

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 26, 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 Don Hill, La Porte InterChurch Council.
3. **PLEDGE OF ALLEGIANCE**– The Pledge of Allegiance will be led by Councilmember Daryl Leonard.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
  - (a) Recognition - Texas Police Chiefs Association - Award Certificate to City of La Porte Police Department - Best Practices Recognition Program - Mayor Rigby
  - (b) Recognition - Employee of the Fourth Quarter 2017 and Employee of the Year 2017 - Clarence Anderson (Animal Control Officer) City of La Porte Animal Adoption Center and Shelter - Mayor Rigby
  - (c) Recognition - Manager of the Year 2017 - Lt. Matt Daeumer- City of La Porte Police Department - 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 February 12, 2018 - P. Fogarty
  - (b) Consider approval or other action regarding a Resolution authorizing participation in the Texas Class Government Investment Pool - S. Wolny
  - (c) Consider approval or other action regarding an agreement with the La Porte Cemetery Association pertaining to the conveyance of approximately 1.14 acres of land known as Lots 1-16, Block 1151, of Town of La Porte for use as public cemetery - J. Weeks
  - (d) Consider approval or other action regarding an Interlocal Agreement between Harris County and the City of La Porte for local bus transit services for twelve (12) month term- J. Weeks
  - (e) Consider approval or other action regarding the appointment of Reserve Peace Officer Kenneth Coleman - K. Adcox
7. **REPORTS**
  - (a) Receive 2017 La Porte Police Department Racial Profiling Report - K. Adcox

- (b) Receive report from Council Subcommittee on Evaluation Forms - Councilmember Chuck Engelken

**8. ADMINISTRATIVE REPORTS**

- City Council Meeting, Monday, March 12, 2018
- Planning and Zoning Commission Meeting, Thursday, 15, 2018
- Zoning Board of Adjustment Meeting, Thursday, March 22, 2018
- City Council Meeting, Monday, March 26, 2018

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

**10. ADJOURN**

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

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

**CERTIFICATION**

I certify that a copy of the, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on February 20, 2018.

*Patrice Fogarty*



**Council Agenda Item  
February 26, 2018**

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## Employee of the 4<sup>th</sup> Quarter & Employee of the Year 2017

### Clarence Anderson

Clarence Anderson joined the City of La Porte team in April of 1985 as an Animal Control Officer. He consistently performed well in that role through a promotion to Animal Control Supervisor in October of 2003. Clarence has continued to serve the La Porte community in that role for the past 14 years.

Clarence was nominated for Employee of the Quarter for his work on the Empty the Shelter project. When the new Animal Control facility was opened a little over two years ago, Clarence established goals of increasing the adoption rate and improving the services provided to citizens. To that end, he has always sought out new ideas and programs. When he heard about the Empty the Shelter Project last summer, he knew it was a great fit. Empty the Shelter is a non-profit organization that provides free spay and neuter services to the community. Clarence went right to work researching, contacting the Director of Empty the Shelter, and planning for an event here in La Porte. He identified and secured a good location and date, and attended a similar event in a nearby city to observe and learn. This event required a significant amount of coordination between location, personnel, funding, and equipment.

To market the event, Clarence created a flyer sent out with City water bills. There was limited space, and the 300 spots were quickly filled up. Clarence coordinated a call center staffed with volunteers to remind pet owners and established crews to assist with setup and breakdown on the day of the event. He supervised the set up operations the night before and was the first to arrive the next morning.

The event was a huge success. A total of 362 animals were serviced for La Porte citizens. Approximately 150 veterinarians, techs, and volunteers contributed. Clarence oversaw every detail and remained on sight until the last truck was cleaned and loaded at 11:00 that night.

This event would not have been so successful or even occurred at all if not for Clarence's vision, planning, dedication, and effort. Please join me in thanking Clarence for all of his hard work for this community and congratulate him on being recognized as the Employee of the 4<sup>th</sup> Quarter and Employee of the Year 2017.

## Manager of the Year 2017 Lt. Matt Daeumer

Lt. Matt Daeumer assumed command of the Support Services Bureau in March of 2015. Since that time he has led by example in establishing a culture of long range strategic leadership. He serves as a mentor not only to supervisors in his command but across the police department and City.

While leading the Support Services Bureau, Matt has contributed vision, guidance, ideas, and hands on work to a number of successful initiatives including:

- In 2017, the Animal Control Division delivered a 40% increase to their adoption rate over the prior year, while at the same time lowering the euthanasia rate by 21%.
- 2017 saw another successful National Night Out with increased neighborhood parties and participation. This program is one of the department's premier outreach program and it has grown in scope and effectiveness under Lt. Daeumer's leadership.
- As the department's Program Manager for the Texas Police Chief's Recognition Program, Lt. Daeumer recently guided the team through a transition of the over 120 individual policies that guide PD operations. A recent external audit generated praise for Lt. Daeumer's preparedness and knowledge and led to the department being designated as a "Best Practices" agency by the Police Chief's Association.
- Lt. Daeumer played a lead role in the Blue Santa project, coordinating efforts of volunteers and community partners. This project generated over 2,500 toys for local children which was especially helpful to many families impacted by Hurricane Harvey this year.
- Most recently, Lt. Daeumer saw many months of effort and leadership result in the opening of the police storefront for the south east part of the La Porte community. This location will serve as both a crime deterrent and assist with proactive service to that part of town.

In addition to those fine accomplishments, Matt serves as the departmental liaison on IT/technology projects and serves as the night time PR Rep in Emergency Operations Center activations.

Lt. Daeumer daily exhibits the qualities that make him very worthy of this recognition. Join me in thanking Lt. Matt Daeumer, 2017 Manager of the Year.



## Council Agenda Item February 26, 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 February 12, 2018 - P. Fogarty
  - (b) Consider approval or other action regarding a Resolution authorizing participation in the Texas Class Government Investment Pool - S. Wolny
  - (c) Consider approval or other action regarding an agreement with the La Porte Cemetery Association pertaining to the conveyance of approximately 1.14 acres of land known as Lots 1-16, Block 1151, of Town of La Porte for use as public cemetery - J. Weeks
  - (d) Consider approval or other action regarding an Interlocal Agreement between Harris County and the City of La Porte for local bus transit services for twelve (12) month term- J. Weeks
  - (e) Consider approval or other action regarding the appointment of Reserve Peace Officer Kenneth Coleman - K. Adcox

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**LOUIS RIGBY**  
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Councilmember District 6

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF LA PORTE  
FEBRUARY 12, 2018**

The City Council of the City of La Porte met in a regular meeting on **Monday, February 12, 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, and Earp. Absent: Councilmember Engelken. 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 Pastor Philip Dunn, Lighthouse Baptist Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was 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

Mayor Rigby presented Citizen’s Lifesaving Awards to Ernie Molina, Jesse Juarez and Jewel Whitfield. Coach Chad Oliver, who was saved by them, was also present for the presentation.

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 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

Councilmember Leonard made a motion to approve all Consent Agenda Items pursuant to staff recommendations. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

## 7. PUBLIC HEARING 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

The public hearing opened at 6:11 p.m.

City Planner Ian Clowes presented a combined summary for Items 7(a) and 7(b).

Jose Medina, 302 S. 15<sup>th</sup> Street, spoke in opposition of Items 7(a) and 7(b).

John Coody, 326 C Street, spoke in opposition of Items 7(a) and 7(b).

Mr. Vasquez, spoke in opposition of Items 7(a) and 7(b).

Jesus Elizondo, spoke in opposition of Items 7(a) and 7(b).

Jorge Reynaga, Pastor of Temple Hispano Bautista, spoke in opposition of Items 7(a) and 7(b).

The public hearing closed at 6:31 p.m.

Councilmember Zemanek made a motion to accept the Planning and Zoning Commission's denial. Councilmember Kaminski seconded the motion. **MOTION PASSED 8/0. Councilmember Engelken was absent.**

- (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

The public hearing opened at 6:32 p.m.

There being no public comments, the public hearing closed at 6:33 p.m.

Councilmember K. Martin made a motion to accept the Planning and Zoning Commission's denial. Councilmember Kaminski seconded the motion. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

- (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

The public hearing opened at 6: 33 p.m.

City Planner Ian Clowes presented a combined summary for Items 7(c) and 7(d).

There being no public comments, the public hearing closed at 6:35 p.m.

Councilmember J. Martin made a motion to accept the Planning and Zoning Commission's recommendation 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., 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." Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3694**: 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.

- (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

The public hearing opened at 6:36 p.m.

There being no public comments, the public hearing closed at 6:37 p.m.

Councilmember J. Martin made a motion to accept the Planning and Zoning Commission's recommendation to approve 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). Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2017-3695**: 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.

- (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

The public hearing opened at 6:38 p.m.

City Planner Ian Clowes presented a combined summary for Items 7(e) and 7(f).

President of Pecan Crossing Homeowners Association John Blakemore, 9209 Mahan, addressed Council with concerns of traffic increase with the approval of Items 7(e) and 7(f).

President of Summer Winds Homeowners Association Robert Wagstaff, 9614 Rustic Gate, addressed Council with concerns of lower property values with the approval of Items 7(e) and 7(f).

Donna Laird, 9610 Rustic Gate, addressed Council with concerns of a senior living facility and the elderly possibly operating motor vehicles at the proposed location.

Richard Laird, 9610 Rustic Gate, addressed Council with concerns of drainage; economics; transportation and the location of the proposed item and requested Council to vote in opposition to Items 7(e) and 7(f).

Philip Thomas, 113 Summer Winds spoke in opposition of Items 7(e) and 7(f).

Donald Davis, 3621 E. Desert Dr., spoke in opposition of Items 7(e) and 7(f).

Angie Davis, 118 Summer Winds, spoke in opposition of Items 7(e) and 7(f).

Gloria Zavala, 114 Summer Winds, spoke in opposition of Items 7(e) and 7(f).

The public hearing closed at 7:07 p.m.

Councilmember Earp made a motion to deny the Planning and Zoning Commission's recommendation. Councilmember Ojeda seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

- (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

The public hearing opened at 7:09 p.m.

City Planner Ian Clowes read the 9 items of the Special Conditional Use Permit.

The public hearing closed at 7:14 p.m.

Councilmember Leonard made a motion to deny the Planning and Zoning Commission's recommendation. Councilmember K. Martin seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

## 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

Assistant City Manager Jason Weeks presented a summary.

Councilmember Earp made a motion to deny adopting a Resolution in support of an 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.. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

- (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

City Secretary Patrice Fogarty presented a summary.

Councilmember Earp made a motion to approve an Ordinance ordering a special election on May 5, 2018, on proposed amendment to the La Porte Home Rule City Charter Item CC and remove proposed amendments AA and BB. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

- (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

City Secretary Patrice Fogarty presented a summary.

Councilmember Ojeda made a motion to nominate Stephanie Bellew to the La Porte Area Water Authority. Councilmember Jay Martin seconded. **MOTION PASSED UNANIMOUSLY 8/0. Councilmember Engelken was absent.**

## 9. REPORTS

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

Councilmember Ojeda provided a report from the La Porte Development Corporation Board meeting held prior to the City Council meeting.

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

Councilmember K. Martin provided a report from the Council Subcommittee on Evaluation Forms meeting held on February 5, 2018.

## 10. ADMINISTRATIVE REPORTS

City Manager Corby Alexander encouraged everyone to attend the Open House on Sunday, February 25, at 2:00 p.m., of the historic La Porte Colored School House, which he also referred to as the African American School.

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.

