LOUIS R. RIGBY
Mayor
BRANDON LUNSFORD
Councilperson At Large A
BRENT McCAULLEY
Councilperson At Large B
MANDI WILLIAMS
Councilperson District 1

CHUCK ENGELKEN
Mayor Pro Tem
Councilperson District 2
BILL BENTLEY
Councilperson District 3
RICK HELTON
Councilperson District 4
JAY MARTIN
Councilperson District 5
ROBBIE McLARRIN
Councilperson District 6

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a regular meeting of the La Porte City Council to be held September 25, 2023, beginning at 6:00 p.m. in the City Hall Council Chamber, 604 West Fairmont Parkway, La Porte, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

Remote participation is available, also. Attend via a screen using this link:
https://us02web.zoom.us/j/82392280081?pwd=Q2o2Q05rRWhydFo3bkVTZXVNNXdjUT09
Join by phone at 888 475 4499 or 877 853 5257. The meeting ID is 823 9228 0081. The passcode is 961566.

1. CALL TO ORDER

2. INVOCATION – The invocation will be given by Pastor Shawn Williams, Gates of Praise.
PLEDGES – Will be led by Councilperson Rick Helton.
U.S. Flag
Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.

3. 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.)*

4. 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 September 11, 2023, regular City Council meeting and the September 13, 2023, special session of the City Council (joint meeting with the La Porte Planning and Zoning Commission). [Louis R. Rigby, Mayor]

(b) Authorize the City Manager to execute an agreement between the City of La Porte, Texas, and the Association of Bayport Companies (ABC) for provision of EMS coverage in the Bayport Industrial District, for a three (3) -year term from October 1, 2023, through September 30, 2026. [Lisa Camp, EMS Chief]

(c) Authorize the City Manager to execute agreements between the City of La Porte, Texas, and companies and/or businesses located in the Battleground Industrial District, for provision of EMS coverage, for a three (3)- year term from October 1, 2023, to September 30, 2026. [Lisa Camp, EMS Chief]

(d) Adopt Resolution 2023-13, nominating Mike Sullivan as the Harris Central Appraisal District (HCAD) board member representing cities other than the City of Houston, for a two-year term beginning January 1, 2024. [Louis R. Rigby, Mayor]

(e) Adopt Resolution 2023-12, accepting the 2023 Harris County Appraisal District certified appraisal roll for property situated within the City of La Porte, Texas. [Michael Dolby, Finance Director]

(f) Approve award of a community fence grant in an amount not to exceed $76,928.40 to the Spencer Landing HOA and authorize the City Manager to execute all agreements associated with this project. [Matt Daeumer, Assistant City Manager]

5. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

(a) The City Council will continue a public hearing opened on September 11, 2023, to receive comments on the recommendation of the Dangerous Buildings Inspections Board for condemnation of a dangerous/substandard structure located at 226 S. Bayshore Dr., La Porte, Texas; followed by discussion and possible action to adopt Ordinance 2023-3932 ordering condemnation of dangerous/substandard structure located at 226 S. Bayshore Dr., La Porte, Texas [Richard Glass, Chief Building Official]

(b) The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2023-3953, amending the Code of Ordinances of the City of La Porte, Chapter 106- Zoning, by amending regulations related to the classification of short term rental uses in designated zoning districts; followed by discussion and possible action to consider adopting Ordinance 2023-3953 amending the Code of Ordinances, Chapter 106- Zoning, by amending regulations related to the classification of short term rental uses in designated zoning districts. [Teresa Evans, Director of Planning and Development]

(c) The City Council will hold a public hearing to receive comments regarding their consideration of the proposed City of La Porte, Texas, budget for the 2023-24 Fiscal Year; followed by discussion and possible action to adopt Ordinance 2023-3948, approving the City of La Porte, Texas, Fiscal Year 2023-24 Proposed Budget. [Michael Dolby, Finance Director]

6. STATUTORY AGENDA

(a) Presentation, discussion, and possible action to adopt Ordinance 2023-3952, setting the City of La Porte, Texas' ad valorem tax rate and levying taxes on taxable property located in the City of La Porte, Texas, for the 2023-24 Fiscal Year. [Michael Dolby, Finance Director]

(b) Presentation, discussion, and possible action to select meeting dates for regular City Council meetings in November and December 2023. [Louis R. Rigby, Mayor]

7. REPORTS

(a) Receive report of the La Porte Development Corporation Board of Directors meeting. [Mayor Pro Tem Engelken]

8. ADMINISTRATIVE REPORTS

- City Council meeting, October 9
- Planning and Zoning Commission meeting, October 19
- City Council meeting, October 23
- Zoning Board of Adjustment meeting, October 26

9. COUNCIL COMMENT

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, Councilpersons, and City staff, for which no formal action will be discussed or taken.

10. ADJOURN

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.

Pursuant to Texas Government Code Sec. 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members will be physically present at the location noted above on this agenda.

CERTIFICATE

I, Lee Woodward, City Secretary, do hereby certify that a copy of the September 25, 2023, 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 _____

TIME _____

TAKEN DOWN _____

Lee Woodward

_____

Lee Woodward, City Secretary

LOUIS R. RIGBY
Mayor
BRANDON LUNSFORD
Councilperson At Large A
BRENT McCAULLEY
Councilperson At Large B
MANDI WILLIAMS
Councilperson District 1
CHUCK ENGELKEN
Mayor Pro Tem
Councilperson District 2

BILL BENTLEY
Councilperson District 3
RICK HELTON
Councilperson District 4
JAY MARTIN
Councilperson District 5
ROBBIE McLARRIN
Councilperson District 6

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE SEPTEMBER 11, 2023

The City Council of the City of La Porte met in a regular meeting on Monday, September 11, 2023, 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, Brent McCaulley, Chuck Engelken, Bill Bentley, Rick Helton, Jay Martin, Robbie McLarrin, Mandi Williams
Councilpersons attending remotely: None
Councilpersons absent: None
Council-appointed officers present: Corby Alexander, City Manager; Clark Askins, City Attorney; Lee Woodward, City Secretary

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

2. INVOCATION – The invocation was given by Lanier Young, St. John's Episcopal Church.
PLEDGES – Will be led by Councilperson Brent McCaulley.
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. Proclamation recognizing National Preparedness Month. [Louis R. Rigby, Mayor]
b. Employee of the Quarter for Quarters 1 and 2. [Louis R. Rigby, Mayor]

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.)*

Charlie Hinds and Joe Davis spoke in support of increasing consent towing rates.

5. CONSIDERATION OF COUNCILPERSON ABSENCES
a. Presentation, discussion, and possible action to excuse the absence of Councilperson Mandi Williams from the August 28, 2023, regular City Council meeting. [Louis R. Rigby, Mayor]

Mayor Pro Tem Engelken moved to excuse the absence of Councilperson Mandi Williams from the August 28, 2023, regular City Council meeting; the motion was seconded by Councilperson Bentley the motion was adopted, 9-0.

6. 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 August 28, 2023, regular City Council meeting. [Louis R. Rigby, Mayor]**
b. **Adopt Ordinance 2023-3950 appointing Janikka Bratton as the Presiding Judge of the City of La Porte Municipal Court of Record and Denise Mitrano as Alternate Judge of the City of La Porte Municipal Court of Record, effective September 25, 2023. [Mayor Louis R. Rigby]**
c. **Adopt Resolution 2023-11 establishing a Youth Advisory Council for La Porte, Texas, and abolishing the Youth Commission of La Porte. [Matt Daeumer, Assistant City Manager]**
d. **Award Bid #23031 'Bayshore Water Tower Rehabilitation Project' to O&A Classic Coatings and Painting Corporation in the amount of $208,200.00 and authorize the City Manager to execute a construction contract, including a contingency of $21,000.00, for a total authorization of $229,200.00. [Ray Mayo, Director of Public Works]**
e. **Award Bid #23025 'Chlorine Gas Detector Rebid' to JCS Industries Inc. in the amount of $66,620.00, authorize the City Manager to execute a contract with JSC Industries Inc., and provide a contingency of $3,380.00, for a total authorization of $70,000.00. [Ray Mayo, Director of Public Works]**

Councilperson Williams pulled item b for individual consideration.

Mayor Pro Tem Engelken moved to adopt Ordinance 2023-3950 appointing Janikka Bratton as the Presiding Judge of the City of La Porte Municipal Court of Record and Denise Mitrano as Alternate Judge of the City of La Porte Municipal Court of Record, effective September 25, 2023; the motion was seconded by Councilperson Bentley; the motion was adopted, 9-0.

Mayor Pro Tem Engelken moved to approve consent agenda items a, c, d, and e; the motion was seconded by Councilperson Bentley; the motion was adopted, 9-0.

7. PUBLIC HEARINGS AND ASSOCIATED ORDINANCES

a. **The City Council will hold a public hearing to receive comments on the recommendation of the Dangerous Buildings Inspections Board for condemnation of a dangerous/substandard structure located at 125 Bayshore Ave., La Porte, Texas; followed by discussion and possible action to adopt Ordinance 2023-3937 ordering condemnation of dangerous/substandard structures located at 125 Bayshore Avenue, La Porte, Texas. [Richard Glass, Chief Building Official]**

Mayor Rigby opened the public hearing at 6:27 p.m. Richard Glass said the owner had contacted the City to have the dangerous building on the property demolished by the end of the month (the ordinance permits 45 days to do so). Mayor Rigby closed the public hearing at 6:30 p.m.

Mayor Pro Tem Engelken moved to adopt Ordinance 2023-3937 ordering condemnation of dangerous/substandard structures located at 125 Bayshore Avenue, La Porte, Texas; the motion was seconded by Councilperson Bentley; the motion was adopted, 9-0.

b. **The City Council will hold a public hearing to receive comments on the recommendation of the Dangerous Buildings Inspections Board for condemnation of a dangerous/substandard structure located at 218 Bay St., La Porte, Texas; followed by discussion and possible action to adopt Ordinance 2023-3934 ordering condemnation of dangerous/substandard structure located at 218 Bay St., La Porte, Texas [Richard Glass, Chief Building Official]**

Mayor Rigby opened the public hearing at 6:32 p.m. Richard Glass noted the owner had not responded to notification. Mayor Rigby closed the public hearing at 6:33 p.m.

Mayor Pro Tem Engelken moved to adopt Ordinance 2023-3934 ordering condemnation of dangerous/substandard structures located at 218 Bay St., La Porte, Texas; the motion was seconded by Councilperson Bentley; the motion was adopted, 9-0.

c. The City Council will hold a public hearing to receive comments on the recommendation of the Dangerous Buildings Inspections Board for condemnation of a dangerous/substandard structure located at 226 S. Bayshore Dr., La Porte, Texas; followed by discussion and possible action to adopt Ordinance 2023-3932 ordering condemnation of dangerous/substandard structure located at 226 S. Bayshore Dr., La Porte, Texas [Richard Glass, Chief Building Official]

Mayor Rigby opened the public hearing at 6:35 p.m. Richard Glass said the City provided the owner 90 days and have received incomplete documents and additional materials today. Jose Jimenez spoke on behalf of Aaron Castoneda. Without objection, Councilperson Helton moved to hold the public hearing open until September 25, 2023; the motion was seconded by Councilperson Williams; the motion was adopted, 9-0.

d. The City Council will hold a public hearing to receive comments on the recommendation of the Dangerous Buildings Inspections Board for condemnation of a dangerous/substandard structure located at 411 S. Blackwell St., La Porte, Texas; followed by discussion and possible action to adopt Ordinance 2023-3930 ordering condemnation of dangerous/substandard structure located at 411 S. Blackwell St., La Porte, Texas [Richard Glass, Chief Building Official]

Mayor Rigby opened the public hearing at 6:53 p.m. Richard Glass said the City had not had a recent response. Mayor Rigby closed the public hearing at 6:54 p.m.

Mayor Pro Tem Engelken moved to adopt Ordinance 2023-3930 ordering condemnation of dangerous/substandard structures located at 411 S. Blackwell St., La Porte, Texas; the motion was seconded by Councilperson Bentley; the motion was adopted, 9-0.

e. The City Council will hold a public hearing to receive comments regarding request by applicant Wings Etc. to authorize a variance to Section 6-2 of the Code of Ordinances of the City of La Porte to allow the sale of alcoholic beverages for on-premise consumption at Wings Etc., located at 1023 S. Broadway, La Porte, Texas, within 300 feet of a public school; followed by possible action to adopt Ordinance 2023-3949 authorizing a variance to Section 6-2 of the Code of Ordinances of the City of La Porte, by allowing the sale of alcoholic beverages for on-premise consumption at Wings Etc., located at 1023 S. Broadway, La Porte, Texas, within 300 feet of a public school. (Teresa Evans, Director of Planning and Development)

Mayor Rigby opened the public hearing at 6:56 p.m. Teresa Evans provided the staff analysis and findings. Lance Stephens spoke in support of the variance. Mayor Rigby closed the public hearing at 7:03 p.m.

Councilperson Martin moved to adopt Ordinance 2023-3949 authorizing a variance to Section 6-2 of the Code of Ordinances of the City of La Porte, by allowing the sale of alcoholic beverages for on-premise consumption at Wings Etc., located at 1023 S. Broadway, La Porte, Texas, within 300 feet of a public school; the motion was seconded by Councilperson McCaulley; the motion was adopted, 9-0.

8. STATUTORY AGENDA

a. Presentation, discussion, and possible action to approve the City of La Porte's proposed ad valorem tax rate for the 2023-24 Fiscal Year. [Michael Dolby, Finance Director]

Mayor Pro Tem Engelken moved to approve the City of La Porte's proposed ad valorem tax rate of $0.71 per $100.00 of assessed valuation for the 2023-24 Fiscal Year; Councilperson Bentley seconded the motion; the motion was adopted by a roll call vote, 9-0.

b. Presentation, discussion, and possible action to provide administrative staff with direction regarding proposed amendments to the Airport Advisory Board as established in Ordinance 2016-3652 and return to City Council for adoption at a future meeting. [Councilpersons Lunsford, Williams, and Helton]

Mr. Mayo was tasked to gather additional information, visit with the City Manager, and return recommendations at the first meeting in October.

c. Presentation, discussion, and possible action to provide administrative staff with direction regarding proposed amendments to the City Council Rules of Procedure and Ethics Policy and return to City Council for adoption at a future meeting. [Councilpersons McCaulley, Engelken, and Helton]

The City Attorney was tasked to draft some alternative proposals. Mayor Pro Tem Engelken also expressed a wish that the items become part of the consent agenda rather than separately.

d. Presentation, discussion, and possible action on proposed change to the City of La Porte Employee Handbook Chapter 8: 'Employee Wage & Benefits', to require twenty (20) cumulative years of service as opposed to twenty (20) consecutive years of service as a criterion for eligibility for retiree medical benefits. [Councilpersons McCaulley, Martin, and Helton]

Councilperson McCaulley moved to direct administrative staff to change the City of La Porte Employee Handbook Chapter 8: 'Employee Wage & Benefits', to require twenty (20) cumulative years of service as opposed to twenty (20) consecutive years of service as a criterion for eligibility for retiree medical benefits and bring back to a future meeting for formal approval [by ordinance]; Councilperson Bentley seconded the motion; the motion was adopted, 9-0.

e. Presentation, discussion, and possible action to provide administrative staff direction based on information provided for a potential pilot program for utilization of hybrid or electric vehicles for non-emergency fleet assets. [Ray Mayo, Director of Public Works]

Councilperson Helton moved to direct administrative staff to cease work on a potential pilot program for utilization of hybrid or electric vehicles for non-emergency fleet assets; Councilperson Martin seconded the motion; the motion was adopted, 9-0.

f. Presentation, discussion and possible action to adopt Ordinance 2023-3944, amending Appendix A 'Fees' of the Code Ordinances of the City of La Porte by increasing the maximum allowable charge for non-consent tows performed by automobile wreckers and towing vehicles in the City of La Porte. [Doug Ditrich, Chief of Police]

Councilperson Martin moved to adopt Ordinance 2023-3944, amending Appendix A 'Fees' of the Code Ordinances of the City of La Porte by increasing the maximum allowable charge for non-consent tows performed by automobile wreckers and towing vehicles in the City of La Porte from $145 to $185 and include that the tow fee schedule be reviewed every two years; Mayor Pro Tem Engelken seconded the motion; the motion was adopted, 9-0.

9. REPORTS

a. Receive report of the Drainage and Flooding Committee meeting. [Councilperson Martin]

Councilperson Martin reported the Committee received updates on drainage projects and set its next meeting for October 9.

10. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission meeting, September 21
- City Council meeting, September 25
- La Porte Development Corporation Board meeting, September 25

City Manager Corby Alexander said there were no reports.

11. COUNCIL COMMENT 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, Councilpersons, and City staff, for which no formal action will be discussed or taken.

Councilpersons congratulated the Employees of the Quarters and incoming Judge Bratton and wished Judge Mitrano well; requested an update on the redesign of Pecan Park; and congratulated the City Secretary on beginning her fifteenth year

12. ADJOURN – Without objection, the meeting was adjourned at 8:08 p.m.

_____

Lee Woodward, City Secretary

LOUIS R. RIGBY
Mayor
BRANDON LUNSFORD
Councilperson At Large A
BRENT McCAULLEY
Councilperson At Large B
MANDI WILLIAMS
Councilperson District 1
CHUCK ENGELKEN
Mayor Pro Tem
Councilperson District 2

BILL BENTLEY
Councilperson District 3
RICK HELTON
Councilperson District 4
JAY MARTIN
Councilperson District 5
ROBBIE McLARRIN
Councilperson District 6

MINUTES OF THE JOINT SPECIAL MEETING OF THE CITY OF LA PORTE CITY COUNCIL AND CITY OF LA PORTE PLANNING AND ZONING COMMISSION SEPTEMBER 13, 2023

The City Council of the City of La Porte met in a special meeting on Wednesday, September 13, 2023, 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**,** Brent McCaulley, Chuck Engelken, Bill Bentley, Rick Helton, Mandi Williams
Councilpersons attending remotely: None
Councilpersons absent: Brandon Lunsford, Jay Martin, Robbie McLarrin
Commissioners present: Hal Lawler, Donna O'Conner, Richard Warren, Nancy Ojeda, Mark Follis
Commissioners attending remotely: None
Commissioners absent: Joe Mock, Nolan Allen, James Walter, Victor Peres
Council-appointed officers present: Corby Alexander, City Manager; Clark Askins, City Attorney; Lee Woodward, City Secretary

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

2. 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.)*

There were no comments.

3. STATUTORY AGENDA

a. Presentation and discussion of the City of La Porte 2040 Comprehensive Plan Update; public engagement overview; draft plan overview; City Council and Commission feedback and next steps. [Freese & Nicols]

Representatives of Freese and Nichols, consultants for the City of La Porte 2040 Comprehensive Plan Update, briefed the assemblies on the recommendations they have compiled as a result of the process.

b. Provide direction to administrative staff regarding the City of La Porte 2040 Comprehensive Plan Update.

Members of the assemblies provided updates they preferred for the Plan. Members of the Comprehensive Plan Advisory Committee expressed their support for the Plan.

4. COUNCIL OR COMMISSIONER COMMENT 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 Councilpersons, Commissioner and City staff, for which no formal action will be discussed or taken.

