

LOUIS R. RIGBY
Mayor
BRANDON LUNSFORD
Councilmember At Large A
STEVE GILLETT
Councilmember At Large B
DANNY EARP
Councilmember District 1



CHUCK ENGELKEN
Councilmember District 2
BILL BENTLEY
Mayor Pro-Tem
Councilmember District 3
THOMAS GARZA
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 January 27, 2020, beginning at 6:00 pm in the City Hall Council Chambers, 604 West 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 Pastor Walter Brumley, La Porte River of God Church.
PLEDGES – Will be led by Councilperson Thomas Garza.
U.S. Flag
Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.
3. **PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS**
 - (a) ExxonMobil and Wink to Webster Pipeline, LLC First Responders Grant Program presentations to the City of La Porte Police and Fire Departments. [Jason Weeks, Assistant City Manager]
 - (b) Recognition - Employee of the Fourth Quarter 2019 - Lindsey Campuzano (Benefits Specialist - City of La Porte Human Resources Department). [Mayor Rigby]
 - (c) Recognition - Employee of the Year 2019 - Ashley Lovercheck (Buyer, City of La Porte Purchasing Division). [Mayor Rigby]
 - (d) Recognition - Manager of the Year 2019 - Lieutenant Doug Ditrich- (City of La Porte Police Department). [Mayor Rigby]
4. **CITIZEN COMMENT** *(Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.)*
5. **CONSENT AGENDA** *(Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.)*
 - (a) Approve the minutes of the regular session held on January 13, 2020. [Mayor Rigby]
 - (b) Approve a Joint Election Agreement and Election Services Contract with the La Porte Independent School District (LPISD) for the May 2, 2020 election. [Mayor Rigby]
 - (c) Appoint Rachel Cotton to fill a vacant position on the La Porte Development Corporation Board. [Mayor Rigby]
 - (d) Award RFP #20502 to Crosspoint Communication for the Whelen Siren Project in the amount of \$175,954.40. [Kristin Gauthier, Emergency Management Coordinator]
 - (e) Adopt Resolution 2020-01 authorizing the City Manager to execute documents in connection with the Selective Traffic Enforcement Program (STEP) Impaired Driving Mobilization Grant award. [Chief Ron Parker, LPPD]
 - (f) Adopt Ordinance 2020-3880 amending Chapter 14 "Animals", Article III, "Dogs and Cats", Division 1 of the City of La Porte Code of Ordinances, to establish a Trap, Neuter, and Return Program within the City of La Porte. [Matt Daeumer, Assistant Chief of Police]

6. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

- (a) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3772 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 0.23-acre tract of land located at 11813 Fieldcrest Drive, legally described as Lots 32 and 33, Block 2, Pinegrove Valley Subdivision, by changing the land use designation from "Commercial" to "Low Density Residential"; followed by discussion and possible action to consider adopting Ordinance 2020-3772 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 0.23-acre tract of land located at 11813 Fieldcrest Drive, legally described as Lots 32 and 33, Block 2, Pinegrove Valley Subdivision, by changing the land use designation from "Commercial" to "Low Density Residential". [Ian Clowes, City Planner]
- (b) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3773 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000007, a change from General Commercial (GC) to Low Density Residential (R-1) for a 0.23-acre tract of land located at 11813 Fieldcrest Drive and legally described as Lots 32 and 33, Block 2, Pinegrove Valley Subdivision; followed by discussion and possible action to consider adopting Ordinance 2020-3773 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000007, a change from General Commercial (GC) to Low Density Residential (R-1) for a 0.23-acre tract of land located at 11813 Fieldcrest Drive and legally described as Lots 32 and 33, Block 2, Pinegrove Valley Subdivision. [Ian Clowes, City Planner]
- (c) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3774 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000008, a change from Low Density Residential (R-1) to Neighborhood Commercial (NC) for a 0.39-acre tract of land located at 10105 W. Fairmont Parkway and legally described as a portion of Restricted Reserve "A", Block 1, Willmont Commercial Park Subdivision Amending Plat; followed by discussion and possible action to consider adopting Ordinance 2020-3774 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000008, a change from Low Density Residential (R-1) to Neighborhood Commercial (NC) for a 0.39-acre tract of land located at 10105 W. Fairmont Parkway and legally described as a portion of Restricted Reserve "A", Block 1, Willmont Commercial Park Subdivision Amending Plat. [Ian Clowes, City Planner]
- (d) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3775 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 3.38-acre tract of land located at 11007 W. Fairmont Parkway, legally described as Tract 1H, Abstract 625 R. Pearsall Survey, by changing the land use designation from "Mid-High Density Residential" to "Business Industrial"; followed by discussion and possible action to consider adopting Ordinance 2020-3775 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 3.38-acre tract of land located at 11007 W. Fairmont Parkway, legally described as Tract 1H, Abstract 625 R. Pearsall Survey, by changing the land use designation from "Mid-High Density Residential" to "Business Industrial". [Ian Clowes, City Planner]

- (e) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3776 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000009, a change from Planned Unit Development (PUD) to Business Industrial (BI) for a 3.38-acre tract of land located at 11007 W. Fairmont Parkway and legally described as Tract 1H, Abstract 625 R, Pearsall Survey; followed by discussion and possible action to consider adopting Ordinance 2020-3776 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000009, a change from Planned Unit Development (PUD) to Business Industrial (BI) for a 3.38-acre tract of land located at 11007 W. Fairmont Parkway and legally described as Tract 1H, Abstract 625 R, Pearsall Survey. [Ian Clowes, City Planner]
- (f) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3777 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 6.921-acre tract of land located at the 3400 Block of Canada Road, legally described as Reserve A, Block 1, Dawson Subdivision, by changing the land use designation from "Mid-High Density Residential" to "Planned Development"; followed by discussion and possible action to consider adopting Ordinance 2020-3777 amending the City's Future Land Use Map Component of the Comprehensive Plan for an approximately 6.921-acre tract of land located at the 3400 Block of Canada Road, legally described as Reserve A, Block 1, Dawson Subdivision, by changing the land use designation from "Mid-High Density Residential" to "Planned Development". [Ian Clowes, City Planner]
- (g) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3778 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000010, a change from Mid Density Residential (R-2) to Planned Unit Development (PUD) for a 6.921-acre tract of land located at the 3400 Block of Canada Road and legally described as Reserve A, Block 1, Dawson Subdivision; followed by discussion and possible action to consider adopting Ordinance 2020-3778 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Zone Change #19-92000010, a change from Mid Density Residential (R-2) to Planned Unit Development (PUD) for a 6.921-acre tract of land located at the 3400 Block of Canada Road and legally described as Reserve A, Block 1, Dawson Subdivision. [Ian Clowes, City Planner]
- (h) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3779 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #19-91000009, to allow for a Boat and RV storage facility on a 6.921-acre tract of land, located at the 3400 Block of Canada Road, and legally described as Reserve A, Block 1, Dawson Subdivision in the Planned Unit Development (PUD) zoning district; followed by discussion and possible action to consider adopting Ordinance 2020-3779 amending the Code of Ordinances of the City of La Porte, Chapter 106 "Zoning" by granting Special Conditional Use Permit #19-91000009 to allow for a Boat and RV storage facility on a 6.921-acre tract of land, located at the 3400 Block of Canada Road, and legally described as Reserve A, Block 1, Dawson Subdivision in the Planned Unit Development (PUD) zoning district. [Ian Clowes, City Planner]

7. REPORTS

- (a) Receive a report on the La Porte Development Corporation Board of Directors meeting. [Councilperson Ojeda]

8. ADMINISTRATIVE REPORTS

- Drainage and Flooding Committee meeting, February 10
- City Council meeting, February 10
- Planning and Zoning Commission meeting, February 20
- City Council meeting, February 24
- Zonina Board of Adjustment meeting. February 27

9. **COUNCIL COMMENTS** *Hear announcements concerning matters appearing on the agenda; items of community interest; and/or inquiries of staff regarding specific factual information or existing policy from the Mayor, Councilmembers, and City staff, for which no formal action will be discussed or taken.*

10. **ADJOURNMENT**

If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive Session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 - consultation with counsel on legal matters; Section 551.072 - deliberation regarding purchase, exchange, lease or value of real property; Section 551.073 - deliberation regarding a prospective gift; Section 551.074 - personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; Section 551.076 - implementation of security personnel or devices; Section 551.087 - deliberation regarding economic development negotiation; Section 551.089 - deliberation regarding security devices or security audits, and/or other matters as authorized under the Texas Government Code. If a Closed or Executive Session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (281-470-5019), two working days prior to the meeting for appropriate arrangements.

CERTIFICATE

I, Lee Woodward, City Secretary, do hereby certify that a copy of the January 27, 2020, City Council agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING _____

TIME OF POSTING _____

TAKEN DOWN _____

Lee Woodward

Lee Woodward, City Secretary



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>January 27, 2020</u>
Requested By: <u>Jason Weeks, ACM</u>
Department: <u>Administration/CMO</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits:

SUMMARY

The Wink to Webster Pipeline LLC is a joint venture among affiliates of ExxonMobil (ExxonMobil); Plains All American Pipeline, L.P. (Plains); MPLX LP; Delek US; Lotus Midstream, LLC (Lotus); and Rattler Midstream LP.

The new common-carrier pipeline system will provide more than 1 million barrels per day of crude oil and condensate capacity and will be constructed from the Permian Basin in West Texas to the Texas Gulf Coast. The Wink to Webster Texas-based pipeline system will have origin points at Wink and Midland to multiple locations near Houston, including Webster and Baytown, with connectivity to Texas City and Beaumont.

First Responder Grant Program

Wink to Webster Pipeline LLC strives to be a good neighbor in the communities where we work and operate. To demonstrate our commitment, we are implementing a First Responder Grant Program to support training and equipment needs of responders along the Wink to Webster Pipeline route in Texas. The grant program helps first responders better serve their communities by providing additional resources that enhance their safety and training.

- The La Porte Police Department received a grant of \$9,449.16. These funds will be used to buy the following:
 - 1) **SpeedTech Lights** - 6 Pack of Rechargeable 16 LED Disc LED Road Flares Beacon Lights for every marked patrol unit. This is will enhance the immediate

safety to motorist and officers by providing well lit, advanced notice of impending lane changes or hazards due to traffic accidents or other roadway issues.

- 2) **BMI Law Enforcement** – Active Shooter Response Kit (ASRK) for School Resource Officers and Dayshift Patrol Officers. These are load bearing vest designed to carry everything needed in an active shooter response. It keeps all equipment ready to be deployed and will fit over the top of our current rifle plate carriers. This will speed up responses to any active shooter or rapid response situation, therefore increasing the safety of our citizens and officers.
- The La Porte Fire Department received a grant for \$8,860.00. These funds will be used to buy the following:
 - 1) **Ultra PID Gas Detectors** - Five (5) Ultra PID gas detectors to replace the 4 gas monitors to replace the current monitors. The current monitors are getting outdated and in need of replacement. The Fire Department will be upgrading to the new five (5) gas monitor because it will allow them to detect a wider range of gases and also check for VOC's (volatile organic compounds). The purchase of updated meters will allow them to help with perimeter monitoring of the city if there was a chemical release from any of our industrial partners. The units will be place on all first-out fire engines, as well as our safety officer's vehicle.

RECOMMENDED MOTION

ExxonMobil and their affiliates for the Wink to Webster Pipeline LLC First Responders Grant Program will attend the City Council meeting and present the City Council, La Porte Police Department and La Porte Fire Department their ceremonial grant checks.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date

Employee of the 4th Quarter for 2019
Lindsey Campuzano – Benefits Specialist

Lindsey first worked for the City in 2004 as a student worker in the Summer Youth program. Clearly, she made a great impression as she was offered a full-time role in September of that same year. The City has benefited from her work ethic and sincere desire to serve and support ever since. In several roles in Finance and now HR, Lindsey has demonstrated over and over again the values of 'Integrity and Quality in Everything We Do'.

As the Benefits Specialist, Lindsey's primary responsibility is helping members of our benefits plan with any benefit related issues. The fourth quarter of each year is always a busy one as it includes both the annual Benefits & Wellness Fair and the Open Enrollment period in addition to other reporting and administrative deadlines. These tasks carry a tremendous coordination and communication workload and Lindsey takes the lead with support from the rest of the HR team. One of Lindsey's other areas of responsibility is employee data management. She is the go to person for supervisors regarding the Personal Action Form process. She takes great pride in accurately entering and reviewing data that impacts employee pay and benefits. Each year in the fourth quarter, Lindsey works with Police Department administration to process status changes associated with the 'Meet and Confer' agreement. This year, we had a tremendous amount of changes for other staff. Because of the nature of the adjustments, there was no feasible "batch" option. Each change for each employee was unique and thus had to be reviewed and entered separately. Lindsey went above and beyond to enter 239 actions in a small time frame so that the changes would be effective as intended. She did this with no complaint and with a high level of attention to detail, while also ensuring her "regular work" was completed.

Lindsey consistently impresses her manager with her ability to recall from memory employee names, job titles, and other information about the 350+ employees that serve the La Porte community. She develops and maintains trusted relationships with employees across the organization. This is a testament to her attention to detail and her public service mindset.

Please join me in congratulating Lindsey as the Employee of the 4th Quarter for 2019.

Employee of the Year for 2019
Ashley Lovercheck, Buyer – Purchasing Division

Ashley Lovercheck joined the La Porte team in September of 2013 as a member of the Public Works Department's administration staff. She transferred to Finance in August 2015 as a Purchasing Technician and later transitioned into her current role of Buyer.

Ashley's manager, Cherell Daeumer, nominated her in the 2019 third quarter for her willingness and eagerness to assist others. Ashley took the initiative to develop a WebEx module to train our new users (and refresh others) on all of the Purchasing functions in ONESolution. This training module allowed employees to view Ashley's screen on their computers as she navigated the step by step process on how to enter a purchase request, process and approve p-card payments, as well as other purchasing functions. This training method allowed employees to participate without leaving their offices.

Year round, Ashley played a key role in the City's receipt of \$70,000 in rebates. Her diligence in reporting the City's usage for BuyBoard contracts and reconciling p-card payments in a timely manner is very valuable. Also, Ashley has been instrumental in the City receiving the *Achievement of Excellence in Procurement* award through the National Procurement Institute for the past five years. One criteria for this award is the use of an electronic, interactive solicitation system. This is demonstrated by online vendor registration, posting, and downloading of solicitations electronically, and posting bid tabulations and award documentation on the City's Purchasing webpage. All of these items are maintained by Ashley.

She is a great asset to the Purchasing team and the City of La Porte team as a whole. She always goes above and beyond to help others. This includes training others in her areas of expertise and pitching in to help city wide events happen.

For her technical expertise and her willingness to help customers and teammates, please join me in congratulating Ashley Lovercheck as our *Employee of the Year for 2019!*

Manager of the Year for 2019
Lt. Doug Ditrich, Police Dept. – Support Services Bureau

Doug Ditrich has served the La Porte community as a member of the Police Department since 2000. He has performed a variety of roles and assignments in his career. He promoted to Sergeant in 2007 and to Lieutenant in 2016. He was nominated and selected as the Manager of the Year for his leadership in the Support Services Division, an assignment he began in late 2018. In this position, Lt. Ditrich has responsibility for six sections of the Department including communications, records, animal shelter & adoption center, community relations/PAR, school resource officers, training, and recruiting. He has oversight of four direct reports, 32 total employees, and the Department's volunteer corp. Coming from primarily an operations background, Lt. Ditrich had some learning curves to overcome in leading the Support Services division and he has met the challenges of the role head on. Some of the more notable accomplishments Lt. Ditrich and his team achieved in 2019 include:

- A transition from the Uniform Crime Reporting (UCR) system to the state mandated National Incident-Based Reporting system. Lt. Ditrich and newly appointed Support Services Supervisor Stacey Lippold learned all they could about the Texas Open Records act and UCR prior to the transition.
- After researching operations of other area municipal animal service centers, Lt. Ditrich found that La Porte's facility was open to the public twice as much as others. While that may sound like a positive, it was placing a significant burden on staff to meet the desired levels of both customer service and animal care. A trial of reduced open hours was proposed, approved, communicated, and implemented. The results have been positive and have allowed staff to work more on animal care and adoption efforts.
- To further increase adoption efforts and in response to the lack of qualified certified animal control officers (ACO), Lt. Ditrich proposed converting a vacant ACO position to an entry level adoption specialist. This not only reduced costs, but provided increased services to the community. ACOs can focus fully on field services, enforcement, and animal care while the adoption specialist primarily provides front desk customer service and collaborative adoption efforts.
- At time when recruiting qualified candidates to the law enforcement profession is proving challenging, Lt. Ditrich and his staff have worked diligently to attract, test, background

check and hire a diverse group of qualified applicants. As a result, the department has been able to maintain near fully staffed levels.

In nominating Lt. Ditrich for this recognition, Assistant Chief Matt Daeumer states: "Lt. Ditrich has shown great leadership ability over the past year. He has accomplished every mission that he was tasked with performing. He mentors all of his employees in order to help them grow in their current position and prepare them for what might come next in their career. He is thorough in his research and his proposals for change to improve processes. I believe that he is indispensable to the Department and the City."

Please join me in congratulating Lt. Doug Ditrich as the Manager of the Year for 2019.

LOUIS RIGBY
Mayor
BRANDON LUNSFORD
Councilperson At Large A
STEVE GILLETT
Councilperson At Large B
DANNY EARP
Councilperson District 1
CHUCK ENGELKEN
Councilperson District 2



BILL BENTLEY
Councilperson District 3
Mayor Pro-Tem
THOMAS GARZA
Councilperson District 4
JAY MARTIN
Councilperson District 5
NANCY OJEDA
Councilperson District 6

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE JANUARY 13, 2020

The City Council of the City of La Porte met in a regular meeting on Monday, January 20, 2020, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Councilpersons present: Louis Rigby, Brandon Lunsford, Steve Gillett, Danny Earp, Chuck Engelken, Bill Bentley, Thomas Garza, Jay Martin, Nancy Ojeda

Councilpersons absent: None

Council-appointed officers present: Corby Alexander, City Manager; Lee Woodward, City Secretary; Clark Askins, Assistant City Attorney

CALL TO ORDER – Mayor Rigby called the meeting to order at 6:00 p.m.

INVOCATION AND PLEDGES – The invocation was given by Clark Askins, Assistant City Attorney, the pledges of allegiance to the U.S. and Texas flags were led by Councilperson Jay Martin.

1. **PUBLIC COMMENTS** (*Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.*)

There were no public comments.

2. **CONSENT AGENDA** (*Approval of Consent Agenda items authorizes each to be implemented in accordance with staff recommendations provided. An item may be removed from the consent agenda and added to the Statutory Agenda for full discussion upon request by a member of the Council present at this meeting.*)

- (a) **Approve the minutes of the meeting held on December 9, 2019. [Mayor Louis Rigby]**
- (b) **Award Sealed Bid #20002 for Main Street Sidewalk Improvements to Brooks Concrete, Inc., and authorize the City Manager to execute a construction contract in the amount of \$270,466.75, and approve a contingency of \$28,000.00, for a total authorization of \$298,466.75 [Ray Mayo, Public Works Director]**
- (c) **Adopt Ordinances Nos. 2020-IDA-102 through 2020-IDA-133, authorizing the execution of Industrial District Agreements with companies in the Battleground and Bayport Industrial Districts, for a twelve-year term beginning January 1, 2020. [Corby Alexander, City Manager]**
- (d) **Award Bid #20006 for the Recreation and Fitness Center roof replacement project to Lessman Roofing and Sheetmetal LLC, authorize the City Manager to execute a construction contract in the amount of \$186,777.13, and approve construction contingency of \$18,678, for a total authorization of \$205,455.13. [Roselyn Epting, Director, Parks and Recreation]**
- (e) **Award Sealed Bid #20005 for LPAWA Transmission Line Valve Replacement to Android Construction Services, LLC, authorize the City Manager to execute a construction contract in the amount of \$78,000.00, and approve a construction contingency of \$7,800.00, for a total authorization of \$85,800.00. [Ray Mayo, Director of Public Works]**
- (f) **Adopt Ordinance 2020-3771 calling the May 2, 2020, general election for the purpose of electing a Councilperson—District 1, a Councilperson—District 6, and a Councilperson-at-large—Position B. [Mayor Rigby]**
- (g) **Approve contract renewal with Superion for a two-year term, for use of the ONESolution ERP system. [Grady Parker, IT Manager]**

Councilperson Engelken moved to approve consent agenda items a, b, and e-g; the motion was adopted, 9-0.

(Councilpersons Earp and Engelken signed Conflict of Interest affidavits and did not participate in this item.)
Councilperson Bentley moved to adopt Ordinances Nos. 2020-IDA-102 through 2020-IDA-133, authorizing the execution of Industrial District Agreements with companies in the Battleground and Bayport Industrial Districts, for a twelve-year term beginning January 1, 2020; the motion was adopted, 6-1, Councilperson Garza voting against.

Councilperson Earp moved to award Bid #20006 for the Recreation and Fitness Center roof replacement project to Lessman Roofing and Sheetmetal LLC, authorize the City Manager to execute a construction contract in the total authorization of \$230,000, and adding that the roof extension will be 24” on all three sides; the motion was adopted, 9-0.

3. PUBLIC HEARINGS AND ASSOCIATED ITEMS

- (a) **The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2020-3770 amending Chapter 106, “Zoning” of the City of La Porte Code of Ordinances in connection with a review and update to Chapter 106, “Zoning”; followed by discussion and possible action to adopt Ordinance 2020-3770. [Ian Clowes, City Planner]**

Mayor Rigby opened the public hearing at 6:13 p.m. Ian Clowes gave a brief presentation, noting tonight’s update was three of the more pressing items considered for revision. Mayor Rigby closed the public hearing at 6:45 p.m. Councilperson Earp moved that the Council adopt Ordinance 2020-3770 amending Chapter 106, “Zoning” of the City of La Porte Code of Ordinances, striking Sections 106-800 (b) Landscaping standards and (c) Screening standards and directing that those sections be returned to the Planning and Zoning Commission for additional review. Councilperson Garza moved to amend the motion to direct that the entire ordinance be returned to the Planning and Zoning Commission for additional review; the motion was not seconded and was not considered. The original motion was adopted, 8-1, Councilperson Garza voting against.

4. STATUTORY AGENDA

- (a) **Presentation, discussion, and possible action to authorize the Mayor to execute an agreement with the La Porte - Bayshore Chamber of Commerce for general promotional and tourist advertising of the City of La Porte, to conduct solicitation and operating programs, and to conduct special programs to contract conventions and visitors, including the establishment and operation by the Chamber of a convention and visitors bureau, in the annual amount of \$165,000.00 for a term of three (3) years beginning on October 1, 2019, and expiring on September 30, 2022. [Jason Weeks, Assistant City Manager]**

(Councilperson Martin signed a Conflict of Interest affidavit and did not participate in the discussion or vote on the item.)
Councilperson Engelken moved to authorize the Mayor to execute an agreement with the La Porte - Bayshore Chamber of Commerce for general promotional and tourist advertising of the City of La Porte, to conduct solicitation and operating programs, and to conduct special programs to contract conventions and visitors, including the establishment and operation by the Chamber of a convention and visitors bureau, in the annual amount of \$165,000.00 for a term of three (3) years, beginning on October 1, 2019, and expiring on September 30, 2022; the motion was adopted, 8-0.

- (b) **Presentation, discussion, and possible action to adopt Ordinance 2019-3758, amending the Council Rules of Procedure and Ethics Policy. [Mayor Rigby]**

Councilperson Garza moved that the ordinance be delayed a month and referred once again to the Committee; the motion was not adopted, 4-5, Councilpersons Bentley, Lunsford, Gillett, and Garza voting in support.

Councilperson Engelken moved to adopt Ordinance 2019-3758, approving the updated City Council Rules of Procedure and Ethics Policy combined document; the motion was adopted, 7-2, Councilpersons Garza & Gillett voting against.

5. REPORTS

- (a) **Receive a report on the Drainage and Flooding Committee meeting. [Councilperson Martin]**
Councilperson Martin reported the Committee had received updates on drainage projects and funding and will meet again February 10.

6. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission meeting, January 16
- Zoning Board of Adjustment meeting, January 23
- La Porte Development Corporation Board meeting, January 27
- City Council Meeting, Monday, January 27
- Fiscal Affairs Committee meeting, March 9

Mr. Alexander said there were no reports.

7. 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.

Councilperson Gillett read his social media post announcing that he would not seek reelection. Councilmembers congratulated the Chamber, expressed regret over Councilperson Gillett's decision and shared appreciation of his service, offered all a Happy New Year, wished Chief Ron Parker the best on his move to Brenham, proposed all City buildings offer a reserved parking space for veterans to show respect, and relayed their pleasure at attending the City Christmas Party and thanked Matt Hartleib and his staff.

8. EXECUTIVE SESSION

(a) The City Council will convene in closed session as authorized by Texas Government Code Section 551.087 for deliberation regarding economic development negotiations to discuss a potential incentive program for a new business.

The Council adjourned into executive session at 7:16 p.m.

9. RECONVENE – Take action on items discussed in executive session, if needed.

The Council reconvened into open session at 7:36 p.m.

ADJOURN – Without objection, Mayor Rigby adjourned the meeting at 7:36 p.m.

Lee Woodward, City Secretary



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>January 27, 2019</u>
Requested By: <u>Mayor Rigby</u>
Department: <u>City Council</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

**Joint Election Agreement and Election Services Contract
LPISD**

with

SUMMARY

The annual Joint Election Agreement and Election Services Contract between the City of La Porte and the La Porte Independent School District is being presented for your approval. The agreement has been approved by the school district.

RECOMMENDED MOTION

I move to approve the Joint Election Agreement and Election Services Contract between the City of La Porte and the La Porte Independent School District for the May 2, 2020, general election and any related runoff election, if required.

**INTERLOCAL AGREEMENT FOR JOINT ELECTION
AND ELECTION SERVICES CONTRACT**

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Agreement is made and entered into by and between the CITY OF LA PORTE, TEXAS (hereinafter "LA PORTE"); and the LA PORTE INDEPENDENT SCHOOL DISTRICT (hereinafter "LPISD").

WITNESSETH:

1. Agreement. This Agreement is made and entered into by LA PORTE and LPISD (together the "parties") under the authority of the Texas Interlocal Cooperation Act, codified as Chapter 791, Texas Government Code, and Chapter 271, "Joint Elections," of the Texas Election Code. The purpose of this Agreement is to establish the procedures, division of responsibilities, and sharing of costs for elections held by the parties and taking place on the May 2020, uniform election date, and any runoff elections stemming from the May 2020, uniform election date.
2. Precincts. A joint election of the parties shall be conducted for the seven (7) election precincts described on Exhibit A attached hereto and incorporated by reference herein. On the May uniform election date, LA PORTE shall conduct elections for itself and LPISD for Precincts 1 through 6, and for LPISD for Precinct 7.
3. Joint Early Voting. The main early voting polling place for the May uniform election date shall be located at La Porte City Hall. Early voting shall be conducted jointly at the La Porte City Hall and at the Instructional Technology Center (ITC Building). The City Secretary of the City of La Porte is hereby appointed as the early voting clerk for the joint early voting. LPISD may receive applications for early voting ballots to be voted by mail in accordance with Title 7 of the Texas Election Code, and shall not later than the next business day after receipt of said application fax, email or courier the applications to the early voting clerk for the joint early voting for processing. The remaining procedures for conducting the applicable political subdivision's early voting by mail shall be completed by the early voting clerk for the joint early voting.
4. Administration of Election by LA PORTE. Each party to this agreement shall conduct its own candidate filings, drawings for places on its ballot, posting and publication of election notices, receipt of campaign finance reporting, and any other actions required of the entity by the Texas Election Code, except as herein provided. LA PORTE shall assume responsibility for the conduct and administration of the joint election on the May uniform election date on behalf of the parties to this Agreement, including to:
 - 1) arrange for printing of ballots;
 - 2) provide election equipment (including, but not limited to, eSlates, electronic voting booths, disabled access units, judge's booth controllers, mobile ballot boxes, Poll Pads, and electronic counting machines);
 - 3) appoint, train, and compensate judges and clerks;
 - 4) conduct early voting at the main early voting polling place, and any branch polling place(s) established by the participating parties;
 - 5) serve as the Central Counting Station to receive all ballots cast in elections held by any of the parties to this Agreement; and
 - 6) arrange for all other matters necessary for the conduct of the elections of the parties to this Agreement.

The Presiding Judge of the Central Counting Station shall prepare the unofficial canvass reports after all precincts have been counted, and shall deliver a copy of the unofficial canvass reports to LA PORTE

and LPISD as soon as possible after all returns have been tabulated. The Presiding Judge shall work cooperatively with the participating parties and ensure that the unofficial canvass reports are delivered promptly and in advance of the meeting designated by each party to officially canvass the results of the election. LA PORTE and LPISD shall each be responsible for the official canvass of their respective elections.

LA PORTE shall arrange and schedule the logic and accuracy testing for the election equipment prior to its use in the election as required by Chapter 127 of the Texas Election Code and shall be responsible for publishing the required public notice of the date, time, and place of the logic and accuracy testing.

The costs and expenses incurred by LA PORTE in administering the election, including the cost of operating the Central Counting Station for processing and tabulating ballots of all parties holding an election, shall be allocated among the parties to this Agreement participating in the election, on a pro-rata basis, as provided in Paragraph 8 of this Agreement.

5. Cancellation of Election. If any party to this agreement cancels its election due to unopposed candidates, pursuant to Section 2.051, et seq., Texas Election Code, that party shall not be responsible for any duties established under Paragraph 4 of this Agreement, and shall have no further obligations under this Agreement after the date of cancellation of the general election, but shall make available jointly-owned election equipment and continue to provide its physical facilities for election-day and early voting polling place activities as provided in this Agreement. Non-canceling parties shall continue to perform their respective obligations under this Agreement.

If LA PORTE is not holding an election on the May uniform election date, but LPISD will be holding an election on the May uniform election date, LPISD shall arrange all matters necessary for the conduct and administration of the election for LPISD for that territory that is within the jurisdictional boundaries of LPISD.

In the event both parties may cancel by law but one party chooses not to cancel, or fails to do so properly, that party must conduct their election and shall arrange all matters necessary for the conduct and administration of such election for that party's territory.

6. Runoff Elections. If LA PORTE is not required to hold a runoff election, but LPISD is required to hold a runoff election as a result of said general election, LA PORTE shall be relieved of the obligation to administer the runoff election for LPISD, and shall make available the jointly-owned election equipment and continue to provide its physical facilities for election-day and early voting polling place activities as provided in this Agreement. LPISD shall arrange all matters necessary for the conduct and administration of the runoff for LPISD for that territory that is within the jurisdictional boundaries of LPISD.

If LA PORTE and LPISD are required to hold a runoff election, LA PORTE will conduct the runoff election for the parties and shall be responsible for all duties established under Paragraph 4 of this Agreement.

7. Sharing of Expenses. Common expenses of the May joint election shall be prorated among the parties incurring and benefiting from such expenditures. Expenses shall include all necessary disbursements, such as ballot printing, programming support and supplies, and compensation of judges and clerks. In each case in which it is responsible for the conduct and administration of the election, LA PORTE shall invoice LPISD as applicable, for their pro-rata portion of such joint expenses, which invoice shall be due and payable within thirty (30) days of receipt thereof. Under the terms of the Texas Election Code, no charge shall be incurred for use of public buildings in the conduct of an election.

8. Ownership of Equipment. It is understood and agreed that in consideration for the two years of capital reimbursement payments already made by LPISD to LA PORTE, LPISD has a forty percent ownership

interest in the election equipment referenced in Paragraph 4 of this Agreement (with the exception of the Poll Pads, in which LPISD has a fifty percent ownership interest), and as such, LPISD shall have an absolute right to access and use said portion of owned equipment in all general and special elections ordered by LPISD, and any required run-off elections, without regard to their date, during the term of this Agreement and continuing even after the expiration of this Agreement.

9. Election Records. LA PORTE shall be responsible for the safekeeping of election records. Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or public information request, LA PORTE shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of LPISD to bring to the attention of LA PORTE any notice of pending election contest, investigation, litigation, or public information request which may be filed with either entity.
10. Recounts. A recount may be obtained as provided by Title 13 of the Texas Election Code. It is understood and agreed that the entity requiring the recount shall be responsible for the supervision of the recount and shall appoint all personnel for the recount. The parties agree to work cooperatively with one another, promptly making available all election records, equipment, and supplies requested by the entity conducting the recount. All costs of the recount shall be borne by the entity requiring the recount.
11. Effective Date. This Agreement shall be effective upon passage by all parties hereto for the May 2020 election, and any necessary runoff elections stemming from the May 2020 general election. This Agreement shall expire on December 31, 2020. This Agreement supersedes any other Agreement existing or in conflict herewith.
12. Approval of Agreement. This Agreement has been approved by the respective governing boards of the parties hereto. Payments hereunder shall be from current revenues available to the paying party.

WITNESS OUR HANDS, effective January _____, 2020.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Clark T. Askins, Assistant City Attorney

LA PORTE INDEPENDENT SCHOOL DISTRICT

Kathy Green

Kathy Green, President, Board of Trustees

ATTEST:

Dennis L. Slater

LPISD Secretary

EXHIBIT A

JOINT ELECTION PRECINCTS

Early Voting – All election precincts, 1-7

City Hall, City of La Porte
604 West Fairmont Parkway
La Porte, Texas, 77571

Instructional Technology Center (ITC Building)
9832 Spencer Highway
La Porte, Texas, 77571

Election day election precincts 1, 2, 3, and 6:

Instructional Technology Building (ITC Building)
9832 Spencer Highway
La Porte, Texas, 77571

Election day election precincts 4 and 5:

La Porte City Hall
604 West Fairmont Parkway
La Porte, Texas, 77571

Election day election precinct 7 (LPISD only):

College Park Elementary School
4315 Luella
Deer Park, Texas



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>January 27, 2019</u>
Requested By: <u>Mayor Rigby</u>
Department: <u>City Council</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	_____
Amount Budgeted:	_____
Amount Requested:	_____
Budgeted Item:	<input type="radio"/> Yes <input type="radio"/> No

Exhibits: N/A

SUMMARY

Following the resignation of Board member Venessa Guerrero, there is an open position on the La Porte Development Corporation Board. The Board consists of seven members, three are members of the City Council.

