

LOUIS R. RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
DOTTIE KAMINSKI
Councilmember At Large B
DANNY EARP
Councilmember District 1
CHUCK ENGELKEN
Councilmember District 2



DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Mayor Pro-Tem
Councilmember District 5
MIKE CLAUSEN
Councilmember District 6

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held January 11, 2016, beginning at 6:00 PM in the City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

- 1. CALL TO ORDER**
- 2. INVOCATION** – The invocation will be given by Clark Askins.
- 3. PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember Daryl Leonard.
- 4. PUBLIC COMMENTS** (Limited to five minutes per person.)
- 5. CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
 - (a)** Consider approval or other action regarding the minutes of the Regular City Council Meeting held on December 14, 2015 and Special Called Meeting held on December 21, 2015 - P. Fogarty
 - (b)** Consider approval or other action regarding an Ordinance ordering the May 7, 2016, General Election of the City of La Porte - P. Fogarty
 - (c)** Consider approval or other action regarding an Interlocal Agreement between the City of La Porte; La Porte Independent School District and La Porte Fire Control, Prevention and Emergency Medical Services District for Joint Elections - P. Fogarty
 - (d)** Consider approval or other action ratifying the appointment of Lawrence Stockham to the Planning and Zoning Commission - P. Fogarty
 - (e)** Consider approval or other action regarding Vehicle Replacements for Fiscal Year 2015-2016 - D. Pennel
 - (f)** Consider approval or other action regarding a Resolution of the City of La Porte, Texas seeking designation as a Management Agency for Wastewater Collection and Treatment - D. Pennel
 - (g)** Consider approval or other action regarding a Resolution adopting a revised Official Zoning Map for the City of La Porte - E. Ensey
 - (h)** Consider approval or other action awarding Bid no. 16007 for Demolition of Property located at 330 Bayside Dr. - R. Davidson
 - (i)** Consider approval or other action authorizing the City Manager to execute a Water Service Agreement and a Sanitary Sewer Service Agreement with Air Liquide Large Industries U.S., LP located at 11426 Fairmont Parkway in the Bayport Industrial District - T. Tietjens

- (j) Consider approval or other action authorizing the Planning and Development Director to execute a Pipeline Permit to Dow Hydrocarbons and Resources, LLC for the final phase of construction of a 12" Ethane pipeline within the City of La Porte - T. Tietjens
- (k) Consider approval or other action regarding an Ordinance vacating, abandoning, and closing a portion of the West Madison Street Right-of-Way - T. Tietjens

6. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- (a) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve an amendment to the Future Land Use Map component of the La Porte Comprehensive Plan for a 20-acre tract of land located on State Highway 146, a quarter of a mile north of Wharton Weems Blvd., to change use designation from "Low Density Residential" to 1) "Commercial," 2) "Mixed Use," and 3) "Mid-to High-Density Residential;" consider approval or other action regarding an Ordinance amending the Future Land Use Map component of the La Porte Comprehensive Pan for a 20-acre tract located on the east side of State Highway 146, a quarter of a mile north of Wharton Weems Blvd., by changing use designation from "Low Density Residential" to 1) "Commercial," 2) "Mixed Use," and 3) "Mid-to High-Density Residential" - E. Ensey
- (b) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit #15-91000007, to allow construction of an entertainment, commercial and residential mixed use development on a 20-acre tract located on the east side of State Highway 146, a quarter of a mile north of Wharton Weems Blvd., in a PUD zone; consider approval or other action regarding an Ordinance approving Special Conditional Use Permit Request #15-91000007, to allow construction of an entertainment, commercial and residential mixed use development on a 20-acre tract located on the east side of State Highway 146, a quarter of a mile north of Wharton Weems Blvd., in a PUD zone - E. Ensey

7. REPORTS

- (a) Receive report of the La Porte Development Corporation Board - Councilmember Engelken
- (b) Receive report on the Carriage House Project - Councilmembers Zemanek, K. Martin and Kaminski

8. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, January 21, 2016
- City Council Meeting, Monday, January 25, 2016
- Zoning Board of Adjustment Meeting, Thursday, January 28, 2016

- 9. **COUNCIL COMMENTS** regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies – Councilmembers Leonard, Engelken, Earp, Clausen, J. Martin, K. Martin, Kaminski, Zemanek and Mayor Rigby

10. ADJOURN

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

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

CERTIFICATION

I certify that a copy of the January 11, 2016, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on January 5, 2016.

Patrice Sogarty



**Council Agenda Item
January 11, 2016**

1. **CALL TO ORDER**
2. **INVOCATION** – The invocation will be given by Clark Askins.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember Daryl Leonard.
4. **PUBLIC COMMENTS** (Limited to five minutes per person.)



Council Agenda Item January 11, 2016

- 5. CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
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MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE DECEMBER 14, 2015

The City Council of the City of La Porte met in a regular meeting on **Monday December 14, 2015**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **6:00 p.m.** to consider the following items of business:

Mayor Rigby called the meeting to order at 6:02 p.m. Members of Council present: Councilmembers Engelken, Zemanek, Kaminski, K. Martin, J. Martin, and Clausen. Absent: Councilmembers Earp and Leonard. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.

2. **INVOCATION** – The invocation was given by Kevin Gilmore, First United Methodist Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember John Zemanek.
4. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Jane Rosa, 812 S. Virginia, addressed Council and thanked them for the nativity scene displayed for the holiday season.

Bill Scott, 1722 Lomax School Rd., addressed Council thanking them for the assistance with a code enforcement violation that was dismissed; made corrections to his prior public comments to Council regarding traffic citations received by the two ladies he is assisting in court, and advised he and his wife received notices to abate and not citations of codes.

Belinda Scott, 1722 Lomax School Rd., addressed Council and advised she needs assistance obtaining a closure letter from the Inspections Department.

Barbara Norwine, 202 S. Lobit, addressed Council and wished them all a Merry Christmas and thanked them for everything that they do for the City of La Porte.

5. **CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
 - (a) Consider approval or other action regarding the minutes of the City Council Meeting held on November 9, 2015 – P. Fogarty
 - (b) Consider approval or other action regarding a Resolution authorizing the sale of tax delinquent properties consisting of Lots 1,3-7,10,17-29,31 and 32, Block 1149 Town of La Porte; Lots 21 and 22, Block 2 Battleground Estates – K. Powell

- (c) Consider approval or other action regarding a Joint Exercise of Powers Agreement with National Joint Powers Alliance (NJPA) under cooperative purchasing program – C. Daeumer
- (d) Consider approval or other action regarding an Ordinance amending Chapter 66 “Taxation” of the Code of Ordinances of the City of La Porte, Texas by establishing an Ad Valorem Tax Freeze for residential homestead property owners in the City of La Porte, Texas who are disabled or 65 years of age or older – C. Alexander
- (e) Consider approval or other action authorizing the City Manager to enter into an agreement with the City of Houston Police Department to continue the assignment of a detective with the La Porte Police Department to the Internet Crimes Against Children Task Force (ICAC) – K. Adcox
- (f) Consider approval or other action regarding an Ordinance vacating, abandoning, and closing a portion of the N. 8th Street right-of-way, and retaining a public utility easement in said right-of-way – T. Tietjens
- (g) Consider approval or other action extending the deadline for an additional 90 days for property owners to complete the repairs of two structures one located at 203 Bay Oaks and the other located at 422 S. 2nd Street – R. Davidson
- (h) Consider approval or other action regarding vehicle purchases through HGAC and BuyBoard – D. Pennell
- (i) Consider approval or other action authorizing the City Manager to enter into a construction contract with Angel Brothers Enterprises, Ltd., for the improvements of the Catlett, Belfast and Pineybrook rights-of-way – D. Pennell
- (j) Consider approval or other action regarding Vehicle Replacement s for Fiscal Year 2015-2016 – D. Pennell
- (k) Consider approval or other action awarding Bid No. 16003 for Submersible Lift Pump(s) Replacement – D. Pennell
- (l) Consider approval or other action regarding replacement of the Hydro Lock connections on all fire hydrants in the City of La Porte – D. Ladd
- (m) Consider approval or other action authorizing the City Manager to sign a Memorandum of Agreement with Sutphen Corporation for the purchase of additional fire trucks over multiple year period – D. Ladd
- (n) Consider approval or other action regarding budget adjustment proposed by the La Porte Fire Control, Prevention and Emergency Medical Services District Board – D. Ladd
- (o) Consider approval or other action awarding Bid No. 090512 for the purchase of a new Command Vehicle for the City of La Porte Fire Department – D. Ladd

Regarding Item G, Councilmember Zemanek requested additional information on repairs at 203 Bay Oaks. Deputy Building Official R. J. Davidson advised the owner provided a plan that was approved to tear down a portion of the structure that has been added and general repairs to the roof and exterior that are well underway; and the owner is moving in the right direction with repairs. Councilmember Zemanek questioned if the property at 422 S. 2nd Street will be completed in 90 days. Mr. Davidson responded yes, or at the latest by the end of January 2016. Councilmember Zemanek asked the estimated timeframe for repairs at 203 Bay Oaks. Mr. Davidson responded mid-summer 2016.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3613**: AN ORDINANCE AMENDING CHAPTER 66 "TAXATION" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS BY ESTABLISHING AN AD VALOREM TAX FREEZE FOR RESIDENTIAL HOMESTEAD PROPERTY OWNERS IN THE CITY OF LA PORTE, TEXAS WHO ARE DISABLED OR 65 YEARS OF AGE OR OLDER; CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN OPEN MEETINGS; PROVIDING FOR AN EFFECTIVE DATE HEREOF.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3614**: AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE NORTH 8TH STREET RIGHT-OF-WAY; RETAINING A PUBLIC UTILITY EASEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED TO THE ADJOINING LANDOWNERS, FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Councilmember Engelken moved to approve the Consent Agenda items pursuant to staff recommendations. Councilmember Zemanek seconded. **MOTION PASSED.**

Ayes: Mayor Rigby, Councilmembers J. Martin, Zemanek, K. Martin, Kaminski, Engelken and Clausen
Nays: None
Absent: Councilmembers Earp and Leonard

6. AUTHORIZATIONS

(a) Consider approval or other action regarding a Resolution adopting a revised Official Zoning Map for the City of La Porte – E. Ensey

Mayor Rigby advised council that City Manager Corby Alexander requested this item be removed and presented at a later date.

(b) Consider approval or other action regarding a Resolution adopting a policy to provide for recovery of costs incurred to respond to public information request from a single requestor in a twelve-month period that exceed 36 hours for personnel time – P. Fogarty

City Secretary Patrice Fogarty presented a summary.

Councilmember Engelken moved to approve a Resolution adopting a policy to provide for recovery of costs incurred to respond to public information requests from a single requestor in a twelve-month period that exceed 36 hours for personnel time. Councilmember J. Martin seconded. **MOTION PASSED.**

Ayes: Mayor Rigby, Councilmembers Clausen, J. Martin, Kaminski, K. Martin and Engelken,
Nays: Councilmember Zemanek
Absent: Councilmembers Earp and Leonard

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Resolution 2015-24**: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS ADOPTING A POLICY TO PROVIDE FOR RECOVERY OF COSTS INCURRED TO RESPOND TO PUBLIC INFORMATION REQUESTS FROM A SINGLE REQUESTOR IN A TWELVE-MONTH PERIOD THAT EXCEED 36 HOURS OF PERSONNEL TIME; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE.

(c) Consider approval or other action regarding changes to Chapter 7.09 Family Medical Leave Act (FMLA) and Chapter 7.08 Sick Leave "Physical Report Status" of the City of La Porte Employee Handbook to reflect current law – C. Alexander

Human Resources Manager Matt Hartlieb presented a summary.

Councilmember Clausen moved to approve changes to Chapter 7.09 Family Medical Leave Act (FMLA) and Chapter 7.08 Sick Leave "Physical Report Status" of the City of La Porte Employee Handbook to reflect current law. Councilmember Zemanek seconded. **MOTION PASSED.**

Ayes: Mayor Rigby, Councilmembers Clausen, J. Martin, Kaminski, K. Martin, Engelken, and Zemanek
Nays: None
Absent: Councilmembers Earp and Leonard

7. DISCUSSION AND POSSIBLE ACTION

(a) Discussion and possible action regarding open riding rules at Lomax Rodeo Arena – R. Epting

Parks and Recreation Director Rosalyn Epting presented a summary.

Councilmember Zemanek asked about the daily rental fee. Parks and Recreation Director Rosalyn Epting responded \$150.00 daily Monday-Thursday and \$200.00 daily Friday- Sunday.

Councilmember Kaminski asked if the rodeo association is having a fundraiser, will the arena still have to be rented and counted as daily time. Ms. Epting responded if the renter goes through the rodeo association, it is counted as part of the rental days.

Councilmember Engelken asked if online rentals has been considered. Ms. Epting responded no; renters pay with cash.

Councilmember J. Martin asked if there are guidelines for renting the arena for other events besides riding. Ms. Epting responded if alcohol is involved, officers will be required. As far as time to utilize the arena, individuals will have to vacate the property at 11:00 p.m. Sunday-Thursday, and by midnight on Friday or Saturday.

Councilmember Clausen moved to formalize the proposal and come back to City Council. Councilmember K. Martin seconded. **MOTION PASSED.**

Ayes: Mayor Rigby, Councilmembers Clausen, J. Martin, Kaminski, K. Martin, Engelken, and Zemanek
Nays: None
Absent: Councilmembers Earp and Leonard

(b) Consider approval or other action regarding an Ordinance establishing the membership structure of the Fiscal Affairs Committee and consider action to appoint Councilmembers to the Fiscal Affairs Committee.

City Secretary Patrice Fogarty presented a summary.

Councilmember Engelken moved to approve an Ordinance establishing the membership structure of the Fiscal Affairs Committee. Councilmember Kaminski seconded. **MOTION PASSED.**

Ayes: Mayor Rigby, Councilmembers J. Martin, Kaminski, Clausen, K. Martin, Engelken, and Zemanek
Nays: None
Absent: Councilmembers Earp and Leonard

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2015-3615: AN ORDINANCE ESTABLISHING THE MEMBERSHIP STRUCTURE OF THE CITY OF LA PORTE FISCAL AFFAIRS COMMITTEE, AND APPOINTING MEMBERS TO SUCH COMMITTEE; CONTAINING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

Councilmember Zemanek moved to appoint Councilmembers Engelken, Leonard, Martin and Alternate Kaminski to the Fiscal Affairs Committee. Councilmember K. Martin seconded. **MOTION PASSED.**

Ayes: Mayor Rigby, Councilmembers J. Martin, Kaminski, Clausen, K. Martin, Engelken, and Zemanek
Nays: None
Absent: Councilmembers Earp and Leonard

8. REPORTS

(a) Receive report of the La Porte Development Corporation Board – Councilmember Engelken.

Councilmember Engelken provided a report of the La Porte Development Corporation Board meeting held prior to the City Council Meeting.

9. ADMINISTRATIVE REPORTS

City Manager Corby Alexander called for a Special City Council Meeting either, Monday, December 21, 2015, or Tuesday, December 22, 2015, to discuss the proposed Stop Loss Contract for city health insurance plan.

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

Councilmember Zemanek wished Councilmember Earp a speedy recovery; and everyone a Merry Christmas and a Happy New Year; Councilmember Engelken wished Councilmember Earp and Gail Martin a speedy recovery; and everyone a Merry Christmas and a Happy New Year; Councilmember Clausen wished Councilmember Earp a speedy recovery and wished everyone a Merry Christmas; Councilmember J. Martin wished Councilmember Earp a speedy recovery, commented he is comfortable with the input for construction on Catlett and thanked staff for the display of the nativity scene; Councilmember K. Martin sent prayers to Councilmember Earp and Gail Martin and wished everyone a Merry Christmas and a Happy New Year; Councilmember Kaminski sent prayers to Councilmember Earp and Gail Martin and wished everyone a Merry Christmas and a Happy New Year and thanked Staff for Christmas parties on Friday and Saturday night and Mayor Rigby wished Councilmember Earp and Gail Martin a speedy recovery; commented the Employee Christmas Party was well attended on Friday night as well as Christmas on Main Street.

11. **EXECUTIVE SESSION** The City reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code, including, but not limited to, the following:

Texas Government Code, Section 551.072 – For the purpose of deliberating the purchase, exchange, lease or value of real property: Meet with City Manager and City Attorney to discuss a Joint Ordinance and Boundary Adjustment Agreement and Joint Ordinance and Revenue Sharing Agreement with the City of Morgan's Point regarding a 4.42 acre tract of land currently within the City of la Porte's corporate boundary and proposed to be annexed with the City of Morgan's Point corporate boundary.

Texas Government Code, Section 551.071(2) – Consultation with Attorney: Meet with City Attorney to discuss a Joint Ordinance and Boundary Adjustment Agreement and Joint Ordinance and Revenue Sharing Agreement with the City of Morgan's Point.

City Council recessed the regular Council meeting to convene an executive session at 6:47 p.m. regarding the items listed above.

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

Council reconvened into the regular Council meeting at 7:06 p.m.

Regarding Texas Government Code, Section 551.072 – For the purpose of deliberating the purchase, exchange, lease or value of real property: Meet with City Manager and City Attorney to discuss a Joint Ordinance and Boundary Adjustment Agreement and Joint Ordinance and Revenue Sharing Agreement with the City of Morgan’s Point regarding a 4.42 acre tract of land currently within the City of la Porte’s corporate boundary and proposed to be annexed with the City of Morgan’s Point corporate boundary.

Councilmember Zemanek moved to deny the proposal from the City of Morgan’s Point. Councilmember Clausen seconded. **MOTION PASSED.**

Ayes:	Councilmembers K. Martin, Clausen, Kaminski, Zemanek and Engelken
Nays:	Mayor Rigby and Councilmember J. Martin
Absent:	Councilmembers Earp and Leonard

13. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:08 p.m. Councilmember Zemanek seconded. Motion passed unanimously.

Patrice Fogarty, City Secretary

Passed and approved on January 11, 2015.

Mayor Louis R. Rigby

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MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE DECEMBER 21, 2015

The City Council of the City of La Porte met in a special meeting on **Monday December 21, 2015**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **5:30 p.m.** to consider the following items of business:

1. **CALL TO ORDER** - Mayor Pro Tem Martin called the meeting to order at 5:30 p.m. Members of Council present: Councilmembers Engelken, Zemanek, K. Martin, Kaminski, Earp and Clausen. Absent: Mayor Rigby and Councilmember Leonard. Also present were City Secretary Patrice Fogarty and Assistant City Manager Traci Leach.

2. **PUBLIC COMMENTS** (Limited to five minutes per person.) There were no public comments.

3. AUTHORIZATIONS

(a) Consider approval or other action authorizing the City's Stop Loss Coverage with HM at an annual premium of \$380,958.60 – M. Hartleib

Human Resources Manager Matt Hartleib presented a summary. Staff recommends placing the coverage with HM because there is a cost reduction of \$21,708.96.

Councilmember Clausen moved to authorize the City's Stop Loss Coverage with HM at an annual premium of \$380,958.60. Councilmember Earp seconded. **MOTION PASSED.**

Ayes: Mayor Pro Tem Martin, Councilmembers Clausen, Kaminski, K. Martin, Earp, Zemanek and Engelken,
Nays: None
Absent: Mayor Rigby and Councilmember Leonard

4. **COUNCIL COMMENTS** regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information. Councilmembers wished everyone a very Merry Christmas and Happy New Year, welcomed Councilmember Earp back, and wished Councilmember Leonard a speedy recovery.

5. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 5:35 p.m. Councilmember Zemanek seconded. Motion passed unanimously.

Patrice Fogarty, City Secretary

Passed and approved on January 11, 2015.

Mayor Louis R. Rigby

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested:	<u>January 11, 2016</u>	Appropriation	
Requested By:	<u>Patrice Fogarty</u>	Source of Funds:	<u>General Budget</u>
Department:	<u>City Secretary's Office</u>	Account Number:	<u>001-6067-510-6004</u>
Report: <input type="radio"/>	Resolution: <input type="radio"/>	Ordinance: <input checked="" type="radio"/>	Amount Budgeted: <u>37,778.00</u>
Other: <input type="radio"/>			Amount Requested: <u>37,778.00</u>
Attachments :		Budgeted Item:	<input checked="" type="radio"/> YES <input type="radio"/> NO

1. Ordinance Ordering Election 2016

SUMMARY & RECOMMENDATIONS

City Council is being asked to consider adopting an ordinance ordering a general election of the City of La Porte to be held on May 7, 2016, and providing for a run-off election, if necessary. This election will be a joint election among the City of La Porte, La Porte ISD, and the La Porte Fire Control, Prevention and Emergency Medical Services District.

The purpose of the general election is to elect the following City officials:

Councilperson-at-Large--Position A, for a three-year term; Councilperson-District 4, for a three-year term; and Councilperson-District 5, for a three-year term.

The statutory deadline to order the general election is February 19, 2016. Passage of this ordinance is well within statutory requirements.

Action Required of Council:

Consider approval or other action to adopt an ordinance ordering a general election on May 7, 2016, providing for a joint election with LPISD and the La Porte Fire Control, Prevention and Emergency Medical Services District, and providing for a run-off election, if necessary.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2016-_____

AN ORDINANCE ORDERING THE REGULAR ANNUAL ELECTION OF THE CITY OF LA PORTE; PROVIDING FOR A RUN-OFF ELECTION, IF NECESSARY; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR A JOINT ELECTION WITH THE LA PORTE INDEPENDENT SCHOOL DISTRICT AND THE LA PORTE FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT; PROVIDING FOR THE USE OF VOTING MACHINES; APPOINTING ELECTION OFFICIALS; PROVIDING FOR METHOD AND DATES OF EARLY VOTING; PROVIDING FOR AN EARLY VOTING BALLOT BOARD; PROVIDING FOR RETURN AND CANVASS OF VOTES OF SAID ELECTION; PROVIDING FOR NOTICE; PROVIDING A SAVINGS 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. An election shall be held within the corporate limits of the City of La Porte, Texas, on the 7th day of May, 2016, such day being the first Saturday in May, 2016, between seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., for the purpose of electing the following City officials. This will be a joint election with the La Porte Independent School District and the La Porte Fire Control, Prevention and Emergency Medical Services District.

Councilperson-at-Large – Position A, for a 3-year term
Councilperson--District 4, for a 3-year term
Councilperson--District 5, for a 3-year term

A run-off election will be held, if necessary, between the same hours.

Section 2. Said election shall be held at each of the following voting places within said City, and the following named persons are hereby appointed as officers of said election, to-wit:

Election Precinct #1

Polling Place: Instructional Technology Center (ITC Building)
9832 Spencer Hwy.
La Porte, Texas 77571

Boundaries:

BEGINNING at a point on the east right-of-way line of Underwood Road, said point being the southwest corner of Tract 490B-1, La Porte Outlots, and the northwest corner of Reserve A1, Block 14, Creekmont, Section 2;

THENCE in a westerly direction a point for corner on the west right-of-way line of Underwood Road;

THENCE in a northerly direction along the west right-of-way line of Underwood Road to its projected intersection with the north right-of-line of State Highway 225;

THENCE in a southeasterly direction along the north right-of-way line of State Highway 225 to the southwest corner of Tracts 30A & 30A-1, Strang Subdivision;

THENCE in a northerly direction along the west line of Tracts 30A & 30A-1, Tracts 17A & 18, and Tracts 17A-1 & 18A, Strang Subdivision, to a point for corner at the northwest corner of Tracts 17A-1 & 18, Strang Subdivision;

THENCE in an easterly direction along the north line of Tracts 17A-1 & 18, Strang Subdivision to a point for corner at the northeast corner of Tracts 17A-1 & 18, Strang Subdivision;

THENCE in a southerly direction along the east line of Tracts 17A-1 & 18, Tracts 17A & 18, and Tracts 30A & 30A-1, Strang Subdivision to a point for corner at the southeast of Tracts 30A & 30A-1, said point being located on the north right-of-way line of State Highway 225;

THENCE in a southeasterly direction along the north right-of-way line of State Highway 225 to its intersection with the centerline of Sens Road;

THENCE in a southerly direction along the centerline of Sens Road to its intersection with the centerline of Old La Porte Road;

THENCE in a westerly direction along the centerline of Old La Porte Road to the west right-of-way line of Sens Road;

THENCE in a southerly direction along the west right-of-way of Sens Road to the centerline of Sens Road;

THENCE in a southerly direction along the centerline of Sens Road to the projected northeast corner of Tracts 1A & 1B, La Porte Outlots;

THENCE in a westerly direction along the north line of Tracts 1A & 1B, Lot 2, Lot 3, Lot 4, Lots 5 & 6, Lot 7, Lots 8, 13 & 28, and Lots 9, 10, 10-1/2, 11, 11-1/2, 30 & 30-1/2 to the southwest corner of Lots 231 & 232, La Porte Outlots;

THENCE in a southerly direction along the east line of Tract 471, La Porte Outlots to a point at the southeast corner of Tract 471, La Porte Outlots;

THENCE in a westerly direction along the south line of Tracts 471, Tracts 471D & 471D-1 and Tract 471D-2, to the east line of the City of La Porte Municipal Airport;

THENCE in a southerly direction along the east line of the City of La Porte Municipal Airport to the centerline of Spencer Highway (West Main Street);

THENCE in a westerly direction along the centerline of Spencer Highway (West Main Street) to the centerline of Farrington Boulevard;

THENCE in a northerly direction along the centerline of Farrington Boulevard to the centerline of Meadow Place Drive;

THENCE in a westerly direction along the centerline of Meadow Place Drive to its projected intersection with the centerline of Harris County Flood Control District Unit No. B106-00-00, commonly known as Big Island Slough;

THENCE in a northerly direction along the centerline of Big Island Slough to the projected north line of the Creekmont Subdivision;

THENCE in a westerly direction along the north line of the Creekmont Subdivision to POINT OF BEGINNING of the herein-described District 1 boundary.

Election Officials:

Barbara Matuszak, Presiding Judge
Hector Villarreal, Alternate Presiding Judge

Election Precinct #2

Polling Place: Instructional Technology Center (ITC Building)
9832 Spencer Hwy.
La Porte, Texas 77571

Boundaries:

BEGINNING at the intersection of the south right-of-way line of Fairmont Parkway and a line projected south from the southwest corner of Tract 17K, W.M. Jones Survey, A-482;

THENCE in a northerly direction along the west line of Tracts 17K, 17K-1, 17-D, 17E & 17R, and 17M, W.M. Jones Survey, A-482, to its projected intersection with the north right-of-way line of Spencer Highway (West Main Street);

THENCE in an easterly direction along the north right-of-way line of Spencer Highway (West Main Street) to its intersection with the projected centerline of Clarksville Road;

THENCE in a southerly direction along the centerline of Clarksville Road to its intersection with the centerline of Carlow Lane;

THENCE in an easterly direction along the centerline of Carlow Lane to its intersection with the centerline of Underwood Road;

THENCE in a southerly direction along the centerline of Underwood Road to its intersection with the south right-of-way line of Fairmont Parkway;

THENCE in a westerly direction along the south right-of-way line of Fairmont Parkway to the POINT OF BEGINNING of the herein-described District 2 boundary.

Election Officials:

Barbara Matuszak, Presiding Judge
Hector Villarreal, Alternate Presiding Judge

Election Precinct #3

Polling Place: Instructional Technology Center (ITC Building)
9832 Spencer Hwy.
La Porte, Texas 77571

Boundaries:

BEGINNING at the intersection of the south right-of-way line of Fairmont Parkway and the centerline of Underwood Road;

THENCE in a northerly direction along the centerline of Underwood Road to its intersection with the centerline of Carlow Lane;

THENCE in a westerly direction along the centerline of Carlow Lane to its intersection with the centerline of Clarksville Road;

THENCE in a northerly direction along the centerline of Clarksville Road to its intersection with the north right-of-way line of Spencer Highway;

THENCE in an easterly direction along the north right-of-way of Spencer Highway (West Main Street) to its intersection with the west right-of-way line of Underwood Road;

THENCE in a northerly direction along the west line of Underwood Road to its intersection with the projected northernmost boundary of the Creekmont Subdivision;

THENCE in an easterly direction along the north line of the Creekmont Subdivision to its intersection with the centerline of Harris County Flood Control District Unit No. B106-00-00, commonly known as Big Island Slough;

THENCE in a southerly direction along the centerline of Big Island Slough to its intersection with the centerline of Hillridge Road;

THENCE in a westerly direction along the centerline of Hillridge Road to its intersection with the centerline of Roseberry Drive;

THENCE in a southerly direction along the centerline of Roseberry Drive to its intersection with the centerline of Rocky Hollow Road;

THENCE in a westerly direction along the centerline of Rocky Hollow Road to its intersection with the centerline of Willmont Road;

THENCE in a southerly direction along the centerline of Willmont Road to its intersection with the centerline of Clairmont Drive;

THENCE in a westerly direction along the centerline of Clairmont Drive to its intersection with the centerline of Rosemont Drive;

THENCE in a southerly direction along the centerline of Rosemont Drive to its intersection with the centerline of Parkway Drive;

THENCE in an easterly direction along the centerline of Parkway Drive to its intersection with the centerline of Willmont Road;

THENCE in a southerly direction along the centerline of Willmont Road to its projected intersection with the south right-of-way line of Fairmont Parkway;

THENCE in a westerly direction along the south right-of-way line of Fairmont Parkway to its intersection with the centerline of Underwood Road being POINT OF BEGINNING of the herein-described District 3 Boundary.

Election Officials:

Barbara Matuszak, Presiding Judge
Hector Villarreal, Alternate Presiding Judge

Election Precinct #4

Polling Place: La Porte City Hall (Council Chambers)
604 West Fairmont Parkway
La Porte, Texas 77571

Boundaries:

BEGINNING at point at the intersection of the centerline of Spencer Highway (West Main Street) and the projected east line of the City of La Porte Municipal Airport;

THENCE in a northerly direction along the east line of the City of La Porte Municipal Airport to the westernmost northwest corner of Lots 9, 10, 10-1/2, 11, 11-1/2, 30 and 30-1/2, La Porte Outlots;

THENCE in an easterly direction along the south line of Tracts 471D-2, 471D & 471D-1, and 471, La Porte Outlots, to the southeast corner of Tract 471, La Porte Outlots;

THENCE in a northerly direction along the east line of Tract 471, La Porte Outlots, to the southwest corner of Lots 231 & 232, La Porte Outlots;

THENCE in an easterly direction along the north line of Tracts 9, 10, 10-1/2, 11, 11-1/2, 30 and 30-1/2, Lots 8, 13, & 28, Lot 7, Lots 5 & 6, Lot 4, Lot 3, Lot 2, and Tracts 1A & 1B, La Porte Outlots, to the centerline of Sens Road;

THENCE in a northerly direction along the centerline of Sens Road to a point 350' north of the intersection of the centerline of North "P" Street and Sens Road;

THENCE in a westerly direction along the west right-of-way of Sens Road to its intersection with the centerline of Old La Porte Road;

THENCE in an easterly direction along the centerline of Old La Porte Road to its intersection with the centerline of Sens Road;

THENCE in a northerly direction along the centerline of Sens Road to its intersection with the north right-of-way line of State Highway 225;

THENCE in an easterly direction along the north right-of-way line of State Highway 225 to the northeast corner of Tract 12A, Enoch Brinson Survey, A-5;

THENCE in a westerly direction along the north line of Tract 12A and Tract 12B, Enoch Brinson Survey, A-5, to the east right-of-way line of Strang Road;

THENCE in a northerly direction along the east right-of-way of Strang Road to the northwest corner of Tract 13D-3, Staashen Subdivision;

THENCE in an easterly direction along the north line of Tracts 13D-3 and Tract 13D, Staashen Subdivision, to the west right-of-way of State Highway 146;

THENCE in a northeasterly direction along the west right-of-way of State Highway 146 to its intersection with the shoreline of San Jacinto Bay;

THENCE in a westerly direction along the meanders of the shoreline of San Jacinto Bay to a point for corner at its intersection with the north boundary line of the La Porte Independent School District;

THENCE in an easterly direction along the north line of La Porte Independent School District to its intersection with an imaginary line 2,500 feet distant from, parallel to, and southwest of the centerline of the Houston Ship Channel;

THENCE in a southeasterly direction along said imaginary line situated 2,500 feet distant from, parallel to, and southwest of the centerline of the Houston Ship Channel to its intersection with the north line of the City of Morgan's Point;

THENCE in a westerly direction along the north line of the City of Morgan's Point to its intersection with the west line of the City of Morgan's Point, said point being a line projected northward from the east right-of-line of North Broadway;

THENCE in a southerly direction along the east line of North Broadway to its intersection with the north line of Barbour's Cut Boulevard;

THENCE along the north line of Barbour's Cut Boulevard to its intersection with the projected east line of Donaldson Avenue;

THENCE in a southeasterly direction along the east line of Donaldson Avenue to its intersection with the centerline of East "E" Street;

THENCE in a southwesterly direction along the centerline of East "E" Street to its intersection with the centerline of South Nugent Avenue;

THENCE in a southeasterly direction along the centerline of South Nugent Avenue to its intersection with the centerline of Park Street;

THENCE in a southwesterly direction along the centerline of Park Street to its intersection with the centerline of South Ohio Avenue;

THENCE in a northwesterly direction along the centerline of South Ohio Avenue to its intersection with the centerline of East "G" Street;

THENCE in a southwesterly direction along the centerline of East "G" Street to its intersection with the centerline of South Broadway;

THENCE in a southerly direction along the centerline of South Broadway to its intersection with the centerline of Fairmont Parkway;

THENCE in a westerly direction along the centerline of Fairmont Parkway to its intersection with the centerline of South 16th Street;

THENCE in a northerly direction along the centerline of South 16th Street to its intersection with the centerline of West "B" Street;

THENCE in a westerly direction along the centerline of West "B" Street to its intersection with the centerline of South 17th Street;

THENCE in a northerly direction along the centerline of South 17th Street to its intersection with the centerline of Spencer Highway (West Main Street);

THENCE in a westerly direction along the centerline of Spencer Highway (West Main Street) to its intersection with the projected east line of the City of La Porte Municipal Airport and the POINT OF BEGINNING of the herein-described District 4 boundary.

