

LOUIS R. RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
DOTTIE KAMINSKI
Councilmember At Large B
DANNY EARP
Mayor Pro-Tem
Councilmember District 1



CHUCK ENGELKEN
Councilmember District 2
DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
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 February 13, 2017, 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 Dee Spears, Fairmont Park Church.
- 3. PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember Chuck Engelken.
- 4. PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a)** Recognition - Employees of the Fourth Quarter and Year for 2016 - Sgt. Bennie Boles and Officer Justin Weaver - City of La Porte Police Department - Mayor Rigby
 - (b)** Recognition - Manager of the Year - Megan Mainer - City of La Porte Parks and Recreation Department (Recreation Superintendent) - Mayor Rigby
- 5. PUBLIC COMMENTS** (Limited to five minutes per person.)
- 6. 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 minutes of the meeting held on January 23, 2017 - P. Fogarty
 - (b)** Consider approval or other action regarding a Memorandum of Agreement with Shady River Homeowners Association for a community cooperation project providing for playground replacement equipment for a total City contribution of \$5,000.00 - T. Leach
 - (c)** Consider approval or other action regarding a Resolution authorizing the City of La Porte to partner with Texas Department of Transportation to commence improvements at the La Porte Municipal Airport - T. Leach
 - (d)** Consider approval or other action regarding a Resolution authorizing the resale of tax delinquent properties located at Lots 1-3, Block 17 Sylvan Beach - S. Wolny
 - (e)** Consider approval or other action regarding the 2016 City of La Porte Police Department Racial Profiling Report - K. Adcox
- 7. REPORTS**
 - (a)** Receive report for ONE Solution - M. Dolby

8. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, February 16, 2017
- City Council Meeting, Monday, February 27, 2017

9. COUNCIL COMMENTS regarding matters appearing on the agenda; recognition of communitymembers, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies – Councilmembers Engelken, Earp, Clausen, J. Martin, K. Martin, Kaminski, Zemanek, Leonard 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 February 13, 2017 , agenda of items to be considered by the City Council was posted on the City Hall bulletin board on February 7, 2017.

Patrice Fogarty



**Council Agenda Item
February 13, 2017**

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 - (b) Recognition - Manager of the Year - Megan Mainer - City of La Porte Parks and Recreation Department (Recreation Superintendent) - Mayor Rigby
5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Employees of the Fourth Quarter and Year for 2016

Sgt. Bennie Boles and Officer Justin Weaver

Sgt. Bennie Boles and Officer Justin Weaver have been members of the La Porte Police Department for eight and nine years respectively. Together, they have been selected as both the employees of the 4th quarter and the Employees of the Year for 2016 based on their heroic actions on November 26th.

On that evening, La Porte Police Officers were dispatched to the southbound lanes of the Fred Hartman Bridge. The call for service was a welfare concern for a white male who had climbed over the rail.

Sgt. Boles and Officer Weaver were the first officers on scene. Upon arrival, they made contact with the man who was in fact on the outside edge of the maintenance platform holding on to a suspension bolt and shock. He was visibly upset and was about to jump from the bridge. There was nothing between him and his certain death should he slip or jump. Sgt. Boles and Officer Weaver were able to establish communication with the man and talked him away from the edge of the platform. The platform only has two sides with one side open to the water below. They continued to build a rapport with him and then successfully talked him across the rail onto the roadway of the bridge. The man stated he was down on his luck and had lost his residence leaving him to live out of his vehicle. Sgt. Boles and Officer Weaver continued to talk to the man until he voluntarily went with Harris County Precinct 8 Officers to a medical facility in Houston where he could be evaluated for his mental condition and stability.

Through the actions of Sgt. Boles and Officer Weaver, this 26 year old man's life was saved that night. Their calm demeanor and ability to connect with this distraught man brought him back from the brink of death. Their actions reflect great credit upon themselves, the La Porte Police Department, and the City of La Porte.

Please help me thank them and congratulate them on their service and well-earned recognition as the Employees of the Year for 2016.

Manager of the Year – 2016

Megan Mainer – Recreation Superintendent

Megan joined the City of La Porte team in January of 2014 as the Recreation Superintendent in our Parks and Rec Department. She received 6 separate nominations for this recognition. Nominations came from her direct supervisor, peers and direct reports in her department, and a teammate from outside of her department. This wide ranging support and recognition is reflective of the fantastic job Megan has performed for the City of La Porte in 2016.

Megan's job is to implement, manage, supervise, and direct the daily activities of the Recreation Division. She works hand in hand with staff to provide the best possible recreation programs and facilities for the community. Her work includes youth programs, adult programs, the fitness center, community centers, and pools. Throughout the year, she has shown exceptional skill with the management of her division and she goes above and beyond her responsibilities in everything she does.

Specific examples cited in the nomination forms include the following:

- “One clear example of Megan’s performance involves pools. Anyone that has a history of managing pools knows how difficult they can be. Imagine opening 4 locations with approximately 60 seasonal staff that make sure over 35,000 visitors are safe on a daily basis. Megan not only accomplished this for two summers, but she did so with grace and dedication even though it was taxing and draining.”
- “Megan has always been willing to help out in any way she can to make La Porte a better place to work, live, and play. I have only been here a year and Megan is always open to suggestions you may have and she is willing to help you with anything she can. She is a great problem solver and a great listener.”
- “Megan has redesigned the fitness center to a much more enjoyable center for our members. Our membership has increased tremendously. She has developed a part-time staff that has stuck around. We have not had the turnover we once had.”
- “She’s always willing to help everyone within this department as well as other departments anyway she can, even when she has a lot on her plate.”
- “Megan is not only a great supervisor, but a great teacher. You can tell she really looks at our department as a team. When most of us would turn away from the dirty work, Megan is the first one in it to make sure the job gets done.”

- “No matter what unexpected responsibilities she may take on, Megan always ensures that her division remains proactive in providing a variety of service to the community. She works hard to ensure the success of her division, including each of the employees she supervises.”

Those are just a sampling of the accolades and appreciation Megan received from her co-workers. She clearly goes above and beyond as a leader and teammate. Her team, her department, all City staff, and the La Porte community benefit from her hard work and dedication.

Please join me in thanking her and congratulating her on being named the 2017 manager of the year.



Council Agenda Item February 13, 2017

6. **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 JANUARY 23, 2017

The City Council of the City of La Porte met in a regular meeting on **Monday, January 23, 2017**, 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:

1. Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Engelken, J. Martin, K. Martin, Leonard, Earp, Zemanek, Clausen, and Kaminski. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.
2. **INVOCATION** – The invocation was given by Rev. Dr. Kevin Gilmore, First United Methodist Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Daryl Leonard.
4. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Phillip Hoot, 927 Seabreeze, addressed council to give a campaign speech in support of his re-election bid for a position on the LPISD Board of Trustees. When asked if he was there to give a campaign speech, Mr. Hoot replied, "Kinda, sorta, if I could." Mayor Rigby very briefly conferred with the assistant city attorney and then stated, "I think we are going to have to pass on this one." Mr. Hoot replied, "Okay. That's fine. Thanks." Mr. Hoot did not provide additional public comments.

Wyatt Smith, 10905 Spruce Dr. North, addressed Council regarding the City charging teams for practicing on baseball practice fields.

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 minutes of meeting held on January 9, 2017 – P. Fogarty
 - (b) Consider approval or other action appointing Christopher Cargile to the City of La Porte Police Reserve Force – K. Adcox

- (c) Consider approval or other action regarding an Ordinance amending the City of La Porte Fiscal Year 2016-2017 Budget – S. Wolny
- (d) Consider approval or other action awarding Bid #17004 for Little Cedar Bayou Phase II Improvements – D. Pennell
- (e) Consider approval or other action awarding Bid #17009 for Main Street Elevated Water Tank- D. Pennell
- (f) Consider approval or other action regarding a Memorandum of Agreement with Fairmont Park Homeowners Association for a community cooperation project providing for fence installation along portions of Farrington Blvd., and long Collingswood Dr., bot abutting Fairmont Park for a total City contribution of \$5,000.00 – T. Leach
- (g) Consider approval or other action authorizing the Mayor to execute an Interlocal Agreement with the City of Shoreacres for municipal court services – D. Mitrano
- (h) Consider approval or other action regarding an Ordinance authorizing the issuance of City of La Porte, Texas Certificates of Obligation, Series 2017 – P. Rinehart

Councilmembers, Zemanek, Engelken and Earp asked questions regarding Consent Items, E, G and H.

Regarding Item E, Councilmember Earp asked if points were given to the locally owned business. City Manager Corby Alexander responded yes.

