

RICHARD WARREN, PRESIDENT

MIKE COOKSLEY, VICE-PRESIDENT

JAY MARTIN, BOARD MEMBER

CHUCK ENGELKEN, BOARD MEMBER



MIKE CLAUSEN, BOARD MEMBER

RANDY WOODARD, BOARD MEMBER

NANCY OJEDA, BOARD MEMBER

CITY OF LA PORTE DEVELOPMENT CORPORATION MEETING AGENDA

Notice is hereby given of a meeting of the City of La Porte Development Corporation to be held on December 14, 2015, at the City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas, beginning at 5:00 PM to consider the following items of business:

1. **CALL TO ORDER**
2. **STAFF REPORTS**
 - (a) Receive Financial Report - S. Livingston
3. **AUTHORIZATIONS**
 - (a) Consider approval or other action of minutes of the La Porte Development Corporation Board meeting held on November 11, 2015 - S. Harris
 - (b) Consider approval or other action authorizing an enhancement grant in an amount not to exceed \$42,057.86 payable to Brotamonte Asset 1, LLC., for apartment building complex located at 315 N. 2nd Street with payment to be remitted in accordance with a development agreement at the completion of the project - S. Livingston
4. **SET DATE FOR NEXT MEETING - S. Livingston**
5. **Board member comments regarding matters appearing on agenda; Recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies.**
6. **Adjourn**

The La Porte Development Corporation Board reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code (the Texas open meetings laws).

In compliance with the Americans with Disabilities Act, the City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meetings. Please contact Patrice Fogarty, City Secretary, at 281.470.5019.

CERTIFICATION

I certify that a copy of the December 14, 2015, agenda of items to be considered by the Board of the La Porte Development Corporation was placed on the City Hall Bulletin Board on December 8, 2015.

Patrice Fogarty

Patrice Fogarty, City Secretary

This is an Unaudited Statement.

**City of La Porte
La Porte Development Corporation (038) Fund Summary
(Section 4B Sales Tax)**

	<u>Previous Report</u>	<u>FY 2015-16</u>	<u>FY 2014-15</u>
Unaudited Beginning Fund Balance 9/30	\$ 3,458,203	\$ 3,458,203	\$ 3,213,390
Plus Year to Date Revenues:			
1/2 Cent Sales Tax	-	-	-
Transfers-In	-	-	-
Interest Income	-	391	363
Total Revenues	<u>-</u>	<u>391</u>	<u>363</u>
Equals Total Resources	3,458,203	3,458,594	3,213,753
Less Year to Date Expenditures:			
Payroll	-	6,730	7,060
Supplies	-	115	1
Services & Charges (Memberships, Training, Advertising, Legal, Utilities)	-	1,033	6,903
Capital Outlay	-	-	-
Debt Service Transfer *	-	56,722	90,318
Total Expenditures	<u>-</u>	<u>64,600</u>	<u>104,282</u>
Estimated Year to Date Fund Balance as of 9/30/2016	\$ 3,458,203	\$ 3,393,994	\$ 3,109,471
Commitments			
Pipeline Grill		\$ 300,000	
Richard Industrial Group		10,000	
ACT Independent Turbo Service, Inc.		426,000	
Debt Service Reserve		680,668	
		<u>\$ 1,416,668</u>	
Adjusted Year to Date Fund Balance		\$ 1,977,326	

Projection Through Year End

Adjusted Year to Date Fund Balance	\$ 1,977,326
Plus: Estimated Sales Tax	2,434,375
Less: Estimated Operational Costs	(350,928)
Less: Debt Service Transfers	<u>(623,946)</u>
Projected Year End Fund Balance	\$ 3,436,827

Sales tax revenues for Fiscal Year 2016 are estimated to be \$2,434,375.

Previously Funded Projects (Funding in Fund 015 - General CIP Fund)

	<u>Budget</u>	<u>Expenditures</u>	<u>Balance</u>
Façade Grants	407,669	131,697	275,972
Total	<u>407,669</u>	<u>131,697</u>	<u>275,972</u>

**Debt Service Payments for Library, Bay Area Boulevard & Canada Road and Ballfields.*

RICHARD WARREN, PRESIDENT
MIKE COOKSLEY, VICE PRESIDENT
CHUCK ENGELKEN, BOARD MEMBER
JAY MARTIN, BOARD MEMBER



MIKE CLAUSEN, BOARD MEMBER
RANDY WOODARD, BOARD MEMBER
NANCY OJEDA, BOARD MEMBER

MINUTES OF LA PORTE DEVELOPMENT CORPORATION BOARD MEETING OF NOVEMBER 11, 2015

The City of La Porte Development Corporation Board met on **November 11, 2015**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **5:00 p.m.** to consider the following items of business:

1. CALL TO ORDER

President Richard Warren called the meeting to order at 5:00 p.m. The following members of the La Porte Development Corporation Board were present: Vice-President Cooksley, Board members Clausen, Engelken, Martin and Ojeda. Absent: Board member Woodard. Staff Present: Corby Alexander, Traci Leach, Sharon Harris, Scott Livingston, and Clark Askins.

2. CONSENT *(All consent agenda items are considered routine by the La Porte Development Corporation Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member requests an item be removed and considered separately.)*

(a) Consider approval of minutes of the meeting of La Porte Development Corporation Board held on October 28, 2015 – S. Harris

Board member Ojeda moved to approve minutes of the meeting of La Porte Development Corporation Board held on October 28, 2015. Board member Martin seconded. **MOTION PASSED.**

Ayes:	President Warren, Board members Vice-President Cooksley, Board members Clausen, Engelken, Ojeda and Martin
Nays:	None
Absent:	Board member Woodard

3. STAFF REPORTS

(a) Receive Financial Report – S. Livingston

Economic Development Coordinator Scott Livingston provided the Financial Report.

4. PUBLIC HEARING AND ASSOCIATED MATTERS

(a) Public Hearing to receive comments regarding proposed project of the La Porte Development Corporation in an amount not to exceed \$250,000.00, to promote and develop a new and expanded business enterprise, through site improvements and other related improvements for infrastructure for property located at 1010 S. Broadway Street, La Porte, TX – S. Livingston

The public hearing opened at 5:03 p.m.

Economic Development Coordinator Scott Livingston presented a summary.

Owner of Fischer's Do It Best Hardware Frank Herrera spoke and informed Board members the project estimates are being revised and are not available at the time. Mr. Herrera also advised Fischer's Do It Best Hardware will be the general contractor for the project.

There were no public comments.

- (b) Consider approval or other action authorizing project of the La Porte Development Corporation in an amount not to exceed \$250,000.00, to promote and develop a new and expanded business enterprise, through site improvements and other related improvements for infrastructure for property located at 1010 S. Broadway Street, La Porte, TX – S. Livingston

Board member Clausen moved to postpone the public hearing and consideration of this item to the January 11, 2016 meeting. Board member Martin seconded. **MOTION PASSED.**

Ayes:	President Warren, Vice-President Cooksley, Board members Ojeda, Clausen, Engelken, Martin, and Woodard
Nays:	None
Absent:	Board member Woodard

- (c) Public hearing to receive comments regarding proposed project of the La Porte Development Corporation in an amount not to exceed \$400,000.00, to promote and develop a new and expanded business enterprise, through site improvements and other related improvements for infrastructure at the former Texas Parks & Wildlife building located at 102 E. Main Street and 105 San Jacinto Street, La Porte, TX. – S. Livingston

The public hearing opened at 5:14 p.m.

There being no public comments, the public hearing closed at 5:18 p.m.

- (d) Consider approval or other action authorizing project of the La Porte Development Corporation in an amount not to exceed \$400,000.00, to promote and develop a new and expanded business enterprise, through site improvements and other related improvements for infrastructure at the former Texas Parks & Wildlife building located at 102 E. Main Street and 105 San Jacinto Street, La Porte, TX. – S. Livingston

There was no action taken and the project died.

5. PRESENTATIONS

- (a) Receive presentation regarding Certification as an Accredited Economic Development Organization (AEDO) – S. Livingston

Economic Development Coordinator Scott Livingston presented a summary and introduced Manager of Economic Development at CenterPoint Energy John Cook to provide a PowerPoint presentation regarding Certification as an Accredited Economic Development Organization (AEDO).

President Warren asked if the International Economic Development Councils' have regional meetings with the Accredited Economic Development Organizations to discuss ideas. Mr. Cook responded no.

Board member Martin asked if the accreditation process will be beneficial of the Board becoming knowledgeable of guidelines for funding different types of projects for businesses. Mr. Cook responded it can be an outcome and recommendations are made during the accreditation process.

Board member Martin asked the total cost for the program. Economic Development Coordinator Scott Livingston responded approximately \$8,000.00.

6. DISCUSSION AND POSSIBLE ACTION

(a) Discussion and possible action regarding a proposed Request for Professional Services to formulate an Economic Development Strategic Plan – S. Livingston

Economic Development Coordinator Scott Livingston presented a summary to formulate and implement a new Economic Development Strategic Plan.

Board member Engelken commented it will be valuable to refresh the 2009 Economic Development Strategic Plan with the recent growth in the City.

Board member Clausen agreed with Board member Engelken to refresh the 2009 Economic Development Strategic Plan and commented he needs more time before making a decision.

Staff was directed to go back and perform an analysis of the strategies accomplished from the 2009 Economic Development Strategic Plan and bring back to the meeting on January 11, 2016.

(b) Consider approval or other action to adopt the findings of the Economic Development Incentives Committee and approve a new incentives policy for all new or expanding businesses in La Porte – S. Livingston

Economic Development Coordinator Scott Livingston presented a summary for a new incentives policy for all new or expanding businesses in La Porte.

Vice-President Cooksley moved to approve a new incentive policy for all new and expanding businesses in La Porte as recommended by the Incentive Policy Subcommittee. Board member Clausen seconded. **MOTION PASSED.**

Ayes:	President Warren, Vice-President Cooksley, Board members Ojeda, Clausen, Engelken, Martin, and Woodard
Nays:	None
Absent:	Board member Woodard

7. SET DATE FOR NEXT MEETING

Board members set the next meeting date for Monday, December 14, 2015 at 5:00 p.m., and Monday, January 11, 2016 at 5:00 p.m.

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

Board member Ojeda commented she is in favor of La Porte Development Corporation funds being utilized for suitable restrooms at Five Points.

President Warren thanked those in attendance of the meeting and wished everyone a Happy Thanksgiving.

