

RICHARD WARREN, PRESIDENT  
BRENT McCaULLEY, COUNCILPERSON  
AMANDA GERRISH, BOARD MEMBER  
CHUCK ENGELKEN, COUNCILPERSON



DANNY EARP, BOARD MEMBER  
JOHN BLAKEMORE, BOARD MEMBER  
NANCY OJEDA, VICE-PRESIDENT

## **CITY OF LA PORTE DEVELOPMENT CORPORATION BOARD OF DIRECTORS MEETING AGENDA**

Notice is hereby given of a meeting of the City of La Porte Development Corporation Board of Directors to be held on October 23, 2023, at the City Hall Council Chamber, 604 West Fairmont Parkway, La Porte, Texas, beginning at 5:00 pm to consider the following items of business: Remote participation is available, also. Attend via a screen using this link:

<https://us02web.zoom.us/j/86204139231?pwd=VIBDRFptcU11Q1NxVkdiaTVVZDNGQT09>

Join by phone at 888 475 4499 or 877 853 5257. The meeting ID is 862 0413 9231. The passcode is 540115.

1. **CALL TO ORDER**
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.)
3. **PUBLIC HEARING AND ASSOCIATED MATTERS**
  - (a) Conduct Public Hearing to receive comments on proposed amendments to La Porte Development Corporation projects known as Fairmont Dog Park Project (Capital Improvement Project PR0021) and Recreation Center Expansion Phase I Project (Capital Improvement Project PR008), by transferring an amount not to exceed \$142,931.00 from the Fairmont Dog Park Project fund to the Recreation Center Expansion Phase I Project; followed by discussion and possible action to approve proposed amendments to the Fairmont Dog Park Project and Recreation Center Expansion Phase I Project by transferring an amount not to exceed \$142,931.00 from the Fairmont Dog Park Project fund to the Recreation Center Expansion Phase I Project. [Haley Bowers, Department Coordinator CMO]
4. **AUTHORIZATIONS**
  - (a) Approve the minutes of the September 25, 2023, meeting of the La Porte Development Corporation Board of Directors. [Richard Warren, President]
  - (b) Presentation, discussion and possible action to elect a President and Vice-President for the La Porte Development Corporation Board of Directors for the fiscal year beginning October 1, 2023, and ending September 30, 2024. [Matt Daeumer, Assistant City Manager]

- (c) Presentation, discussion, and possible action to approve publishing notice in the Bay Area Observer to begin the 60-day comment period for six (6) La Porte Development Corporation projects for Capital Improvement Projects totaling \$3,675,000.00 for fiscal year 2023-2024: 1) Fitness Center Parking Lot - \$450,000.00; 2) Inclusive Playground - \$400,000.00; 3) Main Street Alleys - \$425,000.00; 4) Wave Pool Enhancements - \$700,000.00; 5) Monarch Park Restroom - \$200,000.00; 6) Recreation Center Phase II - \$1,500,000.00. [Haley Bowers, Department Coordinator CMO]

**5. STAFF REPORTS**

- (a) Receive report from administrative staff regarding Retail Coach contract and recruiting efforts update. [Matt Daeumer, Assistant City Manager]

**6. SET NEXT MEETING**

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

**8. ADJOURN**

If, during the course of the meeting and discussion of any items covered by this notice, the La Porte Development Corporation Board determines that a Closed or Executive Session of the Board 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 La Porte Development Corporation Board 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 October 23, 2023, La Porte Development Corporation Board 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](http://www.LaPorteTX.gov), in compliance with Chapter 551, Texas Government Code.

DATE OF

POSTING \_\_\_\_\_

TIME OF

POSTING \_\_\_\_\_

TAKEN DOWN \_\_\_\_\_

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*Lee Woodward*

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Lee Woodward, City Secretary



## REQUEST FOR LA PORTE DEVELOPMENT CORPORATION BOARD AGENDA ITEM

Agenda Date Requested: October 23, 2023

Requested By: Haley Bowers, Dept. Coord.

Department: Administration/CMO

☒ Report ☐ Resolution ☐ Ordinance

Exhibits: 60-day Notice

### Appropriation

Source of Funds: Fund 015 Transfer

Account Number: 038-6030-565-9015

Amount Budgeted: \$3,675,000

Amount Requested: \$3,675,000

Budgeted Item: ☒ Yes ☐ No

### SUMMARY & RECOMMENDATIONS

At the July 24, 2023 La Porte Development Corporation Board (LPDC) meeting, approval was given for opening the 60-day public comment period on reallocating funds from the Fairmont Dog Park Project (Capital Improvement Project PR0021) to the Recreation Center Expansion Phase I Project (Capital Improvement Project PR008) by transferring an amount not to exceed \$142,931.00. On July 27<sup>th</sup>, staff published the 60-day "notice" in the Bay Area Observer and September 25<sup>th</sup> was the 60<sup>th</sup> day for comments. To-date staff has received no comments on these projects.