Regarding Item G, Councilmember Zemanek asked how many tickets the City usually file in a year and the typical court costs for a ticket. Court Administrator Cathy Haney responded 13,000-14,000 a year, court costs are about \$99.10 to the State and City receives 10%. Councilmember Zemanek requested the item be voted on separately.

Regarding Item H, Councilmember Engelken questioned the final percentage rate regarding Consent Item H. Robert Henderson with RBC Capital Market provided an update on the final percentage rates.

Councilmember Engelken made a motion to approve Consent Agenda Items 6 a-f and h pursuant to staff recommendations. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Councilmember Earp made a motion to deny Consent Agenda Item 6h. Councilmember Zemanek seconded the motion. **MOTION PASSED 5/4.**

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3665**: AN ORDINANCE APPROVING AN AMENDMENT TO THE BUDGET FOR THE CITY OF LA PORTE, TEXAS, FOR THE PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017; FINDING THAT ALL THINGS REQUISITE AND NECESSARY HAVE BEEN DONE IN PREPARTION AND PRESENTMENT OF SAID BUDGET; FINDING COMPLIANCE WITH THE OPEN MEETING LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3666**: AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF LA PORTE, TEXAS, CERTICATES OF OBLIGATION, SERIS 2017; AND CONTAINING OTHER MATTERS INCIDENT THERETO.

6. AUTHORIZATIONS

- (a) Consider approval or other action awarding Bid #17002 for LPISD Historic Colored School Reconstruction-Phase 2 Rebid – D. Pennell

Assistant Public Works Director Don Pennell presented a summary.

Councilmember Engelken made a motion to award Bid #17002 for LPISD Historic Colored School Reconstruction-Phase 2 Rebid. Councilmember K. Martin seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

- (b) Consider approval or other action regarding funding to the Bay Area Coastal Protection Alliance for the production of new video to promote a coastal spine – C. Alexander

City Manager Corby Alexander presented a summary and Len Waterworth provided information for the production of a new video to promote a costal spine.

Councilmember Engelken made a motion to fund \$10,000.00 to the Bay Area Coastal Protection Alliance for the production of new video to promote a coastal spine. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

- (c) Consider approval or other action regarding an Ordinance amending Chapter 34 “Environment,” of the Code of Ordinances of the City of La Porte, Texas for the purpose of enacting regulations for utilizations of donation collections bins – C. Alexander

City Manager Corby Alexander presented a summary.

Councilmember K. Martin made a motion to adopt an Ordinance amending Chapter 34 “Environment,” of the Code of Ordinances of the City of La Porte, Texas for the purpose of enacting regulations for utilization of donation collection bins with a start date of March 1, 2017. Councilmember Kaminski seconded the motion. **MOTION PASSED 5/4.**

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

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3667**: AN ORDINANCE AMENDING CHAPTER 34 “ENVIRONMENT,” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS BY ADDING NEW ARTICLE VII “DONATION COLLECTION BINS” PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

7. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding the reassignment of the detective position assigned to Internet Crimes Against Children (ICAC) to the Patrol Division – K. Adcox

Police Chief Ken Adcox presented a summary.

Councilmember Engelken asked the cause for the increase. Police Chief Ken Adcox responded it is mainly the increase of citizens.

Councilmember Zemanek asked if Detective Huckabee was not retiring would the City be requesting another patrol officer. Chief Adcox responded yes, and that he did not want to wait until the Council Retreat to request the position.

Councilmember J. Martin made a motion to reassign the current detective position that is currently assigned to the Internet Crimes Against Children (ICAC) to the patrol division. Councilmember Kaminski seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

8. ADMINISTRATIVE REPORTS

City Manager Corby Alexander wished Assistant City Manager Traci Leach a Happy Birthday.

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.

Councilmember Leonard passed on making comments;

Councilmember Engelken wished Assistant City Manager Traci Leach a Happy Birthday and requested Staff provide an update on field maintenance and the security plan at Pecan Park;

Councilmember Earp wished Assistant City Manager Traci Leach a Happy Birthday;

Councilmember Clausen wished Assistant City Manager Traci Leach a Happy Birthday;

Councilmember J. Martin wished Assistant City Manager Traci Leach a Happy Birthday and requested City Manager Alexander introduce recent newly hired employees at a council meeting;

Councilmember K. Martin wished Assistant City Manager Traci Leach a Happy Birthday and thanked Parks and Recreation Director Rosalyn Epting for the new basketball program;

Councilmember Kaminski wished Assistant City Manager Traci Leach a Happy Birthday;

Councilmember Zemanek wished Assistant City Manager Traci Leach a Happy Birthday and commented the Houston Texans played well in the play-offs;

Mayor Rigby informed he attend the Martin Luther King Jr., Celebration hosted by the La Porte Civic Club, and that it was well attended; he encouraged councilmembers to attend next year's celebration; he informed he attended the Harris County Mayors and Councils' Association meeting and advised Mr. Smith to get with City Manager Corby Alexander regarding the City charging for practices on baseball fields.

10. ADJOURN - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:09 p.m. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on February 13, 2017.

Mayor Louis R. Rigby



MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA) is made by and entered into this ____ day of _____, 2017 (the "Effective Date") between the City of La Porte, a home-rule municipality under the laws of the State of Texas ("the City") and the Shady River Homeowners Association ("SRHOA"), to establish each party's obligations under the Community Cooperation Project, as defined herein.

The terms acceptable to both Parties to begin the Community Cooperation Project are as follows:

The City and SRHOA agree that the Community Cooperation Project shall consist of complete rehabilitation of the playground area (hereinafter defined as "the Improvements").

- Removing and replacing mulch, landscape timbers, playground border, and landscape fabric
- Removing the old play structure and installing new equipment

The HOA shall be responsible for the procurement of the fencing and the contractor will include installation of the Improvements in the submitted pricing.

The City agrees to fund a sum not to exceed \$5,000.00 for construction and installation of the Improvements.

As these improvements are not in a City park, the City shall not be responsible for all future maintenance of the Improvements.

This MOA constitutes the complete understanding between the parties in order to begin the procurement and installation process for the Improvements.

For the City of La Porte:

Corby D. Alexander
City Manager

Attest: Patrice Fogarty, City Secretary

For the Shady River Homeowners Association:

Dewey Walls, President

SHADY RIVER CIVIC ASSOCIATION

2017 Playground Remodeling Project

At 1024 Hackberry St. La Porte, Tx

Scope of Work:

Remove old timber mulch

Replace all wooden landscape timbers

Replace landscape fabric

Removal of all tree roots in the Playground Border Area

Install 5" of Red Cedar Rubber Mulch

Install a "Desert Oasis" Playground Equipment from BYO Recreation

Material and Labor Cost:

6" x 6" timber border and hardware	\$ 1276.66
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2 rolls of landscape filter fabric	\$ 495.00
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16 pallets (2000lbs / 171 sq ft 5" deep per pallet)

