

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



CHUCK ENGELKEN  
Mayor Pro Tem  
Councilmember District 2  
BILL BENTLEY  
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 September 14, 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 the link <https://us02web.zoom.us/j/82920226943?pwd=Rk1DeGVCTmRHUElwZGY5MTc2MnR2UT09>. Join by phone at 888-475-4499 or 877-853-5257. The meeting ID is 829 2022 6943 and the passcode is 926246.

1. **CALL TO ORDER**
2. **INVOCATION** – The invocation will be given by Reverend Kevin Gilmore, First Methodist Church.  
**PLEDGES** – Will be led by Councilperson Jay Martin.  
U.S. Flag  
Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.
3. **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.)*
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 City Council meeting held on August 24, 2020. [Louis R. Rigby, Mayor]
  - (b) Adopt Ordinance 2020-3798, changing the number of authorized Patrolmen for the Police Department from sixty (60) to sixty-three (63). [Steve Deardorff, Chief of Police]
  - (c) Accept right-of-way dedication deed to allow for construction of sidewalk on north side of W. Main St., between 7th Street and 8th Street. [Ray Mayo, Public Works Director]
  - (d) Reject all bids received regarding Sealed Bid #20010 for the Five Points Plaza Enhancements Pavilion and Restrooms Project. [Ray Mayo, Public Works Director]
5. **STATUTORY AGENDA**
  - (a) Presentation, discussion, and possible action to adopt Ordinance 2020-3797, amending Ordinance 2020-3787 to update the order of election for the City of La Porte 2020 General Election, in relation to early voting locations, dates, and hours. [Lee Woodward, City Secretary]
  - (b) Presentation, discussion, and possible action to approve candidates to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees for a six-year term. [Corby Alexander, City Manager]

(c) Presentation, discussion, and possible action regarding a petition by land owners for disannexation of a 4.8635-acre tract of land and a 3.8135-acre tract of land, both situated in the Enoch Brinson League, Abstract 5, Harris County, Texas. [Corby Alexander, City Manager]

(d) Consider and discuss adjustments to the City's Fiscal Year 2020-21 Proposed Budget.

**6. REPORTS**

(a) Receive a report on the Fiscal Affairs Committee meeting. [Mayor Pro Tem Engelken]

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

**7. ADMINISTRATIVE REPORTS**

- Planning and Zoning Commission meeting, September 17
- Zoning Board of Adjustment meeting, September 24
- City Council meeting, September 28
- La Porte Development Corporation Board meeting, September 28

**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.*

**9. EXECUTIVE SESSION**

(a). The City Council will convene in closed session as authorized by Texas Government Code Sec. 551.071(1)(A) - Pending or Contemplated Litigation, to discuss SV Sons Hwy. 146, LLC vs. City of La Porte. [Clark T. Askins, Assistant City Attorney]

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

**11. 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 September 14, 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, in compliance with Chapter 551, Texas Government Code.

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

*Lee Woodward*  
\_\_\_\_\_



**LOUIS RIGBY**  
Mayor  
**BRANDON LUNSFORD**  
Councilperson At Large A  
**STEVE GILLETT**  
Councilperson At Large B  
**DANNY EARP**  
Councilperson District 1  
**CHUCK ENGELKEN**  
Councilperson District 2  
Mayor Pro-Tem



**BILL BENTLEY**  
Councilperson District 3  
**THOMAS GARZA**  
Councilperson District 4  
**JAY MARTIN**  
Councilperson District 5  
**NANCY OJEDA**  
Councilperson District 6

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF LA PORTE  
AUGUST 24, 2020**

The City Council of the City of La Porte met in a regular meeting on Monday, August 24, 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:** Louis Rigby, Danny Earp, Bill Bentley, Thomas Garza Jay Martin  
**Councilpersons attending remotely:** Brandon Lunsford, Steve Gillett, Chuck Engelken, Nancy Ojeda  
**Councilpersons absent:** None  
**Council-appointed officers present:** Corby Alexander, City Manager; Lee Woodward, City Secretary; Clark Askins, Assistant City Attorney

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m. Mayor Rigby reminded Councilperson Garza that the Council's adopted Rules of Procedure required Councilpersons to wear a mask during Council meetings. Councilperson Garza said he was exempted from wearing a face covering for medical reasons and would not be wearing one. The Mayor reminded Councilperson Garza that he had the opportunity to attend the meeting electronically and could go to his office in City Hall. Councilperson Garza declined to participate remotely. The Mayor asked the Sergeant-at-Arms to remove Councilperson Garza. Councilperson Garza moved that the Council contravene the Mayor's direction. The motion did not receive a second and was not considered. Councilperson Garza was escorted from the room.
2. **INVOCATION** – The invocation was given by Reverend Walter Brumley, La Porte River of God Church, and pledges were led by Councilperson Nancy Ojeda.
3. **PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS**
  - a. **Recognition of Kelly Garner's retirement after thirty-one years of service with the City of La Porte and the Bay Forest Golf Course. [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.*)

There were no comments.
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 meeting held on August 10, 2020. [Mayor Rigby]**
  - b. **Approve an enhancement grant in the amount of \$50,000.00 pursuant to application by Marion (Marty) and Vicki Campise for the refurbishment/renovation of façade, signage, roofing and parking facilities at the old bank building located at 100 W. Main Street in La Porte, Texas. [Jason Weeks, Assistant City Manager]**
  - c. **Approve a proposed economic development incentive agreement with Marion (Marty) and Vicki Campise in connection with 100 W. Main Street, an incentive project for the refurbishment and renovation of the old**

bank building located at 100 W. Main Street in La Porte, Texas, in an amount not to exceed \$85,000.00. [Jason Weeks, Assistant City Manager]

- d. Approve a 2020-2021 Police Civil Service Pay Scale adjustment pursuant to the Meet and Confer Agreement. [Matt Hartleib, HR Manager]
- e. Approve a three (3) year agreement for the City of La Porte to provide Emergency 9-1-1 Dispatch, Jail Services, Animal Control, Emergency Medical Services, Fire Suppression, and Fire Prevention (Fire Marshal's Office) services to the City of Morgan's Point, for the period beginning October 1, 2020, at total monthly rate of \$8,434.38. [Jason Weeks, Assistant City Manager]
- f. Approve a three (3) year agreement for the City of La Porte to provide Emergency 9-1-1 Dispatch and Jail Services to the City of Shoreacres for the period beginning October 1, 2020, at total monthly rate of \$5,528.45. [Jason Weeks, Assistant City Manager]
- g. Approve an Operator's Agreement between La Porte Area Water Authority and the City of La Porte for a three-year period commencing October 1, 2020. [Ray Mayo, Director of Public Works]
- h. Award Bid #20016 to Tandem Services, LLC for Citywide in-Fill Sidewalk and Pavement Rehabilitation Project and authorize the City Manager to execute a contract with Tandem Services, LLC in the amount of \$853,626.00. [Ray Mayo, Director of Public Works]
- i. Approve total annual expenditures to Romco Construction Equipment exceeding \$50,000.00 for sole-source equipment parts and repairs. [Ray Mayo, Director of Public Works]
- j. Authorize the City Manager to enter into a new agreement with La Porte Boys' Baseball Association for use of baseball fields at Pecan Park and Fairmont Park. [Rosalyn Epting, Director of Parks & Recreation]
- k. Adopt proposed amendments to the Planning and Zoning Commission Rules and Bylaws. [Ian Clowes, City Planner]
- l. Adopt Resolution 2020-21 authorizing the City Manager to sign the grant award and other documents for the Commercial Motor Vehicle STEP grant. [Steve Deardorff, Police Chief]
- m. Adopt Resolution 2020-22 authorizing the City Manager to sign the grant award and other documents for the STEP Comprehensive Grant. [Steve Deardorff, Police Chief]
- n. Authorize the City Manager to execute a contract with Dr. Oscar Boultinghouse, M.D., Medical Director for the City of La Porte EMS Division from October 1, 2020 through September 30, 2023. [Lisa Camp, EMS Chief]
- o. Authorize the City Manager to execute an agreement with the Association of Bayport Companies for City of La Porte EMS coverage in the Bayport Industrial District, from October 1, 2020 through September 30, 2023. [Lisa Camp, EMS Chief]
- p. Authorize the City Manager to execute an Agreement Letter with the companies located within the Battleground Industrial District for City of La Porte EMS coverage from October 1, 2020 through September 30, 2023. [Lisa Camp, EMS Chief]

Mayor Rigby announced item m would be pulled for individual consideration. The Mayor moved to approve the consent agenda; the motion was seconded by Mayor Pro Tem Engelken and adopted, 8-0. Mayor Pro Tem Engelken moved to adopt Resolution 2020-22 authorizing the City Manager to sign the grant award and other documents for the STEP Comprehensive Grant; the motion was seconded by Councilperson Earp and adopted, 8-0.

## 6. STATUTORY AGENDA

- a. Presentation, discussion, and possible approval or other action on a request from Waste Corporation of America to allow a 0.3 percent increase in rates for Commercial Solid Waste Collection. [Ray Mayo, Director of Public Works]

Councilperson Gillett moved to approve a request from Waste Corporation of America to allow a 0.3 percent increase in rates for Commercial Solid Waste Collection; the motion was seconded by Councilperson Earp and adopted, 8-0.

- b. Presentation, discussion, and possible action to approve an Interlocal Grant Agreement and the Coronavirus Relief Fund (CRF) Small Cities Terms and Conditions between Harris County and the City of La Porte. [Kristin Gauthier, Emergency Management Coordinator]

Mayor Pro Tem Engelken moved to approve an Interlocal Grant Agreement and the Coronavirus Relief Fund (CRF) Small Cities Terms and Conditions between Harris County and the City of La Porte; the motion was seconded by Councilperson Bentley and adopted 8-0.

- c. **Presentation, discussion, and possible action to approve payment of expenses under contract with Harris County to provide election services for the City of La Porte 2020 general election on November 3, 2020. [Lee Woodward, City Secretary]**

Mayor Pro Tem Engelken moved to approve payment of expenses under contract with Harris County to provide election services for the City of La Porte 2020 general election on November 3, 2020; the motion was seconded by Councilperson Martin and adopted 8-0. Councilperson Ojeda expressed her appreciation for the addition of an early voting polling location in the La Porte city limits.

- d. **Presentation, discussion, and possible action on nominations to the 2020 Charter Review Committee. [Mayor Rigby]**

The Mayor noted there were no additional nominations and the Charter Review Commission would be composed of the members below. He added that the City Secretary would verify each is a resident of La Porte.

<u>Nominee</u>	<u>Nominating member of Council</u>
Tanya Jackson	Mayor Rigby
Paul Larson	Councilperson Lunsford, At-Large A
Barry Beasley	Councilperson Gillett, At-Large B
Mark Follis	Councilperson Earp, District 1
John Blakemore	Mayor Pro Tem Engelken, District 2
Larry Turner	Councilperson Bentley, District 3
Sammi Hammers	Councilperson Garza, District 4
David Brady	Councilperson Martin, District 5
Kristin Martin	Councilperson Ojeda, District 6

## 7. REPORTS

- a. **Receive a report on the La Porte Development Corporation Board meeting. [Councilperson Nancy Ojeda]**

Councilperson Ojeda said the La Porte Development Corporation approved prior meeting minutes, elected Richard Warren as President and Nancy Ojeda as Vice President for Fiscal Year 2020-2021, and approved an \$85,000 enhancement grant for 100 W. Main Street.

## 8. ADMINISTRATIVE REPORTS

- Drainage and Flooding Committee meeting, September 14
- Fiscal Affairs Committee meeting, September 14
- City Council meeting, September 14
- Planning and Zoning Commission meeting, September 17
- Zoning Board of Adjustment meeting, September 24
- City Council meeting, September 28

City Manager Corby Alexander noted the postponed Fourth of July fireworks show will not be held for Labor Day.

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

Councilpersons thanked Chief Deardorff and LPPD for their recent successes in curtailing crime; congratulated Trudy Rayburn at EMS for earning her Certified Public Manager designation; congratulated Kelly Garner on his retirement and offered appreciation of all he has done over the years; expressed condolences to the family of the recently deceased Council candidate Chuck Rosa; noted hearing U.S. Senator Ted Cruz speak at a local meeting last week; encouraged

everyone to remain safe, healthy, and patient as preparations continue for the incoming storm; recalled the efforts of City employees in former storm events; and recognized the significant efforts of the Emergency Management Division in advance of the weather.