Councilmember Zemanek recognized late Councilmember Tommy Moser for being instrumental in the restoration of the Historic La Porte Colored School House; recognized the three recipients of the Citizens Lifesaving Award; commented he would welcome a senior living facility in La Porte if it fit the rules established by the City; Councilmember Leonard congratulated the three recipients of the Citizens Lifesaving Award; also commented a senior living facility would be nice in the community if it fit the rules;

Councilmember Earp congratulated the three recipients of the Citizens Lifesaving Award; requested City Manager Corby Alexander to get Staff to address the concerns of the citizens that reside on 15<sup>th</sup> and 16<sup>th</sup> Street; he also thanked the citizens that came out to voice their concerns regarding the proposed senior living facility;

Councilmember Ojeda informed everyone she attended the Black History Month program; the Soul Food Cook-off and commended the City for their relationship with the La Porte Civic Club and City Manager Corby Alexander for all his efforts with the Historic La Porte Colored School House; she advised she attended the Father/Daughter Dance that was well attended and very heartwarming; congratulated the three recipients of the Citizens Lifesaving Award; and thanked Stephanie Bellew for wanting to serve her local government;

Councilmember J. Martin congratulated the three recipients of the Citizens Lifesaving Award; encouraged everyone to learn how to operate an AED machine; informed the Police Neighborhood Center will be opening this Saturday; and thanked the citizens for voicing their concerns regarding the proposed senior living facility;

Councilmember K. Martin congratulated the three recipients of the Citizens Lifesaving Award; thanked EMS Chief Ray Nolen for donating two AED machines to the local TIFI organizations; advised she attended the Soul Food Cook-off; thanked everyone for making her father's project (the La Porte Colored School House) come to prosperity and thanked Public Works Director Don Pennell for the delivery of trash bags in the community;

Councilmember Kaminski congratulated the three recipients of the Citizens Lifesaving Award; informed she attended the Soul Food Cook-off and advised of the compliments she received about the Father/ Daughter Dance;

Mayor Rigby congratulated the three recipients of the Citizens Lifesaving Award; advised he attended the donation presentation of the AEDs and expressed his concern for everyone to please be trained to use these devices; thanked everyone for coming out to express their thoughts on the proposed senior living facility; and confirmed his first intention to vote against the item.

12. **ADJOURN** - There being no further business, Councilmember Leonard made a motion to adjourn the meeting at 7:41 p.m. Councilmember Martin seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

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Patrice Fogarty, City Secretary

Passed and approved on February 26, 2018.

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Mayor Louis R. Rigby

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: February 26, 2018  
Requested By: Shelley Wolny, Treasurer  
Department: Finance  
Report:  Resolution:  Ordinance:   
Other:  \_\_\_\_\_

Appropriation

Source of Funds: n/a  
Account Number: n/a  
Amount Budgeted: n/a  
Amount Requested: n/a  
Budgeted Item:  YES  NO

**Attachments :**

**1. Resolution**

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### SUMMARY & RECOMMENDATIONS

The State of Texas has authorized municipality participation in local government investment pools pursuant to Section 2256.016 of the Public Funds Investment Act. A local government investment pool is an efficient method for public entities to combine their idle cash to maximize interest income, and there are several different pools operating in the State. Currently the City participates in two Investment Pools – LOGIC and TEXPOOL, with balances at January 31, 2018 of \$31,832,471.86 and \$16,487,954.74 respectively. At the November 13th Fiscal Affairs Committee Meeting, staff introduced Texas CLASS as an additional investment opportunity. This item was also included in the investment policy amendment, which was approved at the November 13th council meeting.

The Texas Cooperative Liquid Assets Securities System Trust (Texas CLASS) was established in 1996. Texas CLASS is supervised by a Board of Trustees (the Board) who are elected by the Participants. The Board supervises the Trust and its affairs and acts as the liaison between the Participants, the Custodian, and the Program Administrator. The Board administers the affairs of the Trust and enters into contracts and agreements on behalf of the Trust in order to effectuate the terms of the Trust Agreement. It also selects the consultants for Texas CLASS, including the Program Administrator and the Custodian, subject to the terms of the Trust Agreement. The Board of Trustees has appointed a four-member Advisory Board composed of two qualified participants and two qualified non-participants of the pool to advise the Trust. The Advisory Board provides advice to the Board of Trustees and the Program Administrator about the Investment Policy, the Investment Strategy of the Trust, and other matters as requested.

Texas CLASS is a short-term, highly liquid investment program, designed specifically for public-sector funds. It provides the opportunity to invest funds on a cooperative basis in short-term investments which are carefully selected to provide maximum safety and liquidity while generating a competitive yield.

We have monitored the yields and this pool has been competitive with each of our current pools. We would like to open an account with Texas CLASS with an initial investment of \$2,000,000, which will be transferred from the TEXPOOL Investment Account. Further participation will be dependent on both market conditions and overall pool performance.

The Authorized Signers on the account will be Michael Dolby – Director of Finance, Shelley Wolny – Treasurer and Phyllis Rinehart – Controller.

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**Action Required of Council:**

Approve participation in the Texas Cooperative Security System program (Texas CLASS) Government Pool.

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**Approved for City Council Agenda**

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**Corby D. Alexander, City Manager**

**Date**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY OF LA PORTE, TEXAS, AUTHORIZING PARTICIPATION IN THE TEXAS CLASS GOVERNMENT INVESTMENT POOL; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND SETTING AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, the Public Funds Investment Act, Texas Government Code, Section 2256.001 et seq. (the "Act"), requires the governing body of each local government in this State to adopt investment policies in accordance with the terms of the Act; and

**WHEREAS**, pursuant to the requirements of the Act, the City Council (the "Governing Body") of the City of La Porte (the "Local Government") has previously reviewed and adopted an investment policy (the "Policy") that provides in part that the funds of the local government will be invested in investments permitted by the Act in order to: (i) invest only in investments legally permitted under Texas law; (ii) minimize risk by managing portfolio investments so as to preserve principal and maintain a stable asset value; (iii) manage portfolio investments to ensure that cash will be available as required to finance operations; and (iv) maximize current income to the degree consistent with legality, safety and liquidity; and

**WHEREAS**, pursuant to the Policy and the Act, the Local Government has appointed Michael Dolby, Director of Finance, (the "Investment Officer") to act as the investment officer of the Local Government; and

**WHEREAS**, the Act provides that funds under the control of a Local Government may be invested through investment pools meeting the standards of Section 2256.016 of the Act; and

**WHEREAS**, the Local Government has received and reviewed the Information Statement, dated October 1, 2013 (the "Information Statement"), of Texas Cooperative Liquid Assets Securities System, an investment pool administered by Public Trust Advisors, LLC, (the "Program"), which sets forth the information required by Section 2256.016(b) of the Act; and

**WHEREAS**, the Local Government has determined that the investments proposed to be acquired by the Program are of a type that are permitted by the Act and are consistent with the Policy; and

**WHEREAS**, the Local Government has determined that an investment in the Program will assist the Local Government in achieving the goals set forth in the Policy, and will tend to preclude imprudent investment activities arising out of investment transactions conducted between the Local Government and the Program; and

**WHEREAS**, the Local Government understands that the Program operates through the Sixth Amended and Restated Trust Agreement dated as of August 16, 2013 (the "Trust Agreement"), which provides the terms on which the Program will operate and the rights of the participants in the Program and sets forth the responsibilities of Public Trust Advisors, LLC, as the

administrator of the Program (the “Administrator”), and of Wells Fargo Bank as custodian (the “Custodian”);

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

**SECTION 1.** That the form, terms and provisions of the Trust Agreement, a draft of which was presented and reviewed at this meeting, providing for the creation of the Program and for the rights of the Program participants and the duties and responsibilities of the Administrator, be and the same are hereby approved and adopted; and that the Investment Officer be and he or she is hereby authorized and directed to execute and deliver to the Administrator and the Custodian in the name and on behalf of the Local Government, a participation certificate evidencing the agreement of the Local Government to be bound by the Trust Agreement substantially in the form of the Trust Agreement reviewed and approved at this meeting, together with such changes therein as may be approved by the said officer, such approval to be conclusively evidenced by the execution thereof; and be it further

**SECTION 2.** Resolved, that the investment program established by the Trust Agreement is hereby found and determined to be consistent with the Policy, and to preclude imprudent investment activities arising out of investment transactions conducted between the Local Government and the Program; and be it further

**SECTION 3.** Resolved, that the Governing Body hereby officially finds and determines that the facts and recitations contained in the preamble of this Resolution are true and correct; and be it further

**SECTION 4.** Resolved, that the Governing Body hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted for the time required by law preceding this meeting, and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter thereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and the Act; and be it further

**SECTION 5.** Resolved, that the officers of the Local Government, and each of them, shall be and each is expressly authorized, empowered and directed from time to time to do and perform all acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the Local Government all certificates, instruments and other papers, whether or not herein mentioned, as they may determine to be necessary or desirable in order to carry out the terms and provisions of this Resolution and of the Trust Agreement hereby authorized and approved, such determination to be conclusively evidenced by the performance of such acts and things and the execution of any such certificate, financing statement, instrument or other paper; and be it further

**SECTION 6.** Resolved, that this Resolution shall take effect and be in full force and effect upon and after its passage.

**INTRODUCED, READ and PASSED** by the affirmative vote of a majority of the City Council of the City of La Porte, Texas, on this the \_\_\_\_ day of February, 2018.

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Louis R. Rigby,  
Mayor

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Patrice Fogarty,  
City Secretary



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Clark T. Askins,  
Assistant City Attorney

## REQUEST FOR CITY COUNCIL AGENDA ITEM

**Agenda Date Requested:** February 26, 2018

**Requested By:** Jason B. Weeks, Assistant City Manager

**Department:** Administration

**Report** \_\_\_\_ **Resolution:** \_\_\_\_ **Ordinance:** \_\_\_\_

### Appropriation

**Source of Funds:** N/A

**Account Number:** N/A

**Amount Budgeted:** N/A

**Amount Requested:** N/A

**Budgeted Item:** YES NO

- Exhibit:** 1. Agreement  
2. Special Warranty Deed

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### SUMMARY & RECOMMENDATION

At last year's special budget retreat meeting held on Saturday, April 22<sup>nd</sup>, the Council discussed three items related to La Porte Cemetery – 1) mowing, 2) property donation, and 3) road paving. The majority of the Council was supportive of the City donating the city-owned property located at the northeast corner of South 8<sup>th</sup> Street and West "M" Street to the cemetery. The City has no current or future development plans for this property. Several years ago the La Porte Cemetery Association approached the City about a joint venture of building a covered pavilion on the City property, but this project never happened. Therefore, the Council considered conveying the City-owned parcel of land to the cemetery to accommodate future growth of the cemetery.

According to Local Government Code 253.011, a municipality can transfer the land to the association, with exemption from bidding, as long as there is 1) an agreement between the parties that the land will be used for a public purpose (which our legal counsel has concluded that operation of a public cemetery meets this standard) and 2) the deed contains a reverter clause so that if the property ceases to be used as a cemetery the title transfers back to the City of La Porte. Attached to this agenda request is the Agreement and a Special Warranty Deed that meets these two requirements. Furthermore, the agreement specifies that the La Porte Cemetery Association will be responsible for maintaining this property once deeded to them.

Staff recommends approving the agreement with La Porte Cemetery Association and conveying the property to them for a minimal cost of \$10 with the expectation that the La Porte Cemetery Association utilize the property for public purposes and shall maintain the property once deeded to them.

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#### Action Required by Council:

Consider approval or other action regarding an agreement with the La Porte Cemetery Association pertaining to the conveyance of approximately 1.14 acres of land noted as Lots 1-16, inclusive, in Block 1151, of Town of La Porte, a subdivision in Harris County, Texas to the La Porte Cemetery Association for \$10.

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#### Approved for City Council Agenda

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

\_\_\_\_\_  
Date

## REVERTER AGREEMENT

This REVERTER AGREEMENT is dated as of this \_\_\_\_ day of \_\_\_\_\_, 2018 by and between the City of La Porte, Texas (the “City”) having and address of 604 W. Fairmont Pkwy. and the La Porte Cemetery Association (the “Association”) having an address of P.O. Box 1756, La Porte, Texas 77572.