(1898 sq ft playground area) 5" Red rubber mulch

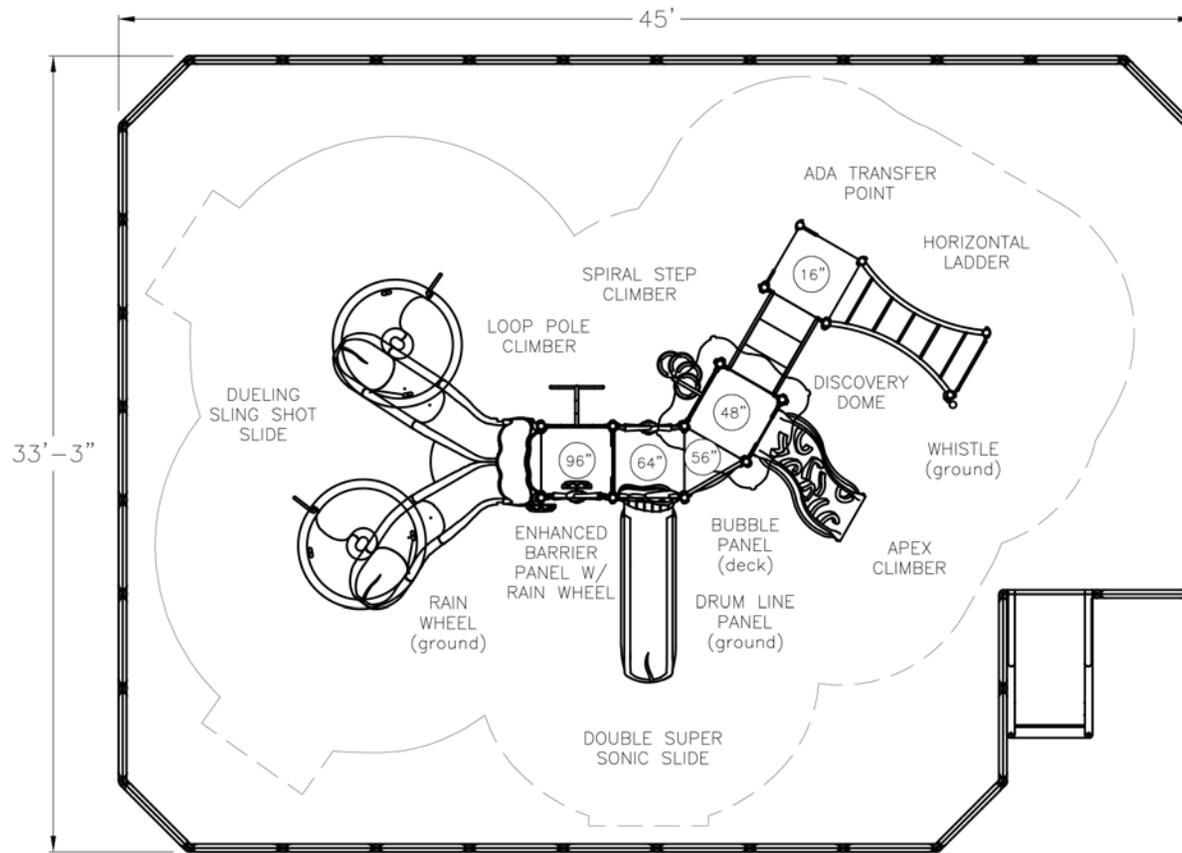
\$ 10,224.00

Playground Equipment	\$18,585.00
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Equipment Rental	\$380.74
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Total Cost of Project

\$30,961.40



Desert Oasis

Structure #6016-PP

Signature: _____

Play Equipment Age Range: 5-12
Critical Fall Height: 120"
User Capacity: 38
Total Play Components: 12
Total Accessible Components: 7

The above layout:	
✓	COMPLIES TO ASTM
✓	COMPLIES TO CPSC
✓	COMPLIES TO ADA

Space Required: 45' x 33'-3"
Surfacing Area: 1,350 s.f.
Surfacing Material: EWF
Surfacing Depth Required: 12"
Border Info: 37 & 1 ADA Half Ramp

Drawn By: A. Barile
Date: 6/4/2015
Revision:
Scale: 1/8" = 1'-0"
 Drawing scaling possible only
 when in an 8.5" x 11" format





Desert Oasis - Primary Colors

Structure #6016-PP

Signature: _____

Note: Colors above are for representational purposes only. Actual colors may vary slightly.

Decks, Posts: Red • Apex Climber, Slide, Drum Panel, Roof, HDPE, Rain Wheels: Blue • Metals, Barrier Panels, Bubble Panel: Yellow •
Dueling Slides: Blue and Yellow



www.BYOPlayground.com



Desert Oasis - Primary Colors

Structure #6016-PP

Signature: _____

Note: Colors above are for representational purposes only. Actual colors may vary slightly.

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REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 13, 2017</u>	<u>Appropriation</u>
Requested By: <u>Traci Leach</u>	Source of Funds: <u>Fund 010 & Fund 019</u>
Department: <u>Administration</u>	Account Number: _____
Report: <input type="radio"/> Resolution: <input checked="" type="radio"/> Ordinance: <input type="radio"/>	Amount Budgeted: <u>\$45,000</u>
Other: <input type="radio"/> _____	Amount Requested: <u>\$45,000</u>
Attachments :	Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO

1. Resolution
2. Funding Summary

SUMMARY & RECOMMENDATIONS

As part of the FY 2017 budget, the Council approved funding for several airport related improvements-drainage study, AWOS installation, and design for runway, taxiway, and tie down area. Each of these projects are grant funded projects and the City's share varies depending on the TXDOT program under which the project is funded.

At this time, TXDOT has indicated that the drainage project and the design services for the runway, taxiway, and tie down areas are both ready to move forward. The first step in this process is approval of the attached resolution. Once approved, this resolution must be approved at the state level, as well. This resolution is required to document the Council's support and acceptance of this project. To meet state requirements, this resolution must provide at a minimum the Council's agreement to make improvements to the airport in general description form, provide 10% of the total project costs and acknowledge TXDOT as agent for administration of federal and state funds for projects.

Staff is recommending approval of the attached resolution.

Action Required of Council:

Consider approval or other action of a Resolution to authorize commencement of a drainage study and engineering/construction services for taxiway, runway, and tie down area improvements at the La Porte Municipal Airport.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

RESOLUTION 2017-_____

RESOLUTION AUTHORIZING THE CITY OF LA PORTE, TEXAS TO PARTNER WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO COMMENCE IMPROVEMENTS AT THE LA PORTE MUNICIPAL AIRPORT; ESTABLISHING THE CITY COMMITMENT TO THE 10% FUNDING MATCH; AND DESIGNATING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY FOR THE IMPLEMENTATION OF SAID PROJECTS.

WHEREAS, the CITY OF LA PORTE intends to make certain improvements to the La Porte Municipal Airport; and

WHEREAS, the general description of the project is described as: a drainage study and engineering/design services and construction for runway, taxiway, and tie down area paving improvements; and

WHEREAS, the CITY OF LA PORTE intends to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, total project cost are estimated to be \$2,445,000, and the CITY OF LA PORTE will be responsible for 10% of the total project costs currently estimated to be \$244,500; and

WHEREAS, the CITY OF LA PORTE names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements;

NOW, THEREFORE, BE IT RESOLVED, that the CITY OF LA PORTE, TEXAS:

Section 1. That the CITY OF LA PORTE hereby directs CORBY ALEXANDER, CITY MANAGER to execute on behalf of the CITY OF LA PORTE, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the La Porte Municipal Airport.

Section 2. That 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 offices of City of La Porte 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 resolution 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 the 13th day of February 2017.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark T. Askins, City Attorney

[Type here]

Currently Funded in FY17 City of La Porte CIP

AVIATION CAPITAL IMPROVEMENT PROGRAM

Texas Department of Transportation -- Aviation Division

Locations, Projects, and Costs

January 12, 2017

FEDERAL & STATE FY 2017

Federal FY 2017 (October 2016 - September 2017)/State FY 2017 (September 2016 - August 2017)

City & Airport	Project Status & Description	Project Costs			
		Total	Federal	State	Local
LA PORTE	<i>Project Status:</i>				
<u>LA PORTE MUNI</u>	<i>PENDING</i>				
	Drainage Study	150,000	135,000	0	15,000
	Engineering /Design - pavement rehabilitation (NPE 14-16)	300,000	270,000	0	30,000
	Project Totals:	\$ 450,000	\$ 405,000	\$ 0	\$ 45,000

Included in Fund 019

Included in Fund 010

To Be Funded in Upcoming FY Budgets

AVIATION CAPITAL IMPROVEMENT PROGRAM

Locations, Projects, and Costs

Texas Department of Transportation -- Aviation Division

January 12, 2017

FEDERAL & STATE FY 2019

Federal FY 2019 (October 2018 - September 2019)/State FY 2019 (September 2018 - August 2019)

City & Airport	Project Status & Description	Project Costs			
		Total	Federal	State	Local
LA PORTE	<u>Project Status:</u>				
<u>LA PORTE MUNI</u>	<u>PENDING</u>				
	Mark RW 12-30 (NPI - 29,000 sf)	70,000	63,000	0	7,000
	Rehabilitate RW 5-23 (2998 x 75)	190,000	171,000	0	19,000
	Rehabilitate & mark apron #3 (20,100 sy)	165,000	148,500	0	16,500
	Rehabilitate northwest HAT @ RW 12 (11,500 sy)	90,000	81,000	0	9,000
	Rehabilitate TXY "B" (17,000 sy)	180,000	162,000	0	18,000
	Rehabilitate TXY "C" (3,900 sy)	40,000	36,000	0	4,000
	Rehabilitate TXY "D" (1,000 sy)	5,000	4,500	0	500
	Rehabilitate RW 12-30 (4165 x 75)	270,000	243,000	0	27,000
	Rehabilitate TXY "A" (25,000 sy)	240,000	216,000	0	24,000
	Rehabilitate & mark apron #1 (10,200 sy)	90,000	81,000	0	9,000
	Mark RW 5-23 (VIS - 3700 sf)	10,000	9,000	0	1,000
	Install Airport Drainage Improvements	300,000	270,000	0	30,000
	Construction administrative services; contingency	230,000	207,000	0	23,000
	Rehabilitate & mark apron #2 (13,600 sy)	115,000	103,500	0	11,500
	Project Totals:	\$ 1,995,000	\$ 1,795,500	\$ 0	\$ 199,500

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: February 13, 2017 Appropriation
Requested By: Shelley Wolny Source of Funds: _____
Department: Finance Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: _____ Amount Requested: _____
Budgeted Item: YES NO

Attachments :

- 1. Resolution**
- 2. Resale 2012-05613**
- 3. Deed**
- 4. Area Map**

SUMMARY & RECOMMENDATIONS

If a property is sold or struck off to a taxing unit that is party to the judgment, the taxing unit may sell the property at any time by public or private sale. The City of La Porte has had these properties on the public resale list for more than an adequate amount of time and has received a bid for the minimum bid amount set by the judgment or higher; at this time staff is asking the City Council to pass a resolution to approve the sale of the property listed below for the amount that has been offered.