The LPDC funded Capital Improvement Project (CIP) PR0008 for the Recreation Center Expansion Phase I Project in the amount of \$3,202,152.00. To date, we have spent \$757,833.00 on this project for a new roof, new HVAC, and design of Phase I. This leaves available funds of \$2,444,319.00 to complete the project.

Bid #23028 was advertised on June 1 and June 8, 2023. On June 28, 2023, the bid was opened for the construction of this project. Five bidders responded with the low bid by FMG Construction Group at \$3,214,038.00. With this bid, there is a deficit of \$769,719.00 for the completion of this project.

Staff is recommending that we use \$600,000.00 from the Parks Zone fund in the fiscal year (FY) 24 budget and allocate unused funds from CIP PR011 (Broadway Trail Lighting) in the amount of \$50,000.00, CIP PR0017 (Fairmont Park West Splashpad) in the amount of \$69,848.00 and CIP PR0021 (Fairmont Park Dog Park) in the amount of \$142,931.00 for a total of \$262,779.00. This will bring the funded total of the project to \$3,307,098.00.

Only PR0021 has a remaining balance funded by the LPDC in the amount of \$142,931.00. The approved 60-day public comment period was required for the transfer of funds.

Staff requests the Board to hold a public hearing to receive feedback on the reallocation of funds from the Fairmont Dog Park Project (CIP PR0021) to the Recreation Center Expansion Phase I Project (CIP PR008) by transferring an amount not to exceed \$142,931.00. At the conclusion of the public hearing, based on the feedback received during the 60-day comment period, staff recommends approval from the LPDC Board for the reallocation of funds.

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**ACTION REQUIRED BY LPDC BOARD**

**Conduct Public Hearing to receive comments on proposed amendments to La Porte Development Corporation projects known as Fairmont Dog Park Project (Capital Improvement Project PR0021) and Recreation Center Expansion Phase I Project (Capital Improvement Project PR008), by transferring an amount not to exceed \$142,931.00 from the Fairmont Dog Park Project fund to the Recreation Center Expansion Phase I Project; followed by discussion and possible action to approve proposed amendments to the Fairmont Dog Park Project and Recreation Center Expansion Phase I Project by transferring an amount not to exceed \$142,931.00 from the Fairmont Dog Park Project fund to the Recreation Center Expansion Phase I Project.**

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**Approved for the La Porte Development Corporation Board meeting agenda**

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Corby D. Alexander, City Manager

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Date



# LEGAL NOTICES

The City of La Porte Sealed Bid #23030 Golf Course Bulk Head and Cart Path Project, will be accepted until 2:00 pm, CST on Thursday, August 10, 2023 at the City Hall information desk located at 604 W. Fairmont Pkwy., La Porte, Texas 77571. Solicitations will be opened and read aloud immediately following the closing hour. For information to register and bid visit: [www.publicpurchase.com](http://www.publicpurchase.com). For Questions, contact [purchasing@laportetx.gov](mailto:purchasing@laportetx.gov).

**PUBLIC HEARING NOTICE  
SEABROOK PLANNING & ZONING COMMISSION  
THURSDAY, AUGUST 17, 2023 – 6:00 P.M.**

NOTICE IS HEREBY GIVEN THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF SEABROOK WILL HOLD A PUBLIC HEARING ON **THURSDAY, AUGUST 17, 2023 AT 6:00 P.M.** IN SEABROOK CITY HALL, 1700 FIRST STREET, SEABROOK, TEXAS, COUNCIL CHAMBERS TO DISCUSS THE AGENDA ITEMS LISTED BELOW.

THIS HEARING IS OPEN TO THE PUBLIC AND EVERYONE ATTENDING WILL HAVE THE OPPORTUNITY TO SPEAK FOR OR AGAINST THIS REQUEST IN ACCORDANCE WITH THE PROCEDURES OF THE COMMISSION. ALL REQUIRED DOCUMENTS REGARDING THESE REQUESTS ARE AVAILABLE FOR REVIEW AT CITY HALL IN THE COMMUNITY DEVELOPMENT DEPARTMENT WEEKDAYS FROM 8:00 A.M. TO 5:00 P.M. PLEASE CALL (281) 291-5705 IF YOU HAVE QUESTIONS.

**SPECIFIC PUBLIC HEARING**

1. **Request for approval for the Red Oak Replat #2; Being a Replat of all of Lots 2 and 3 of Red Oak Replat.**

**Purpose:** To create 1 Single Family Residential Lots and 1 Commercial Lot.

**Applicant:** Stephen Blaskey, High Tide Surveying, 200 Houston Avenue, League City, TX 77573.

**Owner:** Thomas G. Binig, 2894 Red Bluff Road, Seabrook, TX 77586.

**Legal Description:** 2894 Red Bluff and 2817 Sams Drive, Seabrook, TX 77586, Lots Two (2) and Three (3), of RED OAK REPLAT, a subdivision in Harris County, Texas according to the map or plat thereof, recorded under Film Code No. 642145, of the Map Records of Harris County, Texas.

