City has enacted Ordinance No. 729, designating portions of the area located in its extraterritorial jurisdiction as the "Battleground Industrial District of La Porte, Texas", and Ordinance No. 842A, designating portions of the area located in its extraterritorial jurisdiction as the "Bayport Industrial District of La Porte, Texas", hereinafter collectively called "District", such Ordinances being in compliance with the Municipal Annexation Act of Texas, codified as Section 42.044, Texas Local Government Code; and

WHEREAS, Company is the owner of land within a designated Industrial District of the City of La Porte, said land being legally described on the attached Exhibit "A" (hereinafter "Land"); and said Land being more particularly shown on a plat attached as Exhibit "B", which plat describes the ownership boundary lines; a site layout, showing all improvements, including pipelines and railroads, and also showing areas of the Land previously annexed by the City of La Porte; and

WHEREAS, City desires to encourage the expansion and growth of industrial plants within said Districts and for such purpose desires to enter into this Agreement with Company pursuant to Ordinance adopted by the City Council of said City and recorded in the official minutes of said City:

NOW, THEREFORE, in consideration of the premises and the mutual agreements of the parties contained herein and pursuant to the authority granted under the Municipal Annexation Act and the Ordinances of City referred to above, City and Company hereby agree with each other as follows:

## I.

City covenants, agrees and guarantees that during the term of this Agreement, provided below, and subject to the terms and provisions of this Agreement, said District shall continue to retain its extraterritorial status as an industrial district, at least to the extent that the same covers the Land belonging to Company and its assigns, unless and until the status of said Land, or a portion or portions thereof, as an industrial district may be changed pursuant to the terms of this Agreement. Subject to the foregoing and to the later provisions of this Agreement, City does further covenant, agree and guarantee that such industrial district, to the extent that it covers said Land lying within said District and not now within the corporate limits of City, shall be immune from annexation by City during the term hereof (except as hereinafter provided) and shall have no right to have extended to it any services by City, and that all Land, including that which has been heretofore annexed, shall not have extended to it by ordinance any rules and regulations (a) governing plats and subdivisions of land, (b) prescribing any building, electrical, plumbing or inspection code or codes, or (c) attempting to exercise in any manner whatever control over the conduct of business thereon; provided, however, 1) any portion of Land constituting a strip of land 100' wide and contiguous to either Fairmont Parkway, State Highway 225, or State Highway 146, shall be subject to the rules and regulations attached hereto as Exhibit "C" and made a part hereof, 2) intermodal shipping containers (including but not limited to freight and tank containers) placed on Land belonging to Company shall be permitted to be stacked only two containers in height within the 100' wide portion of Company's Land contiguous to either Fairmont Parkway, State Highway 225, or State Highway 146; beyond said 100' wide strip, intermodal shipping containers shall be eligible to be stacked one additional container in height within and for each successive 100' wide portion of Company's Land behind and following the preceding 100' wide strip, up to a maximum of six containers in height, regardless of distance from Fairmont Parkway, State Highway 225, or State Highway 146; and 3) it is agreed that City shall have the right to institute or intervene in any administrative and/or judicial proceeding authorized by the Texas Water Code, the Texas Clean Air Act, the Texas Health & Safety Code, or other federal or state environmental laws, rules or regulations, to the same extent and to the same intent and effect as if all Land covered by this Agreement were not subject to the Agreement.

## II.

In the event that any portion of the Land has heretofore been annexed by City, Company agrees to render and pay full City ad valorem taxes on such annexed Land and improvements, and tangible personal property.

Under the terms of the Texas Property Tax Code (S.B. 621, Acts of the 65th Texas Legislature, Regular Session, 1979, as amended), the appraised value for tax purposes of the annexed portion of Land, improvements, and tangible personal property shall be determined by the Harris County Appraisal District. The parties hereto recognize

that said Appraisal District has no authority to appraise the Land, improvements, and tangible personal property in the unannexed area for the purpose of computing the "in lieu" payments hereunder. Therefore, the parties agree that the appraisal of the Land, improvements, and tangible personal property in the unannexed area shall be conducted by City, at City's expense, by an independent appraiser of City's selection. The parties recognize that in making such appraisal for "in lieu" payment purposes, such appraiser must of necessity appraise the entire (annexed and unannexed) Land, improvements, and tangible personal property.

Nothing herein contained shall ever be interpreted as lessening the authority of the Harris County Appraisal District to establish the appraised value of Land, improvements, and tangible personal property in the annexed portion, for ad valorem tax purposes.

### III.

A. The properties upon which the "in lieu of" taxes are assessed are more fully described in subsections 1, 2, and 3 of subsection C, of this Paragraph III (sometimes collectively called the "Property"); provided, however, pollution control equipment installed on the Land which is exempt from ad valorem taxation pursuant to the provisions of Sec. 11.31 of the Texas Property Tax Code is exempt from ad valorem taxation and "in lieu of taxes" hereunder. Property included in this Agreement shall not be entitled to an agricultural use exemption for purposes of computing "in lieu of taxes" hereunder.

B. On or before the later of December 31, 2020, or 30 days from mailing of tax bill and in like manner on or before each December 31st thereafter, through and including December 31, 2031, Company shall pay to City an amount of "in lieu of taxes" on Company's Property as of January 1st of the current calendar year ("Value Year").

C. Company and City agree that the following percentages ("Percentage Amount") shall apply during each of the Value Years:

Value Year 2020:	64%
Value Year 2021:	64%
Value Year 2022:	64%
Value Year 2023:	64%
Value Year 2024:	64%
Value Year 2025:	64%
Value Year 2026:	64%
Value Year 2027:	64%
Value Year 2028:	64%
Value Year 2029:	64%
Value Year 2030:	64%
Value Year 2031:	64%

Company agrees to pay to City an amount of "in lieu of taxes" on Company's land, improvements and tangible personal property in the unannexed area equal to the sum of:

1. Percentage Amount of the amount of ad valorem taxes which would be payable to City if all of the Company's Land and improvements which existed on January 1, 2020, and each January 1 thereafter of the applicable Value Year during the term of this Agreement, (excluding amounts which would be so payable with respect to any Substantial Increase in value of such Land and improvements to which subparagraph 2, below applies), had been within the corporate limits of City and appraised each year by City's independent appraiser, in accordance with the applicable provisions of the Texas Property Tax Code; and
2. (a) On any Substantial Increase in value of the Land, improvements, and tangible personal property (excluding inventory) dedicated to new construction, in excess of the appraised value of same on January 1, 2019, resulting from new construction (exclusive of construction in progress, which shall be exempt from taxation), for each Value Year following completion of construction in progress, an amount equal to Thirty percent (30%), where construction is completed in Value Years 2020 through 2031, of the amount of ad valorem taxes which would be payable to City if all of said new construction had been within the corporate limits of City and appraised by City's independent appraiser, in accordance with the applicable provisions of the Texas Property Tax Code. The eligible period for application of said thirty percent (30%) "in lieu" rate shall be for a total of six (6) Value Years.

In the case of new construction which is completed in Value Year 2028 or later, and provided, further, that City and Company enter into an Industrial District Agreement after the expiration of this Industrial District Agreement, then, and in such events, such new construction shall be entitled to additional Value Years under the new Agreement at a Thirty percent (30%) valuation under this subparagraph (a), for a total of six (6) Value Years, but not extending beyond Value Year 2034.

In the case of new construction which was completed in Value Years 2016 through 2019 in accordance with the previous Industrial District Agreement between City and Company, such new construction shall be subject to a Twenty percent (20%) valuation through Value Year 2022, and a Thirty (30%) valuation for any additional Value Years beyond Value Year 2022, for a total of six (6) Value Years.

- (b) Application of the thirty percent (30%) "in lieu" rate for Substantial Increase in value of the Land,

improvements, and tangible personal property dedicated to new construction is limited to new construction purposed for or related to manufacturing and processing uses. In no case shall Company be entitled to application of the thirty percent (30%) "in lieu" rate for Substantial Increase in value of the Land, improvements, and tangible personal property dedicated to new construction where the new construction is purposed for or related to uses for warehousing, storage, distribution, and/or general freight trucking and transportation, as well as general commercial uses, such as truck stops, rental facilities, or repair shops.

- (c) A Substantial Increase in value of the Land, improvements, and tangible personal property (excluding inventory) as used in subparagraph 2(a) above, is defined as an increase in value that is the lesser of either:
- i. at least Five percent (5%) of the total appraised value of Land and improvements, on January 1, 2019; or
  - ii. a cumulative value of at least \$3,500,000.00.

For the purposes of this Agreement, multiple projects that are completed in a Value Year can be cumulated to arrive at the amount for the increase in value.

- (d) If existing Property values have depreciated below the Property value established on January 1, 2019, an amount equal to the amount of the depreciation will be removed from the calculation under this subparagraph 2 to restore the value to the January 1, 2019, value; and
3. Percentage Amount of the amount of ad valorem taxes which would be payable to City on all of the Company's tangible personal property of every description, located in an industrial district of City, including, without limitation, inventory, (including inventory in a federal Foreign Trade Zone and including Freeport exempted inventory), oil, gas, and mineral interests, items of leased equipment, railroads, pipelines, and products in storage located on the Land, if all of said tangible personal property which existed on January 1, 2020, and each January 1 thereafter of the applicable Value Year during the term of this Agreement, (excluding amounts which would be so payable with respect to any Substantial Increase in value of such tangible personal property to which subparagraph 2, above applies), had been within the corporate limits of City and appraised each year by the City's independent appraiser, in accordance with the applicable provisions of the Texas

Property Tax Code.

with the sum of 1, 2 and 3 reduced by the amount of City's ad valorem taxes on the annexed portion thereof as determined by appraisal by the Harris County Appraisal District.

4. Notwithstanding the above, should City elect to grant the freeport inventory exemption authorized by Article VIII, Section 1-j of the Texas Constitution and Section 11.251 of the Texas Property Tax Code to taxpayers within the City limits, then the freeport inventory exemption shall apply to parties to this Agreement. Further, should inventory or any other class or type of property become exempt from taxation by constitutional amendment or act of the Texas Legislature (including, but not limited to, Article VIII, Section 1-n, of the Texas Constitution and Section 11.253 of the Texas Property Tax Code), such class or type of property shall be exempt for purposes of this Agreement, unless the City Council of the City of La Porte shall by Ordinance provide for the continued taxation of such property under the authority of any applicable provisions of the Texas Constitution and Texas Statutes.
5. City and Company acknowledge circumstances might require the City to provide emergency services to Company's Property described on Exhibit "A" attached hereto. Emergency services are limited to fire, police, and public works emergency services. If Company is not a member of Channel Industries Mutual Aid Association (CIMA), Company agrees to reimburse City for its costs arising out of any emergency response requested by Company to Company's property, and to which City agrees to respond. If Company is a member of CIMA, the obligations of Company and City shall be governed by the CIMA agreement, to which agreement City is a party.

IV.

This Agreement shall extend for a period beginning on the 1st day of January, 2020, and continuing thereafter until December 31, 2031, unless extended for an additional period or periods of time upon mutual consent of Company and City, as provided by the Municipal Annexation Act; provided, however, that in the event this Agreement is not so extended for an additional period or periods of time on or before August 31, 2031, the agreement of City not to annex property of Company within the District shall terminate. In that event, City shall have the right to commence immediate annexation proceedings as to all of Company's property covered by this Agreement, notwithstanding any of the terms and provisions of this Agreement.

Company agrees that if the Texas Local Government Code Section Chapter 42.044 "Creation of Industrial District in Extraterritorial Jurisdiction", or Texas Local Government Code Chapter 43 "Municipal Annexation", is amended, or any new legislation is thereafter

enacted by the Legislature of the State of Texas which imposes greater restrictions on the right of City to annex land belonging to Company or imposes further obligations on City in connection therewith after the annexation of such land, Company will waive the right to require City to comply with any such additional restrictions or obligations and the rights of the parties shall be then determined in accordance with the provisions of said laws as the same existed on January 1, 2019.

V.

This Agreement may be extended for an additional period or periods by agreement between City and Company and/or its assigns even though it is not extended by agreement between City and all of the owners of all land within the District of which it is a part.

VI.

A. In the event Company elects to protest the valuation for tax purposes set on its said properties by City or by the Harris County Appraisal District for any year or years during the terms hereof, nothing in this Agreement shall preclude such protest and Company shall have the right to take all legal steps desired by it to reduce the same.

Notwithstanding such protest by Company, and except as otherwise provided in Article VI(B), Company agrees to pay to City on or before the date therefore hereinabove provided, at least the total of (a) the total amount of ad valorem taxes on the annexed portions, plus (b) the total amount of the "in lieu of taxes" on the unannexed portions of Company's hereinabove described property which would be due to City in accordance with the foregoing provisions of this Agreement on the basis of renditions which shall be filed by Company.

When the City or Harris County Appraisal District (as the case may be) valuation on said property of Company has been so finally determined, either as the result of final judgment of a court of competent jurisdiction or as the result of other final conclusion of the controversy, then within thirty (30) days thereafter Company shall make payment to City of any additional payment due hereunder, or City shall make payment to Company of any refund due, as the case may be, based on such final valuation, together with applicable penalties, interests, and costs.

B. Should Company disagree with any appraisal made by the independent appraiser selected by City pursuant to Article II above (which shall be given in writing to Company), Company shall, within twenty (20) calendar days of receiving City's invoice, give written notice to the City of such disagreement. In the event Company does not give such written notice of disagreement within such time period, the appraisal made by said independent appraiser shall be final and controlling for purposes of the determination of "in lieu of taxes" payments to be made under this Agreement.

Should Company give such notice of disagreement, Company shall also

submit to the City with such notice a written statement setting forth what Company believes to be the market value of Company's hereinabove described property. Both parties agree to thereupon enter into good faith negotiations in an attempt to reach an agreement as to the market value of Company's property for "in lieu" purposes hereunder. If, after the expiration of thirty (30) days from the date the notice of disagreement was received by City, the parties have not reached agreement as to such market value, the parties agree to submit the dispute to final arbitration as provided in subparagraph 1 of this Article VI(B).

Notwithstanding any such disagreement by Company, Company agrees to pay to City on or before December 31 of each year during the term hereof, at least the total of (a) the ad valorem taxes on the annexed portions, plus (b) the total amount of the "in lieu" payments which would be due hereunder on the basis of Company's written valuations statement submitted to City by Company hereunder, or the total assessment and "in lieu of taxes" thereon for the last preceding year, whichever is higher.

1. A Board of Arbitrators shall be created composed of one person named by Company, one by City, and a third to be named by those two. In case of no agreement on this arbitrator in 10 days, the parties will join in a written request that the Chief Judge of the U.S. District Court for the Southern District of Texas appoint the third arbitrator who, (as the "Impartial Arbitrator") shall preside over the arbitration proceeding. The sole issue to be determined in the arbitration shall be resolution of the difference between the parties as to the fair market value of Company's property for calculation of the "in lieu" payment and total payment hereunder for the year in question. The Board shall hear and consider all relevant and material evidence on that issue including expert opinion, and shall render its written decision as promptly as practicable. That decision shall then be final and binding upon the parties, subject only to judicial review as may be available under the Texas General Arbitration Act (Chapter 171, "General Arbitration", Texas Civil Practice and Remedies Code). Costs of the arbitration shall be shared equally by the Company and the city, provided that each party shall bear its own attorneys fees.

#### VII.

City shall be entitled to a tax lien on Company's above described property, all improvements thereon, and all tangible personal property thereon, in the event of default in payment of "in lieu of taxes" payments hereunder, which shall accrue penalty and interest in like manner as delinquent taxes, and which shall be collectible by City in the same manner as provided by law for delinquent taxes.

#### VIII.

This Agreement shall inure to the benefit of and be binding upon City and Company, and upon Company's successors and assigns, affiliates and subsidiaries, and shall remain in force whether Company sells, assigns, or in any other manner disposes of, either voluntarily or by operation of law, all or any part of the property belonging to it within the territory hereinabove described, and the agreements herein contained shall be held to be covenants running with the land owned by Company situated within said territory, for so long as this Agreement or any extension thereof remains in force. Company shall give City written notice within ninety (90) days, with full particulars as to property assigned and identity of assignee, of any disposition of the Land, and assignment of this Agreement.

IX.

If City enters into an Agreement with any other landowner with respect to an industrial district or enters into a renewal of any existing industrial district agreements after the effective date hereof and while this Agreement is in effect, which contains terms and provisions more favorable to the landowner than those in this Agreement, Company and its assigns shall have the right to amend this Agreement and City agrees to amend same to embrace the more favorable terms of such agreement or renewal agreement.

X.

The parties agree that this Agreement complies with existing laws pertaining to the subject and that all terms, considerations and conditions set forth herein are lawful, reasonable, appropriate, and not unduly restrictive of Company's business activities. Without such agreement neither party hereto would enter into this Agreement. In the event any one or more words, phrases, clauses, sentences, paragraphs, sections, articles or other parts of this Agreement or the application thereof to any person, firm, corporation or circumstances shall be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, then the application, invalidity or unconstitutionality of such words, phrase, clause, sentence, paragraph, section, article or other part of the Agreement shall be deemed to be independent of and separable from the remainder of this Agreement and the validity of the remaining parts of this Agreement shall not be affected thereby.

XI.

Upon the commencement of the term of this Agreement, all other previously existing industrial district agreements with respect to said Land shall terminate.

XII.

Notices by a party to the other party hereto, shall be mailed or delivered as follows:

To the City of La Porte:                      City Manager

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

To Company:

\_\_\_\_\_  
(COMPANY)  
Attention: \_\_\_\_\_ Department  
\_\_\_\_\_  
\_\_\_\_\_

Company shall promptly notify City of any change of ownership of Property, any assignment of this Agreement, and of any change of billing address.

Company shall notify City annually, on or before June 1, of any changes to the following information:

Plant Manager

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

Tax Agent/Billing Contact

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

ENTERED INTO effective the 1st day of January, 2020.

\_\_\_\_\_  
(COMPANY)  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

ATTEST:

CITY OF LA PORTE, TEXAS

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

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

APPROVED:

\_\_\_\_\_  
Knox W. Askins  
City Attorney  
City of La Porte

P.O. Box 1218  
La Porte, TX 77572-1218  
281.471.1886  
281.471.2047 fax  
knoxaskins@comcast.net

By:

\_\_\_\_\_  
Corby D Alexander  
City Manager

CITY OF LA PORTE, TEXAS  
604 West Fairmont Parkway  
La Porte, TX 77571

STATE OF TEXAS    '  
                          '  
COUNTY OF HARRIS    '

This instrument was acknowledged before me on the \_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_ corporation, a \_\_\_\_\_ corporation, on behalf of said entity.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS    '  
                          '  
COUNTY OF HARRIS    '

This instrument was acknowledged before me on the \_\_\_ day of \_\_\_\_\_, 20\_\_, by Louis R. Rigby, Mayor of the City of La Porte, a municipal corporation, on behalf of said entity.

\_\_\_\_\_  
Notary Public, State of Texas

**"EXHIBIT A"**

(Metes and Bounds Description of Land)

**"EXHIBIT B"**

Attach Plat reflecting the ownership boundary lines; a site layout, showing all improvements, including pipelines and railroads, and also showing areas of the Land previously annexed by the City of La Porte.)

**"EXHIBIT C"**  
**Page 1 of 3**

**RULES AND REGULATIONS**

Any portion of Land constituting a strip of land 100' wide and contiguous to either Fairmont Parkway, State Highway 225, or State Highway 146 shall be subject to the following rules and regulations pertaining to new signage, screening, driveways and median crossovers, as well as the stacking of intermodal shipping containers. These rules and regulations shall apply after the effective date of this Agreement when Company develops or constructs improvements on vacant Land described in Exhibit "A" which is adjacent to Fairmont Parkway, State Highway 225, or State Highway 146.

1. Any sign erected in said 100' strip of land shall be subject to the following provisions:
  - ∅ One freestanding identification sign shall be permitted for each side of an industrial establishment that fronts on an improved public right-of-way.
  - ∅ Freestanding identification signs for single tenant buildings shall not exceed 150 square feet in area.
  - ∅ One freestanding identification sign for identifying multiple businesses is allowable at the intersection of improved public rights-of-way.
  - ∅ Freestanding identification signs for multiple businesses shall not exceed 350 square feet.
  - ∅ Freestanding identification signs shall not exceed 45 feet in height.
  - ∅ Minimum setback for sign construction shall be ten (10) feet from property lines.
2. Intermodal shipping containers (including by not limited to freight and tank containers) shall be permitted to be stacked only to a maximum of two (2) containers in height in the said 100' strip. In those instances where shipping containers are placed within the said 100' wide strip, the screening requirements established in paragraph 3 immediately below shall apply.
3. When Land adjacent to said 100' strip is developed, the initial 50' of said strip beyond any existing pipeline easement contiguous to either Fairmont Parkway, State Highway 225, or State Highway 146 shall be screened by one of the following techniques:
  - a) Leaving in place existing trees, vegetation, underbrush, etc. to provide a thorough and effective visual screening

**"EXHIBIT C"**  
**Page 2 of 3**

of the development. Existing trees shall, together with other vegetation and underbrush, create a continuous visual screen.

- b) The use of earthen berms with approximately 3:1 side slopes, 50' wide at the base and 8' high. The berms may be landscaped with a combination of trees, shrubs, and ground cover. All berms and landscaping will be maintained by the property owners.
- c) A screening plan, to be approved by the City, that includes a combination of trees, shrubs, and ground cover that after 5 years growth will be at least 20 feet in height and shall, together with shrubs and ground cover, create a continuous visual screen. Provided, however, in public utility easements or rights-of-way, the vegetation shall be installed and maintained in a manner which is acceptable to the public utility company, and does not interfere with the operation and maintenance of the public utility facilities.

For items b and c above, the actual length of required screening along the roadway will be equal to the length of the new development that is parallel to the roadway. Screening shall not be required for new development that is to the rear of or behind existing facilities.

In all cases the 50' strip, along the entire roadway frontage, shall be dedicated as a landscape easement and shall be kept free from any improvements except for approved driveway access and identification signs.

For cases of new development or improvements where a 50' landscape easement is not available or practical, Company shall meet with City to determine a suitable landscaping alternative.

- d) In the case of land contiguous to Fairmont Parkway, in addition to the other requirements of these Rules and Regulations, Company shall dedicate to City by Plat a ten foot (10') wide pedestrian and bicycle easement, extending along Company's Fairmont Parkway boundary, within the fifty foot (50') landscape easement. The pedestrian easement shall not be within any pipeline facility, except for necessary crossings.
4. Driveways opening from said strip of land onto State Highway 225 or State Highway 146 shall be subject to the rules and regulations of the Texas Department of Transportation and provisions of the City's Code of Ordinances, whichever is more restrictive.

Driveways opening from said strip of land onto Fairmont Parkway shall be subject to the rules and regulations of Harris County and provisions of the City's Code of Ordinances, whichever is more restrictive.

5. Driveways opening from said strip of land onto Fairmont Parkway shall be approved by the City and may require the installation of separate acceleration/deceleration lanes.
6. Installation of a median crossover on Fairmont Parkway shall be subject to the approval of both Harris County and City.



**REQUEST FOR CITY COUNCIL AGENDA ITEM**

Agenda Date Requested: July 13, 2020  
 Requested By: Shelley Wolny, Treasurer  
 Department: Finance  
 Report     Resolution     Ordinance

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

**Exhibits:** Resolution, Deed, Attorney Letter, Analysis, Bid &

Map

**SUMMARY**

If a property is sold or struck off to a taxing unit that is party to the judgment, the taxing unit may sell the property at any time by public or private sale. The City of La Porte has had the property located on 606 S. Utah on the public resale list since 2005 and has received a minimum bid from BP Coastal Builders & Developers, LLC in the amount of \$11,900.00, which includes judgment value plus costs and post-judgment taxes. Currently, the property is vacant. At this time staff is asking the City Council to pass a resolution to approve the sale of the property listed below for the amount that has been offered.

2004-23385 – 606 S. Utah Street, La Porte, Texas 77571 – Offer \$11,900.00 (cost + taxes)

**RECOMMENDED MOTION**

**I move to approve a bid by BP Coastal Builders & Developers to acquire a tax resale property described as: Lots 25 and 26, Block 252 of the Town of La Porte, according to the map or plat thereof filed in the Real Property Records of Harris County, Texas. Account No. 024-017-052-0025.**

Approved for the City Council meeting agenda

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

\_\_\_\_\_  
Date

**RESOLUTION 2020-16**

**THE STATE OF TEXAS**

§  
§  
§

**KNOW ALL MEN BY THESE PRESENTS:**

**COUNTY OF HARRIS**

**RESOLUTION AND ORDER**

**WHEREAS**, the City of La Porte, La Porte Independent School District, Harris County, Harris County Education Department, Port of Houston of Harris County Authority, Harris County Flood Control District, Harris County Hospital District and San Jacinto Community College District (“Taxing Authorities”) foreclosed on a property (“the property”) through a delinquent tax lawsuit and judgment identified as follows:

**Lots 25 & 26, Block 252, Town of La Porte, Harris County, Texas, according to the map or plat thereof recorded in Volume 8, Page 16, Map Records of Harris County, Texas. Account No. 024-017-052-0025**

**WHEREAS**, the Taxing Authorities remain unpaid after exhausting all legal means to satisfy the collection of the delinquent taxes due and owing to the Taxing Authorities, including conducting a public auction of the property by the Harris County Constable whereby the property was struck off to the Taxing Authorities and;

**WHEREAS**, being no bids for the property at the tax sale on September 6, 2005, the City of La Porte, Trustee for itself and the other Taxing Authorities, now holds the property in trust to secure the payment of taxes, penalties, interest and costs owed to all Taxing Authorities participating in the foreclosure judgment;

**WHEREAS**, the property held in trust by the City of La Porte, Trustee for itself and the other Taxing Authorities, is exempt from taxation and it is in the best interest of the Taxing Authorities to have the property returned to the active tax roll as a taxable property;

**WHEREAS**, the City of La Porte has received an offer of \$11,900.00 to purchase the property from the BP Coastal Builders & Developers, LLC.

**NOW, THEREFORE, IT IS ORDERED** by the City of La Porte:

1. That all of the above paragraphs are true, correct and in the best interest of the City of La Porte and all the other Taxing Authorities, and as such they are hereby incorporated in full and made part of this Resolution;
2. That the City of La Porte accepts the tax resale offer by BP Coastal Builders & Developers, LLC and authorizes the Mayor of the City of La Porte to sign and execute the deed on behalf of the City of La Porte as Trustee for itself and the other Taxing Authorities, to transfer title to the entity submitting the offer to purchase the property.

APPROVED, PASSED AND ORDERED this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

---

LOUIS R. RIGBY, MAYOR  
CITY OF LA PORTE

ATTEST: \_\_\_\_\_  
LEE WOODWARD, CITY SECRETARY  
CITY OF LA PORTE

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number. (Language pursuant to Section 11.008 of the Texas Property Code)**

**STATE OF TEXAS**

**X**

**X**

**TAX RESALE DEED**

**COUNTY OF HARRIS**

**X**

KNOW ALL MEN BY THESE PRESENTS that the CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT, acting through its duly elected officials (hereinafter "GRANTOR") as authorized by Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by BP COASTAL BUILDERS & DEVELOPERS, LLC hereinafter "GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and does hereby convey unto said GRANTEE all of the right, title and interest of GRANTOR and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Suit No. 2004-23385; City of La Porte, Et Al vs. James Sparks, Jr., in the 333<sup>rd</sup> District Court of Harris County, said property described as follows:

**LOTS 25 & 26, BLOCK 252, TOWN OF LA PORTE, HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 8, PAGE 16, MAP RECORDS OF HARRIS COUNTY, TEXAS. Account No. 024-017-052-0025**

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove described property, but only to the extent that they are still in effect and shown of record in the hereinabove mentioned county and state, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the hereinabove described property.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said GRANTEE, his heirs and assigns forever, so that neither the Grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

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

Taxes for the 2005 tax year and also the present tax year are to be paid by GRANTEE herein.