**ADJOURN – Without objection, Mayor Rigby adjourned the meeting at 6:56 p.m.**

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Lee Woodward, City Secretary



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 14, 2020</u>
Requested By: <u>Steve Deardorff, Chief</u>
Department: <u>Police</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>001 – General Fund</u>
Account Number:	<u>001-5253-521-10XX</u>
Amount Budgeted:	<u>\$283,996</u>
Amount Requested:	<u>\$283,993</u>
Budgeted Item:	<input checked="" type="radio"/> Yes <input type="radio"/> No

**Exhibits:** Ordinance 2020-3798 final and Ordinance 2020-3798 redlined

### SUMMARY & RECOMMENDATION

La Porte City Ordinance No.1285 established the number of authorized positions for the policeman's civil service in each classification, pursuant to Chapter 143 of the Texas Local Government Code and requires amendment, due to the approval of the addition of three (3) patrolmen by City Council on August 10, 2020 during the fiscal year 2020-2021 budget presentation. Previously the La Porte Police Department was authorized at sixty (60) patrolmen, with this revision the number of authorized patrolmen will be sixty-three (63).

The three (3) additional patrolman will be hired, so we can assign three (3) current patrolman to the DOT Section and who will specifically be responsible for enforcement of federal, state and municipal commercial motor vehicle traffic and safety laws. This will bring the total manpower of the DOT Section to eight (8) patrolman and one (1) sergeant, which is within normal span of control and will not require any additional supervisory staff.

Currently there is a nationwide shortage of qualified applicants for a career in law enforcement. We have two applicants that are currently in the background process that look promising. The Police Department budget has funds from salary savings that could be used to bring these applicants on board prior to October 1 in order to prevent another agency from luring them away. This would also help us fill the DOT positions sooner.

Staff recommends that City Council approve Ordinance 2020-3798 amending the policeman's civil service authorized positions by adding three (3) for the La Porte Police Department. As shown above the requested budget amount is just shy of \$284,000,

however that's the total cost for 3 officers for the new fiscal year. If able to select all 3 candidates and hire them prior to October 1<sup>st</sup>, 2020. I estimate that we would need no more than \$35,000.

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**ACTION REQUIRED BY CITY COUNCIL**

Consider, discuss, and possibly approve Ordinance 2020-3798, changing the number of authorized Patrolmen for the La Porte Police Department from sixty (60) to sixty-three (63).

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**Approved for the City Council meeting agenda**

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

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

**ORDINANCE NO. 2020-3798**

**AN ORDINANCE AMENDING ORDINANCE NO. 1285, “AN ORDINANCE IMPLEMENTING POLICEMAN’S CIVIL SERVICE; ESTABLISHING CLASSIFICATIONS; NUMBER OF AUTHORIZED POSITIONS IN EACH CLASSIFICATION; ESTABLISHING PAY SCHEDULES”; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; 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.** Section 3 of Ordinance 1285, as amended, is hereby amended and shall hereafter read as follows, to-wit:

“Section Three. There are hereby established the following number of authorized positions in each of the foregoing classifications, to-wit:

<u>Classification</u>	<u>Number of Authorized Positions</u>
Patrolmen	<del>60</del> 63
Sergeant	11
Lieutenant	5
Assistant Chief	2

**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 Ordinance No. 1285 and any amendments thereto.

**Section 3.** If any section, sentence, phrase, clause, or any part of any section, sentence, phrase, or clause, of this Ordinance shall, for any reason, be held invalid, such invalidity shall not affect the remaining portions of this Ordinance, it is hereby declared to be the intention of the City of La Porte Council to have passed each section, sentence, phrase, or clause, or part thereof, irrespective of the fact that any other section, sentence, phrase, or clause, or part thereof, may be declared invalid.

**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 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 5.** This Ordinance shall take effect upon its passage and approval, and it is so ordered.

PASSED AND APPROVED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CITY OF LA PORTE

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

LOUIS RIGBY,  
Mayor

ATTEST:

By: \_\_\_\_\_  
LEE WOODWARD,  
City Secretary

APPROVED:

By: \_\_\_\_\_  
CLARK T. ASKINS  
Assistant City Attorney

**ORDINANCE NO. 2020-3798**

**AN ORDINANCE AMENDING ORDINANCE NO. 1285, “AN ORDINANCE IMPLEMENTING POLICEMAN’S CIVIL SERVICE; ESTABLISHING CLASSIFICATIONS; NUMBER OF AUTHORIZED POSITIONS IN EACH CLASSIFICATION; ESTABLISHING PAY SCHEDULES”; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; 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.** Section 3 of Ordinance 1285, as amended, is hereby amended and shall hereafter read as follows, to-wit:

“Section Three. There are hereby established the following number of authorized positions in each of the foregoing classifications, to-wit:

<u>Classification</u>	<u>Number of Authorized Positions</u>
Patrolmen	63
Sergeant	11
Lieutenant	5
Assistant Chief	2

**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 Ordinance No. 1285 and any amendments thereto.

**Section 3.** If any section, sentence, phrase, clause, or any part of any section, sentence, phrase, or clause, of this Ordinance shall, for any reason, be held invalid, such invalidity shall not affect the remaining portions of this Ordinance, it is hereby declared to be the intention of the City of La Porte Council to have passed each section, sentence, phrase, or clause, or part thereof, irrespective of the fact that any other section, sentence, phrase, or clause, or part thereof, may be declared invalid.

**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 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 5.** This Ordinance shall take effect upon its passage and approval, and it is so ordered.

PASSED AND APPROVED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CITY OF LA PORTE

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

LOUIS RIGBY,  
Mayor

ATTEST:

By: \_\_\_\_\_  
Lee Woodward,  
City Secretary

APPROVED:

By: \_\_\_\_\_  
CLARK T. ASKINS  
Assistant City Attorney



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 14, 2020</u>
Requested By: <u>Ray Mayo, Director</u>
Department: <u>Public Works</u>
<input 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 type="radio"/> No

**Exhibits:** Area Map; ROW Dedication Deed; Tree Conflicts

### SUMMARY & RECOMMENDATION

Staff identified the area along the north side of W. Main Street, between 8<sup>th</sup> Street and 7<sup>th</sup> Street, as a potential location to provide better sidewalk connectivity. However, trees exist within the public right-of-way and conflict with the proposed location of the sidewalk. During field investigation of the proposed sidewalk location, staff was approached by Sherman Moore, property owner of 820 W. Main Street, and the tree conflicts were discussed. In order to preserve the trees and construct the sidewalk, Mr. Moore has agreed to dedicate a portion of his property as public right-of-way. Staff recommends acceptance of the right-of-way dedication deed to allow for the construction of the public sidewalk.

Additionally, there are areas of existing sidewalk, along W Main Street, that are impacted by existing tree roots. Realizing the destruction that the existing trees have caused to the existing sidewalk, staff intends to coordinate with a landscape architect to determine alternative options to address tree/sidewalk conflicts along W Main Street. Initial consideration is given to replacing some trees with trees with less invasive root systems. The potential to work around existing trees will be evaluated, but may be challenging due to changes in sidewalk elevation required to cross existing tree roots. The concept of replacing trees and repairing sidewalks aligns with the goal of enhancing of Main Street. Staff is requesting input from Council regarding the potential to enhance Main Street by repairing sidewalk and replacing existing trees.

#### Benefits:

- Allows sidewalk to be constructed along the north side of W Main Street, between 8<sup>th</sup> Street and 7<sup>th</sup> Street, within areas dedicated for public use, without requiring tree removal.

- Enhances aesthetics of Main Street.
- Future tree replacement plan addresses potential ADA infractions.

**Liabilities:**

- Trees would need to be removed along the north side of W Main Street, between 8<sup>th</sup> Street and 7<sup>th</sup> Street, to keep sidewalk within public right-of-way.
- Existing trees create trip hazards in existing sidewalk.
- Sidewalk modifications to accommodate existing trees create potential ADA infractions.

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**ACTION REQUIRED BY CITY COUNCIL**

Accept right-of-way dedication deed for the area between 8<sup>th</sup> Street and 7<sup>th</sup> Street, and provide staff with feedback regarding future repairs to existing sidewalk and future tree replacement.

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**Approved for the City Council meeting agenda**

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

\_\_\_\_\_  
Date

# AREA MAP

101 N 7th St

Exit Street View



SPEED LIMIT 30

7th St  
Main St

© 2020 Google

Google Earth

[Report a problem](#)

Imagery Date: 7/2016 lat: 29.655424° lon: -95.026799° elev: 0 ft eye alt: 8 ft

**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 SUCIRITY NUMBER OR YOUR DRIVERS'S LICESE NUMBER**

**RIGHT-OF-WAY DEDICATION DEED**

STATE OF TEXAS

§  
§  
§

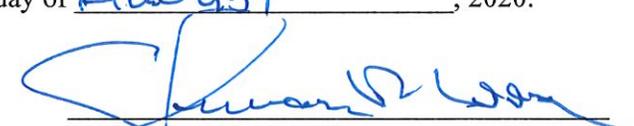
**KNOW ALL MEN BY THESE PRESENTS:**

COUNTY OF HARRIS

That SHERMAN MOORE and SHELIA A. MOORE, a married couple, (Grantors) whose address is P.O. Box 767, La Porte, County, Texas 77572, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid by the CITY OF LA PORTE, TEXAS, ("Grantee"), a Texas home rule municipality, whose mailing address is 604 West Fairmont Parkway, La Porte, Harris County, Texas 77571, the receipt and sufficiency of which consideration is hereby acknowledged, has DEDICATED, GRANTED, SOLD and CONVEYED, and by these presents does DEDICATE, GRANT, SELL and CONVEY unto Grantee as right-of-way for public sidewalk purposes, including the right of ingress, egress, and regress therein, and easements to construct and maintain said public sidewalk, or any other public purpose authorized by Local Government Code §273.001 and deemed necessary by Grantee into, over and though all that certain real property located in the County of Harris, State of Texas, and being more particularly described and illustrated on Exhibits A and B, attached hereto and incorporated herein by reference, for all purposes.

TO HAVE AND TO HOLD the above described property for said public sidewalk and other valid public purposes unto Grantee, its successors and assigns, forever, and Grantors do hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular, the said premises unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or anu part thereof.

SIGNED and effective this 21 day of August, 2020.

  
SHERMAN MOORE

  
SHELIA A. MOORE

**ACKNOWLEDGMENT**

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on the 21 day of August, 2020, by SHERMAN MOORE.

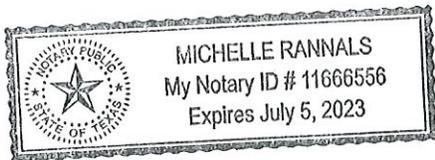


Michelle Rannals  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on the 21 day of August, 2020, by SHELIA A. MOORE.



Michelle Rannals  
Notary Public, State of Texas

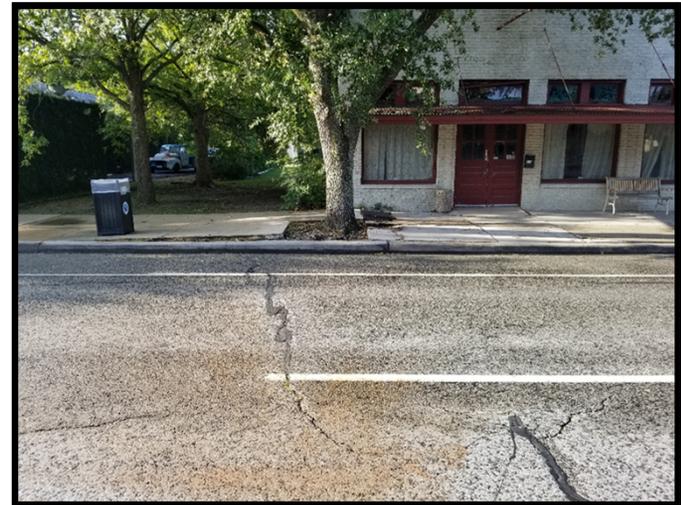
ACCEPTED BY THE CITY OF LA PORTE, TEXAS:

This is to certify that the interest in real property conveyed by this dedication instrument the \_\_\_ day of \_\_\_\_\_, 2020, from SHERMAN MOORE and SHELIA MOORE, has been duly accepted subject to all terms and conditions contained therein, and the City Council of the City of La Porte, Texas has consented to the recording of such dedication.

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

This instrument was acknowledged before me on the \_\_\_ day of \_\_\_\_\_, 2020, by Louis R. Rigby, Mayor of the City of La Porte, Texas, a Texas home rule municipality, on behalf of said municipality.