Election Officials:

Mary Ann Trainer, Presiding Judge
Norma Repman, Alternate Presiding Judge

Election Precinct #5

Polling Place: La Porte City Hall (Council Chambers)
604 West Fairmont Parkway
La Porte, Texas 77571

Boundaries:

TRACT 1:

BEGINNING at the intersection of the centerline of Spencer Highway (West Main Street) and the centerline of Fleetwood Drive;

THENCE in an easterly direction along the centerline of Spencer Highway (West Main Street) to its intersection with the centerline of South 17th Street;

THENCE in a southerly direction along the centerline of South 17th Street to its intersection with the centerline of West "B" Street;

THENCE in an easterly direction along the centerline of West "B" Street to its intersection with the centerline of South 16th Street;

THENCE in a southerly direction along the centerline of South 16th Street to its intersection with the centerline of Fairmont Parkway;

THENCE in an easterly direction along the centerline of Fairmont Parkway to its intersection with the centerline of South Broadway;

THENCE in a northerly direction along the centerline of South Broadway to its intersection with the centerline of East "G" Street;

THENCE in a northeasterly direction along the centerline of East "G" Street to its intersection with the centerline of South Ohio Avenue;

THENCE in a southeasterly direction along the centerline of South Ohio Avenue to its intersection with the centerline of Park Street;

THENCE in a northeasterly direction along the centerline of Park Street to its intersection with the centerline of South Nugent Avenue;

THENCE in a northwesterly direction along the centerline of South Nugent Avenue to its intersection with the centerline of East "E" Street;

THENCE in a northeasterly direction along the centerline of East "E" Street to its intersection with the west line of the City of Morgan's Point;

THENCE in a southeasterly along the west line of the City of Morgan's Point to its intersection with the shoreline of Galveston Bay;

THENCE in a southerly direction along the shoreline of Galveston Bay to its intersection with the north line of the City of Shoreacres;

THENCE in a westerly direction along the north line of the City of Shoreacres to its intersection with the west line of State Highway 146;

THENCE in northeasterly direction along the west line of the State Highway 146 to the south line of McCabe Road;

THENCE in a westerly direction along the south line of McCabe Road to its projected intersection with the west line of the Union Pacific Railroad right-of-way;

THENCE in a northerly direction along the west line of the Union Pacific Railroad right-of-way to its intersection with the south line of Fairmont Parkway;

THENCE in a westerly direction along the south line of Fairmont Parkway to its intersection with the centerline of Driftwood Drive;

THENCE in a northerly direction along the centerline of Driftwood Drive to its intersection with the centerline of Spruce Drive North;

THENCE in a westerly direction along the centerline of Spruce Drive North to its intersection with the centerline of Fleetwood Drive;

THENCE in a northerly direction along the centerline of Fleetwood Drive to the POINT OF BEGINNING of the herein-described Tract 1 of District 5 boundary.

TRACT 2:

BEGINNING at the intersection of the east line of South Broadway and the south line of the City of Shoreacres;

THENCE in an easterly direction along the south line of the City of Shoreacres to its intersection with the northeast corner of the Bay Colony Subdivision and the shoreline of Galveston Bay;

THENCE in a southeasterly direction along the east line of the Bay Colony Subdivision and the shoreline of Galveston Bay to the southeast corner of the Bay Colony Subdivision, said corner also being the city limit line of the City of Pasadena;

THENCE in a westerly direction along the south line of the Bay Colony Subdivision and the city limit line of the City of Pasadena to its intersection with the east right-of-way of South Broadway;

THENCE in a northerly direction along the east line of South Broadway to the POINT OF BEGINNING for the herein-described Tract 2 of District 5 boundary.

Election Officials:

Mary Ann Trainer, Presiding Judge
Norma Repman, Alternate Presiding Judge

Election Precinct #6

Polling Place: Instructional Technology Center (ITC Building)
9832 Spencer Hwy.
La Porte, Texas 77571

Boundaries:

BEGINNING at the intersection of the south right-of-way line of Fairmont Parkway and the projected centerline of Willmont Road;

THENCE in a northerly direction along the centerline of Willmont Road to its intersection with the centerline of Parkway Drive;

THENCE in a westerly direction along the centerline of Parkway Drive to its intersection with the centerline of Rosemont Drive;

THENCE in a northerly direction along the centerline of Rosemont Drive to its intersection with the centerline of Clairmont Drive;

THENCE in an easterly direction along the centerline of Clairmont Drive to its intersection with the centerline of Willmont Road;

THENCE in a northerly direction along the centerline of Willmont Road to its intersection with the centerline of Rocky Hollow Road;

THENCE in an easterly direction along the centerline of Rocky Hollow Road to its intersection with the centerline of Roseberry Drive;

THENCE in a northerly direction along the centerline of Roseberry Drive to its intersection with the centerline of Hillridge Road;

THENCE in an easterly direction along the centerline of Hillridge Road to its intersection with Harris County Flood Control District Unit No. B106-00-00, commonly known as Big Island Slough;

THENCE in a northerly direction along the centerline of Big Island Slough to its intersection with the projected centerline of Meadow Place Drive;

THENCE in an easterly direction along the centerline of Meadow Place Drive to its intersection with the centerline of Farrington Boulevard;

THENCE in a southerly direction along the centerline of Farrington Boulevard to its intersection with the centerline of Spencer Highway (West Main Street);

THENCE in an easterly direction along the centerline of Spencer Highway (West Main Street) to its intersection with the centerline of Fleetwood Drive;

THENCE in a southerly direction along the centerline of Fleetwood Drive to its intersection with the centerline of Spruce Drive North;

THENCE in an easterly direction along the centerline of Spruce Drive North to its intersection with the centerline of Driftwood Drive;

THENCE in a southerly direction along the centerline of Driftwood Drive to its intersection with the south right-of-way line of Fairmont Parkway;

THENCE in a westerly direction along the south right-of-way line of Fairmont Parkway to the POINT OF BEGINNING of the herein-described District 6 boundary.

Election Officials:

Barbara Matuszak, Presiding Judge
Hector Villarreal, Alternate Presiding Judge

Early Voting

Polling Place: La Porte City Hall (Council Chambers)
604 West Fairmont Parkway
La Porte, Texas 77571

Bi-Lingual Election Clerk/Interpreter: Isabel Salas and/or Gladis Sanchez

City Secretary Patrice Fogarty is the Early Voting Clerk.

Section 3. 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.

Section 4. An Early Voting Ballot Board is hereby created to process Early Voting results for the election and the runoff election, if necessary. Peggy Holland is appointed Presiding Judge of the Early Voting Ballot Board. At least two (2) other members of the Early Voting Ballot Board shall be appointed by the Presiding Judge, in the same manner as the precinct election clerks.

Early Voting by personal appearance shall begin on the 12th day and shall continue through the 4th day preceding the day of election.

Early Voting by mail shall begin on the 45th day preceding the date of the election, or as soon thereafter as ballots are available, and shall continue until seven o'clock (7:00) P.M. on election day.

Early Voting shall be conducted by a clerk for Early Voting, namely, Patrice Fogarty; and the place at which Early Voting shall be conducted is designated as the La Porte City Hall, 604 West Fairmont Parkway, La Porte, Texas, to which address ballot applications and ballots voted by mail may be mailed. Early Voting by personal appearance shall begin on the 12th day and shall continue through the 4th day preceding the day of election. Early voting by personal appearance shall be conducted on the weekdays of the early voting period, from 8:00 a.m. to 5:00 p.m., except for the third day and the final day of the early voting period, from 7:00 a.m. to 7:00 p.m.; and on the Saturday of the early voting period, from 8:00 a.m. to 5:00 p.m.

Section 5. The City Secretary's election office in the La Porte City Hall is hereby designated as the Central Counting Station to receive all ballots cast at said election, and Patrice Fogarty is hereby appointed the Presiding Manager for said Central Counting Station, and Sharon Harris is hereby appointed the Alternate Presiding Manager for said Central Counting Station. Said Manager shall appoint any clerks necessary to assist in receiving ballots and other records and in performing the other duties of said Manager in this regard. Martha Gillett is hereby appointed as the Presiding Judge of the Central Counting Station, and Sharon Harris is hereby appointed as Alternate Presiding Judge for said Central Counting Station. 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. Sharon Harris is hereby appointed the tabulation supervisor, and Shelly Simon is hereby appointed the assistant tabulation supervisor.

In compliance with Chapter 127 of the Texas Election Code, the tabulation supervisor, assistant tabulation supervisor, presiding judge of counting station, alternate presiding judge of counting station and any appointed clerks are entitled to compensation at the same rate as a precinct presiding judge except that the counting station judge is entitled to a minimum compensation of five hours' pay regardless of the amount of time worked; and a clerk who serves for the entire time a counting station is in operation is entitled to a minimum compensation of three hours' pay regardless of the amount of time worked.

Section 6. That all election materials including notice of the election, ballots, instruction cards, affidavits and other forms which voters may be required to sign and all early voting materials shall be printed in both English and Spanish or Spanish translations thereof shall be made available in the circumstances permitted and in the manner required by law.

Section 7. 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.

Section 8. Upon a candidate tendering his application on the form prescribed, the City Secretary shall furnish to such candidate all information relative to the qualifications for the office being sought; the method of placing the candidate's name on the ballot; and any other pertinent information concerning said election;

Section 9. Each candidate for the office of Councilperson-at-Large-A must be a resident qualified voter of the City for 12 months at the time of filing for office. Each candidate for the office of District Councilperson must be a resident qualified voter of the City for 12 months at the time of filing for office and must also be a resident of the district for which he files.

Section 10. The deadline for a candidate to make application to have his/her name appear upon the ballot for such election, is hereby designated and established as 5:00 o'clock P.M., Friday, February 19, 2016. No application shall be accepted for filing prior to Wednesday, January 20, 2016.

Section 11. Said election shall be held in accordance with the provisions of the City Charter of the City of La Porte, and the general election laws of the State of Texas governing general and municipal elections, so far as same may be applicable thereto.

Section 12. Immediately after said election, the officers holding the same shall make and deliver the returns of the results thereof and the accompanying records for use in the official canvass to the City Council of the City of La Porte; and the City Council shall canvass said returns at a Special Meeting set by the City Council; and shall, immediately after canvassing the returns, declare the results of the election. The Mayor shall immediately thereafter deliver to the candidate for whom the majority of votes have been polled for each respective office, a certificate of election.

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. This Ordinance shall be in effect immediately upon its passage and approval.

Section 15. 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.

PASSED AND APPROVED, this ____ day of _____, 2016.

CITY OF LA PORTE

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark T. Askins
Assistant City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: January 11, 2016

Appropriation

Requested By: Patrice Fogarty

Source of Funds:

Department: City Secretary's Office

Account Number:

Report: Resolution: Ordinance:

Amount Budgeted:

Other: Joint Election Agreement

Amount Requested:

Budgeted Item: YES NO

Attachments :

1. Interlocal Agreement for Joint Elections

SUMMARY & RECOMMENDATIONS

For Council's consideration is an Interlocal Agreement for Joint Elections by and among the City of La Porte, the La Porte Independent School District, and the La Porte Fire Control, Prevention and Emergency Medical Services District. The Agreement stipulates election duties and responsibilities for each entity, such as filings, postings, publications and election administration duties.

This Agreement shall be effective January 1, 2016, and will expire December 31, 2016.

Action Required of Council:

Consider approval or other action authorizing the Mayor to execute an Interlocal Agreement for Joint Elections.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

INTERLOCAL AGREEMENT FOR JOINT ELECTIONS

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Agreement made and entered into by and among the CITY OF LA PORTE (hereinafter "LA PORTE"); the LA PORTE INDEPENDENT SCHOOL DISTRICT (hereinafter "LPISD"); and the LA PORTE FIRE CONTROL, PREVENTION AND EMERGENCY MEDICAL SERVICES DISTRICT (hereinafter "FIRE DISTRICT").

WITNESSETH:

1. This Agreement is made and entered into under the authority of the Texas Interlocal Cooperation Act, codified as Chapter 791, Texas Government Code, and Chapter 271, "Joint Elections," of the Texas Election Code. The purpose of this Agreement is to establish the procedures, division of responsibilities, and sharing of costs, for annual joint elections of officers of the parties hereto on the first Saturday in May of each year, and any necessary runoff elections, commencing on the first Saturday of June, 2016. A party to this Agreement which cancels its own election due to unopposed candidates, pursuant to Section 2.051, et seq., Texas Election Code, shall have no further obligations under this Agreement after the date of cancellation, for such election year, (except capital expense reimbursement as provided in Paragraph 1b hereof) other than to continue to provide its physical facilities as provided for herein (and not otherwise prohibited by law). The non-canceling parties shall continue to perform their respective obligations under this Agreement.
2. The annual joint election shall be conducted at the seven (7) election precincts described on Exhibit "A" attached hereto and incorporated by reference herein. The early voting polling place for LA PORTE, LPISD, and FIRE DISTRICT shall be at La Porte City Hall. LA PORTE shall conduct elections for itself, LPISD, and FIRE DISTRICT, at Precincts 1 through 6, and for LPISD at Precinct 7. In the event that LA PORTE or LPISD shall cancel its or their election, the polling places for the remaining entities shall remain the same.
3. Each entity shall conduct its own candidate filings, drawings for places on its ballot, posting and publication of election notices, receipt of campaign finance reporting, and any other actions required of the entity by the Texas Election Code, except as herein provided. LA PORTE shall assume responsibility for the conduct and administration of the annual joint election on behalf of all of the parties to this Agreement, including to 1) arrange for printing of ballots; 2) provide election booths and electronic counting machines; 3) appoint and compensate judges and clerks; 4) conduct early voting; 5) serve as the Central Counting Station to receive all ballots cast in elections held by any of the parties to this Agreement; and 6) arrange for all other matters necessary for the conduct of its own election and the other parties to this Agreement, if LA PORTE is holding an election. The costs and expenses incurred by LA PORTE in administering the joint election, including the cost of operating the Central Counting Station for processing and tabulating ballots of all parties holding an election, shall be allocated among the participating parties to the Agreement, on a prorata basis, as provided in Paragraph 6 of this Agreement.
4. If LA PORTE is not holding an election pursuant to Section 2.051, et seq., Texas Election Code, on the May 7, 2016, uniform election date, LA PORTE shall be responsible for duties established under Paragraph 3 of this Agreement for the FIRE DISTRICT and LPISD, including the operation of a Central Counting Station for processing and tabulating ballots of all parties holding an election. If LA PORTE is not holding an election, LPISD shall be responsible for arranging all matters necessary for the conduct and administration of its

election for any election in 2016 other than the May 7, 2016, general election. However, in those cases where both LA PORTE and LPISD hold an election, but only LPISD is required to hold a runoff election as a result of said election, LA PORTE shall be relieved of the obligation to administer the runoff election for LPISD; and for all such purposes, LA PORTE'S responsibilities to LPISD will be the same as if it had cancelled its election, in accordance with this paragraph.

5. Regardless of which party is responsible for the conduct and administration of an election under this Agreement, it is required that every party shall be individually responsible for joint election procedures and the establishment of precincts for their respective jurisdictions.
6. Common expenses of the joint election shall be prorated among the parties incurring and benefiting from such expenditures. Expenses shall include all necessary disbursements, such as ballot printing, programming support and supplies, judges and clerks. In each case in which it is responsible for the conduct and administration of the election, LA PORTE shall invoice LPISD, and the FIRE DISTRICT, as applicable, for their prorata portions of such joint expenses, which invoice shall be due and payable within thirty (30) days of receipt thereof. Under the terms of the Texas Election Code, no charge shall be incurred for use of public buildings in the conduct of an election. The parties may meet following each election, beginning with the 2016 election, to review the administration and expenses of the joint elections.
7. This Agreement shall be effective January 1, 2016, for the 2016 general election of officers by the parties hereto, and any necessary runoff elections, and for the special election of the FIRE DISTRICT, and said Agreement shall expire December 31, 2016. This Agreement shall be amended before the general election in May 2017.
8. This Agreement has been approved by the respective governing boards of the parties hereto. Payments hereunder shall be from current revenues available to the paying party.

WITNESS OUR HANDS, effective January 1, 2016.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty
City Secretary

**LA PORTE FIRE CONTROL PREVENTION
AND EMERGENCY MEDICAL SERVICES
DISTRICT**

By: _____
Chairman

ATTEST:

Secretary

**LA PORTE INDEPENDENT
SCHOOL DISTRICT**

By: _____
President, Board of Trustees

ATTEST:

Secretary

EXHIBIT "A"

ELECTION PRECINCTS

Election Precincts #1, #2, #3, and #6:

Instructional Technology Building (ITC Building)
9832 Spencer Highway
La Porte, TX

Election Precincts #4 and #5:

La Porte City Hall
604 West Fairmont Parkway
La Porte, TX

Election Precinct #7:

College Park Elementary School
4315 Luella
Deer Park, TX

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: January 11, 2016 Appropriation
Requested By: Patrice Fogarty Source of Funds: N/A
Department: City Secretary's Office Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Attachments : Budgeted Item: YES NO

1. Resignation Letter

SUMMARY & RECOMMENDATIONS

The Planning and Zoning Commission consists of nine members, with each councilmember having an opportunity to appoint someone to the Commission. The term of the six members from the six council districts shall coincide with the term of office of the councilperson for the said district. This item is being presented due to the resignation of Les Bird from the Planning and Zoning Commission. Mr. Bird held member position for District 6 and Councilmember Clausen desires to appoint Lawrence Stockham.

Action Required of Council:

Consider ratifying Councilmember Clausen's appointment of Lawrence Stockham to the Planning and Zoning Commission.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

Harris, Sharon

From: leslie bird [REDACTED]
Sent: Tuesday, December 29, 2015 5:30 PM
To: Fogarty, Patrice; Harris, Sharon
Subject: Resignation

City Secretary Office,

It has been a great pleasure and honor to serve on the planning and zoning commission for the past several years. I am resigning from the district 6 appointed position on P&Z effective immediately. I would like to thank councilman Mike Clausen, city staff, and the other members of P&Z for the opportunity to serve the citizens of La Porte.

Sincerely,

Les Bird

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested:	<u>January 11, 2016</u>		<u>Appropriation</u>
Requested By:	<u>Don Pennell</u>	Source of Funds:	<u>Motorpool 009</u>
Department:	<u>Public Works</u>	Account Number:	<u>009.7071.531.8050/009.7085.533.8050/009.7</u>
Report: <input checked="" type="radio"/>	Resolution: <input type="radio"/>	Ordinance: <input type="radio"/>	Amount Budgeted: <u>42,203/35,375/35,375</u>
Other: <input type="radio"/>			Amount Requested: <u>38,387/34,960/34,960</u>
Attachments :			Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO
1. Summary of Vehicle Replacement			
2. BuyBoard Quotes			

SUMMARY & RECOMMENDATIONS

Unit 71-46 (truck with flatbed), is scheduled for replacement. A quote was received from Chastang Ford (BuyBoard contract 430-13) for a Ford truck with mounted dump bed in lieu of flatbed through the cooperative purchasing program totals \$38,387.00, including the administrative fee from BuyBoard of \$400. Amount budgeted for this unit is \$42,203.00.

Units 85-37 and 86-37 (trucks with utility bodies) are scheduled for replacement. A quote was received from C (BuyBoard contract 430-13) for two (2) Ford trucks with mounted utility bodies through the cooperative purchasing program. The quote totals \$69,920.00. The BuyBoard fee will be waived purchasing these units along with Unit 71-46. Amount budgeted for these units is \$70,750.00.

All units were included in the 2015-16 budget that was approved by the Council in September 2015.

Action Required of Council:

Consider approval or other action authorizing the following vehicle purchases:

- A Ford chassis with mounted dump bed from Chastang Ford for \$38,387.00 including \$400 BuyBoard fee through BuyBoard contract 430-13.
- Two (2) Ford Trucks with utility bodies from Chastang Ford for \$69,920 through BuyBoard contract 430-13.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

**CITY OF LA PORTE
SUMMARY OF VEHICLE REPLACEMENTS
FISCAL YEAR 2015-16**

Account Number	Amount	Unit	Description
009-5051-522-8050	\$ 47,394	51-20	2003 Ford F-350 Crew 4X4
009-5253-521-8050	20,545	53-05	1998 Radar Trailer
009-5253-521-8050	37,987	53-10	2009 Ford Police Interceptor
009-5253-521-8050	37,987	53-13	2010 Ford Police Interceptor
009-5253-521-8050	37,987	53-19	2010 Ford Police Interceptor
009-5253-521-8050	37,987	53-20	2010 Ford Police Interceptor
009-5253-521-8050	37,987	53-26	2010 Dodge Charger Interceptor
009-5253-521-8050	37,987	53-32	2008 Ford Police Interceptor
009-5253-521-8050	37,987	53-60	2007 Chevy Impala Interceptor
009-5253-521-8050	37,987	53-67	2008 Chevy Impala Interceptor
009-5253-521-8050	37,987	53-79	2011 Ford Police Interceptor
009-6049-551-8050	13,095	49-09	2010 Zero Turn Mower
009-6049-551-8050	26,243	49-10	2010 Tri-Plex Mower
009-6049-551-8050	30,124	49-30	2011 Greens Mower
009-6049-551-8050	23,532	49-33	2003 Ford F150 Pickup
009-5059-522-8050	94,789	59-34	2011 Ford F450 Ambulance
009-7071-531-8050	50,733	71-09	2003 Underground Pipehunter
009-7071-531-8050	31,760	71-23	2003 John Deere 5420 Tractor
009-7071-531-8050	44,051	71-29	2004 Crafcro Crack Sealer
009-7071-531-8050	147,466	71-36	2001 New Holland Tractor
009-7071-531-8050	42,203	71-46	2004 Chevy 3500 Flatbed Truck
009-7071-531-8050	31,760	71-76	2005 John Deere Tractor
009-7072-532-8050	152,168	72-42	2006 GMC Topkick W/Picker
009-7072-532-8050	158,579	72-43	2006 Sterling LT9500 Rearloader
009-7072-532-8050	158,579	72-44	2006 Sterling LT9500 Rearloader
009-7074-532-8050	18,437	74-17	2005 Ford F150 Pickup
009-7074-532-8050	18,437	74-20	2004 Chevy 150 Pickup
009-7077-533-8050	36,816	77-55	2003 Ford New Holland
009-7077-533-8050	13,685	77-61	2007 Bushhog Mower
009-8080-552-8050	38,997	80-40	2002 John Deere Tractor
009-8081-552-8050	18,437	81-10	2004 Chevy 1500 Pickup
009-7084-533-8050	18,437	84-22	2003 Chevy 1500 Pickup
009-7085-533-8050	18,437	85-03	2004 Chevy 1500 Pickup
009-7085-533-8050	35,375	85-37	2005 Ford F350 W/Utility Body
009-7086-533-8050	35,375	86-37	2005 Ford F350 W/Utility Body
	\$ 1,667,337		

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: January 11, 2016 Appropriation
Requested By: Don Pennell Source of Funds: N/A
Department: Public Works Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Attachments : Budgeted Item: YES NO

1. Resolution

SUMMARY & RECOMMENDATIONS

This is an accompanying item to the previous agenda request for considering financial assistance from the Texas Water Development Board (TWDB) for the Lomax Area Wastewater Lift Station Consolidation Project. The TWDB requires applicants to affirm by City Council resolution that the applicant (the City) has the authority to collect and treat wastewater within the City of La Porte service area, set and collect utility rates, accept and utilize grant funding.

Action Required of Council:

Consider approval or other action of a Resolution designating the City of La Porte as the management agency for wastewater collection and treatment within the City of La Porte corporate limits and where authorized by the La Porte City Council within the City of La Porte's extraterritorial jurisdiction areas.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

**A RESOLUTION OF THE CITY OF LA PORTE, TEXAS
SEEKING DESIGNATION AS A MANAGEMENT AGENCY
FOR WASTEWATER COLLECTION AND TREATMENT**

WHEREAS, the City of La Porte, Texas has the authority to design, construct, operate, and maintain wastewater collection and treatment facilities; to raise revenues and assess appropriate charges to assure that each participating party pays its appropriate share of sewerage system costs; to accept or refuse to accept any wastes from any participating party; to accept and utilize grants or other funds from any source for wastewater management purposes; and, to carry out appropriate portions of an area-wide water quality management plan;

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

SECTION 1: That the City of La Porte, Texas seeks designation as a management agency for wastewater collection and treatment within its city limits and where authorized by the La Porte City Council, within the City of La Porte's extraterritorial jurisdiction, in accordance with the requirements of Section 208 of the Federal Water Pollution Act, as amended.

PASSED AND APPROVED this the 11th day of January, 2016.

Louis R. Rigby
Mayor, City of La Porte, Texas

ATTEST:

Patrice Fogarty
City Secretary

APPROVED:



Clark T. Askins
Assistant City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: January 11, 2016 Appropriation
Requested By: Eric Ensey Source of Funds: N/A
Department: Planning & Development Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

1. Resolution
2. Commission Letter
3. Official Zoning Map
4. Official Zoning Map (with labels for past rezoning)

SUMMARY & RECOMMENDATIONS

Section 106-301 through 106-307 of the Code of Ordinances stipulates the provisions for updating the Official Zoning Map for the City. It has been the City's past practice to revise the map from "time to time" as is called out in the zoning ordinance narrative. The last City record where the map was revised was February 14, 2005, although the Planning Department revises the unofficial version of the map following each approved zone change. The revised Official Zoning Map being presented includes all zone changes approved by the City Council since the last revision. A chart has been included that reflects each zone change approved. This action in no way affects the validity of past zone change approvals by the City Council.

In order to avoid future delays in revising the Official Zoning Map and because computerized mapping allows zone changes to be implemented immediately upon approval of the rezone by City Council, staff is recommending that the following section be added to all zone change ordinances presented to Council:

Section 2: It is directed that the official zoning map of the City of La Porte, Texas be changed to reflect the zoning classification established by this ordinance.

In this way, the department can incorporate an official map revision with each zone change and avoid creating two separate maps.

The Planning and Zoning Commission reviewed the proposed Official Zoning Map at the November 19, 2015, meeting and voted to recommend approval of the revised map as presented.

Action Required of Council:

Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve a resolution adopting a revised Official Zoning Map for the City of La Porte.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

RESOLUTION NO. _____

A RESOLUTION ADOPTING A NEW OFFICIAL ZONING MAP FOR THE CITY OF LA PORTE, HARRIS COUNTY, TEXAS; REPLACING THE PREVIOUS OFFICIAL ZONING MAP DATED FEBRUARY 14, 2005; MAKING CERTAIN FINDINGS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the existing Official Zoning Map of the City of La Porte, being dated February 14, 2005, has become damaged, destroyed, lost or difficult to interpret because of the nature and/or number of changes and additions to said map; and

WHEREAS, the City Council desires, in accordance with Section 106-306 of the Code of Ordinances of the City of La Porte, Harris County, Texas, to replace said Official Zoning Map with a new Official Zoning Map; and

WHEREAS, said new Official Zoning Map with GIS implications may correct drafting or other errors or omissions in said prior Official Zoning Map, provided that said corrections shall not have the effect of amending the original Official Zoning Map or any subsequent duly adopted amendment thereof;

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

Section 1. The Official Zoning Map of the City of La Porte, identified in Section 106-301 of the Code of Ordinances of the City of La Porte is hereby replaced.

Section 2. The new Official Zoning Map of the City of La Porte is hereby adopted, pursuant to Section 106-301 of the Code of Ordinances of the City of La Porte. Said new Official Zoning Map, attached to this Resolution as Exhibit "A", is fully

incorporated by reference herein as if said map is set forth herein verbatim, and shall supersede the prior Official Zoning Map. The said new Official Zoning Map based on GIS technology hereby corrects drafting or other errors or omissions in the original Official Zoning Map, and the City Council hereby finds that no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent duly adopted amendment thereof. Said new Official Zoning Map shall be identified by the signature of the Mayor, be attested by the City Secretary, shall bear the Seal of the City, and shall contain the following words:

“This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted the 14th day of February 2005, as part of the Zoning Ordinance of the City of La Porte, Texas.”

Section 3. Two original and identical copies of the new Official Zoning Map of the City of La Porte shall be identified by the signature of the Mayor, be attested to by the City Secretary and bear the Seal of the City with the foregoing words attesting the authenticity of said map. One copy of the map shall be filed with the City Secretary and retained as the original record and shall not be changed in any manner. Two copies hereafter called the “Official Zoning Map” shall be filed with the Enforcing Officer and City Secretary, respectively, and shall be maintained up-to-date by the Planning Department of the City of La Porte.

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

the time required by law preceding this meeting, as required by the Chapter 551, Texas Local 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 Resolution shall become effective after its passage and approval.

PASSED, APPROVED, AND RESOLVED this ____ day of **JANUARY**,
2016.

CITY OF LA PORTE, TEXAS

By: _____
LOUIS R. RIGBY, MAYOR

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark T. Askins, Assistant City Attorney



November 24, 2015

Honorable Mayor Rigby and City Council
City of La Porte

RE: Update of the City of La Porte Official Zoning Map

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission reviewed a revision and update of the city's Official Zoning Map at the November 19, 2015 Commission meeting. The Commission voted unanimously to recommend that the City Council accept the revised Official Zoning Map via resolution as presented. The last time the Official Zoning Map was accepted by the Council was February 14, 2005. The revised Official Zoning Map includes a complete chart of all zone changes approved by the City Council since the last revision.

Respectfully submitted,

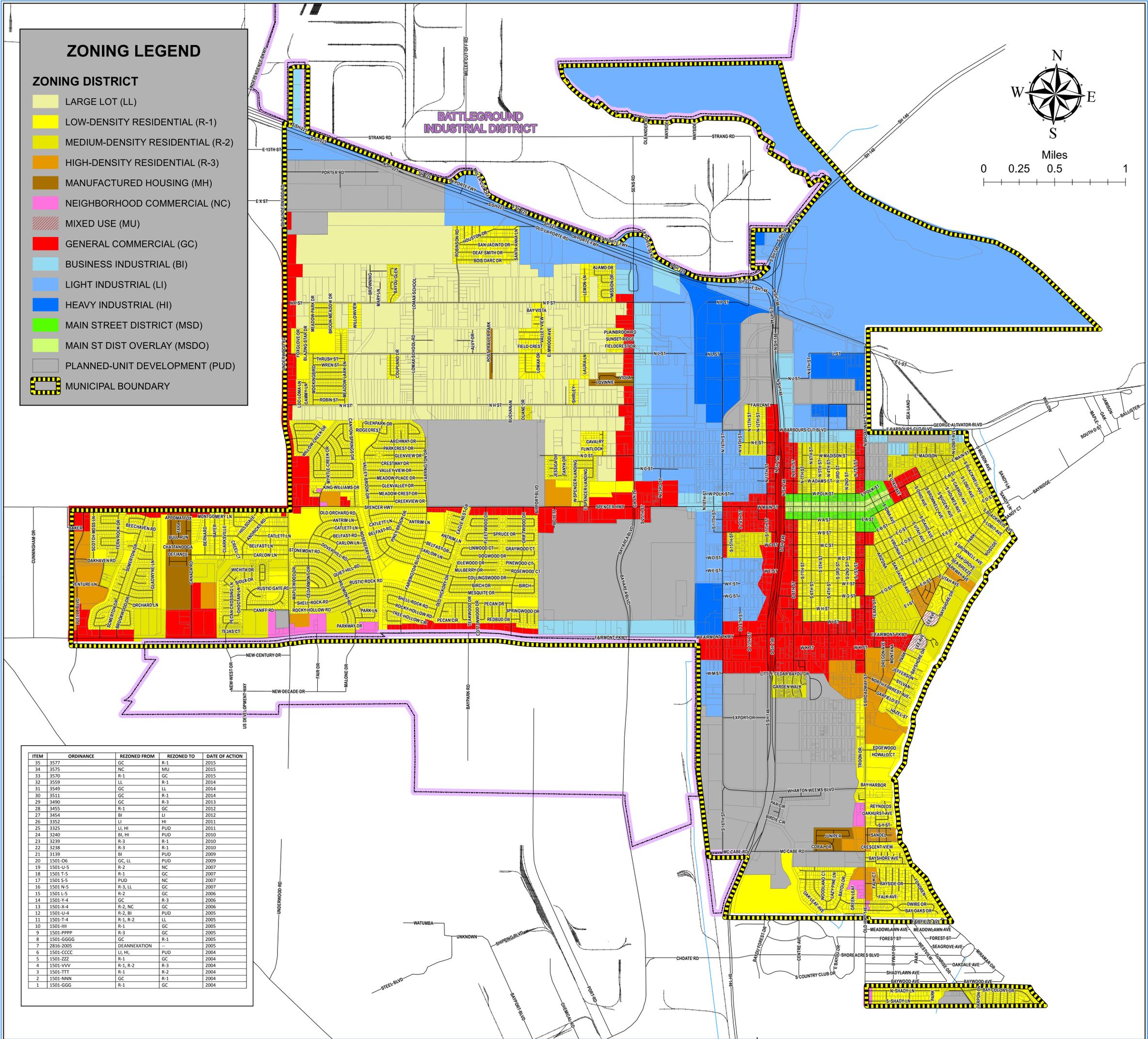
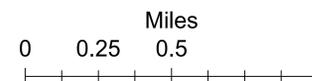
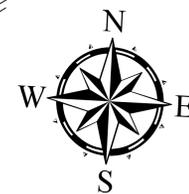
Hal Lawler
Chairman, Planning and Zoning Commission

cc: Tim Tietjens, Director of Planning and Development
Department File

ZONING LEGEND

ZONING DISTRICT

- LARGE LOT (LL)
- LOW-DENSITY RESIDENTIAL (R-1)
- MEDIUM-DENSITY RESIDENTIAL (R-2)
- HIGH-DENSITY RESIDENTIAL (R-3)
- MANUFACTURED HOUSING (MH)
- NEIGHBORHOOD COMMERCIAL (NC)
- MIXED USE (MU)
- GENERAL COMMERCIAL (GC)
- BUSINESS INDUSTRIAL (BI)
- LIGHT INDUSTRIAL (LI)
- HEAVY INDUSTRIAL (HI)
- MAIN STREET DISTRICT (MSD)
- MAIN ST DIST OVERLAY (MSDO)
- PLANNED-UNIT DEVELOPMENT (PUD)
- MUNICIPAL BOUNDARY



ITEM	ORDINANCE	REZONED FROM	REZONED TO	DATE OF ACTION
35	3577	GC	R-1	2015
34	3575	NC	MU	2015
33	3570	R-1	GC	2015
32	3559	LL	R-1	2014
31	3549	GC	LL	2014
30	3511	GC	R-1	2014
29	3490	GC	R-3	2013
28	3455	R-1	GC	2012
27	3454	BI	LI	2012
26	3352	LI	HI	2011
25	3325	LI, HI	PUD	2011
24	3240	BI, HI	PUD	2010
23	3239	R-3	R-1	2010
22	3238	R-3	R-1	2010
21	3139	BI	PUD	2009
20	1501-06	GC, LL	PUD	2009
19	1501-05	R-2	NC	2007
18	1501-T-5	R-1	GC	2007
17	1501-S-5	PUD	NC	2007
16	1501-N-5	R-3, LL	GC	2007
15	1501-L-5	R-2	GC	2006
14	1501-Y-4	GC	R-3	2006
13	1501-X-4	R-2, NC	GC	2006
12	1501-U-4	R-2, BI	PUD	2005
11	1501-T-4	R-1, R-2	LL	2005
10	1501-HH	R-1	GC	2005
9	1501-PPPP	R-3	GC	2005
8	1501-GGGG	GC	R-1	2005
7	2816-2005	DEANNEXATION	-	2005
6	1501-CCCC	LI, HI	PUD	2004
5	1501-ZZZ	R-1	GC	2004
4	1501-VVV	R-1, R-2	R-3	2004
3	1501-TTT	R-1	R-2	2004
2	1501-NNN	GC	R-1	2004
1	1501-GGG	R-1	GC	2004

This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ as part of the Zoning Ordinance of the City of La Porte, Texas.