9. ADJOURN

There being no further business, Vice-President Cooksley moved to adjourn the meeting at 6:44 p.m.
Board member Martin seconded. **MOTION PASSED.**

Respectfully submitted,

Sharon Harris, Assistant City Secretary

Passed and approved on this 14th day of December, 2015.

President Richard Warren

The Enhancement Grant Evaluation Committee reviewed this enhancement project and believes that this project will encourage similar re-development throughout the community of La Porte. The Enhancement Grant Evaluation Committee gave this project a score of 4.65 out of a maximum possible score of 5.0. Please see the enclosed "Evaluation Summary" for additional detail.

Should the Board approve this enhancement grant request, this item of business would also need to go before the City Council for approval, since the amount of the Enhancement Grant is greater than \$25,000. For additional information, please refer to page #7 of the LPDC's Bylaws, which were revised on 9 February 2015. (Enclosed).

Also, under advice from Assistant City Attorney Clark Askins, a new development agreement, which is intended to be used with each future project under the La Porte Enhancement Grant Program, was created and executed as part of this application (exhibit attached). In order for this proposed project to move forward, the owner of the property must sign, execute, and return an original copy of this development agreement to be included in the City Council's meeting packet.

Edwin Brotamonte is prepared to give a brief presentation regarding this project and address any questions the Board might have about this proposed project.

Action Required by the La Porte Development Corporation:

Consider approval or other action to offer an enhancement grant for an amount not to exceed \$42,057.86 to Brotamonte Asset 1, LLC, to be awarded at the completion of the project, conditional upon receipts and the completion of work as indicated.

Approved for the La Porte Development Corporation Agenda

Corby D. Alexander, City Manager

Date

November 23, 2015

Gateway Grove Apartments

formerly SYLVAN BEACH APARTMENTS

315 N. 2nd Street La Porte TX 77571

La Porte Enhancement Grant
Program Presentation

Property Goals

Update the overall appearance with a goal to improve the property's reputation in the community and encourage more families to consider our property as their home. Provide a clean and safe environment for all residents in the area.

Enhancement Projects

- ❖ Paint all wood components and metal rails or exterior structure
- ❖ Repair or replace all water damaged wood
- ❖ Power wash all brick exterior walls
- ❖ Landscaping
- ❖ Asphalt parking lot repairs
- ❖ New Signage

Paint

Paint all wood components and metal rails of exterior structure

- ❖ Wood panels b/w first and second floor
- ❖ Eaves
- ❖ Facia
- ❖ Soffit
- ❖ Vertical Siding
- ❖ Doors
- ❖ Door Trim
- ❖ All steel rails



Wood Repair

Repair or replace all water damaged wood

- ❖ Wood panels b/w first and second floor
- ❖ Eaves
- ❖ Facia
- ❖ Soffit
- ❖ Vertical Siding
- ❖ Doors
- ❖ Door Trim



Power Wash

Power Wash all brick exterior walls



Landscaping

Landscaping

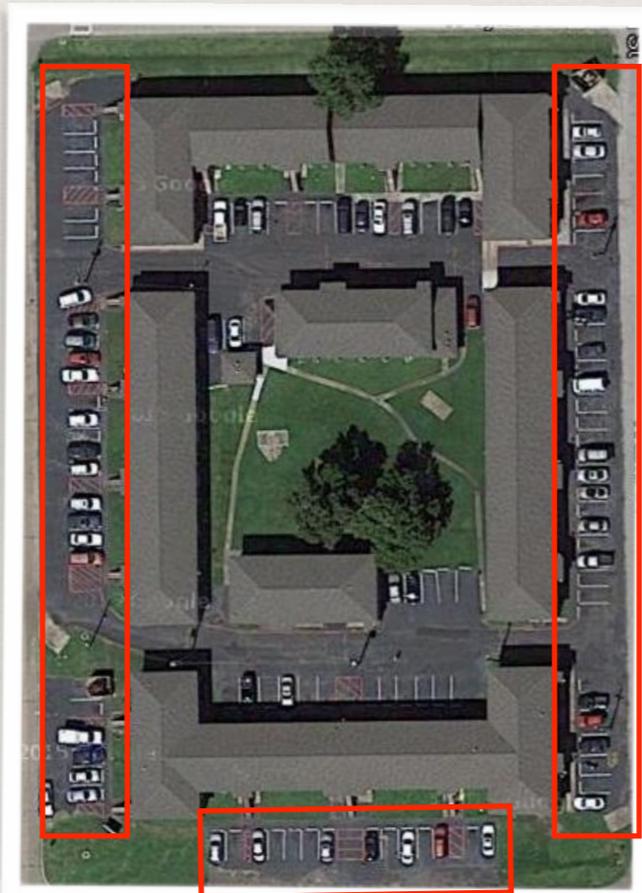
- ❖ Create 2 landscape islands around 2 new property signs
- ❖ Crepe Myrtles in key areas b/w units in front of brick walls
- ❖ Evergreen hedges along property wall below first floor windows



Asphalt Parking Lot Repairs

Asphalt parking repairs

- ❖ Repair areas of concern
- ❖ Re-Seal entire exterior parking lot



New Signage

New Signage

- ❖ Property sign at 2nd and Adams
- ❖ Property sign at 3rd and Adams
- ❖ Lease office signage on 2nd and 3rd street
- ❖ Building identification signage
- ❖ Lighting or not (internal or exterior lighting)



Project Cost

Paint and Wood Repair	\$35,785.00
Asphalt Repair & Seal	\$35,000.00
Landscaping	\$10,000.00
Signage	\$3,330.72
<hr/>	
Total Amount of Lowest Bids	\$84,115.72
<hr/>	
Total Amount of LPDC's 50% Contribution, Not to Exceed	\$42,057.86

	Paint & Wood Repair	Asphalt Repair	Landscaping	Signage
Ed's GC	\$42,010.00			
SR Striping	\$37,500.00			
Liberty Builders	\$35,785.00	\$39,875.00		
Victory Asphalt		\$35,000.00		
ED's General Contract		\$67,500.00		
Texas Groundskeeper			\$10,000.00	
Outdoor Dreams			\$16,876.18	
A Gonzales Landscaping			\$17,070.00	
Signs By Tomorrow				\$3,330.72
4D Signworx				\$4,059.00
Inkflo Print and Design Concepts				\$4,500.00

Total Amount of Lowest Bids

\$84,115.72

Total Amount of LPDC's 50% Contribution, Not to Exceed

\$42,057.86

La Porte Enhancement Grant Program
Application Evaluation Summary

Application Date: 11/19/2015 Initial Review Date: 11/19/2015
 Business Name: **Sylvan Beach Apartments**
 Contact Name: Edwin Brotamonte
 Business Address: 315 N. 2nd Street; La Porte, Texas 77571
 Phone: (713) 253-1736
 Recommendation: Grant to be awarded in an amount not to exceed **\$42,057.86**, based on receipts and completion of work as indicated.

Following is a summary of the evaluations of the La Porte Enhancement Grant Evaluating Committee (EGEC). If you have any questions about the items listed below, please call the Economic Development Office at **(281) 470-5016**.

Criteria	Total Score	# of Evaluators	Average Score
Project Demonstrates a significant improvement over the existing situation.	19	4	4.75
Project will add to the beautification of Main Street.	19	4	4.75
Project will enhance Main Street's appeal to new businesses and visitors.	17	4	4.25
Project will complement the surrounding buildings.	19	4	4.75
Project adds value to the City of La Porte.	19	4	4.75
Total Average Score (out of 25)			4.65

Evaluating Committee Members:

Name	Title
Tim Tietjens	Director of Planning
Scott D. Livingston	Economic Development Coordinator
Monica Rogers	Owner, Bay Port Animal Clinic
Cris Santiago	Resident, Employee of La Car Porte



LA PORTE ENHANCEMENT GRANT PROGRAM

The La Porte Enhancement Grant Program, which is sponsored by the La Porte Development Corporation, offers matching grants to businesses which are located in the City of La Porte.

Eligible improvements of the La Porte Enhancement Grant Program include façade enhancement/rehabilitation, beautification projects, new awnings, canopies, porches, signage, and parking lot improvements. Each program application will be evaluated on a case-by-case basis, and **ALL projects for a matching grant greater than \$25,000 must also be approved by the La Porte City Council.**

Interested business owners are welcome to complete the enclosed application form. Please deliver applications to:

Scott D. Livingston
Economic Development Coordinator
City of La Porte
604 W. Fairmont Parkway
La Porte, TX 77571
LivingstonS@laportetx.gov

Please contact Scott D. Livingston at LivingstonS@laportetx.gov or 281/470-5016, if you have any questions about the La Porte Enhancement Grant Program.

Sincerely,

Scott D. Livingston
Economic Development Coordinator
City of La Porte

LA PORTE BY THE BAY
604 W. Fairmont Parkway La Porte, Texas 77571 281/470-5016

ELIGIBLE PROJECTS

Business owners may be eligible for a reimbursement grant of funds which are used to enhance and/or beautify their businesses. The following types of projects are eligible for reimbursement:

- **Façade Rehabilitation/Enhancement**
Eligible projects include work on existing structures, such as removing non-historic/added facades, re-pointing brick or replacing mortar joints, replacing or restoring cornices, removing paint from brick, replacing windows, restoring transom windows, repairing facades, etc.
- **New Awnings, Canopies, Porches, and Signage**
Eligible projects include replacing, adding, or repairing awnings, canopies, porches, and signs. Signs may include signboards, projecting signs, pedestrian signage, window signs, hanging signs, and awning/canopy signs.
- **Beautification Projects**
Eligible projects include public art, landscaping, and other beautification projects as approved by the Enhancement Grant Evaluation Committee (EGEC).
- **Parking Lot Improvements**
Eligible projects include new parking lot construction, parking lot paving, parking lot re-surfacing, parking space striping/painting, new parking blocks, old parking block removal, and other projects as approved by the EGEC.

PROGRAM GUIDELINES

1. Grant funds are available only for exterior work on commercial property and building facades that are visible from public streets.
2. In general, grants offered to businesses are intended to support projects to renovate or convert existing structures to their original historic condition.
3. Grants will be processed and considered for award on a first-come, first-served basis until funds are depleted or until the program ends, whichever comes first.
4. Grants will not be awarded for work that has already been started or completed, or for work that is covered by insurance. If desired work is above and beyond what insurance will pay, and is, therefore, considered an upgrade and enhancement in the opinion of the EGEC, it may be eligible for grant funds.

5. Grants will not be awarded to any Applicant that owes any delinquent indebtedness* to the City of La Porte or the La Porte Development Corporation (LPDC).