RECOMMENDED MOTION

I move the appointment of Rachel Cotton to an open position on the La Porte Development Corporation Board of Directors. [*A nomination does not require a second.*]



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: January 27, 2020
Requested By: Kristin Gauthier, Coordinator
Department: Office of Emergency Management
 Report Resolution Ordinance

Appropriation	
Source of Funds:	<u>CIP</u>
Account Number:	<u>015-6054-510-1100</u>
Amount Budgeted:	<u>\$189,000.00</u>
Amount Requested:	<u>\$175,954.40</u>
Budgeted Item:	<input checked="" type="radio"/> Yes <input type="radio"/> No

Exhibits: Sealed RFP #20502 – Whelen Siren Project,
RFP #20502 - Work Breakdown,
RFP #20502 - Public Access Report

SUMMARY

For the Fiscal Year 2019-2020 Budget, City Council approved \$189,000 in General CIP funds for the Whelen Siren Project. As presented during budget discussions, the City has a total of thirteen (13) outdoor warning sirens. Some of the sirens are nearing twenty (20) years of age, have reached their end of life, and are in need of replacement or repair. The goal of this project is to assess the status of each existing siren, and determine what actions need to be taken to ensure the system is working properly. One of the sirens was substantially upgraded in 2018, so staff sought recommendations for the remaining twelve (12) sirens. Also, the approved funding will allow the City to purchase and install an updated encoder/control unit that will allow staff the opportunity to monitor the status of the sirens 24/7 from the La Porte Police Department dispatch center. This will allow the City to quickly identify if there is an issue with one of the sirens, so that it can be addressed in a more timely and effective manner.

Staff advertised and received Sealed Bid Requests for Proposal #20502 – Whelen Siren Project. Bids were opened and read on December 19, 2019. Solicitation requests were advertised in the Bay Area Observer (11/28 & 12/5), and posted on Public Purchase and the City of La Porte website with one (1) vendor responding. The Request for Proposals included a requirement that each responding vendor conduct an assessment of the twelve (12) sirens, and provide recommendations on needed repairs at each location. The City relies on the expertise of authorized Whelen dealers to identify potential maintenance issues and make repairs, when needed. This diagnosis is achieved by the vendor conducting a silent test at each site, which tests the main components of the siren (batteries, amplifiers, speaker drivers, etc.), as well as the siren’s radio. There is a limited number of authorized Whelen dealers in our area, which resulted in the low vendor response for this project. The responding vendor made recommendations based on their assessment conducted for the RFP.

The responding vendor is Crosspoint Communications, an authorized Whelen dealer. This vendor has performed work on the City’s sirens since October 2017. Since that time, staff has been satisfied with

their work performance. Also, Crosspoint Communications provides service to the sirens in the cities of Deer Park and Pasadena, both of which stated they have been satisfied with the vendor’s ongoing work. The vendor anticipates this project will take 3-6 months to complete. The following table shows the work that will be performed at each site, along with the cost.

Siren #	Location	Work to be Performed	Cost (Labor/Materials)
1	1800 E Main St.	Firmware upgrade	\$2,000.00
2	North 10 th & Fairlane	Replace cabinet, 9 speaker drivers and 4 batteries	\$32,524.99
3	Texas Street & East G Street	Replace 9 speaker drivers	\$11,112.14
4	Export Dr. and Powell Road (S 16 th Street)	Replace radio, 3 speaker drivers, 2 amplifiers and logic board	\$8,619.00
5	North L & Valley View Drive	Install new siren, pole, conduit and solar panel	\$61,256.42
6	North L & Big Island Slough	Replace 9 speaker drivers and 2 amplifiers	\$12,182.14
8	25 th Street Water Well Site	Replace 2 amplifiers	\$2,070.00
9	FP Ball Fields (3540 Farrington)	Replace radio, 2 amplifiers, logic board and keyboard	\$4,823.57
10	Canada & Carlow	Firmware upgrade	\$2,000.00
11	S Broadway & Wharton Weems	Replace 9 speaker drivers and 2 amplifiers	\$12,182.14
12	Shoreacres Blvd & Sunrise	Replace 2 amplifiers	\$2,070.00
13	Shoreacres Blvd and East Bayou	Replace radio and 1 amplifier	\$3,714.00
Siren Assessment Fee			\$2,000.00
New Encoder and WeatherWarn Software			\$19,400.00
TOTAL PROJECT COST			\$175,954.40

The goal of this project is to perform work necessary to ensure all sirens are returned to proper working order. The project is not intended to fully replace each siren or serve as a long-term maintenance program. Staff is working to develop plans for a long-term maintenance program, which will be presented to City Council at a later date.

Staff recommends award of RFP #20502 – Whelen Siren Project to Crosspoint Communications in the amount of \$175,954.40.

RECOMMENDED MOTION

I move to approve the award of RFP #20502 to Crosspoint Communications for the Whelen Siren Project in the amount of \$175,954.40.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date

Cover Letter

City of Laporte Tx: Outdoor warning siren proposal

RFP 20502

DUE DATE THURSDAY DECEMBER 19, 2019 DUE @2:00 PM CST

CROSSPOINT COMMUNICATIONS AGREES TO BE BOUND BY THE PROPOSAL SUBMITTED TO
PROVIDE FOR SERVICES SPECIFIED IN THE CONTRACT ATTACHED.

Firm Background

CROSSPOINT COMMUNICATIONS HAS 8 LOCATIONS. WE HAVE BEEN IN BUSINESS FOR 22 YEARS WITH 110 EMPLOYEES. WE ARE A MASTER DISTRIBUTOR OF WHELEN PRODUCTS ALONG WITH BEING A FULL LINE MOTOROLA DEALERSHIP. CROSSPOINT DOES NOT HAVE ANYONE IN OUR ORGANIZATION DIRECTLY ENGAGED IN SOLID WASTE COLLECTION AND DISPOSAL AND RECYCLING PROCESS. THE CROSSPOINT COMMUNICATIONS TEAM LEADERS INVOLVED WITH THIS PROJECT WILL BE THE FOLLOWING WITH EXPERIENCE:

TERRY EAVES (SERVICE MANAGER) YEARS OF EXPERIENCE 25 YEARS

JEFF LOTH (SERVICE TECHNICIAN) YEARS OF EXPERIENCE 20 YEARS

ROBERT GOLIGHTLY (SERVICE TECHNICIAN) YEARS OF EXPERIENCE 20 YEARS

MIKE CAMPOS (SERVICE TECHNICIAN) YEARS OF EXPERIENCE 2 YEARS

SAM SHIMFESSEL (SALES MANAGER) YEARS OF EXPERIENCE 25 YEARS

Financial Information

UPON AWARD OF THE PROJECT AND WITH A NON-DISCLOSURE AGREEMENT SIGNED BY THE CITY OF LAPORTE CROSSPOINT WILL AGREE TO SUBMIT FINANCIAL STATEMENTS FOR THE PAST 5 YEARS ALONG WITH THE PRINCIPAL OWNERS.

Experience and References

LOCAL REFERENCES:

CITY OF DEER PARK CONTACT KELLIE BASS 281-479-1511 kbass@deerparktx.org 2911 Center Street Deer Park, TX
77536

CITY OF PASADENA CONTACT CLINT DEVILLER 713-475-7271 cdevillier@pasadenatx.gov 1149 Ellsworth Drive Pasadena, TX
77506

Base Proposal

Pricing Proposal to RFP

		Unit Price	Extended Price
Item 1	Assessment Fee per location	<u>\$166.67</u>	<u>\$2,000.00</u>
Item 2	Proposed Cost to restore to full capacity		
Siren 1	1800 E. Main, Morgan's Point		
	Material	<u>\$1,600.00</u>	<u>\$1,600.00</u>
	Labor	<u>\$400.00</u>	<u>\$400.00</u>
Siren 2	North 10 th and Fairlane		
	Material	<u>\$21,455.00</u>	<u>\$21,455.00</u>
	Labor	<u>\$11,069.99</u>	<u>\$11,069.99</u>
Siren 3	Texas Street and East "G" Street		
	Material	<u>\$8,685.00</u>	<u>\$8,685.00</u>
	Labor	<u>\$2,427.14</u>	<u>\$2,427.14</u>
Siren 4	Export Dr. and Powell Road (S. 16 th St.)		
	Material	<u>\$7,619.00</u>	<u>\$7,619.00</u>
	Labor	<u>\$1000.00</u>	<u>\$1000.00</u>
Siren 5	North "L" Street and Valley View Dr		
	Material	<u>\$39,865.00</u>	<u>\$39,865.00</u>
	Labor	<u>\$21,391.42</u>	<u>\$21,391.42</u>
Siren 6	North "L" Street and Bid Island Slough		
	Material	<u>\$9,755.00</u>	<u>\$9,755.00</u>
	Labor	<u>\$2,427.14</u>	<u>\$2,427.14</u>
Siren 8	25 th St. Water Well Site		
	Material	<u>\$1,070.00</u>	<u>\$1,070.00</u>
	Labor	<u>\$1,000.00</u>	<u>\$1,000.00</u>
Siren 9	Fairmont Park Ball Fields (3540 Farrington Street		
	Material	<u>\$3823.57</u>	<u>\$3,823.57</u>
	Labor	<u>\$1,000.00</u>	<u>\$1,000.00</u>
Siren 10	Canada and Carlow		
	Material	<u>\$1600.00</u>	<u>\$1600.00</u>
	Labor	<u>\$400.00</u>	<u>\$400.00</u>
Siren 11	S. Broadway and Wharton Weems Blvd.		
	Material	<u>\$9,755.00</u>	<u>\$9,755.00</u>
	Labor	<u>\$2,427.14</u>	<u>\$2,427.14</u>
Siren 12	Shoreacres Blvd. and Sunrise		
	Material	<u>\$1,070.00</u>	<u>\$1,070.00</u>
	Labor	<u>\$1,000.00</u>	<u>\$1,000.00</u>
Siren 13	Shoreacres Blvd. and East Bayou		
	Material	<u>\$3,214.00</u>	<u>\$3,214.00</u>
	Labor	<u>\$500.00</u>	<u>\$500.00</u>

Encoder	Material	<u>\$2,000.00</u>	<u>\$2,000.00</u>
	Labor	<u>\$400.00</u>	<u>\$400.00</u>
Weatherwarn Software	Material	<u>\$17,000.00</u>	<u>\$17,000.00</u>
Sub Total All Locations			\$ \$ <u>175,954.40</u>

Equipment Listing

SEE ATTACHMENT

WPS2909 Nine Cell



Mass Notification Warning Product

Whelen's Mass Notification WPS2900 Series omni-directional voice product delivers clear, powerful voice communication.

SYSTEM FEATURES

- **WPS2909** – Nine omni-directional speaker cells assembled in a vertical column
- Three compartment (Type III) natural finish aluminum or stainless steel cabinet
- Speaker cell includes nine high efficiency 400 watt EZ-PULL™ speaker drivers
- 50' (15.24m) cable included
- Pole top mounting bracket included
- Public address and pre-recorded voice message capability
- AC temperature compensated "tri-mode" 10 amp battery charger
- Local or remote controls available
- Battery powered
- Nine power amplifiers
- Electronic controller
- Tone Generator Timer
- Local control push-buttons
- Battery switch
- **RDVM1G** – digital voice 1-28 message capable
- **SI TEST**®
- **SLIDEOUT**™ battery tray
- Lightning arrester
- Six standard warning tones – Wail, Whoop, Alert, Attack, Hi-Lo, Airhorn

SYSTEM OPTIONS

- **Solar option** – Two each 80 watt panels, with brackets and solar regulator
- **Batteries** – Four each Delco S2000 or Interstate Workaholic 31-MHD Batteries. Check Whelen's web site, www.whelen.com, for other recommended batteries
- **Microphone** – for use at the cabinet (locally) or at the control point (remotely)
- **VisuAlert**™ – Omni-Directional visual warning Model **VALERT*** for 2900 Series
- **L31H*F4** – Top mount high dome beacon for 2900 Series, 24 VDC

ACTIVATION CONTROLS

Our VHF and UHF radio narrow-band control packages feature Whelen protocol COMM/STAT™ and include the following:

- Radio
- Radio interface
- Tone or digital squelch
- 3-5 dB gain omni-directional antenna with bracket
- 35' (10.67m) of RG58 antenna cable
- Polyphaser
- SI TEST
- Low battery alarm (two-way only)

Other features are dependent upon one or two-way controls. Whelen equipment can be interfaced with many different types of two-way radio communications products and systems, from ACE, MOSCAD and FSK.

The following is available as standard options. **BOLD BLUE** indicates the Whelen Model:

ONE-WAY CONTROLS

- **AUXIN** – Auxilliary board for contact closure activation
- **D2030LL** – 10 digit DTMF Landline
- **D2030NV** – 10 digit DTMF VHF High-Band Narrow-Band/138-174MHz
- **D2030NU** – 10 digit DTMF UHF Narrow-Band /450-470MHz
- **WPS TT** – Two-tone sequential option (one-way radio package must be ordered from above options)

TWO-WAY CONTROLS

- **AUXCS** – Two-way contact closure activation and status board
- **C2030LL** – Two-way landline activation
- **C2030NV** – 10 digit DTMF VHF High-Band Narrow-Band/138-174MHz
- **C2030NU** – 10 digit DTMF UHF Narrow-Band /450-470MHz

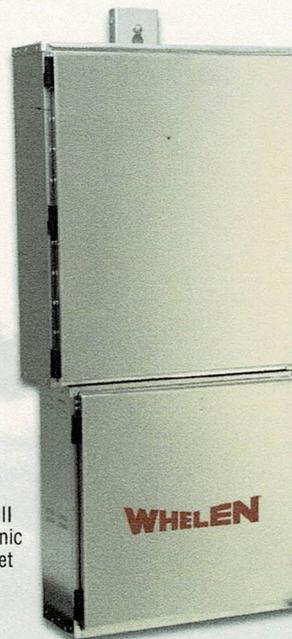
OPTIONS

- **STATUS** – Cabinet window LED status indicator
- **PGINT** – Paging interface
- **INTRUWPS** – Intrusion alarm

Optional VALERT

Solar SBC280 option

Type III Electronic Cabinet



WPS2909 Nine Cell



Specifications

Component	Height Inches (CM)	Width Inches (CM)	Depth Inches (CM)	Weight Lbs. (kg)
WPS2909 Speaker	118.0 (299.72)	33.4 (84.84)	-	535 (242.67)
Electronics Cabinet Type III (Aluminum)*	74.5 (189.23)	33.2 (84.33)	12 (30.5)	233 (105.7)
Pole Top Bracket	30.5 (77.47) (with top plate)	12.0 (30.5) x 13.5 (34.3)	See Drawing	71 (32.20)

Batteries add 230 lbs. (104.32 kg) *Stainless cabinet option adds 80 lbs. (36.29 kg)
Pallets, boxes and skids add weight. Check with Whelen if a freight quote is needed.

Electrical

- **Battery Charger Input:** 120 VAC, 60Hz, 7A fuse (240VAC 50/60 Hz available)
- **Battery Charger Output:** 28 VDC, 10A (nominal)
- **Batteries:** (4) 12V, 115AH lead calcium
- **Standby Current:** 82mA, 24VDC
- **Operating Current:** 199A, 24VDC
- **Power Amplifier Output Power:** Tone: 3600 watts, Voice: 4500 watts

Environmental

- **Operating Temperature:** -35°C to +60°C
- **Storage Temperature:** -65°C to +125°C
- **Humidity, Non Condensing:** 0 to 95%

Ordering Information

BASIC SYSTEM INCLUDES THE FOLLOWING

- **WPS2909** – Speaker assembly with 50' (15.24m) cable & electronics cabinet with all the standard components including voice board for 1-28 pre-recorded messages and Pole Top Bracket

OPTIONS

- **AUXIN** (one-way) / **AUXCS** (two-way) – Auxiliary boards for contact closure activation
- **D2030LL/D2030NV/D2030NU** – One-way controls
- **C2030LL/C2030NV/C2030NU** – Two-way controls
- **WPSTT** – Two-tone sequential
- **STATUS** – Cabinet window LED status indicator
- **PGINT** – Paging interface
- **INTRUWPS** – Intrusion alarm (two-way only)
- **MSGPROG** – Custom pre-recorded messages
- **MSGPROGL** – Whelen library messages
- **WPSNCMIC** – Microphone for public address use at the cabinet
- **WPSBATT** – One pair of Whelen approved batteries
- **RTM** – Roof top mount
- **SBC280** – Solar option

OPTIONAL LIGHTING ACCESSORIES

- **VALERT*** - VisuAlert™ lighting accessory
- **L31H*F4** – L31 LED, 24VDC
- **LCWPS** – LED controller with mounting plate, hardware and harnessing for L31
- **LEDCTRL** – LED controller only

* Specify color A=Amber, B=Blue, R=Red, C=White/Clear

Acoustic Performance

Wattage: 3600 watts

Estimated 70dB Range: 5,800 ft / 1768 m

Weather, terrain and other structures may impact the range. Each siren within the system may have a decreased or increased range depending on conditions beyond our control.

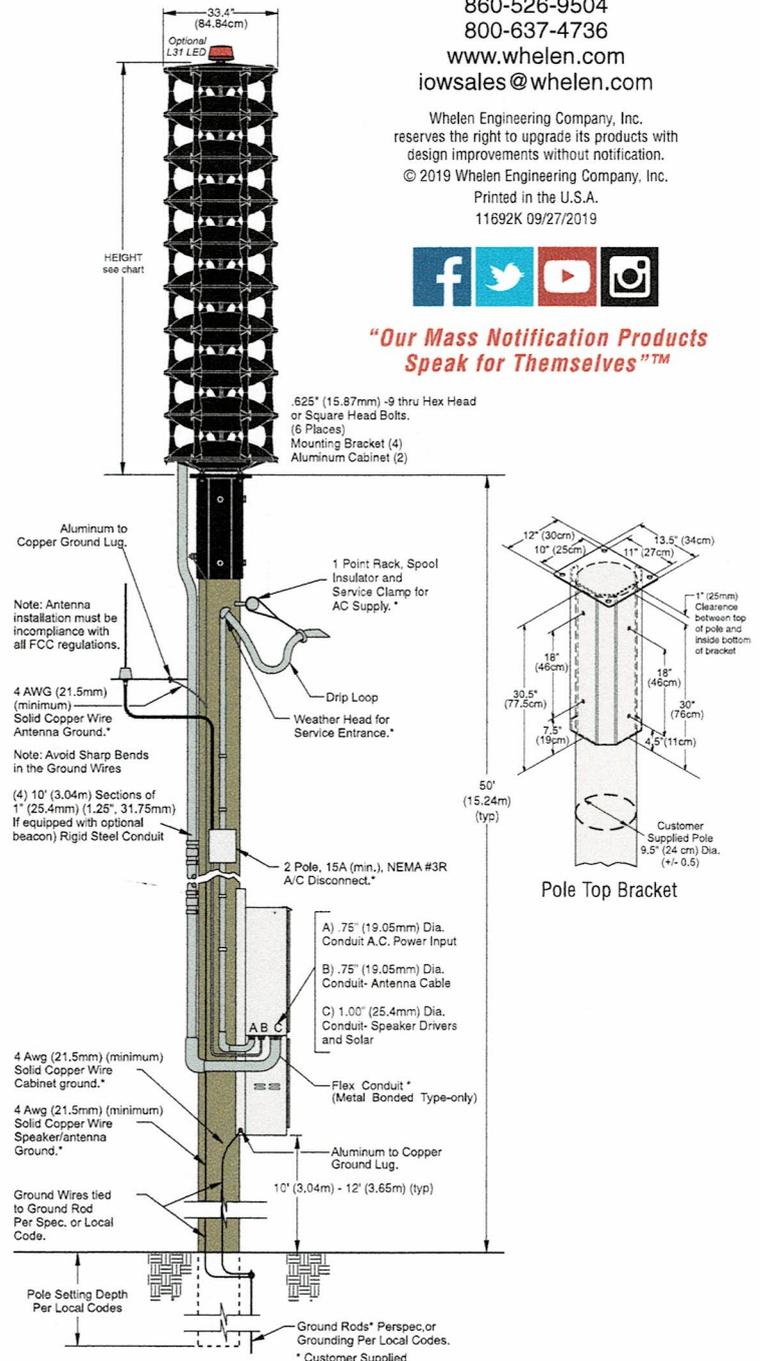
MASS NOTIFICATION PRODUCTS

Whelen Engineering Company, Inc.
51 Winthrop Road
Chester, Connecticut 06412-0684
860-526-9504
800-637-4736
www.whelen.com
iowales@whelen.com

Whelen Engineering Company, Inc. reserves the right to upgrade its products with design improvements without notification.
© 2019 Whelen Engineering Company, Inc.
Printed in the U.S.A.
11692K 09/27/2019



"Our Mass Notification Products Speak for Themselves"™



WARNING: This product may contain chemicals known to the State of California to cause cancer and birth defects or other reproductive harm. For more information, visit whelen.com/regulatory.

E1000 CENTRAL STATION CONTROL



Activation Control

Control and monitor your Mass Notification product from a central location. The E1000 allows the user to issue system activations and collect remote siren status via RF link or landline.

Features Whelen's field proven COMM/STAT™ Command and Status Monitoring protocols. For fast, secure, and reliable communication.

The E1000 supports all of the features that are available in Whelen's high-powered Voice and Siren product line, from individual command selection to user programmed command scenarios or call keys. With the selection of one call key, an operator may prompt the encoder to issue multiple commands.

With the included computer accessory software, you can connect the E1000 to a PC for Windows® based programming and data archiving.

E1000 FEATURES

- 16 row by 40 character backlit LCD display
- 20 "HOT" call keys
- 4 time of day call key activations
- 2 remote input call keys

- Automatic system polling
- Base radio interface
- Channel grant input for trunking radio systems
- Super Capacitor back-up for time and date
- Rugged membrane keyboard
- Microphone for live public address
- Computer interface USB
- Speaker driver/amplifier status availability
- 28 RDVM message capability
- 24 hour clock, day of the week, month, date, year, and stand-by message displayed when encoder is not in use
- May be used for mobile applications

COMPUTER INTERFACE FEATURES

- CD-ROM and USB cable included
- Designed to communicate over a USB port with the E1000
- Enables user to make configuration changes to the E1000
- Extracts current configuration
- Records a log file of activity



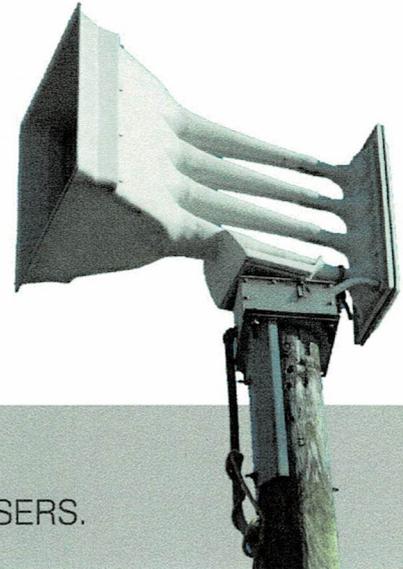
EMERGENCY NOTIFICATION



A COMPLETE WARNING TO PROTECT YOUR MOST VALUED ASSETS.

In the time of crisis, or impending emergency, seconds count. With RapidWarn, our simple and easy to use interface provides operators a quick path to initiating an alert.

RapidWarn's approach is to combine the very best of hardware and software in an effort to leverage existing systems and provide a complete notification process. Support of multiple activation technologies also extends capabilities to operators in the field or closest to the emergency.



RAPIDWARN IS AFFORDABLE, DYNAMIC AND MOST IMPORTANTLY, COMPREHENSIVE IN ITS REACH TO END USERS.

SMS TEXT ALERT

- Automatically provide SMS texts
- Trigger based on National Weather Service or other specific actions
- Manually input SMS/text messages to send

EMERGENCY RADIO SYSTEM BROADCAST

- Broadcast recorded emergency messages over two way radio system
- Send text messages to MotoTrbo radios (individual or group radio IDs)

INDOOR AUDIBLE/VISUAL WARNING

- Integrate to new or existing PA or speaker system
- Voice, tone and/or strobe lighting
- Activate messages based on existing or impending event
- Opt-in or opt-out database registration

WARNING AND ALERT DEVICES

 TABLET	 PUSH NOTIFICATIONS	 RADIO	 TEXT MESSAGE	 BEACON
 OUTDOOR SIREN	 MESSAGE BOARD	 LAND LINE	 DESKTOP ALERTS	 CAP INTERFACE
 EMAIL	 SOCIAL MEDIA	 CELL	 PA SYSTEM	 CALL BOX

RAPID WARN® ACTIVATION METHODS



PUSH
BUTTON



I/O
OR PLC



CAP
INTERFACE



PHONE



MOTOTRBO
DIGITAL RADIO



NATIONAL
WEATHER SERVICE

NATIONAL WEATHER SERVICE

- Automatically trigger warning scenario to any combination of devices
- Filter specific weather data for weather that will only effect your facility

PUSH BUTTON

- Simplify activation with push button
- Hardwire or use ethernet or radio for remote pushbutton activation
- Manually input SMS/text messages to send

MOTOTRBO DIGITAL RADIO

- Simple pushbutton from any programmed handheld radio from within the facility

RapidWarn supports a variety of remote client connectivity which allows network activation. With the full version, workstations can become full activation points while the miniversion would allow limited access to a simple list of emergency scenarios.

All access is documented based on IP address and activations can be password protected on a peruser basis.

Additionally, with a fully developed bi-directional API, RapidWarn can send and receive information from 3rd party software. This allows for extensive product integration which creates a cost savings by leveraging existing systems for maximum effectiveness.



A COMPLETE WARNING SYSTEM TO
PROTECT YOUR MOST VALUED ASSETS.

RAPID
WARN®



Customer Satisfaction Program

Crosspoint Communications takes a service first approach for its customers. With over 40 technicians located throughout Texas, Colorado, and Arizona Crosspoint communications is able to handle the service needs of its customers located in those areas. Crosspoint communications has 5 technicians in the Houston area and has one 40 ft bucket truck, which positions them to be able to service sirens throughout the Houston area. Turn around time for equipment at Whelen is normally one to two weeks. Upon a signed maintenance agreement Crosspoint communications will have the ability to respond within agreed upon timeframes to service the City of LaPorte Texas. For after hours and regular service work please contact 844-276-7703.

List of Recently Disposed and Pending Litigation

N/A

History of Regulatory Compliance

N/A

E1000 CENTRAL STATION CONTROL

WHELEN®

Specification Data

GENERAL

The E1000 is configured to make maximum use of call keys or pre-programmed scenarios. In addition, commands are grouped into easy to follow categories for warning tones, digital voice messages, speaker rotor direction (if applicable), test, and status. A numeric keypad section allows for individual remote addressing.

A 16 row by 40 character LCD display shows all keyboard and status activity. Command and status information can also be sent to E1000 USB port.

All pre-programmed functions are stored in non-volatile memory. Time and date are protected by a maintenance free internal super capacitor that never needs to be replaced.

COMPUTER REQUIREMENTS

- Intel Pentium 4 processor
- Microsoft Windows Vista, Windows 7, Windows 8, Windows 10
- 512 MB of RAM (1GB recommended)
- 10MB of available hard disk space

Additional Prerequisites

- Windows Installer 3.1
- NET Framework 3.5

COMMUNICATIONS

Transmitter Connection:

- Squelch
- Push to Talk (PTT) (normally open contacts)
- Transmit audio, 600 Ohm transformer coupled
- Receive audio, 600 Ohm transformer coupled
- Channel grant active (for trunking)

Signaling:

DTMF 2 of 8 format
10 digit transmit
14-18 digit receive

Tone level:

DTMF audio level adjustable
PA Mic audio level adjustable

Transmitter Delay:

User selectable delay times

DIMENSIONS

Height: 3"
Width: 11"
Depth: 8"
Weight: 1.8 lbs (0.82 kg)

ELECTRICAL SPECIFICATIONS

Input Power:

- 120VAC UL® listed wall mount transformer
- 12VDC nominal, 185mA typical, 300mA maximum

ENVIRONMENTAL

- Operating temperature, 0°C to +60°C
- Storage temperature, -20°C to +60°C
- Humidity, 0-95%, non-condensing

AUDIO

- 2-wire, 600 Ohm transformer coupled, adjustable

CONTROL

- Normally open relay for Push to Talk
- Contact rating:
½A @120VAC,
1A @24VDC

REAR PANEL

DTMF Tone Level:

Variable, 0-4 Vpp

Microphone Volume:

Variable, 0-6 Vpp

Microphone Jack:

Ground, signal, PTT

Relay Closure Output (PTT):

½A @120VAC, 1A @24VDC

Connectors:

Two part, screw terminal, Phoenix brand, or equivalent

MASS NOTIFICATION PRODUCTS

Whelen Engineering Company, Inc.

51 Winthrop Road
Chester, Connecticut 06412-0684
860-526-9504
800-637-4736
www.whelen.com
iowsales@whelen.com

Whelen Engineering Company, Inc. reserves the right to upgrade its products with design improvements without notification.
© 2019 Whelen Engineering Company, Inc.
Printed in the U.S.A.
13061C - 09/27/19

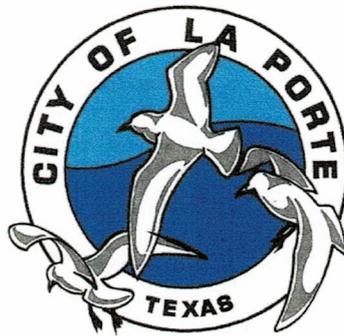


*"Our Mass Notification Products
Speak for Themselves"™*

 **WARNING:** This product may contain chemicals known to the State of California to cause cancer and birth defects or other reproductive harm. For more information, visit whelen.com/regulatory.

**REQUEST FOR PROPOSALS
FOR
Whelen Siren Project**

RFP #20502



DUE DATE: December 19, 2019 @ 2:00 pm CST

CITY OF LA PORTE
604 W. Fairmont Parkway
La Porte, Texas 77571
281-471-5020
www.laportetx.gov



City of La Porte

Established 1892

Purchasing Department

Cherell Daeumer, Purchasing Manager

Invitation to
Request for Proposal #25202 – Whelen Siren Project

required for use by

The City of La Porte Emergency Operations Center

issued by

City of La Porte Procurement Division Office
604 W. Fairmont Parkway, La Porte, Texas 77571
Phone: 281-470-5126 Fax: 281-470-5127

Information: Forms furnished by the City of La Porte may be obtained without deposit from PublicPurchase.com; the Purchasing Division Office located at 604 W. Fairmont Pkwy, La Porte, TX 77571; or, by emailing purchasing@laportetx.gov.

Proposal Opening Date: Thursday, December 19, 2019

Proposal Opening Time: 2:00 p.m., Central Standard Time

Proposal Receiving Location: City Hall Information Desk, 604 W. Fairmont Parkway, La Porte, Texas 77571. Sealed Bids must be received no later than date and time stated above. The bids will be opened and read immediately after the closing hour on said date.

Sealed Proposals must be received at one of the above no later than date and time stated above. The proposals will be opened immediately after the closing hour on said date and only the names of those submitting proposals for consideration will be publicly read.

Pre-Proposal Conference: No pre-proposal conference will be held.

No late proposals will be considered

Proposals must be submitted on the City's forms and should clearly state the Request for Proposal number and name.



Responsive Proposal Checklist

The following documents must be included for your proposal to be considered responsive:

- Bid Execution Page (appropriate for respondents' form of business organization (e.g., sole proprietorship, corporation, partnership or joint venture) **(REQUIRED)**)
- Pricing Proposal Form **(REQUIRED)**
- Insurance Requirements **(REQUIRED UPON AWARD)**
- Conflict of Interest Questionnaire **(REQUIRED)**
- House Bill 89 Verification Form **(REQUIRED, as applicable)**
- Form 1295 **(REQUIRED UPON AWARD)**
- Bond Forms **(REQUIRED UPON AWARD)**
- Required submittals **(REQUIRED)**

PLEASE SELECT AND COMPLETE ONLY ONE OF THE BID EXECUTION FORMS THAT FOLLOW. COMPLETE ONLY THE FORM THAT APPLIES TO YOUR BUSINESS TYPE

1.A Bid Execution By a Corporation

The undersigned, hereby acknowledges having received Solicitation Number RFP#20502 containing a full set of Contract Documents, including but not limited to, 1) Requirements for Bidding and Instructions to Bidders, @) Standard Terms and Conditions - General Conditions, 3) Special Conditions, 4) Contract Plans or Drawings (if applicable), 5) Detailed Specifications, 6) Proposal Pages, 7) Certifications and 8) Addenda Nos. (none unless indicated here)

and affirms that the corporation shall be bound by all the terms and conditions contained in the Contract Documents regardless of whether a complete set thereof it attached to this proposal or bid, except only to the extent that the corporation has taken express written exception thereto in the sections of this solicitation designated for that purpose.

Under penalty of perjury, the undersigned: (1) warrants that he/she was authorized to submit this execution page on behalf of the Disclosing party; (2) warrants that all certifications and statements contained in the execution pages are true, accurate and complete as of the date the execution page was submitted; and (3) further warrants that, as of the date of submission of this solicitation there have been no changes in circumstances since the date that the Execution page was submitted that would render any certification in the execution page false, inaccurate or incomplete.

Furthermore, the undersigned being duly sworn, deposes and says on oath that no disclosures of ownership interests have been withheld and the information provided therein to the best of its knowledge is current and the undersigned has not entered into any agreement with any other Bidder (proposer) or prospective Bidder (proposer) or with any other person, firm or corporation relating to the price named in this proposal or any other proposal, nor any agreement or arrangement under which any act or omission in restraint of freedom of competition among Bidders (proposers) and has not disclosed to any person, firm or corporation the terms of this bid (proposal) or the price named herein.