Louis R. Rigby, Mayor

Patrice Fogarty, City Secretary

CITY OF LA PORTE, TEXAS OFFICIAL ZONING MAP

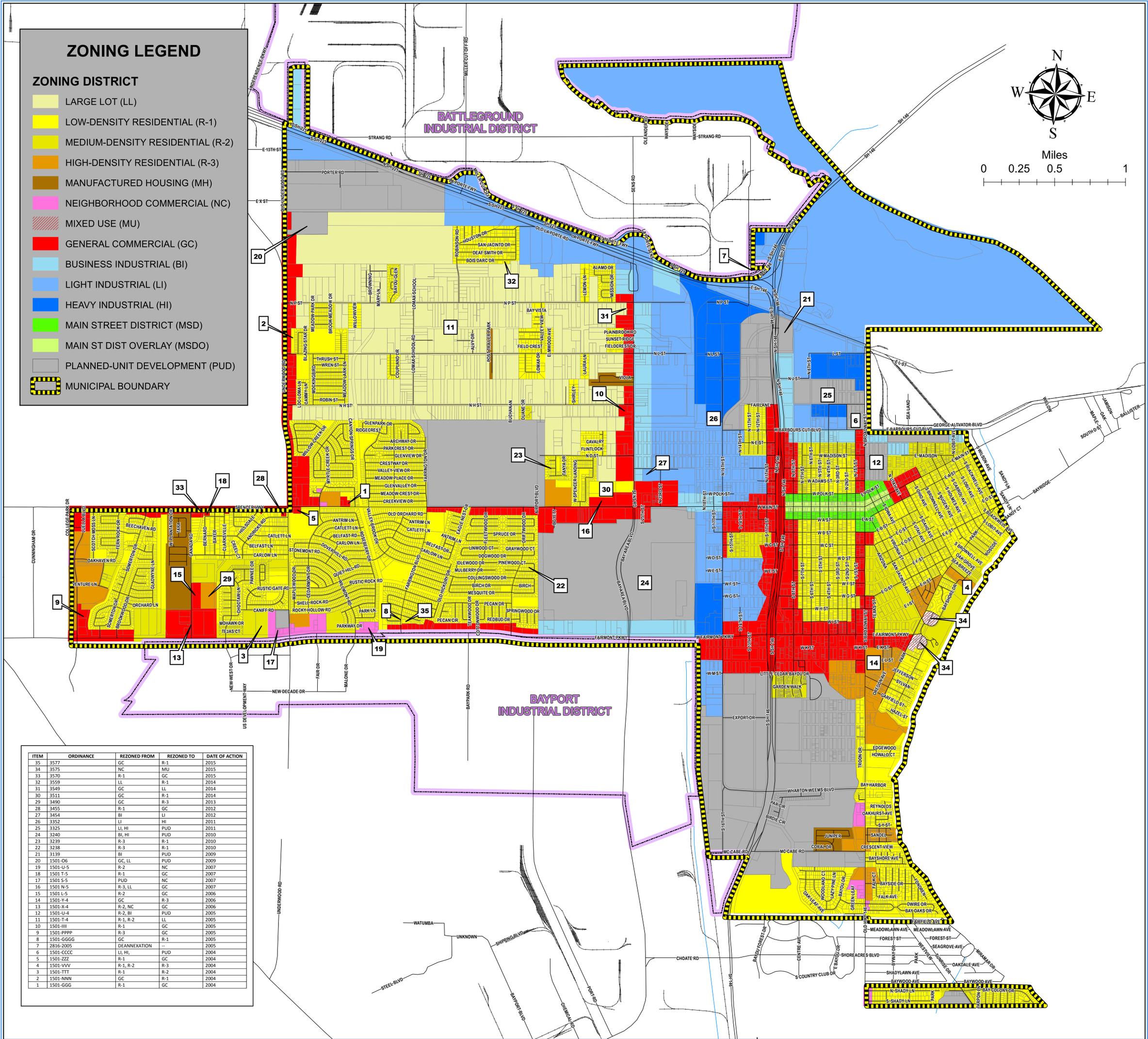
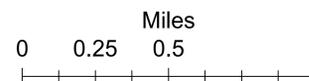
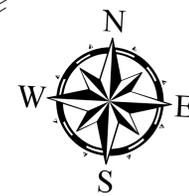
JANUARY 2016



ZONING LEGEND

ZONING DISTRICT

- LARGE LOT (LL)
- LOW-DENSITY RESIDENTIAL (R-1)
- MEDIUM-DENSITY RESIDENTIAL (R-2)
- HIGH-DENSITY RESIDENTIAL (R-3)
- MANUFACTURED HOUSING (MH)
- NEIGHBORHOOD COMMERCIAL (NC)
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- MUNICIPAL BOUNDARY



ITEM	ORDINANCE	REZONED FROM	REZONED TO	DATE OF ACTION
35	3577	GC	R-1	2015
34	3575	NC	MU	2015
33	3570	R-1	GC	2015
32	3559	LL	R-1	2014
31	3549	GC	LL	2014
30	3511	GC	R-1	2014
29	3490	GC	R-3	2013
28	3455	R-1	GC	2012
27	3454	BI	LI	2012
26	3352	LI	HI	2011
25	3325	LI, HI	PUD	2011
24	3240	BI, HI	PUD	2010
23	3239	R-3	R-1	2010
22	3238	R-3	R-1	2010
21	3139	BI	PUD	2009
20	1501-06	GC, LL	PUD	2009
19	1501-05	R-2	NC	2007
18	1501-5	R-1	GC	2007
17	1501-5-5	PUD	NC	2007
16	1501-N-5	R-3, LL	GC	2007
15	1501-L-5	R-2	GC	2006
14	1501-Y-4	GC	R-3	2006
13	1501-X-4	R-2, NC	GC	2006
12	1501-U-4	R-2, BI	PUD	2005
11	1501-T-4	R-1, R-2	LL	2005
10	1501-HH	R-1	GC	2005
9	1501-PPPP	R-3	GC	2005
8	1501-GGGG	GC	R-1	2005
7	2816-2005	DEANNEXATION	-	2005
6	1501-CCCC	LI, HI	PUD	2004
5	1501-222	R-1	GC	2004
4	1501-VVV	R-1, R-2	R-3	2004
3	1501-TTT	R-1	R-2	2004
2	1501-NNN	GC	R-1	2004
1	1501-GGG	R-1	GC	2004

This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ as part of the Zoning Ordinance of the City of La Porte, Texas.

Louis R. Rigby, Mayor Patrice Fogarty, City Secretary

CITY OF LA PORTE, TEXAS OFFICIAL ZONING MAP

JANUARY 2016



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested:	<u>January 11, 2016</u>	Appropriation
Requested By:	<u>R. J. Davidson</u>	Source of Funds: <u>Contingency Funds</u>
Department:	<u>Planning & Development</u>	Account Number: <u>001.6146.515.9050</u>
Report: <input checked="" type="radio"/>	Resolution: <input type="radio"/> Ordinance: <input type="radio"/>	Amount Budgeted: <u>\$0.00</u>
Other: <input type="radio"/>		Amount Requested: <u>\$67,430.00</u>
Attachments :		Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO

1. Bid Tabulation

SUMMARY & RECOMMENDATIONS

On October 26, 2015, the Council approved an ordinance condemning the apartments at 330 Bayside Dr. (known as Windsail Apartments) as substandard buildings. Staff bid the demolition of the buildings and is recommending award of the bid to JTB Services in the amount of \$67,430.00 to demolish the dangerous structures. JTB Services has been the successful low bidder for the last round of the City's Dangerous Building Program, as well.

Currently the Dangerous Building budget has a balance of \$48,000.00. Staff has several projects in progress that will utilize most or all of that budget throughout the 2016 budget year in the next round of dangerous buildings. Due to the exigent circumstances regarding the 330 Bayside Dr. apartment condemnation, staff is requesting to use contingency funding from account 001-6146-515-9050 in the amount of \$67,430.00 for this "off-cycle" demolition. A budget amendment request to utilize this money will follow this authorization from the Finance Department at the January 25, 2016 Council meeting should the Council approve awarding the bid as outlined.

Action Required of Council:

Consider approval or other action to award the bid in the amount of \$67,430.00 to JTB Services for demolition of the structure at 330 Bayside Dr.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

BID TABULATION-BID 16007 DEMOLITION OF PROPERTY

DESCRIPTION	MLG Construction	JTB Services	Grant Mackay Demolition	D.H. Griffin of Texas	Cherry Demolition	Whitaker Lane Contracting
Demolition of Property at 330 Bayside	\$69,375.00	\$67,430.00	\$109,640.00	\$113,565.00	\$125,000.00	\$163,390.00

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: January 11, 2016 Appropriation
Requested By: Tim Tietjens Source of Funds: N/A
Department: Planning & Development Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

1. Water Service Agreement
2. Sanitary Sewer Service Agreement
3. Area Map

SUMMARY & RECOMMENDATIONS

Air Liquide Large Industries U.S., LP has approached the City for water and sanitary sewer service to its property at 11426 Fairmont Parkway in the Bayport Industrial District. Air Liquide has leased a portion of its property to NetPower, a North Carolina-based power company who utilizes a thermodynamic cycle to generate lower-cost power from fossil fuels while eliminating all air emissions.

Council has approved a discretionary policy to provide water and sanitary sewer service to companies located outside La Porte's city limits and within the city's industrial districts (ETJ). These companies are required by the policy to maintain a current Industrial District Agreement (IDA) with the City. Air Liquide Large Industries U.S., LP maintains a current IDA with the City for the subject site (2007-IDA-117). Administrative fees in the amount of \$5,000 for each agreement (\$10,000 total) have been received from the company.

Based on Air Liquide's stated demand for domestic uses, the average daily volume for potable water and sanitary sewer is 600 gallons. Under the terms of the policy, the company will pay one and one-half (1-1/2) times the City's current utility rate for service.

The terms of Air Liquide's Water Service Agreement and Sanitary Sewer Service Agreement will expire on December 31, 2019, plus any renewals or extensions thereof. However, these agreements will automatically expire at such time as there is no effective Industrial District Agreement between the parties, or if the City exercises its right of termination.

Action Required of Council:

Consider approval or other action of an ordinance or other action, authorizing the City Manager to execute a Water Service Agreement and a Sanitary Sewer Service Agreement with Air Liquide Large Industries U.S., LP for its site located at 11426 Fairmont Parkway in the Bayport Industrial District.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

STATE OF TEXAS §

COUNTY OF HARRIS §

CITY OF LA PORTE
WATER SERVICE AGREEMENT

This AGREEMENT made and entered into by and between the CITY OF LA PORTE, TEXAS, a municipal corporation of Harris County, Texas, hereinafter called "CITY", and **AIR LIQUIDE LARGE INDUSTRIES U.S., LP (11426 Fairmont Parkway)** hereinafter called "COMPANY".

I.

COMPANY is the owner of certain real property which is situated within the CITY'S Battleground or Bayport Industrial District and not within the corporate limits of the CITY. CITY and COMPANY are parties to a current Industrial District Agreement.

II.

COMPANY is desirous of purchasing potable water from CITY for usual human domestic uses. Previous planning considerations for the long-range potable water supply of CITY did not include the needs of properties located outside the corporate limits of CITY. COMPANY recognizes that CITY cannot at this time provide permanent and unlimited water service. CITY agrees, however, to provide limited potable water service to COMPANY. For and in consideration of furnishing domestic potable water by CITY, the parties hereto agree as follows, to-wit:

III.

COMPANY has made certain representations to CITY as to the number of employees that will be located at the COMPANY'S property as of the date of this agreement, upon which representations CITY has relied in entering into this Agreement.

Upon review of these representations, the City has determined the following:

Number of Full-Time Employees on site	<u>12</u>
+ Number of Full-Time Contract Employees on site	<u>0</u>
= Total On-Site Full-Time Employees	<u>12</u>
Potable Water Approved for Domestic Use (Total on-site Employees times 50 gpd per employee)	<u>600</u>
Total Amount of Potable Water Approved for COMPANY (Average Daily Volume, gpd)	<u>600</u>

IV.

CITY has determined that adequate resources are available to CITY to furnish potable water to COMPANY based on the following terms and conditions, to-wit:

- (A) COMPANY shall pay to CITY a one-time administrative fee of \$5,000.
- (B) The total amount of potable water approved to COMPANY is established at SIX HUNDRED (600) gallons per day. This number is based on an average of fifty (50) gallons per employee per day as established by CITY.
- (C) The average monthly volume of EIGHTEEN THOUSAND THREE HUNDRED (18,300) gallons is established by multiplying the average daily volume by a factor of 30.5, which shall be used to facilitate CITY'S utility service billings.
- (D) Nothing contained in this Agreement shall obligate CITY to furnish more than the average monthly volume of EIGHTEEN THOUSAND THREE HUNDRED (18,300) gallons. Repeated consumption greater than the established average monthly volume may result in termination of service.
- (E) COMPANY shall pay the standard water tap/meter fee based on CITY'S current tap/meter fee schedule. Upon final approval of COMPANY'S on-site and/or off-site utility construction by CITY, COMPANY shall pay the CITY'S standard water deposit fee through CITY'S Utility Billing Division prior to receiving water service from CITY.
- (F) The cost of water up to the average monthly volume of EIGHTEEN THOUSAND THREE HUNDRED (18,300) gallons shall be billed at one hundred fifty percent (150%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (G) The cost of water for amounts used in excess of the established average monthly volume shall be billed at two hundred percent (200%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (H) COMPANY shall be responsible for payment to CITY of all past-due water billing account balances owed to CITY due to default in payments by COMPANY'S tenants and lessees.
- (I) COMPANY shall submit a preliminary site plan showing the total acreage of the tract including present and proposed improvements and a suitable location map of the site. COMPANY'S development may be subject to certain additional requirements as described in Exhibit A. These requirements shall be shown on the final site plan and approved by City.
- (J) COMPANY'S site design and site development will, in certain cases, be subject to specific "Rules and Regulations" as defined in Exhibit "C" of COMPANY'S Industrial District Agreement with CITY.
- (K) All plumbing installed by COMPANY connected to the domestic water line from CITY, shall meet all applicable State of Texas and CITY plumbing code requirements.

- (L) A reduced pressure zone backflow preventer shall be installed and maintained by COMPANY to protect CITY from any possible cross-connections.
- (M) COMPANY'S potable water supply system will be segregated from any existing and future fire protection system.
- (N) The total cost for the engineering design and construction of any potable water main, service line, back flow preventer, meter or other required appurtenances will be the responsibility of COMPANY.
- (O) COMPANY agrees to be bound by all applicable ordinances of CITY, relative to the furnishing of potable water to customers within the corporate limits of CITY.
- (P) There shall be no resale of water provided by CITY, nor any extension of service lines by COMPANY to serve other parties located outside of COMPANY'S land as defined in its Industrial District Agreement with CITY (re: 2007-IDA-117).
- (Q) CITY'S personnel shall have the right of prior review and approval of COMPANY'S plans and specifications for the plumbing system(s). CITY shall have the right to inspect any and all work related to the furnishing of potable water to COMPANY.
- (R) CITY shall have the right to interrupt or temporarily suspend said water service to COMPANY if an emergency arises and there is not an adequate water supply to meet the needs of the citizens of La Porte.
- (S) CITY reserves the right to enforce its drought contingency plan on all water customers at CITY'S sole discretion.
- (T) CITY does not guarantee its water system to provide specific water pressure and/or water volume requirements of COMPANY.

V.

All expenses of the installation of the meter; service lines from the main to the meter; and from the meter to COMPANY'S facilities, shall be solely at the expense of COMPANY. COMPANY shall own and maintain all service lines and plumbing facilities beyond the meter. CITY shall own the meter.

VI.

In the event a State or Harris County license, permit, or permission to install the water main is revoked, or relocation or adjustment is required, CITY will not be responsible for the expense of such relocation, adjustment, or replacement.

VII.

CITY reserves the right of entry at all reasonable times for the purpose of inspection of COMPANY'S water facilities, reading its water meter(s) and to observe compliance with the terms and conditions of this Agreement. When exercising its right of entry, CITY shall notify COMPANY in advance. CITY also agrees to follow established health and safety policies in effect at COMPANY'S facility.

VIII.

CITY reserves the right to terminate this agreement in the event of violation of the terms and provisions hereof by COMPANY. CITY will provide COMPANY with written notice of any defects and COMPANY shall have the opportunity to cure any defects. Failure to correct defects within ten (10) calendar days from date of written notice by CITY may result in termination of Agreement. CITY shall have the right to summarily correct, at COMPANY'S expense, any defect or deficiency, when in its opinion the integrity of the public water supply is threatened.

IX.

Upon receipt of written notice of termination, COMPANY shall have up to six (6) months to prepare for transition to another water supply. If the transition is not complete within said six-month period, CITY shall have the right to terminate water service at its sole discretion.

X.

In the event of any conflict between the terms and provisions of this Water Service Agreement and the terms and provisions of the Industrial District Agreement between the parties, the terms and provisions of the Water Service Agreement shall control, to the extent of such conflict. The term of this Agreement shall expire on December 31, 2019, plus any renewals and extensions thereof. However, this Agreement shall automatically expire at such time as there is no effective Industrial District Agreement between the parties or if CITY exercises its right of termination.



Signature of Company's Authorized Representative

LFL

Printed Name: A.L. Gusson IV

Company Representative's Title: Vice President - GCPL

Company's Address:

9811 Katy Freeway, Ste. 100

Houston, TX 77024

ENTERED INTO effective the _____ day of _____, _____.

ATTEST:

CITY OF LA PORTE

Patrice Fogarty
City Secretary

Louis R. Rigby
Mayor

Corby D. Alexander
City Manager

EXHIBIT “A”
to Water Service Agreement

The Water Service Agreement is hereby amended and supplemented to include the following additional requirements agreed to by CITY and COMPANY. These requirements represent contractual obligations of COMPANY to receive water service from CITY per the terms of the Water Service Agreement and this addendum. COMPANY shall fulfill each of the following additional requirements as set forth below.

Additional Requirements of COMPANY:

N/A

Initial for Approval:

CITY APPROVAL: N/A

COMPANY APPROVAL: N/A

STATE OF TEXAS §

COUNTY OF HARRIS §

CITY OF LA PORTE
SANITARY SEWER SERVICE AGREEMENT

This AGREEMENT made and entered into by and between the CITY OF LA PORTE, TEXAS, a municipal corporation of Harris County, Texas, hereinafter called "CITY", and AIR LIQUIDE LARGE INDUSTRIES U.S., LP (11426 Fairmont Parkway) hereinafter called "COMPANY".

I.

COMPANY is the COMPANY of certain real property, which is situated in CITY'S Battleground or Bayport Industrial District and not within the corporate limits of the CITY. CITY and COMPANY are parties to a current Industrial District Agreement.

II.

COMPANY is desirous of purchasing sanitary sewer service from CITY for usual human domestic uses. COMPANY recognizes that CITY cannot at this time provide permanent and unlimited sanitary sewer service. CITY agrees, however, to provide limited sanitary sewer service to COMPANY. For and in consideration of furnishing sanitary sewer service by CITY, the parties hereto agree as follows, to-wit:

III.

COMPANY has made certain representations to CITY as to the number of employees, as of the date of this agreement, upon which representations CITY has relied in entering into this Agreement.

Upon review of these representations, the City has determined the following:

Number of Employees on-site	<u>12</u>
Number of Contract Employees	<u>0</u>
Total on-site Employees	<u>12</u>
Sanitary Sewer Desired for Domestic Use (Total on-site times 50 gpd per employee)	<u>600</u>
Total Amount of Sanitary Sewer Approved For COMPANY (Average Daily Volume, gpd)	<u>600</u>

IV.

CITY has determined that adequate facilities are available to allow CITY to furnish sanitary sewer to COMPANY based on the following terms and conditions, to-wit:

- (A). COMPANY shall pay to CITY a one-time administrative connection charge of \$5,000.
- (B). COMPANY shall pay the standard sewer tap fee based on CITY'S current sewer tap fee schedule. Upon final approval of COMPANY'S on-site and/or off-site utility construction by CITY, COMPANY shall pay the CITY'S standard sewer deposit fee through CITY'S Utility Billing Division prior to receiving sewer service from CITY.
- (C). The average daily volume is established at SIX HUNDRED (600) gallons per day. This number is based on an average of fifty (50) gallons per employee per day established by CITY.
- (D). The average monthly volume is calculated to be eighty-five percent (85%) of the average daily volume multiplied by a factor of 30.5, which shall be used to facilitate service billings.
- (E). The cost of sanitary sewer service up to the average monthly volume of FIFTEEN THOUSAND FIVE HUNDRED FIFTY FIVE (15,555) gallons shall be one hundred fifty percent (150%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (F). The cost of sanitary sewer service for amounts in excess of the established average monthly volume shall be two hundred percent (200%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (G). COMPANY shall be responsible for payment to CITY of all past-due sewer billing account balances owed to CITY due to default in payments by COMPANY'S tenants and lessees.
- (H). Nothing contained in this Agreement shall obligate CITY to furnish more than the average monthly volume of FIFTEEN THOUSAND FIVE HUNDRED FIFTY FIVE (15,555) gallons. Repeated sanitary sewer delivery greater than the established average monthly volume may result in termination of service.
- (I). COMPANY agrees that during periods when the CITY'S collection system is surcharged, the CITY may require the suspension of use of the sanitary sewer system for periods not to exceed thirty-six hours.
- (J). CITY shall have the right to interrupt or temporarily suspend said sanitary sewer service to COMPANY if an emergency arises and there is not an adequate sewer collection or treatment capacity to meet the needs of the citizens of La Porte.
- (K). COMPANY shall file application with CITY for an Industrial Waste Permit and hereby agrees to be bound by CITY'S Industrial Waste Ordinance (Chapter 74, Article II of the Code of Ordinances) and any subsequent amendments or revisions.

- (L). Owner shall install a sanitary sewer sampling well in accordance with CITY'S standards to ensure no sewer waste, other than domestic waste enters its sanitary sewer system.
- (M). The total cost for the engineering design and construction of any sanitary sewer main, service line, lift station, meter or other required appurtenances will be the responsibility of COMPANY.
- (N). COMPANY agrees that it shall be bound by all applicable ordinances of CITY, relative to the furnishing of sanitary sewer service to customers within the corporate limits of CITY.
- (O). COMPANY shall install a sanitary sewer sampling well in accordance with CITY's standards.
- (P). All plumbing installed by COMPANY connected to the sanitary sewer line from CITY, shall meet all applicable State of Texas and CITY plumbing code requirements. CITY'S engineering and code enforcement personnel shall have the right of prior review and approval of COMPANY'S plans and specifications for the plumbing system(s). CITY plumbing inspectors shall have the right to inspect any and all work related to the furnishing of sanitary sewer service to COMPANY.
- (Q). There shall be no resale of sanitary sewer service provided by CITY, nor any extension of service lines by COMPANY to serve other parties located outside of COMPANY'S land as defined in its Industrial District Agreement with CITY (re: 2007-IDA-117).
- (R). COMPANY shall submit a certified site plan showing the total acreage of the tract including present and proposed improvements and a suitable location map of the site. COMPANY'S development project may be subject to certain additional requirements as described in Exhibit "A", attached. These requirements shall be shown on the site plan and approved by City.

V.

All expenses of the installation of service lines from the main to the COMPANY'S facilities shall be solely at the expense of COMPANY. COMPANY shall own and maintain all service lines and plumbing facilities.

VI.

In the event a State or Harris County license, permit, or permission to install the sanitary sewer main is revoked, or relocation or adjustment is required, CITY will not be responsible for the expense of such relocation, adjustment, or replacement.

VII.

CITY reserves the right of entry at all reasonable times for the purpose of inspection of COMPANY'S sanitary sewer facilities, and to observe compliance with the terms and conditions of this Agreement. When exercising its right of entry, CITY shall notify COMPANY in advance. CITY also agrees to follow established health and safety policies in effect at COMPANY'S facility.

VIII.

CITY reserves the right to terminate this agreement in the event of violation of the terms and provisions hereof by COMPANY. CITY will provide COMPANY with written notice of any defects and COMPANY shall have the opportunity to cure any defects. Failure to correct defects within ten (10) days may result in termination of Agreement. CITY shall have the right to summarily correct, at COMPANY'S expense, any defect or deficiency, when in its opinion the integrity of the public sanitary sewer system is threatened.

IX.

Upon receipt of written notice of termination, COMPANY shall have up to six (6) months to prepare for transition to another sanitary sewer service provider. If the transition is not complete within said six-month period, CITY shall have the right to terminate sanitary sewer service at its sole discretion.

X.

In the event of any conflict between the terms and provisions of this Sanitary Sewer Service Agreement and the terms and provisions of the Industrial District Agreement between the parties, the terms and provisions of the Sanitary Sewer Service Agreement shall control, to the extent of such conflict. The term of this Agreement shall terminate on December 31, 2019. However, this Agreement shall automatically expire at such time as there is no effective Industrial District Agreement between the parties or if CITY exercises its right of termination.

A.L. Gusson

Signature of Company's Authorized Representative

WFL

Printed Name: A.L. Gusson

Company Representative's Title: Vice President - GCP

Company's Address:

9811 Katy Freeway, Ste 100

Houston, TX 77024

ENTERED INTO effective the _____ day of _____, _____.

ATTEST:

CITY OF LA PORTE

Patrice Fogarty
City Secretary

Louis R. Rigby
Mayor

Corby D. Alexander
City Manager

EXHIBIT “A”
to Sanitary Sewer Service Agreement

The Sanitary Service Agreement is hereby amended and supplemented to include the following additional requirements agreed to by CITY and COMPANY. These requirements represent contractual obligations of COMPANY to receive sewer service from CITY per the terms of the Sanitary Service Agreement and this addendum. COMPANY shall fulfill each of the following additional requirements as set forth below.

Additional Requirements of COMPANY:

N/A

Initial for Approval:

CITY APPROVAL: N/A

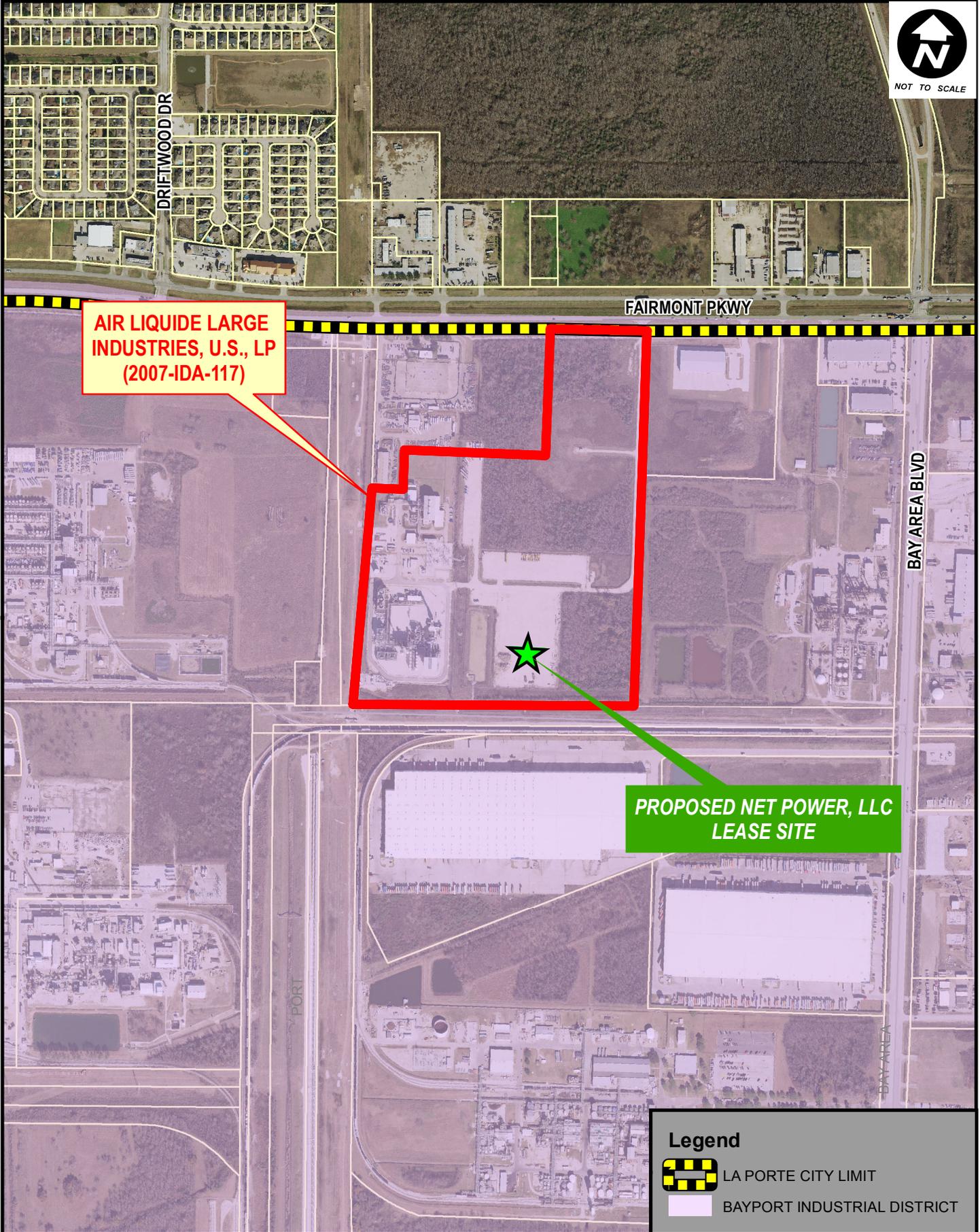
COMPANY APPROVAL: N/A

AREA MAP

AIR LIQUIDE LARGE INDUSTRIES, U.S., LP



NOT TO SCALE



AIR LIQUIDE LARGE INDUSTRIES, U.S., LP (2007-IDA-117)

PROPOSED NET POWER, LLC LEASE SITE

Legend



LA PORTE CITY LIMIT



BAYPORT INDUSTRIAL DISTRICT

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: January 11, 2016 Appropriation
Requested By: Tim Tietjens Source of Funds: N/A
Department: Planning & Development Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

1. Pipeline Permit Application
2. Draft Pipeline Permit #15-37000001
3. Area Map

SUMMARY & RECOMMENDATIONS

Dow Hydrocarbons and Resources, LLC has made application with the City to construct the final phase of its 12" Ethane pipeline project within La Porte. Council approved a permit for the first phase of Dow's pipeline project in February 2015. The subject pipeline will transport ethane from the company's Mont Belvieu facility in Chambers County to its salt dome facility near Freeport in Brazoria County.