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







## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 14, 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>015 – General CIP</u>
Account Number:	<u>015-7070-530-1100</u>
Amount Budgeted:	<u>\$642,260</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input checked="" type="radio"/> Yes <input type="radio"/> No

**Exhibits:** Bid Tab

### SUMMARY & RECOMMENDATION

The City of La Porte received seven (7) sealed bids (#20010) for the Five Points Plaza Enhancements Pavilion and Restrooms project on August 13, 2020. The solicitation was advertised on July 16<sup>th</sup> and July 23<sup>rd</sup> in the Bay Area Observer and posted on Public Purchase and the City’s website. All bids received included errors ranging from failure to provide the required bid bond, to incomplete bid forms. Additionally, the base bid, set-up to provide for the construction of a restroom facility, exceeded the anticipated project cost by at least forty percent (40%), with three (3) of the seven (7) base bids exceeding the total project budget. Base bids, for just the restroom, ranged from \$457,980 to \$838,185. Mathematical errors are highlighted in yellow on the attached bid tab and indicate corrected total bid amounts, based on unit prices. Issues related to each of the bids received are presented in the following table:

Gonzalez Commercial Electric	Perry Construction	Nash Industries	Millennium Project Solutions	Comex Corporation	CMC Development	Portfolio Builders
No bid bond.	Mobilization (\$196,732) exceeded 5% of total bid.	Mathematical error(s) on bid.	Mathematical error(s) on bid.	Base bid exceeds project budget.	Incomplete bid form; No unit pricing provided.	Poor experience on past COLP project.
Mathematical error(s) on bid.	Mathematical error(s) on bid.	Requested substitution of bid form.			Base bid exceeds project budget.	Base bid exceeds project budget.
						Incomplete bid form; No unit pricing provided.

Staff is recommending City Council reject all bids to allow re-posting of the Request for Proposals (RFP). Currently, the project design and bid documents are being evaluated to identify potential(s) for cost savings in order to stay within the budgeted amount. Potential changes to the project design and bid form include:

Changes	Potential Impact
Consolidated bid items	Clarifies project scope
Alternate building materials	Reduction in cost
Additional solicitation postings	More competitive bids

**Benefits:**

- Project not awarded based on incomplete/inaccurate bid(s).
- Allows project to be value engineered to stay within budget.

**Liabilities:**

- Rejecting bids further delays addition of permanent restrooms.

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**ACTION REQUIRED BY CITY COUNCIL**

Reject all bids regarding Sealed Bid #20010 for the Five Points Plaza Enhancements Pavilion and Restrooms project.

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**Approved for the City Council meeting agenda**

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

\_\_\_\_\_  
Date

**Bid Tabulation to Sealed Bid #20010-5 Points Plaza Enhancements Pavilion and Restrooms**

			GONZALES COMMERCIAL ELECTRIC		PERRY CONSTRUCTION		NASH INDUSTRIES		MILLENNIUM PROJECT SOLUTIONS		COMEX CORPORATION		CMC DEVELOPMENT		PORTFOLIO BUILDERS			
Item No.	Qty.	Unit	Item Description	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	
1	0.84	AC	Demo and Site Preparation, Complete in Place	\$15,000.00	\$15,000.00		\$38,579.00		\$15,915.00		\$80,022.61		\$10,000.00	not provided	\$50,572.00	not provided	\$116,250.00	
2	1	LS	Mobilization, Insurance, Bonds and Permits Related to Civil Site Work Not to Exceed 5% of total project cost	\$10,000.00	\$10,000.00	\$196,732.00	\$196,732.00	\$46,022.62	\$46,022.62	\$23,065.00	\$23,065.00	\$40,000.00	\$40,000.00		\$66,000.00		\$20,000.00	
3	1	LS	Storm Water Pollution Prevention Plan Including NOI and Maintaining all Sediment Control Features; Inlet Protection Barrier; Stabilized Construction Access Including Concrete Wash Out Area, Installation, Maintaining & Removal; Reinforced Filter Fabric Fencing; Complete in Place	\$4,000.00	\$4,000.00	\$3,124.00	\$3,124.00	\$6,105.00	\$6,105.00	\$4,254.00	\$4,254.00	\$7,000.00	\$7,000.00		\$7,000.00		\$3,500.00	
4	49	LF	2" PVC Water Line, Includes Bedding & Backfill, Fittings & Bends, Appurtenances, Trench Safety, and Connection to Public line, Complete in Place	\$20.00	\$980.00	\$32.06	\$1,570.94	\$10.00	\$490.00	\$197.88	\$9,696.12	\$250.00	\$12,250.00		\$2,450.00		\$15,000.00	
5	1	LS	2" RPX Backflow Preventor with Above Ground Lockable Enclosure; 2" Meter and 2" Gate Valve and Appurtenances; Complete in Place	\$5,000.00	\$5,000.00	\$985.00	\$985.00	\$3,460.00	\$3,460.00	\$4,277.00	\$4,277.00	\$5,250.00	\$5,250.00		\$1,500.00		\$6,000.00	
6	20	LF	4" PVC Sanitary Sewer, Includes Bedding & Backfill, Fittings, Appurtenances, Clean outs, Trench Safety and Connection to Public Line, Complete in Place	\$50.00	\$1,000.00	\$111.75	\$2,235.00	\$90.00	\$1,800.00	\$376.80	\$7,536.00	\$850.00	\$17,000.00		\$1,800.00		\$8,000.00	
7	20	LF	Sanitary Sewer Wet Trench and Ground Water Control, at the Direction of the Engineer, Complete in Place	\$1,000.00	\$20,000.00	\$400.00	\$8,000.00	\$600.00	\$12,000.00	\$607.75	\$12,155.00	\$600.00	\$12,000.00		\$200.00		\$12,960.00	
8	1	LS	Furnish material and labor for Restroom Pavilion	\$397,000.00	\$397,000.00	\$260,382.00	\$260,382.00	\$403,868.00	\$403,868.00	\$430,552.00	\$430,552.00	\$588,000.00	\$588,000.00		\$600,775.00		\$621,475.00	
9	1	LS	Site Restoration, Complete in Place	\$5,000.00	\$5,000.00	\$8,500.00	\$8,500.00	\$55,300.00	\$55,300.00	\$14,531.00	\$14,531.00	\$10,000.00	\$10,000.00		\$15,000.00		\$35,000.00	
<b>BASE BID-TOTAL OF 1-9</b>						\$457,980.00		\$520,107.94		\$544,960.62		\$586,088.73		\$701,500.00		\$745,297.00		\$838,185.00

**ADDITIONAL BID ITEMS**

Item No.	Qty.	Unit	Item Description	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price								
10	1	LS	Landscaping Plan, Complete in Place	\$7,500.00	\$7,500.00		By Owner		By Owner	\$6,277.00	\$6,277.00	\$1,000.00	\$1,000.00	not provided	By Owner	not provided	\$27,000.00
11	37	LF	12" RCP Storm Sewer, Includes Bedding & Backfill, Fittings, Trench Safety, Complete in Place	\$40.00	\$1,480.00	\$100.00	\$3,700.00	\$40.00	\$1,480.00	\$217.59	\$8,050.83	\$135.14	\$5,000.18		\$1,678.00		\$5,118.85
12	30	LF	6" HDPE Storm Sewer, Includes Bedding & Backfill, Fittings, Trench Safety, Complete in Place	\$25.00	\$750.00	\$60.00	\$1,800.00	\$20.00	\$600.00	\$87.03	\$2,610.90	\$73.33	\$2,199.90		\$667.00		\$2,351.48
13	104	LF	8" HDPE Storm Sewer, Includes Bedding & Backfill, Fittings, Trench Safety, Complete in place	\$35.00	\$3,640.00	\$68.00	\$7,072.00	\$22.00	\$2,288.00	\$43.14	\$4,486.56	\$43.27	\$4,500.08		\$2,454.00		\$4,849.20
14	277	LF	12" HDPE Storm Sewer, Includes Bedding & Backfill, Fittings, Trench Safety, Complete in Place	\$40.00	\$11,080.00	\$46.00	\$12,742.00	\$35.00	\$9,695.00	\$45.27	\$12,539.79	\$55.29	\$15,315.33		\$7,775.00		\$13,551.14
15	51	LF	15" HDPE Storm Sewer, Includes Bedding & Backfill, Fittings, Trench Safety, Complete in Place	\$45.00	\$2,295.00	\$50.00	\$2,550.00	\$38.00	\$1,938.00	\$80.35	\$4,097.85	\$80.39	\$4,099.89		\$1,624.00		\$4,428.70
16	100	LF	18" HDPE Storm Sewer, Includes Bedding & Backfill, Fittings, Trench Safety, Complete in Place	\$50.00	\$5,000.00	\$52.00	\$5,200.00	\$40.00	\$4,000.00	\$61.99	\$6,199.00	\$62.00	\$6,200.00		\$3,512.00		\$6,699.33
17	599	LF	Storm Sewer Wet Trench and Ground Water Control, All Depths & Sizes at the Direction of the Engineer Complete in Place	\$100.00	\$59,900.00	\$15.00	\$8,985.00	\$35.00	\$20,965.00	\$11.02	\$6,600.98	\$9.18	\$5,498.82		\$6,000.00		\$5,940.00

**Bid Tabulation to Sealed Bid #20010-5 Points Plaza Enhancements Pavilion and Restrooms**

				GONZALES COMMERCIAL ELECTRIC		PERRY CONSTRUCTION		NASH INDUSTRIES		MILLENNIUM PROJECT SOLUTIONS		COMEX CORPORATION		CMC DEVELOPMENT		PORTFOLIO BUILDERS	
18	6	EA	Type 'A' inlet, Complete in Place	\$500.00	\$3,000.00	\$1,513.00	\$9,078.00	\$1,200.00	\$7,200.00	\$2,212.17	\$13,273.02	\$2,116.67	\$12,700.02		\$6,610.00		\$13,652.28
19	3	EA	Type 'C' Sotrm Manhole, Includes Adjustment to Final Elevation, Complete in Place	\$750.00	\$2,250.00	\$2,076.00	\$6,228.00	\$2,200.00	\$6,600.00	\$3,262.33	\$9,786.99	\$3,133.33	\$9,399.99		\$6,096.00		\$10,067.22
20	72	LF	Zurn Z886 Class A (HPP) ADA Compliant Trench Drain or Approved Equal, Complete in Place	\$50.00	\$3,600.00	\$200.00	\$14,400.00	\$100.00	\$7,200.00	\$131.16	\$9,443.52	\$109.72	\$7,899.84		\$10,584.00		\$8,499.60
21	414.7	CY	Excavation and Fill to Final Grade, Includes Import of Dirt, Haul, Placement and Compaction of Materials to 95% Standard Proctor Density, Complete in Place	\$35.00	\$14,515.00	\$38.29	\$15,879.00	\$24.00	\$9,952.80	\$28.80	\$11,943.36	\$108.51	\$44,999.10		\$52,048.00		\$11,000.00
22	2580	SY	6" Reinforced Concrete Pavement, Includes Tie-ins to Existing Pavement, Complete in Place	\$45.00	\$116,100.00	\$36.00	\$92,880.00	\$35.82	\$92,415.60	\$62.72	\$161,817.60	\$32.95	\$85,011.00		\$82,500.00		\$130,000.00
23	2786	SY	6" Lime Stabilized Subgrade (Per Geotechnical Report), Complete in Place	\$3.50	\$9,751.00	\$17.55	\$48,894.30	\$8.00	\$22,288.00	\$7.68	\$21,396.48	\$5.38	\$14,988.68		\$24,843.00		\$24,000.00
24	154	SY	4 1/2" Reinforced Concrete Sidewalk, Complete in Place	\$54.00	\$8,316.00	\$35.00	\$5,390.00	\$36.72	\$5,654.88	\$82.68	\$12,732.72	\$58.44	\$8,999.76		\$10,380.00		\$15,000.00
25	706	LF	6" Reinforced Concrete Curb, Complete in Place	\$6.50	\$4,589.00	\$5.00	\$3,530.00	\$3.00	\$2,118.00	\$5.52	\$3,897.12	\$4.67	\$3,297.02		\$2,760.00		\$7,500.00
26	332	SF	Remove and Replace Existing Stamped Colored Concrete Pavement, Complete in Place	\$20.00	\$6,640.00	\$22.98	\$7,629.36	\$14.00	\$4,648.00	\$8.27	\$2,745.64	\$15.06	\$4,999.92		\$3,570.00		\$7,500.00
27	3	EA	ADA Accessible Ramps, Complete in Place	\$650.00	\$1,950.00	\$600.00	\$1,800.00	\$200.00	\$600.00	\$1,080.00	\$3,240.00	\$366.67	\$1,100.01		\$3,000.00		\$3,500.00
28	50	EA	Wheel Stops, Complete in Place	\$90.00	\$4,500.00	\$63.59	\$3,179.50	\$76.00	\$3,800.00	\$147.00	\$7,350.00	\$20.00	\$1,000.00		\$2,990.00		\$3,500.00
29	1	LS	Pavement Markings, Complete in Place	\$1,500.00	\$1,500.00	\$2,543.41	\$2,543.41	\$20.00	\$20.00	\$4,497.00	\$4,497.00	\$4,000.00	\$4,000.00		\$3,292.00		\$3,500.00
30	1	LS	Traffic Control Complete in Place	\$2,500.00	\$2,500.00	\$5,100.00	\$5,100.00	\$14,270.00	\$14,270.00	\$1,000.00	\$1,000.00	\$5,000.00	\$5,000.00		\$3,000.00		\$2,500.00
31	5	EA	Light Fixtures (see MEP Sheets). Complete in Place	\$6,500.00	\$32,500.00	\$500.00	\$2,500.00	\$3,080.00	\$15,400.00	\$10,333.20	\$51,666.00	\$9,600.00	\$48,000.00		\$16,000.00		\$50,000.00
32	1	LS	Furnish material and labor for Open Air Pavilion	\$598,064.00	\$598,064.00	\$366,944.00	\$366,944.00	\$125,472.00	\$125,472.00	\$409,559.00	\$409,559.00	\$481,050.00	\$481,050.00		\$328,320.00		\$255,157.20
BID BOND				No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>TOTAL OF ADDITIONAL BID ITEMS (10-32)</b>					\$901,420.00		\$628,024.57		\$358,605.28		\$775,211.36		\$776,259.54		\$579,703.00		\$615,315.00
<b>TOTAL BID PRICE AND ADDITIONAL BID ITEMS</b>					\$1,359,400.00		\$1,148,132.51		\$903,565.90		\$1,361,300.09		\$1,477,759.54		\$1,325,000.00		\$1,453,500.00