** "Delinquent Indebtedness" shall mean any indebtedness due and owing to the City of La Porte or the La Porte Development Corporation, including but not limited to, ad valorem taxes on real and personal property, which property is in fact owned by and is legally subject to taxation, whether or not the same may have been properly rendered to the tax assessor-collector by any person. Such term shall also include, but not be limited to, charges for penalties, interest and costs on any such ad valorem taxes; charges for water, sewer, garbage and other services rendered or goods furnished by the City of La Porte or the La Porte Development Corporation to any person; and any other manner of indebtedness to the City of La Porte or the La Porte Development Corporation, now existing or which may hereafter be created by any person. No such indebtedness shall be considered "delinquent" until the time for its current payment under the various ordinances of the City of La Porte, or state statutes, or contractual agreement, shall have expired, without payment having been made.*

6. Each grant will be awarded on a reimbursement basis once completed work has been verified by the EGEC to be compliant with the plans proposed in the approved application. Any deviation from the approved project may result in the total or partial withdrawal of the grant.
7. Each enhancement grant application will be subject to review by the EGEC, and approval from the Board of the LPDC. The review criteria include the following:
 - The project demonstrates a significant improvement over the existing situation,
 - The project will add to the beautification of the City of La Porte ,
 - The project will enhance the City of La Porte's appeal to new businesses and visitors,
 - The project will complement the surrounding buildings, and
 - The project will add value to the City of La Porte.
8. Grant applications and awards may be made in any of the reimbursable activities described above and may be combined for any single property or project.
9. An applicant is defined as an owner, tenant, or combination thereof, who occupies space in an eligible property. A single owner of multiple properties may apply for grant funds for each property owned, but the matching grant must be for more than \$2,500 and less than \$50,000 per property in a three (3) year period.
10. Preference will be given to all local bids for work that qualify under the current form of the City of La Porte's Local Bidder Preference Policy at the time the project is approved by the Board.
11. Multiple bids are **not** required for each eligible project that is less than a total \$2,000, of which 50% or \$1,000 would be a reimbursable expense, as per the City of La Porte's Purchasing Policy.

APPLICATION PROCESS

1. Determine eligibility: Discuss project plans with the Economic Development Coordinator, and the Coordinator will set up a pre-development meeting with the EGEC.
2. Complete the application and sign the agreement form. Each grant application must include the following:
 - a. A scaled drawing by the project architect or design professional of all the work to be completed.
 - b. Samples -- i.e. paint samples, fabric swatches, sign material, etc. -- that will enable the EGEC to envision the finished project.
 - c. Three (3) itemized work estimates on all project work from contractors or project architects. Self-contracted work will be reimbursed for actual legitimate expenses, excluding labor.
 - d. Photographs of the building's exterior. The Applicant shall be required to provide before and after photographs of the building before the reimbursement grant can be awarded. For the initial application, "before" photographs will suffice, but "after" photographs of the completed project must be submitted before the grant may be considered for reimbursement.
3. Return the completed application form, with all applicable items, to:

Scott D. Livingston
Economic Development Coordinator
City of La Porte
604 W. Fairmont Parkway
La Porte, TX 77571
LivingstonS@laportetx.gov

4. The application will undergo an approval process, which includes but is not limited to the following:
 - a. Each project must meet current building standards and codes, as well as building permit requirements.
 - b. The EGEC will only consider applications that have been properly and fully completed, and which contain all information requested in the application and/or by the committee.

- c. All itemized work estimates submitted by the Applicant must be dated no earlier than ninety (90) days prior to the Application request. Bids shall be submitted on the contractor's or project architect's letterhead and shall contain the contractor's name, address, and telephone number and shall itemize the bid in a manner that allows the EGEC to determine the bid components and authenticity of the bid.
- d. Applications receiving approval by the EGEC shall commence construction described in the application within ninety (90) days from the date that the enhancement grant is approved. Each Applicant must complete the construction described in the Application within one (1) year from the date that the grant is approved. If the Applicant cannot meet this timeline, then the Applicant may submit a written request for an extension of the commencement date or completion date provided the extension request is made prior to the ninety (90) day or one (1) year time limit. The EGEC shall not be obligated to grant an extension, but it may do so for good cause determined solely by the members of the Committee. The extensions, if granted, shall be for the term and for the conditions determined exclusively by the EGEC. Denial of an extension request may not be appealed.
- e. As a condition of this grant Application, the Applicant consents, and shall allow, the EGEC to request city inspections to determine that the grant, if awarded, will not be used for construction on any building that is not in compliance with the City Municipal Codes and Ordinances that are applicable to the construction contemplated in the application.
- f. The EGEC and LPDC shall have sole discretion in awarding grants. They shall award grants considering the amount requested, grant funds available, the guidelines of the grant program, condition of the building in which the grant funds will be used, economic impact, other grant requests, the type and nature of the construction, and the proposed construction results considering the grant program.
- g. No Applicant has a proprietary right to receive grant funds. The EGEC shall consider any application within its discretionary authority to determine what grant amount would be in the best interest of the grant program.
- h. The Applicant shall be required to furnish "before" photographs of the building's exterior, and any other site locations that are included as part of the application request. The applicant shall also provide "after" photographs once the construction has been completed, as a condition of final grant disbursement.

- i. The EGEC has the final discretion with regard to funding and reserves the right to recommend modifications or reject any project or elements of any project.
5. Reimbursement. When the entire enhancement grant project has been completed, the Applicant shall present the Economic Development Office with the following:
 - a. Copies of all paid invoices, including copies of cancelled checks and/or credit card receipts for a single payment reimbursement of the approved funding, and
 - b. Photographs of all completed work.
6. When the project has been reviewed and approved by the EGEC, and their recommendations have been presented and approved by the LPDC, a reimbursement check will be issued.

La Porte Enhancement Grant Application

Please print clearly. Please submit a completed application to:

Scott D. Livingston
Economic Development
Coordinator City of La Porte
604 W. Fairmont Parkway
La Porte, TX 77571

APPLICANT INFORMATION:

APPLICATION DATE: 11/19/2015

EDWINBROTAMONTE

Applicant Name

GATEWAY GROVE APARTMENTS formerly Sylvan Beach Apartments

Business Name

315 N. 2nd Street La Porte TX 77571

Physical Business Address

Business Owner (if different from applicant)

315 N. 2nd Street La Porte TX 77571

Mailing Address

713-253-1736

ebrotamonte@gmail.com

Contact Phone

Email Address

TYPE OF WORK (check all that apply):

- Façade Awnings/Signage
 Beautification Parking Lot Improvements

DETAILS OF PLANNED IMPROVEMENTS (attach additional pages if necessary):

1. Paint all wood components and metal rails of exterior building structure
2. Repair or replace all damaged wood components to exterior building structure
3. Power wash all brick exterior walls
4. Landscape entire exterior property
5. Repair, re-seal and restripe exterior parking lot
6. Remove old signage and replace with new signage

Please list the name of each Contractor and/or Project Architect and the Total Amount of each bid. Please, also, attach the original proposals and work estimates:

CONTRACTOR/PROJECT ARCHITECT	TOTAL
1. See attached list	\$
2.	\$
3.	\$
4.	\$
5.	\$

BUDGETDETAIL

PROJECT EXPENDITURES	FUNDS	FUNDS APPLIED	TOTAL
Façade Rehab	\$	\$	\$
Awnings/Signage	\$	\$	\$
Beautification	\$	\$	\$
Parking Lot Improvements	\$	\$	\$
Other (list):	\$	\$	\$
TOTAL	\$	\$	\$

Total estimated cost of proposed project: \$

Amount requested (up to 50% of total cost, \$2,500 to \$50,000): \$

Please attach color samples, model numbers (for windows, doors, etc.), photos, scaled drawings, and other illustrations of work to be completed. Please include as much detail as possible.

Your signature on this application certifies that you understand and agree with the following statements: I have met with the EGEC and I fully understand the Enhancement Grant procedures and details established. I intend to use these grant funds for the eligible renovation projects, as spelled out in the application. I have not received, nor will I receive insurance monies for this revitalization project, OR I have disclosed all pertinent insurance information. I understand that if I am awarded an Enhancement Grant, any deviation from the approved project may result in the partial or total withdrawal of the grant funds.



APPLICANT SIGNATURE

11/19/2015

DATE

SYLVAN BEACH APARTMENTS

315 N. 2ND STREET

LA PORTE, TX 77571

La Porte Enhancement Grant Program Application

Planned Improvements

- I. Paint all wood components and metal rails of exterior structure
- II. Repair or replace all water damaged wood
- III. Power wash all brick exterior walls
- IV. Landscaping
- V. Asphalt parking lot repairs
- VI. New Signage

	Paint & Wood Repair	Asphalt Repair	Landscaping	Signage
Ed's GC	\$42,010.00			
SR Striping	\$37,500.00			
Liberty Builders	\$35,785.00	\$39,875.00		
Victory Asphalt		\$35,000.00		
ED's General Contract		\$67,500.00		
Texas Groundskeeper			\$10,000.00	
Outdoor Dreams			\$16,876.18	
A Gonzales Landscaping			\$17,070.00	
Signs By Tomorrow				\$3,330.72
4D Signworx				\$4,059.00
Inkflo Print and Design Concepts				\$4,500.00

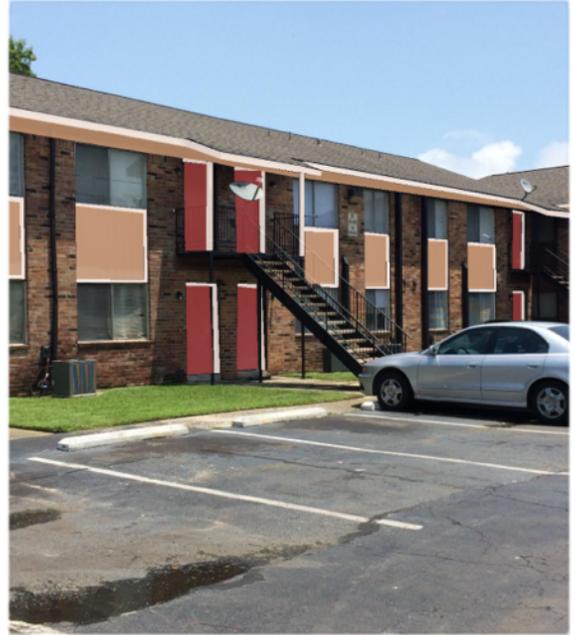
SYLVAN BEACH APARTMENTS

315 N. 2ND STREET

LA PORTE, TX 77571

La Porte Enhancement Grant Program Application

- I. Paint all wood components and metal rails of exterior structure
 - A. Wood panels b/w first and second floor
 - B. Eaves
 - C. Facia
 - D. Soffit
 - E. Vertical Siding
 - F. Doors
 - G. Door Trim
 - H. All steel rails