**Location:** These properties are located at 2894 Red Bluff and 2817 Sams Drive, Seabrook, TX 77586, which is north of Red Bluff Road, and west of Sams Drive.

**PUBLIC HEARING NOTICE  
SEABROOK CITY COUNCIL  
TUESDAY, AUGUST 15, 2023 – 6:00 P.M.**

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF SEABROOK WILL HOLD A PUBLIC HEARING ON TUESDAY, AUGUST 15, 2023 AT 6:00 P.M. IN SEABROOK CITY HALL, 1700 FIRST STREET, SEABROOK, TEXAS, COUNCIL CHAMBERS TO DISCUSS THE AGENDA ITEMS LISTED BELOW.

THIS HEARING IS OPEN TO THE PUBLIC AND EVERYONE ATTENDING WILL HAVE THE OPPORTUNITY TO SPEAK FOR OR AGAINST THESE REQUESTS IN ACCORDANCE WITH THE PROCEDURES OF THE COUNCIL. ALL REQUIRED DOCUMENTS REGARDING THESE REQUESTS ARE AVAILABLE FOR REVIEW AT CITY HALL IN THE COMMUNITY DEVELOPMENT DEPARTMENT WEEKDAYS FROM 8:00 A.M. TO 5:00 P.M. PLEASE CALL (281) 291-5705 IF YOU HAVE QUESTIONS.

**REQUEST TO AMEND THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS BY REVISING CHAPTER 38, “FLOOD”, ARTICLE II, “FLOOD DAMAGE PREVENTION”, TO PROVIDE FOR THE CREATION OF NEW GENERAL PROVISIONS, DEFINITIONS, PERMITTING AND VARIANCE PROCEDURES, AND FLOOD DAMAGE REDUCTION REGULATIONS; ALLOWING FOR COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS.**

**PUBLIC HEARING NOTICE  
SEABROOK CITY COUNCIL  
TUESDAY, AUGUST 15, 2023 – 6:00 P.M.**

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF SEABROOK WILL HOLD A PUBLIC HEARING ON TUESDAY, AUGUST 15, 2023 AT 6:00 P.M. IN SEABROOK CITY HALL, 1700 FIRST STREET, SEABROOK, TEXAS, COUNCIL CHAMBERS TO DISCUSS THE AGENDA ITEMS LISTED BELOW.

THIS HEARING IS OPEN TO THE PUBLIC AND EVERYONE ATTENDING WILL HAVE THE OPPORTUNITY TO SPEAK FOR OR AGAINST THESE REQUESTS IN ACCORDANCE WITH THE PROCEDURES OF THE COUNCIL. ALL REQUIRED DOCUMENTS REGARDING THESE REQUESTS ARE AVAILABLE FOR REVIEW AT CITY HALL IN THE COMMUNITY DEVELOPMENT DEPARTMENT WEEKDAYS FROM 8:00 A.M. TO 5:00 P.M. PLEASE CALL (281) 291-5705 IF YOU HAVE QUESTIONS.

**REQUEST TO AMEND THE SEABROOK CITY CODE OF ORDINANCE BY REVISING CHAPTER 18 “BUILDINGS AND BUILDING REGULATIONS” AND CHAPTER 34, “FIRE PREVENTION AND PROTECTION”, TO PROVIDE FOR REGISTRATION OF ALL CONTRACTORS, TO ADOPT UPDATED VERSIONS OF VARIOUS BUILDING AND TRADE CODES; TO ENUMERATE CITY AMENDMENTS TO SUCH CODES; TO RENUMBER SECTIONS AND SUBSECTIONS AS NECESSARY AND TO PROVIDE FOR OTHER RELATED MISCELLANEOUS AMENDMENTS.**

City of Seabrook  
Notice to Bidders  
Sealed Bid Project #2023-22  
Carothers Grading and Drainage Project

Sealed Request for Proposals for Carothers Grading and Drainage Project, Seabrook Project No.2023-22 will be received until 11:00 AM on August 17, 2023 by the Purchasing Coordinator, Gerald Pierce, at Seabrook City Hall, 1700 First Street, Seabrook, Texas 77586. Bids must be received and time stamped by the Purchasing Coordinator prior to the aforementioned time, when they will be publicly opened and read aloud at Seabrook City Hall, 1700 First Street, Seabrook, Texas 77586. No late bids will be accepted. Bidding documents may be obtained by contacting the Purchasing Coordinator, Gerald Pierce, through email, [gpierce@seabrooktx.gov](mailto:gpierce@seabrooktx.gov).

RFPs may also be submitted electronically through Public Purchase. To submit an RFP electronically, an account will need to be created in Public Purchase, and then RFP 2023-22 can be accessed for electronic submission. Electronic RFPs will need to be submitted before the 11:00 am deadline on August 17, 2023. Please visit <https://www.publicpurchase.com/gems/register/vendor/register> to register or login with Public Purchase.

An optional pre-bid Conference and site visit is scheduled on August 10, 2023 at 2:00 PM to discuss the city’s requirements under this RFP and see the project site.