Indicates mathematical errors



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 14, 2020</u>
Requested By: <u>Lee Woodward, City Secretary</u>
Department: <u>CSO</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:** Proposed Ord. 2020-3797  
Adopted Ord. 2020-3787 and Ord. 2020-3771  
Gov. Abbott July 27, 2020 proclamation  
SoS August 10, 2020 Mass Email (CSO-3331)

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### SUMMARY & RECOMMENDATION

On August 10, the Texas Secretary of State (SoS) issued Mass Email (CSO-3331), on updates to early voting requirements for the November 3, 2020, election, including the following:

*7. Amending the Election Order: We recommend amending the election order to reflect the changes to the early voting period. This amendment does not need to occur by August 17, 2020 since early voting will occur on the dates dictated by the Governor's Proclamation regardless of what the order states. This action would be taken by the authority who originally ordered the election.*

Ordinance 2020-3797 is provided for consideration to amend Ordinance 2020-3787 (adopted March 30), which itself amended Ordinance 2020-3771's calling of the City's 2020 General Election (adopted January 13), by moving it to the November uniform election date.

Per the Governor's July 27 extension of the early voting period and the SoS recommendation above, Ordinance 2020-3797 proposed to amend information concerning the November 3 election, particularly as regards early voting. As shown on Exhibit B to proposed Ordinance 2020-3797, an early voting location has been approved for La Porte, the Governor has extended early voting dates from October 19 to October 13, and Harris County is providing broadly extended hours for early voting.

Staff recommends City Council approve the revised Ordinance 2020-3797.

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**ACTION REQUIRED BY CITY COUNCIL**

Adopt Ordinance 2020-3797 calling the City of La Porte's 2020 general election to provide an updated order of election.

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## **ORDINANCE NO. 2020-3797**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, AMENDING ORDINANCE 2020-3771 AND ORDINANCE 2020-3787 TO PROVIDE ADDITIONAL VOTING INFORMATION REGARDING THE NOVEMBER 3, 2020, GENERAL ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on January 13, 2020, the City Council passed Ordinance 2020-3771, which ordered an election to be held on May 2, 2020, for the purpose of electing a Councilperson-District 1, a Councilperson-District 6, and a Councilperson-at-large-Position B; and

**WHEREAS**, on March 30, 2020, the City Council adopted Ordinance 2020-3787, amending Ordinance 2020-3771, for the purpose of postponing the May 2, 2020, general election to November 3, 2020, for the purpose of electing a Councilperson-District 1, a Councilperson-District 6, and a Councilperson-at-large-Position B; and

**WHEREAS**, on July 27, 2020, Texas Governor Greg Abbott issued a proclamation for the State of Texas related to the COVID-19 pandemic concerning early voting, suspending Section 85.00 1(a) of the Texas Election Code to the extent necessary to require that, for any election ordered or authorized to occur on November 3, 2020, early voting by personal appearance shall begin on Tuesday, October 13, 2020, and shall continue through the fourth day before election day, and further suspending Section 86.006(a-1) of the Texas Election Code, for any election ordered or authorized to occur on November 3, 2020, to the extent necessary to allow a voter to deliver a marked mail ballot in person to the early voting clerk's office prior to and including on election day; and

**WHEREAS**, on March 13, 2020, Texas Governor Greg Abbott issued a Disaster Declaration for the State of Texas related to the COVID-19 pandemic, which has been successively extended, including on August 8, 2020; and

**WHEREAS**, on March 13, 2020, the Mayor of La Porte issued a Disaster Declaration for the City of La Porte, which declaration was extended until April 3, 2020, by the City Council, on March 20, 2020, and then on March 30, 2020, to continue in effect until such time as the COVID-19 Disaster Declaration issued by Texas Governor Greg Abbott on March 13, 2020, expires or is withdrawn, unless sooner terminated by executive order of the Mayor or by the City Council; and

**WHEREAS**, the City Council finds that it is in the public interest to provide this ordinance amending Ordinances 2020-2771 and 2020-3787, as an update regarding the extension of early voting and Harris County polling location information, attached as Exhibit A;

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

**SECTION 1.** The findings and recitations contained in the preamble of this ordinance are true and correct and are hereby incorporated into the body of this ordinance by reference.

**SECTION 2.** Pursuant to authority extended to political subdivisions in the March 18, 2020, Proclamation of Texas Government Greg Abbott, City of La Porte Ordinance 2020-3771 is hereby amended to postpone the ordered election for the City of La Porte from May 2, 2020, to November 3, 2020. The regular municipal election of the City of La Porte, Texas, for election of members of the City Council prescribed by Section 2.03 of the City Charter, shall be held between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m. on the 3<sup>rd</sup> day of November, 2020, in the city, for the purpose of electing a Councilperson-District 1, a Councilperson-District 6, and a Councilperson-at-large-Position B. A run-off election, if necessary, will be ordered in accordance with law and will be held, on a date determined by Harris County, on that day between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m.

**SECTION 3.** The City is hereby divided into six (6) election precincts, corresponding to the boundaries of the six City Council single-member districts. The boundaries of such districts are as established, defined, and outlined in Ordinance 2011-3384. The polling places for these election precincts shall be as determined by a joint election agreement and election services contract to be arranged with Harris County:

**SECTION 4.** This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required by any election services contract(s) and/or joint election agreement(s) that may be authorized by the City Council.

**SECTION 5.** Any eligible and qualified person may have his or her name upon the official ballot as an independent candidate by submitting an application, which, in accordance with Texas Election Code Section 141.031, must be in writing and be signed and sworn to by the candidate and indicate that the candidate swears to the application. Such application for the general election may be filed with the City Secretary beginning on January 15, 2020, and must be filed not later than 5:00 p.m. on February 14, 2020. The candidate filings for the election originally ordered for May 2, 2020, will remain valid for the election to be held on November 3, 2020, and the original filing period that ended on February 14, 2020, at 5:00 p.m. will not be reopened. The voter registration deadline is October 5, 2020.

**SECTION 6.** Each Councilperson—District 1, Councilperson—District 6, and Councilperson-at-large—Position B shall each be elected by majority vote of all the votes cast for the office for which he or she is a candidate and shall hold office for a period of three (3) years.

**SECTION 7.** Each candidate for the office of Councilperson-at-large—Position B must be a resident qualified voter of the City for twelve (12) months immediately preceding election day. Each candidate for the office of Councilperson-District 1 and Councilperson-District 6 must be a resident qualified voter of the City for twelve (12) months immediately preceding election day and must also be a resident of the district for which he or she files for twelve (12) months immediately preceding election day, in accordance with Section 2.02(a) of the City Charter.

**SECTION 8.** Harris County shall appoint the Early Voting Clerk and Deputy Early Voting Clerk for the joint early voting in person and voting by mail, and designate the Main Early Voting Location for early voting for the election.

Applications for ballot by mail may be mailed, faxed, emailed, or delivered by common or contract carrier to:

Regular mail to:

Chris Hollins  
Harris County Clerk  
Attn: Elections Division  
Post Office Box 1148  
Houston, TX 77251-1148

Common or contract carrier:

Chris Hollins  
Harris County Clerk  
1001 Preston, 4th Floor, Room 440  
Houston, TX 77002

Phone: (713) 755-6965 Fax: (713)-755-4983 or (713)-437-8683 Email: [BBM@cco.hctx.net](mailto:BBM@cco.hctx.net)  
who shall promptly provide them per the provisions of the Texas Election Code. The deadline to hand deliver an application for a ballot by mail (ABBM) is Monday, October 12, 2020. The last day for the early voting clerk to receive applications for a ballot to be voted by mail via mail, fax, common or contract carrier, or email, per the Election Code provisions of Sec. 84.007(c) is October 23, 2020. The early voting clerk's designated email address must be posted on the Secretary of State's website. If a voter submits an application for ballot by mail via fax or e-mail, the early voting clerk must receive an original or a copy with a wet signature via mail within four business days of the submission of the fax or email, per Election Code Sec. 84.007(c).

All ABBMs submitted based on the applicant being over the ages of 65 or due to disability will remain valid for the November 3, 2020, election; ABBMs for voters who submitted ABBMs based on expected absence from the city regarding the May 2, 2020, election will not be valid for the November 3, 2020 election.

The places at which Early Voting by personal appearance shall be conducted shall be designated by Harris County.

During the lawful early voting period, which will be from October 13, 2020, through October 30, 2020, such Early Voting Clerk shall keep such locations for early voting open for early voting as required by the Texas Election Code, at a minimum.

**SECTION 9.** The places at which Election Day voting by personal appearance shall be conducted shall be designated by Harris County.

**SECTION 10.** Voting at said election, including early voting, shall be by the use of voting machines; and the ballots of said election shall conform to the Texas Election Code, as amended. Harris County, via the contract for election services/joint election agreement, is hereby authorized and directed to obtain, or cause to be obtained, the necessary electronic tabulating equipment, to arrange for the testing thereof as provided by law and to employ a duly qualified manager and a duly qualified tabulation supervisor to perform the duties respectively imposed on them by law with respect to the processing and tabulation of ballots at the Central Counting Station.

**SECTION 11.** The City Secretary of the City of La Porte shall forthwith issue Notice of said election to be published one time in the *Bay Area Observer*, which is hereby found and declared to be a newspaper of general circulation in said City, not less than ten (10) days nor more than thirty (30) days prior to the date of the said election; in addition, Notice of said election shall be posted on the bulletin board in City Hall not later than the twenty-first (21<sup>st</sup>) day before election day and remain posted thorough election day.

**SECTION 12.** The Mayor and/or the City Secretary of the City of La Porte are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents, and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

**SECTION 13.** Each and every provision, paragraph, sentence and clause of this ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision; and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

**SECTION 14.** 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 Act, 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 15.** All portions of Ordinances 2020-3771 and 2020-3787 not specifically amended as provided herein shall remain in full force and effect.

**SECTION 16.** This ordinance shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED, this, the \_\_\_\_\_ day of \_\_\_\_\_, 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

# Exhibit A

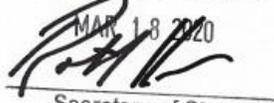


GOVERNOR GREG ABBOTT

March 18, 2020

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:00 AM O'CLOCK

MAR 18 2020  
  
Secretary of State

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor  
GSD/gsd

Attachment

## Exhibit A

### November 3, 2020, Polling Locations and Hours in La Porte

(Subject to change per action of the Harris County Commissioners Court)

#### Early Voting – October 13-30

**La Porte voters are able to vote at any Harris County location (approx. 100; full list available at HarrisVotes.com)**

Tuesday, October 13th – Saturday, October 17th: 7:00 a.m. – 7:00 p.m.

Sunday, October 18th: 12:00 p.m. – 7:00 p.m.

Monday, October 19th – Saturday, October 24th: 7:00 a.m. – 7:00 p.m.

Sunday, October 25th: 12:00 p.m. – 7:00 p.m.

Monday, October 26th: 7:00 a.m. – 7:00 p.m.

Tuesday, October 27th – Thursday, October 29th: 7:00 a.m. – 10:00 p.m.

\*\*\*Thursday, October 29th – Harris County is establishing a limited number of 24-hr. polling locations that will extend into Friday morning – check HarrisVotes.com to confirm\*\*\*

Friday, October 30th: 7:00 a.m. – 7:00 p.m.

The early voting polling location in the city limits is at the La Porte Recreation & Fitness Center, Norman L. Malone Senior Center, 1322 S. Broadway, La Porte, 77571 (NOT a 24-hr. location)

#### Election Day - Tuesday, November 3: 7 a.m. – 7 p.m.

**La Porte voters are able to vote at any Harris County location (approx. 800; full list available at HarrisVotes.com)**

The election day polling locations in the city limits will be:

- La Porte Recreation & Fitness Center, Norman L. Malone Senior Center, 1322 S. Broadway, La Porte, 77571
- La Porte City Hall Council Chamber, 604 W. Fairmont Parkway, La Porte, 77571
- Bayshore Elementary School Gymnasium, 800 McCabe Road, La Porte, 77571
- Lomax Junior High School Gymnasium, 9801 North Avenue L, La Porte, 77571
- Rizzuto Elementary School Cafeteria, 3201 Farrington Street, La Porte, 77571
- Jennie Reid Elementary School Cafeteria, 10001 W. Fairmont Parkway, La Porte, 77571



GOVERNOR GREG ABBOTT

July 27, 2020

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

2:00pm O'CLOCK

JUL 27 2020

Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending certain statutes concerning elections on November 3, 2020.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "GSD", with a long horizontal flourish extending to the right.

Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment

# PROCLAMATION

BY THE

## Governor of the State of Texas

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, pursuant to legislative authorization under Chapter 418 of the Texas Government Code, I have issued executive orders, proclamations, and suspensions of Texas laws in response to the COVID-19 disaster, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, Section 41.001(a) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on November 3, 2020; and

WHEREAS, I issued a proclamation on March 18, 2020, suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise have held elections on May 2, 2020, to move their general and special elections for 2020 only to the November 3, 2020 uniform election date; and

WHEREAS, Texas law provides that eligible voters have a right to cast a vote in person; and

WHEREAS, as counties across Texas prepare for the upcoming elections on November 3, 2020, and establish procedures for eligible voters to exercise their right to vote in person, it is necessary that election officials implement health protocols to conduct elections safely and to protect election workers and voters; and

WHEREAS, in order to ensure that elections proceed efficiently and safely when Texans go to the polls to cast a vote in person during early voting or on election day for the November 3, 2020 elections, it is necessary to increase the number of days in which polling locations will be open during the early voting period, such that election officials can implement appropriate social distancing and safe hygiene practices; and

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:00 PM O'CLOCK

JUL 27 2020

WHEREAS, Section 85.001(a) of the Texas Election Code provides that the period for early voting by personal appearance begins 17 days before election day; and

WHEREAS, Section 86.006(a-1) of the Texas Election Code provides that a voter may deliver a marked mail ballot in person to the early voting clerk's office while the polls are open on election day; and

WHEREAS, in consultation with the Texas Secretary of State, it has become apparent that for the November 3, 2020 elections, strict compliance with the statutory requirements in Sections 85.001(a) and 86.006(a-1) of the Texas Election Code would prevent, hinder, or delay necessary action in coping with the COVID-19 disaster, and that providing additional time for early voting will provide Texans greater safety while voting in person; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the legislature has expressly authorized the Governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster;

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and laws of the State of Texas, do hereby suspend Section 85.001(a) of the Texas Election Code to the extent necessary to require that, for any election ordered or authorized to occur on November 3, 2020, early voting by personal appearance shall begin on Tuesday, October 13, 2020, and shall continue through the fourth day before election day. I further suspend Section 86.006(a-1) of the Texas Election Code, for any election ordered or authorized to occur on November 3, 2020, to the extent necessary to allow a voter to deliver a marked mail ballot in person to the early voting clerk's office prior to and including on election day.

The Secretary of State shall take notice of this proclamation and shall transmit a copy of this order immediately to every County Judge of this state and all appropriate writs will be issued and all proper proceedings will be followed to the end that said elections may be held and their results proclaimed in accordance with law.



IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 27th day of July, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT  
Governor of Texas

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:00 PM O'CLOCK

JUL 27 2020

ATTESTED BY:



---

RUTH R. HUGHS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:00 pm O'CLOCK

JUL 27 2020

## Woodward, Lee

---

**From:** Elections Internet <Elections@sos.texas.gov>  
**Sent:** Monday, August 10, 2020 8:29 AM  
**To:** Elections Internet  
**Subject:** MASS EMAIL (CSO-3331) - Early Voting Requirements for November 3, 2020.

**Sensitivity:** Personal

Dear Election Officials:

On July 27, 2020, Governor Greg Abbott issued a [proclamation](#) suspending Section 85.001(a) of the Texas Election Code to expand the early voting period for the November 3, 2020 elections. We've received a number of questions related to this issue. We would like to clarify several things about the early voting requirements.

1. **Early Voting Period:** The early voting period will begin on Tuesday, October 13, 2020 and end on Friday, October 30, 2020.
2. **Hour Requirements when the County or City is the Early Voting Clerk:** Per Section 85.005(a) of the Election Code, early voting by personal appearance shall be conducted on the weekdays of the early voting period and during the hours that the early voting clerk's main business office is regularly open for business. The early voting clerk can order additional hours beyond the minimum requirements.
  - a. **Hour Requirements when the County or City is NOT the early voting Clerk:** Early voting by personal appearance must be conducted at the main early voting polling place for at least 8 hours each weekday of the early voting period that is not a legal state holiday. If the territory has fewer than 1,000 registered voters, voting shall be conducted at least three hours each day. (Sec. 85.005(b)).
3. **Extended Hour Requirements for County Early Voting Clerks**
  - a. **Extended Hours for Counties (not cities) with a population of 100,000 or greater:** Early voting in the general election for state and county officers must be conducted at the main early voting location for at least 12 hours on each weekday of the **last week** of the early voting period. (Sec. 85.005(c)). The requirement to conduct Saturday and Sunday voting at the main early voting location triggers Saturday/Sunday voting at any mandatory temporary branches in the county election established under Section 85.064(d).
  - b. **Extended Hours for Counties (not cities) with a population under 100,000:** If the county early voting clerk receives a [written request \(PDF\)](#) by at least 15 registered voters of the county for extended hours, early voting in a general election for state and county officers must be conducted at the main early voting location for at least 12 hours on each weekday of the last week of the early voting period. (Sec. 85.005(c)). The written request must be submitted in time to enable compliance with Section 85.067. (Secs. 85.005(c), 85.067(c)). **For November, this deadline is October 20, 2020.**
  - c. **Extended Hours for Cities (even when the county is serving as the early voting clerk):** Per Section 85.005(d), early voting by personal appearance shall be conducted for at least 12 hours on two weekdays. If the county is conducting an election on the city's behalf either as part of a contract for election services or a joint election agreement, the county must comply with this extended hour requirement.
4. **Weekend Hours when the County is the Early Voting Clerk:** The county election officer may [order](#) early voting on any Saturday or Sunday during the early voting period and may determine the hours for such Saturday or Sunday early voting. [Notice of Saturday or Sunday early voting \(PDF\)](#) must be posted continuously for at least 72 hours immediately preceding the first hour that voting will be conducted. (Sec. 85.007(c)). The

notice shall be posted on the bulletin board used for posting notice of meetings of the commissioners court, as well as on the political subdivision's website, if maintained. (Secs. 85.007(c), 85.007(d)).

- a. **Extended Hours for Counties with a population of 100,000 or greater:** Early voting in the general election for state and county officers must be conducted at the main early voting location for (1) at least 12 hours on the **last Saturday** of the early voting period, **AND** (2) at least 5 hours on the **last Sunday** of the early voting period. (Sec. 85.006(e)).
  - b. **Extended Hours for Counties with a population under 100,000:** If the early voting clerk receives a [written request \(PDF\)](#) by at least 15 registered voters of the county, early voting in a general election for state and county officers must be conducted at the main early voting location for (1) at least 12 hours on the **last Saturday** of the early voting period, and (2) at least 5 hours on the **last Sunday** of the early voting period. (Sec. 85.006(e)). The request for Saturday and Sunday hours must be received in time for the early voting clerk to comply with the 72-hour posting requirement before the start of early voting. (Secs. 85.006(e), 85.007(c)). **For November, this deadline is October 20, 2020.**
5. **Weekend Hours when the County is NOT the early voting clerk:** The authority ordering an election may order early voting at the main early voting location on any Saturday or Sunday during the early voting period. The authority ordering early voting may also determine the hours of weekend voting. Voting on **ANY** Saturday or Sunday **must** be included in the order and notice of election. The order and notice must include the dates and hours of Saturday or Sunday voting. (Secs. 85.006, 85.007). The election notice must be posted on the political subdivision's website, if maintained. (Sec. 85.007). The political subdivision **must** have early voting on Saturday or Sunday *if* a [written request \(PDF\)](#) is received from at least 15 registered voters of the political subdivision in time to comply with the posting requirement. (Sec. 85.006(d)). **The request must be submitted in time to be included in the order and notice of election.** (Secs. 85.006, 85.007). **NOTE:** If you contract with the county for a unified joint early voting schedule, you must follow the county's schedule; when their rules change their schedule, your schedule will change.
  6. **Temporary Branch Locations:** Temporary branch polling places must remain open for each weekday of the early voting period that the main early voting polling place will be open. The temporary branch polling places must be open at least eight hours each day, unless the city or county is not serving as the early voting clerk and the territory holding the election has less than 1,000 registered voters, in which case the temporary branch polling places must be open for at least three hours each day. (Secs. 85.062, 85.064). For additional information regarding temporary branch locations, please review our [Advisory No. 2019-20](#).
  7. **Amending the Election Order:** We recommend amending the election order to reflect the changes to the early voting period. This amendment does not need to occur by August 17, 2020 since early voting will occur on the dates dictated by the Governor's Proclamation regardless of what the order states. This action would be taken by the authority who originally ordered the election.

Thank you for the questions you have been sending us. We will be sending out a separate email regarding the hand delivery of mail ballots. Please let us know if you have any additional questions or concerns.

**Christina Worrell Adkins**

Legal Director – Elections Division

Office of the Texas Secretary of State

1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701

1.800.252.VOTE (8683)

[elections@sos.texas.gov](mailto:elections@sos.texas.gov) | [www.sos.texas.gov](http://www.sos.texas.gov)

**For Voter Related Information, please visit:**



*The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.*

## ORDINANCE NO. 2020-3771

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, ORDERING A REGULAR MUNICIPAL ELECTION TO BE HELD ON THE 2<sup>ND</sup> DAY OF MAY, 2020, FOR THE PURPOSE OF ELECTING A COUNCILPERSON DISTRICT 1, COUNCILPERSON DISTRICT 6, AND A COUNCILPERSON-AT-LARGE POSITION B; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE**

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

SECTION 1. The regular municipal election of the City of La Porte, Texas, for election of members of the City Council prescribed by Section 2.03 of the City Charter, shall be held between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m. on the 2<sup>nd</sup> day of May 2020, in the city, for the purpose of electing a Councilperson—District 1, a Councilperson—District 6, and a Councilperson-at-large—Position B. A run-off election will be held, if necessary, on June 13, 2020, that day being the second Saturday in June 2020, between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m.

SECTION 2. The City is hereby divided into six (6) election precincts, corresponding to the boundaries of the six City Council single-member districts. The boundaries of such districts are as established, defined, and outlined in Ordinance 2011-3384. The polling places for these election precincts shall be as follows:

<u>Precinct/District</u>	<u>Polling Location</u>
1, 2, 3, and 6	LPISD's ITC Building, 9832 Spencer Highway, La Porte, 77571
4 and 5	City of La Porte City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, 77571

SECTION 3. This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. The City Council has determined, pursuant to Chapter 31 of the Texas Election Code, that the City is authorized to enter into an Election Services Agreement with the La Porte Independent School District (LPISD), and, pursuant to Chapter 271 of the Texas Election Code, the City is authorized to enter into a Joint Election Agreement with LPISD and other participating political subdivisions for this election. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required by any election services contract(s) and/or joint election agreement(s) that may be authorized by the City Council.

SECTION 4. Any eligible and qualified person may have his or her name upon the official ballot as an independent candidate by submitting an application, which, in accordance with Texas Election Code Section 141.031, must be in writing and be signed and sworn to by the candidate and indicate that the candidate swears to the application. Such application for the general election may be filed with the City Secretary beginning on January 15, 2020, and must be filed not later than 5:00 p.m. on February 14, 2020.

SECTION 5. Each Councilperson—District 1, Councilperson—District 6, and Councilperson-at-large—Position B shall each be elected by majority vote of all the votes cast for the office for which he or she is a candidate and shall hold office for a period of three (3) years.

SECTION 6. Each candidate for the office of Councilperson-at-large—Position B must be a resident qualified voter of the City for twelve (12) months immediately preceding election day. Each

candidate for the office of Councilperson-District 1 and Councilperson-District 6 must be a resident qualified voter of the City for twelve (12) months immediately preceding election day and must also be a resident of the district for which he or she files for twelve (12) months immediately preceding election day, in accordance with Section 2.02(a) of the City Charter.

SECTION 7. Lee Woodward, City Secretary, is appointed as the Early Voting Clerk, and Sharon Harris, Deputy City Secretary, is appointed as the Deputy Early Voting Clerk, for the joint early voting in person and voting by mail, and the City of La Porte City Hall, City Council Chamber, 604 West Fairmont Parkway, La Porte, Texas, 77571, is hereby designated as the Main Early Voting Location for early voting for the election.

