

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

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held February 12, 2018, 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 Brian Christen, La Porte Community Church.
- 3. PLEDGE OF ALLEGIANCE**– The Pledge of Allegiance will be led by Councilmember John Zemanek.
- 4. PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a)** Presentation - Citizen's Lifesaving Awards to Ernie Molina, Jesse Juarez and Jewel Whitfield - 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 22, 2018 - P. Fogarty
 - (b)** Consider approval or other action authorizing the City Manager to execute a contract with the Port of Houston Authority (Barbour's Cut Terminal) for provision of emergency medical services by the City of La Porte Emergency Medical Services - R. Nolen
 - (c)** Consider approval or other action regarding a Resolution authorizing the City Manager to execute an agreement with Texas Department of Transportation for the construction, maintenance and operation of inspection lighting system under State Highway 146 within the City of La Porte - J. Weeks
 - (d)** Consider approval or other action awarding Bid #18006 for the North P Street Culvert Extension - D. Pennell
- 7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES**
 - (a)** Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to deny passage of an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan for a 1.2-acre tract of land known as Lots 17-32, Block 789, La Porte Subdivision, generally located on the east side of S. 15th Street and south of W. C Street by changing from "Mid-High Density Residential" to "Commercial"; consider approval or other action regarding an Ordinance amending the Future Land Use Map Component of the Comprehensive Plan for a 1.2 acre tract of land located on the east side of S. 15th Street and south of W. C Street from "Mid-High Density Residential" to "Commercial"- I. Clowes

- (b) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to deny zone change request #18-92000001, request by Terry Medders, applicant and owner, for change from Mid Density Residential (R-2) to General Commercial (GC), for a 1.2-acre tract of land located on the east side of S. 15th Street, and south of W. C Street and legally described as Lots 17-32, Block 789, La Porte Subdivision; consider approval or other action regarding an Ordinance amending Chapter 106 "Zoning" of the Code of Ordinances of the City of La Porte, by changing the zoning classification of a 1.2-acre tract of land legally described as Lots 17-32, Block 789, La Porte Subdivision, from Mid Density Residential (R-2) to General Commercial (GC) - I. Clowes

- (c) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan for a 34,217 square foot tract of land located at 330 Bayside Dr., and legally described as Lots 8-10 and S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision, by changing from "Mid-High Density Residential" to "Low Density Residential"; consider approval or other action regarding an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan for a 34,217 square foot tract of land located at 330 Bayside Dr., legally described as Lots 8-10 and S. ½ of Lot 7, Block 1 Bayside Terrace Subdivision from "Mid-High Density to Residential" to "Low Density Residential" - I. Clowes

- (d) Public hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve zone change request #18-92000002, for change from High Density Residential (R-3) to Low Density Residential (R-1) for a 34,217 square foot tract of land located at 330 Bayside Dr., legally described as Lots 8-10 and S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision; consider approval or other action regarding an Ordinance amending Chapter 106 "Zoning" of the Code of Ordinances by changing the zoning classification of a 34,217 square foot tract of land located at 330 Bayside Dr., legally described as Lots 8-10 & S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision, from High Density Residential (R-3) to Low Density Residential (R-1) - I. Clowes

- (e) Public Hearing to receive comments regarding recommendation by the Planning and Zoning Commission to approve an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan for a 6.96-acre tract of land known as Tracts 718B; 719; and 719A, La Porte Outlots, located on the west side of Underwood Rd., north of Fairmont Pkwy., and south of Caniff Rd., from "Neighborhood Commercial" to "Mid-High Density Residential"; consider approval or other action regarding an Ordinance amending the City's Future Land Use Map Component of the Comprehensive Plan by changing the classification from "Neighborhood Commercial" to "Mid-High Density Residential" for a 6.96-acre tract of land known as Tracts 718B; 719; and 719A, La Porte Outlots, located on the west side of Underwood Rd., north of Fairmont Pkwy., and south of Caniff Rd - I. Clowes

- (f) Public hearing to receive comments regarding the recommendation by the Planning and Zoning Commission to approve Special Conditional Use Permit #18-91000001 to allow for an active senior living facility, to be located on a 6.96-acre tract of land described as Tracts 718B; 719; and 719A, La Porte Outlots in a PUD zone; consider approval or other action regarding an Ordinance amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning", by granting Special Conditional Use Permit #18-91000001, to allow for the development of an active senior living facility to be located on a 6.96-acre tract of land described as Tracts 718B; 719; and 719A, La Porte Outlots, in a PUD zone - I. Clowes

8. AUTHORIZATIONS

- (a) Consider approval or other action regarding a Resolution in support of application and development of Lafayette Park Apartment (an age-restricted (55+) multi-family facility) to be located on Underwood Rd., north of Fairmont Pkwy., and south of Caniff Rd. - J. Weeks

- (b) Consider approval or other action regarding an Ordinance ordering a special election on May 5, 2018, on proposed amendments to the La Porte, Texas, Home Rule City Charter - P. Fogarty

- (c) Consider approval or other action appointing a member to fill a vacancy on the Board of the La Porte Area Water Authority - P. Fogarty

9. REPORTS

- (a) Receive report of the La Porte Development Corporation Board - Councilmember Ojeda
- (b) Report from Council Subcommittee on Evaluation Forms - Councilmember Chuck Engelken

10. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, February 15, 2018
- Zoning Board of Adjustment Meeting, Thursday, February 22, 2018
- City Council Meeting, Monday, February 26, 2018

- 11. 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 Zemanek, Leonard, Engelken, Earp, Ojeda, J. Martin, K. Martin, Kaminski and Mayor Rigby

12. 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 12, 2018 , agenda of items to be considered by the City Council was posted on the City Hall bulletin board on February 6, 2018.



**Council Agenda Item
February 12, 2018**

1. **CALL TO ORDER**
2. **INVOCATION** – The invocation will be given by Brian Christen, La Porte Community Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge will be led by Councilmember John Zemanek.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - a. Presentation – Citizens Lifesaving Awards to Ernie Molina, Jesse Juarez and Jewel Whitfield – Mayor Rigby
5. **PUBLIC COMMENTS** (Limited to five minutes per person.)



City of La Porte

Established 1892

Emergency Medical Services

Proud of our Past. Committed to our Future



City of La Porte - Council Meeting

February 12, 2018

Presentation – Lifesaving Awards

Presenters: Mayor Rigby & Chief Ray Nolen

Participants: Jesse Juarez, Ernest Molina & Jewel Whitfield

On Saturday, December 2, 2017, at approximately 2:00pm, La Porte Cowboy's Coach Chad Oliver was coaching a little league playoff football game in New Caney, Texas between the La Porte Cowboys and the Livingston Lions when without any warning, Coach Oliver suddenly collapsed on the sideline. His heart went into sudden cardiac arrest and his breathing completely stopped.

Ernie Molina who is also a little league football coach for the La Porte Cowboys organization, was present at the football game as the team's trainer on this day and was standing close to Coach Oliver when he witnessed him collapse. Ernie quickly made contact with Coach Oliver to assess his vital signs and discovered that Coach Oliver was pulseless and not breathing. Ernie then quickly initiated CPR.

Meanwhile, Jewel Whitfield, a mother of one of the players on the team who also witnessed the medical emergency, quickly dialed 911 to request EMS. While Jewel was on the phone with the 911 operator, Jesse Juarez, a father of one of the players on the team arrived and offered to assist with performing CPR on Coach Oliver. With Jesse now performing chest compressions on Coach Oliver, Jewel announces that the 911 operator is requesting if an AED is available. After receiving no response from any of the bystanders, Jewel walked over to an adjacent concession stand and inquired as to whether or not they had an AED. The concession stand worker then handed Jewel an AED device and she quickly delivered it to Ernie and Jesse to utilize. Ernie and Jesse then attached the AED to Coach Oliver which audibly notified the two rescuers that an electrical shock was advised. The AED delivered one electrical shock to Coach Oliver and CPR was then continued by Jesse. Paramedics then arrived a short while later and upon

reassessing Coach Oliver they discovered that he now had a pulse and appeared to be gaining consciousness and communicating with the paramedics. Coach Oliver was transported by EMS and upon arrival at the receiving hospital, Coach Oliver was conscious, alert and talking. Coach Oliver was admitted to the hospital for several days and then later released with what is expected to be a full recovery.

Sudden cardiac death syndrome that occurs in people between the ages of 1 and 35 account for an average of 100,000 deaths each year in the United States.

Bystander intervention like the CPR that Ernie and Jesse performed on Coach Oliver, occurs in less than 30% of victims that suffer cardiac arrest outside of a hospital and irreversible brain death begins to occur within 4 to 6 minutes in cardiac arrest victims with no CPR.

The national survival rate of a sudden cardiac arrest victim **WITH** bystander CPR being performed prior to EMS arrival is less than 7%. That survival rate without bystander CPR is cut in half. (3.5%)

We now know that Coach Oliver's chances of survival were extremely low on that afternoon when he collapsed on the sideline, but thanks to every link in the "Chain of Survival" coming together just right in this particular case, from the early call to 911 by Jewel Whitfield to the bystander CPR performed by Ernie Molina and Jesse Juarez, Coach Oliver now has a second chance at life.

This evening, these heroic citizens are being awarded the Citizen's Lifesaving Award for their efforts in resuscitating Coach Chad Oliver from his sudden cardiac arrest, ultimately resulting in the saving of his life. These Good Samaritan's ability to properly identify this medical emergency and calmly take action by performing CPR, produced a successful outcome and aided in preserving a human life.

Please join me in congratulating Ernie Molina, Jesse Juarez and Jewel Whitfield in receiving these Citizen's Lifesaving Awards as a token of our appreciation and gratitude for their outstanding and brave performance.

(Presentation Concluded)



Council Agenda Item February 12, 2018

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 22, 2018 - P. Fogarty
 - (b) Consider approval or other action authorizing the City Manager to execute a contract with the Port of Houston Authority (Barbour's Cut Terminal) for provision of emergency medical services by the City of La Porte Emergency Medical Services - R. Nolen
 - (c) Consider approval or other action regarding a Resolution authorizing the City Manager to execute an agreement with Texas Department of Transportation for the construction, maintenance and operation of inspection lighting system under State Highway 146 within the City of La Porte - J. Weeks
 - (d) Consider approval or other action awarding Bid #18006 for the North P Street Culvert Extension - D. Pennell

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MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE JANUARY 22, 2018

The City Council of the City of La Porte met in a regular meeting on **Monday, January 22, 2018**, 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. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Ojeda, J. Martin, K. Martin, Kaminski, Zemanek, Leonard, Engelken, and Earp. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, Assistant City Manager Jason Weeks and Assistant City Attorney Clark Askins.
2. **INVOCATION** – The invocation was given by Councilmember Jay Martin.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Dottie Kaminski.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) Recognition – The City of La Porte 2017 Achievement of Excellence in Procurement Award – Mayor Rigby

Mayor Rigby recognized the Purchasing Department for receiving the 2017 Achievement of Excellence in Procurement Award.

- (b) Recognition – The City of La Porte Government Finance Officers Association Distinguished Budget Presentation Award for Fiscal Year 2016 – Mayor Rigby

Mayor Rigby recognized the Purchasing Department for receiving the Government Finance Officers Association Distinguished Budget Presentation Award for Fiscal Year 2016.

- (c) Recognition – The City of La Porte Certificate of Achievement for excellence in Financial Reporting for Fiscal Year 2016 – Mayor Rigby

Mayor Rigby recognized the Purchasing Department for receiving the Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2016.

- (d) Recognition – City of La Porte Outstanding Achievement in Popular Annual Financial Reporting for Fiscal Year 2016 – Mayor Rigby

Mayor Rigby recognized the Purchasing Department for receiving the Outstanding Achievement in Popular Annual Financial Reporting for Fiscal Year 2016.

5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

There were no public comments.

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 the minutes of the meeting held on January 8, 2018 – P. Fogarty
- (b) Consider approval or other action authorizing the City Manager to execute a Water Service Agreement and a Sanitary Sewer Service Agreement with Carson Bayport 3, LLC for its facility at 4311 Malone Dr., in the Bayport Industrial District – S. Wolny/L. Wingate
- (c) Consider approval or other action authorizing the City Manager to execute a Water Service Agreement and a Sanitary Sewer Service Agreement with Carson Bayport 3, LLC for its facility at 10366 New Decade Dr., in the Bayport Industrial District – S. Wolny/L. Wingate
- (d) Consider approval or other action authorizing the City Manager to execute a Water Service Agreement and a Sanitary Sewer Service Agreement with Carson Bayport 3, LLC for its facility at 10399 New Decade Dr., in the Bayport Industrial District – S. Wolny/L. Wingate

Councilmember Engelken made a motion to approve Consent Agenda Items pursuant to staff recommendations. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

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

7. **DISCUSSION AND POSSIBLE ACTION**

- (a) Discussion and possible action regarding a proposed senior living facility to be located on Underwood Rd – J. Weeks

Assistant City Manager Jason Weeks and developer Brian Downey presented a summary.

There were several questions from City Council, all of which were answered either by Mr. Weeks or Mr. Downey.

Councilmember Leonard made a motion to move forward with a resolution on the next agenda, February 12, 2018, in support of this project. Councilmember Kaminski seconded the motion. **MOTION PASSED 7/2.**

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

8. **REPORTS**

- (a) Receive report from Council Subcommittee on Evaluation Forms – Councilmember Engelken

Councilmember Engelken provided a report from the Council Subcommittee on Evaluation Forms meetings held on January 4 and 15, 2018, indicating the Subcommittee is interested in looking at condensing the evaluation form for direct reports to a one-page form.

9. ADMINISTRATIVE REPORTS

There were no additional reports.

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 Kaminski thanked and congratulated the Finance Director Michael Dolby and Staff; Councilmember Zemanek congratulated the Finance Department and recognized all the hard work by City staff during the recent winter freeze; Councilmembers Leonard, Earp, Ojeda and J. Martin congratulated the Finance Department; Councilmember Engelken congratulated the Finance Department and commented he hopes winter is over with; Councilmember K. Martin congratulated the Finance Department and thanked Parks and Recreation Director Rosalyn Epting and her staff for their awesome job with the basketball games, pictures and baseball registration this past weekend; and Mayor Rigby thanked the Finance Department; advised he attended the Martin Luther King celebration along with Councilmember K. Martin, Assistant City Manager Jason Weeks, and City Manager Corby Alexander and his family. He stated it was well attended and the food was great, and if council ever gets a chance to attend one of these, it is well worth the time.

11. ADJOURN - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 6:59 p.m. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on February 12, 2018.

Mayor Louis R. Rigby

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 12, 2018</u>	<u>Appropriation</u>
Requested By: <u>Ray Nolen</u>	Source of Funds: <u>N/A</u>
Department: <u>EMS</u>	Account Number: _____
Report: _____ Resolution: _____ Ordinance: _____	Amount Budgeted: _____
Exhibits: <u>Copy of POHA/BCT Contract</u>	Amount Requested: _____
Exhibits: _____	Budgeted Item: YES NO
Exhibits: _____	

SUMMARY & RECOMMENDATION

The existing service contract for EMS services with the Port of Houston Authority – BCT Facility expired on January 31, 2018 and has resorted to a month to month pending renewal. This service contract has worked well for the provision of emergency medical services in the past and staff would like to continue the service by renewing the contract between the City of La Porte EMS and the Port of Houston Authority – BCT Facility to provide Emergency Medical Service for a period of thirty-six (36) months.

The attached 2018-21 contract is calculated at a rate of \$30.52 per employee, per year. This is an increase of \$3.09 per employee over the previous contracts negotiated rate. The total agreement amount invoiced will be based on an Average Daily Population of 990 employee’s at the Barbour’s Cut Facility.

The Port of Houston Authority – BCT agrees to pay thirty-six monthly payments of **TWO THOUSAND FIVE HUNDRED SEVENTEEN AND 90/100 DOLLARS (\$2,517.90)**. The total amount of the contract for thirty-six months is **NINETY THOUSAND SIX HUNDRED FORTY FOUR AND 40/100 DOLLARS (\$90,644.40)**.

Contract fees are in addition to any and all patient billing and revenues for actual calls for service.

The 2015-18 contract period generated \$25,358 in patient revenues with a total of 60 EMS responses to the POH-BCT.

Attached is a copy of the contract renewal with the Port of Houston Authority for Emergency Medical Service at the Barbour’s Cut Facility. The contract starts on February 1, 2018 and will expire on January 31, 2021.

Staff recommends authorizing the City Manager to execute the submitted contract for providing Emergency Medical Service to the Port of Houston – BCT Facility.

Action Required by Council:

Consider approval or other action authorizing the City Manager to execute a contract with the Port of Houston Authority (Barbour’s Cut Terminal) for the City of La Porte EMS.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

CONTRACT FOR GOVERNMENTAL SERVICES

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

THIS CONTRACT made and entered into by and between the CITY OF LA PORTE, a municipal corporation of Harris County, Texas, hereinafter referred to as "LA PORTE" and the PORT OF HOUSTON AUTHORITY, a body politic of Harris County, Texas hereinafter referred to as "PORT",

WITNESSETH:

WHEREAS, PORT is in need of certain governmental services for the benefit of the people and property at its Barbour's Cut Terminal; and

WHEREAS, LA PORTE is able and willing to provide said governmental services to PORT, upon the terms, conditions, and covenants herein contained:

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and benefits to both parties, it is hereby agreed as follows:

I.

For and during the years beginning on the 1st day of February, 2018 and ending on the 31st day of January, 2021, LA PORTE agrees to furnish to PORT the emergency medical services hereinafter more specifically described.

II.

For and in consideration of the governmental services to be provided by LA PORTE, PORT agrees to pay LA PORTE thirty-six monthly payments of **TWO THOUSAND FIVE HUNDRED SEVENTEEN AND 90/100 DOLLARS (\$2,517.90)**. Such charges are based on a \$30.52 per average daily population fee and are to be paid in full by PORT to LA PORTE on or before the tenth day of the month following the month in which such services are rendered. Notwithstanding anything to the contrary herein, the total amount of the contract for thirty-six months is not to exceed **NINETY THOUSAND SIX HUNDRED FORTY FOUR AND 40/100 DOLLARS (\$90,644.40)**.

III.

LA PORTE agrees to provide emergency medical services at PORT's Barbour's Cut Terminal. LA PORTE shall transport patients to one of the nearest hospitals that provides emergency services as defined by the transport policy of the City of La Porte Emergency Medical Services. LA PORTE shall be permitted to charge, to each patient, its

most current and customary Emergency Medical Service charges as adopted by City Council.

IV.

Sole discretion will rest with the LA PORTE Director of Emergency Medical Services, or his duly authorized assistants, as to the personnel and equipment that will answer each emergency medical services request; provided, emergency medical services protection will be adequate (meaning reasonable protection, considering available personnel and equipment of LA PORTE's Emergency Medical Services), and LA PORTE shall further provide dispatch of personnel and equipment to provide emergency medical services within the corporate limits of the City of La Porte.

V.

LA PORTE agrees to operate the ambulances in accordance with the requirements of state and federal law, and applicable municipal or county ordinances, as the same now exists, and as may be amended from time to time hereafter.

VI.

During the term of this Contract and any extension or renewal thereof, LA PORTE shall maintain the following insurance coverages:

<u>Type</u>	<u>Minimum Limits</u>
Workers' Compensation	Statutory
General Liability	\$1 Million per occurrence
Automobile Liability	\$100K/\$300K/\$100K
Medical Malpractice	\$1 Million per occurrence

Notwithstanding the foregoing, LA PORTE shall not be required to obtain insurance in excess of liability limits established in the Texas Tort Claims Act, Section 101.001 et seq. of the Texas Civil Practice and Remedies Code, in cases where said Act is applicable. LA PORTE shall file certificates of insurance coverage with the PORT during the term of this Contract and any extension or renewal thereof. PORT shall be named as an additional insured on the general liability insurance policy.

VII.

Either the PORT or LA PORTE may cancel this Contract, without cause, after giving at least ninety (90) days written notice to the non-canceling party. Such notice shall be sent by LA PORTE to the PORT at P.O. Box 2562, Houston, Texas 77252-2562, Attention: Senior Managing Director, Port Security & Emergency Operations. Such notice shall be sent by the PORT to LA PORTE at 604 West Fairmont Parkway, La Porte, Texas, 77571, Attention: City Manager.

VIII.

This contract shall become effective at 12:00 A.M. midnight Central Time, at the beginning of the 1st day of February, 2018 and shall remain in full force and effect until the end of the 31st day of January, 2021 unless otherwise cancelled as provided in paragraph VII above. This Contract is entered into subject to the Charter and Ordinances of the City of La Porte, and all applicable state and federal laws.

IX.

This Contract constitutes the entire agreement between the parties and supersedes all prior contemporaneous communications or agreements, written or oral. This contract may be amended only by a written instrument signed by all parties. This contract shall be governed by and construed in accordance with the laws of the State of Texas.

[EXECUTION PAGE FOLLOWS]

EXECUTED IN DUPLICATE ORIGINALS, as of this the _____ day of _____, 2018.

ATTEST

CITY OF LA PORTE

City Secretary

By: _____
City Manager

PORT OF HOUSTON AUTHORITY

By: _____
Marcus Woodring
Chief Health, Safety, Security, and Emergency Management (HSSE) Officer

APPROVED AS TO FORM:

Counsel

REVIEWED:

Controller

FUNDS ARE AVAILABLE TO MEET THIS
OBLIGATION WHEN DUE:

Financial Services

PHA Minute No.: 2017-1212-27

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 12, 2018</u>
Requested By: <u>Jason Weeks, Asst. City Manager</u>
Department: <u>City Manager</u>
Report: <u> </u> Resolution: <u>X</u> Ordinance: <u> </u>

<u>Budget</u>	
Source of Funds	<u>Fund 001 - General</u>
Account Number:	<u>001-5253-5218021</u>
Amount Budgeted:	<u>\$27,000</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<u>YES NO</u>

Exhibits: Letter from TxDOT
TxDOT Agreement
Resolution

SUMMARY & RECOMMENDATION

Staff is requesting City Council approve a resolution to enter into an agreement with the Texas Department of Transportation for the construction, maintenance and operation of inspection lighting system underneath the freeway at the intersection of State Highway 146 and West Barbour's Cut Blvd.

During the Fiscal Year 2017-18 budget process the Police Patrol division budgeted for DOT Pad Lighting. The lighting is needed at the DOT inspection pad site, which will facilitate the inspection process during late evening hours as well as overcast days.

Originally, the Police Department had \$14,088 budgeted for the DOT lighting. Because of a subsequent TxDOT change in build, which now requires the City to bore under the highway as well as install LED lighting, the quotes for this project are coming in at substantially higher than budget. As such, staff has moved budget funds into this account to cover the overage.

The two year agreement between the City of La Porte and TxDOT would be automatically renewed for two year periods unless modified by mutual agreement by both parties. The agreement may be terminated sixty days after the filing of a written notice by either party of a desire for cancellation of the agreement. If, at any time, the City doesn't maintain and operate the lighting system in a satisfactory manner, TxDOT reserves the right to either arrange for maintenance at the expense of the City or to remove the lighting system at the expense to the City. The City would be responsible for preparing for the plans and specifications, advertising for the bids, letting the construction contract as well as supervising the construction of the lighting system. Additionally, the City would be responsible for providing the electrical energy required for proper operation of the lighting system. Furthermore, the City would be required to maintain and operate the lighting system on an annual basis. Staff estimates that the annual maintenance and operations of the lighting system will be relatively minimal, perhaps \$1,500 per year.

Action Required by Council:

Consider approval adopting a resolution allowing the City Manager to enter into an agreement between the City of La Porte and Texas Department of Transportation for construction, maintenance and operation of inspection lighting system underneath the freeway at the intersection of State Highway 146 and West Barbour's Cut Blvd.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



P.O. BOX 1386 | HOUSTON, TEXAS 77251-1386 | (713) 802-5000 | WWW.TXDOT.GOV

December 15, 2017

The Honorable Louis Rigby
Mayor
City of La Porte
City Hall
601 Fairmont Parkway
La Porte, Texas 77571-6215

RE: Lighting System under SH 146 at W. Barbour's Cut Road for Truck Inspection Station

Dear Mayor Rigby:

The captioned project area includes the installation of a Lighting System under SH 146 at West Barbour's Cut Road. It is necessary that we have an executed agreement with the City of La Porte concerning the maintenance of this illumination system.

The proposed agreement allows the City of La Porte to construct, maintain and operate the truck inspection station lighting system within the City of La Porte under this highway within the city limit at its own cost. The City of La Porte would be responsible for the maintenance and operation of these luminaires at the completion of the construction. The agreement must be accompanied either by a resolution or an ordinance passed by the city.

Please return to us both of the two original copies of the agreement with your signature and title, and we will return to you a completed copy once it is executed by our District Engineer.

If you have questions please contact Gaurang Pandit, Transportation Engineer at (713) 802-5859.

Sincerely,

Ugonna U. Ughanze, P.E.
Director of Transportation Operations
Houston District

Attachments

cc: Gaurang S. Pandit, P.E.
David Hefner – Building Maintenance Supervisor, City of La Porte
Marcus Upchurch – Sergeant, City of La Porte

OUR VALUES: People • Accountability • Trust • Honesty

OUR MISSION: Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.

An Equal Opportunity Employer

STATE OF TEXAS §

COUNTY OF TRAVIS §

AGREEMENT FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF INSPECTION LIGHTING SYSTEM UNDER SH 146 WITHIN THE CITY OF LA PORTE

THIS AGREEMENT, dated this _____ day of _____, 2017, by and between the State of Texas, hereinafter referred to as the "State," party of the first part, acting by and through the Texas Department of Transportation, and the City of LA PORTE, HARRIS County, Texas, acting by and through its duly authorized officers under an ordinance or resolution passed the _____ day of _____, 2017, hereinafter called the "City," party of the second part, is made to become effective when fully executed by both parties.

WITNESSETH

WHEREAS, the City has requested the State to allow the construction, maintenance, and operation of a underpass lighting system underneath the freeway designated as SH 146 at the intersection of W Barbour's Cut Road within the limits which is in accordance with 43 Texas Administrative Code, Section 25.11. Within the City, said lighting system hereinafter referred to as the "lighting system" is to consist of lighting to be built underneath SH 146 at W Barbour's Cut Blvd at the truck inspection station.

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, as hereinafter set forth, it is agreed as follows:

AGREEMENT

Article 1. CONSTRUCTION RESPONSIBILITIES

- A. The City will prepare or provide for the plans and specifications, advertise for bids, let the construction contract, or otherwise provide for the construction, and will supervise construction or betterment work as required by said plans and specifications and the State will review the plans before construction begins.
- B. The City construction, maintenance, and operation responsibilities shall be a heretofore agreed to condition, accepted, and specified in the Agreement to which these plans are made a part.

Article 2. MAINTENANCE AND OPERATION RESPONSIBILITIES

- A. The City hereby agrees to furnish at its expense the electrical energy required for proper operation of the lighting system. The City further agrees to maintain and operate the lighting system in an efficient and slightly condition, including the furnishing of all equipment and labor and making any replacements which may

become necessary, without cost to the State in accordance with the National Electrical Code and State Standards.

- B. The City shall assume maintenance and operation on a date to correspond with the date construction of the lighting system is accepted by the State. The State will provide written notification to the City of such acceptance. The City hereby agrees to furnish at its expense the electrical energy consumed by the system during the period of trial operation prior to the acceptance by the State.
- C. The City will obtain approval of the Executive Director before making any major changes in the design and/or operation of the lighting system as designed or before the removal of any part of the installation except for the purpose of replacement where identical or accepted equivalent equipment to that originally installed is used.

Article 3. GENERAL

- A. This Agreement shall remain in force for a period of two years from the date that maintenance and operation responsibilities are first assumed by the City and shall be automatically renewed for two-year periods unless modified by mutual agreement by both parties.
- B. The State will not incur any financial obligation to the City as a result of the Agreement.
- C. This Agreement may be terminated sixty (60) days after the filing of a written notice by either party of a desire for cancellation. The State reserves the right to remove the lighting system upon cancellation of the Agreement.
- D. If, at any time, the City does not maintain and operate the lighting system in a satisfactory manner, the State reserves the right to either arrange for maintenance at the expense of the City or to remove the lighting system. Should the lighting system be removed due to lack of maintenance, the City hereby agrees to reimburse the State for the cost of removal.
- E. Should disputes arise as to the parties' obligations under this Agreement, the State's decision shall be final and binding.
- F. The City shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any court, or administrative bodies or tribunals in any matter affecting the performance of this Agreement.
- G. Changes in time frame, character, cost, or obligations authorized herein shall be enacted by written amendment. Any amendment to this Agreement must be executed by both parties within the contract period.
- H. This Agreement shall bind, and shall be for the sole and exclusive benefit of the respective parties and their legal successors. The City shall not assign or transfer its interest in this Agreement without written consent of the State.
- I. In case any one or more of the provisions contained in this Agreement shall, for any reason, be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- J. This Agreement constitutes the sole and only agreement for lighting at the location described herein of the parties hereto and supersedes any prior understandings or written or oral agreement between the parties respecting within subject matter.

- K. The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
- L. At the request of the State, the City shall submit any information required by the State in the format directed by the State.

Article 4. INDEMNIFICATION

The City acknowledges that it is not an agent, servant, or employee of the State and, thus, is responsible for its own acts and deeds and for those of its agents or employees during the performance of the work defined in this agreement.

IN WITNESS WHEREOF, the parties have thereunto affixed their signatures, the City of LA PORTE on the _____ day of _____, 20____, and the Texas Department of Transportation on the _____ day of _____ 20____.

THE CITY OF LA PORTE

Executed on behalf of the City by:

By _____ Date _____

Typed or Printed Name and Title _____

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
Houston District Engineer

STATE OF TEXAS §

COUNTY OF TRAVIS §

AGREEMENT FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF INSPECTION LIGHTING SYSTEM UNDER SH 146 WITHIN THE CITY OF LA PORTE

THIS AGREEMENT, dated this _____ day of _____, 2017, by and between the State of Texas, hereinafter referred to as the "State," party of the first part, acting by and through the Texas Department of Transportation, and the City of LA PORTE, HARRIS County, Texas, acting by and through its duly authorized officers under an ordinance or resolution passed the _____ day of _____, 2017, hereinafter called the "City," party of the second part, is made to become effective when fully executed by both parties.