There were no comments**.**

5. ADJOURN – Without objection, the meeting was adjourned at 7:02 p.m.

_____
Lee Woodward, City Secretary

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 25, 2023

Requested By: Lisa Camp, EMS Chief

Department: Administration/EMS

○ Report ◉ Resolution ○ Ordinance

Exhibits:
EMS Agreement with the Association of Bayport Companies (ABC)
Map of ABC Bayport Service Area

Appropriation	
Source of Funds:	
Account Number:	
Amount Budgeted:	
Amount Requested:	
Budgeted Item:	○ Yes ◉ No

SUMMARY & RECOMMENDATION

The contract renewal between the City of La Porte EMS and the Association of Bayport Companies (ABC) for Emergency Medical Services for a period of thirty-six (36) months expires on September 30, 2023. Bayport Industrial District is the area located south of Fairmont Parkway. The new three-year agreement is calculated at the rate of $46.43 per employee, per year. This is an increase of $2.07 per employee per year over the previous period's negotiated agreement rate. The total agreement amount invoiced will be based on an average daily population at each company. Companies that elect to not participate in the agreement will be assessed a $5,000 per response Non-member fee. The new agreement will begin on October 1, 2023 and expire on September 30, 2026.

Agreement History:
The Bayport Industrial District occupies the unincorporated area south of Fairmont Parkway mostly between the Union Pacific Railroad just west of Hwy 146 and Red Bluff Road with a small portion located east of Hwy 146 on Port Road. The City of La Porte began entering into this agreement for a fee-based EMS coverage for this area in 1984 due to La Porte being the closest EMS resource to the area.

The La Porte EMS agreement fees are based on the following customary formula:

Total EMS operating budget divided by the current La Porte population equals the per capita fee. A 10% administrative fee is then added to the per capita fee along with any associated Capital Improvement Project fees that are divided out over a specified time period and include an additional 10% administrative fee. This fee amount is then divided by three (3) due to the average worker only being present at work a third of the day.

Contractual History:

Fiscal Year	2020-21	2021-22	2022-23
#911 Responses	54	77	45*
# Industry Participating	41	44	44*
Contract Revenue	$220,432	$269,802	$232,658*
Patient Revenue	$27,000	$38,500	$22,500*
Total Revenue	$247,432	$308,302	$251,158*

EMS average transport rate is 50% and only charges for patients that are transported or treated above and beyond a set of vital signs and any needed bandaging and splinting.
* Denotes calendar year numbers not complete

STRATEGIC PLAN STRATEGY AND GOAL

Organizational Excellence – The City of La Porte will operate in a transparent, efficient, accountable, and responsive manner by preparing the organization and the staff for the future, focusing on core services, attracting, and retaining the best employees and wise stewardship of financial resources.

ACTION REQUIRED BY CITY COUNCIL

Authorize the City Manager to execute an agreement with the companies located in the Association of Bayport Companies and area located within the Bayport Industrial District for the City of La Porte EMS to provide EMS coverage from October 1, 2023 through September 30, 2026.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager **Date**

CONTRACT

STATE OF TEXAS '
'
COUNTY OF HARRIS '

THIS CONTRACT made and entered into by and between the CITY OF LA PORTE, a municipal corporation, of Harris County, Texas, hereinafter referred to as "LA PORTE"; and the ASSOCIATION OF BAYPORT COMPANIES, INC., a Texas non-profit corporation, hereinafter referred to as "A.B.C.",

W I T N E S E T H:

WHEREAS, A.B.C is in need of certain Emergency Medical Services for the benefit of the people at its Service Area, as outlined on the map attached hereto as Exhibit “A”, SAVE AND EXCEPT any area shown on Exhibit “A”, which has been annexed by a city other than LA PORTE, unless LA PORTE has an interlocal agreement for Emergency Medical Service with any other such city; and

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

I.

GENERAL PROVISIONS

For and during the year beginning on the 1st day of October, 2023, and ending on the 30th day of September, 2026, LA PORTE agrees to furnish to A.B.C., the emergency medical services hereinafter more specifically described. This agreement shall remain in effect after September 30, 2026, until cancelled by either party hereto giving ninety (90) days written notice to the other party.

II.

For and in consideration of the emergency medical services to be provided by LA PORTE, A.B.C. agrees to pay LA PORTE the sum of Forty-six Dollars and forty-three cents ($46.43) per on-site employee of the ASSOCIATION OF BAYPORT COMPANIES, INC. members, comprised within the Service Area. Such payment shall be made on or before the 1st day of December annually. The employee count, which A.B.C. represents to LA PORTE to be approximately between Five Thousand (5,000) and Six Thousand (6,000) on an annual basis, shall be based upon the number of full-time equivalents, on-site employees and shall include the number of recurring-contract workers (such as maintenance contracts that are used for scheduled plant maintenance). The number of covered personnel is to be provided by each individual plant within the Service Area and furnished by A.B.C. for the computation of the annual fee, which shall occur on or before October 1, 2023 and will be subject to an annual cost adjustment based on the number of covered personnel. A.B.C. shall furnish to LA PORTE said census count furnished to them during the month of September during each year of this contract.

A.B.C. shall immediately notify LA PORTE of the addition of any new company to its membership, and the employee count, as herein defined, of such new member company.

A member company of A.B.C. which is in default of its payments to A.B.C. and LA PORTE hereunder, shall be subject to a "Non-Member Fee" of Five Thousand Dollars ($5000.00) per EMS response as provided in LA PORTE's Emergency Medical Service Fee Ordinance.

III.

LA PORTE agrees to provide emergency medical services at A.B.C.'s Service Area. LA PORTE shall transport patients to one of the nearest hospitals providing emergency services that is defined by the "Transport Policy" of the City of La Porte Emergency Medical Services. LA PORTE shall be permitted to charge, to each patient, its most current and customary Emergency Medical Service charges as adopted by City Council.

IV.

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

V.

COMPLIANCE WITH LAW AND ORDINANCES

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

VI.

LIABILITY INSURANCE

During the term of this Contract and any extension thereof, LA PORTE shall purchase and keep in full force and effect, public liability insurance on each of its ambulance units, and professional liability insurance (malpractice insurance) on each of its employees administering patient care, with minimum limits of $100,000.00 for each single occurrence for injury to or destruction of property; $100,000.00 for each person; and $300,000.00 for each accident. LA PORTE shall keep and maintain Workers' Compensation insurance on its employees. LA PORTE shall maintain collision and liability insurance on the ambulances, with at least maximum limits of $100,000.00 for each single occurrence for injury to or destruction of property; $100,000.00 for each person; $300,000.00 for each single occurrence for bodily injury or death; and uninsured and

under-insured motorists coverage providing at least $100,000.00 for each person, and $300,000.00 for each single occurrence for bodily injury or death. Notwithstanding the foregoing, LA PORTE shall not be required to obtain insurance in excess of liability limits established in the Texas Tort Claims Act, Section 101.001 et seq, of the Texas Civil Practice and Remedies Code, in cases where said Act is applicable. LA PORTE shall file certificates of insurance coverage with A.B.C. during the terms of this Contract and any extension thereof. On all said insurance policies, A.B.C. shall be named as an additional insured.

V II.

REVOCATION OF CONTRACT

Either A.B.C. or LA PORTE may cancel this Contract, without cause, after giving at least ninety (90) days written notice to the non-canceling party. Such notice shall be sent by LA PORTE to A.B.C. at Post Office Box 691, La Porte, Texas 77572-0691. Such notice shall be sent by A.B.C. to LA PORTE at 604 West Fairmont Parkway, La Porte, Texas 77571.

VIII.

TERM

This Contract shall become effective at 12:00 A.M. Central Time, on the 1st day of October, 2023, and shall remain in full force and effect until the 30th day of September, 2026, unless otherwise cancelled as provided in paragraph VII above. This Contract is entered into subject to the Charter and Ordinances of the City of La Porte, and all applicable state and federal laws.

IX.

This Contract constitutes the entire agreement between the parties and supersedes all prior contemporaneous communications or agreements, written or oral. This Contract may be amended only by a written instrument signed by all parties.

This Contract shall be governed by and construed in accordance with the laws of the State of Texas.

EXECUTED IN DUPLICATE ORIGINALS, as of this the ___ day of _____, 2009.

CITY OF LA PORTE

By: _____
Corby Alexander

City Manager

ATTEST:

_____
Lee A. Woodard
City Secretary

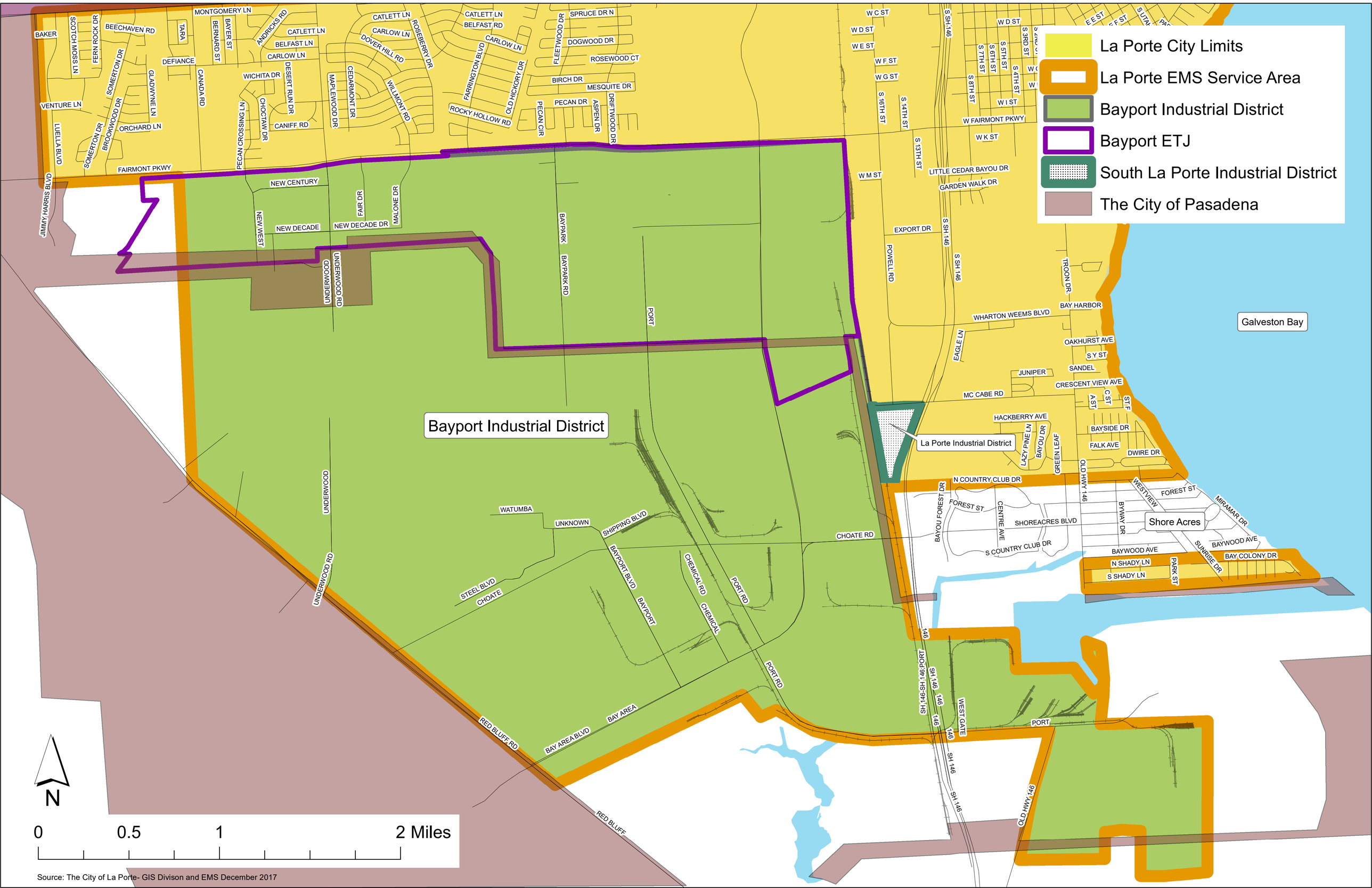
ASSOCIATION OF BAYPORT
COMPANIES, INC.

By: _____
President

ATTEST:

_____
Megan Weaver
Secretary

The City of La Porte
Bayport Industrial District
EMS Service Area Map
2023



Source: The City of La Porte- GIS Divison and EMS December 2017

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 25, 2023

Requested By: Lisa Camp, EMS Chief

Department: Administration

○ Report ◉ Resolution ○ Ordinance

Exhibits:
New EMS agreement with Battleground Industrial District
Map of Battleground Industrial District EMS service area

Appropriation	
Source of Funds:	
Account Number:	
Amount Budgeted:	
Amount Requested:	
Budgeted Item:	○ Yes ◉ No

SUMMARY & RECOMMENDATION

The contract renewal between the City of La Porte EMS and the companies located within the Battleground Industrial District (North of Hwy 225 between Battleground Road and Hwy 146) for Emergency Medical Service for a period of thirty-six (36) months expires on September 30, 2023.

The new three-year (2023-26) agreement is calculated at a rate of $46.43 per employee, per year. This is an increase of $3.94 per employee per year over the previous period's negotiated agreement rate. The total agreement amount invoiced will be based on an Average Daily Population at each company. Companies that elect to not participate in the agreement will be assessed a $5,000 per response Non-Member fee. The new agreement will begin on October 1, 2023 and expire on September 30, 2026.

Agreement History:

The Battleground Industrial District occupies the area north of Hwy 225 located within the City of La Porte's ETJ. The City of La Porte began entering into agreements for fee-based EMS coverage for this area effective October 1, 2006. EMS services were provided free of charge prior to October 1, 2006. The City Council directed the EMS Chief to start charging the Battleground Industrial District, which is consistent with how we charge the Association of Bayport Companies for EMS services.

The La Porte EMS agreement fees are based on the following customary formula:

- Total EMS operating budgets divided by the current La Porte population equals the per capita fee. A 10% administrative fee is then added to the per capita fee along with any associated Capital Improvement Project fees that are divided out over a specified time and include an additional 10% administrative fee. This fee amount is then divided by 3 due to the average worker only being present at work a third of the day.

Contractual History:

Fiscal Year	2020-2021	2021-2022	2022-2023*
# 911 Responses	66	47	34*
# Industry Participating	20	22	28*
Contract Revenue	$67.503	$84,649	$100,855*
Patient Revenue	$33,000	$23.500	$17,000 *
Total Revenue	$100,503	$108,149	$117,855*

*Partial year reporting

EMS has an average transport rate of 50% and only charges for patients that are transported or treated above and beyond a set of vitals and any needed bandaging and splinting.

* Denotes calendar year numbers not complete

STRATEGIC PLAN STRATEGY AND GOAL

The City of La Porte will operate in a transparent, efficient, accountable, and responsive manner by preparing the organization and the staff for the future, focusing on core services, attracting, and retaining the best employees and wise stewardship of financial resources.

ACTION REQUIRED BY CITY COUNCIL

Authorize the City Manager to execute an agreement with the companies located within the Battleground Industrial District for the City of La Porte EMS to provide EMS coverage from October 1, 2023 to September 30, 2026.

Approved for the City Council meeting agenda.

Corby D. Alexander, City Manager **Date**

LETTER AGREEMENT

This Letter Agreement is made and entered into by and between the CITY OF LA PORTE, a municipal corporation of Harris County, Texas, hereinafter referred to as "LA PORTE" and the (Company Name) _____, a private industrial operation and/or business located within the Battleground Industrial District of Harris County, Texas hereinafter referred to as "COMPANY",

COMPANY is in need of emergency medical services for the benefit of the people and property located at COMPANY'S facility or facilities within the Battleground Industrial District. The City of La Porte has expressed its willingness to provide such emergency medical services to COMPANY, upon the terms, conditions, and covenants described as follows:

1) It is hereby agreed that for and during the year beginning on the 1st day of October, 2023, and ending on the 30th day of September, 2026, LA PORTE will furnish to COMPANY emergency medical services consisting of ambulance / EMT-P response and assistance, and transportation to hospitals, as necessary.

2) LA PORTE shall transport patients to one of the nearest hospitals that provides emergency services as defined by the "Transport Policy" of the City of La Porte Emergency Medical Services, a copy of which is available at the LA PORTE EMS Headquarters. LA PORTE shall be permitted to charge, to each patient, its most current and customary Emergency Medical Service charges, as adopted by City Council, and codified in the La Porte Code of Ordinances Chapter 20, Appendix A.

3) For and in consideration of the governmental services to be provided by LA PORTE under this letter agreement, COMPANY agrees to pay LA PORTE the annual sum listed on the completed ambulance service invoice, which will be forwarded to COMPANY. The annual fee to be assessed on the ambulance service invoice shall be based on a $46.43 per person fee and shall be paid in full by the facility or business to LA PORTE, annually on or before the 1st day of January.

4) COMPANY agrees that the cost of the services provided under this agreement shall be based on an Average Daily Population ("ADP") of personnel working at the COMPANY and will be subject to an annual cost adjustment. The formula for cost of services under this agreement shall be calculated by multiplying the negotiated per person fee by the negotiated ADP for the agreement year, and shall be subject to review and adjustment annually, based on changes to ADP, commencing October 1, 2023.

5) A COMPANY which is in default of its payments to LA PORTE hereunder, shall be subject to a "Non-Member Fee" of Five Thousand Dollars ($5000.00) per EMS response as provided in LA PORTE's Emergency Medical Service Fee Ordinance, codified in the La Porte Code of Ordinances Chapter 30, Appendix A. LA PORTE will forward an invoice to COMPANY within 30 days after the rendering of any service to which the "Non-Member Fee" applies.

6) Sole discretion will rest with the LA PORTE Emergency Medical Services Chief, or their duly authorized assistants, as to the personnel and equipment that will answer each emergency medical services request, provided, emergency medical services protection will be adequate (meaning reasonable protection, considering available personnel and equipment of LA

PORTE's Emergency Medical Services) and dispatch of personnel and equipment to provide emergency medical services within the corporate limits of the City of La Porte.

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

8) During the term of this Agreement and any extension thereof, LA PORTE shall purchase and keep in full force and effect, public liability insurance on each of its ambulance units, and professional liability insurance (malpractice insurance) on each of its employees administering patient care, with minimum limits of ($100,000.00) for each single occurrence for injury to or destruction of property; ($100,000.00) for each person; and ($300,000.00) for each accident. Furthermore, LA PORTE shall keep and maintain Workers' Compensation insurance on its employees. LA PORTE shall also maintain collision and liability insurance on the ambulances, with at least maximum limits of ($100,000.00) for each single occurrence for injury to or destruction of property; ($100,000.00) for each person; ($300,000.00) for each single occurrence for bodily injury or death; and uninsured and under-insured motorists' coverage providing at least ($100,000.00) for each person, and ($300,000.00) for each single occurrence for bodily injury or death. Notwithstanding the foregoing, LA PORTE shall not be required to obtain insurance in excess of liability limits established in the Texas Tort Claims Act, Section 101.001 et seq. of the Texas Civil Practice and Remedies Code, in cases where said Act is applicable.