### RECITALS

- A. WHEREAS Texas Local Government Code Section 253.011 authorizes a municipality with a population less than 1.9 million to transfer real property to a nonprofit organization, without complying with the notice and bidding requirements of Local Government Code Section 272.001(a) or other law, conditioned on the execution of a reverter agreement wherein the nonprofit organization promises to use the property in a manner that “primarily promotes a public purpose”.
- B. WHEREAS the reverter agreement must be accompanied by a “instrument of transfer” that contains a provision that requires the nonprofit organization to use the property in a manner that primarily promotes a public purpose and that further provides that ownership of the property automatically reverts to the municipality if the nonprofit organization at any time fails to use the property in such a manner.
- C. WHEREAS the City of La Porte owns in fee simple real estate described as Lots 1 through 16, Block 1151, Town of La Porte, (the “Property” herein) and located adjacent to property currently under the ownership of the La Porte Cemetery Association and which the Association uses as a public cemetery.
- D. WHEREAS the City of La Porte has determined that the Property is surplus property, and due to its proximity to the La Porte Cemetery, would best serve the needs of the citizens of La Porte if utilized in connection of the operation of a public cemetery.
- E. WHEREAS the La Porte Cemetery Association has expressed its desire to acquire the Property from the City of La Porte for use as a public cemetery.
- F. WHEREAS the City of La Porte is only willing to convey the Property to the La Porte Cemetery Association on the condition that the Association execute a reverter agreement wherein it promises to use the Property for the public purpose of operating a public cemetery.
- G. WHEREAS the City of La Porte finds that the La Porte Cemetery Association is an organization that is exempt from federal taxation under Section 501(c)(13), Internal Revenue Code of 1986, as amended, and that the La Porte Cemetery is a public cemetery.

NOW THEREFORE, in consideration of the transfer of the Property to the Association and other consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

Section 1. In accordance with Texas Local Government Code Section 253.011 the City agrees to convey to the Association that certain real estate described on Exhibit “A” attached hereto (the “Property”) pursuant to a Deed of even date herewith between the City and Association, with right conferred to the Association to own and occupy the Property so long as and on the condition that the Property 1) is used by the Association for the public purpose of operating a public cemetery and 2) is properly maintained.

Section 2. In the instance that the Property is ever used for a purpose or function other than for public cemetery purposes or is abandoned by the Association, or should the Property not be properly maintained, then title to the Property shall absolutely and automatically revert to the City of La Porte. For such purposes the Association expressly agrees that upon the occurrence an event causing title to revert to the City of La Porte it shall not be required that the City of La Porte file suit or re-enter the property, and furthermore, the Association agrees that no act or omission on the part of any beneficiary of this clause shall be a waiver of the operation of this provision.

Section 3. In the event the Property reverts to the City of La Porte under the terms of this Agreement and the Deed executed in connection therewith, then if necessary Association will provide a warranty deed to the Property in form and substance acceptable to City of La Porte, evidencing the re-conveyance of the Property.

Section 4. The Association agrees that conveyance of the Property is expressly subject to the terms of this Agreement and the Deed executed by the City of La Porte in connection therewith.

Section 5. Developer will not place any additional liens or encumbrances on the Property except as consented to by the City of La Porte.

Section 6. This Agreement shall be binding upon the parties hereto and shall be binding upon and inure to the benefit of their successors and assigns.

Section 7. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Texas.

Section 8. This Agreement may only be modified or amended by a written agreement signed by authorized representatives of the parties hereto.

WITNESS the following signatures as of the year and date first above written.

CITY OF LA PORTE, TEXAS

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Louis R. Rigby, Mayor

ATTEST

\_\_\_\_\_  
City Secretary

STATE OF TEXAS           §

§

COUNTY OF HARRIS       §

This instrument was acknowledged before me on \_\_\_\_ day of \_\_\_\_\_, 2018, by Louis R. Rigby, Mayor of the City of La Porte, Texas, a municipal corporation.

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

LA PORTE CEMETERY ASSOCIATION

\_\_\_\_\_  
Debbie Grasso, President of the La Porte Cemetery Association

STATE OF TEXAS           §

§  
COUNTY OF HARRIS §

This instrument was acknowledged before me on \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Debbie Grasso, president of the La Porte Cemetery Association.

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

**EXHIBIT A**

Lots One (1) through Sixteen (16), inclusive, in Block 1151, of TOWN OF LA PORTE, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 57, Page 320 of the Deed Records of Harris County, Texas.

## SPECIAL WARRANTY DEED

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

Date: February \_\_\_\_, 2018

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

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

Grantee: La Porte Cemetery Association, a Texas non-profit corporation

Mailing Address: P.O. Box 1756, La Porte, Texas 77572

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

Property (including any improvements):

Lots One (1) through Sixteen (16), inclusive, in Block 1151, of TOWN OF LA PORTE, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 57, Page 320 of the Deed Records of Harris County, Texas.

Use of Property for public cemetery purposes; reverter:

In accordance with Texas Local Government Code Section 253.011 this conveyance is subject to the condition that the Property is to be used for the public purpose of operating a public cemetery and thereafter to be used solely for public cemetery purposes.

Grantee is to hold the Property while, and for so long as, the property is used for the purposes of operating a public cemetery.

If and when the Property is ever used for purposes other than a public cemetery or is abandoned by grantee, its successor or assigns, this conveyance shall be null and void, and title to the Property shall absolutely and automatically revert to Grantor, its successors and assigns, without the necessity of re-entry or suit; and no act or omission on the part of any beneficiary of this clause shall be or constitute a waiver of the operation of this provision.

Reservations from and Exception to Conveyance and Warranty:

Taxes for the current year, to the extent applicable, are assumed by Grantee. This conveyance is made subject to all and singular the restrictions, conditions, oil, gas, and other mineral reservations, easements, and covenants, if any, application to enforcement against the above described property as reflected by the records of the county clerk of the aforesaid county.

Grantor for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

CITY OF LA PORTE, TEXAS

By: \_\_\_\_\_  
LOUIS R. RIGBY  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

STATE OF TEXAS                   §  
  §  
COUNTY OF HARRIS           §

This instrument was acknowledged before me on the \_\_\_\_ day of February 2018, by LOUIS R. RIGBY, Mayor of the City of La Porte, Texas, a municipal corporation.

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

**AFTER RECORDING RETURN TO:**

Askins & Askins, P.C.  
P.O. BOX 1218  
La Porte, TX 77572-1218

**PREPARED IN THE LAW OFFICE OF:**

Askins & Askins, P.C.  
P.O. BOX 1218  
La Porte, TX 77572-1218

## REQUEST FOR CITY COUNCIL AGENDA ITEM

**Agenda Date Requested:** February 26, 2018

**Requested By:** Jason B. Weeks, Assistant City Manager

**Department:** Administration

**Report** \_\_\_\_\_ **Resolution:** \_\_\_\_\_ **Ordinance:** \_\_\_\_\_

### Appropriation

**Source of Funds:** Fund 038 - EDC

**Account Number:** 038.6030.565.5007

**Amount Budgeted:** \$72,000

**Amount Requested:** \$74,000

**Budgeted Item:** **YES** NO

- Exhibit:** 1. Ridership Data  
2. Interlocal Agreement (includes Exhibits)

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### SUMMARY & RECOMMENDATION

For the past seven years, the City of La Porte has participated with Harris County Transit Authority (HCTA) to provide regional bus service. In 2013, the City provided closed door service for La Porte residents only to locations within the City, as well as selected sites outside the City such as Social Security Office, Strawberry Clinic, a connector shuttle to Baytown, and paratransit services. Paratransit services are those services required by the Americans with Disabilities Act (ADA) for residents with disabilities who are unable to use fixed route transportation systems and are deemed eligible for the service (aka “door to door” services). The County administers a federal grant for the cost of providing the service and La Porte provides a match to complete the funding.

La Porte’s share of bus service for the upcoming 12-month service year, which begins upon approval and execution of the “Agreement,” is \$74,000, which is a \$3,000 increase from last year. This is the only change in the current agreement from the previous agreement with HCTA. The County rebid their transit services and the cost of these services increased; therefore, the County is passing on the increase in the bid cost to La Porte. Prior to last fiscal year, the cost was split between the General Fund and EDC. This year, the cost has been budgeted 100% in EDC for \$72,000.

Staff recommends approving the amendment to the Bus Service Agreement with Harris County Transit Authority for local bus service for 12-month period beginning February 26, 2018.

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#### Action Required by Council:

Consider approval or other action regarding an interlocal agreement for bus services between Harris County and the City of La Porte for local bus transit services for the period of twelve (12) months with the approval of Harris County.

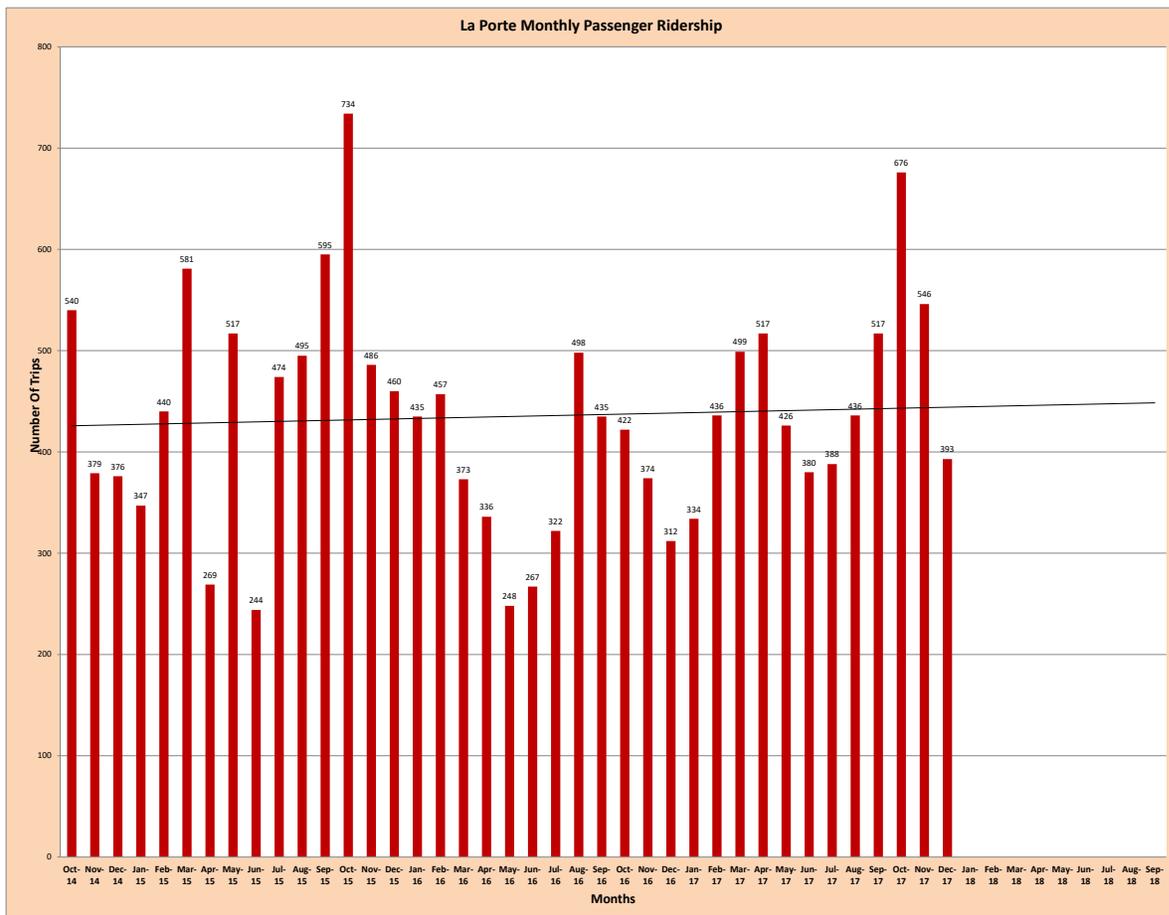
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#### Approved for City Council Agenda