SYLVAN BEACH APARTMENTS

315 N. 2ND STREET

LA PORTE, TX 77571

La Porte Enhancement Grant Program Application

- II. Repair or replace all water damaged wood
 - A. Wood panels b/w first and second floor
 - B. Eaves
 - C. Facia
 - D. Soffit
 - E. Vertical Siding
 - F. Doors
 - G. Door Trim



SYLVAN BEACH APARTMENTS
315 N. 2ND STREET
LA PORTE, TX 77571

La Porte Enhancement Grant Program Application

III. Power wash all brick exterior walls



SYLVAN BEACH APARTMENTS
315 N. 2ND STREET
LA PORTE, TX 77571

La Porte Enhancement Grant Program Application

III. Landscaping

- A. Create 2 landscape islands around 2 new property signs
- B. Crepe Myrtles in key areas between units in front of brick walls
- C. Evergreen hedges along property wall below first floor windows



SYLVAN BEACH APARTMENTS
315 N. 2ND STREET
LA PORTE, TX 77571

La Porte Enhancement Grant Program Application

- IV. Asphalt parking lot repairs
 - A. Repair asphalt
 - B. Reseal repaired asphalt



SYLVAN BEACH APARTMENTS
315 N. 2ND STREET
LA PORTE, TX 77571

La Porte Enhancement Grant Program Application

- V. New Signage
 - A. Property sign at 2nd and Adams
 - B. Property sign at 3rd and Adams
 - C. Lease office signage on 2nd and 3rd street
 - D. Building Identification signage
 - E. Remove old signage



**SYLVAN BEACH APARTMENTS
315 N. 2ND STREET
LA PORTE, TX 77571**

La Porte Enhancement Grant Program Application

**ED'S GENERAL CONTRACT
281-451-9699**

DATE: 11/09/15

CONTRACT NUMBER: 20011515

SUBMITTED TO:

NAME: Veronica Vlera

**ADDRESS: 315 N. 2nd Street, La Porte TX 77571
11/15/15**

PHONE NO. 281-842-8180

WORK TO BE PERFORMED:

ADDRESS: Same

DATE OF PLANS:

ARCHITECT: EDWIN

WE HEREBY PROPOSE TO FURNISH THE MATERRIALS AND PERFORM THE LABOR NECESSARY FOR THE COMPLETION OF:

1. PREP BUILDINGS FOR PAINT
 - A. CAULK WALLS (WOOD)
 - B. CAULK WINDOWS
 - C. FIX CABLE AND PUT AWAY NEET (PHONE)

II. WORK TO BE DONE

- A. REMOVE ALL 1 X 2 FROM WOOD SQUARE
- B. INSTALL 1 X 4 IN ALL WOOD SQUARE
- C. PRIME. ~~REPAIRE~~ SOME WOOD BY ELECTRIC BOXES
- D. REMOVE FACING OF ROOF 1 X 4 AND REPLACE
- E. INSTALL NEW 1 X 4 ON ROOF

III. PAINT BUILDINGS

- A. PAINT ALL DOORS (RED)
- B. PAINT FACING (WHITE)
- C. PAINT BUILDINGS (BAIGE)
- D. PAINT ALL A/C BOXES, ELECTRICAL BOXES, METERS, PIPES, A/C PIPES COVERS, ALL STAIR CASES

NOTES: OWNER WILL TELL ME ALL COLORS TO USE AND WHAT COLOR TO PAINT STAIR CASES

TOTAL

\$ 42,010

SYLVAN BEACH APARTMENTS
315 N. 2ND STREET
LA PORTE, TX 77571

La Porte Enhancement Grant Program Application



17711 Tower Bluff Lane Cypress, TX 77433
Mobile: (832) 830-1364 Office: (832) 606-0018

Date: November 9th, 2015
To: **Stephanie Graves**
Project: **Sylvan Beach – Property Exterior Repaint.**
Location: **315 North 2nd Street**
La Porte, TX 77571

We propose to furnish all necessary labor, materials, insurance, and equipment for the exterior repainting at **Sylvan Beach Apartments**. The project consists of repainting 88 units within 12 buildings, 1 Leasing Office and 1 Mail Area.

Painting Scope:

- *Pressure-wash all exterior surfaces to be repainted.
 - *Clean & treat any mildew growth on surfaces with bleach and water mixture.
 - *Spot prime any unfinished/bare substrates with an exterior latex primer (Sherwin Williams' Summit Primer).
 - *Caulk gaps & openings to ensure uniform architectural finish with a siliconized acrylic caulking (Sherwin Williams' 40-year caulk NR4000).
 - *Paint all siding, wood/hardie trim, fascia & soffit substrates with full coverage of 100% acrylic **sat**in paint (Sherwin Williams' 5 year warranty Duracraft Paint).
 - *Preparation of metal substrates includes pressure washing, sanding/scraping loose paint, and spot priming of bare metal with Sherwin Williams' Shopcoat alkyd primer.
 - * Paint all existing handrails, stair stringers & rails with full coverage of Alkyd Gloss Industrial Enamel.
- Bid includes a LIMITED 1-year labor and material warranty upon completion (5 year material warranty from Sherwin Williams), covering material failures and craftsmanship. Warranty does not cover exterior substrates such as fascia & soffits due to their current condition.**

Total price for painting = \$ 37,500.00

SYLVAN BEACH APARTMENTS

315 N. 2ND STREET

LA PORTE, TX 77571

La Porte Enhancement Grant Program Application



Liberty Builders, LLC

November 19, 2015

R.3 Proposal #2015-255 Sylvan Beach Painting

Liberty Builders, LLC (“Contractor”) proposes to furnish all labor, materials, and equipment as described below to the “Owner (s)” of the property located at 315 N. 2nd Street La Porte, Texas 77571

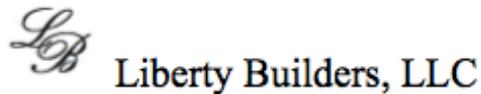
Scope of Work: Painting/Siding

- Power wash the exterior of all buildings
- Caulk as needed
- Paint exterior of all buildings in a 3-tone paint scheme: one (1) siding color, one (1) trim color, one (1) door color
- Paint all metal stairs and handrails in enamel black
- Replace the 1x2s above the 1st floor windows with 1x4 Hardi
- Remove any abandoned communication wiring on the exterior of the build

All of the above mentioned scope of work shall be performed for the budget price of *Thirty-Five Thousand Seven Hundred Eighty-Five and 00/100 dollars* (\$35,785.00)

**SYLVAN BEACH APARTMENTS
315 N. 2ND STREET
LA PORTE, TX 77571**

La Porte Enhancement Grant Program Application



November 19, 2015

Proposal #2015-281 Sylvan Beach Asphalt

Liberty Builders, LLC (“Contractor”) proposes to furnish all labor, materials, and equipment as described below to the “Owner (s)” of the property located at 315 N. 2nd Street La Porte, TX 77571

Scope of Work: All work to be performed on the outside perimeter of the property, approximately 27,500 SF

- Remove and reset the parking stops
- Patch the existing asphalt as needed
- Overlay the existing asphalt with 1 ½” hot asphalt
- Re-stripe the parking lot

All of the above mentioned scope of work shall be performed for the total price of *Thirty-Nine Thousand Eight Hundred Seventy-Five and 00/100 dollars (\$39,875.00)*

SYLVAN BEACH APARTMENTS
315 N. 2ND STREET
LA PORTE, TX 77571

La Porte Enhancement Grant Program Application

Victory Asphalt
18565 Huckleberry Ln.
Porter, TX. 77365
www.paverporter.com

Proposal

Description of work.

1. clean areas designed and prep for paving
2. apply ss.1 tack coat adhesive to ensure asphalt will stick
3. lay dot approved hot mix asphalt on areas designed (approximately 15,000.00 sq. ft.) of spot patching and overlaying
4. compact with a two wheel steel drum vibratory roller.
5. power blow entire parking lot
6. apply a double coat of commercial grade asphalt sealer
7. re-stripe entire parking lot

Labor + Materials

\$35,000.00

Thanks for the opportunity to bid on this project for you..

Victor. 832-580-0518

Date. 9-18-15

To. Edwin

pot hole paving

sylvanbeachapartments@gmail.com

SYLVAN BEACH APARTMENTS

315 N. 2ND STREET

LA PORTE, TX 77571

La Porte Enhancement Grant Program Application

ED'S GENERAL CONTRACT

281-451-9699

DATE: 08/29/15

CONTRACT NUMBER: 20011015

SUBMITTED TO:

NAME: Veronica viera

**ADDRESS: 315 N. 2nd Street La Porte 77571
11/20/15**

PHONE NO.

WORK TO BE PERFORMED:

ADDRESS: Same

DATE OF PLANS:

ARCHITECT: EDWIN

WE HEREBY PROPOSE TO FURNISH THE MATERRIALS AND PERFORM THE LABOR NECESSARY FOR THE COMPLETION OF:

- 1. REFINISH PARKING LOT**
 - A. INSTALL NEW BLACK TOP IN APARTMENT**
 - B. INSTALL 1.5 INCH OF ASPHALT**
 - 1. TO COVER HOLES**
 - 2. TO COVER CRACKS**
 - 3. TO FIX LOT**
 - 4. TO PRINT LINES ON LOT**

TOTAL IS

\$ 67,500.00

SYLVAN BEACH APARTMENTS
315 N. 2ND STREET
LA PORTE, TX 77571

La Porte Enhancement Grant Program Application

ESTIMATE

A. Gonzalez Landscaping & Lawn Care

You Grow It... We Mow It!