WITNESSETH

WHEREAS, the City has requested the State to allow the construction, maintenance, and operation of a underpass lighting system underneath the freeway designated as SH 146 at the intersection of W Barbour's Cut Road within the limits which is in accordance with 43 Texas Administrative Code, Section 25.11. Within the City, said lighting system hereinafter referred to as the "lighting system" is to consist of lighting to be built underneath SH 146 at W Barbour's Cut Blvd at the truck inspection station.

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, as hereinafter set forth, it is agreed as follows:

AGREEMENT

Article 1. CONSTRUCTION RESPONSIBILITIES

- A. The City will prepare or provide for the plans and specifications, advertise for bids, let the construction contract, or otherwise provide for the construction, and will supervise construction or betterment work as required by said plans and specifications and the State will review the plans before construction begins.
- B. The City construction, maintenance, and operation responsibilities shall be a heretofore agreed to condition, accepted, and specified in the Agreement to which these plans are made a part.

Article 2. MAINTENANCE AND OPERATION RESPONSIBILITIES

- A. The City hereby agrees to furnish at its expense the electrical energy required for proper operation of the lighting system. The City further agrees to maintain and operate the lighting system in an efficient and slightly condition, including the furnishing of all equipment and labor and making any replacements which may

become necessary, without cost to the State in accordance with the National Electrical Code and State Standards.

- B. The City shall assume maintenance and operation on a date to correspond with the date construction of the lighting system is accepted by the State. The State will provide written notification to the City of such acceptance. The City hereby agrees to furnish at its expense the electrical energy consumed by the system during the period of trial operation prior to the acceptance by the State.
- C. The City will obtain approval of the Executive Director before making any major changes in the design and/or operation of the lighting system as designed or before the removal of any part of the installation except for the purpose of replacement where identical or accepted equivalent equipment to that originally installed is used.

Article 3. GENERAL

- A. This Agreement shall remain in force for a period of two years from the date that maintenance and operation responsibilities are first assumed by the City and shall be automatically renewed for two-year periods unless modified by mutual agreement by both parties.
- B. The State will not incur any financial obligation to the City as a result of the Agreement.
- C. This Agreement may be terminated sixty (60) days after the filing of a written notice by either party of a desire for cancellation. The State reserves the right to remove the lighting system upon cancellation of the Agreement.
- D. If, at any time, the City does not maintain and operate the lighting system in a satisfactory manner, the State reserves the right to either arrange for maintenance at the expense of the City or to remove the lighting system. Should the lighting system be removed due to lack of maintenance, the City hereby agrees to reimburse the State for the cost of removal.
- E. Should disputes arise as to the parties' obligations under this Agreement, the State's decision shall be final and binding.
- F. The City shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any court, or administrative bodies or tribunals in any matter affecting the performance of this Agreement.
- G. Changes in time frame, character, cost, or obligations authorized herein shall be enacted by written amendment. Any amendment to this Agreement must be executed by both parties within the contract period.
- H. This Agreement shall bind, and shall be for the sole and exclusive benefit of the respective parties and their legal successors. The City shall not assign or transfer its interest in this Agreement without written consent of the State.
- I. In case any one or more of the provisions contained in this Agreement shall, for any reason, be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- J. This Agreement constitutes the sole and only agreement for lighting at the location described herein of the parties hereto and supersedes any prior understandings or written or oral agreement between the parties respecting within subject matter.

- K. The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
- L. At the request of the State, the City shall submit any information required by the State in the format directed by the State.

Article 4. INDEMNIFICATION

The City acknowledges that it is not an agent, servant, or employee of the State and, thus, is responsible for its own acts and deeds and for those of its agents or employees during the performance of the work defined in this agreement.

IN WITNESS WHEREOF, the parties have thereunto affixed their signatures, the City of LA PORTE on the _____ day of _____, 20____, and the Texas Department of Transportation on the _____ day of _____ 20____.

THE CITY OF LA PORTE

Executed on behalf of the City by:

By _____ Date _____

Typed or Printed Name and Title _____

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
Houston District Engineer

RESOLUTION NO. 2018-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, ENTERING INTO AN AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF INSPECTION LIGHTING SYSTEM UNDER SH 146 WITHIN THE CITY OF LA PORTE.

WHEREAS, the City of La Porte has requested Texas Department of Transportation to allow construction, maintenance, and operation of a underpass lighting system underneath the freeway designated as State Highway 146 at the intersection of West Barbour’s Cut Blvd. within the limits which is in accordance with 43 Texas Administrative Code, Section 25.11; and

WHEREAS, within the City of La Porte, said lighting system hereinafter referred to as the “lighting system” is to consist of lighting to be built underneath State Highway 146 at West Barbour’s Cut Blvd. at the truck inspection station.

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

Section 1. The City of La Porte will prepare or provide for the plans and specifications, advertise for bids, let the construction contract, or otherwise provide for the construction, and will supervise the construction or betterment work as required by said plans and specifications and the State will review the plans before construction begins.

Section 2. The City of La Porte agrees to furnish at its expense the electrical energy required for proper operation of the lighting system. The City further agrees to maintain and operating the lighting system in an efficient and slightly condition. The City shall assume maintenance and operation of the lighting system once accepted by the State.

Section 3. The City of La Porte will obtain approval of the Executive Director before making any major changes in the design and/or operation of the lighting system as designed or before the removal of any part of the installation except for the purpose of replacement where identical or accepted equivalent equipment to that originally installed is used.

Section 4. The agreement shall remain in force for a period of two years from the date that maintenance and operation responsibilities are first assumed by the City and shall be automatically renewed for two-year periods unless modified by mutual agreement by both parties.

Section 5. This agreement may be terminated sixty days after the filing of a written notice by either party of a desire for cancellation. The State reserves the right to remove the lighting system upon cancellation of the agreement.

Section 6. If, at any time, the City does not maintain and operate the lighting system in a satisfactory manner, the State reserves the right to either arrange for maintenance at the expense of the City or to remove the lighting system. Should the lighting system be removed due to lack of maintenance, the City hereby agrees to reimburse the State for the cost of removal.

Section 7. This Resolution shall be effective upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2018.

CITY OF LA PORTE

By: _____
Louis R. Rigby
Mayor

ATTEST:

Patrice Fogarty
City Secretary

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested <u>February 12, 2018</u>
Requested By: <u>Don Pennell</u>
Department: <u>Public Works</u>
Report <input checked="" type="checkbox"/> Resolution: <input type="checkbox"/> Ordinance: <input type="checkbox"/>

<u>Appropriation</u>	
Source of Funds:	<u>015</u>
Account Number:	<u>015.9090.519.1100</u>
Amount Budgeted:	<u>\$286,000.00</u>
Amount Requested:	<u>\$254,373.93</u>
Budgeted Item:	YES NO

Exhibit: Harris County Interlocal Agreement
Exhibit: Exhibit A-Project Location Map
Exhibit: Access Report
Exhibit: Bid Tab
Exhibit: Bid Form
Exhibit: Engineer's Recommendation

SUMMARY & RECOMMENDATION

On September 12, 2011, Council authorized execution of a contract with for Klotz Associates, Inc. for the analysis flooding within Battleground Estates. A hydraulic model was developed to reflect existing conditions along the F101 Channel which serves as an outfall for drainage from the Battleground Estates Addition. The model indicated that flows within segments of the F101 Channel, north of North 'P' Street, rise to a level creating capacity limitations which produce frequent out of banks occurrences.

The unimproved upstream channel flows into two forty-two inch (42") corrugated metal pipes (CMP), which feed into the improved two 8' x 10' reinforced concrete boxes downstream. The difference in upstream and downstream conveyance areas creates a restriction upstream, leading to the increase water levels within the northern section of the channel.

LJA Engineering, Inc. provided Engineering Design Services (FY 12-13) for the recommended improvements of removing the two upstream forty-two inch (42") corrugated metal pipes and extending the dual 8' x 10' reinforced concrete boxes across North 'P' Street.

The remaining construction budget includes an allocation of \$201,000.00 for proposed construction improvements. The City has entered into an Inter-local Agreement with Harris County (approved by Council on 11/13/17; approved by the County on 12/05/17) allowing the City to become entitled to a total maximum compensation of \$85,000.00, from Harris County, for the construction of drainage improvements, allowing for a total construction budget of \$286,000.00.

Bid # 18006 for the North P Street Culvert Extension Project was opened and read on December 20, 2017. The bid was advertised in the Bay Area Observer on November 30 and December 7, 2017, and posted on Public Purchase and the City's website. Thirty-two (32) vendors accessed the bid and five (5) bids were received. Paskey Inc. submitted the lowest and best total bid at \$231,373.93.

Benefits:

Provides improved drainage conveyance within the F101 Channel, across North P Street.

Liabilities:

Capacity limitations and out of banks occurrences would remain.

Operating Costs:

N/A

Action Required by Council:

Consider approval of or other action to award Bid #18006 in the amount of \$231,373.93, to Paskey, Inc., for the North P Street Culvert Extension Project with a total project funding allocation of \$254,373.93, including a 10% contingency of \$23,000.00.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

HARRIS COUNTY

ENGINEERING DEPARTMENT

1001 Preston, 7th Floor
Houston, Texas 77002
(713) 755-5370

December 15, 2017

City of La Porte, Texas
2963 North 23rd Street
La Porte, Texas 77571
Attention: Don Pennell, Director of Public Works

SUBJECT: Interlocal Agreement between Harris County and City of La Porte, Texas to jointly accomplish the design and construction of drainage improvements, along the P Street right-of-way and intersecting the Harris County Flood Control Channel Unit F101-06, located within the territorial limits of La Porte, Texas, and Harris County Precinct 2

Dear Mr. Pennell:

The subject agreement was executed by Harris County Commissioners' Court on December 05, 2017. Enclosed for the City's record is a fully executed original agreement. If you have any questions or need additional information, please call me at (713) 274-3659.

Sincerely,



Bill Nobles, P.E.
Interagency Agreement Coordinator

BN/

Attachment

cc: Commissioner Jack Morman, Pct. 2
Arcadio Avalos, Pct. 2
Dave Walden, Pct. 2
Jeremy Phillips, Pct. 2
Misty Rios, Pct. 2
Tammy Fuselier, Pct. 2
Jennifer Almonte, Pct.2
Helen Berrott-Tims, Pct. 2

Terry Jones, HCED
Angela Murry, HCED
Cassandra Green, HCED
Chris Saldana, HCED
Veronica Thomas dana, HCED
Nora Martinez, HCED
Central File

INTERLOCAL AGREEMENT

This Interlocal Agreement (“Agreement”) is entered into by and between **Harris County** (“County”) and **City of La Porte, Texas** (“City”) pursuant to the Interlocal Cooperation Act, Tex. Gov’t Code Ch. 791.001, *et seq.* County and City may each be referred to herein individually as a “Party” or collectively as the “Parties.”

RECITALS

Whereas, the City intends to construct drainage improvements, including but not necessarily limited to removing existing dual forty-two (42) inch corrugated galvanized metal pipes, and replacing them with dual eight (8) foot by ten (10) foot box culverts, across the P Street right-of-way and intersecting the Harris County Flood Control Channel Unit F101-06, located within the territorial limits of La Porte, Texas, and Harris County Precinct 2 (“Project”);

Whereas, it is to the mutual benefit of the Parties to construct the Project;

Whereas, the Parties desire to cooperate in accordance with the terms of this Agreement to jointly accomplish the construction of the Project.

NOW THEREFORE, in consideration of the mutual promises, obligations, and benefits herein set forth, the Parties agree as follows:

TERMS

Section 1. Responsibilities of the Parties

A. City’s Responsibilities

- (i) The City will provide or cause to be provided, engineering services and related support services necessary to prepare the plans, specifications, and estimates (“PS&E”) for construction of the Project.
- (ii) The City will submit the PS&E to the County for review and approval. Should the County desire to make changes to such PS&E, the Parties agree to meet and resolve all issues in order to finalize an agreed-upon PS&E for the Project.
- (iii) Upon completion of the PS&E for the Project, and approval by the County of the PS&E, the City shall advertise for and receive bids for construction of the Project, in a manner similar to other City projects.
- (iv) Upon receipt of bids for the construction of the Project the City shall determine the lowest and best bid and provide the bids to the County with its recommendation for award of the construction contract to such lowest and best bidder, for the County’s review and approval.
- (v) Upon approval of the lowest and best bid by the County, the City shall award the construction contract to such lowest and best bidder.
- (vi) Upon award of a contract for construction of the Project, the City will:

- (a) Manage and inspect the construction of the Project in a manner similar to that of other similar City construction projects; and
 - (b) Through its contractor, construct the Project in accordance with the PS&E approved by the County. The City may make minor changes in the PS&E through change(s) in contract ("CIC") that the City deems to be necessary or desirable during the construction of the Project, so long as the original scope and intent of the Project is maintained.
- (vii) The City is responsible for payment of all costs, fees, and/or expenses for the design and construction of the Project ("Project Costs").
 - (viii) The City will provide funding towards the Project Costs, if required, in accordance with Section 2 below.
 - (ix) Upon completion of the construction of the Project, the City will:
 - (a) Provide an opportunity for the County to participate in a final walk-through and preparation of a punch list in regards to the construction of the Project.
 - (b) After completion of any punch list items and payment of all Project Costs in connection with the Project, the City shall prepare a final accounting of the Project Costs.

B. County's Responsibilities

- (i) The County shall review the PS&E for construction of the Project and provide its approval or any comments it may have, in a timely manner.
- (ii) The County shall review the bids for construction of the Project and provide its approval or any comments it may have, within ten (10) business days from receipt of the contract bids from City; County's review shall be deemed approved if approval is not provided within ten (10) business days from receipt of the contract bids from the City.
- (iii) Upon completion of construction of the Project, County shall assume responsibility for the maintenance and repair of the Project.
- (iv) The County will provide funding towards the Project Costs in accordance with Section 2 below.

Section 2. Funding of the Project

Notwithstanding any provision in this Agreement to the contrary, the following provisions will apply to all payments made under this Agreement:

- A. City understands and agrees, said understanding and agreement also being of the absolute essence of this Agreement, that the total maximum compensation that City may become entitled to

hereunder, and the total maximum sum that the County shall become liable to pay to City hereunder, shall not under any conditions, circumstances, or interpretations thereof exceed the sum of \$85,000.00. Any construction or other work to be performed under this Agreement or expenses incurred by the City in excess of \$85,000.00 are at City's own expense and are not reimbursable.

- B. Any payment made by the County to the City pursuant to this Agreement shall not be used by the City for any purpose other than paying for or reimbursing the City's cost in administering and/or constructing the Project.
- C. Upon completion of construction of the Project, the City will determine the actual Project Cost ("Actual Costs"), and notify the County of the Actual Cost.
- D. Upon completion of the Project, the City will provide an invoice to the County for the amount of the Actual Costs, up to but not to exceed \$85,000. County will remit payment of such invoice to the City to the extent such invoice amount does not exceed \$85,000, as certified available by the Harris County Auditor.

Section 3. Liability of the Parties

To the extent permitted by law each Party shall be responsible for all claims against it due to the activities of the Party's employees, officials, agent or subcontractors arising out of or under this Agreement and which result from any act, error, or omission, intentional tort, intellectual property infringement, or failure to pay a vendor, committed by the Party or its employees, officials, agents, consultants under contract, or any other entity over which it exercises control.

Section 4. Termination

This Agreement may be terminated (i) by the City before award of the construction contract; (ii) by the County if construction has not been completed within three (3) years of the execution of this Agreement by all Parties, or (iii) at any time by mutual written consent of the Parties. Should this Agreement be terminated pursuant to this Section, the City shall not be entitled to any payment or reimbursement from the County under this Agreement.

Section 5. Miscellaneous

- A. **Non-Assignability.** City shall not make, in whole or in part, any assignment of this Agreement or any obligation hereunder without the prior written consent of the County
- B. **Notice.** Any notice required to be given under this Agreement ("Notice") shall be in writing and shall be duly served when it shall have been personally delivered to the address below, deposited, enclosed in a wrapper with the proper postage prepaid thereon, and duly registered or certified, return receipt requested, in a United States Post Office, addressed to County or City at the following addresses:

City: City of La Porte, Texas
2963 North 23rd Street
La Porte, Texas 77571
Attention: Don Pennell, Director of Public Works
Email: PennellD@laportetx.gov

County: Harris County Engineering Department
1001 Preston Avenue, 7th Floor

Houston, Texas 77002-1893
Attention: Interagency Agreement Coordinator
Email: bill.nobles@hcpid.org

Any Notice given hereunder is deemed given upon hand delivery or three (3) days after the date of deposit in the United States Mail.

Each Party shall have the right to change its respective address by giving at least fifteen (15) days' written notice of such change to the other Party.

Other communications, except for Notices required under this Agreement, may be sent by electronic means or in the same manner as Notices described herein.

- C. Severability. The provisions of this Agreement are severable, and if any provision or part of this Agreement or the application thereof to any person or circumstances shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Agreement and the application of such provision or part of this Agreement to other persons or circumstances shall not be affected thereby.
- D. Waiver. No waiver or waivers of any breach or default (or any breaches or defaults) by either Party hereto of any term, covenant, condition, or liability hereunder, or the performance by either Party of any duty of obligation hereunder, shall be deemed or construed to be a waiver of subsequent breaches or defaults of any kind, under any circumstances
- E. Immunity. Neither the execution of this Agreement nor any other conduct of either Party relating to this Agreement shall be considered a waiver by the County or City of any right, defense, or immunity on behalf of itself, its employees or agents under the Texas Constitution or the laws of the State of Texas. The County does not agree to binding arbitration, nor does the County waive its right to a jury trial.
- F. Sole Agreement. This Agreement supersedes any and all other discussions, negotiations and representations of any kind and represents the entire Agreement of the Parties relating to the rights granted and the obligations assumed herein.
- G. Modification/Expansion. Any oral or written representations or modifications concerning this instrument shall only be effective by formal amendment approved by the governing bodies of each Party.
- H. Parties in Interest; Venue. This Agreement shall be for the sole and exclusive benefit of the Parties and their legal successors and assigns. Nothing contained in the Agreement shall be construed to or operate in any manner whatsoever to confer any rights upon any third party, increase the rights of any third party or the duties or responsibilities of County with respect to any third party. This agreement shall be governed by the laws of the State of Texas and the forum for any action under or related to the Agreement is exclusively in a state or federal court of competent jurisdiction in Texas. The exclusive venue for any action under or related to the Agreement is Houston, Harris County, Texas.
- I. Warranty. By execution of this Agreement, the City warrants that the duties accorded to the City in this Agreement are within the powers and authority of the City.

- J. Independent Parties. It is expressly understood and agreed by the Parties that nothing contained in this Agreement shall be construed to create a joint venture, partnership, association or other affiliation or like relationship between the Parties, it being specifically agreed that their relationship is and shall remain that of independent parties to a contractual relationship as set forth in this Agreement. The County is an independent contractor and neither it, nor its employees or agents shall be considered to be an employee, agent, partner, or representative of the City for any purpose. The City, nor its employees, officers, or agents shall be considered to be employees, agents, partners or representatives of the County for any purposes. Neither Party has the authority to bind the other Party.
- K. Execution. Each Party warrants that the undersigned is a duly authorized representative with the power to execute the Agreement.
- L. Personal Liability. Nothing in the Agreement is construed as creating any personal liability on the part of any officer, director, employee, or agent of any public body that may be a Party to the Agreement, and the Parties expressly agree that the execution of the Agreement does not create any personal liability on the part of any officer, director, employee, or agent of the County. The Parties agree that no provision of this Agreement extends the County's liability beyond the liability provided in the Texas Constitution and the laws of the State of Texas.
- M. Multiple Counterparts. This Agreement may be executed in several counterparts. Each counterpart is deemed an original and all counterparts together constitute one and the same instrument. In addition, each Party warrants that the undersigned is a duly authorized representative with the power to execute the Agreement.
- N. Recitals. The recitals set forth in this Agreement are, by this reference, incorporated into and deemed a part of this Agreement.

HARRIS COUNTY

By: Ed Emmett sr
 Ed Emmett
 County Judge

CITY OF LA PORTE, TEXAS

By: [Signature]
 Mayor

APPROVED AS TO FORM:

VINCE RYAN
 County Attorney

By: Pegi S. Block
 Pegi S. Block

ATTEST

By: Patricia Fogarty
 City Secretary



APPROVED AS TO FORM:

Assistant County Attorney
CAO File No.: 12GEN1601

By: *Mark T. Perkins*
City Attorney, La Porte, Texas

ORDER OF COMMISSIONERS COURT

The Commissioners Court of Harris County, Texas, met in regular session at its regular term at the Harris County Administration Building in the City of Houston, Texas, on DEC 05 2017, with all members present except none.

A quorum was present. Among other business, the following was transacted:

ORDER AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN HARRIS COUNTY AND CITY OF LA PORTE, TEXAS TO JOINTLY ACCOMPLISH THE DESIGN AND CONSTRUCTION OF DRAINAGE IMPROVEMENTS ALONG THE P STREET RIGHT-OF-WAY AND INTERSECTING THE HARRIS COUNTY FLOOD CONTROL CHANNEL UNIT F101-06, LOCATED WITHIN THE TERRITORIAL LIMITS OF LA PORTE, TEXAS, AND HARRIS COUNTY PRECINCT 2.

Commissioner Cagle introduced an order and moved that Commissioners Court adopt the order. Commissioner Ellis seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Ed Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Jack Morman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Steve Radack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. R. Jack Cagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order thus adopted follows:

IT IS ORDERED THAT:

1. The Harris County Judge is authorized to execute on behalf of Harris County the attached Interlocal Agreement between Harris County and City of La Porte, Texas to jointly accomplish the design and construction of drainage improvements, along the P Street right-of-way and intersecting the Harris County Flood Control Channel Unit F101-06, located within the territorial limits of La Porte, Texas, and Harris County Precinct 2.
2. All Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purposes of this order.

Presented to Commissioners' Court

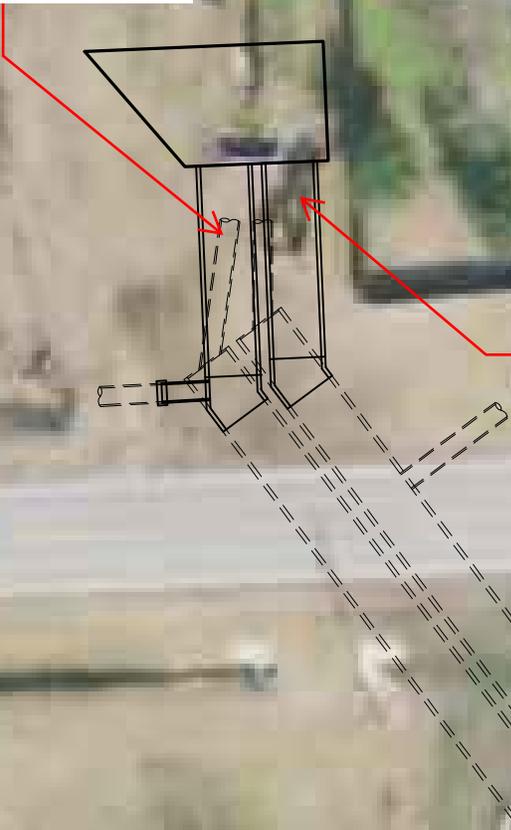
DEC 05 2017

APPROVE C/E

Recorded Vol. _____ Page _____

EXHIBIT A - AREA MAP

EXISTING 42" CMP (x2)
(TO BE REMOVED)



PROPOSED DUAL 10' x 8'
BOX STM. SEWER

LEMON

AVENUE P

HCFCD
F101-00-00-E004

Access Report

Agency

Bid Number

Bid Title

City of La Porte (TX)

18006

North P Street Culvert Extension

Vendor Name	Accessed First Time	Documents
AR TurnKey Construction Company, Inc.	2017-12-19 03:28 PM CST	1806 North P Street Culvert Extension Final.pdf
Perkens WS Corporation	2017-11-30 09:55 PM CST	1806 North P Street Culvert Extension Final.pdf
Construction Bid Source	2017-12-04 06:56 PM CST	1806 North P Street Culvert Extension Final.pdf
GW Phillips Concrete Construction, Inc.	2017-12-19 04:35 PM CST	1806 North P Street Culvert Extension Final.pdf
Dale Dobbins	2017-12-04 10:07 AM CST	1806 North P Street Culvert Extension Final.pdf
Taylor & Taylor Construction	2017-11-30 08:39 AM CST	1806 North P Street Culvert Extension Final.pdf
Onvia	2017-11-30 01:01 PM CST	1806 North P Street Culvert Extension Final.pdf
South Houston Concrete Pipe Co., Inc.	2017-12-13 07:52 AM CST	1806 North P Street Culvert Extension Final.pdf
R. L. Utilities	2017-12-01 01:37 PM CST	1806 North P Street Culvert Extension Final.pdf
CHEMTEX LABORATORY	2017-12-01 11:33 AM CST	1806 North P Street Culvert Extension Final.pdf
Advanced Starlight International	2017-12-04 09:05 AM CST	1806 North P Street Culvert Extension Final.pdf
Forde Construction Company	2017-12-11 02:46 PM CST	1806 North P Street Culvert Extension Final.pdf
MAR-CON SERVICES, LLC	2017-12-06 01:04 PM CST	1806 North P Street Culvert Extension Final.pdf
Reed Construction Data	2017-12-01 01:12 PM CST	1806 North P Street Culvert Extension Final.pdf
Paskey Incorporated	2017-12-14 09:58 AM CST	1806 North P Street Culvert Extension Final.pdf
North America Procurement Council	2017-12-01 03:23 PM CST	1806 North P Street Culvert Extension Final.pdf
ISI Contracting, Inc.	2017-11-30 08:08 AM CST	1806 North P Street Culvert Extension Final.pdf
Webtech	2017-12-01 01:38 AM CST	1806 North P Street Culvert Extension Final.pdf
Horseshoe Construction, Inc	2017-11-30 11:17 AM CST	1806 North P Street Culvert Extension Final.pdf
aztec remodeling &landscaping company	2017-11-30 08:26 AM CST	1806 North P Street Culvert Extension Final.pdf
Brooks Concrete Inc	2017-11-30 08:13 AM CST	1806 North P Street Culvert Extension Final.pdf
RAC Industries, LLC	2017-11-30 08:12 AM CST	1806 North P Street Culvert Extension Final.pdf
WadeCon, LLC	2017-12-14 04:44 PM CST	1806 North P Street Culvert Extension Final.pdf
JDR Management	2017-12-01 03:35 PM CST	1806 North P Street Culvert Extension Final.pdf
Grand Cayon Minority Contractors Association	2017-12-01 12:59 PM CST	1806 North P Street Culvert Extension Final.pdf
GW Phillips Construction, INC.	2017-12-19 04:35 PM CST	1806 North P Street Culvert Extension Final.pdf
Precise Services Inc.	2017-11-30 08:10 AM CST	1806 North P Street Culvert Extension Final.pdf
BidClerk	2017-12-01 05:02 AM CST	1806 North P Street Culvert Extension Final.pdf
Dodge Data & Analytics	2017-12-02 08:37 AM CST	1806 North P Street Culvert Extension Final.pdf
Hearn Company	2017-11-30 02:05 PM CST	1806 North P Street Culvert Extension Final.pdf
Proshot Concrete, Inc	2017-12-08 09:52 AM CST	1806 North P Street Culvert Extension Final.pdf
SO	2017-11-30 01:32 PM CST	1806 North P Street Culvert Extension Final.pdf

Tabulation of Bids opened for: NORTH P STREET CULVERT EXTENSION (#18006) (CITY OF LA PORTE) Bid Date: 12/19/2017 @ 2:00PM LJA PROJECT NO. E170-0130				1		2		3		4		5	
				PASKEY INCORPORATED 128 South 8th St La Porte, Texas 77571 Principal: Curtis W. Paskey Phone: 281-941-9321 bids@paskeyinc.com		MAR-CON SERVICES, LLC 1410 Preston Rd, Bldg H Pasadena, Texas 77503 Principal: Mario Ramos Phone: 713-473-1800 mario@marconllc.com		RAC INDUSTRIES, LLC 2512 Cocoa Ln Pasadena, Texas 77502 Signed: Robert N. Smither Phone: 713-534-1151 bob@racpt.com		WADE CON, LLC 1525 Lakeville Dr. Suite 115 Kingwood, TX 77339 Principal: Jerry Wade Phone: 281-348-0853 dschomer@wadecon.com		GW PHILLIPS CONCRETE CONSTRUCTION, INC. 117 Oates Rd Houston, Texas 77013 Principal: George W. Phillips Phone: 713-674-9400 accounting@gwphillipsconstru ction.com	
Item No.	Description	Est. Qty.	Units	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	Demolition of Existing Concrete Transition Structure, Including Concrete Rip-Rap, Complete in Place	1	LS	\$ 15,812.55	\$ 15,812.55	\$ 254.40	\$ 254.40	\$ 10,000.00	\$ 10,000.00	\$ 12,000.00	\$ 12,000.00	\$ 25,000.00	\$ 25,000.00
2	Removal of Existing 10'x8' Reinforced Concrete Box Storm Sewer, Complete in Place	65	LF	\$ 35.00	\$ 2,275.00	\$ 105.80	\$ 6,877.00	\$ 77.00	\$ 5,005.00	\$ 200.00	\$ 13,000.00	\$ 100.00	\$ 6,500.00
3	Removal of Existing 42" CMP Storm Sewer, Complete in Place	80	LF	\$ 0.99	\$ 79.20	\$ 13.10	\$ 1,048.00	\$ 20.00	\$ 1,600.00	\$ 20.00	\$ 1,600.00	\$ 25.00	\$ 2,000.00
4	Control of Ground Water and Surface Water, Complete in Place	1	LS	\$ 0.99	\$ 0.99	\$ 35,002.80	\$ 35,002.80	\$ 4,950.00	\$ 4,950.00	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00
5	Channel Excavation to Required Depth as Shown on Plans, Complete in Place	400	CY	\$ 17.91	\$ 7,164.00	\$ 12.30	\$ 4,920.00	\$ 12.00	\$ 4,800.00	\$ 20.00	\$ 8,000.00	\$ 30.00	\$ 12,000.00
6	Reinforced Concrete Transition Structure, Including Headwall Structure, Wingwalls, and All Appurtenances, Complete in Place	1	LS	\$ 27,117.00	\$ 27,117.00	\$ 37,618.60	\$ 37,618.60	\$ 45,261.00	\$ 45,261.00	\$ 65,000.00	\$ 65,000.00	\$ 50,000.00	\$ 50,000.00
7	Reinforced Concrete Slope Paving (5" Thick), with Toe Walls, Weep Holes, and All Appurtenances, Complete in Place	100	SY	\$ 143.20	\$ 14,320.00	\$ 81.80	\$ 8,180.00	\$ 80.00	\$ 8,000.00	\$ 80.00	\$ 8,000.00	\$ 85.00	\$ 8,500.00
8	Concrete Rip-Rap (Stone Erosion Protection) (18" Thick), Complete in Place	175	SY	\$ 74.77	\$ 13,084.75	\$ 61.80	\$ 10,815.00	\$ 90.00	\$ 15,750.00	\$ 100.00	\$ 17,500.00	\$ 80.00	\$ 14,000.00
9	Reinforced Concrete Junction Box, Including Connection of Proposed 42" CMP Storm Sewer, Connection of Existing 10'x8' Reinforced Concrete Box Storm Sewer, Connection of Proposed 10'x8' Reinforced Concrete Box Storm Sewer, Access Inlet with Solid Cover, and All Appurtenances, Complete in Place	1	LS	\$ 39,790.00	\$ 39,790.00	\$ 44,549.70	\$ 44,549.70	\$ 46,554.00	\$ 46,554.00	\$ 60,000.00	\$ 60,000.00	\$ 68,000.00	\$ 68,000.00
10	10'x8' Reinforced Concrete Box Storm Sewer, Complete in Place	70	LF	\$ 743.70	\$ 52,059.00	\$ 925.10	\$ 64,757.00	\$ 921.80	\$ 64,526.00	\$ 1,400.00	\$ 98,000.00	\$ 1,400.00	\$ 98,000.00
11	42" CMP Storm Sewer, Complete in Place	20	LF	\$ 98.20	\$ 1,964.00	\$ 301.60	\$ 6,032.00	\$ 150.00	\$ 3,000.00	\$ 200.00	\$ 4,000.00	\$ 150.00	\$ 3,000.00
12	42" Reinforced Concrete Collar, Complete in Place	1	EA	\$ 779.00	\$ 779.00	\$ 753.90	\$ 753.90	\$ 825.00	\$ 825.00	\$ 2,000.00	\$ 2,000.00	\$ 1,200.00	\$ 1,200.00
13	Trench Safety System, Complete in Place	150	LF	\$ 0.13	\$ 19.50	\$ 1.00	\$ 150.00	\$ 1.00	\$ 150.00	\$ 1.00	\$ 150.00	\$ 5.00	\$ 750.00
14	Turf Establishment, Full Sodding, Complete in Place	800	SY	\$ 5.53	\$ 4,424.00	\$ 3.40	\$ 2,720.00	\$ 4.00	\$ 3,200.00	\$ 5.00	\$ 4,000.00	\$ 6.50	\$ 5,200.00