Staff has reviewed Dow's plans for the final phase of the 12" Ethane pipeline project and determined the company's plans for construction meets the requirements of the City's ordinance and presents no conflicts with existing water, sewer or drainage facilities along its route.

Upon approval of Council, the Director of Planning will execute a construction permit to Dow Hydrocarbons and Resources, LLC in duplicate originals, one which shall be delivered to the Permittee and one which shall be retained by the City, as required by ordinance.

Action Required of Council:

Consider approval or other action authorizing the Planning Director to execute a Pipeline Permit to Dow Hydrocarbons and Resources, LLC for the final phase of construction of a 12" Ethane pipeline within the City of La Porte.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

City of La Porte, Texas
Pipeline Permit Application

.....**Information of Owner and Applicant**.....

Company Name: Dow Hydrocarbons and Resources, LLC

Company Address: 1254 Enclave Pkwy, Houston, TX 77077

Phone & Fax Number: (281)966-4088 ph; Email: jhdial@dow.com

Person Submitting Application: Chico Negual

Title of Person Submitting Application: Permitting Right-of-way Agent – Wood Group Mustang

Phone & Fax Number: (479) 283-7498 ph; (972) 739-6715 fax Email: dnegual@hotmail.com

Acting for Owner as: Permit Agent

Principal Contact for Submittal Information: Jere Dial

Title of Principal Contact: Manager Land and Right-of-way

Phone & Fax Number: (281)966-4068 ph; (281)966-4050 fax Email: jhdial@dow.com

.....**Information on Twenty-Four Hour Emergency Contacts**.....

Twenty-Four Hour Emergency Contact: Dow Pipeline Company

Title of Twenty-Four Hour Emergency Contact: Dow Pipeline Company 24-Hour Emergency Line

Phone and Fax Number: (800) 223-4412

Other Numbers for Emergency Contact (pager, cellular, etc.): _____

Alternate Twenty-Four Hour Emergency Contact: _____

Title of Alternate Twenty-Four Hour Emergency Contact: _____

Phone and Fax Number: _____

Other Numbers for Alternate Contact (pager, cellular, etc.): _____

.....**Information on Twenty-Four Hour Emergency Contacts**.....

Size in Diameter: 12-inch Commodity(s): Ethane Y-Grade Liquids

Origin Point: Dow Chemical Company's Union Carbide Plant in Texas City, Galveston County

Destination Point: Dow Chemical Company's Mont Belvieu facility in Mont Belvieu, Chambers County

Normal Operating Pressure: _____ Maximum Operation Pressure: 2160 psi

Maximum Allowable Temperature (if applicable): N/A



City of La Porte Planning and Development Department

Established 1892

Tim Tietjens, Director

January 12, 2016

Dow Hydrocarbons and Resources, LLC
1254 Enclave Pkwy.
Houston, TX 77077
Attn: Mr. Chico Negual/Wood Group Mustang

RE: Pipeline Transportation Permit (PT-15-3700001)

Dear Mr. Negual:

Your application for a permit to construct a 12" Ethane pipeline within the city limits of La Porte has been approved by La Porte City Council. You are hereby authorized to begin your project as governed by regulations set forth in City of La Porte Ordinance 2004-2755 and the conditions stipulated below:

1. Notify City Staff no less than 48 hours prior to commencement of construction.
2. Post copies of this Permit at all public right-of-way crossings.
3. Per Sec. 102-235, Item (k) of La Porte's Code of Ordinances (Ord. 2004-2755): "the Permittee shall, at any time in the future, where such pipeline or portion thereof crosses or is laid within, under or across any street, road or utility right-of-way, drainage way or public way existing or projected at the time the permit is issued, reposition such pipeline (which shall include lowering or raising the pipeline, as well as casing it, if required) at the Permittee's sole expense, when the City reasonably requires such action incidental to public construction or public improvement: construction, maintenance and improvement of streets, water lines, sanitary sewer lines, storm sewers, ditches and public utilities. The City shall give the Permittee prior written notice of the need for repositioning location, and such notice shall be mailed certified mail, return receipt requested, to the Permittee as designated in the application. The Permittee shall have six (6) months to complete such repositioning.
4. Any and all construction materials utilized by the pipeline contractor for access across any and all drainage ditches, drainage paths and/or drainage channels shall be promptly removed by the contractor upon completion of construction at each crossing.
5. Any fill material resulting from construction shall be removed or be subject to a Fill Permit from the City.
6. Prior to an anticipated major rain event, contractor shall remove all construction-related materials and/or fill from any drainage way or roadside ditch as to not impede storm water runoff.

Sincerely,

Tim Tietjens
Planning Director

CC: Finance Department; PT-15-3700001 File

AREA MAP



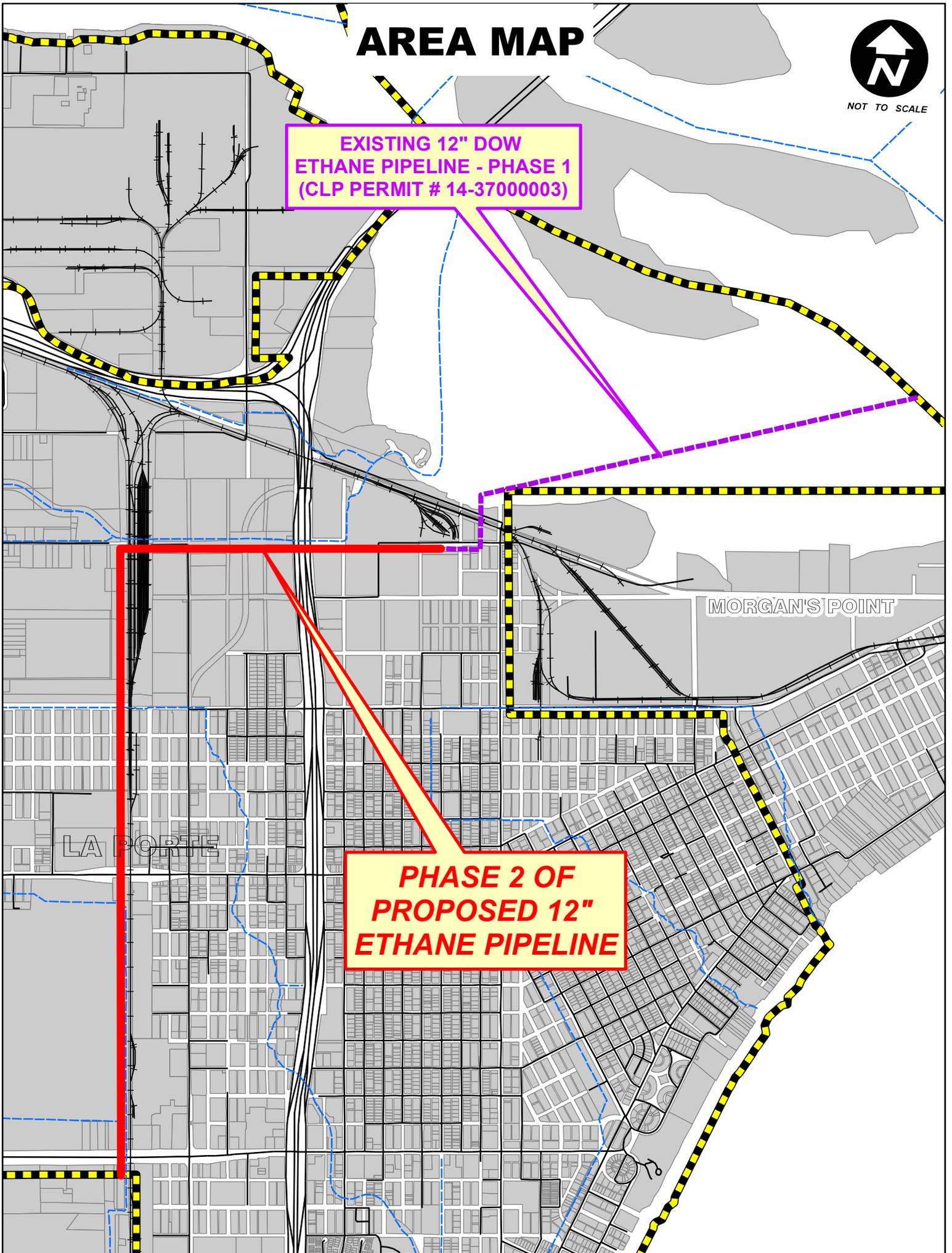
NOT TO SCALE

**EXISTING 12" DOW
ETHANE PIPELINE - PHASE 1
(CLP PERMIT # 14-3700003)**

MORGAN'S POINT

LA PORTE

**PHASE 2 OF
PROPOSED 12"
ETHANE PIPELINE**



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: January 11, 2016 Appropriation
Requested By: Tim Tietjens Source of Funds: N/A
Department: Planning & Development Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

1. Area Map
2. Ordinance
3. Storm Sewer Easement
4. Water Main Easement
5. Water & Sewer Easement
6. Deed to La Porte Commercial Properties, LP
7. Deed to Bayport Enterprises, LLC
8. Appraisal Summary
9. CenterPoint No Objection Letter
10. Comcast Easement
11. AT&T Easement

SUMMARY & RECOMMENDATIONS

The City has processed an application from Mr. Walter Johnson to vacate, abandon and close the West Madison Street Right-of-Way between North 7th Street and North 8th Street (see Area Map). The purpose of the closing is to utilize the closed street right-of-way for future development.

Staff's review of the closing request has determined that water, sanitary sewer and storm sewer facilities are located within the W. Madison St. Right-of-Way. Additionally, Centerpoint Energy, AT&T, and Comcast maintain facilities within the right-of-way. Given the amount of utilities that exist in this right of way, development of structures will be difficult without relocating some of those facilities. Mr. Johnson has subsequently executed utility easements with the City and its franchised utility companies for these utilities.

In accordance with Section 62.35 of the Code of Ordinances, an independent appraisal of the W. Madison St. Right-of-Way has been conducted to determine fair market value. The appraisal established a value of \$1.50 per square foot for the easternmost ½ of the right-of-way, and a value of \$2.50 per square foot for the westernmost ½ of the right-of-way. Mr. Johnson has made payment to the City in the amount of \$31,920 (75% of fair market value per ordinance). These funds have subsequently been placed in escrow pending consideration and final action by City Council.

Action Required of Council:

Consider approval or other action of an ordinance vacating, abandoning, and closing a portion of the West Madison Street Right-of-Way and authorizing the City Manager to execute a deed to the applicant for the abandoned right-of-way.

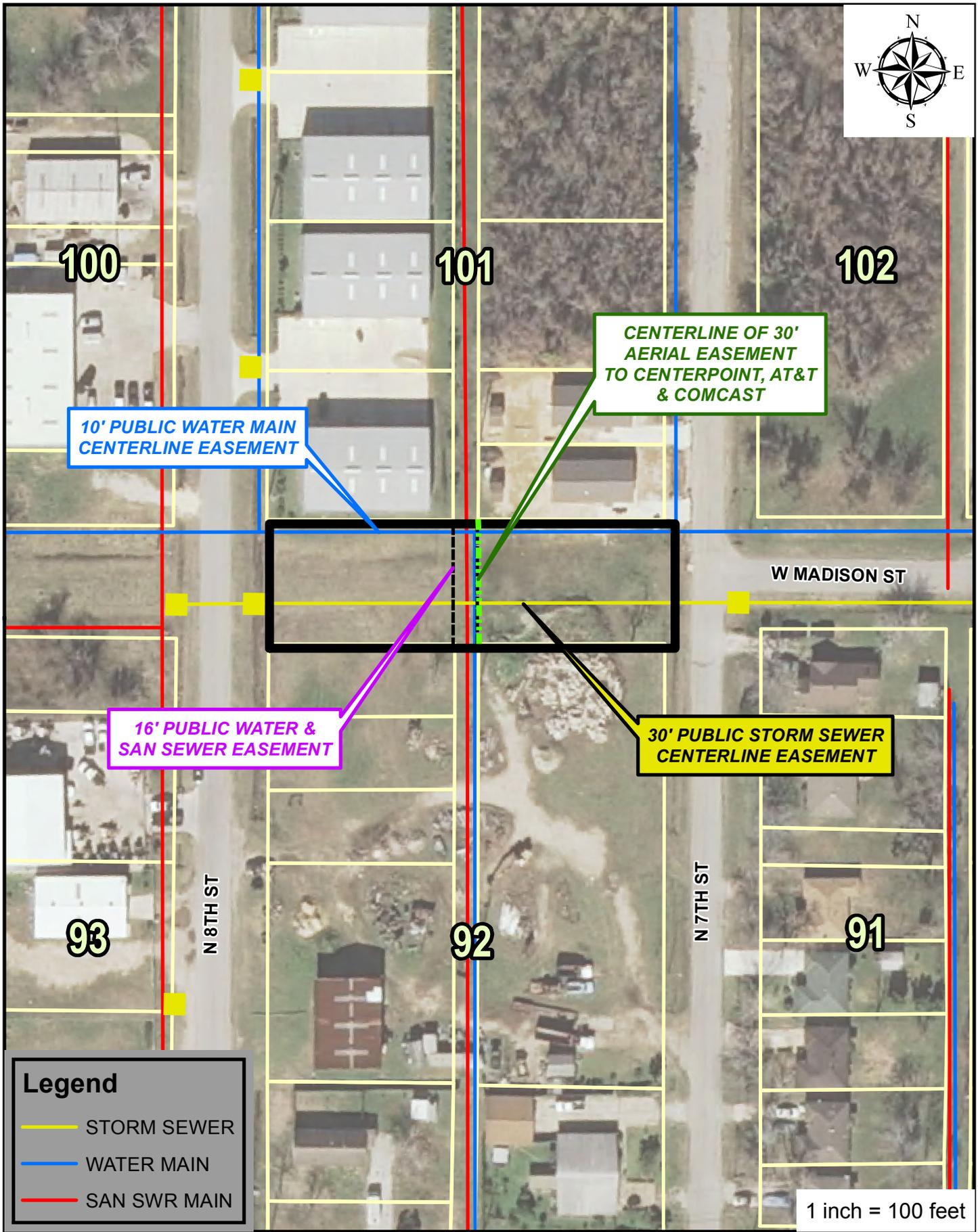
Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

AREA MAP

W. MADISON ST. CLOSING - N. 7TH TO N. 8TH



100

101

102

10' PUBLIC WATER MAIN
CENTERLINE EASEMENT

CENTERLINE OF 30'
AERIAL EASEMENT
TO CENTERPOINT, AT&T
& COMCAST

16' PUBLIC WATER &
SAN SEWER EASEMENT

30' PUBLIC STORM SEWER
CENTERLINE EASEMENT

W MADISON ST

93

N 8TH ST

92

N 7TH ST

91

Legend

- STORM SEWER
- WATER MAIN
- SAN SWR MAIN

1 inch = 100 feet

ORDINANCE NO. 2016-_____

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE WEST MADISON STREET RIGHT-OF-WAY; RETAINING EASEMENTS FOR EXISTING UTILITIES; AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED TO THE ADJOINING LANDOWNER, FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Council of the City of La Porte has been requested by the record owner of the property abutting the hereinafter described portion of the West Madison Street Right-of-Way; and,

WHEREAS, the City Council of the City of La Porte has determined and does hereby find, determine, and declare that the hereinafter described portion of the West Madison Street Right-of-Way is not suitable, needed, or beneficial to the public as a public road, street, or alley, and the closing of hereinafter described portion of the West Madison Street Right-of-Way is for the protection of the public and for the public interest and benefit, and that the hereinafter described portion of the West Madison Street Right-of-Way should be vacated, abandoned, and permanently closed.

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

Section 1. Under and by virtue of the power granted to the City of La Porte under its home rule charter and Chapter 253, Section 253.001, Texas Local Government Code, the hereinafter described portion of the West Madison Street Right-of-Way is hereby permanently vacated, abandoned, and closed by the City of La Porte, being generally illustrated on Exhibit "A" incorporated herein, and further described to wit:

BEGINNING at the northwest corner of Lot 1, Block 92, Town of La Porte; said point being located on the south line of the West Madison Street Right-of-Way and the east line of the North 8th St. Right-of-Way;

THENCE in a northerly direction, along the east line of the North 8th Street Right-of-Way to its intersection with the north line of the West Madison Street Right-of-Way; said point being the southwest corner of Lot 16, Block 101, Town of La Porte;

THENCE in an easterly direction along the north line of the West Madison Street Right-of-Way to its intersection with the west line of the North 7th Street Right-of-Way; said point being the southeast corner of Lot 17, Block 101, Town of La Porte;

THENCE in a southerly direction, along the west line of the North 7th Street Right-of-Way to its intersection with the south line of the West Madison Street Right-of-Way; said point being the northeast corner of Lot 32, Block 92, Town of La Porte;

THENCE in a westerly direction along the south line of the West Madison Street Right-of-Way to the POINT OF BEGINNING of the herein described tract.

Section 2. The City of La Porte hereby retains for itself and its successors and assigns, a 10' wide centerline easement for an existing public water main, a 30' wide centerline easement for an existing public storm sewer main, and a 16' foot wide easement for an existing water and sanitary sewer main, each of which being located within the above described portion of the West Madison Street Right-of-Way.

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

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

PASSED AND APPROVED THIS _____ DAY OF _____ 2016.

CITY OF LA PORTE

By:

Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Knox W. Askins, City Attorney

EXHIBIT "A" - ORDINANCE



W BARBOURS CUT-I

NOT TO SCALE

N SH 146

N 8TH ST

**PROP. W. MADISON ST. CLOSING
(TOTAL R-O-W = 21,280 SQ. FT.)**



W MADISON ST

N SH 146

N 6TH ST

W TYLER ST

N 7TH ST

Legend

-  ABANDONED R-O-W
-  PARCEL

PUBLIC STORM SEWER EASEMENT

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF HARRIS

That **WALTER E. JOHNSON** ("Grantor"), for and in consideration of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration paid by the **CITY OF LA PORTE** ("Grantee"), a Municipal Corporation, the receipt and sufficiency of which is hereby acknowledged and confessed, have this day GRANTED, BARGAINED, SOLD AND CONVEYED and by these presents do GRANT, SELL AND CONVEY unto said GRANTEE, and to its successors and assigns the perpetual right, privilege and easement, with appropriate rights of ingress and reasonable working area for construction and maintenance, to enter upon and construct, reconstruct, maintain, operate, inspect, replace, repair and remove an existing **PUBLIC STORM SEWER MAIN**, together with all necessary appurtenances, over, across, through and under that certain tract or parcel of land lying and being situated in Harris County, Texas and being more particularly described on Exhibits "A" & "B" attached hereto and made a part hereof for all purposes.

TO HAVE AND TO HOLD the above described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto said GRANTEE, its FRANCHISED UTILITY COMPANIES, and its successors or assigns, in accordance with the terms and conditions hereinabove set forth. The GRANTOR does hereby bind itself, its successors or assigns to WARRANT AND FOREVER DEFEND, all and singular the said easement unto the GRANTEE, its FRANCHISED UTILITY COMPANIES, its successors or assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS THE EXECUTION HEREOF on this the 29 day of MAY, 2015.

BY: Walter Johnson
Grantor or Authorized Representative

This instrument was acknowledged before me on the 29 day of May 2015

by Jean C. Edwards

Jean C. Edwards
Notary Public, State of Texas

Mailing Address of Grantee
City of La Porte
604 West Fairmont Parkway
La Porte, Texas 77571

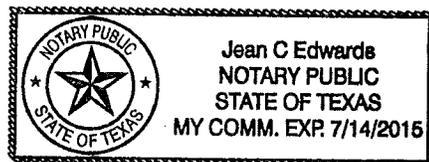
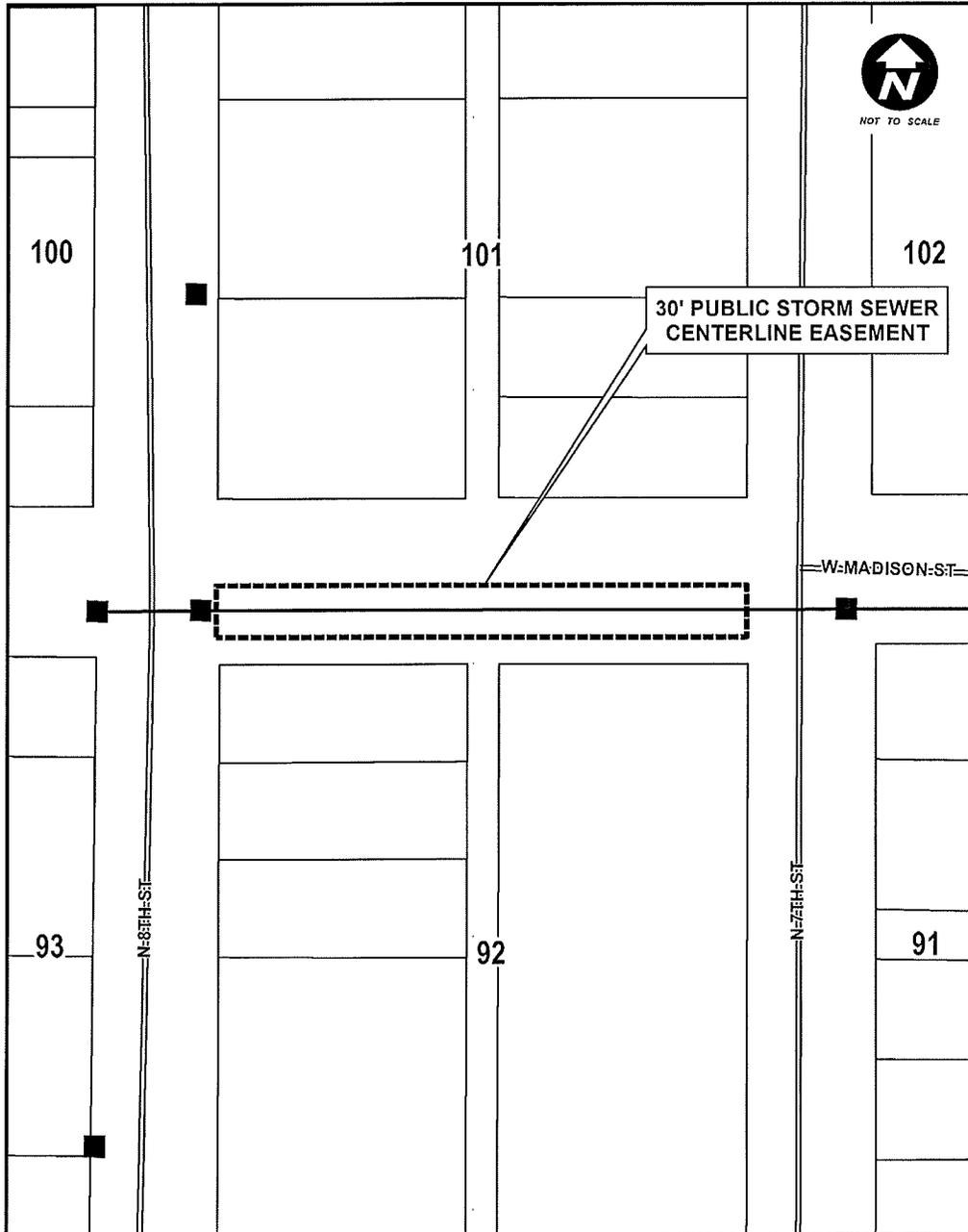


EXHIBIT "A"

Being a 7,980 square foot area of land out of the W. Madison Street Right-of-Way located between the N. 7th Street and the N. 8th Street Rights-of-Way, being more particularly described as follows;

A thirty (30) foot wide centerline easement centered on an existing 30" storm sewer main which runs east and west within the W. Madison Street Right-of-Way, located between the N. 7th Street and the N. 8th Street Rights-of-Way.

EXHIBIT "B"



PUBLIC WATER MAIN EASEMENT

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF HARRIS

That **WALTER E. JOHNSON** ("Grantor"), for and in consideration of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration paid by the **CITY OF LA PORTE** ("Grantee"), a Municipal Corporation, the receipt and sufficiency of which is hereby acknowledged and confessed, have this day GRANTED, BARGAINED, SOLD AND CONVEYED and by these presents do GRANT, SELL AND CONVEY unto said GRANTEE, and to its successors and assigns the perpetual right, privilege and easement, with appropriate rights of ingress and reasonable working area for construction and maintenance, to enter upon and construct, reconstruct, maintain, operate, inspect, replace, repair and remove an existing **PUBLIC WATER MAIN**, together with all necessary appurtenances, over, across, through and under that certain tract or parcel of land lying and being situated in Harris County, Texas and being more particularly described on Exhibits "A" & "B" attached hereto and made a part hereof for all purposes.

TO HAVE AND TO HOLD the above described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto said GRANTEE, its FRANCHISED UTILITY COMPANIES, and its successors or assigns, in accordance with the terms and conditions hereinabove set forth. The GRANTOR does hereby bind itself, its successors or assigns to WARRANT AND FOREVER DEFEND, all and singular the said easement unto the GRANTEE, its FRANCHISED UTILITY COMPANIES, its successors or assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS THE EXECUTION HEREOF on this the 20 day of May, 2015.

BY: Walter Johnson
Grantor or Authorized Representative

This instrument was acknowledged before me on the 20 day of May, 2015

by Walter Johnson

Jean C. Edwards
Notary Public, State of Texas

Mailing Address of Grantee
City of La Porte
604 West Fairmont Parkway
La Porte, Texas 77571

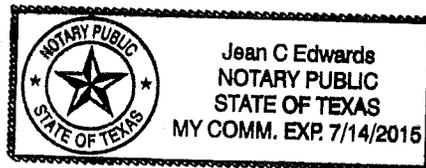
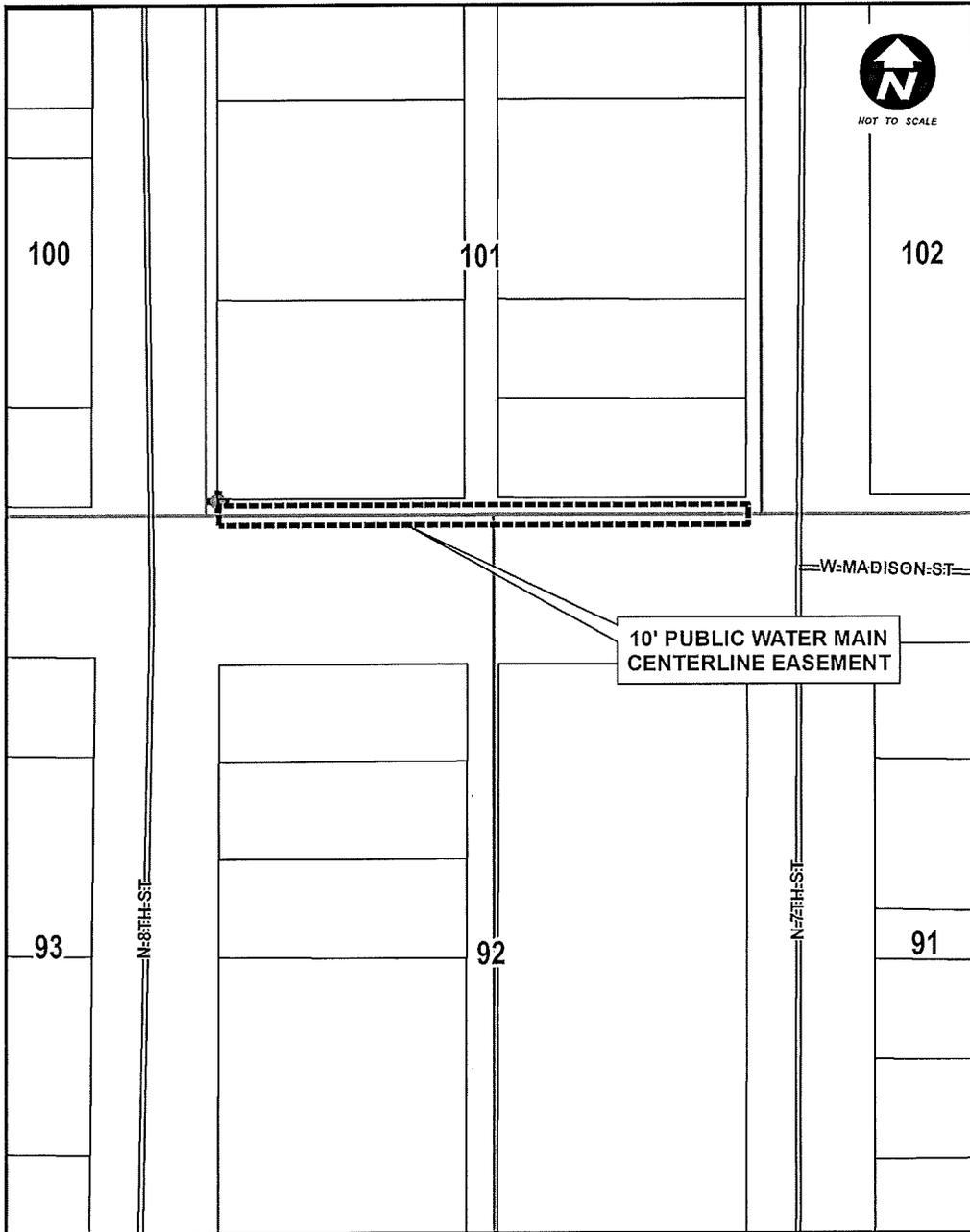


EXHIBIT "A"

Being a 2,660 square foot area of land out of the W. Madison Street Right-of-Way located between the N. 7th Street and the N. 8th Street Rights-of-Way, being more particularly described as follows;

A ten (10) foot wide centerline easement centered on an existing 8" public water main which runs east and west within the W. Madison Street Right-of-Way, located between the N. 7th Street and the N. 8th Street Rights-of-Way.

EXHIBIT "B"



PUBLIC WATER & SANITARY SEWER MAIN EASEMENT

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF HARRIS

That **WALTER E. JOHNSON** ("Grantor"), for and in consideration of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration paid by the **CITY OF LA PORTE** ("Grantee"), a Municipal Corporation, the receipt and sufficiency of which is hereby acknowledged and confessed, have this day GRANTED, BARGAINED, SOLD AND CONVEYED and by these presents do GRANT, SELL AND CONVEY unto said GRANTEE, and to its successors and assigns the perpetual right, privilege and easement, with appropriate rights of ingress and reasonable working area for construction and maintenance, to enter upon and construct, reconstruct, maintain, operate, inspect, replace, repair and remove an existing **PUBLIC WATER & SANITARY SEWER MAIN**, together with all necessary appurtenances, over, across, through and under that certain tract or parcel of land lying and being situated in Harris County, Texas and being more particularly described on Exhibits "A" & "B" attached hereto and made a part hereof for all purposes.

TO HAVE AND TO HOLD the above described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto said GRANTEE, its FRANCHISED UTILITY COMPANIES, and its successors or assigns, in accordance with the terms and conditions hereinabove set forth. The GRANTOR does hereby bind itself, its successors or assigns to WARRANT AND FOREVER DEFEND, all and singular the said easement unto the GRANTEE, its FRANCHISED UTILITY COMPANIES, its successors or assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS THE EXECUTION HEREOF on this the 19 day of MAY, 2015.