DATE: 11-11-2015

P.O. Box 932
 Baytown, TX 77522
 Phone 832-414-5704 Fax 281-421-5786
 a.gonzalezlawncare@hotmail.com

TO Edwin Brotamonee
 315 N 2nd St.
 La Porte, TX 77571
 713-253-1736

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
22 Yds.	Brown Mulch		
96 1Gal.	Jasmine Groundcover (Under Stairs)		
320 3Gal.	Wax Ligastrum Shrubs		
75 15Gal.	Crape Myrtle		
24 1Gal.	Lantana (2 Signs in Corners)		
		TOTAL	\$17,070.00

Quotation prepared by: Christian Gonzalez

**SYLVAN BEACH APARTMENTS
315 N. 2ND STREET
LA PORTE, TX 77571**

La Porte Enhancement Grant Program Application

OutDoor Dreams Inc

Lawn Maintenance and Landscaping

P.O. Box 1100
Highlands TX 77562
(281)827-2778

PROPOSAL

Proposal # 3399
DATE: 11/11/15

Bill To:

Sylvan Beach Apartments
315 North 2nd St.
La Porte TX 77571
281- 823-7140 ebrotamonte@gmail.com 713-253-1736

Proposal valid until: 1/11/15
Prepared by: OutDoor Dreams Inc

DESCRIPTION	AMOUNT
<p>Design, install new landscaping in front of H,D,I,J,K,A,E,B, F,G, with crype myrtles as center piece of landscape and a hedge row of shrubs.</p> <p>Scope of Work for new landscaping will be cutting out grass, adding garden mix for planting, install 20 gallon crype myrtles and three gallon evergreen shrubs. A layer of mulch will be added to landscape for proper dressing. All shrubs will be fertilized. Spacing between hedge row will be around 18 inches to 24 inches apart. Under staircases dirt will be removed from sections and will be replace with bull rock.</p> <p>Oak tree will be pruned, trimmed as describe and debris hauled away.</p> <p>Note: Landscaping around two signs will have to be quoted after signs are installed.</p>	15590.00
	395.00
Sub-Total	15590.00
Sales Tax	1286.18
TOTAL	16876.18

SYLVAN BEACH APARTMENTS
315 N. 2ND STREET
LA PORTE, TX 77571

La Porte Enhancement Grant Program Application



Proposal

For; Edwin Brotamonte

Landscaping includes

Planting/providing of the following plants described below.

BUILDING	Crape Myrtles	Shrubs
Section K	1	10
Section J	8	40
Section L	4	20
Section D	10	40
Section H	4	20
Section A	4	12
Section G	4	20
Section F	8	20
Section E	1	8

44. Crape Myrtles in 15 gal. size

152. Shrubs in 3 gal. size

Plants around the sign are to be discuss but the planting is included in this proposal.

50% of the total due prior service

The other 50% is due the date of service completed

Total 10,000.

Thank you for choosing Texas Groundskeepers.

SYLVAN BEACH APARTMENTS
315 N. 2ND STREET
LA PORTE, TX 77571

La Porte Enhancement Grant Program Application

Lisa Holder, Signs By Tomorrow

To: Edwin Brotamonte

Apartment complex sign estimate - La Porte

Edwin,

Here are some numbers for your review...

- 2 MDO panels, 48x96, single sided with special shape cut...\$575.66 each + tax
- 4 painted posts...\$45 each + tax
- 4 painted post caps...\$25 each + tax
- 12 DiBond (aluminum composite) 24x24 building signs...\$89.95 each + tax

Removal of 1 post/panel...\$225 (rough estimate since I'm not aware of what your current sign looks like)
 Installation of 2 post/panels, same property, 2 different locations...\$595

Let me know if you have any questions.

Have a nice day!

Many Thanks,

Lisa Holder, Owner
 Signs By Tomorrow, Houston South
 5523 Richmond Ave | Houston, TX | 77056
 P: 713-622-4888 | F: 713-952-7720
www.SBTHoustonSouth.com

Signs By Tomorrow				
MDO Panels	\$575.66	2	\$1,151.32	+ Tax
Posts	\$45.00	4	\$180.00	+ Tax
Post Caps	\$25.00	4	\$100.00	+ Tax
Building Signs	\$89.95	12	\$1,079.40	+ Tax
Remove sign	\$225.00	1	\$225.00	
Install signs	\$595.00	1	\$595.00	
			\$3,330.72	

**SYLVAN BEACH APARTMENTS
315 N. 2ND STREET
LA PORTE, TX 77571**

La Porte Enhancement Grant Program Application



PROPOSAL

P 713-984-2010
F 713-984-8064
sales@4DSignworx.com

Attention: Edwin Brotamonte
Sylvan Beach Apartments
315 N. 2nd Street
La Porte, TX 77571
Date: 11/20/15

2022 Pech Road
Houston, TX 77055

Description	Quantity	Unit Price	Cost
4x8 Feet Full Color MDO signs	2	\$ 800	\$ 1,600
36x24 Inch building signs	12	\$ 100	\$ 1,200
Remove existing property sign	1	\$ 250	\$ 250
Install property signs	2	350	\$ 700
		Subtotal	\$ 3,750
	Tax	8.25%	\$ 309
		Total	\$ 4,059

SYLVAN BEACH APARTMENTS

315 N. 2ND STREET

LA PORTE, TX 77571

La Porte Enhancement Grant Program Application

Scott Collins

To: Edwin Brotamonte

Signage Bid

Edwin Brotamonte or Property Manager,

Please review the bid below regarding your signage needs:

- 4x8 panel signs x 2
- Sign structures x 2 (posts, post caps and panels)
- 24x32 building signs x 12
- Removal of existing sign
- Install of 2 new property signs

Total estimated cost: \$4500

Please contact me with any questions.

Regards,

Scott Collins
Inkflo Print and Design Concepts
281-616-3899 x11
scollins@inkflo.net



LA PORTE ENHANCEMENT GRANT PROGRAM

The La Porte Enhancement Grant Program, which is sponsored by the La Porte Development Corporation, offers matching grants to businesses which are located in the City of La Porte.

Eligible improvements of the La Porte Enhancement Grant Program include façade enhancement/rehabilitation, beautification projects, new awnings, canopies, porches, signage, and parking lot improvements. Each program application will be evaluated on a case-by-case basis, and **ALL projects for a matching grant greater than \$25,000 must also be approved by the La Porte City Council.**

Interested business owners are welcome to complete the enclosed application form. Please deliver applications to:

Scott D. Livingston
Economic Development Coordinator
City of La Porte
604 W. Fairmont Parkway
La Porte, TX 77571
LivingstonS@laportetx.gov

Please contact Scott D. Livingston at LivingstonS@laportetx.gov or 281/470-5016, if you have any questions about the La Porte Enhancement Grant Program.

Sincerely,

Scott D. Livingston
Economic Development Coordinator
City of La Porte

LA PORTE BY THE BAY
604 W. Fairmont Parkway La Porte, Texas 77571 281/470-5016

ELIGIBLE PROJECTS

Business owners may be eligible for a reimbursement grant of funds which are used to enhance and/or beautify their businesses. The following types of projects are eligible for reimbursement:

- **Façade Rehabilitation/Enhancement**
Eligible projects include work on existing structures, such as removing non-historic/added facades, re-pointing brick or replacing mortar joints, replacing or restoring cornices, removing paint from brick, replacing windows, restoring transom windows, repairing facades, etc.
- **New Awnings, Canopies, Porches, and Signage**
Eligible projects include replacing, adding, or repairing awnings, canopies, porches, and signs. Signs may include signboards, projecting signs, pedestrian signage, window signs, hanging signs, and awning/canopy signs.
- **Beautification Projects**
Eligible projects include public art, landscaping, and other beautification projects as approved by the Enhancement Grant Evaluation Committee (EGEC).
- **Parking Lot Improvements**
Eligible projects include new parking lot construction, parking lot paving, parking lot re-surfacing, parking space striping/painting, new parking blocks, old parking block removal, and other projects as approved by the EGEC.

PROGRAM GUIDELINES

1. Grant funds are available only for exterior work on commercial property and building facades that are visible from public streets.
2. In general, grants offered to businesses are intended to support projects to renovate or convert existing structures to their original historic condition.
3. Grants will be processed and considered for award on a first-come, first-served basis until funds are depleted or until the program ends, whichever comes first.
4. Grants will not be awarded for work that has already been started or completed, or for work that is covered by insurance. If desired work is above and beyond what insurance will pay, and is, therefore, considered an upgrade and enhancement in the opinion of the EGEC, it may be eligible for grant funds.

5. Grants will not be awarded to any Applicant that owes any delinquent indebtedness* to the City of La Porte or the La Porte Development Corporation (LPDC).

** "Delinquent Indebtedness" shall mean any indebtedness due and owing to the City of La Porte or the La Porte Development Corporation, including but not limited to, ad valorem taxes on real and personal property, which property is in fact owned by and is legally subject to taxation, whether or not the same may have been properly rendered to the tax assessor-collector by any person. Such term shall also include, but not be limited to, charges for penalties, interest and costs on any such ad valorem taxes; charges for water, sewer, garbage and other services rendered or goods furnished by the City of La Porte or the La Porte Development Corporation to any person; and any other manner of indebtedness to the City of La Porte or the La Porte Development Corporation, now existing or which may hereafter be created by any person. No such indebtedness shall be considered "delinquent" until the time for its current payment under the various ordinances of the City of La Porte, or state statutes, or contractual agreement, shall have expired, without payment having been made.*

6. Each grant will be awarded on a reimbursement basis once completed work has been verified by the EGEC to be compliant with the plans proposed in the approved application. Any deviation from the approved project may result in the total or partial withdrawal of the grant.
7. Each enhancement grant application will be subject to review by the EGEC, and approval from the Board of the LPDC. The review criteria include the following:
 - The project demonstrates a significant improvement over the existing situation,
 - The project will add to the beautification of the City of La Porte ,
 - The project will enhance the City of La Porte's appeal to new businesses and visitors,
 - The project will complement the surrounding buildings, and
 - The project will add value to the City of La Porte.
8. Grant applications and awards may be made in any of the reimbursable activities described above and may be combined for any single property or project.
9. An applicant is defined as an owner, tenant, or combination thereof, who occupies space in an eligible property. A single owner of multiple properties may apply for grant funds for each property owned, but the matching grant must be for more than \$2,500 and less than \$50,000 per property in a three (3) year period.
10. Preference will be given to all local bids for work that qualify under the current form of the City of La Porte's Local Bidder Preference Policy at the time the project is approved by the Board.
11. Multiple bids are **not** required for each eligible project that is less than a total \$2,000, of which 50% or \$1,000 would be a reimbursable expense, as per the City of La Porte's Purchasing Policy.