IN TESTIMONY WHEREOF, THE CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT has caused these presents to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF LA PORTE, TRUSTEE

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

STATE OF TEXAS X

COUNTY OF HARRIS X

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Louis R. Rigby, Mayor of the City of La Porte.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, State of Texas  
My Commission Expires: \_\_\_\_\_

After recording return to:

**BP Coastal Builders & Developers, LLC**  
**133 N. Friendswood Dr., Suite # 273**  
**Friendswood, Texas 77546**

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

4828 Loop Central Drive

Suite 600

Houston, TX 77081

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Main: 713.844.3400

*June 4, 2020*

*Email: Chips@lgbs.com*

*Direct: 713.576.7264*

Shelley Wolny, City Treasurer  
City of La Porte Finance Department  
604 W. Fairmont Parkway  
La Porte, Texas 77571

HAND DELIVERED

**RE:** Tax Resale Bid in Lawsuit No. 2004-23385; City of La Porte, Et Al vs. James Sparks, Jr.;  
Account # 024-017-052-0025

Dear Ms. Wolny:

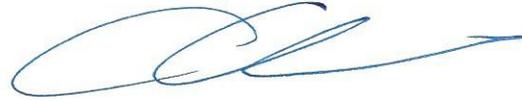
A private tax resale bid in the amount of \$11,900.00 has been received from BP Coastal Builders & Developers, LLC for a property that is owned in trust by the City of La Porte, La Porte ISD, Harris County and San Jacinto Community College District pursuant to a constable's tax sale. I have attached to this letter the tax resale bid, a tax resale bid analysis, a tax resale resolution, a proposed tax resale deed, and a Harris County Appraisal District map of the subject property. The amount of the tax resale bid is sufficient to allow the City of La Porte to consider acceptance of this bid and convey the subject property without the approval of La Porte ISD, Harris County and San Jacinto Community College District.

Therefore, I would respectfully request that this tax resale bid be placed on an upcoming agenda of the City Council of the City of La Porte. I am available to attend the Council Meeting in order to address any questions that arise. A suggested wording of the agenda item is as follows:

**Consider approval of a bid by BP Coastal Builders & Developers, LLC to acquire a tax resale property described as: Lots 25 & 26, Block 252, Town of La Porte, Harris County, Texas, according to the map or plat thereof recorded in Volume 8, Page 16, Map Records of Harris County, Texas. Account No. 0240170520025.**

Please do not hesitate to contact me if you have any questions, need additional information or would like to meet with me with respect to this or any other matter.

Best Regards,



Charles Austin "Chip" Sutton  
Capital Partner

Enclosures

cc: Corby Alexander, City Manager  
City of La Porte City Manager's Office  
604 W. Fairmont Parkway  
La Porte, Texas 77571

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW  
4828 Loop Central Drive  
Suite 600  
Houston, TX 77081

Main: 713.844.3400

**ANALYSIS OF BID RECEIVED FOR TAX RESALE PROPERTY**

**Suit No. 2004-23385; City of La Porte, Et Al vs. John D. Sparks, Jr.**

**Legal Description: Lots 25 and 26, Block 252 of the Town of La Porte, Harris County, Texas;  
Account No. 024-017-052-0025**

**Situs Address: 606 S. Utah Street, La Porte 77571**

**Bidder: BP Coastal Builders & Developers, LLC, 133 N. Friendswood Drive, Friendswood #  
273, Texas 77546**

**Date of Sale: September 6, 2005**

**Amount of Bid: \$11,900.00**

**Judgment Amount: \$12,924.68**

**Cost of Sale: \$2,440.00**

**Adjudged Value: \$11,000.00**

**% of Total Due: 73% (Of  
Judgment Amount, Costs and  
Post-Judgment Taxes)**

**% of Adjudged Value: 108%**

**JUDGMENT TAX YEARS:**

<b>Entity Name</b>	<b>Amount Due Each Entity</b>	<b>Amount You Will Receive</b>
City of La Porte(1982-2004)	\$4,728.95 (36.59%)	\$3,141.47
La Porte ISD(1983-2004)	\$3,937.02 (30.46%)	\$2,615.18
Harris County(1984-2004)	\$3,778.58 (29.24%)	\$2,510.43
San Jacinto CCD(1984-2004)	\$480.13 (3.71%)	\$318.53
<b>Totals</b>	<b>\$12,924.68</b>	<b>\$8,585.61</b>

**\*Pursuant to Section 34.06 of the Texas Property Tax Code, the Costs of Suit and Sale must be paid prior to the tax years included in the judgment and also the attorney fees due to your tax collection law firm. The Costs of Suit and Sale do not include any amounts due to the Linebarger Law Firm.**

**POST-JUDGMENT TAX YEARS:**

<b>Entity</b>	<b>Amount Due Each Entity</b>	<b>Amount You</b>
<b>Name</b>		<b>Will Receive</b>
City of La Porte(2005)	\$192.59	\$192.59
La Porte ISD(2005)	\$470.18	\$470.18
Harris County(2005)	\$175.28	\$175.28
San Jacinto CCD(2005)	\$39.43	\$39.43
<b>Totals</b>	<b>\$877.48</b>	<b>\$877.48</b>

# City of La Porte Tax Resale Bid Form

The property is being sold for taxes, and all sales are made subject to a right to redeem within the time and manner provided by law. Purchasers do have a legal right to possession of the property during the redemption period. Purchasers will receive a Tax Resale Deed, which is without warranty. The firm will not give out information on the title to the property other than the existence of post judgment taxes. It is the bidder's responsibility to do their own title examination and satisfy themselves as to the condition of the title before submitting a bid. It is also the bidder's responsibility to satisfy themselves concerning the location and condition of the property on the ground before submitting a bid. All properties are sold "As Is."

If a higher bid is received any time before the City of La Porte has approved a previous bid, the Firm will contact all of the bidders so each bidder will have the opportunity to submit a higher bid.

All bids must be submitted on this form. The completed form may be submitted to Linebarger Goggan Blair & Sampson, LLP, Attention Chip Sutton at 4828 Loop Central Three, Suite 600, Houston, TX 77081. All bids will be subject to approval by the City Council of the City of La Porte. The bidder is required to pay the full amount of their bid within ten (10) days of their notification of the acceptance of their bid.

The Amount of Bid includes the minimum bid at the original tax foreclosure sale and the amount due for post-judgment taxes. The Bidder acknowledges that the amount due for post-judgment taxes increases each month until paid in full.

The Firm and the City of La Porte will not supply or pay for any closing costs, including, but not limited to:

Owner Financing  
Title Policy

Abstract of Title  
Survey

Appraisal  
Termite Certificate

Subject to the terms and conditions stated herein, I submit the following bid on the property described below:

Amount of Bid: \$ 11,900<sup>00</sup>

Tax Lawsuit: 2004-23385; CITY OF LA PORTE, ET AL vs. JAMES SPARKS, JR.

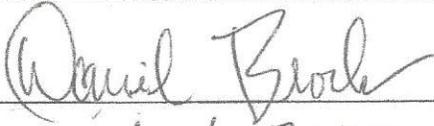
Tax Account No. 0240170520025

Legal Description: LOTS 25 & 26, BLOCK 252, TOWN OF LA PORTE, HARRIS COUNTY, TEXAS

Bidder's Name(s): BP COASTAL BUILDERS & DEVELOPERS, LLC

Address: 133 N. FRIENDSWOOD DR. # 273  
FRIENDSWOOD, TEX. 77546

Telephone Numbers: 281. 414. 5092

Signed: 

Dated: 6-1-2020

# Harris County Appraisal District



0 50 100 200 Feet

PUBLICATION DATE:  
5/26/2020

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

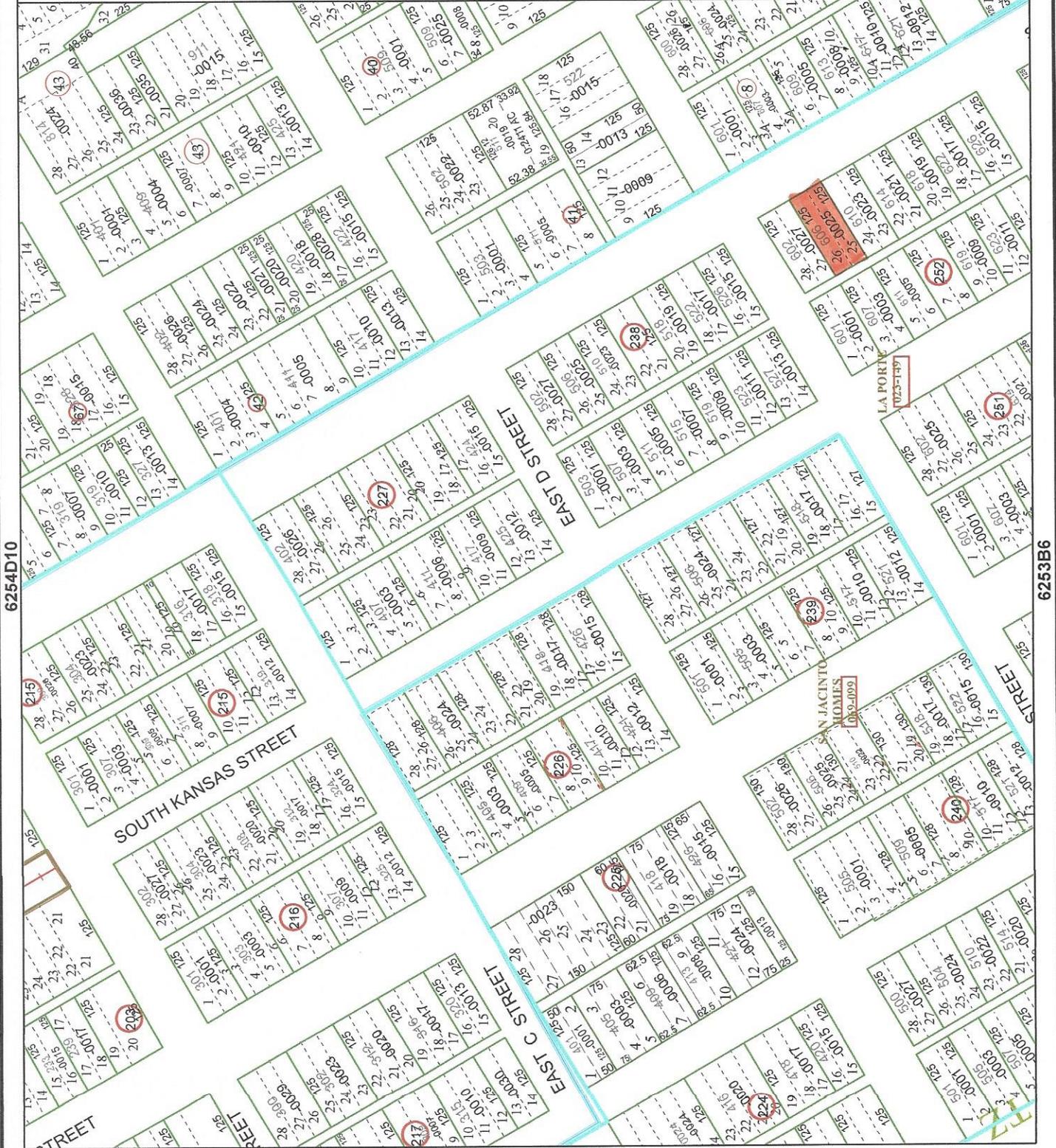
MAP LOCATION



## FACET 6253B27

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

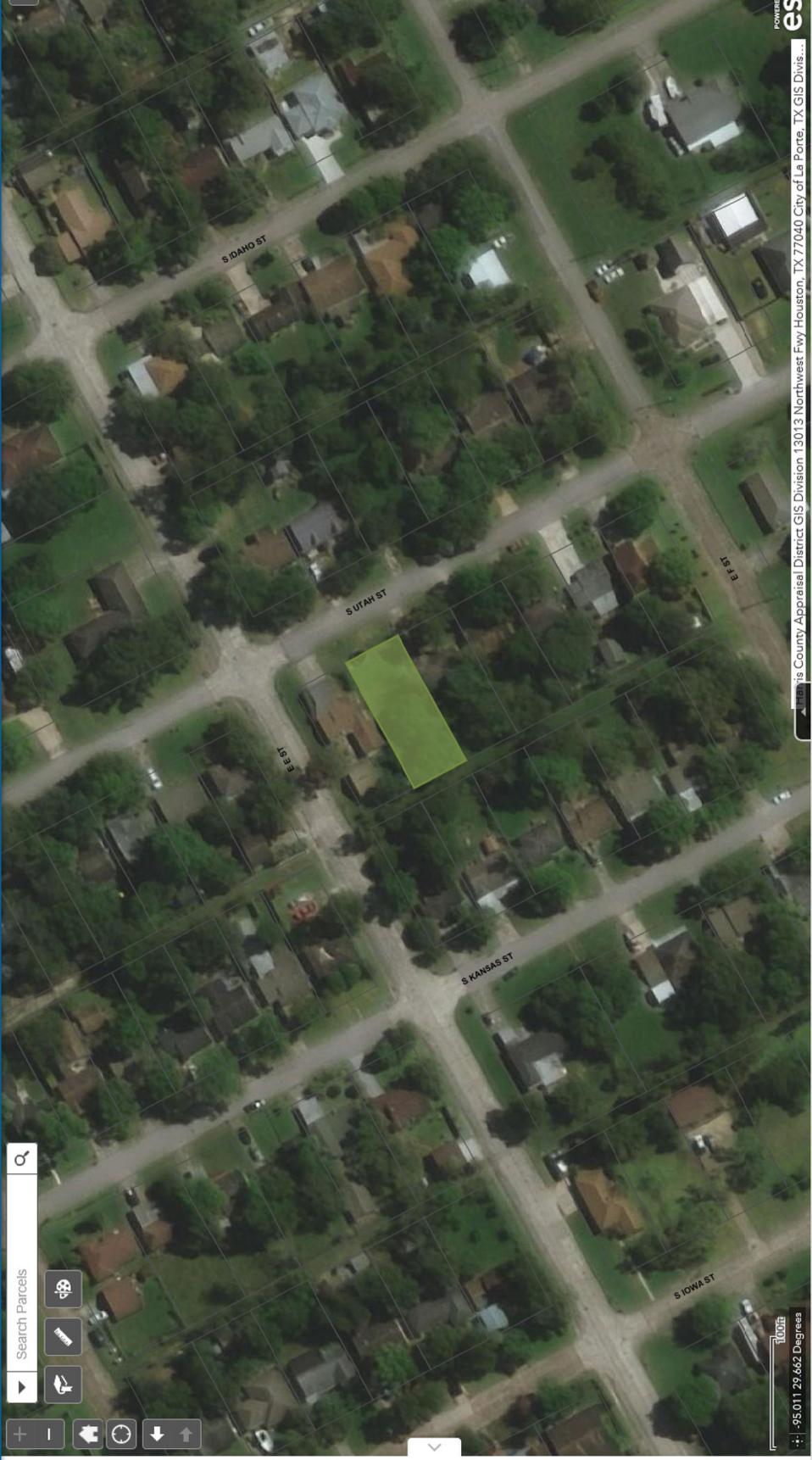
6253B3



6254D10

6253B6

6253B1



Tasks

Results

City Limits Parcels - Search by HCAD number

Displayed features: 1/1

<b>CITY OF LA PORTE</b>	
ACCOUNT	0240170520025
ADDRESS	606 S UTAH ST LA PORTE, TX 77571
OWNER	CITY OF LA PORTE
TAX YEAR	2020
KEY MAP	580C
TOTAL APPRAISED VALUE	
LEGAL DESCRIPTION 1	LTS 25 & 26 BLK 252
LEGAL DESCRIPTION 2	LA PORTE
LEGAL DESCRIPTION 3	
LEGAL DESCRIPTION 4	
MAIL TO	CITY OF LA PORTE
MAIL ADDRESS	604 W FAIRMONT PKWY LA PORTE, TX 77571- 6215
UPDATED	APRIL 2020



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>July 13, 2020</u>
Requested By: <u>Shelley Wolny, Treasurer</u>
Department: <u>Finance</u>
<input type="radio"/> Report <input checked="" type="radio"/> Resolution <input type="radio"/> Ordinance

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

**Exhibits:** Resolution, Deed, Attorney Letter, Analysis, Bid &

Map

### SUMMARY

If a property is sold or struck off to a taxing unit that is party to the judgment, the taxing unit may sell the property at any time by public or private sale. The City of La Porte has had the property located on 0 S. Carroll Street on the public resale list since 2014 and has received a minimum bid from BP Coastal Builders & Developers, LLC in the amount of \$13,450.00, which includes judgment value plus costs and post-judgment taxes. Currently, the property is vacant. At this time staff is asking the City Council to pass a resolution to approve the sale of the property listed below for the amount that has been offered.

2012-40158 – 0 S. Carroll Street, La Porte, Texas 77571 – Offer \$13,450.00  
(cost + taxes)

### RECOMMENDED MOTION

**I move to approve a bid by BP Coastal Builders & Developers to acquire a tax resale property described as: Lots 21 and 22, Block 73, Bay Front Addition to the City of La Porte, according to the map or plat thereof filed in the Real Property Records of Harris County, Texas. Account No. 006-163-000-0021, 006-163-000-0042, 006-163-000-0043 and 006-163-000-0044.**

Approved for the City Council meeting agenda

---

**Corby D. Alexander, City Manager**

---

**Date**

**RESOLUTION 2020-17**

**THE STATE OF TEXAS**

§

**KNOW ALL MEN BY THESE PRESENTS:**

§

**COUNTY OF HARRIS**

§

**RESOLUTION AND ORDER**

**WHEREAS**, the City of La Porte, La Porte Independent School District, Harris County, Harris County Education Department, Port of Houston of Harris County Authority, Harris County Flood Control District, Harris County Hospital District and San Jacinto Community College District (“Taxing Authorities”) foreclosed on a property (“the property”) through a delinquent tax lawsuit and judgment identified as follows:

**Lots 21 & 22, Block 73, Bay Front Addition to the City of La Porte, Harris County, Texas. Account No. 0061630000021, 0061630000042, 0061630000043, 0061630000044**

**WHEREAS**, the Taxing Authorities remain unpaid after exhausting all legal means to satisfy the collection of the delinquent taxes due and owing to the Taxing Authorities, including conducting a public auction of the property by the Harris County Constable whereby the property was struck off to the Taxing Authorities and;

**WHEREAS**, being no bids for the property at the tax sale on February 4, 2014, the City of La Porte, Trustee for itself and the other Taxing Authorities, now holds the property in trust to secure the payment of taxes, penalties, interest and costs owed to all Taxing Authorities participating in the foreclosure judgment;

**WHEREAS**, the property held in trust by the City of La Porte, Trustee for itself and the other Taxing Authorities, is exempt from taxation and it is in the best interest of the Taxing Authorities to have the property returned to the active tax roll as a taxable property;

**WHEREAS**, the City of La Porte has received an offer of \$13,450.00 to purchase the property from the BP Coastal Builders & Developers, LLC.

**NOW, THEREFORE, IT IS ORDERED** by the City of La Porte:

1. That all of the above paragraphs are true, correct and in the best interest of the City of La Porte and all the other Taxing Authorities, and as such they are hereby incorporated in full and made part of this Resolution;
2. That the City of La Porte accepts the tax resale offer by BP Coastal Builders & Developers, LLC and authorizes the Mayor of the City of La Porte to sign and execute the deed on behalf of the City of La Porte as Trustee for itself and the other Taxing Authorities, to transfer title to the entity submitting the offer to purchase the property.

APPROVED, PASSED AND ORDERED this the \_\_\_\_ day of \_\_\_\_\_, 2020.

---

LOUIS R. RIGBY, MAYOR  
CITY OF LA PORTE

ATTEST: \_\_\_\_\_  
LEE WOODWARD, CITY SECRETARY  
CITY OF LA PORTE

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number. (Language pursuant to Section 11.008 of the Texas Property Code)**

**STATE OF TEXAS**

**X**

**X**

**TAX RESALE DEED**

**COUNTY OF HARRIS**

**X**

KNOW ALL MEN BY THESE PRESENTS that the CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT, acting through its duly elected officials (hereinafter "GRANTOR") as authorized by Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by BP COASTAL BUILDERS & DEVELOPERS, LLC hereinafter "GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and does hereby convey unto said GRANTEE all of the right, title and interest of GRANTOR and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Suit No. 2012-40158; La Porte ISD, Et Al vs. Ethel Barde, Et Al, in the 157<sup>th</sup> District Court of Harris County, said property described as follows:

**Lots 21 & 22, Block 73, Bay Front Addition to the City of La Porte, Harris County, Texas.  
Account No. 0061630000021, 0061630000042, 0061630000043, 0061630000044**

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove described property, but only to the extent that they are still in effect and shown of record in the hereinabove mentioned county and state, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the hereinabove described property.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said GRANTEE, his heirs and assigns forever, so that neither the Grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

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

Taxes for the 2013 & 2014 tax years and also the present tax year are to be paid by GRANTEE herein.

IN TESTIMONY WHEREOF, THE CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT has caused these presents to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF LA PORTE, TRUSTEE

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

LOUIS R. RIGBY, MAYOR  
CITY OF LA PORTE

STATE OF TEXAS X

COUNTY OF HARRIS X

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Louis R. Rigby, Mayor of the City of La Porte.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

After recording return to:

**BP Coastal Builders & Developers, LLC**  
**133 N. Friendswood Dr., Suite # 273**  
**Friendswood, Texas 77546**

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

4828 Loop Central Drive

Suite 600

Houston, TX 77081

---

Main: 713.844.3400

*June 4, 2020*

*Email: Chips@lgbs.com*

*Direct: 713.576.7264*

Shelley Wolny, City Treasurer  
City of La Porte Finance Department  
604 W. Fairmont Parkway  
La Porte, Texas 77571

HAND DELIVERED

**RE:** Tax Resale Bid in Lawsuit No. 2012-40158; La Porte ISD, Et Al vs. Ethel Barde, Et Al;  
Account #s 0061630000021, 0061630000042, 0061630000043, 0061630000044

Dear Ms. Wolny:

A private tax resale bid in the amount of \$13,450.00 has been received from BP Coastal Builders & Developers, LLC for a property that is owned in trust by the City of La Porte, La Porte ISD, Harris County and San Jacinto Community College District pursuant to a constable's tax sale. I have attached to this letter the tax resale bid, a tax resale bid analysis, a tax resale resolution, a proposed tax resale deed, and a Harris County Appraisal District map of the subject property. The amount of the tax resale bid is sufficient to allow the City of La Porte to consider acceptance of this bid and convey the subject property without the approval of La Porte ISD, Harris County and San Jacinto Community College District.

Therefore, I would respectfully request that this tax resale bid be placed on an upcoming agenda of the City Council of the City of La Porte. I am available to attend the Council Meeting in order to address any questions that arise. A suggested wording of the agenda item is as follows:

**Consider approval of a bid by BP Coastal Builders & Developers, LLC to acquire a tax resale property described as: Lots 21 & 22, Block 73, Bay Front Addition to the City of La Porte, Harris County, Texas. Account No. 0061630000021, 0061630000042, 0061630000043, 0061630000044.**

Please do not hesitate to contact me if you have any questions, need additional information or would like to meet with me with respect to this or any other matter.

Best Regards,



Charles Austin "Chip" Sutton  
Capital Partner

Enclosures

cc: Corby Alexander, City Manager  
City of La Porte City Manager's Office  
604 W. Fairmont Parkway  
La Porte, Texas 77571

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

4828 Loop Central Drive

Suite 600

Houston, TX 77081

Main: 713.844.3400

**ANALYSIS OF BID RECEIVED FOR TAX RESALE PROPERTY**

Suit No. 2012-40158; La Porte ISD, Et Al vs. Ethel Barde, Et Al

Legal Description: Lots 21 and 22, Block 73, Bay Front Addition to the City of La Porte, Harris County, Texas; Account No. 0061630000021, 0061630000042, 0061630000043, 0061630000044

Situs Address: 0 S. Carroll Street, La Porte 77571

Bidder: BP Coastal Builders & Developers, LLC, 133 N. Friendswood Drive, Friendswood # 273, Texas 77546

Date of Sale: February 4, 2014

Amount of Bid: \$13,450.00

Judgment Amount: \$10,930.60

Cost of Sale: \$4,740.65

Adjudged Value: \$12,551.00

% of Total Due: 81% (Of  
Judgment Amount, Costs and  
Post-Judgment Taxes)

% of Adjudged Value: 107%

**JUDGMENT TAX YEARS:**

Entity	Amount Due	Amount You
Name	Each Entity	Will Receive
City of La Porte(1990-2012)	\$5,574.80(51.00%)	\$3,983.19
La Porte ISD(1990-2012)	\$2,626.21(24.03%)	\$1,876.78
Harris County(1992-2012)	\$2,235.44(20.45%)	\$1,597.18
San Jacinto CCD(1992-2012)	\$494.15(4.52%)	\$353.02
<b>Totals</b>	<b>\$10,930.60</b>	<b>\$7,810.17</b>

**\*Pursuant to Section 34.06 of the Texas Property Tax Code, the Costs of Suit and Sale must be paid prior to the tax years included in the judgment and also the attorney fees due to your tax collection law firm. The Costs of Suit and Sale do not include any amounts due to the Linebarger Law Firm.**

**POST-JUDGMENT TAX YEARS:**

<b>Entity</b>	<b>Amount Due Each Entity</b>	<b>Amount You</b>
<b>Name</b>		<b>Will Receive</b>
City of La Porte(2013-2014)	\$218.59	\$218.59
La Porte ISD(2013-2014)	\$412.43	\$412.43
Harris County(2013-2014)	\$213.98	\$213.98
San Jacinto CCD(2013-2014)	\$54.18	\$54.18
<b>Totals</b>	<b>\$899.18</b>	<b>\$899.18</b>

# City of La Porte Tax Resale Bid Form

The property is being sold for taxes, and all sales are made subject to a right to redeem within the time and manner provided by law. Purchasers do have a legal right to possession of the property during the redemption period. Purchasers will receive a Tax Resale Deed, which is without warranty. The firm will not give out information on the title to the property other than the existence of post judgment taxes. It is the bidder's responsibility to do their own title examination and satisfy themselves as to the condition of the title before submitting a bid. It is also the bidder's responsibility to satisfy themselves concerning the location and condition of the property on the ground before submitting a bid. All properties are sold "As Is."

If a higher bid is received any time before the City of La Porte has approved a previous bid, the Firm will contact all of the bidders so each bidder will have the opportunity to submit a higher bid.

All bids must be submitted on this form. The completed form may be submitted to Linebarger Goggan Blair & Sampson, LLP, Attention Chip Sutton at 4828 Loop Central Three, Suite 600, Houston, TX 77081. All bids will be subject to approval by the City Council of the City of La Porte. The bidder is required to pay the full amount of their bid within ten (10) days of their notification of the acceptance of their bid.

The Amount of Bid includes the minimum bid at the original tax foreclosure sale and the amount due for post-judgment taxes. The Bidder acknowledges that the amount due for post-judgment taxes increases each month until paid in full.