9) This agreement shall become effective at 12:00 A.M. Central Time, on the 1st day of October, 2023 and shall remain in full force and effect until the 30th day of September, 2026 unless otherwise canceled as provided in the previous paragraph. This agreement is entered into subject to the Charter and Ordinances of the City of La Porte, and all applicable state and federal laws.

10) This agreement shall remain in effect after September 30, 2026 until canceled by either party hereto giving ninety (90) days written notice to the other party hereto. Either the COMPANY or LA PORTE may cancel this agreement without cause, so long as said 90 days notice is first given. Such notice shall be sent by LA PORTE to COMPANY at _____. Such notice shall be sent by the COMPANY to LA PORTE at 604 West Fairmont Parkway, La Porte, Texas, 77571, Attention: City Manager.

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

EXECUTED IN DUPLICATE ORIGINALS, as of this the _____day of _____, 20___.

Agreed to by the CITY OF LA PORTE

By: _____
Corby D. Alexander, City Manager

Attest: _____
Lee Woodward, City Secretary

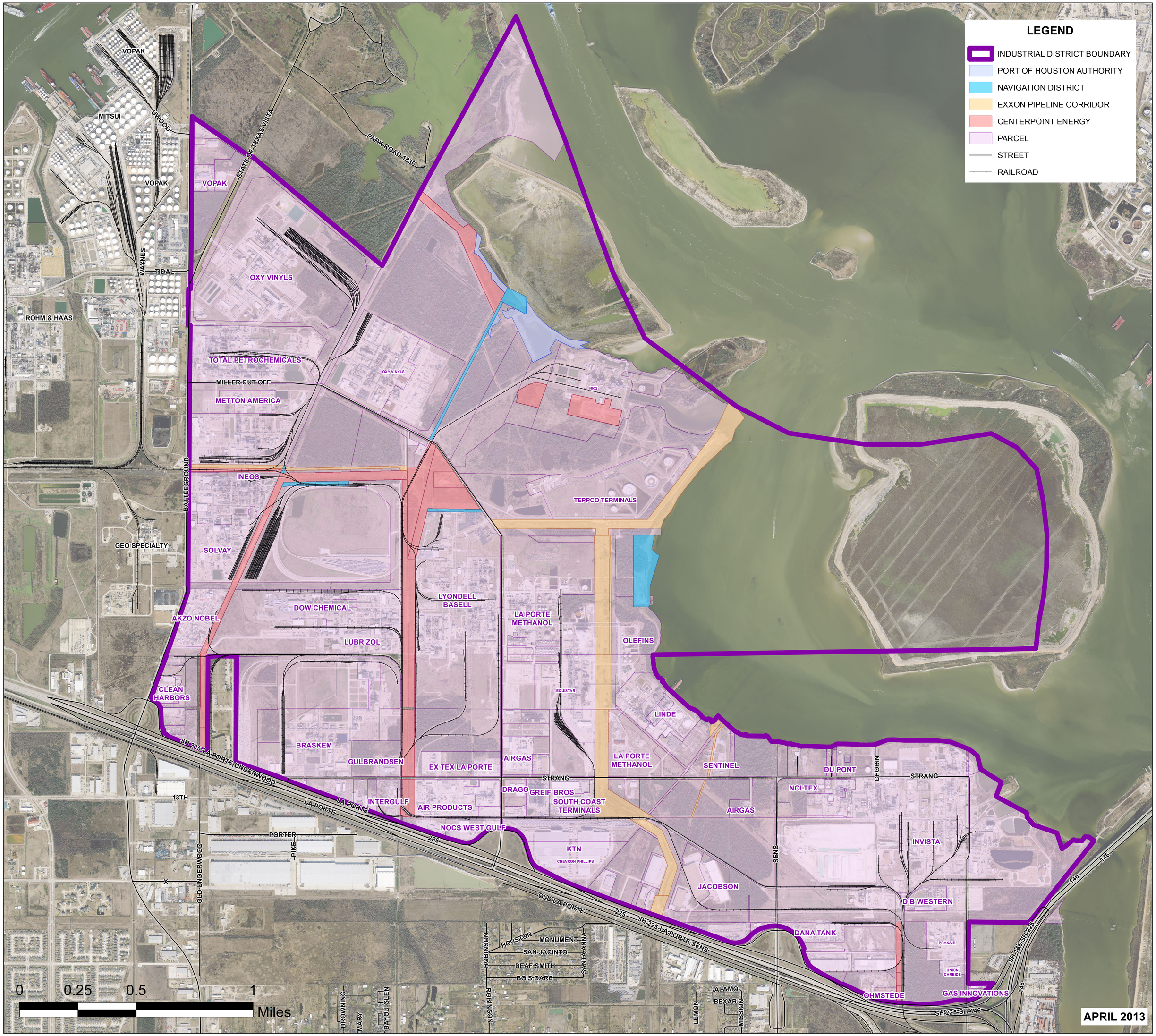
Agreed to by COMPANY

By: _____
Authorized Representative

CITY OF LA PORTE, TEXAS

BATTLEGROUND INDUSTRIAL DISTRICT

EST. 12/27/1965, CITY OF LA PORTE ORDINANCE NO. 729



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 25, 2023

Requested By: Louis R. Rigby, Mayor

Department: City Council

○ Report ◉ Resolution ○ Ordinance

Exhibits: Proposed Reso. 2023-13
HCAD nomination packet

Appropriation	
Source of Funds:	
Account Number:	
Amount Budgeted:	
Amount Requested:	
Budgeted Item:	○ Yes ○ No

SUMMARY

The cities of the Harris Central Appraisal District (HCAD), other than the City of Houston, are entitled to nominate and select a board member. Mike Sullivan, the former Harris County Tax Assessor-Collector, is the current representative for the position, and has asked that he be nominated again.

The HCAD's board of directors is composed of six members serving two-year terms. The functions of the board and additional information follow this cover sheet. Any nominating resolutions must be sent to the HCAD Chief Appraiser no later than October 15, 2023, to be considered for election.

STRATEGIC PLAN STRATEGY AND GOAL

This selection process directly supports the following Guiding Principle of City's 2023 Strategic Plan:

- Governance: *The City of La Porte is governed in a transparent, efficient, accountable, and responsive manner on behalf of its citizens that actively promotes citizen involvement.*

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ACTION REQUIRED BY CITY COUNCIL

Adopt Resolution 2023-13, nominating Mike Sullivan as the Harris Central Appraisal District (HCAD) board member representing cities other than the City of Houston, for a two-year term beginning January 1, 2024. *(Should the desire be to nominate someone else, an amendment to the resolution would be necessary.)*

RESOLUTION 2023-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, NOMINATING A CANDIDATE FOR A POSITION ON THE BOARD OF DIRECTORS OF THE HARRIS CENTRAL APPRAISAL DISTRICT

WHEREAS, those cities and towns other than the City of Houston within the Harris Central Appraisal District have the right and responsibility to elect one person to the board of directors of the Harris Central Appraisal District for a term of office commencing on January 1, 2024, and extending through December 31, 2025; and

WHEREAS, the City Council of the City of La Porte, Texas, desires to exercise its right to nominate a candidate for such position on said board of directors; now, therefore

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

Section 1. The facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That Mike Sullivan, 4811 Shore Hills Drive, Kingwood, Texas, 77345, 713-898-6969, be, and is hereby, nominated as a candidate for that position on the board of directors of the Harris Central Appraisal District to be filled by those cities and towns other than the City of Houston within the Harris Central Appraisal District for a two-year term of office commencing January 1, 2024.

Section 3. That the Mayor of the City Council of the City of La Porte be, and is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Harris Central Appraisal District no later than October 15, 2023.

PASSED AND APPROVED this, the _____ day of _____, 2023.

CITY OF LA PORTE, TEXAS

_____
Louis R. Rigby, Mayor

ATTEST:

_____
Lee Woodward, City Secretary

APPROVED AS TO FORM:

_____
Clark T. Askins, City Attorney

Harris Central Appraisal District
OFFICE OF CHIEF APPRAISER

TO: PRESIDING OFFICERS OF TAXING UNITS
SERVED BY THE HARRIS CENTRAL APPRAISAL DISTRICT

FROM: ROLAND ALTINGER, CHIEF APPRAISER

SUBJECT: SELECTION OF APPRAISAL DISTRICT BOARD MEMBERS

DATE: AUGUST 24, 2023

Your taxing unit participates in selecting members of the Harris Central Appraisal District's (HCAD's) board of directors. The board is composed of six members who serve two-year terms, all of which expire on December 31, 2023. This memorandum describes the process of selecting directors for a term that begins on January 1, 2024. As the law currently stands, these newly selected directors will serve a two-year term. However, should the constitutional amendment proposed by H.J.R. 2 pass at the November 2023 general election, in accordance with Senate Bill 2, Section 5.13(d), the board members will serve a one-year term that begins January 1, 2024.

Functions of the Board

The appraisal district appraises all property in the county for ad valorem tax purposes. The board of directors is the governing body for the district. The board employs the chief appraiser, sets general policies for the district, and adopts the budget for the district. By law, board members cannot communicate with the chief appraiser regarding appraisals. There is no compensation for service on the appraisal district board of directors; however, directors are reimbursed for travel expenses if incurred. HCAD's board of directors typically meets once a month.

Participating Units

The current method of selecting directors was established by resolutions of the county, cities, and school districts participating in the appraisal district in 1981. The method of selection was modified in 1991 after the law was changed to provide a voting entitlement to conservation and reclamation districts and has been modified to provide a voting entitlement for junior college districts. Sec. 6.031, Tax Code, authorizes an appraisal district to vary both the size and the method of selecting its board members.

The six members of the Harris Central Appraisal District's board of directors are selected as follows:

- One member appointed by the Harris County Commissioners Court.
- One member appointed by the Houston City Council.

- One member appointed by the board of trustees of the Houston Independent School District.
- One member appointed by votes of the governing bodies of the cities and towns other than Houston. Each governing body casts a single vote. The candidate who receives the most votes is elected.
- One member appointed by vote of the governing bodies of the school districts other than Houston Independent School District and by the governing bodies of the junior colleges with territory in Harris County. The governing body of each school district casts a single vote. The junior college districts collectively cast a single vote. The candidate who receives the most votes is elected.
- One member appointed by vote of the governing bodies of the conservation and reclamation districts that participate in the appraisal district. Each governing body casts a single vote. The candidate who receives the most votes is elected.

In the event the county appoints someone other than the county assessor-collector to the board, the county assessor-collector will serve ex officio in a non-voting capacity as a seventh member.

Board members whose terms expire December 31, 2023, are:

- Mike Sullivan, Chairman, representing cities & towns, except City of Houston
- Martina Lemond Dixon, Secretary, representing junior college districts and school districts other than Houston ISD
- Al Odom, Assistant Secretary, representing City of Houston
- Jim Robinson, Member, representing Harris County
- Kathy Blueford-Daniels, Member, representing Houston ISD
- Jonathan Cowen, Member, representing conservation and reclamation districts.

Eligibility Requirements

An individual must satisfy certain residency, employment, and conflict-of-interest requirements to be eligible to serve on the board of directors.

Residency. *The candidate must be a resident of Harris County, and must have resided in the county for at least two years immediately preceding the date he or she takes office. The appraisal district's boundaries are the same as those for Harris County.*

Employment. An employee of a taxing unit served by the appraisal district may not serve on the board of directors, with one exception. An employee may serve if the employee is also a member of the governing body or an elected official of a taxing unit that participates in the district. For example, a member of the governing body of a school district who is also a city employee would be *eligible* to serve on the board.

An individual is *ineligible* to serve on an appraisal district board of directors if the individual has engaged in the business of appraising property for compensation for use in proceedings under the Texas Property Tax Code (the "Tax Code") or of representing property owners for compensation in proceedings under the Tax Code in the appraisal district at any time during the preceding three years.

Conflict-of-interest. A candidate may not serve if the candidate is related to a person who is in the business of appraising property or representing property owners for a fee in proceedings in the appraisal district. Relatives barred are those within the second degree by consanguinity (blood) or affinity (marriage). These persons include spouse, children, brothers and sisters, parents, grandparents, and grandchildren. The spouse's relatives in the same degree are also included.

A candidate who contracts with the appraisal district for any purpose, or who contracts with a taxing unit served by the district for a property tax related purpose, may not serve. The same rule applies to candidates who have a substantial interest in businesses contracting with the appraisal district (for any purpose) or with the taxing unit (for property tax purposes). A candidate has a substantial interest if the candidate or the candidate's spouse has combined ownership of at least ten percent (10%) of the voting stock or shares of the business. A candidate also has a substantial interest if the candidate or the candidate's spouse is a partner, limited partner, or an officer of the business. These prohibitions on contracting continue for the duration of the affected director's term of office.

The appraisal district may not employ any person who is related to an appraisal district director within the second degree by affinity or by the third degree of consanguinity. This provision applies to existing employees at the time the director takes office and to employees hired during the director's term.

Delinquent taxes. Texas law makes a person ineligible to serve as an appraisal district director if he or she has delinquent property taxes owing to any taxing unit for more than 60 days after the person knew or should have known of the delinquency.

Selection Procedures

The procedures for selecting members of the board of directors for a two-year*[1] term are as follows:

For Cities and Towns Other Than the City of Houston

The cities and towns other than the City of Houston appoint one member by majority vote of their governing body. The process for these cities and towns involves two steps: nomination and election.

Nomination

The governing body of each city and town has the right to nominate a single candidate for the position. To nominate, the governing body must adopt a resolution nominating the candidate by formal action. The presiding officer of the governing body must submit the nominee's name to the chief appraiser of the Harris Central Appraisal District prior to **October 15, 2023.** The presiding

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*[1] , unless the constitutional amendment proposed by H.J.R. 2 passes at the November 2023 general election, then in accordance with Senate Bill 2, Section 5.13(d), the board of directors will serve a one-year term beginning January 1, 2024.

officer of the governing body of each city or town must provide a certified copy of the resolution and may include a cover letter naming the nominee.

Election

Before **October 30, 2023,** the chief appraiser will prepare a ballot listing the nominees in alphabetical order. The chief appraiser will deliver a copy of the ballot to the presiding officer of the governing body of each city or town.

Prior to December 1, 2023, each governing body must cast its vote for one of the nominees, formally adopt a resolution naming the person for whom it votes and submit a certified copy to the chief appraiser. *Ballots received by the chief appraiser after November 30 may not be counted.*

Prior to December 15, 2023, the chief appraiser will count the votes, declare the candidate who received the highest number of votes elected, and submit the results of the election to the governing body of each city and town, to the candidates nominated, and to the Secretary of HCAD's Board of Directors. A tie vote will be resolved by a method of chance chosen by the chief appraiser.

For Junior Colleges and School Districts other than The Houston Independent School District

With the exception described below for junior college districts, exactly the same procedure described for cities and towns above applies to the selection of the member who represents junior college districts and school districts other than Houston ISD. The governing bodies of the school districts must nominate and elect following the deadlines and procedures described above. The four junior college districts with territory in Harris County may participate in the selection of the member who represents school districts other than Houston ISD and the junior colleges. However, the junior college districts collectively have the same voting authority as a single school district. See Sec. 6.031(b-1), Tax Code. The governing bodies of junior college districts may each nominate a candidate following the deadlines and procedures described above. However, the four junior colleges collectively have a single vote in the election. The governing body may cast a vote by resolution and file the resolution with the chief appraiser. The collective vote will be automatically cast for the candidate who receives the most votes from among the junior colleges. As an example, if one candidate receives three votes and another receives one vote, the junior colleges will be deemed to have collectively cast their vote for the candidate who received the three votes.

For Conservation and Reclamation Districts

The procedure and timetable for selecting the member who represents the conservation and reclamation districts are the same as that described above for small cities and school districts.

The conservation and reclamation districts that participate in the appraisal district may cast a single vote. The candidate who receives the most votes is elected.

For Harris County, the City of Houston
And the Houston Independent School District

Prior to **December 1, 2023,** the governing body of each of these entities appoints a single person to represent it on the board. Each governing body must formally adopt a resolution naming the person who will serve as a board member and submit it to the chief appraiser at the address shown below:

Roland Altinger
Chief Appraiser
Harris Central Appraisal District
13013 Northwest Freeway
P. O. Box 920975
Houston, Texas 77292-0975

To assist you in this process, I have enclosed a suggested form of resolution for the appointment of your representative to the board of directors of the Harris Central Appraisal District.

We invite your questions or comments on the board selection process. Please do not hesitate to call me at (713) 957-5299.

Sincerely,

Roland Altinger, RPA
Chief Appraiser

Attachments
Cc: HCAD Board Members
Tax Assessors
Attorneys

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE_____ INDEPENDENT SCHOOL DISTRICT NOMINATING A CANDIDATE FOR A POSITION ON THE BOARD OF DIRECTORS OF THE HARRIS CENTRAL APPRAISAL DISTRICT

WHEREAS, those school districts other than the Houston Independent School District within the Harris Central Appraisal District and the junior college districts within the Harris Central Appraisal District have the right and responsibility to elect one person to the board of directors of the Harris Central Appraisal District for a term of office commencing on January 1, 2024; and

WHEREAS, this governing body desires to exercise its right to nominate a candidate for such position on said board of directors; now, therefore,

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF _____

_____

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That _____ (name), _____

_____ *(address, zip code)*_____*(phone number*) be, and he or she is hereby nominated as a candidate for that position on the board of directors of the Harris Central Appraisal District to be filled by those junior college districts and school districts other than the Houston Independent School District within the Harris Central Appraisal District for a two-year* term of office commencing on January 1, 2024.

Section 3. That the presiding officer of the governing body of this taxing unit be, and he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Harris Central Appraisal District prior to October 15, 2023.

PASSED AND APPROVED this _____ day of _____, 2023.

_____
President, Board of Trustees

ATTEST:

_____
Secretary, Board of Trustees

* Unless the constitutional amendment proposed by H.J.R. 2 passes at the November 2023 general election, then in accordance with Senate Bill 2, Section 5.13(d), it will be a one-year term beginning January 1, 2024.

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE _____ JUNIOR COLLEGE DISTRICT NOMINATING A CANDIDATE FOR A POSITION ON THE BOARD OF DIRECTORS OF THE HARRIS CENTRAL APPRAISAL DISTRICT

WHEREAS, those school districts other than the Houston Independent School District within the Harris Central Appraisal District and the junior college districts within the Harris Central Appraisal District have the right and responsibility to elect one person to the board of directors of the Harris Central Appraisal District for a term of office commencing on January 1, 2024; and

WHEREAS, this governing body desires to exercise its right to nominate a candidate for such position on said board of directors; now, therefore,

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF _____

_____:

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That _____ (name), _____

_____ (*address, zip code*)_____(*phone number*) be, and he or she is hereby nominated as a candidate for that position on the board of directors of the Harris Central Appraisal District to be filled by those junior college districts and school districts other than the Houston Independent School District within the Harris Central Appraisal District for a two-year* term of office commencing on January 1, 2024.

Section 3. That the presiding officer of the governing body of this taxing unit be, and he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Harris Central Appraisal District prior to October 15, 2023.

PASSED AND APPROVED this _____ day of _____, 2023.