Tabulation of Bids opened for:				1		2		3		4		5	
NORTH P STREET CULVERT EXTENSION (#18006) (CITY OF LA PORTE) Bid Date: 12/19/2017 @ 2:00PM LJA PROJECT NO. E170-0130				PASKEY INCORPORATED 128 South 8th St La Porte, Texas 77571 Principal: Curtis W. Paskey Phone: 281-941-9321 bids@paskeyinc.com		MAR-CON SERVICES, LLC 1410 Preston Rd, Bldg H Pasadena, Texas 77503 Principal: Mario Ramos Phone: 713-473-1800 mario@marconllc.com		RAC INDUSTRIES, LLC 2512 Cocoa Ln Pasadena, Texas 77502 Signed: Robert N. Smither Phone: 713-534-1151 bob@racpt.com		WADE CON, LLC 1525 Lakeville Dr. Suite 115 Kingwood, TX 77339 Principal: Jerry Wade Phone: 281-348-0853 dschomer@wadecon.com		GW PHILLIPS CONCRETE CONSTRUCTION, INC. 117 Oates Rd Houston, Texas 77013 Principal: George W. Phillips Phone: 713-674-9400 accounting@gwphillipsconstruction.com	
				Item No.	Description	Est. Qty.	Units	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
15	Asphalt Surface Restoration, Including 8-Inch Thick Asphalt Base, Gr. 2, PG-64, Per TXDOT Item 292 and 2 1/2-Inch Thick HMHL Surface Coarse, Type "D" per TXDOT Item 340, Includes Saw-Cut and Removal of Existing Pavement, Complete in Place	100	SY	\$ 43.73	\$ 4,373.00	\$ 16.10	\$ 1,610.00	\$ 100.00	\$ 10,000.00	\$ 100.00	\$ 10,000.00	\$ 65.00	\$ 6,500.00
16	Traffic Control, as Necessary, Includes Acquiring Permits, Installation, Maintenance, & Removal of All Traffic Control Devices Required by Permit and as Shown on Project Plans, Complete in Place	1	LS	\$ 999.00	\$ 999.00	\$ 2,290.40	\$ 2,290.40	\$ 8,500.00	\$ 8,500.00	\$ 5,000.00	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00
17	Traffic Markings, Prep and Paint, 4" Solid White, Complete in Place, As Directed by Owner's Representative, Complete in Place	70	LF	\$ 30.51	\$ 2,135.70	\$ 4.00	\$ 280.00	\$ 12.00	\$ 840.00	\$ 5.00	\$ 350.00	\$ 6.00	\$ 420.00
18	Traffic Markings, Prep and Paint, 4" Dashed Yellow, Complete in Place, As Directed by Owner's Representative, Complete in Place	70	LF	\$ 30.51	\$ 2,135.70	\$ 4.00	\$ 280.00	\$ 12.00	\$ 840.00	\$ 5.00	\$ 350.00	\$ 6.00	\$ 420.00
19	SWPPP, Type 4 (Gabion) Filter Dam in Accordance with HCFCD Standard Details Shown on Plans, Installed Prior to Construction, Maintained During Construction, and Removed After Construction, Complete in Place	2	EA	\$ 1,273.00	\$ 2,546.00	\$ 1,254.40	\$ 2,508.80	\$ 1,320.00	\$ 2,640.00	\$ 1,500.00	\$ 3,000.00	\$ 3,200.00	\$ 6,400.00
20	SWPPP, Silt Fence in Accordance with HCFCD Standard Details Shown on Plans, Installed Prior to Construction, Maintained During Construction, and Removed After Construction, Complete in Place	40	LF	\$ 4.00	\$ 160.00	\$ 2.20	\$ 88.00	\$ 2.00	\$ 80.00	\$ 5.00	\$ 200.00	\$ 2.00	\$ 80.00
21	SWPPP, Inlet Protection in Accordance with HCFCD Standard Details Shown on Plans, Installed Prior to Construction, Maintained During Construction, and Removed After Construction, Complete in Place	1	EA	\$ 79.00	\$ 79.00	\$ 67.20	\$ 67.20	\$ 44.00	\$ 44.00	\$ 100.00	\$ 100.00	\$ 70.00	\$ 70.00
22	SWPPP, Strip Sodding in Accordance with HCFCD Standard Details Shown on Plans, Installed Prior to Construction, Maintained During Construction, and Removed After Construction, Complete in Place	400	LF	\$ 1.39	\$ 556.00	\$ 0.80	\$ 320.00	\$ 1.50	\$ 600.00	\$ 1.00	\$ 400.00	\$ 5.00	\$ 2,000.00
TOTAL AMOUNT BASE BID ITEMS				\$ 191,873.39		\$ 231,122.80		\$ 237,165.00		\$ 322,650.00		\$ 334,040.00	

Tabulation of Bids opened for:				1		2		3		4		5	
NORTH P STREET CULVERT EXTENSION (#18006) (CITY OF LA PORTE)				PASKEY INCORPORATED 128 South 8th St La Porte, Texas 77571 Principal: Curtis W. Paskey Phone: 281-941-9321 bids@paskeyinc.com		MAR-CON SERVICES, LLC 1410 Preston Rd, Bldg H Pasadena, Texas 77503 Principal: Mario Ramos Phone: 713-473-1800 mario@marconllc.com		RAC INDUSTRIES, LLC 2512 Cocoa Ln Pasadena, Texas 77502 Signed: Robert N. Smither Phone: 713-534-1151 bob@racpt.com		WADE CON, LLC 1525 Lakeville Dr. Suite 115 Kingwood, TX 77339 Principal: Jerry Wade Phone: 281-348-0853 dschomer@wadecon.com		GW PHILLIPS CONCRETE CONSTRUCTION, INC. 117 Oates Rd Houston, Texas 77013 Principal: George W. Phillips Phone: 713-674-9400 accounting@gwphillipsconstru ction.com	
Bid Date: 12/19/2017 @ 2:00PM LJA PROJECT NO. E170-0130													
Item No.	Description	Est. Qty.	Units	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
23	"Extra" Cement Stabilized Sand, As Directed by Owner's Representative, Complete in Place	200	TON	\$ 30.00	\$ 6,000.00	\$ 30.00	\$ 6,000.00	\$ 38.70	\$ 7,740.00	\$ 30.00	\$ 6,000.00	\$ 35.00	\$ 7,000.00
24	"Extra" Class A Concrete, As Directed by Owner's Representative, Complete in Place	100	CY	\$ 100.00	\$ 10,000.00	\$ 100.00	\$ 10,000.00	\$ 121.00	\$ 12,100.00	\$ 100.00	\$ 10,000.00	\$ 200.00	\$ 20,000.00
25	Select Fill, Compacted per ASTM D698, As Directed by Owner's Representative, Complete in Place	300	CY	\$ 10.00	\$ 3,000.00	\$ 10.00	\$ 3,000.00	\$ 10.00	\$ 3,000.00	\$ 10.00	\$ 3,000.00	\$ 22.00	\$ 6,600.00
26	42-Inch Reinforced Concrete Pipe, ASTM C-76, Class III, As Directed by Owner's Representative, Complete in Place	40	LF	\$ 100.00	\$ 4,000.00	\$ 184.30	\$ 7,372.00	\$ 145.20	\$ 5,808.00	\$ 150.00	\$ 6,000.00	\$ 200.00	\$ 8,000.00
27	Crushed Rock to Obtain Stable Trench Bottom, As Directed by Owner's Representative, Complete in Place	100	CY	\$ 40.00	\$ 4,000.00	\$ 40.00	\$ 4,000.00	\$ 40.00	\$ 4,000.00	\$ 40.00	\$ 4,000.00	\$ 40.00	\$ 4,000.00
28	Wet Sand Construction for Open Cut Storm Sewers, All Depths, As Directed by Owner's Representative, Complete in Place	100	LF	\$ 125.00	\$ 12,500.00	\$ 125.00	\$ 12,500.00	\$ 125.00	\$ 12,500.00	\$ 125.00	\$ 12,500.00	\$ 125.00	\$ 12,500.00
TOTAL AMOUNT SUPPLEMENTARY ITEMS				\$ 39,500.00		\$ 42,872.00		\$ 45,148.00		\$ 41,500.00		\$ 58,100.00	
TOTAL AMOUNT BASE BID ITEMS				\$ 191,873.39		\$ 231,122.80		\$ 237,165.00		\$ 322,650.00		\$ 334,040.00	
TOTAL AMOUNT SUPPLEMENTARY ITEMS				\$ 39,500.00		\$ 42,872.00		\$ 45,148.00		\$ 41,500.00		\$ 58,100.00	
TOTAL AMOUNT BASE BID ITEMS AND SUPPLEMENTARY ITEMS				\$ 231,373.39		\$ 273,994.80		\$ 282,313.00		\$ 364,150.00		\$ 392,140.00	



LJA Engineering, Inc.
11821 East Freeway, Suite 360
Houston, Texas 77029
Phone 713.450.1300
Fax 713.450.1385
Firm Reg. No. F-1386

BID FORM
BID 18006- North P Street Culvert Extension

DATE: 12/20/2017

Bid of Paskey Incorporated an individual proprietorship, a corporation organized and existing under laws of the State of Texas, a partnership consisting of _____, for a Digester Aeration System Modification for Little Cedar Bayou Wastewater Treatment Plant, for the City of La Porte, Harris County, Texas.

Gentlemen:

The undersigned bidder has carefully examined the Instructions to Bidders, this Proposal, the General Conditions of Agreement, the Technical Specifications and the drawings for the work herein above described and referred to in the Invitation to Bid and has carefully examined the site of the work and will provide all necessary labor, superintendence, machinery, equipment, tools, materials, services and other means of construction to complete all the work upon which he bids, as called for in the Contract, the Specifications and shown on the drawings, and in the manner prescribed therein and according to the requirements of the City of La Porte.

TOTAL BASE BID \$ 191,873.39

Written One Hundred Ninety-One Thousand Eight Hundred Seventy-Three Dollars and Thirty-Nine Cents

TOTAL AMOUNT BASE BID ITEMS \$ 231,373.39
AND SUPPLEMENTARY ITEMS

Written Two Hundred Thirty-One Thousand Three Hundred Seventy-Three Dollars and Thirty-Nine Cents

It is understood and agreed that the work shall be complete in full within 90 calendar days after the date on which work is to be commenced as established by the Contract Documents.

It is agreed that the contract price may be increased or decreased to cover work added or deleted by order of the Engineer, in accordance with the provisions of the General Conditions of Agreement.

The award may be made on the Base Bid alone or the Base Bid and any or all of the Items listed under Alternates or Supplementary, if any.

The undersigned agrees that the amounts bid in this proposal will not be withdrawn or modified for sixty (60) days following date of bid opening.

It is understood that the bid security accompanying this proposal shall be returned to the undersigned unless, in case of the acceptance of this proposal the undersigned should fail to enter into a construction contract and execute bonds as provided in the specifications. In the event the undersigned should fail to enter into a construction contract and execute bonds as required within 14 calendar days after the Engineer has given unsigned contracts to the Contractor, it is understood and agreed that the bid security shall be forfeited to the Owner and shall be considered as payment for damages due to delay and other inconveniences suffered by the Owner as a result of such failure on the part of the undersigned.

It is understood that the Owner reserves the right to reject any and all bids.

In the event of Award of the Contract to the undersigned, the undersigned agrees to furnish Performance and Payment Bonds as provided in the Specifications.

The undersigned certifies that the bid prices contained in this proposal have been carefully checked and are submitted as correct and final

Date 12/20/2017

Signed _____

By President

(Title)

Company Paskey Incorporated

128 South 8th Street La Porte TX 77571

(Address)

281-941-9321

(Telephone Number)

bids@paskeyinc.com

(Email Address)

Witness _____

SEAL (if Bidder is a Corporation)

Acknowledge receipt of Addenda Below:

Addendum No. _____

Add. No. 1 

Date Received _____

12/14/17

BID FORM

ITEM NO.	DESCRIPTION	APPROX. QTY.	UNITS	UNIT PRICE IN WORDS	UNIT PRICE	TOTAL AMOUNT
BASE BID ITEMS						
1	Demolition of Existing Concrete Transition Structure, Including Concrete Rip-Rap, Complete in Place	1	LS	<u>Fifteen Thousand Eight Hundred Twelve</u> Dollars <u>Fifty Five</u> Cents	\$ <u>15,812.55</u>	\$ <u>15,812.55</u>
2	Removal of Existing 10'x8' Reinforced Concrete Box Storm Sewer, Complete in Place	65	LF	<u>Thirty Five Dollars</u> Dollars <u>Zero Cents</u> Cents	\$ <u>35.00</u>	\$ <u>2,275.00</u>
3	Removal of Existing 42" CMP Storm Sewer, Complete in Place	80	LF	<u>Zero</u> Dollars <u>Ninety Nine</u> Cents	\$ <u>0.99</u>	\$ <u>79.20</u>
4	Control of Ground Water and Surface Water, Complete in Place	1	LS	<u>Zero</u> Dollars <u>Ninety Nine</u> Cents	\$ <u>0.99</u>	\$ <u>0.99</u>
5	Channel Excavation to Required Depth as Shown on Plans, Complete in Place	400	CY	<u>Seventeen Dollars</u> Dollars <u>Ninety One</u> Cents	\$ <u>17.91</u>	\$ <u>7,164.00</u>
6	Reinforced Concrete Transition Structure, Including Headwall Structure, Wingwalls, and All Appurtenances, Complete in Place	1	LS	<u>Twenty Seven Thousand One Hundred Seventeen</u> Dollars <u>Zero</u> Cents	\$ <u>27,117.00</u>	\$ <u>27,117.00</u>
7	Reinforced Concrete Slope Paving (5" Thick), with Toe Walls, Weep Holes, and All Appurtenances, Complete in Place	100	SY	<u>One Hundred Forty Three</u> Dollars <u>Twenty</u> Cents	\$ <u>143.20</u>	\$ <u>14,320.00</u>

ITEM NO.	DESCRIPTION	APPROX. QTY.	UNITS	UNIT PRICE IN WORDS	UNIT PRICE	TOTAL AMOUNT
8	Concrete Rip-Rap (Stone Erosion Protection) (18" Thick), Complete in Place	175	SY	<u>Seventy Four</u> Dollars <u>Seventy Seven</u> Cents	\$ <u>74.77</u>	\$ <u>13,084.75</u>
9	Reinforced Concrete Junction Box, Including Connection of Proposed 42" CMP Storm Sewer, Connection of Existing 10'x8' Reinforced Concrete Box Storm Sewer, Connection of Proposed 10'x8' Reinforced Concrete Box Storm Sewer, Access Inlet with Solid Cover, and All Appurtenances, Complete in Place	1	LS	<u>Thirty Nine Thousand Seven Hundred Ninety</u> Dollars <u>Zero</u> Cents	\$ <u>39,790.00</u>	\$ <u>39,790.00</u>
10	10'x8' Reinforced Concrete Box Storm Sewer, Complete in Place	70	LF	<u>Seven Hundred Forty Three</u> Dollars <u>Seventy</u> Cents	\$ <u>743.70</u>	\$ <u>52,059.00</u>
11	42" CMP Storm Sewer, Complete in Place	20	LF	<u>Ninety Eight</u> Dollars <u>Twenty</u> Cents	\$ <u>98.20</u>	\$ <u>1,964.00</u>
12	42" Reinforced Concrete Collar, Complete in Place	1	EA	<u>Seven Hundred Seventy Nine</u> Dollars <u>Zero</u> Cents	\$ <u>779.00</u>	\$ <u>779.00</u>
13	Trench Safety System, Complete in Place	150	LF	<u>Zero</u> Dollars <u>Thirteen</u> Cents	\$ <u>0.13</u>	\$ <u>19.50</u>
14	Turf Establishment, Full Sodding, Complete in Place	800	SY	<u>Five</u> Dollars <u>Fifty Three</u> Cents	\$ <u>5.53</u>	\$ <u>4,424.00</u>

ITEM NO.	DESCRIPTION	APPROX. QTY.	UNITS	UNIT PRICE IN WORDS	UNIT PRICE	TOTAL AMOUNT
15	Asphalt Surface Restoration, Including 8-Inch Thick Asphalt Base, Gr. 2, PG-64, Per TXDOT Item 292 and 2 1/2-Inch Thick HMHL Surface Coarse, Type "D" per TXDOT Item 340, Includes Saw-Cut and Removal of Existing Pavement, Complete in Place	100	SY	<u>Forty Three</u> Dollars <u>Seventy Three</u> Cents	\$ 43.73	\$ 4,373.00
16	Traffic Control, as Necessary, Includes Acquiring Permits, Installation, Maintenance, & Removal of All Traffic Control Devices Required by Permit and as Shown on Project Plans, Complete in Place	1	LS	<u>Nine Hundred Ninety Nine</u> Dollars <u>Zero</u> Cents	\$ 999.00	\$ 999.00
17	Traffic Markings, Prep and Paint, 4" Solid White, Complete in Place, As Directed by Owner's Representative, Complete in Place	70	LF	<u>Thirty</u> Dollars <u>Fifty One</u> Cents	\$ 30.51	\$ 2,135.70
18	Traffic Markings, Prep and Paint, 4" Dashed Yellow, Complete in Place, As Directed by Owner's Representative, Complete in Place	70	LF	<u>Thirty</u> Dollars <u>Fifty One</u> Cents	\$ 30.51	\$ 2,135.70
19	SWPPP, Type 4 (Gabion) Filter Dam in Accordance with HCFCD Standard Details Shown on Plans, Installed Prior to Construction, Maintained During Construction, and Removed After Construction, Complete in Place	2	EA	<u>One Thousand Two Hundred Seventy Three</u> Dollars <u>Zero</u> Cents	\$ 1,273.00	\$ 2,546.00
20	SWPPP, Silt Fence in Accordance with HCFCD Standard Details Shown on Plans, Installed Prior to Construction, Maintained During Construction, and Removed After Construction, Complete in Place	40	LF	<u>Four</u> Dollars <u>Zero</u> Cents	\$ 4.00	\$ 160.00

ITEM NO.	DESCRIPTION	APPROX. QTY.	UNITS	UNIT PRICE IN WORDS	UNIT PRICE	TOTAL AMOUNT
21	SWPPP, Inlet Protection in Accordance with HCFCO Standard Details Shown on Plans, Installed Prior to Construction, Maintained During Construction, and Removed After Construction, Complete in Place	1	EA	<u>Seventy Nine</u> Dollars <u>Zero</u> Cents	\$ 79.00	\$ 79.00
22	SWPPP, Strip Sodding in Accordance with HCFCO Standard Details Shown on Plans, Installed Prior to Construction, Maintained During Construction, and Removed After Construction, Complete in Place	400	LF	<u>One</u> Dollars <u>Thirty Nine</u> Cents	\$ 1.39	\$ 556.00
TOTAL AMOUNT BASE BID ITEMS					\$191,873.39	
						(Items 1 thru 22)
SUPPLEMENTARY ITEMS						
23	"Extra" Cement Stabilized Sand, As Directed by Owner's Representative, Complete in Place	200	TON	<u>Thirty</u> Dollars <u>Zero</u> Cents	(Minimum Bid \$30.00) \$ 30.00	\$ 6,000.00
24	"Extra" Class A Concrete, As Directed by Owner's Representative, Complete in Place	100	CY	<u>One Hundred</u> Dollars <u>Zero</u> Cents	(Minimum bid \$100.00) \$ 100.00	\$ 10,000.00
25	Select Fill, Compacted per ASTM D698, As Directed by Owner's Representative, Complete in Place	300	CY	<u>Ten</u> Dollars <u>Zero</u> Cents	(Minimum Bid \$10.00) \$ 10.00	\$ 3,000.00

ITEM NO.	DESCRIPTION	APPROX. QTY.	UNITS	UNIT PRICE IN WORDS	UNIT PRICE	TOTAL AMOUNT
26	42-Inch Reinforced Concrete Pipe, ASTM C-76, Class III, As Directed by Owner's Representative, Complete in Place	40	LF	One Hundred Zero Dollars Cents	(Minimum Bid \$100.00) \$ 100.00	\$ 4,000.00
27	Crushed Rock to Obtain Stable Trench Bottom, As Directed by Owner's Representative, Complete in Place	100	CY	Forty Zero Dollars Cents	(Minimum bid \$40.00) \$ 40.00	\$ 4,000.00
28	Wet Sand Construction for Open Cut Storm Sewers, All Depths, As Directed by Owner's Representative, Complete in Place	100	LF	One Hundred Twenty Five Zero Dollars Cents	(Minimum bid \$125.00) \$ 125.00	\$ 12,500.00

TOTAL AMOUNT SUPPLEMENTARY ITEMS \$39,500.00
(Items 23 thru 28)

TOTAL AMOUNT BASE BID ITEMS	\$191,873.39
	(Items 1 thru 22)
TOTAL AMOUNT SUPPLEMENTARY ITEMS	\$39,500.00
	(Items 23 thru 28)
TOTAL AMOUNT BASE BID ITEMS AND SUPPLEMENTARY ITEMS	\$231,373.39
	(Items 1 thru 28)

City of La Porte Forms, Certifications, Notifications

- Respondent Affidavit **(Required)**
- Certification by Bidder **(Required)**
- Indemnity Hold Harmless Agreement **(Required)**
- Protection of Resident Workers **(Required)**
- Conflict of Interest Questionnaire **(Required)**
- Local Bidder Preference Form **(Optional)**
- Reference Form **(Required)**
- Statement of Qualifications **(Required)**
- House Bill 89 Verification **(Required)**
- Certificate of Insurance (Notification, due after award)
- FORM 1295 (Notification, due after award)

**CITY OF LA PORTE
RESPONDENT AFFIDAVIT**

The foregoing prices shall include all labor, materials, equipment, removal, overhead, profit, freight, insurance, etc., to cover the finished work specified in this bid.

All items bid and installed under this procurement must be new and unused and in undamaged condition.

The City of La Porte is tax exempt and no taxes shall be included in the pricing of this solicitation.

Respondent understands that the Owner reserves the right to reject any or all bids and to waive any informalities in the solicitation.

The respondent agrees that this solicitation shall be good and may not be withdrawn for a period of sixty (60) calendar days after the scheduled closing time for receiving submittals.

The undersigned affirms they are duly authorized to represent this firm, that this proposal has not been prepared in collusion with any other firm, and that the contents contained herein have not been communicated to any other firm prior to the official opening.

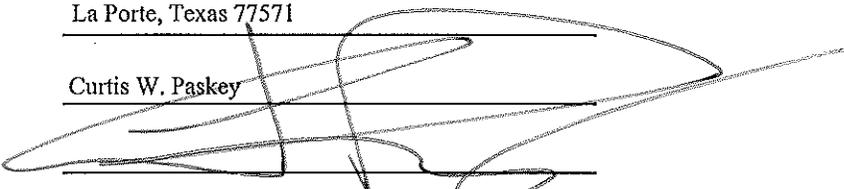
Respectfully submitted:

Business Name: Paskey Incorporated

Address: 128 South 8th Street

La Porte, Texas 77571

Printed Name: Curtis W. Paskey

Authorized Signature:  _____

Date: 12/20/2017

**CITY OF LA PORTE
CERTIFICATION OF RESPONDENT**

City of La Porte Ordinance #98-2217 prohibits any expenditure for goods or services by the City of La Porte from any person, firm, or corporation owing any delinquent indebtedness to the City. The undersigned respondent further certifies that it is in compliance with the requirements of said ordinance. A copy of the ordinance may be obtained by contacting the City of La Porte Purchasing Division at 281-470-5126.

If undersigned bidder is not in compliance with Ordinance 98-2217, it hereby assigns to the City of La Porte, the amount of its delinquent indebtedness to the City of La Porte, to be deducted by the City of La Porte from the amounts due the undersigned.

Failure to remit this certification with the response or non-compliance with said ordinance shall be just cause for rejection or disqualification of submitted proposal.

The undersigned hereby certifies that it is in compliance with Ordinance 98-2217.

Or

The undersigned assigns to the City of La Porte, the amount of its delinquent indebtedness, to be deducted by the City of La Porte from the amounts due the undersigned.

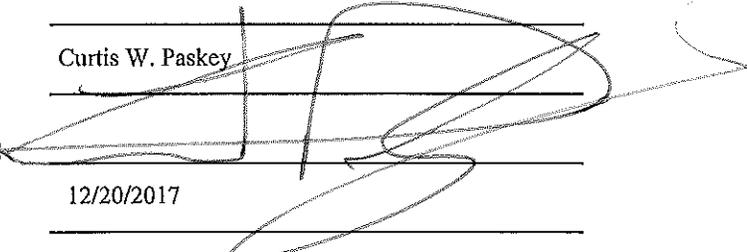
(Initial one of the above)

Business Name: Paskey Incorporated

Address: 128 South 8th Street

La Porte, Texas 77571

Printed Name: Curtis W. Paskey

Authorized Signature: 

Date: 12/20/2017

CITY OF LA PORTE
INDEMNITY HOLD HARMLESS AGREEMENT

To the fullest extent permitted by law, Contractor, its successors, assigns and guarantors, shall pay, defend, indemnify and hold harmless the City of La Porte, its agents, representatives, officers, directors, officials and employees from and against all allegations, demands, proceedings, suits, actions, claims, including claims of patent or copyright infringement, damages, losses, expenses, including but not limited to, attorney's fees, court costs, and the cost of appellate proceedings, and all claim adjusting and handling expenses, related to, arising from or out of or resulting from any actions, acts, errors, mistakes or omissions caused in whole or part by Contractor relating to work, services and/or products provided in the performance of this Contract, including but not limited to, any Subcontractor or anyone directly or indirectly employed by or working as an independent contractor for Contractor or said Subcontractors or anyone for whose acts any of them may be liable and any injury or damages claimed by any of Contractor's and Subcontractor's employees or independent contractors.

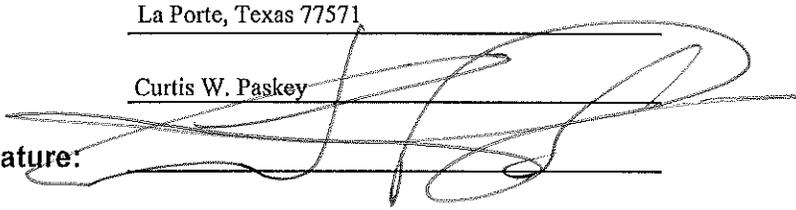
The Contractor expressly understands and agrees that any insurance policies required by this contract, or otherwise provided by the Contractor, shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City of La Porte, its Council members, officers, agents and employees and herein provided.

Business Name: Paskey Incorporated

Address: 128 South 8th Street

La Porte, Texas 77571

Printed Name: Curtis W. Paskey

Authorized Signature: 

Date: 12/20/2017

CITY OF LA PORTE
PROTECTION OF RESIDENT WORKERS COMPLIANCE

The City of La Porte, Texas actively supports the Immigration and Nationality Act (INA) which includes provisions addressing employment eligibility, employment verification, and nondiscrimination. Under the INA, employers may hire only persons who may legally work in the United States (i.e., citizens and nationals of the U.S.) and aliens authorized to work in the U.S.

The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9).