The Firm and the City of La Porte will not supply or pay for any closing costs, including, but not limited to:

Owner Financing  
Title Policy

Abstract of Title  
Survey

Appraisal  
Termite Certificate

Subject to the terms and conditions stated herein, I submit the following bid on the property described below:

Amount of Bid: \$ 13,450.<sup>00</sup>

Tax Lawsuit: 2012-40158; LA PORTE ISD, ET AL vs. ETHEL BARDE, ET AL

Tax Account No. 0061630000021, 0061630000042, 0061630000043, 0061630000044

Legal Description: LOTS 21 & 22, BLOCK 73, BAYFRONT ADDITION TO THE TOWN OF LA PORTE, HARRIS COUNTY, TEXAS

Bidder's Name(s): BP COASTAL BAYLARS - DEVELOPERS, LLC

Address: 133 N. FRIENOSWOOD DR. # 273  
FRIENOSWOOD, TEX. 77546

Telephone Numbers: 281. 414. 5092

Signed: David Brode

Dated: 6-1-2020

# Harris County Appraisal District



0 50 100 200 Feet

PUBLICATION DATE:  
5/26/2020

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

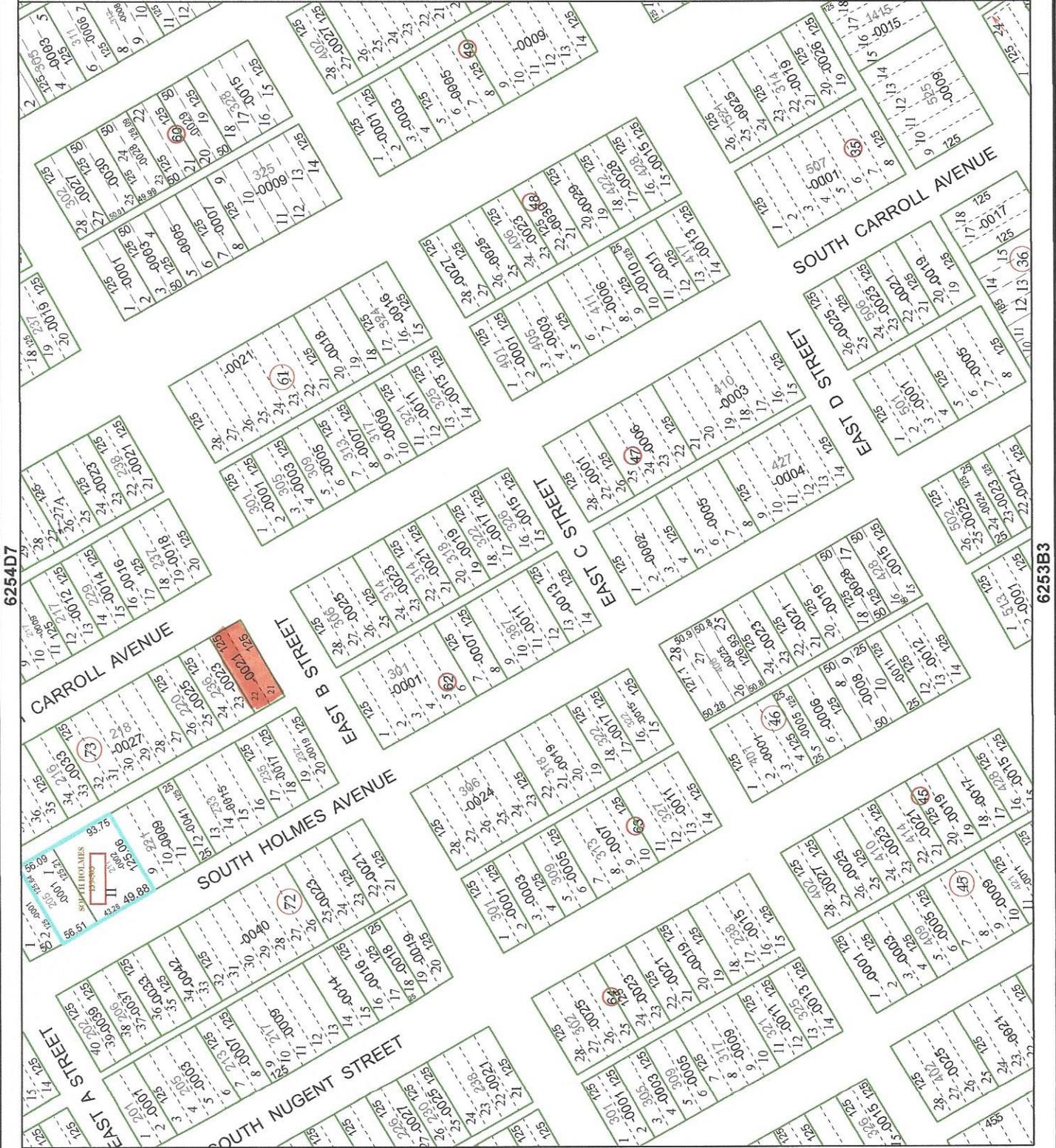
MAP LOCATION



## FACET 6254D117

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

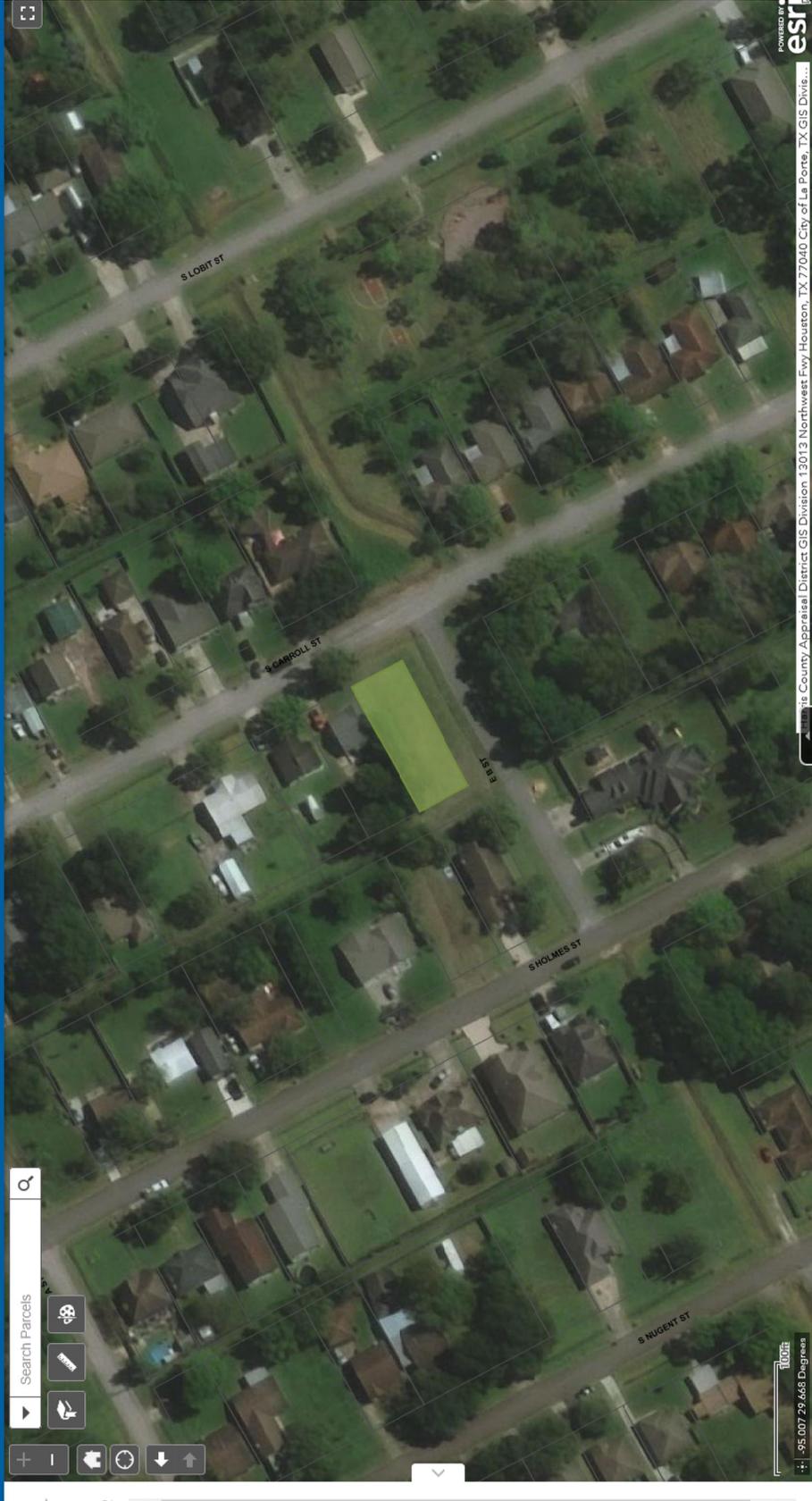
6254D12



6254D7

6253B3

6254D10



Tasks

Results

City Limits Parcels - Search by HCAD number

Displayed features: 1/1

<b>CITY OF LA PORTE</b>	
ACCOUNT	006163000021
ADDRESS	0 S CARROLL ST LA PORTE, TX 77571
OWNER	CITY OF LA PORTE
TAX YEAR	2020
KEY MAP	540Y
TOTAL APPRAISED VALUE	
LEGAL DESCRIPTION 1	LTS 21 & 22 BLK 73
LEGAL DESCRIPTION 2	BAY FRONT TO LA PORTE
LEGAL DESCRIPTION 3	
LEGAL DESCRIPTION 4	
MAIL TO	CITY OF LA PORTE
MAIL ADDRESS	604 W FAIRMONT PKWY LA PORTE, TX 77571-6215
UPDATED	APRIL 2020



**REQUEST FOR CITY COUNCIL AGENDA ITEM**

Agenda Date Requested: July 13, 2020

Requested By: Shelley Wolny, Treasurer

Department: Finance

Report     Resolution     Ordinance

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

**Exhibits:** Resolution, Deed, Attorney Letter, Analysis, Bid &

Map

**SUMMARY**

If a property is sold or struck off to a taxing unit that is party to the judgment, the taxing unit may sell the property at any time by public or private sale. The City of La Porte has had the property located on 606 N. 4<sup>th</sup> Street on the public resale list since 2014 and has received a minimum bid from BP Coastal Builders & Developers, LLC in the amount of \$22,000.00, which includes judgment value plus costs and post-judgment taxes. Currently, the property is vacant. At this time staff is asking the City Council to pass a resolution to approve the sale of the property listed below for the amount that has been offered.

2012-62291 – 606 N. 4<sup>th</sup> Street, La Porte, Texas 77571 – Offer \$22,000.00 (cost + taxes)

**RECOMMENDED MOTION**

**I move to approve a bid by BP Coastal Builders & Developers to acquire a tax resale property described as: Lots 1, 2 & 3, Block 105, in the Town of La Porte, according to the map or plat thereof filed in the Real Property Records of Harris County, Texas. Account No. 023-217-005-0001.**

Approved for the City Council meeting agenda

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

\_\_\_\_\_  
Date

**RESOLUTION 2020-18**

**THE STATE OF TEXAS**

§  
§  
§

**KNOW ALL MEN BY THESE PRESENTS:**

**COUNTY OF HARRIS**

**RESOLUTION AND ORDER**

**WHEREAS**, the City of La Porte, La Porte Independent School District, Harris County, Harris County Education Department, Port of Houston of Harris County Authority, Harris County Flood Control District, Harris County Hospital District and San Jacinto Community College District (“Taxing Authorities”) foreclosed on a property (“the property”) through a delinquent tax lawsuit and judgment identified as follows:

**Lot 1, 2, & 3, Block 105, in the Town of La Porte, Harris County, Texas, according to the Map recorded in Volume 8, Page 16, Map Records of Harris County, Texas. Account No. 023-217-005-0001**

**WHEREAS**, the Taxing Authorities remain unpaid after exhausting all legal means to satisfy the collection of the delinquent taxes due and owing to the Taxing Authorities, including conducting a public auction of the property by the Harris County Constable whereby the property was struck off to the Taxing Authorities and;

**WHEREAS**, being no bids for the property at the tax sale on July 1, 2014, the City of La Porte, Trustee for itself and the other Taxing Authorities, now holds the property in trust to secure the payment of taxes, penalties, interest and costs owed to all Taxing Authorities participating in the foreclosure judgment;

**WHEREAS**, the property held in trust by the City of La Porte, Trustee for itself and the other Taxing Authorities, is exempt from taxation and it is in the best interest of the Taxing Authorities to have the property returned to the active tax roll as a taxable property;

**WHEREAS**, the City of La Porte has received an offer of \$22,000.00 to purchase the property from BP Coastal Builders & Developers, LLC.

**NOW, THEREFORE, IT IS ORDERED** by the City of La Porte:

1. That all of the above paragraphs are true, correct and in the best interest of the City of La Porte and all the other Taxing Authorities, and as such they are hereby incorporated in full and made part of this Resolution;
2. That the City of La Porte accepts the tax resale offer by BP Coastal Builders & Developers, LLC and authorizes the Mayor of the City of La Porte to sign and execute the deed on behalf of the City of La Porte as Trustee for itself and the other Taxing Authorities, to transfer title to the entity submitting the offer to purchase the property.

APPROVED, PASSED AND ORDERED this the \_\_\_\_ day of \_\_\_\_\_, 2020.

---

LOUIS R. RIGBY, MAYOR  
CITY OF LA PORTE

ATTEST: \_\_\_\_\_  
LEE WOODWARD, CITY SECRETARY  
CITY OF LA PORTE

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number. (Language pursuant to Section 11.008 of the Texas Property Code)**

**STATE OF TEXAS**

**X**

**X**

**TAX RESALE DEED**

**COUNTY OF HARRIS**

**X**

KNOW ALL MEN BY THESE PRESENTS that the CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT, acting through its duly elected officials (hereinafter "GRANTOR") as authorized by Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by BP COASTAL BUILDERS & DEVELOPERS, LLC hereinafter "GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and does hereby convey unto said GRANTEE all of the right, title and interest of GRANTOR and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Suit No. 2012-62291; City of La Porte, Et Al vs. Elizabeth Brough, Et Al, in the 129<sup>th</sup> District Court of Harris County, said property described as follows:

**LOTS 1, 2, & 3, BLOCK 105, IN THE TOWN OF LA PORTE, HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 8, PAGE 16, MAP RECORDS OF HARRIS COUNTY, TEXAS. ACCOUNT NO. 023-217-005-0001**

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove described property, but only to the extent that they are still in effect and shown of record in the hereinabove mentioned county and state, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the hereinabove described property.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said GRANTEE, his heirs and assigns forever, so that neither the Grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

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

Taxes for the 2013 and 2014 tax years and also the present tax year are to be paid by GRANTEE herein.

IN TESTIMONY WHEREOF, THE CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT has caused these presents to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF LA PORTE, TRUSTEE

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

STATE OF TEXAS X

COUNTY OF HARRIS X

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Louis R. Rigby, Mayor of the City of La Porte.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, State of Texas  
My Commission Expires: \_\_\_\_\_

After recording return to:

**BP Coastal Builders & Developers, LLC**  
**133 N. Friendswood Dr., Suite # 273**  
**Friendswood, Texas 77546**

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

4828 Loop Central Drive

Suite 600

Houston, TX 77081

---

Main: 713.844.3400

*June 15, 2020*

*Email: Chips@lgbs.com*

*Direct: 713.576.7264*

Shelley Wolny, City Treasurer  
City of La Porte Finance Department  
604 W. Fairmont Parkway  
La Porte, Texas 77571

HAND DELIVERED

**RE:** Tax Resale Bid in Lawsuit No. 2012-62291; City of La Porte, Et Al vs. Elizabeth Brough, Et Al; Account # 023-217-005-0001

Dear Ms. Wolny:

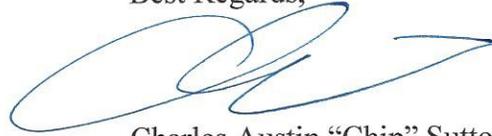
A private tax resale bid in the amount of \$22,000.00 has been received from BP Coastal Builders & Developers, LLC for a property that is owned in trust by the City of La Porte, La Porte ISD, Harris County and San Jacinto Community College District pursuant to a constable's tax sale. I have attached to this letter the tax resale bid, a tax resale bid analysis, a tax resale resolution, a proposed tax resale deed, and a Harris County Appraisal District map of the subject property. The amount of the tax resale bid is sufficient to allow the City of La Porte to consider acceptance of this bid and convey the subject property without the approval of La Porte ISD, Harris County and San Jacinto Community College District.

Therefore, I would respectfully request that this tax resale bid be placed on an upcoming agenda of the City Council of the City of La Porte. I am available to attend the Council Meeting in order to address any questions that arise. A suggested wording of the agenda item is as follows:

**Consider approval of a bid by BP Coastal Builders & Developers, LLC to acquire a tax resale property described as: Lot 1, 2, & 3, Block 105, Town of La Porte, Harris County, Texas. Account No. 023-217-005-0001.**

Please do not hesitate to contact me if you have any questions, need additional information or would like to meet with me with respect to this or any other matter.

Best Regards,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Charles Austin "Chip" Sutton  
Capital Partner

Enclosures

cc: Corby Alexander, City Manager  
City of La Porte City Manager's Office  
604 W. Fairmont Parkway  
La Porte, Texas 77571

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW  
4828 Loop Central Drive  
Suite 600  
Houston, TX 77081

Main: 713.844.3400

**ANALYSIS OF BID RECEIVED FOR TAX RESALE PROPERTY**

Suit No. 2012-62291; City of La Porte, Et Al vs. Elizabeth Brough, Et Al

Legal Description: Lots 1, 2, & 3, Block 105, in the Town of La Porte, Harris County, Texas;  
Account No. 023-217-005-0001

Situs Address: 606 N. 4<sup>th</sup> Street, La Porte 77571

Bidder: BP Coastal Builders & Developers, LLC, 133 N. Friendswood Drive, Friendswood #  
273, Texas 77546

Date of Sale: July 1, 2014

Amount of Bid: \$22,000.00

Judgment Amount: \$17,363.73

Costs of Lawsuit: \$2,001.00

Adjudged Value: \$15,000.00

% of Total Due: 106% (Of  
Judgment Amount, Costs and  
Post-Judgment Taxes)

% of Adjudged Value: 147%

**JUDGMENT TAX YEARS:**

Entity Name	Amount Due Each Entity	Amount You Will Receive
City of La Porte(1990-2012)	\$4,253.13(24%)	\$4,453.04
La Porte ISD(1990-2012)	\$8,969.84(52%)	\$9,648.25
Harris County(1992-2012)	\$3,422.43(20%)	\$3,710.86
San Jacinto CCD(1992-2012)	\$718.33(4%)	\$742.17
<b>Totals</b>	<b>\$17,363,73</b>	<b>\$18,554.32</b>

**\*Pursuant to Section 34.06 of the Texas Property Tax Code, the Costs of Suit and Sale must be paid prior to the tax years included in the judgment and also the attorney fees due to your tax collection law firm. The Costs of Suit and Sale do not include any amounts due to the Linebarger Law Firm.**

**POST-JUDGMENT TAX YEARS:**

<b>Entity Name</b>	<b>Amount Due Each Entity</b>	<b>Amount You Will Receive</b>
City of La Porte(2013-2014)	\$353.73	\$353.73
La Porte ISD(2013-2014)	\$681.54	\$681.54
Harris County(2013-2014)	\$316.94	\$316.94
San Jacinto CCD(2013-2014)	\$92.47	\$92.47
<b>Totals</b>	<b>\$1,444.68</b>	<b>\$1,444.68</b>

# City of La Porte Tax Resale Bid Form

The property is being sold for taxes, and all sales are made subject to a right to redeem within the time and manner provided by law. Purchasers do have a legal right to possession of the property during the redemption period. Purchasers will receive a Tax Resale Deed, which is without warranty. The firm will not give out information on the title to the property other than the existence of post judgment taxes. It is the bidder's responsibility to do their own title examination and satisfy themselves as to the condition of the title before submitting a bid. It is also the bidder's responsibility to satisfy themselves concerning the location and condition of the property on the ground before submitting a bid. All properties are sold "As Is."

If a higher bid is received any time before the City of La Porte has approved a previous bid, the Firm will contact all of the bidders so each bidder will have the opportunity to submit a higher bid.

All bids must be submitted on this form. The completed form may be submitted to Linebarger Goggan Blair & Sampson, LLP, Attention Chip Sutton at 4828 Loop Central Three, Suite 600, Houston, TX 77081. All bids will be subject to approval by the City Council of the City of La Porte. The bidder is required to pay the full amount of their bid within ten (10) days of their notification of the acceptance of their bid.

The Amount of Bid includes the minimum bid at the original tax foreclosure sale and the amount due for post-judgment taxes. The Bidder acknowledges that the amount due for post-judgment taxes increases each month until paid in full.

The Firm and the City of La Porte will not supply or pay for any closing costs, including, but not limited to:

Owner Financing  
Title Policy

Abstract of Title  
Survey

Appraisal  
Termite Certificate

Subject to the terms and conditions stated herein, I submit the following bid on the property described below:

Amount of Bid: \$22,000.00

Tax Lawsuit: 2012-62291; CITY OF LA PORTE, ET AL vs. ELIZABETH BROUGH, ET AL

Tax Account No. 0232170050001

Legal Description: LOTS 1, 2 AND 3, BLOCK 105, IN THE TOWN OF LA PORTE, HARRIS COUNTY, TEXAS

Bidder's Name(s): BP COASTAL BUILDERS & DEVELOPERS, LLC

Address: 133 N. FRIENDSWOOD DR. # 273

FRIENDSWOOD, TX. 77546

Telephone Numbers: 281. 414. 5092

Signed: Daniel Brook

Dated: 6-10-2020

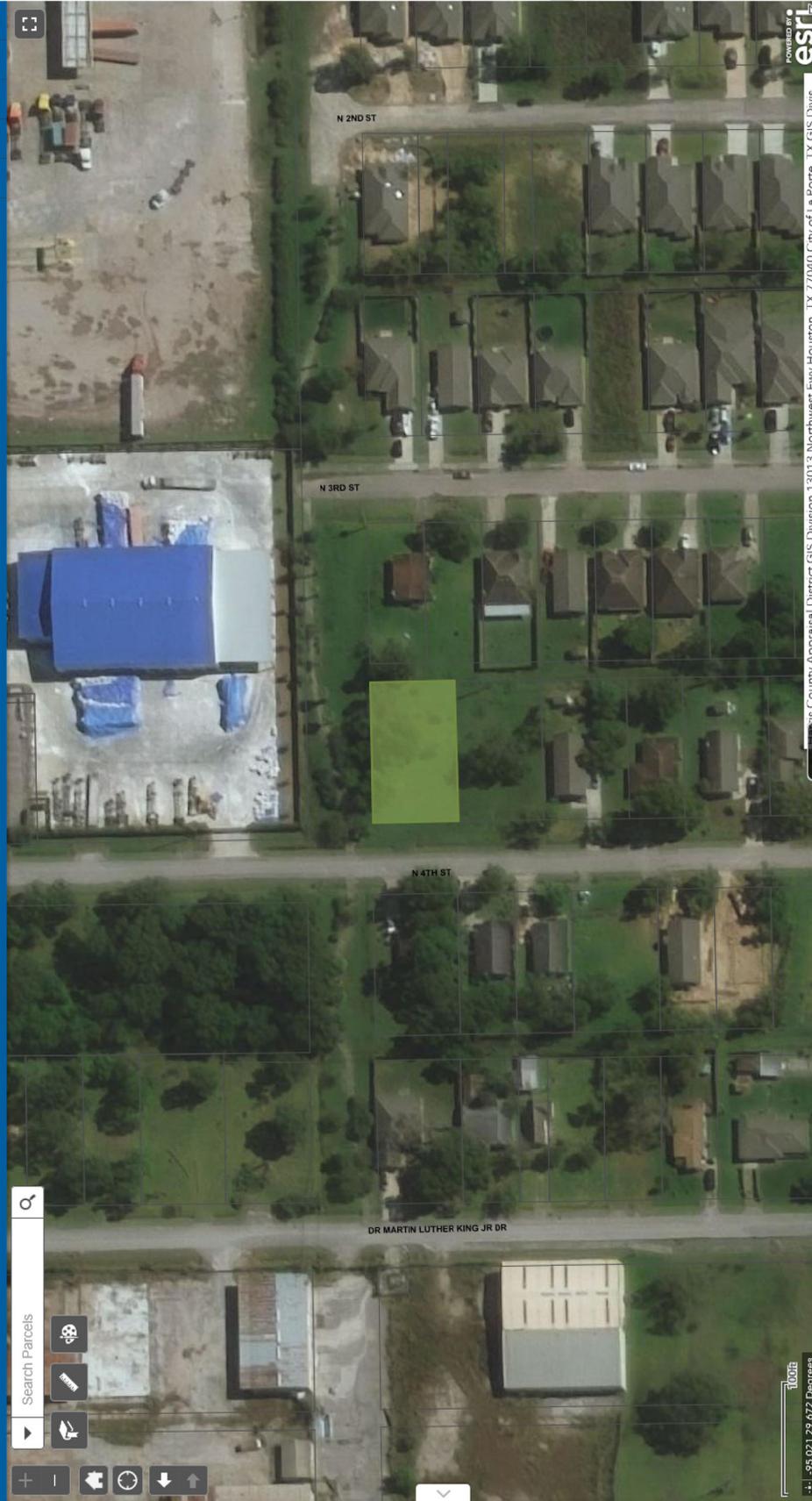


Tasks Results

City Limits Parcels - Search by HCAD number

Displayed features: 1/1

<b>CITY OF LA PORTE</b>	
ACCOUNT	0232170050001
ADDRESS	606 N 4TH ST LA PORTE, TX 77571
OWNER	CITY OF LA PORTE
TAX YEAR	2020
KEY MAP	540X
TOTAL APPRAISED VALUE	
LEGAL DESCRIPTION 1	LTS 1, 2 & 3 BLK 105
LEGAL DESCRIPTION 2	LA PORTE
LEGAL DESCRIPTION 3	
LEGAL DESCRIPTION 4	
MAIL TO	CITY OF LA PORTE
MAIL ADDRESS	604 W FAIRMONT PKWY LA PORTE, TX 77571- 6215
UPDATED	APRIL 2020



100ft  
-95.02129, 672 Degrees



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>July 13, 2020</u>
Requested By: <u>Shelley Wolny, Treasurer</u>
Department: <u>Finance</u>
<input type="radio"/> Report <input checked="" type="radio"/> Resolution <input type="radio"/> Ordinance

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

**Exhibits:** Resolution, Deed, Attorney Letter, Analysis, Bid &

Map

### SUMMARY

If a property is sold or struck off to a taxing unit that is party to the judgment, the taxing unit may sell the property at any time by public or private sale. The City of La Porte has had the property located on 0 S. Utah Avenue on the public resale list since 2014 and has received a minimum bid from BP Coastal Builders & Developers, LLC in the amount of \$13,200.00, which includes judgment value plus costs and post-judgment taxes. Currently, the property is vacant. At this time staff is asking the City Council to pass a resolution to approve the sale of the property listed below for the amount that has been offered.

2013-06669 – 0 S. Utah Avenue, La Porte, Texas 77571 – Offer \$13,200.00  
(cost + taxes)

### RECOMMENDED MOTION

**I move to approve a bid by BP Coastal Builders & Developers to acquire a tax resale property described as: Lots 3 and 4, Block 67, Bay Front Addition to the Town of La Porte, according to the map or plat thereof filed in the Real Property Records of Harris County, Texas. Account No. 006-157-000-0003.**

Approved for the City Council meeting agenda

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

\_\_\_\_\_  
Date

**RESOLUTION 2020-19**

**THE STATE OF TEXAS**

§  
§  
§

**KNOW ALL MEN BY THESE PRESENTS:**

**COUNTY OF HARRIS**

**RESOLUTION AND ORDER**

**WHEREAS**, the City of La Porte, La Porte Independent School District, Harris County, Harris County Education Department, Port of Houston of Harris County Authority, Harris County Flood Control District, Harris County Hospital District and San Jacinto Community College District (“Taxing Authorities”) foreclosed on a property (“the property”) through a delinquent tax lawsuit and judgment identified as follows:

**Lots 3 & 4, Block 67, Bay Front Addition to the Town of La Porte, according to the map or plat thereof recorded in Volume 1 Page 53, Map Records of Harris County, Texas. Account No. 006157000003**

**WHEREAS**, the Taxing Authorities remain unpaid after exhausting all legal means to satisfy the collection of the delinquent taxes due and owing to the Taxing Authorities, including conducting a public auction of the property by the Harris County Constable whereby the property was struck off to the Taxing Authorities and;

**WHEREAS**, being no bids for the property at the tax sale on November 4, 2014, the City of La Porte, Trustee for itself and the other Taxing Authorities, now holds the property in trust to secure the payment of taxes, penalties, interest and costs owed to all Taxing Authorities participating in the foreclosure judgment;

**WHEREAS**, the property held in trust by the City of La Porte, Trustee for itself and the other Taxing Authorities, is exempt from taxation and it is in the best interest of the Taxing Authorities to have the property returned to the active tax roll as a taxable property;

**WHEREAS**, the City of La Porte has received an offer of \$13,200.00 to purchase the property from the BP Coastal Builders & Developers, LLC.

**NOW, THEREFORE, IT IS ORDERED** by the City of La Porte:

1. That all of the above paragraphs are true, correct and in the best interest of the City of La Porte and all the other Taxing Authorities, and as such they are hereby incorporated in full and made part of this Resolution;
2. That the City of La Porte accepts the tax resale offer by BP Coastal Builders & Developers, LLC and authorizes the Mayor of the City of La Porte to sign and execute the deed on behalf of the City of La Porte as Trustee for itself and the other Taxing Authorities, to transfer title to the entity submitting the offer to purchase the property.

APPROVED, PASSED AND ORDERED this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

---

LOUIS R. RIGBY, MAYOR  
CITY OF LA PORTE

ATTEST: \_\_\_\_\_  
LEE WOODWARD, CITY SECRETARY  
CITY OF LA PORTE

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number. (Language pursuant to Section 11.008 of the Texas Property Code)**

**STATE OF TEXAS**

**X**

**X**

**TAX RESALE DEED**

**COUNTY OF HARRIS**

**X**

KNOW ALL MEN BY THESE PRESENTS that the CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT, acting through its duly elected officials (hereinafter "GRANTOR") as authorized by Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by BP COASTAL BUILDERS & DEVELOPERS, LLC hereinafter "GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and does hereby convey unto said GRANTEE all of the right, title and interest of GRANTOR and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Suit No. 2013-06669; La Porte ISD, Et Al vs. Irma Grote a/k/a Ima Cihat Grote, Et Al, in the 269<sup>th</sup> District Court of Harris County, said property described as follows:

**Lots 3 & 4, Block 67, Bay Front Addition to the Town of La Porte, according to the map or plat thereof recorded in Volume 1 Page 53, Map Records of Harris County, Texas. Account No. 006157000003**

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove described property, but only to the extent that they are still in effect and shown of record in the hereinabove mentioned county and state, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the hereinabove described property.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said GRANTEE, his heirs and assigns forever, so that neither the Grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

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

Taxes for the 2014 tax year and also the present tax year are to be paid by GRANTEE herein.