Subscribe online at  
[BayAreaObserver.com](http://BayAreaObserver.com)  
or call 281-907-3140

## Notice of Amendments to Projects of the La Porte Development Corporation Board (Type B)

**Fairmont Park Dog Park Project:** Pursuant to Texas Local Government Code Section 505.160 notice is hereby given that the La Porte Development Corporation Board (Type B Board) of the City of La Porte, Texas, has proposed to amend a previously approved and funded official project related to recreational or community facilities and officially known as the Fairmont Park Dog Park Project, by transferring an amount not to exceed \$142,931.00 from such project to the Recreation Center Expansion Phase I Project. The purpose of the project is to fund the construction of the Fairmont Park Dog Park.

**Recreation Center Expansion Phase I Project:** Pursuant to Texas Local Government Code Section 505.160 notice is hereby given that the La Porte Development Corporation Board (Type B Board) of the City of La Porte, Texas, has proposed to amend a previously approved and funded official project related to recreational or community facilities and officially known as the Recreation Center Expansion Phase I Project, by transferring an amount not to exceed \$142,931.00 from the Fairmont Park Dog Park Project to the Recreation Center Expansion Phase I Project. The purpose of the project is to fund the construction of Phase I of the remodel of the La Porte Recreation and Fitness Center.

*In accordance with Texas Local Government Code 505.160 the public has the right to gather a petition to object to the proposed projects by requiring an election. The petition must request that an election be held before the project is undertaken and must be signed by more than ten percent (10%) of the registered voters of the City of La Porte. The petition must be received by the City of La Porte not later than the sixtieth (60th) day after publication of this notice.*

Please reach out to Matt Daeumer, Assistant City Manager at [DaeumerM@LaPorteTX.Gov](mailto:DaeumerM@LaPorteTX.Gov) or 281-470-5012 with any questions or comments you may have.

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**RICHARD WARREN**  
PRESIDENT

**BRENT MCCAULLEY**  
COUNCILPERSON

**AMANDA GERRISH**  
BOARD MEMBER

**CHUCK ENGELKEN**  
COUNCILPERSON



**DANNY EARP**  
BOARD MEMBER

**JOHN BLAKEMORE**  
BOARD MEMBER

**NANCY OJEDA**  
VICE-PRESIDENT

## **MINUTES OF THE LA PORTE DEVELOPMENT CORPORATION BOARD OF DIRECTORS MEETING OF SEPTEMBER 25, 2023**

The City of La Porte Development Corporation Board met on September 25, 2023, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 5:00 p.m., with the following in attendance:

**Board members present:** Richard Warren, Chuck Engelken, Danny Earp, Brent McCaulley, Amanda Gerrish, John Blakemore

**Board members attending remotely:** None

**Board members absent:** Nancy Ojeda

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

**1. CALL TO ORDER –** President Warren called the meeting to order at 5:00 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. AUTHORIZATIONS**

**a. Approve the minutes of the August 28, 2023, meeting of the La Porte Development Corporation Board of Directors. [Richard Warren, President]**

Member Engelken moved to approve the minutes of the August 28, 2023, meeting of the La Porte Development Corporation Board of Directors; the motion was seconded by Member Earp; the motion was adopted, 6-0.

**b. Presentation, discussion, and possible action to authorize the expenditure of \$33,000.00 in the Fiscal Year 2023-2024 La Porte Development Corporation budget to fund a one-year agreement between the City of La Porte, Texas, and The Retail Coach, LLC for recruitment and development services. [Matt Daeumer, Assistant City Manager]**

Member McCaulley moved to authorize the expenditure of \$33,000.00 in the Fiscal Year 2023-2024 La Porte Development Corporation budget to fund a one-year agreement between the City of La Porte, Texas, and The Retail Coach, LLC for recruitment and development services; the motion was seconded by Member Engelken; the motion was adopted, 6-0.

**c. Presentation, discussion, and possible action to open the 60-day public comment period for a potential project of the La Porte Development Corporation to promote new or expanded business enterprises at 114 W. Main St., La Porte, Texas, to be known as Round Table Pizza Royalty, through an incentive payment up to a \$217,800.00. [Matt Daeumer, Assistant City Manager]**

Member McCaulley moved to open the 60-day public comment period for a potential project of the La Porte Development Corporation to promote new or expanded business enterprises at 114 W. Main St., La Porte, Texas, to be known as Round Table Pizza Royalty, through an incentive payment up to a \$217,800.00; the motion was seconded by Member Earp; the motion was adopted, 6-0. Mr. Revak thanked the Board for their support.

**d. Presentation and discussion of the draft City of La Porte 2040 Comprehensive Plan. [Teresa Evans, Director of Planning and Development]**

Director Evans briefed the Board on the process that has been conducted in creating the Updated Plan.

**4. SET NEXT MEETING**

October 23, 2023, was set as a tentative date for the next meeting.

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

There were no comments.

**6. ADJOURN**

Without objection, President Warren adjourned the meeting at 5:42 p.m.