_____
President, Board of Trustees

ATTEST:

_____
Secretary, Board of Trustees

* Unless the constitutional amendment proposed by H.J.R. 2 passes at the November 2023 general election, then in accordance with Senate Bill 2, Section 5.13(d), it will be a one-year term beginning January 1, 2024.

RESOLUTION NO._____

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF _____ TEXAS, NOMINATING A CANDIDATE FOR A POSITION ON THE BOARD OF DIRECTORS OF THE HARRIS CENTRAL APPRAISAL DISTRICT

WHEREAS, those cities and towns other than the City of Houston within the Harris Central Appraisal District have the right and responsibility to elect one person to the board of directors of the Harris Central Appraisal District for a term of office commencing on January 1, 2024; and

WHEREAS, this governing body desires to exercise its right to nominate a candidate for such position on said board of directors; now, therefore,

BE IT RESOLVED BY THE GOVERNING BODY OF _____

_____:

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That _____ (name), _____

_____*(address, zip code)* _____*(phone number)*, be, and he or she is hereby, nominated as a candidate for that position on the board of directors of the Harris Central Appraisal District to be filled by those cities and towns other than the City of Houston within the Harris Central Appraisal District for a two-year* term of office commencing on January 1, 2024.

Section 3. That the presiding officer of the governing body of this taxing unit be, and he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Harris Central Appraisal District prior to October 15, 2023.

PASSED AND APPROVED this _____ day of _____, 2023.

_____
Presiding Officer

ATTEST:

_____
City Secretary

* Unless the constitutional amendment proposed by H.J.R. 2 passes at the November 2023 general election, then in accordance with Senate Bill 2, Section 5.13(d), it will be a one-year term beginning January 1, 2024.

RESOLUTION NO._____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE

_____
(CONSERVATION & RECLAMATION DISTRICT)
NOMINATING A CANDIDATE
FOR A POSITION ON THE BOARD OF DIRECTORS OF THE
HARRIS CENTRAL APPRAISAL DISTRICT

WHEREAS, those eligible conservation and reclamation districts participating in the Harris Central Appraisal District have the right and responsibility to elect one person to the board of directors of the Harris Central Appraisal District for a term of office commencing on January 1, 2024; and

WHEREAS, this governing body desires to exercise its right to nominate a candidate for such position on said board of directors; now, therefore,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF

_____:

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That _____ (name),

_____ (*address, zip code)*

_____*(phone number*), be, and he or she is hereby, nominated as a candidate for that position on the board of directors of the Harris Central Appraisal District to be filled by those eligible conservation and reclamation districts participating in the Harris Central Appraisal District for a two-year* term of office commencing on January 1, 2024.

Section 3. That the presiding officer of the governing body of this taxing unit be, and he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Harris Central Appraisal District prior to October 15, 2023.

PASSED AND APPROVED this _____ day of _____, 2023.

_____
President, Board of Directors

ATTEST:

_____
Secretary, Board of Directors

* Unless the constitutional amendment proposed by H.J.R. 2 at the November 2023 general election passes, then in accordance with Senate Bill 2, Section 5.13(d), it will be a one-year term beginning January 1, 2024.

September 11, 2023

The Honorable Louis R. Rigby
Mayor
City of La Porte
Via email: MayorsOffice@laportetx.gov<mailto:MayorsOffice@laportetx.gov>

Re: Request for Nomination

Dear Mayor Rigby:

As you know, I am your appointed representative on the Harris Central Appraisal District (HCAD) board of directors. I take that responsibility seriously and work tirelessly to ensure the interests of you, your city, and your constituents are properly represented. It is an honor to represent you.

HCAD recently mailed all jurisdictions packets with information on nominating persons to serve on their board of directors. I am reaching out to respectfully request that you and your city council nominate me for another two year term.

In the event your city has not received its packet, please let me know by email, phone, or text and I will have another sent via email.

Thank you in advance for your consideration in nominating me for another term on the HCAD board of directors.

Respectfully,

Mike Sullivan

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 25, 2023

Requested By: Michael G. Dolby, Director

Department: Finance

○ Report ◉ Resolution ○ Ordinance

Exhibits: Resolution & Certified Tax Roll

Appropriation	
Source of Funds:	
Account Number:	
Amount Budgeted:	
Amount Requested:	
Budgeted Item:	○ Yes ○ No

SUMMARY & RECOMMENDATION

On September 6, 2023, the City of La Porte received the Certified Appraisal Roll from the Harris County Appraisal District.

Section 26.04 of the State Property Tax Code requires the submission of the Appraisal Roll to the Governing Body.

The 2023 Certified Tax Roll for the City of La Porte, as received from the Harris County Appraisal District (HCAD), shows a total appraised value of $6,171,997,320 and a total taxable value of $5,178,428,487.

Staff recommends the City Council approve the attached Resolution accepting the 2023 Certified Tax Roll for the City of La Porte.

STRATEGIC PLAN STRATEGY AND GOAL

1.00 Governance - The City of La Porte is governed in a transparent, efficient, accountable, and responsive manner on behalf of its citizens that actively promotes citizen involvement.

ACTION REQUIRED BY CITY COUNCIL

Adopt Resolution 2023-12 accepting the 2023 Harris County Appraisal District certified appraisal roll for property situated within the City of La Porte.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager	**Date**

RESOLUTION 2023-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, ADOPTING THE 2023 APPRAISAL ROLL OF THE HARRIS COUNTY APPRAISAL DISTRICT.

WHEREAS, the Harris County Appraisal District has submitted to the City Council of the City of La Porte, for approval, the 2023 tax appraisal roll; and

WHEREAS, the City Council is of the opinion that the 2023 appraisal roll with the amounts shown therein should be adopted;

WHEREAS, the Harris County Appraisal District has certified to the City Council that there was situated in the City of La Porte, Texas, as of January 1, 2023, property with a total appraised value of $6,171,997,320 and a total taxable value of $5,178,428,487.

WHEREAS, new personal property added to the appraisal roll had a total taxable value of $538,460 as of January 1, 2023;

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

Section 1. The 2023 tax appraisal roll, showing that there was situated in the City of La Porte, Texas, as of January 1, 2023, property with a total appraised value of $6,171,997,320 and a total taxable value of $5,178,428,487, as submitted by the Harris County Appraisal District, is hereby adopted;

Section 2. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the offices of City of La Porte for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSED AND APPROVED this the 25th day of September 2023.

CITY OF LA PORTE, TEXAS

_____

Louis R. Rigby, Mayor

ATTEST:

_____

Lee Woodward, City Secretary

APPROVED AS TO FORM:

_____

Clark T. Askins, Assistant City Attorney

071

HARRIS CENTRAL APPRAISAL DISTRICT
HOUSTON, TEXAS

THE STATE OF TEXAS, }
COUNTY OF HARRIS. }

2023

CERTIFICATION OF APPRAISAL ROLL AND

LISTING OF PROPERTIES UNDER SECS. 26.01(c) AND (d)

FOR

City of La Porte

Pursuant to Section 26.01(a), Texas Tax Code, I hereby certify the 2023 appraisal roll of properties taxable by City of La Porte. The roll is delivered in electronic form.

The total appraised value now on the appraisal roll for this unit is: $6,171,997,320

The taxable value now on the appraisal roll for this unit is: $5,178,428,487

As required by Section 26.01(c), Texas Tax Code, I have included with your roll a listing of those properties which are taxable by the unit but which are under protest and are therefore not included in the appraisal roll values approved by the appraisal review board and certified above. My estimate of the total taxable value which will be assigned to such properties if the owners' claims are upheld by the appraisal review board is: $357,251,030

Pursuant to Section 26.01(d), Texas Tax code, the estimated value of taxable property not under protest and not yet included on the certified appraisal roll, after hearing loss, is $137,687,916

Signed this 1st day of September, 2023

Roland Altinger

Roland Altinger, CAE, RPA, CTA
Chief Appraiser

ASSESSOR'S ACKNOWLEDGEMENT

As tax assessor/collector of the above-named taxing unit, I hereby acknowledge receipt of the certified 2023 appraisal roll on this the 24 day of August, 2023

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 25, 2023

Requested By: Matt Daeumer, Asst. City Mgr.

Department: Administration/CMO

(•) Report ( ) Resolution ( ) Ordinance

Exhibits: Fence grant application, pictures of current fence, material approval from Planning Director, agreement.

Appropriation	
Source of Funds:	Capital Improvement
Account Number:	015-8080-552-1100
Amount Budgeted:	$246,900.00
Amount Requested:	$76,928.40
Budgeted Item:	(•) Yes ( ) No

SUMMARY & RECOMMENDATION

At the September 13, 2021, City Council meeting, Council established a Committee to review applications for neighborhoods looking to enhance or add fencing around their respective neighborhoods. Staff has prepared applications and distributed those applications to La Porte Homeowner's Associations. The applications were also made available to civic groups and members of the community.

The Community Fencing Project Ad Hoc Committee met on May 8, 2023 and removed the application period from the Community Fencing Policy and kept the application period open until funding runs out.

City Council budgeted $200,000.00 in FY21-22 and $300,000.00 in FY 22-23. Of the original $500,000.00 budget, $236,700.00 has been awarded and $16,400.00 has been encumbered, leaving a remaining balance of $246,900.00.

Staff received an application in July 2023 from the Spencer Landing Homeowners Association (SLHOA). The HOA received a quote for $76,928.40 from Houston Fence Company, Inc. The applicant has met all of the application guidelines.

The SLHOA does not maintain the fence along the right-of-way, it is the homeowner's responsibility to do so. The SLHOA has provided a signed affidavit from each homeowner along Spencer Landing S. who's rear property line is along Spencer Highway giving their permission for the HOA to apply for the grant on their behalf, and acknowledges that the future responsibility and maintenance of the fence belongs to the homeowner.

The current masonry wall is in need of repairs, and the applicant is requesting to use trex fencing. Trex fencing is a composite fencing made from a blend of recycled wood and plastic. It does not need to be stained or painted, therefore requires less maintenance over time. Sec. 106-789 states, “Allowable fence material shall include wood pickets, chain link, masonry, and wrought iron. Any other materials are subject to approval by the director of planning”. The director of planning has reviewed the fence material and has approved the materials contingent on meeting the city’s wind load requirements. The wind load requirement will be part of the building permit process.

The La Porte Community Fencing Project Ad Hoc Committee met on August 28th and voted 5-0 to recommend to City Council to award a community fence grant not to exceed $76,928.40 to the Spencer Landing Homeowner’s Association, including that flexible financing arrangements not open the City to liability.

STRATEGIC PLAN STRATEGY AND GOAL

4.6 Consider community development as much as economic development.

One of the tools potential businesses and site selectors use to determine if they will choose a community is beautification. Investing in the community through the community fence grant will improve the look of the public right-of-way and become an additional asset to attract businesses and improve the quality of life.

ACTION REQUIRED BY CITY COUNCIL

Approve award of a community fence grant in an amount not to exceed $76,928.40 to the Spencer Landing HOA and authorize the City Manager to execute all agreements associated with this project.

Approved for the City Council meeting agenda

_____ _____

Corby D. Alexander, City Manager **Date**

Bowers, Haley (Pocock)

From: Evans, Teresa
Sent: Wednesday, August 16, 2023 1:58 PM
To: Bowers, Haley (Pocock)
Cc: Alexander, Corby; Daeumer, Matt; Glass, Richard; Woods, Dallas
Subject: RE: Action Needed - Fence Material Approval

This email communication serves as written approval for the use of trex composite fencing material, contingent on meeting the city's wind load requirements.

Respectfully,

Teresa

Teresa Evans, CEcD, EDFP | Director
Planning & Development Services
604 W. Fairmont Pkwy | La Porte, TX 77571
p. 281.470.5056 | **m.** 346.233.5018
website |**map** |**email**

From: Bowers, Haley (Pocock) <BowersH@laportetx.gov>
Sent: Wednesday, August 16, 2023 10:11 AM
To: Evans, Teresa <EvansT@laportetx.gov>
Cc: Alexander, Corby <AlexanderC@laportetx.gov>; Daeumer, Matt <DaeumerM@laportetx.gov>
Subject: FW: Action Needed - Fence Material Approval
Importance: High

Teresa,

Below is the email I sent you on August 4th. We need either your approval or disapproval of the material in order to present this to the fence committee on the 28th.

Thank you,

Haley Bowers | Department Coordinator
City Manager's Office
604 W. Fairmont Pkwy | La Porte, TX 77571
p. 281.470.5013 **| f.** 281.842.1259
website | **map** | **email** |

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From: Bowers, Haley (Pocock)
Sent: Friday, August 4, 2023 10:42 AM
To: Evans, Teresa <EvansT@laportetx.gov>
Cc: Glass, Richard <GlassR@laportetx.gov>; Woods, Dallas <WoodsD@laportetx.gov>
Subject: Action Needed - Fence Material Approval
Importance: High

Teresa,

The Spencer Landing Subdivision applied for a community fencing grant through our office. The Community Fencing Ad Hoc Committee will have to approve the grant before they can begin the work. They will not apply for a fence permit until the committee approves the project.

The application and three quotes submitted states that they will be pursuing Trex Fencing, which is a plastic material. Since this is not one of the approved materials, they need your approval. Once the committee approves the grant and they proceed, I do not want to be in a situation where you are just seeing this fence material review for the first time. I've attached all of the documents that will be presented to the committee. The quote they are looking to proceed with is on Page 10, so you can review what the material consists of.

I included Dallas and Richard in this email so they are aware if you approved/denied the material when the fence permit is in review.

Please let me know if you have any questions. We are looking to get the committee together on 8/28, so I will need an answer from you as soon as possible.
Thank you,

Haley Bowers | Department Coordinator
City Manager's Office
604 W. Fairmont Pkwy | La Porte, TX 77571
p. 281.470.5013 **| f.** 281.842.1259
website | **map** | **email** |

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LA PORTE COMMUNITY FENCING APPLICATION

The La Porte City Manager's Office is now accepting applications in a cooperative program to assist with the construction of neighborhood fencing projects. Applicants will have to provide the City Of La Porte with an initial scope and idea for the community fence project.

Applicants may apply for funding in subsequent years, regardless of prior applications, however, the applicant must be noted as adequately maintaining all previous City-funded fence projects.

Interested city homeowner associations or groups, and if no association or group exists, residents are welcome to complete the enclosed application form. Please deliver applications to:

City Manager's Office
City of La Porte
604 W. Fairmont Parkway
La Porte, TX 77571

Please email us at CityManager@laportetx.gov or call (281) 470-5013 if you have any questions about the La Porte Fencing Policy.

Document Ref: ZG5D2-WTGBF-J7Q5G-VBWSX

FENCING GUIDELINES

Homeowners are eligible to build a fence that should benefit the entire neighborhood. Applicants should be prepared to assume ongoing maintenance responsibilities for the community fence improvements. The fencing project will be evaluated by an oversight committee.

- **BENEFITS OF COMMUNITY FENCING:**
    - Improved visual appeal on major streets and thoroughfares
    - Security and privacy
    - Consistency of fencing
- **COSTS:**
    - All applicants are encouraged to cost-share in the community fencing project.
    - Applicants will be required to receive three (3) quotes for the proposed work.
    - Provide cost per beneficiary information

EVALUATION POINT SYSTEM (100-point scale):

Any funding awarded to the applicant for the community fence project will be based on an evaluation point system – with greater points being awarded for projects that demonstrate need and cost-share capabilities. The Oversight Committee will evaluate the applications based on the following evaluation point system and provide results that will be presented to the La Porte City Council:

- Need-Based (25-point maximum)
    - Current state of the community fencing?
    - Are there safety concerns that will be addressed?
    - Other needs identified by oversight committee.
- Ability to Maintain the Project (25-point maximum)
    - What are the available resources of the applicant?
    - If the project is a replacement, has the current fencing been maintained properly?
    - Does the applicant have an active board to manage ongoing maintenance?

Document Ref: ZG5D2-WTGBF-J7Q5G-VBWSX

- Cost Benefit Analysis (25-point maximum)

  - Total cost of the project divided by number of homes represented by the applicant.
  - Committee will determine point allocation-based by comparing applications.

- Prior Year Funding (15-point maximum)

  - Maximum points to be given to applicants that have not received an award with last 5 years.
  - Suggestion: 2-point deduction for each prior year of funding.

- Other (10-point max)

  - This category will be awarded points based on factors not previously identified but deemed important by the Oversight Committee.
  - Examples: fencing design, material to used, location in the community, etc.

QUALIFICATIONS:

- If the applicant is within an HOA or group, the applicant must provide proof of signatory authority for the association or group. Typically, this is satisfied with a copy of the articles of incorporation filed with the State for official Home Owners' Associations (HOA's). In addition, the City of La Porte will need a letter from the HOA President confirming Board approval of the application of the community fencing project.

- If the applicant is not within an HOA or group, the applicant must provide written documents from all the homeowners affected by the community fencing project that they consent to the project and understand their respective responsibilities.

RESPONSIBILITIES ON BEHALF OF THE CITY:

- The City will assist the applicant developing scope for projects.
- City will prepare projects for presentation to the Oversight Committee and City Council. Projects may not proceed forward until a Memorandum of Agreement (M.O.A.) is approved by the City Council and fully executed by both parties. Should the applicant not be within an HOA or group association, the M.O.A. will include all affected property owners of the community fence project.
- The City Of La Porte will reimburse applicant based on the award amount upon proof that all bills related to the project have been paid.

APPLICATION PROCESS:

Document Ref: ZG5D2-WTGBF-J7Q5G-VBWSX

1. Return the completed fencing application form, with all applicable items, to determine eligibility:

City Manager's Office
City of La Porte
604 W. Fairmont Parkway
La Porte, TX 77571
CityManager@laportetx.gov

2. Complete the attached building permit application and submit it to our Inspections Services Division. If using a contractor, please include the contractor's insurance requirements.
3. If the fencing property is in the floodplain, please complete a floodplain permit application and submit it to our Inspection Services Division.
4. The application will undergo an approval process, which includes but is not limited to the following:

   a. Each project must meet current fencing standards and codes, as well as fencing permit requirements, set forth by the City Manager, Assistant City Manager or Public Works Director.

   b. The Oversight Committee will only consider applications that have been properly and fully completed, and which contain all information requested in the application and/or by the committee.

   c. A total of three (3) itemized work estimates on the fence project from contractors, or if the applicant will be installing; the cost of materials and any other out-of-pocket expenses submitted by the Applicant must be dated no earlier than ninety (90) days prior to the Application request.

   d. A drawing (by an architect, design professional, or applicants) that adequately depicts the scope of the work to be completed.

   e. Photos of current fencing as well as photos that depicts the primary reason for the fencing. A description of current fence materials and what materials would be funded for the project. Maintenance summary and records of current fencing, if available.

   f. Insurance claims and damage assessments (to include summary of how fence was damaged and timelines).

   g. Bids shall be submitted on the contractor's or project architect's letterhead and shall contain the contractor's name, address, and telephone number and shall

Document Ref: ZG5D2-WTGBF-J7Q5G-VBWSX

itemize the bid in a manner that allows the Oversight Committee to determine the bid components and authenticity of the bid.

h. Applications receiving approval by the Oversight Committee shall commence construction described in the application within ninety (90) days from the date that the fencing application is approved. Each Applicant must complete the construction described in the Application prior to Sep. 1st of the year that the grant is awarded. If the Applicant cannot meet this timeline, then the Applicant may submit a written request for an extension of the commencement date or completion date provided the extension request is made prior to the ninety (90) day or one (1) year time limit. The Oversight Committee shall not be obligated to grant an extension, but it may do so for good cause, determined solely by the members of the Committee. The extensions, if granted, shall be for the term and for the conditions determined exclusively by the Oversight Committee. Denial of an extension request may not be appealed.

i. As a condition of this grant Application, the Applicant consents, and shall allow, the Oversight Committee to request city inspections to determine that the grant, if awarded, will not be used for construction on any fencing that is not in compliance with the City Municipal Codes and Ordinances that are applicable to the construction contemplated in the application.

j. The Oversight Committee shall have sole discretion in awarding grants. They shall award grants considering the amount requested, grant funds available, the guidelines of the grant program, condition of the fencing in which the grant funds will be used, economic impact, other grant requests, the type and nature of the construction, and the proposed construction results considering the grant program.

k. No Applicant has a proprietary right to receive grant funds. The Oversight Committee shall consider any application within its discretionary authority to determine what grant amount would be in the best interest of the grant program.

l. The Applicant shall be required to furnish "before" photographs of the current fencing structure (if any), and any other site locations that are included as part of the application request. The applicant shall also provide "after" photographs once the construction has been completed, as a condition of final grant disbursement.

m. The Oversight Committee has the final discretion with regard to funding and reserves the right to recommend modifications or reject any project or elements of any project.