IN TESTIMONY WHEREOF, THE CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT has caused these presents to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF LA PORTE, TRUSTEE

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

STATE OF TEXAS X

COUNTY OF HARRIS X

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Louis R. Rigby, Mayor of the City of La Porte.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, State of Texas  
My Commission Expires: \_\_\_\_\_

After recording return to:

**BP Coastal Builders & Developers, LLC**  
**133 N. Friendswood Dr., Suite # 273**  
**Friendswood, Texas 77546**

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

4828 Loop Central Drive

Suite 600

Houston, TX 77081

---

Main: 713.844.3400

*June 4, 2020*

*Email: Chips@lgbs.com*

*Direct: 713.576.7264*

Shelley Wolny, City Treasurer  
City of La Porte Finance Department  
604 W. Fairmont Parkway  
La Porte, Texas 77571

HAND DELIVERED

**RE:** Tax Resale Bid in Lawsuit No. 2013-06669; La Porte ISD, Et Al vs. Irma Grote a/k/a Ima Cihat Grote, Et Al; Account # 0061570000003

Dear Ms. Wolny:

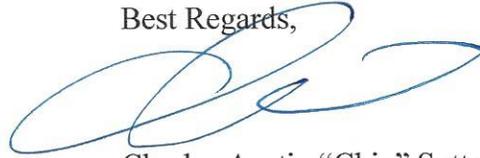
A private tax resale bid in the amount of \$13,200.00 has been received from BP Coastal Builders & Developers, LLC for a property that is owned in trust by the City of La Porte, La Porte ISD, Harris County and San Jacinto Community College District pursuant to a constable's tax sale. I have attached to this letter the tax resale bid, a tax resale bid analysis, a tax resale resolution, a proposed tax resale deed, and a Harris County Appraisal District map of the subject property. The amount of the tax resale bid is sufficient to allow the City of La Porte to consider acceptance of this bid and convey the subject property without the approval of La Porte ISD, Harris County and San Jacinto Community College District.

Therefore, I would respectfully request that this tax resale bid be placed on an upcoming agenda of the City Council of the City of La Porte. I am available to attend the Council Meeting in order to address any questions that arise. A suggested wording of the agenda item is as follows:

**Consider approval of a bid by BP Coastal Builders & Developers, LLC to acquire a tax resale property described as: Lots 3 & 4, Block 67, Bay Front Addition to the Town of La Porte, according to the map or plat thereof recorded in Volume 1 Page 53, Map Records of Harris County, Texas. Account No. 0061570000003.**

Please do not hesitate to contact me if you have any questions, need additional information or would like to meet with me with respect to this or any other matter.

Best Regards,



Charles Austin "Chip" Sutton  
Capital Partner

Enclosures

cc: Corby Alexander, City Manager  
City of La Porte City Manager's Office  
604 W. Fairmont Parkway  
La Porte, Texas 77571

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

4828 Loop Central Drive

Suite 600

Houston, TX 77081

Main: 713.844.3400

**ANALYSIS OF BID RECEIVED FOR TAX RESALE PROPERTY**

Suit No. 2013-06669; La Porte ISD, Et Al vs. Irma Grote a/k/a Ima Chihat Grote, Et Al

Legal Description: Lots 3 and 4, Block 67, Bay Front Addition to the Town of La Porte, Harris County, Texas; Account No. 0061570000003

Situs Address: 0 S. Utah Avenue, La Porte 77571

Bidder: BP Coastal Builders & Developers, LLC, 133 N. Friendswood Drive, Friendswood # 273, Texas 77546

Date of Sale: November 4, 2014

Amount of Bid: \$13,200.00

Judgment Amount: \$12,176.51

Cost of Sale: \$2,702.00

Adjudged Value: \$12,500.00

% of Total Due: 85% (Of  
Judgment Amount, Costs and  
Post-Judgment Taxes)

% of Adjudged Value: 106%

**JUDGMENT TAX YEARS:**

Entity	Amount Due	Amount You
Name	Each Entity	Will Receive
City of La Porte(1992-2013)	\$2,982.98(24.50%)	\$2,409.80
La Porte ISD(1993-2013)	\$6,060.03(49.77%)	\$4,895.34
Harris County(1993-2013)	\$2,569.41(21.10%)	\$2,075.38
San Jacinto CCD(1993-2013)	\$564.09(4.63%)	\$455.40
<b>Totals</b>	<b>\$12,176.51</b>	<b>\$9,835.92</b>

**\*Pursuant to Section 34.06 of the Texas Property Tax Code, the Costs of Suit and Sale must be paid prior to the tax years included in the judgment and also the attorney fees due to your tax collection law firm. The Costs of Suit and Sale do not include any amounts due to the Linebarger Law Firm.**

**POST-JUDGMENT TAX YEARS:**

<b>Entity</b>	<b>Amount Due Each Entity</b>	<b>Amount You</b>
<b>Name</b>		<b>Will Receive</b>
City of La Porte(2014)	\$157.67	\$157.67
La Porte ISD(2014)	\$321.97	\$321.97
Harris County(2014)	\$141.23	\$141.23
San Jacinto CCD(2014)	\$41.21	\$41.21
<b>Totals</b>	<b>\$662.08</b>	<b>\$662.08</b>

# City of La Porte Tax Resale Bid Form

The property is being sold for taxes, and all sales are made subject to a right to redeem within the time and manner provided by law. Purchasers do have a legal right to possession of the property during the redemption period. Purchasers will receive a Tax Resale Deed, which is without warranty. The firm will not give out information on the title to the property other than the existence of post judgment taxes. It is the bidder's responsibility to do their own title examination and satisfy themselves as to the condition of the title before submitting a bid. It is also the bidder's responsibility to satisfy themselves concerning the location and condition of the property on the ground before submitting a bid. All properties are sold "As Is."

If a higher bid is received any time before the City of La Porte has approved a previous bid, the Firm will contact all of the bidders so each bidder will have the opportunity to submit a higher bid.

All bids must be submitted on this form. The completed form may be submitted to Linebarger Goggan Blair & Sampson, LLP, Attention Chip Sutton at 4828 Loop Central Three, Suite 600, Houston, TX 77081. All bids will be subject to approval by the City Council of the City of La Porte. The bidder is required to pay the full amount of their bid within ten (10) days of their notification of the acceptance of their bid.

The Amount of Bid includes the minimum bid at the original tax foreclosure sale and the amount due for post-judgment taxes. The Bidder acknowledges that the amount due for post-judgment taxes increases each month until paid in full.

The Firm and the City of La Porte will not supply or pay for any closing costs, including, but not limited to:

Owner Financing  
Title Policy

Abstract of Title  
Survey

Appraisal  
Termite Certificate

Subject to the terms and conditions stated herein, I submit the following bid on the property described below:

Amount of Bid: \$ 13,200<sup>00</sup>

Tax Lawsuit: 2013-06669; LA PORTE ISD, ET AL vs. IRMA GROTE A/K/A IMA CIHAT GROTE, ET AL

Tax Account No. 0061570000003

Legal Description: LOTS 3 & 4, BLOCK 67, BAYFRONT ADDITION TO THE TOWN OF LA PORTE, HARRIS COUNTY, TEXAS

Bidder's Name(s): BP COASTAL BUILDERS & DEVELOPERS, LLC

Address: 133 N. FRIENDSWOOD # 273  
FRIENDSWOOD, TEX. 77546

Telephone Numbers: 281. 414. 5092

Signed: David Brock

Dated: 6-1-2020

# Harris County Appraisal District



0 50 100 200 Feet

PUBLICATION DATE:  
5/26/2020

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

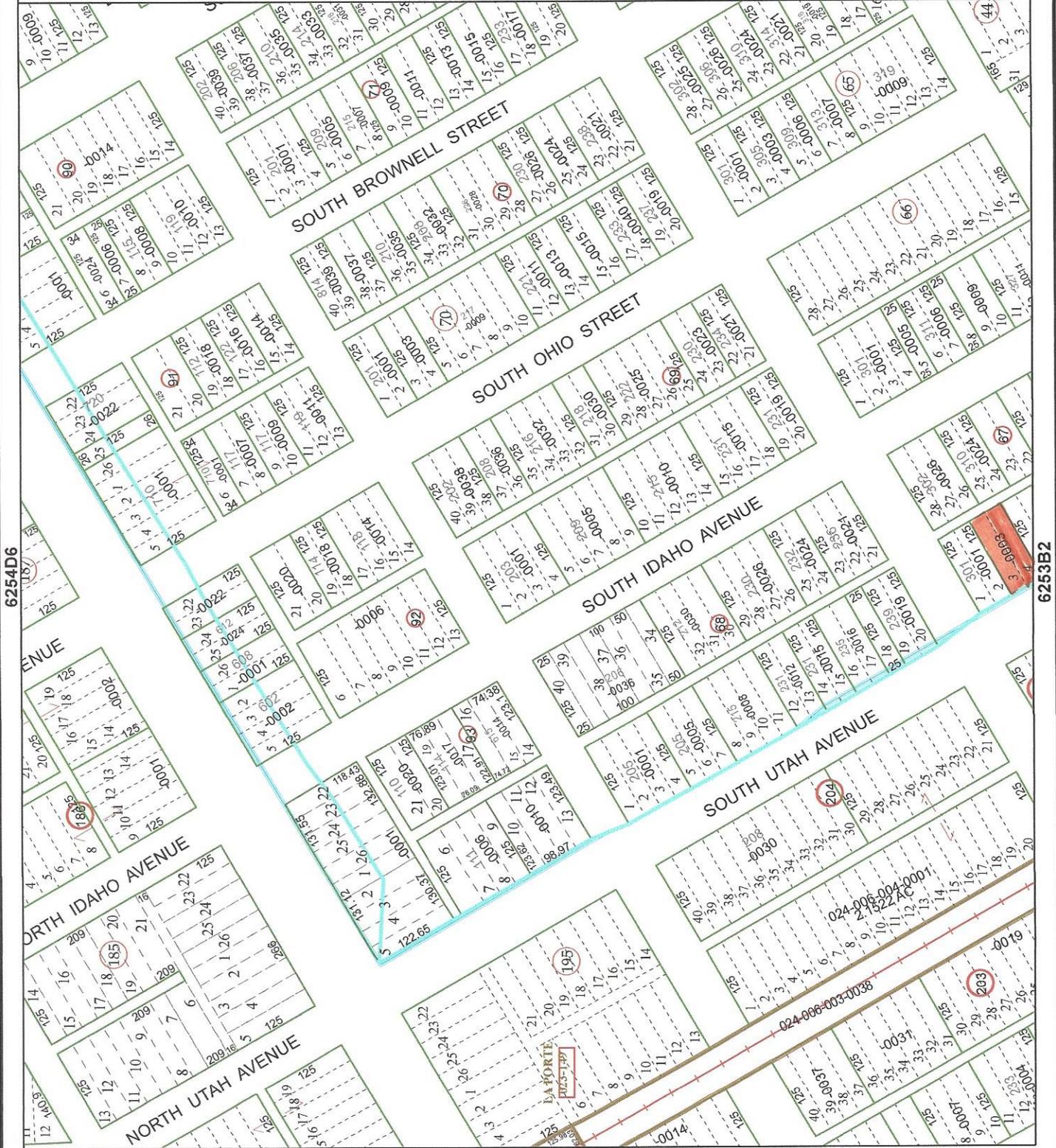
MAP LOCATION

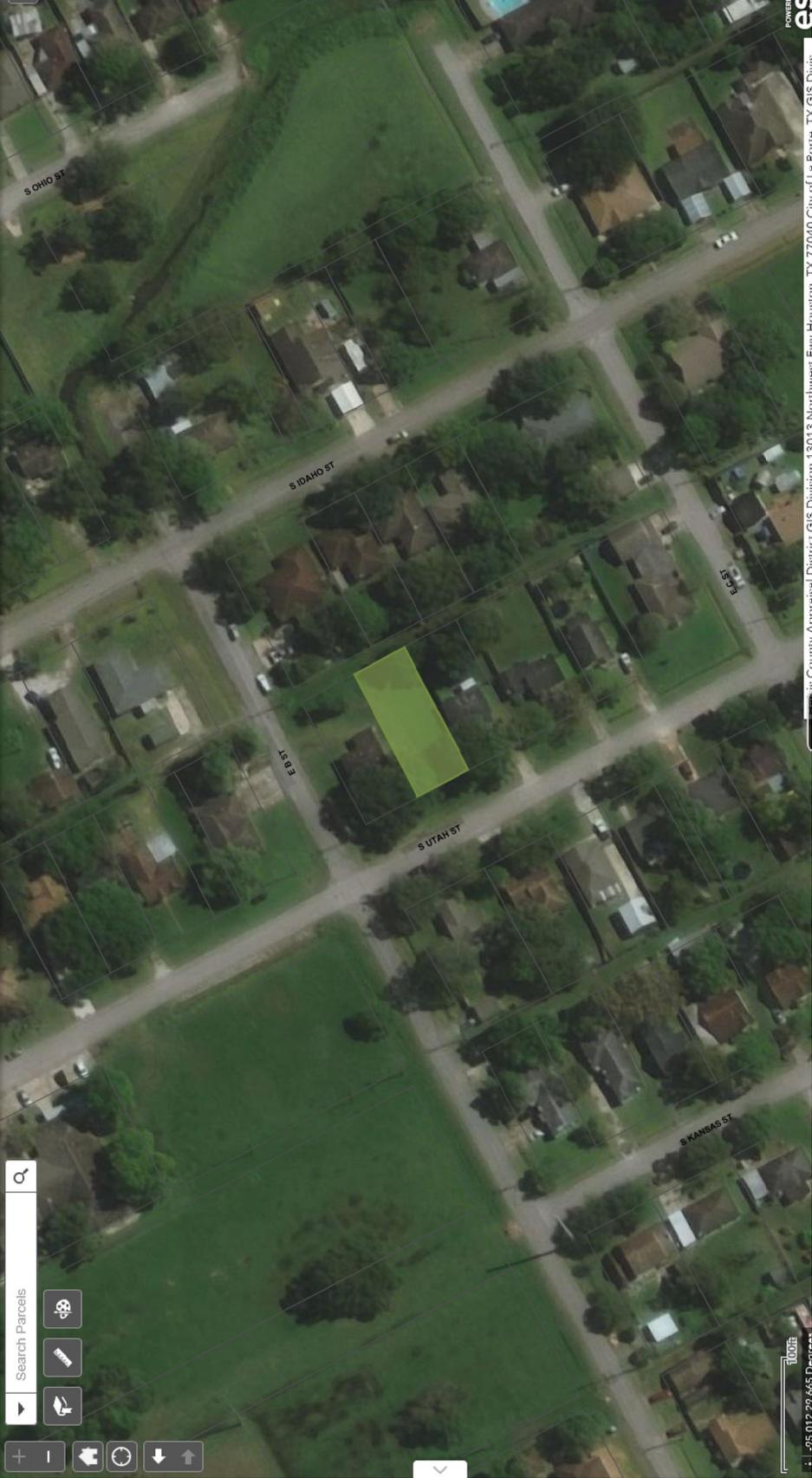


## FACET 6254D10

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

6254D11





Search Parcels

Q



Tasks

Results

City Limits Parcels - Search by HCAD number

Displayed features: 1/1

<b>CITY OF LA PORTE</b>	
ACCOUNT	0061570000003
ADDRESS	0 S UTAH AVE LA PORTE, TX 77571
OWNER	CITY OF LA PORTE
TAX YEAR	2020
KEY MAP	540Y
TOTAL APPRAISED VALUE	
LEGAL DESCRIPTION 1	LTS 3 & 4 BLK 67
LEGAL DESCRIPTION 2	BAY FRONT TO LA PORTE
LEGAL DESCRIPTION 3	
LEGAL DESCRIPTION 4	
MAIL TO	CITY OF LA PORTE
MAIL ADDRESS	604 W FAIRMONT PKWY LA PORTE, TX 77571-6215
UPDATED	APRIL 2020



**REQUEST FOR CITY COUNCIL AGENDA ITEM**

Agenda Date Requested: July 13, 2020

Requested By: Shelley Wolny, Treasurer

Department: Finance

Report     Resolution     Ordinance

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

**Exhibits:** Resolution, Deed, Attorney Letter, Analysis, Bid &

Map

**SUMMARY**

If a property is sold or struck off to a taxing unit that is party to the judgment, the taxing unit may sell the property at any time by public or private sale. The City of La Porte has had the property located on 235 S. Holmes Street on the public resale list since 2016 and has received a minimum bid from BP Coastal Builders & Developers, LLC in the amount of \$12,750.00, which includes judgment value plus costs and post-judgment taxes. Currently, the property is vacant. At this time staff is asking the City Council to pass a resolution to approve the sale of the property listed below for the amount that has been offered.

2014-25245 – 235 S. Holmes Street, La Porte, Texas 77571 – Offer \$12,750.00 (cost + taxes)

**RECOMMENDED MOTION**

**I move to approve a bid by BP Coastal Builders & Developers to acquire a tax resale property described as: Lots 17 and 18, Block 73, Bay Front Addition to the Town of La Porte, according to the map or plat thereof filed in the Real Property Records of Harris County, Texas. Account No. 006-163-000-0017.**

Approved for the City Council meeting agenda

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

\_\_\_\_\_  
Date

**RESOLUTION 2020-20**

**THE STATE OF TEXAS**

§  
§  
§

**KNOW ALL MEN BY THESE PRESENTS:**

**COUNTY OF HARRIS**

**RESOLUTION AND ORDER**

**WHEREAS**, the City of La Porte, La Porte Independent School District, Harris County, Harris County Education Department, Port of Houston of Harris County Authority, Harris County Flood Control District, Harris County Hospital District and San Jacinto Community College District (“Taxing Authorities”) foreclosed on a property (“the property”) through a delinquent tax lawsuit and judgment identified as follows:

**Lots 17 & 18, Block 73, Bay Front Addition to the Town of La Porte, according to the map or plat thereof recorded in Volume 1, Page 27, Map Records of Harris County, Texas. Account No. 006163000017**

**WHEREAS**, the Taxing Authorities remain unpaid after exhausting all legal means to satisfy the collection of the delinquent taxes due and owing to the Taxing Authorities, including conducting a public auction of the property by the Harris County Constable whereby the property was struck off to the Taxing Authorities and;

**WHEREAS**, being no bids for the property at the tax sale on January 5, 2016, the City of La Porte, Trustee for itself and the other Taxing Authorities, now holds the property in trust to secure the payment of taxes, penalties, interest and costs owed to all Taxing Authorities participating in the foreclosure judgment;

**WHEREAS**, the property held in trust by the City of La Porte, Trustee for itself and the other Taxing Authorities, is exempt from taxation and it is in the best interest of the Taxing Authorities to have the property returned to the active tax roll as a taxable property;

**WHEREAS**, the City of La Porte has received an offer of \$12,750.00 to purchase the property from the BP Coastal Builders & Developers, LLC.

**NOW, THEREFORE, IT IS ORDERED** by the City of La Porte:

1. That all of the above paragraphs are true, correct and in the best interest of the City of La Porte and all the other Taxing Authorities, and as such they are hereby incorporated in full and made part of this Resolution;
2. That the City of La Porte accepts the tax resale offer by BP Coastal Builders & Developers, LLC and authorizes the Mayor of the City of La Porte to sign and execute the deed on behalf of the City of La Porte as Trustee for itself and the other Taxing Authorities, to transfer title to the entity submitting the offer to purchase the property.

APPROVED, PASSED AND ORDERED this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

---

LOUIS R. RIGBY, MAYOR  
CITY OF LA PORTE

ATTEST: \_\_\_\_\_  
LEE WOODWARD, CITY SECRETARY  
CITY OF LA PORTE

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number. (Language pursuant to Section 11.008 of the Texas Property Code)**

**STATE OF TEXAS**

**X**

**X**

**TAX RESALE DEED**

**COUNTY OF HARRIS**

**X**

KNOW ALL MEN BY THESE PRESENTS that the CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT, acting through its duly elected officials (hereinafter "GRANTOR") as authorized by Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid by BP COASTAL BUILDERS & DEVELOPERS, LLC hereinafter "GRANTEE") the receipt of which is hereby acknowledged and confessed, has conveyed and does hereby convey unto said GRANTEE all of the right, title and interest of GRANTOR and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Suit No. 2014-25245; La Porte ISD, Et Al vs. Jeanette LaFosse Et Al, in the 295<sup>th</sup> District Court of Harris County, said property described as follows:

**Lots 17 & 18, Block 73, Bay Front Addition to the Town of La Porte, according to the map or plat thereof recorded in Volume 1, Page 27, Map Records of Harris County, Texas. Account No. 0061630000017**

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove described property, but only to the extent that they are still in effect and shown of record in the hereinabove mentioned county and state, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the hereinabove described property.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said GRANTEE, his heirs and assigns forever, so that neither the Grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

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

Taxes for the 2015 & 2016 tax years and also the present tax year are to be paid by GRANTEE herein.

IN TESTIMONY WHEREOF, THE CITY OF LA PORTE, TRUSTEE, for itself and LA PORTE INDEPENDENT SCHOOL DISTRICT, HARRIS COUNTY, HARRIS COUNTY EDUCATION DEPARTMENT, PORT OF HOUSTON OF HARRIS COUNTY AUTHORITY, HARRIS COUNTY FLOOD CONTROL DISTRICT, HARRIS COUNTY HOSPITAL DISTRICT AND SAN JACINTO COMMUNITY COLLEGE DISTRICT has caused these presents to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF LA PORTE, TRUSTEE

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

STATE OF TEXAS X

COUNTY OF HARRIS X

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Louis R. Rigby, Mayor of the City of La Porte.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, State of Texas  
My Commission Expires: \_\_\_\_\_

After recording return to:

**BP Coastal Builders & Developers, LLC**  
**133 N. Friendswood Dr., Suite # 273**  
**Friendswood, Texas 77546**

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW  
4828 Loop Central Drive  
Suite 600  
Houston, TX 77081

Main: 713.844.3400

*June 4, 2020*

*Email: Chips@lgbs.com  
Direct: 713.576.7264*

Shelley Wolny, City Treasurer  
City of La Porte Finance Department  
604 W. Fairmont Parkway  
La Porte, Texas 77571

HAND DELIVERED

**RE:** Tax Resale Bid in Lawsuit No. 2014-25245; La Porte ISD, Et Al vs. Jeanette LaFosse, Et Al; Account # 0061630000017

Dear Ms. Wolny:

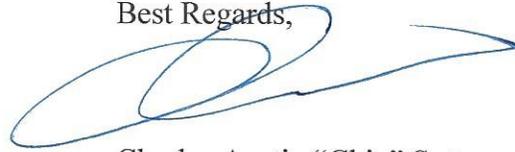
A private tax resale bid in the amount of \$12,750.00 has been received from BP Coastal Builders & Developers, LLC for a property that is owned in trust by the City of La Porte, La Porte ISD, Harris County and San Jacinto Community College District pursuant to a constable's tax sale. I have attached to this letter the tax resale bid, a tax resale bid analysis, a tax resale resolution, a proposed tax resale deed, and a Harris County Appraisal District map of the subject property. The amount of the tax resale bid is sufficient to allow the City of La Porte to consider acceptance of this bid and convey the subject property without the approval of La Porte ISD, Harris County and San Jacinto Community College District.

Therefore, I would respectfully request that this tax resale bid be placed on an upcoming agenda of the City Council of the City of La Porte. I am available to attend the Council Meeting in order to address any questions that arise. A suggested wording of the agenda item is as follows:

**Consider approval of a bid by BP Coastal Builders & Developers, LLC to acquire a tax resale property described as: Lots 17 & 18, Block 73, Bay Front Addition to the Town of La Porte, according to the map or plat thereof recorded in Volume 1, Page 27, Map Records of Harris County, Texas. Account No. 0061630000017.**

Please do not hesitate to contact me if you have any questions, need additional information or would like to meet with me with respect to this or any other matter.

Best Regards,



Charles Austin "Chip" Sutton  
Capital Partner

Enclosures

cc: Corby Alexander, City Manager  
City of La Porte City Manager's Office  
604 W. Fairmont Parkway  
La Porte, Texas 77571

LINEBARGER GOGGAN BLAIR & SAMPSON, LLP

ATTORNEYS AT LAW

4828 Loop Central Drive

Suite 600

Houston, TX 77081

Main: 713.844.3400

**ANALYSIS OF BID RECEIVED FOR TAX RESALE PROPERTY**

**Suit No. 2014-25245; La Porte ISD, Et Al vs. Jeanette LaFosse, Et Al**

**Legal Description: Lots 17 and 18, Block 73, Bay Front Addition to the Town of La Porte, Harris County, Texas; Account No. 0061630000017**

**Situs Address: 235 S. Holmes Street, La Porte 77571**

**Bidder: BP Coastal Builders & Developers, LLC, 133 N. Friendswood Drive, Friendswood # 273, Texas 77546**

**Date of Sale: January 5, 2016**

**Amount of Bid: \$12,750.00**

**Judgment Amount: \$6,683.12**

**Cost of Sale: \$1,774.00**

**Adjudged Value: \$61,053.00**

**% of Total Due: 106% (Of  
Judgment Amount, Costs and  
Post-Judgment Taxes)**

**% of Adjudged Value: 21%**

**JUDGMENT TAX YEARS:**

<b>Entity</b>	<b>Amount Due</b>	<b>Amount You</b>
<b>Name</b>	<b>Each Entity</b>	<b>Will Receive</b>
City of La Porte(2011-2014)	\$2,110.22(31.58%)	\$2,336.79
La Porte ISD(2011-2014)	\$4,050.37(60.60%)	\$4,484.14
Harris County(2014)	\$404.48(6.05%)	\$447.67
San Jacinto CCD(2014)	\$118.05(1.77%)	\$130.97
<b>Totals</b>	<b>\$6,683.12</b>	<b>\$7,399.57</b>

**\*Pursuant to Section 34.06 of the Texas Property Tax Code, the Costs of Suit and Sale must be paid prior to the tax years included in the judgment and also the attorney fees due to your tax collection law firm. The Costs of Suit and Sale do not include any amounts due to the Linebarger Law Firm.**

**POST-JUDGMENT TAX YEARS:**

<b>Entity Name</b>	<b>Amount Due Each Entity</b>	<b>Amount You Will Receive</b>
City of La Porte(2015-2016)	\$853.09	\$853.09
La Porte ISD(2015-2016)	\$1,742.21	\$1,742.21
Harris County(2015-2016)	\$768.49	\$768.49
San Jacinto CCD(2015-2016)	\$212.64	\$212.64
<b>Totals</b>	<b>\$3,576.43</b>	<b>\$3,576.43</b>

# City of La Porte Tax Resale Bid Form

The property is being sold for taxes, and all sales are made subject to a right to redeem within the time and manner provided by law. Purchasers do have a legal right to possession of the property during the redemption period. Purchasers will receive a Tax Resale Deed, which is without warranty. The firm will not give out information on the title to the property other than the existence of post judgment taxes. It is the bidder's responsibility to do their own title examination and satisfy themselves as to the condition of the title before submitting a bid. It is also the bidder's responsibility to satisfy themselves concerning the location and condition of the property on the ground before submitting a bid. All properties are sold "As Is."

If a higher bid is received any time before the City of La Porte has approved a previous bid, the Firm will contact all of the bidders so each bidder will have the opportunity to submit a higher bid.

All bids must be submitted on this form. The completed form may be submitted to Linebarger Goggan Blair & Sampson, LLP, Attention Chip Sutton at 4828 Loop Central Three, Suite 600, Houston, TX 77081. All bids will be subject to approval by the City Council of the City of La Porte. The bidder is required to pay the full amount of their bid within ten (10) days of their notification of the acceptance of their bid.

The Amount of Bid includes the minimum bid at the original tax foreclosure sale and the amount due for post-judgment taxes. The Bidder acknowledges that the amount due for post-judgment taxes increases each month until paid in full.

The Firm and the City of La Porte will not supply or pay for any closing costs, including, but not limited to:

Owner Financing  
Title Policy

Abstract of Title  
Survey

Appraisal  
Termite Certificate

Subject to the terms and conditions stated herein, I submit the following bid on the property described below:

Amount of Bid:

\$ 12,750<sup>00</sup>

Tax Lawsuit:

2014-25245; LA PORTE ISD, ET AL vs. JEANETTE LAFOSSE, ET AL

Tax Account No.