Applications for ballot by mail shall be mailed, faxed, emailed, or delivered by common or contract carrier to:

Lee Woodward, City Secretary  
City of La Porte  
604 West Fairmont Parkway  
La Porte, Texas 77571  
Phone: 281-470-5021 Fax: 281-842-3701 Email: CitySecretary@LaPorteTX.gov

The places at which Early Voting by personal appearance shall be conducted are designated as the La Porte City Hall, 604 West Fairmont Parkway, La Porte, Texas, (main early voting polling place), and the Instructional Technology Center (ITC Building), 9832 Spencer Highway, La Porte, Texas, (branch early voting polling place).

During the lawful early voting period, such Early Voting Clerk shall keep such locations for early voting open for early voting from 8:00 a.m. – 5:00 p.m., beginning Monday, April 20, 2020, and continuing through Tuesday, April, 28, 2020, with the exception of Tuesday, April 21, 2020, and Tuesday, April 28, 2020, in which case early voting hours shall be from 7:00 a.m. to 7:00 p.m.

SECTION 8. Voting at said election, including early voting, shall be by the use of voting machines; and the ballots of said election shall conform to the Texas Election Code, as amended. The City Secretary is hereby authorized and directed to obtain, or cause to be obtained, the necessary electronic tabulating equipment, to arrange for the testing thereof as provided by law and to employ a duly qualified manager and a duly qualified tabulation supervisor to perform the duties respectively imposed on them by law with respect to the processing and tabulation of ballots at the Central Counting Station.

SECTION 9. The City Secretary of the City of La Porte shall forthwith issue Notice of said election to be published one time in the *Bay Area Observer*, which is hereby found and declared to be a newspaper of general circulation in said City, not less than ten (10) days nor more than thirty (30) days prior to the date of the said election; in addition, Notice of said election shall be posted on the bulletin board in City Hall not later than the twenty-first (21<sup>st</sup>) day before election day and remain posted through election day.

SECTION 10. The Mayor and/or the City Secretary of the City of La Porte are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents, and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

SECTION 11. Each and every provision, paragraph, sentence and clause of this ordinance has

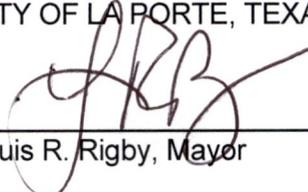
been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision; and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect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

SECTION 12. 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 Act, 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.

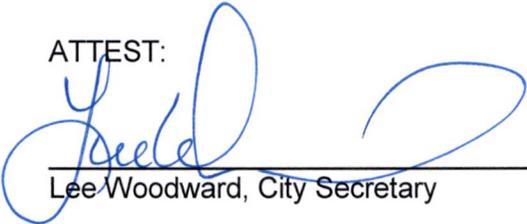
SECTION 13. This ordinance shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED, this 13<sup>th</sup> day of January, 2020.

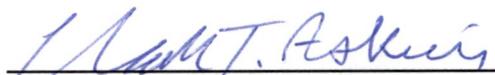
CITY OF LA PORTE, TEXAS

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

ATTEST:

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

APPROVED AS TO FORM:

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

## ORDINANCE NO. 2020-3787

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, AMENDING ORDINANCE 2020-3771 TO MOVE THE DATE OF THE 2020 REGULAR MUNICIPAL ELECTION FROM THE 2<sup>ND</sup> DAY OF MAY, 2020, TO NOVEMBER 3, 2020, OR A DATE MADE AVAILABLE BY THE STATE BEFORE THAT DATE, FOR THE PURPOSE OF ELECTING A COUNCILPERSON DISTRICT 1, COUNCILPERSON DISTRICT 6, AND A COUNCILPERSON-AT-LARGE POSITION B; DESIGNATING THE PLACES AND MANNER OF HOLDING THE ELECTION; AND PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on January 13, 2020, the City Council passed Ordinance 2020-3771, which ordered an election to be held on May 2, 2020, for the purpose of electing a Councilperson-District 1, a Councilperson-District 6, and a Councilperson-at-large–Position B; and

**WHEREAS**, on March 13, 2020, Texas Governor Greg Abbott issued a Disaster Declaration for the State of Texas related to the Covid-19 pandemic; and

**WHEREAS**, on March 13, 2020, the Mayor of La Porte issued a Disaster Declaration for the City of La Porte, which declaration was extended until April 3, 2020, by the City Council, on March 20, 2020; and

**WHEREAS**, on March 18, 2020, Texas Governor Greg Abbott issued a proclamation, attached hereto as Exhibit A (the “Proclamation”) suspending Section 41.0052 (a) and (b) of the Texas Election Code, thereby allowing political subdivisions of the state to move their general and special elections set on May 2, 2020, to the November 3, 2020, uniform election date, without otherwise adjusting the term of office; and

**WHEREAS**, the City Council finds that it is in public health, safety, and interest to postpone the May 2, 2020, general municipal election for the election of Councilperson-District 1, a Councilperson-District 6, and a Councilperson-at-large–Position B, pursuant to the Proclamation; and

**WHEREAS**, the City Council seeks and will consider a date prior to the November 3, 2020, uniform election date, should one or more become available;

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

**SECTION 1.** The findings and recitations contained in the preamble of this ordinance are true and correct and are hereby incorporated into the body of this ordinance by reference.

**SECTION 2.** Pursuant to authority extended to political subdivisions in the March 18, 2020, Proclamation of Texas Government Greg Abbott, City of La Porte Ordinance 2020-3771 is hereby amended to postpone the ordered election for the City of La Porte from May 2, 2020, to November 3, 2020. The regular municipal election of the City of La Porte, Texas, for election of members of the City Council prescribed by Section 2.03 of the City Charter, shall be held between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m. on the 3<sup>rd</sup> day of November, 2020, in the city, for the purpose of electing a Councilperson–District 1, a Councilperson-District 6, and a Councilperson-at-large–Position B. A run-off election, if necessary, will be ordered in accordance with law and will be

held, on a date determined by Harris County, on that day between seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m.

**SECTION 3.** The City is hereby divided into six (6) election precincts, corresponding to the boundaries of the six City Council single-member districts. The boundaries of such districts are as established, defined, and outlined in Ordinance 2011-3384. The polling places for these election precincts shall be as determined by a joint election agreement and election services contract to be arranged with Harris County:

**SECTION 4.** This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. The City Secretary and Mayor are hereby authorized to perform all duties and take all actions as required by any election services contract(s) and/or joint election agreement(s) that may be authorized by the City Council.

**SECTION 5.** Any eligible and qualified person may have his or her name upon the official ballot as an independent candidate by submitting an application, which, in accordance with Texas Election Code Section 141.031, must be in writing and be signed and sworn to by the candidate and indicate that the candidate swears to the application. Such application for the general election may be filed with the City Secretary beginning on January 15, 2020, and must be filed not later than 5:00 p.m. on February 14, 2020. The candidate filings for the election originally ordered for May 2, 2020, will remain valid for the election to be held on November 3, 2020, and the original filing period that ended on February 14, 2020, at 5:00 p.m. will not be reopened. The voter registration deadline is October 5, 2020.

**SECTION 6.** Each Councilperson—District 1, Councilperson—District 6, and Councilperson-at-large—Position B shall each be elected by majority vote of all the votes cast for the office for which he or she is a candidate and shall hold office for a period of three (3) years.

**SECTION 7.** Each candidate for the office of Councilperson-at-large—Position B must be a resident qualified voter of the City for twelve (12) months immediately preceding election day. Each candidate for the office of Councilperson-District 1 and Councilperson-District 6 must be a resident qualified voter of the City for twelve (12) months immediately preceding election day and must also be a resident of the district for which he or she files for twelve (12) months immediately preceding election day, in accordance with Section 2.02(a) of the City Charter.

**SECTION 8.** Harris County shall appoint the Early Voting Clerk and Deputy Early Voting Clerk for the joint early voting in person and voting by mail, and designate the Main Early Voting Location for early voting for the election.

Applications for ballot by mail may be mailed, faxed, emailed, or delivered by common or contract carrier to:

Lee Woodward, City Secretary  
City of La Porte  
604 West Fairmont Parkway  
La Porte, Texas 77571  
Phone: 281-470-5021 Fax: 281-842-3701 Email: CitySecretary@LaPorteTX.gov

who shall promptly provide them to the Early Voting Clerk, per the provisions of the Texas Election Code. The deadline to submit an application for a ballot by mail (ABBM) is October 23, 2020.

All ABBMs submitted based on the applicant being over the ages of 65 or due to disability will remain valid for the November 3, 2020, election; ABBMs for voters who submitted ABBMs based on expected absence from the city regarding the May 2, 2020, election will not be valid for the November 3, 2020 election.

The places at which Early Voting by personal appearance shall be conducted shall be designated by Harris County.

During the lawful early voting period, which will be from October 19, 2020, through October 30, 2020, such Early Voting Clerk shall keep such locations for early voting open for early voting as required by the Texas Election Code, at a minimum.

**SECTION 9.** Voting at said election, including early voting, shall be by the use of voting machines; and the ballots of said election shall conform to the Texas Election Code, as amended. The City Secretary is hereby authorized and directed to obtain, or cause to be obtained, the necessary electronic tabulating equipment, to arrange for the testing thereof as provided by law and to employ a duly qualified manager and a duly qualified tabulation supervisor to perform the duties respectively imposed on them by law with respect to the processing and tabulation of ballots at the Central Counting Station.

**SECTION 10.** The City Secretary of the City of La Porte shall forthwith issue Notice of said election to be published one time in the *Bay Area Observer*, which is hereby found and declared to be a newspaper of general circulation in said City, not less than ten (10) days nor more than thirty (30) days prior to the date of the said election; in addition, Notice of said election shall be posted on the bulletin board in City Hall not later than the twenty-first (21<sup>st</sup>) day before election day and remain posted through election day.

**SECTION 11.** The Mayor and/or the City Secretary of the City of La Porte are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents, and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

**SECTION 12.** Each and every provision, paragraph, sentence and clause of this ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision; and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

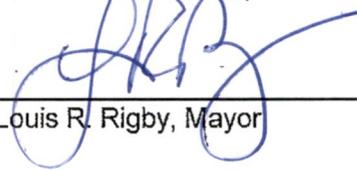
**SECTION 13.** The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, 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 14.** All portions of Ordinance 2020-3771 not specifically amended as provided herein shall remain in full force and effect.

**SECTION 15.** This ordinance shall be in effect immediately upon its passage and approval.

**PASSED AND APPROVED, this, the 30<sup>th</sup> day of March, 2020.**

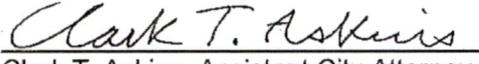
CITY OF LA PORTE, TEXAS

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

ATTEST:

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

APPROVED AS TO FORM:

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

# Exhibit A



GOVERNOR GREG ABBOTT

March 18, 2020

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:00 AM 'CLOCK

MAR 18 2020  
  
Secretary of State

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson  
Executive Clerk to the Governor  
GSD/gsd

Attachment



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 14, 2020  
Requested By: Corby Alexander, City Manager  
Department: Administration/CMO  
 Report    Resolution    Ordinance

**Exhibits:** TML Risk Pool Board of Trustee Ballot and Letter from Jeffery Snyder

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

---

### SUMMARY & RECOMMENDATION

Every six (6) years member municipalities of the Texas Municipal League Intergovernmental Risk Pool nominate the Board of Trustees. The Intergovernmental Risk Pool provides workers compensation and property & liability coverages to member municipalities.

Each member of the pool is entitled to vote for the Board of Trustee members. However, each municipality can only vote for one candidate for each place. The officials listed on the ballot have been nominated to serve a six-year term on the Board. This ballot must be received by September 30, 2020.

Attached within, is the official ballot for the election of Place 1-4 of the Board of Trustees for the TML Intergovernmental Risk Pool. TML has provided a brief bio of each Board candidate; however, you may wish to do further research on the candidates prior to the City Council meeting. Staff recommendations are noted below.

#### Candidates:

- Place 1
  - Robert Herrera; City Manager of the Cibolo, Texas
  
- Place 2
  - Chris Armacast; City Commissioner for the City of Hitchcock
  - John W. Fullen (Incumbent); Mayor of the City of Henderson **(Staff Recommends)**

- Place 3
  - George Hyde; City Attorney for the City of Watauga
  - Roy E. Manor; City Alderman for the City of West Columbia
  - Jeffery Snyder (Incumbent); City Manager for the City of Plainview **(Staff Recommends)**
  
- Place 4
  - Robert S. Hauck (Incumbent); City Manager for the City of Tomball
  - Dave Martin; City Councilmember for the City of Houston
  - Kimberly Meismer; Executive Director for General Operations for Kerrville **(Staff Recommends)**
  - Sean Overeynder; City Manager for the City of Lamesa

Staff recommends City Council approve each of the Board positions (Place 1-4) by voting on one of the names provided or providing a write in candidate. Once all four (4) places have been approved, the Mayor will need to sign the official ballot and staff will mail all pages to the Secretary of the Board prior to the due date.