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Lee Woodward, City Secretary





**REQUEST FOR LA PORTE DEVELOPMENT CORPORATION BOARD  
AGENDA ITEM**

Agenda Date Requested: October 23, 2023  
Requested By: Matt Daeumer, Asst. City Manager  
Department: CMO  
☐ Report    ☐ Resolution    ☐ Ordinance

**Exhibits:** Bylaws for the Corporation

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

**SUMMARY & RECOMMENDATION**

According to Section 3.02 of the Bylaws for the La Porte Development Corporation, the Board is required to elect a President and Vice-President for the next fiscal year by October 1st. The current President is Richard Warren and the current Vice-President is Nancy Ojeda.

Staff recommends the Board elect a President and Vice-President for the fiscal year beginning October 23, 2023 and ending September 30, 2024.

**ACTION REQUIRED BY THE BOARD**

**Presentation, discussion and possible action to elect a President and Vice-President for the La Porte Development Corporation Board for the fiscal year beginning October 1, 2023 and ending September 30, 2024.**

**Approved for the La Porte Development Corporation Board meeting agenda**

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

\_\_\_\_\_  
Date

# **BYLAWS OF THE CITY OF LA PORTE DEVELOPMENT CORPORATION**

These bylaws govern the affairs of the CITY OF LA PORTE DEVELOPMENT CORPORATION (the "Corporation") a nonprofit corporation organized under Article 5190.6, Section 4B, Vernon's Annotated Texas Civil Statutes, as amended (the 'Act').

## **ARTICLE I**

### **PURPOSES**

#### **General Purposes**

1.01. The Corporation acts on behalf of the City of La Porte, Texas in furtherance of the public purposes of the Act and may engage in any project authorized under Section 2(10) or Section 4B of the Act.

#### **Powers**

1.02. The Corporation has all the powers both express and implied, granted to corporations governed by Section 4B of the Act and by the Texas Non-profit Corporation Act.

## **ARTICLE II**

### **OFFICES**

#### **Principal Office**

2.01. The principal office of the Corporation in the State of Texas is located at 604 West Fairmont Parkway in La Porte; Harris County; Texas. The Corporation may provide for additional offices or change the location of any office.

#### **Registered Office and Agent**

2.02. The Corporation shall comply with the requirements of the Act and maintain a registered office and registered agent in Texas. The registered office may, but need not, be identical with the Corporation's principal office in Texas. The Corporation may change the registered office and the registered agent as provided in the Act.

## **ARTICLE III**

### **BOARD OF DIRECTORS**

#### **Management of the Corporation**

3.01. The affairs of the Corporation shall be managed by the Board of Directors.

#### **Number, Qualifications and Tenure of Directors**

3.02. The Board of Directors shall consist of seven members appointed by the City Council of the City of La Porte, Texas, for staggered two year terms of office. Not less than three (3) directors shall be persons who are not employees, officers or members of the governing body of the City of La Porte, Texas. Each director must reside within the City of La Porte, Texas.

The Board of Directors shall appoint a President and Vice-President by October 1 of each year. The President shall be the presiding officer for meetings and the Vice-President shall act in the President's absence.

#### **Vacancies**

3.03. A vacancy occurring upon the Board of Directors shall be filled for the unexpired term by appointment by the City Council of the City of La Porte, Texas.

#### **Annual Meeting**

3.04. The annual meeting of the Board of Directors shall be held during the month of March of each year. The Board of Directors shall designate the time and location of the annual meeting.

#### **Regular Meetings**

3.05. The Board of Directors may provide for regular meetings by resolution stating the time and place of such meetings. The meeting shall be held within the City of La Porte, Texas, at a location designated by the Board of Directors.

#### **Special Meetings**

3.06. Special meetings of the Board of Directors may be held at the request of the President or any three Directors. A person or persons calling the meeting shall fix the time and location of the meeting.

The person or persons calling a special meeting shall notify the secretary of the Corporation of the information required to be included in the notice of the meeting. In addition to the posting of a meeting notice in accordance with these bylaws, a copy of each such meeting notice shall be delivered to each director not less than seventy-two hours before the time of the meeting. A meeting notice shall be deemed delivered to any director when deposited in the United States mail addressed to the director at his or her address as it appears on the records of the Corporation. Such additional notice may be waived in writing by a director at any time either before or after the time of the meeting and such additional notice shall be deemed waived by

attendance.

### **Notice of Meetings**

3.07. The Corporation shall be considered a "governmental body" within the meaning of Texas Government Code, Sec. 551.001, and notice of each meeting shall be given in accordance with the provisions of Texas Government Code, Chapter 551 (The Texas Open Meetings Act).

### **Quorum**

3.08. Four (4) Directors shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. The presence of a director may not be established by proxy. No business shall be conducted, nor shall any action be taken by the Board of Directors in the absence of a quorum.