2012-05613 – Lots 1, 2 & 3 Block 17 Sylvan Beach – Offer \$20,058.22
(Adjudged Value = \$37,500, Cost + Taxes = \$20,058.22)

Action Required of Council:

Consider approval or other action of the Resolution authorizing the sale on the properties listed above.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

RESOLUTION 2017- .

RESOLUTION AUTHORIZING THE RESALE OF CERTAIN PROPERTY

WHEREAS the City of La Porte (City), in the course of its function as a taxing entity in the State of Texas, obtains title to real property in the capacity as Trustee for itself and other taxing units that tax the property; and

WHEREAS it is necessary for various reasons that some of the property so obtained must be resold by the taxing units for less than the aggregate amounts of taxes, penalties, interest and costs; and

WHEREAS Section 34.05 of the Texas Property Tax Code requires that when real property is sold for less than the aggregate amount of taxes, penalties, interest and costs, the sale must be approved by all taxing units that tax the property; and

WHEREAS the City has adopted procedures designed to provide all parties the opportunity to submit offers to purchase such real property and to secure the best offer for such property that is sufficient to pay at least the costs of suit and sale of such property; and

WHEREAS it is desirable that resale of the property be free and clear of all claims of the taxing units, for all taxes, penalties interest and costs that have accrued up to the date of resale

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA PORTE,

Section 1. That the City of La Porte, as Trustee, resells the real properties described in the attached Exhibit "A", for the amounts set for on said Exhibit "A", in full satisfaction of taxes, penalties, interest and costs that have accrued on the property up to the date of sale.

Section 2. That 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 offices of City of La Porte 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 resolution 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 the 13th day of February 2017.

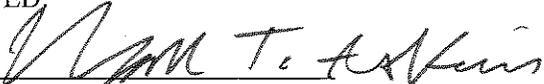
CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

APPROVED:

Patrice Fogarty, City Secretary


Clark T. Askins, City Attorney

SUMMARY OF FORECLOSURE ACTIVITY

HCAD ACCOUNT NO:	035-214-017-0001	Property Struck off for:	Taxes + Post Judgement Taxes
CAUSE NO:	2012-05613		
PLAINTIFF(S):	La Porte Independent School District		
JUDGMENT AGAINST:	Creed Corporation, et al		
JUDGMENT DATE:	September 15, 2014	STRUCK OFF DATE:	February 3, 2015
ORDER OF SALE:	October 28, 2014		
DEED RECORDED DATE:	March 4, 2015	STRUCK OFF TO:	City of La Porte
CONSTABLE:	Phil Sandlin, Constable Precinct No 8		
PROPERTY ADDRESS:	0 Garfield St, La Porte, TX 77571		
LEGAL DESCRIPTION:	LTS 1 2 & 3 BLK 17 SYLVAN BEACH		
ADJUDGED VALUE (IN JUDGMENT):	\$ 37,500.00		
SQUARE FOOTAGE:	18,750		

SUMMARY OF SALE ACTIVITY

BIDDER:	Knox Askins - Trustee	BIDDER'S ADDRESS:	702 West Fairmont Pkwy La Porte, TX 77571
AMOUNT OF BID:	\$20,058.22		
AMOUNT OF DEPOSIT:	\$2,400.00		
AMOUNT DUE:	\$17,658.22	BIDDER'S PHONE NO:	281-471-1886

PRORATED PERCENTAGED OF TAXES DUE TO EACH JURISDICTION BASED UPON JUDGMENT

JUDGMENT TO	COUNTY, ET AL.	%	SCHOOL	%	CITY TAXES/LIENS	%	TOTAL
AMOUNT DUE	\$3,912.11	22.34%	\$6,499.05	37.11%	\$7,104.06	40.56%	\$17,515.22

ASSOCIATED COSTS ON ORIGINAL AND SEALED BID SALES

AMOUNT OF BID	COURT COST	CONSTABLE/ PUBLICATION FEE (TISD)	AD LITEM FEE	RESEARCH FEE & DEED RECORDING FEE	ESTIMATED AMOUNT TO BE PRORATED TO TAXES
\$20,058.22	\$948.00	\$175.00	\$750.00	\$670.00	\$17,515.22

PRORATED TAX AMOUNTS TO EACH JURISDICTION

OWED TO	COUNTY	%	SCHOOL	%	CITY	%	TOTAL
PRORATED AMOUNT	\$3,912.11	22.34%	\$6,499.05	37.11%	\$7,104.06	40.56%	\$17,515.22

Amount of Bid: \$20,058.22

Costs:

-District Clerk	\$930.50	Chris Daniel
-Tax Master	\$17.50	Kristen Brauchle
-Constable Fee	\$0.00	
-Publication	\$175.00	
-Abstract Fee	\$525.00	
-Cost	\$0.00	
-Advertising Fee/Deed Recording	\$145.00	
-Ad Litem Fee	\$750.00	William McLeod
Total:	<u>\$17,515.22</u>	

Taxing

Jurisdictions:	Amount in Judgment:	%	Amount Received
City of La Porte	\$3,427.79	19.57%	\$3,427.79
La Porte ISD	\$6,499.05	37.11%	\$6,499.05
Harris County	\$3,912.11	22.34%	\$3,912.11
City of La Porte Liens	\$3,676.27	20.99%	\$3,676.27
	<u>\$17,515.22</u>	100.00%	<u>\$17,515.22</u>

Costs + Taxes \$ 20,058.22
Adjudged Value \$ 37,500.00

Cause 2012-05613

This transaction is in full satisfaction of all taxes, penalties, interest, and costs that have accrued until the date hereof.

IN TESTIMONY WHEREOF, THE CITY OF LA PORTE, TRUSTEE, FOR THE USE AND BENEFIT OF ITSELF AND ALL OTHER TAXING UNITS THAT ESTABLISHED TAX LIENS IN CAUSE NO. 2012-05613 has caused these presents to be executed this _____ day of _____ 2017.

CITY OF LA PORTE, TRUSTEE

LOUIS R. RIGBY, MAYOR,
CITY OF LA PORTE

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared LOUIS R. RIGBY, Mayor, City of La Porte, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed, in the capacity therein stated, and with the conditions and the limitations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2017.

NOTARY PUBLIC, in and for the
STATE OF TEXAS
My Commission Expires: _____

After Recording Return to:
Know Askins -Trustee
702 West Fairmont Parkway
La Porte, TX 77571

AREA MAP



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 13, 2017</u>	<u>Appropriation</u>
Requested By: <u>Kenith Adcox</u>	Source of Funds: _____
Department: <u>Police</u>	Account Number: _____
Report: <input checked="" type="radio"/> Resolution: <input type="radio"/> Ordinance: <input type="radio"/>	Amount Budgeted: _____
Other: <input type="radio"/> _____	Amount Requested: _____
Attachments :	Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO

1. 2016 Racial Profiling Report

SUMMARY & RECOMMENDATIONS

The attached report is provided in accordance with Article 2.132 (7) of the Texas Code of Criminal Procedures. The Code requires that the police department annually report, to its governing body, data collected on the race or ethnicity of individuals stopped for traffic violations and subsequently cited, searched and/or arrested.

The report indicates that the La Porte Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training, and the collection of data in compliance with the law. Additionally, a review of internal administrative records indicated that during 2016 the department received no complaints that could be categorized as involving some type of racial profiling. As a result of this analysis, and the listed statistics, it is believed that the officers of the La Porte Police Department are operating appropriately and without bias relating to individual violator race, ethnicity, or national origin.