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

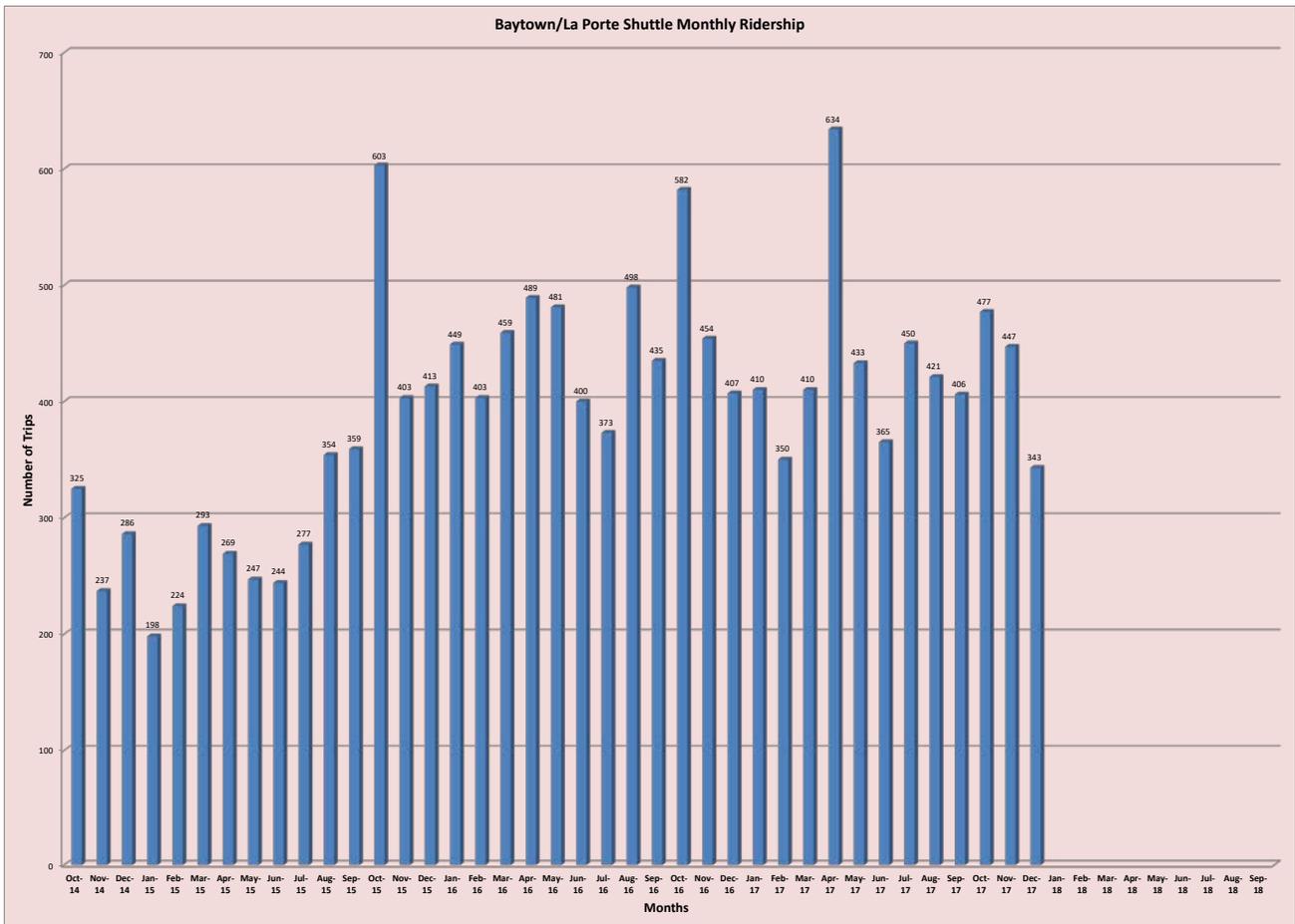
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Date

Month	Trips
Oct-14	540
Nov-14	379
Dec-14	376
Jan-15	347
Feb-15	440
Mar-15	581
Apr-15	269
May-15	517
Jun-15	244
Jul-15	474
Aug-15	495
Sep-15	595
Oct-15	734
Nov-15	486
Dec-15	460
Jan-16	435
Feb-16	457
Mar-16	373
Apr-16	336
May-16	248
Jun-16	267
Jul-16	322
Aug-16	498
Sep-16	435
Oct-16	422
Nov-16	374
Dec-16	312
Jan-17	334
Feb-17	436
Mar-17	499
Apr-17	517
May-17	426
Jun-17	380
Jul-17	388
Aug-17	436
Sep-17	517
Oct-17	676
Nov-17	546
Dec-17	393
Jan-18	
Feb-18	
Mar-18	
Apr-18	
May-18	
Jun-18	
Jul-18	
Aug-18	
Sep-18	
<b>Total</b>	<b>16964</b>

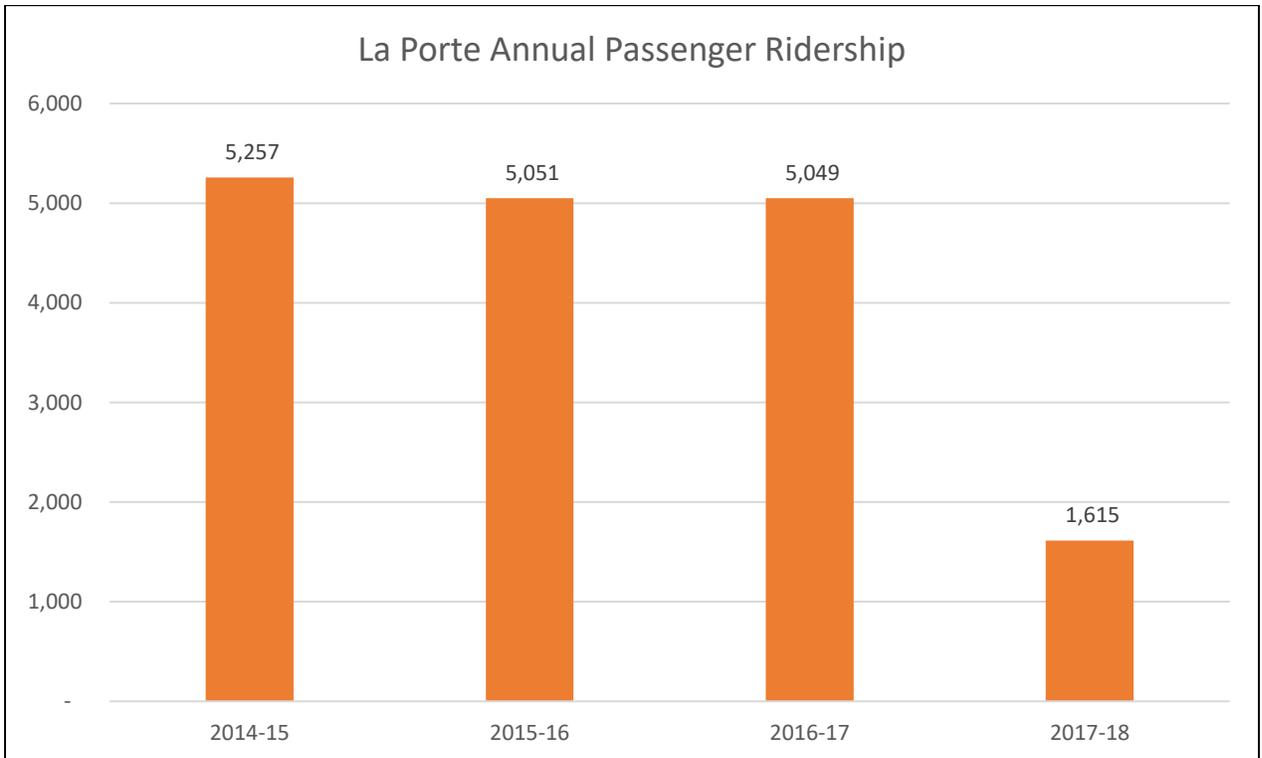
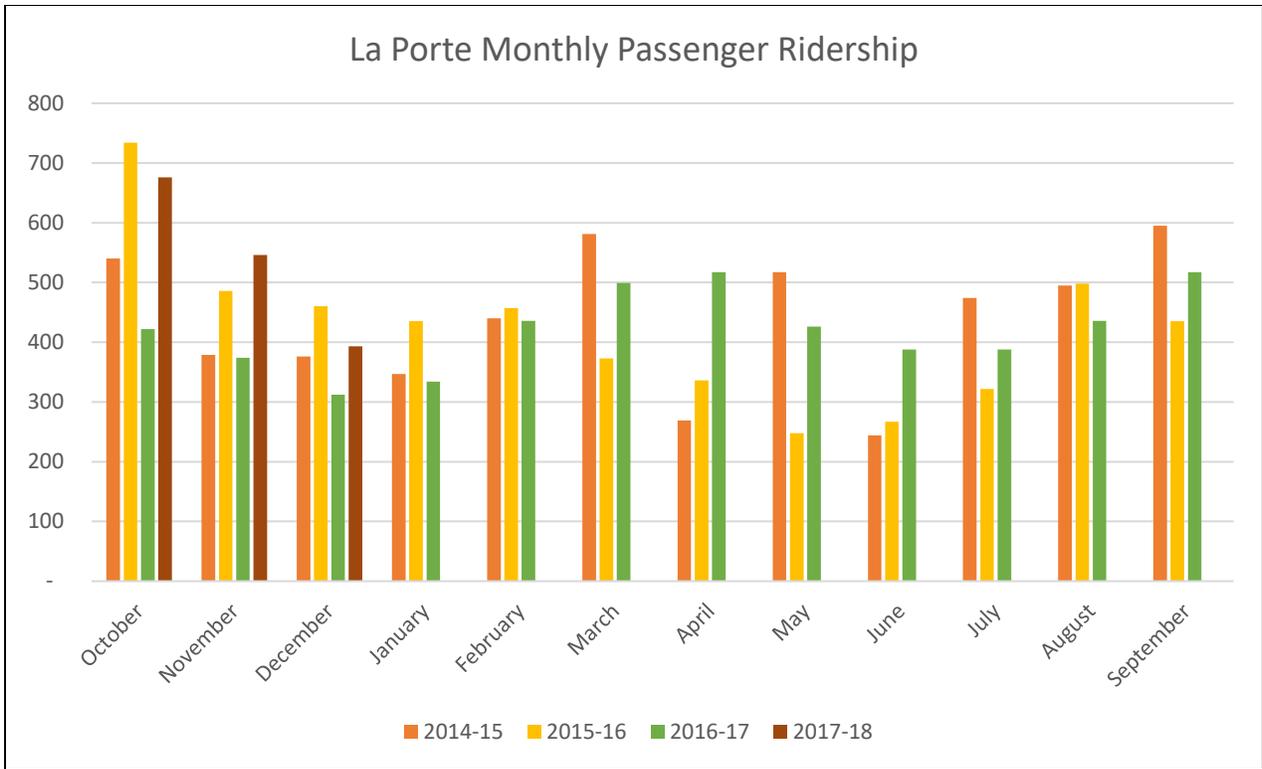