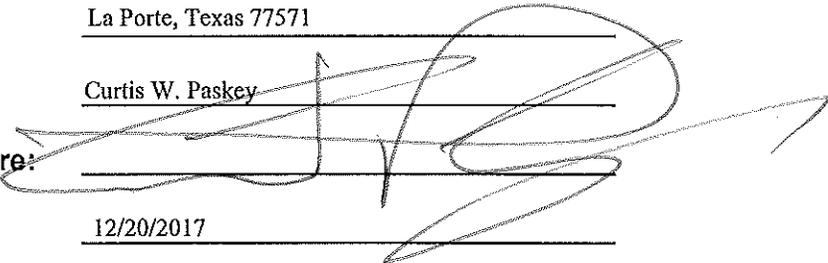
The Contractor shall establish appropriate procedures and controls so no services or products under the Contract Documents will be performed or manufactured by any worker who is not legally eligible to perform such services or employment.

Business Name: Paskey Incorporated

Address: 128 South 8th Street

La Porte, Texas 77571

Printed Name: Curtis W. Paskey

Authorized Signature:  _____

Date: 12/20/2017

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

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

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

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

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

OFFICE USE ONLY

Date Received

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

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

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

 Name of Officer

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

N/A

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

Yes No

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

Yes No

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

N/A

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

7 _____
 Signature of vendor doing business with the governmental entity

12/20/2017

 Date



**CITY OF LA PORTE
LOCAL BIDDER PREFERENCE APPLICATION**

Sections 271.905 and 271.9051 of the Texas Local Government Code authorize a municipality to consider a vendor's location in the determination of a bid award if the lowest bid received is from a business outside the municipality and contracting with a local bidder would provide the best combination of price and other economic benefits to the municipality. The City of La Porte, Texas has determined that the allowable preference shall be applied to local vendor's bids for the purposes of evaluation when requested in writing by local bidder and when determined to be in the best interest of the City to do so. **This request form and any supporting documentation must be submitted with quote/bid in order to be considered by the City of La Porte, Texas.** Questions should be addressed to the Purchasing Department at 281-470-5126. Exclusions to the local preference include expenditures of \$25,000 or less, and those purchases which are: sole source, emergency, federally-funded, cooperative contracts, service contracts subject to the Professional Services Procurement Act, contacts awarded through request for proposals or qualifications, or via inter-local agreement.

Location Eligibility: Principal place of business in La Porte, Texas. Principal place of business is defined herein as a business that is headquartered in and has an established place of business in the incorporated limits of the City of La Porte, and from which a substantial role in the entity's performance of a commercially useful function or a substantial part of its operations is conducted. A location utilized as a post office box, mail drop or telephone message center or any combination thereof, with no other substantial work function, shall not be construed as a principal place of business.

1.

- (a) If yes, identify name of business/DBA, address and business structure: sole proprietorship, partnership, corporation or other.

Name of business/DBA: Paskey Incorporated

Address: 128 South 8th Street

City: La Porte State: Texas Zip: 77571

- Sole Proprietorship
 Partnership
 Corporation
 Other _____

- (b) Name and city of residence of owner(s) partners/corporate officers as applicable

Name: Curtis W Paskey
City: La Porte

2. General Business Information:

- (a) Year business established (La Porte location) 2007
(b) Most recent year property valuation (if owned); real and personal property \$2,000,000
(c) Is business current on all property, sales tax and utility bills at the time of this application? YES
(d) Total number of current employees 60 and number of La Porte-resident employees 6+

3. Economic Development benefits resulting from award of this contract:

- (a) Number of additional jobs created _____ or retained for La Porte resident-employees 6+

(b) Local subcontractor utilized, if applicable; name, location and contract value for each

Name: _____

Address: _____

Contract Value \$ _____

(c) Other economic development benefit deemed pertinent by applicant

The undersigned does hereby affirm that the information supplied is true and correct as of the date hereof, under penalty of perjury.

City Bid No./Quote for which the local preference is requested: _____

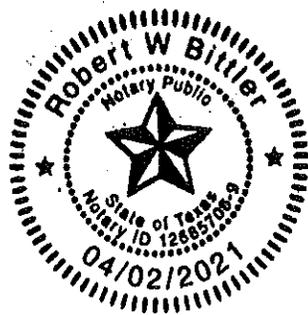
PASKEY INCORPORATED
(Name of Bidder) _____ (Date) _____

[Signature]
(Signature)

CURTIS W PASKEY
(Print Name)

THE STATE OF TEXAS §
COUNTY OF HARRIS §

Appeared before me the above-named CURTIS PASKEY, known to me to be the same, and swore that the information provided in response to the foregoing questions are true and correct to the best of his/her knowledge and belief, this 20th day of December, 2017.



[Signature]
NOTARY PUBLIC, STATE OF TEXAS
Printed Name: ROBERT W. BITTLER
Commission Expires: 4-2-2021

References:

Please PRINT or TYPE here, the names, addresses and other contact information of persons in a management capacity where other similar work has been provided within the last five (5) years, or is currently being provided that may be willing to provide a reference and recommendation for your company. Failure to complete and submit this form may be cause to disqualify your proposal. References provided must be for similar events.

At least 2 of the 4 required references should be current and of a similar size and scope. Contractor shall also indicate the date services were performed and a brief description of the type of event, and any other pertinent information involved for each reference provided.

Company Name	Contact	Address	Telephone	E-mail
Please See Attached Statement of Qualifications				

Company Name	Contact	Address	Telephone	E-mail
Please See Attached Statement of Qualifications				

Company Name	Contact	Address	Telephone	E-mail
Please See Attached Statement of Qualifications				

Company Name	Contact	Address	Telephone	E-mail
Please See Attached Statement of Qualifications				

Company Name	Contact	Address	Telephone	E-mail

STATEMENT OF BIDDER'S QUALIFICATIONS

All questions must be answered and the data given must be clear and comprehensive. **This statement must be notarized.** If necessary, questions may be answered on separate attached sheets. The Bidder may submit any additional information it desires.

Date: 12/20/2017
Bidder (Legal Name of Firm): Paskey Incorporated
Date Organized: February 2007
Name of Owner(s): Curtis W. Paskey
Address : 128 South 8th Street La Porte TX 77571

Date Incorporated February 2007
Federal ID Number: 20-8398743
Number of Years in contracting business under present name 10 years
List all other names under which your business has operated in the last 10 years:

Work Presently Under Contract:

Contract	Amount \$	Completion Date
<u>Please see attached Statement of Qualifications.</u>		

Type of work performed by your company: Dirt, utilities, concrete, Rip Rap, clearing and grubbing.

Total Staff employed by Firm (Break down by Managers and Trades on separate sheet):
Please see attached Statement of Qualifications.

Have you ever failed to complete any work awarded to you? Yes No
(If yes, please attach summary of details on a separate sheet. Include brief explanation of cause and resolution)

Have you ever defaulted on a contract? Yes No
(If yes, please attach summary of details on a separate sheet.)

Has your organization had any disbarments or suspensions that have been imposed in the past five years or that was still in effect during the five-year period or is still in effect? Yes No

(If yes, list and explain; such list must include disbarments and suspensions of officers, principals, partners, members, and employees of your organization.)

List the projects most recently completed by your firm (include project of similar importance):

Project	Amount \$	Mo/Yr Completed
<u>Please see attached Statement of Qualifications.</u>		
<u>Please see attached Completed Projects list.</u>		

Major equipment available for **this** contract: Please see attached Fixed Assets list.

Are you in compliance with all applicable EEO requirements? Yes No
(If no, please attach summary of details on a separate sheet.)

House Bill 89 VERIFICATION

I, Curtis W Paskey (Person's name), the undersigned representative and authorized agent of Paskey Incorporated (Company or Business name)

being an adult over the age of seventeen (17) years, do hereby verify that the company named above, as required under the provisions of Subtitle F, Title 10, Texas Government Code Chapter 2270:

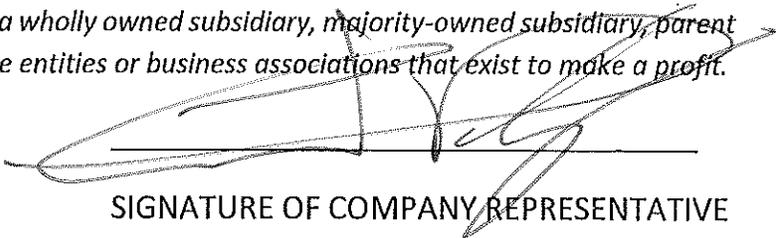
1. Does not boycott Israel currently; and
2. Will not boycott Israel during the term of the contract the above named Company, has with City of La Porte, Texas.

Pursuant to Section 2270.001, Texas Government Code:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and
2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.

12/20/2017

DATE



SIGNATURE OF COMPANY REPRESENTATIVE

Are you a Section 3 business? (see below) Yes No

Section 3 Business Concerns:

- a) Businesses that are 51 percent or more owned by Section 3 residents;
- b) Businesses whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 residents, or within three years of the date of first employment with the firm were Section 3 residents;
- c) Businesses that provide evidence of a commitment to subcontract in excess of 25 percent of the dollar amount of all subcontracts to be awarded to businesses that meet the qualifications described above; or
- d) Businesses located within the Grant Recipient's jurisdiction that identifies themselves as Section 3 Business Concerns because they provide economic opportunities for low- and very low income persons.

Bank References

Address: 1401 W Fairmont Pkwy Contact Name: Janet Gonzalez
 City & State: La Porte, TX Zip: 77571 Phone Number: 281-425-8340
 Credit available: \$ 1,000,000.00

Has the firm or predecessor firm been involved in a bankruptcy or reorganization? Yes No
 (If yes, please attach summary of details on a separate sheet.)

List on a sheet attached hereto all judgements, claims, arbitration proceedings, or suits pending or outstanding against bidder over the last five (5) years with amount of claim and brief description.

List on a sheet attached hereto all lawsuits or requested arbitration with regard to construction contracts which bidder has initiated within the last five (5) years and brief explanation of claim and outcome.

Attach resume(s) for the principal member(s) of your organization, including the officers as well as the proposed superintendent for the project.

Signed this 20th day of December, 2017.

[Signature]
Signature

Curtis W Paskey - President
Printed Name and Title

Paskey Incorporated
Company Name

Notary Statement:

CURTIS Paskey, being duly sworn, says that he/she is the _____ Position/Title
PRESIDENT OF Paskey, Inc (Firm Name), and hereby swears that the answers to the
 foregoing questions and all statements therein contained are true and correct. He/she hereby authorizes and
 requests any person, firm, or corporation to furnish any information requested City of LA PORTE
 in verification of the recitals comprising this Statement of Bidder's Qualifications.

Subscribed and sworn before me this 20th day of December, 2017.

Notary Public

[Signature]
Signature

ROBERT W. BITTLER
Printed Name

My Commission Expires: 4-2-2021

The penalty for making false statements is prescribed in the Supplemental Code, 18 U.S.C. 1001.



FORM 1295-Effective January 1, 2016

The Texas Legislature passed House Bill 1295 ("HB 1295") during the 84th Legislative Session, which enacted Section 2252.908, Government Code, imposing new requirements for contracts entered into by governmental entities. These new requirements require a business to file a disclosure of interested parties form with a governmental entity if a contract requires an action or vote by the governing body of the agency or a contract with a value of at least 1 million dollars. The Texas Ethics Commission (TEC) has formulated administrative rules and FORM 1295 to be used by the business to make disclosures to governmental entities for contracts under consideration. This information is available on the website of the Texas Ethics Commission (<https://www.ethics.state.tx.us/tec/1295-Info.htm>).

1. The business registers for an online account with the TEC.
2. The business accesses the TEC website and completes an online FORM 1295, making all necessary disclosures required by HB 1295.
3. The TEC website then generates a PDF version of FORM 1295 with a "certificate number" as a certification of filing.
4. The business then prints off, executes and notarizes a hard copy of FORM 1295 and submits it to the governmental entity on or before the award of the contract.

The City will not enter into a contract or a Purchase Order issued until a completed Form 1295 with a TEC certificate number is received.

Please use the following information to fill out FORM 1295:

City's Name:	City of La Porte
Identification Number:	_____18006_____

If you have any questions about this process, please call Purchasing at 281-470-5126, or email, purchasing@laportetx.gov.

BID BOND

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

SURETY'S NO. n/a

KNOW ALL MEN BY THESE PRESENTS, THAT _____

Paskey Incorporated

(hereinafter called the Principal), as Principal and _____

Berkley Insurance Company

(hereinafter called the Surety), as Surety, are bound unto the City of La Porte, Texas, a home rule municipal corporation of Harris County, Texas (hereinafter called Obligee) in the amount of Five Percent Greatest Amount Bid Dollars (\$5% GAB), for the payment whereof said Principal and Surety bind themselves, and their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a Bid to enter into a certain written Contract with Obligee for _____

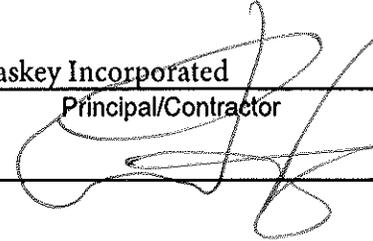
North Pst Culvert Extension

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

IT IS EXPRESSLY UNDERSTOOD AND AGREED that if said Principal should withdraw its Bid anytime after such Bid is opened and before this Bid Bond is returned or before official rejection of such Bid; or, if successful in securing the award thereof, said Principal should fail to enter into the Contract and furnish satisfactory Performance Bond and Payment Bond, and other required contract documents, the Obligee, in either of such events, shall be entitled and is hereby given the right to collect the full amount of this Bid Bond as liquidated damages.

PROVIDED, further that if any legal action be filed upon this Bond, venue shall lie in Harris County, Texas.

IN WITNESS WHEREOF, the said Principal and Surety do sign and seal this instrument this 20th
day of December, 2017.

Paskey Incorporated
Principal/Contractor
By: _____


Berkley Insurance Company
Surety
By: Sharon J. Cavanaugh
Sharon J. Cavanaugh
Attorney-in-Fact

Address: 128 South 8th Street
La Porte, TX 77571

Address: 475 Steamboat Rd
Greenwich, CT 06830

NOTE: Attach Power of Attorney

POWER OF ATTORNEY
BERKLEY INSURANCE COMPANY
WILMINGTON, DELAWARE

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: Roxanne G. Brune; David R. Groppell; Beverly A. Ireland; Sharen R. Groppell; Francine M. Hay; Kurt A. Risk; Sharon J. Cavanaugh; or Gloria M. Villa of Marsh & McLennan Agency LLC - Southwest of Houston, TX its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

RESOLVED, that, with respect to the Surety business written by Berkley Surety, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 14th day of July, 2017.

Attest:

Berkley Insurance Company

(Seal)

By

Ira S. Lederman
Executive Vice President & Secretary

By

Jeffrey M. Hafter
Senior Vice President

WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.

STATE OF CONNECTICUT)

) ss:

COUNTY OF FAIRFIELD)

Sworn to before me, a Notary Public in the State of Connecticut, this 19th day of July, 2017, by Ira S. Lederman and Jeffrey M. Hafter who are sworn to me to be the Executive Vice President and Secretary, and the Senior Vice President, respectively, of Berkley Insurance Company.

MARIA C. RUNDBAKEN
NOTARY PUBLIC
MY COMMISSION EXPIRES
APRIL 30, 2019

Notary Public, State of Connecticut

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this 20th day of December, 2017.

(Seal)

Vincent P. Forte

WARNING - Any unauthorized reproduction or alteration of this document is prohibited. This power of attorney is void unless seals are readable and the certification seal at the bottom is embossed. The background imprint, warning and verification instructions (on reverse) must be in blue ink.

IMPORTANT NOTICE

To obtain information or make a complaint:

You may call Berkley Surety Group's toll-free telephone number for information or to make a complaint at:

1-866-245-1973

You may also write to Berkley Surety Group at:

Berkley Surety Group, Inc.
412 Mt. Kemble Avenue
Suite 310N
Morristown, NJ 07960
Attention: Surety Claims Department

OR

E-mail: BSGClaim@wrbcsurety.com

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

1-800-252-3439

You may write the Texas Department of Insurance:

P.O. Box 149104
Austin, TX 78714-9104
Fax: (512) 475-1771
Web: <http://www.tdi.state.tx.us>
E-mail: ConsumerProtection@tdi.state.tx.us

PREMIUM OR CLAIM DISPUTES:

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

ATTACH THIS NOTICE TO YOUR POLICY:

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

AVISO IMPORTANTE

Para obtener información o para someter una queja:

Usted puede llamar al número de teléfono gratis de Berkley Surety Group's para información o para someter una queja al:

1-866-245-1973

Usted también puede escribir a Berkley Surety Group:

Berkley Surety Group, Inc.
412 Mt. Kemble Avenue
Suite 310N
Morristown, NJ 07960
Attention: Surety Claims Department

OR

E-mail: BSGClaim@wrbcsurety.com

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

1-800-252-3439

Puede escribir al Departamento de Seguros de Texas:

P.O. Box 149104
Austin, TX 78714-9104
Fax: (512) 475-1771
Web: <http://www.tdi.state.tx.us>
E-mail: ConsumerProtection@tdi.state.tx.us

DISPUTAS SOBRE PRIMAS O RECLAMOS:

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

UNA ESTE AVISO A SU POLIZA: Este aviso es solo para proposito de informacion y no se convierte en parte o condicion del documento adjunto.



PASKEY

i n c o r p o r a t e d

CONTRACTOR'S STATEMENT OF QUALIFICATIONS

Date of Contractor's Statement: December 20, 2017

Paskey Incorporated

Legal Name of Contractor

Billing Address: 128 South 8th Street, La Porte, Texas 77571

Physical Location: 128 South 8th Street, La Porte, Texas 77571

Telephone: 281-941-9321

Fax: 281-842-9021

Federal ID Number: 20-8398743

I (i) certify that all information contained in the Statement is true, correct, and complete and (ii) am an authorized representative of Contractor and duly authorized to execute this Statement.

Curtis W. Paskey, President

Organizational Background:

Incorporated: February 7, 2007
Sole Owner: Curtis W. Paskey
Dunn & Bradstreet Number: 79-407-9637

Years in Operation: Ten (10)

1. No defaults, declared bankruptcy, and has not undergone reorganization procedure.
2. No outstanding claims at this time pending against the business.
3. No involvement in litigation within the past ten (10) years, we are not currently involved in litigation.

Business Normally Performed: Dirt Utilities, Concrete, Rip Rap, Clearing and Grubbing

1. Has not ever failed to complete a construction contract, forfeited a bid bond/proposal guaranty, had liquidated damages withheld from its total compensation due on a contract, or refused to enter into a contract for work awarded.
2. Has not been convicted for violation of any OSHA or State safety law/regulation.

Construction experience of principal individuals of organization:

Key Personnel	Position	Years of Experience	Magnitude and Type of Experience
Curtis W. Paskey	President	30	Field Management, Dirt Utilities, Concrete, Rip Rap, Clearing and Grubbing, Paving and WSD
CJ Boone	Project Manager	3	Field Management, Dirt Utilities, Concrete, Rip Rap, Clearing and Grubbing, Paving and WSD
Jesus Moncada	Foreman	20	Dirt Utilities, Concrete, Rip Rap, Clearing and Grubbing, Paving and WSD
Richard Webster	Foreman	18	Dirt Utilities, Concrete, Rip Rap, Clearing and Grubbing, Paving and WSD
Isidro Lopez-Perez	Foreman	19	Dirt Utilities, Concrete, Rip Rap, Clearing and Grubbing, Paving and WSD
Hector Martinez	Foreman	24	Dirt Utilities, Concrete, Rip Rap, Clearing and Grubbing, Paving and WSD

References:

Banking: Amegy Bank, Janet Gonzalez, 281-425-8340
Texas Coastal Bank, Michael Wycough, 281-487-4444

Surety Company: Berkley Regional Insurance Company
12400 Coit Road, Suite 625
Dallas, Texas 75251
Allen Knepper, 512-757-5211

1. Authorized to do business in the State of Texas.
2. Authorized to issue payment, performance, and maintenance bonds within the State of Texas.
3. Bond limit is \$20,000,000.00
4. Best Guide Rating is "A+" (Superior)
5. Treasury Listing Limitation is \$68,998,000.00
6. NAIC No. 11592

Agent and Agency: Marsh & McLennan Agency, LLC
2500 City West Boulevard, Suite 2400, Houston, Texas 77042
Shara Groppe, 713-780-6100

The agent does have appointment from the insurance company authorizing agent to sign bonds.

Attachments:

1. Projects completed in the last two (2) years
2. Equipment List
3. Bonding Information
4. Credit References
5. Bank References
6. Schedule of Work on Hand
7. W-9
8. Most recent financial statements provided by CPA.
9. Certificate of Insurance

Authorization for Verification and Affidavit

State of Texas
County of Harris

The undersigned, Curtis W. Paskey, being duly sworn, deposes and says that he is President of Paskey Incorporated (the "Contractor") and declares that:

1. The Contractor's Statement of Qualifications (the Contractor's Statement) is given for the express purpose of inducing the Company and/or Owner, if applicable, to award the Contractor a contract.
2. Any person, depository, agency, or other entity named in the Contractor's Statement is authorized to supply Company and/or Owner, if applicable, or its representative with any information necessary to verify statements contained in the Contractor's Statement.
3. The Contractor's Statement is true and accurate statement as of the date of the Contractor's Statement.
4. The financial statements included with the Contractor's Statement are taken from the Contractor's financial records, and are true and accurate statement of Contractor's financial condition as of their date.

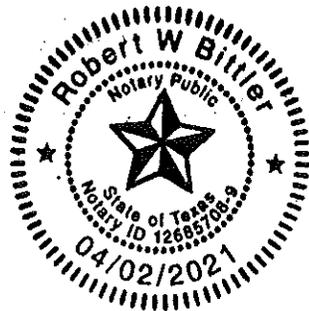
5. I am authorized to execute this Authorization on behalf of the Contractor on the 20th day of December, 2017.



Curtis W. Paskey, President

Subscribed and sworn to (or affirmed) before me on the 20th day of December, 2017, by Curtis W. Paskey, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.


Notary Public, State of Texas



Paskey Incorporated Fixed Asset List

Year	Make	Model
2008	Caterpillar	IT88GII Wheel loader
	Broca	Broca RJ350 Broom
2007	Caterpillar	Cat 805CCR Mini Excavator s/o CAT0305C/HJ0269A
2011	Caterpillar	Cat 408 CR Excavator w/ 36" bucket
2008	Caterpillar	Cat 315 DL small Hyd Excavator w/ 42" bucket
2012	Caterpillar	Cat 320E-LRR - Hydraulic Excavator
2008	Caterpillar	Cat 820 D1RR Medium Hyd Excavator
2011	Caterpillar	Cat 336E Excavator
2012	Caterpillar	Cat 336 DL Excavator
2012	Caterpillar	Cat 336 E Hydraulic Excavator w/ 66" bucket
2012	Caterpillar 3/2015	Cat 336E Hydraulic Excavator with 60" Bucket
2011	Caterpillar	Cat 336EL Excavator
2013	Caterpillar	Cat 349 EL Excavator w/ 74" Bucket
2007	Caterpillar Mustang	Cat 428 E Backhoe loader
2007	Caterpillar	CS 423E 66" Roller
2012	Caterpillar	CP 433E Vibratory Compactor
2008	Caterpillar	CS533E 84" Vibratory Smooth Drum Roller
2007	Caterpillar	Cat CP 563E Roller purch 1/16/14
2012	Caterpillar	Cat 938K Wheel loader w/ fork carriage
2007	Caterpillar	Cat D3K LGP
2012	Caterpillar	Cat D5K 2 XL System One Undercarriage
2011	Caterpillar	Cat D5K LGP Dozer
2012	Caterpillar	Cat D6K LGP Dozer
2012	Caterpillar	Cat D6K purch 10/7/13
2012	Caterpillar	Cat D6N LGP CA
2014	Caterpillar	Cat D6N LGP w/ multi shank ripper
2015	Caterpillar	Cat D6N LGP
2013	Caterpillar	Cat D6T LGP
2014	Caterpillar	Cat 725 Articulated Dump Truck
2014	Caterpillar	Cat 725 Articulated Dump Truck
2013	Bell	Four Seasons Bell 35D
2014	Bell	Four Seasons Bell 35D
2014	Bell	Four Seasons Bell 30E

Paskey Incorporated Fixed Asset List

Year	Make	Model
2014	Bell	Four Seasons Bell 30E
2014	Bell	Four Seasons Bell 30E
2009	Caterpillar	140M Motorgrader
	Pioneer	Water Pump
		2.5 kw Generator pump
		3" Gas Centrifugal pump
		500 Gallon fuel tank
		1000 gallon fuel tank
		500 Gallon fuel tank
		2000 Gallon fuel tank
		8x20 trench box
		10x12 trench box
Fleet		
2013	Ford	F250 4x4 Crew Cab
2013	Ford	F250 4x4 Crew Cab
2013	Ford	F250 4x4 Crew Cab
2001	Ford	F350
2002	Ford	F350
2009	Ford	F150 King Ranch Crew cab
Office		
2012	Ford	F350
2013	Ford	Expedition UT
2010	Jeep	Liberty
2011	Ford	F150 King Ranch Crew cab
2012	Ford	F150 King Ranch Crew cab
2009	Honda	Accord
Shop		
2005	Ford	F150
1997	Ford	F350
1997	Ford	F350
2006	Chevrolet	C4500 Mechanics Truck
2000	Sterling	Rollback Truck

Raskey Incorporated Fixed Asset List

Year	Make	Model
2012	Featherlite	8117 GN Stock Trailer
		16' Flatbed trailer
		20' Trailer
2006	Ford	F650 Water Truck
1999	International	Water truck

Completed Projects (Listed from most recent)

*Updated upon request.

Balmoral Drainage Facilities Phase II

Clearing & Grubbing, 800,000+ CY of Detention Excavation, Storm Sewer,
Slope Paving, Backslope Swales
October 2017- Current
Jones | Carter, Geoffrey Lynch

Value \$2, 549, 379.30

Bauer Landing

119 CY of Excavation, Concrete Pilot Channel, CGMP
September 2017-Current
Pape-Dawson, Jordan Konasheck, 713-428, 2400

Value \$730, 151.03

Park Lakes

196K CY of Excavation, Slope Paving, RCP
September 2017- Current
Pape-Dawson, Jordan Konasheck, 713-428, 2400

Value \$973 317.00

Grand Vista Lakes Ph II

28K CY of Excavation, RCP, Storm Sewer, RCB
June 2017- Current
Jones | Carter, Javier Hernandez 832-913-4000

Value \$543, 629.70

Meadows at Westfield

400K CY of Excavation, RCB, Storm Sewer, Pilot Channel, Slope Paving
May 2017- Current
R.G. Miller Engineers, Mike Richardson, 713-461-9600

Value \$2, 047, 379.00

Grand Vista Lakes Ph I

240K CY of Excavation, RCB, RCP, Pilot Channel
March 2017- October 2017
Jones | Carter, Javier Hernandez 832-913-4000

Value \$1, 112, 302.50

Providence Bay

270K CY of Excavation, Pilot Channel, Storm Sewer
LJA Engineering, Taylor Baumgartner, 713-953-5200

Value \$ 977, 777.74

Bay Colony

Detention Pond Excavation, Sanitary Sewer, Waterline, Storm Sewer
September 2016- April 2017
Shelmark Engineering, Randall Liska, 409-932-9988

Value \$994, 191.66

Balmoral Drainage

375 AC of Clearing & Grubbing, Excavation of 6 Detention Basins, Storm Sewer
Pilot Channel
May 2016- Current
Jones Carter, Geoffrey Lynch

Value \$6, 350, 368.58

Shellside Drainage

Storm Sewer, RCB, Ditch Grading, Concrete Driveways, RCP
March 2016- September 2017
Cobb, Fendley & Associates, Brad Matlock

Value \$3, 767, 643.28

Townsen Costeo Mitigation Earthwork, Storm Sewer, Slope Paving, Pilot Channels December 2015-August 2016 R.G. Miller Engineers, Mike Richardson, 713-461-9600	Value \$1, 325, 128.70
Southridge Crossing Excavation of Amenity Lake, Excavation of Detention, Culvert, Pilot Channel March 2016- June 2016 LJA Engineering, Taylor Baumgartner, 713-953-5200	Value \$542, 386.28
Grand Vista Phase 3 Detention Improvements Clearing & Grubbing, Excavation, Storm Sewer, Drainage Swales August 2015- May 2016 J.A. Costanza, Gregg Phipps, 281-930-9339	Value \$2, 639739.00
Deerwood Glen Ultimate Detention Stripping, Detention Excavation, Backslope Swales August 2015-May 2016 EHRA Engineering, 713-784-4500	Value \$686, 473.24
United Galvanizing Storm Sewer, Box Culverts, Manholes October 2015- April 2016 Civil Tech Engineers, Julian Garza 281-304-0200	Value \$1, 071, 056.53
Exploration Green Clearing & Grubbing, Excavation of Detention Pond November 2015- March 2016 Lockwood Andrews & Newnam Inc, 713-266-6900	Value \$744, 195.13
Lago Mar 180, 000 Yards of Excavation, Storm Sewer, Junction Boxes September 2014-February 2016 Jones & Carter Inc., Sean Burch, 713-777-5337	Value \$4, 544, 783.58
West D Street Excavation, Drainage Structures. July 2015- November 2015 City of La Porte, 281-470-5126	Value \$139,135.59
Deerwood Glen Detention Expansion Detention Excavation, Storm Sewer, Pilot Channel June 2015- November 2015 BHRA Engineering, 713-784-4500	Value \$1, 001, 116.00
Bayside Crossing WSD & Drainage Excavation, Storm & Sanitary Sewer, Waterlines. October 2014- June 2015 Cobb, Fendley & Associates Inc., Albert Syzdek, 713-462-3242	Value \$873,687.16

Reserve at Clear Lake Clearing & Grubbing 237 Acres of Clearing and Grubbing. July 2014- July 2015 LJA Engineering, Taylor Baumgartner, 713-953-5200	Value \$815,058.00
El Dorado Extension WS&D Paving Sanitary Sewer, Storm Sewer, Junction Boxes. July 2014- November 2015 LJA Engineering, Taylor Baumgartner, 713-953-5200	Value \$1,503,970.27
Reserve at Clear Lake WSD Sec. 6 Water, Sewage, and Drainage for Subdivision. August 2014-July 2015 LJA Engineering, Taylor Baumgartner, 713-953-5200	Value \$411,700.25
Stillwater on Lake Houston Amenity Pond Excavation for Amenity Pond, Clearing and Grubbing. March 2014-August 2015 Jones & Carter Inc., Sean Burch, 713-777-5337	Value \$336,341.34
Detention Basin Expansion to Serve Pine Brook Approximately 145, 000 CY Excavation, Storm Sewer, Pilot Channel, Junction Box. October 2014-August 2015 LJA Engineering, Taylor Baumgartner, 713-953-5200	Value \$2,488,679.59
3rd Street Paving & Drainage Improvements Storm Sewer, Waterline, Junction Boxes, Roadway Paving. July 2014- November 2015 Cobb, Fendley & Associates Inc., Brad Matlock, 713-462-326	Value \$4,009,908.82
Reserve at Clear Lake Offsite Sanitary Force Main Offsite Force Main. March 2014- April 2015 LJA Engineering, Taylor Baumgartner, 713-953-5200	Value \$205,323.14
Reserve at Clear Lake Sec. 1 WS&D Water, Sewage, and Drainage for Subdivision. June 2014- February 2015 LJA Engineering, Taylor Baumgartner, 713-953-5200	Value \$611,958.01
Reserve at Clear Lake Phase I Detention Ponds Excavation, Storm Sewer, Pilot Channel. February 2014- March 2015 LJA Engineering, Taylor Baumgartner, 713-953-5200	Value \$1,113,657.17
Avalon at Riverstone Detention Ponds 5 Detention Ponds and Amenity Lake, Concrete Box Culverts, 400,000 CY of Excavation November 2013 – November 2014 Costello, Inc., Guy Humphrey, 713-783-7788	Value \$5,738,128.77
Grand Vista WSD Section 1 Water, Sewer and Drainage for Subdivision December 2013 -- May 2014 J.A. Costanza, Gregg Phipps, 281-930-9339	Value \$330,753.95

Shadow Creek South Detention

Box Culvert and Storm Sewer.