Action Required of Council:

Consider approval or other action of the 2016 La Porte Police Department Racial Profiling Report.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



City of La Porte

Established 1892

Police Department

Recognized as a Best Practices Agency by
the Texas Association of Police Chiefs



January 11th, 2017

To: La Porte City Council
Thru: Corby Alexander, City Manager
From: Kenith Adcox, Chief of Police
Subject: Racial Profiling Report for the La Porte Police Department

Honorable Council Members:

The following report is provided in accordance with Article 2.132 (7) of the Texas Code of Criminal Procedures. The Code requires that the police department annually report, to its governing body, data collected on the race or ethnicity of individuals stopped for traffic violations and subsequently cited, searched and/or arrested. Reporting must take place on or before March 1st of each year.

The following report meets this requirement by providing a detailed analysis of the La Porte Police Department's policies, training, and statistical information on racial profiling for the year 2016. To assist City Council in their examination of the included data, detailed demographic data has also been provided relating to the City of La Porte, Harris County, and the State of Texas.

For the purposes of this report and analysis, the following definition of racial profiling is used: *racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).*

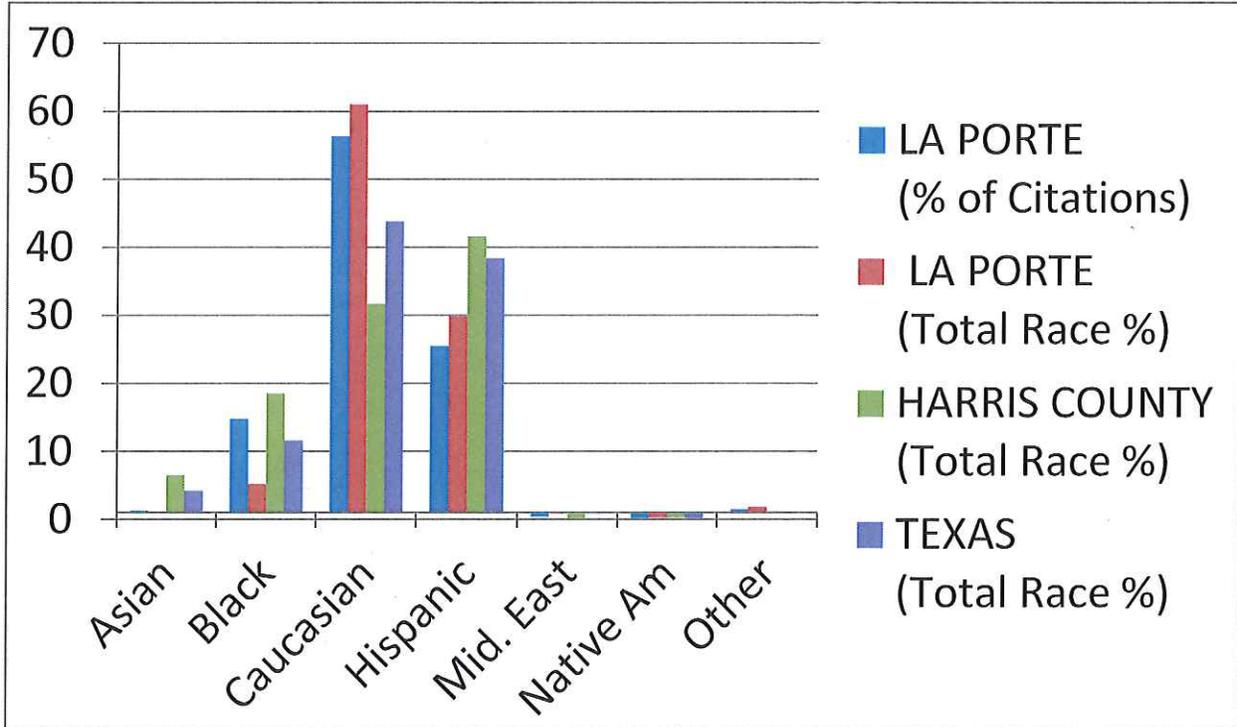
La Porte Police Department Policy/ Training on Racial Profiling

A review of La Porte Police Department regulation 314 and 401.2.6 provide evidence that the department has adopted policies in compliance with Article 2.132 of the Texas Code of Criminal Procedure (see Appendix A). There are several specific requirements mandated by Article 2.132 that a law enforcement agency's Racial Profiling Policy must address. Each of these requirements are covered in the La Porte Police Department's Racial Profiling Policy, which provides clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The regulations also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race or ethnicity. All members of the La Porte Police Department have received formal training required by the State of Texas relating to Racial Profiling and have been provided, and signed for copies of, the departmental policy in question. Additionally, the policy is required to be reviewed with all employees by supervisors on a bi-annual basis.

La Porte Police Department Statistical Data on Racial Profiling

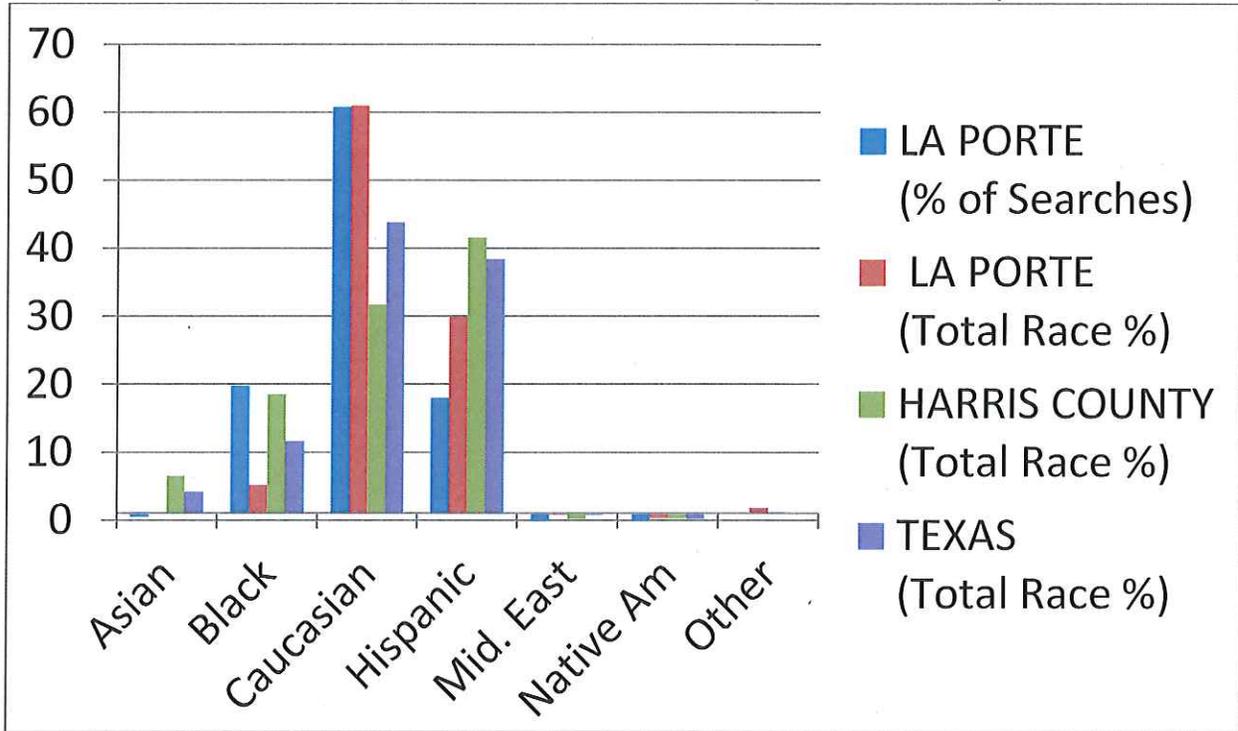
In accordance with Departmental Policy, Officers of La Porte Police Department submitted statistical information on all contacts made with motorists in 2016 and accompanying information on the race of the person contacted. This data has been aggregated and is presented in the below tables, accompanied by relevant information on searches, arrests, and demographic information.