Proposals must be submitted with original signatures in the space provided. Proposals not properly signed will be rejected.

SIGNATURE OF PRESIDENT*: Craig Sikes
(Or Authorized Officer) (Print or Type) (Signature)
TITLE OF SIGNATORY: Vice President
BUSINESS ADDRESS: 501 Duncan Perry Rd, Arlington TX 76011
(Print or Type) (Print or Type)

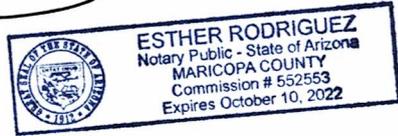
*Note: In the event that this bid (proposal) is signed by other than the President, attach hereto a certified copy of that section of Corporate By-Laws or other authorization, such as a resolution by the Board of Directors, which permits the person to sign the offer for the Corporation.

ATTEST: Craig Sikes
(Corporate Secretary Signature) (Affix Corporate Seal)

State of Arizona County of Maricopa

This instrument was acknowledged before me on this 18 day of December, 2019 by Craig Sikes as President
(or other authorized officer) and [Signature] as Secretary of Dfw Communication Inc dba (essport communications) (Corporation Name).
(Seal)

Esther Rodriguez
Notary Public Signature Commission Expires: 10/10/22





OVERVIEW

SCOPE OF SERVICES

The City of La Porte invites qualified firms to submit proposals for the Whelen Siren Project as described within this RFP. Services are to be performed within the City Limits of La Porte. The initial Contract period will be one (1) year. The Contract may be renewed for two additional consecutive (1) year terms upon mutual written agreement of both parties.

The failure or omission of any Proposer to receive and examine any form, instrument, addendum or other document or to acquaint himself with conditions existing, shall in no way relieve him of any obligations with respect to this Proposal or the Contract. The City of La Porte shall make all such documents available to the Proposers.

BACKGROUND

The City of La Porte, located in Harris County, installed the original solar powered Whelen siren system in 1987. Since the year 2000, the City has replaced one siren within the system annually, with Whelen sirens continuing to be the standard. With this annual replacement approach, some of the existing sirens are nearing twenty years old.

OBJECTIVE

The City is seeking proposals whereby the provider shall assess and make recommendations for each siren location included within the scope to ensure that all city sirens are working a full capability.

Additionally, the existing Whelen encoder (E-2010) shall be replaced with the most recent production model of a controller allowing for advanced activation and monitoring of the siren system. At a minimum, the new controller shall allow for real-time diagnostics.

SCOPE OF WORK:

The siren location included within this project scope are as follows:

Siren No.	Address/Location
1	1800 East Main, in Morgan's Point
2	North 10th and Fairlane
3	Texas Street and East "G" Street
4	Export Dr. and Powell Road (South 16th St.)
5	North "L" Street and Valley View Dr.
6	North "L" Street and Big Island Slough



Siren No.	Address/Location
8	25th St. Water Well Site
9	Fairmont Park Ball Fields (3540 Farrington Street)
10	Canada and Carlow
11	S. Broadway and Wharton Weems Blvd.
12	Shoreacres Blvd. and Sunrise
13	Shoreacres Blvd. and East Bayou

Note: Siren number 7 was just replaced, and shall not be included in the assessment.

Recommendations shall include repairs or replacement (including all labor, materials and shipping costs); encoder replacement (with upgrade to include activation, monitoring, and real-time diagnostics reporting)

Required information (to be included in the proposal):

Respondents are required to submit their proposals as follows:

Sealed proposals will be submitted including one (1) electronic format on a USB, and one (1) original.

• Cover Letter

Include a cover letter transmitting the proposal to the City of La Porte, indicating the information included above (title, proposal number and opening time and date). In addition, the cover letter must indicate that the proposer's company agrees to be bound by the proposal submitted to provide for the services specified in the Contract.

If the proposal represents offerings to be made by different firms or organizations, the City of La Porte will do business only with the proposer and will require the proposer's organization to assume responsibility for the total project. An authorized official of the proposer's organization must sign the proposal. Power of Attorney authorizing agent or others to sign the proposal must be certified in writing.

• Firm Background

Provide a brief description and history of the firm including current size, and how many persons in the firm are directly engaged in solid waste collection and disposal and recycling processing. Also include the names, qualifications, years of experience and other detailed background information of the local management team directly responsible for local operations.

• Financial History

Provide audited financial statements for the past 5 years, list major stockholders/principal owners, list principal corporate officers and provide annual report to shareholders, if available/applicable.



The information requested in this section is for the proposer's parent company. It is not required that the proposer provide this information for local operations, although such information would be helpful in the overall assessment of the proposal.

• **Experience and References**

Discuss the firm's prior service experience in providing the proposed service to other organizations of comparable size. Provide a list of all municipal customer contracts in Texas where such services were provided. References must include the organization's name, address, and contact name and telephone number **and email address**.

• **Base Proposal**

Rates must be provided on the sheets provided in the Bid Proposal for the services and conditions specified in the Contract (Attachment "A") as written. Proposals must be submitted for the three-year (3) contract. Base rates shall include all associated with the assessments, repair and/or replacements of equipment associated with this project as well as your approach to achieve the annual results and meet all applicable requirements.

Equipment Listing

Proposers must provide a detailed listing (with specifications including weight) of all equipment used for the proposed provision of these services.

• **Customer Satisfaction Program**

Provide a detailed description of customer service approach, plan and program including number of customer service personnel, turn-around time on customer service center location, customer service phone policies, a contingency plan in case of a strike and any other pertinent and applicable information.

• **List of Recently Disposed and Pending Litigation**

Provide the style and cite of any current pending litigation and any litigation settled or disposed within the past two (2) years against the proposer, as it pertains to Texas Contracts including its parent, sister or subsidiary companies.

• **History of Regulatory Compliance**

Provide a list of any current pending administrative orders or violations of federal, state and local, laws, rules and codes for which the proposer has been cited, punished or reprimanded, including its parent, sister or subsidiary companies. Also include any violations settled or disposed of within the past three-(3) years.



ARTICLE 5 Evaluation and Award:

Evaluation and Award:

Any contract award as a result of this RFP will be made to the responsible offeror whose proposal is determined to be the most advantageous to the City of La Porte considering the relative importance of price and the criteria as listed below:

Cost	(35 Points)
Qualifications and Experience	(30 Points)
Past Performance/References	(20 Points)
Project Approach/Customer Service Plan	(15 Points)

The City of La Porte does not guarantee that any contract will be awarded as a result of this RFP. During the evaluation process, the City may, at its discretion, request any one or all respondents to make oral presentations. Such presentations will provide respondents with an opportunity to answer any questions the evaluators may have on a proposal. Not all respondents may be asked to make such oral presentations.

The City reserves the right to conduct interviews with respondents prior to selection. The City will not be liable for any costs incurred by the proposer in connection with such interview (i.e., travel, accommodations, etc.).

The City reserves the right, without prejudice to reject any or all proposals, and in its sole discretion, to accept the proposal it considers most favorable to the City's interest. The City further reserves the right to reject all proposals and seek new proposals when such procedures are reasonable and in the best interest of the City



INFORMATION AND COMPLIANCE

Posting of Invitation to Proposal Opening:

1. The City of La Porte ("the City") provides solicitation packages containing various documents that require completion by the offeror. This information must be completed prior to the date and time set for the bid opening and shall be included with the returned solicitation documents in order to be considered a responsive Offer.
2. Bids are to be prepared and submitted in accordance with the provisions herein. Failure to do so may result in rejection of the bid. Bids must be prepared and submitted only on the forms provided within the solicitation package. Where a signature is required, an authorized representative of the bidder must do so. Evidence as to such authority may be required.
3. If required by the solicitation documents, bid security shall be submitted with the offer. Any response submitted without the required bond, payment bond, or cashiers/certified check, shall be considered non-responsive and shall not be considered for award. Performance and/or payment bonds, when required shall be submitted to the City, prior to commencement of any work pursuant to the contracting requirements and process.
4. Solicitation packages are typically provided at no cost. If a fee is to be charged it will be so stated in the Invitation to Bidders.
5. The City will not be liable for any costs associated with the preparation, transmittal or presentation of any solicitation submission or materials submitted in response to any solicitation.
6. The primary way to obtain solicitation documents is by downloading them from the City's third party provider, PublicPurchase.com.

6.1 Bidders are solely responsible for obtaining all Bid Documents, including forms, clarifications, drawings, and Addenda. Bidders are solely responsible for checking Public Purchase while the bid is active for clarifications, supplemental instructions, forms and/or addenda regardless of how the bid documents are obtained. The City will ONLY publish this information on Public Purchase and will not be responsible for a bidder's failure to obtain or include additional information provided on Public Purchase.



6.2 If a prospective bidder is unable to download the solicitation documents by registering at PublicPurchase.com or by other electronic means, these documents are available by contacting the Purchasing Division Office located at 604 W. Fairmont Parkway, La Porte, Texas 77571. Telephone 281-470-5126; FAX 281-470-5127.

6.3 Plans and drawings may only be available on CD or USB. In this case, the device may be picked up from the issuing office or by contacting the Purchasing Division with an account number for pre-paid courier pick up.

7. All bid forms must be completed in ink, or typewritten. Bidders may not change any of the documents provided within the bid. Any change made may result in rejection of the bid, and will not be binding upon the City.

If a bidder either electronically scans, re-types or in some other way reproduces the City's published solicitation package, then in the event of a conflict between the terms and provisions of the City's published bid specifications, or any portion thereof, and the terms and provisions of the offer, the City's bid specifications as published shall control. Furthermore, if an alteration of any kind to the City's published bid specifications is only discovered after the contract is executed and is or is not being performed, the contract is subject to immediate cancellation.

**BIDDERS ARE SOLELY RESPONSIBLE FOR OBTAINING ALL BID DOCUMENTS,
INCLUDING CLARIFICATIONS AND ADDENDA**

8. References made to a specific manufacturer or trade name in this solicitation is intended to be descriptive and not restrictive and to establish a desired quality level of merchandise or to meet a pre-established standard because of existing like items that have been previously deemed satisfactory by the City.

Alternate product(s) bid from those specified in this solicitation must include a detailed explanation and documentation to support how the alternate items proposed by the bidder can perform as well as or better than those specified. If no alternate is proposed, and accepted by the City, the Bidder will be required to provide the specific item(s) described in the specifications. No substitution of items will be allowed except as otherwise noted within the specifications.



Acceptable documentation to support proposed alternate items may include, but is not limited to:

- Product identification, including manufacturer's name and address
- Manufacturer's literature identifying the product including a detailed description, reference standards, performance and test data
- Samples, as applicable
- Contact information of similar applications where proposed product(s) has been used, date of product usage.
- Itemized comparison of proposed alternate item with product or service specified, listing significant variations.

Respondent further warrants and represents that in making a formal request for substitution by alternate items that:

- Proposed alternate item(s) is equivalent or superior in all respects to the product specified, and
- The same warranties and guarantees will be provided for the alternate item as for the product specified;
- Respondent is solely responsible to provide all pertinent product data with the offer.

9. Where offers for equipment or other goods that are subject to manufacturer warranties that require sale or installation by authorized dealers or distributors are made, Respondent must be the manufacturer or an authorized dealer/distributor of the proposed manufacturer and must be capable of providing genuine parts, assemblies and/or accessories as supplied by the manufacturer. Furthermore, Bidder must be capable of furnishing original product warranty and manufacturers related services such as product information, product recall notices, etc. Certification of licensing demonstrating respondent is an authorized dealer/distributor is to be provided by respondent when this requirement is applicable.

10. The City of La Porte encourages the use of products made of recycled materials to the extent that doing so does not reduce or impair the quality of the item(s) and it is economically feasible. The City will be the sole judge in determining product selection and suitability.

11. City shall not provide any interpretation of the meaning of plans, specification, or other pre-proposal documents to any prospective respondent orally. Such communication must be in writing.

12. Questions or requests for additional information are to be submitted at PublicPurchase.com or at the Purchasing Division at purchasing@laportetx.gov. NO requests or questions are to be asked directly of program staff outside of pre-bid conferences. If a Staff or Council member is contacted by a potential respondent, the person contacted must politely decline to discuss the procurement and forward the inquiry to the Purchasing Division. Likewise, a respondent that contacts someone other than authorized Purchasing Staff in regard to a solicitation may be disqualified.



While the Purchasing Division staff may not be able to answer all of the technical questions asked by potential bidders, they will ensure that the information is provided to all potential bidders in such a way as to promote fair and equal competition.

13. All respondents must familiarize themselves with the locations for contract performance as required by the solicitation documents so as to take into account any and all relevant conditions when preparing the offer. Successful respondent will not be paid additional compensation due to failure to account for conditions that may be observed by a site visit. Worksites shall be made accessible to the public during normal business hours. However, appointments for site visits are preferred.

14. All respondents shall carefully examine all solicitation documents before completing and submitting a proposal in addition to inspecting the work site and being familiar with any condition at the site that may affect the Work.

15. A successful respondent that is awarded a contract is solely responsible for any and all cost arising from (i) failure to comply with the requirements of the proposal documents including without limitation, the requirement to inspect the proposal documents and the work site, and (ii) failure to include any costs or expense attributable to site conditions that could have reasonably been discovered through a site inspection or examination of the bid documents.

16. Respondents must indicate any variance, no matter how slight, in the specification comments, on the proposal page, or pages attached thereto with the exact nature of the variance outlined in sufficient detail. If the variance information is not stated, or referenced as required, it will be assumed that the product or service complies with the City's terms, conditions and specifications.

The city does not necessarily accept any variance or exception contained in a proposal by receiving the proposal. Any variance or exception proposed is subject to review and approval by the City. Any material variance that, in the sole opinion of the City, makes the proposal conditional in nature may result in the entire proposal being rejected in whole or in part.

17. Pricing is to include any freight, handling, or other fees associated with the goods or services. No additional costs will be allowed if not specified in this proposal. Only sales taxes are to be excluded.

18. Quantities shown in the solicitation documents represent estimated usage for the project and as such are for solicitation purposes only. The City reserves the right to increase or decrease quantities or services ordered. Nothing herein will be construed as intent on any part of the City or procure any goods or services beyond those determined by the City to be necessary to meet its needs. The city will only be obligated to pay for such quantity and services actually received and accepted as satisfactory and upon receipt of an itemized, correct invoice.



INFORMATION AND COMPLIANCE

Receiving Proposals

1. A Proposal shall be submitted to the City at:

Information Desk

Attention: Purchasing Division

604 W. Fairmont Parkway

La Porte, Texas 77571

2. No oral, telegraphic, telephonic, or facsimile submittals will be considered or accepted.

3. One copy marked as "ORIGINAL" and one electronic copy shall be submitted.

4. The time clock/stamp used by the City Purchasing Division shall be the official time of receipt for responses submitted in hard copy paper form. All late submittals (received after the deadline posted) shall be considered void and unacceptable. Absolutely NO late submittals will be considered.

5. In case of inclement weather or any other unforeseen event causing the City to close for business on the date of a solicitation submission deadline, the solicitation closing will automatically be postponed until the next business day that the City is open.

If inclement weather conditions or any other unforeseen event causes delays in carrier service operations, the City may issue an addendum to extend the deadline. It will be the responsibility of the vendor to notify the City of their interest in the project if these conditions are impacting their ability to turn in a submission within the stated deadline. The City reserves the right to make the final judgment call to extend any deadline.

7. Each Respondent is solely and completely responsible for delivery of its Bid to the designated delivery location before the date and time established for the Bid opening.

Any proposal that is not delivered on time, including proposals mistakenly delivered to other City offices, will not be accepted. The City is under no obligation to ensure that misdirected proposals are delivered to the designated deliver location prior to proposal opening. This article also applies to proposals sent via U.S. Postal Service or messenger service.



INFORMATION AND COMPLIANCE

Proposal Opening to Contract Execution

1. Proposals will be opened immediately following the deadline for submission has passed. All proposals and proposal documents are subject to review by Staff in determining responsiveness and responsibility prior to evaluation.
2. Unless a Proposal is expressly rejected by the City, all proposals will remain in effect for sixty (60) days subsequent to opening. Respondent may not withdraw or cancel or modify proposal for a period of sixty (60) days after the advertised closing time for receipt of Proposals. The City reserves the right to reject any Proposal where a modification of its proposal materially affecting the bid prior to the sixty (60) day period occurs. The City may request that a bidder extend the effective period of their proposal. Such a request will be made in writing, and will require the bidder's written consent to the extension.
3. Ordinance No. 98-2217 declares that the City will not make any expenditure of any kind for goods or services by the City from an person, firm or corporation owing any delinquent indebtedness to the City. Respondent agrees that by submitting this executed Proposal at the time of submitting such documents, he is, at his option, submitting the Proposal in accordance with the Ordinance and, that if he is in debt to the City, payments he is owed under this contract will first be applied to pay off the debt. This complete ordinance may be found on the City's website.
4. The City will not accept conditional proposals or unbalanced proposals that, in the sole discretion and authority of the City, is determined to be so.
5. The Purchasing Division reserves the right to make corrections to proposals for any clerical error apparent on the face of the proposal. This includes but is not limited to obviously incorrect units or misplaced decimal points, or arithmetic errors. In the event that comparison of the Respondent's "Unit Price" and "Total Price" submitted for any line item reveals a calculation error, the "unit Price" shall prevail.
6. The Purchasing Division shall make the determination of responsibility of each respondent. A respondent may be requested to submit such additional information pertaining to responsibility as the Purchasing Official deems necessary. Failure to comply with such a request will result in a finding of non-responsibility and rejection of the proposal.



- 7. A respondent, if requested, must present within a reasonable time, as determined by the City, evidence satisfactory to the Purchasing Division of the ability to perform the Contract and possession of the necessary facilities, equipment, financial resources and adequate insurance to comply with the terms of these specifications and resulting Contract documents.
- 8. The City reserves the right to reject any proposal if the evidence submitted by, or investigation of, such bidder fails to satisfy the City that Respondent is properly qualified to carry out the obligations of the contract and to complete the work contemplated therein.
- 9. The City reserves the right to reject any or all solicitation submissions without cause prior to award, to waive formalities, or to proceed otherwise when in the best interest of the City.
- 10. If the event of a tie, preference will be given to the Respondent that offers the best value to the City in accordance with the specifications and State Law.
- 11. If Respondent is required to make a certification pursuant to Section 2270.002 of the Texas Government Code, Bidder certifies that Bidder does not boycott Israel and will not boycott Israel during the term of the contract resulting from this solicitation. If Respondent does not make that certification, Respondent must indicate that in its Proposal and state why the certification is not required.

12. Method of award

Evaluation will be based on the criteria stated in this Request for Proposal. The highest ranked proposal may be negotiated and one or more respondents may be allowed to present a best and final offer. If proposal amounts exceed the available funds to finance a contract, the City may reject all proposals or may award the contract on a negotiated proposal with deductible alternates as to produce a net amount which is within the available funds.

GENERAL STANDARD TERMS AND CONDITIONS

The City of La Porte General Terms and Conditions for Bidding and Contracts are posted on the City's website, [La Porte, TX - Official Website](http://www.laportetx.gov) and are incorporated into this document by reference. An electronic PDF copy may be requested by calling 281-470-5126 or mailing purchasing@laportetx.gov.

The undersigned certifies by initialing:

- | | |
|---|-----------------------|
| 1. To comply with all instructions, provision of required documents, specifications | <u>Initials</u>
CS |
| 2. That they have not conspired with any other potential supplier or person or official in any manner to attempt to control competitive pricing | <u>CS</u> |



City of La Porte

Established 1892

Purchasing Department

Cherell Daeumer, Purchasing Manager

Continued from previous page,

The undersigned certified by initialing:

3. That they are duly qualified, capable and bondable business entity not in receivership or contemplating same, and has not filed for bankruptcy

Initials

CS

4. Affirms that they will not discriminate against any employee or applicant as prohibited by law. Failure to comply may result in termination of contract

CS

5. Bidder has read and understands the General Standard Terms and Conditions for Bidding and Contracts

CS

Authorized Signature: Craig Stokes (same as initials)

Printed Name: Craig Stokes

Date: 12-18-19

Remainder of page left intentionally blank



City of La Porte

Established 1892

Purchasing Department

Cherell Daeumer, Purchasing Manager

ARTICLE 2 Incorporation of Exhibits

The following attached Exhibits are made a part of this agreement:

- Exhibit A - Pricing Proposal
- Exhibit B - Insurance Requirements
- Exhibit C - Conflict of Interest Questionnaire
- Exhibit D - House Bill 89 Verification Form
- Exhibit E - Siren location map



City of La Porte

Established 1892

Purchasing Department

Cherell Daeumer, Purchasing Manager

Article 9 EXHIBITS

Exhibit pages to follow

Remainder of page intentionally blank



LIABILITY – Bonding and Insurance

Any person, firm or corporation entering into a public work contract with the City is required, before beginning the work, to provide a Performance Bond in the amount of the contract and conditioned on the faithful performance of the work in accordance with the plans, specifications, and contract documents is required if the contract is in excess of \$100,000.

Any person, firm or corporation entering into a public work contract with the City is required, before beginning the work, a Payment Bond in the amount of the contract issued solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material is required if the contract is in excess of \$50,000.

A bond must be executed by a corporate surety in accordance with Section 1, Chapter 87, Acts of the 56th Legislature, Regular Session, 1959 (Article 7.19-1, Vernon's Texas Insurance Code).

The bond must be payable to the City and its form must be approved by City Counsel. The bond must clearly and prominently display on the bond or on an attachment to the bond:

- 1) The name, mailing address, physical address, and telephone number, including the area code, of the surety company to which any notice of claim should be sent; or
- 2) The toll-free telephone number maintained by the Texas Department of Insurance under Subchapter B, Chapter 521, Insurance Code and a statement that the address of the surety company to which any notice of claim should be sent may be obtained from the Texas Department of Insurance by calling the toll-free telephone number.

Commercial General Liability insurance, obtained from an insurer recognized by the Texas Department of Insurance, is required for work performed at any City property or right-of-way. The amount of coverages required may vary based on the risk associated with a particular project or work to be performed as determined by the City.

At minimum, the City requires that Contractor shall obtain insurance as detailed. Each policy obtained by the Contractor for work associated with this contract, with exception of the Worker's Compensation Policy, shall name the City of La Porte as an additional insured, and shall contain a waiver of subrogation in favor of the City of La Porte.

Contractor shall keep and maintain during the term of this contract, insurance as detailed below. The coverage and amounts designated are minimum requirements and do not establish limits of the Contractor's liability. Additional coverage may be provided at the Contractor's option and expense.



General Liability:

Commercial General Liability

General Aggregate	\$2,000,000.00
Personal Injury	\$1,000,000.00
Each Occurrence	\$1,000,000.00

Automobile Liability:

Combined Single Limit	\$1,000,000.00
-----------------------	----------------

Excess Liability:

Umbrella Each Occurrence	\$1,000,000.00
Each Aggregate	\$1,000,000.00

Worker's Compensation:

Definitions:

Certificate of coverage ("certificate"). A copy of a certificate of insurance, a certificate of authority to self-insure issued by the commission, or a coverage agreement (TWC-81, TWCC-82, TWCC-83 or TWCC-84), showing statutory workers' compensation insurance coverage for the person's or entity's employees providing services on a project, for the duration of the project.

Duration of the project includes the time from the beginning of the work on the project until the Contractor's work on the project has been completed and accepted by the Owner.

Persons providing services on the project includes all persons or entities performing all or part of the services the Contractor has undertaken to perform on the project, regardless of whether that person has employees. This includes, without limitation, independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity which furnishes persons to provide services on the project. "Services" include without limitation providing, hauling or delivering equipment or materials, or providing labor, transportation or other services related to the project.

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

OFFICE USE ONLY

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

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

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

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

Date Received

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

NA

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

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

NA

Name of Officer

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

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

Yes No

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

Yes No

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

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

7 Craig Siler
Signature of vendor doing business with the governmental entity

12-18-2019
Date

House Bill 89 VERIFICATION

I, Craig Siker (Person name), the undersigned
representative of DFW Connections Inc dba
Crosspoint Communications
(hereafter referred to as company) being an adult over the age of eighteen (18) years of age,
do hereby verify that the company named-above, under the provisions of Subtitle F, Title 10,
Government Code Chapter 2270::

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

This statement is exempt for sole proprietorship vendors, vendors who have less than 10 full time employees and contracts that are under \$100,000 of public funds.

Pursuant to Section 2270.001, Texas Government Code:

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

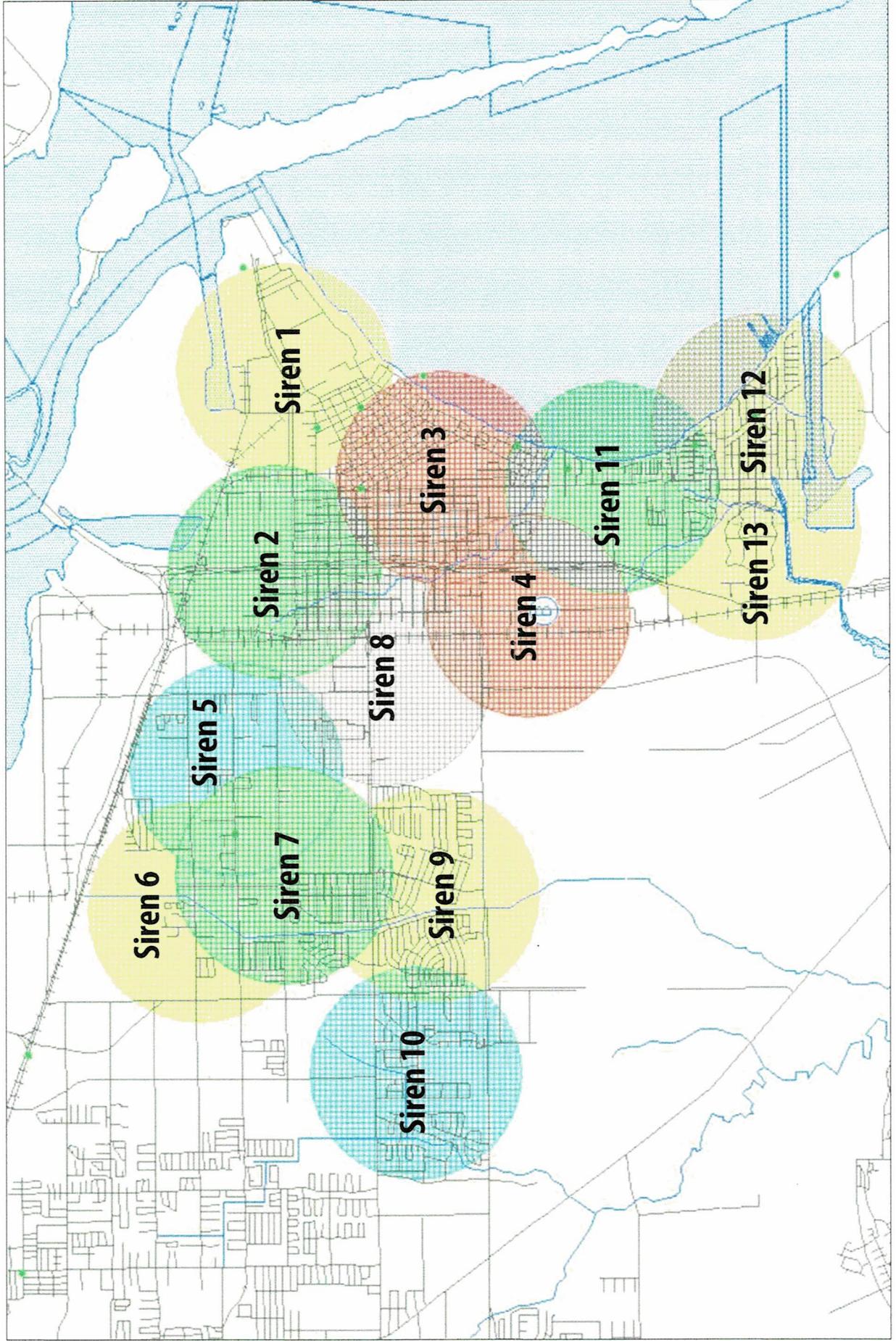
12-18-2019

DATE

Craig Siker

SIGNATURE OF COMPANY REPRESENTATIVE

SIREN COVERAGE





CROSSPOINT
COMMUNICATIONS

Here is the breakdown of work to be done for the RFP:

Siren 1 - Firmware upgrade

Siren 2 - Replace cabinet, 9 speaker drivers and 4 batteries

Siren 3 - Replace 9 speaker drivers

Siren 4 - Replace radio package and change 3 speaker drivers, replace 2 amplifiers and logic board

Siren 5 - Replace 1 siren WPS 2909 – install new siren, new solar panels, conduit, and new pole

Siren 6 - Replace 9 speaker drivers and 2 amplifiers

Siren 8 - Replace 2 amplifiers

Siren 9 - Replace radio package, 2 amplifiers, logic board, and keypad

Siren 10 - Firmware upgrade

Siren 11 - Replace 9 speaker drivers and 2 amplifiers

Siren 12 - Replace 2 amplifiers

Siren 13 - Replace radio package and 1 amplifier

Access Report
 Agency City of La Porte
 Bid Number 20502
 Bid Title Whelen Siren Project

Vendor Name	Most Recent Access	Documents
Mobile Communications America	2019-12-04 09:42 PM CST	RFP20502 - Whelen Siren Project.pdf
Perkens WS Corporation	2019-12-19 02:41 AM CST	RFP20502 - Whelen Siren Project.pdf
Acoustic Technology, Inc.	2019-12-02 08:24 AM CST	RFP20502 - Whelen Siren Project.pdf
The Blue Book Building & Construction Network	2019-12-08 09:07 PM CST	RFP20502 - Whelen Siren Project.pdf
Waukesha-Pearce Industries, Inc	2019-12-02 01:55 PM CST	RFP20502 - Whelen Siren Project.pdf
Lindsay Circle, LLC	2019-12-18 12:01 AM CST	RFP20502 - Whelen Siren Project.pdf
R & D Communications, Inc.	2019-12-03 09:36 AM CST	RFP20502 - Whelen Siren Project.pdf
Medical Supplies & Equipment Company, LLC	2019-12-02 03:10 PM CST	RFP20502 - Whelen Siren Project.pdf
Howard Industries, Inc.	2019-12-02 04:47 PM CST	RFP20502 - Whelen Siren Project.pdf
Brand IQ	2019-12-17 12:52 PM CST	RFP20502 - Whelen Siren Project.pdf
Hearn Company	2019-12-19 08:14 AM CST	RFP20502 - Whelen Siren Project.pdf
SmartProcure	2019-12-19 10:48 AM CST	RFP20502 - Whelen Siren Project.pdf
Dana Safety Supply	2019-12-17 02:20 PM CST	RFP20502 - Whelen Siren Project.pdf
Dodge Data & Analytics	2019-12-19 10:31 AM CST	RFP20502 - Whelen Siren Project.pdf
Construction Software Technologies	2019-12-02 05:59 AM CST	RFP20502 - Whelen Siren Project.pdf
IMS	2019-11-28 01:30 AM CST	RFP20502 - Whelen Siren Project.pdf
Cardno	2019-12-18 01:05 PM CST	RFP20502 - Whelen Siren Project.pdf
Communications USA, Inc.	2019-12-05 12:46 PM CST	RFP20502 - Whelen Siren Project.pdf
SAT Radio Communications, LTD.	2019-12-17 02:08 PM CST	RFP20502 - Whelen Siren Project.pdf
Onvia	2019-12-17 02:32 PM CST	RFP20502 - Whelen Siren Project.pdf
Loftin Equipment Company	2019-12-02 09:47 AM CST	RFP20502 - Whelen Siren Project.pdf
Mobile Communications America	2019-12-17 02:46 PM CST	RFP20502 - Whelen Siren Project.pdf
ConstructConnect	2019-12-17 01:35 PM CST	RFP20502 - Whelen Siren Project.pdf
Royal Media Network	2019-11-27 03:51 PM CST	RFP20502 - Whelen Siren Project.pdf
North America Procurement Council	2019-12-19 01:37 PM CST	RFP20502 - Whelen Siren Project.pdf



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>January 27, 2020</u>
Requested By: <u>Ron Parker, Chief of Police</u>
Department: <u>Police</u>
<input type="radio"/> Report <input checked="" type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Resolution for STEP IDM Grant, Zone Map 1, Zone 2, STEP Impaired Driving Mobilization Grant Documents and Signature Page

Map

SUMMARY

The La Porte Police Department has made an application for the TXDOT Impaired Driving Mobilization - STEP grant concerning overtime reimbursement for Impaired Driving enforcement for the fiscal year 2019/2020. This will be the second year the Department has submitted for the Impaired Driving Mobilization - STEP grant through TXDOT. TXDOT has preliminarily approved the award and forwarded the attached grant agreement draft for City Council's consideration and approval.

The grant will reimburse the City up to \$6,009.90 with matching contributions from the City of \$1,713.42, making the grant total \$7,723.32. Although the grant pays only base salary, the police department will continue to meet the match through employee benefits.

Through this grant, an additional 124 hours were worked by officer during the last grant period, with 193 traffic stops being made within those hours, which resulted in seven (7) DWI arrests and 12 other arrests. The grant requires a limited number of zones (4 square miles or 2 linear miles per zone) and are built around fatal crashes and recommended by TXDOT. The zone maps of areas that are to be included as back up.

This year, the period for this grant will be utilized during the two-week period surrounding Spring Break, Independence Day and Labor Day. On March 13th, during the Spring Break wave, a no refusal operation is planned with multiple agencies participating. Hours are posted for officers to sign up for enforcement shifts, within each period that is approximately two-weeks long. They may sign up for slots between 6:00 p.m. and 6:00 am. Approximately \$2,000 is allotted for each period, allowing for approximately 90 hours for patrol officers to work and 20 hours for Sergeant to complete necessary paperwork and coordination efforts for this grant.