0061630000017

Legal Description:

LOTS 17 & 18, BLOCK 73, BAYFRONT ADDITION TO THE TOWN OF LA PORTE, HARRIS COUNTY, TEXAS

Bidder's Name(s):

BP COASTAL BUILDERS : DEVELOPERS, LLC

Address:

133 N. FRIENDSWOOD DR. # 273

FRIENDSWOOD, TEX. 77546

Telephone Numbers:

281. 414. 5092

Signed:

Daniel Brock

Dated:

6-1-2020

# Harris County Appraisal District



PUBLICATION DATE:  
5/26/2020

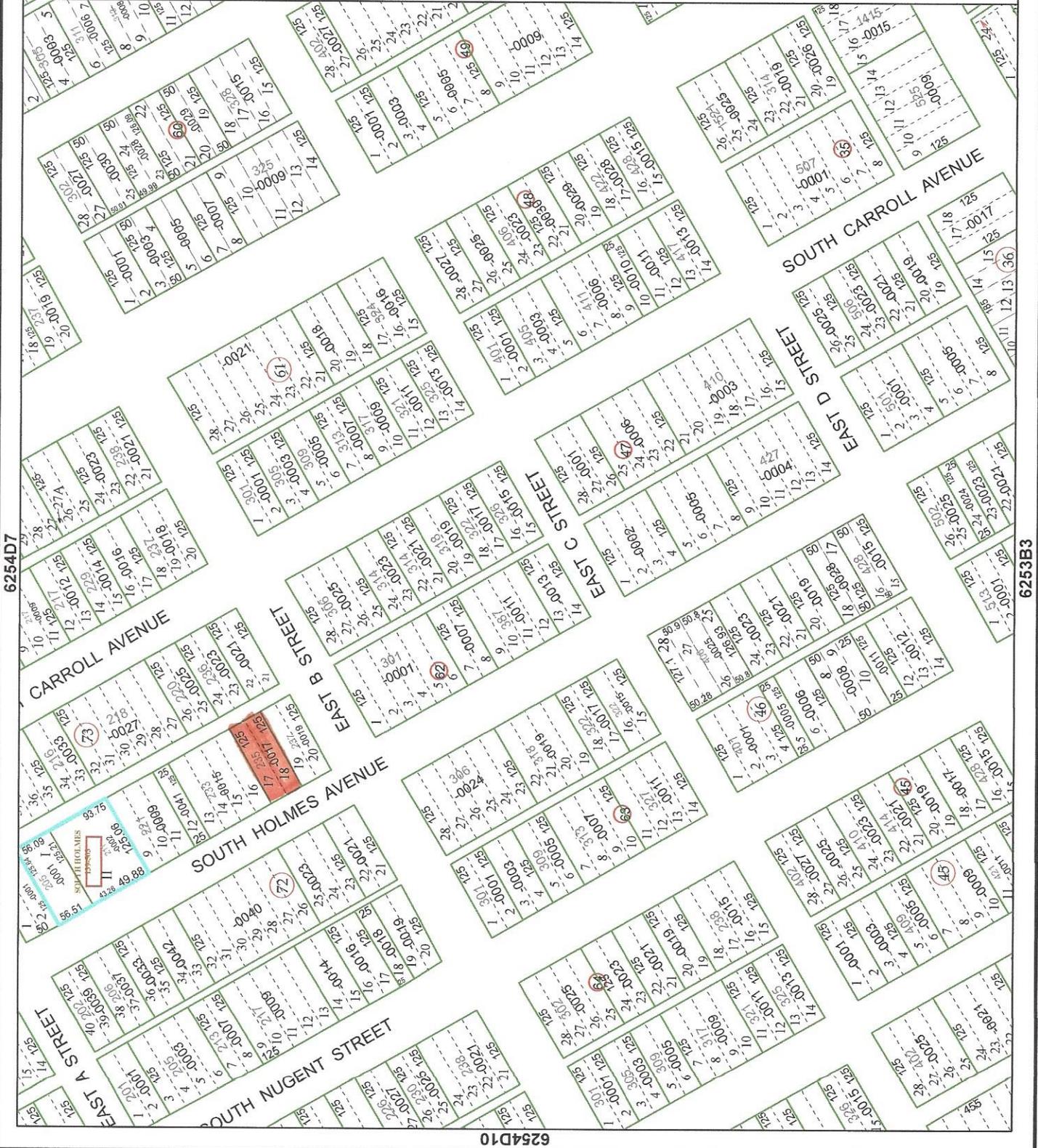
Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property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

MAP LOCATION



## FACET 6254D11

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

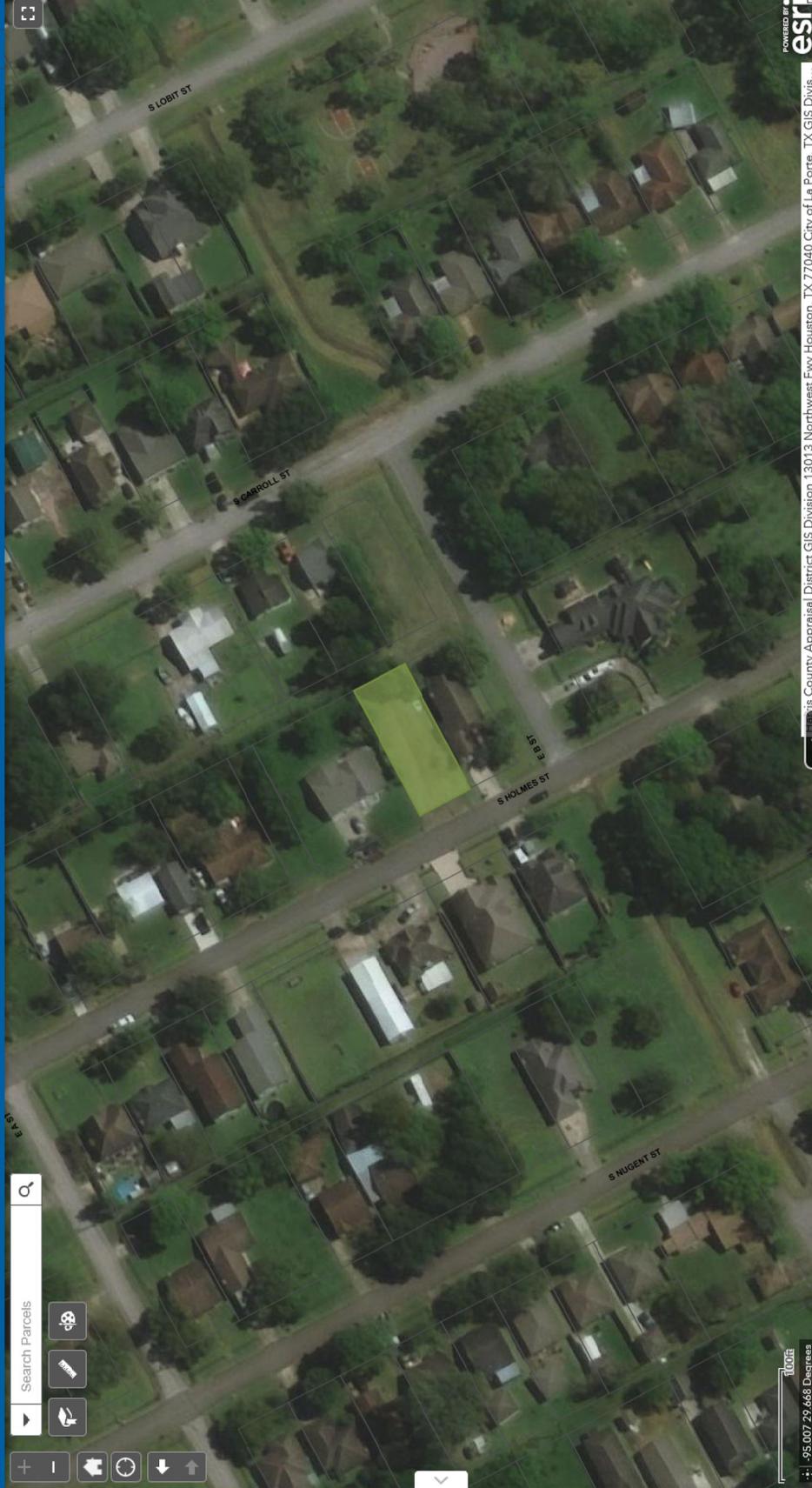


6254D7

6253B3

6254D10

6254D12



**Tasks**  
 City Limits Parcels - Search by HCAD number  
 Displayed features: 1/1

<b>CITY OF LAPORTE</b>	
ACCOUNT	00516300000017
ADDRESS	235 S HOLMES ST LA FORTE, TX 77571
OWNER	CITY OF LAPORTE
TAX YEAR	2020
KEY MAP	540Y
TOTAL APPRAISED VALUE	
LEGAL DESCRIPTION 1	LTS 17 & 18 BLK 73
LEGAL DESCRIPTION 2	BAY FRONT TO LA PORTE
LEGAL DESCRIPTION 3	
LEGAL DESCRIPTION 4	
MAIL TO	CITY OF LAPORTE
MAIL ADDRESS	604 W FAIRMONT PKWY LA FORTE, TX 77571-6215
UPDATED	APRIL 2020



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>July 13, 2020</u>
Requested By: <u>Ian Clowes, City Planner</u>
Department: <u>Planning &amp; Development</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" 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:** Ordinance 2020-3793, P & Z letter of recommendation, Aerial map, Zoning map, Future Land Use Citizen Comment Sheets, and Applicant information

map.

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### SUMMARY

Charles Anders, applicant, on behalf of Bayway Homes and Jack McCoy, owner, is seeking approval of a Zone Change from the High Density Residential (R-3) zoning district to the Planned Unit Development (PUD) zoning district. The subject property is located at the 1300 Blocks of South Broadway and Oregon Streets, and legally described as the East 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. rights-of-way. This is the vacant property that is directly in front of the City's Recreation & Fitness Center and SPORT Building on Broadway Street.

Currently, the property is undeveloped. The applicant would like to develop the site for a residential duplex development. Under the current zoning of R-3, the applicant has the legal right to develop any type of residential use on the site including zero lot line and duplex development. The applicant is requesting the zone change, along with a proposed SCUP, in order to facilitate a number of possible conditions and variances. These variances deal mostly with lot size, setbacks, and driveway separation.

The Planning & Zoning Commission, at their May 21, 2020, regular meeting, voted on a motion to table the proposed zone change. The motion was made in response to a number of concerns that were voiced by neighboring property owners regarding the number of proposed lots and driveways that would front Oregon Street. The Planning & Zoning Commission asked the applicant to look at the possibility of reducing the number of lots on Oregon Street and limit the type of units on Oregon to one-story standalone single family. The vote was 6-0, and the item was tabled.

The item was placed on the agenda of the June 18, 2020 regular Planning & Zoning Commission meeting. The applicant amended the proposal, limiting the homes on Oregon Street to one-story but not reducing the number of proposed lots along Oregon. The Planning & Zoning Commission voted on a motion to deny the zone change as submitted. The vote was 5-3, and the motion to DENY passed. Commissioners Kendrick, Walter, and Barrera were the dissenting votes. Chairman Lawler abstained from the vote. The Commission discussion focused on a desire to see standalone single family along Oregon Street with a reduced number of driveways.

The applicant has since amended their plan for a third time, reducing the number of new lots along Oregon Street to four (4) and has committed to constructing standalone single family on the proposed 55' wide lots along Oregon.

Per Sec. 106-171. (8) Vote to overrule. "The affirmative vote of at least three-fourths of the City Council is required to overrule a recommendation of the City Planning & Zoning Commission that a proposed change to this chapter or boundary be denied." City Council approval of the proposed zone change will require seven (7) affirmative votes.

Staff mailed twenty three (23) public notices to property owners located within 200 feet of the subject property. Staff received three (3) returned comment sheets for the proposed zone change, all in opposition to the request.

---

### RECOMMENDED MOTION

Should the Council wish to **uphold** the Planning and Zoning Commission's denial, a motion could be as follows:

**I move that the Council uphold the Planning and Zoning Commission's denial of the application for zone change request #20-92000001, for a 5.498-acre tract of land located at the 1300 Blocks of South Broadway and Oregon Streets, and legally described as the E 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave.**

Should the Council wish to **approve** the request (not to follow the Planning and Zoning Commission's recommendation), a motion could be as follows:

**I move that the Council adopt Ordinance 2020-3793 for zone change request #20-92000001, for a 5.798-acre tract of land located at the 1300 Blocks of South Broadway and Oregon Streets, and legally described as the E 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave.**

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**Approved for City Council Agenda**

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**Corby D. Alexander, City Manager**

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**Date**

## ORDINANCE NO. 2020-3793

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY CHANGING THE ZONING CLASSIFICATION OF A 5.798-ACRE TRACT OF LAND LOCATED AT THE 1300 BLOCKS OF SOUTH BROADWAY AND OREGON STREETS AND LEGALLY DESCRIBED AS THE EAST 115’ OF LOTS 1-16, LOTS 17-32, & ABANDONED ALLEY, BLOCK 1159, LOTS 4-29 & TRACTS 3A & 30A, BLOCK 1160, LA PORTE SUBDIVISION, LOT 5, BLOCK 19, SYLVAN BEACH SUBDIVISIONS AND A PORTION OF THE EAST L ST. AND TEXAS AVE RIGHTS-OF-WAY, FROM HIGH DENSITY RESIDENTIAL (R-3) TO PLANNED UNIT DEVELOPMENT (PUD); MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF

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

**Section 1.** Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by changing the zoning classification of the following described property, to wit: a 5.798-acre tract of land located at the 1300 Blocks of South Broadway and Oregon Streets. and legally described as the East 115’ of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave rights-of-way, Harris County, Texas, from High Density Residential (R-3) to Planned Unit Development (PUD).

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

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

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

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

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

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

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

**PASSED AND APPROVED this, the 13<sup>th</sup> day of July, 2020.**

CITY OF LA PORTE, TEXAS

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

ATTEST:

APPROVED:

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

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



June 19, 2020

Honorable Mayor Rigby and City Council  
City of La Porte

RE: Zone Change Request #20-92000001

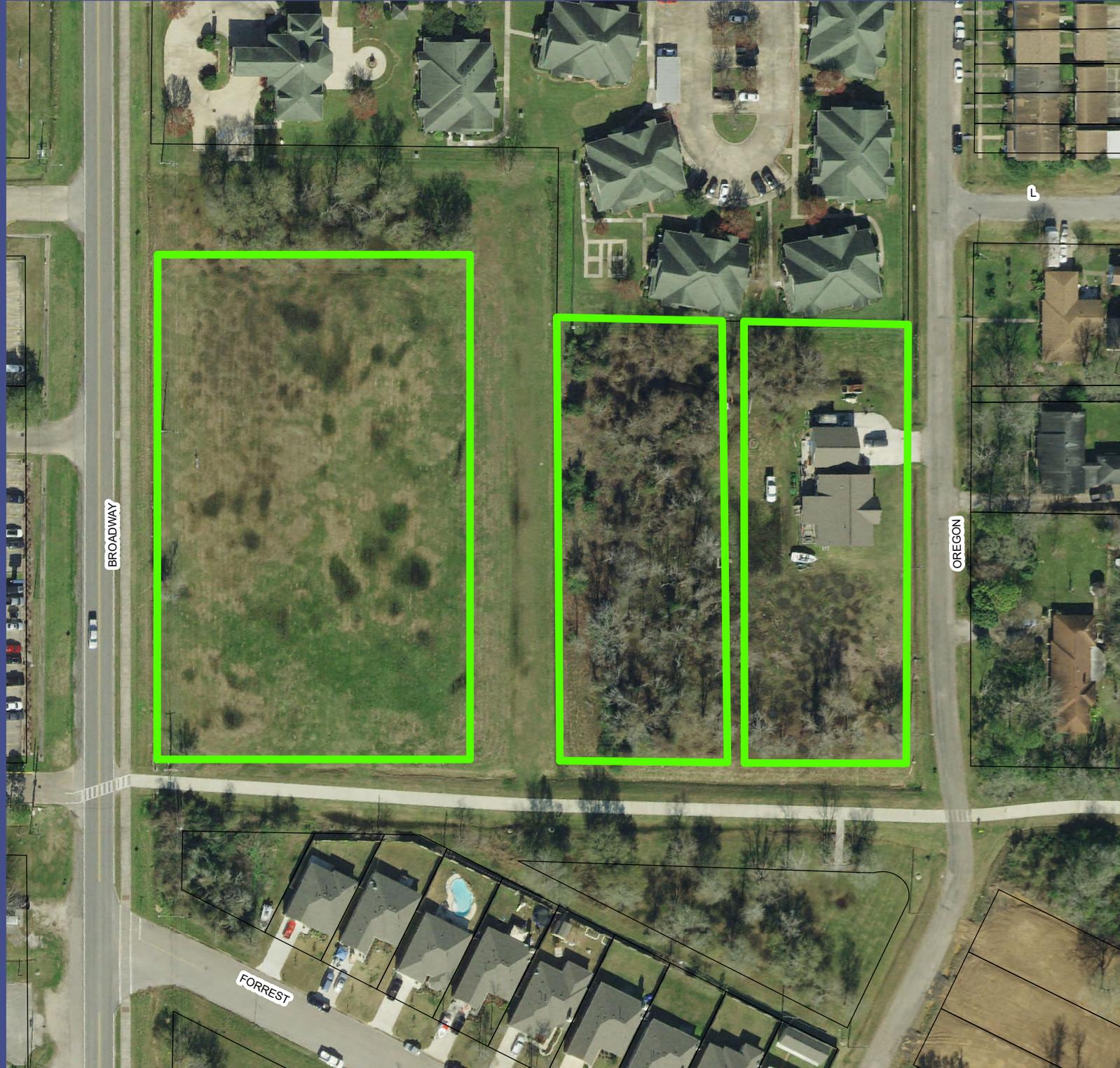
Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the May 21, 2020 meeting on a zone change request by Charles Anders, applicant, on behalf of Bayway Homes and Jack McCoy, owner; for a zone change of property legally described as the E 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave, from High Density Residential (R-3) to Planned Unit Development (PUD). The site is a 5.798 acre tract of land located at the 1300 Blocks of South Broadway and Oregon Streets.

The Commission voted 6-0 on a motion to TABLE. The item was brought back to the commission on June 18, 2020. The Commission voted 5-3 on a motion to recommend DENIAL. The motion passed, resulting in a recommendation to DENY the proposed zone change. Commissioners Kendrick, Walter, and Barrera were the dissenting votes. Chairman Lawler abstained from the vote.

Respectfully submitted,

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



**EXHIBIT A**

**AREA MAP**

**Zone Change  
#20-9200001**

**I300 Block  
S. Broadway**

**Legend**

 Subject Parcel



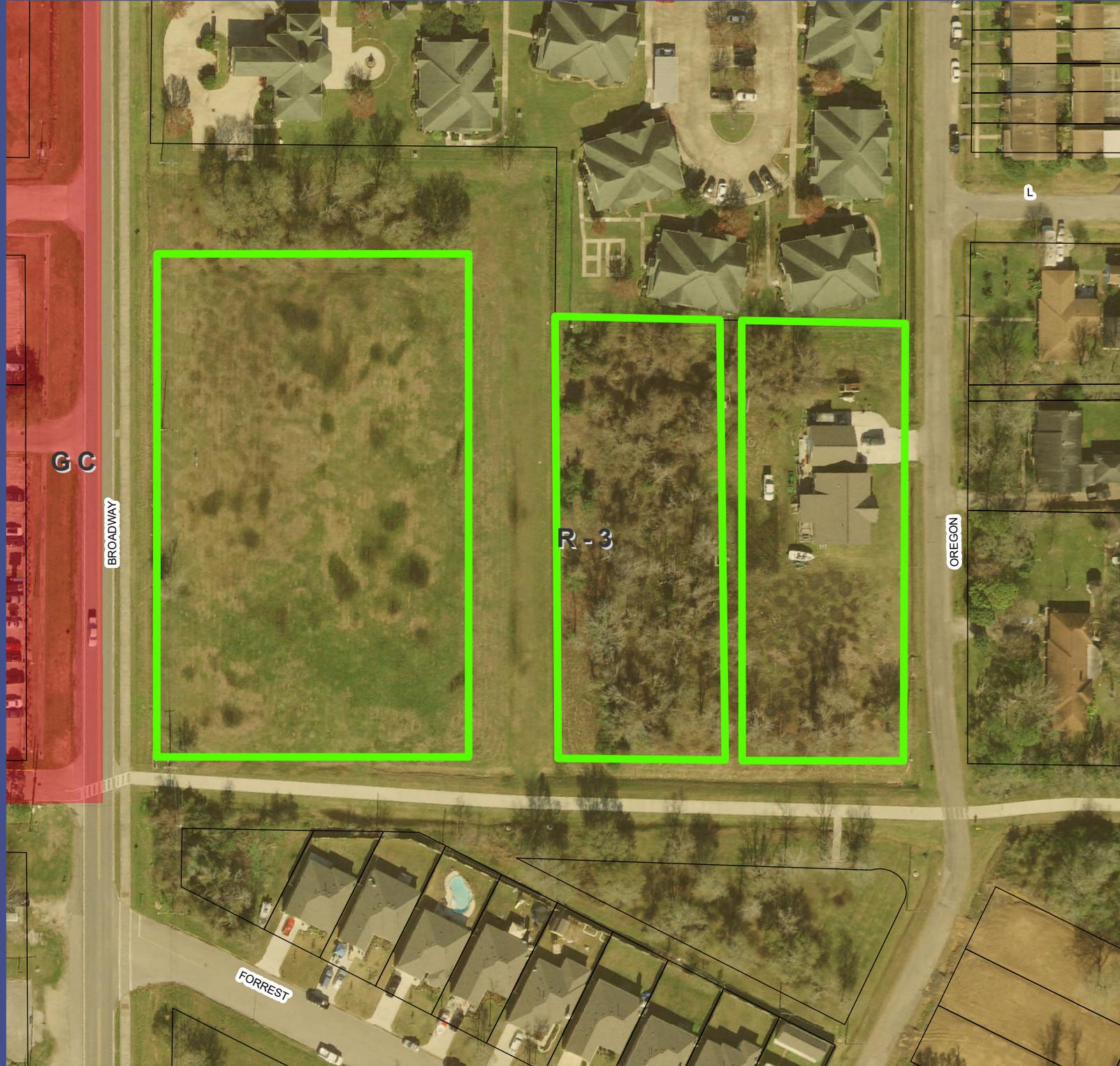
This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 107 feet

MAY 2020

PLANNING DEPARTMENT





**EXHIBIT B**

**ZONING MAP**

**Zone Change  
#20-92000001**

**1300 Block  
S. Broadway**

**Legend**

 Subject Parcel

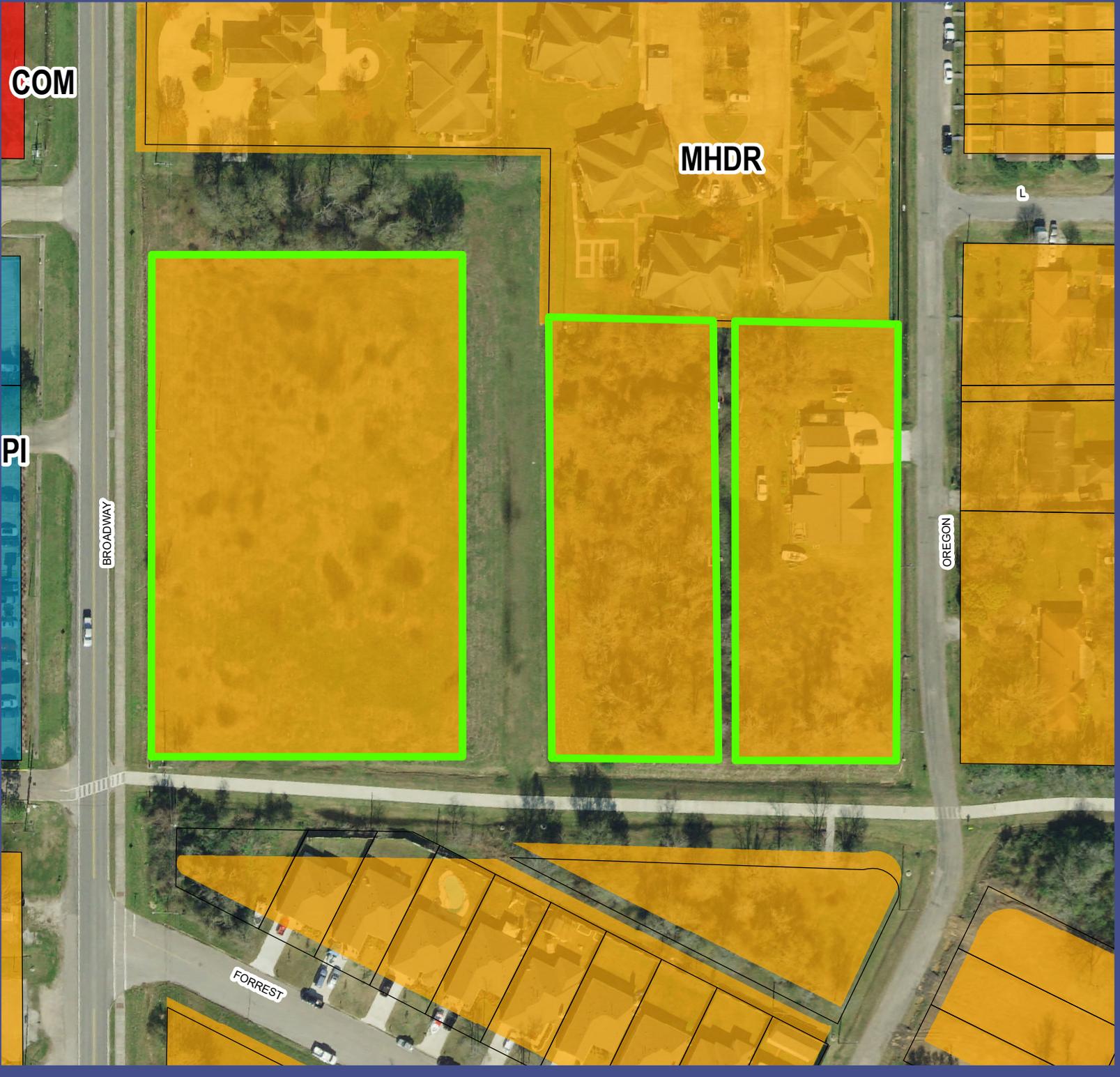


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 107 feet

MAY 2020  
PLANNING DEPARTMENT





**EXHIBIT C**

**FLUP MAP**

**Zone Change  
#20-9200001**

**I300 Block  
S. Broadway**

**Legend**

 Subject Parcel



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

1 inch = 107 feet  
MAY 2020  
PLANNING DEPARTMENT





Planning and Zoning Commission

# NOTICE OF A REGULAR METING

Scheduled For **May 21, 2020, 6:00 PM** City Council Chambers

## COMMENT SHEET FOR: Zone Change #20-92000001

I have received notice of the above referenced public hearing.

I am in **FAVOR** of granting this request for the following reasons:

---

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\* I am **OPPOSED** to granting this request for the following reasons:

Scott A. Boyle - husband - will attend meeting and explain in details  
• traffic increase • water levels  
• home value - safety

Maria Z. Boyle

Name (please print)

*Maria Z. Boyle*

Signature

1331 Oregon St.

Address

LaPorte, TX 77571

City, State, Zip

\*Comment sheets can be returned via mail using the provided self-addressed envelope, by email to [clowesi@laportetx.gov](mailto:clowesi@laportetx.gov), or in person at City Hall.



Planning and Zoning Commission

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Scheduled For **May 21, 2020, 6:00 PM** City Council Chambers

## COMMENT SHEET FOR: Zone Change #20-92000001

I have received notice of the above referenced public hearing.

I am in **FAVOR** of granting this request for the following reasons:

---

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---

---

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I am **OPPOSED** to granting this request for the following reasons:

Don't want to look in my back yard and have people looking down in my house from ABOVE. Going to be to much Traffic.

Mary L. Keller  
Name (please print)

Mary L. Keller  
Signature

33 North Forest Avenue  
Address

LaPorte TX 77572  
City, State, Zip

\*Comment sheets can be returned via mail using the provided self-addressed envelope, by email to [clowesi@laportetx.gov](mailto:clowesi@laportetx.gov), or in person at City Hall.



Planning and Zoning Commission

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Scheduled For **May 21, 2020**, 6:00 PM City Council Chambers

## COMMENT SHEET FOR: Zone Change #20-92000001

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I am in **FAVOR** of granting this request for the following reasons:

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

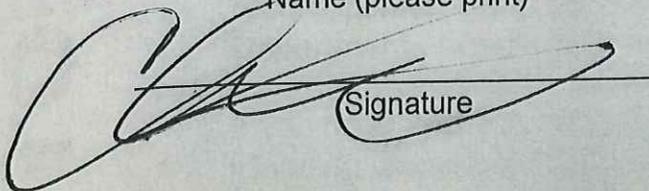
I am **OPPOSED** to granting this request for the following reasons:

I CHAD KLEINHANS LIVE AT 17 N. FORREST AVE  
AND IF THEY WANT TO DEVELOPE RANCH STYLE  
HOMES THATS FINE. BUT I AM OPPOSED TO  
WHAT THEY ARE PROPOSING TO BUILD

MAY 20TH 2020

CHAD KLEINHANS

Name (please print)

  
Signature

17 N FORREST AVE

Address

LA PORTE TX 77571

City, State, Zip

\*Comment sheets can be returned via mail using the provided self-addressed envelope, by email to [clowesi@laportetx.gov](mailto:clowesi@laportetx.gov), or in person at City Hall.