### **Duties of Directors**

3.09. Directors shall exercise ordinary business judgment in managing the affairs of the Corporation. In acting in their official capacity as directors of the Corporation, directors shall act in good faith and take actions they reasonably believe to be in the best interests of the Corporation and which are not unlawful and shall refrain from actions not in the best interest of the Corporation or which would be unlawful. A director shall not be liable if, in the exercise of ordinary care, the director acts in good faith relying on written financial and legal statements provided by an accountant or attorney retained by the Corporation.

### **Duties of President**

3.10. The president shall be the chief executive officer of the Corporation. The president shall supervise and control all of the business and affairs of the Corporation. When the execution of any contract or instrument shall have been authorized by the Board of Directors, the president shall execute same except where such power is expressly delegated to another officer of the Corporation. The president shall perform other duties prescribed by the Board of Directors and all duties incident to the office of president.

### **Actions of Board of Directors**

3.11. The Board of Directors shall try to act by consensus. However, the vote of a majority of directors present at a meeting at which a quorum is present shall be sufficient to constitute the act of the Board of Directors.

### **Proxy Voting Prohibited**

3.12. A director may not vote by proxy.

## **Removal of Directors**

3.13. The Board of Directors and each member thereof serves at the pleasure of the City Council of the City of La Porte, Texas, which may remove any director at any time, either with or without cause.

## **Committees**

3.14. The Board of Directors may by resolution establish one or more special or standing committees. Such committees shall have the powers, duties and responsibilities established by the Board. The committees shall keep regular minutes of their meetings and report the same to the Board of Directors when required.

## **Compensation of Directors**

3.15. The directors shall not receive any salary or compensation for their services. Directors may be reimbursed for their actual expenses incurred in the performance of their duties. Travel expenses shall be reimbursed under the City's travel policy.

## **Attendance**

3.16. Regular attendance at the Board meetings is required of all directors. Members who miss more than twenty-five (25%) of called meetings, except for medical reasons, shall be subject to removal by City Council.

## **Ex-Officio Members**

3.17. The City Council may appoint Ex-Officio members to the Board of Directors as it deems appropriate. These representatives shall have the right to take part in any discussion of open meetings, but shall not have the power to vote in the meetings. Ex-Officio members shall serve a term of one calendar year.

# **ARTICLE IV**

## **OFFICERS**

### **Officer Positions**

4.01. The officers of the Corporation shall be a secretary who shall be the City Secretary (or their designee) of the City of La Porte, Texas and a treasurer who shall be the Finance Director (or their designee) of the City of La Porte, Texas.



## **Terms of Officers**

4.02. The officers of the Corporation shall serve as long as they are employed by the City of La Porte, Texas.

## **Removal of Officers**

4.03. Any officer may be removed by the City Council of the City of La Porte, Texas at any time, with or without good cause.

## **Vacancies**

4.04. A vacancy in any office may be filled by the City Council of the City of La Porte, Texas for the unexpired portion of the officer's term.

## **Secretary**

4.05. The Secretary shall:

- ◆ Give all notices as provided in the bylaws or as required by law.
- ◆ Take minutes of the meetings of the Board of Directors and keep the minutes as part of the corporate records.
- ◆ Maintain custody of the corporate records, authenticate corporate documents and affix the seal of the Corporation as required.
- ◆ Keep a register of the mailing address of each director and officer of the Corporation.
- ◆ Perform duties as assigned by the president or Board of Directors.
- ◆ Perform all duties incident to the office of secretary.

## **Treasurer**

4.06. The treasurer shall:

- ◆ Have charge and custody of and be responsible for all funds and securities of the Corporation.
- ◆ Receive and give receipts for moneys due and payable to the Corporation from any source.
- ◆ Deposit all moneys in the name of the Corporation in banks, trust companies, or other depositories as provided by these bylaws.
- ◆ Write checks and disburse funds to discharge obligations of the Corporation.
- ◆ Maintain the financial books and records of the Corporation.
- ◆ Prepare financial reports at least annually.
- ◆ Perform other duties as assigned by the Board of Directors.
- ◆ Prepare an annual budget.
- ◆ Perform all duties incident to the office of treasurer.

#### ◆ **Compensation of Officers**

4.07. The officers shall not receive any salary or compensation for their services. Officers may be reimbursed for their actual expenses incurred in the performance of their duties. Travel expenses shall be reimbursed under the City's travel policy.

### **ARTICLE V**

#### **TRANSACTIONS OF THE CORPORATION**

##### **Contracts**

5.01. The Board of Directors may authorize any officer or agent of the Corporation to enter into a contract or execute and deliver any instrument in the name of or on behalf of the Corporation. This authority may be limited to a specific contract or instrument or it may extend to any number and type of possible contracts and instruments.

##### **Depository Bank**

5.02. All funds of the Corporation shall be deposited with the City's depository bank.

##### **Potential Conflicts of Interest**

5.03. The members of the Board of Directors are local public officials within the meaning of Texas Local Government Code Chapter 171. If a director has a substantial interest in a business entity or real property which is the subject of deliberation by the Board of Directors, the director shall file an affidavit with the secretary of the Corporation stating the nature and extent of the interest. Such affidavit shall be filed prior to any vote or decision upon the matter by the Board of Directors, and the interested director shall abstain from any vote or decision upon the matter.