BY: Walter Johnson
Grantor or Authorized Representative

This instrument was acknowledged before me on the 20 day of May, 2015

by Walter Johnson

John C. Edwards
Notary Public, State of Texas

Mailing Address of Grantee
City of La Porte
604 West Fairmont Parkway
La Porte, Texas 77571

EXHIBIT "A"

Being a 1,280 square foot area of land out of the W. Madison Street Right-of-Way, being more particularly described by metes and bounds as follows;

BEGINNING at the northeast corner of Lot 1, Block 92, La Porte, said point being located at the intersection of the south line of the W. Madison Street Right-of-Way and the west line of the alley in Block 92, La Porte;

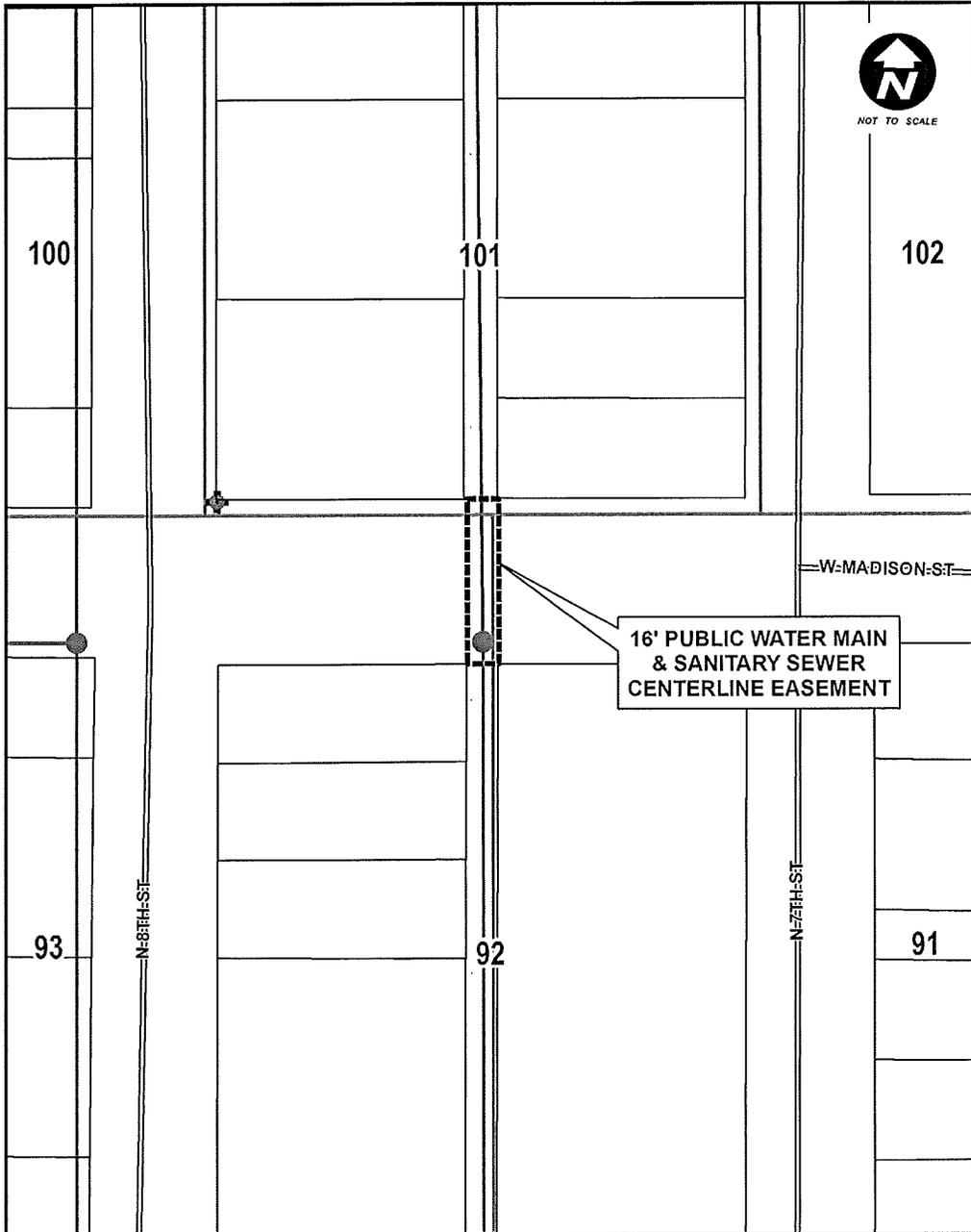
THENCE in a northerly direction crossing the W. Madison Street Right-of-Way, to its intersection with the southeast corner of Lot 16, Block 101, La Porte, a distance of eighty (80) feet to a point marking the northwest corner of the herein described tract;

THENCE in an easterly direction along the north line of the W. Madison Street Right-of-Way to a point located at the southwest corner of Lot 17, Block 101, La Porte, a distance of sixteen (16) feet to a point marking the northeast corner of the herein described tract;

THENCE in a southerly direction crossing the W. Madison Street Right-of-Way, to its intersection with the northwest corner of Lot 32, Block 92, La Porte, a distance of eighty (80) feet to a point marking the southeast corner of the herein described tract;

THENCE in a westerly direction, a distance of sixteen (16) feet to the POINT OF BEGINNING of the herein described tract.

EXHIBIT "B"



DEED WITHOUT WARRANTY

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date: January 11, 2016

Grantor: City of La Porte, Texas, a municipal corporation

Mailing Address: 604 West Fairmont Parkway, La Porte, TX 77571

Grantee: La Porte Commerical Properties, L.P.

Mailing Address: 1000 Uptown Park Blvd., #81, Houston, Texas 77056

Consideration: Ten and No/100 Dollars (\$10.00) cash
and other good and valuable considerations

Property (including any improvements):

The West one-half (1/2) of that portion of the Madison Street right-of-way, lying and being situated between the east right-of-way line of North 8th Street and the west right-of-way line of North 7th Street, Town of La Porte, Harris County, Texas, vacated, abandoned and closed by City of La Porte Ordinance No. 2016-_____, passed and approved on the 11th day of January, 2016, and as more particularly described by metes and bounds on Exhibit "A" attached hereto, and as shown on the plat attached hereto as Exhibit "B".

Reservations from and Exception to Conveyance and Warranty: This conveyance is made subject to all and singular the restrictions, conditions, oil, gas, and other mineral reservations, easements, and covenants, if any, applicable to and enforceable against the above described property as reflected by the records of the county clerk of the aforesaid county.

Grantor for the consideration and subject to the reservations from and exceptions to conveyance, conveys to Grantee the property without express or implied warranty, and all warranties that might arise by common law and the warranties in §5.023 of the Texas Property Code (or its successor) are excluded.

Attest:

City of La Porte

Patrice Fogarty
City Secretary

By: _____
Corby D. Alexander
City Manager

Approved:



Knox W. Askins
City Attorney

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the _____ day of _____, 2016, by Corby D. Alexander, City Manager of the City of La Porte, a municipal corporation.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

PREPARED IN THE LAW OFFICE OF:

ASKINS & ASKINS, P.C.
P.O. Box 1218
La Porte, TX 77572-1218

ASKINS & ASKINS, P.C.
P.O. Box 1218
La Porte, TX 77572-1218

EXHIBIT "A" TO DEED

(THE WEST ONE-HALF (1/2) OF THE FOLLOWING DESCRIBED PROPERTY)

BEGINNING at the northwest corner of Lot 1, Block 92, Town of La Porte; said point being located on the south line of the West Madison Street Right-of-Way and the east line of the North 8th St. Right-of-Way;

THENCE in a northerly direction, along the east line of the North 8th Street Right-of-Way to its intersection with the north line of the West Madison Street Right-of-Way; said point being the southwest corner of Lot 16, Block 101, Town of La Porte;

THENCE in an easterly direction along the north line of the West Madison Street Right-of-Way to its intersection with the west line of the North 7th Street Right-of-Way; said point being the southeast corner of Lot 17, Block 101, Town of La Porte;

THENCE in a southerly direction, along the west line of the North 7th Street Right-of-Way to its intersection with the south line of the West Madison Street Right-of-Way; said point being the northeast corner of Lot 32, Block 92, Town of La Porte;

THENCE in a westerly direction along the south line of the West Madison Street Right-of-Way to the POINT OF BEGINNING of the herein described tract.

EXHIBIT "B" - DEED



W BARBOURS CUT-I

NOT TO SCALE

N SH 146

N 8TH ST

**W. MADISON ST. CLOSING
(TOTAL R-O-W = 21,280 SQ. FT.)**



W MADISON ST

N SH 146

N 6TH ST

W TYLER ST

N 7TH ST

Legend

-  ABANDONED R-O-W
-  PARCEL

DEED WITHOUT WARRANTY

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date: January 11, 2016

Grantor: City of La Porte, Texas, a municipal corporation

Mailing Address: 604 West Fairmont Parkway, La Porte, TX 77571

Grantee: Bayport Enterprises, L.L.C.

Mailing Address: 1000 Uptown Blvd., #81, Houston, Texas 77056

Consideration: Ten and No/100 Dollars (\$10.00) cash
and other good and valuable considerations

Property (including any improvements):

The East one-half (1/2) of that portion of the Madison Street right-of-way, lying and being situated between the east right-of-way line of North 8th Street and the west right-of-way line of North 7th Street, Town of La Porte, Harris County, Texas, vacated, abandoned and closed by City of La Porte Ordinance No. 2016-_____, passed and approved on the 11th day of January, 2016, and as more particularly described by metes and bounds on Exhibit "A" attached hereto, and as shown on the plat attached hereto as Exhibit "B".

Reservations from and Exception to Conveyance and Warranty: This conveyance is made subject to all and singular the restrictions, conditions, oil, gas, and other mineral reservations, easements, and covenants, if any, applicable to and enforceable against the above described property as reflected by the records of the county clerk of the aforesaid county.

Grantor for the consideration and subject to the reservations from and exceptions to conveyance, conveys to Grantee the property without express or implied warranty, and all warranties that might arise by common law and the warranties in §5.023 of the Texas Property Code (or its successor) are excluded.

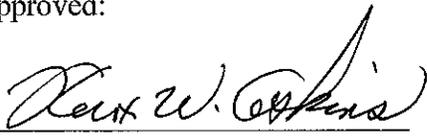
Attest:

City of La Porte

Patrice Fogarty
City Secretary

By: _____
Corby D. Alexander
City Manager

Approved:



Knox W. Askins
City Attorney

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the ____ day of _____, 2016, by Corby D. Alexander, City Manager of the City of La Porte, a municipal corporation.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

PREPARED IN THE LAW OFFICE OF:

ASKINS & ASKINS, P.C.
P.O. Box 1218
La Porte, TX 77572-1218

ASKINS & ASKINS, P.C.
P.O. Box 1218
La Porte, TX 77572-1218

EXHIBIT "A" TO DEED

(THE EAST ONE-HALF (1/2) OF THE FOLLOWING DESCRIBED PROPERTY)

BEGINNING at the northwest corner of Lot 1, Block 92, Town of La Porte; said point being located on the south line of the West Madison Street Right-of-Way and the east line of the North 8th St. Right-of-Way;

THENCE in a northerly direction, along the east line of the North 8th Street Right-of-Way to its intersection with the north line of the West Madison Street Right-of-Way; said point being the southwest corner of Lot 16, Block 101, Town of La Porte;

THENCE in an easterly direction along the north line of the West Madison Street Right-of-Way to its intersection with the west line of the North 7th Street Right-of-Way; said point being the southeast corner of Lot 17, Block 101, Town of La Porte;

THENCE in a southerly direction, along the west line of the North 7th Street Right-of-Way to its intersection with the south line of the West Madison Street Right-of-Way; said point being the northeast corner of Lot 32, Block 92, Town of La Porte;

THENCE in a westerly direction along the south line of the West Madison Street Right-of-Way to the POINT OF BEGINNING of the herein described tract.

EXHIBIT "B" - DEED



W BARBOURS CUT-I

NOT TO SCALE

N SH 146

N 8TH ST

**W. MADISON ST. CLOSING
(TOTAL R-O-W = 21,280 SQ. FT.)**

W MADISON ST

N SH 146

N 6TH ST

W TYLER ST

N 7TH ST

Legend

-  ABANDONED R-O-W
-  PARCEL

R.C. Chuoke & Associates, Inc.

Appraisers & Consultants

P.O. Box 1447
League City, Texas 77574

Office- 281-338-9633
Fax- 281-338-9533

February 23, 2014

City of La Porte
P.O. Box 1115
La Porte, Texas 77572

RE: Restricted Appraisal regarding the estimated **Market Value** of unopened portion of the West Madison Street Right of Way, between North 7th Street and North 8th Street, Town of La Porte, Harris County, Texas.

Dear Sirs:

In accordance with your request, I have inspected the following described property for the purpose of estimating the **Market Value** following described property as of the date of this Restricted Appraisal report. As per our agreement, the data and analysis is presented in a brief restricted appraisal format and is not intended to contain the full analysis.

BRIEF LEGAL DESCRIPTION OF PROPERTY

Known as an unopened portion of the West Madison Street Right of Way, between North 7th Street and North 8th Street, Town of La Porte, Harris County, Texas. (See Site plan in addenda).

At our client's request, the results of our investigation and analyses are being presented via a Restricted Appraisal Report Format as permitted by Standard 2-2(b). A file memorandum is maintained in our office for review. I hereby certify that I have personally inspected the property described via a street inspection and that all data gathered by my investigation is from sources believed reliable and true. In preparing this Restricted Appraisal, a study of comparable sales and other related market data was performed.

.....Page 2 Continued.....

It should clearly be understood that this letter only constitutes only a statement of the final value and that does not presume to be the complete analysis of the subject property nor a complete appraisal format and is subject to the preparation of a detailed appraisal report.

We have researched comparable land sales in the subject's market area for use in comparison with the subject tract. Market values for unimproved land in the subject neighborhood appear to vary depending on a variety of factors such as location, size/shape, zoning, etc. A general range for interior/secondary street locations appears to be from +-\$1.00 PSF to over \$4.00 PSF. The "parent tracts" surrounding the subject parcel range from single family detached homes to commercial uses. These subject has access public utilities. The site appears to be generally flat and level and typical of nearby properties. The subject property is located in the 100 year flood plain. The subject property currently is located in two (2) separate zoning districts. The portion of the subject which fronts North 8th Street is zoned for commercial use and the portion of the subject fronting on North 7th Street is zoned for single family use. In consideration of this aspect, the Highest and Best Use of the subject property is determined to be for single family residential development on its east side and commercial use for the westerly portion of the subject.

The client and intended user of this appraisal is the City of La Porte only. The intended use is to estimate the current market value of the subject property of this analysis as described above. There has been no other transfer of the subject property noted for the past 36 months per appraisal district records. The effective date of the appraisal is May 15, 2015. The effective date of the report is May 19, 2015. The estimated exposure time is up to 24 months.

After a review of the comparable sales, we have used two sets of comparables to value the overall subject site due to subject's dual zoning. For the *easterly* portion of the subject fronting North 7th Street we have estimated unit value range of between **\$1.00 to \$2.00 PSF** with a mid-range value of **\$1.50 PSF** being indicated for that portion of the parent tract.

For the *westerly* portion of the subject fronting North 8th Street we have estimated unit value range of between **\$2.00 to \$3.00 PSF** with a mid-range value of **\$2.50 PSF** being indicated for that portion of the parent tract.



April 13, 2015

Walter Johnson
1000 Uptown Park Blvd., #81
Houston, Texas 77056

Re: Street & Alley Closure at Madison Street, LaPorte, Texas
File No. 91484

Dear Mr. Johnson:

The City of LaPorte has been asked to close and abandon a portion of Madison Street, between N. 7th Street. and 8th Street.

CenterPoint Energy Houston Electric, LLC, CenterPoint Energy Resources Corporation, d/b/a CenterPoint Energy Texas Gas Operations and CenterPoint Energy Intrastate Pipelines, Inc., herein collectively called "CenterPoint Energy", has investigated the request and determined that there are facilities located within the area to be abandoned. However, easements to accommodate these facilities have been granted as shown on the attached CenterPoint Energy Sketch 15-012. Therefore, CenterPoint Energy will offer no objection to the abandonment of the area as depicted on the attached said sketch.

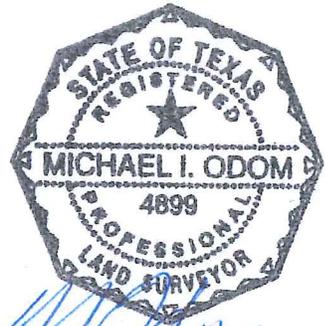
This letter of no objection shall become null and void in the event two (2) years has transpired from the above date, and this abandonment has not been completed. CenterPoint Energy also respectfully requests that the City of LaPorte forward a copy of the final abandonment ordinance to CenterPoint Energy in order that we may complete our process and update our map records.

Yours truly,

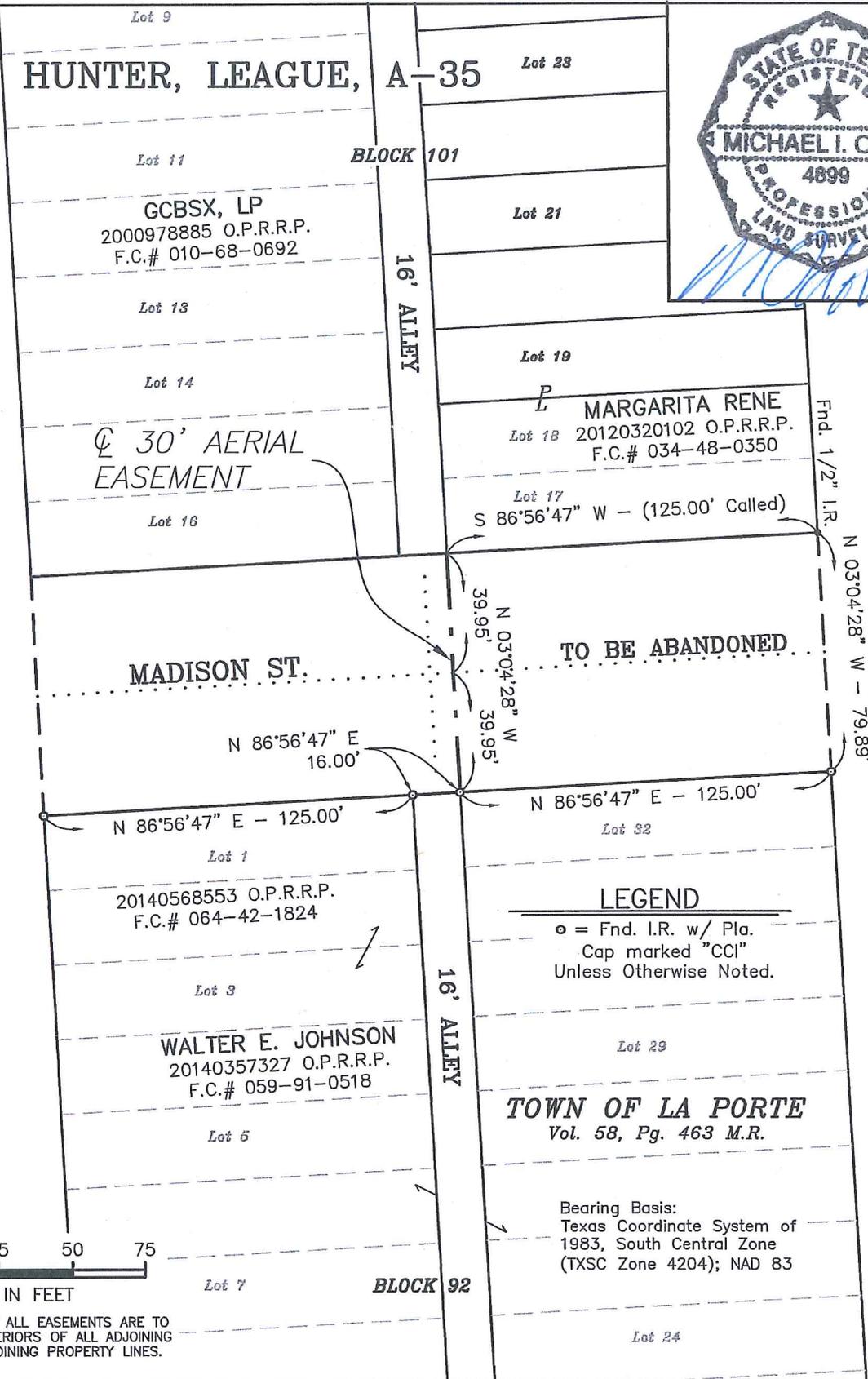
A handwritten signature in purple ink that reads "Rosemary Valdez".

Rosemary Valdez, SR/WA
Right-of-Way Agent
713-207-6027

Enclosures – Sketch#15-0123



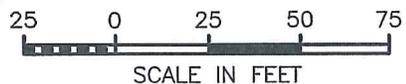
JOHNSON HUNTER, LEAGUE, A-35



LEGEND
 ○ = Fnd. I.R. w/ Pla.
 Cap marked "CCI"
 Unless Otherwise Noted.

TOWN OF LA PORTE
 Vol. 58, Pg. 463 M.R.

Bearing Basis:
 Texas Coordinate System of
 1983, South Central Zone
 (TXSC Zone 4204); NAD 83



NOTE: THE EXTERIORS OF ALL EASEMENTS ARE TO INTERSECT WITH THE EXTERIORS OF ALL ADJOINING EASEMENTS OR WITH ADJOINING PROPERTY LINES.

REV.1: JOB NO.	BY:	DATE:	REV.2: JOB NO.	BY:	DATE:
EASEMENT - UNOBSTRUCTED	LAST PLOT DATE: 03/10/2015	CenterPoint Energy SURVEYING & RIGHT OF WAY P.O. Box 1700 Houston, TX 77251-1700 713-207-2222 Firm Number: 10027400 SKETCH NO. 15-0123			
COUNTY: HARRIS	DRAWN BY: M.N.M.				
SURVEY DATE: 02/16/2015	MAP NO: 6254C4				
SCALE: 1" = 50'	JOB NO: 91484				
FILE NO. - BOOK: 2015	CHECKED BY: M.I.O.				



November 28, 2015

Mr. Walter Johnson
1000 Uptown Park Blvd., #81
Houston, Texas 77056

Re: Comcast no objection statement to the right of way closure of Madison Street
between 7th Street and 8th Street, LA Porte, Texas File No. 91484

To Whom It May Concern,

Please accept this letter as notification that Comcast of Houston LLC, herein referred to as Comcast, has no objection to the closures of the right of way closure of W. Madison Street, LA Porte, Texas a between 7th Street and 8th Street with an easement providing for Comcast's existing facilities as an accommodation within the limits of this proposed closure as depicted on the attached Center Point energy Sketch 15-012.

Please feel free to contact me at 713-637-5025 with any questions that you may have.

Sincerely,

A handwritten signature in cursive script that reads "Chris Grey".

Chris Grey
Construction Supervisor, Design and Serviceability

(c) GRANTOR, its/their successors and assigns, shall have the right to use the surface of the Easement herein granted insofar as such use does not, in the reasonable judgment of the GRANTEE, impair, interfere with or obstruct the use of the Easement by GRANTEE, or its successors and assigns. GRANTOR hereby covenants that no excavation, building, structure or other obstruction will be constructed, erected, built or permitted on surface of the Easement and no change will be made in the grade, elevation or contour of the Easement, nor any tree planted thereon, without the prior written consent of GRANTEE, which consent will not be unreasonably denied, delayed or conditioned.

(d) During the period of installation, removal or replacement of the Facilities by GRANTEE within the Easement herein granted, GRANTEE shall have the right to use as temporary construction easements so much of the surface of the Property as may be reasonably necessary for GRANTEE'S construction, installation, removal or replacement of said Facilities. Following the initial installation of GRANTEE'S Facilities, and also after any later activities by GRANTEE which affect the Property, GRANTEE shall promptly restore the grounds affected thereby to as nearly as practicable the same condition that existed prior to such activity.

(e) The Easement granted hereby is subject to all valid and subsisting oil, gas, sulfur, and mineral leases, unitization agreements, deeds, easements, rights-of-way, restrictive covenants, mineral and royalty grants and reservations, or other instruments now of record which affect the Easement.

(f) GRANTOR warrants that he/she/they are the owners of the Property occupied by the Easement herein granted, and that GRANTOR has the right to make this conveyance and receive the consideration therefor. GRANTOR covenants that GRANTEE may quietly enjoy the Easement for the uses herein stated. In addition, GRANTOR hereby warrants and represents he/she/they have no knowledge of the existence of past or present production, storage, treatment or disposal of any toxic or hazardous waste or substance, or of hazardous/toxic waste contamination conditions applicable to either the Easement or the Property.

(g) NOTWITHSTANDING ANY PROVISION OF THIS EASEMENT TO THE CONTRARY, IN NO EVENT SHALL EITHER PARTY BE LIABLE TO THE OTHER PARTY FOR ANY SPECIAL, INCIDENTAL, INDIRECT, PUNITIVE, RELIANCE OR CONSEQUENTIAL DAMAGES, WHETHER FORESEEABLE OR NOT, INCLUDING, BUT NOT LIMITED TO, LOSS OF PROFITS OR REVENUE, COST OF CAPITAL, COST OF REPLACEMENT SERVICES, OR CLAIMS OF ANY OTHER THIRD PARTIES, OCCASIONED BY ANY CAUSE WHATSOEVER, INCLUDING, WITHOUT LIMITATION, BREACH OF CONTRACT, BREACH OF WARRANTY, NEGLIGENCE OR STRICT LIABILITY.

(h) GRANTEE hereby agrees to save and hold harmless the GRANTOR from and against any and all claims, demands, or causes of action of whatever nature, asserted by others which are caused by or arise in any manner out of acts or omissions of GRANTEE, its employees, or any other persons acting under its control, in the use and occupancy of the Easement herein granted.

TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto belonging, unto GRANTEE, its successors and assigns, forever, and GRANTOR does hereby bind its self, and its heirs and assigns, to warrant and forever

defend all and singular the Easement unto GRANTEE and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

SIGNED AND EXECUTED this 18 day of Nov, 2015.

Walter E. Johnson

Walter E Johnson
Signature

WALTER E. JOHNSON
Printed Name

Title

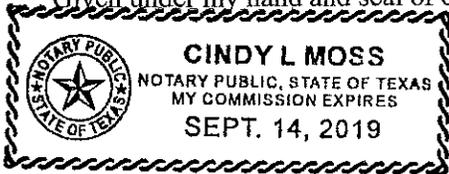
ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared WALTER E. JOHNSON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for purposes and considerations therein expressed and in the capacity so stated.

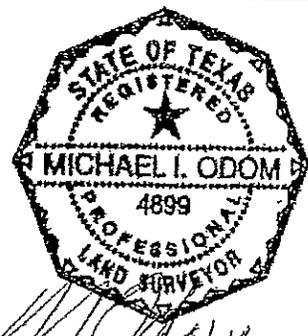
Given under my hand and seal of office this the 18th day of NOVEMBER, 2015.



Cindy L. T. Moss
Notary Public in and for the State of TEXAS
My Commission Expires

After Recording, Return to:

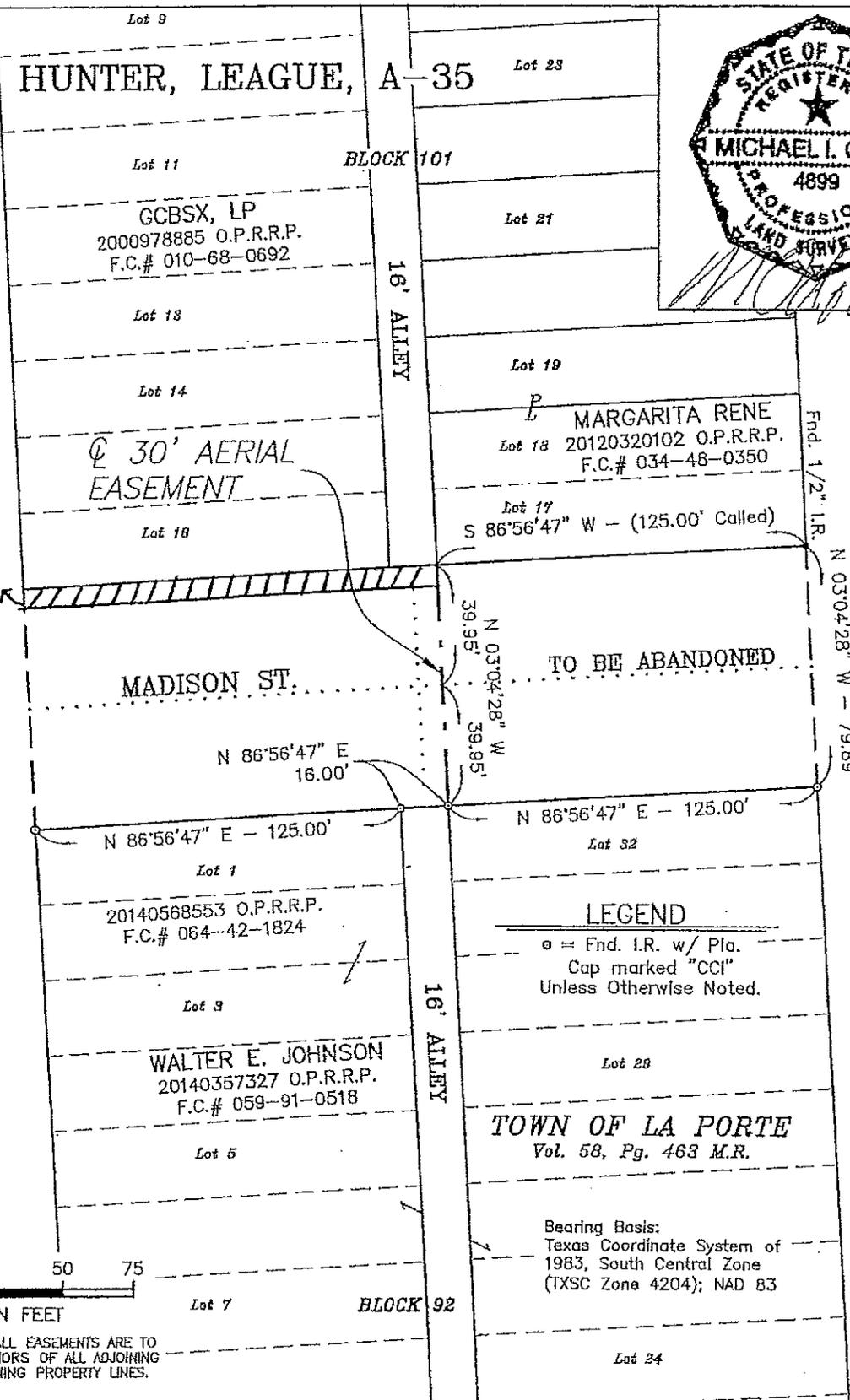
SWBT
Amanda Burns/Sonya Merrill
7602 Spring Cypress Rd.
Room 226
Spring, Texas 77379



JOHNSON HUNTER, LEAGUE, A-35

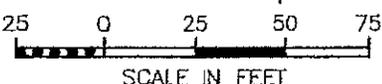


10' AT&T Easement



N. 8TH ST.

N. 7TH ST.



SCALE IN FEET

NOTE: THE EXTERIORS OF ALL EASEMENTS ARE TO INTERSECT WITH THE EXTERIORS OF ALL ADJOINING EASEMENTS OR WITH ADJOINING PROPERTY LINES.

LEGEND

o = Fnd. I.R. w/ Pla.
Cap marked "CCI"
Unless Otherwise Noted.

TOWN OF LA PORTE
Vol. 58, Pg. 463 M.R.

Bearing Basis:
Texas Coordinate System of
1983, South Central Zone
(TXSC Zone 4204); NAD 83

REV.1:JOB NO. BY: DATE: REV.2:JOB NO. BY: DATE:

EASEMENT - UNOBSTRUCTED
COUNTY: HARRIS
SURVEY DATE: 02/16/2015
SCALE: 1" = 50'
FILE NO. - BOOK: 2015

LAST PLOT DATE: 03/10/2015
DRAWN BY: M.N.M.
MAP NO: 6254C4
JOB NO: 91484
CHECKED BY: M.I.O.

CenterPoint Energy
SURVEYING & RIGHT OF WAY
P.O. Box 1700 Houston, TX 77251-1700
713-207-2222
Firm Number: 10027400
SKETCH NO. 15-0123

OPTION AGREEMENT

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF HARRIS §

This OPTION AGREEMENT is entered into this 18TH day of NOV, 2015 by and between **WALTER E. JOHNSON**, (hereinafter collectively called "GRANTOR") and **SOUTHWESTERN BELL TELEPHONE COMPANY**, a Delaware Corporation, (hereinafter called "GRANTEE").

WITNESSETH:

WHEREAS, GRANTOR intends to acquire from The City of La Porte, all that certain tract or parcel portion of the 80' wide Madison Street Right-of-Way, situated in the Johnson Hunter Survey, Abstract Number 35, Harris County, Texas, being the 10' wide by 141' long portion of the 80' wide Madison Street Right-of-Way, situated between Lot 1, Block 92 and Lot 16, Block 101, of the Town of La Porte, according to the map or plat thereof recorded in Volume 58, Page 463 of the Deed Records of Harris County; Harris County, Texas; (the "Property").

WHEREAS, GRANTEE currently has certain aboveground and underground telecommunications facilities (the "Facilities") located within the Property and desires to obtain an easement for such Facilities; and

WHEREAS, GRANTOR has agreed to convey an easement to GRANTEE for the use of the Facilities within the Property (the "Easement") pursuant to an easement agreement in the form of the Southwestern Bell Telephone Company Easement attached as Exhibit A hereto (the "Easement Agreement"); and

WHEREAS, GRANTOR cannot convey the Easement to GRANTEE until the City of La Porte conveys title to the Property to GRANTOR and such instrument conveying title to the Property (the "Deed") is recorded in the Official Public Records of Real Property of Harris County, Texas; and

WHEREAS, GRANTOR is willing to grant to GRANTEE an option to acquire the Easement pursuant to the Easement Agreement immediately after the recording of the Deed.

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, GRANTOR hereby agrees that immediately after the recordation by GRANTOR of the Deed conveying the Property to GRANTEE, the Easement Agreement, shall become a valid, binding and effective conveyance of the Easement to GRANTEE. GRANTOR has this date executed the Easement Agreement and hereby agrees that GRANTEE may record such Easement Agreement at any time in GRANTEE's sole discretion. GRANTOR further agrees that at the request of GRANTEE, GRANTOR will execute and deliver a new easement agreement to GRANTEE in substantially the same form as the Easement Agreement, for recordation after the recordation of the Deed. Upon GRANTOR's acquisition of title to the Property pursuant to the Deed, this Option Agreement shall be and shall constitute a covenant running with the Property for all purposes and shall terminate only when fully executed counterparts of said Easement Agreement are filed for record in the Official Public Records of Real Property of Harris County, Texas. This Option Agreement and the terms and provisions hereof shall be binding upon GRANTOR and GRANTOR's successors and assigns.

SIGNED AND EXECUTED this 18th day of NOV, 2015.

Walter E. Johnson

Walter E Johnson
Signature

WALTER E. JOHNSON
Printed Name

Title

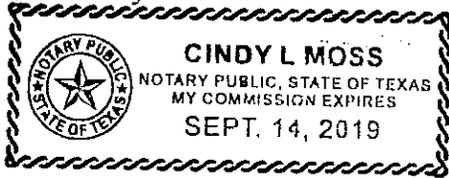
ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared WALTER E. JOHNSON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for purposes and considerations therein expressed and in the capacity so stated.

Given under my hand and seal of office this the 18th day of NOVEMBER, 2015.