Document Ref: ZG5D2-WTGBF-J7Q5G-VBWSX

5. Reimbursement. When the entire fencing project has been completed, the Applicant shall present the City Manager's Office with the following:

    a. Copies of all paid invoices, including copies of cancelled checks and/or credit card receipts for a single payment reimbursement of the approved funding, and

    b. Photographs of all completed work.

6. When the project has been reviewed and approved by the City Manager's Office, a reimbursement check will be issued.

FOR FULL QUALIFICATIONS ON FENCE MATERIALS, MAINTENNANCE OF FENCES AND OTHER REQUIREMENTS, PLEASE REFER TO LA PORTE'S CODE OF ORDNIANCES SUBPART B, CH. 106, ARTICLE V, DIVISION 4 - FENCING AND LANDSCAPING REQUIREMENTS: https://library.municode.com/tx/la_porte/codes/code_of_ordinances?nodeId=SPBLAUSRE_CH106ZO_ARTVSUDIRE_DIV4FELARE

Document Ref: ZG5D2-WTGBF-J7Q5G-VBWSX

BUSINESS. BY THE BAY.

La Porte Community Fencing Application

Please print clearly. Please submit a completed application to:

City Manager's Office
City of La Porte
604 W. Fairmont Parkway
La Porte, TX 77571

APPLICANT INFORMATION:

APPLICATION DATE: 07 / 27 / 2023

Betty Fiala

Applicant Name

Spencer Landing HOA

Homeowner's Association

Betty Fiala

HOA President (if different from applicant)

10517 Spencer Landing S La Porte, TX. 77571

Address of Applicant

346-266-8743 BFiala@spectrumam.com

Contact Phone **Email Address**

TYPE OF FENCING MATERIALS (*check all that apply*):

☐ **Wood** ☐ **Wroughtiron**

☐ **Chain Link** ☐ **Masonry**

☑ Other Trex fencing

DETAILS OF PLANNED IMPROVEMENTS (*attach additional pages if necessary*):

The current masonry wall needs several repairs. The repairs to the wall are very costly and have not been sustained once it's repaired. We would like to try Trex fencing that comes with a 25-year warranty on the materials and has a better appearance for the community and city. Unfortunately, due to our situation with the sink hole in the community, we are not able to contribute to the costs.

BUSINESS. BY THE BAY.

Please list the name of each Contractor and/or Project Architect and the Total Amount of each bid. Please, also, attach the original proposals and work estimates:	
CONTRACTOR/PROJECT ARCHITECT	**TOTAL**
1. Houston Fence	$ $76,928.40
2. Texas Groundworks Management	$ $84,512.94
3. Mainstream Construction	$ $285750.
4.	$

BUDGET DETAIL

PROJECT EXPENDITURES	FUNDS	FUNDS APPLIED	TOTAL
Design	$	$	$
Materials	$	$	$
Painting (If Applicable)	$	$	$
Other (list):	$	$	$
TOTAL	$ 76,928.40	$	$ 76,928.40

Total estimated cost of proposed project: $ 76,928.40

Amount requested : $ 76,928.40

Please attach color samples, model numbers (for fencing equipment), photos, scaled drawings, and other illustrations of work to be completed. Please include as much detail as possible.

Note: The City of La Porte has allocated funding for these projects; therefore those applicants that demonstrate a greater need due to conditions of their current fencing along with cost-sharing capabilities will receive higher favoritism. Additionally, applicants that have failed to adequately maintain their community fencing with receive less points.

Your signature on this application certifies that you understand and agree with the following statements: I have met with the City Manager's Office and I fully understand the Fencing application procedures and details established. I intend to use these grant funds for the eligible fencing projects, as spelled out in the application. I have not received, nor will I receive insurance monies for this revitalization project, OR I have disclosed all pertinent insurance information. I understand that if I am awarded a Fencing Grant, any deviation from the approved project may result in the partial or total withdrawal of the grant funds.

Betty Fiala — 07 / 27 / 2023

APPLICANT SIGNATURE — DATE

Signature Certificate

Reference number: ZG5D2-WTGBF-J7Q5G-VBWSX

Signer	Timestamp	Signature
Betty Fiala Email: bfiala@spectrumam.com		Betty Fiala
Sent:	27 Jul 2023 21:28:07 UTC	IP address: 50.206.108.98
Signed:	27 Jul 2023 21:28:08 UTC	Location: League City, United States

Document completed by all parties on:

27 Jul 2023 21:28:08 UTC

Signed with PandaDoc

PandaDoc is a document workflow and certified eSignature solution trusted by 40,000+ companies worldwide.

HOUSTON FENCE COMPANY, INC
Since 1952

11851 ORMANDY ST.
HOUSTON, TEXAS 77035

PHONE (281) 499-2516
FAX (832) 539-1144

PROJECT BID

DATE: July 18, 2023
PROJECT: Trex Fence
CLIENT: Spencer Landing

612'LF of 8' tall, Trex composite fencing system, **includes 25 year manufacturer's residential warranty**, never needs painting or staining, withstands hurricane force winds, board-on-board look (same on both sides), exposed posts for better aesthetic look, demo of existing concrete fence included

Total: $76,928.40

(8) 2'x2'x8' brick columns with 2'x2'18" concrete footing, #5 rebars to reinforce concrete, cast stone caps, (2) SL initials (new bricks, mortar, & cast stones closest to match)

Total: $30,738.47

Please Note: Both availability of product and price in the fencing materials market is extremely volatile at this time. As such, pricing and availability of material will have to be confirmed at time of award to confirm if current prices are up or down and availability.

Houston Fence will notify the "One Call" center for locating and **marking all public utilities** on and by the property. Houston Fence Co. is licensed by the State of Texas No.# B16502 and **insured/bonded through by Allied P & C Insurance Company up to $5,000,000 liability each occurrence.**

EXCLUSIONS: **Unless noted above.** Clearing, grading or locating and marking private underground utilities. Breaking concrete or asphalt to set fence posts, electrical grounding of fence. Permits, bonds, waivers of subrogation and naming of additional insured parties or unless specifically stated above are excluded.

APPROVAL: _____ DATE: _____
(Signature)

Andy Lumpkins, Sales Representative
Houston Fence Co., Inc.
281-744-9392
andy@houstonfence.com

The benefits of the Houston Fence are listed below.

The benefits of the Houston Fence standard for this project may include but are not limited to:

- Houston Fence will call the appropriate representative in order to mark public utility lines upon signing of contract prior to installation.
- Houston Fence crews work exclusively for Houston Fence and are reputable individuals who have all passed comprehensive federal background checks.
- Houston Fence Company is bonded, insured, & protects its employees with Worker's Comp.
- If any access equipment is installed we provide training for use and 24 hour emergency service.
    - We are certified under TX License #B16502 and use ONLY in-house installers for security reasons.
    - Our techs are factory trained and we offer a full line of products and accessories.

Houston Fence Company has been working diligently to earn & fulfill Home & Business owner's fencing, gate, and access control needs in the greater Houston area since 1952. As your sales representative I vow to exceed your expectations and will professionally serve your needs as I am allowed and capable. If there is anything not expressly written in this proposal that needs to be altered, added to, or omitted, please inform me before proceeding into contract stage. Thank you for allowing us the honor of presenting you with this proposal.

"Our reputation is your guarantee."

PROPOSAL

PROJECT: SPENCER LANDING HOA
LOCATION: 10517 SPENCER LANDING SOUTH LA PORTE, TX 77571

PREPARED BY: CHARLES BERGSTROM, Project Manager, 832-297-2282, Mgr22@texasgroundworks.com
PREPARED FOR: BETTY FIALA, Community Manager, 832-500-2233 BFiala@Spectrumam.com

WORK ORDER: 00573
DATE: 7/19/2023

TOTAL $84,512.94

DESCRIPTION OF WORK:
Remove and haul off 628lf x 6ft height including all concrete sections of posts. Install 628ft x 6ft height Trex Fencing Woodland Brown.
Clan up all areas.

MATERIAL:

- TFS WB PNL6HX8W TREX FENCE PANEL WOODLANS BROWN SECLUSIONS, 6'HX8W 81 EACH
- TF WB PST9 TREX POST 5"X5" WOODLAND BROWN 9' POST 83 EACH
- TF WB PCF TREX POST CAP 5'X5" WOODLAND BROWN 83 EACH
- 15,OOOLB DUMPSTER 6 EACH
- JD SKIDSTEER 334 1
- 60LB BAGS QUIKETE CONCRETE 100 EACH

LABOR:

- REMOVE ALL EXISTING CONCRETE FENCING, ALL POSTS INCLUDING CONCRETE POST BASES
- HAUL OFF ALL 6 DUMPSTERS WITH EXISTING CONCRETE FENCING MATERIAL
- INSTALL 628 LF X 6' HEIGHT TREX FENCING WOODLAND BROWN
- CLEAN UP ALL AREAS
- 5 MAN CREW
- PROJECT WILL BE COMPLETED IN 15 DAYS

Texas Groundworks Management, Inc.
14906 FM 529 Rd. Ste. 201, Houston TX 77095 | Mail: P.O. Box 431713, Houston TX 77243
(281) 642-LAWN | Fax (281) 345-1678 | www.texasgroundworks.com

PROPOSAL

PROJECT: SPENCER LANDING HOA
LOCATION: 10517 SPENCER LANDING SOUTH LA PORTE, TX 77571

PREPARED BY: CHARLES BERGSTROM, Project Manager, 832-297-2282, Mgr22@texasgroundworks.com
PREPARED FOR: BETTY FIALA, Community Manager, 832-500-2233 BFiala@Spectrumam.com

WORK ORDER: 00573
DATE: 7/19/2023

TOTAL $84,512.94

DESCRIPTION OF WORK:
Remove and haul off 628lf x 6ft height including all concrete sections of posts. Install 628ft x 6ft height Trex Fencing Woodland Brown.
Clan up all areas.

REMOVING ALL EXISTING CONCRETE FENCING MATERIAL INCLUDING DUMPSTERS $12,200.00

TREX FENCING AND ALL MATERIAL $41,872.00

LABOR INSTALLATION $24,000.00

TOTAL PROJECT COSTS $78,072.00

SUB-TOTAL:	**$78,072.00**
TAX (8.25%):	**$6,440.94**
TOTAL PROJECT COST:	**$84,512.94**

Texas Groundworks Management, Inc.
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TOTAL $84,512.94

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Clan up all areas.

NOTES

1) JOB PRICED TO BE PERFORMED PERMITTED
2) JOB PRICED TO BE PERFORMED DURING NORMAL BUSINESS HOURS
3) JOB PRICED TO BE PERFORMED IN COMPLIANCE WITH SAFETY REGULATIONS
4) JOB PRICED TO BE PERFORMED WITH CERTIFICATE OF LIABILITY INSURANCE COVERAGE

ALTERNATES

1)	$0.00
2)	$0.00
3)	$0.00

TOTAL COST WITH ALTERNATES ***$***

ACCEPTANCE

IF THIS PROPOSAL IS ACCEPTED PLEASE SIGN AND DATE BELOW, INITIAL ACCEPTED ALTERNATES AND PROVIDE TOTAL JOB COST.

SIGNATURE: _____

DATE: _____

TOTAL JOB COST: _____

Texas Groundworks Management, Inc.
14906 FM 529 Rd. Ste. 201, Houston TX 77095 | Mail: P.O. Box 431713, Houston TX 77243
(281) 642-LAWN | Fax (281) 345-1678 | www.texasgroundworks.com

PROPOSAL

Mainstream Construction Services LLC.
5401 S. FM 1626, Suite 170-406
Kyle, TX 78640
info@mainstreamconstruction.com

512-779-6314 main
512- 366-5363 fax

Job#	MCS-SpectrumAssociationManagement-SpencerLanding-BettyFiala Fence
Date	7-18-2023
Name	Spectrum Association Management-Betty Fiala
Address	17319 San Pedro
City, State, Zip	San Antonio, TX 78232
Phone	(832)500-2233
Email:	bfiala@spectrumam.com

Project Type: Fence	**Location:** Spencer Landing 10501 Spencer Landing S La Porte, TX 77571

Scope: Project Overall: ($285,750.00)

- Fence Replacement

- Demo existing concrete fence

- Remove all concrete posts, concrete footers, haul off dispose of and includes dump fees

- Install new 10' 4x4 posts in concrete 2' in ground

- Install new horizontal Trex fence standing at 8' in height

- Labor and materials to include Trex fence, posts, and cement

PROPOSAL

Project manager to report with daily updates and upcoming schedule.

Upon agreement to start project, contractor and client to come to agreement on start date.

Any other work needed to be done that is not included in the bid will then be amended with a change order that is agreed upon by both parties, signed, and approved prior to moving forward with the change order.

Labor & Materials, 5 Million Dollar Insurance Policy, (CAI) Network Association Affiliation, (AAFAME) Network Association Affiliation Are Included in This Proposal.

A) Mainstream Construction Services Offers A 1 Year Labor On Said Project.
B) Mainstream Construction Services Offers A 5 Million Dollar Insurance Policy on Said Project Listing the HOA As an Additional Insured on Said Project. Our Insurance Policy Is Carried Through Farmers and Linda Meyer Insurance Brokerage.
C) Mainstream Construction Services Will Assign On-Site Project Manager & Project Superintendent During the Progress of Said Project.
D) Mainstream Construction Services Will Have Various Amounts of Works on Said Project Per Day. Our Workers Are Required to Work 5 Business Days Between the Hours of 9:00 AM – 5:00 PM Per Week Until the Project Is Complete.

Any Additional Work Will Be Done at Our Cost Plus 20% Along with Supplies & Materials.
Any Work Not Included in This Proposal Is Considered A Change Order.
All Materials Must Be Paid in Advance. There Will Be No Refunds or Charges on Orders Placed.

TOTAL PROJECT COST: ($285,750.00)

Proposal Good For 30 Days

PROPOSAL

PAYMENT TERMS:

Spectrum Association Management-Spencer Landing-Betty Fiala to Pay A 40% Down Deposit for Mobilization, Of Said Project, Along With A 40% Payment At The Midway Phase of Said Project, And A 20% Final Payment Due At Completion Stage of Said Project.

The 40% Deposit Payment in The Amount Of $114,300.00 Will Be Due Immediately for Mobilization of Said Project. The 40% Midway Payment in The Amount Of $114,300.00 Will Be Due At The Midway Portion of Said Project. The Final 20% Payment Will Be Due At The Time of Completion in The Amount of $57,150.00 with The Approval of Spectrum Association Management-Spencer Landing-Betty Fiala.

Once Mainstream Construction Services LLC. Receives the Deposit/Mobilization Payment, Our Organization Will Schedule the Work to Be Performed within A 72 Period After the Check Has Been Received.

Customer Hereby Accepts This Proposal As Written:

X_____

Mainstream Construction Services, LLC Accepts This Proposal As Written:

X_____

THANK YOU FOR YOUR BUSINESS

To whom it may concern,

I am the homeowner residing at 10505 Spencer Landing S. The Spencer Landing Homeowner Association, Inc is submitting a Community Fence Grant request on our behalf. If approved, we understand that once the fence is built, we will be required to maintain the fence.

Signature

06-22-2023

Date

To whom it may concern,

I am the homeowner residing at 10413 Spenser Landing. The Spencer Landing Homeowner Association, Inc is submitting a Community Fence Grant request on our behalf. If approved, we understand that once the fence is built, we will be required to maintain the fence.

Karin Abaasoe

Signature

Date 6/19 2023

To whom it may concern,

I am the homeowner residing at 10409 Spencer Landing S. The Spencer Landing Homeowner Association, Inc is submitting a Community Fence Grant request on our behalf. If approved, we understand that once the fence is built, we will be required to maintain the fence.

James Tilly

Signature

6-19-2023

Date

To whom it may concern,

I am the homeowner residing at 10405 Spencer Landing S. The Spencer Landing Homeowner Association, Inc is submitting a Community Fence Grant request on our behalf. If approved, we understand that once the fence is built, we will be required to maintain the fence.

Signature

7-16-23

Date

To whom it may concern,

I am the homeowner residing at 10513 Spencer Landing S. The Spencer Landing Homeowner Association, Inc is submitting a Community Fence Grant request on our behalf. If approved, we understand that once the fence is built, we will be required to maintain the fence.

Signature

Date 7-3-2023

10581 Spencer Lndg. Ln.

To whom it may concern,

I am the homeowner residing at Marcos Jimenez. The Spencer Landing Homeowner Association, Inc is submitting a Community Fence Grant request on our behalf. If approved, we understand that once the fence is built, we will be required to maintain the fence.

Signature

6/19/23

Date

To whom it may concern,

I am the homeowner residing at 19401 Spencer LNDGS. The Spencer Landing Homeowner Association, Inc is submitting a Community Fence Grant request on our behalf. If approved, we understand that once the fence is built, we will be required to maintain the fence.

Signature

19 JUN 20

Date

To whom it may concern,

I am the homeowner residing at 10509 Spencer Landing South. The Spencer Landing Homeowner Association, Inc is submitting a Community Fence Grant request on our behalf. If approved, we understand that once the fence is built, we will be required to maintain the fence.

Signature

6-19-23.

Date

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA) is made by and entered into this ____ day of September 2023 (the "Effective Date") between the City of La Porte, Texas, a home-rule municipality under the laws of the State of Texas ("the City") and the Spencer Landing Homeowners Association ("SLHOA"), a non-profit corporation, to establish each party's obligations under the Community Cooperation Project, as defined herein.

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

Section 1. The City and SLHOA agree that the Community Cooperation Project shall consist of installation of trex fencing along Spencer Highway, between 10413 Spencer Landing S. and 10513 Spencer Landing S., both public street rights-of-way (hereinafter defined as "the Improvements").

Section 2. The SLHOA shall be responsible for the construction and installation of the Improvements.