RECOMMENDED MOTION

I move to authorize Resolution 2020-01 for City Manager to sign grant award and other documents for Impaired Driving Mobilization – STEP Grant.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date

RESOLUTION 2020-01

WHEREAS, injuries and deaths from impaired driving violations and crashes bring loss and suffering to the citizens of this community; and

WHEREAS, the cost of such injuries brings economic hardship to families and communities; and

WHEREAS, the community’s health care system and emergency response resources are significantly impacted by injuries of commercial motor vehicle traffic crashes; and

WHEREAS, research shows that impaired driving is a causative factor in many vehicle traffic crashes; and

WHEREAS, failure to obey laws in regard to impaired driving, increases risk to all citizens; and

WHEREAS, the National Highway Traffic Safety Administration has shown that fatalities due to driving while impaired are significant in Harris County, Texas; and

WHEREAS, the Impaired Driving Mobilization - STEP includes public education and intensified law enforcement to get the community and drivers to comply with laws regarding driving while impaired;

NOW THEREFORE, BE IT RESOLVED that the City of La Porte authorizes the City Manager to execute all documents for the Impaired Driving STEP Grant for December 10, 2019, through September 30, 2020; joining public and private sector leaders across Texas supporting the campaign; and urging all residents and visitors of La Porte to abide by traffic laws, to protect life and the quality of life in this community.

PASSED AND ADOPTED THIS the _____ day of _____, 2020.

CITY OF LA PORTE, TEXAS

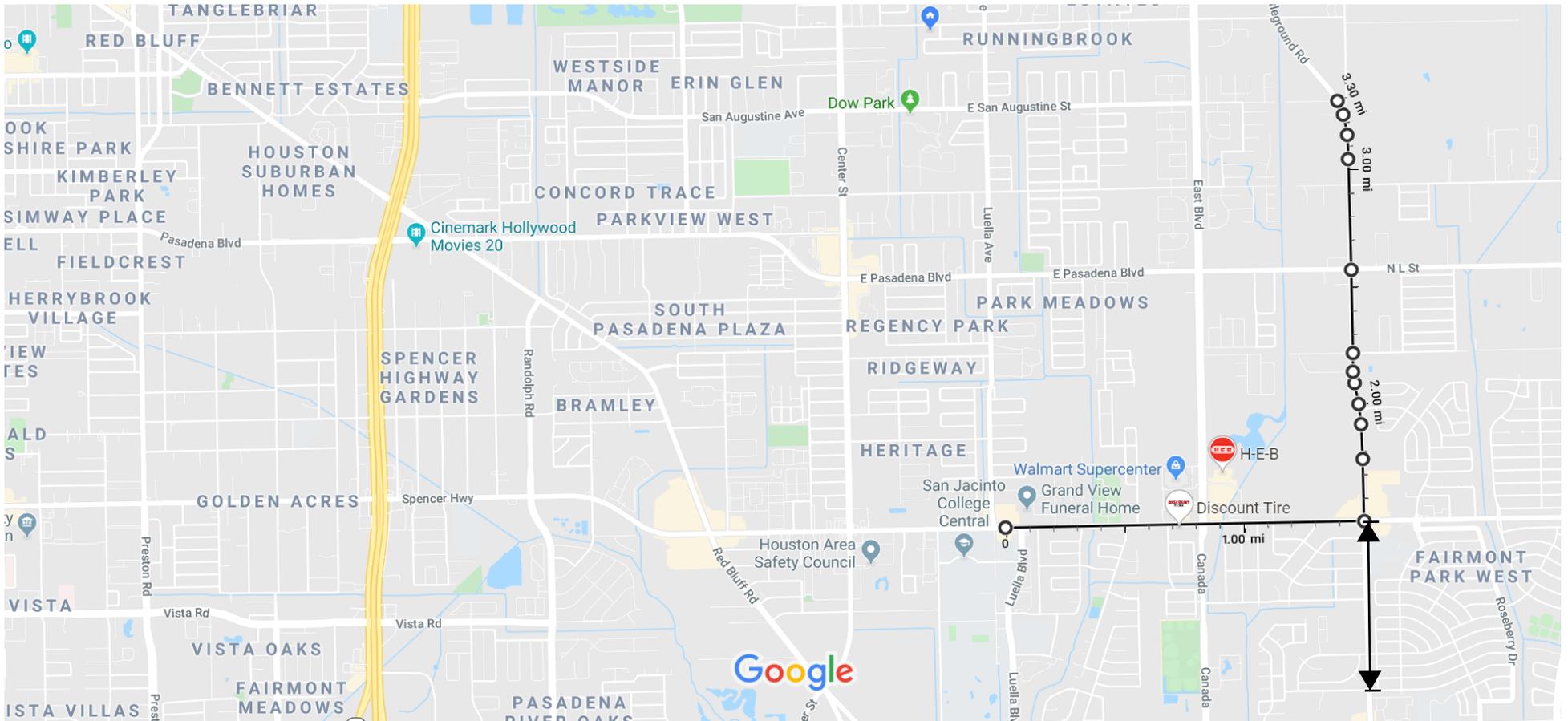
Louis R. Rigby, Mayor

ATTEST

APPROVED AS TO FORM

Lee Woodward, City Secretary

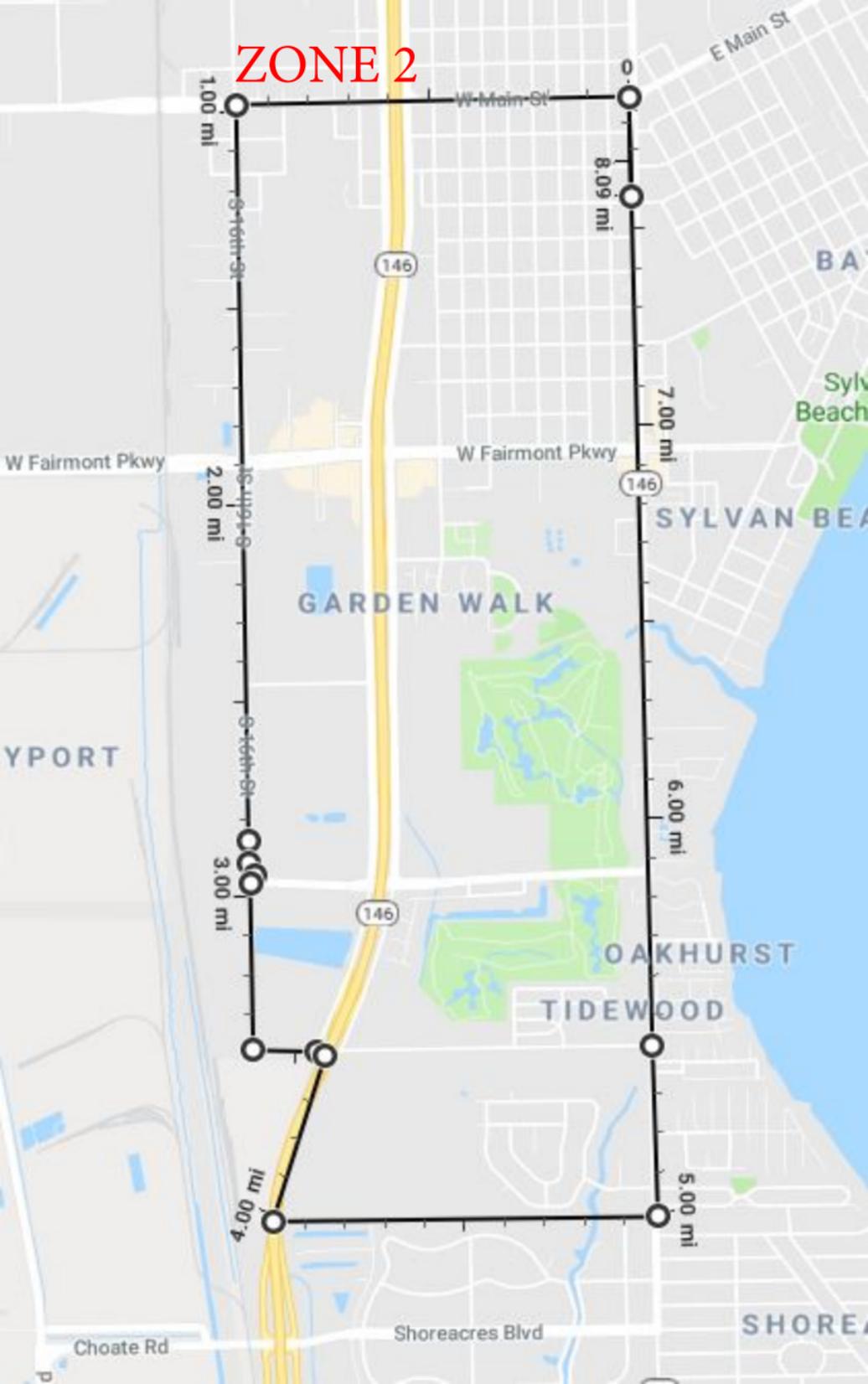
Clark T. Askins, Assistant City Attorney



Map data ©2019 2000 ft

Measure distance
Total distance: 3.30 mi (5.32 km)

ZONE 2



Texas Traffic Safety eGrants

Fiscal Year 2020

Organization Name: City of La Porte Police Department

Legal Name: City of La Porte

Payee Identification Number: 17460015526006

Project Title: STEP - Impaired Driving Mobilization

ID: 2020-LaPorte-IDM-00030

Period: 12/10/2019 to 09/30/2020

COUNTY SERVED

Harris County - Houston District

POLITICAL DISTRICT SERVED

Select a Political District Served ([View a map](#)):

U.S. Congress* Congressional District 36

Texas Senate* Texas Senate District 11

Texas House* Texas House of Representatives District 128
Texas House of Representatives District 129

GRANT AGREEMENT GENERAL TERMS AND CONDITIONS *(Revised:07/18/2019)*

Definitions: For purposes of these Terms and Conditions, the "Department" is also known as the "State" and the "prospective primary participant" and the "Subgrantee" is also known as the "Subrecipient" and "prospective lower tier participant"

ARTICLE 1. COMPLIANCE WITH LAWS

The Subgrantee shall comply with all federal, state, and local laws, statutes, codes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of this agreement, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, nondiscrimination laws and regulations, and licensing laws and regulations. When required, the Subgrantee shall furnish the Department with satisfactory proof of compliance.

ARTICLE 2. STANDARD ASSURANCES

The Subgrantee assures and certifies that it will comply with the regulations, policies, guidelines, and requirements, including 2 CFR, Part 200; and the Department's Traffic Safety Program Manual, as they relate to the application, acceptance, and use of federal or state funds for this project. Also, the Subgrantee assures and certifies that:

A. It possesses legal authority to apply for the grant; and that a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained in the application, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide any additional information that may be required.

B. It and its subcontractors will comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352), as amended, and in accordance with that Act, no person shall discriminate, on the grounds of race, color, sex, national origin, age, religion, or disability.

C. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, as amended; 42 USC (United States Code) §§4601 et seq.; and United States Department of Transportation (USDOT) regulations, "Uniform Relocation and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR, Part 24, which provide for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs.

D. Political activity (Hatch Act) (applies to subrecipients as well as States). The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

E. It will comply with the federal Fair Labor Standards Act's minimum wage and overtime requirements for employees performing project work.

F. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

G. It will give the Department the access to and the right to examine all records, books, papers, or documents related to this Grant Agreement.

H. It will comply with all requirements imposed by the Department concerning special requirements of law, program requirements, and other administrative requirements.

I. It recognizes that many federal and state laws imposing environmental and resource conservation requirements may apply to this Grant Agreement. Some, but not all, of the major federal laws that may affect the project include: the National Environmental Policy Act of 1969, as amended, 42 USC §§4321 et seq.; the Clean Air Act, as amended, 42 USC §§7401 et seq. and sections of 29 USC; the Federal Water Pollution Control Act, as amended, 33 USC §§1251 et seq.; the Resource Conservation and Recovery Act, as amended, 42 USC §§6901 et seq.; and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 USC §§9601 et seq. The Subgrantee also recognizes that the U.S. Environmental Protection Agency, USDOT, and other federal agencies have issued, and in the future are expected to issue, regulations, guidelines, standards, orders, directives, or other requirements that may affect this Project. Thus, it agrees to comply, and assures the compliance of each contractor and each subcontractor, with any federal requirements that the federal government may now or in the future promulgate.

J. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, 42 USC §4012a(a). Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where that insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any form of direct or indirect federal assistance.

K. It will assist the Department in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470 et seq.), Executive Order 11593, and the Antiquities Code of Texas (National Resources Code, Chapter 191).

L. It will comply with Chapter 573 of the Texas Government Code by ensuring that no officer, employee, or member of the Subgrantee's governing board or the Subgrantee's subcontractors shall vote or confirm the employment of any person related within the second degree of affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise that person. This prohibition shall not apply to the employment of a person described in Section 573.062 of the Texas Government Code.

M. It will ensure that all information collected, assembled, or maintained by the applicant relative to this project shall be available to the public during normal business hours in compliance with Chapter 552 of the Texas Government Code, unless otherwise expressly provided by law.

N. If applicable, it will comply with Chapter 551 of the Texas Government Code, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.

ARTICLE 3. COMPENSATION

A. The method of payment for this agreement will be based on actual costs incurred up to and not to exceed the limits specified in the Project Budget. The amount included in a Project Budget category will be deemed to be an estimate only and a higher amount can be reimbursed, subject to the conditions specified in paragraph B of this Article. If the Project Budget specifies that costs are based on a specific rate, per-unit cost, or other method of payment, reimbursement will be based on the specified method.

B. All payments will be made in accordance with the Project Budget.

1. The Subgrantee's expenditures may overrun a budget category (I, II, or III) in the approved Project Budget without a grant (budget) amendment, as long as the overrun does not exceed a total of five (5) percent of the maximum amount eligible for reimbursement (TxDOT) in the attached Project Budget for the current fiscal year. This overrun must be off-set by an equivalent underrun elsewhere in the Project Budget.

2. If the overrun is five (5) percent or less, the Subgrantee must provide written notification to the Department, through the TxDOT Electronic Grants Management System (eGrants), prior to the Request for Reimbursement being approved. The notification must indicate the amount, the percent over, and the specific reason(s) for the overrun.

3. Any overrun of more than five (5) percent of the amount eligible for reimbursement (TxDOT) in the attached Project Budget requires an amendment of this Grant Agreement.

4. The maximum amount eligible for reimbursement shall not be increased above the Grand Total TxDOT Amount in the approved Project Budget, unless this Grant Agreement is amended, as described in Article 5 of this agreement.

5. For Selective Traffic Enforcement Program (STEP) grants only: In the Project Budget, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or B, "PI&E Activities," to exceed the TxDOT amount listed in Subcategory C, "Other." Also, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or C, "Other," to exceed the TxDOT amount listed in Subcategory B, "PI&E Activities." The TxDOT amount for Subcategory B, "PI&E Activities," or C, "Other," can only be exceeded within the five (5) percent flexibility, with underrun funds from Budget Categories II or III.

C. To be eligible for reimbursement under this agreement, a cost must be incurred in accordance with the Project Budget, within the time frame specified in the Grant Period of this Grant Agreement, attributable to work covered by this agreement, and which has been completed in a manner satisfactory and acceptable to the Department.

D. Federal or TxDOT funds cannot supplant (replace) funds from any other sources. The term "supplanting," refers to the use of federal or TxDOT funds to support personnel or an activity already supported by local or state funds.

E. Payment of costs incurred under this agreement is further governed by the cost principles outlined in 2 CFR Part 200.

F. The Subgrantee agrees to submit monthly Requests for Reimbursement, as designated in this Grant Agreement, within thirty (30) days after the end of the billing period. The Request for Reimbursement and appropriate supporting documentation must be submitted through eGrants.

G. The Subgrantee agrees to submit the final Request for Reimbursement under this agreement within forty-five (45) days of the end of the grant period.

H. Payments are contingent upon the availability of appropriated funds.

I. Project agreements supported with federal or TxDOT funds are limited to the length of this Grant Period specified in this Grant Agreement. If the Department determines that the project has demonstrated merit or has potential long-range benefits, the Subgrantee may apply for funding assistance beyond the initial agreement period.

Preference for funding will be given to projects based on (1) proposed cost sharing and (2) demonstrated performance history.

ARTICLE 4. LIMITATION OF LIABILITY

Payment of costs incurred under this agreement is contingent upon the availability of funds. If at any time during this Grant Period, the Department determines that there is insufficient funding to continue the project, the Department shall notify the Subgrantee, giving notice of intent to terminate this agreement, as specified in Article 11 of this agreement. If at the end of a federal fiscal year, the Department determines that there is sufficient funding and performance to continue the project, the Department may notify the Subgrantee to continue this agreement.

ARTICLE 5. AMENDMENTS

This agreement may be amended prior to its expiration by mutual written consent of both parties, utilizing the Grant Agreement Amendment in eGrants. Any amendment must be executed by the parties within the Grant Period, as specified in this Grant Agreement.

ARTICLE 6. ADDITIONAL WORK AND CHANGES IN WORK

A. If the Subgrantee is of the opinion that any assigned work is beyond the scope of this agreement and constitutes additional work, the Subgrantee shall promptly notify the Department in writing through eGrants. If the Department finds that such work does constitute additional work, the Department shall advise the Subgrantee and a written amendment to this agreement will be executed according to Article 5, Amendments, to provide compensation for doing this work on the same basis as the original work. If performance of the additional work will cause the maximum amount payable to be exceeded, the work will not be performed before a written grant amendment is executed.

B. If the Subgrantee has submitted work in accordance with the terms of this agreement but the Department requests changes to the completed work or parts of the work which involve changes to the original scope of services or character of work under this agreement, the Subgrantee shall make those revisions as requested and directed by the Department. This will be considered as additional work and will be paid for as specified in this Article.

C. If the Subgrantee submits work that does not comply with the terms of this agreement, the Department shall instruct the Subgrantee to make any revisions that are necessary to bring the work into compliance with this agreement. No additional compensation shall be paid for this work.

D. The Subgrantee shall make revisions to the work authorized in this agreement that are necessary to correct errors or omissions, when required to do so by the Department. No additional compensation shall be paid for this work.

E. The Department shall not be responsible for actions by the Subgrantee or any costs incurred by the Subgrantee relating to additional work not directly associated with or prior to the execution of an amendment.

ARTICLE 7. REPORTING AND MONITORING

A. Not later than thirty (30) days after the end of each reporting period, the Subgrantee shall submit a performance report through eGrants. Reporting periods vary by project duration and are defined as follows:

1. For short term projects, the reporting period is the duration of the project. Subgrantee shall submit a performance report within 30 days of project completion.

2. For longer projects, the reporting period is monthly. Subgrantee shall submit a performance report within 30 days of the completion of each project month and within 30 days of project completion.

3. For Selective Traffic Enforcement Program (STEP) Wave projects, the reporting period is each billing cycle. Subgrantee shall submit a performance report within 30 days of the completion of each billing cycle.

B. The performance report will include, as a minimum: (1) a comparison of actual accomplishments to the objectives established for the period, (2) reasons why established objectives and performance measures were not met, if appropriate, and (3) other pertinent information, including, when appropriate, an analysis and explanation of cost underruns, overruns, or high unit costs.

C. The Subgrantee shall promptly advise the Department in writing, through eGrants, of events that will have a significant impact upon this agreement, including:

1. Problems, delays, or adverse conditions, including a change of project director or other changes in Subgrantee personnel, that will materially affect the ability to attain objectives and performance measures, prevent the meeting of time schedules and objectives, or preclude the attainment of project objectives or performance measures by the established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any Department or federal assistance needed to resolve the situation.

2. Favorable developments or events that enable meeting time schedules and objectives sooner than anticipated or achieving greater performance measure output than originally projected.

D. The Subgrantee shall submit the Final Performance Report through eGrants within thirty (30) days after completion of the grant.

ARTICLE 8. RECORDS

The Subgrantee agrees to maintain all reports, documents, papers, accounting records, books, and other evidence pertaining to costs incurred and work performed under this agreement (called the "Records"), and shall make the Records available at its office for the time period authorized within the Grant Period, as specified in this Grant Agreement. The Subgrantee further agrees to retain the Records for four (4) years from the date of final payment under this agreement, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

Duly authorized representatives of the Department, the USDOT, the Office of the Inspector General, Texas State Auditor, and the Comptroller General shall have access to the Records. This right of access is not limited to the four (4) year period but shall last as long as the Records are retained.

ARTICLE 9. INDEMNIFICATION

A. To the extent permitted by law, the Subgrantee, if other than a government entity, shall indemnify, hold, and save harmless the Department and its officers and employees from all claims and liability due to the acts or omissions of the Subgrantee, its agents, or employees. The Subgrantee also agrees, to the extent permitted by law, to indemnify, hold, and save harmless the Department from any and all expenses, including but not limited to attorney fees, all court costs and awards for damages incurred by the Department in litigation or otherwise resisting claims or liabilities as a result of any activities of the Subgrantee, its agents, or employees.

B. To the extent permitted by law, the Subgrantee, if other than a government entity, agrees to protect, indemnify, and save harmless the Department from and against all claims, demands, and causes of action of every kind and character brought by any employee of the Subgrantee against the Department due to personal injuries to or death of any employee resulting from any alleged negligent act, by either commission or omission on the part of the Subgrantee.

C. If the Subgrantee is a government entity, both parties to this agreement agree that no party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.

ARTICLE 10. DISPUTES AND REMEDIES

This agreement supersedes any prior oral or written agreements. If a conflict arises between this agreement and the Traffic Safety Program Manual, this agreement shall govern. The Subgrantee shall be responsible for the settlement of all contractual and administrative issues arising out of procurement made by the Subgrantee in support of work under this agreement. Disputes concerning performance or payment shall be submitted to the Department for settlement, with the Executive Director or his or her designee acting as final referee.

ARTICLE 11. TERMINATION

A. This agreement shall remain in effect until the Subgrantee has satisfactorily completed all services and obligations described in this agreement and these have been accepted by the Department, unless:

1. This agreement is terminated in writing with the mutual consent of both parties; or
2. There is a written thirty (30) day notice by either party; or
3. The Department determines that the performance of the project is not in the best interest of the Department and informs the Subgrantee that the project is terminated immediately.

B. The Department shall compensate the Subgrantee for only those eligible expenses incurred during the Grant Period specified in this Grant Agreement that are directly attributable to the completed portion of the work covered by this agreement, provided that the work has been completed in a manner satisfactory and acceptable to the Department. The Subgrantee shall not incur nor be reimbursed for any new obligations after the effective date of termination.

ARTICLE 12. INSPECTION OF WORK

A. The Department and, when federal funds are involved, the USDOT, or any of their authorized representatives, have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed under this agreement and the premises in which it is being performed.

B. If any inspection or evaluation is made on the premises of the Subgrantee or its subcontractor, the Subgrantee shall provide and require its subcontractor to provide all reasonable facilities and assistance for the safety and convenience of the inspectors in the performance of their duties. All inspections and evaluations shall be performed in a manner that will not unduly delay the work.

ARTICLE 13. AUDIT

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under this agreement or indirectly through a subcontract under this agreement. Acceptance of funds directly under this agreement or indirectly through a subcontract under this agreement acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

ARTICLE 14. SUBCONTRACTS

A subcontract in excess of \$25,000 may not be executed by the Subgrantee without prior written concurrence by the Department. Subcontracts in excess of \$25,000 shall contain all applicable terms and conditions of this agreement. No subcontract will relieve the Subgrantee of its responsibility under this agreement.

ARTICLE 15. GRATUITIES

A. Texas Transportation Commission policy mandates that employees of the Department shall not accept any benefit, gift, or favor from any person doing business with or who, reasonably speaking, may do business with the Department under this agreement. The only exceptions allowed are ordinary business lunches and items that have received the advanced written approval of the Department's Executive Director.

B. Any person doing business with or who reasonably speaking may do business with the Department under this agreement may not make any offer of benefits, gifts, or favors to Department employees, except as mentioned here above. Failure on the part of the Subgrantee to adhere to this policy may result in termination of this agreement.

ARTICLE 16. NONCOLLUSION

The Subgrantee warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Subgrantee, to solicit or secure this agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this agreement. If the Subgrantee breaches or violates this warranty, the Department shall have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement price or consideration, or otherwise recover the full amount of such fee, commission, brokerage fee, contingent fee, or gift.

ARTICLE 17. CONFLICT OF INTEREST

The Subgrantee represents that it or its employees have no conflict of interest that would in any way interfere with its or its employees' performance or which in any way conflicts with the interests of the Department. The Subgrantee shall exercise reasonable care and diligence to prevent any actions or conditions that could result in a conflict with the Department's interests.

ARTICLE 18. SUBGRANTEE'S RESOURCES

A. The Subgrantee certifies that it presently has adequate qualified personnel in its employment to perform the work required under this agreement, or will be able to obtain such personnel from sources other than the Department.

B. All employees of the Subgrantee shall have the knowledge and experience that will enable them to perform the duties assigned to them. Any employee of the Subgrantee who, in the opinion of the Department, is incompetent or whose conduct becomes detrimental to the work, shall immediately be removed from association with the project.

C. Unless otherwise specified, the Subgrantee shall furnish all equipment, materials, supplies, and other resources required to perform the work.

ARTICLE 19. PROCUREMENT AND PROPERTY MANAGEMENT

The Subgrantee shall establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of any property furnished to it by the Department or purchased pursuant to this agreement in accordance with its own procurement and property management procedures, provided that the procedures are not in conflict with (1) the Department's procurement and property management standards and (2) the federal procurement and property management standards provided by 2 CFR §§ 200.310-.316, 200.318-.324.

ARTICLE 20. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Upon completion or termination of this Grant Agreement, whether for cause or at the convenience of the parties, all finished or unfinished documents, data, studies, surveys, reports, maps, drawings, models, photographs, etc. prepared by the Subgrantee, and equipment and supplies purchased with grant funds shall, at the option of the Department, become the property of the Department. All sketches, photographs, calculations, and other data prepared under this agreement shall be made available, upon request, to the Department without restriction or limitation of their further use.

A. Intellectual property consists of copyrights, patents, and any other form of intellectual property rights covering any databases, software, inventions, training manuals, systems design, or other proprietary information in any form or medium.

B. All rights to Department. The Department shall own all of the rights (including copyrights, copyright applications, copyright renewals, and copyright extensions), title and interests in and to all data, and other information developed under this contract and versions thereof unless otherwise agreed to in writing that there will be joint ownership.

C. All rights to Subgrantee. Classes and materials initially developed by the Subgrantee without any type of funding or resource assistance from the Department remain the Subgrantee's intellectual property. For these classes and materials, the Department payment is limited to payment for attendance at classes.

ARTICLE 21. SUCCESSORS AND ASSIGNS

The Department and the Subgrantee each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of the other party in respect to all covenants of this agreement. The Subgrantee shall not assign, sublet, or transfer interest and obligations in this agreement without written consent of the Department through eGrants.

ARTICLE 22. CIVIL RIGHTS COMPLIANCE

A. Compliance with regulations: The Subgrantee shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation

(USDOT): 49 CFR, Part 21; 23 CFR, Part 200; and 41 CFR, Parts 60-74, as they may be amended periodically (called the "Regulations"). The Subgrantee agrees to comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented by the U.S. Department of Labor regulations (41 CFR, Part 60).

B. Nondiscrimination: (applies to subrecipients as well as States) The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 et seq.), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The State highway safety agency-

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance:

City of La Porte Police Department
STEP - IDM - 2020

- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

"During the performance of this contract/funding agreement, the contractor/funding recipient agrees-

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

C. Solicitations for subcontracts, including procurement of materials and equipment: In all solicitations either by competitive bidding or negotiation made by the Subgrantee for work to be performed under a subcontract, including procurements of materials and leases of equipment, each potential subcontractor or supplier shall be notified by the Subgrantee of the Subgrantee's obligations under this agreement and the regulations relative to nondiscrimination on the grounds of race, color, sex, national origin, age, religion, or disability.

D. Information and reports: The Subgrantee shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the USDOT to be pertinent to ascertain compliance with the Regulations or directives. Where any information required of the Subgrantee is in the exclusive possession of another who fails or refuses to furnish this information, the Subgrantee shall certify that to the Department or the USDOT, whichever is appropriate, and shall set forth what efforts the Subgrantee has made to obtain the requested information.

E. Sanctions for noncompliance: In the event of the Subgrantee's noncompliance with the nondiscrimination provision of this agreement, the Department shall impose such sanctions as it or the USDOT may determine to be appropriate.

F. Incorporation of provisions: The Subgrantee shall include the provisions of paragraphs A. through

E. in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations or directives. The Subgrantee shall take any action with respect to any subcontract or procurement that the Department may direct as a means of enforcing those provisions, including sanctions for noncompliance. However, in the event a Subgrantee becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Subgrantee may request the Department to enter into litigation to protect the interests of the state; and in addition, the Subgrantee may request the United States to enter into such litigation to protect the interests of the United States.

ARTICLE 23. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

A. The parties shall comply with the DBE Program requirements established in 49 CFR Part 26.

B. The Subgrantee shall adopt, in its totality, the Department's federally approved DBE program.

C. The Subgrantee shall set an appropriate DBE goal consistent with the Department's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Subgrantee shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.

D. The Subgrantee shall follow all other parts of the Department's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity and attachments found at web address <http://www.txdot.gov/business/partnerships/dbe.html>

E. The Subgrantee shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Subgrantee shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of USDOT-assisted contracts. The Department's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Subgrantee of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

F. Each contract the Subgrantee signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.

ARTICLE 24. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION (applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.

4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or

voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

(1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered

transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ARTICLE 25. CERTIFICATION REGARDING FEDERAL LOBBYING (applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation,

renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

ARTICLE 26. CHILD SUPPORT CERTIFICATION

Under Section 231.006, Texas Family Code, the Subgrantee certifies that the individual or business entity named in this agreement is not ineligible to receive the specified grant, loan, or payment and acknowledges that this agreement may be terminated and payment may be withheld if this certification is inaccurate. If the above certification is shown to be false, the Subgrantee is liable to the state for attorney's fees and any other damages provided by law or the agreement. A child support obligor or business entity ineligible to receive payments because of a payment delinquency of more than thirty (30) days remains ineligible until: all arrearages have been paid; the obligor is in compliance with a written repayment agreement or court order as to any existing delinquency; or the court of continuing jurisdiction over the child support order has granted the obligor an exemption from Subsection (a) of Section 231.006, Texas Family Code, as part of a court-supervised effort to improve earnings and child support payments.

ARTICLE 27. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT REQUIREMENTS

A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms:

<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and
<http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>.

B. The Subgrantee agrees that it shall:

1. Obtain and provide to the State a System for Award Management (SAM) number (48 CFR subpt. 4.11) if this award provides for more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM web-site at: <https://www.sam.gov>

2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>;

aria

3. Report the total compensation and names of its top five (5) executives to the State if:

- i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
- ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

ARTICLE 28. SINGLE AUDIT REPORT

A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR Part 200.

B. If threshold expenditures of \$750,000 or more are met during the Subgrantee's fiscal year, the Subgrantee must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at singleaudits@txdot.gov

C. If expenditures are less than \$750,000 during the Subgrantee's fiscal year, the Subgrantee must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$750,000 expenditure threshold and therefore, are not required to have a single audit performed for FY _____."

D. For each year the project remains open for federal funding expenditures, the Subgrantee will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

ARTICLE 29. BUY AMERICA ACT (applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

ARTICLE 30. RESTRICTION ON STATE LOBBYING (applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

ARTICLE 31. NONGOVERNMENTAL ENTITY'S PUBLIC INFORMATION

(This article applies only to non-profit entities.)

The Subgrantee is required to make any information created or exchanged with the Department pursuant to this Grant Agreement and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the Department. [SB-1368, 83rd Texas Legislature, Regular Session, Effective 9/1/13]

ARTICLE 32. PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE
(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

ARTICLE 33. INTERNAL ETHICS AND COMPLIANCE PROGRAM

Subgrantee shall comply with Title 43 Texas Administrative Code §25.906(b). Subgrantee certifies it has adopted an internal ethics and compliance program that satisfies the requirements of Title 43 Texas Administrative Code §10.51 (relating to Internal Ethics and Compliance Program). Subgrantee shall enforce compliance with that program.

GOALS AND STRATEGIES

Goal: To increase effective enforcement and adjudication of traffic safety-related laws to reduce fatal and serious injury crashes

Strategies: Increase enforcement of traffic safety-related laws.
Increase public education and information campaigns.

Goal: To reduce the number of DWI-related crashes, injuries, and fatalities.

Strategy: Increase enforcement of DWI laws.

X I agree to the above goals and strategies.

LAW ENFORCEMENT OBJECTIVE/PERFORMANCE MEASURE

Jurisdictional average annual DWI/DUI KA crashes 4

Enforcement activities to reduce total DWI/DUI KA crashes during this fiscal year to 3

Note: Nothing in this agreement shall be interpreted as a requirement, formal or informal, that a peace officer issue a specified or predetermined number of citations in pursuance of the Subgrantee's obligations hereunder. Department and Subgrantee acknowledge that Texas Transportation Code Section 720.002 prohibits using traffic-offense quotas and agree that nothing in this Agreement is establishing an illegal quota. In addition to the STEP enforcement activities, the subgrantee must maintain baseline non-STEP funded citation and arrest activity due to the prohibition of supplanting.

PI&E OBJECTIVE/PERFORMANCE MEASURE

X I agree to the below efforts with a public information and education (PI&E) program.

- a. Conduct a minimum of one (1) presentations
- b. Conduct a minimum of two (2) media exposures (e.g. news conferences, news releases, and interviews)
- c. Conduct a minimum of one (1) community events (e.g. health fairs, booths)

IDM OPERATIONAL PLAN 2020

The below operational plan dates have been updated to match the National Enforcement Dates.
Please click on I Agree box to confirm your agency agreeing to below calendar

X I Agree to the following

Comments:

December participation will depend in grant execution. If the grant is approved in time for officers to schedule overtime participation around holiday schedules and manpower.

Site Description Conduct high-visibility saturation patrols within the Enforcement Zone (s) identified in the Enforcement Zone section of the grant for at least four days between the hours of 6p-6a, Monday-Sunday during the enforcement periods outlined below. Subgrantee must also perform pre- and post-enforcement earned-media campaigns for each enforcement period.