LPPD Citations Issued Compared with Overall Race Representation in Population



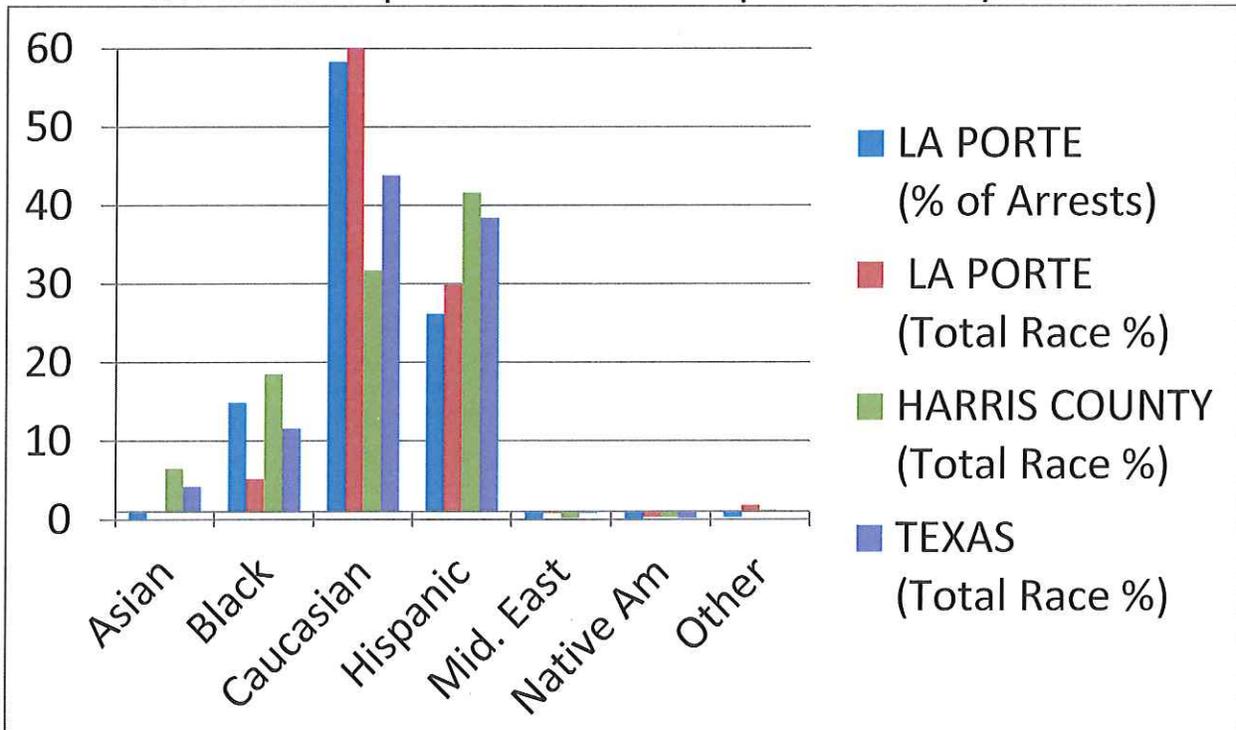
Race	La Porte PD Motorist Citations	LPPD Percent Contacted by Race	La Porte Population Representation	Harris County Population Representation	Texas Population Representation
Asian	163	1.3%	1.0%	6.5%	4.2%
Black	1,818	14.8%	5.2%	18.5%	11.6%
Caucasian	6,942	56.3%	61.0%	31.7%	43.8%
Hispanic	3,133	25.5%	29.9%	41.6%	38.4%
Mid. East	54	0.4%	0.8%	0.2%	0.8%
Native Am	25	0.2%	0.3%	0.3%	0.2%
Other	188	1.5%	1.8%	1.2%	1.0%
Total	12,315	100%	100%	100%	100%

LPPD Searches Compared with Overall Race Representation in Population



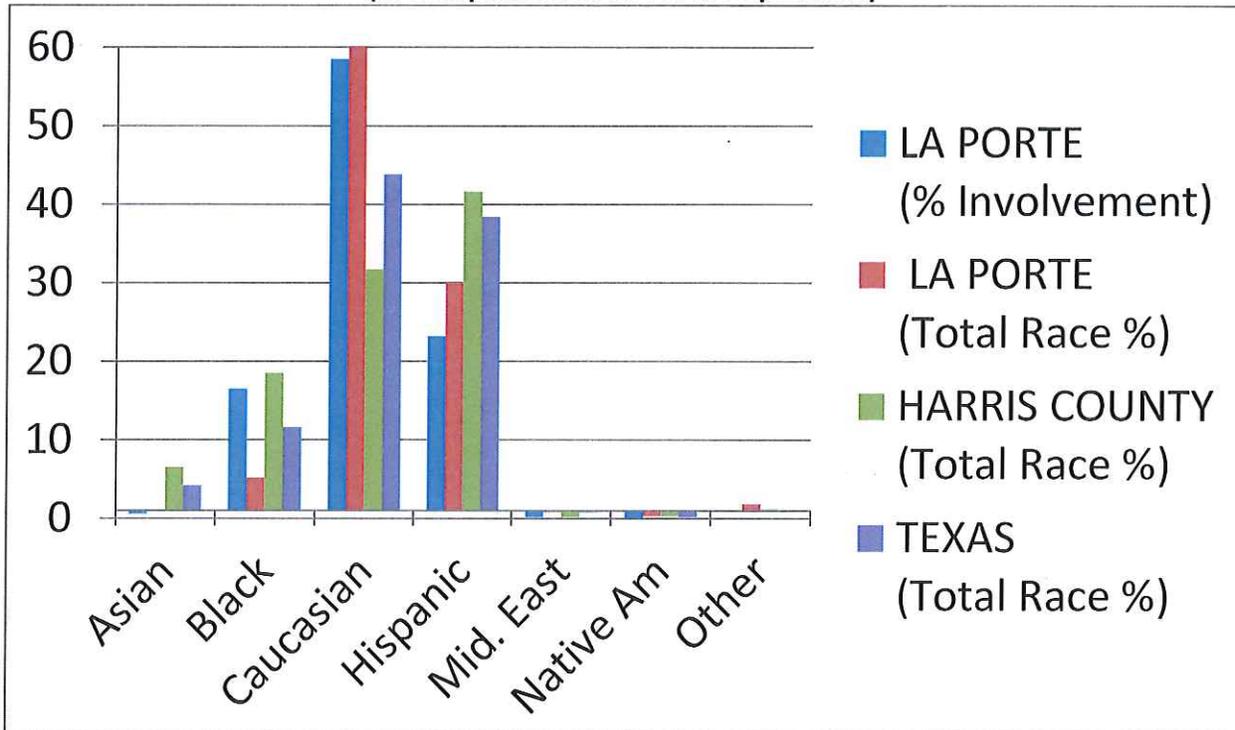
Race	LPPD Searches	Without Consent	With Consent	LPPD Percent Searched by Race	La Porte Population Representation	Harris County Population Representation	Texas Population Representation
Asian	1	1	0	0.5%	1.0%	6.5%	4.2%
Black	42	24	18	19.8%	5.2%	18.5%	11.6%
Caucasian	129	85	44	60.8%	61.0%	31.7%	43.8%
Hispanic	38	26	12	18.0%	29.9%	41.6%	38.4%
Mid. East	0	0	0	0.0%	0.8%	0.2%	0.8%
Native Am	0	0	0	0.0%	0.3%	0.3%	0.2%
Other	2	2	0	0.9%	1.8%	1.2%	1.0%
Total	212	138	74	100%	100%	100%	100%

LPPD Arrests Compared with Overall Race Representation in Population



Race	LPPD Arrests	La Porte PD Percent Arrested by Race	La Porte Population Representation	Harris County Population Representation	Texas Population Representation
Asian	1	0.1%	1.0%	6.5%	4.2%
Black	186	14.9%	5.2%	18.5%	11.6%
Caucasian	726	58.3%	61.0%	31.7%	43.8%
Hispanic	326	26.2%	29.9%	41.6%	38.4%
Mid. East	1	0.1%	0.8%	0.2%	0.8%
Native Am	1	0.1%	0.3%	0.3%	0.2%
Other	4	0.3%	1.8%	1.2%	1.0%
Total	1,245	100%	100%	100%	100%

**Overall involvement by Race for LPPD Contacts and Arrests
(In Comparison to La Porte Population)**



Race	La Porte PD % of Race Involvement	La Porte Population Representation	Harris County Population Representation	Texas Population Representation
Asian	0.6%	1.0%	6.5%	4.2%
Black	16.5%	5.2%	18.5%	11.6%
Caucasian	58.5%	61.0%	31.7%	43.8%
Hispanic	23.2%	29.9%	41.6%	38.4%
Mid. East	0.2%	0.8%	0.2%	0.8%
Native Am	0.1%	0.3%	0.3%	0.2%
Other	0.9%	1.8%	1.2%	1.0%
Total	100%	100%	100%	100%

The above statistics seem to indicate that Black drivers were contacted, searched, and arrested incident to traffic violations at a rate higher than the percentage of their respective residency within the City of La Porte. While noticeable, easy determinations regarding whether or not La Porte officers have “racially profiled” a given motorist are difficult given the fact that many drivers stopped by police officers are not residents of La Porte and may be traveling within or through the City from other areas of the county/state/country. As detailed above, these areas are much more highly represented by minority populations and may therefore account for larger percentages of non-resident traffic offenders, making comparisons relating strictly to La Porte area populations impractical.