Section 3. The City agrees to contribute funding in the amount $76,928.40 for construction and installation of the Improvements by SLHOA. The City shall reimburse SLHOA such funds no later than thirty (30) calendar days after proof has been provided of the fence construction and installation along with copies of receipts. Payment shall be made in one lump-sum amount.

Section 4. In consideration for City's agreement to partially fund the cost of the Improvements, SLHOA agrees to fund the construction and installation of the improvements. SLHOA will contribute any cost above the $76,928.40 provided by the City, to be applied to the overall cost of the project.

Section 5. Upon completion of installation of the Improvements, SLHOA shall own the Improvements. The SLHOA shall be responsible for all maintenance and upkeep of the Improvements and agrees to cover all of the costs associated with same, into perpetuity.

Section 6. All funds received by SLHOA from City as herein provided shall be used by SLHOA solely for the propose of erecting and maintaining a trex fence along Spencer Highway, between 10413 Spencer Landing S. and 10513 Spencer Landing S. In the event of any default by SLHOA hereunder, including but not limited to, use of the funds provided herein for purposes other than those stated in Section 1 of this MOA, the City may terminate the Agreement. In such event City shall have the right to reclaim and recapture, and SLHOA shall refund, any funds that are not spent in accordance with the terms of this MOA.

Section 7. SLHOA agrees to assume and does hereby assume all responsibility and liability for damages sustained by persons or property, whether real or asserted, by or from the carrying on of work by SLHOA or its agents, associated with the erection and maintenance of the fence along Spencer Highway, between 10413 Spencer Landing S. and 10513 Spencer Landing S., under the terms of this MOA. For this purpose SLHOA covenants and agrees to, and does hereby indemnify, defend, and hold harmless the City and all

its respective officers, agents, and employees from all suits, claims, actions, and expenses of any character, including attorney's fees, brought for or incurred on account of any injuries or damages, whether real or asserted, sustained by any person or property, by or in consequence of any intentional or negligent act, omission, or conduct of SLHOA, its agents, servants, or employees, in connection with this MOA.

Section 8. In submitting the application associated with this MOA, SLHOA affirms its intent and commitment to comply in full with Section 2264.052 of the Government Code and certifies that it does not and will not knowingly employ an undocumented worker during any time period associated with the public subsidy for which the application is being submitted. SLHOA further certifies its understanding and agreement that if it is convicted of a violation of 8 U.S.C., Section 1324 a(f), providing for civil and/or criminal penalties for engaging in a pattern or practice of knowingly hiring or continuing to employ unauthorized aliens, it shall repay the amount outlined in Section 3 with interest, at the rate and according to the terms of the agreement signed under Section 2264.053 of the Government Code, not later than the 120th day after the date the City notifies the recipient of the violation.

Section 9. Neither the City nor Recipient shall be required to perform any term, condition, or covenant in this Agreement so long as such performance is delayed or prevented by force majeure, which shall mean Acts of God, civil riots, floods, and any other cause not reasonably within the control of the City or recipient except as provided herein, and which by the exercise of due diligence the City or recipient is unable, wholly or in part, to prevent or overcome.

Section 10. This Agreement may be amended by mutual agreement of the parties hereto in writing to be attached to and incorporated into this Agreement.

Section 11. SLHOA may not assign this Agreement without the written consent of the City.

Section 12. The MOA embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the Parties, which relate to the matters in this Agreement.

For the City of La Porte:

_____	_____
Corby D. Alexander	Attest: Haley Bowers
City Manager	Dept. Coordinator

For the Spencer Landing Homeowners Association

_____

Betty Fiala

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested:	September 25, 2023
Requested By:	Richard Glass
Department:	Planning & Development
	◉ Report ○ Resolution ○ Ordinance

Exhibits: Ordinance

Appropriation	
Source of Funds:	N/A
Account Number:	N/A
Amount Budgeted:	N/A
Amount Requested:	N/A
Budgeted Item:	◉ Yes ○ No

SUMMARY & RECOMMENDATION

The Board has identified six (6) buildings or structures in the City of La Porte that are a public nuisance and hazard, as described in Sec. 82-473 of the City's Code of Ordinances. When the Board determines violations exist under Section 82-473, the building or structure is considered "dangerous or substandard". The buildings or structures at the following locations are considered to be dangerous or substandard:

1. 226 S. Bayshore St.

In accordance with Sec. 82-474 (e) of the City of La Porte Code of Ordinances, "After the inspection provided for in this section has been made, with or without the aid of an expert, the board shall report its conclusion in writing to each of the members of the city council and to the city attorney. Such report shall state the circumstances and the condition of the building upon which such conclusion was based. The report shall be filed in all cases no matter what conclusion is stated by the board."

Section 82-475 (a) states that "If the report of the board required by section 82-474 reveals that it is the opinion of a majority of the board that the building is in fact a dangerous building, at a meeting of the city council, council shall cause the city secretary to notify the owner in writing in accord with the provisions of this section."

Per Section 82-477 of the City of La Porte Code of Ordinances, "Whenever the board finds that a building is a dangerous building, the city council shall conduct a hearing on such finding at its regular meeting place in city hall, at a time which is at least ten days after service or attempted service of notice to the owner in accord with Section 82-475. The council shall hear evidence for and against the conclusions of the board."

STRATEGIC PLAN STRATEGY AND GOAL

Economic Development. The City of La Porte will promote a strong and diverse economy that strengthens the local sales tax and property tax base while also contributing to a high quality of life. Planning will work to improve the city by removing substandard structures as part of this goal.

ACTION REQUIRED BY CITY COUNCIL

The City Council will continue a public hearing opened on September 11, 2023, to receive comments on the recommendation of the Dangerous Buildings Inspections Board for condemnation of a dangerous/substandard structure located at 226 S. Bayshore Dr., La Porte, Texas; followed by discussion and possible action to adopt Ordinance 2023-3932 ordering condemnation of dangerous/substandard structure located at 226 S. Bayshore Dr., La Porte, Texas [Richard Glass, Chief Building Official]

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager	**Date**

LEGAL NOTICES

NOTICE OF PUBLIC HEARING ON DANGEROUS BUILDINGS

You are hereby notified that the building(s)/structure(s) located at the below-referenced address(s) remain unfit for human use or habitation or is obsolete, dilapidated, or substandard, and is in violation of the City of La Porte Code of Ordinances # 82-476.

As such, a public hearing will be held on **September 11, 2023, at 6:00 p.m., in the City of La Porte City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas 77571.** At this hearing, the Owner, Lienholder or Mortgagee will be required and has the burden to prove that the building is in compliance with the ordinances of the City of La Porte, or if the building is not in compliance, to submit a scope of any work showing proposed method of obtaining compliance with such ordinances and a timeline detailing the time it will take to reasonably perform the work.

1) **125 Bay Shore Ave.**
(A-2- Real, Residential, Mobile Homes)
HCAD: 058-012-007-0012
Legal Description: Lot 12, Block 7, Pine Bluff
Improvements: $ 8,344 as of January 1, 2023, per HCAD
Taxes Owed: $ 941.93 as of April 13, 2023
Mowing/Clean-up: $ 0 no liens
Utility Billing: $ 0 balance- active account

2) **1715 26th St.**
(A-1 Real, Residential, Single Family)
HCAD: 023-147-000-0915
Legal Description: Trs 915 & 916 La Porte Outlots
Improvements: $ 0 as per January 1, 2023, per HCAD
Taxes Owed: $ 0
Mowing/Clean-up: $ 0
Utility Billing: $ 0 balance- active account

3) **218 Bay St.**
(A-1 Real, Residential, Single Family)
HCAD: 059-017-005-0006
Legal Description: Lt 6 Blk 5 Oakhurst
Improvements: $ 50,054 as per January 1, 2023, per HCAD
Taxes Owed: $ 0
Mowing/Clean-up: $ 0
Utility Billing: $ 0 balance- active account

4) **226 S. Bayshore Dr.**
(A-1 Real, Residential, Single Family)
HCAD: 035-210-009-0019
Legal Description: Trs 19 & 20 Blk 9 Sylvan Beach
Improvements: $ 64,909 as of January 1, 2023, per HCAD
Taxes Owed: $ 0
Mowing/Clean-up: $ 0 no liens
Utility Billing: $ 0 balance – not an active account

5) **3115 Hillsdale St.**
(A-1 Real, Residential, Single Family)
HCAD: 081-088-000-0107
Legal Description: Lt 107 & S ½ of Lt 108 Blk 7 Spenwick Place Sec 1
Improvements: $ 67,281 as of January 1, 2023, per HCAD
Taxes Owed: $ 0
Mowing/Clean-up: $ 0 no liens
Utility Billing: $ 0 balance – not an active account

6) **411 S. Blackwell St.**
(F-1 Real, Commercial)
HCAD: 006-140-000-0008
Legal Description: Lts 8 & 9 Blk 50 Bay Front to La Porte
Improvements: $ 40,772 as of January 1, 2023, per HCAD
Taxes Owed: $ 0
Mowing/Clean-up: $ 0 no liens
Utility Billing: $ 0 balance – not an active account

After considering all of the evidence presented at the public hearing, the City of La Porte City Council at its discretion may issue an order. Such order may require that the building(s)/structures(s) be vacated, secured, repaired, removed or demolished by the owner, mortgagee, and/or lienholder within a reasonable time and that the occupants be relocated within the same. Any directives of the Council which are not fulfilled by the owner, lienholder, or mortgagee as ordered, shall be performed by the City. If the City is forced to act, the cost incurred by the City to accomplish the ordered action will be billed to the owner, lienholder, and/or mortgagee. If the bill remains unpaid after the expiration of thirty days, a lien will be filed against the subject property to ensure further collection.

CITY OF LA PORTE

Lee Woodward, City Secretary

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

NOTICE OF PUBLIC HEARING
OF THE PLANNING AND ZONING COMMISSION ON SPECIAL CONDITIONAL USE PERMIT (SCUP) REQUEST #23-91000004

Notice is hereby given that the La Porte Planning and Zoning Commission will conduct a public hearing at **6:00 P.M.** on the **21st day of September 2023**, in the Council Chambers of City Hall, 604 West Fairmont Parkway, La Porte, Texas, in accordance with the provisions in Section 106-171 of the City of La Porte Code of Ordinances and the provisions of the Texas Local Government Code.

The purpose of the hearing is to receive public input on SCUP Request #23-91000004, a request by Sophia Fifil of GardenBure Development, LLC, applicant, on behalf of 92 Fairmont Lakes Inc., property owner, to approve SCUP 23-91000004 to allow for the development of residential and commercial uses, on a 56.7-acre tract of land located at the northeast corner of S.H. 146 and Wharton Weems Blvd., legally described as Lots 1-32, Blk 1267 & Tract 33, La Porte Subdivision; Tract 1M, Abstract 35, J. Hunter Survey; and Tracts 5 and 5L, Abstract 30, W. P. Harris Survey, Harris County, Texas.

Following the public hearing, the Planning and Zoning Commission will act upon the public hearing item and conduct other matters pertaining to the Commission.

Citizens wishing to address the Commission pro or con during the public hearing are required to sign in before the meeting is convened.

A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by the Council.

In compliance with the Americans with Disabilities Act, The City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received three (3) business days prior to the meeting. Please contact the Planning Department at 281-470-5057.

Subscribe Today!
Call 281-907-3140

Texas Commission on Environmental Quality

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR MUNICIPAL WASTEWATER

RENEWAL

PERMIT NO. WQ0010671002

APPLICATION AND PRELIMINARY DECISION. City of Seabrook, 1100 Red Bluff Road, Seabrook, Texas 77586, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010671002, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 2,500,000 gallons per day. TCEQ received this application on March 30, 2023.

The facility will be located approximately 930 feet north of the intersection of Park Drive and Red Bluff Drive, in Harris County, Texas 77586. The treated effluent will be discharged to Pine Gully, thence to Upper Galveston Bay in Segment No. 2421 of the Bays and Estuaries. The unclassified receiving water use is high aquatic life use for Pine Gully. The designated uses for Segment No. 2421 are primary contact recreation, oyster waters, and high aquatic life use. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application. https://gisweb.tceq.texas.gov/LocationMapper/?marker--95.014444,29.587777&level-18

The TCEQ Executive Director has reviewed this action for consistency with the Texas Coastal Management Program (CMP) goals and policies in accordance with the regulations of the Texas General Land Office and has determined that the action is consistent with the applicable CMP goals and policies.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at City of Seabrook Public Works Building, 1100 Red Bluff Road, Seabrook, Texas.

PUBLIC COMMENT/ PUBLIC MEETING, You may submit public comments or request a public meeting about this application, The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087 or electronically at www.tceq.texas.gov/goto/comment **within 30 days from the date of newspaper publication of this notice.**

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea informaci6n en Espanol, puede Hamar al 1-800-687-4040.

Further information may also be obtained from City of Seabrook at the address stated above or by calling Mr. Kevin Padgett at 281-291-5656.

Issuance Date: August 22, 2023

21/08/2023 13:31

2
26
21/08/2023 13:31

28/08/2023 08:59

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 01/18/2023

STREET ADDRESS: 226 S. Bayshore Dr.

OWNER: Aaron & Lisa Castaneda

DEED OWNER: Lisa Castaneda and Aaron Castaneda

HCAD: 035-210-009-0019

LEGAL: Trs. 19 & 20, Blk. 9, Sylvan Beach

OCCUPANCY TYPE: Residential ZONING: R1

NON-CONFORMING ISSUES: On GiS, possibly crosses property line into 230 S. Bayshore Dr.

FACILITIES AVAILABLE: WATER: Yes SEWER: Yes

ELECTRICAL: Yes GAS: _____

NUMBER OF DWELLING UNITS: 1

VACANT: Yes OCCUPIED: No

AS REQUIRED IN THE CITY'S CODE OF ORDINANCE, CHAPTER 82; ARTICLE VIII, THE BOARD OF INSPECTIONS MADE AN INSPECTION OF THE AFOREMENTIONED PROPERTY, AND DETERMINED THE BUILDING LOCATED THEREON, IN THEIR OPINION, IS IN FACT A DANGEROUS BUILDING, FOR THE FOLLOWING REASONS:

SEC. 82-473. DECLARATION OF PUBLIC NUISANCE AND HAZARD

A. Dangerous or substandard buildings or structures. A building or structure shall be considered dangerous or substandard whenever it is determined by the Board, that any or all of the following is applicable:

x_____1: A building that is vacant, and is not up to current building code standards. These vacant buildings can be either open to trespass or boarded up.

x_____2: Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.

x_____3. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

x_____4. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting the building; (d) the deterioration, decay, or inadequacy of its foundation, or (e) any other cause, is likely to partially or completely collapse.

x_____5. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose of which it is being used.

x_____6. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become (a) a public nuisance, (b) a harbor for vagrants, or as to (c) enable persons to resort thereto for the purpose of committing unlawful acts.

x_____7. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the Board to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

x_____8. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus or other cause, is determined by the Board to be a fire hazard.

B. Dangerous or substandard electrical, plumbing, or mechanical installations. A building or structure shall be considered dangerous or substandard whenever it is determined by the Board, that any or all of the following is applicable:

_____1. Whenever any protective or safety device specified in The Electrical Code and of this title is not provided or is inoperative, defective, dilapidated, or deteriorated so as to threaten to fail or function as originally intended.

X_____2. Whenever any installation or portion thereof because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) obsolescence; (d) inadequate maintenance, which in relation to existing use constitutes a hazard to life, health, property or safety.

X_____3. Whenever any installation or any portion thereof which is damaged by fire, wind, earthquake, flood or any other cause so as to constitute a potential hazard to life, health, property, or safety.

X_____4. Whenever any installation or any portion thereof was constructed, installed, altered or maintained in violation of the Building Code and/or Fire Code so as to constitute a potential hazard to life, health, property or safety.

FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

Interior has been exposed to the elements. Concrete was poured directly onto wood structural beams with no protection. - Richard Glass

X Richard Glass Digitally signed by Richard Glass
DN: C=US, E=GlassR@laportetx.gov, O=City of La Porte, CN=Richard Glass
Reason: I am approving this document
Date: 2023.02.10 09:18:57-06'00'

BUILDING OFFICIAL'S OFFICE DATE

X Clif Meekins Digitally signed by Clif Meekins
Date: 2023.02.13 09:47:28 -06'00'

FIRE MARSHAL'S OFFICE DATE

X David Gifford Digitally signed by David Gifford
Date: 2023.02.13 10:22:14 -06'00'

FIRE CHIEF'S OFFICE DATE

BUILDING EVALUATION CHECKLIST

A= Adequate D- Deficient N/A= Not Applicable

1. **STRUCTURAL**	**DETERMINATION**	**COMMENT / EXPLANATION**
A. Foundation		
1. Slab	Deficient	Unpermitted concrete poured inside entire structure.
2. Pier & Beam		
a. Footings		
b. Sills		
c. Joists		
B. Walls		
1. Exterior	Deficient	Walls damaged from settling.
2. Interior	Deficient	Walls damaged from settling
C. Means of Egress		
1. Doors		
a. Interior		
b. Exterior		
2. Porches, Steps, Stairs		
3. Windows	Deficient	Windows missing or broken.
D. Roof		
1. Rafters		
2. Deck, Shingles		
E. Ceilings		
1. Joists		
2. Ceiling		
F. Floors		
1. Floor Joists	Deficient	Unpermitted concrete poured inside entire structure.
2. Decking	Deficient	Unpermitted concrete poured inside entire structure.

2. MECHANICAL SYSTEMS

A. Electrical

1. Service & Panel		
2. Wiring		
3. Lights, Switches		
4. Outlets		
5. Other		

B. Plumbing

1. Fixtures		
a. Sink		
b. Lavatories		
c. Water/Closets		
d. Tub/Shower		
e. Water Heater		
2. Water Piping		
3. Drain Waste & Vent		
4. Sewer/Septic Tank		
5. Gas System		

C. Heating & A/C

1. Heating		
2. Air Conditioning		

3. PROPERTY CONDITIONS

1. Accessory Structures		
2. Condition of Grounds	Deficient	Exterior storage and debris.
3. Other		

COMMENTS: Structure exposed to weather and has potential structural damage. Structure appears to be leaning and buckling.

Owners poured concrete on the entire interior of the home. Staff is unsure if the wood was protected or treated before concrete was poured.

ORDINANCE NO. 2023 - 3932

AN ORDINANCE DECLARING THE BUILDING ON NORTHEASTERLY 62.50 FEET OF LOT 19 AND 20, BLOCK 9, SYLVAN BEACH FIRST SUBDIVISION, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 226 S. BAYSHORE DR., LA PORTE, TEXAS, SAID BUILDING BEING IDENTIFIED MORE PARTICULARLY AS ONE SINGLE-FAMILY RESIDENTIAL DWELLING, TO BE IN FACT A NUISANCE; ORDERING SUCH BUILDING CONDEMNED; FINDING THAT AARON CASTANEDA AND LISA CASTANEDA ARE THE RECORD OWNERS OF SAID PROPERTY; ORDERING THE SAID OWNERS TO ENTIRELY REMOVE OR TEAR DOWN SUCH BUILDING; ORDERING THE SAID OWNER TO COMMENCE SAID REMOVAL OR DEMOLITION WITHIN TEN (10) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO COMPLETE SAID REMOVAL OR DEMOLITION WITHIN FORTY-FIVE (45) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; ORDERING THE DANGEROUS BUILDING INSPECTION BOARD TO PLACE A NOTICE ON SAID BUILDING; ORDERING THE CITY SECRETARY TO FORWARD A COPY OF THIS ORDINANCE TO SAID OWNERS; PROVIDING FOR THE REMOVAL OF SAID BUILDING BY THE CITY OF LA PORTE IF NOT REMOVED BY SAID OWNERS IN THE MANNER PROVIDED HEREIN; PROVIDING AN EFFECTIVE DATE HEREOF; AND FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.