Christmas/New Year's Wave

Pre-Media Campaign December 10, 2019 - December 12, 2019

Enforcement Period December 13, 2019 - January 01, 2020

Post-Media Campaign January 02, 2020 - January 04, 2020

Spring Break Wave

Pre-Media Campaign March 03, 2020 - March 05, 2020

Enforcement Period March 06, 2020 - March 23, 2020

Post-Media Campaign March 24, 2020 - March 26, 2020

Independence Day Wave

Pre-Media Campaign June 23, 2020 - June 25, 2020

Enforcement Period June 26, 2020 - July 12, 2020

Post-Media Campaign

City of La Porte Police Department
STEP - IDM - 2020

Pre-Media Campaign	July 13, 2020- July 15, 2020
Labor Day Crackdown	
Pre-Media Campaign	August 18, 2020 - August 20, 2020
Enforcement Period	August 21, 2020- September 07, 2020
Post-Media Campaign	September 08, 2020- September 10, 2020

Description of Activities

Pre-Media Efforts Before Enforcement Periods:	Conduct local media events immediately before the enforcement effort to maximize the visibility of enforcement to the public. The media events tell the public when, where, how and why impaired driving laws are being enforced.
Enforcement Periods:	Intensify enforcement through coordinated saturation patrols in an overtime STEP placing primary emphasis on increasing DWI arrests and reducing the number of alcohol related traffic crashes during peak holiday traffic.
Post-Media Efforts After Enforcement Periods:	Conduct local media events to tell the public why impaired driving laws are important and the results of the mobilization.

OPERATIONAL PLAN (ENFORCEMENT ZONES)

Zone
Name : Zone 1

Zone
Location : Zone 1 is approximately 3.30 linear miles running east on Spencer Hwy from the western edge of the La Porte City limits to Underwood Road north to the northern city limits of Underwood Rd. Approximately .07 Linear miles on Underwood Rd, south from Spencer Hwy to Fairmont Pkwy.

Zone
Hours : 6 PM -6 AM, Monday-Sunday during established enforcement periods.

Zone Heat

Map : https://www.dot.state.tx.us/apps/egrants/_Upload/930658_336804-LPPDIDMZone1.pdf
(attach)

OPERATIONAL PLAN (ENFORCEMENT ZONES)

Zone Name : Zone 2

Zone Location : Zone 2 is four square miles starting at the northeast corner, (100 W. Main Street and 100 S. Broadway), traveling west to the northwest corner of (100 S. 16th Street and 1600 W. Main street), traveling south to McCabe Road then east on to the southbound on-ramp of South SH 146 continuing to the southern city limits at 3200 S. SH 146, this is the southwest boundary.

Officers would travel south on SH 146 to make the U-turn onto SH 146 returning to the southern zone boundary of SH 146 or travel east to on Shore Acres Blvd. to Business 146 (S. Broadway) in order to return to the southeast boundary at the 3200 Block of Business 146 (S. Broadway). The zone includes 100-3200 S. SH 146, 100 - 1600 W. Fairmont Parkway, 100 - 1600 McCabe Road.

Zone Hours : 6 PM -6 AM, Monday-Sunday during established enforcement periods.

Zone Heat

Map : https://www.dot.state.tx.us/apps/egrants/_Upload/930650_336804-LPPDZone2Closeup.pdf
(attach)

GENERAL INFORMATION

Project Title : STEP - Impaired Driving Mobilization

Project Description : To conduct DWI enforcement Waves during holiday periods to increase DWI arrests and earned media activity as part of the statewide "Drink. Drive. Go To Jail" campaign and in conjunction with the national Impaired Driving Mobilization campaign

How many years has your organization received funding for this project? This will be our second year.

SALARIES AND FRINGE BENEFITS - 100 & 200

Law Enforcement Hours

X Overtime Regular Time																												
	TxDOT Hours	Match Hours	Wage Rate	TxDOT Salaries	Match Salaries	Total Salaries	Fringe %	Total Fringe:																				
A. Enforcement (overtime)																												
Officers/Deputies:	90		\$52,670	\$4,740.30	\$0	\$4,740.30	28.51%	\$1,351.46																				
Sergeants:	20		\$63,480	\$1,269.60	\$0	\$1,269.60	28.51%	\$361.96																				
Lieutenants/Other:			\$0	\$0	\$0	\$0	%	\$0																				
B. PI&E Activities (overtime)																												
PI&E Activities			\$0	\$0	\$0	\$0	%	\$0																				
C. Administrative Duties																												
Sgt. Program Oversight, PR and RFR 4 waves			\$65,020	\$0	\$0	\$0	%	\$0																				
			\$0	\$0	\$0	\$0	%	\$0																				
			\$0	\$0	\$0	\$0	%	\$0																				
			\$0	\$0	\$0	\$0	%	\$0																				
			\$0	\$0	\$0	\$0	%	\$0																				
			\$0	\$0	\$0	\$0	%	\$0																				
Total:				\$0 \$6,009.90	\$0	\$6,009.90																						
<table border="1"> <thead> <tr> <th>Category</th> <th>TxDOT</th> <th>%</th> <th>Match</th> <th>%</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Salaries:</td> <td>\$1,713.42</td> <td>\$6,009.90</td> <td>100.00%</td> <td>\$0</td> <td>0.00%</td> <td>\$6,009.90</td> </tr> <tr> <td>Fringe Benefits:</td> <td>\$0</td> <td>%</td> <td>0.00</td> <td>\$1,713.42</td> <td>100.00%</td> <td>\$1,713.42</td> </tr> </tbody> </table>									Category	TxDOT	%	Match	%	Total	Salaries:	\$1,713.42	\$6,009.90	100.00%	\$0	0.00%	\$6,009.90	Fringe Benefits:	\$0	%	0.00	\$1,713.42	100.00%	\$1,713.42
Category	TxDOT	%	Match	%	Total																							
Salaries:	\$1,713.42	\$6,009.90	100.00%	\$0	0.00%	\$6,009.90																						
Fringe Benefits:	\$0	%	0.00	\$1,713.42	100.00%	\$1,713.42																						
Breakdown of Fringe Percentages: Fringe 2019 Civil Service FICA 7.65% TMRS 16.28% W/Comp 4.58% Total 28.51%																												

Budget Summary

Budget Category		TxDOT	Match	Total
Category I - Labor Costs				
(100)	Salaries	\$6,009.90	\$0	\$6,009.90
(200)	Fringe Benefits	\$0	\$1,713.42	\$1,713.42
	Category I Sub-Total	\$6,009.90	\$1,713.42	\$7,723.32
Category II - Other Direct Costs				
(300)	Travel	\$0	\$0	\$0
(400)	Equipment	\$0	\$0	\$0
(500)	Supplies	\$0	\$0	\$0
(600)	Contractual Services	\$0	\$0	\$0
(700)	Other Miscellaneous	\$0	\$0	\$0
	Category II Sub-Total	\$0	\$0	\$0
Total Direct Costs		\$6,009.90	\$1,713.42	\$7,723.32
Category III - Indirect Costs				
(800)	Indirect Cost Rate	\$0	\$0	\$0
Summary				
	Total Labor Costs	\$6,009.90	\$1,713.42	\$7,723.32
	Total Direct Costs	\$0	\$0	\$0
	Total Indirect Costs	\$0	\$0	\$0
Grand Total		\$6,009.90	\$1,713.42	\$7,723.32
	Fund Sources	77.81%	22.19%	

COMPLIANCE REQUIREMENTS

Data Universal Numbering System: The Data Universal Numbering System (DUNS) is a unique nine-digit number recognized as the universal standard for identifying and tracking businesses worldwide. The Federal Spending Transparency Directive and the previous Federal Funding Accountability and Transparency Act (FFATA) requires grantees and sub-grantees to have a DUNS number. Most agencies and organizations have DUNS numbers established, please check with your accounting staff. To obtain a DUNS number, applicants should go to the Dun and Bradstreet website at:
<http://fedgov.dnb.com/webform>

Data Universal Numbering System (D-U-N-S) 010804755

2 C.F.R. Part 200 Compliance

Enter the Begin Date and End Date of your Agency's Fiscal Year 2020

Begin Date : 10/1/2019 End Date : 9/30/2020

Your entity is required to comply with federal (OMB A-133) and/or state (State of Texas Single Audit Circular) requirements.

If threshold expenditures of \$750,000 or more are met during your agency's fiscal year, please submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 East Eleventh Street, Austin, TX 78701 or contact TxDOT's Audit Office at singleaudits@txdot.gov

If expenditures are less than \$750,000 during your agency's fiscal year, please submit a statement to TxDOT's Audit Office as follows:

"We did not meet the \$750,000 expenditure threshold and therefore we are not required to have a single audit performed for FY ."

X I agree

STEP Operating Policies and Procedures

All STEP agencies must either have established written STEP operating policies and procedures, or will develop written policies and procedures before STEP grants can be executed. Please click here for [STEP Policies and Procedures requirements](#).

If your agency has approved STEP Operating Policies and Procedures, please upload here :

https://www.dot.state.tx.us/apps/egrants/_Upload/930637_207009_1-S.T.E.P._Special_Traffic_Enforcement_Program_.pdf

If your agency does not have approved STEP Operating Policies and Procedures, please certify the following:

I certify that our agency will develop STEP Operating Policies and Procedures before executing the grant.

PROPOSING AGENCY AUTHENTICATION

X The following person has authorized the submittal of this proposal.

Name	Bennie Boles
Title	Sergeant
Address	3001 N. 23rd Street
City	La Porte
State	Texas
Zip Code	77571
Phone Number	12818423115
Fax Number	281-470-1639
E-mail address	bolesb@laportetx.gov
Project Director	Bennie Boles

Texas Traffic Safety eGrants

Fiscal Year 2020

Organization Name: City of La Porte Police Department

Legal Name: City of La Porte

Payee Identification Number: 17460015526006

Project Title: STEP - Impaired Driving Mobilization

ID: 2020-LaPorte-IDM-00030

Period: 12/10/2019 to 09/30/2020

**Texas Department Of Transportation - Traffic Safety
Electronic Signature Authorization Form**

This form identifies the person(s) who have the authority to sign grant agreements and amendments for the Grant ID listed at the bottom of the page.

Name Of Organization: City of La Porte

Project Title: STEP - Impaired Driving Mobilization

Authorizing Authority

The signatory of the Subgrantee hereby represents and warrants that she/he is an officer of the organization for which she/he has executed this agreement and that she/he has full and complete authority to enter into the agreement on behalf of the organization. I authorize the person(s) listed under the section "Authorized to Electronically Sign Grant Agreements and Amendments" to enter into an agreement on behalf of the organization.

Name:	Corby Alexander
Title:	City Manager
Signature:	
Date:	

Under the authority of Ordinance or Resolution Number (if applicable)	
---	--

Authorized to Electronically Sign Grant Agreements and Amendments

List Subgrantee Administrators who have complete authority to enter into an agreement on behalf of the organization.

	Print Name of Subgrantee Administrator in TxDOT Traffic Safety eGrants	Title
1.	Bennie Boles	Grant Administrator
2.	Ron Parker	Chief of Police
3.	Corby Alexander	City Manager



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>January 27, 2020</u>
Requested By: <u>Matt Daeumer, Asst Chief</u>
Department: <u>Police</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Trap, Neuter and Return Program Research, Updated Ordinance Chapter 14, "Animals", and Article III, and Cats", Division 1

"Dogs

SUMMARY

The City of La Porte currently has a population of unregulated feral cats that reproduce offspring. These cats add to the stray population in La Porte and an increase of animals taken in by the Animal Shelter. Generally these cats are not adoptable because they are wild, so they face certain euthanasia.

Problem:

- Feral cats often reproduce at a high rate, thereby increasing the stray population. This uncontrolled breeding causes the cat overpopulation to grow contributing to more nuisance issues leading to increased calls for service to trap and remove them.
- Once at the shelter, there must be care for the animals to include feedings and veterinary care resulting increased care costs and man-hours.
- Often these cats are difficult to place in a home and thus the majority ultimately must be euthanized, leading to increased euthanasia rates at the shelter.
- Sick cats will continue to spread disease and are potential threat to citizen pets as well as animals at the shelter.
- Many of these cats are being fed by citizens in the neighborhoods who may desire to keep some in the area to assist with rodent control.
- The Adoption Center also has residents turn in feral cats because they continue to have litters of kittens several times a year.
- Some citizens currently trap, alter and feed cats in certain areas of the city. This action is considered illegal under the current laws unless adopted by ordinance.

Research:

A Trap Neuter and Return Program (TNR) program may be defined as “a program approved by the city in which feral cats are humanely trapped, evaluated, vaccinated, sterilized, and marked by an identifying notch in the left ear by a veterinarian or other authorized personnel and returned to the trap location or other area approved by the animal control division under the supervision of a sponsor.”

There are some cities in Texas who utilize these programs to control cat populations such as Galveston, Longview and Fort Worth. These cities had their designees perform resident visits and obtain a signed agreement with the resident on the amount of animals the applicant can support. They also contacted citizens surrounding the applicant’s resident to make sure they support trapping and releasing in their neighborhood. All agencies use volunteers and other rescue groups to assist in the process thereby leaving city employees free to perform their other daily tasks. The designated “trappers” capture strays and ensure they are taken to a professional facility where the animal can be spayed or neutered and receive vaccinations. The animals are marked by a cut ear and/or microchipped and when appropriate released back to the area they were captured.

The City of Galveston advised that their program has been successful and there has been a decrease in animals in the program every year since inception as described below.

Year	Cats Altered
2016	1,026
2017	725
2018	630
2019	330 (as of 11/15/19)

Proposed Solution:

The City of La Porte should adopt a Trap, Neuter and Return (TNR) ordinance to address concerns with stray cats. The Animal Control Division would take request from persons to participate in TNR. These request will be considered for approval by Animal Shelter Advisory Committee. Once approved, the cats will be the responsibility of the authorized agent approved for the program. The animals would be trapped, altered and given veterinary care by an authorized agent, at the city’s expense. Cats that test positive for the feline infectious virus/feline leukemia will not qualify for the program and will be euthanized. These cats will not be taken to any city facility and city staff will not assist in the program.

The number of animals that can enter into the program would be based of the funding that is budgeted for the program. Anyone wishing to add animals above the budget used may do so at their own expense.

The shelter will have to track the number of animals that have qualified for the program. If an animal dies for any reason it will be the authorized agent’s responsibility to notify the Animal Control Division.

Estimated cost:

Cost per cat, at SNAP, that qualifies for the program are:

\$ 15.00 for Feline combo test
\$ 85.00 for Spay/Neuter and Rabies
\$ 7.00 for Vaccinations
\$107.00 per animal

We currently have funding in an escrow account from spay/neuter vouchers that were never redeemed.

To help reduce the feral cat population in the City of La Porte in an ethical and legal manner, staff is requesting the amendment to Chapter 14, “Animals,” Article III “Dogs and Cats”, Division 1 of the Code of Ordinances of the City of La Porte. Specifically, the authorization of a Trap, Neuter and Return program as described below:

1) “Sec. 14-1. Definitions

Trap, neuter, and return program means a program approved by the city in which feral cats are humanely trapped, evaluated, vaccinated, sterilized, and marked by an identifying notch in the left ear by a veterinarian or other authorized agents and returned to the trap location or other area approved by the animal control division.

2) Sec. 14-86. Trap, neuter and return program.

The Animal Control Division for the City of La Porte or a person that is appointed by the Animal Shelter Advisory Committee is hereby authorized to trap or otherwise capture any feral cat, cause that feral cat to be spayed or neutered, provide necessary vaccinations or other medical care deemed necessary for the health and welfare of said animal by the veterinarian providing such services, and then return the animal into the community as close as possible to the location from which the animal was taken. This program does not interfere with the authority of any police officer, animal control officer, or other person designated by the Animal Control Division to otherwise exercise any authority granted pursuant to state law or in Chapter 14 of this Code.”

RECOMMENDED MOTION

I move to adopt Ordinance 2020-3780 amending Chapter 14, “Animals,” Article III “Dogs and Cats”, Division 1 of the City of La Porte for regulations relating to the Trap, Neuter, and Return Program within the City of La Porte.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2020-3780

AN ORDINANCE AMENDING CHAPTER 14 “ANIMALS” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS, TO IMPLEMENT A FERAL CAT TRAP, NEUTER AND RETURN PROGRAM; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

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

Section 1. Chapter 14, “Animals,” Article I “In General”, Section 14-1 “Definitions” of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding the following definition, to be included in proper alphabetical sequence, to wit:

“Sec. 14-1. Definitions

...

Trap, neuter, and return program means a program approved by the city in which feral cats are humanely trapped, evaluated, vaccinated, sterilized, and marked by an identifying notch in the left ear by a veterinarian or other authorized agents and returned to the trap location or other area approved by the animal control division.

....

Section 2. Chapter 14, “Animals,” Article III “Dogs and Cats”, Division 1 “Generally”, is hereby amended by adding new Section 14-86 “Trap, neuter and return program”, to hereafter read as follows, to wit:

“Sec. 14-86. Trap, neuter and return program.

The Animal Control Division for the City of La Porte or a person that is appointed by the Animal Shelter Advisory Committee is hereby authorized to trap or otherwise capture any feral cat, cause that feral cat to be spayed or neutered, provide necessary vaccinations or other medical care deemed necessary for the health and welfare of said animal by the veterinarian providing such services, and then return the animal into the community as close as possible to the location from which the animal was taken. This program does not interfere with the authority of any police officer, animal control officer, or other person designated by the Animal Control Division to otherwise exercise any authority granted pursuant to state law or in Chapter 14 of this Code.”

Section 3. Reference is here made to Title 10, “Health and Safety of Animals”, Chapter 821 through Chapter 828, of the Texas Health and Safety Code. In the event of any conflict between the terms and provisions of Chapter 14 of the Code of Ordinances of the City of La Porte, and Title 10 of the Texas Health and Safety Code, the provisions of Title 10 of the Texas Health and Safety Code shall prevail, to the extent of such conflict.

Section 4. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any

unconstitutionality, vividness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 5. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 6. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contacts and posting thereof.

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

PASSED AND APPROVED, this the _____ day of _____, 2020.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST

APPROVED AS TO FORM

Lee Woodward, City Secretary

Clark T. Askins, Assistant City Attorney



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: January 27, 2020
Requested By: Ian Clowes, City Planner
Department: Planning & Development
 Report Resolution Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Ordinance 2020-3772
P & Z letter of recommendation
Current Land Use map
Proposed Land Use map

SUMMARY

This item is a request for consideration to amend the City's Future Land Use Plan (FLUP) in conjunction with a request by Pablo Abel Garza, applicant and owner, who is seeking approval of a Zone Change from the General Commercial (GC) zoning district to the Low Density Residential (R-1) zoning district. The proposed zone change would allow for the development of a single family residential use on the site. The property in question is located at the 11813 Fieldcrest Dr., and legally described as Lots 32 and 33, Block 2, Pinegrove Valley Subdivision.

The City's Future Land Use Plan (FLUP) identifies this property as "Commercial" land use. In order to accommodate the proposed development, the FLUP would need to be amended to allow for "Low Density Residential" use.

The Planning and Zoning Commission, at their December 19, 2019, regular meeting, voted 9-0 to recommend approval of the proposed Future Land Use Amendment.

Per Sec. 106-171. (6) Council Actions. "The city council shall act upon such motion or petition within 30 days from the date the final report of the city planning and zoning commission was submitted to the city council."

RECOMMENDED MOTION

I move that the Council adopt Ordinance 2020-3772, amending the City's Future Land Use Plan for a 0.23-acre tract of land located at 11813 Fieldcrest Dr., and legally described as Lots 32 and 33, Block 2, Pinegrove Valley Subdivision.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2020-3772

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; BY CHANGING THE DESIGNATION OF A 0.23-ACRE TRACT OF LAND AT 11813 FIELDCREST DRIVE FROM “COMMERCIAL” TO “LOW DENSITY RESIDENTIAL”; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF

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

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

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

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

WHEREAS, the City of La Porte has a Comprehensive Plan, which Plan was adopted by the City Council of the City of La Porte, Texas in 1986, and which Plan has been the subject of multiple amendments since its adoption;

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

WHEREAS, at the La Porte Planning and Zoning Commission meeting which occurred on December 19, 2019, the La Porte Planning and Zoning Commission reviewed the Future Land Use Map component of the Comprehensive Plan for the purpose of considering proposed amendments thereto, to change the designation for that 0.23 acre tract of land located at 11813 Fieldcrest Dr., and legally described as follows: Lots 32 and 33, Block 2, Pinegrove Valley Subdivision, City of La Porte, Harris County, Texas, from its present designation of “Commercial”, to “Low Density Residential”, and at the conclusion of such review the La Porte Planning and Zoning Commission voted to recommend to the La Porte City Council that it approve such amendment to the Future Land Use Plan component of the Comprehensive Plan, to the La Porte City Council;

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

Section 1. That an amendment to the Future Land Use Map component of the Comprehensive Plan of the

City of La Porte, Texas, which is incorporated to this ordinance by reference herein and attached hereto as Exhibit A, be and is hereby authorized, approved, and adopted by the City Council of the City of La Porte, Texas, after duly noticed public hearing held at its January 27, 2020 meeting, pursuant to the recommendations of the Planning and Zoning Commission of the City of La Porte, Texas.

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

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

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

Section 4. This ordinance shall be in effect from and after its passage and approval.

PASSED AND APPROVED this, the 27th day of January, 2020.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

APPROVED:

Lee Woodward, City Secretary

Clark Askins, Assistant City Attorney



December 20, 2019

Honorable Mayor Rigby and City Council
City of La Porte

RE: Request #19-92000007 to Amend the Future Land Use Map

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a meeting on December 19, 2019 for a request to amend the City's Future Land Use Plan as adopted in the Comprehensive Plan for a 0.23 acre tract of land located at 11813 Fieldcrest Dr., and is legally described as Lots 32 and 33, Block 2, Pinegrove Valley Subdivision. The request was for approval of a change of the future land use designation from "Commercial" use to "Low Density Residential" use

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

Respectfully submitted,

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



FLUP MAP

**Zone Change
#19-92000007**

11813 Fieldcrest Dr.

Legend

 Subject Parcel



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

1 inch = 86 feet

**JANUARY 2020
PLANNING DEPARTMENT**





PROPOSED FLUP MAP

**Zone Change
#19-92000007**

11813 Fieldcrest Dr.

Legend

 Subject Parcel



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

1 inch = 86 feet

**JANUARY 2020
PLANNING DEPARTMENT**





REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>January 27, 2020</u>
Requested By: <u>Ian Clowes, City Planner</u>
Department: <u>Planning & Development</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Ordinance 2020-3773
P & Z letter of recommendation
Aerial map
Zoning map
Future Land Use map
Applicant information

SUMMARY

Pablo Abel Garza, applicant and, owner, is seeking approval of a Zone Change from the General Commercial (GC) zoning district to the Low Density Residential (R-1) zoning district. The subject property is located at 11813 Fieldcrest Dr., and legally described as Lots 32 and 33, Block 2, Pinegrove Valley Subdivision.

The property is currently undeveloped. The applicant would like to develop the site for single family residential purposes, similar to the surrounding properties. In order to allow the proposed use, the site must be rezoned to R-1. The adjacent property to the west is currently zoned R-1 and is developed as a single family residence.

Staff mailed thirty (30) public notices to property owners located within 200 feet of the subject property. Staff received one (1) returned comment sheet for the proposed zone change that was in favor of the request.

The Planning and Zoning Commission, at their December 19, 2019, regular meeting, voted 9-0 to recommend approval of the proposed Zone Change.

Per Sec. 106-171. (6) Council Actions. "The city council shall act upon such motion or petition within 30 days from the date the final report of the city planning and zoning commission was submitted to the city council."

RECOMMENDED MOTION

I move that the Council adopt Ordinance 2020-3773 for zone change request #19-92000007, for a 0.23-acre tract of land located at 11813 Fieldcrest Dr., and legally described as Lots 32 and 33, Block 2, Pinegrove Valley Subdivision.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2020-3773

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY CHANGING THE ZONING CLASSIFICATION OF A 0.23-ACRE TRACT OF LAND LOCATED AT 11813 FIELDCREST DRIVE AND LEGALLY DESCRIBED AS LOTS 32 AND 33, BLOCK 2, PINEGROVE VALLEY SUBDIVISION, FROM GENERAL COMMERCIAL (GC) TO LOW DENSITY RESIDENTIAL (R-1); MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF

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

Section 1. Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by changing the zoning classification of the following described property, to wit: a 0.23-acre tract of land located at 11813 Fieldcrest Dr. and legally described as Lots 32 and 33, Block 2, Pinegrove Valley Subdivision, Harris County, Texas, from General Commercial (GC) to Low Density Residential (R-1).

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

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

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

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

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

Section 7. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Map and Classification contained in this ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

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

PASSED AND APPROVED this, the 27th day of January 2020.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

APPROVED:

Lee Woodward, City Secretary

Clark Askins, Assistant City Attorney



December 20, 2019

Honorable Mayor Rigby and City Council
City of La Porte

RE: Zone Change Request #19-92000007

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the December 19, 2019 meeting on a zone change request by Pablo Abel Garza, applicant and, owner; for a zone change of property legally described as Lots 32 and 33, Block 2, Pinegrove Valley Subdivision, from General Commercial (GC) to Low Density Residential (R-1). The site is a 0.23 acre tract of land located at 11813 Fieldcrest Dr.

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

Respectfully submitted,

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



AREA MAP

**Zone Change
#19-9200007**

11813 Fieldcrest Dr.

Legend

 Subject Parcel



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

1 inch = 86 feet

**JANUARY 2020
PLANNING DEPARTMENT**



ZONING MAP

**Zone Change
#19-9200007**

11813 Fieldcrest Dr.

Legend

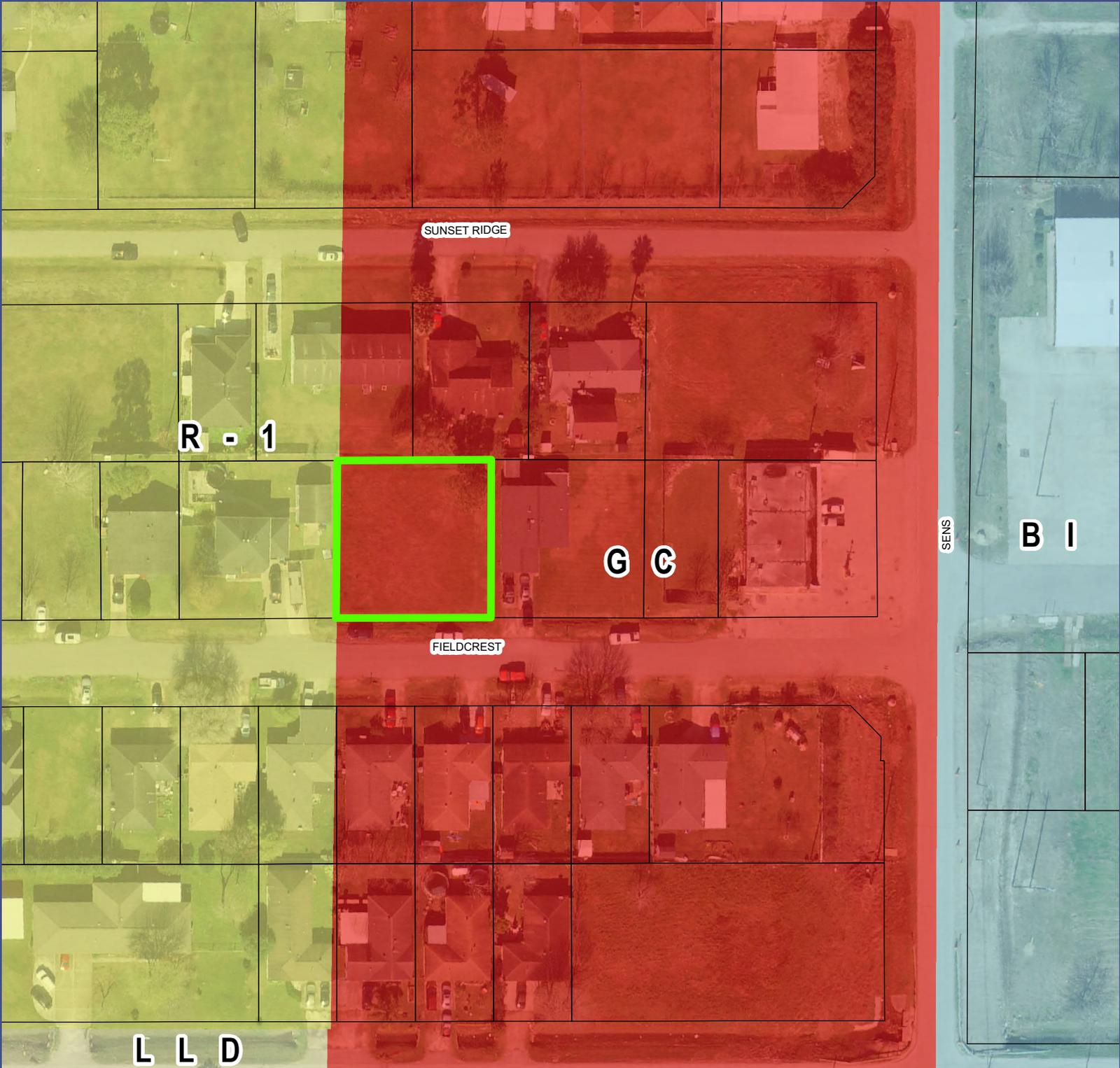
 Subject Parcel

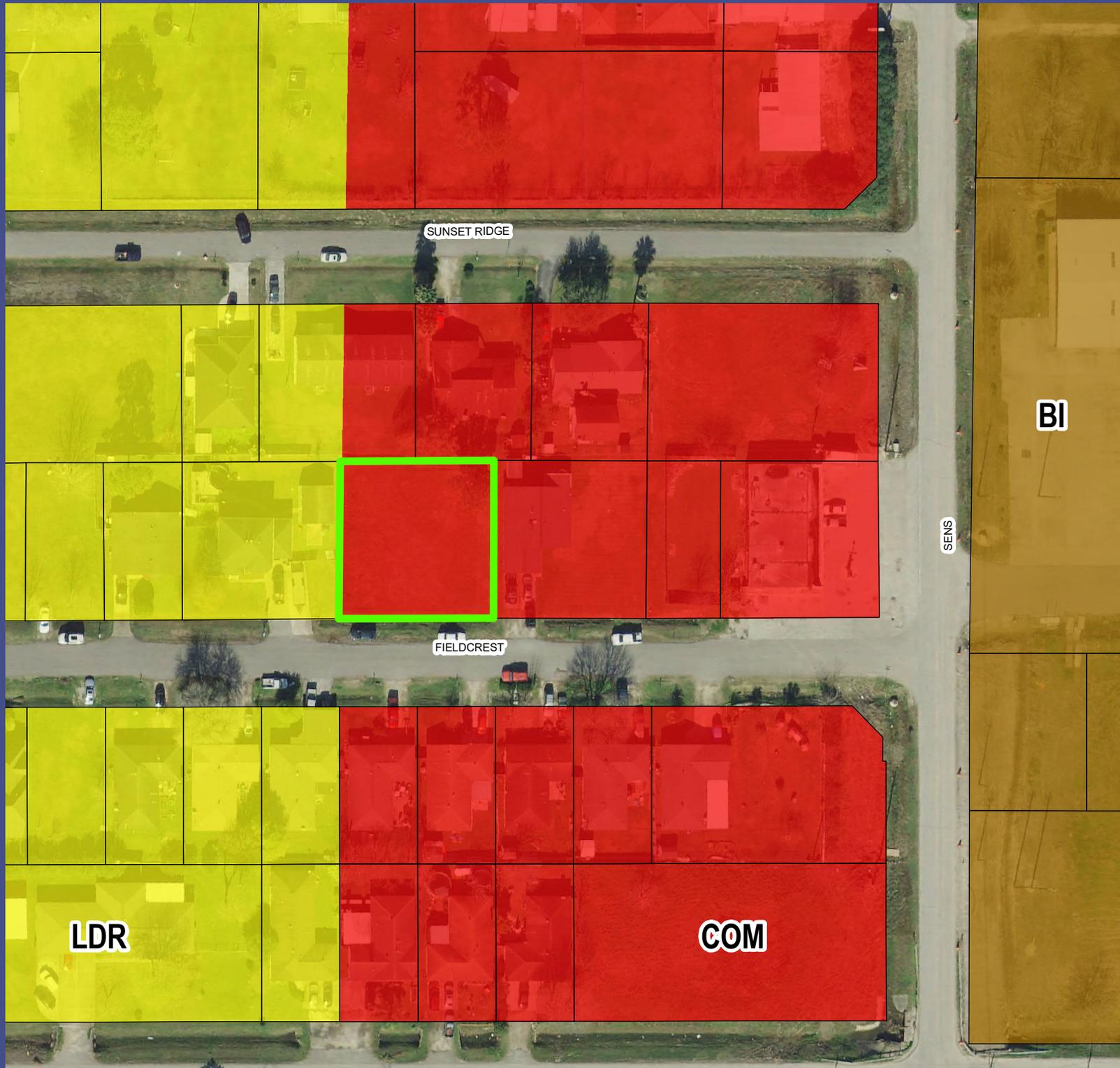


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 86 feet

**JANUARY 2020
PLANNING DEPARTMENT**





FLUP MAP

**Zone Change
#19-92000007**

11813 Fieldcrest Dr.

Legend

 Subject Parcel



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

1 inch = 86 feet

**JANUARY 2020
PLANNING DEPARTMENT**





Zone Change Application

Planning and Development Department

PROJECT INFORMATION

Address where zone change is being requested: 0 Fieldcrest Dr.
Legal description where zone change is being requested: Lts 32 and 33 Blk 2 Pinegrove
HCAD Parcel Number where zone change is being requested: 099-420-000-0032
Zoning District: _____ Lot area: _____
A request for approval of a zone change is hereby made to the City of La Porte.
Description of Request: From Commercial to Residential Lots

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

PROPERTY OWNER(S) INFORMATION

Name: Pablo Abel Garza
Company (if applicable): _____
Address: 905 Iowa St
City: South Houston State: TX Zip: 77587
Phone: 713-269-1712 Email: _____

AUTHORIZED AGENT (if other than owner)

Name: _____
Company (if applicable): _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: Pablo Abel Garza Date: 10-31-19
Owner(s)' Signature(s): Pablo Abel Garza Date: 10-31-19

STAFF USE ONLY:

Case Number: 19-92000007

Date Application Received:
11/5/19



AFFIDAVIT OF POSTING
PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS
COUNTY OF HARRIS
CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

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

ADDRESS: 0 - Fieldcrest
LEGAL DESCRIPTION: Lots 32 and 33 Blk 2

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

Pablo Abel Garza
Applicant’s Signature

Pablo Abel Garza
Applicant’s Printed Name

Subscribed and sworn before me this 10 day of 31, 2019, by
Pablo Abel Garza (Print Applicant’s Name).