July 2013 – March 2014

R.G. Miller Engineers, Jeff Dillard, 713-461-9600

Value \$1,153,797.10

Victorian Gardens

Detention Pond Excavation, Storm Sewer, and Hand Tunnels.

May 2013 – March 2014

BHRA Engineering, Kirk Williamson, 713-784-4500

Value \$1,119,290.05

Mission Trace

Approximately 300,000 CY Excavation, Storm Sewer.

June 2013 – March 2014

JA Costanza, Greg Phipps, 281-930-9339

Value \$1,084,451.10

Credit References

Deer Park Rentals
1904 Center Street
Deer Park, Texas 77536
Hal Anderson
281-479-8125 (p) 281-479-1957 (f)

HD Waterworks
601 Crosstimbers
Houston, Texas 77022
Tina Vitale
314-372-2913

Dorsett Brothers Concrete Supply, Inc.
P.O. Box 5766
Pasadena, Texas 77508
Bill Dorsett
281-487-0264 (p) 281-487-3657 (f)

Cherry Crushed Concrete
5325 CR 58
Manvel, Texas 77578
Lenard Cheery
281-692-1900 (p) 281-692-9471 (f)

Apache Oil Company
5136 Spencer Hwy.
Pasadena, Texas 77505
Dick Schook
281-487-5400 (p) 281-487-7606 (f)

Mega Sand
P.O. Box 656
Highland, Texas 77562
Brenda Moore
281-843-3000 (p) 281-843-2390 (f)

Waukesha Pearce Industries, Inc.
P.O. Box 35068
Houston, Texas 77235
Rusty May
713-202-0046 (p) 713-551-0335 (f)

Cat Financial
3322 West End Avenue
Nashville, Tennessee 37203
Neal Childers
713-724-5166 (p) 713-690-2287 (f)

The Hurt Company
P.O. Box 203122
Dallas, Texas 75320-3122
Aaron Ucci
832-334-6202 (p) 713-747-7418 (f)

Contech Construction Products
9025 Centre Pointe Drive, Suite 400
West Chester, Ohio 45069
513-645-7527 (p) 513-645-7296 (f)

United Rentals
8601 Gulf Freeway
Houston, Texas 77017
Jerry Wagner
713-944-9661 (p) 281-240-3905 (f)

Oldcastle Precast
2120 FM 359 S.
Brookshire, Texas 77423
Deborah MacFarlane
281-375-3043

Rinker Materials
6560 Langfield Road
Houston, Texas 77092
Nancy Patterson
832-590-5402

Credit References

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1904 Center Street
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832-590-5402



MELTON & MELTON, L.L.P.
CERTIFIED PUBLIC ACCOUNTANTS

INDEPENDENT ACCOUNTANT'S REVIEW REPORT

To the Board of Directors
Paskey Incorporated

We have reviewed the accompanying financial statements of Paskey Incorporated (an S corporation), which comprise the balance sheet as of December 31, 2016, and the related statements of income and retained earnings and cash flows for the year then ended, and the related notes to the financial statements. A review includes primarily applying analytical procedures to management's financial data and making inquiries of company management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the financial statements as a whole. Accordingly, we do not express such an opinion.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement whether due to fraud or error.

Accountant's Responsibility

Our responsibility is to conduct the review engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. Those standards require us to perform procedures to obtain limited assurance as a basis for reporting whether we are aware of any material modifications that should be made to the financial statements for them to be in accordance with accounting principles generally accepted in the United States of America. We believe that the results of our procedures provide a reasonable basis for our conclusion.

Accountant's Conclusion

Based on our review, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in accordance with accounting principles generally accepted in the United States of America.

Supplementary Information

The supplementary information included in the accompanying Schedules I, II, and III is presented for purposes of additional analysis and is not a required part of the basic financial statements. The information is the representation of management. We have reviewed the information and, based on our review, we are not aware of any material modifications that should be made to the information in order for it to be in accordance with accounting principles generally accepted in the United States of America. We have not audited the information, and, accordingly, do not express an opinion on such information.

Melton & Melton, LLP
Houston, Texas
July 14, 2017

PASKEY INCORPORATED
STATEMENT OF INCOME AND RETAINED EARNINGS
For the Year Ended December 31, 2016

Contract Revenue		\$ 15,336,257
Cost of Contract Revenue		<u>13,684,894</u>
Gross margin		1,651,363
Selling, General, and Administrative Expenses		1,187,981
Other Income (Expense):		
Interest income	\$ 862	
Loss on sale of property	(66,816)	
Interest expense	<u>(113,099)</u>	<u>(179,053)</u>
Income before state income taxes		284,329
State Income Taxes		<u>11,464</u>
Net income		272,865
Retained Earnings:		
Balance, beginning of year		3,154,556
Distributions to stockholder		<u>(333,177)</u>
Balance, end of year		<u>\$ 3,094,244</u>

(See Notes to Financial Statements)
(See Independent Accountant's Review Report)

SCHEDULE 1

PASKEY INCORPORATED
SCHEDULE OF CONTRACTS IN PROGRESS
 December 31, 2016

Contract Number	Contract Name	Contract Amount	Total Estimated Costs	Total Estimated Profit	Billings in Date	Contract Revenue to Date	Contract Costs to Date	Estimated Profit to Date	Costs and Estimated Profit in Excess of Billings	Change in Costs and Estimated Earnings
1148	Magnolia Creek Pond D Improvements	\$ 437,903	\$ 412,312	\$ 45,791	\$ 369,521	\$ 287,621	\$ 294,847	\$ 22,777	\$ -	\$ 81,497
1151	Townson Costco	1,370,622	1,089,332	281,290	1,370,622	1,314,015	1,044,332	269,683	-	16,607
1153	Enclava at Northpole	2,171,819	1,846,055	325,774	1,785,947	1,771,895	1,506,214	265,741	-	24,952
1155	Stoddards Crossing Distalton Pond Ph 7	420,386	327,891	92,485	410,211	402,487	314,725	87,762	-	6,724
1156	Shelbys Drainage	2,462,232	2,735,179	247,971	3,387,481	1,315,166	2,618,896	696,210	-	72,375
1157	FM 1488 Katy Leo	437,951	394,159	43,792	7,697	2,409	7,569	340	302	-
1158	Diamond Drainage Facilities	5,679,313	4,997,795	681,518	2,640,546	2,224,525	2,987,033	407,492	-	46,021
1159	Beady Villas Distalton Basin, Amundly Lake	479,694	826,519	34,505	626,007	619,269	384,794	30,933	-	6,238
1161	Lakes of Bay Colony WSD	569,139	920,220	48,450	228,360	921,287	875,726	45,051	53,487	-
1162	Lakes of Bay Colony Paving	811,368	748,232	83,136	492,286	494,815	444,981	49,424	-	4,871
1163	Hickory Gully Phase I	671,592	698,233	67,359	145,206	111,608	92,937	11,071	-	24,298
		<u>\$ 17,344,432</u>	<u>\$ 14,924,107</u>	<u>\$ 2,440,185</u>	<u>\$ 12,892,334</u>	<u>\$ 12,532,140</u>	<u>\$ 10,603,051</u>	<u>\$ 1,459,016</u>	<u>\$ 6,182</u>	<u>\$ 334,183</u>

(See Independent Accountant's Review Report)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
3/22/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh & McLennan Agency LLC 2500 City West Boulevard, Ste 2400 Houston TX 77042		CONTACT NAME: Jessica Hanson PHONE (Int. Ext.): 713-780-6196 FAX (Int. Ext.): 212-948-6296 E-MAIL ADDRESS: Jessica.Hanson@marshmc.com	
INSURED Paskey Incorporated Wayne Interest, LLC 128 So. 8th St. LaPorte TX 77571		INSURER(S) AFFORDING COVERAGE INSURER A: BITCO General Insurance Corporation NAIC # 20095 INSURER B: BITCO National Insurance Company 20109 INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES CERTIFICATE NUMBER: 351209088 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	APPL	INSUR	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> 1,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JEOT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	Y	Y		CLP3651507	3/28/2017	3/28/2018	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	Y	Y		CAP3651508	3/28/2017	3/28/2018	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTIONS \$10,000	Y	Y		CUP2813352	3/28/2017	3/28/2018	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A		WC3651509	3/28/2017	3/28/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER EL EACH ACCIDENT \$1,000,000 EL DISEASE - EA EMPLOYEE \$1,000,000 EL DISEASE - POLICY LIMIT \$1,000,000
A	Equipment Floater Installation Floater				CLP3651510	3/28/2017	3/28/2018	Leased/Rented Job Site \$450,000 each item \$500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 104, Additional Remarks Schedule, may be attached if more space is required)
The General Liability, Automobile Liability and Umbrella Liability policies include a Blanket Additional Insured endorsement that provides additional insured status only where such status is required by a written contract. The General Liability, Automobile Liability, Workers' Compensation and Umbrella Liability policies include a Blanket Waiver of Subrogation endorsement that provides this status only where such status is required by a written contract. The "Primary and Non-contributory" wording is included in the General Liability Additional Insured Endorsement where there is a written contract that requires such status. 30 day notice of cancellation applies except 10 days for non-payment of premium. See Attached...

CERTIFICATE HOLDER Paskey Incorporated La Porte TX 77571	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	--

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Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above
Paskey Incorporated

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
 Individual sole proprietor or single-member LLC
 Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____
 Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
 Other (see instructions) ▶ _____
 C Corporation
 S Corporation
 Partnership
 Trust/estate

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
 Exempt payee code (if any) _____
 Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
128 S 8th Street

6 City, state, and ZIP code
La Porte, Texas 77571

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number									
or									
Employer identification number									
2	0								

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ Wesley Roberts Date ▶ 11/1/17

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.
 Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/w9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1088 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-G (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filed-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
CERTIFICATION OF FILING**

Certificate Number:
2017-295838

Date Filed:
12/20/2017

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Paskey Incorporated
La Porte, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of La Porte

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

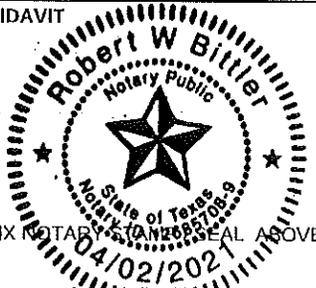
E170-0130
North Pst Culvert Extension

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Paskey, Curtis	La Porte, TX United States	X	

5 Check only if there is NO Interested Party.

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



[Handwritten Signature]
Signature of authorized agent of contracting business entity

AFFIX NOTARY SEAL ABOVE

Sworn to and subscribed before me, by the said President, this the 20th day of December, 2017, to certify which, witness my hand and seal of office.

[Handwritten Signature]
Signature of officer administering oath

ROBERT W. BITLER
Printed name of officer administering oath

ESTIMATOR
Title of officer administering oath

December 21, 2017

Ms. Cherell Daeumer, CPPB
City of La Porte
Purchasing Manager
604 West Fairmont Pkwy.
La Porte, TX 77571

Re: Bid Tabulation and Recommendation to Award for:
NORTH P STREET CULVERT EXTENSION (BID #18006)
LJA Project No. E170-0180

Dear Ms. Daeumer,

Please find attached the tabulation of bids received for the subject project.

All of the Bids reviewed were responsive, bid prices were within reasonable range of the Engineer's opinion of probable construction cost, and all bidders appear to be qualified to perform the Work.

Based on my analysis of the Bids, I am recommending that this project be awarded to the low bidder, Paskey Incorporated, for the bid amount of \$231,373.39 which includes both Base Bid Items and Supplementary Items.

Should you have any questions, please do not hesitate to contact me at 713-451-2861.

Sincerely,



James L. Bielstein, P.E.

Attachments

cc: Lorenzo Wingate, P.E., C.F.M. (City of La Porte)
Wallace Trochesset, P.E. (LJA)
Jimmy Flowers, P.E. (LJA)

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: February 12, 2018

Requested By: Ian Clowes

Department: Planning and Development

Report: X **Resolution:** **Ordinance:** X

Appropriations

Source of Funds: N/A

Account Number: N/A

Amount Budgeted: N/A

Amount Requested: N/A

Budgeted Item: N/A

Exhibits: **Ordinance**
 P&Z Recommendation Letter
 Existing Land Use Map
 Proposed Land Use Map

SUMMARY & RECOMMENDATION

This item is a request for consideration to amend the city's Future Land Use Plan in conjunction with a request by applicant and owner, Terry Medders, who is seeking approval of a Zone Change from the Mid Density Residential (R-2) zoning district to the General Commercial (GC) zoning district. The property in question is located on the east side of S. 15th St. south of W. C St., and is legally described as Lots 17-32, Block 789, La Porte Subdivision.

The city's Future Land Use Plan (FLUP) identifies the subject property as "Mid-High Density Residential". In order to accommodate the proposed zone change, the FLUP would need to be amended to show the property as "Commercial".

The Planning and Zoning Commission, at their January 18, 2018 regular meeting, voted 9-0 to recommend denial of the proposed Future Land Use Amendment. A super majority, or two thirds vote, will be required in order to approve the proposed changes to the Future Land Use Plan.

Action Required by Council:

1. Conduct public hearing.
2. Consider action on a recommendation by the Planning and Zoning Commission to deny an Ordinance amending the City's Future Land Use Plan for a 1.2 acre tract of land known as Lots 17-32, Block 789, La Porte Subdivision, generally located on the east side of S. 15th St. south of W. C St. 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 which Plan has been the subject of multiple amendments since its adoption;

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 January 18, 2018, 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 1.2 acre tract of land generally located on the west side of S. 15th St. and south of W. C St, and legally described as follows: Lots 17-32, Block 789, La Porte Subdivision, Town of La Porte, Harris County, Texas, from its present designation of "Mid-High Density Residential", to "Commercial ", 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 February 12, 2018 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 12th day of FEBRUARY, 2018.

CITY OF LA PORTE, TEXAS

By: _____

Louis R. Rigby, Mayor

ATTEST:

By: _____

Patrice Fogarty, City Secretary

APPROVED:

By: _____

Clark Askins, Assistant City Attorney



January 19, 2018

Honorable Mayor Rigby and City Council
City of La Porte

RE: Request #18-92000001 to Amend the Future Land Use Map

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a meeting on January 18, 2018 on a request to amend the City's Future Land Use Plan as adopted in the Comprehensive Plan for a 1.2 acre tract of land located on east side of S. 15th St. south of W. C St., and is legally described as Lots 17-32, Block 789, La Porte Subdivision. The request was for approval of a change of the future land use designation from "Mid-High Density Residential" use to "Commercial" use

The Commission voted 9-0 to recommend denial of the proposed amendments to the City's Future Land Use Map.

Respectfully submitted,

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

cc: Richard Mancilla, Director of Planning and Development
Department File

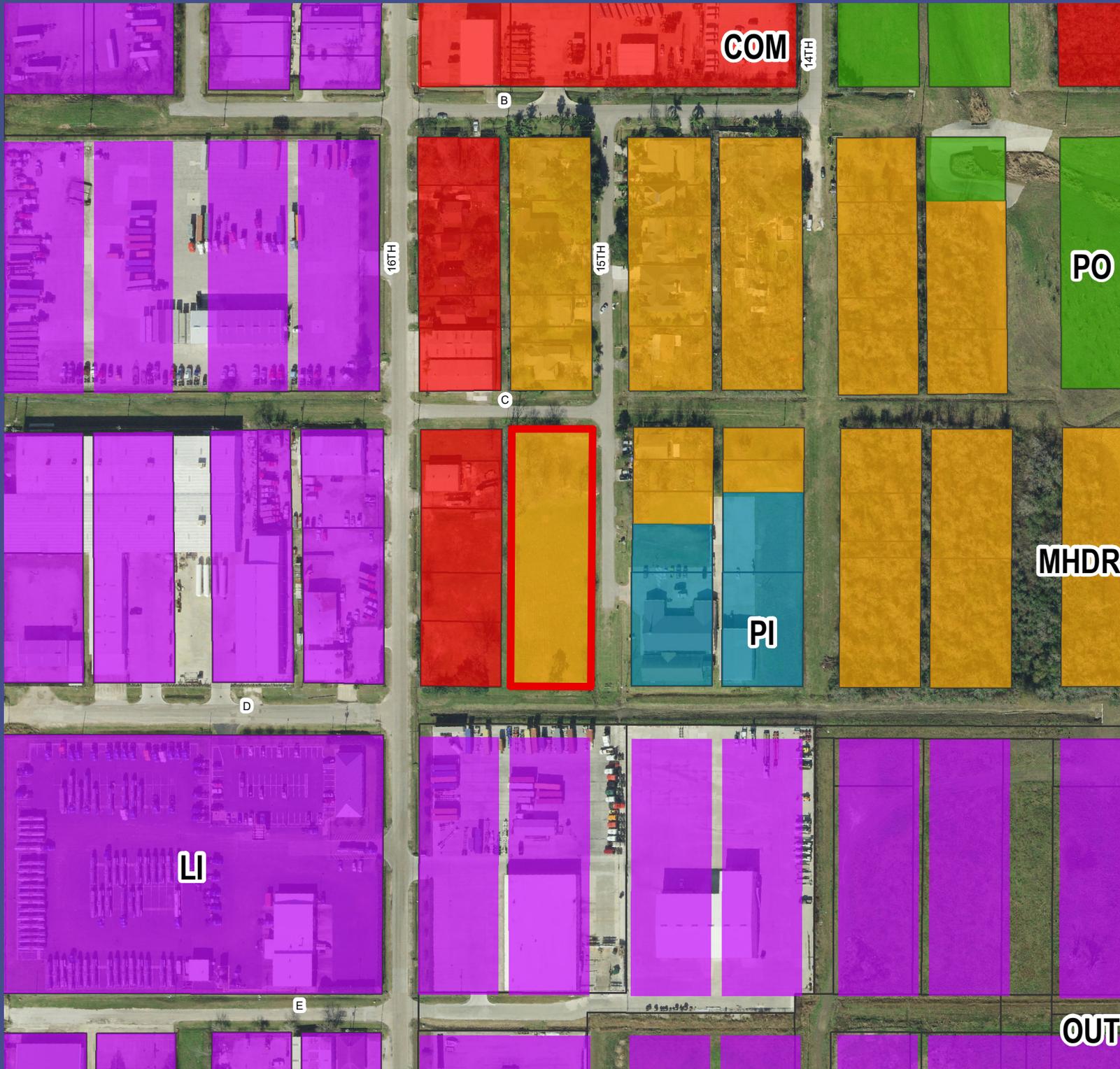


EXHIBIT A

FLUP MAP

**Zone Change
18-92000001**

**South 15 St.
@ C Ave.**

 Subject Parcel



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

1 inch = 211 feet



**JANUARY 2018
PLANNING DEPARTMENT**

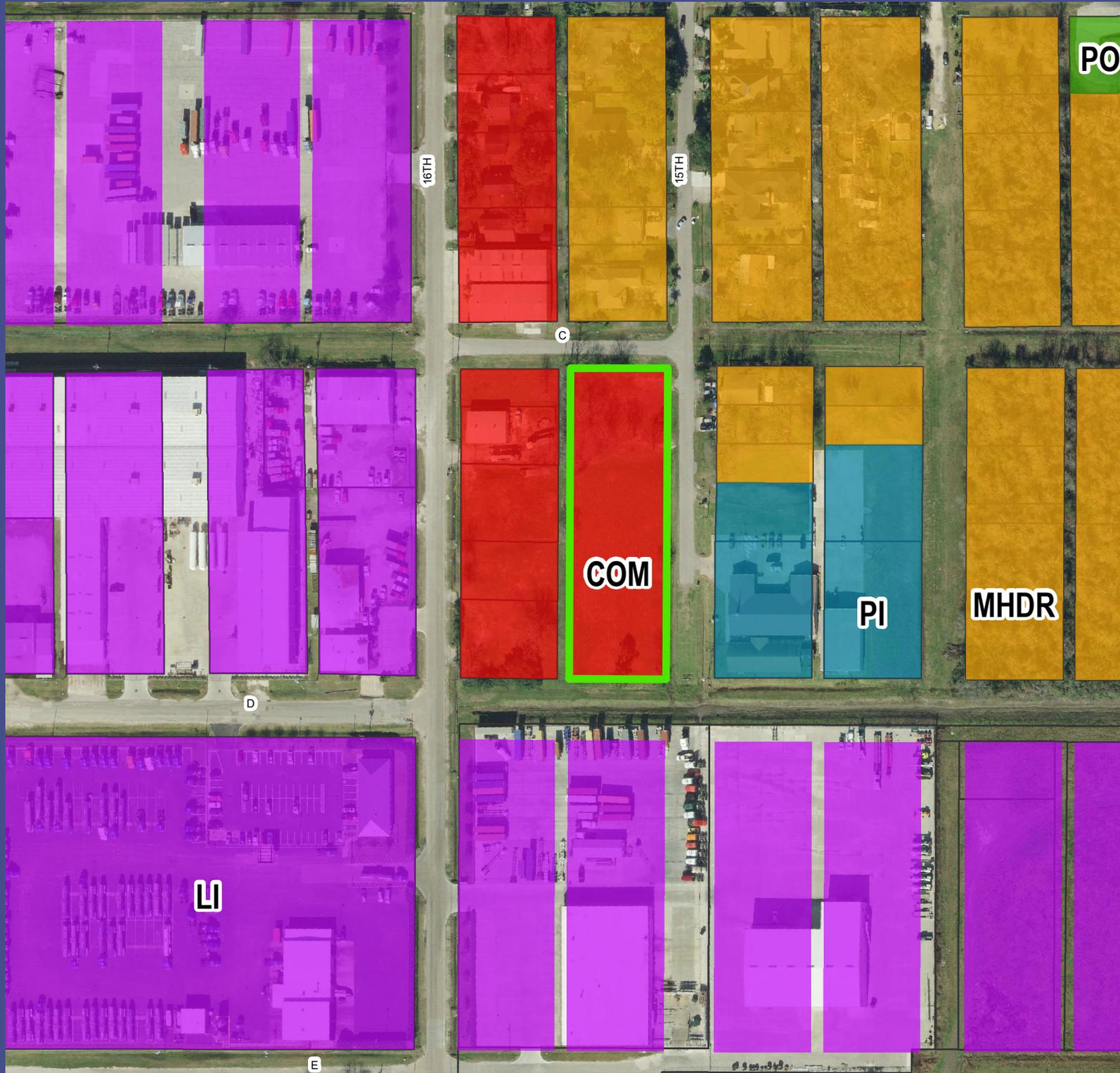


EXHIBIT B

**PROPOSED
FLUP**

**Zone Change
18-92000001**

**South 15 St.
@ C Ave.**

Legend

 Subject Parcel



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

1 inch = 176 feet



**JANUARY 2018
PLANNING DEPARTMENT**

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 12, 2018</u>
Requested By: <u>Ian Clowes</u>
Department: <u>Planning and Development</u>
Report: <u> X </u> Resolution: <u> </u> Ordinance: <u> X </u>

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

- Exhibits:**
- Ordinance**
 - P&Z Recommendation Letter**
 - Applicant Information and Request**
 - Zoning Map**
 - Land Use Map**
 - Comment Sheet**

SUMMARY & RECOMMENDATION

The applicant and owner, Terry Medders, is seeking approval of a Zone Change from the Mid Density Residential (R-2) zoning district to the General Commercial (GC) zoning district. The property in question is located on the east side of S. 15th St. south of W. C St., and is legally described as Lots 17-32, Block 789, La Porte Subdivision.

The property is currently undeveloped. The owner of the property would like to change the zoning to GC, which would match the zoning of the adjacent property along S. 16th St. which is also owned by the applicant. The applicant plans to move there construction business to the parcel along S. 16th St. and would like to change the adjacent zoning for future expansion purposes.

Staff received 1 comment sheet from a neighboring resident that was in opposition to the proposed zone change. The comment sheet has been included in your packet.

The Planning and Zoning Commission, at their January 18, 2018 regular meeting, voted 9-0 to recommend denial of the proposed Zone Change. A super majority, or two thirds vote, will be required in order to approve the proposed zone change.

Action Required by Council:

1. Conduct public hearing.

2. Consider action on a recommendation by the Planning and Zoning Commission to deny an Ordinance for zone change request #18-92000001, for a 1.2 acre tract of land located on the east side of S. 15th St. south of W. C St., and legally described as Lots 17-32, Block 789, La Porte Subdivision

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY CHANGING THE ZONING CLASSIFICATION OF A 1.2 ACRE TRACT OF LAND LEGALLY DESCRIBED AS LOTS 17-32, BLOCK 789, LA PORTE SUBDIVISION, FROM MID DENSITY RESIDENTIAL (R-2) TO GENERAL COMMERCIAL (GC); MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;

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

Section 1. Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by changing the zoning classification of the following described property, to wit: a 1.2 acre tract of land generally located on the west side of S. 15th St. and south of the W. C St, and legally described as Lots 17-32, Block 789, La Porte Subdivision, Harris County, Texas, from Mid Density Residential (R-2) to General Commercial (GC).

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

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

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

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

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

Section 7. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning

Map and Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

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

PASSED AND APPROVED this the _____ day of FEBRUARY, 2018.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:

Clark Askins, Assistant City Attorney



January 19, 2018

Honorable Mayor Rigby and City Council
City of La Porte

RE: Zone Change Request #18-92000001

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the January 18, 2018 meeting on a zone change request by Terry Medders for a zone change of Lots 17-32, Block 789, La Porte Subdivision from Mid Density Residential (R-2) to General Commercial (GC). The site is a 1.2 acre tract of land located on the east side of S. 15th St. south of W. C St.

The Commission voted 9-0 to recommend denial of the proposed zone change.

Respectfully submitted,

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

cc: Richard Mancilla, Director of Planning and Development
Department File



Zone Change Application

Planning and Development Department

PROJECT INFORMATION

Address where zone change is being requested: 402 South 15th Street La Porte, TX

Legal description where zone change is being requested: Lts 17th and 32 Blk 789

HCAD Parcel Number where zone change is being requested: 0241020890030

Zoning District: _____ Lot area: _____

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

Description of Request: Zone as commercial

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

PROPERTY OWNER(S) INFORMATION

Name: Terry Medders

Company (if applicable): Medders Real Estate Services LLC

Address: 3019 Dolphin Ct

City: Seabrook State: TX Zip: 77586

Phone: 281-898-0429 Email: _____

AUTHORIZED AGENT (if other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): [Signature] Date: 8/21/17

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____

November 6, 2017

Mr. Terry Medders
311 South 16th Street
LaPort, Texas 77571

City of Laport
604 West Fairmont Parkway
LaPort, Texas 77571

Gentlemen:

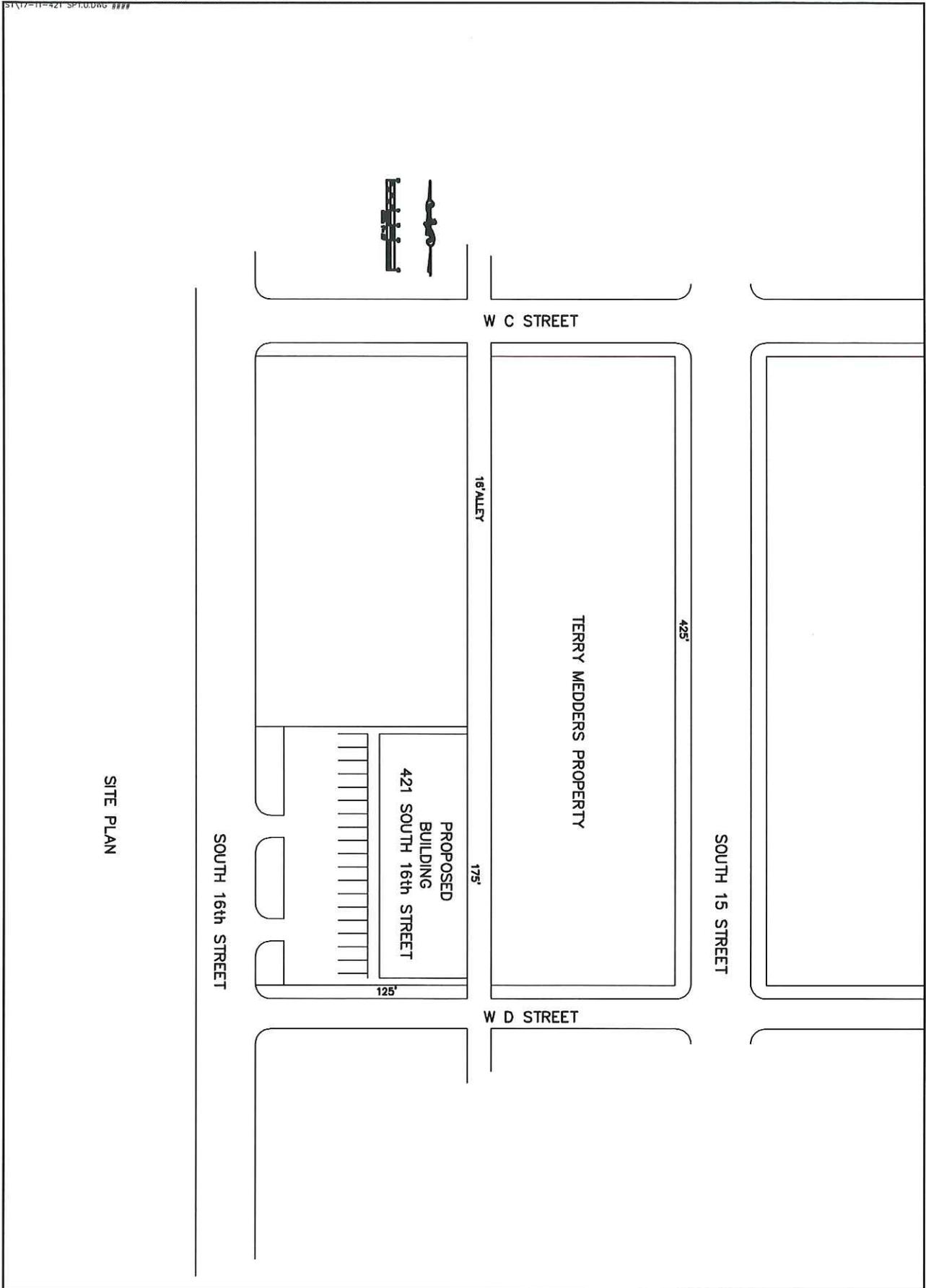
I respectfully request a zone change to "commercial" for my properties: one at 421 S 16th Street (already zoned for commercial), and the other at 402 S 15th Street (not zoned for commercial). I am in the process of buying the 16' alley between my properties.