WHEREAS, the City Council of the City of La Porte, passed and approved Section 82-472 of the Code of Ordinances, creating a Dangerous Building Inspection Board (*the Board*) to be composed of the Building Official or his duly authorized representative, the Fire Chief or his duly authorized representative, the Fire Marshal or his duly authorized representative; and

WHEREAS, Section 82-474 (a) provides that:

Whenever it shall come to the attention of the Board or any member thereof, by reason of the carrying out of the necessary duties of such member, or by reason of a complaint of any citizen of the City or of the City Council, that a dangerous building exists, the Board shall make a thorough inspection of such building(s); and

WHEREAS, Section 82-474 (e) provides that:

After the inspection provided for in this Section has been made, with or without the aid of experts, the Board shall report its conclusion in writing to each of the members of the City Council and to the City Attorney. Such report shall state the circumstances and the condition of the

building(s) upon which such conclusion was based. The report shall be filed in all cases no matter what conclusion is stated by the Board; and

WHEREAS, it has heretofore come to the attention of the Board that the single-family residential dwelling located at 226 S. BAYSHORE DR., LA PORTE, TEXAS, La Porte, Harris County, Texas, and which is further described as NORTHEASTERLY 62.50 FEET OF LOT 19 AND 20, BLOCK 9, SYLVAN BEACH FIRST SUBDIVISION, HARRIS COUNTY, TEXAS, has become dangerous or substandard and thereby a public nuisance, as established in Section 82-473 of the Code of Ordinances of the City of La Porte; and

WHEREAS, said Board has heretofore made and filed its written report, dated JANUARY 18, 2023, finding such building to be in fact a dangerous building; and

WHEREAS, City Council received such report, and ordered notice to the record owner of said property that a hearing as provided in Section 82-477 of said Ordinance would be held at 6:00 PM on MAY 22, 2023, at 604 W. Fairmont Parkway, at the Council Chambers, City Hall, City of La Porte, Texas, at which time the Council would hear further evidence for and against the conclusions of the Board; and

WHEREAS, the City of La Porte has heretofore served notice upon said owner(s), by posting a notice on the subject property on or about APRIL 11, 2023; and by registered mail, return receipt requested, which notice was mailed on APRIL 11, 2023, a date more than ten (10) days before the date set for said hearing; furthermore, notice of the aforementioned public hearing date was published in the newspaper; and

WHEREAS, on MAY 22, 2023, City Council met in regular session to conduct such public hearing, at which time evidence was presented both for and against the conclusions of the Board;

WHEREAS, in lieu of closing the public hearing and considering formal action to order the condemnation of the building, the City Council voted to continue such public hearing until its regularly scheduled meeting date on SEPTEMBER 11, 2023;

WHEREAS, on SEPTEMBER 11, 2023, the City Council met in regular session to complete such public hearing, at which time evidence was presented both for and against the conclusions of the Board, after which the public hearing was concluded;

WHEREAS, City Council, after due deliberation, and within fifteen (15) days after the termination of the public hearing, is required to make its decision in writing and enter its order; and

WHEREAS, City Council entered its order on SEPTEMBER 11, 2023, a day which is within fifteen (15) days after the termination of the hearing; NOW THEREFORE:

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

Section 1. This Ordinance contains the Findings of Fact, Conclusions of Law, and orders of the City Council of the City of La Porte, based upon the evidence presented at said hearing.

Section 2. Based on the evidence presented at said hearing, the City Council hereby adopts the attached report of the Board, in full, and incorporates such by reference herein as fully as though set out herein.

Section 3. The City Council hereby finds, determines and declares such single-family residential dwelling to be a public nuisance, and orders such buildings condemned.

Section 4. The City Council hereby finds, determines and declares that AARON CASTANEDA AND LISA CASTANEDA are the record owners of the property on which the

aforementioned single-family residential dwelling is situated, and that as such record owner, the said individual has been duly and legally notified of those proceedings.

Section 5. The City Council hereby orders the said AARON CASTANEDA AND LISA CASTANEDA to entirely remove or demolish such single-family residential dwelling including all slabs, parking bays and driveways, and further orders the said AARON CASTANEDA AND LISA CASTANEDA to commence such removal within ten (10) days from the effective date of this Ordinance, and to complete said removal or demolition within forty-five (45) days from the effective date of this ordinance.

Section 6. The City Council hereby orders the Board of the City of La Porte to cause a notice of the dangerous, unsanitary condition of the building to be affixed in one or more conspicuous places on the exterior of said buildings, which notice or notices shall not be removed or defaced by any person, under penalty of law.

Section 7. The City Council hereby orders the City Secretary to forward a certified copy of this Ordinance, to the record owner of said property and to any and all lienholders or mortgagees, by registered mail, return receipt requested; file a copy of this Ordinance in the office of the City Secretary; and, publish in the official newspaper of the city a notice containing: 1) the street address or legal description of the property, 2) the date of the public hearing, 3) a brief statement indicating the results of the hearing, and 4) instructions stating where a complete copy of this Ordinance may be obtained.

Section 8. Should the said AARON CASTANEDA AND LISA CASTANEDA not comply with the orders contained in this Ordinance relating to the removal or demolition of such building including all slabs, parking bays and driveways within forty-five (45) days after hereof, then the City of La Porte shall enter upon the said premises with such assistance as it may deem necessary, and cause the said buildings to be removed or demolished without delay, and the expenses of such procedure shall be charged against the said record owner of said property, and shall thereupon become a valid and enforceable personal obligation of said owner of such

premises, and the said City shall carefully compute the cost of such removal or demolition, which cost shall be hereafter assessed against the land occupied by such building, and made lien thereon.

Section 9. The City Council officially finds, determines, and recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 10. This Ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED this the 11th day of SEPTEMBER 2023.

CITY OF LA PORTE, TEXAS

By:_____
Louis R. Rigby, Mayor

ATTEST:

_____
Lee Woodward, City Secretary

APPROVED AS TO FORM:

_____
Clark T. Askins, City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested:	September 25, 2023
Requested By:	Teresa Evans, Director
Department:	Planning and Development

○ Report ○ Resolution ◉ Ordinance

Exhibits: Ordinance 2023-3953- SHOWING CHANGES; Ordinance 2023-3953- CLEAN; Public Hearing Notice

Appropriation	
Source of Funds:	N/A
Account Number:	N/A
Amount Budgeted:	N/A
Amount Requested:	N/A
Budgeted Item:	○ Yes ◉ No

SUMMARY & RECOMMENDATION

Earlier this summer, the City Manager's Office approached staff to request the Planning and Zoning Commission review possible amendments to Chapter 106 "Zoning" of the City of La Porte Code of Ordinances regarding short-term rental (STR) use in the city. The city's zoning ordinance does not reference STR use and, furthermore, states that any uses not identified in the use table are prohibited. The City Attorney has drafted an ordinance to regulate short term rentals, and prior to City Council considering these regulations, the City needs to amend Chapter 106 to allow STR use.

Short-term rental (STR) means a dwelling that is: (a) used or designed to be used as the home of a person, family or household, including a single-family dwelling, garage apartment, guest house or a unit in a multi-unit building, including an apartment, condominium, cooperative or timeshare; and (b) rented wholly or partly for a fee and for a period of less than thirty (30) consecutive days. The term "short-term renter" does not include a premises that is used for a non-residential purpose, including an educational, health care, retail, restaurant, banquet space or event center purpose or another similar use; a bed-and-breakfast as defined in the city's zoning ordinance; or a hotel.

The proposed ordinance amending Chapter 106 "Zoning" to allow the City of La Porte to permit STRs in designated zoning districts within the city limits is attached. The proposed amendments seek to permit STR use in the Residential (R-1, R-2, R-3), Manufactured Housing (MH), Large Lot (LL), Main Street (MS), and Mixed Use (MU) zoning districts. Short-Term Rental use would be prohibited in commercial structures in the Mixed Use (MU) district and on the first floor of the Main Street Overlay (MSO).

The Chapter 106 Subcommittee met on June 8, 2023, to discuss the request to permit short term rental use in the City of La Porte. On July 20, 2023, the Planning and Zoning discussed this item in a regular meeting and directed staff to proceed with scheduling a

public hearing to formally consider the item. On August 31, 2023, in a special meeting of the Planning and Zoning Commission, the Commission considered the proposed amendments and voted 8-0 to recommend approval of the attached ordinance.

The Planning and Zoning recommends the City Council approve Ordinance 2023-3953.

STRATEGIC PLAN STRATEGY AND GOAL

Economic Development: The City of La Porte will promote a strong and diverse economy that strengthens the local sales tax and property tax base while also contributing to a high quality of life.

ACTION REQUIRED BY CITY COUNCIL

The City Council will hold a public hearing to receive comments regarding a recommendation by the Planning and Zoning Commission to adopt Ordinance 2023-3953, amending the Code of Ordinances of the City of La Porte, Chapter 106- Zoning, by amending regulations related to the classification of short term rental uses, followed by discussion and possible action to consider adopting Ordinance 2023-3953 amending the Code of Ordinances, Chapter 106- Zoning, by amending regulations related to the classification of short term rental uses.

Approved for the City Council meeting agenda.

Corby D. Alexander, City Manager	**Date**

ORDINANCE NO. 2023-3953

AN ORDINANCE AMENDING CHAPTER 106 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS RELATED TO CLASSIFICATION OF SHORT-TERM RENTAL USES; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

Section 1: That Chapter 106, "Zoning," Article III. "Districts", Division 2 "Residential District Regulations", Section 106-331 "Table A, residential uses", of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding a new use classification within the table established in such section for short-term rental uses, which said use classification shall be inserted within such table in the proper numerical sequence, and hereinafter shall read as follows:

Uses (NAICS Code #)	R-1	R-2	R-3	MH	LL
Short-Term Rentals (721199) (Except hotels, motels, casino hotels and bed & breakfast inns)	P(d)	P(d)	P(d)	P(d)	P(d)

Section 2: That Chapter 106, "Zoning," Article III. "Districts", Division 3, "Commercial District Regulations", Section 106-310 "Table A, Commercial & Industrial Uses", of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding a new use classification within the table established in such section for short-term rental uses, which said use classification shall be inserted within such table in the proper numerical sequence, and by adding new Footnote 21, to hereinafter read as follows:

2017 NAICS Code	2017 NAICS Title	**	NC	MS	GC	MU	BI	LI	HI
721199	Short-Term Rentals (Except hotels, motels, casino hotels and bed & breakfast inns)			P_{21}		P_{21}			

21 Operation of Short-Term Rentals subject to necessary governmental permits and licenses with evidence of such placed on record with the city. Short Term Rental Use prohibited in structures

utilized for commercial purposes. In the Main Street Overlay, Short-Term Rental use is prohibited on the first floor.

Section 3. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO THOUSAND DOLLARS ($2,000.00).

Section 4. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

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 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 7. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the 25th day of SEPTEMBER 2023.

CITY OF LA PORTE, TEXAS

By:_____

Louis R. Rigby, Mayor

ATTEST:

_____

Lee Woodward, City Secretary

APPROVED AS TO FORM:

_____

Clark Askins, City Attorney

ORDINANCE NO. 2023-3953

AN ORDINANCE AMENDING CHAPTER 106 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS RELATED TO CLASSIFICATION OF SHORT-TERM RENTAL USES; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

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Uses (NAICS Code #)	R-1	R-2	R-3	MH	LL
Short-Term Rentals (721199) (Except hotels, motels, casino hotels and bed & breakfast inns)	P(d)	P(d)	P(d)	P(d)	P(d)

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utilized for commercial purposes. In the Main Street Overlay, Short-Term Rental use is prohibited on the first floor.

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Section 4. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

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 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.

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PASSED AND APPROVED this the 25th day of SEPTEMBER 2023.

CITY OF LA PORTE, TEXAS

By:_____

Louis R. Rigby, Mayor

ATTEST:

_____

Lee Woodward, City Secretary

APPROVED AS TO FORM:

_____

Clark Askins, City Attorney

LEGAL NOTICES

NOTICE OF PUBLIC HEARING ON DANGEROUS BUILDINGS

You are hereby notified that the building(s)/structure(s) located at the below-referenced address(s) remain unfit for human use or habitation or is obsolete, dilapidated, or substandard, and is in violation of the City of La Porte Code of Ordinances # 82-476.

As such, a public hearing will be held on **September 11, 2023, at 6:00 p.m., in the City of La Porte City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas 77571.** At this hearing, the Owner, Lienholder or Mortgagee will be required and has the burden to prove that the building is in compliance with the ordinances of the City of La Porte, or if the building is not in compliance, to submit a scope of any work showing proposed method of obtaining compliance with such ordinances and a timeline detailing the time it will take to reasonably perform the work.

1) **125 Bay Shore Ave.**
(A-2- Real, Residential, Mobile Homes)
HCAD: 058-012-007-0012
Legal Description: Lot 12, Block 7, Pine Bluff
Improvements: $ 8,344 as of January 1, 2023, per HCAD
Taxes Owed: $ 941.93 as of April 13, 2023
Mowing/Clean-up: $ 0 no liens
Utility Billing: $ 0 balance- active account

2) **1715 26th St.**
(A-1 Real, Residential, Single Family)
HCAD: 023-147-000-0915
Legal Description: Trs 915 & 916 La Porte Outlots
Improvements: $ 0 as per January 1, 2023, per HCAD
Taxes Owed: $ 0
Mowing/Clean-up: $ 0
Utility Billing: $ 0 balance- active account

3) **218 Bay St.**
(A-1 Real, Residential, Single Family)
HCAD: 059-017-005-0006
Legal Description: Lt 6 Blk 5 Oakhurst
Improvements: $ 50,054 as per January 1, 2023, per HCAD
Taxes Owed: $ 0
Mowing/Clean-up: $ 0
Utility Billing: $ 0 balance- active account

4) **226 S. Bayshore Dr.**
(A-1 Real, Residential, Single Family)
HCAD: 035-210-009-0019
Legal Description: Trs 19 & 20 Blk 9 Sylvan Beach
Improvements: $ 64,909 as of January 1, 2023, per HCAD
Taxes Owed: $ 0
Mowing/Clean-up: $ 0 no liens
Utility Billing: $ 0 balance – not an active account

5) **3115 Hillsdale St.**
(A-1 Real, Residential, Single Family)
HCAD: 081-088-000-0107
Legal Description: Lt 107 & S ½ of Lt 108 Blk 7 Spenwick Place Sec 1
Improvements: $ 67,281 as of January 1, 2023, per HCAD
Taxes Owed: $ 0
Mowing/Clean-up: $ 0 no liens
Utility Billing: $ 0 balance – not an active account

6) **411 S. Blackwell St.**
(F-1 Real, Commercial)
HCAD: 006-140-000-0008
Legal Description: Lts 8 & 9 Blk 50 Bay Front to La Porte
Improvements: $ 40,772 as of January 1, 2023, per HCAD
Taxes Owed: $ 0
Mowing/Clean-up: $ 0 no liens
Utility Billing: $ 0 balance – not an active account

After considering all of the evidence presented at the public hearing, the City of La Porte City Council at its discretion may issue an order. Such order may require that the building(s)/structures(s) be vacated, secured, repaired, removed or demolished by the owner, mortgagee, and/or lienholder within a reasonable time and that the occupants be relocated within the same. Any directives of the Council which are not fulfilled by the owner, lienholder, or mortgagee as ordered, shall be performed by the City. If the City is forced to act, the cost incurred by the City to accomplish the ordered action will be billed to the owner, lienholder, and/or mortgagee. If the bill remains unpaid after the expiration of thirty days, a lien will be filed against the subject property to ensure further collection.

CITY OF LA PORTE

Lee Woodward, City Secretary

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

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL ON PROPOSED AMENDMENTS TO CHAPTER 106 (ZONING)

Notice is hereby given that the La Porte City Council will conduct a public hearing at **6:00 P.M.** on the **25th day of September 2023**, in the Council Chambers of City Hall, 604 West Fairmont Parkway, La Porte, Texas, in accordance with the provisions in Section 106-171 of the City of La Porte Code of Ordinances and the provisions of the Texas Local Government Code.

The purpose of the hearing is to receive public input on proposed modifications to Chapter 106 (Zoning) of the City of La Porte's Code of Ordinances providing for adoption of use classification categories for short-term rental (STR) properties in designated zoning districts.

Following the public hearing, the Planning and Zoning Commission will act upon the public hearing item and conduct other matters pertaining to the Commission.

Citizens wishing to address the Commission pro or con during the public hearing are required to sign in before the meeting is convened.

A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by the Council.

In compliance with the Americans with Disabilities Act, The City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received three (3) business days prior to the meeting. Please contact the Planning Department at 281-470-5057.

NEWSPAPER ADS WORK.