Notary Public

(Seal)

My commission expires: _____



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>January 27, 2020</u> Requested By: <u>Ian Clowes, City Planner</u> Department: <u>Planning & Development</u> <input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance
--

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

- Exhibits:** Ordinance 2020-3774
 P & Z letter of recommendation
 Aerial map
 Zoning map
 Future Land Use map
 Applicant information

SUMMARY

Monica Rogers, applicant; on behalf of her company, MLMR Properties, LLC, owner, is seeking approval of a Zone Change from the Low Density Residential (R-1) zoning district to the Neighborhood Commercial (NC) zoning district. The subject property is located at 10105 W. Fairmont Pkwy., and legally described as a portion of Restricted Reserve "A", Block 1, Willmont Commercial Park Subdivision Amending Plat.

The property is currently undeveloped. Harris County Appraisal District Records indicate that the property is still owned by the applicant though the applicant has stated that they are in the process of selling the property. The purchaser of the property would like to construct a new location for Farm Store (farmstores.com). Farm Stores are small drive thru only stores that carry convenience items such as fresh baked goods, snacks, groceries, dairy products, household goods, beverages, and other products. If approved, this would only be the second location in Texas.

In order to allow the proposed Farm Store, the site must be rezoned to NC. The adjacent property to the east is currently zoned NC and is home to Bay-Porte Animal Hospital. An amendment to the future land use map is not necessary, as the site is already shown as Neighborhood Commercial. The proposed zone change would bring the site into conformance with the existing future land use map.

Staff mailed sixteen (16) public notices to property owners located within 200 feet of the subject property. Staff did not receive any returned comment sheet for the proposed zone change.

The Planning and Zoning Commission, at their December 19, 2019, regular meeting, voted 9-0 to recommend approval of the proposed Zone Change.

Per Sec. 106-171. (6) Council Actions. "The city council shall act upon such motion or petition within 30 days from the date the final report of the city planning and zoning commission was submitted to the city council."

RECOMMENDED MOTION

I move that the Council adopt Ordinance 2020-3774 for zone change request #19-92000008, for a 0.39-acre tract of land located at 10105 Fairmont Pkwy., and legally described as a portion of Restricted Reserve "A", Block 1, Willmont Commercial Park Subdivision Amending Plat.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2020-3774

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY CHANGING THE ZONING CLASSIFICATION OF A 0.39-ACRE TRACT OF LAND LOCATED AT 10105 W. FAIRMONT PARKWAY AND LEGALLY DESCRIBED AS A PORTION OF RESTRICTED RESERVE “A”, BLOCK 1, WILLMONT COMMERCIAL PARK SUBDIVISION AMENDING PLAT, FROM LOW DENSITY RESIDENTIAL (R-1) TO NEIGHBORHOOD COMMERCIAL (NC); MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF

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

Section 1. Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by changing the zoning classification of the following described property, to wit: a 0.39-acre tract of land located at 10105 W. Fairmont Pkwy. and legally described as a portion of Restricted Reserve “A”, Block 1, Willmont Commercial Park Subdivision Amending Plat, Harris County, Texas, from Low Density Residential (R-1) to Neighborhood Commercial (NC).

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

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

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

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

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

Section 7. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Map and Classification contained in this ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

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

PASSED AND APPROVED this, the 27th day of January 2020.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

APPROVED:

Lee Woodward, City Secretary

Clark Askins, Assistant City Attorney



December 20, 2019

Honorable Mayor Rigby and City Council
City of La Porte

RE: Zone Change Request #19-92000008

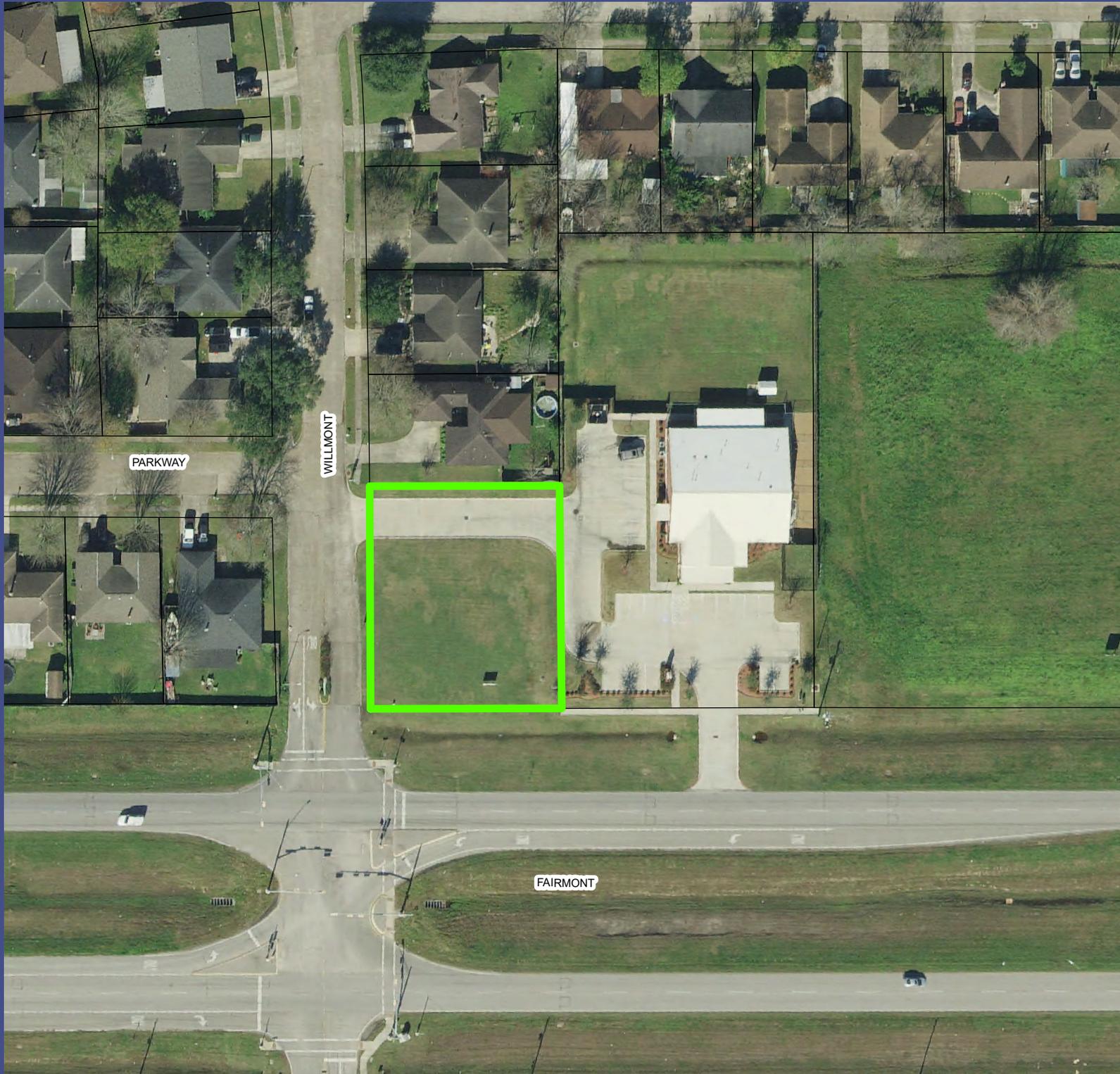
Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the December 19, 2019 meeting on a zone change request by Monica Rogers, applicant; on behalf of MLMR Properties, LLC, owner; for a zone change of property legally described as a portion of Restricted Reserve "A", Block 1, Willmont Commercial Park Subdivision Amending Plat, from General Commercial (GC) to Low Density Residential (R-1). The site is a 0.39 acre tract of land located at 10105 W. Fairmont Pkwy.

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

Respectfully submitted,

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



AREA MAP

**Zone Change
#19-92000008**

10105 Fairmont Pkwy.

Legend

 Subject Parcel

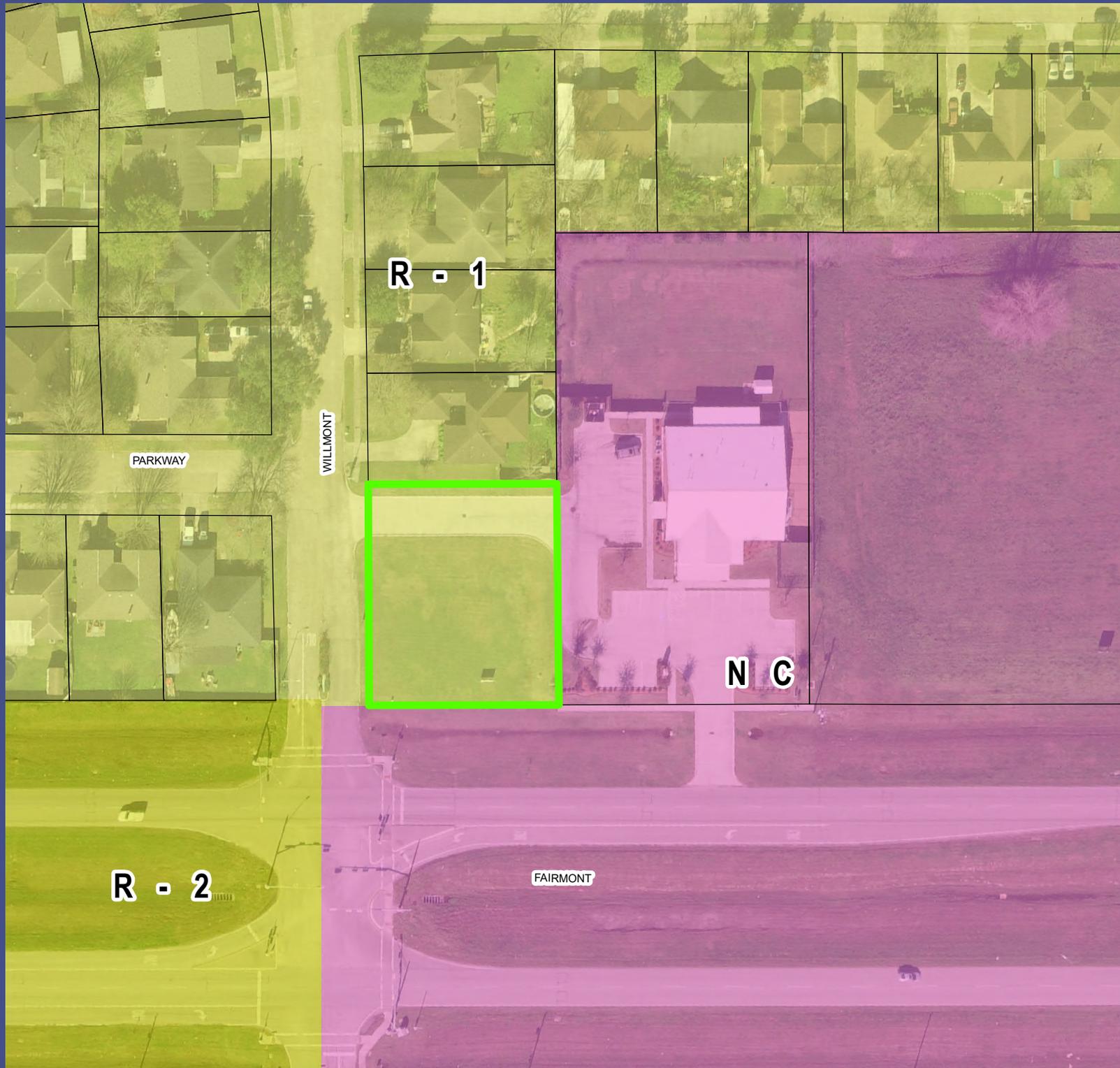


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 86 feet

**JANUARY 2020
PLANNING DEPARTMENT**





ZONING MAP

**Zone Change
#19-92000008**

10105 Fairmont Pkwy.

Legend

 Subject Parcel

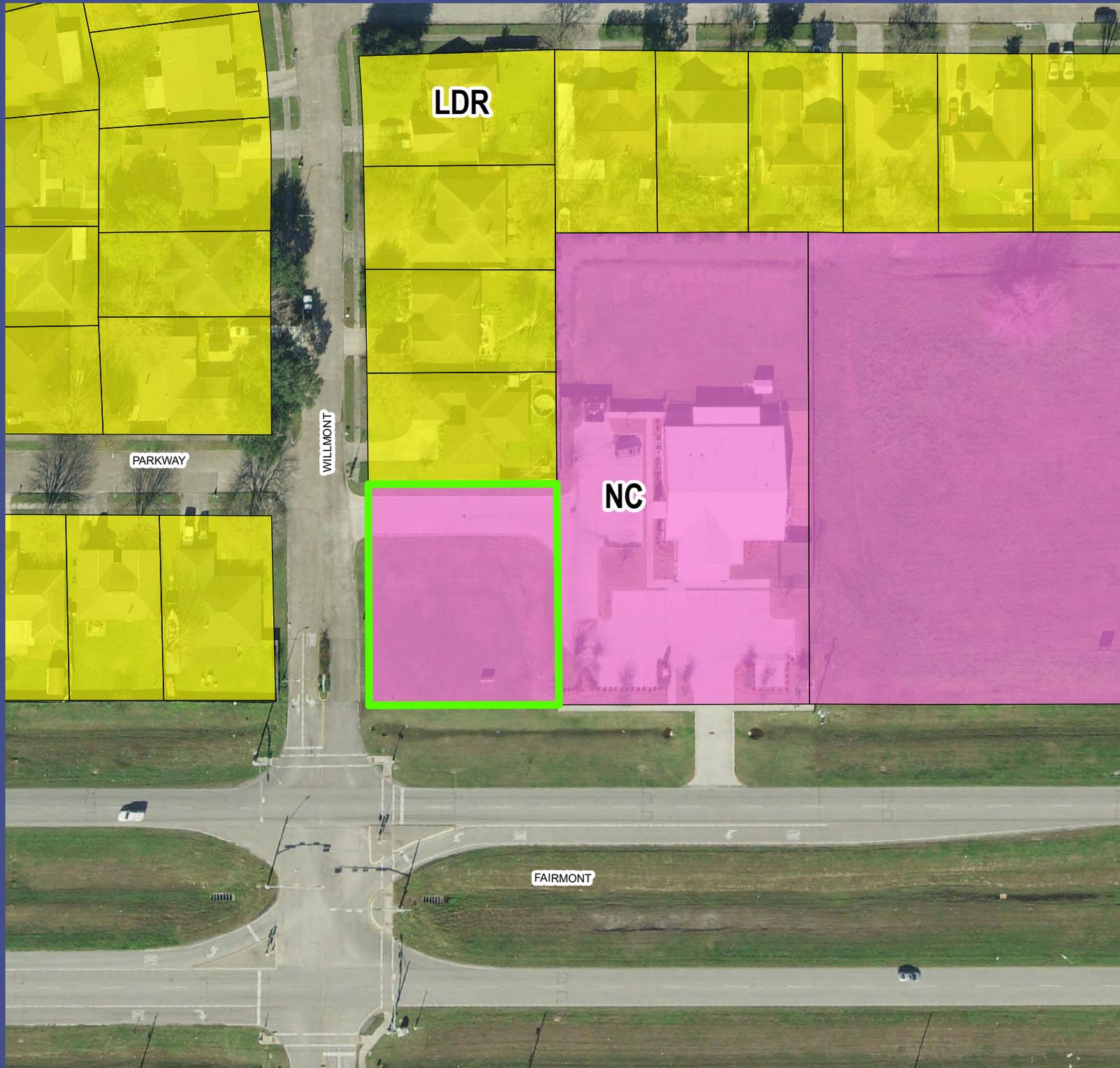


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 86 feet



**JANUARY 2020
PLANNING DEPARTMENT**



FLUP MAP

**Zone Change
#19-9200008**

10105 Fairmont Pkwy.

Legend

 Subject Parcel



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

1 inch = 86 feet

**JANUARY 2020
PLANNING DEPARTMENT**





Zone Change Application

Planning and Development Department

PROJECT INFORMATION

Address where zone change is being requested: 10105 FAIRMONT PKWY, LA PORTE, TX 77571

Legal description where zone change is being requested: See attached - "Exhibit A"

HCAD Parcel Number where zone change is being requested: 1311750010004

Zoning District: Currently "R-1" Single Family Residential Lot area: .3888 Acres

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

Description of Request: Rezone of .3888 acres of land zoned "R-1 / Single Family Residential" to "NC / Neighborhood Commercial"

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

PROPERTY OWNER(S) INFORMATION

Name: Monica Rogers

Company (if applicable): MLMR PROPERTIES, LLC

Address: 10105 Fairmont Pkwy

City: La Porte State: TX Zip: 77571

Phone: (281) 471-6834 Email: [REDACTED]

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): Monica L Rogers Digitally signed by Monica L Rogers Date: 2019.11.08 16:44:38 -06'00' Date: _____

STAFF USE ONLY:

Case Number:
19-9200008

Date Application Received:
11/14/19

EXHIBIT A, PAGE 1 OF 3 PAGES

County: Harris
Project: Farm Store La Porte
M&B No: 19-238
CS Job No: 19089

METES AND BOUNDS DESCRIPTION OF 0.3888 ACRE

Being a tract of land containing 0.3888 acre (16,935 square feet), located in the William P. Jones Survey, Abstract 482, in Harris County, Texas; Said 0.3888 acre tract being out of Restricted Reserve "A", Block 1, Willmont Commercial Park Subdivision Amending Plat as recorded in Film Code Number (F.C. No.) 638272 of the Harris County Map Records (H.C.M.R.), same being out of the remainder of a called 1.500 acre tract of land recorded in the name of MLMR Properties, LLC, in Harris County Clerk's File (H.C.C.F.) No. 20090473515 and all of a called 0.2893 acre tract of land recorded in the name of Farm Pointe Houston, LLC, in H.C.C.F. No. RP-2019-460387; Said 0.3888 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System of 1983, South Central Zone):

BEGINNING, at a 5/8-inch iron rod found at the most westerly northwest corner of said Restricted Reserve "A" and the southwest corner of Lot 48, Block 39, of Fairmont Park West Section 6, a subdivision recorded in Volume 294, Page 79, of the H.C.M.R. on the east Right-of-Way (R.O.W.) line of Willmont Road (sixty feet wide per Film Code Number 638272 of the H.C.M.R.), for the northwest corner of the herein described tract,

THENCE, North 86° 54' 39" East, with the westerly north line of said Restricted Reserve "A" and the south line of said Lot 48, a distance of 120.54 feet to a 5/8-inch iron rod found at the southeast corner of said Lot 48, for the northeast corner of the herein described tract;

THENCE, South 03° 15' 55" East, through and across said Restricted Reserve "A" and said remainder tract, a distance of 140.36 feet to a point on the south line of said Restricted Reserve "A" and said remainder tract, on the north R.O.W. line of Fairmont Parkway (two hundred and fifty feet wide per F.C. No. 638272 of the H.C.M.R.), for the southeast corner of the herein described tract;

THENCE, South 86° 50' 11" West, with the south line of said Restricted Reserve "A" and said remainder and said 0.2893 acre tracts, and with the north R.O.W. line of said Fairmont Parkway, a distance of 120.63 feet to a point at the southwest corner of said Restricted Reserve "A" and said 0.2893 acre tract, at the northeast intersection of said Fairmont Parkway and said Willmont Road, for the southwest corner of the herein described tract;

EXHIBIT A, PAGE 2 OF 3 PAGES

THENCE, North 03° 13' 37" West, with the west lines of said Restricted Reserve "A", said 0.2893 acre tract and said remainder tract and with the east R.O.W. line of said Willmont Road, a distance of 140.52 feet to the **POINT OF BEGINNING** and containing 0.3888 acre (16,935 square feet) of land.

An Exhibit Map of the herein described tract was prepared in conjunction with and accompanies this description.



Chris Rhodes, R.P.L.S.
Texas Registration Number 6532



CVIL-SURV LAND SURVEYING, LC
PH: (713) 839-9181
November 5, 2019

SCALE: 1"=40'

EXHIBIT PAGE 3 OF 3 PAGES

BLOCK 39
FAIRMONT PARK WEST
SECTION 6

Lot 48
VOL. 294 PG. 79, H.C.M.R.

P.O.B. N 86°54'39" E 120.54' FND. 5/8 LR.

0.3888 ACRE

16,935 SQUARE FEET

20' B.L.
F.C. NO. 638272
H.C.M.R.

25' B.L.
F.C. NO. 638272
H.C.M.R.
FARM POINTE HOUSTON, LLC
RP-2019-460387

RESTRICTED RESERVE "A"
BLOCK 1

WILLMONT COMMERCIAL PARK
SUBDIVISION AMENDING PLAT
F.C. NO. 638272, H.C.M.R.

16' UTILITY ESMT.
W/ 5' AERIAL ESMT.
VOL. 294 PG. 78
H.C.M.R.

S 03°15'55" E 140.36'

REMAINDER OF A
CALLED 1,500 ACRES
MLMR PROPERTIES, LLC
H.C.C.F. NO. 20090473515

RESTRICTED RESERVE "A"
BLOCK 1
WILLMONT COMMERCIAL PARK
SUBDIVISION AMENDING PLAT
F.C. NO. 638272, H.C.M.R.

RESTRICTED RESERVE "B"
BLOCK 1
WILLMONT COMMERCIAL
PARK SUBDIVISION
AMENDING PLAT
F.C. NO. 638272, H.C.M.R.

WILLMONT ROAD

(60' PUBLIC R.O.W.)
(FILM CODE NO. 638272- H.C.M.R.)

N 03°13'37" W 140.52'

S 86°50'11" W 120.63'
FAIRMONT PARKWAY

(250' PUBLIC R.O.W.)
(FILM CODE NO. 638272- H.C.M.R.)

LEGEND

H.C.D.R.	= HARRIS COUNTY DEED RECORDS
H.C.C.F.	= HARRIS COUNTY CLERK'S FILE
H.C.M.R.	= HARRIS COUNTY MAP RECORDS
FND.	= FOUND
LR.	= IRON ROD
No.	= NUMBER
R.O.W.	= RIGHT-OF-WAY
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
ESMT.	= EASEMENT
VOL.	= VOLUME
PG.	= PAGE
L.	= LENGTH
R.	= RADIUS
D.	= CENTRAL ANGLE
CHB	= CHORD BEARING
CHD	= CHORD DISTANCE

OUT OF RESTRICTED RESERVE "A", BLOCK 1, OF
WILLMONT COMMERCIAL PARK SUBDIVISION AMENDING
PLAT, A SUBDIVISION OF RECORD IN F.C. NO. 638272 OF
THE H.C.M.R., SAME BEING OUT OF THE REMAINDER OF
A CALLED 1,500 ACRE TRACT OF LAND RECORDED IN
THE NAME OF MLMR PROPERTIES, LLC IN H.C.C.F. No.
20090473515, AND ALL OF A CALLED 0.2893 ACRE
TRACT OF LAND RECORDED IN THE NAME OF FARM
POINTE HOUSTON, LLC, IN H.C.C.F. No.
RP-2019-460387, IN THE

0.0388 ACRE EXHIBIT

WILLIAM P. JONES SURVEY
ABSTRACT NO. 482

HARRIS COUNTY, TEXAS JOB# 19089 NOVEMBER 5, 2019



Civil-Surv
Land Surveying, LLC

10590 WESTOFFICE DRIVE, SUITE #100
HOUSTON, TEXAS 77042

OFFICE: (713) 839-9181
TELEPHONE: (713) 839-9181
FAX: (713) 839-9181
EMAIL: michael@civil-surv.net

- NOTE:
- THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.
 - A METES AND BOUNDS DESCRIPTION OF EVEN DATE HAS BEEN PREPARED IN CONJUNCTION WITH AND ACCOMPANIES THIS EXHIBIT.

Farm Stores – La Porte

Proposed Project / Justification Letter

A Farm Stores Franchise establishment is a neighborhood-centric model that offers convenience items, fresh groceries, bakery products, and freshly prepared foods. Utilizing a curbside pickup model, the customer can place their order and receive their products all without leaving their vehicle. The fulfillment of orders with the adoption of our mobile ordering app will increase the efficiency and level of service at our drive-up stores. Together with being a double drive-up “open-air” concept, our stores will always maintain a high level of cleanliness and will provide exceptional customer service.

In addition, it is our quest to remain as “eco-friendly” as possible. The structure itself will be a sustainable and recycled modified storage container, approximately 18’ wide and 40’ in length, which will be placed and secured on a concrete slab. The unique roof system is also designed to keep rainwater and other environmental elements away from the customers and their vehicles.

In order for our above-mentioned use to be permitted, we would like to request the following zone change. The .3888 acres of land that we are requesting to rezone from “R-1 Single Family Residential” to “Neighborhood Commercial” is currently part of a larger 1.5-acre parcel that is split zoned, with the remainder of the parcel already containing “Neighborhood Commercial” zoning. Of the .388 acres that we propose to rezone, only .2219 will be developed for our use.



Zone Change Application
Planning and Development Department

AFFIDAVIT OF POSTING
PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS
COUNTY OF HARRIS
CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:
ADDRESS: 10105 FAIRMONT PKWY, LA PORTE, TX 77571
LEGAL DESCRIPTION: See attached "Exhibit A"
2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: December 3, 2019.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

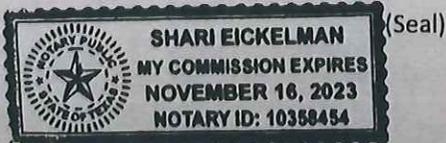
Monica L. Rogers
Applicant's Signature

Monica L. Rogers
Applicant's Printed Name

Subscribed and sworn before me this 11th day of November, 2019, by
Monica Rogers (Print Applicant's Name).

[Signature]
Notary Public

My commission expires: 11/16/2023



me
emer
ce-b



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: January 27, 2020
Requested By: Ian Clowes, City Planner
Department: Planning & Development
 Report Resolution Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Ordinance 2020-3775
P & Z letter of recommendation
Current Land Use map
Proposed Land Use map

SUMMARY

This item is a request for consideration to amend the City's Future Land Use Plan (FLUP) in conjunction with a request by Tammy Jo Millstid, applicant; on behalf of CM Millstid Properties, LLC, owner, who is seeking approval of a Zone Change from the Planned Unit Development (PUD) zoning district to the Business Industrial (BI) zoning district. The proposed zone change would allow for the existing developed property to match the zoning of the similarly developed property to the south. Both properties are owned by the same property owner and are utilized for the same uses. The property in question is located at the 11007 W. Fairmont Pkwy., and legally described as Tract 1H, Abstract 625 R, Pearsall Survey. The property is adjacent to the Morgan's Landing residential subdivision. To the east is of the property is a detention pond with single family residences to the north.

The City's Future Land Use Plan (FLUP) identifies this property as "Mid-High Density Residential" land use. In order to accommodate the proposed development, the FLUP would need to be amended to allow for "Business Industrial" use.

The Planning and Zoning Commission, at their December 19, 2019, regular meeting, voted 7-1 to recommend approval of the proposed Future Land Use Amendment. Chairman Lawler was the dissenting vote. Commissioner Pitzer abstained from the vote. The commission indicated that in lieu of approving the zone change request, they would prefer the applicant apply for a Special Conditional Use Permit (SCUP). Changing the FLUP to BI would help in achieving a SCUP approval for an industrial use.

Per Sec. 106-171. (6) Council Actions. "The city council shall act upon such motion or petition within 30 days from the date the final report of the city planning and zoning commission was submitted to the city council."

RECOMMENDED MOTION

I move that the Council adopt Ordinance 2020-3775, amending the City's Future Land Use Plan for a 3.38-acre tract of land located at 11007 W. Fairmont Pkwy, and legally described as Tract 1H, Abstract 625 R, Pearsall Survey.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2020-3775

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; BY CHANGING THE DESIGNATION OF A 3.38-ACRE TRACT OF LAND AT 11007 W. FAIRMONT PARKWAY FROM “MID-HIGH DENSITY RESIDENTIAL” TO “BUSINESS INDUSTRIAL”; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF

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

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

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

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

WHEREAS, the City of La Porte has a Comprehensive Plan, which Plan was adopted by the City Council of the City of La Porte, Texas in 1986, and which Plan has been the subject of multiple amendments since its adoption;

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

WHEREAS, at the La Porte Planning and Zoning Commission meeting which occurred on December 19, 2019, the La Porte Planning and Zoning Commission reviewed the Future Land Use Map component of the Comprehensive Plan for the purpose of considering proposed amendments thereto, to change the designation for that 3.38 acre tract of land located at 11007 W. Fairmont Pkwy., and legally described as follows: Tract 1H, Abstract 625 R, Pearsall Survey, City of La Porte, Harris County, Texas, from its present designation of “Mid-High Density Residential”, to “Business Industrial”, and at the conclusion of such review the La Porte Planning and Zoning Commission voted to recommend to the La Porte City Council that it approve such amendment to the Future Land Use Plan component of the Comprehensive Plan, to the La Porte City Council;

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

Section 1. That an amendment to the Future Land Use Map component of the Comprehensive Plan of the

City of La Porte, Texas, which is incorporated to this ordinance by reference herein and attached hereto as Exhibit A, be and is hereby authorized, approved, and adopted by the City Council of the City of La Porte, Texas, after duly noticed public hearing held at its January 27, 2020 meeting, pursuant to the recommendations of the Planning and Zoning Commission of the City of La Porte, Texas.

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

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

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

Section 4. This ordinance shall be in effect from and after its passage and approval.

PASSED AND APPROVED this, the 27th day of January, 2020.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

APPROVED:

Lee Woodward, City Secretary

Clark Askins, Assistant City Attorney



December 20, 2019

Honorable Mayor Rigby and City Council
City of La Porte

RE: Request #19-92000009 to Amend the Future Land Use Map

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a meeting on December 19, 2019 for a request to amend the City's Future Land Use Plan as adopted in the Comprehensive Plan for a 3.38 acre tract of land located at 11007 W. Fairmont Pkwy., and is legally described as Tract 1H, Abstract 625 R, Pearsall Survey. The request was for approval of a change of the future land use designation from "Mid-High Density Residential" use to "Business Industrial" use

The Commission voted 7-1 to recommend approval of the proposed amendments to the City's Future Land Use Map. Chairman Lawler was the dissenting vote. Commissioner Pitzer abstained.