APPLICATION PROCESS

1. Determine eligibility: Discuss project plans with the Economic Development Coordinator, and the Coordinator will set up a pre-development meeting with the EGEC.
2. Complete the application and sign the agreement form. Each grant application must include the following:
 - a. A scaled drawing by the project architect or design professional of all the work to be completed.
 - b. Samples -- i.e. paint samples, fabric swatches, sign material, etc. -- that will enable the EGEC to envision the finished project.
 - c. Three (3) itemized work estimates on all project work from contractors or project architects. Self-contracted work will be reimbursed for actual legitimate expenses, excluding labor.
 - d. Photographs of the building's exterior. The Applicant shall be required to provide before and after photographs of the building before the reimbursement grant can be awarded. For the initial application, "before" photographs will suffice, but "after" photographs of the completed project must be submitted before the grant may be considered for reimbursement.
3. Return the completed application form, with all applicable items, to:

Scott D. Livingston
Economic Development Coordinator
City of La Porte
604 W. Fairmont Parkway
La Porte, TX 77571
LivingstonS@laportetx.gov

4. The application will undergo an approval process, which includes but is not limited to the following:
 - a. Each project must meet current building standards and codes, as well as building permit requirements.
 - b. The EGEC will only consider applications that have been properly and fully completed, and which contain all information requested in the application and/or by the committee.

- c. All itemized work estimates submitted by the Applicant must be dated no earlier than ninety (90) days prior to the Application request. Bids shall be submitted on the contractor's or project architect's letterhead and shall contain the contractor's name, address, and telephone number and shall itemize the bid in a manner that allows the EGEC to determine the bid components and authenticity of the bid.
- d. Applications receiving approval by the EGEC shall commence construction described in the application within ninety (90) days from the date that the enhancement grant is approved. Each Applicant must complete the construction described in the Application within one (1) year from the date that the grant is approved. If the Applicant cannot meet this timeline, then the Applicant may submit a written request for an extension of the commencement date or completion date provided the extension request is made prior to the ninety (90) day or one (1) year time limit. The EGEC shall not be obligated to grant an extension, but it may do so for good cause determined solely by the members of the Committee. The extensions, if granted, shall be for the term and for the conditions determined exclusively by the EGEC. Denial of an extension request may not be appealed.
- e. As a condition of this grant Application, the Applicant consents, and shall allow, the EGEC to request city inspections to determine that the grant, if awarded, will not be used for construction on any building that is not in compliance with the City Municipal Codes and Ordinances that are applicable to the construction contemplated in the application.
- f. The EGEC and LPDC shall have sole discretion in awarding grants. They shall award grants considering the amount requested, grant funds available, the guidelines of the grant program, condition of the building in which the grant funds will be used, economic impact, other grant requests, the type and nature of the construction, and the proposed construction results considering the grant program.
- g. No Applicant has a proprietary right to receive grant funds. The EGEC shall consider any application within its discretionary authority to determine what grant amount would be in the best interest of the grant program.
- h. The Applicant shall be required to furnish "before" photographs of the building's exterior, and any other site locations that are included as part of the application request. The applicant shall also provide "after" photographs once the construction has been completed, as a condition of final grant disbursement.

- i. The EGEC has the final discretion with regard to funding and reserves the right to recommend modifications or reject any project or elements of any project.
5. Reimbursement. When the entire enhancement grant project has been completed, the Applicant shall present the Economic Development Office with the following:
 - a. Copies of all paid invoices, including copies of cancelled checks and/or credit card receipts for a single payment reimbursement of the approved funding, and
 - b. Photographs of all completed work.
6. When the project has been reviewed and approved by the EGEC, and their recommendations have been presented and approved by the LPDC, a reimbursement check will be issued.

La Porte Enhancement Grant Application

Please print clearly. Please submit a completed application to:

Scott D. Livingston
Economic Development
Coordinator City of La Porte
604 W. Fairmont Parkway
La Porte, TX 77571

APPLICANT INFORMATION:

APPLICATION DATE: _____

Applicant Name

Business Name

Physical Business Address

Business Owner (if different from applicant)

Mailing Address

Contact Phone

Email Address

TYPE OF WORK (*check all that apply*):

- | | |
|---|---|
| <input type="checkbox"/> Façade | <input type="checkbox"/> Awnings/Signage |
| <input type="checkbox"/> Beautification | <input type="checkbox"/> Parking Lot Improvements |

DETAILS OF PLANNED IMPROVEMENTS (*attach additional pages if necessary*):

Please list the name of each Contractor and/or Project Architect and the Total Amount of each bid. Please, also, attach the original proposals and work estimates:

CONTRACTOR/PROJECT ARCHITECT	TOTAL
1.	\$
2.	\$
3.	\$
4.	\$
5.	\$

BUDGET DETAIL

PROJECT EXPENDITURES	FUNDS	FUNDS APPLIED	TOTAL
Façade Rehab	\$	\$	\$
Awnings/Signage	\$	\$	\$
Beautification	\$	\$	\$
Parking Lot Improvements	\$	\$	\$
Other (list):	\$	\$	\$
TOTAL	\$	\$	\$

Total estimated cost of proposed project: \$ _____

Amount requested (up to 50% of total cost, \$2,500 to \$50,000): \$ _____

Please attach color samples, model numbers (for windows, doors, etc.), photos, scaled drawings, and other illustrations of work to be completed. Please include as much detail as possible.

Your signature on this application certifies that you understand and agree with the following statements: I have met with the EGEC and I fully understand the Enhancement Grant procedures and details established. I intend to use these grant funds for the eligible renovation projects, as spelled out in the application. I have not received, nor will I receive insurance monies for this revitalization project, OR I have disclosed all pertinent insurance information. I understand that if I am awarded an Enhancement Grant, any deviation from the approved project may result in the partial or total withdrawal of the grant funds.

APPLICANT SIGNATURE

DATE

**BYLAWS
OF THE
CITY OF LA PORTE
DEVELOPMENT CORPORATION**

These bylaws govern the affairs of the CITY OF LA PORTE DEVELOPMENT CORPORATION (the "Corporation") a nonprofit corporation organized under Article 5190.6, Section 4B, Vernon's Annotated Texas Civil Statutes, as amended (the 'Act').

ARTICLE I

PURPOSES

General Purposes

1.01. The Corporation acts on behalf of the City of La Porte, Texas in furtherance of the public purposes of the Act and may engage in any project authorized under Section 2(10) or Section 4B of the Act.

Powers

1.02. The Corporation has all the powers both express and implied, granted to corporations governed by Sec. 4B of the Act and by the Texas Non-profit Corporation Act.

ARTICLE II

OFFICES

Principal Office

2.01. The principal office of the Corporation in the State of Texas is located at 604 West Fairmont Parkway in La Porte; Harris County; Texas. The Corporation may provide for additional offices or change the location of any office.

Registered Office and Agent

2.02. The Corporation shall comply with the requirements of the Act and maintain a registered office and registered agent in Texas. The registered office may, but need not, be identical with the Corporation's principal office in Texas. The Corporation may change the registered office and the registered agent as provided in the Act.

ARTICLE III

BOARD OF DIRECTORS

Management of the Corporation

3.01. The affairs of the Corporation shall be managed by the Board of Directors.

Number, Qualifications and Tenure of Directors

3.02. The Board of Directors shall consist of seven members appointed by the City Council of the City of La Porte, Texas, for staggered two year terms of office. Not less than three (3) directors shall be persons who are not employees, officers or members of the governing body of the City of La Porte, Texas. Each director must reside within the City of La Porte, Texas.

The Board of Directors shall appoint a President and Vice-President by October 1 of each year. The President shall be the presiding officer for meetings and the Vice-President shall act in the President's absence.

Vacancies

3.03. A vacancy occurring upon the Board of Directors shall be filled for the unexpired term by appointment by the City Council of the City of La Porte, Texas.

Annual Meeting

3.04. The annual meeting of the Board of Directors shall be held during the month of March of each year. The Board of Directors shall designate the time and location of the annual meeting.

Regular Meetings

3.05. The Board of Directors may provide for regular meetings by resolution stating the time and place of such meetings. The meeting shall be held within the City of La Porte, Texas, at a location designated by the Board of Directors.

Special Meetings

3.06. Special meetings of the Board of Directors may be held at the request of the President or any three Directors. A person or persons calling the meeting shall fix the time and location of the meeting.

The person or persons calling a special meeting shall notify the secretary of the Corporation of the information required to be included in the notice of the meeting. In addition to the posting of a meeting notice in accordance with these bylaws, a copy of

each such meeting notice shall be delivered to each director not less than seventy-two hours before the time of the meeting. A meeting notice shall be deemed delivered to any director when deposited in the United States mail addressed to the director at his or her address as it appears on the records of the Corporation. Such additional notice may be waived in writing by a director at any time either before or after the time of the meeting and such additional notice shall be deemed waived by attendance.

Notice of Meetings

3.07. The Corporation shall be considered a "governmental body" within the meaning of Texas Government Code, Sec. 551.001, and notice of each meeting shall be given in accordance with the provisions of Texas Government Code, Chapter 551 (The Texas Open Meetings Act).

Quorum

3.08. Four (4) Directors shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. The presence of a director may not be established by proxy. No business shall be conducted, nor shall any action be taken by the Board of Directors in the absence of a quorum.

Duties of Directors

3.09. Directors shall exercise ordinary business judgment in managing the affairs of the Corporation. In acting in their official capacity as directors of the Corporation, directors shall act in good faith and take actions they reasonably believe to be in the best interests of the Corporation and which are not unlawful and shall refrain from actions not in the best interest of the Corporation or which would be unlawful. A director shall not be liable if, in the exercise of ordinary care, the director acts in good faith relying on written financial and legal statements provided by an accountant or attorney retained by the Corporation.

Duties of President

3.10. The president shall be the chief executive officer of the Corporation. The president shall supervise and control all of the business and affairs of the Corporation. When the execution of any contract or instrument shall have been authorized by the Board of Directors, the president shall execute same except where such power is expressly delegated to another officer of the Corporation. The president shall perform other duties prescribed by the Board of Directors and all duties incident to the office of president.

Actions of Board of Directors

3.11. The Board of Directors shall try to act by consensus. However, the vote of a majority of directors present at a meeting at which a quorum is present shall be sufficient to constitute the act of the Board of Directors.

Proxy Voting Prohibited

3.12. A director may not vote by proxy.

Removal of Directors

3.13. The Board of Directors and each member thereof serves at the pleasure of the City Council of the City of La Porte, Texas, which may remove any director at any time, either with or without cause.

Committees

3.14. The Board of Directors may by resolution establish one or more special or standing committees. Such committees shall have the powers, duties and responsibilities established by the Board. The committees shall keep regular minutes of their meetings and report the same to the Board of Directors when required.

Compensation of Directors

3.15. The directors shall not receive any salary or compensation for their services. Directors may be reimbursed for their actual expenses incurred in the performance of their duties. Travel expenses shall be reimbursed under the City's travel policy.