**Baytown/La Porte Shuttle**

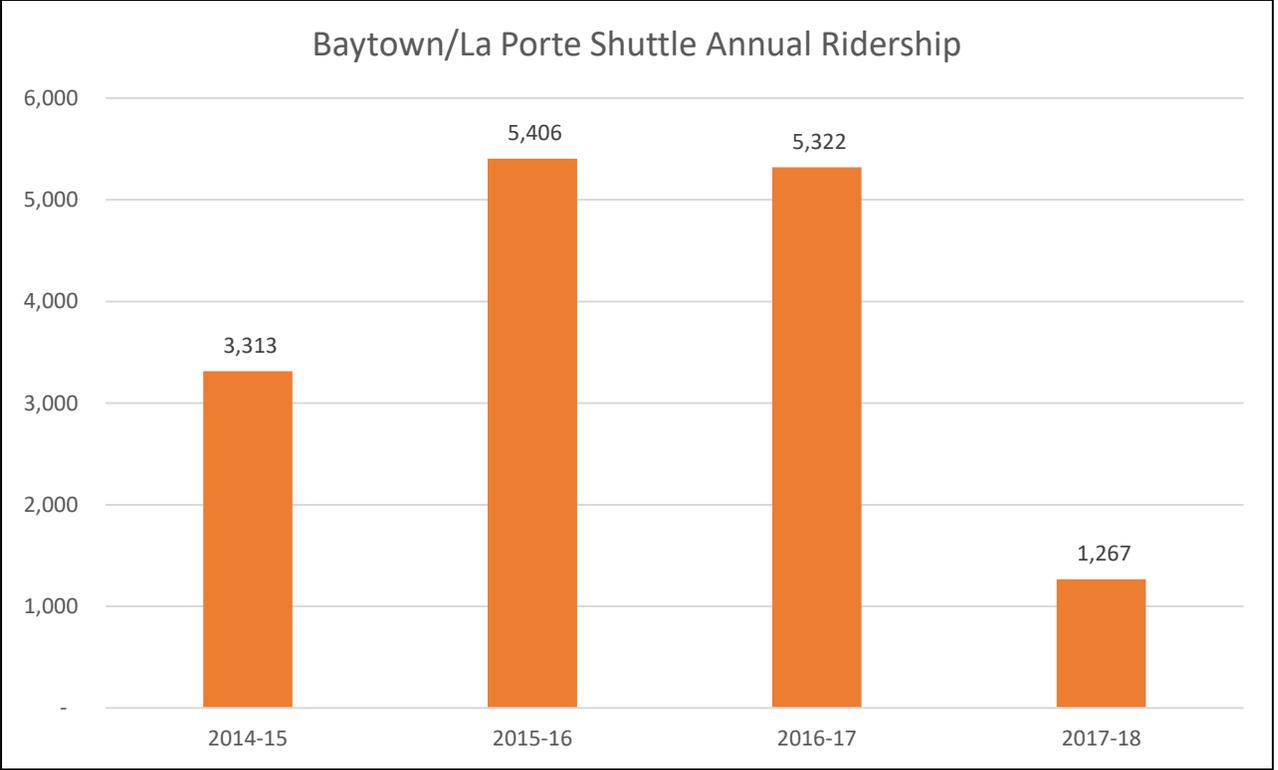
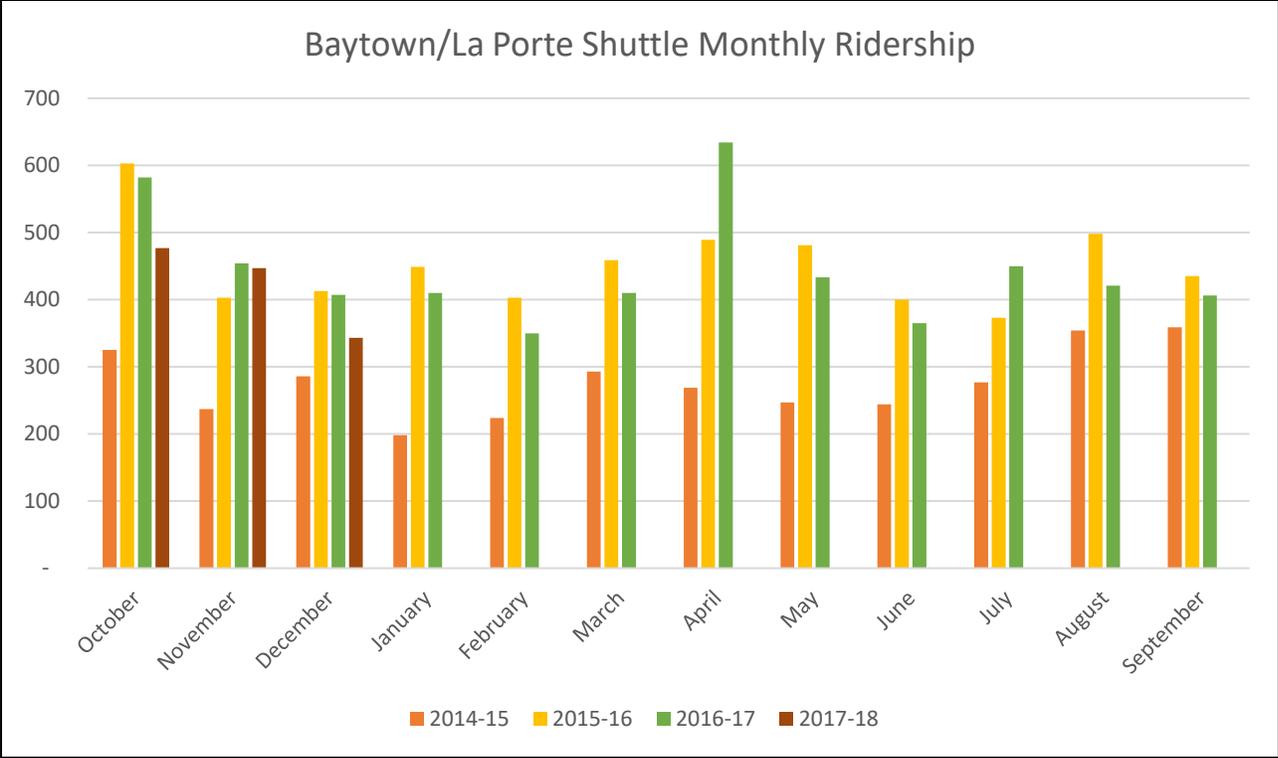
Month	Trips
Oct-14	325
Nov-14	237
Dec-14	286
Jan-15	198
Feb-15	224
Mar-15	293
Apr-15	269
May-15	247
Jun-15	244
Jul-15	277
Aug-15	354
Sep-15	359
Oct-15	603
Nov-15	403
Dec-15	413
Jan-16	449
Feb-16	403
Mar-16	459
Apr-16	489
May-16	481
Jun-16	400
Jul-16	373
Aug-16	498
Sep-16	435
Oct-16	582
Nov-16	454
Dec-16	407
Jan-17	410
Feb-17	350
Mar-17	410
Apr-17	634
May-17	433
Jun-17	365
Jul-17	450
Aug-17	421
Sep-17	406
Oct-17	477
Nov-17	447
Dec-17	343
Jan-18	
Feb-18	
Mar-18	
Apr-18	
May-18	
Jun-18	
Jul-18	
Aug-18	
Sep-18	
<b>Total</b>	<b>15308</b>



\*Note: The City of La Porte provides match for the La Porte service only. The Baytown-La Porte Connector provides additional transportation for La Porte residents to access the Social Security and Strawberry Clinic in Pasadena as well as a connection to the METRO system at the Gulfgate Center. The connector service is totally paid for by Harris County and it is used by La Porte residents so basically the City of La Porte is getting a two bus service for the cost of one bus.



Note: 2017-18 Data includes only October, November and December 2017



Note: 2017-18 Data includes only October, November and December 2017

**INTERLOCAL AGREEMENT**

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

This Interlocal Agreement (“Agreement”) for Fixed Route Bus Service is made and entered into pursuant to Chapter 791 of the Texas Government Code by and between Harris County, Texas, a body corporate and politic under the laws of the State of Texas, hereinafter called the “County,” and the City of La Porte, a home-rule city under the laws of the State of Texas, hereinafter called “La Porte.” The County and La Porte may each be referred to herein as a “Party” or collectively as the “Parties.”

**Recitals**

Certain portions of eastern Harris County lie outside the jurisdictional boundaries and service area of the Metropolitan Transit Authority of Harris County, Texas. La Porte and the County find that the operation of fixed route bus service as provided for in this Agreement will enhance regional mobility and support transit services within the County and La Porte.

The Parties now desire to enter into this Agreement to establish a new term for the fixed route bus service and to provide for responsibilities and funding of that service.

**TERMS:**

**ARTICLE I. Agreement and Definitions**

**1.1 Scope of Agreement.** County, upon receipt of funding from La Porte and matching federal funds, will provide for the operation of fixed route bus services as described in more detail in Exhibit A.

**1.2 Definitions.** For the purposes of this Agreement, the following terms shall have the meanings set forth below:

**1.2.1** “Fixed Route Bus Service” means services provided on a repetitive, fixed schedule basis along a specific route with vehicles stopping to pick up and deliver passengers to specific locations; each fixed route trip serves the same origins and destinations.

**1.2.2** “Complementary Paratransit Services” means service required by the Americans with Disabilities Act (ADA) for individuals with disabilities who are unable to use fixed route transportation systems and are deemed eligible for the service.

**1.2.3** “Local Matching Funds” means the financial assistance from local entities that support the operation of the transit system as required by a grant to match the federal contribution. They include, but are not limited to: tax levies; general funds; specified contributions, contributions from city, county, or other municipal government towards the Local Share portion of the transit system budget; and other revenues such as advertising.

## **ARTICLE 2. La Porte’s Obligations**

**2.1** La Porte will provide and maintain, in accordance with the requirements set forth herein and make available for use in regard to services hereunder, transit stops at all locations chosen by the County. To be acceptable, each such transit stop must at a minimum have a “transit stop” sign facing both directions, using the graphic shown in Exhibit B to this Agreement. As additional Federal Transit Authority (FTA) capital improvement funds become available, the County may at its sole option, use those funds and Local Matching Funds provided by La Porte to pay for additional transit stop improvements such as connecting sidewalks to stops within ¾ miles, of a stop or shelter bike paths within 3 miles that connect to a stop and / or shelter site pads, park benches and passenger shelters.

**2.2** All transit stops will have the following minimum standards:

**2.2.1** A firm stable surface;

**2.2.2** A minimum clear length of 96 inches measured from the curb or roadway edge and minimum clear width of 60 inches measured parallel to the vehicle roadway;

**2.2.3** A maximum slope of 1:50 (2%) for water drainage; and

**2.2.4** An accessible route to the streets, sidewalks or pedestrian paths.

**2.3** La Porte will provide advertising on La Porte’s Internet Site as well as other media, informing the general public of the availability of transit services in the community. Additionally, La Porte will provide information inserts into its utility bills, but only at such time or intervals as requested by County in writing, and at County’s expense. The design of the information inserts will be provided by the County.

**2.4** Within fifteen (15) days of the effective date of this Agreement, La Porte shall send Seventy-Four Thousand and No/Dollars (\$74,000.00) to the County in satisfaction of its obligations to provide Local Matching Funds. Should the County determine that such funds from La Porte are inadequate to pay for all required Local Matching Funds during the term of this Agreement, the County shall have no obligation to continue providing the services hereunder

unless and until La Porte provides the necessary additional funds to the County for such purpose, subject to the same requirements applicable to use of the original contribution. Additional funds shall be provided within forty-five (45) days.

2.5 La Porte shall comply with the Davis-Bacon and Copeland Anti-Kickback Acts codified at 40 USC 3141, et. seq and 18 USC 874 to the extent applicable.

2.6 Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, La Porte agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, La Porte agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

2.7 Equal Employment Opportunity - The following equal employment opportunity requirements apply to the underlying contract:

(a) Race, Color, Creed, National Origin, Sex - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, La Porte agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect activities undertaken in the course of the Project. La Porte agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, La Porte agrees to comply with any implementing requirements FTA may issue.

(b) Age - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § § 623 and Federal transit law at 49 U.S.C. § 5332, La Porte

agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, La Porte agrees to comply with any implementing requirements FTA may issue.

(c) Disabilities - In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, La Porte agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, La Porte agrees to comply with any implementing requirements FTA may issue.

2.8 La Porte also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

### **ARTICLE 3. County's Obligations**

**3.1** The County agrees to operate the Fixed Route Bus Service in the City of La Porte and provide necessary transit vehicles through the use of outside contractors. The Director of the County Community Services Department (Director) will, in consultation with the Mayor of La Porte, determine the travel routes for such service, and will determine the schedule for operations, and the type and number of transit vehicles to be utilized for the service. The Director may, from time to time, revise the schedule of operation of the service based upon ridership levels and service demands in consultation with the Mayor. Any changes in service will be subject to the public input requirements of Title VI, 42 U.S.C. The routes currently in service are depicted on Exhibit "A" to this Agreement. The service hours will be from 7:00 AM until 6:00 PM Monday through Friday excluding County holidays. The County shall have no obligation to obtain sites for or to construct or maintain transit stops for the bus service.