Respectfully submitted,

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

FLUP MAP

Zone Change
#19-9200009

11007 Fairmont Pkwy.

Legend

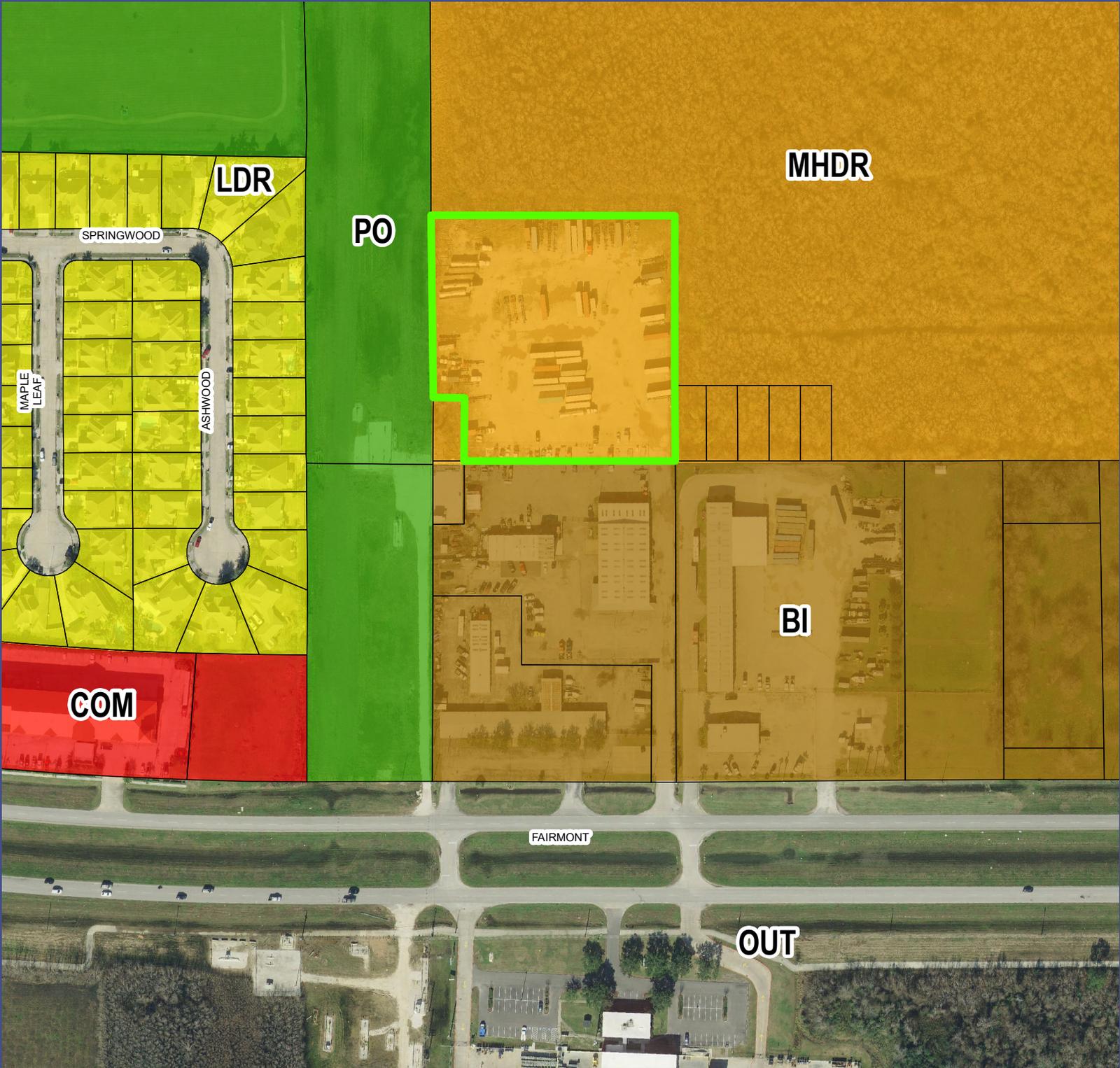
 Subject Parcel

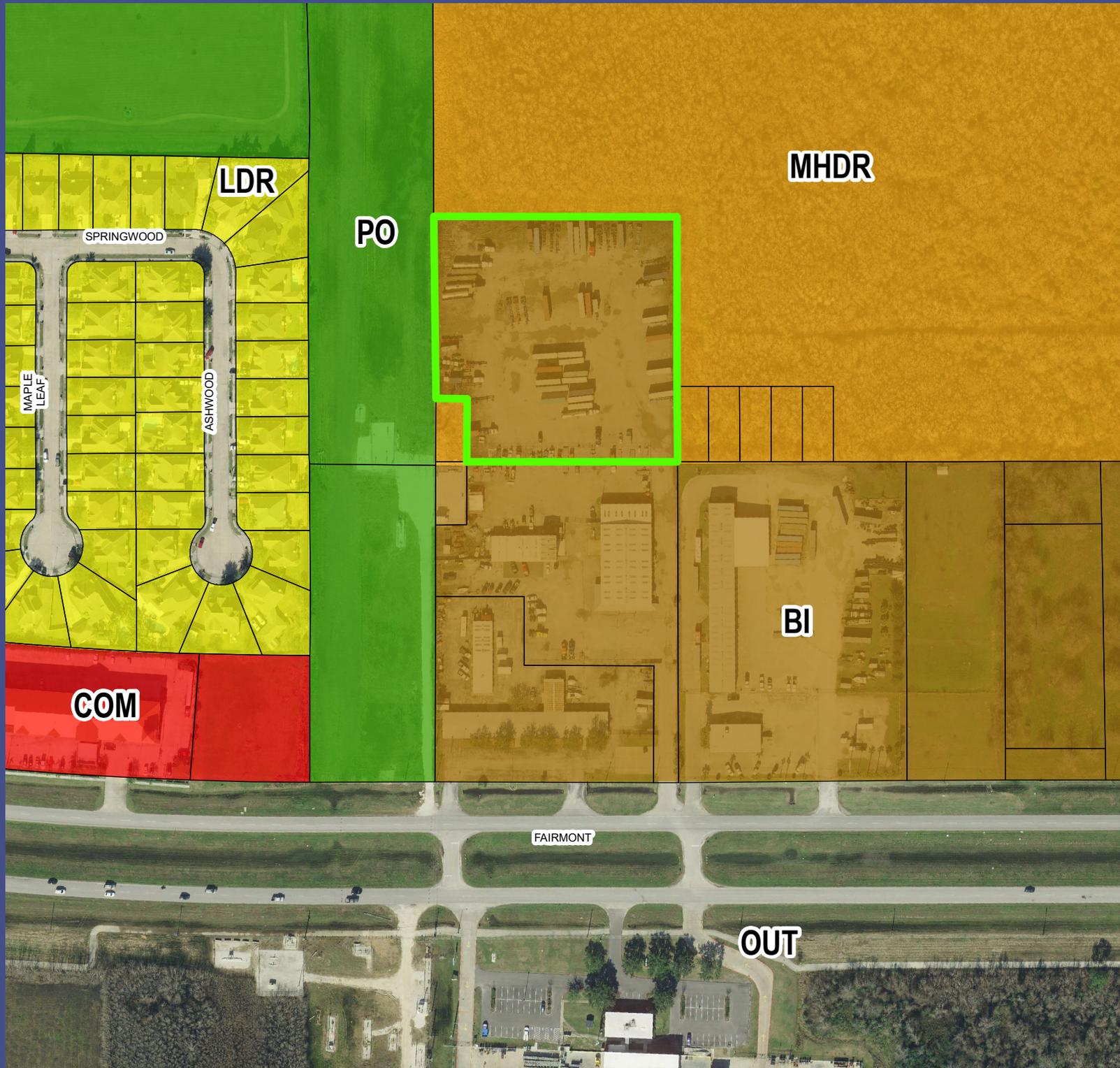


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 214 feet

JANUARY 2020
PLANNING DEPARTMENT





PROPOSED FLUP MAP

Zone Change
#19-9200009

11007 Fairmont Pkwy.

Legend

 Subject Parcel



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

1 inch = 214 feet



JANUARY 2020
PLANNING DEPARTMENT



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>January 27, 2020</u>
Requested By: <u>Ian Clowes, City Planner</u>
Department: <u>Planning & Development</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Ordinance 2020-3776
P & Z letter of recommendation
Aerial map
Zoning map
Future Land Use map
Applicant information

SUMMARY

Tammy Jo Millstid, applicant; on behalf of CM Millstid Properties, LLC, owner; is seeking approval of a Zone Change from the Planned Unit Development (PUD) zoning district to the Business Industrial (BI) zoning district. The subject property is located at 11007 W. Fairmont Pkwy., and legally described as Tract 1H, Abstract 625 R, Pearsall Survey.

The property is currently developed with an existing industrial trucking operation. The proposed zone change would allow for the existing developed property to match the zoning of the similarly developed property to the south, which is currently zoned BI. Both properties are owned by the same property owner and are utilized for the same uses. The property is adjacent to the Morgan's Landing residential subdivision. To the east is of the property is a detention pond with single family residences to the north. A small plat of land exists to the southwest of the site that is currently owned by Exxon Pipeline Co. and is not part of this zone change request.

Staff mailed ten (10) public notices to property owners located within 200 feet of the subject property. Staff has not received any returned comment sheets for the proposed zone change.

The Planning and Zoning Commission, at their December 19, 2019, regular meeting, voted 6-2 to recommend denial of the proposed Zone Change. Commissioner

O’Conner and Chairman Lawler were the dissenting votes. Commissioner Pitzer abstained from the vote. Planning Commission discussion focused on the proposed zone change and not the current use. The zone change to BI would open the property up to any use currently permitted in BI. Some of the Commissioners suggested the applicant apply for a Special Conditional Use Permit (SCUP) for specific uses on the site. The consensus was that approving the future land use amendment (FLUP) would aid the applicant in achieving future SCUP approval.

Per Sec. 106-171. (6) Council Actions. “The city council shall act upon such motion or petition within 30 days from the date the final report of the city planning and zoning commission was submitted to the city council.”

Per Sec. 106-171. (8) Vote to overrule. “The affirmative vote of at least three-fourths of the city council is required to overrule a recommendation of the city planning and zoning commission that a proposed change to this chapter or boundary be denied.” Council approval of the proposed zone change will require seven (7) affirmative votes.

RECOMMENDED MOTION

Should the Council wish to uphold the Planning and Zoning Commission’s denial, a motion could be as follows:

I move that the Council uphold the Planning and Zoning Commission’s denial of the application for zone change request #19-92000009, for a 3.38-acre tract of land located at 11007 W. Fairmont Pkwy, and legally described as Tract 1H, Abstract 625 R, Pearsall Survey.

Should the Council wish to approve the request (not to follow the Planning and Zoning Commission’s recommendation), a motion could be as follows:

I move that the Council adopt Ordinance 2020-3776 for zone change request #19-92000009, for a 3.38-acre tract of land located at 11007 W. Fairmont Pkwy, and legally described as Tract 1H, Abstract 625 R, Pearsall Survey.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2020-3776

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY CHANGING THE ZONING CLASSIFICATION OF A 3.38-ACRE TRACT OF LAND LOCATED AT 11007 W. FAIRMONT PARKWAY AND LEGALLY DESCRIBED AS TRACT 1H, ABSTRACT 625 R, PEARSALL SURVEY, FROM PLANNED UNIT DEVELOPMENT (PUD) TO BUSINESS INDUSTRIAL (BI); MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF

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

Section 1. Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by changing the zoning classification of the following described property, to wit: a 3.38-acre tract of land located at 11007 W. Fairmont Pkwy. and legally described as Tract 1H, Abstract 625 R, Pearsall Survey, Harris County, Texas, from Planned Unit Development (PUD) to Business Industrial (BI).

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

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

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

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

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

Section 7. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Map and Classification contained in this ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

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

PASSED AND APPROVED this, the 27th day of January, 2020.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

APPROVED:

Lee Woodward, City Secretary

Clark Askins, Assistant City Attorney



December 20, 2019

Honorable Mayor Rigby and City Council
City of La Porte

RE: Zone Change Request #19-92000009

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the December 19, 2019 meeting on a zone change request by Tammy Jo Millstid, applicant; on behalf of CM Millstid Properties, LLC, owner; for a zone change of property legally described as Tract 1H, Abstract 625 R, Pearsall Survey, from Planned Unit Development (PUD) to Business Industrial (BI). The site is a 3.38 acre tract of land located at 11007 W. Fairmont Pkwy.

The Commission voted 6-2 to recommend denial of the proposed zone change. Commissioner O'Conner and Chairman Lawler were the dissenting votes. Commissioner Pitzer abstained from the vote.

Respectfully submitted,

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



AREA MAP

**Zone Change
#19-9200009**

11007 Fairmont Pkwy.

Legend

 Subject Parcel



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

1 inch = 214 feet

**JANUARY 2020
PLANNING DEPARTMENT**



ZONING MAP

Zone Change
#19-9200009

11007 Fairmont Pkwy.

Legend

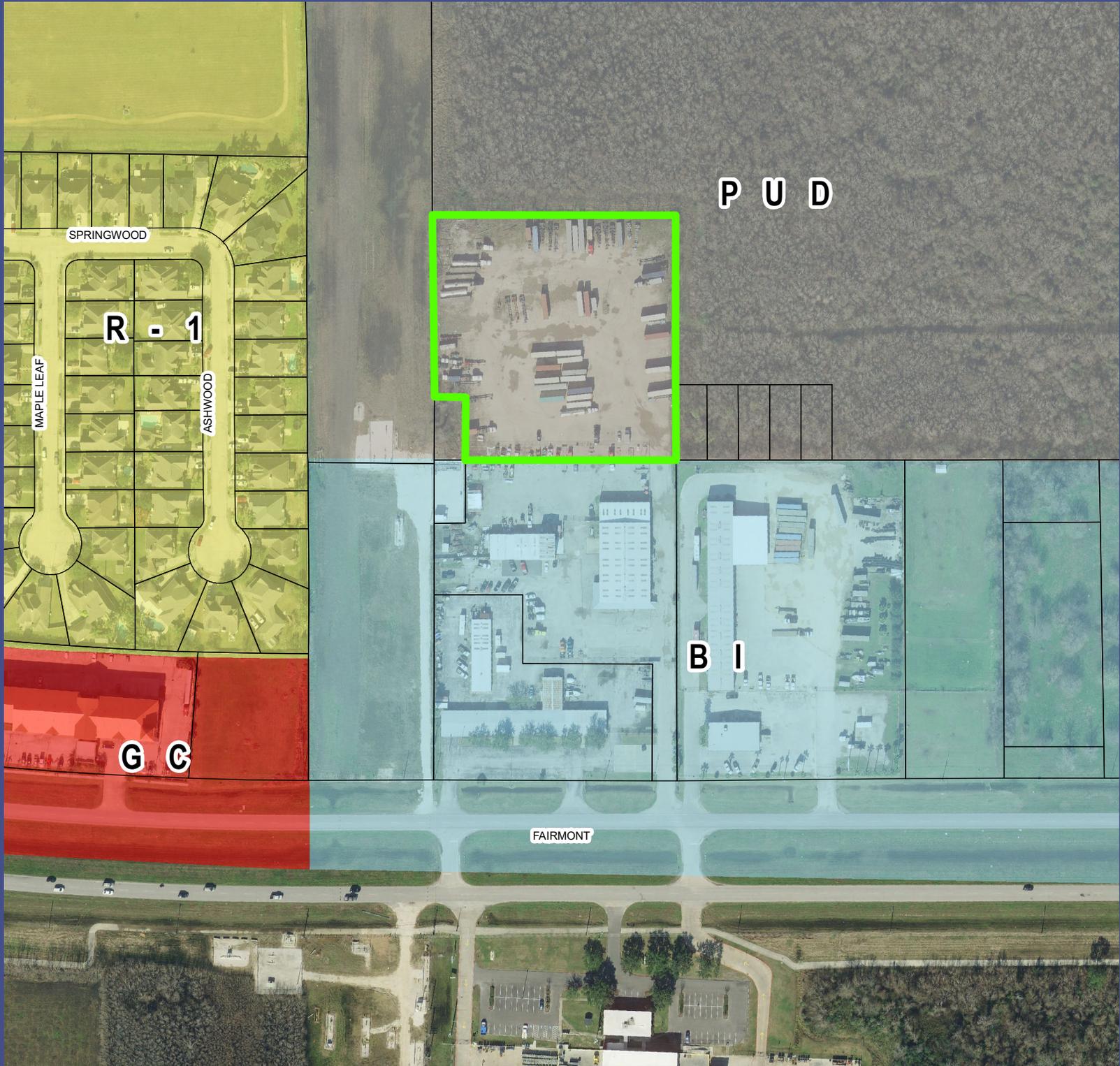
 Subject Parcel

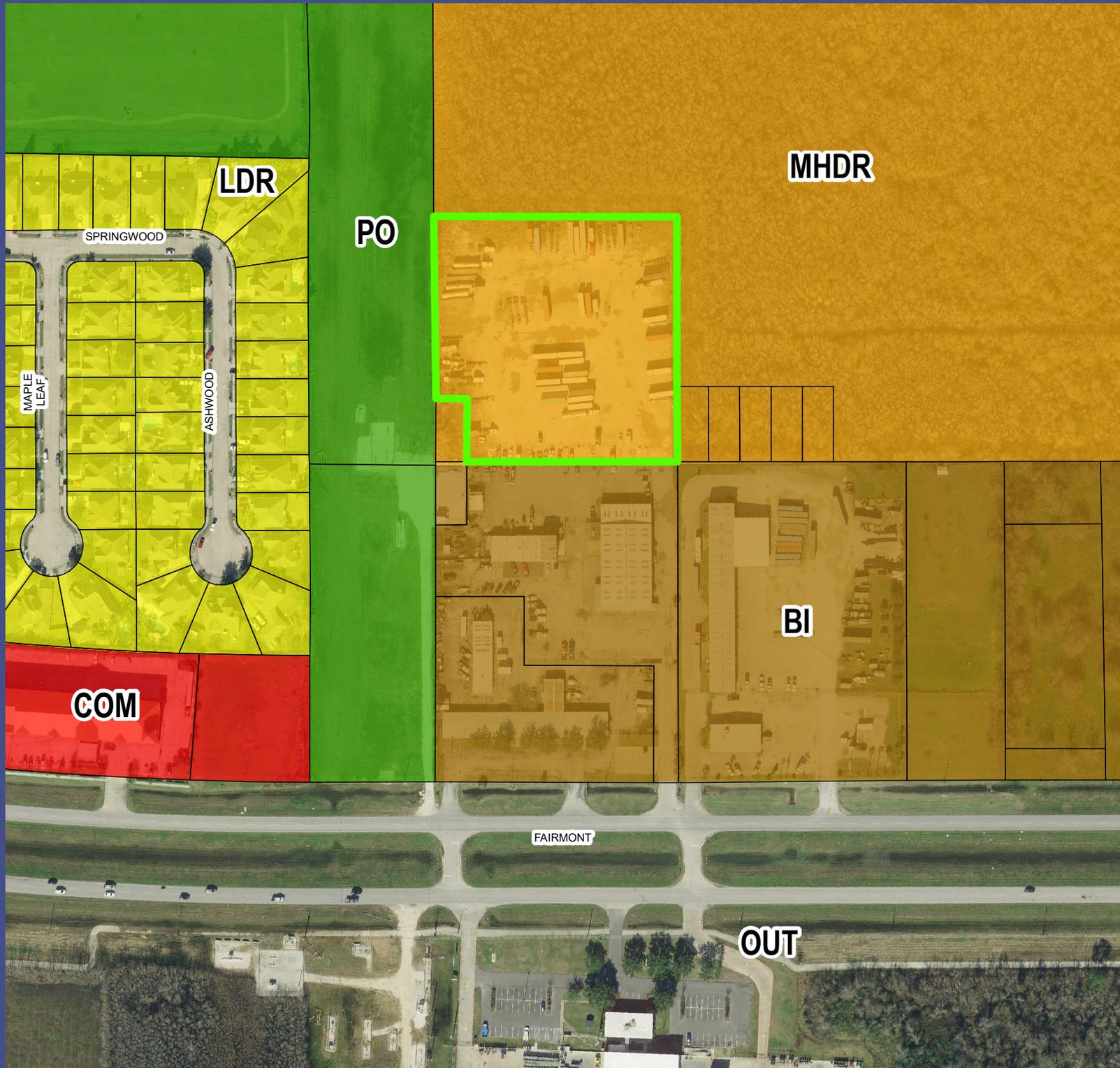


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 214 feet

JANUARY 2020
PLANNING DEPARTMENT





FLUP MAP

**Zone Change
#19-9200009**

11007 Fairmont Pkwy.

Legend

 Subject Parcel



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

1 inch = 214 feet



**JANUARY 2020
PLANNING DEPARTMENT**



Zone Change Application

Planning and Development Department

PROJECT INFORMATION

Address where zone change is being requested: 0 Fairmont PKwy, LaPorte, TX 77571
 Legal description where zone change is being requested: TRL ABST 625 R Pearsall 3.3780 AC
 HCAD Parcel Number where zone change is being requested: 044-051-000-0078
 Zoning District: LaPorte - Harris County Lot area: _____

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

Description of Request: would like zoning changed to Business Industrial, same as front parcel

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

PROPERTY OWNER(S) INFORMATION

Name: Charles Michael Millstid
 Company (if applicable): TAM Services, Inc.
 Address: 1905 Laura
 City: LaPorte State: TX Zip: 77571
 Phone: 281-450-6920 Email: [REDACTED]

AUTHORIZED AGENT (if other than owner)

Name: Tammy Jo Millstid
 Company (if applicable): _____
 Address: 1905 Laura Lane
 City: LaPorte State: TX Zip: 77571
 Phone: 713-859-1845 Email: [REDACTED]

OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: Tammy Jo Millstid Date: 11/12/19

Owner(s) Signature(s): Charles Michael Millstid Date: 11/12/19

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>January 27, 2020</u>
Requested By: <u>Ian Clowes, City Planner</u>
Department: <u>Planning & Development</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Ordinance 2020-3777
P & Z letter of recommendation
Existing Land Use map
Proposed Land Use map

SUMMARY

This item is a request for consideration to amend the City's Future Land Use Plan (FLUP) in conjunction with a request by Ryan Sweezy, applicant; behalf of Texas Cargoways, LLC, owner, who is seeking approval of a Zone Change from the Mid Density Residential (R-2) zoning district to the Planned Unit Development (PUD) zoning district. The proposed zone change would allow for the development of an open air boat and RV storage facility on the site. The property in question is located at the 3400 Block of Canada Road, and legally described as Reserve A, Block 1 Dawson Subdivision.

The City's Future Land Use Plan (FLUP) identifies this property as "Mid-High Density Residential" land use. In order to accommodate the proposed development, the FLUP would need to be amended to allow for "Planned Development" use.

The applicant previously applied for a zone change to General Commercial (GC) in November of 2019 along with a future land use amendment to "Commercial". These requests were denied by both the Planning and Zoning Commission and City Council. It was suggested that the applicant come back with a zone change request for Planned Unit Development (PUD) along with a Special Conditional Use Permit (SCUP) for the proposed boat and RV storage use.

The Planning and Zoning Commission, at their December 19, 2019, regular meeting, voted 5-3 to recommend denial of the proposed Future Land Use Amendment. Commissioners Follis, Kendrick, and Barrera were the dissenting votes. Commissioner Martin abstained from the vote.

Per Sec. 106-171. (6) Council Actions. "The city council shall act upon such motion or petition within 30 days from the date the final report of the city planning and zoning commission was submitted to the city council."

Per Sec. 106-171. (8) Vote to overrule. "The affirmative vote of at least three-fourths of the city council is required to overrule a recommendation of the city planning and zoning commission that a proposed change to this chapter or boundary be denied." Council approval of the proposed FLUP amendment will require seven (7) affirmative votes.

RECOMMENDED MOTION

Should the Council wish to uphold the Planning and Zoning Commission's denial, a motion could be as follows:

I move that the Council uphold the Planning and Zoning Commission's denial of the proposed Future Land Use Amendment for a 6.921-acre tract of land located at the 3400 Block of Canada Road, and legally described as Reserve A, Block 1 Dawson Subdivision.

Should the Council wish to approve the request (not to follow the Planning and Zoning Commission's recommendation), a motion could be as follows:

I move that the Council adopt Ordinance 2020-3777, amending the City's Future Land Use Plan for a 6.921-acre tract of land located at the 3400 Block of Canada Road, and legally described as Reserve A, Block 1 Dawson Subdivision.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2020-3777

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; BY CHANGING THE DESIGNATION OF A 6.921-ACRE TRACT OF LAND AT THE 3400 BLOCK OF CANADA ROAD FROM “MID-DENSITY RESIDENTIAL” TO “PLANNED UNIT DEVELOPMENT”; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF

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

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

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

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

WHEREAS, the City of La Porte has a Comprehensive Plan, which Plan was adopted by the City Council of the City of La Porte, Texas in 1986, and which Plan has been the subject of multiple amendments since its adoption;

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

WHEREAS, at the La Porte Planning and Zoning Commission meeting which occurred on December 19, 2019, the La Porte Planning and Zoning Commission reviewed the Future Land Use Map component of the Comprehensive Plan for the purpose of considering proposed amendments thereto, to change the designation for that 6.921 acre tract of land located at the 3400 Block of Canada Rd., and legally described as follows: Reserve A, Block 1 Dawson Subdivision, City of La Porte, Harris County, Texas, from its present designation of “Mid-High Density Residential”, to “Planned Development”, and at the conclusion of such review the La Porte Planning and Zoning Commission voted to recommend to the La Porte City Council that it deny approval of such amendment to the Future Land Use Plan component of the Comprehensive Plan, to the La Porte City Council;

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

Section 1. That an amendment to the Future Land Use Map component of the Comprehensive Plan of the

City of La Porte, Texas, which is incorporated to this ordinance by reference herein and attached hereto as Exhibit A, be and is hereby authorized, approved, and adopted by the City Council of the City of La Porte, Texas, after duly noticed public hearing held at its January 27, 2020 meeting, pursuant to the recommendations of the Planning and Zoning Commission of the City of La Porte, Texas.

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

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

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

Section 4. This ordinance shall be in effect from and after its passage and approval.

PASSED AND APPROVED this, the 27th day of January, 2020.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

APPROVED:

Lee Woodward, City Secretary

Clark Askins, Assistant City Attorney



December 20, 2019

Honorable Mayor Rigby and City Council
City of La Porte

RE: Request #19-92000010 to Amend the Future Land Use Map

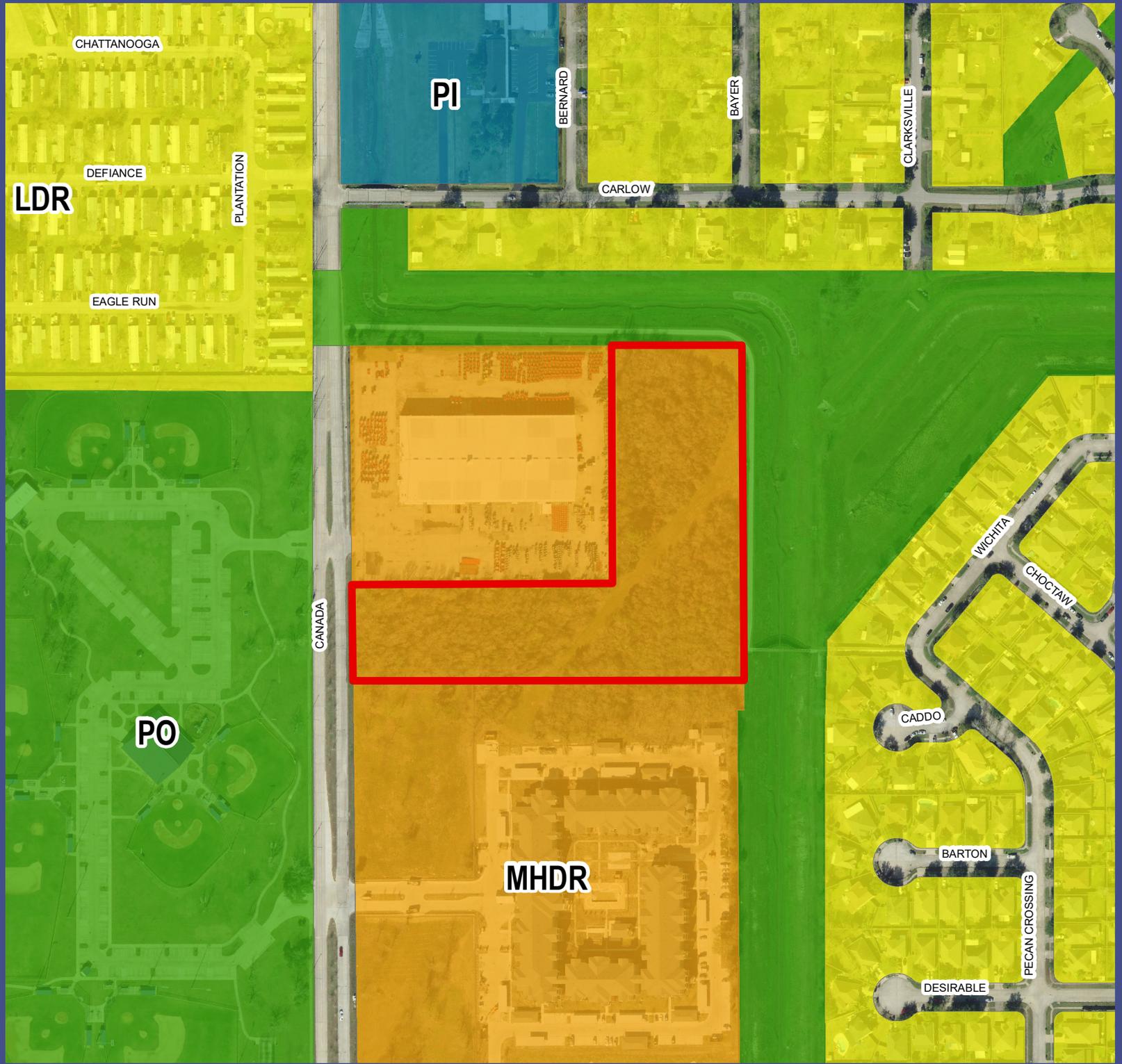
Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a meeting on December 19, 2019 for a request to amend the City's Future Land Use Plan as adopted in the Comprehensive Plan for a 6.921 acre tract of land located at the 3400 Block of Canada Rd., and is legally described as Reserve A, Block 1 Dawson Subdivision. The request was for approval of a change of the future land use designation from "Mid-High Density Residential" use to "Planned Development" use

The Commission voted 5-3 to recommend denial of the proposed amendments to the City's Future Land Use Map. Commissioners Follis, Kendrick, and Barrera were the dissenting votes. Commissioner Martin abstained from the vote.

Respectfully submitted,

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



FLUP MAP

**Zone Change
#19-92000010**

**3400 Block
Canada Rd.**

Legend

 Subject Parcel

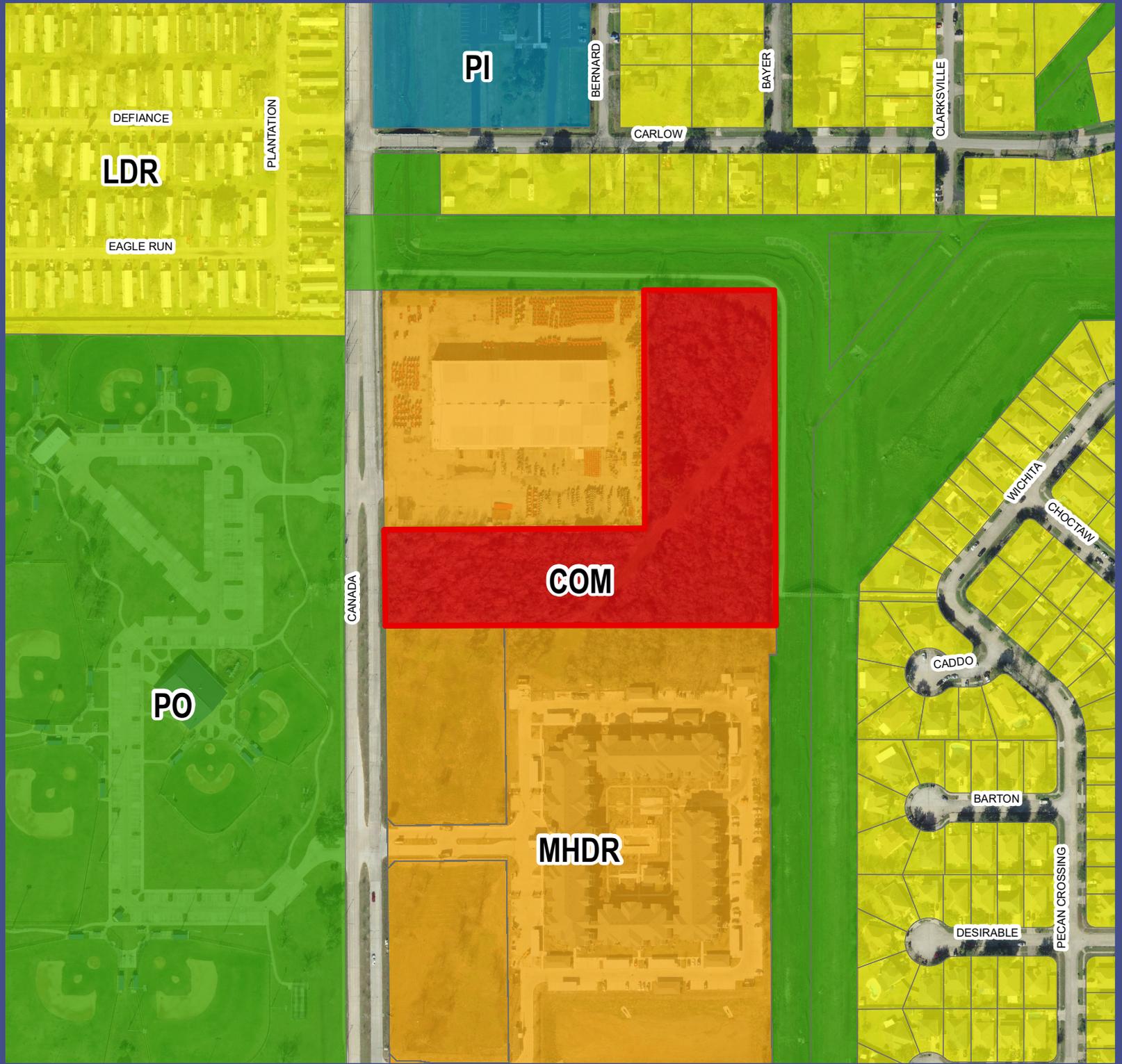


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 279

feet **JANUARY**
PLANNING DEPARTMENT
2020





PROPOSED FLUP MAP

**Zone Change
#19-9200010**

**3400 Block
Canada Rd.**

Legend

 Subject Parcel



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

1 inch = 279



feet JANUARY
PLANNING DEPARTMENT
2020



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>January 27, 2020</u> Requested By: <u>Ian Clowes, City Planner</u> Department: <u>Planning & Development</u> <input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance
--

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Ordinance 2020-3778
 P & Z letter of recommendation
 Aerial map
 Zoning map
 Future Land Use map
 Applicant information

SUMMARY

Ryan Sweezy, applicant, on behalf of Texas Cargoways, LLC, owner, is seeking approval of a Zone Change from the Mid Density Residential (R-2) zoning district to the Planned Unit Development (PUD) zoning district. The subject property is located at the 3400 Block of Canada Road, and legally described as Reserve A, Block 1 Dawson Subdivision.

The property is currently undeveloped. The applicant would like to develop the site for outdoor boat and recreation vehicle (RV) storage. In order to allow the proposed use, the site must be rezoned. The applicant previously applied for a zoned change to General Commercial (GC) in November of 2019. This request was denied by both the Planning and Zoning Commission and the City Council. It was suggested that the applicant come back with a zone change request for Planned Unit Development (PUD) along with a Special Conditional Use Permit (SCUP) for the proposed boat and RV storage use.

Staff mailed fifteen (15) public notices to property owners located within 200 feet of the subject property. Staff received one returned comment sheets for the proposed zone change that was in favor of the request.

The Planning and Zoning Commission, at their December 19, 2019, regular meeting, voted on a motion to approve. The vote was 3-4, meaning the item failed and is

recommended for denial. Commissioners Pitzer, Tschappat, Warren and Chairman Lawler were the dissenting votes. Commissioner Martin abstained from the vote. Planning Commission discussion focused on how the proposed conditions for the SCUP would allow for a higher quality development. A number of commissioners also stated their opposition to rezoning residential property for commercial uses.

Per Sec. 106-171. (6) Council Actions. "The city council shall act upon such motion or petition within 30 days from the date the final report of the city planning and zoning commission was submitted to the city council."