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**ACTION REQUIRED BY CITY COUNCIL**

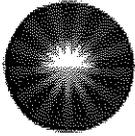
Consider, discuss and possibly approve candidates nominated to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees for a six-year term.

---

**Approved for the City Council meeting agenda**

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

\_\_\_\_\_  
Date



**PLAINVIEW, TX**  
*explore the opportunities*

August 21, 2020

Corby Alexander, City Manager  
City of La Porte  
604 W Fairmont Pkwy  
La Porte, TX 77571-6215

RE: Jeffrey Snyder, Place 3  
TML Intergovernmental Risk Pool Board of Trustee Election

Dear Corby Alexander:

You have recently received your Official Ballot to elect Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool (IRP). I am running for re-election for Place 3 and I would sincerely appreciate your vote and support.

For over 40 years, the mission of the TMLIRP has been to provide Texas cities and other units of local government with a stable source of risk financing and loss prevention services at the lowest cost consistent with sound business practices. Today, the Pool provides coverage for over 96% of Texas's local governments (almost 2,800 members); over 165,000 public servants; and over \$25.0 billion in governmental property. In addition, the TMLIRP provides their members with Loss Prevention Training Programs at no additional cost throughout all regions of the State.

The financial position of the Pool remains strong, with Members' Equity projected to end the fiscal year at \$382 million. As a result, the Pool authorized a \$5.5 million equity return to the membership with over \$4.0 million in the form of a "Partnership Equity Return" providing immediate support for the Pool's members during these challenging times and earmarked \$1.5 million for a Cyber Defense and Resiliency Grant Program for members.

The City Council of Plainview and the TMLIRP Board have nominated me for your consideration for Place 3 on the Board of Trustees. It has been an honor to represent you and I look forward to continue serving you – the cities and other local governments of Texas in this office. I would appreciate your vote and continuing support. Thank you.

Truly,

Jeffrey Snyder  
City Manager

# OFFICIAL BALLOT

## Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

This is the official ballot for the election of Places 1 – 4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name or writing in the name of an eligible person in the space provided. You can only vote for one candidate for each place.

The officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees. The names of the candidates for each Place on the Board of Trustees are listed in alphabetical order on this ballot.

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2020. Ballots received after September 30, 2020, cannot be counted. **The ballot must be properly signed, and all pages of the ballot must be mailed to:**

**Trustee Election  
David Reagan, Secretary of the Board  
P.O. Box 149194  
Austin, Texas 78714-9194**

**If the ballot is not signed, it will not be counted.**

**PLACE 1**

- Robert T. Herrera** (Incumbent). City Manager, City of Cibolo (Region 7) since 2012. Mr. Herrera served as City Manager of Hondo, Texas from 2003 to 2012 and as City Manager of La Porte from 1986 to 2002. He has served other Texas cities, including management positions with the cities of San Marcos, Missouri City, and Woodway. Mr. Herrera has been a Board member of the TML Intergovernmental Risk Pool since 1993 and has served as Chair and Vice Chair of the Board. He also served as Chair of the Finance-Information Technology Committee and the Underwriting-Claims Committee of the TML Intergovernmental Risk Pool.

**WRITE IN CANDIDATE:**

---

**PLACE 2**

- Chris Armacost.** City Commissioner for the City of Hitchcock (Region 14). Mr. Armacost is Director of Technology, Transportation, Facilities, and Operations for the Hitchcock Independent School District. He serves on the Hitchcock Education Foundation and Hitchcock Chamber of Commerce. He is the president of the Hitchcock Little League Baseball Association and coached several teams. Mr. Armacort has been awarded the Hitchcock Chamber President Award and the Above and Beyond Citizen Award from the Hitchcock ISD. He has obtained a Certified Municipal Official certification from TML.
  
- John W. (Buzz) Fullen** (Incumbent). Mayor of the City of Henderson since 2019 and from 2004 to 2012 (Region 15). Mr. Fullen also served as a Commissioner of the Henderson Housing Authority from 2011 to 2019 and is now ex-officio on same. He currently serves on the Henderson Main Street Board (2004–present), Henderson Civic Center Board (2003–present), and the Henderson ETMC Hospital Diabetes Board (2009–present). He has been a Board member of the TML Intergovernmental Risk Pool since 2010, during which time he served as Chair (2018-2020) and Vice Chair (2016-2018).

**WRITE IN CANDIDATE:**

---

PLACE 3

- George Hyde.** City Attorney for the City of Wauuaga (Region 8). Mr. Hyde is a partner in the law firm Russell Rodriquez Hyde Bullock, LLP, located in Georgetown. He is a member of and holds Merit Certification in Municipal Law from the Texas City Attorneys Association. He has served as City Attorney for ten other cities across Texas, since 2003. He has also served local governments in various public safety positions within Fire Departments, Parks Departments, and Police Departments. During his tenure as a peace officer, Mr. Hyde received the Texas Commission on Law Enforcement Educational Achievement Award for exceeding normal expectations in job performance.
  
- Roy E. Maynor.** City Alderman, Position 3, for the City of West Columbia (Region 14). He has been an elected official of West Columbia since 2013. Mr. Maynor is a Life Safety Systems Specialist for Vallen Safety Services and a member of Gulf Coast Christian Church. He is also part-owner of Grit Fitness in West Columbia. He and his wife, Rachel, have two children.
  
- Jeffrey Snyder (Incumbent).** City Manager for the City of Plainview (Region 2). He previously served as the Assistant City Manager for Plainview and as the City Manager for Idalou. Mr. Snyder graduated from West Texas A&M University and obtained a Master of Public Administration from Texas Tech University. He is a member of the International City Management Association (ICMA) and TCMA. He is a graduate of the Public Executive Institute through the University of Texas and is a credentialed manager through ICMA. He has been a Board member of the TML Intergovernmental Risk Pool since 2018 and served on various committees with TML, TCMA and ICMA and as past president of the Panhandle City Management Association.

**WRITE IN CANDIDATE:**

---

**PLACE 4**

- Robert S. Hauck** (Incumbent). City Manager for the City of Tomball (Region 14), a position he has held since April 2018. He began his full-time career in public service with the Los Angeles Police Department in 1988. In 2008, Mr. Hauck retired from the LAPD and joined the City of Tomball, where he has served as Chief of Police, Assistant City Manager, and now City Manager. Mr. Hauck holds a Bachelor of Arts degree in Business Administration, and a Master of Science degree in Management. He has been a Board member of the TML Intergovernmental Risk Pool since 2019. Mr. Hauck and his wife Kathleen have three children – Lauren, Conner, and Madeline.
  
- Dave Martin**. City Councilmember and current Mayor Pro Tem for the City of Houston (Region 14). Mr. Martin serves as Chair of the City Council Budget and Fiscal Affairs Committee. He previously served on the Humble ISD Board of Trustees and as Secretary/Treasurer of the Board of Directors for the Harris County Houston Sports Authority. Mr. Martin is a Managing Director of Marsh & McLennan Companies, Inc., the largest Global Risk Management firm. Previously he worked for two “Big Four” accounting firms, PricewaterhouseCoopers, LLP and Ernst & Young, LLP.
  
- Kimberly Meisner**. Executive Director for General Operations for Kerrville (Region 7), overseeing Human Resources, Municipal Court, Public Library, Public Information, the Senior Services Advisory Committee, and the Kerrville Area Youth Leadership Academy. Ms. Meisner has over 23 years of public service, which includes serving Kerrville and La Porte. She is a member of the TCMA, International Public Management Association for Human Resources (IPMA-HR), Society for Human Resource Management (SHRM), and is a former President of the Bay Area Human Resource Management Association. She has a Master’s degree in Public Administration and is an IPMA-HR Senior Certified Professional and a SHRM Certified Professional.
  
- Sean Overeynder**. City Manager for the City of Lamesa, Texas (Region 3). Sean Overeynder began his career in local government administration in August 2014 in Economic Development, working for various public and private organizations. He has held the position of City Manager for the City of Lamesa since March 2020. Prior to becoming the City Manager, he was appointed as the Economic Development Director for the City of Lamesa on August 27, 2018.

**WRITE IN CANDIDATE:**

---

**Certificate**

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name of Authorized Official

\_\_\_\_\_  
Printed Name of Political Entity



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 14, 2020</u>
Requested By: <u>Corby Alexander, City Mgr.</u>
Department: <u>Administration/CMO</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:** Letter from Gas Innovations, 2 surveys & Map

### SUMMARY & RECOMMENDATION

On June 8, 2020, the La Porte City Council discussed and denied Gas Innovations' petitioned for the City to de-annex a portion of their land within the city limits, which is located northeast of the State Highway 225 and SH 146. At that time the applicant indicated they intend to develop the property at some point in the future, but those plans had not been confirmed. Portions of this property have previously been de-annexed in 1987 and 2005.

Since the June 8<sup>th</sup> denial of de-annexation, Gas Innovations would like to again request the City Council de-annex a portion of their property within the city limits. Representatives from Gas Innovations were not present at the June 8<sup>th</sup> City Council meeting and have indicated they'd be attending the September 14<sup>th</sup> meeting to be available for any questions and provide feedback of any concerns addressed by Council. The parcels the applicant is looking to de-annex are Harris County Appraisal District #0642220000014 and #0642220000071. As mentioned previously this year, these two properties are valued at \$1,307,426 and \$745,371, respectively. The de-annexation would cost the City \$5,246.95 per year in lost revenue. This is due to the difference in revenue from the property being taxed at the City rate compared to the IDA rate. Additionally, as a part of their 2005 de-annexation, Gas Innovations signed an Industrial District Water Service Agreement.

### ACTION REQUIRED BY CITY COUNCIL

Consider, discuss and possibly approve to de-annex a tract of land containing 4.8635 acres (211,856 square feet), situated in the Enoch Brinson League, Abstract 5, Harris County, Texas, being a portion of a called 13.967 acre tract of land conveyed unto Crenshaw Real Properties II Ltd. by deed recorded under County Clerk's File No.

20070706637 of the Official Public Records of Harris County, Texas and a tract of land containing 3.811 acres, being the same as a called 3.8135 acre tract as recorded in Harris County Clerk's File No. 20100329409, being located in the Enoch Brinson Survey, Abstract Number 5 Harris County, Texas.

---

**Approved for the City Council meeting agenda**

---

**Corby D. Alexander, City Manager**

---

**Date**

# GAS INNOVATIONS

18005 E. Highway 225 La Porte, TX 77571

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Mr. Corby Alexander  
City of La Porte  
604 W. Fairmont Pkwy  
La Porte, TX 77571

May 12, 2020

Dear Mr. Alexander,

The following is to request the de-annexing of certain properties currently annexed to the City of La Porte.

Jason Willingham and Ashley T. Madray purchased the properties as individuals in the partnership, A & J Leasing, LLP. Federal Tax ID No., 20-0836465 The properties are identified as:

1. Tract of land containing 4.8635 acres (211,856 square feet), situated in the Enoch Brinson League, Abstract 5, Harris County, Texas, being a portion of a called 13.967 acre tract of land conveyed unto Crenshaw Real Properties II Ltd. by deed recorded under County Clerk's File No. 20070706637 of the Official Public Records of Harris County, Texas.
2. Tract of land containing 3.811 acres, being the same as a called 3.8135 acre tract as recorded in Harris County Clerk's File No. 20100329409, being located in the Enoch Brinson Survey, Abstract Number 5 Harris County, Texas.

Gas Innovations/WWS currently operates a business on the said properties (Federal Tax No. 01-743118).

Please share this letter with other City of La Porte personnel as needed, and please direct them to me for any additional information that may be required.