**3.2** Fares will be assessed for use of the transit services. The County will collect and retain the fares as follows, provided that the County may enter into agreements as it may deem necessary and proper to provide for bus services to be provided otherwise than by payment of such fees:

Adult (12 years and older)	\$1.00 each way
Children (2 years to 11 years)	\$ .50 each way
Seniors (65 and older with identification)	\$ .50 each way
Disabled (with identification)	\$ .50 each way

Medicare recipients (with identification)	\$ .50 each way
Children under 2 years	FREE
Certified ADA Paratransit Passengers	\$2.00 each way

**3.3** Federal Transit Administration (FTA) funds can only be accessed on a reimbursement basis. Notwithstanding any provision of this Agreement that might be construed to the contrary, the County shall not be obligated by this Agreement to expend any funds, but it is understood and agreed that the funds provided by La Porte may only be expended if the County, to the extent that the County at its sole option, expends matching funds for the purpose of seeking FTA reimbursement. La Porte’s funding hereunder will be used for payment of the matching contributions required by a local recipient. All FTA reimbursement will be the property of the County.

**ARTICLE 4. Independent Parties**

**4.1** This Agreement is not intended to create and shall not constitute a partnership or joint venture between the Parties. Parties shall have and retain the exclusive right of control over employment, firing, discipline, compensation, insurance, and benefits in accordance with the applicable laws of the State of Texas. La Porte has no authority to bind or otherwise obligate the County orally, in writing or by any act or omission. Nothing contained herein shall establish an agency, employee-employer relationship, partnership, joint enterprise, joint employer, or joint venture relationship by or between the Parties. Nothing in this Agreement will create or be deemed to create a relationship between the Parties to this Agreement, including a relationship in the nature of a third-party beneficiary or fiduciary.

**ARTICLE 5. Termination and Default**

**5.1 Termination by La Porte or the County.** La Porte or the County may, terminate this Agreement without cause upon ninety (90) days prior written notice to the other Party.

**5.2 Notice of Default.**

**5.2.1** La Porte or the County shall be deemed in default under this Agreement if La Porte or the County in any material respect fails to perform, observe or comply with any of its covenants, agreements or obligations, or breaches or violates any of the representations contained in this Agreement.

**5.2.2** Before any failure of either La Porte or the County shall be deemed to be a breach of this Agreement, the Party claiming such failure shall notify, in writing, the Party alleged to have failed to perform, of the alleged failure and shall demand the Party to cure the default within ninety (90) calendar days. If the allegedly failing Party has not cured the default, that Party will be in default of this Agreement, unless La Porte and the County agree to extend time for cure, and the Agreement may be terminated by the other Party immediately upon notice of the non-defaulting Party's intention to terminate.

#### **ARTICLE 6. Term**

**6.1** This Agreement shall be for a term beginning upon execution by both Parties and, unless terminated sooner as set forth above, and continue in full force and effect for twelve (12) consecutive months. Any unexpended and unearned surplus funds provided by La Porte remaining upon termination of this Agreement will be refunded to La Porte unless different arrangements are made in an amendment to this Agreement or a new agreement between the Parties in regard to the Fixed Route Bus Service. The County is under no obligation to invest or to account for or pay to La Porte any earnings upon funds provided hereunder by La Porte.

#### **ARTICLE 7. Miscellaneous**

**7.1 Approvals, Further Documents.** Where this Agreement requires approval, consent, permission, agreement or authorization by either Party, such approval, consent, permission, agreement or authorization shall not be unreasonably withheld or delayed. The Parties agree to execute such further documents, agreements, instruments and notices as may be necessary or appropriate to effectuate the purposes of this Agreement.

**7.2 Maintenance of Records.** The County shall maintain records to show actual time involved in the provision of the transportation services, the cost incurred for the period of time specified, and the level of ridership. The County shall maintain ridership information in a manner consistent with National Transit Database reporting requirements and provide a quarterly report of same to La Porte. To the extent applicable to the transportation service, La Porte and the County shall cooperate in good faith to provide records satisfactory to the federal government or any other regulatory body.

**7.3 Audit and Inspection of Records.** La Porte and the County shall permit the authorized representatives of La Porte, the County, and the federal government to inspect and audit

all data records of La Porte and the County relating to their performances under this Agreement. La Porte shall keep its books and records available for this purpose for at least five (5) years after this Agreement terminates. In the event any record is needed to support any dispute or legal action, such records shall be maintained for a period of not less than five (5) years following the settlement of any such dispute or legal action.

**7.4 Notices.** Any notices required or permitted to be given under the terms of this Agreement shall be in writing and shall be deemed to be given as of the time of hand delivery to the addresses set forth below, or five (5) days after deposit in the United States mail, postage prepaid, by registered or certified mail, return receipt requested, addressed as follows,:

TO HARRIS COUNTY:

Harris County, Texas

ATTN: David B. Turkel

Director, Harris County Community Services Department

Developmental Department

8410 Lantern Point Drive

Houston, Texas 77054

TO LA PORTE:

City of La Porte

Attn: Patrice Fogarty, City Secretary

604 W Fairmont Pkwy

La Porte, Texas 77571

A Party may change the address for notices upon at least 10 days written notice under the provision.

**7.5 Waiver.** The failure of any Party at any time or times to require performance of any provision hereof shall in no manner affect the right at a later time to enforce the same. No waiver of a Party of any condition or breach of any term, covenant, representation or warranty contained herein, in any one or more instances, shall be deemed to be constructed a further or continuing waiver of any such condition or breach or waiver of any other condition or of any breach of any other term, covenant, representation or warranty.

**7.6 Entire Agreement.** This Agreement contains the entire agreement of the Parties with regard to the matters addressed herein. This Agreement may not be amended, modified,

superseded or canceled, nor may any of the terms, covenants, representations, warranties or conditions be waived except by written instrument executed by the Parties.

**7.7 Force Majeure.** Neither Party shall be held liable for any loss or damage due to delay or failure in performance of any part of this Agreement from any cause beyond its control that directly impacts its ability to perform, and without its fault or negligence, which causes may include acts of God, acts of civil or military authority, government regulations (except those promulgated by the party seeking the benefit of this provision), embargoes, epidemics, war, terrorist acts, riots, insurrections, fires, explosions, earthquakes, nuclear accidents, floods, strikes, power blackouts, other major environmental disturbances or unusually severe weather conditions.

**7.8 Governing Law.** This Agreement shall be constructed and enforced in accordance with the laws of the State of Texas. The exclusive forum and venue for any action arising out of, in connection with, or in any way relating to the Agreement is in a state or federal court of competent jurisdiction in Houston, Harris County, Texas.

**7.9 Headings.** Headings and captions contained herein are inserted for convenience and of reference only, and are not deemed part of or to be used in constructing this Agreement.

**7.10 Survival.** Each Party shall remain obligated to the other Party under all clauses of this Agreement that expressly or by their nature extend beyond the expiration or termination of this Agreement.

**7.11 Current Funds.** Each Party paying for the performance of governmental functions or services under this Agreement must make those payments from current revenues available to the paying Party.

**7.12 Compliance with Laws.** The Parties shall comply with all applicable laws in carrying out its obligations under this Agreement.

**7.12 Execution; Multiple Counterparts.** The Agreement may be executed in several counterparts. Each counterpart is deemed an original. All counterparts together constitute one and the same instrument. Each Party warrants that the undersigned is a duly authorized representative with the power to execute this Agreement.

**HARRIS COUNTY**

**CITY OF LA PORTE**

By: \_\_\_\_\_  
DAVID TURKEL  
EXECUTIVE DIRECTOR  
Community Services Department

By: \_\_\_\_\_  
Louis R. Rigby  
Mayor

APPROVED AS TO FORM:  
Vince Ryan, Harris County Attorney

ATTEST

By: \_\_\_\_\_  
Amy Samples  
Assistant County Attorney  
C.A. File No.: 17GEN2299

By: \_\_\_\_\_  
Patrice Fogarty  
City Secretary



**Exhibit B**



## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: February 26, 2018

Appropriation

Requested By: Ken Adcox

Source of Funds: \_\_\_\_\_

Department: Police

Account Number: \_\_\_\_\_

Report:  Resolution:  Ordinance:

Amount Budgeted: \_\_\_\_\_

Other:  Appointment of Kenneth

Amount Requested: \_\_\_\_\_

Coleman as Reserve Peace

Budgeted Item:  YES  NO

Officer

**Attachments :**

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### SUMMARY & RECOMMENDATIONS

Article III, Section 54-61 of the Code of Ordinances and the Texas Government Code, Section 341.012, both entitled "Police Reserve Force", require that persons appointed by the Chief of Police as reserve police officers must be approved by City Council before they may carry a weapon or otherwise act as a peace officer.

The Department is requesting that City Council approve the appointment of Kenneth Coleman to the Police Reserve Force. Mr. Coleman holds current Peace Officers Licenses with the State of Texas.

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#### **Action Required of Council:**

Approve the appointment of Kenneth Coleman to the La Porte Police Reserve Force.

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**Approved for City Council Agenda**

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**Corby D. Alexander, City Manager**

**Date**

## REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: February 26, 2018

Appropriation

Requested By: Kenith Adcox

Source of Funds: \_\_\_\_\_

Department: Administration

Account Number: \_\_\_\_\_

Report:  Resolution:  Ordinance:

Amount Budgeted: \_\_\_\_\_

Other:  \_\_\_\_\_

Amount Requested: \_\_\_\_\_

Budgeted Item:  YES  NO

**Attachments :**

**1. Racial Profiling Report**

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**SUMMARY & RECOMMENDATIONS**

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

The report indicates that the La Porte Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training, and the collection of data in compliance with the law. As a result of this analysis, and the listed statistics, it is believed that the officers of the La Porte Police Department are operating appropriately and without bias relating to individual violator race, ethnicity, or national origin.

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**Action Required of Council:**

Acceptance of the 2017 La Porte Police Department Racial Profiling Report as presented by the Chief of Police.