Cindy L. Moss
Notary Public in and for the State of TEXAS
My Commission Expires

After Recording Please Return To:
Amanda Burns/Sonya Merrill
SWBT
7602 Spring Cypress Rd.
Rm. 226
Spring, Texas 77379

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: January 11, 2016 Appropriation
Requested By: Eric Ensey Source of Funds: N/A
Department: Planning & Development Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

1. Ordinance
2. P&Z Recommendation Letter
3. Existing vs. Proposed Future Land Use Map

SUMMARY & RECOMMENDATIONS

This item is a request for consideration to amend the city's Future Land Use Plan in conjunction with a request by Turfway FEC, LLC for the development of the La Porte Town Center development. This is a proposed entertainment, retail/service, and residential mixed-use development located on State Highway 146, a quarter of a mile north of Wharton Weems Boulevard, on a 20 acre tract of land known as Tract 1L, Johnson Hunter Survey, Abstract 35.

The City's Future Land Use Plan (FLUP) identifies the subject property as "Low Density Residential" land use. In order to accommodate the proposed development, the FLUP would need to be amended to allow for "Commercial" use (for proposed hotel, entertainment center, and retail and restaurant pad sites), "Mixed Use" use (for the proposed live-work units), and "Mid- to High-Density Residential" (for the proposed townhome units). The subject site is zoned PUD, Planned Unit Development, which allows for the uses proposed in the development.

The Planning and Zoning Commission reviewed this request at the December 17, 2015, meeting and voted to recommend approval of the proposed modifications to the Future Land Use Plan (6-2-1 vote with Commissioners Martin and Barrera opposed and Commissioner Smith abstaining).

Action Required of Council:

1. Conduct public hearing.
 2. Consider approval or other action of a recommendation by the Planning and Zoning Commission to approve an Ordinance amending the City's Future Land Use Plan for a 20 acre tract of land known as Tract 1L, Johnson Hunter Survey, Abstract 35, generally located on State Highway 146 a quarter of a mile north of Wharton Weems Boulevard and as depicted in the attached exhibit.
-

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

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

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

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

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

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

WHEREAS, the City of La Porte has a Comprehensive Plan, which Plan was adopted by the City Council of the City of La Porte, Texas in 1986; and amended on the 22nd day of January, 2001; amended on the 18th day of August, 2006; and amended on the 12th day of November, 2012; and amended on the 28th day of October, 2013; and amended on the 8th day of December, 2014; and amended on the 24th day of August, 2015;

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

WHEREAS, at the La Porte Planning and Zoning Commission meeting which occurred on December 17, 2015, the La Porte Planning and Zoning Commission reviewed the Future Land Use Map component of the Comprehensive Plan for the purpose of considering proposed amendments thereto, to change the designation for that 20 acre tract of land located on State Highway 146 north of Wharton Weems Boulevard, as depicted in Exhibit A attached hereto, and identified as follows: Tract 1L, Johnson Hunter Survey, Abstract 35, Town of La Porte, Harris County, Texas, from “Low Density Residential” to 1) “Commercial”, 2) “Mixed Use”, and 3) “Mid- to High-Density Residential”, and at the conclusion of such review the La Porte Planning and Zoning Commission voted to recommend to the La Porte City Council such amendments be made to the Future Land Use Plan component of the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED BY

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

Section 1 That an amendment to the Future Land Use Map component of the Comprehensive Plan of the City of La Porte, Texas, which is incorporated to this ordinance by reference herein and attached hereto as Exhibit A, be and is hereby authorized, approved, and adopted by the City Council of the City of La Porte, Texas, after duly noticed public hearing held at its January 11, 2016 meeting, pursuant to the recommendations of the Planning and Zoning Commission of the City of La Porte, Texas.

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

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

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

Section 4 This Ordinance shall be in effect from and after its passage and approval. Passed and approved this the ____ day of JANUARY, 2016.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

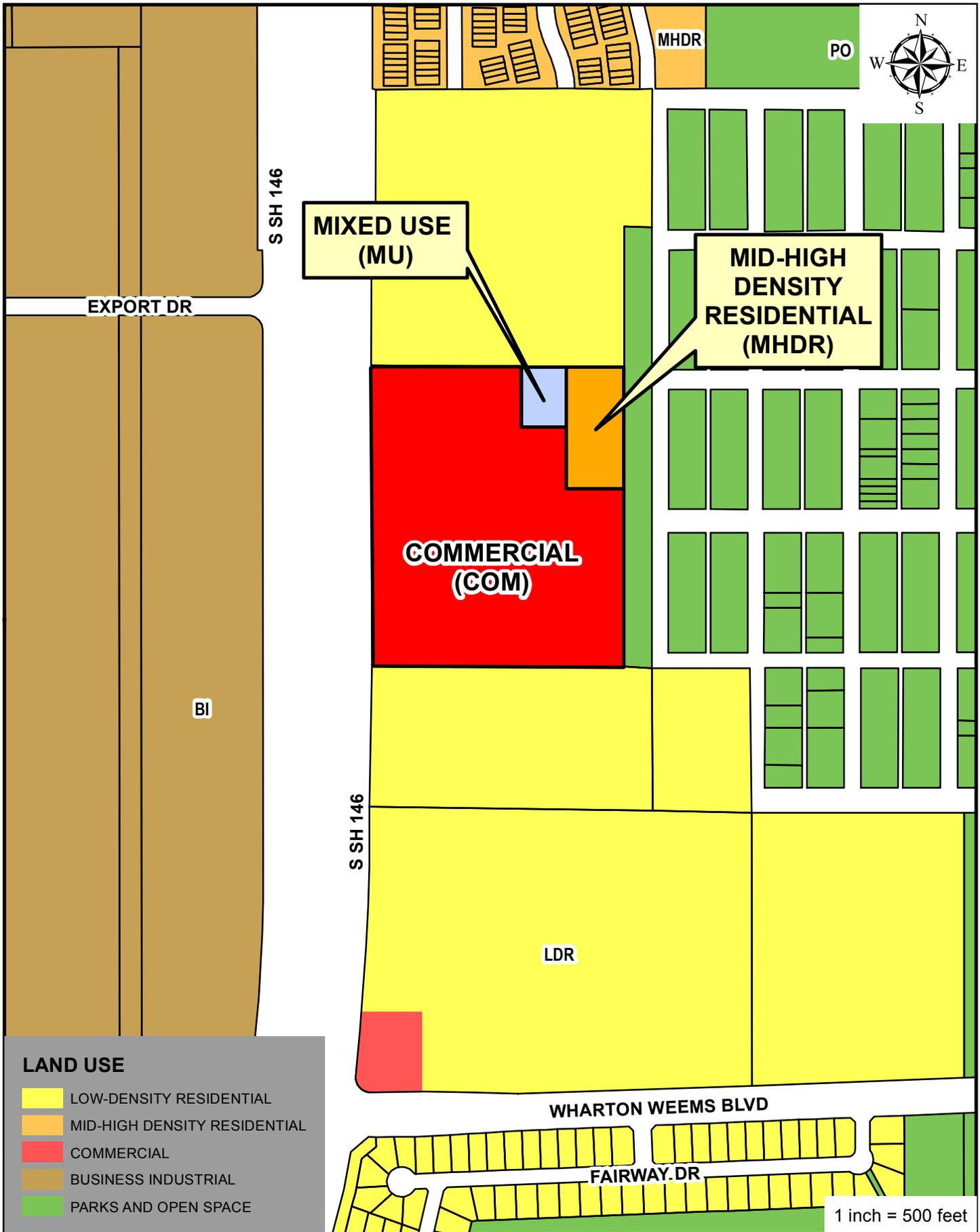
ATTEST:

By: _____
Patrice Fogarty, City Secretary

APPROVED:

By: Clark T. Askins
Clark Askins, Assistant City Attorney

PROPOSED FUTURE LAND USE PLAN





December 18, 2015

Honorable Mayor Rigby and City Council
City of La Porte

RE: Amendment to the City's Future Land Use Map Request

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a meeting on December 17, 2015 on a request to amend the City's Future Land Use Plan as adopted in the Comprehensive Plan for the approximately 20 acre tract of land located on the east side of Highway 146 north of Wharton Weems Boulevard and legally described as Tract 1L, Johnson Hunter Survey, Abstract 35. The Future Land Use Plan amendment would modify certain tracts from "Low Density Residential" use to "Commercial", "Mixed Use" and "Mid- to High-Density Residential" uses.

The Commission voted to recommend approval of the proposed amendment to the city's Future Land Use Map upon a vote of 6 in favor and 2 in opposition while 1 abstained.

Respectfully submitted,

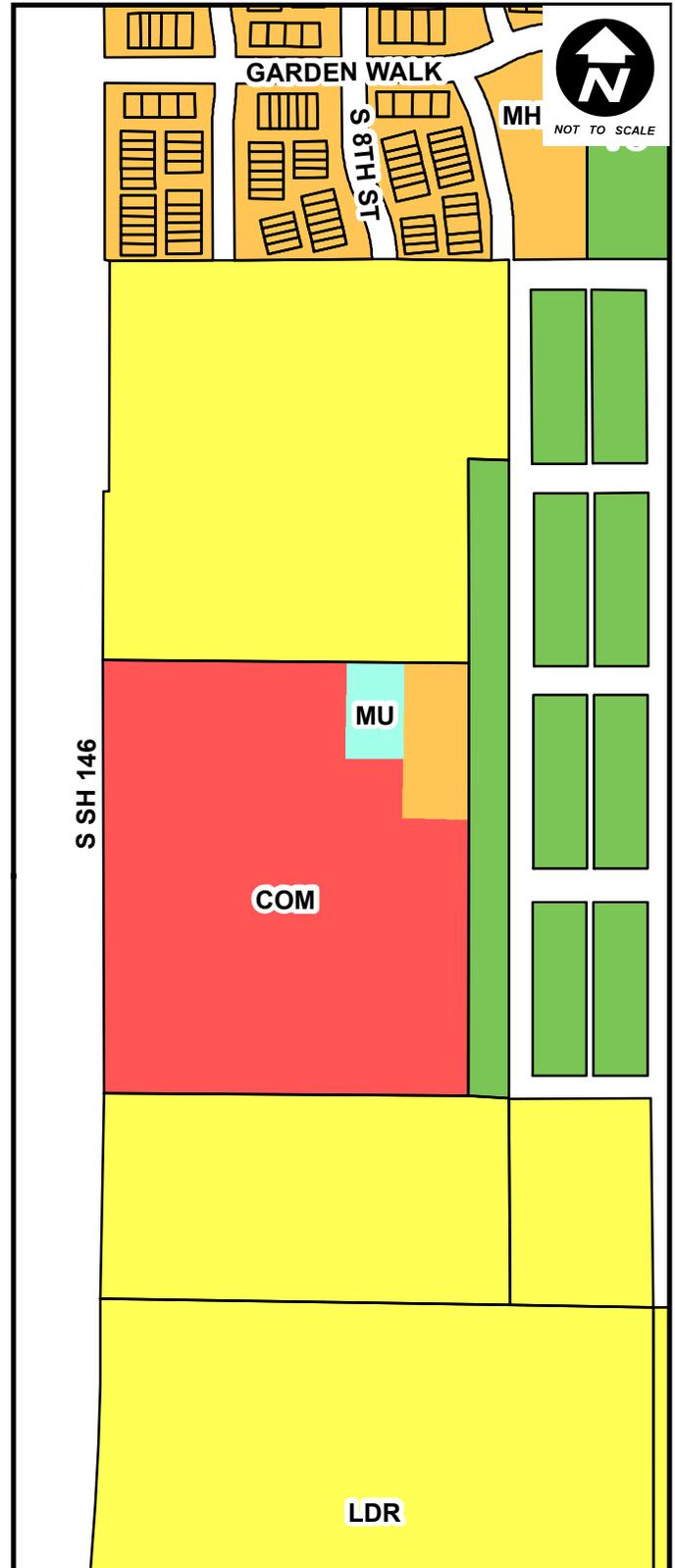
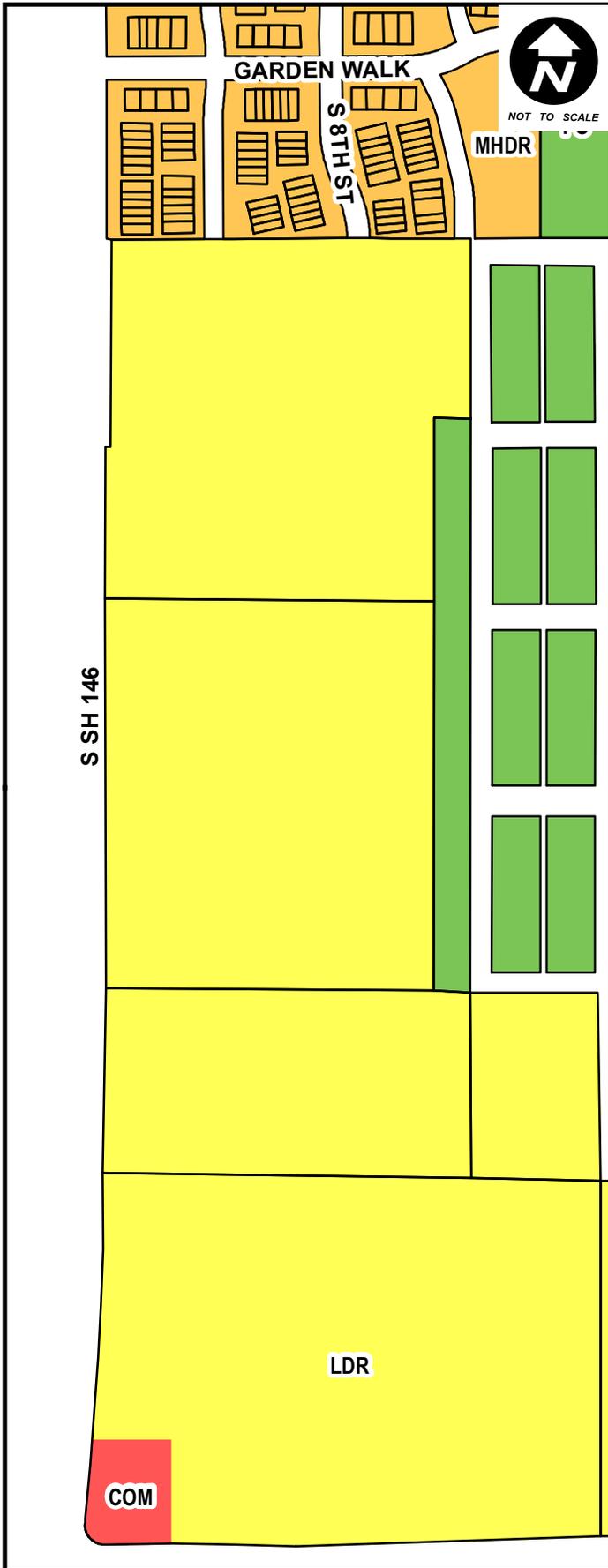
Hal Lawler
Chairman, Planning and Zoning Commission

cc: Tim Tietjens, Director of Planning and Development
Department File

LAND USE EXHIBIT

EXISTING FUTURE LAND USE

PROPOSED FUTURE LAND USE



Legend

- | | | |
|------------------------------|----------------------|------------|
| LAND USE | | |
| LOW-DENSITY RESIDENTIAL | MIXED USE | COMMERCIAL |
| MID-HIGH DENSITY RESIDENTIAL | PARKS AND OPEN SPACE | |

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: January 11, 2016 Appropriation
Requested By: Eric Ensey Source of Funds: N/A
Department: Planning & Development Account Number:
Report: Resolution: Ordinance: Amount Budgeted:
Other: Amount Requested:
Budgeted Item: YES NO

Attachments :

1. Ordinance and SCUP
2. P&Z Recommendation Letter
3. Applicant Information and Request
4. La Porte Town Center General Plan
5. Area Map
6. Land Use Map
7. Zoning Map
8. Lakes at Fairmont Green General Plan

SUMMARY & RECOMMENDATIONS

The applicant (Turfway FEC, LLC) is seeking approval of a Special Conditional Use Permit (SCUP) to allow construction of an entertainment, commercial and residential mixed use development on a 20 acre tract described as Tracts 1L, Johnson Hunter Survey, Abstract 35, La Porte, Harris County, Texas. The proposed development, being called the La Porte Town Center, includes a mix of land uses. The following is a breakdown of land uses outlined by the applicant in the attached project description letter:

- 50,000 square foot entertainment center
- 20,000 square foot conference, theater and museum
- 8 restaurants
- 50,000 square feet of office space
- 14 brownstone townhomes
- 7 live-work units
- 114 room hotel
- 2 acres of park and water features

The site is zoned Planned Unit Development (PUD) and is currently undeveloped. Development within the PUD district requires approval of a SCUP as consideration for the proposed use of the site. The property is located on the east side of State Highway 146 a quarter of a mile north of Wharton Weems. The City's Future Land Use Plan currently identifies this site as "Low Density Residential" uses. There is an accompanying agenda item on this Council agenda for modification to the Future Land Use Plan.

The proposed SCUP outlines land uses permitted with reference to the La Porte Town Center General Plan, which was approved by the Planning and Zoning Commission at the November 19, 2015, meeting. There are uses permitted in the GC, General Commercial, District that have been excluded from this proposed development, which generally are those more intense commercial uses.

The Planning and Zoning Commission conducted a public hearing at the December 17, 2015, meeting concerning this request. The Commission voted to recommend approval of the proposed SCUP (4-3-2 vote, with Commissioners Martin, Barrera, and Lawler opposed and Commissioners La Cour and Smith abstaining), subject to the following conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. All buildings shall meet or exceed the Design Standards outlined in Article IX, Chapter 106 of the Code of Ordinances.
3. Land uses permitted in accordance with the La Porte Town Center General Plan, as may be amended from time-to-time. Any modifications to the approved General Plan require approval by the Planning and Zoning Commission in accordance with the city's Development Ordinance.
4. Land uses permitted in the commercial area (all areas excluding residential land uses) shall be in accordance with the uses permitted in Chapter 106, Zoning, of the city's Code of Ordinances Use Chart under GC (General Commercial) at the effective date of this SCUP, excluding the following uses:
 1. Automobile repair and maintenance (811111-811198);
 2. Construction, Mining and Forestry Machinery and Equipment Rental and Leasing (532412);
 3. Office Machinery and Equipment Rental and Leasing (532420);
 4. Other Commercial and Industrial Machinery and Equipment Rental and Leasing (532490);
 5. Transit and Ground Passenger Transportation (485111-485999);
 6. Motor Vehicle Parts and Dealers (441110-441228);
 7. Furniture and Related Product Manufacturing (337110-337122);
 8. Construction of Buildings (236115-236118);
 9. Contractors (238110-238390).
5. The commercial area shall be developed in accordance with the requirements for the General Commercial zone district. However, if the developer desires to subdivide the commercial area, then setbacks shall be as follows: external property line adjacent to Highway 146 – 25 feet; external property line adjacent to north and south public right-of-way – 10 feet; internal property

lines – 0 feet.

6. The residential land uses identified in the General Plan as “Townhouse” shall be constructed in accordance with the requirements outlined in Section 106-333 of the Code of Ordinances and applicable building code requirements and shall be limited to townhouse development only – not multifamily apartments or condominiums. Front setbacks for the townhouse development shall be permitted at a minimum of 5 feet from the front property line if the units contain rear-loaded parking and/or garages.
7. Additionally, the “Live-Work” units are permitted and shall comply with applicable setbacks that would be required for buildings in the Main Street Overlay District. If an attached garage is provided, then the rear setback for the building shall be 5 feet.
8. The perimeter boundaries of the property along the north and south property lines shall include the installation of an 8-foot high solid masonry fence intended to mitigate the impact of development on future residential development, as identified in the city’s Future Land Use Plan. Additionally, shade trees shall be planted at 20’ on center along the fence line. If land uses on the adjacent properties are modified in the future allowing for similar uses, then such fence and landscaping shall not be required. Such fence shall be constructed prior to the completion of the final phase of development.
9. The applicant shall install the segment of the city’s Hike and Bike Trail through the development area as identified in the city’s Comprehensive Plan. The construction of the trail shall be in accordance with all applicable requirements and specifications required by the City Engineer. Additionally, following construction of the Hike and Bike Trail, the developer shall dedicate to the City of La Porte a permanent public trail easement 20’ on center for the Hike and Bike Trail.
10. The developer shall provide internal connection between the city’s Hike and Bike Trail to the development.
11. The developer shall work with staff at the time of site plan review to minimize the amount of parking stalls along the Highway 146 frontage. This should be accommodated by relocating buildings in a manner that places parking on the side of the building or internal to the development. If this is not possible, the developer may install planter islands at 1 per 10 spaces for both rows of parking along a drive aisle parallel to Highway 146. Additionally, hedges shall be planted at 3-foot on center in two rows of plantings. Such hedge row shall be installed with a variety of plant material to provide visual diversity of plant materials.
12. For the commercial portion of the development, parking shall be calculated based on the aggregate amount of parking required and proposed; joint parking is allowed. Additionally the applicant may include on-street parking, only where permitted by the city, toward the amount of parking provided for the development.
13. Parking is not permitted within any alley right-of-way.
14. The developer will be required to replat the subject property in accordance with the requirements of the city’s code requirements.
15. All public streets internal to the development site shall be constructed in accordance with the

city's Public Improvement Criteria Manual and shall be dedicated to the city. Regardless of phasing of the development, any dedication of public improvements identified as part of the plat must be accepted by the city prior to the recordation of the Final Plat. Should the developer desire to construct such public streets at a later time, then a development agreement shall be required between the city and developer that provides a financial guarantee, as approved by the city, that will ensure that said public roads will be installed and a date for which those improvements must be made.

16. Parking on any public street shall only be permitted on one side of the street and shall be signed by the developer in accordance with applicable sign requirements.
17. Access to any public right-of-way is subject to the requirements of Section 106-835, Figure 10-3 and will be reviewed at the time of Site Development Plan. TXDOT right-of-way access permits shall be presented prior to permit issuance for all driveways requested on Highway 146. Maximum driveway widths shall be provided in compliance with city code requirements.
18. The developer will be required to submit for approval by the City Engineer, a drainage report indicating how the proposed development will accommodate the requirements for storm water detention in accordance with the city's Public Improvement Criteria Manual, or if discharging in a TXDOT or Harris County system, approval by such authority.
19. Because Highway 146 has been identified as a significant corridor in the community, the developer shall work with the Planning and Zoning Commission at the time of site plan review on a landscape theme along the Highway 146 frontage. Such theme shall be above and beyond the requirements outlined in Section 106-800 of the city's Code of Ordinances.
20. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
21. A traffic impact analysis, performed by a licensed engineer agreed to by both the City and the applicant, shall be required. If any mitigation is required by the study, the applicant will be responsible for their proportion of the impact. All contributions would be subject to reimbursement through the TIRZ, pursuant to approval by the TIRZ Board.
22. If extension of any public water or sanitary sewer line is required as part of this development, the applicant will be required to execute a utility extension agreement with the city and install such improvements at the cost of the developer.
23. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.
24. The hours of operation for the family entertainment center shall be 10:00 a.m. to 12:00 a.m. Sunday through Thursday and 10:00 a.m. to 2:00 a.m. on Friday and Saturday. There may be up to two days in a calendar month where the family entertainment center may remain open from 10:00 a.m. to 2:00 a.m. to accommodate special performances. The operator of the family entertainment center will be responsible for informing the city in writing at least two (2) weeks before such event.
25. The residential townhouses are required to be platted as part of the first phase of the

development. A minimum of seven (7) townhouse units are required to be available for development as part of the initial phase of development.

26. A photometric plan will be required at the time of site plan submittal that will identify site lighting and the lumens proposed across the site. Lighting will need to be in compliance with the requirements of Section 106-310, Footnote A, of the city's Code of Ordinances.

Action Required of Council:

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve an ordinance approving Special Conditional Use Permit Request #15-91000007, to allow construction of an entertainment, commercial and residential mixed use development on a 20 acre tract described as Tracts 1L, Johnson Hunter Survey, Abstract 35.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 15-9100007 FOR THAT CERTAIN PARCEL OF LAND HEREIN DESCRIBED, FOR THE PURPOSE OF CONSTRUCTING A ENTERTAINMENT, COMMERCIAL AND MIXED-USE DEVELOPMENT CENTER ON STATE HIGHWAY 146 NORTH OF WHARTON WEEMS BOULEVARD, IN A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; CONTAINING A SEVERABILITY 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, TEXAS:

Section 1. Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #15-9100007, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for the construction of an entertainment, commercial and residential mixed-use development center on property located on State Highway 146 north of Wharton Weems Boulevard, said facility to be located on a 20 acre tract legally described as Tract 1L, Johnson Hunter Survey, Abstract 35, City of La Porte, Harris County, Texas, within a Planned Unit Development (PUD) zoning district.

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

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

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

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

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

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

PASSED AND APPROVED this the _____ day of JANUARY, 2016.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark Askins, Assistant City Attorney

City of La Porte
Special Conditional Use Permit #15-9100007

This permit is issued to: Turfway FEC, LLC
Owner or Agent

907 S. Friendswood Drive, Suite 303; Friendswood, TX 77546
Address

For Development of: La Porte Town Center Mixed Use Development
Development Name

Vacant 20 acre parcel; located on State Highway 146 north of Wharton Weems Boulevard
Address

Legal Description: Tracts 1L, Abstract 35, Johnson Hunter Survey

Zoning: PUD, Planned Unit Development

Use: Entertainment, Hotel and Conference Center, Commercial and Medium-Density Residential

Permit Conditions:

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

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. All buildings shall meet or exceed the Design Standards outlined in Article IX, Chapter 106 of the Code of Ordinances.
3. Land uses permitted in accordance with the La Porte Town Center General Plan, as may be amended from time-to-time. Any modifications to the approved General Plan require approval by the Planning and Zoning Commission in accordance with the city's Development Ordinance.
4. Land uses permitted in the commercial area (all areas excluding residential land uses) shall be in accordance with the uses permitted in Chapter 106, Zoning, of the city's Code of Ordinances Use Chart under GC (General Commercial) at the effective date of this SCUP, excluding the following uses:
 - a. Automobile repair and maintenance (811111-811198);
 - b. Construction, Mining and Forestry Machinery and Equipment Rental and Leasing (532412);
 - c. Office Machinery and Equipment Rental and Leasing (532420);
 - d. Other Commercial and Industrial Machinery and Equipment Rental and Leasing (532490);
 - e. Transit and Ground Passenger Transportation (485111-485999);
 - f. Motor Vehicle Parts and Dealers (441110-441228);
 - g. Furniture and Related Product Manufacturing (337110-337122);
 - h. Construction of Buildings (236115-236118);

- i. Contractors (238110-238390).
5. The commercial area shall be developed in accordance with the requirements for the General Commercial zone district. However, if the developer desires to subdivide the commercial area, then setbacks shall be as follows: external property line adjacent to Highway 146 – 25 feet; external property line adjacent to north and south public right-of-way – 10 feet; internal property lines – 0 feet.
6. The residential land uses identified in the General Plan as “Townhouse” shall be constructed in accordance with the requirements outlined in Section 106-333 of the Code of Ordinances and applicable building code requirements and shall be limited to townhouse development only – not multifamily apartments or condominiums. Front setbacks for the townhouse development shall be permitted at a minimum of 5 feet from the front property line if the units contain rear-loaded parking and/or garages.
7. Additionally, the “Live-Work” units are permitted and shall comply with applicable setbacks that would be required for buildings in the Main Street Overlay District. If an attached garage is provided, then the rear setback for the building shall be 5 feet.
8. The perimeter boundaries of the property along the north and south property lines shall include the installation of an 8-foot high solid masonry fence intended to mitigate the impact of development on future residential development, as identified in the city’s Future Land Use Plan. Additionally, shade trees shall be planted at 20’ on center along the fence line. If land uses on the adjacent properties are modified in the future allowing for similar uses, then such fence and landscaping shall not be required. Such fence shall be constructed prior to the completion of the final phase of development.
9. The applicant shall install the segment of the city’s Hike and Bike Trail through the development area as identified in the city’s Comprehensive Plan. The construction of the trail shall be in accordance with all applicable requirements and specifications required by the City Engineer. Additionally, following construction of the Hike and Bike Trail, the developer shall dedicate to the City of La Porte a permanent public trail easement 20’ on center for the Hike and Bike Trail.
10. The developer shall provide internal connection between the city’s Hike and Bike Trail to the development.
11. The developer shall work with staff at the time of site plan review to minimize the amount of parking stalls along the Highway 146 frontage. This should be accommodated by relocating buildings in a manner that places parking on the side of the building or internal to the development. If this is not possible, the developer may install planter islands at 1 per 10 spaces for both rows of parking along a drive aisle parallel to Highway 146. Additionally, hedges shall be planted at 3-foot on center in two rows of plantings. Such hedge row shall be installed with a variety of plant material to provide visual diversity of plant materials.
12. For the commercial portion of the development, parking shall be calculated based on the aggregate amount of parking required and proposed; joint parking is allowed. Additionally the applicant may include on-street parking, only where permitted by the city, toward the amount of parking provided for the development.
13. Parking is not permitted within any alley right-of-way.
14. The developer will be required to replat the subject property in accordance with the requirements of the city’s code requirements.
15. All public streets internal to the development site shall be constructed in accordance with the city’s Public Improvement Criteria Manual and shall be dedicated to the city. Regardless of phasing of the development, any dedication of public improvements identified as part of the plat must be accepted by the city prior to the recordation of the Final Plat. Should the developer desire to construct such public streets at a later time, then a development agreement shall be required between the city and developer that provides a financial guarantee, as approved by the city, that will ensure that said public roads will be installed and a date for which those improvements must be made.
16. Parking on any public street shall only be permitted on one side of the street and shall be signed by the developer in accordance with applicable sign requirements.
17. Access to any public right-of-way is subject to the requirements of Section 106-835, Figure 10-3 and will be reviewed at the time of Site Development Plan. TXDOT right-of-way access permits shall be

- presented prior to permit issuance for all driveways requested on Highway 146. Maximum driveway widths shall be provided in compliance with city code requirements.
18. The developer will be required to submit for approval by the City Engineer, a drainage report indicating how the proposed development will accommodate the requirements for storm water detention in accordance with the city's Public Improvement Criteria Manual, or if discharging in a TXDOT or Harris County system, approval by such authority.
 19. Because Highway 146 has been identified as a significant corridor in the community, the developer shall work with the Planning and Zoning Commission at the time of site plan review on a landscape theme along the Highway 146 frontage. Such theme shall be above and beyond the requirements outlined in Section 106-800 of the city's Code of Ordinances.
 20. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
 21. A traffic impact analysis, performed by a licensed engineer agreed to by both the City and the applicant, shall be required. If any mitigation is required by the study, the applicant will be responsible for their proportion of the impact. All contributions would be subject to reimbursement through the TIRZ, pursuant to approval by the TIRZ Board.
 22. If extension of any public water or sanitary sewer line is required as part of this development, the applicant will be required to execute a utility extension agreement with the city and install such improvements at the cost of the developer.
 23. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.
 24. The hours of operation for the family entertainment center shall be 10:00 a.m. to 12:00 a.m. Sunday through Thursday and 10:00 a.m. to 2:00 a.m. on Friday and Saturday. There may be up to two days in a calendar month where the family entertainment center may remain open from 10:00 a.m. to 2:00 a.m. to accommodate special performances. The operator of the family entertainment center will be responsible for informing the city in writing at least two (2) weeks before such event.
 25. The residential townhouses are required to be platted as part of the first phase of the development. A minimum of seven (7) townhouse units are required to be available for development as part of the initial phase of development.
 26. A photometric plan will be required at the time of site plan submittal that will identify site lighting and the lumens proposed across the site. Lighting will need to be in compliance with the requirements of Section 106-310, Footnote A, of the city's Code of Ordinances.

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

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

Validation Date: _____

Director of Planning and Development

City Secretary



December 18, 2015

Honorable Mayor Rigby and City Council
City of La Porte

RE: Special Conditional Use Permit Request #15-91000007

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a meeting on December 17, 2015 to hear a Special Conditional Use Permit request by Turway FEC LLC (on behalf of the Bayforest Ranch LTD, owner) for a Special Conditional Use Permit to allow for development of the La Porte Town Center mixed use development. The subject site is a 20 acre parcel of land located on Highway 146 just north of Wharton Weems Boulevard and is also known as Tract 1L, Johnson Hunter Survey, Abstract No. 35. The subject site is zoned Planned Unit Development (PUD) and Section 106-659 of the Code of Ordinances requires a Special Conditional Use Permit for development within a PUD district. Following the meeting the Planning and Zoning Commission voted to recommend acceptance of the proposed SCUP.

The Commission voted to recommend approval of the proposed SCUP upon a vote of 4 in favor and 3 in opposition while 2 abstained.