# Zone Change Application

Planning and Development Department

### PROJECT INFORMATION

Address where zone change is being requested: 1303 S BROADWAY/ 1320 OREGON

Legal description where zone change is being requested: SEE HCAD and Attached Surveys

HCAD Parcel Number where zone change is being requested: 242110590001 / 0242110600002 / 0352150190001

Zoning District: High Density Residential Lot area: 5.798 Acres

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

Description of Request: Change Zoning to a PUD ( SCUP Included)

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

### PROPERTY OWNER(S) INFORMATION

Name: Jack McCoy / Noah M Jones / Bayway Homes Inc.

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

Address: 0 Broadway LaPorte 77571 / 1320 Oregon LaPorte 77571 / PO Box 1244 Friendswood 77549

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: 8322769609 Email: [REDACTED]

### AUTHORIZED AGENT (if other than owner)

Name: Charles Anders

Company (if applicable): Bayway Homes Inc.

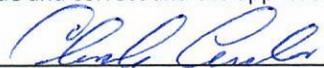
Address: PO Box 1244

City: Friendswood State: Texas Zip: 77549

Phone: 8322769609 Email: [REDACTED]

### OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature:  Date: 4-6-2020

Owner(s)' Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

**STAFF USE ONLY:**

Case Number:  
\_\_\_\_\_

Date Application Received:



# Zone Change Application

Planning and Development Department

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City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: 8322769609 Email: [REDACTED]

### AUTHORIZED AGENT (If other than owner)

Name: Charles Anders

Company (if applicable): Bayway Homes Inc.

Address: PO Box 1244

City: Friendswood State: Texas Zip: 77549

Phone: 8322769609 Email: [REDACTED]

### OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: [Signature] Date: 4-6-2020

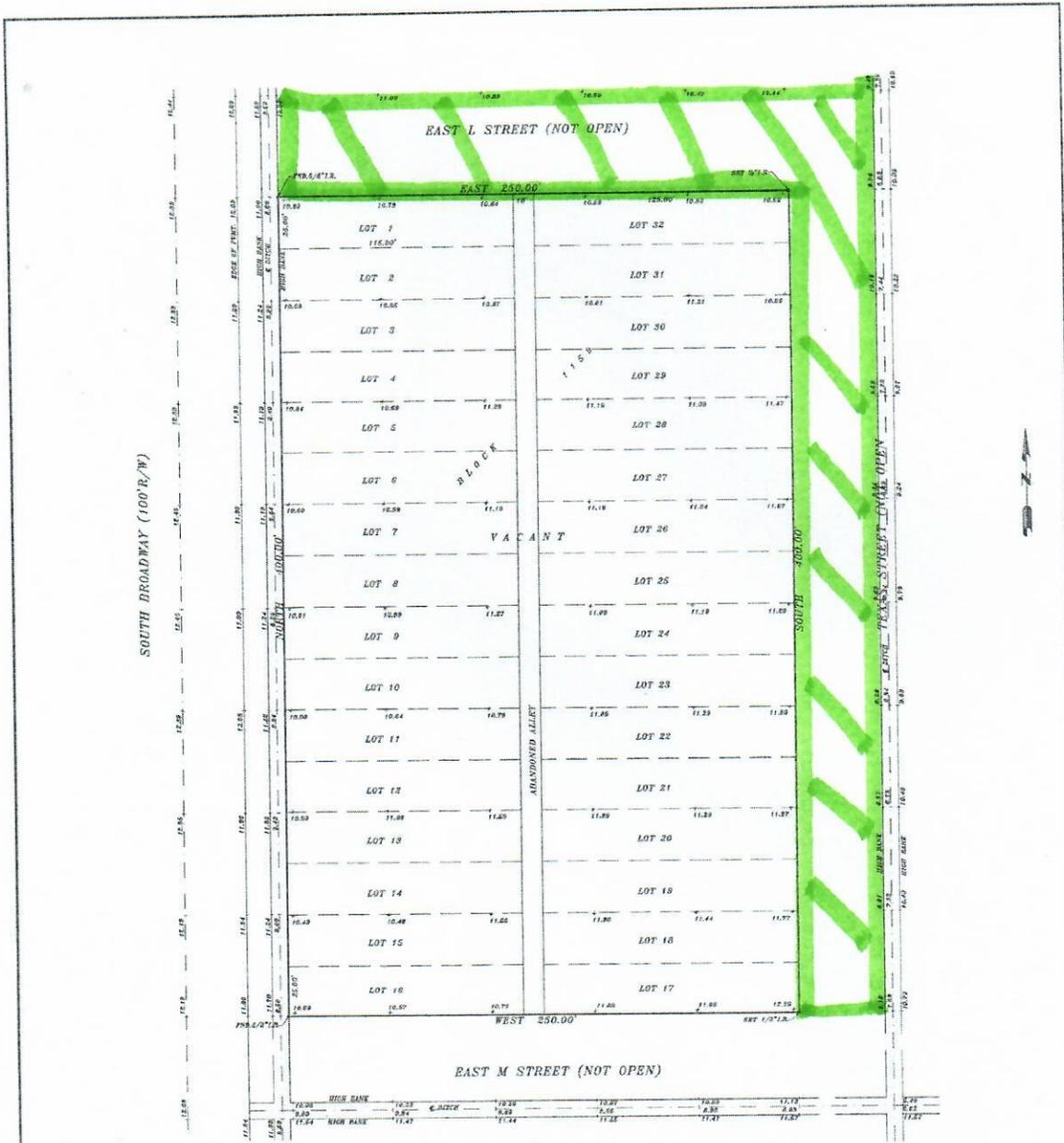
Owner(s)' Signature(s): [Signature] Date: 5-1-2020

#### STAFF USE ONLY:

Case Number: \_\_\_\_\_

Date Application Received: \_\_\_\_\_





SOUTH BROADWAY (100 FT W)

EAST L STREET (NOT OPEN)

EAST 250.00

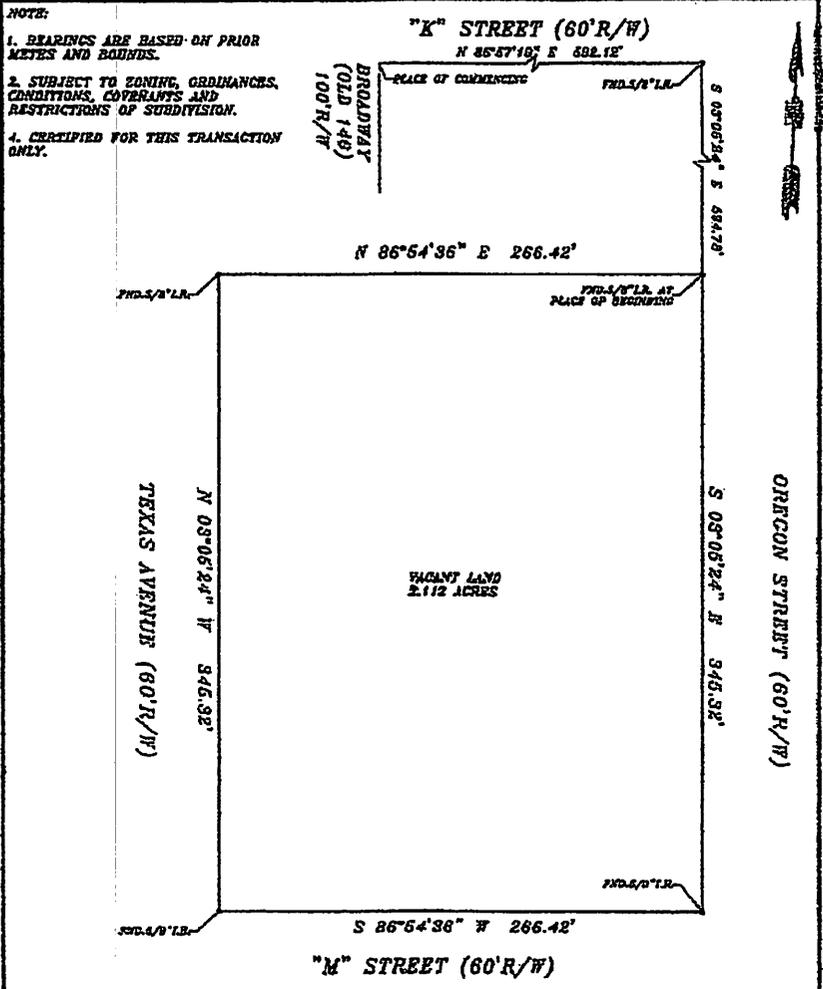
EAST M STREET (NOT OPEN)

ABANDONED ALLEY

VACANT

- NOTE:
1. READINGS ARE BASED ON THE EAST LINE OF SOUTH BROADWAY BEING ASSUMED BOUNDARY.
  2. SUBJECT TO ZONING, ORDINANCES, CONDITIONS, COVENANTS, AND RESTRICTIONS OF SUBDIVISION.
  3. THIS SURVEYING COMPANY HAS NOT PERFORMED ABSTRACTING ON THIS PROPERTY, THEREFORE THERE MAY EXIST ADDITIONAL EASEMENTS, DISTURBANCES AND OTHER ENCUMBRANCES OF RECORD.
  4. ELEVATIONS AND DATES OF RECORDS.

DONOR: JACK SCOTT ADDRESS: 1302 SOUTH BROADWAY - LA PORTA, TEXAS 77551		This lot is to be used as a 100 year flood plain and is to be used as a flood plain by the Federal Insurance Administration designated Flood Hazard Area Determination Form No. _____ It is responsibility assumed for Flood Plain Determination or Floodings.
LEGAL DESCRIPTION: ALL OF BLOCK SEVEN HUNDRED FIFTY-NINE (1155), OF TOWN OF LA PORTA, AN ADDITION TO SEABOARD COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAN THEREOF RECORDED IN VOLUME 86, PAGE 143 OF THE PUBLIC RECORDS OF SEABOARD COUNTY, TEXAS, GIVE AS EXCEPT THE WEST TEN (10) FEET THEREOF, WHICH WAS SEPARATELY DEED CONVEYED TO THE COUNTY OF SEABOARD, STATE OF TEXAS, FOR ROAD PURPOSES.		I do certify that this survey was done by me or under my direct supervision and that the data herein represents the property actually surveyed hereon. That the facts stated at the time of this survey were the contemporaneous facts. That there were no discrepancies between the original plat and this plat, except as shown. My liability is limited to the amount specified in C.P. No. 1622100975. This survey is subject to the provisions of said act.
LESSOR: _____	TITLE COMPANY: _____	
C.P. NO. 1422100975 SCALE: 1"=20' DATE: 08-27-12 JOB NO. 08010-12		 TEXAS STAR SURVEYING 11202 104 Colton Blvd, Killeen, Texas 77954 PHONE (254) 331-8414 FAX (254) 490-0843



**BORROWER:** DAVID LYNN SMITH  
**ADDRESS:** 1880 S. OREGON STREET - LA PORTE, TEXAS 77571

**LEGAL DESCRIPTION:** 2.112 ACRES, BEING PART OF LOTS THREE (3) AND THIRTY (30) AND ALL OF LOTS FOUR (4) THRU TWENTY-NINE (29) AND THAT PORTION OF THE 18' ALLEY ABANDONED VACATED AND ABANDONED PER CITY OF LA PORTE ORDINANCE 1041 ALL IN BLOCK 180 OF THE TOWN OF LA PORTE, IN ADDITION IN HARRIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 80, PAGE 212 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS. (SEE ATTACHED METES AND BOUNDS)

This lot DOES lie in the 100 year flood plain and is in ZONE "A-1" as located by the Federal Emergency Administration of Flood Hazard Areas Community Flood No. 14010 dated 01/18/83. No responsibility assumed for Flood Plain Determination or Floodway.

**LENDER:** \_\_\_\_\_ **TITLE CO: STEWART TITLE**

I do certify that this survey was this day made on the ground and that this plat correctly represents the property legally described herein. That the facts found at the time of this survey shows the improvements and that there are no discrepancies apparent on the ground except as shown. This survey is based on the title commitment referenced on C.F. NO. 1120120107. This survey is certified for this transaction only.



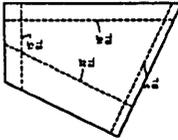
C.F. NO. 1120120107  
 SCALE: 1"=60'  
 DATE: 01-20-83  
 JOB NO. 010711-6R

*Ralph L. Hennessy*  
 TEXAS STAR SURVEYING  
 16523 Old Calumet Road, Webster, Texas 77598  
 PHONE (281) 331-0414 FAX (281) 488-0842

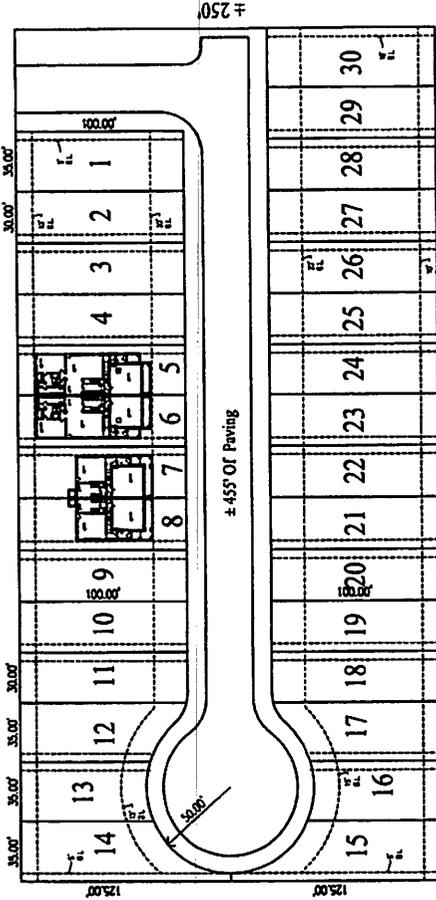
Subdivision	City/Jurisdiction	Buyer Signature	Plan Number	Date 4-6-2020
Bayway Homes				
THS	Proposed Plat			

© COPYRIGHT 2020

Total Approximate area  
5.798 Acres

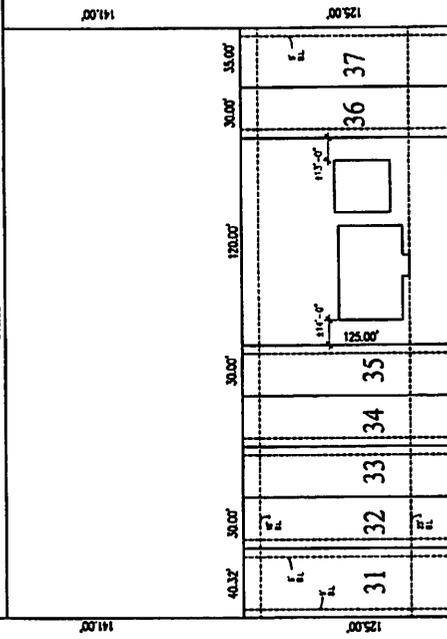


# South Broadway



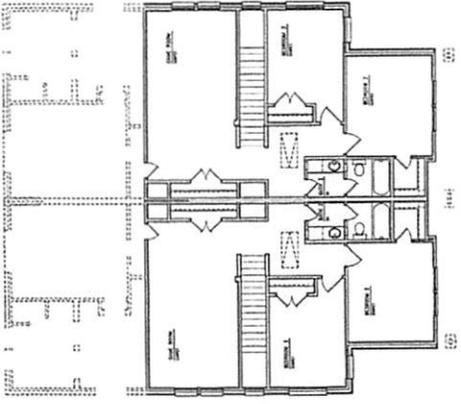
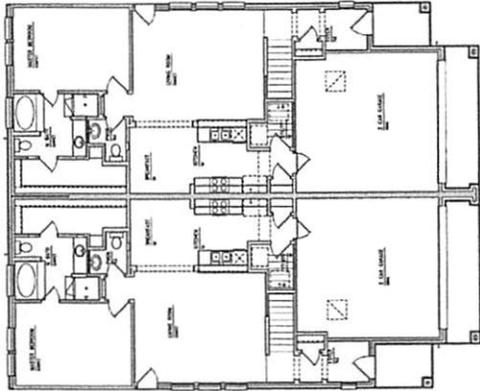
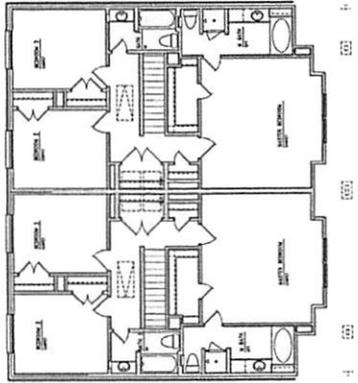
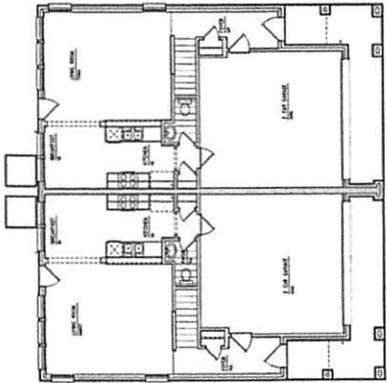
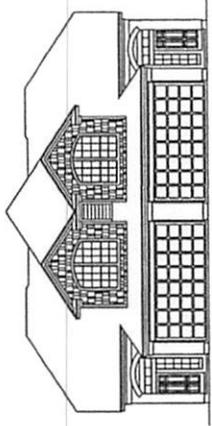
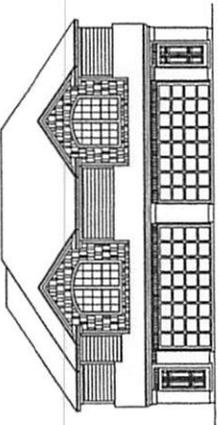
± 60'

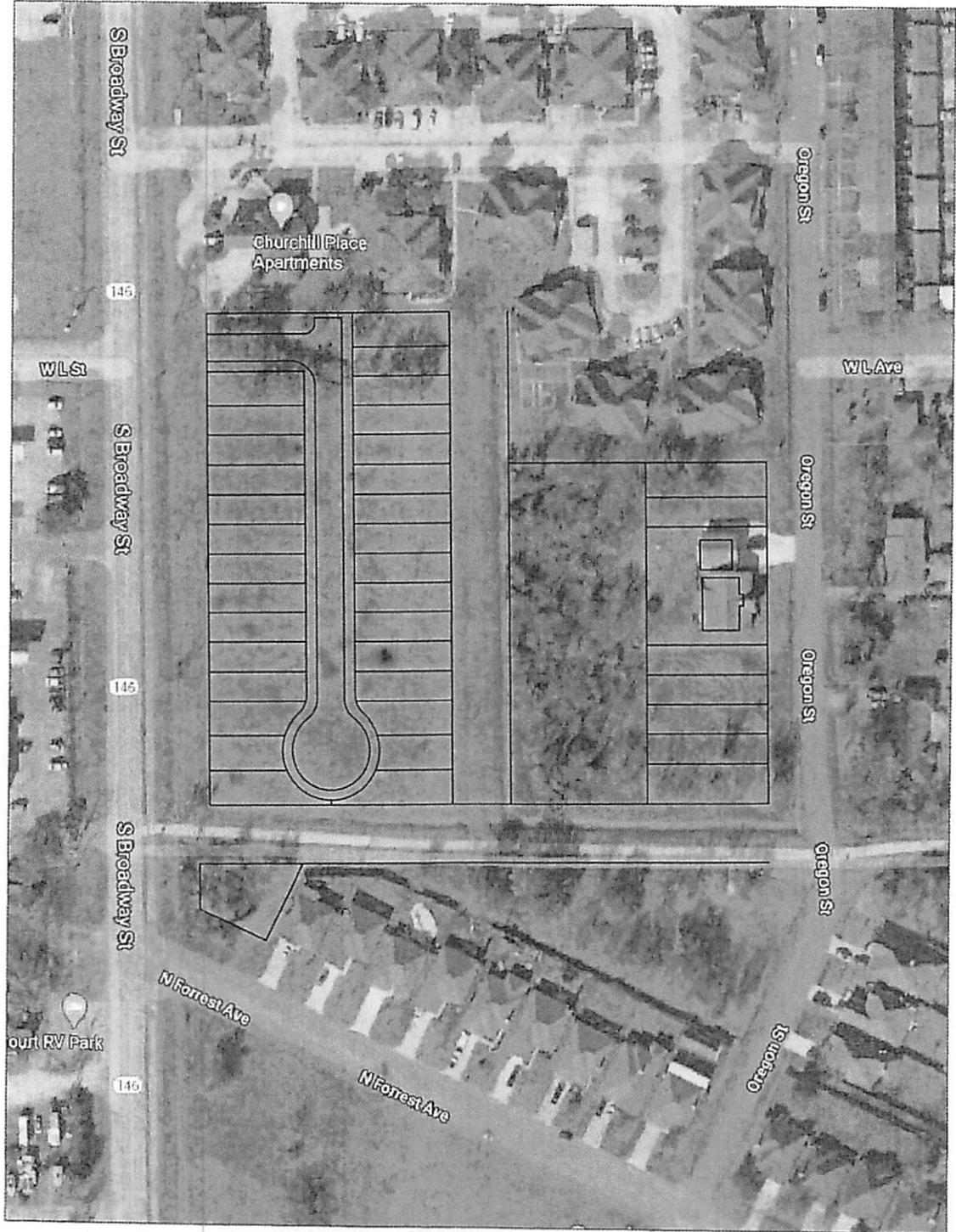
345.37'



# South Oregon St.

Bayway Homes Subdivision City/Jurisdiction		Title Proposed Plot	Buyer Signature
Plan Number	Date 4-6-2020		





Bayway Homes <small>© COPYRIGHT 2020</small>		Subdivision City/Jurisdiction	Title Proposed Plot	Buyer Signature	Date 4-6-2020
Plan Number					

## Sylvan Beach Enclave Planned Unit Development and Special Conditional Use Permit

Sylvan Beach Enclave, the project is located near Sylvan Beach Park and is bounded by South Broadway, South Oregon Street, Churchill Place Senior Living Community and City of La Porte's Hike and Bike Trail. Sylvan Beach Enclave is also located across the street from the City of La Porte's Recreation and Fitness Center. The site is currently zoned for High Density Residential District (R-3). We are applying for both a Planned Unit Develop (PUD) and Special Conditional Use Permit (SCUP). Sylvan Beach Enclave's use is single-family residential attached dwelling units. The Residential Area Requirements are a mixture of the Single-Family Special Lot Line, 0 Lot Line and Townhomes.

The City of La Porte's Comprehensive Plan encourages small infill development and the supply of diverse housing. Sylvan Beach Enclave is designed as an age in place development. This project is designed to appeal to single parents with one or two children, couples just starting home ownership and empty nester who are looking for reduced maintenance living and compact building design. The community promotes walkability as it is on the City's Hike and Bike Trail, across the street from the City's Recreation and Fitness and Senior Center and a short walk to Sylvan Beach Park.

All 38 proposed home sites will be slab on grade homes of one story, one and half stories and two stories. The exteriors of the homes will be a combination of brick, fibrous cement horizontal siding and fibrous faux wood shake siding. First floors will have nine feet ceilings and second floors a combination of eight- and nine-foot ceilings. All the homes will have a two-car garage. Back yards will vary in size depending on the size of the first floor of the house. We will need to install water, sanity sewer, drainage and a concrete street in the Broadway property. The first row of houses, lots 1 to 14, that back up to South Broadway will have a fence on the property line between the property and Broadway. We will work with Texas Department of Transportation to install trees in the right-of-way, to give the neighborhood a visual barrier between Broadway and the neighborhood.

The development is in the flood plain and the homes need to be raised three to four feet above the existing grade so that the finish floor height is not in the flood plain. In order to raise the homes, we will remove soil between the row of houses on South Oregon Street and second row of homes on the South Broadway and place the soil on the building sites. Where the soil has been removed, we will install tress to create a park like environment. The area we are removing soil from will be deep in the flood plain, we do not anticipate building any structures. Sylvan Beach Enclave will have a homeowner's association who will maintain the flood mitigation area and enforce maintenance standards on the appearance of the homes.

There are three landowners that we need to acquire property for this project. We currently have both properties, the property on Broadway and the property on Oregon under contact to be purchased. The third property owner is the City of La Porte who owns the 100 feet street right-of-way between the Broadway property and Churchill Senior Living Community and 60 feet street right-of-way between the Broadway and Oregon properties. The 60 feet right-of-way contains both a large sanity sewer main and a drainage ditch/facility. When we purchase the property from the city, the property will have an easement agreement allowing both facilities to remain and not allowing us to build over the sanity sewer main. The entrance to the subdivision is in the 100' right-of-way.

If we receive approval of this PUD and SCUP application and after we develop the property, we will start construction of homes after receiving building permits. We will continue building as the market will allow for absorption of the homes. To be conservative, from the granting the application to completion of the project could take four years.

We have been building in La Porte for many years in the North Side, at Sylvan Beach Park and on the nearby streets of Forrest Avenue, South Oregon Street and Park Street. We believe this project will be a significant addition to Sylvan Beach.

**Attachments:**

- 1) Sylvan Beach Enclave Residential Area Requirements
- 2) Site Plan
- 3) Proposed Typical Home Plans

## Sylvan Beach Enclave

### Planned Unit Development and Special Conditional Use Residential Area Requirements

The Development is in the High Density Residential District (R-3) which has several types of housing, two of which are Single-Family Special Lot Line, Zero Lot Line and Townhouses. We are using some of the restrictions from both districts to design Sylvan Beach Enclave. All the homes in the community will be for sale single-family homes that are attached on one wall.

	Sylvan Beach Enclave	Single-Family Zero Lot Line	Townhouses
Minimum Lot Area	3,000 feet	4,500 feet	2,000 feet
Minimum Lot Width	30 feet	40 feet	20 feet
Front Yard Setback	20 feet	20 feet	25 feet
Rear Yard Setback	10 feet	10 feet	20 feet
Side Yard Setback	0 and 5 feet	0 and 10 feet	20 feet
Side Yard Setback At end of blocks	5 feet	10 feet	20 feet
Distance between Dwelling Units	10 feet	10 feet	20 feet
Maximum Height	35 feet	35 feet	45 feet
Dwelling Units Per Acre	8	6	10
Maximum Lot Coverage	60%	60%	75%
Distance between Side Property Line And Driveway	1 feet	3 feet	3 feet
Spacing between Driveways	2 feet	10 feet	10 feet



# Zone Change Application

Planning and Development Department

## AFFIDAVIT OF POSTING PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

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

ADDRESS: 1303 S. BROADWAY LA PORTE TX 77571

LEGAL DESCRIPTION: BLK 115 LOTS 1-16, LOTS 17-32 + ABUTTING ALLEY BLK 1159

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

[Signature]  
Applicant's Signature

JACK C MCCOY  
Applicant's Printed Name

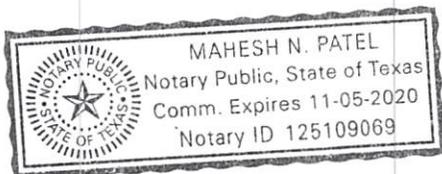
Subscribed and sworn before me this 2<sup>nd</sup> day of MAY, 2020 by

JACK MCCOY (Print Applicant's Name).

[Signature]  
Notary Public

(Seal)

My commission expires: NOV. 05, 2020





## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>July 13, 2020</u>
Requested By: <u>Ian Clowes, City Planner</u>
Department: <u>Planning and Development</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" 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:** Ordinance 2020-3794, Proposed SCUP, P&Z of recommendation, Aerial map, Zoning map, Citizen Comment Sheets, and Applicant information

letter

### SUMMARY

Charles Anders, applicant, on behalf of Bayway Homes and Jack McCoy, owner; is seeking approval of a SCUP (Special Conditional Use Permit) to allow for a zero lot line/duplex residential development located at the 1300 Blocks of South Broadway and Oregon Streets and legally described as the East 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. rights-of-way; City of La Porte, Harris County, Texas. This is the vacant property that is directly in front of the City's Recreation & Fitness Center and SPORT Building on Broadway Street.

Currently, the property is undeveloped. The applicant would like to develop the site for a residential duplex development. The site is in the process of being rezoned to Planned Unit Development (PUD). Under the previous zoning of R-3, the applicant had the legal right to develop any type of residential use on the site including zero lot line and duplex development. The applicant is requesting the zone change, in conjunction with this proposed SCUP, in order to facilitate a number of possible conditions and variances. These variances deal mostly with lot size, setbacks, and driveway separation.