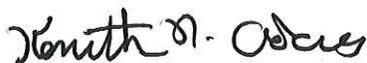
Nevertheless, in the interest of being thorough, the police department made a statistical inquiry through the City's Municipal Court in order to determine actual traffic citations written to La Porte residents, along with respect to percentages by driver's race. Findings revealed, overall, only 21% of all traffic stops conducted by LPPD involved the citing of La Porte residents. This equates, approximately, to only 1 of every 5 citations being written to local residents. Otherwise stated, almost 4 of every 5 traffic stops involve drivers who do not live in the City. Furthermore, when broken down by driver race, the majority of citations were overwhelmingly issued to Caucasian drivers (77%). The remaining breakdown by race, regarding La Porte residents cited in 2016, were as follows: Black - 12%; Hispanic – 5%; Unknown Race – 3%; Asian, Middle Eastern, Native American, and Other - <1% per group.

Additionally, the absence of any verifiable race/ethnicity data on the driver's license is troubling given the possibility that officers may misclassify individuals. This is a particular problem when dealing with citizens who are of mixed racial decent. As such, the validity of any racial/ethnic disparities discovered in the aggregate level data becomes threatened in direct proportion to the number of subjective "guesses" officers are forced to make when trying to determine an individual's racial/ethnic background. This may account for why Hispanic drivers are represented at a rate far lower than local, county, and state population projections, while Caucasian and Black drivers are more highly represented. In other words, officers may, for example, be listing mixed race drivers as being Caucasian or Black, when these individuals may, for census purposes, have identified themselves as Hispanic.

Finally, it is important to note that the included census data represents 2015 and 2016 U.S. Census population figure estimates according to Demographic Profile Data of General Population and Housing Characteristics representing all age groups, yet does not take into account a specific combination of age and race regarding the percentage of the drivers who were actually stopped. Additionally, while the 2016 population figure estimates are represented, updates of the actual demographic statistics for are not yet available. Still, the La Porte Police Department is committed to providing public safety without bias of any type and will continue to closely track, monitor, and regulate employee activities in order to ensure that biased-based policing does not occur.

In summary, the foregoing analysis shows that the La Porte Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training, and the collection of data in compliance with the law. Additionally, a review of internal administrative records indicated that during 2016 the department received no complaints that could be categorized as involving some type of racial profiling. As a result of this analysis, and the listed statistics, it is my belief that the officers of the La Porte Police Department are operating appropriately and without bias relating to individual violator race, ethnicity, or national origin.

Respectfully Submitted,



Kenith R. Adcox
Chief of Police

Appendix A

LA PORTE POLICE DEPARTMENT

Policy #314

Racial- or Bias-Based Profiling

314.1 PURPOSE AND SCOPE

Racial-Based Profiling Bias-Based Profiling This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the La Porte Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community and:

- To comply with the Texas Code of Criminal Procedure Article 2.132.
- To reaffirm this Department's commitment to unbiased policing in all its encounters between an officer and any person.
- To reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion.
- To protect our officers from unwarranted accusations of misconduct when they act within the dictate of departmental policy and the law.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Officer Initiated Stop/Activity – A peace officer stops or initiates an activity based solely on his own observations and initiative, not related to a dispatched call for service.

Pedestrian Stop – An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

Race or Ethnicity – Of a particular decent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American.

Racial- or bias-based profiling - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service (Tex. Code of Crim. Pro. art. 3.05; Tex. Code of Crim. Pro. art. 2.132).

Traffic Stop – A peace officer that stops a motor vehicle, for an illegal violation of a law or ordinance regulating traffic.

314.2 POLICY

The La Porte Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

It is the policy of this Department to police in a proactive manner and to vigorously investigate suspected violations of law. Officers shall actively enforce municipal, state and federal laws in a

responsible and professional manner, without regard to race, ethnicity or national origin, or on the basis of other criteria (ex. racial or ethnic stereotypes, sexual orientation, etc.), rather than upon the individual's behavior, activity, or other lawful reasons for the law enforcement action. Officers are strictly prohibited from engaging in bias based/racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Officers shall conduct themselves in a dignified and professional manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Bias based/racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude officers from engaging in consensual contacts or offering assistance, such as initiating contact upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law (Tex. Code of Crim. Pro., art. 2.131).

314.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

Such profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts. The prohibition against bias based/racial profiling set forth by this policy does not preclude the use of such elements when used as legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Examples of profiling include but are not limited to the following:

- a. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity or national origin.
- b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
- c. Detaining an individual based upon bias based/racial profiling does not belong in a specific part of town or a specific place.

A law enforcement agency can derive at two principles from the adoption of this prohibition of profiling:

- a. Police may not use stereotypes as factors in selecting whom to stop and search, though police may use race in conjunction with other known factors of the suspect.
- b. Law enforcement officers may not use racial, ethnic or other stereotypes as factors in selecting whom to stop and search. Bias based/racial profiling is not relevant as it pertains to witnesses, complainants or other citizen contacts.

314.4 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

314.4.1 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

314.4.2 REPORTING TRAFFIC STOPS

Any officer conducting an enforcement stop on any motor vehicle, in which a citation is issued or an arrest is made, shall collect the following information relating to the stop (Tex. Code of Crim. Pro art. 2.132; Tex. Code of Crim. Pro. art. 2.133):

- a. The location of the stop
- b. The initial reason for the stop
- c. The physical description of the driver, including:
 1. The person's gender
 2. The person's race or ethnicity as stated by the person or as best as can be determined by the officer
- d. Whether the officer knew the race or ethnicity of the detained person before the stop
- e. Whether a citation or a warning was issued as a result of the stop
- f. Whether an arrest was made and, if so, for what offense
- g. Whether the officer conducted a search and, if so, whether the search was based on consent, probable cause or reasonable suspicion, incident to arrest, contraband or evidence in plain view, the result of towing the vehicle for evidence or safekeeping or any other reason
- h. Whether any contraband or evidence was discovered and whether it was in plain view
- i. A description of any contraband or evidence located

314.4.3 OFFICER RESPONSIBILITY

Any time an Officer of the Department makes a traffic or pedestrian stop it will be recorded with audio-video equipment.. A traffic or pedestrian stop, which results in the issuance of a citation or an arrest, the Officer shall:

- Ensure that the required information in Section 313.4.2 is properly entered on the citation.

314.4.4 RETENTION

The Department shall retain all electronic recordings of each traffic and pedestrian stop for at least 90 days after the date of the stop in accordance with Policy 107. If a complaint is filed with the Department alleging an Officer has engaged in bias based/racial profiling, then the Department shall retain any electronic recordings as evidence of the stop until the final disposition of the complaint.

314.4.5 PATROL AND TRAFFIC ENFORCEMENT VEHICLES

All Patrol and Traffic Enforcement vehicles will be equipped with audio/video recording systems in accordance with policy 302.

314.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- a. Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- b. In instances where officers record their public contacts, supervisors will review two recordings per month to ensure compliance with racial profiling laws (Tex. Code Crim. Pro. art. 2.132(d)) and this policy.
 1. Supervisors will document these reviews in the OSSI RMS.
 2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.
- c. Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- d. Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.
- e. The Assistant Chief of the Patrol Bureau shall conduct an audit of the system the first part of each month and shall verify that all appropriate supervisors are in compliance with this general order, and ensure that the log is accurately completed. The Assistant Chief shall notify the Chief of Police no later than the 10th day of each month of his findings.

314.6 STATE REPORTING

The Chief of Police shall submit to the Texas Commission on Law Enforcement (TCOLE) and each governing body served by this agency an annual report of the information required in Tex. Code of Crim. Pro. art 2.132(b)(6).

Further, unless exempt under Tex. Code of Crim. Pro. art 2.135, prior to March 1 of each year, the Chief of Police shall provide to TCOLE and to each governing body served by this agency a report containing an analysis of the information required by Tex. Code of Crim. Pro. art 2.133 (Tex. Code of Crim. Pro. art 2.134).

These reports may not include identifying information about any officer who made a motor vehicle stop or about an individual who was stopped or arrested by any officer (Tex. Code of Crim. Pro. art. 2.132; Tex. Code of Crim. Pro. art 2.134).