##### **Council Approval**

5.04. The Board of Directors shall obtain prior City Council approval of all real estate acquisitions, real estate leases for over one year and or any long-term leases; contracts, expenditures, or debts over \$15,000.00; and bond issues or other debt extending beyond one year. The Board of Directors shall have the authority to enter into all other budgeted transactions without prior City Council approval. Amendments to the budget must be approved by the City Council.

## **ARTICLE VI**

### **BOOKS AND RECORDS**

#### **Required Books and Records;**

6.01. The Corporation shall maintain:

- ◆ Correct and complete books and records of account.
- ◆ The Corporation's books and records shall include a file endorsed copy of all documents filed with the Texas Secretary of State relating to the Corporation, including, but not limited to, the Articles of Incorporation, any articles of amendment, restated articles, articles of merger, articles of consolidation, and statement of change of registered office or agent.
- ◆ A copy of the bylaws and any amended versions or amendments to the bylaws.
- ◆ Minutes of the proceedings of the Board of Directors.
- ◆ A list of names and addresses of the directors and officers of the Corporation.
- ◆ A financial statement showing the assets, liabilities, and net worth of the Corporation at the end of the three most recent fiscal years.
- ◆ A financial statement showing the income and expenses of the Corporation for the three most recent fiscal years.
- ◆ All rulings, letters, and other documents relating to the Corporation's federal, state and local tax status.
- ◆ The Corporation's federal, state and local information or income tax returns for each of the Corporation's three most recent tax years.
- ◆ Annual budget which is approved by City Council.

#### **Records Open to Public**

6.02. The Corporation shall be considered a "governmental body" within the meaning of the Texas Government Code, Sec. 552.003 and all records of the Corporation shall be made available to the public for inspection or reproduction in accordance with the requirements of the Texas Government Code, Chapter 552 (The Texas open Records Act).

#### **Audits**

6.03. The Corporation's books are required to be audited by the City's independent auditor on an annual basis. Cost of the audit will be paid by the Corporation.

## **ARTICLE VII**

### **PERSONNEL**

7.01. Any full-time or part-time personnel positions that the Corporation may establish will be subject to the personnel policies of the City. The City Manager has full authority in personnel matters.

## **ARTICLE VIII**

### **AMENDMENTS TO BYLAWS**

8.01. The bylaws may be altered, amended, or repealed by the affirmative vote of four or more members of the Board of Directors with the consent of the City Council of the City of La Porte, Texas or shall be altered, amended or repealed at the direction of the City Council of the City of La Porte.

## **ARTICLE IX**

### **MISCELLANEOUS PROVISIONS**

#### **Legal Authorities Governing Construction of Bylaws**

9.01. The bylaws shall be construed in accordance with the laws of the State of Texas. All references in the bylaws to statutes, regulations, or other sources of legal authority shall refer to the authorities cited, or their successors, as they may be amended from time to time. It is expressly provided that the provisions of the Development Corporation Act of 1979 applicable to corporations governed under Section 4B of that Act are incorporated within these bylaws by reference. In the event of any conflict between the applicable provisions of such Act and these bylaws, then the applicable provisions of such Act shall control.

#### **Legal Construction**

9.02. If any bylaw provision is held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability shall not affect any other provision and the bylaws shall be construed as if the invalid, illegal, or unenforceable provision had not been included in the bylaws.

#### **Headings**

9.03. The headings used in the bylaws are used for convenience and shall not be considered in construing the terms of the bylaws.

#### **Seal**

9.04. The Board of Directors shall provide for a corporate seal. Such seal would consist of two concentric circles containing the words "City of La Porte Development Corporation", and "Texas" in one circle and the "incorporated" together with the date of incorporation of the Corporation in the other circle.

#### **Parties Bound**

9.05. The bylaws shall be binding upon and inure to the benefit of the directors, officers and agents of the Corporation and their respective heirs, executors, administrators, legal representatives, successors and assigns except as otherwise provided in the bylaws.

### Fiscal Year

9.06. The fiscal year of the Corporation shall begin on the first day of October of each year and end on the last day of September of the following year.

### Effective Date

9.07. These bylaws, and any subsequent amendments hereto, shall be effective of and from the date upon which approval has been given both by the Board of Directors and the City Council of the City of La Porte, Texas.

Adopted this October 6th, 1999

Patricia Musto  
President of the Board

### CERTIFICATE OF SECRETARY

I certify that I am the duly elected and acting secretary of the CITY OF LA PORTE DEVELOPMENT CORPORATION, and the foregoing Bylaws constitute the Bylaws of the Corporation. These Bylaws were duly adopted at a meeting of the Board of Directors held on the 6th day of October, 1999, and approved and ratified by the City Council of the City of La Porte, Texas, at a meeting held on the 12th day of July, 1999.

Signed this 6th day of October, 1999.