The Planning & Zoning Commission, at their May 21, 2020, regular meeting, voted on a motion to table the proposed zone change. The motion was made in response to a number of concerns that were voiced by neighboring property owners regarding the number of proposed lots and driveways that would front Oregon Street. The Planning & Zoning Commission asked the applicant to look at the possibility of reducing the number of lots on Oregon Street and limit the type of units on Oregon to one-story

standalone single family. The vote was 6-0, and the item was tabled. Due to the fact that the zone change was tabled, no action was taken on the SCUP at that time.

The public hearing for this SCUP request was held at the June 18, 2020 Planning & Zoning Commission regular meeting. The applicant amended the proposal, limiting the homes on Oregon Street to one-story but not reducing the number of proposed lots along Oregon. The Commission voted on a motion to deny the SCUP as submitted. The vote was 5-3, and the motion to DENY passed. Commissioners Kendrick, Walter, and Barrera were the dissenting votes. Chairman Lawler abstained from the vote. Planning & Zoning Commission discussion focused on a desire to see standalone single family along Oregon Street with a reduced number of driveways.

The applicant has since amended their plan for a third time, reducing the number of new lots along Oregon Street to four (4) and has committed to constructing standalone single family on the proposed 55' wide lots along Oregon.

A list of eleven (11) conditions of approval has been provided based on staff and Commission input. Should the City Council choose to approve the SCUP request, staff recommends the final SCUP document be approved with the following conditions:

1. A site development plan shall be submitted, if necessary, in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. The underlying zoning is Mid Density Residential. All R-2 zoning and development requirements will need to be met, outside of any conditions listed below.
3. Permitted use is limited to residential zero lot line, duplex or standalone single family. No other uses are permitted.
4. For lots facing Oregon St., the minimum lot area shall be 6,000 square feet with, with a minimum lot width of 50'.
5. For all lots not fronting Oregon St., the minimum lot area shall be 3,000 square feet, with a minimum lot width of 30 feet.
6. Minimum setbacks shall be as follows:
  - a. Front – 20'
  - b. Rear – 10'
  - c. Side – 0'/5' (5' for sides abutting public right of way)
  - d. Minimum distance between primary structures – 10'
7. Maximum height of any structure shall be 35 feet.
8. Maximum dwelling units per acre shall be 8 with a maximum lot coverage of 60%.
9. Minimum distance between driveways shall be 2 feet with a minimum of 1 foot distance between side property lines and each driveway.
10. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process for any proposed

building improvements.

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

Per Sec. 106-171. (8) Vote to overrule. "The affirmative vote of at least three-fourths of the city council is required to overrule a recommendation of the city planning and zoning commission that a proposed change to this chapter or boundary be denied." City Council approval of the proposed zone change will require seven (7) affirmative votes.

Staff mailed twenty three (23) public notices to property owners located within 200 feet of the subject property. Staff received three (3) returned comment sheets for the proposed SCUP, all in opposition to the request.

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### RECOMMENDED MOTION

Should the Council wish to **uphold** the Planning and Zoning Commission's denial, a motion could be as follows:

**I move that the Council uphold the Planning and Zoning Commission's denial of the application for Special Conditional Use Permit (SCUP) #20-91000001, for a 5.798-acre tract of land located at the 1300 Blocks of South Broadway and Oregon Streets, and legally described as the E 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave.**

Should the Council wish to **approve** the request (not to follow the Planning and Zoning Commission's recommendation), a motion could be as follows:

**I move that the Council approve Ordinance 2020-3794 for Special Conditional Use Permit (SCUP) #20-91000001, for a 5.798-acre tract of land located at the 1300 Blocks of South Broadway and Oregon Streets, and legally described as the E 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave.**

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Approved for the City Council meeting agenda

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

\_\_\_\_\_  
Date

## ORDINANCE NO. 2020-3794

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 20-91000001, TO ALLOW FOR A ZERO LOT LINE SINGLE FAMILY DEVELOPMENT TO LOCATE IN THE PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT, ON 5.798 ACRES OF LAND LOCATED AT THE 1300 BLOCKS OF SOUTH BROADWAY AND OREGON STREETS AND LEGALLY DESCRIBED AS THE EAST 115' OF LOTS 1-16, LOTS 17-32, & ABANDONED ALLEY, BLOCK 1159, LOTS 4-29 & TRACTS 3A & 30A, BLOCK 1160, LA PORTE SUBDIVISION, LOT 5, BLOCK 19, SYLVAN BEACH SUBDIVISIONS AND A PORTION OF THE EAST L ST. AND TEXAS AVE. RIGHTS-OF-WAY; CITY OF LA PORTE, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF

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

**Section 1.** Chapter 106 "Zoning" of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #20-91000001 attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for a zero lot line single family residential development to locate on a 5.798 acre tract of land located at the 1300 Blocks of South Broadway and Oregon, and legally described as the East 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. rights-of-way; City of La Porte, Harris County, Texas, and situated within the Planned Unit Development (PUD) zoning district.

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

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

**Section 4.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as

required by Chapter 551, TX. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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

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

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

**PASSED AND APPROVED this, the 13<sup>th</sup> day of July, 2020.**

CITY OF LA PORTE, TEXAS

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

ATTEST:

APPROVED:

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

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

**City of La Porte  
Special Conditional Use Permit  
#20-91000001**

**This permit is issued to:** Charles Anders, Bayway Homes Inc.  
**Owner or Agent**

PO Box 1244, Friendswood, TX 77549  
**Address**

**For Development of:** Sylvan Beach Enclave - Residential Duplex Development  
**Development Name**

1300 Block of S. Broadway St.  
**Address**

**Legal Description:** 5.798 acre tract of land legally described as East 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivision and a portion of the East L St. and Texas Ave. rights-of-way, Harris County, TX

**Zoning:** PUD, Planned Unit Development

**Use:** Residential Duplex Development

**Permit Conditions:**

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

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. The underlying zoning is Mid Density Residential. All R-2 zoning and development requirements will need to be met, outside of any conditions listed below.
3. Permitted use is limited to residential zero lot line, duplex or standalone single family. No other uses are permitted.
4. For lots facing Oregon St., the minimum lot area shall be 6,000 square feet with, with a minimum lot width of 50'.
5. For all lots not fronting Oregon St., the minimum lot area shall be 3,000 square feet, with a minimum lot width of 30 feet.
6. Minimum setbacks shall be as follows:
  - a. Front – 20'
  - b. Rear – 10'

- c. Side – 0’/5’ (5’ for sides abutting public right of way)
- d. Minimum distance between primary structures – 10’
- 7. Maximum height of any structure shall be 35 feet.
- 8. Maximum dwelling units per acre shall be 8 with a maximum lot coverage of 60%.
- 9. Minimum distance between driveways shall be 2 feet with a minimum of 1 foot distance between side property lines and each driveway.
- 10. All necessary documentation for building permit review must be submitted in conjunction with the city’s building permit application process for any proposed building improvements.
- 11. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, “Zoning” of the City’s Code of Ordinances.

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

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

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

\_\_\_\_\_  
Teresa Evans  
Director of Planning and Development

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



June 19, 2020

Honorable Mayor Rigby and City Council  
City of La Porte

RE: SCUP Request #20-91000001

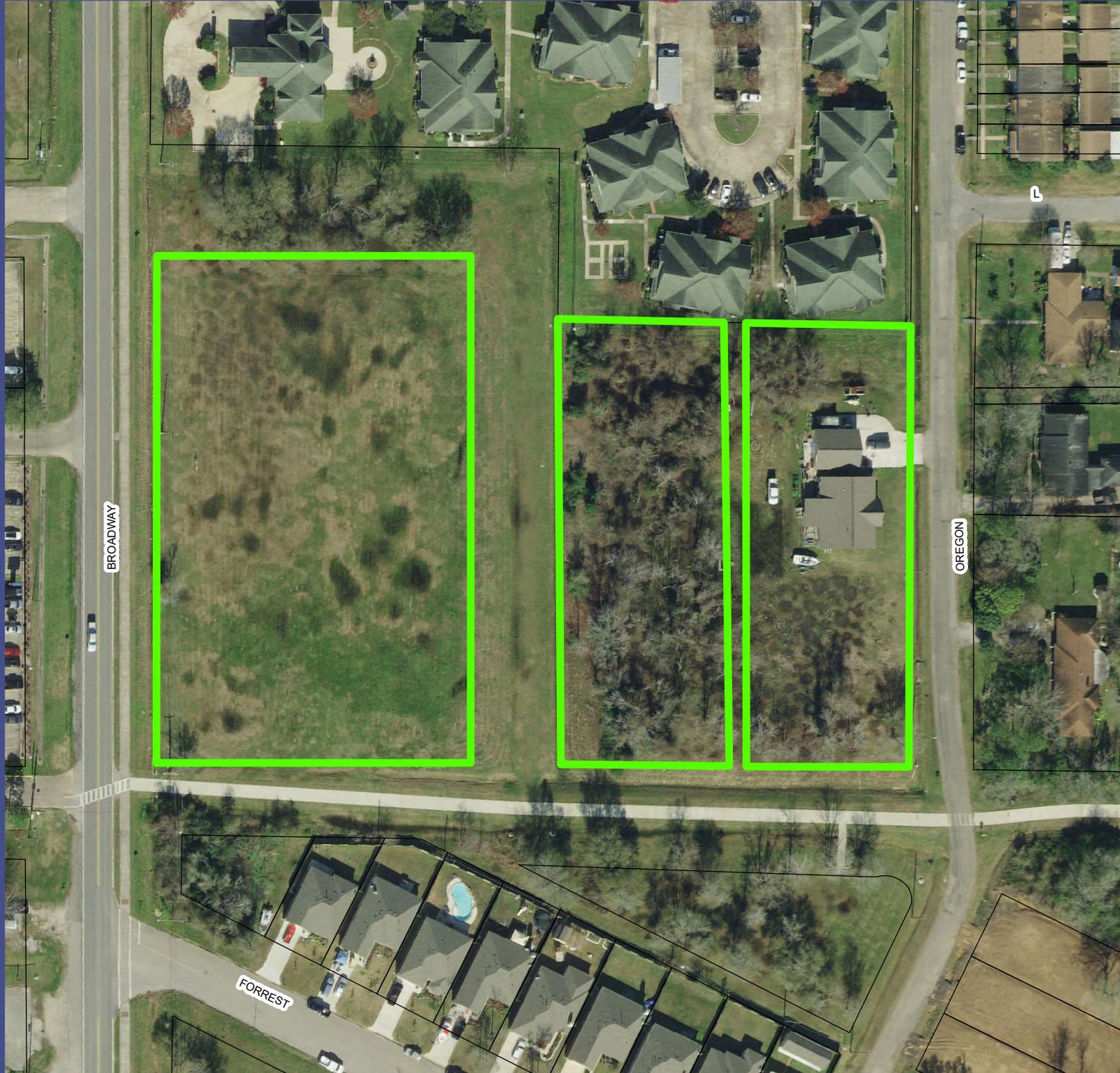
Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the June 18, 2020 meeting to hear a Special Conditional Use Permit (SCUP) request by Charles Anders, applicant, on behalf of Bayway Homes and Jack McCoy, owner; for a Special Conditional Use Permit to allow for a zero lot line/duplex residential development in the Planned Unit Development (PUD) zoning located at the 1300 Blocks of South Broadway and Oregon Streets., and legally described as the E 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave.

The Commission voted 5-3 to recommend denial of the proposed SCUP. Commissioners Kendrick, Walter, and Barrera were the dissenting votes. Chairman Lawler recused himself.

Respectfully submitted,

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



**EXHIBIT A**

**AREA MAP**

**SCUP  
#20-9100001**

**1300 Block  
S. Broadway**

**Legend**

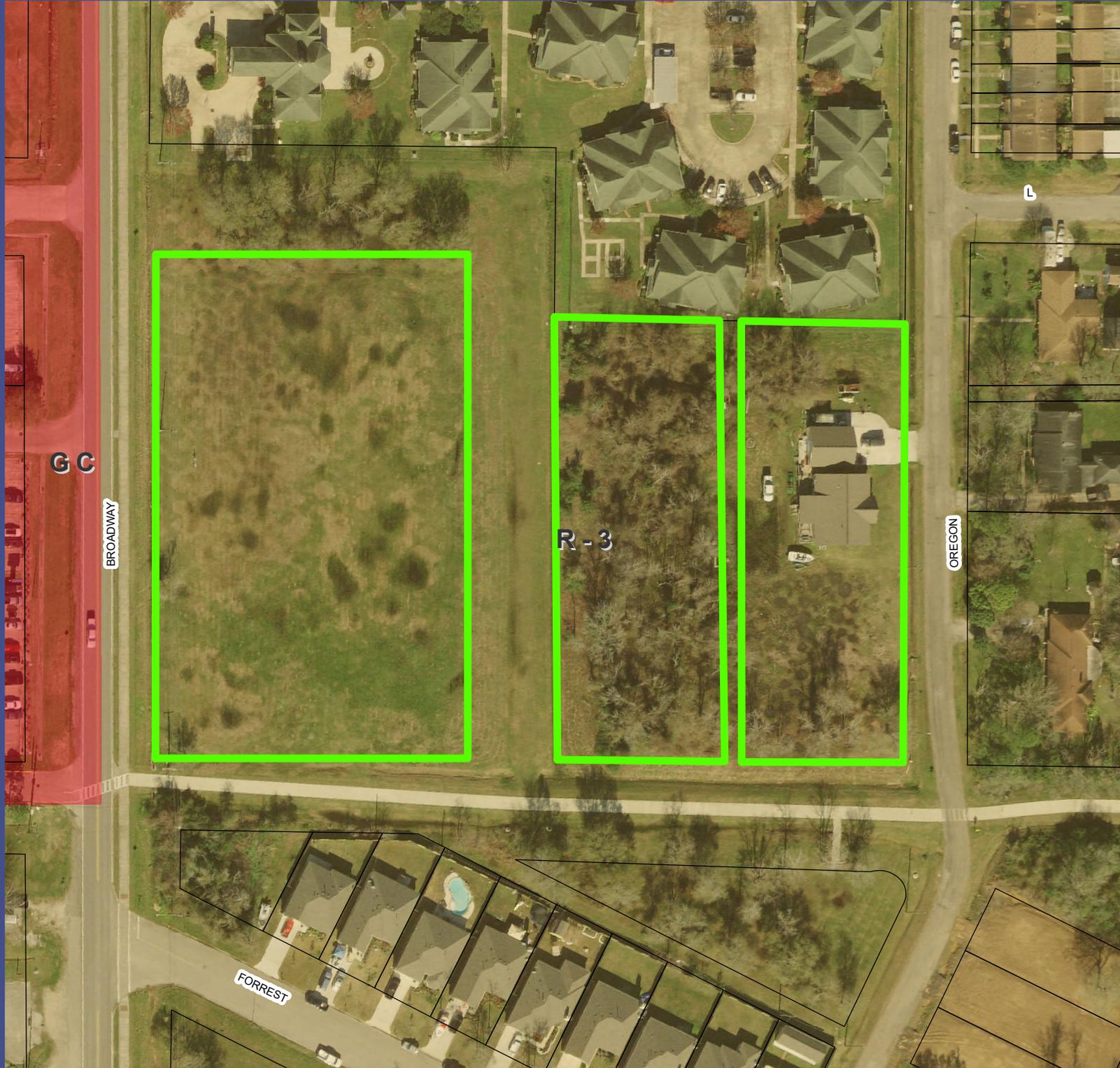
 Subject Parcel



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

1 inch = 107 feet  
MAY 2020  
PLANNING DEPARTMENT





**EXHIBIT B**

**ZONING MAP**

**SCUP  
#20-9100001**

**1300 Block  
S. Broadway**

**Legend**

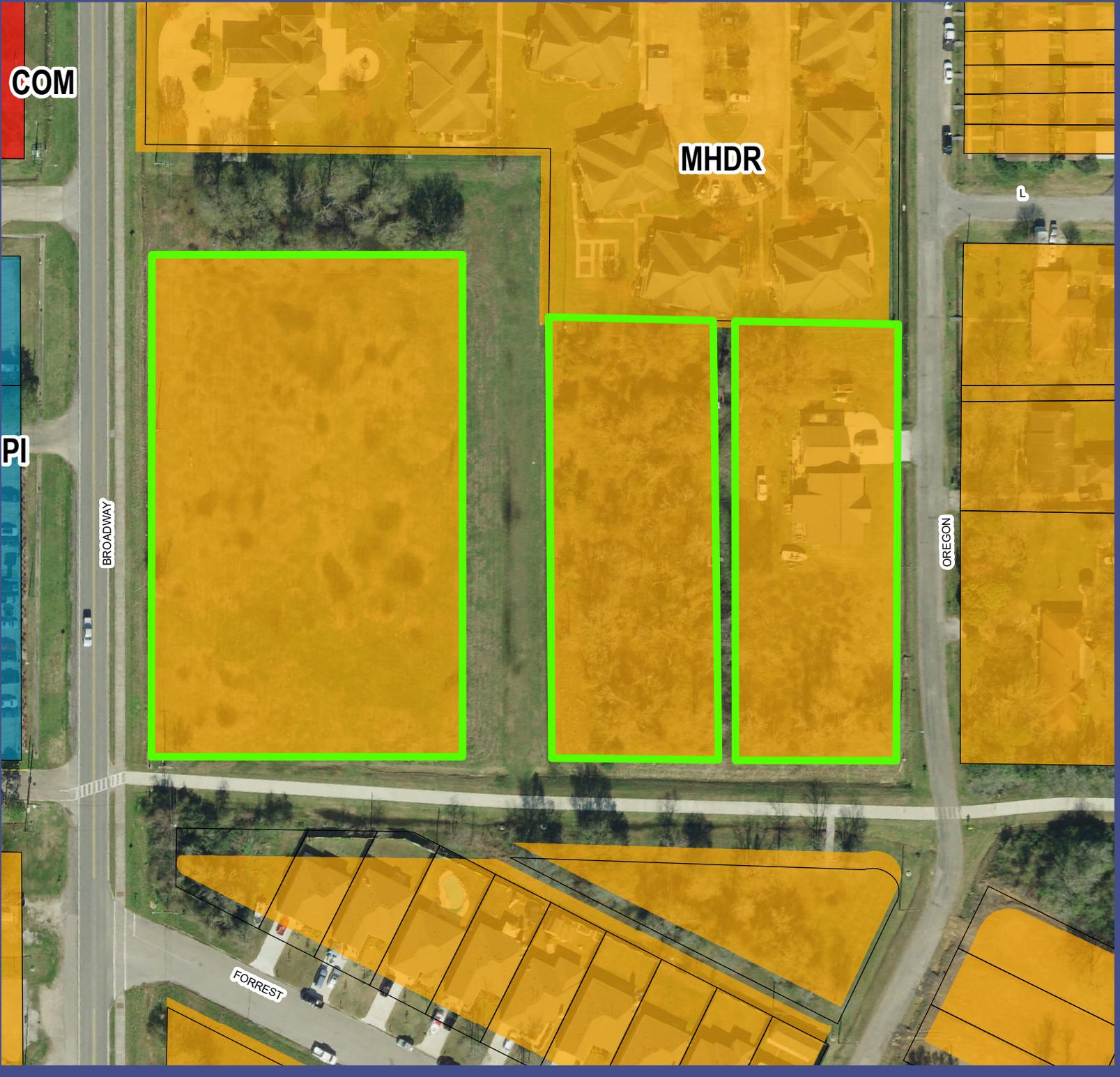
 Subject Parcel



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

1 inch = 107 feet  
MAY 2020  
PLANNING DEPARTMENT





**EXHIBIT C**

**FLUP MAP**

**SCUP**

**#20-9100001**

**1300 Block  
S. Broadway**

**Legend**

 Subject Parcel



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

1 inch = 107 feet

MAY 2020

PLANNING DEPARTMENT





Planning and Zoning Commission

# NOTICE OF A REGULAR METING

Scheduled For **June 18, 2020**, 6:00 PM City Council Chambers

COMMENT SHEET FOR:

**SCUP #20-910000001**

I have received notice of the above referenced public hearing.

I am in **FAVOR** of granting this request for the following reasons:

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

I am **OPPOSED** to granting this request for the following reasons:

*for the lack of information provided by Bayway the City  
how many units will be built, how  
the drainage will be handled. We live  
in a Bayway home with poor drainage. How  
much traffic will this bring to a quiet  
residential street.*

*Brandi d'Clinton Womack* *1405 Oregon Street*  
Name (please print) Address  
*Brandi Womack* *La Porte, Texas 77571*  
Signature City, State, Zip

\*Comment sheets can be returned via mail using the provided self-addressed envelope, by email to [clowesi@laportetx.gov](mailto:clowesi@laportetx.gov), or in person at City Hall.

*attending a 6pm meeting for a working family is impossible with impact to income & job*



Planning and Zoning  
Commission

# NOTICE OF A REGULAR METING

Scheduled For **June 18, 2020, 6:00 PM** City Council Chambers

COMMENT SHEET FOR:

**SCUP #20-910000001**

I have received notice of the above referenced public hearing.

I am in **FAVOR** of granting this request for the following reasons:

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I am **OPPOSED** to granting this request for the following reasons:

I am afraid it will  
BRing crime into our  
area and drugs

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---

Mary Keller

Name (please print)

Mary Keller

Signature

33 North Forrest Avenue

Address

LaPorte, Tx 77571

City, State, Zip

\*Comment sheets can be returned via mail using the provided self-addressed envelope, by email to [clowesi@laportetx.gov](mailto:clowesi@laportetx.gov), or in person at City Hall.



Planning and Zoning  
Commission

# NOTICE OF A REGULAR METING

Scheduled For May 21, 2020, 6:00 PM City Council Chambers

COMMENT SHEET FOR:  
**SCUP #20-910000001**

I have received notice of the above referenced public hearing.

I am in **FAVOR** of granting this request for the following reasons:

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---

I am **OPPOSED** to granting this request for the following reasons:

Scott A. Boyle - husband - will attend meeting and explain in details  
' too much traffic! - Water levels - evacuation  
' traffic increase - original intent of area  
' home values decrease - safety

Marra Z. Boyle  
Name (please print)  
*Marra Z Boyle*  
Signature

1331 Oregon St.  
Address  
LaPorte TX 77571  
City, State, Zip

\*Comment sheets can be returned via mail using the provided self-addressed envelope, by email to [clowesi@laportetx.gov](mailto:clowesi@laportetx.gov), or in person at City Hall.



# Special Conditional Use Permit Application

Planning and Development Department

### PROJECT INFORMATION

Address where SCUP is being requested: 1303 S Broadway / 1320 Oregon / 0 N Forrest Ave.

Legal description where SCUP is being requested: See HCAD and Attached Surveys

HCAD Parcel Number where SCUP is being requested: 242110590001 / 0242110600002 / 0352150190001

Zoning District: High Density Residential Lot area: 5.798

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

Description of Request: For the City of LaPorte to allow a subdivision of single-family residential attached dwelling units. The project is a mixture Single- Family Special Lot Line, 0Lot Line, and Townhomes.

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

### PROPERTY OWNER(S) INFORMATION

Name: Jack McCoy / Noah M Jones / Bayway Homes Inc.

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

Address: 0 Broadway LaPorte 77571 / 1320 Oregon LaPorte 77571 / PO Box 1244 Friendswood 77549

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### AUTHORIZED AGENT (If other than owner)

Name: Charles Anders

Company (if applicable): Bayway Homes Inc.

Address: PO Box 1244

City: Friendswood State: Texas Zip: 77549

Phone: 8322769609 Email: [REDACTED]

### OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: *Charles Anders* Date: 4-6-2020

Owner(s)' Signature(s): *Jack McCoy* Date: 5-0-2020

**STAFF USE ONLY:**

Case Number: \_\_\_\_\_

Date Application Received: \_\_\_\_\_



# Special Conditional Use Permit Application

Planning and Development Department

### PROJECT INFORMATION

Address where SCUP is being requested: 1303 S Broadway / 1320 Oregon / 0 N Forrest Ave.

Legal description where SCUP is being requested: See HCAD and Attached Surveys

HCAD Parcel Number where SCUP is being requested: 242110590001 / 0242110600002 / 0352150190001

Zoning District: High Density Residential Lot area: 5.798

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

Description of Request: For the City of LaPorte to allow a subdivision of single-family residential attached dwelling units. The project is a mixture Single- Family Special Lot Line, 0Lot Line, and Townhomes.

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

### PROPERTY OWNER(S) INFORMATION

Name: Jack McCoy / Noah M Jones / Bayway Homes Inc.

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

Address: 0 Broadway LaPorte 77571 / 1320 Oregon LaPorte 77571 / PO Box 1244 Friendswood 77549

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### AUTHORIZED AGENT (If other than owner)

Name: Charles Anders

Company (if applicable): Bayway Homes Inc.

Address: PO Box 1244

City: Friendswood State: Texas Zip: 77549

Phone: 8322769609 Email: [REDACTED]

### OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: *Charles Anders* Date: 4-6-2020

Owner(s)' Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

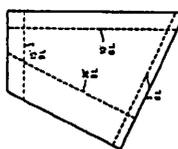
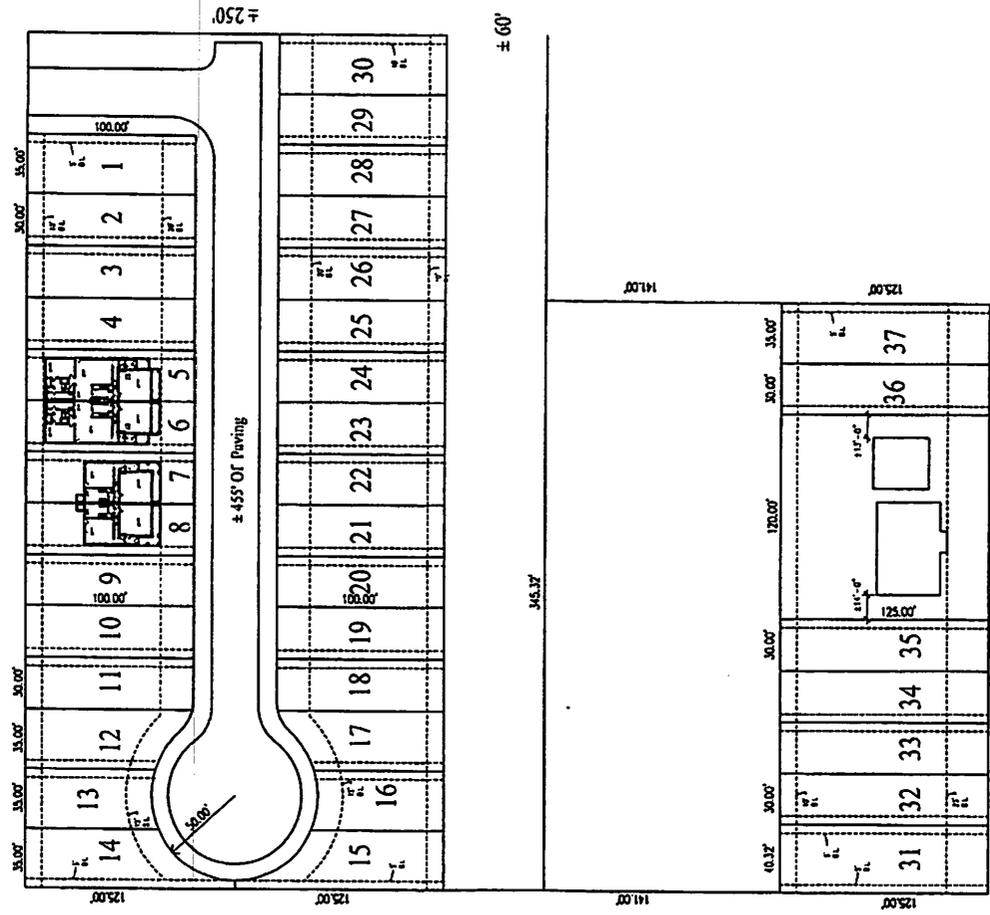
#### STAFF USE ONLY:

Case Number:  
\_\_\_\_\_

Date Application Received:  
\_\_\_\_\_

# Original Proposal

South Broadway



Total Approximate area  
5.798 Acres

South Oregon St.