I wish to expand my business, and without the zone change, it will be very difficult to operate.

Please advise me if you need any additional information.

Sincerely,


Terry Medders



SITE PLAN

<table border="1"> <thead> <tr> <th>NO.</th> <th>REVISIONS</th> </tr> </thead> <tbody> <tr> <td> </td> <td>DATE</td> </tr> <tr> <td> </td> <td>DESCRIPTION</td> </tr> </tbody> </table>	NO.	REVISIONS		DATE		DESCRIPTION	<p>SITE PLAN</p> <p>TERRY L. MEDDERS 421 SOUTH 16th STREET LA PORTE TEXAS 77571</p>	<p>INTERCAD SYSTEMS INC. <i>Building, Design & Construction</i></p> <p>8623 Highway Dr. Houston, TX 77063</p> <p>Phone (713) 340-3833 Fax (713) 340-3000</p>
NO.	REVISIONS							
	DATE							
	DESCRIPTION							



Zone Change Application
Planning and Development Department

AFFIDAVIT OF POSTING
PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS
COUNTY OF HARRIS
CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

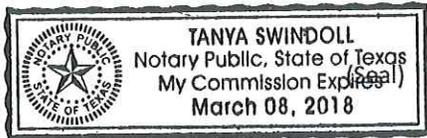
- 1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: 402 S. 15th Street - La Porte, Tx 77571
LEGAL DESCRIPTION: LTS 17th and 32 BLK 789

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

Terry Medders
Applicant's Signature
Terry Medders
Applicant's Printed Name

Subscribed and sworn before me this 21 day of August, 2017, by Terry Medders (Print Applicant's Name).



Tanya Swindoll
Notary Public
My commission expires: March 8, 2018

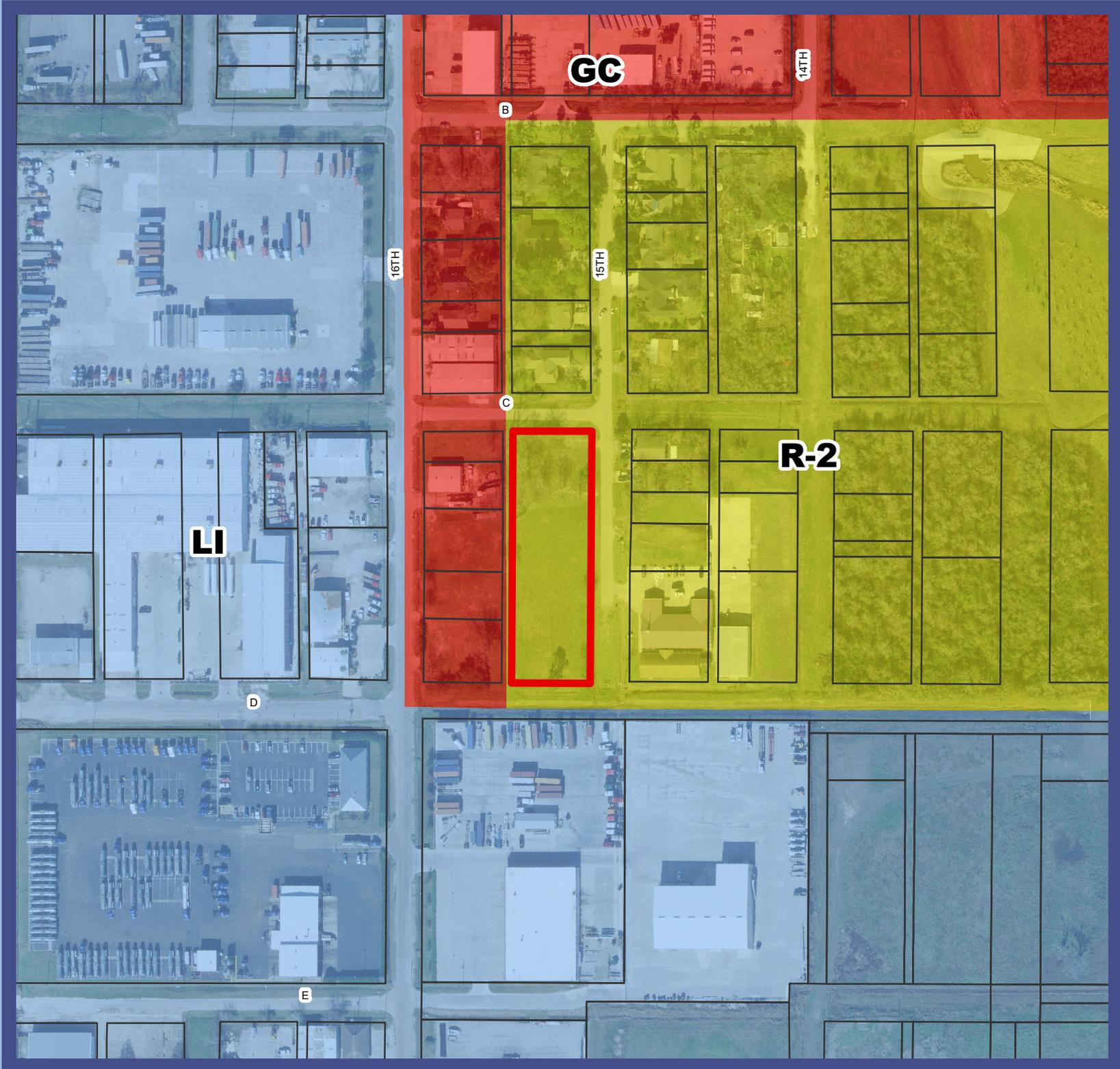


EXHIBIT B
ZONING MAP

Zone Change
18-9200001

South 15 St.
@ C Ave.

 Subject Parcel



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

1 inch = 211 feet



JANUARY 2018
PLANNING DEPARTMENT

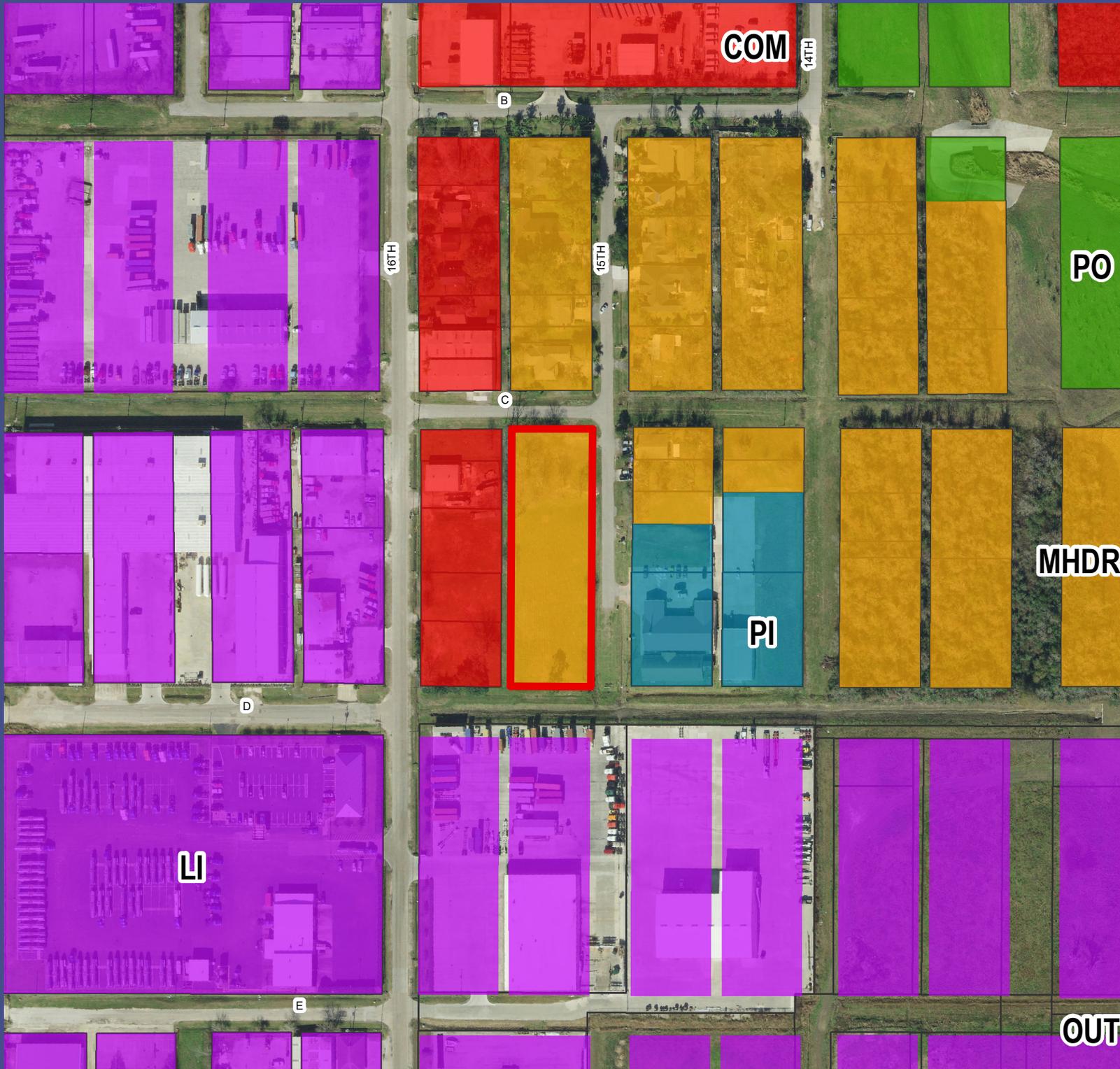


EXHIBIT C

FLUP MAP

**Zone Change
18-92000001**

**South 15 St.
@ C Ave.**

 Subject Parcel



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

1 inch = 211 feet



**JANUARY 2018
PLANNING DEPARTMENT**



A Meeting of the La Porte
Planning & Zoning Commission

Scheduled for
JANUARY 18, 2018

To Consider
Zone Change Request #18-92000001

I have received notice of the above referenced public hearing.

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

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

"I Copy Attached"

*THE SIX REASONS I am OPPOSING Additional
Commercial Properties in My Neighborhood are as follows:*

*1. Commercial properties could bring down our property value; this street has
our church and 10 homes we want to keep it. Residential.*

J. MANUEL ELIZONDA

Name (please print)

[Handwritten Signature]

Signature

401-S-15 St.

Address

LA. PORTE TX. 77571

City, State, Zip

2018.01.17 04:23 PM Jesus Manuel Elizondo 2814701825 PAGE. 5

text_0.txt

The six reasons I am apposing additional commercial properties in my neighborhood are as follows:

1. Commercial property could bring down our property value. This street has one church and 10 homes we want to keep it residential.
2. We currently have to deal with several problems from businesses surrounding our one residential street as it is.
3. Laramie (holiday express) destroys our streets and continuously blocks the only entrance to the main street to my home (C street).
4. Meritec has day and night hours which we can hear from our homes making it hard to sleep at night.
5. We have several children and retired family's on this street which enjoy to play outdoors and enjoy walks if we add commercial companies to our only residential street left in this area you will be ruining our privacy and safety of our street.

This is a residential area still commercial properties are not welcome!

I am against any commercial business to be placed next in front of my home.

01-18-2018

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 12, 2018</u>
Requested By: <u>Ian Clowes</u>
Department: <u>Planning and Development</u>
Report: <u> X </u> Resolution: <u> </u> Ordinance: <u> X </u>

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

- Exhibits:**
- Ordinance**
 - P&Z Recommendation Letter**
 - Existing Land Use Map**
 - Proposed Land Use Map**

SUMMARY & RECOMMENDATION

This item is a request for consideration to amend the city’s Future Land Use Plan in conjunction with a request by the City of La Porte, who is seeking approval of a Zone Change from the High Density Residential (R-3) zoning district to the Low Density Residential (R-1) zoning district. The property in question is located at 330 Bayside Dr. and is legally described as Lots 8-10 & S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision.

The city’s Future Land Use Plan (FLUP) identifies the subject property as “Mid-High Density Residential”. In order to accommodate the proposed zone change, the FLUP would need to be amended to show the property as “Low Density Residential”.

The Planning and Zoning Commission, at their January 18, 2018 regular meeting, voted 9-0 to recommend approval of the proposed Future Land Use Amendment.

Action Required by Council:

1. Conduct public hearing.
2. Consider action on a recommendation by the Planning and Zoning Commission to approve an Ordinance amending the City’s Future Land Use Plan for a 34,217 square foot tract of land known as Lots 8-10 & S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision, located at 330 Bayside Dr. 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 which Plan has been the subject of multiple amendments since its adoption;

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 January 18, 2018, 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 34,217 square foot tract of land located at 330 Bayside Dr., and legally described as follows: Lots 8-10 & S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision, Town of La Porte, Harris County, Texas, from its present designation of "Mid-High Density Residential", to "Low 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 February 12, 2018 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 12th day of FEBRUARY, 2018.

CITY OF LA PORTE, TEXAS

By: _____

Louis R. Rigby, Mayor

ATTEST:

By: _____

Patrice Fogarty, City Secretary

APPROVED:

By: _____

Clark Askins, Assistant City Attorney



January 19, 2018

Honorable Mayor Rigby and City Council
City of La Porte

RE: Request #18-92000002 to Amend the Future Land Use Map

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a meeting on January 18, 2018 on a request to amend the City's Future Land Use Plan as adopted in the Comprehensive Plan for a 34,217 square foot tract of land located at 330 Bayside Dr., and is legally described Lots 8-10 & S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision. The request was for approval of a change of the future land use designation from "Mid-High Density Residential" use to "Low Density Residential" use

The Commission voted 9-0 to recommend approval of the proposed amendments to the City's Future Land Use Map.

Respectfully submitted,

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

cc: Richard Mancilla, Director of Planning and Development
Department File

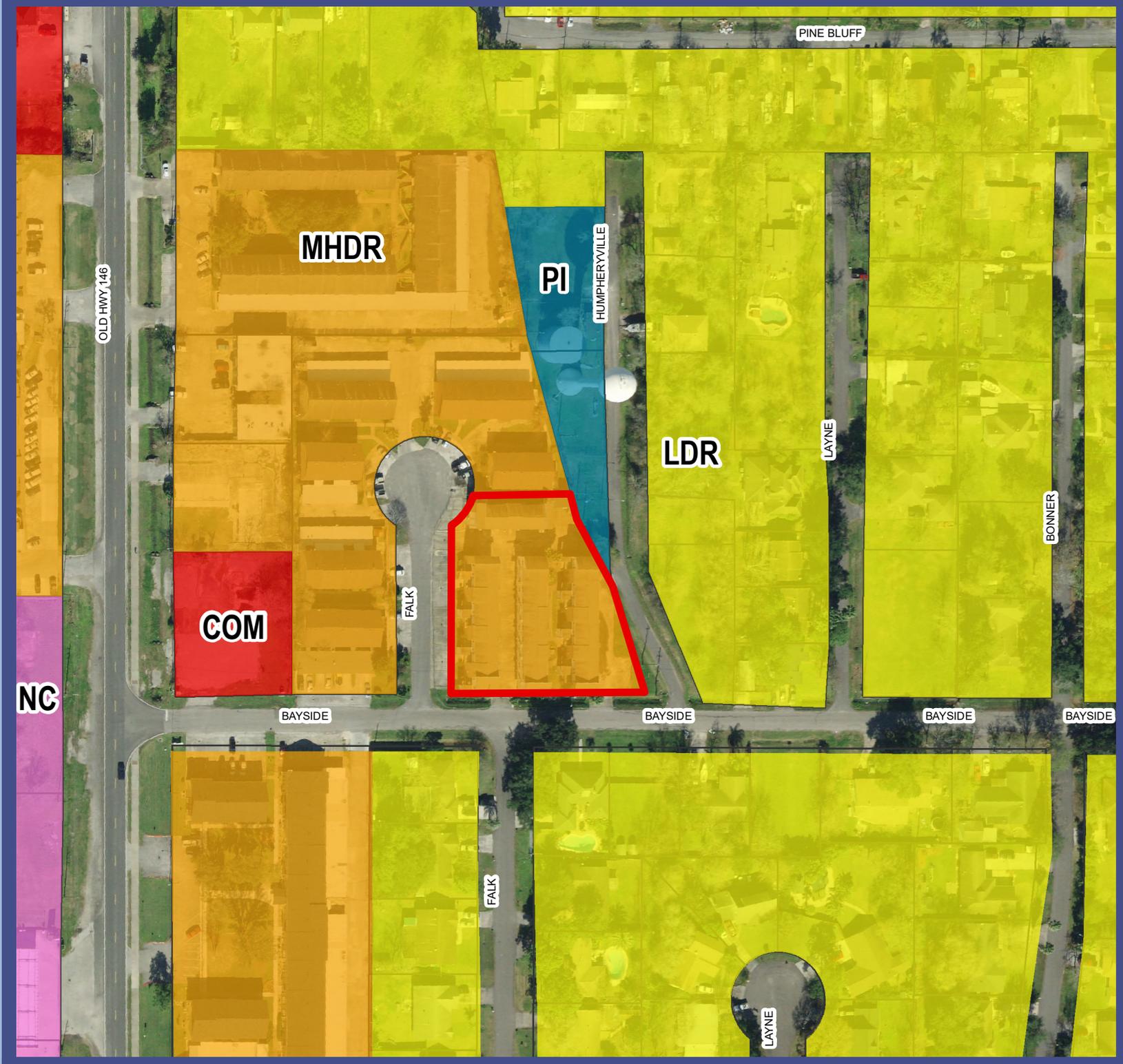


EXHIBIT A

FLUP MAP

**Zone Change
18-9200002**

330 Bayside Dr.

 Subject Parcel



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

1 inch = 140 feet



**JANUARY 2018
PLANNING DEPARTMENT**

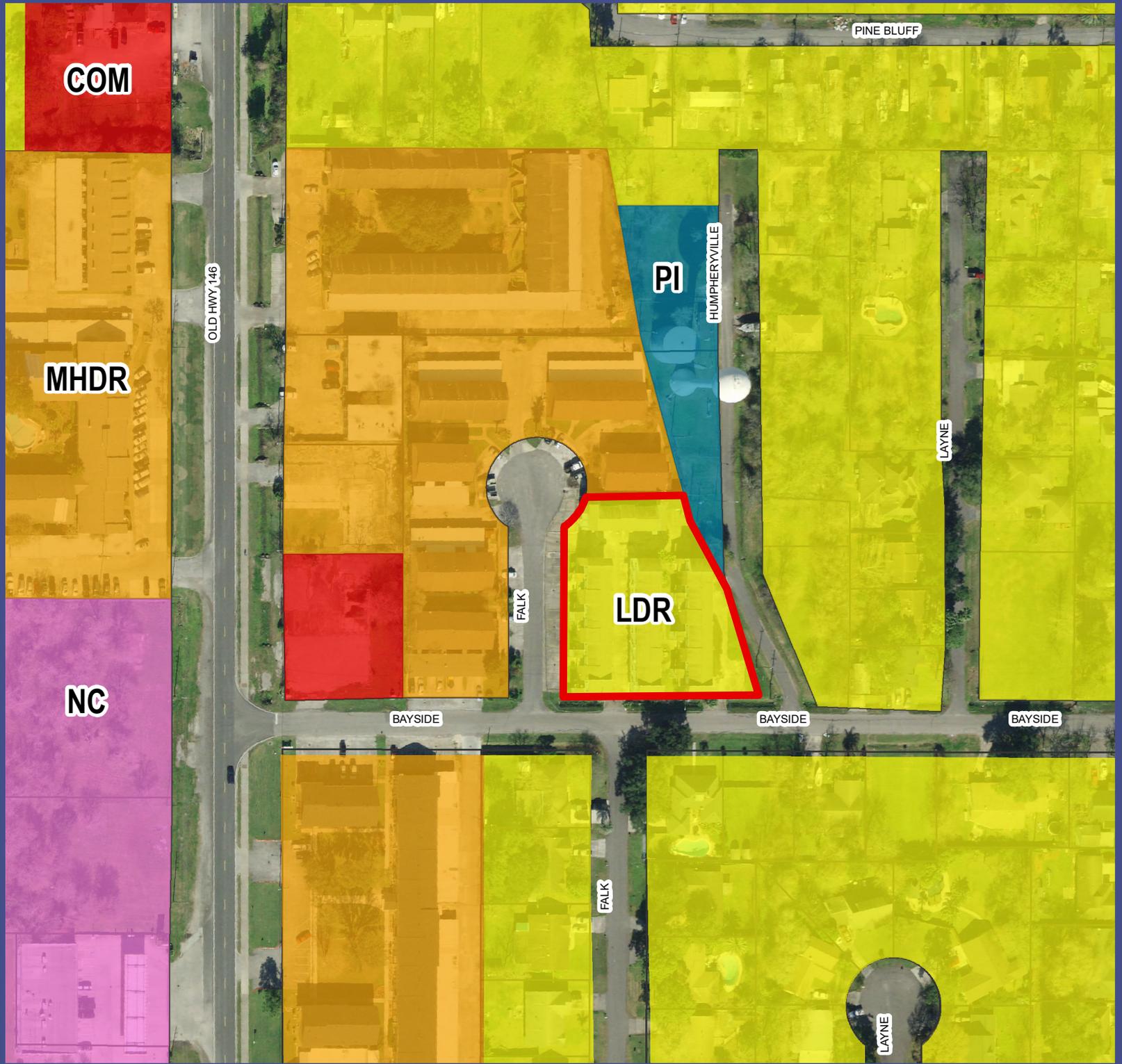


EXHIBIT B

**PROPOSED
FLUP**

**Zone Change
18-92000002**

330 Bayside Dr.

Legend

 Subject Parcel



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**JANUARY 2018
PLANNING DEPARTMENT**

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 12, 2018</u>
Requested By: <u>Ian Clowes</u>
Department: <u>Planning and Development</u>
Report: <u> X </u> Resolution: <u> </u> Ordinance: <u> X </u>

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

Exhibits: **Ordinance**
 P&Z Recommendation Letter
 Applicant Information and Request
 Zoning Map
 Land Use Map

SUMMARY & RECOMMENDATION

The City of La Porte, is seeking approval of a Zone Change from the High Density Residential (R-3) zoning district to the Low Density Residential (R-1) zoning district. The property in question is located 330 Bayside Dr. and is legally described as Lots 8-10 & S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision.

The property is currently undeveloped and was previously occupied by a small apartment complex. The complex was ceased operations and was demolished by the city within the last 3 years. The city, who initiated this zone change, would now like to change the zoning of the property from R-3 to R-1 in order to fit with the adjacent single family development to the east and south and to act as a buffer between existing high density residential to the west and existing single family residential to the east.

Staff did not receive any notices in favor or opposition to the proposed project.

The Planning and Zoning Commission, at their January 18, 2018 regular meeting, voted 9-0 to recommend approval of the proposed Zone Change.

Action Required by Council:

1. Conduct public hearing.
2. Consider action on a recommendation by the Planning and Zoning Commission to approve an Ordinance for zone change request #18-9200002, for a 34,217 square foot tract of land

located at 330 Bayside Dr. and legally described as Lots 8-10 & S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY CHANGING THE ZONING CLASSIFICATION OF A 34,217 SQUARE FOOT TRACT OF LAND LOCATED AT 330 BAYSIDE DR. LEGALLY DESCRIBED AS LOTS 8-10 & S. ½ OF LOT 7, BLOCK 1, BAYSIDE TERRACE SUBDIVISION, FROM HIGH DENSITY RESIDENTIAL (R-3) TO LOW DENSITY RESIDENTIAL (R-1); MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;

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

Section 1. Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by changing the zoning classification of the following described property, to wit: a 34,217 square foot tract of land located at 330 Bayside Dr., and legally described as Lots 8-10 & S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision, Harris County, Texas, from High Density Residential (R-3) to Low Density Residential (R-1).

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

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

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

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

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

Section 7. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning

Map and Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

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

PASSED AND APPROVED this the _____ day of FEBRUARY, 2018.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:

Clark Askins, Assistant City Attorney



January 19, 2018

Honorable Mayor Rigby and City Council
City of La Porte

RE: Zone Change Request #18-92000002

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the January 18, 2018 meeting on a zone change request by the City of La Porte for a zone change of Lots 8-10 & S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision from High Density Residential (R-3) to Low Density Residential (R-1). The site is a 34,217 square foot tract of land located at 330 Bayside Dr.

The Commission voted 9-0 to recommend approval of the proposed zone change.

Respectfully submitted,

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

cc: Richard Mancilla, Director of Planning and Development
Department File

PUD

OLD HWY 146

PINE BLUFF

HUMPHRYVILLE

LAYNE

BONNER

R-3

FALK

R-1

BAYSIDE

BAYSIDE

BAYSIDE

BAYSIDE

NC

FALK

LAYNE

EXHIBIT B
ZONING MAP

Zone Change
18-92000002

330 Bayside Dr.

 Subject Parcel



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1 inch = 140 feet



JANUARY 2018
PLANNING DEPARTMENT

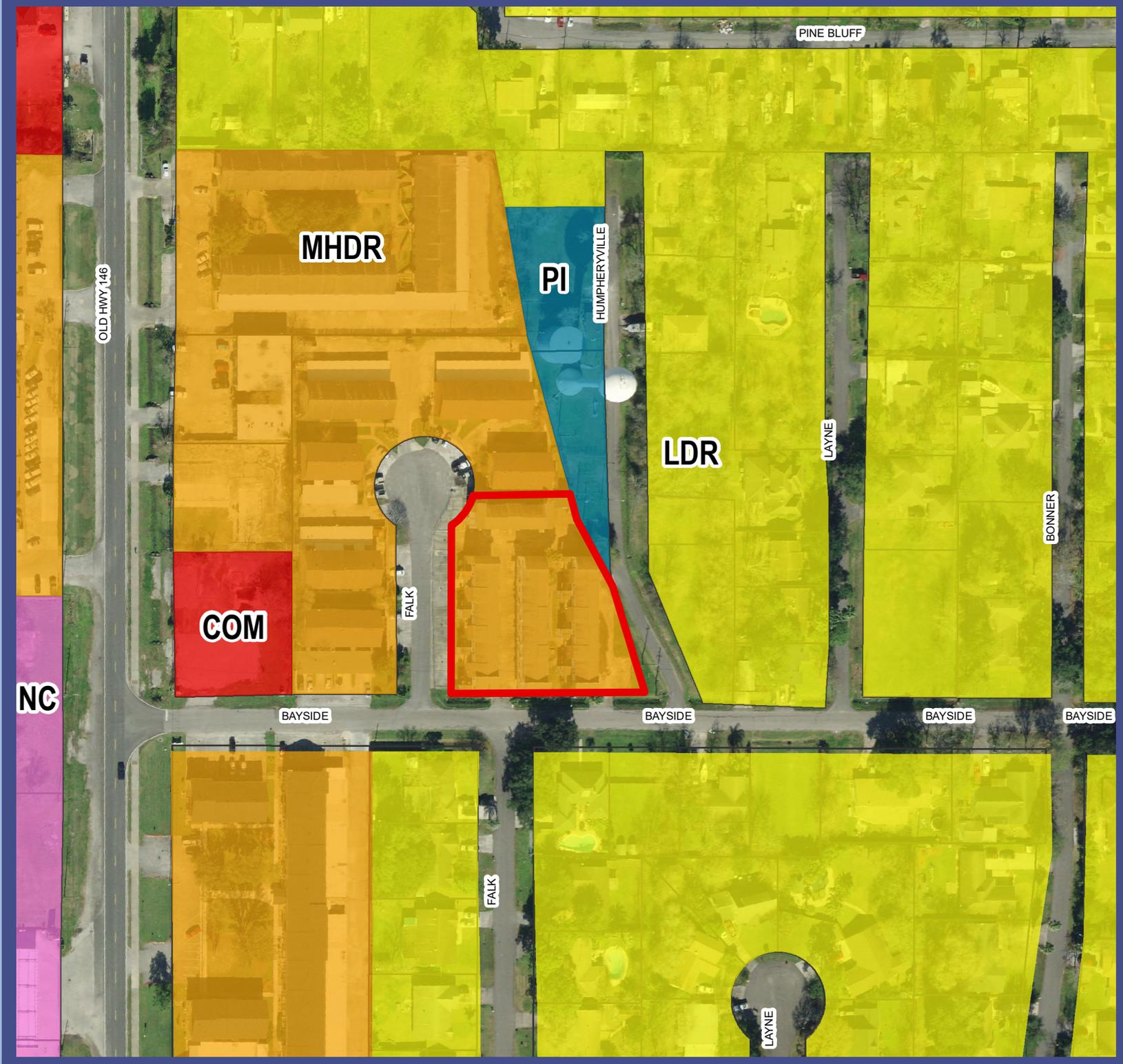


EXHIBIT C
FLUP MAP

Zone Change
18-9200002

330 Bayside Dr.

 Subject Parcel



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JANUARY 2018
PLANNING DEPARTMENT

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 12, 2018</u>
Requested By: <u>Ian Clowes</u>
Department: <u>Planning and Development</u>
Report: <u> X </u> Resolution: <u> </u> Ordinance: <u> X </u>

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

Exhibits: **Ordinance**
 P&Z Recommendation Letter
 Existing Land Use Map
 Proposed Land Use Map

SUMMARY & RECOMMENDATION

This item is a request for consideration to amend the city’s Future Land Use Plan in conjunction with a request by Brian Downey, applicant, on behalf of Aldersgate Trust, owner, who is seeking approval of a SCUP to allow for an active senior living facility. The property in question is a 6.96 acre tract of land located on the west side of Underwood north of Fairmont Pkwy., south of Caniff Rd. and is legally described as Tracts 718B, 719, and 719A, La Porte Outlots.