314.7 ADMINISTRATION

Each year, the Administrative Sergeant shall review the efforts of the Department to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Chief of Police. This report should not contain any identifying information regarding any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors shall review the administrative overview report and the annual report submitted to TCOLE and the governing body and discuss the results with those they are assigned to supervise.

314.8 PUBLIC EDUCATION

The Department will inform the public of its policy against bias based/racial profiling and the citizen complaint process. Methods that may be utilized to inform the public include but are not limited to local newspapers, La Porte's Public Access Television Channel, brochures, presentations to Citizens Police Academy, Alumni, Civic Associations, Chamber of Commerce, and the City's Website. Additionally, information will be made available as appropriate in English and Spanish.

314.9 LIABILITY

A Peace Officer is not liable for damage arising from an act relating to the collecting or reporting of information as required under Texas Code of Criminal Procedure Article 2.133 and Article 2.134 (Tex. Code of Crim. Pro. art 2.136).

314.10 TRAINING

All sworn members of this department will attend TCOLE-approved training on the subject of racial- and bias-based profiling.

Each member of this department undergoing initial TCOLE-approved training will thereafter be required to complete an annual review of the racial profiling policy, in order to keep current with ~~changing racial issues and cultural trends.~~

401.2.6 TRAFFIC AND PEDESTRIAN STOPS

Any officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report the information on the approved. Racial Profiling card unless the Department maintains exemption pursuant to Tex. Code of Crim. Pro. art. 2.135 (Tex. Code of Crim. Pro. art. 2.133(b)) which grants exception when audio and video recording is used on a traffic or pedestrian stop

The Department shall compile and analyze information regarding each contact and shall submit a report no later than March 1 of each year in accordance with Tex. Code of Crim. Pro. art. 2.134(b)). The above reporting requirements are not intended to be all inclusive. A supervisor may direct an employee to document any individual he/she deems necessary.

Authority:

*Kenith R. Adcox
Chief of Police*

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 13, 2016</u>
Requested By: <u>Michael Dolby, Director of Finance</u>
Department: <u>FINANCE</u>
Report: <u> </u> Resolution: <u> </u> Ordinance: <u> </u>

<u>Appropriation</u>
Source of Funds: <u> N/A </u>
Account Number: <u> NA </u>
Amount Budgeted: <u> </u>
Amount Requested: <u> NA </u>
Budgeted Item: <u> </u>

Exhibits: Status of ONE Solution Implementation

Exhibits:

SUMMARY & RECOMMENDATION

This item is an update from the December 12, 2016 agenda item. Staff and ONE Solution will be present to provide verbal updates.

In FY 15, the City began a major transition to the primary software system that is utilized by every department and impacts critical functions such as accounts payable, accounts receivable, payroll, budgeting, code enforcement, inspections, land management, and purchasing. The new software, called ONE Solution, is an upgrade from the City’s current system, Naviline. Both versions of the software are products of a company called SunGard.

As with any upgrade of this magnitude, staff expected to encounter issues that were not identified during the planning stage of the project plan. However, the volume of issues and the critical nature of the issues have forced delays in the “go live” launch of the upgraded software. Staff has been very diligent in trying to keep SunGard staff on track.

Attached are two documents that should be used as a reference for this discussion. The first document outlines the reasons why staff recommended moving to ONE Solution. ONE Solution represented a much more streamlined and efficient way to process almost every one of the core financial functions. While the Naviline module is not yet at end of life, it is at the end of new development, which means that the City’s ability to incorporate new software and online services would be very limited in the future due to the fact that no resources are being dedicated towards new software integration and development for Naviline. This would not immediately negatively impact the City; however, staff wanted to proactively address this impending “end of development” phase of the Naviline software and allow the continued enhancement for City services.

The second document outlines the various issues and delays that the project has encountered since launching the process almost two years ago.

The City’s initial request was \$442,545 to complete the upgrade. To date, the City has paid \$198,986 dollars.

Representatives from SunGard will be available to answer any questions.

Action Required by Council

Receive report on ONE Solution.

Status of the Finance OneSolution Implementation

Below is a table of our current open items in regards to our OneSolution implementation. I have provided a brief description of each item listed on the table.

OneSolution Finance Current Items

P-Card Setup and Testing	In Process
Web Services	In Process
Payroll Testing	In Process
Mowing Billing	In Process
Printer Configuration	In Process
End User Training	In Process
Security Configuration	In Process
Custom Report	In Process
Check Writer Changes	In Process
File transfer communication error	Completed
Workflow development and testing	Completed
Unable to print receipts in SMART CR	Completed
AR invoice and statement ELF changes	Completed
CDD report change to PO	Completed
Fixed Assets	Completed
A job is preventing a UB Update	Completed
Users running CDD Reports	Completed
Project numbers in One Solution	Completed

P-Card Setup and Testing - status: In Process

SunGard is recommending that the La Porte team continue to process PCARDS in Naviline until the P-Card module is live after March. We will work with Cognos and excel to do an export and import of information into OneSolution and go live on PCARDS. We are waiting on SunGard to explain this process and test to make sure the data comes into OneSolution.

Web Services – status: In Process

Only remaining items are Utility Billing related. The cycle billing files, Bank Lockbox file, and the Kiosk file are currently not coming across to OneSolution, however UB refund checks and cash receipts are coming over to OneSolution.

Payroll Testing – status: In Process

While payroll will continue to be processed in Naviline after the Finance core go-live, Finance wants to confirm that the amounts hitting the accounts are correct. Currently the data is coming in, but we have not been able to compare what came in to OneSolution

Mowing Billing – status: In Process

Mowing billing is coming across from Naviline to OneSolution and the transactions are showing in the general ledger, but the sets are not updating into the AR accounts.

Printer Configuration – status: In Process

While Finance's printers are configured in OneSolution, the remaining departments' printers are not. I have asked them to configure them, but they have said that we need to. There is some setup on their end and I'm waiting on SunGard to reach out to me on this before proceeding.

End User Training – status: In Process

SunGard had begun training end users as well as our staff that have been working on the implementation. SunGard expects our staff to train the end users in a "Train the Trainer" approach. They have provided a recording of our first training that covers some of the basics.

Security Configuration – Status: In Process

While reviewing and testing the system it was found that additional user security is needed to restrict account access. There are approval processes preventing the wrong account from being used, however, the new security measures will only allow users to see the accounts they have access to.

Custom Report – status: In Process

SunGard is working with Phyllis to provide the report she needs, however SunGard thinks she needs a balance sheet, but Phyllis said the report needed is actually a detail trial balance.

Check Writer Changes – Status: In Process

Carrie completed changes, Finance to test when checks can be printed.

File transfer communication error – status: Completed

James was able to change the file transfer configuration to point to the iSeries server and Bonnie tested successfully. Ruston checked with Mary and confirmed her testing results.

Workflow development and testing – status: Completed

If an approver creates a PR there are no mechanisms in place to prevent them from approving their own PR (at least up to the buyer approval). The second problem is that anyone in a workflow group, regardless of being primary or backup, can approve PRs from the POUPPR screen in the Pending Approvals tab

Unable to print receipts in SMART CR – status: Completed

Brian Holt from support team resolved issue, it was configuration related.

AR invoice and statement ELF changes – status: Completed

Jeff has completed requested ELF changes. We ran a new billing and printed the statements with the updated ELF, and it's good. The phone number is there, and the due date is correct.

CDD report change to PO – status: Completed

During training with Cass the La Porte team made the decision to change the current PO report and track contingency amounts and be able to encumber them for contract POs but not have that information print on the POs sent to the vendor. Nick is aware of the change needed to the CDD PO and will address next week.

Fixed Assets – status: Completed

Distribution of Depreciation failed. Cassandra spoke with Phyllis, the Distribution is skewed and only hitting the expense account on some items and only hitting asset accounts on the others. Phyllis was going to email Jim Briggs on this issue. Paula has created the report necessary to upload the needed data from Naviline into OneSolution.

A job is preventing a UB Update – status: Completed

Richard cleared the Job, and held the case open for further testing.

Users running CDD Reports – status: Completed

Paula Bradstreet cannot run specific reports in OneSolution without system locking up on her. Asp tech support worked with her and her reports are running without locking the system now.

Project numbers in One Solution – status: Completed

Lorie tested project numbers to make sure they're posting to GL correctly



Council Agenda Item February 13, 2017

8. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, February 16, 2017
- City Council Meeting, Monday, February 27, 2017

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 Engelken, Earp, Clausen, J. Martin, K. Martin, Kaminski, Zemanek, Leonard and Mayor Rigby

10. ADJOURN