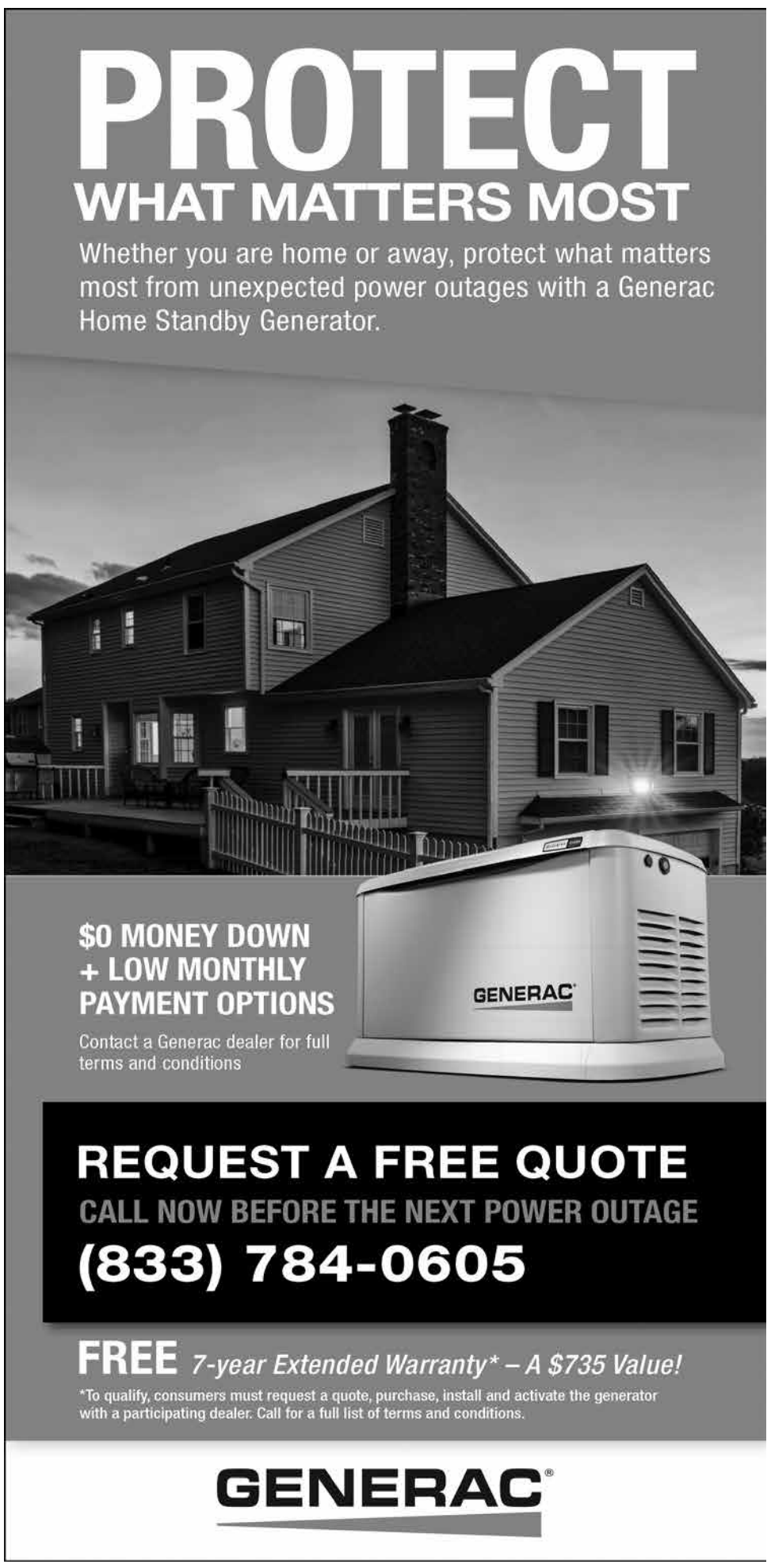
7 out of 10 newspaper readers who read an **insurance ad** took action after seeing the ad.*

THE TOP ACTIONS ARE >>>
>>> Gather more information about the product
>>> Have a more favorable opinon about the advertiser
>>> Visit advertiser's website

ALL TOGETHER NOW As our nation looks to reopen, rebound and resurge, our advertising representatives are here to help your business. Hire us to help get your customers back and your employees ready. Nobody cares more about your success than we do.

Nobody delivers a more engaged audience than we do. Our growth online, combined with print, is impressive as more readers turn to us for local news.

Newspapers are your best investment.
We care about local.



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 25, 2023

Requested By: Michael G. Dolby, Director

Department: Finance

☒ Report ☐ Resolution ☐ Ordinance

Exhibits: Ordinance and Proposed FY2024 Budget Presentation

Appropriation

Source of Funds: _____

Account Number: _____

Amount Budgeted: _____

Amount Requested: _____

Budgeted Item: ☐ Yes ☐ No

SUMMARY & RECOMMENDATION

The La Porte City Council held a budget workshop on August 14, 2023, to discuss proposed budgets for the fiscal year beginning October 1, 2023 and ending September 30, 2024. The Summary of Funds, which is shown below, represents the result of the workshops and subsequent reviews held with City Council. All changes made by City Council were incorporated into the various budgets.

	Revised 2023	Proposed 2024
General Fund	$78,306,587	$79,484,964
Grant Fund	6,427,856	2,002,114
Street Maintenance Sales Tax Fund	1,375,000	1,945,000
Emergency Services District Sales Tax Fund	1,737,791	2,685,280
Hotel/Motel Occupancy Tax	930,078	1,286,934
Economic Development Corporation	3,872,512	5,105,256
Tax Increment Reinvestment Zone	5,332,455	0
Utility	12,831,442	10,350,996
Airport	125,499	105,214
La Porte Area Water Authority	2,008,062	2,227,297
Motor Pool	5,238,162	4,491,341
Insurance Fund	10,752,559	11,445,746
Technology Fund	1,182,584	125,590
General Capital Improvement	13,155,324	7,072,000
Utility Capital Improvement	3,011,861	1,417,000
Sewer Rehabilitation Capital Improvement	400,000	400,000
Drainage Improvement Fund	1,620,000	1,180,000
Texas Water Development	0	23,840,000
City Hall Fund	19,400,000	7,000,000
General Debt Service	5,019,488	5,006,403
Total of All Funds	$172,727,259	$167,171,135

There is no change in the Tax Rate, which has remained constant at $0.71 for the last (35) thirty-five years. Staff recommends City Council approving an Ordinance adopting the FY 2023-24 Budget.

STRATEGIC PLAN STRATEGY AND GOAL

1.00 Governance - The City of La Porte is governed in a transparent, efficient, accountable, and responsive manner on behalf of its citizens that actively promotes citizen involvement.

ACTION REQUIRED BY CITY COUNCIL

The City Council will hold a public hearing to receive comments regarding their consideration of the proposed City of La Porte, Texas, budget for the 2023-24 Fiscal Year; followed by discussion and possible action to adopt Ordinance 2023-3948, approving the City of La Porte, Texas, Fiscal Year 2023-24 Proposed Budget.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager	**Date**

ORDINANCE 2023-3948

AN ORDINANCE APPROVING AND ADOPTING THE BUDGET FOR THE CITY OF LA PORTE, TEXAS, FOR THE PERIOD OF OCTOBER 1, 2023, THROUGH SEPTEMBER 30, 2024; FINDING THAT ALL THINGS REQUISITE AND NECESSARY HAVE BEEN DONE IN PREPARATION AND PRESENTMENT OF SAID BUDGET; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF

WHEREAS, the Charter of the City of La Porte, Texas, and the Statutes of the State of Texas, require that an annual budget be prepared and presented to the City Council of the City of La Porte, Texas, prior to the beginning of the fiscal year of said City, and that a public hearing be held prior to the adoption of said Budget; and

WHEREAS, the Budget for the fiscal year October 1, 2023, through September 30, 2024, has heretofore been presented to the City Council and due deliberation had thereon, was filed in the office of the City Secretary on August 14, 2023, and a public hearing scheduled for September 25, 2023, was duly advertised and held.

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

SECTION 1: That the Budget for the City of La Porte, Texas, now before the said City Council for consideration, a complete copy of which is on file with the City Secretary and incorporated hereto by reference, is hereby adopted as the Budget for the said City of La Porte, Texas, for the period of October 1, 2023, through September 30, 2024.

SECTION 2: Be it FURTHER ORDAINED, that the said City Council finds that all things requisite and necessary to the adoption of said Budget have been performed as required by charter or statute.

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

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

PASSED AND APPROVED this, the 25th day of September, 2023.

CITY OF LA PORTE, TEXAS

_____

Louis R. Rigby, Mayor

ATTEST:

_____

Lee Woodward, City Secretary

APPROVED AS TO FORM:

_____

Clark T. Askins, Assistant City Attorney

CITY OF LA PORTE
FY 2023-2024
BUDGET PUBLIC HEARING

SEPTEMBER 25, 2023

CHANGES FROM PUBLISHED PROPOSED BUDGET

Items Discussed During Budget Workshop on August 14th:

General Fund

- $74,380 for a Community Service Inspector, S.C.U.P. and Zoning added to Inspections
- $2,112 for computer equipment - Planning
- $1,391 for Commercial Solidwaste - 5% increase in Other Professional Services
- $50,000 for position Supplies, Services & Charges - Asst. Public Works Director, CIP
- $200,000 for computer replacements – Information Technologies
- $3,420 for computer software (eScribe and Municode) - CSO
- $660,000 for a 3% Cost of Living Adjustment in Non-Departmental

Utility Fund

- $104,000 for a 3% Cost of Living Adjustment in Non-Departmental

Motor Pool Fund

- $10,000 for a 3% Cost of Living Adjustment in Non-Departmental

CHANGES FROM PUBLISHED PROPOSED BUDGET

Items Discussed During Budget Workshop on August 14th:

Insurance Fund

- $2,000 for a 3% Cost of Living Adjustment in Non-Departmental

Hotel/Motel Fund

- $4,000 for a 3% Cost of Living Adjustment in Non-Departmental

Economic Development Fund

- $4,300 for a 3% Cost of Living Adjustment in Non-Departmental

CHANGES FROM PUBLISHED PROPOSED BUDGET

Additional Changes not previously discussed:

Grant Fund

- $13,000 for Computer Software - Internet Crimes Against Children Grant

Hotel/Motel Fund

- Transfer to General CIP Fund increased by $20,000 for Pecan Park Parking

Economic Development Fund

- $33,000 added for Other Professional Services

General CIP Fund

- $20,000 added for Pecan Park Parking project (Hotel/Motel Transfer)

BUDGET HIGHLIGHTS FOR FISCAL YEAR 2024

- No increase in property tax rate
- No utility fund rate increase
- Sales taxes to remain flat
- Meet & confer increases for civil service employees ($326,500)
- Merit program reinstated for FY24 ($750,000)
- No change to health insurance employee contributions
- Capital projects of approximately $43.6 million ($7 million for City Hall and $24 million for Lomax Lift Station Consolidation)
- Vehicle replacement of $2,675,313
- $18.36 million transfer from the General Fund for CIP
- 13% decrease in Oil & Gas, 42% increase in Motor Pool Fees, 44% increase in Technology Lease Fees

GENERAL FUND BALANCE SUMMARY

(In millions)

	Actual 2021-22	Budget 2022-23	Estimated 2022-23	Projected 2023-24
Beginning Fund Balance	$ 64.81	$ 72.05	$ 72.05	$ 68.23
Revenues	64.92	61.83	70.97	66.70
Expenditures	57.68	77.97	74.79	79.48
Surplus (Deficit)	7.24	(16.14)	(3.82)	(12.79)
Ending Fund Balance	$ 72.05	$ 55.91	$ 68.23	$ 55.44
Days of Working Capital	456	262	333	255
Targeted Days of Working Capital	120	120	120	120

The City strives to maintain 120 days of working capital.
120 days (target) = $26,132,043
1 day = $217,767

CONSOLIDATED SUMMARY OF ALL FUNDS

(In millions)

	Working Capital 09/30/23	FY 23-24 Revenues	FY 23-24 Expenses	Working Capital 09/30/24
Governmental Fund Types:				
General Fund	$ 68.23	$ 66.70	$ 79.48	$ 55.44
Grant Fund	3.11	0.83	2.00	1.94
Emergency Services District	3.06	1.77	2.69	2.14
Street Maintenance Sales Tax	0.96	1.69	1.95	0.71
Section 4B Sales Tax	8.64	3.61	5.11	7.15
Hotel/Motel Occupancy Tax	2.67	0.56	1.29	1.94
Tax Increment Reinvestment	2.43	7.91	-	10.34
Total Governmental Types	89.10	83.06	92.51	79.66
Enterprise:				
Utility	5.46	8.57	10.35	3.68
Airport	0.04	0.07	0.11	0.00
La Porte Area Water Authority	2.92	2.50	2.23	3.19
Total Enterprise	8.42	11.13	12.68	6.86

CONSOLIDATED SUMMARY OF ALL FUNDS

(In millions)

	Working Capital 09/30/23	FY 23-24 Revenues	FY 23-24 Expenses	Working Capital 09/30/24
Internal Service				
Motor Pool	10.38	6.59	4.49	12.48
Insurance Fund	5.58	10.22	11.45	4.35
Technology Fund	1.89	0.72	0.13	2.48
Total Internal Service	17.85	17.53	16.06	19.32
Capital Improvement:				
General CIP Fund	2.28	5.06	7.07	0.26
Utility CIP Fund	1.16	0.51	1.42	0.25
Sewer Rehabilitation	0.59	0.32	0.40	0.51
Drainage Improvement Fund	0.34	0.84	1.18	0.01
2010 Certificates of Obligation	0.15	0.00	-	0.15
Texas Water Development Board	0.97	23.84	23.84	0.97
City Hall	0.80	7.02	7.00	0.82
Total Capital Improvement	6.29	37.59	40.91	2.97
Debt Service:				
General	4.51	4.71	5.01	4.21
Total Debt Service	4.51	4.71	5.01	4.21
Total All Funds	$ 126.16	$ 154.03	$ 167.17	$ 113.02

CONSOLIDATED SUMMARY – CAPITAL IMPROVEMENT PROJECTS

(In millions)

	FY 23-24 Revenues	FY 23-24 Expenses
Capital Improvement:		
General CIP Fund	5,057,225	7,072,000
Utility CIP Fund	506,703	1,417,000
Sewer Rehabilitation	319,516	400,000
Drainage Improvement Fund	841,920	1,180,000
Street Maintenance Sales Tax	1,691,116	1,940,000
Grant Fund	809,425	809,425
2010 Certificates of Obligation	4,403	-
Texas Water Development Board	23,838,311	23,840,000
2021 Certificates of Obligation	7,021,025	7,000,000
Total Capital Improvement	40,089,644	43,658,425

QUESTIONS/SUMMARY

MICHAEL G. DOLBY, CPA, DIRECTOR OF FINANCE

DOLBYM@LAPORTETX.GOV

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 25, 2023

Requested By: Michael G. Dolby, Director

Department: Finance

○ Report ○ Resolution ○ Ordinance

Exhibits: Ordinance & No-New-Revenue Tax Rate Calculation

Appropriation	
Source of Funds:	N/A
Account Number:	N/A
Amount Budgeted:	N/A
Amount Requested:	N/A
Budgeted Item:	◉ Yes ○ No

SUMMARY & RECOMMENDATION

The City of La Porte's tax assessor collector calculated the no-new-revenue tax rate at $0.726 and the voter-approval rate at $0.828. The no-new-revenue tax rate would impose the same amount of taxes as last year if you compare properties taxed in both years. The voter-approval tax rate is the highest tax rate a taxing unit can adopt without holding an election.

The proposed tax rate is $0.71; therefore, a public hearing on the tax rate is not required. The fiscal year 2023-24 proposed budget was built around a tax rate of $0.71. The breakdown of the tax rate is as follows:

Maintenance and operations = $0.624
Interest and sinking = $0.086

At the September 11, 2023 City Council meeting, Council approved the proposed tax rate of $0.71.

In accordance with current legislation, staff placed a notice in the paper informing the public of the date and time the governing body will vote and approve the tax rate. The notice of the September 25, 2023 meeting to adopt the tax rate was published in the September 14, 2023 edition of the Bay Area Observer.

STRATEGIC PLAN STRATEGY AND GOAL

1.00 Governance - The City of La Porte is governed in a transparent, efficient, accountable, and responsive manner on behalf of its citizens that actively promotes citizen involvement.

ACTION REQUIRED BY CITY COUNCIL

Presentation, discussion, and possible action to adopt Ordinance 2023-3952, setting the City of La Porte, Texas' ad valorem tax rate and levying taxes on taxable property located in the City of La Porte, Texas, for the 2023-24 Fiscal Year.

Approved for the City Council meeting agenda

Corby D. Alexander, City Manager	**Date**

ORDINANCE NO. 2023-3952

AN ORDINANCE LEVYING TAXES UPON TAXABLE PROPERTY LOCATED WITHIN AND SUBJECT TO TAXATION IN THE CITY OF LA PORTE, TEXAS; MAKING APPROPRIATIONS FOR SUPPORT, MAINTENANCE, AND IMPROVEMENT OF THE CITY GOVERNMENT OF SAID CITY OF LA PORTE, TEXAS; FINDING THAT ALL REQUIRED NOTICES HAVE BEEN PUBLISHED AND ALL REQUIRED HEARINGS HELD; CONTAINING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

Section 1. That there is hereby levied for the fiscal year beginning October 1, 2023, and ending September 30, 2024, on all real property situated and all personal property owned within the taxable limits of the said City of La Porte, Texas, on the first day of January 2023, except so much as may be exempt under the constitution and laws of the United States, this State, and the City of La Porte, Texas, the following taxes:

(1) An Ad Valorem Tax of and at the rate of sixty-two and four-tenths cents ($0.624) on the one hundred dollars ($100.00) cash value thereof, estimated in lawful currency of the United States for the current expenses for the support, maintenance, and improvement of the City Government of said City of La Porte, Texas; THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY .32 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $2.00. and

(2) An Ad Valorem Tax of and at the rate of eight and six-tenths cents ($0.086) on the one hundred dollars ($100.00) cash value thereof, estimated in lawful currency of the United States, to pay current interest on and provide one year's sinking fund and to pay all of the Principal and Interest accruing on all outstanding general obligation bonds and certificates of obligation lawfully issued by the City of La Porte, Texas.

That this provides the sum of total Ad Valorem tax at the rate of seventy-one cents ($.71) on the one hundred dollars ($100.00) cash value thereof, estimated in lawful currency of the United States.

Section 2. All property upon which a rate of taxation is hereinabove levied shall be assessed on a ratio of one hundred percent (100%) of the estimated market value thereof.

Section 3. That the sums hereinafter accruing and collected from the hereinabove taxes so levied be and the same are hereby appropriated for the support, maintenance, and improvement of the City Government of the City of La Porte Texas.

Section 4. The City Council officially finds, determines, recites and declares that all notices required by law have been published, and that a public hearing as required by law was duly called and held, and that all matters prerequisite to the establishment and levy of an ad valorem tax have been accomplished, all as required by the laws of the State of Texas, and the Home Rule Charter of the City of La Porte Texas.

Section 5. If any section, sentence, phrase, clause, or any part of any section, sentence, phrase, or clause, of this Ordinance shall, for any reason, be held invalid, such invalidity shall not affect the remaining portions of this Ordinance, and it is hereby declared to be the intention of this City Council to have passed each section, sentence, phrase, or clause, or part thereof, irrespective of the fact that any other section, sentence, phrase, or clause, or part thereof, may be declared invalid.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 7. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required.

Section 8. This ordinance shall be in effect from and after its passage and approval.

PASSED AND APPROVED this, the 25th day of September 2023.

CITY OF LA PORTE, TEXAS

_____

Louis R. Rigby, Mayor

ATTEST:

_____

Lee Woodward, City Secretary

APPROVED AS TO FORM:

_____

Clark T. Askins, Assistant City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 25, 2023

Requested By: Louis R. Rigby, Mayor

Department: City Council

(•) Report ( ) Resolution ( ) Ordinance

Exhibits: None

Appropriation	
Source of Funds:	N/A
Account Number:	N/A
Amount Budgeted:	N/A
Amount Requested:	N/A
Budgeted Item:	( ) Yes (•) No

SUMMARY & RECOMMENDATION

The City Council has traditionally cancelled the second meeting of the month in November and December. Special sessions can be scheduled if the need arises for additional meetings.

The second Mondays for these months this year are Nov. 13 and Dec. 11, and the fourth Mondays are Nov. 27 and Dec. 25.

STRATEGIC PLAN STRATEGY AND GOAL

The productive interaction among Councilpersons, acknowledging the demands of their additional responsibilities, directly supports the following Guiding Principles of City's 2023 Strategic Plan:

- Governance: *The City of La Porte is governed in a transparent, efficient, accountable, and responsive manner on behalf of its citizens that actively promotes citizen involvement.*

ACTION REQUIRED BY CITY COUNCIL

Select which dates to hold regular meetings in November and December.