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**Approved for City Council Agenda**

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**Corby D. Alexander, City Manager**

**Date**



City of La Porte

Established 1892

Police Department

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



January 29<sup>th</sup>, 2018

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

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Honorable Council Members:

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

The following report meets this requirement by providing a detailed analysis of the La Porte Police Department's policies, training, and statistical information on racial profiling for the year 2017. To assist City Council in their examination of the included data, detailed demographic data has also been provided relating to the City of La Porte, Harris County, and the State of Texas. For the purposes of this report and analysis, the following definition of racial profiling is used: *racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).*

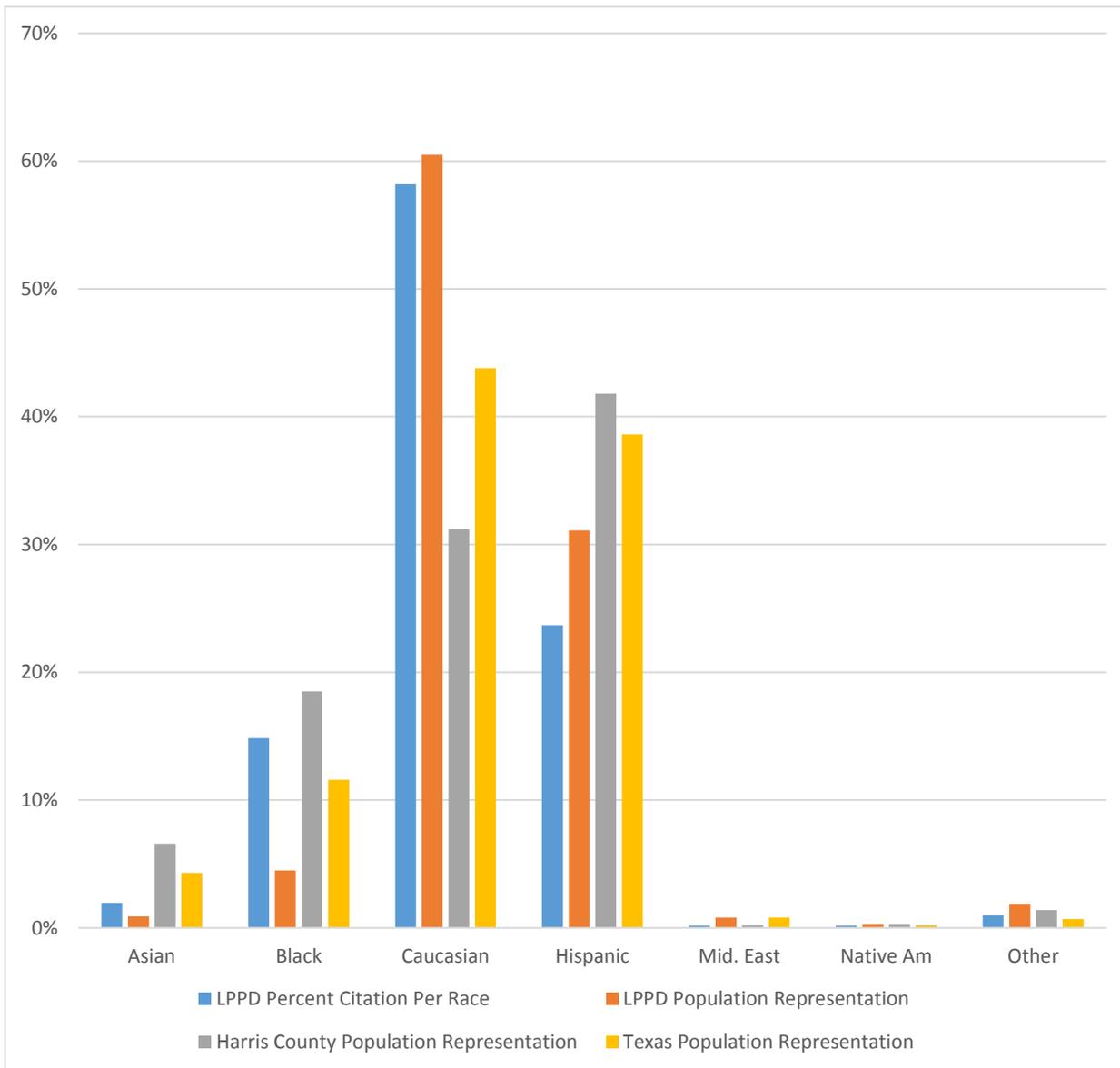
#### **La Porte Police Department Policy/ Training on Racial Profiling**

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

#### **La Porte Police Department Statistical Data on Racial Profiling**

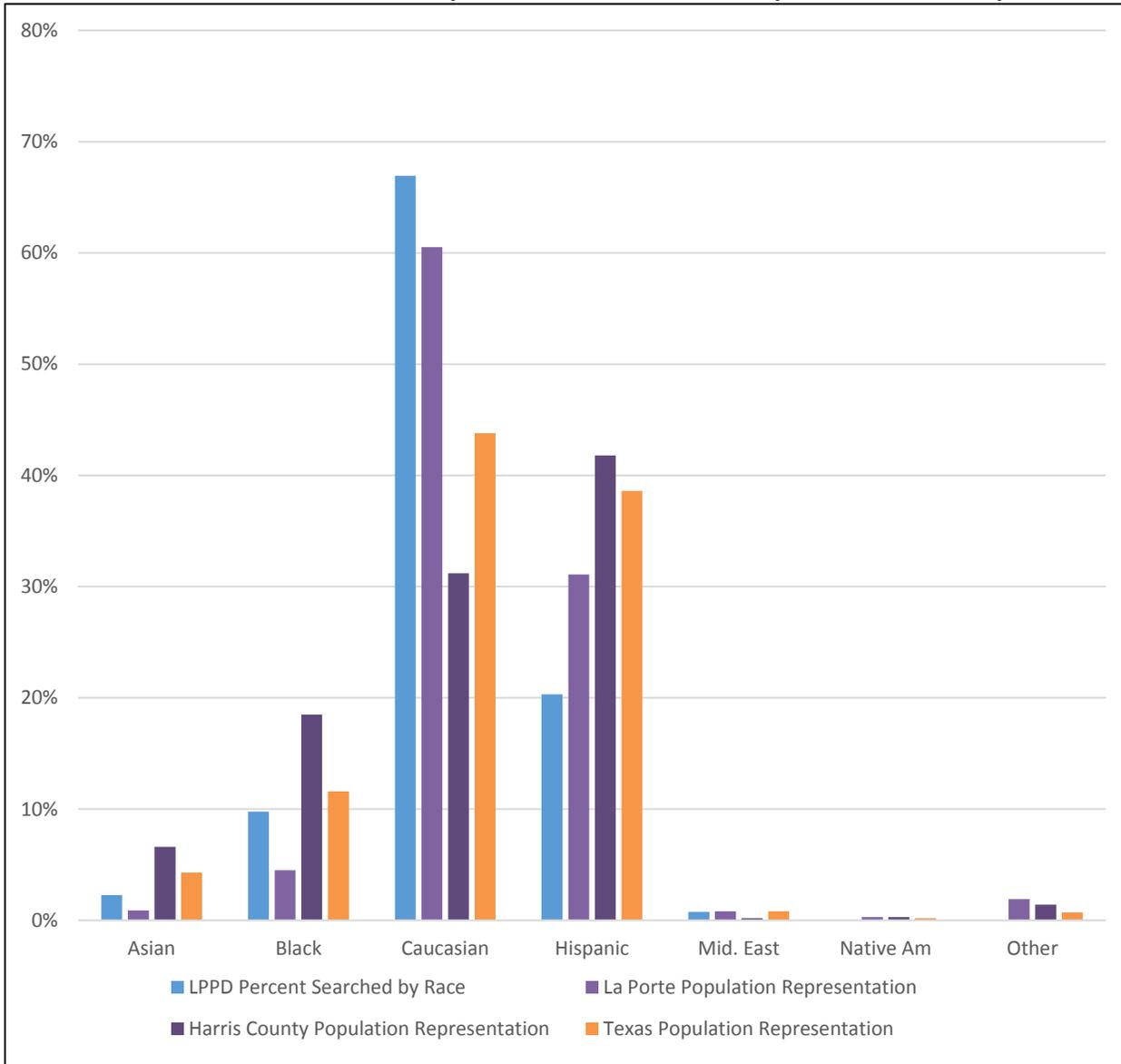
In accordance with Departmental Policy, Officers of La Porte Police Department submitted statistical information on all contacts made with motorists in 2017 and accompanying information on the race of the person contacted. This data has been aggregated and is presented in the following tables, accompanied by relevant information on searches, arrests, and demographic information.

#### **LPPD Percentage Citations Issued Compared with Overall Race Representation in Population**



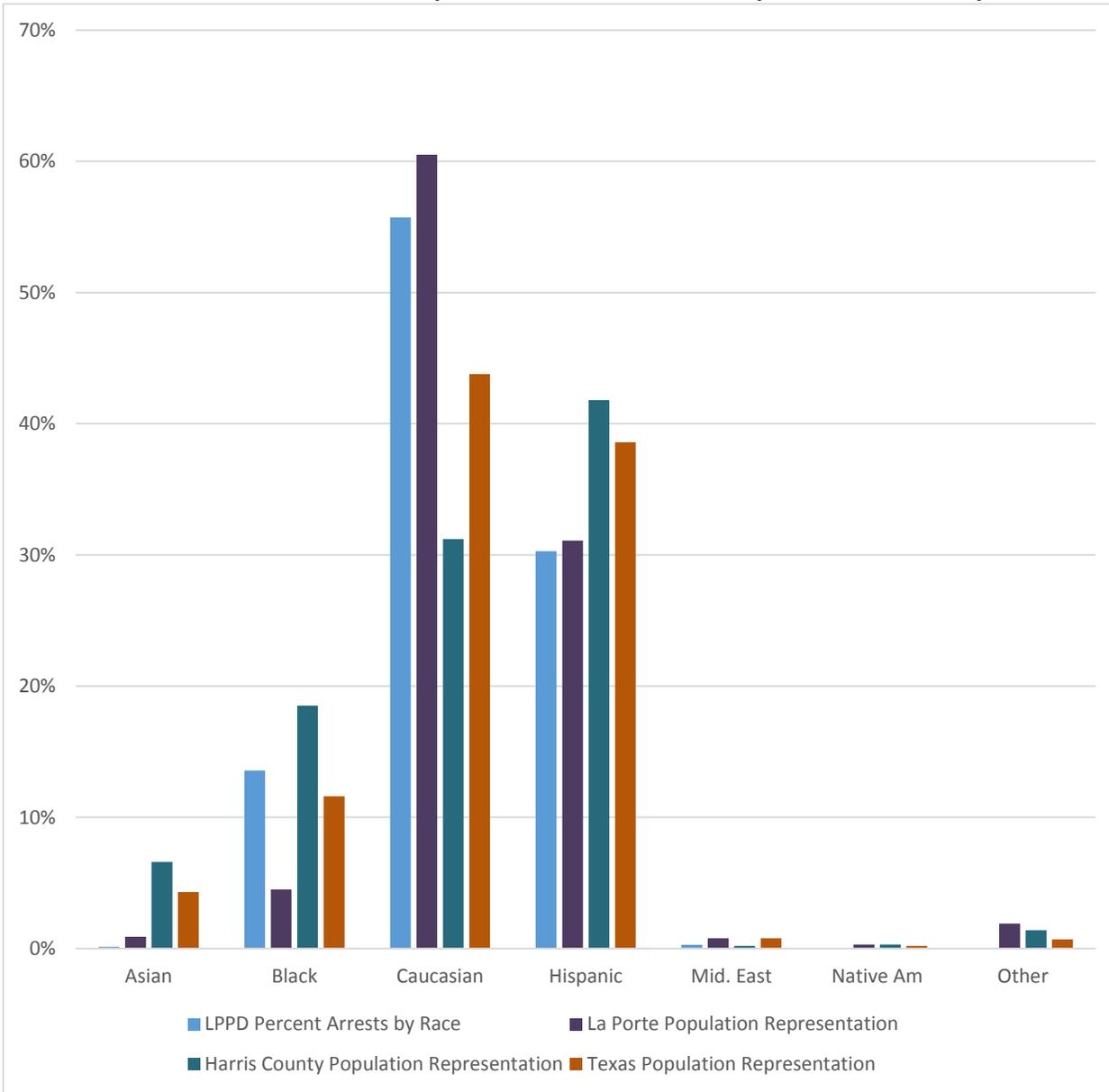
Race	La Porte PD Motorist Citations	LPPD Percent Cited by Race	La Porte Population Representation	Harris County Population Representation	Texas Population Representation
Asian	193	1.97%	0.90%	6.60%	4.30%
Black	1,458	14.85%	4.50%	18.50%	11.60%
Caucasian	5,713	58.18%	60.50%	31.20%	43.80%
Hispanic	2,326	23.69%	31.10%	41.80%	38.60%
Mid. East	17	0.17%	0.80%	0.20%	0.80%
Native Am	16	0.16%	0.30%	0.30%	0.20%
Other	97	0.99%	1.90%	1.40%	0.70%
<b>Total</b>	<b>9,820</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