The city’s Future Land Use Plan (FLUP) identifies the subject property as “Neighborhood Commercial”. In order to accommodate the proposed zone change, the FLUP would need to be amended to show the property as “Mid-High Density Residential”.

The Planning and Zoning Commission, at their January 18, 2018 regular meeting, voted 7-2 to recommend approval of the proposed Future Land Use Amendment.

Action Required by Council:

1. Conduct public hearing.
2. Consider action on a recommendation by the Planning and Zoning Commission to approve an Ordinance amending the City’s Future Land Use Plan for a 6.96 acre tract of land known as Tracts 718B, 719, and 719A, La Porte Outlots, located on the west side of Underwood north of Fairmont Pkwy., south of Caniff Rd. 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 which Plan has been the subject of multiple amendments since its adoption;

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 January 18, 2018, 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 6.96 acre tract of land generally located on the west side of Underwood Rd. north of Fairmont Pkwy. and south of Caniff Rd, and legally described as follows: Tracts 718B, 719, and 719A, La Porte Outlots, Town of La Porte, Harris County, Texas, from its present designation of "Neighborhood Commercial", to "Mid-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 February 12, 2018 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 12th day of FEBRUARY 2018.

CITY OF LA PORTE, TEXAS

By: _____

Louis R. Rigby, Mayor

ATTEST:

By: _____

Patrice Fogarty, City Secretary

APPROVED:

By: _____

Clark Askins, Assistant City Attorney



January 19, 2018

Honorable Mayor Rigby and City Council
City of La Porte

RE: Request #18-91000001 to Amend the Future Land Use Map

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a meeting on January 18, 2018 on a request to amend the City's Future Land Use Plan as adopted in the Comprehensive Plan for a 6.96 acre tract of land located on the west side of Underwood north of Fairmont Pkwy., south of Caniff Rd. and legally described as Tracts 718B, 719, and 719A, La Porte Outlots. The request was for approval of a change of the future land use designation from "Neighborhood Commercial" use to "Mid-High Density Residential" use

The Commission voted 7-2 to recommend approval of the proposed amendments to the City's Future Land Use Map.

Respectfully submitted,

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

cc: Richard Mancilla, Director of Planning and Development
Department File

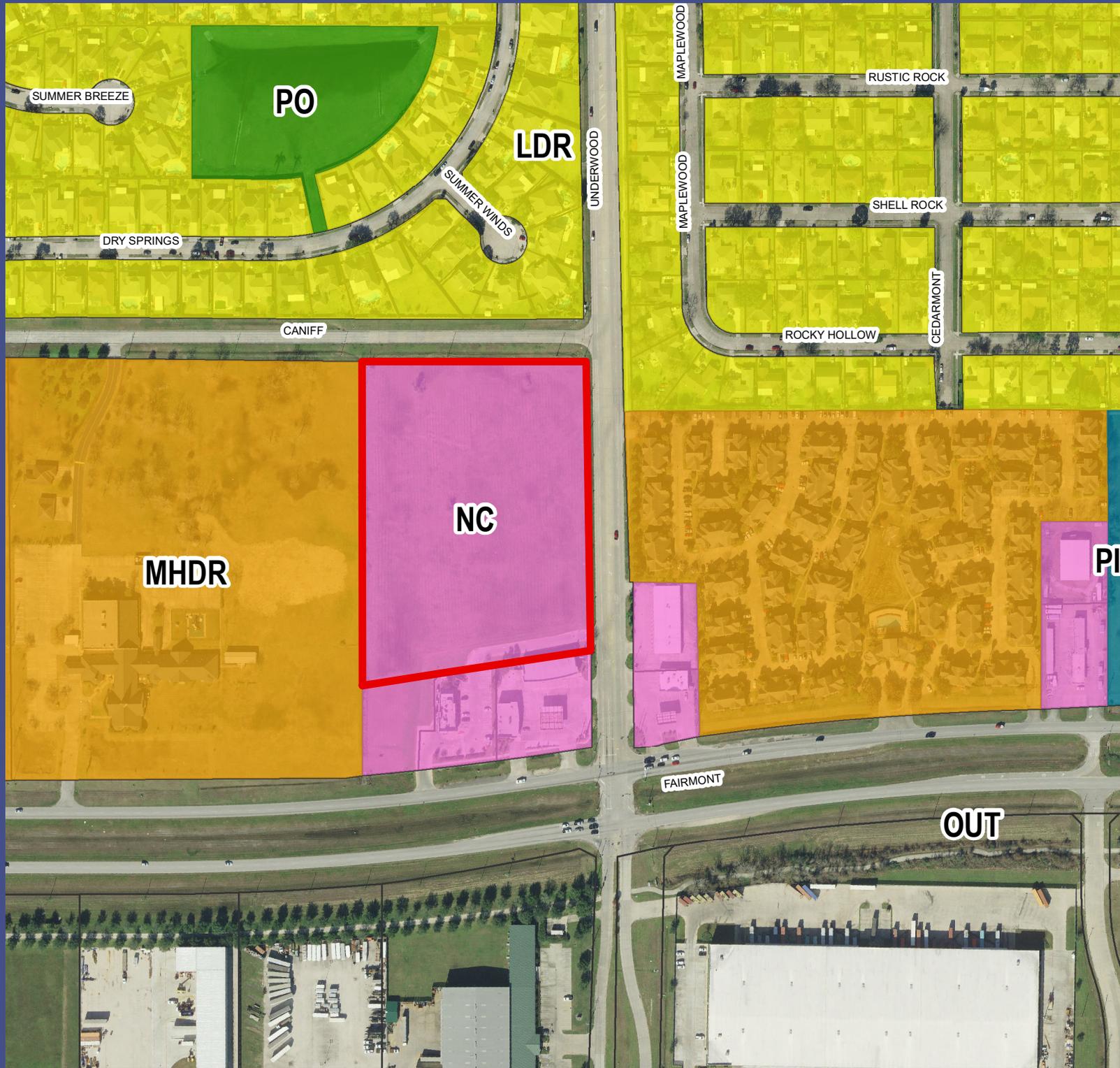


EXHIBIT A

FLUP MAP

SCUP

18-91000001

**Underwood Dr.
@ Fairmont Pkwy.**

Legend

 Subject Parcel



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

1 inch = 281 feet



**JANUARY 2018
PLANNING DEPARTMENT**

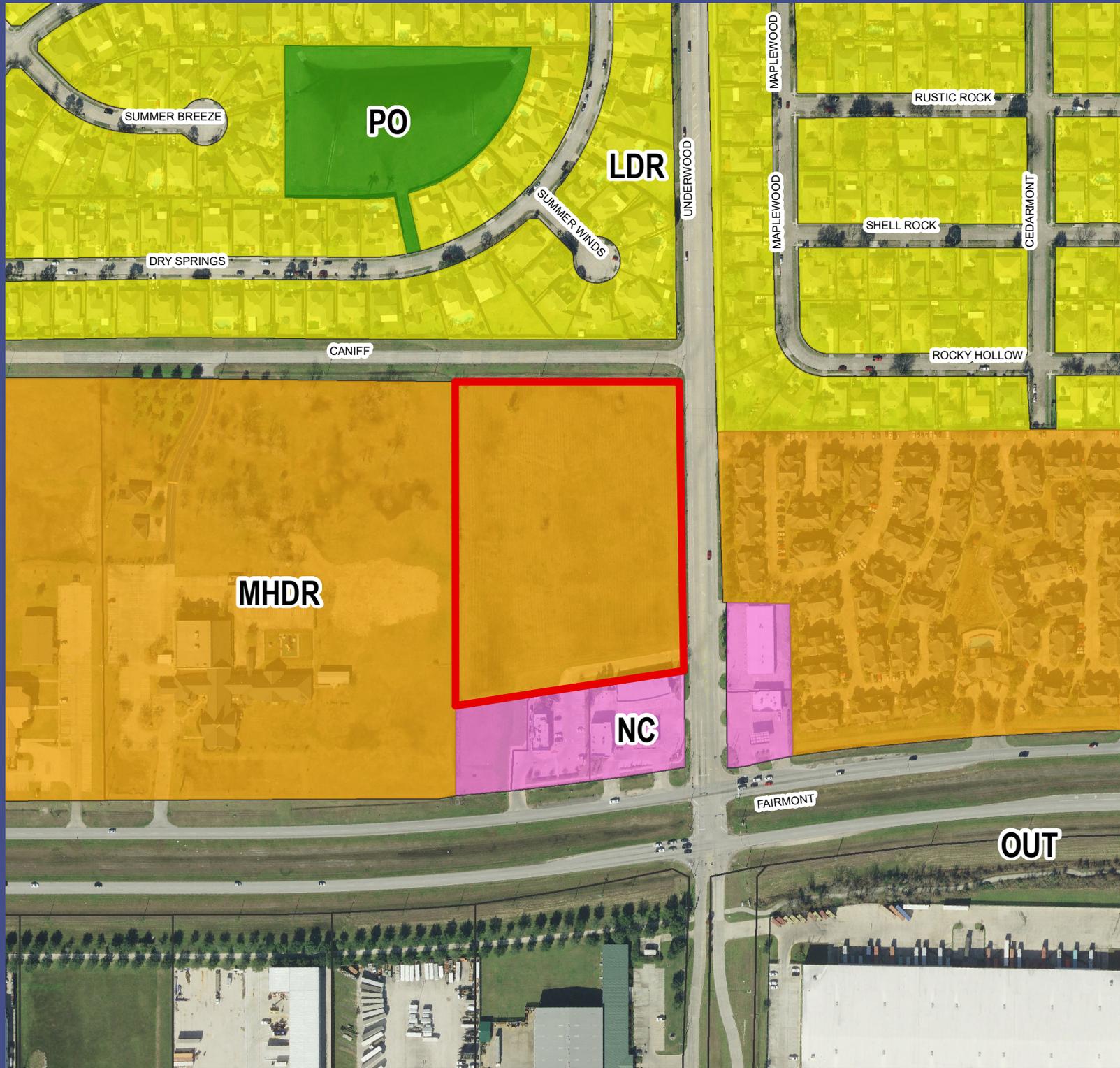


EXHIBIT B

**PROPOSED
FLUP**

**SCUP
18-91000001**

**Underwood Dr.
@ Fairmont Pkwy.**

Legend

 Subject Parcel



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

1 inch = 281 feet



**JANUARY 2018
PLANNING DEPARTMENT**

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>February 12, 2018</u>
Requested By: <u>Ian Clowes</u>
Department: <u>Planning and Development</u>
Report: <u> X </u> Resolution: <u> </u> Ordinance: <u> X </u>

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

- Exhibits:**
- Ordinance**
 - Proposed SCUP**
 - P&Z Recommendation Letter**
 - Applicant Information and Request**
 - Zoning Map**
 - Land Use Map**
 - General Plan**

SUMMARY & RECOMMENDATION

The applicant, Brian Downey, applicant, on behalf of Aldersgate Trust, owner, is seeking approval of a SCUP to allow for the development of an active senior living facility in the PUD Zoning District. The property in question is a 6.96 acre tract of land located on the west side of Underwood Rd., north of Fairmont and south of Caniff Rd, and is legally described Tracts 718B, 719, and 719A, La Porte Outlots.

The property is currently undeveloped. The property was rezoned from Neighborhood Commercial (NC) to Planned Unit Development (PUD) back in 2001 by the owner at the time, Summer Winds, LLC. The purpose of the zone change to PUD was to allow for a proposed business/office park. The park was never developed. The current applicant would like to develop an active senior living facility which would consist of 114 units. The main building in the center of the property would be a maximum of 3 stories with three buildings on the perimeter that will be a maximum of 1 story. The proposed SCUP consists of 10 conditions for the proposed development that were agreed upon by the applicant. Additional language was added to condition #3 by the City Attorney after P&Z Approval in order to provide further clarification regarding the 1000 foot separation requirement.

Staff did not receive any notices in favor or opposition to the proposed project.

The Planning and Zoning Commission, at their January 18, 2018 regular meeting, voted 7-2 to recommend approval of the proposed SCUP, adding the tenth condition which would require the applicant to perform a Traffic Impact Analysis (TIA) prior to approval of the site plan.

Action Required by Council:

1. Conduct public hearing.
2. Consider approval or other action on a recommendation by the Planning and Zoning Commission to approve an Ordinance for SCUP #18-9100001

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. 18-9100001, TO ALLOW FOR THE DEVELOPMENT OF AN ACTIVE SENIOR LIVING FACILITY IN A PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT, ON A 6.96 ACRE TRACT OF LAND AND BEING LEGALLY DESCRIBED AS TRACTS 718B, 719, AND 719A, LA PORTE OUTLOTS, LA PORTE, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;

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

Section 1. Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #18-9100001, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for the development of an Active Senior Living Facility on a 6.96 acre tract of land, said tract being legally described as Tracts 718B, 719, and 719A, La Porte Outlots, La Porte, Harris County, Texas, and situated 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 12th day of FEBRUARY, 2018.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:

Clark Askins, Assistant City Attorney

EXHIBIT A

City of La Porte
Special Conditional Use Permit #18-91000001

This permit is issued to: Brian Downey
Owner or Agent

Address

For Development of: Underwood Senior Living Facility
Development Name

SW Corner of Caniff Rd. and Underwood Rd.
Address

Legal Description: A 6.96 acre tract of land legally described Tracts 718B, 719, and 719A,
La Porte Outlots, Harris County, La Porte, TX

Zoning: PUD, Planned Unit Development

Use: Multi-family (Senior Living)

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. Permitted use on site will be described as Multi-family but will be restricted to a senior living facility with an age restriction of 55+.
3. The underlying base zoning regulation applicable to the development will be R-3. All provisions established under the R-3 zoning district, including all Multi-family development requirements, will need to be met; however, any enumerated provision or condition in this SCUP shall control in the event of a conflict between the provision or condition and the R-3/Multi-family development regulations.
4. Buildings constructed along Caniff Rd. will be restricted to 1 story.
5. Buildings not along Caniff Rd. may not exceed 3 stories.
6. Proposed Senior Living Facility shall be allowed to locate within 1000 feet of another multi-family development. This allowance is in contrast to the requirements of section 106-333 (a) footnote 10 of the City of La Porte Zoning Ordinance.

7. Permitted density will not exceed 17 units/acre. This is in contrast to section 106-33 (a) of the City of La Porte Zoning Ordinance.
8. A Traffic Impact Analysis will be performed and submitted to the city for review prior to approval of the required site plan.
9. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
10. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

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

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

Validation Date: _____

Director of Planning and Development

City Secretary



January 19, 2018

Honorable Mayor Rigby and City Council
City of La Porte

RE: Special Conditional Use Permit Request #18-91000001

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a regular meeting on January 18, 2018 to hear a Special Conditional Use Permit request by Brian Downey, applicant, on behalf of Aldersgate Trust, owner; for a Special Conditional Use Permit to allow for the development of an active senior living facility. The subject site is located on the west side of Underwood Rd., north of Fairmont and south of Caniff Rd., and is legally described as Tracts 718B, 719, and 719A, La Porte Outlots. 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.

The Commission voted 7-2 to recommend approval of the proposed SCUP.

Respectfully submitted,

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

cc: Richard Mancilla, Director of Planning and Development
Department File



Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: 3900 Block of Underwood, La Porte, Tx. 77571

Legal description where SCUP is being requested: TRS 718 B, 719, 719A La Porte Outlots

HCAD Parcel Number where SCUP is being requested: 0231460000719

Zoning District: PUD, Council District #2 Lot area: 6.96 acres

A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.

Description of Request: 114 unit Senior Apartment Community

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

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: Brian Downey

Company (if applicable): Lafayette Park Apartments

Address: 1500 N. Post Oak St # 190

City: Houston State: Tx Zip: 77055

Phone: 713-334-5808 Email: _____

OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: [Signature] Date: 12/18/17

Owner(s) Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: _____

Legal description where SCUP is being requested: _____

HCAD Parcel Number where SCUP is being requested: _____

Zoning District: _____ Lot area: _____

A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.

Description of Request: _____

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

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): Aldersgate Trust

Address: 1440 Lake Front Circle, Suite 110

City: The Woodlands State: TX Zip: 77380

Phone: 281-210-0138 Email: _____

AUTHORIZED AGENT (if other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): Don Stephens, TRUSTEE Date: 12/26/2017

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____

City of La Porte

Project Description Letter

Please consider approving a special condition permit for a senior living apartment community. Lafayette Park Apartments will be a proposed 114 unit independent living development located on +/- 6.96 acres located at the southwest corner of Underwood Road and Caniff Road.

Of these 114 units, 22 will be market rate units, 10 will be made available to seniors who earn 30% or less of the area median income, 38 will be made available to seniors who earn 50% or less of the area median income, and 44 will be made available to seniors who earn 60% or less of the area median income

Our proposed development will consist of 4, one-story, six-plex buildings with attached garages and 1, three story, 90 unit building with an amenity center included. These 90 units will also be assigned a garage. 48 garages will be attached to the main building's breezeway and the other 42 will be detached.

The Amenity center will include a pool, a beauty parlor and a fully equipped fitness center. A business center will be included and will consist of computers, printers and fax machines at no extra cost to residents.

We feel very confident our proposed development will be well received and will be much needed for years to come.

Our previous senior developments Deerbrook Place and Lafayette Plaza are a great success and consistently are at full occupancy along with a lengthy waiting list.



Special Conditional Use Permit Application

Planning and Development Department

AFFIDAVIT OF POSTING

PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS
COUNTY OF HARRIS
CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

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

ADDRESS: 3900 Block of Underwood, La Porte, Tx. 77571
LEGAL DESCRIPTION: TRS 718B, 719, 719A, La Porte Outlots

2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: Jan. 2, 2018

3. Said sign shall be placed on the property within 20 feet of the abutting street.

4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

[Signature]
Applicant's Signature
Brian Downey
Applicant's Printed Name

Subscribed and sworn before me this _____ day of _____, _____ by
Brian Downey (Print Applicant's Name).

Notary Public
My commission expires: _____

(Seal)

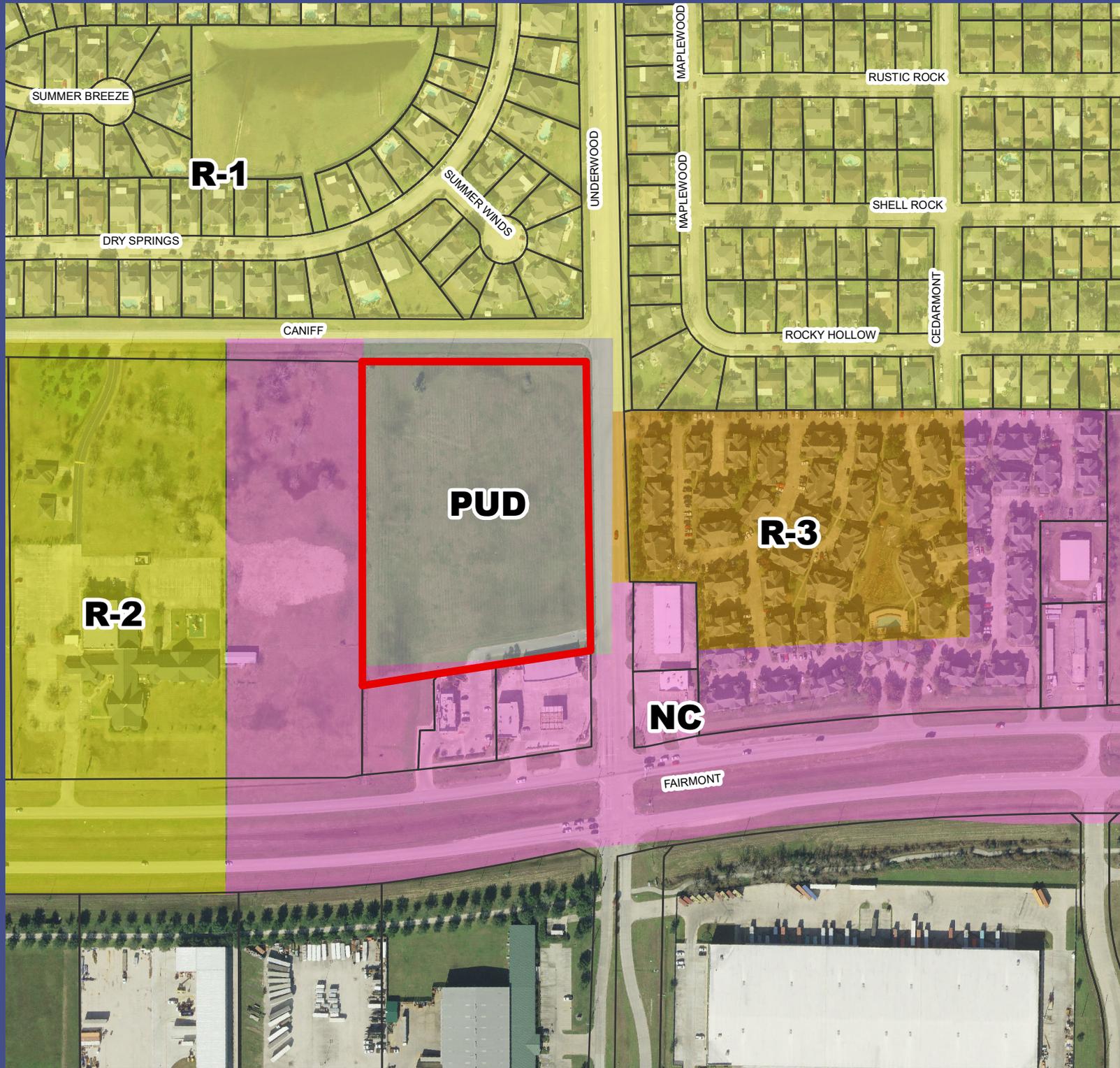


EXHIBIT B
ZONING MAP

SCUP
18-9100001

Underwood Dr.
@ Fairmont Pkwy.

Legend

 Subject Parcel



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1 inch = 281 feet



JANUARY 2018
PLANNING DEPARTMENT

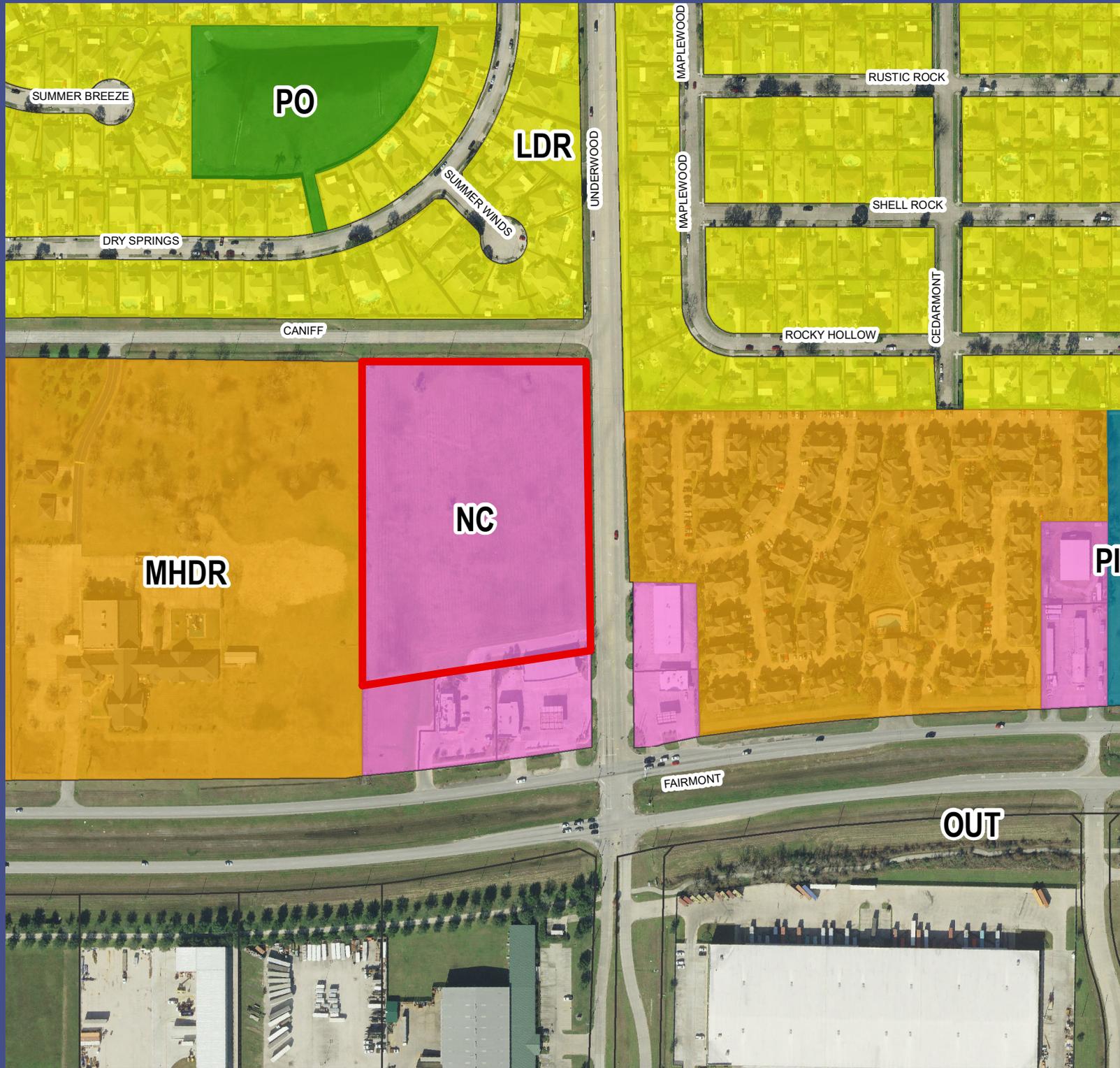


EXHIBIT C

FLUP MAP

**SCUP
18-9100001**

**Underwood Dr.
@ Fairmont Pkwy.**

Legend

 Subject Parcel



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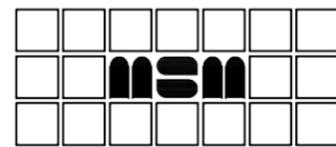
1 inch = 281 feet



**JANUARY 2018
PLANNING DEPARTMENT**

LAFAYETTE PARK

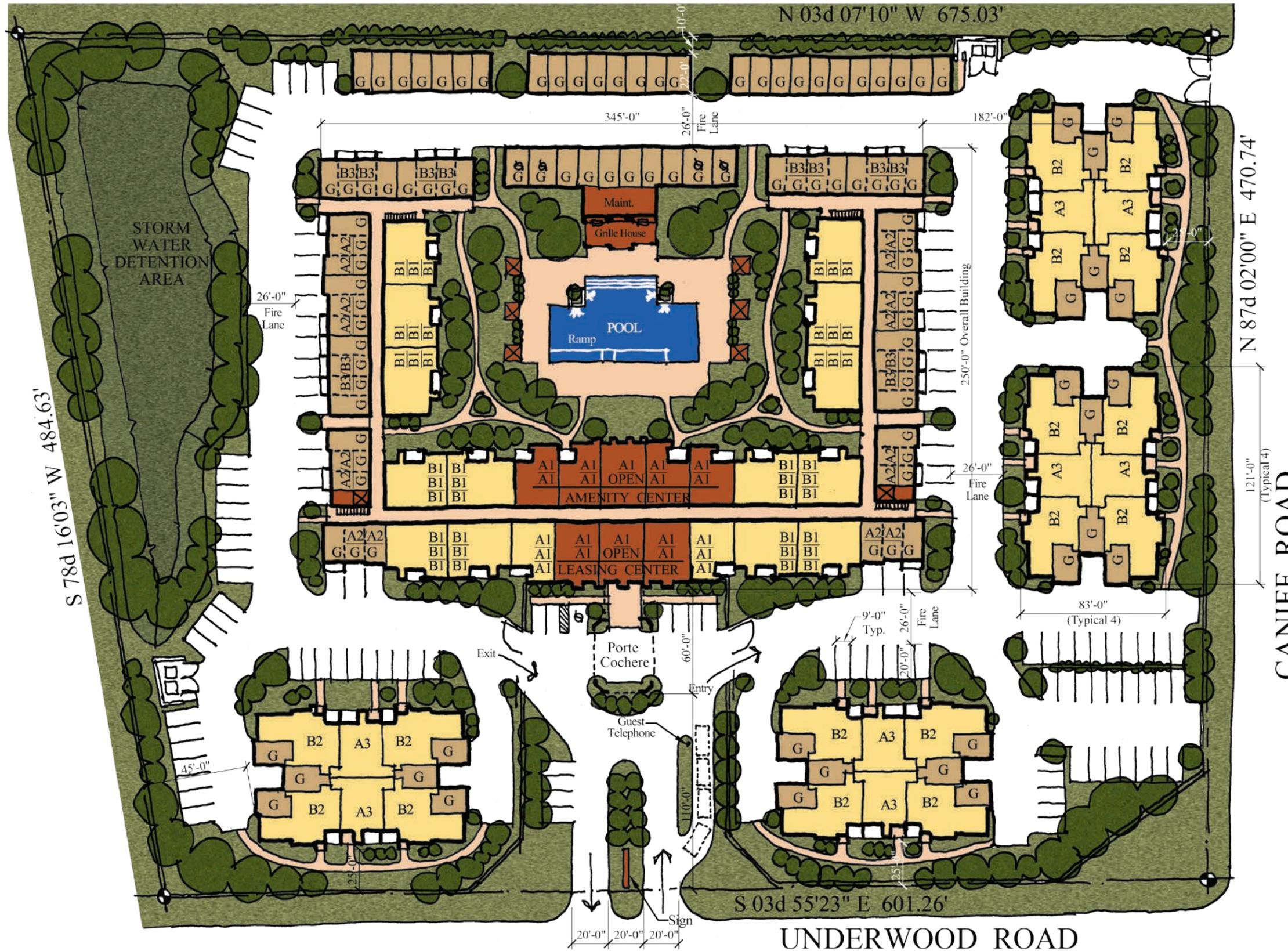
A Seniors Community



MUCASEY
&
Associates

Architects

4808 Gibson, Suite 200
Houston, Texas 77007
Tel. (713) 521-1233
Fax (713) 520-1904



PROJECT SUMMARY:

Apartments:

Type	Description	Qty.	Area
A1	One Bedroom, 1 Bath	20	777 s.f.
A2	One Bedroom, 1 Bath	16	786 s.f.
A3	One Bedroom, 1 Bath (garage)	8	832 s.f.
Total One Bedroom Units		44 Units	
B1	Two Bedroom, 2 Bath	42	1,044 s.f.
B2	Two Bedroom, 2 Bath (garage)	16	1,080 s.f.
B3	Two Bedroom, 2 Bath	12	1,084 s.f.
Total Two Bedroom Units		70 Units	
Apartments Total		114 Units	108,908 s.f.