Respectfully submitted,

Hal Lawler
Chairman, Planning and Zoning Commission

cc: Tim Tietjens, Director of Planning and Development
Department File

Planning & Development Department
**SPECIAL CONDITIONAL USE
PERMIT APPLICATION**

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER NAME: BAYforest RANCH, LTD. PHONE 1: _____
PHONE 2: 713-871-0063 FAX #: 713-871-1916
E-MAIL: bkahn@hettig-kahn.com
MAILING ADDRESS: 5325 KATY FREEWAY, SUITE ONE, HOUSTON, TX
77007

2. BUSINESS INFORMATION:

BUSINESS NAME: TURFWAY FEC, LLC BUSINESS TYPE: FAMILY ENTERTAINMENT DEVELOPMENT
CONTACT NAME: DAVID E. MILES PHONE #: 936-675-0054
E-MAIL: demiles@suddenlink.net FAX #: 281-648-2907
MAILING ADDRESS: 9075 FRIENDS WOOD DR. SUITE 303, FRIENDS WOOD,
TEXAS 77546

3. PROPERTY DESCRIPTION:

PARCEL NO(s) (13-digit HCAD Tax ID #): 0402780010034
PROPERTY ADDRESS (if existing): 0 STATE HIGHWAY 146 LA PORTE, TX 77571
PROPERTY LEGAL DESCRIPTION: TR 1W ABST 35 Hunter

4. SUPPORTING DOCUMENTATION (Check Applicable):

GENERAL PLAN SITE PLAN PLAT

REASON FOR REQUEST?: TO ALLOW FOR MIXED USE DEVELOPMENT INCLUDING SPORTS & ENTERTAINMENT
OWNER or AUTHORIZED AGENT'S SIGNATURE: [Signature]
PRINTED NAME: DAVID E. MILES DATE: OCT. 16, 2015

5. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION:

- COMPLETE ITEMS 1 THRU 4 OF APPLICATION
- ATTACH APPLICABLE PLAN(S)
- SUBMIT \$300.00 NON-REFUNDABLE APPLICATION FEE

(STAFF USE ONLY):

DATE RECEIVED: _____ RECEIVED BY: _____
PROJECT NUMBER: _____
SCHEDULED DATE FOR PLANNING & ZONING COMMISSION AGENDA: _____

Development Memorandum

Mayor and City Council of La Porte

May it be known that Turfway FEC, LLC respectfully will submit through the planning department of City of La Porte, a request for approval of the La Porte Town Center on 20 acres off Hwy. 146. The 20 acre parcel is buffered to North by a 20 acre parcel and an approximate 50 acre tract to the South.

To address any and all concerns we have respectfully agreed to certain conditions for the Special Conditional Use Permit of which has been approved by the Planning and Zoning Commission.

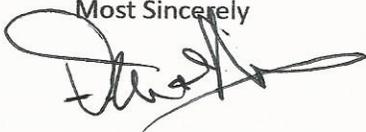
As to reduce the redundancy in repeating those initial conditions and expanded conditions, the purpose of this memorandum is to clarify the use of alcohol, in specifically a Family Entertainment Center.

According to a study conducted by White-Hutchinson their findings concluded that between 70% of adults in America drink alcohol, and rather regularly. In our most recent points of interest that was submitted to Planning and Zoning Commission that are closest competition is a cross between Main Event, Dave and Busters, and Stampede. Adding to the list, the largest operators of children's entertainment centers (FEC's) is Chuck E. Cheese with 550 units across the United States. "This company learned a long time ago the importance of selling beer and wine. Family Entertainment Centers, the ones that target families together, such as Bullwinkles, Peter Piper Pizza, and John's Incredible Pizza, offer alcohol.

The point is when it comes to socializing together, whether at a ballgame, out to dinner, at someone's house watching football or at a large gathering, such as a corporate group or a wedding, there is almost always alcohol available. According to White-Hutchinson, generating group business is essential to the success of any community-based family entertainment center.

Accordingly it is of the belief of the Gilley's Family Entertainment Team that proper signage promoting responsible drinking and proper oversight by parents and staff, and security will lend favorably to a family experience in La Porte Town Center. Please know we are cognizant of the improvement of the "quality of life" as envisioned by the citizenry of La Porte and presented in the updated version of the 2012 Chapter of the Comprehensive Plan 6.1.

Most Sincerely



BAYFOREST RANCH, LTD.

November 3, 2015

City of La Porte
Planning & Development Department
604 W. Fairmont Parkway
La Porte, Texas 77571

To Whom It May Concern:

We would like to notify you that Bayforest Ranch, Ltd has entered into an earnest money contract with Garden District Shopping Village PH II, Ltd and gives the Buyer's principal, David Miles, the necessary approval to apply for Special Conditional Use Permit and General Plan.

Very truly yours,



W. Barry Kahn
Managing Agent

WBK/ad



La Porte Town Center

La Porte Town Center

La Porte Town Center is a Sports and Entertainment District proposed with a mix of uses including Family Multi-Event Venues, Hospitality, Conference, Theatre, Museums, Restaurants, Retail, Live-work units and Townhomes. This upscale, family friendly and social environment will be located off Hwy 146, (the future frontage as part of the Grand Parkway) on a 20 acre tract with high visibility and easy access for enhanced traffic circulation. The proposed pedestrian friendly town center is also located adjacent to the Bay Forest Golf Club and of a strategic location to downtown La Porte, Sylvan Beach, and Houston Yacht Club. To promote the “quality of life” for the citizens of La Porte, this unique offering will celebrate the heritage and culture of the area with Music, Golf, and Water amenities.

As the anchor for the Town Center, a 50,000 square foot Entertainment Center will promote Branson-Type stage performances, a dance floor at night that duals as a roller rink during the day, boutique bowling, arcades, laser tag, pool tables, bumper cars, a Western clothing store and gift shops with coffee bar.

A full service hotel with 114 rooms and a proposed 20,000 square foot conference, theatre, and museum will compliment and anchor the Center. Numerous restaurants will provide culinary experiences as a part of the 90,000 square foot retail cluster. A heritage park infills the Town Center with restaurant terraces that overlook this new social center for La Porte citizens and visitors alike.

A professional 18-hole miniature golf, bumper boats and water feature entertainment venue rounds out the components with theme restaurants and retail that supports these interactions between people and place. Pedestrian friendly sidewalks and a hike and bike trail will facilitate the experience and involve the community with pocket parks and scenic green views.

Seven live-work units are offered as a part of the lifestyle and fourteen townhomes are planned along the Bay Forest Golf Course for those seeking livability investments.

La Porte Town Center has it all; sports, entertainment, hospitality, shopping and dining to enhance the quality of life for La Porte citizenry, visitors and the business community. With the introduction of green technology and infrastructure, a center of corporate business and leisure could further permeate the social and economic benefits of tomorrows vision of the area. Supporting a special conditional use permit will further expedite the entitlement process.

LET'S DO THIS!

A Preliminary Report of the Projected Economic Impact of La Porte Town Center

This report presents a preliminary economic analysis for the La Porte Town Center; a mixed-use sports and entertainment development in La Porte, Texas.

DESCRIPTION OF THE 20 ACRE FACILITY

The development includes the following concepts.

- 50,000 square foot entertainment complex
- 20,000 square foot conference, theatre, and museum
- 8 restaurants
- 50,000 square foot retail space
- 5,000 square foot office space
- 14 brownstone townhomes
- 7 live/work spaces
- 114 room hotel
- 2 acre park and water features

OPPORTUNITY

- \$49,287,000 Estimated Annual Taxable Sales
- \$57,360,212 Estimated increase Property Value
- 840 Estimated Direct/Indirect/Induced/ Jobs
- 289 Estimated Construction Jobs

CHARACTERISTICS OF DEVELOPMENT

- \$2,613,000 Development Cost
- \$40,936,000 Building & Improvements
- \$9,042,000 Furniture Fixture Equipment
- \$2,300,000 Inventories
- \$54,891,000 TOTAL

The Development Team

An investment to the “quality of life” requires a concerted team of Public and Private Participation. The lead developer, David Miles, principal of Turfway FEC, LLC has teamed up with Crystal Creek Developers, Everest Design Group, a Friendswood based design-build company and with Worley Commercial, a tenant acquisition and management company in the Houston Area, to bring the concept to reality. Heritage Land Partners, a national consulting company, has also teamed up with the Developer to navigate the complex financial structures intrinsic with this type of Sports and Entertainment Venue. As part of the team assemblage, Southwest Museum Services of Houston has been engaged for the heritage and cultural vision. Manfred Jachmich leads the restaurant and culinary experience for founding of restaurants, such as Post Oak Grill, Ruggles, Chianti, and Café Mustache French Cuisine. IT Dimensions enhances the team with Sound and Vision Technological Experience coupled with Green Infrastructure Technology.

As the ultimate anchor and draw, Mickey Gilley’s Family Entertainment is committed to the citizenry of La Porte and fans alike to offer an experience unlike any other in the Greater Houston Area for Family and Friends. With the family participating in their father’s dream, this opportunity comes around rarely and truly “place-makes” for a part of Texas and its Culture.

Turfway FEC, LLC

907 Friendswood Dr. Ste 303

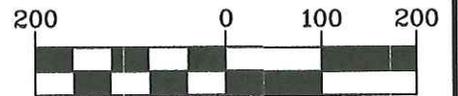
Friendswood, TX 77546

LA PORTE TOWN CENTER CONCEPT PLAN

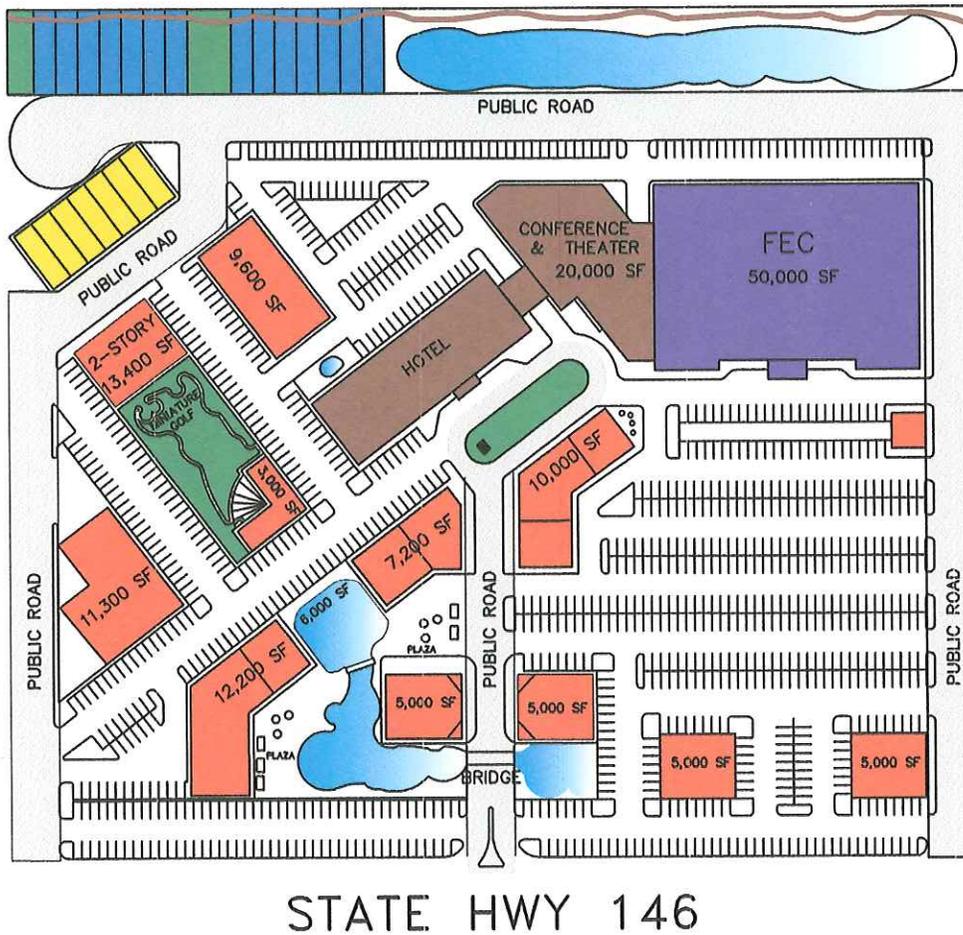
-  TOWNHOMES
-  LIVE WORK UNITS
-  FAMILY ENTERTAINMENT
-  RETAIL-MIXED USE
-  PROFESSIONAL OFFICES
-  HOTEL-CONFERENCE

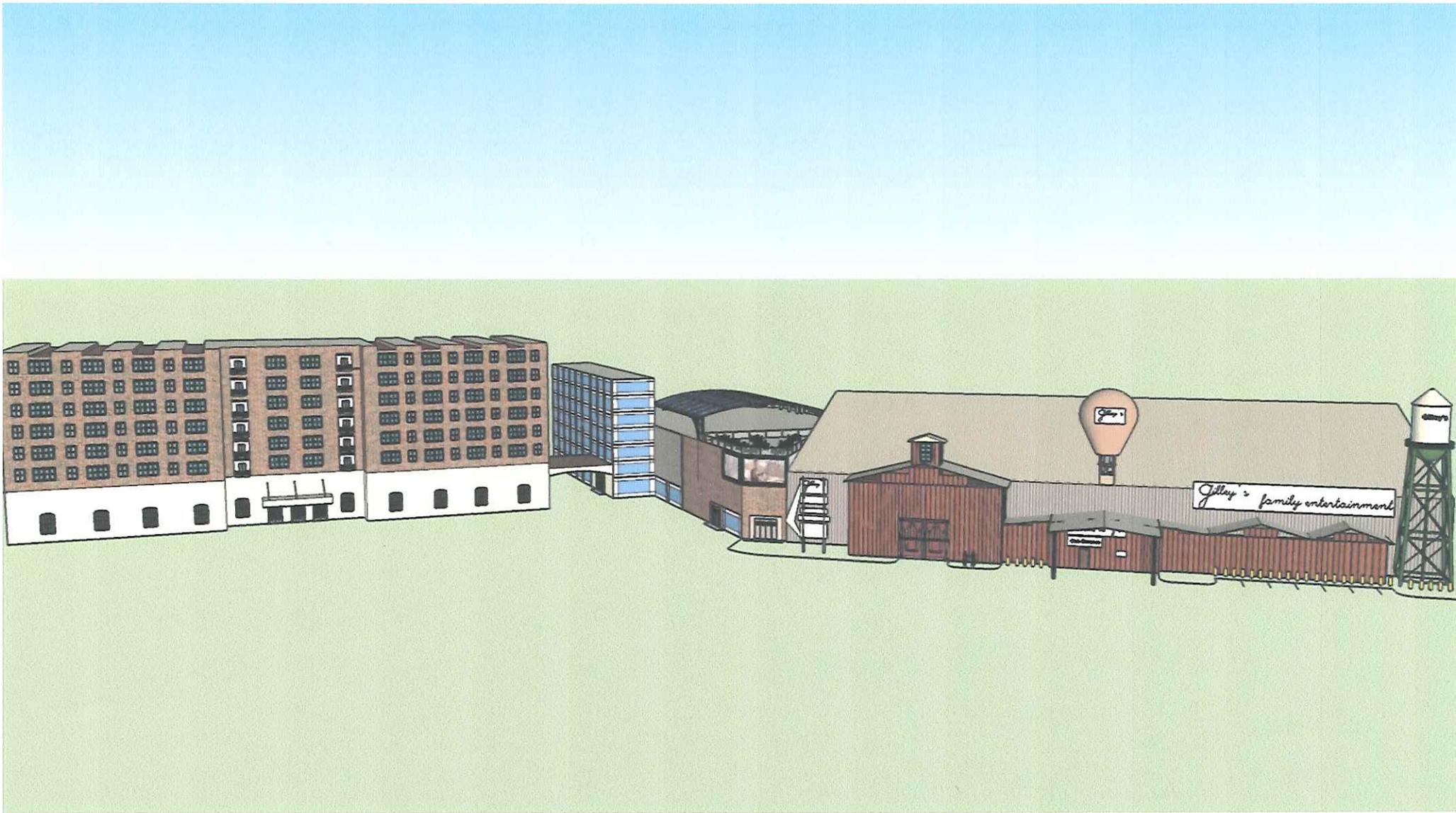


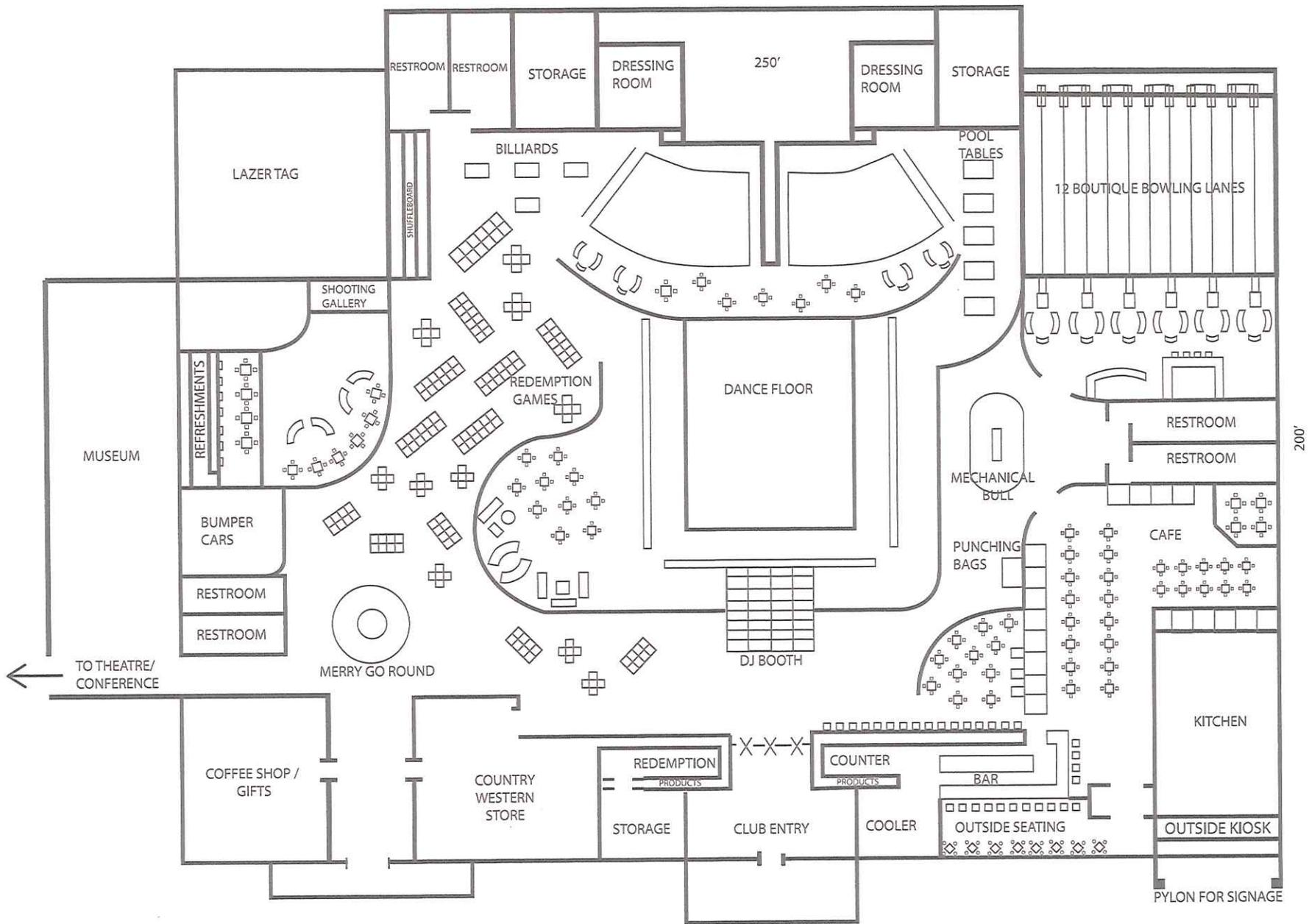
GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.





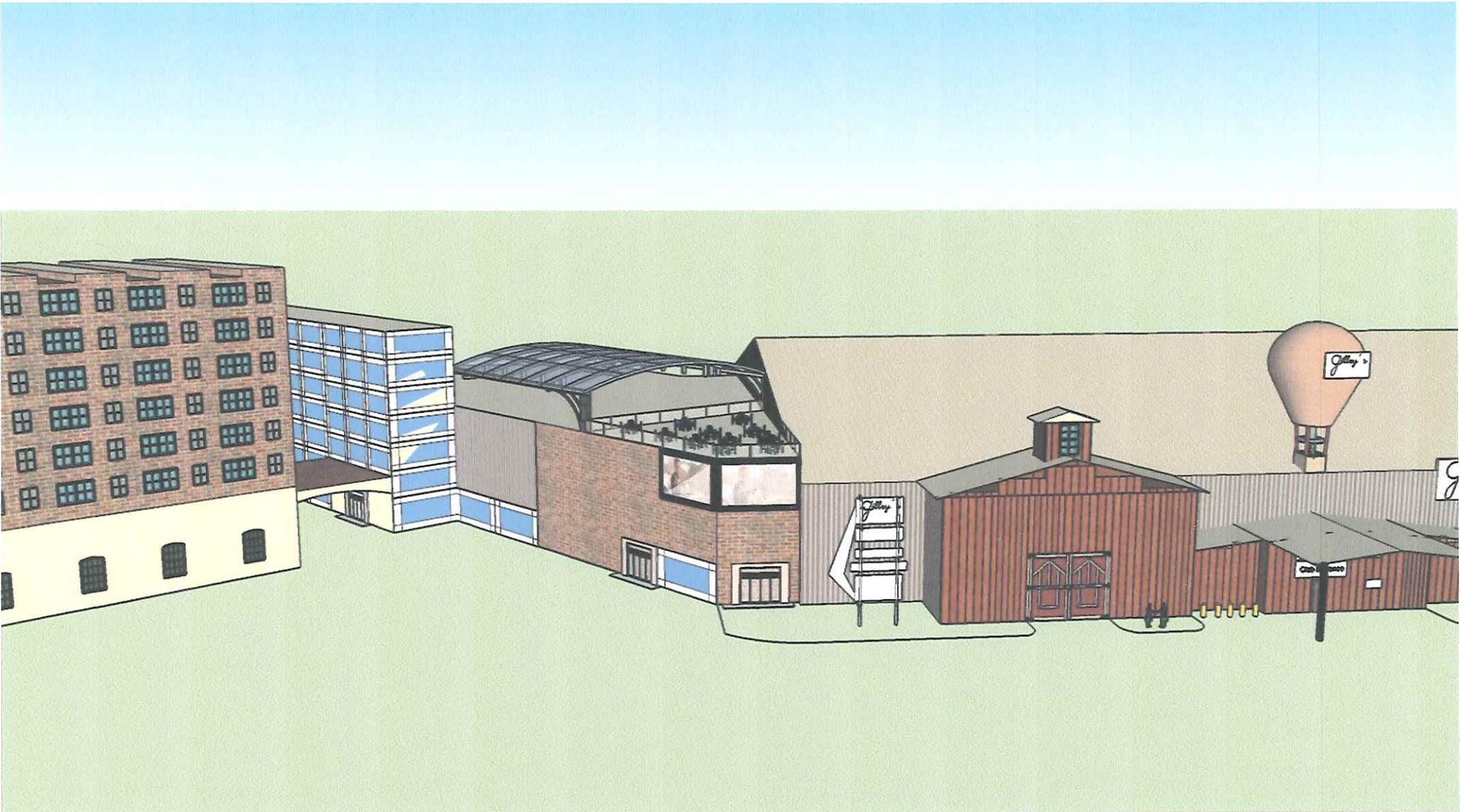


200'

250'

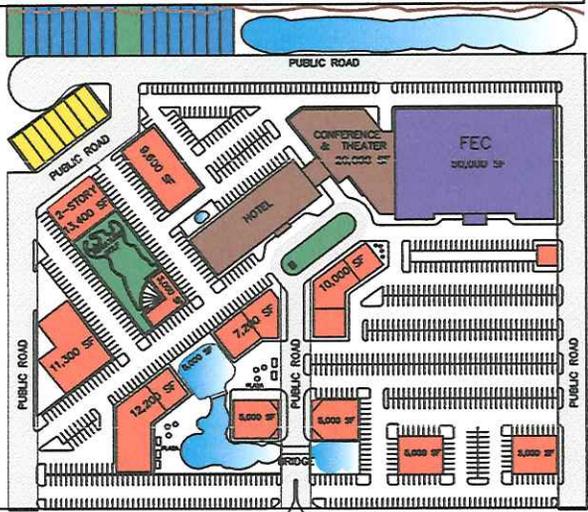
← TO THEATRE/
CONFERENCE

PYLON FOR SIGNAGE



LA PORTE TOWN CENTER CONCEPT PLAN

- TOWNHOMES
- LIVE WORK UNITS
- FAMILY ENTERTAINMENT
- RETAIL-MIXED USE
- PROFESSIONAL OFFICES
- HOTEL-CONFERENCE



STATE HWY 146

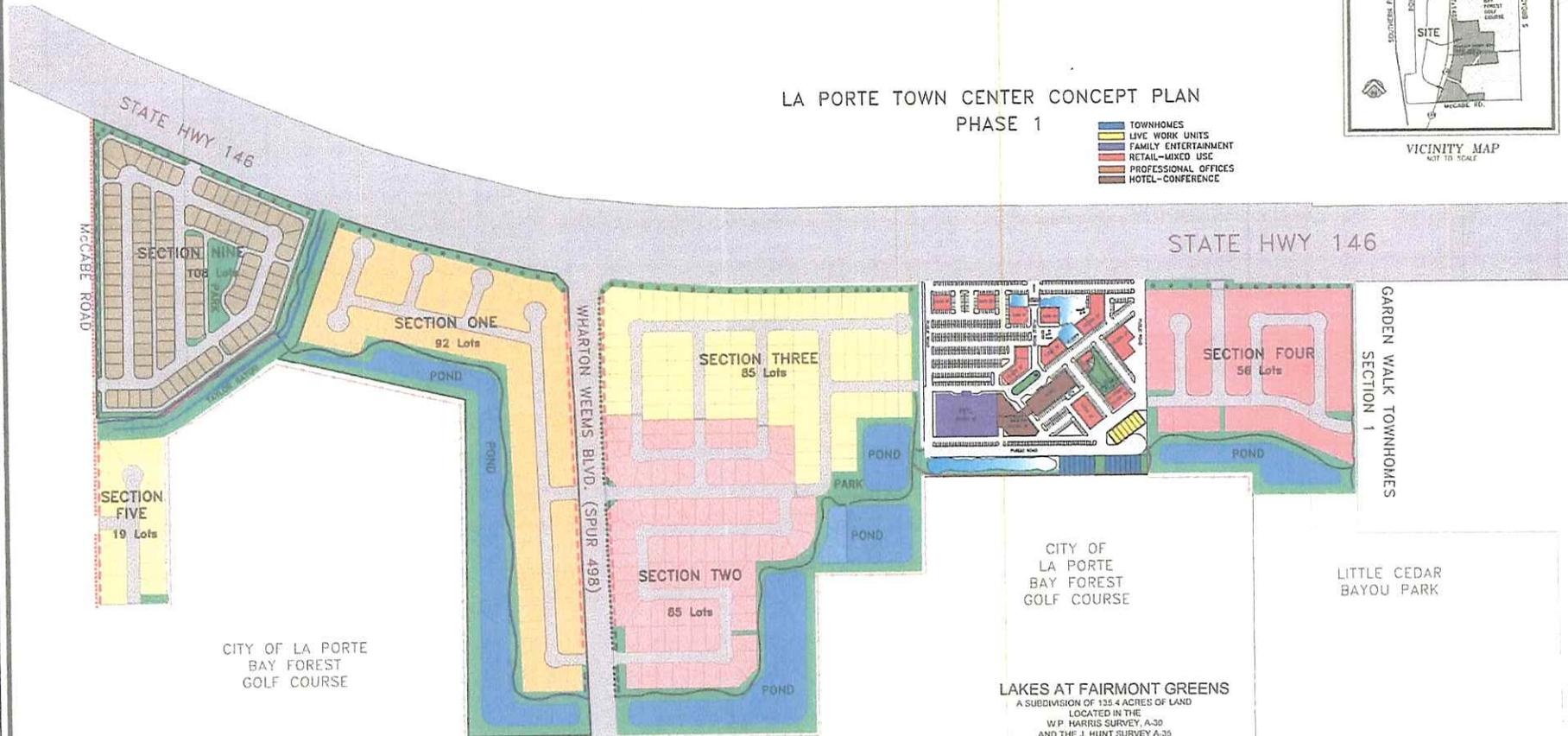
WHARTON WEEMS BLVD

LA PORTE TOWN CENTER CONCEPT PLAN PHASE 1



VICINITY MAP
NOT TO SCALE

- TOWNHOMES
- LIVE WORK UNITS
- FAMILY ENTERTAINMENT
- RETAIL-MIXED USE
- PROFESSIONAL OFFICES
- HOTEL-CONFERENCE



CITY OF LA PORTE
BAY FOREST
GOLF COURSE

CITY OF
LA PORTE
BAY FOREST
GOLF COURSE

LITTLE CEDAR
BAYOU PARK

LAKES AT FAIRMONT GREENS

A SUBDIVISION OF 135.4 ACRES OF LAND
LOCATED IN THE
WP HARRIS SURVEY, A-30
AND THE J. HUNT SURVEY A-35
CITY OF LA PORTE
HARRIS COUNTY, TEXAS

SCALE: 1"=200' DECEMBER 2007

OWNER / DEVELOPER:

65 LA PORTE, LTD.
340 N. 54th HOUSTON PARKWAY E.
SUITE 100
HOUSTON, TX 77060
Ph 281.272.8134
Ft 281.260.9758

John J. Pappas
65 LA PORTE, L.L.C., GENERAL PARTNER

0 200 400
Scale: 1" = 200'



THE GENERAL PLAN OF RESIDENTIAL DEVELOPMENT IS ALSO SUBJECT TO THE TERMS AND PROVISIONS OF A SPECIAL CONDITION OF USE PERMIT AND A DEVELOPER'S AGREEMENT. THIS GENERAL PLAN AND THE SPECIAL CONDITION OF USE PERMIT ARE EXHIBIT TO THE DEVELOPER'S AGREEMENT.

NOTE :
THIS EXHIBIT IS FOR ILLUSTRATION PURPOSES ONLY. THE ACTUAL SPLIT OF PHASE LINES, LOT SIZE AND LAYOUT FOR EACH PHASE IS SUBJECT TO ADJUSTMENT AT THE TIME EACH PHASE IS SCHEDULED FOR DEVELOPMENT.

Ensey, Eric

From: David Miles [dcmiles@heritagelp.com]
Sent: Wednesday, November 11, 2015 11:07 AM
To: Ensey, Eric; Cramer, Ryan
Cc: Clydene Miles
Subject: FW: Storm Detention Storage Volume Estimations

Eric and Ryan

Please attach to La Porte Town Center preface.

Thank you so much.

David

STORM WATER RETENTION/DETENTION

The estimated storm detention storage volume required: 435,600 cf

Storm detention storage provided:

Font Pond: 67,500 cf

Rear Pond: 342,000 cf

Storage Provided within Parking Lot/miniature golf course: 65,340 cf

Total storm detention storage volume provided = 474,840 cf >435,600 cf required.

PARKING REQUIREMENTS

The estimated parking requirements are 976

Parking spaces provided :

Retail : 200 spaces

Restaurant : 320 spaces

Family entertainment Center : 220 spaces

Hotel and Conference : 194 spaces

Townhomes and Live/Work : 42 spaces

Spaces Required: 976 spaces *

Spaces Provided: 979 spaces

Approx. "on street parking" 103 spaces

Total Space spaces provided: 1082 spaces * > 979 spaces required.

LANSDSCAPE REQUIREMENTS

The estimated landscape requirements will meet or exceed the 10% minimal requirement for each lot.

With " green " commons area objectives the entire 20 Acre tract will yield upwards to 15%.

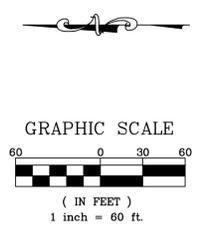
Connectivity to the hike and bike trail and sidewalks with an assortment of Indigenous Trees.

Native Plant Vegetation with appointed Higher Maintenance Gardens .

Abundant Water Features and Patios and Plazas.

Tree lined frontage along HWY 146 (TBD). suggestion Palm Trees .

Total Landscape area: Approximately 15%. Provided . > 10% required.