Thank you for your assistance

Respectfully,

*Chris Brandt*

Chris Brandt  
VP Operations  
Gas Innovations

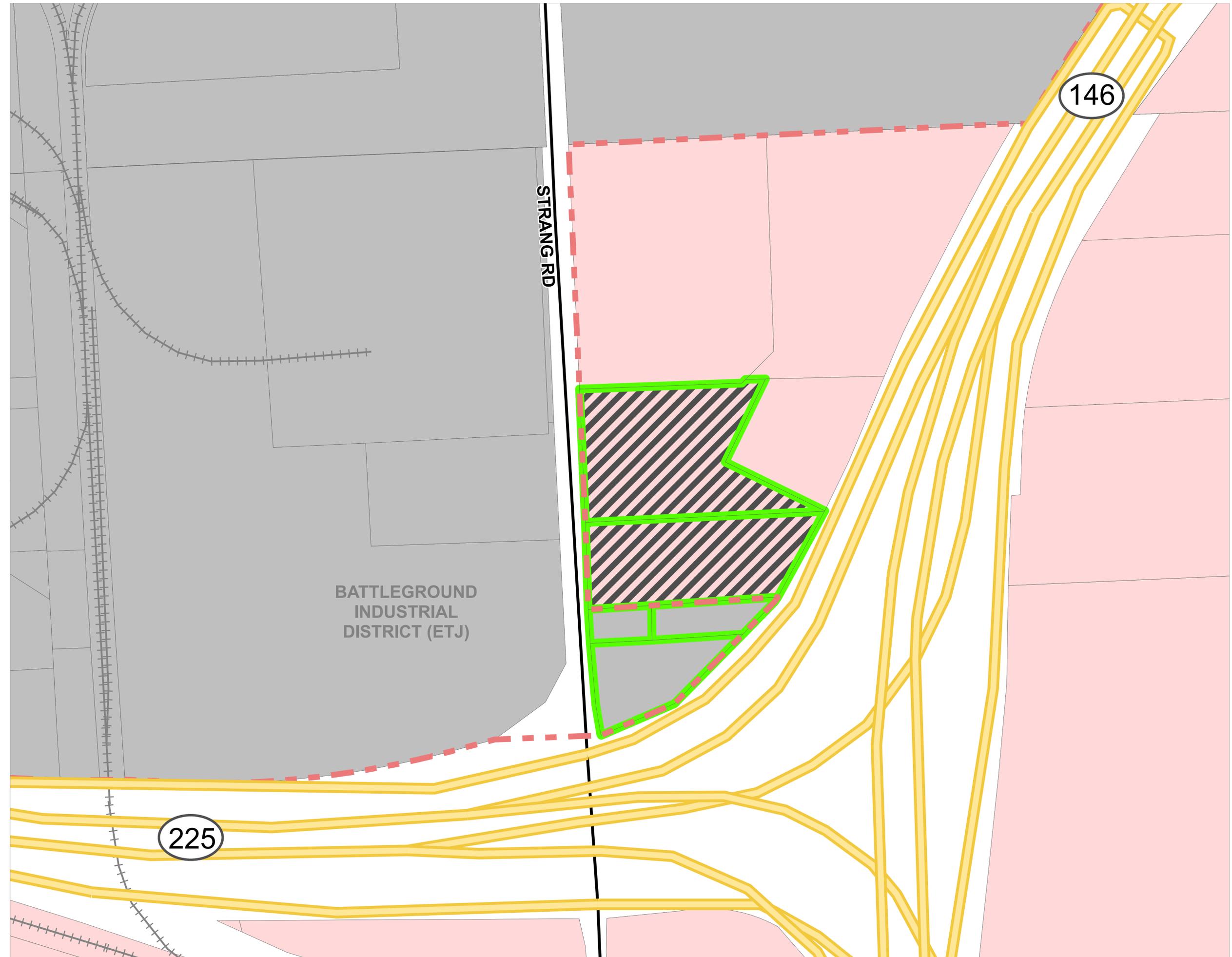
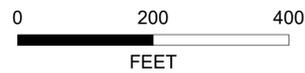
# GAS INNOVATIONS DE-ANNEXATION PROPOSAL

*The City of La Porte embraces its heritage, community values, and opportunities, while improving the quality of life for our residents.*

**DRAFT**

**NOT TO BE USED AS A  
LEGAL BOUNDARY MAP**

-  PROPOSED PARCELS TO DE-ANNEX
-  GAS INNOVATIONS PROPERTY
-  ROAD
-  RAILROAD
-  LA PORTE CITY LIMIT
-  BATTLEGROUND INDUSTRIAL DISTRICT (ETJ)



BATTLEGROUND  
INDUSTRIAL  
DISTRICT (ETJ)

STRANG RD

146

225

MAP PREPARED SEPTEMBER 2020  
CITY OF LA PORTE PLANNING AND DEVELOPMENT  
GIS DIVISION  
NAD 1983 STATE PLANE TEXAS SOUTH CENTRAL

Disclaimer: This product 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 represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of La Porte makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of La Porte from any damage, loss, or liability arising from such use.



**DESCRIPTION OF A TRACT OF LAND CONTAINING  
4.8635 ACRES (211,856 SQUARE FEET) SITUATED  
IN THE ENOCH BRINSON LEAGUE, ABSTRACT 5  
HARRIS COUNTY, TEXAS**

Being a tract of land containing 4.8635 acres (211,856 square feet), situated in the Enoch Brinson League, Abstract 5, Harris County, Texas, being a portion of a called 13.967 acre tract of land conveyed unto Crenshaw Real Properties II Ltd. by deed recorded under County Clerk's File No. 20070706637 of the Official Public Records of Harris County, Texas. Said 4.8635-acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8-inch iron rod in the easterly right-of-way line of Strang Road (A.K.A. 13<sup>th</sup> Street) (70 feet wide) for the northwesterly corner of a called 3.81 acre tract of land conveyed unto A & J Leasing LLP by deed recorded under 20100329409 of the Official Public Records of Harris County, Texas, the southwesterly corner of said 13.967 tract and the southwest corner of said tract herein described;

THENCE North 02°57'10" West, along said right-of-way line of Strang Road, a distance of 401.64 feet to the northwest corner of said tract herein described (from which a 2-inch metal post bears South 76°40' East, a distance of 0.8 feet);

THENCE North 87°29'55" East, a distance of 491.49 feet to an angle point in the north line of said tract (from which a 3-inch metal post bears North 70°20' West, a distance of 0.6 feet);

THENCE North 44°39'21" East, a distance of 15.89 feet to a set 1/2-inch iron rod with cap marked "SURVEY 1" for an angle point;

THENCE North 88°18'05" East, a distance of 60.35 feet to a found 5/8-inch iron rod for the most northeasterly corner of said tract herein described;

THENCE South 25°31'29" West, a distance of 278.08 feet to an interior corner of said tract herein described (from which a found 5/8-inch iron rod bears North 50°57' West, a distance of 0.7 feet);

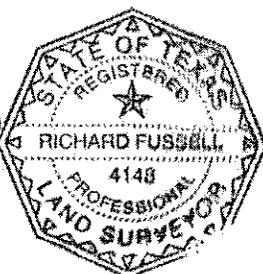
THENCE South 64°21'17" East, a distance of 334.67 feet to a set 1/2-inch iron rod with cap marked "SURVEY 1" in the northwesterly right-of-way line of State Highway 146 (width varies) for the easterly northeast corner of said tract herein described;

THENCE South 25°34'32" West, along said right-of-way line of State Highway 146, a distance of 1.55 feet to a set 1/2-inch iron rod with cap marked "SURVEY 1" for the southeast corner of said tract herein described;

THENCE South 86°57'16" West, along the northerly line of said 3.81 acre tract, a distance of 724.06 feet to the POINT OF BEGINNING and containing 4.8635 acres (211,856 square feet), more or less.

*Note: This metes and bounds description is referenced to a survey drawing prepared by Survey 1, Inc. (Firm Registration No. 100758-00) dated March 20, 2017, job number 3-52351-17.*

Survey 1, Inc.  
P.O. Box 2543  
Alvin, TX 77512  
281-393-1382

March 20, 2017





## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 14, 2020</u> Requested By: <u>Michael G. Dolby, Director</u> Department: <u>Finance</u> <input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance
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Appropriation	
Source of Funds:	_____
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

**Exhibits:** Proposed FY2021 Budget Presentation

### SUMMARY & RECOMMENDATION

On July 13<sup>th</sup>, the La Porte City Council approved a Public Hearing for the Fiscal Year 2020-2021 Proposed Budget would be held on Monday, September 14, 2020, at the regularly scheduled Council meeting, which begins at 6:00 p.m. Unfortunately, staff does not have the necessary information to post the public hearing notice for the September 14<sup>th</sup> meeting. The public hearing will need to be postponed until the next meeting on September 28<sup>th</sup>; however, staff would like to take the opportunity to discuss any additional changes that council would like to consider to the proposed budget.

The City Council held a budget workshop on August 10, 2020 to discuss the proposed budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021. The Summary of Funds, which is shown below, represents the result of the workshops held with City Council. All changes made by City Council were incorporated into the various budgets.

	Revised 2020	Proposed 2021
General Fund	\$ 51,901,303	\$ 60,735,130
Grant Fund	8,799,445	10,567,103
Street Maintenance Sales Tax Fund	4,798,064	3,232,000
Emergency Services District Sales Tax Fund	1,273,830	1,376,338
Hotel/Motel Occupancy Tax	753,860	739,543
Economic Development Corporation	2,551,223	1,774,628
Tax Increment Reinvestment Zone	3,601,775	2,931,532
Utility	7,973,347	8,472,426
Airport	115,681	91,730
La Porte Area Water Authority	1,954,165	2,125,393
Motor Pool	2,833,019	3,172,859

Insurance Fund	8,960,190	9,867,814
Technology Fund	215,822	691,485
General Capital Improvement	16,064,487	4,171,741
Utility Capital Improvement	3,696,356	1,525,000
Sewer Rehabilitation Capital Improvement	300,000	350,000
Drainage Improvement Fund	1,236,614	4,205,000
General Debt Service	4,625,718	4,363,779
Total of All Funds	<u>\$121,654,899</u>	<u>\$120,393,501</u>

There is no change in the Tax Rate of \$0.71, which has remained constant for the last thirty-two (32) years.

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**ACTION REQUIRED BY CITY COUNCIL**

Consider and discuss adjustments to the City's Fiscal Year 2020-21 Budget.

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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**

# City of La Porte

## *FY 2020-21 Budget*

September 14, 2020





# Changes from Published Proposed Budget

- General Fund
  - Human Resources - \$20,000 increase for Unemployment Compensation
  - Fire Marshal Office - \$46,649 reduction for Option 1 – Deputy Only
- Grant Fund
  - Coronavirus Relief Fund – \$1,948,265 added
- Tax Increment & Reinvestment Zone Fund - \$2,931,532
- Debt Service Transfers – remove and utilize excess debt service fund balance
  - \$662,356 - Utility Fund
  - \$773,470 - Economic Development



# Budget Highlights for Fiscal Year 2020

- No property tax rate increase
- No utility fund rate increase
- Merit increases for non-civil service employees (\$552,344)
- Meet & confer increases for civil service employees (\$280,000)
- No change to health insurance employee contributions
- Capital projects of approximately \$13.8 million  
*(Including \$3.2 million from Street Maintenance Sales Tax Funding)*



# Budget Highlights for Fiscal Year 2020

- Vehicle replacement of \$1,826,111
- \$8.4 million from the General Fund for CIP
- \$4.0 million transfer from General Fund for Insurance Fund
- Proposed New Staff (FTE)
  - Deputy Fire Marshal
  - Commercial DOT Officers (3)
  - Adoption Center Specialist
  - Court Specialist (Upgrade to Full-time)
  - Facilities Maintenance Manager
  - Building Maintenance Technician (2)



# Consolidated Summary of All Funds

<i>(In millions)</i>	<b>Working Capital 09/30/20</b>	<b>FY 20-21 Revenues</b>	<b>FY 20-21 Expenses</b>	<b>Working Capital 09/30/21</b>
<b>Governmental Fund Types:</b>				
General Fund	\$ 59.01	\$ 54.02	\$ 60.74	\$ 52.29
Grant Fund	2.35	10.25	10.57	2.03
Emergency Services District	1.60	1.50	1.38	1.72
Street Maintenance Sales Tax	(0.31)	3.61	3.23	0.07
Section 4B Sales Tax	4.61	3.02	1.77	5.86
Hotel/Motel Occupancy Tax	1.85	0.76	0.74	1.87
Tax Increment Reinvestment	4.81	6.76	2.93	8.65
<b>Total Governmental Types</b>	<b>73.91</b>	<b>79.93</b>	<b>81.36</b>	<b>72.48</b>
<b>Enterprise:</b>				
Utility	8.66	8.26	8.47	8.46
Airport	0.08	0.05	0.09	0.04
La Porte Area Water Authority	2.15	2.33	2.13	2.36
<b>Total Enterprise</b>	<b>10.90</b>	<b>10.64</b>	<b>10.69</b>	<b>10.85</b>



# Consolidated Summary of All Funds

<i>(In millions)</i>	Working Capital 09/30/20	FY 20-21 Revenues	FY 20-21 Expenses	Working Capital 09/30/21
<b>Internal Service</b>				
Motor Pool	6.42	3.79	3.17	7.03
Insurance Fund	0.71	10.33	9.87	1.17
Technology Fund	2.53	0.55	0.69	2.39
<b>Total Internal Service</b>	9.65	14.67	13.73	10.59
<b>Capital Improvement:</b>				
General CIP Fund	1.22	2.99	4.17	0.04
Utility CIP Fund	0.67	0.86	1.53	0.01
Sewer Rehabilitation	0.60	0.30	0.35	0.56
Drainage Improvement Fund	0.14	4.10	4.21	0.03
<b>Total Capital Improvement</b>	2.64	8.25	10.25	0.63
<b>Debt Service:</b>				
General	4.55	3.43	4.36	3.62
<b>Total Debt Service</b>	4.55	3.43	4.36	3.62
<b>Total All Funds</b>	\$ 101.64	\$ 116.92	\$ 120.39	\$ 98.17