Parking Provided:

Direct-Attached Garages	30 cars
Breezeway Garages	48 cars
Detached Garages	36 cars
Total	114 cars

SITE PLAN

Lafayette Park

Mucasey & Associates, Architects



Typical One Story Building



Three Story Building With Amenity Center

LAFAYETTE PARK

A Seniors Community
Mucasey & Associates, Architects



AMENITY CENTER

Lafayette Park

6,095 s.f.

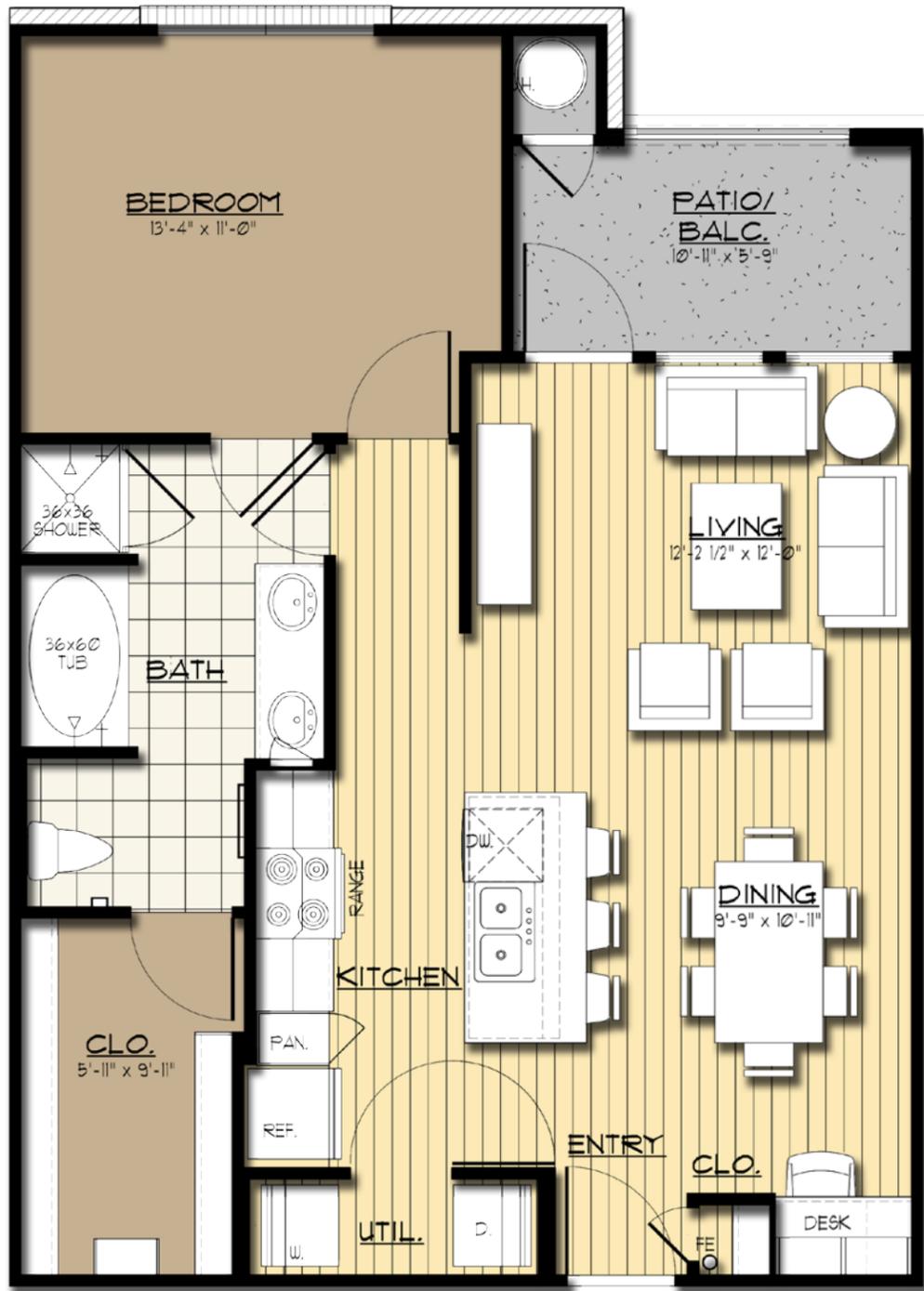
Mucasey & Associates, Architects



TYPICAL ONE STORY BUILDING

Lafayette Park

Mucasey & Associates, Architects



UNIT "A1" - 1 Bedroom, 1 Bath

777 s.f.



UNIT "B1" - 2 Bedroom, 2 Bath

1,044 s.f.

UNIT "A1" & "B1" PLANS

Lafayette Park

Mucasey & Associates, Architects



SITE SECTION

Lafayette Park

Mucasey & Associates, Architects

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested <u>February 12, 2018</u>
Requested By: <u>Jason B. Weeks, Asst. City Manager</u>
Department: <u>City Manager's Office</u>
Report <input type="checkbox"/> Resolution: <input checked="" type="checkbox"/> Ordinance: <input type="checkbox"/>

<u>Appropriation</u>	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	N/A
Budgeted Item:	YES NO

Exhibit: Lafayette Park Apartments
Exhibit A – Aerial Map
Exhibit B – Zoning Map
Developer Presentation
Resolution

SUMMARY & RECOMMENDATION

As presented at the January 22nd Council Meeting, Brian Downey (the Developer of Lafayette Park Apartments, L.P.) is proposing an active senior living facility to be built on 6.96 acre tract located on west side of Underwood Rd., north of Fairmont and south of Caniff Rd. The property is currently undeveloped and zoned Planned Unit Development (PUD). The facility will look and operate similarly to a traditional multi-family facility but will be restricted to residents that are 55 years of age or older. This is the same developer that completed the Fairmont Oaks Apartments at Fairmont and Underwood as well as the Seville Apartments on Luella. The developer is requesting City Council support of this age-restricted multi-family development and will be seeking tax credits from the state to help fund the project. Furthermore, the developer appeared before the Planning and Zoning Commission on January 18, 2018 to request a SCUP to allow for the development of this project. Additionally, since this proposed development is within 1000 feet of another multi-family development a variance will need to be granted too. The proposed Special Conditional Use Permit (SCUP) will satisfy this variance requirement.

At the previous council meeting City Council inquired of two items: History of zoning on this property as well as the price per square foot for the units, which have been provided below:

The property was rezoned from Neighborhood Commercial (NC) to Planned Unit Development (PUD) back in 2001 by the owner at the time, Summer Winds, LLC. The purpose of the zone change to PUD was to allow for a proposed business/office park. The park was never developed.

The basic floor plan indicates 44 one-bedroom/one bath units that will range from 777 sq. ft. to 832 sq. ft. and 70 two-bedroom/two bath units that will range from 1044 sq. ft. to 1084 sq. ft.

	1 Bedroom Monthly Rent	Price/Sq. Ft.	2 Bedroom Monthly Rent	Price/Sq. Ft.
Market Rate	\$825.00	\$1.06 to \$0.99	\$1,100.00	\$1.05 to \$1.01
30% of AMI	\$314.00	\$0.44 to \$0.38	\$370.00	\$0.35 to \$0.34
50% of AMI	\$582.00	\$0.75 to \$0.70	\$692.00	\$0.66 to \$0.64
60% of AMI	\$718.00	\$0.92 to \$0.86	\$853.00	\$0.82 to \$0.79

Lafayette Park Apartments:

The development will be a 114 unit independent living development located on the 6.96 acre tract of land. Of these 114 units, 22 will be market rate units, 10 will be made available to seniors who earn 30% or less of the area median income, 38 will be made available to seniors who earn 50% or less of the area median income, and 44 will be made available to seniors who earn 60% or less of the area median income.

The proposed development will consist of 4, one-story, six-plex buildings with attached garages and 1, three-story, 90 unit building with an amenity center included. The 4, one-story, six-plex buildings will be developed on the perimeter of the development, while the 1, three-story building will be placed in the middle of the development. Additionally, the main building of 90 units will be assigned a garage; 48 of these garages will be attached to the main building's breezeway and the other 42 garages will be detached.

The amenity center will include a pool, a beauty parlor and a fully equipped fitness center. A business center will be included and will consist of computers, printers and fax machines at no additional cost to residents.

Action Required by Council:

Consider approval adopting a resolution expressly in support with no objections of the application and development of Lafayette Park Apartments an age-restricted (55+) multi-family project that will be funded through tax credits on the 6.96 acre tract of land located on west side of Underwood Rd., north of Fairmont and south of Caniff Rd.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

LAFAYETTE PARK APARTMENTS

**(A proposed luxurious independent senior living apartment community)
SWC corner of Underwood Road and Caniff Road
La Porte, Harris County Texas**

Lafayette Park Apartments, a proposed 114-unit luxurious independent living senior apartment community will be located on ±6.96 acres site located at southwest corner of Underwood Road and Cannif Road, La Porte, Harris County, Texas.

22 units will be market rate units. 10 units will be made available to seniors who earn 30% or less of the area median income, 38 units will be made available to seniors who earn 50% or less of the area median income, and 44 units will be made available to seniors who earn 60% or less of the area median income.

The Lafayette Park Apartments will be new construction with the exterior being a combination of stone or brick, and hardi-plank. There will be four one-story six-plex buildings at the front entrance consisting of 24 units and the main three-story building having 90 units. Every unit will have a garage. The project will have 24 attached garages, 48 breezeway garages and 42 detached garages. There will be approximately 70 open parking spaces. The basic floor plan for 44 one-bedroom/one bath units will range from 777 sq ft to 832 sq ft and 70 two-bedroom/2 bath unit plans will range from 1,044 sq ft to 1,084 sq ft. The total net rentable area for the proposed project is 108,908 sq ft. The Project will have an Amenity Center with approximately 6,100 sq ft. The proposed Project will have a security system in each unit and will have controlled access gates.

Recreation facilities at the complex will include a Clubhouse, Beauty Parlor, pool, and fully equipped fitness center. The clubhouse will include large screen TV, sitting area, fully equipped kitchen with top of the line energy star rated appliances. A fully equipped business center with computers, printers, fax machines will also be provided to the residents at no extra cost. A contract with supportive services provider will be signed and various services will be optional to the tenants at no extra cost.

THANK YOU (MR., MS., ECT.) FOR ALLOWING ME TO MAKE A PRESENTATION TO THE CITY OF LA PORTE

1. I AM DWAYNE HENSON AND WE PROPOSE A 114 UNIT SENIOR CITIZEN PROJECT TO BE LOCATED ON THE SOUTH WEST CORNER OF UNDERWOOD ROAD AND CANIFF ROAD, LA PORTE, HARRIS COUNTY, TEXAS.
2. THIS PROJECT WILL BE FINANCED WITH APPROXIMATELY \$14,700,000. EQUITY CONTRIBUTION FROM A PRIVATE INVESTOR FOR THE TAX CREDITS AND APPROXIMATELY \$4,000,000. FIRST LIEN LOAN FROM A PRIVATE BANK.
3. THIS PROJECT WILL HAVE THE STANDARD AMENITIES ASSOCIATED WITH A CLASS "A" PROJECT SUCH AS:
 - EVERY UNIT WILL HAVE A GARAGE
 - EACH UNIT WILL BE WIRED FOR A SECURITY SYSTEM
 - 9 FOOT CEILINGS
 - CONTROLLED ACCESS SYSTEM WITH SECURITY GATES AND AN IRON FENCE SURROUNDING THE PROJECT
 - AN AMENITY CENTER OF APPROXIMATELY 6100 SQUARE FEET. I WILL LET THE ARCHITECT MARK MUCASEY BETTER DESCRIBE THE AMENITY CENTER TO YOU IN A FEW MINUTES.
 - THE AMENITY CENTER WILL INCLUDE THE FOLLOWING:
 - A. A BEAUTY SALON
 - B. A MOVIE THEATRE
 - C. HUGE GAME ROOM WITH PLENTY OF TABLES FOR CARD GAMES & THE LIKE
 - D. EXERCISE ROOM
 - E. BUSINESS CENTER WITH COMPUTERS, PRINTERS, FAX MACHINES, ETC. AT NO EXTRA COST TO RESIDENTS
4. WE WILL NOT ASK FOR A PROPERTY TAX EXEMPTION. WE WILL PAY CITY, COUNTY AND SCHOOL TAXES ON THE BASIS OF THE HCAD APPRAISED VALUATION.
- 5 (A). THE UNIT MIXTURE WILL BE
 - 70 1 BR
 - 44 2 BRFOR A TOTAL OF: 114 UNITS
- 5 (B). 20% OR 22 UNITS WILL BE AT MARKET RATE
10% OF 80% OR 10 UNITS WILL BE LEASED TO PERSONS NOT MAKING MORE THAN 30% OF AREA MEDIAN INCOME

40% OF 80% OR 38 UNITS WILL BE LEASED TO PERSONS NOT MAKING MORE THAN 50% OF AREA MEDIAN INCOME AND
50% OF 80% OR 44 UNITS WILL BE LEASED TO PERSONS NOT MAKING MORE THAN 60% OF AREA MEDIAN INCOME

THE INCOME LIMITS ARE AS FOLLOWS:
<SEE ATTACHED TABLE>

5 (C). THE NET RENTS AFTER THE UTILITY ALLOWANCES ARE AS FOLLOWS:

1 BEDROOM		2 BEDROOM	
MR	825.00	MR	1,100.00
30%	314.00	30%	370.00
50%	582.00	50%	692.00
60%	718.00	60%	853.00

6. AT THIS TIME I WOULD LIKE TO INTRODUCE OUR ARCHITECT TO YOU MARK MUCASEY. I WILL NOW TURN THE MEETING OVER TO OUR ARCHITECT MARK MUCASEY, WHO WILL GIVE YOU A BREIF PRESENTATION OF THE PROPOSED PROJECT. WE WILL THEN WELCOME AND ATTEMPT TO ANSWER ANY QUESTIONS YOU MAY HAVE.

MARK.



EXHIBIT A

AERIAL MAP

**SCUP
18-9100001**

**Underwood Dr.
@ Fairmont Pkwy.**

Legend

 Subject Parcel



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

1 inch = 281 feet



**JANUARY 2018
PLANNING DEPARTMENT**

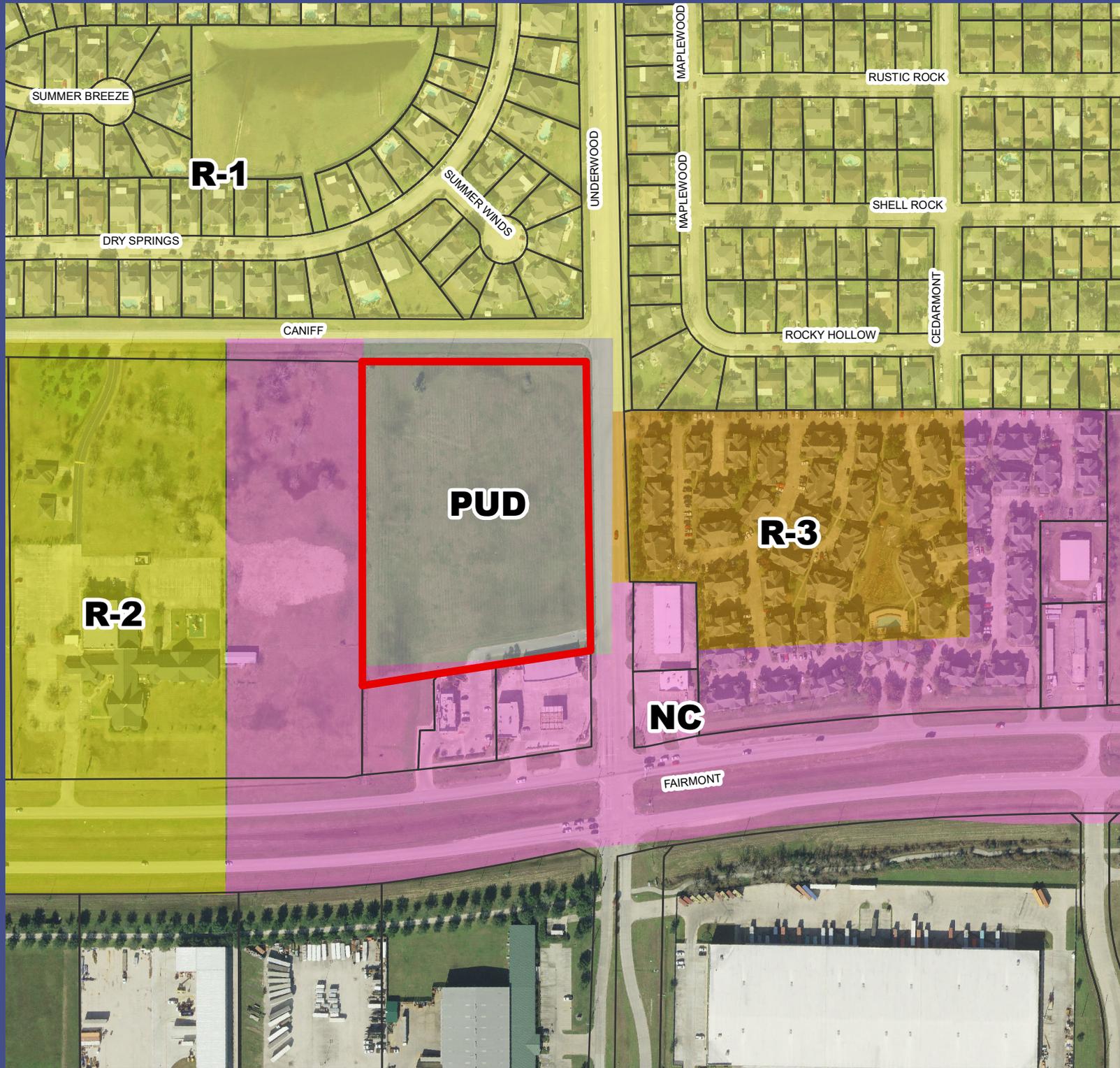


EXHIBIT B

ZONING MAP

**SCUP
18-9100001**

**Underwood Dr.
@ Fairmont Pkwy.**

Legend

 Subject Parcel



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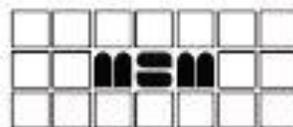
1 inch = 281 feet



**JANUARY 2018
PLANNING DEPARTMENT**

LAFAYETTE PARK

A Seniors Community



MUCASEY
&
Associates

Architects

4808 Gibson, Suite 200
Houston, Texas 77007
Tel. (713) 521-1233
Fax (713) 520-1904



PROJECT SUMMARY:

Apartments:

Type	Description	Qty.	Area
A1	One Bedroom, 1 Bath	20	777 s.f.
A2	One Bedroom, 1 Bath	16	786 s.f.
A3	One Bedroom, 1 Bath (garage)	8	832 s.f.
Total One Bedroom Units		44 Units	
B1	Two Bedroom, 2 Bath	42	1,044 s.f.
B2	Two Bedroom, 2 Bath (garage)	16	1,080 s.f.
B3	Two Bedroom, 2 Bath	12	1,084 s.f.

Total Two Bedroom Units		70 Units	
Apartments Total		114 Units	108,908 s.f.

Parking Provided:

Direct-Attached Garages	30 cars
Broeze-way Garages	48 cars
Detached Garages	36 cars
Total	114 cars







Typical One Story Building



Three Story Building With Amenity Center

LAFAYETTE PARK





















TYPICAL ONE STORY BUILDING



UNIT "A1" - 1 Bedroom, 1 Bath

777 s.f.



UNIT "B1" - 2 Bedroom, 2 Bath

1,044 s.f.

UNIT "A1" & "B1" PLANS

Lafayette Park

Morgan & Associates Architects



SITE SECTION





RESOLUTION NO. 2018-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, IN SUPPORT OF APPLICATION AND DEVELOPMENT OF LAFAYETTE PARK APARTMENT FACILITY (AN AGE-RESTRICTED MULTI-FAMILY FACILITY) TO BE LOCATED ON UNDERWOOD WITHIN THE CITY OF LA PORTE.

WHEREAS, Lafayette Park Apartments, L.P. has proposed a development for affordable rental housing at approximately 3000 block of Underwood (southwest corner of Underwood and Canniff) named Lafayette Park Apartments in the City of La Porte, Harris County, Texas; and

WHEREAS, Lafayette Park Apartments, L.P. has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2018 Competitive 9% Housing Tax Credits for Lafayette Park Apartments.

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

Section 1. The City Council of the City of La Porte, Harris County, Texas acting through its governing body, hereby confirms that it supports the proposed Lafayette Park Apartments, located at approximately 3000 block of Underwood (Southwest corner of Underwood and Canniff), Application number 18164 and that this formal action has been taken to put on the record the opinion expressed by the City of La Porte, Harris County, Texas on this 12th day of February, 2018; and

Section 2. That for and on behalf of the City of La Porte City Council are hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

Section 3. This Resolution shall be effective upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2018.

CITY OF LA PORTE

By: _____
Louis R. Rigby
Mayor

ATTEST:

Patrice Fogarty
City Secretary

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: February 12, 2018

Appropriation

Requested By: P. Fogarty, City Secretary

Source of Funds: _____

Department: Administration

Account Number: _____

Report: Resolution: Ordinance:

Amount Budgeted: _____

Other: _____

Amount Requested: _____

Budgeted Item: YES NO

Attachments :

1. Ordinance ordering a May 5, 2018, special election on Charter amendments

SUMMARY & RECOMMENDATIONS

For Council's consideration is an ordinance ordering a special election of the City of La Porte to be held on May 5, 2018, for the purpose of submitting to the qualified voters for adoption or rejection certain proposed amendments to the La Porte, Texas, Home Rule City Charter.

Action Required of Council:

Consider approval or other action adopting an ordinance ordering a special election on May 5, 2018, for voters to consider propositions amending the City of La Porte Home Rule Charter.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, ORDERING A SPECIAL ELECTION ON PROPOSED AMENDMENTS TO THE LA PORTE, TEXAS, HOME RULE CITY CHARTER TO BE HELD ON MAY 5, 2018, CONCURRENT WITH THE REGULAR MUNICIPAL ELECTION FOR CITY COUNCIL MEMBERS; PROPOSING AMENDMENTS TO THE CITY OF LA PORTE, TEXAS, HOME RULE CITY CHARTER; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING FOR PUBLIC NOTICE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Council of the City of La Porte, Texas, has on its own motion determined to submit to the qualified voters for adoption or rejection of certain proposed amendments to the existing Home Rule Charter of the City of La Porte, Texas, pursuant to Section 9.004(a) of the Texas Local Government Code; and

WHEREAS, the City Council of the City of La Porte, Texas, hereby calls a special election to allow the voters to determine whether the Charter should be amended as hereinafter set out; and

WHEREAS, Section 9.004 of the Texas Local Government Code provides that a charter amendment election shall be held not less than thirty (30) days after the passage of the ordinance calling for charter amendments; and

WHEREAS, Section 9.004 of the Texas Local Government Code provides that the charter amendment election shall be held on the first authorized uniform election date prescribed by the Texas Election Code or the earlier of the next general municipal election or the next Presidential election; and

WHEREAS, the City of La Porte is holding a general municipal election for election of City Council members on May 5, 2018, which is the earliest available date to hold a special election for consideration of proposed charter amendments.

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

Section 1. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

Section 2. That a special election is hereby ordered to be held within the jurisdiction of the City of La Porte, Texas, on the 5th day of May, 2018, pursuant to the laws of the State of Texas and the Charter of the City of La Porte, Texas. Said election shall be held for the purpose of amending the City of La Porte, Texas, Home Rule Charter.

Section 3. That said special election shall be held in conjunction with the regularly scheduled City Council election on said same date for the purpose of submitting to the voters of the City of La Porte, Texas, the following propositions for amendments to the Charter of the City of La Porte, Texas. Voting on the date of the election, and early voting therefore, shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the election shall conform to the Texas Election Code, as amended, so as to permit the electors of the City of La Porte to vote “Yes” or “No” for the home rule charter ballot proposition. Said ballots shall have printed therein such provisions, markings, and language as may be required by law; and the propositions shall be set forth on said ballots in substantially the following form and language:

Proposition AA:

Shall Section 2.05 of the La Porte Charter be amended to increase the maximum annual salary of the mayor to \$_____ from \$4,800.00, and to increase the maximum annual salary of councilpersons to \$_____ from \$2,400.00?

_____ For

_____ Against

Proposition BB:

Shall Section 2.04(b) of the La Porte Charter be amended to provide that the La Porte City Council is authorized to fill a vacancy in in the office of mayor or a councilperson by appointment, instead of by calling a special election, where the unexpired term of the vacant office is twelve (12) months or less?

_____ For

_____ Against

Proposition CC:

Shall Section 2.02 of the La Porte Charter be amended to provide that a candidate for mayor or a council position shall have been a qualified voter of the City for twelve (12) months immediately preceding election day, instead of for twelve (12) months at the time the candidate files for office; and, that a candidate for a district council position shall have been a qualified voter of his or her district for twelve (12) months immediately preceding election day, instead of for twelve (12) months at the time the candidate files for office, to conform the Charter to state law?

_____ For

_____ Against

Section 4. 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

Precinct 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

Precinct 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

Precinct 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

Precinct 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:

Norma Repman, Presiding Judge
Isabel Jackson, Alternate Presiding Judge

Election Precinct #5

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

Precinct 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:

Norma Repman, Presiding Judge
Isabel Jackson, Alternate Presiding Judge

Election Precinct #6

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

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

Early Voting

Polling Places: La Porte City Hall (Council Chambers) – Main Early Voting Polling Place
604 West Fairmont Parkway
La Porte, Texas 77571

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

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

Section 5. 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 6. An Early Voting Ballot Board is hereby created to process Early Voting results for the election and the runoff election, if necessary. Garth Riggerbach 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 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.

Applications for a ballot by mail shall be mailed, emailed, faxed or sent by common or contract carrier to Patrice Fogarty, City Secretary, 604 W. Fairmont Parkway, La Porte, TX 77571, fax: 281-842-3701, email: fogartyp@laportetx.gov.

Ballots voted by mail shall be mailed to Patrice Fogarty, City Secretary, 604 W. Fairmont Parkway, La Porte, TX 77571, or sent by common or contract carrier to the same address or while the polls are open on election day, in person delivery to the early voting clerk's office by the voter who voted the ballot.

Early Voting shall be conducted by a clerk for Early Voting, namely, Patrice Fogarty, City Secretary; and the places at which Early Voting by personal appearance shall be conducted are designated as the La Porte City Hall, 604 West Fairmont Parkway, La Porte, Texas, (main early voting polling place), and the Instructional Technology Center (ITC Building), 9832 Spencer Hwy., La Porte, Texas, (branch early voting polling place).

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.

Section 7. 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.

Jana Wood 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 Gladis Sanchez 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 8. 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 9. 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 10. 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, Texas; 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.

Section 11. That the City Secretary is hereby ordered and directed to give notice of the election by publication in the BAY AREA OBSERVER, which is hereby found and declared to be a newspaper of general circulation in said City, on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election. The notice shall include a substantial copy of the proposed amendments and include an estimate of the anticipated fiscal impact to the city of each proposed amendment if approved at the election.

Section 12. As soon as practicable after the election and the declaration by the Council that amendments have been approved, the Mayor or City Manager shall certify to the Secretary of State an authenticated copy of the amendments under the City's seal showing approval by the qualified voters of the municipality.

Section 13. The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings 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 14. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, vividness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 15. This Ordinance shall be effective upon its passage and approval.

PASSED AND APPROVED, this ____ day of _____, 2018.

CITY OF LA PORTE, TEXAS

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: February 12, 2018

Requested By: Patrice Fogarty

Department: City Secretary's Office

Report: Resolution: Ordinance:

Other: _____

Appropriation

Source of Funds: N/A

Account Number: _____

Amount Budgeted: _____

Amount Requested: _____

Budgeted Item: YES NO

Attachments :

SUMMARY & RECOMMENDATIONS

There is a vacancy on the La Porte Area Water Authority Board after the resignation of Charlie Perry. Richard Warren, Stephanie Bellew, Phillip Hoot, and Doyle Black, all citizens of La Porte, have expressed interest in filling the vacancy by filing an application with the City Secretary's Office. These four applications have previously been provided to you for review.

Action Required of Council:

Consider an appointment to fill a vacancy on the Board of the La Porte Area Water Authority.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



**Council Agenda Item
February 12, 2018**

9 (a) Receive report of the La Porte Development Corporation Board Meeting – Councilmember Ojeda



**Council Agenda Item
February 12, 2018**

9 (b) Receive report of the Council Subcommittee on Evaluation Forms – Councilmember ? "A U f h b



Council Agenda Item February 12, 2018

10. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, February 15, 2018
- Zoning Board of Adjustment Meeting, Thursday, February 22, 2018
- City Council Meeting, Monday, February 26, 2018

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

12. ADJOURN