- LEGEND**
- TOWNHOMES
 - LIVE WORK UNITS
 - FAMILY ENTERTAINMENT
 - RETAIL-MIXED USE
 - PROFESSIONAL OFFICES
 - HOTEL-CONFERENCE
 - HIKE-BIKE TRAIL



APP.	REVISIONS	DATE
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Everest Design Group, llc
 Planning, Engineering, Construction
 Management
 TBPE FIRM NO. F-9440
 907 S. Friendswood Drive, Suite 200
 Friendswood, Texas 77546
 P: 281-993-3770 FAX: 281-648-2294

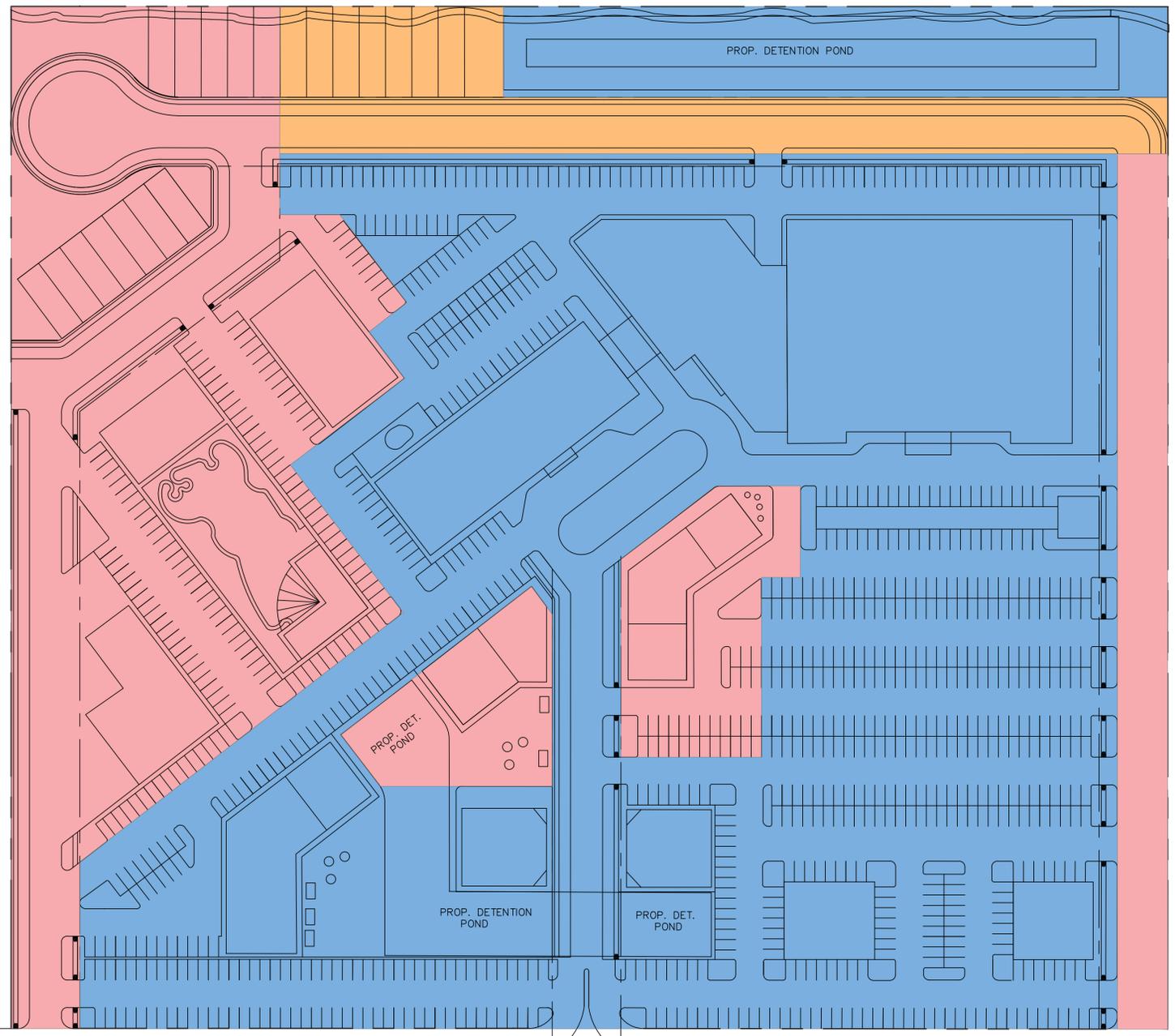
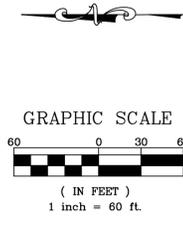
PROJECT: **LA PORTE TOWN CENTER
 TR IL ABST 35 HUNTER**

**EXHIBIT E
 LAND USE PLAN**

CITY OF LA PORTE, TEXAS

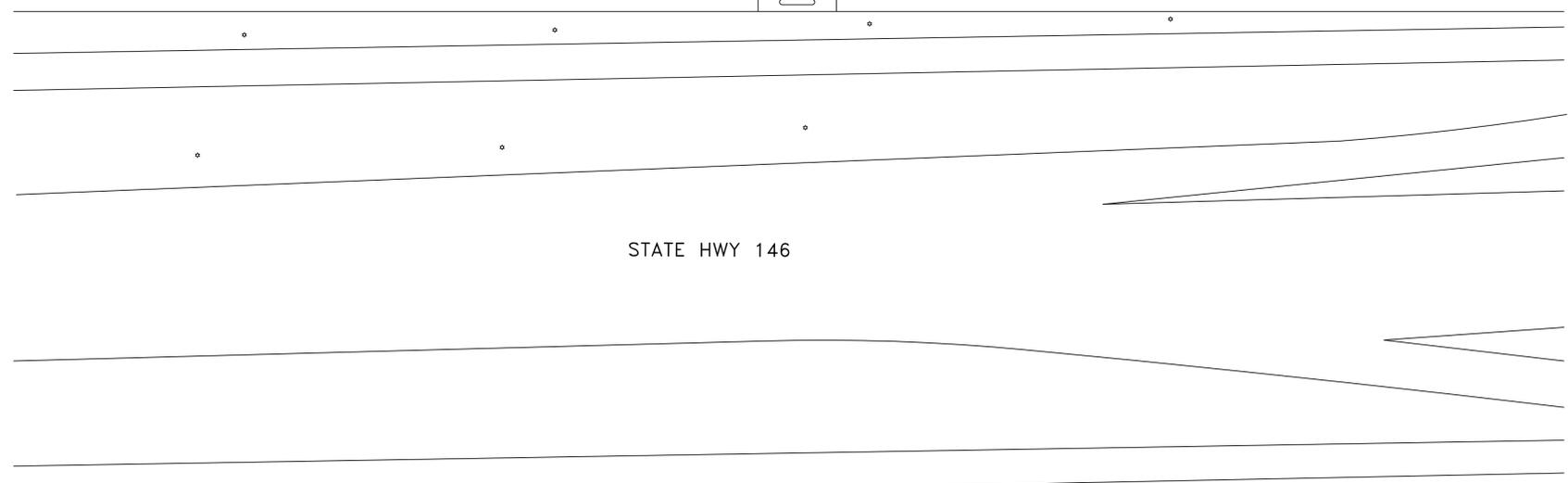
PROJECT NO:	
DRAWING SCALE	
HORZ: AS SHOWN	
VERT:	

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LEGEND

	PHASE I
	PHASE II
	PHASE III



APP.	REVISIONS	DATE
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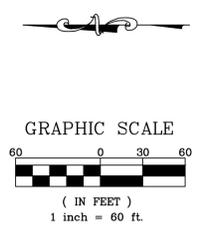
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PROJECT: **LA PORTE TOWN CENTER
 TR IL ABST 35 HUNTER**

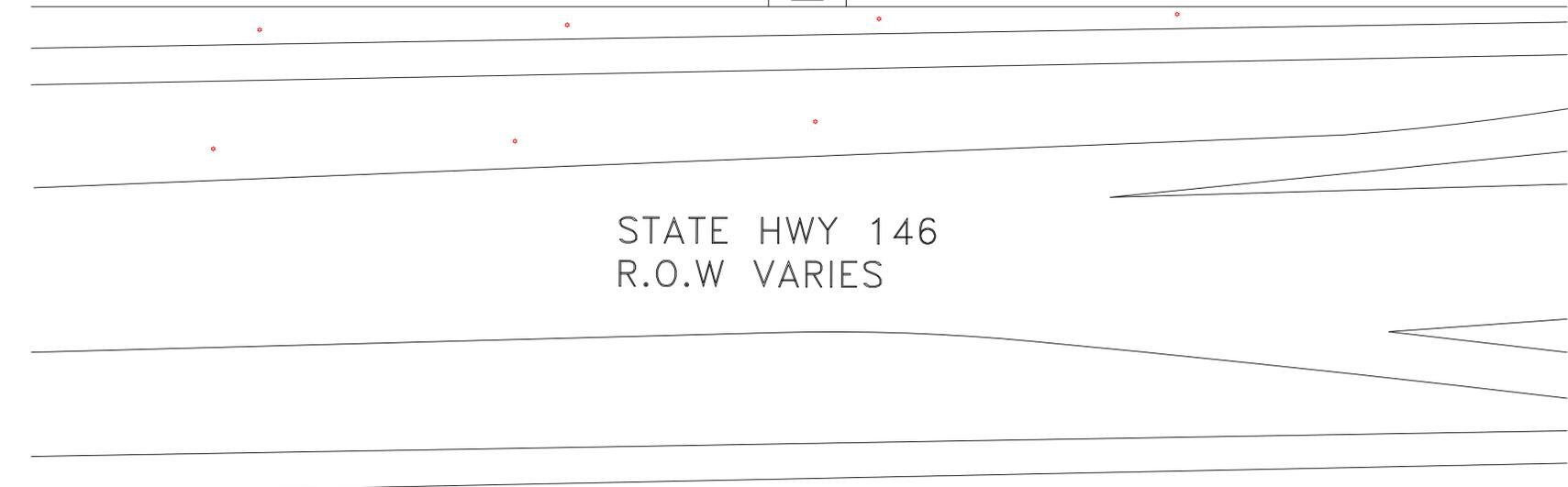
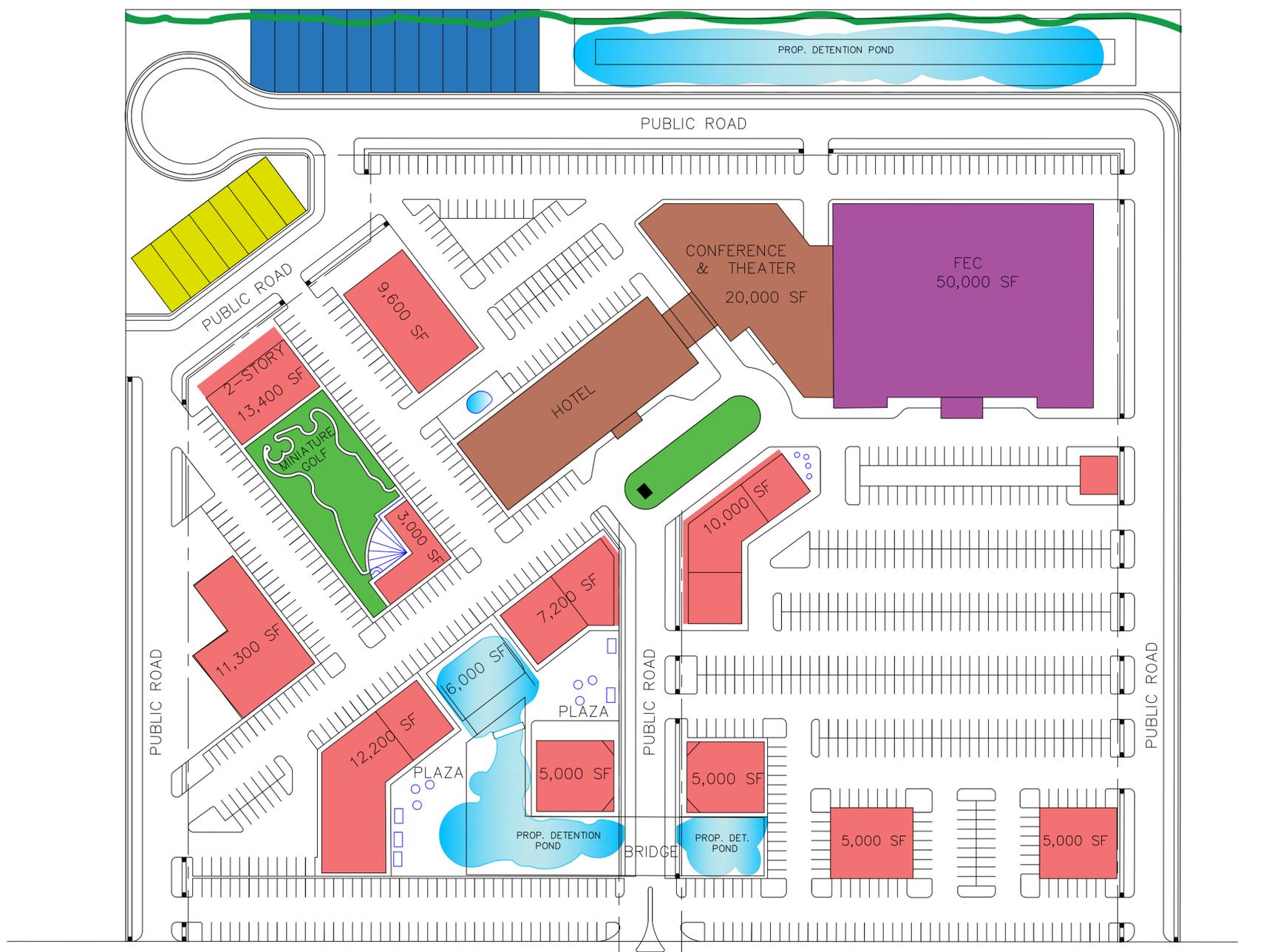
**EXHIBIT D
 PHASING PLAN**

CITY OF LA PORTE, TEXAS

PROJECT NO:	SHEET NO. 4
DRAWING SCALE	
HORZ: AS SHOWN	
VERT:	



- LEGEND**
- TOWNHOMES
 - LIVE WORK UNITS
 - FAMILY ENTERTAINMENT
 - RETAIL-MIXED USE
 - PROFESSIONAL OFFICES
 - HOTEL-CONFERENCE
 - HIKE-BIKE TRAIL



APP.	REVISIONS	DATE
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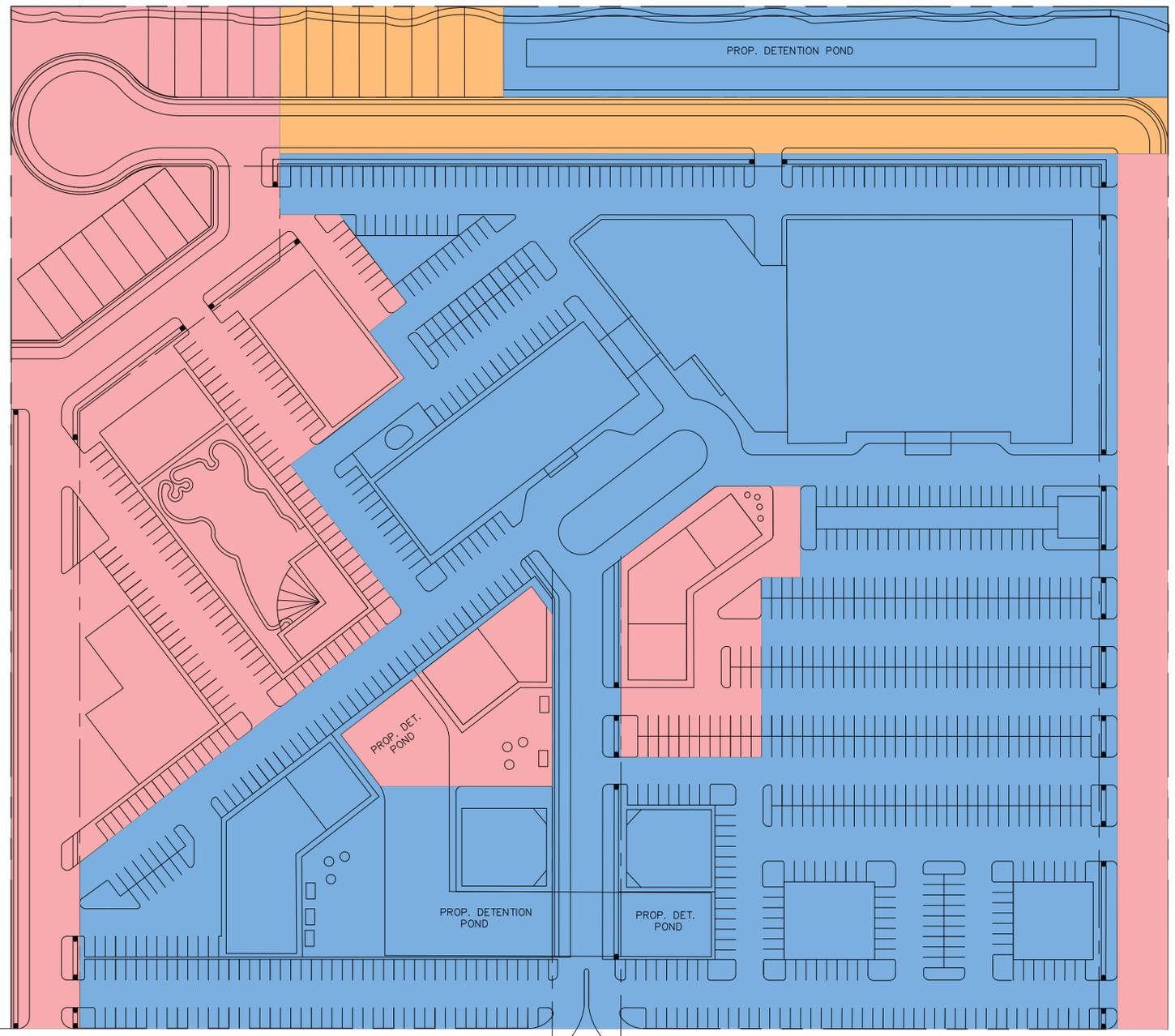
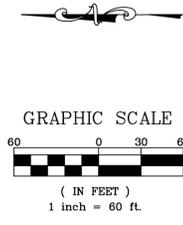
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PROJECT: **LA PORTE TOWN CENTER
 TR IL ABST 35 HUNTER**

**EXHIBIT E
 LAND USE PLAN**

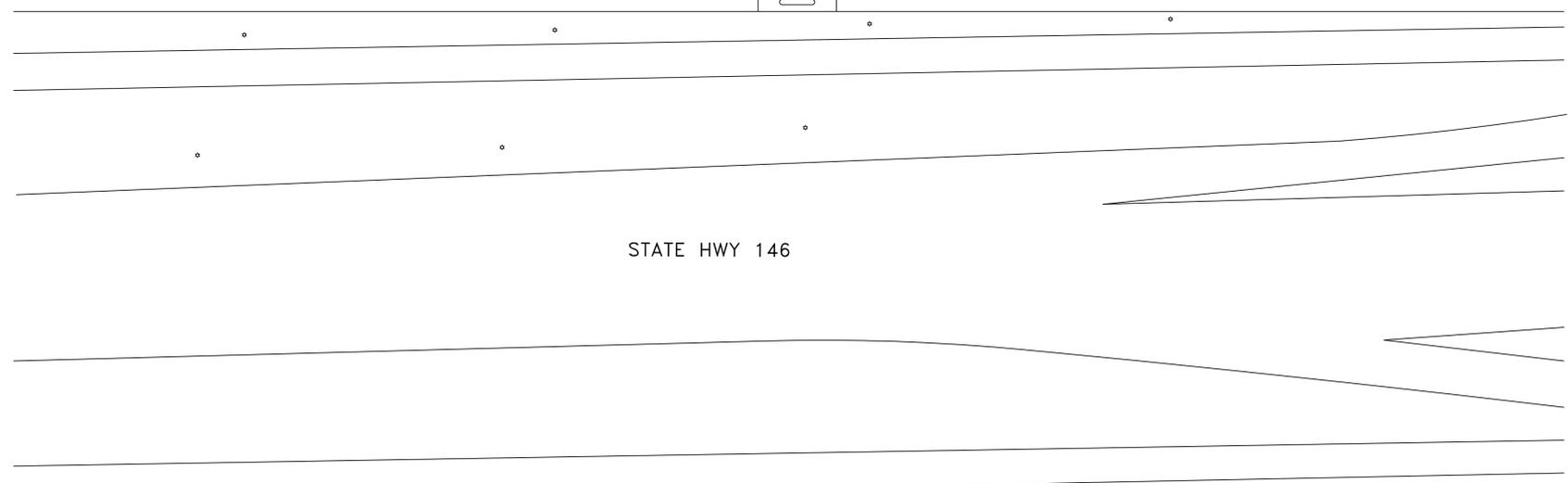
CITY OF LA PORTE, TEXAS

PROJECT NO:	
DRAWING SCALE	
HORZ: AS SHOWN	
VERT:	SHEET NO. 5



LEGEND

	PHASE I
	PHASE II
	PHASE III



APP.	REVISIONS	DATE
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Everest Design Group, llc
 Planning, Engineering, Construction Management
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 Friendswood, Texas 77546
 P: 281-993-3770 FAX: 281-648-2294

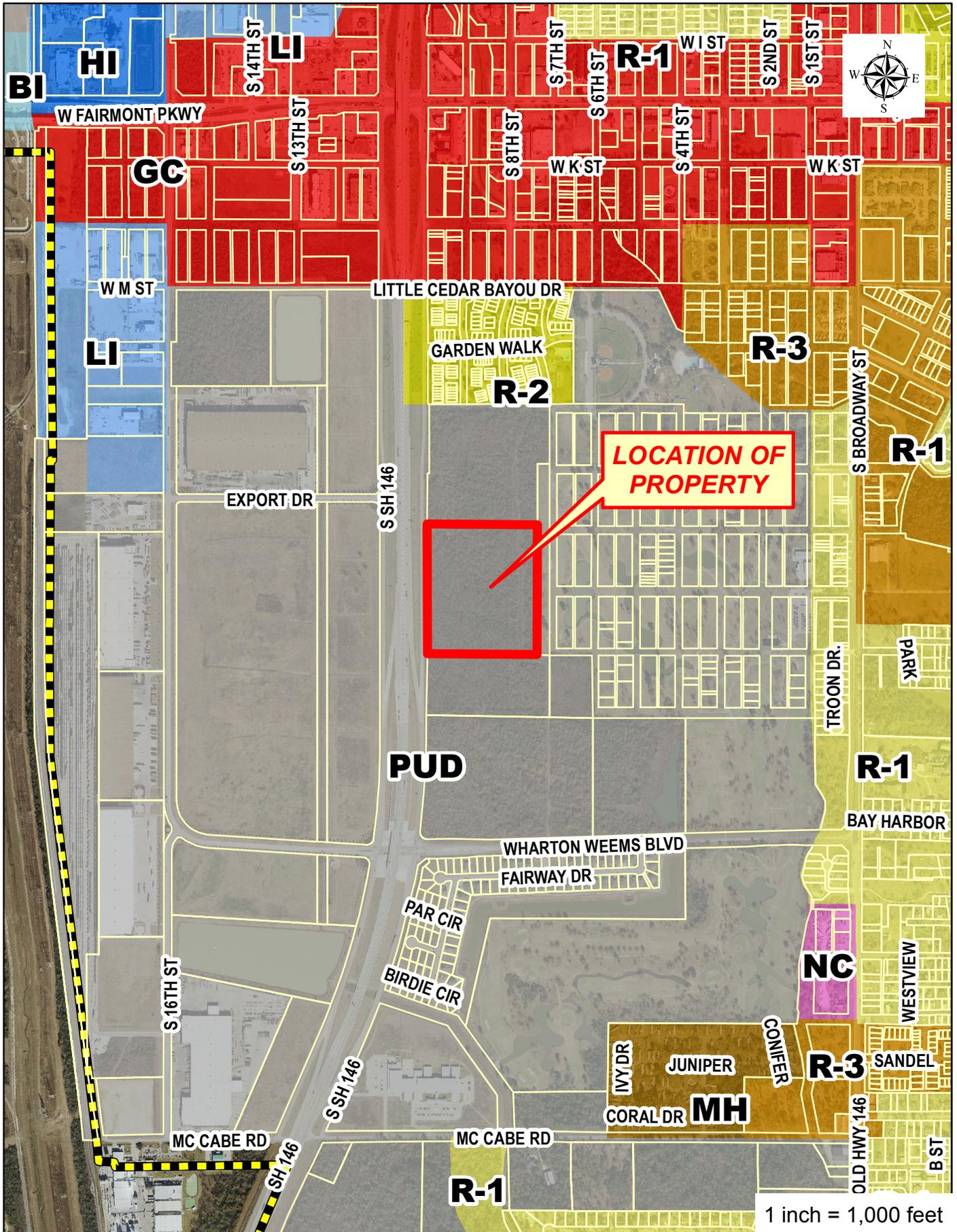
PROJECT: **LA PORTE TOWN CENTER
 TR IL ABST 35 HUNTER**

**EXHIBIT D
 PHASING PLAN**

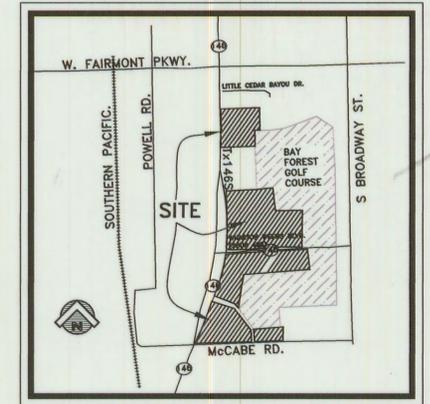
CITY OF LA PORTE, TEXAS

PROJECT NO:	SHEET NO. 4
DRAWING SCALE	
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VERT:	

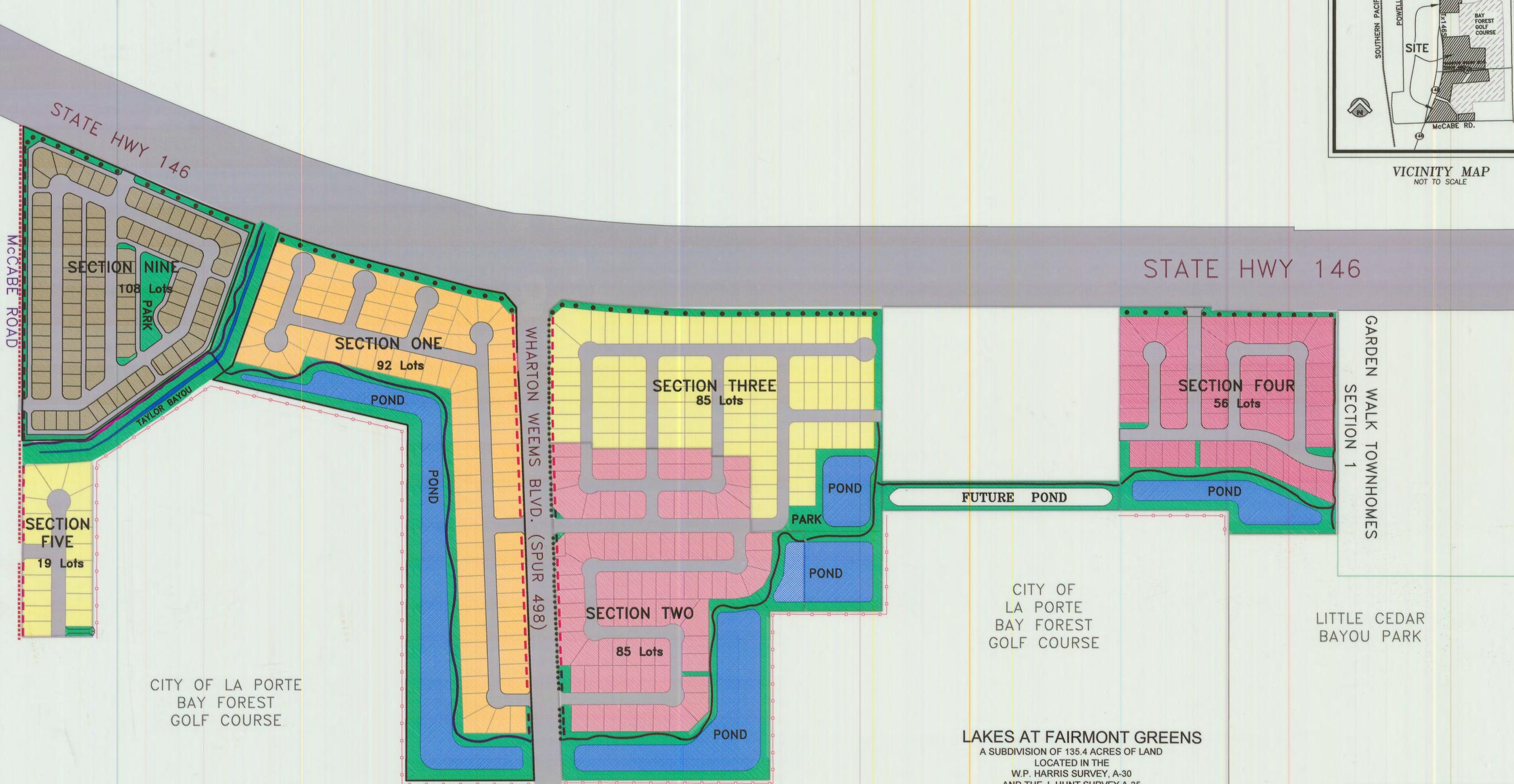
ZONING EXHIBIT



1 inch = 1,000 feet



VICINITY MAP
NOT TO SCALE



THE GENERAL PLAN OF RESIDENTIAL DEVELOPMENT IS ALSO SUBJECT TO THE TERMS AND PROVISIONS OF A SPECIAL CONDITION OF USE PERMIT AND A DEVELOPER'S AGREEMENT. THIS GENERAL PLAN AND THE SPECIAL CONDITION USE PERMIT ARE EXHIBIT TO THE DEVELOPER'S AGREEMENT.

NOTE :
THIS EXHIBIT IS FOR ILLUSTRATION PURPOSES ONLY THE ACTUAL SPLIT OF PHASE LINES, LOT SIZE AND LAYOUT FOR EACH PHASE IS SUBJECT TO ADJUSTMENT AT THE TIME EACH PHASE IS SCHEDULED FOR DEVELOPMENT.

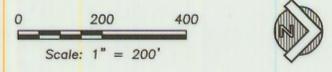
OWNER / DEVELOPER:
65 LA PORTE, LTD.
340 N. SAM HOUSTON PARKWAY E.
Suite 100
Houston, TX 77060
Ph 281.272.6134
Fx 281.260.9798

Joe Foran
65 LA PORTE, LTD., GENERAL PARTNER

LAKES AT FAIRMONT GREENS

A SUBDIVISION OF 135.4 ACRES OF LAND
LOCATED IN THE
W.P. HARRIS SURVEY, A-30
AND THE J. HUNT SURVEY A-35
CITY OF LA PORTE
HARRIS COUNTY, TEXAS

SCALE: 1"=200' DECEMBER 2007



**Ion
Design
Group**

2800 N. Henderson Avenue
Studio 100
Dallas, Texas 75206
214.370.3470 Ph
214.370.3083 Fx



**Council Agenda Item
January 11, 2016**

7. (a) Receive report of the La Porte Development Corporation Board – Councilmember Engelken

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: January 11, 2016 Appropriation
Requested By: R. J. Davidson Source of Funds: N/A
Department: Planning & Development Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: Amount Requested: _____
Attachments : Budgeted Item: YES NO

1. Timeline

SUMMARY & RECOMMENDATIONS

This agenda item was requested by Councilpersons Zemanek, Kaminski, and Kristin Martin. Enclosed please find a copy of the timeline regarding the carriage house project prepared by staff.

Action Required of Council:

Receive report.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

CARRIAGE HOUSE

- 5/28/14 Reagan McPhail provides a cost estimate of \$118,000.00 for Carriage House project to Rick Hollington Architects. This estimate was generated by a local residential home builder.
- 8/1/14 Agreement with Ray Hollington Architects for design work on the Carriage House is signed.
- 8/13/14 Rick Hollington provides a preliminary cost estimate for construction of the Carriage House project of \$162,000.00.
- 8/15/14 E-mail from Reagan McPhail to Rick Hollington (architect) asking Mr. Hollington to insert an estimated construction cost of \$135,000 into the preliminary cost estimate.
- 10/23/14 Reagan McPhail submitted to Inspection Department a 50% complete design plan for the Carriage House.
- 3/12/15 Inspection Department receives the architectural drawings and specifications for the Carriage House from Ray Hollington.
- 3/18/15 Site plan for the Carriage House is received by the Inspection Department from Ray Hollington.
- 3/19/15 Inspection Department circulates the architectural drawings and specifications to Parks and Recreation and Public Works Department(s) for any additional comments they may have regarding the project.
- 3/25/15 Inspection Department receives approval from Tim Tietjens to proceed with sending the documents to Purchasing Department to place the project out for bid.
- 3/26/15 Bid for Carriage House is submitted to Inspection Department for approval.
- 4/14/15 HVAC for Carriage House is redesigned and submitted to Inspection Department.
- 4/22/15 Carriage House project is ready to be put out for bid.
- 4/28/15 Address for the Carriage House is officially assigned as 612 Park Dr.
- 5/14/15 First advertisement of Bid 15011, Carriage House, and bid released.
- 5/21/15 Second advertisement of Bid 15011, Carriage House.
- 6/2/15 Bid 15011 bid opening, Purchasing Department received 4 bids.
 1. IKLO Construction \$175,000.00
 2. Aztec \$189,000.000
 3. General Contractor Services \$223,311.00
 4. Level Infrastructure \$349,100.00
- 7/13/15 Carriage House project goes through value engineering to find ways to reduce the cost of construction for the project.
- 7/27/15 Updated plans and specifications for Carriage House sent to Purchasing Department to place in bid package.

- 8/6/15 Carriage House project goes out for a second bid after updated value engineering, Bid 15015 is advertised and bid released.
- 8/13/15 Second advertisement for Bid 15015
- 8/26/15 Bid 15015 bid opening, Purchasing Department received 4 bids.
 1. IKLO Construction \$155,000.00 with Alternate 1 \$6,000.00
 2. Aztec \$176,000.00 with Alternate 1 \$4,800.00
 3. General Contractor Services \$227,140.59 with Alternate 1 \$4,312.50
 4. Level Infrastructure \$319,600.00 with Alternate 1 \$4,950.00
- City Manager met with representatives of the Historical Society to discuss cost/status of the Carriage House project. Historical Society members raised concerns about the cost and whether or not it is prudent to spend this amount of money to house the Model T. Members discussed and were going to look into the value of the car and possibility of selling it. The members also discussed the possibility of a different utilization of the available funding. The group identified the need for a small meeting venue/exhibit space. The group was going to go back and discuss possible options for available funding.



Council Agenda Item January 11, 2016

8. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, January 21, 2016
- City Council Meeting, Monday, January 25, 2016
- Zoning Board of Adjustment Meeting, Thursday, January 28, 2016

9. COUNCIL COMMENTS regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies – Councilmembers Leonard, Engelken, Earp, Clausen, J. Martin, K. Martin, Kaminski, Zemanek and Mayor Rigby

10. ADJOURN