### LPPD Searches Compared with Overall Race Representation in Population



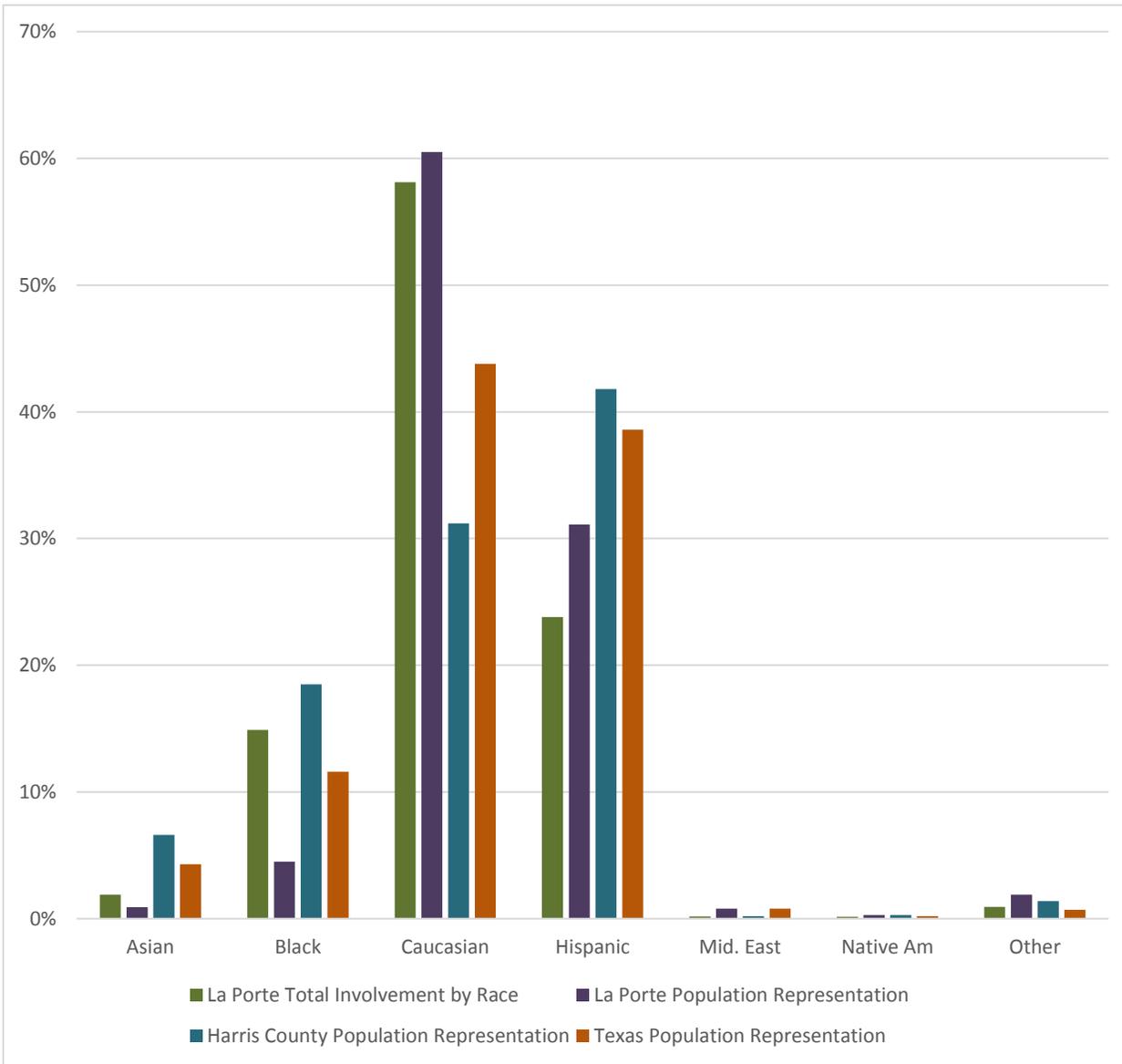
Race	LPPD Searches	Without Consent	With Consent	LPPD Percent Searched by Race	La Porte Population Representation	Harris County Population Representation	Texas Population Representation
Asian	3	3	0	2.26%	0.90%	6.60%	4.30%
Black	13	5	6	9.77%	4.50%	18.50%	11.60%
Caucasian	89	49	40	66.92%	60.50%	31.20%	43.80%
Hispanic	27	16	10	20.30%	31.10%	41.80%	38.60%
Mid. East	1	0	1	0.75%	0.80%	0.20%	0.80%
Native Am	0	0	0	0.00%	0.30%	0.30%	0.20%
Other	0	0	0	0.00%	1.90%	1.40%	0.70%
<b>Total</b>	<b>133</b>	<b>74</b>	<b>56</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

### LPPD Arrests Compared with Overall Race Representation in Population



Race	LPPD Arrests	La Porte PD Percent Arrested by Race	La Porte Population Representation	Harris County Population Representation	Texas Population Representation
Asian	1	0.14%	0.90%	6.60%	4.30%
Black	95	13.57%	4.50%	18.50%	11.60%
Caucasian	390	55.71%	60.50%	31.20%	43.80%
Hispanic	212	30.29%	31.10%	41.80%	38.60%
Mid. East	2	0.29%	0.80%	0.20%	0.80%
Native Am	0	0.00%	0.30%	0.30%	0.20%
Other	0	0.00%	1.90%	1.40%	0.70%
<b>Total</b>	<b>700</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

### Overall involvement by Race for LPPD Citations and Arrests without Citation



Race	Total Contacts	La Porte Total Involvement by Race	La Porte Population Representation	Harris County Population Representation	Texas Population Representation
Asian	194	1.88%	0.90%	6.60%	4.30%
Black	1,534	14.90%	4.50%	18.50%	11.60%
Caucasian	5,982	58.12%	60.50%	31.20%	43.80%
Hispanic	2,451	23.81%	31.10%	41.80%	38.60%
Mid. East	19	0.18%	0.80%	0.20%	0.80%
Native Am	16	0.16%	0.30%	0.30%	0.20%
Other	97	0.94%	1.90%	1.40%	0.70%
<b>Total</b>	<b>10,293</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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

In the interest of being thorough, the police department made a statistical inquiry through the City’s Municipal Court in order to determine actual traffic citations written to La Porte residents, along with respect to percentages by driver’s race. Findings revealed, that overall, approximately 22% of all traffic stops conducted by LPPD involved the citing of La Porte residents. This equates, approximately, to only one of every five citations being written to local residents. Otherwise stated, 78% of all traffic stops made by La Porte Police Officers involve drivers who do not live in the City of La Porte. Furthermore, when broken down by driver race, the majority of citations were overwhelmingly issued to Caucasian drivers (81%). The remaining breakdown by race, regarding La Porte residents cited by La Porte Police Officers in 2017, were as follows: Black - 12%; Hispanic – 6%; Asian, Middle Eastern, Native American, and Other or Unknown - <1% per group.

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

Finally, it is important to note that the included census data represents U.S. Census population figure estimates according to Demographic Profile Data of General Population and Housing Characteristics representing all age groups, yet does not take into account a specific combination of age and race regarding the percentage of the drivers who were actually stopped. Additionally, while population figure estimates are represented here, updates of the actual demographic statistics for the year 2017 are not yet available.

Still, the La Porte Police Department is committed to providing public safety without bias of any type and will continue to closely track, monitor, and regulate employee activities in order to ensure that biased-based policing does not occur. A review of internal administrative records indicated that during 2017 the department received one traffic stop complaint that could be categorized as involving some type of racial profiling allegation. The traffic stop complaint was made by a citizen of Asian descent, who believed they were stopped by the officer strictly based on their race. The complaint was thoroughly investigated by the Department's Internal Affairs Section and revealed no indication that the officer could have known the race or ethnicity of the driver prior to initiating the stop in question. The investigation further determined that the stop was for a valid, hazardous, traffic violation. Ultimately the investigation was cleared as *not sustained*.

In summary, the foregoing analysis shows that the La Porte Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training, and the collection of data in compliance with the law. As a result of this analysis, and the listed statistics, it is my belief that the officers of the La Porte Police Department are operating appropriately and without bias relating to individual violator race, ethnicity, or national origin.

Respectfully Submitted,

---

Kenith R. Adcox  
Chief of Police

## **Bias-Based Policing**

### **314.1 PURPOSE AND SCOPE**

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

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

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

#### **314.1.1 DEFINITIONS**

Definitions related to this policy include:

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

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

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

**Bias-based policing** - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Tex. Code of Crim. Pro. art. 3.05).

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

## **314.2 POLICY**

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

It is the policy of this Department to police in a proactive manner and to vigorously investigate suspected violations of law. Officers shall actively enforce municipal, state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin, or on the basis of other criteria (ex. racial or ethnic stereotypes, sexual orientation, etc.), rather than upon the individual's behavior, activity, or other lawful reasons for the law enforcement action. Officers are strictly prohibited from engaging in bias-based policing as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

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

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

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

## **314.3 BIAS-BASED POLICING PROHIBITED**

Bias-based policing is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

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

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

A law enforcement agency can derive at two principles from the adoption of this prohibition of biased-based policing:

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

### **314.4 MEMBER RESPONSIBILITY**

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

#### **314.4.1 REASON FOR CONTACT**

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### **314.4.2 REPORTING TRAFFIC STOPS**

The Patrol Division Commander should ensure that the Department has appropriate systems in place to collect information required by state racial profiling laws. Each time an officer makes a traffic stop, the officer shall gather the required information using the system in place for racial profiling reporting.

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

information will be entered in the OneSolution Racial Profiling module.

### **314.4.3 RETENTION**

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

### **314.4.4 PATROL AND TRAFFIC ENFORCEMENT VEHICLES**

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

### **314.5 SUPERVISOR RESPONSIBILITY**

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

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

### **314.6 STATE REPORTING**

Chief of Police shall annually submit a report of the information required in Tex. Code of Crim. Pro. art. 2.132 to the Texas Commission on Law Enforcement (TCOLE) and to each governing body served by the Department.

The Chief of Police shall also provide to TCOLE and each governing body served by the Department a report containing an analysis of the information required by Tex. Code of Crim. Pro. art. 2.133. The report must be submitted by March 1 of each year (Tex. Code of Crim. Pro. art. 2.134).

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

### **314.7 ADMINISTRATION**

Each year, the Administrative Sergeant shall review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Patrol Assistant Chief of Police and the Chief of Police. The annual report should not contain any identifying information regarding any specific complaint,

member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service (Tex. Code of Crim. Pro. art. 2.12). Supervisors shall review the report submitted to TCOLE and the governing body and discuss the results with those they are assigned to supervise.

### **314.8 COMPLIMENTS AND COMPLAINTS**

The Patrol Division Commander is responsible for educating the public on the Department's compliment and complaint process (see the Personnel Complaints Policy). This education may be achieved by information provided through the Department website. This information shall include the telephone number, mailing address and e-mail address to make a compliment or complaint regarding a ticket, citation or warning issued by an officer. The telephone number and email address for making a compliment or complaint will also be clearly printed on each citation.

In the event that an investigation is initiated against an officer for a violation of this policy, the Patrol Division Commander should ensure that a copy of any related recording is provided as soon as practicable to the officer upon written request (Tex. Code of Crim. Pro. art. 2.132).

## 314.9 TRAINING

*Training on fair and objective policing and review of this policy should be conducted as directed by the Training Officer.*

Policy  
**401**

**La Porte Police Department**  
Policy Manual

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# Report Preparation

## 401.2.6 TRAFFIC AND PEDESTRIAN STOPS

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

The Department shall compile and analyze information regarding each contact and shall submit a report no later than March 1 of each year in accordance with Tex. Code of Crim. Pro. art. 2.134(b)).

The above reporting requirements are not intended to be all inclusive. A supervisor may direct an employee to document any individual he/she deems necessary.

*Authority:*

*Kenith R. Adcox*  
*Chief of Police*



**Council Agenda Item  
February 26, 2018**

**7 (b) Receive report of the Council Subcommittee on Evaluation Forms – Councilmember Engelken**

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## **Council Agenda Item February 26, 2018**

### **8. ADMINISTRATIVE REPORTS**

- City Council Meeting, Monday, March 12, 2018
- Planning and Zoning Commission Meeting, Thursday, 15, 2018
- Zoning Board of Adjustment Meeting, Thursday, March 22, 2018
- City Council Meeting, Monday, March 26, 2018

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

### **10. ADJOURN**

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