Matthia A. Hells  
Secretary of the Corporation





## REQUEST FOR LA PORTE DEVELOPMENT CORPORATION BOARD AGENDA ITEM

Agenda Date Requested: October 23, 2023

Requested By: Haley Bowers, Dept. Coord.

Department: Administration/CMO

☒ Report ☐ Resolution ☐ Ordinance

Exhibits: Public Notice

### Appropriation

Source of Funds: Admin Transfer to Fund 015

Account Number: 038-6030-565-9015

Amount Budgeted: \$3,675,000

Amount Requested: \$3,675,000

Budgeted Item: ☒ Yes ☐ No

### SUMMARY & RECOMMENDATIONS

In order for the La Porte Development Corporation to expend the fiscal year 2023-2024 budgeted funds allotted for Capital Improvement Projects in the upcoming budget cycle, the City has to post these projects much like we are required for an incentive given to a private corporation. Approval of this agenda item will start the 60-day citizen comment period. After this period, staff will bring the list forward for final approval by the board.

The Board approved the appropriation of \$3,675,000 in CIP projects for fiscal year 2023-2024. These projects consisted of:

#### 2023-24 Fiscal Year

- Fitness Center Parking Lot - \$450,000
- Inclusive Playground - \$400,000
- Main Street Alleys - \$425,000
- Wave Pool Enhancements - \$700,000
- Monarch Park Restroom - \$200,000
- Rec Center Phase II - \$1,500,000

Staff requests the La Porte Development Corporation (LPDC) Board approval to publicly post the above projects in the Bay Area Observer on Thursday, October 26<sup>th</sup> to begin the 60-day public comment period for these projects.

### ACTION REQUIRED BY LPDC BOARD

**Presentation, discussion, and possible action to approve publishing a notice to begin the 60-day comment period for six (6) CIPs totaling \$3,675,000 for fiscal year 2023-2024. These projects are the Fitness Center Parking Lot - \$450,000, Inclusive Playground - \$400,000, Main Street Alleys - \$425,000, Wave Pool**

**Enhancements - \$700,000, Monarch Park Restroom - \$200,000, Rec Center Phase II - \$1,500,000.**

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**Approved for the La Porte Development Corporation Board meeting agenda**

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**Corby D. Alexander, City Manager**

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**Date**

## **Notice of Proposed Projects of the La Porte Development Corporation Board (Type B)**

Fitness Center Parking Lot: Pursuant to Texas Local Government Code Section 505.160 notice is hereby given that the La Porte Development Corporation Board (Type B Board) of the City of La Porte, Texas has proposed an official project related to recreational or community facilities, in an amount not to exceed \$450,000.00. The purpose of this project is to fund the installation of a new parking lot at the Recreation and Fitness Center.

Inclusive Playground: Pursuant to Texas Local Government Code Section 505.160 notice is hereby given that the La Porte Development Corporation Board (Type B Board) of the City of La Porte, Texas has proposed an official project related to recreational or community facilities, in an amount not to exceed \$400,000.00. The purpose of the project is to install an inclusive playground at location.

Main Street Alleys: Pursuant to Texas Local Government Code Section 505.160 notice is hereby given that the La Porte Development Corporation Board (Type B Board) of the City of La Porte, Texas has proposed an official project related to recreational or community facilities, in an amount not to exceed \$420,000.00. The purpose of this project is for paving the alleyways behind Main Street businesses.

Wave Pool Enhancements: Pursuant to Texas Local Government Code Section 505.160 notice is hereby given that the La Porte Development Corporation Board (Type B Board) of the City of La Porte, Texas has proposed an official project related to recreational or community facilities, in an amount not to exceed \$700,000.00. This project will fund future enhancements at the wave pool in Little Cedar Bayou Park.

Monarch Park Restroom: Pursuant to Texas Local Government Code Section 505.160 notice is hereby given that the La Porte Development Corporation Board (Type B Board) of the City of La Porte, Texas has proposed an official project related to recreational or community facilities, in an amount not to exceed \$200,000.00. The purpose of the project is to install a restroom at Monarch Park.

Recreation Center Phase II Design: Pursuant to Texas Local Government Code Section 505.160 notice is hereby given that the La Porte Development Corporation Board (Type B Board) of the City of La Porte, Texas has proposed an official project related to recreational or community facilities, in an amount not to exceed \$1,500,000.00. The purpose of the project is to fund the design of Phase II of the remodel of the La Porte Recreation and Fitness Center.

*In accordance with Texas Local Government Code 505.160 the public has the right to gather a petition to object to the proposed projects by requiring an election. The petition must request that an election be held before the project is undertaken and must be signed by more than ten percent (10%) of the registered voters of the City of La Porte. The petition must be received by the City of La Porte not later than the sixtieth (60<sup>th</sup>) day after publication of this notice.*

Please reach out to Matt Daeumer, Assistant City Manager at [DaeumerM@LaPorteTX.Gov](mailto:DaeumerM@LaPorteTX.Gov) or 281-470-5012 with any questions or comments you may have.