Attendance

3.16. Regular attendance at the Board meetings is required of all directors. Three (3) consecutive unexcused absences from meetings of the Board shall cause the position to be considered vacant. Four (4) unexcused absences in a twelve (12) month period shall also cause the position to be considered vacant.

Ex-Officio Members

3.17. The City Council may appoint Ex-Officio members to the Board of Directors as it deems appropriate. These representatives shall have the right to take part in any discussion of open meetings, but shall not have the power to vote in the meetings. Ex-Officio members shall serve a term of one calendar year.

ARTICLE IV

OFFICERS

Officer Positions

4.01. The officers of the Corporation shall be a secretary who shall be the City Secretary or Assistant City Secretary of the City of La Porte, Texas and a treasurer who shall be the Finance Director of the City of La Porte, Texas. At the option of the City Council these officers may also serve simultaneously as voting Directors to the Board.

Terms of Officers

4.02. The officers of the Corporation shall serve as long as they are employed by the City of La Porte, Texas

Removal of Officers

4.03. Any officer may be removed by the City Council of the City of La Porte, Texas at any time, with or without good cause.

Vacancies

4.04. A vacancy in any office may be filled by the City Council of the City of La Porte, Texas for the unexpired portion of the officer's term.

Secretary

4.05. The Secretary shall:

- >Give all notices as provided in the bylaws or as required by law.
- >Take minutes of the meetings of the Board of Directors and keep the minutes as part of the corporate records.
- >Maintain custody of the corporate records, authenticate corporate documents and affix the seal of the Corporation as required.
- >Keep a register of the mailing address of each director and officer of the Corporation.
- >Perform duties as assigned by the president or Board of Directors.
- >Perform all duties incident to the office of secretary.

Treasurer

4.06. The Treasurer shall:

- >Have charge and custody of and be responsible for all funds and securities of the Corporation.

- >Receive and give receipts for moneys due and payable to the Corporation from any source.
- >Deposit all moneys in the name of the Corporation in banks, trust companies, or other depositories as provided by these bylaws.
- >Write checks and disburse funds to discharge obligations of the Corporation.
- >Maintain the financial books and records of the Corporation.
- >Prepare financial reports at least annually.
- >Perform other duties as assigned by the Board of Directors.
- >Prepare an annual budget.
- >Perform all duties incident to the office of treasurer.

Compensation of Officers

4.07. The officers shall not receive any salary or compensation for their services. Officers may be reimbursed for their actual expenses incurred in the performance of their duties. Travel expenses shall be reimbursed under the City's travel policy.

ARTICLE V

TRANSACTIONS OF THE CORPORATION

Contracts

5.01. The Board of Directors may authorize any officer or agent of the Corporation to enter into a contract or execute and deliver any instrument in the name of or on behalf of the Corporation. This authority may be limited to a specific contract or instrument or it may extend to any number and type of possible contracts and instruments.

Depository Bank

5.02. All funds of the Corporation shall be deposited with the City's depository bank.

Potential Conflicts of Interest

5.03. The members of the Board of Directors are local public officials within the meaning of Texas Local Government Code Chapter 171. If a director has a substantial interest in a business entity or real property which is the subject of deliberation by the Board of Directors, the director shall file an affidavit with the secretary of the Corporation stating the nature and extent of the interest. Such affidavit shall be filed prior to any vote or decision upon the matter by the Board of Directors, and the interested director shall abstain from any vote or decision upon the matter.

Council Approval

5.04. The Board of Directors shall obtain prior City Council approval of all real estate acquisitions, real estate leases exceeding one year and/or any other leases exceeding

one year; all bond issues or other debt extending beyond one year; and, contracts, expenditures, or debts over \$15,000.00. The Board of Directors shall have the authority to enter into all other budgeted transactions without prior or additional City Council approval. Notwithstanding the foregoing, the Board of Directors shall have the authority to approve all budgeted Enhancement Grant expenditures for an amount equal to or less than \$25,000, without prior or additional approval of City Council. Amendments to the Corporation's budget must be approved by the City Council.

Purchasing

5.05. Contracts for goods or services entered into by the Corporation and requiring the expenditure of \$50,000.00 or more shall be subject to competitive bidding and/or competitive proposal procedures as established in Chapter 252 of the Texas Local Government Code, for municipal purchasing.

ARTICLE VI

BOOKS AND RECORDS

Required Books and Records

6.01. The Corporation shall maintain:

- ◆ Correct and complete books and records of account.
- ◆ The Corporation's books and records shall include a file endorsed copy of all documents filed with the Texas Secretary of State relating to the Corporation, including, but not limited to, the Articles of Incorporation, any articles of amendment, restated articles, articles of merger, articles of consolidation, and statement of change of registered office or agent.
- ◆ A copy of the bylaws and any amended versions or amendments to the bylaws.
- ◆ Minutes of the proceedings of the Board of Directors.
- ◆ A list of names and addresses of the directors and officers of the Corporation.
- ◆ A financial statement showing the assets, liabilities, and net worth of the Corporation at the end of the three most recent fiscal years.
- ◆ A financial statement showing the income and expenses of the Corporation for the three most recent fiscal years.
- ◆ All rulings, letters, and other documents relating to the Corporation's federal, state and local tax status.
- ◆ The Corporation's federal, state and local information or income tax returns for each of the Corporation's three most recent tax years.
- ◆ Annual budget which is approved by City Council.

Records Open to Public

6.02. The Corporation shall be considered a "governmental body" within the meaning of the Texas Government Code, Sec. 552.003 and all records of the Corporation shall be made available to the public for inspection or reproduction in accordance with the requirements of the Texas Government Code, Chapter 552 (The Texas open Records Act).

Audits

6.03. The Corporation's books are required to be audited by the City's independent auditor on an annual basis. Cost of the audit will be paid by the Corporation.

ARTICLE VII

PERSONNEL

7.01. Any full-time or part-time personnel positions that the Corporation may establish will be subject to the personnel policies of the City. The City Manager has full authority in personnel matters.

ARTICLE VIII

AMENDMENTS TO BYLAWS

8.01. The bylaws may be altered, amended, or repealed by the affirmative vote of four or more members of the Board of Directors with the consent of the City Council of the City of La Porte, Texas or shall be altered, amended or repealed at the direction of the City Council of the City of La Porte.

ARTICLE IX

MISCELLANEOUS PROVISIONS

Legal Authorities Governing Construction of Bylaws

9.01. The bylaws shall be construed in accordance with the laws of the State of Texas. All references in the bylaws to statutes, regulations, or other sources of legal authority shall refer to the authorities cited, or their successors, as they may be amended from time to time. It is expressly provided that the provisions of the Development Corporation Act of 1979 applicable to corporations governed under Section 4B of that Act are incorporated within these bylaws by reference. In the event of any conflict between the applicable provisions of such Act and these bylaws, then the applicable provisions of such Act shall control.

Legal Construction

9.02. If any bylaw provision is held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability shall not affect any other provision and the bylaws shall be construed as if the invalid, or unenforceable provision had not been included in the bylaws.

Headings

9.03. The headings used in the bylaws are used for convenience and shall not be considered in construing the terms of the bylaws.

Seal

9.04. The Board of Directors shall provide for a corporate seal. Such seal would consist of two concentric circles containing the words "City of La Porte Development Corporation", and "Texas" in one circle and the "incorporated" together with the date of incorporation of the Corporation in the other circle.

Parties Bound

9.05. The bylaws shall be binding upon and inure to the benefit of the directors, officers and agents of the Corporation and their respective heirs, executors, administrators, legal representatives, successors and assigns except as otherwise provided in the bylaws.

Fiscal Year

9.06. The fiscal year of the Corporation shall begin on the first day of October of each year and end of the last day of September of the following year.

Effective Date

9.07. These bylaws, and any subsequent amendments hereto, shall be effective of and from the date upon which approval has been given by the Board of Directors and the City Council of the City of La Porte, Texas.

Adopted this 9th day of February, 2015.

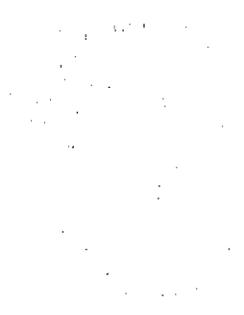


President of the Board

CERTIFICATE OF SECRETARY

I certify that I am the duly appointed and acting secretary of the CITY OF LA PORTE DEVELOPMENT CORPORATION, and the foregoing Bylaws constitute The Bylaws of the Corporation. These Bylaws were duly adopted at a meeting of the Board of Directors held on the 9th day of February, 2015, and approved and ratified by the City Council of the City of La Porte, Texas, at a meeting held on the 9th day of March, 2015.

Signed this 9th day of February, 2015.


Patricia Fogarty
Secretary of the Corporation

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE LA PORTE DEVELOPMENT CORPORATION, AND BROTAMONTE ASSET 1, LLC , A TEXAS PARTNERSHIP , FOR USE OF TYPE B DEVELOPMENT CORPORATION SALES TAX FUNDS IN CONNECTION WITH THE LA PORTE DEVELOPMENT CORPORATION ENHANCEMENT GRANT PROGRAM

THIS AGREEMENT made by and entered into this 14th day of December, 2015 between the La Porte Development Corporation, a Type B non-profit corporation operating under authority of Texas Local Government Code Chapters 501 and 505, hereinafter "LPDC", and BROTAMONTE ASSET 1, LLC , hereinafter referred to as the "Recipient".

WITNESSETH:

WHEREAS, the voters of the City of La Porte authorized the levying of additional sales tax within the City to promote economic development and the LPDC is authorized to use such tax revenues for certain qualifying projects and other economic development related purposes; and

WHEREAS, the La Porte Development Corporation has established the La Porte Enhancement Grant Program, the purpose of which is to offer financial incentives in the form of matching grants to aid business establishments located in the City of La Porte, Texas; and

WHEREAS qualifying applicants for matching grants under the La Porte Enhancement Grant Program are eligible to use grant funds for building site improvements including façade rehabilitation/enhancement, new awnings, canopies, porches, and signage, beautification projects, and parking lot improvements as outlined in the guidelines of the La Porte Enhancement Grant Program; and

WHEREAS, upon approval as a project of the La Porte Development Corporation, the La Porte Development Corporation will provide to the qualifying applicant a subsidy of one-half (1/2) of the cost of building site enhancements, up to a maximum match amount of \$49,999.99; and

WHEREAS, the Recipient owns and operates a business known as the Sylvan Beach Apartments, located at 315 N. 2nd Street, La Porte, Texas, (the "Business Site" herein) for which Recipient wishes make certain improvements, hereinafter described, under an Enhancement Grant Program application; and

WHEREAS, the Recipient wishes to renovate the Business Site by completing the following projects: 1) Paint & Wood Repair; 2) Parking Lot Repair, 3) Landscaping, and 4) Signage, which would result in the expenditure by Recipient of an estimated **\$84,115.72** in capital improvements and employ no less than TWO (2) full time and TWO (2) part-time employees, with one-half of such capital expenditure being eligible

for reimbursement by the La Porte Development Corporation, up to a maximum of \$49,999.99; and

WHEREAS, the provision of financial incentives to the Recipient in connection with a La Porte Enhancement Grant Program application would qualify as a project of the LPDC for infrastructure, site improvements and other related improvements, as authorized by Texas Local Government Code Chapters 501 and 505, and it is the desire of LPDC to assist in the funding of same, finding that such expenditures will promote or develop new or expanded business enterprises.