Per Sec. 106-171. (8) Vote to overrule. "The affirmative vote of at least three-fourths of the city council is required to overrule a recommendation of the city planning and zoning commission that a proposed change to this chapter or boundary be denied." Council approval of the proposed zone change will require seven (7) affirmative votes.

RECOMMENDED MOTION

Should the Council wish to uphold the Planning and Zoning Commission's denial, a motion could be as follows:

I move that the Council uphold the Planning and Zoning Commission's denial of the application for zone change request #19-92000010, for a 6.921-acre tract of land located at the 3400 Block of Canada Road, and legally described as Reserve A, Block 1 Dawson Subdivision.

Should the Council wish to approve the request (not to follow the Planning and Zoning Commission's recommendation), a motion could be as follows:

I move that the Council adopt Ordinance 2020-3778 for zone change request #19-92000010, for a 6.921-acre tract of land located at the 3400 Block of Canada Road, and legally described as Reserve A, Block 1 Dawson Subdivision.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

The applicant previously applied for a zone change to General Commercial (GC) in November of 2019 along with a future land use amendment to "Commercial". These requests were denied by both the Planning and Zoning Commission and City Council. It was suggested that the applicant come back with a zone change request for Planned Unit Development (PUD) along with a Special Conditional Use Permit (SCUP) for the proposed boat and RV storage use.

ORDINANCE NO. 2020-3778

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY CHANGING THE ZONING CLASSIFICATION OF A 6.921-ACRE TRACT OF LAND LOCATED AT THE 3400 BLOCK OF CANADA ROAD AND LEGALLY DESCRIBED AS RESERVE A, BLOCK 1 DAWSON SUBDIVISION, FROM MID DENSITY RESIDENTIAL (R-2) TO PLANNED UNIT DEVELOPMENT (PUD) MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF

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

Section 1. Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by changing the zoning classification of the following described property, to wit: a 6.921-acre tract of land located at the 3400 Block of Canada Rd. and legally described as Reserve A, Block 1 Dawson Subdivision, Harris County, Texas, from Mid Density Residential (R-2) to General Commercial (GC).

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

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

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

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

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

Section 7. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Map and Classification contained in this ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

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

PASSED AND APPROVED this, the 27th day of January, 2020.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

APPROVED:

Lee Woodward, City Secretary

Clark Askins, Assistant City Attorney



December 20, 2019

Honorable Mayor Rigby and City Council
City of La Porte

RE: Zone Change Request #19-92000010

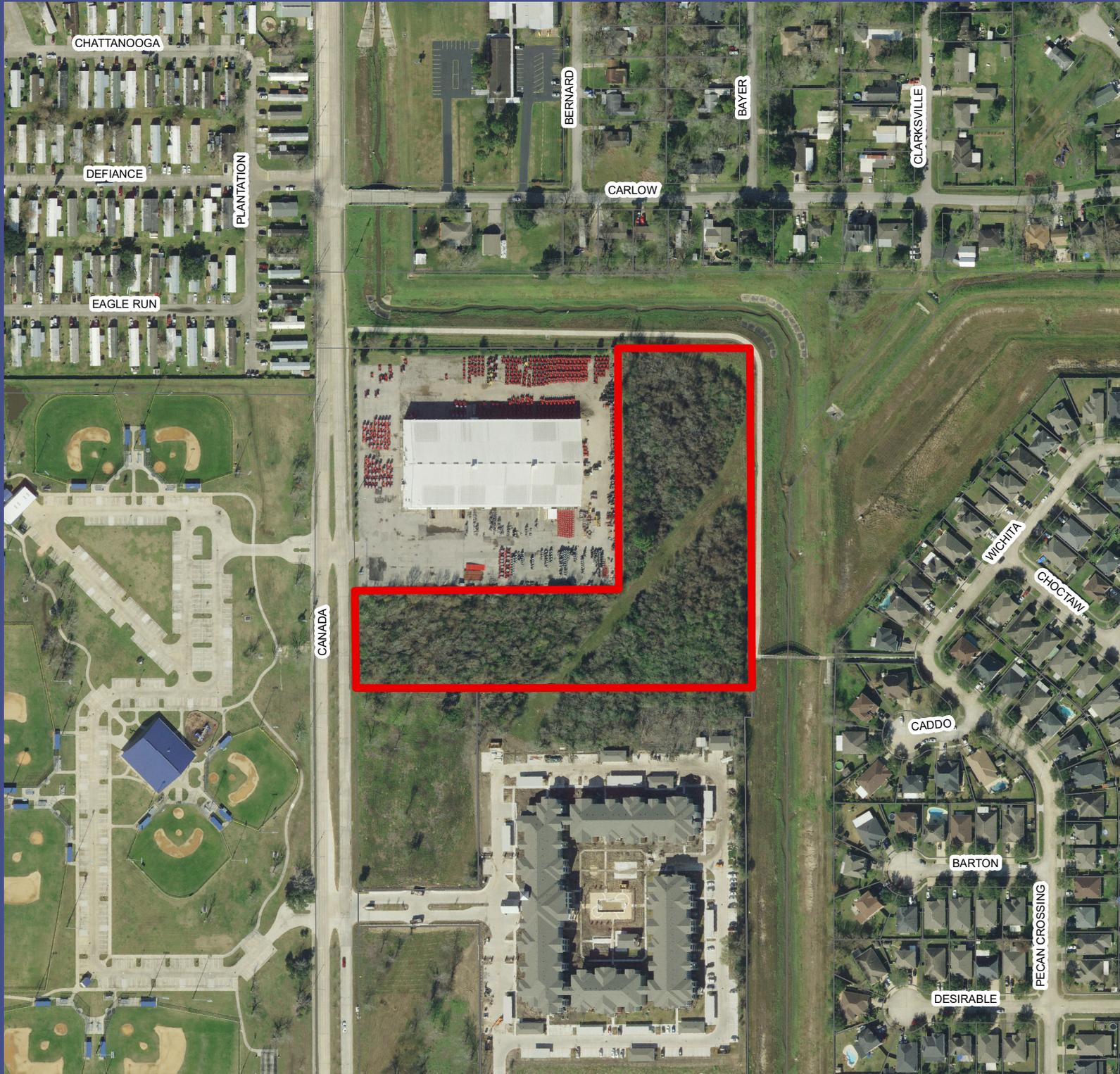
Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a public hearing at the December 19, 2019 meeting on a zone change request by Ryan Sweezy, applicant, on behalf of Texas Cargoways, LLC, owner; for a zone change of property legally described as Reserve A, Block 1 Dawson Subdivision, from Mid Density Residential (R-2) to Planned Unit Development (PUD). The site is a 6.921 acre tract of land located at the 3400 Block of Canada Rd.

The Commission voted 3-4 on a motion to approve. The vote failed, resulting in a recommendation to deny the proposed zone change. Commissioners Pitzer, Tschappat, Warren and Chairman Lawler were the dissenting votes. Commissioner Martin abstained from the vote.

Respectfully submitted,

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



AERIAL MAP

**Zone Change
#19-9200010**

**3400 Block
Canada Rd.**

Legend

 Subject Parcel

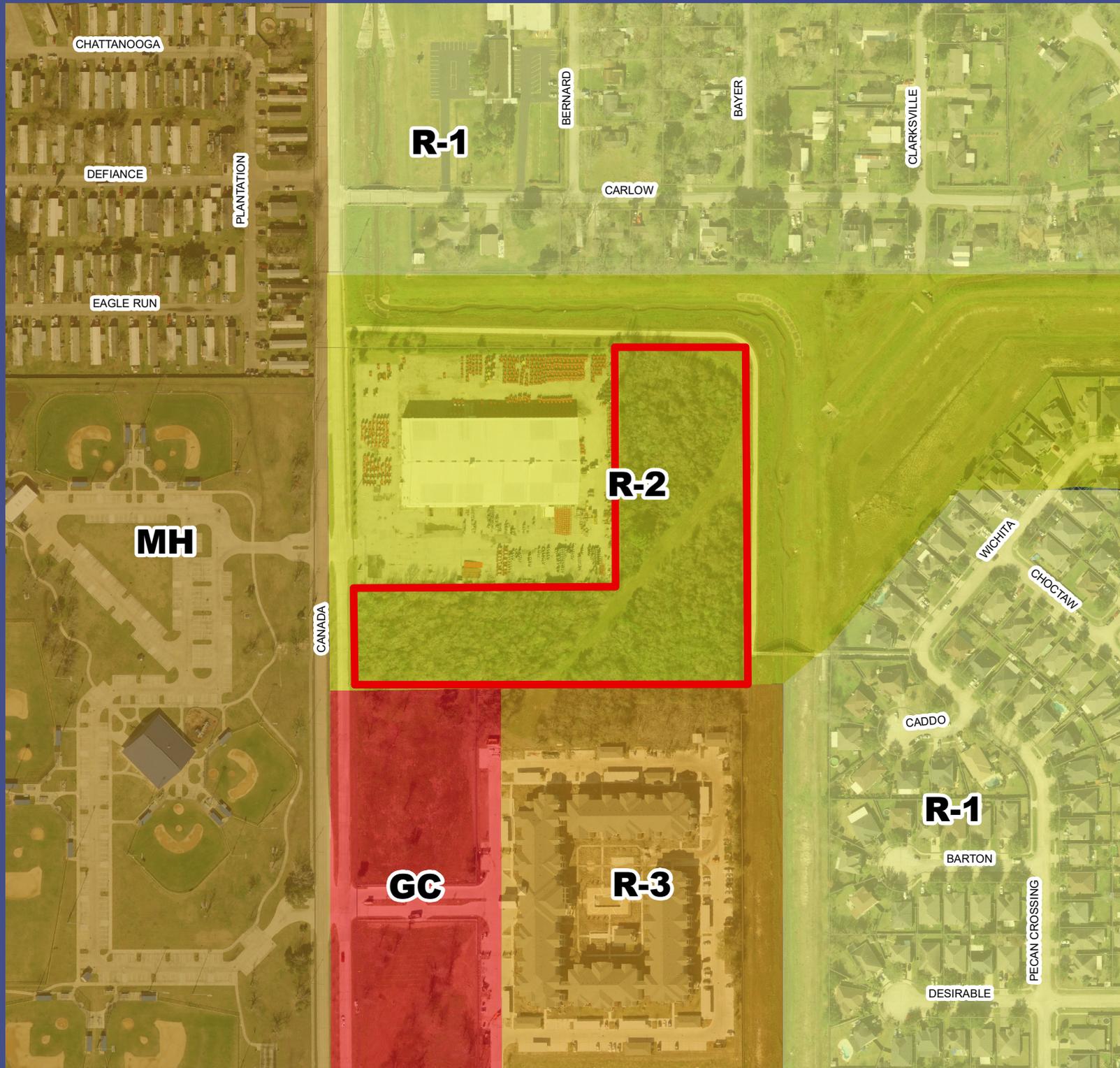


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 279 feet

**JANUARY 2020
PLANNING DEPARTMENT**





ZONING MAP

**Zone Change
#19-92000010**

**3400 Block
Canada Rd.**

Legend

 Subject Parcel

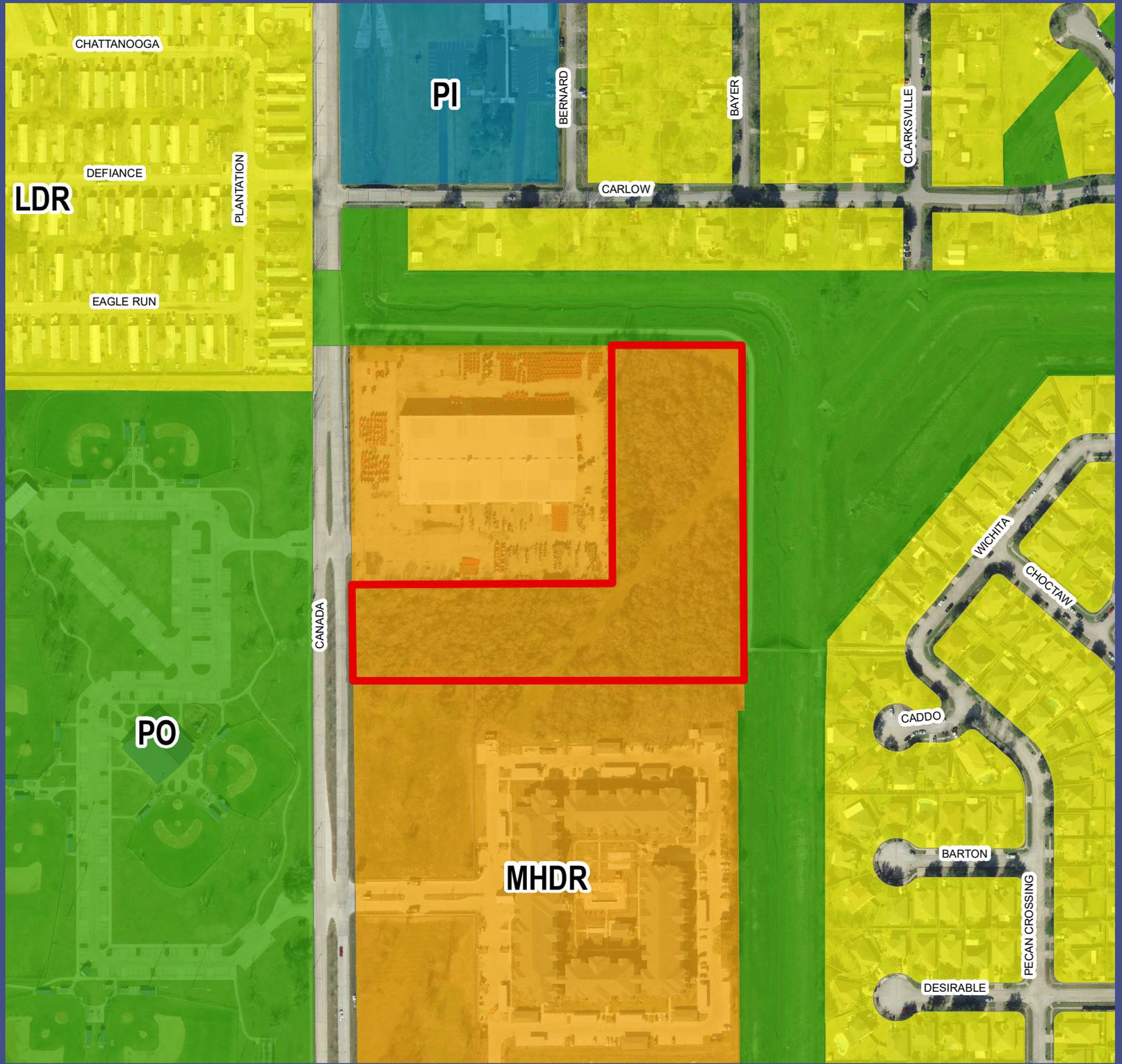


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 279 feet



**JANUARY 2020
PLANNING DEPARTMENT**



FLUP MAP

**Zone Change
#19-92000010**

**3400 Block Canada
Rd.**

Legend

 Subject Parcel



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

1 inch = 279 feet



**JANUARY 2020
PLANNING DEPARTMENT**



Zone Change Application

Planning and Development Department

PROJECT INFORMATION

Address where zone change is being requested: 0 Canada Rd.
 Legal description where zone change is being requested: 6.921 acres BIK I Reserve "A"
 HCAD Parcel Number where zone change is being requested: 129-914-001-0001
 Zoning District: _____ Lot area: _____

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

Description of Request: zone change to commercial in order to put in a boat and RV storage

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

PROPERTY OWNER(S) INFORMATION

Name: Paul Taten
 Company (if applicable): CARGOWAY LLC
 Address: 555 Belhorn DR
 City: Houston State: TX Zip: 77025
 Phone: 713-672-0515 Email: _____

AUTHORIZED AGENT (if other than owner)

Name: Melissa Sweery
 Company (if applicable): 2302 East Lawther
 Address: 2302 E. Lawther
 City: Deer Park State: TX Zip: 77576
 Phone: 281-380-3669 Email: _____

OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: Melissa Sweery Date: 11/19/19
 Owner(s) Signature(s): Paul Taten Date: 11/21/19

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: 0 Canada Rd.

Legal description where SCUP is being requested: 6.921 acres BIKI Reserve "A"

HCAD Parcel Number where SCUP is being requested: 129-914-001-0001

Zoning District: _____ Lot area: _____

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

Description of Request: zone change to commercial in order to put in a boat and RV storage.

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

PROPERTY OWNER(S) INFORMATION

Name: Paul Tatem

Company (if applicable): Cargoways LLC

Address: 555 Gelhorn Dr

City: Houston State: TX Zip: 77029

Phone: 713-622-0515 Email: ptatem@cargowaylogistics.net

AUTHORIZED AGENT (if other than owner)

Name: Melissa Sweery

Company (if applicable): RKS Builders Inc.

Address: 2302 E. Lawther

City: Deer Park State: TX Zip: 77536

Phone: 281-380-3669 Email: sweery16@hotmail.com

OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: Melissa Sweery

Date: 11/19/19

Owner(s) Signature(s): Paul Tatem

Date: 11/21/19

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>January 27, 2020</u>
Requested By: <u>Ian Clowes, City Planner</u>
Department: <u>Planning and Development</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>N/A</u>
Account Number:	<u>N/A</u>
Amount Budgeted:	<u>N/A</u>
Amount Requested:	<u>N/A</u>
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Ordinance 2020-3779
Proposed SCUP
P & Z letter of recommendation
Aerial map
Zoning map

SUMMARY

Ryan Sweezy, applicant; on behalf of Texas Cargoways, LLC, owner; is seeking approval of a Special Conditional Use Permit (SCUP) to allow for the construction of an open air boat and RV storage facility. The 6.921-acre site is located at the 3400 Block of Canada Rd., and is legally described as Reserve A, Block 1, Dawson Subdivision. The attached Area Map Exhibit shows the location of the subject property. The property is currently undeveloped.

The applicant for the SCUP is in the process of changing the zoning to Planned Unit Development (PUD). Preliminary layouts for the project show the majority of the approximately seven (7) acre tract of land paved with concrete. The site will hold spaces for upwards of 260 boats and recreational vehicles.

The applicant previously applied for a zoned change to General Commercial (GC) in November of 2019. This request was denied by both the Planning and Zoning Commission and the City Council. It was suggested that the applicant come back with a zone change request for Planned Unit Development (PUD) along with a Special Conditional Use Permit (SCUP) for the proposed boat and RV storage use.

Staff mailed fifteen (15) public notices to property owners located within 200 feet of the subject property. Staff received one returned comment sheets for the proposed zone change that was in favor of the request.

The Planning and Zoning Commission, at their December 19, 2019, regular meeting, voted 5-2 to recommend approval of the proposed SCUP, as presented with the eighteen (18) conditions. Commissioners Pitzer and Warren were the dissenting votes. Commissioners Martin and O'Conner abstained from the vote.

A list of 18 conditions of approval has been provided based on staff and Commission input. These conditions are meant to help mitigate any negative impacts this development may have on adjoining residential properties, as well as along Canada Rd. The commission approved the SCUP so that the record would indicate that if the City Council chooses to approve the request, they recommend that it be approved with the listed conditions as written.

Should the City Council choose to approve the SCUP request, the Planning and Zoning Commission recommends the final SCUP document be approved with the following conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. The underlying zoning is General Commercial. All GC zoning and development requirements will need to be met, outside of any conditions listed below.
3. Permitted use is limited to Boat and RV Storage, which falls under NAICS #531130-Lessors of Miniwarehouses and Self-Storage Units. No other uses permitted under this NAICS, besides Boat and RV Storage, is permitted.
4. At no time can commercial motor vehicles, trucks, or trailers, be parked or stored on site. Use is limited to personal boats and recreational vehicles.
5. Perimeter fencing must be constructed of either masonry, wrought iron, or decorative tubular steel. Use of chain-link, wood, or barbed wire is prohibited.
6. Perimeter fencing must 8' tall.
7. A minimum 30' landscaping buffer is required along Canada Rd. A continuous row of shrubs and trees planted every 15' is required to be located within the buffer. No fences, buildings, or paved areas may be located within the required buffer area.
8. There must be a minimum of 60' of queuing space outside of the public right of way before any controlled access gate. This will allow boats and trailers to move out of the way of traffic while waiting for the gate to open fully.
9. Security cameras must be installed and maintained throughout the lifetime of the development.
10. Onsite lighting must be hooded and include motion sensors to limit light pollution on existing properties.
11. Access to the site must be limited to the hours of 6:00 AM – 10:00 PM. No after-hours access shall be granted to any lessor.
12. No modular or temporary structures, include shipping containers, may be utilized on site at any time for any purpose.

13. Banner signs meant to be temporary in nature are prohibited on site. All signage advertising the business must be permanent in nature and construction.
14. All onsite paving must consist of concrete. Asphalt, chip seal, or any other material is not permitted.
15. All onsite detention and drainage is required to discharge into the existing drainage channel east of the property.
16. Drainage calculations must follow Harris County requirements.
17. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process for any proposed building improvements.
18. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

Per Sec. 106-171. (6) Council Actions. "The city council shall act upon such motion or petition within 30 days from the date the final report of the city planning and zoning commission was submitted to the city council."

RECOMMENDED MOTION

Should the Council wish to uphold the Planning and Zoning Commission's approval, a motion could be as follows:

I move that the Council uphold the Planning and Zoning Commission's approval of the application for Special Conditional Use Permit (SCUP) #19-91000009, for a 6.921-acre tract of land located at the 3400 Block of Canada Road, and legally described as Reserve A, Block 1 Dawson Subdivision.

Should the Council wish to deny the request a motion could be as follows:

I move that the Council deny Ordinance 2020-3779 for Special Conditional Use Permit (SCUP) #19-91000009, for a 6.921-acre tract of land located at the 3400 Block of Canada Road, and legally described as Reserve A, Block 1 Dawson Subdivision.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. 2020-3779

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 19-9100009, TO ALLOW FOR A BOAT AND RV STORAGE FACILITY USE TO LOCATE IN THE PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT, ON 6.921 ACRES OF LAND LOCATED AT THE 3400 BLOCK OF CANADA ROAD AND LEGALLY DESCRIBED AS RESERVE A, BLOCK 1 DAWSON SUBDIVISION, LA PORTE, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF

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

Section 1. Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #19-9100009 attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for a boat and RV storage facility use to locate on 6.921-acres of land, the 3400 Block of Canada Rd. and legally described as Reserve A, Block 1 Dawson Subdivision, Harris County, Texas, and situated within the Planned Unit Development (PUD) zoning district.

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

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

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

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

Section 6. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the

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

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

PASSED AND APPROVED this, the 27th day of January, 2020.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

APPROVED:

Lee Woodward, City Secretary

Clark Askins, Assistant City Attorney

EXHIBIT A

City of La Porte
Special Conditional Use Permit #19-91000009

This permit is issued to: Ryan Sweezy, RKS Builders, Inc.
Owner or Agent

2302 E. Lawther Rd.
Address

For Development of: Boat and RV Storage Facility
Development Name

3400 Block of Canada Rd.
Address

Legal Description: A 6.921 acre tract of land legally described as Reserve A, Block 1,
Dawson Subdivision, Harris County, TX

Zoning: PUD, Planned Unit Development

Use: Commercial Boat and RV Storage

Permit Conditions:

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

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. The underlying zoning is General Commercial. All GC zoning and development requirements will need to be met, outside of any conditions listed below.
3. Permitted use is limited to Boat and RV Storage, which falls under NAICS #531130-Lessors of Miniwarehouses and Self-Storage Units. No other uses permitted under this NAICS, besides Boat and RV Storage, is permitted.
4. At no time can commercial motor vehicles, trucks, or trailers, be parked or stored on site. Use is limited to personal boats and recreational vehicles.
5. Perimeter fencing must be constructed of either masonry, wrought iron, or decorative tubular steel. Use of chain-link, wood, or barbed wire is prohibited.
6. Perimeter fencing must 8' tall.
7. A minimum 30' landscaping buffer is required along Canada Rd. A continuous row of shrubs and

trees planted every 15' is required to be located within the buffer. No fences, buildings, or paved areas may be located within the required buffer area.

8. There must be a minimum of 60' of queuing space outside of the public right of way before any controlled access gate. This will allow boats and trailers to move out of the way of traffic while waiting for the gate to open fully.
9. Security cameras must be installed and maintained throughout the lifetime of the development.
10. Onsite lighting must be hooded and include motion sensors to limit light pollution on existing properties.
11. Access to the site must be limited to the hours of 6:00 AM – 10:00 PM. No after-hours access shall be granted to any lessor.
12. No modular or temporary structures, include shipping containers, may be utilized on site at any time for any purpose.
13. Banner signs meant to be temporary in nature are prohibited on site. All signage advertising the business must be permanent in nature and construction.
14. All onsite paving must consist of concrete. Asphalt, chip seal, or any other material is not permitted.
15. All onsite detention and drainage is required to discharge into the existing drainage channel east of the property.
16. Drainage calculations must follow Harris County requirements.
17. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process for any proposed building improvements.
18. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

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

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

Validation Date: _____

Teresa Evans
Director of Planning and Development

City Secretary



December 20, 2019

Honorable Mayor Rigby and City Council
City of La Porte

RE: Special Conditional Use Permit Request #19-91000009

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a regular meeting on December 19, 2019 to hear a Special Conditional Use Permit request by Ryan Sweezy, applicant; on behalf of Texas Cargoways, LLC, owner; for a Special Conditional Use Permit to allow for an open air boat and RV storage facility use located at the 3400 Block of Canada Rd., and legally described as Reserve A, Block 1, Dawson Subdivision. The subject site is in the process of being rezoned to Planned Unit Development (PUD). The proposed use requires a Special Conditional Use Permit in order for the above referenced use to be permitted within the PUD zoning district.

The Commission voted 5-2 to recommend approval of the proposed SCUP with the 18 proposed conditions. Commissioners Pitzer and Warren were the dissenting votes. Commissioners O'Conner and Martin abstained from the vote.

Respectfully submitted

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



AREA MAP

SCUP
#19-9100009

3400 Block
Canada Rd.

Legend

 Subject Parcel

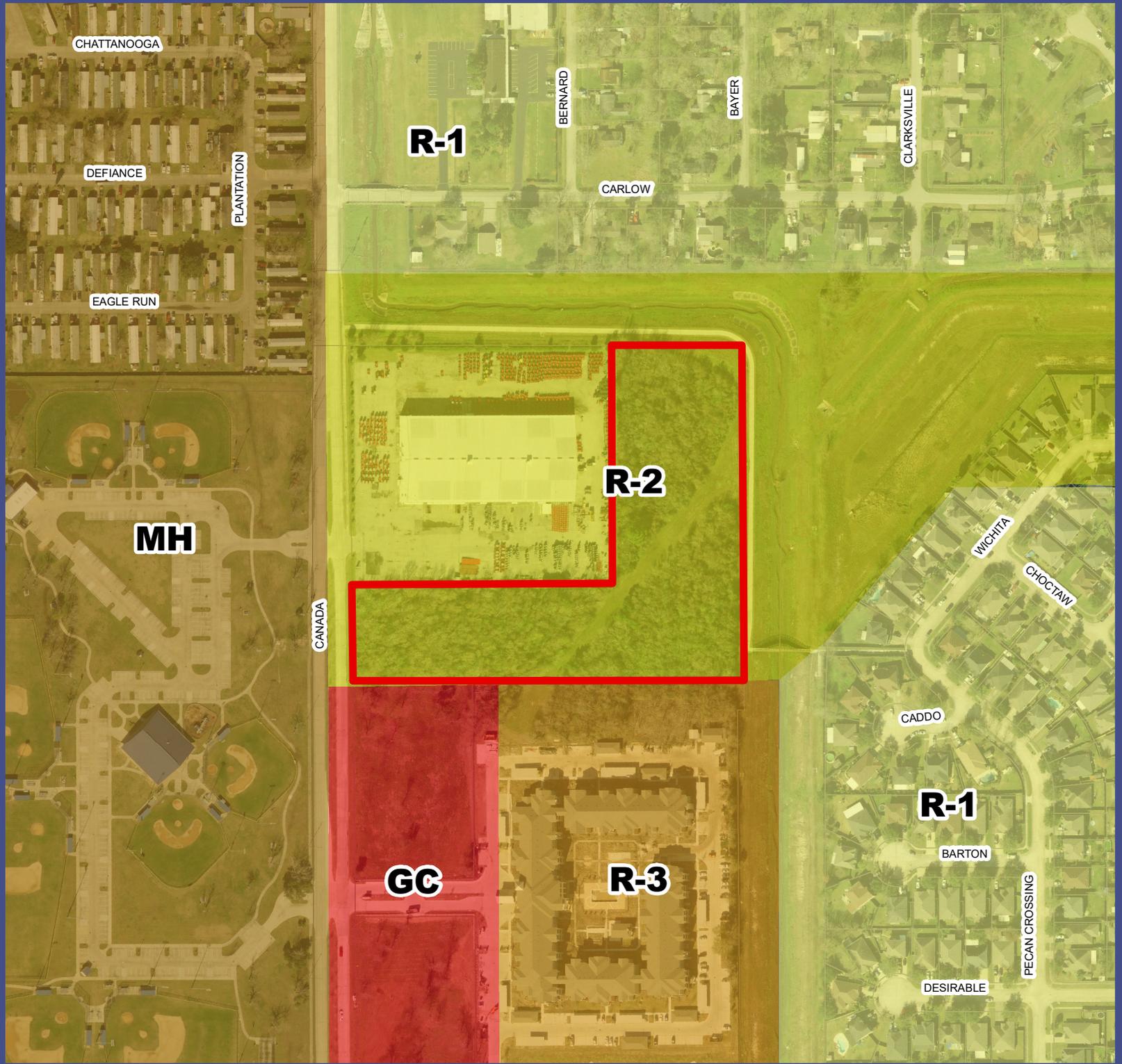


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 279 feet

JANUARY 2020
PLANNING DEPARTMENT





ZONING MAP

**SCUP
#19-91000009**

**3400 Block
Canada Rd.**

Legend

 Subject Parcel

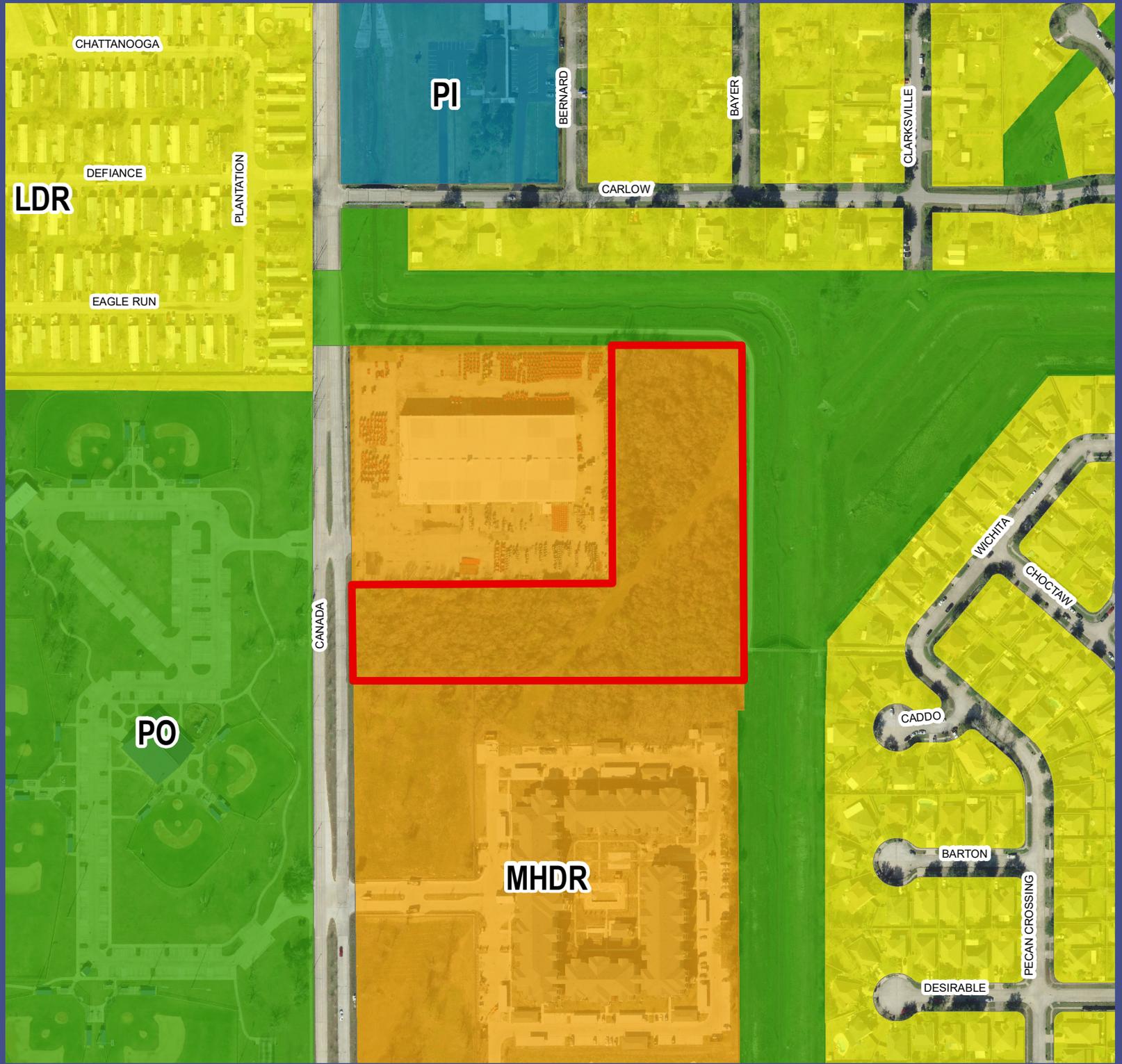


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 279 feet



**JANUARY 2020
PLANNING DEPARTMENT**



FLUP MAP

SCUP
#19-91000009

3400 Block Canada Rd.

Legend

 Subject Parcel



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

1 inch = 279 feet



JANUARY 2020
PLANNING DEPARTMENT



**Council Agenda Item
January 27, 2020**

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