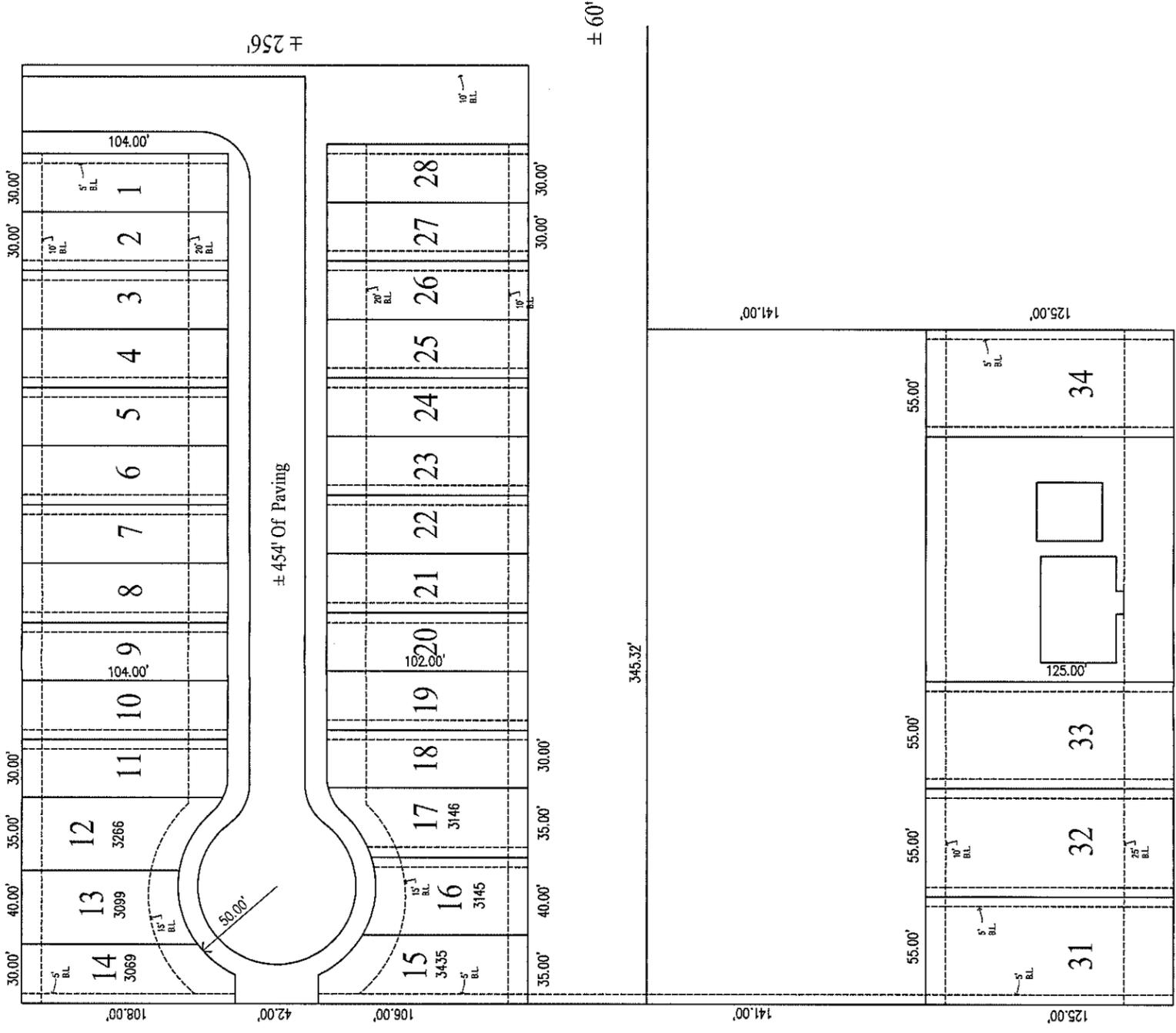
Bayway Homes Subdivision City/Jurisdiction Title Proposed Plot Buyer Signature		Date 4-6-2020 Plan Number
---	--	------------------------------

© COPYRIGHT 2020

# Amended Proposal

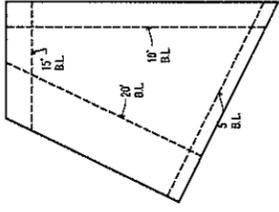


## South Broadway



## South Oregon St.

Total Approximate area  
5.798 Acres



<b>Bayway Homes</b> Subdivision		City/Jurisdiction	Title Proposed Plat	Buyer Signature	Date 6-22-2020
© COPYRIGHT 2020					Plan Number

# Bayway Homes

© COPYRIGHT 2020

Subdivision

City/Jurisdiction

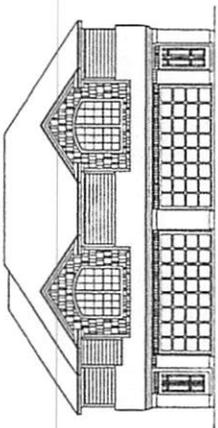
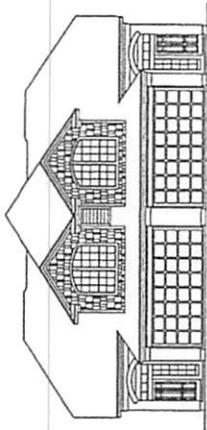
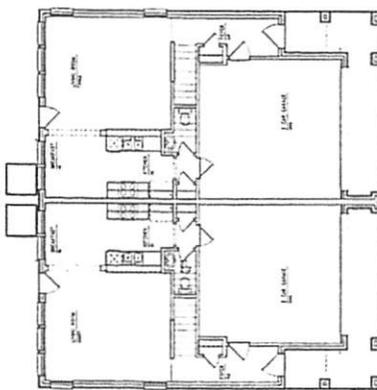
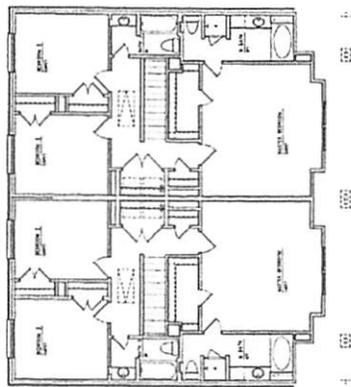
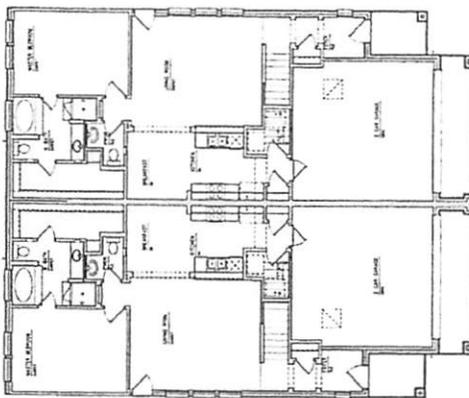
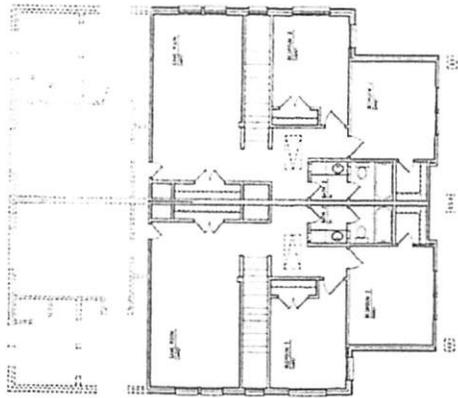
Title

Proposed Plot

Buyer Signature

Plan Number

Plans 4-6-2020



## Sylvan Beach Enclave Planned Unit Development and Special Conditional Use Permit

Sylvan Beach Enclave, the project is located near Sylvan Beach Park and is bounded by South Broadway, South Oregon Street, Churchill Place Senior Living Community and City of La Porte's Hike and Bike Trail. Sylvan Beach Enclave is also located across the street from the City of La Porte's Recreation and Fitness Center. The site is currently zoned for High Density Residential District (R-3). We are applying for both a Planned Unit Develop (PUD) and Special Conditional Use Permit (SCUP). Sylvan Beach Enclave's use is single-family residential attached dwelling units. The Residential Area Requirements are a mixture of the Single-Family Special Lot Line, O Lot Line and Townhomes.

The City of La Porte's Comprehensive Plan encourages small infill development and the supply of diverse housing. Sylvan Beach Enclave is designed as an age in place development. This project is designed to appeal to single parents with one or two children, couples just starting home ownership and empty nester who are looking for reduced maintenance living and compact building design. The community promotes walkability as it is on the City's Hike and Bike Trail, across the street from the City's Recreation and Fitness and Senior Center and a short walk to Sylvan Beach Park.

All 38 proposed home sites will be slab on grade homes of one story, one and half stories and two stories. The exteriors of the homes will be a combination of brick, fibrous cement horizontal siding and fibrous faux wood shake siding. First floors will have nine feet ceilings and second floors a combination of eight- and nine-feet ceilings. All the homes will have a two-car garage. Back yards will vary in size depending on the size of the first floor of the house. We will need to install water, sanity sewer, drainage and a concrete street in the Broadway property. The first row of houses, lots 1 to 14, that back up to South Broadway will have a fence on the property line between the property and Broadway. We will work with Texas Department of Transportation to install trees in the right-of-way, to give the neighborhood a visual barrier between Broadway and the neighborhood.

The development is in the flood plain and the homes need to be raised three to four feet above the existing grade so that the finish floor height is not in the flood plain. In order to raise the homes, we will remove soil between the row of houses on South Oregon Street and second row of homes on the South Broadway and place the soil on the building sites. Where the soil has been removed, we will install tress to create a park like environment. The area we are removing soil from will be deep in the flood plain, we do not anticipate building any structures. Sylvan Beach Enclave will have a homeowner's association who will maintain the flood mitigation area and enforce maintenance standards on the appearance of the homes.

There are three landowners that we need to acquire property for this project. We currently have both properties, the property on Broadway and the property on Oregon under contact to be purchased. The third property owner is the City of La Porte who owns the 100 feet street right-of-way between the Broadway property and Churchill Senior Living Community and 60 feet street right-of-way between the Broadway and Oregon properties. The 60 feet right-of-way contains both a large sanity sewer main and a drainage ditch/facility. When we purchase the property from the city, the property will have an easement agreement allowing both facilities to remain and not allowing us to build over the sanity sewer main. The entrance to the subdivision is in the 100' right-of-way.

If we receive approval of this PUD and SCUP application and after we develop the property, we will start construction of homes after receiving building permits. We will continue building as the market will allow for absorption of the homes. To be conservative, from the granting the application to completion of the project could take four years.

We have been building in La Porte for many years in the North Side, at Sylvan Beach Park and on the nearby streets of Forrest Avenue, South Oregon Street and Park Street. We believe this project will be a significant addition to Sylvan Beach.

**Attachments:**

- 1) Sylvan Beach Enclave Residential Area Requirements
- 2) Site Plan
- 3) Proposed Typical Home Plans

## Sylvan Beach Enclave

### Planned Unit Development and Special Conditional Use Residential Area Requirements

The Development is in the High Density Residential District (R-3) which has several types of housing, two of which are Single-Family Special Lot Line, Zero Lot Line and Townhouses. We are using some of the restrictions from both districts to design Sylvan Beach Enclave. All the homes in the community will be for sale single-family homes that are attached on one wall.

	Sylvan Beach Enclave	Single-Family Zero Lot Line	Townhouses
Minimum Lot Area	3,000 feet	4,500 feet	2,000 feet
Minimum Lot Width	30 feet	40 feet	20 feet
Front Yard Setback	20 feet	20 feet	25 feet
Rear Yard Setback	10 feet	10 feet	20 feet
Side Yard Setback	0 and 5 feet	0 and 10 feet	20 feet
Side Yard Setback At end of blocks	5 feet	10 feet	20 feet
Distance between Dwelling Units	10 feet	10 feet	20 feet
Maximum Height	35 feet	35 feet	45 feet
Dwelling Units Per Acre	8	6	10
Maximum Lot Coverage	60%	60%	75%
Distance between Side Property Line And Driveway	1 feet	3 feet	3 feet
Spacing between Driveways	2 feet	10 feet	10 feet



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>July 13, 2020</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 2020-3792

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### SUMMARY & RECOMMENDATION

In March 2020, the City's 2020 general election was postponed until November 2020, for which canvassing will not occur before mid-November, at the soonest. However, the current Mayor Pro Tem would like the next Mayor Pro Tem to have an opportunity to serve a full year, if possible, and at the City Council's pleasure.

Section 2.08 of the City Charter provides that at the first meeting of the City 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 City Council's custom has been to elect successive Mayors Pro Tem in the order the Councilpersons have joined the Council. Councilperson Steve Gillett was elected to the Council in December 2018, and Councilperson At-Large Position A Brandon Lunsford and Councilperson District 4 Thomas Garza were elected in May 2019.

It has been the City Council's practice to adopt a City ordinance naming the member elected.

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### ACTION REQUIRED BY COUNCIL

I move to nominate \_\_\_\_\_ to serve as the City Council's Mayor Pro Tem and adoption of Ordinance 2020-3792 in support of same. *[A nomination does not require a second.]*

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**ORDINANCE NO. 2020-3792**

**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 JULY 13, 2020, THROUGH NOVEMBER 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 July 13, 2020, through November 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 13<sup>th</sup> day of July 2020.

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>July 13, 2020</u>
Requested By: <u>Bill Bentley, Mayor Pro Tem</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:	<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: Ordinance

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### SUMMARY

On October 1, 1978, the City of La Porte entered into a 40-year agreement with the Fairmont Park West Community Improvement Association (HOA) for the lease/rent of the park & swimming pool property located at Oakmont Drive, Rustic Gate Road, and Cedarmont Drive in the Fairmont Park West subdivision (9801 Rustic Gate). The HOA paid \$40 in advance (\$1 per year for the 40-year agreement) for the right to operate and maintain the park and pool property. This agreement expired on September 30, 2018. Last year, the City Council renewed a new agreement with the Fairmont Park West HOA for a seven-month period, which ended on December 31, 2019. According to the agreement, upon termination of the agreement “any permanent improvements erected on the leased premises by the HOA shall be the property of the City.”

Mayor Pro Tem Bill Bentley and Councilmembers Nancy Ojeda & Brandon Lunsford have requested this item to be on the July 13, 2020 City Council agenda for a consideration, presentation and discussion of a request by them to designate the City-owned property located at 9801 Rustic Gate (also known as Fairmont Park West park and pool) as a City park. A neighborhood parks is defined as a park with typically 3-10 acres and serve a 0.25 to 0.50 mile radius. The Fairmont Park West park is somewhat similar to Brookglen, which is also a Neighborhood Park. Community Parks are bigger, with more amenities, and serve a larger radius; therefore, the recommendation from staff would be to designate this location as a Neighborhood Park, which would have the same hours as the other neighborhood parks, 7am to 9:30pm.

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### RECOMMENDED MOTION

**I move to approve Ordinance 2020-3795 that designates the City-owned property located at 9801 Rustic Gate as a Neighborhood City park, with the hours of 7am to 9:30pm.**

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**Approved for the City Council meeting agenda**

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**Corby D. Alexander, City Manager**

---

**Date**

**ORDINANCE NO. 2020-3795**

**AN ORDINANCE DEDICATING A 1.162 ACRE TRACT OF LAND LOCATED AT 9801 RUSTIC GATE AS A PUBLIC PARK, TO BE KNOWN AS FAIRMONT PARK WEST PARK, AND AMENDING CHAPTER 50 “PARKS AND RECREATION” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE TO ADD TO THE CITY PARK SYSTEM AND ESTABLISH HOURS OF OPERATION; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS ACT; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

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

**Section 1:** The property generally located at 9801 Rustic Gate, La Porte, Texas, and legally described as indicated below, is hereby dedicated as a public park and shall hereinafter be known as Fairmont Park West Park:

That certain lot, tract, or parcel of land, known as "Reserve 'A'," containing 1.162 acres, more or less, as shown on the Plat of Section Three (3), FAIRMONT PARK WEST, as recorded in Volume 270, Page 63, of the Map Records of Harris County, Texas, reference to which is here made for all purposes.

**Section 2:** That Chapter 50, “Parks and Recreation,” Article I “In General”, Section 50-2 “Parks and park areas defined”, of the Code of Ordinances, La Porte, Texas, is hereby amended and shall hereinafter read as follows:

**“Sec. 50-2. - Parks and park areas defined.**

The parks, park areas, park related facilities, and rental facilities which comprise the City of La Porte Parks System are listed below and their location within the city established.

(1) *Parks, neighborhood:*

Name of Park	Location
Fourteenth St. Park	500 North 14 <sup>th</sup> Street
Bay Oaks Park	254 Dwire
Brookglen Park	3324 Somerton
Creekmont Park	700 Willow Creek
"D" Street Linear Park	200—800 North "D" Street
Glen Meadows Park	5100 Valley Brook

Ohio St. Park	300 South Ohio
Pete Gilliam Park	200 North Holmes
Pfeiffer Park	900 South Virginia
Seabreeze Park	1322 Bayshore Drive
Spewick Park	19225 Carlow
Tom Brown Park	300 South Lobit
Wood Falls Park	3800 Driftwood
Fairmont Park West Park	9801 Rustic Gate

(2) *Parks, community:*

Name of Park	Location
Central Park	618 San Jacinto
Fairmont Park	3540 Farrington
Northside Park	322 North 4 <sup>th</sup> Street

(3) *Parks, regional:*

Name of Park	Location
Five Points Town Plaza	101 S. Broadway @ Main Street
Little Cedar Bayou Park	600 South Little Cedar Bayou Drive
Lomax Park	1508 Lomax School Road
Northwest Park	10200 North "P" Street
Pecan Park	3600 Canada Road

(4) *Park related and rental facilities:*

Name of Park	Location

Brookglen Recreation Center	3324 Somerton
Charles Walker Annex	322 North 4 <sup>th</sup> Street
Evelyn Kennedy Civic Center	618 San Jacinto
Jennie Riley Recreation Center	322 North 4 <sup>th</sup> Street
La Porte Recreation and Fitness Center	1322 South Broadway
La Porte Rodeo/Riding Arena	1508 Lomax School Road
La Porte Special Programs Center	1320 South Broadway
Lomax Community Center	1508 Lomax School Road
Sylvan Beach Fishing Pier	812 North Bayshore Drive

(5) *Park areas defined.* Park areas shall be defined as any City of La Porte property or grounds which are maintained by the parks and recreation department, including parkways, esplanades, subdivision entrances, and other areas which are under the control of the parks and recreation department.

(6) Parks, park areas, park related facilities, rental facilities, additions. Future addition of dedicated parkland, park areas, park related facilities, rental facilities to the City of La Porte Parks System, as approved by city council or placed under the control of the parks and recreation department by executive order; shall be subject to and be governed by the provisions described herein.

**Section 3:** That Chapter 50, “Parks and Recreation,” Article I “In General”, Section 50-18 “Establishing public hours of operation for park use generally”, of the Code of Ordinances, La Porte, Texas, is hereby amended and shall hereinafter read as follows:

**Sec. 50-18. - Establishing public hours of operation for park use generally.**

The City Council for the City of La Porte establishes hours of public operation for all city parks and park related facilities and rental facilities in the City of La Porte park system. Each park, park related facility or rental facility in the city park system shall be open to, and be closed to the general public each day according to the schedule described herein.

The parks, park related facilities, and rental facilities of the City of La Porte Parks System are classified below and their hours of public operation are as follows, unless written authorization is given for a special event at the park or facility as provided for in this Ordinance.

(1) *Parks, neighborhood:*

Name of Park	Hours of Operation
--------------	--------------------

Fourteenth St. Park	7:00 a.m.—9:30 p.m.
Bay Oaks Park	7:00 a.m.—9:30 p.m.
Brookglen Park	7:00 a.m.—9:30 p.m.
Creekmont Park	7:00 a.m.—9:30 p.m.
"D" Street Linear Park	7:00 a.m.—9:30 p.m.
Glen Meadows Park	7:00 a.m.—9:30 p.m.
Ohio St. Park	7:00 a.m.—9:30 p.m.
Pete Gilliam Park	7:00 a.m.—9:30 p.m.
Pfeiffer Park	7:00 a.m.—9:30 p.m.
Seabreeze Park	7:00 a.m.—9:30 p.m.
Spewick Park	7:00 a.m.—9:30 p.m.
Tom Brown Park	7:00 a.m.—9:30 p.m.
Wood Falls Park	7:00 a.m.—9:30 p.m.
Fairmont Park West Park	7:00 a.m.—9:30 p.m.

(2) *Parks, community:*

Name of Park	Hours of Operation
Central Park	7:00 a.m.—10:00 p.m.
Fairmont Park	7:00 a.m.—10:00 p.m.
Northside Park	7:00 a.m.—10:00 p.m.

(3) *Parks, regional:*

Name of Park	Hours of Operation
Five Points Town Plaza	7:00 a.m.—11:00 p.m.
Little Cedar Bayou Park	7:00 a.m.—11:00 p.m.
Lomax Park	7:00 a.m.—11:00 p.m.
Northwest Park	7:00 a.m.—11:00 p.m.
Pecan Park	7:00 a.m.—11:00 p.m.

(4) *Park Related and Rental Facilities:*

Name of Facility	Hours of Operation
Brookglen Recreation Center	Daily as scheduled, except Sunday
Charles Walker Annex	Daily as scheduled, except Sunday
Evelyn Kennedy Civic Center	Daily as scheduled, except Sunday
Jennie Riley Recreation Center	Daily as scheduled, except Sunday
La Porte Recreation and Fitness Center*	Monday—Friday 5:30 a.m.—9:00 p.m.
	Saturday and Holidays Open* 10:00 a.m.—6:00 p.m.
	Sundays 1:00 p.m.—6:00 p.m.
La Porte Rodeo/Riding Arena**	7:00 a.m.—11:00 p.m.
La Porte Special Programs Center	Daily as scheduled, except Sunday

Sylvan Beach Fishing Pier***	5:00 a.m.—11:00 p.m.
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\*The La Porte Recreation & Fitness Center is closed to the public on the following holidays - Christmas Eve Day, Christmas Day, Thanksgiving Day, Easter Sunday, and New Year's Day.

\*\*The Riding Arena at Lomax Park may remain open to the public until 12 Midnight on Friday and Saturday nights, if the facility is rented for a special event.

\*\*\*The Sylvan Beach Fishing Pier may remain open 24 hours per day during certain fishing days as determined by the concessionaire, per agreement between the City of La Porte and the concessionaire.

**Section 3:** All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 4:** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 5.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

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

PASSED AND APPROVED this the 13th day of JULY 2020.

CITY OF LA PORTE, TEXAS

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

ATTEST:

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Lee Woodward, City Secretary

APPROVED AS TO FORM:

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Clark Askins, Assistant City Attorney



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>July 13, 2020</u>
Requested By: <u>Corby Alexander, City Mgr.</u>
Department: <u>Administration/CMO</u>
<input checked="" type="radio"/> Report <input 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: Policy

### SUMMARY

On July 2, 2020, Governor Abbott issued Executive Order GA-29 requiring everyone to wear a face covering when inside a commercial entity, building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six (6) feet of social distancing. In order to protect the health and welfare of all individuals while in City buildings and facilities during times of active viral illness that are spread person to person, staff has developed the attached policy in regards to the use of facial coverings for individuals in City buildings and facilities. This policy is to provide guidance regarding the required use of face coverings for employees, elected officials, appointed board and commission members, vendors, customers, and other individuals on City property. Staff request City Council to review the requested policy with any deemed necessary changes and approve the policy to be effective immediately.

### RECOMMENDED MOTION

**I move to approve the City of La Porte policy regarding the use of facial coverings for individuals in City buildings and facilities.**

Approved for the City Council meeting agenda

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

\_\_\_\_\_  
Date

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CITY OF LA PORTE  
POLICIES/PROCEDURES MANUAL

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Date: July 13, 2020

Revised:

Approved:

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Subject: Use of facial coverings for individuals in City buildings

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Responsible Agency: City Manager's Office

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Policy Objective: To protect the health and welfare of all individuals while in City buildings during times of active viral illnesses that are spread person to person.

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Authority: City Manager

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### **Purpose**

To provide guidance regarding the required use of face coverings for employees, elected officials, appointed board and commission members, vendors, customers, and other individuals on City property.

### **Policy**

Because the COVID-19 virus and other similar illnesses pass from person to person undetected, the following requirements apply to all individuals on City property when this policy is in effect:

All individuals over the age of ten (10) must wear a face covering over their mouth and nose. Acceptable face coverings include surgical masks, cloth masks, handkerchiefs, scarves, bandanas, clear face shields, or other coverings that provide a physical barrier limiting the spread of respiratory droplets.

Instances where the requirement to wear a face covering may be lifted include the following:

- When the individual is at an outdoor City facility where social distancing is easily maintained from people not in their household. This may include, but is not limited to, City parks, trails, pools, playgrounds and any other outdoor areas.
- When the individual is working in a City office alone. If another individual enters the office or area, a face covering must be worn. If an individual leaves that space and enters a space where social distancing will be unguaranteed (hallway, breakroom, etc.), a face covering must be worn.

- When the individual is alone while operating a personally owned or City owned or leased vehicle or piece of equipment while carrying out City-related business. Individuals riding together in a vehicle must wear face coverings. Steps should be taken to limit the frequency and duration of sharing a vehicle as much as operationally feasible.
- When the individual has a medical condition or disability that prevents the wearing of a face covering.
- When the individual is consuming food or drink.
- When the individual is obtaining a service that requires temporary removal of the face covering for security surveillance, screening, but only to the extent necessary for the temporary removal.
- When the individual is in a swimming pool.
- When the individual is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face mask is strongly encouraged.
- When the individual is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged.
- When the individual is giving a speech for broadcast or to an audience.

The requirement of the use of face coverings is not intended to lessen the practice of other risk mitigation steps for individuals on City property. While on City property, all individuals are encouraged to:

- Practice social distancing by maintaining six (6) feet of distance between yourself and others.
- Practice good hygiene to prevent the spread of viruses by washing hands frequently with soap and water. In the absence of soap and water use hand sanitizer with at least a 60% alcohol content level.
- Avoid touching your eyes, nose, and mouth as much as possible.
- Avoid crowds and large gatherings, especially indoors.
- If you are experiencing symptoms of active viruses, stay home as much as possible. Do not enter City property if you are sick, or suspect you may be sick.

### **Enforcement**

This policy runs concurrent with any pandemic emergency declarations issued by City, County, or State officials.

Violations of this policy may include the following:

- Employees – disciplinary action in accordance with other applicable City policies and procedures.
- Non-employees – will be requested to vacate the property until they are in compliance with the policy

### **Definitions**

**City property** – any building, structure, or land owned by the City of La Porte. For purposes of this policy, there is a differentiation between buildings and facilities.

**Buildings** – enclosed structures with walls and a roof. Examples include but are not limited City Hall, Municipal Court, Recreation and Fitness Center.

**Facilities** – outdoor spaces and unenclosed structures. Examples include, but are not limited to, parks, walking trails, pools, covered pavilions, and playgrounds.

**Social distancing** – the practice of avoiding close proximity with other individuals as measured by maintaining at least six (6) feet of distance between yourself and others.



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>July 13, 2020</u>
Requested By: <u>Shelley Wolny, Treasurer</u>
Department: <u>Finance</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

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

**Exhibits:** Budget Calendar

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### SUMMARY

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

Staff is recommending that a Public Hearing for the Fiscal Year 2020-2021 Proposed Budget be held on Monday, September 14, 2020, at a regular called meeting of the La Porte City Council to begin at 6:00 p.m.

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### RECOMMENDED MOTION

**Consider and discuss approval of the recommended date for the Public Hearing on the City's Fiscal Year 2020-2021 Proposed Budget to be conducted on September 14, 2020 at 6pm in the City of La Porte Council Chambers located at 604 W. Fairmont Parkway, La Porte, Texas 77571.**

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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

## BUDGET CALENDAR FY 2020-2021

DAY	DATE	ACTIVITY
Saturday	May 9	Pre-Budget Workshop with Council
**Monday	April 20	Budget Kickoff – Initial Discussion and Packet Distribution Begin Departmental Input of 2019-2020 Estimates (Level 150) Begin Departmental Input of 2020-2021 Projections (Level 200)
Friday	May 1	Overtime Projections due from Divisions for FY 2019 Estimates and FY 2020 Projections
Friday	May 15	Complete Departmental Input of 2019-2020 Estimates (Level 150) Complete Departmental Input of 2020-2021 Projections (Level 200) Revenue Estimates and Projections due to Finance Goals, Objectives and Performance Measures due to Finance
Friday	May 29	Proposed budgets to City Manager (Revenues & Expenditures)
Week	June 8-12	City Manager review with Departments
Thursday	June 18	Final Revenue Estimates Prepared
Friday	July 3	Budget review compilations completed by City Manager
Monday	July 13	City Council to determine place and time of Public Hearing
Monday	Jul 27	City Manager sends City Council Proposed Budget
Monday	Aug 10	City Council to decide on dates of Public Hearings on tax rate (if needed)
Week	Aug 10-12	City Manager Budget Workshops with Council
Thursday	Sept 3	Post Notice of Public Hearing and Notice of Property Tax Revenue Increase
Monday	Sept 14	City Council Adopts Budget/Public Hearing
Monday	Sept 28	City Council Adopts Tax Rate– <i>IF NOT ADOPTED WITH BUDGET</i>

15 days  
30 days\*  
10 days

\*30 days prior to setting the tax levy.

\*\*Worksheets emailed to department heads remotely April 20<sup>th</sup> and completed by Friday, May 15<sup>th</sup>.