WHEREAS, Texas law and the by-laws of the LPDC require that certain expenditures and projects by the LPDC be approved by the governing body of the City; and whereas the LPDC Board has duly approved such project and the expenditures for any project for a contribution of the LPDC Board greater than \$25,000 must also be authorized by the La Porte City Council; and

NOW THEREFORE, in consideration of the covenants and conditions stated herein, and in consideration of the mutual benefits that will accrue to each of the parties hereof, as well as to the citizens of the City of La Porte, Texas, the parties have agreed and do hereby agree as follows:

ARTICLE I

In consideration of the Recipient making eligible and approved improvements to the Business Site at 315 N. 2nd Street; La Porte, TX 77571, in connection with an application under the La Porte Enhancement Grant Program, which program was considered in that certain public hearing authorizing a proposed project for the expenditure of LPDC funds for the promotion or development of new or expanded business enterprises, held before the LPDC on October 28, 2015, LPDC agrees to provide the Recipient with a matching grant payment in an amount not to exceed **\$42,057.86**, as a match for Recipient's capital expenditure, which payment shall be distributed upon the attainment of the following conditions:

- 1) Receipt by the LPDC of copies all applicable invoices and receipts of payment for the same invoices for all projects, which were previously approved by the LPDC Board, and have been completed,
- 2) Receipt by the LPDC of pictures showing proof of completion of each of the projects previously approved by the LPDC Board,
- 3) Receipt by LPDC of copies of all certificates and permits required by the City of La Porte, Texas, if any, to the Recipient for completion of the renovated Business Site;
- 4) Proof of minimum capital investment in the amount of **\$84,115.72** applied towards eligible and approved improvements of the Business Site and related infrastructure and site work. The renovation to the Business Site and related

infrastructure for which the required capital investment is made, must, at a minimum, include the following scope of work:

- a) **Paint & Wood Repair for \$35,785.00**
 - b) **Parking Lot Repair for \$35,000.00**
 - c) **Landscaping for \$10,000.00**
 - d) **Signage for \$3,330.72**
- 5) Submission to LPDC of an employment roster evidencing that the Recipient employs TWO (2) full time and TWO (2) part-time individuals as employees at the Business Site. Proof of employment, for purposes of this agreement, shall require the Recipient to produce either a) copies of the Recipient's 941 Report to the Internal Revenue Service and C3 Report to the Texas Workforce Commission for each employee (but with the social security number of each employee redacted), or b) a signed and notarized statement executed by the owner, or another duly authorized representative, of the company affirming that TWO (2) full time and TWO (2) part-time employees are employed by the Recipient for positions permanently located at Business Site.
- 6) Presentation to the Board of the LPDC, during a regularly scheduled Board meeting, regarding all elements of the completed enhancement grant projects.
- 7) In no case will the sum of **\$42,057.86** be made by the LPDC if all the required items listed in Article I are not delivered to and received by LPDC within one (1) year from the date on which this agreement is approved by the La Porte City Council. In the case that all the required items listed in Article I for the Business Site are presented to LPDC on or before said deadline, the LPDC shall convene a meeting of the LPDC Board of Directors for a date no later than forty-five (45) days. Upon verification of the completion of all projects previously approved by the LPDC Board to the Business Site, as reflected by formal vote of the LPDC Board of Directors that the Recipient has satisfied the requirements of this paragraph, LPDC will then remit the sum of **\$42,057.86** to the Recipient within a period not to exceed thirty (30) days.

ARTICLE II

All funds received as herein provided shall be solely for the purpose of contributing towards the Recipient's costs in making eligible and approved improvements to the Business Site.

The Recipient further acknowledges that the incentive grant provided for herein is tied to a project of the LPDC for the promotion or development of new or expanded business enterprises, as authorized by Texas Local Government Code chapters 501 and 505.

ARTICLE III

Disbursement and/or retention of the cash incentive identified in Article I of this Agreement shall be made as follows:

- A. Disbursement shall be made to Recipient, subject to the satisfaction of the conditions precedent or conditions subsequent contained within Article I of this Agreement.
- B. LPDC's obligation to Recipient shall not exceed **\$42,057.86**, nor shall LPDC be obligated to reimburse Recipient for requests delivered to LPDC after the termination of this Agreement.

ARTICLE IV

The Recipient understands that the funds paid to the Recipient by the LPDC are derived from tax revenues collected under Texas Local Government Code 505.252, and that LPDC has estimated the tax revenues to be collected during the term of this Agreement. The Recipient further understands, acknowledges, and agrees that if the tax revenue actually collected is less than 90% of the estimated tax revenues to be collected in any fiscal year during the term of this Agreement, LPDC will be under no obligation to provide funding to the Recipient for any payment or payments during or after the fiscal year for which there is a revenue shortfall. Upon execution of the Agreement, funds will be placed in a City of La Porte designated commitment account for purposes of this Agreement.

ARTICLE V

In the event of any default by the Recipient hereunder, including, but not limited to, use of the funds provided herein for purposes other than those stated in Article I of this Agreement, LPDC may cease all future payments hereunder and terminate this Agreement. In addition, LPDC shall have the right to reclaim and recapture, and the Recipient shall refund, any funds that are not spent in accordance with the terms of this Agreement, including 1) LPDC funds spent by the Recipient in contravention of this Agreement and 2) any LPDC funds previously paid to the Recipient but not yet spent by Recipient. In each such case, the previously paid cash payment or payments shall be remitted to the LPDC within sixty (60) of receipt of written demand for same.

Any breach of this covenant shall be grounds for immediate termination of the distribution of funds.

ARTICLE VI

The term of this Agreement will expire one (1) year from the date on which the City Council approved the project.

ARTICLE VII

All funds provided by the LPDC pursuant to this Agreement may be used only for the purposes authorized by this Agreement. Notwithstanding Article I, above, City shall be under no obligation to make any fund disbursements if the reports required under this Article have not been delivered to the LPDC.

ARTICLE VIII

This Agreement does not create any joint venture, partnership, or agency relationship between the LPDC and the Recipient. The Recipient shall have exclusive control of, and the exclusive right to control the details of the work to be performed by the Recipient hereunder and all personnel performing same, and shall be solely responsible for the acts and omissions of its officers, members, agents, servants, employees, subcontractors, program participants, volunteers, licensees, and invitees. In no event shall any person participating in or performing any of the Recipient's duties or responsibilities hereunder be considered an officer, agent, servant, or employee of the LPDC.

ARTICLE IX

The Recipient agrees to assume and does hereby assume all responsibility and liability for damages sustained by persons or property, whether real or asserted, by or from the carrying on of work by the Recipient or in the performance of services performed and to be performed by the Recipient hereunder. The Recipient covenants and agrees to, and does hereby indemnify, defend, and hold harmless LPDC and all their respective officers, agents, and employees from all suits, actions, claims, and expenses of any character, including attorney's fees, brought for or incurred on account of any injuries or damages, whether real or asserted, sustained by any person or property by or in consequence of any intentional or negligent act, omission, or conduct of the Recipient, its agents, servants or employees.

ARTICLE X

This Agreement may be amended by the mutual agreement of the Parties hereto in writing to be attached to and incorporated into this Agreement.

ARTICLE XI

The Recipient shall adhere to all local, state, and federal laws and regulations that may affect its actions made pursuant to this Agreement, and shall maintain in effect during the term of this Agreement any and all federal, state, and local licenses and permits which may be required of Recipients generally.

ARTICLE XII

The Recipient may not assign this Agreement, or any of the benefits provided herein including but not limited to incentive payments identified in Article I, without the written consent of LPDC.

ARTICLE XIII

The waiver by LPDC of any breach of any term, condition, or covenant herein contained shall not be deemed a waiver of any subsequent breach of the same, or any other term, condition, or covenant.

ARTICLE XIV

The obligations of the Parties to this Agreement are performable in Harris County, Texas and if legal action is necessary to enforce same, venue shall lie in Harris County, Texas.

ARTICLE XV

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

ARTICLE XVI

This Agreement may be executed in triplicate, each of which shall be deemed an original and constitute one and the same instrument.

ARTICLE XVII

Neither LPDC nor the Recipient shall be required to perform any term, condition, or covenant in this Agreement so long as such performance is delayed or prevented by force majeure, which shall mean Acts of God, civil riots, floods, and any other cause not reasonably within the control of LPDC or the Recipient except as herein provided, and which by the exercise of due diligence LPDC or the Recipient is unable, wholly or in part, to prevent or overcome.

ARTICLE XVIII

In submitting this application, the applicant whose signature appears below affirms its intent and commitment to comply in full with Section 2264.052 of the Government Code and certifies that it does not and will not knowingly employ an undocumented worker

during any time period associated with the public subsidy for which the application is being submitted. The applicant further certifies its understanding and agreement that if it is convicted of a violation of 8 U.S.C. Section 1324a(f), providing for civil and/or criminal penalties for engaging in a pattern or practice of knowingly hiring or continuing to employ unauthorized aliens, it shall repay the amount of the public subsidy with interest, at the rate and according to the terms of the agreement signed under Section 2264.053 of the Government Code, not later than the 120th day after the date the city notifies the business of the violation.

ARTICLE XIX

The Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the Parties, which relate to matters in this Agreement.

SIGNED AND AGREED to by LPDC and the Recipient on the dates indicated below.

LA PORTE DEVELOPMENT CORPORATION

Richard Warren, President

Date

ATTEST

Secretary of the Corporation

Brotamonte Asset 1, LLC

By: *Edwin Brotamonte*

11/30/2015

Date

ATTEST
